



TOWN COUNCIL Work Session

January 5, 2017
Cape Charles Civic Center
6:00 p.m.

1. Call to Order
 - A. Roll Call / Establish quorum

2. Order of Business:
 - A. Historic District Review Appeal Process

 - B. Citizen Request for Curbside Recycling

 - C. Pending Matters Discussion

3. Adjourn

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appeal process for decisions of the Historic District Review Board		AGENDA DATE: January 5, 2017
	SUBJECT/PROPOSAL/REQUEST: Pending appeal of Historic District Review Board decision		ITEM NUMBER: 2A
	ATTACHMENTS: Historic District Review Board flow chart from the Guidelines document (appellate process noted)		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Larry DiRe	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

On Sunday December 25, 2016 staff received an email from a property owner stating that he was exercising his right of appeal of a decision made by the Historic District Review Board (HDRB) at their November 15, 2016 regular meeting. The decision concerns the cladding of a chimney for a new single-family home construction in the Historic District Overlay. Such new construction is under the regulations stated in Zoning Ordinance *Article VIII*, and the “reasonable and practical” application of the Historic District Design Guidelines document. Information regarding the appeals process was forwarded to the property owner by email on December 14, 2016.

The following Zoning Ordinance Sections are relevant to the appellate process:

Article VIII, Section 8.14 The Historic District Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district: In addition, the Board shall have the following duties: A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically significant sites at buildings or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs. B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation. C. To conduct studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town. D. To propose additional historic districts or additions or deletions to districts. E. To adopt standards for review to supplement the standards set forth in this Ordinance. F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers. G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town. ion to an approved Certificate, so this is treated as a new application.

Article VIII, Section 8.19 Certificate of Appropriateness Evidence of the approval required under the terms of the Historic District shall be a certificate of appropriateness issued by the Historic District Review Board, or the Zoning Administrator as the case may require, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board or the Administrator as the case may require. The Historic District Review Board, or the Administrator in a case within his authority, may permit modifications of original proposals if such modifications are formally acknowledged, clearly

described, and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit-requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

***Article VIII, Section 8.34 Appeals; Decisions of the Historic District Review Board** An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, which shall be taken within thirty (30) days after the decision appealed from by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Town Council all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within 60 days. At the hearing the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.*

ITEM SPECIFICS:

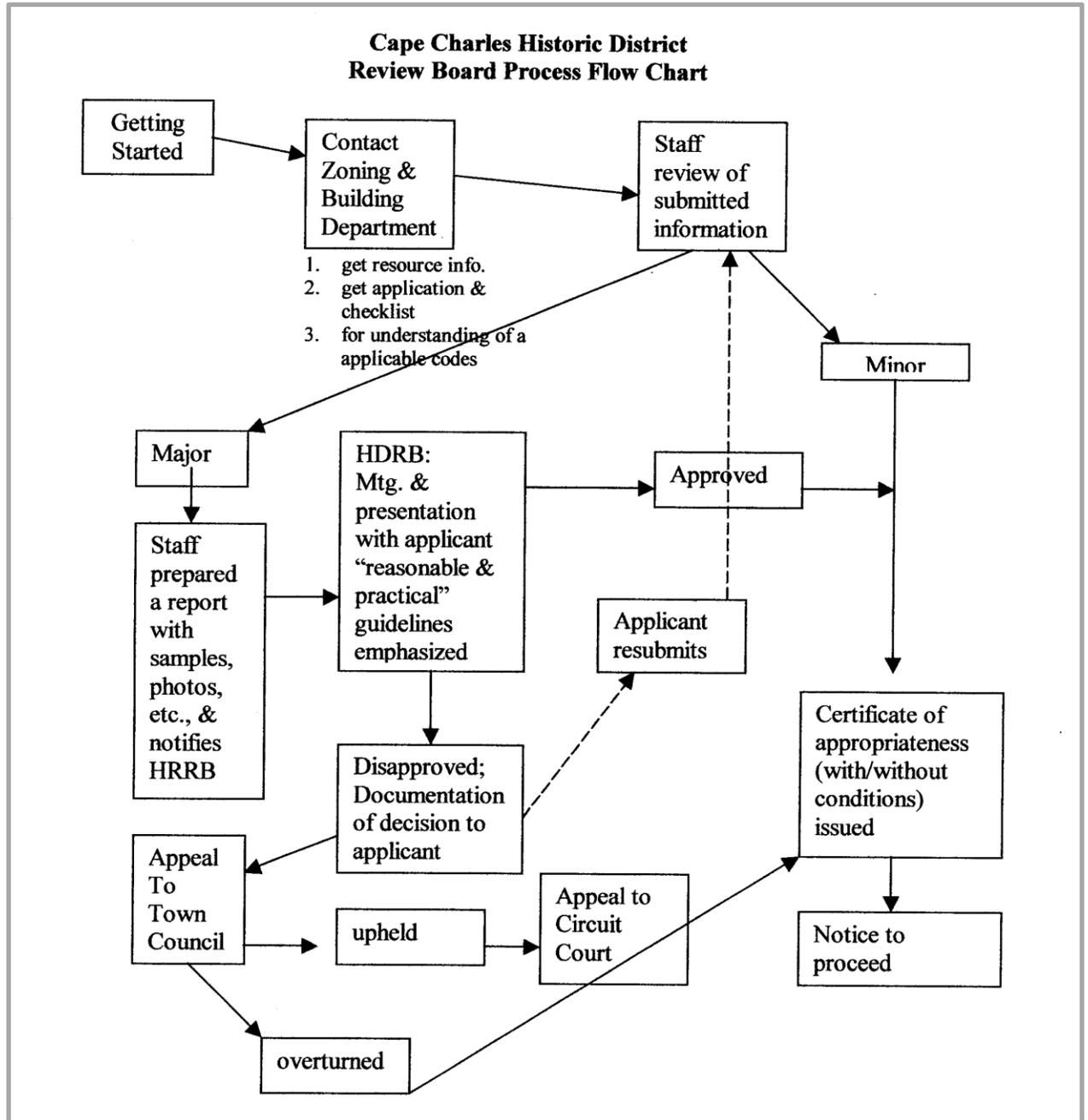
Staff reminds the Town Council that any matter brought forward for appeal is both narrow and specific, and pertains to the applicant's property alone. Should a broader discussion or review of governing documents and/or procedural actions be deemed valuable for the successful functioning of the Town's historic preservation effort, there are appropriate ways to meet that goal that do not involve this particular appeal.

RECOMMENDATION:

No recommendation at this time.

Going Before the Review Board

3. Minor additions or alterations are handled by the administrator. Some major actions that do not affect a contributing building can also be decided by the administrator after informal consultation with the review board.
4. Major additions or changes are referred to the review board.
5. Demolition, moving, or new construction requires approval of the review board or, in the case of contributing buildings, the Town Council.
6. Appeals of review board decisions are made to the Town Council.



Jon Dempster
33 Marina Rd.
Cape Charles, VA 23310

December 19, 2016

Town Manager
Town Council

Dear Mr. Manuel and Town Council,

After having done some research on the matter of waste disposal versus recycling I am writing to encourage council to address the matter. In an area that relies on fisheries, aquaculture, agriculture and ecotourism for economic viability it is time we put more resources into maintaining these assets. The EPA estimates that 70% of waste is recyclable and that we only actually recycle 30% as a nation. The Virginia Department of Environmental Quality mandates that communities recycle between 15% and 25% of waste depending on population density and poverty levels. Currently Northampton County is just passing the local mandate of 15%.

The only form of recycling locally is with drop off centers located around the county. Curbside pickup paired with an educational campaign is necessary in order to protect our local environment.

I am aware that council has looked into curbside options with Davis Disposal in the past but has hesitated to move forward. Mr. Davis is committed to being able to provide curbside pickup for local residents. The cost per household, per month, will run between \$5 and \$7 for bi-weekly pickups. With 1,000 pickups in Cape Charles this equates to \$72,000.00 per year at \$6 per household. I propose that the town subsidize the additional cost by finding room in the next annual budget and not passing the cost on to residents. The additional Meals and Tot tax brought in by recent developments has created a surplus that would make this feasible.

Additionally it is imperative to not only provide the service to residents but also to provide educational materials, pamphlets, town hall meetings, etc, in order to make sure residents are aware of how much they can recycle. Increased participation in the program will reduce current levels of waste, potentially decreasing or even offsetting, the additional charges.

In the end, the additional cost of providing such services is far less than the cost of neglecting our greatest assets. I would be more than happy to help in any way moving forward. I hope that you will add the issue to the January agenda in order to put a plan in motion. Thank you for your time,

Sincerely,

Jon Dempster