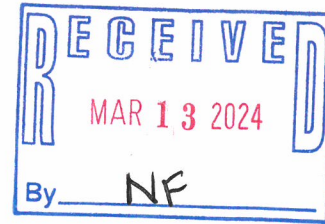


EXHIBIT

tabbles

24-02 A



TOWN OF ELSMERE

MINOR SUBDIVISION/REVERSE SUBDIVISION APPLICATION

Definition of a Minor Subdivision:

All division of land into five (5) or fewer residential lots upon which building can occur or the adjustment of property lines to permit the expansion of an existing structure shall be approved and reviewed as a minor subdivision under the procedures and regulations below. Subdivisions of five (5) lots or fewer, which involve any new street or road, shall be reviewed and approved as major subdivisions. All division of land into commercial or industrial lots where no new streets or other public improvements are involved shall be reviewed and approved as minor subdivisions.

Petition Number: 24-02

Date Petition was Filed: 3/13/2024

Subject Properties Address: 115 Forrest Avenue
Wilmington, DE 19805

Tax Parcel Number: 19-004.00-124

Applicants Name: Habitat for Humanity of NCC
Applicants Address: 1920 Hutton Street
Wilmington, DE 19802
Applicants Phone Number: (302) 652-0365
Applicant Relationship to the Owner: Equitable Owner

Property Owners Name: Daniel Padgett
Property Owners Address: 421 E 9th Street
Wilmington, DE 19801
Phone Number:
Relationship to the Owner: Owner

Reason for the requested Subdivision: To create two (2) residential lots for Habitat for Humanity to construct two residential dwellings

Intended Use for the Property: Two (2) residential lots



APEX ENGINEERING INCORPORATE

27 WEST MARKET STREET NEWPORT, DE 1
(302) 994-1900 (302) 994-9099 FAX
www.apexengineeringinc.com

EXHIBIT
tabbies
24-02 B

TRANSMITTAL LETTER

| | |
|-----------------------------------|---------------------------------------|
| To: Denise Lardani | Date: March 13, 2024 |
| Administrative Assistant | Project No: 23196.000 |
| Town of Elsmere, Code Enforcement | Reference: 115 Forrest Avenue, HFHNCC |

We Are Sending You The Following:

- Original Tracings
- Prints
- Reports
- Mylars
- Copy of Correspondence
- Specifications
- Descriptions
- Other: _____

| Copies | Item | Description |
|--------|------|---|
| 1 | | Minor Subdivision Application |
| 1 | | Minor Subdivision application fee check (#731.3 HFHNCC) |
| 25 | | Minor Subdivision Plan |
| 1 | | current property deed |
| 1 | | CD of all items listed above |

These Are Transmitted As Checked Below

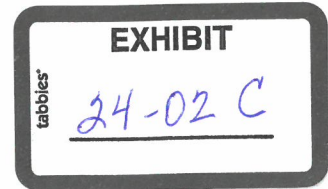
- For Approval
- For Your Information
- For Your Records
- As Requested
- For Your Use
- _____

Sent Via

- First Class Mail
- Overnight
- Pick Up
- Hand Deliver
- Fax _____
- _____

| | |
|----------|----------------------|
| Copy To: | Signed: Carol W. Ohm |
| | For: |

Site Analysis
Petition 24-02



Property Owner: Daniel Padgett
Zoning District: R1
Address: 115 Forrest Ave
Primary Use: R1
Parcel No.: 19-00400-124

LOT COVERAGE CALCULATIONS

| | <u>Existing</u> | <u>Proposed</u> | <u>Proposed</u> |
|--------------------------------------|---|-----------------|----------------------|
| Proposed Lot Area in Sq. Ft.: | 10316 | Lot #1-5039 | Lot #2-5277 (Corner) |
| Allowable Lot Coverage: | 30941 sq. ft. (30 %) | | |
| ❖ Building = | Lot 1 – 1144 Sq. Ft (23%) Proposed | | |
| | Lot 2 – 1152 Sq. Ft (22%) Proposed | | |
| ❖ Impervious Pave = | Lot 1 – 280 Sq. Ft | | |
| | Lot 2 – 280 Sq. Ft | | |

Proposed Additions:

- ❖ Lot 1 1144 Sq. Ft.
- Lot 2 1152 Sq. ft.

Proposed Total: Lot 1 1424 Sq. Ft. (28%)
 Lot 2 1432 Sq. Ft. (27%)

Conclusion:

The applicant seeks to subdivide parcel #19-00400-124 into two parcels and construct two single family dwellings, one per new lot.

Required Setbacks:

| | | | |
|--------------|-----|-------------------|-----|
| Front: Lot 1 | 20' | Rear: Lot 1 | 30' |
| Front: Lot 2 | 20' | Rear: Lot 2 | 30' |
| Side: Lot 1 | 5' | Both Sides: Lot 1 | 10' |
| Side: Lot 2 | 5' | Both Sides: Lot 2 | 20' |

Existing Setbacks:

| | | | |
|--------|-----|-------------|-----|
| Front: | N/A | Rear: | N/A |
| Side: | | Both Sides: | |

Proposed Setbacks:

| | | | |
|--------------|-----|-------------------|-----|
| Front: Lot 1 | 20' | Rear: Lot 1 | 30' |
| Front: Lot 2 | 20' | Rear: Lot 2 | 34' |
| Side: Lot 1 | 5' | Both Sides: Lot 1 | 21' |
| Side: Lot 1 | 5' | Both Sides: Lot 2 | 25' |

Conclusion:

The proposed setbacks for the proposed dwellings comply with the ordinances of the Town of Elsmere.

STATEMENT OF FACT

The subject parcel is currently compliant with the ordinances of the Town of Elsmere.

REQUEST BY THE APPLICANT

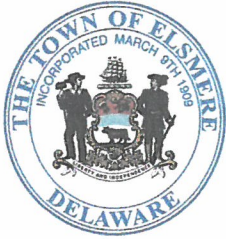
1. The applicant seeks to subdivide the subject parcel into two separate parcels and construct two single family dwellings, (one per lot). The proposed is a minor subdivision as per the Town of Elsmere Code.

ISSUE(S)

1. Regarding proposed Lot #2: Town of Elsmere Code 225 attachment #3 requires that corner lots be a minimum of 6000 sq. feet, proposed Lot #2 is 5277 sq. feet.
2. Town of Elsmere Code 196-22 requires that the Planning Commission and the Town Council of the Town of Elsmere review and approve a minor subdivision.

GRANTING OF THE PETITION

1. The Planning Commission shall review the proposed subdivision as per Town of Elsmere Code 196-22 B. and make a recommendation to the Town Council.
2. The Planning Commission of the Town of Elsmere shall review the proposed development as per Town of Elsmere Code 225-9 and determine that it meets the harmonious development intent of Town of Elsmere said Code.
3. The Board of Adjustment of the Town of Elsmere would need to review and grant a variance from the Town of Elsmere Code Chapter 225 Attachment #3 for lot #2 to allow for the required minimum square foot of 6000 square feet to be reduced to 5277 square feet.
4. The Town Council of Elsmere shall review and approve the proposed minor subdivision in accordance with the Town of Elsmere code 196-22.
5. The applicant shall, within 1 year of approval, obtain permits from the Town of Elsmere Code Enforcement Department.



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbies*

24-02 E

March 18, 2024

Mayor
Eric Thompson

Mr. Neil Carlson
Vandemark & Lynch, Inc.
P.O. Box 2047
Wilmington, DE 19899

1st District Councilwoman
President Pro-Tempore
Marianne Skipski

Re: Petition 24-02 Minor Subdivision Application

2nd District Councilwoman
Secretary of Council

Dear Mr. Carlson,

Sally Jensen

Habitat for Humanity of NCC have applied for a Minor Subdivision of the property located at 115 Forrest Avenue. The property is currently zoned R-1 Single Family Dwelling. They would like to create (2) residential lots to construct (2) residential dwellings. They are aware that they will need further review in order to construct new dwellings.

3rd District Councilwoman
Mary Steppi

4th District Councilman

Charles McKewen

5th District Councilwoman

Joann I. Personti

The Building Committee and Town Engineer are required, by the Code of the Town of Elsmere to submit written comments to the Town Manager concerning the plans. These comments must be received back no later than fifteen (15) business days from the date of this letter. Please review the enclosed documents and provide your written comments by April 8, 2024.

6th District Councilwoman

Dawn DiBiaso

Thank you for your attention to this matter.

Town Treasurer

Paul Chalfant

Sincerely,

City Solicitor

James McMackin

Steven Martin
Town Manager

Cc: Mayor and Council
Building Committee

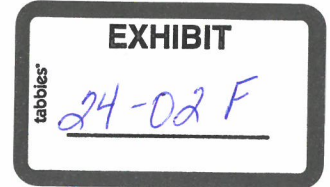


April 3, 2024


4305 MILLER ROAD
WILMINGTON, DE 19802-1901
(302) 764-7635 FAX (302) 764-4170
www.vdleng.com

V&L Project No. 25200.15

MEMORANDUM



TO: Steven Martin
Town Manager – Town of Elsmere

FROM: Neil Carlson, P.E. 

RE: **Minor Subdivision Plan: 115 Forrest Avenue
TP# 19-004.00-124**

As requested, we have reviewed a Minor Subdivision Plan submitted for the referenced property. The plan consists of one (1) sheet prepared by Apex Engineering, Inc., dated February 16, 2024. The plan was received in our office on March 18, 2024.

The purpose of the plan is to subdivide the existing 0.24+/- acre parcel into two R-1 zoned parcels and construct two dwellings. The site is entirely within the regulatory floodplain.

We offer the following comments:

Zoning Ordinance:

1. The plan notes that a lot area variance is required for the proposed Lot 2. If the Board of Adjustment grants the variance, the note on the plan regarding the variance should be completed.

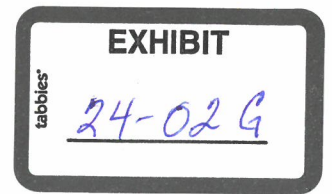
Floodplain Management Ordinance:

1. A floodplain application for the subdivision and for any construction within the regulatory floodplain is required to be submitted to the Town. (§102-12)

General Comments:

1. A lines and grades plan shall be submitted to the Town concurrent with the building permit application for the proposed house construction.
2. Since the proposed disturbed area exceeds 5,000 S.F., standard plan approval from the New Castle Conservation District is required. A copy of the Conservation District approval should be submitted to the Town.

Memorandum to Steve Martin, Town Manager
RE: 115 Forrest Avenue - Minor Subdivision Plan
April 3, 2024
Page 2 of 2



3. The plan proposes new water and sewer connections. Approved letters from New Castle County and Artesian Water shall be submitted to the Town. Road restoration shall be in accordance with Section 192-19 of the Town code.

If you have any questions, or require clarification regarding any of these comments, please call.

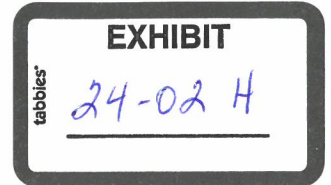


April 3, 2024


4305 MILLER ROAD
WILMINGTON, DE 19802-1901
(302) 764-7635 FAX (302) 764-4170
www.vdleng.com

V&L Project No. 25200.15

MEMORANDUM



TO: Steven Martin
Town Manager – Town of Elsmere

FROM: Neil Carlson, P.E. 

RE: **Minor Subdivision Plan: 115 Forrest Avenue
TP# 19-004.00-124**

As requested, we have reviewed a Minor Subdivision Plan submitted for the referenced property. The plan consists of one (1) sheet prepared by Apex Engineering, Inc., dated February 16, 2024. The plan was received in our office on March 18, 2024.

The purpose of the plan is to subdivide the existing 0.24+/- acre parcel into two R-1 zoned parcels and construct two dwellings. The site is entirely within the regulatory floodplain.

We offer the following comments:

Zoning Ordinance:

1. The plan notes that a lot area variance is required for the proposed Lot 2. If the Board of Adjustment grants the variance, the note on the plan regarding the variance should be completed. **This will be done following the Board of Adjustment decision.**

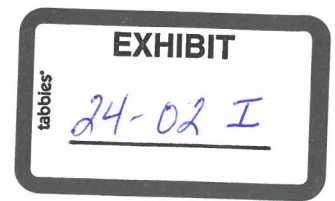
Floodplain Management Ordinance:

1. A floodplain application for the subdivision and for any construction within the regulatory floodplain is required to be submitted to the Town. (§102-12) **Is this required in order to get the application before the Planning Commission in May or can we get it submitted asap with the**

General Comments: **next plan submission?**

1. A lines and grades plan shall be submitted to the Town concurrent with the building permit application for the proposed house construction.
 2. Since the proposed disturbed area exceeds 5,000 S.F., standard plan approval from the New Castle Conservation District is required. A copy of the Conservation District approval should be submitted to the Town.
-
1. **We are assuming the lines & grades plan is not required to get on the Planning Commission as if the variance is not granted, there is not point to wasting time and money on construction plans for the lots.**
 2. **A standard plan application will be submitted with the next plan submission. Is this required to get on the Planning commission agenda for May?**

Memorandum to Steve Martin, Town Manager
RE: 115 Forrest Avenue - Minor Subdivision Plan
April 3, 2024
Page 2 of 2

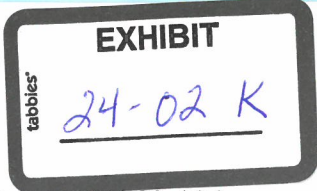


3. The plan proposes new water and sewer connections. Approved letters from New Castle County and Artesian Water shall be submitted to the Town. Road restoration shall be in accordance with Section 192-19 of the Town code. We will submit to NCC and Artesian asap. As soon as we have their approval letters, we will pass on.

If you have any questions, or require clarification regarding any of these comments, please call.

P:\Land Projects\25200 Town of Elsmere\0.15 115 Forrest Avenue\SDP_01.doc

****With the last plan that we took through the Town for Serpes, these construction related documents were not required until after we went to the Board of Adjustment. Is that the case here or is there a reason why this application is requiring it so early in the process?**



Parcel No(s): 19-004.00-124

Barcode
20190918-0074554
P: 1 of 3 F:\$77.00 9/18/2019 2:39:37 PM
Michael E. Kozikowski T20190042404
New Castle Recorder DEE
: \$0.00 State: \$798.00

Prepared By:
Giordano, Delcollo, Werb & Gagne, LLC
5315 Limestone Road
Wilmington, DE 19808

Return To:
Daniel Israel Padgett
421 East 9th Street
Wilmington, DE 19801

THIS DEED, Made this 15th day of August, 2019.

BETWEEN, JAMES H. SPENCE AND ROSE SPENCE, of Sussex County and State of Delaware, party of the first part

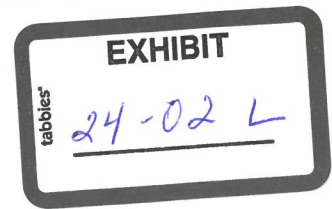
-AND-

DANIEL PADGETT, of New Castle County and State of Delaware, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Thirty-Nine Thousand Nine Hundred And No/100 Dollars (\$39,900.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said party of the second part Daniel Israel Padgett, fee simple:

ALL those three certain lots, pieces or parcels of land, with the buildings thereon erected, situate in the Town of Elsmere, New Castle County and State of Delaware, being Lots Nos. 26, 27, 28 and 29 Block H, on the plot of Forrest Park as said plot is recorded in the Office for the Recorder of Deeds in and for New Castle County, Delaware in Deed Record C, Volume 28, Page 601, also known as 115 Forrest Avenue and more particularly bounded and described as one lot as follows, to-wit:

BEGINNING at a point on the westerly side of Forrest Avenue at the distance of 850' southerly from the southerly side of the Lincoln Highway as laid out on the plot of Forrest Park; thence southerly and along the said westerly side of Forrest Avenue, 75' to a point; thence westerly and parallel with the Lincoln Highway 100' to another point; thence northerly and parallel with Forrest Avenue 75' to another point and thence easterly parallel with the Lincoln Highway 100' to the aforesaid westerly side of Forrest Avenue and place of Beginning. Be the contents thereof what they may.



SUBJECT TO ALL covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

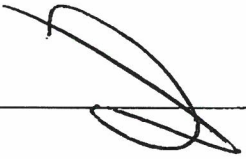
BEING the same lands and premises which Mildred Spence, by Deed dated 6/1/2005 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Document No. 20050606-0054051, granted and conveyed unto James H. Spence and Rose Spence, in fee.

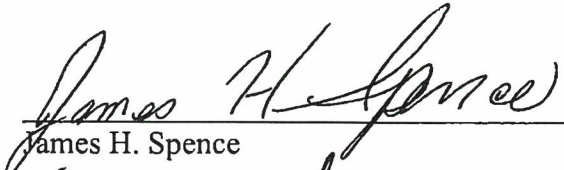
***GRANTEE'S
ADDRESS:***

***421 E 9 TH street
Wilmington, DE 19801***

IN WITNESS WHEREOF, the said party of the first part has caused this Deed to be duly executed the day and year first above written.

Sealed and Delivered
in the presence of:




James H. Spence



Rose Spence

STATE OF DELAWARE

COUNTY OF NEW CASTLE

BE IT REMEMBERED, That on this 15th August, 2019, before me, a Notary Public for the State and County aforesaid, James H. Spence and Rose Spence, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her/their act and deed.

WITNESS my hand and official seal, this the .

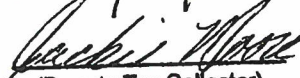


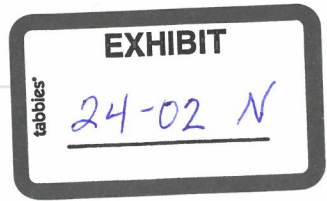
Notary Public
My Commission Expires:

DEAN C. DELCOLLO
Attorney at Law - State of Delaware
Notarial Officer Pursuant to
29 Del.C. § 4323(a)(3)
My Commission Has No Expiration



No. 19-119
Amount \$ 598.50
Date 8/16/2019


(Deputy Tax Collector)



Parcel # 1900400124

Property Address: 115 FORREST AVE
 WILMINGTON, DE 19805-
 Subdivision: FOREST PARK
 Owner: PADGETT DANIEL
 421 E 9TH STREET
 Owner Address:
 WILMINGTON, DE 19801
 Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

| | |
|-----------------------|-----------------------------|
| Lot #: 26-29 | Property Class: RESIDENTIAL |
| Location: CORNER LOT | Lot Size: 0.24 |
| Map Grid: 09403560 | Lot Depth: 100 |
| Block: H | Lot Frontage: 110 |
| Census Tract: 124 | Street Finish: |
| Street Type: ARTERIAL | |
| Water: PUBLIC | |
| Microfilm #: 000231 | |

District & Zoning Info

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- **FOREST PARK - Civic Organization**
- 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
- FLOODPLAIN

Zoning

- 19R1 - ONE FAMILY DWELLING

Deed History

| Grantee(s) | Deed | Multi? | Sale Date | Sale Amount |
|----------------|------------------|--------|---------------|-------------|
| SPENCE MILDRED | T76 433 | N | Not Available | \$0.00 |
| SPENCE JAMES H | 20050606 0054051 | N | 6/1/2005 | \$22,000.00 |
| PADGETT DANIEL | 20190918 0074554 | N | 8/15/2019 | \$39,900.00 |

Tax/Assessment Info

Assessment

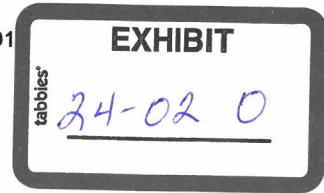
Land: 3700
 Structure: 0
 Homesite: 0
 Total: 3700
 County Taxable: 3700
 School Taxable: 3700

Tax Bills as of 4/18/2024 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 | \$13.20 | \$0.00 | \$0.00 | \$71.83 |
| 2011A | \$0.00 | \$0.00 | \$12.68 | \$0.00 | \$0.00 | \$66.71 |
| 2012A | \$0.00 | \$0.00 | \$12.71 | \$0.00 | \$0.00 | \$65.93 |
| 2013A | \$0.00 | \$0.00 | \$12.64 | \$0.00 | \$0.00 | \$69.97 |
| 2014A | \$0.00 | \$0.00 | \$12.69 | \$0.00 | \$0.00 | \$71.20 |
| 2015A | \$0.00 | \$0.00 | \$12.64 | \$0.00 | \$0.00 | \$79.15 |
| 2016A | \$0.00 | \$0.00 | \$12.61 | \$0.00 | \$0.00 | \$86.30 |
| 2017A | \$0.00 | \$0.00 | \$12.68 | \$0.00 | \$0.00 | \$91.55 |
| 2018A | \$0.00 | \$0.00 | \$13.58 | \$0.00 | \$0.00 | \$91.06 |
| 2019A | \$0.00 | \$0.00 | \$12.58 | \$0.00 | \$0.00 | \$91.73 |
| 2020A | \$0.00 | \$0.00 | \$14.95 | \$91.73 | \$24.54 | \$17.32 |
| 2021A | \$0.00 | \$0.00 | \$13.41 | \$91.30 | \$31.85 | \$0.00 |
| 2022A | \$0.00 | \$0.00 | \$14.32 | \$91.47 | \$20.93 | \$0.00 |
| 2023A | \$14.26 | \$1.69 | \$0.00 | \$91.47 | \$10.01 | \$0.00 |

Tax Payments as of 4/18/2024 3:01:18 AM

| Date Paid | Amt Paid |
|------------|----------|
| 10/19/2010 | \$79.94 |
| 5/3/2011 | \$5.09 |



| | |
|-----------|----------|
| 9/16/2011 | \$79.39 |
| 10/2/2012 | \$78.64 |
| 10/4/2013 | \$82.61 |
| 10/2/2014 | \$12.69 |
| 10/2/2014 | \$71.20 |
| 9/30/2015 | \$91.79 |
| 9/8/2016 | \$98.91 |
| 8/10/2017 | \$105.00 |
| 8/17/2018 | \$104.64 |
| 7/30/2019 | \$104.31 |
| 8/31/2022 | \$30.00 |
| 9/28/2022 | \$30.00 |

County Balance Due: \$15.95

School Balance Due: \$453.30

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.

EXHIBIT
24-02 P

