



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 # 26-02 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 SIEGUENOA cell # 347)418-2929

Address: 4914 LANCASTER PIKE Telephone # _____

City: Wilmington State: DE Zip Code: 19804

Application for Zoning Variance Related to: _____



Front yard setback



Rear yard setback



Side yard setback



Lot Area



Rezoning



Lot Coverage



Fencing



Parking requirements



Signage

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: _____

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

EXHIBIT

tabbies

26-02 C

Town of Elsmere Petition Number: 26-02

Property Owners Name: Fpusto Siguerua

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 a 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 ~~any~~ 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

EXHIBIT

tabbles

26-02 E

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:

[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: 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 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

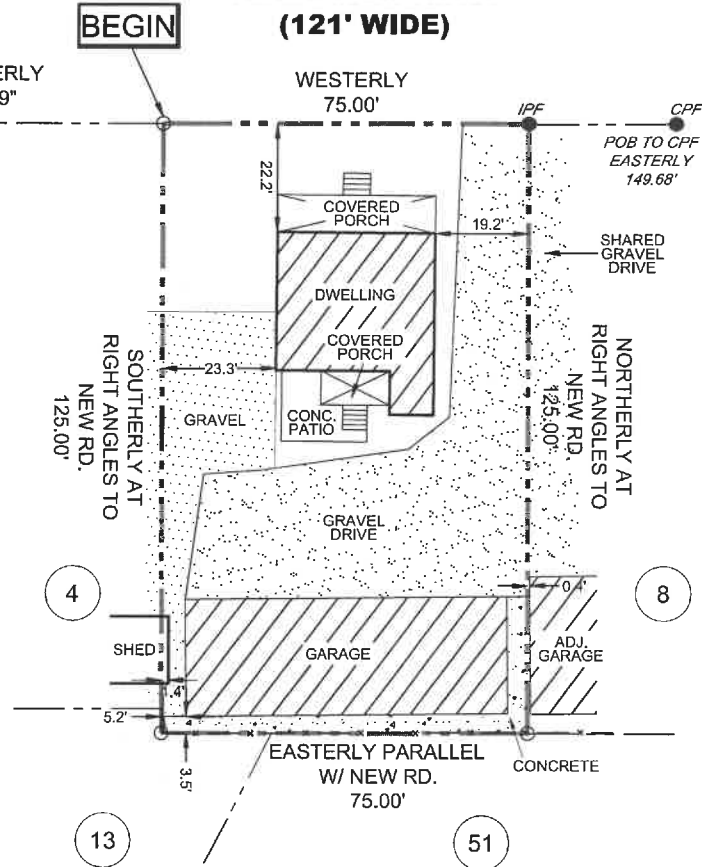
1. The Planning Commission of the Town of Elsmere would need to determine that the proposed meets the harmonious development intent of the Town of Elsmere Code 225-9.
2. The Planning Commission of the Town of Elsmere would need to make a recommendation to the Board of Adjustment to grant four (4) variances 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
1850

OAK 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) 834-3771

NEWARK, 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 ☒ URBAN _ DMM 07/23/2025 1" = 30' Project Number Mo25-0596

EXHIBIT

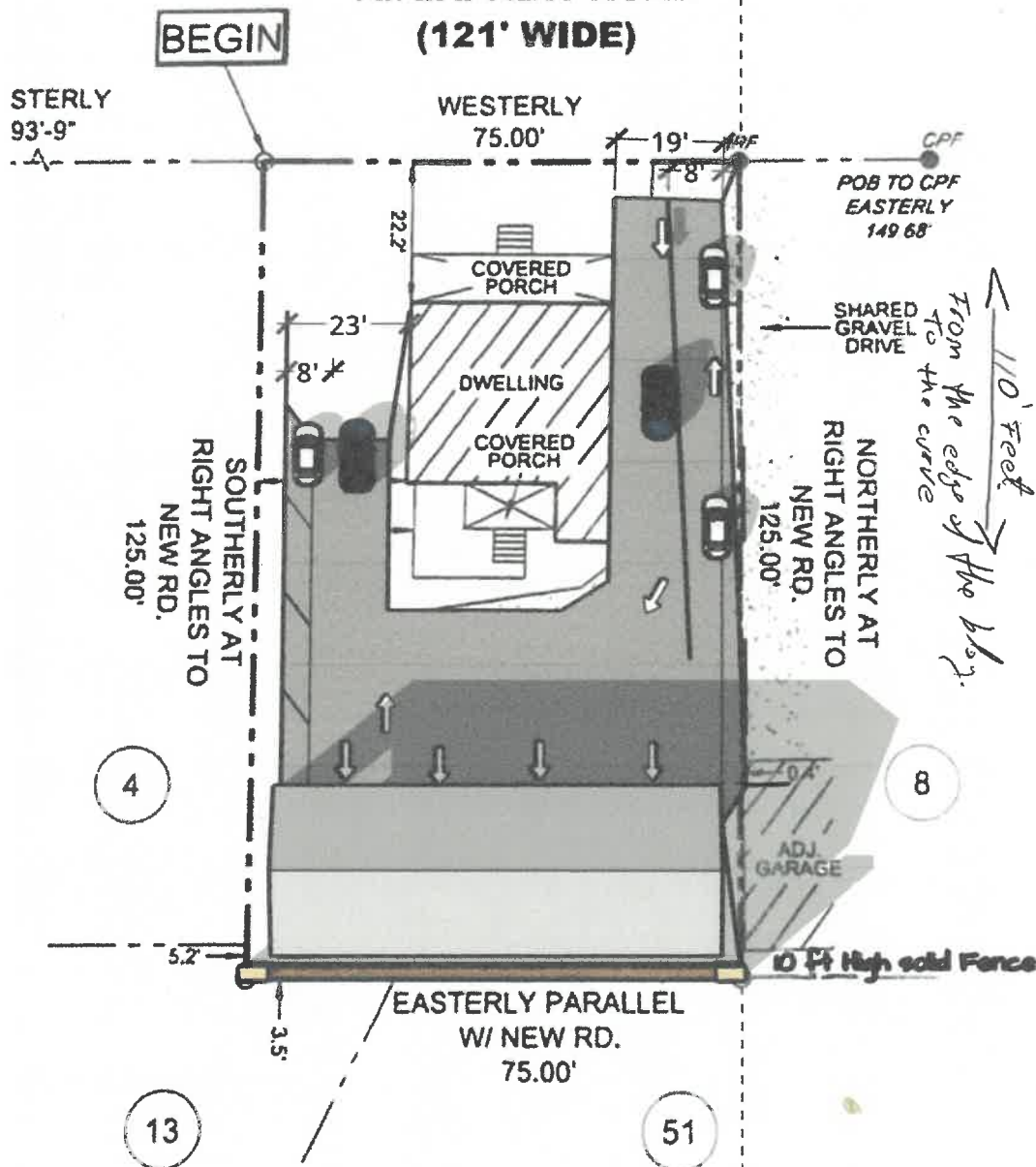
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26-02 J

KIRKWOOD HIGHWAY

A.K.A. NEW ROAD

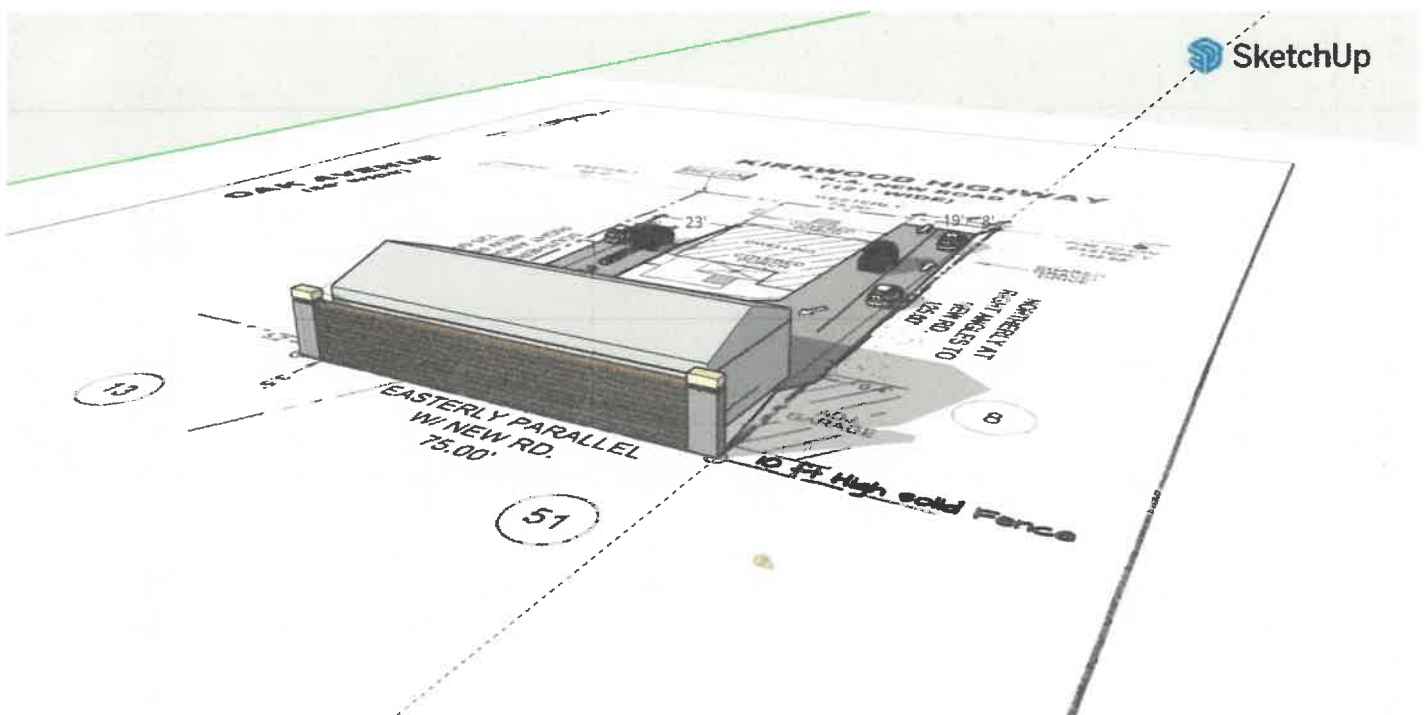
(121' WIDE)



EXHIBIT

tabbles

26-02 K



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

Kent County

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

New Castle County

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

1. Project Name: ELSMERE ELSMERE MECHANIC SHOP.

Phase: _____ Please note: One phase per application. One building per application.

Address: 1306 Kirkwood Hwy wilmingston DE 19805

Complete Tax Parcel Number: _____ County: _____

Number of Stories: 1 STORE

Total Square Footage: _____

2. Project Description: ☐ Tenant Fit Out ☐ Renovation

Description / Use Details:

open existing auto body shop

An incomplete application may cause a delay in the processing of the project.

A preliminary plan review was conducted indicating no further action per final inspection is required by the State Fire Marshal's Office. to issue Certificate of Occupancy at your discretion.

3. Fee Calculation: Building Construction Costs: 2500% Fee: 150%

Check or Money Order made payable to the "State of Delaware" NO CASH ACCEPTED

Exempt Status: ☐ State ☐ County ☐ Federal ☐ DSHA ☐ Fire Co. / Ambulance ☐ Municipality ☐ No Impact

4. Property Information (see checklist on page 2 for details)

Property Name: DATA BRQUE

Building Name: RECEIVED

Suite / Unit: _____

5. Primary Point of Contact

Phone: 302/418 2929

Signature required in Item #8: _____

Name: FAUSTO SIGUENCIA

Company Name: - SAME AS PROPERTY OWNER -

Address: _____

City: _____ State: _____ Zip Code: _____

Email: gsiguencia77@gmail.com

6. Property Owner Info Phone: _____

Cell: 302/418 2929

Name: FAUSTO SIGUENCIA

Address: 4911 LANCASTER PIKE

City: Wilmington State: DE Zip Code: 19807

Email: gsiguencia77@gmail.com

7. Tenant Info

Phone: _____

Cell: _____

Name: FAUSTO SIGUENCIA

Address: - SAME AS PROPERTY OWNER -

City: _____ State: _____ Zip Code: _____

Email: _____

8. Applicant Signature: _____

Date: 08-13-2025

FOR OFFICE
USE ONLY:

FIRE PROTECTION SPECIALIST

DATE

Plan Review # 2025-02-22NA05-TPO-01 Deposit / Return Date: 8/18



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.

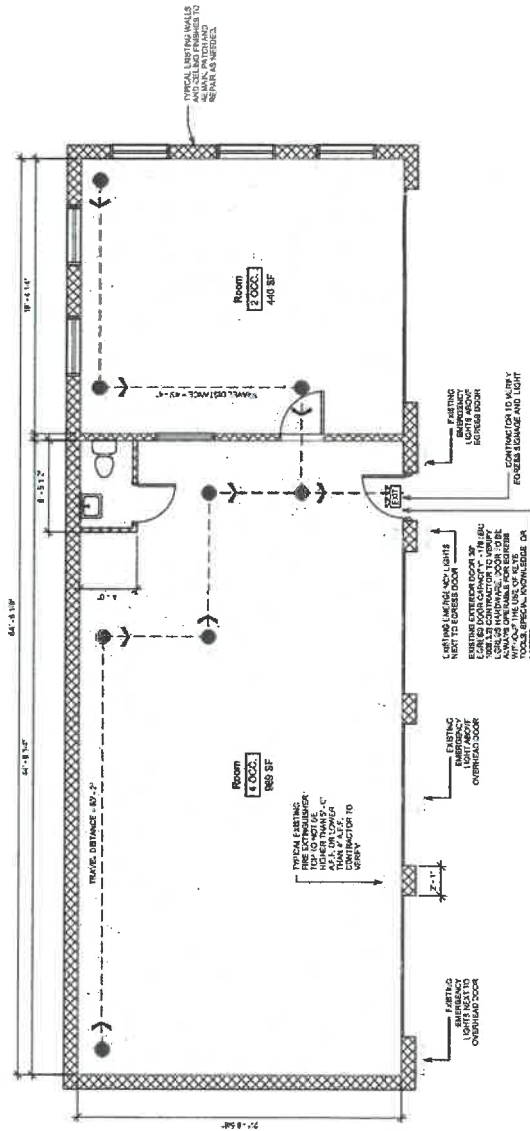
A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

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.

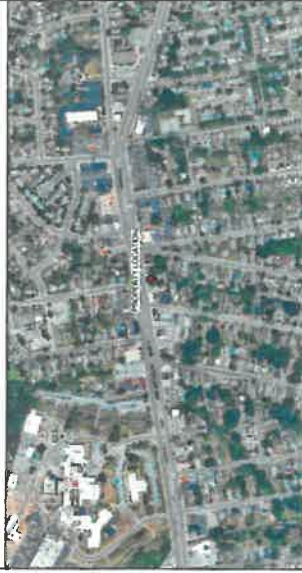
Even though a final inspection was not conducted by this agency code compliance shall be required and is the sole responsibility of the owner.

This Plan Review Project was prepared by:

James Facciolo
Assistant Chief Fire Protection Specialist III



1 LIFE SAFETY PLAN
14" x 11-1/2"



PARCEL # 1900400215
1308 KIRKWOOD HWY, WILLIAMSTON, DE 19093

PROJECT DESCRIPTION.

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

CODE SUMMARY







GENERAL INFORMATION	
PRODUCT DESCRIPTION	LIFE GAFFS FOR ENDING AUTOMOTIVE REPAIR GARAGE
TAX PAYER ID #	1900400719
ZONING	COMMUNITY COMMERCIAL
FIRE CATEGORY	3
NOTES	EXISTING BUILDING PLANS TO RECOVER A BUSINESS, NO CHANGE IN USE, DROP OFF OCCUPANCY, OR

APPLICABLE CODES	NEW CASTLE COUNTY - CITY OF WILMINGTON
INTERNATIONAL BUILDING CODE	IBC 2021
INTERNATIONAL ENERGY BENCHMARK CODE	IEBC 2021
ENERGY CODE/EXHAUSTION CODE	ECOC 1998
MECHANICAL CODE	MEC 2021
PLUMBING CODE	PLC 2021
ELECTRIC CODE	NECA/IBT 2718 2021
FIRE CODE	OSFPM NEW YORK 101 / 2021
ACCESSIBILITY	ICC-AMERICAN 1113.1 - 2010

BUILDING DATA		IBC 2021	PROVIDED
OCCUPANCY CLASSIFICATION		IBC 211.2	S-1 - MODERATE-HAZARD STORAGE
		NEBC Ch. 60	I - INDUSTRIAL

MEANS OF EGRESS	IBC SIZE	PROVIDED	ALLOWABLE OF REQUIRED
CLUT ALCOB TRAVEL DISTANCE NO ENTRANCE	IBC 7.9.1.1	87'-2"	300'-0"
	NFPA 101 802.2.1	87'-2"	300'-0"
MAXIMUM FLOOR AREA ALLOWANCE	IBC 7.9.1.2	87'-4"	200'-0"
	NFPA 101 802.2.1	87'-4"	300'-0"
MAXIMUM FLOOR AREA ALLOWANCE	IBC 7.10.4.1	4	130'-0" PER 300 CROSBY
		2	

EXISTING BUILDINGS	IECD 2013	EXCEPTION
REPAIRS	IECD T.401	THE WORK SHALL NOT MAKE THE BUILDING LESS COMFORTABLE THAN IT WAS BEFORE THE

LIFE SAFETY LEGEND	
	PATH OF EVACUATION
	EXIT LIGHT (RECURRING LIGHTS)
	EXIT LIGHT
	EXISTING EXTERIOR LIGHTS
	EXISTING EXTERIOR EMERGENCY LIGHTS
	EXISTING FIRE EXTINGUISHER

tables:

EXHIBIT

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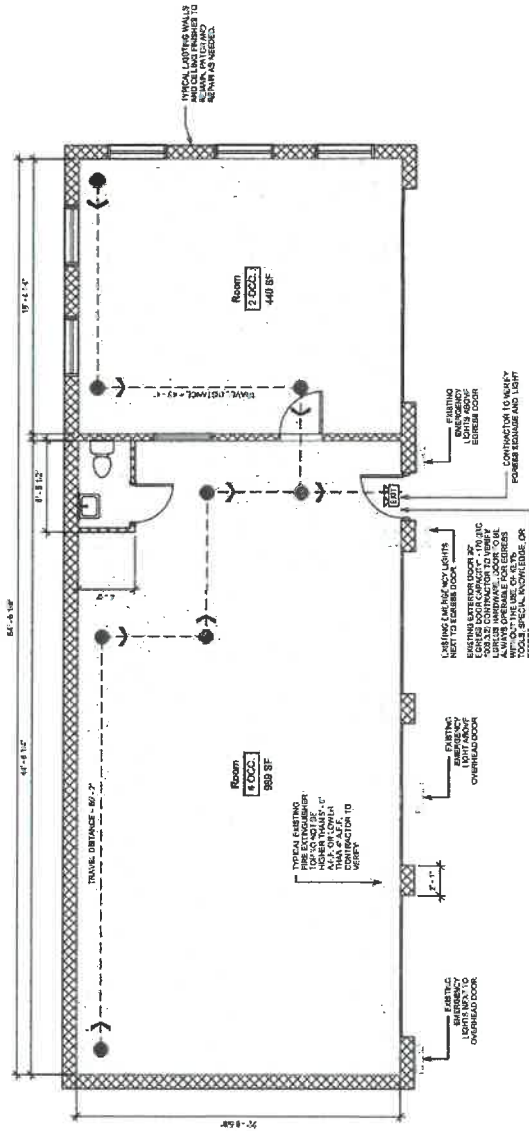
FIRE SAFETY PLAN
FAUSTO SIGUENCIA
306 KIRKWOOD HWY.
WILMINGTON, DE 19805

THIS DRAWING HAS BEEN FORNISHED
BY DEWATING BY DESIGN INC. THE
INFORMATION AND INFORMATION
HEREON MAY NOT BE USED NOR THE
DRAWING REPRODUCED WITHOUT THE
WRITTEN PERMISSION OF DRAWING
BY DESIGN INC. ALL REPRODUCTIONS
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BEAR OR REFER TO THE STAMP.

[illegible]

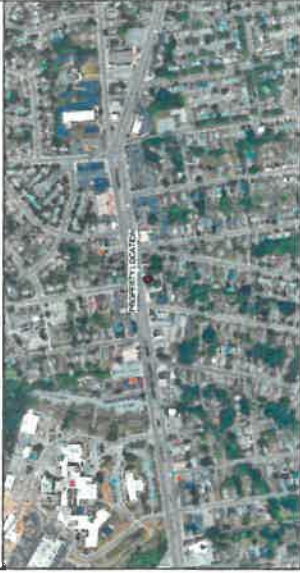
D. DALBY ARCHITECT
PO Box 688
Newark, DE 19715
P: (302) 736-3811
F: (302) 738-3856
DDALBY@GODALBYARCHITECT.COM





1 LIFE SAFETY PLAN

PROJECT LOCATOR MAP



PARCEL # 1900400215

PROJECT DESCRIPTION.

SOC. IMENTATION FOR ARCHITECTURAL AND GENERAL CODE COMPLIANCE ONLY. ANY WORK SHOULD NOT MAKE THE BUILDING UNCOMPLIANT PRIOR TO REPAIRS. WORK DOES NOT REQUIRE CHANGE IN USE GROUP OR CONSTRUCTION CLASSIFICATION OCCUPANCY OR EGRESS. NO STRUCTURAL MODIFICATION.

CODE SUMMARY

GENERAL INFORMATION	
PROJECT DESCRIPTION	LIFE SAFETY FOR EXISTING AUTOMOTIVE SHOP GARAGE
TAX PARCEL ID #	190600719
ZONING	COMM-INT COMMERCIAL
RISK CATEGORY	3
NOTES	UNDER CONSIDERATION TO BE OPEN TO PUBLIC. NO CHANGE IN LAND USE OCCURRING. NO STRUCTURAL ASSESSMENT.

APPLICABLE CODES

COUNTRY	NEW CASTLE CITY, CITY OF NEWCASTON
OFFICIAL BUILDING, 311, 1102, 2008	MC 1013
INTERNATIONAL EXHIBITION BUILDING CODE	MC 2021
CALSO CONSTRUCTION CODE	1005-2010
MECHANICAL CODE	MC 2011
PLUMBING CODE	P-C 1013
ELECTRIC CODE	NEPA 1013-2010
FLY, GAS CODE	2011
FIRE CODE	OSPREY NEWCASTON 1013/2011
ACCESSION, 1013	OSPREY NEWCASTON 1013/2011


WILEY-INTERSCIENCE

OCUPANCY CLASSIFICATION	IBC 311.2	B-1 - MODERATE HAZARD STORAGE
	NEPA C 4.5	1 - INDUSTRIAL

MEASUREMENTS	INSTRUMENT	PROVIDED	ALLOWABLE ON ORDER
NO. OF STAIRS	10172	87 - 2	299 - 7
6" X 12" RISER WALL DISTANCE	APR 131 60.2.5.1		307 - 3
WALL SPREADER	APR 131 60.2.5.1	87 - 4	299 - 7
MAXIMUM FLOOR AREA ALLOWANCE	APR 131 60.2.5.1	4	502 - 3
TOTAL AVAILABLE FLOOR AREA	APR 131 60.2.5.1	2	18011 FLOOR GROSS

EXISTING BUILDINGS	ICC ARTS	EXCEPTION
REPAIRS	ICC T-10	THE WORK SHALL NOT MAKE THE BUILDING LESS SOUND THAN IT WAS BEFORE THE REPAIR WORK UNDERTAKEN.

1155 SAFETY / ECGNO


 PATH OF TRAVEL
 EXIT LIGHT EMERGENCY LIGHTS
 EXIT LIGHT
 EXISTING EXTERIOR LIGHTS
 EXISTING EXTERIOR EMERGENCY LIGHTS
 EXISTING FIRE EXTINGUISHER

1 LIFE SAFETY PLAN

EXHIBIT

26-02 P

tabbles®

DATE: 07/24/21
DRAWN BY: DR
SCALE: 1/4" = 1'-0"
CHECK BY: HB
APPROVED BY: DR

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

DRAWING HAS BEEN FURNISHED
BY DESIGN INC. THE
INFORMATION AND KNOW-
LEDGE MAY NOT BE USED FOR THE
REPRODUCTION OF ANY OF THE
MATERIAL OR PART INCLUDING
DOES SHOW DRAWINGS SHALL
AS OR REFER TO THIS STATE.

LATE	W/NOISE

**D. DALBY
ARCHITECT**
PO Box 608
Newark, DE 19715
P. (302) 739-3811
F. (302) 739-3855
D.DALBY@DALBYARCHITECT.COM



Design
By
Drafting

EXHIBIT

tabbles

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

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.



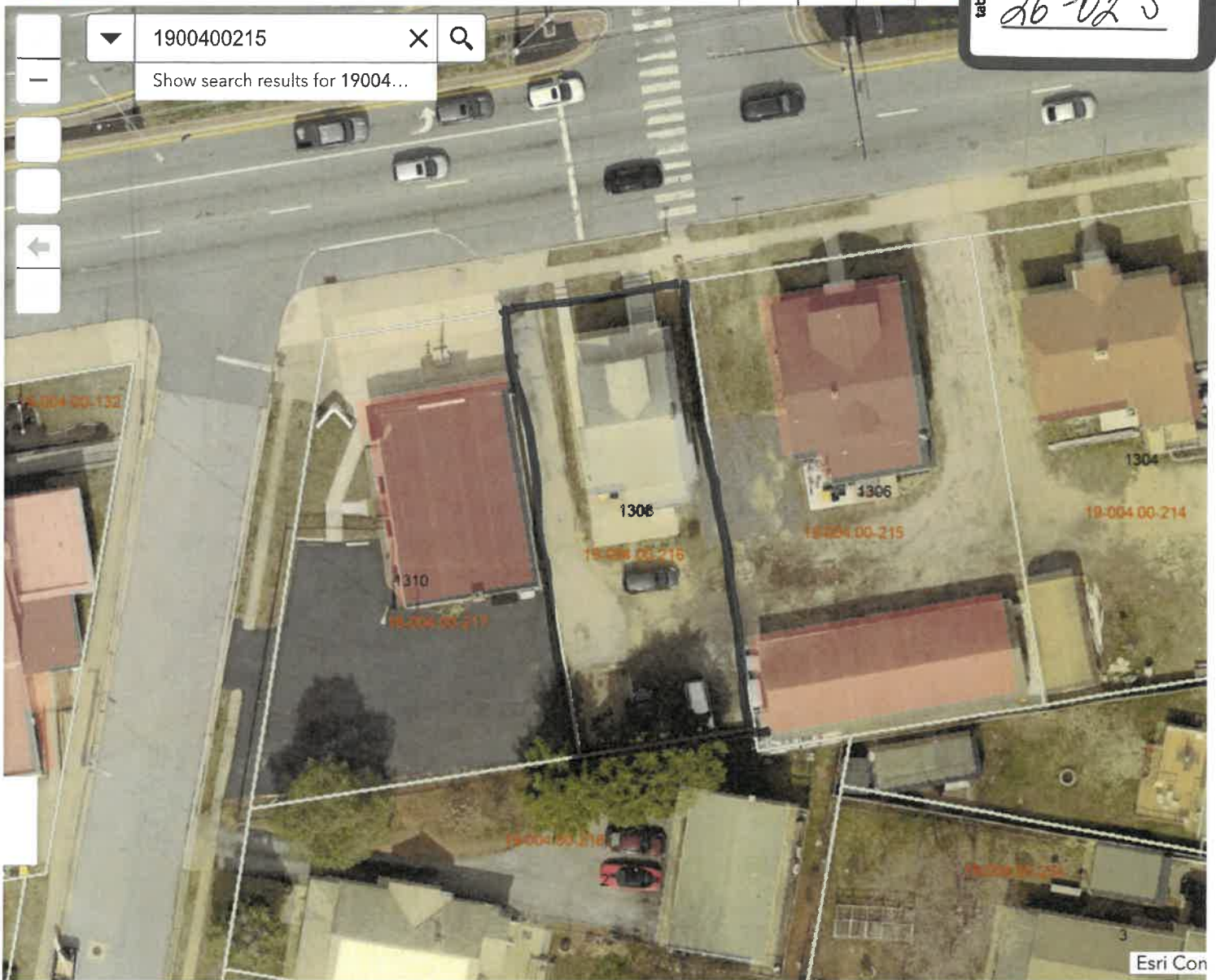
Explore New Castle County



EXHIBIT

tabbles' 26-02 S

▼ 1900400215 X Q
Show search results for 19004...



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

tabbles

26-02 V

1500 Richmond Ave.



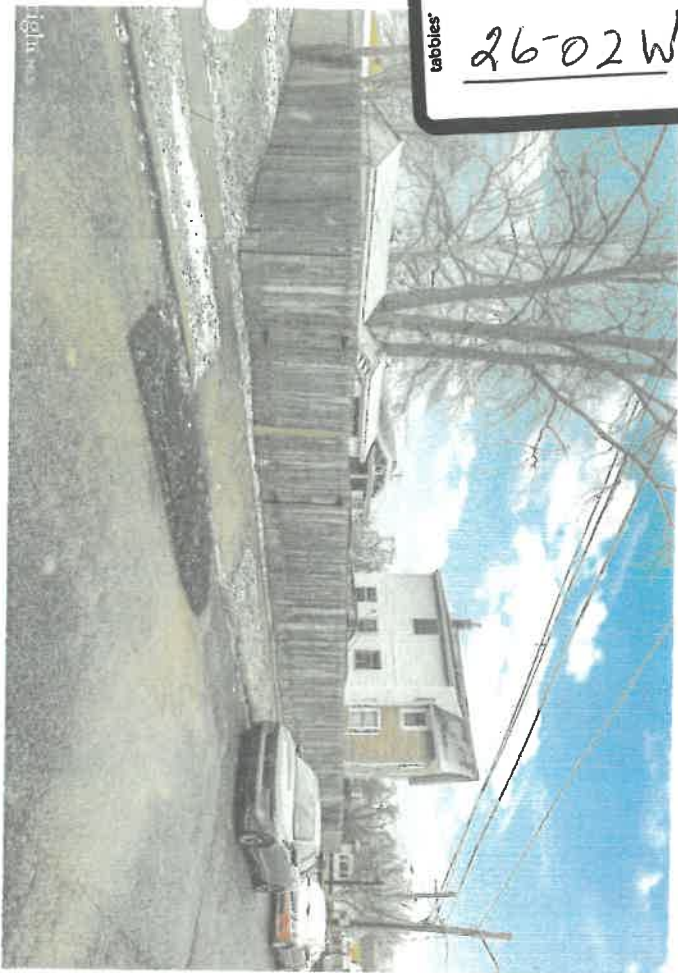
152/1500 Richmond Ave. is photo
(Area shown with overlay circle)

1300 Birchwood Hwy

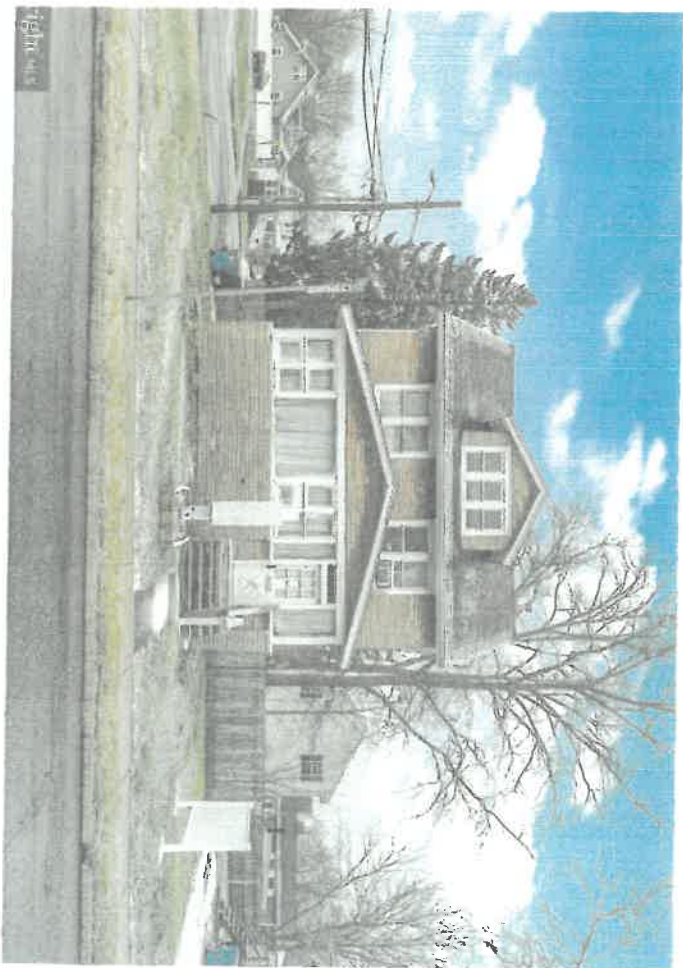
EXHIBIT

tabbles

26-02 W



2012 Nov 2021
Photos from 11/17/12
(KazSci)

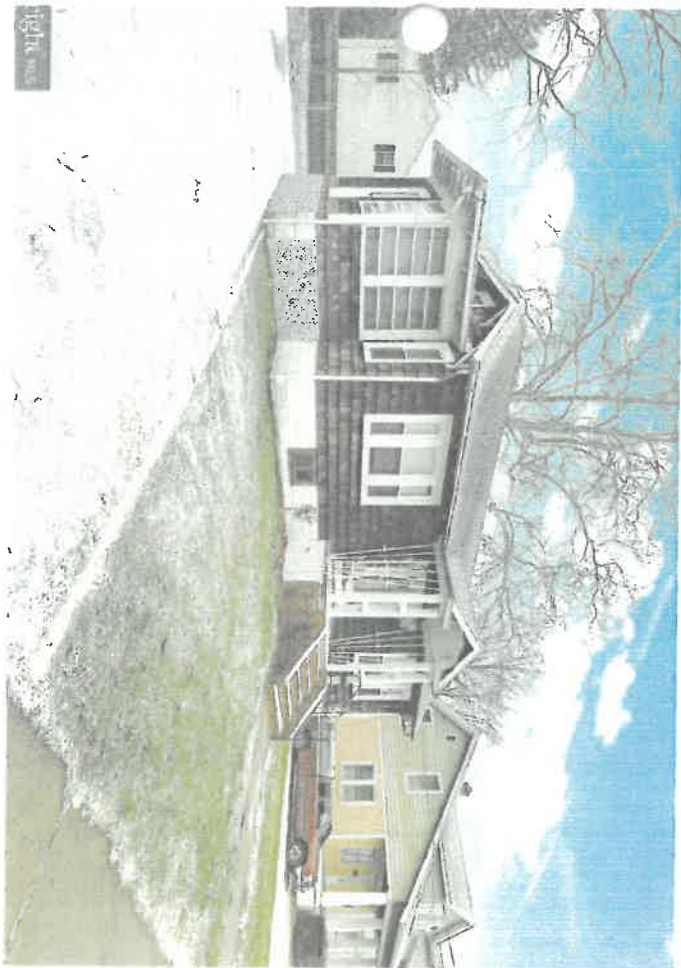


1501 Birchwood Way

EXHIBIT

tabbles

26-02X



Sold April 2024
Photos Econ Workshop
(R26.2)



1502 Kirkwood Hwy.

EXHIBIT

tabbles 26-02Y



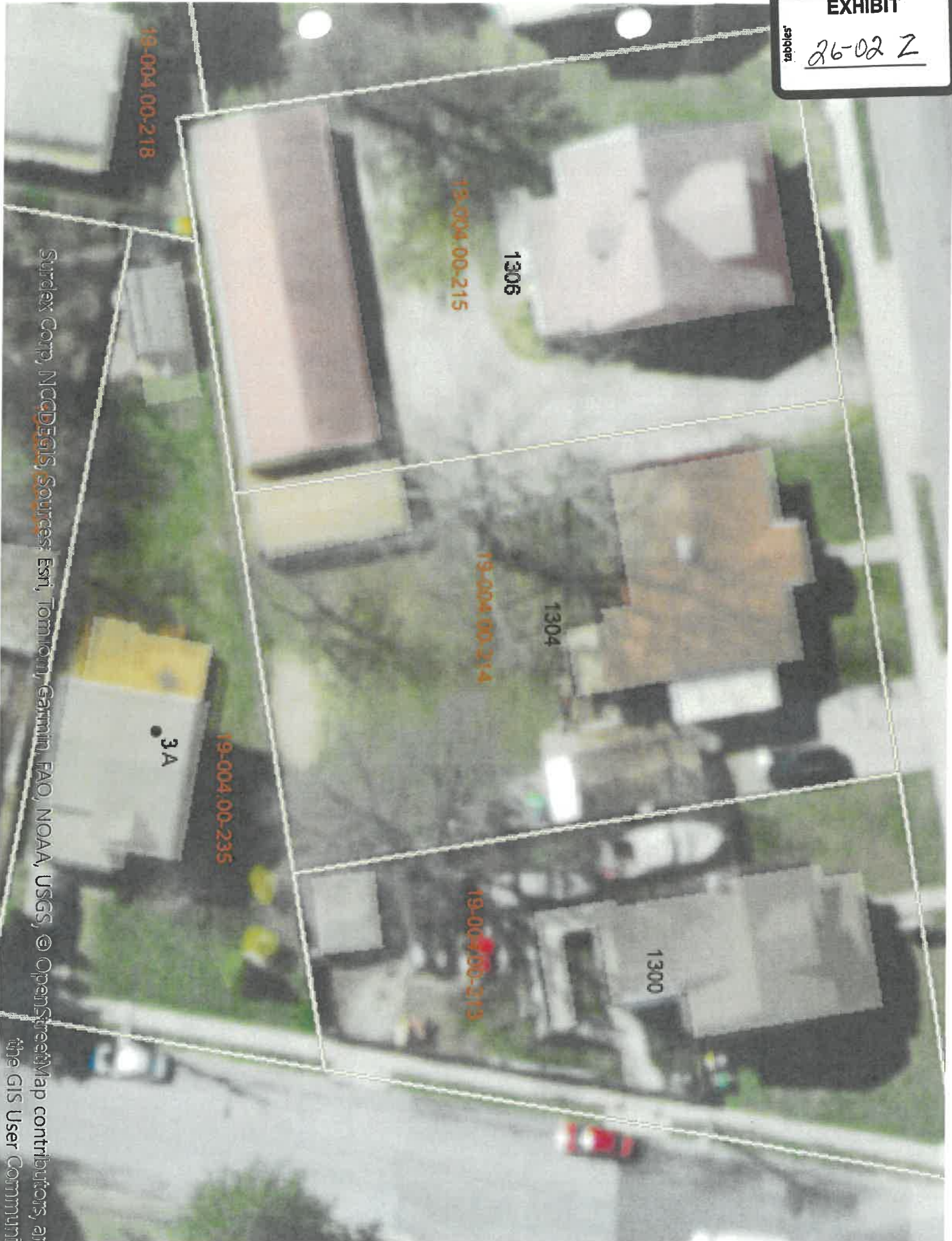
Sold April 2024
Proton Green Building
(21102)



EXHIBIT

tabbles

26-02 Z



Surdex Corp, NCCDEGIS, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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.

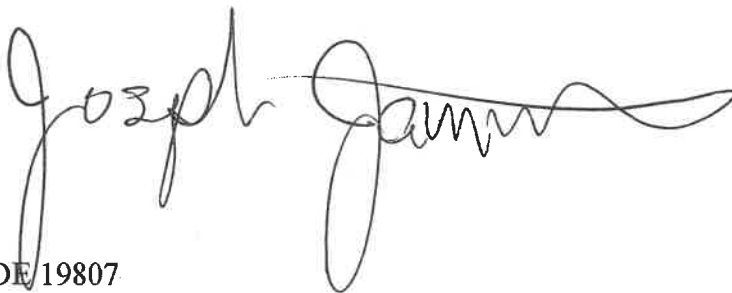
More later.

To Whom It May Concern,

I Joseph Janner resident of 1310 Kirkwood Hwy, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.



Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

To Whom It May Concern,

I Claire K. Reynolds ^{works at Kreenen-Griffith Funeral Home}
~~resident of~~ 1400 Kirkwood Hwy, the
undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway,
Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale,
home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by
appointment only, and that it will be operated in a manner that is respectful of the
neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the
property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local
enterprise.



Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

EXHIBIT

tabbles

26 02 AD

To Whom It May Concern,

I Mary Jane Stubbs ^{WORKS AT V} resident of Green Griffith F.H. the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

Mary Jane Stubbs

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

EXHIBIT

tabbies

2506 AE

To Whom It May Concern,

I LINDA CLOCH resident of 2 OAK AVE, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

Linda Cloch

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807


(347) 418-2929

To Whom It May Concern,

I Dawn M. Sponner resident of 3 Oak Avenue, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.



Sincerely,
Fausto Siguencia
4911 Lancaster Pike Wilmington, DE 19807
(347) 418-2929

To Whom It May Concern,

I John & Mariel Mesia resident of 14 OAK AVE. Elsmere, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

John & Mariel Mesia

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

To Whom It May Concern,

I Steve DUNHAM resident of 11 BUNGLOW AVE., the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

Stephen G. Dunham

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

26-02 AI

To Whom It May Concern,

I Reynaldo Lopez resident of 3a bungalow ave, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.



Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

To Whom It May Concern,

I Tade Zell resident of 5 Bungalow Ave, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

Tade Zell

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT

tabbles

26-02 AK

MEMORANDUM

Mayor

Joann I. Personti

1st District Councilwoman
Secretary of Council

Jane McDaniel

2nd District Councilwoman
President Pro-Tempore

Sally Jensen

3rd District Council

Brian Reinbold Jr.

4th District Councilman

John Holloway

5th District Councilman

Marc Henry

6th District Councilman

Erik Ellison

Town Treasurer

Paul Chalfant

City Solicitor

Janet McMackin

To: Chairman James Personti
Town of Elsmere Board of Adjustment

From: Chairman Robert Anderson
Town of Elsmere Planning Commission

Re.: Petition 26-02

Date: November 4, 2025

Dear Chairman Personti,

At the November 4, 2025, meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 26-02 regarding Tax Parcel Number 1900-400-215. In this request, the applicant is seeking to operate a Automotive Repair shop at the subject parcel. The Planning Commission will make a recommendation to the Board of Adjustment.

After hearing testimony and having their questions answered, the commissioners in attendance voted 4-1 to recommend **approval** of the petition to the Board of Adjustment.

Sincerely,

Robert Anderson, Chairman
Town of Elsmere Planning Commission

EXHIBIT

tabbles

26-02 AL

To Whom It May Concern,

I Rafael Rodriguez resident of 7 Bungalow AVE Wilmington, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

Rafael Rodriguez

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

EXHIBIT

tabbles

26-02 AM

To Whom It May Concern,

I DONACIANO MEDINA resident of 3 bungalow, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

DONACIANO MEDINA

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

EXHIBIT

tabbies

26-02 AN

To Whom It May Concern,

I MAUREEN KRIENEN ^{President} ~~resident~~ of KRIENEN CRIFFITH ^{FINERAL} ~~the~~ ^{HOME} undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.



Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929

EXHIBIT

tabbles

26-02 A0

To Whom It May Concern,

I Paul V. Kenney ^{employed} ~~resident~~ of Kriener + Griffith, the undersigned neighbor of Fausto Gonzalo Siguencia, the owner of 1306 Kirkwood Highway, Wilmington, DE 19805, hereby acknowledge and agree to the operation of a small-scale, home-based mechanic business at the above address called Elsmere Mechanic Shop.

I understand that this business will involve automotive repair and maintenance conducted by appointment only, and that it will be operated in a manner that is respectful of the neighborhood—maintaining reasonable noise levels, cleanliness, and limited traffic.

By signing below, I confirm that I have no objections to this business being conducted from the property and support Fausto Gonzalo Siguencia's efforts to establish and maintain their local enterprise.

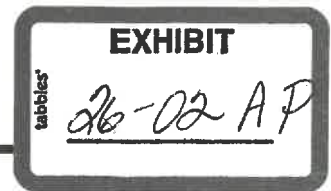
Paul V. Kenney

Sincerely,

Fausto Siguencia

4911 Lancaster Pike Wilmington, DE 19807

(347) 418-2929



Denise Lardani

From: Steve Martin
Sent: Friday, January 16, 2026 8:31 AM
To: Denise Lardani
Subject: Fw: Elsmere

See below

From: James H. McMackin III <JMcmackin@morrisjames.com>
Sent: Thursday, December 11, 2025 7:42 PM
To: Joann Personti <jpersonti@townofelsmere.com>; Steve Martin <smartin@townofelsmere.com>
Subject: FW: Elsmere

See below

Morris James

James H. McMackin III | Partner
3205 Avenue North Boulevard, Suite 100
Wilmington, DE 19803
Phone: 302.888.5849 | **Fax:** 302.571.1750
morrisjames.com | jcmackin@morrisjames.com
Facebook | LinkedIn

HEADQUARTERS ADDRESS CHANGE: Please take note that effective September 8, 2025, the Wilmington Headquarters office address has changed to Avenue North, 3205 Avenue North Blvd., Suite 100, Wilmington, DE 19803. We still maintain PO Box 2306, Wilmington, DE 19899.

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately. Morris James LLP places a high priority on security and privacy. Despite our efforts to ensure messages coming from Morris James LLP are free and clear of errors and viruses, you should take the necessary precautions to scan all emails for threats. Morris James LLP does not accept liability for any damage inflicted by viewing the content of this email. Any information contained in this email that is not within the scope of the official business of Morris James LLP should be understood to be neither given by, nor endorsed by, the Firm.

From: Michelle G. Bounds <MBounds@morrisjames.com>
Sent: Thursday, December 11, 2025 7:40 PM
To: James H. McMackin III <JMcmackin@morrisjames.com>
Subject: RE: Elsmere

Yes. The Code provides a special exception for motor vehicle service stations subject to the "guiding principles" of 225-27 and the lot specifications in 225-28. The BOA has exclusive jurisdiction and discretion to approve or deny applications for special exceptions based on 225-27 and 225-28. Property owner would need several variances discussed in last email as well (also considered by BOA). In order to get a variance, he has to prove exceptional hardship if Code was enforced.



From: James H. McMackin III <JMCMackin@morrisjames.com>
Sent: Thursday, December 11, 2025 7:29 PM
To: Michelle G. Bounds <MBounds@morrisjames.com>
Subject: FW: Elsmere

Can they even apply to the BOA?

From: Michelle G. Bounds <MBounds@morrisjames.com>
Sent: Thursday, December 11, 2025 6:27 PM
To: James H. McMackin III <JMCMackin@morrisjames.com>
Subject: Re: Elsmere

Yes - he would need variances for the front, rear and side yards under 225-28. All are supposed to be 25 ft. Front and rear are currently 15.5 ft and side yards are 5 ft. These variances would be in addition to a variance for the min lot size (Code requires 15,000 sf and they are 9,375 sf). There is also an issue with min lot coverage (Code says 20% and they are at 79%). In sum, significant variance requests from the property owner.

From: James H. McMackin III <JMCMackin@morrisjames.com>
Sent: Thursday, December 11, 2025 6:20:03 PM
To: Michelle G. Bounds <MBounds@morrisjames.com>
Subject: RE: Elsmere

There is also a set back issue. Something about 5 and 20 feet? Thx.

From: Michelle G. Bounds <MBounds@morrisjames.com>
Sent: Thursday, December 11, 2025 5:36 PM
To: James H. McMackin III <JMCMackin@morrisjames.com>
Subject: RE: Elsmere

Sorry, Jim! I think their/your assessment is correct. In official land use terms, the property owner is SOL. They lost NCU status when the garage stopped operating years ago (it appears indisputably more than three months ago...). The BOA has discretion to deny special use applications for a number of reasons under 225-27 and the property does not even comply with the lot requirements in 225-28.

From: James H. McMackin III <JMCMackin@morrisjames.com>
Sent: Thursday, December 11, 2025 5:14 PM
To: Michelle G. Bounds <MBounds@morrisjames.com>
Subject: FW: Elsmere

MB,

I am meeting with them tonight and I expect they will want an update. LMK pls.

