

Application No. BADV-27-526

**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 or held on the application submission deadline date. Please identify the meeting date and staff in attendance below.

Meeting Date: 2/5/2026

Staff: Todd Rademacher, Patrick O'Mahony, 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 that create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve a physical problem with the subject property that would prevent it from being developed in a reasonable manner if City development regulations are followed literally, such as a lot that 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 variance being requested is for the removal of a 32” long leaf pine located inside an existing access easement recorded in 1970. The easement was initially created to provide vehicular access and interconnectivity between adjacent and future development projects which mitigates traffic on public streets. The tree removal is being requested to allow for improvements anticipated in the deed which include drainage, utilities and a 22 ft access way.

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;

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- 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 4945 University Drive

Tax Parcel Number of the subject property R05511-002-031-000

ATTACH TAX PARCEL AND OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES.

APPLICANT INFORMATION

Applicant Name: Wilmington (College Rd) WW, LLC

Applicant Address: 361 Summit Blvd, Suite 110 Birmingham, AL 35243

Applicant Phone #:

Applicant Email:

OWNER INFORMATION

Owner Name: Taylor Foods Associates

Owner Address: 231 Fairway Drive, Fayetteville, NC 28305

Owner Phone #:

Owner Email:

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

APPLICANT'S SIGNATURE:
DocuSigned by:

DCB7F1E2DE074FE...

DATE: 4/7/2026

Application No. BADV-27-526

**CITY OF WILMINGTON
STATE OF NORTH CAROLINA**

APPLICATION FOR A VARIANCE

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Meeting Date: 2/5/2026

Staff: Todd Rademacher, Patrick O'Mahony, Grace Lamay

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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 purpose of the request is to allow the proposed Wawa fly-thru window to be located 120 feet from the residential district with the PIN of R05511-002-030-000. A detailed narrative is attached.

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;

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- 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 524 College Rd

Tax Parcel Number of the subject property R05511-002-034-000

ATTACH TAX PARCEL AND OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES.

APPLICANT INFORMATION

Applicant Name: Wilmington (College Rd) WW, LLC

Applicant Address: 361 Summit Blvd, Suite 110 Birmingham, AL 35243

Applicant Phone #: [REDACTED]

Applicant Email: [REDACTED]

OWNER INFORMATION

Owner Name: Boomtown Advisors, LLC

Owner Address: 702 New Bridge Street, Jacksonville NC 28540

Owner Phone #: [REDACTED]

Owner Email: [REDACTED]

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

APPLICANT'S SIGNATURE:
DocuSigned by:

DCB7F1E2DE074FE...

DATE: 4/7/2026



To: City of Wilmington Board of Adjustment
From: Sydney Wright
Kimley-Horn and Associates, Inc. on behalf of Wilmington (College Rd) WW, LLC
Date: April 4, 2026
Subject: Wawa 6141 – Applicant’s Response to Required Items for Consideration for a Variance

To whom it may concern,

On behalf of Wilmington (College Rd) WW, LLC, we respectfully request relief from Section 18-316(B)(2) of the Wilmington Land Development Code ("Code"). Pursuant to Table 18-316.1 of the Code, any long leaf pine with a minimum diameter at breast height (DBH) of 24 inches is classified as a "Specimen Tree" and requires a variance for removal under Section 18-316(B)(2). The purpose of the request is to allow the removal of an existing 32" long leaf pine specimen tree from 4945 University Drive to accommodate a 22' wide site access serving the adjacent parcel with the address 524 College Road.

Required Findings:

1. Unnecessary hardship would result from the strict application of the ordinance.

Unnecessary hardship would result from the strict application of the ordinance as the existing access easement may not be utilized for its intended purpose. 4945 University Drive is a 0.16-acre parcel owned by Taylor Foods Associated. The parcel is approximately 35' wide and 200' long. The parcel is currently undeveloped with primarily grass cover. There is a 30' wide ingress/egress and water/sewer easement located on the property that runs the length of the parcel in which the specimen tree is currently situated. The easement was dedicated in 1970 to provide vehicular access and utility access to the adjacent parcel, 524 College Road, in Book 882, at Page 292 in the office of the Register of Deeds of New Hanover County. The applicant intends to use the easement as intended, to provide vehicular access to 524 College Road in support of a redevelopment project proposed on that parcel for a Wawa convenience store with fuel sales. If the variance is not granted, 4945 University Drive could not be utilized for its intended vehicular access use, and the proposed redevelopment of 524 College Road will be halted by the applicant.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The hardship results from conditions that are peculiar to the property, specifically the size of the parcel. As discussed above, 4945 University Drive is a 35' wide x 200' long parcel with a 30' wide ingress/egress and water/sewer easement on it intended to serve 524 College Road. The 32"

specimen tree is located at the mid-point of the parcel and has a 40' diameter critical root zone. Per Section 18-316(D)(3) of the Code, the critical root zone of the specimen tree must be protected and disturbance within the critical root zone shall not exceed 20% of the protection area. Exhibit 1 below shows the location of the critical root zone on the parcel. As shown, the specimen tree's critical root zone prevents the parcel from being utilized for its intended use of vehicular and utility access. Furthermore, due to the dimensions of the parcel, it cannot be practically utilized for any other purpose, and therefore the parcel would be rendered effectively useless in the absence of this variance.

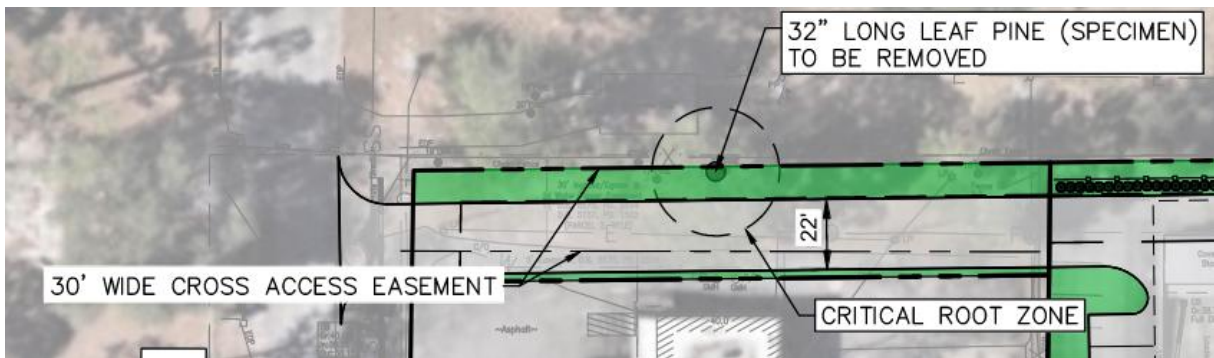


Exhibit 1: Critical Root Zone

3. The hardship did not result from actions taken by the applicant or the property owner.

The hardship did not result from actions taken by the applicant or the property owner. The original property owner established the 30' ingress/egress and water/sewer easement in 1970. At that time, the subject long leaf pine was not a specimen tree.

The applicant entered into a purchase sale agreement with the owner of 524 College Road in 2024 with the intent of using the 30' easement on 4945 University Drive for site access. The applicant explored alternative access through the adjacent Pizza Hut parcel and Wells Fargo parcel. However, the property owners denied the applicant's request, noting that 4945 University Drive was established with the purpose of providing access from 524 College Road to University Drive. Correspondence between the applicant and parcel owners is attached.

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 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 applicant intends to redevelop 524 College Road into a Wawa convenience store with fuel sales. Proposed access to the site is via a right-in/right-out access onto College Road and a full access onto University Drive, through the 30' easement located on 4945 University Drive, helping to mitigate vehicular traffic. Strict application of the ordinance would limit the site to one right-in/right-out access onto College

Road. Traffic Planning and Design, Inc (TPD) completed a traffic impact analysis (TIA) on December 5, 2024. The TIA found that the University Drive access point is expected to accommodate approximately 42% of the AM peak hour trips to and from the site. If the specimen tree cannot be removed, access will be limited to College Road only, requiring it to accommodate all peak hour vehicle trips. This could cause unnecessary traffic on College Road as vehicles slow to enter the site. By providing additional access from University Drive, traffic directly onto College Road will be alleviated, leading to safer conditions for the traveling public.

For the reasons stated above, strict application of Section 18-316(B)(2) of the Code would create unnecessary hardship due to unique site conditions beyond the applicant's control. The requested variance is reasonable, consistent with the code's intent, and necessary to permit reasonable use of the subject property. Therefore, the applicant respectfully requests approval of the variance outlined above.

Sincerely,

Sydney Wright

ND:4923-6950-4414, v. 2



To: City of Wilmington Board of Adjustment
From: Sydney Wright
Kimley-Horn and Associates, Inc. on behalf of Wilmington (College Rd) WW, LLC
Date: April 6, 2026
Subject: Wawa 6141 – Applicant's Response to Required Items for Consideration for a Variance

To whom it may concern,

On behalf of Wilmington (College Rd) WW, LLC, we respectfully request relief from Section 18-205(A)(1)(b) of the Wilmington Land Development Code ("Code") which requires that the minimum setbacks for any order box, order window, payment window, pickup window, drive-in service stall, or similar point of interaction for the facility shall be 200 feet from any residential district. The purpose of the request is to allow the proposed Wawa fly-thru window to be located 138 feet from the residential district with the PIN of R05511-002-034-000.

Required Findings:

1. Unnecessary hardship would result from the strict application of the ordinance.

Unnecessary hardship would result from the strict application of the ordinance. The applicant intends to redevelop 524 S College Road into a Wawa convenience store with fuel sales. The Wawa national prototype proposed for this location includes a "fly-thru" lane to facilitate mobile order pick-up, which also reduces the number of parking spaces needed on site. Importantly, the fly-thru lane is fundamentally different from a traditional drive-thru window. No food ordering occurs at the fly-thru lane or window, there are no exterior speakers, and there are no illuminated sign panels. The fly-thru is not expected to generate noise or light that would impact the adjacent MD-17 residential district located to the northwest of the subject site, which is currently vacant. Fly-thru customers are assigned specific pickup times, which organizes vehicle arrivals and substantially reduces vehicle stacking and parking demands. The current Code contemplates a traditional drive-thru window and does not account for this newer, significantly less impactful service model.

Applying the 200-foot setback to the fly-thru window would eliminate all viable site configurations except the proposed layout, as it would require reconfiguring the fuel canopy. The fuel canopy cannot be located along College Road due to existing Code standards that prohibit such placement. It also cannot be positioned on the western side of the property, as doing so would conflict with the turning radius required for fuel trucks and other delivery truck operations. Locating the canopy behind the building, adjacent to the residential property, is also not a viable option because it would

restrict visibility of fueling operations and create safety concerns. Similarly, the Code prohibits the fly-thru lane from being located on the side of the building closest to College Rd.

Accordingly, relocating the fly-thru lane elsewhere on the site would necessitate moving the fuel canopy, which is not feasible for the reasons described above. Granting a variance to allow the fly-thru in the proposed location enables the site to function properly. Additionally, the applicant proposes to buffer the property line between the site and the adjacent MD-17 parcel with fencing and landscaping, providing an added layer of mitigation for any potential impacts associated with the requested variance from Section 18-205(A)(1)(b) of the Code.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

The hardship results from conditions that are peculiar to the property, specifically the location and size of the parcel. The parcel is located immediately adjacent to a residential district with the PIN of R05511-002-034-000. The adjacent residential district requires a 5-foot landscape buffer and a 25-foot building setback from its parcel line. This reduces the amount of buildable area on 524 S College Road by approximately 11%. The site measures only approximately 300-feet in the length, which limits how far south site improvements can be placed away from the residential district. Despite these constraints, the current layout locates the fly-thru lane as far south as practicable while maintaining safe drive-aisle widths and adhering to the applicable City dimensional requirements. These site specific conditions, are peculiar to the property and necessitate the requested variance.

3. The hardship did not result from actions taken by the applicant or the property owner.

The hardship did not result from actions taken by the applicant or the property owner. As described above, the hardships arise from the location and layout of the site and the proximity of the adjacent residential district. The need for a variance from the distance requirement from any residential district is necessitated by pre-existing site conditions.

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 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 applicant intends to redevelop 524 S College Road into a Wawa convenience store with fuel sales. To provide a safe environment for customers using the fuel canopy, it is essential that the fuel canopy face College Road. This placement ensures the canopy is adequately illuminated and that activities at the canopy remain visible to passing traffic, promoting public safety. Strict application of the ordinance would require the fuel canopy to either be located along the side of the Wawa building, which would restrict visibility to the canopy and could increase security and monitoring concerns for customers, or located behind the building which would also be unnecessarily disruptive to the adjacent residential property. The proposed layout ensures the canopy is better shielded from the MD-17 residential district while maximizing safety for fuel canopy users.

Additionally, the intent of Section 18-205(A)(1)(b) is to prevent noise from drive-up windows from disturbing the surrounding residential area. However, the applicant is *not* proposing a typical drive-thru window with exterior speakers where customers order food and communicate through the speakers. Instead, the applicant is proposing a fly-thru lane for customers to pick up mobile orders.

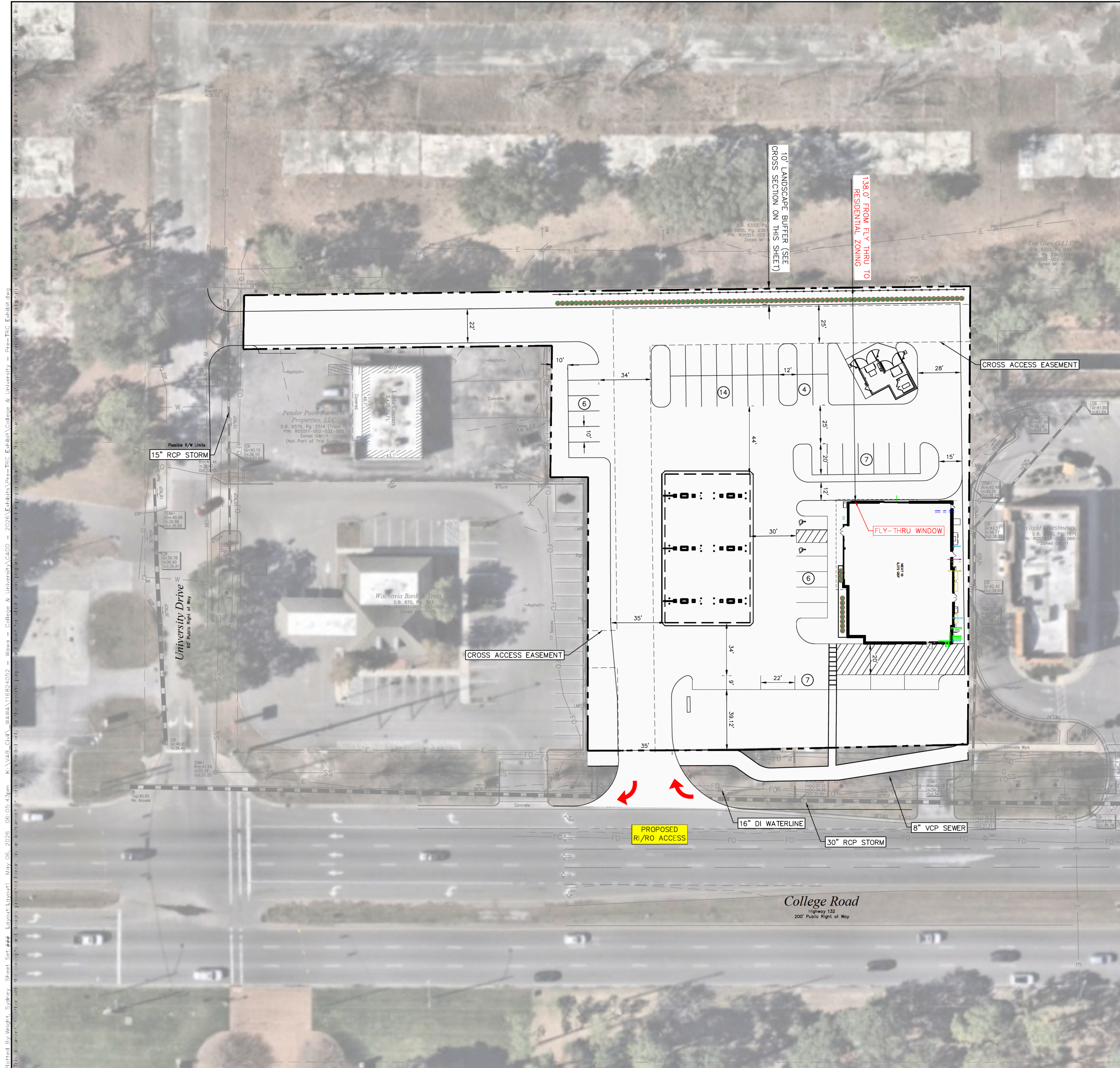
No ordering will occur at the fly-thru, and there will be no exterior speakers or illuminated sign panels. Accordingly, granting the requested variance fully preserves the protections the ordinance was design to provide, while allowing a reasonable and beneficial use of the property.

For the foregoing reasons, the requested variance is reasonable, consistent with the Code's purpose and intent, and necessary to permit reasonable use of the subject property. Therefore, the applicant respectfully requests approval of the variance outlined above.

Sincerely,

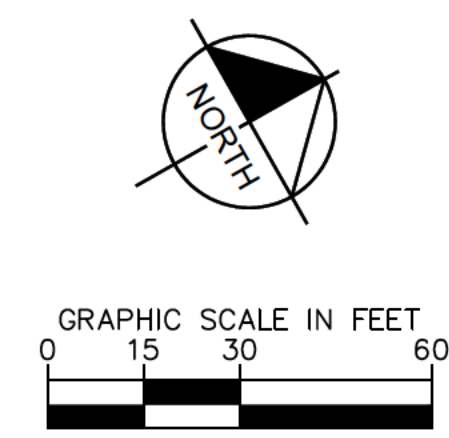
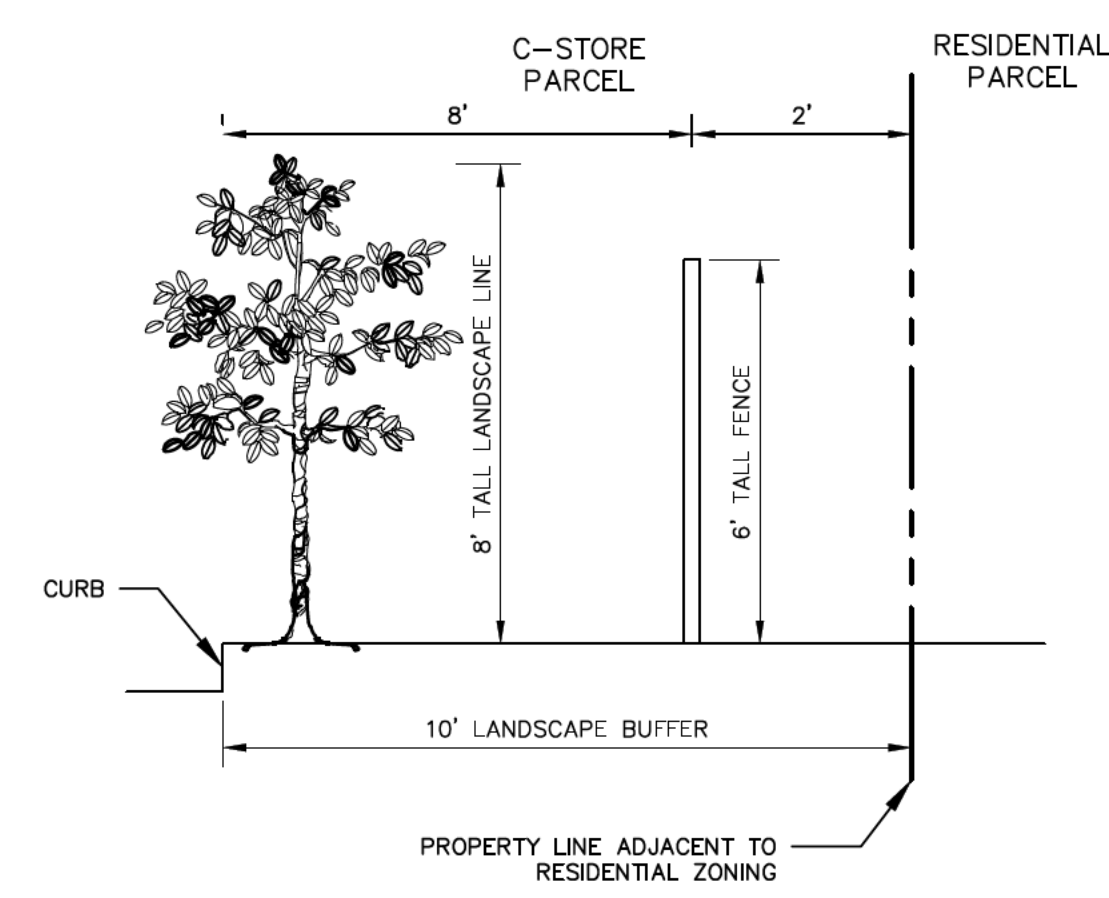
Sydney Wright,

ND:4902-3814-2622, v. 2



SITE DATA TABLE	
PARCEL ID:	R0511-002-034-000
PARCEL OWNERSHIP:	BOOMTOWN ADVISORS, LLC
CURRENT ZONING:	O&I
PROPOSED ZONING:	CB-CZ
SITE ACREAGE:	1.90 AC.
PROPOSED USE:	C-STORE WITH FUEL SALES (6,372 SF)
NUMBER OF UNITS/BEDROOMS:	N/A
BUILDING CONSTRUCTION TYPE:	VB
BUILDING LOT COVERAGE:	8.32%
BUILDING HEIGHT / # OF STORIES:	27'-0.5" / 1 STORY
BUILDING SETBACKS: REQUIRED:	10 FT FRONT, 10 FT SIDE, 25 FT RESIDENTIAL
BUFFERS:	ROW: 15-40 FT MD-17: 5 FT O&I: 5 FT
PARKING SPACES: REQUIRED:	1 PER 300 SF = 22 SPACES
ALLOWED:	PER PARKING STUDY
PROPOSED:	44 SPACES
HANDICAP SPACES:	2 SPACES
IMPERVIOUS COVERAGE: EXISTING:	±67,470 SF
PROPOSED:	±66,523 SF
CAMA LAND USE CLASSIFICATION:	URBAN
AMOUNT OF DISTURBED AREA:	±82,840 SF
TIA STATUS:	IN REVIEW

LANDSCAPE BUFFER CROSS SECTION N.T.S



No.	REVISIONS	DATE	BY

Kimley»Horn
 © 2017 KIMLEY-HORN AND ASSOCIATES, INC.
 4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
 PHONE: 757-213-9800
 WWW.KIMLEY-HORN.COM

KHA PROJECT	116824052
DATE	05/06/2026
SCALE	AS SHOWN
DESIGNED BY	SEW
DRAWN BY	ALL
CHECKED BY	SEW

PRE-TRC EXHIBIT

WAWA - #6141
 PREPARED FOR
CAPITAL GROWTH BUCHALTER
 WILMINGTON NC