



TOWN OF ELSMERE APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that t written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Tow of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

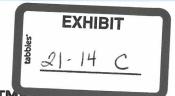
code as written or permit the proposed alternative action.	
Date this Appeal was filed: 08/03/2	Petition Number: 21-14
Date of the Original Action: 7/22/2	Tax Parcel Number: 19 - 800 - 059
Subject Property Address: 1303 Mark Are U	Vilmination DE 19805
Property Owner's Name: Demana John	Phone Number:
Property Owners Address: 271) Bardell D	cive Wilmington, DE 19808
Applicant's Name: JULEN BOOME (
Applicant's Address: 1303 Macle Ave M	silminutor DE 19805
Specific Item Being Appealed: (ex: Citation Number, Peti	tion Number, Order Number, Etc.)
Reason for the Appeal: 1220074	
Relief sought: 1,000.00 Fine wa	ived
Applicant's Signature:	Date: 08/03/21
The same of the sa	Date. 0010010.1



Appeal netter + V2200074

not believe returned home On 3/5/2021 having uny spare wheels where belongings stored belong. As ut he went away to house for a few day. By the to fe returned I had already received a citation for my gross level.





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION****

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE WILMINGTON, DE 19808
 CITATION #
 V2200074

 OFFICER
 S. Allen

 VIOLATION DATE
 08/03/21

PROPERTY ADDRESS 1303 MAPLE AVE

ABATEMENT DATE

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later	Amount
	# 11	Than	Due
This property has been deemed a repeated public nuisance for violations occurring on the following dates: 8/18/2020, 3/5/2021 & 7/22/2021.	CH 145 Repeat Public Nuisance Property	09/03/2021	\$ 1,000.00

HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

*****CITATION INFORMATION*****

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

Should you have any questions please contact the Code Enforcement Department at (302) 998-2215.

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
09/03/2021	19-00800-059	V2200074	\$ 1,000.00

Mail Your Payment To:

The Town of Elsmere Finance Department 11 Poplar Avenue Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.





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

08/03/21

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE WILMINGTON, DE 19808

Re.: Tax Parcel	19-00800-059	1303 MAPLE AVE
Dear Property Own	ner	

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both of these documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

S. Allen

Code Enforcement Officer

cc: file

A Council - Manager Municipality
Located on the Net at townofelsmere.com



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTM

*****CITATION****

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE **WILMINGTON, DE 19808**

CITATION # **OFFICER**

V2100087

N. Nabb

VIOLATION DATE

08/18/20

PROPERTY ADDRESS 1303 MAPLE AVE

ABATEMENT DATE

08/23/20

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later Than	Amount Due
High grass and weeds above 8 inches tall in the front yard of the property. Must be cut.	IPMC12-302.4 High grass / weeds	9/18/2020	\$ 100.00

HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

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ABATEMENT COST

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Please return this section with your payment.

DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE	1
9/18/2020	19-00800-059	V2100087	\$ 100.00	

Mail Your Payment To:

The Town of Elsmere Finance Department 11 Poplar Avenue Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.



21-14 F

EXHIBIT

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

08/18/20

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE WILMINGTON, DE 19808

Re.: Tax Parcel	19-00800-059	1303 MAPLE AVE
Dear Property Owi	ner.	

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Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

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Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

N. Nabb

Code Enforcement Officer

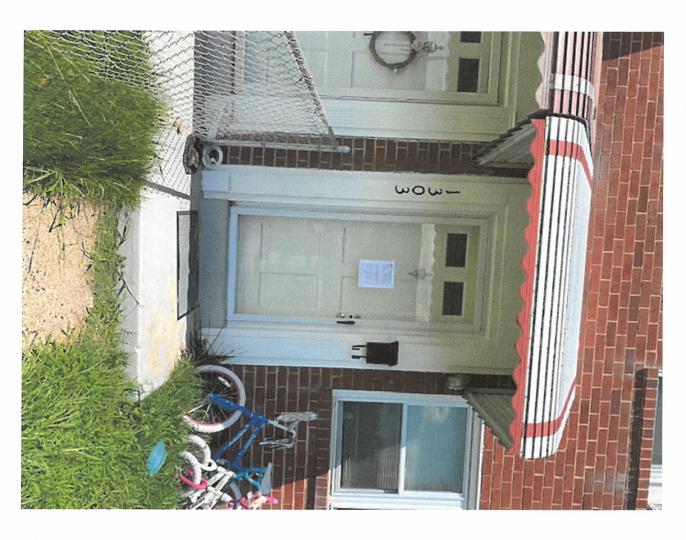
cc:

file



8-18-2020









*****CITATION****

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE **WILMINGTON, DE 19808**

CITATION# OFFICER

V2100415 N. Nabb

VIOLATION DATE

03/05/21

PROPERTY ADDRESS 1303 MAPLE AVE

ABATEMENT DATE

03/10/21

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later	Amount
		Than	Due
Car parts & multiple tires in the rear yard of the property. Must be removed. May require special pick-up from trash company.	IPMC12-308.1 Garbage / rubbish	04/05/2021	\$ 100.00

HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

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DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
04/05/2021	19-00800-059	V2100415	\$ 100.00

Mail Your Payment To:

The Town of Elsmere Finance Department 11 Poplar Avenue Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

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MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM.



EXHIBIT Spores 21-14 J

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

03/05/21

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE WILMINGTON, DE 19808

Re.: Tax Parcel 19-00800-059 1303 MAPLE AVE

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Respectfully,

N. Nabb

Code Enforcement Officer

cc:

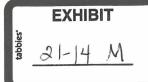
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3-5-2021





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTME

*****CITATION****

11 Poplar Avenue - Elsmere, DE 19805 Phone: 302-998-2215 Fax: 302-998-9920

RESPONSIBLE PARTY

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE **WILMINGTON, DE 19808**

CITATION# OFFICER

V2200052 N. Nabb

VIOLATION DATE

07/22/21

PROPERTY ADDRESS 1303 MAPLE AVE

ABATEMENT DATE

07/27/21

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Due No Later	Amount
		Than	Due
High grass and weeds above 8 inches tall throughout	IPMC12-302.4 High grass /		
the property. Must be cut.	weeds		
		08/22/2021	\$ 100.00

HOW YOU CAN AVOID PAYING THE FINE

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DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
08/22/2021	19-00800-059	V2200052	\$ 100.00

Mail Your Payment To:

The Town of Elsmere **Finance Department** 11 Poplar Avenue Elsmere, DE 19805

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EXHIBIT

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

07/22/21

DEMANCZYK JOHN JR & ANGELA M 2710 BARDELL DRIVE WILMINGTON, DE 19808

Re.: Tax Parcel 19-00800-059 1303 MAPLE AVE

Dear Property Owner,

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Respectfully,

N. Nabb

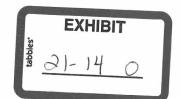
Code Enforcement Officer

file

cc:

A Council - Manager Municipality

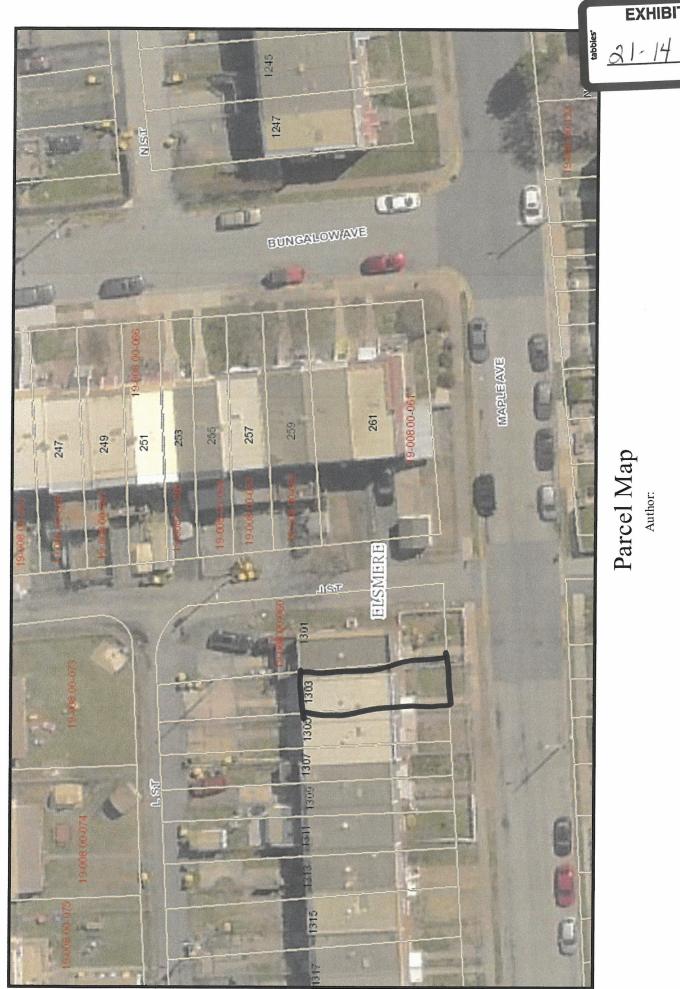
Located on the Net at townofelsmere.com







7-22-2021





Author:

EXHIBIT

Date

0.005





Parcel # 1900800059

Property Address: 1303 MAPLE AVE WILMINGTON, DE 19805-

Subdivision: ELSMERE GARDENS

Owner: DEMANCZYK JOHN JR & ANGELA M

2710 BARDELL DRIVE

Owner Address:

WILMINGTON, DE 19808

Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Property Class: RESIDENTIAL

Location: Map Grid: 09403560

Lot Size: 0.04 Lot Depth: 104

Block: Census Tract: 124.00 Lot Frontage: 16

Street Type: NEIGHBORHOOD

Street Finish: SIDEWALK

Water: PUBLIC Microfilm #: UNREC

District & Zoning Info

Districts

FIRE/RESCUE - ELSMERE

RED CLAY SCHOOL DIST-TRES

- DE SEN 07-SPIROS MANTZAVINOS
- NORTH OF C&D CANAL
- TRAFFIC ZONE T083 (YR2000)
- COUNCIL 1 KENNETH R WOODS
- ADD REQ PER SEC 10.3.4.4 DSSR
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 LOWER CHRISTINA
- ELSMERE GARDENS Civic Organization no contact information available
- DE REP 13-JOHN L MITCHELL JR

Zoning

19R2 - ONE/TWO FAMILY DWELLING

Deed History				
Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
REEVE CHARLES H & CATHERINE	Z105 316	N	Not Available	\$23,032.00
REEVE CATHERINE K	WR086603	N	7/21/1985	\$0.00
DEMANCZYK JOHN JR & ANGELA M	20050126 0009595	N	1/21/2005	\$70,000.00

Tax/Assessment Info

Assessment

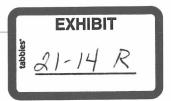
Land: 6500 Structure: 31200 Homesite: 0 Total: 37700 County Taxable: 37700 School Taxable: 37700

Tax Bills as of 8/9/2021 3:01:11 AM

	County			School		
Tax Year	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$126.93	\$0.00	\$0.00	\$687.65
2011A	\$0.00	\$0.00	\$129.24	\$0.00	\$0.00	\$679.73
2012A	\$0.00	\$0.00	\$129.60	\$0.00	\$0.00	\$671.81
2013A	\$0.00	\$0.00	\$128.85	\$0.00	\$0.00	\$712.91
2014A	\$0.00	\$0.00	\$129.35	\$0.00	\$0.00	\$725.46
2015A	\$0.00	\$0.00	\$128.89	\$0.00	\$0.00	\$806.41
2016A	\$0.00	\$0.00	\$128.57	\$0.00	\$0.00	\$879.28
2017A	\$0.00	\$0.00	\$129.24	\$0.00	\$0.00	\$932.81
2018A	\$0.00	\$0.00	\$138.38	\$0.00	\$0.00	\$927.80
2019A	\$0.00	\$0.00	\$128.15	\$0.00	\$0.00	\$934.59
2020A	\$0.00	\$0.00	\$119.38	\$0.00	\$0.00	\$934.59
2021A	\$117.25	\$0.00	\$0.00	\$930.25	\$0.00	\$0.00

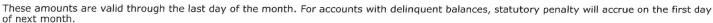
Tax Payments as of 8/9/2021 3:01:11 AM

Date Paid	Amt Paid
9/21/2010	\$814.58
9/22/2011	\$808.97
9/24/2012	\$801.41
9/26/2013	\$841.76
8/1/2014	\$854.81
7/29/2015	\$935.30



8/2/2016 8/2/2016 8/1/2017 8/1/2018 7/30/2019 8/4/2020

County Balance Due: \$117.25 School Balance Due: \$930.25





Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2005S1	\$0.00	\$0.00	2/16/2005	\$311.5
2006S1	\$0.00	\$0.00	2/11/2006	\$241.0
2007S1	\$0.00	\$0.00	2/14/2007	\$74.3
2008S1	\$0.00	\$0.00	2/14/2008	\$55.7
2009S1	\$0.00	\$0.00	2/17/2009	\$50.0
2010S1	\$0.00	\$0.00	2/9/2010	\$50.0
2011S1	\$0.00	\$0.00	2/1/2011	\$63.8
2012S1	\$0.00	\$0.00	2/8/2012	\$298.3
2013S1	\$0.00	\$0.00	2/1/2013	\$309.3
2013S6	\$0.00	\$0.00	2/18/2014	\$33.1
2014S1	\$0.00	\$0.00	2/18/2014	\$149.2
2015S1	\$0.00	\$0.00	2/10/2015	\$50.0
2016S1	\$0.00	\$0.00	2/3/2016	\$172.2
2017S1	\$0.00	\$0.00	1/31/2017	\$149.2
2018S1	\$0.00	\$0.00	2/1/2018	\$50.0
2019S1	\$0.00	\$0.00	1/29/2019	\$192.8
2020S1	\$0.00	\$0.00	2/4/2020	\$192.8
2021S1	\$0.00	\$0.00	2/9/2021	\$128.
nce Due: \$0.00				

These amounts do not reflect statutory penalty, which was imposed on the first of the month. To obtain the exact amount necessary to pay the account in full, please call New Castle County's Treasury Division at (302) 395-5340.

Residence Characteristics

Residence 0

Building Design: ROW INSD Residence Class: SFD PLATTED LOT

Grade: AVERAGE Condition: AVERAGE Year Built: 1958 # Stories: 2

Roof Type: FLAT Roof Material: COMPWOOD
Exterior Wall: BRICK Interior Wall Finish: DRYWALL
Floor Finish: WOOD Foundation: SLAB

Garage Capacity: 0 Basement %: Basement % Finished: Basement Finish Type:

Attic % Finished:

Unfinished %: Unfinished Area: 0 Heat Type: HOT AIR Air Conditioning:

Remodel Year: 0



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

Mayor

Eric Thompson

1st District Councilwoman President Pro-Tempore

Marianne Skipski

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

Witness List

The following is a potential list of witnesses that may be called to testify during your appeal hearing.

- 1. Code Officer Scott Allen
- 2. Code Officer Nicole Nabb
- 3. Town Manager John Giles
- 4. Administrative Assistant Denise Lardani