



HISTORIC DISTRICT REVIEW BOARD

Regular Meeting
Cape Charles Civic Center
March 17, 2020
6:00 p.m.

At 6:00 p.m., Chairman Kerry Shackelford, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Kerry Shackelford, present were Herb Thom and Edward Wells. Michael Strub was not in attendance. There was one vacancy on the board. Also, in attendance were Code Official Jeb Brady, Deputy Clerk Tracy Outten, and the applicants. There were two members of the public in attendance.

Kerry Shackelford started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

Motion made by Edward Wells, seconded by Herb Thom, to accept the Consent Agenda as presented. The motion was approved by unanimous vote.

PUBLIC COMMENT:

There were no public comments to be heard nor any written comments submitted prior to the meeting.

UNFINISHED BUSINESS:

A. *Application for a Certificate of Appropriateness at 312 Washington Avenue – to replace windows on a church building.*

Dianne Davis, member of the congregation, briefly described the proposed work to be done on the church and stressed that the windows had been purchased. She added that it took seven years to purchase these windows and did not realize they had to be approved by the historic board. Bishop James Davis said the contractor would make the windows look nice.

Discussion was as follows: (i) Kerry Shackelford understood this was a hardship but was worried about future applicants wanting to replace wood windows with vinyl windows if the board were to approve this application; (ii) Edward Wells and Kerry Shackelford asked if they would accept help to restore the wood windows. Dianne Davis asked what they would do with the windows that were purchased. There was much discussion on the installation cost associated with both options. Dianne Davis informed the board that all costs had been taken care of; (iii) Kerry Shackelford understood the financial burden and since the address was not listed on the Department of Historic Resources Historic Registry, this building was considered a non-contributing structure. He continued adding that this decision would be used against the board by future applicants if approved and worried about setting a precedence; (iv) Bishop James Davis understood the board wanted the wood windows to be restored but, they were a small congregation and not planning on selling the building. Kerry Shackelford said the guidelines stated the materials needed to match; and (v) Tracy Outten read comments submitted by Michael Strub. (Please see attached.)

Motion made by Kerry Shackelford, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 312 Washington Avenue to replace the windows on the church building as presented based on the following: (i) the building was considered non-contributing; (ii) the church was not listed on the Department of Historic Resources registry; and (iii) the glass would be the same as existing. The motion was approved by unanimous vote.

NEW BUSINESS:

- A. *Application for a Certificate of Appropriateness at 406 Jefferson Avenue – to construct a new single-family detached home.*

Ian Hoyt, applicant, summarized the proposed home and thanked Jeb Brady and Tracy Outten for stepping up in the absence of a planner and helping him with everything. He asked if the board had any questions.

Edward Wells asked if there was something in the building code about a third story. Jeb Brady said a third story was not allowed; but two in a half stories was as long as the square footage did not exceed half of the total square footage of the home and added that the applicant adjusted the square footage of the proposed home to be two and a half stories.

Motion made by Edward Wells, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 406 Jefferson Avenue to construct a new single-family dwelling as submitted. The motion was approved by unanimous vote.

- B. *Application for modification to Certificate of Appropriateness at 209 Mason Avenue – to renovate a commercial storefront.*

Danny Mayer, owner, stated that there was some confusion on what windows were approved as most discussion on this topic was in the early stages with board and did not know the windows were wrong until Jeb Brady contacted him. He apologized for his mistake.

Tracy Outten read comments submitted by Michael Strub. (Please see attached.)

Kerry Shackelford read the original motion.

Discussion was as follows: (i) Edward Wells confirmed that the issue was that no shop drawings were provided. Kerry Shackelford said yes; the reason the board wanted to see shop drawings was to prevent what happened. Danny Mayer was confused about the original motion and thought the windows would be fine; (ii) Kerry Shackelford and Herb Thom made the following references to the Cape Charles Historic District Guidelines: (a) page 19 Secretary's Standards; (b) page 41 Windows and Doors, numbers 2-4; page 47 Storefronts number 1; and page 48 Storefronts numbers 3-5; (iii) Danny Mayer said the windows that opened out were approved and tried to do the right thing. He added that he had given into the board many times; (iv) Herb Thom thought the board was being put in a non-compromising situation because there were consequences to applicants that did not follow the rules; (v) Danny Mayer understood that he should have come back to the board. Herb Thom asked how he assumed the windows were approved after not following the approval conditions. Danny Mayer responded that in trying to do the right thing, he unintentionally did something wrong; (vi) Kerry Shackelford said he was worried about setting a precedence; and (vii) Edward Wells thought that if the board denied this modification that the applicant would appeal.

Motion made by Kerry Shackelford, seconded by Herb Thom, to deny the application for modification to the Certificate of Appropriateness at 209 Mason Avenue to renovate a commercial storefront as submitted. The motion was approved by majority vote with Edward Wells opposing.

OTHER BUSINESS:

There was no other business.

ANNOUNCEMENTS:

There were no announcements.

Motion made by Herb Thom, seconded by Edward Wells, to adjourn the March 17, 2020 Historic District Review Board Regular Meeting at 6:58 p.m. The motion was unanimously approved.

Chairman Kerry Shackelford

Deputy Clerk

Michael Strub's Comments

From: [Michael Strub](#)
To: [Tracy Outten](#)
Subject: Re: Historic District Review Board Attendance Confirmation
Date: Tuesday, March 17, 2020 12:51:30 PM

Tracy, thank you for your understanding.

Here is my input to this evening's meeting:

With reference to agenda item 5A, I would vote to again table this request so that we might seek an opinion from the town Council on the specific request with respect to a non-contributing structure in the historic district overlay. The town Council has requested separate guidelines for non-contributing structures and I suspect on the matter of the window replacement, they might be a little more lenient than if it were a contributing structure.

Under 6A, I would vote to approve this application; I agree with the section by section review and analysis of the town staff and I understand that it would be inappropriate for Town staff to make an overall recommendation without a Town Planner.

Item 6B: I sat on a bench near the Veterans Memorial across the street from the Parsons building and studied the windows carefully. The fiberglass windows appeared to be sufficiently similar to the wood windows so as not to constitute a visual distraction. While I wouldn't support changes being made without a certificate of modification, this request for modification appears to be in order and I would like to approve it.

I am available for a conference call, FaceTime, or any other method normally used to conduct business in the absence of face-to-face attendance.

Stay healthy,
Mike

Sent from my iPhone