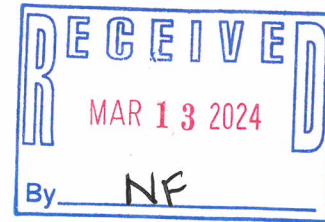


EXHIBIT

tabbies

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**  
tabbles  
24-02 B

## TRANSMITTAL LETTER

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

### We Are Sending You The Following:

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

Copies	Item	Description
1		<b>Minor Subdivision Application</b>
1		<b>Minor Subdivision application fee check</b> (#7313 HFHNCC)
25		<b>Minor Subdivision Plan</b>
1		<b>current property deed</b>
1		<b>CD of all items listed above</b>

### These Are Transmitted As Checked Below

- For Approval       For Your Records       For Your Use
- For Your Information       As Requested       \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Sent Via

- First Class Mail       Pick Up       Fax \_\_\_\_\_
- Overnight       Hand Deliver       \_\_\_\_\_

Copy To: _____	Signed: <b>Carol W. Ohm</b>
_____	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>
<b>Proposed Lot Area in Sq. Ft.:</b>	10316	Lot #1-5039	Lot #2-5277 (Corner)
<b>Allowable Lot Coverage:</b>	30941 sq. ft. (30 %)		
❖ Building =	Lot 1 – 1144 Sq. Ft (23%) <b>Proposed</b>		
	Lot 2 – 1152 Sq. Ft (22%) <b>Proposed</b>		
❖ Impervious Pave =	Lot 1 – 280 Sq. Ft		
	Lot 2 – 280 Sq. Ft		

**Proposed Additions:**

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

<b>Proposed Total:</b>	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.

<b>Required Setbacks:</b>	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'
<b>Existing Setbacks:</b>	Front: N/A	Rear: N/A
	Side:	Both Sides:
<b>Proposed Setbacks:</b>	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

tabbles

24-02 E

March 18, 2024

Mayor  
Eric Thompson

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

Re: Petition 24-02 Minor Subdivision Application

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

Dear Mr. Carlson,

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

3<sup>rd</sup> District Councilwoman  
Mary Steppi

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.

4<sup>th</sup> District Councilman  
Charles McKewen

Thank you for your attention to this matter.

5<sup>th</sup> District Councilwoman  
Joann I. Personti

Sincerely,

6<sup>th</sup> District Councilwoman  
Dawn DiBiaso

Steven Martin  
Town Manager

Town Treasurer  
Paul Chalfant

City Solicitor  
James McMackin

Cc: Mayor and Council  
Building Committee

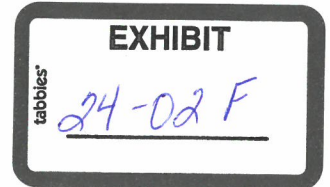


April 3, 2024


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.

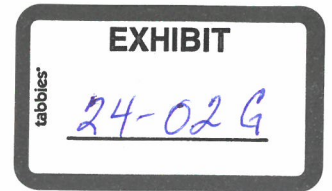
**Floodplain Management Ordinance:**

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.

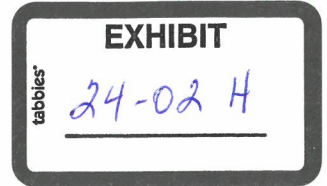


April 3, 2024


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:**

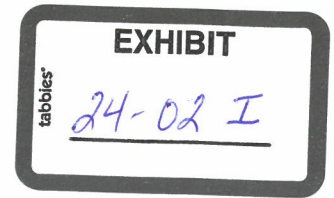
1. A floodplain application for the subdivision and for any construction within the regulatory floodplain is required to be submitted to the Town. (§102-12) **Is this required in order to get the application before the Planning Commission in May or can we get it submitted asap with the next plan submission?**

**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.
- 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



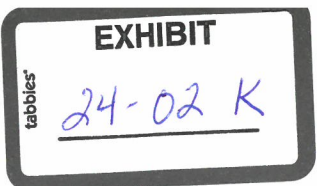
3. The plan proposes new water and sewer connections. Approved letters from New Castle County and Artesian Water shall be submitted to the Town. Road restoration shall be in accordance with Section 192-19 of the Town code. **We will submit to NCC and Artesian asap. As soon as we have their approval letters,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

  
**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

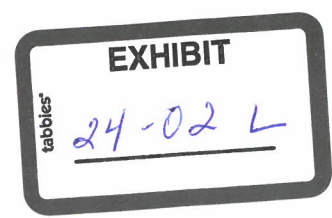
**-AND-**

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.

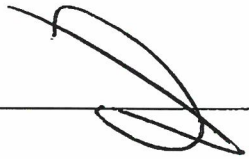
**BEING** the same lands and premises which Mildred Spence, by Deed dated 6/1/2005 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Document No. 20050606-0054051, granted and conveyed unto James H. Spence and Rose Spence, in fee.

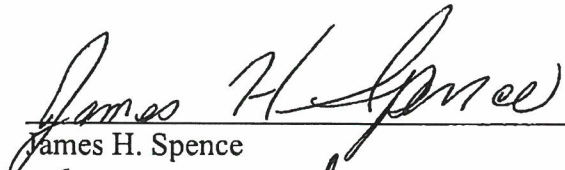
***GRANTEE'S  
ADDRESS:***

***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

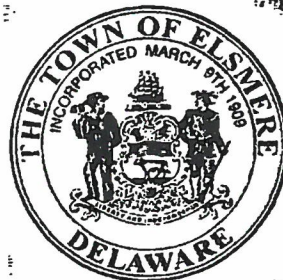
BE IT REMEMBERED, That on this 15<sup>th</sup> August, 2019, before me, a Notary Public for the State and County aforesaid, James H. Spence and Rose Spence, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her/their act and deed.

WITNESS my hand and official seal, this the .


  
\_\_\_\_\_

Notary Public  
My Commission Expires:

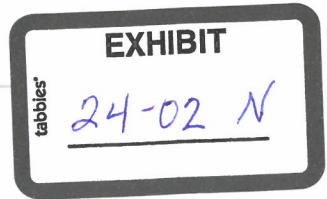
**DEAN C. DELCOLLO**  
Attorney at Law - State of Delaware  
Notarial Officer Pursuant to  
29 Del.C. § 4323(a)(3)  
My Commission Has No Expiration



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

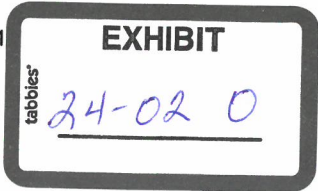
Land: 3700  
 Structure: 0  
 Homesite: 0  
 Total: 3700  
 County Taxable: 3700  
 School Taxable: 3700

**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  
 10/2/2012  
 10/4/2013  
 10/2/2014  
 10/2/2014  
 9/30/2015  
 9/8/2016  
 8/10/2017  
 8/17/2018  
 7/30/2019  
 8/31/2022  
 9/28/2022

\$79.39  
 \$78.64  
 \$82.61  
 \$12.69  
 \$71.20  
 \$91.79  
 \$98.91  
 \$105.00  
 \$104.64  
 \$104.31  
 \$30.00  
 \$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

Search



19-004.00-122

102

19-004.00-126

113

19-004.00-794

19-004.00-125

106

19-004.00-124

19-004.00-123

110

115

19-003.00-004

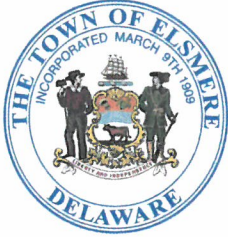
19-008.00-389

Esri Con

40ft

-75.606 39.736 Degrees





# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT  
tabbles  
24-02 Q

## MEMORANDUM

Mayor

Eric Thompson

1<sup>st</sup> District Council

Vacant

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 DiBiao

Town Treasurer

Paul Chalfant

City Solicitor

James McMackin

To: Chairman James Personti  
Town of Elsmere Board of Adjustment

From: Secretary Robert Anderson  
Town of Elsmere Planning Commission

Re.: Petition 24-02

Date: May 7, 2024

Dear Chairman Personti,

At the May 7, 2024 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 24-02 regarding Tax Parcel Number 1900-400-124. In this request, the applicant is seeking a minor subdivision to create two parcels and construct two single family dwellings, one per new lot.

After hearing testimony and having their questions answered, the commissioners in attendance voted unanimously to recommend **approval** of the petition to the Mayor and Council and the Board of Adjustment.

Sincerely,

Robert Anderson, Secretary  
Town of Elsmere Planning Commission