



CASE SUMMARY
Design Adjustment Committee

Design Adjustment
November 20, 2024

DAC-6-1124

Patrick O'Mahony, Planning Manager, 910.341.3260, patrick.omahony@wilmingtonnc.gov

Request

<i>Address</i>	901 S. Front Street	
<i>Acreage</i>	Approximately 2.6 acres	
<i>Request</i>	Request for design adjustments for driveway offsets and driveway design standards for a residential development.	
<i>Consultants/ Agents</i>	Jimmy Fentress Stroud Engineering, PA 102-D Cinema Drive Wilmington, NC 28403	(910) 815-0775 jffentress@stroudengineer.com
<i>Property Owner</i>	John Donoghue Le Dome Holdings LLC 901 S. Front Street Wilmington, NC 28401	(910) 409-5533 john@capefearsolarsystems.com
<i>Pre-TRC Review</i>	August 22, 2024	
<i>Design Adjustment Committee Action</i>	11/20/24; Scheduled for evidentiary hearing	

Property Characteristics

<i>Existing Zoning</i>	UMX, Urban Mixed Use
<i>Current Land Use</i>	Vacant, Commercial
<i>CAMA Land Use</i>	Urban
<i>Existing Water Main(s) Public/CFPUA</i>	Dawson Street (8-inch)
<i>Existing Sewer Main(s) Public/CFPUA</i>	Dawson Street (8-inch)
<i>Existing Impervious</i>	Approximate 29,700 sq. ft.
<i>Proposed Impervious*</i>	Approximate 5,100 sq. ft. (30.7%)

*A stormwater management permit is required.

ADJUSTMENTS REQUESTED

The applicant has requested the following design adjustments (Attachment 3):

1. Relief from the minimum standards for a driveway offset.
2. Relief from the minimum width of a driveway.

ANALYSIS

1. The site includes 2.6 acres that is currently developed with a commercial use (Cape Fear Solar Systems) and is zoned UMX, Urban Mixed Use.
2. The site currently has direct road frontage on S. Front Street, S. 2nd Street, Dawson Street, and Wright Street.
3. The applicant proposes to construct a 10-unit residential development on the northeast corner of the site.
4. Five new residential driveways are proposed along this portion of Dawson Street.
5. The Land Development Code (Section 18-347) requires driveways to meet the requirements prescribed by the city's Technical Standards and Specifications Manual.
6. The *Technical Standards and Specifications Manual* stipulates that no driveway curb return or edge of driveway apron at its intersection with the roadway shall be allowed within twenty-six (26) feet of the point of intersection of the street property lines at an intersection or street corner. The applicant proposes a 13 foot offset and a waiver is required.
7. The *Technical Standards & Specifications Manual* (TSSM) specifies a minimum residential driveway taper of 5 feet. The applicant proposes no taper and a waiver is required.

Figure 1. Proposed Site Plan (Attachment 4)

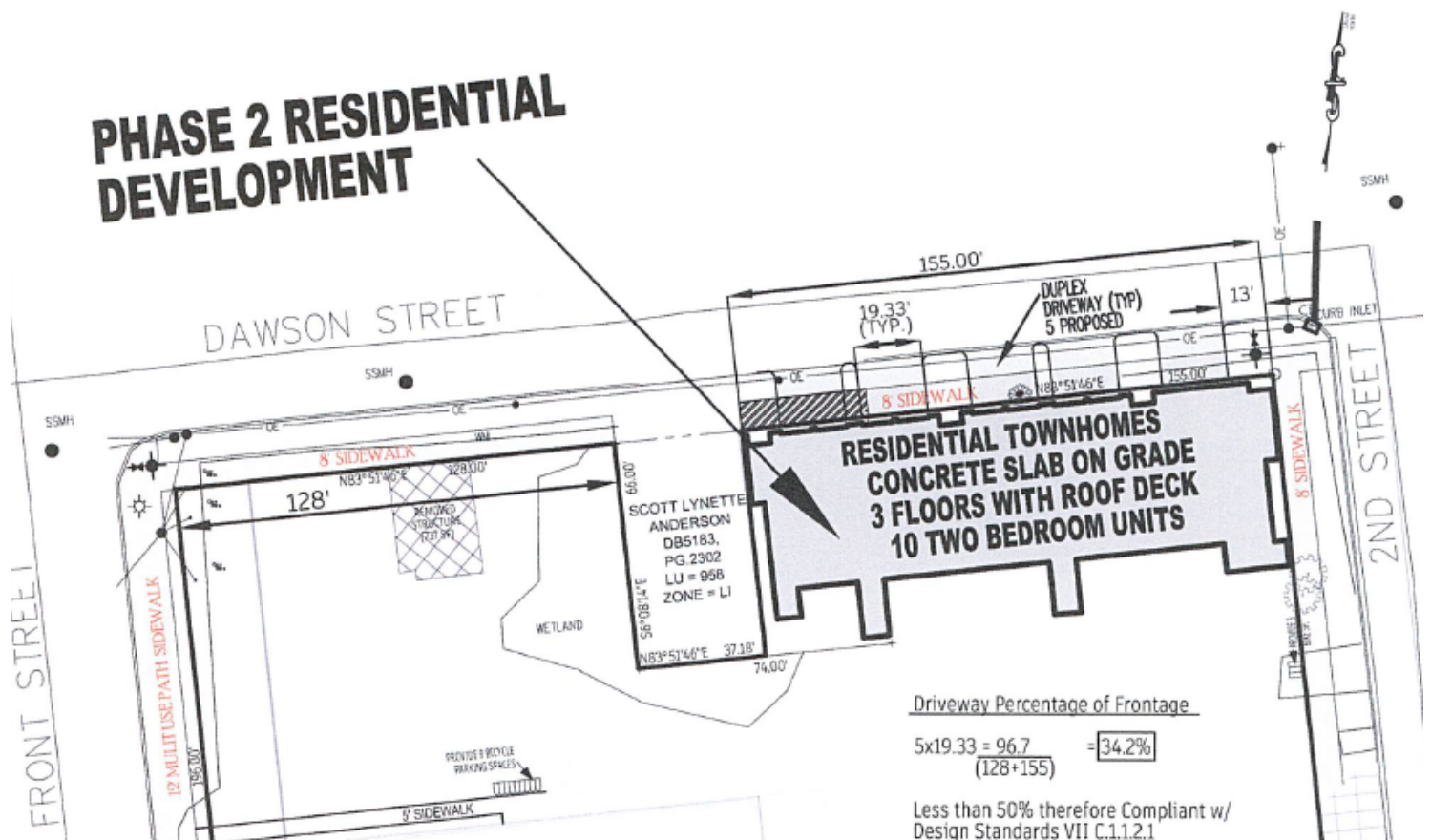


Table 1. Requested Adjustments (Attachment 3)

Adjustment	Requirement	Proposed
<p>1 Driveways – Private Driveway Offset: No driveway curb return or edge of driveway apron at its intersection with the roadway shall be allowed within twenty-six (26) feet of the point of intersection of the street property lines at an intersection or street corner. CH. VII (C)(1)(c)(10)</p> <p>Applicant’s Justification: The first driveway is proposed thirteen feet from the right of way intersection. Dawson Street is only one block in length at this location. The Memorial Bridge off ramp occupies what would have been Dawson's continuation with that to the east as shown on the 1945 limits map. This results in the portion of Dawson Street adjacent to his project to being a local road serving primarily only the adjacent block. There is very little traffic on this segment of road, which was built as a collector, three lanes wide. The driveway traffic will be mitigated by the finished pavement's excess width. The street side parking that has historically served this block will be prohibited along the immediate frontage allowing for additional room on the road. Were the driveway sited so as to provide twenty-six feet to the intersection there may be a tendency for visitors to use as a parking space. The thirteen feet provided should be too constraining for such consideration.</p>	26 feet	13 feet
Adjustment	Requirement	Proposed
<p>2 Residential Driveway Taper Standards – Vertical Curb (SD 3-03.1)</p> <p>Applicant’s Justification: There was no mention of any required deviation from this standard however when revising the plan to address the review comments it becomes apparent that the standard residential driveway will not work as the required five feet tapers overlap. On this basis, we are requesting the Committee consider allowing the use of a prior standard that does not have tapers. This is the type of driveways that were used for other residences in the neighborhood.</p>	5 feet	None

FINDINGS OF FACT

In granting a 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.

STANDARDS FOR APPROVAL

A request for adjustment from the subdivision design standards 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.

- Conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.

The request from the building design and materials standards 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 demonstrate 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.

NEIGHBORHOOD CONTACT

Design Adjustment Committee	
<i>Signs Posted</i>	11/7/24
<i>Property Owner Letters</i>	11/7/24
<i>Advertisement Date(s)</i>	11/15/24
<i>Adjacent Owner Inquiry</i>	None

ATTACHMENTS

1. Location Map (dated 10/1/24)
2. Design Adjustment Application (received 9/26/24)
3. Waiver Request Letter (received 9/26/24)
4. Proposed Site Plan (received 9/26/24)