



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT
tabbles
20-11 A

Application for Hearing

- Board of Adjustment
- Planning Commission

Petition # 20-11 Filing Fee: _____ Date Received 6/9/2020 Received by: SA

Subject Property: 410 Junction Street - Elsmere, DE 19805

Property is: Residential Commercial

Tax Parcel # 19-005.00-388 Zoning District: _____

Applicant name: F. Rocco & Lindsay Ferrante

Address: 410 Junction Street Telephone # 302-293-4420

City: Elsmere State: DE Zip Code: 19805

Application for Zoning Variance Related to: Addition

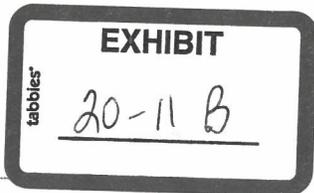
- | | |
|--|---|
| <input type="checkbox"/> Front yard setback | <input type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Rear yard setback | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Side yard setback | <input type="checkbox"/> Parking requirements |
| <input checked=""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

Application for Special Exception Use Permit for the following use: Build a 15' x 16' structure on rear of residence for elderly mother.

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: n/a

State reasons for this request: Current lot coverage is 28.9% and with the new structure it would put the lot coverage at a little less than 32.8%.

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: n/a

Address: n/a Telephone # n/a

City: n/a State: n/a Zip Code: n/a

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: 6/9/20

Legal Owner's Signature: [Signature] Date: 6/9/20

tabbles' **EXHIBIT**
20-11 C

Name of person representing applicant (if applicable):
n/a

Address: n/a Telephone # n/a

City: n/a State: n/a Zip Code: n/a

I, n/a, 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: n/a

Address: n/a Telephone # n/a

City: n/a State: n/a Zip Code: n/a



F. Rocco & Lindsay Ferrante
410 Junction Street
Elsmere, DE 19805

June 5, 2020

Attention: Planning Commission
The Town of Elsmere
11 Poplar Avenue
Elsmere, DE 19805

RE: Variance Hardship

Planning Commission,

We are requesting a variance for an addition we are looking to build on the rear of our residence located at 410 Junction Street. We are currently at 28.9% of our lot coverage, but with the addition it would bring it to approximately 32.8% lot coverage.

The new structure dimensions are 15' x 16', which would bring us to approximately 32.8% lot coverage. As mentioned above, this structure will be located at the rear of the existing structure.

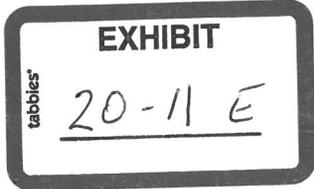
We are requesting to build this addition for my elderly mother who will be moving in with us.

This variance will have not affect the neighborhood or surrounding areas.

We hope that you will consider granting us approval so we able to take in my mother without having to put her in an assisted living facility.

Thank you,

F. Rocco Ferrante



VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number: _____

Property Owners Name: _____ F. Rocco & Lindsay Ferrante

Person(s) Representing the Property Owner: _____ n/a

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:

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

Please explain how this applies:

- (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:

- (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.

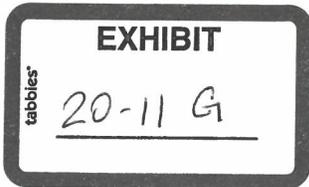
Please explain how this applies:

- (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:

- (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:



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: 6/9/20

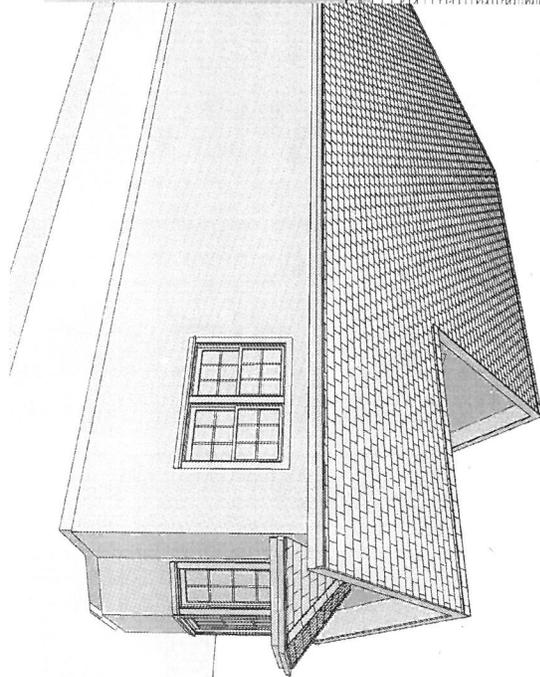
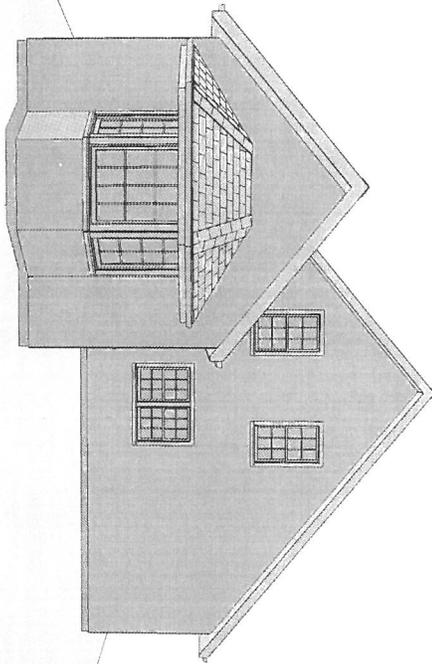
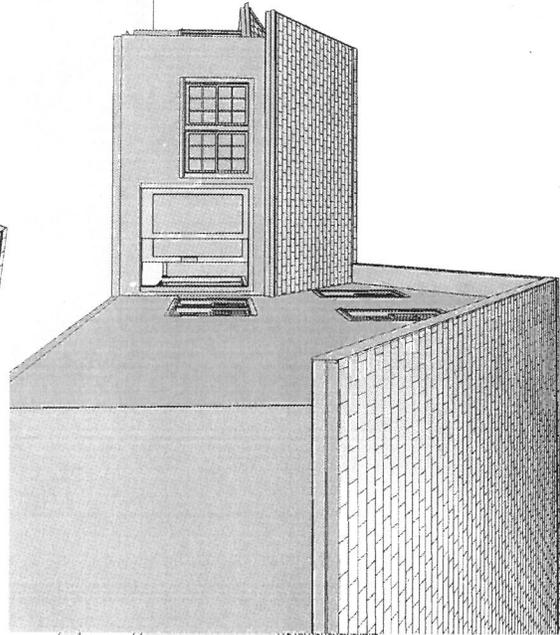
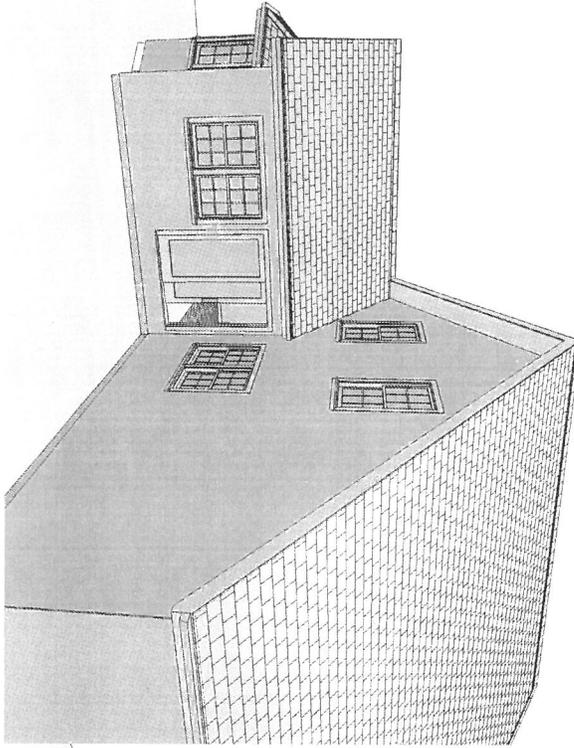
Signature Code Department Representative: _____

Date: _____

EXHIBIT

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20-11 H



Designed by: GDF
Checked by: FEB

SHEET:

P-3

DATE:

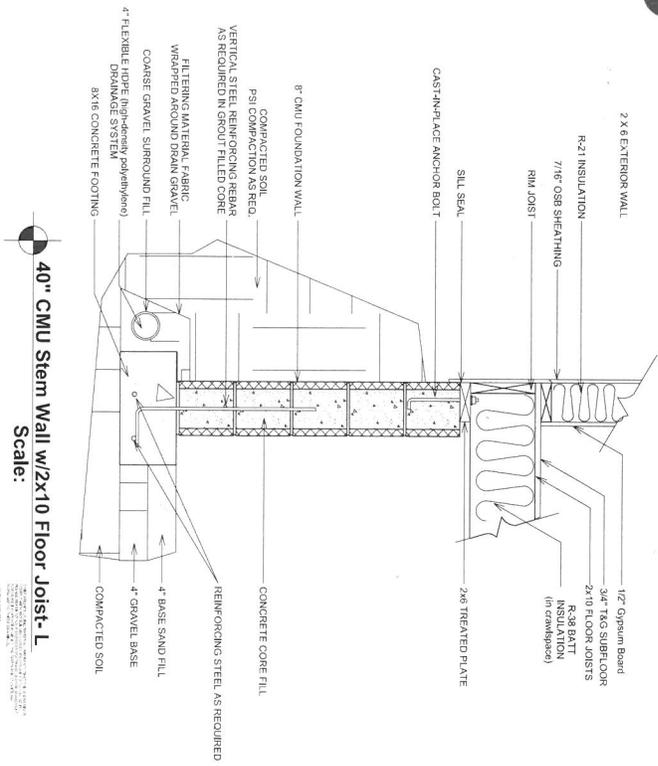
6/3/20

BROMWELL
CONSTRUCTION COMPANY, LLC

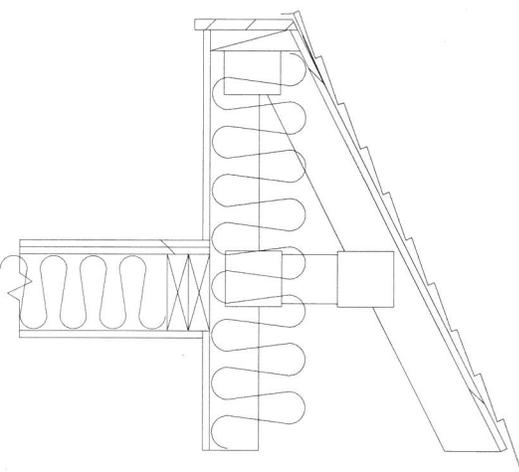
“ BUILDING THE FUTURE. RESTORING THE PAST ”

Job Name: Lindsay & Rocky Ferrante Addition
Location: 410 Junction St.
City/State/Zip: Elsmere, DE 19805
Notes:

tabbles®



40" CMU Stem Wall w/2x10 Floor Joist-L
Scale:



Cantilevered Truss
Truss Design By Others

CH2 ARCHITECT, INC. MAKES NO WARRANTY THAT THE DRAWINGS
HEREIN ARE ACCURATE OR COMPLETE. THE USER ASSUMES ALL
LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY
RESULTING FROM THE USE OF THESE DRAWINGS.
© CH2 ARCHITECT 2008

Designed by: SPF
Checked by: FEB

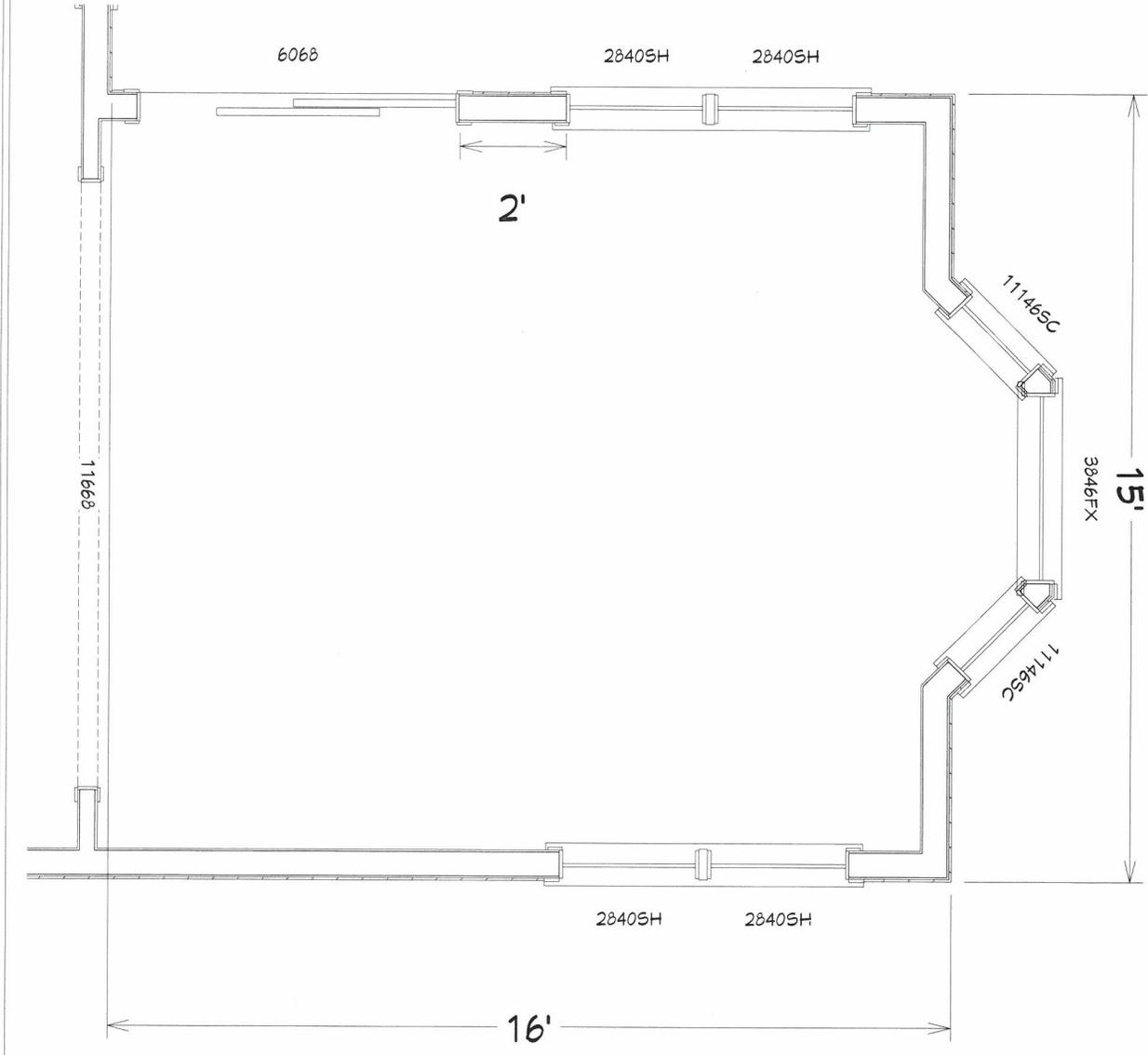
DATE: 6/3/20

SHEET: P-4

BROMWELL
CONSTRUCTION COMPANY, LLC
" BUILDING THE FUTURE. RESTORING THE PAST "

Job Name: Lindsay & Rocky Ferrante Addition
Location: 410 Junction St.
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Notes:

EXHIBIT
 20-11 J



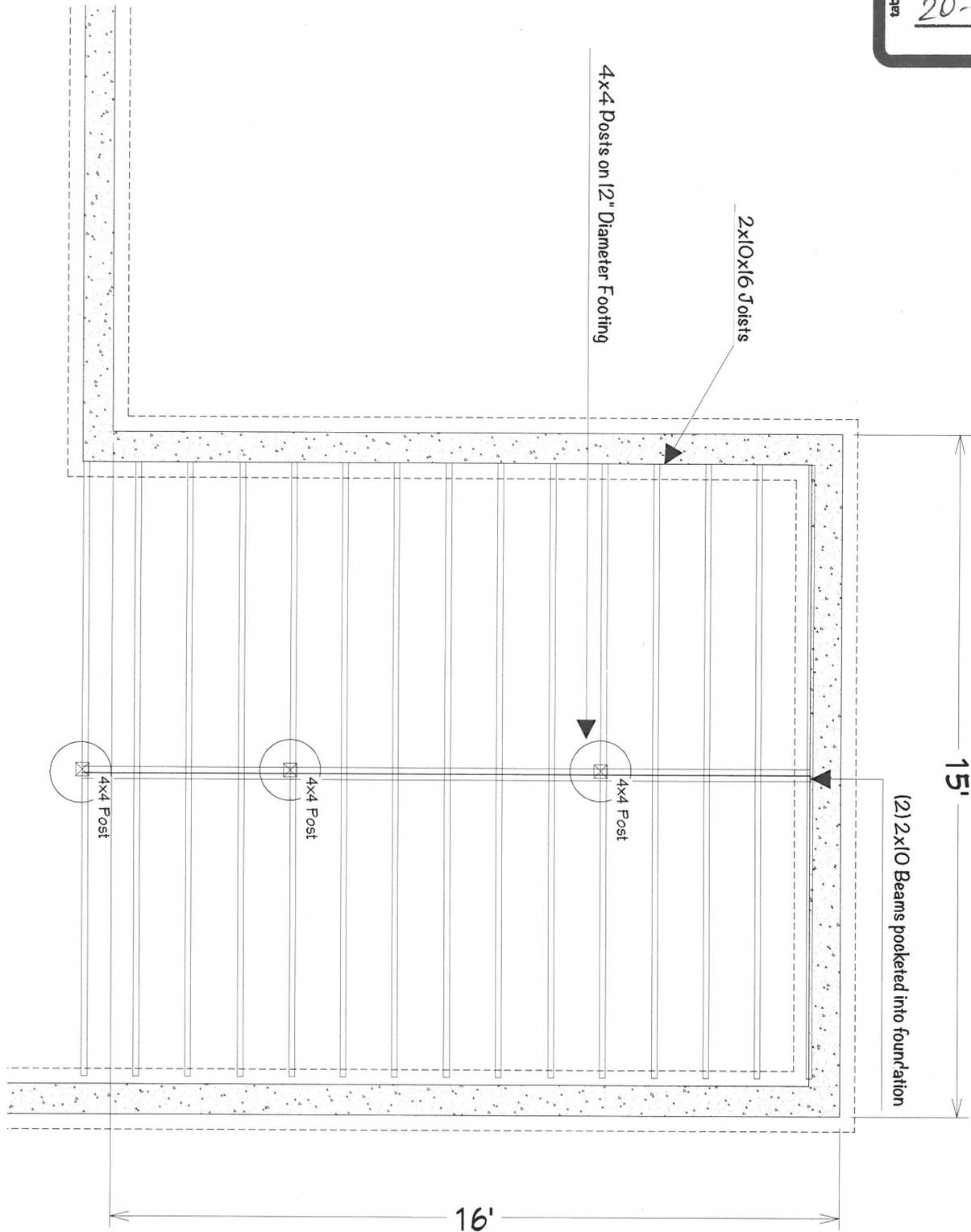
Designed by: GPF
 Checked by: FEB

DATE:
 6/3/20

SHEET:
 P-1

BROMWELL
 CONSTRUCTION COMPANY, LLC
 "BUILDING THE FUTURE. RESTORING THE PAST"

Job Name: Lindsay & Rocky Ferrante Addition
 Location: 410 Junction St.
 City/State/Zip: Elsmere, DE 19805
 Notes:



Framing, Floor Plan View

Designed by: SPF
Checked by: FEB

BROMWELL
CONSTRUCTION COMPANY, LLC

" BUILDING THE FUTURE. RESTORING THE PAST "

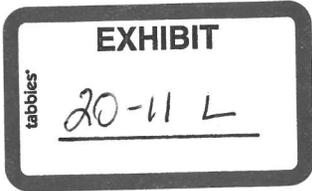
Job Name: Lindsay & Rocky Ferrante Addition
 Location: 410 Junction St.
 City/State/Zip: Elsmere, DE 19805
 Notes:

DATE:

6/3/20

SHEET:

P-2



Site Analysis Petition 20-11

Property Owner: F. Rocco Ferrante

Zoning District: R-1

Address: 404 Junction St.

Parcel No.: 1900500388

Primary Use: Residential

LOT COVERAGE CALCULATIONS

| | | |
|-------------------------------------|-------------|---------------|
| Lot Area in Sq. Ft.: 6250 | | Sq. Ft. |
| Allowable Lot Coverage: 1875 | | Sq. Ft. (30%) |
| Total Coverage: | 2040 | Sq. Ft. (32%) |
| ‡ Residence= | 1806 | Sq. Ft. |
| ‡ Front Porch = | | Sq. Ft. |
| ‡ Garage= | | Sq. Ft. |
| ‡ Driveway= | 234 | Sq. Ft. |
| ‡ Rear Patio= | | Sq. Ft. |

Proposed Addition: 240 Sq. Ft.

Proposed Total: 2280 Sq. Ft. (36%)

Conclusion: The applicant seeks to add 240 sq. ft. of impervious building coverage

Required Setbacks: Front: 20 Rear: 30
Side: 5 Both Sides: 10

Existing Setbacks: Front: 26 Rear: 46.5
Side: 6 Both Sides: 13

Proposed Setbacks: Front: 26 Rear: 30.5
Side: 6 Both Sides: 13

Conclusion:

The proposed setbacks are compliant with the code of the Town of Elsmere

STATEMENT OF FACT

The subject parcel is legal non-confirming in regards to lot coverage. The allowable lot coverage for all buildings and impervious surfaces in the R-1 District is 30% the current lot coverage is 32% as per the survey submitted by the applicant.

REQUEST BY THE APPLICANT

The applicant requests to install a 15' x 16' rear addition.

ISSUE(S)

1. Table 1 of Town of Elsmere Code 225 attachment #3 limits maximum lot coverage to 30% in the R-1 Zoning District. The applicant seeks 36% lot coverage.
2. Section 225-31 B & C in addition to 225-35 prohibit the expansion of a non-conforming use or structure.
3. The Town of Elsmere's NPDES Permit requires that the Town maintain and increase "green-space" within the Town.

GRANTING OF THE PETITION

Should the Planning Commission of the Town of Elsmere grant Petition 20-11, the following must occur:

1. The Planning Commission of the Town of Elsmere shall determine that the proposed addition meet the harmonious development intent of the Town of Elsmere code section 225-9
2. The Board of Adjustment of the Town of Elsmere shall grant a variance from section 225 attachment #3 to allow for a maximum lot coverage of 36% over the required 30%.
3. The Board of Adjustment of the Town of Elsmere shall determine that the addition is compliant with the Town of Elsmere code sections 225-3 B & C and 225-35 regarding non-conforming properties.
4. The Planning Commission of the Town of Elsmere shall determine that the proposed addition meets the intent of the Town NPDES Permit
5. The applicant shall be required to obtain permits from the Towns Code Department within one year of this approval.

F. ROCCO FERRANTE AND LINDSAY N. LUCK party of the

AND

F. ROCCO FERRANTE AND LINDSAY N. FERRANTE, parties

second part,



WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of **TEN AND 00/100 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 entireties:

ALL that certain piece, parcel or lot of land, situate in the Town of Elsmere, New Castle County and State of Delaware, being Lot 1, as shown on the Record Minor Subdivision Plan, Lands of Leiper W. Scott, Jr., 404 Junction Street, as prepared by Howard L. Robertson, Inc., Professional Engineers and Land Surveyors, as recorded in the Office of the Recorder of Deeds in and for New Castle County in Microfilm No. 14251 and being more particularly bounded and described as follows to wit:

BEGINNING at a point in the Southeasterly side of Junction Street (at 60 feet wide), a corner for Lots 1 and 2, said point of beginning being distant, South 86°-00'-00" West, 259 feet, 4 inches, more or less, as measured along the said southeasterly side of Junction Street from the point of intersection of the said Southeasterly side of Junction Street with the Southwesterly side of DuPont Road;

THENCE from said point of beginning, by Lot 2, South 04°-00'-00" East, 125.00 feet to a point, a corner for lands now or formerly of John DiFrancesco, Jr.;

THENCE thereby, the following two courses and distances: (1) South 86°-00'-00" West, 50.00 feet to a point; (2) North 04°-00'-00" West, 125.00 feet to a point in the said Southeasterly side of Junction Street, (The last mentioned bearing being at right angles to the said Southeasterly side of Junction Street);

THENCE thereby North 86°-00'-00" East, 50.00 feet to the point and place of beginning. Be the contents thereof what they may.

UNDER and subject, nevertheless, to the regulation and restriction that no malt of spirituous liquor shall be sold on the land and premises hereby conveyed, forever.

SUBJECT TO ALL other 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 Kathleen Scott Luck, by Deed dated of September 25, 2000 and recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, did grant and convey unto F. Rocco Ferrante and Lindsay N. Luck, equal tenants in common, in fee.

REC-044143700330171 \$00.51

2 / 30/80

Witness

Lindsay N. Luck

Grantees' Mailing Address:

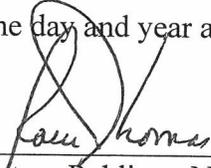
404 Junction Street
Elsmere, DE 19805



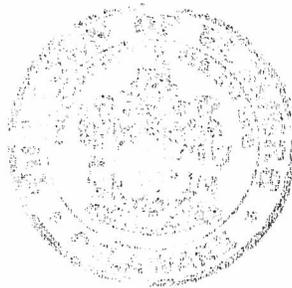
STATE OF DELAWARE)
) : S.S.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this 20th day of SEPTEMBER, 2000, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, F. Rocco Ferrante and Lindsay N. Luck, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Notary Public or Notarial Officer (Seal)
Print Name: ROBERT L. THOMAS
My Commission Expires: 12.04.02



No. 2601
Amount \$ exempt
Date 10/3/00
Charge a. Stein
Notary Fee (\$10.00)

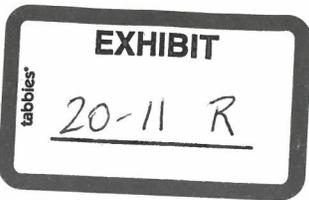


EXHIBIT
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20-11 Q

▼ 1900500388 X Q
 Show search results for 19005...



40ft
 -75.590 39.741 Degrees



Parcel # 1900500388

Property Address: 410 JUNCTION ST
 WILMINGTON, DE 19805-
 Subdivision: SCOTT SUBD
 Owner: FERRANTE F ROCCO & LINDSAY N
 404 JUNCTION STREET
 Owner Address: ELSMERE
 WILMINGTON, DE 19805
 Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

| | |
|---------------------------|-----------------------------|
| Lot #: 57 | Property Class: RESIDENTIAL |
| Location: | Lot Size: 0.14 |
| Map Grid: 09603560 | Lot Depth: 125 |
| Block: | Lot Frontage: 100 |
| Census Tract: 123.00 | Street Finish: |
| Street Type: NEIGHBORHOOD | |
| Water: PUBLIC | |
| Microfilm #: 000215 | |

| Permit History (July 1998 - present) | | |
|--------------------------------------|-----------|-------------------------|
| Details | A/P No. | Permit Type |
| | 200015435 | SEWER CONNECTION PERMIT |
| | | Status: Closed |

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
- 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

- 19R1 - ONE FAMILY DWELLING

Deed History

| Grantee(s) | Deed | Multi? | Sale Date | Sale Amount |
|-----------------------------------|----------|--------|---------------|-------------|
| SCOTT LEIPER W JR & WF | 0 0 | Y | Not Available | \$0.00 |
| LUCK KATHLEEN S | 2900 150 | N | 9/25/2000 | \$10.00 |
| FERRANTE F ROCCO & LUCK LINDSAY N | 2900 148 | N | 9/26/2000 | \$10.00 |
| FERRANTE F ROCCO & LINDSAY N | 2904 11 | N | 10/2/2000 | \$10.00 |

Tax/Assessment Info

Assessment

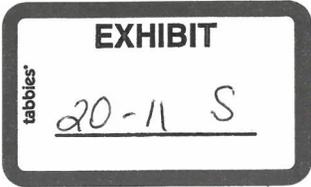
Land: 7700
 Structure: 67200
 Homesite: 0
 Total: 74900
 County Taxable: 74900
 School Taxable: 74900

Tax Bills as of 6/23/2020 3:01:23 AM

| Tax Year | County | | | School | | |
|----------|---------------|-------------|----------|---------------|-------------|------------|
| | Principal Due | Penalty Due | Amt Paid | Principal Due | Penalty Due | Amt Paid |
| 2010A | \$0.00 | \$0.00 | \$252.17 | \$0.00 | \$0.00 | \$1,366.17 |
| 2011A | \$0.00 | \$0.00 | \$256.75 | \$0.00 | \$0.00 | \$1,350.45 |
| 2012A | \$0.00 | \$0.00 | \$257.47 | \$0.00 | \$0.00 | \$1,334.72 |
| 2013A | \$0.00 | \$0.00 | \$256.00 | \$0.00 | \$0.00 | \$1,416.36 |
| 2014A | \$0.00 | \$0.00 | \$256.97 | \$0.00 | \$0.00 | \$1,441.30 |
| 2015A | \$0.00 | \$0.00 | \$256.06 | \$0.00 | \$0.00 | \$1,602.12 |
| 2016A | \$0.00 | \$0.00 | \$255.43 | \$0.00 | \$0.00 | \$1,746.90 |
| 2017A | \$0.00 | \$0.00 | \$256.76 | \$0.00 | \$0.00 | \$1,853.25 |
| 2018A | \$0.00 | \$0.00 | \$274.93 | \$0.00 | \$0.00 | \$1,843.29 |
| 2019A | \$0.00 | \$0.00 | \$254.60 | \$0.00 | \$0.00 | \$1,856.77 |

Tax Payments as of 6/23/2020 3:01:23 AM

| Date Paid | Amt Paid |
|-----------|------------|
| 9/21/2010 | \$1,618.34 |
| 9/22/2011 | \$1,607.20 |
| 9/24/2012 | \$1,592.19 |
| 9/26/2013 | \$1,672.36 |
| 9/18/2014 | \$1,698.27 |



9/17/2015
 9/27/2016
 9/21/2017
 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 on the first day of next month.

Residence Characteristics

Residence 0

| | |
|----------------------------|--|
| Building Design: CAPE COD | Residence Class: SFD PLATTED LOT |
| Grade: AVERAGE | Condition: AVERAGE |
| Year Built: 2001 | # Stories: 2 |
| Total Area (sq. ft.): 2100 | Main Floor Area: 1371 |
| # Rooms: 6 | # Bedrooms: 3 |
| # 1/2 Baths: 1 | # Full Baths: 2 |
| # Fam. Rooms: 0 | # Fixtures: 10 |
| Roof Type: GABLE | Roof Material: ASPHALT |
| Exterior Wall: STUCCO | Interior Wall Finish: DRYWALL |
| Floor Finish: CARPET | Foundation: CONTINUOUS |
| Garage Capacity: 0 | Basement %: 100% |
| Basement % Finished: | Basement Finish Type: NO BASEMENT FINISH |
| Attic % Finished: | |
| Unfinished %: | Unfinished Area: 0 |
| Heat Type: HOT AIR | Air Conditioning: AIR CONDITIONING |
| Remodel Year: 0 | |