

New Castle County

Board of Adjustment/Department of Land Use Virtual Public Hearing



Second and Fourth Thursdays of the Month

The Public Hearing will begin at 6:00 pm.

Virtual Meeting Logistics

DEPARTMENT OF
LAND USE

Accessing the Hearing

You can attend this meeting via weblink on the New Castle County Department of Land Use web page: www.newcastlede.gov/389/Board-of-Adjustment. You should anticipate accessing the zoom meeting 15 minutes prior to the start of the meeting.

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Board of Adjustment Public Hearing

Virtual Meeting Logistics

DEPARTMENT OF
LAND USE

What is a Public Hearing?

Public Hearings is when the Applicant explains their variance request, and what they perceive to be their exceptional practical difficulty, unnecessary hardship or other standard that applies. Once the Applicant has concluded, the Chairman will invite those in favor, and those oppose to your application to state their position. Then, the Department will enter a formal, but non-binding recommendation in favor of, or against the granting of the requested relief. The Applicant has an opportunity for rebuttal.

Board of Adjustment Public Hearing

Virtual Meeting Logistics

DEPARTMENT OF
LAND USE

What is a Business Meeting?

Business Meetings are when the Board Members renders a decision for each application. Since the public record is closed, no new information on Applications is accepted at a Business Meeting. Business under consideration is not open for public comment at this meeting.

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Board of Adjustment Public Hearing

Residential Property Owners

DEPARTMENT OF
LAND USE

Why do I need a variance?

Typical residential variance request are Dimensional Variances. Every property has a particular zoning attached to it and each type of zoning has standards that set lot width, lot area, setback and rear and side property yard requirements. Your proposed improvement to your property, whether it be an addition to the existing dwelling or detached structure, does not comply with the zoning district standards; therefore, you are required a variance(s).

Board of Adjustment Public Hearing

Residential Property Owners

“I submitted my variance application and fee, now what?”

The Department of Land Use reviews your application and schedules you for a Board of Adjustment Hearing. The hearings are held on the second and fourth Thursdays of the Month. In accordance with Governor Carney’s Proclamation and the Declaration of a State of Emergency, New Castle County is holding all public meetings as telephone and video conferences, utilizing Zoom Meetings until further notice.

You can attend this meeting via weblink on the New Castle County Department of Land Use web page: www.newcastlede.gov/389/Board-of-Adjustment.

Board of Adjustment Public Hearing

Residential Property Owners

“How do I prepare for the Hearing?”

The Department of Land Use has comprised a checklist of items you should provide to the Board Members when you are presenting your application.

- What are you proposing to build? Ex: addition, detached accessory structure, etc.
- What is the size of the structure and where on the property will it be located?
- What will the structure be used for? Ex: kitchen addition, detached garage, shed, etc.
- What is the structure going to look like? What type of materials will be used for construction?
- Can the structure be placed somewhere else on the property where a variance would not be required?
- Talk to your neighbors, especially the ones mostly impacted by the proposed structures.

Residential Property Owners

“How do I prepare for the Hearing?”

- How do I present my plans, pictures, etc. at the Hearing?

The Department of Land Use will present any documents for you during the virtual hearing; however, Applicants must submit presentation materials electronically to the Department of Land Use no less than five (5) business days prior to the scheduled public hearing. Please email us.

landuse@newcastlede.gov

- When will I know if the variance(s) are granted and can apply for a building permit?

The Board will render a decision on the variance(s) you request at the business meeting. If you require a building permit, you must wait until you have a copy of the written decision, which should be available within 30 days following the hearing.

Board of Adjustment Public Hearing

Residential Property Owners

“What does the Board look for when granting a variance?”

The standard that the Board applies to these requests is whether the applicant is experiencing exceptional practical difficulty in complying with the standards. This means that the applicant must establish that there is something peculiar with the property which prevents the applicant from meeting the requirements. The Board will also look to the character of the immediate vicinity, the effect of the variance request on neighboring properties and the difficulty the applicant faces in making normal improvements, all based on Zoning Code (UDC) requirements.

Board of Adjustment Public Hearing

Residential Property Owners

If you have questions regarding the virtual hearing or your application, please contact the Department of Land Use via email:

landuse@newcastlede.gov



Board of Adjustment Public Hearing

Board of Adjustment- Responsibilities

The Board of Adjustment, consisting of seven (7) members, shall be empowered to hear and decide all of the following:

- Appeals in zoning matters where error is alleged in any order, requirement, decision or determination made by an administrative officer or agency in the enforcement of any zoning ordinance, code, regulation or map.
- Applications for special use permits or other special questions in accordance with the provisions of any zoning ordinance, code, regulation or map upon which the Board of Adjustment is empowered to pass.
- In specific cases, such variance from the provisions of any zoning ordinance, code or regulation as provided in Article 31.
- Any other power or duty provided for under State law or indicated in Table 40.30.110.



Board of Adjustment- Members

1. David H. Burt, Chair
2. Terry Parker, Vice Chair
3. William Brooks
4. Richard Farmer
5. Izuru Osegbu-Rivers
6. Monique Slowe
7. Edward Thomas



Board of Adjustment Public Hearing

Rules of Order - Agenda

The Board of Adjustment Rules of Order require that Public Hearings are heard in the following order:

1. Call to Order
2. Roll Call
3. Introductory Remarks
4. Public Hearing on Applications Advertised
5. Business Meeting
6. Reading and Adoption of Minutes of the previous meeting
7. Adjournment



Board of Adjustment Public Hearing

Additional Information

If you have questions regarding any of the agenda items at this meeting contact the Department of Land Use via email: landuse@newcastlede.gov .



Board of Adjustment Public Hearing