



HISTORIC DISTRICT REVIEW BOARD

Regular Meeting
Cape Charles Civic Center
October 21, 2014
6:00 p.m.

At 6:00 p.m. Chairman Joe Fehrer, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Joe Fehrer, present were John Caton, David Gay and Terry Strub. Sandra Salopek was not in attendance. Also in attendance were Town Planner Rob Testerman, Assistant Town Clerk Amanda Hurley and applicants Diane D'Amico and Phil Goetkin of Lot 140 Jefferson Avenue.

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

CONSENT AGENDA:

Joe Fehrer recommended moving Item B before Item A since the applicants of the new home on Lot 140 Jefferson Avenue were present.

Motion made by Terry Strub, seconded by David Gay, to accept the agenda as amended. The motion was unanimously approved.

The Historic District Review Board reviewed the minutes of the September 16, 2014 Regular Meeting.

Motion made by David Gay, seconded by John Caton, to approve the minutes of the September 16, 2014 Regular Meeting as presented. The motion was unanimously approved.

NEW BUSINESS:

A. *Lot 140 Jefferson Avenue – New Home*

Rob Testerman stated that the new home was proposed to have a gable roof with a 12 to 12 pitch with laminated asphalt shingles. A sample was provided to the Board. A dormer was proposed to extend over the front porch on the right side of the house and a second dormer was proposed on the west side of the house to provide access to a balcony. The front porch, which would run the full width of the house, would include six proposed columns which would be built to match those of the neighboring home. Six over six windows were proposed throughout the house in various sizes. Also proposed were a 15 lite glass door on the west side of the home and two 15 lite glass doors on the rear. The siding was proposed to be vinyl. A sample was provided to the Board. A shed was proposed in the rear and would either have the same siding as the house or painted to match the color of the house with white trim. The shed would have a single door that faced the house and a double door on the rear.

Rob Testerman stated that this home did not create a false sense of history and would look like other homes in Town keeping consistency of the historic character of the neighborhood.

Joe Fehrer questioned the elevation of the foundation in relation to the flood zone because one of the plans showed the house at ground level. The applicants stated that the home could be as high as 30" off the ground.

Motion made by David Gay, seconded by Terry Strub, to approve the application for Lot 140 Jefferson Avenue as proposed. The motion was unanimously approved.

B. *647 Madison Avenue – Renovation*

Rob Testerman explained that a stop work order had been issued to 647 Madison Avenue. The home was a contributing structure circa 1910 and a gabled ell frame dwelling. The existing porch had already been removed but was being replaced with four pillars along the front. The foundation of the porch would be constructed out of brick. The roof would be replaced to match the original with either 30 year shingles or a metal roof. Two chimneys were proposed to be removed. Two over two windows were proposed and window sizes would remain the same as original. Two square stained glass windows were proposed on the east side. Hardiplank siding was proposed for the house.

Joe Fehrer asked if a builder or the homeowner was renovating the home because if it was a licensed contractor, they should be familiar with the Code and maybe more information and education needed to be provided to the local contractors. Rob Testerman stated that he would check with Jeb Brady.

Rob Testerman passed around additional photos of proposed railing, pillars and doors. There was some discussion regarding the proposed front door which was similar to the door proposed for 328 Randolph Avenue which was not approved. Even though the original door was missing, the Board was in agreement that the proposed door did not fit the time period of the home and asked that Rob Testerman or Jeb Brady work with the applicant to come up with a more appropriate door that would lend itself to the historic character of the home.

There was some discussion regarding chimneys and the Board agreed that there were safety issues with old, deteriorating chimneys and they should be removed but ornate chimneys that were part of the architectural design should remain as they were visually appealing.

Motion made by Terry Strub, seconded by David Gay to approve the application for renovations at 647 Madison Avenue as proposed with the condition that the applicant discuss with Rob Testerman or Jeb Brady a more historically appropriate front door. The motion was unanimously approved.

C. *Regulating Colors – Discussion*

Rob Testerman stated that previously, the issue had been raised of whether or not the Board should attempt to regulate paint colors. In years past, the HDRB did review proposed colors, however that practice had been abandoned some years ago. Rob Testerman was informed by a previous Board member that they were advised by Paige Pollard, who at the time was an employee of the Department of Historic Resources (DHR), to discontinue the practice. At that time, there had been two court cases in which localities attempted to regulate colors that were ruled in favor of the homeowner. Rob Testerman had also spoken with Julie Langan of DHR and she commented that she did not see the wisdom in controlling paint colors. Paint colors were reversible and more of an aesthetic issue than a preservation issue. Additionally, paint colors were not addressed in the Secretary of the Interior's Standards and Guidelines.

Joe Fehrer stated that he did not want to get involved in regulating colors, but was concerned about colors that were completely out of character such as neon and how the HDRB or Town could go about having that color reversed. Rob Testerman stated that it would be more effective if the neighborhood got involved, but if the homeowner decided to challenge it, the court would most likely vote in their favor.

The Board was in agreement that paint colors should not be regulated.

OLD BUSINESS:

- A. Rob Testerman provided the Board a list of previous Certificates of Appropriateness and their statuses which included the following:
- 207 Mason Avenue had been approved on January 21, 2013 and no work had begun but the Certificate of Appropriateness (COA) was still valid.
 - 309 Mason Avenue had been approved October 15, 2013 and the project was complete.
 - 555 Mason Avenue had been approved November 19, 2013 and the project was complete.
 - 114 Randolph Avenue had been approved July 16, 2013 and no work had begun. The COA had expired. A previous COA had also expired for this property.
 - 218 Randolph Avenue had been approved March 18, 2014 and no work had begun but the COA was still valid.
 - 328 Randolph Avenue had been approved August 19, 2014 and work was in progress.
 - 403 Tazewell Avenue had been approved March 18, 2014 and the project was complete.
 - 500 Tazewell Avenue had been approved January 21, 2014 and the project was complete.
 - Lot 368 Tazewell Avenue had been approved on March 18, 2014 and work was in progress.
 - 711 Tazewell Avenue had been approved on November 19, 2013 and a permit had been issued. The COA was still valid.
 - 9 & 11 Monroe Avenue had been approved March 18, 2014 and work was in progress.
 - 619 Monroe Avenue had been approved November 19, 2013 and the project was complete.
 - 209 Jefferson Avenue had been approved September 15, 2013 and work was in progress.
 - 219 Jefferson Avenue had been approved October 15, 2013 and the project was complete.
 - 621 Jefferson Avenue had been approved February 14, 2014 and the project was complete.
 - 1 Pine Street had been approved November 19, 2013 and work was in progress.
 - 114 Peach Street had been approved November 19, 2013 and the project was complete.
 - 423 Plum Street had been approved August 20, 2013 and work was in progress.

The COA was valid for one year, but as long as building permits were issued and work was being done, the COA remained valid.

ANNOUNCEMENTS:

Rob Testerman stated that Jeb Brady had reported at the last Town Council meeting that there were 11 homes under construction and six more planned, most of which were in Bay Creek.

It was found that the old Kings Creek Plantation Cemetery located in Bay Creek was owned by Bay Creek and Virginia law stated that the cemetery could only be accessed by family members, owners of plots within the cemetery, or for genealogical research. Terry Strub commented that there was question as to how much of the area was a cemetery because there appeared to be other impressions outside of the fenced area.

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

Chairman Joe Fehrer

Asst. Town Clerk