EXHIBIT



The Town of Elsm

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

Application for Hearing

Board of Adjustment
Planning Commission
Petition # 2602 Filing Fee: 60 \$ Date Received 8 Received by: 6m2
Subject Property: 1306 Kichwood Hay Wilmington DE 19805
Property is: Residential Commercial
Tax Parcel # 1900400215 Zoning District:
Applicant name: FAUSTO SIGUENOR CELL # 347)418-2929
Address: 49H lancaster Pike Telephone #
City: Wilnington 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:

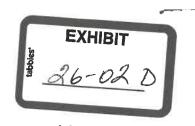


Application for relief other than above:_			
State reasons for this request:			
1			
Has a previous application for this proper	ty been filed with th	e Town? 🗆 Yes	□No
If yes, Petition #			
If the applicant is not the Legal Owner of	the property:		
Legal owner information:			
Name:			
Address:			
City:	_ State:	Zip Code:	
Please submit the following with this peti-	tion:		
 A copy of a plot plan showing the the layout, size, and location of ex 	following: location kisting structures on	of the property; a diagra	ım showing
 A copy of any deed restrictions of NOTE: THE BOARD OF ADJUST APPROVE ANY APPLICATION 	STMENT OR PLAN	NING COMMISSION OF DEED RESTRICTION	CANNOT S.
• Filing fee, payable to the Town of	Elsmere.		
The undersigned hereby certifies that the lagrees to the filing of this application, that to be bound by any decision of the Town of subject property.	the information sub	mitted herein is correct	and agrees
NOTE: The legal owner and his/her aut	horized representa	tive must sign this forn	n.
Applicant's Signature: 450,45		Date: 8-28	7-2025
Legal Owner's Signature:		Date:	

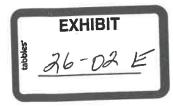
EXHIBIT Series 26-02 C

VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number: 24-02
Property Owners Name: FRUS to Siguenca
Property Owners Name: Foust Siguenca 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 Gooperty was used as a vehicule medianic stop in the post neighbords HAS been Astring to reopen the stop. Decause it the Forst Automobile stop. in Elsmere
(2) That the special conditions and circumstances do not result from the actions of the applicant.
Please explain how this applies: His boilding is Existing we no motion any change on it so the old vowerce 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 privileage we just asking for something that is allready 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 by this Brogary if one reserve for my retainment in this stop if this is denied my retainment 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 more.
	and make the four books better



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:

Date: 10 - 06 - 2025

Signature Code Department Representative: Derise Jardan

Date: 10-6- 2025



Site Analysis Petition 26-02

Property Owner:

Fausto Siquencia Commercial

Zoning District: Address:

1306 Kirkwood Hwy

Primary Use:

Commercial

Parcel No.:

19-00500-197

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.:

9,375

Sq. Ft.

Allowable Lot Coverage:

7,031

Sq. Ft. (75%)

Total Lot Coverage Existing:

Sq. Ft. (60%)

❖ Residence =

540

Sq. Ft.

❖ Garage =

1,560

❖ Impervious Pave = 4500 +/- Sq. Ft.

Proposed Addition:

0

Sq. Ft.

Proposed Lot Coverage Total:

7,468

Sq. Ft. (79%)

Conclusion:

There are no proposed changes to the existing lot coverage.

Required Setbacks: Front:

25

Rear:

Side: 25 Both Sides:

25 25

Existing Setbacks:

Front: 15 Side: 5

Rear:

5

5

5

Proposed Setbacks: Front:

Rear:

Side:

15 5

Both Sides:

Both Sides:

Conclusion:

The 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 year, 5 ft. side.
 - b. Maximum lot coverage: 20%, current coverage is 79%.

REQUEST BY THE APPLICANT

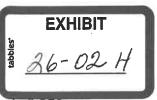
The applicant seeks to operate an Automotive Repair shop at the subject parcel.

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.

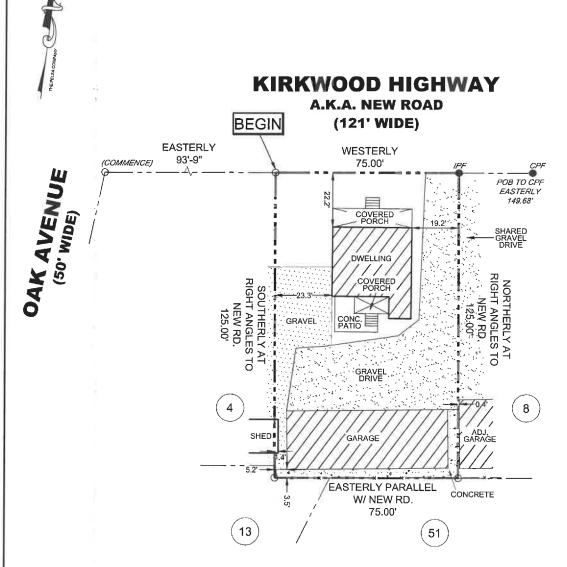
GRANTING OF THE PETITION

- 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 year, 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 year, 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



SOURCE OF TITLE: INST #20241007-0067260 TAX PARCEL NO. 19-004.00-215 SOURCE OF BEARING SYSTEM: MF #570

Mortgage Survey Plan

fo

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

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

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

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. Drawn By Date

DEGREE OF ACCURAÇY ±

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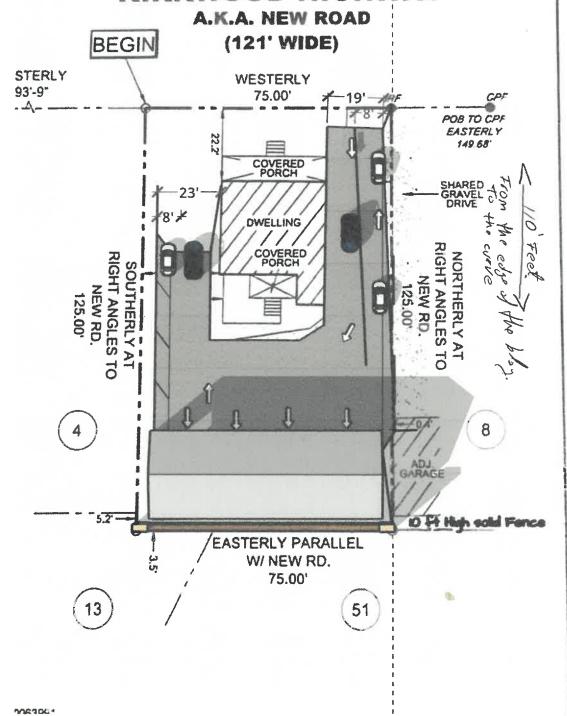
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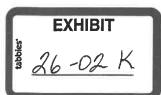
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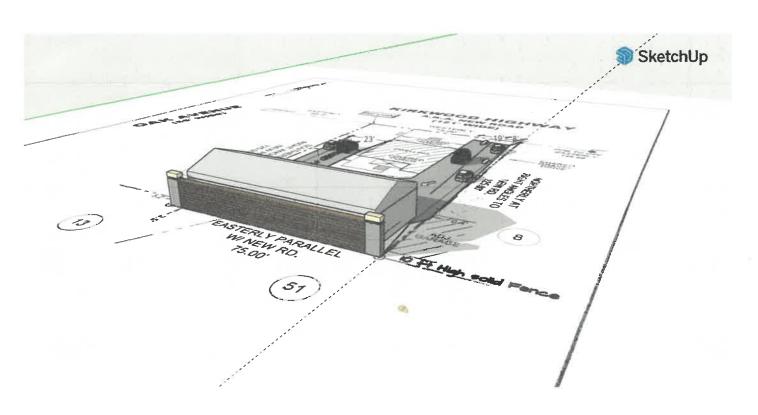
Scale 1" = 36 Project Number Mo25-0596



KIRKWOOD HIGHWAY







GS CamScanner

EXHIBIT

26 02 L

OFFICE OF STATE FIRE MARSHAL APPLICATION FOR FIRE PROTECTION TENANT FIT OUT / RENOVATION / OCCUPANCY CHANGE

Sussex County
Delaware Fire Service Center
22705 Park Avenue Georgetown,
DE 19947-6303

302-856-5298 / Fax 302-856-5800

Doc. No. 75-01-23-11-04

Kent County

Delaware Fire Service Center 1537 Chestnut Grove Road Dover, DE 19904-1544 302-739-4394 / Fax 302-739-3696 New Castle County

Update 11/23

Delaware Fire Service Center 2307 MacArthur Road New Castle, DE 19720-2426 302-323-5365 / Fax 302-323-5366

1. Project Name: Elmers Elsmers 1	MECHANIC SHOP.
	e per application. One building per application.
Address: 1306 Kickwood Hwy	vilnington DE 19805
Complete Tax Parcel Number:	Country
Number of Stories: / 3 TORE	Total Square Footage: was conducted indicating brothminary plan final inspection is required to final inspection.
2. Project Description: Tenant Fit Out Renovation	absolution of a continual management
Description / Use Details:	by the State Fire Marshal's Office. to discretion. The Continue of Occupancy at your discretion.
Open existing out body so	100 60 VJS
2 F Cl 1: P Tr C	Date
3. Fee Calculation: Building Construction Costs: 25007	Soned: Fee: _/50 % > 3
Check or Money Order made payable to the "State Exempt Status: State County Federal DSHA	
	A Fire Co. / Ambulance Municipality No Impact
4. Property Information (see checklist on page 2 for details)	6. Property Owner Info Phone:
Property Name: Day Property	Cell: 347)4188929
Building Name:	Name: FAUSTS STEUENUA
Suite / Unit:	Address: 4911 CANCESTER PIKE
5. Primary Point of Contact	City: Wilmington State: DE Zip Code: 19307
DELAWARE STATPhone 347 JULY 29 29	Email: gsiquenva +7 @gmail. com
Signature required in Item #8 Cell : VISICA	7. Tenant Info Phone:
Name: Fousto si GUENOS	Cell:
Company Name: - Source as Diogetty	Name: FRUSTS SETTUENUS
Address: Ounti-	Address: - Scarre as Drugery conc-
City: State: Zip Code:	City:State:Zip Code:
Email: 9 siguenda 77 Egman/ com	Email:
8. Applicant Signature: 13 w 7 w 7	Date: <u>08 -/3 - 2025</u>
FOR OFFICE USE ONLY: FIRE PROTECTION SPECIALIST	DATE
Plan Review # 2025-02-221005	



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
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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

EXHIBIT

26-02

() LIFE SAFTEY PLAN

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WILMINGTON, DE 19805 1306 KIRKWOOD HWY,

FAUSTO SIGUENCIA





PO Box 668 Newsk, DE 19715

Dest911

PROJECT LOCATOR MAP

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Drafting





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GENERAL INFORMATION	
PROJECT DESCRIPTION	LIFE CAFLIN CONEMING AUTOMOTIVE REPART GANAGE
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PLUNGING CCCF	PC3021
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AUTOSHOP AXON 1306 KIRKWOOD HWY, WILMINGTON, DE 19805

EXHIBIT

26-02

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GENERAL IMPORMATION	
PROJECT DESCRIPTION	LIFE SAFETY FOR EXISTING AUTOMOTIVE NO. PARI GARAGE
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APPLICABLE CODES	
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COUNTY	NEW CA	NEW CASTLE COUNTY - CITY OF WINNESTON
MTERNATIONAL BUILDING CODE	IBC 1021	
INTERNATIONAL EXISTING BUILDING CODE	E EBC 3031	
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MECHANISAL CODE	DAC 2021	
PLUMANU CODE	140\$04	
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FUEL GAS COOK	201	
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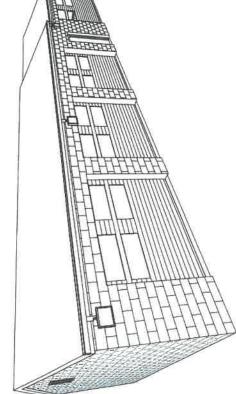


1 LIFE SAFTEY PLAN

EMERGENCY LIGHT ABOVE TERHEAD DOOR

8

Room Room (\$500)



AUTOSHOP AXON 1306 KIRKWOOD HWY, WILMINGTON, DE 19805

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 #: 567

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

Tax Bills as of 9/25/2025 3:01:57 AM								
1	County			School				
Tax Year	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		
20244	10.00	In and	10.00	10.00	inan	11'000 10		



EXHIBITED PROPERTY OF THE PROP

\$1,025.97 \$1,020.87 \$1,013.48 \$1,060.54 \$1,076.54 \$1,171.07 \$1,256.59 \$1,320.78 \$79.25 \$11.19 \$1,457.37 \$1,663.16 \$85,18 \$1,649,44 \$1,639.32 \$1,686.88 \$1,697.15 \$1,935.19 \$1,935.19 \$362.85

Not Available County Balance Due: \$502.37 School Balance Due: \$3,153.86

7/29/2010

9/23/2011

8/23/2012

8/23/2013

9/26/2014

7/31/2015 8/24/2016

10/6/2017

4/5/2018

10/1/2018

10/7/2019

9/8/2021

9/22/2022 9/15/2023

9/25/2024 9/26/2024

10/24/2019 9/28/2020

10/30/2017

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.

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
200751	\$0.00	\$0.00	2/15/2007	
200851	\$0.00	\$0.00	2/8/2008	\$102.2
2009S1	\$0.00	\$0.00	2/18/2009	\$102.2
2010S1	\$0.00	\$0.00	2/15/2010	\$92.9
201151	\$0.00	\$0.00	2/28/2011	\$71.5
201251	\$0.00	\$0.00	* *	\$74.4
2013S1	\$0.00	\$0.00	2/1/2012	\$66.3
2014S1	\$0.00	\$0.00	2/15/2013	\$77.3
201551	\$0.00		2/26/2014	\$68.8
201651	\$0.00	\$0.00	2/27/2015	\$80.3
2017S1	\$0.00	\$0.00	2/4/2016	\$68.8
2018S1		\$0.00	2/10/2017	\$57.4
201951	\$0.00	\$0.00	4/4/2018	\$73.0
2020S1	\$0.00	\$0.00	3/29/2019	\$68.1
202051	\$0.00	\$0.00	1/22/2020	\$56.0
	\$0.00	\$0.00	2/24/2021	\$56.0
202251	\$0.00	\$0.00	2/16/2022	\$81.0
202351	\$0.00	\$0.00	2/7/2023	*
2024S1	\$0.00	\$0.00	2/27/2024	\$81.0
2025S1	\$0.00	\$0.00	2/13/2025	\$81.0
e Due: \$0.00		1	4/10/2023	\$298.0

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

