

Historic District Review Board

Regular Session Agenda

July 16, 2013

4:30 P.M.

1. Call to Order; Roll Call
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
4. New Business
 - A. 114 Randolph Avenue – Garage addition, porch enclosure
5. Old Business
 - A. HDRB By-Laws Change
6. Announcements
7. Adjourn



DRAFT
HISTORIC DISTRICT REVIEW BOARD
Regular Meeting
Town Hall
June 18, 2013
4:30 p.m.

At approximately 4:30 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, Joe Fehrer, Terry Strub and Ted Warner. Also in attendance were Town Manager Heather Arcos, Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley and Dave McCormack of Charon Ventures, LLC. There were approximately seven members of the public in attendance.

The Board observed a moment of silence which was followed by the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

There were no changes to the agenda.

Motion made by Joe Fehrer, seconded by Terry Strub, and unanimously approved to accept the agenda as presented.

The Historic District Review Board reviewed the minutes of the May 21, 2013 Regular Meeting.

Motion made by Joe Fehrer, seconded by Ted Warner, to approve the minutes of the May 21, 2013 Regular Meeting as presented. The motion was unanimously approved.

NEW BUSINESS:

A. *HDRB Representative to Harbor Area Review Board:*

Rob Testerman informed the Board that a representative from the Historic District Review Board also served on the Harbor Area Review Board. This Board included one representative from Town Council, two from Planning Commission, one from HDRB and three citizens as stated in the Zoning Ordinance.

Ted Warner asked what the HARB was and Rob Testerman explained that when applications were received for construction in that area, they were to be reviewed by the HARB for discussion and approval and went on to state that this Board viewed a broader range of applications than the HDRB.

David Gay asked if there were any volunteers for HARB and Joe Fehrer stated that he would serve.

B. *HDRB By-Laws Change:*

Rob Testerman stated that a Public Hearing needed to be scheduled to change the meeting time from 4:30p.m. to 5:00p.m.

Motion made by Terry Strub, seconded by Ted Warner, to schedule a Public Hearing at the next HDRB Regular Meeting to change the meeting time from 4:30p.m. to 5:00p.m.

Discussion continued regarding the By-Laws. Ted Warner stated that he wanted to see a time for public comment added to the agenda. Joe Fehrer gave the example of the BZA he served on in Maryland stating that after the applicant gave their case, the Board asked questions of the applicant and then the Chair of the Zoning Commission opened to the audience if anyone wanted to speak for or against the application and they were restricted to a certain time limit. David Gay agreed that it was important to listen to the commentary while also making sure to get business done. Joe Fehrer clarified that he was a strong proponent in open governmental proceedings, but stated there must be a mechanism by which members of the Board and the applicant interact with the public and that

was handled by the Board's attorney or the Chairperson. Otherwise, this resulted in a never ending discussion and was not fair to the Board, applicant or staff. Rob Testerman stated that he would look into this and would bring some ideas to the Board at the next meeting. A Public Hearing would then be scheduled to change the By-Laws. Rob Testerman explained that in Accomack County, staff would read their report, the applicant would give a brief five minute presentation, the public who had signed in was given three minutes and the applicant was given an additional five minutes as a rebuttal to address any questions the public had asked.

No vote was taken regarding the motion.

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

Rob Testerman stated that he had received the completed application for renovations to the Cape Charles School. The building was a contributing structure and the applicant was proposing to do the following: i) Gently clean the exterior walls and repair deteriorated mortar and masonry; ii) Replace the existing modern rubber membrane roof with a new PVC roof; iii) Restore historic windows and replace modern aluminum frame windows and; iv) Replicate historic front doors, restore and replicate transoms, and insert compatible new doors where historic doors were undocumented. Rob Testerman explained that there were many modifications proposed for the interior, but the purview of the HDRB was the architectural exterior of the structure. David Gay stated that Rob Testerman was incorrect and went on to state that he had called the Virginia Department of Interior and was informed that it was the purview of the Board in cases where there were features which changed the interior of the building and could be seen from the outside. David Gay asked Rob Testerman what date he had begun working for the Town. Rob Testerman replied that he started May 31st and David Gay went on to talk about the application for 423 Plum Street, stating that it was received on May 1st, but not sent to the HDRB until June 12th and pointed out that the application had been available for 42 days and the HDRB did not receive it until just before the meeting which did not allow much time to review it. Heather Arcos stated that the application was not complete until approximately May 24th due to missing items from the applicant and went on to explain that applications were submitted to the Planner and the Planner could request additional supporting documentation and information of the applicant. David Gay stated that there were restrictions within the Guidelines that indicated the HDRB needed to respond within a certain period of time from the date of application and he went on to state that the Board should receive the documents in a timely manner if they were to be held to those Guidelines. Rob Testerman explained that Staff had to have time to complete their review and compile reports and noted that the Board could table the decision if they needed more time. David Gay commented that there was a lot of detail in the application and wanted to make sure the Board went through the process to ensure they had looked at all the various aspects and that they were not just a rubber stamp because if that was the case, there was no need for the Board.

Rob Testerman explained that the Board could place additional conditions to the conditional approval the U.S. Department of the Interior National Park Service requested. In order to receive historic tax credits, the developer had to abide by the conditions laid out by the National Park Service and the Department of Historic Resources. Rob Testerman referred to a photo taken before 1963 that showed the old style 12 over 12 windows that the applicant was proposing to go back to and went on to discuss the other modifications. David Gay questioned if there had been any research done and Dave McCormack responded stating that Paige Pollard who was their historic consultant had photos from year books and if they were unsure of what had existed, the National Park Service and the Department of Historic Resources preferred the developer to add something that did not replicate a false sense of history. Dave McCormack stated that they chose a period of significance by what respected a building and kept the historic look. Terry Strub confirmed that the time period the applicant was considering was 1953-1963. Dave McCormack stated that they were reacting to the comments from DHR and the National Park Service on the conditions, an example being the skylights in the gymnasium and the HVAC units on the roof to make sure all the modern conveniences were out of sight.

Rob Testerman stated that the staff recommendation to the Board was to approve the modifications to 423 Plum Street upon approval of conditions put forth by the DHR and National Park Service. Terry Strub asked if the Board revisited the application every time a condition was met or whether

the application was approved as a whole with the assumption that all conditions would be met. Rob Testerman clarified that if conditions were not met, there would be a penalty under the zoning code.

Rob Testerman offered to answer any questions the Board had or they could direct them to the applicant. Terry Strub asked which windows were to be replaced and Dave McCormack stated that all louvered windows were to be replaced by 12 over 12 windows and referred to the historic photo. Rob Testerman explained that the packet contained interior modifications for informational purposes only since they did not fall under the purview of the HDRB. David Gay commented that he would like to have seen a full size set of plans and Ted Warner suggested drawing arrows on the photos in the packet to identify the proposed changes and went on to state that he felt uninformed. David Gay agreed stating that he felt that the Board was being asked to make a decision with only half of the information. Ted Warner stated that the proposal was not prepared with the HDRB in mind because the applications were for tax credits.

There was discussion about the repairs of the permastone as well as the possibility of being able to see an interior wall from the exterior. Dave McCormack commented that he had provided part two of the packet as a courtesy to supply additional information showing compliance not only with the HDRB, but with DHR and the National Park Service. David Gay pointed out that the applicant was proposing to change the parking area and when he spoke with the Virginia Department of the Interior, they explained that considering the kind of building it was, the landscaping and the design of the exterior property was part of the context of the building. David Gay went on to state that these features had meaning to the building and to the Town and gave the example of the semi-circular driveway that used to be in front of the school.

Terry Strub questioned the fire escapes and asked if that was part of what the Board needed to approve and pointed out that they were not shown in the plans. David Gay stated that those would be on the exterior of the building and Dave McCormack explained that ingress and egress was part of the interior of the building and two means of getting up and down the stairs satisfied the Building Code like a fire escape.

Joe Fehrer asked Rob Testerman whose purview it was to approve landscaping plans. Rob Testerman replied stating that the application would have gone through a Conditional Use Permit and that this would have been reviewed during that process at Town Council Public Hearings. Joe Fehrer stated that if the Board reviewed landscaping for every application as it pertained to historic buildings, the Board would have to assume that they would be landscaping for the applicant and he went on to state that it was his understanding that the Board looked at how the building was re-used and re-purposed. David Gay commented that putting in a parking lot versus a driveway was a big deal. Joe Fehrer had a background of 28 years in historic restoration and it was his philosophy to strive for historical accuracy, and when that was not possible, there had to be a separation between what was new and what was old. Joe Fehrer asked how the applicant could replicate the circle drive if the park had removed part of it, but David Gay stated that this assumption was not correct and went on to state that the park did not take any land away from the school, but the school had annexed that property and a semi-circular drive would fit in the existing space. Joe Fehrer reiterated that he did not think this issue was the purview of the Board to determine how that type of space was used, no more than he would feel that it was the purview of the Board to determine how someone used the parking behind their house adjacent to an alley. Rob Testerman clarified that Section 8.18.B.3.f of Article VIII of the Zoning Ordinance was the only place where landscaping was mentioned and it stated that HDRB approval was required for, "Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height." Rob Testerman went on to state that he did not believe the parking area was the purview of the Board because parking regulations were reviewed through the Zoning Ordinance and also stated that VDOT had requirements and access regulations. Heather Arcos explained that parking was reviewed and calculated when plans were submitted to the Code Official.

David Gay asked the Board if they wanted to go over each item in the proposal to make sure they fully understood what was being asked for their approval. Joe Fehrer asked if it would be helpful if the applicant discussed the existing features and proposed modifications. Dave McCormack discussed and demonstrated the modifications with the historic photo and these included: i)

Replacement of more efficient 12 over 12 windows; ii) Repair and replacement of permastone and brick to match existing and; iii) Roof replacement to a weather resistant PVC to comply with Code.

Ted Warner expressed his concern about the incorporation of new brick to the old brick and Dave McCormack stated that he would be glad to send photos and a presentation of buildings they had renovated in other towns to show the integration and went on to explain that DHR visited sites when they were completed and if they were not in compliance they would not receive the tax credits. Brick was the most rejected during site reviews. Joe Fehrer stated that the height of the mechanical units on the roof was a concern because they should not be seen from the street. Dave McCormack stated that the units would be approximately two and a half feet high and placed in a location on the roof where they were not visible. Terry Strub confirmed that there were 17 apartment units and there would be one mechanical unit for each. David Gay stated that the documentation referred to bedrooms when he had initially heard them referred to as one bedroom lofts. Dave McCormack stated that from a marketing standpoint, the term was interchangeable. Ted Warner questioned what the function of the gymnasium would be and Dave McCormack stated that it would be a family unit and DHR imposed this limitation. There was some discussion about the skylights in the gymnasium as well as the proposed windows and doors. The applicant was proposing to replicate the historic doors to match historic photographs while maintaining code compliance for fire separation and remaining exterior doors were proposed to be modern aluminum storefront and modern metal security doors.

Terry Strub referred to number ten of the Certification Application- Part 2 and asked a question regarding the rear staircase on the western side of the gymnasium. Ted Warner commented that this item should have been included in the items the Board was asked to consider. Dave McCormack stated that he would send the plans to the Board.

David Gay continued asking questions regarding the interior which was not the Board's purview including: i) The gymnasium and why it was not historic; ii) The use of the historic black boards and; iii) The hardwood floors throughout.

Ted Warner stated that the description of what the applicant was asking the Board to do contained much information for the Board to consider and stated that he was not in the position to approve as he did not fully understand what the applicant intended to do.

David Gay recommended that the applicant provide the Board with additional information for their unanswered questions. Dave McCormack stated that he was glad to do so, but wanted to verify that the site was not the concern. David Gay commented that he did not believe a review had been done for people in the surrounding area to provide input on the site and that no one had considered their feelings and suggested that a survey should be done. Terry Strub and Joe Fehrer pointed out that a Town Council Public Hearing had previously been held for this purpose. There was much discussion on the definition and interpretation of the site and Ted Warner reiterated his concerns including the reference made to Section 8.18.B.3 of Article VIII of the Zoning Ordinance, specifically letter "c" regarding stairways, letter "f" regarding landscaping and letter "g" regarding the parking lot and semi-circular driveway.

Rob Testerman reiterated that the HDRB reviewed the exterior of a building and not the use or interior. Joe Fehrer stated that it was not the purview of the Board to have a Public Hearing since that was handled by Town Council. Ted Warner suggested that if there was information in the audience that was contributive to the question of historic nature, he felt it was worth hearing. Joe Fehrer stated that it was worth hearing but feared it would become another Public Hearing on an issue that Town Council had already resolved. Heather Arcos agreed with Terry Strub stating that she believed the Board was there to do a job and to make sure the applicant historically preserved, within the guidelines, the exterior of a building. David Gay stated that he was part of the community that was immediately surrounding the structure and no one asked him or his neighbors their input and went on to state that there was no effort done to reach out to specific people. Terry Strub asked David Gay what it was he would have liked to have been asked and he replied stating that he would have liked someone to state what they were intending to do and ask him if he had any feelings about it. It was pointed out that there were Town Council Public Hearings for this purpose and Rob

Testerman explained that these project proposals went through a Conditional Use Permit process in which adjacent property owners were sent notifications before a Public Hearing and given time to make comment or attend the meetings. Terry Strub believed that David Gay wanted to know that the decision the Board made was right for the majority of the people and receive affirmation from that, but she believed that he would not get it.

Rob Testerman stated that Tom Bonadeo informed him that the parking area was not under the review of the Board as it was a code enforcement issue. David Gay stated that he had talked with the Virginia Department of Interior and they stated differently. Rob Testerman stated that he could contact the DHR, National Park Service and other Historic District Review Boards to get their input. David Gay stated that the meeting was a good preliminary meeting to review the documents and formulate questions for the applicant to fill in the gaps and went on to state that he had spoken with someone from the Historic Tax Credits and was advised that it was up to the local HDRB to decide whether or not they had purview over exterior, landscaping, site and interior, dependent upon the type of building. Rob Testerman stated that if the interior was the purview of the Board, the whole Zoning Ordinance would have to be changed. There was much discussion regarding the parking and Dave McCormack stated that what they had already submitted was compliant with zoning and offered to send the Board photos of the parking they did next to the James Mallonee School in Hopewell, Virginia which was similar to the project at hand. Ted Warner stated that as a Board, they could vote whether they wanted to exert review of the parking lot and Joe Fehrer stated that would change the By-Laws. David Gay stated that he would like to table the decision until the next meeting and provide Dave McCormack with the questions the Board wanted clarification on. Dave McCormack suggested postponing the meeting for two months to meet again in August with the information the Board had requested.

Motion made by Terry Strub, seconded by Ted Warner, to table the discussion and vote for 423 Plum Street, Cape Charles School until August when the Board was provided the information requested including: i) Appearance and location of other proposed exterior changes such as stairs, fire escapes, ingress and egress; ii) Mock-ups; iii) Matching of new and old mortar, brick and permastone; iv) Item 10 of the Certification Application - Part 2- proposed look of the exterior stairs; v) Historical photos which provided the applicant with examples of proposed doors. The applicant stated that he would send the James Mallonee School PowerPoint presentation; vi) Photo of mechanical units on the roof of the James Mallonee School to show that they were not visible from the street; vii) Photo that pointed out which windows were wood. The motion was unanimously approved.

Terry Strub asked if the Board could take a tour of the School and Dave McCormack stated that he was happy to allow that and Heather Arcos stated that the Town could assist in coordinating that. Joe Fehrer asked if the Town Planner and Staff could contact other counties within the Commonwealth to obtain information on how they handled site review.

OLD BUSINESS:

There was no Old Business to discuss.

ANNOUNCEMENTS:

There were no Announcements.

Motion made by Joe Fehrer, 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: July 16, 2013

Item: 4A – 114 Randolph – Second Floor Garage Addition and rear porch enclosure

Attachments: Photos and drawings, staff report and minutes from the August 2010 meeting.

Application Specifics

An application has been received from Mr. and Mrs. Spagnuolo for the addition of a second floor to their existing garage and the enclosure of the rear porch. The package includes elevation drawings for each side of the garage and the porch enclosure.

Items of note:

1. This application first came to the Historic Review Board in August of 2010. The application was approved at that time, but as no work took place within 12 months of approval, it has expired and requires a new approval.
2. The proposed modifications are for the most part the same as those approved in 2010, with a few minor alterations, which are listed below:
 - a. The porch enclosure now includes an addition. The proposed addition will extend approximately 9 feet along the rear of the house. The additional area proposed is 33.5 sq. ft.
 - b. The stairs accessing the 2nd floor addition of the garage is now proposed to be on the exterior of the garage.
 - c. The height of the garage has been reduced from the original proposal, resulting in the need for dormers at the windows on rear of the building which were not shown on the prior application.

Discussion

The existing home is not a contributing structure, it was built after getting approval from the Historic District Review Board in 2005. The proposed new construction to the garage and the porch extension and enclosure will be finished to replicate the existing house.

Recommendation

Staff recommends approval of the porch enclosure and addition, and approval of the garage addition.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA

Application for Historic District Review

Date: 28 June 2013

Permit No.: _____

* (Attach plans)

Fee: \$50.00

Applicant: Andy & Margaret Spagnuolo Signature: [Signature]

Address: 114 Randolph Ave, Cape Charles, VA 23310

Telephone: No land phone Cell: 703-283-7537

Owner(s): Same as Applicant

Address: _____ City: _____ State: _____ Zip: _____

Contractor: To be determined

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Cell: _____

Town License No.: _____ State License No.: _____

Location of Improvement: 114 Randolph Ave Cape Charles, VA 23310

Lot No.: 64 Block No.: _____ Lot Size: 40x140 Lot Area: _____

Type of Improvement: Extension and enclosure of rear porch, 2nd story addition

Proposed Use: Residential over existing garage

Estimated Construction Costs: _____

Dimension of Structure or Improvement: (EXISTING FOOTPRINTS ±)

Width: _____ Length: _____ Height: _____

Total Square Footage: _____

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

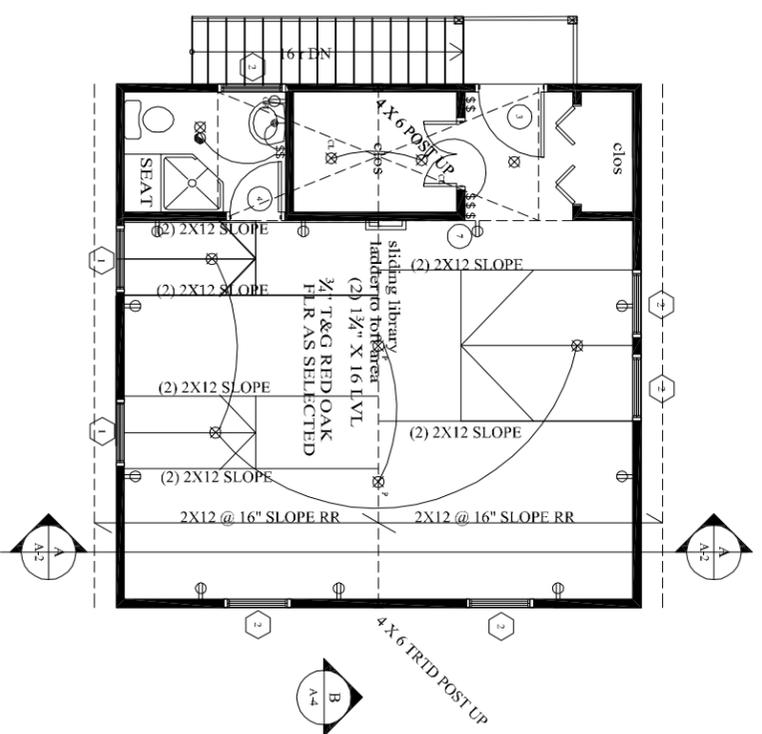
Town Water Permit: _____

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.

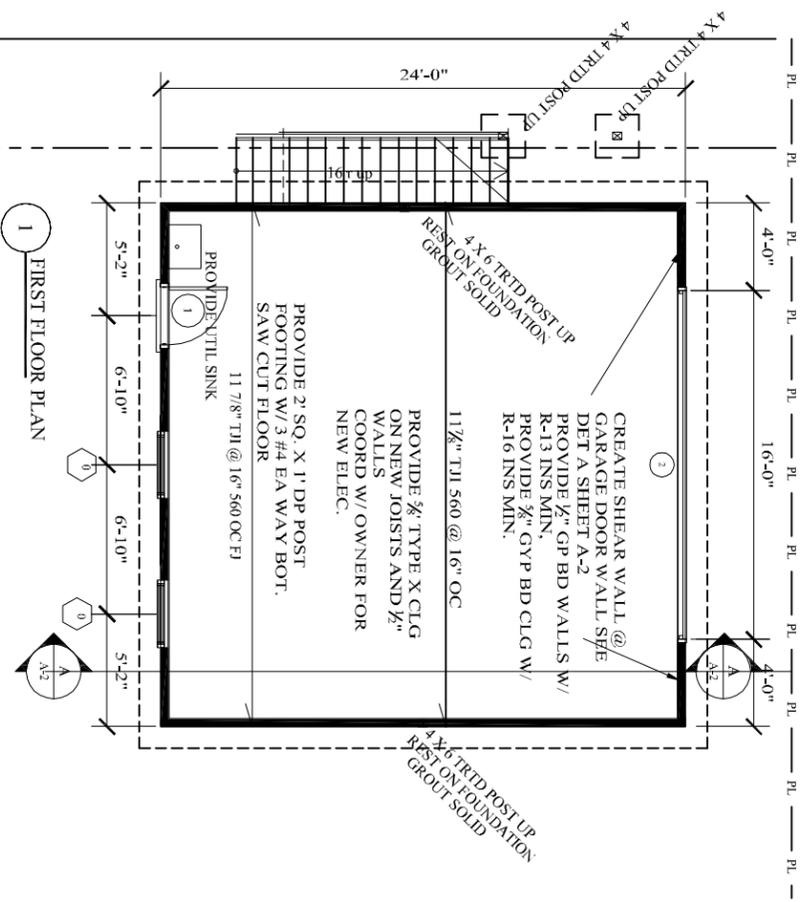
Signature of Owner/Agent: [Signature]



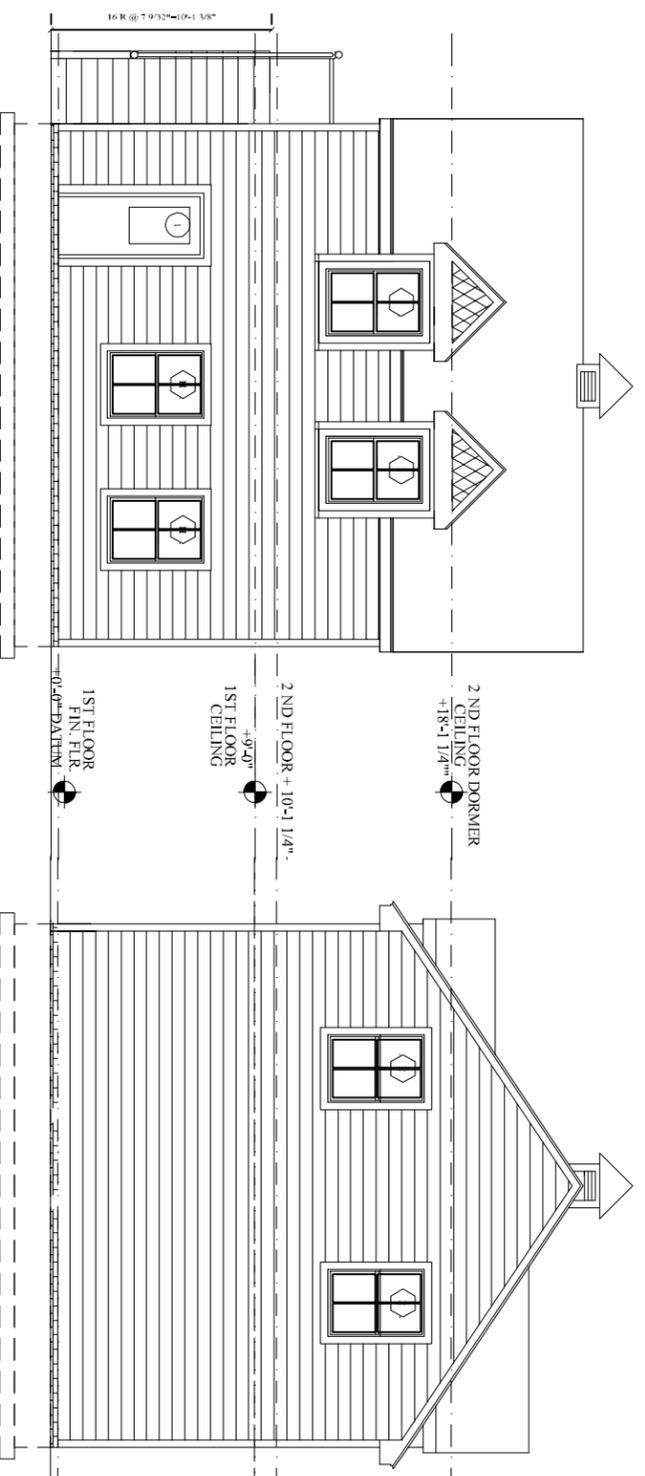
2 PROPOSED NEW 2ND FLOOR PLAN

ALLEY

- WINDOW SCHEDULE
 PROVIDE ANDERSSEN WINDOWS TO MATCH EXISTING TYPE AND LOW E-20 25 MIN. W. SCREENS SELECTED PROVIDE FLWD. EMERGENCY SHUTTERS WINDOWS HEAD IN 108H/64W
- 1 TW3040 EGRESS
 - 2 TW3042
 - 3 TW3862
 - 4 TW3862
 - 5 TW3462
 - 6 CARBILLY REMOVE SASH FOR REUSE AS SHOWN
 - 7 RELOCATED SASH
 - 8 DOOR SCHEDULE
 - 9 PROVIDE COPY OR FOR GARAGE REPLICATE INTERIOR DOORS AND TRIM MAIN HOUSE TYP
 - 10 EXISTING TO REMAIN
 - 11 NEW HERRIGAN INSULATED "CARBILLY HOUSE" SPANKOR DOOR TO FIT AS SELECTED PROVIDE SCHED
 - 12 NEW HERRIGAN INSULATED "CARBILLY HOUSE" SPANKOR DOOR TO FIT AS SELECTED PROVIDE SCHED
 - 13 3'-0" X 6'-8" RATED SELF CLOSING
 - 14 2'-0" X 6'-8"
 - 15 REMOVE DOORS TRIM OUT FOR CASERD OPENING, TRANSOM TO REMAIN
 - 16 3'-0" X 6'-8" W. IRANSONI BRNCH INS TRAMP
 - 17 6'-0" X 6'-8" BR/OLO
 - 18 CRAWL SPACE ACCESS PANEL

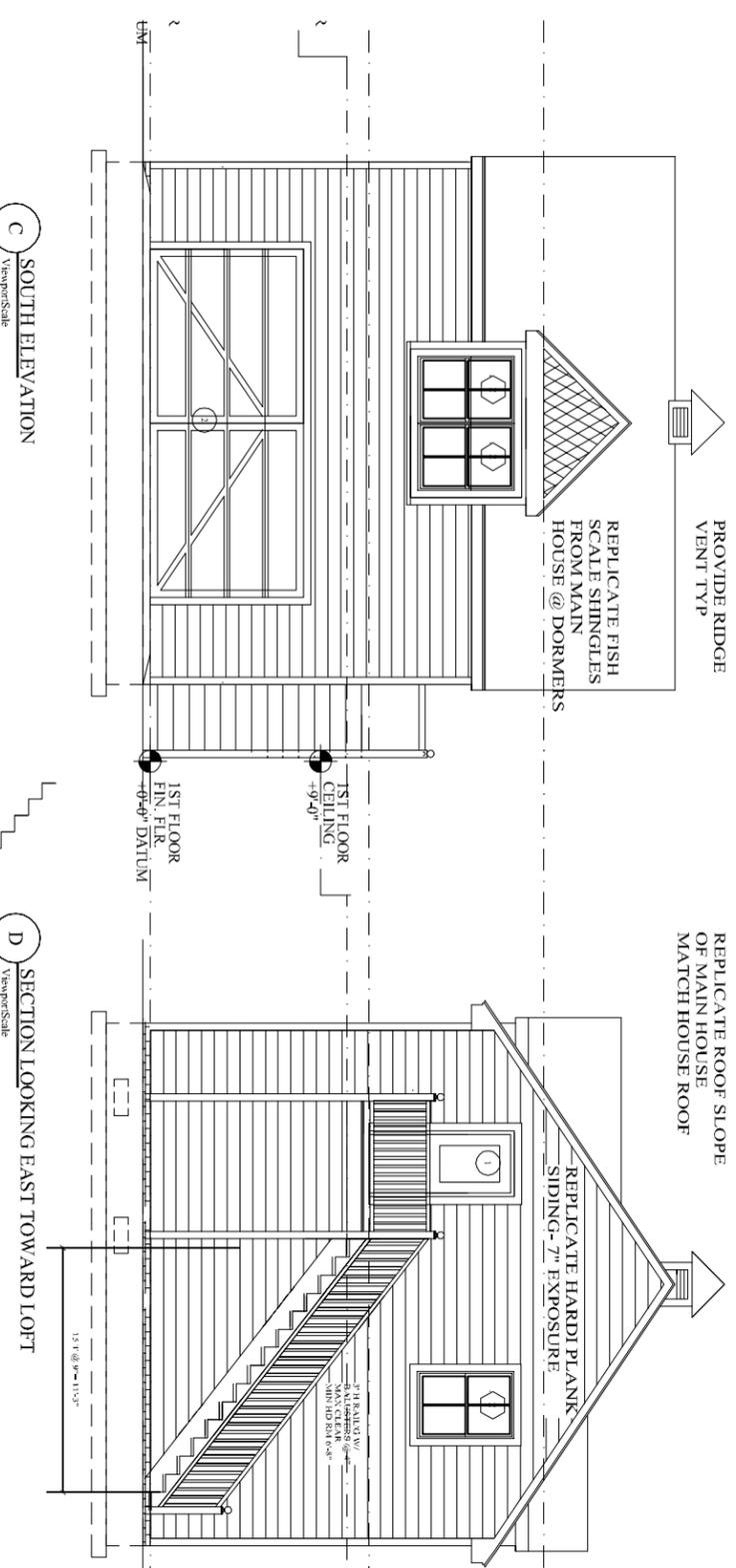


1 FIRST FLOOR PLAN



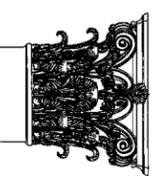
A NORTH ELEVATION

B WEST ELEVATION



C SOUTH ELEVATION

D SECTION LOOKING EAST TOWARD LOFT

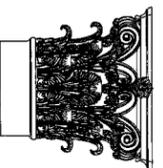
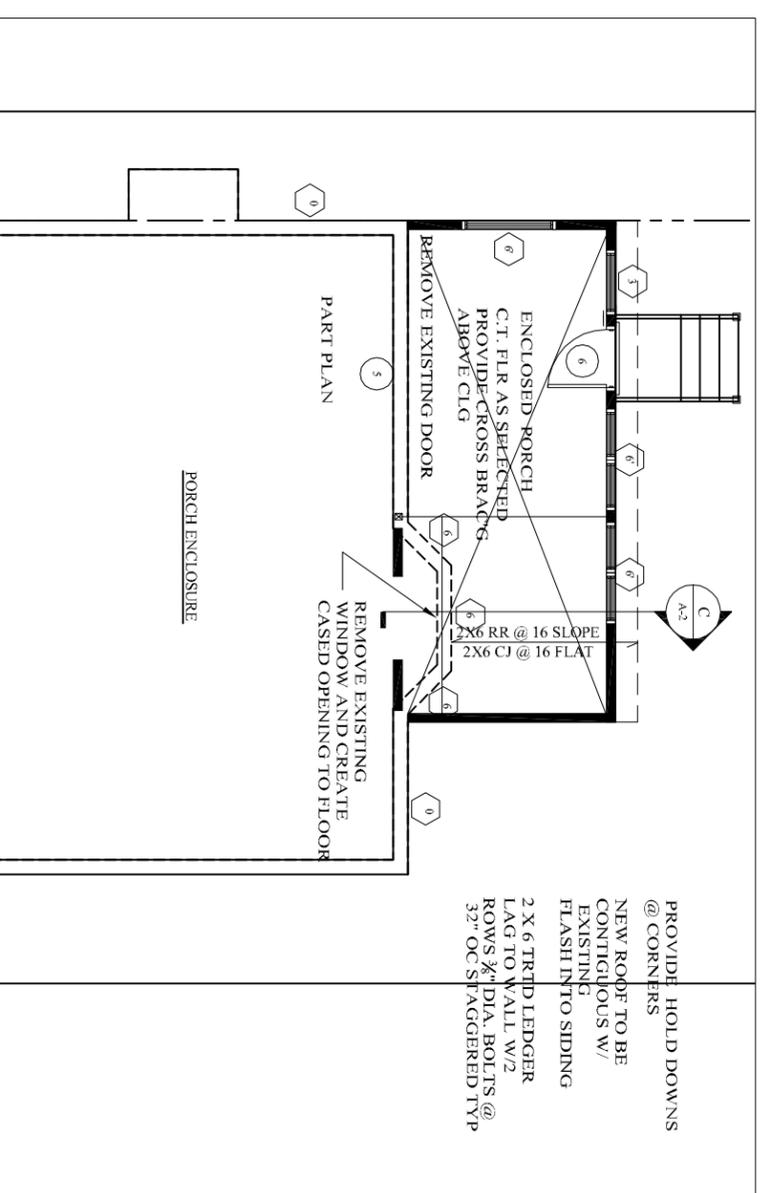
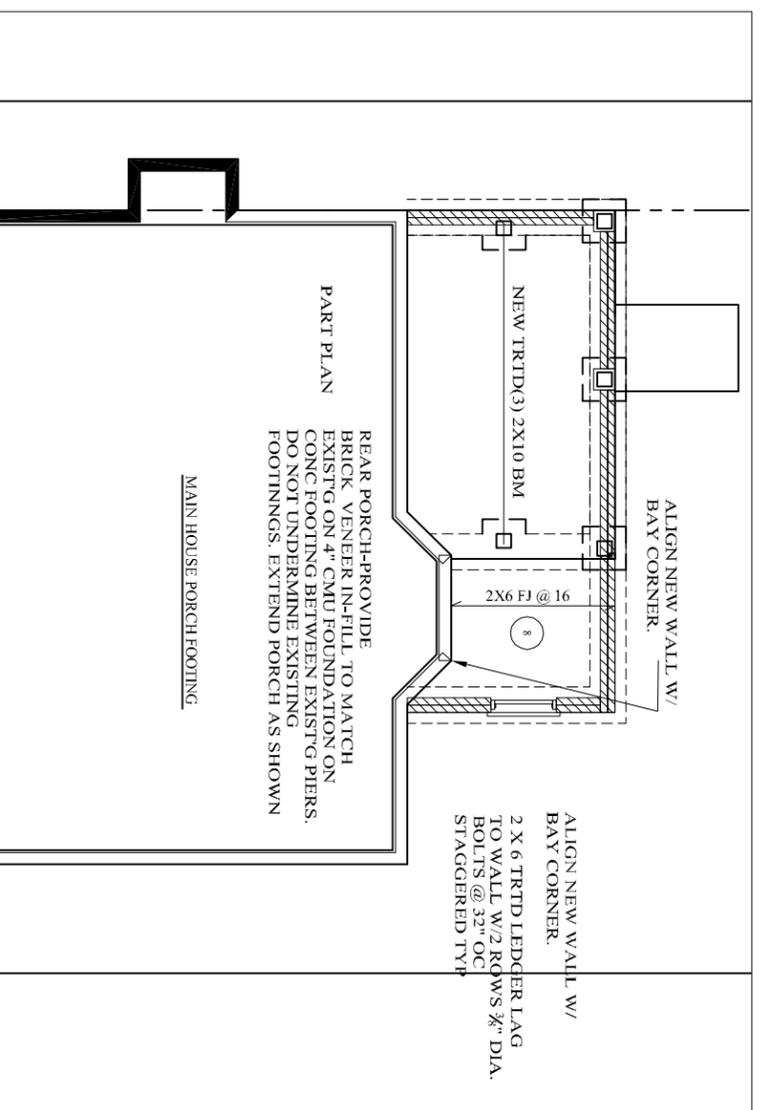
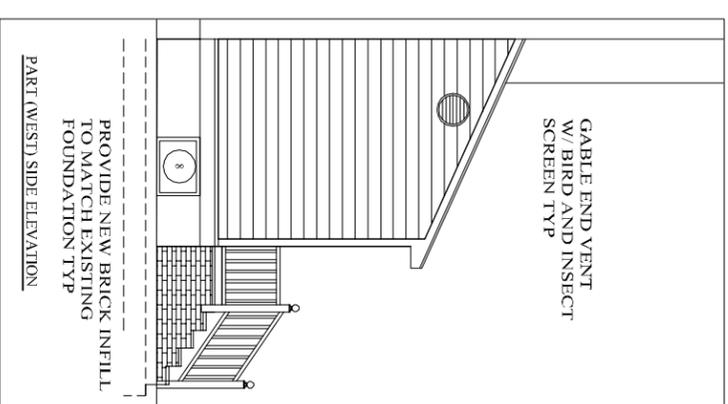
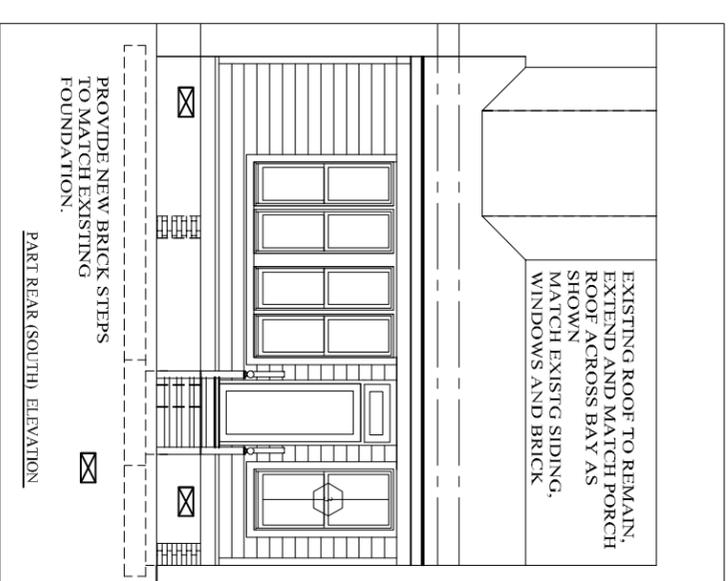
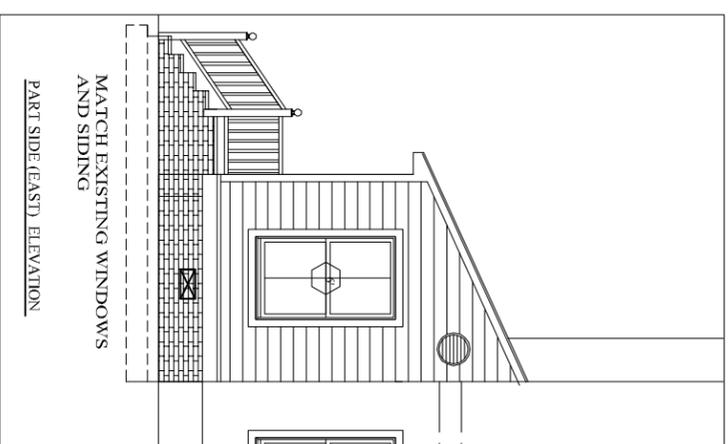
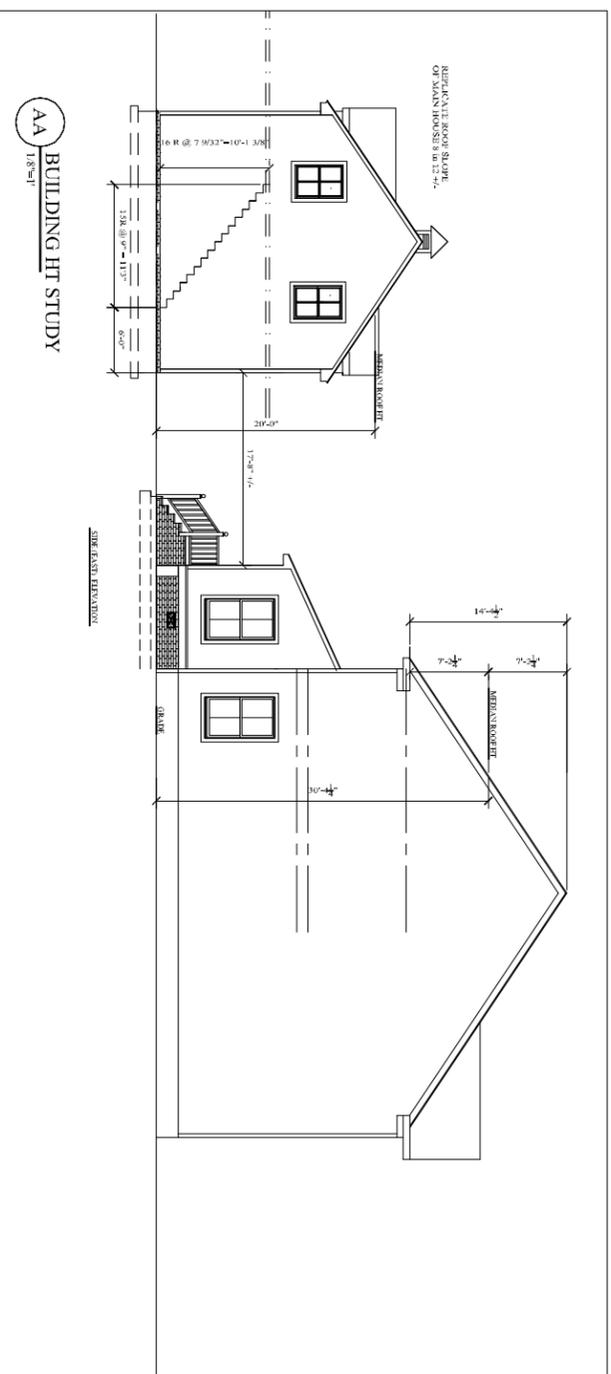


PARHAM

403 TAZEWEIL, CAPE CHARLES VIRGINIA 23310-3217
 757.331.8133 ... htkk@verizon.net
 LEON FULLER PARHAM, ARCHITECT, R. A. NCARB

SPAGNUOLO RESIDENCE RENOVATION
 114 RANDOLPH AVENUE, CAPE CHARLES, VA
GARAGE PLANS, ELEVATIONS, BUILDING SECTION

LP	7/15/11	A-1'
0104	1/4"=1'	



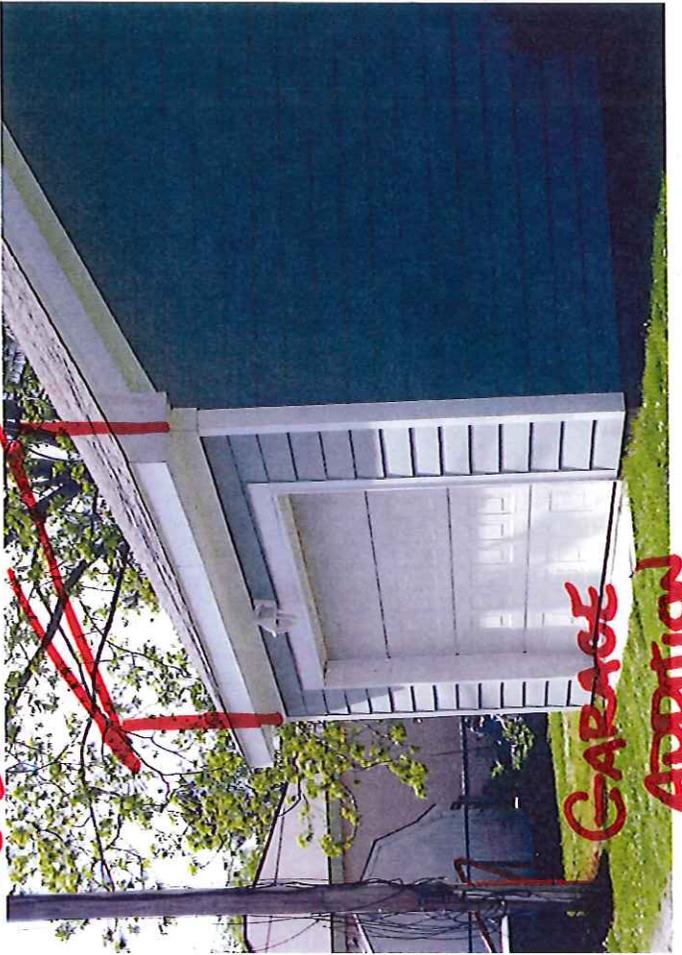
PARHAM

403 TAZEWEIL, CAPE CHARLES VIRGINIA 23310-3217
757.331.8133 ... htek@verizon.net
LEON FULLER PARHAM, ARCHITECT, R. A. NCARB

SPAGNUOLO RESIDENCE RENOVATION
114 RANDOLPH AVENUE, CAPE CHARLES, VA
PORCH ALTERATION PLANS & ELEVATIONS

LP	7/15/11	A-4'
0104	1/4"=1'	

NOT TO SCALE



GARAGE ADDITION

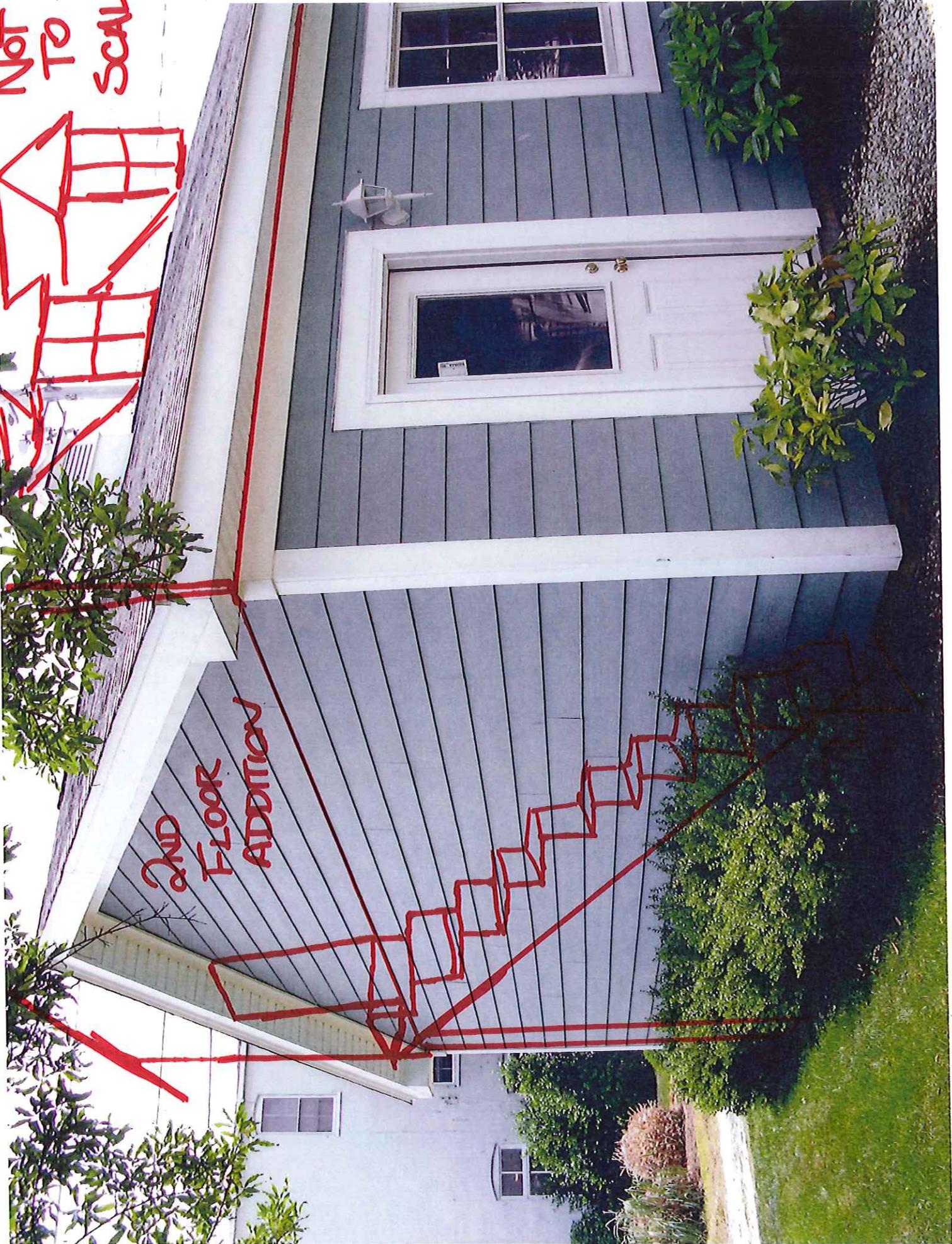


ENCLOSED PORCH

NOT TO SCALE

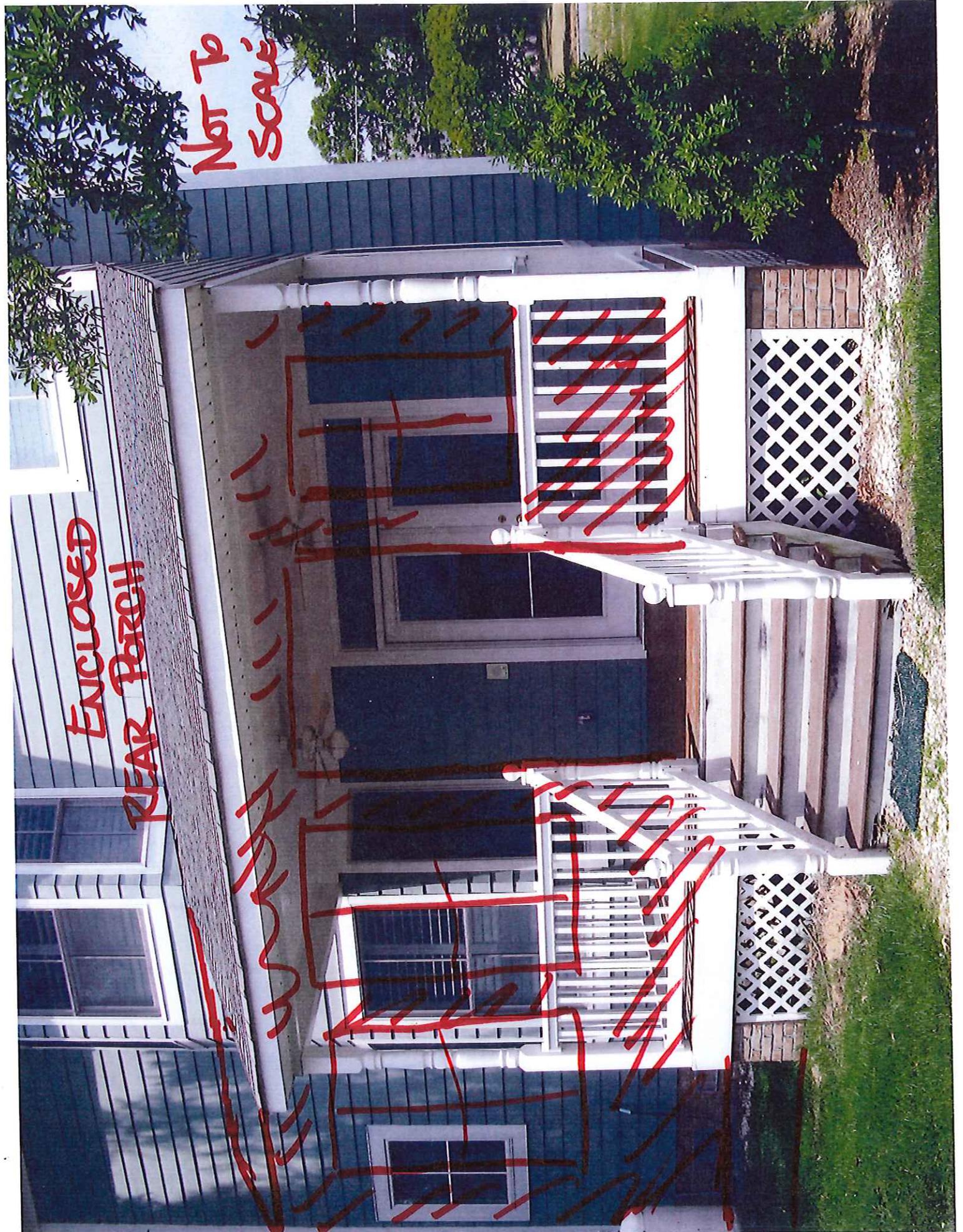


2ND FLOOR ADDITION



ENCLOSED
REAR PORCH

NOT TO
SCALE



Historic District Review Board Staff Report

From: Tom Bonadeo

Date: August 17, 2010

Item: 4A – 114 Randolph – Second Floor Garage Addition and rear porch enclosure

Attachments: Photos and drawings

Application Specifics

An application has been received from Leon Parham as agent for Mr. and Mrs. Spagnulo for the addition of a second floor to their existing garage and the enclosure of the rear porch. The package includes elevation drawings for each side of the garage and the porch enclosure plus an alternate possibility of porch enlargement.

The garage addition has several specific items to review:

1. The second floor addition will be the same size as the first floor (footprint).
2. The stair to reach the second floor will be internal.
3. The current garage roof is a low pitch.
4. The new roof pitch will match the house.
5. There will be a bath with a shower on the second level along with closet space.
6. The second floor will be insulated and covered with drywall.
7. Windows will be added to the east and west walls on the upper level.
8. The porch enclosure and the garage addition will be made with finishes to match the existing house.
9. The porch enclosure addition would be finished to match the existing house also.

Discussion

The Zoning Ordinance allows accessory buildings to have more than one floor. Where main structure possesses more than one story above grade, no accessory structure shall be higher than two-thirds the height of the main structure or twenty-four feet (24'), whichever is lesser. The plans show that the eave of the garage addition about 19 feet tall. The eave of the existing house is about 23.5 feet tall. To meet the requirement of the ordinance the eave of the garage addition should be no greater than 15.5 feet.

The ordinance allows stairs to be in the setback but the owner has chosen to keep them internal. The current roof pitch of the garage is relatively low compared to the existing house roof. The drawings originally submitted to Historic Review showed an 8/12 pitch hip roof but the current garage has a lower gable roof. The new drawings show dormers to match the existing house on the front of the garage.

The garage addition does not contain the elements required to constitute a dwelling and therefore meet those requirements of the ordinance.

The garage addition shows windows added to the west and east sides of the building. There are currently no windows on either side of the existing building.

The rear porch enclosure meets the requirements of the ordinance as it is a rear porch. It does not intrude into the setbacks and the enclosure would be built to match the existing building.

Recommendation

Staff recommends approval of the porch enclosure and the alternate porch addition. Staff recommends review, discussion and tabling the application for the second story garage addition to allow the architect to revise the plan to meet the height requirements of the ordinance.

Historic District Review Board
Regular Session
August 17, 2010

At approximately 4:40 p.m., in the Town Council Chambers, Chairman Russ Dunton, having established a quorum, called to order the Regular Session of the Historic District Review Board. In addition to Chairman Dunton, present were Jan Neville, Bob Sellers, and Dianne Davis. Also present were Tom Bonadeo, Town Planner, Linda Carola, Asst. Town Clerk and one member of the public. Board Member Melvin Dudley was absent.

Dianne Davis led the Invocation and all recited the Pledge of Allegiance.

Motion made by Dianne Davis, seconded by Bob Sellers and unanimously approved to accept the agenda as presented.

Motion made by Dianne Davis, seconded by Bob Sellers and unanimously approved to accept the minutes of March 16, 2010.

OLD APPLICATIONS

NONE

NEW BUSINESS

A. 114 Randolph Ave.-Second Floor Garage Addition and Rear Porch Enclosure.

Tom Bonadeo explained to the Board that there was a correction to the information included in the agenda packet and the proposed addition of a second floor to the existing garage does meet the height requirement. The average peak was the same on the house and garage and there would be no change in the footprint. The new roof pitch of 8 /12 will match the house. Mr. Bonadeo continued to review all of the specifics with the Board Members, adding that windows will be added to the east and west walls on the upper level of the garage, and there would be a bath with a shower on the second level along with closet space, and dormers will be added to the garage to match the house. Mr. Bonadeo reviewed the pictures with the members and once again stated that the height met the Zoning Ordinance requirements which do allow accessory buildings to have more than one floor. He added that the porch enclosure met the requirements of the ordinance as it was a rear porch and did not intrude into the setbacks and the enclosure would be finished to match the existing house.

Chairman Dunton asked the Board Members if they had any questions or concerns regarding the addition of a second floor to the existing garage. Board Member Dianne Davis asked if the second floor could be used as a rental, and Mr. Bonadeo explained there was no kitchen or heat source which prevents the second level being used as a rental and the Building Department governs the permit process for rentals. Mr. Leon Parham, agent for the applicant, stated the second floor would be used for building model trains.

Mr. Bonadeo suggested the application be reviewed in two parts, one being the garage addition and the other part being the porch enclosure.

Garage Addition Part I. Member Jan Neville stated if there was no height violation he was in agreement for approval. Mr. Bonadeo stated he and Mr. Parham would re-verify the height of the garage addition and further explained the remodel will enhance the property.

Motion made by Jan Neville, seconded by Bob Sellers and unanimously approved to approve the renovations as presented for the addition of a second floor to the existing garage.

Porch Enclosure Part II. Chairman Dunton asked the Board Members if they had any questions or concerns regarding the porch enclosure and the alternate porch addition. Mr. Bonadeo continued to review the plans with the Board Members.

Motion made by Dianne Davis, seconded by Jan Neville and unanimously approved to approve the application as presented for the porch enclosure.

B. Enforcement Review

Chairman Russ Dunton stated that, beginning in September, he would like the Historic District Review Board Guidelines to be added to the agenda for the members to review each section, as time permits, and make any changes that may be needed. Mr. Bonadeo stated that, depending on changes made, approval may also have to be obtained from the Planning Commission. Chairman Dunton had three major concerns: i) no exposed concrete block; ii) fences; and iii) vinyl siding. He continued to stress the use of "suitable substitute products." Mr. Bonadeo stated that he would present his major areas of concern in September.

The Board Members, along with Mr. Bonadeo, briefly discussed the several new houses under construction and found that people were purchasing the homes and doing renovations to the properties to live in, rather than to sell and make a profit. Chairman Dunton questioned the renovations being done by Patrick Hand to the building now known as "Blue." Mr. Dunton was concerned about the steel beams and Mr. Bonadeo

explained that the beams were a reflection of the original history of the building which could be considered an artifact, as suggested by Mr. Parham.

Motion made by Dianne Davis, seconded by Jan Neville and unanimously approved to adjourn the Historic District Review Board Meeting.

Linda Carola, Asst. Town Clerk

Russ Dunton, Chairman

Historic District Review Board Staff Report

From: Rob Testerman
Date: July 16, 2013
Item: 5A – HDRB By-Laws Change
Attachments: HDRB By-Laws

Discussion

As noted in the minutes, at the June meeting, a motion was to schedule a public hearing to change the by-laws to change the meeting time from 4:30pm to 5:00pm. After the motion discussion ensued regarding adding a public comment period to the meeting agenda. After much discussion, no vote was ever taken to schedule the public hearing. Without a vote approving the motion, a public hearing could not be scheduled for the July meeting.

In regard to the discussion of public comment, please see the attached copy of the Historic District Review Board by-laws. Section 7-5, on page 5, states:

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.

Although the By-Laws do state that the Board can invite public comment, it is important to remember that the Board's review is not a public hearing, and the Board's decision is not to be based on public comments. The Board is tasked with determining whether or not each application is consistent with the Cape Charles Historic District Guidelines.

In addition to a meeting time change, there may be various other changes to the by-laws needed. The document was last reviewed in December of 2006, and it would be a good practice to periodically review the by-laws.

Recommendation

Staff recommends that the Board postpone scheduling a public hearing until a full review of the by-laws has been completed by the Board, staff and Town Council. Changes to the by-laws would require a public hearing, therefore it would be prudent to review the document and make all necessary changes under one public hearing, rather than scheduling multiple hearings.

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, 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.
- 1-2 The official title of this board shall be the “Town of Cape Charles Historic District Review Board.”

ARTICLE TWO

Members

- 2-1 This 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.
- 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.
- 3-5 Vacancies in office shall be filled immediately by regular election procedures.

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 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.

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 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.

ARTICLE EIGHT

Hearings

- 8-1 The procedures normally followed for a public hearing on any matter, 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.
- 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.

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 may be changed by a majority vote of the membership after conducting at least one public hearing pursuant to Section 15.2-2204, Code of Virginia, 1950, as amended.