



Town of Smyrna

APPLICATION FOR VARIANCE

To: Board of Adjustment

Date: _____

APPLICANT: _____

This appeal is submitted in accordance with Section 9.3 of the Zoning Ordinance. See Attachment "A".

- 1) Lot Location _____ Lot No. _____
- 2) Lot Size _____
- 3) Tax Map Number: _____
- 4) Zoning District _____
- 5) Variance Requested: _____

See Attachment "B" for required written information.

- 6) One (1) plot plan must be submitted with completed application showing the proposed changes and setbacks. The fee for a Variance is \$450.00 residential and \$650.00 for non-residential.

NOTES:

***Any questions please contact Jeremy Rothwell by email
jrothwell@smyrna.delaware.gov or by phone 302-389-2332.**

*if review of this application is required by the Town of Smyrna engineer, the applicant is responsible for the incurred costs related to this review.

*Applicant and/or owner shall attend the public hearings to speak on behalf of the application or the application will be tabled.

This application, if approved by the Board of Adjustment, does not relieve the Applicant of any restrictions placed in their deed.

Applicant's Signature

Phone Number

Email: _____

----- FOR OFFICIAL USE ONLY -----

Application received by: _____

Date: _____ Fee paid: \$_____ Receipt No.: _____

Public hearing advertised on: _____

Property posted on: _____

Abutting owners sent letters on: _____

For Board action on: _____ (Copy of minutes attached)

Attachment "A"

Zoning Code guidelines

Board of Adjustment – Variances

Variances – Section 9.3 – Board of Adjustment Powers and Duties

In order to authorize in specific cases a variance from the terms of this ordinance that will not be contrary to the public interest, where special conditions exist, and a literal enforcement of the provisions to this ordinance would result in unnecessary hardship; a variance shall not be granted by the board of adjustment unless and until:

A written application submitted demonstrating:

- 1) A variance shall not be granted by the Board unless:
 - a) That special conditions or exceptional practical difficulties exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance.
 - c) The special conditions and circumstances do not result from the actions of the applicant.
 - d) The granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or building in the same zoning district.
- 2) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered as grounds for the issuance of a variance.

Attachment "B"

1) A variance shall not be considered by the Board until written answers are completed to the following questions:

a) Do special conditions or exceptional practical difficulties exist that are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district?

b) Are these special conditions and/or difficulties a result of any actions(s) of the applicant? If not, please explain. _____

c) Will the literal interpretation of the provisions of the Town of Smyrna Zoning Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same zoning districts under the terms of this Ordinance? _____

d) Will the granting of the requested variance bestow upon the applicant any special privileges that are denied by the Town of Smyrna Zoning

Ordinance to other lands, structures, or buildings in the same zoning district? _____

2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered as grounds for the issuance of a variance.

NOTES:

* if review of this application is required by the Town of Smyrna engineer, the applicant is responsible for the incurred costs related to this review.

* One (1) plot plan which show all structures, improvements, metes and bounds and utilities must accompany this application.

* Applicant and/or owner shall attend the public hearings to speak on behalf of the application or the application will be tabled.