

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY HISTORIC REVIEW BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
December 1, 2020
5:00 P.M.**

The Virtual Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, December 1, 2020 via Zoom meetings.

The meeting was called to order by John Davis at [5:02 p.m.]

The following Board members were present:

Perry Patel
John Brook
Karen Anderson
Barbara Silber
John Davis
Steve Johns

The following Board members were absent:

Rafael Zahralddin

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.

MINUTES & NOTICE OF DECISIONS

November 4, 2020 Business Meeting Minutes

The Historic Review Board reviewed the meeting minutes, noting corrections on Page 1 and Page 3. On a motion made by Mr. Johns and seconded by Mr. Patel, the HRB voted to approve the November 4, 2020 Historic Review Board Minutes with the required corrections (In Favor: Davis, Silber, Johns, Brook, Patel; In Opposition: None; Absent: Zahralddin, Anderson; Abstention: None).

HISTORIC MARKER PROGRAM

4677 Summit Bridge Road: Weston. Placement of a New Castle County Historic Marker.

On a motion made by Mr. Johns and seconded by Mr. Patel, the Historic Review Board voted unanimously (In Favor: Davis, Silber, Brook, Patel, Anderson, Johns; In Opposition: None; Absent: Zahralddin; Abstain: None) to approve the placement of an historic marker on 4677 Summit Bridge Road.

Ms. Hatch gave a brief background on Weston, which was constructed in the early nineteenth century and was constructed during Rebuilding St. Georges period and rezoned to Historic overlay zoning in 2011. James Robb, the property owner, stated that he grew up on the property that was purchased by his family in 1952. He stated John Clayton, who constructed the dwelling, was the secretary for Caesar Rodney. Mr. Robb noted the house has unique features, such as floor to ceiling windows on the first floor, and it's a example of a peach mansion. The Board noted their appreciation that the owner was choosing to participate in the Historic Marker Program.

OLD BUSINESS

None.

NEW BUSINESS

App. 2020-0574-H: 485 Christiana Road. (TPs 10-028.00-030 & 10-028.00-052). Southeast corner of Rt. 273 and Rt. 1 Northbound. New Castle Hundred. Major subdivision plan including the preservation of a ca. 1930 dwelling. (Garrett Woods-App. 2019-0633-S). ST zoning. CD 1.

At a meeting held on December 1, 2020, the Historic Review Board considered the proposed application, public testimony provided at its November 17, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Ms. Silber and seconded by Mr. Patel, the Historic Review Board voted unanimously to find the site eligible for Historic overlay zoning under Criteria B and F pursuant to **Section 40.15.110 of the New Castle County Code** (In Favor: Davis, Silber, Brook, Patel, Anderson, Johns; In Opposition: None; Absent: Zahralddin; Abstain: None). On a motion made by Mr. Brook and seconded by Mr. Patel, the Historic Review Board voted (In Favor: Davis, Silber, Brook, Patel, Johns; In Opposition: Anderson; Absent: Zahralddin; Abstain: None). recommend **CONDITIONAL APPROVAL** of the application with the following condition:

1. The parcel containing the Reush House be rezoned to an Historic overlay zoning district prior to the plan's recordation.

As part of the motion, the Historic Review Board voted to recommend to the Board of Adjustment that the following requested variances be approved:

1. **Table 40.04.110 of the UDC** requires that structures within ST (Suburban Transition) zoning district to have a street yard setback.
2. **Section 40.20.225.B.5 of the UDC** requires that open space planned subdivisions maintain usable open space at a rate of 1 acre per dwelling 100 dwelling units in the development.
3. **Section 40.03.410.A** which requires that detached accessory structures be located behind the principal dwelling on lots less than two acres.

Discussion preceding the vote included the following:

Ms. Hatch gave a brief recap on the proposed application and read the Department's recommendation into the record, noting the site was eligible for Historic overlay zoning Criteria B and F pursuant to **Section 40.15.110 of the New Castle County Code**. On a motion made by Ms. Silber and seconded by Mr. Patel, the Historic Review Board voted to discuss the application.

Ms. Silber clarified that the site was noted as not eligible for the National Register as part of a DelDOT survey; however, upon further information and research, the site may now be eligible for the National Register of Historic Places. Ms. Hatch stated that the SHPO has not offered an official determination for the structure's eligibility for the National Register of Historic Places. The Historic Review Board discussed the site's eligibility for Historic overlay zoning and found that the site was eligible for Historic overlay zoning.

The Board members individually noted the Criteria in **Section 40.15.110 of the New Castle County Code**. for which they believed the property met regarding eligibility for Historic overlay zoning:

John Davis:	<i>B, F</i>
Barbara Silber:	<i>B, F</i>
John Brook:	<i>B, F</i>
Steve Johns:	<i>B, F</i>
Perry Patel:	<i>B, F</i>
Karen Anderson:	<i>B, F</i>

The Board discussed the proposed variances that were being requested by the applicant.

Mr. Patel noted the three variances individually and stated that he recommended that the variances be approved. Ms. Anderson noted her concerns with variance request for the open space in the community, as usable open space will be reduced in the development in favor of having a private lot in the subdivision for the Reusch House. Mr. Brook noted he supported all three variances and noted that the request for open space is minor.

App. 2020-0556-H: 1405 Cedar Lane. (TPs 13-012.00-045 & 13-012.00-039). Located on the east side of Route 301, approx. 4,600 feet south of Boyds Corner Road. St. Georges Hundred. Review of a UDC Open Space subdivision plan utilizing an historic preservation bonus for the Mrs. Templeman House, ca. 1830, pursuant to UDC Article 7. (Pleasanton subdivision, App. 2020-0210-S). S Zoning. CD 12.

At a meeting held on December 1, 2020, the Historic Review Board considered the proposed application, public testimony provided at its November 17, 2020 public hearing, as well as the recommendation provided by the Department of Land Use.

On a motion made by Ms. Silber and seconded by Mr. Patel, the Historic Review Board voted unanimously (In Favor: Davis, Silber, Brook, Patel, Anderson, Johns; In Opposition: None; Absent: Zahralddin; Abstain: None) to recommend **CONDITIONAL APPROVAL of the proposed plan with a density bonus of three additional building lots pursuant to Section 40.07.440 of the New Castle County Code** with the following conditions:

1. The applicant pursue Historic overlay zoning of the proposed five-acre lot containing the Mrs. Templeman farm complex prior to the plan's recordation.
2. The applicant work with the Department of Land Use on a note to be included on the record plan referencing any approved density bonus and the accompanying pro-forma.
3. A 200' contextual buffer surrounding the historic structures be reflected on the record plan.

Discussion preceding the vote included the following:

Ms. Hatch gave a brief recap on the application and read the Department of Land Use recommendation into the record. She stated that the Department has found the site is eligible for Historic overlay zoning under Criteria A, B, D, and E pursuant to **Section 40.15.110 of the New Castle County Code**. She noted the applicant had indicated to the Department of Land Use that they are amenable to rezoning the property to an Historic overlay zone. Ms. Hatch noted that the HRB had voiced concerns regarding surety and maintenance of the structure, which Historic overlay zoning can address.

On a motion made by Mr. Johns and seconded by Mr. Brook, the HRB discuss subject site eligibility for Historic overlay zoning. The Board members individually noted the Criteria in **Section 40.15.110 of the New Castle County Code**. for which they believed the property met regarding eligibility for Historic overlay zoning:

John Davis:	A, B, D, E
Barbara Silber:	A, B, D, E
John Brook:	A, B, D, E
Steve Johns:	B
Perry Patel:	A, D, E
Karen Anderson:	B, E

On a motion made by Mr. Brook seconded by Mr. Patel, the HRB voted unanimously to find the site meets the Criteria for Listing under Criteria A, B, D, and E (In Favor: Davis, Silber, Brook, Patel, Anderson, Johns; In Opposition: None; Absent: Zahralddin; Abstain: None).

The Board discussed the proposed land development plan, density bonus, and recommended conditions provided by the Department of Land Use. Ms. Hatch noted that the applicant had testified during the public hearing that they were proposing three lots for a density bonus, although their initial letter had requested one lot as a density bonus. Ms. Anderson asked for clarification

regarding the pro forma, noting that the Board had discussed potentially requiring improvements to be made by 50% build out of the development.

Ms. Hatch stated that the Department did not include that in their recommendation, as the approval of any density bonus and the land development plan requires the improvements to be made. She also noted that Historic overlay zones require annual inspections to be completed to ensure that demolition by neglect is not occurring on a property. Ms. Hatch stated that the application was applied for prior to the adoption of the new code, which requires a surety guarantee.

Mr. Brook stated that he shared Ms. Anderson's concerns, however believed that if Historic overlay zoning were in place it would address those concerns. Mr. Johns stated that the applicant has put in effort into restoring and repairing the house. On a motion made by Mr. Johns and seconded by Mr. Patel, the HRB voted unanimously to amend the current motion on the floor to provide for a density bonus of three lots instead of one (In Favor: Davis, Silber, Brook, Patel, Anderson, Johns; In Opposition: None; Absent: Zahralddin; Abstain: None).

REPORT OF THE PRESERVATION PLANNER

Ms. Hatch noted that the Board members were provided with the meeting date schedule for 2021.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 6:18 p.m.

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board