

Short Information Sheet Concerning The Board Of Adjustment

I. Jurisdiction of the Board

The Board of Adjustment of the City of Rehoboth Beach is a body appointed by the City Council. It has power specifically defined within the Zoning Code. The great majority of the cases that come before the Board of Adjustment are zoning cases pursuant to Section 270-74 of the Code of the City of Rehoboth Beach. That section of the law allows the Board to generally hear two kinds of cases.

A. Appeals

One type of case is an appeal from the Decision of the Building Inspector applying the City Zoning Code. In that type of case the Board itself determines whether the Building Inspector's interpretation of the Code is appropriate.

B. Variance Request

The second type of case is the granting of a Variance. A Variance Application is completely different from an appeal of the Building Inspector. In a Request for a Variance, an applicant is asking the Board of Adjustment to authorize a use of the property which is conflicting with the Code. The granting of a Variance is allowed in cases only where an applicant can show an unnecessary hardship or an unusual practical difficulty with complying with the Code.

In determining whether a Variance should be granted or not the Board looks at, among other things, whether to allow the Variance would change the character of the neighborhood. The Board will also consider comments from members of the public at large on that issue or any other issue in connection with a Variance.

II. Notice of Hearings

Notices of applications before the Board are given to property owners within two hundred feet of the property for which the application is made, and published in local newspapers as well as noticed on the City bulletin board.

III. Decision

The Board will vote on a Motion at the end of the hearing. Each Board member will state his or her reasons for the vote. After the hearing a written Decision will be prepared, forwarded to the applicant and maintained in the City records.

IV. Disclaimer

This summary is provided for your information only and to help you understand the process. The process before the Board is a grassroots democratic process and all comments are welcome. It is appreciated if comments are not repeated so that meetings can be kept to a manageable level of time.

Finally, this summary is not to be relied upon by any individual in determining any particular course of action. This summary is not meant to be legal advice and is provided only for general information. If you have any specific questions about the use of your property or the use someone else wants to make of their property, you should consult your own attorney.