

**City of New Castle
Planning Commission Public Hearing
1 Municipal Blvd., New Castle, DE 19720
Monday, November 24, 2025
6:30 p.m.**

PUBLIC HEARING

The Planning Commission will hold a Public Hearing on:

Ordinance 2025-559 An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Regarding Historic Area Commission Membership (Council Person Brian Mattaway 10/07/2025)

The Public Hearing is scheduled for Monday, November 24, 2025 at 6:30 p.m. at the Community Room, 1 Municipal Blvd., New Castle, DE 19720. The Public Hearing will be followed by the November Planning Commission meeting at 7:00 p.m. or immediately after the Public Hearing has ended.

Posted: 10/20/2025

If you are unable to attend the Public Hearing, questions and comments will be taken via email up to 3:00 p.m. on Monday, November 24, 2025 at info@newcastlecivil.delaware.gov.

**CITY OF NEW CASTLE PLANNING COMMISSION
Community Room
1 Municipal Blvd.
New Castle, DE 19720
Monday, November 24, 2025
7:00 p.m.**

Agenda

1. Roll Call
2. Approval of Minutes
3. Public Comments as related to agenda items. Three minutes per person with a maximum of one hour of public comment.
4. **Discussion and Possible vote** regarding the Preliminary Subdivision Plan of Lots 1-6 at 1004 Gray Street

5. **Discussion and Vote on Ordinance 2025-559** An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Regarding Historic Area Commission Membership (Council Person Brian Mattaway 10/07/2025)
6. **Presentation and Discussion** led by City Solicitor Hatfield regarding an overview of the Planning Commission.
7. **Discussion and Possible vote** regarding the recommendation of a letter to recommend City Council sends to the Office of State Planning Coordination (OSPC) regarding the Five- year Comprehensive Plan review.
8. Suggestions of possible topics for future meetings, subject to review by legal counsel that it is within the scope of the Planning Commission and a vote by commissioners to discuss suggested topic.
9. HAC Report

If you are unable to attend questions and comments will be taken via email up to 3:00 p.m. on Monday, November 24, 2025 at info@newcastlecwity.delaware.gov.

Posted 10-20-2025

Join Zoom Meeting

<https://us02web.zoom.us/j/83248529644?pwd=NE9LY0VFaS9vMVEyMU9JS0NIV24wUT09>

Meeting ID: 832 4852 9644

Passcode: 033173

Items on the agenda may be discussed out of sequence.

New Castle City Planning Commission Meeting
Minutes
New Castle Senior Center
400 South Street, New Castle, DE
October 27, 2025 – 7:00 p.m.

Members Present: Margo Reign, Chair
Brie Rivera
Kristin Zumar
Cynthia Batty
Marc-Anthony Williams
Stephen Franklin
Tamara Stoner
Rev. Aaron Moore

Absent: David Majewski

Also Present: Antonina Tantillo, City Administrator
Christopher J. Rogers, City Planner

Ms. Reign called the October 27, 2025 Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

A motion to approve the minutes of the August 25, 2025, Planning Commission meeting as presented was made by Mr. Franklin and seconded by Ms. Rivera. The motion carried with a vote of six (6) in favor and two (2) abstaining (*Ms. Stoner and Rev. Moore*).

Public Comment

There were no comments from the public.

Introduction of new Planning Commission member Rev. Aaron Moore

Ms. Reign welcomed Rev. Moore as the newest member of the Planning commission.

Discussion of planning classes and development of an onboarding process.

Planning Classes:

It was noted that:

- Fees are covered by the city.
- The next class is in Dover on November 14th.
- Classes were considered to be helpful.
- More timely information on classes would be beneficial.

Onboarding Process:

Ms. Reign stated she would like to create an onboarding process and asked the Board members for information they felt is important for new members of the Planning Commission (PC) to have.

- An overview of the Comprehensive Plan (CP), including:
 - Review of City Maps.
 - A timeline of what should be discussed each year in preparation for the 5-year review and the 10-year update.
 - How much community involvement went into the development of the CP.
 - Ms. Reign opined that the PC should connect with the firm that will prepare the CP 18 months to 2 years before the 10-year review.
- A general understanding of the role of the Commissioners.
- It was noted that Commission and Board members are listed on the city website under Government/Committees & Boards as well.
- Term limits of current and new Commissioners.
- How the City Code relates to the PC.
- A pamphlet detailing the roles of City Staff as they relate to the PC (*i.e., City Solicitor, City Administrator, City Planner, etc.*)
- A general overview of FOIA.
- A document with links to pertinent data. (*CP, Maps, Policies, etc.*)
- An in-person orientation of what the PC is and where it falls in the hierarchy of the city government. Ms. Reign stated that the City Solicitor offered to put together a PowerPoint presentation that would help with this request.
- The primary and secondary role of the PC.

How to respond to group emails was explained. Ms. Tantillo recommended that any responses to a group email be sent only to her for dissemination. Mr. Rogers recommended that if any residents ask questions regarding a matter before the PC that Commissioners suggest that the individual attend the next PC meeting for information.

In response to a question from Ms. Stoner, Ms. Tantillo stated that she is still researching the best solution to personal vs city-provided email accounts. Ms. Reign stated that she created a separate email for PC communications.

Discussion regarding Comprehensive Plan Chapters 10 thru 14, for the 5-year Comprehensive Plan review.

Chapter 10

- ***Update the CP to reflect new businesses in the Historic District and how to expand new businesses throughout the entire city.*** A discussion of areas that have community stores and of how, and if, the CP should address new businesses supporting outlying communities ensued. Ms. Zumar opined that existing business owners in the downtown

area have been encouraging of new business owners opening stores in the city. Ms. Tantillo stated that the city wants to encourage more utilization of the Downtown Development District (DDD); and a workshop is planned for early December. Ms. Batty asked that the workshop be taped for later viewing. In response to a question from Ms. Stoner, Mr. Rogers explained Rick Farrell's role as it relates to the DDD. He also explained the State Downtown Development Program, noting it is meant to provide economic redevelopment in specific areas.

Chapter 11

- ***Include Accessory Dwelling Units in the CP.***

Chapter 12

- ***Include that the Flood Resiliency Committee (FRC) is a standing Committee for the City in the CP.*** Ms. Batty requested that the PC get a monthly update from the FRC. Ms. Tantillo explained that until funding opportunities are available the FRC will meet a minimum of once each year or as needed. Mr. Rogers suggested that during the 10-year update of the CP the impact of sea level rise will have to be considered on Future Land Use and whether it makes sense to have the city's most intense mixed-use zone (Downtown Gateway) in the middle of a flood plain. In response to a question from Ms. Zumar, Ms. Tantillo will provide an overview of what the FRC is researching.
- ***Include all communities in the CP listing.*** Outlying communities that should be included in the CP were noted.
- ***Create a detailed map overlay showing all communities in the City.*** Ms. Zumar suggested that the maps include significant historical facts about the communities.
- ***Add a goal to measure air quality for outlying areas that may be impacted by the Croda Atlas Point Plant and other planned industries.***

Chapter 13

- ***Add improvements to Battery Park to the CP, including the City's partnership with ONCOR.***
- ***Update planned improvements to the Markell Trail.***
- In response to a question from Mr. Franklin, Ms. Tantillo explained DNREC's plans for a fishing pier south of Dobbinsville.
- ***Update the list of community parks.***

Chapter 14

- ***Address the Implementation Section of the CP.*** In response to a question from Ms. Reign, it was explained that during the PC Annual Report Goals that have been implemented are noted.

Mr. Rogers suggested that the Implementation section be more prescriptive and include timelines and responsible parties. In response to a question from Ms. Stoner, Ms. Rivera

suggested that if a timeline cannot be met the reason for that could be included in the Annual Report. Ms. Batty opined that Implementation items should be reviewed by the PC monthly. Reviewing the CP quarterly or adding it as a standing item on the Agenda were suggested in lieu of a monthly review. Ms. Stoner suggested that hard deadlines be added to an internal document of goals rather than in the CP; noting that certain timelines cannot be committed to. Ms. Tantillo concurred, stating it would be difficult for the PC to mandate and difficult to control. She added that getting updates from other Committees would help in monitoring timeline goals.

In response to a question from Ms. Stoner, Mr. Rogers stated that the primary legislative mandate of implementing the CP comes into play with the Future Land Use Plan; explaining that if the PC puts a Future Land Use designation on a parcel that is inconsistent with that parcel's zoning, the PC has 18 months to rezone that parcel to something akin to the Future Land Use District that is proposed.

Ms. Batty suggested that the PC develop strategies now for implementation by the 10-year CP update. Ms. Rivera opined that some of the implementation goals are not within the scope of the PC. She suggested that the Commissioners could review the Implementation Section to determine who the responsible party is for those goals and ask for a status update from them. Ms. Tantillo clarified that the purview of the PC is to oversee the zoning Code and the development of the CP. In response to a request from Mr. Franklin, Ms. Tantillo will inform the PC of what implementation goals have been met and what falls within the purview of the PC. Ms. Rivera opined that it would be helpful to outline some of the goals and identify things that the PC can take on as projects.

Mr. Rogers recommended that an Agenda item be added to the November PC meeting to vote on recommendations to City Council that per State Law the Planning Commission has completed its 5-Year Review of the City of New Castle Comprehensive Plan and that it does not recommend any changes per the criteria in the State Code.

HAC Report

Ms. Batty reported that two (2) applications requesting permission to install solar panels were approved by HAC in the Historic District.

Ms. Batty noted that a document that provides more specific guidance regarding signage in the Historic Commercial District is still pending. Ms. Tantillo stated that the City Solicitor is still reviewing the document.

Ms. Batty noted that a recommendation to City Council to have new home purchasers sign a document acknowledging that they are aware that they are purchasing a home in a Historic District is still pending.

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

Planning Commission Meeting
October 27, 2025

A motion to adjourn was made by Ms. Zumar and seconded by Mr. Williams. The motion was unanimously passed and the meeting adjourned 8:40 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Ordinance No. 559

AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 230 (ZONING CODE), REGARDING HISTORIC AREA COMMISSION MEMBERSHIP

Whereas, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“City Code”); and

Whereas, the Historic Area Commission provides valuable guidance and oversight to safeguard the heritage of the City; and

Whereas, the City of New Castle has within its boundaries sites, structures, and history so profound that two were included within a national historical park established in 2014; and

Whereas, the First State National Historical Park’s two sites within the City of New Castle – the Sheriff’s House Welcome Center and the New Castle Court House Museum – are an important part of the City’s history and architecture; and

Whereas, providing a standing opportunity for a representative from the First State National Historical Park to provide perspective, talent and resources to the Historic Area Commission would promote the preservation and protection of the City of New Castle’s important historic and architectural resources in perpetuity; and

Whereas, the City of New Castle has adopted into its 2020 Comprehensive Plan goals to strengthen and enhance relationships to positively impact historic preservation amongst stakeholders; and

Whereas, The City Council has determined that it is in the best interests of the City and its residents to amend the City Code to allow the First State National Historical Park Superintendent, or designee, to participate in Historic Area Commission discussions as a nonvoting member.

NOW, THEREFORE, making the express finding that the provisions of this Ordinance enhance and promote the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle Council as follows:

SECTION 1: City Code Chapter 230, Zoning Code, Section 230-50(A), Creation of Historic Area Commission, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

A. Creation.

(1) Historic Area Commission is hereby created. The Commission shall consist of the following **seven** ~~six~~ members:

(a) An architect licensed in the State of Delaware and having interest and knowledge in the protection, preservation and restoration of the historic character of the City, appointed by City Council. The architect shall be a nonvoting member who shall serve in an advisory capacity only.

(b) Two City residents having municipal voting privileges and appointed by City Council.

(c) Two City residents having municipal voting privileges, appointed by the Mayor, subject to confirmation by the City Council of New Castle.

(d) A Planning Commission member, appointed by City Council.

(e) **The Superintendent of the First State National**

Historical Park, or designee, is invited to participate as a nonvoting member in an advisory capacity only.

(2) At least three voting members shall be residents of and have legal or equitable title to property in the Historic District.

B. Terms. The terms of office for members shall be for three years. The five incumbent members of the Historic Area Commission at the time of the adoption of this section shall continue to serve the balance of their respective terms. The **architect** ~~sixth~~ member of the Historic Area Commission shall be appointed by City Council within 90 days of the adoption of this section. No member of the Historic Area Commission may serve more than two consecutive terms; provided, however, that no term limitation shall apply to the nonvoting architect **and First State National Historical Park** members. Members may, after a public hearing, be removed by City Council for inefficiency, neglect of duty, malfeasance in office or other good cause.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 4: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this _____ day of _____, 2025

_____, President of City Council

Attest: _____
_____, City Clerk

Approved: _____
_____, Mayor



City of New Castle
220 Delaware Street
New Castle, Delaware 19720



CITY OF NEW CASTLE
'25 OCT 31 AM 8:49

APPLICANT: John Steele
1216 Bayview Road
Middletown, DE 19709

TELEPHONE: 302-376-7200

OWNER: N&C LLC
846 Bayview Road
Middletown, DE 19709

TAX PARCEL #: 21-014.00-190

APPLICANT IS:
☐ REAL OWNER
☐ AGENT OF OWNER
☒ DEVELOPER
☐ EQUITABLE OWNER

EXISTING ZONING IS: R-3

PROPOSED ZONING IS: R-3

NAME OF SUBDIVISION (IF APPROPRIATE):
1004 Gray Street

TYPE OF SUBDIVISION:
☐ MAJOR ☒ MINOR

SUBDIVISION ACREAGE

Lots 0.25 +/-
Streets
Parkland
Other
Total Gross

LAND DEVELOPMENT ACREAGE

Building Cover 0.09 +/-
Streets
Parking/Loading

UTILITY EASEMENT OR RT OF WAY

Linear Ft/Miles _____ Width
Type of Utility _____

Acres of Adjoining Land in Same Ownership (if any)

Purpose of Plan: To subdivide the property into 6 parcels for development of 6 semi-detached dwelling units

[Signature]
Signature of Owner or Applicant

4/4/25
Date

For City Use Only:

Pre-application checklist:

- ☐ Location Map ☐ Additional description (if needed)
☐ Sent to Planning Commission
☐ Reply to Applicant

Conditional Approval Checklist:

- ☐ Preliminary Plat ☐ Construction plans
☐ Received by Building Official
☐ Scheduled date for Planning Commission
☐ Conditional approval by Planning

Final Approval Checklist:

- ☐ Final Plat
☐ Extension issued by Building Official Performance Bond:
Company: _____
Amount: _____

Historic Area Commission Approval

☐ Approved Date _____
☐ Not Approved

Major Subdivision:

_____ Passed by City Council
_____ Ordinance Number

Minor Subdivision:

_____ Approved by City Council
_____ Resolution Number
_____ Final Plats filed with County

Fees: Filing Review Appeal

Amount _____
Date Paid _____
Check Number _____

November 18, 2025

Antonina Tantillo, MPA, City Administrator
City of New Castle
220 Delaware Street
New Castle, Delaware 19720

RE: 1004 Gray Street Subdivision, Preliminary Plat

Dear Ms. Tantillo

AECOM is in receipt of the above-mentioned subdivision plan, entitled *Subdivision Plan for Project Known as 1004 Gray Street*, prepared by Woodin+Associates, dated October 23, 2025. As noted in Note 5. under Plan Data and General Notes, the purpose of the plan is to combine two existing lots of record into one parcel, and subdivide said parcel (tax parcel no. 21-014.00-190 into six lots to construct six semi-detached dwellings. In review of the subdivision plan, we have the following comments:

Procedural/Administrative

1. The subject plan is being submitted as a Preliminary Plat in accordance with Section 213-7.B. of the City's Subdivision Regulations. If the Preliminary Plat is approved by the Planning Commission, the applicant would then submit a Final Plat to the Planning Commission for approval.
2. Prior to seeking Final Plat approval, the applicant should submit the following plans to the following agencies:
 - Sediment and Stormwater Plan - New Castle Conservation District
 - Sanitary Sewer Plans - New Castle County Public Works
 - Water Service Plans - Municipal Services Commission
 - Sidewalk and Road Restoration Plans (see Planning/Technical comments #6 and #7 below) - City of New Castle
3. Prior to seeking Final Plat approval, the applicant should have made substantial progress on approvals with the above-mentioned plans and agencies.
4. Per Section 213-7.C.(4) of the Subdivision Regulations, if approved by the Planning Commission, the Final Plat must be approved by resolution or ordinance of City Council.

Planning/Technical

1. The subject parcel is zoned Residential (R-3).
2. Single-family semi-detached dwellings are permitted in the R-3 Zone per Section 230-18.A.(1) of the Zoning Ordinance.
3. The applicant received six (6) Variances from the City Board of Adjustment on September 23, 2025. The subject Variances are described in Note 11. under Plan Data and General Notes and are also reflected in the Provided column in the Area and Setback Requirements table at the top of the plan sheet.

4. The plan proposes the installation of 149 linear feet of sanitary sewer in Tenth Street to provide sewer to the subject lots. The sanitary sewer main would be dedicated to New Castle County. Section 213-14 of the Subdivision Regulations describes bonding requirements to guarantee public improvements associated with a subdivision. It is unclear at this time if New Castle County has its own sanitary sewer guarantee procedures or if they rely on the local jurisdiction. This will be determined prior to Final Plat submission to the Planning Commission.
5. Water service to the proposed lots is being provided via a 12-inch main in Tenth Street owned by the Municipal Services Commission.
6. A four-foot sidewalk exists along the parcel's frontage on Gray Street with no sidewalk along Tenth Street. The plan indicates the installation of a five-foot sidewalk along both frontages within the respective street's rights-of-way. Plans for said sidewalks should be submitted to the City for review and approval.
7. Given the sanitary sewer extension in Tenth Street and the six water service connections and six sewer laterals to the proposed units, AECOM recommends a full-width restoration of Tenth Street in lieu of multiple trench patches. Plans for the road restoration should be submitted to the City for review and approval.
8. The above-mentioned sidewalks and street restoration should be guaranteed in accordance with the aforementioned Section 213-14 of the Subdivision Regulations.
9. Survey monuments should be provided in accordance with Section 213-9 of the Subdivision Regulations and indicated on the Final Plat.
10. Per Section 230-28.A.(1)(c) of the Zoning Ordinance, two off-street parking spaces are required for each semi-detached unit. Said parking spaces are being provided by the garage and driveway and each lot.

If you have any questions or need additional information, please let me know.

Sincerely,

AECOM Technical Services, Inc.



Christopher J. Rogers, AICP
Principal Planner

cc: Michael Hoffman, Planning Commission Attorney
Jeff Bergstrom, Building Official
Eric Laramore, P.E., New Castle County
Scott Blomquist, Municipal Services Commission
Jayme Baer, P.E., Woodin+Associates



WOODIN + ASSOCIATES

Civil + Geotechnical Engineers
Land Planners + Land Surveyors

October 30, 2025

Jeffrey A. Bergstrom
Building Official & Fire Marshal
City of New Castle
220 Delaware Street
New Castle, DE 19720

RE: City Planning Commission Meeting
Preliminary Subdivision Plat
Zoned: R-3; 0.25 acres
1004 Gray Street
Tax Parcel #: 21-014.00-190

Dear Mr. Bergstrom:

As the Engineering Consultant for the owners of the above referenced property, we hereby request that the project be placed on the agenda for November 24, 2025, meeting for conditional approval of the **Preliminary Subdivision Plat**. Attached are 12 paper copies of the Preliminary Subdivision Plat. Electronic copies have been forwarded via email.

The property contains a gross acreage of 0.25 +/- acres of land and is located at the corner of Tenth Street, Gray Street, and School Street. The project proposes to combine the lots identified as No. 1 and No. 2 into one parcel and subdivide into 6 lots for construction of 6 semi-detached dwelling units.

Furthermore, this project was presented to Board of Adjustment on September 23, 2025, for review and approval of the variances listed on the plan. Subsequently, we submitted a conceptual subdivision plan and reviewed the project with Chris Rogers via Teams meeting on October 21, 2025.

Should you have any questions please do not hesitate to contact me at 302-494-0082.

Very truly yours,
Woodin + Associates, L.L.C.

Jayme Baer, P.E.
Vice-President

**CITY OF NEW CASTLE
BOARD OF ADJUSTMENT**

NOTICE OF DECISION

APPLICANT: N&C, LLC
(Crystal Arcidiacono & Nichol Arcidiacono Blevins)
1004 Gray Street
New Castle, Delaware 19720

OWNER: N&C, LLC
846 Bayview Road
Middletown, Delaware 19709

NCC TAX PARCEL NO. 21-014.00-190
PUBLIC HEARING DATES: September 23, 2025
DATE OF DECISION: October 9, 2025

REQUESTED: Applicant requested variances from various provisions of the City of New Castle Zoning Code, including the Schedule of District Regulations, for property located at 1004 Gray Street, New Castle, Delaware 19720, Tax Parcel 21-014.00-190, to subdivide the property and support construction of six new residential duplex style dwelling units.

BOARD MEMBERS: Mayor Valarie Leary, Chair, Steve Zorrer, and Assunta Scarpitti. Non-voting attendees included Michael Hoffman, City Solicitor, Jeff Bergstrom, City Building Official and Christopher Rogers, City Planner. Board Members Robert Irwin and Angel Ramos were absent.

The Board of Adjustment may grant an area variance from the requirements of Chapter 230 of the City of New Castle Code, (the “Zoning Code”), where it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Code would result in exceptional practical difficulty or unnecessary or undue hardship, and where the applicant has demonstrated: (a) that special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district; (b) that literal interpretation of the

provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Code; (c) that special conditions and circumstances do not result from the actions of the applicant; and (d) that granting the variance requested will not convey on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same district.

Mayor Leary convened the meeting at 6:30pm. Mr. Hoffman noted for the record that the meeting was properly noticed and advertised, and identified the following exhibits in the record: (1) the Application as submitted; (2) the Proof of Publication and Property Posting; (3) the Applicant's PowerPoint Presentation; and (4) the Applicant's Petition from Neighboring Properties. Mr. Hoffman then swore in the following Applicant-identified witnesses: Dennis Hume, Crystal Arcidiacono, and Nichol Blevins.

Michael DeNote, Esquire, an attorney representing the Applicant, presented, among other things, that the subject property is located on a corner lot with an address of 1004 Gray Street within the municipal limits of the City of New Castle. Mr. Denote explained that the Applicant desires to subdivide the subject property to support three duplex style semi-detached buildings, resulting in a total of six (6) individual dwelling units. Each dwelling unit is proposed to be three stories (but within the maximum 35' height requirement) and have two dedicated off-street parking spaces, one in the garage and one in the corresponding driveway. Also, each unit is proposed to include an uncovered back deck.

To support the proposed subdivision and six (6) individual duplex style dwelling units, the Applicant requested several variances from the requirements of the Zoning Code for each proposed lot. For ease of reference, the requested variances were grouped together based on the proposed lots. For Lots 1 and 6, the Applicant requested variances: (i) from the minimum lot size of 3,000 SF to allow 1,720 SF; (ii) from the minimum lot width of 25-feet to allow 21.5-feet; (iii) from the minimum lot depth of 100-feet to allow 80-feet; (iv) from the minimum street yard setback for a corner lot of 20-feet to allow 3.5-feet; (v) from the minimum rear yard setback of 25-feet to allow 17-feet (to support construction of decks); and (vi) from the maximum permitted height of 2.5 stories to allow 3 stories (but still subject to the

required maximum permitted height of 35-feet).

For Lots 2, 3, 4, and 5, the Applicant requested variances: (i) from the minimum lot size of 3,000 SF to allow 1,840 SF; (ii) from the minimum lot width of 25-feet to allow 23-feet; (iii) from the minimum lot depth of 100-feet to allow 80-feet; (iv) from the minimum side yard setback of 7.5-feet to allow 5-feet; (v) from the minimum rear yard setback of 25-feet to allow 17-feet (to support construction of decks); and (vi) from the maximum permitted height of 2.5 stories to allow 3 stories (but still subject to the required maximum permitted height of 35-feet).

Mr. DeNote stated that the property is located within the R-3 zoning district and within a State Investment Level 1 area. The proposed use is permitted in the R-3 zoning district so no rezoning is requested. Under the City's Comprehensive Plan, property in the R-3 zoning district is "intended to permit the widest range of residential density and dwelling type while preserving the amenities of the higher restricted residential districts." Here, Mr. DeNote stated that the character of the immediate vicinity is residential, with a variety of dwelling types and lot sizes. He specifically highlighted a 2012 subdivision of nearby property, approved as a redevelopment, that created smaller lots for a townhome development than those proposed here. Mr. DeNote also highlighted that the property's frontage along Gray Street, 10th Street, and School Street contribute to the Applicant's need for many of the variances, which is a condition peculiar to this property. Ultimately, Mr. DeNote stated that the proposed development is more compliant with the immediate area than many other nearby properties, such that denying the variances would unnecessarily impede the Applicant's ability to develop the property in a manner similar to others in the neighborhood.

In response to questions from the Board, Mr. Hume testified that: (1) the Applicant intentionally opted to pursue three semi-detached structures (as opposed to a single row of townhomes) to make it more attractive for the neighborhood; (2) that the rear setback variances are necessary to accommodate the proposed rear decks; (3) no variance is requested from the maximum allowable building bulk; and (4) reducing the development to only two semi-detached structures would still require some variances.

Phil Gross spoke against the proposed variances, opining that single family homes would be preferred and more consistent with the character of the neighborhood, and John DiMondi submitted a written letter opposing the Applicant's request.

Norma Harlow identified herself as an adjacent neighbor and spoke in support of the proposed development and requested variances.

Following the close of the time for public comments, Mr. Zorrer made a Motion to close the Public Hearing and proceed to Board discussion and deliberation. The Motion was seconded by Ms. Scarpitti and the Public Hearing portion of the meeting was closed. As more fully stated on the record by the members of the Board at the time of their deliberation and vote (the reasoning of which is incorporated herein as if fully set forth verbatim), the Board unanimously voted to grant each of the requested variances.

The variances were granted based on, *inter alia*, the presentation of Mr. DeNote and Mr. Hume and their testimony that the property is unique given its frontage along three streets. The Board observed that there are other 3-story homes in this residential area, that the development fits in within the nature and character of the neighborhood, where lot sizes and home types vary, that the proposed off-street parking will be beneficial to the area, that the development as proposed will not negatively affect the neighboring homes or the general area, and that it would be unreasonable to deny the setback variances in light of the property's frontage along three streets. A literal interpretation of the Code in this case would effectively deny the Applicant the ability to use its property in a similar manner as other properties of the same size in the same zoning district and area. The harm to the Applicant if the variances were to be denied would be greater than the probable effect on neighboring properties if the variances were granted. Ultimately, the Board concluded that the Applicant met its burden of establishing an exceptional practical difficulty.

Therefore, for the reasons set forth by the Applicant, and for the reasons outlined on the record by the Board members presiding, and after considering the exceptional practical difficulty standard governing area variances and the enumerated

standards within 230-57.C of the Zoning Code, including making the necessary findings required therein, the following variance requests are GRANTED:

For Lots 1 and 6:

1. From the minimum lot size of 3,000 SF to allow 1,720 SF;
2. From the minimum lot width of 25-feet to allow 21.5-feet;
3. From the minimum lot depth of 100-feet to allow 80-feet;
4. From the minimum street yard setback for a corner lot of 20-feet to allow 3.5-feet;
5. From the minimum rear yard setback of 25-feet to allow 17-feet (to support construction of decks);
6. From the maximum permitted height of 2.5-stories to allow 3-stories (while still complying with the 35-foot maximum height requirement).

For Lots 2, 3, 4, and 5

1. From the minimum lot size of 3,000 SF to allow 1,840 SF;
2. From the minimum lot width of 25-feet to allow 23-feet;
3. From the minimum lot depth of 100-feet to allow 80-feet;
4. From the minimum side yard setback of 7.5-feet to allow 5-feet;
5. From the minimum rear yard setback of 25-feet to allow 17-feet (to support construction of decks);
6. From the maximum permitted height of 2.5-stories to allow 3-stories (while still complying with the 35-foot maximum height requirement).

Vote: 3-0

BOARD OF ADJUSTMENT OF
THE CITY OF NEW CASTLE



Mayor Valarie Leary, Chair

Date of Hearing and Vote: September 23, 2025

Date of Written Decision: October 9, 2025

Date of Filing: October 9, 2025

NOTE: This variance is neither a building permit nor a Certificate of Occupancy. Appropriate permits must be obtained from the applicable governmental agencies prior to construction or establishment of any use on the property. This decision should be kept in a safe place with the property deed. This decision may be appealed to the Superior Court by any person aggrieved by it within 30 days of its filing in the Office of the Board of Adjustment.

Preliminary Plans - Not for Construction

John E. Steele Jr. Inc.

1004 Gray Street, New Castle, Delaware 19720

Preliminary Plans - Not for Construction



Map



Property Information

Owner(s)
N&C LLC

Lot Location
1004 Gray Street
City of New Castle,
New Castle, 19720

Project Description
New Multi-Family Duplex's

Drawing Index

Preliminary Plans - Not for Construction

<u>Sheet Number</u>	<u>Sheet Name</u>	<u>Sheet Number</u>	<u>Sheet Name</u>
1	Cover Sheet	8	Cross Sections A, B, & C
2	General Notes	9	Electrical
3	Foundation Plan, Typical Wall Section	10	Design Wind Suggestion
4	First & Second Floor Plans	11	Details
5	Third Floor Plan & Roof Truss Layout	12	Details
6	Details	13	Floor Joist Layouts
7	Elevations	13	Wall Bracing & Roof Truss Layout



1216 Bayview Rd
2150, Middletown, DE 19709

1004 Gray Street - T.P. #21 - 014.00 - 190
City of New Castle, New Castle County
Delaware

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Engineers Stamp (if needed)

REVISIONS BY

Sheet Title:

Cover Sheet

DATE

3/14/2025

Lot / Model:

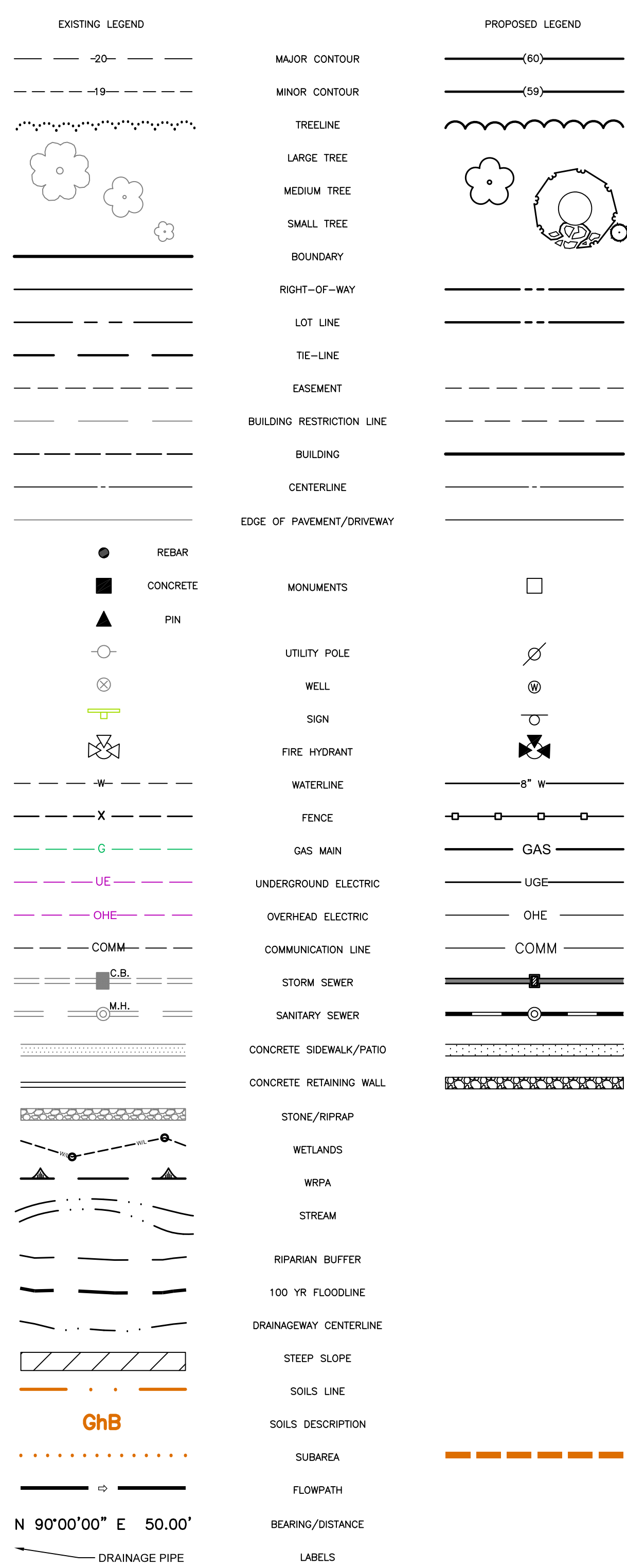
SCALE

1/4" = 1'-0"

CLIENT: John E. Steele Jr., Inc.

SHEET 1 OF 14 SHEETS

New Castle County



CERTIFICATION OF PLAN ACCURACY:
I, JAYME BAER, CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE WITH A BACKGROUND IN CIVIL ENGINEERING. TO THE BEST OF MY KNOWLEDGE AND BELIEF, I CERTIFY THAT THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES, THE PROPOSED CONSTRUCTION AS SHOWN ON THIS PLAN COMPLIES WITH APPLICABLE LAWS AND REGULATIONS, AND THIS PLAN INCLUDES ALL INFORMATION REQUIRED BY THE LATEST REVISION OF THE RESIDENTIAL LINES AND GRADES CHECKLIST.

JAYME BAER, P.E.
PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING

CERTIFICATION OF OWNERSHIP:

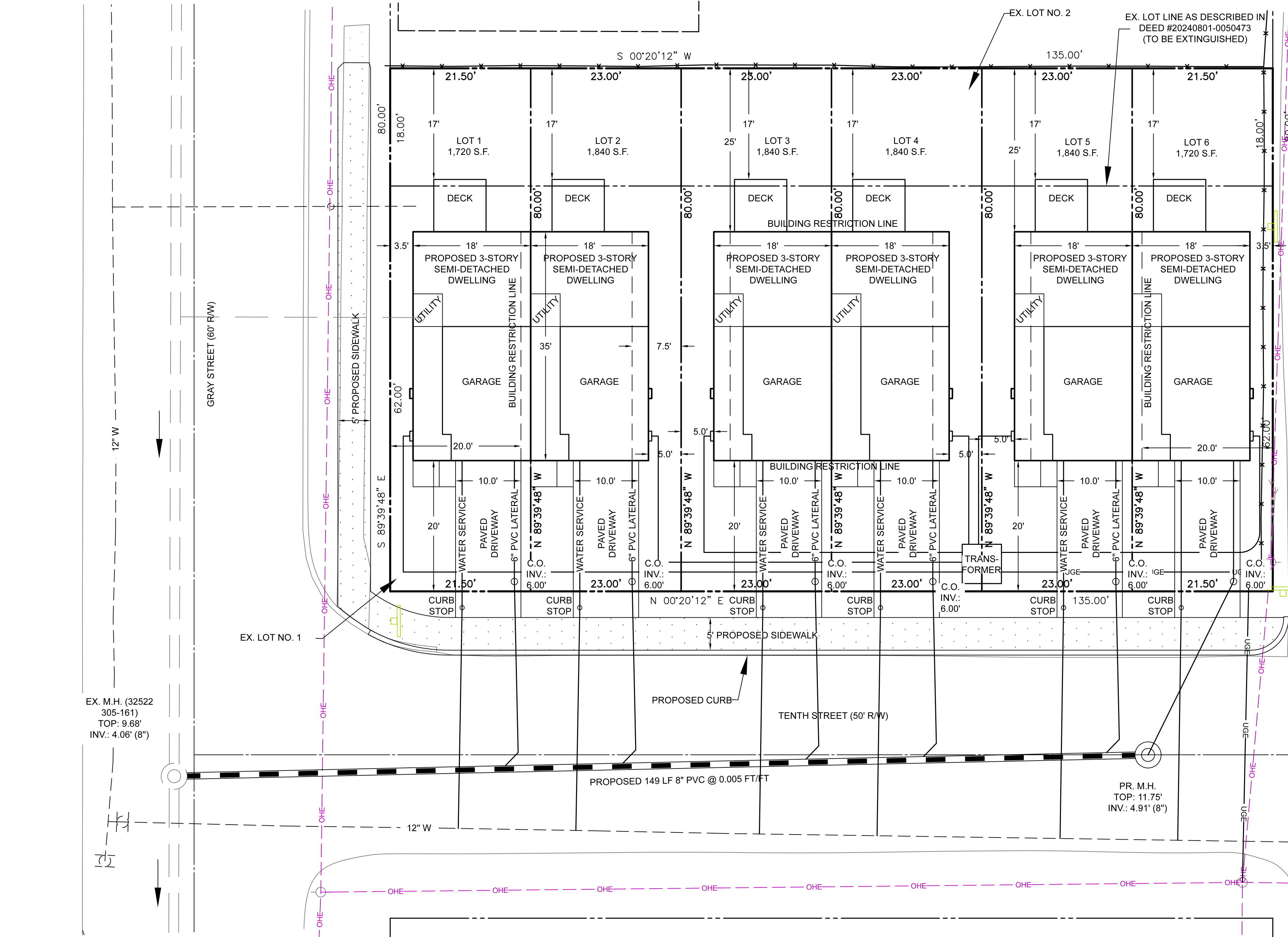
I, _____, CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION.

OWNER'S SIGNATURE

DATE

GENERAL CONSTRUCTION NOTES:

- THE CITY OF NEW CASTLE MUST BE NOTIFIED IN WRITING FIVE DAYS PRIOR TO COMMENCING WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER PLAN.
- A PRE-CONSTRUCTION MEETING MUST BE HELD PRIOR TO COMMENCING WITH CONSTRUCTION UNLESS WAIVED BY THE NCCD AND CITY OF NEW CASTLE. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER PLAN.
- ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY OF NEW CASTLE STANDARD SPECIFICATIONS AND DETAILS AND/OR THE DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS AND STANDARD DETAILS.
- THE TOTAL LAND DISTURBANCE PROPOSED BY THIS PLAN IS 0.3 ACRES.
- THE CITY OF NEW CASTLE PUBLIC WORKS DEPARTMENT RESERVES THE RIGHT TO REQUIRE ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES.
- PROPOSED PAVING ELEVATIONS SHALL MATCH EXISTING ELEVATIONS WHEREVER THEY ADJOIN.
- ALL DIMENSIONS RELATIVE TO CURBING ARE TO FACE OF CURB, ELEVATIONS BOTTOM FACE OF CURB.
- ALL SIGNING, TRAFFIC CONTROL AND SAFETY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/CONTRACTOR AND SHALL BE SUBJECT TO THE APPROVAL OF THE DIVISION OF HIGHWAYS. ALL TRAFFIC CONTROL SIGNS SHALL BE IN ACCORDANCE WITH THE "MANUAL OF UNIFORM DEVICES FOR STREETS AND HIGHWAYS".
- ALL NECESSARY PERMITS, LICENSES, BONDS, INSURANCE POLICIES, ETC. REQUIRED BY LOCAL, STATE, AND/OR FEDERAL LAWS SHALL BE PROVIDED BY THE CONTRACTOR AT HIS OWN EXPENSE.
- PLAN LOCATIONS, ELEVATIONS AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE INSTRUCTED BY THE ENGINEER.
- ALL LAND DISTURBANCE SHALL BE ON LOT UNLESS OTHERWISE DEPICTED ON THE LINES AND GRADES PLAN OR AN ADJACENT LOT HAS AN ACTIVE PERMIT.
- EROSION AND SEDIMENT CONTROLS SHALL BE INSTALLED ON LOT PRIOR TO ANY CONSTRUCTION STARTING.
- PER THE NCC GIS MAPS, NO WETLANDS EXIST ON THIS PARCEL.
- PER THE NCC GIS MAPS, NO PROTECTED RESOURCES EXIST ON THIS PARCEL.
- BASED ON THE NEW CASTLE COUNTY WATER RESOURCE AGENCY WATER RESOURCE PROTECTION AREA MAPS (SHEET 1 OF 3), LAST REVISED MARCH 2022, THE SITE IS LOCATED WITHIN A WATER RESOURCE PROTECTION AREA DISTRICT (RECHARGE AREA).
- PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS, NO. 10003C0065K, REVISED JANUARY 22, 2020, THIS SITE DOES NOT CONTAIN 100 YEAR FLOOD LIMITS.
- THIS SITE DOES NOT LIE WITHIN A CRITICAL NATURAL AREA.
- NO DEBRIS WILL BE BURIED ON THIS SITE.
- DRAINAGE, EROSION & SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE NEW CASTLE COUNTY DRAINAGE CODE.
- THE LOT SHALL BE FINAL GRADED DURING THE FIRST OPTIMAL GROWING SEASON IF A BAD WEATHER GRADING LETTER IS OBTAINED.
- PRIOR TO REMOVING ON LOT CONTROLS THE LOT SHALL BE GRADED AND STABILIZED.



AREA AND SETBACK REQUIREMENTS:		
Zoning: R-3 Residential		
One-family semidetached dwelling		
Regulation	Required	Provided
Minimum lot area:	3,000 S.F.	1720 S.F. *
Minimum lot width:	25 FT.	21.5 FT. *
Minimum lot depth:	100 FT.	80 FT. *
Maximum building height:	2.5 stories or 35 FT.	3 stories/30 FT. *
Maximum building bulk:	40%	37%
Minimum front yard building setback:	20 FT.	3.5 FT. *
Minimum side yard setback (one side):	7.5 FT.	5 FT. *
Minimum side yard setback (both sides):	n/a	n/a
Minimum rear yard setback:	25 FT.	25 FT. (17 FT-DECK) *

* See Plan Data and General Notes #11, for list of approved variances.

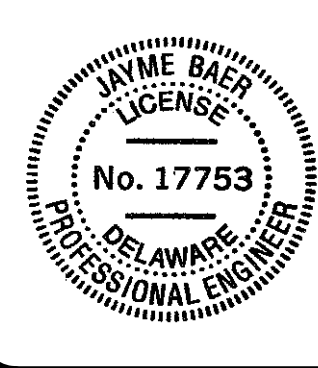


LOCATION MAP

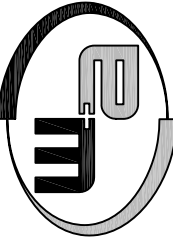
SCALE: 1" = 150'

PLAN DATA AND GENERAL NOTES:

- Tax Parcel No.: 21-014.00-190
- Existing/Proposed Zoning: R-3
- Source of Title: Deed 20240801-0050473
- Datum: Local (Vertical)
NAD83 (Horizontal)
- Purpose: To combine the lots identified as No. 1 and No. 2 into one parcel and subdivide into 6 lots for construction of 6 semi-detached dwelling units
- Gross Acreage: 0.2479± Acres
- Existing/Proposed Land Use: Residential
- Off-street parking spaces: 2 per unit required/provided
- This property is not located within a 100-yr floodplain.
- NRCS soils are listed as MuB.
- A Board of Adjustment hearing was held on September 23, 2025 to review the following variance requests:
 - Lots 1 and 6: Variance from the minimum lot size of 3,000 SF to 1,720 SF. Variance from the minimum lot width of 25' to 21.5'. Variance from the minimum lot depth of 100' to 80'. Variance from the minimum street yard setback for a corner lot of 20' to 3.5'. Variance from the minimum rear yard setback of 25' to 17' to construct a deck. Variance from the maximum permitted height of 2.5 stories (while maintaining compliance with the 35' maximum height).
 - Lots 2, 3, 4, and 5: Variance from the minimum lot size of 3,000 SF to 1,840 SF. Variance from the minimum lot width of 25' to 23'. Variance from the minimum lot depth of 100' to 80'. Variance from the minimum side yard setback of 7.5' to 5'. Variance from the minimum rear yard setback of 25' to 17' to construct a deck. Variance from the maximum permitted height of 2.5 stories (while maintaining compliance with the 35' maximum height).



WOODN + ASSOCIATES
Civil & Geotechnical Engineers
Land Planners & Land Surveyors
Layde Business Park
111 Peridot Drive
Suite D
Middletown, DE 19709
Tel: 302-378-7300
Fax: 302-378-1134



SUBDIVISION PLAN

FOR PROJECT KNOWN AS

1004 GRAY STREET

CITY OF NEW CASTLE - NEW CASTLE COUNTY - STATE OF DELAWARE

DATE	REVISION	BY

THIS DRAWING, THE DESIGN AND DIGITAL FILES ARE PROPRIETARY TO WOODN + ASSOCIATES, LLC, AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION

JLB	JLB	DDH	10/23/25	1" = 10'
DESIGN	DRAFT	APPROVED	DATE	SCALE
SHEET	OF	1	1	

November 11, 2025

David L. Edgell, AICP, Director
Delaware Office of State Planning Coordination
Haslet Armory
122 Martin Luther King Jr. Blvd. South
Dover, DE 19901

Re: City of New Castle, Comprehensive Plan 5-Year Review

Dear David:

The City of New Castle has completed a thorough review of the December 8, 2020 Comprehensive Plan, certified on April 8, 2021, as part of the 5-year requirement per Delaware Code, Title 22, §702.(e). After careful consideration over the last year, both the Planning Commission and City Council have determined that no changes to the Plan are needed at this time.

Starting in January 2025, the Planning Commission reviewed various chapters of the Plan at different meetings during the course of the year. The meeting information is as follows:

January 25, 2025

Chapter 1, Introduction
Chapter 2, Community Profile
Chapter 3, City and Community Services
Chapter 7, Transportation
Chapter 11, Housing
Chapter 14, Implementation

Meeting minutes can be found here: <https://newcastlecity.delaware.gov/events/planning-commission-meeting-97/>

July 28, 2025

Chapter 4, Land Use
Chapter 5, Annexation
Chapter 6, Infrastructure

Meeting minutes can be found here: <https://newcastlecity.delaware.gov/events/planning-commission-meeting-103/>

August 25, 2025

Chapter 8, Historic and Cultural Resources
Chapter 9, Community Design

Meeting minutes can be found here: <https://newcastlecity.delaware.gov/events/planning-commission-meeting-104/>

October 27, 2025

Chapter 10, Economic Development

Chapter 11, Housing

Chapter 12, Environmental Protection

Chapter 13, Open Space and Recreation

Chapter 14, Implementation

Minutes of the meeting can be found here:

<https://newcastlecity.delaware.gov/events/planning-commission-meeting-106/>

While the Planning Commission's review of the Plan determined that no changes are necessary at this time, the Planning Commissioners did find the exercise to be fruitful. For newer Commissioners, the review acquainted them with the foundational planning document for the City. For other members, the review helped them envision how future Plans (2030) could be structured differently to perhaps provide for more prescriptive and attainable recommendations.

The City appreciates the continued partnership with OSPC and we look forward to maintaining a strong working relationship between the City of New Castle and the State of Delaware.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Antonina Tantillo, MPA
City Administrator