

**APPLICATION
ACCEPTANCE
FORM**



BOARD OF ADJUSTMENT - VARIANCE

City of Wilmington
Planning, Development and Transportation
Zoning Division

PO Box 1810 (929 N Front St.)
Wilmington, NC 28402-1810
Telephone: 910.254.0900 / Fax 341.3264

The Zoning Division has accepted your application for the following case:

Site Address: 1502 Castle Street
Case Number: BACE0-2-526
Meeting/Hearing Date: 5/21/26

Although this application has been reviewed for completeness by the Zoning Division, you may be contacted by Zoning Division staff should additional information be required.

You or your agent should attend the meeting / quasi-judicial hearing. A copy of the staff's recommendation will be provided to the applicant or agent prior to the meeting/ quasi-judicial hearing.


Zoning Division Staff

3/26/26
Date of Acceptance


Applicant/Applicant's Agent

Application No.

BACEO-2-526

RECEIVED

MAR 26 2026

APPEAL RECEIVED

March 26, 2026

Penelope Spicer-Sidbury

Penelope Spicer-Sidbury

City Clerk

CITY OF WILMINGTON
STATE OF NORTH CAROLINA

PLANNING DEPARTMENT

APPLICATION FOR APPEAL FROM DETERMINATION OF
THE CODE ENFORCEMENT OFFICER and/or
PETITION FOR AN INTEPRETATION OF THE LAND DEVELOPMENT CODE



TO THE BOARD OF ADJUSTMENT:

I, William Batten, owner/operator of Azalea Station, hereby appeal to the Board of Adjustment from the following adverse determination of a Code Enforcement Officer of the City of Wilmington: (State the decision)

the March 3, 2026 zoning violation determination in Case No. ZEGV-013967-2026 finding that the use at 1502 Castle Street constitutes an unpermitted event venue/nightclub/assembly use and a change of use without required zoning authorization.

This adverse decision was made with respect to property described herein or on the attached sheet.

1502 Castle Street, Wilmington, NC 28401

Also known as Tax Parcel No. R05406-040-007-000

I, William Batten, owner/operator of Azalea Station, hereby request an interpretation of:

- Wilmington's Official Zoning Maps as specified herein;
- the following section(s) of the text of the Land Development Code:

Not applicable. Appellant is appealing an adverse determination of the Code Enforcement Officer and is not requesting a separate interpretation.

insofar as the map and/or the ordinance relate to the use of the property described herein or on the attached sheet.

STATEMENT BY THE APPELLANT

In the space provided below or on the back of this form, write your interpretation of the Land Development Code provision in question and state your reasons for your interpretation. State the **facts** you are prepared to prove to the Board of Adjustment in support of your interpretation that the determination of the Code Enforcement Officer was erroneous. Attach a copy of correspondence from the Code Enforcement Officer, with the determination you are appealing.

The March 3, 2026 determination is erroneous. The City previously approved and signed off on the use of the property as office space with an accessory bar, and Appellant relied on those approvals in establishing and operating the business at 1502 Castle Street.

Appellant is prepared to prove that the City formally reviewed and approved the zoning compliance of the property, including approval of an accessory bar use, as reflected in official zoning and inspection documentation. Appellant relied in good faith on those approvals and has operated for more than three years without being advised that the use was unlawful.

The determination incorrectly characterizes the rear portion of the property as an unpermitted event venue/nightclub/assembly use rather than the use previously reviewed, approved, and relied upon by Appellant. The determination is inconsistent with the City's prior approvals, records, inspections, and course of dealing regarding the property.

Appellant requests that the Board of Adjustment reverse the determination in Case No. ZEGV-013967-2026. Appellant reserves the right to supplement this appeal with additional facts, documents, witnesses, and legal arguments.

STATEMENT BY THE APPELLANT - continued

[Empty rectangular box for the appellant's statement]

Within 5 business days of submitting an application, applicants shall be responsible for providing payment for adjacent property owner notification in the amount of \$0.85 per required notice. Adjacent properties are all properties abutting the site and properties immediately across the street from it. Planning staff will provide the applicant with a list of adjacent property owners and confirmation that notices were mailed.

I certify that all of the information presented by me in this Application is true and correct to the best of my knowledge, information and belief.

Date

Signature of Applicant

Mailing address:

Telephone #:



**Zoning Violation
Planning & Development
Zoning Division**

Case Number: ZEGV-013967-2026	
Violation	Case Type: ZE - General Violations
Notice	Date of Inspection: 01/20/2026
Date of Next Inspection: 04/03/2026	

Mailing Address

Current Occupant
1502 CASTLE ST
WILMINGTON, NC 28401

Notice of Violation for the following location:

Address	Parcel
1502 CASTLE ST WILMINGTON, NC 28401	R05406-040-007-000

On January 20, 2026, the zoning office received a permit for a change of use for Azalea Station (1502 Castle Street). On February 6, 2026, an inspection was conducted at Azalea Station, located at 1502 Castle Street, to verify compliance of the approved zoning use of the property. City records indicate the property has received zoning compliance approval for an office use.

During the inspection, it was observed that office space is located in the front portion of the structure, towards the Castle Street frontage, and on the mezzanine level of the rear portion of the structure. The ground floor office space on the Castle Street side of the structure and the ground floor open area in the rear of the structure are accessed through separate external entrances and an internal wall and door separates the ground floor offices and the open area where the bar and lounge are located. The office space on the mezzanine level of the rear portion of structure can only be accessed through the ground floor office space area. While office space is present on the mezzanine level, the configuration and operation of the rear portion of the building was observed to be consistent with an event space or nightclub.

The primary area of the rear portion of the structure contains a bar setup and open assembly space designed to accommodate gatherings and events. The layout, intensity of use, and operational characteristics of the space indicates that the principal use of the rear portion of the structure is assembly-oriented rather than office-based and functions as a bar/nightclub. The rear portion of the building is operated as a separate business, independent of the office space located in the front portion of the building, and the hours of operation extend beyond normal business/office hours (8am-5pm). The event space/nightclub is not limited to an amenity for the co-working office space and operates as a private business that is open to the public.

An event venue or nightclub is not permitted under the current zoning compliance approval for the approved office use at this location. The operation of such use constitutes a change of use without required zoning authorization and is in violation of the City's Land Development Code.

Find the use table attached to the notice of violation. In the UMX district, Assembly is blank meaning it is prohibited.

<p>Violation: 18-126 (C) - Assembly - Entertainment and trade Section 18-126: Assembly C. Entertainment and trade 1. Primary vehicular access to the use shall be provided by way of a collector or higher designation street, not a local street. 2. The minimum lot area shall be 30,000 square feet. 3. When adjacent to residential zoning, a 20-foot-wide vegetative transitional buffer shall be required. 4. Any outdoor facilities shall be subject to the accessory use standards.</p>
<p>Corrective Action: Meet requirements for Entertainment or trade Assembly</p>
<p>Compliance Date: 04/02/2026</p>

<p>Violation: 18-161 - Nightclub Section 18-161: Nightclub A. The gross floor area of the use shall not exceed 2,000 square feet. B. Outdoor amplified sound shall be prohibited within 1,000 feet of a residential district. C. Outdoor seating shall be subject to the accessory use standards.</p>
<p>Corrective Action: Meet requirements for nightclub</p>



**Zoning Violation
Planning & Development
Zoning Division**

Case Number: ZEGV-013967-2026
Case Type: ZE - General Violations
Date of Inspection: 01/20/2026
Date of Next Inspection: 04/03/2026

Compliance Date: 04/02/2026

Violation: 18-19 (C) - Uses - Explanation of Table Abbreviations

Section 18-19: Uses

C. Explanation of Table Abbreviations

1. Uses permitted by right

A "P" in a cell indicates the use is permitted by right in the district. Permitted uses are subject to all other applicable standards of this chapter.

2. Uses permitted by prescribed conditions

A "C" in a cell indicates the use is allowed only if it complies with applicable standards of this chapter, including use-specific standards in Article 3.

3. Uses permitted by special use permit

An "S" in a cell indicates the use is allowed only if reviewed and approved as a special use in accordance with the procedures of Section 18-589: Special use permits. Special uses are subject to all other applicable standards of this code, including Article 3.

4. Prohibited Uses

A blank cell indicates that the use is prohibited in the district.

Corrective Action: Meet requirements of the explanation of uses

Compliance Date: 04/02/2026

Please see the following page(s) for relevant code sections to apply when taking the necessary corrective action(s). Corrective actions must be completed no later than **April 02, 2026**. Land Development Code Section 18-648 sets forth a civil penalty citation of one hundred dollars (\$100.00) for the initial violation and two hundred dollars (\$200.00) for each subsequent continuing violation. Every day the violation persists constitutes a separate offense. Should there be any circumstances that prevent you from complying within the above noted time frame, please call **Shelbee Barbee, Zoning Officer** as soon as possible to discuss the matter at **(910) 341-4695**.

You may appeal this determination to the Board of Adjustment pursuant to NCGS §160D-705 and Land Development Code Section 18-615 within thirty (30) days from the date of this letter. Please contact the Department of Planning and Development to inquire about the appeals process by calling (910) 254-0900, or by emailing Zoning@wilmingtonnc.gov

I, the undersigned, certify that a copy of this Notice of Violation was issued by first-class mail and certified on or about the date below to the owners and parties in interest.

Sincerely,

Shelbee Barbee
Zoning Officer
(910) 341-4695
Shelbee.barbee@wilmingtonnc.gov

City of Wilmington Zoning Division
PO Box 1810, 929 N Front St.
Wilmington, NC 28402
(910) 254-0900
www.wilmingtonnc.gov
Dial 711 TTY

I. Universal use table

Table 18-19.2: Universal use table, lists all uses permitted in each zoning district within the city. In the event of a conflict between the use tables within each of the zoning district groups and Table 18-19.2, Table 18-19.2 shall prevail.

Table 18-19.2: Universal use table												
Key: P = Permitted, C = Permitted with conditions, CZ = Permitted with conditional zoning required, S = Special use permit required, Blank = Prohibited												
Principal use	Additional standards	R-15	R-10	R-7	R-5	R-3	MD-10	MD-17	MH	UMX	RO	CBD
Civic and Institutional												
Assembly	Section 18-126											
Civic club or lodge, private										P		P
Community center												
Building footprint up to 5,000 sq. ft.		CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	C		P
Building footprint greater than 5,000 sq. ft.							CZ	CZ		C		P
With outdoor facilities		CZ	CZ	CZ	CZ	CZ	CZ	CZ	CZ	C		P
Entertainment and trade event centers										C		P
Religious		C	C	C	C	C	C	C	C	C		P
Chemical dependency treatment facility										P		
Community garden	Section 18-134	C	C	C	C	C	C	C	C	C	C	C
Correctional facility	Section 18-137											
Daycare, adult or child	Section 18-138	C	C	C	C	C	C	C		C		C
Domestic violence shelter	Section 18-139	C	C	C	C	C	C	C		P	P	P
Dormitory, fraternity, or sorority house	Section 18-140						CZ	CZ		CZ		C
Food bank										C		P
Government facilities excluding of rights-of-way	Section 18-148	C	C	C	C	C	C	C	C	P		P
Hospital	Section 18-153											