



Board of Adjustment
June 18, 2026

VARIANCE

BADV-30-626

Grace Lamay, Planner I, (910) 341-0186

REQUEST

<i>Code Section(s)</i>	Land Development Code: Section 18-316: Fences, walls, and non-vegetative screens Section 18-615: Board of adjustment
Subject Property	306 Anderson Street
<i>Parcel ID</i>	R04817-008-005-000
<i>Zoning</i>	R-5, medium-density mixed residential
<i>Request</i>	Variance to City Code Section 18-325 to allow an existing fence to remain in place that exceeds maximum fence height.
<i>Owner</i>	Adam Stone 306 Anderson Street Wilmington, NC 28401

GENERAL INFORMATION

Subject Property Area	Approximately 2,214 square feet, or approximately .05 acres
Annexation Date	December 31, 1945
History if Applicable	N/A

ANALYSIS & RESEARCH

1. The subject property at 306 Anderson Street is located within the R-5, medium-density mixed residential district and contains a 1,485 square foot single family dwelling according to New Hanover County tax records.
2. The subject property is a corner lot, or double-frontage lot, with street frontage along both Anderson Street to the west and Grace Street to the south.
3. Pursuant to City Code Chapter 18, Land Development Code (LDC), Section 18-663, double-frontage lots require a front-yard setback along both street frontages.
4. City Code Section 18-325(A)(5)(a-b), allows fences in residential districts provided:
 - a. Within any side or rear yard, the maximum height for any fence shall be eight feet.
 - b. Within front yards, the height of fences, walls, and screens shall be limited to four feet.
5. On or about March 6, 2026, Staff received a complaint that the fence on the subject property was in violation of the City’s fence height standards, as set forth in LDC Section 18-325.
6. During a site visit on March 6, staff observed that a 6-foot-tall fence had been constructed in the front yard along both street frontages.
7. On March 10, 2026, the city issued a Notice of Violation (NOV) to notify the owner of the fence standards and corrective actions.

8. The applicant states the fence provides a private, safe, & secure outdoor space for their family and pets.
9. On April 8, 2026, the applicant submitted a request for a variance to City Code Section 18-325 to allow the existing fence to exceed the allowable height in a front yard by 2 feet.
10. This matter is set for hearing before the Board of Adjustment on June 18, 2026.

FINDINGS OF FACT

The Board of Adjustment, in granting a variance, shall find that the following four findings of fact required by North Carolina General Statutes §160D-705 and City Code Chapter 18, Land Development Code, Section 18-615 Board of adjustment have been met by the applicant:

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; and
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.

NEIGHBORHOOD CONTACT

City Notifications:	Board of Adjustment
Adjacent Letters	6/5/2026
Property Posted	6/5/2026
Advertisement Dates	6/12/2026

ATTACHMENTS

- 1.) Location and Zoning Map (2021)
- 2.) Application (received 4/8/2026)
- 3.) Notice of Violation and photos
- 4.) City Code Chapter 18, Land Development Code references:
 - a. Section 18-316 Fences, walls, and non-vegetative screens
 - b. Section 18-615 Board of adjustment



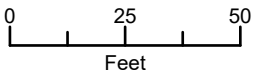
Site



Zoning



N



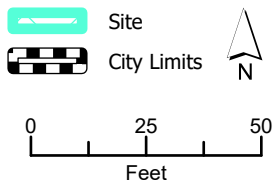
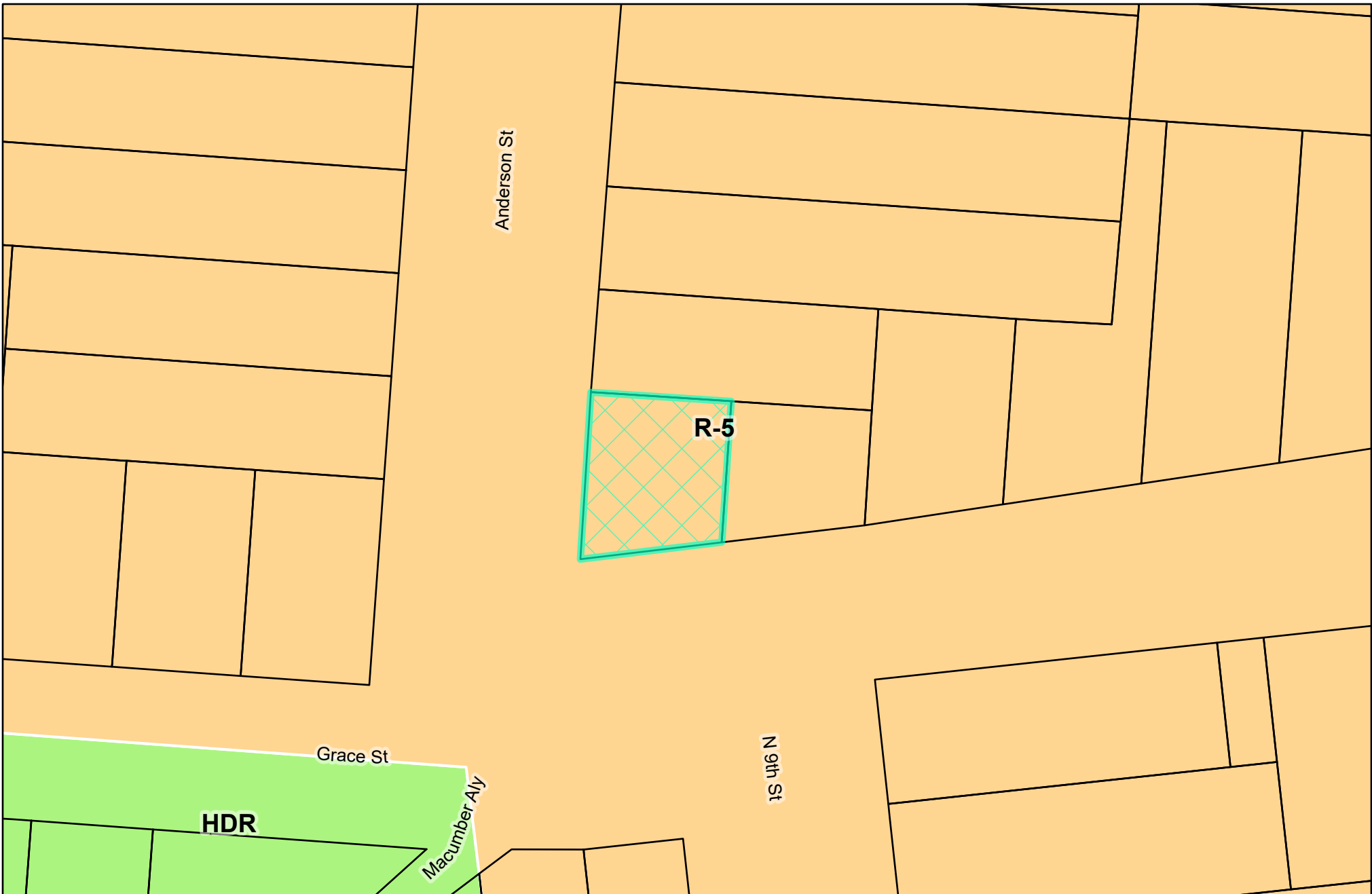
Board of Adjustment

BADV-30-626 — Aerial Map

306 Anderson St

6/5/2026





Board of Adjustment

BADV-30-626 — Zoning Map

306 Anderson St

6/5/2026



**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: **4/8/2026** Staff: **A. Bradshaw | G. 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.)

See Attached

**Received
4/8/26
-AWB**

Within residential zoning districts, the BOARD OF ADJUSTMENT is authorized to grant variances for fences in front yards to exceed four (4) feet in height, up to a maximum of six (6) feet in height when adjacent to a thoroughfare, as defined in the city's *Technical Standards and Specifications Manual*. The variance request application shall include information on the factors set forth below, other requirements of this section and chapter, and any other information pertinent to granting the variance.

In hearing the request for the height variance, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in this section and chapter, and the *Technical Standards and Specifications Manual*, and compliance with the following requirements:

- a. The fence, wall, or screen shall be setback a minimum of one-half (1/2) the distance of the required front yard setback for the district or fifteen (15) feet, whichever is greater;
- b. At least fifty (50) percent of the area of the fence, wall, or screen above four (4) feet shall be open along the entire length such that clear vision is possible from one side to the other; and
- c. Additional conditions may be specified to maintain safe access, ingress, and egress to and from the subject and surrounding properties.

ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property: 306 Anderson St. Wilmington, NC 28401

Tax Parcel Number of subject property: R04817-008-005-000

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

APPLICANT INFORMATION

Applicant Name: Adam Stone
Applicant Address: 306 Anderson st. Wilmington, NC 28401
Applicant Phone: [REDACTED]
Applicant Email: [REDACTED]

OWNER INFORMATION

Owner Name: Adam Stone
Owner Address: 306 Anderson st.
Owner Phone: [REDACTED]
Owner Email: [REDACTED]

ATTACH AGENT FORM IF THE APPLICANT IS NOT THE OWNER

DATE: 4/14/26

APPLICANT'S SIGNATURE: 

Subject: Request for Consideration Regarding Fence Citation – 306 Anderson St.

To Whom It May Concern,

My name is Adam Stone, and I am writing in regard to the citation I received for my property at 306 Anderson Street. I understand that a complaint has been made concerning the privacy fence on my property, and I now recognize that it may not be in compliance with current code requirements. I respectfully ask for consideration to allow me to retain the fence.

The fence is very important to me for several reasons. First and foremost, it provides privacy. I purchased this home with the intention of building a future here, including starting a family. Having a private and secure outdoor space is something I value greatly, and losing that would be a significant disappointment.

Additionally, about a year ago I adopted a previously neglected shelter dog. Due to her past, she is highly sensitive and reactive around other animals. One of my primary reasons for installing the fence was to ensure the safety of both my dog and others. While she is very gentle in the right environment, her trauma can make interactions with other dogs unpredictable, and the fence helps prevent any potential incidents.

The fence also provides a level of security for my personal property. I am currently in the process of starting a construction business, which requires me to store tools and equipment at home. Having a secure area to keep these items is essential for protecting my livelihood.

When speaking with the zoning department, it was acknowledged that my fence does not present any safety concerns, including issues related to traffic visibility, right-of-way, or visibility triangles. I have also observed similar fences in the surrounding area, which gives me hope that an exception or accommodation may be possible.

I take great pride in my home and in being a positive member of the Wilmington community. I work hard, maintain my property, and strive to be a respectful neighbor. I do not host disruptive gatherings, and I have not had any prior issues or complaints.

With all of this in mind, I respectfully ask for your consideration in allowing me to keep my fence. I truly appreciate your time and any consideration you can provide.

Sincerely,

Adam Stone



**Zoning Violation
Planning & Development
Zoning Division**

Case Number: ZEGV-013990-2026
Case Type: ZE - General Violations
Date of Inspection: 03/06/2026
Date of Next Inspection: 04/10/2026

Mailing Address

Current Occupant 306 ANDERSON ST WILMINGTON, NC 28401

Notice of Violation for the following location:

Address	Parcel
306 ANDERSON ST WILMINGTON, NC 28401	R04817-008-005-000

A gentlemen came in to our office complaining about the height of the fence at 306 Anderson Street. Jerry Hammond, our right of way Engineer also went out to inspect the property. After an investigation took place it is revealed that the fence is too tall for the corner lot. On a corner lot, it is considered to be double frontage and must be only 4 feet in height. There is a compliance deadline of 30 days and after a citation of \$100 for the first day and \$200 everyday after that will be issued if not compliant.

<p>Violation: 18-325 (A) - Fences walls & non-vegetative screens (A) Section 18-325: Fences, walls, and non-vegetative screens A. General standards 1. A fence, wall, or non-vegetative screen for the purposes of privacy or security may be installed in any yard if the following standards are met. a. The vision clearance requirements of Section 18-667: Vision clearance, are met. b. In nonresidential districts, no fence, wall, or screen shall exceed three feet in height in any yard adjacent to a street, unless the fencing above three feet in height is at least 50 percent transparent above three feet. c. The fence height standard of Section 18-669: Fence height standard is met. 2. A fence, wall, or screen shall not impede access by emergency services. 3. The structural framework of a fence, wall, or screen shall not be installed facing adjacent properties or rights-of-way. 4. Within historic districts and overlays: a. When fences are subject to design review, fence height shall be established by the historic preservation commission. b. If fences are not subject to design review in an overlay, fence height shall be subject to the standards of the applicable zoning district. 5. Within residential zoning districts, the following shall apply. a. Within any side or rear yard, the maximum height for any fence shall be eight feet. b. Within front yards, the height of fences, walls, and screens shall be limited to four feet.</p>
<p>Corrective Action: Meet general standards requirements for fences, walls, and non-vegetative screens</p>
<p>Compliance Date: 04/09/2026</p>

<p>Violation: 18-325 (D) - Fences wall & non-vegetative screens (D) Section 18-325: Fences, walls, and non-vegetative screens D. Exceptions 1. Height limits shall not apply to government facilities or utilities and public facilities. 2. Height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district. 3. A property owner may appeal to the board of adjustment for a variance to allow fence, wall, or screen height up to six feet within front yards adjacent to thoroughfares, as defined in this chapter. 4. The following shall be required for any fence, wall, or screen exceeding four feet in a front yard. These standards may not be waived by the board of adjustment. a. The fence, wall, or screen shall be set back a minimum of one-half the distance of the required front yard setback for the district or 15 feet, whichever is greater. b. At least 50 percent of the area of the fence, wall, or screen above a height of four feet shall be open along the entire length such that clear vision is possible from one side to the other. 5. In hearing the request for a height variance, the board of adjustment shall consider all technical evaluations, relevant factors, standards specified in this section, and applicable requirements in the Technical Standards and Specifications Manual.</p>
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**Zoning Violation
Planning & Development
Zoning Division**

Case Number: ZEGV-013990-2026
Case Type: ZE - General Violations
Date of Inspection: 03/06/2026
Date of Next Inspection: 04/10/2026

Corrective Action: Meet exception requirements regarding fences, walls, and non-vegetative screens
Compliance Date: 04/09/2026

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 09, 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



306

Grace St
900

Grace St
900

9050



Section 18-325: Fences, walls, and non-vegetative screens

A. General standards

1. A fence, wall, or non-vegetative screen for the purposes of privacy or security may be installed in any yard if the following standards are met.
 - a. The vision clearance requirements of Section 18-667: Vision clearance, are met.
 - b. In nonresidential districts, no fence, wall, or screen shall exceed three feet in height in any yard adjacent to a street, unless the fencing above three feet in height is at least 50 percent transparent above three feet.
 - c. The fence height standard of Section 18-669: Fence height standard is met.
2. A fence, wall, or screen shall not impede access by emergency services.
3. The structural framework of a fence, wall, or screen shall not be installed facing adjacent properties or rights-of-way.
4. Within historic districts and overlays:
 - a. When fences are subject to design review, fence height shall be established by the historic preservation commission.
 - b. If fences are not subject to design review in an overlay, fence height shall be subject to the standards of the applicable zoning district.

5. Within residential zoning districts, the following shall apply.
 - a. Within any side or rear yard, the maximum height for any fence shall be eight feet.
 - b. Within front yards, the height of fences, walls, and screens shall be limited to four feet.

B. Maintenance

1. All fences, walls, and screens shall be maintained in an upright, sturdy, and safe condition, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.
2. All fences, walls, and screens shall receive regular structural maintenance to prevent and address sagging and weathering of surfaces visible from the public right-of-way.
3. Any deteriorated, damaged, or decayed fence materials shall be repaired, and any fence or wall post or section that leans more than ten degrees from vertical shall be repaired to correct that condition.

C. Prohibited fence options and design

1. In all zoning districts, chain link, woven wire, and electric and barbed wire fences, walls, and screens shall be prohibited in front setbacks, except on bona fide agricultural uses, electric and gas substations, and government facilities.
2. Fences, walls, and screens of exposed concrete block, tires, junk, or other discarded materials shall be prohibited.

3. No open wire fence of a type that could inflict injury from casual contact, such as barbed wire or electric fencing, shall be permitted below a height of six feet. Such fences shall not be permitted within any residential district. Other types of open wire fencing (such as hurricane and chain link fencing) may be erected in any side or rear yard.

5. In hearing the request for a height variance, the board of adjustment shall consider all technical evaluations, relevant factors, standards specified in this section, and applicable requirements in the *Technical Standards and Specifications Manual*.

D. Exceptions

1. Height limits shall not apply to government facilities or utilities and public facilities.
2. Height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district.
3. A property owner may appeal to the board of adjustment for a variance to allow fence, wall, or screen height up to six feet within front yards adjacent to thoroughfares, as defined in this chapter.
4. The following shall be required for any fence, wall, or screen exceeding four feet in a front yard. These standards may not be waived by the board of adjustment.
 - a. The fence, wall, or screen shall be set back a minimum of one-half the distance of the required front yard setback for the district or 15 feet, whichever is greater.
 - b. At least 50 percent of the area of the fence, wall, or screen above a height of four feet shall be open along the entire length such that clear vision is possible from one side to the other.

Section 18-326: Landscaping for expansions to existing principal building or uses

- A. Required landscaping for expansions to existing principal buildings or uses is prescribed in Table 18-326: Required landscaping for expansions.
- B. Landscaping shall be upgraded in the previously developed portions of the site (up to the maximum landscaping requirements of this division).
- C. Construction of any new building, use, or parking on a site shall require compliance with the full landscaping requirements of this division for the newly developed portions of the site.
- D. For the purpose of this division, an increase of five percent or more in floor area or an increase of five or more parking spaces shall be considered an expansion.
- E. When subdivision of previously developed property occurs and a building permit for new construction is issued for any newly created lot within two years of the date of final subdivision plat approval, all lots of the original tract shall be subject to the provisions for expansions to existing structures or uses.

ARTICLE 7. DIVISION 3.

BOARDS, COMMISSIONS, AND COMMITTEES

Section 18-615: Board of adjustment

A. Establishment

The board of adjustment is established to fulfill the duties and powers prescribed by the city of Wilmington Code of Ordinances and by NCGS 160D-302.

B. Appointment and tenure

1. The board shall consist of five members and two alternate members, who shall be citizens and residents of the city, holding no other public office under the city government, and shall be appointed by the city council.
2. All members shall be appointed for staggered terms of three years, to serve in accordance with the city council policy on boards and commissions then in effect.
3. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.
4. All appointments to fill vacancies shall be for the unexpired period of the term.

C. Compensation

Members of the board shall serve without compensation and may be removed by the city council at any time.

D. Organization

1. The board shall hold meetings in accordance with its rules of procedure for the purpose of transacting its duties assigned in this chapter and shall maintain a public record of its actions.

2. Rules of procedure shall be adopted by the board for the conduct of its business and for the election of its officers. The city council shall approve the rules of procedure and any amendments prior to implementation.
3. All meetings held by the board shall be held in accordance with the North Carolina open meetings law.
4. The board shall keep minutes of its proceedings suitable for review in court showing:
 - a. The factual evidence presented to the board by all parties concerned;
 - b. The findings of fact and the reasons for the determinations by the board; and
 - c. The vote of each member, or if absent or failing to vote indicating such fact, all of which shall be public record and be filed with the secretary to the board.

E. Duties

1. The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation.
2. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the board and members who are disqualified from voting on the quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.