

Historic District Review Board
Regular Meeting Agenda
Cape Charles Civic Center
March 15, 2022, 4:00 P.M.

1. **Call to Order; Roll Call**
 - A. Roll call and establish a quorum.
2. **Invocation and Pledge of Allegiance**
3. **Public Comment**
4. **Consent Agenda**
 - A. Approval of agenda format
5. **Unfinished Business:** None.
6. **New Business**
 - A. FENCE INSTALLATION: None
 - B. RENOVATION, MINOR:
 - (1) 333 Madison Avenue: Edmund J. Sabo – Certificate of Appropriateness to install a 12' x 12' (144 sq. ft) accessory structure
 - (2) 520 Randolph Avenue: Kathy Glaser – Certificate of Appropriateness to renovate existing accessory structure
 - (3) 535A & 535B Randolph Avenue: Robin Maxwell/JT Maxwell and Alexis & Carleen Kupcis – Certificate of Appropriateness to replace front porch flooring
 - (4) 227 Mason Avenue: Alana Smith – Certificate of Appropriateness to install an awning on the commercial building
 - (5) 601 & 603 Peach Street: Bo Yang – After the Fact Approval for a Certificate of Appropriateness for outdoor show and fence
 - C. MODIFICATION TO APPROVED Certificate of Appropriateness: None
 - D. RENOVATIONS, ADDITIONS, & NEW CONSTRUCTION: None
7. **Other Business**
 - A. Report from Interim Zoning Administrator Katie Nunez on:
 - Administrative Approvals of Certificates of Appropriateness
 - Discussion on Notice of Violation at 424 Randolph Avenue regarding Demolition by Neglect with property owner, Code Official Jeb Brady, & Interim Zoning Administrator Katie Nunez
8. **Adjourn**



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #: 6B (1) – 333 Madison Avenue

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

Date: March 8, 2022

APPLICANT: Edward J. Sabo III

SITE ADDRESS: 333 Madison Avenue

TAX MAP: 83A1-1-183

LOT SIZE: 80' x 140'

TYPE OF APPLICATION: Certificate of Appropriateness

WORK TO BE PERFORMED: Install a 12' x 12' (144 sq. ft.) accessory structure

CURRENT ZONING: Residential-1 (R-1)

HISTORIC REGISTER: Not listed

DESCRIPTION:

DATE APPLICATION RECEIVED: January 24, 2022

PRE-APPLICATION MTG: March 15, 2022

DATE APPLICATION DEEMED COMPLETE: February 24, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): April 25, 2022

The applicant is seeking to install a 12' x 12' (144 sq. ft.) accessory structure (shed) in the northwest rear of the property

MATERIALS:

Shingles and vinyl siding will match the house.

STAFF ANALYSIS

ZONING COMPLIANCE

The property is a legal, conforming use and the accessory structure is an allowable use. He has indicated the placement of the shed on the site plan, and it is in conformance 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.

HISTORIC DISTRICT GUIDELINES

There are no specific guidelines for accessory structures.

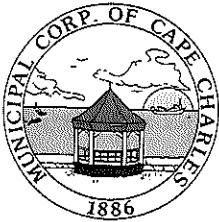
STAFF RECOMMENDATION:

Staff is requesting the HDRB to review the application material submitted by the applicant. Staff is recommending approval of this application and is prepared to assist the Board in the development of any motion regarding this application, 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



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: Shed
Property Address: 333 Madison Ave
Brief Description of Project: 12x12 shed
Zoning District: R1 Current Use: Residential Proposed Use: Residential

OWNER INFORMATION

Name and Company: Edmund J Sabo II
Mailing Address: 333 MADISON AVE CC, VA 23310
Phone Number: 540 905 2237 Email: edmund.sabo@gmail.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: [Signature] Date: 24 JAN 22

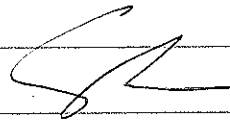
Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.

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

24 Jan 22

Board,

It is my intent to install a 12x12
shed in the NW portion of my yard.
It will be @ 8 feet from side fence, 10 feet
from the rear and more than 50' from front.
The shed will match the house and garage.
Blue w/white trim.



Edward J. San II

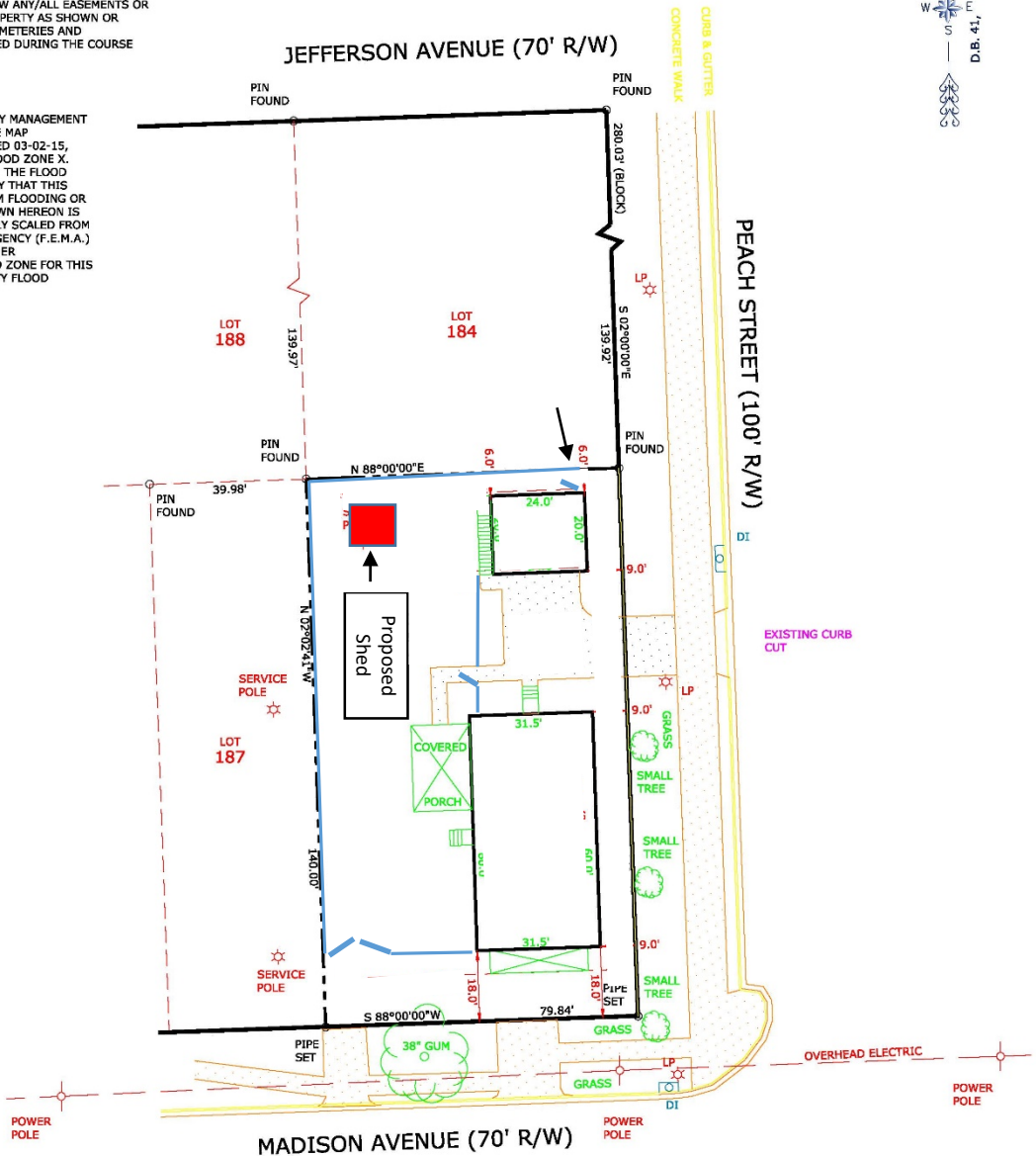
GENERAL NOTES:

- OWNERS: EDMUND J. SABO, II AND AMY L. SABO FAMILY TRUST
- TAX PARCEL: 83A1-1-183 & 83A1-1-186
- SOURCE OF TITLE: INST. 150000818
- A SURVEY WAS PERFORMED ON THIS PROPERTY IN APRIL 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.

6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.

7. PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)

8. THIS PROPERTY IS ZONED R-1.
(BSL-BUILDING SETBACK LINES)
FRONT SETBACK IS 30'
(OR EQUAL TO ADJOINER)
SIDE SETBACKS ARE 5'
REAR SETBACKS ARE 25'
ACCESSORY ARE 5'



SURVEYORS CERTIFICATION

I, MARSHALL B. PARKS, 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.



SITE PLAN
SHOWING PROPOSED IMPROVEMENTS TO
PARCEL A
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
APRIL 20, 2019
REVISED: SEPTEMBER 20, 2019

APPROVALS

TOWN OF CAPE CHARLES

DATE: _____



**ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC**

36308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: 2995	SCALE: 1" = 20'
CHK'D BY: JBL	BACK TRAV. BY: MBP
FIELD BOOK:	JOB NUMBER: 915

Proposed



Shed Design.



Shingles and siding will match existing structure.



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #: 6B (2) – 333 Madison Avenue

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

Date: March 8, 2022

APPLICANT: Kathleen & Todd Glaser
SITE ADDRESS: 333 Madison Avenue

TAX MAP: 83A1-1-580

LOT SIZE: 40' x 140'

TYPE OF APPLICATION: Certificate of Appropriateness

WORK TO BE PERFORMED: Renovate windows and door and replace the roof on an existing accessory dwelling unit

CURRENT ZONING: Residential-1 (R-1)

HISTORIC REGISTER: Non-Contributing

DESCRIPTION: Shed (Building)

DATE APPLICATION RECEIVED: January 14, 2022

PRE-APPLICATION MTG: March 15, 2022

DATE APPLICATION DEEMED COMPLETE: February 24, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): April 25, 2022

The applicant is seeking to renovate the exterior of an existing accessory structure (recently approved through a Conditional Use Permit for an accessory dwelling unit within a portion of this structure) by replacing the roof, wood siding where damaged, the front single pane window with two double hung side by side 32 x 60, 1/1 vinyl windows, and the front entry door.

MATERIALS:

Architectural Shingles

Wood Siding

32 x 60, 1/1 Vinyl Windows

Wood Door

STAFF ANALYSIS

ZONING COMPLIANCE

The property is a legal, conforming use and the accessory dwelling unit is an allowable use as approved by a Conditional Use Permit issued by Town Council on February 17, 2022. The accessory structure is an existing structure and the applicant is not seeking to add any square footage to the structure so it is in conformance 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.

HISTORIC DISTRICT GUIDELINES

There are no specific guidelines for accessory structures.

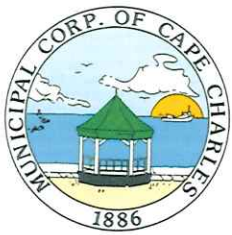
STAFF RECOMMENDATION:

Staff is requesting the HDRB to review the application material submitted by the applicant. Staff is recommending approval of this application and is prepared to assist the Board in the development of any motion regarding this application, 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



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@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: Glaser Residence
Property Address: 520 Randolph Ave
Brief Description of Project: Renovation of accessory building g
Zoning District: R-1 Current Use: R-1 Proposed Use: R-1

OWNER INFORMATION

Name and Company: Kathleen and Todd Glaser
Mailing Address: 530 Randolph Ave
Phone Number: 757-274-1589 Email: kathyglaser@hotmail.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: *Kathleen Glaser* Date: 01/10/20

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

January 14, 2022

Letter of Intent

I own the house at 520 Randolph and have previously received a Certificate of Appropriateness for the renovation of the house. I am also working on the accessory building behind the house.

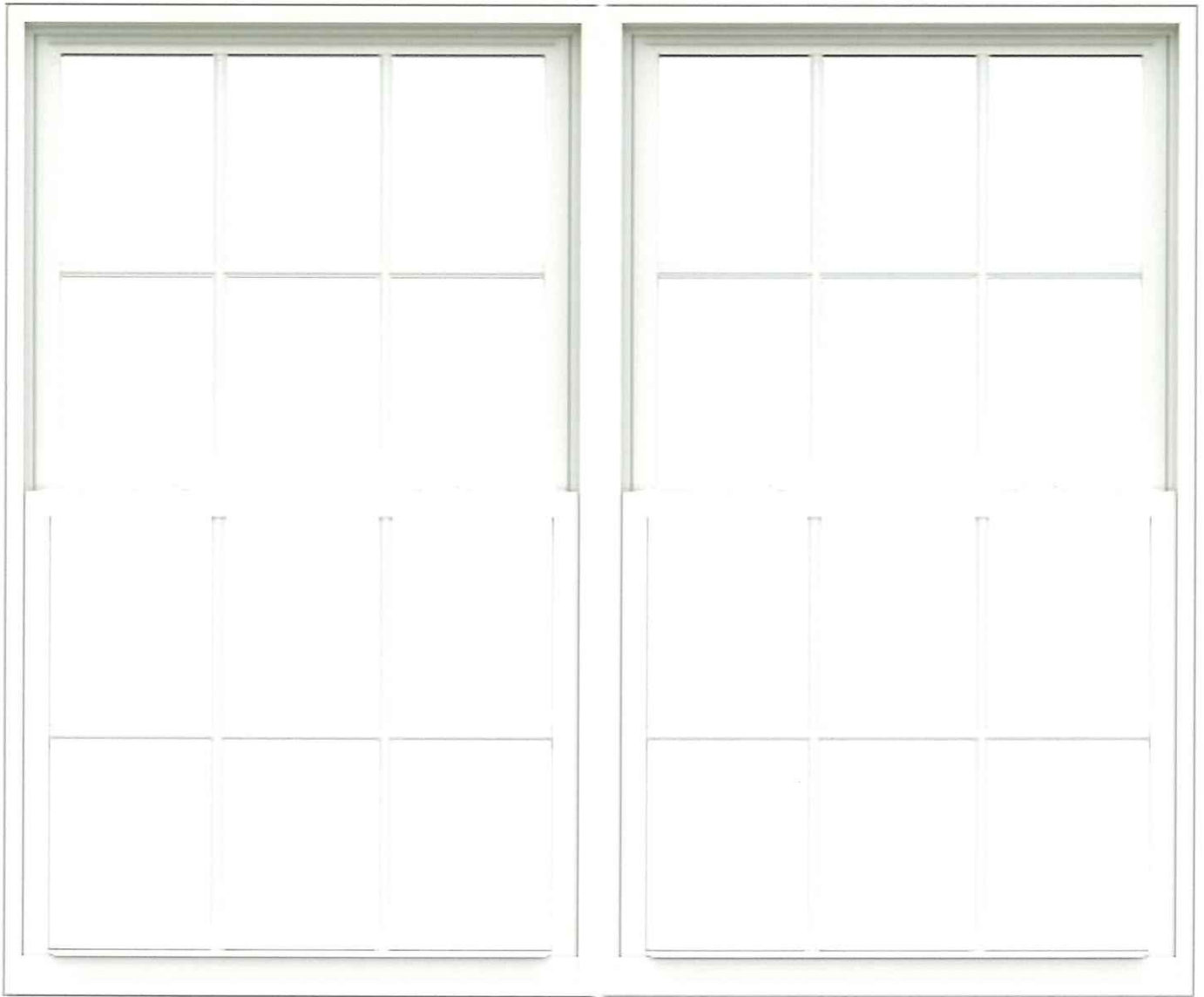
We plan to renovate the exterior by replacing the roof with architectural shingle in gray to match the shingles on the main house. Some of the wood siding will need to be replaced where damaged. We also plan to replace the single pane window in front with two double hung side by side 32 x 60 windows in vinyl with one over one design. We will be installing two additional 32 x 60 vinyl windows, one centered on each side of the building.

We will replace the front entry door with the same style but in wood. Finally, we will be painting the building to match the future siding on the main house.

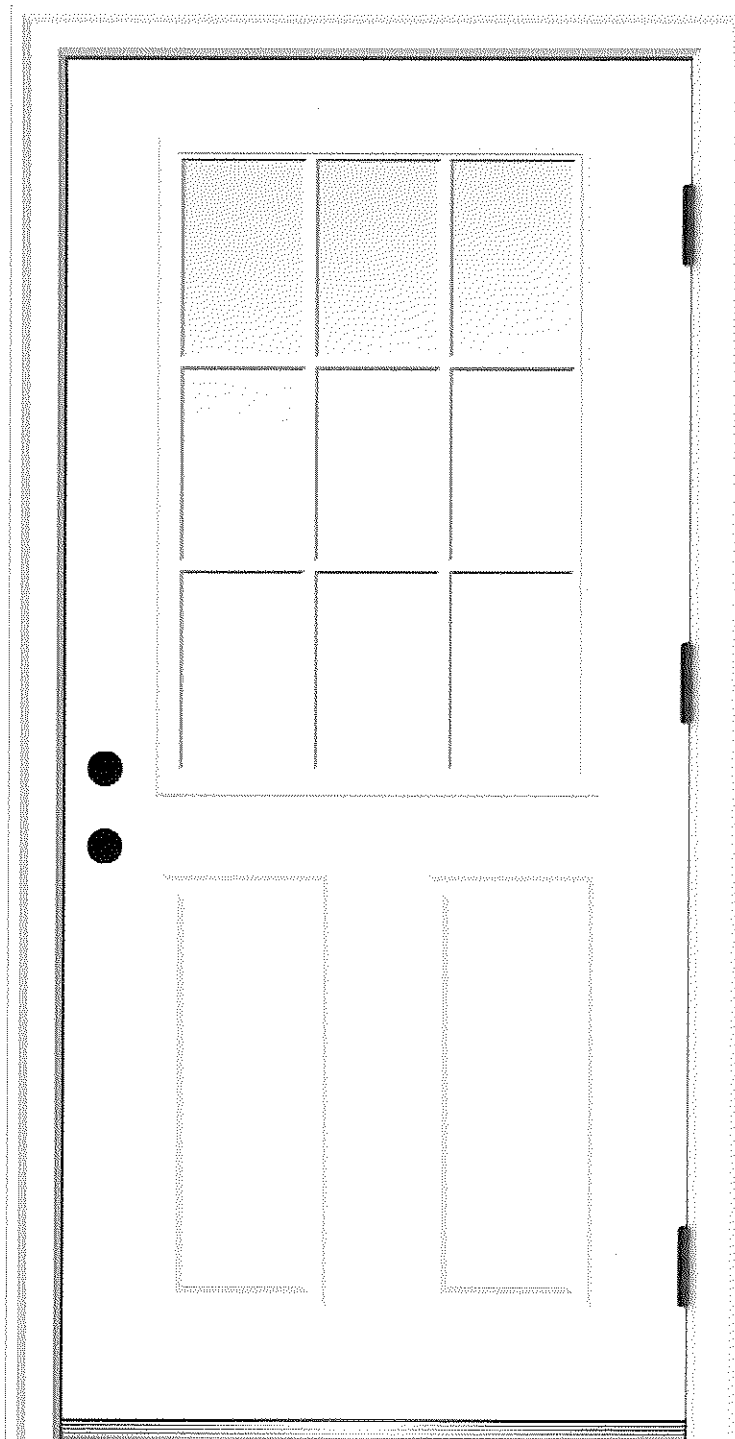
I have applied for a conditional use permit, and it is in process.

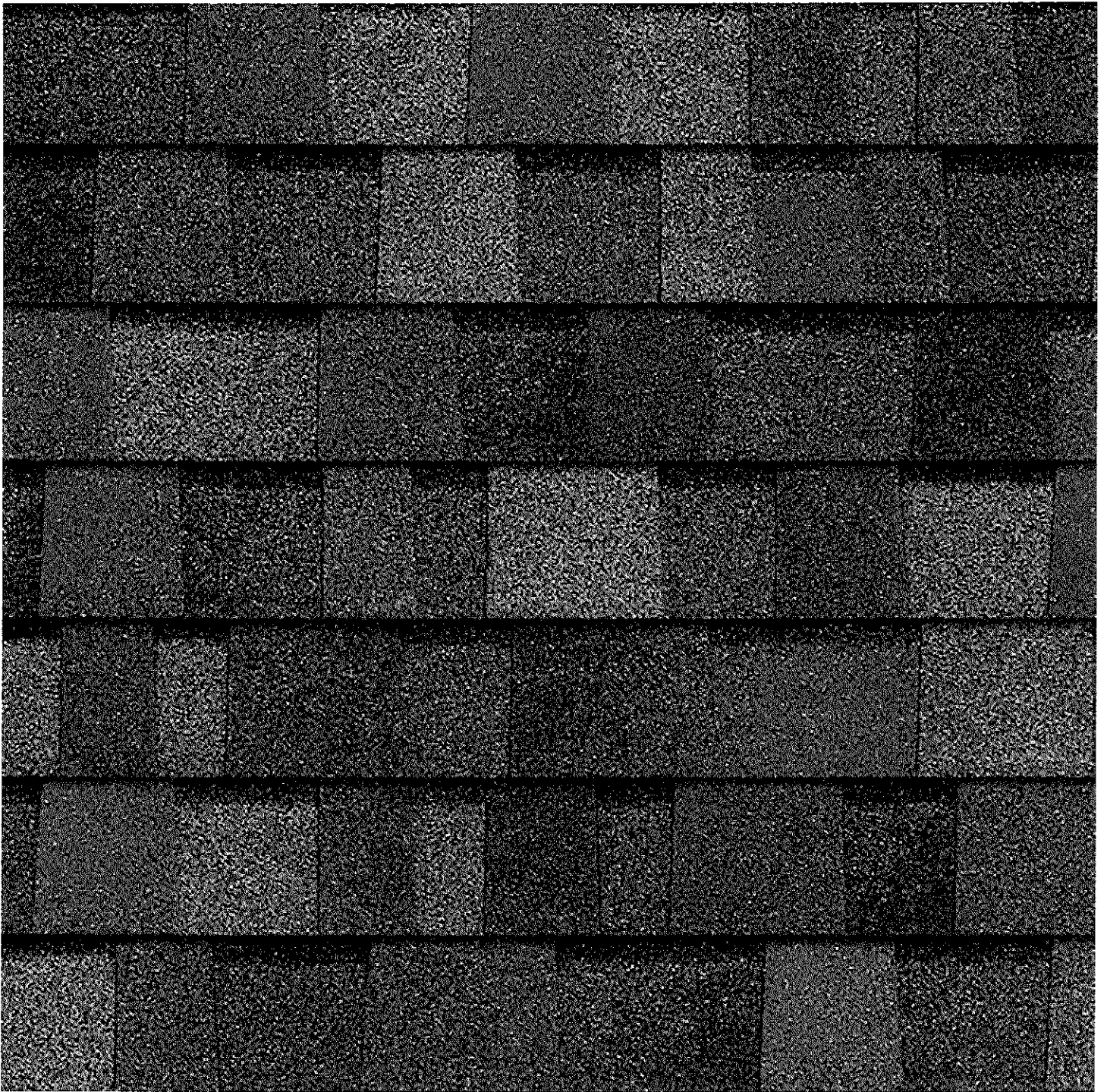
Thank you
Kathy Glaser





Interior View







HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #: 6B (3) – 535A & 535B Randolph Avenue

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

Date: March 8, 2022

APPLICANT: Robin & JT Maxwell and Aleks & Carleen Kupcis

SITE ADDRESS: 535A & 535B Randolph Avenue

TAX MAP: 83A3-1-535ABO & 535BBO

LOT SIZE: 5,600 sq. ft

TYPE OF APPLICATION: Certificate of Appropriateness

WORK TO BE PERFORMED: Replacement of front porch flooring

CURRENT ZONING: Residential-1 (R-1)

HISTORIC REGISTER: CONTRIBUTING STRUCTURE
DESCRIPTION: ca. 1910 Queen Anne

DATE APPLICATION RECEIVED: January 11, 2022

PRE-APPLICATION MTG: March 15, 2022

DATE APPLICATION DEEMED COMPLETE: February 4, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): April 5, 2022

The applicant is seeking to replace the existing front porch wood flooring with Trex composite decking due to rotting, warping, and pest damage.

MATERIALS:

Trex Composite Decking

STAFF ANALYSIS

ZONING COMPLIANCE

The work proposed does not increase or alter the square footage of the structure and within the requirements of 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.

HISTORIC DISTRICT GUIDELINES

Porches: Page 45 Item 5: Replace porch elements or the porch itself only if the materials are too deteriorated to repair or are completely missing. New elements should match the original as closely as possible. Avoid replacing wooden steps with concrete or brick steps or wooden posts with decorative iron supports; also avoid adding "Colonial" decorative elements, such as broken pediments, columns, and pilasters, or replacing porch piers with a continuous foundation.

STAFF RECOMMENDATION:

Staff is requesting the HDRB to review the application material submitted by the applicant. Staff is recommending approval of this application and is prepared to assist the Board in the development of any motion regarding this application, 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



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820

planner@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 <u>N/A</u> | ☒ Proposed materials/spec sheets, samples |
| ☒ Proposed site plan or survey (if applicable) <u>N/A</u> | ☒ 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: 535 Randolph Maintenance

Property Address: 535 Randolph

Brief Description of Project: Maintain Quality by replacing rotting wood

Zoning District: _____ Current Use: _____ Proposed Use: _____

OWNER INFORMATION

Name and Company: Maxwell / Kupcis

Mailing Address: PO Box 7166 Charlottesville 22901

Phone Number: 434 962 5206 Email: jt@grandclassroom.com

434 390 0211 Carleen@grandclassroom.com 22901

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: [Signature] Date: 12/30/2021

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

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

12/30/2021

To The Town Zoning Committee:

We, the co-owners of 535 Randolph Ave, need to replace our rotting front porch for the safety of us and for our renters.

Please see attached photos of the pest damage, in addition to the wood boards being warped by water.

We are replacing the board with Trex as soon as approved. We do not anticipate that it will look any different from the street, and that it will be a safer, more durable product than was available in historic times.

A handwritten signature in black ink, appearing to read 'Robin Maxwell', with a long, sweeping horizontal line extending to the right.

Robin Maxwell

Owner, on behalf of JT Maxwell, Aleks and Carleen Kupcis

434-962-5206 434-390-0211



COMPOSITE DECKING – TREX TRANSCEND AND TREX ENHANCE

Part 1 General

1.1 Section Includes

- A. Composite Decking (Trex Transcend and Trex Enhance)

1.2 Related Sections

- A. Section 06-1100 – Wood Framing

1.3 References

- A. ASTM D-7032-04: Standard Specification for Establishing Performance Ratings for Wood-Plastic Composite Deck Boards and Guardrail Systems (Guards or Handrails), ASTM International.
- B. ASTM D-7031-04: Standard Guide for Evaluating Mechanical and Physical Properties of Wood-Plastic Composite Products, ASTM International
- C. ASTM E-84-01: Test Method for Surface Burning Characteristics of Building Materials, ASTM International.
- D. ASTM D 570: Water Absorption of Plastics
- E. ASTM D 1761: Mechanical Fasteners in Wood
- F. ASTM D -1413-99: Test method for Wood Preservatives by Laboratory Soil-block Cultures
- G. ASTM C177: Standard Test Method for Steady-State Heat Flux Measurements and Thermal Transmission Properties by Means of the Guarded-Hot-Plate Apparatus

1.4 Design/Performance Requirements

- A. Structural Performance:
 - a. Deck: Uniform Load – 100lb/sq.ft.
 - b. Tread of Stairs: Concentrated Load: 750 lb/sq.ft., and 1/8” max. deflection with a concentrated load of 300 lbf on area of 4 sq. in.
- B. Fire-Test Response Characteristics per ASTM E-84.

1.5 Submittals

- A. Product Data Indicate sizes, profiles, surface style, and performance characteristics
- B. Samples: For each product specified, one sample representing actual product color, size, and finish.

1.6 Delivery, Storage, and Handling

- A. Store Trex products on a flat and level surface. Adjust support blocks accordingly
- B. Support Trex bundles on supplied dunnage
- C. When stacking Trex bundles, supports should start approximately 8" from each end and be spaced approximately 2ft on center. Supports should line up vertically/perpendicular to the decking product.
- D. Do not stack Trex Select decking more than 14 bundles.
- E. Keep material covered using the provided bundle cover until time of installation.
- F. See [www. Trex.com](http://www.Trex.com) for detailed storage recommendations;
 - a. <http://s7d4.scene7.com/is/content/Trex/Installation%20Guide%202013pdf>

1.7 Warranty

- A. Provide manufactures warranty against rot, decay, splitting, checking, splintering, fungal damage, and termite damage for a period of 25 years for a residential installation and 10 years for a commercial installation. In addition provide the Trex Transcend and Trex Enhance Fade and Stain Warranty against food staining and fading beyond 5 Delta E (CIE units) for a period of 25 years for a residential installation and 10 years for a commercial installation. Specific terms for warranties can be found at; www.Trex.com

Part 2 Products

2.1 Manufacturers

- A. Contract Documents are based on products supplied by; Trex Company, Inc., 160 Exeter Dr., Winchester, VA 22603.
- B. Substitutions: Not permitted under Division 01

2.2 Applications/Scope

- A. Wood-Plastic Composite Lumber;
 - a. Material Description: Composite Decking consisting of recycled Linear Low Density Polyethylene (LLDPE) and recycled wood. The product is extruded into shapes and sizes as follows:
 - i. Trex Transcend and Trex Enhance Decking Boards; 1 x 5.5".
 - ii. Lengths – 12, 16, and 20 feet
 - iii. Color – To be specified by owner from Trex' standard list of colors.

b. Physical and Mechanical Properties as follows:

Test	Test Method	Value	
Flame spread	ASTM E 84	60(Transcend) / 85(Enhance)	
Thermal Expansion	ASTM D 1037	1.9 x 10 ⁻⁵ inch/inch/degreeF	
Moisture Absorption	ASTM D 1037	< 1%	
Screw Withdrawal	ASTM D1761	558 lbs/in	
Fungus Resistance	ASTM D1413	Rating - no decay	
Termite Resistance	AWPAE1-72	Rating = 9.6	
		Ultimate (Typical)Values *	Design Values
Compression Parallel	ASTM D198	1588 psi	540 psi
Compression Perpendicular	ASTM D143	1437 psi	540 psi
Bending Strength	ASTM D198	3280 psi	500 psi
Shear Strength	ASTM D143	1761 psi	360 psi
Modulus of Elasticity	ASTM D4761	412,000psi	200,000 psi
Modulus of Rupture	ASTM D4761	3280 psi	500 psi

* Ultimate strength values are not meant for design analysis. Design values are for temperatures up to 130F (54C)

2.2 Accessories

A. Fasteners:

a. Trex Universal Hideaway Hidden Fasteners

b. Screws; See -

<http://s7d4.scene7.com/is/content/Trex/Installation%20Guide%202013pdf>
for the updated recommendations on fasteners.

Part 3 Execution

3.1 Installation

A. Install according to Trex installation guidelines.

<http://s7d4.scene7.com/is/content/Trex/Installation%20Guide%202013pdf>

B. Cut, drill, and rout using carbide tipped blades

C. Do not use composite wood material for structural applications

3.2 Cleaning

A. Following cleaning recommendations as found in Trex installation guide at;

<http://s7d4.scene7.com/is/content/Trex/Installation%20Guide%202013pdf>

Northampton County, Virginia

Tax Map #: 83A3-1-535BBO
Owner: THIRD MESA LLC

Details

Billing Address: PO BOX 6551
City: CHARLOTTESVILLE
State: VA
Zip: 22906
Total Acres: .00
Land Value: \$0
Improvement Value: \$293,000
Total Value: \$293,000
Deed Book: 0
Deed Page: 0
Will Book: 0
Will Page: 0
Plat: 37-40 THRU 42
Instrument Number: LR10 2200
Parcel_Description: CONCORSE BLDG" CONDOS" 83A3-1-459

Northampton County, Virginia

Tax Map #: 83A3-1-535ABO
Owner: KUPCIS, ALEKSANDER E &
CARLEEN C

Details

Billing Address: 2050 CATLIN RD
City: CHARLOTTESVILLE
State: VA
Zip: 22901
Total Acres: .00
Land Value: \$0
Improvement Value: \$317,200
Total Value: \$317,200
Deed Book: 0
Deed Page: 0
Will Book: 0
Will Page: 0
Plat: 37-40 THRU 42
Instrument Number: LR10 76
Parcel_Description: 'CONCOURSE BLDG CONDO" 83A3-1-459



HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #: 6B (4) – 227 Mason Avenue

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

Date: March 8, 2022

APPLICANT: Alana Smith

SITE ADDRESS: 227 Mason Avenue

TAX MAP: 83A3-1-627B

LOT SIZE:

TYPE OF APPLICATION: Certificate of Appropriateness

WORK TO BE PERFORMED: Install a 14' x 4' awning

CURRENT ZONING: Commercial-1 (C-1)

HISTORIC REGISTER: Contributing

DESCRIPTION: Commercial Building, Ca. 1920, Commercial Style

DATE APPLICATION RECEIVED: January 21, 2022

PRE-APPLICATION MTG: March 15, 2022

DATE APPLICATION DEEMED COMPLETE: February 4, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): April 5, 2022

The applicant is seeking to install a 14' x 4' fabric awning on the front of the commercial building with the business logo written on it.

MATERIALS:

Fabric awning

STAFF ANALYSIS

ZONING COMPLIANCE

The property is a legal, conforming use and the awning, is allowable. She has indicated the placement of the awning on the hand drawing below, and it is in conformance 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.

HISTORIC DISTRICT GUIDELINES

AWNINGS: DECORATIVE FEATURES – (1) Choose awning types that are appropriate for the Cape Charles historic district. Inc. Sloped fabric awnings, whether fixed or retractable, are the traditional awning type and are appropriate for most historic buildings, both residential and commercial.

(2) Place awnings 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 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 requesting the HDRB to review the application material submitted by the applicant. Staff is recommending approval of this application and is prepared to assist the Board in the development of any motion regarding this application, 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



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: 227 Mason, LLC
Property Address: 227 MASON AVE CC
Brief Description of Project: ALONGING & SIGN
Zoning District: _____ Current Use: Popcorn Shop Proposed Use: _____

OWNER INFORMATION

Name and Company: ALAN SMITH 227 MASON AVE
Mailing Address: PO Box 208 CC 23310
Phone Number: 757-672-0752 Email: alan.smith7812@gmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: ALAN SMITH
Mailing Address: 102 MONROE AVE PO Box 208, CC
Phone Number: 757-672-0752 Email: alan.smith7812@gmail.com

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: [Signature] Date: _____

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

227 Mason

- 1) Awning - fabric like T&T and love letter
- 2) Sign - written on Awning like the Coffee House



A photograph of the exterior of the Cape Charles Coffee House Restaurant. A large green awning covers the entrance area. Above the awning is a row of windows with green shutters. To the left, a bare tree branch extends over the awning. Below the awning, there is a glass-paned entrance. To the left of the entrance is a red brick wall. In front of the entrance, there are several outdoor tables and chairs. A chalkboard menu is visible through the glass on the right side of the entrance.

Cape Charles Coffee House Restaurant

241 Mason Ave

14 ft across
4 ft deep





HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #: 6B (5) – 601 & 603 Peach Street

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

Date: March 8, 2022

APPLICANT: Bo Yang

SITE ADDRESS: 601 & 603 Peach Street

TAX MAP: 83A1-7-A

LOT SIZE: 35' x 80'

TYPE OF APPLICATION: After the Fact
Certificate of Appropriateness

WORK PERFORMED: Installation of a fence
and outdoor shower

CURRENT ZONING: Residential-1 (R-1)

HISTORIC REGISTER: Not listed

DESCRIPTION:

DATE APPLICATION RECEIVED: January 31, 2022

PRE-APPLICATION MTG: March 15, 2022

DATE APPLICATION DEEMED COMPLETE: February 22, 2022

LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application): May 17, 2022

Through a complaint received into the office regarding a fence and outdoor showers built without Town approval(s), my office investigated and found the complaint to be valid. We contacted the property owner, Bo Yang, and informed him that he will need to file an After-the-Fact (ATF) Certificate of Appropriateness application for the fence and showers.

The applicant installed a pressure treated wooden picket fence as follows: (i) 3-1/2' tall pickets were used for the Jefferson Avenue side and rear, (ii) 6' tall panels were used for the split between 603 and 605 Peach Street; and (iii) 601 and 603 Peach Street has a 6' fence that gradually lowers to 3-1/2' in line with the rear height. Also, the applicant has installed 2 outdoor showers – one for each unit of the duplex – each shower stall is enclosed with pressure treated wood with corrugated, galvanized steel 31-gauge roof panel material as paneling.

MATERIALS:

Already constructed – see photos for exact look and materials which are listed above in the description.

STAFF ANALYSIS

ZONING COMPLIANCE

Since the lot has a duplex structure and the property owner is seeking to create a division in the back yard for the duplex units, a fence would be an appropriate selection to help create that separation of

defined space for each unit. The height of the fence does not exceed the maximum height allowance and is in keeping 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.

HISTORIC DISTRICT GUIDELINES

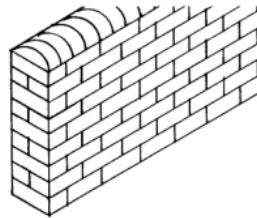
GUIDELINES FOR REHABILITATION AND NEW CONSTRUCTION

28

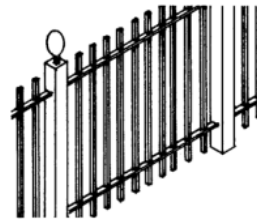
SITE FEATURES

Fences and Walls

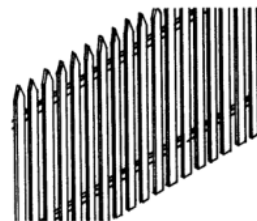
- 1 Retain traditional fences, walls, and hedges. When a portion of a fence needs replacing, salvage original parts for a prominent location. Match old fencing in material, height, and detail. If this is not possible, use a simplified design of similar materials and height.
- 2 For new fences and walls, choose a design that relates to designs and materials from nearby historic examples. Painted wooden pickets are a common fence type used in Cape Charles although many fences use a combination of traditional materials. Do not use chain-link fencing, split-rail fences, and concrete block walls where they would be facing the street. Avoid street-front fences or walls and in any case keep them below 48 inches in height.



Round-topped brick wall



Wrought-iron fence



Wooden picket fence

Landscaping

- 3 Retain existing trees and plants that help define the character of the district. Replace diseased or dead plants and trees with the appropriate species. (See Cape Charles Tree Ordinance.)
- 4 Install new landscaping that is compatible with the existing neighborhood and indigenous to the area. (See Article IV of the Town Zoning Ordinance.)

Driveways and Sidewalks

- 5 Retain existing historic paving materials such as brick. Replace damaged areas with materials that match the original paving.
- 6 Install traditional paving materials that are compatible with the character of the surrounding historic area. Brick in traditional patterns is appropriate.
- 7 If modern concrete is to be used, consider scored or exposed aggregate designs. Give strong consideration for pervious surface cover materials.

STAFF RECOMMENDATION:

Staff is requesting the HDRB to review the application material submitted by the applicant. There may be elements of the design and aesthetics of this AFT Certificate of Appropriateness that is not consistent or in keeping with other properties, especially the full picket fence that divides the back yard and the use of two different heights in the back yard space for the duplex units and the fully enclosed showers with the use of galvanized roof panels as wall panels.

There is no guidance in the Historic District Review Board guidelines regarding outdoor showers but the unconventional use of roofing material as part of the shower enclosure is not in keeping with the Historic District. There is not specific guidance regarding the installation of fence as part of a duplex but the different heights utilized for the rear yard is not typical in the Historic District.

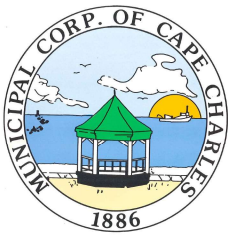
The Board may wish to discuss this further with the applicant to see if changes should be made to the fence or the outdoor shower or if the design and materials are appropriate to the Historic District.

Staff is prepared to assist the Board in the development of any motion regarding this application, 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



CERTIFICATE OF APPROPRIATENESS APPLICATION

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-3259 x24

plannertech@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: 601/603 Peach - Fence and outdoor shower

Property Address: 601/603 Peach St

Brief Description of Project: Approval for installed outdoor shower and fence

Zoning District: R-1 Current Use: Residential Proposed Use: Residential

OWNER INFORMATION

Name and Company: Bo Yang

Mailing Address: 43093 Unison Knoll Cir, Ashburn, VA 20148

Phone Number: 703-989-6313 Email: bo.yang@gmail.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: Bo Yang Date: 1/27/2022

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

January 27, 2022

Bo Yang
43093 Unison Knoll cir
Ashburn, VA 20148

Re: 601/603 Peach Street

Dear Board Members:

The purpose of this letter is to request a Certificate of Appropriateness for an outdoor shower and fence installed at 601/603 Peach St.

Thank you for your consideration of this matter,

Bo Yang

Detailed Explanation of the Project:

The purpose of this renovation is to enhance the property by building an outdoor shower for each unit and fencing for perimeter of property and split for duplex.

Outdoor shower is designed to give privacy for showering.

Fencing to provide some privacy and outdoor space.

Materials:

The outdoor shower will be built with pressure treated wood in order to frame. Paneling will be Corrugated Galvanized Steel 31-Gauge Roof Panel.

The fence will be constructed with pressure treated wood fencing. For the side on Jefferson and rear, 3.5' tall pickets will be used and for split between 603&605 will be 6' panels. Lastly the 601/603 will have a 6' fence gradually lowering to 3.5' in line with the rear height.

Fencing & shower

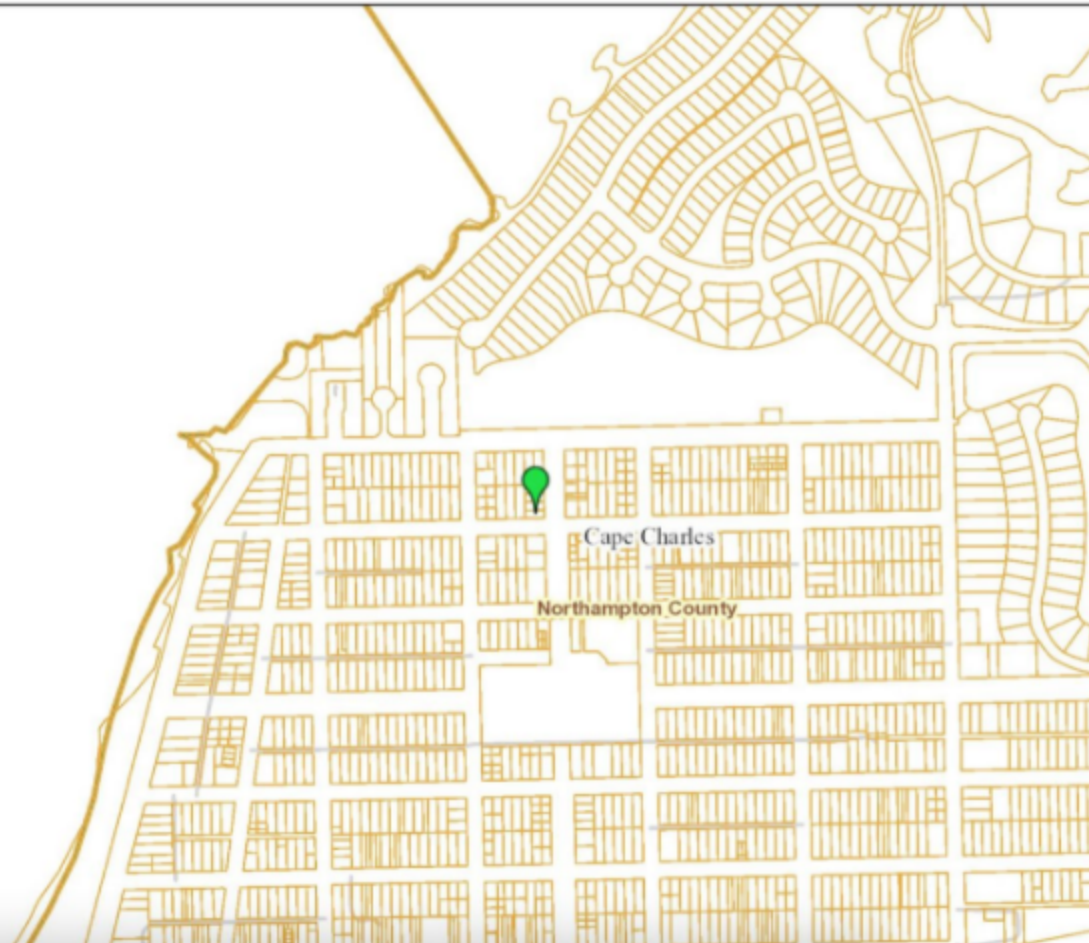




Northampton County, Virginia

Legend

- County Boundaries
- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways





HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: March 15, 2022

Item #7A– Report from Interim Zoning Administrator Katie Nunez

Prepared by: Katie H. Nunez, Interim Zoning Administrator

Date: March 8, 2022

1) MINOR EXEMPTIONS APPROVED BY INTERIM ZONING ADMINISTRATOR:

- a. 309 Tazewell Avenue – Roof Replacement, approved per Section 8.17 (B)
- b. 509 Randolph Avenue – Materials Replacement (wood) in same pattern and style of the Cape Charles Baptist Bell Tower, approved per Section 8.17 (B)
- c. 531 Randolph Avenue – Deck Replacement and small extension of said rear deck, approved per Section 8.17 (H)

2) REPORT AND DISCUSSION ON THE NOTICE OF VIOLATION FOR A DEMOLITION BY NEGLECT AT 424 RANDOLPH AVENUE

On January 27, 2022, a certified Notice of Violation was issued to John Tapscott and Paula Russo of 424 Randolph Avenue with a charge of Demolition by Neglect; said violation was issued jointly between Code Official Jeb Brady and Interim Zoning Administrator Katie Nunez, on behalf of the HDRB.

Since there are components of work that are being required through the authority of the State Building Code by Code Official Jeb Brady to secure and make the structure safe and will be authorized directly by the Code Official through a building permit application and will not require review by the HDRB, we want to go through the issued violation and what components of work on the structure will fall under the Code Official's full domain and what will require review and approval by the HDRB and then fall under the Code Official's authority.

The property owners have been responsive to the violation notice and have been in frequent contact with our office in taking the necessary steps, including the engagement of an engineer, general contractor, architect, and surveyor. They will be in attendance at this meeting as well to participate in this discussion. It is important to note that this property was before the HDRB in February 2018 and received a Certificate of Appropriateness to renovate and rehab this structure but the Certificate expired one year later without any activity or pursuit of the work outlined and approved. I have discussed this with the property owner and stressed to them that the Town will vigorously pursue all necessary remedies as allowed by law to ensure this historic structure does not get demolished as a result of their neglect and it is critical that each deadline be met and work actually commences on the property in compliance with all town approvals regarding this property.

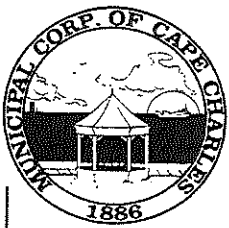
To assist in this discussion and to keep the property owners focused on the deadlines required and the work that needs to occur, I provided a status report dated February 16, 2022 that acknowledged their written scope of work which was supplied to us in response to the

1/27/2022 Notice of Violation and I applied their scope of work to detail which elements would resolve the violations of the Code Official vs. the violations of the Interim Zoning Administrator (copy enclosed). This document will be useful in our discussion to ensure that we cover all of these items, including the services that the property owner has been able to secure at this point and what timeframe is anticipated for the delivery of certain work products (engineering report, building plans, architectural sketches, survey and site plan).

The property owners are continuing to supply information to our office as they obtain it. To that end, I am also attaching a few items relative to materials for the roof and siding which will be needed as part of our discussion and existing photos of the property.

ATTACHMENTS

- A. 1/27/2022 Notice of Violation Full Packet
- B. 2/16/2022 Status Report #1
- C. 424 Randolph Existing Street Views Images
- D. 424 Randolph Materials List – House and Garage
- E. 424 Randolph Roof, Siding, Sheathing Spec Sheets
- F. 424 Randolph Elevations Site Sketch DRAFT
- G. Examples Egress Window, Foundation, Porch to do at 420 Randolph Ave



Municipal Corp. of Cape Charles

NOTICE OF COMPLAINT & VIOLATION and NOTICE TO COMPLY and CORRECTIVE ORDER

Certified & Return Receipt # 91 7199 9991 7037 5109 6505

January 27, 2022

John Tapscott & Paula Russo
3814 Mystic Cove Court
Virginia Beach, VA 23455

**RE: 424 Randolph Avenue (Tax Map #83A3-1-592) – Uninhabitable/Unsafe Structure in
Danger of Collapse**

To John Tapscott & Paula Russo:

The Town of Cape Charles has received complaints regarding your property at 424 Randolph Avenue (Tax Map #83A3-1-591). During our investigation, the Code Official has found your property to be uninhabitable and unsafe pursuant to Cape Charles Town Code (CCTC) Chapter 18, Article 3 (attached) and the 2018 Virginia Maintenance Code (VMC) Section 106.

This determination was reached based upon the listed, observed conditions below which each constitute a violation of the VMC since these structural elements of the house are in danger of collapse and pose a threat to public safety.

1. VMC 301.3 Vacant structures and land

All vacant structures and premises thereof shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety. *The structure has been in a state of disrepair for several years. It is in immediate danger of affecting the health and safety of the public.*

2. VMC 304.1 General

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. *The exterior of the structure is in major disrepair. The exterior of the structure has not been maintained over the years and is jeopardizing the structural stability of the entire building. The property is becoming a major public health and safety issue and must be addressed immediately.*

3. VMC304.4 Structural Members

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads. *The structure has sat open to the weather for*

so long that the structural integrity of the building is compromised. The structure needs to be shored up immediately.

4. VMC 304.6 Exterior Walls

All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained weatherproof and properly surface coated where required to prevent deterioration. ***The exterior walls are in major disrepair and quite a bit of siding is completely missing. New siding needs to be installed in missing areas and the whole structure needs a protective coating to stop the weathering of the interior. Windows are broken and missing throughout and need to be replaced to not allow the weather of the interior of the structure any longer.***

5. VMC 304.7 Roofs and drainage

The roof and clashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. ***The roof is in total disrepair and needs to be replaced to no longer allow the weathering of the inside of the structure.***

6. VMC 304.10 Stairways, decks, porches and balconies

Every exterior stairway, deck, porch, and balcony shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. ***The porch flooring is rotten and is not passable. It needs to be rebuilt to make sound.***

This property is subject to the Historic District Overlay Zoning Ordinance which contains the following provision regarding Maintenance and Repair Required (Cape Charles Zoning Ordinance Section 8.22 (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.***

The Planning & Zoning Administer concurs with the findings of the Code Official and also has determined that the current status and condition of the structure at 424 Randolph Avenue is in violation of CCZO Section 8.22 (B) and you have failed to maintain the structure adequately

but are allowing the structure to fall into disrepair or more specifically, incremental Demolition by Neglect. Said determination is made on behalf of the Historic District Review Board.

Upon receipt of this letter, you shall have a total of ninety (90) days to remedy this violation of the Virginia Maintenance Code, Town Code and Town Zoning Ordinance. More specifically, you need to do the following:

1. Provide a plan of action to address and correct all of the items contained in this letter, including a time frame to complete each component; said plan must be submitted to the Town within **thirty days of receipt of this letter**. The complete time frame to complete the repairs needed is not to exceed 90 days from the receipt of this letter.

You will be required to apply for and obtain all required building permits for the work needed to secure and make this structure safe and habitable, including any required zoning clearance approvals.

If you feel the structure should be demolished, you have the right to provide the Town of Cape Charles with a detailed letter from a Virginia State Certified Structural Engineer telling us why the structure cannot be saved. Said request and justification letter/documentation would need to be provided within the timeframe allotted for addressing this violation. The Code Official and The Zoning Administrator will review your request and determine if that is a viable option and if so, then it would still be required to adhere to the requirements contained in Cape Charles Zoning Ordinance Historic District Overlay Section 8.21 - Demolition: Alternate Procedure: Offer to Sell (attached).

2. Meet with the Historic District Review Board to discuss the plan of action in concert with the Code Official and the Planning & Zoning Administrator. Please contact the office immediately to confirm your appearance before the Historic District Review Board at either their February 15 or March 15, 2022 meeting.

Please note that the repairs and improvements noted in this letter are only to stabilize and secure the safety of the structure from further damage or potential of collapse/demolition due to its exposure to the weather conditions and do not give you a waiver from complying with the Historic District Overlay Ordinance and Historic District Guidelines relative to a full renovation or rehabilitation of the structure.

The Town Code, the Virginia Maintenance Code and Town Zoning Ordinance all state that your failure to respond and correct this violation within the specified time of 90 days from receipt of this letter, then the following action and penalties will be imposed:

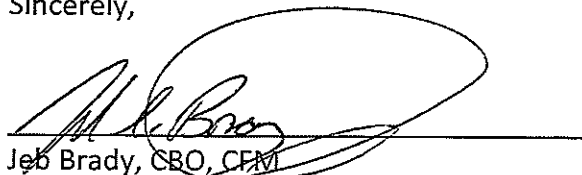
1. Thereafter, each day during which there exists any violation shall constitute a separate offense and will be pursued according to the Cape Charles Zoning Ordinance as well as the Town Code Section 18-25 (attached) & Virginia Maintenance Code Section 106.8
2. The Town will have the right to enter the 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.

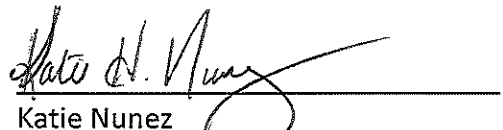
RIGHT OF APPEAL

- For Appeals of Building Code Violations, pursuant to Section 107.5 of the Virginia Maintenance Code, you can file an Application of Appeals of Building Code Violations with the Cape Charles Building Code Board of Appeals; the forms are attached and you must include the filing fee of \$250. You have 14 days from the date of receipt of this Notice of Violation to appeal the Code Official's decision.
- For Appeals of Zoning Code Violations, you will need to file an application with the Cape Charles Board of Zoning Appeals within 30 days of the receipt date of this letter pursuant to Cape Charles Zoning Ordinance Section 2.6.4; the forms are attached to this letter and you must include the filing fee of \$750.

ALL PAYMENTS are to be made out to the Town of Cape Charles.

Sincerely,


Jeb Brady, CBO, CFM
Code Official


Katie Nunez
Planning & Zoning Administrator

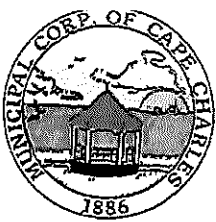
ATTACHMENTS

ATTACHMENT 1: All Referenced Legal/Code Citations

1. Cape Charles Town Code Chapter 18, Article 3
2. 2018 Maintenance Code Sections:
 - Section 106
 - Section 301.3
 - Section 304.1, 304.4, 304.6, 304.7, 304.10
 - Section 107.5
3. Cape Charles Zoning Ordinance
 - a. Section 8.21 & 8.22 (B)
 - b. Section 2.6.4

ATTACHMENT 2: Building Code Board of Appeals Application
ATTACHMENT 3: Board of Zoning Appeals Application
ATTACHMENT 4: Pictures of noted violations

Cc: John Hozey, Town Manager
Cape Charles Town Council
Cape Charles Historic District Review Board



Municipal Corp. of Cape Charles

ARTICLE III. - UNSAFE BUILDINGS OR STRUCTURES

Sec. 18-20. - Applicability of article.

This article shall apply to all buildings and structures which are determined to be unsafe under the terms of this article or under the terms of the code, regardless of when such structures were erected. In such cases, the code official appointed pursuant to this chapter, in his sole discretion, may choose to enforce the provisions of this article or the applicable provisions of the code, as may be appropriate. However, regardless of which enforcement provisions are utilized, the notice provisions contained in section 18-21 shall apply. (Ord. of 3-9-99)

Sec. 18-21. - Notice.

- (a) Whenever the code official shall find any building or structure or portion thereof to be unsafe, he shall give the owner, agent or person in control of such building or structure written notice via certified or registered mail, return receipt requested, stating the defects thereof. This notice shall require the owner, within the stated time, either to complete specified repairs or improvements or to demolish or remove the building or immediately declare to the code official his acceptance or rejection of the terms of the order. In the event no such person can be found within the town, such notice shall be sent by registered or certified mail, return receipt requested, to the owner of such real estate, as shown on the town tax records, or in the event the property is not assessed for taxation, to the last known address of the owner, agent or person in control of such building or structure, and a copy of such notice shall be deemed the equivalent of personal notice. If the identity or location of one or more persons having or appearing to have an ownership interest in the building, wall or other structure cannot be determined, then notice may be given through publication of same once a week for two successive weeks in a newspaper having general circulation in the town. No action shall be taken by the town to remove, repair or secure any buildings, wall or other structure for at least 30 days following the latter of the return of the mailing receipt or newspaper publication.
- (b) If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and improved by the code official. The code official shall cause to be posted at each entrance to such building a notice as follows:

"This building is unsafe, and its use or occupancy has been prohibited by the Town Building Code Official."

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, or his agents or other servants, to remove such notice without written permission of the code official or for any person to enter the building, except for the purpose of making the required repairs or demolishing the same. (Ord. of 3-9-99)

Sec. 18-22. - Appeals from decisions of the building code official or zoning administrator.

The owner, agent or person in control cited pursuant to this article shall have the right, except in cases of emergencies, to appeal from the decision of the code official under this article as provided hereinafter, and to appear before the building code board of appeals at a specified time and place to show cause why he or she could not comply with such notice. Such appeal shall be made within 30 days of such notice by notification to the code official in writing. (Ord. of 3-9-99)

Sec. 18-23. - Action by town upon failure of owner, etc. to comply with notice.

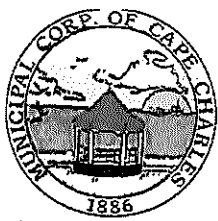
In the case owner, agent or person in control of a building or structure cited pursuant to this article cannot be found within the stated time limit, or if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish and remove such building or structure or portion thereof, the code official after having ascertained the cost, shall cause such building or structure, or portion thereof, to be demolished, secured or required to remain vacant. (Ord. of 3-9-99)

Sec. 18-24. - Emergency procedures by code official.

The decision of the code official shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, he may at once enter such structure or the land on which it stands, or abutting land or structure, with such assistance and at such cost as he may deem advisable. He may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way. (Ord. of 3-9-99)

Sec. 18-25. - Owner to bear costs of enforcement; lien.

Any costs or expenses in connection with the enforcement of this article shall be the responsibility of the owner of such real estate, and any portion thereof which shall be billed to such owner and which remains unpaid after having been billed for 30 days shall constitute a lien against such real estate on parity with the lien for unpaid real estate taxes, and shall be collected by the town in the same manner as real estate taxes are collected. A bill mailed to the last mailing address of the owner shall constitute billing for the purpose of this action. (Ord. No. 3-9-99)



Municipal Corp. of Cape Charles

VIRGINIA MAINTENANCE CODES (2018)

SECTION 106

UNSAFE STRUCTURES OR STRUCTURES UNFIT FOR HUMAN OCCUPANCY

106.1 General. This section shall apply to existing structures which are classified as unsafe or unfit for human occupancy. All conditions causing such structures to be classified as unsafe or unfit for human occupancy shall be remedied or as an alternative to correcting such conditions, the structure may be vacated and secured against public entry or razed and removed. Vacant and secured structures shall still be subject to other applicable requirements of this code.

Notwithstanding the above, when the code official determines that an unsafe structure or a structure unfit for human occupancy constitutes such a hazard that it should be razed or removed, then the code official shall be permitted to order the demolition of such structures in accordance with applicable requirements of this code.

Note: Structures which become unsafe during construction are regulated under the VCC.

106.2 Inspection of unsafe or unfit structures. The code official shall inspect any structure reported or discovered as unsafe or unfit for human habitation and shall prepare a report to be filed in the records of the local enforcing agency and a copy issued to the owner. The report shall include the use of the structure and a description of the nature and extent of any conditions found.

106.3 Notice of unsafe structure or structure unfit for human occupancy. When a structure is determined to be unsafe or unfit for human occupancy by the code official, a written notice of unsafe structure or structure unfit for human occupancy shall be issued by personal service to the owner, the owner's agent or the person in control of such structure. The notice shall specify the corrections necessary to comply with this code, or if the structure is required to be demolished, the notice shall specify the time period within which the demolition must occur. Requirements in Section 105.2 for notices of violation are also applicable to notices issued under this section to the extent that any such requirements are not in conflict with the requirements of this section.

Note: Whenever possible, the notice should also be given to any tenants of the affected structure.

106.3.1 Vacating unsafe structure. If the code official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the code official shall be authorized to order the occupants to immediately vacate the unsafe structure. When an unsafe structure is ordered to be vacated, the code official shall post a notice with the following wording at each entrance: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY (OR USE) IS PROHIBITED BY THE CODE OFFICIAL." After posting, occupancy or use of the unsafe structure shall be prohibited except when authorized to enter to conduct inspections, make required repairs or as necessary to demolish the structure.

106.4 Posting of notice. If the notice is unable to be issued by personal service as required by Section 106.3, then the notice shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

106.5 Posting of placard. In the case of a structure unfit for human habitation, at the time the notice is issued, a placard with the following wording shall be posted at the entrance to the structure: "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." In the case of an unsafe structure, if the notice is not complied with, a placard with the above wording shall be posted at the entrance to the structure. After a structure is placarded, entering the structure shall be prohibited except as authorized by the code official to make inspections, to perform required repairs or to demolish the structure. In addition, the placard shall not be removed until the structure is determined by the code official to be safe to occupy, nor shall the placard be defaced.

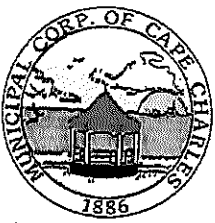
106.6 Revocation of certificate of occupancy. If a notice of unsafe structure or structure unfit for human habitation is not complied with within the time period stipulated on the notice, the code official shall be permitted to request the local building department to revoke the certificate of occupancy issued under the VCC.

106.7 Vacant and open structures. When an unsafe structure or a structure unfit for human habitation is open for public entry at the time a placard is issued under Section 106.5, the code official shall be permitted to authorize the necessary work to make such structure secure against public entry whether or not legal action to compel compliance has been instituted.

106.8 Emergency repairs and demolition. To the extent permitted by the locality, the code official may authorize emergency repairs to unsafe structures or structures unfit for human habitation when it is determined that there is an imminent danger of any portion of the unsafe structure or structure unfit for human habitation collapsing or falling and when life is endangered. Emergency repairs may also be authorized where there is a code violation resulting in the immediate serious and imminent threat to the life and safety of the occupants. The code official shall be permitted to authorize the necessary work to make the structure temporarily safe whether or not legal action to compel compliance has been instituted. In addition, whenever an owner of an unsafe structure or structure unfit for human habitation fails to comply with a notice to demolish issued under Section 106.3 in the time period stipulated, the code official shall be permitted to cause the structure to be demolished. In accordance with §§ 15.2-906 and 15.2-1115 of the Code of Virginia, the legal counsel of the locality may be requested to institute appropriate action against the property owner to recover the costs associated with any such emergency repairs or demolition and every such charge that remains unpaid shall constitute a lien against the property on which the emergency repairs or demolition were made and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

Note: Code officials and local governing bodies should be aware that other statutes and court decisions may impact on matters relating to demolition, in particular whether newspaper publication is required if the owner cannot be located and whether the demolition order must be delayed until the owner has been given the opportunity for a hearing. In addition, historic building demolition may be prevented by authority granted to local historic review boards in accordance with § 15.2-2306 of the Code of Virginia unless determined necessary by the code official.

106.9 Closing of streets. When necessary for public safety, the code official shall be permitted to order the temporary closing of sidewalks, streets, public ways or premises adjacent to unsafe or unfit structures and prohibit the use of such spaces.



Municipal Corp. of Cape Charles

VIRGINIA MAINTENANCE CODES (2018)

CHAPTER 3 GENERAL REQUIREMENTS

301.3 Vacant structures. Vacant structures shall be maintained in a clean, safe, secure, and sanitary condition as provided for in this code.

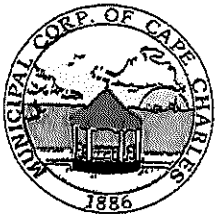
304.1 General. The exterior of a structure shall be maintained in good repair and structurally sound.

304.4 Structural members. Structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and appurtenances attached thereto, shall be maintained structurally safe and sound, in good repair, with the proper anchorage and capable of supporting the imposed loads.



Municipal Corp. of Cape Charles

VIRGINIA MAINTENANCE CODES (2018)

SECTION 107.5

APPEALS

107.5 Right of appeal; filing of appeal application. Any person aggrieved by the local enforcing agency's application of this code or the refusal to grant a modification to the provisions of this code may appeal to the LBBCA. The applicant shall submit a written request for appeal to the LBBCA within 14 calendar days of the receipt of the decision being appealed. The application shall contain the name and address of the owner of the building or structure and, in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record. The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a code official's decision. Note: Structures which become unsafe during construction are regulated under the VCC.



Municipal Corp. of Cape Charles

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.

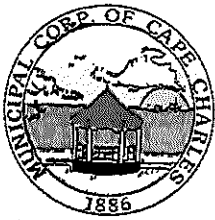
4. The time schedule for offers to sell shall be as follows:

- a. Three (3) consecutive months when the offering price is less than twentyfive 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.

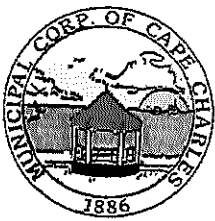
7. The fact that an offer to sell a Property is made at a price reasonably related to fair market value as described previously may be questioned by any party who files with the Zoning Administrator, on or before sixty (60) days after the offer for sale has begun, a petition in writing signed by at least 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



Municipal Corp. of Cape Charles

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.



Municipal Corp. of Cape Charles

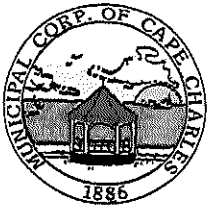
Applicable Zoning Ordinances – Appeals and Procedure of Appeals

CCZO Section 2.6.4 – Appeals and Procedures of Appeals

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator or Administrative Officer in the administration or enforcement of this ordinance. The decision may be appealed within thirty days thereof by filing a notice of appeal specifying the grounds of the appeal. Said appeal shall be filed with Zoning Administrator and with the Board of Zoning Appeals. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board shall fix a reasonable time for the hearing of an application for appeal, give the public notice thereof as well as due notice to the parties in interest, and decide the same within sixty days of the filing of the application for appeal. In exercising its powers, the board may reverse or affirm wholly or in part or may modify an order, requirement, decision, or determination of an administrative officer or decide in favor of the applicant on any matter which it is required to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Zoning Administrator and shall be public record. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

In accordance with Section 15.2-2313 where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected, or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the Board of Zoning Appeals.



CAPE CHARLES BOARD OF BUILDING CODE APPEALS APPLICATION

Town of Cape Charles Building Department
Municipal Building
2 Plum Street
Cape Charles, VA 23310
(757) 331-2176 Fax: (757) 331-4820
codeofficial@capecharles.org

Appeal Fee: Non-refundable \$250.00
Fee must be paid at the time of application for appeal

Date: _____ Permit#: _____

Relationship of applicant to this permit (IE: owner, contractor, etc.): _____

Applicant's Name: _____ Phone #: _____

Applicant's Mailing Address: _____

Applicant's Email: _____

Briefly describe below why you are appealing to the CCBBCA. If necessary, you may attach additional information to this form:

In accordance with the Virginia Uniform Statewide Building Code, I am requesting a determination be made by the Cape Charles Board of Building Code Appeals. The basis for the appeal is that:

The appeal involves code section(s) _____ of the

- ☐ Uniform Statewide Building Code ☐ Int. Building Code ☐ IRC Building Code
☐ Int. Plumbing Code ☐ Int. Mechanical Code ☐ National Electrical Code
☐ Other _____ Code Year _____

Applicant's Signature: _____ Date: _____

Date Received by the Code Official: _____

Code Official's Signature: _____

Official Use

☐ Grant ☐ Deny ☐ Table ☐ Withdraw

Chairman: _____ Date: _____

Notice sent to applicant by certified mail: Date: _____ Sent by: _____



Municipal Corp. of Cape Charles

BOARD OF ZONING APPEALS APPLICATION FOR APPEAL OF ADMINISTRATIVE ZONING DECISIONS

Appeal fee: Non-refundable \$750.00
Fee must be paid at the time of application for appeal

Date: _____

Applicant's Name: _____

Applicant's Mailing Address: _____

Applicant's phone #: _____ Email: _____

Subject Property's Address: _____

Date of Zoning Administrator's Decision: _____

Briefly describe the decision that you are appealing. Provide a copy of the letter sent to you by the Zoning Administrator. If necessary, you may attach additional information to this form.

In accordance with the Code of Virginia, Section 15.2-2309 (1) and Cape Charles Zoning Ordinance Section 2.6.2 (1), I am appealing the decision of the Zoning Administrator. The appeal is based on the following information:

This appeal is based on Section(s) _____ of the Cape Charles Zoning Ordinance.

Applicant's Signature: _____ Date: _____

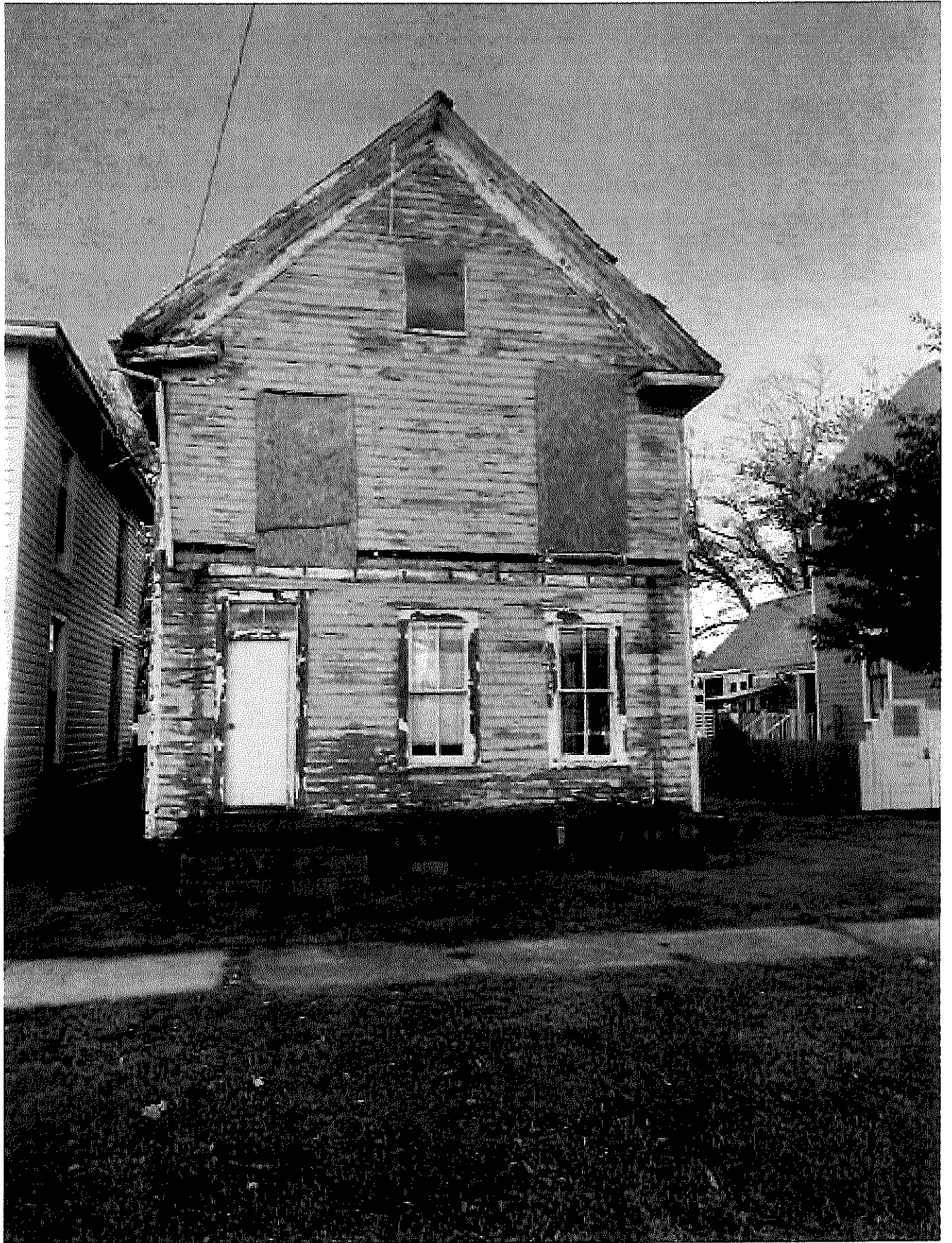
Planning Administrator's Signature: _____ Date Received: _____

Official Use

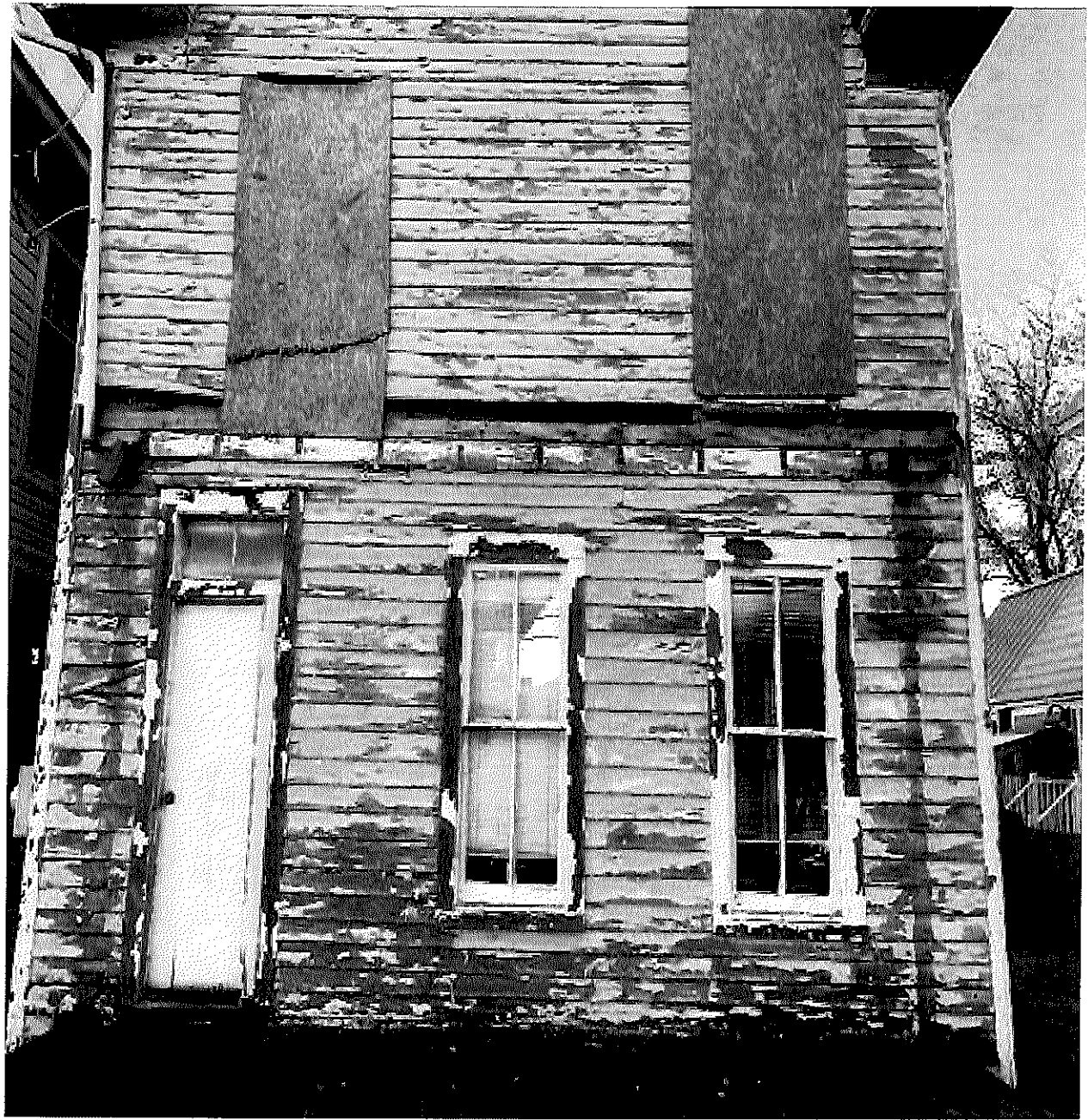
☐ Grant ☐ Deny ☐ Table ☐ Withdraw

Chairman: _____ Date: _____

Notice sent to applicant by certified mail Date: _____ Sent by: _____

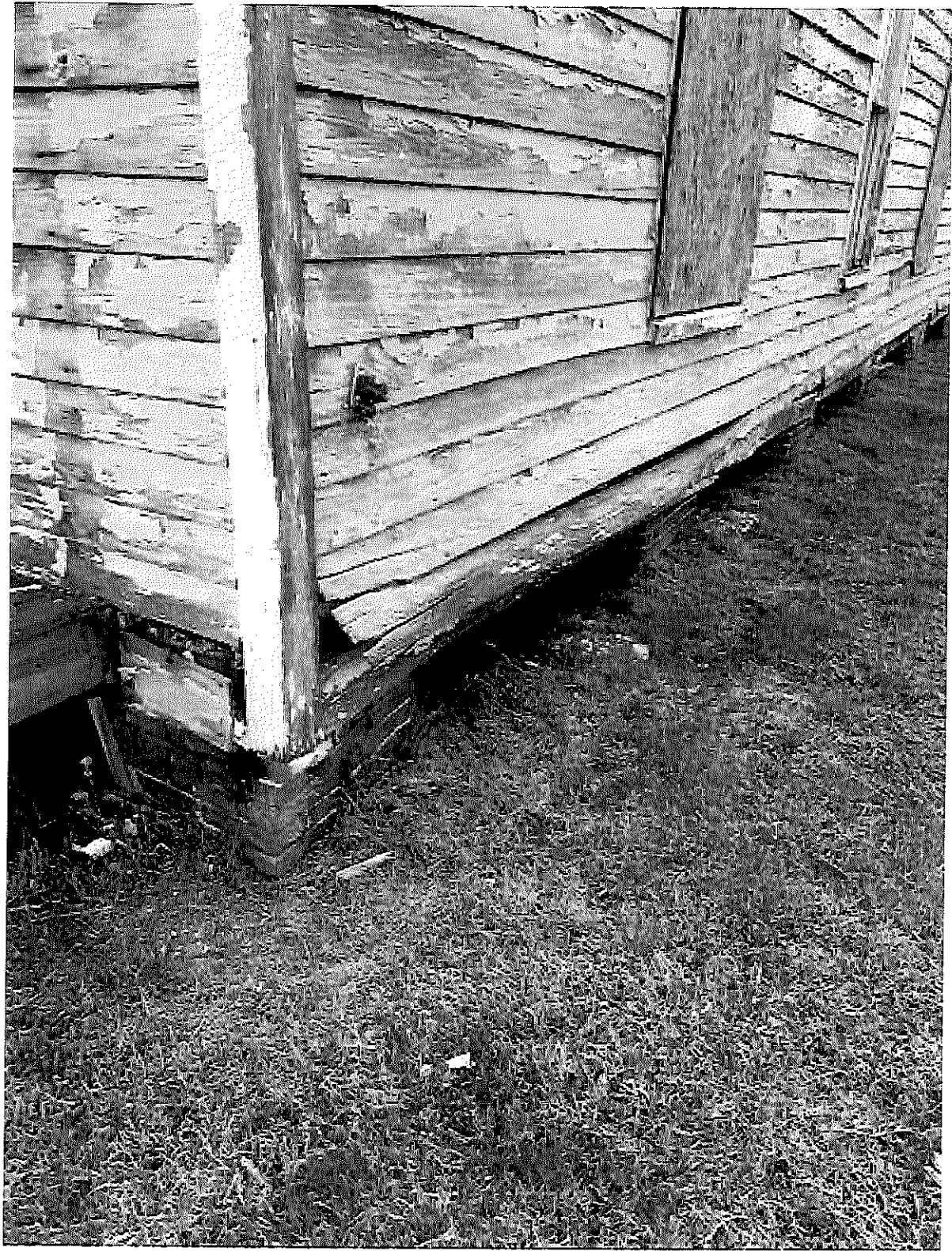




















Municipal Corp. of Cape Charles

John Tapscott & Paula Russo
3814 Mystic Cove Court
Virginia Beach, VA 23455

February 16, 2022

**RE: 424 Randolph Avenue (Tax Map #83A3-1-592) – Uninhabitable/Unsafe Structure in
Danger of Collapse: STATUS REPORT #1**

Dear John & Paula:

Thank you for responding to the violation letter and appreciate your documentation to date outlining the work you intend to perform as e-mailed to me on Monday, February 14, 2022 which I forwarded to Code Official Jeb Brady.

I know that there have been ongoing e-mail conversations with Planning & Zoning Permit Technician Tracy Outten to confirm the upcoming meeting calendars for HDRB and to clarify what work will require further review and approval by the HDRB vs. informing the HDRB regarding the violation and the progress and work to be undertaken just to resolve the Code Official's violations (Items #1 thru 6 listed from the Virginia Maintenance Code in the Violation Letter dated January 27, 2022).

Since this is a challenging enforcement effort requiring review and approvals by the Code Official, Zoning Administrator and Historic District Review Board (HDRB), I am providing this Status Report #1 to help process your initial response to the Violation and the scope of work you provided.

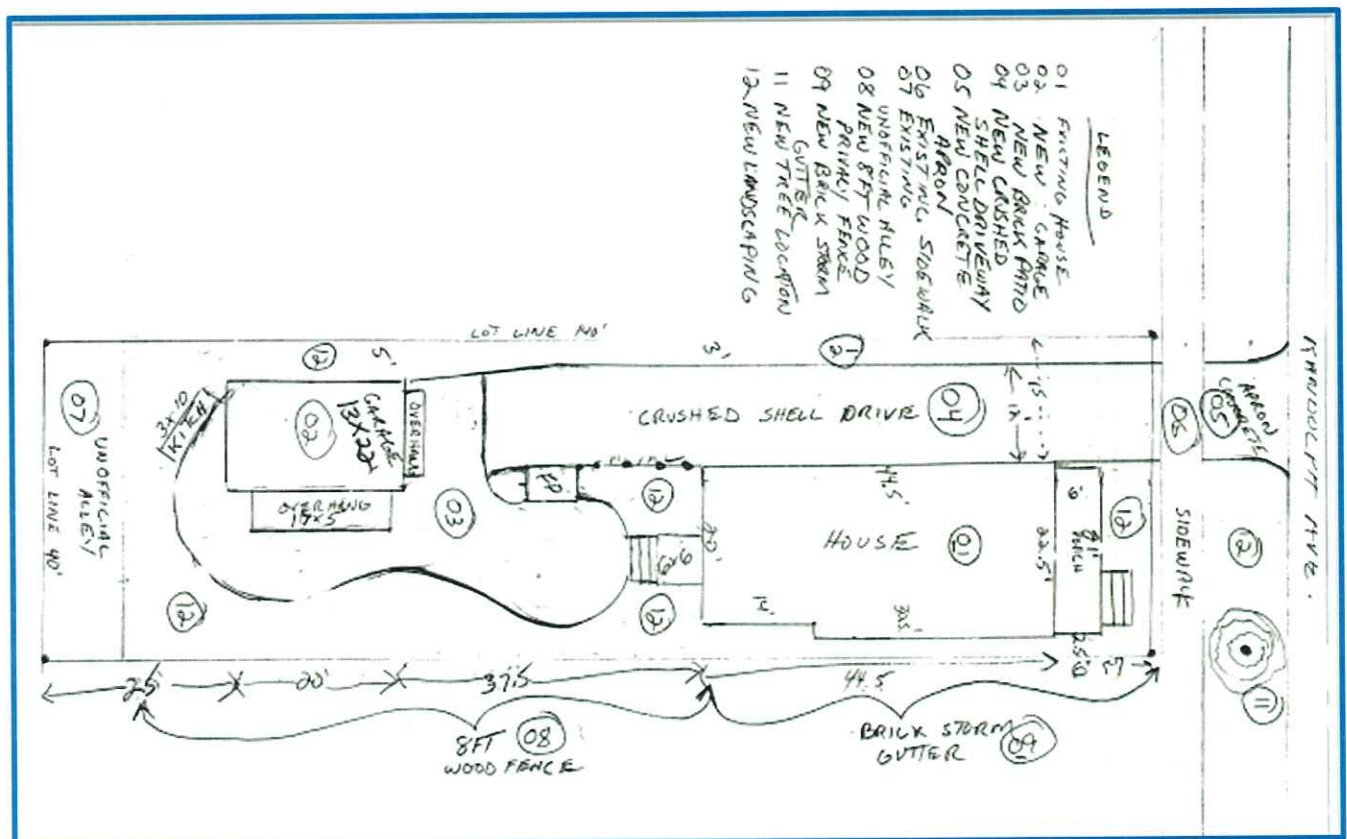
I have re-organized your scope of work to separate out the items that address the safety and security issues outlined by the Code Official in the violation letter which we will review and discuss at the HDRB Meeting on March 15, 2022. As part of that review and discussion, there is still additional information that needs to be provided by you to support the scope of work in order for the Code Official to sign off on the work.

The remaining items of your scope of work are items that will need to be addressed and authorized by the HDRB through a full Certificate of Appropriateness application to the HDRB; as part of that review, there is still additional information that you need to supply for that application to be complete – at this time, Tracy Outten has indicated to you that if we can get all of this additional documentation by March 1, 2022 and have a complete application then we can place you on the April 19, 2022 HDRB Agenda. Otherwise, once a completed application is received, then it will be placed on the next HDRB Agenda from the date of submission of the completed application in keeping with the adopted schedule of meetings and deadlines for submission of completed applications (this schedule is included for your reference).

SCOPE OF WORK BY 424 RANDOLPH ST OWNERS

1. Temporarily Support Foundation with Blocks & Shims to Level House
2. Shore up the Structure
3. Temporarily Support Structure to Replace Girder Beams as per Engineers Plan
4. Repair/Replace Joints and Studs of Structure
5. Add Dormer for Rear Bedroom
6. New Roof
7. Remove Existing Siding. Sheath House with Zip R3
8. Remove Rear Chimney for Egress Window
9. Replace Windows and Doors w/New
10. Add Attic Window for Egress
11. Replace/Repair Trim to Maintain Original Dimensions
12. Side House with New Siding – Hardie Plank
13. Have House Professionally lifted and New Foundation Installed – Reference to Match 420 Randolph
14. Replace Porch as to Original – Reference Picture 420 Randolph
15. New Rear Entry Steps
16. Relocate/Disconnect Utilities, Replace Overhead Electric w/Underground

As part of your documentation, you provided a hand-drawn site plan that noted certain improvements that were not in the scope of work list. I am including a copy of that and will discuss further in the re-organized Scope of Work list that I have below.



RE-ORDERED SCOPE OF WORK BY Katie Nunez (I retained the same numbering for ease of tracking)

A. ITEMS TO IMMEDIATELY ADDRESS THE SAFETY AND SECURITY ISSUES OUTLINED BY CODE OFFICIAL

1. Temporarily Support Foundation with Blocks & Shims to Level House
 2. Shore up the Structure
 3. Temporarily Support Structure to Replace Girder Beams as per Engineers Plan
 4. Repair/Replace Joists and Studs of Structure
 6. New Roof. **PLEASE NOTE:** this item will need to be discussed regarding the material and agreed to by HDRB. If there are any proposed design elements that would alter the roof, those will have to be submitted as part of a full Certificate of Appropriateness application. The inclusion of the roof at this stage is to ensure that the interior of the building is no longer exposed to the elements and to halt any further deterioration of the interior of the building.
 7. Remove Existing Siding. Sheath House with Zip R3
 12. Side House with New Siding – Hardie Plank
- PLEASE NOTE:** Items 7 & 12 – Needs to be discussed with HDRB regarding salvageability of siding vs. total replacement.
14. Replace Porch as to Original – Reference Picture 420 Randolph (Adjacent House): **PLEASE NOTE:** this item will need to be discussed regarding material and dimensional size of porch

Documentation you need to supply to Code Official in order to get a building permit for this component of work which would then address Code Official's elements of the violation

- Engineering Report to detail current conditions of structure and how to safely secure the structure
- Building Plans
- Survey of the Lot and Site Plan of location of house w/porches, decks, stairs to property setbacks. Said survey and site plan needs to also include any other structures you are seeking for the property (fence, garage). Include a marked-up site plan to serve as your landscape plan as well to show existing trees and proposed trees and shrubs. This documentation needs to also be supplied as part of the full Certificate of Appropriateness application for the scope of work that HDRB must review to address the Zoning Violations (Historic District Overlay Zoning Ordinance)
- Materials list, especially for roof material

Please note that I did not include the window items here – the window openings as well as door opening, if currently unsecured or open, can be immediately remedied with plywood and meet the requirements of the Code Official's threshold of a secure building and to protect the interior from access to outside weather until a full HDRB review can occur on a renovation application for this house.

B. ITEMS to be SUBMITTED AS A Certificate of Appropriateness Application to HDRB to Comply with Historic District Overlay Ordinance

5. Add dormer for Rear Bedroom
8. Remove Rear Chimney for Egress Window
9. Replace Windows and Door w/New
10. Add Attic Window for Egress
11. Replace/Repair Trim to Maintain Original Dimensions

12. Side House with New Siding- Hardie Plank – Along with Item #7 (remove existing siding), this may be included to resolve the Code Official's violations. If not, then it will need to be included in this scope of work and application submission.
13. Have House Professionally lifted and New Foundation Installed – Reference to Match 420 Randolph (Adjacent House)
14. Replace Porch as to Original – Reference Picture 420 Randolph (Adjacent House) – This item will either be included as part of the work to address the Code Official's violation or will be included as part of the HDRB application packet.
15. New Rear Entry Steps
16. Relocate/Disconnect Utilities and Replace Overhead Electric w/Underground.

Documentation you need to supply as part of the Certificate of Appropriateness application:

- Building Plans, both for house and proposed new garage – provide dimensions for new structures as well as any additions – include sq. footage of any portion of house proposed for removal, if applicable.
- Elevation Drawings
- Survey of the Lot and Site Plan of location of house w/porches, decks, stairs and provide the property setbacks for each. Said survey and site plan needs to also include any other structures you are seeking for the property (fence, garage, outside kitchen?). Include a marked-up site plan to serve as your landscape plan as well to show existing trees and proposed trees and shrubs. The tree that you would like to add (Item 11 on Sketch Plan) is under control of VDOT and said request to plant a tree would need to be submitted to VDOT, including the type and size of tree for their approval and determination as to location and responsibility for planting and maintaining it.

PLEASE NOTE: Your sketch of the site plan has a note regarding an "Unofficial Alley" - I do not know what this means or conveys in terms of use. Unless there is legal documentation regarding an alley that is in the deeds or easements for 424 Randolph Avenue and the adjacent property at the corner of Randolph Avenue and Plum St, then any mention of an alley can not be part of a submitted survey/site plan. It is important to note that, when the Town approved a Certificate of Appropriateness for the corner lot at Randolph Avenue and Plum Street and identified as 426 & 428 Randolph Avenue, the survey/site plan for that lot did not include any notations or reference to an alley on their property.

Additionally, the fence listed on this sketch drawing indicates an 8 ft. fence – the max height for a backyard fence is 6 ft and max height for side yard and front yard fence is 4 ft. Please refer to Cape Charles Zoning Ordinance Section 4.2(G) regarding fence requirements (height, materials, and locations on lot).

- Materials list for both house and garage: siding, trim, windows, door, dormers, roof, floor materials for porches/decks, railings, posts, stairs, foundation; fence materials, outdoor kitchen?.

Lastly, if you are considering utilizing the accessory structure (garage) as an accessory residential dwelling unit, then you will need to comply with Cape Charles Zoning Ordinance Section 4.2 (J) and apply for a Conditional Use Permit from the Town.

To assist in the review of your application, it is useful to provide historic or older photos as reference material for the HDRB.

C. AS NOTED, THESE ITEMS REQUIRE HDRB INPUT AND APPROVAL REGARDING MATERIALS, DIMENSIONAL INFORMATION, OTHER

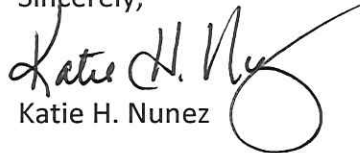
- New Roof
- Remove Existing Siding. Sheath House with Zip R3
- Side House with New Siding – Hardie Plank
- Replace Porch as to Original

I hope you find this Status Report useful in your assemblage of information into the Town offices and will help ensure that all parties are aware what work needs to occur quickly and within the initial 90-day response time established by the Code Official to secure the building from danger of collapse.

The remaining scope of work is just as necessary and time sensitive but there is adequate time to obtain all necessary approvals as required by the Historic District Overlay Zoning Ordinance and the applicable Historic District Guidelines to preserve the historic nature and character of this building and resolve the demolition by neglect zoning violation.

Please do not hesitate to contact either Code Official Jeb Brady at 757-331-2176 or Interim Zoning Administrator Katie Nunez at 757-331-2036 or 757-695-0787 (cell) if you have any questions.

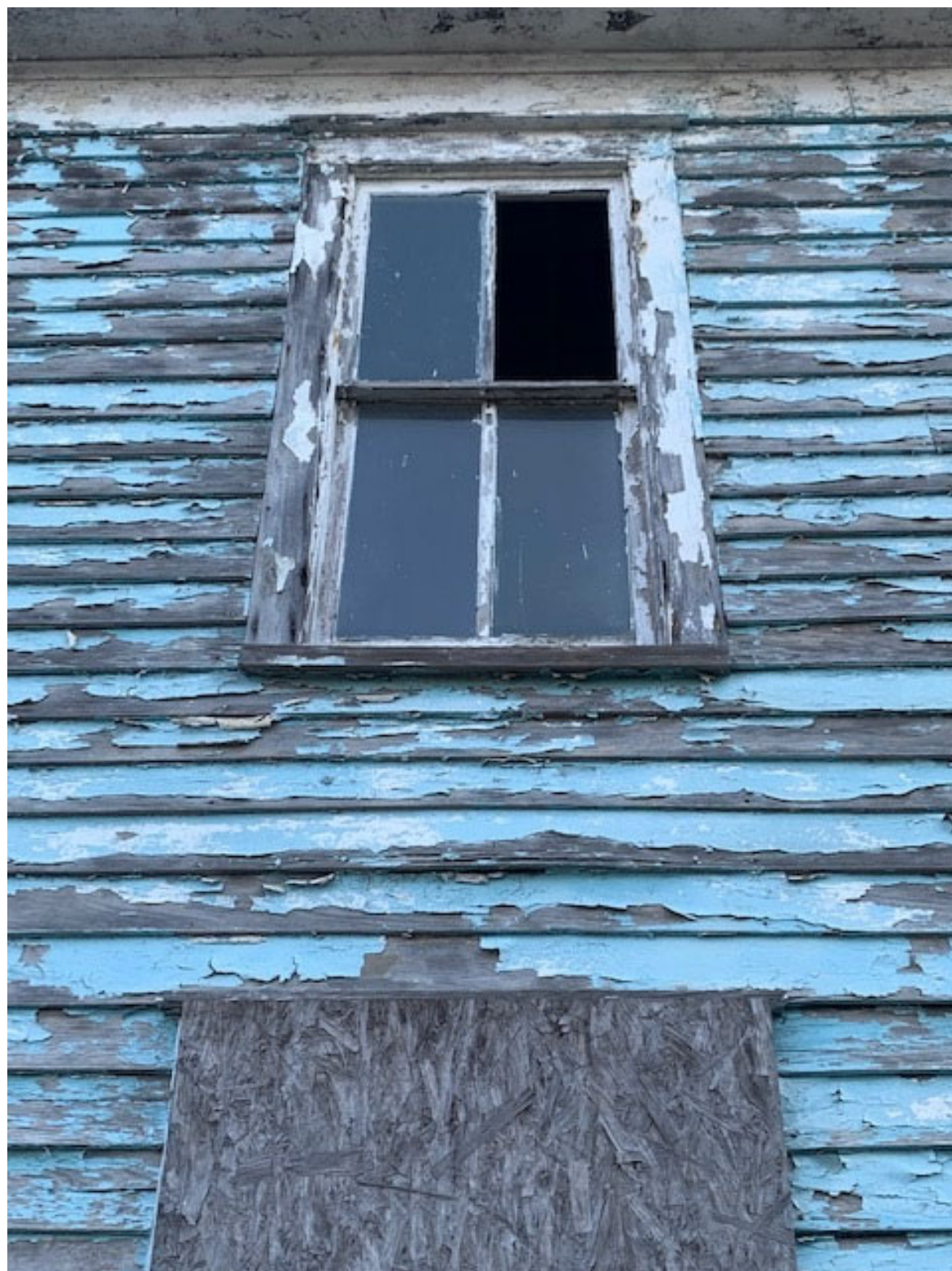
Sincerely,


Katie H. Nunez



















424 Randolph Materials – House and Garage

House Materials

1. HardiPlank Cedar 8" Lap
2. Windows: Windsor LEGEND Cellular PVC
 - 5" x 1 Flat Trim
 - 5/8 Riased Putty Grills with 2/2 Pattern Exterior
 - Shadow Bar and Wood Interior
3. Front Door: Wood Double Tombstone Light
4. Back Door: Wood 2/2 Light
5. Roof: Standing Seam Smooth Panel Galvanized Roof

Garage Materials

1. HardiPlank Cedar, 5" Lap
2. Windsor LEGEND Cellular PVC
3. Trim Cellular PVC
4. Standing Seam Metal Galvanized 16" Panel
5. Side Door – Wood 2/2 Light
6. Garage Door: Swinging Carriage House Doors, Metal Simulated Wood

Fence – 8' Privacy Fence, Wood

Storm Drain between Houses - Brick

424 Randolph Roof Specs

Product Data

Material Type: Standing Seam Metal Panels

Rib Height: 1.75"

Overall Width:

Standard: 18"

Custom Widths Available: 12"-20"

Available Gauges: 24/Standard

22/Custom Ordered

Substrate: AZ50 Minimum (aka Galvalume®/Zincalume®)

Finishes: PVDF Resin Based

Fasteners: Concealed

Panel Length: 1' to 52'

Recommended Minimum Roof Slope: 3/12

Installation:

Installation over a solid substrate with an underlayment between the panel and the substrate.

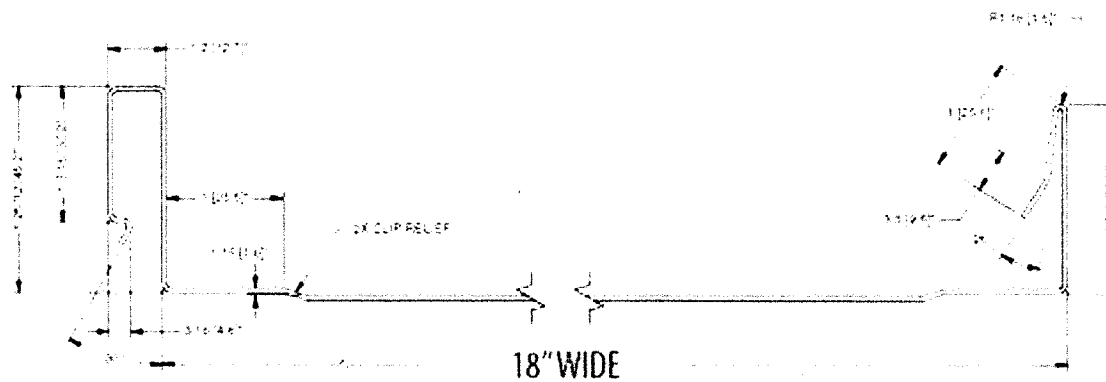
Applications

Residential

Commercial

Agricultural

Interior



Also available are custom panel widths of: 12", 14", 16", 18", 20" and 24"

PRODUCT DOCUMENTS

INSTALLATION GUIDE

PRODUCT DATA SHEETS

UL REPORT

CLASS A FIRE RATING

PRODUCT SPECIFICATIONS

SOLAR REFLECTIVITY INDEX

PAINT WARRANTIES

CAD DETAILS

FIELD CUTTING & TOUCH UP PAINT

CARE & MAINTENANCE

PRIMED FOR PAINT

424 HardiePlank Siding Specs

James Hardie's primed for paint collection gives you the power to choose paint for your home's exterior. It's primed. It's ready for field painting. It's a durable, high-performance canvas.

AVAILABLE SIZES

THICKNESS:	0.312"	
LENGTH:	144" boards	
WIDTHS:	6.25"	8.25"
EXPOSURES:	5"	7"
	9.25"	12"
	8"	10.75"
	5.25"	7.25"
	4"	6"

Warranty Information >

ZIP SYSTEM® SHEATHING

MANUFACTURER

Huber Engineered Woods LLC
10925 David Taylor Drive, Suite 300, Charlotte, NC 28262
800.933.9220 • Technical Service: 800.933.9220 x2716
ZIPSystem.com • Huberwood.com

BASIC USE AND APPLICATIONS

ZIP System® sheathing is an oriented strand board (OSB) with a protective overlay factory bonded to the panel during the manufacturing process. ZIP System® panels are a combination wall and roof panel that eliminates the need for building wrap* for wall applications and felt underlayment in roof applications*. Once the panels are installed the panel seams are taped with Huber's ZIP System™ flashing tape, and the building is rough dried-in. ZIP System™ flashing tape is a pressure sensitive tape that must be rolled with a rubber-faced roller in order to achieve maximum bond to the panel.

When used on a wall, ZIP System® sheathing functions as a combination structural wall sheathing, code-recognized water-resistive barrier*, and air barrier when the panel seams are flashed with ZIP System™ flashing tape or ZIP System™ liquid flash. In the roof application ZIP System® sheathing is a combination structural decking and underlayment*.

ZIP System® sheathing uses a phenolic resin-impregnated overlay to provide excellent weather resistance. ZIP System® relies on the proprietary seam tape, ZIP System™ flashing tape, to create the water resistive barrier and air barrier continuity from one panel to the next to achieve a performance equivalency to Grade D paper in accordance with ICC Acceptance Criteria AC38. Additionally, ZIP System™ flashing tape has been extensively tested for long-term adhesion and flexibility as published in ESR-2227.

ZIP System® sheathing may be used for both roofs and walls in Type V construction or in Type III construction as roof sheathing.

AVAILABLE SIZES

ZIP System® Roof and Wall sheathing panels are available in 4' x 8' sheets with self-spacing edge profiles and tongue and groove edge profile (5/8 only). ZIP System® panels are Exposure 1 rated and are available in the following span ratings and performance categories. All thickness of ZIP System® sheathing are Structural 1 rated. The longer length panels are available for wall applications only.

- 24/16, Structural 1, 7/16 PERF CAT (4' x 8, 9 and 10')
- 32/16, Structural 1, 1/2 PERF CAT
- 40/20, Structural 1, 5/8 PERF CAT

Third party independent testing for ZIP System® sheathing is conducted by PFS TECO.

*ZIP System® sheathing is intended to replace one layer of water resistive barrier or felt underlayment. When two layers are required one additional layer must be installed.



ZIP System® Benefits

Excellent Moisture Resistance	Continuous vapor permeable moisture barrier that blocks out liquid water but still allows walls to dry out
Ease of Installation	No more delays because of felt or building wraps blowing off
Energy Efficient	Code-recognized built in weather and air barrier

LIMITATIONS

- ZIP System® sheathing can be exposed for up to 180-days.
- ZIP System® sheathing should not be used with adhesively attached EIFS but can be used with mechanically fastened EIFS.
- When using ZIP System® sheathing on roof pitches 4:12 or greater no additional underlayment is required. For roof pitches 2:12-4:12 the building code requires two layers of underlayment; ZIP System® sheathing is code recognize to replace the first layer in the two-layer system. One additional layer of underlayment is required.
- When using ZIP System® sheathing with adhered stone or hard coat stucco, ZIP System® sheathing is code recognized to replace the first layer in the two-layer system. One additional layer of water resistive barrier is required.

SUSTAINABLE DESIGN CONTRIBUTIONS

- Low-Emitting Material: No added urea formaldehyde
- Sustainable Forestry Initiative Certified Wood: Harvested, transported, manufactured, and distributed utilizing sustainable practices
- Renewable Forest Resources: Composed of primarily young growth bio-based resources
- Regional Materials: Made in one of our regional manufacturing facilities: Broken Bow, OK; Commerce, GA; Crystal Hill, VA; Easton, ME; Spring City, TN; and Shawinigan, QC

POTENTIAL LEED CREDIT CONTRIBUTIONS

- Credit IEQ 4.4 Low-Emitting Materials, Composite Wood and Agrifiber: ZIP System® sheathing contains no added urea formaldehyde
- Credit MR 5.1 or 5.2 Regional Materials: Materials harvested, processed, and manufactured within 500 miles of project site.
- Credit MR 2.2 Environmentally Preferable Products – Local Production (LEED for Homes)
- EA 3 Air Infiltration – Meet air leakage requirements

SUBSTRATE

Before beginning installation, verify wood wall framing is properly spaced and aligned to continuously support panel edges.

PANEL INSTALLATION

Install ZIP System® sheathing in accordance with:

- ZIP System® Sheathing Installation Manual
- ICC-ES ESR-1473
- ICC-ES ESR-1474
- Requirements of authorities having jurisdiction

When used as roof sheathing, install ZIP System® panels with moisture barrier surface facing out, with long edge perpendicular to framing members, and with short edges fully supported. Stagger short edge seams. Long edges are self-spacing; 4-foot panel edges should be spaced manually a minimum 1/8-inch (3 mm) apart.

When used as wall sheathing, install ZIP System® panels positioned with the water-resistive barrier facing out. The panels may be installed with the long side of the panel oriented either horizontally or vertically to the framing members. Walls that are designed to resist lateral shear forces** and sheathed with wood structural panels typically require solid framing or blocking behind all panel edges. Long edges are self-spacing; 4-foot panel edges should be manually spaced a minimum 1/8-in (3 mm) apart.

Fasteners:

Install fasteners approved by applicable building codes or designer of record. Install fasteners 3/8-inch (9.5 mm) from panel edges. Space fasteners no greater than 6-inches (152 mm) on centers on supported panel edges and no greater than 12-inches (305 mm) on center at intermediate supports unless otherwise specified. ZIP System® sheathing panels have a printed fastener guide for 16-inch (406 mm) and 24-inch (610 mm) on center framing locations.

Tape Installation:

Install ZIP System™ flashing tape in accordance with manufacturer's written instructions at seams, openings, and penetrations. Install windows and window flashing in accordance with window manufacturer's written instructions. Details of installation recommendations are available in AutoCAD and PDF formats at ZIPSystem.com or at Huberwood.com.

STORAGE AND HANDLING

Store and handle products according to manufacturer's written recommendations. Support panel bundles off the ground. Cover stored panels with weatherproof protective material; allow sides of protective material to remain loose to ensure adequate air circulation. In high-moisture conditions, cut bundle banding to

prevent edge damage to panels. Factory applied packaging is intended only for protection during transit.

AVAILABILITY

Huber Engineered Wood's ZIP System® sheathing panels are manufactured at multiple locations in the U.S. They are available through distributors nationwide. Visit ZIPSystem.com or contact Huber Engineered Woods for a retailer near you.

WARRANTY

ZIP System® sheathing is furnished with a 30-year system warranty. Limitations and restrictions apply. View the ZIP System® [Residential Warranty](#), [Commercial Warranty](#) and/or [Homeowner Warranty](#) available at huberwood.com/warranties for more details.

NOTES AND LIMITATIONS

- Do not install ZIP System™ flashing tape in temperatures less than 0° F.
- Roof panels edge clips are only required with 7/16 inch thick ZIP System® sheathing on supports spaced greater than 16-inches oc. Panel edge clips approved to be used with ZIP System® Sheathing are: Simpson Strong-Tie®, PSCA, PSCL and Tamlyn™ PCS models.

TECHNICAL SERVICE

Detailed information including specifications, product literature, test reports, installation instructions, and special applications is available through Huber Engineered Woods. Please visit ZIPSystem.com or call 800.933.9220 EXT 2716 to speak to a technical representative.

AVAILABLE RESOURCES

Section 06 16 13 SHEATHING guide specifications ZIP System® Roof and Wall Sheathing products in CSI 3-part format is available in MasterSpec®, ARCAT.com, BSD SpecLink® at ZIPSystem.com.

ZIP System® Sheathing Performance Properties		
Exposure Durability Classification	DOC PS2	Exposure 1
Panel Grade	DOC PS 2	Structural 1*
Moisture Barrier	AC38	Grade D WRB
Water Penetration	ASTM E331	Passed
Vapor Transmission	ASTM E96-B (panel overlay)	12-16 perms
Air Barrier Assembly	ASTM E2357	0.037 L/(s*m2)
Air Barrier Material	ASTM E2178	0.0016 L/(s*m2) @300 Pa
Wind Driven Rain	TAS 100 (at 100 mph)	Passed
Drainage Efficiency	ASTM E 2273	98%

© 2021 Huber Engineered Woods LLC. ZIP System® is a registered trademark of Huber Engineered Woods LLC. Huber is a registration trademark of J.M. Huber Corporation. HUB-9006 03/21

**ZIP System® sheathing is a DOC PS2 compliant OSB wood structural panel per ESR-1474. ZIP System® sheathing panels do not have proprietary shear values, but would be equivalent to a structural 1 panel of equivalent thickness.

$\frac{1}{4}$ in = 1 ft

DEMIN.

1. FRONT DOOR
36" x 80" H
2. 1ST FL WIN X 2
32" x 72" H
3. 2ND FL WIN X 2
32" x 60" H
4. ATTIC WIN
24" x 36" H
5. WIN TRIM
6" x $\frac{5}{4}$
6. CORNER TRIM
6" x $\frac{5}{4}$
7. FASIA BRD
10" x $\frac{5}{4}$
8. RAKE BRD
10" x $\frac{5}{4}$
9. FRIEZE BRD
12" x $\frac{5}{4}$
10. COLUMN, SQ
5x5 * SEE 420
RANDOLPH EX.
11. DOOR TOP LIGHT
36" x 10" H

32'

19'



26' 7"
22.25'

MATERIAL

1. DOOR - WOOD
2. WIN - CELLULAR PVC
3. SIDING - HARDIE LAP
4. TRIM - AZEK PVC NEW
EXISTING WOOD
5. ROOFING - GALVANIZED
METAL
6. NEW PORCH
SEE EX 420 RANDOLPH

A

DEMIN

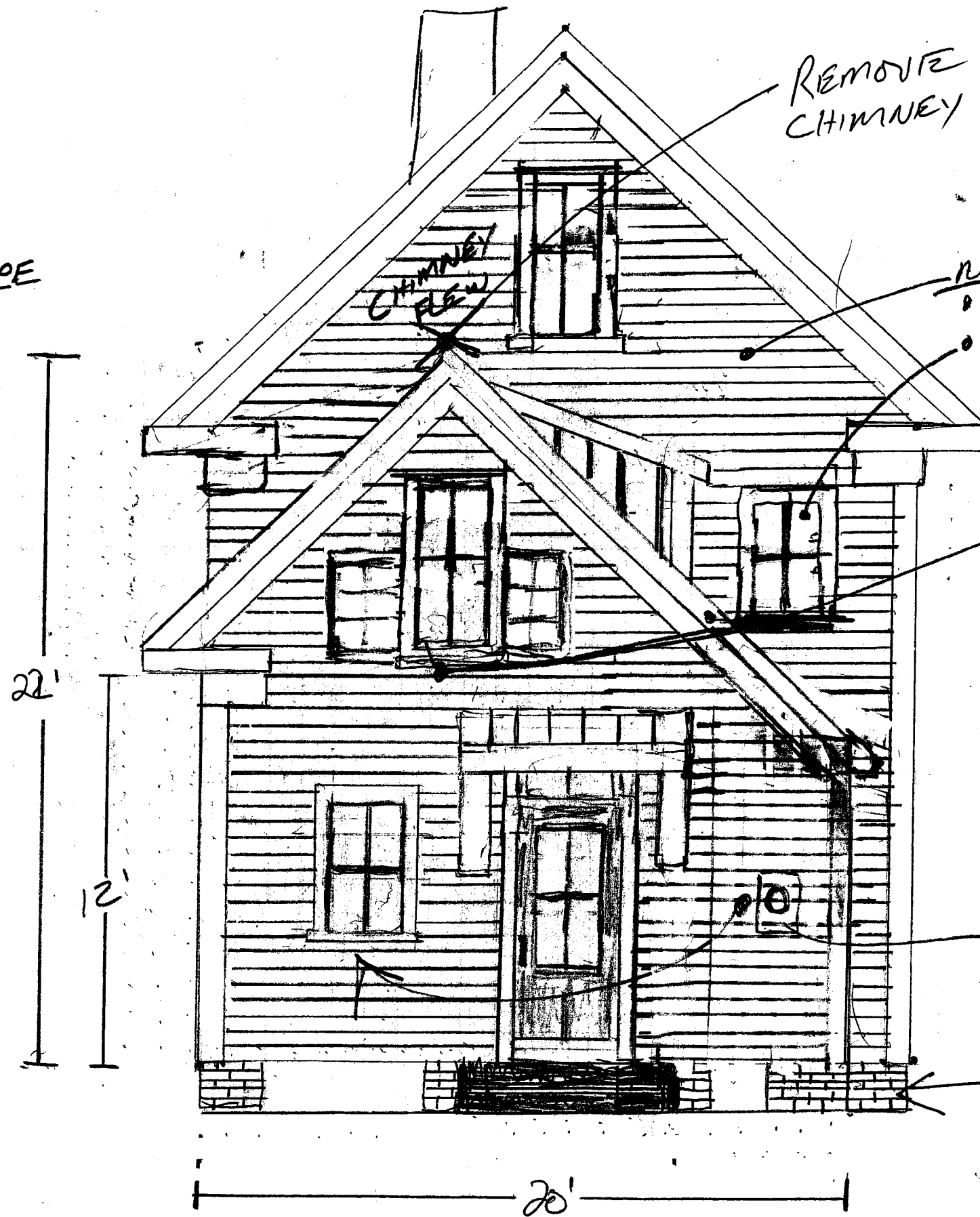
1. 1ST FL WIN X 3
32 x 72
2. 2ND FL WIN X 2
32 x 60



B

DEMIN

1. REAR DOOR
36" X 80" H
2. 1ST FL WIN CRANK OUT
24" X 36" H FROM SIDE
3. 2ND FL SQ WIN AWNING TYPE
24 X 36 H CRANK OUT
4. 2ND FL WIN
32 X 60 H
5. ATTIC WIN
32 X 60 H



MATERIAL

1. DORMER SIDING } JAMES
HARVE
CEMENT
BOARD
BATTEN

NOTE
• ADD ATTIC WIN/EGRESS
• CHANGE WIN SIZE
24 X 36
EXISTING WINDOW LOOKS
FORCED INTO SPACE TO ACCOMMODATE
LATER ADDITION

NOTE
• REMOVE ABANDONED FLEW
AT REAR PEAK
• CHANGE WINDOW LOCATION
• MOVE 1ST FL TO OPPOSITE
SIDE
• ADD GABLE WINDOW/EGRESS
• ADD DORMER

ELECTRIC METER
RELOCATE FROM FRONT
CORNER

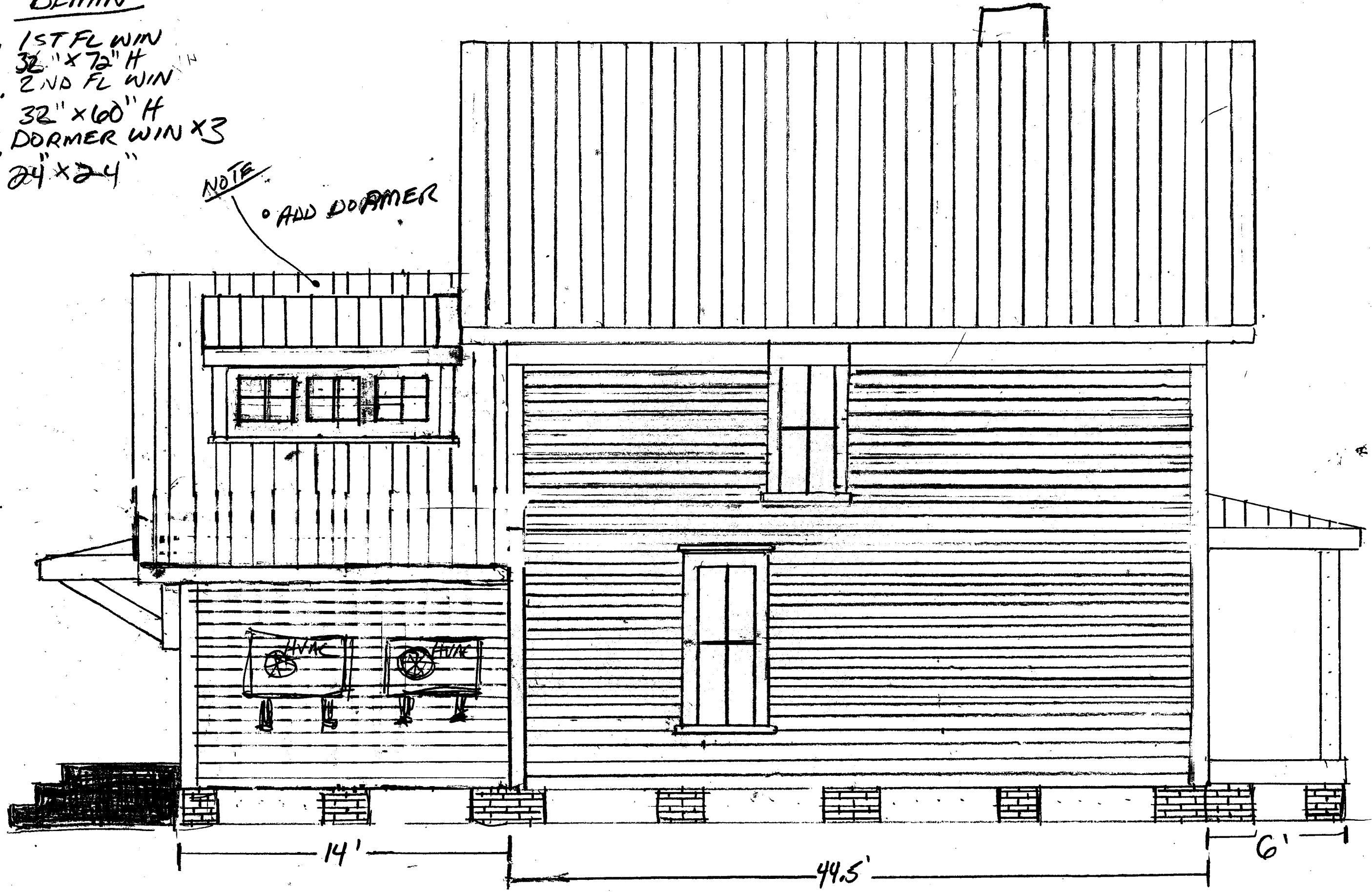
FOUNDATION REPLACED
NEW TO MATCH ADJACENT
420 RANDOLPH
SEE EX.

C

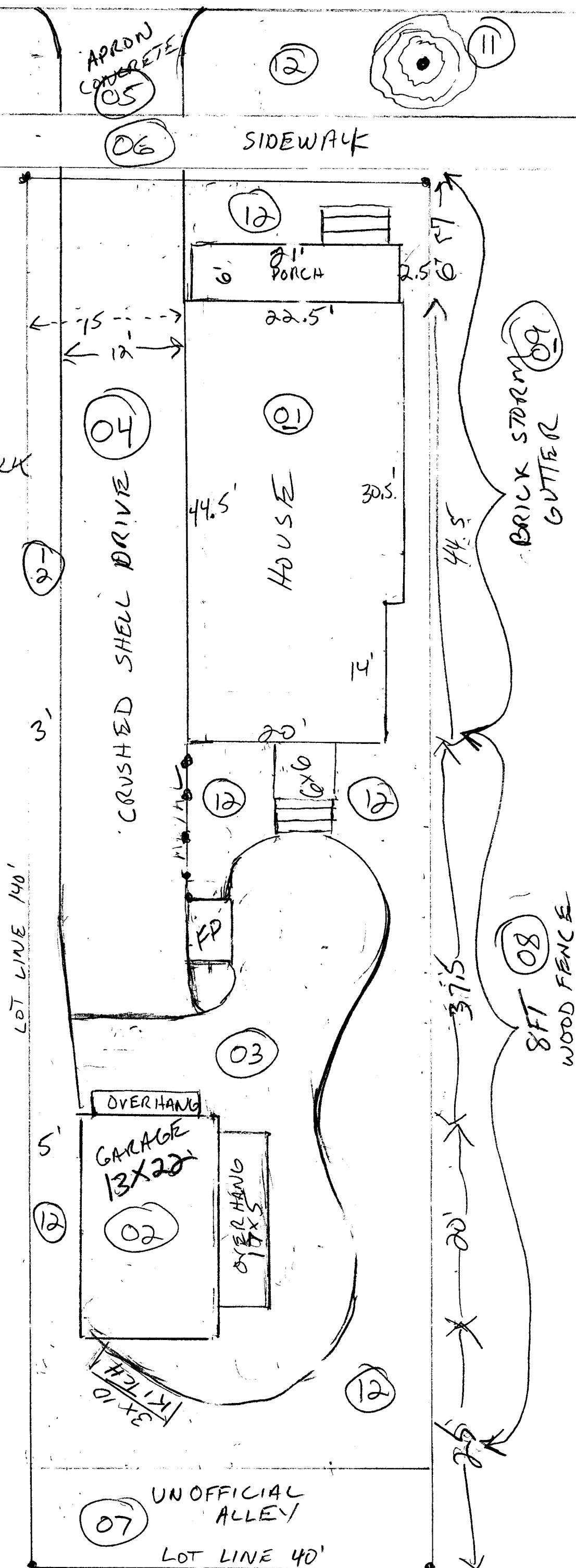
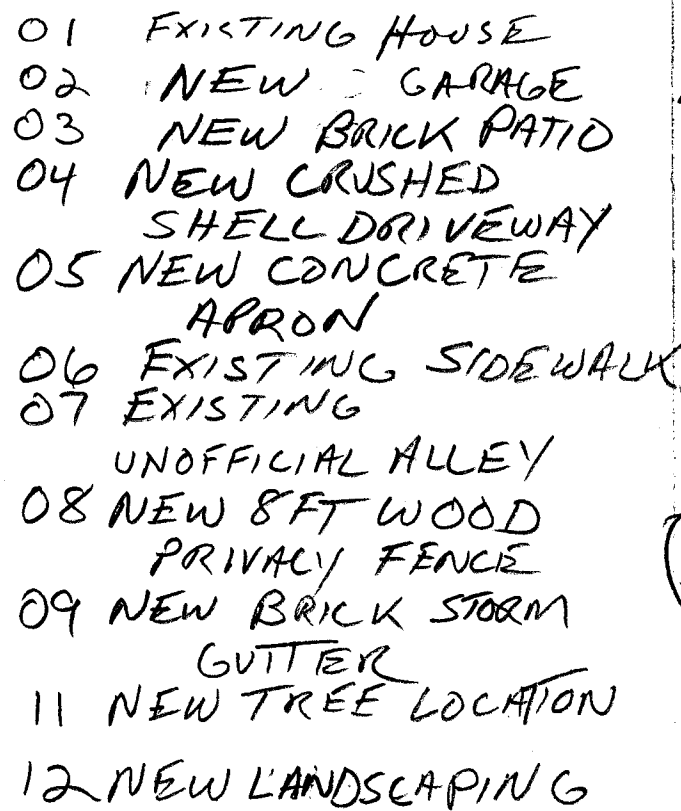
DEMIN

1. 1ST FL WIN
32" x 72" H
2. 2ND FL WIN
32" x 160" H
3. DORMER WIN X 3
24" x 24"

NOTE
• ADD DORMER

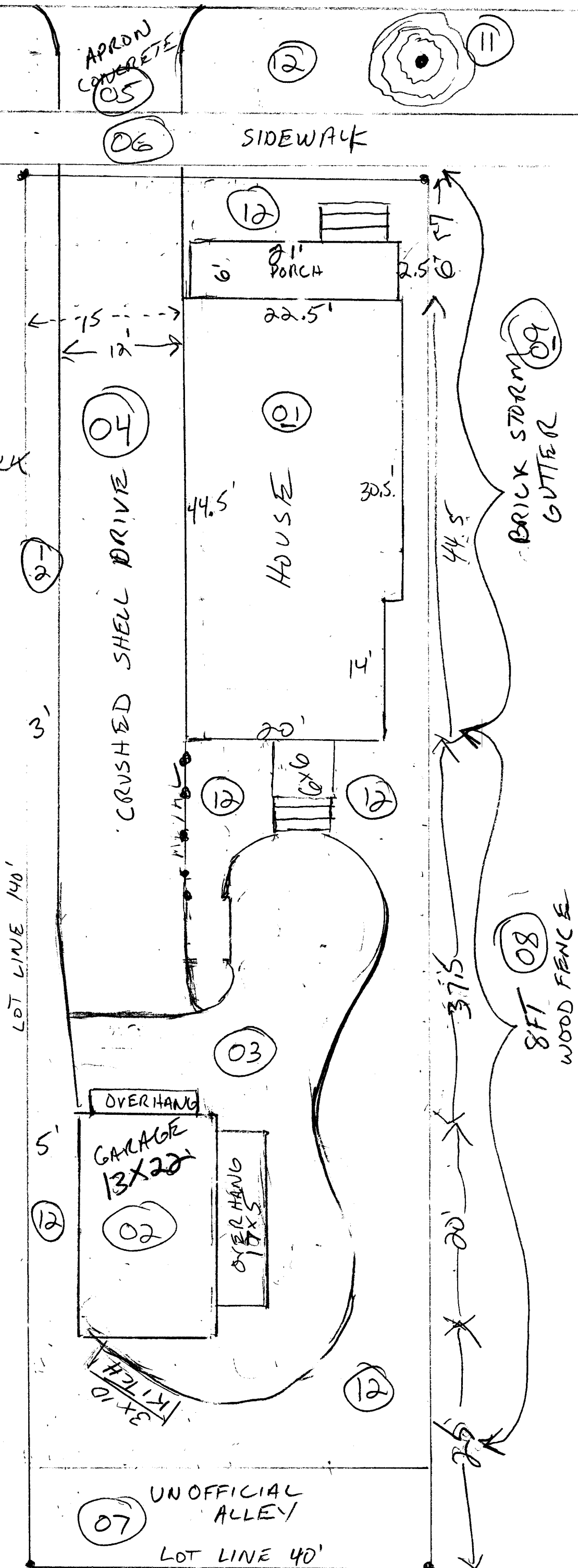


1540 DOLPHIN AVE.

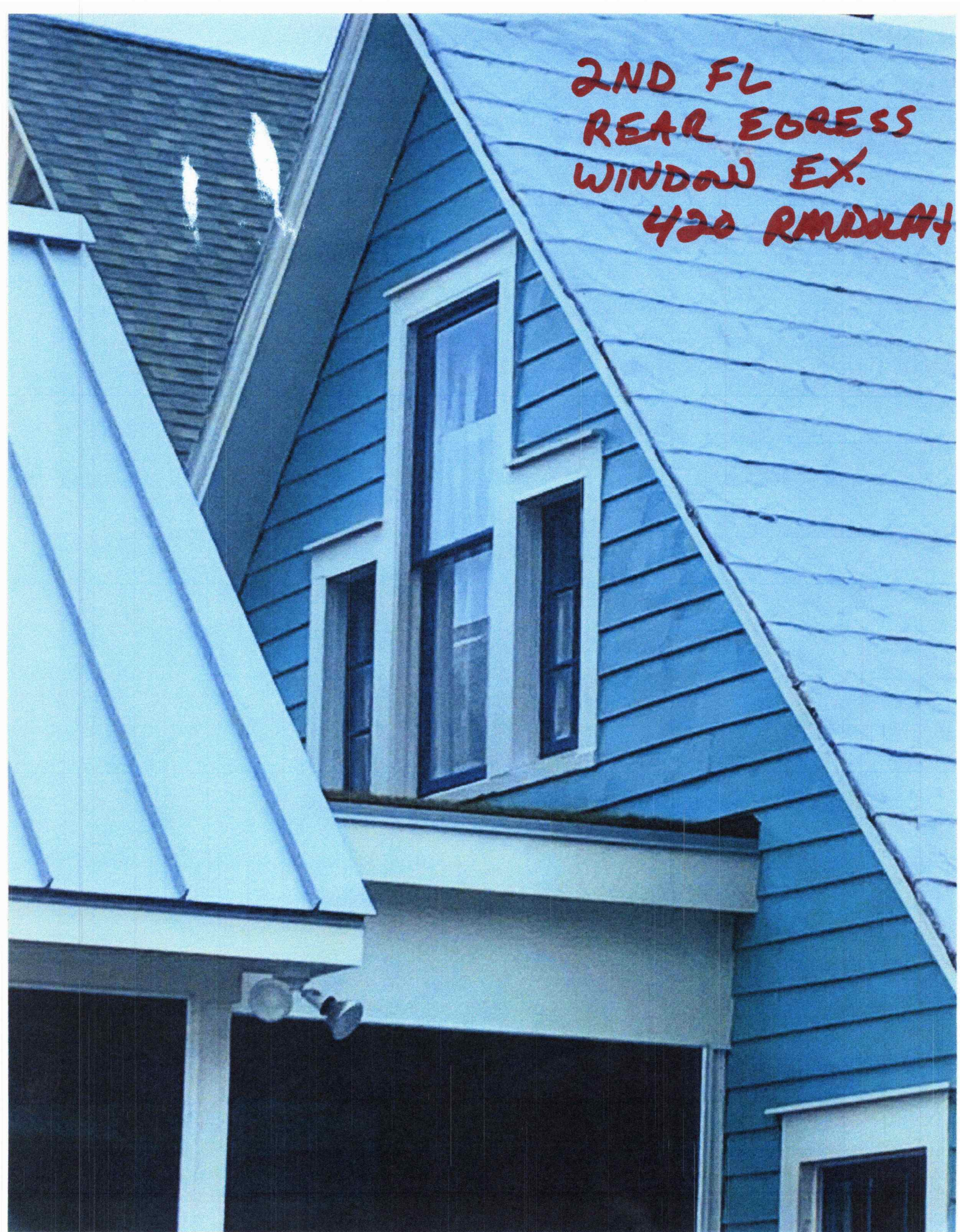


LEGEND

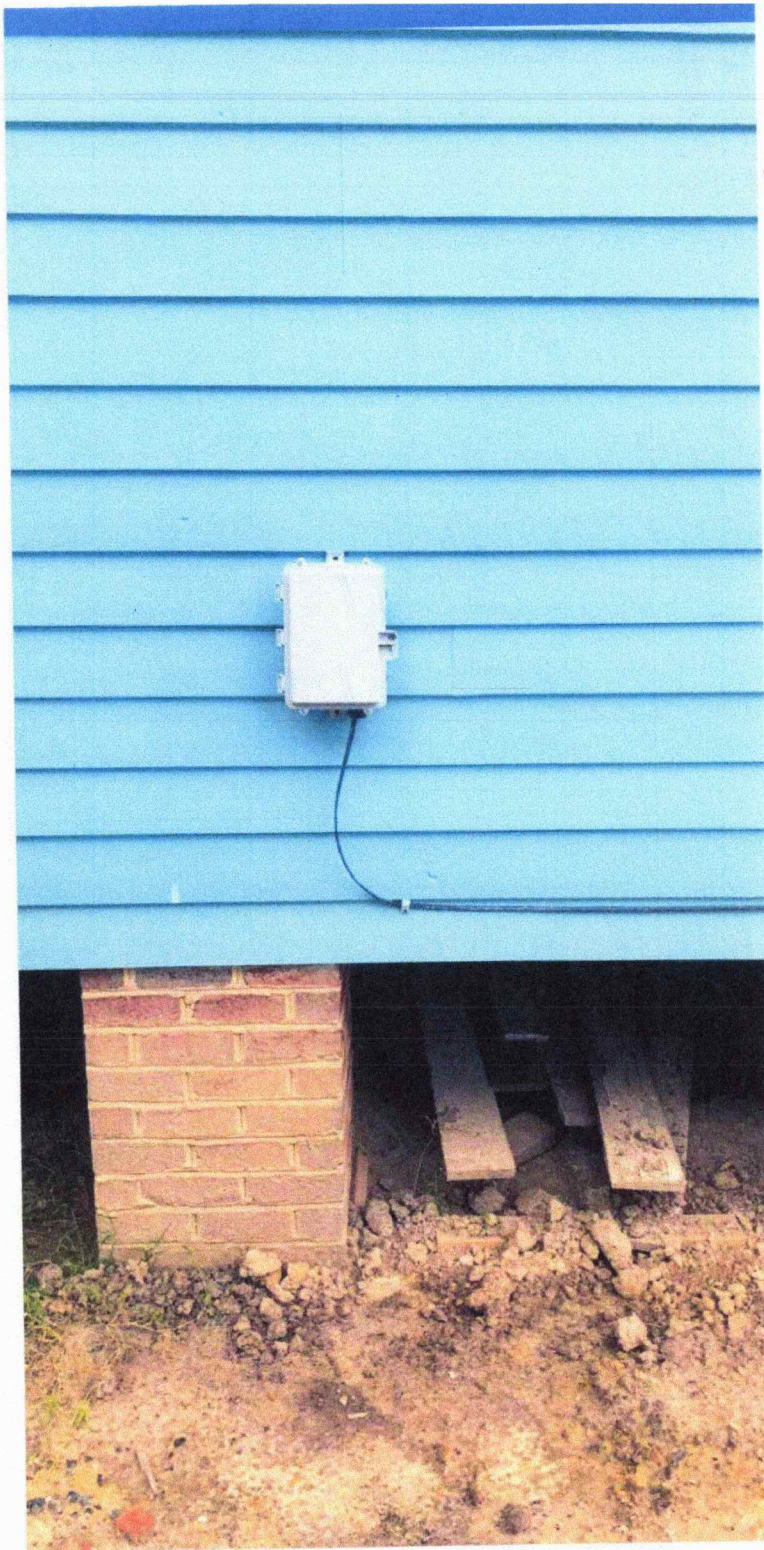
- 01 EXISTING HOUSE
- 02 NEW GARAGE
- 03 NEW BRICK PATIO
- 04 NEW CRUSHED SHELL DRIVEWAY
- 05 NEW CONCRETE APRON
- 06 EXISTING SIDEWALK
- 07 EXISTING UNOFFICIAL ALLEY
- 08 NEW 8FT WOOD PRIVACY FENCE
- 09 NEW BRICK STORM GUTTER
- 11 NEW TREE LOCATION
- 12 NEW LANDSCAPING



2ND FL
REAR EGRESS
WINDOW EX.
420 RADDLH



FOUNDATION
EX. 420



3:10



420 RANDOLPH

EX. PORCH



<https://m.facebook.com/43105...>



East of the Sun, Cape Charles... - ...



East of the Sun, Cape Charles

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