



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT
19-08 A

Application for Hearing

- Board of Adjustment
- Planning Commission

Petition # 19-08 Filing Fee: 250 Date Received 8/16/19 Received by: Dmj

Subject Property: 15 Richard Ave, Wilmington, DE 19805

Property is: Residential Commercial

Tax Parcel # 19 002.00 052 Zoning District: _____

Applicant name: Arkadiusz Jablonski

Address: 20 Kings Bridge Ct Telephone # 302-544-0135

City: Newark State: DE Zip Code: 19702

Application for Zoning Variance Related to: _____

- Front yard setback
- Rear yard setback
- Side yard setback
- Lot Area
- Lot Coverage
- Fencing
- Parking requirements
- Signage

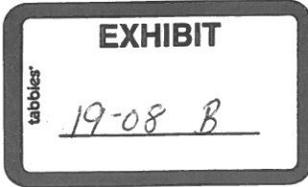
Application for Special Exception Use Permit for the following use: _____

odd addition to the house ON RIGHT 6'x12'

Application for Appeal of an Administrative decision: SIDE OF THE KITCHEN

By: _____ Date: _____

For the following reasons: _____



Application for relief other than above: _____

State reasons for this request: Add room to the side of the kitchen to be used as a laundry room and powder room and removing the shed located in the back of the house on the plot plan

Has a previous application for this property been filed with the Town? Yes No

If yes, Petition # _____

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: _____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property.
- A copy of any deed restrictions on the property.
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

NOTE: The legal owner and his/her authorized representative must sign this form.

Applicant's Signature: Jahlon Date: 08-16-2019

Legal Owner's Signature: Jahlon Date: 08-16-2019

Name of person representing applicant (if applicable):

Not applicable

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

I, ARKADIUSZ YABLONSKI, as owner of the property listed on this application, authorize the above named representative to act on my behalf during any proceedings pertaining to this application.

Legal Owner Signature Date

Subscribed and sworn to before me on the following date:

Notary Public Signature

Date

In addition to the persons listed above please send copies of all correspondence to:

Name: _____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

VARIANCE HARDSHIP WORKSHEETTown of Elsmere Petition Number: 19-08Property Owners Name: ARKADIUSZ JABLONSKIPerson(s) Representing the Property Owner: Self Additional page(s) attached**Applicants, please be aware that the following are the prerequisites to the granting of a variance:**

A variance may be granted when it will not be contrary to the public interest where, owing (due) to special conditions, a literal enforcement of the provisions of the Code of The Town of Elsmere will result in unnecessary and undue hardship.

The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations.

Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance.

Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to recommend the approval of or authorize any variance from the terms of the code, the Planning Commission or Board of Adjustment must find all of the following factors to exist:

- (1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification.

Please explain how this applies:

There are no other special exceptions at the property, the shed that is in the backyard will be removed

- (2) That the special conditions and circumstances do not result from the actions of the applicant.

Please explain how this applies:

N/A (since there are no special conditions at the property, there no special actions were taken by the applicant

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of the code to other lands, buildings or structures in the identical zoning classification.

Please explain how this applies:

The addition will add value to the property

- (4) That literal enforcement of the provisions of the code would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of the code and will constitute unnecessary and undue hardship on the applicant.

Please explain how this applies:

Any future buyers will have more convenience with additional powderroom and laundry on the main floor

- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

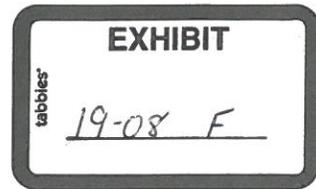
Please explain how this applies:

Yes it is the minimum, there is no other variance needed

- (6) That the granting of the variance will be in harmony with the general intent and purpose of the code and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please explain how this applies:

The addition will not cause any harm to the neighbours



I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all of the aforementioned criteria.

Signature of applicant: Jabloner

Date: 08-23-2019

Signature Code Department Representative: _____

Date: _____

STATEMENT OF FACT

The subject parcel is currently compliant with the Code of the Town of Elsmere.

REQUEST BY THE APPLICANT

To construct a 72 sq. ft. side yard addition.

ISSUE(S)

The applicant seeks to reduce the existing side yard setbacks of 10.6ft to 4.6ft. The Town of Elsmere Code Chapter 225, Attachment 3 requires a 5ft minimum side yard setback.

GRANTING OF THE PETITION

Should the Planning Commission and Board of Adjustment of the Town of Elsmere grant Petition 19-08, the following must occur:

1. The Planning Commission of the Town of Elsmere shall determine that the proposed addition meeting the harmonious development intent of the Town of Elsmere Code 225-9.
2. The Board of Adjustment of the Town of Elsmere shall grant a variance from Town of Elsmere Code 225 Attachment 3 to allow for a 4.6ft side yard setback from the required 5ft setback.

19-08 I

DESCRIPTION	LOCATION OF CONTROL POINTS FROM P.O.B.
IRON PIPE	N 47°20'27" E 228.44'
IRON PIPE	N 47°20'20" E 128.41'

RECORD PLAN



VILONE ROAD
50' WIDE

R=20.00'

N 47°20'30" E 68.54'

FENCE ON LINE ±

P.O.B.

112.87'

S 47°20'30" W

RICHARD AVENUE
50' WIDE

FENCE ON LINE ±

1

N 47°20'30" E

26.10'

1

SHED NO FOUND.

you will remove

27

N 15°02'00" W

25

24

CONC.

CONC.

BSM'T ENTRY

CHIM.

2 STORY BRICK & FRAME RES.

CONC.

CONC.

CONC.

100.00'

FENCE ON LINE ±

25.2'

78.43'

I HEREBY DECLARE THAT THE IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED. THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSACTION AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, INCLUDING FUTURE IMPROVEMENTS AND DETERMINING PROPERTY LINES, TREES, LANDSCAPING OR OTHER FEATURES HAVE NOT BEEN LOCATED UNLESS SHOWN HEREON. PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD. THE ZONING CLASSIFICATION SHOWN HEREON REPRESENTS CURRENT ZONING AS OF THE DATE OF THIS PLAN. THE MINIMUM REQUIREMENTS ARE FROM THE ZONING CODE. ANY RESTRICTION LINES SHOWN ABOVE ARE FROM THE RECORD PLAN OR DEED RESTRICTIONS PROVIDED TO A.E.S. SURVEYORS. ANY VARIANCES, AGREEMENTS OR PRIOR ZONING ARE NOT KNOWN UNLESS SHOWN HEREON. IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS REGULATION 12.7; A WAIVER NOT TO SET CORNERS HAS BEEN OBTAINED. IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND CAN ONLY BE USED FOR REVIEW PURPOSES.

PROPERTY TO BE CONVEYED TO:
ARKADIUSZ JABLONSKI

MORTGAGE SURVEY PLAN
15 RICHARD AVENUE
LOT 25 - BLOCK T
VILONE VILLAGE
TOWN OF ELSMERE
NEW CASTLE COUNTY - DELAWARE
TAX PARCEL # 19 002.00 052

ZONED: R-1 (BUILT IN 1948)

SETBACKS:
FRONT-20'
REAR-30'
SIDE-5'

A.E.S. SURVEYORS

3913 OLD CAPITOL TRAIL
WILMINGTON, DE 19808
PHONE: 302-993-1059
FAX: 302-993-1087
EMAIL: OFFICE@AESURVEYORS.COM

SCALE: 1"=20' DATE: 7/01/19

DEED REF: BK 069 PG 440

PLAT REF: 579

JOB # 20191794

CLASS S SURVEY



15 Richard Avenue

Author:

New Castle County Delaware GIS: <http://gis.nccde.org>

Disclaimer: For informational purposes only - not to be used as official documentation.



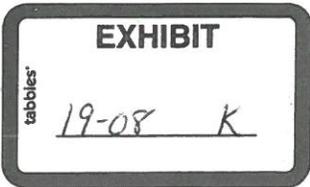
EXHIBIT

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19-08 J

Date:

0 0.005



Parcel # 1900200052

Property Address: 15 RICHARD AVE
 WILMINGTON, DE 19805-
 Subdivision: VILONE VILLAGE
 Owner: ARKADIUSZ JABLONSKI LLC
 20 KINGS BRIDGE COURT
 Owner Address:
 NEWARK, DE 19702
 Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 25	Property Class: RESIDENTIAL
Location:	Lot Size: 0.11
Map Grid: 09603560	Lot Depth: 100
Block: T	Lot Frontage: 78.40
Census Tract: 123.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 000579	

District & Zoning Info

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- TRAFFIC ZONE T084 (YR2000)
- NORTH OF C&D CANAL
- COUNCIL 1 - KENNETH R WOODS
- VILONE VILLAGE - Civic Organization - no contact information available
- ADD REQ PER SEC 10.3.4.4 DSSR
- FLOODPLAIN-LU
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- DE SEN 07-ANTHONY DELCOLLO
- DE REP 13-JOHN L MITCHELL JR

Zoning

- 19R1 - ONE FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
SCHIAVONI LOUIS & ROSEANNA M	O69 440	N	Not Available	\$0.00
SCHIAVONI ROSANNA M	WR172148	N	12/29/1983	\$0.00
SCHIAVONI LUIG & DINO	WR171330	N	11/28/2018	\$0.00
ARKADIUSZ JABLONSKI LLC	20190716 0054160	N	7/12/2019	\$10.00

Tax/Assessment Info

Assessment

Land: 8400
 Structure: 39100
 Homesite: 0
 Total: 47500
 County Taxable: 47500
 School Taxable: 47500

Tax Bills as of 8/20/2019 3:00:02 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$465.74
2011A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$461.70
2012A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$458.85
2013A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$484.74
2014A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$562.55
2015A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$577.52
2016A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$607.84
2017A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$775.29
2018A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$768.98
2019A	\$0.00	\$0.00	\$161.46	\$0.00	\$0.00	\$1,177.53

Tax Payments as of 8/20/2019 3:00:02 AM

Date Paid	Amt Paid
8/30/2010	\$465.74
9/23/2011	\$461.70
8/31/2012	\$458.85
9/4/2013	\$484.74
6/16/2015	\$562.55
11/6/2015	\$577.52

EXHIBIT
19-08 M

(No. 44-B)

Printed and Sold by Reed & Company Co., Baltimore, 600 Yarnall St., Wilmington, DE

This Deed, Made this

5th day of **June** in the year of
our LORD one thousand nine hundred and sixty-two

BETWEEN, HENRY E. GALLAGHER and MATILDA GALLAGHER, his wife, of the Town of Elsmere, New Castle County and State of Delaware, parties of the first part,

-an-d-

LOUIS SCHIAVONI and ROSEANNA MARIA SCHIAVONI, his wife, of the City of Wilmington, County of New Castle and State of Delaware, parties of the second part,

Witnesseth. That the said parties of the first part, for and in consideration of the sum of

TEN DOLLARS (\$10.00)----- lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, their heirs and assigns as tenants by the entirety

ALL that certain lot, piece or parcel of land, with the buildings thereon erected, situate in the Town of Elsmere, New Castle County and State of Delaware, known as Lot No. 25, Block T, on the Plan of VILONE VILLAGE, as said Plan is of record in the Office for the Recording of Deeds, in and for New Castle County and State of Delaware, in Plat Record 1, Page 89 and more particularly bounded and described in accordance with a recent survey made by Howard L. Robertson, Civil Engineer, Dated September 11, 1947, as follows,

BEGINNING at a point on the North-westerly side of Richard Avenue, at fifty feet wide, at a point in the division line between Lots Nos. 25 and 26, Block T said point being distant sixty-eight feet and fifty-four one-hundredths of a foot measured North forty-seven degrees, twenty-minutes, thirty seconds East along the said Northwesterly side of Richard Avenue from a point of curve at the Northeasterly end of a twenty feet radius intersection curve joining the said Northwesterly side of Richard Avenue with the Easterly side of Vilone Road, at fifty feet wide; thence from said point of Beginning North fifteen degrees, two minutes West along a line dividing Lot No. 25 from Lots Nos. 26, 27 and 1, Block T, one hundred twelve feet and eighty-seven one-hundredths of a foot to a point; thence North forty-seven degrees, twenty minutes, thirty seconds East partly along the rear line of Lot No. 1 and partly along the rear line of Lot No. 2, Block T, twenty-six feet and ten one-hundredths of a foot to a point in the division line between Lots Nos. 24 and 25, Block T; thence along said last mentioned division line South forty-two degrees, thirty-nine minutes, thirty seconds East one hundred feet to a point in the said Northwesterly side of Richard Avenue; and thence thereby South forty-seven degrees, twenty-minutes, thirty seconds West seventy-eight feet and forty-three one-hundredths of a foot to the point and place of Beginning. Be the contents thereof what they may.

BEING the same lands and premises which Thomas R. Jaquette and Evelyn M. Jaquette, his wife, by indent-

EXHIBIT
tabbies
19-08 N

REC 0-69 PAGE 441

SUBJECT, however, to the covenants, restrictions, agreements, easements and reservations as more fully set forth in a certain Indenture from Alfred J. Vilone and Olga M. Vilone, his wife, dated August 27, 1947, and of record in the Office for the Recording of Deeds aforesaid, in Deed Record , Volume , Page .



In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year aforesaid.

Given and Delivered in the Presence of
James J. [Signature] } Henry E. Gallagher (SEAL)
as to both } Matilda Gallagher (SEAL)
Matilda Gallagher

State of Delaware,
NEW CASTLE County, } ss.

It is Remembered, That on this 5th day of June in the year of our LORD one thousand nine hundred and sixty-two personally came before me, the subscriber, Notary Public, in and for the County and State aforesaid, Henry E. Gallagher and Matilda Gallagher, his wife,

parties to this Indenture known to me personally to be such, and severally acknowledged this Indenture to be their Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

[Signature]
Notary Public