

**New Castle City Board of Adjustment
September 23, 2025 – 6:30 p.m.
1 Municipal Boulevard, New Castle, DE**

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

Absent: Angel Ramos
Robert Irwin

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

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

BOA 2025-05 – An application has been filed by N&C, LLC (Crystal Arcidiacono & Nichol Arcidiacono Blevins) for a property located in the R-3 Zoning District at 1004 Gray Street, New Castle, DE 19720, Tax Parcel No. 21-014.00-190, to request variances from the City of New Castle Zoning Code to facilitate the residential redevelopment to the property.

Mr. Hoffman sat for the record that the meeting was properly noticed and advertised, and noted the exhibits submitted:

- Exhibit 1: The Application
- Exhibit 2: The proof of publication and property posting
- Exhibit 3: The Applicant's PowerPoint presentation
- Exhibit 4: The Applicant's Notice and Petition of Neighbor

The following individuals were sworn in by Mr. Hoffman:

- Dennis Hume
- Crystal Arcidiacono
- Nicol Blevins

Michael DeNote, Esquire, representing the applicant, reviewed the applicant's PowerPoint presentation, noting that:

- The property is a corner lot located at 1004 Gray Street.
- The applicant wishes to subdivide the lot into three (3) lots, each containing a duplex family semi-detached home resulting in a total of six (6) dwelling units.
- Each unit will have two dedicated parking spots, one in the garage and one on the driveway.
- Each unit will have an uncovered back porch.
- The end lots are slightly smaller than the other lots.

- Each unit is proposed to be three stories, but will remain within the 35' maximum height requirement.
- The applicant is requesting six (6) variances:
 - 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).
- Kwik-Check Factors:
 - The nature of the Zone and unique conditions of the property: The lot is located in the R-3 zone. Most of the vicinity is in State Investment Level 1. The City of New Castle's Comprehensive Plan states the R-3 District is "intended to permit the widest range of residential density and dwelling types while preserving the amenities of the higher restricted residential".
 - Character of the immediate vicinity and the use contained therein: The character of the immediate vicinity is Residential of varying dwelling types and lot sizes.
 - Whether if the restriction upon the applicant's property was removed such removal would seriously affect the neighboring properties: Infill with new, high quality residential development is an appropriate and desirable use for the site and will not detract from the surrounding area.
 - If the variance is not granted would it create an unnecessary hardship or exceptional practical difficulty for the owner: The previous dwelling fronted on Gray Street. The lot has frontages on Gray Street, 10th Street and School Street, which creates an exceptional practical difficulty. The proposed subdivision proposes frontage on 10th Street.

- City of New Castle Standards:
 - Special conditions and circumstances peculiar to the land: The subject lot spans the length of one entire block and has three frontages, which significantly reduces the buildable area.
 - Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district: Lot sizes and setbacks for the proposed development are more compliant in this the immediate area than those found elsewhere in the R-3 District. Without approval of the variances the applicant would be deprived of being able to reasonably develop the property in a manner similar to others in the neighborhood.
 - Special conditions and circumstances do not result in the actions of the applicant: The constraints affecting the property (size, shape and configuration) were not the result of actions of the applicant.
 - Granting the variance requested would not convey on the applicant any special privileges: The lot sizes and setbacks proposed are consistent or are more compliant than those found in other areas of the R-3 District.
- On-street parking in the neighborhood will not be exacerbated by the proposed development.
- Green space has been incorporated in the proposed development.

In response to questions, Mr. Hume testified that:

- The applicant wanted to provide a pleasing development of three semi-detached homes rather than a row of six attached units.
- The rear setback variance is to accommodate the proposed back porch.
- If two semi-detached homes were built the setback variances would probably still be required, but the area variance would probably not be required.
- The proposed rear porch is 8'x 10'.
- No variance is being requested for maximum building bulk.
- The driveway and garage are counted as the two dedicated off-street parking spaces.
- A privacy fence for any of the units is not proposed; however, the applicant does not have any objection to installing privacy fencing.

Mr. Rogers stated that some ordinances allow setback modifications on corner lots. The New Castle Code does not allow for setback modifications on corner lots. He added that if the Board of Adjustment approves the variances, the application would still need to go to the Planning Commission for a subdivision approval, and it must be approved by City Council via an Ordinance.

In response to a question from Mr. Hoffman, Mr. DeNote stated that the immediate neighbor is a signatory to the petition in favor of the proposed development.

Public Comment

Phil Gross

Mr. Gross spoke in opposition of granting the proposed variances. He opined that single family homes or spreading it out would be a better choice, adding that the neighborhood is not conducive to the proposed development and it does not fit with the charm of the neighborhood.

Mr. Rogers noted there are property lines going down the center of the attached units.

Norma Harlow

Ms. Harlow spoke in support of the proposed development as submitted and granting the requested variances.

John DiMondi

Mayor Leary read a written comment from Mr. DiMondi in opposition of granting the variances for the proposed development.

Applicant Rebuttal

Mr. DeNote responded to Mr. DiMondi's comments, stating that there are two off-street parking spaces for each unit.

A motion was made by Mr. Zorrer to close the Hearing. The motion was seconded by Ms. Scarpitti and the Hearing was closed.

Mr. Rogers had nothing further to add to the hearing.

Discussion

Mayor Leary noted that the vast number of homes the neighborhood in that area are row homes or town homes. In response to a question from Mayor Leary, Mr. Bergstrom explained when the newer homes were built, adding that the proposed development fits in with the area. Mr. Zorrer concurred that the proposed development fits the neighborhood. Ms. Scarpitti noted her concern that the number of units and the number variances being requested was allayed by the neighbor's comments.

Mr. Hoffman recommended that the Board vote using one motion and referencing the variances as presented vis-a-vie the Agenda.

A motion was made by Mr. Zorrer to approve the variances as presented in the Agenda. The motion was seconded by Ms. Scarpitti.

Mr. Zorrer stated he would vote in favor of the motion because:

- There are other 3-story homes in the area.
- The development fits in with the nature of the neighborhood.
- Having off-street parking is beneficial.
- It would be unreasonable and unfair to deny the setback variances.
- The development will not negatively affect the neighboring homes or the general area.

- The practical difficulty is that the property fronts on three (3) streets which makes it difficult to build something that would fit the neighborhood.

Ms. Scarpitti stated she would vote to approve the variances for the reasons stated by Mr. Zorrer; adding that her concerns with setbacks and the neighbors were both allayed.

Mayor Leary stated she would vote to approve the variances for because the proposed development fits with the nature of the zone; it fits in with the character of the area; she appreciates that the development is three sets of duplexes instead of six row homes; the variances will not negatively affect the neighbors; and adhering to the building area would create a practical difficulty.

A roll call vote was taken:

Mayor Valarie Leary – Yes

Assunta Scarpitti – Yes

Steve Zorrer – Yes

The motion passed unanimously.

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

A motion to adjourn was made by Mr. Zorrer and was seconded by Ms. Scarpitti. The motion was unanimously carried and the meeting adjourned at 7:23 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer