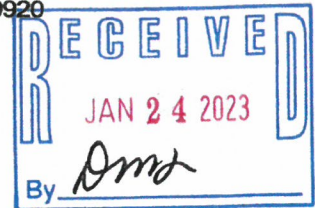
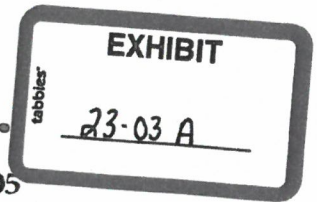


The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



Application for Hearing

- ☒ Board of Adjustment
☒ Planning Commission

Petition# 23-03 Filing Fee: 250

Date Received 1/24/23 Received by: Dmr

Subject Property: 1348 Cypress Avenue

Property is: ☒ Residential ☐ Commercial

Tax Parcel # 1900400211 Zoning District: 19R2

Applicant name: Jerry Chilimidos

Address: 1348 Cypress Avenue Telephone # _____

City: Wilmington State: DE Zip Code: 19805

Application for Zoning Variance Related to: Driveway

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

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

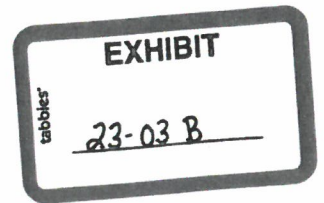
Driveway installation in rear of property.

Application for Appeal of an Administrative decision: _____

By: _____ Date: _____

For the following reasons: Paved entire driveway as others have been paved in the same manner. I was not aware a permit was needed for this type of wk.

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



Application for relief other than above: _____

State reasons for this request: I like to keep the paved driveway as is. The back yard
was a mess with overgrown weeds and concrete posts that were removed in
the process of installation. We are trying to improve the home and improve
the neighborhood. We are responsible property owners and take care of the
property.

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: Jerry Chilimidos

Address: 108 Haddington way Telephone# 3023881880
City: Hockessin State: DE Zip Code: 19707

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: _____

Date: _____

Legal Owner's Signature: Jerry Chilimidos

Date: 01/03/2023

VARIANCE HARDSHIP WORKSHEETTown of Elsmere Petition Number: 23-03Property Owners Name: Jerry ChilimidosPerson(s) Representing the Property Owner: Jerry Chilimidos☐ 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 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:

Paving the back of the home seemed reasonable considering others have done the same

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

Please explain how this applies:

I saw other driveways in the back of persons property so it seemed reasonable

- (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 driveway was done within property limits

- (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:

Improving the back yard or undoing the work that was done would seem unreasonable
since others have done the same

- (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:

The back would provide more parking for the resident to be able to use other than
street parking

- (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:

It will keep the back yard clean and free of varments and
and provide more street parking for others to use

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: _____

Jerry Chilimidos

Date: -- 1 / 24 / 2023 -----

Signature Code Department Representative: _____

B. J. H.

Date: *1/30/2023*

Site Analysis
Petition 23-03

Property Owner: Jerry Chilimidos
Zoning District: Residential
Address: 1348 Cypress Ave
Primary Use: R2
Parcel No.: 19-00400-211

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.: 1980 Sq. Ft.

Allowable Lot Coverage: 594 Sq. Ft.

Total Lot Coverage Currently: Sq. Ft.

- ❖ Building = 480 +/- Sq. Ft.
- ❖ Impervious Pave = Actual dimensions not given.

Proposed Addition: 810 +/- Sq. Ft.

Proposed Lot Coverage Total: 1290 Sq. Ft. or 65%

Conclusion: The applicant seeks to install approximately 810 +/- sq. ft of impervious pavement.

Required Setbacks: Front: 20 Rear: 20
Side: 0 Both Sides: 0

Existing Setbacks: Front: 18 Rear: 60 +/-
Side: 0 Both Sides: 0

Proposed Setbacks: Front: 20 Rear: 60 +/-
Side: 0 Both Sides: 0

Conclusion: There are no proposed changes to the existing setbacks.

STATEMENT OF FACT

The subject parcel is legal non-conforming regarding the existing front setback of 18 feet, the required front setback is 20 feet.

REQUEST BY THE APPLICANT

To install 810 +/- square feet of impervious paving/driveway.

*The driveway has already been installed and this petition is a result of a Cease and Desist that was posted to the property.

ISSUE(S)

The Code of the Town of Elsmere 225 Attachment #3 allows for a maximum lot coverage of 30%, the applicant is seeking 65% lot coverage.

GRANTING OF THE PETITION

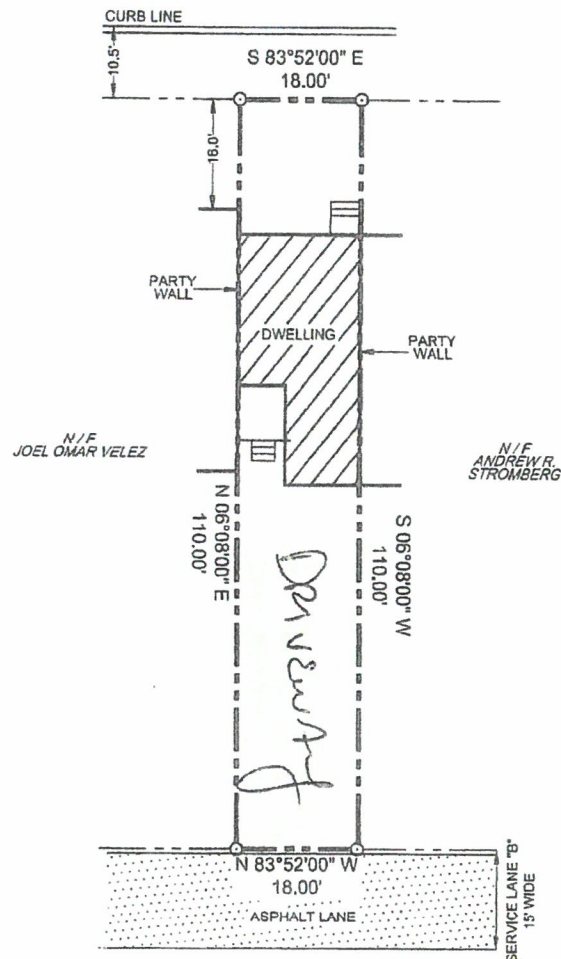
Should the Planning Commission and the Board of Adjustment of the Town of Elsmere grant Petition 23-03, the following would need to occur:

1. The Planning Commission of the Town of Elsmere shall determine that the driveway meets the harmonious development intent of Town of Elsmere Code 225-9.
2. The Board of Adjustment of the Town of Elsmere shall grant a variance from the Town of Elsmere Code 225 Attachment #3, to allow for a maximum lot coverage of 65% in lieu of the maximum amount of 30%.
3. The applicant shall obtain building permits from the Code Department Office within one year of this approval.

23-03H



CYPRESS AVENUE
(50' WIDE)



SOURCE OF BEARING SYSTEM: DR 20220901-00867616

for

THIS IS A PLOT PLAN ONLY AND NOT A BOUNDARY SURVEY PLAN. THIS PLAN IS
SUBJECT TO THE FOLLOWING CONDITIONS :

1. THIS PLAN IS NOT TO BE USED IN CONNECTION WITH THE SALE, TRANSFER OR REFINANCE OF THIS PROPERTY.
2. THE LOCATIONS OF IMPROVEMENTS IS BASED UPON FOUND CONTROL BUT IS SUBJECT TO CHANGE SHOULD A BOUNDARY SURVEY BE PERFORMED.
3. FENCES NOT LOCATED NOR SHOWN.

Index Sheet 1 of 2

THE PELSA COMPANY

Engineering, Surveying, Environmental Sciences

610 PEOPLES PLAZA
(302) 834-3771

NEWARK, DE 19702
(410) 398-3800

DEGREE OF ACCURACY ± MARSH ___ RURAL ___ SUBURBAN X URBAN ___

Drawn By	Date	Scale	Project Number
RWE	12/08/2022	1" = 20'	Mo22-1811

EXHIBIT

tabbies

23-03 I





EXHIBIT

tabbles

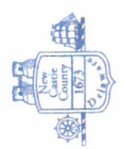
23-03 J

D

0 0.003

1348 Cypress Ave - Overview

Author:



New Castle County Delaware GIS: <https://gis.nccde.org>
 Disclaimer: For informational purposes only - not to be used as official documentation.

Parcel # 1900400211

Property Address: 1348 CYPRESS AVE
WILMINGTON, DE 19805-
Subdivision: ELSMERE GARDENS
Owner: JCHIL INVESTMENTS LLC
108 HADDINGTON WAY
Owner Address:
HOCKESSIN, DE 19707
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

EXHIBIT

tabbies

23-03 K

Lot #: 81
Location:
Map Grid: 09403560
Block: 1
Census Tract: 124.00
Street Type: NEIGHBORHOOD
Water: PUBLIC
Microfilm #: UNREC

Property Class: RESIDENTIAL
Lot Size: 0.05
Lot Depth: 110
Lot Frontage: 18
Street Finish: SIDEWALK

District & Zoning Info**Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- DE SEN 07-SPIROS MANTZAVINOS
- COUNCIL 1 - BRANDON T TOOLE
- DE REP 13-DESHANNA U NEAL
- NORTH OF C&D CANAL
- ADD REQ PER SEC 10.3.4.4 DSSR
- TRAFFIC ZONE T093 (YR2022)
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- ELSMERE GARDENS - Civic Organization - no contact information available

Zoning

- 19R2 - ONE/TWO FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
DEPUTY SHIRLEY E	607 237	N	7/1/1987	\$10.00
HOLCK WARD T JR & TONYA R	1420 76	N	10/23/1992	\$61,500.00
BRYANT THOMAS	20050411 0033855	N	3/31/2005	\$77,000.00
BRYANT TEMEAKA, TERRI & THOMAS JR	WR173147	N	12/17/2019	\$0.00
PREMIER ONE PROPERTIES LLC	20210907 0103685	N	8/31/2021	\$10.00
JCHIL INVESTMENTS LLC	20220901 0086716	N	8/8/2022	\$10.00

Tax/Assessment Info**Assessment**

Land: 7300
Structure: 27600
Homesite: 0
Total: 34900
County Taxable: 34900
School Taxable: 34900

Tax Bills as of 2/16/2023 3:01:11 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$117.50	\$0.00	\$0.00	\$636.57
2011A	\$0.00	\$0.00	\$119.64	\$0.00	\$0.00	\$629.25
2012A	\$0.00	\$0.00	\$119.97	\$0.00	\$0.00	\$621.92
2013A	\$0.00	\$0.00	\$119.29	\$0.00	\$0.00	\$659.96
2014A	\$0.00	\$0.00	\$119.74	\$0.00	\$0.00	\$671.58
2015A	\$0.00	\$0.00	\$119.31	\$0.00	\$0.00	\$746.52
2016A	\$0.00	\$0.00	\$119.02	\$0.00	\$0.00	\$813.98
2017A	\$0.00	\$0.00	\$119.64	\$0.00	\$0.00	\$863.53
2018A	\$0.00	\$0.00	\$128.10	\$0.00	\$0.00	\$858.89
2019A	\$0.00	\$0.00	\$118.63	\$0.00	\$0.00	\$865.17
2020A	\$0.00	\$0.00	\$110.52	\$0.00	\$0.00	\$865.17
2021A	\$0.00	\$0.00	\$108.54	\$0.00	\$0.00	\$861.16
2022A	\$0.00	\$0.00	\$135.10	\$0.00	\$0.00	\$862.73

Tax Payments as of 2/16/2023 3:01:11 AM

	Date Paid	Amt Paid
9/21/2010		\$754.07

EXHIBIT

tabbles

23-03L

9/22/2011
9/24/2012
9/26/2013
9/18/2014
9/17/2015
9/27/2016
9/21/2017
9/25/2018
9/24/2019
9/28/2020
10/6/2021
10/6/2021
8/15/2022
8/15/2022

\$748.89
\$741.89
\$779.25
\$791.32
\$865.83
\$933.00
\$983.17
\$986.99
\$983.80
\$975.69
\$108.54
\$861.16
\$135.10
\$862.73

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 2/16/2023 3:01:38 AM

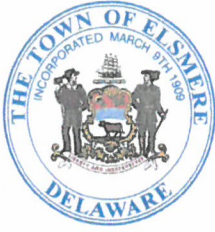
Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2005S1	\$0.00	\$0.00	6/3/2005	\$166.70
2006S1	\$0.00	\$0.00	5/9/2006	\$122.01
2006S5	\$0.00	\$0.00	2/7/2007	\$54.42
2007S1	\$0.00	\$0.00	2/7/2007	\$176.62
2008S1	\$0.00	\$0.00	7/22/2008	\$522.24
2009S1	\$0.00	\$0.00	2/9/2009	\$353.24
2010S1	\$0.00	\$0.00	2/9/2010	\$429.48
2011S1	\$0.00	\$0.00	2/8/2011	\$489.21
2012S1	\$0.00	\$0.00	2/9/2012	\$508.29
2013S1	\$0.00	\$0.00	2/26/2013	\$696.13
2014S1	\$0.00	\$0.00	3/5/2014	\$551.07
2015S1	\$0.00	\$0.00	5/12/2015	\$915.25
2016S1	\$0.00	\$0.00	2/8/2016	\$390.34
2017S1	\$0.00	\$0.00	5/23/2017	\$859.85
2018S1	\$0.00	\$0.00	2/22/2018	\$596.99
2019S1	\$0.00	\$0.00	2/28/2019	\$720.07
2020S1	\$0.00	\$0.00	10/1/2020	\$368.01
2021S1	\$0.00	\$0.00	9/8/2021	\$181.82
2022S1	\$0.00	\$0.00	2/23/2022	\$311.00
2023S1	\$81.00	\$0.00	Not Available	\$0.00

Balance Due: \$81.00

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: ROW INSD	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1942	# Stories: 2
Total Area (sq. ft.): 850	Main Floor Area: 480
# Rooms: 6	# Bedrooms: 3
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 0	# Fixtures: 5
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: STONE	Interior Wall Finish: PLASTER
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 75%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning:
Remodel Year: 0	



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19801

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

EXHIBIT

tabbles

23-03 M

Witness List

Mayor

Eric Thompson

1st District Councilwoman
President Pro-Tempore

Marianne Skipski

2nd District Councilwoman
Secretary of Council

Sally Jensen

3rd District Councilwoman

Mary Steppi

4th District Councilman

Charles McKewen

5th District Councilwoman

Joann I. Personti

6th District Councilwoman

Dawn DiBiaso

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

The following is a potential list of witnesses that may be called to testify during your petition hearing.

1. Code Officer Scott Allen
2. Code Officer Nicole Nabb
3. Administrative Assistant Denise Lardani



The Town of Elsmere

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

EXHIBIT

tabbles
23-03 N

MEMORANDUM

Mayor

Eric Thompson

1st District Councilwoman
President Pro-Tempore

Marianne Skipski

2nd District Councilwoman
Secretary of Council

Sally Jensen

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6th District Councilwoman

Dawn DiBiao

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

To: Chairman James Personti
Town of Elsmere Board of Adjustment

From: Chairman John Jaremchuk
Town of Elsmere Planning Commission

Re.: Petition 23-03

Date: March 7, 2023

Dear Chairman Personti,

At the March 7, 2023 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 23-03 regarding Tax Parcel Number 1900-400-211. In this request, the applicant is seeking a variance to keep an 810 +/- sq ft impervious driveway in the rear of the property that was installed without first obtaining the proper permit.

After hearing testimony and having their questions answered, the commissioners in attendance unanimously voted to recommend **approval with condition that the petitioner reduce the driveway by 2 feet on each side and reinstall pervious material** to the Board of Adjustment.

Sincerely,

John Jaremchuk, Chairman
Town of Elsmere Planning Commission