

**MINUTES  
BUSINESS MEETING  
NEW CASTLE COUNTY HISTORIC REVIEW BOARD  
DEPARTMENT OF LAND USE - NEW CASTLE ROOM  
87 READS WAY, NEW CASTLE, DELAWARE  
July 7, 2020  
5:00 P.M.**

The Virtual Business Meeting of the Historic Review Board of New Castle County was held on Tuesday, July 7, 2020 via Zoom meetings.

The meeting was called to order by John Davis at [5:03 p.m.]

The following Board members were present:

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

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  
Christopher Jackson  
Antoni Sekowski

The following members of the public were in attendance:

Mike Hoffman  
Dee Durham

**RULES OF PROCEDURE**

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

**MINUTES & NOTICE OF DECISIONS**

June 2, 2020 Business Meeting Minutes

On a motion made by Mr. Brook and seconded by Mr. Patel, the Historic Review Board voted to approve the June 2, 2020 Historic Review Board Business Meeting minutes.

#### June 2, 2020 Notices of Decision / Recommendation

The Board discussed the Notices of Recommendation provided to them by Staff and discussed the content reports. The Historic Review Board discussed whether the Board should vote on approving the notices of recommendation, as decisions of the applications have already been made at the prior business meeting. The Board discussed the nature of the Notices of Recommendation and Notices of Decision, noting that the decisions are a summary of what occurred at a previous business meeting. On a motion made by Mr. Brook and seconded by Mr. Johns the Historic Review Board voted to remove the Notices of Recommendation / Decision from consideration on the agenda (In Favor: Davis, Patel, Brook, Johns, Silber; In Opposition: Anderson).

#### **OLD BUSINESS**

App. 2019-09509: 385 Vandyke Greenspring Road. (North side of Vandyke Greenspring Road, west of the intersection with Sawmill Rd.). Appoquinimink Hundred, (TP 14-018.00-024). Demolition permit to demolish the Vandyke Heath House constructed ca. 1780. SR & H Zoning. CD 6.

At a meeting held on July 7, 2020, the Historic Review Board considered the application, public testimony provided at its June 16, 2020 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. Patel, the Historic Review Board voted unanimously to **APPROVE** the full demolition of the Vandyke Heath House pending any required Code Enforcement action in order to minimize any safety hazards as well as to have a report completed with associated documentation and CRS forms closing the case of the structure. Discussion preceding the vote included the following:

Ms. Hatch gave the Board a brief presentation regarding the discussion that occurred at the June 16, 2020 public hearing between the Historic Review Board and Joe Day on behalf of Code Enforcement, noting the Board's previous recommendation on the demolition and the Department's difficulty reaching the property owner.

Mr. Davis explained the Board's previous requirement to release a partial demolition permit of the damaged structure around the interior log structure in order to further explore stability of the log structure. He noted to the Board that Code Enforcement was looking to the Board for direction should Code Enforcement be required to take any demolition action of the property and potential difficulty of attempting to demolish around the log portion of the structure. Mr. Davis noted the Board should consider the testimony of Code Enforcement in order to determine whether full demolition is important, as well as the property owner's desire to preserve the log structure.

Ms. Anderson asked if the Department has spoken with the property owner. Ms. Hatch stated that it wasn't until the Department visited the property prior to the public hearing that staff was able to communicate with the property owner; however, the Department has had difficulty reaching the property owner since the last time the application appeared before the Board. Ms. Anderson noted the structural engineer report, the lack of communication with the owner, and recommended that Code Enforcement proceed with the demolition of the structure on those factors. The Board members agreed and noted that it is unfortunate however the structure remains a safety hazard. Ms. Silber noted that CRS forms should be updated on the State of Delaware's database to update that demolition has occurred.

## **NEW BUSINESS**

App. 2020-0133-S: 3510 Kennett Pike. (Southern corner of Barley Mill Road and Kennett Pike intersection.) Crooked Billet Subdivision. Christiana Hundred. Resubdivision Plan to subdivide Lot 27 (containing historic dwelling and outbuildings) into three individual lots with a common driveway, removal of a ca. 1960 outbuilding / pool house, and conversion of main dwelling to include an accessory dwelling unit. Crooked Billet / Brindley Farm listed on the National Register of Historic Places. S Zoning. Christiana Hundred. CD 2.

At a meeting held on July 7, 2020, the Historic Review Board considered the application, public testimony provided at its June 16, 2020 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. Patel, the Historic Review Board voted unanimously to accept the recommendation for **CONDITIONAL APPROVAL** of the proposed plan with the following condition:

1. The applicant rezone Lot 27 and Lot 29 to include an Historic overlay district, as well as to record a deed restriction for Lot 28, to be reviewed by the Department in conjunction with the Historic Review Board, to ensure that the new lot maintains appropriate character that is sensitive to the historic structures.

As part of the motion, the Board voted to support the proposed variances:

- Minimum lot size for Lot 28 (former pool house lot) of 0.51 acres
- Minimum lot size for Lot 29 (carriage house lot) of 0.41 acres
- Lot width for Lot 27 (main dwelling lot) to have a lot width of 70'
- Lot width for Lot 28 to have a lot width of 0'
- Lot width for Lot 29 to have a lot width of 0'

Discussion preceding the vote included the following:

Ms. Hatch gave a brief presentation on the application and reminded the Board of the public testimony given at the public hearing. Ms. Hatch read the Staff Recommendation into the record, noting that the Department had been in communication with the applicant and the

district Councilperson regarding the rezoning of two of the proposed parcels including existing historic resources to Historic. She reminded the Board that the applicant is requesting variances as part of the plan approval.

Ms. Anderson asked Staff why a previous version of Staff's recommendation included a condition for a maintenance plan for the historic structures while the most recent iteration did not include the recommendation for a maintenance plan. Ms. Hatch clarified that the Department was engaged in conversations with the applicant, who agreed to rezone Lots 27 and 29, which would subject the historic structures to the demolition by neglect provisions of the property maintenance code.

Mr. Johns asked Staff what protections Historic overlay zoning would provide to the historic structures that the National Register of Historic Places did not provide. Ms. Hatch stated that Historic overlay zoning gives the Historic Review Board purview over exterior modifications as well as subject the property to routine inspections by the Department while the National Register is largely an honorary designation that helps identify historic structures.

## **REPORT OF THE PRESERVATION PLANNER**

Ms. Hatch stated that the Comprehensive Historic Update ordinance would be appearing before the Board at the next public hearing. She noted that the Department of Land Use is beginning to launch the Comprehensive Plan update process and that a Stakeholder Challenge would be shared with the Board in order to get preliminary feedback on public outreach efforts.

Ms. Hatch gave an update on 706 New London Road, noting that the University of Delaware had been able to document the structure. She informed the Board that it appears there had been some work and partial demolition on the structure, therefore the property would be appearing before the Historic Review Board in upcoming months.

Ms. Hatch noted that Councilwoman Dee Durham had sent over pictures of a proposed marker to be part of the Historic Marker Program in hopes to get some feedback on its design. Ms. Durham noted she had ordered a sample from the Erie Landmark Company and reiterated the goals of the program, which is to raise awareness and celebrate Historic overlay structures. The Historic Review Board thanked the Councilwoman's efforts and recommended that the marker state "Historic Review Board Designated Historic Resource" in order to celebrate the structure instead of calling attention to the Historic Review Board.

## **REPORT OF THE CHAIRPERSON**

None.

## **COMMENTS FROM THE PUBLIC**

None.

**ADJOURNMENT**

The Board voted to adjourn the meeting at 6:17 p.m.

**ATTEST:**

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

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John R. Davis  
Chairperson  
Historic Review Board