



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbies

26-02 A

Application for Hearing

☒ Board of Adjustment

☒ Planning Commission

Petition # 2602 Filing Fee: 50 \$ Date Received 8/8/05 Received by: DM2

Subject Property: 1306 Kirkwood Hwy Wilmington DE 19805

Property is:

☐

Residential

☒

Commercial

Tax Parcel # 1900400215 Zoning District: _____

Applicant name:

FAUSTO SIGUENORA cell # 347)418-2929

Address: 4911 LANCASTER PIKE Telephone # _____

City: Wilmington State: DE Zip Code: 19807

Application for Zoning Variance Related to: _____

☐ Front yard setback

☐ Lot Coverage

☐ Rear yard setback

☐ Fencing

☐ Side yard setback

☐ Parking requirements

☐ Lot Area

☐ Signage

☐ Rezoning

Current Zoning: _____

New Zoning Request: Elsmere Mechanic shop

Application for Special Exception Use Permit for the following use: ↓ _____

Application for Appeal of an Administrative decision: _____

By: _____ Date: _____

For the following reasons: _____

EXHIBIT

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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:

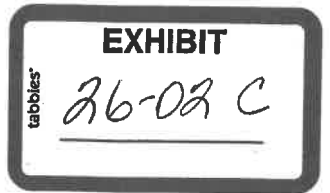
- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property.
- A copy of any deed restrictions on the property.
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED 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: *[Signature]* Date: 8-28-2025

Legal Owner's Signature: _____ Date: _____

VARIANCE HARDSHIP WORKSHEET



Town of Elsmere Petition Number: 26-02

Property Owners Name: Frusto Siguencia

Person(s) Representing the Property Owner: my self.

☒ 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:

This property was used as a vehicle mechanic shop in the past neighbors HAS been asking to reopen the shop because it's the first Automobile shop in Elsmere

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

Please explain how this applies:

this building is existing we no making any changes on it so the old variance shall apply for it we doing our best for the town



- (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:

there is not an special privilege
we just asking for something that is already there

- (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: we invest our savings to buy this Property
IF FOR some reason for my retirement in this shop
IF this is denied my retirement plan will be compromise

- (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:

Yes they are

- (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:

I think we trying to Help our neighbors to improve
and make the town looks better

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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:

[Handwritten Signature]

Date: 10-06-2025

Signature Code Department Representative:

Denise Lardani

Date: 10-6-2025



Site Analysis
Petition 26-02

Property Owner: Fausto Siquencia
Zoning District: Commercial
Address: 1306 Kirkwood Hwy
Primary Use: Commercial
Parcel No.: 19-00500-197

LOT COVERAGE CALCULATIONS

<u>Lot Area in Sq. Ft.:</u>	9,375	Sq. Ft.
<u>Allowable Lot Coverage:</u>	7,031	Sq. Ft. (75%)
<u>Total Lot Coverage Existing:</u>		Sq. Ft. (60%)
❖ Residence =	540	Sq. Ft.
❖ Garage =	1,560	
❖ Impervious Pave =	4500 +/-	Sq. Ft.

<u>Proposed Addition:</u>	0	Sq. Ft.
<u>Proposed Lot Coverage Total:</u>	7,468	Sq. Ft. (79%)

Conclusion: There are no proposed changes to the existing lot coverage.

<u>Required Setbacks:</u>	Front: 25	Rear: 25
	Side: 25	Both Sides: 25

<u>Existing Setbacks:</u>	Front: 15	Rear: 5
	Side: 5	Both Sides: 5

<u>Proposed Setbacks:</u>	Front: 15	Rear: 5
	Side: 5	Both Sides: 5

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

STATEMENT OF FACT

The subject parcel is legal non-conforming as per Town of Elsmere Code 225 Attachment #3.

1. Front yard setback, the required setback is 20', the existing is 15.5'.
2. Rear yard setback, the required setback is 20', the existing is 15.5'.
3. Lot coverage. The maximum allowable lot coverage is 75%. The current coverage is 79%.

The subject parcel is currently non-compliant with the Special Exception Use outlined for motor vehicle service stations as per Town of Elsmere Code 225-28D.

1. A minimum lot area of 15,000 sq. ft. shall be provided, the existing is 9,375 sq. ft.
2. Such lot shall be located within the following limitations:
 - a. Not closer than 100 ft. to the intersection of any two streets designated as primary or secondary in the Comprehensive Plan.
3. Yard requirements, which are applicable to all pumps, mechanical equipment and other appliances in addition to the main structure, are as follows:
 - a. Front, side and rear yard area: 25 ft., current is 15.5 ft. front and rear, 5 ft. side.
 - b. Maximum lot coverage: 20%, current coverage is 79%.

REQUEST BY THE APPLICANT

The applicant seeks to operate an Automotive Repair shop at the subject parcel.

ISSUE(S)

Per the Town of Elsmere Code 225-19C, an Auto Service Establishment is only allowed as a Special Exception Use in the CC Zone. Although the property was previously used as an auto repair station, it has been vacant since 2014 and must be reviewed under current codified ordinances. The Town of Elsmere Code 225-28D has further requirements for Special Exception Uses of motor vehicle service stations as spelled out above.

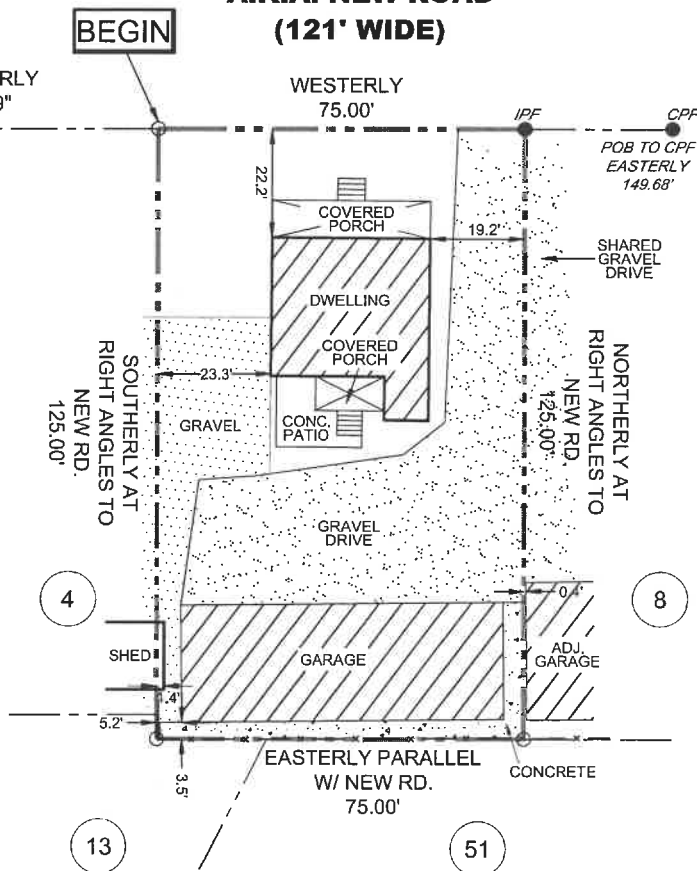
GRANTING OF THE PETITION

1. The Planning Commission of the Town of Elsmere would need to determine that the proposed meets the harmonious development intent of the Town of Elsmere Code 225-9.
2. The Planning Commission of the Town of Elsmere would need to make a recommendation to the Board of Adjustment to grant four (4) variances for the following:

- a. A minimum lot area of 15,000 sq. ft. shall be provided, the existing is 9,375 sq. ft.
 - b. Such lot shall be located within the following limitations:
 - i. Not closer than 100 ft. to the intersection of any two streets designated as primary or secondary in the Comprehensive Plan.
 - c. Yard requirements, which are applicable to all pumps, mechanical equipment and other appliances in addition to the main structure, are as follows:
 - i. Front, side and rear yard area: 25 ft., current is 15.5 ft. front and rear, 5 ft. side.
 - ii. Maximum lot coverage: 20%, current coverage is 79%.
3. The Board of Adjustment would need to grant a Special Exception Use for an automotive repair shop to operate at the subject parcel.
4. The Board of Adjustment would need to grant a total of four (4) variances for the following:
- a. A minimum lot area of 15,000 sq. ft. shall be provided, the existing is 9,375 sq. ft.
 - b. Such lot shall be located within the following limitations:
 - i. Not closer than 100 ft. to the intersection of any two streets designated as primary or secondary in the Comprehensive Plan.
 - c. Yard requirements, which are applicable to all pumps, mechanical equipment and other appliances in addition to the main structure, are as follows:
 - i. Front, side and rear yard area: 25 ft., current is 15.5 ft. front and rear, 5 ft. side.
 - ii. Maximum lot coverage: 20%, current coverage is 79%.
5. If approved, the applicant would need to obtain a Business License from the Town of Elsmere Code Enforcement Department.

1250
1850OAK AVENUE
(50' WIDE)

KIRKWOOD HIGHWAY A.K.A. NEW ROAD (121' WIDE)



SOURCE OF TITLE: INST #20241007-0067260

TAX PARCEL NO. 19-004.00-215

SOURCE OF BEARING SYSTEM: MF #570

Mortgage Survey Plan

for

Fausto Siguencia
1306 Kirkwood Highway
Lot 5,6 & 7, Block G, Oak Grove
Town Of Elsmere
New Castle County, Delaware

Index Sheet 1 of 2

THE
PELSA
COMPANY

610 PEOPLES PLAZA
(302) 834-3771NEWARK, DE 19702
(410) 398-3800

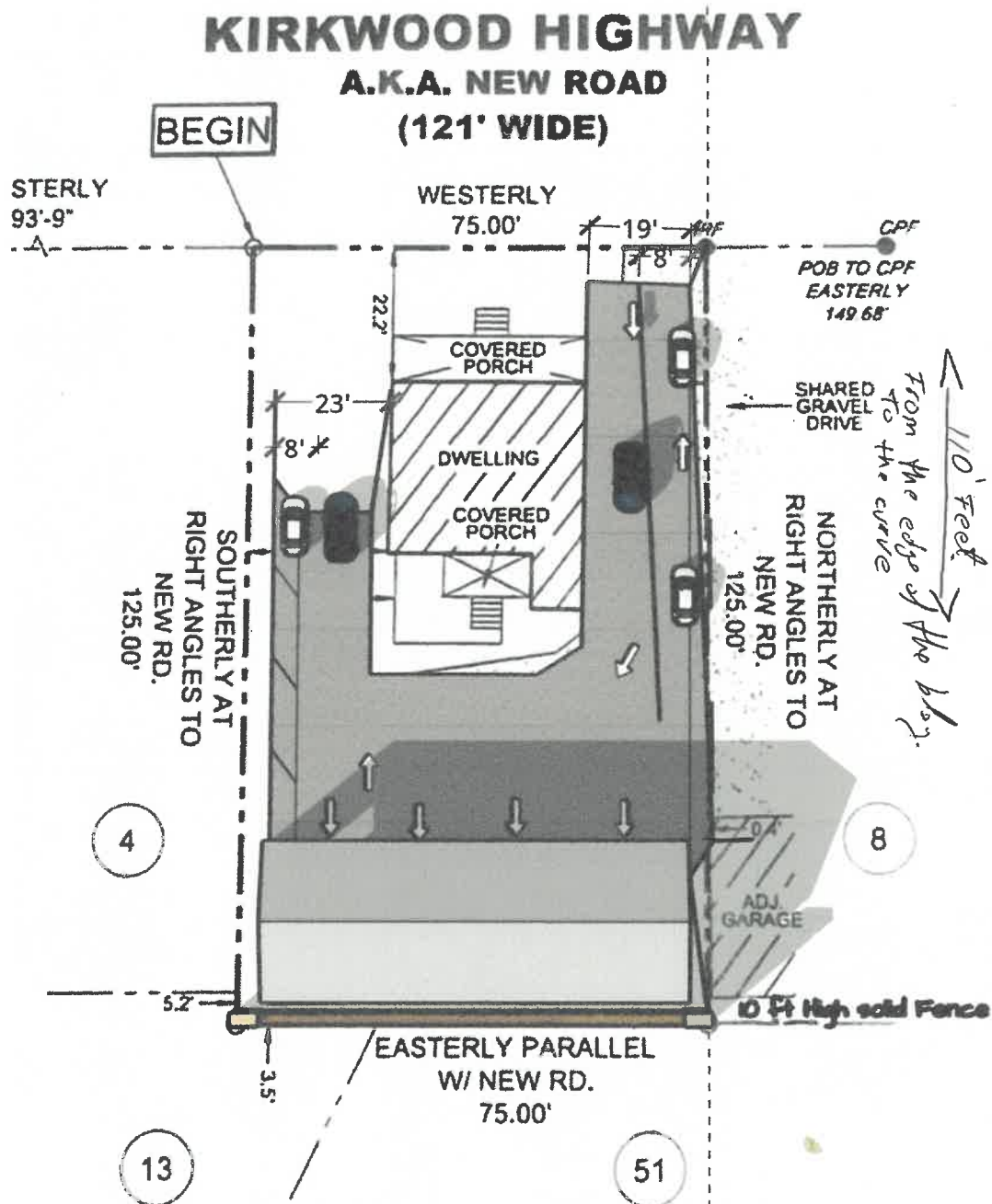
ANY ENCROACHMENTS SHOWN OR NOT SHOWN ON THIS PLAN ARE BASED UPON FOUND CONTROL POINTS. CHANGES COULD OCCUR IF A BOUNDARY SURVEY IS COMPLETED.
IN ACCORDANCE TO THE DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS' REGULATION 12.7, A WAIVER NOT TO SET CORNER MARKERS HAS BEEN OBTAINED

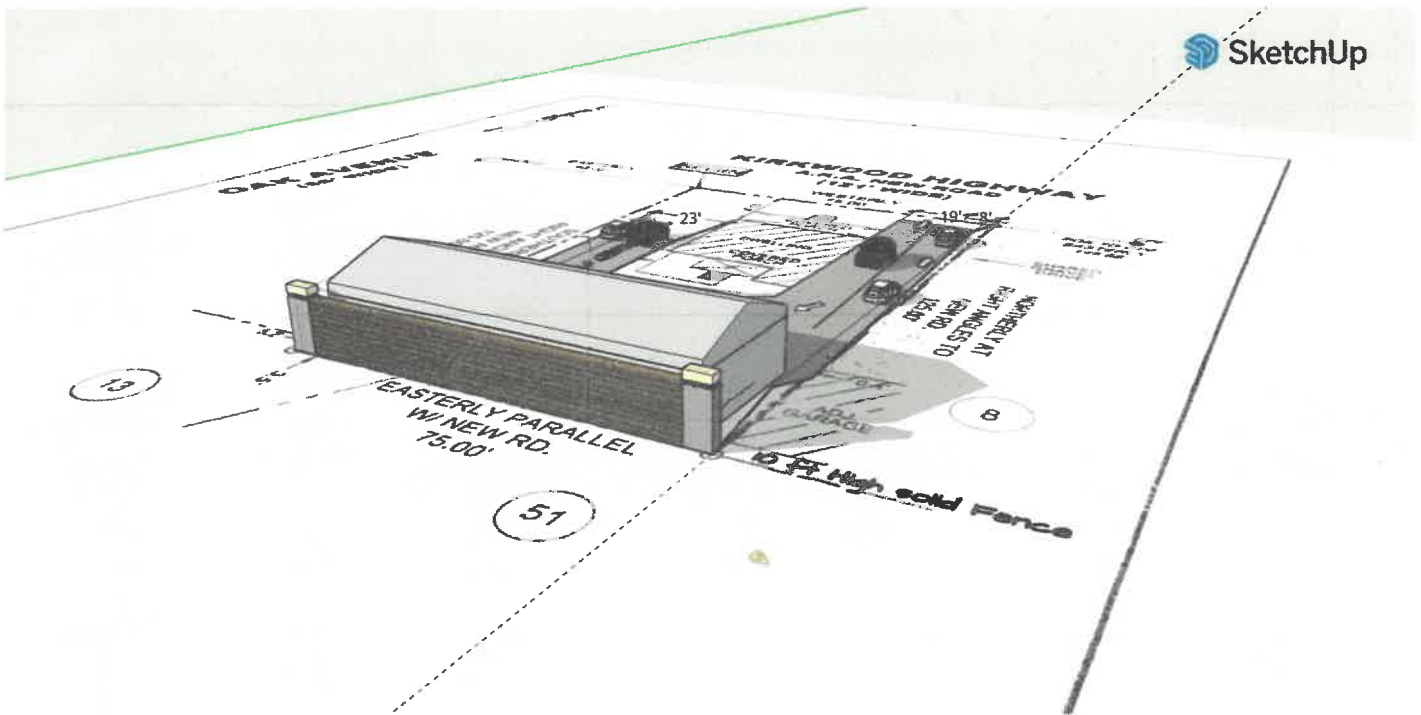
Engineering, Surveying, Environmental Sciences

THIS PLAN IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER, TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, REFINANCING. THIS PLAN IS NOT A PROPERTY SURVEY, NO FURTHER IMPROVEMENTS SHOULD BE MADE FROM IT.

IF THIS DRAWING DOES NOT CONTAIN AN ORIGINAL SIGNATURE AND RAISED IMPRESSION SEAL IT IS NOT IN COMPLIANCE WITH REGULATIONS AND IS A PRELIMINARY DRAFT ONLY. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS & RESERVATIONS OF RECORD.

DEGREE OF ACCURACY ± MARSH _ RURAL _ SUBURBAN X URBAN _ DMM 07/23/2025 1" = 30' Project Number Mo25-0596







OFFICE OF THE STATE FIRE MARSHAL
Technical Services

2307 MacArthur Road
New Castle, DE 19720-2426



SFMO PERMIT NO INSPECTION REQUIRED

Plan Review Number: 2025-02-221665-TFO-01

Tax Parcel Number: 1900400215

Status: Approved as Submitted

Date:

Project

Elsmere Mechanic Shop
1306 Kirkwood Highway
1306 Kirkwood Highway

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District:

Occupant Load Inside:

Occupancy Code:

Applicant

Fausto Siguenia
4911 Lancaster Pike
Wilmington, DE 19807

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

Even though a final inspection was not conducted by this agency code compliance shall be required and is the sole responsibility of the owner.

This Plan Review Project was prepared by:

James Facciolo

Assistant Chief Fire Protection Specialist III



PARCEL # 1900400215
1306 KIRKWOOD HWY, WILMINGTON, DE 19803

PROJECT DESCRIPTION.

DOCUMENTATION IS FOR ARCHITECTURAL AND GENERAL CONSTRUCTION ONLY. ANY WORK SHOULD NOT MAKE THE BUILDING LESS COMPLIANT PRIOR TO REPAIRS. WORK DOES NOT REQUIRE CHANGE IN USE GROUP, CONSTRUCTION CLASSIFICATION, OCCUPANCY OR GROUP, OR STRUCTURAL MODIFICATION.

CODE SUMMARY

GENERAL INFORMATION	LIFE CATEGORY FOR QUANTIFYING AUTOMOTIVE REPAIR DAMAGE
PROJECT DESCRIPTION	'90ACV77S
TAX PAYER ID #	COMMUNITY COMMERCIAL
ZONING	
IRIS CATEGORY	3
HOTEL	SUBJECT COMMUNITY PLANS TO REQUEST A B-1B USE CHANGE IN THE GROUP 1 OCCUPANCY, OR CONSTRUCTION CLASSIFICATION.

APPLICABLE CODES		NEW CASTLE COUNTY - CITY OF WILMINGTON
COUNTRY	INTERNATIONAL BULBING CODE	INC 201
	INTERNATIONAL EXISTING BULBING CODE	INC 201
	FACILITY CONSERVATION CODE	ECCE 100
	MECHANICAL CODE	INC 201
	PLUMBING CODE	INC 201
	ELECTRIC CODE	INFA 101-200
	FIRE ALARM CODE	201
	FIRE CODE	DCSPR IN INFA 101/201
	ACCESSIBILITY	DC AGS 111.1, 501

BUILDING DATA	IBC 2021	PROVIDED
OCCUPANCY CLASSIFICATION	IBC 311.2	S-1 - MODERATE-HAZARD STORAGE
	NEPA C-1	I - INDUSTRIAL

MEANS OF EGRESS	IBC SIZE	PROVIDED	ALLOWABLE OF REQUIRED
EXIT STAIRS	7,091- ¹ / ₂	82'-2"	260'-0"
ELEVATOR SHAFT DISTANCE TO EXIT	7,091- ¹ / ₂	30'-0"	30'-0"
STAIR WIDTH	7,091- ¹ / ₂	43'-4"	120'-0"
STAIR RISE	7,091- ¹ / ₂	-	2'-0"
MAXIMUM FLOOR AREA ALLOWANCE	7,091- ¹ / ₂	4	1,501 ± FLR 360 DISCRE.
TOTAL OCCUPANT COUNT (FCI)	7,091- ¹ / ₂	8 FDS	-

EXISTING BUILDINGS	IECO 2013	DESCRIPTION
HISARS	REG. T. 2021	THE WORK SHALL NOT MAKE THE BUILDING LESS COMFORT THAN IT WAS BEFORE THE REPAIRS. MAKE SURE THE

LIFE SAFETY LEGEND

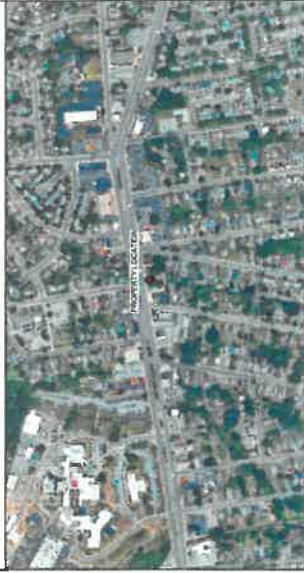
	EXIT	EXIT LIGHT	EXISTING EXTERIOR LIGHTS	EXISTING EXTERIOR LIGHTS	EXISTING FIRE EXTINGUISHER
	FIRE				
	ALARM				
	PULL STATION				
	BELL				
	HORN				
	STROBE				
	BELL & HORN				
	BELL & STROBE				
	BELL, HORN & STROBE				

tabbies.

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EXHIBIT

① **LIFE SAFTEY PLAN**
1/4" = 1'-0"



PARCEL # 1900400215
1306 KIRKWOOD HWY, WILMINGTON, DE 19805

PROJECT DESCRIPTION:

DOCUMENTATION III FOR ARCHITECTURAL AND GENERAL CODE COMPLAINTS ONLY. ANY WORK SHOULD NOT MAKE THE BUILDING LESS COMPLIANT PRIOR TO REPAIRS. WORK DOES NOT REQUIRE CHANGE IN USE GROUP, CONSTRUCTION CLASSIFICATION, OCCUPANCY OR COR'S. NO STRUCTURAL MODIFICATION.

CODE SUMMARY

GENERAL INFORMATION	
PROJECT DESCRIPTION	LIFE SAFETY FOR EXISTING AUTOMOTIVE IN OUR GARAGE
TAX PARCEL ID #	180402713
ZONING	COMMUNITY COMMERCIAL
RISK CATEGORY	3
NOTES	THIS PROJECT IS NOT NEAR A BUSINESS AND CHANGE IN USE OR OCCUPANCY, OR EXISTING ZONING CLASSIFICATION.

[illegible][illegible]

EXISTING BUILDINGS	ICC 301.5	EXEMPTION
HEAVY	ICC 301.5	THE WORK SHALL NOT MAINTAIN THE BUILDING LESS COMPLIANT THAN IT WAS BEFORE THE REPAIR WAS UNDERTAKEN

LIFE SAFETY LEGEND

	PATH OF TRAVEL
	EXIT LIGHT EMERGENCY LIGHTS
	EXIT LIGHT
	EXISTING EXTERIOR LIGHTS
	EXISTING EXTERIOR EMERGENCY LIGHTS
	EXISTING FIRE EXIT/DOOR

tables.

26-02 P

EXHIBIT

DATE: 07/24/07
DRAWN BY: DK
SCALE: 1/4" = 1'-0"
CHECKED BY: NE
APPROVED BY: CM/MP

FIRE SAFETY PLAN
FAUSTO SIGUENCIA
1306 KIRKWOOD HWY,
WILMINGTON, 9805

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26-02 Q

Property Address: 1306 KIRKWOOD HWY
WILMINGTON, DE 19805-
Subdivision: OAK GROVE
Owner: SIGUENCIA FAUSTO, YAGUANA AQUILES
4911 LANCASTER PIKE
Owner Address:
WILMINGTON, DE 19807
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 5 6 7	Property Class: COMMERCIAL
Location:	Lot Size: 0.22
Map Grid: 09403560	Lot Depth: 125
Block: G	Lot Frontage: 75
Census Tract: 124	Street Finish:
Street Type:	
Water:	
Microfilm #: 000570	

Tax/Assessment Info**Current Assessment**

Land: 219300
Structure: 221800
Homesite: 0
Total: 441100
County Taxable: 441100
School Taxable: 441100

District & Zoning Info**Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- 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
- OAK GROVE - Civic Organization - no contact information available

Zoning

- 19CC - COMMUNITY COMMERCIAL

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
REED HAROLD I & WF	F54 490	N	Not Available	\$0.00
REED HAROLD I & EDNA J & DAVID H	20080924 0063991	N	8/19/2008	\$10.00
REED DAVID & HAROLD	WR187087	N	11/20/2018	\$0.00
	20240501 0027516	N	4/21/2024	\$10.00
YAGUANA AQUILES	20241007 0067260	N	10/2/2024	\$10.00
SIGUENCIA FAUSTO	20241007 0067260	N	10/2/2024	\$10.00

Tax Bills as of 9/25/2025 3:01:57 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$198.64	\$0.00	\$0.00	\$827.33
2011A	\$0.00	\$0.00	\$202.25	\$0.00	\$0.00	\$818.62
2012A	\$0.00	\$0.00	\$202.82	\$0.00	\$0.00	\$810.66
2013A	\$0.00	\$0.00	\$201.65	\$0.00	\$0.00	\$858.89
2014A	\$0.00	\$0.00	\$202.42	\$0.00	\$0.00	\$874.12
2015A	\$0.00	\$0.00	\$201.70	\$0.00	\$0.00	\$969.37
2016A	\$0.00	\$0.00	\$201.20	\$0.00	\$0.00	\$1,055.39
2017A	\$0.00	\$0.00	\$214.39	\$0.00	\$0.00	\$1,185.64
2018A	\$0.00	\$0.00	\$216.57	\$0.00	\$0.00	\$1,251.99
2019A	\$0.00	\$0.00	\$212.58	\$0.00	\$0.00	\$1,535.76
2020A	\$0.00	\$0.00	\$186.83	\$0.00	\$0.00	\$1,462.61
2021A	\$0.00	\$0.00	\$183.49	\$0.00	\$0.00	\$1,455.83
2022A	\$0.00	\$0.00	\$228.40	\$0.00	\$0.00	\$1,458.48
2023A	\$0.00	\$0.00	\$238.67	\$0.00	\$0.00	\$1,458.48



7/29/2010	\$1,025.97
9/23/2011	\$1,020.87
8/23/2012	\$1,013.48
8/23/2013	\$1,060.54
9/26/2014	\$1,076.54
7/31/2015	\$1,171.07
8/24/2016	\$1,256.59
10/6/2017	\$1,320.78
10/30/2017	\$79.25
4/5/2018	\$11.19
10/1/2018	\$1,457.37
10/7/2019	\$1,663.16
10/24/2019	\$85.18
9/28/2020	\$1,649.44
9/8/2021	\$1,639.32
9/22/2022	\$1,686.88
9/15/2023	\$1,697.15
9/25/2024	\$1,935.19
9/26/2024	\$1,935.19
Not Available	\$362.85

County Balance Due: \$502.37

School Balance Due: \$3,153.86

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 9/25/2025 3:01:20 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/15/2007	\$102.25
2008S1	\$0.00	\$0.00	2/8/2008	\$102.25
2009S1	\$0.00	\$0.00	2/18/2009	\$92.96
2010S1	\$0.00	\$0.00	2/15/2010	\$71.58
2011S1	\$0.00	\$0.00	2/28/2011	\$74.44
2012S1	\$0.00	\$0.00	2/1/2012	\$66.30
2013S1	\$0.00	\$0.00	2/15/2013	\$77.35
2014S1	\$0.00	\$0.00	2/26/2014	\$68.88
2015S1	\$0.00	\$0.00	2/27/2015	\$80.36
2016S1	\$0.00	\$0.00	2/4/2016	\$68.88
2017S1	\$0.00	\$0.00	2/10/2017	\$57.40
2018S1	\$0.00	\$0.00	4/4/2018	\$73.01
2019S1	\$0.00	\$0.00	3/29/2019	\$68.14
2020S1	\$0.00	\$0.00	1/22/2020	\$56.00
2021S1	\$0.00	\$0.00	2/24/2021	\$56.00
2022S1	\$0.00	\$0.00	2/16/2022	\$81.00
2023S1	\$0.00	\$0.00	2/7/2023	\$81.00
2024S1	\$0.00	\$0.00	2/27/2024	\$81.00
2025S1	\$0.00	\$0.00	2/13/2025	\$298.00

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.



Explore New Castle County



EXHIBIT

26-02 S

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Planning Commission Meeting
Petition 26-02
1306 Kirkwood Highway
October 7, 2025

Sally Jensen, 1st District Councilwoman

- Petitioner is requesting a special exception use permit for the Elsmere Mechanic Shop. Understand the former automotive repair shop has not operated for approximately 11 years which is a long time for a business not to be in existence.
 - Will this mechanic shop be a commercial or personal repair shop?
 - What type of work will be performed on vehicles - tune-ups, mechanical, body work?
 - Will a large number of vehicles be parked on the property waiting for repair?
 - What are the proposed days/hours of operation? How many employ?
 - Where will employees park and where will vehicles waiting for repair be parked? Is this property large enough to accommodate both employees and vehicles awaiting repair? If the “backyard” is to be treated as a parking lot, shouldn’t the property be lined like other commercial parking lots throughout Town? Vehicles are already being parked haphazardly on this property.
 - What is the plan for ingress and egress from the mechanical repair shop? Presumably, the resident of the house in front of the property will park in the driveway. If the intent is to either enter or exit the repair shop via the curb cut at 1300 Kirkwood Highway, I object. The three properties – 1300, 1304 and 1306 are separate properties and must be treated as separate properties.
- How does an automotive repair shop fit the harmonious development intent?
 - Noise – How will noise from this type of business affect the quality of life of neighboring residents? The setback on the side yards are only 5 feet from the property line on either side where two residences are located (and probably

another 5 feet to each neighboring residence). The setback on the rear yard is 15.5 feet from the property line where a residence is located and another residence is behind the residence behind the garage, the required setback is 20 feet. How will noise from this type of business affect the quality of life of those living in neighboring residences. Have you ever taken your vehicle in for brakes and heard how loud a mechanic shop is? The tool is that removes and tightens lug nuts – how would you like to listen to that emanating from the property next to your home all day, every day? You'd hardly ever be outside in your own yard enjoying the property in which you have invested so much.

- Disposal of fluids – What is the plan for disposal of oil and other fluids from vehicles in for repair?
- Odors – With the garage being located so close to residential properties, how will odors be contained not only from any fluids being drained but also the fumes of an idling vehicle.

I have many concerns regarding the property located at 1306 Kirkwood Highway, as well as the two properties located at 1304 and 1300 Kirkwood Highway which were purchased by this individual. There have been numerous complaints filed by me a former councilperson, and who knows who else, not to mention violations noted by Town Code Enforcement Officers. I have grave concerns that, based on past practices or actions by this property owner, that complaints will continue to be filed. I ask you to think about how neighbors and the Town know that Town Code will be complied with going forward considering experience with this property owner and employees.

Lastly, I have to say that I do not believe that the three properties – 1300, 1304, 1306 Kirkwood Highway have always been gravel or any other type of parking surface. There are photographs that show trees and grass on the three properties.

Thank you for your attention.

EXHIBIT

tabbies

26-02 V

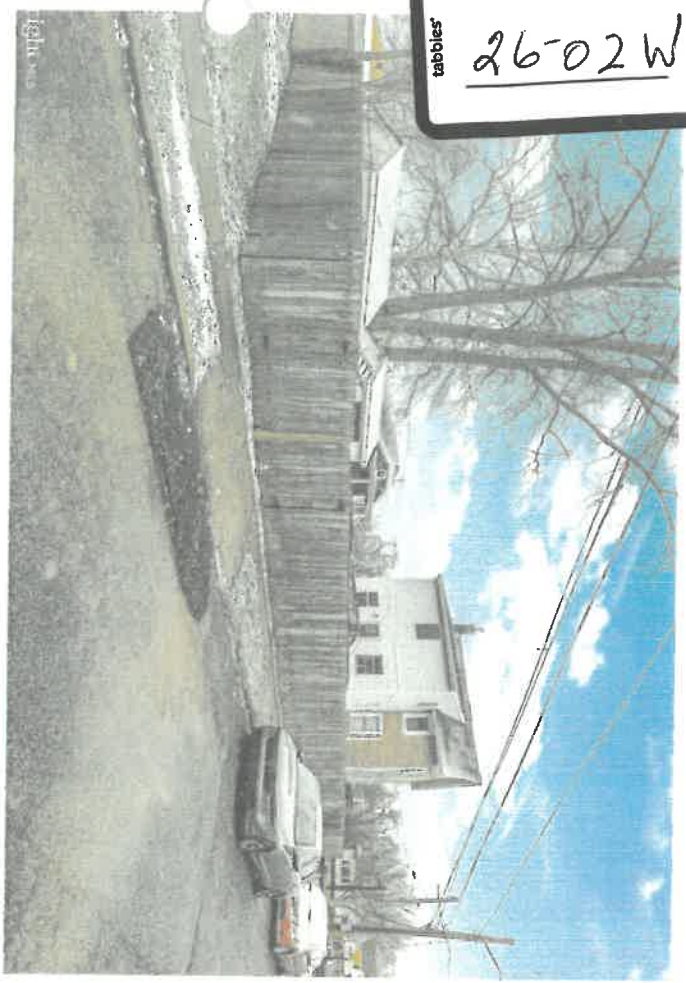
1500 Kitchwood Ave.



12/20/2020 Aerial Photo
(Aerial Photo with Overlay 2/1/21)

1300 Kitchwood Hwy

EXHIBIT
26-02 W
tabbles



2012 Nov 2021
Photos from Lindsay
(Kitchwood)



1501 Kirkwood Dr

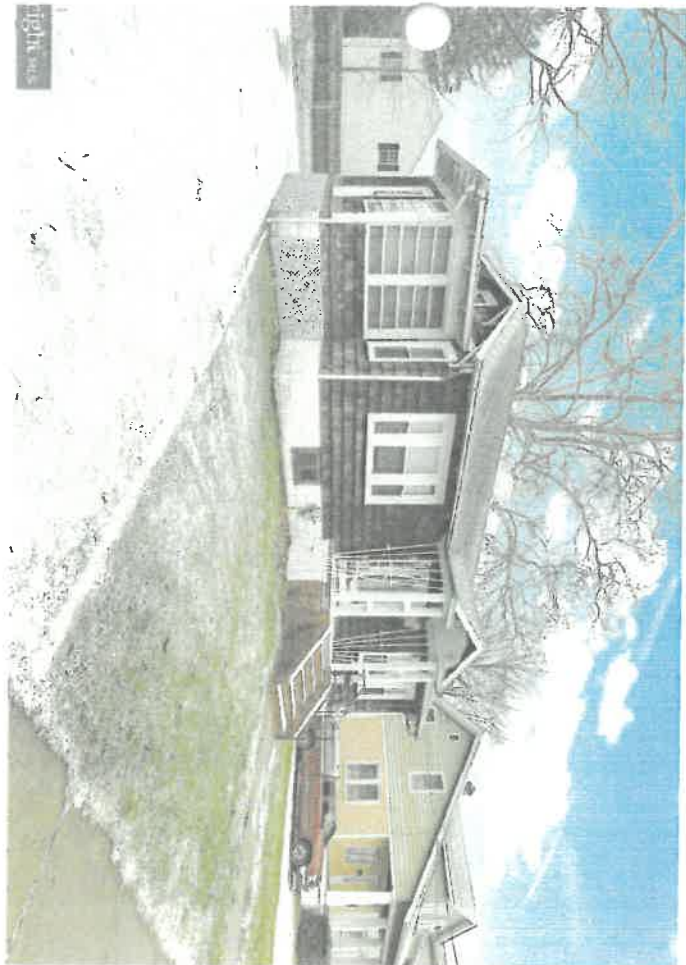
EXHIBIT

tabbles

26-02X



Sold April 2024
Phoenix Econ Whse
(Red Co)



1500 Kirkwood Hwy.

EXHIBIT

tabbies

26-02Y



Sold April 2024
Photos from listing
(2/11/24)





Steve Martin

From: Mary Steppi <m.steppi@verizon.net>
Sent: Thursday, October 9, 2025 10:47 AM
To: Steve Martin
Subject: Re: Found! 1308 Kirkwood - 2018 petition for zumba studio

I can forward you additional photos, give me a few days though. However, I do disagree with the statement made that the properties were already impervious gravel. There were gravel driveways, but backyards were definitely grass with trees and shrubs.

I do recall there was a wooden fence separating 1300 and 1304. The renters at 1304 had dogs. I remember the dog being tied up at times in the backyard under the tree and yes, there was grass in the backyard. 1304 had a backyard, now it is a parking lot. As I stated, this sets a huge precedent for all residents to just park in their backyards and ignore Town code.

In the past year, all trees were removed in the backyards of 1300, 1304, 1306, 1308. I remember seeing the tree removal equipment on the properties.

This past summer, I saw heavy equipment in the backyards of properties appearing to grade all the yards on same level. Normally this type of construction was performed on weekends as I noticed when walking my dog. They would park the equipment behind 1300 when not in use.

There remains a pile of gravel in the backyard of one of the properties, Councilman Holloway referred to this as well. I will try to get a photo. This pile is what remains after they spread gravel over all of the backyards after they graded all the properties.

At one point over the summer, I could smell hot asphalt nearby, as in 'driveway' asphalt. This was definitely related to 1300, but I did not actually witness this happening, only after when walking my dog could I see a newly paved area. 1300 has a combo of gravel and 'paved' surface. 1300 also previously had a backyard, although filled with junk, boats, etc. Now it is a parking lot.

More later.