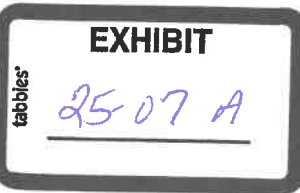




The Town of Elsmere

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



Application for Hearing

RECEIVED
APR 15 2025
BY: DML

☒ Board of Adjustment

☒ Planning Commission

Petition # 2507 Filing Fee: 450.00 Date Received 4/15/2025 Received by: DML

Subject Property: 228 Birch Ave

Property is: ☒ Residential ☐ Commercial

Tax Parcel # 19-4-643 Zoning District: R2

Applicant name: Pamela Statile

Address: 228 Birch Ave Telephone # 718-678-7402

City: Wilmington State: De Zip Code: 19805

Application for Zoning Variance Related to: _____

☐ Front yard setback

☐ Rear yard setback

☐ Side yard setback

☐ Lot Area

☐ Rezoning

☒ Lot Coverage 41%

☐ Fencing

☐ Parking requirements

☐ Signage

Current Zoning: R2 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: _____

Application for relief other than above: _____

State reasons for this request: _____

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: _____

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: _____

Legal Owner's Signature: _____ Date: _____

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 WORKSHEETTown of Elsmere Petition Number: 25-07Property Owners Name: Pamela Statile

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:

need driveway to cover mud
gets bad when it rains

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

Please explain how this applies:

mud has gotten worse since
the rain storms struggle to put garbage out

- (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:

mother is age is making it difficult to walk
thru mud and put out garbage

- (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:

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

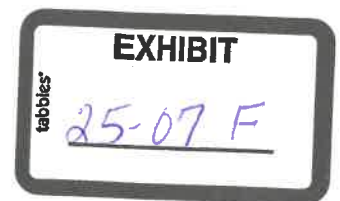
Please explain how this applies:

makes it look nicer an is safer
and cleaner

- (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:

will help so i dont fall
and get hurt



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: Patricia Stettin

Date: 4-15-25

Signature Code Department Representative: Denise M. Fadden

Date: 4-15-2025

Site Analysis
Petition 25-07

Property Owner: Pamela Statile
Zoning District: Residential
Address: 228 Birch Ave
Primary Use: R2 - Two Family Dwelling
Parcel No.: 19-00400-643

LOT COVERAGE CALCULATIONS

<u>Lot Area in Sq. Ft.:</u>	3,071	Sq. Ft.
<u>Allowable Lot Coverage:</u>	922	Sq. Ft. (30%)
<u>Total Lot Coverage Existing:</u>	817	Sq. Ft. (27%)
❖ Residence =	817	Sq. Ft.

<u>Proposed Addition:</u>	441	Sq. Ft.
<u>Proposed Lot Coverage Total:</u>	1,258	Sq. Ft. (41%)

Conclusion: The applicant seeks to add 441 sq. feet of additional impervious coverage.

<u>Required Setbacks:</u>	Front: 20	Rear: 20
	Side: 0	Both Sides: 0
<u>Existing Setbacks:</u>	Front: 28	Rear: 29.1
	Side: 0	Both Sides: 10
<u>Proposed Setbacks:</u>	Front: 28	Rear: 29.1
	Side: 0	Both Sides: 10

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

STATEMENT OF FACT

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

REQUEST BY THE APPLICANT

The applicant seeks to add a 21'x21' rear yard driveway.

ISSUE(S)

The Town of Elsmere Code 225 Attachment #3 allows for a maximum lot coverage of 30%. The proposed lot coverage is 41%.

GRANTING OF THE PETITION

1. The Planning Commission of the Town of Elsmere shall determine that the proposed driveway 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 41% lot coverage in lieu of the maximum 30%.
3. If approved, the applicant shall obtain a permit from the Town of Elsmere within one year of approval.

EXHIBIT

tabbies

25-07 I

Correct

RECORD PLAN

Lot - 3071
 Allow - 922 30%
 SPD - 817/276

1258 or 41% prop.

BALTIMORE AVENUE
60' WIDE

R=5.00'

SOUTHERLY

294.92'

P.O.B.

N 04°36'00" W
28.46'

CURB LINE

BIRCH AVENUE
50' WIDE

PARKING AREA

S 04°36'00" E
28.46'FENCE
LINE ±ERRONEOUSLY IN
DEED AS 107.91'FENCE ON
LINE ±ADJ. FENCE
CLEAR3' WIDE EASEMENT
(APPROXIMATE LOCATION)SHED
NO
FOUND

(239)

107.90'

0.7'±

2.0'±

107.90'

36.8'

29.1'

DECK

ADJ. FENCE
CLEAR

(240)

PARTY WALL

N 85°24'00" E

23.0'

CONC.
WALK

28.0'

New
Driveway

1.5'±

10.0'

S 85°24'00" W

13.3'

(238)

2 STORY
BRICK & FRAME
T/H

I HEREBY DECLARE THAT THE VISUAL IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED. THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSACTION & SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, INCLUDING FUTURE IMPROVEMENTS AND DETERMINING PROPERTY LINES. TREES, LANDSCAPING & OTHER FEATURES 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 REQUIREMENTS ARE FROM THE ZONING CODE. ANY RESTRICTION LINES SHOWN ABOVE ARE FROM THE RECORD PLAN OR DEED RESTRICTIONS PROVIDED TO A.E.S. SURVEYORS. ANY VARIANCES, AGREEMENTS OR PRIOR ZONING ARE NOT KNOWN UNLESS SHOWN HEREON. IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS REGULATION 12.7; A WAIVER NOT TO SET CORNERS HAS BEEN OBTAINED. IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND CAN ONLY BE USED FOR REVIEW PURPOSES.

PROPERTY TO BE CONVEYED TO:
PAMELA STATILE

MORTGAGE SURVEY PLAN
 228 BIRCH AVENUE
 LOT 239
 ELSMERE MANOR
 TOWN OF ELSMERE
 NEW CASTLE COUNTY - DELAWARE
 TAX PARCEL # 19-004.00-643

ZONED: 19R-2 (BUILT 1944)
 SETBACKS:
 FRONT-20'
 REAR-20'
 SIDE-15'

**AMERICAN EASTCOAST
 SURVEYING & MAPPING**
 3913 OLD CAPITOL TRAIL
 WILMINGTON, DE. 19808
 PHONE: 302-993-1059
 EMAIL: OFFICE@AESURVEYORS.COM

SCALE: 1"=20'

DATE: 8-7-24

DEED REF: 20071119-0099570

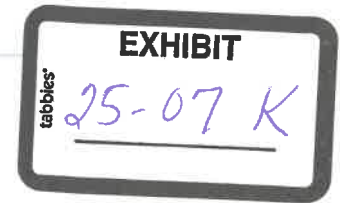
PLAT REF: MF#228

JOB # 20242178

CLASS S SURVEY

Parcel # 1900400643

Property Address: 228 BIRCH AVE
WILMINGTON, DE 19805-
Subdivision: ELSMERE MANOR
Owner: STATILE PAMELA MARIE
228 BIRCH AVENUE
Owner Address:
WILMINGTON, DE 19805
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 239
Location:
Map Grid: 09403560
Block: X
Census Tract: 124
Street Type: FEEDER
Water: PUBLIC
Microfilm #: 000228

Property Class: RESIDENTIAL
Lot Size: 0.07
Lot Depth: 107.90
Lot Frontage: 28.50
Street Finish: SIDEWALK

Tax/Assessment Info**Current Assessment**

Land: 7700
Structure: 34800
Homesite: 0
Total: 42500
County Taxable: 42500
School Taxable: 42500

Final Assessed Value (after Reassessment)

The "Final Assessed Value" for this Parcel after completion of the County-wide reassessment process is listed below. This reflects the Parcel's market value as of July 1, 2024 and will be effective for the tax year beginning July 1, 2025. The Final 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.

Final Land Value: 42900
Final Structure Value: 186800
Final Assessment Value: 229700

View Structure Characteristics

For information on exemptions, please go here <https://newcastlede.gov/Exemptions>

For information concerning reassessment, including links to the appeal forms, please go here <https://newcastlede.gov/BOAR>

District & Zoning Info**Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- DE SEN 07-SPIROS MANTZAVINOS
- ELSMERE MANOR - Civic Organization - no contact information available
- 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

- 19R2 - ONE/TWO FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
HYNSON MICHAEL P	224 262	N	10/1/1973	\$25,000.00
GRABOWSKI MATTHEW J	864 258	N	4/1/1985	\$30,000.00
TIBERI RUDOLPH	2538 64	N	4/28/1989	\$58,500.00
BYRD MELISSA	20040920 0103878	N	11/9/1998	\$78,000.00
ROTAN JEFFREY D & ELAINE L	20060213 0015218	N	9/15/2004	\$127,000.00
CAMPAGNA MELISSA A	20071119 0099570	N	1/31/2006	\$147,000.00
STATILE PAMELA MARIE	20241021 0070799	N	11/16/2007	\$165,500.00
			9/23/2024	\$10.00

Tax Bills as of 4/15/2025 3:00:01 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$143.08	\$0.00	\$0.00	\$775.21
2011A	\$0.00	\$0.00	\$145.68	\$0.00	\$0.00	\$766.28
2012A	\$0.00	\$0.00	\$146.09	\$0.00	\$0.00	\$757.35
2013A	\$0.00	\$0.00	\$145.25	\$0.00	\$0.00	\$803.68
2014A	\$0.00	\$0.00	\$145.81	\$0.00	\$0.00	\$817.83
2015A	\$0.00	\$0.00	\$145.29	\$0.00	\$0.00	\$909.08

2016A	\$0.00	\$0.00	\$144.93	\$0.00		
2017A	\$0.00	\$0.00	\$145.69	\$0.00		
2018A	\$0.00	\$0.00	\$156.00	\$0.00		
2019A	\$0.00	\$0.00	\$144.47	\$0.00		
2020A	\$0.00	\$0.00	\$134.58	\$0.00		
2021A	\$0.00	\$0.00	\$132.18	\$0.00		
2022A	\$0.00	\$0.00	\$164.53	\$0.00	\$0.00	\$1,050.60
2023A	\$0.00	\$0.00	\$163.80	\$0.00	\$0.00	\$1,050.60
2024A	\$0.00	\$0.00	\$175.09	\$0.00	\$0.00	\$1,218.90

Tax Payments as of 4/15/2025 3:00:01 AM

Date Paid	Amt Paid
9/21/2010	\$918.29
9/22/2011	\$911.96
9/24/2012	\$903.44
9/26/2013	\$948.93
9/18/2014	\$963.64
9/17/2015	\$1,054.37
9/27/2016	\$1,136.16
9/21/2017	\$1,197.27
9/25/2018	\$1,201.93
9/24/2019	\$1,198.05
9/28/2020	\$1,188.16
9/28/2021	\$1,180.87
9/27/2022	\$1,215.13
9/25/2023	\$1,214.40
9/26/2024	\$1,393.99

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 4/15/2025 3:00:01 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/28/2007	\$176.62
2008S1	\$0.00	\$0.00	2/6/2008	\$176.62
2009S1	\$0.00	\$0.00	2/17/2009	\$55.77
2010S1	\$0.00	\$0.00	2/18/2010	\$81.81
2011S1	\$0.00	\$0.00	2/2/2011	\$106.35
2012S1	\$0.00	\$0.00	2/2/2012	\$121.55
2013S1	\$0.00	\$0.00	2/13/2013	\$154.70
2014S1	\$0.00	\$0.00	2/13/2015	\$228.22
2015S1	\$0.00	\$0.00	2/13/2015	\$218.13
2016S1	\$0.00	\$0.00	6/24/2016	\$262.78
2017S1	\$0.00	\$0.00	5/16/2018	\$302.58
2018S1	\$0.00	\$0.00	6/13/2018	\$285.28
2019S1	\$0.00	\$0.00	4/7/2020	\$455.22
2020S1	\$0.00	\$0.00	4/7/2020	\$368.01
2021S1	\$0.00	\$0.00	6/15/2021	\$398.61
2022S1	\$0.00	\$0.00	2/8/2022	\$410.75
2023S1	\$0.00	\$0.00	3/16/2023	\$421.76
2024S1	\$0.00	\$0.00	4/22/2024	\$435.40
2025S1	\$0.00	\$0.00	3/25/2025	\$315.88

Balance Due: \$0.00

Overpayment: \$0.12

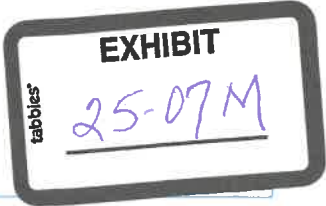
These amounts are valid through the last day of the month. Statutory penalty will accrue on the first day of next month.

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: AVERAGE
Year Built: 1944	# Stories: 2
Total Area (sq. ft.): 1425	Main Floor Area: 779
# Rooms: 6	# Bedrooms: 2
# 1/2 Baths: 0	# Full Baths: 1
# Fam. Rooms: 1	# Fixtures: 5
Roof Type: GABLE	Roof Material: ASPHALT
Exterior Wall: BRICK	Interior Wall Finish: PLASTER
Floor Finish: WOOD	Foundation: CONTINUOUS
Garage Capacity: 0	Basement %: 100%



Basement % Finished:	Basement Finish Type: NO BASEMENT FINISH
Attic % Finished:	
Unfinished %:	Unfinished Area: 0
Heat Type: HOT AIR	Air Conditioning: AIR CONDITIONING
Remodel Year: 96	

25-07 228 Birch Ave



4/15/2025, 2:22:58 PM

Roads

5 | 10 | Neighborhood road in municipality

Structures

Residential

Common

Address

☐ Parcels

1:564

0 0.01 0.01 0.01

NCCDEGIS. Sources: Esri, TomTom, Garmin, FAO, NOAA, OpenStreetMap contributors, and the GIS User Community, NC. Explore New Castle Co

tabbles

EXHIBIT

25-07 N