



## **PROCEDURES FOR REQUESTING A VARIANCE Chapter 145 Zoning**

Town of South Bethany  
402 Evergreen Road  
South Bethany, DE 19930  
302-539-3653  
[southbethany.delaware.gov](http://southbethany.delaware.gov)

### **§ 145-59. Procedures for application for a variance:**

Following the denial of an application for a building permit, an application for a variance may be filed in writing with the Town Manager, with application fees, and shall specify the physical conditions of the property on which the application is based. Within ten (10) days after receiving such application for a variance, the Board Secretary shall send the application together with all available documentation, including any relevant comments of the Code Enforcement Constable or Town Manager to the Chairman and other members of the Board of Adjustment.

### **§ 145-58B (2) reads as follows:**

A public hearing shall be held. At least 30 days before the hearing, notice shall be posted and be not less than 11 x 17 inches on the property for which the special exception is sought; and at least 8 ½ x 11 inches on the bulletin board in the Town Hall and at four other public places in the town. The notice shall contain the name of the property owner, the geographic location of the subject property, subdivision or other matter requested and the date, time and place of the hearing. The notice shall also be published in one newspaper of general circulation in the town at least 30 days prior to the hearing. A copy of the notice shall be sent by certified mail, return receipt requested, at least 30 days prior to the hearing to the owner(s) of the subject property and to the owner(s) of property, within the town's corporate limits, located within a radius of 200 feet, measured from the center of the subject property, at their addresses as shown on the town's tax records.

### **SUBMIT THE FOLLOWING:**

1. APPLICATION (ATTACHED) AND APPLICATION FEE \$1,000
2. JUSTIFICATION LETTER FOR VARIANCE REQUESTED
3. BOUNDARY SURVEY/PLOT PLAN SHOWING EXISTING CONDITIONS AND SETBACKS
4. CONSTRUCTION DRAWING FOR VARIANCE REQUEST
5. ANY OTHER SUPPORTING DOCUMENTS OR PHOTOS
6. SIX (6) COPIES OF THE APPLICATION AND ALL DOCUMENTS/PHOTOS FOR THE BOARD
7. ELEVATION SURVEY WHEN REQUESTING FLOOD OR HEIGHT VARIANCE (IF APPLICABLE)

### **BOARD OF ADJUSTMENT USUAL HEARING PROCEDURE:**

1. APPLICANT/S AND ANY OTHER PARTICIPANT; BUILDER/SURVEYOR
2. CHAIRMAN OPENS THE HEARING; ALL PARTICIPANTS ARE SWORN IN UNDER OATH
3. INTRODUCTION OF THE BOARD, TOWN STAFF, APPLICANT/S AND OTHER PARTICIPANTS
4. TOWN CODE CONSTABLE PROVIDES A BRIEF SYNOPSIS OF THE APPLICATION
5. APPLICANT/S OPPORTUNITY TO PRESENT THEIR REQUEST FOR VARIANCE
6. QUESTIONS FROM THE BOARD TO THOSE WHO TESTIFY
7. TOWN CLERK PROVIDES CORRESPONDENCE RECEIVED FOR/AGAINST
8. STATEMENTS FROM THE SWORN IN PUBLIC FOR/AGAINST
9. DISCUSSION AND DELIBERATION FROM THE BOARD
10. VOTE AND FINAL DECISION FROM THE BOARD
11. CHAIRMAN SUBMITS FINAL ORDER TO THE HOMEOWNER AND TOWN RECORDS

ANY ADDITIONAL QUESTIONS VISIT OUR WEBSITE [SOUTHBETHANY.DE.LAWARE.GOV](http://SOUTHBETHANY.DE.LAWARE.GOV) TOWN CODE CHAPTER 145 ZONING

Revised  
8.30.05  
1.3.18  
5.1.21



**BOARD OF ADJUSTMENT  
APPLICATION FOR VARIANCE  
Chapter 145 Zoning**

Town of South Bethany  
402 Evergreen Road  
South Bethany, DE 19930  
302-539-3653  
southbethany.delaware.gov

\_\_\_\_\_  
Zoning Sub-District

\_\_\_\_\_  
Date of Application

OWNER/S OF OWNER/S PROPERTY \_\_\_\_\_

LOCATION OF PROPERTY \_\_\_\_\_  
STREET LOT BLOCK

APPLICANT IS SEEKING VARIANCE/S OF:

A. Zoning Chapter No. 145

ARTICLE/S \_\_XI\_\_\_\_\_

SECTION/S \_\_\_\_\_

Brief description of variance requested: \_\_\_\_\_  
\_\_\_\_\_

**SUBMIT THE FOLLOWING:**

1. APPLICATION AND APPLICATION FEE \$1,000
2. JUSTIFICATION LETTER FOR VARIANCE REQUESTED
3. BOUNDARY SURVEY/PLOT PLAN SHOWING EXISTING CONDITIONS AND SETBACKS
4. CONSTRUCTION DRAWINGS FOR VARIANCE REQUESTED
5. ANY OTHER SUPPORTING DOCUMENTS AND/OR PHOTOS
6. SIX (6) COPIES OF THIS APPLICATION AND ALL ITEMS/DOCUMENTS FOR THE BOARD
7. ELEVATION SURVEY WHEN REQUESTING FLOOD OR HEIGHT VARIANCE (IF APPLICABLE)

I/We, the property owner(s) and/or applicants(s) do certify that all information and documents provided for this application are accurate, to the best of our knowledge, and I/We further understand that a hearing will not be scheduled until this application is complete as determined by the Administrative office of the Town of South Bethany.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MAILING ADDRESS

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
APPLICATION FEE

.....  
**OFFICIAL USE ONLY**

DOCUMENTS RECEIVED \_\_\_\_\_

ASSIGNED NUMBER \_\_\_\_\_

DATE ADVERTISED \_\_\_\_\_

HEARING DATE \_\_\_\_\_

DATE OF WRITTEN DECISION \_\_\_\_\_

APPROVED/DENIED \_\_\_\_\_

IF FLOOD VARIANCE, DATE SUBMITTED TO NATIONAL FLOOD INSURANCE PROGRAM \_\_\_\_\_

APPLICATION  
REVISED 5.27.05  
REVISED 8.28.13  
REVISED 5.1.21