

**BOARD OF ADJUSTMENT - AUGUST 18, 2026
COUNCIL CHAMBERS - 6:00 PM**

**Joe Terranova
Greg Caulder
Angela Jones
Jeffery McLean
Mitchell Prevatte**

**Walter Smith
Lisa Douglas
Lee-Pam Odom
Randy Hammonds
Ray Britt**

AGENDA

I. Call to Order

II. Minutes Approval

A. Board of Adjustment - Regular Meeting - DATE

III. Agenda Items

A. Nirav Modi, Venus SB JCE LLC Variance to Setbacks - 302 WINTERGREEN DR—
P-1 - ArTriel Kirchner, Planning & Neighborhood Services

IV. Adjournment

Lumberton Board of Adjustment

Item: II.A.

Lumberton, North Carolina



Request for Action

Meeting Date: August 18, 2026

Originated By:

Submission Date: 08/06/2026

Subject: Board of Adjustment - Regular Meeting - DATE

Summary/Background of Subject Matter:

Staff Recommendation:

City Manager's Comments:

Signature:

Department:

ATTACHMENTS:

None

**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR A VARIANCE**

TO: THE BOARD OF ADJUSTMENT OF THE CITY OF LUMBERTON

1. Applicant:

Owner (if different from Applicant):

Venus SB JCE LLC

VENUS HOSPITALITY JCE LLC

(Name)

(Name)

301 N Pine street

301 N Pine Street

(Address)

(Address)

Lumberton, NC, 28358

Lumberton, NC, 28358

City/State/Zip

City/State/Zip

773-691-5137

773-691-5137

(Telephone)

(Telephone)

2. Description of Property: intersection of Wintergreen dr & Corporate drive

302 WINTER GREEN DR, Lumberton, NC, 28358

02156

0225

(Address)

(Deed Book)

(Page)

Map Book: 51

Page: 32

239.31

~ 0.98 Acres - for variance

(Map Book)

(Page)

(Frontage)

(Area)

3. Tax Map Identification: Parcel Ref # 10030400402

Pin # 939385875102

(Township)

(Map)

(Block)

(Parcel)

4. Proposed Use of Property: Full service Restaurant with Sports Bar

5. Zoning District Designation of Property: Lumberton B5

6. Variance requested to requirement of Section 35-: 184

7. Purpose of Variance: Request to reduce set back at corporate drive from 60 ft to 30 ft

8. Development Site Plan: See Appendix A of Land Use Ordinance.

9. Notice of Hearing: All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.

10. Factors Required to Grant a Variance: When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following "factors". In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make so that the Board may conclude that the factors exist. (No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.):

a) Unnecessary hardship would result from the strict application of the ordinance:

Strict application of the 60 ft setback requirement along Corporate Drive creates an unnecessary hardship because it forces the building footprint to be repositioned in a way that renders the middle parcel unbuildable for future development. The building permit has already been approved based on the current proposed placement. Enforcing the full 60 ft setback would require a complete redesign of the approved building plan, delaying the project by 8 to 10 months and effectively eliminating the ability to develop a hotel on the adjacent middle parcel, which is a key component of the overall development plan for this property.

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

(Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.):

The proposed ground up construction of Buffalo Wild Wing Sports Bar requires highway visibility and close to hotels. If we are to move

the building per setback then that will reduce the usable land area and prevent us from future hotel development in the middle parcel

and delay the construction by another 8 to 10 months.

(Over)

File # _____ 1

c) The hardship did not result from actions taken by the applicant or the property owner:

The proposed structure has 60 ft setback on Wintergreen drive. The business is a Buffalo Wild Wings Sports bar.

The location where building sits is due to the shape of the lot and business requires easy access and visibility. The 60 ft setback on the corporate drive eliminates future use of the middle parcel.

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:

The land is located in one of the prime business vicinity in the city of Lumberton. The current variance will allow us future development of hotel and that will help us bring in more revenue for the city and create more jobs. Currently we have 30 ft set back instead of 60 ft set back.

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

Niran V. Modi

08/05/26

(Applicant Signature)

(Date)

Niran V. Modi

08/05/26

(Owner Signature)

(Date)

aak

8-5-2026

(Received By)

(Date)

City of



Lumberton

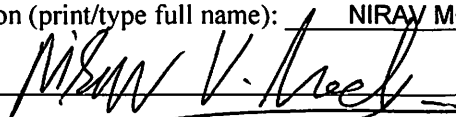
Planning & Neighborhood Services

Authorization to appear before City Council/Planning Board/Board of Adjustment on the behalf of the property owner(s).

Application File No.: 9.151 (INTERSECTION AT WINTERGREEN DR & CORPORATE DR)
302 WINTER GREEN DR,
Property address: Lumberton, NC, 28358 Parcel #: 10030400402

I, VENUS HOSPITALITY JCE LLC (property owner), give Dr./Mr./Ms.
NIRAV MODI the authority to appear before City
Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): NIRAV MODI

Signature:  (Authorized Person)

Authorized Actions: Appear before City Council/Planning Board/Board of Adjustment on property owner's behalf; Answer questions of the board(s) on property owner's behalf; Appear as the applicant.

1. The North Carolina State Bar has opined on more than one occasion, that non-lawyers representing someone else at a quasi-judicial hearing (such as variances and special use permits) constitutes the unauthorized practice of law (The City Attorney can provide copies of these opinions). Simply providing factual or expert testimony as a witness does not violate this rule.
2. If the applicant is not present and the representative does not have sufficient knowledge regarding the application to satisfy the Planning Board or Board of Adjustment, this may cause the request to be tabled or denied.

I, the undersigned, (owner of the above described property), do hereby acknowledge: (1) that I give authority to the authorized person listed above to appear before City Council/Planning Board/Board of Adjustment on my behalf, (2) that this authorization will not waive my rights as the property owner.

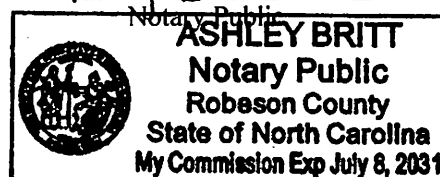
STATE OF North Carolina COUNTY OF Robeson

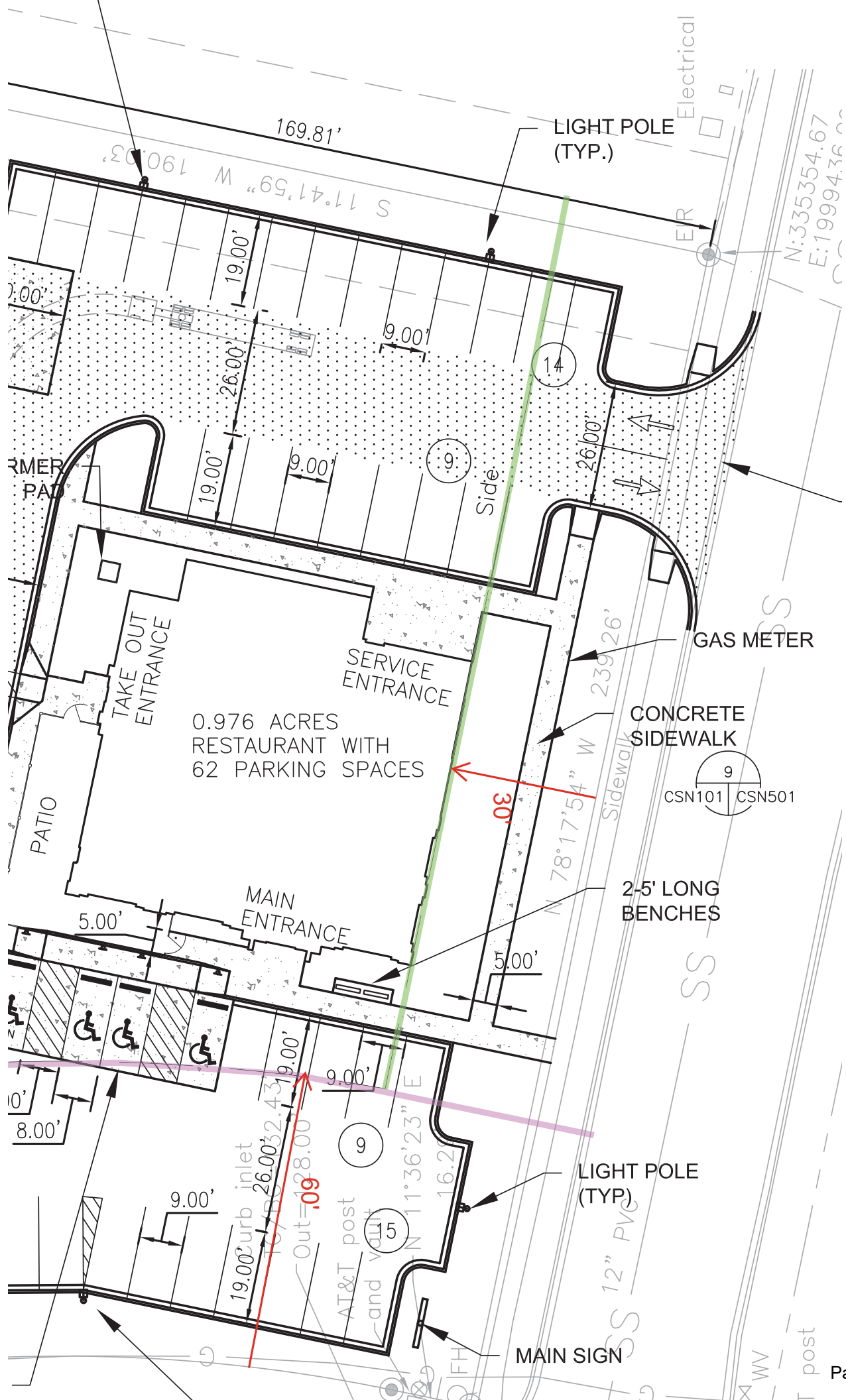
I, Ashley Britt, a Notary Public in and for said County and

State, do hereby certify that Nirav V Modi personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 5 day of August, 2026.

My Commission Expires: July 8, 2031







OWNER:

1. OWNER:
VENUS SB LLC
301 N. PINE STREET
LIMBERTON, NJ 08038
2. PARCEL ID. NO. = 6933-95-36-2455
3. SITE ZONING = B5
4. TOTAL SITE ACREAGE = 3.56 ACRES
0.46 ACRES (RESTAURANT)
2.584 ACRES (OUT PARCEL)
5. BUILDING SIZE: 4,800 SQ FT
6. PARKING:
1 SPACE/100 SQ FT FLOOR = 48 SPACES
1 SPACE/4 OUTDOOR SEATS = 13 SPACES
= 61 SPACE REQUIRED
SPACES PROVIDED = 48 SPACES
7. WATERED DISTRICT: N/A
8. IMPERVIOUS AREA
BUILDING: 4,800 SQ FT
PARKING: 30,362 SQ FT
TOTAL: 35,162 SQ FT
PLOT UPON: 82,714 SQ FT
10. SUBJECT PROPERTY IN IN DESIGNATED FLOOD ZONE "X" (AREAS DESIGNATED BEHIND FLOOD LINE 0.2% ANNUAL FLOOD FLOODPLAIN) FIRM PLAN #3710833800

NOTES AND QUESTIONS

- [illegible]



FOR AGENCY REVIEW



8UF

CIVIL SITE PLAN

JOB NUMBER:

25127P

10/10/20

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EMB

Checked by	
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WSC

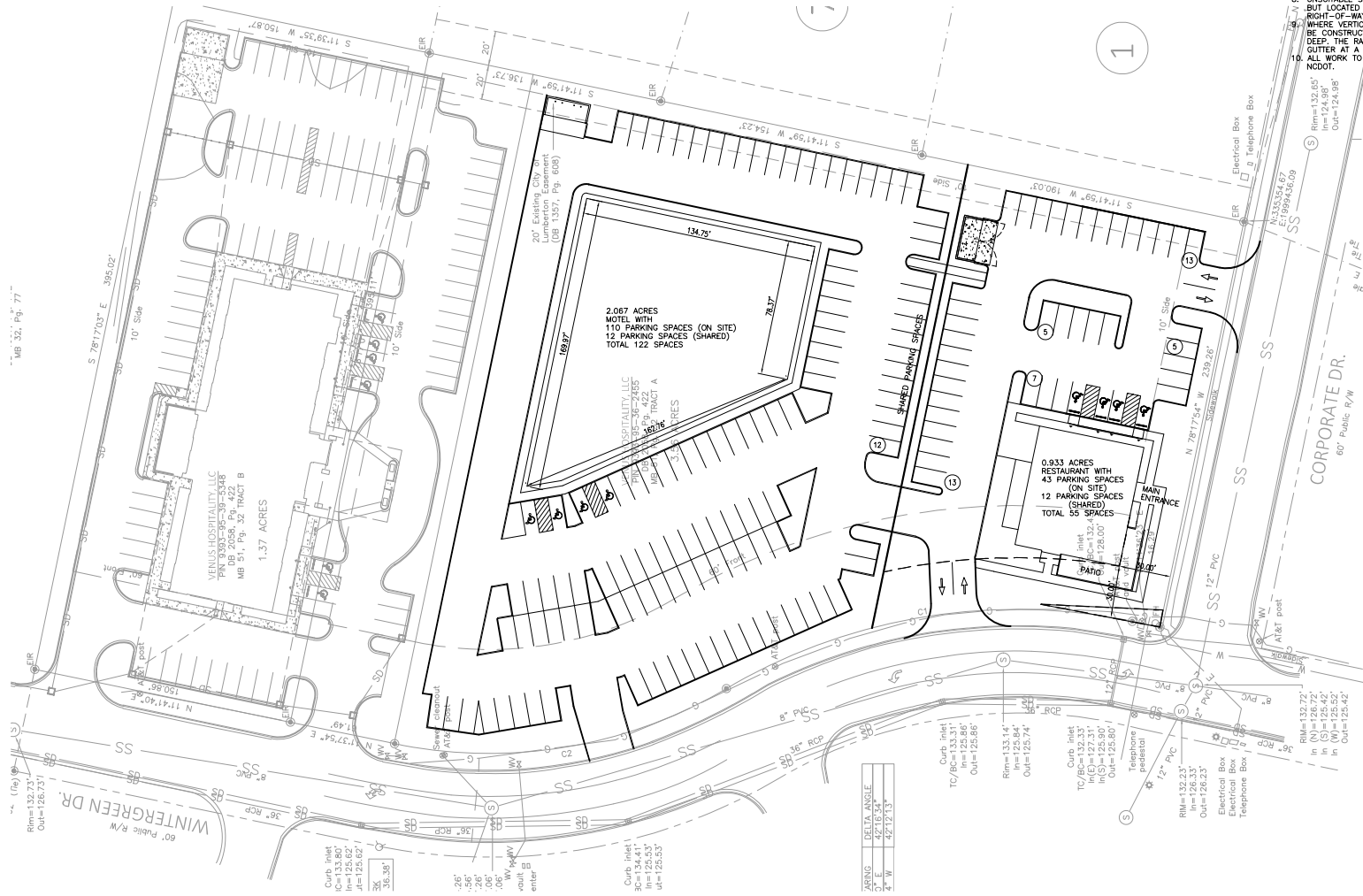
REVISIONS

A	B	C

10	100	100
10	100	100

[illegible]

CSN101

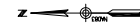


PROJECT DETAILS

- OWNER
- PARCEL I.D. NO. = 9393-95-39-5348
9393-95-36-2455
- SITE ZONING = BB
- TOTAL SITE ACREAGE = 4.93 ACRES.
- BUILDING SIZE: VARIES
- PARKING:
- WATERSHED DISTRICT: N/A
- IMPERVIOUS AREA
- BUILDING: SOFT
- PARKING: SOFT
- TOTAL: SOFT
- BUILT UPON: %
- SUBJECT PROPERTY IS IN DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) FIRM PANEL #3710939300J

NOTES THIS SHEET:

- THE OWNER SHALL SCHEDULE A PRE-CONSTRUCTION CONFERENCE WITH THE CITY OF LUMBERTON ENGINEERING DIVISION BEFORE ANY WORK BEGINS. THE OWNER SHALL NOTIFY THE CITY OF LUMBERTON ENGINEERING DIVISION AT LEAST 7 CALENDAR DAYS PRIOR TO COMMENCING ANY WORK ON THE SITE. FAILURE TO PROVIDE REQUIRED NOTICE SHALL RESULT IN THE OWNER'S RESPONSIBILITY TO UNCOVER ANY PRIOR BELOW-GRADE WORK FOR VISUAL INSPECTION BY THE ENGINEERING DIVISION.
- COORDINATE ALL CURB AND STREET GRADES IN INTERSECTION WITH INSPECTOR.
- ALL ROAD IMPROVEMENTS ARE TO BE COORDINATED WITH CITY OF LUMBERTON AND NCDOT ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.
- IN ROLLING AND HILLY TERRAINS, SWEEPING OF THE STONE BASE AND/OR APPLICATION OF A TACK COAT MAY BE REQUIRED NEAR INTERSECTIONS. THESE REQUIREMENTS SHALL BE ESTABLISHED BY THE INSPECTOR BASED ON FIELD CONDITIONS.
- APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED IN WRITING FROM PROPERTY OWNERS.
- IN ORDER TO ENSURE PROPER DRAINAGE, KEEP A MINIMUM OF 0.5% SLOPE ON THE CURB.
- POLE BASES AND ELECTRICAL DESIGN FOR PARKING LOT LIGHT POLES SHALL BE SUBMITTED PRIOR TO BEGINNING INSTALLATION.
- UNSATISFACTORY SUBBASE MATERIAL NOT IDENTIFIED BY THE SOIL TESTS, BUT LOCATED DURING CONSTRUCTION, MUST BE REMOVED FROM THE RIGHT-OF-WAY AND REPLACED WITH BACKFILL.
- WHERE VERTICAL CURB AND GUTTER EXIST, ALL DRIVEWAY RAMPS SHALL BE CONSTRUCTED OF PORTLAND CEMENT A MINIMUM OF 6-INCHES DEEP. THE RAMP MUST RISE 4-INCHES ABOVE THE FLOW LINE OF THE GUTTER AT A POINT NO CLOSER THAN 2- FEET FROM THE GUTTER.
- ALL WORK TO BE COMPLETED IN NCDOT R/W TO BE COORDINATED WITH NCDOT.



0 30' 60'



SITE PLAN
SCALE: 1"=30'



NOT FOR CONSTRUCTION

CLAYTON
ENGINEERING & DESIGN
1209 9TH AVE NE-PO BOX 2351
HICKORY, NC 28601

LUMBERTON, NORTH CAROLINA
RESTAURANT / HOTEL

CIVIL SITE PLAN

25127P
DWG BY: EMB
CHECKED BY: VSC

REVISIONS

NO.	DESCRIPTION	DATE

CSN101

City of *Lumberton*

Planning & Neighborhood Services

Request for Variance
9.151 Venus SB JCE LLC

PETITIONER(S):	OWNER(S):
Petitioner: Venus SB JCE LLC	VENUS HOSPITALITY JCE LLC
Variance: Nirav Modi, Venus SB JCE LLC Variance to Setbacks - 302 WINTERGREEN DR- P-1	

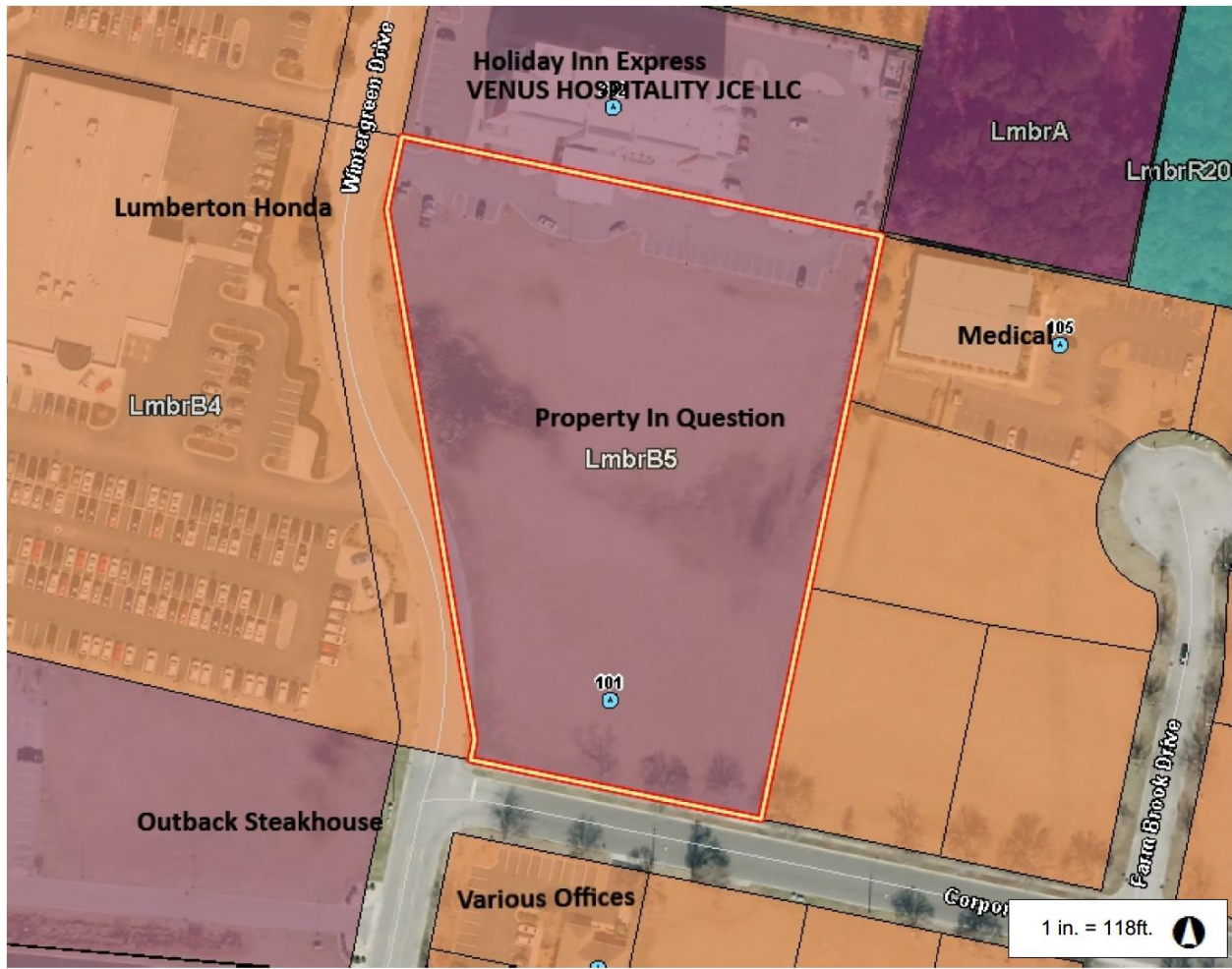
LOCATION: 302 WINTERGREEN DR – 10030400402



City of *Lumberton*

Planning & Neighborhood Services

Zoning: B-5, Business highway service



Planning & Neighborhood Services

PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area
VENUS HOSPITALITY JCE LLC	10030400402	B-5, business highway services	~ 0.98 Acres ~ 42,688.8square feet

ADJACENT PROPERTY SITE DATA

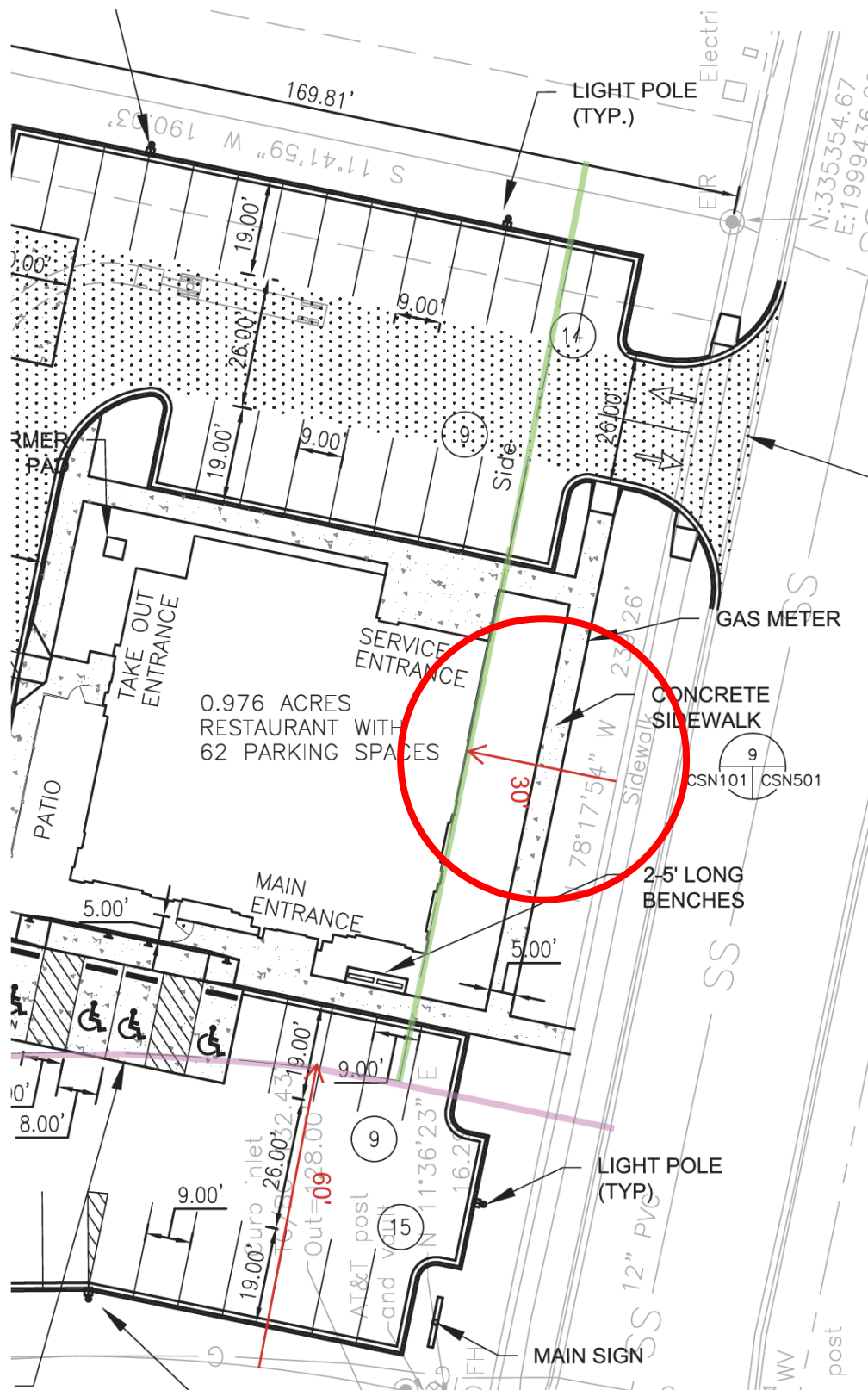
	Zoning	Land Use
Subject Property	B-5, business highway services	Restaurant (Buffalo Wild Wings) – 8.400
North	B-5, business highway services	Holiday Inn Express Hotel
South	B-4, business general commercial	Various offices
East	B-4, business general commercial	Medical offices/vacant
West	B-4, business general commercial	Lumberton Honda, auto sales

STAFF ANALYSIS

PROJECT OVERVIEW

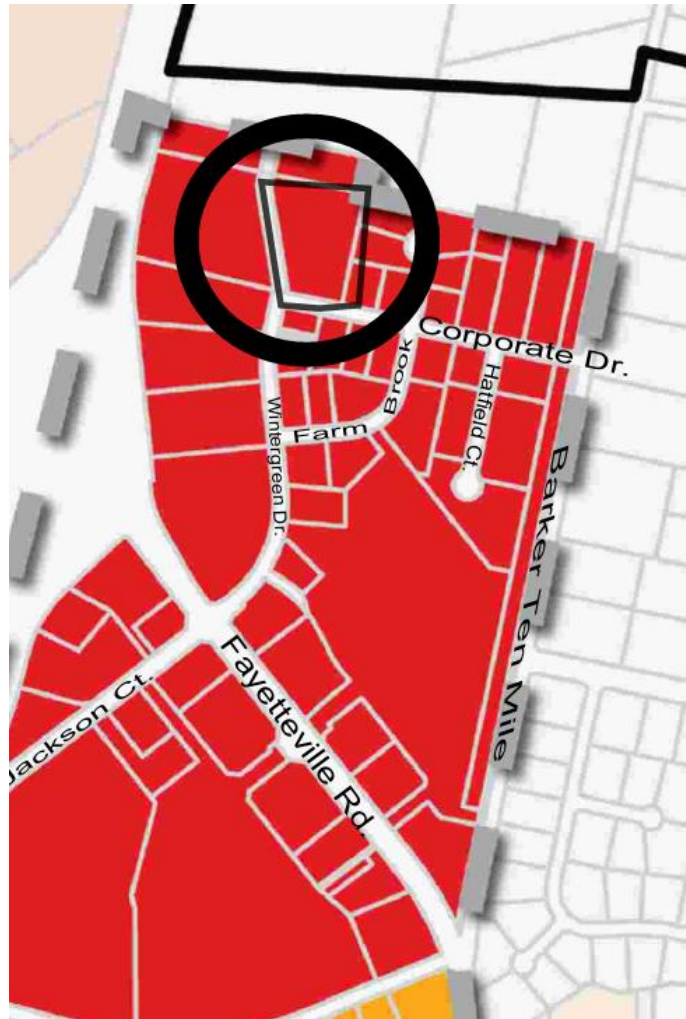
Variance: Nirav Modi, Venus SB JCE LLC is requesting a Variance from the requirements of Section 35-184, building setback requirements, of the City Code for property located at 302 Wintergreen Drive, parcel # 10030400402, Deed Bk & Page: 02156 / 0225/Map Book: 51 Page: 32.

Analysis: This request is to reduce the minimum setbacks from Corporate Drive from 60 feet to 30 feet. A reduction of 30 feet. Furthermore, the owner requests to subdivide, the property and develop a hotel just north of this proposed building.



PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as high intensity and is located in Precinct 1.



HIGH INTENSITY

The High Intensity land use category is intended to accommodate regional scale commercial and employment centers, as well as auto-oriented retail uses and services for transient customers at strategic locations along primary highway corridors and other prominent locations in the city. Where appropriate, this land use category can also accommodate more intensive residential development, typically in a mixed-use setting. In areas not located directly along primary transportation corridors, small scale assembly, fabrication, logistics, warehousing and similar uses that do not create off-site environmental impacts are appropriate within areas designated as high intensity.

Planning & Neighborhood Services

Setback and Lot Size:

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks (unless a right of way borders it, then right-of-way min setbacks are observed).	Maximum Height
B-5	No Minimum	100'	60' Wintergreen & Corporate	10'	60'

SCREENING REQUIREMENT

None

SIMILAR APPROVED REQUESTS

9.123 Randy & Cynthia Mauldin Variance-Setback 300 W. 34th St 320503009 8 June 1, 2022
 9.126 Mid-South Investment Group/Oak Pt Variance-Setback Lot 13 - 20 Oak Pointe Cir. 10040208009Q 1 2377 165
 9.127 First Industrial B&L/CO Pete Bodley Variance - Setback 2400 Cox Road 10110201402 December 19, 2022 2377 163
 9.128 The Carroll Firm, LLC Variance - Setback/Lot Size 521 E. 16th St. 322803011 6 February 17, 2023
 9.132 Health Horizons, Inc Variance - Setbacks 1200 Pine Run Dr. 10060100701A & 1060100701B 1 September 4, 2023
 9.133 Allan Campbell Variance -Setbacks 325 1st St. 32380201302, 323802013, & 323802019 5 September 22, 2023
 9.146 Laura Kinder Variance -Setbacks 304 & 306 S. Rozier Street 323902049 4 July 25, 2025
 9.147 Tippmann Construction Variance-Setback 289 Emery Rd I-95/74 Park 0208-01-01402 August 22, 2025



Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If this variance is granted the applicant must submit site development plans to the City of Lumberton's Planning Department for approval. All conditions of the Variance permit must be addressed prior to the issuance of a Land Use Permit.

NOTIFICATIONS FOR PUBLIC HEARING

On August 6, 2026 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On August 5, 2026 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request, on or before August 8, 2026.

The legal ad for this request ran on August 8, 2026 and August 15, 2026 (CN 4281)

PLANNING STAFF RECOMMENDATION TO BOARD OF ADJUSTMENTS

Hold tonight's public hearing and make a separate vote on each of the four (4) factors stated in the application.

- a) Unnecessary hardship would result from the strict application of the ordinance.
- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
- c) The hardship did not result from actions taken by the applicant or the property owner.
- 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.

BOARD OF ADJUSTMENTS DECISION: