

**New Castle County Historic Review Board
Background Report
July 20, 2021**

APPLICATION	App. 2021-0375-H
APPLICANT / PROPERTY OWNER	Charles A. Walther Jr., Trust c/o Elaine M. Walther 563 Walther Road Newark, DE 19702
TAX PARCEL	09-041.00-005
LOCATION	East side of Walther Road, 1,200 feet north of Pierce Run
SUBJECT	Minor land development plan including the subdivision of the Stewart House, ca. 1780, listed on the National Register of Historic Places
Affiliated CRS No.	N-04003

A minor subdivision plan was received by the Department of Land Use and was referred to the Historic Review Board pursuant to **Section 40.15.010.B of the New Castle County Code**.

BACKGROUND

The site located at 563 Walther Road has recently been the subject of code violations due to the construction of new buildings without a record plan on file with the Department of Land Use. The subject site and the surrounding lands have long been utilized for industrial purposes, including a borrow pit, from the early to mid-twentieth century; however, the site has remained designated as farmland due to nonconforming uses that were established prior to the creation of County zoning code. In order to bring the site's current use, existing legal conformities, and new structures that were constructed without approval into compliance with the Unified Development Code, Special Use approval must be granted by the Board of Adjustment that will be accompanied by an up-to-date record plan.



1982 Aerial Imagery

As part of the overall project, the applicant is seeking to subdivide the 45-acre parcel into three lots in order to separate the residential uses on the site from the industrial uses on the property. Of the two residences is the James Stewart Jr. House, constructed in the late eighteenth century, which was listed on the National Register of Historic Places by the current property owner in 1983. In order to enhance preservation of the dwelling and its residential nature, the applicant is proposing to install additional landscaping along the proposed property lines where feasible. In order to subdivide the Stewart House onto its own 0.46± acre lot and maintain existing structures while separating the residential uses from the industrial uses, the

applicant is requesting a total of 15 variances across the three proposed lots.¹ As part of their recommendation, the Historic Review Board may choose to provide a recommendation on the variance requests to the Board of Adjustment.

LIST OF VARIANCES

LOT 1:

1. TO PERMIT A SIDE YARD BUILDING SETBACK FOR BUILDING 8, MINIMUM OF 6 FEET FROM THE EASTERLY PROPERTY LINE OF LOT 2. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
2. TO MAINTAIN A SIDE YARD BUILDING SETBACK FOR BUILDING 3A, MINIMUM OF 23 FEET FROM THE NORTHERN PROPERTY LINE OF LOT 2. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
3. TO MAINTAIN A SIDE YARD BUILDING SETBACK FOR BUILDING 4, MINIMUM OF 22 FEET FROM THE NORTHERN PROPERTY LINE OF LOT 2. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
4. TO MAINTAIN A SIDE YARD BUILDING SETBACK FOR BUILDING 3A, MINIMUM OF 28 FEET FROM THE EASTERLY PROPERTY LINE OF LOT 3. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
5. TO PERMIT A SIDE YARD BUILDING SETBACK FOR BUILDING 3B, MINIMUM OF 35 FEET FROM THE EASTERLY PROPERTY LINE OF LOT 3. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
6. TO MAINTAIN A SIDE YARD PAVING SETBACK, MINIMUM OF 0 FEET FROM THE NORTHERN PROPERTY LINE OF LOT 2. (30' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
7. TO MAINTAIN A SIDE YARD PAVING SETBACK, MINIMUM OF 0 FEET FROM THE EASTERLY PROPERTY LINE OF LOT 2. (30' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
8. TO MAINTAIN A PAVING SETBACK ALONG LOT 1 FRONTAGE, MINIMUM OF 23 FEET FROM RIGHT OF WAY (50' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
9. TO MAINTAIN 0 FT LANDSCAPE BUFFERYARD (OPACITY 0.0) ALONG THE PROPOSED RESIDENTIAL LOT 2 (OPACITY 0.3, 15 FT WIDE REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.111B)

LOT 2:

10. TO PERMIT A LOT SIZE OF 0.46 AC. (1.0 AC REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B).
11. TO MAINTAIN A FRONT YARD BUILDING SETBACK, MINIMUM OF 35 FEET (AS SHOWN FOR BUILDING 1A). (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
12. TO MAINTAIN A REAR YARD BUILDING SETBACK FOR BUILDING 1B, MINIMUM OF 10 FEET FROM THE NORTHERN PROPERTY LINE OF LOT 1, CAUSED BY THE PROPOSED SUBDIVISION. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
13. TO MAINTAIN A REAR YARD BUILDING SETBACK FOR BUILDING 1A, MINIMUM OF 37 FEET FROM THE NORTHERN PROPERTY LINE OF LOT 1, CAUSED BY THE PROPOSED SUBDIVISION. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)
14. TO MAINTAIN A SIDE YARD PAVING SETBACK, MINIMUM OF 0 FEET FROM THE WESTERLY PROPERTY LINE OF LOT 1. (30' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)

LOT 3:

15. TO MAINTAIN A FRONT YARD BUILDING SETBACK FOR BUILDING 2, MINIMUM OF 37 FEET. (40' REQUIRED IN (S) ZONE FOR OTHER PERMITTED USES PER UDC TABLE 40.04.110B)

HISTORIC ANALYSIS

¹ See attached Exhibit B in applicant submission for complete list and diagram of variances requested.

The site located at 563 Walther Road and the surrounding lands have been utilized for industrial purposes dating back to the early twentieth century. Apparent in aerial imagery between 1954 to present day, the now 45-acre site



has been utilized as a borrow pit. Despite the surrounding industrial uses and changes of the landscape, the James Stewart, Jr. House was listed on the National Register of Historic Places in 1983. According to the National Register nomination, 0.75± acres of the overall property were considered affiliated with the historic dwelling due to surrounding intrusive elements.

The dwelling was listed on the National Register of Historic Places under Criterion B and C due to its local significance and understanding of movements of peoples and their interconnections with other hundreds in New Castle County. “It is important to the architectural history of the area in that it represents a type of building seen nowhere else in the hundred. The Stewart House is

significant under Criterion C for National Register eligibility since it embodies the distinctive characteristics of a type, period or method of construction. Because of the information it reveals about the inter-relationships of different families, it is also eligible under criterion B as it is associated with persons significant to the local past.”²

BASIS OF REVIEW

Before the Historic Review Board for consideration is the proposed subdivision of the James Stewart, Jr. House onto a 0.45+ parcel. Because the dwelling is listed on the National Register of Historic Places, the dwelling is eligible for Historic overlay zoning. When considering land development plans the impact resources eligible for Historic overlay zoning, the Historic Review Board shall consider Section 40.15.220 of the New Castle County Code.

Section 40.15.220 of the New Castle County Code (“Historic Review Board Standards”, “Land Development Plan Review and Historic Resources”)

The Historic Review Board (HRB) shall consider the following (as applicable) when making recommendations in accordance with Section 40.15.010.B on land development applications:

- A. Historic context in relation to past themes, time periods, geography, events, and cultural values.
- B. Surrounding environment and landscape:
 - 1. A conceptual landscape plan showing proposed plantings that enhance, or mitigate impact to, an historic resource and its historic context.
 - 2. Site context as defined by features such as a parcel size, vegetation, topography, surrounding character and proximity to nearby development.
 - 3. Potential for archaeological resources.
- C. State of extant historic resources:
 - 1. Level of deterioration and modification to original fabric of the resource.

² Statement of Significance, National Register Nomination for James Stewart, Jr. House

2. Reasons for deterioration which may include lack of maintenance, vacancy, loss of material integrity, or an act of God.
3. Structural integrity as determined by a registered design professional licensed in the State of Delaware.

D. Compatibility of the proposed development with extant historic resources:

1. Consistency with exterior style and features of surrounding resources, as well as preservation and enhancement of character-defining attributes.
2. Harmony between existing and proposed structures regarding massing, proportions, scale, and building orientation.
3. Suitability of the proposed development's location and siting regarding sensitivity to historic resources.

Enclosures:

Applicant Submission

Landscape Plan

National Register Nomination