

The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT
tabbles 24-10 A

RECEIVED
JUN 14 2024
By *Dmt*

Application for Hearing

- Board of Adjustment
- Planning Commission

Petition # 24-10 Filing Fee: _____ Date Received 6/14/2024 Received by: Dmt

Subject Property: _____

Property is: Residential Commercial

Tax Parcel # 19-001.00-228 Zoning District: _____

Applicant name: Mr. Robin Gray

Address: 6 Hall Avenue Telephone # 302-383-3129

City: Wilmington State: De Zip Code: 19804

Application for Zoning Variance Related to: Asphalt driveway

- | | |
|---|--|
| <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: _____ New Zoning Request: _____

Application for Special Exception Use Permit for the following use: Asphalt driveway for handicapped use 9'5" x 52' + walkway

Application for Appeal of an Administrative decision: 9.5 x 52 long

By: _____ Date: _____ 4 x 22

For the following reasons: _____



Application for relief other than above: _____

State reasons for this request: Mrs. Gray became ill and
had to have her leg amputated. She is
now in a wheel chair

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: Mr. and Mrs. Robin Gray

Address: 6 Hall Avenue Telephone # 302-383-3129

City: Wilmington State: De Zip Code: 19804

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: 6/14/24

Legal Owner's Signature: _____ Date: _____

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24-10 C

Name of person representing applicant (if applicable):

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

I, _____, as owner of the property listed on this application, authorize the above named representative to act on my behalf during any proceedings pertaining to this application.

Legal Owner Signature _____ Date _____

Subscribed and sworn to before me on the following date:

Notary Public Signature _____

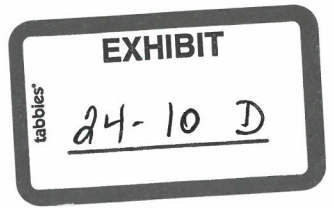
Date _____

In addition to the persons listed above please send copies of all correspondence to:

Name: _____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____



VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number: 24-10

Property Owners Name: Robin Gray

Person(s) Representing the Property Owner: _____

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 of 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:

The addition to the driveway is for the safety of the homeowner due to the amputation of her leg and is now in a wheelchair.

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

Please explain how this applies:

The homeowner fell ill and has had her leg amputated.

- (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 extension of the driveway is on the homeowner's property and is 2% over allowable lot coverage.

- (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.

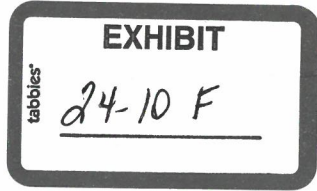
Please explain how this applies:
This is a safety issue for the homeowner due to being handicap and in a wheelchair.

- (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:
This request is only 2% over allowable lot coverage.

- (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:
The request is for the homeowner's property and will not affect surrounding properties.



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: *Robert Gray*

Date: 6/14/24

Signature Code Department Representative: *Dennis M. Jordan*

Date: 6/14/2024

**BUILDING
SUBCODE
TECHNICAL SECTION**

A. IDENTIFICATION—APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE.

Block K Lot #3
 Work Site Location Front yard right side of property
beginning at existing depressed curb
 Owner in Fee Mr. Robin Gray
 Address 6 Hall Avenue
 Tele. (302) 383-3129
 Contractor Pool Services Inc.
 Address 405 old Deloit Rd.
Wilmington, De 19804
 Tele. (302) 998-7031 Fax (302) 998-2882
 Lic. No. or Bldrs. Reg. No. _____
 Federal Emp. No. 31-0375306

JOB SUMMARY (Office Use Only)

PLAN REVIEW
 No Plans Required
 All
 Footing
 Foundation
 Frame
 Other

INSPECTIONS
 Type: Footing
 Foundation
 Slab
 Frame
 Barrier-Free
 Insulation
 Finishes
 Energy
 Mechanical
 TCO
 Other
 Final
 Barrier-Free

Joint Plan Review Required:
 Elec. Plumb. Fire Elevator

SUBCODE APPROVAL
 CO CCO CA

Date: _____
 Approved by: _____

Dates (Month/Day)
 Failure _____ Approval _____ Initial _____

B. BUILDING CHARACTERISTICS

Use Group Present _____ Proposed _____
 Constr. Class Present _____ Proposed _____
 No. of Stories _____
 Height of Structure _____ Ft.
 Area — Largest Floor _____ Sq. Ft.
 New Bldg. Area/All Floors _____ Sq. Ft.
 Volume of New Structure _____ Cu. Ft.
 Total Land Area Disturbed _____ Sq. Ft.

Est. Cost of Bldg. Work:
 1. New Bldg. \$ _____
 2. Alteration \$ _____
 3. Total (1+2) \$ _____

C. CERTIFICATION IN LIEU OF OATH
 I hereby certify that I am the (agent of) owner of record and am authorized to make this application.
 Signature _____

D. TECHNICAL SITE DATA

DESCRIPTION OF WORK
Install Asphalt driveway and asphalt walking path to access back yard. Work being done for hand-capped wheel chair access.

TYPE OF WORK:
 New Building
 Addition
 Alteration
 Roofing
 Siding
 Fence
 Sign
 Pool
 Asbestos Abatement
 Lead Haz. Abatement
 Other Asphalt driveway
 Demolition

Height (exceeds 6') _____ Sq. Ft. _____

FEE (Office Use Only)
 \$ _____

Administrative Surcharge \$ _____
 Minimum Fee \$ _____
 Fee \$ _____
 TOTAL FEE \$ Waived

1 White = Inspector Copy
 2 Canary = Office Copy
 3 Pink = Office Copy

Date Received 5-10-2014
 Date Issued _____
 Control # 19-1-208
 Permit # 2400270

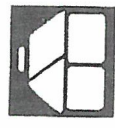


EXHIBIT
24-10 G
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PARCEL NO. 19-006.00-228

MICROFILM NO. PLAT RECORD 2, PAGE 13

DEED REF. D.R. X-95-119

GENERAL NOTES:

1. THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A SUBURBAN CLASSIFICATION.
2. THIS PLAN IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER, A TITLE INSURANCE COMPANY OR ITS AGENT, IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING.
3. THIS PLAN IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS.

EXHIBIT
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PER PLAN OF
 "VILONE VILLAGE"

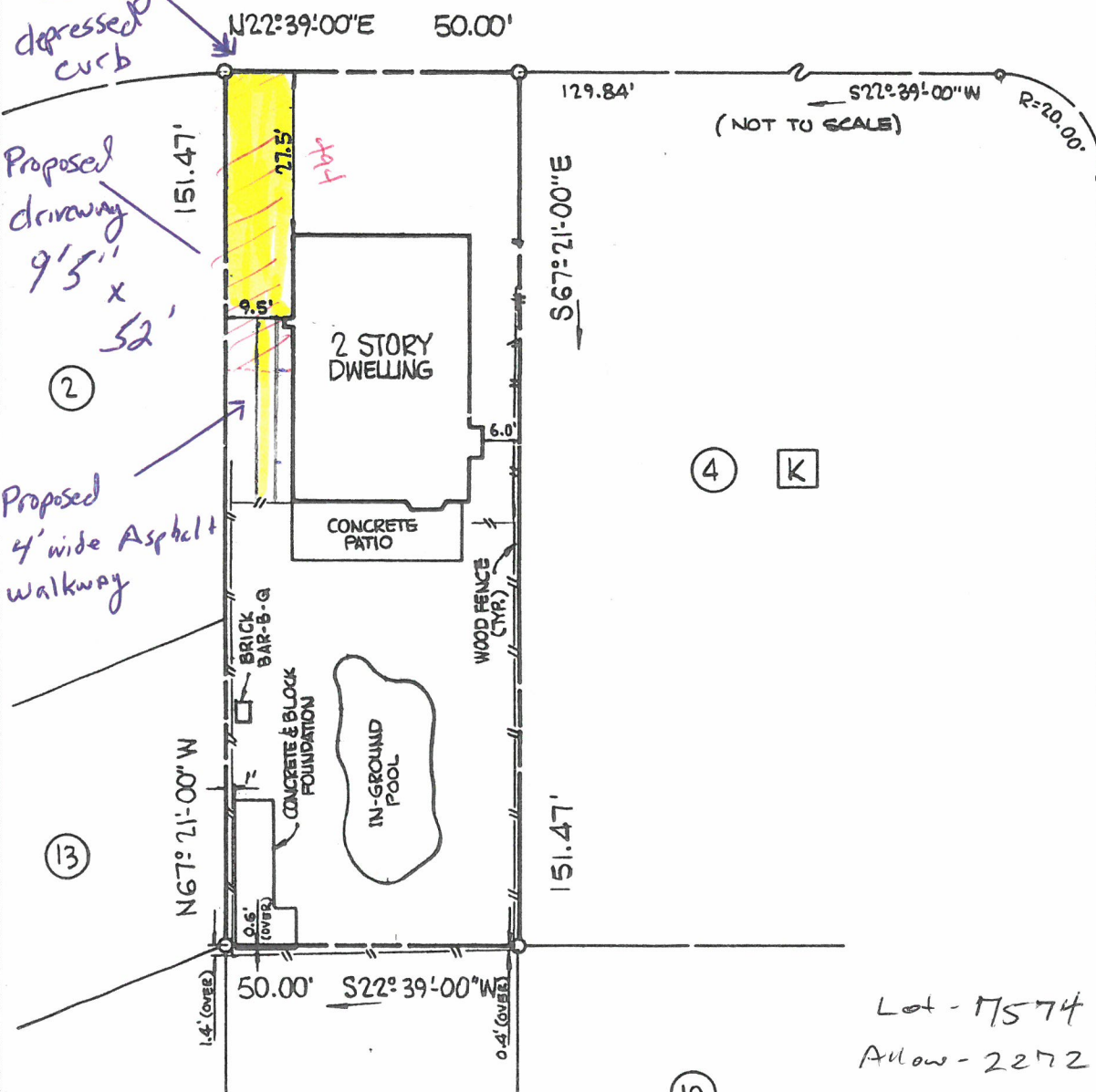
HALL AVENUE

(50' WIDE)

Existing depressed curb

Proposed driveway
 9'5" x 52'

Proposed 4' wide Asphalt walkway



ALVIL ROAD

(50' WIDE)

Lot - 17574
 Allow - 2272 (20%)

SFD - 1380
 IMP - 490
 1870 (25%)

PLAN NO. 16663-118676

Site Analysis
Petition 24-10

Property Owner: Robin Gray
Zoning District: Residential
Address: 6 Hall Ave
Primary Use: R1 - Residential
Parcel No.: 19-100-228

LOT COVERAGE CALCULATIONS

<u>Lot Area in Sq. Ft.:</u>	7,574	Sq. Ft.
<u>Allowable Lot Coverage:</u>	2,272	Sq. Ft. (30%)
<u>Total Lot Coverage Proposed:</u>		Sq. Ft.
❖ Residence =	1,380	Sq. Ft.
❖ Front Porch =		Sq. Ft.
❖ Driveway =	490	Sq. Ft.

Proposed Addition: 580 Sq. Ft.

Proposed Lot Coverage Total: 2,450 Sq. Ft. (32%)

Conclusion: The applicant seeks to add 580 Sq. feet of additional impervious surface.

Required Setbacks: Front: 20' Rear: 30'
Side: 5' Both Sides: 10'

Existing Setbacks: Front: 27.5' Rear: 75'
Side: 6' Both Sides: 15.5'

Proposed Setbacks: Front: 27.5' Rear: 75'
Side: 6' Both Sides: 15.5'

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



STATEMENT OF FACT

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

REQUEST BY THE APPLICANT

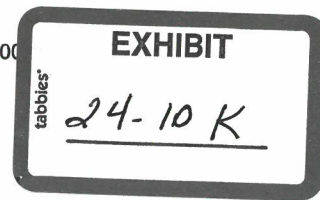
The applicant seeks to add 580 Sq. feet of additional impervious walkway and driveway.

ISSUE(S)

None

GRANTING OF THE PETITION

1. The Planning Commission of the Town of Elsmere shall determine that the application meets the harmonious development intent of the 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 32% +/- lot coverage in lieu of the required 30%.
3. The applicant shall obtain a permit from the Town Code Department within 1 year of this approval.



10/5/2011
 10/2/2012
 10/1/2013
 9/26/2014
 9/30/2015
 10/27/2016
 10/2/2017
 4/5/2018
 9/25/2018
 9/30/2019
 10/2/2020
 9/28/2021
 9/27/2022
 9/26/2023

\$987.07
 \$977.85
 \$1,027.08
 \$1,043.00
 \$1,141.20
 \$1,303.51
 \$1,295.87
 \$10.73
 \$1,290.18
 \$1,296.70
 \$1,286.01
 \$878.12
 \$815.19
 \$814.41

County Balance Due: \$189.51

School Balance Due: \$819.28

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 7/25/2024 3:01:46 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2000S1	\$0.00	\$0.00	11/14/2000	\$392.15
2001S1	\$0.00	\$0.00	6/6/2001	\$305.60
2002S1	\$0.00	\$0.00	8/7/2002	\$329.57
2003S1	\$0.00	\$0.00	6/5/2003	\$319.50
2004S1	\$0.00	\$0.00	2/18/2004	\$350.48
2005S1	\$0.00	\$0.00	3/31/2005	\$426.54
2006S1	\$0.00	\$0.00	5/11/2006	\$570.10
2007S1	\$0.00	\$0.00	2/15/2007	\$557.74
2008S1	\$0.00	\$0.00	2/6/2008	\$455.49
2009S1	\$0.00	\$0.00	2/26/2009	\$409.01
2010S1	\$0.00	\$0.00	2/23/2010	\$470.38
2011S1	\$0.00	\$0.00	2/15/2011	\$457.30
2012S1	\$0.00	\$0.00	2/21/2012	\$486.19
2013S1	\$0.00	\$0.00	2/12/2013	\$419.89
2014S1	\$0.00	\$0.00	4/1/2014	\$401.82
2015S1	\$0.00	\$0.00	3/4/2015	\$528.11
2016S1	\$0.00	\$0.00	2/29/2016	\$551.07
2017S1	\$0.00	\$0.00	2/22/2017	\$482.19
2018S1	\$0.00	\$0.00	2/27/2018	\$390.34
2019S1	\$0.00	\$0.00	3/1/2019	\$372.89
2020S1	\$0.00	\$0.00	3/3/2020	\$308.60
2021S1	\$0.00	\$0.00	2/18/2021	\$372.89
2022S1	\$0.00	\$0.00	2/15/2022	\$385.03
2023S1	\$0.00	\$0.00	2/28/2023	\$307.88
2024S1	\$0.00	\$0.00	3/5/2024	\$372.18

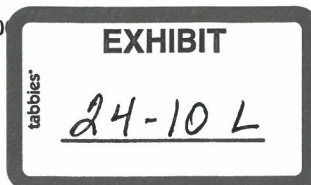
Balance Due: \$0.00

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Residence Characteristics

Residence 0

Building Design: COLONIAL	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: AVERAGE
Year Built: 1950	# Stories: 2
Total Area (sq. ft.): 2475	Main Floor Area: 1472
# Rooms: 9	# Bedrooms: 4
# 1/2 Baths: 0	# Full Baths: 2
# Fam. Rooms: 1	# Fixtures: 8
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: ALUMINIUM OR VINYL	Interior Wall Finish: DRYWALL
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 50%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	Unfinished Area: 0
Unfinished %:	Air Conditioning:
Heat Type: HOT AIR	
Remodel Year: 0	



10/5/2011
 10/2/2012
 10/1/2013
 9/26/2014
 9/30/2015
 10/27/2016
 10/2/2017
 4/5/2018
 9/25/2018
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Garage Capacity: 0	Basement %: 50%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning:
Remodel Year: 0	

6 Hall Ave Ptn. 24-10



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7/25/2024, 12:54:38 PM

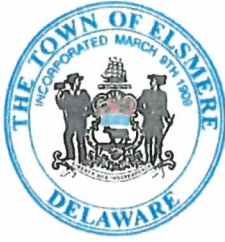
Roads
5 | 10 | Neighborhood road in municipality Parcels

Structures
Residential

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

EXHIBIT
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24-10 N

MEMORANDUM

- Mayor
Eric Thompson
- 1st District Councilwoman
Jane McDaniel
- 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

To: Chairman James Personti
Town of Elsmere Board of Adjustment

From: Chairman Robert Anderson
Town of Elsmere Planning Commission

Re.: Petition 24-10

Date: August 6, 2024

Dear Chairman Personti,

At the August 6, 2024 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 24-10 regarding Tax Parcel Number 1900-100-228. In this request, the applicant is seeking to add 580 square feet of impervious walkway and driveway for handicapped usage.

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

Sincerely,

Robert Anderson, Chairman
Town of Elsmere Planning Commission