

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

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

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

The following Board members were present:

John Davis
Steve Johns
Karen Anderson
Rafael Zahralddin
Perry Patel
Nannette Swadey

The following Board members were absent:

Barbara Silber

Historic Review Board, Department of Law

Colleen Norris

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

Betsy Hatch
Shane Bailey

RULES OF ORDER

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

MEETING MINUTES

October 5, 2021 Business Meeting Minutes

On a motion made by Mr. Johns and seconded by Mr. Patel, the Historic Review Board voted to approve the meeting minutes from October 5, 2021.

HISTORIC MARKER PROGRAM

None.

OLD BUSINESS

App. 2021-0531-H: 3901 Centerville Road. (TP 07-025.00-010.) West side of Centerville Road, 700 feet north of Hillside Road. Christiana Hundred. Building permit to construct a 7,400 square foot structure for the Intercollegiate Studies Institute Bean Conference Center (Worth Estate, ca. 1937). SE & H Zoning. CD 2.

At a meeting held on November 2, 2021, the Historic Review Board considered the revised lighting plan for the ISI Bean Conference Center provided by the applicant following the October 5, 2021 Historic Review Board business meeting.

On a motion made by Mr. Johns and seconded by Mr. Patel, the Historic Review Board voted to recommend **APPROVAL** of the revised lighting plan. (In Favor: Johns, Anderson, Patel, Swadey, Zahralddin, Davis; In Opposition: None; Abstention: None; Absent: Silber.)

Discussion preceding the vote included the following:

Mr. Johns inquired if the applicant provided a footcandle map. Ms. Hatch noted that the applicant provided a lighting plan that is compliant with the Unified Development Code. Ms. Anderson thanked the applicant for submitting a revised lighting package, noting that she reviewed the package and observed that there were fixtures still missing from the package; however she did not have additional concern regarding impact on adjacent property as the missing fixtures were likely hanging lantern fixture. She noted the applicant provided additional shielding information and angle information for the light fixture. Ms. Anderson noted that she wanted confirmation that there was a half dome provided on the proposed flood lights. Courtney Sarge, the applicant's representative and design consultant, confirmed Ms. Anderson's questions.

NEW BUSINESS

App. 2021-0622-H: 5714 Kennett Pike. (TP 07-007.00-018.) West side of Kennett Pike, south of the intersection with Owls Nest Road. Christiana Hundred. Building permit for exterior improvements on the Chandler-Dixon House, ca. 1880, located within the Centerville National Register Historic District. CN, HTO, and H zoning. CD 2.

At a meeting held on November 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at the October 15, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and seconded by Mr. Zahralddin, the Historic Review Board voted to grant **APPROVAL** of the proposed scope of work, along with the release of any required building permits for the proposed scope of work. In their motion, the Board also included a recommendation of **APPROVAL** to the Board of Adjustment for the requested front setback

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

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record. There was no further discussion.

App. 2021-0623-H: 5304 Kennett Pike. (TP 07-012.00-098.) Northwesterly corner of Pyles Ford Road and Kennett Pike intersection. Christiana Hundred. Building permit to convert an existing, 19th century stone barn into a dwelling (Wm. Peters Ag Complex, Beers). NC2a zoning. CD 2.

At a meeting held on November 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at the October 15, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Anderson and seconded by Mr. Patel, the Historic Review Board voted to recommend **APPROVAL** the proposed application. (In Favor: Johns, Anderson, Patel, Swadey, Zahralddin, Davis; In Opposition: None; Abstention: None; Absent: Silber.)

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record. There was no further discussion.

App. 2021-0626-H: 1749 Old Wilmington Road. (TP 08-003.00-006.) Northeast side of Old Wilmington Road, 300 feet southeast of the intersection with Benge Road. Mill Creek Hundred. National Register Nomination for the Robert Mitchell House, constructed ca. 1870 (period of significance 1958-1973). S Zoning. CD 3.

At a meeting held on November 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at the October 15, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and Seconded by Mr. Zahralddin, the Historic Review Board voted to recommend APPROVAL of the proposed National Register nomination and requested that the nomination be signed by the County Executive and forwarded to the Delaware State Review Board for Historic Preservation for consideration. During their vote, the Board members indicated which Criteria for Listing to the National Register of Historic Places they believed the proposed nomination met:

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|----------|---------|
| Davis | A, C |
| Patel | A, B, C |
| Johns | A, B, C |
| Swadey | A, B, C |
| Anderson | C |

Zahralddin

A, B, C

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record. Mr. Johns noted the importance of the structure dealt with the interior design and workmanship of the building. He inquired if it was common for properties to be listed to the National Register of Historic Places for the interior over the exterior of the building. Ms. Hatch clarified that the National Register does allow for the interior of the building to qualify for the minimum Criteria for Listing.

App. 2021-0627-H: 508 Brick Mill Road. (TP 13-023.00-001.) East side of Brick Mill Road, 900 feet south of Marl Pit Road. St. Georges Hundred. Minor subdivision plan to subdivide existing 8.0730 acre site into three lots, containing the Botts House, ca. 1900. S Zoning. CD 6.

At a meeting held on November 2, 2021, the Historic Review Board considered the proposed application, public testimony provided at the October 15, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and seconded by Mr. Zahralddin, the Historic Review Board voted to recommend **APPROVAL** of the proposed application as submitted. (In Favor: Johns, Anderson, Patel, Swadey, Zahralddin, Davis; In Opposition: None; Abstention: None; Absent: Silber.)

Discussion preceding the vote included the following:

Ms. Hatch read the Department's recommendation into the record. Ms. Norris advised the Board that the Board should consider a motion to determine if the site meets the minimum Criteria for Designation for Historic overlay zoning or not.

Mr. Zahralddin inquired if there was a recommendation from the historic planner regarding the eligibility of the site for Historic overlay zoning. Ms. Hatch clarified that her recommendation was that due to the significant interior modifications and the preliminary background research's lack of notable persons or events, there was not sufficient evidence that the site meets the minimum Criteria for Designation. She noted that the application was forwarded to the Board due to the site's potential for meeting the minimum Criteria for Designation in the event that additional information could come to light; however, as submitted the Department recommended approval.

Mr. Johns stated that the Board did not seem to have the information needed to determine whether the site meets the minimum criteria. He noted that the application calls for the subdivision of land and the intent is for the house to remain. For those reasons, he stated didn't know if the Board needed to make a determination of eligibility for Historic overlay zoning. Ms. Hatch confirmed the owner's intention was to maintain the house. She stated that if the owner or future owner wish to pursue preservation measures, the Department of Land Use would be able to work with them in the event further research was provided establishing that the site meets the minimum Criteria for Designation.

Ms. Swadey stated that she agreed that the Board did not have sufficient information to make a determination of eligibility for Historic overlay zoning. She stated that she did have a concern regarding demolition by neglect and inquired what type of measures could the Board consider to ensure that demolition by neglect does not occur. Mr. Zahralddin agreed that there was a concern of demolition by neglect. Mr. Johns noted that if the applicant is able to subdivide the property and sell off land, they may be able to then pursue preservation and rehabilitation of the house. Ms. Hatch Noted that she understood the concern of demolition by neglect. She stated that property in New Castle County are subject to the property maintenance code, therefore if there was a Code Enforcement issue reported, the Department of Land Use would be required to act on it.

Mr. Patel inquired if there was opportunity to complete more research to find out if the site meets the minimum Criteria for Designation. Ms. Hatch stated that currently there is not sufficient information to indicate the site meets the minimum Criteria for Designation for Historic overlay zoning; however, if the owner wished to pursue Historic overlay zoning in the future, the burden of proof would be on the owner to provide research that demonstrates the site meets the minimum Criteria for Designation.

The Board continued to discuss the potential eligibility for the site and whether the information provided indicates the property meets the minimum Criteria for Designation. Mr. Johns inquired who would be responsible for potentially performing additional background research if the Board requested it. Ms. Hatch noted the Department of Land Use performed the initial background research and that the Board can issue a recommendation that further research should be completed.

The Board members discussed the Department's recommendation and whether the site meets the minimum Criteria for Designation. Ms. Anderson noted the fourteen Criteria for Designation and asked the Board to consider the Criteria for Designation in making a decision. She stated that after reading through the fourteen criteria, she did not believe the site met the minimum Criteria for Designation. Mr. Johns agreed that he did not believe the site met the minimum criteria. Mr. Zahralddin noted that he had a concern that there was not enough information to establish a full record or determine whether the site meets the minimum criteria; however, if the historic planner noted that they believed the site did not meet the minimum Criteria for Eligibility his question would be clarified. Ms. Swadey noted she agreed with Ms. Anderson and Mr. Johns, noting that the owner indicated they did not wish to pursue an Historic overlay zone.

On a motion made by Mr. Patel and seconded by Mr. Zahralddin, the Board discussed a motion to amend the motion to TABLE the application. The motion failed in a vote of 2-4-0-1. (In Favor: Patel, Zahralddin; In Opposition: Johns, Anderson, Swadey, Davis; Abstention: None; Absent: Silber)

The Board discussed whether there was potential for more background research to determine whether the site meets the minimum Criteria for Designation. Ms. Hatch stated that the Department of Land Use was seeking a recommendation from the Board through the public process; however, her professional opinion was there was not sufficient evidence that could be easily ascertained to prove the site meets the minimum Criteria for Designation between the

background research completed and the site visit that occurred. Mr. Zahralddin noted that after that clarification, he concurred with the Department's recommendation. Ms. Swadey agreed that she did not believe that the property met the Criteria for Designation but inquired if the property was subject to the Property Maintenance Code. Ms. Hatch stated that Historic overlay zoning districts are subject to annual inspections, however all properties within New Castle County are subject to the property maintenance code. She further clarified that if a complaint was filed with New Castle County, code enforcement would be required to follow up and ensure that demolition by neglect is not occurring. Ms. Swadey stated that she was satisfied with the answer and that there are some protection measures in place.

The Board discussed the requirements of Section 40.15.010.B, Applicability, and how the code section applies to the application. The Board discussed whether further research would even yield additional information that may indicate the site met the minimum Criteria. The Board inquired if the lack of sufficient information was a matter of needing more time. Ms. Hatch noted that she did not believe it was a matter of time, she stated that the research that was completed did not lead the Department down the road where she felt further research was needed from here. The Board discussed the application based on the information that is available currently. Ms. Norris provided additional clarification on the procedures of the Board based on whether the members find that the site meets the minimum Criteria for Designation.

During the vote, the Board members indicated the following:

Mr. Davis stated that based on the evidence before the Board, the subject site does not meet the Criteria for Designation. He stated that additional research appears unlikely to yield otherwise. Mr. Johns stated that based on the information available, he did not believe the site meets the minimum Criteria for Designation. Ms. Anderson stated that based on the information before the Board, the site does not appear to meet the minimum Criteria for Designation. Mr. Patel stated based on the information available, he did not believe the site meets the minimum Criteria for Designation. Ms. Swadey stated based on the information available, she did not believe the site meets the minimum Criteria for Designation. Mr. Zahralddin stated that based on the information available and clarifications on the record, he did not believe the site meets the minimum Criteria for Designation.

REPORT OF THE PRESERVATION PLANNER

None.

REPORT OF THE CHAIRPERSON

None.

COMMENTS FROM THE PUBLIC

None.

ADJOURNMENT

ATTEST:

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

John R. Davis
Chairperson
Historic Review Board