

**CITY OF WILMINGTON  
STATE OF NORTH CAROLINA**

**APPLICATION FOR A VARIANCE**

**PRE-APPLICATION MEETING** – A pre-application meeting with staff is required before a variance application can be accepted. Pre-application meetings will not be scheduled for or held on the date of the application submission deadline. Please identify the meeting date and staff in attendance below.

Meeting Date: 3/6/2026 Staff: Grace Lamay

**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.)

see attached "Justification for variances" PDF  
w/ reasons listed.

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 5026 Market St, Wm, NC 28405

Tax Parcel Number of subject property R04915-002-009-000

ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES

APPLICANT INFORMATION

Name/Address/Telephone/Email

Name: AWC Sign & Light, inc.

Address: PO BOX 12783, Wilm., NC 28405

Phone #: [REDACTED]

Email: [REDACTED]

OWNER INFORMATION

Name/Address/Telephone/Email

5000 Market Street LLC.

17300 Peed Rd, Raleigh, NC 27614

[REDACTED]

[REDACTED]

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

DATE 3/4/26

APPLICANT'S SIGNATURE [Signature]



Friday, March 6, 2026

Re: **O'Reilly Auto Parts 5026 Market Street (R04915-002-009-000, Zoned RB)**

*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.*

Strict application of the *200 square foot* limitation creates unnecessary hardship because the permitted sign size is **disproportionately small relative to the scale of the building and its setback from the roadway**. The subject building is substantially larger than typical commercial structures along Market St.

Due to the building's height, façade width, and distance from the primary right-of-way, **a 200 square foot wall sign would not provide adequate visibility or legibility to passing motorists. The requested 511 square foot wall sign is proportional to the building's architectural scale and necessary to allow effective business identification (especially with the Arby's restaurant directly in front of the building)**. Denial of the variance would significantly impair the property's ability to communicate its presence to the public, creating a practical hardship that goes beyond mere inconvenience.

*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 of granting the variance.*

The hardship is directly related to unique physical characteristics of the property, including:

- The overall size and height of the building façade
- The depth of the setback from the roadway
- Limited frontage or visibility constraints

These conditions are specific to this site and are not common to smaller-scale commercial properties in the area. The ordinance's flat *200 square foot* cap **does not account for unusually large buildings or deep setbacks, resulting in a sign allowance that is out of proportion with the structure it is intended to serve**.

The requested variance corrects this imbalance by allowing a sign size that is appropriately scaled to the building and site conditions.

*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.*

The hardship was not created by any action of the applicant or property owner. **The building's size, design, and location are existing conditions. The need for additional signage area arises from these pre-existing physical characteristics of the property, not from any deliberate action to circumvent the ordinance.**

Furthermore, the request does not seek to intensify use or create visual clutter **but rather to allow reasonable and effective identification of a lawful commercial use.** Purchasing or operating a business on a property with existing site constraints does not constitute a self-created hardship under variance standards.

*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.*

**The intent of the sign ordinance is to:**

- Promote public safety
- Prevent visual clutter
- Maintain aesthetic standards
- Ensure fair and reasonable identification for businesses

The requested wall sign is consistent with these objectives.

**The proposed 511 square foot sign:**

- Is architecturally integrated into the building façade
- Is not animated, flashing, or digitally dynamic
- Maintains high-quality materials and professional design
- Does not obstruct sightlines or create traffic hazards

**Importantly, granting the variance enhances public safety by improving legibility. Clear, properly scaled signage allows motorists to identify businesses quickly and safely, reducing abrupt lane changes or distracted driving behavior caused by insufficient visibility.**

The variance achieves substantial justice by allowing this property reasonable identification comparable to what similarly scaled developments require, while still maintaining the overall purpose and integrity of the ordinance.

Thank you!

Tori Racca

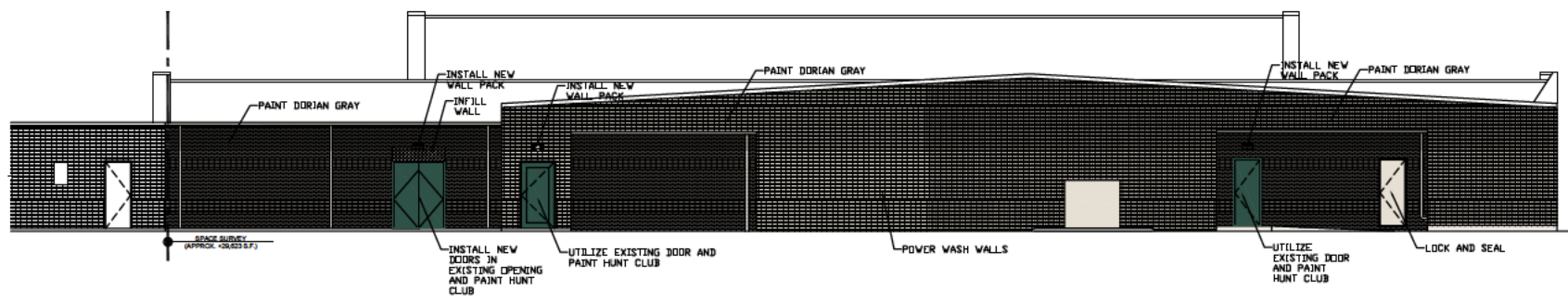
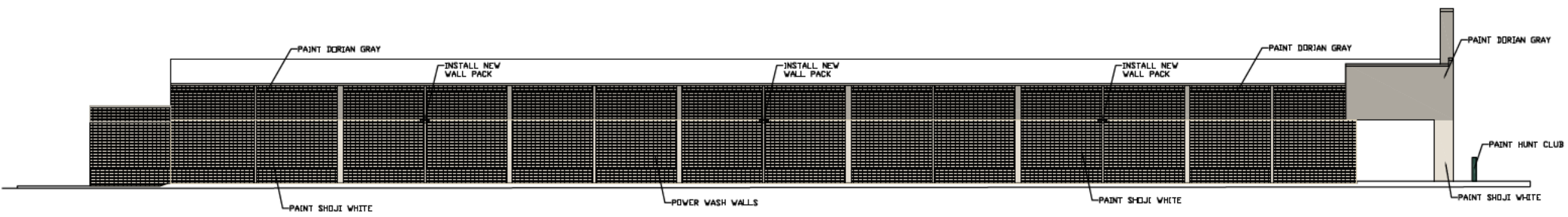
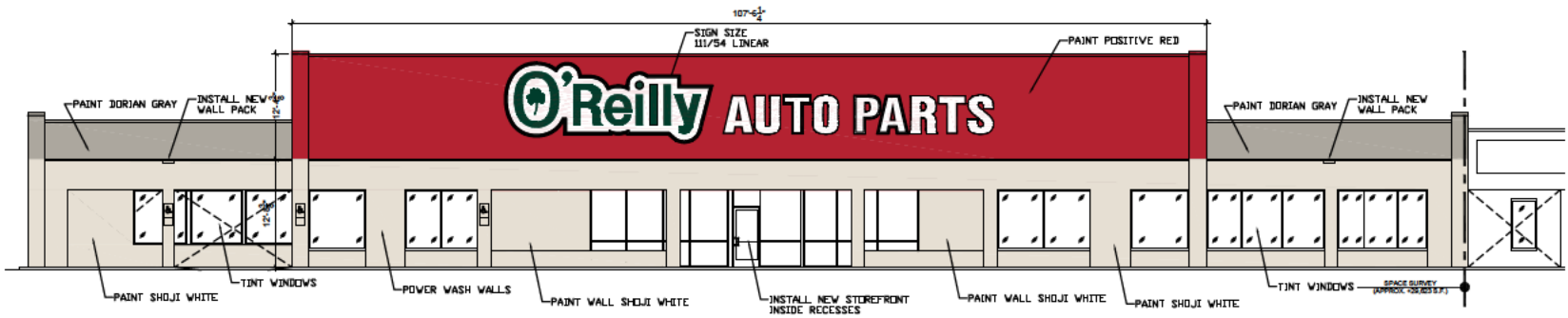
AWC Sign & Light, Inc.

Authorized Agent for O'Reilly Auto Parts



**O'Reilly** AUTO PARTS





**LANDLORD WORK:**

LIST LANDLORDS WORK:

**INSTALL/UPDATE FIRE SUPPRESSION  
ELECTRICAL METERS/PANELS - 600A OR 400A W/ GAS  
REMOVE HAZARDOUS MATERIALS  
REMOVE FIXTURES/EQUIPMENT/INVENTORY  
DELIVER BROOM CLEAN & WATER TIGHT**

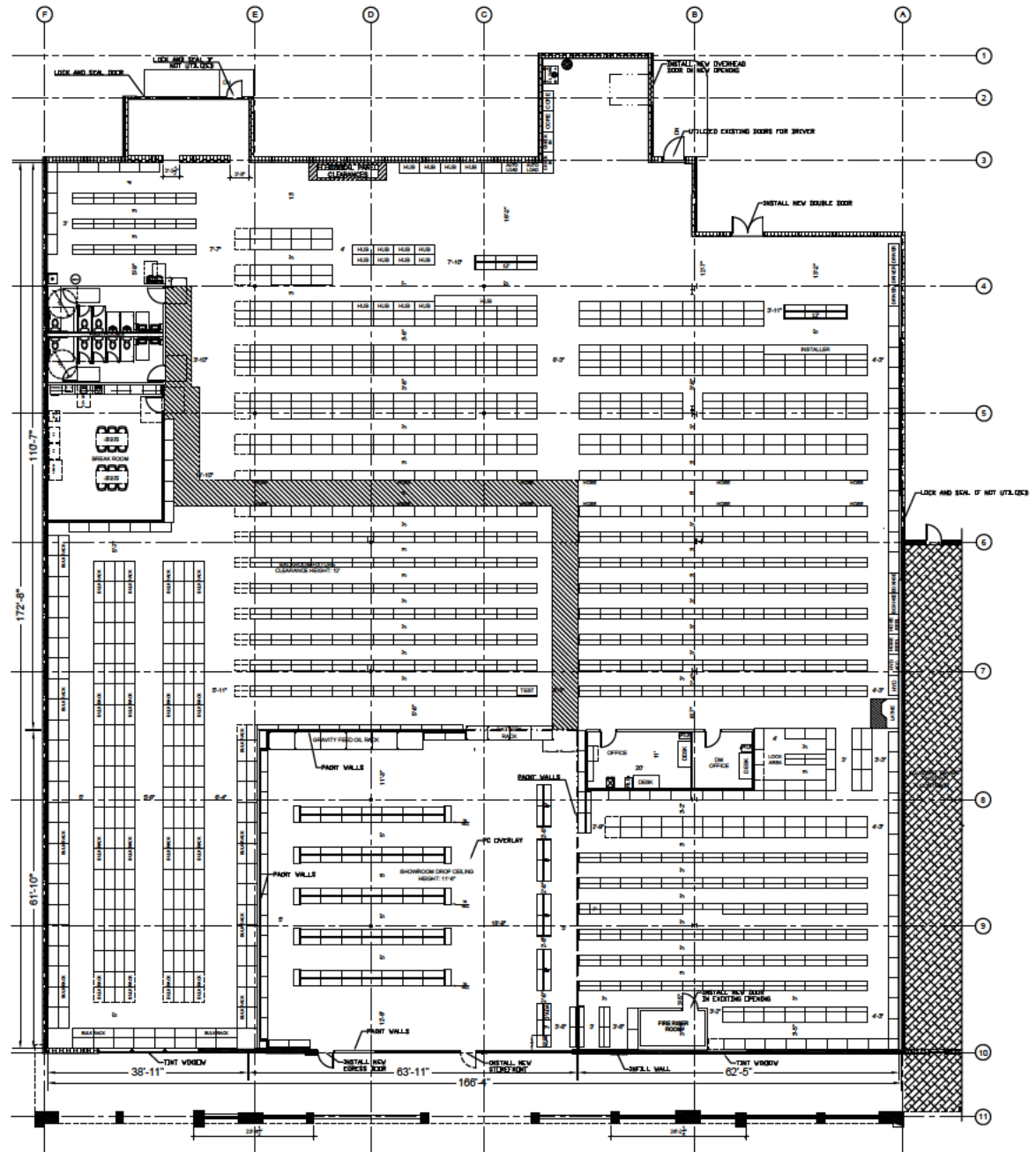
MEP:

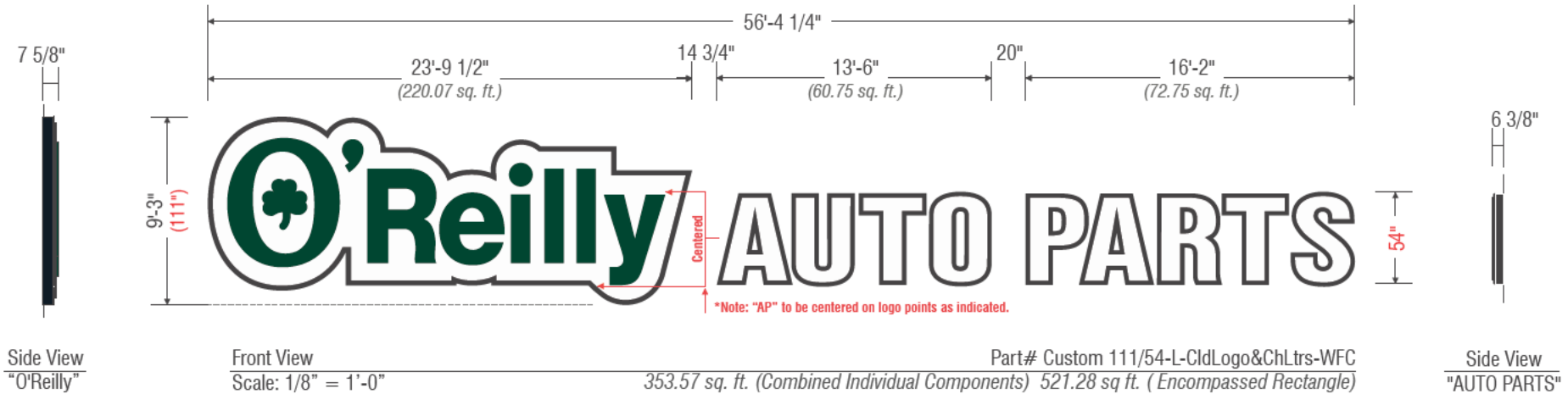
1. REMOVE EXISTING LIGHTING AND DUCT WORK
2. INSTALL NEW LED LIGHTING THROUGHOUT
3. INSTALL NEW CIRCUITS AND ELECTRICAL PANELS AS NEEDED
4. INSTALL NEW WATER HEATER PER PROTOTYPE
5. INSTALL WALL PACKS AS SHOWN ON ELEVATIONS
6. INSTALL NEW EMS
7. IF FIRE ALARM EXISTS IN THE SPACE, ADD KEY NOTE TO REFER TO FIRE ALARM SHEETS
8. GC TO PROVIDE POWER TO ALL WALL SIGNS IF NOT ALREADY AVAILABLE
9. INSTALL NEW HVAC TOTALING 85 TONS
10. INSTALL NEW DUCT AND CONCENTRIC DROPS AS NEEDED
11. INSTALL NEW RESTROOM AND BREAK ROOM FIXTURES, MOP SINK, DRINKING FOUNTAINS, AND EYE-WASH STATION

ARCHITECTURAL:

1. REFER TO DEMO PLAN, FLOOR PLAN AND ELEVATIONS FOR MOST DIRECTIVES.
2. DEMO EXISTING FLOOR COVERINGS; PATCH & SEAL CONCRETE, ADD CONCRETE OVERLAY IN PARTS AREA A.
3. **INSTALL DROP CEILING @ 11'-6" IN PARTS AREA A**
4. SIGN DEPARTMENT TO HAVE SIGN COMPANY INSTALL WALL SIGNS AS SHOWN ON ELEVATION
5. FIRE ALARM EXISTS IN THE SPACE, ADD KEY NOTE TO REFER TO FIRE ALARM SHEETS

**PROJECT MANAGER: KOREY BONINE**





**Manufacture & Supply Qty. (X) Set of Illuminated Formed Cloud Logo & Channel Letters w/Formed Cap Faces. Self Contained Power Supplies.**

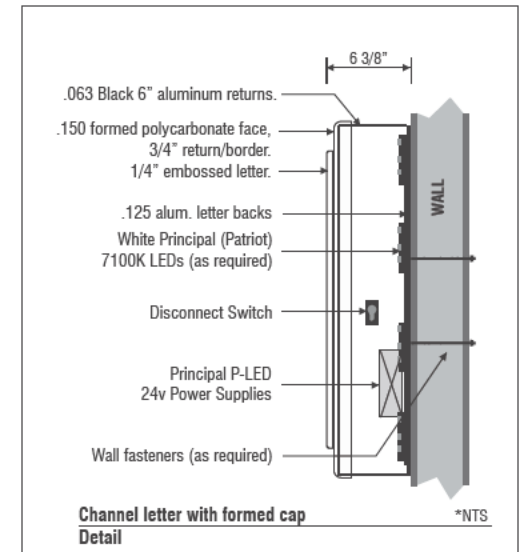
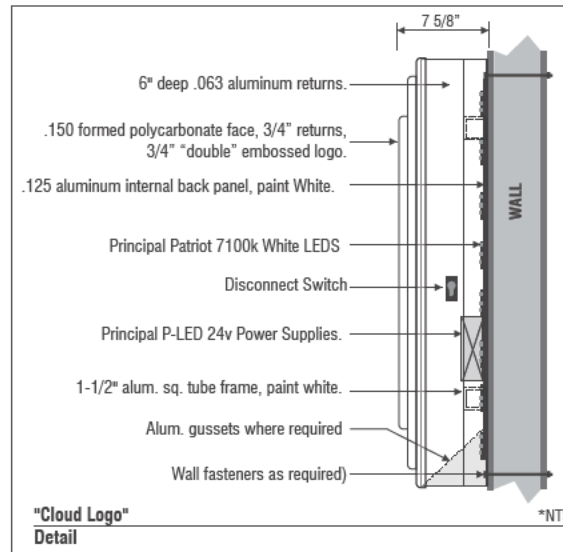
**(A) Cloud Logo**

- Formed polycarbonate with double embossment & 2nd surface painted graphics.
- Paint to match: Green (PMS# 342c), Black & White.
- 6" aluminum .063 returns, paint Gloss Black .
- Principal White 7100K LEDs (24V 60W Power Supply)
- Primary electrical supply by others.

**(B) Auto Parts Letters**

- Formed polycarbonate caps with embossed 1/4" letters.
- 2nd surface painted graphics.
- Paint to match: Black & White.
- 6" aluminum .063 returns, paint Gloss Black .
- Principal White 7100K LEDs (24V 60W Power Supply)
- Primary electrical supply by others.

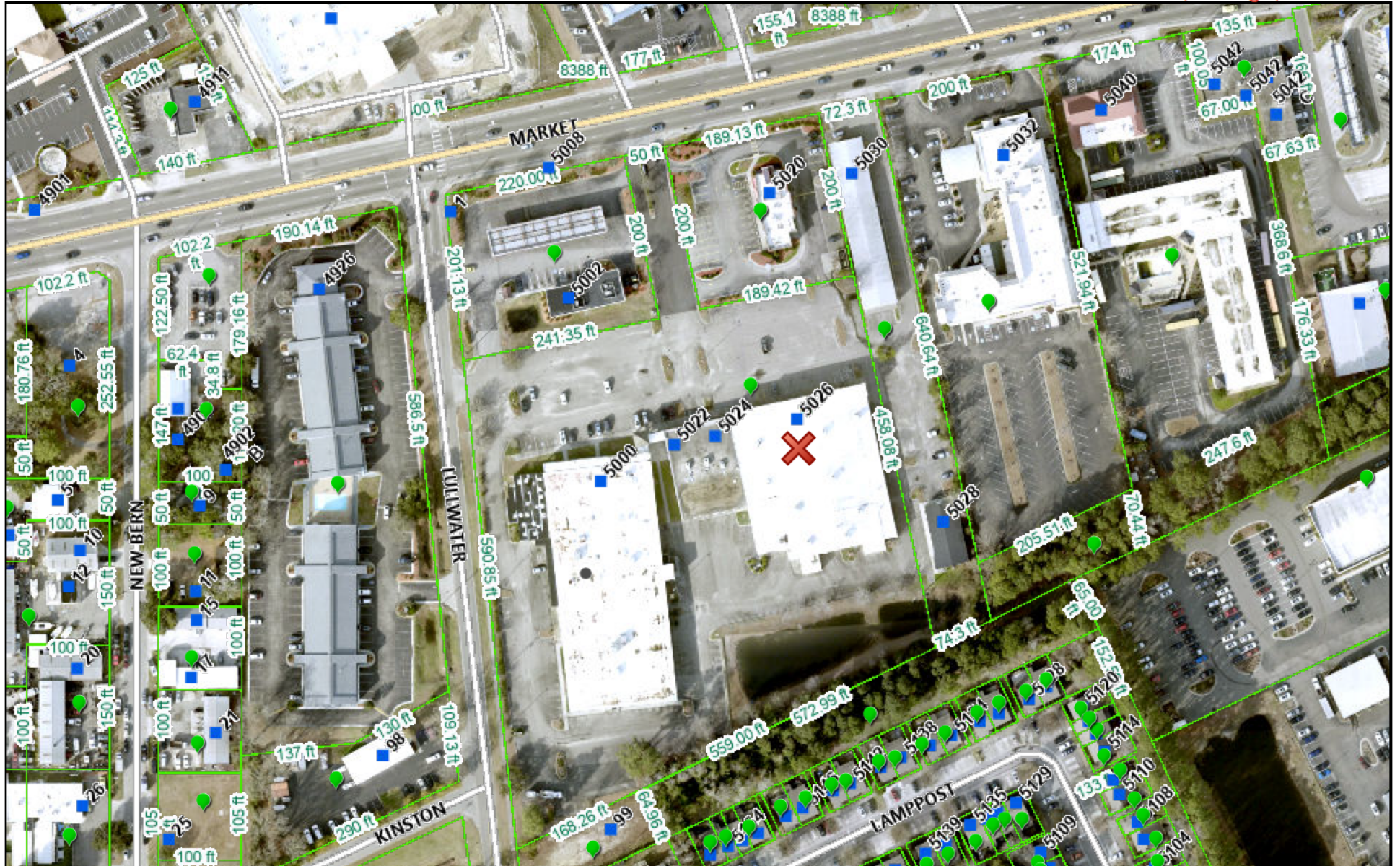
**\*ALL SIGNS TO HAVE 15'-0" POWER WHIP**



5026 Market Street, Wilmington, NC 28405  
Parcel ID: R04915-002-009-000

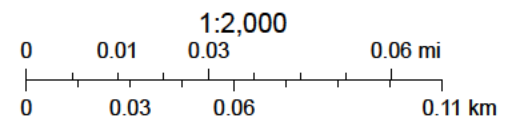
# Parcel Map

Owner: 5000 Market Street LLC  
Owner Address: 12300 Peed Rd, Raleigh, NC 27614

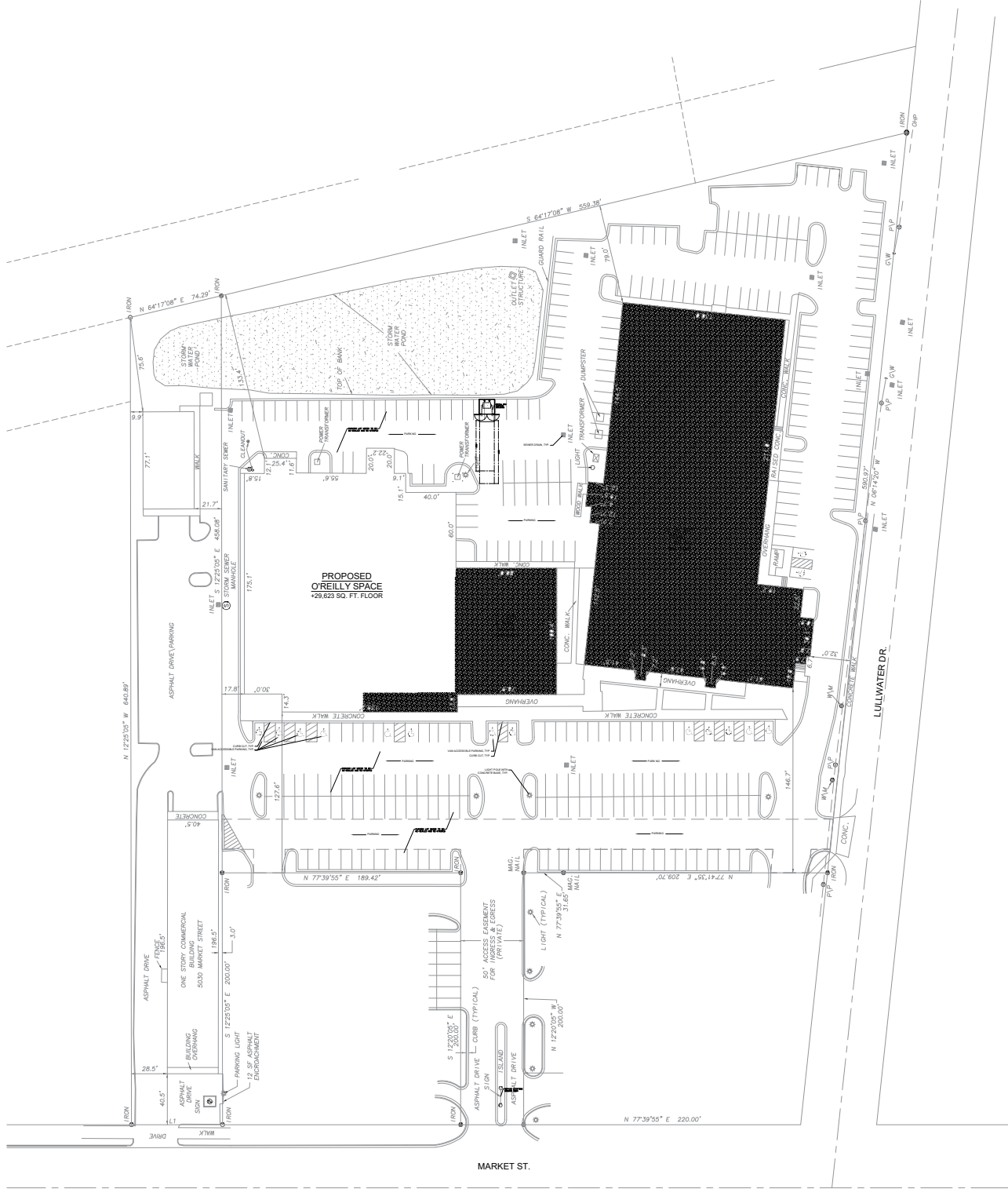


3/4/2026, 10:26:56 AM

- Property Owners
- Addresses
- Roads
- Major Roads
- Municipal Boundaries
- Parcel Boundaries



The information made available by this service originates from the county's building permitting and inspections records. This GIS rendering is refreshed



- LEGEND**
- 12" CONCRETE CURB (TYPICAL) FOR ALL DRIVEWAYS, SIDEWALKS, AND PARKING SPACES
  - 12" CONCRETE CURB (TYPICAL) FOR ALL DRIVEWAYS, SIDEWALKS, AND PARKING SPACES
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