The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

Application for Hearing

☐ **Board of Adjustment**

☐ **Planning Commission**

Petition # _____ Filing Fee: _____ Date Received _____ Received by: _____

Subject Property: _____

Property is: ☐ Residential ☐ Commercial

Tax Parcel # _____ Zoning District: _____

Applicant name:

_____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

Application for Zoning Variance Related to: _____

☐ Front yard setback
☐ Rear yard setback
☐ Side yard setback
☐ Lot Area
☐ Rezoning
☐ Lot Coverage
☐ Fencing
☐ Parking requirements
☐ Signage

Current Zoning: _____ New Zoning Request: _____

Application for Special Exception Use Permit for the following use: _____

_____

Application for Appeal of an Administrative decision: _____

By: _____ Date: _____

For the following reasons: _____

_____

Application for relief other than above:_____

_____

State reasons for this request: _____

_____

_____

_____

_____

Has a previous application for this property been filed with the Town? ☐ Yes ☐ No

If yes, Petition # _____

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name:

_____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property.
- A copy of any deed restrictions on the property.
  NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

NOTE: The legal owner and his/her authorized representative must sign this form.

Applicant's Signature: _____ Date: _____

Legal Owner's Signature: _____ Date: _____

Name of person representing applicant (if applicable):

_____

Address:_____ Telephone # _____

City: _____ State: _____ Zip Code:_____

I, _____, as owner of the property listed on this application, authorize the above named representative to act on my behalf during any proceedings pertaining to this application.

_____ _____

Legal Owner Signature Date

Subscribed and sworn to before me on the following date:

_____

Notary Public Signature

_____

Date

In addition to the persons listed above please send copies of all correspondence to:

Name: _____

Address:_____ Telephone # _____

City: _____ State: _____ Zip Code: _____

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VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number:_____

Property Owners Name:_____

Person(s) Representing the Property Owner:_____

☐ Additional page(s) attached

Applicants, please be aware that the following are the prerequisites to the granting of a variance:

A variance may be granted when it will not be contrary to the public interest where, owing (due) to special conditions, a literal enforcement of the provisions of the Code of The Town of Elsmere will result in unnecessary and undue hardship.

The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations.

> Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance.
>
> Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to recommend the approval of or authorize any variance from the terms of the code, the Planning Commission or Board of Adjustment must find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification.

Please explain how this applies:

_____

_____

_____

(2) That the special conditions and circumstances do not result from the actions of the applicant.

Please explain how this applies:

_____

_____

_____

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of the code to other lands, buildings or structures in the identical zoning classification.

Please explain how this applies:

_____

_____

_____

(4) That literal enforcement of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of the code and will constitute unnecessary and undue hardship on the applicant.

Please explain how this applies:

_____

_____

_____

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

Please explain how this applies:

_____

_____

_____

(6) That the granting of the variance will be in harmony with the general intent and purpose of the code and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please explain how this applies:

_____

_____

_____

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all of the aforementioned criteria.

Signature of applicant: _____

Date:_____

Signature Code Department Representative:_____

Date:_____