

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
February 2, 2021
5:00 P.M.**

The Virtual Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, February 2 2021 via Zoom meetings.

The meeting was called to order by John Davis at [5:05 p.m.]

The following Board members were present:

Perry Patel
John Brook
Karen Anderson
Barbara Silber
John Davis
Steve Johns
Rafael Zahralddin (joined 5:14)

The following Board members were absent:

None

Historic Review Board, Department of Law

Colleen Norris

The following Department of Land Use employees were present at the meeting:

Betsy Hatch
Chris Jackson

RULES OF PROCEDURE

Ms. Hatch read the rules of procedure into the record.

MEETING MINUTES

January 5, 2021 Business Meeting Minutes

On a motion made by Mr. Patel and seconded by Ms. Zahralddin, the Historic Review Board voted to adopt the January 5, 2021 Business Meeting Minutes. (In Favor: Davis, Silber, Johns, Brook, Patel, Anderson, Zahralddin; In Opposition: None; Absent: None; Abstention: None).

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

None.

NEW BUSINESS

App. 2020-0783-H: 3514 Kennett Pike. (TP 07-030.10-070). Southern corner of Barley Mill Road and Kennett Pike intersection. Christiana Hundred. Historic overlay building permit for exterior improvements of the Carriage House structure and the construction of a greenhouse structure, Lot 29 of Penn's Grant at Crooked Billet. S Zoning. CD 2.

At a virtual meeting held on February 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at its January 19, 2021 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Mr. Brook and seconded by Mr. Johns, The Historic Review Board voted unanimously recommend **APPROVAL** of App. 2020-0783-H pursuant to **Section 40.15.160.B.2 of the New Castle County Code** and release any required permits for the exterior renovation of the structure. (In Favor: Davis, Silber, Johns, Brook, Patel, Anderson, Zahralddin; In Opposition: None; Absent: None; Abstention: None).

Discussion preceding the vote included the following:

Ms. Hatch read the Department recommendation into the record. The Board had no further comment.

App. 2020-0784-H: 605 Greenbank Road. (TP 08-039.10-157). West side of Greenbank Road, 385 feet south of the intersection with Newport Gap Pike. Mill Creek Hundred. Minor land development plan to subdivide 1.71 acres into 4 lots, containing historic structures ca. 1910. NC6.5 zoning. CD 9.

At a virtual meeting held on February 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at its January 19, 2021 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Ms. Anderson and seconded by Mr. Johns, The Historic Review Board voted recommend **CONDITIONAL APPROVAL** of App. 2020-0784-H with the following conditions:

1. Landscaping be installed along adjacent proposed property lines to enhance the historic structures and mitigate any impact to the neighboring properties.
2. The applicant strongly consider Historic overlay zoning for the subject parcel. Alternatively, the applicant must take steps to ensure the preservation of the historic structures as part of the record plan, including but not limited to deed restrictions.
3. Should the Historic overlay not be pursued, the applicant shall work with the Department to identify specific items to protect the historic character of the property. These items shall include deed restrictions and language limiting any adverse changes to the historic integrity of the structure. Such language shall be coordinated with the Department and presented to the Historic Review Board for review.

(In Favor: Davis, Brook, Patel, Zahralddin, Silber Anderson; In Opposition: None; Abstention: Johns; Absent: None)

On a motion made by Brook and seconded by Patel, the Historic Review Board voted to recommend to the Board of Adjustment that variances as requested be approved:

1. To permit a lot width of 0 feet for Lot 2 (60-foot minimum lot width) per UDC Table 40.04.110.B.
2. To permit a lot width of 0 feet for Lot 3 (60-foot minimum lot width) per UDC Table 40.04.110.B.
3. To maintain a detached accessory structure [] feet in height and 0 feet from the northerly side property line (6-foot side yard setback) per UDC Table 40.04.110.B and Section 40.03.410.A.7.
4. To convert an existing detached accessory structure into an accessory dwelling unit on a 0.76 acre lot (2.0 acre minimum lot size) per Section 40.03.410.I.7.
5. To permit a detached ADU 0 feet from the northerly side property line (6-foot side yard setback) per UDC Table 40.04.110.B and Section 40.04.110.I.

(In Favor: Davis, Brook, Patel, Zahraiddin, Silber Anderson; In Opposition: None; Abstention: Johns; Absent: None)

Discussion preceding the vote included the following:

Mr. Johns noted he was recusing himself from the subject application. Ms. Hatch read the Department recommendation into the record. Mr. Brook stated that deed restrictions should be included in the Board's recommendation for the applicant to consider. He inquired if the property would be restored in accordance with the Secretary of the Interior Guidelines, noting that the applicant has demonstrated his past historic preservation efforts. Ms. Silber stated that she agreed the property was eligible for Historic overlay zoning, particularly in regard to how the site is within a contextual area and unique historic area / corridor. She stated that the site represents the early suburbanization of Wilmington and that it is apparent in the development patterns of the surrounding area. She stated that the Board should be consistent in regard to how the Board may address the properties along the corridor and contextual area in the future. Mr. Brook stated that he agreed with Ms. Silber, and that the owner of the subject property is relying on funds from the subdivision in order to restore the house. Ms. Hatch clarified that the applicant had provided an email to the Historic Review Board noting his concern regarding historic overlay zoning and the costs and time affiliated with going through the rezoning process. She stated it was the applicant's intent to utilize the funds from two new homes, once constructed and sold, to fix up the historic house. Ms. Hatch noted the applicant raised concerns that should he be subject to additional requirements, that the project may no longer be viable and they may seek to demolish the structure due to lack of funds. She noted that the applicant was open to placing deed restrictions on the property to ensure the structure is protected.

Ms. Silber noted that there is a balance that must be achieved and while Historic overlay zoning is preferable, agreed with the applicant's perspective. She inquired how deed restrictions would work and if they would appear before the Board for consideration. Ms. Hatch stated that the Board could lay out what type of information should be included in a deed restriction. She noted the applicant intends to save the historic house; however has concern regarding the state of the barn structure. She stated the Board could request the applicant to provide the deed restrictions for consideration or the Board could defer to the Department of Land Use to ensure the deed restrictions are sufficient.

Mr. Brook stated that he thought it would be beneficial for the Board to review the deed restrictions after the Department and applicant worked together to prepare them. Ms. Silber noted the importance of recommending commitment on behalf of the applicant to ensure the buildings are protected. The Board discussed that they recommend Historic overlay zoning; however, if it is not pursued, it would be at that point they would recommend that deed restrictions be completed. On a motion made by Ms. Brook and seconded by Mr. Patel, the Historic Review Board voted to revise condition 2 to state "The applicant strongly consider Historic overlay zoning. Alternatively, the applicant must take steps to ensure the preservation of the historic structures as part of the record plan, including but not limited to deed restrictions." (In Favor: 6; In Opposition: 0; Abstention: 1; Absent: 0) The Board discussed adding more detailed language in the motion regarding deed restrictions.

On a motion made by Ms. Anderson and seconded by Mr. Brook, the Historic Review Board voted to amend the original motion to include the following language “Should the Historic overlay not be pursued, the applicant shall work with the Department to identify specific items to protect the historic character of the property. These items shall include deed restrictions and language limiting any adverse changes to the historic integrity of the structure. Such language shall be coordinated with the Department and presented to the Historic Review Board for review.” (In Favor: 6; In Opposition: 0; Abstention: 1; Absent: 0).

This Board members discussed the requested variances. Ms. Hatch clarified there were five variances requests listed on the proposed land development plan. She clarified that because the proposed lots will be accessed by a shared drive that does not front Greenbank Road, a lot width request of 0’ is required.

ANNUAL UPDATE ON HISTORIC OVERLAY INSPECTIONS

Ms. Hatch provided the Historic Review Board with an update on the annual inspections of Historic overlay zoning districts. She provided a brief background on the existing historic overlay zoning districts, the history of the demolition by neglect ordinance and annual inspections, and the ongoing inspections. Ms. Hatch stated that in previous years, two properties had been identified of undergoing demolition by neglect, which have since been repaired or are undergoing repairs. Ms. Hatch noted the County-owned, Bechtel House is in need of repair; however, the Department of Public Works is currently seeking a resident curator for the structure. Ms. Hatch stated the Van Dyke Heath House, which was subjected to arson and is pending demolition. She noted that the County began its next round of inspections in September of 2020 and identified one property with property maintenance inspections that would be coming before the Historic Review Board at a later date. She noted the majority of the properties subject to inspection are well maintained. Ms. Anderson noted that she was happy to hear the inspections were occurring to help combat demolition by neglect.

ANNUAL REVIEW OF RULES OF PROCEDURE

The Board discussed the comments that were shared by Ms. Anderson. Mr. Brook encouraged the Board’s legal counsel to review existing code references to ensure they match the code sections following the recent code updates. Ms. Norris noted that there are some areas in the Rules of Procedure that need to be updated so that the Rules are compliant with the most recent and current legislation. Ms. Norris went through the sections of the Board’s rules with the Board members in order to take their comments and provide them with a draft update to be read at the Board’s next business meeting.

The Board members discussed the difference between the Rules of Order and the Rules of Procedure in relation to the Historic Review Board’s public hearings. The Board members noted they want to be sure the public can understand the Rules of Order versus the Rules of Procedure and the difference between the two. Ms. Norris noted that the Rules of Order primarily deal with Robert’s Rules of Order and how the Board interacts during their meetings while the Rules of Procedure are more general in nature. The Board members discussed revising the term within Section 4 of the Board’s Rules of Procedure that references the Rules of Order to “Rules for the Order of Business” and how the Board chooses to run their public hearings.

Ms. Norris noted that the language in Section 5 needs to be updated to match the verbiage of the Unified Development Code. She outlined her recommended changes to the Business Meeting section. Ms. Norris noted that there are some updates required to Section 9 following the adoption of recent legislation pertaining to Historic overlay zoning. She stated there needs to be updates to Article 11 of the Rules in accordance with the recent legislation, as well as outdated information that are no longer relevant. Ms. Norris noted that she will take all the Board’s comments and her suggested edits and will send them to the Board ahead of the next meeting.

REPORT OF THE PRESERVATION PLANNER

None.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

Jamie Liberatore, a resident of Grubb Road, stated that she heard the Department of Public Works is seeking to demolish the outbuildings and noted she had concerns. She stated that she wanted to have her comments in regarding the pending demolition. Ms. Hatch stated that she would follow up with Ms. Liberatore following the meeting, noting all agendas are posted on the web and the legal noticing requirements.

ADJOURNMENT

ATTEST:

Richard E. Hall, AICP
General Manager
Department of Land Use

John R. Davis
Chairperson
Historic Review Board