

**CITY OF WILMINGTON  
STATE OF NORTH CAROLINA**

**APPLICATION FOR A VARIANCE**

**PURPOSE OF VARIANCE** – A Variance is the official allowance of a variation from the dimensional requirements of the City Land Development Code or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

**BOARD OF ADJUSTMENT** - The Board of Adjustment, or BOA, is the official City Board that considers requests for variances. The BOA receives sworn testimony at its quasi-judicial hearings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a Variance to attend the BOA meeting and present sworn testimony in support of the request.

**REASON FOR VARIANCE REQUEST** – Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

The zoning code for signage for this location is overly restrictive due to the uniqueness of the lot, and the construction

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of the building that is necessary for the business to function. This variance request is to gain equivalent sign area that

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other businesses in other areas districted as RB are able to take advantage of.

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The BOARD OF ADJUSTMENT is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance;
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

**PROPERTY LOCATION INFORMATION**

Street address of subject property 1441 Eastwood Rd, Wilm 28405

Tax Parcel Number of subject property R05600-001-008-000

**ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES**  
(Include stamped, self-addressed envelopes)

**APPLICANT INFORMATION**

Name/Address/Telephone/Email

Name: FLY Wilmington LLC

Address: 1441 Eastwood Rd. Wilmington NC 28403

Phone #: 203-517-6123

Email: Patrick@MaguireJamisonLLC.com

**OWNER INFORMATION**

Name/Address/Telephone/Email

OAKENS TRADING POST LLC

1131-B Military Cutoff Road, Wilmington NC

203-517-6123

jason@swainassociates.com

***ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER***

DATE 31 May 2024

APPLICANT'S SIGNATURE Patrick M. Maguire

Digitally signed by Patrick M Maguire  
Date: 2024.05.31 13:58:28 -0400