



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT  
tabbles  
25-01 A

## Application for Hearing

Board of Adjustment

Planning Commission

Petition # 25-1 Filing Fee: 50 Date Received 10/28/04 Received by: DMJ

Subject Property: 3 H-3 Rodman Rd

Property is:  Residential  Commercial

Tax Parcel # 19-5-190 Zoning District: R2

Applicant name: Edgar Molina

Address: 11 Rodman Rd Telephone # \_\_\_\_\_

City: Elsmere State: De Zip Code: 19805

Application for Zoning Variance Related to: Back porch redoing

Front yard setback

Lot Coverage

Rear yard setback

Fencing

Side yard setback

Parking requirements

Lot Area

Signage

Rezoning

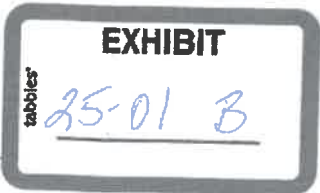
Current Zoning: \_\_\_\_\_ New Zoning Request: \_\_\_\_\_

Application for Special Exception Use Permit for the following use: \_\_\_\_\_

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

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

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



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

\_\_\_\_\_

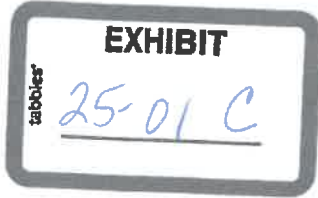
Date

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: 25-01

Property Owners Name: Edgar Molina

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 existing back porch it's falling  
a part. I need rebuild it. And also  
make a little bigger

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

Please explain how this applies:

The house has a back porch.  
And has to be renewed and  
functional

(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:

It's not going to affect or damage any building or structure at all

(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:

The rights commonly enjoyed by other properties is going to be the same.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

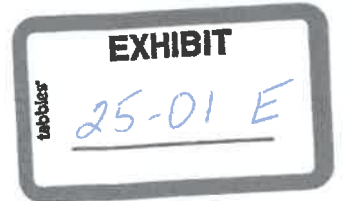
Please explain how this applies:

Building back the back porch will be reasonable.

(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:

Building a new back porch is not going to affect nobody, neighbor or public



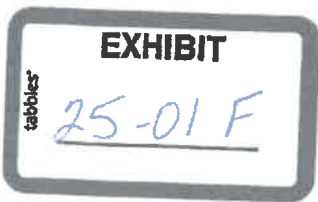
I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all of the aforementioned criteria.

Signature of applicant: Edy - H - L

Date: 10-17-24

Signature Code Department Representative: Dennis Landoni

Date: 10/28/2024



Site Analysis  
Petition 25-01

**Property Owner:** Edgar Molina  
**Zoning District:** R2 - Residential  
**Address:** 3 Rodman Rd  
**Primary Use:** R2 - Two Family Dwelling  
**Parcel No.:** 19-00500-190

LOT COVERAGE CALCULATIONS

<b><u>Lot Area in Sq. Ft.:</u></b>	10,530	Sq. Ft.
<b><u>Allowable Lot Coverage:</u></b>	3,159	Sq. Ft. (30%)
<b><u>Total Lot Coverage Existing:</u></b>	1972	Sq. Ft. 19%
❖ Residence =	1,092	Sq. Ft.
❖ Driveway =	700	Sq. Ft.
❖ Garage =	180	Sq. Ft. 20%
❖		

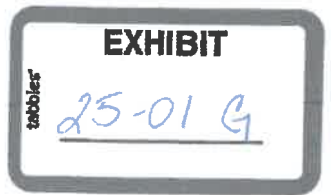
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<b><u>Proposed Addition:</u></b>	140	Sq. Ft.
<b><u>Proposed Lot Coverage Total:</u></b>	2,112	Sq. Ft. 20%

**Conclusion:** The proposed additional lot coverage of 140 sq. feet is compliant with the Code of the Town of Elsmere.

<b><u>Required Setbacks:</u></b>	Front: 20'	Rear: 30'
	Side: 5'	Both Sides: 10'
<b><u>Existing Setbacks:</u></b>	Front: 17.1	Rear: 71.6
	Side: 0	Both Sides: 19.7
<b><u>Proposed Setbacks:</u></b>	Front: 17.1	Rear: 62.6
	Side: 0	Both Sides: 19.7

**Conclusion:** The side yard setback is non-compliant with the Town of Elsmere Code 225 Attachment 3, a zero-yard setback is existing.



### STATEMENT OF FACT

The subject parcel is currently legal non-conforming in regard to the side yard setback. A 5' setback is required for a two-family dwelling. 0' is existing.

### REQUEST BY THE APPLICANT

The applicant seeks to expand the rear porch from a size of 7' x 15'6" to a 16' x 15'6" porch.

### ISSUE(S)

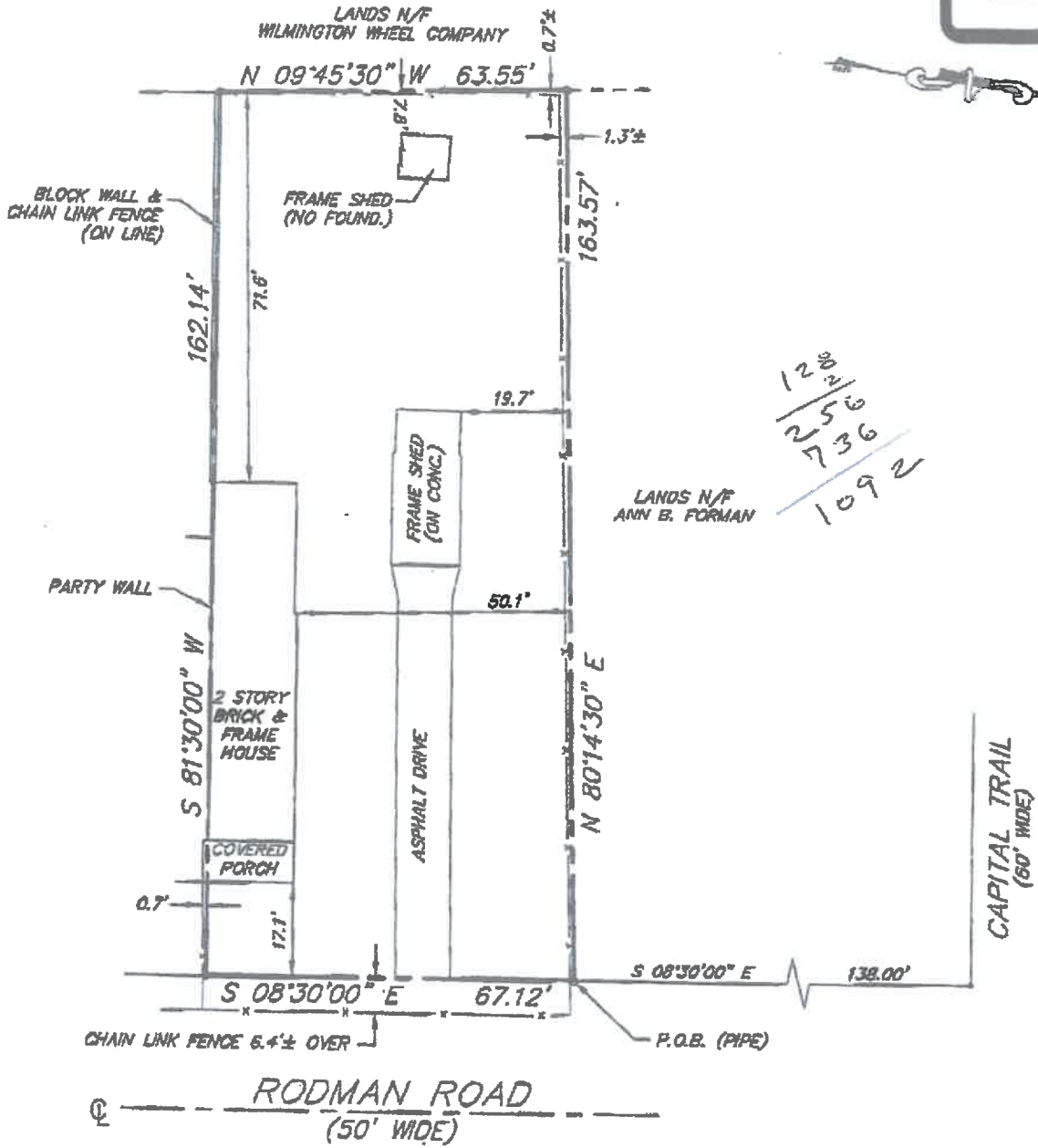
Section 225-31 of the Code of the Town of Elsmere prohibits any legal non-conforming use from being enlarged or expanded.

### GRANTING OF THE PETITION

1. Section 225-9 of the Code of the Town of Elsmere requires that the Planning Commission of the Town of Elsmere review the proposed construction for harmonious development.
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 the expansion of the rear porch from 7' x 15'6" to 16' x 15'6", thereby increasing the non-conformity of the property. See Town of Elsmere Code 225-31.
3. If approved the applicant shall obtain a permit from the Town of Elsmere within One year of approval.

tabbles

25-01 H



THIS PLAN DOES NOT REPRESENT A PROPERTY SURVEY & SHOULD NOT BE USED FOR FURTHER IMPROVEMENTS. CORNERS HAVE NOT BEEN STAKED UNLESS NOTED. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

REQUIRED SETBACKS	
ZONED:	R-2
FRONT SETBACK	20'
REAR SETBACK	30'
SIDE SETBACK	5'

SURVEY CLASS: B

**MORTGAGE INSPECTION PLAN**

**EDGAR MOLINA**

3 RODMAN ROAD  
TOWN OF ELSMERE  
NEW CASTLE COUNTY, DELAWARE



P.O. BOX 265  
YORKLYN, DE 19736  
PHONE: 302/234-8100

PROJECT	TAX PARCEL #	DEED REF.	DATE	SCALE
567-0914	19-005.00-190	F-77-541	6-26-07	1" = 30'



EXHIBIT

25-01 I

NOTIFICATION—APPLICANT: COMPLETE ALL APPLICABLE INFORMATION, WHEN CHANGING PERMITS, NOTIFY THIS OFFICE.

BUILDING SUBCODE TECHNICAL SECTION



Date Received 9-9-2004
Date Issued
Control # 19-5-110
Permit # 02500 011

Owner In Fee
Address
Contractor
Telephone
Address
Telephone
Fax

Owner In Fee: [Blank]
Address: [Blank]
Contractor: [Blank]
Telephone: [Blank]
Address: [Blank]
Telephone: [Blank]
Fax: [Blank]
L.L. No. or Bidr. Reg. No.: [Blank]
Federal Emp. No.: [Blank]

JOB SUMMARY (Office Use Only)

Table with columns: PLAN REVIEW, Date, Initial, INSPECTIONS, Type, Failure, Dates (Month/Day), Approval, Initial. Rows include: No Plans Required, All, Footing, Foundation, Slab, Frame, Other, Joint Plan Review Required, SUB: CODE APPROVAL, Date, Approved by.

B. BUILDING CHARACTERISTICS

Use Group: Present
Construction Class: Present
Proposed
No. of Stories
Height of Structure
Area - Largest Floor
New Bldg. Area/All Floors
Volume of New Structure
Total L. and Area Disturbed

Est. Cost of Bldg. Work:
1. New Bldg. \$ 9,000
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

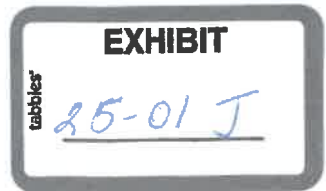
D. TECHNICAL SITE DATA

DESCRIPTION OF WORK
Re doing back porch
It's so old. And making
bigger, original size:
7' X 15', 6"
New size: 16' X 15', 6"
x 140

- TYPE OF WORK:
[ ] New Building
[ ] Addition
[ ] Alteration
[ ] Roofing
[ ] Sliding
[ ] Fence
[ ] Sign
[ ] Pool
[ ] Asbestos Abatement
[ ] Lead Haz. Abatement
[ ] Other
[ ] Demolition

Table with columns: Fee (Office Use Only), Administrative Surcharge, Minimum Fee, Fee, TOTAL FEE. Values: \$, \$, \$, \$ 225.

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



**Parcel # 1900500190**

Property Address: 3 RODMAN RD  
 WILMINGTON, DE 19805-  
 Subdivision: ELSMERE  
 Owner: MOLINA EDGAR  
 11 RODMAN ROAD  
 Owner Address:  
 WILMINGTON, DE 19805  
 Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 67	Property Class: RESIDENTIAL
Location:	Lot Size: 0.24
Map Grid: 09803560	Lot Depth: 163.60
Block:	Lot Frontage: 67.10
Census Tract: 124	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 000000	

**District & Zoning Info**

Districts

- FIRE/RESCUE - ELSMERE
- RED CLAY SCHOOL DIST-TRES
- 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 T095 (YR2022)
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA
- DE SEN 03-S ELIZABETH LOCKMAN

Zoning

- 19R2 - ONE/TWO FAMILY DWELLING

**Deed History**

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
BOAN JAMES ODIS & WF	F77 541	N	Not Available	\$0.00
BOAN JAMES	WR140270	N	6/22/2006	\$0.00
MOLINA EDGAR	20070629 0058153	N	6/28/2007	\$10.00

**Tax/Assessment Info**

Current Assessment

Land: 6100  
 Structure: 32000  
 Homesite: 0  
 Total: 38100  
 County Taxable: 38100  
 School Taxable: 38100

Tentative Assessed Value (from Reassessment)

The "Tentative Assessed Value" for this Parcel is included below for informational purposes only and reflects the Parcel's market value as of July 1, 2024. The County-wide reassessment process will result in final assessed values to be effective for the tax year beginning July 1, 2025. The Tentative Assessed Value below has not yet been modified by any applicable property tax exemptions (e.g., Disability, Age-65-or-Older, charitable, etc.) or farmland assessments and may be subject to other changes. New Castle County will make this Parcel's final assessed value publicly available on this ParcelView entry (and available for inspection at the Assessment Office) by March 1, 2025.

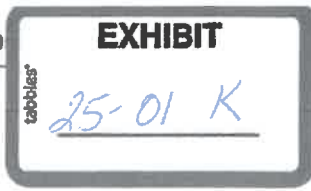
Tentative Land Value: 39000  
 Tentative Structure Value: 161200  
 Tentative Assessment Value: 200200

**Tax Bills as of 12/17/2024 3:00:02 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	\$130.97	\$0.00	\$0.00	\$678.94
2013A	\$0.00	\$0.00	\$130.21	\$0.00	\$0.00	\$720.47
2014A	\$0.00	\$0.00	\$130.71	\$0.00	\$0.00	\$733.16
2015A	\$0.00	\$0.00	\$130.25	\$0.00	\$0.00	\$814.96
2016A	\$0.00	\$0.00	\$129.93	\$0.00	\$0.00	\$888.60
2017A	\$0.00	\$0.00	\$138.44	\$0.00	\$0.00	\$1,019.10
2018A	\$0.00	\$0.00	\$139.86	\$0.00	\$0.00	\$1,005.32
2019A	\$0.00	\$0.00	\$137.28	\$0.00	\$0.00	\$1,014.13
2020A	\$0.00	\$0.00	\$120.65	\$0.00	\$0.00	\$944.50
2021A	\$0.00	\$0.00	\$118.50	\$0.00	\$0.00	\$940.12
2022A	\$0.00	\$0.00	\$147.49	\$0.00	\$0.00	\$961.28
2023A	\$0.00	\$0.00	\$155.41	\$0.00	\$0.00	\$988.93
2024A	\$0.00	\$0.00	\$156.96	\$0.00	\$0.00	\$1,092.71

**Tax Payments as of 12/17/2024 3:00:02 AM**

Date Paid	Amt Paid
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9/1/2010	\$823.22
9/6/2011	\$817.54
9/5/2012	\$809.91
9/26/2013	\$850.68
9/18/2014	\$863.87
9/17/2015	\$945.21
9/27/2016	\$1,018.53
11/3/2017	\$400.00
12/13/2017	\$200.00
12/13/2017	\$200.00
1/9/2018	\$200.00
2/7/2018	\$157.54
4/5/2018	\$9.43
9/26/2018	\$200.00
11/27/2018	\$400.00
2/6/2019	\$535.75
10/2/2019	\$200.00
12/3/2019	\$500.00
2/6/2020	\$451.41
9/22/2020	\$500.00
10/6/2020	\$565.15
8/17/2021	\$1,058.62
9/20/2022	\$700.00
11/3/2022	\$412.86
10/6/2023	\$1,149.65
9/5/2024	\$1,240.27
Not Available	\$114.53

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.

Sewer History as of 12/17/2024 3:00:01 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
1998S1	\$0.00	\$0.00	7/28/1999	\$31.62
1999S1	\$0.00	\$0.00	7/28/1999	\$214.20
2000S1	\$0.00	\$0.00	8/23/2000	\$39.96
2001S1	\$0.00	\$0.00	3/23/2001	\$38.16
2002S1	\$0.00	\$0.00	2/11/2002	\$36.00
2003S1	\$0.00	\$0.00	2/21/2003	\$36.00
2004S1	\$0.00	\$0.00	7/26/2004	\$39.24
2005S1	\$0.00	\$0.00	4/11/2005	\$38.16
2006S1	\$0.00	\$0.00	7/21/2006	\$37.15
2007S1	\$0.00	\$0.00	2/1/2007	\$36.00
2008S1	\$0.00	\$0.00	2/26/2008	\$139.44
2008S5	\$0.00	\$0.00	2/27/2009	\$88.31
2009S1	\$0.00	\$0.00	2/27/2009	\$227.75
2010S1	\$0.00	\$0.00	10/12/2010	\$578.72
2011S1	\$0.00	\$0.00	3/31/2011	\$315.65
2012S1	\$0.00	\$0.00	3/7/2012	\$320.44
2013S1	\$0.00	\$0.00	11/6/2013	\$335.94
2014S1	\$0.00	\$0.00	3/20/2014	\$516.63
2015S1	\$0.00	\$0.00	2/19/2015	\$482.19
2016S1	\$0.00	\$0.00	2/26/2016	\$344.42
2017S1	\$0.00	\$0.00	3/24/2017	\$340.74
2018S1	\$0.00	\$0.00	5/4/2018	\$210.78
2019S1	\$0.00	\$0.00	2/22/2019	\$205.73
2020S1	\$0.00	\$0.00	3/25/2020	\$272.60
2021S1	\$0.00	\$0.00	3/29/2021	\$321.46
2022S1	\$0.00	\$0.00	4/4/2022	\$353.62
2023S1	\$0.00	\$0.00	4/4/2023	\$326.35
2024S1	\$0.00	\$0.00	2/27/2024	\$410.75

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.

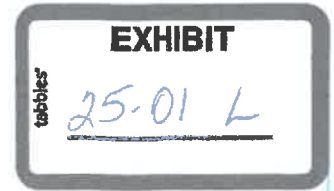
Residence Characteristics

NOTE on Property Characteristics: The characteristics of every parcel currently listed on the Parcel Search website are from New Castle County's previous property assessment computer system and may be outdated. Any changes to the characteristics of County parcels made by Tyler Technologies, the County's vendor for the reassessment project, are not reflected below on this parcel entry. This includes any changes to property characteristics based on Tyler's site visits or requested by property owners in response to Tyler's Data Mailers sent during summer 2024. Those updated property characteristics, however, are in the new computer system that Tyler is using to value each parcel at its July 1, 2024 fair market value. New Castle County's Parcel Search website will contain the updated property characteristics for all County parcels by May 2025, and the County is working to determine whether the updated property characteristics may be added even sooner than May 2025 to the Parcel Search website.

Residence 0

Building Design: ROW END	Residence Class: SFD PLATTED LOT
Grade: AVERAGE	Condition: GOOD
Year Built: 1935	# Stories: 2
Total Area (sq. ft.): 1375	Main Floor Area: 736

# Rooms: 6	# Bedrooms: 3
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 0	# Fixtures: 5
Roof Type: FLAT	Roof Material: ASPHALT
Exterior Wall: BRICK	Interior Wall Finish: PLASTER
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 75%
Basement % Finished:	Basement Finish Type:
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning:
Remodel Year: 0	



EXHIBIT

25-01 M

19-5-190 Ptn. 25-01



12/18/2024, 9:42:48 AM

Watersheds

Structures

Unit Properties

Roads

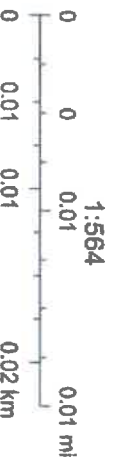
Residential

Address

5 | 10 | Neighborhood road in municipality

Common

Parcels



NCDEGIS, East Community Maps Contributors, County of Chester, New Castle County, data.pa.gov, Delaware FirstMap, © OpenStreetMap

East Community Maps Contributors, County of Chester, New Castle County, data.pa.gov, Delaware FirstMap, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | Explore New Castle County Map App

Mail body:



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EXHIBIT

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25-01Q





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

EXHIBIT  
tabbles  
25-01-R

**MEMORANDUM**

Mayor

Eric Thompson

1<sup>st</sup> District Councilwoman

Jane McDaniel

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  
President Pro-Tempore

Joann I. Personti

6<sup>th</sup> 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 25-01

Date: January 7, 2025

Dear Chairman Personti,

At the January 7, 2025 meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 25-01 regarding Tax Parcel Number 1900-500-190. In this request, the applicant is seeking to expand the rear porch from a size of 7' x 15'6" to a 16' x 15'6" porch.

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