



APPLICATION FOR VARIANCE

To: Town of Townsend Board of Adjustment

Date: 2/25/2020

Applicant: Tim Kenley

This appeal is submitted in accordance with Section 801 of the Unified Development Ordinance.
See Attachment "A"

- 1. Lot Location: 697 / 655 Sw2h st
- 2. Parcel Number: 25 - ____ .00 - ____
- 3. Lot Size: Frontage: 227.6 Depth: See Map
- 4. Lot Zoning: _____

Variance Requested: Sub Divide Property
(See Attachment "B" for required written information.)

5. A Plot Plan must be attached to this application.

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

Applicant Signature

302 545 0075
Phone Number

Cost to be paid by Check, Money Order or Cash: \$500.00

*****For Official Use Only*****

Application Received

By: _____

Date: 2/25/20

Fee Paid: \$ 500.00

Receipt #: Check # 11660

Public Hearing advertised on: _____

Property Posted on: _____

Abutting owners sent letters on: _____

For Board Action on: _____

Town of Townsend
FEB 25 2020
RECEIVED

Application for Variance

**Application for Variance
Attachment "A"**

Zoning Code Guidelines - Board of Adjustments - Variances - Section 801

The Board of Adjustments shall have the power to grant the following Variances:

- A. A modification in the area and bulk requirements in any district so as to relieve practical difficulties or particular hardships in cases where by reason of size, shape or narrowness of a parcel of property or by other exceptional or extraordinary situation or condition the use or development of the property would not conform to strict application of the regulations set forth in this Ordinance. Such grant of variance shall conform as nearly as possible with the spirit, intent and purpose of this Ordinance. Only for reasons of demonstrable and exceptional hardship upon the owner of such property will such modifications be permitted.
- B. Modifications in parking and loading requirements of this Ordinance may be permitted whenever the character or use of any building is such as to make the full provision of parking and loading facilities unnecessary.

Board of Adjustments - Section 910

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Town's codes and the laws of the State of Delaware and any amendment thereto or to this Ordinance.
- B. To hear or decide variances to the terms of this Ordinance upon which the Board is required to pass under this Ordinance.
- C. To authorize upon appeal, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions or exceptional situations, a literal interpretation of the provisions of this Ordinance will result in unnecessary hardship or exceptional practical difficulties to the owner of property so that the spirit of this Ordinance shall be observed and substantial justice done, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the ordinance.
- D. In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. Notices of such decision shall be given to all parties in interest, as permitted by the Board of Adjustment.

**APPLICATION FOR VARIANCE
ATTACHMENT "B"**

Board of Adjustment – Variances

5 A Variance shall not be considered by the Board until written answers are completed to the below-listed questions:

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 land, structures, or buildings in the same district;

no Houses can be sold as Homes, NOT investment properties

b. That 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 Ordinances;

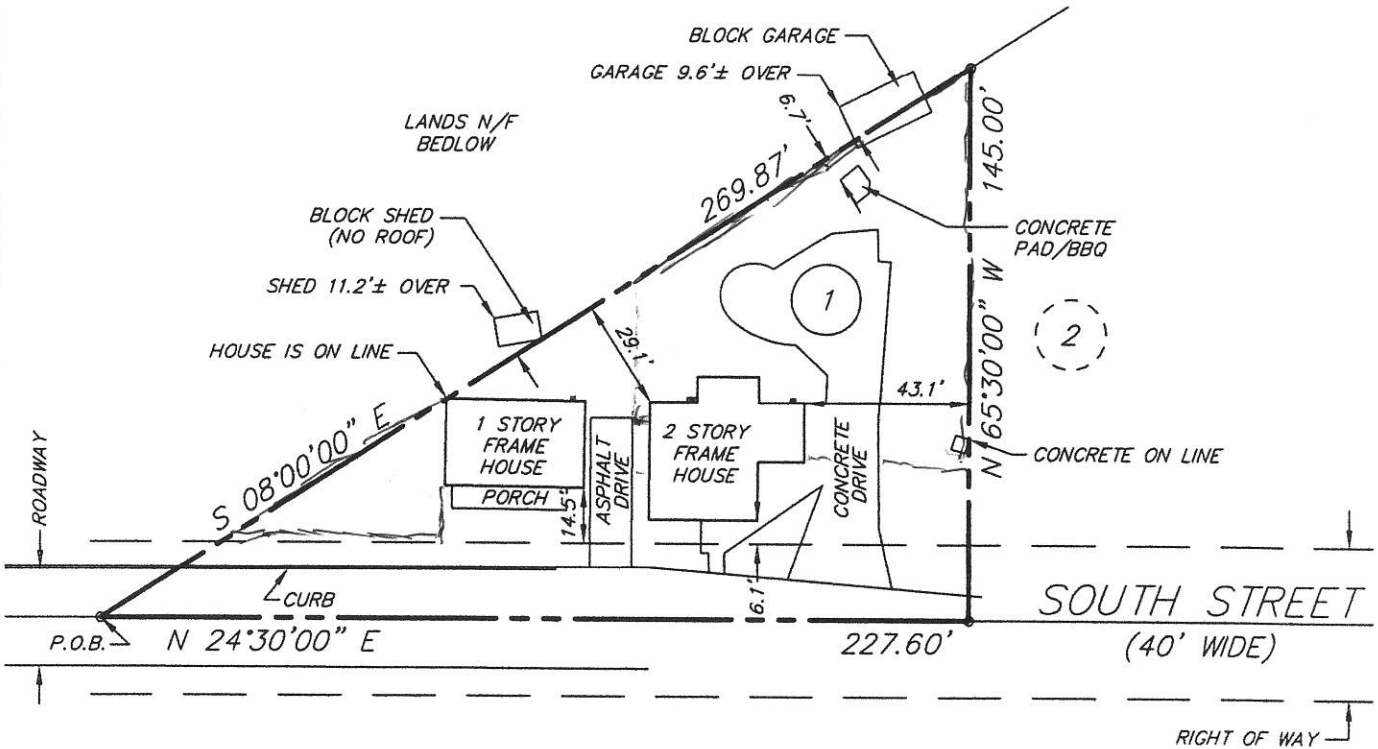
loans would not go through for 2 properties on one parcel

c. That the special conditions and circumstances do not result from the actions of the applicant;

TRUE

d. That granting of the variances will not confer on the applicant any special privilege is denied by this Ordinance to other lands, structures or buildings in the same zoning district.

TRUE



THIS PLAN DOES NOT REPRESENT A PROPERTY SURVEY & SHOULD NOT BE USED FOR FURTHER IMPROVEMENTS. CORNERS HAVE NOT BEEN STAKED UNLESS NOTED. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

REQUIRED SETBACKS	
N.C.C. ZONING:	NC6.5
FRONT SETBACK	25'
REAR SETBACK	25'
SIDE SETBACK	6'

CAPPED REBAR
N 4866.2678
E 5091.9739

REBAR
N 4582.3169
E 4962.5698

SURVEY CLASS: B

MORTGAGE INSPECTION PLAN

TIMOTHY E. CONLEY
697 SOUTH STREET
LOT 1
"LATTOMUS" SUBDIVISION
APPOQUINIMINK HUNDRED
NEW CASTLE COUNTY, DELAWARE

PROJECT	TAX PARCEL #	DEED REF.	DATE	SCALE
520-1026	14-016.05-017	2358-088	3-23-06	1" = 50'

[Signature]
APPROVED BY

PLANNED
PROFESSIONAL
SURVEYING
EAST
COAST
SURVEY

P.O. BOX 265
YORKLYN, DE 19736
PHONE: 302/234-8100



February 14, 2020

Town of Townsend
P. O. Box 223
141 Main Street
Townsend, DE 19734

Attn: Mr. Anthony Mangeri
Town Manager

Re: Sketch Plan Review
655 and 697 South Street (Parcel #25-004.00-129)
Town of Townsend
RVE File #: DNTET092

Dear Mr. Mangeri:

Remington & Vernick Engineers (RVE) on behalf of the Town of Townsend (Town) has reviewed the following submission materials for the above-mentioned sketch plan submission:

- Mortgage Inspection Plan for Timothy E. Conley (1 sheet), dated 3/23/2006, prepared by East Coast Survey of Yorklyn, DE.

I. GENERAL INFORMATION

Owner & Applicant: Timothy Conley
334 W. Commerce Street
Smyrna, DE 19977
302-545-0075

Proposal: The applicant plans a minor subdivision of a property that has two (2) existing single-family dwelling units constructed on one (1) parcel.

Zoning:

Zoning District R-2	Required	Existing	<u>Lot No. 1</u> #655	<u>Lot No. 2</u> #697
Minimum Lot Area (SF)	7,000	-	3,978*	8,448
Minimum Lot Width (FT)	50	-	117	88
Front Yard (FT)	25	-	14.5**	6**
Side Yard (FT)	5 each	-	0**/13	5/43
Rear Yard (FT)	40	-	0**	29**

* Variance required

** Existing non-conformity

II. COMMENTS

Upon review of this sketch plan, RVE has the following comments:

1. The existing lot area is approximately 12,187 SF which cannot be subdivided into two (2) conforming lot areas.
2. The required setbacks shown on the sketch plan do not meet the requirements of the Town of Townsend Zoning District Regulations in the Zoning and Unified Development Code.
3. The tax parcel number shown on the plan (14-016.05-017) do not match the information provided by New Castle County (25-004-00-129).
4. A variance from the Board of Adjustment is required to modify the existing parcels.

Should you have any questions, please feel free to contact our office in Newark, DE at (302) 266-0212.

Very truly yours,
Remington, Vernick & Beach Engineers



Edwin Van-Otoo, P.E.
Town Engineer

cc: Timothy E. Conley., Applicant & Owner
Thomas McDonald, Town of Townsend, Mayor
Thomas F. Beach, P.E., C.M.E., Executive Vice President
Christopher J. Fazio, P.E., C.M.E., Executive Vice President
Owen M. Hyne, P.E., C.E.A., Associate

334 W. Commerce Street
Smyrna, Delaware 19977

February 5, 2020

302-545-0075

Town of Townsend
141 Main Street
Townsend, DE 19734

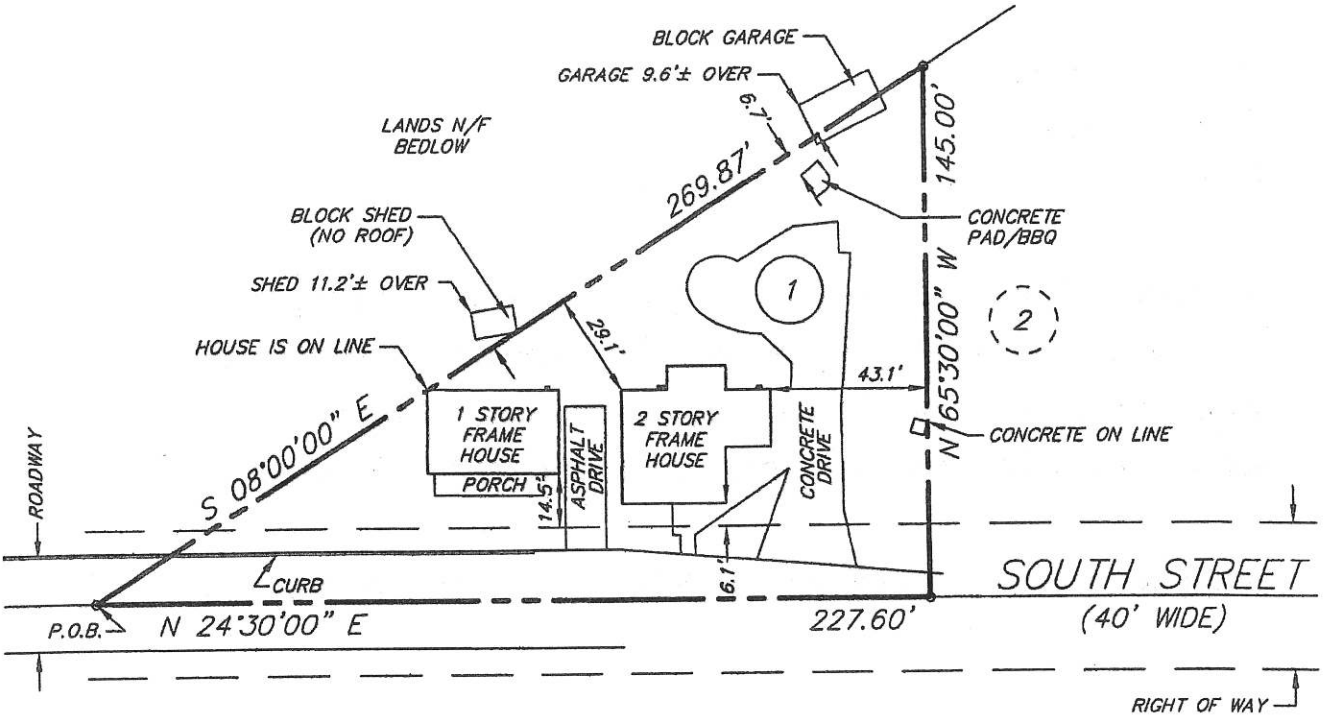
My name is Timothy Conley and I am the owner of the property that occupies 655 and 697 South Street in Townsend, DE. I request that this property be divided into two separate properties. Please see the reverse of this letter for instruction on how to divide the property.

Please feel free to contact me at 302-545-0075 with any questions.

Respectfully,



Timothy Conley



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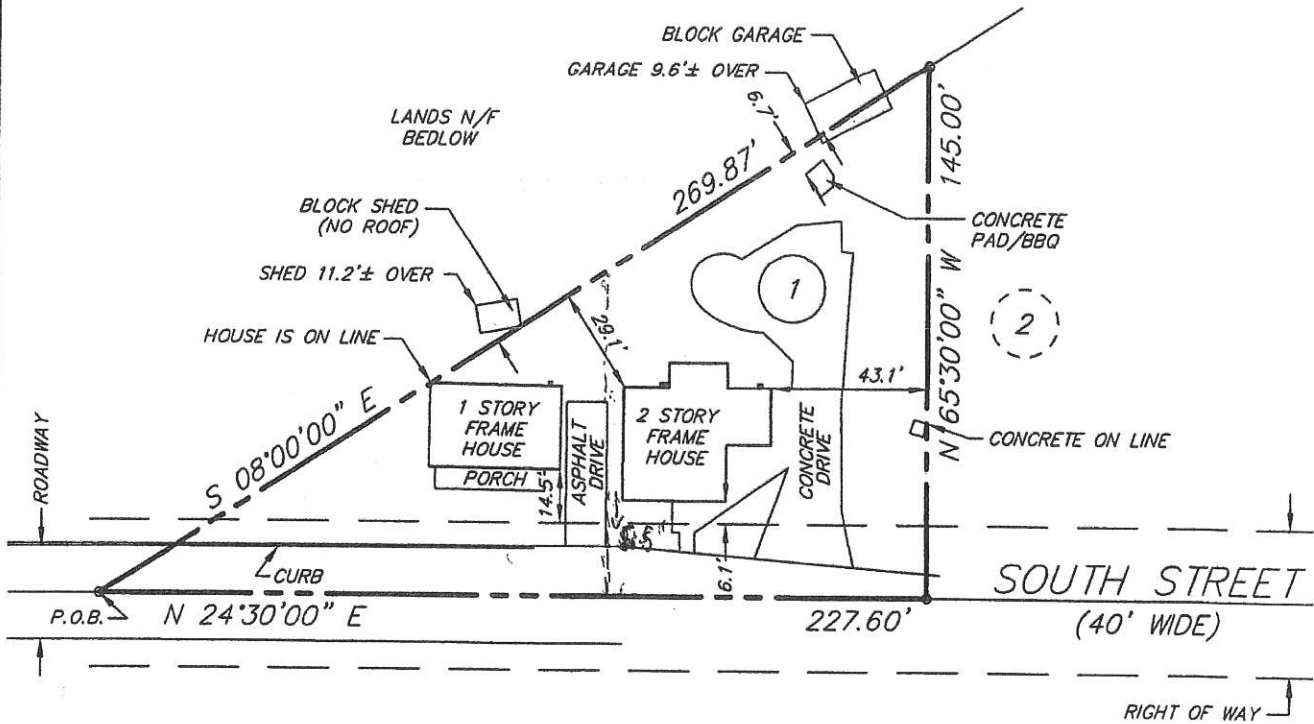
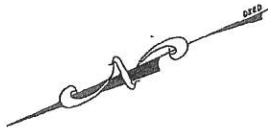
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LAND SURVEYING
EAST COAST SURVEY

P.O. BOX 265
YORKLYN, DE 19736
PHONE: 302/234-8100



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 PROFESSIONAL
 SURVEYING
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