

The Town of Elsmere

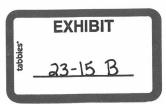
EXHIBIT

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

Application for Hearing

*********	d of Adjustment				By
Petition # 23 1/5	Filing Fee: 108 Western Ave		eived 1/3/46	3 Received by	: Dmj
Property is:	X Residential			mmercial	
Applicant name:	00500110				
Address: 108 We	estern Ave		_ Telephone #	302-932-8	3353
Application for X	or Zoning Variance Re Front yard setback Rear yard setback Side yard setback Lot Area Rezoning	elated to: _	Garage / Wall	Coverage cing ing requirema	ents
Application fo	or Special Exception U	se Permit	for the followi	ng use:	
	or Appeal of an Admin				
	easons:				

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



Application for relief other than above: I want to replace the garage that was
previously on the property but have it be closer to code conformance.
State reasons for this request: The property is already over coverage limit as the
pad for the old garage is still present. The new garage is slightly larger
as the antique vehicle to be stored there is larger than average (1965 Buick
Wildcat length is 218"). The desired placement is to not be up against
the property line and also avoid an awkward dogleg in the driveway.
Has a previous application for this property been filed with the Town? Yes x No
If yes, Petition #
If the applicant is not the Legal Owner of the property:
Legal owner information:
Name: SAME AS ABOVE
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: Date: 7/28/2023
Legal Owner's Signature: Date:



Site Analysis Petition 23-15

Property Owner:

Matthew Kurth R-1 Residential

Zoning District: Address:

108 Western Avenue

Primary Use:

R-1 Residential

Parcel No.:

1900-500-110

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.:

7500 Sq. Ft.

Allowable Lot Coverage:

2250 Sq. Ft. (30 %)

Total Lot Coverage Currently:

2800 Sq. Ft. (37%)

Residence =

1418 Sq. Ft.

Driveway =

880 Sq. Ft.

❖ Impervious Pave =

502 Sq. Ft.

Proposed Addition:

288 Sq. Ft. (New Garage)

108 New Impervious Coverage

Proposed Lot Coverage Total:

396 Sq. Ft. (37%)

Conclusion:

The applicant seeks to add 396 sq. ft. of additional lot coverage.

Required Setbacks: Front: 20ft

Rear: 30ft

Side: 5ft

Both Sides: 10ft

Existing Setbacks:

Front: 11.7ft

Rear: 1.5 +/-ft

Side: 0.7ft

Both Sides: 9.9ft

Proposed Setbacks: Front: 11.7ft

Rear: 5ft

Side: 3ft

Both Sides: 12.2ft

Conclusion:

All existing setbacks are legal non-conforming. The proposed side yard setback is non-conforming.

in	EXHIBIT	
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STATEMENT OF FACT

The subject parcel is existing legal non-conforming regarding: Lot coverage. The lot is currently at 37%. The maximum allowable is 30%. Front, rear, and side yard setbacks. Front is 11.7ft (20 required), rear is 1.5ft (5 required for accessory buildings), one side is 0.7ft (5 required), both sides are 9.9ft (10 is required).

REQUEST BY THE APPLICANT

To install a new garage in place where an old one sat on top of an existing concrete pad. The new proposed garage will be larger in size, creating new impervious coverage. The applicant also seeks to install new impervious coverage to connect the existing driveway to the proposed garage and a new small strip of concrete sidewalk.

ISSUE(S)

- 1. The subject parcel is legal non-conforming. The Code of the Town of Elsmere Chapter 225-31C prohibits the expansion of a non-conforming use.
- 2. The subject parcel's lot coverage would increase from 37% to 43%.
- 3. The subject parcel's side yard setback on one side would slightly improve from 0.7 to 3ft, but still be legal non-conforming.

GRANTING OF THE PETITION

Should the Planning Commission and Board of Adjustment of the Town of Elsmere grant Petition 23-12, the following would need to occur:

- 1. The Planning Commission of the Town of Elsmere would need to determine that the proposed garage meets the harmonious development intent of the Code of the Town of Elsmere Chapter 225-9.
- 2. The Board of Adjustment of the Town of Elsmere would need to grant a variance from the Code of the Town of Elsmere Chapter 225, Attachment 3 to allow for 43% lot coverage in lieu of the required 30%.
- 3. The Board of Adjustment of the Town of Elsmere would need to grant a variance from the Code of the Town of Elsmere Chapter 225, Attachment 3 to allow for a side yard setback of 3-feet in lieu of the required 5-foot.
- 4. The applicant shall obtain a permit from the Town of Elsmere Code Enforcement Department within 1 year of any approval.

INST.20020617-0057836 ROBERT & MICHELLE ANDERSON 50.00' S 03.30,00. 1.2 FENCE ON CONC. BRICK WILMINGTON AVENUE VARYING WIDTHS FENCE ON LINE ± N/F VICKI B. BARR & THOMAS P. BARBAS S 86.30.00. 86.30,00 THOMAS J. DONOGHUE & SUSAN L. RODALUNAS 150.00 * DECK 2 STORY FENCE ON-FRAME RES. CONC ENCLSD S 03'30'00" E 200.00 N 03'30'00" W WESTERN AVENUE

EXHIBIT 23-15 E

I FREET DICIARE 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 CASSIFICATION SHOWN HEREON REPRESENTS CURRENT ZONING AS OF THE DATE OF THIS PLAN, THE MINIMUM REQUIREMENTS ARE FROM THE ZONING CODE. ANY RESTRICTION LINES SHOWN ADDE AND FROM THE ZONING CODE. ANY RESTRICTION LINES SHOWN MADE AND FROM THE ZONING ARE NOT KNOWN UNLESS SHOWN HEREON. IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. REQUIREMENTS OF PRIOR ZONING ARE NOT KNOWN UNLESS SHOWN HEREON.

IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS REGULATION 12.7; A WAZDANCE NOT TO SET CORNERS HAS BEEN OBTAINED IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL RAYSED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND CAN ONLY BE USED FOR REVIEW PURPOSES.

60' WIDE

PROPERTY TO BE CONVEYED TO: MATTHEW WILLIAM KURTH & LARISSA JEANNE RANBOM

MORTGAGE SURVEY PLAN 108 WESTERN AVENUE

ELSMERE TOWN OF ELSMERE NEW CASTLE COUNTY - DELAWARE TAX PARCEL #19 005.00 110

DEED REF: 20180302-0010206 | PLAT REF: MF#215

ZONED: R1 (BUILT 1936) SETBACKS: FRONT - 20 REAR - 30 SIDE - 5'

A.E.S. SURVEYORS

3913 OLD CAPITOL TRAIL
WILMINGTON, DE. 19808
PHONE: 302-993-1059
FAX: 302-993-1057
EMAIL: OFFICE@AESSURVEYORS.COM

1"=20' DATE: 8/6/18 JOB # 20182099 CLASS S SURVE

INST.20020617-0057836 N/F ROBERT & MICHELLE ANDERSON 50.00 S 03'30'00" 5 FENCE ON LINE ± 12 x 24 GARAGE WILMINGTON AVENUE VARYING WIDTHS FENCE ON. VICKI B. BARR & THOMAS P. BARBAS 86'30'00" 86"30"00" N/F THOMAS J. DONOGHUE & SUSAN L. RODALUNAS € 150.00 DECK 2 STORY FENCE ON-FRAME RES. CONC PORCH CONC 0.9 CONC. S 03'30'00" E 200.00 N 03'30'00" WESTERN AVENUE

Scale Reference

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 FEBRURES 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 REDURENTS ARE FROM THE ZONING CODE. ANY RESTRICTION LINES SHOWN ABOVE ARE FROM THE RECORD PLAN OF DEED RESTRICTIONS PROVIDED TO ALES, SURVEYORS, ANY VARIANCES, AGREEMENTS OR PRIOR ZONING ARE NOT KNOWN UNLESS SHOWN HEREON. IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS REQUISION 12.2; A WAWER NOT TO SET CORNERS HAS BEEN OBTAINED IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REQUISITIONS AND CAN ONLY BE USED FOR REVIEW PURPOSES.

60' WIDE

MATTHEW WILLIAM KURTH & LARISSA JEANNE RANBOM MORTGAGE SURVEY PLAN 108 WESTERN AVENUE

PROPERTY TO BE CONVEYED TO:

ELSMERE TOWN OF ELSMERE NEW CASTLE COUNTY - DELAWARE TAX PARCEL #19 005.00 110

DEED REF: 20180302-0010206 | PLAT REF: MF#215

SETBACKS: FRONT-20 REAR - 30' SIDE - 5'

ZONED: R1 (BUILT 1936)

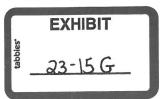
A.E.S. SURVEYORS
3913 OLD CAPITOL TRAIL
WILMINGTON, DE. 19808
PHONE: 302-993-1059 FAX: 302-993-1067 EMAIL: OFFICE@AESSURVEYORS.COM

SCALE: 1"=20' DATE: 8/6/18

CLASS S SURVE

JOB # 20182099

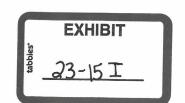
EXHIBIT



The following pages show several examples of other structures (mostly garages) on nearby properties. These are presented to show the replacement garage I am proposing not only replicates the preexisting layout on the lot, but is a common arrangement in the neighborhood to have them very near one or more property lines in the rear. Moving the garage significantly closer to the front of the lot (and the house) would actually be out of character for the area.

104 Western – Garage in back corner 106 Western – Pergola in back corner 110 Western – Shed in back corner 109 Northern – Shed in back corner





106 Ohio – Garage in back corner 108 Ohio – Structures in back corner



113 Ohio – Garage in back corner

115 Ohio – Garage in back corner (with a large driveway)

117 Ohio – Garage in back corner



117 Western – Garage in back corner



201 Ohio – Garage in back corner



EXHIBIT

abbies

23-15L





EXHIBIT

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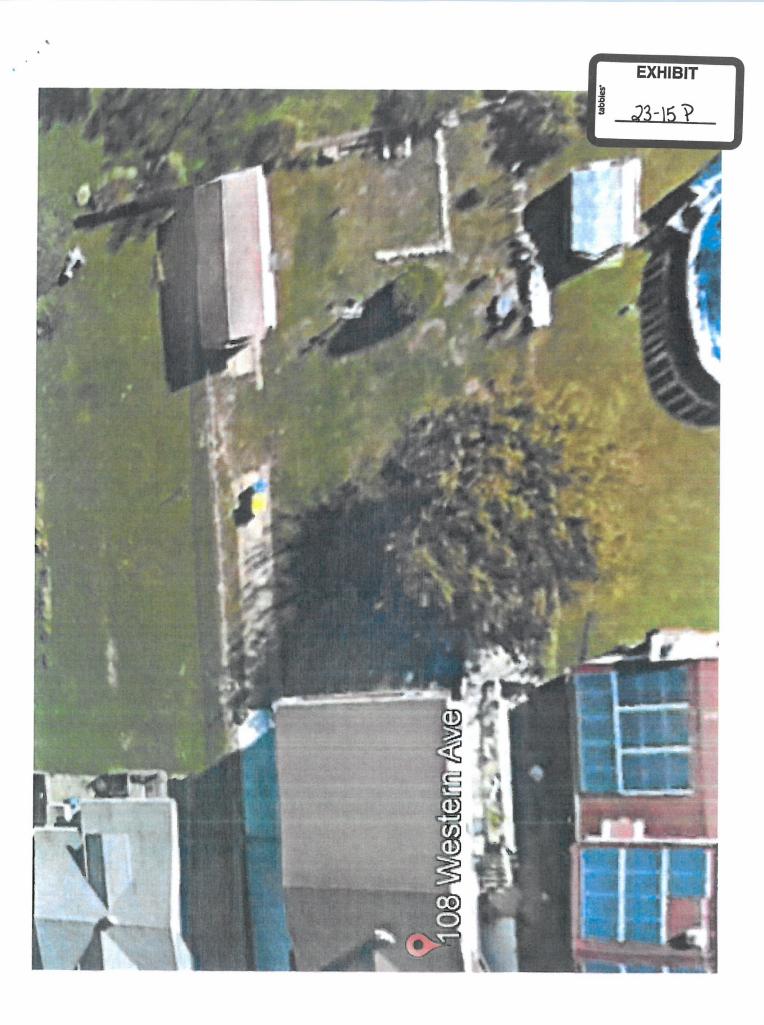
23-15M

EXHIBIT

Sign







BUILDING

TECHNICAL SECTION

Date Received
Date Issued
Control #
Permit #

A. IDENTIFICATION-APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN CHANGING

C OLE OT L'IONDELL INCOMINATION. VAN	Lot 131	sre	om .
ONTRACTORS, NOTIFY THIS OFFICE.	lock 100	Vork Site Location 108 Western Ave, Elsmere	wner in Fee Matthew Kurth & Larissa Ranbom
ō	8	0	3

CONTRACTORS, NOTIFY THIS OFFICE. Block 100	Lot 131		
Work Site Location 108 Western Ave, Elsmere			
Owner in Fee Matthew Kurth & Larissa Ranbom	bom .		
Address 108 Western Ave, Wilmington DE 19805	19805		D. TECHNICAL SITE DATA
Tele. 302-932-8353			DESCRIPTION OF WORK 1. Replace existing pad from prior garage (removed in
Contractor			a new somewhat larger garage.
Address			2. Add a section of driveway to connect the existing o
Tele	, ax		the new garage (this section existed in the past bu
Lic. No. or Bidrs. Reg. No.			removed direa zu iz).
Federal Emp. No.			3. Add a walkway to connect the existing walkway at
and the second s	and the second s		the house to the dreway BY THE
JOB SUMMARY (Office Use Only)			TOWN MANAGER
PLAN REVIEW Date Initial	INSPECTIONS	Dates (Month/Day)	Legal Non-Conforming-Lot C
No Plans Required	Type:	Failure Failure Approval Initial	
] All	Footing		
Footing	Foundation		
Foundation	Slab		TYPE OF WORK
Frame	Frame		Vew Building
Other	Barrier-Free	AMILITATION OF THE PROPERTY OF	Addition
Joint Plan Review Required:	Insulation		Alteration
[] Elec. [] Plumb. [] Fire [] Elevator	Finishes		Roofing
SUBCODE APPROVAL	Energy		
1 co [1 cco [] cA	Mechanical		
Date	100		Sign Sq Ft.
Approved by:	Other		8
	Final		Asbestos Abatement
	Barner-Free		Lead Haz. Abatement
-			Corper
IG CHARACTERISTICS			
	Proposed	Est. Cost of Bidg. Work:	
Constr. Class Present Pro	Proposed	1 New Bidg. S	Administrative Surcharge
No. of Stories		2. Alteration S	Minimum ree
Height of Structure	#	3. Total (1+2) \$ 0.00	Fee
Area Largest Floor	Sq. Fr.	C CEBTIEL ATION IN TELL OF CATA	TOTAL FEE
New Bldg. Area/All Floors	Sq. Fr.	C. CENTIFICATION IN LIEU OF CATH	J
Volume of New Structure	Se. F.	record and an authorized to make this application	Whet of the constant of the co
Total Land Area Disturbed	Sq. Ft	100	
		A CTURNET AND	



- in 2018) with
- driveway to ut was
- the front of

ov & setbacks

FEE (Office Use Only)								\$	8	8		
			Height (exceeds 5)	3d 3f	S Abdrement	A Abatement		Administrative Surcharge	Minimum Fee	Fee	TOTAL FEE	

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Petition 23-12 - 108 Western Avenue

zutiloi.



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

Parcel # 1900500110

Property Address: 108 WESTERN AVE WILMINGTON, DE 19805-

Subdivision: ELSMERE

Owner: KURTH MATTHEW WILLIAM & RANBOM LARISSA JEANNE

108 WESTERN AVENUE

Owner Address:

WILMINGTON, DE 19805

Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 131

Property Class: RESIDENTIAL

Location:

Lot Size: 0.17

Map Grid: 09403560

Lot Depth: 150

Block:

Lot Frontage: 50

Census Tract: 124.00 Street Type: FEEDER

Street Finish:

Water: PUBLIC
Microfilm #: 000215

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

Zoning

19R1 - ONE FAMILY DWELLING

Deed	History
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Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
		N	Not Available	\$15,200.00
CAHALL WILLIAM E & SANDRA M	Z83 893	N	8/1/1970	\$15,650.00
CAHALL WILLIAM E	1363 116	N	7/7/1992	\$10.00
RASH LEILANI D	20140327 0012276	N	3/21/2014	\$10.00
HADLEY STEPHEN B JR & RYAN GEOFFREY	20180302 0010206	N	2/28/2018	\$123,000.00
KURTH MATTHEW WILLIAM & RANBOM LARISSA JEANNE	20180904 0044839	N	8/24/2018	\$10.00

Tax/Assessment Info

Assessment

Land: 7900
Structure: 44400
Homesite: 0
Total: 52300
County Taxable: 52300
School Taxable: 52300

Tax Bills as of 8/7/2023 3:01:37 AM

		County			School	
Tax Year	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$186.63	\$0.00	\$0.00	\$1,011.1
2011A	\$0.00	\$0.00	\$179.28	\$0.00	\$0.00	\$942.9
2012A	\$0.00	\$0.00	\$179.78	\$0.00	\$0.00	\$931.99
2013A	\$0.00	\$0.00	\$178.75	\$0.00	\$0.00	\$988.99
2014A	\$0.00	\$0.00	\$179.43	\$0.00	\$0.00	\$543.29
2015A	\$0.00	\$0.00	\$178.79	\$0.00	\$0.00	\$618.70
2016A	\$0.00	\$0.00	\$178.35	\$0.00	\$0.00	\$719.79
2017A	\$0.00	\$0.00	\$179.28	\$0.00	\$0.00	\$894.06
2018A	\$0.00	\$0.00	\$191.99	\$0.00	\$0.00	\$1,287.10
2019A	\$0.00	\$0.00	\$177.78	\$0.00	\$0.00	\$1,296.5
2020A	\$0.00	\$0.00	\$165.62	\$0.00	\$0.00	\$1,296.5
2021A	\$0.00	\$0.00	\$162.66	\$0.00	\$0.00	\$1,290.50
2022A	\$0.00	\$0.00	\$202.46	\$0.00	\$0.00	\$1,292.85
2023A	\$201.58	\$0.00	\$0.00	\$1,292.85	\$0.00	\$0.00

Tax Payments as of 8/7/2023 3:01:37 AM

Date Paid 10/7/2010

Amt Paid

\$1,130.02

11/10/2010

\$67.80

9/29/2011 9/11/2012 9/27/2013 9/25/2014 9/23/2015 9/20/2016 9/13/2017 8/29/2018 8/29/2018 9/26/2019 9/24/2020 9/28/2021 9/27/2022



\$1,122.25 \$1,111.77 \$1,167.74 \$722.72 \$797.49 \$898.14 \$1,073.34 \$191.99 \$1,287.10 \$1,474.29 \$1,462.13 \$1,453.16 \$1,495.31

County Balance Due: \$201.58 School Balance Due: \$1,292.85

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.

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/9/2007	\$269.5
2008S1	\$0.00	\$0.00	2/22/2008	\$288.3
2009S1	\$0.00	\$0.00	2/18/2009	\$213.
201051	\$0.00	\$0.00	6/25/2010	\$238.
2011S1	\$0.00	\$0.00	2/23/2011	\$212.
201251	\$0.00	\$0.00	2/24/2012	\$220.
2013S1	\$0.00	\$0.00	2/22/2013	\$232.
2014S1	\$0.00	\$0.00	3/5/2014	\$206.
2015S1	\$0.00	\$0.00	2/19/2015	\$160.
2016S1	\$0.00	\$0.00	2/11/2016	\$126.
2017S1	\$0.00	\$0.00	2/13/2017	\$126.
201851	\$0.00	\$0.00	1/31/2018	\$126.
2019S1	\$0.00	\$0.00	2/20/2019	\$56.
2019S5	\$0.00	\$0.00	4/16/2020	\$162.
2020S1	\$0.00	\$0.00	3/27/2020	\$231.
2021S1	\$0.00	\$0.00	2/9/2021	\$218.
2022S1	\$0.00	\$0.00	2/11/2022	\$269.
2023S1	\$0.00	\$0.00	2/2/2023	\$256.

These amounts do not reflect statutory penalty, which was imposed on the first of the month. To obtain the exact amount necessary to pay the account in full, please call New Castle County's Treasury Division at (302) 395-5340.

Residence Class: SFD PLATTED LOT

Condition: GOOD

Stories: 1.5

Main Floor Area: 1274

Bedrooms: 3

Full Baths: 2

Fixtures: 8

Interior Wall Finish: DRYWALL

Basement %: 100%

Roof Material: ASPHALT

Foundation: CONTINUOUS

Residence Characteristics

Residence 0

Building Design: CAPE COD

Grade: AVERAGE

Year Built: 1936

Total Area (sq. ft.): 2275

Rooms: 7 # 1/2 Baths: 0

Fam. Rooms: 0

Roof Type: GABLE

Floor Finish: WOOD

Exterior Wall: ALUMINIUM OR VINYL

Garage Capacity: 0

Basement % Finished:

Attic % Finished:

Unfinished %:

Heat Type: HOT AIR Remodel Year: 83

Unfinished Area: 0

Air Conditioning:

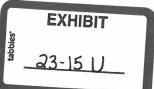
Basement Finish Type:



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



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

Witness List

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