



The City of Wilmington

LOUIS L. REDDING - CITY/COUNTY BUILDING, 800 N. FRENCH STREET, WILMINGTON, DE 19801

www.WilmingtonDE.gov

Attached is an application for an appeal for variation from the provisions of the City of Wilmington Zoning Code.

Appeals are heard by the City of Wilmington Zoning Board of Adjustment at their regularly scheduled meetings, which are held on the 2nd and 4th Wednesday of each month (excluding the 4th Wednesday in November and December).

Appeal cases are scheduled in the order they are received and, depending on case backlog, applicants should anticipate a four to six week wait from the date of application, to obtaining a scheduled hearing. Applicants will be notified, in writing, of their scheduled hearing date.

The applicant, or a representative on their behalf, is required to appear before the Board, at the scheduled date and time, to present the case for appeal.

The meetings of the Zoning Board of Adjustment are public hearings. Written notice of all appeal requests will be provided to surrounding property owners, civic organizations and elected officials.

As such, it is strongly recommended that applicants make efforts, prior to the scheduled hearing, to contact those individuals and organizations that may be affected by their request. Such efforts frequently serve to minimize any misunderstanding regarding a request and may provide an opportunity for compromise or an amendment to a request prior to it being presented to the Board.

Zoning Board hearings are scheduled at 6:30PM and are held in the City Council Chambers at the Louis L. Redding City/County Building at 800 North French Street, Wilmington, DE 19801.

Any inquiries regarding these procedures may be made to the Zoning Manager at (302)-576-3040.

Application Fees:

-Commercial Use Request - \$250.00

-Residential Use Request - \$100.00 per specific variance

Wilmington City Code

Chapter 48 - Zoning

Sec. 48-67. Meetings, procedures and records.

(a) *Meetings generally.* Meetings of the zoning board of adjustment shall be held at the call of the chairman, or in his absence the vice-chairman, but at least once a month.

(b) *Procedure for obtaining permission of the board.* Any person desiring to obtain the permission of the board for any purpose for which permission is required under this chapter, or for any use not otherwise covered; shall make written application therefor and such written application shall include:

- (1) A statement that the applicant has notified, or has attempted in good faith to notify, all owners of property that adjoins the applicant's property, as well as the affected city council representative;
- (2) Copies of the document that was sent via certified mail to the adjoining neighbors;
- (3) Copies of the returned receipts or signatures from adjoining property owners; and
- (4) Any known opposition by adjoining property owners to the applicant's purpose for which the board's permission is being sought; and the board shall hold a public hearing thereon, after public notice and notification to the property owners affected, and render a decision. Such public notice shall be given not less than ten days before any public hearing except for an emergency, special or rescheduled meeting, provided, however, that any such emergency, special or rescheduled meeting shall still comply with the notice requirements of the Delaware Freedom of Information Act. Any notice required under this section shall include the posting of the board's agenda, as required by the Delaware Freedom of Information Act, the forwarding of copies of each agenda stating, as it does, the hearing location, hearing date and hearing time, with copies of the case number notice being provided to: the president of city council; to the city council district member, the county council member and the state representative in whose districts the subject property is located; and to the chair of the officially recognized neighborhood or civic association(s) in the area within which the subject property is located, as listed in the planning department community organization directory. Such notice and its accompanying list of property owners and addresses shall also be sent to each owner of record of properties located within not less than the city block surrounding the subject property, as well as to the "occupants" of the properties that are dwellings that are directly adjacent to or abutting the subject property or directly across a street or public alley from the subject property. For purposes of this section, "one city block" shall mean a city block, defined as the area within the perimeter of the rectangle formed by the sides of the four streets within which the subject property is located, or a radius of 250 feet, whichever is greater. In the event that an application or appeal is withdrawn or is to be rescheduled and that fact is known prior to the hearing date and time, the zoning administrator shall make his/her best efforts to notify by telephone the president and the district member of council, the county council member, the state representative and the community organization in order that they may assist in providing further notification to property owners and occupants, given the short amount of time involved, of the fact that the appeal or application will not be heard on the date scheduled.

(c) *Meetings to be public; minutes; records.* All meetings of the board shall be open to the public, and the board 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. All records of the board shall be filed in the office of the board and shall be open to public inspection.

(d) *Rules and regulations for transaction of business.* The board shall adopt such other rules and regulations, not inconsistent with the state law or the provisions of this chapter, as it may deem necessary for the transaction of its business.

(e) *Applications for approval to operate rooming houses.* The zoning board of adjustment shall not accept applications for approval to operate a rooming house from any person who is delinquent in payment of city property taxes, water and sewer billings, or any other account or loan for which amounts are past due and owing to the city, nor if any of such taxes, billings, accounts or loans are unpaid by the owner, if other than the applicant of the proposed rooming house building, until and unless all such taxes, water billings or other accounts and loans are paid in full, together with interest and penalties.

(f) *Multi-family conversions.* Any building that had been designed for use as a single family residence but has been converted to a multi-family use and has been vacant for one year or more shall not thereafter be used for multi-family use, but may continue to be used as a single-family residence.

(g) *Applications for single-family to multi-family conversions.* The applicant for a single-family to multi-family conversion shall be required to submit:

- (1) An affidavit from a licensed realtor stating that the proposed property has been actively marketed as a single-family dwelling for at least six months, unless the zoning administrator deems it unnecessary;
- (2) An affidavit certifying that he/she is not delinquent in payment of city property taxes, water and sewer billing, or any other account or loan for which amounts are past due to the city, subject to verification by the city department of finance; and
- (3) Plans at a scale of not less than 1/4 inch to the foot, showing the dimensions and square footage. Such application shall be approved only if in the opinion of the zoning board of adjustment the proposed activity will not adversely affect the character and future development of the neighborhood within which it is proposed to be located and such use will not increase motor vehicle parking problems and congestion in the neighborhood. The board in its determinations shall consider the cumulative effect on the availability of motor vehicle parking spaces particularly in light of all other existing uses within a radius of 300 feet of the proposed location.

(Code 1968, § 48-61; Ord. No. 97-IOO(sub 1), § 1, 2-19-98; Ord. No. 01-062(sub 1), § 1, 8-23-01; Ord. No. 02-094, § 1, 12-12-02)

State law references: Meeting generally, 22 Del. C. § 323.



The City of Wilmington

LOUIS L. REDDING - CITY/COUNTY BUILDING, 800 N. FRENCH STREET, WILMINGTON, DE 19801

www.WilmingtonDE.gov

ZONING BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE

Application Date: _____

Applicant: _____ Property Owner: _____

Address: _____ Address: _____

Telephone Number: _____ Telephone Number: _____

Signature: _____ Signature: _____

LOCATION OF VARIANCE REQUEST

Address: _____ Zoning Classification: _____

Tax Parcel #: _____

Variance(s) Requested: _____ Applicable Code Section(s): _____

PROPERTY INFORMATION

Lot Dimensions: Width: _____ Depth: _____ Area: _____

Current Use of Property: _____

Proposed Use of Property: _____

Please attach a copy of survey, site plan, building plan, or other supporting documentation as may be required and remit to: DEPARTMENT OF LICENSES AND INSPECTIONS,
800 N FRENCH STREET, WILMINGTON, DELAWARE 19801

FOR OFFICIAL USE ONLY

APPEAL CASE #: _____ FEE PAID: _____

OLD ZONING CLASS: _____ HEARING DATE: _____

PRIOR APPLICATIONS: _____ CASE DECISION: _____

AFFIDAVIT OF VERIFICATION OF PAYMENT FOR CURRENT TAXES, WATER,
SEWER OR ANY OTHER LIENABLE FEE OR TAX

FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City of Wilmington property taxes, water and sewer fees, vacant property fees, and instant housing violation tickets billed to date for the parcel listed below have been paid in full to the City of Wilmington, Delaware. In no case shall an application or reapplication for a Zoning Board of Adjustment action be processed without such property verification.

*NOTE A separate verification form must be complete for each tax parcel included in the variance request.

Parcel Identification Number (PIN): _____

Signature of Owner:

Date:

Type or Print Name: _____

CITY OF WILMINGTON'S USE ONLY

(Payment of all property taxes, water and sewer fees billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below.)

Name: _____

Title: _____

Date: _____

If delinquent, please explain: _____

(Payment of all vacant property fees billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below)

Name: _____

Title: _____

Date: _____

If delinquent, please explain: _____

(Payment of all instant housing violation tickets billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below)

Name: _____

Title: _____

Date: _____

If delinquent, please explain: _____

(Payment of all property maintenance fees billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below)

Name: _____

Title: _____

Date: _____

If delinquent, please explain: _____

WARNING: MAKING A FALSE STATEMENT ON THIS DECLARATION SHALL CONSTITUTE A MISDEMEANOR OF "MAKING A FALSE WRITTEN STATEMENT"