

Historic District Review Board

Public Hearing and Regular Session Agenda

September 17, 2013

4:30 P.M.

1. Call to Order; Roll Call
2. Public Hearing
 - a. Hear Public Comment on the proposed revisions of Historic District Review Board By-Laws
 - b. Close Public Hearing
3. Invocation and Pledge of Allegiance
4. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
5. New Business
 - A. 209 Jefferson Avenue
6. Old Business
 - A. HDRB By-Laws Change
7. Announcements
8. Adjourn



DRAFT
HISTORIC DISTRICT REVIEW BOARD
Regular Meeting
Town Hall
August 20, 2013
4:30 p.m.

At approximately 4:33 p.m. Chairman David Gay, having established a quorum, called to order the Regular Meeting of the Historic District Review Board. In addition to David Gay, present were John Caton and Terry Strub. Joe Fehrer arrived at approximately 5:38 p.m. and Ted Warner was absent. Also in attendance were Town Manager Heather Arcos, Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley and applicant Dave McCormack of Charon Ventures, LLC. There were approximately six members of the public in attendance.

David Gay suggested the Board observe a moment of silence to reflect on the work that they were about to undertake, that they consider each other's opinions even though they may not agree with them, that they were respectful of one another and that they go about doing the business of preserving the historic character of the historic district. This was followed by the recitation of the Pledge of Allegiance.

David Gay explained that in the past, the Board had discussed having public comment and that provision was stated in the By-Laws, but at this time there would be no public comment period. David Gay stated that he received a letter from Old School Cape Charles that he would read into the record later and proceeded to hand out copies of the letter to each Board member.

CONSENT AGENDA:

Terry Strub suggested that Item 5B be reviewed before Item 5A.

Motion made by Terry Strub, seconded by John Caton, and unanimously approved to accept the agenda as amended.

The Historic District Review Board reviewed the minutes of the July 16, 2013 Regular Meeting.

Motion made by Terry Strub, seconded by John Caton, to approve the minutes of the July 16, 2013 Regular Meeting as presented. The motion was unanimously approved.

NEW BUSINESS:

There was no new business to discuss.

OLD BUSINESS:

B. HDRB By-Laws Change:

Rob Testerman explained that based on comments he had received through correspondence with the Board, he was able to get a draft together and sent out for legal review. Several changes were suggested by legal counsel. After sending the draft to Town Council for their review, a number of comments were received in disagreement of deletion of a sentence in Section 2-3 stating "Any member may be removed by the Town Council for neglect of duty or malfeasance in office" so this provision would remain. Rob Testerman stated that that was the only change from the version included in the packet. David Gay confirmed that there was nothing additional and Terry Strub clarified that the items the Board struck through remained that way.

Rob Testerman recommended that if the Board was okay with the changes, they could schedule a public hearing for the September 17, 2013 meeting unless there were any further concerns.

Motion made by Terry Strub, seconded by John Caton, to approve the changes to the HDRB By-Laws as written. The motion was unanimously approved.

Rob Testerman clarified that the Board would be approving the changes at the Public Hearing and David Gay confirmed that the Board was just approving the submission of the By-Laws to the Public Hearing without any further changes.

Terry Strub amended her motion, which was seconded by John Caton, to schedule a Public Hearing on September 17, 2013 to hear comment regarding the proposed changes to the HDRB By-Laws. The motion was unanimously approved.

David Gay commented that it was a good effort on Rob Testerman's part to make the changes to the By-Laws and the end result looked very good and Terry Strub agreed that it was done very well.

A. *423 Plum Street, Cape Charles School – modification to exterior walls, windows, doors, and roof:*

Rob Testerman pointed out the attachments in the packet and asked Dave McCormack to review the PowerPoint presentation.

Dave McCormack explained that he had put together the presentation to demonstrate where they were and where they expected to go with project. Dave McCormack stated the following: i) The building was obsolete for the use as a school; ii) It had asbestos and abatement issues such as lead-based paint; iii) Upkeep was expensive for the town including cutting the grass, keeping the roof tight, and keeping the structure in a state that was not a blighted condition; and iv) The electrical, mechanical and plumbing was out of date and needed to be updated. Dave McCormack added that the project cost was expected to be about \$2M with 17 units in the building. Finding grants and someone to finance the project for redevelopment for an adaptive reuse type project on a building of that size and complexity was very difficult.

Dave McCormack continued by stating that there were two things he loved about doing this type of work: i) People would ask him if he was doing anything environmental as part of the project, using either solar or high efficiency materials, and he would point out that just doing this type of work was inherently green because it saved the building and kept a lot of old building materials out of the landfills. Just the mass of brick and mortar they were reusing was inherently green; ii) The other thing he loved was the celebration of the history associated with buildings like the school and the window they provided into history. A lot of times, the buildings told a story of the town.

Dave McCormack stated that Charon Ventures, LLC looked for opportunities around the State of Virginia and a portion of North Carolina and to date, they had completed \$80M worth of projects. They did not offer low income housing, but offered market rate apartments in an effort to create something that brought a lot of value. In this particular case, it was especially important given the historic nature of the neighborhood. Everything fell under the guidelines of the Department of Historic Resources (DHR) at the State level and the National Park Service (NPS) and the Department of the Interior on the Federal level. Charon Ventures had to comply with the standards of the various organizations.

Dave McCormack pointed out that the James Mallonee School in Hopewell, Virginia was similar to the Cape Charles School. The school was a blighted situation as it had been through several fires and break-ins. The city was ready to tear it down. Charon Ventures, LLC was able to put a plan together for 50 apartments, spent \$6M. They worked with the city to retain the auditorium which was a difficult task. Charon Ventures was able to do a historically sensitive restoration and that building was now market rate apartments which were 95% occupied. It was an important game changing project for the City of Hopewell.

David Gay asked who owned the building now that it had been renovated. Dave McCormack responded that there was a specific real estate LLC entity that owned it and went on to briefly explained the process from development to closing.

Terry Strub asked when the James Mallonee School was built and Dave McCormack stated that it was built in the 1920's.

David Gay asked how big the site was and Dave McCormack responded that it was a 3.5 acre site that also had a football field in the back which was still being used by the school system. The object was to keep the entire campus upgraded because that area and the auditorium were still used for events such as homecomings. Before and after photos were shown in the presentation and Dave McCormack informed the group that the Virginia Housing Development Authority (VHDA) was actually using this project in their print ads.

David Gay commented that it looked like Charon Ventures retained a lot of the open space on this plan and Dave McCormack replied that, in that particular property, there was a large parking lot at the back and a new parking lot was also created on the side similar to their plans for the Cape Charles School.

Dave McCormack commented on the interior photos in the presentation of the James Mallonee School, stating that the Cape Charles School would look very similar and briefly described other projects he had completed including the Mayton Transfer Lofts, Blackstone Lofts, Ginter Place, Maury Commons, Southern Express and Community Bank/Courthouse View. The Mayton Transfer Lofts in Petersburg was a \$30M, 220 apartment project in three old peanut warehouses on a six acre site. It was the catalyst for almost all of the downtown development in Petersburg. There were now 1,200 people living downtown that were not there in 2005. The Blackstone Lofts used to be an old tobacco drying warehouse. Blackstone was similar in size to Cape Charles. Ginter Place was a condo project in Richmond, Maury Commons was a school project in Fredericksburg, Southern Express was a smaller project that housed a coffee shop in Petersburg and Community Bank/Courthouse View was a seven story office building that was converted to residential in the City of Petersburg. Dave McCormack commented that there was something special about each of these projects, pointing out economic, local business, tax payer, real estate income and blight removal benefits. Dave McCormack added that when a project was successful, people believed in it and wanted to create other investments.

Rob Testerman reviewed each modification being proposed by the applicant as follows: i) gently clean the exterior walls and repair deteriorated mortar and masonry; ii) replace existing modern rubber membrane roof with a new PVC roof; iii) restore historic windows and replace modern aluminum frame windows; iv) replicate historic front doors, restore and replicate transoms and insert compatible new doors where historic doors were undocumented; and v) install two canopies on the fire escapes in order to meet code. Rob Testerman reiterated that the Board's approval or denial was based on whether or not the application was consistent with the adopted Cape Charles Historic District Guidelines.

Rob Testerman explained that he provided a link for Preservation Brief No. 2 under the discussion of exterior walls and David Gay commented that he had seen the 47 Preservation Briefs that were put out by the NPS which were very detailed. Dave McCormack noted that the NPS used to trust that people fixing up buildings were doing the right thing and abiding by the briefs, but after a number of issues, the NPS started making site visits and added that he thought that the increased scrutiny was beneficial to the HDRB to know that the NPS would be making site visits.

David Gay stated that he had gone around the building and looked at some of the permastone and there were some fairly large sections at the top that looked like they were coming away from the wall. David Gay expressed his concern about gently cleaning it and asked whether it would actually have to be removed and replaced with like material and colors. Dave McCormack stated that there were many aspects of cleaning and repairing, but that was the idea. David Gay stated that it was also a safety hazard if the material wasn't replaced.

Rob Testerman went on to review the exterior walls. David Gay asked Dave McCormack about the process to be used to determine whether the materials were of consistent strength because the existing material was obviously very aged and wasn't very strong anymore in some areas. David Gay also asked if there was a laboratory process used to check to make sure what they were going to put back up there was going to be the right strength. Dave McCormack explained that a lot of materials suppliers allowed you to bring in materials to do mortar matching. David Gay stated that he brought up the permastone at the last meeting because there was not a lot of history of people fixing it and it wasn't an easy thing to do. Dave McCormack stated that they relied on their architects and the masonry industry.

Rob Testerman continued with the review of the roof modifications. David Gay commented that the one thing he didn't see, that was discussed at the last meeting, were the mockups and went on to state that he had spoken with Paige Pollard and was informed by her that this was something she did but had not been asked to do for this project. David Gay clarified that he was talking about the

mechanical units on the roof and stated that he had a couple of pictures from the back. David Gay continued to state that although he had seen the building from all different sides, he was surprised that the parapet wall only went around the sides and the front of the building and not the back of the building. This was one of the reasons why he wanted to see something to reference the size of the mechanical unit being installed on the roof, even if it was a box the same size as the mechanical unit, maybe a photo of it so the Board could see that it wasn't going to be visible. Dave McCormack stated that the idea was not to necessarily make them completely invisible, but to screen them as much as possible. He had sent Rob Testerman the dimensions which were provided to the Board and photos of the Mallonee School were included as examples for the Board. The idea was to push the units as far against the back wall as possible. David Gay stated that he took the photo to make sure they were all talking about the same thing and he thought originally that the parapet wall went around the whole building which would have been a moot point, but because there was nothing in the back it raised the issue and that's why the Board asked about a mockup. Rob Testerman stated that the dimensions of the units were approximately 28" tall and given the distance setback from the edges of the wall, he didn't think they would be visible. David Gay pointed out that in the comments, Rob Testerman stated they would not be visible from the street and David Gay stated that he did not have an issue as long as the units weren't visible from the street.

Rob Testerman continued to discuss the roof and windows modifications.

David Gay commented that he noticed in some of the drawings of the school that there were other buildings and some small attached structures in the rear of the building and wondered if there was a proposal to demolish anything adding that nothing really addressed it. In one picture, it didn't even show that that building was there. Dave McCormack stated that Charon Ventures wasn't proposing to demolish anything.

Rob Testerman asked if there were any questions about the windows and continued to discuss the doors and fire escapes emphasizing that the applicants should not try to create a historic feature based on assumption when certain historic aspects were undocumented. Dave McCormack gave an explanation regarding the doors. David Gay commented that he had done extensive research trying to find a different side of the building, but photos always seemed to be taken of the front and the sides of the building so he had not been able to find any pictures of the back of the school where those doors were. Rob Testerman pointed out that if historic evidence was found, the doors could be changed.

Rob Testerman stated that in looking at the proposed modifications and referring to the guidelines, the project seemed consistent with the guidelines and recommended approval of the Certificate of Appropriateness.

John Caton questioned the roof of the fire escapes and Dave McCormack responded that they would be a colorful metal that satisfied code but did not look historic. David Gay explained that the reason the Board asked for pictures of the fire escapes was because it sounded like there were going to be fire escapes all over the outside of the building, but now he was getting the impression that the Charon Ventures were taking the existing fire escapes and putting a covering over them to meet code. David Gay also questioned how the fire escapes would be fixed if they were in disrepair. Dave McCormack stated that a structural engineer would look at everything. There were special inspections that would be performed and approved. It also had to be aesthetic so the architect would also signed off. Terry Strub confirmed that they were basically new fire escapes and Dave McCormack specified that they would be 2013 compliant. David Gay asked if John Caton had any questions. John Caton asked how many fire escapes there would be. Dave McCormack responded that there would be two fire escapes. David Gay confirmed that they were on either side of the building between the building and the auditorium on the classroom side which was where the apartments would be.

David Gay went on to state that there was one thing he wanted to go over which was not in the application but was discussed at the last meeting – the site plan and the parking. David Gay continued to state that he had done some research, had a meeting with Heather Arcos, the Mayor and Rob Testerman and one of the things that were stressed was that the Board had to follow the guidelines. The guidelines actually talked about parking in regards to preserving the historic

district. One of the things that the Town always loved to talk about was Smithfield, VA and their guidelines looked a lot like ours and were almost a carbon copy. The guidelines talked about parking for historic buildings and non-historic buildings and said it was always in the rear or the side of the building. David Gay presented Smithfield's guidelines to the Board and explained that the difference between Smithfield's guidelines and our guidelines was ours did not show the pictures, but they stated the same thing. If the Board was going to stay consistent and follow the guidelines that the town had given them and told them to follow, they really needed to address the site. David Gay distributed a packet he had put together and stated that the first page was a satellite view of the school and North Park Row. It showed the ellipse, flag pole, playground and basketball court. David Gay stated that the next page showed the site survey from the sales contract and all of those elements were evident there. The third page showed the proposed parking lots for the site. David Gay went on to state that if they were to be consistent with the guidelines, the parking should be on the side of the building and it appeared that there was enough space to put the parking there. David Gay noted that he didn't know what the formula for parking was nor had he seen anything that was provided by zoning, but if they looked at all the parking spaces designed for the building, there was parking on the street as well. If they looked at the entire area with offsite and onsite parking, they were talking about 48 spaces for 17 units which seemed a little excessive. Everyone else in that area parked on the street. David Gay proposed that the developer put back the circle and the ellipse and make that a driveway to go back to the parking lot that was on the side of the building. The parking lot on the side could be larger on that site. Dave McCormack asked if he had looked at that area to know that they had enough room to put the parking area there. David Gay stated that he had and if there was a driveway, a circle and an ellipse, there wouldn't be cars backing up to the front of the building and pointed out a picture from the 1919 yearbook showing the ellipse which was used by Charon Ventures as their marketing tool for the building.

David Gay stated that the other thing that threw him off was why the address was 423 Plum Street and not 23 Park Row. 23 Park Row was still on the front of the building and was historic. David Gay continued by stating that the on next page of his packet was a copy of the Cape Charles guidelines which specifically stated the parking had to be on the side or the rear. David Gay stated that he had all of the school pictures from 1919 going forward to 1971 because he couldn't find any after that period, but they all showed the circle and the ellipse and he remembered that when he moved to Cape Charles there was still there. If the developer really wanted to preserve the character, and as Dave McCormack showed in his presentation which he thought was very good, this was what they should be doing.

Dave McCormack stated that he respected that opinion, but wanted David Gay to know that was not the only iteration of the parking they had studied. There were other considerations that went into the site planning decision.

David Gay stated that, in his own mind, he didn't know how he could approve the application in good conscience if he was going to go against his own guidelines that his Mayor, Town Manager and Town Planner said he should follow. Dave McCormack pointed out that in terms of the current layout, the parking was designed around the back and the side and he welcomed that decision that was made there, but they had looked at a lot of different ways to work around the parking issue. There were zoning ordinances to be complied with that were not in place in the 1920s. David Gay commented that he thought many of the changes being proposed were very good and he didn't have an argument with a lot of them, but restated his issue that if they were not going to follow their guidelines, then why were they doing it; why did the Board exist?

Rob Testerman stated that the number of parking spaces were laid out in the zoning ordinance and was unsure if on-street parking spaces were included in the parking space requirements. Rob Testerman added that he would look it up in the zoning book before the Board took a vote on it.

Rob Testerman went on to state that Joe Fehrer was on his way to the meeting, but in the event that he couldn't be present, had sent an email with his comments. Rob Testerman proceeded to read the email to the Board. David Gay interrupted remarking that Joe Fehrer was not there and Joe Fehrer needed to be able to speak for himself and went on to state that Rob Testerman couldn't try to influence the body by introducing a document without the participant being there. One of the things the Board had talked about was having surrogates to sit in for the Board members and the Board

had agreed that they didn't want to allow that. Rob Testerman explained that he wasn't trying to influence the Board or count Joe Fehrer's comments as a vote. Since Joe Fehrer was a Board member and couldn't be at the meeting, he thought he would share Mr. Fehrer's comments with the Board. David Gay responded that he would welcome Joe Fehrer's input if he was there.

Rob Testerman asked if he should check the parking and Dave McCormack stated that he didn't think it mattered and informed the Board that, as an applicant, he didn't make those decisions because they were easy or because that was just where they felt like putting it. Dave McCormack added that the civil engineer had a really specific job and had to consider life safety and access for fire engines around corners and curbs. The proposed parking lot plan was the end result of all those considerations. Dave McCormack stated that the building was the important thing. David Gay commented that the site and the building were important because it all had to do with how the building was viewed and interpreted. Dave McCormack agreed and stated that they were well aware of all the site considerations for all the projects they did and that was why they tucked the parking around the side and back of the building. David Gay stated that it sounded like Dave McCormack was saying the front was the side of the building. Terry Strub asked for clarification on the front of the building which was followed by much discussion regarding the front of the building. David Gay stated that historically, there was no parking in the front and the photos included in his packet showed people parking along the park for a football game. Dave McCormack agreed that there was no parking, but it was 2013 and they had to comply with the code.

David Gay suggested Rob Testerman go back and look at the code and find out how much space they had on the true side of the building. It appeared from the drawings, if the lot could be figured properly, that they could get all the cars in that lot. Rob Testerman stated he would take a look at the code, but mentioned Article VIII of the Zoning Ordinance which stated that "The Historic District Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Historic District Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Historic District Review Board may issue the Certificate of Appropriateness." Rob Testerman explained that the Board could have a stipulation that if all of the parking needs could be taken care of on the side and if the applicant was willing to agree, they could put that in their motion. Dave McCormack stated that they had already looked at the parking and could not comply with the code by focusing the parking lot on the side of the building. If they could they would because it was cheaper. David Gay asked how much parking they needed adding that there wasn't even off-street parking for every house in town. This was changing into a residential building and he found it very strange. Terry Strub pointed out that the condo units only had one parking space per unit. David Gay proposed that Dave McCormack take a look at it again. Rob Testerman read aloud Section 4.5.1.C of the Zoning Ordinance which stated one space per one bedroom dwelling unit; otherwise two spaces per dwelling unit. David Gay confirmed that 17 spaces were needed and calculated there would be 12 cars in the front, 16 cars on the side and at least 20 more spaces on the street which came to a total of 48 spaces. The front lot wasn't even needed and David Gay added that he was saving Charon Ventures money. Dave McCormack stated he would love to eliminate that, but there was a reason it was designed on the side. David Gay stated it seemed excessive and the guidelines said parking could not be put in the front. David Gay continued to state that the parking could be expanded on the side. Dave McCormack asked where the parking could be expanded. David Gay replied that they owned the land out to the tennis courts and there was a huge lot on the side of that building if he hadn't looked. Dave McCormack stated that he agreed and would love to save the money, but if they were okay with everything else on the project, they could conditionally approve it and he would go back to the civil engineer with that idea in mind. David Gay stated that he would not approve it based on what he had seen so far and thought they should solve the problem and bring it back to the Board but it sounded like Dave McCormack was saying he didn't really want to do it. Dave McCormack stated he had never been to an HDRB meeting where one of the members showed up with a booklet trying to convince the group but understood that this was a contentious project. David Gay stated that it had nothing to do with it being a contentious project but had to do with whether or not they were following their guidelines. Dave McCormack stated that they had looked at the guidelines very closely and thought it made sense for the group to go ahead and vote on it

because he had worked with the civil engineer to come up with the best possible outcome and solution based on all of the inputs including the guidelines, code, historic character and life safety.

Joe Fehrer arrived at the meeting and apologized for being late. David Gay handed him a copy of the packet he had put together and proceeded to brief him on what he had missed stating that the Board had gone over each one of the points Mr. McCormack would like approved. One issue came up at the end that had to do with the parking. The HDRB Guidelines specifically stated that a parking lot could not be put in the front of a building, whether it was a commercial or residential building, and added that it was supposed to be in the rear or on the side. Joe Fehrer questioned that the fact that there was an existing parking area in front of the old high school currently was of no consequence. David Gay did not think it was because they were looking for approval of what the building had looked like historically and through most of its history it had an ellipse with a flag pole. Joe Fehrer asked if an ellipse were to be reestablished, was there adequate parking to the left of the building from the park and old basketball courts. David Gay stated that if he looked at the guidelines in the ordinance it stated 17 spaces were needed and there were 16 spaces there now and open space around the parking lot could be opened up to provide enough parking for 17 or more cars.

Heather Arcos mentioned that the ordinance for selling the school stated 17 residential units and it did not clarify whether they were one or two bedroom. David Gay noted that it had been stated they would be one bedroom except for one unit. Heather Arcos stated that the two bedroom unit would have two parking spaces. David Gay stated that that would be one more car and he felt that it would fit on the side. Joe Fehrer asked Dave McCormack if recreating the ellipse was a deal breaker. Dave McCormack stated that it wasn't there now and they were working with what existed currently and added there was no particular guideline that suggested they follow that. David Gay gave the example of the front doors stating that there were pictures of the historic front doors, so they could use the same argument and say they weren't going to put the historic front doors back on. Dave McCormack stated that currently, there was a parking lot in front of the building and zoning now was not what it was in the 1920's. There were certain things that went into their decision making process that weren't always historic and gave the example of the staircase stating that if they wanted it to be historic, they wouldn't put the cover over it, but it would violate code or zoning and they had to comply with what the fire department wanted the infrastructure on the site and storm water. Dave McCormack reiterated that there were engineering issues, life safety issues, zoning and more and went on to state that the site plan designed was the best situation and the one that worked. Just because it appeared they had the room on the side, didn't mean they actually had it and could use it. David Gay asked Dave McCormack if he had looked at the zoning issues because from what he had seen so far it sounded like they didn't need that many spaces. Dave McCormack stated that if there was a fire in that building, and the fire department couldn't get to the front of the building, they would be in violation. David Gay commented that he didn't think they had a problem getting to the front of the building for 100 years, that with a circle and an ellipse there, they could always get there before and went on to state that he thought they needed to take the time to address the code again to see what it actually said. Dave McCormack gave the example of the roof over the staircase and stated it was critically important and that it was not there historically, but it complied with code and the same concept applied to the site and stressed it was really important to consider all those things and not just a historic photo. David Gay stated that it wasn't just a historic photo, it was also their historic guidelines that the town had laid out. If those guidelines weren't worth anything, then they shouldn't have them. Dave McCormack stated that the back was the new front of the building and the front was in the yard. It was an unusual configuration. David Gay stated that the back wasn't the new front and went on to state that every house on that street had the same configuration. David Gay stated that there was not always one solution and he thought Dave McCormack should go back to "his folks" and see if they could have it reconfigured. Dave McCormack stated that the configuration they had was not the first one but was the one that solved all the problems including the issue on the side. David Gay stated that, except for what Dave McCormack presented, he had not heard one argument from zoning, the fire department or from any other area that said that having that type of configuration was the only configuration they could have. Dave McCormack stated that they were not part of that conversation. David Gay commented that he couldn't just say Dave McCormack was there and had told them what they really should do and that was what they should agree to. David Gay added that he just couldn't do that. Dave McCormack clarified that they knew those constraints going into code review.

Rob Testerman indicated that the Board could include changes in the approval and they could add a condition that stated that the front drive meet any applicable codes.

Joe Fehrer read aloud the proposed modifications and stated that was what the Board had to look at. David Gay asked Joe Fehrer if he was saying that the applicant did not have permission to do anything other than those things, that the Certificate of Appropriateness only covered those things and if they wanted to do anything else with the site they would have to come back for another review. Joe Fehrer stated that he thought the two completely different issues needed to be separated. It was unfair to the applicant because the Board sent him away two months ago and the applicant had to come back to clarify the issues. Joe Fehrer added that he felt that the Board needed to focus on the five modifications.

Terry Strub stated that she wanted to hear what Joe Fehrer wrote in his email since Rob Testerman was not permitted to read the email in his absence. Joe Fehrer proceeded to read his comments.

Motion made by Joe Fehrer, seconded by Terry Strub to approve the application for the five items as submitted by the applicant. The motion was approved by majority vote with David Gay opposed.

Councilman Frank Wendell asked David Gay if he had a letter to read. David Gay replied that he did not and that there was no comment period from the public at that point.

ANNOUNCEMENTS:

Rob Testerman stated that he had looked into the subscription for the National Alliance of Preservation Commissions. For commissions of municipalities with a population of less than 5K, there was a \$50 membership fee to join and it appeared the fee would cover all the Board members. The Board agreed that they would like to join.

Rob Testerman reported the following: i) 621 Jefferson Avenue was still under construction and the chimney was not put in yet; ii) There was no construction started at 114 Randolph Avenue yet; and iii) It was possible that there would be an application to review next month for an addition at 209 Jefferson Avenue.

Terry Strub asked what was going on with the bathroom facility in the park. David Gay stated that they were working on it and putting the plumbing in.

Joe Fehrer asked what the final decision was on the By-Laws and Rob Testerman briefed him on what was discussed. Heather Arcos clarified the purpose for leaving the sentence in Section 2-3 stating that the Board members were appointed and Council could unappoint a member of the HDRB for malfeasance or not following the ordinance. Heather Arcos also clarified that Town Council did not have to have a public hearing to approve the By-Laws because the By-Laws were consistent with the ordinance.

Rob Testerman stated that the Homeowner's Brochure was being updated and there was much discussion on the content. David Gay stated that it would be really helpful if they could get the brochure to new homeowners. Terry Strub asked if the realtors had the brochure and Heather Arcos stated that it had been provided to them in the past, but would be a good idea to provide to them again. It was also on the Town's website. Joe Fehrer suggested the realtors leave a few brochures in each house they had listed so prospective homeowners would have an idea of the procedures involved and the Board agreed.

Motion made by Terry Strub, seconded by John Caton, to adjourn the Historic District Review Board Regular Meeting. The motion was unanimously approved.

Chairman David Gay

Asst. Town Clerk

Historic District Review Board Staff Report

From: Rob Testerman
Date: September 12, 2013
Item: 5A – 209 Jefferson, Addition
Attachments: Application, Survey, Drawings, and Photos

Application Specifics

An application has been received from Mr. and Mrs. Drumheller for a 32'5"x20' addition in the rear of the house, and an 8'x18" rear deck. The applicant has provided two possibilities that they are considering, both additions would occupy the same footprint. Proposed Floor Plan A shows the full addition being enclosed and a new deck on the rear and Proposed Floor Plan B has a covered deck proposed where the family room was in Plan A, and a new deck on the rear. 209 Jefferson is not listed as a contributing structure.

Items of note:

- a. In proposal A, the applicant is proposing to install four double hung windows, one on the west side of the addition, and three on the rear of the addition; a glass sliding door on the rear of the addition, and side door on the east side of the addition, which will include a window on the upper half of the door.
- b. Proposal B calls for 3 double hung windows, with one on the west side of the addition and two on the rear. This proposal calls for a section of the rear addition to be a covered porch, with a door exiting into the rear yard. Also in Proposal B a side door on the east side of the addition is shown, which will include a window on the upper half of the door.

Discussion

The existing home is not a contributing structure. The proposed roof pitch will match the existing pitch. The windows are proposed to be double pane windows to match the existing windows. The siding on the addition will be hardi-plank to match the existing siding. If the applicant were to choose option A, they propose a standard sliding glass door on the rear of the house. A standard exterior door is proposed for option B.

The Guidelines do not speak much to work on non-contributing structures. No homes in the 200 block of Jefferson Avenue, or the 200 block of Washington Avenue to the rear of the house are listed as contributing structures. The Guidelines do mention the porches should not be enclosed on primary elevations on page 43. However, in the context of the section and the illustrations, it is my interpretation that it is referring to front porches. As this proposed porch is in the rear of the house I do not feel that it conflicts with the guidelines. The Board previously approved an enclosure of a rear porch for 114 Randolph in July. As mentioned above, the proposed roof pitch, siding, and windows are proposed to match those on the existing portion of the house; these items also are consistent with the recommendations in the Guidelines. The proposed doors do not conflict with the Guidelines.

Recommendation

As mentioned above, the applicant has not decided on which floor plan proposal they wish to pursue, I believe the approval or disapproval needs to be looked at as separate reviews. Action should be taken as separate motions for each proposed floor plan. As neither proposal is in conflict with the Guidelines, staff recommends approval of the Certificate of Appropriateness for proposed floor plan A, and staff recommends approval of the Certificate of Appropriateness for proposed floor plan B.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA
Application for Historic District Review

Date: 9.3.13 Permit No.: _____
* (Attach plans) Fee: \$50.00

Applicant: Jeremy & Sarah Drumheller Signature: A. Dehl
Address: 209 Jefferson Ave. Cape Charles, VA 23310
Telephone: Jeremy: 434.989.3098 Cell: Sarah: 434.962.6922
cell

Owner(s): Jeremy and Sarah Drumheller
Address: 1665 Hubbard Ct. City: Chiville State: VA Zip: 22903

Contractor: TBD
Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Cell: _____
Town License No.: _____ State License No.: _____

Location of Improvement: 209 Jefferson Ave. Cape Charles
Lot No.: 10613 Block No.: _____ Lot Size: 40 X 140 Lot Area: _____
Type of Improvement: Addition
Proposed Use: Residential
Estimated Construction Costs: \$ 20K

Dimension of Structure or Improvement:
Width: 32'-5" Length: 20' Height: _____
Total Square Footage: 650

Structure of Improvement will be set back:

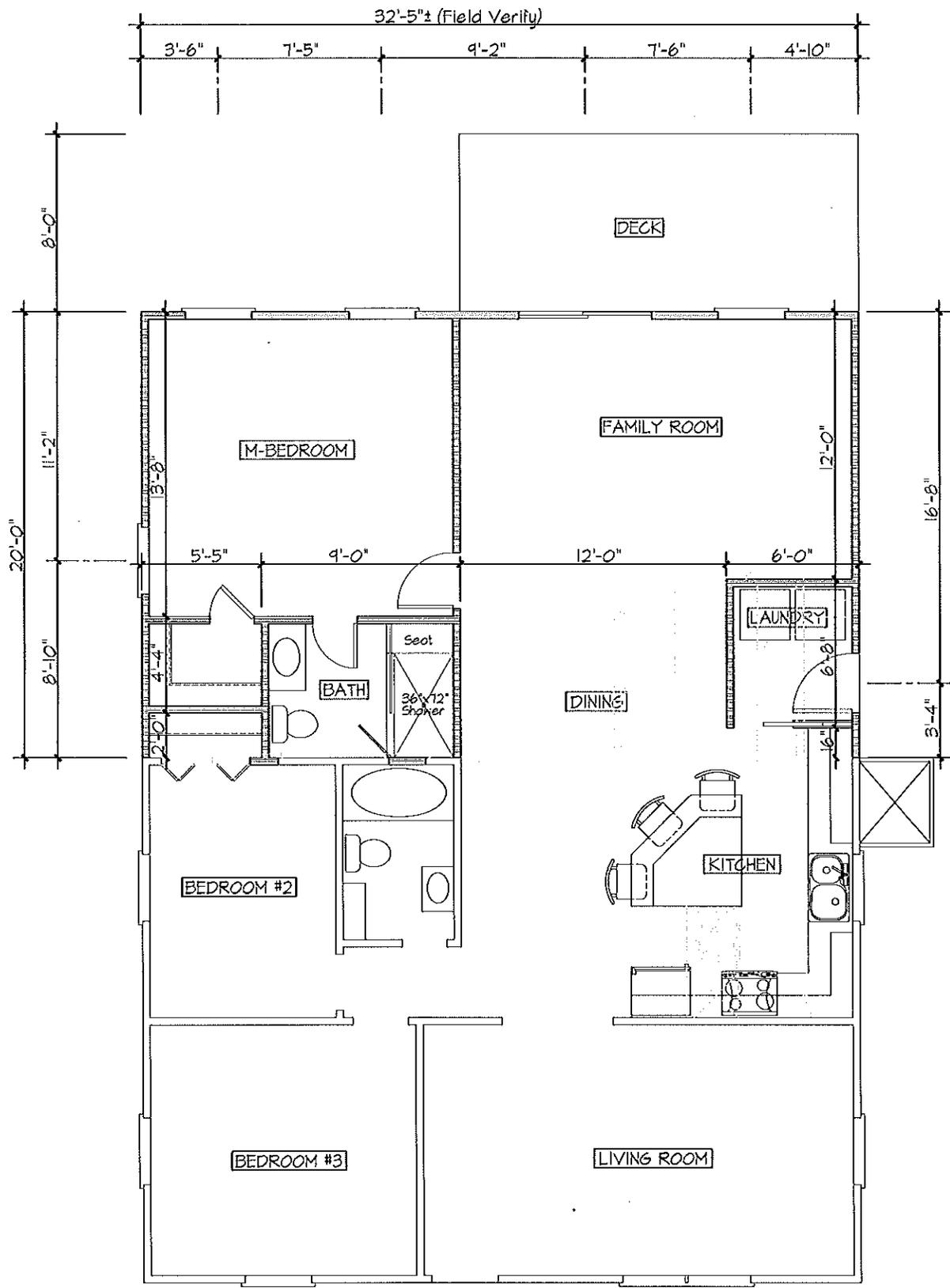
_____ from front property line
_____ from side property line
_____ from side property line on corner lot
_____ from rear property line
_____ from alley

Town Water Permit: _____ Town Sewer Permit: _____

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

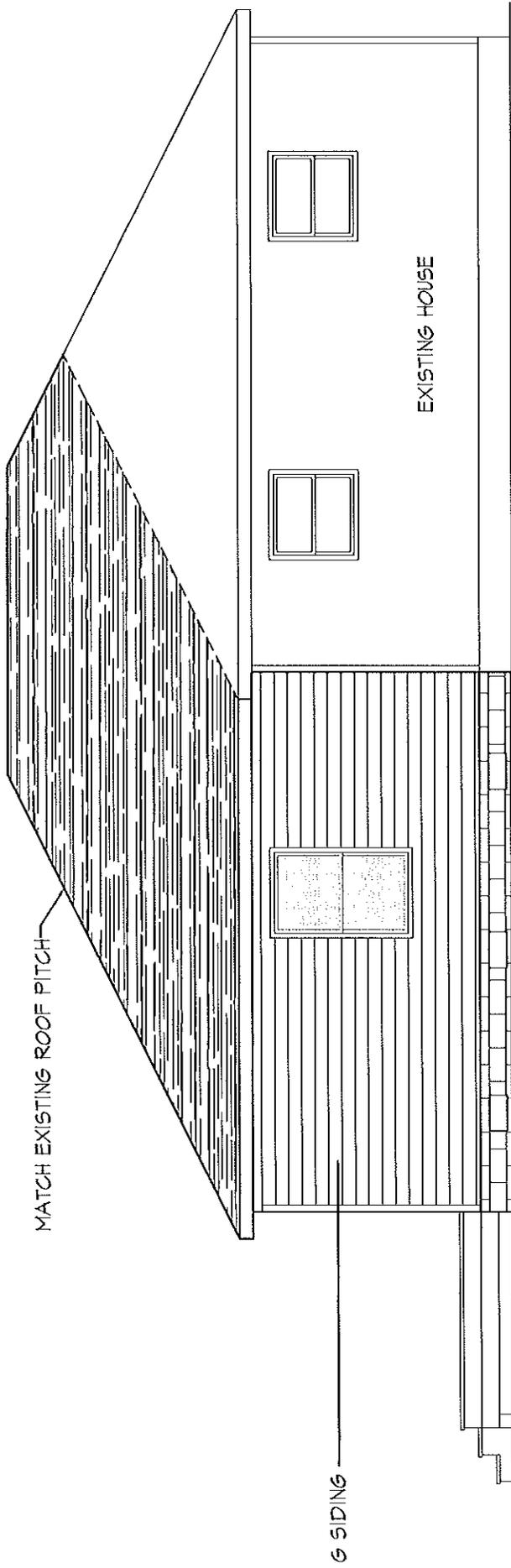
Signature of Owner/Agent: A. Dehl



-  EXISTING WALL TO BE REMOVED
-  EXISTING WALL TO REMAIN
-  NEW WALL CONSTRUCTION

PROPOSED FLOOR PLAN "A"

SCALE: 1/4" = 1'-0"



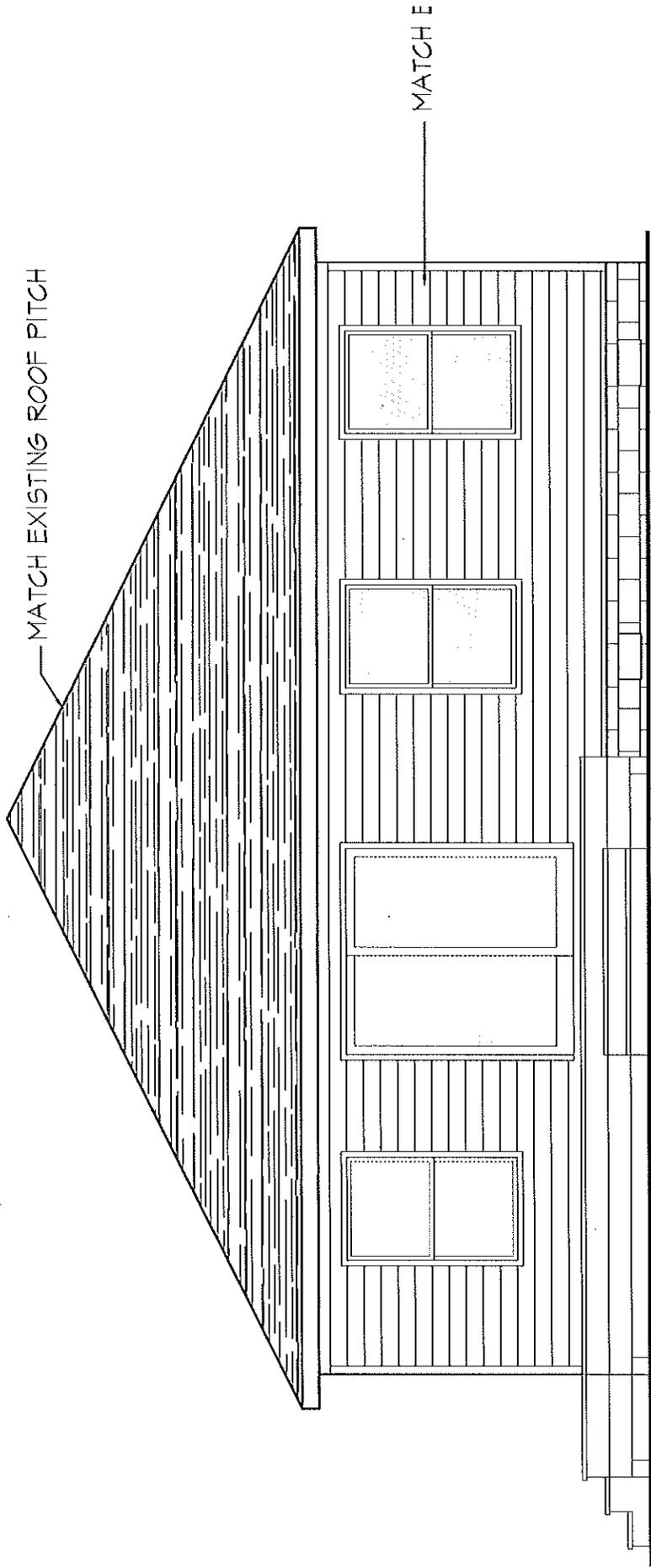
MATCH EXISTING ROOF PITCH

6 SIDING

EXISTING HOUSE

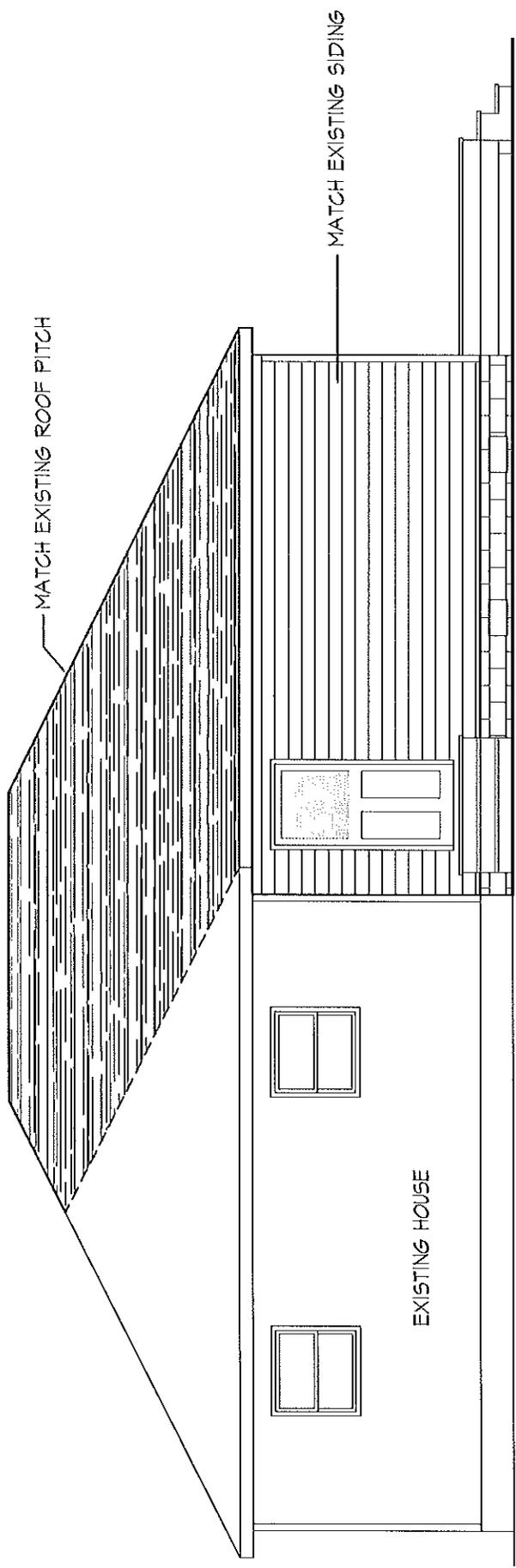
PROPOSED LEFT SIDE ELEVATION "A"

SCALE: 1/4" = 1'-0"



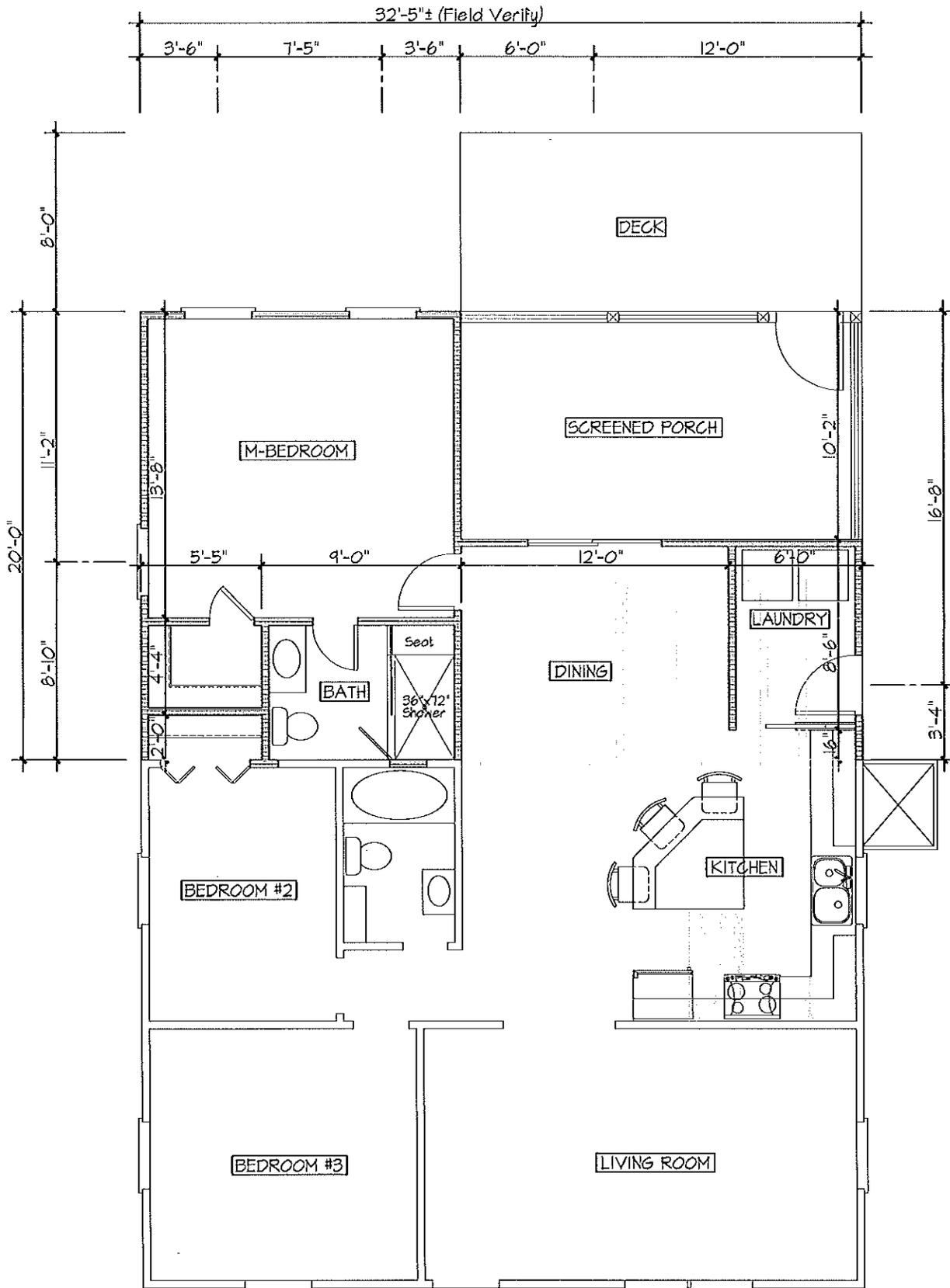
PROPOSED REAR ELEVATION "A"

SCALE: 1/4" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION "A"

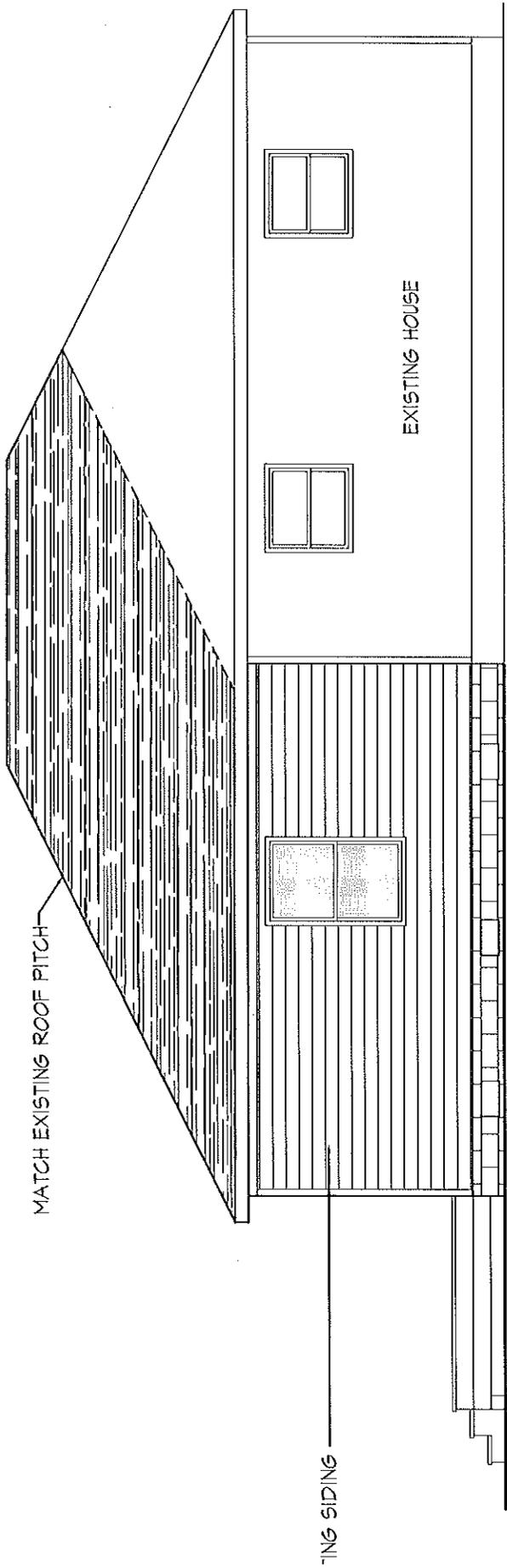
SCALE: 1/4" = 1'-0"



-  EXISTING WALL TO BE REMOVED
-  EXISTING WALL TO REMAIN
-  NEW WALL CONSTRUCTION

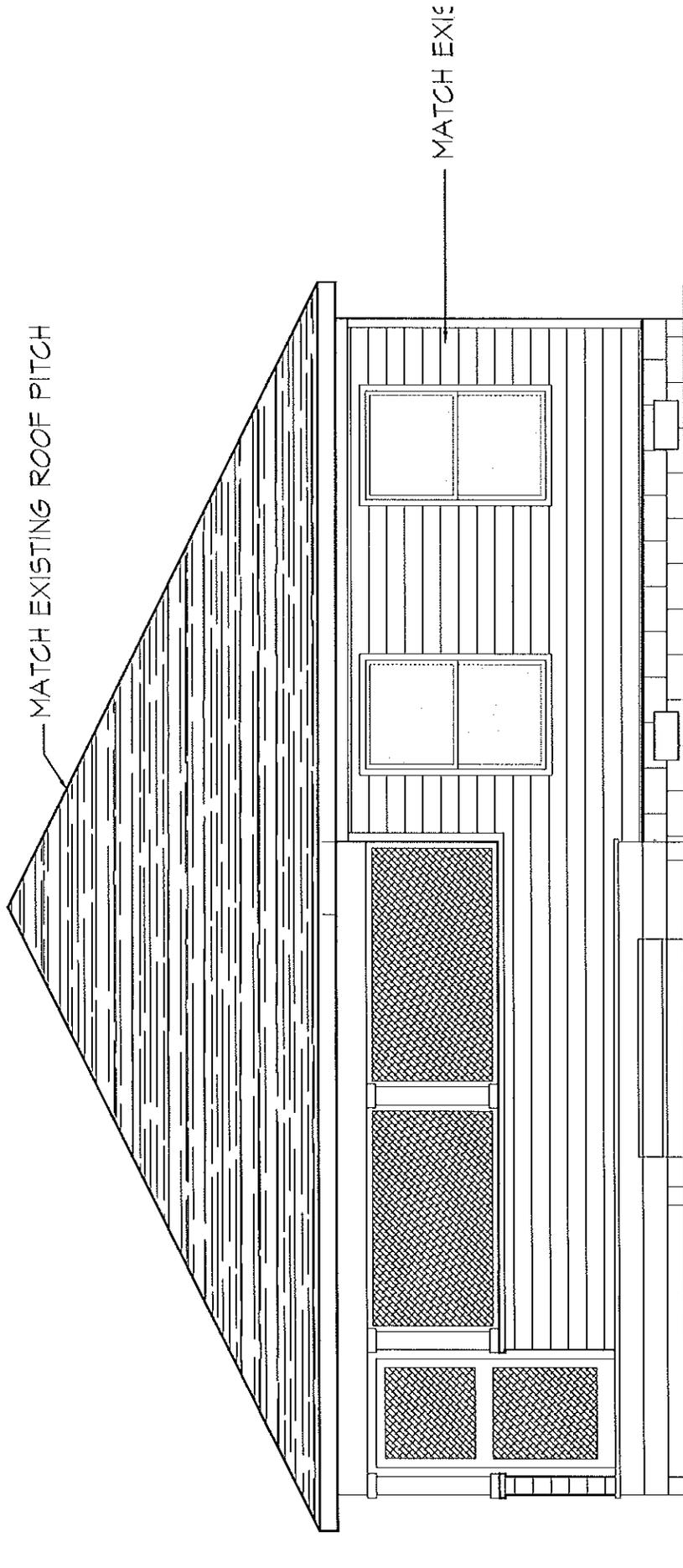
PROPOSED FLOOR PLAN "B"

SCALE: 1/4" = 1'-0"



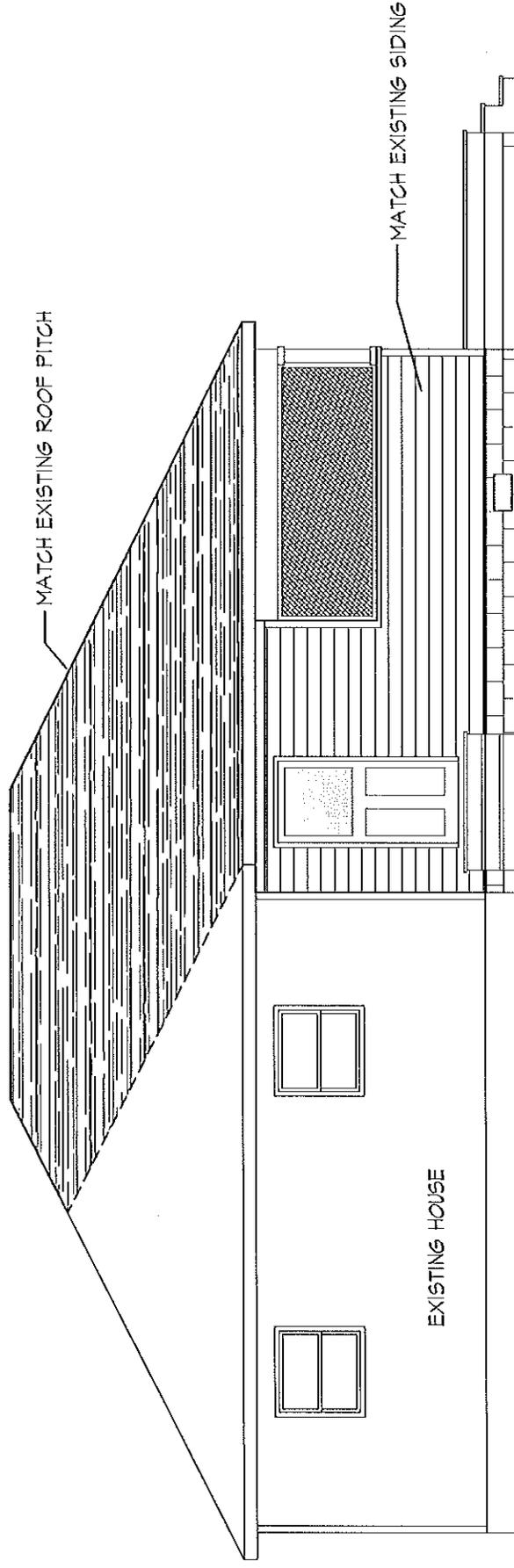
PROPOSED LEFT SIDE ELEVATION "B"

SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION "B"

SCALE: 1/4" = 1'-0"



PROPOSED RIGHT SIDE ELEVATION "B"

SCALE: 1/4" = 1'-0"





09/10/2013 09:06



A



09/10/2013 09:05

B



09/10/2013 09:05

Historic District Review Board Staff Report

From: Rob Testerman

Date: September 12, 2013

Item: 6A – HDRB By-Laws Change

Attachments: HDRB By-Laws redline version, Clean version

Discussion

As the Board is aware, the discussion of amending the by-laws first came about because of a change of meeting times. Staff and the Board agreed that if we were going to be changing the by-laws it would be appropriate to review them for any other necessary modifications. The attached modified by-laws are a result of discussions leading up to the public hearing.

Recommendation

As the public hearing was held at the beginning of this meeting, staff recommends considering public comment, if any; discuss the modifications; make a motion of either approval or disapproval of the modified by-laws.

Town of Cape Charles

Historic District Review Board

By-Laws

ARTICLE ONE

Objectives

- 1-1 This board, established in conformance with Article VIII of the Town of Cape Charles Zoning Ordinance, (as may be amended from time to time, "Article VIII"), has adopted the following articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2-2306, Code of Virginia, 1950, as amended. If there is any conflict between a provision of these By-Laws and Article VIII, Article VIII shall govern.
- 1-2 The official title of this board shall be the "Town of Cape Charles Historic District Review Board," referred to hereafter as the "Board."
- 1-3 The purpose of this Board is to implement and enforce Article VIII and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, as provided in Article VIII.

ARTICLE TWO

Members

- 2-1 This ~~board~~Board shall consist of five (5) members appointed by the Town Council. The five (5) members must be citizens of Cape Charles, at least three (3) of whom shall be residents of the local Historic District.
- 2-2 Members of the Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, Planning Commission member, or licensed building contractor.

- 2-3 Board members shall be appointed for a term of five (5) years. Any vacancy in membership shall be filled by appointment of Town Council and shall be for the unexpired term only. Any member may be removed by the Town Council for neglect of duty or malfeasance in office. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.
- 2-4 An appointed member's term of office shall expire at the end of January 8 of the appropriate year. The successor's term of office shall begin at the beginning of January 9 of the appropriate year.

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~~2-5 All former members of the Board are eligible to be alternates to present Board members. An alternate, upon written request of a Board member, may serve as a member of the Board for the meeting(s) for which the alternate has been requested to serve. Alternates shall have all rights, responsibilities, and duties as a present Board member during the meeting(s) during which the alternate(s) shall serve.~~

ARTICLE THREE

Officers and their selection

- 3-1 The elected officers of the Board shall consist of a chair and a vice chair. The Town Clerk, or designee, shall serve as secretary.
- 3-2 The elected officers of the Board shall be elected for a one (1) year term by the Board from the members at the first regular meeting after February 1 each year.
- 3-3 A candidate receiving the largest number of votes of the Board shall be declared elected. In the result of a tied vote, votes shall be recast, with only those receiving the largest number of initial votes being eligible to receive votes. If the tie cannot be resolved, the Town Council shall appoint an existing Board member to fill the vacant officer's position.
- 3-4 Elected officers shall take office immediately and serve for one (1) year or until his successor shall take office. **Incumbent officers may be reelected.**
- 3-5 Vacancies in office shall be filled immediately by regular election procedures.

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ARTICLE FOUR

Qualifications and Duties of Officers

- 4-1 The **Chair** shall be an appointed member of the Board and shall:
 - 4-1.1 Preside at all meetings.
 - 4-1.2 Be informed immediately of any official communications and report the same at the next regular Board meeting.
 - 4-1.3 Rule on all procedural questions.
 - 4-1.4 Carry out other duties as are assigned by the Board.
- 4-2 The **Vice Chair** shall be an appointed member of the Board and shall:
 - 4-2.1 Have the power to function in the same capacity as the Chair in cases of the Chair's absence or inability to act.
- 4-3 The **Secretary** shall:
 - 4-3.1 Keep a written record of all business transacted by the Board.
 - 4-3.2 Notify all members of all meetings.
 - 4-3.3 Keep a file of all official records and reports of the Board.
 - 4-3.4 Certify all maps, records, and reports of the Board.
 - 4-3.5 Attend to the correspondence of the Board.
 - 4-3.6 Prepare and be responsible for the publishing of advertisements and public notices relating to all public hearings and public meetings.

ARTICLE FIVE

Committees and Advisors

- 5-1 Committees, standing or special, may be appointed by the Chair, to serve as needed. Such committees shall be subject to the approval of a majority vote of the Board.
- 5-2 The Board may appoint architects, engineers, and/or contractors who are not Board members to serve in an advisory capacity. Appointed advisors shall not have voting rights.

ARTICLE SIX

Meetings

- 6-1 Regular meetings of the Board shall be held on the third Tuesday of each month in the Town Hall at ~~4:30~~6:00 p.m. When a meeting date falls on a legal holiday, an alternative date shall be designated by the Board. Meetings may be cancelled in advance by a majority vote of those present at a previous meeting, or by request of the Chair.
- 6-2 Special meetings shall be called at the request of the Chair or at the request of a majority of the membership.
- 6-3 Except as provided for in Title 2.1, Code of Virginia, 1950, as amended (Virginia Freedom of Information Act), all meetings, hearings, records, and accounts of the Board shall be open to the public.
- 6-4 Three or more of the members of the Board shall constitute a quorum. No action of the Board shall be valid unless authorized by a vote of at least three members.

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ARTICLE SEVEN

Order of Business

- 7-1 The order of business for a regular meeting shall be:
 - 7-1.1 Call to order by the Chair.
 - 7-1.2 Roll call; determination of a quorum.
 - 7-1.3 Invocation and Pledge of Allegiance.
 - 7-1.4 Approval of agenda format.
 - 7-1.5 Approval of minutes.
 - 7-1.6 Old applications.
 - 7-1.7 New applications.
 - 7-1.8 Other business.
 - 7-1.9 Announcements.
 - 7-1.10 Adjournment.

7-2 The first item of other business for the first regular meeting after February 1 of each year shall be the election of new officers.

7-3 Parliamentary procedures in the Board meetings shall be governed by Robert's Rules of Order, Revised – Short Form.

7-3.1 Motions shall be restated by the Chair before a vote is taken.

7-4 The Board shall keep a set of minutes of all meetings, and these minutes shall become a public record.

~~7-5~~ The Board shall retain the option to invite public comment by those present at a business meeting at such times as the Board deems necessary. If the Board invites public comment, comments will be limited to three (3) minutes per speaker. Comments must be limited to the matters on the agenda for the meeting and must be limited to the subject matter within the Board's purview. Comments shall be directed to the Board and not to an applicant or other party. Speakers may not donate unused time to another speaker.

~~7-5~~

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ARTICLE EIGHT

~~Hearings~~Application Review

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8-1 The procedures normally followed for ~~a public hearing on any matter~~ an application review, shall be:

8-1.1 Call to order; determination of quorum.

8-1.2 Description of properties in issue by Board or Board's representative (five minutes).

8-1.3 Applicant's presentation, if applicable (fifteen minutes).

8-1.4 Comments and recommendations of the Board or Board's representative.

8-1.4.1 Adjourn

8-2 An applicant may appear in his own behalf or be represented by an attorney or an agent at the ~~hearing~~ review.

8-3 In the absence of a personal appearance by the applicant or his agent, the Board may proceed to dispose of the application on the record before it.

- 8-4 The normal time limitations are set forth in parentheses, but may be shortened or extended by the Board prior to the commencement of the ~~public hearing~~review.

ARTICLE NINE

Correspondence

- 9-1 All official papers and plans involving the authority of the Board shall bear the signature of the Chair, together with certification signed by the Secretary.

ARTICLE TEN

Amendments

- 10-1 ~~These rules~~The bylaws may be ~~changed~~amended at any regular meeting of ~~the Board~~ by a ~~majority~~ vote of ~~the membership after conducting at at~~ least ~~one public hearing pursuant~~three members, provided notice of the proposed amendment has been given to ~~Section 15~~members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.

- ~~10-2 2204, Code of Virginia, 1950,~~ The Board shall review and, if appropriate as amended, determined in the Board's discretion, revise these bylaws at the first meeting of the year 2018 and every five years thereafter. A failure by the Board to conduct such reviews shall not invalidate any actions taken by the Board.

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Town of Cape Charles

Historic District Review Board

By-Laws

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