



**Town of Cheswold
Board of Adjustments
HEARING PROCESS**

1. Hearing is associated with: **ADMINISTRATIVE REVIEW** **VARIANCE**
2. If the hearing is associated with an Administrative Review, the applicant must have previously submitted an Administrative Review Application, (LDU 12-09-2011-004), and been notified of a negative decision by the Land Use Administrator or designee.
3. If the hearing is associated with a Variance Request, the applicant must have previously submitted a Variance Request Application, (LDU 12-09-2011-005), and been notified by the Land Use Administrator or designee, that the applicant's request meets the requirements for a variance.
4. Hearings should be scheduled as soon as possible, following the receipt of the application by the Administrator or designee.
NOTE: *Every attempt should be made to schedule the hearing within 20 days of the application request.*
5. A Public Notice must be published in a newspaper of general circulation, at least 15 days prior to the hearing, in the legal section of the newspaper.
NOTE: *The applicant is responsible for the cost of advertising the Public Notice.*
6. The Public Notice must include the following information:
 - Time of the Hearing
 - Location of the Hearing
 - Nature of the Hearing (*short description of why the hearing is necessary*)
7. The information published in the Public Notice should be used to create the Agenda for the hearing, along with the usual opening items:
 - Call the meeting to Order
 - Salute to the Flag
 - Moment of Silence
 - Agenda Review
 - Minutes Review (only if there are minutes from a previous hearing)
 - Nature of Hearing (to be read by Town Clerk)
 - Applicant Comments and Board of Adjustment Comments
 - Public Comments
 - Board of Adjustment Review
 - Board of Adjustment Decision
 - Applicant's Response
 - Motion to Adjourn
8. The Public Notice must also be posted at or on:
 - Post Office Bulletin Board
 - Town Hall Bulletin Board
 - Town Website

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9. If the application and hearing is in association with a specific property, then the applicant must post the Public Notice on a sufficiently large sign on the subject property in a visible location.
10. The hearing must take place no less than 15 days following publication of the notice.
11. The hearing shall be conducted and applications shall be acted upon as specified in Article 3 – Administrative Structure of the Land Use Ordinance.
12. At least ten, (10) days prior to the hearing, each Board member must receive a complete applicant package that includes:
 - Administrative Review Application, (*LDU 12-09-2011-004*), or Variance Request Application, (*LDU 12-09-2011-005*), the appropriate application must have been completed prior to the hearing.
 - Any additional pertinent property details
 - An plans or drawings
 - Any signatures or approvals by other interested parties
13. Included in the package to each Board member must also be, as appropriate to the hearing type:
 - **Administrative Review Decision Form (*LDU 12-09-2011-006*)**
 - The information pages of the form are to be completed by the Town Clerk prior to delivery to the Board members. (Page 1 and top half of Page 2)
 - The bottom of page 2 and top of Page 3 is to be used by the Board Members, with the original completed by the Town Clerk and the signature of one of the Board Members.
 - The bottom portion of Page 3 is to be completed by the Town Clerk and the form and all attachments are to be filed.
 - **Variance Request Decision Form (*LDU 12-09-2011-007*)**
 - The information pages of the form are to be completed by the Town Clerk prior to delivery to the Board members. (Page 1 and top half of Page 2)
 - The bottom of page 2 and top of Page 3 is to be used by the Board Members, with the original completed by the Town Clerk and the signature of one of the Board Members.
 - The bottom portion of Page 3 is to be completed by the Town Clerk and the form and all attachments are to be filed.