



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

March 19, 2021

Anthony Mangeri, Townsend Town Manager
Town of Townsend
141 Main Street
Townsend DE, 19734

RE: Request for Variances
Tax Parcel 14-016.01-043
Townsend Acres
Town of Townsend, New Castle County
KCI Project #271906433

Dear Anthony:

On behalf of the owner/applicant, we submitted an "Application for Variances" on December 18, 2020. On February 10, 2021 and March 10, 2021, we presented our concept plan to the Planning Commission, described the evolution of the plan, and discussed the need for each variance in detail. During the March meeting, we received clarification from the Planning Commission regarding certain variances, who determined that we did not require all the variances listed in our December 18th letter/application. Also at the March meeting, the Planning Commission indicated that they would write a letter to the Board of Adjustment (BOA) recommending that the BOA review our application.

Enclosed for your review are the following, in support of the Town's "Application for Variance":

- One (1) copy of the revised "Application for Variance" signed by the applicant. The application has been updated as per the comments made by the Planning Commission during the March 10, 2021 meeting.
- Six (6) copies of the revised Concept sketch.

The application fee (\$500) was submitted with the original application, delivered to the Town on December 18, 2020.

As per the attached application, we are requesting variances from the following sections of the Town's "Zoning and Unified Development Code":

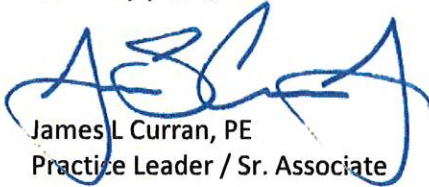
1. *Appendix "A" Zoning District Regulations, R-2 (Residential) Minimum Side Yard: 10 feet each & 25 feet both (aggregate).* **We are requesting a variance from this regulation to allow 20' aggregate side yards.**
2. *Section 66-476(b)(4): All developments shall include a minimum of two access points to a collector or arterial street.* **We are requesting a variance from this section to provide only one (1) access point to an arterial street (Summit Bridge Road).**

Employee-Owned Since 1988

3. *Section 66-477(c): Cul-de-sacs shall not exceed two hundred and fifty (250) to five hundred (500) feet in length depending on the density and topography. Length by density is to be approved by the Town Engineer. Inside diameter of cul-de-sacs is to be no less than 100' with grass or landscaping in center. **We are requesting a variance from this section to allow an inside diameter of 80 feet (40' radius) with no center island.***
4. *Section 66-481(d): To the fullest extent possible, intersections shall be located not less than 800 feet apart, measured centerline to centerline. **We are requesting a variance from this section to provide intersections less than 800' apart (+/-485' & +/- 530').***
5. *Section 66-583(b)(5): Minimum slope of lawn areas shall be two percent. **We are requesting a variance from this section to allow a 1.5% minimum slope in lawn areas, specifically along the lot lines.***

Upon approval of the variances, we will proceed with preparing the required applications, plans and reports for the Preliminary Plat submission. Please schedule a Board of Adjustment meeting at your earliest convenience. If you have any questions or require any additional information, please do not hesitate to call or email.

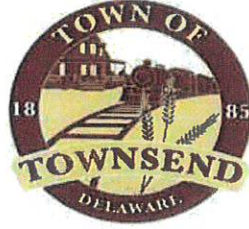
Sincerely yours,



James L Curran, PE
Practice Leader / Sr. Associate

enc.

cc: Raymond Petkevis



APPLICATION FOR VARIANCE

To: Town of Townsend Board of Adjustment

Date: December 10, 2020 REVISED March 18, 2021

Applicant: Townsend Acres LLC

1521 Concord Pike, Suite 102

Wilmington, DE 19803

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

- 1. Lot Location: 0 Summit Bridge Road (between 5970 & 5956 Summit Bridge Road)
- 2. Parcel Number: 25 - _ _ _ .00 - _ _ _ Tax Parcel 14-016.01-043
- 3. Lot Size: Frontage: +/220 feet Depth: +/- 1,020 feet
- 4. Lot Zoning: R-2 Residential

Variance Requested: See attached sheet.

(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.

[Handwritten Signature]
Applicant Signature

302-685-4042
Phone Number

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

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

Application Received

By: _____

Date: _____

Fee Paid: _____

Receipt #: _____

Public Hearing advertised on: _____

Property Posted on: _____

Abutting owners sent letters on: _____

For Board Action on: _____

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;

SEE ATTACHED SHEET.

- 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;

SEE ATTACHED SHEET.

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

SEE ATTACHED SHEET.

- 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.

SEE ATTACHED SHEET.

Townsend Acres – Requested Variances

1. *Appendix “A” Zoning District Regulations, R-2 (Residential) Minimum Side Yard: 10 feet each & 25 feet both (aggregate).*

We are requesting a variance from this regulation to allow 20’ between buildings.

- 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;*

The applicant first approached the Town with a similar concept sketch in the fall of 2018. That concept had 38, 62’-wide single-family lots and a similar street layout. At that time, the side yard requirements were 5’ each and 10’ aggregate. The applicant presented the concept before the Planning Commission and Mayor & Council in March and April 2019 (respectively) and requested to be annexed into the Town. Both approved the annexation, but a series of unexpected and extraordinary events delayed the annexation until December 2020. The code was amended in June 2020.

Due to environmental constraints (central wetlands and riparian buffer), project is limited to three (3) streets, including 2 cul-de-sacs. 85% of the streets are single loaded (house on only 1 side of the street), making the infrastructure cost per house very high. The maximum width of each house was recently reduced in order to comply with the 10’ side yard requirement. However due to the constraints limiting us to single-loaded roads, we cannot increase the lot width to provide the additional 5 feet on each lot.

In many cases, the 25’ may still be provided. However due to extras purchased by homeowners (bay windows, fireplaces, etc.), the distance between houses could be reduced to a minimum of 20 feet.

- 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;*

Prior to the code amendment in June 2020, the R-2 zone required 5’ side yard setbacks with 10’ aggregate. Other R-2 communities, including the recently approved Woods at Hidden Creek, have 5’ side yard setbacks. To my knowledge, there have been no R-2 subdivisions approved under the June 3, 2020 revisions.

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

The environmental constraints are not a result from actions of the applicant.

- 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.*

Because of the new zoning, the distance between buildings will exceed what was required in other R-2 communities, approved by the old code.

2. *Section 66-476(b)(4): All developments shall include a minimum of two access points to a collector or arterial street.*

We are requesting a variance from this section to provide only one (1) access point to an arterial street (Summit Bridge Road).

- 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;*

The property only has road frontage one arterial street, and the frontage (+/- 220') is not wide enough for two (2) access points.

- 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;*

Other larger single-family communities (Townsend Station) only have one entrance.

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

Site is bordered on all sides by residential properties, which is not the result of the applicant.

- 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.*

The applicant would expect that other properties, with similar conditions and constraints, would be afforded the same relief. Provisions for a future connect have been provided, and an island could be installed at the entrance separating incoming traffic from outgoing traffic.

3. *Section 66-477(c): Cul-de-sacs shall not exceed two hundred and fifty (250) to five hundred (500) feet in length depending on the density and topography. Length by density is to be approved by the Town Engineer. Inside diameter of cul-de-sacs is to be no less than 100' with grass or landscaping in center.*

We are requesting a variance from this section to allow an inside diameter of 80 feet (40' radius) with no center island.

- 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;*

Due to the environmental constraints listed in variance 1 above, the diameter of the cul-de-sacs are limited. Please note that the cul-de-sacs proposed meet the requirements of the State Fire Code.

- 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 Ordinance;*

Many other communities, including the recently approved Woods at Hidden Creek subdivision, contain cul-de-sacs with inside diameters of 40' and no center islands.

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

The environmental constraints are not a result from actions of the applicant.

- 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.*

Granting of this variance will allow the applicant to enjoy the same rights and privileges as other communities in Townsend and the R-2 zoning district.

4. *Section 66-481(d): To the fullest extent possible, intersections shall be located not less than 800 feet apart, measured centerline to centerline.*

We are requesting a variance from this section to provide intersections less than 800' apart (+/-485' & +/- 530').

- 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;*

Generally, in subdivisions, the distance between intersections is approximately double the depth of lots, to allow back-to-back lots. This is applicable to all similar subdivisions.

- 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;*

Many other existing communities, including the recently approved Woods at Hidden Creek subdivision, contain intersections that are less than 800' apart.

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

The special conditions do not result from actions of the applicant.

- 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.*

Granting of this variance will allow the applicant to enjoy the same rights and privileges as other communities in Townsend and the R-2 zoning district.

5. *Section 66-583(b)(5): Minimum slope of lawn areas shall be two percent.*

We are requesting a variance from this section to allow a 1.5% minimum slope in lawn areas, specifically along lot lines.

- 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;*

Generally, in residential subdivisions, lot grading is directed to the property lines and then to either the street or the rear of the lot. The grading around the perimeter of the house is normally 2% or greater (protective slope). With wider side yards or when the back of the property is higher than the front, houses will be set high above the street which results in steeper driveways. This is applicable to all similar subdivisions.

- 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;*

Other existing communities, including the recently approved Woods at Hidden Creek subdivision, were given relief to allow for 1.5% slopes in lawn areas.

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

The special conditions do not result from actions of the applicant.

- 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.*

Granting of this variance will allow the applicant to enjoy the same rights and privileges as other communities in Townsend and the R-2 zoning district.