



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbies

20-12 A

Application for Hearing

- ☐ Board of Adjustment
☐ Planning Commission

Petition # 20-12 Filing Fee: _____ Date Received 6/15/2020 Received by: DMZ

Subject Property: _____

Property is:



Residential



Commercial

Tax Parcel # 19-00100-179 Zoning District: _____

Applicant name:

Eric Andrews

Address: 2 Vilanc Pl Telephone # 302-743-4374

City: Wilmington State: DE Zip Code: 19805

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: _____

Application for Appeal of an Administrative decision: _____

By: _____ Date: _____

For the following reasons: _____

Application for relief other than above: _____

State reasons for this request: _____

Request for variance as fence was built to the
specifications outlined to me by the code enforcer
prior to beginning construction.

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: [Signature] Date: 6/12/2020

Legal Owner's Signature: [Signature] Date: 6/12/2020

Application for relief other than above: _____

State reasons for this request: _____

Request for variance as fence was built to the
specifications outlined to me by the code enforcer
prior to beginning construction.

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:

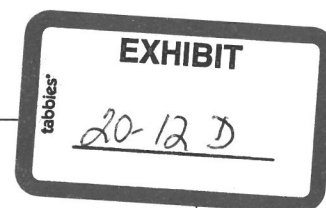
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NOTE: The legal owner and his/her authorized representative must sign this form.

Applicant's Signature: _____ Date: 6/12/2020

Legal Owner's Signature: _____ Date: 6/12/2020



Name of person representing applicant (if applicable):

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

I, _____, 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

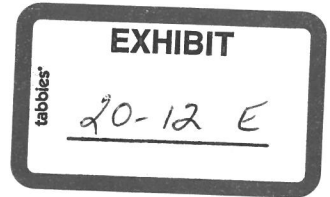
In addition to the persons listed above please send copies of all correspondence to:

Name: _____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

VARIANCE HARDSHIP WORKSHEET



Town of Elsmere Petition Number: _____

Property Owners Name: _____

Person(s) Representing the Property Owner: _____

☐ 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: _____

Date: _____

Signature Code Department Representative: _____

Date: _____

20-12 H



Site Analysis Petition 20-12**Property Owner: Eric Andrews****Zoning District: R-1****Address: 2 Vilone Pl.****Parcel No.: 1900200179****Primary Use: Residential****LOT COVERAGE CALCULATIONS****Lot Area in Sq. Ft.: 5663**

Sq. Ft.

Allowable Lot Coverage: 1699

Sq. Ft. (30%)

Total Coverage: 750

Sq. Ft. (32%)

† Residence= 648

Sq. Ft.

† Front Porch =

Sq. Ft.

† Garage=

Sq. Ft.

† Driveway 102

Sq. Ft.

† Rear Patio=

Sq. Ft.

Proposed Addition: 0 Sq. Ft.**Proposed Total: 750** Sq. Ft. (13%)**Conclusion:** There are no proposed changes to the existing lot coverage**Required Setbacks:** Front: 20 Rear: 30
Side: 5 Both Sides: 10**Existing Setbacks:** Front: 24.3 Rear: 52.7
Side: 9.5 Both Sides: 31.2**Proposed Setbacks:** Front: 24.3 Rear: 52.7
Side: 9.5 Both Sides: 31.2

Conclusion:

There are no proposed changes to the existing building setbacks.

STATEMENT OF FACT

The subject parcel is compliant with the codes of the Town of Elsmere as related to the setbacks and lot coverage.

REQUEST BY THE APPLICANT

The applicant requests to install a 6' high fence from the rear of the property line to the frontal plane of the existing dwelling.

ISSUE(S)

1. As per the Town of Elsmere Code 225-8 P, a fence may not exceed 4' when located within a front yard.
2. As per Town of Elsmere code 225-8 C, no fence higher than 2' in height shall be placed within the required 30' sight triangle measured from the intersection of Vilone Road and Vilone Place street line. The subject fence will encroach approximately 14' into the sight triangle on the Vilone Road exposure.
3. The subject Parcels Vilone Road exposure shall be treated as a front yard as per Town of Elsmere code 225-8 D.



GRANTING OF THE PETITION

Should the Planning Commission of the Town of Elsmere grant Petition 20-12, the following must occur:

1. The Planning Commission of the Town of Elsmere shall determine that the fence meets 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 the Town of Elsmere section 225-8 C, to allow for a fence height of 6' within approximately 14' of the 30' required site triangle at the intersection of Vilone Road and Vilone Place.
3. The Board of Adjustment of the Town of Elsmere shall grant a variance from section 225-8 P, to allow for a maximum fence height of 6' within the front yard of the subject parcel and on the Vilone Road exposure.



Explore New Castle County



EXHIBIT

tabbles

20-12 L



40ft

-75.594 39.742 Degrees

Parcel # 1900100179

Property Address: 2 VILONE PL
WILMINGTON, DE 19805-
Subdivision: VILONE VILLAGE
Owner: ANDREWS ERIC J
2 VILONE PLACE
Owner Address:
WILMINGTON, DE 19805
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

tabbies

EXHIBIT

2012 M

Lot #: 9
Location:
Map Grid: 09603560
Block: P
Census Tract: 123.00
Street Type: CUL-DE-SAC
Water: PUBLIC
Microfilm #: 000579

Property Class: RESIDENTIAL
Lot Size: 0.13
Lot Depth: 100
Lot Frontage: 55.70
Street Finish: SIDEWALK

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
- 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 FRANCIS L & F	C48 81	N	Not Available	\$0.00
SCHIAVONI FRANCIS L	WR147227	N	2/3/2002	\$0.00
SCHREIER MARYANNE	WR147228	N	10/7/2009	\$0.00
ANDREWS ERIC J	20120904 0049778	N	8/28/2012	\$10.00

Tax/Assessment Info**Assessment**

Land: 9100
Structure: 33500
Homesite: 0
Total: 42600
County Taxable: 42600
School Taxable: 42600

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	\$0.00	\$0.00	\$0.00	\$103.93
2011A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$103.03
2012A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$102.39
2012Q2	\$0.00	\$0.00	\$73.22	\$0.00	\$0.00	\$285.12
2013A	\$0.00	\$0.00	\$145.60	\$0.00	\$0.00	\$805.57
2014A	\$0.00	\$0.00	\$146.15	\$0.00	\$0.00	\$819.76
2015A	\$0.00	\$0.00	\$145.63	\$0.00	\$0.00	\$911.21
2016A	\$0.00	\$0.00	\$145.27	\$0.00	\$0.00	\$993.56
2017A	\$0.00	\$0.00	\$146.03	\$0.00	\$0.00	\$1,054.05
2018A	\$0.00	\$0.00	\$156.38	\$0.00	\$0.00	\$1,048.39
2019A	\$0.00	\$0.00	\$144.81	\$0.00	\$0.00	\$1,056.06

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

Date Paid	Amt Paid
8/17/2010	\$103.93
9/29/2011	\$103.03
9/5/2012	\$102.39
2/25/2013	\$358.34
9/30/2013	\$951.17
9/17/2014	\$965.91

6/23/2020

New Castle County, DE - Parcel # 1900100179

EXHIBIT

tabbles

20-12 N

9/25/2015
9/26/2016
9/25/2017
9/7/2018
9/26/2019

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.

Sewer History as of 6/23/2020 3:02:05 AM

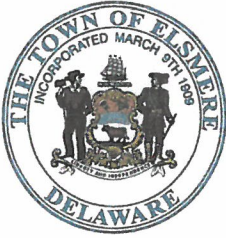
Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/26/2007	\$36.00
2008S1	\$0.00	\$0.00	2/28/2008	\$36.00
2009S1	\$0.00	\$0.00	3/4/2009	\$36.00
2010S1	\$0.00	\$0.00	2/17/2010	\$36.00
2011S1	\$0.00	\$0.00	2/17/2011	\$36.00
2012S1	\$0.00	\$0.00	2/16/2012	\$36.00
2013S1	\$0.00	\$0.00	2/25/2013	\$266.00
2014S1	\$0.00	\$0.00	2/18/2014	\$68.88
2015S1	\$0.00	\$0.00	2/12/2015	\$68.88
2016S1	\$0.00	\$0.00	2/17/2016	\$103.33
2017S1	\$0.00	\$0.00	2/3/2017	\$137.77
2018S1	\$0.00	\$0.00	2/23/2018	\$137.77
2019S1	\$0.00	\$0.00	2/22/2019	\$154.30
2020S1	\$0.00	\$0.00	2/11/2020	\$154.30

Balance Due: \$0.00

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: COLONIAL	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: VERY-GOOD
Year Built: 1947	# Stories: 2
Total Area (sq. ft.): 1225	Main Floor Area: 616
# Rooms: 6	# Bedrooms: 3
# 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: AIR CONDITIONING
Remodel Year: 0	



The Town of Elsmere

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

EXHIBIT

tabbies

20-120

Planning Commission Hearing

July 8, 2020

6:30 p.m.

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

Petition #20-12

Tax Parcel I.D. # 19-00100-179

Zoning: 19-RI

Eric Andrews

2 Vilone Pl.

The applicant seeks to install a 6' high fence from the rear of the property line to the frontal plane of the existing dwelling. The Planning Commission will review Petition 20-12 and make a recommendation to the Board of Adjustment.

Comments (if any): Harmonious with the Town and no
interference in the site line

Motion: Approve 6 - 1 Absent

1st M. Steppi

2nd J. Jaremchuk, Jr

Vote:

For

Against

☒

☒

☒

☒

☒

☒

☒

☒

☐ Charles Lindell

☐ Robert Anderson

☐ Jose Matthews

☐ Mary Steppi

☐ John Jaremchuk Jr.

☐ Scott Shelton

☐ John Pockets Jr.

Reason given: _____

Reason given: _____

Reason given: _____

Reason given: _____

Reason given: _____

Reason given: _____

Reason given: _____

Recommend Approval

Recommend Denial

Restrictions/Requirements (if any):

Secretary: _____

Date: _____

Chairman: Charles Lindell

Date: 7-15-2020

A Council - Manager Municipality
Located on the Net at townofelsmere.com