



The Town of Elsmere
 11 Poplar Avenue, Elsmere, Delaware 19805
 Phone (302) 998-2215 Fax (302) 998-9920

EXHIBIT
 19-09 A

Application for Hearing

- Board of Adjustment**
- Planning Commission**

Petition # 19-09 Filing Fee: \$250 Date Received 10/18/19 Received by: SA

Subject Property: 119 Filbert Ave. Wilmington DE 19805

Property is: Residential Commercial

Tax Parcel # 19-004.00-611 Zoning District: R2

Applicant name: Jordan Teich

Address: 110 Burningbush Drive Telephone # (302) 367-2880

City: Newark State: DE Zip Code: 19711

Application for Zoning Variance Related to: _____

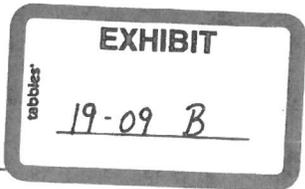
- | | |
|---|--|
| <input type="checkbox"/> Front yard setback | <input checked="" type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Rear yard setback | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Side yard setback | <input type="checkbox"/> Parking requirements |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Signage |

Application for Special Exception Use Permit for the following use: Lot Coverage
 To install concrete walkway and patio in rear of property

Application for Appeal of an Administrative decision: N/A

By: N/A Date: N/A

For the following reasons: N/A



Application for relief other than above: Lot Coverage

State reasons for this request: _____

Due to the topography of the area, when there is heavy rainfall or consistent rains, a large volume of displaced runoff , travels down Birch Ave onto F ST. With our property located on the lower side of F St the property contends with excessive water. This leaves the back of the property muddy or icy, making it unsafe to utilize the parking in the rear of the property or to access the property. In addition the current residents of the property are senior citizens one of which has had both hips replaced. Due to the lack of mobility and the unsafe conditions he has already had several slips and falls. To resolve the issue we would like to install a concrete walkway and patio area.

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

If yes, Petition # N/A

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

Legal owner information:

Name: Andrea Parrish

Address: 110 Burningbush Drive Telephone # (302) 521-4443

City: Newark State: DE Zip Code: 19711

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: [Signature] Date: 10/18/19

Legal Owner's Signature: [Signature] Date: 10/18/19

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EXHIBIT
19-09 C

Name of person representing applicant (if applicable):

Jordan Teich

Address: 110 Burningbush Drive Telephone # (302) 367-2880

City: Newark State: DE Zip Code: 19711

I, Andrea Parrish, 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.

A. Parrish

Legal Owner Signature

10/17/19

Date

Subscribed and sworn to before me on the following date:

Joshua Steven Boyum
Notary Public Signature

10/17/2019

Date

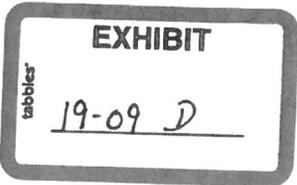


In addition to the persons listed above please send copies of all correspondence to:

Name: N/A

Address: N/A Telephone # N/A

City: N/A State: N/A Zip Code: N/A



VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number: 19-09

Property Owners Name: Andrea Parrish

Person(s) Representing the Property Owner: Jordan Teich

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.

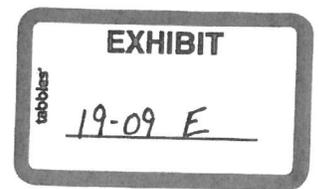
Please explain how this applies:

Due to the topography of the are, when there is heavy rainfall or consistent rains, A large volume of displaced runoff , travels down Birch Ave on to F ST. With our property located on the lower side of F St the property contends with excessive water. This leaves the back of the property muddy or icy, making it unsafe to utilize the parking in the rear of the property or to access the property.

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

Please explain how this applies:

The conditions are due to weather and the topography of the surrounding area



- (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 majority of the surrounding properties already have hard surface walkways to accommodate safe access to their dwellings. The variance will grant this property equal privilege of the surrounding properties

- (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:

The majority of the surrounding properties already have hard surface walkways to accommodate safe access to their dwellings. The enforcement of code deprives us the ability to utilize and safely access our property. A current resident of this property has physical challenges due to hips replaced and has already sustained several falls due to the conditions

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

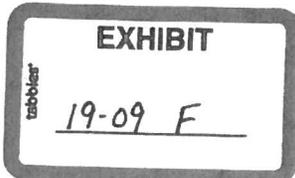
Please explain how this applies:

Our request is for a concrete walkway for direct walking access and a patio for an even and consistent area for seating and ease of movement at the rear entrances. The majority of the surrounding properties already have hard surface walkways and patios to accommodate safe access to their dwellings. We are requesting no more then the surrounding properties already have.

- (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 alterations are commonly found at the surrounding residential properties and will be harmonies with the area. The variance will permit us to use the property in a safe manner and allow other resident to safely access the property if needed



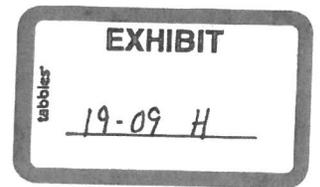
I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all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

Signature of applicant: *[Handwritten Signature]*

Date: 10/18/19

Signature Code Department Representative: *[Handwritten Signature]*

Date: 10/18/19



STATEMENT OF FACT

The subject parcel is legal non-conforming in regard to lot coverage. The Code of the Town of Elsmere allows 30% lot coverage for interior townhomes in the R-2 zoning district, the lot is currently 38% covered.

REQUEST BY THE APPLICANT

To add 318 square feet of additional impervious lot coverage.

ISSUE(S)

1. Town of Elsmere Code Attachment 225-3 only allows interior townhomes to have 30% lot coverage, the applicant seeks 57% total lot coverage.
2. Town of Elsmere Code 225-31C prohibits the expansion of a non-conforming use.
3. The Town of Elsmere NPDES Permit requires that the Town of Elsmere reduce impervious lot coverage within the Town.

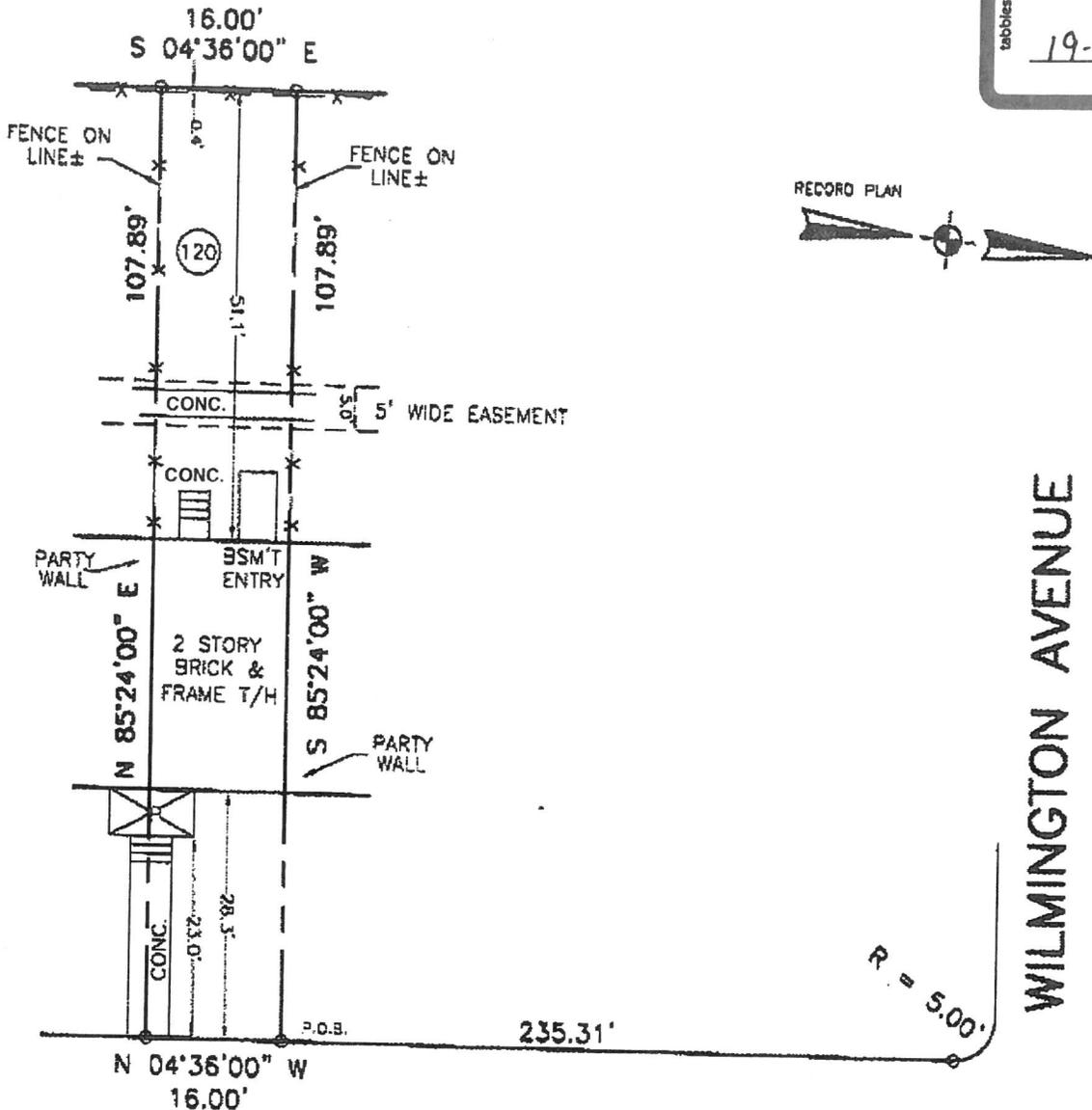
GRANTING OF THE PETITION

Should the Planning Commission of the Town of Elsmere grant Petition 19-09, the following must occur:

1. The Planning Commission of the Town of Elsmere shall determine that the proposed lot coverage meets the intent of the Town's NPDES Permit.
2. The Board of Adjustment shall grant a variance from the Town of Elsmere Code Attachment 225C to allow a variance from the maximum required lot coverage from 30% to 57%.
3. The Board of Adjustment shall determine that said petition approval does not facilitate the expansion of a non-conforming use as per Town of Elsmere Code 225-31C.
4. The applicant shall be instructed to obtain permits for said work from the Town of Elsmere Code Enforcement Department within 1 year of this approval.

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19-09 I

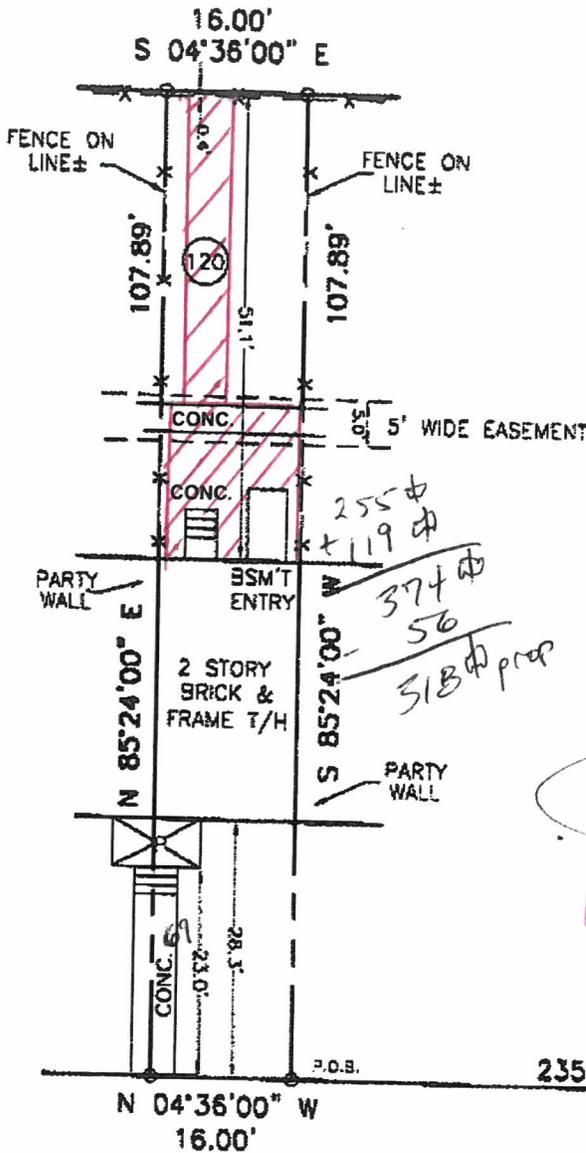


FILBERT AVENUE
60' WIDE

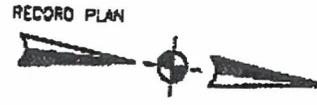
WILMINGTON AVENUE

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: ANDREA PARRISH		ZONED: R2 (BUILT IN 1944)	
MORTGAGE SURVEY PLAN 119 FILBERT AVENUE LOT 120 ELSMERE MANOR TOWN OF ELSMERE NEW CASTLE COUNTY - DELAWARE TAX PARCEL # 19-004.00-611		SETBACKS: FRONT- 20' REAR- 20' SIDE- 0'/15' END UNIT	
		A.E.S. SURVEYORS 3913 OLD CAPITOL TRAIL WILMINGTON, DE 19808 PHONE: 302-993-1059 FAX: 302-993-1067 EMAIL: OFFICE@AES SURVEYORS.COM	
DEED REF: 559-337	PLAT REF: 228	SCALE: 1"=20'	DATE: 5/3/18
		JOB # 20181099	CLASS U SURVEY



69
48
32
21
25
-56



Lot = 1726
SD = 464
Imp = 195
Exist 659 ft or 38%

Allow = 518
30%

57 ft prop

WILMINGTON AVENUE

FILBERT AVENUE
60' WIDE

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:
ANDREA PARRISH

MORTGAGE SURVEY PLAN
119 FILBERT AVENUE
LOT 120
ELSMERE MANOR
TOWN OF ELSMERE
NEW CASTLE COUNTY - DELAWARE
TAX PARCEL # 19-004.00-611

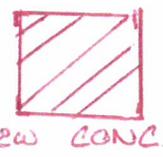
DEED REF: 559-337 PLAT REF: 228

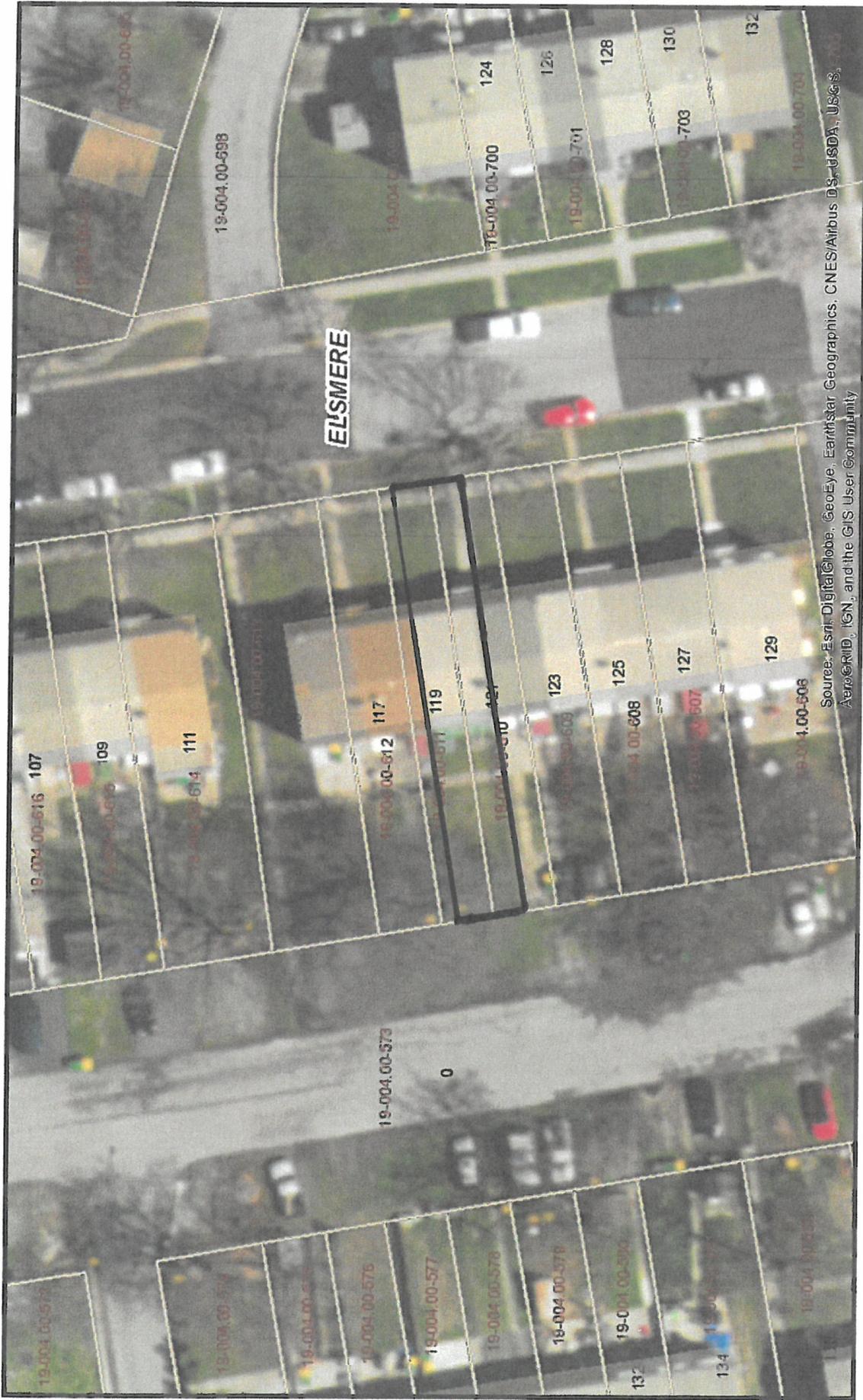
ZONED: R2 (BUILT IN 1944)
SETBACKS:
FRONT-20'
REAR-20'
SIDE-0'/15' END UNIT

A.E.S. SURVEYORS
3913 OLD CAPITOL TRAIL
WILMINGTON, DE 19808
PHONE: 302-983-1059
FAX: 302-983-1067
EMAIL: OFFICE@AESURVEYORS.COM

SCALE: 1"=20' DATE: 5/3/18

JOB # 20181099 CLASS U SURVEY



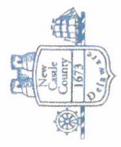


119 Filbert Ave

Author:

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

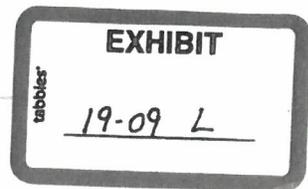
Disclaimer: For informational purposes only - not to be used as official documentation.



EXHIBIT

19-09 K

Date _____
 0 0.005



Parcel # 1900400611

Property Address: 119 FILBERT AVE
 WILMINGTON, DE 19805-
 Subdivision: ELSMERE MANOR
 Owner: PARRISH ANDREA
 119 FILBERT AVE
 Owner Address:
 WILMINGTON, DE 19805
 Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 120	Property Class: RESIDENTIAL
Location:	Lot Size: 0.04
Map Grid: 09403560	Lot Depth: 107.90
Block: W	Lot Frontage: 16
Census Tract: 124.00	Street Finish: SIDEWALK
Street Type: FEEDER	
Water: PUBLIC	
Microfilm #: 000228	

District & Zoning Info

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- ELSMERE MANOR - Civic Organization - no contact information available
- TRAFFIC ZONE T083 (YR2000)
- NORTH OF C&D CANAL
- COUNCIL 1 - KENNETH R WOODS
- ADD REQ PER SEC 10.3.4.4 DSSR
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- DE SEN 07-ANTHONY DELCOLLO
- DE REP 13-JOHN L MITCHELL JR

Zoning

- 19R2 - ONE/TWO FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
WALLS MICHAEL A & TRACEY L	559 337	N	10/1/1986	\$44,900.00
PARRISH ANDREA	20180604 0026449	N	6/1/1987	\$1.00
		N	5/30/2018	\$99,500.00

Tax/Assessment Info

Assessment

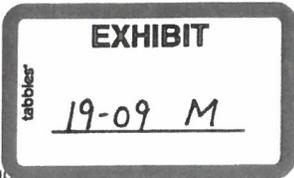
Land: 7100
 Structure: 28300
 Homesite: 0
 Total: 35400
 County Taxable: 35400
 School Taxable: 35400

Tax Bills as of 10/24/2019 3:00:00 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$119.18	\$0.00	\$0.00	\$645.70
2011A	\$0.00	\$0.00	\$121.35	\$0.00	\$0.00	\$638.26
2012A	\$0.00	\$0.00	\$121.69	\$0.00	\$0.00	\$630.83
2013A	\$0.00	\$0.00	\$120.99	\$0.00	\$0.00	\$669.41
2014A	\$0.00	\$0.00	\$121.45	\$0.00	\$0.00	\$681.20
2015A	\$0.00	\$0.00	\$121.02	\$0.00	\$0.00	\$757.21
2016A	\$0.00	\$0.00	\$120.72	\$0.00	\$0.00	\$825.64
2017A	\$0.00	\$0.00	\$121.35	\$0.00	\$0.00	\$875.91
2018A	\$0.00	\$0.00	\$129.94	\$0.00	\$0.00	\$871.19
2019A	\$0.00	\$0.00	\$120.33	\$0.00	\$0.00	\$877.56

Tax Payments as of 10/24/2019 3:00:00 AM

Date Paid	Amt Paid
9/29/2010	\$764.88
10/3/2011	\$759.61
9/28/2012	\$752.52
9/30/2013	\$790.40
9/29/2014	\$802.65
9/30/2015	\$878.23
9/26/2016	\$946.36
9/26/2017	\$997.26



9/25/2018
 9/24/2019
 County Balance Due: \$0.00
 School Balance Due: \$0.00

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue from the first day of next month.

Sewer History as of 10/24/2019 3:00:01 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2005S1	\$0.00	\$0.00	3/2/2005	\$97.36
2006S1	\$0.00	\$0.00	6/1/2006	\$99.74
2007S1	\$0.00	\$0.00	2/27/2007	\$102.25
2008S1	\$0.00	\$0.00	3/4/2008	\$65.07
2009S1	\$0.00	\$0.00	3/4/2009	\$50.00
2010S1	\$0.00	\$0.00	3/2/2010	\$132.93
2011S1	\$0.00	\$0.00	3/1/2011	\$148.89
2012S1	\$0.00	\$0.00	2/28/2012	\$187.85
2013S1	\$0.00	\$0.00	2/26/2013	\$154.70
2014S1	\$0.00	\$0.00	4/7/2014	\$160.73
2015S1	\$0.00	\$0.00	3/4/2015	\$137.77
2016S1	\$0.00	\$0.00	2/25/2016	\$68.88
2017S1	\$0.00	\$0.00	2/28/2017	\$126.29
2018S1	\$0.00	\$0.00	2/14/2018	\$183.69
2019S1	\$0.00	\$0.00	6/17/2019	\$61.04

Balance Due: \$0.00

Overpayment: \$3.96

These amounts are valid through the last day of the month. Statutory penalty will accrue on the first day of next month.

Residence Characteristics

Residence 0

Building Design: ROW INSD	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1944	# Stories: 2
Total Area (sq. ft.): 950	Main Floor Area: 480
# Rooms: 5	# Bedrooms: 2
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 0	# Fixtures: 5
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: BRICK	Interior Wall Finish: PLASTER
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 100%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning:
Remodel Year: 0	



20180604-0026449

Pages: 3 F: \$77.00

06/04/18 02:30:36 PM

T20180019427

Michael E. Kozikowski
New Castle Recorder DEE

Parcel No. 19-004.00-611

Prepared By:

Giordano, DelCollo, Werb & Gagne, LLC

5315 Limestone Road

Wilmington, DE 19808

Return To:

Ms. Andrea Parrish

119 Filbert Avenue

Wilmington, DE 19805

2018-0510

THIS DEED, Made this 30th day of May, 2018.

BETWEEN, MICHAEL A. WALLS AND TRACEY L. WALLS, of New Castle County and State of Delaware, parties of the first part

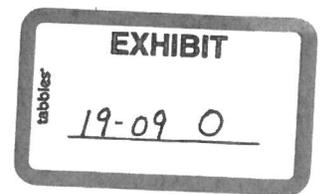
-AND-

ANDREA PARRISH, of New Castle County 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 Ninety Nine Thousand Five Hundred and 00/100 Dollars (\$99,500.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said parties of the second part , fee simple:

ALL that certain lot or piece of land with the dwelling house thereon erected, situate in the Town of Elsmere, New Castle County and State of Delaware. known as Lot No. 120 on the Plan of Elsmere Manor, recorded in the Office of the Recorder of Deeds, in and for New Castle County, in Plat Record No. 1, Page 45, bounded and described as follows, to-wit:

BEGINNING at a point on the West side of Filbert Avenue (60 feet wide) distant two hundred thirty-five and thirty one-hundredths feet Southerly from the Southerly end of q junction curve of five feet radius forming the intersection of the said West side of Filbert Avenue with the Southwest side of Wilmington Avenue; thence south 85 degrees! 24 minutes West, through the division wall between the house on this lot and the house on the lot adjoining on the North, one hundred seven and eighty-nine one-hundredths feet to a corner; thence south 4 degrees, 36 minutes East sixteen feet to another corner; thence North 85 degrees, 24 minutes East through



the division wall between the house on this lot and the house on the lot adjoining on the south, one hundred seven and eighty-nine one-hundredths feet to a point on the said West side of Filbert Avenue; and thence thereby North 4 degrees, 36 minutes West, sixteen feet to the place of BEGINNING.

SUBJECT TO ALL covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

BEING the same lands and premises which Michael L. Walls and Tracey L. Kirkpatrick, by Deed dated June 24, 1987 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record 559, Page 337 granted and conveyed unto Michael A. Walls and Tracey L. Walls, husband and wife , in fee.

GRANTEE'S ADDRESS: *119 Filbert Avenue
Wilmington, DE, 19805*



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbles

19-09 Q

MEMORANDUM

To: Chairman James Personti
Town of Elsmere Board of Adjustment

From: Chairman Charles G. Lindell
Town of Elsmere Planning Commission

Re.: Petition 19-09

Date: November 13, 2019

Mayor

Eric Thompson

1st District Councilwoman

Marianne Skipski

2nd District Councilwoman

Sally Jensen

3rd District Councilman

Robert Kacperski

4th District Councilman

Charles McKewen

5th District Councilwoman
President Pro-Tempore

Joann I. Personti

6th District Councilman
Secretary of Council

Brian Hurst

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

Dear Chairman Personti,

At the November 05, 2019 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed Petition 19-09 regarding Tax Parcel Number 1900-400-611. In this application, the applicant is requesting approval to install a concrete walkway and a patio in the rear of the property.

After hearing testimony and having their questions answered, a motion to recommend Petition 19-09 to the Board of Adjustment was approved by a vote of 3 to 1 with 2 absent and 1 vacancy with the following conditions:

- 1) To install pervious drainage next to the sidewalk.

Chairman Lindell and Commissioners Anderson, and Matthews were in attendance and unanimously voted in favor of the motion. Commissioner Steppi voted against the motion citing concerns with drainage and flooding.

Sincerely,

Charles G. Lindell, Chairman
Town of Elsmere Planning Commission