

Resolution No.: 12-2-24-125

Date: 12-2-2024

A RESOLUTION ESTABLISHING ADMINISTRATIVE VARIANCE

WHEREAS, Article 4, Section 4.1 of the Town of Cheswold Land Use Ordinance authorizes and directs the Land Use Administrator to create and provide processes for the orderly and proper tracking of all actions associated with land use; and

WHEREAS, the Town of Cheswold seeks to promote orderly growth, ensure fairness, and maintain public welfare in development processes; and

WHEREAS, certain minor deviations that may arise due to unique property characteristics, hardships, or unforeseen circumstances; and

WHEREAS, administrative adjustments provide a mechanism for expeditious resolution of minor deviations without compromising the intent of the Town's Land Use Ordinance; and

WHEREAS, the Town Council has determined it is in the public interest to establish a clear, consistent procedure for such adjustments;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Cheswold that the following procedures for Administrative variance are hereby adopted:

Section 1: Authorization

1. That the Land Use Administrator is hereby authorized to provide a streamlined administrative process for minor variance adjustments to existing properties. The Administrative Official shall have the authority, as qualified below, to grant a dimensional variance in the case of any structure existing or partially constructed which does not comply with the dimensional requirements of this ordinance applicable at the time such structure was erected.

Section 2: Authority

This resolution is established under the Town of Cheswold, granting the Planning Department & Building Department the authority to approve minor deviations administratively without requiring a formal variance application.

Section 3: Eligibility Criteria

An administrative adjustment can be approved if all the following conditions are met:

1. The adjustment is for an existing property or structure.
2. The need for the variance was the result of good faith errors by the property owner and/or the property owner's builder or surveyor. The property owner shall have the burden of establishing the existence of such good faith error by substantial evidence
3. The requested deviation does not exceed one (1) foot.
4. The adjustment does not adversely impact neighboring properties, public safety, or the character of the area.
5. Such variance will not create unsafe conditions with respect to other property or public streets.
6. Upon the approval of an administrative variance under this section for a particular building, the same shall be deemed to be a lawful building.

Section 7: Post-Decision Procedures

Approval: If approved, the applicant will receive a signed Administrative Adjustment Certificate, which must be recorded with the property deed.

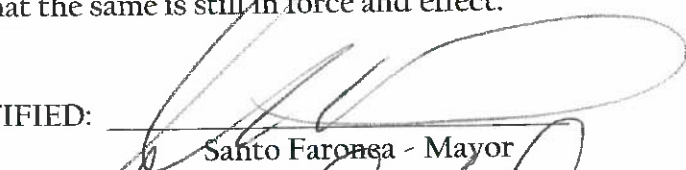
1. **Denial:** If denied, the applicant may:
 - o Apply for a formal variance through the standard process.

Section 8: Appeals

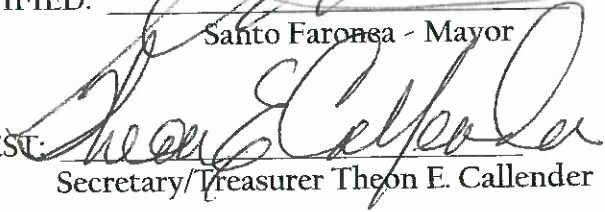
Decisions on Administrative Variance may appeal to the Board of Adjustment within 30 days of the decision.

Be It Additionally Resolved That:


I, Santo Faronea, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of Resolution 12-2-24-125, passed by an affirmative majority vote of all elected members of the Town Council of Cheswold at a regularly scheduled Town Council Meeting, held on, Monday, December 2, 2024, at 5:00 pm and via ZOOM: <https://us02web.zoom.us/j/9728359352> at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: 
 Santo Faronea - Mayor

Date: December 2, 2024

ATTEST: 
 Secretary/Treasurer Theon E. Callender

Date: December 2, 2024

Agreed: 
 Vice-Mayor Judith Johnson

Date: December 2, 2024

Agreed: Excused
Councilperson Mark Moxley

Date: December 2, 2024

Agreed: Excused
Councilperson Robin Ridgway

Date: December 2, 2024

Agreed: Jamie Barlett
Councilperson Jamie Barlett

Date: December 2, 2024

NOTARIZED: Camryn Jones
Town Clerk Camryn Jones

Date: December 2, 2024

