



1006 NORTH THIRD STREET  
WILMINGTON NORTH CAROLINA 28401  
910 228 3131

VARIANCE APPEAL

August 5, 2025

**CLIENT:**

Eagle's Dare  
420 N. 3rd Street  
Wilmington, NC 28401

**Attn:**

Board of Adjustment – Wilmington, North Carolina  
VARIANCE APPEAL to existing shipping container used as bar/storage on site

We would like to request variances to the following elements:

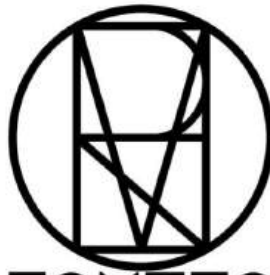
1. Setback – the current location is 45'-7" from the front property line which is what we think is best for the use of the business and not obstructive to traffic nor visually unappealing.
2. Fenestration – there is a service window on the bar side which is all we propose to have. The end of the container facing the street has doors which are not optimal for windows in terms of function or appearance.
3. Material – the metal of the container is currently painted, and we propose that metal is a suitable material for buildings, especially in the CBD.
4. Building height – the container is 8' tall which we would propose to maintain as is to not draw unneeded attention to it, furthermore, adding to the height would require cutting two large diameter existing trees.

**Four hardships and responses:**

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;
  - Due to the size and location of the container, it does not meet design standards, but we think the current design is better than attempting to meet the standards.
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;
  - If the container would be moved and/or altered in height, there are several existing trees around the property that would have to be trimmed.
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;
  - With the redesign of this property, we created a beer garden to activate the streetscape and the container being used as a bar fits best where it is currently located.
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 design, location and orientation are appropriate in scale to the existing building which was once a one-story gas station and is an improvement to the vitality of Third Street.

thank you,

Rob Romero



**ROMERO**  
ARCHITECTURE  
WWW.ROMEROARCHITECTURE.COM

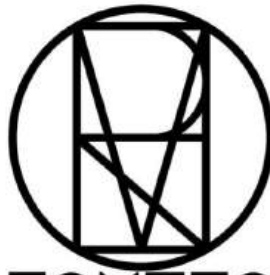
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VARIANCE APPEAL



EAGLE'S DARE

CURRENT AND  
PROPOSED CONTAINER  
LOCATION AND APPEARANCE



**ROMERO**  
ARCHITECTURE  
WWW.ROMEROARCHITECTURE.COM

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VARIANCE APPEAL



EAGLE'S DARE

ALTERNATE DESIGN  
WITH STRUCTURE  
BUILT AROUND  
SHIPPING CONTAINER

## AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Joseph Apkarian,  
does hereby appoint Rob Romero to act on my  
behalf for the purpose of making application to the Wilmington Board of Adjustment for a  
variance or for an appeal to the Board of Adjustment as described in the attached application.

The owner does hereby covenant and agree with the City of Wilmington that said  
person has the authority to do the following acts for and on behalf of the owner:

1. To submit a proper application and the required supplemental materials.
2. To appear at quasi-judicial hearings to give testimony and make commitments on  
behalf of the owner.
3. To accept conditions or recommendations of the Board of Adjustment regarding the  
owner's property.
4. To act on the owner's behalf without limitation regarding any and all things directly or  
indirectly connected with or arising out of any application  
for a variance from the City regulations or any appeal to the Board of Adjustment.

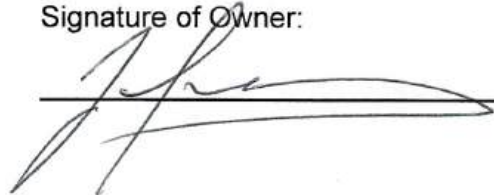
This appointment agreement shall continue in effect until final disposition of the  
application submitted in conjunction with this appointment.

5 Aug 25  
Date

Appointee's Name, Address & Telephone:

Rob Romero  
1006 N. 3rd St.  
Wilmington, NC 28401  
910. 228. 3137

Signature of Owner:





# RED CROSS

NORTH THIRD STREET

