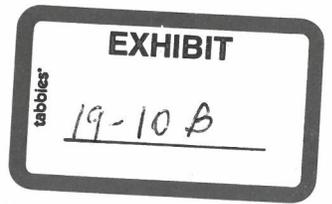


**TOWN OF ELSMERE
APPEAL TO THE BOARD OF ADJUSTMENT**

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: 11/25/19	Petition Number: 19-10
Date of the Original Action: 11/2/19	Tax Parcel Number: 19-00200-098
Subject Property Address: 202 N Dupont Rd	
Property Owner's Name: John David Myers	Phone Number: 302-230-1393
Property Owners Address: SAME	
Applicant's Name: John David Myers	
Applicant's Address: SAME	
Specific Item Being Appealed: (ex: Citation Number, Petition Number, Order Number, Etc.) V2000090	
Reason for the Appeal: Don't Believe This is Rental Property According to Code	
Relief sought: OVERTURN VIOLATION	
Applicant's Signature: 	Date: 11/25/19



To: Town of Elsmere – Board of Adjustment

From: J. David Myers

202 N DuPont Rd.

Phone # 302-230-1393

Wilmington, DE 19805

email- clickerclown@yahoo.com

I hereby wish to file an appeal to Violation Citation V2000090
Copy attached.

I was cited for an unregistered rental property. I do not believe
I am in violation of code 182-2.

This property is owner occupied. I do have 3 adult roommates
living with me. There are no lease or rental agreements.

According to Elsmere Town Code 182-1 this is considered a family.
Copy attached.

We do not wish to be involved with lease or rental agreements
or the tenant-landlord code. We consider ourselves family.

Please advise on next steps that need to be taken.

Thank you,
J. David Myers, Owner

Cc: Main office – Town Manager

Code Enforcement office

Chairman – Board of Adjustment – James Personti



THE TOWN OF ELSMERE CODE ENFORCEMENT DEPARTMENT

*******CITATION*******

EXHIBIT
tabbler
19-10 C

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

RESPONSIBLE PARTY MYERS JOHN D SR 202 N DUPONT RD WILMINGTON, DE 19805-1910	CITATION #	V2000090
	OFFICER	S. Allen
	VIOLATION DATE	11/08/19
	PROPERTY ADDRESS	202 N DUPONT RD
	ABATEMENT DATE	11/12/19

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	Due No Later Than	Amount Due
Unregistered rental property.	182-2 Rental Licenses Required.	12/8/2019	\$ 300.00

HOW YOU CAN AVOID PAYING THE FINE

If you have not received any citations for any violation within the last 12 months, the fine may be waived. You must take the required corrective action and abate the situation and bring proof of your actions to the Town's Code Enforcement Office within 48 hours of the violation date. If, in the opinion of the Code Enforcement Officer, the situation has been resolved and the violation no longer exists, the fine portion and only the fine portion of this summons, may be waived. The record of a violation occurring shall remain and the property may still be subject to fines associated with being deemed a repeated public nuisance.

*******CITATION INFORMATION*******

In order to process your payment, please write the property address in violation in the memo section of the check or money order, and then mail it with the voucher below. You may also pay your fee in person at Town Hall, 11 Poplar Ave. Elsmere, DE 19805.

ABATEMENT COST

If the violation noted above is not corrected by 4:00 pm. on the "ABATEMENT DATE" listed above, the Town will take action to abate the violation. If this becomes necessary, in addition to the fine already assessed, you will owe to the Town the costs of the abatement.

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

The "Amount Due" associated with this violation is a civil penalty and is due by no later than the "Due No Later Than." Additionally, if the violation is not abated by the "Abatement Date" shown above, the Town will take action to correct the violation. If this becomes necessary, you will be responsible for the payment of all abatement costs incurred by the Town. You must pay the amount due by the date shown below, even if the violation has been corrected.

Please return this section with your payment.

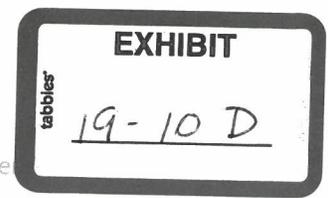
DUE NO LATER THAN	PARCEL NUMBER	CITATION NUMBER	AMOUNT DUE
12/8/2019	19-00200-098	V2000090	\$ 300.00

Mail Your Payment To:
 The Town of Elsmere
 Finance Department
 11 Poplar Avenue
 Elsmere, DE 19805

Each 24-hour period that the condition giving rise to this citation continues is subject to a separate citation and an additional civil penalty penalty.

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.



[HISTORY: Adopted by the Mayor and Council of the Town of Elsmere 12-9-1993 by Ord. No. 302; amended entirely 10-10-2013 by Ord. No. 571. Subsequent amendments noted where applicable.]

§ 182-1 Definitions.

For the purposes of this chapter, and not for the purpose of altering or amending any provisions in the Residential Landlord-Tenant Code in Chapters 51, 53, 55, 57, and 59 of Title 25 of the Delaware Code, the following terms shall have the meanings indicated:

APARTMENT HOUSES

All structures that include more than two dwelling units (as described herein).

COMMERCIAL RENTAL UNIT

Any building, store, storefront, garage, warehouse or other structure that is owned by someone other than the person(s) who occupy or are using the building or which is assessed as a commercial property for the purpose of tax collection by the Town of Elsmere and is occupied or operated by someone other than the owner.

DWELLING UNIT

- A. A family dwelling unit intended for living purposes, providing private entrance and independent permanent facilities for sleeping, eating, cooking and sanitation. Dwelling units may share common heat, ventilation and air-conditioning units, as provided, or may be individually equipped.
- B. In the case of structures where rooms are rented on a daily, weekly or other basis, primarily for housing individuals and without private entrances to the structure or the independent permanent facilities described in Subsection A of this definition not shared with other inhabitants of the structure, each such room rented shall be considered a separate dwelling unit.

EXTERMINATION

The inspection of the rental unit by a pest control company licensed in the State of Delaware and the Town of Elsmere for the purpose of identifying the presence of bed bugs, roaches, ants, other insects and rodents and a certification by that company that these insects, bugs or rodents are not present in the unit or that the unit has been properly treated to exterminate the presence of any of these insects, bugs or rodents.

FAMILY

An individual or two or more persons related by blood, marriage or law. For this chapter, a "family" may also be a group of not more than any five persons living together in a dwelling unit.

IMMEDIATE FAMILY

For the purpose of this chapter, spouse, mother, father, guardian, child, sister, brother, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

OCCUPANCY

The maximum number of occupants that may reside in a dwelling unit shall be as specified in the most current edition of the ICC International Property Maintenance Code, which has been adopted by the Town of Elsmere and includes any amendments made to that code by the Town.

RENTAL UNIT

Any dwelling unit which is rented, leased, let or hired or is intended, advertised or designed to be rented, leased, let or hired which is not occupied by the legal property owner or a member of the property owner's immediate family or which is occupied by anyone other than the legal property owner or a member of his or her immediate family.



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EXHIBIT