

EXHIBIT  
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26-14A



# The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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

RECEIVED  
APR 14 2026  
DMZ

## Application for Hearing

- Board of Adjustment
- Planning Commission

Petition # 26-14 Filing Fee: \_\_\_\_\_ Date Received 4/14/26 Received by: DMZ

Subject Property: 117 Forrest Ave, Elsmere, DE 19805

Property is:  Residential  Commercial

Tax Parcel # 19-00400-803 Zoning District: \_\_\_\_\_

Applicant name: Habitat For Humanity of New Castle County

Address: 1920 Hutton Street Telephone # \_\_\_\_\_

City: Wilmington State: DE Zip Code: 19805

Application for Zoning Variance Related to: Stair Platform

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

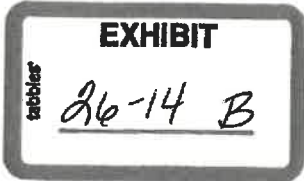
Current Zoning: R-1 New Zoning Request: \_\_\_\_\_

Application for Special Exception Use Permit for the following use: Variance for 1ft Setback vs 5ft setback P2600106

Application for Appeal of an Administrative decision: \_\_\_\_\_

By: Jason Williams Date: 3/15/2026

For the following reasons: Plan for homes we developed before the grades and lines were determined.



Application for relief other than above: \_\_\_\_\_

State reasons for this request: \_\_\_\_\_

Need to add an additional exit and easier way to get out to the back yard. Having steps with a platform would make it safer.

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: Habitat For Humanity of New Castle County

Address: 1920 Hutton Street Telephone # \_\_\_\_\_

City: Wilmington State: DE Zip Code: 19802

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: J. Williams Date: 3/20/2026

Legal Owner's Signature: By: Phil [Signature] Date: 3/25/26



**VARIANCE HARDSHIP WORKSHEET**

Town of Elsmere Petition Number: 26-14

Property Owners Name: Habitat For Humanity of New Castle County

Person(s) Representing the Property Owner: Kevin Smith

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.

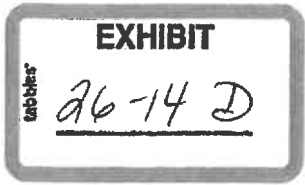
In order to recommend the approval of or authorize any variance from the terms of the code, the Planning Commission or Board of Adjustment must find all of the following factors to exist:

- (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:  
115 Forrest Ave will also be a new construction home so this request won't impede on home owner.

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

Please explain how this applies:  
Yes, however the lines and grades requirements were with preparations of two new homes



- (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:

No, this is a first time request

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- (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:

No, this would get them the same benefits of other neighbors.

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- (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, it's only out 3 Feet and still gives spacing to neighbor.

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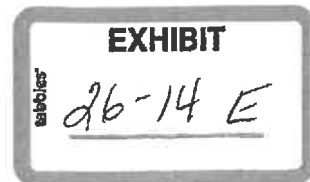
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the code and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please explain how this applies:

No, It's not dangerous to grounds and adds more clearance for home owner.

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I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed Code Enforcement Department representative. I am fully aware that it is solely my responsibility to prove that my petition meets all of the aforementioned criteria.

Signature of applicant: J. Williams

Date: 3/20/2026

Signature Code Department Representative: Denise Gordon

Date: 4/14/2026

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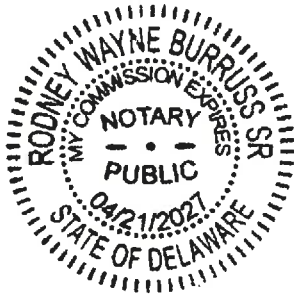
Name of person representing applicant (if applicable):  
Habitat For Humanity of New Castle County

Address: 1920 Hutton Street Telephone # 302-652-0365  
City: Wilmington State: DE Zip Code: 19802

I, Habitat For Humanity of NCC, 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.

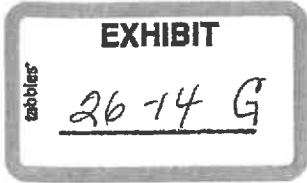
by: [Signature] Legal Owner Signature Date 3/26/26

Subscribed and sworn to before me on the following date:  
[Signature] Notary Public Signature  
4/1/2026 Date



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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone # \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_



Site Analysis  
Petition 26-14

**Property Owner:** Habitat for Humanity  
**Zoning District:** Residential - R1  
**Address:** 117 Forrest Ave  
**Primary Use:** R1 – Single Family Dwelling  
**Parcel No.:** 1900-400-803

LOT COVERAGE CALCULATIONS

**Lot Area in Sq. Ft.:** 5,277 Sq. Ft.  
**Allowable Lot Coverage:** 1,588 Sq. Ft. (30%)  
**Total Lot Coverage Existing:** Sq. Ft. (22%)

- ❖ Building = 1,152 Sq. Ft.
- ❖ Impervious Pave = 300 Sq. Ft.

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**Proposed Addition:** Sq. Ft.  
**Proposed Lot Coverage Total:** 1,432 Sq. Ft. (27%)

**Conclusion:** There are no proposed changes being requested for lot coverage.

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SETBACK CALCULATIONS

**Required Setbacks:** Front: 20' Rear: 30'  
Side: 5' Both Sides: 10'

**Existing Setbacks:** Front: 20' Rear: 30'  
Side: 20' Both Sides:

**Proposed Setbacks:** Front: 20' Rear: 30'  
Side: 1' Both Sides:

**Conclusion:** The applicant seeks a variance to construct a deck and stairs on the northern side yard of Lot 2 with a 1-foot setback of the property line.

### STATEMENT OF FACT

The subject parcel is currently compliant with the Code of the Town of Elsmere as approved by the Town of Elsmere's Planning Commission and Board of Adjustment in Petition 24-02, and by the Mayor and Council in Ordinance 674.

### REQUEST BY THE APPLICANT

The applicant seeks to construct a deck and stairs on the northern side of Lot 2 in an R-1 Residential zoning district and a corner lot with a 1-foot side yard setback, in lieu of the required minimum 5-foot setback.

### ISSUE(S)

The Town of Elsmere Code Chapter 225 Attachment #3 requires that the side yard setback be no less than 5' of side yard property lines.

### GRANTING OF THE PETITION

1. The Planning Commission of the Town of Elsmere would need to determine if the proposed side yard setback for the deck and stairs meets the harmonious development intent of the Town of Elsmere Code, Chapter 225-9.
2. The Board of Adjustment of the Town of Elsmere would need to grant a variance from the Town of Elsmere Code, Chapter 225, Attachment #3 to allow for a 1-foot side yard setback.
3. If approved, the applicant shall obtain a permit from the Town of Elsmere within one year of approval.

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## VARIANCES

THE FOLLOWING VARIANCES WERE APPROVED BY THE BOARD OF ADJUSTMENT PER PETITION 24-02 AT THE MAY 28, 2024 HEARING:

1. SECTION 225-TABLE 1 TO PERMIT 5,277 S.F. LOT AREA FOR LOT 2 'R-1' ZONED CORNER LOT (6,000 S.F. MIN. REQUIRED)

THE FOLLOWING VARIANCES WERE APPROVED BY THE BOARD OF ADJUSTMENT PER PETITION 26-14 AT THE May 5, 2026 HEARING:

1. SECTION 225-TABLE 1 TO PERMIT A 1 FOOT SIDE YARD SETBACK FOR THE DECK AND STAIRS ON NORTH SIDE OF LOT 2 'R-1' ZONED CORNER LOT (5 FEET MIN. REQUIRED)

**EST AVENUE**  
PUBLIC RIGHT-OF-WAY  
(LOCAL MUNICIPAL ROAD)

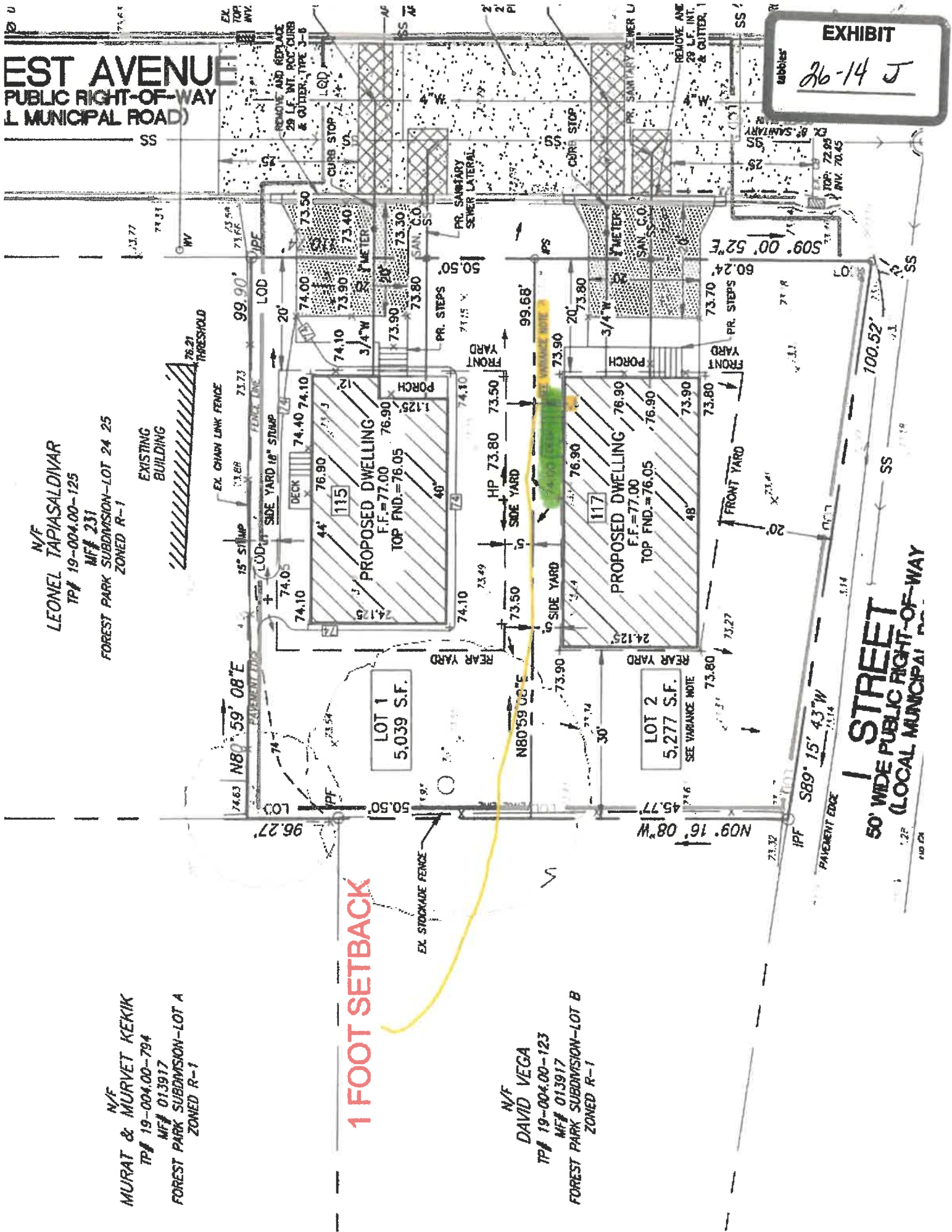
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N/F  
**LEONEL TAPIASALDIVAR**  
TP# 19-004.00-125  
MF# 231  
FOREST PARK SUBDIVISION-LOT 24 25  
ZONED R-1

N/F  
**MURAT & MURVET KEKIK**  
TP# 19-004.00-794  
MF# 013917  
FOREST PARK SUBDIVISION-LOT A  
ZONED R-1

N/F  
**DAVID VEGA**  
TP# 19-004.00-123  
MF# 013917  
FOREST PARK SUBDIVISION-LOT B  
ZONED R-1

**1 FOOT SETBACK**



**STREET 1**  
50' WIDE PUBLIC RIGHT-OF-WAY  
(LOCAL MUNICIPAL ROAD)

**Parcel # 1900400803**



Property Address: 117 FORREST AVE  
WILMINGTON, DE 19805-  
Subdivision: 115 FORREST AVENUE  
Owner: HABITAT FOR HUMANITY OF NCC  
117 FORREST AVE  
Owner Address:  
WILMINGTON, DE 19805  
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA

Lot #: 2  
Location:  
Map Grid: 09403560  
Block: H  
Census Tract: 124  
Street Type:  
Water:  
Microfilm #: 202409200063105

Property Class: RESIDENTIAL  
Lot Size: 0.12  
Lot Depth: 100  
Lot Frontage: 110  
Street Finish:

**Tax/Assessment Info**

Current Assessment  
Land: 0  
Structure: 0  
Homesite: 0  
Total: 0  
County Taxable: 0  
School Taxable: 0

**District & Zoning Info**

Districts

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- **FOREST PARK - Civic Organization**
- 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
- FLOODPLAIN

Zoning

- 19R1 - ONE FAMILY DWELLING

**Deed History**

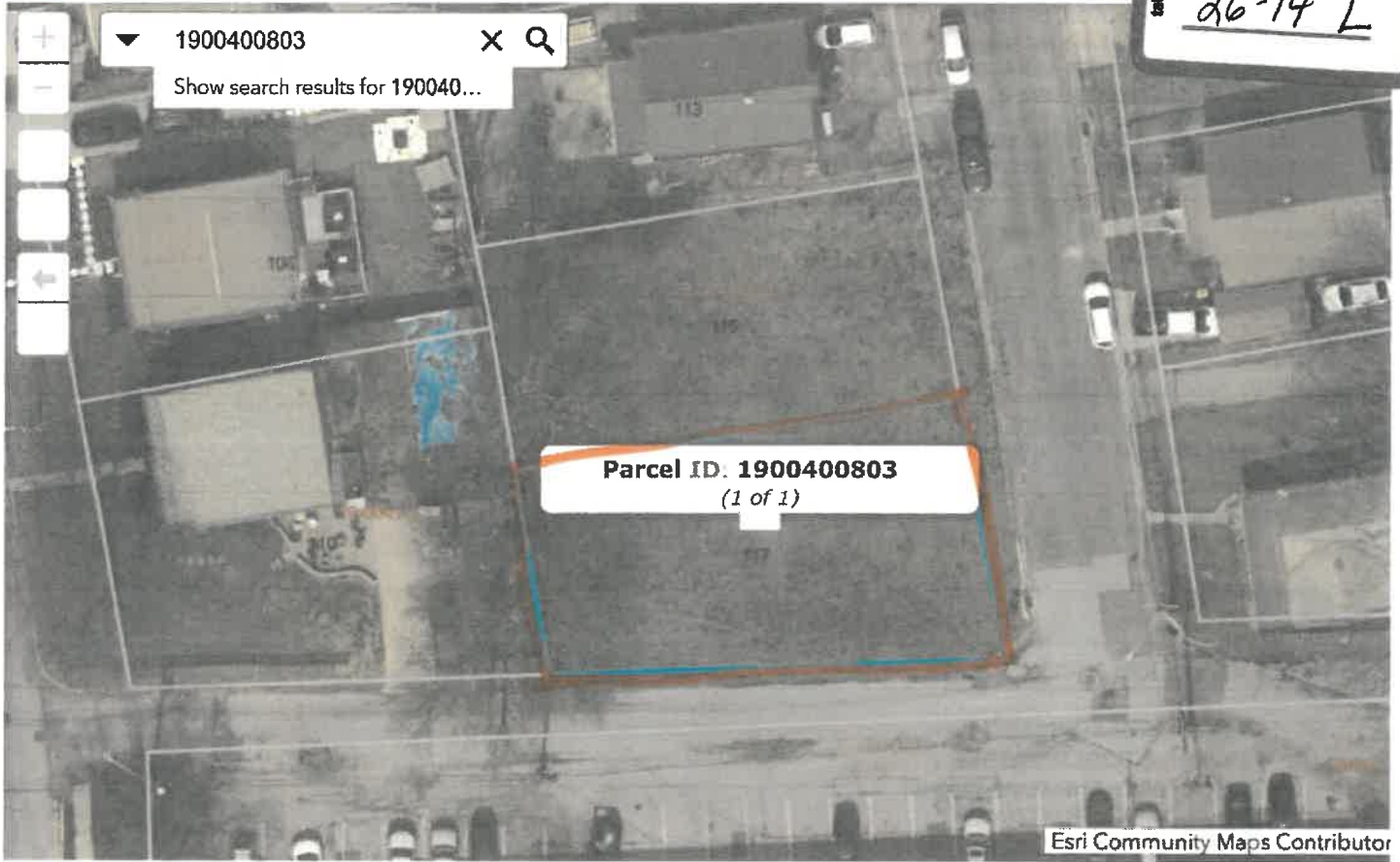
Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
PADGETT DANIEL	20190918 0074554	N	8/15/2019	\$39,900.00
HABITAT FOR HUMANITY OF NCC	20241017 0069869	N	10/10/2024	\$10.00



# Explore New Castle County

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# The Town of Elsmere

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

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## MEMORANDUM

Mayor

Joann I. Personti

To: Chairman James Personti  
Town of Elsmere Board of Adjustment

1<sup>st</sup> District Councilwoman  
Secretary of Council

Jane McDaniel

From: Chairman Robert Anderson  
Town of Elsmere Planning Commission

2<sup>nd</sup> District Councilwoman  
President Pro-Tempore

Sally Jensen

Re.: Petition 26-14

3<sup>rd</sup> District Council

Brian Reinbold Jr.

Date: May 5, 2026

4<sup>th</sup> District Councilman

John Holloway

Dear Chairman Personti,

5<sup>th</sup> District Councilman

Marc Henry

At the May 5, 2026, meeting of the Town of Elsmere's Planning Commission, the Commission reviewed the request for Petition 26-14 regarding Tax Parcel Number 1900-400-803. In this request, the applicant is seeking a variance of a one-foot setback in lieu of a five-foot setback at the subject parcel. The Planning Commission made a recommendation to the Board of Adjustment that the request meets the Harmonious Development Intent of the Town of Elsmere Code Chapter 225-9.

6<sup>th</sup> District Councilman

Erik Ellison

Town Treasurer

Paul Chalfant

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

City Solicitor

James McMackin

Sincerely,

Robert Anderson, Chairman  
Town of Elsmere Planning Commission