

**City of Wilmington**  
**Board of Adjustment**

**Item #2**



Board of Adjustment  
February 19<sup>th</sup>, 2026

**REQUEST FOR A VARIANCE**  
**BADV-18-226**

Zac Smith, (910) 341-3257, [zoning@wilmingtonnc.gov](mailto:zoning@wilmingtonnc.gov)

**Request**

<b>Code Section(s)</b>	<b>Land Development Code:</b> Section 18-341: Residential parking ratios Section 18-615: Board of adjustment	
<b>Subject Property</b>	<b>4118 Market Street</b>	
<b>Parcel ID</b>	R04914-005-012-000	
<b>Zoning</b>	RB, Regional business	
<b>Request</b>	Variance to City Code Section 18-341 Residential parking ratios	
<b>Owner/Applicant</b>	ECCRENC, Inc. 4922 Randall Parkway, Suite D Wilmington, NC 28403	<a href="mailto:nick@eccrenc.com">nick@eccrenc.com</a> (910) 399-4602

**GENERAL INFORMATION**

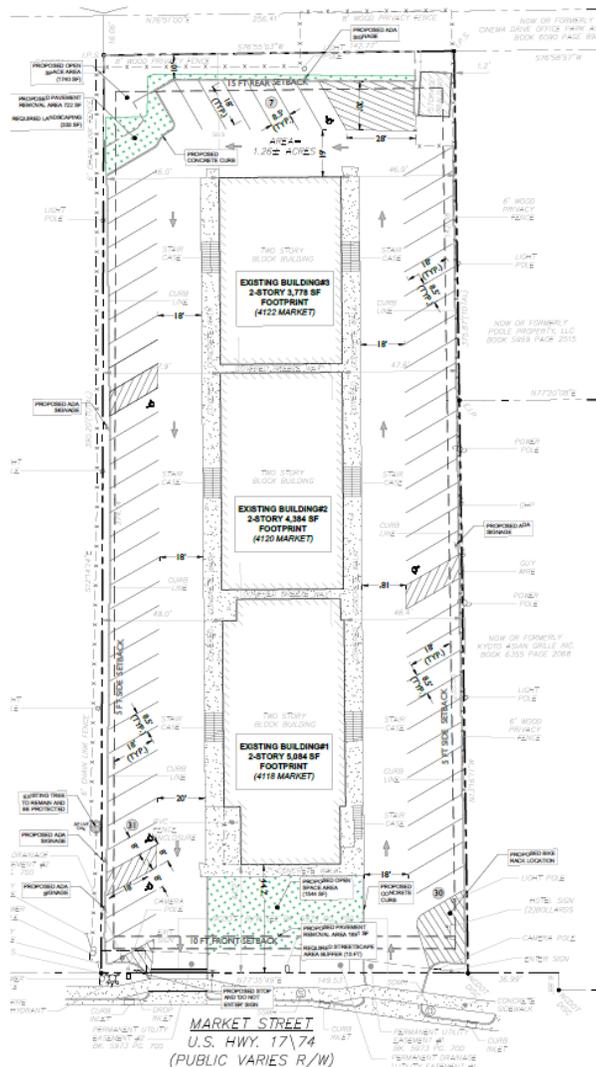
<b>Subject Property Area</b>	1.26 acres (54,804 square feet)
<b>History if Applicable</b>	Pre-Technical Review Committee (Pre-TRC) meeting completed 7/17/25 Board of Adjustment hearing completed 10/16/25: BADV-7-1025

**ANALYSIS & RESEARCH**

1. The subject property is approximately 1.26 acres and zoned RB and currently contains a 76-room hotel use.
2. The applicant has proposed to rezone the subject property to MD-17(CD) for a 76-unit multiple-dwelling development. 20 of these units are being dedicated for workforce housing for a minimum of 15 years.
3. The maximum density permitted within the proposed MD-17 zoning district is 17 units per acre, which would allow for up to 21 units on site. With the proposed working for housing component the density may be increased to 36 units per acre, or 45 units. The applicant is proposing a density of 60 units per acre.
4. On October 16<sup>th</sup>, 2025, the applicant was granted a variance by the Board of Adjustment to exceed the allowable density of the zoning district to allow for 60 units per acre.
5. The minimum required open space in the MD-17 zoning district is 20% of the total tract area.
6. On October 16, 2025, the applicant was also granted a variance by the Board of Adjustment to eliminate the open space requirement for this project.

7. The subject property currently has 73 off-street parking spaces. No additional parking spaces are planned to be added for this project.
8. The City of Wilmington Land Development Code Section 18-341.1 requires a minimum of 1.5 parking spaces per 0–1-bedroom unit, with a maximum of 2.75 parking spaces permitted. Workforce housing may be reduced to 0.5 parking space per unit. Residential parking may also be reduced by 15 percent if the site is located within a quarter mile of transit.
9. Per the residential parking requirements set forth in the Land Development Code, the applicant is required to provide 80 off-street parking spaces. The applicant is requesting to reduce the minimum parking required to a total 68 spaces. There are no proposed changes to the existing parking areas.
10. On December 31, 2025, the applicant submitted a request for a variance to the minimum residential parking standards.
11. This matter is set for hearing before the Board of Adjustment on February 19<sup>th</sup>, 2026.

**SITE PLAN**



## **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**

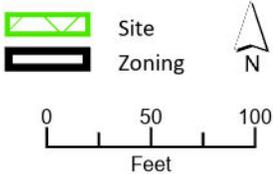
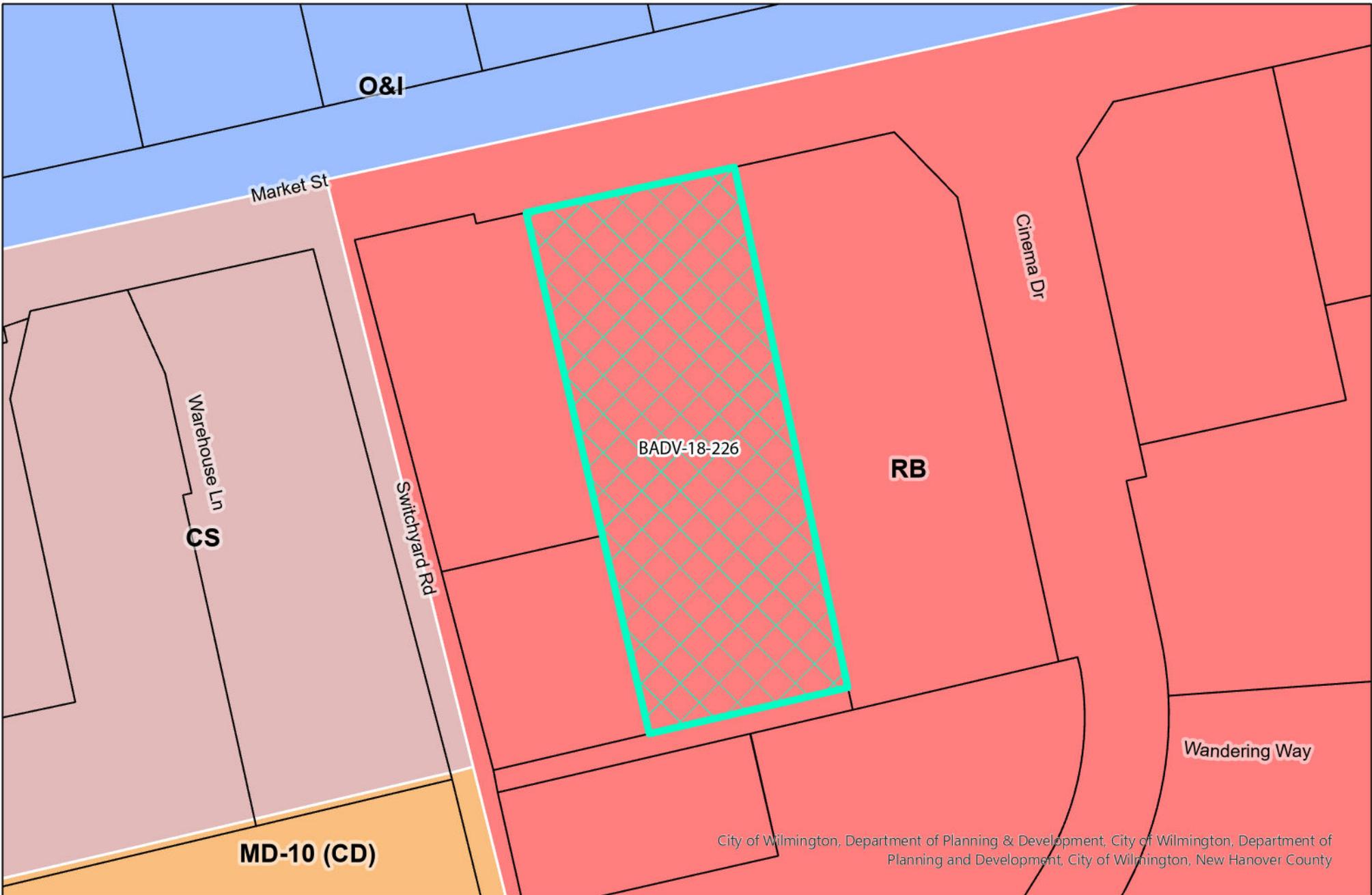
<b>City Notifications:</b>	<b>Board of Adjustment</b>
Adjacent Letters	2/2/2026
Property Posted	2/6/2026
Advertisement Dates	2/13/2026

## **ATTACHMENTS**

- 1.) Location and Zoning Map (2/4/2026)
- 2.) Aerial Map (2/4/26)
- 3.) Application (received 12/31/2025)
- 4.) Applicant attachments and Site Plan (received 12/31/2025)
- 5.) City Code Chapter 18, Land Development Code references:
  - a. Section 18-341.1 Residential parking standards
  - b. Section 18-615 Board of adjustment

# **ATTACHMENT**

**1**



**Board of Adjustment**

**BADV-18-226 — Aerial Map**

**4118 Market Street**

2/4/2026

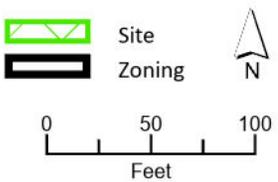


# **ATTACHMENT**

**2**



City of Wilmington, Department of Planning & Development, City of Wilmington, New Hanover County



**Board of Adjustment**  
**BADV-18-226 — Aerial Map**  
**4118 Market Street**

2/4/2026



# **ATTACHMENT**

**3**

**CITY OF WILMINGTON  
STATE OF NORTH CAROLINA**

**APPLICATION FOR A VARIANCE**

**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 which create a need for a Variance. These reasons cannot be strictly economic in nature but must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which 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.)

Parking Requirements per Table 18-341.1

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**REFER TO ATTACHED FOR DETAILS**

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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.

Application No. \_\_\_\_\_

**ATTACH PLOT PLAN DESCRIBING VARIANCE REQUEST**

**PROPERTY LOCATION INFORMATION**

Street address of subject property 4118 Market Street

Tax Parcel Number of subject property R04914-005-012-000

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

**APPLICANT INFORMATION**

Name/Address/Telephone/Email

Name: Nicholas Silivanch

Address: 4922 Randall Parkway Suite D  
Wilmington NC 28403

Phone #: 9103994602

Email: Nick@eccrenc.com

**OWNER INFORMATION**

Name/Address/Telephone/Email

Premier Hotels, LLC

4118 Market Street Wilmington NC 28403

910-262-8357

sanjeevbadhiwala@gmail.com

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

DATE 12-23-25

APPLICANT'S SIGNATURE 

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

The undersigned owner, Premier Hotels, LLC,  
does hereby appoint (Eastern Carolinas Commercial Real Estate) Nicholas Silivanch 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.

08/18/2025

\_\_\_\_\_  
Date

Appointee's Name, Address & Telephone:

Nicholas Silvanch

4922 Randall Parkway, Suite D

Wilmington, NC 28403

(910) 399-4602

Signature of Owner:

*Sanjeev Badhiwala*

**RE:** 4118 Market Street -Board of Adjustments Parking Narrative  
4118 Market Street  
Wilmington, NC  
Parcel ID: R04914-005-012-000

### **Project Description:**

The applicant is looking to convert the existing hotel located at the above address to partially be used as residential workforce housing. The current facility contains 76 studio units that would be converted into residential units. The property is a 1.26 AC parcel and will provide a total of 68 parking spaces. The applicant is looking to rezone the property from RB to MD-17 to provide a residential development within the current commercial corridor to promote the master plan's goal of a mixed-use node in this area of the City.

The project is intended to create a true adaptive reuse development maintaining the existing building and reducing use intensity while providing affordable housing options in a transit-oriented node that the property sits within. The applicant initially received approval for Density and Open Space Areas by the board on October 17<sup>th</sup>, 2025 and has allocated a portion of the units to be workforce housing. The applicant has been requested to take the same plan back through the board due to a correction on the parking demand for the property. The applicant, as part of the application will be correcting the existing non-conformity for the parking space sizes and providing as much parking as feasible on-site.

### **Variance Relief:**

Section 18-341- Parking Minimum

Site Plan as submitted- The applicant is requesting the board to approve any other variances that may come up that staff may identify.

### **Variance Hardship**

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.

***The applicant is looking to create an infill development with an existing building that currently operates as a hotel and converting the units into long term residential units bring the property closer into compliance with the master plan of the corridor and node the property is located within. Absence of the variance the building will remain a transient hub and the property will not be able to provide the density/workforce housing the City is looking for in the corridor. The applicant would need to provide an additional 12 parking space on-site to comply and this would result in the loss of open space/landscaping areas. Additional Testimony shall be provided.***

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.

***Property contains an existing building that currently does not comply with parking requirements as a hotel (95 spaces @ 1.25 space per unit) and the proposed use will bring the site closer to compliance with 80 spaces being required and 68 spaces being proposed. With access onto market street the long lot depth compared to the limited street frontage reduces the usability of the property and creates a hardship for the owner to comply with codes for parking. Additional Testimony shall be provided.***

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.

***The applicant previously applied for relief from the board associated with the project unaware that this variance was also created by the approval of the previous variance. As the parking area exists the applicant is proposing as many parking spaces as possible within the areas of the site while not reducing open space and infringing property access. As part of the approval the applicant will be removing an existing non-conformity for parking space size. By granting the variance it would allow the applicant to proceed with bringing the property into alignment with the current master plan for the City. Additional Testimony shall be provided.***

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.

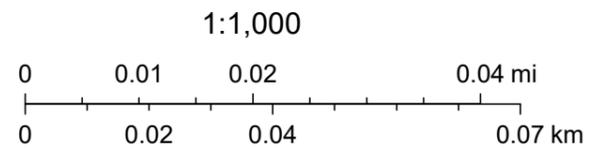
***The goal of the application is to create an adaptive reuse development that will be in line with the master plan by allowing for workforce housing and a higher density residential property to create a mixed use node which aligns with the master plan. As the current building does not comply with the current use parking standard. This would allow the property to be brought closer to compliance with the current code. Additional Testimony shall be provided.***

# NHC GIS Map



7/18/2025, 3:10:50 PM

- zoning
- CITY
- parcels
- roads
- major roads
- municipal limits
- address



New Hanover County, NC, NHC GIS

# **ATTACHMENT**

**4**



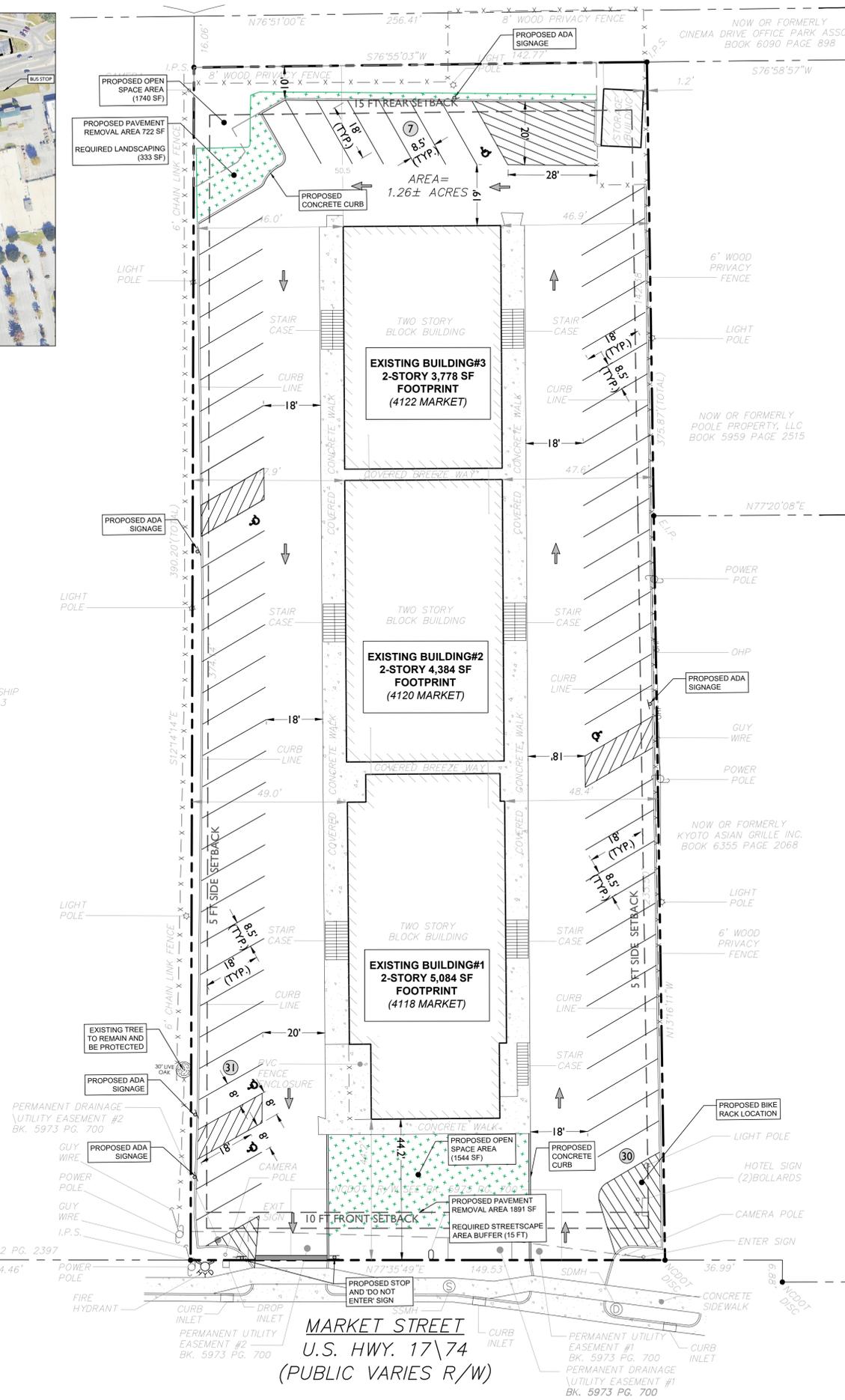
SOURCE: GOOGLE EARTH PRO

### LOCATION MAP

SCALE: 1" = 200'±

NCDOT R/W SEE BK. 5782 PG. 2397

NOW OR FORMERLY  
TRAC LIMITED PARTNERSHIP  
BOOK 4140 PAGE 463



SITE DATA TABLE			
PARCEL R04914-005-012-000 (1.26AC)			
EXISTING ZONE: (RB) REGIONAL BUSINESS DISTRICT			
PROPOSED ZONE: (MD-17) HIGH DENSITY MULTI-DWELLING RESIDENTIAL DISTRICT			
PROPOSED USE			
MULTI-FAMILY DEVELOPMENT		PERMITTED USE	
ZONING REQUIREMENT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	N/A	1.26 AC (54,804 SF)	NO CHANGE
MAXIMUM BUILDING HEIGHT	96 FT	<45 FT	NO CHANGE
MAXIMUM BUILDING COVERAGE	70% (38,362 SF)	24.1% (13,246 SF)	NO CHANGE
OPEN SPACE REQUIREMENT	20% (10,960 SF)	0 FT (EN)	5.9% (3,284 SF)(AV)
MINIMUM FRONT YARD SETBACK	10 FT	44.2 FT	NO CHANGE
MINIMUM SIDE YARD SETBACK	5 FT	46.0 FT	NO CHANGE
MINIMUM REAR YARD SETBACK	15 FT	50.5 FT	NO CHANGE
MAXIMUM DENSITY (MULTI-FAMILY)	36 DU/AC (45 UNITS)(*)	76 UNIT	76 UNITS(AV)
IMPERVIOUS COVERAGE	N/A	51,519 SF	48,906 SF
ANTICIPATED DISTURBANCE	N/A	N/A	0.20 AC (8,500 SF)

(EN) EXISTING NON-CONFORMITY  
(V) VARIANCE  
(AV) APPROVED VARIANCE  
(\*) WORK FORCE HOUSING BASE ZONING 17 DU/AC OR 21 UNITS  
(W) DESIGN ADJUSTMENT WAIVER PAY IN LIEU

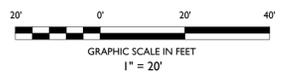
OFF-STREET PARKING REQUIREMENTS			
CODE SECTION	REQUIRED	EXISTING	PROPOSED
§ 18-340	MINIMUM DRIVEWAY WIDTH: 18 FT- 24 FT	20 FT & 21 FT	NO CHANGE
§ 18-341.1	REQUIRED PARKING: 0-1 BEDROOM UNITS: 1.5 SPACES PER UNIT 56 UNITS * (1.5 SPACE)=84 SPACES  WORKFORCE UNITS: 0.5 SPACES PER UNIT 20 UNITS * (0.5 SPACE)=10 SPACES  TOTAL: 94 SPACES(*) TOTAL REQUIRED: 80 SPACES(*)	73 SPACES (EN) (4 ADA SPACES)	68 SPACES (V) (5 ADA SPACES)
§ 18-341.1	MAXIMUM PARKING: 2.75 SPACES PER UNIT 76 UNITS (2.75 SPACES)= 209 SPACES	73 SPACES	68 SPACES
§ 18-342	MINIMUM BIKE PARKING: 1 PER 5 UNITS 76 UNITS (1/5 SPACES)=15 SPACES	N/A	PROVIDED
VII-E-1	MINIMUM PARKING SIZE: 8.5 FT X 18 FT	8 FT X 18 FT (EN)	8.5 FT X 18 FT

(\*) SECTION 18-341.2.C RESIDENTIAL PARKING MAY BE REDUCED BY 15% IF WITHIN 1/4 MILE OF TRANSIT(320 FT)  
94 SPACES(0.85) = 80 SPACES REQUIRED  
(V) VARIANCE  
(EN) EXISTING NON-CONFORMITY

SYMBOL	DESCRIPTION
---	PROPERTY LINE
- - - - -	SETBACK LINE
==	PROPOSED CURB

**DEVELOPMENT INFORMATION:**  
BUILDING CONSTRUCTION TYPE: III  
CAMA LAND USE CLASSIFICATION: URBAN  
ESTIMATED TRIP GENERATION: 39 PEAK HOUR TRIPS  
(ITE TRIP GENERATION LUC C00 220)

- GENERAL NOTES**
- THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK THE CONTRACTOR SHALL NOTIFY MODE CONSULTING, PLLC PRIOR TO THE START OF CONSTRUCTION.
  - THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
  - ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS MODE CONSULTING, PLLC AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY, INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
  - THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY MODE CONSULTING, PLLC.
  - THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
  - THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
  - THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTOR'S EXPENSE.
  - CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. MODE CONSULTING, PLLC WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
  - THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES LATEST EDITION.
  - THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
  - THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
  - SHOULD AN EMPLOYEE OF MODE CONSULTING, PLLC BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.



**OWNER/APPLICANT**  
PREMIER HOTELS, LLC  
4118 MARKET STREET  
WILMINGTON NC 28403

**MARKET STREET**  
U.S. HWY. 17/74  
(PUBLIC VARIES R/W)

**MODE**  
CONSULTING, PLLC  
PO BOX 39077  
CHARLOTTE NC 28278  
PHONE: 980-505-7401  
INFO@MODECAE.COM

NOT APPROVED FOR CONSTRUCTION  
CO. SEAL:

ISSUE	DATE	BY	DESCRIPTION
1	06/25/2025	JAM	BOA SUBMISSION
2	07/17/2025	JAM	REV. PER PRE-TRC
3	12/30/2025	JAM	REV. BOA SUB.

**REZONING AND BOA PLANS**  
**4118 MARKET STREET**  
EXISTING HOTEL CONVERSION TO  
MULTI-FAMILY RESIDENTIAL  
4118 MARKET STREET  
COUNTY ID: R04914-005-012-000  
CITY OF WILMINGTON  
NEW HANOVER COUNTY, NC

DRAWN BY: JAM | REVIEWED BY: JAM

PROJECT ID: MO-25014

TITLE:

**SKETCH PLAN**

DRAWING:

**C-1.0**

D:\MODEL\_PROJECTS\25014 - 4118 MARKET STREET WILMINGTON, NC\DESIGN DOCUMENTS\DWG\25014-01-01.DWG

# MODE

CONSULTING, PLLC

PO BOX 39077  
CHARLOTTE NC 28278

PHONE: 980-505-7401  
INFO@MODECAE.COM

NOT APPROVED FOR CONSTRUCTION

CO. SEAL:



ISSUE	DATE	BY	DESCRIPTION
1	06/25/2025	JAM	BOA SUBMISSION
2	07/17/2025	JAM	REV. PER PRE-TRC
3	12/30/2025	JAM	REV. BOA SUB.



## FRONT ELEVATION

EXISTING CONDITION



## SIGN ELEVATION

EXISTING CONDITION

REZONING AND BOA PLANS

**4118 MARKET STREET**  
EXISTING HOTEL CONVERSION TO  
MULTI-FAMILY RESIDENTIAL

4118 MARKET STREET  
COUNTY ID: R04914-005-012-000  
CITY OF WILMINGTON  
NEW HANOVER COUNTY, NC

DRAWN BY: JAM | REVIEWED BY: JAM

PROJECT ID: MO-25014

TITLE:

EXISTING BUILDING  
ELEVATIONS EXHIBIT

DRAWING:

**EX-2.0**

**Land Development**

**Code References**

Table 18-341.1: Residential parking ratios

Use	Minimum number of parking spaces	Maximum number of parking spaces
Residential uses outside 1945 Corporate Limits		
Dwelling unit		
Detached	No minimum	No maximum
Attached: duplex, triplex, quadraplex	2 spaces per unit	2.5 spaces per unit
Attached multiple	1.5 spaces per 0-1 bedroom unit 2 spaces per 2 bedroom unit 2.25 spaces per 3+ bedroom unit	2.75
Attached: townhouse	Workforce and elderly housing (as defined in article 8) may be reduced to 0.5 space per unit	
Manufactured home	2 spaces per unit	2.5 spaces per unit
Group living		
Family care home	1 per 4 beds or occupants and 1 space per staff member on the largest shift	1.5 per 1 bed or occupants and 1.5 space per staff member on the largest shifts
Group home	2, plus 1 per 4 residents	3, plus 1.5 per 4 residents
Continuum of care community	1 per 2 units  If units revert to general occupancy, requirements for multiple dwelling shall apply	1.5 per 2 units  If units revert to general occupancy, requirements for multiple dwelling shall apply

**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.