



TOWN OF SELBYVILLE

DATE OF APPLICATION: _____

1 W Church Street, PO Box 106,
Selbyville, DE 19975
TEL (302) 436-8314
selbyville.delaware.gov

APPLICATION FOR APPEAL OR VARIANCE TO THE BOARD OF ADJUSTMENT

INSTRUCTIONS & REQUIREMENTS:

- Submit the completed and signed application for appeal or variance. Application must include:
 - One (1) copy of a recent survey by a license surveyor
 - Four (4) copies of a site plan or other drawings or sketches relating to the appeal or variance
 - \$600 Non-refundable Fee

TYPE OF REQUEST:

- Area Variance
- ___ Front Yard ___ Side Yard ___ Rear Yard ___ Height ___ Other
- Use Variance
- Appeal: _____
- _____
- _____

PROPERTY OWNER INFORMATION		
Name: _____		
Mailing Address: _____		
Phone #(s): _____	Email: _____	
APPLICANT INFORMATION		
Name: _____		
Mailing Address: _____		
Phone #(s): _____	Email: _____	
PROPERTY INFORMATION		
Physical Address or Property Location: _____		
Tax Map Parcel #: _____	Total Lot Sq. Footage: _____	Acres: _____
Zoning District: _____	Current Use of Property: _____	
Proposed Use Of Property: _____		
List any Proposed Changes to Property Or Building: _____		
List Section(s) of Zoning Code that a variance is being requested for: _____		



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I/We believe the Board of Adjustment should approve this request because:

(Please state unnecessary hardship or exceptional practical difficulty in complying with the zoning regulations)

I hereby apply for a variance or appeal for the property identified on the application. I certify that all the information and attached documentation provided in this application is correct and further understand that a Public Hearing will be scheduled on the requested variance or appeal. I further acknowledge that there is a 30 day appeal period that begins on the day the decision is filed with the Town.

APPLICANT

SIGNATURE: _____ **Date:** _____

PROPERTY OWNER

SIGNATURE: _____ **Date:** _____

Office Use Only:

Date Received: _____ Received by: _____

Date of Hearing: _____ Date Hearing Advertised: _____

Fee Received:\$ _____ Cash/Check# _____

- APPROVED **Building Permit Required?**
 DENIED **YES NO**

11/12/2020

*Town of Selbyville, DE
Wednesday, November 11, 2020*

Chapter 200. Zoning

Article XIX. Board of Adjustment

§ 200-128. Establishment of Board.

The Board of Adjustment shall consist of the Chief Engineer of the Street and Sewer Department, the Town Solicitor and the Mayor or an authorized agent of the Mayor. If the Town has no Town Engineer or Town Solicitor, then the Mayor shall appoint two members, each to be appointed for a term of three years and removable for cause by the Town Council upon written charges and after public hearing, who, with the presiding officer of the Planning and Zoning Commission, shall constitute the Board of Adjustment for the Town. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

§ 200-129. Appeals.

Appeals for the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or Bureau of the Town of Selbyville affected by any decision of the Building Inspector. Such appeals shall be taken within 15 days of the date of the decision appealed from by filing with the Building Inspector from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds therefor. The Building Inspector from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action from which the appeal was taken.

§ 200-130. Stay of proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the Building Inspector from whom the appeal is taken and on due cause shown.

§ 200-131. Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same

within a reasonable time. Upon the hearing a party may appear in person, by agent or by attorney.

§ 200-132. Powers.

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or by any amendment or supplement thereto.
- B. To hear and decide special exceptions to the terms of the chapter upon which such Board is required to pass under the terms of such chapter.
- C. To authorize upon appeal, in specific cases, such variance from the chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties to the owner of the property, and so that the spirit of this chapter shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the chapter or Zoning Map.

§ 200-133. Decision.

In exercising the aforementioned powers, the Board of Adjustment, in conformity with the law, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

§ 200-134. Rules.

The Board of Adjustment shall adopt rules as to the manner of filing appeals or applications for special exceptions or for variance in the terms of this chapter and for the conducting of hearings and for the giving of such notice or notices as may be required or deemed advisable by the Board of Adjustment, all of which rules and regulations shall conform with the requirements of this chapter and law in that behalf.

§ 200-135. Expiration of special exception or variance.

Unless otherwise specified by the Board of Adjustment, a special exception or a variance shall expire if the applicant fails to obtain a building permit or, where no structure is involved, fails to use the property in accordance with the special exception or variance, within three months from the date of authorization thereof.

§ 200-136. Application fee.

Each application for an appeal, exception or variance as provided for in the chapter shall be accompanied by fee payable to the Town of Selbyville to be set by the Mayor and Town Council to cover costs, no part of which shall be refundable.

§ 200-137. Meetings.

Meetings of the Board of Adjustment shall be held at the call of the Chairman thereof and at such other times as the Board of Adjustment may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board of Adjustment and shall be a public record.