

# DESIGN ADJUSTMENT APPLICATION

## DESIGN ADJUSTMENT COMMITTEE REVIEW



City of Wilmington  
Planning and Development

PO Box 1810 | 305 Chestnut St.  
Wilmington, NC 28401  
Telephone 910.254.0900

- Subdivision Design       Building Design & Materials       Technical Standards & Specifications

All projects that require a design adjustment must submit a *Design Adjustment Application*. Design adjustments allow for deviations from the subdivision design standards, building design and material standards, or *Technical Standards and Specifications Manual*. Design adjustments will be heard by the Design Adjustment Committee (DAC) at a quasi-judicial hearing (Section 18-603). Following the DAC decision, construction plans may be submitted via the standard Formal TRC Review process. An application for a design adjustment must be submitted at the time of application for a preliminary subdivision plan or formal site plan review. Application packages must include the following:

- Design Adjustments Application & Fee (\$500.00)
- Design Adjustment Narrative (standard, requested adjustment, justification)
- List of adjacent property owners
- One set of business-sized envelopes (with property owners address, city return address, and postage)

### Project Information

Project Name: Subdivision of Parcel R05409-022-020-000

Location: 716 S. 8th St. and 717 Solomon Alley, Wilmington, NC 28401

Current Zoning: R-3      Site Acreage: +/- 0.125

Proposed Land Uses: Residential      Proposed Number of Units/Lots: 2

AM Peak Hour Vehicle Trips: \_\_\_\_\_ PM Peak Hour Vehicle Trips: \_\_\_\_\_

### Owner Information

Owner(s) Name: SMI 93, LLC

Mailing Address: 606 Sunnyvale Drive, Wilmington, NC 28412-7027

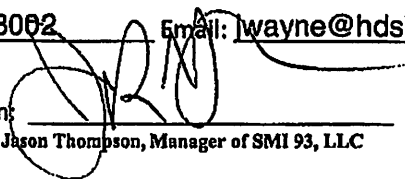
Phone: (910) 793-1460      Email: jason@tubgrinding.com

### Consultant/Agent Information

Consultant/Agent Name: Jon L. Wayne PLS, Hanover Design Services, P.A.

Mailing Address: 1123 Floral Parkway, Wilmington, NC 28403

Phone: 910 343-8002      Email: jwayne@hdsilm.com

Owner Authorization:  \_\_\_\_\_ Date: 10.7.2024  
By Jason Thompson, Manager of SMI 93, LLC

RECEIVED  
By Pat O'Mahony at 7:33 am, Oct 24, 2024

Last Updated: 2/1/2022

**Design Adjustment Committee Narrative  
Subdivision of Parcel R05409-022-020-000  
716 South 8<sup>th</sup> Street and 717 Solomon Alley**

The property owner of the above-referenced parcel, SMI '93, LLC ("SMI"), is requesting an adjustment to the City of Wilmington's Technical Standards and Specifications regarding the width of a proposed private access easement serving the parcel, to allow a subdivision in accordance with the attached proposed subdivision plat. Specifically, SMI is requesting an adjustment to the following standard with the following justifications:

**Standard:** Pursuant to the City of Wilmington's Technical Standards at Article VII, Section B, Table 1 and Standard Detail # 1-14, private access easements are required to have a minimum width of 34 feet, with an allowed reduction to a minimum of 20 feet if construction plans demonstrate that the full width is not necessary to accommodate drainage and utilities. Table 1 provides that the PAE may be reduced to 12 feet of paved surface if the easement serves no more than 1 single family residences with no garage or accessory apartments. Here, the applicable width requirement is 20 feet because the PAE will be used by both 716 South 8<sup>th</sup> Street and 717 Solomon Alley.

**Requested Adjustment:** We request an adjustment to the above standard to allow the creation of a private access easement with a varying width (9.5 feet and 12 feet) serving 717 Solomon Alley, with the below justifications.

**Justification:** SMI desires to subdivide Parcel R05409-022-020-000 such that 716 South 8<sup>th</sup> Street and 717 Solomon Alley will become two separate parcels capable of independent and separate ownership. As a condition of the proposed subdivision, 717 Solomon Alley would require a private access easement across the property at 716 South 8<sup>th</sup> Street to access to 8<sup>th</sup> Street. It is our understanding that the home at 717 Solomon Alley was originally built in the 1920's and since then, the occupants of this home have used this access area as the only ingress/egress between the home and the public road. We are not changing the current situation on the ground; rather, we will just be memorializing the existing ingress/egress method with a recorded access easement.

The width of the access easement area shown on the proposed subdivision plat varies – it is approximately 12 feet at its widest and 9.5 feet at its most narrow. The City's required minimum width for private access easements is not achievable here due to the location of the existing home at 716 South 8<sup>th</sup> Street and the already narrow parcels. It does not appear that 717 Solomon Alley has a legal right to use the private alley area to its rear (i.e., adjacent to its west). Therefore, without the requested adjustment, a subdivision of the parcel will not be possible since this private access easement is the only means by which the parcel at 717 Solomon Alley has access to a public road.

SMI has prepared a formal access easement agreement that it will record in conjunction with the subdivision plat. The only party with a legal right to use this easement area for

access will be the owner/occupant of the single-family residence located at 717 Solomon Alley.

Satisfaction of DAC Approval Standards & Requirements: We believe that the requested, minor deviation to the City of Wilmington's Technical Standards:

1. Would comport with the intent of the City's Code at Section 18-603(B)(4)(a)-(d). The proposed subdivision would further the harmony and cohesion of each building on the property and the surrounding area by supporting the current use of the driveway serving both 716 South 8<sup>th</sup> Street and 717 Solomon Alley without interruptions or changes to the character of the buildings due to construction.
2. Would support continued variety in the development pattern commonly seen on South 8<sup>th</sup> Street.
3. Would not increase congestion or compromise safety, as it would not increase the traffic on 8<sup>th</sup> Street, and would enable the homeowners in the rear area of the parcel to safely access 8<sup>th</sup> Street.
4. Would not cause substantial injury to other properties, as the private access easement would be contained within the property's lines.
5. Would conform with adopted comprehensive plans or other applicable plans by promoting the efficient use of the property and supporting compact neighborhoods with convenient access to downtown Wilmington.

Further, our request for adjustment would be reasonable due to the presence of existing buildings on the parcel, which together with the parcel's narrowness prevents the proposed access easement from satisfying the Technical Standards. A strict application of the Code in this instance would require altering the width of the pre-existing buildings, causing unnecessary hardship.

MAP FOR

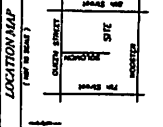
# SMI 93, LLC

## Part of lots 3 & 4, Block 65, City of Wilmington

CITY OF WILMINGTON, NEW HAMPSHIRE COUNTY, NC  
OWNER: SMI 93, LLC  
DATE: FEB. 5, 2024

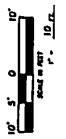


**PRELIMINARY**  
THIS PRELIMINARY MAP WAS DRAWN UNDER MY SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF NORTH CAROLINA. I HAVE CONDUCTED A FIELD SURVEY OF THE PROPERTY AND HAVE FOUND THAT THE INFORMATION CONTAINED HEREON IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT MY WRITTEN CONSENT. ANY REVISIONS TO THIS MAP MUST BE APPROVED BY ME IN WRITING. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ACCURACY OR LIABILITY FOR ANY ERRORS OR OMISSIONS THAT MAY BE FOUND IN THIS MAP.

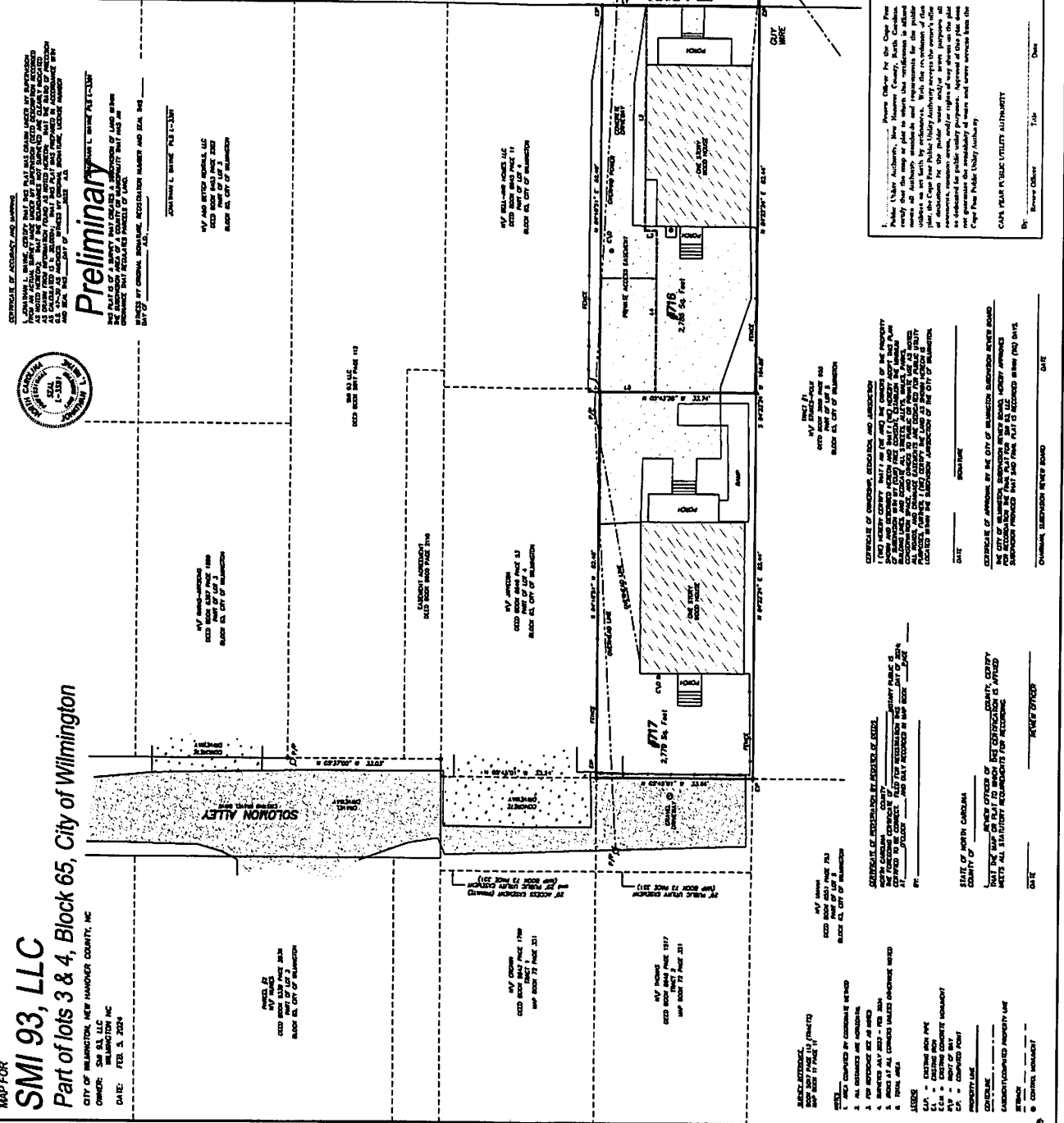


### 8th STREET SOUTH

66' RIGHT OF WAY



**HANOVER DESIGN SERVICES, P.A.**  
LAND SURVEYORS ENGINEERS LAND PLANNERS  
1125 WILMINGTON, N.C. 28403  
PHONE: (704) 344-8800  
FAX: (704) 344-8801  
WWW.HANOVERDESIGN.COM  
10-2024



**STATE OF NORTH CAROLINA**  
COUNTY OF WILMINGTON  
I, \_\_\_\_\_, Surveyor, do hereby certify that this map was prepared by me or under my direct supervision and that I am a duly licensed and registered Professional Surveyor in the State of North Carolina. I am not providing any warranty or guarantee of accuracy or liability for any errors or omissions that may be found in this map.

**CITY OF WILMINGTON**  
I, \_\_\_\_\_, Mayor, do hereby certify that this map was prepared by me or under my direct supervision and that I am a duly licensed and registered Professional Surveyor in the State of North Carolina. I am not providing any warranty or guarantee of accuracy or liability for any errors or omissions that may be found in this map.

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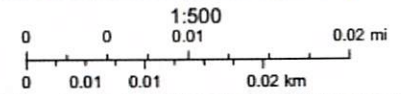
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# 716 South 8th Street & 717 Solomon Alley



10/8/2024, 1:15:58 PM

- Property Owners
- Addresses
- Roads
- Parcel Boundaries
- Municipal Boundaries



New Hanover County, NC, The information made available by this service originates from the county's building permitting and inspectors records. This GIS rendering is refreshed on a monthly basis. New Hanover County, NC

NHC GIS Services  
New Hanover County, NC

**SMI 93, LLC Design Adjustment Committee Application**  
**List of Adjacent Property Owners to Parcel R05409-022-020-000**  
**716 South 8<sup>th</sup> Street & 717 Solomon Alley**

- a. Property: 714 South 8<sup>th</sup> Street, R05409-022-021-000  
Owner: Kyle Westerman and Kristina Marie Westerman  
Mailing address: 714 South 8<sup>th</sup> Street, Wilmington, NC 28401
- b. Property: 714 Solomon Alley, R05409-022-032-000  
Owner: Christopher F. Cronin  
Mailing address: 714 Solomon Alley, Wilmington, NC 28401
- c. Property: 715 Solomon Alley, R05409-022-036-000  
Owner: Taiwo Jaiyeoba and Ibronke Olusola Jaiyeoba  
Mailing address: 10 Postbridge Court, Greensboro, NC 27407
- d. Property: 718 Solomon Alley, R05409-022-038-000  
Owner: Walter P. Thomas, Jr.  
Mailing address: 718 Solomon Alley, Wilmington, NC 28401
- e. Property: 718 South 8<sup>th</sup> Street, R05409-022-019-000  
Owner: Dainya Polk  
Mailing address: 8 Cypress Grove Drive, Apt D, Wilmington, NC 28401  
Other Owners (Heirs): Stukes Albertus Heirs Et al. c/o Dainya Polk  
Mailing Address: 4112 Randall Parkway, Apt 1H, Wilmington, NC 28403
- f. Property: 717 South 7<sup>th</sup> Street, R05409-022-007-000  
Owner: Bryant Umana  
Mailing: 30 Stonehouse Court, Franklinton, NC 27525

Adjacent Properties Across 8<sup>th</sup> Street

- g. Property: 713 South 8<sup>th</sup> Street, R05409-023-007-000  
Owner: Syed Enterprises, Inc.  
Mailing: 577 Broyhill Road, Fayetteville, NC 28314
- h. Property: 715 South 8<sup>th</sup> Street, R05409-023-008-000  
Owner: Heirs of Elizabeth Simpson McCallister  
Mailing: 1700 Edmondson Avenue, Apt 302 Baltimore, MD 21223
- i. Property: 717 South 8<sup>th</sup> Street, R05409-023-009-000  
Owner: Cape Fear Habitat for Humanity, Inc.  
Mailing: 3310 Fredrickson Road, Wilmington, NC 28401

AUTHORITY FOR APPOINTMENT OF PERSON  
TO ACT ON MY BEHALF

The undersigned owner, SMI 93, LLC, does hereby appoint  
**Faison Gibson (Murchison, Taylor, & Gibson PLLC) and/or Jon Wayne**  
**(Hanover Design Services, P.A.)** to act on my behalf for the purpose of  
petitioning the City of Wilmington for: a) an amendment to the text regulations; b) a change to  
the zoning map; c) approval of a special use permit; d) approval of a special use district; e) street  
closing, and/or f) approval of preliminary subdivision plan as applicable to the property  
described in the attached petition.

The owner does hereby covenant and agree with the City of Wilmington that said person  
has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials;
- (2) To appear at public meetings to give testimony and make commitments on behalf of  
the owner; and
- (3) In the case of a special use permit, to accept conditions or recommendations made for  
the issuance of the special use permit on the owner's property.
- (4) To act on the owner's behalf without limitations with regard to any and all things  
directly or indirectly connected with or arising out of any petition.

This appointment shall continue in effect and final disposition of the petition submitted in  
conjunction with this appointment.

Dated:  7/9/24

Appointee's Name, Address & Telephone:  
**Faison Gibson (Murchison, Taylor & Gibson PLLC)**

1979 Eastwood Rd, Ste 101, Wilmington NC 28403  
Faison@murchisontaylor.com 910-763-2426

Signature of Owner:

  
By: Jason Thompson, Manager of SMI 93, LLC

Jon Wayne, PLS (Hanover Design Services P.A.)  
1123 Floral Parkway, Wilmington NC 28403  
Jwayne@hdsilm.com 910-343-8002