

# DESIGN ADJUSTMENT APPLICATION

## DESIGN ADJUSTMENT COMMITTEE REVIEW



City of Wilmington  
Planning and Development

PO Box 1810 | 929 N Front 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)
- Mailing Fee for Notification of Adjacent Property owners
  - o An invoice will be emailed for the mailing fee at a cost of \$0.85 per notice. Payment must be made within 5 business days of the invoice.

### Project Information

Project Name: Fales Landing  
Location: 8055 Masonboro Sound Road  
Current Zoning: R-15      Site Acreage: 10.09  
Proposed Land Uses: Single Family Residential Proposed Number of Units/Lots: 7  
AM Peak Hour Vehicle Trips: \_\_\_\_\_ PM Peak Hour Vehicle Trips: \_\_\_\_\_

### Owner Information

Owner(s)' Name: 8055 Masonboro, LLC  
Mailing Address: 6316 Marywood Drive, Wilmington, NC 28409  
Phone: (910) 279-3365      Email: pckratsa@gmail.com

### Consultant/Agent Information

Consultant/Agent Name: Austin Scheib, acting on behalf of Hanover Design Services, P.A.  
Mailing Address: 1123 Floral Parkway, Wilmington, NC 28403  
Phone: 910-343-8002      Email: ascheib@hdsilm.com

Owner Authorization:  Date: 08/30/24

# DESIGN ADJUSTMENT APPLICATION

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## Design Adjustment Narrative

The Design Adjustment Narrative must identify the standard(s) for which a design adjustment is being requested, the requested adjustments, and the justification for each requested adjustment. The applicant shall provide any pertinent material necessary for review. This may include architectural renderings, materials samples, roadway cross-sections, site or subdivision layouts, or other project specific information. It is recommended that a redline diagram (cutsheet from site plan) be provided to help illustrate each waiver/adjustment being requested.

## DAC Review & Approval

In granting the requested adjustment, the design adjustment committee shall make findings of fact that the following requirements have been met, where applicable.

- The request meets the intent of this chapter.
- The request conforms with adopted comprehensive plans and other applicable plans.
- The request does not increase congestion or compromise safety.
- The request does not create any lots without direct street frontage.

A request for adjustment from a subdivision design standard or the Technical Standards and Specification Manual shall be deemed reasonable due to one or more of the following:

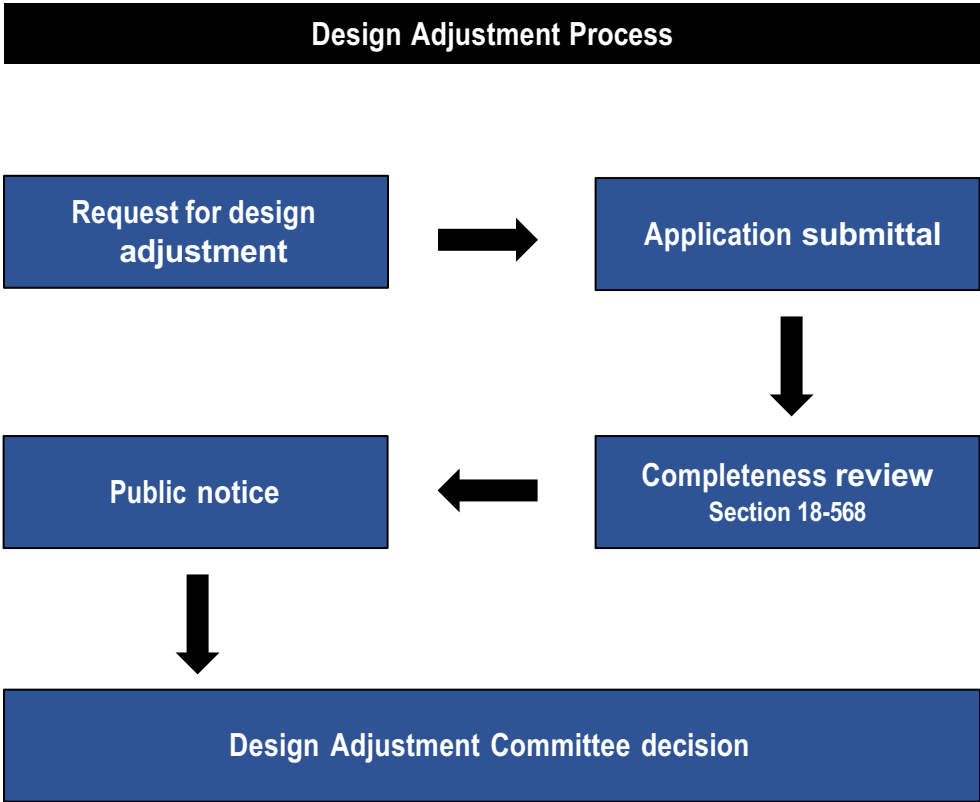
- Topographic constraints;
- The presence of existing buildings, stream, or other natural features;
- Site layout of adjacent adjoining properties;
- Adjoining uses or their vehicles are incompatible;
- Strict compliance would pose a safety hazard; or
- Conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.

A request for an adjustment from a building design and materials standard shall be deemed reasonable due to one or more of the following situations.

- Unnecessary hardship would result from the strict application of this chapter. It shall not be necessary to demonstrated that in the absence of the adjustment no reasonable use can be made of the property.
- The adjustment would meet the intent of the standards requested for adjustment.
- The adjustment would conform with adopted comprehensive plans and any applicable adopted plans or design manual.
- The adjustment would not substantially injure the value of adjoining or abutting property.
- The character of the requested adjustment would be in harmony with the area in which the subject property is located.
- Strict compliance would pose a safety hazard.

In no instance shall the design adjustment committee consider an application regarding:

- Minimum or maximum dimensional requirements for lot area, building height, or buffer width;
- Increases in maximum allowable residential density;
- Minimum required separation distance between two use types;
- Design elements required for compliance within a local historic district;
- Floodplain regulations; or
- Any condition of approval from another board or commission with purview of the project.





August 30, 2024

City of Wilmington

**Re: Design Adjustment for 8055 Masonboro LLC**

To whom it may concern:

We would like to request a Design Adjustment to the City of Wilmington Standard Detail SD 301.6 ,for a non-standard minor street cross section. The standard detail as written, would require the developer to install right-of-way improvements, which include a minimum 40' minimum right of way,18' of asphalt, curb and gutter, and 5' sidewalks.. Listed below are some of the reasons why we are requesting to be exempt from this Standard Detail.

**Right of Way Width**

- The width of right of way along this section of Seabreeze Blvd varies from 31'+/- to 39' +/- . SD 3-01.6 requires a minimum 40' right of way. There is not sufficient right of way to accommodate 18' of Asphalt, 4' total of Curb and gutter and 5' sidewalk.

**18' of Asphalt and Curb and Gutter**

- The width of space that is usable for roadway construction in this area consists of less than 20' due to limited right of way width and the existing ditch along southern property line. This width is too small to accommodate 18' of asphalt and 2' curb and gutter improvements, total of 22' without encroaching on the existing swale and/or adjacent property.

**5' Sidewalk**

- There is not sufficient space for 5' sidewalk due to the limited right of way. Also there are no existing sidewalks for pedestrian use.

**Other points**

- A proper turning radius cannot be constructed without encroaching onto existing property.
- No existing portions of Seabreeze Blvd. have been improved. From the intersection of Masonboro Sound Road to approximately 1350' to the end of the ROW, the roadway consists of a 12'-20' +/- wide gravel section.
- Adding improvements without some sort of SCM would increase untreated runoff that directly drains to an already impaired watershed.



**Non Standard Minor Street Cross Section Improvements**

- As an alternative to the full ROW improvements, the developer has agreed to regrade this section, and add storm drains where needed to improve drainage. It is recommended to use 8" of compacted ABC stone and remove the small berm along southern side of the ROS to allow stormwater runoff to enter the ditch.

If you have any questions, please let me know.

Sincerely,

Adam H. Grady, PE



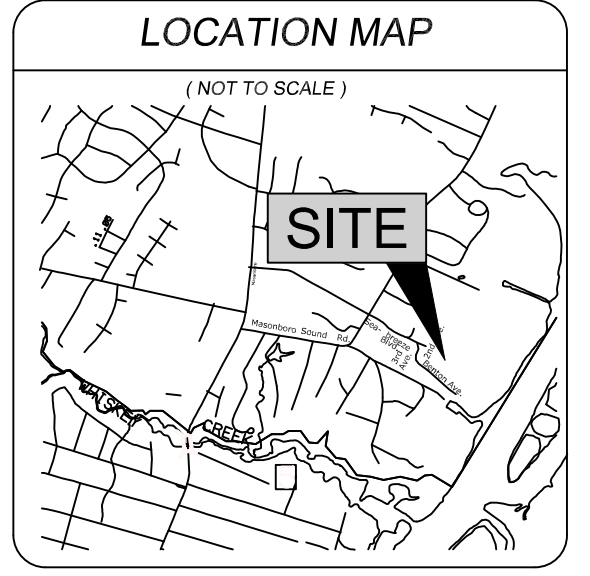
**FIRE & LIFE SAFETY NOTES:**

- Landscaping or parking cannot block or impede fire hydrants. A 3-foot clear space shall always be maintained around the circumference of hydrants.
- Additional fire protection and/or accessibility requirements may be required due to any special circumstances concerning the project.

Land Use (ITE Code)	Intensity	24 Hour Volumes	AM Peak		PM Peak	
			Hour Trips Enter	Hour Trips Exit	Hour Trips Enter	Hour Trips Exit
Single - Family Detached Housing (210)	7 DU	66	1	4	4	3

REQUIRED IMPROVEMENTS TO SEABREEZE BLVD ARE PENDING D.A.C REVIEW

INDEX TO DRAWINGS	
SHEET No.	DESCRIPTION
1 OF 9	COVER SHEET
1A OF 9	SITE PLAN
2 OF 9	EXISTING CONDITIONS
D1 OF D3	DETAILS
D2 OF D3	DETAILS
D3 OF D3	DETAILS
7 OF 9	UTILITIES
8 OF 9	GRADING
L1 OF L1	TREE REMOVAL PLAN



IMPERVIOUS CALCULATIONS	SF
TOTAL PROPERTY AREA	439648
WETLANDS	7849
TOTAL PROJECT AREA	431799
IMPERVIOUS	12%
51816	
<b>ONSITE (PROPOSED)</b>	
PERVIOUS Onsite	7238
<b>OFF SITE IMPERVIOUS</b>	
CONCRETE RIBBON (off site)	211
PERVIOUS Off site	1358
APRONS	1770
SIDEWALK	2166
SEABREEZE DR	6304
TOTAL OFF SITE IMPERVIOUS	10451
<b>LOTS (TOTAL)</b>	<b>48636</b>
1	6494
2	6806
3	5144
4	5320
5	6000
6	8250
7	10622
Total onsite ImperVIOUS	<b>48636</b>
Percentage %	<b>11.26</b>

Lots are to be deed restricted as shown.

SCALE IN FEET  
1 INCH = 60 FEET

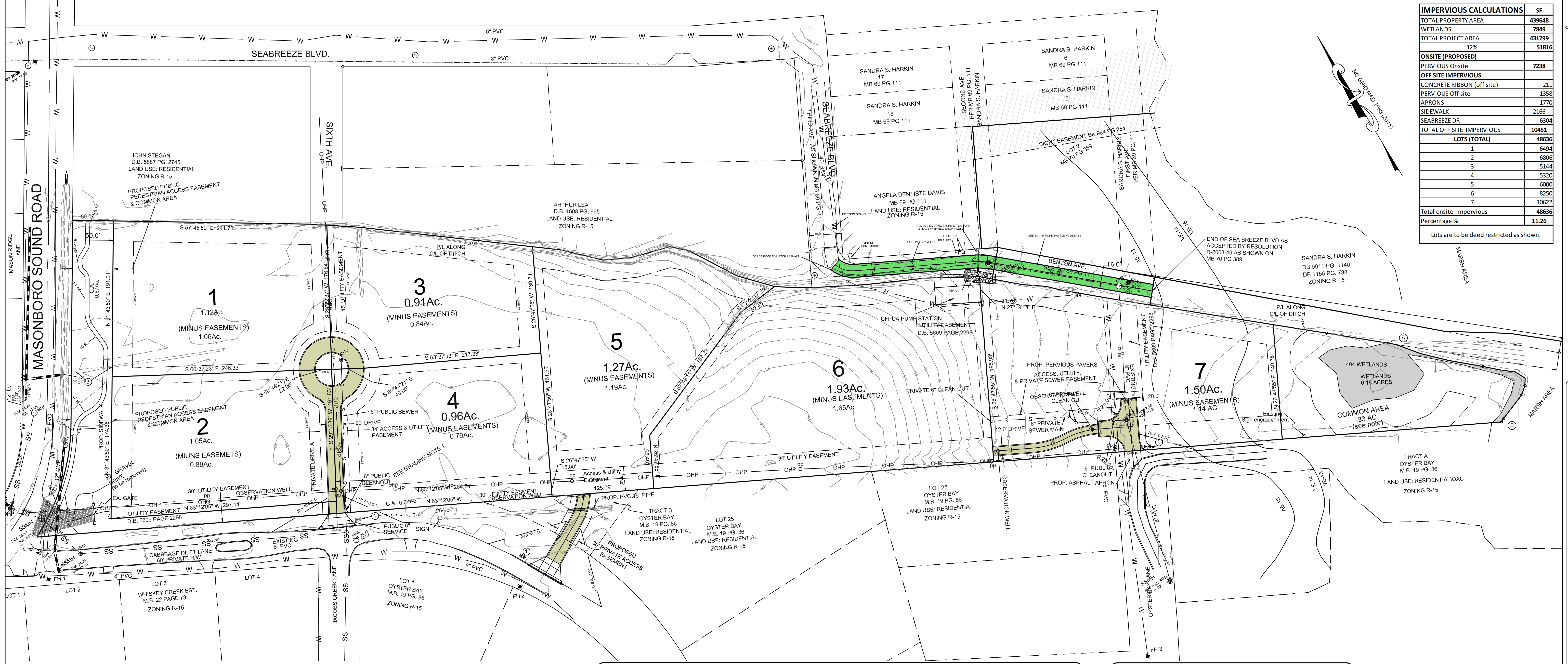
DATE: 05-14-2024  
CITY OF WILMINGTON TRC COMMENTS  
CITY OF WILMINGTON  
NEW HANOVER COUNTY COMMENTS (Erosion Control)  
NEW HANOVER COUNTY COMMENTS  
DATE

REVISIONS

NO.

OWNER: 8055 MASONBORO LLC  
6316 MERRYWOOD DR.  
WILMINGTON, N.C. 28409

DATE: 05-14-2024  
SCALE: HORIZ. 1"= 60'  
DRAWN: ARS  
CHECKED: gw  
PROJECT NO: 15775



**LEGEND**

WV = WATER VALVE  
WM = WATER METER  
C/O = SANITARY SEWER CLEAN OUT  
INV. = INVERT  
B/O = BLOW OFF ASSEMBLY  
BFP = BACK FLOW PREVENTOR  
GWM = GUY WIRE  
SWMH = STORM MANHOLE

FH = FIRE HYDRANT ASSEMBLY  
I.S. = IRON SET

⊙ = SANITARY SEWER MH  
⊗ = TREE  
⊠ = TREE TO BE REMOVED  
⊡ = WATER SERVICE  
⊕ = SEWER CLEANOUT

PROPERTY LINE  
BUILDING SETBACK  
CENTERLINE  
EASEMENT  
COMPUTED PROPERTY LINE  
EXISTING CONTOUR  
SANITARY SEWER  
PROPOSED ADDRESS SIGNAGE

PROPOSED ASPHALT  
PROPOSED PERMEABLE DRIVE MATERIAL

**General Notes:**

- New Hanover County Parcel Nos.: PIE: R07200-002-006-000 MAPID: 314515.62.0594.000
- Project Tract Area: 10.00 ac ± Watershed Resource Protection

**SITE DATA:**  
FLOOD ZONE: AE 15, AE 14AE 15  
COUNTY: NEW HANOVER  
CID: 370171  
PANEL: 3145  
MAP NUMBER: 3720314500K  
PANEL EFFECTIVE DATE: 9/28/2018

**Surface Waters:**  
Stream Index: 15-37-25.7  
Stream Name: Masonboro Sound ORW Area  
Classification: SA-ORW  
Date of Class.: December 31, 1989

River Basin: White Oak

**Tree Preservation Notes:**

- Tree Preservation / Removal Permit is required prior to clearing & land disturbance.
- Prior to any clearing, grading or construction activity, tree protection fencing will be installed around protected trees or groves of trees and no construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.
- Protective fencing is to be maintained throughout the duration of the project. Land clearing and construction contractors shall receive adequate instruction on tree protection requirements and methods.
- Label protective fencing with signs to be placed every 50 linear feet, or at least two (2) per acre, in both English & Spanish "Tree Protection Area: Do Not Enter."

**Utility Notes:**

- Shown utilities are taken from CFPWA GIS, and all have not been field located.
- Existing water and sanitary sewer services are currently available to this site from Cape Fear Public Utility Authority public mains.
- Electric power is currently overhead supply. Overhead power to be buried by utility provider.
- All water & sewer utilities to be installed per CFPWA Technical Specifications & Standards.
- Project shall comply with CFPWA Cross Connection Control requirements. Water meters cannot be released until all requirements are met and N.C.D.E.N.R. has issued their "Final Approval." Call 343-3910 for information.
- Any backflow prevention devices required by the CFPWA will need to be on the list of approved devices by USF-COOROR or ASSE.
- If contractor desires CFPWA water for construction, he shall apply in advance for this service and must provide a reduced pressure zone (RPZ) backflow prevention device on the developer's side of the water meter box.
- The contractor is responsible for the location and protection of existing utilities during construction. Call U-LOCC at 1-800-632-4949.
- Contractor is responsible for the repair and replacement of any utilities, curb & gutter, pavement, etc. that may be damaged during construction. Damaged items shall be repaired to at least the quality or workmanship found in the original item.
- Water and sewer service shall be independent service lines.

**Site Inventory Notes:**

- Soils Types: La(Lakeand Sand) (Lef Leon Sand) (Lef Lynn Haven Fine Sand) (MufMulle Fine Sand)
- The site drainage flows into the intercoastal waterway SA-CROW.

**Stormwater Management Notes:**

- Stormwater management will meet City & State requirements.

**GENERAL NOTES:**

- INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXACT ELEVATIONS AND LOCATIONS OF ALL EXISTING UTILITIES AT ALL CROSSINGS PRIOR TO COMMENCING TRENCH EXCAVATION. IF ACTUAL CLEARANCES ARE LESS THAN INDICATED ON PLAN, THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION. ANY CONDITION DISCOVERED OR EXISTING THAT WOULD NECESSITATE A MODIFICATION OF THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.
- NO CONSTRUCTION IS TO BEGIN BEFORE LOCATION OF EXISTING UTILITIES HAS BEEN DETERMINED. CALL "NO ONE-CALL" AT LEAST 48 HOURS BEFORE COMMENCING CONSTRUCTION.
- ALL TREES WHICH ARE NOT REQUIRED TO BE CLEARED FOR CONSTRUCTION SHALL BE PRESERVED WHEREVER POSSIBLE UNLESS OTHERWISE DIRECTED.
- CONTRACTOR SHALL ADJUST ALL MANHOLES, VALVE AND CURB BOXES TO THE FINAL GRADE UPON COMPLETION OF ALL CONSTRUCTION. ANY BOXES DAMAGED OR OTHERWISE DISTURBED BY THE CONTRACTOR SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
- THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST AND EROSION DURING CONSTRUCTION AT HIS EXPENSE. PARKING AREAS SHALL BE WATERED TO CONTROL DUST WHEN ORDERED BY THE ENGINEER.
- NO GEOTECHNICAL TESTING HAS BEEN PERFORMED ON SITE. NO WARRANTY IS MADE FOR SUITABILITY OF SUBGRADE, AND UNDERCUT AND ANY REQUIRED REPLACEMENT WITH SUITABLE MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR RESPONSIBLE FOR GEOTECHNICAL TESTING AS NECESSARY.
- EXTREME CARE SHALL BE TAKEN TO ENSURE MINIMUM SEPARATIONS AT ALL UTILITY CROSSINGS.
- CONTRACTOR TO ENSURE THAT STREET PAVEMENT IS PLACED SO AS TO DRAIN POSITIVELY TO THE ROADWAY INLETS AND CATCH BASINS.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.
- THIS PLAN IS FOR SITE UTILITIES, GRADING, ROADWORK, AND DRAINAGE ONLY.
- AFFECTED NON-MUNICIPAL UTILITIES SHALL BE CONTACTED AND PROVIDED WITH PLANS AND OTHER PERTINENT INFORMATION, WHEN FEASIBLE, TO COORDINATE APPROPRIATE SCHEDULING AND PLACEMENT. AT THE MINIMUM THIS SHOULD INCLUDE AT&T AND DUKE (PROGRESS) ENERGY.
- ALL CONSTRUCTION TO CONFORM TO CITY STANDARDS AND ALL APPLICABLE STATE & LOCAL CODES.
- CONTRACTOR TO COORDINATE ANY REQUIRED TRAFFIC CONTROL WITH THE STATE AND CITY. CONTRACTOR RESPONSIBLE FOR ANY ADDITIONAL REQUIRED PERMITS.
- CARE SHALL BE TAKEN DURING FINAL GRADING TO ENSURE POSITIVE DRAINAGE TO RECEIVING STRUCTURES. ALL STORM WATER RUNOFF FROM BUILT UPON AREAS (i.e. IMPERVIOUS SURFACES AND ROOF DRAINAGE) TO BE DIRECTED TO STORM SEWER COLLECTION SYSTEM (i.e. STORM INLETS OR PONDS) BY SWALES, OVERLAND FLOW, ADDITIONAL GRADING, OR LANDSCAPING INLETS.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ANY RELOCATIONS, REALIGNMENTS, DISCONNECTIONS OR CONNECTIONS OF EXISTING UTILITIES WITH APPLICABLE AUTHORITIES.
- CLEARING AND GRUBBING OF SITE TO INCLUDE REMOVAL OF EXISTING CURB, ASPHALT, INLETS, AND OTHER STRUCTURES INCLUDING TREES, STUMPS AND DEBRIS EXISTING ON SITE. TREES NOT REQUIRED TO BE CLEARED FOR CONSTRUCTION SHALL REMAIN UNLESS OTHERWISE DIRECTED.
- ALL SIGNS AND PAVEMENT MARKINGS SHALL MEET NCDOT AND MUTCD STANDARDS.
- SANITARY SERVICES SMALLER THAN 8" SHALL HAVE CLEANOUTS AT INTERVALS OF NOT MORE THAN 100'. CLEANOUTS SHALL BE PROVIDED FOR SERVICE LINES AND BUILDING DRAINS THAT HAVE HORIZONTAL DIRECTION CHANGES GREATER THAN 45 DEGREES.
- SEE 2018 IPC FOR FURTHER GUIDANCE ON UTILITY SERVICE REQUIREMENTS.
- PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED TREES OR GROVES OF TREES. NO CONSTRUCTION WORKERS, TOOLS, MATERIALS, OR VEHICLES ARE PERMITTED WITHIN THE TREE PROTECTION FENCING.

**GENERAL NOTES:**

- This map is not for conveyance, recordation or sales.
- Any required installation or relocation of traffic signs/ pavement markings is the responsibility of the project developer. Please coordinate with the City Traffic Signs and pavement markings Manager/Supervisor prior to any installation/relocation of any traffic signs or markings in existing or proposed public ROW.
- All pavement markings in public right-of-way and for driveways are to be thermoplastic and meet City and/or NCDOT standards. (Detail SD 11-03 and SD 15-13 CoTW Tech Slits)
- All signs and pavement markings in areas open to public traffic are to meet MUTCD standards. (detail SD 15-13CoTW Tech Slits)
- All traffic control signs and markings to be installed in accordance with the Technical Standards and Specifications Manual. The subdivision may acquire and erect official street name signs or may choose to contract with the city to install the street signs and the subdivision shall pay the cost of such installation. Contact Traffic Engineering at 910-341-7888 to discuss installation of street name signs. Proposed street names must be approved prior to installation of street name signs.
- Contact Traffic Engineering at (910) 341-7888 to discuss street light options.
- Contractor shall maintain an all-weather access for emergency vehicles at all times during construction.
- Contact 811 prior to City of Wilmington, Traffic Engineering regarding the utilities in ROW.
- No parking spaces, fences, walls, post, lights, shrubs, trees, or other type of obstructions not specifically exempt shall be permitted in the space between 30 inches and above ground and 10 feet above ground level with a triangular sight distance.
- It shall be the duty of the owner, agent, or occupant of any building to properly display a building number that has been assigned by the city manager. The number shall be displayed in a conspicuous place so that it may be plainly seen and observed from the street.
- Street trees must be located a minimum of 15 feet from street lights.
- All pavement markings in public right of ways and for driveways are to be thermo plastic and meet City and/or NCDOT standards.
- Any broken or missing sidewalk panels and curbing will be replaced.

**Development Notes:**

- All development shall be in accordance with the City of Wilmington Land Development Code (LDC).
- Clearing limits will be limited to what is needed to install the private access and utilities. Individual lot clearing will be at the discretion & permitting of the future lot owners.

ZONING R-15

PROPOSED ZONING R-15

**LOT DIMENSIONAL REQUIREMENTS**

MINIMUM LOT AREA 15,000 S.F.  
MINIMUM LOT WIDTH 50'  
MAXIMUM LOT COVERAGE 50%  
MINIMUM FRONT SETBACK 20'  
MINIMUM REAR SETBACK 25'  
MINIMUM SIDE SETBACK 10'  
MINIMUM CORNER LOT SIDE SETBACK 15'  
MAXIMUM HEIGHT 35'

**\*\*All adjacent lots are Zoned R-15 Moderate density single dwelling residential.**

PRELIMINARY MAP

COVER PAGE

8055 MASONBORO LLC  
MASONBORO SOUND TRACT

1 of 8