

DESIGN ADJUSTMENT APPLICATION

DESIGN ADJUSTMENT COMMITTEE REVIEW

WILMINGTON
NORTH CAROLINA

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: Jane Stem Trust Properties
Location: 6430 & 6436 Head Road
Current Zoning: R-20 / Vacant Site Acreage: 0.50 ac. & 0.71 ac.
Proposed Land Uses: SF Residence Proposed Number of Units/Lots: 1
AM Peak Hour Vehicle Trips: N/A PM Peak Hour Vehicle Trips: N/A

Owner Information

Owner(s)' Name: Jane G Stem Revocable Trust
Mailing Address: 2139 Gaddis Road, Canton, GA 30115
Phone: 678-596-6083 Email: janie343@gmail.com (Contact: Janie Bailey)

Consultant/Agent Information

Consultant/Agent Name: Design Solutions / Cindee Wolf
Mailing Address: P.O. Box 7221, Wilmington, NC 28406
Phone: 910-620-2374 Email: cwolf@lobodemar.biz

Owner Authorization: Janie Bailey Date: 10/4/24

RECEIVED
By Pat O'Mahony at 11:33 am, Oct 07, 2024

DESIGN ADJUSTMENT APPLICATION

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.

**Design Adjustment Narrative for
Jane Stem Trust Properties
6430 & 6436 Head Road**

Waiver #1

Allowance for a single building permit to be issued for new home construction on an existing lot of record that is accessed from a private drive / easement in excess of 400' of length.

- The existing site layout of adjacent adjoining properties presents a hardship for strict application of the technical standard.
 - Both of the subject parcels have been on the tax records since 1993, well prior to the 1998 annexation by the City. While under the New Hanover County zoning jurisdiction, building permits would have been issued under the existing conditions. An obvious hardship would result in prohibition of any home construction.
 - The long narrow parcel boundary and driveway within it, has always been the only possible access to the subject lots.
 - Even though the access drive is roughly centered within a 20'-wide public utility easement, for which placement of fences within the easement is restricted, adjacent property owners have installed fencing immediately along the property boundaries, thereby limiting any widening of the driveway.

- The proposed adjustments would meet the intent of the standards.
 - Property owner will widen the drive in two locations to provide adequate turnouts for opposing-direction vehicles to pass within a reasonable visual distance of travel.
 - Property owner will provide a standard turnaround closer to the end of the access drive.

Waiver #2

Allowance for a single building permit to be issued for new home construction on an existing lot of record that is accessed by an existing driveway that does not meet the required cross-section width or pavement material.

- The existing driveway is ten feet (10') wide and consists of a stabilized gravel surface. Strict application of a twenty-foot (20') width of asphalt pavement presents a hardship for strict application of the technical standard.
 - Both of the subject parcels have been on the tax records since 1993, well prior to the 1998 annexation by the City. While under the New Hanover County zoning jurisdiction, building permits would have been issued under the existing conditions. An obvious hardship would result in prohibition of any home construction.

- The long narrow parcel boundary and driveway within it, has always been the only possible access to the subject lots.
 - The width of the property boundaries bordering the access driveway is only 17 feet at the greatest separation.
 - Widening of the driveway to the standard would require cooperation of adjacent property owners, which has not been forthcoming.
 - The subject properties are within the Hewletts Creek watershed, a sensitive conservation area. Maintaining a gravel surface provides better possibility of stormwater infiltration than increasing impervious surface area with asphalt pavement.
- The proposed adjustments would meet the intent of the standards.
 - Property owner will widen the drive in two locations to provide adequate turnouts for opposing-direction vehicles to pass within a reasonable visual distance of travel.
 - Property owner will provide a standard turnaround closer to the end of the access drive.

Design Adjustment Waivers Summary:

We believe that granting the requested technical standards deviations – with the proposed adjustments to the current driveway condition:

- Would continue to meet the intent of the Code to ensure the protection and safety of life and property in our community.
- A Deed of Reciprocal Easements was recorded by the four (4) property owners who access their properties. All four have acknowledged the rights of the other three subject properties, and their individual responsibility for maintenance of the existing jointly-used access easement and gravel driveway.
- Traffic on the private driveway is limited to the traverse of the residents and their guests.
- The waivers would not be contrary to the public interest, nor materially endanger the overall public safety, because proposed enhancement to the existing drive conditions will improve current emergency services criteria.

RECORDED AND VERIFIED
MARY SUE GOTS
REGISTER OF DEEDS
NEW HANOVER CO. NC
'93 FEB 9 AM 11 57

1700
STATE OF NORTH CAROLINA BOOK PAGE
COUNTY OF NEW HANOVER 1643 0449

DEED OF RECIPROCAL EASEMENTS

THIS DEED of Reciprocal Easements is made this the 10th day of November, 1992, by and between ROBERT S. KLEPPER and RICHARD C. KLEPPER, and wife, MAUREEN KLEPPER, (hereinafter called "KLEPPER"); JANE HEAD GUTHRIE and husband, WILLIAM V. GUTHRIE, (hereinafter called "GUTHRIE"); WILLIAM G. HEAD, JR., divorced, (hereinafter called "HEAD"); THOMAS H. SHANNON and wife, MARGARET H. SHANNON, (hereinafter called "SHANNON"); and MARGARET J. MCEACHERN, widow, (hereinafter called "MCEACHERN").

WITNESSETH

000041 WHEREAS, by Partition Agreement and Quitclaim Deed dated 20 August 1923, recorded in Book 143, Page 519, New Hanover County Registry, Isabel C. Jewett and Robert D. Jewett received title to adjoining parcels located in New Hanover County, North Carolina and Isabel C. Jewett granted to Robert D. Jewett free use of the road then present on the Isabel C. Jewett property and a right-of-way across the Isabel C. Jewett property if the present road was then closed; and

WHEREAS, KLEPPER, successor in title to Isabel C. Jewett, owns free simple title to certain real property located in New Hanover County, North Carolina, (hereinafter called the "KLEPPER PROPERTY"), which is shown on Exhibit A attached hereto and incorporated herein by reference and the KLEPPER PROPERTY is improved by a portion of an existing ten foot wide dirt access road, (hereinafter called the "Access Road"), providing vehicular ingress from and egress to State Road 1514, also known as Head Road; and

WHEREAS, GUTHRIE, a successor in title to Robert D. Jewett, owns fee simple title to certain real property located in New Hanover County, North Carolina, (hereinafter called the "GUTHRIE PROPERTY"), which is shown on Exhibit A, and the GUTHRIE PROPERTY is improved in part by a portion of the aforementioned Access Road; and

WHEREAS, GUTHRIE formerly owned the tract shown on Exhibit A as the H. Smith Richardson property (hereinafter "RICHARDSON PROPERTY"), the RICHARDSON PROPERTY having been conveyed by GUTHRIE to H. Smith Richardson, Jr., and wife, Adele Richardson, (hereinafter called "RICHARDSON") by deed recorded in Book 1610, Page 649 of the New Hanover County Registry, and the RICHARDSON PROPERTY adjoins the aforementioned Access Road; and

WHEREAS, SHANNON, a successor in title to ROBERT D. JEWETT, owns fee simple title to certain real property located in New Hanover County, (hereinafter called the "SHANNON PROPERTY"),

DRAWN BY *Richard Morgan*

RETURNED TO *Janet Coleman*

which is shown on Exhibit A and SHANNON PROPERTY is improved in part by a portion of the aforementioned Access Road; and

WHEREAS, HEAD, a successor in title to ROBERT D. JEWETT, owns fee simple title to certain real property located in New Hanover County, (hereinafter called the "HEAD PROPERTY"), which is shown on Exhibit A and HEAD PROPERTY is improved in part by a portion of the aforementioned Access Road; and

WHEREAS, MCEACHERN, a successor in title to ROBERT D. JEWETT, owns fee simple title to certain real property located in New Hanover County, (hereinafter called the "MCEACHERN PROPERTY"), which is shown on Exhibit A and MCEACHERN PROPERTY is improved in part by a portion of the aforementioned Access Road; and

WHEREAS, The original access road referred to in the above-referenced Partition Agreement and Quitclaim Deed has been replaced by the Access Road as shown on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, KLEPPER, GUTHRIE, HEAD, SHANNON and MCEACHERN desire to preserve the Access Road in its present state for the use and benefit of each of them and RICHARDSON; and

WHEREAS, KLEPPER, GUTHRIE, HEAD, SHANNON and MCEACHERN have agreed that such of them, and their successors in title, actually using the Access Road will maintain the road in its present state; and

WHEREAS, KLEPPER, GUTHRIE, HEAD, SHANNON and MCEACHERN have agreed to grant easement appurtenant over their respective parcels as hereinafter set forth; and

WHEREAS, KLEPPER, GUTHRIE, HEAD, SHANNON and MCEACHERN have agreed that the easements granted by KLEPPER, in this document shall satisfy the obligation to provide an easement to the nearest public road required by the above referenced Partition Agreement and Quitclaim Deed.

NOW THEREFORE, the parties in consideration of the premises and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto each other, unto RICHARDSON, and unto their successors in title, reciprocal perpetual easements in portions of the aforementioned Access Road as follows:

KLEPPER grants to GUTHRIE, HEAD, SHANNON, MCEACHERN, and RICHARDSON, and their successors in title, for the benefit of and to serve the GUTHRIE, HEAD, SHANNON, RICHARDSON, and MCEACHERN PROPERTIES, and any part thereof, an easement for vehicular ingress and egress on the Access Road located on the KLEPPER PROPERTY as shown on Exhibit A.

GUTHRIE grants to KLEPPER, HEAD, SHANNON, McEACHERN, and RICHARDSON, and their successors in title, for the benefit of and to serve KLEPPER, HEAD, SHANNON, RICHARDSON and McEACHERN PROPERTIES, and any part thereof, an easement for vehicular ingress and egress on the Access Road located on the GUTHRIE PROPERTY as shown on Exhibit A.

Further, if KLEPPER or his/her successors in title divides KLEPPER PROPERTY in such a way that any tract of KLEPPER PROPERTY thereby created is without vehicular access to the Access Road as shown on Exhibit A, GUTHRIE, for himself/herself and his/hers successors in title, grants to KLEPPER or the party then owning said tract an easement, 8 feet in width, for vehicular ingress and egress over that portion of the GUTHRIE PROPERTY lying between the KLEPPER PROPERTY and the Access Road, as shown on Exhibit "A" attached hereto, to connect to the Access Road.

HEAD grants to KLEPPER, GUTHRIE, SHANNON, and McEACHERN, and their successors in title, for the benefit of and to serve KLEPPER, GUTHRIE, SHANNON, and McEACHERN PROPERTIES, and any part thereof, an easement for vehicular ingress and egress on the Access Road located on the HEAD PROPERTY as shown on Exhibit A.

SHANNON grants to McEACHERN, and her successors in title, for the benefit of and to serve McEACHERN PROPERTY and any part thereof, an easement for vehicular ingress and egress on the Access Road located on the SHANNON PROPERTY as shown on Exhibit A.

McEACHERN grants SHANNON, and their successors in title for the benefit of and to serve SHANNON PROPERTY, and any part thereof, an easement for vehicular ingress and egress on the Access Road located on the McEACHERN PROPERTY as shown on Exhibit A.

TO HAVE AND TO HOLD the foresaid rights and easements of ingress and egress thereto belonging to the respective parties and their heirs and assigns forever.

The easements herein granted shall be easements appurtenant to the above mentioned lands, and the above easements may be assigned or transferred to parties acquiring any part or all of any of the above tracts, in common with any parties owning any other part of such tract or tracts.

AND the parties covenant with each other, that each party is seized of his/her respective parcel in fee simple and that each has the right to convey vehicular easement of ingress and egress over said parcel.

And it is further covenanted and agreed that this agreement supercedes and replaces the agreement between KLEPPER, GUTHRIE,

SHANNON, and McEACHERN, dated September 15, 1992, and recorded in Book 1620, Page 929 of the New Hanover County Registry.

IN WITNESS WHEREOF, KLEPPER, GUTHRIE, HEAD, SHANNON and McEACHERN have hereunto set their hands and seals, as of the day and year first above written.

PAGE 0452
BOOK 1643

Robert S. Klepper (SEAL)
Robert S. Klepper

Richard C. Klepper (SEAL)
Richard C. Klepper

Maureen Klepper (SEAL)
Maureen Klepper

Jane Head Guthrie (SEAL)
Jane Head Guthrie

William V. Guthrie (SEAL)
William V. Guthrie

William G. Head, Jr. (SEAL)
William G. Head, Jr.

Thomas H. Shannon (SEAL)
Thomas H. Shannon

Margaret H. Shannon (SEAL)
Margaret H. Shannon

Margaret U. McEachern (SEAL)
Margaret U. McEachern

STATE OF MARYLAND

COUNTY OF Baltimore

I, Alison F. Crissell, a Notary Public of Baltimore County, Maryland, do hereby certify that ROBERT S. KLEPPER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 23rd day of December, 1992.

Alison F. Crissell
Notary Public



Commission expires: 12/20/95

STATE OF MARYLAND

BOOK

PAGE

COUNTY OF Anne Arundel

1643

0453

I, Dawn M. Aquino, a Notary Public of Anne Arundel County, Maryland, do hereby certify that RICHARD C. KLEPPER and wife, MAUREEN KLEPPER, each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 11th day of December, 1992.

Dawn M. Aquino
Notary Public



My commission expires: 8/1/95

STATE OF GEORGIA

COUNTY OF Fuller

I, Jane R. Ravis, a Notary Public of Cherokee County, Georgia, do hereby certify that JANE HEAD GUTHRIE and husband, WILLIAM V. GUTHRIE, each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 17th day of December, 1992.

Jane R. Ravis
Notary Public



My commission expires: 5.4.95

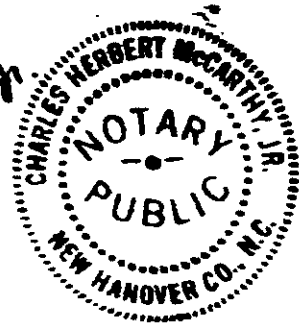
STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, CHARLES HERBERT MCCARTHY, JR., a Notary Public of NEW HANOVER County, North Carolina, do hereby certify that WILLIAM G. HEAD, JR., divorced, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 13th day of NOVEMBER, 1992.

Charles Herbert McCarthy, Jr.
Notary Public



My commission expires: MAY 25, 1993

STATE OF NORTH CAROLINA

BOOK

PAGE

COUNTY OF New Hanover

1643

0454

I, BRENDA G. ZIMMERMAN, a Notary Public of NEW HANOVER County, North Carolina, do hereby certify that THOMAS H. SHANNON and wife, MARGARET H. SHANNON, each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 25th day of November, 1992.

Brenda G. Zimmerman
Notary Public

My commission expires: 9/26/94

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER



I, EDMUND ROBERT BURKE, a Notary Public of NEW HANOVER County, North Carolina, do hereby certify that MARGARET J. McRACHERN personally appeared before me this day and acknowledged the due execution of the foregoing instrument.



Witness my hand and notarial seal, this the 30th day of February, 1992.

Edmund Robert Burke
Notary Public

My commission expires: 3/15/97

STATE OF NORTH CAROLINA, New Hanover County

The foregoing Certificate(s) of Alison F. Crispell, Donna M. Amadio, Jean R. Raines, Charles Herbert McCarthy, Jr., Brenda G. Zimmerman and Edmund Robert Burke, Notaries Public (is/are) certified to be correct.

This 3 day of Feb, A.D., 1993.

Mary Sue Cato Register of Deeds
24 Feb 1993

RECEIVED
By Pat O'Mahony at 11:33 am, Oct 07, 2024



Vicinity Map
(No Scale)



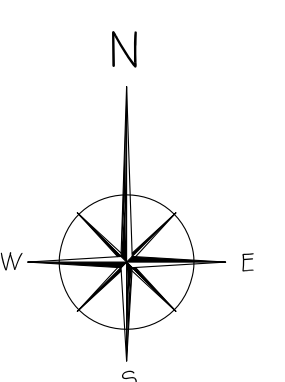
Station 0+00
Private Access Drive
(Reference Deed of
Reciprocal Easements -
D.B. 1643-449)



Station 1+85±
Private Access Drive



Station 6+60±
Private Access Drive



Graphic Scale
50 40 30 20 10 0 25 50 100

6430 & 6436 Head Road
Jane Stem Trust Properties
Wilmington Township / New Hanover County / North Carolina