



# Town of Bellefonte Board of Adjustment Information Pamphlet

---

## Introduction

This pamphlet is intended to be a helpful tool for:

- applicants to the Town of Bellefonte Board of Adjustments
- citizens who are interested in providing input to the Board
- anyone who would like to understand the role of the Board

Note: The pamphlet has been designed to be generally informational, not all inclusive, and is not designed to provide legal or zoning advice to any applicant to or witness before the Board.

---

## What is the Board of Adjustment?

The Board of Adjustment is a 5-member citizens' board created by state and town law. The members of the Board are appointed by the Bellefonte Town Commission.

---

## When does the Board meet?

The Board meets when necessary to hear requests from property owners for variances from a variety of Town zoning laws and regulations.

---

## Procedure for applying to the Board

Listed below is the procedure for applying to the Board of Adjustment.

---

Step	Action
1	Fill out an application. <ul style="list-style-type: none"> <li>• A copy of the application form is enclosed</li> <li>• A copy can be downloaded from the Town of Bellefonte website (<a href="http://www.townofbellefonte.com">www.townofbellefonte.com</a>)</li> <li>• A copy is available in the Town Hall, 901A Rosedale Ave, Wilmington, DE, (302) 761-9638</li> </ul>
2	Submit the application to the Board of Adjustment at the above address, along with any required documents and fees.
3	Fill out the application in its entirety or it will not be accepted by the Board. <b>It is very important that the applicant know the zoning classification for the property before any type of relief can be requested from or granted by the Board of Adjustment.</b>

Approximately one (1) month after the Board has received the completed application, the applicant will be notified of the hearing date and time.

---

*Continued on next page*

# Town of Bellefonte Board of Adjustment Information Pamphlet, Continued

**Scope of the Board's authority**

The Board may hear applications for the following types of requests: Dimensional and Use Variances. Listed below are the descriptions of each request.

Variance	Description
<p><b>Dimensional</b></p>	<p>Every property has a particular zoning attached to it. Each type of zoning has standards that set, among other things, lot width, lot area, setback and rear and side property yard requirements.</p> <p>If an applicant cannot comply with these standards, they may file an application to the Board. The standard that the Board applies to these requests is whether the applicant is experiencing <b>exceptional practical difficulty</b> in complying with the standards. This means that the applicant must establish that there is something peculiar with the property which prevents the applicant from meeting the requirements listed in the Town of Bellefonte Zoning Code.</p> <p>The Board will also look to the character of the immediate vicinity, the effect of the variance request on neighboring properties and the difficulty the applicant faces in making normal improvements, all based on the Town of Bellefonte Zoning Code requirements.</p>
<p><b>Use Variances</b></p>	<p>Each zoning category establishes the ways in which a property may be used. This variance permits a particular use on a lot that is not allowed by the zoning code.</p> <p>To obtain this type of variance, the applicant must be suffering some type of <b>unnecessary hardship</b> that prevents them from using the property for its intended purpose within the provisions of the Town of Bellefonte Zoning Code.</p>

*Continued on next page*

# Town of Bellefonte Board of Adjustment Information Pamphlet, Continued

---

Scope of the Board's authority (continued)

Listed below are Use variance descriptions.

Variance	Description
<p><b>Use Variances,</b> continued</p>	<p>The Board must look at these factors:</p> <ol style="list-style-type: none"> <li>1. whether the property can yield a reasonable return when used in a manner that is permitted by the Zoning Code,</li> <li>2. whether the situation being faced by the property owner is due to unique circumstances or whether it is self-created,</li> <li>3. whether the use proposed will alter the essential character of the community,</li> <li>4. whether all uses that <b>are</b> permitted with the existing zoning are economically unfeasible for the subject land.</li> </ol> <p>For example, if an applicant proposes a commercial use in a residential district, a use variance may be the remedy to seek if the standards can be met.</p>

---

*Continued on next page*

# Town of Bellefonte Board of Adjustment Information Pamphlet, Continued

---

## Kinds of testimony presented at the public hearing

The Board will ask the applicant or their representative to state their case and to present any documentation that supports the application.

Documentation may include, but is not limited to:

- photographs
- plot plans
- affidavits from expert witnesses
- written statements from neighbors

In making the presentation,

1. The applicant should state the type of relief requested and their reasons for believing that the request should be granted.
2. The applicant **must** address those standards that the Board needs to apply for the particular type of request and demonstrate how those standards apply to the particular property.
3. If the applicant does not address those standards, it can result in the application being denied.
4. The Board may ask questions of the applicant or request clarification.

Once the applicant has made the presentation, the Board invites anyone who wishes to speak in favor of or in opposition to the application to address the Board.

---

*Continued on next page*

# Town of Bellefonte Board of Adjustment Information Pamphlet, Continued

---

## Public involvement

Following the presentation by the applicant, the Board will ask if there is anyone else who would like to speak to the issue.

This is the opportunity for neighbors or other interested parties to express their thoughts on the issue before the Board.

Just as the applicant should address the standards that apply to the application, so should those who wish to put forth testimony in favor of or in opposition to the request.

As listed previously, each type of application before the Board is evaluated based upon certain criteria. The Board may reject comments that do not address these standards.

In general, it is best to keep comments brief and to be prepared to answer questions from Board members.

If you are unable to attend the hearing, you may send comments in writing to: The Board of Adjustment, 901A Rosedale Ave., Wilmington, DE 19809. Be sure to reference either the application number or the address of the property. Comments can also be emailed to [mystclmagil@aol.com](mailto:mystclmagil@aol.com). In the subject line, type "Board of Adjustment Application."

---

## Locating the Board's agenda

- News Journal
  - Town of Bellefonte website ([www.townofbellefonte.com](http://www.townofbellefonte.com))
  - Town Hall Bulletin Board (901A Rosedale Ave.)
  - Town of Bellefonte newsletter (for future use)
- 

## Timeframe for receiving a decision

In most circumstances:

- The Board will vote on the application the evening of the hearing.
- The formal written decision will be issued approximately one (1) month after the public hearing.
- The decision is mailed directly to the applicant.

If other parties would like a copy of the written decision, they may

- send their request via e-mail to [mystclmagil@aol.com](mailto:mystclmagil@aol.com) or
  - by mail to Board of Adjustment, 901A Rosedale Ave., Wilmington, DE 19809 or
  - by telephone to (302) 761-9638.
- 

*Continued on next page*

# Town of Bellefonte Board of Adjustment Information Pamphlet, Continued

---

## Withdrawing an application

Once an application has been submitted to the Board for consideration, it may be withdrawn by the applicant at any time prior to the date of the public hearing. At any time thereafter, a request to withdraw must be approved by a majority of the members of the Board in attendance at the public hearing. A vote by the Board on a request to withdraw will not be construed as rendering a decision on the application. **The filing fee will be forfeited for any application withdrawn.**

---

## Be Prepared

1. You will need to attach a copy of the plot plan for your property to the application. You may have received a copy of the plot plan with your other papers when you bought the property. The plot plan should show the location of the subject property, the layout of existing structures on the lot, and the size and location of any proposed structure. (see the information piece in this pamphlet on “Understanding Your Plot Plan.”)
  2. The applicant **must** know the zoning classification of the property in order to pursue any type of request through the Board of Adjustment. There are three (3) zoning classifications in the Town of Bellefonte:
    - Apartment
    - Business (Commercial)
    - Residential
  3. It is important that you put the correct zoning class on your application.
- 

## Talk to your neighbors

It is very important for applicants to discuss their requests with neighboring property owners prior to the hearing. This way a lot of misunderstanding can be avoided and possible disagreements resolved.

---

## Please remember...

If the applicant or representative of the applicant does not appear at the scheduled hearing, it is an automatic denial of the request and the fee is forfeited.

---

## Expiration

Variations and special use permits will become void if not put into effect within a two (2) year time period from the expiration of the appeal period following the date of filing of the decision in the office of the Town of Bellefonte Board of Adjustment.

---

# Understanding Your Plot Plan

---

## Plot Plan

If you look in the packet of information that you received when you purchased your home, you should find a mortgage inspection plan or plot plan drawing. This is the document you will need to use to mark the location of your new accessory structure or addition.

---

## How to read

Understanding how to read the drawing and how to place your pool, deck, shed or addition property will help you during the building permit process.

This is a very important component of your application process. If for any reason your addition is not in the location denoted on your plot plan, your certificate of occupancy will be delayed. By measuring and double checking your work, you should be able to enjoy a well-constructed and legal enhancement to your home.

Part	Function
Lines	<ul style="list-style-type: none"><li>• Setback lines are dashed</li><li>• Property lines are solid, interspersed with large dashes</li></ul> <p>Unless stated otherwise on your project information sheet, your improvements should be located with the setback lines.</p>
Dimensions	<ul style="list-style-type: none"><li>• Know the dimensions of your addition before drawing it on the copy of your plot plan.</li><li>• Make sure it is drawn to scale.<ul style="list-style-type: none"><li>○ The scale is noted at the bottom of your plan.</li><li>○ Most plot plans one (1) inch equals some multiple of ten (10) feet</li></ul></li></ul> <p><b>Important:</b> For the drawing to be accurate, you need to work on a full-size copy of the plot plan. Be sure to make several copies for your own convenience.</p>

---

*Continued on next page*

# Understanding Your Plot Plan, Continued

How to read  
(continued)

Shown below is an example of a plot plan.

