



Department of Land Use

HISTORIC REVIEW BOARD  
NOTICE OF RECOMMENDATION  
January 4, 2022

<b>APPLICATION</b>	2021-0781-H
<b>APPLICANT / PROPERTY OWNER</b>	New Castle County Dept. of Public Works 800 French Street Wilmington, DE 19801
<b>TAX PARCEL</b>	06-021.00-033
<b>LOCATION</b>	West side of Grubb Road, 565 feet south of Country Gates Drive
<b>SUBJECT</b>	Revisions to existing parking plan to identify 20th century farm buildings for removal and for the creation of a new trail
<b>Affiliated CRS No.</b>	N-01166

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An updated parking plan for Jester Park (App. 2021-0724-S) has been submitted to the Department of Land Use. The plan maintains the previous design of the ongoing project for the Jester Art Space while proposing the demolition of the mid-twentieth century agricultural buildings on the site. The plan also shows the proposed trail for the park, a separate Public Works project. Pursuant to **Section 40.15.010.B of the New Castle County Code**, the plan was forwarded to the Historic Review Board for consideration.

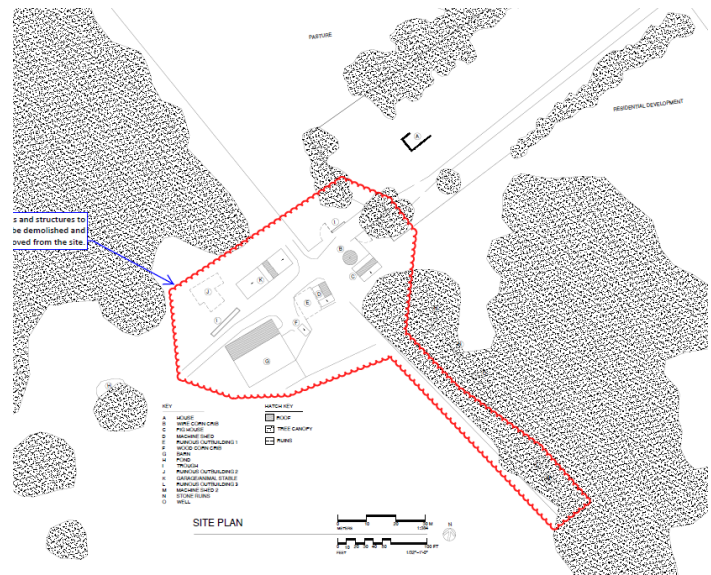
BACKGROUND

The updated parking plan is part of the larger project for Jester Park, located off Grubb Road in Brandywine Hundred. The previous plan appeared before the Historic Review Board in February of 2020 (App. 2019-0647-S), which included the proposed renovation of the Jester House to convert the dwelling to a community art space. The plan received a recommendation of conditional approval from the Board, which advised that archaeological work be completed. A Phase I archaeological investigation was completed in July of 2020 and no further investigation was recommended, as no archaeological sites were identified in the survey.



Following the HRB meetings, the Department of Public Works considered options for the existing agricultural structures on the site; however, given the condition of the buildings after longtime use by Hy-point Dairy, the Department of Public Works is pursuing demolition of the structures. The Department of Public Works contracted with the University of Delaware Center for Historic Architecture and Design to have the buildings evaluated and documented. The documentation and State of Delaware CRS forms are enclosed with the submission. While the structures are associated with the long-time agricultural use of the property, upon further evaluation the buildings appear to date to the mid to late twentieth century (1950-1975).

The intent of the updated parking plan is to revise the note designating the outbuildings as “to remain” to “to be removed”. While the trail is shown on the plan, it is a separate project that is not within the scope of the work of the updated parking plan. While the Jester House is given a new use as a community art space, the passive use of the property to include walking trails for surrounding residents appears to be an appropriate utilization of the subject site and is sensitive to the historic character of the property.



**HISTORIC ANALYSIS**

As discussed at previous HRB meetings, the Jester House property remains eligible for Historic overlay zoning as it represents a farmstead in Brandywine Hundred that was established prior to the suburbanization of Brandywine Hundred. Given the suburban development around the Jester Property, the significance of the site continues to largely remain with the undisturbed, agrarian landscape.

In regard to the proposed scope of work before the Board for consideration, the existing farm structures are consistent with the historic use of the property; however, the structures themselves are later in construction in comparison to the Jester House and its’s period of significance. The Board should consider the guidance included in **Section 40.15.210.B of the New Castle County Code**, as well as **Section 40.15.220 of the New Castle County Code** when forming their recommendation regarding the proposed building demolitions and accompanying notation on the plan.

**BASIS OF REVIEW**

The proposed application before the Historic Review Board includes the revised parking plan as the proposed demolition of the agricultural outbuildings. Therefore, the subject application is reviewed against Section 40.15.210.B and Section 40.15.220 of the New Castle County Code.

*Section 06.03.020.B of the New Castle County Code (“Demolition of historic structures”)*

1. A demolition permit shall not be issued until the Department has determined whether the structure is eligible for Historic overlay zoning as defined by the criteria for designation in

Section 40.15.110 of this Code. The Department shall determine the eligibility within twenty (20) days of receiving a complete application.

- a. Where the resource is found eligible for Historic overlay zoning, the applicant must provide a complete Historic Resource application to the Department, at which time the application shall be scheduled before the HRB at its next available public hearing after required public notice. A demolition permit shall not be issued until the HRB has issued a recommendation or decision on the application.
  - b. Where the resource is not found eligible for Historic overlay zoning, the demolition permit shall be processed by the Department as otherwise provided by the Code.
2. In order to seek mitigation or alternatives to demolition, the HRB may hold the issuance of the demolition permit for a period not to exceed nine (9) months from the date of the HRB written opinion to the Code Official. HRB findings shall be issued to the Code Official in a written recommendation in accordance with Section 40.31.370.
- a. The HRB has the authority to deny demolition permits that are located within an Historic overlay zoning district pursuant to Section 40.15.160 of the New Castle County Code.
  - b. The HRB has the authority to require documentation in accordance with Section 40.15.210.B of this Code prior to the release of a demolition permit for any structure determined eligible for Historic overlay zoning as defined by the criteria for designation listed in Section 40.15.110 of this *Code*.

*Section 40.15.210.B of the New Castle County Code (“Historic Review Board standards”, “Building and demolition permit review”)*

B. Demolition permits. The HRB shall review demolition permits for historic resources that the Department has determined to meet the criteria for designation included in Section 40.15.110. The HRB may hold a demolition permit for nine (9) months in accordance with Chapter 6, during which time alternatives to demolition shall be sought. In addition to the criteria for designation, the HRB shall consider factors such as the following when reviewing demolition applications.

1. State of the resource.
  - a. Level of deterioration and modification to original fabric of the resource.
  - b. Reasons for deterioration which may include lack of maintenance, vacancy, loss of material integrity, or an act of God.
  - c. Structural integrity as determined by a registered design professional licensed in the State of Delaware.
2. Cost of rehabilitation and financial hardship.
  - a. Nature of ownership (*e.g.*, individual, for profit business, or nonprofit).

- b. Cost of repairs to the subject property demonstrated through a third-party independent cost estimate to perform the proposed work.
  - c. Fair market value of the land and improvements.
  - d. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the seller and purchaser or other means of acquisition of title, such as by gift or inheritance.
  - e. For income-producing property only, itemized operating and maintenance expenses for the property for the prior two (2) years and annual cash flow, for the prior two (2) years.
  - f. Any and all listings of the property for sale or rent, price asked, and offers received for the prior two (2) years.
3. Documentation of the resource may be required at the discretion of the HRB prior to the Department's release of a demolition permit. Such documentation shall be in accordance with the Historic American Buildings Survey (HABS) and the Historic American Engineering Record (HAER) guidelines and may include the following:
- a. Written historical narrative. Such narrative shall include a general history of the resource, an analysis of its relationship to its surrounding environment, and the persons and events associated with its establishment and development, if applicable.
  - b. Field documentation including measured drawings and digital photography.
  - c. State of Delaware Cultural Resource Survey (CRS) forms.

*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. 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.

**PUBLIC HEARINGS** – December 21, 2021

\*Please note, a recording and transcripts of the public hearing are available at the Department of Land Use.

Marco Boyce from the New Castle County Department of Public Works and Catherine Morrissey from the University of Delaware's Center for Historic Architecture and Design spoke on behalf of the application. Mr. Boyce noted summarized the proposed parking plan, which calls for the demolition of the existing agricultural buildings that were associated with the Jester House. He noted that the overall site is intended to be turned into passive park space with a pathway, with the Jester House being utilized as a community art space. He stated that the Department of Public Works consulted the University of Delaware to evaluate the agricultural buildings for any historic value.

Ms. Morrissey noted that the University visited the site to evaluate the structures as well as document them prior to the demolition occurring. She noted that the buildings are post-war farm buildings and don't contribute to the significance of the Jester House, which is a 19<sup>th</sup> century farmhouse. Ms. Morrissey described the different aspects of the buildings that were evaluated and the different construction methods dating to the 1950s, 1960s, and 1970s. She stated that the buildings have lost a large amount of the original material integrity and that they do not qualify for listing on the National Register of Historic Places.

Mr. Boyce noted that the Department of Public Works is considering interpretative signage to show and demonstrate what the previous uses of the site entailed, as well as the site's contribution to the natural ecology of the surrounding area. He stated the next steps for the project following the demolition of the buildings include conversion of the pasture to meadow and the installation of the walking trail.

Ms. Silber inquired if there has been any archaeological investigations completed on the site, as there was a suspected high potential for archaeological sites. Mr. Boyce noted that there was an archaeological investigation completed for the parking lot area as part of the Jester Art Space project and that no sites were found.

An adjacent property owner inquired through the Zoom chat if the dwellings that were in the Chalfonte area were part of the Jester Farm. Mr. Boyce noted he was unsure, but could look into the history of the site.

**DEPARTMENT RECOMMENDATION**

As noted above, the subject application proposes to remove a notation on the existing parking plan that identifies the outbuildings associated with the Jester Property as “to be maintained”. Following the evaluation completed by the University of Delaware Center for Historic Architecture and based on the testimony provided at the public hearing, the Department concurs that the agricultural buildings do not possess historic significance either individually or in relation to the Jester House.

The Department of Land Use recommends the Historic Review Board provide a recommendation of **APPROVAL** for the proposed parking plan and subsequent release of demolition permits for the existing agricultural structures.

**BUSINESS MEETING** – January 4, 2022

Ms. Hatch read the Department’s recommendation into the record.

Ms. Silber asked for clarification, noting that the Board is not discussing or voting the proposed trail on the property. Ms. Hatch confirmed that the Board is not considering the proposed trail, but the removal of the agricultural buildings as they relate to the approved parking plan on file with the Department of Land Use.

**HISTORIC REVIEW BOARD DECISION**

At a meeting held on January 4, 2022, the Historic Review Board considered the proposed application, public testimony provided at the December 21, 2021 public hearing, and the Department of Land Use recommendation.

On a motion made by Mr. Patel and seconded by Ms. Anderson, the Historic Review Board recommend **APPROVAL** for the proposed parking plan and subsequent release of demolition permits for the existing agricultural structures.

The motion was adopted by a vote of 7-0-0-0 [In Favor: Davis, Swadey, Anderson, Zahralddin, Patel, Johns, Silber; In Opposition: None; Abstention: None ; Absent: None.]



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John R. Davis  
Chairman, Historic Review Board

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2/18/2022  
Date