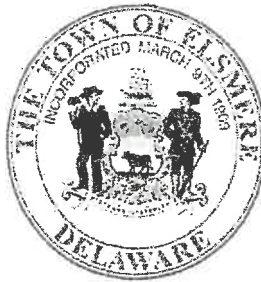


EXHIBIT

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26-23 A



Rec'd 8-25-2026

TOWN OF ELSMERE

APPEAL TO THE BOARD OF ADJUSTMENT

Any person directly affected by a decision of the Code Enforcement Official or a notice or order issued under this Code shall have the right to appeal to the Board of Adjustment of the Town of Elsmere, provided that a written application for appeal is based on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the Code: 1) provides the same or better protections than what the Code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustment may, in its discretion, either enforce the Code as written or permit the proposed alternative action.

Date this Appeal was filed: 8/20/26

Petition Number: 26-23

Date of the Original Action: 8/12/26

Tax Parcel Number: 19-00200-152

Subject Property Address: 29 Elsmere Blvd, Elsmere DE 19805

Property Owner's Name: Meyer Properties, LLC

302
Phone Number: 215-2880

Property Owners Address: 2102 Kirkwood Highway Elsmere DE 19805

Applicant's Name: Justin Meyer

Applicant's Address: 2102 Kirkwood Hwy Elsmere DE 19805

Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.)

Citation # V2700176

Reason for the Appeal:

See Attached

Relief sought:

I2700185

Citation # V2700176

Applicant's Signature:

Date:

8/24/26

To Whom It May Concern:

I am respectfully requesting that Citation #V 2700176 be waived based on the circumstances surrounding the violation and the immediate corrective action we took once the issue was brought to our attention.

We have owned this property for quite some time and recently experienced water intrusion in the basement. In an effort to properly address the water issue and protect the property from further damage, we enhanced the existing French drain system. As a result of that work, we temporarily had excavated soil on the property that contained some pieces of concrete and construction debris.

On August 12, I instructed our helper to sift through the material, separate and remove the concrete, and use only a small amount of clean soil to fill and grade a low-lying area along the rear fence line. My intention was never to dispose of concrete, construction debris, or other prohibited material on the property.

After leaving the property, I received a text from our helper containing the inspector's business card. **I immediately contacted the inspector and returned to the property to personally review the situation.** Later that same day, I also met with the inspector at his office to discuss exactly what needed to be done to correct the issue.

During that conversation, I specifically asked whether removing the concrete from the soil and properly grading the area along the fence line would satisfactorily correct the condition. I was advised that it would.

We acted promptly and in good faith to do exactly that. The concrete and debris were removed from the soil, and the area was properly graded in a timely manner. Photographs showing the corrected condition are attached for your review.

I respectfully ask that the circumstances be taken into consideration. This was **not an intentional dumping or disposal of construction debris**. The material resulted from necessary drainage improvements to the property, and my original instructions were to separate the concrete from the soil before using a small amount of soil for grading purposes.

Most importantly, once the inspector brought the concern to our attention, **we did not ignore or dispute the issue. We immediately contacted the inspector, met with him the same day, confirmed what corrective action was required, and promptly completed that work.**

Given our immediate cooperation, good-faith efforts to comply, and prompt correction of the condition, I respectfully request that **Citation #V 2700176 and the associated fine be withdrawn or waived.**

We take our responsibility to maintain the property and comply with applicable requirements seriously, and we appreciate your consideration of this request.



Thank you for your time and consideration.

Respectfully,

Justin Meyer

Meyer Properties

2102 Kirkwood Hwy Elsmere De 19805

302-218-2880

Meyerproperties@yahoo.com

Attachments: Photographs showing corrected and graded area

EXHIBIT

tabbles

26-23 D



EXHIBIT

tabbles

26-23 E





THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*****CITATION*****

11 Poplar Avenue – Elsmere, DE 19805 Phone: (302) 998-2215 Fax : (302) 998-9920

RESPONSIBLE PARTY	CITATION #	V2700176
MEYER PROPERTIES LLC	OFFICER	R.Crumb
2102 KIRKWOOD HIGHWAY	VIOLATION DATE	08/12/26
WILMINGTON DE 19805	PROPERTY ADDRESS	29 ELSMERE BLVD
	PARCEL NUMBER	19-00200-152
	ABATEMENT DATE	08/17/26

On the above date, the Code Enforcement Department performed an inspection of the above referenced property. During this inspection, a violation of the Town of Elsmere Code was discovered. The nature of this civil citation is described below.

Specific Violation	Code Section	Fine Cost
Litter Dumping - Concrete/Rubble removed from basement excavation/french drain installation and dumped along cemetery fence line.	COD127-4 Dumping of yard waste and refuse.	500.00
Litter Dumping is ILLEGAL within the Town of Elsmere. All refuse must be disposed of properly in accordance with Town Code. May require Special Pickup from waste removal provider.		

THIS IS AN IMMEDIATE FINE

Should you have any questions, please contact the Code Enforcement Department immediately at (302) 998-2215.

You have the right to appeal this violation by submitting a written application to the Town of Elsmere's Board of Adjustment within twenty (20) days of the date of this violation.

MEANS OF APPEAL ARE SHOWN ON THE BACK OF THIS FORM

APPEALS

111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Board of Adjustments of the Town of Elsmere, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted or the provisions of this code do not fully apply. Additionally, an application for appeal may be based on a claim that an action other than what is required by the code: 1) provides the same or better protections than what the code requires and 2) will not cost the Town of Elsmere any more money than enforcing the code as written. If the appellant proves that an action other than what is required by the code meets these two requirements, the Board of Adjustments may, in its discretion, either enforce the code as written or permit the proposed alternative action.

111.2 Notice of meeting.

The Board of Adjustments shall meet upon notice from the chairman, and conduct the appeal hearing within 20 days of the filing of an appeal.

111.3 Open hearing.

All hearings before the Board of Adjustments shall be open to the public. The appellant, the appellant's representative, the code official and any person who has been called as a witness or whose interests are affected shall be given an opportunity to be heard.

111.4 Procedure.

The Board of Adjustments shall set and make available the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

111.5 Postponed hearing.

Either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

111.6 Board decision.

After hearing the evidence provided at the hearing the Board of Adjustments shall modify or reverse the decision of the code official only by a concurring vote of a majority board members present.

111.7 Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.8 Administration.

The code official shall take immediate action in accordance with the decision of the Board of Adjustments.

111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the decision of the Board of Adjustments.

111.10 Stays of enforcement.

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Adjustments.

This civil penalty is imposed pursuant to Section 171-4 of The Town of Elsmere Code for violating the Town of Elsmere's Property Maintenance Code (Chapter 171). The Town of Elsmere Code is available for your inspection at the Town Hall, 11 Poplar Avenue, Elsmere, DE 19805



The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

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



08/12/26

MEYER PROPERTIES LLC
2102 KIRKWOOD HIGHWAY
WILMINGTON DE 19805

Re.: Tax Parcel 19-00200-152 29 ELSMERE BLVD

Dear Property Owner,

Enclosed you will find a "Notice of Violation" which was issued due to conditions found at the property listed above. The records of the Town of Elsmere identify you as the owner of this property. Also enclosed, you will find a copy of Chapter 145 of the Code of the Town of Elsmere. Please take the time to review both documents thoroughly.

Based upon the violation listed in the enclosed "Notice of Violation", which states the date and time the prohibited conduct was observed at your property, as well as the nature of the prohibited conduct, your property has been deemed to be a "Public Nuisance" as defined in Chapter 145. Therefore, this property must be brought into compliance within five (5) days of the date of this letter. Should the prohibited conduct not be corrected within five days of the date of this letter, the Town of Elsmere will take steps to abate the referenced violation(s). Should this become necessary you, as the property owner, will be liable to reimburse the Town for its costs and expenses to abate the nuisance and for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Should these costs and expenses remain unpaid after 30 days, the amounts due shall become a lien upon your property.

Additionally Chapter 145 provides that if more than two violation for prohibited conduct as defined in the chapter occurs at this location within one year of a previous violation, the property will be deemed to be a "Repeated Public Nuisance", and as such, you as the owner, would face fines of not less than \$1,000.00 nor more than \$2,000.00, and could be found guilty of a misdemeanor punishable by imprisonment for up to one year for each offense.

Please carefully review the definition and penalties for a "Repeated Public Nuisance". If this latest violation is not the first violation to occur at property within one year, you will not be given additional warnings. Please contact me as soon as possible if you have any questions or are unsure of the potential penalties you, as the property owner, may be subject to.

Respectfully,

Code Enforcement Officer

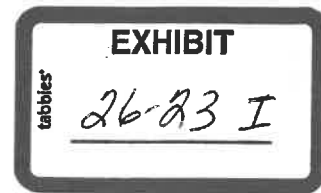
cc: file

A Council – Manager Municipality
Located on the Net at www.townofelsmere.com

NUISANCES

ARTICLE I

Nuisance Properties
[Adopted 5-13-2004 by Ord. No. 430]

**§ 145-1. Findings.**

The Mayor and Council finds and determines that the existence of buildings, structures, properties and open lots which are repeatedly in violation of or the subject of repeated neighborhood complaints concerning violations of the Property Maintenance Code, and the General Code of the Town of Elsmere, can have a devastating impact upon the use of such property as well as surrounding properties and upon the surrounding community, including the promotion of illegal activities, the threat to the public health, safety and welfare, the interference in the community's quality of life as well as the value of surrounding properties, and, therefore, constitute public nuisances that endanger the health, safety and general welfare of the people of the Town of Elsmere and to the businesses thereof and visitors thereto.

§ 145-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OWNER — Any person, individual, association, entity or corporation in whose name the affected real estate is recorded with the New Castle County Recorder of Deeds shall be presumed to be the owner thereof.

PROHIBITED CONDUCT — Any action or lack of action which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

PUBLIC NUISANCE — A residence, premises, structure, place or lot, developed or undeveloped, which creates or results in the maintaining of or failure to abate a condition which is in violation of the codes of the Town of Elsmere or which endangers the safety, health or welfare of the public.

REPEAT PUBLIC NUISANCE — Any building, residence, premises, structure, place or lot, developed or undeveloped, where an owner or agent has been given written notice by the Code Enforcement Office of the Town of Elsmere that public nuisance has taken place at said location and within one year of that notice there is more than one additional violation at that location for prohibited conduct for which the owner or agent is again notified in writing.

§ 145-3. Prohibited conduct.

It is a violation of this article for the owner or his or her agent, the lessee, renter, occupant or person in charge of any building, residence, premises, structure, place or lot, developed or undeveloped, to allow, cause, own, lease, permit, facilitate or maintain the creation or occurrence of a public nuisance or repeat public nuisance.

§ 145-4. Presumptions.

- A. It shall be a rebuttable presumption that more than two violations for prohibited conduct occurring within 12 months of each other have caused a repeat public nuisance to exist. This presumption shall be effective for any combination of three violations occurring within 12 months.
- B. Presumption of agency. Whenever there is evidence that a person was the manager, operator, supervisor or, in any other way, in charge of the premises at the time a public nuisance exists, such evidence shall be presumptive that he or she was an agent of the property owner.

§ 145-5. Violations and penalties; liability for cost of abatement.

- A. In addition to any other penalties provided for in the Code of the Town of Elsmere for a violation of the Code, a violation of this article shall be a misdemeanor punishable by a fine of not less than \$1,000 for the first offense and \$2,000 for each additional offense occurring within one year and/or imprisonment for up to one year for each offense.
- B. This article shall not be construed to exclude any civil or criminal remedy provided by law for the enforcement of this Code or of the other laws of the Town of Elsmere or the County of New Castle, the State of Delaware or the United States of America.
- C. In addition to any other penalty that may be imposed hereunder, the owner of a premises who fails to abate a public nuisance, said owner having knowledge of same or having been given due notice as set forth in this article, shall be liable to reimburse the Town for its costs and expenses to abate such public nuisance, for inspections and to maintain the property in a safe condition, including reasonable attorneys' fees. Said costs and expenses, if unpaid within 30 days of service on the owner of notice of amounts due, shall become a lien on the real property for said premises.

§ 145-6. Service of notice.

- A. A notice of violation that a prohibited conduct has occurred at a location shall be served by placing into the U.S. mail a notice of the violation and mailing same to the last known address of the owner of said property.
- B. The notice must contain the following:
 - (1) A statement of the date or dates upon which the prohibited conduct occurred at the property.
 - (2) The nature of the prohibited conduct and a directive that such conduct be abated within five days of the mailing of said notice.
 - (3) A copy of this code and a warning that if more than one additional violation for prohibited conduct as defined in this article occurs within one year of a previous violation, the owner will be subject to the penalties of this article, including but not limited to the Town seeking to place a lien or forfeiture pursuant to this article.

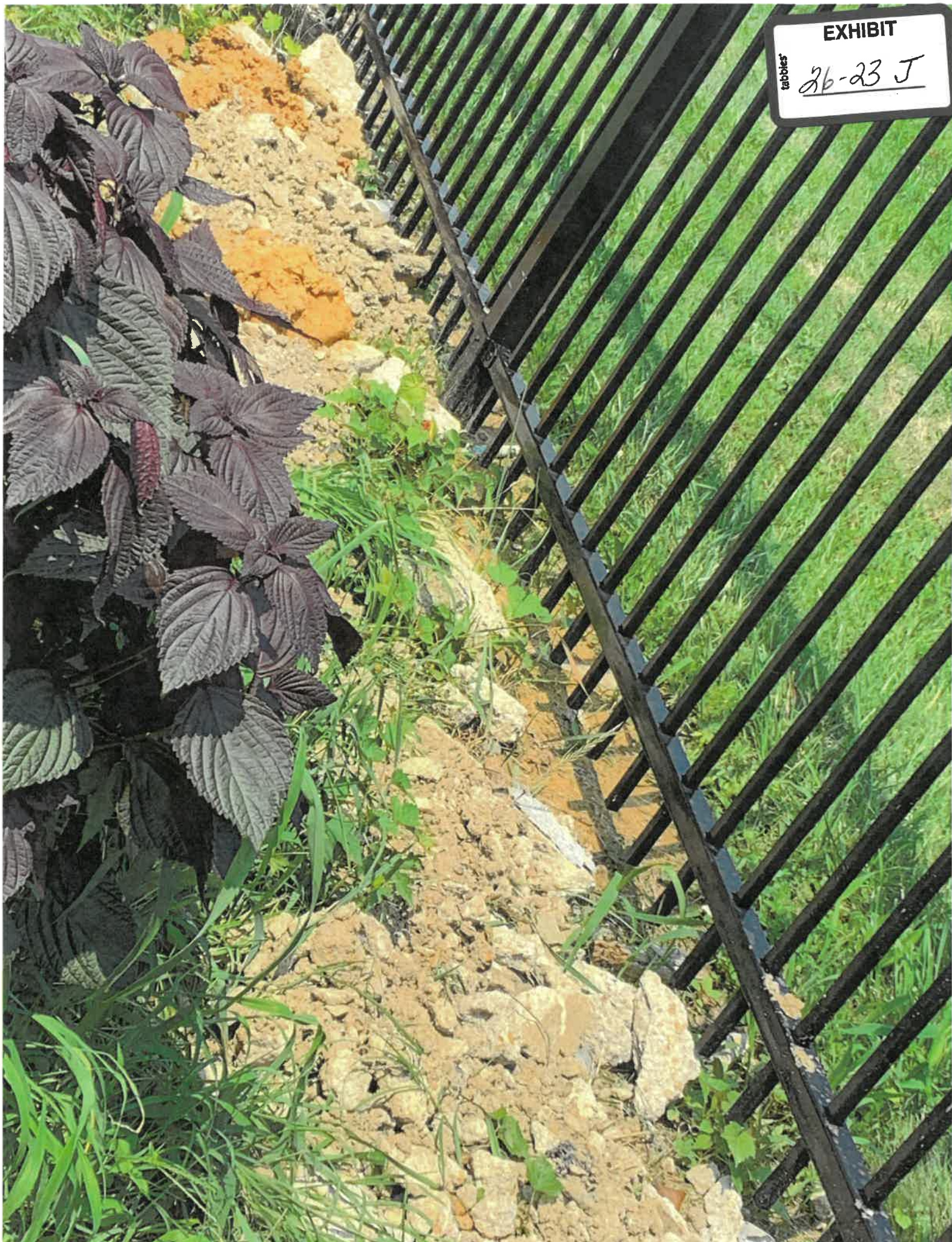
§ 145-7. Enforcement.

- A. Upon each offense for prohibited conduct, the Code Enforcement Officer may issue a summons to the owner, person in charge of said premises and/or the occupant of the residence.
- B. Upon a first offense for prohibited conduct, the Code Enforcement Department shall send the property owner or his or her agent a notice pursuant to the requirements of this article. Upon a second or subsequent offense for prohibited conduct occurring within one year of the first offense, a second or subsequent notice as described in this article shall be sent to the property owner or his or her agent.
- C. Upon failure of the owner to bring the building, residence, premises, structure, place or lot into compliance with the Town Code, the Town Attorney may apply to the appropriate court to appoint a temporary receiver to manage, operate and bring the building, residence, premises, structure, place or lot into compliance with the Code of the Town of Elsmere.

EXHIBIT

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26-23 J



EXHIBIT

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26-23 K



EXHIBIT

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26-23 L



EXHIBIT
tabbles' 26-23 M



TOWN OF ELSMERE

11 POPLAR AVENUE

ELSMERE, DE 19805

ATTN: CODE ENFORCEMENT

TEL: (302)998-2215 EXT: 104

FAX: (302)998-9920

INVOICE NO.

12700185

INVOICE DATE: 08/13/26

DUE DATE: 09/12/26

EXHIBIT

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26-23 N

CUSTOMER #: C-004134

MEYER PROPERTIES LLC
2102 KIRKWOOD HIGHWAY
WILMINGTON, DE 19805

VIOLATION INFORMATION

VIOLATION ID: V2700176

LOCATION: 29 ELSMERE BLVD

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
1.00	CODE-CIT	CODE CITATION Address: 29 Elsmere Blvd Code: COD127-4 Description: Litter Dumping - Concrete/Rubble removed from basement excavation/french drain installation and dumped along cemetery fence line. Litter Dumping is ILLEGAL within the Town of Elsmere. All refuse must be disposed of properly in accordance with Town Code. May require Special Pickup from waste removal provider.	500.000000	500.00
			TOTAL INVOICE	500.00

If this invoice is not paid by the due date,
the amount due will be charged to your
property taxes as a
SPECIAL TAX LIEN!

TOWN OF ELSMERE
11 POPLAR AVE
ELSMERE, DE 19805

MEYER PROPERTIES LLC
2102 KIRKWOOD HIGHWAY
WILMINGTON, DE 19805

200-152

Invoice Id: I2700185

Customer Id: C-004134 PIN: 348112

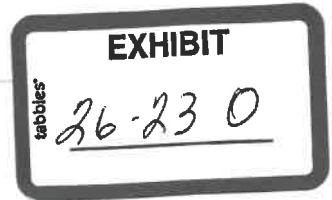
Due Date: 09/12/26

Total Due: 500.00



Parcel # 1900200152

Property Address: 29 ELSMERE BLVD
WILMINGTON, DE 19805-
Subdivision: SILVERBROOK GARDENS
Owner: MEYER PROPERTIES LLC
2102 KIRKWOOD HIGHWAY
Owner Address:
WILMINGTON, DE 19805
Municipal Info: Incorporated in ELSMERE PROPERTY TAX AREA



Lot #: 9	Property Class: RESIDENTIAL
Location:	Lot Size: 0.08
Map Grid: 09603560	Lot Depth: 170
Block: 1	Lot Frontage: 20
Census Tract: 123	Street Finish: SIDEWALK
Street Type: NEIGHBORHOOD	
Microfilm #: 000534	

Tax/Assessment Info**Current Assessment**

Land: 36400
Structure: 207900
Homesite: 0
Total: 244300
County Taxable: 244300
School Taxable: 244300

District & Zoning Info**Districts**

- **FIRE/RESCUE - ELSMERE**
- **RED CLAY SCHOOL DIST-TRES**
- 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
- TRAFFIC ZONE T086 (YR2022)
- PLANNING 8 - LOWER CHRISTINA
- SILVERBROOK GARDENS - Civic Organization - no contact information available
- DE SEN 03-S ELIZABETH LOCKMAN

Zoning

- 19RGA - GARDEN APARTMENTS

Deed History

Grantee(s)	Deed	Multi?	Sale Date	Sale Amount
KATSIRMAS KONSTANTINOS & PEL SKINNER WILLIAM H JR & NANCY M HARRY'S HAPPY HOMES LLC 29 ELSMERE BOULEVARDSERIES MEYER JUSTIN MEYER JUSTIN MEYER PROPERTIES LLC		N	1/1/1974	\$23,000.00
		N	8/1/1978	\$24,000.00
	245 63	N	6/1/1985	\$40,000.00
	1242 214	N	10/16/1991	\$66,000.00
	20200122 0005778	N	1/10/2020	\$10.00
	20210520 0060380	N	5/5/2021	\$10.00
	20210520 0060377	N	5/5/2021	\$10.00
	20220610 0060244	N	5/26/2022	\$10.00

Tax Bills as of 9/8/2026 3:01:54 AM

Tax Year	County			School		
	Principal Due	Penalty Due	Amt Paid	Principal Due	Penalty Due	Amt Paid
2010A	\$0.00	\$0.00	\$136.35	\$0.00	\$0.00	\$738.73
2011A	\$0.00	\$0.00	\$138.83	\$0.00	\$0.00	\$730.22
2012A	\$0.00	\$0.00	\$139.22	\$0.00	\$0.00	\$721.71
2013A	\$0.00	\$0.00	\$138.42	\$0.00	\$0.00	\$765.86
2014A	\$0.00	\$0.00	\$138.95	\$0.00	\$0.00	\$779.35
2015A	\$0.00	\$0.00	\$138.46	\$0.00	\$0.00	\$866.30
2016A	\$0.00	\$0.00	\$138.12	\$0.00	\$0.00	\$944.58
2017A	\$0.00	\$0.00	\$138.84	\$0.00	\$0.00	\$1,002.09
2018A	\$0.00	\$0.00	\$148.67	\$0.00	\$0.00	\$996.71
2019A	\$0.00	\$0.00	\$137.67	\$0.00	\$0.00	\$1,004.00
2020A	\$0.00	\$0.00	\$128.25	\$0.00	\$0.00	\$1,004.00
2021A	\$0.00	\$0.00	\$125.96	\$0.00	\$0.00	\$999.34
2022A	\$0.00	\$0.00	\$156.79	\$0.00	\$0.00	\$1,001.16
2023A	\$0.00	\$0.00	\$156.09	\$0.00	\$0.00	\$1,001.16
2024A	\$0.00	\$0.00	\$166.85	\$0.00	\$0.00	\$1,161.54

9/8/26, 2:20 PM

New Castle County, DE - Parcel # 1900200152

EXHIBIT

2025A	\$0.00	\$0.00	\$188.09	\$0.00	\$0.00
2025A1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Tax Payments as of 9/8/2026 3:01:54 AM

Date Paid	Amt Paid
9/21/2010	\$869.05
9/22/2011	\$860.93
9/24/2012	\$904.28
9/26/2013	\$918.30
9/18/2014	\$1,004.76
9/17/2015	\$1,082.70
9/27/2016	\$1,140.93
9/21/2017	\$1,145.38
9/25/2018	\$1,141.67
9/24/2019	\$1,132.25
9/22/2020	\$1,125.30
9/23/2021	\$1,157.95
9/20/2022	\$1,157.25
9/26/2023	\$1,328.39
10/1/2024	\$1,725.68
12/11/2025	

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 9/8/2026 3:01:19 AM

Tax Year	Principal Due	Penalty Due	Date Paid	Amount Paid
2007S1	\$0.00	\$0.00	6/1/2007	\$567.00
2008S1	\$0.00	\$0.00	2/19/2008	\$371.83
2009S1	\$0.00	\$0.00	2/27/2009	\$418.31
2010S1	\$0.00	\$0.00	3/31/2010	\$704.55
2011S1	\$0.00	\$0.00	2/25/2011	\$701.91
2012S1	\$0.00	\$0.00	2/24/2012	\$795.58
2013S1	\$0.00	\$0.00	2/26/2013	\$773.48
2014S1	\$0.00	\$0.00	4/8/2014	\$688.84
2015S1	\$0.00	\$0.00	3/11/2015	\$654.40
2016S1	\$0.00	\$0.00	2/25/2016	\$585.51
2017S1	\$0.00	\$0.00	2/23/2017	\$505.15
2018S1	\$0.00	\$0.00	2/27/2018	\$654.00
2019S1	\$0.00	\$0.00	2/27/2019	\$514.33
2020S1	\$0.00	\$0.00	6/9/2020	\$845.05
2021S1	\$0.00	\$0.00	3/2/2021	\$287.00
2022S1	\$0.00	\$0.00	3/1/2022	\$796.50
2023S1	\$0.00	\$0.00	2/22/2023	\$886.51
2024S1	\$0.00	\$0.00	2/21/2024	\$487.90
2025S1	\$0.00	\$0.00	2/20/2025	\$230.73
2026S1	\$0.00	\$0.00	6/2/2026	\$342.43

Balance Due: \$0.00

These amounts do not reflect statutory penalty, which was imposed on the first of the month. To obtain the exact amount necessary to pay the account in full, please call New Castle County's Treasury Division at (302) 395-5340.

