

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**BOARD OF ADJUSTMENT – CITY OF DELAWARE CITY**

IN RE: VARIANCE APPLICATION OF  
Paulette and George Blanchfield  
118 Reybold Drive  
Delaware City, Delaware 19706

CA No. 2022 - \_\_\_\_\_

Parcel No. 22-010.00-097

**NOTICE OF DECISION OF THE BOARD OF ADJUSTMENT**

**Introduction**

The City of Delaware City Board of Adjustment (the "Board") held a hearing on December 6, 2022 (the "Hearing") in The City of Delaware City (the "City") regarding the above-captioned case. The following members of the Board were present at the Hearing, representing a properly constituted quorum (*see* Del. City Code § 46-117):

Present: Paul Parets, Board Chair  
Andrea Nolan, Board Member  
Susan Rahn, Board Member  
Raymond Gogola, Board Member  
Michelle Abrams-McPherson, Board Member

**Background**

Paulette and George Blanchfield (the "Applicants") are the owners of certain real property located at 118 Reybold Drive Delaware City, Delaware 19706 (the

“Property”). Prior to the Hearing, the Applicant presented to the City Manager its application for a variance relating to the Property (the “Application”). The Application seeks a variance for the set-back for an accessory structure on the easterly side of their property, as depicted on Exhibit A to this decision, from the required 5 feet to 2 feet.

It was established at the Hearing that the Property was properly posted, and certified mailings were properly sent out to all potentially affected contiguous property owners. Based upon the exhibits entered into the Hearing record, and the testimony provided at the Hearing, the Board finds that all Code-required notice prerequisites to hear the Application were satisfied in advance of the Hearing. Del. City Code § 46-111.

### **Standard of Review**

In reviewing the Application, which relates to an area variance, the Board must consider, “whether a literal interpretation of the zoning regulations results in exceptional practical difficulties of ownership.” *Kwik-Check Realty, Inc. v. Bd. of Adjustment of New Castle County*, 389 A.2d 1289, 1291 (Del. 1978). Specifically, the Board must weigh: 1) the nature of the zone where the property lies; 2) the character and uses of the immediate vicinity; 3) whether removal of the restriction on the applicant’s property would seriously affect the neighboring property and its uses; and 4) whether failure to remove the restriction “would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance.” *Id.*; *see also* Del. City Code § 46-62.

### **Testimony Presented**

As more fully spelled out on the record, which is incorporated herein by reference, Richard Forsten, Esquire, presented the matter before the Board and the Blanchfields testified in favor of their application. Based on the testimony, the intent of the request is to allow a shed, that has been in place for a period of years, to remain in its current location. Moving the shed to a code complaint location would impact

the ability of the Blanchfields to use their property in a reasonable manner. Sheds are prevalent in the community at varying setbacks.

There were three witnesses who testified against the relief sought by the Blanchfields on various grounds as set forth in the record.

A variance is required to keep the shed at its current location.

### **Decision**

After reviewing the record, hearing testimony, and receiving comments from all persons who wished to be heard, in favor and in opposition, the Board grants the Application for the reasons stated on the record by the Board members at the time of their vote (all such reasons are incorporated herein and made part of this written decision by reference), and as set forth herein.<sup>1</sup> The Board finds that the Applicant has met its burden for the grant of the variance.


As set forth more completely on the Record, the Board finds that proposed accessory structure is consistent with the nature of the zone where the Property lies, and the character and uses of the immediate vicinity. The Board also finds that the requested variance would not seriously affect neighboring property and its uses, as the subject structure has been in place for years, and sheds on properties in the community are prevalent. Finally, the Board concludes that the Applicant has met its burden of establishing the required exceptional practical difficulty. This use is consistent with the immediate area. A denial of the variance would cause the Applicant to have to move the shed that has been in existence for a period of years, without complaint, and would substantially impair the property owner the ability to make reasonable use of their property, establishing the required exceptional practical difficulty for the variance.

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<sup>1</sup> At the hearing, a Motion was made, seconded, and discussion followed. The Motion carried unanimously that the Application for a variance be approved, and each board member articulated the reasons for his or her vote on the record. The articulated reasons are incorporated herein by reference.

For these reasons, and for the reasons stated on the record at the hearing, the Application for a variance related to 118 Reybold Drive is APPROVED.

A copy of this written decision shall be mailed to the Applicant, and all persons requesting a copy of the written decision in writing, on the date it is filed.

  
The Honorable Paul Parets, Chair  
On Behalf of the Board

Date of Decision: 12/6/22

Date of Written Decision/Date Filed: 7 April, 2023

**Note:** This decision may be appealed to the Superior Court by any person aggrieved by it within thirty (30) days of this filing in the Office of the Board of Adjustment at Town Hall, 407 Clinton Street, Delaware City, Delaware.