

# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

23-13A



## Application for Hearing

- ☒ Board of Adjustment  
☒ Planning Commission

Petition # 23-13 Filing Fee: \$250 Date Received 8/17/2023 Received by: Dmt

Subject Property: 1314 Sycamore AVE. Elsmere DE 19805

Property is: ☒ Residential ☐ Commercial

Tax Parcel # 19-8-076 Zoning District: R2

Applicant name: Luis Sierra

Address: 1314 Sycamore AVE Telephone # 302-602-5630

City: Elsmere State: DE Zip Code: 19805

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                 |
| <input type="checkbox"/> Rezoning           |                                                  |

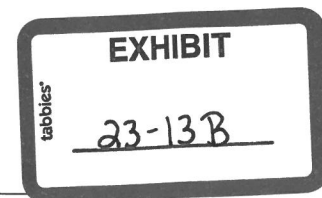
Current Zoning: Residential New Zoning Request: \_\_\_\_\_

Application for Special Exception Use Permit for the following use: Roof to  
cover part of the deck

Application for Appeal of an Administrative decision: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

For the following reasons: \_\_\_\_\_



Application for relief other than above: \_\_\_\_\_

State reasons for this request: \_\_\_\_\_

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: Luis Sierra

Address: 1314 Sycamore Ave Telephone # \_\_\_\_\_

City: Elsmere State: DE Zip Code: 19805

Please submit the following with this petition:

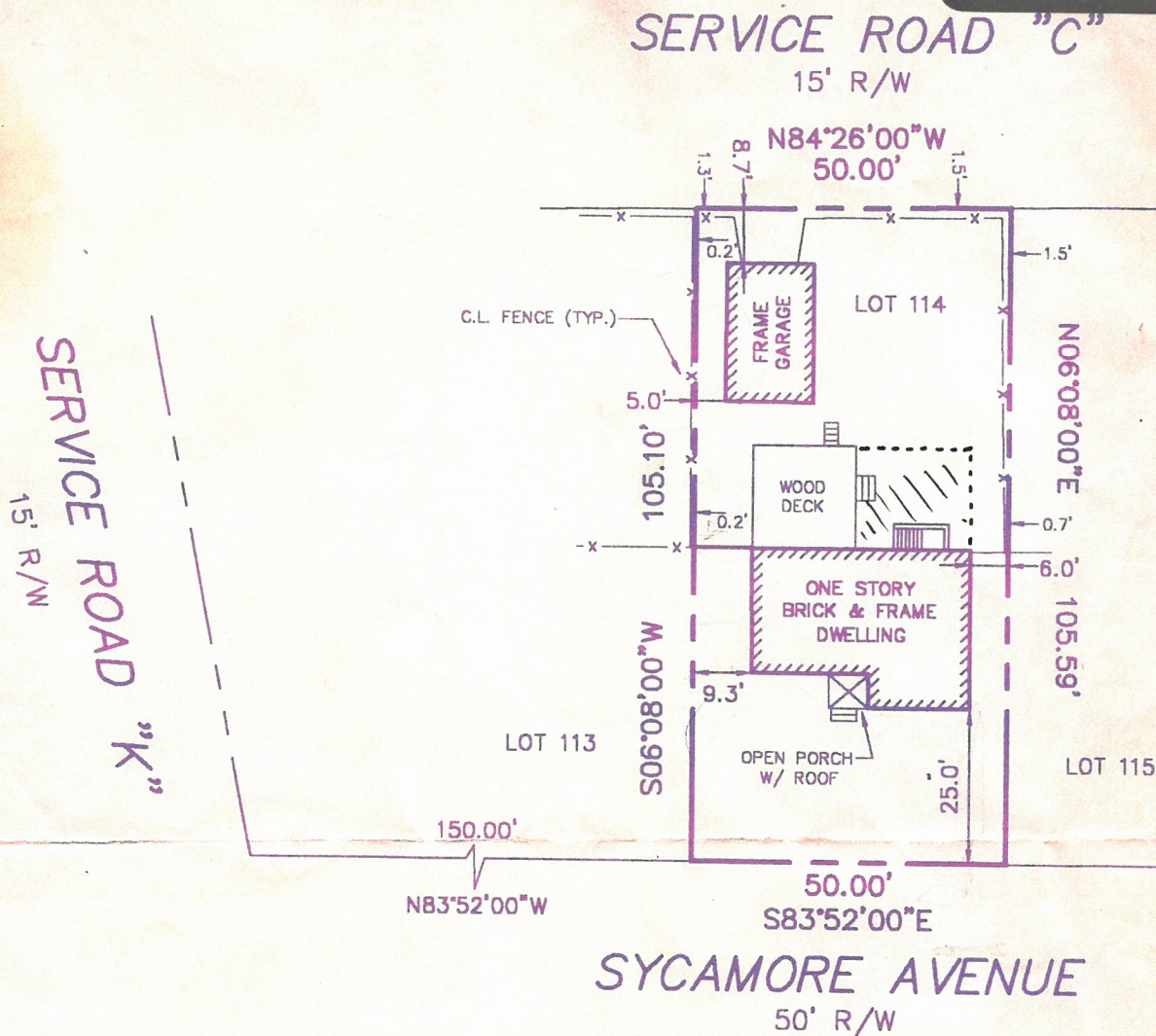
- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property.
- A copy of any deed restrictions on the property.  
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED 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: 8-14-2023

Legal Owner's Signature: [Signature] Date: 8-14-2023

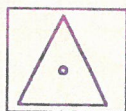


## NOTES:

1. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY AND IS NOT TO BE USED FOR CONSTRUCTION PURPOSES OR ESTABLISHMENT OF PROPERTY LINES.
2. TREES, SHRUBS, UTILITIES AND OTHER NON-STRUCTURAL FEATURES HAVE NOT BEEN LOCATED.
3. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. PROPERTY IS SUBJECT TO ALL RESTRICTIONS NOTED IN RECORDED DEEDS AND/OR ESTABLISHED BY RECORDED PLANS.

4. UNLESS THIS PLAN HAS THE SEAL OF THE SURVEYOR RESPONSIBLE FOR IT'S PREPARATION, THIS IS NOT AN AUTHORIZED COPY OF THE ORIGINAL PLAN. THIS PLAN SHALL NOT BE REPRODUCED, TRANSMITTED OR COPIED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR
5. BASED ON A LAND SURVEY BY FIRST STATE MORTGAGE SURVEYS ON 11/15/01, FIELD BOOK 1033, PAGE 25.
6. ZONING CLASSIFICATION LISTED ON THIS PLAN REFLECTS THE CURRENT ZONING ON THE DATE OF THIS PLAN. ANY VARIANCES, AGREEMENTS OR PRIOR ZONING AND CONDITIONS ARE NOT LISTED UNLESS NOTED.

REFERENCE IS MADE TO THE PLAN OF ELSMERE GARDENS IN DEED RECORD K, VOLUME 39, PAGE 601

**FIRST STATE MORTGAGE SURVEYS**

140 BUNTING DRIVE  
(302) 234-7809

WILMINGTON, DE. 19808  
FAX (302) 234-7821

## DECLARATION:

THIS MORTGAGE INSPECTION PLAN WAS PREPARED IN ACCORDANCE WITH THE REGULATION GOVERNING MORTGAGE INSPECTION PLANS ADOPTED BY THE STATE OF DELAWARE EFFECTIVE MARCH, 1997

*Donna K. Bennis*  
DONNA K. BENNIS

PROFESSIONAL LAND SURVEYOR DE. LICENSE NO. 623

**MORTGAGE INSPECTION PLAN**

LUIS SIERRA  
1314 SYCAMORE AVENUE  
LOT 114  
ELSMERE GARDENS  
TOWN OF ELSMERE  
NEW CASTLE COUNTY - DELAWARE

SCALE: 1" = 30'	DRAWN BY: DKB	DATE: 11-17-01
TAX PARCEL NO: 19 008.00 076	JOB NO: 12308	



20120907-0050883

Pages: 2 F: \$56.00

09/07/12 10:40:55 AM

T20120028298

Michael E. Kozikowski  
New Castle Recorder DEE

Tax Parcel No.: 19-008.00-076

Prepared by/Return to:

Luis Sierra

1314 Sycamore AVE  
Wilmington DE 19805

THIS DEED, made this 6 day of ~~August~~ <sup>September</sup> in the year of our LORD two thousand twelve (2012),

BETWEEN, ANA SIERRA, party of the first part,

AND

LUIS SIERRA, party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND NO CENTS (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, his heirs and assigns:

ALL that certain lot, piece, or parcel of land, with the buildings thereon erected, situate in Christiana Hundred, New Castle County and State of Delaware, known as 1314 Sycamore Avenue, being Lot No. 114, on the Plan of Elsmere Gardens, as the Plan thereof is of record in the Office of the Recorder of Deeds in and for New Castle County.

SUBJECT TO all agreements, easements and conditions of record.

BEING the same lands and premises which LUIS SIERRA by Deed dated September 20, 2006 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware as Instrument No. 20070129009584, did grant and convey unto Luis Sierra and Ana Sierra, in fee.

GRANTEE ADDRESS:

1314 Sycamore Drive  
Wilmington, DE 19805

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year aforesaid.

Sealed and Delivered in the Presence of:

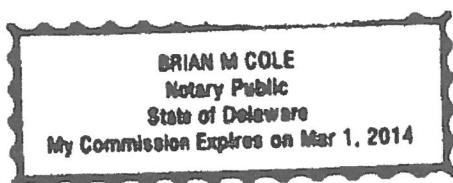
Luis Sierra  
Witness

Ana Sierra (SEAL)

STATE OF DELAWARE )  
 )  
NEW CASTLE COUNTY ) SS.

BE IT REMEMBERED, that on this 6 day of <sup>September</sup>~~August~~ in the year of our LORD, two thousand twelve (2012), Ana Sierra personally came before me, a Notarial Officer, the party to this Indenture, known to me personally or satisfactorily proven to be such, and acknowledged this Indenture to be her Deed.

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



*Brian M Cole*  
NOTARY PUBLIC

NO TITLE SEARCH REQUESTED OR PERFORMED.

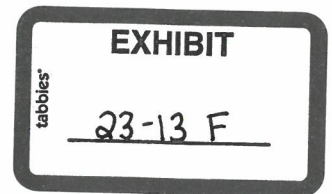


No. 12-79  
Amount \$ EXEMPT  
Date 9-7-12  
*Margo Touchette*  
(Deputy Tax Collector)

I built a deck ~~that~~ and I would like to cover a portion of it. there isn't any shade in the rear of the property. I have a family member my oldest brother who is handicapped and cannot be in the sun for long periods of time and I also have a condition that I cannot also be on the sun for a long periods of time. I want him and I and some family members to be able to enjoy the yard and partake in family functions, also ~~my~~ the deck is built next to the step entrance to the basement by having a roof over a relieved my basement from getting water inside when it rains.

Att your neighbor

Luis Sierra



Site Analysis  
Petition 23-13

**Property Owner:** Luis Sierra  
**Zoning District:** R1 - Residential  
**Address:** 1314 Sycamore Avenue  
**Primary Use:** R1 - Residential  
**Parcel No.:** 19-00800-076

LOT COVERAGE CALCULATIONS

<b><u>Lot Area in Sq. Ft.:</u></b>	5,250 Sq. Ft.
<b><u>Allowable Lot Coverage:</u></b>	1,575 Sq. Ft. (30%)
<b><u>Total Lot Coverage Currently:</u></b>	1,479 Sq. Ft. (28%)
❖ Building =	1,171 Sq. Ft.
❖ Garage =	308 Sq. Ft.

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<b><u>Proposed Addition:</u></b>	450 Sq. Ft.
<b><u>Proposed Lot Coverage Total:</u></b>	1,929 Sq. Ft. (37%)

<b><u>Conclusion:</u></b>	The applicant seeks to add 450 sq. ft. of impervious coverage by constructing a coverage deck area.
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<b><u>Required Setbacks:</u></b>	Front: 20'	Rear: 30'
	Side: 5'	Both Sides: 10'
<b><u>Existing Setbacks:</u></b>	Front: 25'	Rear: 37' +/-
	Side: 6'	Both Sides: 15.3'
<b><u>Proposed Setbacks:</u></b>	Front: 25'	Rear: 37' +/-
	Side: 6'	Both Sides: 15.3'

<b><u>Conclusion:</u></b>	There are no proposed changes to the existing setbacks.
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### **STATEMENT OF FACT**

The property is currently in compliance with the Codes of the Town of Elsmere.

### **REQUEST BY THE APPLICANT**

The applicant seeks to construct a 450 sq. ft. covered deck on the rear of the structure.

\*The construction has already begun, and this petition is the result of a Cease and Desist posted at the property\*

### **ISSUE(S)**

1. The Code of the Town of Elsmere Chapter 225 Attachment #3 allows for a maximum lot coverage of 30%, the applicant is seeking 37%.
2. The Town of Elsmere's NPDES permit requires the Town to increase or maintain the "green space" within the municipality.

### **GRANTING OF THE PETITION**

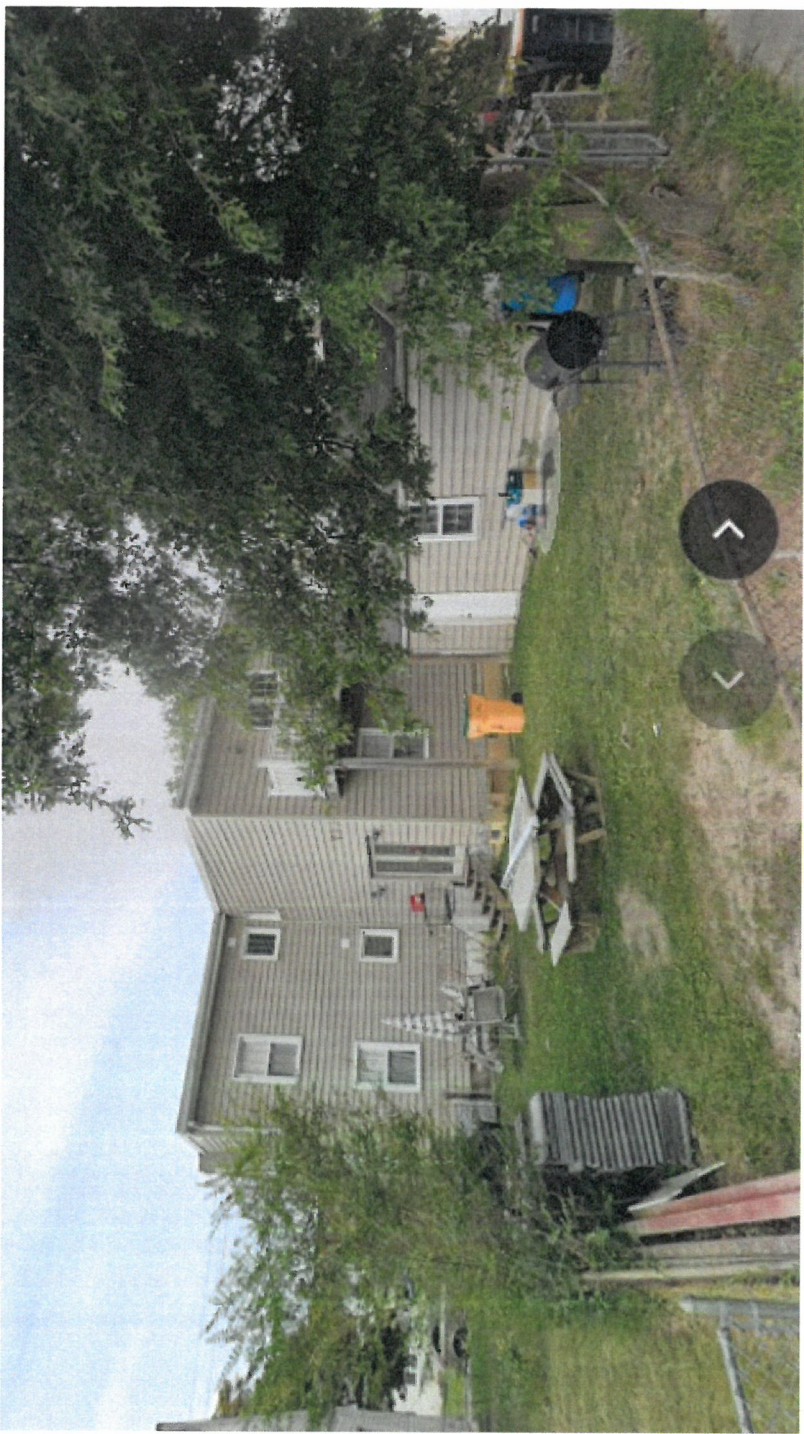
Should the Planning Commission and the Board of Adjustment of the Town of Elsmere grant Petition 23-13, the following would need to occur:

1. The Planning Commission would need to determine if the proposed construction meets the harmonious development intent of the Code of the Town of Elsmere Chapter 225-9.
2. The Planning Commission would need to determine if the proposed construction meets the intent of the Town's NPDES permit.
3. The Board of Adjustment would need to grant a variance from the Code of the Town of Elsmere Chapter 225 Attachment #3 to allow for 37% lot coverage in lieu of the 30% maximum allowable.
4. The applicant shall obtain permits from the Town of Elsmere Code Enforcement Department within one year of any approval.

EXHIBIT

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EXHIBIT

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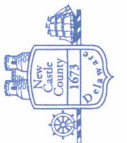
23-13 J





# 1314 Sycamore

Author:



New Castle County Delaware GIS: <https://gis.ncode.org>

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

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EXHIBIT

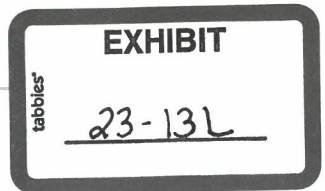
23-13 K

Date

0 0.005

**Parcel # 1900800076**

Property Address: 1314 SYCAMORE AVE  
WILMINGTON, DE 19805-  
Subdivision: ELSMERE GARDENS  
Owner: SIERRA LUIS  
1314 SYCAMORE DRIVE  
Owner Address:  
WILMINGTON, DE 19805  
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 114	Property Class: RESIDENTIAL
Location:	Lot Size: 0.12
Map Grid: 09403560	Lot Depth: 105.60
Block:	Lot Frontage: 50
Census Tract: 124.00	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: UNREC	

**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
ARMSTRONG CLARENCE E JR & WF	W88 335	N	2/1/1974	\$10.00
GIBBONS WILLIAM S & MICKEY J	775 212	N	10/18/1988	\$69,900.00
SIERRA LUIS	20011213 0106143	N	11/21/2001	\$51,500.00
SIERRA LUIS & ANA F	20070129 0009584	N	9/20/2006	\$10.00
SIERRA LUIS	20120907 0050883	N	9/6/2012	\$10.00

**Tax/Assessment Info****Assessment**

Land: 7000  
Structure: 42300  
Homesite: 0  
Total: 49300  
County Taxable: 49300  
School Taxable: 49300

**Tax Bills as of 8/24/2023 3:01:18 AM**

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$128.27	\$0.00	\$0.00	\$694.95
2011A	\$0.00	\$0.00	\$130.60	\$0.00	\$0.00	\$686.94
2012A	\$0.00	\$0.00	\$169.46	\$0.00	\$0.00	\$878.53
2013A	\$0.00	\$0.00	\$168.49	\$0.00	\$0.00	\$932.26
2014A	\$0.00	\$0.00	\$169.13	\$0.00	\$0.00	\$948.68
2015A	\$0.00	\$0.00	\$168.53	\$0.00	\$0.00	\$1,054.53
2016A	\$0.00	\$0.00	\$168.12	\$0.00	\$0.00	\$1,149.82
2017A	\$0.00	\$0.00	\$169.00	\$0.00	\$0.00	\$1,219.83
2018A	\$0.00	\$0.00	\$180.96	\$0.00	\$0.00	\$1,213.27
2019A	\$0.00	\$0.00	\$167.58	\$0.00	\$0.00	\$1,222.14
2020A	\$0.00	\$0.00	\$156.11	\$0.00	\$0.00	\$1,222.14
2021A	\$0.00	\$0.00	\$153.33	\$0.00	\$0.00	\$1,216.47
2022A	\$0.00	\$0.00	\$190.85	\$0.00	\$0.00	\$1,218.69
2023A	\$0.00	\$0.00	\$190.01	\$0.00	\$0.00	\$1,218.69

**Tax Payments as of 8/24/2023 3:01:18 AM**

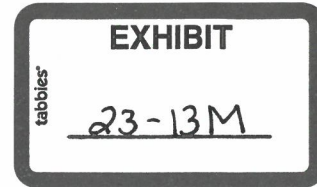
Date Paid	Amt Paid
9/1/2010	\$823.22

9/6/2011  
 9/5/2012  
 8/12/2013  
 9/18/2014  
 9/17/2015  
 9/27/2016  
 9/21/2017  
 9/25/2018  
 9/24/2019  
 3/19/2020  
 9/28/2020  
 9/28/2021  
 9/7/2022  
 8/18/2023

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.



\$817.54  
 \$1,047.99  
 \$1,100.75  
 \$1,117.81  
 \$1,223.06  
 \$1,317.94  
 \$1,388.83  
 \$1,394.23  
 \$1,389.72  
 \$167.16  
 \$1,378.25  
 \$1,369.80  
 \$1,409.54  
 \$1,408.70

## Sewer History as of 8/24/2023 3:01:37 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/21/2007	\$343.94
2008S1	\$0.00	\$0.00	6/9/2008	\$404.46
2009S1	\$0.00	\$0.00	3/11/2009	\$306.76
2010S1	\$0.00	\$0.00	2/15/2010	\$276.10
2011S1	\$0.00	\$0.00	4/14/2011	\$374.25
2012S1	\$0.00	\$0.00	2/16/2012	\$331.49
2013S1	\$0.00	\$0.00	5/19/2014	\$450.69
2014S1	\$0.00	\$0.00	5/19/2014	\$122.85
2015S1	\$0.00	\$0.00	2/11/2016	\$322.44
2016S1	\$0.00	\$0.00	2/11/2016	\$264.06
2017S1	\$0.00	\$0.00	4/3/2017	\$231.22
2018S1	\$0.00	\$0.00	2/16/2018	\$126.29
2019S1	\$0.00	\$0.00	3/26/2019	\$177.19
2020S1	\$0.00	\$0.00	2/5/2021	\$177.19
2021S1	\$0.00	\$0.00	2/5/2021	\$244.31
2022S1	\$0.00	\$0.00	2/14/2022	\$256.45
2023S1	\$0.00	\$0.00	2/28/2023	\$205.02

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: CAPE COD	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1948	# Stories: 1.5
Total Area (sq. ft.): 2175	Main Floor Area: 1141
# Rooms: 9	# Bedrooms: 5
# 1/2 Baths: 0	# Full Baths: 2
# Fam. Rooms: 1	# Fixtures: 9
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: ALUMINIUM OR VINYL	Interior Wall Finish: DRYWALL
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 75%
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	



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

EXHIBIT

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23-13 N

## Witness List

Mayor

Eric Thompson

1<sup>st</sup> District Councilwoman  
President Pro-Tempore

Marianne Skipski

2<sup>nd</sup> District Councilwoman  
Secretary of Council

Sally Jensen

3<sup>rd</sup> District Councilwoman

Mary Steppi

4<sup>th</sup> District Councilman

Charles McKewen

5<sup>th</sup> District Councilwoman

Joann I. Personti

6<sup>th</sup> 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 Facciolo
3. Administrative Assistant Denise Lardani
4. Town Manager Steve Martin