



CASE SUMMARY
Design Adjustment Committee
DAC-5-1024

Design Adjustment
October 16, 2024

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

Request

<i>Address</i>	8055 Masonboro Sound Road	
<i>Acreage</i>	Approximately 10.09 acres	
<i>Request</i>	Request for a design adjustment for the minimum standards for a minor street.	
<i>Consultants/ Agents</i>	Austin Scheib Hanover Design Services, PA 1123 Floral Parkway Wilmington, NC 28403	(910) 343-8002 ascheib@hdsilm.com
<i>Property Owner</i>	8055 Masonboro, L.L.C. 6316 Marywood Drive Wilmington, NC 28409	(910) 279-3365 pckratsa@gmail.com
<i>Pre-TRC Review</i>	October 6, 2022 & April 6, 2023	
<i>Formal TRC Review</i>	March 28, 2024	
<i>Construction Release</i>	September 13, 2024	
<i>Design Adjustment Committee Action</i>	October 16, 2024; Scheduled for Evidentiary Hearing	

Property Characteristics

<i>Existing Zoning</i>	R-15, Moderate-density single-dwelling district
<i>Current Land Use</i>	Vacant
<i>CAMA Land Use</i>	Watershed Resource Protection, Conservation
<i>Existing Water Main(s) Public/CFPUA</i>	Masonboro Sound Rd. (8-inch) Cabbage Inlet Lane (6-inch) Seabreeze Boulevard (6-inch)
<i>Existing Sewer Main(s) Public/CFPUA</i>	Masonboro Sound Rd. (8-inch) Cabbage Inlet Lane (8-inch) Seabreeze Boulevard (8-inch)
<i>Existing Impervious</i>	None
<i>Proposed Impervious*</i>	48,636

*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 minor street.

ANALYSIS

1. The site includes 10.09 acres that is currently undeveloped and is located within the R-15, Moderate-density single-dwelling zoning district.
2. The site currently has direct frontage along Masonboro Sound Road, Cabbage Inlet and Oyster Bay lanes, and an unimproved portion of Seabreeze Boulevard and Benton Avenue.
3. Access to the site is proposed from Oyster Bay Lane and Cabbage Inlet Lane.
4. Seabreeze Boulevard is a city maintained variable width gravel road off of Masonboro Sound Road ranging from 31-40 feet wide. The road is unimproved past the last driveway access, prior to the right-of-way ending at the Atlantic Intracoastal Waterway (AIWW).
5. Sec. 18-495.B of the Land Development Code states:
 - When a lot or lots within a subdivision abut an existing public street, highway, or thoroughfare, the developer shall be responsible for the installation and improvement of the portion of the right-of-way adjacent to the subdivision or development. Right-of-way improvements shall be to the standards outlined in the Technical Standards and Specifications Manual.
6. Seabreeze Boulevard adjacent to the site is required to be improved to City standards based on the code section referenced above.
7. The proposal includes the construction of a minor street with a non-standard cross-section, which includes grading, ABC stone, and stormwater infrastructure.
8. The Technical Standards & Specifications Manual (TSSM) specifies a standard cross-section for a local street. The applicant proposes a non-standard cross-section that includes the following modifications:
 - The installation of 8" of compacted ABC stone, grading, and stormwater drainage improvements within the right-of-way.

Figure 1. Proposed Site Plan (Attachment 4)



Figure 2. Proposed Right-of-Way Improvement Area (Attachment 4)

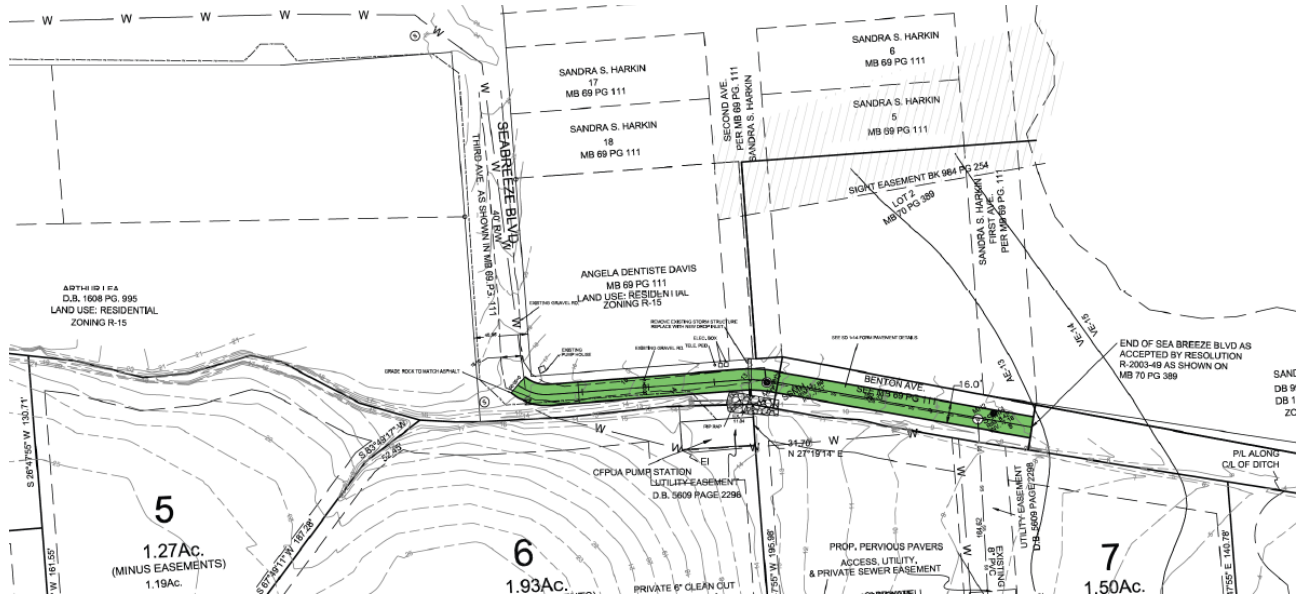


Table 1. Requested Adjustments (Attachment 3)

Adjustment	Requirement	Proposed
<p>1 Street right-of-way, pavement width, alignment, and geometric design standards; Minimum standards for non-arterial streets in residential areas and subdivisions:</p> <ul style="list-style-type: none"> A non-standard minor street cross section <p>CH. VII (B)(Table 1) (Page 7-4)</p>	<p>a) Five-foot sidewalks on both sides of the street</p> <p>b) 20 feet minimum pavement width</p> <p>c) Typical crown cross slope</p> <p>d) 40 feet minimum</p>	<p>a) No sidewalks provided</p> <p>b) 16 feet gravel ABC stone and grading</p> <p>c) None provided</p> <p>d) Variable 31-39 feet (existing)</p>
<p>Applicant’s Justification: A waiver is requested due to:</p> <ul style="list-style-type: none"> 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. 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. There is not sufficient space for 5' sidewalk due to the limited right of way. Also there are no existing sidewalks for pedestrian use. 		

	<ul style="list-style-type: none">• 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.• 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.
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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>	10/3/24
<i>Property Owner Letters</i>	10/3/24
<i>Advertisement Date(s)</i>	10/11/24
<i>Adjacent Owner Inquiry</i>	None

ATTACHMENTS

1. Location Map (dated 10/1/24)
2. Design Adjustment Application (received 9/3/2024)
3. Waiver Request Letter (received 9/3/2024)
4. Proposed Site Plan (received 9/3/2024)