

**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: 3/4/2026

Staff: Linda Painter

**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.)

See attached Memo in Support.

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 2722 Shandy Lane, Wilmington, NC 28409

Tax Parcel Number of the subject property R06212-002-014-000

ATTACH TAX PARCEL AND OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES.

**APPLICANT INFORMATION**

Applicant Name: Stephen D. Coggins

Applicant Address: P.O. Box 1409, Wilmington, NC 28402

Applicant Phone #: [REDACTED]

Applicant Email: [REDACTED]

**OWNER INFORMATION**

Owner Name: Walter and Francisca Lentfert

Owner Address: 2722 Shandy Lane, Wilmington, NC 28409

Owner Phone #: [REDACTED]

Owner Email: [REDACTED]

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

APPLICANT'S SIGNATURE: Walter J. Lentfert

Digitally signed by Walter J. Lentfert  
Date: 2026.03.31 19:53:10 -0400'

DATE: 3/31/2026



NEW HANOVER COUNTY NORTH CAROLINA  
 I, MARK A. STOCKS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION:  
 DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT, THAT THIS PLAT WAS DRAWN  
 FROM A COMPILATION OF VARIOUS SURVEYS AND DEEDS AS SHOWN AND AN  
 ACTUAL GROUND SURVEY WAS NOT PERFORMED. WITNESS MY ORIGINAL SIGNATURE,  
 REGISTRATION NUMBER AND SEAL THIS 14th DAY OF JULY A.D., 1998.



*Mark A. Stocks*  
 MARK A. STOCKS  
 N.C. REGISTRATION NO. L-3658

I CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.

*Mark A. Stocks*  
 MARK A. STOCKS

**65**

**SURVEY REFERENCE**

DEED BOOK 960 PAGE 784 "MAP OF SURVEY FOR  
 R.C. FOWLER PROPERTIES, INC. JANUARY 25, 1973  
 AS PREPARED BY JACK G. STOCKS, LAND SURVEYOR"

NOTE: THIS MAP REPRESENTS AN EXISTING  
 STREET RIGHT-OF-WAY THAT IS SHOWN AS  
 AN ATTACHED EXHIBIT RECORDED IN  
 DEED BOOK 960 PAGE 784

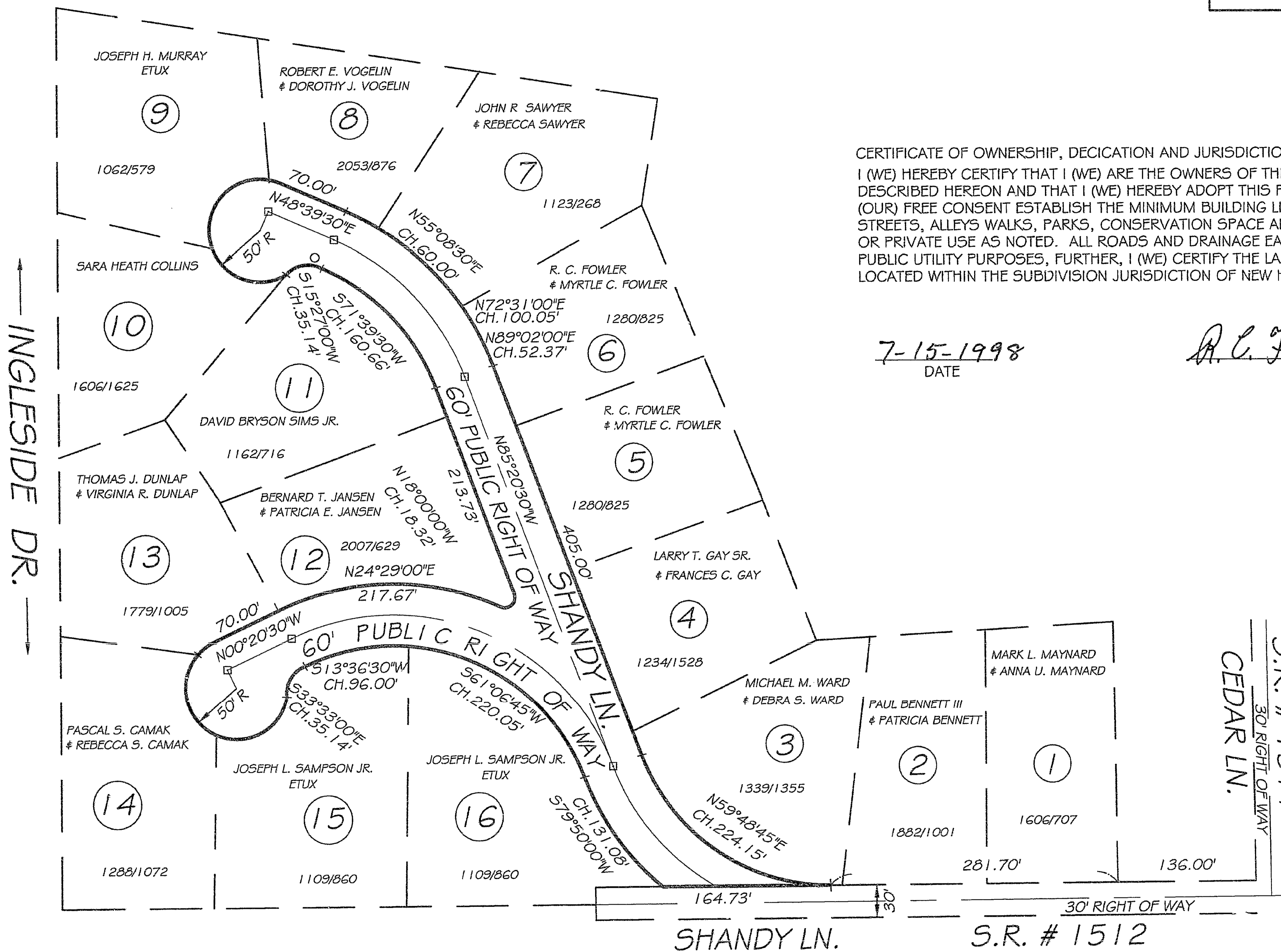
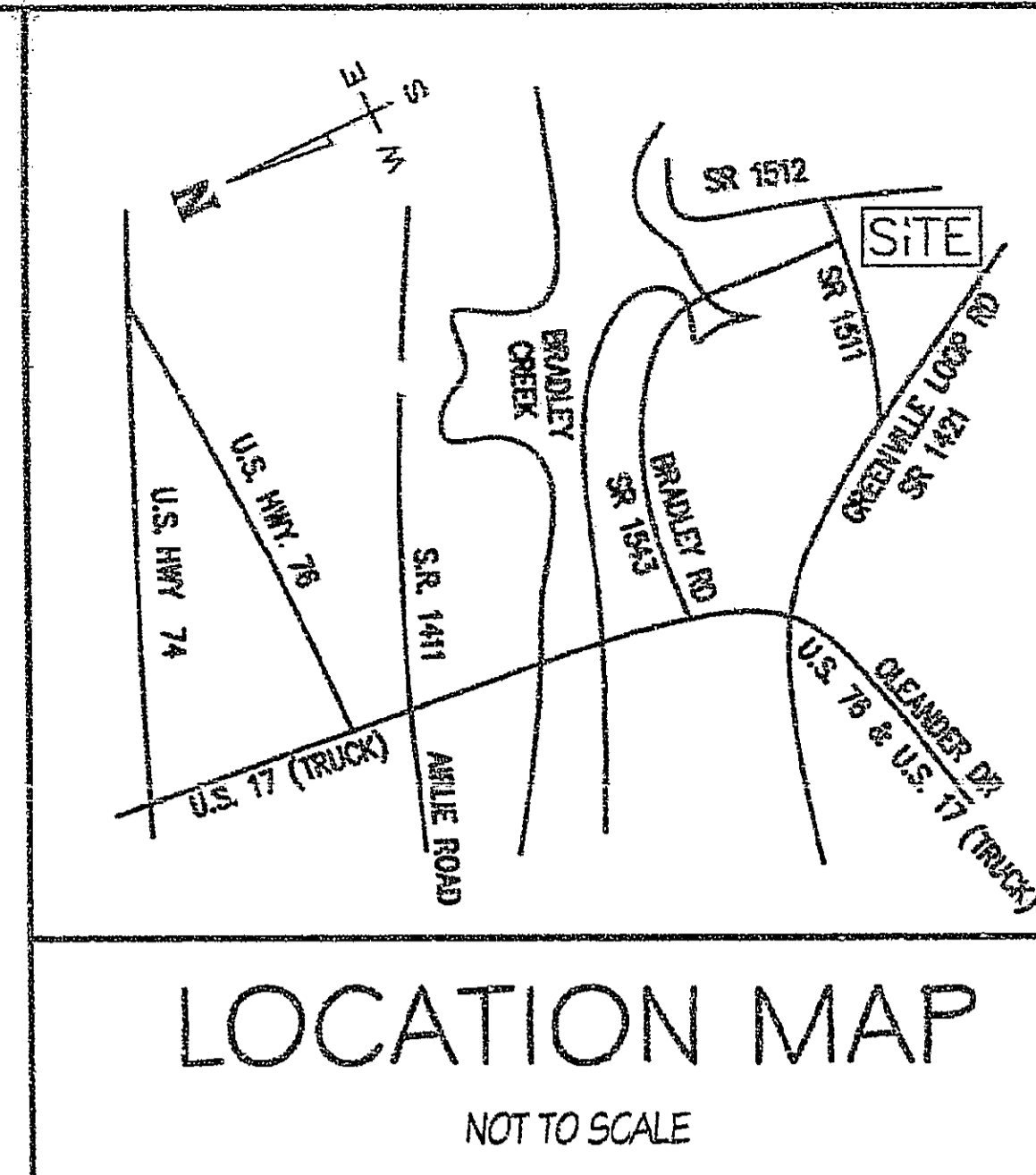
000156

NEW HANOVER COUNTY NORTH CAROLINA

FILED FOR REGISTRATION ON THE 15 DAY OF JULY 1998,  
 AT 2:53 AM PM AND DULY RECORDED IN MAP BOOK 38 AT PAGE 65.

98 JUL 15 PM 2 53  
 RECORDED & VERIFIED  
 MARY SUE OOTS  
 REGISTER OF DEEDS  
 NEW HANOVER CO. NC

MARY SUE OOTS  
 REGISTER OF DEEDS  
 BY *Mavis Ambrose*  
 Deputy



CERTIFICATE OF OWNERSHIP, DECATION AND JURISDICTION:  
 I (WE) HEREBY CERTIFY THAT I (WE) ARE THE OWNERS OF THE PROPERTY SHOWN AND  
 DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY  
 (OUR) FREE CONSENT ESTABLISH THE MINIMUM BUILDING LINES AND DEDICATION OF ALL  
 STREETS, ALLEYS WALKS, PARKS, CONSERVATION SPACE AND OTHER AREAS TO PUBLIC  
 OR PRIVATE USE AS NOTED. ALL ROADS AND DRAINAGE EASEMENTS ARE DEDICATED FOR  
 PUBLIC UTILITY PURPOSES, FURTHER, I (WE) CERTIFY THE LAND AS SHOWN HEREON IS  
 LOCATED WITHIN THE SUBDIVISION JURISDICTION OF NEW HANOVER COUNTY.

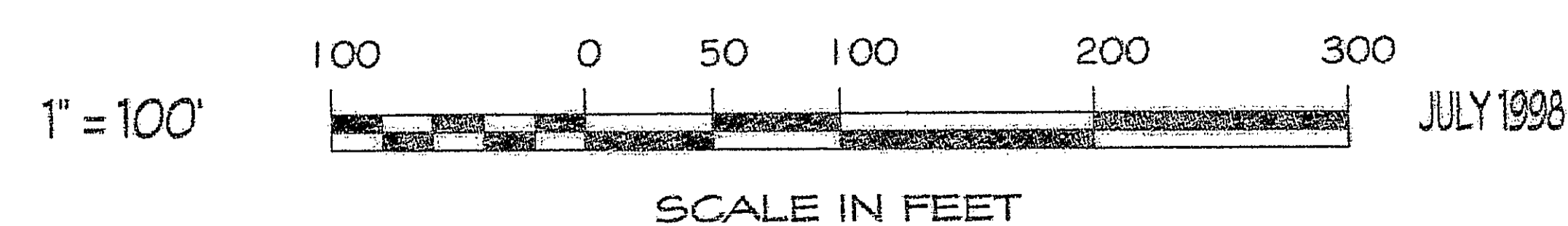
7-15-1998  
 DATE

*A. C. Fowler*  
 OWNER(S)

S.R. # 1511  
 30' RIGHT OF WAY  
 CEDAR LN.

- LEGEND**
- = EXIST. CONC. MONUMENT
  - = NEW IRON PIPE
  - = OLD IRON PIPE
  - ⊕ = CENTERLINE OF ROAD

HARNETT TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA



**STOCKS LAND SURVEYING, P.C.**  
 LAND SURVEYING AND PLANNING

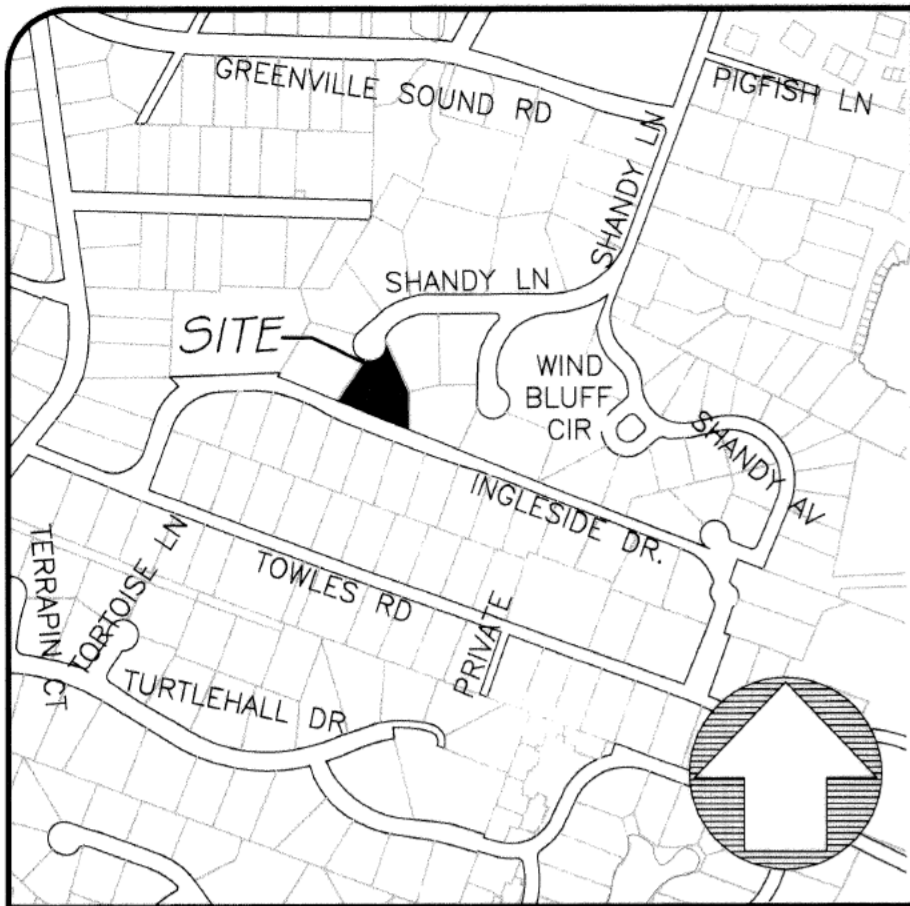
211 N. FIFTH AVENUE  
 WILMINGTON, N.C. 28401

PH (910) 763-8124  
 FAX (910) 762-5772  
 E-mail: stocks@wilmington.net

"MAP OF EXISTING STREET RIGHT OF WAY"  
**WINDSOR FOREST**

MAPBOOK 38 PAGE 65

RECORDED BY DEREK DANFORD



LOCATION MAP  
NOT TO SCALE

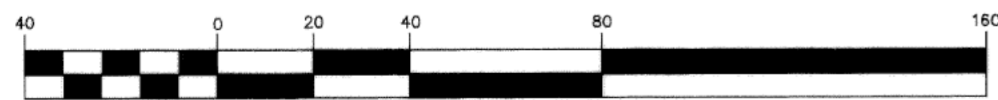
LEGEND

- ECM EXIST. CONC. MON. AND STONE
- EIP EXIST. IRON PIPE
- EIS EXIST. IRON STAKE
- IRS IRON ROD SET
- PL EXIST. PROPERTY LINE
- R/W EXIST. RIGHT-OF-WAY

NOTES:

1. References: Deed Book 1606, Page 1625  
Deed Book 2739, Page 411  
New Hanover County Registry
2. Horizontal ground distances shown hereon unless denoted otherwise, grid factor = 1.00004552
3. Area by coordinate computation.
4. The property shown hereon does not lie within a FEMA designated 100 year flood hazard zone area.
5. Date of survey: December 6, 2010.

GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

"I, BENJAMIN C. BROWN, PLS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEEDS AS REFERENCED HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS INDICATED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 8<sup>th</sup> DAY OF DECEMBER, A.D., 2010.

I FURTHER CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING

PHONE (910) 341-5898

STATE OF NORTH CAROLINA  
NEW HANOVER COUNTY

FILED FOR REGISTRATION OF THE 22 DAY OF Dec 2010 AT 10:01 AM/PM AND DULY RECORDED IN MAP BOOK 55 AT PAGE 276 #2010036864

DRAWN BY: \_\_\_\_\_  
REGISTER OF DEEDS Jennifer H. MacNeish  
BY: Jacqueline E. Moore, Deputy

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, John W. Fullerton, REVIEW OFFICER OF NEW HANOVER COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: 12-22-10 REVIEW OFFICER: John W. Fullerton

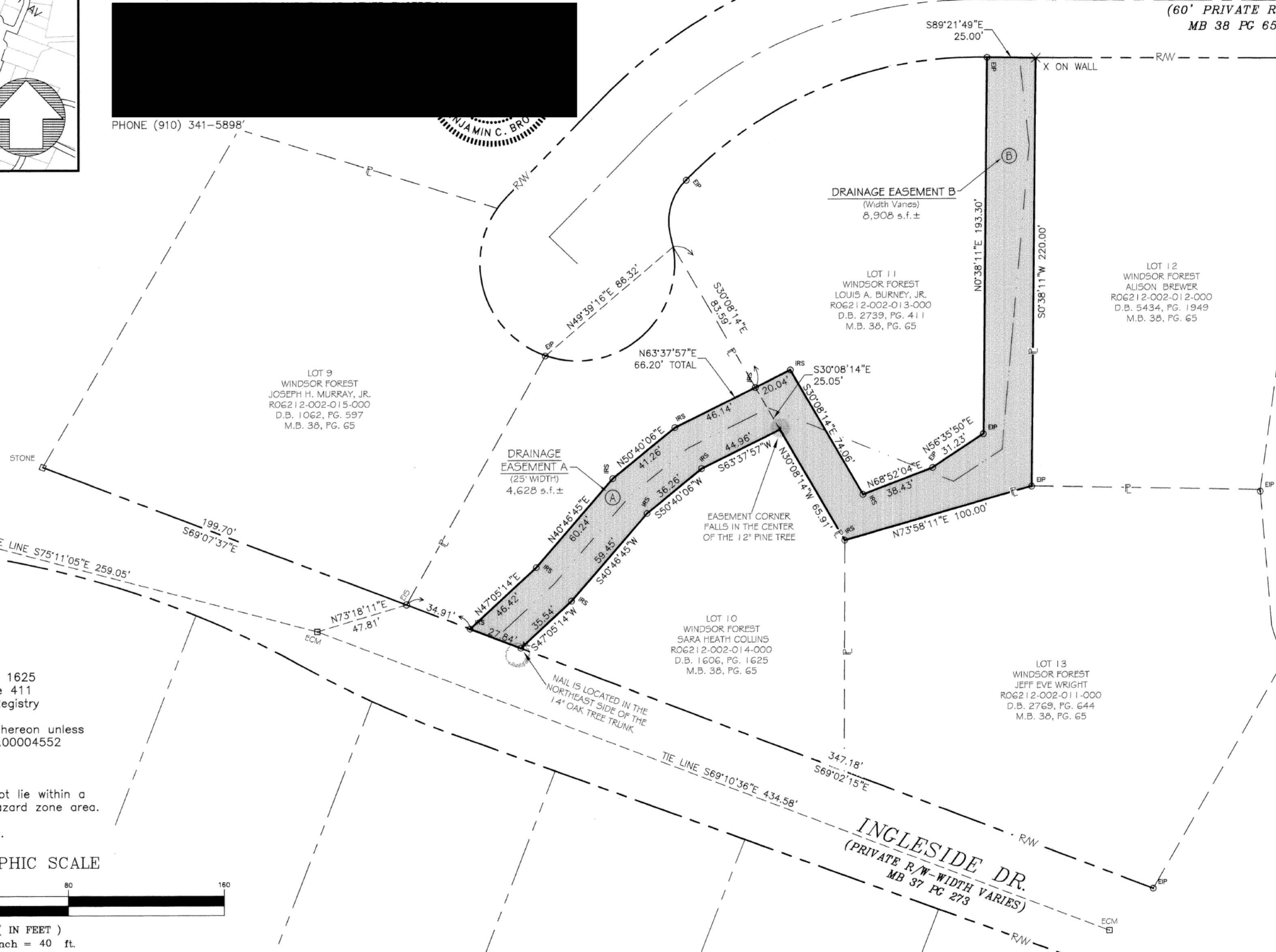
MAP NOT SUBJECT TO CITY OF WILMINGTON SUBDIVISION ORDINANCE

DATE PROJECT MANAGER



BENJAMIN C. BROWN

SHANDY LANE  
(60' PRIVATE R/W)  
MB 38 PG 65



City Surveying • Engineering Division • Public Services  
P.O. Box 1810 • 414 Chestnut Street • Wilmington, NC 28401 • (910) 341-7807

DESIGNED	
DRAWN	TCR
CHECKED	BCB
PROJ. ENGR.	

PATH  
N:\PROJECT FILES\STORM SEWER-SHANDY LANE-2009  
FILE NAME SHANDY LANE EASEMENT FINAL.dwg

CITY OF WILMINGTON DRAINAGE EASEMENTS  
CROSSING PROPERTIES OWNED BY:  
SARA H. COLLINS & LOUIS A. BURNEY, JR.  
CITY OF WILMINGTON WILMINGTON TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA

SCALE  
1" = 40'  
SHEET  
1 of 1



2010036864

SFOR REGISTRATION REGISTER OF DEED:  
JENNIFER H. MACNEISH  
NEW HANOVER COUNTY, NC  
2010 DEC 22 10:26:55 AM  
BK:55 PG:276-277 FEE:\$21.00

MAP INDEX

INSTRUMENT # 2010036864

City of Wilmington Drainage Easements  
Crossing Properties Owned By!  
Sara Collins & Louis A Burrey Jr

Name Of Map

City of Wilmington

Owner's Name

Type Of Map:

- Subdivision Plat
- Condo Plat
- Highway Map

Book:

55

Page(s):

276

Number Of Pages:

1

Recorded By:

Jaqueline E. Moore  
Deputy / Assistant



JENNIFER H. MACNEISH  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

\*\*\*\*\*

**Filed For Registration:** 12/22/2010 10:26:55 AM

**Book:** PLAT 55 **Page:** 276-277

**Document No.:** 2010036864

**2 PGS \$21.00**

**Recorder:** JOHNSON, CAROLYN

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

**\*2010036864\***

2010036864



April 1, 2026

**MEMORANDUM IN SUPPORT OF VARIANCE REQUEST**

To: Board of Adjustment, City of Wilmington NC

Fr: Stephen D. Coggins, Esq of Rountree Losee, LLP, (“Applicant”)  
Authorized Agent for Owners, Walter and Francisca Lentfert  
 (“Owners”)

Subject: 2722 Shandy Lane, Wilmington, NC 28409;  
Tax ID # R06212-002-014-000  
See DB 5811, Page 947 of the New Hanover County Registry, recorded  
April 30, 2014, conveying the Subject to the Owner; (collectively,  
“Subject”); Map Book 38, Page 65 and Map Book 55, Page 276

Re: Application for Variance From Land Development Code (“LDC” or  
“Code”) Minimum Setback Requirements In **Section 18-199** That  
Permits the Owner To Construct an Accessory Building Attached as  
**Exhibit 1**

**I. INTRODUCTION – WHY VARIANCE IS NEEDED**

The Subject is a “through lot” with “primary frontage” on Shandy Lane and “secondary frontage” on Ingleside Drive. The Owners of the Subject request a variance from the accessory building minimum setback requirements set forth in **Table 18-199 of Section 18-199** of the LDC in order to construct a garage (the “Garage”) on the Subject. As proposed in **Exhibit 1**, the Garage would be located slightly in front of the principal structure and slightly closer to a side street than the principal structure.

The proposed Garage as shown on **Exhibit 1** was previously the subject of a variance application considered by the Board of Adjustment in May 2016. At that time, the Owners sought relief from former Section 18-249 of the Land Development Code, which strictly required that accessory structures be located only to the side or rear of the principal structure and prohibited such structures from extending closer to the front of the lot than the forwardmost projection of the principal dwelling. The Board denied the 2016 variance request, concluding that strict application of LDC Section 18-249 did not rise to the level of unnecessary hardship because, under the

prior Code, the applicant retained theoretical ability to construct a conforming garage closer to the rear towards Ingleside Drive.

Since that time, however, the City has amended the Land Development Code so that it is no longer possible to conform to the LDC even if the Garage is moved closer to Ingleside Drive. Here is how: The new accessory building setback provisions no longer require accessory structures to be located strictly to the side or rear of the principal building. Nor do they impose the former “forwardmost projection” limitation. Instead, the current Code requires that accessory buildings comply with the minimum setback requirements listed in Table 18-199, pictured below.

Table 18-199: Dimensional standards for accessory buildings accessory buildings and structures	
Building/structure placement	
Minimum setbacks	
Front	Shall not be in front of principal building
Side street	Shall not be closer to a side street than the principal building
Side interior	5 feet
Rear	5 feet

Those changes materially alter the regulatory framework that governed the Board’s 2016 decision. For double-frontage lots such as the Subject, where the rear lot line is deemed to abut a side street, the revised standards, together with the existing drainage easement, effectively eliminate any feasible location for a compliant accessory structure. As a result, the Owners cannot construct a compliant accessory building on the Subject Property absent a variance from the Table 18-199 minimum setback requirements.

**II. VARIANCE NEEDED FROM CERTAIN LDC REQUIREMENTS IMPOSING MINIMUM SETBACK REQUIREMENTS REHARDING THE PLACEMENT OF ACCESSORY BUILDINGS**

**A. LDC ACCESSORY BUILDING “MINIMUM SETBACK” REQUIREMENT**

**Table 18-199** of LDC **Section 18-199** requires that an accessory building “not be in front of the principal building” and not be “closer to a side street than the principal building.”[Note: **Section 18-665** provides that where a standard includes a separation or distance requirement between buildings or structures, “the horizontal distance between the two closest portions of each building’s (or structure’s) exterior walls shall be used.”]

**LDC Section 18-692** defines a “principal building” as a building containing the principal use of a lot. **LDC Section 18-687** defines an “accessory structure” as:

“structures which are located on the same parcel of property as the principal building and the use of which is incidental to the use of the principal building. Garages, carports and storage sheds are common urban accessory structures.”

Here, the principal building is a single-family dwelling (the “Dwelling”), and the accessory structure for which the Owners seek a variance is the proposed Garage. The Dwelling’s foremost projection sits approximately 106 feet north-northwest of Shandy Lane, and its rearmost projection sits approximately 39 feet south-southwest of Ingleside Drive. A drainage easement (the “Easement”) bisects the Subject, running from the southwest portion of the Property to the northeast portion.

When these standards are applied to the Subject and the proposed Garage, as depicted in Exhibit 1, it is clear that the available buildable space is extremely narrow and is further constrained by the City of Wilmington’s drainage easement—so much so that building the Garage is not legally feasible in the absence of a variance.

## B. OVERVIEW OF PROPOSED VARIANCE

The Owners propose the site plan attached as Exhibit 1, which contemplates a limited variance to permit construction of the Garage accessory building that would be situated slightly in front of the principal structure and slightly closer to Ingleside Drive than the principal building. The proposed location otherwise complies with all other applicable LDC and zoning regulations and does not interfere with the Easement.

## III. BACKGROUND FACTS RELEVANT TO VARIANCE CRITERIA

### A. THE SUBJECT PROPERTY

#### 1. Description Of Subject and Its Surrounding Area

The Subject is an irregular-shaped lot located on the south side of the circular cul de sac at the end of Shandy Lane and north of Ingleside Drive. [See plat recorded at Map Book 38, Page 65 (attached as **Exhibit 2**), recorded on July 15<sup>th</sup>, 1998]. It is further encumbered by a twenty-five-foot drainage easement running across the middle of the parcel. [See plat recorded in Map Book 55, Page 276 and attached as **Exhibit 3**]. Zoned R-15 Residential District, it contains a single-family residence. In total, its size is approximately 31,995 sf, i.e., about .73 acres.

Pursuant to **Section 18-622(D)(2)** of the LDC, the Subject is a “through lot,” or “double frontage lot,” because it has frontage on more than one street: Shandy Lane and Ingleside Drive. As recognized during the 2016 proceedings, these conditions are peculiar to the Subject and significantly constrain the available buildable area for accessory structures.

The applicable zoning setbacks are thirty (30) feet in the front, twenty-five (25) feet in the rear, and ten (10) feet on each side and are depicted on **Exhibit 1**.

#### **IV. ARGUMENT**

##### **THE VARIANCE APPLICATION MEETS THE CRITERIA SET FORTH IN LDC SEC. 18-591**

The foregoing facts establish that Applicant has established the following criteria set forth in LDC **Section 18-591** (P. 423)

##### **A. UNNECESSARY HARDSHIP WOULD RESULT FROM THE STRICT APPLICATION OF THE ORDINANCE.**

Strict application of the current LDC **Section 18-199 Table** would create an unnecessary hardship by effectively precluding any reasonable location on the Subject for the construction of a detached garage. Due to the combined effect of (i) the Subject’s classification as a “through lot” with frontage on two streets, (ii) the requirement that accessory structures not be located in front of the principal structure or closer to a side street than the principal structure, (iii) applicable R-15 zoning setback requirements, and (iv) the presence of a twenty-five (25) foot drainage easement running through the middle of the parcel, there is no practical buildable area remaining for a conforming accessory structure.

Unlike the circumstances considered by the Board in 2016, where alternative compliant locations were deemed to exist, specifically towards the rear of the Property, the current LDC, as applied to this uniquely constrained parcel, eliminates those alternatives. As a result, strict enforcement of the ordinance would deprive the Owners of the ability to construct an accessory building that is otherwise permitted within the zoning district.

**B. 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)**

The hardship arises from unique physical and regulatory characteristics of the Subject Property that are not common to surrounding parcels. Specifically, the Subject is a “through lot” with dual street frontages, requiring setback treatment along both street-facing Property lines.

In addition, the parcel is encumbered by the City’s twenty-five (25) foot drainage easement that bisects the Subject. Such significantly limits the available buildable area.

Further, the Subject is an irregular shaped lot with widely varying elevations and located on the circular cul de sac end of Shandy Lane. That, combined with front facade of the principal residence directed at an angle to the east instead of more directly toward the cul de sac, makes more complicated determining whether an accessory structure is “in front” of the principal building or “closer to the side street” than the principal building. For example, a proposed accessory structure may appear to be behind the residence when viewed from the cul de sac, but in fact may be located closer to the cul de sac than the portion of the principal residence located closest to the cul de sac.

**C. THE HARDSHIP DID NOT RESULT FROM ACTIONS TAKEN BY THE APPLICANTS OR THE PROPERTY OWNERS**

The hardship is not self-created. The Subject’s configuration as a through lot, the existence and location of the drainage easement, the placement of the principal residence so that it ‘fits’ in relationship to the significant elevation variations on the Subject and the applicable setback requirements are all conditions outside the Owners’ control.

The Owners have not undertaken any action that created or exacerbated these constraints. This variance request is instead a good-faith effort at reasonable use of the Subject in light of existing conditions and current regulatory requirements.

**D. 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.**

Granting the requested variance is consistent with the spirit and intent of the Land Development Code. The proposed accessory structure will remain subordinate to the principal dwelling, will be situated in the only feasible location given the Subject's constraints, and will not adversely affect public safety or the character of the surrounding neighborhood.

The variance will not undermine the purposes of the ordinance, but rather will allow for a reasonable and customary residential use that would otherwise be permitted but for the unique conditions affecting this parcel. Denial of the variance, by contrast, would impose an undue and disproportionate burden on the Applicant without advancing any corresponding public benefit.

Accordingly, granting the variance will achieve substantial justice while maintaining the integrity of the City's development standards.

**CONCLUSION**

Accordingly, the Board of Adjustment should grant relief from **Section 18-199 Table 18-199** of the LDC through granting a variance permitting the Owner to construct the Garage as shown on **Exhibit 1**.