

Historic District Review Board
Regular Meeting Agenda
Cape Charles Civic Center
February 15, 2022, 3:00 P.M.

1. **Call to Order; Roll Call**
 - A. Roll call and establish a quorum.
 - B. Welcome and introduction of new member, David Howgill
2. **Invocation and Pledge of Allegiance**
3. **Organizational Meeting – Continued from Last Month**
 - A. Election of Chairman, Vice-Chairman and Secretary
 - B. Review, Discussion and Adoption of Revised Bylaws
4. **Public Comment**
5. **Consent Agenda**
 - A. Approval of agenda format
6. **Unfinished Business**
 - A. 213 Madison Avenue: Jim & Jodi Outland – Certificate of Appropriateness to screen in the existing front porch
7. **New Business**
 - A. FENCE INSTALLATION: None
 - B. RENOVATION, MINOR: None
 - C. MODIFICATION TO APPROVED Certificate of Appropriateness: None
 - D. RENOVATIONS, ADDITIONS, & NEW CONSTRUCTION:
 - (1) 219 Mason Avenue: Todd Bricken – Certificate of Appropriateness to renovate/remodel entire building front (doors, windows, brick work, balcony/porch), removal of rear storage shed; new windows on sides and rear of building, new exterior door at base of stairwell column for egress, replace overhead garage door in rear of building; new roof framing and roof additions (stair towers, roof deck)
8. **Other Business**
 - A. Report from Interim Zoning Administrator Katie Nunez
 - B. Annual Report to the Commission of Local Government (CLG)
9. **Adjourn**

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 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.

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.

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 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.

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.

ARTICLE EIGHT

Application Review

- 8-1 The procedures normally followed for 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 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 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 The bylaws may be amended at any regular meeting of the Board by a vote of at least three members, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.

10-2 The Board shall review and, if appropriate as 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.

Town of Cape Charles Guidelines for Citizen Participation

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Eligibility

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

Registering

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

Regulations:

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.



Town of Cape Charles Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may choose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required, such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
 - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to put aside business that is not ripe for consideration, such as when further study is required. It requires a second, is debatable and is not amendable.
 - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vote to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often, simple motions to amend are adopted by unanimous consent. Also, note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

Acknowledgement

I _____ (printed name), a sitting member of
_____ (body), hereby certify that I have
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 15, 2022
Item #: 6A – 213 Madison Avenue
Prepared by: Katie H. Nunez, Zoning Administrator
Date: February 9, 2022

APPLICANT: Jodi and Jim Outland	TYPE OF APPLICATION: Pre-Application/Certificate of Appropriateness
SITE ADDRESS: 213 Madison Avenue	WORK TO BE PERFORMED: screen existing porch and add a storm door
TAX MAP: 83A1-1-207	CURRENT ZONING: Residential (R-1)
LOT SIZE: 1,590 sq. ft.	HISTORIC REGISTER: CONTRIBUTING STRUCTURE <i>Description: 1929 Craftsman Bungalow</i>

DATE APPLICATION RECEIVED: October 25, 2021
PRE-APPLICATION MTG: December 21, 2021
DATE APPLICATION DEEMED COMPLETE: ~~December 6, 2021~~ January 31, 2022
LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): ~~February 6, 2022~~
March 31, 2022

BACKGROUND

At their pre-application meeting on December 21, 2022, the applicant indicated they are seeking to do the following work:

- 1) Screen in an existing front porch in 3-foot sections
- 2) Add a storm door at the top of the stairs in the center of the porch

Due to the nature of the stone materials that comprise the front porch, there were additional questions about how any screening will be affixed to the stone as well as what is the proposed framing for a screen door/storm door at the top of the stairs in the center of the porch and the specific material being proposed.

They were asked to obtain drawings from their contractor regarding how this will be affixed on the existing stone porch and to indicate the specific materials to be utilized for the framing, screening and door. Additionally, they were asked to provide pictures of what this would like, especially since the front porch steps are extremely wide and how the proposed addition of a storm/screen door would look on this style of house.

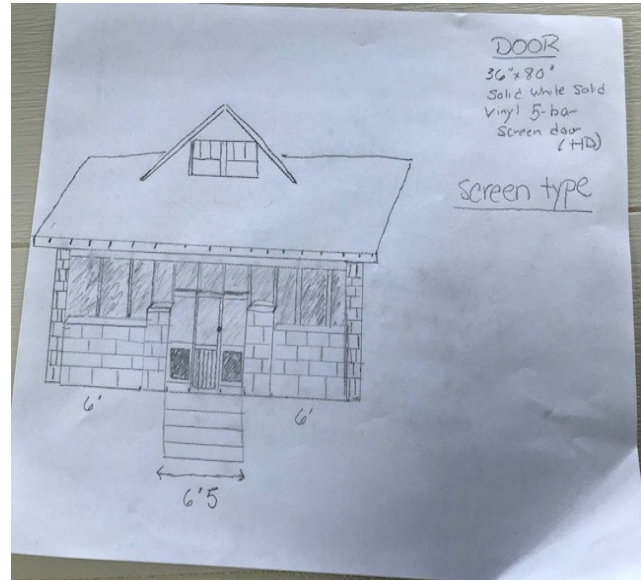
NEW INFORMATION from APPLICANT:

The applicant has submitted a new narrative that responds to the questions from the HDRB – they are no longer looking to add a storm door but just a screen door as well as the insect screening on the front porch.

EXISTING PORCH



PROPOSED SCOPE OF WORK - ILLUSTRATED



MATERIALS:

Screen door: Regular size 3.0 screen door measuring 36" X 80" known as White Solid Vinyl 5-Bar Screen Door from Home Depot

Framing for screen door: wood, painted white; will be adhered to stone block columns by way of mortar and concrete anchors.

STAFF ANALYSIS

ZONING COMPLIANCE:

The proposed project is seeking to screen in an existing 280 sq. ft front porch. The zoning ordinance allows for the screening of front porches with insect screening only, preferably with the screening placed on the inside (house side) of any architectural elements and the ordinance does not allow for any permanent enclosures of front porches. With the elimination of the storm door, this makes the look and feel of the front porch more consistent with the ordinance standards and is in compliance with the zoning ordinance.

The applicant has provided a response to each question posed by HDRB and included a sample of a similar home with the type of front porch work they are seeking to do.

Any property within the Historic District Overlay is required to meet the Historic District Guidelines, which are superimposed on the underlying zoning district regulations. Please review the additional narrative (in the forms of questions from HDRB and answers by applicant) to determine if there are any additional information needed from the applicant to understand their project and reach a determination if the project is within the Historic District Guidelines.

HISTORIC DISTRICT GUIDELINES:

GENERAL PRINCIPLE FOR EXTERIOR ALTERATIONS: Page 19 – Item 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

STAFF RECOMMENDATION:

Staff is recommending review of the revised Certificate of Appropriateness Application by the HDRB and determine if the proposed exterior renovations are within the Historic District Guidelines.

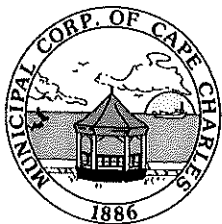
Staff is prepared to assist with the development of a motion, if needed.

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project and may impose conditions on an approval.

ATTACHMENTS:

Attachment 1 – Application and Documents

Attachment 2 – Additional Narrative (Question/Answer Format) from Applicant, dated 1/29/2022 and Photos



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-3259 x24
tracy.outten@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|---|---|
| ☐ Completed application | ☐ Photos/elevations of existing structure |
| ☐ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☐ Existing site plan or survey | ☐ Proposed materials/spec sheets, samples |
| ☐ Proposed site plan or survey (if applicable) | ☐ Payment of fees (new construction >2,000 square feet \$500; new construction up to 2,000 square feet \$300; all other \$150; modification \$250) |

PROPERTY INFORMATION

Name of Project: Screen-in existing porch
Property Address: 213 Madison Ave CC
Brief Description of Project: Screen in an existing front porch
Zoning District: _____ Current Use: _____ Proposed Use: _____

OWNER INFORMATION

Name and Company: Jim + Jodi Outtend
Mailing Address: 213 Madison Ave
Phone Number: 804-539-4823 Email: jodiout@verizon.net

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

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 Applicant: Jodi Outtend Date: 10/25/21

Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.

Outland Screened in Porch
213 Madison Ave Cape Charles VA

We currently have a front porch on a 1929 Craftsman Bungalow. We enjoy the porch but have limited use because of bugs.

We would like to screen in the porch, using very standard 3' spacers. A storm door placed in the center at the top of the stairs rather than a flimsy screened door is our preference as screened in doors never last very long especially in coastal areas. We need to tie it in to the existing roof which requires using existing stone/concrete "railing", which is much wider than, say, a wooden railing.

We plan to use Tommy Rosen Construction; he is a licensed A contractor.

Thank you,

Jodi Outland

01/29/2022

To: Cape Charles Historic District Review Board

From: Jim & Jodi Outland

RE: 2nd Appearance regarding 10/25/2021 Application for Zoning Clearance to Screen in Front Porch at 213 Madison Ave.

This is to respond to questions raised by the HDRB during the 12/21/2021 review of the Application for Zoning Clearance which was submitted by Jim and Jodi Outland on 10/25/2021. The application is to screen in the existing front porch of our Craftsman-style Bungalow home at 213 Madison.

The following questions were raised by the Board on 12/21/2021 and they are followed by our answers. We are also including exhibits which present a general example of a completed project, along with a design sketch, pictures of the screen door we intend to use and a reference to a book about Sears Catalog Homes.

HRB Q1: *Are there other Sears Craftsman homes with screened in porches in Cape Charles like you are proposing?*

A1: 213 Madison is not a Sears Craftsman Bungalow home. A general example of the type of project we propose with our Craftsman-style Bungalow home may be seen in Exhibit 1. We highlight that there are distinct differences between a Craftsman-style Bungalow that is significant to fans of Sears Craftsman Bungalow homes. We know this because our former home on 3 Randolph was a Sears Craftsman home and we entertained many unexpected visitors in this regard. (Please refer to the book "The Houses that Sears Built" by Rosemary Thornton.)

HRB Q2: *Do you have a design sketch of your project?*

A2: Please see our design sketch at Exhibit #2.

HRB Q3: *What type of porch door do you intend to use for your screened-in porch. Will your porch door be centered?*

A3: In response to the Board's expressed concerns, we will be using a screen porch door, not a storm door. The screen porch door will be centered at the top of the stairs leading up to the porch.

HRB Q4: *What style of screen door is proposed and what are the dimensions?*

A4: The screen door to be used is a regular size 3.0 screen door measuring 36" X 80". This is a door from Home Depot which is known as "White Solid Vinyl 5-Bar Screen Door." As can be seen at Exhibit #3 below, the screen porch door is so named due to the five white vinyl bars which are visible on the lower half of the door.

HRB Q5: What is the width of the framing and where will the header be?

A5: The framing will be standard to accommodate the 36" X 80" screen porch door. Please see the attached sketch to see the location of framing which will be mounted on the inside of the porch per code. There will be 3' of space between each vertical frame pieces for the main porch panels.

HRB Q6: Will the framing be wood or vinyl?

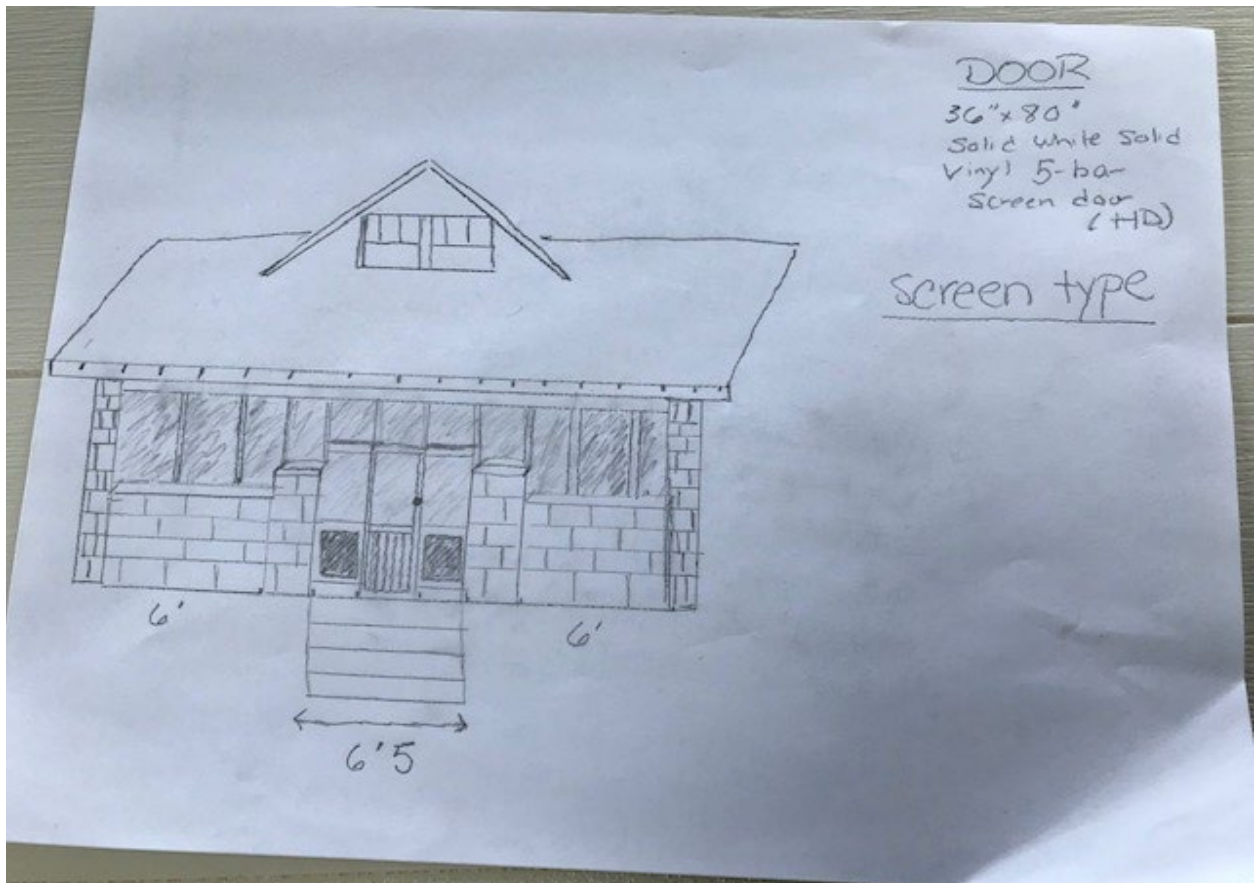
A6: We intend to use wood framing which will be painted white. Our contractor plans to adhere the wood framing to the uneven block columns of our porch by way of mortar and concrete anchors. A small amount of mortar will be applied between the columns and the flat surface of the adjoining wood vertical to close the small gaps between the irregular block and the flat surface of the wood vertical frame. The vertical wood framing will then be secured to the block columns by way of concrete anchors.

HRB Q6: What color and type of porch screen will be used?

A6: We intend to use charcoal-colored fiberglass screening. This type is commonly seen on porches around Cape Charles.



Exhibit #2: 213 Madison Avenue Design Sketch – Proposed Screened-In Front Porch



Screen Tight 36 in. x 80 in. White x

homedepot.com/p/Screen-Tight-36-in-x-80-in-White-Solid-Vinyl-5-Bar-Screen-Door-5BAR36/100650812

FREE IN-STORE PICKUP Over one million online items eligible.

You're shopping Salisbury **OPEN** until 9 pm

Delivering to 21804

36x80 screen door

My Account Lists Cart 0 items

All Departments Home Decor, Furniture & Kitchenware DIY Projects & Ideas Project Calculators Installation & Services Specials & Offers Local Ad & Catalog

Home / Doors & Windows / Exterior Doors / Screen Doors

Internet #100650812 Model #5BAR36

Screen Tight
36 in. x 80 in. White Solid Vinyl 5-Bar Screen Door
★★★★☆ (163) Questions & Answers (68)

550

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\$208⁰⁰

Save up to \$100 on your qualifying purchase. Apply for a Home Depot Consumer Card

- Features a no-paint design that holds up to the elements
- Wood framework with fine screen to allow air through
- Designed for ease of installation
- View More Details

How To Get it

Windows Taskbar: Type here to search, 25°F, 12:07 PM 1/29/2022

Screen Tight 36 in. x 80 in. White x

homedepot.com/p/Screen-Tight-36-in-x-80-in-White-Solid-Vinyl-5-Bar-Screen-Door-5BAR36/100650812

wood framework with fine screen to allow air through

Designed for ease of installation

View More Details

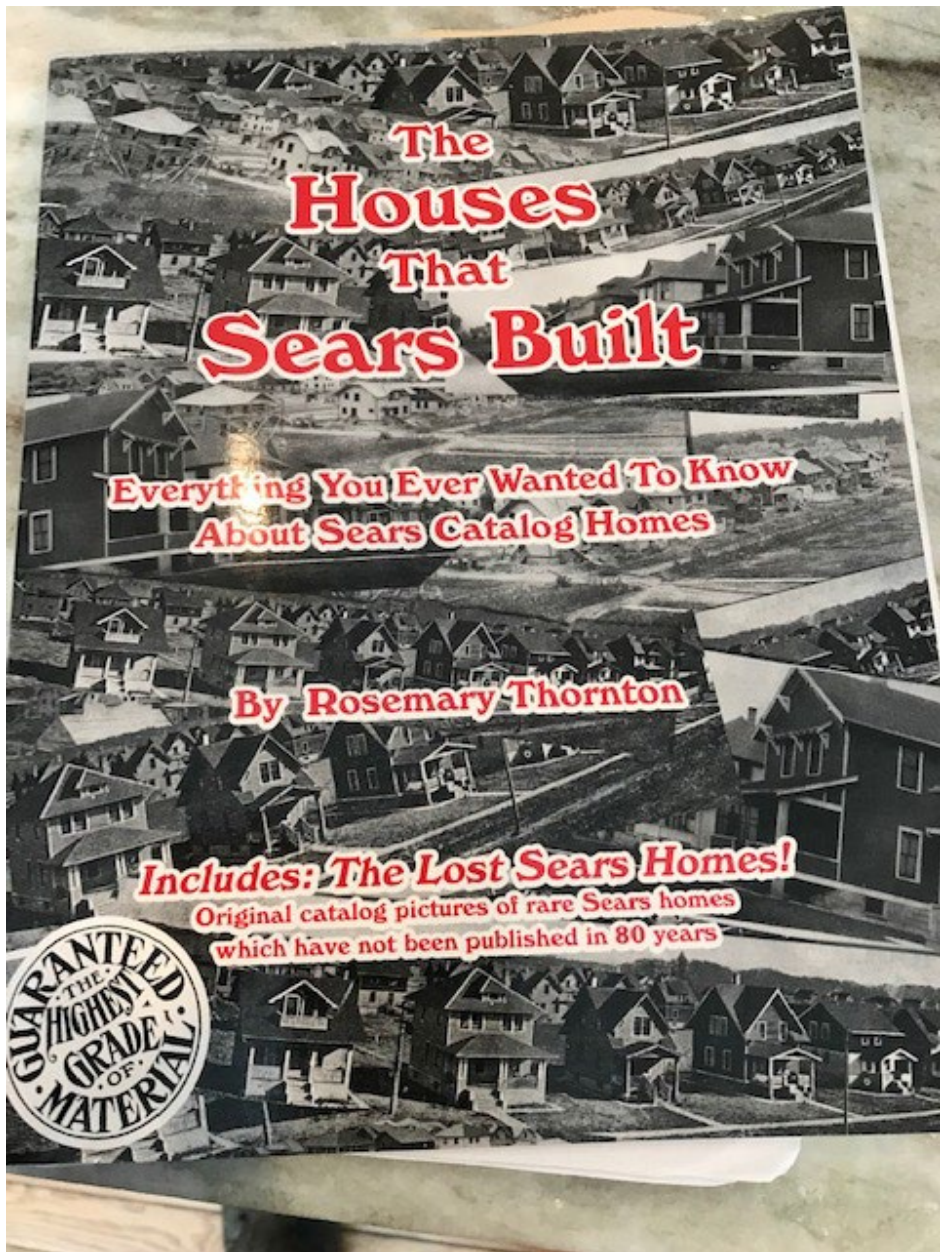
How To Get it

This item is currently out of stock

Receive an email if this item is back in stock.

Email **Notify Me**

Windows Taskbar: Type here to search, 25°F, 12:09 PM 1/29/2022



The Houses That Sears Built

Everything You Ever Wanted To Know
About Sears Catalog Homes

By Rosemary Thornton

Includes: The Lost Sears Homes!

Original catalog pictures of rare Sears homes
which have not been published in 80 years





HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 15, 2022

Item #: 7D

Prepared by: Katie H. Nunez, Interim Planning/Zoning Administrator

Date: February 9, 2021

APPLICANT: Todd Bricken
SITE ADDRESS: 219 Mason Avenue

TYPE OF APPLICATION: Certificate of Appropriateness
WORK TO BE PERFORMED: Renovate/remodel entire building front (doors, windows, brick work, balcony/porch), removal of rear storage shed; new windows on sides and rear of building, new exterior door at base of stairwell column for egress, replace overhead garage door in rear of building; new roof framing and roof additions (stair towers, roof deck), including additional square footage on second floor

TAX MAP: 83A3-1-631
LOT SIZE: 5,359 sq. ft.

CURRENT ZONING: Commercial-1 (C-1)
HISTORIC REGISTER: *Commercial Building Contributing Structure* *Description: Ca. 1921, Neoclassical*

DATE RECEIVED: February 1, 2022

PRE-APPLICATION MEETING: February 15, 2022

DATE DEEMED COMPLETE: February 9, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): April 9, 2022

NARRATIVE OF PROPOSAL:

The applicant has recently purchased 219 Mason Avenue and has been working with the Town since mid-May to obtain the necessary approvals to achieve zoning compliance for this project. The applicant is proposing to renovate the second floor above 1st floor commercial at 219 Mason Avenue to five residential units and is also proposing to renovate the first-floor commercial space. He is seeking to fully renovate and rehab the exterior of the building as part of the total renovation project with front façade improvements and changes to the rear exterior

AERIAL MAP: Property outlined in blue



CURRENT STREET VIEW



SCOPE OF WORK:

FRONT ELEVATION:

EXISTING BRICK PAINTED BRICK FACADE, DOORS, WINDOWS AND ARCHITECTURAL ORNAMENTATION TO REMAIN; REFURBISHED AND REPAINTED AS NEEDED.

EXISTING ALUM & GLASS STOREFRONT, PAINTED BRICK, AND STRUCTURALLY CHALLENGED PORCH/BALCONY TO BE REMOVED (NEW STEEL BEAM AND COLUMNS INSTALLED TO SUPPORT THE EXISTING SECOND FLOOR FACADE AND STRUCTURE

NEW PAINTED WOOD STOREFRONT WITH INSULATED GLASS PANELS TO BE CUSTOM-BUILT IN CONFIGURATION AS SHOWN

PAINTED BRICK SILL WALL WITH ROWLOCK HEIGHT - SIMILAR IN HEIGHT TO ORIGINAL SILL WALL

WOOD & INSUL GLASS DOORS TO BE PAINTED OR STAINED

NEW BALCONY STRUCTURE TO BE TRIMMED IN WOOD AND/OR "AZEK" TRIM (ALL PAINTED).

FLOOR AT INSETS OF STOREFRONT TO BE FINISHED WITH 1"x1" MOSAIC TILE

NEW PORCH/BALCONY COLUMNS TO BE PAINTED WOOD OR "AZEK" WITH RECESSED PANEL FEATURES

REAR ELEVATION:

EXISTING SINGLE-STORY BLOCK STORAGE SHED TO BE DEMOLISHED

EXISTING BRICK WALL (PARTIALLY PAINTED) TO REMAIN - PAINTED

NEW "ANDERSON 100" (FIBREX) WINDOWS (3'0"x5-0" MEETING EGRESS) TO BE INSTALLED IN NEW MASONRY OPENINGS WITH BRICK ROWLOCK SILLS AND SOLIDER COURSING.

NEW FLUSH METAL DOOR (3'0"x7-0") TO BE INSTALLED AT REAR WALL FOR EMERGENCY EXIT (PAINTED).

EXISTING OVERHEAD GARAGE DOOR TO BE REPLACED WITHIN EXISTING MASONRY OPENING - STEEL LINTEL TO BE REINFORCED

ROOF AREA:

ALL-NEW ROOF FRAMING AND MEMBRANE ROOFING TO BE INSTALLED; ALL BELOW THE EXISTING PARAPETS

NEW STAIR "CUPOLAS" TO BE SIDED WITH "HARDI-PLANK" HORIZONTAL SIDING; PAINTED ROOF DECK; SET BACK FROM PARAPETS A MIN. OF 6 FEET; WILL BE WROUGHT IRON OR ALUMINUM RAILING

STAFF ANALYSIS

ZONING COMPLIANCE:

The applicant was issued a Conditional Use Permit for the five residential units above 1st floor commercial by Town Council on December 16, 2021. As part of that approval, it was based upon and inclusive of the submitted site plan that allocated six parking spaces on the property itself (one inside the building as well as the five marked on the site plan at the rear of the property). This site plan is in compliance with the Zoning Ordinance.

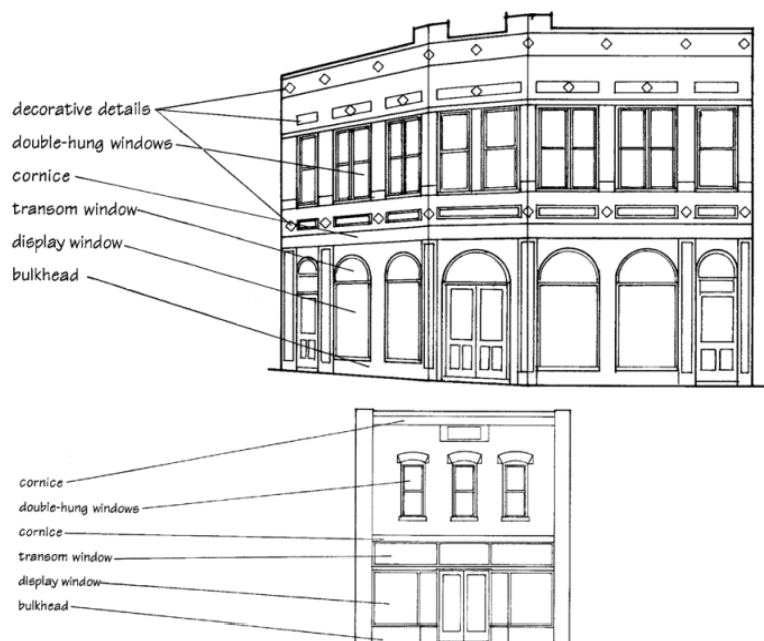
Any property within the Historic District Overlay is required to meet the Historic District Guidelines, which are superimposed on the underlying zoning district regulations. Please review the additional narrative (in the forms of questions from HDRB and answers by applicant) to determine if there are any additional information needed from the applicant to understand their project and reach a determination if the project is within the Historic District Guidelines.

HISTORIC DISTRICT GUIDELINES: - There is a substantial amount of guidance relative to commercial buildings so I have pulled the relevant sections forward as reference points for your review.

Looking at Building Styles, Office/Institutional, Page 15:

Interspersed with the retail structures are a number of office/institutional buildings that vary slightly in design. These buildings generally have a prominent central entrance flanked by windows. There are often vertical divisions in the façade to organize the openings and entrance. Because of their use, they do not have display storefronts or large expanses of glass.

Simple versions are known as vernacular office/institutional buildings. More ornate versions are known as decorated office/institutional buildings. Their designs may incorporate elements from a particular style, such as the two examples on this page.

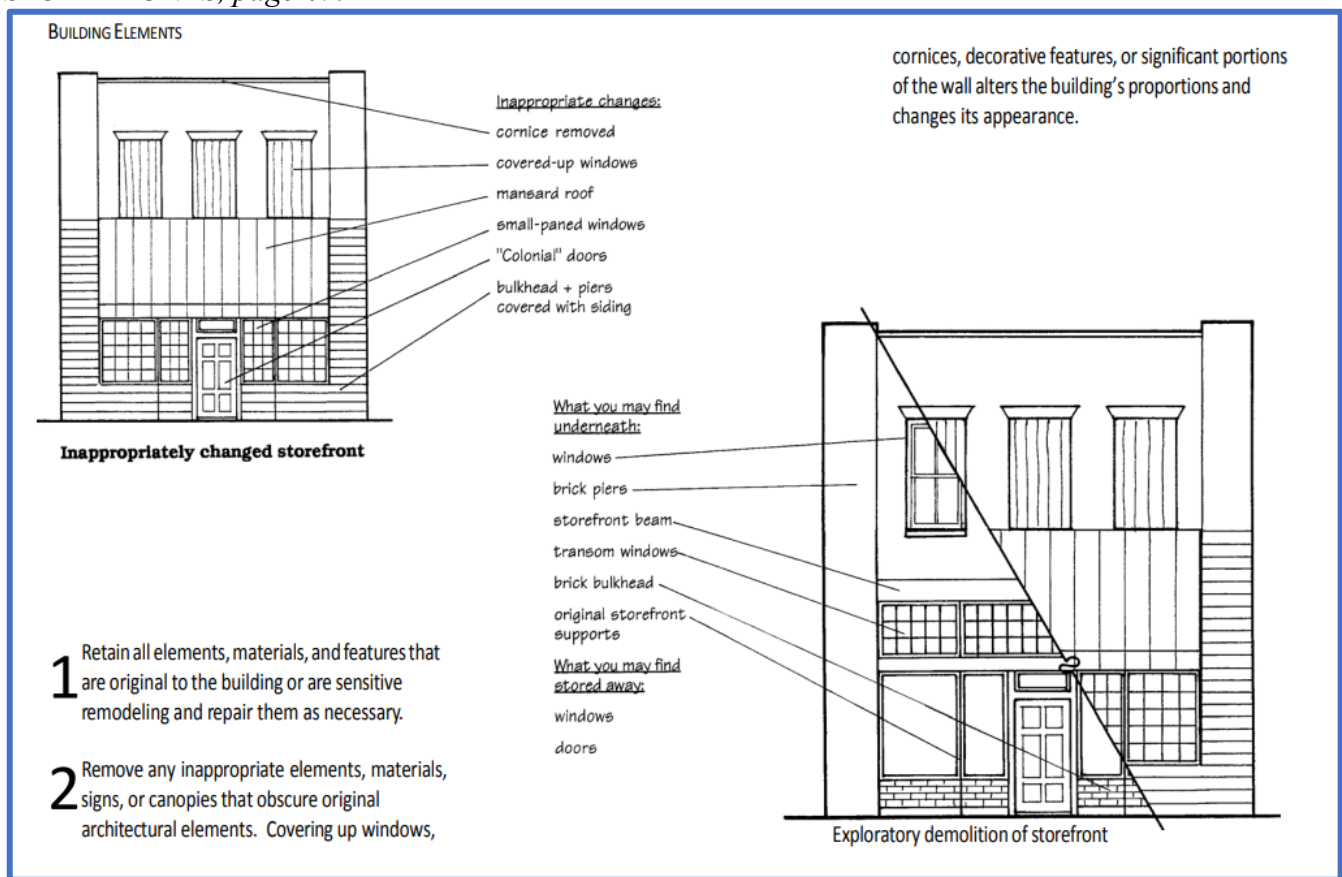


GENERAL PRINCIPLE FOR EXTERIOR ALTERATIONS: Page 19 – Item 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

DOORS, page 41: Commercial doors tend to have more glazing, typically a single glass pane. Decoration can include raised panels, beveled glass, or small panes.

WINDOWS AND DOORS, page 42 -43: extensive guidance on windows and door; refer to as applicable.

STOREFRONTS, page 47:

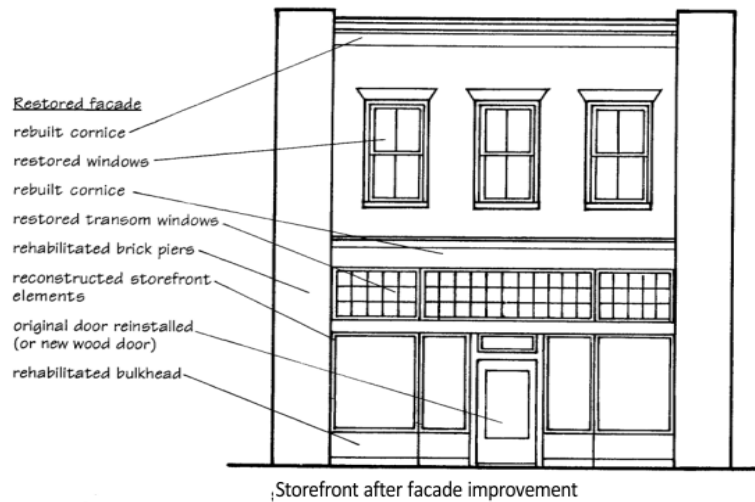


STOREFRONTS, page 48:

BUILDING ELEMENTS

- 3 Conduct exploratory demolition to determine what original elements remain and their condition.
- 4 Restore as many original elements as possible, particularly the materials, windows, decorative details, and cornices.
- 5 Reconstruct missing elements (such as cornices, transoms, and bulkheads) if documentation is available. Otherwise, design new elements that respect the character, materials, and design of the building.

Avoid using materials and elements that are incompatible with the building or district, including aluminum-frame windows and doors, aluminum panels or display framing, enameled panels, textured wood or artificial siding, wood shingles, mansard roofs, metal awnings, coach lanterns, small-paned windows, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed. False historical appearances like "Colonial," "Olde English," or other theme designs should not be used.



CORNICES, Page 51: See page for specific information as needed in your review of application.

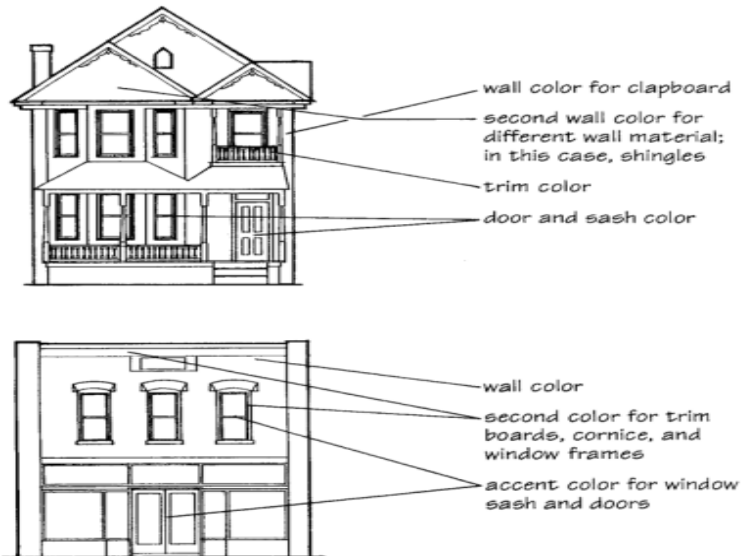
MASONRY, Pages 52 – 53: See page for specific information as needed in your review of application.

- 4** Choose colors that fit the style of the building and complement the overall color schemes on the street. Avoid bright obtrusive colors, too many colors, or a single color for the entire building.

COLOR PLACEMENT

Placed correctly, color accentuates details of the building. Generally for **residential buildings**, walls and trim can be painted contrasting colors, with doors and shutters a third, accent color. Individual small details should not be painted with additional accent colors. A fourth color for individual details and accents is not advised in most cases and may be appropriate only for very elaborate Queen Anne houses.

For **commercial buildings**, trim, including trim boards, cornices, storefront, and window framing should be painted the same color. The wall, if painted should be a contrasting color. The window sash and doors can be painted a different accent color from the walls and trim.



DECORATIVE FEATURES

☞ Awnings can protect pedestrians from the weather, shield window displays from the sun, conserve energy, highlight specific buildings or businesses, and cover unattractively remodeled transom areas above storefronts.

- 1** Choose awning types that are appropriate for the Cape Charles historic district.

Sloped fabric awnings, whether fixed or retractable, are the traditional awning type and are appropriate for most historic buildings, both residential and commercial.

Boxed or curved fabric awnings, a more current design, should be used on non-historic (noncontributing) or new commercial buildings.

Aluminum or plastic awnings are generally inappropriate for any historic district buildings.

- 2** Place the awning within the storefront, porch, door, or window opening so that it fits the opening and does not obscure distinctive architectural elements or damage materials. Choose a design that does not interfere with existing signs, street trees, or other elements along the street.

- 3** Keep the bottom of the awning at least seven feet above grade.

- 4** Coordinate colors with the overall building color scheme. Solid colors, wide stripes, and narrow stripes may be appropriate, but not overly bright or complex patterns. Avoid using shiny, plastic-like fabrics.

STAFF RECOMMENDATION:

Staff is recommending review of the revised Certificate of Appropriateness Application by the HDRB and determine if the proposed exterior renovations are within the Historic District Guidelines.

Staff is prepared to assist with the development of a motion, if needed.

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project and may impose conditions on an approval.

ATTACHMENTS:

Application including architectural drawings, spec sheets, site survey current and revised (MARKED PROPOSED)

ORDINANCE REQUIREMENTS:

Cape Charles Zoning Ordinance Section 4.3 states that “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. Adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood.
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

3. Be in conflict with the purpose of the comprehensive plan of the town.

In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

Additionally, approval of a conditional use permit shall be valid for only the specific use it covers in the specific location designated for a period of one year after approval by the Town Council and the completion of the additional permit process as requested in the application. Applicant shall apply or have applied for all additional permits as provided to the Planning Commission and as required by the Zoning Administrator within one (1) month of the approval by the Town Council. If Applicant fails to apply for any such permit within this time period, the conditional use permit shall be effective as of this date, thirty (30) days after the Town Council approval, unless the Town Council allows for additional time for such application or applications. If not acted upon within one (1) year, the conditional use permit shall become null and void, unless an extension of time is approved by the Town Council for good cause shown before the expiration of the Conditional Use Permit.

The Cape Charles Zoning Ordinance Section 3.6 (C) for property zoned Commercial-1 (C-1) states that:

Conditional Uses: Single family and multi-family dwellings provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).

STAFF ANALYSIS:

The application for the renovation of the second story into five residential units with the first floor remaining as active commercial usage is consistent with the intent of the Cape Charles Zoning Ordinance Commercial C-1 District which is to preserve and enhance the traditional mixed use urban nature of Cape Charles commercial districts, to encourage the location of regional and local business and professional activities, to facilitate the development of buildings in keeping with its largely National Historic District character, and to protect against destruction of or undesirable encroachment on these areas.

This building used to house a movie theater and most recently was used as a side component of the Watson Hardware store. The opening between this building and the original Watson Hardware building will be closed off and the applicant intends on building an entire second story floor across the full building span (in the area marked “Warehouse” on the First Floor of the Existing Conditions Site Plan). This will allow for five residential units to be provided on the second floor and the applicant intends on providing a common laundry facility for use by the residential units. The applicant has indicated that 3 parking spaces will be provided on site at the rear of the property to address the parking requirements in the Cape Charles Zoning Ordinance. It does not fully meet the ordinance requirements for parking which requires 6 parking spaces.

The Cape Charles Comprehensive Plan Section III.2.1.1. recognizes that the Commercial District is a mix of small-scale, mixed-use buildings characterized by retail, office, restaurant, educational, civic and entertainment uses on the street level, with residential uses on upper floors. Section III-A.5.1.3 has stated

an overall policy to promote the mixed use as the preferred form of development in the Commercial District, specifically allowing residential and retail/commercial uses within the same building.

The renovation of this building through the addition of five residential dwelling units on the second floor and the commercial usage on the first floor is complementary to the district and provides a residential dwelling opportunity in space that was previously underutilized, and it would be harmonious within the main commercial district. All exterior proposed improvements are subject to Historic District Review Board approval and obtaining a building permit for all proposed work to the interior and exterior work as required by the Building Code and Town Ordinances.

Staff finds that the application for a Conditional Use Permit pursuant to Section 3.6 (C) for a residential dwelling unit above commercial usage meets the provision that the entrance for the 5 residential dwelling units have direct access to the street level and not be through the commercial use; however, the parking requirements are not in compliance with the ordinance which would require 6 parking spaces and the applicant has shown the provision of 3 parking spaces on-site but has not been able to provide a solution for the other 3 parking spaces.

I have spoken with the applicant about the possibility of trying to secure a shared parking arrangement through recorded easements or even consideration of a remote parking location outside of the immediate downtown area, but this matter has not been resolved. Meeting the parking requirement for residential units above the first floor of commercially zoned properties in the C-1 Zoning District is a significant impediment to this type of redevelopment application. In the absence of any shared parking agreement to provide the 3 additional required parking spaces, the applicant would need to petition the Board of Zoning Appeals for a variance from the parking requirements and receive favorable consideration in order – this would need to be a condition to any consideration of this Conditional Use Permit application.

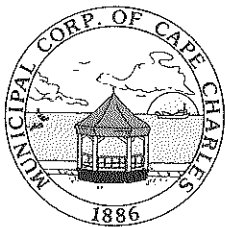
Staff acknowledges that additional issues or comments may arise through the public hearing on this matter and request that the Planning Commission consider said issues and/or comments as part of their deliberations.

RECOMMENDED ACTION FOR PLANNING COMMISSION:

Staff is prepared to assist the Planning Commission in the development of any motions regarding the Conditional Use Permit to Town Council.

Attachments:

Attachment 1 – CUP Application Packet



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-3259 x24
tracy.outten@capecharles.org

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|--|---|
| ☒ Completed application | ☒ Photos/elevations of existing structure |
| ☒ Letter of intent clearly explaining project | ☒ Photos/elevations of proposed project |
| ☒ Existing site plan or survey | ☒ Proposed materials/spec sheets, samples |
| ☒ Proposed site plan or survey (if applicable) | ☐ Payment of fees (new construction >2,000 square feet \$500; new construction up to 2,000 square feet \$300; all other \$150; modification \$250) |

PROPERTY INFORMATION

Name of Project: _____
Property Address: 219 Mason Ave Cape Charles Va
Brief Description of Project: Renovation & Second floor addition
Zoning District: C-1 Current Use: commercial office Proposed Use: commercial-Residential

OWNER INFORMATION

Name and Company: Todd Borten CapeDunes LLC
Mailing Address: 4090 Della Drive Westminster Md 21157
Phone Number: 3014180786 Email: CHARCHEF@MINDSPRING.COM

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

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 Applicant: Todd Borten Date: 2/3/22

Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.

Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org



SCOPE OF WORK:

FRONT ELEVATION:

EXISTING BRICK PAINTED FACADE, DOORS, WINDOWS AND ARCHITECTURAL ORNAMENTATION TO REMAIN; REFURBISHED AND REPAINTED AS NEEDED.

EXISTING ALUM & GLASS STOREFRONT, PAINTED BRICK, AND STRUCTURALLY CHALLENGED PORCH/BALCONY TO BE REMOVED (NEW STEEL BEAM AND COLUMNS INSTALLED TO SUPPORT THE EXISTING SECOND FLOOR FACADE AND STRUCTURE)

NEW PAINTED WOOD STOREFRONT WITH INSULATED GLASS PANELS TO BE CUSTOM-BUILT IN CONFIGURATION AS SHOWN

PAINTED BRICK SILL WALL WITH ROWLOCK HEIGHT - SIMILAR IN HEIGHT TO ORIGINAL SILL WALL

WOOD & INSUL GLASS DOORS TO BE PAINTED OR STAINED

NEW BALCONY STRUCTURE TO BE TRIMMED IN WOOD AND/OR "AZEK" TRIM (ALL PAINTED).

FLOOR AT INSETS OF STOREFRONT TO BE FINISHED WITH 1"x1" MOSAIC TILE

NEW PORCH/BALCONY COLUMNS TO BE PAINTED WOOD OR "AZEK" WITH RECESSED PANEL FEATURES

REAR ELEVATION:

EXISTING SINGLE-STORY BLOCK STORAGE SHED TO BE DEMOLISHED

EXISTING BRICK WALL (PARTIALLY PAINTED) TO REMAIN - PAINTED

NEW "ANDERSON 100" (FIBREX) WINDOWS (3'0"x5'-0" MEETING EGRESS) TO BE INSTALLED IN NEW MASONRY OPENINGS WITH BRICK ROWLOCK SILLS AND SOLIDER COURSING.

NEW FLUSH METAL DOOR (3'0"x7'-0") TO BE INSTALLED AT REAR WALL FOR EMERGENCY EXIT (PAINTED).

EXISTING OVERHEAD GARAGE DOOR TO BE REPLACED WITHIN EXISTING MASONRY OPENING - STEEL LINTEL TO BE REINFORCED

ROOF AREA:

ALL-NEW ROOF FRAMING AND MEMBRANE ROOFING TO BE INSTALLED; ALL BELOW THE EXISTING PARAPETS

NEW STAIR "CUPOLAS" TO BE SIDED WITH "HARDI-PLANK" HORIZONTAL SIDING; PAINTED ROOF DECK; SET BACK FROM PARAPETS A MIN. OF 6 FEET; WILL BE WROUGHT IRON OR ALUMINUM RAILING



MASON AVENUE ELEVATION

EXISTING CONDITIONS

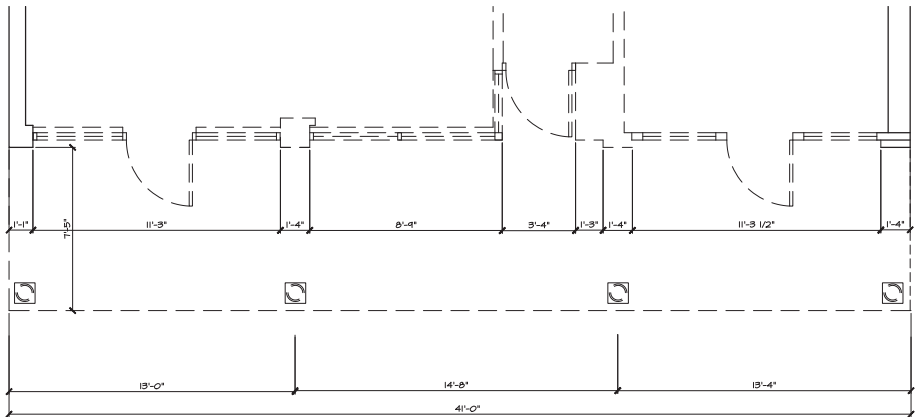
SCALE: 1/4"=1'-0"



MASON AVENUE ELEVATION

PROPOSED IMPROVEMENTS

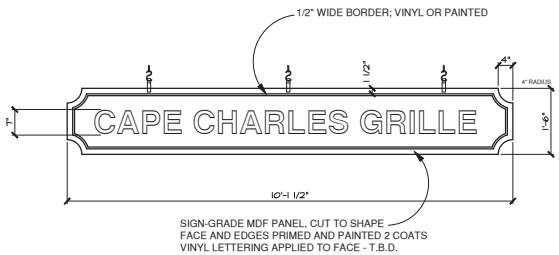
SCALE: 1/4"=1'-0"



STOREFRONT PLAN

EXISTING CONDITIONS

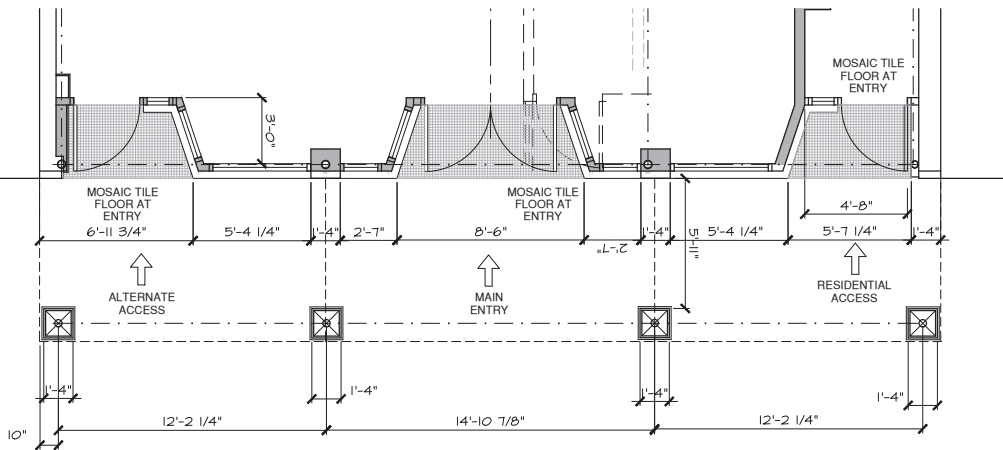
SCALE: 1/4"=1'-0"



SIGN DETAIL

PROPOSED IMPROVEMENTS

SCALE: 1/2"=1'-0"



STOREFRONT PLAN

PROPOSED IMPROVEMENTS

SCALE: 3/8"=1'-0"

SUBMITTALS

ISSUE	DATE	BY	REMARKS
1	12-22	ME	INITIAL DESIGN CONCEPT
2	1-22	ME	REVISIONS FOR HISTORIC REVIEW

FRONT ELEVATION
SCOPE OF WORK

PROPOSED HISTORIC RENOVATION

219 MASON AVENUE

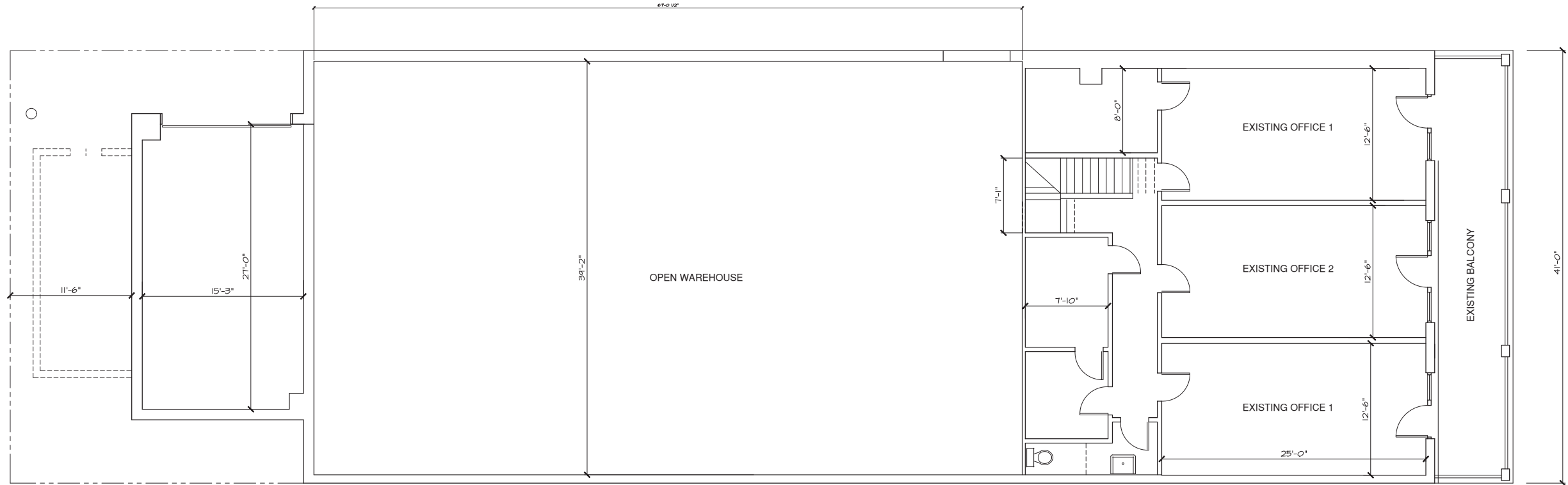
CAPE CHARLES, VIRGINIA
TODD & LILIANA BRICKEN

SHEET NO.

H-1

PROJ. NO.: 558-03

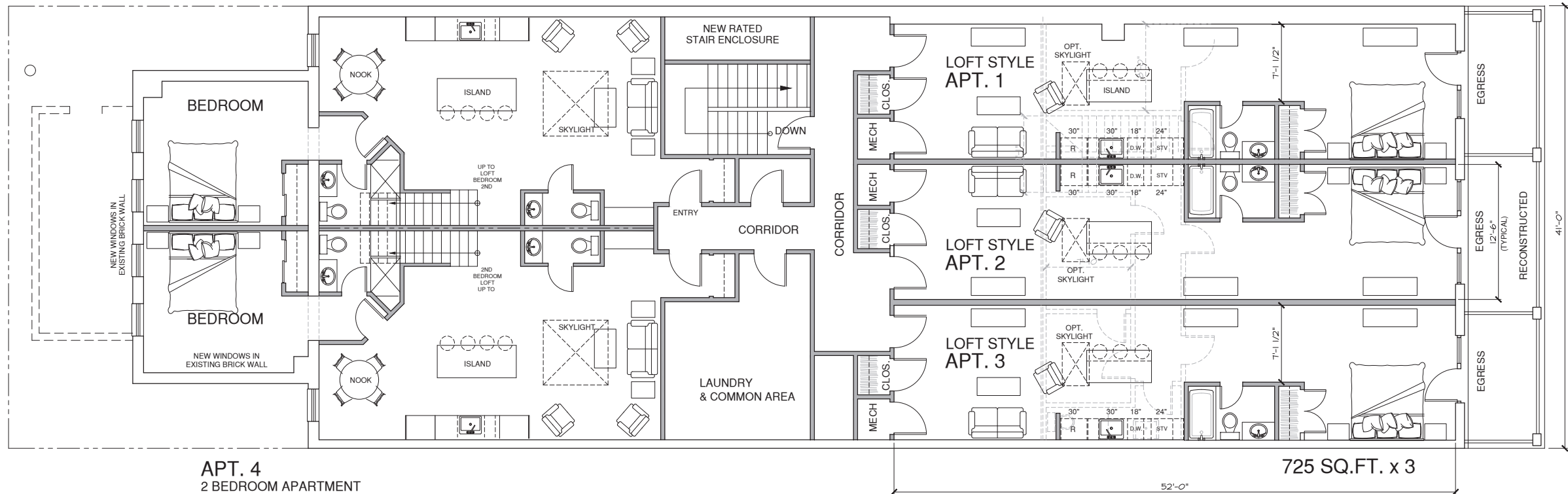




SECOND FLOOR PLAN
EXISTING CONDITIONS
SCALE: 3/16"=1'-0"

1,606 SQ.FT.

APT. 5
2 BEDROOM APARTMENT
873 SQ.FT. + 470 SQ.FT. LOFT



APT. 4
2 BEDROOM APARTMENT
849 SQ.FT. + 470 SQ.FT. LOFT

SECOND FLOOR PLAN
PROPOSED IMPROVEMENTS
4,858 GROSS SQ.FT.
SCALE: 3/16"=1'-0"

725 SQ.FT. x 3

SUBMITTALS

ISSUE	DATE	DRAWN BY	REMARKS
1-01	1-01-22	MHE	HISTORIC RENOVATION DESIGN
1-02	1-28-22	MHE	HISTORIC PRESERVATION COMMISSION
1-03	2-1-22	MHE	REFINEMENTS FOR HISTORIC REVIEW

SECOND FLOOR PLAN

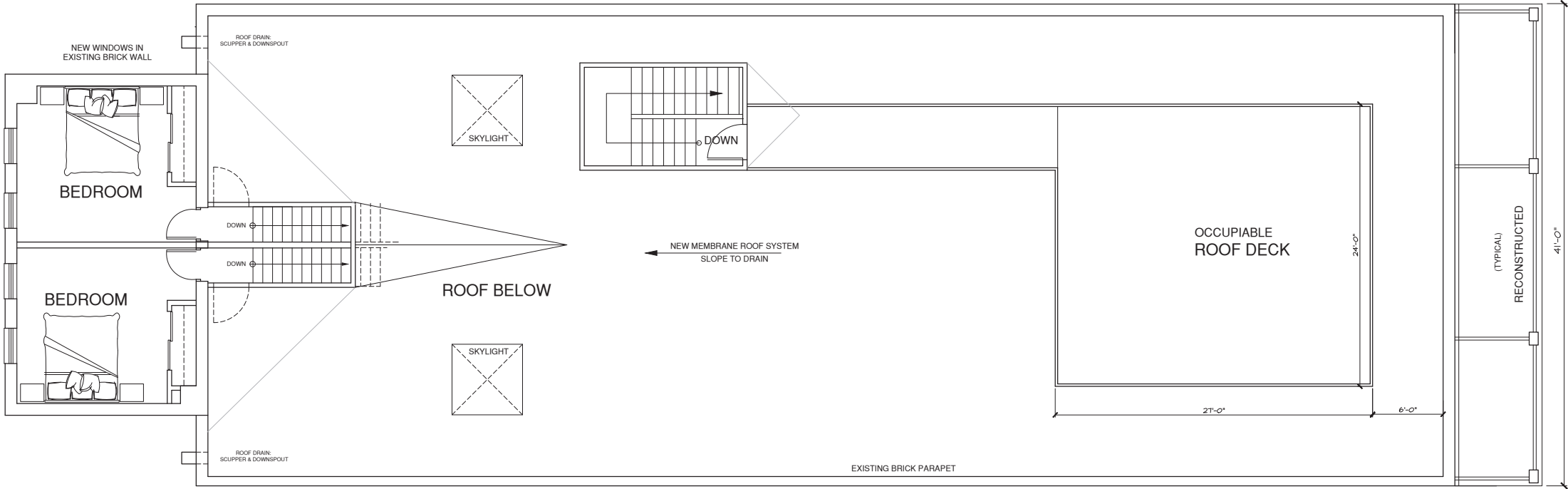
PROPOSED HISTORIC RENOVATION
219 MASON AVENUE
CAPE CHARLES, VIRGINIA
TODD & LILIANA BRICKEN

SHEET NO.

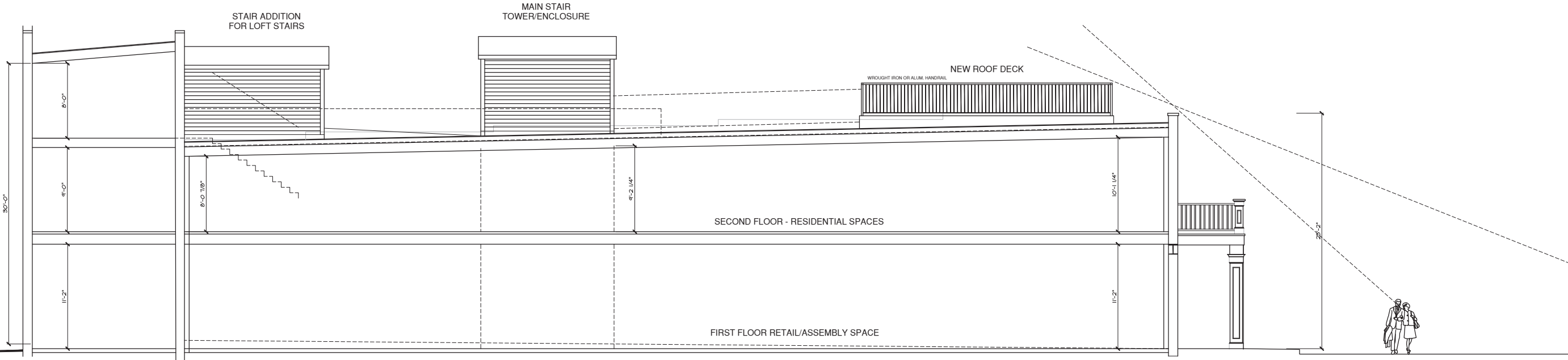
H-4



2 BEDROOM APARTMENT
873 SQ.FT. + 470 SQ.FT. LOFT



LOFT & ROOF PLAN
PROPOSED IMPROVEMENTS
SCALE: 3/16"=1'-0"



SCHEMATIC CROSS SECTION
SCALE: 3/16"=1'-0"

RESIDENTIAL DESIGN
332 WEST PATRICK STREET / FREDERICK, MD / 20701
(V) 301.695.9121 (E) DESIGN@CADDWORKS.NET
(F) 301.695.4868 (M) WWW.CADDWORKS.NET

SUBMITTALS

ISSUE	DATE	DRAWN BY	REMARKS
1	1-24-22	ME	ISSUE FOR PERMIT REVIEW
2	2-1-22	ME	REVISIONS FOR HISTORIC REVIEW

PROPOSED HISTORIC RENOVATION
219 MASON AVENUE
CAPE CHARLES, VIRGINIA
TODD & LILIANA BRICKEN

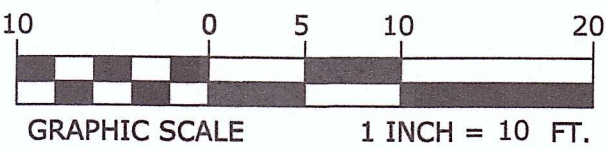
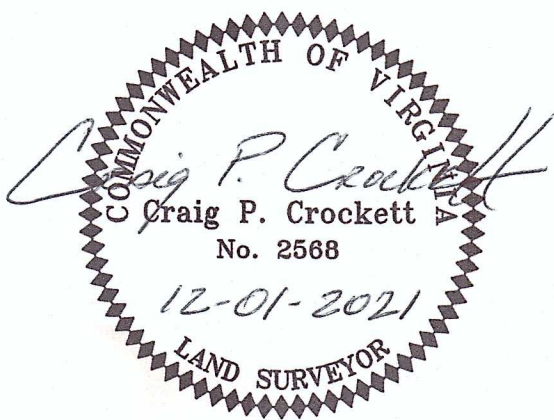
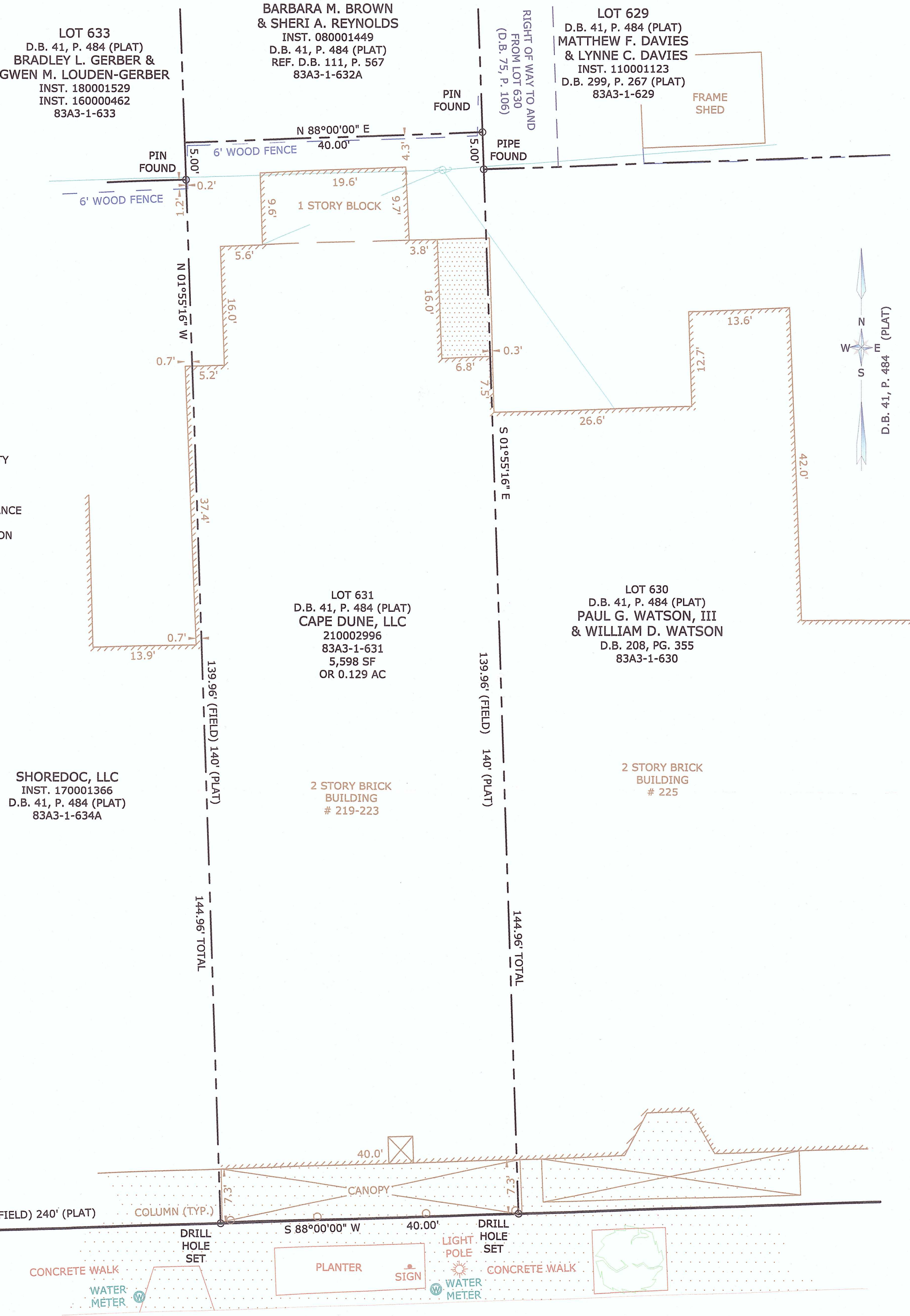
SHEET NO.
H-5

PROJ. NO.: 558-03

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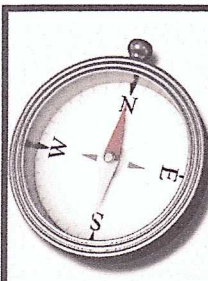
SURVEYORS CERTIFICATION
I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

- GENERAL NOTES:**
- 1. OWNERS: CAPE DUNE, LLC.
 - 2. SOURCE OF TITLE: INST. 210002996
 - 3. TAX PARCEL: 83A3-1-631
 - 4. A SURVEY WAS PERFORMED ON THIS PROPERTY ON SEPTEMBER 8, 2021.
 - 5. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X.
 - 6. PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
INST. 160000442 (PLAT)
D.B. 299, P. 267 (PLAT)
 - 7. AREA: 5,798 SQ. FT. (0.129 AC.)



APPROVED _____
DIRECTOR OF PLANNING
CAPE CHARLES, VA. DATE _____

SURVEY OF
LOT 631
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
MADE FOR
CAPE DUNE, LLC
SCALE: 1" = 10' DECEMBER 1, 2021



POINT NORTH
POINT NORTH SURVEYING LLC
P.O. Box 701, (757) 709-3008
Onley, VA. 23418 pointnorthsurveying@gmail.com
DRAWN BY: CROCKETT FIELD BOOK: FILE COPY
BACK TRAV: CROCKETT PROJ. NO: 21160

Proposed Site Plan w/ Parking Behind Building

SURVEYORS CERTIFICATION

I, CRAIG P. CROCKETT, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

GENERAL NOTES:

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- PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
INST. 160000442 (PLAT)
D.B. 299, P. 267 (PLAT)
- AREA: 5,798 SQ. FT. (0.129 AC.)
- PARKING SPACES SHOWN THUS "1" ARE MINIMUM 8.5' X 18'.

LOT 633
D.B. 41, P. 484 (PLAT)
BRADLEY L. GERBER &
GWEN M. LOUDEN-GERBER
INST. 180001529
INST. 160000462
83A3-1-633

BARBARA M. BROWN
& SHERI A. REYNOLDS
INST. 080001449
D.B. 41, P. 484 (PLAT)
REF. D.B. 111, P. 567
83A3-1-632A

LOT 629
D.B. 41, P. 484 (PLAT)
MATTHEW F. DAVIES
& LYNNE C. DAVIES
INST. 110001123
D.B. 299, P. 267 (PLAT)
83A3-1-629

SHOREDOC, LLC
INST. 170001366
D.B. 41, P. 484 (PLAT)
83A3-1-634A

LOT 631
D.B. 41, P. 484 (PLAT)
CAPE DUNE, LLC
INST. 210002996
83A3-1-631
5,598 SF
OR 0.129 AC

LOT 630
D.B. 41, P. 484 (PLAT)
PAUL G. WATSON, III
& WILLIAM D. WATSON
D.B. 208, PG. 355
83A3-1-630

2 STORY BRICK
BUILDING
219-223

2 STORY BRICK
BUILDING
225

PINE STREET (70' R/W)

MASON AVENUE (70' R/W)

SURVEY OF
LOT 631

MAP OF THE TOWN OF
CAPE CHARLES

CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
MADE FOR
CAPE DUNE, LLC

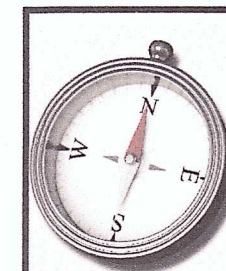
SCALE: 1" = 10' DECEMBER 1, 2021

APPROVED

DIRECTOR OF PLANNING
CAPE CHARLES, VA.

DATE

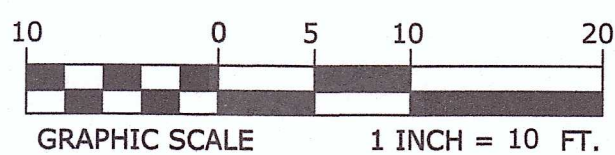
REVISED DECEMBER 1, 2021
TO SHOW PARKING SPACES



POINT NORTH SURVEYING LLC

P.O. Box 701, (757) 709-3008
Onley, VA. 23418 pointnorthsurveying@gmail.com

DRAWN BY: CROCKETT FIELD BOOK: FILE COPY
BACK TRAV: CROCKETT PROJ. NO: 21160

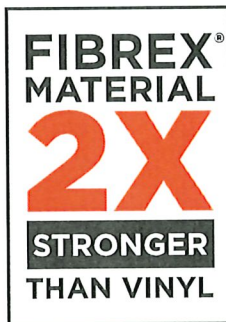




For over a century, Andersen has been helping families make their homes brighter, more comfortable and more beautiful. We do it by making windows and patio doors that are different and better than any others. Our commitment to constant innovation as well as rigorous testing means that you can count on Andersen to deliver unsurpassed quality and reliability, in addition to exceptional service and support.

100 SERIES PRODUCTS THE SMART ALTERNATIVE TO VINYL

Whether you're replacing, remodeling or building, Andersen® 100 Series windows and patio doors are a smart step-up from vinyl. They provide uncommon value, combining time-tested performance with long-lasting beauty. Made with our innovative Fibrex® composite material, which comes in deep, rich colors, and is environmentally responsible and energy efficient, 100 Series products are a winning choice for anyone considering vinyl windows and doors.



Fibrex material retains its stability and rigidity in all climates, delivering exceptional durability. It makes our 100 Series products rigid and strong, so the weathertight seals stay weathertight.



The finish on 100 Series products has superior scratch resistance compared to painted vinyl windows,* so they'll look beautiful for years to come.



100 Series products can withstand temperatures up to 150°F, even in dark colors, meaning they won't warp due to sun exposure.

* When 100 Series products were tested against five leading competitors' painted vinyl window products.

100 SERIES WINDOWS & DOORS

DELIVER BEAUTY, PERFORMANCE & DURABILITY.

ATTRACTIVE CORNER SEAMS.

100 Series products feature **low-visibility corner seams** for a cleaner and more contemporary look.

COLORS THAT LAST.

Durable, factory-finished interiors and exteriors never need painting and **won't fade, flake, blister or peel**, even in extreme cold or heat.

ATTRACTIVE MATTE INTERIORS.

Premium matte finish isn't shiny like vinyl and is available in white, Sandtone, dark bronze and black.**

ENERGY EFFICIENT IN EVERY CLIMATE.

Energy-efficient 100 Series products are available with options that make them ENERGY STAR® certified throughout the U.S., so they can help reduce heating and cooling bills. What's more, Fibrex® composite material **blocks thermal transfer nearly 700 times better** than aluminum.



DESIGNED FOR PERFORMANCE.

100 Series products are designed to meet or exceed performance requirements in all 50 states! See pages 103-104 for details.

PG50^{††}

PERFORMANCE
OPTIONAL PERFORMANCE UPGRADE

100SHS4066 DPUP IG +50/-50
(AAMA/WDMA/CSA 1014S.2 A-90-08 & -11)

EASY OPERATION FOR YEARS TO COME.

All 100 Series products are **tested to the extreme** to deliver years* of smooth, reliable operation.

SUPERIOR WEATHER RESISTANCE.

Our weather-resistant construction **seals out drafts, wind and water** so well that your reputation is protected whatever the weather.

QUALITY SO SOLID, THE WARRANTY IS TRANSFERABLE.*

Most other window and door warranties end when a home is sold, but our coverage — 20 years on glass, 10 years on non-glass parts — transfers from each homeowner to the next. And, because it's not prorated, the coverage offers **full benefits, year after year, owner after owner** for real added value.

OWNER2OWNER[®]
LIMITED WARRANTY

* Visit andersenwindows.com/warranty for details.

** Units with black, dark bronze or Sandtone interiors have matching exteriors.

† See your local code official for code requirements in your area.

†† 100SHS4066 DPUP IG +50/-50 (AAMA/WDMA/CSA 1014S.2/A440-08 & -11). Optional PG50 Performance Upgrade is available for most sizes. For more information, visit andersenwindows.com/100series

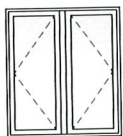
WINDOW & DOOR TYPES

CASEMENT & AWNING WINDOWS

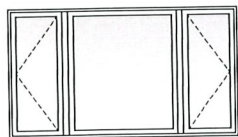
Casement windows are hinged on the side and open outward to the left or right, while awning windows are hinged at the top and open outward. Both are also available as non-operating stationary windows.



Sandtone



Twin Casement



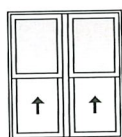
Picture with Flanking Casements

SINGLE-HUNG WINDOWS

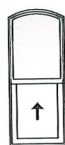
Single-hung windows feature a fixed upper sash with an operable lower sash that slides up and down. For convenience, the hardware locks automatically when the window is closed. An arch single-hung is also available to add architectural interest.



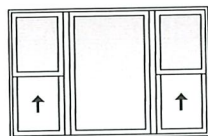
Dark Bronze



Twin Single-Hung



Arch Single-Hung



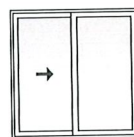
Picture with Flanking Single-Hungs

GLIDING WINDOWS

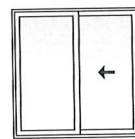
Gliding windows have one stationary sash and one operating sash that glides horizontally. A three-sash configuration, where two sash glide past a fixed center sash, is also available.



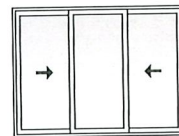
Black



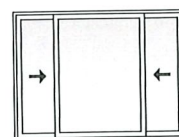
Gliding
Active-Stationary



Gliding
Stationary-Active



Gliding
Active-Stationary-Active, 1:1:1 Sash Ratio



Gliding
Active-Stationary-Active, 1:2:1 Sash Ratio



Available in custom sizes to fit all projects.

GRILLE OPTIONS

Grilles for Andersen® 100 Series windows and patio doors are available in a wide variety of patterns to complement virtually any style of home. Plus, they have options for easy cleaning and architectural authenticity many vinyl windows can't match.

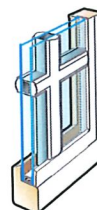
Finelight™ Grilles-Between-the-Glass make glass easy to clean. They have an elegant, sculpted profile, plus they offer a two-sided color scheme, allowing them to match both the interior and exterior of the window or patio door.



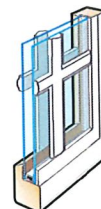
Finelight Grilles-Between-the-Glass with Exterior Grilles make interior glass easier to clean, while permanent exterior grilles provide architectural style and detail.



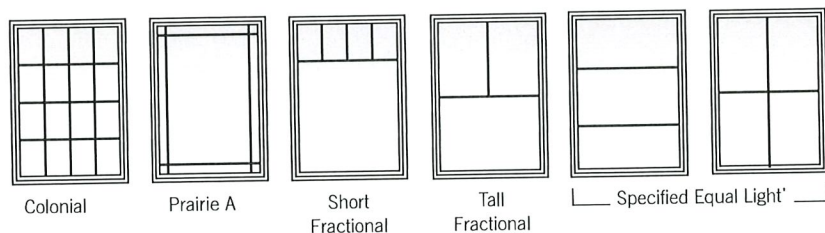
Full Divided Light feature grilles permanently applied to the interior and exterior of the window with a spacer between the glass for an authentic look.



Simulated Divided Light offers permanent grilles on the exterior and interior with no spacer between the glass.



GRILLE PATTERNS

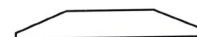


GRILLE BAR WIDTHS

Actual size shown.



¾" (19)



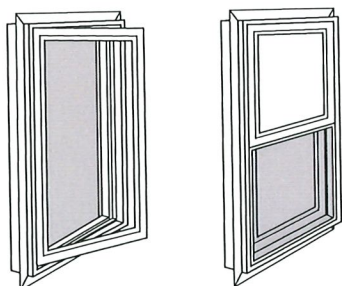
1" (25)

Grille width for windows is ¾" (19). Grille width for patio doors is 1" (25). A 2 ¼" (57) simulated meeting rail is available for casement windows to replicate the look of single-hung windows.

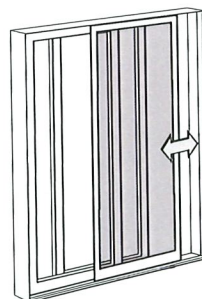
To see all of the standard patterns available for a specific window or door, refer to the detailed sections in this book for each product or contact your Andersen supplier.

INSECT SCREEN OPTIONS

Insect screens for windows and patio doors have a fiberglass screen mesh. Optional TruScene® insect screens for windows are made with a micro-fine stainless steel mesh, providing 50% more clarity than our conventional insect screens.



Insect screens are available for all venting windows.



Gliding insect screens are available for two-panel doors.

* Specify number of same-size rectangles across or down.
Dimensions in parenthesis are in millimeters.



SELECT CEDARMILL®

Khaki Brown

Thickness	5/16 in.			
Length	12 ft. planks			
Width	5.25 in.	6.25 in.	7.25 in.	8.25 in.
Exposure	4 in.	5 in.	6 in.	7 in.
ColorPlus Pcs./Pallet	324	280	252	210
Prime Pcs./Pallet	360	308	252	230
Pcs./Sq.	25.0	20.0	16.7	14.3



SMOOTH

Countrylane Red

Thickness	5/16 in.			
Length	12 ft. planks			
Width	5.25 in.	6.25 in.	7.25 in.	8.25 in.
Exposure	4 in.	5 in.	6 in.	7 in.
ColorPlus Pcs./Pallet	324	280	252	210
Prime Pcs./Pallet	360	308	252	230
Pcs./Sq.	25.0	20.0	16.7	14.3



BEADED CEDARMILL®**

Light Mist

Thickness	5/16 in.			
Length	12 ft. planks			
Width	8.25 in.			
Exposure	7 in.			
ColorPlus Pcs./Pallet	210			
Prime Pcs./Pallet	240			
Pcs./Sq.	14.3			



BEADED SMOOTH*

Heathered Moss

Thickness	5/16 in.			
Length	12 ft. planks			
Width	8.25 in.			
Exposure	7 in.			
ColorPlus Pcs./Pallet	210			
Prime Pcs./Pallet	240			
Pcs./Sq.	14.3			

*Beaded Cedarmill® and Beaded Smooth are available exclusively with ColorPlus Technology in Pittsburgh, Philadelphia and New England districts.

Products are available primed or with ColorPlus Technology finishes. For more details, visit jameshardiepros.com



Select Your Rail Style

Select the rail style that best complements your home. From the clean lines and striking silhouette of a contemporary profile to an elaborately detailed and robust traditional profile, each of these rail lines makes a statement. Backed with a 25-year limited warranty, all of our railing profiles undergo rigorous testing, ensuring they are as safe as they are stunning.



Classic Styles

PREMIER RAILING®



RADIANCERAIL®



RADIANCERAIL EXPRESS®



TRADEMARK RAIL™*



RESERVE RAIL™*



*Available regionally

*Available regionally

Contemporary Styles

IMPRESSION RAIL™



NEW
IMPRESSION RAIL™
EXPRESS



EVOLUTIONS RAIL®
CONTEMPORARY



EVOLUTIONS RAIL®
BUILDER



Unlike some wood railings, all AZEK® Rail profile designs are tested by a third-party, independent agency to ensure safety code compliance standards are met or exceeded. AZEK railings undergo rigorous testing and are engineered for safety and strength.



Premier Railing — White



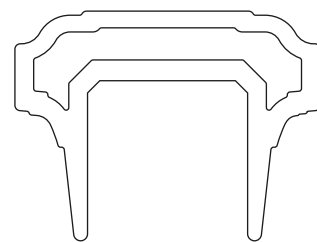
Premier Railing — Black

CLASSIC

Premier Railing®

Premier Railing offers the beauty and feel of real-wood coupled with the added strength and safety of performance materials.

This classic profile features a flat top rail with delicately beveled edges for a high-end look that lasts.

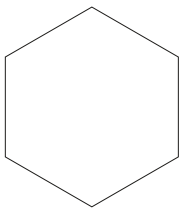


TOP RAIL SIZE: 3.5" X 2.7"

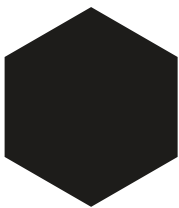


Premier Railing — White

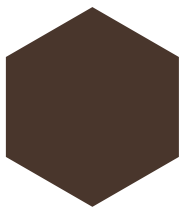
COLOR OPTIONS



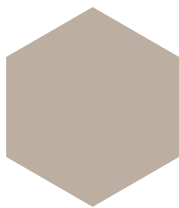
White



Black



Kona®



Brownstone

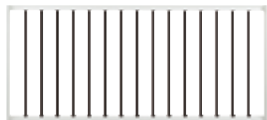


Slate Gray

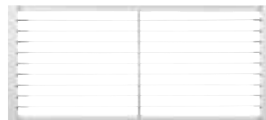
INFILL OPTIONS



Composite balusters



Aluminum balusters
Square and round



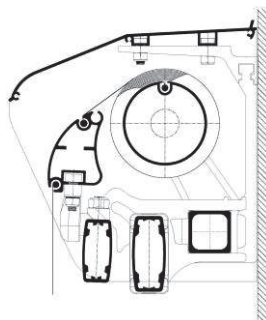
CableRail by Feeney®



Glass channel kit
Glass not included

SUNAIR®

Retractable patio awning



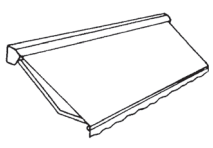
10"



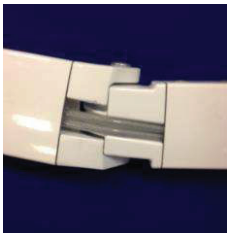
**15 year limited
frame warranty**

- Highest quality Lateral Arm Awning.
- Forged aluminum elbow and shoulder components.
- Double stainless PVC coated cable arm design for durability.
- 4:1 / 8:1 Bevel gear for most efficient operation.
- All aluminum extruded front bar, Torsion bar, and roller tube.
- Powder coated components and extrusions.
- A stop in the gear to prevent the fabric from over rolling
- Stainless steel fasteners
- Optional: One-piece aluminum hood system.
- Optional: XP Cross over arms & Valance Plus.

The Sunair® retractable patio awning model is the matriarch of our retractable awning line. This product has evolved over the years as a top of the line awning product on the market using only the finest materials, with extremely attractive styling. The Sunair® model also comes standard with many of options not normally associated standard on other awning system.

Awning Style	Type	Standard Frame Colors	Standard Widths	Standard Projections	Recommend Application	Recommend Fabrics to Use
	Sunair Lateral Arm Awning	White, Ivory, Mocha, Brown, Bronze, Grey, Taupe Forest Green, & Black	Through 35' 40' Possible	4'2", 5'7" 6'11", 8'7", 10'2", 11'6", 13'0" 14'0"	Deck, Patio, or Storefront	Para, Sunbrella Sattler Dickson

<u>SUNAIR® FEATURES:</u>			<u>COMPETITION</u>	<u>SUNAIR® BENEFIT:</u>
ARMS		All arm parts under stress are made of forged aluminum including the shoulder, elbow, and arm components. All arms 8' 7" and above use three heavy duty steel springs.	Typically the competition uses all Die-cast or extruded aluminum arm parts. The competition typically uses one or two springs to save on cost.	Forged aluminum arm components are stronger than all die castings or extrusions resulting in a stronger awning against the elements. Three heavy duty steel springs provide better arm tension and longer arm life.
FLEXIBILITY		Sunair® uses only the strongest materials yet is engineered for flexibility with a unique two way movable front arm attachment.	Most systems use a single front pin that only moves in one direction.	Our unique two way movable front arm attachment relieves strain, increases flexibility and strength in the arm which reduces damage.

<u>SUNAIR® FEATURES:</u>			<u>COMPETITION</u>	<u>SUNAIR® BENEFIT:</u>
ELBOW		The Sunair® uses twin high quality stainless aircraft cable covered in a vinyl PVC sleeve. The hinge is triple angled with an elliptical cable radius.	Typically the competition uses a single smaller cable which is not always coated. Most systems do not have this angle and the fabric rubs on the arms.	Twin covered cables are far superior to a single cable, as cable wear is reduced, allowing better arm and fabric tension and durability. The elliptical cable radius increases tension as the awning extends. The angles help keep the fabric from dragging on the arms.
FABRIC		Hundreds of 100% acrylic premium grade solid and striped fabric colors to choose from. You surely will find a fabric to suite your need and taste.	Sometimes the competition uses vinyl or a non acrylic fabric. Some companies use poor quality lighter thickness acrylics fabrics.	Acrylic fabric is more attractive and breaths better than vinyl. Vinyl traps heat and will crack over time. Acrylic fiber is also resistant to fading and mildew and has a water repellant Teflon coating.
PROFILES & PAINT		All extrusions and components are exclusively made of the highest quality aluminum. The extrusions and aluminum parts all electro statically powder coated.	The competition often mixes aluminum and steel profiles to save on cost. Many competitors also say that they powder coat the components, but they actually wet – lacquer the extrusions to save on cost.	Aluminum extrusions are strong, yet will not corrode over time like steel. This equates to a longer lasting awning.
GEARS		Sunair® uses a heavy duty German 4:1 ratio bevel gear with a stop. A 13:1 gear is used on larger widths.	The competition often uses inferior quality 7:1 gears without a stop	The 4:1 gear is the most efficient gear made. This gear minimizes the time and effort needed in operating a manual awning. The stop eliminates fabric damage due to over rolling.
THREAD		All fabrics are sewn with Tenara® thread. This thread is manufactured from GORE-Tex, and is clear and nearly invisible.	The competition typically uses a synthetic thread. Often the competition cuts corners and uses only a white thread which is very visible on the fabric.	Tenara® thread is made of Teflon and will not deteriorate from exposure to the elements. The clear thread is nearly invisible on most fabric colors.



IS THE CLEAR CHOICE!



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: February 15, 2022

Item #8A– Report from Interim Zoning Administrator Katie Nunez

Prepared by: Katie H. Nunez, Interim Zoning Administrator

Date: February 8, 2022

-
- 1) MINOR EXEMPTIONS APPROVED BY INTERIM ZONING ADMINISTRATOR:
 - a. 711 Tazewell Avenue – Roof Replacement, approved per Section 8.16 (B)

Certified Local Government Program – 2020-2021 Annual Report

(Reporting period is from October 1, 2020 through September 30, 2021)

State Annual Report for Fiscal Year 2020-2021

The information gathered using this form will be a valuable tool for tracking the accomplishments of localities participating in the CLG program. Please take the time to complete the form and return it to me by email by January 31, 2022. Thank you for taking the time to complete the annual report and please make sure you complete section 10 so that we may continue to streamline and improve the CLG program to better serve your needs.

Once you have completed the document please save the completed form and email as an attachment to **aubrey.vonlindern@dhv.virginia.gov**. You can also convert it to a PDF and send as an email attachment.

Locality Name: Town of Cape Charles

Contact Person: Katie Nunez

Telephone: (757) 331-3259

Email: planner@capecharles.org

Report Prepared by: Tracy Outten

LOCAL REVIEW BOARD ACTIVITIES

1. In the Fiscal Year, how many review board meetings were held? 18

Please attach a copy of all ARB bylaws and procedures, if they are new or have been revised during the fiscal year.

2. In the fiscal year, how many applications for a Certificate of Appropriateness were:

Reviewed by the local review board	104
Approved by the local review board	92
Denied by the local review board	1
Appealed by the applicant or another party	1

On appeal, how many board decisions were:

Upheld	0
Overturned	1

Please attach a copy of at least one set of minutes for a meeting of the review board at which an application for a certificate of appropriateness was discussed.

3. Survey/Inventory/Designation Activities:

Please indicate whether or not you have an ongoing survey program and enter the number of historic properties surveyed during the fiscal year:

Do you have a survey and inventory program? No

Certified Local Government Program – 2020-2021 Annual Report

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Number of resources added to the local government's survey inventory in 2020-2021? *N/A*

Did your local government have a local register program, which may include Virginia Landmarks Register and/or National Register of Historic Places listing and/or eligibility for listing? *No*

Number of locally designated historic properties. *0*

Number of applicants assisted through a local historic preservation grant or loan. *0*

Number of applicants assisted through a local historic preservation grant or loan. *0*

Did your community have a local government-funded grants/loan program that could be used to acquire or help to acquire historic properties in whole or in part through purchase, donation, or other means? ☐ Yes ☒ No

Number of historic properties acquired through purchase, donation or other means. *0*

Were there any additional or new cultural resource surveys done or additions to existing boundaries of existing historic districts completed during this reporting period? ☐ Yes ☒ No

Does this inventory/survey include information on each structure or site within each district? ☐ Yes ☒ No

If a district was locally designated, please attach a map of the district.

4. Section 106 of the National Historic Preservation Act.

Were there any resources reviewed through Section 106. ☐ Yes ☒ No

What is the role of the staff and commission in providing input to Section 106 documents prepared for, or by; the local government Type Here

What, if any, comment on Section 106 reviews of federal projects occurred within the locality in 2020-21? (e.g. number, federal agency involved, etc): Type Here

5. Does the locality have or has there been any new archaeology ordinances implemented during the 2020-21fiscal year? ☐ Yes ☒ No

If so, please include a copy of these ordinances.

Certified Local Government Program – 2020-2021 Annual Report

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6. Were there any amendments or alterations in the fiscal year to your:

Local historic District legislation/ordinance during the report period

☒ Yes

☐ No

Design review guidelines

☐ Yes

☒ No

If yes, please attach a copy of the revised legislation/ordinance or design review guidelines and provide a brief explanation of the reasons for the amendment(s) and/or alteration(s).

The Town Council approved amendments on June 17, 2021 pursuant to the Code of Virginia Section 15.2-2306 which authorizes a locality to adopt ordinances for the establishment and maintenance of a historic district.

If changes to design review guidelines were made during the last year, please include a copy of the ARB meeting minutes where those changes were discussed. N/A

7. National Register Nominations:

Were any proposed National Register nominations considered by your review board during the 2020-21 fiscal year?

☐ Yes

☒ No

If yes, please attach a copy of the minutes of the meeting at which a proposed nomination was considered by the board. If not included in the minutes, please attach an explanation of the board's decision.

8. Members of the Local Review Board

Were there any training/orientation programs offered to review board members during the fiscal year?

☒ Yes

☐ No

Did any members of the review board attend training workshops presented by DHR?

☐ Yes

☒ No

Certified Local Government Program – 2020-2021 Annual Report

(Reporting period is from October 1, 2020 through September 30, 2021)

Commission Membership

Name	Professional Discipline	Date Appointed	Date Term Ends	Email Address
Kerry Shackelford	Historic Preservation	5/2/2019	1/8/2021	
Edward Wells	Contractor	5/16/2019	1/8/2022	
Herbert Thom	Contractor	9/26/2019	1/8/2023	Herbthom.hdrb@capecharles.org
Michael Strub	Planning Commission Representative	2/20/2020	10/31/2023	commissionerstrub@capecharles.org
Martin Mayer	Research Scientist/Professor	11/18/2020	1/8/2025	Martinmayer.hdrb@capecharles.org
Kathy Glaser	RN, FNP, MPH	2/23/2021	1/8/2026	Kathyglaser.hdrb@capecharles.org

1. If you do not have two qualified professionals on your commission, explain why the professional qualifications have not been met and how professional expertise is otherwise being provided. Type Here
2. If all positions are not currently filled, why is there a vacancy, and when will the position will be filled?
Edward Wells did not want to be reappointed.

Training Received

Indicate what training each commissioner and staff member has received. Remember it is a CLG requirement that all commissioner and staff to the commission attend at least one training program relevant to your commission each year. It is up to the CLG to determine the relevancy of the training.

Commissioner/Staff Name	Training Title & Description (including method presentation, e.g., webinar, workshop)	Duration of Training	Training Provider	Date
Tracy Outten	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the proposed material. Webinar	1.5 hours	National Alliance Preservation Commissions (NAPC)	8/24/2021
Edward Wells	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the	1.5 hours	NAPC	8/24/2021

Certified Local Government Program – 2020-2021 Annual Report

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	proposed material. Webinar			
Herbert Thom	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the proposed material. Webinar	1.5 hours	NAPC	8/24/2021
Michael Strub	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the proposed material. Webinar	1.5 hours	NAPC	8/24/2021
Martin Mayer	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the proposed material. Webinar	1.5 hours	NAPC	8/24/2021
Kathy Glaser	<u>Alternative Materials: The Good, the Bad, & the Ugly:</u> learning to evaluate alternative materials & apply the SISR to the proposed material. Webinar	1.5 hours	NAPC	8/24/2021
Tracy Outten	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021
Edward Wells	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021
Herbert Thom	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021
Michael Strub	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021

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Martin Mayer	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021
Kathy Glaser	<u>Do You Have a Permit for That? Enforcement & Violations:</u> how to successfully enforce ordinances and educate the public on processes. Webinar	1.5 hours	NAPC	8/24/2021
Tracy Outten	<u>Translating Your Skills: Time, Talent, & Treasure:</u> using your everyday skills to become a better board member and to help local preservation programs grow. Webinar	1.5 hours	NAPC	8/24/2021
Edward Wells	<u>Translating Your Skills: Time, Talent, & Treasure:</u> using your everyday skills to become a better board member and to help local preservation programs grow. Webinar	1.5 hours	NAPC	8/24/2021
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Martin Mayer	<u>Translating Your Skills: Time, Talent, & Treasure:</u> using your everyday skills to become a better board member and to help local preservation programs grow. Webinar	1.5 hours	NAPC	8/24/2021
Kathy Glaser	<u>Translating Your Skills: Time, Talent, & Treasure:</u> using your everyday skills to become a better board	1.5 hours	NAPC	8/24/2021

Certified Local Government Program – 2020-2021 Annual Report

(Reporting period is from October 1, 2020 through September 30, 2021)

	member and to help local preservation programs grow. Webinar			
Tracy Outten	<u>Disaster Planning & Recovery for Historic Communities</u> : gave an overview on how to plan & prepare for extreme weather conditions when trying to protect historic properties and resources. Webinar	1.5 Hours	NAPC	8/25/2021
Edward Wells	<u>Disaster Planning & Recovery for Historic Communities</u> : gave an overview on how to plan & prepare for extreme weather conditions when trying to protect historic properties and resources. Webinar	1.5 Hours	NAPC	8/25/2021
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Tracy Outten	<u>How to Date & Appreciate Mid-Century Buildings</u> : this presentation explained various architectural mid-century modern features to us in a “Dating Game” platform. Webinar	1.5 Hours	NAPC	8/25/2021
Edward Wells	<u>How to Date & Appreciate Mid-Century Buildings</u> : this presentation explained various architectural mid-century modern features to us in a “Dating Game” platform. Webinar	1.5 Hours	NAPC	8/25/2021
Herbert Thom	<u>How to Date & Appreciate Mid-Century Buildings</u> : this presentation explained various architectural mid-century modern features to us in a “Dating Game” platform. Webinar	1.5 Hours	NAPC	8/25/2021
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Tracy Outten	<u>Finding Funds for your Preservation Program: A Primer on Grant Writing & Application</u> : How to on where to find grants and applying for them. Webinar	1.5 Hours	NAPC	8/25/2021
Edward Wells	<u>Finding Funds for your Preservation Program: A Primer on Grant Writing &</u>	1.5 Hours	NAPC	8/25/2021

Certified Local Government Program – 2020-2021 Annual Report

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	<u>Application</u> : How to on where to find grants and applying for them. Webinar			
Herbert Thom	<u>Finding Funds for your Preservation Program: A Primer on Grant Writing & Application</u> : How to on where to find grants and applying for them. Webinar	1.5 Hours	NAPC	8/25/2021
Michael Strub	<u>Finding Funds for your Preservation Program: A Primer on Grant Writing & Application</u> : How to on where to find grants and applying for them. Webinar	1.5 Hours	NAPC	8/25/2021
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9. Public Education and Outreach

List briefly and describe any public outreach, training, publications, etc. conducted or created by the locality.

Project	Description
Type Here	Type Here
Type Here	Type Here
Type Here	Type Here

Certified Local Government Program – 2020-2021 Annual Report

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10. Additional Information/Questionnaire

- A. What are the most critical preservation planning issues? Projects being done without review because the public is unaware of the process or they do not care.
- B. What is the single accomplishment of your local government this year that has done the most to further preservation in your community? N/A
- C. What recognition are you providing for successful preservation projects or program? N/A
- D. How did you meet or not meet the goals identified in your annual report for last year? Process ongoing
- E. What are your local preservation goals for 2022? Clear and concise guidelines and applications.
- F. So that we may better serve you in the future, are there specific areas and/or issues with which you could use technical assistance from DHR? Templates for outreach to educate the public.
- G. In what subject areas would you like to see training provided by DHR? How would you like to see the training delivered (workshops, online, technical assistance bulletins, etc)?

Training Needed or Desired	Desired Delivery Format

- H. Would you be willing to host a training workshop in cooperation with DHR?
☒ Yes ☐ No
- I. Did you apply for a CLG grant during the reporting period? ☒ Yes ☐ No
- J. What prevented you from applying? N/A
- K. Is there anything else you would like to share with DHR? Thank you for the support.

Thank You!

Email to aubrey.vonlindern@dhr.virginia.gov

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 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.

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.

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 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.

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.

ARTICLE EIGHT

Application Review

- 8-1 The procedures normally followed for 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 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 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 The bylaws may be amended at any regular meeting of the Board by a vote of at least three members, provided notice of the proposed amendment has been given to members at the previous regular meeting or has been mailed to members at least ten days prior to the meeting.

10-2 The Board shall review and, if appropriate as 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.

Town of Cape Charles Guidelines for Citizen Participation

Town Council meetings are open to the public, except when the Council invokes the provisions of the Virginia Freedom of Information Act to discuss an authorized topic under a closed (Executive) session. A period of Public Comment shall be provided as part of the Agenda for the Council's regular monthly meetings. The Public Comment period is an obligation of the Council to provide members of the public an opportunity to address the Council on legitimate matters of town business. This period shall be governed by the following provisions:

Eligibility

Only those citizens with standing in the Town of Cape Charles will be provided the opportunity to provide input during the Public Comment period. Citizens with standing include full-time residents, property owners, and business owners within the corporate boundaries of the Town of Cape Charles. State, federal, and county officials representing/serving the Town of Cape Charles are also eligible. When eligibility is called into question, input may be provided upon affirmative vote of the Council.

Registering

Persons having an interest in making in-person comments to the Town Council during the Public Comment period must register on a sign-up sheet, including their name and basis for standing, indicating the item or topic on which they wish to speak. The sign-in sheet is available at the main entrance to the Council meeting and must be completed prior to the start of the meeting. The Mayor will recognize speakers at the appropriate time.

Persons having an interest in providing written comments to the Town Council during the Public Comment period must provide such comments to the Town Clerk no later than 60 minutes prior to the start of the meeting. Written comments must include a full name, basis for standing, and the agenda item or topic on which they wish to comment. The Clerk will read authorized comments into the record following all in-person speakers during the Public Comment period.

Members of Council are not permitted to sign-up and make comment during the Public Comment period unless an agenda item being considered has a direct impact upon the Council member or his/her interests, they have declared a potential conflict of interest, and the remaining Council members have voted to excuse that Council member from official action on the related item.

Regulations:

Cell Phone and Recordings

- Ringers on cell phones or pagers shall be turned off during the time that persons are at a Town Council meeting.
- The taking of photographs and video or audio recordings of a speaker or the activities during a meeting of Town Council shall be no closer than the front row of seating or other location designated by the Mayor or presiding officer to avoid disruption to the meeting and to promote public safety. The photographer or recorder shall take steps to avoid obstructing the aisles or other areas for any length of time in such a manner as to prevent other citizens from taking photographs, or to block the view of other citizens attending the meeting. No flashes or lighting devices may be used by photographers or operators of video recording equipment.

Speaking

When a speaker is called by the Mayor or presiding officer, the following is required:

- Speakers shall speak into the microphone to ensure that their name and remarks are heard and recorded as a part of the record of the meeting.
- Speakers shall state their full name and basis for standing and topic to which they are speaking.
- If a speaker represents a group or organization, the speaker shall indicate the name of the organization and the speaker's relationship to the group or organization. Speakers may ask others from their group or organization to stand at their seats to be recognized while the group's or organization's name is announced, but non-speakers or individual members are not permitted to stand with the speaker at the podium and for safety reasons, no members of the group or organization are permitted to stand in the aisles or doorways at Town Council meetings. Those members of a group or organization who do stand when the name of the group or organization is announced shall then be seated.
- Speakers shall address remarks to the Mayor and members of Council and not to the audience.
- Speakers shall state their position, give the facts to substantiate their position, and relate the concerns they believe the Town Council should consider.
- Speaker's comments will be made part of the record and a written copy should be delivered to the Town Clerk for inclusion. If other supportive material is available, it should also be delivered to the Town Clerk for the record.
- Speakers shall refrain from campaigning for public office, personal attacks upon members of the Town Council, Town employees or officials, or any other person.
- Speakers shall refrain from words or statements which, from their usual construction and common acceptance, are construed as insults or which have a tendency to cause an act of violence or a breach of the peace.
- Speakers shall refrain from abusive language, obscenity, vulgarity, and profanely cursing or swearing.
- Speakers shall refrain from actions that would interrupt the public meeting.
- All comments must come directly from the speaker.

Time limitations for remarks

- In-person speakers shall confine their remarks to no more than three (3) minutes. Speakers will be advised when their three (3) minutes have concluded.
- Persons providing written input must limit their comments to no more than can be read by the Town Clerk within three (3) minutes. Written comments provided beyond what can be read during the allotted time will not be entered into the record.
- Speakers cannot "yield," "transfer" or "designate" their time to another speaker in an effort to provide another speaker more than the allotted three (3) minutes.
- The Mayor or other presiding officer shall have the right to limit redundant remarks, as well as the overall time provided for remarks based on consideration of the time available and the need to complete the meeting efficiently.
- After a speaker has concluded his or her remarks, the speaker shall be seated.

Decorum and order

- For safety reasons, petitioning, picketing, displaying signs or posters, solicitation, demonstrating, pamphlet distribution, conducting polls, and blocking of the entryway shall not be permitted at a Town Council meeting or within one hundred (100) feet of any doorway to the meeting location.
- These guidelines do not preclude speakers, when addressing the Town Council, from delivering to the Council members by way of the Town Clerk written materials including reports, statements, exhibits, letters, or signed petitions. Nor do these guidelines preclude those addressing the Town Council from using a chart or graph during their remarks.
- Speakers and members of the audience shall be respectful of others, even if they do not agree with others' comments.
- The Mayor or other presiding officer shall preserve decorum and shall decide all questions of public order.
- At the request of the Mayor or Town Manager, one or more persons, including Town police officers shall act as sergeant-at-arms or sergeants-at-arms at all Town Council meetings. The sergeant-at-arms or sergeants-at-arms shall, under the direction of the Mayor or other presiding officer, have charge of the Council meeting location, and shall prevent disorder or interruption of the business of Town Council.
- Applause shall be permitted only during awards and presentations. Flash photography will be permitted at this time.
- Violation of these rules by speakers or members of the audience shall enable the Mayor or other presiding officer to rule the speaker or member of the audience out of order and by directive to have the speaker or member of the audience removed from the meeting, if necessary, and to take such other steps the Mayor or other presiding officer deems appropriate. The Mayor's or other presiding officer's decision to remove or rule a speaker or member of the audience out of order shall be final. One (1) warning will be given and if not heeded, the speaker or member(s) of the audience shall be escorted from the meeting.
- Any citizen is welcome to address their concerns informally with the Mayor, Town Council or Town Manager at any time outside of a Town Council meeting.

Town Council Response

Council members or Town employees shall not respond to questions posed nor address or rebut speaker's statements made during the Public Comment period. The Council, at its discretion, may direct matters raised during the Public Comment period be placed on the Agenda of a future meeting.

The Town Council hopes these Guidelines will encourage the greatest possible participation by citizens in the Town Government.

Applicability

While these guidelines reference the Town Council specifically, they shall also apply to all Town boards, commissions, and committees as appropriate.

Thank you for your interest and participation in your Town Council meeting. The Mayor and Town Council invite and encourage you to attend whenever possible because good, responsive government depends on the interest and involvement of all citizens.



Town of Cape Charles Code of Ethics & Meeting Rules of Order

Adopted July 22, 2021

Preamble

The citizens and businesses of the Town of Cape Charles, Virginia, are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence for integrity. The effective functioning of representative government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial, and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Town of Cape Charles Town Council has adopted this Code of Ethics and Rules of Order for members of the Town Council and of the Town's boards, commissions, and committees to assure public confidence in the integrity of local government and its effective and fair operations.

Code of Ethics

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the Town of Cape Charles and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Town of Cape Charles Town Council, boards, commissions, and committees.

2. Comply with the Law

Members shall comply with the laws of the nation, the Commonwealth of Virginia, and the Town of Cape Charles in the performance of their public duties. These laws include but are not limited to the United States and Virginia Constitutions; the Charter of the Town of Cape Charles; laws pertaining to conflicts of interest, election campaigns, employer responsibilities, open processes of government; and Town ordinances and policies.

3. Conduct of Members

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct or language, personal charges or verbal attacks upon the character or motives of other members of the Town Council, boards, commissions, committees, the staff, or the public.

4. Respect for Process

Members shall perform their duties in accordance with the processes and Rules of Order established by the Town Council; they shall respect the deliberation of public policy issues of other bodies, the meaningful involvement of the public, and the Town staff's implementation of policy decisions of the Town Council.

5. Conduct of Public Meetings

Members shall prepare themselves for public business; listen courteously and attentively to all public discussions before the body; and focus on the issues at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Members shall publicly share substantive information that is relevant to a matter under consideration by the Town Council or boards, committees, and commissions, which they may have received from sources outside of the public decision-making process.

8. Gifts and Favors

A member should never accept for himself or herself or for family members, gifts, favors, or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

9. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. Use of Public Resources

Members shall not use public resources that are not available to the public in general, such as Town staff time, equipment, supplies, or facilities, for private gain or personal purposes.

11. Advocacy

Members shall represent the official policies or positions of the Town Council, boards, commissions, or committees to the best of their ability when designated as delegates for this purpose. When representing their individual opinions and positions in any venue, members shall explicitly state they do not represent their body of Town of Cape Charles, nor will they allow the inference that they do.

12. Policy Role of Members

The Town Council determines the policies of the Town with the advice, information, and analysis provided by the public boards, commissions, committees, and Town staff. The Town Council delegates authority for the administration of the Town to the Town Manager.

Members, therefore, shall not interfere with the administrative functions of the Town or the professional duties of Town staff, nor shall they impair the ability of staff to implement Town Council policy decisions. Inquiries to staff shall be made through the Town Manager or the appropriate department manager or director as authorized by the Town Manager.

13. Independence of Town Council and Commissions

Because of the value of the independent advice of boards, committees, and commissions to the public decision-making process, members of the Town Council shall refrain from using their positions to unduly influence the deliberations or outcomes of board, committee, or commission proceedings.

14. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for Town employees, citizens, and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees and in no way create the perception of inappropriate direction to staff. All requests for staff resources must be approved by the Town Manager.

15. Implementation

Ethical standards shall be included in the regular orientations for candidates for the Town Council, applicants to boards, committees, commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the Town of Cape Charles Code of Ethics and Rules of Order. In addition, the Town Council, boards, committees, and commissions, shall annually review the Code of Ethics and Rules of Order, and the Town Council shall consider recommendations from boards, committees, and commissions to update it as necessary.

16. Compliance and Enforcement

The Town of Cape Charles Code of Ethics expresses standards of ethical conduct expected of Members of the Town of Cape Charles Town Council, boards, committees, and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, committees, and commissions and the Mayor of the Town of Cape Charles have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics are brought to their attention.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Town Council, board, committee, or commission decision. However, it may be considered when the Town Council is determining the suitability of any person to serve in any appointed position.

Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest and shall disclose any substantial organizational responsibility or personal business relationship to the parties in any matter coming before them. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts are determined to exist. This paragraph is not intended to unduly restrict members who have minor business or professional dealings with clients whose matter comes before them.

1. Abstention

As elected or appointed officials, members have a duty/obligation to represent their constituents in all public matters coming before their body. It is not appropriate for individual members to decide in which matters they should abstain. If a member believes they have a conflict of interest on any matter before their body, they are REQUIRED to disclose it before deliberations on that business begins. However, it shall be up to the remaining members of that body to determine if an actual conflict exists and if the member disclosing the potential conflict can be excused from participating in the business. If the body votes to allow the member to recuse him/herself, that member will not participate in any of the discussions or vote related to that business. Failing a vote to allow recusal, the member shall participate as normal.

2. Representation of Third-Party Interests

In keeping with their role as stewards of the public interest, members of the Town Council shall not appear on behalf of the private interests of third parties before the Town Council or any board, committee, commission, or proceeding of the Town; nor shall members of boards, committees, or commissions appear before their own bodies or before the Town Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies. This provision should not unduly restrict a member's participation who is associated with, but not representing, community or non-profit organizations serving the Town, whose matter comes before them.

Meeting Rules of Order

The following rules of order are to serve as a non-binding guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, applicable Bylaws, and in a manner intended to promote open, civil, and fair discussion of all issues.

1. Meeting Types

All meetings of the Town of Cape Charles fall under the provisions of the Virginia Freedom of Information Act (FOIA). All members will receive training on VA FOIA requirements upon initial appointment, as well as periodic refreshers. The Town Clerk will ensure FOIA training is completed, and that all records of the training are maintained. This document is not to be considered a substitute for FOIA training and offered only as a summary overview.

The public must be provided notice and access to all Town meetings.

- **Regular Meeting:** Meetings required by Charter or Bylaws to occur on a regular interval to conduct the primary business of the body. These meetings are conducted more formally, with established procedure. The Mayor or presiding officer will enforce these procedures to ensure proper decorum and efficient flow of business. Agendas will include a public comment period on any topic in accordance with public comment procedures established by the Town Council.
- **Special Meeting:** Meetings to conduct official business of the body that are deemed necessary in addition to Regular Meetings. Special Meetings are also conducted formally but may not include all Regular Meeting agenda items. Public comments will be permitted but limited to only business items on the agenda. Special meetings may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Work Session:** Informal meetings of the body that allow for relaxed procedure enabling freer flowing discussion. No official action may be taken during a work session, however determining consensus on items to be brought forward to a Regular or Special meeting is appropriate. Work Sessions are generally used for (but not limited to) brainstorming, information gathering, planning efforts, budget review, or when more time is needed on a particular item than is typically afforded during formal meetings. The public must be permitted the opportunity to observe work sessions but are not typically permitted an opportunity to provide comments. The Mayor or presiding officer may on special circumstance, allow public comment. Work sessions may be called by the Mayor, Chairperson, Town Manager, or any three members of a body.
- **Closed Session:** Closed Sessions (Executive Sessions) are authorized by FOIA to discuss certain confidential matters limited to specific purposes, while using very specific procedures. Though a portion of this meeting is closed to the public, other portions are open. The public must be permitted to observe the motion to go into Closed Session as well as the certification upon leaving the Closed Session.
- **Public Hearing:** Public Hearings are intended to solicit public feedback on specific topics. These topics will be advertised in advance. Input may be made in person or in writing. All comments will adhere to the Town Council approved guidelines. Comments will be directed to the body and not to any individual. Members shall not respond to questions posed nor address or rebut speaker's statements made during the Public Hearing.
- **Town Hall Meeting:** An informal meeting where no official action is taken. A Town Hall Meeting is essentially a Work Session that involves the public. These meetings are typically focused on one or two topics and encourages dialog between members and the public. A primary goal of a Town Hall meeting is to provide decision makers with in-depth public perspectives prior to taking an official action.

- Social or Community Events: These are gatherings where no official business is conducted, but where Town issues may be informally discussed. If more than two members will be present in their capacity as a Town official, the gathering should be posted. There are no agendas or minutes associated with these functions.

2. Motions

- Unanimous Consent: Routine business is typically conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to ask whether anyone objects to a particular action and then to state, "Hearing no objection the action will be taken by unanimous consent." Note that even when a member is not in favor of a particular action the member may choose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.
- Main Motion: This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. There are circumstances where a super majority may be required, such as in the disposition of real estate. Before voting on the motion the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by *unanimous consent* or is formally terminated by a subsidiary motion (discussed below).

When the motion is ripe for a vote the presiding officer should call for "all in favor" and then "all opposed." The presiding officer should then clearly state either the "motion passes" or the "motion fails." Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to vote in the event of a tie. Any member may request a roll call vote.

- Subsidiary Motions:
 - Motion to Postpone Indefinitely (sometimes incorrectly called a motion to table): Normally used to put aside business that is not ripe for consideration, such as when further study is required. It requires a second, is debatable and is not amendable.
 - Motion to Amend: This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable. It is also amendable *one time*. Note that a vote to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often, simple motions to amend are adopted by unanimous consent. Also, note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

- Motion to Refer: This is a motion to refer a matter to a committee or other body for action. In effect, when the motion is to refer the matter to a "workshop, it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.
- Postpone to a Certain Time: Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.
- Motion to Limit Debate: Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion of the Previous Question (often referred to as "a motion to call the question" or "motion to bring the matter to a vote"): Used to end debate and bring the pending motion to a vote. It requires a second, is not debatable, and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion of the previous question does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.
- Motion to Lay on the Table (often confused with a motion to postpone indefinitely): Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.
- Motion to Recess: This is a motion to take a short break in the proceeding. It requires a second and is not debatable.
- Motion to Adjourn: This motion closes the meeting. It requires a second and is not debatable.

3. Agenda

The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be organized to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, "Is there any objection to amending the agenda [explain]. Hearing no objection, the agenda is so amended by unanimous consent."

4. Other Issues

- Mayor's Veto: The Town Charter provides the Mayor with "the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and meeting." With a six-member council the override requires a vote of four members if all are present and voting.
- Quorum: The Town Charter provides that "four members of the town council shall constitute a quorum for the transaction of business at any meeting." The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest "the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members." 2.2-3112.C.

Acknowledgement

I _____ (printed name), a sitting member of
_____ (body), hereby certify that I have
been given a copy, read, understand, and will abide by the above Town of Cape Charles Code of
Ethics & Meeting Rules of Order, adopted on July 22, 2021.

_____ (signature)

_____ (date)



HISTORIC DISTRICT REVIEW BOARD

**Special Meeting
Cape Charles Civic Center
via Electronic Communications
March 16, 2021
6:00 p.m.**

This Special Meeting of the Cape Charles Historic District Review Board was held by video conference in accordance with Code of Virginia § 2.2-3708.2, subsection A.3, resulting from Governor Northam's March 12, 2020 declaration of a state of emergency for the Commonwealth of Virginia arising from the Novel Coronavirus (COVID-19) pandemic. It was deemed impractical and unsafe to assemble physically due to the highly contagious nature of COVID-19.

The purpose of this meeting was to review three applications to obtain a Certificate of Appropriateness, one application to obtain an after the fact Certificate of Appropriateness, four pre-application meetings, Election of Officers, and review of the State Annual Report. An audio recording was made of the meeting, and the meeting was also live-streamed on Facebook, as well as video-taped for viewing from the Town's website after processing. Public comments were accepted in writing prior to the meeting. Viewers could also submit their comments via Facebook Live and emails to the clerk and the planner.

At approximately 6:00 p.m., Co-Chairman Edward Wells, having established a quorum, called to order the Special Meeting of the Historic District Review Board (HDRB). Physically present at the Civic Center were Planning Technician Tracy Outten and Herb Thom. In attendance via Zoom were Kathy Glaser, Martin Mayer, Michael Strub, Interim Town Planner/Zoning Administrator Katie Nunez, Town Clerk Libby Hume, and the applicants. There were no members of the public physically in attendance, but there were 24 viewers on Facebook Live.

PUBLIC COMMENT (AGENDA ITEMS ONLY):

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

AGENDA:

Katie Nunez informed the board that an agenda item needed to be added under "Other Business" to schedule an on-site meeting for a Commercial – 3 District pre-application that had been received.

Motion made by Herb Thom, seconded by Michael Strub, to approve the agenda as amended. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

UNFINISHED BUSINESS:

A. *Application for a Certificate of Appropriateness to replace siding, add windows, and renovate the front porch on a single-family detached dwelling at 2 Monroe Avenue – tax map #83A3-2-6-7C.*

Bobby Montgomery, applicant, said the submitted application needed to be amended to one rear sliding door instead of two.

Discussion and questions were as follows: (i) Martin Mayer thought fence and chimney were new items that needed to be discussed as they were not discussed in the pre-application meeting. Herb Thom said chimneys were to be retained and asked if it was brick. Bobby Montgomery was not sure but thought the chimney was stucco and added that on the inside on the home it was covered by drywall. Edward Wells asked what year the home was built; 1957. A non-contributing structure gave the board some leeway; (ii) Edward Wells said the satellite dish would not be a problem to remove; (iii) Edward Wells asked if the existing front window was changing; no, the additional three were

going to be an exact match to the current window. Herb Thom wanted to know if there would be storm windows, no. Bobby Montgomery agreed the windows would have a 3-1/2" casing, 3" sill, and 2-1/2" trim; (iv) Edward Wells said the board preferred wood but was not opposed to composite material for the front stairway. Bobby Montgomery stated that wood was being used; (v) Edward Wells asked if the proposed back slider door led would lead to a deck or patio; yes, existing patio; and (vi) Herb Thom asked what the height of the proposed cupola was going to be. Bobby Montgomery answered it would be proportioned to the size of the roof.

Motion made by Herb Thom, seconded by Kathy Glaser, to approve the Application for a Certificate of Appropriateness at 2 Monroe Avenue to replace the siding, add windows, and renovate the front porch on the single-family detached dwelling as amended by applicant with the condition that the windows would have the following: (1) 3-1/2" casings; (2) 3" sills; and (3) 2-1/2" trims. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

B. *Application for a Certificate of Appropriateness to construct a new single-family detached dwelling on lot 92 on Washington Avenue – tax map ##83A1-1-92.*

Jacqueline and Tom Heller, applicants, and Bill Doughty, contractor, were available to answer any questions. Jacqueline Heller read an explanation as to why they were choosing vinyl siding. Herb Thom said the vinyl thickness being proposed was 0.042" and in the past the board had discussed 0.046" being an acceptable thickness for vinyl. Much discussion on vinyl siding and the Cape Charles Historic District Guidelines (CCHDG) pertaining to vinyl siding. The applicants were willing to use the thicker vinyl siding.

Additional items discussed was as follows: (i) Herb Thom would like the proposed windows to have a 2" sill. Bill Doughty said it would be 1-3/4"; and (ii) Bill Doughty could not find anywhere in the CCHDG that said aluminum could not be used to wrap fascia. Edward Wells asked if the applicants would consider using azek; yes.

Motion made by Michael Strub, seconded by Kathy Glaser, to approve the Application for a Certificate of Appropriateness on lot 92 on Washington Avenue to construct a new single-family detached dwelling with the following conditions: (1) the vinyl siding would be 0.046" thick; (2) the fascia would be azek wrapping or painted wood not vinyl; and (3) the windowsill would be 1-3/4". The motion was approved by majority vote with Martin Mayer and Edward Wells opposing.

Roll call vote: Kathy Glaser, yes; Martin Mayer, nay; Michael Strub, yes; Herb Thom, yes; Edward Wells, nay.

C. *Application for a Certificate of Appropriateness to construct an accessory structure at 301 Madison Avenue – tax map #83A1-1-195.*

Frank Giardina, applicant, described the proposed accessory structure.

Katie Nunez said the zoning was fine and explained that there seems to be some confusion on the definition of a "story".

Discussion and questions were as follows: (i) Herb Thom said by the building code definition provided to him by Allyson Finchum and Jeb Brady this structure was considered a two-story structure. Martin Mayer did not see an issue since the zoning administrator has ruled on the application. Edward Wells agreed that the board had to support the current zoning administrator; (ii) Michael Strub said that an accessory structure could not be higher than the principal residence; (iii) Edward Wells asked if accessory structure setbacks were different from shed setbacks. Katie Nunez answered that the ordinance does not define a difference between an accessory structure and a shed when dealing with setbacks; (iv) Edward Wells wanted to know why the top windows were tall.

Frank Giardina said it looked appealing and the sunlight would be useful since this area would be used as an attic; (v) Edward Wells asked what siding material would be used; hardie plank; and (vi) Edward Wells suggested the window casings be 3-1/2”.

Motion made by Edward Wells, seconded by Martin Mayer, to approve the Application for a Certificate of Appropriateness at 301 Madison Avenue to construct an accessory structure as submitted with the condition that the windows have a 3-1/2” casing. The motion was approved by majority vote with Herb Thom opposing.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, nay; Edward Wells, yes.

NEW BUSINESS:

- A. *Pre-Application for a Certificate of Appropriateness to remodel and re-roof a two-story single-family detached dwelling at 542 Jefferson Avenue – tax map #83A1-1-141.*

David Doherty, the applicant, summarized the proposed remodel.

Discussion and questions were as follows: (i) Kathy Glaser asked if the chimney was structurally damaged due to a fire; yes. Herb Thom wanted to know if it would be rebuilt. David Doherty said yes in a different spot and if possible, using existing brick if it can be saved. They were discussing rebuilding from the roof line up with the contractor; (ii) Edward Wells asked if the windows were vinyl replacement. David Doherty answered yes and added that the existing windows could not be saved nor were they the originals or the correct size. Herb Thom suggested a 3-1/2” trim and 2” sill; (iii) The existing concrete stair material would not change; (iv) Edward Wells asked if the roof line was staying the same. David Doherty answered on front yes, but the rear roofline would rise just a bit, the pitch would be 12/12; (v) Edward Wells wanted to know if railings were being placed on the porch; no; (vi) Edward Wells would like more clarification on the foundation; (vii) The home was built around 1910; and (viii) The porch column size and material needed to be clearer.

Motion made by Edward Wells, seconded by Martin Mayer, to approve the Application for a Certificate of Appropriateness at 542 Jefferson Avenue to remodel and re-roof the two-story single-family detached dwelling with the following conditions: (1) the following items need to be provided to the zoning administrator for approval: (a) clarification on the exact material and look for the foundation, (b) the porch columns size and material, and (c) clarity on the roof pitch; (2) windows have a 2” sill and 3-1/2” trim; (3) existing brick from the chimney would be reused; and (4) any railings required per the building code would be approved. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

- B. *Pre-Application for a Certificate of Appropriateness to construct a rear screened-in deck on a two-story single-family detached dwelling at 516 Madison Avenue – tax map #83A3-1-272.*

Gary McKinney, applicant, gave an overview of the proposed rear screened-in deck and all materials were in application. The roof pitch would be 4/12 with asphalt shingles to match the house, deck would be salt-treated lumber and azek, and screen would be the Screeneze system. Martin Mayer stated that this would not be visible from the street.

Motion made by Michael Strub, seconded by Herb Thom, to approve the Application for a Certificate of Appropriateness at 516 Madison Avenue to construct a rear screen-in deck on the two-story single-family detached dwelling as submitted. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

- C. *Pre-Application for a Certificate of Appropriateness to reposition rear doors and windows, construct a rear deck, and restore the siding on a duplex at 549/551 Monroe Avenue.*

Anne Vantine and Deb Glover, applicants, explained that the reason for the door relocation was for safety reasons. The board agreed that a set of steps for each door made sense.

Discussion and questions were as follows: (i) Kathy Glaser and Edward Wells mentioned that the propane tank and heating and air system may need to be moved; (ii) Edward Wells asked if the windows would be the same as the existing. Anne Vantine wants to reuse the windows. Much discussion ensued on the window symmetry; and (iii) Edward Wells would like to know the condition of the existing wood siding once the vinyl siding was removed.

Motion made by Michael Strub, seconded by Herb Thom, to approve the Application for a Certificate of Appropriateness at 549/551 Monroe Avenue to reposition the rear doors and windows, construct a rear deck, and restore the siding on the duplex with the following conditions: (1) windows would have a 2" sill and 3-1/2" trim; (2) restore the wood siding if possible; (3) the balusters and railings would be painted wood; and (4) the treated deck boards would run perpendicular. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

- D. *Pre-Application for a Certificate of Appropriateness to replace the roof and windows on a duplex at 601/603 Peach Street.*

Bo Yang, applicant, summarized the proposed 36" door, roof, and window replacement.

After much discussion on the proposed window height increase changing the appearance of the duplex, Bo Yang amended the application to replace the existing second-floor windows.

The board did not have any issues with the door or roof being replaced.

Motion made by Herb Thom, seconded by Kathy Glaser, to approve the Application for a Certificate of Appropriateness at 601/603 Peach Street to replace the door, roof, and windows on the duplex as amended by the applicant. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

- E. *Pre-Application for a Certificate of Appropriateness to install a fence at 633 Randolph Avenue – tax map #83A3-1-431.*

Joe Banks, applicant, described the proposed fence.

Motion made by Kathy Glaser, seconded by Michael Strub, to approve the Application for a Certificate of Appropriateness at 633 Randolph Avenue to install a fence. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

- F. *Approval after the fact for a Certificate of Appropriateness to re-roof a single-family detached dwelling at 4 Randolph Avenue – tax map #83A3-2-2-86.*

Jimmy Wood, owner representative, explained that the roof needed to be partially replaced because it was damaged. The work was started without proper approvals and permits being obtained. Jimmy Wood added that former Town Planner Larry DiRe had said the roof needed to be replaced.

Discussion was as follows: (i) Herb Thom stopped at the property because he saw that a roof was being done on a Sunday and the HDRB had not approved one for this house. Edward Wells said that

when contractors work on a Sunday it raises some red flags and wanted to know if they were licensed to work in town. He added that it was a slap in the face to residence that follow the correct procedures; and (ii) Edward Wells wants to be provided any written documentation from Larry DiRe.

Katie Nunez suggested deferring the decision for this application until next month due to the late hour.

Motion made by Herb Thom, seconded by Michael Strub, to defer the After the fact Application for a Certificate of Appropriateness for 4 Randolph Avenue to re-roof a single-family detached dwelling until the April 20, 2021 meeting. The motion was approved by unanimous vote.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

OTHER BUSINESS:

A. *Election of Officers*

Edward Wells and Herb Thom were nominated to serve as Chair and Vice-Chair for the remainder of the HDRB 2021 term.

Motion made by Herb Thom, seconded by Kathy Glaser, to elect Edward Wells as the Chair for the Historic District Review Board. The motion was unanimously approved.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

Motion made by Edward Wells, seconded by Kathy Glaser, to elect Herb Thom as the Vice-Chair for the Historic District Review Board. The motion was unanimously approved.

Roll call vote: Kathy Glaser, yes; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

B. *State Annual Reports*

The HDRB reviewed the annual report.

C. *Schedule a Commercial – 3 District Pre-Application meeting*

Katie Nunez informed the board that a special meeting would be needed to review a Commercial -3 District application submitted by the Cape Charles Brewing Company.

Motion made by Herb Thom, seconded by Martin Mayer, to adjourn the March 16, 2021 Historic District Review Board Special Meeting at 9:21 p.m. The motion was unanimously approved.

Roll call vote: Kathy Glaser; Martin Mayer, yes; Michael Strub, yes; Herb Thom, yes; Edward Wells, yes.

Co-Chairman Edward Wells

Planning Technician

Town of Cape Charles

Article VIII

Historic District Overlay

“The Cape Charles Historic District encompasses nearly all of the town of Cape Charles as it was originally laid out in 1883-1884 as well as the Sea Cottage addition, an area west of the original limits of the town, that was developed after 1909...The town was originally laid out in an unusual twenty-seven block grid pattern dominated by a central park with four landscaped streets that radiate from the park and serve as a main cross axis for the town’s circulation pattern. No other such plan is known to exist in Virginia.”
- 1989 National Register of Historic Places Registration Form Section 7, page 1.

“An interesting stock of architectural styles in both the residential area and the downtown commercial area contribute an historic style and authenticity. The street patterns, lot configurations and boundaries, which were laid out in an historic grid pattern, have remained largely unaltered, adding to the Town’s historical integrity. Cape Charles’ late nineteenth and early twentieth century character is a key element in the Town’s interest and attractiveness to tourists. The traditional downtown commercial area on Mason Avenue still serves as the commercial center for the Town. It is important that the Town’s historic character be protected, not only for its intrinsic value, but also to contribute to attract and expand tourism in Cape Charles.” – Town of Cape Charles 1999 Comprehensive Plan, page 40.

The Town of Cape Charles participates in the Certified Local Government program and in so doing demonstrates a commitment to keep what is significant from the past for the benefit of future generations. The architectural integrity of existing structures shall be recognized, and future development shall be compatible.

Section 8.1 Purpose of the District

The purpose of this district is to guard against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of registered architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is also the purpose of the district to preserve the character of the designated historic areas and historic landmarks and other historic or architectural features and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the historic district.

Section 8.2 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

Section 8.3 Inventory of Landmarks and Contributing Properties Established

The Town of Cape Charles has established as part of this ordinance a map covering the area included in the Historic District, based on the criteria set forth in this ordinance. This map shall be as much a part of this ordinance as if fully described herein. Pending further amendment of this ordinance, the period of significance for the Town will be from 1883 to 1964 as delineated in the Cape Charles Historic District National Register of Historic Places (amended 2019). As identified in the National Register, structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. Should a building or structure within the boundaries of the historic district not be listed in the national register, the building or structure will be classified as noncontributing. The map may be amended from time to time in the same manner as the zoning district map.

Section 8.4. Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic District is superimposed except as these other district regulations may be modified by application of the regulations in the Historic District.

Section 8.5 Permitted Uses

A building or land shall be used only for any use or accessory use permitted in the zoning district in which the premises are situated and upon which the Historic District is superimposed.

Section 8.6 Historic District Review Board; Creation

For the general purposes of this Article as herein stated 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, there is created a board known as the Historic District Review Board.

Section 8.7 Historic District Review Board; Membership

The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district.

Section 8.8 Historic District Review Board; Terms

Upon approval by the Town Council, members shall be appointed for a term of five years. Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 8.9 Historic District Review Board; Qualifications

Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible, include a Planning Commission member, as well as professionals in the disciplines of architecture, history, historic preservation, archaeology, or related profession; and professionals in the disciplines of planning, building construction, or real estate.

Section 8.10 Historic District Review Board; Organization

The Historic District Review Board shall elect from its own membership a chairman and vice chairman who shall serve annual terms and may succeed themselves. The chairman shall preside over all meetings in addition to having the duties and responsibilities of other members of the Board. The vice chairman shall preside over meetings of the Board in the absence of the chairman.

Section 8.11 Historic District Review Board; Rules

The Board shall meet in regular session on the third Tuesday of every month when an application has been filed requiring consideration. Special meetings of the Board may be called by the chairman or a majority of the members after public notice as required.

Section 8.12 Historic District Review Board; Meetings; Hearings

Written notice of a special meeting is not required if the time of special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the Commonwealth of Virginia.

Section 8.13 Historic District Review Board; Procedures

The Board shall, with the concurrence of the town manager, establish procedures for all matters coming before it for review and all meetings shall be open to the public. The Board will have the right to appeal decisions of the town manager to the Town Council.

Section 8.14 Historic District Review Board; Powers and Duties

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 and buildings or other properties in the 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 oversee 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 recommend standards and guidelines for adoption by the Town Council to supplement the standards set forth in this Ordinance; the currently adopted guidelines are called “Cape Charles Historic District Guidelines revised October 2017.”
- 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 the character of historic landmarks, buildings, sites, or areas within the Town.

Section 8.15 Summary of Administration Review Procedures

In general, it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District.

- A. Actions related to “Standards” will be exclusively the purview of the Zoning Administrator.
- B. Actions addressed by “Guidelines” will be the purview of the Historic District Review Board, except that guidelines that are relatively straight forward may be delegated to the Zoning Administrator at the discretion of the Historic District Review Board.
- C. In all cases the decisions of the Zoning Administrator shall be appealed to the Board of Zoning Appeals as stated in §2-2.6.2.C, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

Section 8.16 Approval of Historic District Review Board Required

- A. Except as herein otherwise provided in this article, no building or structure, including signs, shall be erected, reconstructed, restored, or substantially altered in exterior appearance and no contributing buildings or structures shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Historic District Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.
- B. Contributing accessory structures will be treated as contributing structures only under the following conditions:
 - 1. It is on a permanent foundation; and

2. It is of sufficient square footage that a new structure of that type would require a building permit; and
 3. It is not being used as, or being considered for, accessory dwelling units.
- C. "Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein:
1. General examples of "non-substantial" alterations:
 - a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
 - b. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
 2. Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §8.16 of this article.
 3. General examples of work constituting "substantial alterations" include:
 - a. Construction of a new building at any location or a new permanent accessory building requiring a building permit on a landmark or contributing property or on a site within the Historic District.
 - b. Any addition to or alteration of a building which increases the square footage of the building or otherwise alters substantially its size, height, contour, or outline.
 - c. Any alteration of the exterior architectural style of a structure or its significant elements; some examples being removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, stairways, terraces, decks, fences, or any other structural elements.
 - d. Addition to or removal of one or more stories or alteration of a roof line.
 - e. Any other major actions not specifically covered by the terms of this section, but which would have an effect on the character of the historic district.
- D. In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

Section 8.17 Certain Minor Actions Exempted from Review by the Historic District Review Board

Within the Historic District certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Historic District Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

- A. Repainting the structure. (Original painting of masonry surfaces is not exempted from review.)
- B. Replacement of missing or broken windowpanes, roofing slates, tiles, porch floor, posts, rails, shingles, window frames, or shutters where no substantial change in design or material is proposed.

- C. Addition or deletion of storm doors or storm windows, window gardens, or similar appurtenances and portable air conditioners located in existing windows, doors, or other existing wall openings (if no building permit is required for such addition or deletion).
- D. Addition or deletion of television and radio antennas or skylights and solar collectors in locations not visible from a public street or a waterway.
- E. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, fencing immediately surrounding trash receptacles or outdoor ventilation units, small fountains, outdoor showers, and ponds which will not substantially affect the character of the property and its surroundings.
- F. Construction of off-street loading areas and off-street parking areas.
- G. Creation of outside storage in a commercial or industrial district which does not require structural changes or major grading and is not visible from a public street or waterway.
- H. Additions or deletions to an existing building which are not visible from a public street or sidewalk. Alleys in this context are not to be considered public places.
- I. Covered by other zoning ordinance requirements as administrated by the Zoning Administrator unless altered by the overlay ordinance.
- J. Receiving historic preservation tax credits through state or federal offices.
- K. Demolition of non-contributing buildings or structures.
- L. Alterations or repairs made to a building or structure for the purpose of temporary emergency stabilization.

Section 8.18 Delegation of Authority

- A. The Zoning Administrator or Code Official shall have authority to order that work be stopped and that an appropriate application be filed for review by the Historic District Review Board in any case where the action has an adverse effect on the Historic District.
- B. The Historic District Review Board shall periodically review the design guidelines contained in this section.

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 on behalf of the Historic District Review Board, 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 Zoning Administrator. The Historic District Review Board 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.

Section 8.20 Design Guidelines; Recommendations for Review

- A. The Historic District Review Board shall be guided in its decisions by the design guidelines but must also use independent judgement and discretion to consider the unique characteristics of each request. The board is expected to work with each applicant to assist them in achieving their goal while preserving the character of the district. The board shall utilize the pre-application review process as defined in Section 8.25.A.
- B. It shall be the duty of the Historic District Review Board to prepare recommended amendments to the design guidelines.
- C. The Town Council shall adopt and amend the design guidelines after conducting at least one public hearing pursuant to §15.2-2204 of the Code of Virginia.
- D. Separate guidelines shall be developed for all new infill buildings in Cape Charles' historic district. New infill construction will not diminish, detract, or distract from the character of surrounding historic buildings or the overall historic district.
- E. Alterations and additions to non-contributing structures that affect the exterior appearance of the structure or additions should be compatible with the district following the guidelines for new (infill) construction. Criteria for non-contributing structures may be less restrictive than that applied to contributing structures.

Section 8.21 Demolition: Alternate Procedure: Offer to Sell

- A. Prior to approval of any application for demolition, modification, moving, or removal of a contributing structure within the Cape Charles Historic District; the zoning administrator, the Historic District Review Board, or the Town Council, as applicable, shall review the application for its compatibility with each of the following guidelines.
 - 1. Whether or not the contributing structure is of such architectural or historic interest that its removal would be to the detriment of the character and integrity of the Historic District.
 - 2. Whether or not the contributing structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
 - 3. Whether or not retention of the contributing structure would help to preserve and protect a historic place or area of historic interest in the Town.
 - 4. Whether or not plans for future use of the site after demolition are appropriate, compatible, sympathetic, and complimentary to the character and integrity of the Historic District.

No subsequent application under Section 8.21A regarding the contributing structure may be made until more than one year after a final denial by the Town Council.

B. In addition to the right of appeal herein elsewhere set forth, the owner of a contributing structure in the Cape Charles Historic District shall as a matter of right be entitled to move, remove, modify, raze or demolish all or part of such contributing structure provided that:

1. The owner has applied to the Town Council for such right.
2. The owner has for the applicable period of time set forth in the time schedule in Section 8.21.B.4., and at a price reasonably related to the fair market value of the contributing structure and the land, other improvements and appurtenances pertaining thereto (assuming the buyer will be required to preserve and restore the contributing structure in place on the property) as determined by the average of two (2) real estate appraisals from two (2) different appraisers, made a bona fide, public offer (pursuant to the requirements of this Section 8.21 B.) to sell such contributing structure, and the land, other improvements and appurtenances pertaining thereto (collectively, the "Property"), to the Town and any other person, firm, corporation, government or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the contributing structure in place. If the two (2) required real estate appraisals submitted by the Owner differ by more than ten percent (10%), the owner must have the Property appraised a third time at his own expense by a third real estate appraiser selected by the Town. The bona fide offer to sell must be at a price not more than the average of the two such appraisals that are closest to one another.
3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such Property thereto, prior to the expiration of the applicable time period set forth in the time schedule in Section 8.21.B.4. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
4. The time schedule for offers to sell shall be as follows:
 - a. Three (3) consecutive months when the offering price is less than twenty-five thousand dollars.
 - b. Four (4) consecutive months when the offering price is twenty-five thousand or more but less than forty thousand dollars.
 - c. Five (5) consecutive months when the offering price is forty thousand or more but less than fifty-five thousand dollars.
 - d. Six (6) consecutive months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars.
 - e. Seven (7) consecutive months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars.

- f. Twelve (12) consecutive months when the offering price is ninety thousand dollars or more.
5. Before making a bona fide offer to sell, the owner shall first file a statement with the Zoning Administrator along with the appraisals required by Section 8.21.B.2. The statement shall identify the Property, state the offering price, the date the offer of sale is to begin, the names and addresses of adjacent property owners, and the names and addresses of listing real estate agents, if any. The owner shall be required to maintain the Property in at least its current condition during the term of the public offer. No time period set forth in the time schedule contained in Section 8.21.B.4. shall begin to run until the statement has been filed. Within five (5) business days after receipt of a statement, copies of the statement shall be delivered by the Zoning Administrator to the Town Manager, the Town Council, and the Historic District Review Board. Within thirty (30) days after the receipt of a statement, the Zoning Administrator: (a) shall place notice of the statement once a week for two successive weeks in a newspaper having general circulation in the Town, (b) post a notice of the statement prominently on the Property, and (c) send notice of the offer, accompanied by the statement, to the adjacent property owners by certified or registered mail.
6. During the time period for the offer to sell, the Town may take steps as it deems necessary to preserve the contributing structure in accordance with the purposes of this article. Such steps may include, but are not limited to, consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of the Property by public or private bodies or agencies, and exploration of the possibility of moving structures or other features on the Property.
7. The fact that an offer to sell a Property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within Cape Charles, questioning such valuation. Upon receipt of such a petition, one (1) disinterested real estate appraiser shall be appointed by the petitioners, and the cost of the appraisal shall be borne by the petitioners. Said appraiser shall forthwith make an appraisal of the Property on the same basis as described in B.2. above, and the Town shall use the average of the lower two appraisals to establish fair market value under Section 8.21.B. In the event such valuation indicates that the price at which the applicant offered to sell the Property was at a price that is higher than the Property's fair market value, the offer to sell shall be void and of no force and effect for purposes of satisfying the requirements set forth in this Section 8.21.B.

Section 8.22 Maintenance and Repair Required

- A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District allow the structure, or historic attributes of the structure, to become a hazardous building or structure. Any building or structure which is determined to be in such an unsafe condition that it would endanger life or property is governed by Town Code Chapter 18, Article III, Unsafe Buildings or Structures and under the sole jurisdiction of the Town's Code Official.

- B. All buildings and structures in the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Historic District Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:
1. The deterioration of exterior walls or other vertical supports, including broken doors and windowpanes;
 2. The deterioration of roofs or horizontal members;
 3. The deterioration of exterior chimneys;
 4. The deterioration or crumbling of exterior plaster, wood, or mortar;
 5. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- C. After notice by the Zoning Administrator or Code Official by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Historic District Review Board, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Historic District Review Board may recommend to the Town Council that the Zoning Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property.

Section 8.23 File of Actions to be Maintained

In order to provide guidance for the consistent application of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator shall maintain a file containing a record of all applications, including drawings and photographs pertaining thereto and the decision of the Zoning Administrator or the Historic District Review Board in each case. The file documents shall be compiled by the Zoning Administrator, maintained by the Town Clerk, and remain the property of the Town but shall be held available for public review.

Section 8.24 Administration; Zoning Administrator

Except as authorized herein the Zoning Administrator or Code Official shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure in the Historic District until the same has been approved by the Historic District Review Board as set forth in the following procedures.

Section 8.25 Receipt of Application

Upon receipt of an application by the Zoning Administrator for each permit in the historic district, the Zoning Administrator shall oversee the following:

- A. Pre-application review: Persons considering action that requires a certificate of appropriateness, as set forth in this ordinance, are to request an informal informational meeting with the Zoning Administrator and at least one member of the Historic District Review Board prior to submitting a formal application for a certificate of appropriateness. Requests for such informational meetings can be made to the zoning administrator, who will contact a member of the board. The informational meeting will occur within thirty (30) days of receipt of such a request. The purpose of an informational meeting is to review the design guidelines and standards and the procedures for obtaining a certificate of appropriateness. Neither the applicant nor the zoning administrator/board member(s) shall be bound by any informational meeting or conceptual review. Zoning administrator can use discretion on the need for a pre-application meeting or the inclusion of a board representative depending on the nature of project proposed;
- B. Once accepted by the zoning administrator as a fully completed application, the zoning administrator will forward to the Historic District Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Historic District Review Board to meet and render a decision;
- C. Compile a record of all such applications and of the final disposition of the same, to be maintained by the Town Clerk;
- D. Require applicants to submit one (1) hard copy and one electronic version of material required to permit compliance with the foregoing.

Section 8.26 Material to be Submitted for Review

By general rule, or by specific request in a particular case, the Historic District Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or their agent.

Section 8.27 Other Approvals Required

The Zoning Administrator will review submitted applications for Certificates of Appropriateness against appropriate zoning requirements before forwarding application to the Historic District Review Board for pre-application review and approval. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Historic District Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Historic District Review Board. In this case, final action by the Historic District Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 8.28 Action by the Historic District Review Board; Issuance of Certificates of Appropriateness

The Historic District Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within ninety (90) days after the filing of an application accepted as complete. Failure of the Historic District Review Board to render such a decision within said ninety (90) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Historic District Review Board had granted the Certificate of Appropriateness applied for prior to denying the Certificate of Appropriateness. 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 they will make the suggested changes, the Historic District Review Board may issue the Certificate of Appropriateness. Agreed to changes will be so stipulated on the Certificate of Appropriateness.

All conditions required for the approval of a certificate of appropriateness will also be included on the building plan and will be reviewed by the Code Official during routine inspections.

The Zoning Administrator will be responsible for issuance of the Certificate of Appropriateness to the applicant and the Town's Code Official office within five (5) business days. Denials of applications are to be stated in writing to the applicant along with the reasons for such denials by the zoning administrator and issued within five (5) business days. Once a Certificate of Appropriateness is granted, the applicant may obtain permits to start work with the understanding that work may be stopped should an appeal be filed to the board's decision within a 30-day period following approval of the Certificate of Appropriateness, and that the applicant takes full responsibility to bear whatever consequences result from the appeal's final decision.

Section 8.29 Expiration of Certificates of Appropriateness

Any certificate issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve (12) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

Section 8.30 Inspection by Administrator After Approval

When a Certificate of Appropriateness has been issued, the Zoning Administrator or Town Building Official shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Zoning Administrator or Town Building Official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

Section 8.31 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Historic District Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Historic District Review Board or, on appeal, the Town Council decides such action to be in the public

interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three (3) months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Historic District Review Board or, on appeal, by the Town Council.

Section 8.32 Conditions Imposed by the Historic District Review Board

In approval of any proposal under this section, the Historic District Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.

Section 8.33 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 and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with the property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal. The person submitting the appeal shall not be allowed to present any evidence that was not presented to the Historic District Review Board, Council members having any relevant interaction with the applicant shall disclose such interaction prior to considering the appeal. The Zoning Administrator will prepare a document of 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 sixty (60) days from the date the person submitted a request for appeal. 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.

Section 8.34 Appeals; Decisions of the Zoning Administrator

An appeal from a decision of the Zoning Administrator may be taken to the Board of Zoning Appeals by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal. The Zoning Administrator shall transmit to the Board of Zoning Appeals within

five (5) days all the papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to Code of Virginia §15.2-2204; and decide the same within sixty (60) days. At the meeting the party may appear in person or by agent. In exercising its powers, the Board of Zoning Appeals may 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.

Section 8.35 Appeal to the Circuit Court from a Decision of the Town Council

An appeal from a final decision of the Town Council may be filed with the Circuit Court within thirty (30) days after said decision in the manner prescribed by law by the owner of the property in question, by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest, or by the Historic District Review Board. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 8.36 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §2.4.3 of the Zoning Ordinance.

Section 8.37 Definitions

For the purpose of this article, terms and words pertaining to the Historic District are defined in Article II of this Ordinance.