

**New Castle City Board of Adjustment
May 13, 2026 – 6:30 p.m.
1 Municipal Boulevard, New Castle, DE**

Members Present: Mayor Valarie W. Leary, Chair
Assunta Scarpitti
Dennis Anuszewski
Steve Zorrer

Absent: Robert Irwin

Also Present: Michael Hoffman, Esq., City Solicitor
Jeff Bergstrom, City Building Official
Christopher Rogers, City Planner

Mayor Leary convened the meeting at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

Mayor Leary read Item 1 on the Agenda for 106 The Strand into the Record:

BOA 2026-2 –

- 1. An application has been filed by Bryan Shelton and Deborah Shane, (Owners & Applicants), for a property located at 106 The Strand, New Castle, DE 19720, Tax Parcel No. 21-015.00-164, seeking a variance to City Code §230-19 C to permit an 8'-6" reduction of the required rear yard of 25'-0' to allow construction of a rear addition to the existing residence.**

Mr. Hoffman confirmed the contents of the BOA Packet as part of the Record:

1. Agenda.
2. Notice of the Public Hearing for Wednesday, May 13, 2026.
3. Confirmation of Property Posting.
4. Confirmation of Published Notice.
5. Board of Adjustment Application for 106 The Strand including associated attachments.

Brian Shelton (applicant) and Willard F. Hurd (architect) were sworn in by Mr. Hoffman.

Mr. Bergstrom stated that the applicant went to the Historic Area Commission (HAC) and the HAC recommendation for approval of this project is part of the Record. This part of the property is not in the flood plain. The determination by HAC was that size, massing, and setbacks were in compliance with the exception of the variance for the rear setback for which the applicant has applied to the Board of Adjustment. HAC recommended that the variance be granted. Mr. Bergstrom saw nothing that would preclude that from being a very good decision.

Mr. Rogers stated he had nothing further to add.

Mr. Hurd addressed the Board as representative and architect for the applicant. Mr. Hurd stated that the project is to construct a therapy pool and to construct an accessible entrance to the building for the applicant's spouse, who has a degenerative condition. Mr. Hurd added that hydrotherapy is one of the treatments for her condition. Mr. Hurd further stated that the therapy pool is the driver for the addition and its size.

Mr. Hurd stated that the addition is as large as it needs to be, but no bigger, to provide an accessible entrance and its passageway, space for the pool, and space around the pool for furniture; however, a variance to encroach into the rear yard setback is still required.

Many of the parcels in old New Castle have varying sizes, and in this case a fixed rear yard setback of 25' is more than 25% of the property's depth. In addition, the applicant's parcel is smaller than other parcels in the same zoning district.

In its review HAC noted that the addition will not affect the essential character of the neighborhood. Mr. Hurd and the applicant worked diligently to keep the addition tucked in behind the existing building and the whole backyard is screened from view, which was one of HAC's main concerns. Mr. Hurd added that the applicant feels there will be no disruption and no issues with a change of character due to the size of the addition.

Mr. Zorrer questioned if the addition needed to be the size being proposed. Mr. Hurd explained that the pool is about 8' x 10'; space is required for furniture because after hydrotherapy Ms. Shane needs to lie down; and space is required for her to move around safely.

There being no further questions from the Board, Mayor Leary opened the floor to public comment.

Public Comment

Comments in favor of the application

There were no comments in favor of the application from the public in person or via Zoom.

Comments opposed to the application

There were no comments opposed to the application from the public in person or via Zoom.

Comments neutral to the application

There were no comments neutral to the application from the public in person or via Zoom.

Mayor Leary stated that no public comments were received to read into the Record.

A motion to close the Public Record was made by Mr. Zorrer. The motion was seconded by Ms. Scarpitti and was unanimously passed.

A motion was made by Mr. Zorrer to approve a reduction of the rear yard setback by 8'6". The motion was seconded by Ms. Scarpitti.

Mr. Zorrer stated he is in favor of approving the variance for the following reasons:

- **There are multiple examples in the neighborhood where homes and structures are within the rear yard setback.**
- **Many residents have additions and extensions in this area.**
- **The rear yard is screened and the addition should not affect the neighbors.**
- **The shape of the lot was established before the Code was established.**

Mr. Anuszewski stated he is in favor of approving the variance for the reasons set forth by Mr. Zorrer.

Ms. Scarpitti stated she is in favor of approving the variance for the reasons set forth by Mr. Zorrer.

Mayor Leary stated she is in favor of approving the variance for the reasons set forth by Mr. Zorrer.

The motion on the floor passed unanimously.

Mayor Leary read Item 2 on the Agenda:

2. Discussion and possible vote to set a future expiration date for the previously granted Special Exception for 610 W. 7th Street as decided at the September 30th, 2024 Board of Adjustment meeting.

Mr. Hoffman stated that on November 12, 2024, the Board of Adjustment (BOA) approved a Special Exception for property at 610 West 7th Street. §230-57B3 obligates the Board to “prescribe a time limit within which the action for which the special exception is required shall be begun or completed or both”. Mr. Hoffman added that the purpose of that provision in the Code is to set and establish a timeframe and a point after which the special exception approval becomes void. That is what the Code requires; however, the Board’s decision of November 12, 2024, does not include a specified timeframe.

Mr. Hoffman stated that the matter is back before the Board for the limited purpose of setting forth a reasonable time limit within which that special exception must be implemented. No other aspect of that project is before the Board, and the sole question is that timeframe. The timeframe should factor in the project itself, what is a reasonable time to implement the project, and the conditions. Mr. Hoffman added that the BOA Packet includes the Decision and the conditions presented.

Mr. Hoffman stated that the City proposes and recommends, and the applicant agrees, that should the Board desire, the following motion would be appropriate:

The special exception approval for 610 West 7th Street BOA 2024-05 shall expire if the City Council does not grant site plan approval for the project by May 13, 2029, which is three (3) years from the date of this meeting.

Public Comment

Comments in favor of the application

There were no comments in favor of the application from the public in person or via Zoom.

Comments opposed to the application

There were no comments opposed to the application from the public in person or via Zoom.

Comments neutral to the application

There were no comments neutral to the application from the public in person or via Zoom.

There being no further questions from the Board, Mayor Leary called for a motion on 610 West 7th Street BOA 2024-05.

A motion that the special exception approval for 610 West 7th Street BOA 2024-05 shall expire if the City Council does not grant site plan approval for the project by May 13, 2029, i.e., three (3) years from the date of this meeting, was made by Ms. Scarpitti. The motion was seconded by Mr. Zorrer and was unanimously passed.

There being no further business to discuss, Mayor Leary called for a motion to adjourn.

A motion to adjourn was made by Ms. Scarpitti and was seconded by Mr. Zorrer. The motion was unanimously carried and the meeting adjourned at 6:46 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer