



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

EXHIBIT
26-11 A

Application for Hearing

RECEIVED
MAR 10 2026
By *DMJ*

Board of Adjustment
 Planning Commission

Petition # _____ Filing Fee: _____ Date Received 3/10/26 Received by: *DMJ*
Subject Property: 125 N Dupont Rd, Elsmere DE 19805

Property is: Residential Commercial

Tax Parcel # 19-002.00-096 Zoning District: 6th / standard R1

Applicant name: Emily Burns

Address: 125 N Dupont Rd Telephone # (484) 832-7016

City: Elsmere State: DE Zip Code: 19805

Application for Zoning Variance Related to: _____

- | | |
|---|--|
| <input type="checkbox"/> Front yard setback | <input checked="" type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Rear yard setback | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Side yard setback | <input type="checkbox"/> Parking requirements |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Rezoning | |

E. C. Burns @ OUTWOK.COM

Current Zoning: R1 New Zoning Request: _____

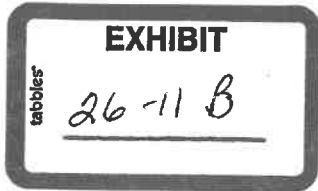
Application for Special Exception Use Permit for the following use: _____

Family Childcare Home

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: Emily Burns Date: 3/8/26

Legal Owner's Signature: Emily Burns Date: 3/8/26

Name of person representing applicant (if applicable):

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____

I, _____, as owner of the property listed on this application, authorize the above named representative to act on my behalf during any proceedings pertaining to this application.

Legal Owner Signature

Date

Subscribed and sworn to before me on the following date:

Notary Public Signature

Date

In addition to the persons listed above please send copies of all correspondence to:

Name: _____

Address: _____ Telephone # _____

City: _____ State: _____ Zip Code: _____



VARIANCE HARDSHIP WORKSHEET

Town of Elsmere Petition Number: _____

Property Owners Name: Emily Burns

Person(s) Representing the Property Owner: _____

Additional page(s) attached

Applicants, please be aware that the following are the prerequisites to the granting of a variance:

A variance may be granted when it will not be contrary to the public interest where, owing (due) to special conditions, a literal enforcement of the provisions of the Code of The Town of Elsmere will result in unnecessary and undue hardship.

The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations.

Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance.

Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to recommend the approval of or authorize any variance from the terms of the code, the Planning Commission or Board of Adjustment must find all of the following factors to exist:

- (1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification.

Please explain how this applies: Please see attached

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

Please explain how this applies: Please see attached



(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: please see attached

(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.

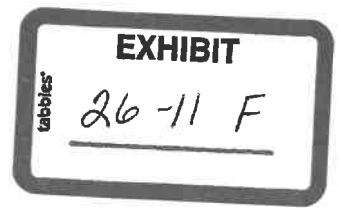
Please explain how this applies: please see attached

(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: please see attached

(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: please see attached



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: Emily Burns

Date: 3/8/26

Signature Code Department Representative: _____

Date: _____



To the Board of Adjustment and Planning Commission,

I am submitting this application for a special exception use permit to operate an in-home child care program at my property located at 125 North Dupont Road, along with a variance request related to lot coverage.

While the zoning district permits in-home businesses, the current layout of the house and its surrounding lot does not allow for safe, functional use under OCCL licensing standards without adjustments. The proposed changes are limited to what is necessary to create a safe environment for children according to OCCL standards while maintaining the character of the property and neighborhood.

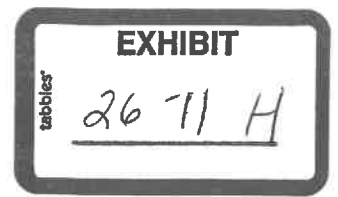
The proposal includes an addition off the back of the house where the porch currently exists, removal of the existing shed, and expansion of the driveway (double-wide converted to half-loop) to improve access and safety for drop-off/pick-up. This change, along with staggered drop-off/pick-up times, will not alter the existing traffic pattern on Dupont Road. Additionally, the current front yard has areas of uneven ground and poor drainage, and the proposed driveway and grading improvements will correct these issues and enhance stormwater management.

Thank you for your consideration of this request. I am happy to provide any additional information or clarification at your hearing.

Emily Burns

(484) 832-7016

e.c.burns@outlook.com



Variance Hardship Worksheet - Applicant Answers

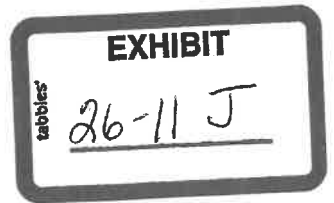
Property Owner: Emily Burns

Town of Elsmere Petition Number: _____

- (1) The property has unique physical characteristics that affect how the lot can be used. It is bordered by privately owned woodland on two sides, and the existing house, driveway, and current layout of the property limit how the remaining space on the property can be arranged*. The current layout of the house and property makes it impractical to use the main residence for a family child care program. The requested changes will allow the property to be used safely and appropriately for this purpose while keeping the modifications limited to what is necessary to meet OCCL requirements, also improving its functionality and increasing its value.

**In review of the property's survey plan, an Elsmere Township code official, Kyle Bendler, did confirm that this lot exceeds the allowable lot coverage for this zoning classification in May 2025.*

- (2) The conditions affecting the property were not created by the applicant. The existing home, driveway, and general layout of the property were established prior to its current ownership.
- (3) This request allows reasonable use of the property given its existing layout and physical characteristics. The applicant's understanding is that other properties in the same zoning district would have the opportunity to request the same consideration through the same review process.
- (4) Strict enforcement of the code in this case would make it very difficult to reasonably use the property in a way that is otherwise consistent with the zoning district. The existing house placement and lot layout prevent creating a safe and functional space for the proposed in-home child care program according to OCCL's licensing requirements without the requested variance.
- (5) The applicant is not requesting changes beyond what is needed to address the limitations created by the existing layout and site conditions. The goal is to work within the property's current configuration while maintaining compliance with the township's zoning regulations and OCCL's licensing requirements.
- (6) This request will not negatively impact neighboring properties or change the residential character of the area. The property will continue to be maintained in a manner that is compatible with the surrounding homes, and the variance will not create any adverse effects on the neighborhood, traffic patterns, or public welfare.



STATEMENT OF FACT

The applicant is seeking to operate a family home daycare at the subject parcel of 125 N. Dupont Rd. located in the R1 – Residential zoning district. The Planning Commission shall determine if the proposed meets the harmonious development intent of the Town of Elsmere 225-9.

REQUEST BY THE APPLICANT

The applicant is seeking to operate a “family home daycare” at the subject parcel.

ISSUE(S)

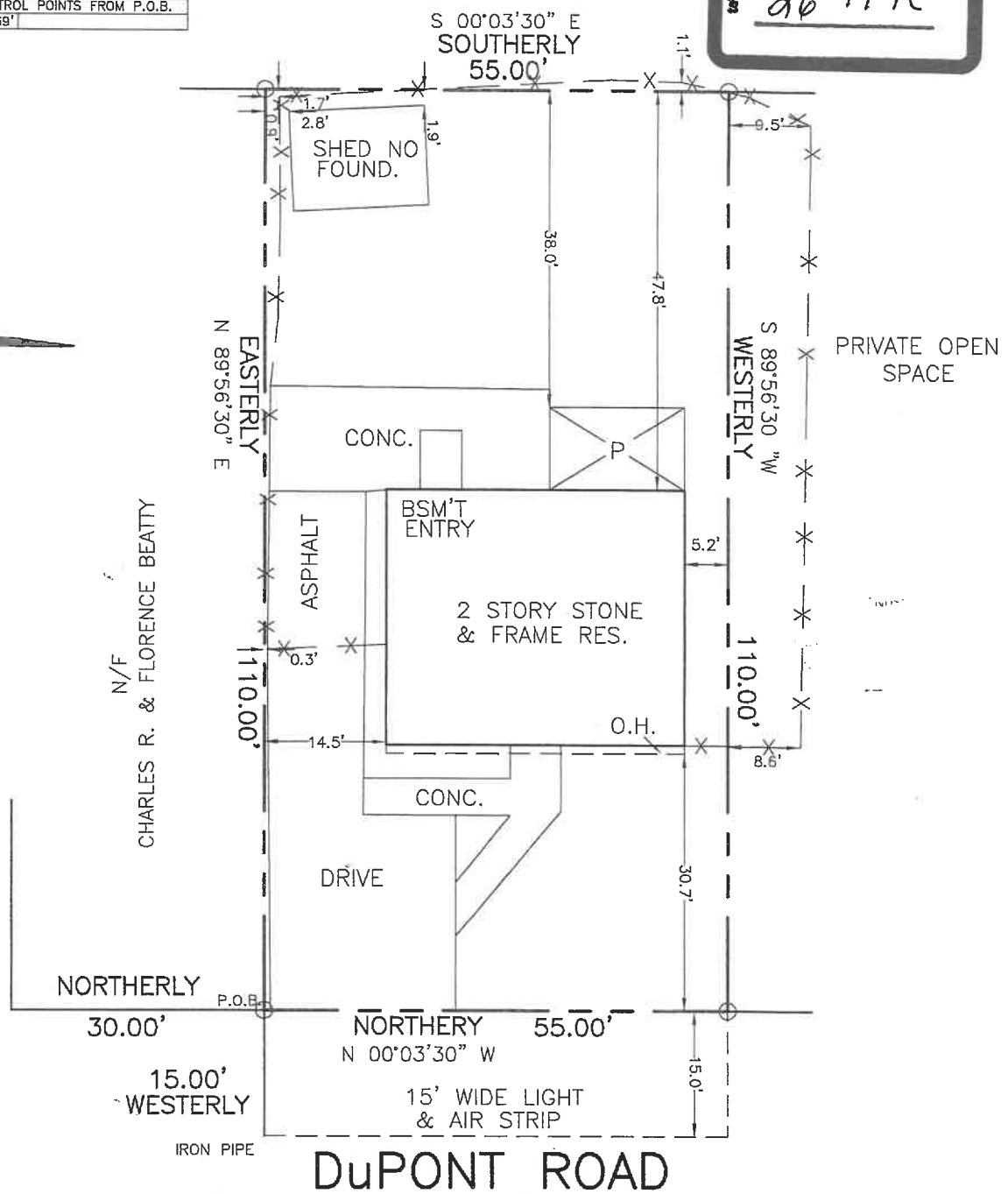
Section 225-16C of the Town of Elsmere Code, which refers to section 131-34G of the Code of the Town of Elsmere, requires a special exception use which “attract clients” to a residence.

GRANTING OF THE PETITION

1. The Planning Commission of the Town of Elsmere would need to determine that the proposed request meets the harmonious development intent of the Town of Elsmere Code 225-9 of the Code of the Town of Elsmere.
2. The Board of Adjustment of the Town of Elsmere would need to grant a special exception under Section 225-16C.(9) and allow a home daycare occupation which attracts clients to operate under Sections 225-16C.(9), and 131-34G, of the Code of the Town of Elsmere at the subject parcel.
3. If approved, the applicant would need to obtain a Business License from the Town of Elsmere Code Enforcement Department and provide approval from the State of Delaware.

26-11K

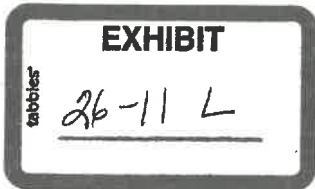
DESCRIPTION	LOCATION OF CONTROL POINTS FROM P.O.B.
RR SPIKE	S 03°21'39" E 260.39'



DUPONT ROAD

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

PROPERTY TO BE CONVEYED TO: ROBERT HEGMAN & EMILY BURNS		ZONED: R1 (BUILT IN 1950) SETBACKS: FRONT - 20' REAR - 30' SIDE - 10'/20' AGG.	
<p align="center">MORTGAGE SURVEY PLAN 125 NORTH DUPONT ROAD</p> <p align="center">TOWN OF ELSMERE NEW CASTLE COUNTY - DELAWARE TAX PARCEL # 19 002.00 096</p>		<p align="center">AMERICAN EASTCOAST SURVEYING & MAPPING 3913 OLD CAPITOL TRAIL WILMINGTON, DE. 19808 PHONE: 302-993-1059 EMAIL: OFFICE@AES SURVEYORS.COM</p>	
		SCALE: 1"=20'	DATE: 2/8/22
DEED REF: 20131001 0063628	PLAT REF:	JOB # 20220395	CLASS S SURVEY



Parcel # 1900200096

Property Address: 125 N DUPONT RD
WILMINGTON, DE 19805-

Subdivision: ELSMERE

Owner: HEGMAN ROBERT & BURNS EMILY
125 N DUPONT ROAD

Owner Address:
ELSMERE, DE 19805

Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #:	Property Class: RESIDENTIAL
Location:	Lot Size: 0.14
Map Grid: 09603560	Lot Depth: 110
Block:	Lot Frontage: 55
Census Tract: 123	Street Finish:
Street Type: NEIGHBORHOOD	
Water: PUBLIC	
Microfilm #: 000000	

Tax/Assessment Info

Current Assessment

Land: 57500
Structure: 317000
Homesite: 0
Total: 374500
County Taxable: 374500
School Taxable: 374500

District & Zoning Info

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- DE SEN 07-SPIROS MANTZAVINOS
- TRAFFIC ZONE T089 (YR2022)
- 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
- SEWER DISTRICT NORTHERN-ASMT
- PLANNING 8 - LOWER CHRISTINA

Zoning

- 19R1 - ONE FAMILY DWELLING

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
BROWN MARIE M	0 0	Y	Not Available	\$0.00
BROWN MARIE M & RICHARD E	744 42	N	8/4/1988	\$10.00
BROWN CHARLES L III & RICHARD E	WR120991	N	10/31/1999	\$0.00
STELLA DAVID & DENISE	2934 94	N	11/16/2000	\$10.00
CRESSWELL DENISE M	20041209 0132887	N	11/1/2004	\$10.00
CRESSWELL DAVID JR & DENISE M	20041209 0132888	N	11/2/2004	\$10.00
MARKIN KEITH B & JENNIFER B	20131001 0063628	N	9/30/2013	\$188,000.00
HEGMAN ROBERT & BURNS EMILY	20220318 0031456	N	2/28/2022	\$1.00

Tax Bills as of 3/24/2026 3:01:16 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$179.11	\$0.00	\$0.00	\$970.36
2011A	\$0.00	\$0.00	\$182.37	\$0.00	\$0.00	\$959.19
2011Q3	\$0.00	\$0.00	\$0.17	\$0.00	\$0.00	\$0.90
2012A	\$0.00	\$0.00	\$183.57	\$0.00	\$0.00	\$951.59
2013A	\$0.00	\$0.00	\$182.51	\$0.00	\$0.00	\$1,009.79
2014A	\$0.00	\$0.00	\$183.21	\$0.00	\$0.00	\$1,027.57
2015A	\$0.00	\$0.00	\$182.56	\$0.00	\$0.00	\$1,142.23
2016A	\$0.00	\$0.00	\$182.11	\$0.00	\$0.00	\$1,245.45
2017A	\$0.00	\$0.00	\$183.06	\$0.00	\$0.00	\$1,321.28
2018A	\$0.00	\$0.00	\$196.01	\$0.00	\$0.00	\$1,314.17
2019A	\$0.00	\$0.00	\$181.51	\$0.00	\$0.00	\$1,323.78
2020A	\$0.00	\$0.00	\$169.10	\$0.00	\$0.00	\$1,323.78
2021A	\$0.00	\$0.00	\$166.07	\$0.00	\$0.00	\$1,317.64
2022A	\$0.00	\$0.00	\$206.72	\$0.00	\$0.00	\$1,320.05
2023A	\$0.00	\$0.00	\$205.81	\$0.00	\$0.00	\$1,320.05

2024A	\$0.00	\$0.00	\$220.00	\$0.00	\$0.00	\$1,531.51
2025A	\$0.00	\$0.00	\$288.33	\$0.00	\$0.00	\$2,357.07
2025A1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Payments as of 3/24/2026 3:01:16 AM

Date Paid



8/5/2010	\$1,149.47
8/16/2011	\$1,141.56
4/27/2012	\$1.07
8/7/2012	\$1,135.16
8/2/2013	\$1,192.30
9/18/2014	\$1,210.78
9/17/2015	\$1,324.79
9/27/2016	\$1,427.56
9/21/2017	\$1,504.34
9/25/2018	\$1,510.18
9/24/2019	\$1,505.29
9/28/2020	\$1,492.88
9/27/2021	\$1,483.71
9/28/2022	\$1,526.77
9/25/2023	\$1,525.86
9/26/2024	\$1,751.51
12/30/2025	\$2,645.40

County Balance Due: \$0.00

School Balance Due: \$0.00

These amounts are valid through the last day of the month. For accounts with delinquent balances, statutory penalty will accrue on the first day of next month.

Sewer History as of 3/24/2026 3:01:04 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	2/6/2007	\$232.39
2008S1	\$0.00	\$0.00	2/6/2008	\$250.00
2009S1	\$0.00	\$0.00	2/9/2009	\$297.46
2010S1	\$0.00	\$0.00	2/12/2010	\$357.90
2011S1	\$0.00	\$0.00	2/11/2011	\$350.95
2012S1	\$0.00	\$0.00	2/1/2012	\$397.79
2013S1	\$0.00	\$0.00	2/1/2013	\$320.44
2014S1	\$0.00	\$0.00	8/18/2014	\$239.94
2015S1	\$0.00	\$0.00	2/12/2015	\$50.00
2016S1	\$0.00	\$0.00	2/10/2016	\$68.88
2017S1	\$0.00	\$0.00	4/25/2017	\$107.11
2018S1	\$0.00	\$0.00	7/24/2018	\$164.16
2019S1	\$0.00	\$0.00	10/21/2020	\$273.05
2020S1	\$0.00	\$0.00	10/21/2020	\$572.45
2021S1	\$0.00	\$0.00	2/16/2022	\$805.67
2022S1	\$0.00	\$0.00	2/16/2022	\$205.02
2023S1	\$0.00	\$0.00	2/27/2023	\$300.50
2024S1	\$0.00	\$0.00	2/12/2024	\$230.73
2025S1	\$0.00	\$0.00	2/4/2025	\$243.59
2026S1	\$0.00	\$0.00	3/9/2026	\$268.59

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.

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EXHIBIT
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NECEDES, sources: Esri, TomTom, Garmin, IGN, NAV, DEEA, @ OpenStreetMap contributors, and the GIS User Community