

**Historic District Review Board**  
**Regular Meeting Agenda**  
**Cape Charles Civic Center @ 500 Tazewell Avenue**  
**May 16, 2023 P.M.**

1. **Call to Order; Roll Call**
  - A. Roll call and establish a quorum.
2. **Invocation and Pledge of Allegiance**
3. **Organizational Meeting**
  - A. Election of Chairman, Vice-Chairman and Secretary
4. **Public Comment**
5. **Consent Agenda**
  - A. Approval of agenda format
  - B. Approval of Minutes:
    - (1) November 15, 2022 Regular Meeting
    - (2) January 17, 2023 Regular Meeting
    - (3) February 21, 2023 Regular Meeting
    - (4) March 21, 2023 Regular Meeting
    - (5) March 31, 2023 Special Meeting
6. **Unfinished Business:**
  - A. **RENOVATIONS, MINOR:** None
7. **New Business: Applications for Certificate of Appropriateness**
  - A. **FENCE INSTALLATION:**
    - (1) 616 Strawberry Street: Jessica and Perry Coburn – to install a vinyl fence around the property perimeter
    - (2) 501 Randolph Avenue: Cape Charles Baptist Church, Trustees – to install a black aluminum 4' fence and gate on the southwest side of the property
  - B. **MODIFICATION TO APPROVED Certificate of Appropriateness:** None
  - C. **RENOVATION, MINOR:**
  - D. **RENOVATIONS, ADDITIONS, & NEW CONSTRUCTION:** None
    - (1) Tax Map #83A1-1-134 Madison Avenue: Tyler and Corinne Maulsby represented by QS, LLC – to construct a new 1,780 square feet two-story single-family residence; a patio; a 6' wood fence; and a 4' x 4' outdoor shower
  - E. **COMMERCIAL-3 DISTRICT:** None
  - F. **OTHER:** None
8. **Other Business**
  - A. Monthly Report from Zoning Administrator Katie Nunez, including consideration of an Electronic Meeting Participation Procedure
9. **Adjourn**



## HISTORIC DISTRICT REVIEW BOARD

**Regular Meeting  
Cape Charles Civic Center  
November 15, 2022  
5:00 p.m.**

At 5:07 p.m. (late start due to a power outage issues throughout the Town), Vice-Chairman Martin Mayer, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Martin Mayer, present were Kathy Glaser, David Howgill, and Michael Strub. Herb Thom was not in attendance. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicants. There were no members of the public in attendance.

Martin Mayer started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

### **PUBLIC COMMENT:**

There were no public comments to be heard.

### **CONSENT AGENDA:**

**Motion made by Michael Strub, seconded by Kathy Glaser, to approve the agenda format as presented. The motion was approved by unanimous vote.**

### **UNFINISHED BUSINESS:**

There was no unfinished business to discuss.

### **NEW BUSINESS:**

#### **A. Certificate of Appropriateness to Install a Fence:**

- 1. 535 Monroe Avenue: Laura Dove – to install a fence in the side and rear yard.**

Tracy Outten read the staff report.

**Motion made by Kathy Glaser, seconded by David Howgill, to approve the application for the Certificate of Appropriateness at 535 Monroe Avenue on an application filed by Laura Dove, to install a 4' tall vinyl dog ear picket fence with New England Classic post caps on the rear and side of the property with 3' gates on each side and one 5' double gate on the rear left side as stated in the application dated 9/27/22. The motion was approved by unanimous vote.**

#### **B. Modification to Approved Certificate of Appropriateness:**

- 1. 520 Randolph Avenue: Kathleen and Todd Glaser – to modify previously approved modification for dormer siding material.**

Tracy Outten read the staff report.

Kathy Glaser stepped down from the dais and recused herself from voting as a member of the board since she was the applicant. She protested having to pay an additional fee and the process for modifying the previously approved application. Ms. Glaser thought that coming to this meeting and getting board approval was not warranted. She then explained all previous dormer modifications and the current proposed modification.

Michael Strub said that the staff would address any fee concerns.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 520 Randolph Avenue on an application filed by Kathy and Todd**

**Glaser, to modify the dormer siding material and design from Polymer Half-Round Shingles to Hardie Board Square Staggard Edge Shingles as stated in the application dated 9/26/22. The motion was approved by majority vote with Kathy Glaser recusing herself.**

**C. Certificate of Appropriateness for Minor Renovations:**

1. *107 Mason Avenue: Nancey T. Rooney – to repaint stucco, add signs, and replace the awning with one with a sign to the front of the commercial building.*

Tracy Outten summarized the staff report.

Nancy Rooney, applicant, explained the following: (1) the new awning would be a waterproof material made by Soltis Proof 502 and would have a design on it to advertise the art studio; (2) only proposing to repaint the stucco not any unpainted masonry; and (3) the ceramic tiles were 6" x 7" and only decorative not signage. The staff and board members informed the applicant of the process and requirements for obtaining a sign permit.

Board discussion and questions were as follows: (i) Martin Mayer asked if any additional details on the sign were provided, no. and (ii) Michael Strub believed that when this building was an Alcoholic Beverage Control (ABC) store the windows were different. Katie Nunez stated for the record that the applicant nor her mother who owned this property since the mid-1990's had not changed the windows.

**Motion made by Kathy Glaser, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 107 Mason Avenue on an application filed by Nancy T. Rooney, to repaint the existing stucco, hang 6" x 7" tiles with a design under the outdoor lights, and to replace the existing awning with a new fabric awning with a sign as stated in the application with a letter dated 8/4/22. The motion was approved by unanimous vote.**

**D. Certificate of Appropriateness for Renovations, Additions, and New Construction:**

1. *632 Madison Avenue: Laura Weigand and Michele Molina – to install a 14' x 24' (336 square feet) accessory structure (shed) on the rear of the property.*

Tracy Outten read the staff report.

Laura Weigand, applicant, added that the accessory structure would be on a foundation.

**Motion made by David Howgill, seconded by Kathy Glaser, to approve the application for the Certificate of Appropriateness at 632 Madison Avenue on an application filed by Laura Weigand and Michele Molina, to install a 14' x 24' (336 square feet) accessory structure (shed) on the rear of the property as stated in the application dated 10/18/2022. The motion was approved by unanimous vote.**

2. *506 Nectarine Street: Thomas Austin – to install an 8' x 10' (80 square feet) accessory structure (shed) on the rear of the property.*

Tracy Outten summarized the staff report.

Thomas Austin, applicant, had nothing to add but was available for questioning.

**Motion made by Kathy Glaser, seconded by David Howgill, to approve the application for the Certificate of Appropriateness at 606 Washington Avenue on an application filed by Robert 'Lewis' and Lindsay Cassada, to install an 8' x 10' (80 square feet) accessory structure (shed) on the rear of the property as stated in the application dated 9/12/2022. The motion was approved by unanimous vote.**

3. *615 Tazewell Avenue: David Howgill – to replace windows and doors on the two-story home.*

Tracy Outten read the staff report.

David Howgill stepped down from the dais and recused himself from voting as a member of the board since he was the applicant. He elaborated on the condition of the windows, adding that most of them would not properly shut and had to be nailed down, and the new windows were to be composite with the correct sill depth. Mr. Howgill stated that the door replacement was urgent and a safety issue. He would have replaced it with the same design but that was no longer available so, the proposal was for the top half of the door to be glass and the bottom half to be two panels. New shutters were only for the rear of the home.

The board appreciated the graphics included in the application.

**Motion made by Michael Strub, seconded by Kathy Glaser, to approve the application for the Certificate of Appropriateness at 615 Tazewell Avenue on an application filed by David Howgill, to replace the existing vinyl and aluminum windows with Renewal by Anderson Fibrex one over one (1/1), and to replace the front and back doors on the two-story single-family home as stated in the application dated 11/2/2022. The motion was approved by majority vote with David Howgill recusing himself.**

4. *424 Randolph Avenue: Mark Guevarra – to renovate an existing two-story home including reconstructing the front porch and adding a back porch; removing one chimney; other items adding a patio with a walkway to the front and side driveway.*  
Tracy Outten gave a summary of the staff report.

Mark Guevarra, applicant, explained the renovations as follows: (i) The chimney that was being removed was located on the back of the house, could not be seen from the street, and had significant damage. (ii) The siding would be 6” cedar plank with a 5” reveal. (iii) pine window trim; (iv) The original tin metal roof cannot be replicated or replaced so, that was why he has proposed architectural shingles. The board wanted to know if the roof was salvageable. Mr. Guevarra said there were some gaps and some wood strips underneath the tin metal roof could be. He continued that some approval to do an emergency fix was done administratively to attain liability insurance. and (v) The proposed concrete driveway was new and would help with a town wide parking issue if approved by the Virginia Department of Transportation. David Howgill read the guidelines for driveway materials which included scored concrete or aggregated.

Discussion and questions were as follows: (i) Michael Strub was glad this home was finally being renovated. (ii) In response to some questions from the board about the windows, the applicant confirmed that nine sashes and four original windows would be retained, and all windows would be two over two (2/2). and (iii) The applicant would be using the original pillars for the porch as they were available.

**Motion made by Kathy Glaser, seconded by David Howgill, to approve the application for the Certificate of Appropriateness 424 Randolph Avenue on an application filed by Mark Guevarra, to renovate the existing two-story single-family home which includes reconstructing the front porch, adding a back porch; removing one chimney; adding a patio with a walkway to the front; and a driveway as stated in the application dated 10/3/2022 with the condition that the driveway material be aggregated. The motion was approved by unanimous vote.**

5. *538 Monroe Avenue: Claudine Pierce dba Peacock Cottage, LLC – to construct a new one-and-a-half story accessory structure (garage) with a porch and 80’ vinyl fence along the alley.*  
Tracy Outten read the staff report.

Claudine Pierce, applicant representative, reiterated the application and staff report elements.



The board said that the new structure honored the integrity of the existing home without mimicking it and added that the addition followed the guidelines.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 538 Monroe Avenue on an application filed by Claudine Pierce dba Peacock Cottage, LLC, to construct a new one-and-a-half story (390 square feet) accessory structure (garage) with a 6' x 24' side porch (144 square feet), and to install a 6' high vinyl privacy fence along the alley as stated in the application dated 9/19/2022. The motion was approved by unanimous vote.**

6. *205 Madison Avenue: Claudine Pierce dba Peacock Cottage, LLC – to construct a new rear screened porch.*

Tracy Outten read the proposed project and materials from the staff report.

Claudine Pierce, applicant representative, said the existing small rear porch on the home as being not original to the home. She was proposing to incorporate the existing rear porch into the house and then construct a new rear screened-in porch with full height columns and beams that would match the front of the house. Ms. Pierce added that the proposed material for the steps was wood.

**Motion made by Kathy Glaser, seconded by David Howgill, to approve the application for the Certificate of Appropriateness at 205 Madison Avenue on an application filed by Claudine Pierce dba Peacock Cottage, LLC, to construct a new 358 square feet screened-in porch addition on the rear (north) of the two-story single-family home as stated in the application letter dated 11/1/2022 with the conditions that all zoning requirements are met. The motion was approved by unanimous vote.**

7. *627 Jefferson Avenue: Charlene D. Riley – to re-roof and re-side an existing single-family dwelling.*  
Tracy Outten read the staff report and added that the applicant has already purchased the proposed vinyl siding.

The applicant was not present for questioning.

After some discussion by the board about the thickness of the proposed vinyl siding not being what would be recommended, they decided that since there was not a specific requirement on the thickness of vinyl siding in the guidelines, 0.042" was okay.

**Motion made by David Howgill, seconded by Kathy Glaser, to approve the application for the Certificate of Appropriateness at 627 Jefferson Avenue on an application filed by Charlene D. Riley, to re-roof and re-side the one-story single-family home with asphalt shingles and Certainteed Mainstreet Double 5" Dutch Lap 0.042" thick Woodgrain siding as stated in the application dated 10/31/2022. The motion was approved by unanimous vote.**

- E. *Commercial-3 District:*

There were no applications filed.

- F. *Other:*

There were no applications filed.

#### **OTHER BUSINESS:**

- A. *Report from Zoning Administrator Katie Nunez*

Katie Nunez updated the board on (i) Administrative Approvals as follows: (1) 630 Tazewell Avenue – six-month extension for approved Certificate of Appropriateness; (ii) Compliance Checks by Zoning Compliance Officer on Issued Certificate of Appropriateness: None; and (iii) Status Report on

Consultant's Work on Design Guidelines: Commonwealth Preservation Group must deliver final version of guidelines to Town by Monday, November 14, 2022. Anticipated Public Hearing Schedule to consider Article VIII – Historic District Overlay zoning text amendments as follows: Planning Commission public hearing to be held on Tuesday, December 6 and Town Council Public Hearing and possible adoption may be held on December 15, 2022.

The 2023 Historic District Review Board Complete Application Deadline dates and Regular Meeting dates were confirmed.

**ANNOUNCEMENTS:**

There were no announcements.

**Motion made by David Howgill seconded by Michael Strub, to adjourn the November 15, 2022 Historic District Review Board Regular Meeting at 6:01 p.m.**

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Vice-Chairman Martin Mayer

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Planning Technician



## HISTORIC DISTRICT REVIEW BOARD

Regular Meeting  
Cape Charles Civic Center  
January 17, 2023  
5:00 p.m.

At approximately 5:00 p.m., Chairman Herb Thom, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Herb Thom, present were David Howgill and Michael Strub. Kathy Glaser and Martin Mayer were not in attendance. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume, and the applicants. There was one member of the public in attendance and two viewers on Facebook Live.

Herb Thom started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

### **PUBLIC COMMENT:**

There were no public comments to be heard.

### **CONSENT AGENDA:**

**Motion made by David Howgill, seconded by Michael Strub, to approve the agenda format as presented. The motion was approved by unanimous vote.**

### **UNFINISHED BUSINESS:**

There was no unfinished business to discuss.

### **NEW BUSINESS:**

#### **A. Certificate of Appropriateness to Install a Fence:**

There were no applications filed.

#### **B. Modification to Approved Certificate of Appropriateness:**

There were no applications filed.

#### **C. Certificate of Appropriateness for Minor Renovations:**

There were no applications filed.

#### **D. Certificate of Appropriateness for Renovations, Additions, and New Construction:**

- 1. 214 Randolph Avenue: Meredith Cella dba Mr. Rogers Windows – to replace windows on the two-story home.**

Tracy Outten read the staff report.

Meredith Cella, applicant, explained that the homeowner would like to replace the interior casings on the front windows and the rest of the windows would be replaced from the outside. The windows would have vertical grilles.

Board discussion and questions as follows: (i) Herb Thom informed the applicant that the windowsill thickness needed to be at least 1-3/4". Ms. Cella indicated they would comply. and (ii) David Howgill asked if the top windows were being replaced, no.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 214 Randolph Avenue on an application filed by Meredith Cella dba Mr. Rogers**

**Windows, to replace twenty-two windows on the two-story single-family home with as stated in the application dated 12/10/2022 and with the condition that the sill thickness was 1-3/4". The motion was approved by unanimous vote.**

2. *506 Jefferson Avenue: Joan Small dba 8<sup>th</sup> Hill Homes LLC – to replace the roof, doors, and windows; to cap the chimney; to repair the existing siding, porches including screens, incorporate the side porch into the house structure; and add fencing on rear of the property.*

Tracy Outten summarized the staff report.

Joan Small, applicant, was available by phone to clarify any details.

David Howgill thought the application was okay and understood the siding was siding was being replaced with like for like aluminum but that was not preferred; hardie plank would have been a better option.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 506 Jefferson Avenue on an application filed by Joan Small dba 8<sup>th</sup> Hill Homes, LLC, to renovate the exterior as follows: (1) Replace roof, doors, windows with new wood frames; (2) Repair and repaint existing siding, shutters, trim, and fascia; (3) Porches: Front – repair or replace existing materials including screening, Side: enclose 5' x 16' (80 square feet) and make part of living the house; and (4) Brick repoint as needed as stated in the application dated 12/4/2022. Also, included in the application: (1) Construct a new 16' x 25' (400 square feet) rear covered patio and 10' x 16' (160 square feet) accessory structure (shed); (2) Install 6, vinyl picket rear fence; and (3) Install front and side paver walkways. The motion was approved by unanimous vote.**

3. *610 Madison Avenue: Philip and Katie Bowling – to construct a 12' x 12.5' (150 square feet) rear addition and a 16' x 16' (256 square feet) brick paver patio; and to extend the wood picket fence.*

Tracy Outten read the staff report.

Philip Bowling, applicant, confirmed the house was built in the 1920s.

After reviewing and discussing the addition, the board thought it appeared to differentiate from the historical structure per the guidelines.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 610 Madison Avenue on an application filed by Philip and Katie Bowling, to demolish the existing 11.75' x 14.3' rear deck and construct a 12' x 12.5' (150 square feet) rear addition on the one-story single-family home as stated in the application received 12/6/2022. Also, included in the application was a 16' x 16' (256 square feet) paver patio off the rear addition and realigning and extending the existing rear fence. The motion was approved by unanimous vote.**

4. *624 Jefferson Avenue: Kerry Shackelford – to renovate an existing one-story home including constructing a rear addition and installing a 10' x 16' (200 square feet) accessory structure (shed).*

Tracy Outten gave a summary of the staff report.

Kerry Shackelford, applicant, informed the staff and board that there was an existing curb cut and concrete apron where a driveway had been in the past. He added that the roof would match the existing color, shape, style, and pitch; and the porch does not have a guardrail only a handrail.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness 624 Jefferson Avenue on an application filed by Kerry Shackelford, to renovate the existing two-story single-family home which includes replacing the windows, repairing the existing siding, repairing**

or replacing the siding to match existing, replacing existing front porch vinyl columns with square wood columns and installing a metal handrail, repointing the foundation, constructing an 8' x 16' (112 square feet) one-story middle addition and a 16.15' x 16' (258.4 square feet) two-story rear addition that will have an 8' x 12' porch; and adding a driveway on the east side; and also, for constructing a 10' x 20' (200 square feet) accessory structure (shed) with an enclosed 10' x 10' section on CMU parged foundation, and an enclosed outdoor shower as stated in the application dated 12/5/2022. The motion was approved by unanimous vote.

5. *215 Tazewell Avenue: Francis X. Durkin – to renovate an existing two-story home including demolishing an existing 7' x 20' (140 square feet) rear addition and constructing a new detached 20' x 25' (500 square feet) two-story accessory dwelling unit (two car garage with living space above).*

Tracy Outten read the staff report.

Herb Thom said the stucco siding was an exposed aggregate and wood siding could be seen but it was not insulated. He wanted to know the condition of the existing wood siding and what was found during the initial exploration. Frank Durkin, applicant representative, answered that there was a layer of tar over the wood siding, and there were no right angles in the house because of the weight of the “stucco siding” which was confirmed today during the preliminary exploration.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 215 Tazewell Avenue on an application filed by Francis X. Durkin, to renovate the exterior of the two-story home as follows: replace the roof with architectural shingles; retain/repair/replace the upper-level scalloped wood siding; replace the existing stucco siding with James Hardie Lap siding; repoint/repair existing brick foundation as needed; reglaze/repair screen/ repaint existing windows; repair existing trim; and replace wood porch flooring to match existing and wooden Doric columns would remain; demolish the 7' x 10' (70 square feet) first-floor rear addition and constructing a new 10' x 20' (200 square feet) rear addition; and constructing a 20' x 25' (500 square feet) accessory structure (two-car garage with an accessory dwelling unit above) as stated in the application dated 12/2/2022. The motion was approved by unanimous vote.**

- E. *Commercial-3 District:*  
There were no applications filed.

- F. *Other:*  
There were no applications filed.

#### **OTHER BUSINESS:**

- A. *Report from Zoning Administrator Katie Nunez*

Katie Nunez updated the board on (i) Administrative Approvals as follows: (1) Reroofing: (a) 537 Madison Avenue, (b) 218 Randolph Avenue, and (c) 231 Tazewell Avenue; (2) Repair: 9 Park Row; (ii) Compliance Checks by Zoning Compliance Officer on Issued Certificate of Appropriateness: None; and (iii) Status Report on Consultant's Work on Design Guidelines: Commonwealth Preservation Group has delivered final version of guidelines. Please note that no comments have been received from the state office of the Department of Historic Resources as of this date and some revisions may need to be made once their review has been completed. The Town Council adopted all revisions to Article VIII on December 15, 2022.

Katie Nunez informed the board that Ken Butta was no longer the Zoning Compliance Officer due to him being elected to serve on the Town Council. The new hire would be introduced next month.

#### **ANNOUNCEMENTS:**

There were no announcements.

**Motion made by David Howgill seconded by Michael Strub, to adjourn the January 17, 2023 Historic District Review Board Regular Meeting at 5:47 p.m.**

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Chairman Herb Thom

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Planning Technician

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## HISTORIC DISTRICT REVIEW BOARD

Regular Meeting  
Cape Charles Civic Center  
February 21, 2023  
5:00 p.m.

At approximately 5:00 p.m., Chairman Herb Thom, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Herb Thom, present were Kathy Glaser, David Howgill and Martin Mayer. Michael Strub was not in attendance. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, and the applicants. There were two members of the public in attendance and Facebook Live feed was not working.

Herb Thom started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

### **PUBLIC COMMENT:**

There were no public comments to be heard.

### **CONSENT AGENDA:**

**Motion made by Martin Mayer, seconded by Kathy Glaser, to approve the agenda format as presented. The motion was approved by unanimous vote.**

### **UNFINISHED BUSINESS:**

There was no unfinished business to discuss.

### **NEW BUSINESS:**

#### **A. Certificate of Appropriateness to Install a Fence:**

There were no applications filed.

#### **B. Modification to Approved Certificate of Appropriateness:**

There were no applications filed.

#### **C. Certificate of Appropriateness for Minor Renovations:**

There were no applications filed.

#### **D. Certificate of Appropriateness for Renovations, Additions, and New Construction:**

- 1. 615 Strawberry Street: Daniel and Mary Coffey – to install a 12' x 18' (216 square feet) accessory structure (shed).**

Tracy Outten summarized the staff report.

Daniel Coffey, applicant, explained that the new shed would replace an existing termite infested 8' x 10' (80 square feet) shed that would be removed. Kathy Glaser asked if the garage would be rebuilt, no.

**Motion made by David Howgill, seconded by Martin Mayer, to approve the application for the Certificate of Appropriateness at 615 Strawberry Street on an application filed by Daniel and Mary Coffey, to install a 12' x 18' (216 square feet) accessory structure (shed) on the rear southeast corner of the property per the Cape Charles Historic District Overlay Design Guidelines Section 6: Noncontributing Accessory Structure Associated with Noncontributing Primary Building and as stated in the application dated 1/2/2023. The motion was approved by unanimous vote.**

2. *Tax Map #83A1-1-171 Madison Avenue: Barry Gabler and Cynthia Sodus represented by Bill Doughty – to construct a new two-story 2,090 square feet single-family residence.*

Tracy Outten read the staff report.

Bill Doughty, applicants' contractor, updated the board on the new porch dimensions 24' x 10' to comply with zoning and was available to answer questions. (Please see attached updated elevation.)

Kathy Glaser informed the contractor that the muntin needed to be on the outside of the glass per the guidelines. All board members agreed.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at Tax Map #83A1-1-171 Madison Avenue on an application filed by Barry Gabler and Cynthia Sodus, to construct a new two-story 2,090 square feet single family home per the Cape Charles Historic District Overlay Design Guidelines Section 5.13 New Construction of Primary Buildings and as stated in the application received 1/3/2023 with the amendment to the front porch dimensions to comply with the Cape Charles Zoning Ordinance Section 3.2 (I) (5). The motion was approved by unanimous vote.**

3. *Tax Map #83A1-1-101 Washington Avenue: Mark Granger and Melissa Boog – to construct a new two-story 2,193 square feet single-family residence and an outdoor shower.*

Tracy Outten read the staff report.

Sean Ingram, applicant, informed the board that the porch has been redesigned to conform with the zoning ordinance requirements and drawings were resubmitted. (Please see attached site plan.) Mr. Ingram said it would be 6' deep with perpendicular porch flooring.

Martin Mayer confirmed that the roof material would be standing seam metal.

**Motion made by Kathy Glaser, seconded by David Howgill, to approve the application for the Certificate of Appropriateness at Tax Map #83A1-1-101 Washington Avenue on an application filed by QS, LLC on behalf of owners Mark Granger and Melissa Boog, to construct a new two-story 2,193 square feet single family home and an outdoor shower per the Cape Charles Historic District Overlay Design Guidelines Section 5.13 New Construction of Primary Buildings and as stated in the application received 1/5/2023 with the amendment to the front porch dimensions to comply with the Cape Charles Zoning Ordinance Section 3.2 (I) (5). The motion was approved by unanimous vote.**

4. *413 Jefferson Avenue: Donald and Claire Neubert represented by QS, LLC – to construct a new two-story single-family residence 2,427 square feet and accessory structure with an accessory dwelling unit.*

Tracy Outten gave the staff report.

Sean Ingram, applicant, informed the board that the porch conforms with the zoning ordinance requirements.

**Motion made by David Howgill, seconded by Martin Mayer, to approve the application for the Certificate of Appropriateness at 413 Jefferson Avenue on an application filed by QS, LLC on behalf of owners Donald and Claire Neubert, to construct a new two-story 2,427 square feet single family home per the Cape Charles Historic District Overlay Design Guidelines Section 5.13 New Construction of Primary Buildings and an accessory structure with an accessory dwelling unit per the Cape Charles Historic District Overlay Design Guidelines Section 6.3 New Accessory Structures/Accessory Dwelling Units (ADUs) with New Primary Buildings as stated in the application received 1/5/2023 with the amendment to the front porch dimensions to comply with the Cape Charles Zoning Ordinance Section 3.2 (I) (5). The motion was approved by unanimous vote.**



5. *600 Washington Avenue: Gerry Blankinship on behalf of 600 Washington LP – to construct a new one-story 1,650 square feet single-family residence and a 192 square feet accessory structure (shed).*

Tracy Outten started reading the staff report and Katie Nunez finished explaining the specifics.

Gerry Blankinship, applicant, explained that a Certificate of Appropriateness was obtained but, it took fourteen months to get building permits and one inspection was approved. After that Jeb Brady, Town of Cape Charles Code Official, asked for an engineering report while doing another inspection. Mr. Blankinship went through the progress of his work to date and expressed his frustration and said he disagreed with

Board discussion and questions as follows: (i) Kathy Glaser reaffirmed that the board would be authorizing an extension to the construction of the home and modification of the previously approved garage would now be a shed and grant an extension, yes. (ii) Martin Mayer did not think certain aspects of this application were under the board's purview. Katie Nunez reiterated that the work being done was. (iii) Herb Thom wanted to know when the extension would expire, six months. The project does not have to be completed in six months, but work should be progressing. (iv) Martin Mayer was confused as to why the board was involved since this application was already approved. Herb Thom

**Motion made by Herb Thom, seconded by Kathy Glaser, to table the application for a 6- Month Extension for the Certificate of Appropriateness approved on 2/18/2020 at 600 Washington Avenue on an application filed by Gerry Blankinship on behalf of the owner 600 Washington LP, to construct a new one-story 1,650 square feet single-family home and a 12' x 16" (192 square feet) accessory structure (shed) until a timeline has been agreed upon between the applicant and zoning administrator. The motion was approved by majority vote with Martin Mayer abstaining.**

E. *Commercial-3 District:*  
There were no applications filed.

F. *Other:*  
There were no applications filed.

**OTHER BUSINESS:**

A. *Report from Zoning Administrator Katie Nunez*

Katie Nunez updated the board on (i) Administrative Approvals as follows: (1) Reroofing: none; (2) Repair: none; and (ii) Compliance Checks by Zoning Compliance Officer on Issued Certificate of Appropriateness: None.

Tracy Outten reminded board members to please check their town emails and respond when necessary.

**ANNOUNCEMENTS:**

There were no announcements.

**Motion made by Kathy Glaser seconded by David Howgill, to adjourn the February 21, 2023 Historic District Review Board Regular Meeting at 5:52 p.m.**

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Chairman Herb Thom

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Planning Technician

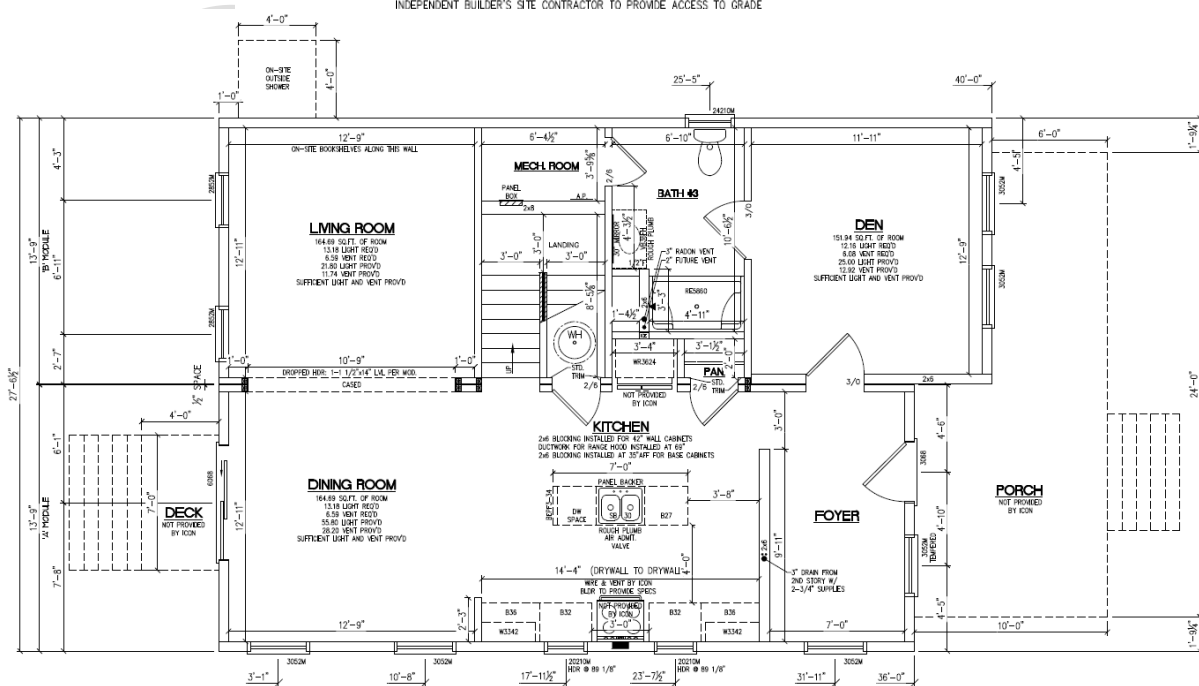
**Historic District Review Board February 21, 2023**  
**Updated Elevation Items**

*Agenda Item 6.D (2) Tax Map #83A1-1-171 Madison Avenue: New porch design. Front Elevation and Site Plan*



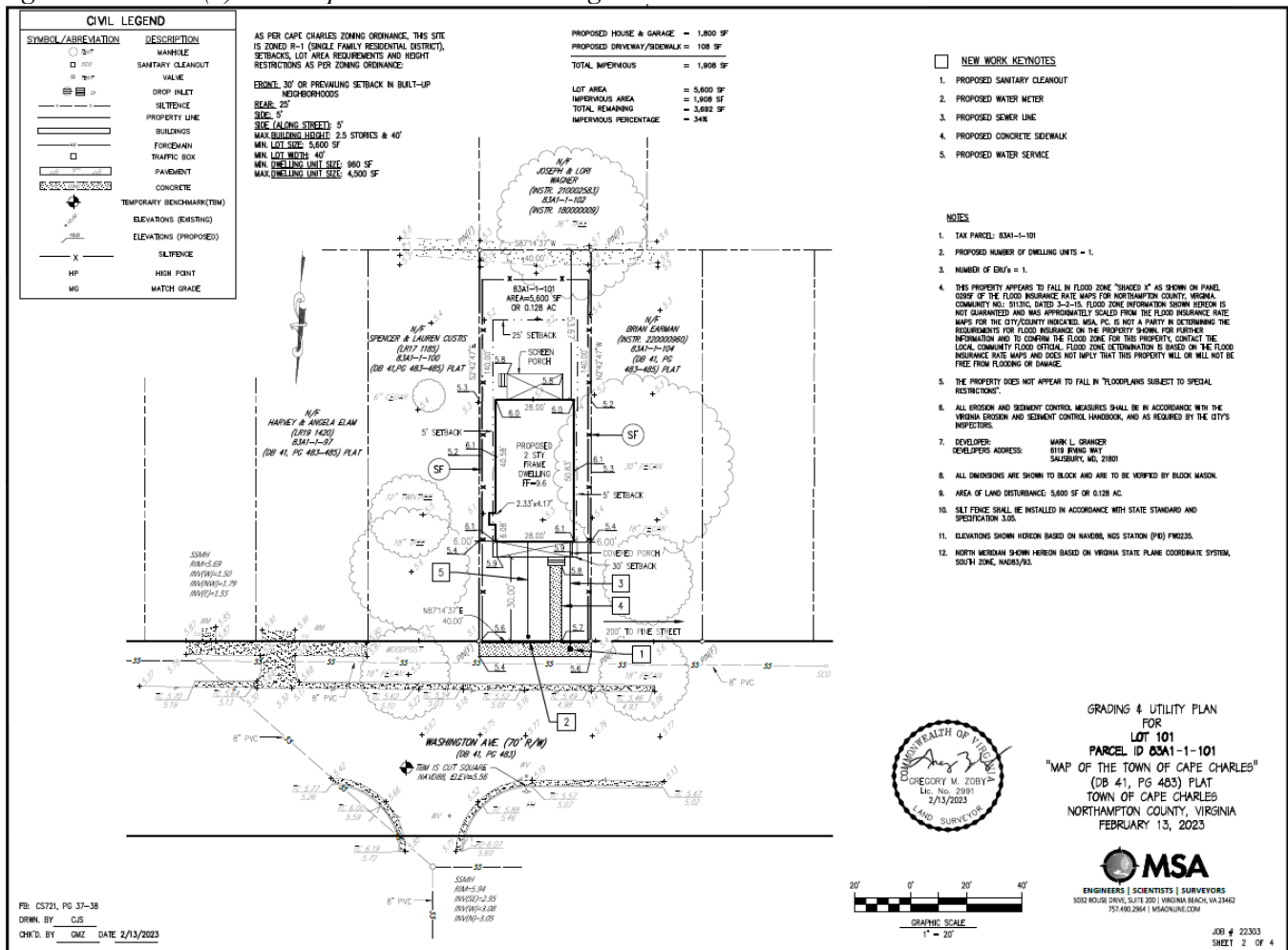
**FRONT ELEVATION**

INDEPENDENT BUILDER'S SITE CONTRACTOR TO PROVIDE ACCESS TO GRADE



**FRONT**

# Agenda Item 6.D (3) Tax Map #83A1-1-101 Washington Avenue: Site Plan.





## HISTORIC DISTRICT REVIEW BOARD

Regular Meeting  
Cape Charles Civic Center  
March 21, 2023  
5:00 p.m.

At approximately 5:00 p.m., Chairman Herb Thom, having established a quorum, called to order the Regular Meeting of the Historic District Review Board (HDRB). In addition to Herb Thom, present were David Howgill and Michael Strub. Kathy Glaser and Martin Mayer were not in attendance. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, Town Clerk Libby Hume and the applicants. There were two members of the public in attendance and three viewers on Facebook Live.

Herb Thom started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

### CONSENT AGENDA:

A. *Election of Chairman, Vice-Chairman and Secretary.*

Hearing no objections, Chairman Herb Thom postponed the elections until all board members were in attendance.

### PUBLIC COMMENT:

There were no public comments to be heard.

### CONSENT AGENDA:

Motion made by David Howgill, seconded by Michael Strub, to approve the agenda format and the Regular Meeting Minutes from August 16, 2022, September 20, 2022, and October 18, 2022 as presented. The motion was approved by unanimous vote.

### UNFINISHED BUSINESS:

There was no unfinished business to discuss.

### NEW BUSINESS:

A. *Certificate of Appropriateness to Install a Fence:*

1. *524 and 526 Peach Street: Bill Tsapatsaris dba, Deja Blu, LLC – to install a wooden fence and gates on the side and rear of the property.*

Tracy Outten summarized the staff report.

Bill Tsapatsaris, the applicant, was unavailable by phone as we did try to call, and David Howgill stated for the record.

The board thought the application looked in order.

Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 524 and 526 Peach Street on an application filed by Bill Tsapatsaris dba, Deja Blu, LLC to install a wooden shiplap privacy fence 6 feet across the rear, a gated 4 feet fence on the north side of the yard, a gated 6 feet fence in the middle of the backyard to separate the units, and a 4 feet gate along the rear and south corner of the property per the Historic District Overlay Design Guidelines Section 9.2 (2) Fences & Freestanding Walls and as stated in the letter of intent dated 1/31/2023. The motion was approved by unanimous vote.

2. *113 Tazewell Avenue: Kimberly Abod – to replace the existing wooden picket fence with a vinyl picket fence on the middle boundary line.*

Tracy Outten read the staff report.

Claudine Pierce, the applicant's representative, could not be reached by phone to answer questions about the fence.

Board discussions and questions: (i) David Howgill said according to the new Historic District Overlay Design Guidelines clearly states that vinyl fencing was not allowed but, the adjacent property owners have vinyl fencing on the street facing side of the property therefore did not see anything wrong with allowing this. (ii) Michael Strub said visually only the bottom of the existing wooden fence was deteriorating. Herb Thom agreed and suggested scrapping the paint off, repairing, and repainting. They both viewed the existing fence from the alley and thought the pickets were in good condition.

**Motion made by David Howgill, seconded by Michael Strub, to recommend that at 111 Tazewell Avenue the applicant Kimberly Abod, repair or restore the existing wooden picket fence per the Historic District Overlay Design Guidelines Section 7.2 Flowchart for Consideration of Historic Material Replacement: Can the existing feature/material be repaired? Yes, Retain Original Materials and Section 9.2 (2) Fences & Freestanding Walls. The motion was approved by unanimous vote.**

**B. *Modification to Approved Certificate of Appropriateness:***

1. *624 Jefferson Avenue: Kerry Shackelford dba, Ware Neck Properties – to replace the foundation and elevate the structure; replace the front porch and add railing; and install a fence on the North side of the property.*

Tracy Outten summarized the staff report.

Kerry Shackelford, the applicant, was available by phone and explained that this was not planned but once the renovations started, they discovered the foundation needed to be replaced therefore the porch would need to be replaced. He also wanted to add fencing on the north side.

The board members did not have any further discussion or questions.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Modification to an Approved Certificate of Appropriateness at 624 Jefferson Avenue on an application filed by Kerry Shackelford dba, Ware Neck Properties, to replace the foundation and elevate the structure 16" which requires the front porch to be replaced on the two-story single-family detached home, and to install a wooden fence on the north side of the property per the Historic District Overlay Design Guidelines Section 5.3.2 Other Masonry Features – Foundations, Section 5.4.2 Porches, and Section 9.2 (2) Fences & Freestanding Walls and as stated in the application dated 2/6/2023. The motion was approved by unanimous vote.**

**C. *Certificate of Appropriateness for Minor Renovations:***

1. *600 Monroe Avenue: Paul Rugg – to install an ornamental black aluminum fence on the side and rear of the property; repoint missing grout on the exterior of the structure; and to repair the concrete chimney cap.*

Tracy Outten read the staff report.

Paul Rugg, the applicant, was available if clarification was needed on the fence details or placement, repointing of the missing grout, or the repairing of the concrete chimney cap.

David Howgill and Herb Thom liked the fence design. Michael Strub thought the ornamental black aluminum mimicked very well.

**Motion made by David Howgill, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 600 Monroe Avenue on an application filed by Paul Rugg to remove the existing four feet wooden fence shared with the adjacent property owners and install a four feet ornamental black aluminum fence beginning at the back end of the wrap-around front porch, run along the Nectarine Street side, back yard and property line, and two gates as follows: (1) 5 feet wide onto an exit pathway from the house and (2) eight feet wide centered in the rear of the property per the Historic District Overlay Design Guidelines Section 9.2 (2) Fences & Freestanding Walls and as stated in the letter of intent dated 2/7/2023. The following was also approved: to repoint the missing grout on the exterior of the structure and to repair the concrete chimney cap per the Historic District Overlay Design Guidelines Section 4.3 Masonry – Exterior Walls, Foundations, & Chimneys. The motion was approved by unanimous vote.**

2. *425 Randolph Avenue: Brad Jobmann represented by Claudine Pierce dba, Peacock Cottage, LLC – to replace the existing front wood door, screen door, transom, and sidelites with a new fiberglass door, new screen door, new glass for transom and sidelites on the single-family detached home.*  
Tracy Outten read the staff report.

Claudine Pierce, the applicant, could not be reached by phone to answer questions about the condition of existing wood door, sidelites, and transom.

Board discussion as follows: (i) Michael Strub said the door should only be replaced if deemed unrepairable and there was not enough information provided for that determination. (ii) David Howgill thought it may be a hardship to get wood replacement door. and (iii) Herb Thom agreed with Michael Strub and referred to page 5.24 in the Cape Charles Historic District Overlay Guidelines where it does state only replace historic doors that cannot be repaired and avoid wholesale replacement.

**Hearing no objection, Herb Thom deferred the application for the Certificate of Appropriateness at 425 Randolph Avenue on an application filed by Claudine Pierce dba, Peacock Cottage, LLC on behalf of owner Brad Jobmann, to replace the existing wood door, screen door, transom, and sidelites with a new fiberglass door, new screen door, new glass for the transom and sidelites on the single-family detached home until research on the definition of hardship and wholesale could be answered, and the applicant was available to give an explanation as to why wood was not being proposed as the replacement material for the door. The motion was approved by unanimous vote.**

**D. Certificate of Appropriateness for Renovations, Additions, and New Construction:**

1. *223 Jefferson Avenue: Anne Stratton and Anthony Storey – to replace the existing vinyl siding with new ascend composite siding on the single-family detached home.*  
Tracy Outten summarized the staff report.

Anne Stratton and Anthony Storey, the applicants, explained that the new siding was better than the original vinyl that was currently on the home.

Board discussion and questions as follows: (i) Herb Thom asked if the existing vinyl on the house was original, yes and it rubs off. and (ii) David Howgill wanted to know if the applicants had investigated underneath the vinyl siding, no.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 223 Jefferson Avenue on an application filed by Anne Stratton and Anthony Storey, to replace the existing vinyl siding with new ascend composite siding on the single-family detached home of the property per the Cape Charles Historic District Overlay Design Guidelines Section 7.4.1: Noncontributing Considerations – Is the Alternative Material Appropriate? Durability and Performance, and as stated in the application dated 1/30/2023. The motion was approved by unanimous vote.**

2. *212 Randolph Avenue: Amy and Doug Dodson represented by M. Walter Frisch – to extend an expired Certificate of Appropriateness issued on 12/4/2020 to demolish and re-construct a rear addition on the single-family detached home.*

Tracy Outten read the staff report.

Bill Doughty, applicants' contractor, updated the board on the new porch dimensions 24' x 10' to comply with zoning and was available to answer questions. (Please see attached updated elevation.)

Kathy Glaser informed the contractor that the muntin needed to be on the outside of the glass per the guidelines. All board members agreed.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Six-Month Extension on the Certificates of Appropriateness approved on 12/4/2020 and on 6/22/2022 at 212 Randolph Avenue on an application filed by M. Walter Frisch on behalf of owners Doug and Amy Dodson, as follows: (1) to demolish and reconstruct a rear addition, (2) remove the existing vinyl siding and replace with 7-1/4" Hardie Plank Cedarmill Lap siding with a 6" exposure, (3) replace the existing replacement windows with new Anderson 400 series construction windows, 1/1 no grills, 1-3/4" sill and 3-1/2" trim, and (4) lifting and install a new raised foundation on the two-story single-family detached home as stated in the application received 2/7/2023. The approval includes all previously designated conditions imposed by the Historic District Review Board and the new expiration date is 10/20/23. The motion was approved by unanimous vote.**

E. *Commercial-3 District:*

There were no applications filed.

F. *Other:*

There were no applications filed.

**OTHER BUSINESS:**

A. *Report from Zoning Administrator Katie Nunez*

Katie Nunez updated the board on (i) Administrative Approvals as follows: (1) Reroofing pursuant Cape Charles Zoning Ordinance 8.17 (B): 407 Harbor Avenue – porch; (2) Repair: 227 Randolph Avenue; (3) Install/Addition: (a) 114 Fig Street, (b) 549 & 551 Monroe Avenue, and 723 Tazewell Avenue; and (ii) Compliance Checks by Zoning Compliance Officer on Issued Certificate of Appropriateness: None; and (iii) Six-Month Extension Certificate of Appropriateness Request to the Board for 426 & 428 Randolph Avenue.

**Motion made by David Howgill, seconded by Michael Strub, to re-authorize the Certificate of Appropriateness for an approval period of six months expiring 10/20/2023 at 426 & 428 Randolph Avenue on an application filed by Edward L. Eichman, Jr., on behalf of owner Mary Sessoms Huff, based upon the application provided and approved at the May 19, 2021 meeting including all designated conditions imposed by the Historic District Review Board and now supplemented by the updated Building Drawings, email from Ms. Huff dated 3/2/2023, and the Letter of Intent from RBW Design Build dated 03/01/2023 which are fully incorporated as part of the original application packet. The motion was approved by unanimous vote.**

**ANNOUNCEMENTS:**

There were no announcements.

**Motion made by Kathy Glaser seconded by David Howgill, to adjourn the March 21, 2023 Historic District Review Board Regular Meeting at 5:47 p.m.**

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Chairman Herb Thom

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Planning Technician



## HISTORIC DISTRICT REVIEW BOARD

### Special Meeting

Onsite @ 225 Mason Avenue

March 31, 2023

11:00 a.m.

At approximately 11:00 a.m., Chairman Herb Thom, having established a quorum, called to order the Special Meeting of the Historic District Review Board (HDRB). In addition to Herb Thom, present were Kathy Glaser, David Howgill, Martin Mayer, and Michael Strub. Also, in attendance were Planning/Zoning Administrator Katie Nunez, Planning Technician Tracy Outten, the applicant, the architect, and the potential tenants. There were no members of the public in attendance.

#### **PUBLIC COMMENT:**

There were no public comments to be heard.

#### **CONSENT AGENDA:**

**The Consent Agenda was approved by unanimous vote.**

#### **NEW BUSINESS: Application for Certificate of Appropriateness**

- A. *225 Mason Avenue: Danny Meyer – to renovate the exterior of the commercial building to include replacing the existing windows and trim, door, and awning; repainting the masonry different colors; installing mosaic tile at the front entrance (doorway); and adding a roof top deck.*

Katie Nunez introduced all in attendance, Danny Meyer, the applicant, Hayley and Liam Donovan, the potential tenants, and John White, the architect. Ms. Nunez also gave an overview of the application.

Danny Meyer thanked Katie Nunez and the board for taking the time and gathering all the information needed for a Special Meeting and informed all in attendance that the building would be used for one business by the tenants. Mr. Meyer explained that the building needed some repairs and the windows and doors needed to be updated to pass building code. He also would like to replace the awning with a new metal awning with signage; paint the exterior trim black and repaint the masonry white with black trim; add mosaic tile to the entrance way; and install a roof top deck. Mr. Meyer was adamant that the exterior façade of the commercial building would stay the same and would just be freshened up. He continued by describing the windows, 9/9 double hung sash black maintenance free, and added that the railings for the roof top deck would not be seen from the street.

Discussion and questions were as follows: (i) Herb Thom asked if the application complies with the zoning, yes. (ii) David Howgill liked the proposal as it was in-keeping with the other buildings. (iii) Herb Thom said the plate glass windows were hazardous and would be agreeable to them being replaced with wire mesh windows of the same size and style. John White confirmed the plate glass windows needed to be replaced. (iv) After much discussion, the board concluded that the bottom masonry, (brick below the display windows), on the building was glazed and even if power washed would stay the same color. They reviewed the Cape Charles Historic District Overlay Design Guidelines and The Secretary of Interior Standard Guidelines (Please see attached.) to make the decision that since the rest of the building was being approved to be repainted it would be acceptable to paint the glazed masonry to match. (v) When questioned about roof painting, Danny Meyer stated that none was being done. and (vi) Danny Meyer did not know what the design would be for the front entrance mosaic.

**Motion made by David Howgill, seconded by Michael Strub, to approve the application for the Certificate of Appropriateness at 225 Mason Avenue on an application filed by Danny Meyer, to renovate the front exterior of the commercial building to include replacing the windows, door, trim, and awning; repainting the masonry and painting the bottom glazed masonry; installing a tile mosaic at the front entrance; and adding a roof top**



deck per the Cape Charles Historic District Overlay Design Guidelines Section 4.5: Openings and Associated Features – Windows, Doors, & Storefronts, Commercial Storefront and Awnings and Canopies; and Section 5.3 (6): Guidelines for Masonry, and Section 5.5.3: Commercial Storefronts and as stated in the application dated 3/21/2023 and the Preliminary Architectural Concepts 3/23/2023 with the following designated conditions: (1) the drawings of the stand back of the roof porch would need to be seen; (2) the painting of the glazed brick underneath the display windows was a one-time exception with justifications and did not affect other buildings; (3) replacement awning was metal; (4) the mosaic entrance way proposed would need to be submitted for approval; (5) the front door wire glass would be replaced with clear glass; and (6) the front display window glass may be replaced if necessary with same size and style. The motion was approved by unanimous vote.

Motion made by Kathy Glaser seconded by David Howgill, to adjourn the March 31, 2023 Historic District Review Board Special Meeting at 11:29 p.m.

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Chairman Herb Thom

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Planning Technician

## Historic District Review Board March 31, 2023 Handouts Given at Special Meeting by Town Staff

### Secretary of Interior Standard Guidelines

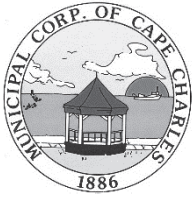
### PRESERVATION

#### MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

| RECOMMENDED                                                                                                                                                                                                                            | NOT RECOMMENDED                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.                                                                                      | Removing paint that is firmly adhered to masonry surfaces.                                                                                                                                                        |
| Applying compatible paint coating systems to historically-painted masonry following proper surface preparation.                                                                                                                        | Failing to follow manufacturers' product and application instructions when repainting masonry features.                                                                                                           |
| Repainting historically-painted masonry features with colors that are appropriate to the building and district.                                                                                                                        | Using paint colors on historically-painted masonry features that are not appropriate to the building or district.                                                                                                 |
| Protecting adjacent materials when working on masonry features.                                                                                                                                                                        | Failing to protect adjacent materials when working on masonry features.                                                                                                                                           |
| Evaluating the overall condition of the masonry to determine whether more than protection and maintenance, such as repairs to masonry features, will be necessary.                                                                     | Failing to undertake adequate measures to ensure the protection of masonry features.                                                                                                                              |
| Repairing masonry by patching, splicing, consolidating, or otherwise reinforcing the masonry using recognized preservation methods.                                                                                                    | Removing masonry that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials. |
| Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration, such as disintegrating mortar, cracks in mortar joints, loose bricks, or damaged plaster on the interior. | Removing non-deteriorated mortar from sound joints and then repointing the entire building to achieve a more uniform appearance.                                                                                  |
| Removing deteriorated lime mortar carefully by hand raking the joints to avoid damaging the masonry.                                                                                                                                   |                                                                                                                                                                                                                   |



[2] **Not Recommended:**  
The use of inappropriate Portland cement mortar to repoint these soft 19th-century bricks has caused some of them to spall. Photo: Courtesy Nebraska State Historic Preservation Office.



# HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: May 16, 2023

Item #: 7A (1) – 616 Strawberry Street

Prepared by: Tracy Outten, Planning Technician

Reviewed by: Katie H. Nunez, Planning/Zoning Administrator

Date: May 10, 2023

**APPLICANT:** Jessica & Perry Coburn

**SITE ADDRESS:** 665 Strawberry Street

**TAX MAP:** 83A1-9-A

**LOT SIZE:** 3,521 sq. ft.

**TYPE OF APPLICATION:** Certificate of Appropriateness

**WORK TO BE PERFORMED:** Install a 3' vinyl fence

**CURRENT ZONING:** Residential-1 (R-1)

**HISTORIC REGISTER:** N/A

*Description: N/A*

**DATE APPLICATION RECEIVED:** March 18, 2023

**PRE-APPLICATION MTG:** May 16, 2023

**DATE APPLICATION DEEMED COMPLETE:** April 4, 2023

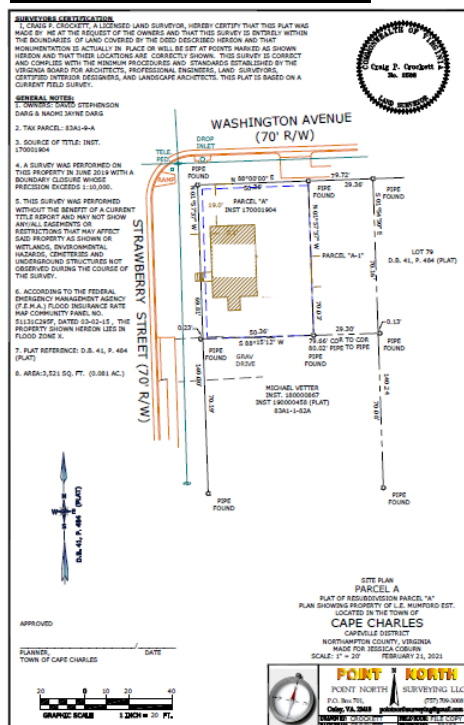
**LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application):** June 5, 2023

The applicant is seeking to install a 3' high vinyl fence around the perimeter. The blueish line is the proposed fence location in the below proposed site plan.

## AERIAL MAP:



## PROPOSED SITE PLAN:



**MATERIALS:**

- Vinyl Pickets – 3' x 6'

**STAFF ANALYSIS:****ZONING COMPLIANCE**

The property is a legal, conforming use and the fence is an allowable use. The proposed location of the fence meets all setback requirements.

However, the material choice for the fence is no longer a listed option in the Zoning Ordinance. As you may recall, when the Historic District Guidelines were adopted in December 2022, the Town also made several zoning text amendments to Article III (Zoning District Regulations) & Article VIII (Historic District Overlay), including removing vinyl as a material choice in the Historic District.

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 OVERLAY DESIGN GUIDELINES:**

*Pages 9-3 and 9-4: Section 9.2 Fences & Freestanding Walls*

**STAFF RECOMMENDATION:**

Staff is requesting the HDRB to review the application material submitted by the applicant and determine if the materials and style proposed for the fence reflect the character and historic appearance of the neighborhood.

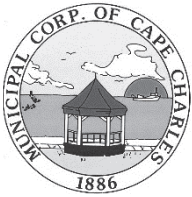
Staff is recommending denial of this application per Historic District Overlay Design Guidelines Section 9.2 (d) (i) due to vinyl being listed as an inappropriate fencing type.

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.

If approved, a Certificate of Appropriateness shall expire of its own limitation six (6) months from the date of issuance if the work authorized thereby is not commenced by the end of such six (6) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six (6) months after being commenced.

**Attachments:**

Attachment 1 – Application and Documents



# Certificate of Appropriateness Application

## Renovation

Planning & Zoning Department  
2 Plum Street; Cape Charles, VA 23310  
757-331-3259 x24

[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

Revised 01/2023

Taxes

✓

Violations

X

Fee

Paid

Decision

### PART 1: APPLICATION NOTES

A Certificate of Appropriateness is required for all applications for zoning clearances and permits involving any exterior alteration, modification, restoration, reconstruction, demolition, new construction or moving of a property within the Cape Charles Historic District Overlay.

**Minor Exterior Work\***, such as exterior maintenance and repair, replacement of missing or broken windowpanes roofing shingles, slates, tiles, porch floors, posts, rails, or shutters where no substantial change to design or material is proposed and other minor changes that do not materially change the historic characteristics of the building may be reviewed by the Zoning Administrator. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

**Major Exterior Work**, such as new construction of a new building or a new permanent accessory building, relocation or demolition, any alteration of the architectural style of a structure or its significant architectural elements, modifications, and any major or minor work not eligible for administrative review must be reviewed and approved\* by the Historic District Review Board. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

*Note: A pre-application meeting is available upon request prior to submitting this application.*

The following documents must be submitted to the Town before this application can be reviewed. In addition to these documents, the COA application and requested supporting information relevant to the applicable sections must be deemed complete by department staff prior to being evaluated.

☒ A) Zoning Clearance Application

☐ B) Photos of existing condition

☐ C) Owner Permission Affidavit

☒ D) Payment of COA Fee (Minor \$150 and Major \$500)

☐ E) Tree Permit Application

Owner signature: Jessica J Coburn

Date: 3/18/2023

### PART 2: PROPERTY INFORMATION

Property Address: 616 Strawberry Street

Tax Map #: 83A1-9-A

Is there an active Certificate of Appropriateness on this property? ☒ No ☐ Yes \_\_\_\_\_ Date

Zoning District: R3

### PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Jessica & Perry Coburn

Mailing Address: 1110 West Ave Richmond VA 23220

Phone Number: 8043494874

Email: jessicajcoburn@gmail.com

### PART 4: APPLICANT INFORMATION

☒ Check here if applicant is owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company:

Mailing Address:

Phone Number:

Email:

**PART 5: PROJECT INFORMATION**

Proposed Project Description (If any tree removal is being proposed a Tree Permit Application must be completed):

We would like to build a fence around the property perimeter. The purpose is to keep children and pets safe from street traffic, and also to give the house a cottage look and more curb appeal.

**PART 6. ALTERATIONS, REPAIRS OR ADDITIONS**

Select the type of work to be performed (check all that apply):

☐ Addition    ☐ Doors    ☐ Windows    ☐ Masonry    ☐ Porch Flooring    ☐ Roofs    ☐ Siding    ☐ Steps/Stoop & Railings  
☐ Trim Work    ☒ Fence or Wall    ☐ Partial demolition    ☐ Other:

**A. ADDITION ☒ Not applicable SEE SECTION 5.6 or 5.12 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Location (Attach a diagram; Survey/Site Plan is required):

|          |                  |            |                       |
|----------|------------------|------------|-----------------------|
| Stories: | Building height: | Footprint: | Gross square footage: |
|----------|------------------|------------|-----------------------|

Complete all sections below that apply to your addition and supply elevation drawings.

**B. ROOF ☒ Not applicable SEE SECTION 4.2, 5.2, or 5.8 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Type of work: ☐ New    ☐ Repair % of roof structure \_\_\_\_    ☐ Reroofing: In kind \_\_\_\_ Different in style or material \_\_\_\_  
☐ Add/Repair Gutters and downspouts    ☐ Solar Panels

Location (Pictures of existing condition):

| Existing Roof                                                                                                                 | Proposed Roof       |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure |                     |
| Existing Material:                                                                                                            | Proposed Materials: |
| Other / Additional Notes:                                                                                                     |                     |

**C. DOORS ☒ Not applicable SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Number of doors to be: Added: \_\_\_\_ Removed: \_\_\_\_  
Repaired: \_\_\_\_ Replaced: In kind \_\_\_\_ Different in style or material \_\_\_\_

Attach a diagram of the house exterior with all doors numbered. Add documentation for each additional door.

| Existing Door                                                                                                               | Proposed Door                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Door 1:<br>Original to the home: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure | Work to be completed:<br><input type="checkbox"/> Added <input type="checkbox"/> Removed <input type="checkbox"/> Repaired <input type="checkbox"/> Replaced |
| Existing Material:                                                                                                          | Proposed Material:                                                                                                                                           |
| Dimensions: Width ____ Height ____                                                                                          | Dimensions: Width ____ Height ____                                                                                                                           |
| Configuration with picture (i.e., glass panes, divisions, decorative details & panels):                                     | Configuration with picture (i.e., glass panes, divisions, decorative details & panels):                                                                      |

Indicate the reason for change:

|                                                                                                                                                                                        |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>D. WINDOWS ■ Not applicable SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES</b>                                                                            |                                                                                                                                                              |
| Number of windows to be: Added: _____ Removed: _____<br>Repaired: _____ Replaced: In kind _____ Different in style or material _____                                                   |                                                                                                                                                              |
| Attach a diagram of the house exterior with all windows numbered. Add documentation for each additional window.                                                                        |                                                                                                                                                              |
| <b>Existing Windows</b>                                                                                                                                                                | <b>Proposed Windows</b>                                                                                                                                      |
| Window1:<br>Original to the home: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure                                                           | Work to be completed:<br><input type="checkbox"/> Added <input type="checkbox"/> Removed <input type="checkbox"/> Repaired <input type="checkbox"/> Replaced |
| Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.):<br>Include a picture                                                                                                      | Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.):<br>Include a picture                                                                            |
| Width: _____ Height: _____ Depth: _____                                                                                                                                                | Width: _____ Height: _____ Depth: _____                                                                                                                      |
| Material: _____                                                                                                                                                                        | Material: _____                                                                                                                                              |
| <b>E. PORCHES ■ Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES</b>                                                                            |                                                                                                                                                              |
| Work to be done: <input type="checkbox"/> Repair flooring <input type="checkbox"/> Repair ceiling <input type="checkbox"/> Repair columns <input type="checkbox"/> Repair/add skirting |                                                                                                                                                              |
| Location (Attach pictures for all work; Survey may be requested):                                                                                                                      |                                                                                                                                                              |
| <b>Floorboards:</b> Number of boards to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                          |                                                                                                                                                              |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                                          | Type of Material to be used:                                                                                                                                 |
| Existing Material: _____                                                                                                                                                               |                                                                                                                                                              |
| <b>Ceiling:</b>                                                                                                                                                                        |                                                                                                                                                              |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                                          | Type of Material to be used:                                                                                                                                 |
| Existing Material: _____                                                                                                                                                               |                                                                                                                                                              |
| If replacing, indicate the reason for replacement:                                                                                                                                     |                                                                                                                                                              |
| If altering, describe any proposed change (material, size, etc.):                                                                                                                      |                                                                                                                                                              |
| <b>F. STEPS/STOOPS/RAILINGS ■ Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES</b>                                                              |                                                                                                                                                              |
| Number of Steps/Stoops to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                                        |                                                                                                                                                              |
| Location (Attach pictures; Survey may be requested):                                                                                                                                   |                                                                                                                                                              |
| Existing Material: _____                                                                                                                                                               | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                |
| Proposed Material: _____                                                                                                                                                               |                                                                                                                                                              |
| If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):                                                    |                                                                                                                                                              |
| Number of Railings to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                                            |                                                                                                                                                              |
| Location (Attach pictures; Survey may be requested):                                                                                                                                   |                                                                                                                                                              |
| Existing Material: _____                                                                                                                                                               | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                |
| Type of Material to be used: _____                                                                                                                                                     |                                                                                                                                                              |
| If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):                                                    |                                                                                                                                                              |

|                                                                                                                                                 |                                         |                                                                                                                               |                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>G. DECKS &amp; PATIOS</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES      |                                         |                                                                                                                               |                                                                           |
| <input type="checkbox"/> Deck                                                                                                                   | Length:                                 | Width:                                                                                                                        | Materials:                                                                |
| <input type="checkbox"/> Patio                                                                                                                  | Length:                                 | Width:                                                                                                                        | Materials:                                                                |
| <b>H. SIDING</b> <input type="checkbox"/> Not applicable SEE SECTION 4.4, 5.4, or 5.9 OF THE HISTORIC DISTRICT DESIGN GUIDELINES                |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                   | <input type="checkbox"/> Minor Repair   | <input type="checkbox"/> Full Re-Siding (same material)                                                                       | <input type="checkbox"/> Full Re-Siding (Change of material)              |
| Location (Attach diagram & pictures):                                                                                                           |                                         |                                                                                                                               |                                                                           |
| <b>Existing Siding</b>                                                                                                                          |                                         | <b>Proposed Siding</b>                                                                                                        |                                                                           |
| Original to the home: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure                                |                                         |                                                                                                                               |                                                                           |
| Existing material:                                                                                                                              |                                         | Proposed material:                                                                                                            |                                                                           |
| Dimensions: Thickness - Width -                                                                                                                 |                                         | Dimensions: Thickness - Width -                                                                                               |                                                                           |
| Indicate the reason for change, e.g., underlying material condition, rot:                                                                       |                                         |                                                                                                                               |                                                                           |
| <b>I. TRIM WORK</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                   | <input type="checkbox"/> Minor Repair   | <input type="checkbox"/> Alteration                                                                                           |                                                                           |
| Location (Attach diagram & pictures):                                                                                                           |                                         |                                                                                                                               |                                                                           |
| Existing Material:                                                                                                                              |                                         | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure |                                                                           |
| Type of Material to be used:                                                                                                                    |                                         |                                                                                                                               |                                                                           |
| Dimensions:                                                                                                                                     |                                         |                                                                                                                               |                                                                           |
| Reason for repair or alteration (change of material or design):                                                                                 |                                         |                                                                                                                               |                                                                           |
| <b>J. MASONRY</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 4.3 or 5.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES          |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                   | <input type="checkbox"/> New foundation | <input type="checkbox"/> Substantial Reconstruction                                                                           | <input type="checkbox"/> Minor Repair <input type="checkbox"/> Repointing |
| Location (Attach diagram & pictures):                                                                                                           |                                         |                                                                                                                               |                                                                           |
| <b>Existing Masonry</b>                                                                                                                         |                                         | <b>Proposed Masonry</b>                                                                                                       |                                                                           |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                   |                                         |                                                                                                                               |                                                                           |
| Existing Material:                                                                                                                              |                                         | Proposed Materials:                                                                                                           |                                                                           |
| Existing mortar:                                                                                                                                | Joints:                                 | Mortar to be used:                                                                                                            | Mortar joints:                                                            |
| Other / Additional Notes:                                                                                                                       |                                         |                                                                                                                               |                                                                           |
| Unpainted masonry cannot be painted.                                                                                                            |                                         |                                                                                                                               |                                                                           |
| <b>Existing Chimney</b>                                                                                                                         |                                         | <b>Proposed Chimney</b>                                                                                                       |                                                                           |
| Show location and document conditions with photographs                                                                                          |                                         | <input type="checkbox"/> Repair <input type="checkbox"/> Remove <input type="checkbox"/> Add a chimney cap                    |                                                                           |
| Indicate the reason for change and materials:                                                                                                   |                                         |                                                                                                                               |                                                                           |



**K. FENCE OR WALL**   ☐ Not applicable   **SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Type of work: ☒ New    ☐ Repair % of structure \_\_\_\_    ☐ Replace In kind \_\_\_\_ Different in style or material \_\_\_\_

Location (include survey showing location, setbacks and height) **site plan attached**

Material: Vinyl (to match preexisting fence behind house)

Existing Condition: ☐Original    ☐Not Original    ☐Not Sure

Height: 3ft

Describe the style: White picket fence, similar to the neighbors house across strawberry street. Vertical, flat, spaced pickets with pointed tops. More details and pictures in letter attached.

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.

Applicant's signature: Jessica J Coburn

Date: 3/18/2023

March 18, 2023

To whom it may concern,

We would like to install a fence around the perimeter of our yard at 616 Strawberry Street. We believe a fence will not only help to keep our children and pets safe from street traffic, but it will also add to the curb appeal and give the house a cottage look.

We will use the Newport Picket Fence in white, which will match with the color and material of the fence on the property behind ours. Since these fences will line up against one another, I believe it is important that they match in style and material.

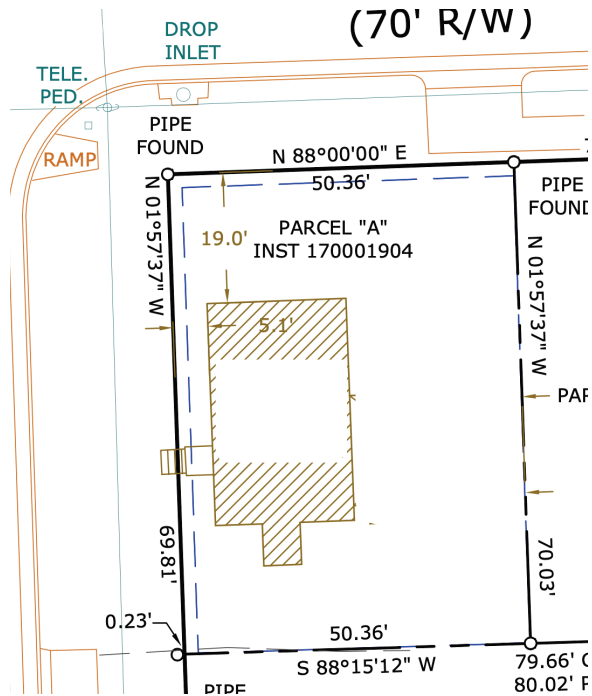


The 3ft picket fence style will also match the style of the fence across Strawberry street, although that fence is not white.

The full site plan is attached to this application, but I have added a screenshot below to demonstrate how the fence will fit into the setbacks. The fence will be

- 1 inch from the property line behind the house (east side),
- 1 inch from the property line on the southern side of the house,
- 2 feet from the public right of way on the Strawberry (west) side
- 2 feet from the public right of way on the Washington (north) side

The blue dashed lined in the site plan represents the 3ft fence.



For more information about the fence, I have pasted specifications below.

#### Dimensions

|                           |         |                              |        |
|---------------------------|---------|------------------------------|--------|
| Actual panel height (in.) | 36 in   | Actual panel thickness (in.) | 1.5 in |
| Actual panel width (in.)  | 71.5 in | Nominal panel height (ft.)   | 3 ft   |
| Nominal panel width (ft.) | 6 ft    |                              |        |

#### Details

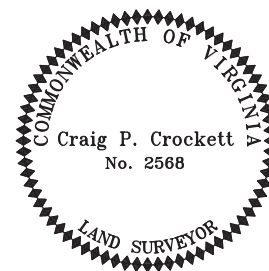
|                               |                   |                              |                               |
|-------------------------------|-------------------|------------------------------|-------------------------------|
| Color Family                  | White             | Color/Finish                 | White Vinyl (PVC)             |
| Contact Type Allowed          | Above Ground      | Features                     | UV Protected, Water Resistant |
| Fencing Installation Type     | No Dig            | Fencing Product Type         | Vinyl Fence Panels            |
| Includes                      | Cap/top, Hardware | Material                     | Vinyl                         |
| Nominal panel thickness (in.) | 1.5 in            | Number of pickets for panels | 11                            |
| Number of rails for panels    | 2                 | Panel Assembly               | Unassembled Panel             |
| Panel Design                  | Spaced Picket     | Panel Design                 | Spaced Picket                 |
| Panel Top Shape               | Flat              | Panel Top Shape              | Flat                          |
| Picket Top Style              | Pointed           | Picket Top Style             | Pointed                       |
| Product Weight (lb.)          | 29 lb             | Returnable                   | 90-Day                        |

Thank you,

Jessica & Perry Coburn

# SURVEYORS CERTIFICATION

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



## GENERAL NOTES:

1. OWNERS: DAVID STEPHENSON  
DARG & NAOMI JAYNE DARG

2. TAX PARCEL: 83A1-9-A

3. SOURCE OF TITLE: INST.  
170001904

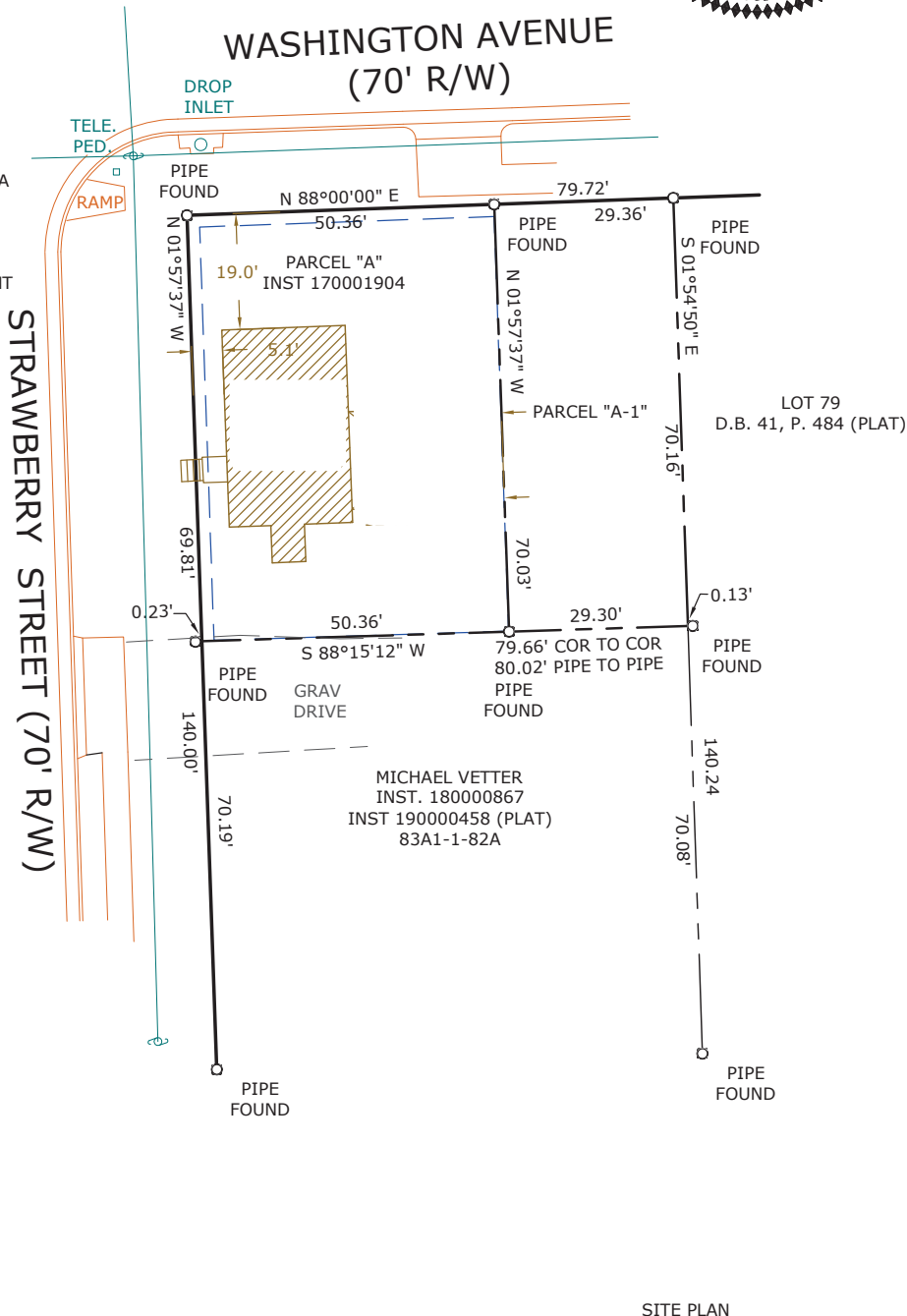
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN JUNE 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.

5. 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. 51131C295F, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X.

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

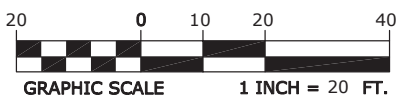
8. AREA: 3,521 SQ. FT. (0.081 AC.)



APPROVED

PLANNER,  
TOWN OF CAPE CHARLES

DATE



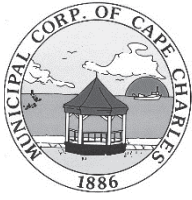
SITE PLAN  
**PARCEL A**  
PLAT OF RESUBDIVISION PARCEL "A"  
PLAN SHOWING PROPERTY OF L.E. MUMFORD EST.  
LOCATED IN THE TOWN OF  
**CAPE CHARLES**  
CAPEVILLE DISTRICT  
NORTHAMPTON COUNTY, VIRGINIA  
MADE FOR JESSICA COBURN  
SCALE: 1" = 20'      FEBRUARY 21, 2021



**POINT NORTH**

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

DRAWN BY: CROCKETT      FIELD BOOK: FILE COPY  
BACK TRAV: CROCKETT      PROJECT NO: 20162



## HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: May 16, 2023

Item #: 7A (2) – 501 Randolph Avenue

Prepared by: Tracy Outten, Planning Technician

Reviewed by: Katie H. Nunez, Planning/Zoning Administrator

Date: May 10, 2022

**APPLICANT:** Cape Charles Baptist Church, Trustees

**SITE ADDRESS:** 501 Randolph Avenue

**TAX MAP:** 83A3-1-475

**LOT SIZE:** 11,277 sq. ft.

**TYPE OF APPLICATION:** Certificate of Appropriateness

**WORK TO BE PERFORMED:** Install a 4' metal fence

**CURRENT ZONING:** Residential-1 (R-1)

**HISTORIC REGISTER:** 1902, Gothic Revival

*Description: N/A*

**DATE APPLICATION RECEIVED:** March 23, 2023

**PRE-APPLICATION MTG:** May 16, 2023

**DATE APPLICATION DEEMED COMPLETE:** April 4, 2023

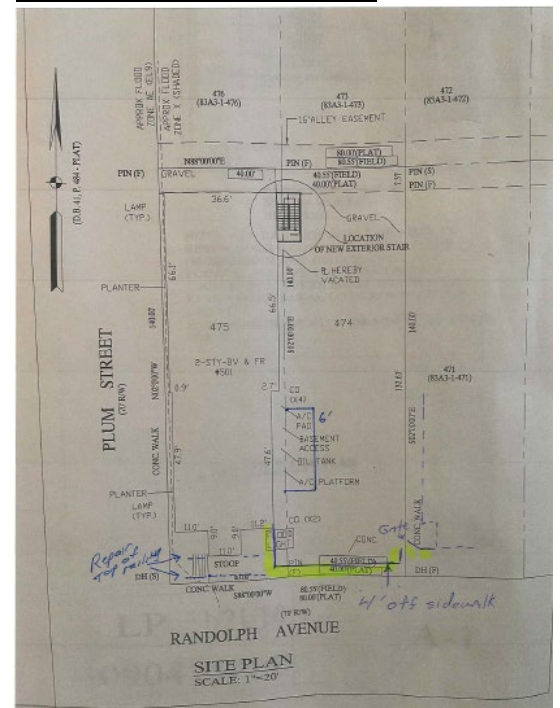
**LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application):** June 5, 2023

The applicant is seeking to install a 4' high black metal/aluminum fence on the southeast side of the church building and a 6' high fence around the air conditioning unit and oil tank. The highlighted line is the proposed 4' fence location in the below proposed site plan.

### AERIAL MAP:



### PROPOSED SITE PLAN:



**MATERIALS:**

- Black Metal/Aluminum Sierra Fencing

**STAFF ANALYSIS:****ZONING COMPLIANCE**

The property is a legal, conforming use and the fence is an allowable use. The proposed location of the fence meets all setback requirements.

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 OVERLAY DESIGN GUIDELINES:**

*Pages 9-3 and 9-4: Section 9.2 Fences & Freestanding Walls*

**STAFF RECOMMENDATION:**

Staff is requesting the HDRB to review the application material submitted by the applicant and determine if the materials and style proposed for the fence reflect the character and historic appearance of the neighborhood.

Staff is recommending approval of this application per Historic District Overlay Design Guidelines Section 9.2 (c) (iii) due to metal/aluminum being listed as an appropriate fencing type.

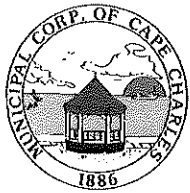
The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project and may impose conditions on an approval.

If approved, a Certificate of Appropriateness shall expire of its own limitation six (6) months from the date of issuance if the work authorized thereby is not commenced by the end of such six (6) month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six (6) months after being commenced.

**Attachments:**

Attachment 1 – Application and Documents





# Certificate of Appropriateness Application Renovation

Planning & Zoning Department  
2 Plum Street; Cape Charles, VA 23310  
757-331-3259 x24

[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

Revised 01/2023

Taxes

✓

Violations

X

Fee

Decision

## PART 1: APPLICATION NOTES

A Certificate of Appropriateness is required for all applications for zoning clearances and permits involving any exterior alteration, modification, restoration, reconstruction, demolition, new construction or moving of a property within the Cape Charles Historic District Overlay.

**Minor Exterior Work\***, such as exterior maintenance and repair, replacement of missing or broken windowpanes roofing shingles, slates, tiles, porch floors, posts, rails, or shutters where no substantial change to design or material is proposed and other minor changes that do not materially change the historic characteristics of the building may be reviewed by the Zoning Administrator. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

**Major Exterior Work**, such as new construction of a new building or a new permanent accessory building, relocation or demolition, any alteration of the architectural style of a structure or its significant architectural elements, modifications, and any major or minor work not eligible for administrative review must be reviewed and approved\* by the Historic District Review Board. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

*Note: A pre-application meeting is available upon request prior to submitting this application.*

The following documents must be submitted to the Town before this application can be reviewed. In addition to these documents, the COA application and requested supporting information relevant to the applicable sections must be deemed complete by department staff prior to being evaluated.

- ☐ A) Zoning Clearance Application      ☐ B) Photos of existing condition      ☐ C) Owner Permission Affidavit  
☐ D) Payment of COA Fee (Minor \$150 and Major \$500)      ☐ E) Tree Permit Application

Owner signature:

*William E. May*

Date:

*3/23/23*

## PART 2: PROPERTY INFORMATION

Property Address:

*501 Randolph Avenue*

Tax Map #:

Is there an active Certificate of Appropriateness on this property? ☐ No ☐ Yes \_\_\_\_\_ Date

Zoning District:

## PART 3: PROPERTY OWNER INFORMATION

Name and/or Company:

*Cape Charles Baptist Church*

Mailing Address:

*509 Randolph Avenue*

Phone Number:

*757-331-0851*

Email:

*ccbc.secretary@gmail.com*

## PART 4: APPLICANT INFORMATION

☒ Check here if applicant is owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company:

Mailing Address:

Phone Number:

Email:

**PART 5: PROJECT INFORMATION**

Proposed Project Description (If any tree removal is being proposed a Tree Permit Application must be completed):

*Replacement of fencing on Randolph Ave***PART 6. ALTERATIONS, REPAIRS OR ADDITIONS**

Select the type of work to be performed (check all that apply):

- ☐ Addition    ☐ Doors    ☐ Windows    ☐ Masonry    ☐ Porch Flooring    ☐ Roofs    ☐ Siding    ☐ Steps/Stoop & Railings  
☐ Trim Work    ☒ Fence or Wall    ☐ Partial demolition    ☐ Other:

**A. ADDITION** ☒ Not applicable**SEE SECTION 5.6 or 5.12 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Location (Attach a diagram; Survey/Site Plan is required):

Stories:

Building height:

Footprint:

Gross square footage:

Complete all sections below that apply to your addition and supply elevation drawings.

**B. ROOF**☒ Not applicable**SEE SECTION 4.2, 5.2, or 5.8 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Type of work: ☐ New    ☐ Repair % of roof structure \_\_\_\_    ☐ Reroofing: In kind \_\_\_\_ Different in style or material \_\_\_\_  
☐ Add/Repair Gutters and downspouts    ☐ Solar Panels

Location (Pictures of existing condition):

**Existing Roof****Proposed Roof**Existing Condition: ☐ Original    ☐ Not Original    ☐ Not Sure

Existing Material:

Proposed Materials:

Other / Additional Notes:

**C. DOORS**☒ Not applicable**SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Number of doors to be: Added: \_\_\_\_ Removed: \_\_\_\_  
Repaired: \_\_\_\_ Replaced: In kind \_\_\_\_ Different in style or material \_\_\_\_

Attach a diagram of the house exterior with all doors numbered. Add documentation for each additional door.

**Existing Door****Proposed Door**

Door 1:

Original to the home: ☐ Yes    ☐ No    ☐ Not Sure

Work to be completed:

☐ Added    ☐ Removed    ☐ Repaired    ☐ Replaced

Existing Material:

Proposed Material:

Dimensions: Width \_\_\_\_ Height \_\_\_\_

Dimensions: Width \_\_\_\_ Height \_\_\_\_

Configuration with picture (i.e., glass panes, divisions, decorative details &amp; panels):

Configuration with picture (i.e., glass panes, divisions, decorative details &amp; panels):

Indicate the reason for change:



|                                                                                                                                                                                        |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>D. WINDOWS</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES                                          |                                                                                                                                                              |
| Number of windows to be: Added: _____ Removed: _____<br>Repaired: _____ Replaced: In kind _____ Different in style or material _____                                                   |                                                                                                                                                              |
| Attach a diagram of the house exterior with all windows numbered. Add documentation for each additional window.                                                                        |                                                                                                                                                              |
| Existing Windows                                                                                                                                                                       | Proposed Windows                                                                                                                                             |
| Window1:<br>Original to the home: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure                                                           | Work to be completed:<br><input type="checkbox"/> Added <input type="checkbox"/> Removed <input type="checkbox"/> Repaired <input type="checkbox"/> Replaced |
| Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.):<br>Include a picture                                                                                                      | Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.):<br>Include a picture                                                                            |
| Width: _____ Height: _____ Depth: _____                                                                                                                                                | Width: _____ Height: _____ Depth: _____                                                                                                                      |
| Material: _____                                                                                                                                                                        | Material: _____                                                                                                                                              |
| <b>E. PORCHES</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES                                          |                                                                                                                                                              |
| Work to be done: <input type="checkbox"/> Repair flooring <input type="checkbox"/> Repair ceiling <input type="checkbox"/> Repair columns <input type="checkbox"/> Repair/add skirting |                                                                                                                                                              |
| Location (Attach pictures for all work; Survey may be requested):                                                                                                                      |                                                                                                                                                              |
| Floorboards: Number of boards to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                                 |                                                                                                                                                              |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                                          | Type of Material to be used:                                                                                                                                 |
| Existing Material:                                                                                                                                                                     |                                                                                                                                                              |
| <b>Ceiling:</b>                                                                                                                                                                        |                                                                                                                                                              |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                                          | Type of Material to be used:                                                                                                                                 |
| Existing Material:                                                                                                                                                                     |                                                                                                                                                              |
| If replacing, indicate the reason for replacement:                                                                                                                                     |                                                                                                                                                              |
| If altering, describe any proposed change (material, size, etc.):                                                                                                                      |                                                                                                                                                              |
| <b>F. STEPS/STOOPS/RAILINGS</b> <input checked="" type="checkbox"/> Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES                            |                                                                                                                                                              |
| Number of Steps/Stoops to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                                        |                                                                                                                                                              |
| Location (Attach pictures; Survey may be requested):                                                                                                                                   |                                                                                                                                                              |
| Existing Material:                                                                                                                                                                     | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                |
| Proposed Material:                                                                                                                                                                     |                                                                                                                                                              |
| If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):                                                    |                                                                                                                                                              |
| Number of Railings to be: _____ Repaired _____ Replaced _____ Altered _____                                                                                                            |                                                                                                                                                              |
| Location (Attach pictures; Survey may be requested):                                                                                                                                   |                                                                                                                                                              |
| Existing Material:                                                                                                                                                                     | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                                |
| Type of Material to be used:                                                                                                                                                           |                                                                                                                                                              |
| If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):                                                    |                                                                                                                                                              |

|                                                                                                                                                        |                                         |                                                                                                                               |                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>G. DECKS &amp; PATIOS</b> <input checked="" type="checkbox"/> <b>Not applicable</b> SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES      |                                         |                                                                                                                               |                                                                           |
| <input type="checkbox"/> Deck                                                                                                                          | Length:                                 | Width:                                                                                                                        | Materials:                                                                |
| <input type="checkbox"/> Patio                                                                                                                         | Length:                                 | Width:                                                                                                                        | Materials:                                                                |
| <b>H. SIDING</b> <input type="checkbox"/> <b>Not applicable</b> SEE SECTION 4.4, 5.4, or 5.9 OF THE HISTORIC DISTRICT DESIGN GUIDELINES                |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                          | <input type="checkbox"/> Minor Repair   | <input type="checkbox"/> Full Re-Siding (same material)                                                                       | <input type="checkbox"/> Full Re-Siding (Change of material)              |
| Location (Attach diagram & pictures):                                                                                                                  |                                         |                                                                                                                               |                                                                           |
| <b>Existing Siding</b>                                                                                                                                 |                                         | <b>Proposed Siding</b>                                                                                                        |                                                                           |
| Original to the home: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure                                       |                                         |                                                                                                                               |                                                                           |
| Existing material:                                                                                                                                     |                                         | Proposed material:                                                                                                            |                                                                           |
| Dimensions: Thickness -      Width -                                                                                                                   |                                         | Dimensions: Thickness -      Width -                                                                                          |                                                                           |
| Indicate the reason for change, e.g., underlying material condition, rot:                                                                              |                                         |                                                                                                                               |                                                                           |
| <b>I. TRIM WORK</b> <input checked="" type="checkbox"/> <b>Not applicable</b> SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                          | <input type="checkbox"/> Minor Repair   | <input type="checkbox"/> Alteration                                                                                           |                                                                           |
| Location (Attach diagram & pictures):                                                                                                                  |                                         |                                                                                                                               |                                                                           |
| Existing Material:                                                                                                                                     |                                         | Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure |                                                                           |
| Type of Material to be used:                                                                                                                           |                                         |                                                                                                                               |                                                                           |
| Dimensions:                                                                                                                                            |                                         |                                                                                                                               |                                                                           |
| Reason for repair or alteration (change of material or design):                                                                                        |                                         |                                                                                                                               |                                                                           |
| <b>J. MASONRY</b> <input checked="" type="checkbox"/> <b>Not applicable</b> SEE SECTION 4.3 or 5.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES          |                                         |                                                                                                                               |                                                                           |
| Type of work:                                                                                                                                          | <input type="checkbox"/> New foundation | <input type="checkbox"/> Substantial Reconstruction                                                                           | <input type="checkbox"/> Minor Repair <input type="checkbox"/> Repointing |
| Location (Attach diagram & pictures):                                                                                                                  |                                         |                                                                                                                               |                                                                           |
| <b>Existing Masonry</b>                                                                                                                                |                                         | <b>Proposed Masonry</b>                                                                                                       |                                                                           |
| Existing Condition: <input type="checkbox"/> Original <input type="checkbox"/> Not Original <input type="checkbox"/> Not Sure                          |                                         |                                                                                                                               |                                                                           |
| Existing Material:                                                                                                                                     |                                         | Proposed Materials:                                                                                                           |                                                                           |
| Existing mortar:                                                                                                                                       | Joints:                                 | Mortar to be used:                                                                                                            | Mortar joints:                                                            |
| Other / Additional Notes:                                                                                                                              |                                         |                                                                                                                               |                                                                           |
| Unpainted masonry cannot be painted.                                                                                                                   |                                         |                                                                                                                               |                                                                           |
| <b>Existing Chimney</b>                                                                                                                                |                                         | <b>Proposed Chimney</b>                                                                                                       |                                                                           |
| Show location and document conditions with photographs                                                                                                 |                                         | <input type="checkbox"/> Repair <input type="checkbox"/> Remove <input type="checkbox"/> Add a chimney cap                    |                                                                           |
| Indicate the reason for change and materials:                                                                                                          |                                         |                                                                                                                               |                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>K. FENCE OR WALL</b> <input type="checkbox"/> Not applicable <b>SEE SECTION 9.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                          |
| Type of work: <input type="checkbox"/> New <input type="checkbox"/> Repair % of structure ____ <input checked="" type="checkbox"/> Replace In kind ____   Different in style or material <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                          |
| Location (include survey showing location, setbacks and height)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                          |
| Material: <u>Metal / ALUMINUM</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Existing Condition: <input type="checkbox"/> Original <input checked="" type="checkbox"/> Not Original <input type="checkbox"/> Not Sure |
| Height: <u>4'</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                          |
| Describe the style:<br><u>Black ALUMINUM Sierra fencing to match fence on Clark</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                          |
| 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. |                                                                                                                                          |
| Applicant's signature: <u>William E. Mory</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Date: <u>3/23/23</u>                                                                                                                     |

*\* We will be <sup>repairing</sup> replacing the handrail only on the top portion.*



(D.B. 41, P. 484 - PLAT)

PLUM STREET  
(70' R/W)

APPROX FLOOD  
ZONE AE (EL 9)  
APPROX FLOOD  
ZONE X (SHADED)

476  
(83A3-1-476)  
473  
(83A3-1-473)  
472  
(83A3-1-472)

16' ALLEY EASEMENT

PIN (F)

LAMP  
(TYP.)

PLANTER

140.00'

N02°00'00"W

CONC. WALK

PLANTER  
LAMP  
(TYP.)

N88°00'00"E

GRAVEL

40.00'

36.6'

PIN (F)

80.00'(PLAT)  
80.55'(FIELD)

40.55'(FIELD)  
40.00'(PLAT)

PIN (S)

PIN (F)

7.37'

GRAVEL

LOCATION  
OF NEW EXTERIOR STAIR

FL HEREBY  
VACATED

140.00'

66.5'

S02°00'00"E

475

2-STY-BV & FR  
#501

474

140.00'

2.7'

CD  
(X4)

A/C  
PAD

6'

BASEMENT  
ACCESS

OIL TANK

A/C PLATFORM

47.6'

CD (X2)

47.9'

11.0'

9.0'

9.0'

11.2'

11.0'

FLOOD  
LIGHT

PIN  
(F)

40.55'(FIELD)  
40.00'(PLAT)

DH (F)

*Repair of  
top railing*

DH (S)

CONC. WALK

S88°00'00"W

80.55'(FIELD)  
80.00'(PLAT)

(70' R/W)

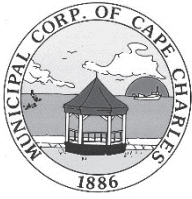
RANDOLPH AVENUE

SITE PLAN  
SCALE: 1"=20'

*Gate*

*4' off sidewalk*





## HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: May 16, 2023

Item #: 7D (1) – Lot 134 Madison Avenue (Tax Map #83A1-1-134)

Prepared by: Tracy Outten, Planning Technician

Reviewed by: Katie H. Nunez, Planning/Zoning Administrator

Date: May 10, 2023

---

**APPLICANT:** QS, LLC

**OWNER:** Tyler and Corinne Maulsby

**TYPE OF APPLICATION:** Pre-Application/Certificate of Appropriateness

**SITE ADDRESS:** Lot 134 Madison Ave.

**WORK TO BE PERFORMED:** New 1,780 square foot, 2-story single-family residence; walkway; wood fence; outdoor shower

**TAX MAP:** 83A1-1-134

**CURRENT ZONING:** Residential (R-1)

**LOT SIZE:** 5,600 sq. ft.

**HISTORIC REGISTER:** Not listed

**DATE APPLICATION RECEIVED:** April 4, 2023

**PRE-APPLICATION MTG:** May 16, 2023

**DATE APPLICATION DEEMED COMPLETE:** April 4, 2023

**LEGAL DEADLINE: HDRB Decision (60 Days from Complete Application):** June 5, 2023

---

The applicant is seeking to construct a 1,780 sq. ft., two story single-family residence with a 26'8" x 8'8" (231.11 sq. ft.) front porch. The application also includes the installation of a front walkway, 6' wood fence on the rear perimeter of the property, and a 4' x 4' vinyl outdoor shower. The site plan shows a shed that will be proposed at another time, and a curb cut that does exist, but the driveway shown is in the front yard which is not allowed per zoning (CCZO Section 4.5 (G)(1)(a)). So, after speaking with the owners' representative a driveway is not being proposed. This lot is currently a vacant lot.

### LOCATION MAP:



**MATERIALS:**

The applicant is proposing to use:

- Roof: Architectural Asphalt Shingles (Pitch: 8/12)
- Siding: Hardi Fiber Cement 7" Exposure Woodgrain
- Trim: White Azek Board, Casing: 4"
- Windows: Anderson Double Hung 2/2; Trim: 4"; Sills: 2" (See full window schedule attached.)
- Shutters: No Information given. (Please read guidelines.)
- Doors: Therma-tru Fiberglass Half-Lite with Transom & Trim: 4"
- Front Porch: Decking: Azek tongue & groove; Columns: 8" Permacast; Railing – Azek with Square 1-1/4 Balusters; Handrails: Timbertech Premier Azek; Roof: 3/12 pitch; Vinyl Privacy Lattice underpinning
- Rear Deck: Decking: Azek Woodgrain Timbertech 5/4" x 6"; Handrails: Azek; Vinyl Privacy Lattice underpinning
- Steps: Azek
- Foundation: Stucco over Block
- Fence: Wood
- Outdoor Shower: Vinyl

**STAFF ANALYSIS****ZONING COMPLIANCE:**

The proposed project is seeking to construct 1,200 square feet, two story single-family residence on a vacant lot; the house is proposed to have a 231.11 sq. ft. front porch and a 6-ft tall, rear yard fence located one inch from the rear and side property lines.

The proposed materials are in conformance with the Zoning Ordinance for new construction and Zoning Compliance is achieved based upon this application to the HDRB.

Please note that a separate Zoning Compliance will be required upon the submission of a building permit application to ensure conformance that the HDRB Votes are fully referenced and contained in the building plans. As of when the applicant submits for a building permit, a full set of building plans must be provided that includes a required Site Plan and Landscape Plan that details both the removal of existing trees if necessary and the proposed addition of trees to conform with CCZO Appendix F – Tree Conservation and Preservation Ordinance along with the Historic District Overlay Design Guidelines Section 9.5 Landscaping.

Any property within the Historic District Overlay is required to meet the Historic District Overlay Guidelines, which are superimposed on the underlying zoning district regulations.

**HISTORIC DISTRICT OVERLAY DESIGN GUIDELINES:**

*Section 5.13: New Construction of Primary Buildings*

*Page 9-2: Section 9.1: Hardscaping (Driveways, Walkways, & Other Paving)*

*Pages 9-3 to 9-4: Section 9.2.2: Fences & Freestanding Walls*

*Pages 9-6 to 9-7: Section 9.4: Appurtenances*

**STAFF RECOMMENDATION:**

Staff is recommending review of the Application by the HDRB and determine if the proposed new single-family residence on a vacant lot (also known as an infill lot) is within the Historic District Guidelines.

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.

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. If approved, a Certificate of Appropriateness shall expire of its own limitation six (6) months from the date of issuance if the work authorized thereby is not commenced by the end of such (6) six-month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of six (6) months after being commenced.

**ATTACHMENTS:**

Attachment 1 – Zoning Clearance Checklist

Attachment 2 – Application and Documents

**DECISION OF ZONING REVIEW**

BY: Katie H. Nunez, Planning &amp; Zoning Administrator

DATE: May 10, 2023

COMMENTS: **See Site Plan and Setback Sections for specific notes**

DECISION: Can be approved once comments are addressed.

**ZONING REVIEW CHECK LIST****Residential -1 District**

|                       |                                                           |
|-----------------------|-----------------------------------------------------------|
| Address of Property   | Lot 134 Madison Avenue                                    |
| Property Owner's Name | Tyler and Corinne Maulsby                                 |
| Tax Map #             | 83A1-1-134                                                |
| Seeking Permit for:   | Single Family Dwelling with Rear Fence and Outdoor Shower |

- ☒ 1) Verify that proposed use is use allowed by right: Single Family dwelling or accessory building (shed, garage) or Home Occupations or other: **2-Story Single Family Dwelling and 6-ft tall, wooden rear fence and outdoor shower.**
- ☐ 2) Site Plan submitted? If not, have Applicant prepare and complete Site Plan in compliance with Appendix B. **Survey has been provided by MSA dated 3/23/2023. It shows a limited driveway for the front yard alone which is not allowed per CCZO Section 4.5 (G)(1)(a) and needs to be removed from the site plan.**
- ☒ 3) Lot & Dwelling Size & LOT COVERAGE

| ORDINANCE REQUIREMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                              |                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Lot Size                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Dwelling Unit Size                           | LOT COVERAGE (Section 4.2 (E) (6))                                                                                         |
| Up to 5,600 sq ft                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Need to comply with Lot Coverage requirement | The sum of the footprint square footage of all buildings on the lot shall be less than 50% of the total lot square footage |
| 5,600 Sq. Ft (40' x 140')                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 960 sq ft (min) to 2,400 sq ft. (max)        |                                                                                                                            |
| 5,601 – 8,400 sq. ft                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 960 sq ft (min) to 3,0000 sq ft (max)        |                                                                                                                            |
| 8,401+ sq ft                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Max of 4,500 sq                              |                                                                                                                            |
| <b>NOTES: -</b> Ordinance adopted 7/14/1992<br>(a) Patios, Porches, Decks, Attached Garages & Detached Accessory Structures are not included in the calculation of the dwelling unit square footage.<br>(b) If multiple lots are used, see Section 4.2 (E) (7 & 8) for additional Lot Coverage Rules<br>(c) If lot smaller than 5,600 sq ft, the total footprint area of all accessory building lot coverage shall not exceed ten percent (10%), per Section 4.2 (E) (13) |                                              |                                                                                                                            |

| LOT SIZE | HOUSE SQ FT | ACCESSORY STRUCTURE SQ FT | TOTAL SQ FT OF ALL BUILDINGS | LOT COVERAGE CALC | In Compliance or Not? |
|----------|-------------|---------------------------|------------------------------|-------------------|-----------------------|
| 5,600    | 1,200       | NA                        | 1,200                        | 21.4%             | YES                   |



- ☐ 4) Setbacks – Conforming Lots (5,600 sq ft or larger): The survey is indicating a 30 ft front setback – need to confirm if it should be something less due to prevailing conditions of the neighborhood.

(a) Front: 30 ft or prevailing:

(b) Side: 5 ft: ACTUAL: 7.5 FT/ 7.8 FT

(c) Rear: 25 ft: ACTUAL: 55 FT

*If nonconforming lot, then rear setback may be 5 ft if lot less than 40 ft in width*

*SEE NOTES FOR ACCESSORY BUILDINGS*

(d) Corner Lots – Minimum Side is 5 ft. or prevailing: NOT APPLICABLE

NOTES:

• *DECKS & PATIOS NOT ALLOWED IN FRONT YARD;*

• *See Section 4.2 (F) for Projections Allowed in Required Setbacks.*

- ☒ 5.) Is there a fence/wall? **Yes, seeking a 6 ft. tall, rear yard fence. Rear Yard is defined as the corners of the rear property line up to the corners of the house at the rear.**

If yes, then minimum distance of 2 ft from any sidewalk, alley or public right of way; **must be 1 inch from adjacent property boundaries.**

If yes, max height for rear fence is 6 ft & max height for side and/or front yard fence is 4 ft.

- ☒ 6) Minimum Lot Width – 40 ft.

- ☒ 7) Height Restrictions for Main Structure/House: 40 ft' height max or 2 ½ stories: Actual: 26 ft.  
(see Sec. 4.2 (C) for exceptions)

- ☒ 8) Height Restrictions for Accessory Structures: NOT APPLICABLE.
- a) If house is no more than one story above grade, the height of Accessory Structure cannot be taller than house (Sec. 4.2 (E) (9): \_\_\_\_\_
- b) If house is more than one story above grade, then Accessory Structure shall be no higher than 2/3 the height of the main structure or 24 ft, whichever is less (Sec. 4.2 (E) (10): \_\_\_\_\_

- ☒ 9) Distance between Accessory Structure and Main Building – min of 15 ft.: NOT APPLICABLE

- ☒ 10) ACCESSORY STRUCTURE – Additional Requirements: NOT APPLICABLE
- a.) Not located in front or side yard -
- b.) No closer than 5 ft to any alley line -
- c.) No closer than 2 ft to any side or rear lot line -
- d.) If lot frontage is less than 80 ft, then the sum of all accessory buildings shall be less than footprint of primary residence or 550 sq. ft, whichever is the lesser -
- e.) If lot frontage is greater than or equal to 80 ft, the sum of all accessory buildings shall be less than the footprint of the primary residence or 660 sq. ft., whichever is lesser.

- ☒ 11) PHYSICAL CHARACTERISTICS: NOT APPLICABLE
- a. Accessory dwellings shall be located in an accessory building. ☐

b. Accessory dwellings shall not have a floor area exceeding forty-five (45) percent of the floor area of the main building. ☐

| MAIN BLDG FLOOR AREA | 45% ALLOWANCE for ADU FLOOR AREA | ACTUAL ADU FLOOR AREA |
|----------------------|----------------------------------|-----------------------|
|                      |                                  |                       |

c. Accessory dwellings shall have one kitchen, one bathroom, and a sleeping area. ☐

d. Accessory buildings shall not have the appearance of a single-family dwelling ☐



- 12) Development Standards – HISTORIC DISTRICT REVIEW BOARD (HDRB) determines compliance with Historic District Guidelines and Overlay District Requirements
- a) Proportions – 1:1 to structures in neighborhood
  - b) Scale and orientation
  - c) Roof Pitch – prevailing standard or 8:12
  - d) Windows & Doors
    - Double hung windows or prevailing standard; jalousie, picture and horizontal windows only in traditional American ranch style architecture
    - Exterior doors should be paneled or have glass panels; flush doors not allowed.
  - e) Porches – min depth of six feet & cover 80% of width of front building façade.

13) Occupancy characteristics.

a. Transient Occupancy (also referred to as Short Term Rentals [STRs]) means any person(s) who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, lodges or obtains lodging at any hotel, motel tourist home, or other facility. Accessory Dwelling Units may not be rented on a Transient Occupancy basis.

b. Length of stay – An accessory dwelling unit may be occupied by any person or persons for a period no less than thirty (30) consecutive calendar days either paying a fee for such occupancy at his own expense or at the expense of another (30-day rental or greater). Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested in writing.

c. The property owner where the Accessory Dwelling Unit (ADU) is located may utilize the ADU as overflow residential space for members of their family and guests.

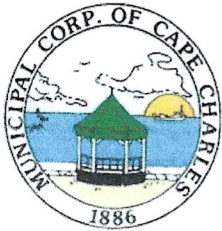
14) Other requirements.

- a. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
- b. Accessory dwellings will be required to have its own municipality issued trash receptacle, separate from the main residence/structure.
- c. Accessory dwellings meeting the requirements of all of the physical characteristics above must obtain a Certificate of Completion for Accessory Dwellings from the Code Official, which is equivalent to a Certificate of Occupancy. In order to issue said Certificate, the Code Official will conduct an inspection to determine compliance with the Building Code.
- d. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
- e. Parking shall be in compliance with Section 4.5 of the Cape Charles Zoning Ordinance using both on and off-street parking areas.
- f. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic Overlay.
- g. Annual Certifications to be submitted to the Town by March 15 of each year to the Building and Planning Departments.

- 1. The property owner will submit an annual affidavit on Town Affidavit Form for

Accessory Dwellings attesting to their acknowledgement and adherence to the Zoning Ordinance requirements for Accessory Dwelling Units.

2. The property owner will submit an annual affidavit on Town Affidavit Form for Safety Compliance for Accessory Dwelling Units.
3. If the property owner changes between March 16 and December 31 of the calendar year, the new property owner will be required to submit both a new Town Affidavit Form for Accessory Dwellings and a Town Affidavit Form for Safety Compliance for Accessory Dwelling Units no later than 30 days from the property transfer.



## OWNER PERMISSION AFFIDAVIT to FILE APPLICATION

Town of Cape Charles  
2 Plum Street  
Cape Charles, VA 23310  
757-331-2036 Fax: 757-331-4820  
[planner@capecharles.org](mailto:planner@capecharles.org)

### PROPERTY INFORMATION

Subject Property Street Address: Madison Avenue (Lot 134)  
Subject Property Tax ID Number: 28341-01-00-0000134

### OWNER INFORMATION

Name (Person, Firm, Corporation, or Agency): Tyler Maulsby  
Mailing Address: 545 Ridgewood Road, Maplewood, NJ 07040  
Phone Number: 646 413 9586 Email: tmaulsby@gmail.com

### APPLICANT INFORMATION (If applicable)

Name: QS LLC  
Mailing Address: 2135 S. Bayside Rd, Chantton, VA 23316  
Phone Number: 757 331 4560 Email: heatherbehrensqs@gmail.com

I am applying for, or I hereby give authority to the applicant to file an application for:

Tyler Maulsby  
Signature of Owner: [Signature] Date: 2/14/23

State of New York  
Commonwealth of Virginia  
County of New York

The foregoing instrument was acknowledged before me this 14 day of February,  
20 23, by Tyler Maulsby (name of person acknowledged).

Signature of Notarial Officer: [Signature]  
Notary Registration Number: 01TH4857742  
My Commission Expires: October 23, 2025

(Seal)  
DONALD P. THORESEN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01TH4957742  
Qualified in Kings County  
My Commission Expires 10-23-2025





# Certificate of Appropriateness Application

## New Construction

Planning & Zoning Department  
2 Plum Street, Cape Charles, VA 23310  
757-331-3259 x24

[planningtech@capecharles.org](mailto:planningtech@capecharles.org)

Revised 12/2022

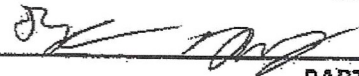
|            |          |
|------------|----------|
| Taxes      | ✓        |
| Violations | X        |
| Fee        | \$500 PD |
| Decision   |          |

### PART 1: APPLICATION NOTES

A Certificate of Appropriateness is required for all applications for zoning clearances and permits involving any new construction, including accessory structures, within the Cape Charles Historic District Overlay. A pre-application meeting is available upon request prior to submitting this application. \* The applicant is responsible for confirming and obtaining all necessary building permits after approvals.

In addition to the information required in this application, all items from this checklist must be submitted before it can be evaluated.

- |                                                            |                                                |                                                                  |
|------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Site Plan              | <input checked="" type="checkbox"/> Elevations | <input checked="" type="checkbox"/> Zoning Clearance Application |
| <input checked="" type="checkbox"/> Photos of existing lot | <input checked="" type="checkbox"/> Renderings | <input checked="" type="checkbox"/> Photos of proposed materials |

Owner signature: 

Date: 3/7/23

### PART 2: PROPERTY INFORMATION

Property Address: Lot 134, Madison Ave.

Tax Map #: 83A1-1-134

Is there an active Certificate of Appropriateness on this property? ☒ No ☐ Yes Date: \_\_\_\_\_

Zoning District: R-1

### PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: Tyler + Corinne Maulsby

Mailing Address: 545 Ridgewood Rd, Maplewood, NJ 07040

Phone Number: 646-413-9586

Email: tmaulsby@gmail.com

### PART 4: APPLICANT INFORMATION

- ☐ Check here if applicant is owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company: Q&S LLC

Mailing Address: P.O. Box 1090, Cheriton, VA 23316

Phone Number: 757-331-4560

Email: heatherbehrensqs@gmail.com

### PART 5: PROJECT INFORMATION

Proposed Project Description:

Single family residence

# PART 6. NEW CONSTRUCTION

See Section 5.13 & 6 of the Historic District Design Guidelines

|                                                    |                                                                                                                                                                            |                                                 |                     |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---------------------|
| First Floor Building Area (sq. ft.): 1,200 sq. ft. |                                                                                                                                                                            | Total Gross Floor Area (sq. ft.): 1,780 sq. ft. |                     |
| Front Building Setback (ft.): 30'                  |                                                                                                                                                                            | Building width (ft.): 29'                       |                     |
| Building Height                                    | Feet: 26'                                                                                                                                                                  | Stories: 2                                      | Roof pitch: 8 pitch |
| A. Foundation                                      | Material to be used: Stucco over block                                                                                                                                     |                                                 |                     |
| B. Roofing                                         | Material to be used: Architectural shingle                                                                                                                                 |                                                 |                     |
|                                                    | Chimney? <input type="checkbox"/> No <input type="checkbox"/> Yes - Number _____ Materials:                                                                                |                                                 |                     |
| C. Siding                                          | Material to be used: Hardi fiber cement                                                                                                                                    | Dimensions: 7" exposure                         |                     |
| D. Steps                                           | Material to be used: Azek Woodgrain                                                                                                                                        |                                                 |                     |
| E. Railing                                         | Style and Material to be used: Timbertech Premier handrail - azek                                                                                                          |                                                 |                     |
| F. Porch                                           | Length: 26'8" Width: 8'8"                                                                                                                                                  |                                                 |                     |
|                                                    | Material to be used: Floor: Azek tongue & groove Skirting:                                                                                                                 |                                                 |                     |
|                                                    | Columns? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Number 4 Style & Materials: 8" fibercast                                                    |                                                 |                     |
| G. Deck                                            | Length: 6' Width: 4'                                                                                                                                                       | Material to be used: Azek 5/4 x 6 decking       |                     |
| H. Doors                                           | front Width: 3'0" Height: 6'8" w/ 12" transom rear 2'8" x 6'8" w/ transom                                                                                                  |                                                 |                     |
|                                                    | Material and Configuration: attach a picture (i.e., glass panes, divisions, decorative details & panels)                                                                   |                                                 |                     |
| I. Windows                                         | Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.) attach a picture:                                                                                              |                                                 |                     |
|                                                    | Material: Vinyl double hung                                                                                                                                                |                                                 |                     |
|                                                    | Width:                                                                                                                                                                     | Height:                                         | Depth:              |
| J. Trim                                            | Material to be used: white azek trim board                                                                                                                                 |                                                 |                     |
|                                                    | Dimensions: 4" casing, 0" sill                                                                                                                                             |                                                 |                     |
| K. Hardscape                                       | Indicate the placement and dimensions of any of following on your site plan.                                                                                               |                                                 |                     |
|                                                    | Driveway: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Materials:                                                                                 | front setback                                   |                     |
|                                                    | Walkway: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Materials:                                                                                  | front setback                                   |                     |
|                                                    | Fence: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Materials:                                                                                    | 6' Wood fence                                   |                     |
|                                                    | Patio: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Size: _____ Materials:                                                                        |                                                 |                     |
|                                                    | Outdoor shower: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - <input type="checkbox"/> Not Enclosed <input type="checkbox"/> Enclosed - Materials: | vinyl 4x4                                       |                     |
|                                                    | Pool: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Requires a Conditional Use Permit                                                              |                                                 |                     |
|                                                    | Accessory Structure: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Complete an additional COA application for the structure                        |                                                 |                     |
|                                                    |                                                                                                                                                                            |                                                 |                     |



Describe how the proposed construction will relate to the architectural scale, massing, volumes, and styles represented within the historic district. Attach pictures of the neighborhood.

It meets the requirements of the historic district in size, porch size, and roof pitch.

Indicate the proposed materials if not listed above, distinctive architectural features and ornamentation:

N/A

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.

Applicant's signature: Holku Behrens<sup>QS</sup> - Office Mgr.

Date: 4/3/23



Maulsby lot





# CIVIL LEGEND

| SYMBOL / ABBREVIATION | DESCRIPTION               |
|-----------------------|---------------------------|
| ○                     | MANHOLE                   |
| □                     | SANITARY CLEANOUT         |
| ⊙                     | VALVE                     |
| ⊙                     | DROP INLET                |
| ---                   | SILT FENCE                |
| ---                   | PROPERTY LINE             |
| ---                   | BUILDINGS                 |
| ---                   | FORCEMAIN                 |
| □                     | TRAFFIC BOX               |
| ---                   | PAVEMENT                  |
| ---                   | CONCRETE                  |
| ⊕                     | TEMPORARY BENCHMARK (TBM) |
| +10.0                 | ELEVATIONS (EXISTING)     |
| +10.0                 | ELEVATIONS (PROPOSED)     |
| ---                   | SILT FENCE                |
| HP                    | HIGH POINT                |
| MG                    | MATCH GRADE               |

AS PER CAPE CHARLES ZONING ORDINANCE, THIS SITE IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT), SETBACKS, LOT AREA REQUIREMENTS AND HEIGHT RESTRICTIONS AS PER ZONING ORDINANCE:

FRONT: 30' OR PREVAILING SETBACK IN BUILT-UP NEIGHBORHOODS

REAR: 25'

SIDE: 5'

SIDE (ALONG STREET): 5'

MAX. BUILDING HEIGHT: 2.5 STORIES & 40'

MIN. LOT SIZE: 5,600 SF

MIN. LOT WIDTH: 40'

MIN. DWELLING UNIT SIZE: 960 SF

MAX. DWELLING UNIT SIZE: 4,500 SF

## AUTHORIZING AGENCIES

APPROVED:  
NHCO. PLANNING & ZONING

DATE:

APPROVED:  
DEPARTMENT OF TRANSPORTATION

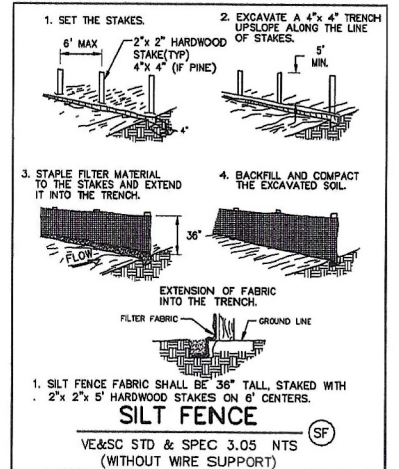
DATE:

APPROVED:  
NHCO. HEALTH DEPARTMENT

DATE:



LOCATION MAP - SCALE: 1" = 2,000'



EXISTING CONDITIONS/E&S PLAN  
FOR

LOT 134

PARCEL ID 83A1-1-134

"MAP OF THE TOWN OF CAPE CHARLES"

(DB 41, PG 483) PLAT

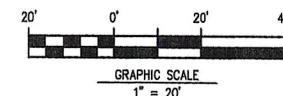
TOWN OF CAPE CHARLES

NORTHAMPTON COUNTY, VIRGINIA

MARCH 23, 2023



5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462  
757.490.2964 | MSAONLINE.COM



JOB # 22231  
SHEET 1 OF 4

FB: 729, PG 66-67  
DRWN. BY: CJS  
CHK'D. BY: JJV DATE: 3/23/2023

MADISON AVENUE (70' R/W)  
(DB 41, PG 484)

N/F  
PAUL T. & SHIRLEY L.  
DOMINIC  
(INSTR. LR18 353)  
LOT H  
(PB 4, PG 78)  
TAX MAP  
NO. 83A1-9-H

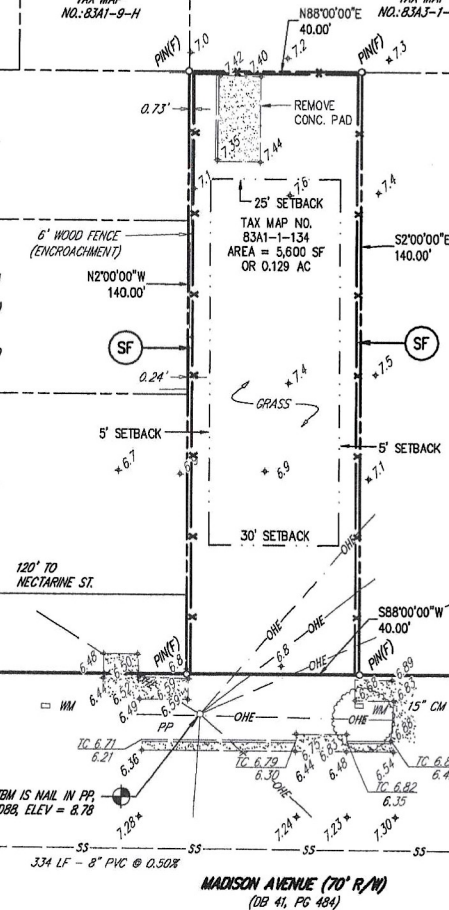
N/F  
THOMAS GEORGE  
GODWIN SR.  
(DB 221, PG 280)  
LOTS 132 & 133  
(DB 41, PG 484)  
TAX MAP  
NO. 83A3-1-132

N/F  
JOHN E. &  
JANEKRISTEN  
THORNBROUGH  
(INSTR. LR15 1156)  
LOT II  
(PB 23, PG 10)  
TAX MAP  
NO. 83A1-9-II

N/F  
DAVID A. & WANDA  
M. GRENSHAW  
(INSTR. LR20 2468)  
(DB 287, PG 217)  
TAX MAP  
NO. 83A1-9-504B0

N/F  
CHRISTOPHER &  
LACEY WILEY  
(INSTR. LR15 1281)  
LOT L  
(PB 4, PG 78)  
TAX MAP  
NO. 83A1-9-L

N/F  
JENNIE MARIE KING  
LIVING TRUST  
(INSTR. NO.  
220000028)  
LOT 131  
(DB 41, PG 484)  
TAX MAP  
NO. 83A3-1-131



SSMH  
RIM=7.61  
INV(E)=1.96  
INV(W)=1.93

SSMH  
RIM=6.70  
INV(N)=0.08  
INV(E)=0.26  
INV(S)=0.27  
INV(W)=0.00

# CIVIL LEGEND

| SYMBOL/ABBREVIATION | DESCRIPTION               |
|---------------------|---------------------------|
|                     | MANHOLE                   |
|                     | SANITARY CLEANOUT         |
|                     | VALVE                     |
|                     | DROP INLET                |
|                     | SILT FENCE                |
|                     | PROPERTY LINE             |
|                     | BUILDINGS                 |
|                     | FORCE MAIN                |
|                     | TRAFFIC BOX               |
|                     | PAVEMENT                  |
|                     | CONCRETE                  |
|                     | TEMPORARY BENCHMARK (TBM) |
|                     | ELEVATIONS (EXISTING)     |
|                     | ELEVATIONS (PROPOSED)     |
|                     | SILT FENCE                |
|                     | HIGH POINT                |
|                     | MATCH GRADE               |

## NEW WORK KEYNOTES

- PROPOSED SANITARY CLEANOUT
- PROPOSED SEWER LINE
- PROPOSED WATER SERVICE
- PROPOSED WATER METER (CONNECT WATER SERVICE TO EXISTING WATER METER IF AVAILABLE)
- PROPOSED FENCE
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK

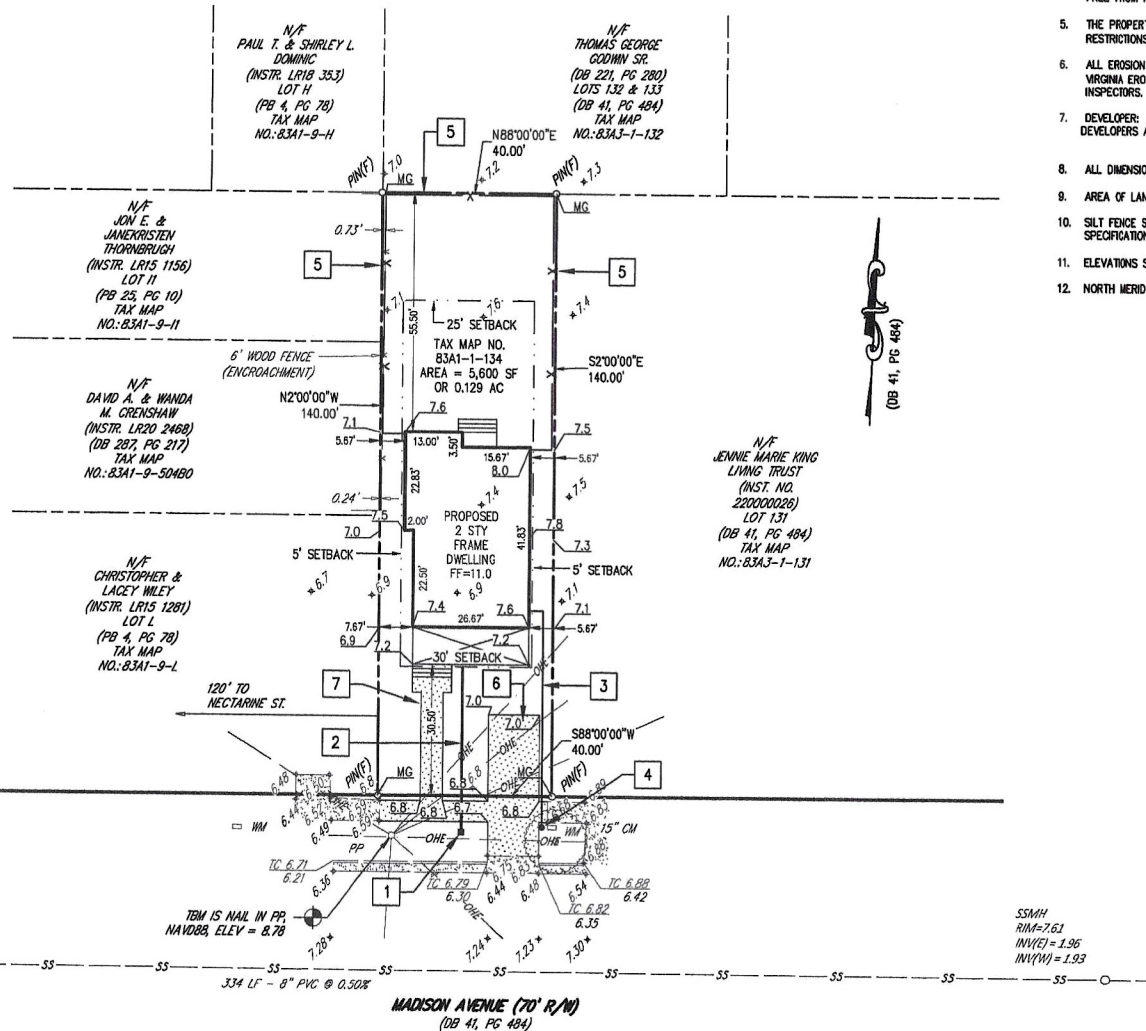
AS PER CAPE CHARLES ZONING ORDINANCE, THIS SITE IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT), SETBACKS, LOT AREA REQUIREMENTS AND HEIGHT RESTRICTIONS AS PER ZONING ORDINANCE:

FRONT: 30' OR PREVAILING SETBACK IN BUILT-UP NEIGHBORHOODS  
 REAR: 25'  
 SIDE: 5'  
 SIDE (ALONG STREET): 5'  
 MAX. BUILDING HEIGHT: 2.5 STORIES & 40'  
 MIN. LOT SIZE: 5,600 SF  
 MIN. LOT WIDTH: 40'  
 MIN. DWELLING UNIT SIZE: 960 SF  
 MAX. DWELLING UNIT SIZE: 4,500 SF

PROPOSED HOUSE & GARAGE = 1,513 SF  
 PROPOSED DRIVEWAY/SIDEWALK = 365 SF  
 TOTAL IMPERVIOUS = 1,878 SF  
 LOT AREA = 5,600 SF  
 IMPERVIOUS AREA = 1,878 SF  
 TOTAL REMAINING = 3,722 SF  
 IMPERVIOUS PERCENTAGE = 33%

## NOTES

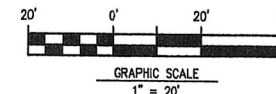
- TAX PARCEL: 83A1-1-134
- PROPOSED NUMBER OF DWELLING UNITS = 1.
- NUMBER OF ERU's = 1.
- THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE "SHADED X" AS SHOWN ON PANEL 0235F OF THE FLOOD INSURANCE RATE MAPS FOR NORTHAMPTON COUNTY, VIRGINIA, COMMUNITY NO.: 51131C, DATED 3-2-15. FLOOD ZONE INFORMATION SHOWN HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED FROM THE FLOOD INSURANCE RATE MAPS FOR THE CITY/COUNTY INDICATED. MSA, PC, IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
- THE PROPERTY DOES NOT APPEAR TO FALL IN "FLOODPLAINS SUBJECT TO SPECIAL RESTRICTIONS".
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, AND AS REQUIRED BY THE CITY'S INSPECTORS.
- DEVELOPER: TYLER & CORINNE MAULSBY  
 DEVELOPERS ADDRESS: 545 ROSEWOOD ROAD  
 MAPLEWOOD, VA, 21801
- ALL DIMENSIONS ARE SHOWN TO BLOCK AND ARE TO BE VERIFIED BY BLOCK MASON.
- AREA OF LAND DISTURBANCE: 5,600 SF OR 0.128 AC.
- SILT FENCE SHALL BE INSTALLED IN ACCORDANCE WITH STATE STANDARD AND SPECIFICATION 3.05.
- ELEVATIONS SHOWN HEREON BASED ON NAVD83, NOS STATION (PID) FW0235.
- NORTH MERIDIAN SHOWN HEREON BASED ON DEED BOOK 41, PAGE 484.



GRADING & UTILITY PLAN  
 FOR  
 LOT 134  
 PARCEL ID 83A1-1-134  
 "MAP OF THE TOWN OF CAPE CHARLES"  
 (DB 41, PG 483) PLAT  
 TOWN OF CAPE CHARLES  
 NORTHAMPTON COUNTY, VIRGINIA  
 MARCH 23, 2023



ENGINEERS | SCIENTISTS | SURVEYORS  
 5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462  
 757.490.2964 | MSAONLINE.COM



FB: 729, PG 66-67  
 DRWN. BY CJS  
 CHK'D. BY JJV DATE 3/23/2023



1. ACQUIRE NECESSARY PERMITS.

2. CONTRACTOR TO CONTACT THE NORTHAMPTON COUNTY EAS CONTROL INSPECTOR AT TO ARRANGE AND HOLD A PRECONSTRUCTION MEETING PRIOR TO ANY CONSTRUCTION ACTIVITY OR LAND DISTURBING.

3. A REVIEW AND PERMIT FROM VDOT IS REQUIRED FOR ANY CONSTRUCTION WITHIN THE STATE RIGHT-OF-WAY.

4. INSTALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH VEGAS STANDARDS. EROSION AND SEDIMENT CONTROLS SHALL BE INSTALLED PRIOR TO ANY LAND DISTURBANCE AND SHALL BE MAINTAINED UNTIL SUCH A TIME AS THE VEGETATIVE COVER IS ESTABLISHED.

5. ROUGH GRADE SITE. CONTRACTOR TO CONTROL DUST DURING CONSTRUCTION.

6. INSTALL UNDERGROUND UTILITIES.

7. BEGIN CONSTRUCTION OF PROPOSED IMPROVEMENTS.

8. DRESS AND OVERSEED ALL AREAS LABELED AS "GRASS" ON PLAN AND IMMEDIATELY ESTABLISH PERMANENT VEGETATIVE COVER. MAINTAIN VEGETATIVE COVER THROUGHOUT DURATION OF PROJECT.

9. REPAIR ANY INADVERTENT EROSION AND REMOVE ANY INADVERTENT SEDIMENTATION.

10. REMOVE REMAINING TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES WITHIN THIRTY DAYS AFTER FINAL SITE IS STABILIZED WITH VEGETATIVE GROWTH.

11. REMOVE ALL TEMPORARY EQUIPMENT, CONSTRUCTION MATERIALS AND DEBRIS FROM THE SITE.

#### NOTES

1. ANY AND ALL MATERIAL OR DEBRIS TRACKED ONTO A PUBLIC OR PRIVATE ROAD SURFACE WILL BE CLEANED THOROUGHLY AT THE END OF EACH DAY. SEDIMENT SHALL BE REMOVED FROM ROADS BY SHOVELING OR SWEEPING AND BE TRANSPORTED TO A SEDIMENT CONTROLLED DISPOSAL AREA.

2. ALL EXCAVATED MATERIAL SHALL BE DISPOSED OF IN A LAWFUL MANNER.

3. ALL CONSTRUCTION TRAFFIC SHALL ENTER AND EXIT SITE AT THE STONE CONSTRUCTION ENTRANCE.

4. DEMOLITION AND CONSTRUCTION ACTIVITIES ARE NOT TO DISTURB NOR ENCRUST UPON ADJACENT PROPERTIES AT ANY TIME DURING CONSTRUCTION.

7. ALL ITEMS OF WORK NECESSARY TO COMPLETE THIS PROJECT SHALL BE IN COMPLIANCE WITH ALL STATE AND LOCAL CODES.

8. ANY PAVEMENT REMOVAL REQUIRED SHALL BE REMOVED TO NEAT STRAIGHT LINES.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS ANY PAVEMENT, CONCRETE, CURBS, ETC. THAT MUST BE CUT OR THAT ARE DAMAGED DURING CONSTRUCTION.

10. WHEN MATERIAL IS UNSUITABLE FOR FOUNDATION, SUBGRADES, OR OTHER PURPOSES OCCURS WITHIN THE LIMITS OF CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE SUCH MATERIAL AND BACKFILL WITH APPROVED SUITABLE MATERIAL. THE EXTENT OF UNDERCUTTING AND BACKFILLING TO BE DETERMINED BY THE OWNER'S SOILS ENGINEERING CONSULTANT.

11. ALL AND ANY AREAS OF DISTURBANCE SHALL NOT BE DENIED FOR MORE THAN 30 DAYS WITHOUT TEMPORARY STABILIZATION MEASURES IN ACCORDANCE WITH VEGAS STANDARDS.

1. ALL MATERIALS AND CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CURRENT VIRGINIA DEPARTMENT OF TRANSPORTATION'S SPECIFICATIONS AND STANDARDS.

2. PERMITS MUST BE OBTAINED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION BEFORE CONSTRUCTION IS STARTED WITHIN THE EXISTING RIGHT-OF-WAY.

3. THE DEVELOPER IS RESPONSIBLE FOR RELOCATION OF ANY UTILITIES WITHIN THE EXISTING RIGHT-OF-WAY OR PROPOSED RIGHT-OF-WAY REQUIRED BY THE DEVELOPMENT.

4. PRIOR TO ANY CONSTRUCTION, THE CONTRACTOR SHALL CONSULT THE ENGINEER AND VERIFY THE APPROVAL OF THE PLANS BY THE VARIOUS AGENCIES.

5. THE CONTRACTOR SHALL VERIFY THE ELEVATIONS OF ALL POINTS OF CONNECTION OR PROPOSED WORK TO EXISTING CURBS, SANITARY LINES, WATER LINES, ETC., PRIOR TO CONSTRUCTION.

6. WHEN SOILS OCCUR THAT ARE UNSUITABLE FOR FOUNDATIONS, SUB-GRADES, OR OTHER ROADWAY PURPOSES, THE CONTRACTOR SHALL BE REQUIRED TO EXCAVATE SUCH MATERIAL BELOW THE GRADE SHOWN ON THE PLANS. THE AREAS SO EXCAVATED SHALL BE BACK-FILLED WITH SUITABLE MATERIAL AND COMPACTED IN ACCORDANCE WITH VDOT SPECIFICATIONS. THE CONTRACTOR SHALL IMMEDIATELY INFORM THE SOILS ENGINEER AND VDOT UPON DISCOVERY OF THE UNSUITABLE MATERIAL. CONCURRENCE OF THE ENGINEER SHALL BE OBTAINED BEFORE ADDITIONAL ON-SITE WORK IS UNDERTAKEN.

7. ALL STORM SEWER PIPES SHALL BE REINFORCED TONGUE AND GROOVE CONCRETE PIPE IN ACCORDANCE WITH ASTM-C-76 OR ALTERNATIVE PIPE THAT HAS BEEN APPROVED ON THE PLANS. PIPE WITHIN THE RIGHT-OF-WAY SHALL BE A MINIMUM CL-111 OR GREATER IN ACCORDANCE WITH VDOT STANDARDS 107.05 AND SPECIFICATIONS 232 AND 302.

8. TEMPORARY DRAINAGE DURING CONSTRUCTION IS TO BE PROVIDED BY THE CONTRACTOR TO RELIEVE AREAS THAT MAY CAUSE DAMAGE TO ROADWAYS OR ADJACENT PROPERTY.

9. ALL CONCRETE SHALL BE CLASS A3-AE (AIR ENTRAINMENT 3,000 PSI).

10. CURB AND GUTTER SHALL HAVE 4" OF AGGREGATE BASE 21B UNDER THE CURB AND GUTTER AND AGGREGATE SHALL EXTEND 1.0' BEYOND THE BACK OF THE CURB.

11. ALL CURB AND GUTTER SHALL HAVE A STANDARD GUTTER ENTRANCE IN ACCORDANCE WITH VDOT STANDARDS. CURB AND GUTTER PAN SHALL BE REMOVED. THE SAW-CUTTING REMOVAL OF CURB ONLY IS NOT ALLOWED. CONTACT VDOT FOR INSPECTION PRIOR TO POURING ENTRANCE.

12. ALL ENTRANCES ARE TO BE BUILT IN ACCORDANCE WITH VDOT STANDARDS

13. THE DEVELOPER IS RESPONSIBLE FOR FURNISHING AND INSTALLING STOP SIGNS AT STREET INTERSECTIONS.

14. DESIGN OR SPECIFIED MATERIALS CHANGES FROM THE APPROVED PLANS NEED TO BE RE-SUBMITTED TO VDOT. A LETTER NEEDS TO ACCOMPANY THE REVISED PLANS AND/OR DRAINAGE CALCULATIONS WHICH SHALL BE SUBMITTED TO VDOT FOR REVIEW AND APPROVAL BY THE RESIDENT ENGINEER.

15. THE CONTRACTOR/SUB-CONTRACTOR SHALL HAVE A CURRENT COPY OF VDOT'S "ROAD AND BRIDGE SPECIFICATIONS" AND "ROAD AND BRIDGE STANDARDS" ON THE PROJECT.

16. VDOT IS TO RECEIVE WRITTEN NOTIFICATION 48 HOURS PRIOR TO THE START OF ANY WORK.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, AND SHALL REPAIR AT HIS OWN EXPENSE ALL UTILITIES DAMAGED BY CONSTRUCTION. MISS UTILITY MUST BE CONTACTED (1-800-552-7001) 72 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION.

18. ALL UTILITY PEDESTALS, CABINETS, FIRE HYDRANTS, AND STREET LIGHTS SHALL BE LOCATED A MINIMUM OF 9.5' FROM THE EDGE OF PAVEMENT ADJACENT TO THE RIGHT-OF-WAY LINE ON CURB AND GUTTER STREETS AND/OR LOCATED BEHIND THE DITCH LINE ON OPEN DITCH STREETS. PEDESTALS AND CABINETS SHOULD BE LOCATED AT THE PROPERTY LINES BETWEEN LOTS. WHERE REQUIRED, FIRE HYDRANT CROSSINGS SHALL HAVE A MINIMUM OF 15' OF RCP OR LARGER, AS WARRANTED IN OPEN ROADSIDE DITCHES AND HAVE 8' LENGTH.

19. ALL STORM SEWER PIPES, DROP INLETS, AND CURB INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIAL DURING LAST STAGES OF CONSTRUCTION.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING, WITH MATCHING MATERIALS, ANY PAVEMENT, DRIVEWAYS, WALKS, CURBS, ETC., THAT MUST BE CUT OR THAT ARE DAMAGED DURING CONSTRUCTION.

21. ANY ERRORS, CONFLICTS, OR DISCREPANCIES IN THIS PLAN SHALL BE REPORTED TO THE ENGINEER AND VDOT FOR RESOLUTION BEFORE PROCEEDING WITH THE WORK.

22. COMPACTION REPORTS, WITH PROCTOR, ARE REQUIRED FOR EMBANKMENT SUB-GRADE, SUB-BASE, BASE, SURFACE COURSE, CULVERTS, DRAINAGE STRUCTURES, AND UTILITIES WITHIN THE RIGHT-OF-WAY BY A CERTIFIED MATERIALS TEST LAB AND PERSONNEL CERTIFIED BY VDOT, IN ACCORDANCE WITH VDOT SPECIFICATIONS AND STANDARDS.

23. INSTALLATION OF PIPE CULVERTS, STORM SEWERS, AND DRAINAGE STRUCTURES SHALL HAVE BEDDING MATERIAL IN ACCORDANCE WITH VDOT SPECIFICATIONS AND STANDARDS. BACKFILL SHALL BE SUITABLE MATERIAL FREE OF DEBRIS, TREE ROOTS, AND EXCESS MOISTURE, AND COMPACTED.

24. ALL ROADSIDE DITCHES SHOWN AS PAVED ON PLANS ARE TO BE PAVED IN ACCORDANCE WITH THE STANDARD TYPICAL SECTION AS SHOWN ON THE PLANS, UNLESS OTHERWISE DIRECTED BY THE RESIDENT ENGINEER, IN WRITING. ANY ADDITIONAL PAVING OF THE DITCHES, OTHER THAN THOSE SHOWN ON THE ROAD PLANS WILL BE DETERMINED PRIOR TO ACCEPTANCE OF THE ROADS INTO THE VDOT SECONDARY ROAD SYSTEM.

25. ALL DRAINAGE EASEMENTS SHALL BE LABELED AS EITHER "DRAINAGE EASEMENTS" OR AS "COUNTY DRAINAGE EASEMENTS".

26. VDOT AND COUNTY APPROVAL OF SUBDIVISION ROAD PLANS DOES NOT PRECLUDE THE RIGHT TO ADD ADDITIONAL FACILITIES.

27. VDOT APPROVAL OF THESE PLANS WILL EXPIRE THREE YEARS FROM THE DATE OF APPROVAL.

28. CLEARING AND GRUBBING SHALL BE COMPLETED WITHIN THE RIGHT-OF-WAYS, AND INDICATED ON THE LAYOUT PLAN.

29. THE SUB-GRADE MUST BE APPROVED BY VDOT PRIOR TO PLACEMENT OF BASE. VDOT SHALL HAVE RECEIVED COMPACTION REPORTS AND PERFORMED PROOF ROLL.

30. BASE MUST BE APPROVED BY VDOT FOR DEPTH, TEMPLATE, AND COMPACTION BEFORE SURFACE IS APPLIED.

31. A PRIME COAT SEAL WILL BE REQUIRED FOR ANY PAVEMENT TYPICAL WITH LESS THAN 4" OF ASPHALT, PRIOR TO THE APPLICATION OF SM-2A (PRIME COAT RC-250, 0.30 GALLONS PER SQUARE YARD).

32. SURFACE MIXES SHALL BE PLACED WHEN THE BASE TEMPERATURE IS 40 DEGREES F OR 50 DEGREES F AND RISING, BASED ON THE MARSHALL DESIGN OF THE BITUMINOUS MIX. MARSHALL DESIGN AND MIX DESIGN SHALL BE SUBMITTED TO VDOT FOR VERIFICATION.

33. ALL UTILITIES ARE TO BE IN PLACE PRIOR TO LAYING BASE MATERIAL.

34. AN ACTUAL COPY OF THE FULL CBR REPORT IS TO BE SUBMITTED TO VDOT PRIOR TO APPROVAL OF THE PAVEMENT TYPICAL DESIGN. IF THE CBR VALUES ARE LESS THAN 10, THE DEVELOPER WILL BE REQUIRED TO SUBMIT FOR OUR APPROVAL HIS PROPOSED METHOD OF CONSTRUCTION.

35. PAVED DITCHES MAY BE REQUIRED WHERE FIELD CONDITIONS WARRANT. GENERALLY, ALL DITCHES WITH SLOPES EXCEEDING 3 %, OR 1 % OR LESS, SHALL BE PAVED UNLESS OTHERWISE APPROVED BY THE ENGINEER, OWNER, VDOT, AND THE LOCAL GOVERNING BODY.

36. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE THE RESPONSIBILITY OF THE ROAD CONTRACTOR.

37. ALL VEGETATION AND OVERBURDEN TO BE REMOVED FROM SHOULDER TO SHOULDER PRIOR TO THE CONDITION OF SUB-GRADE.

38. CERTIFICATION AND SOURCE OF MATERIALS ARE TO BE SUBMITTED TO VDOT OF ALL MATERIALS AND BE IN ACCORDANCE WITH THE "ROAD AND BRIDGE SPECIFICATIONS" AND "ROAD AND BRIDGE STANDARDS".

39. DRY GUTTER IS NOT ALLOWED IN VDOT RIGHT-OF-WAY.

40. THE DEVELOPER WILL BE RESPONSIBLE FOR THE COST OF THE SIGNAL MODIFICATION UNDER AN ACCOUNTS RECEIVABLE NUMBER.

41. AN OVERALL MASTER DEVELOPMENT PLAN IS NEEDED FOR THE REVIEW.

42. A TRAFFIC IMPACT STUDY IS REQUIRED FOR THIS REVIEW.

43. SHOW BOTH SIDES OF ROADWAY(S). INCLUDE ALL ENTRANCES, CROSSOVERS, TURN LANES, SPEED LIMITS, PAVEMENT MARKINGS, AND DISTANCE TO INTERSECTIONS.

44. A NOTE, "ANY DITCH WHICH HAS NOT DEVELOPED A GOOD SOD BY THE TIME OF ACCEPTANCE, MUST BE PAVED," NEEDS TO BE ADDED.

45. SHOW ELEVATIONS AT THE EDGE OF PAVEMENT IN 10' INTERVALS AROUND THE BULB OF THE CUL-DE-SAC.

#### VDOT GENERAL NOTES (REVISED 07/08)

1. A LAND USE PERMIT MUST BE OBTAINED FROM VDOT BEFORE ANY CONSTRUCTION IS STARTED WITHIN THE STATE RIGHT OF WAY LIMITS. CONTACT THE VDOT WILLIAMSBURG RESIDENCY (TEL# (757) 253-4832) FOR THE PERMIT FEE AND BOND AMOUNT. ALL LAND USE PERMIT APPLICATIONS MUST HAVE TWO (2) SETS OF APPROVED PLANS, A CHECK FOR THE PROCESSING FEE MADE PAYABLE TO TREASURER OF VIRGINIA, AND SURETY OR BOND IN THE REQUIRED AMOUNT.

2. THE CONTRACTOR SHALL HAVE AVAILABLE A COPY OF THE FINAL, APPROVED PLANS AND ANY APPROVED REVISIONS ON-SITE. THIS INCLUDES THE COUNTY'S STAMP OR LETTER OF APPROVAL.

3. VDOT IS TO RECEIVE WRITTEN NOTIFICATION 48 HOURS PRIOR TO THE START OF ANY WORK. A PRE-CONSTRUCTION MEETING SHOULD BE HELD AT LEAST ONE WEEK PRIOR TO ANY LAND DISTURBANCE OF THE SITE. THE DEVELOPER, HIS ENGINEER, GEOTECHNICAL(SOILS) ENGINEER, AND CONTRACTOR SHALL ATTEND THE PRE-CONSTRUCTION MEETING WITH INVITATIONS TO THE APPROPRIATE VDOT AND COUNTY PERSONNEL. THE DEVELOPER'S CONTRACTOR SHOULD SUBMIT A PROPOSED PROGRESS SCHEDULE OF WORK.

4. ANY ERRORS, CONFLICTS, OR DISCREPANCIES FOUND ON THE APPROVED PLANS SHALL BE REPORTED TO THE DEVELOPER'S ENGINEER. VDOT SHOULD BE NOTIFIED FOR RESOLUTION BEFORE PROCEEDING FURTHER WITH THE WORK IF THE RIGHT-OF-WAY IS AFFECTED.

5. AN OPERATIONAL PROJECT (ACCOUNTS RECEIVABLE) NUMBER MAY BE ASSIGNED TO THE SITE/SUBDIVISION. THE DEVELOPER WILL FINANCIALLY BE RESPONSIBLE FOR THIS BY PROVIDING THE NECESSARY INFORMATION REQUESTED BY VDOT. THE DEVELOPER IS RESPONSIBLE FOR THE COST OF A TRAFFIC SIGNAL OR ANY MODIFICATIONS TO AN EXISTING TRAFFIC SIGNAL THAT ARE DETERMINED TO BE NECESSARY. THESE COSTS WILL BE CHARGED UNDER AN OPERATIONAL PROJECT (ACCOUNTS RECEIVABLE) NUMBER OR PROFFERED TO THE COUNTY.

6. DURING CONSTRUCTION, THE MAINTENANCE OF TRAFFIC SHALL CONFORM TO THE REQUIREMENTS IN THE MOST RECENT VERSION OF THE VIRGINIA WORK AREA PROTECTION MANUAL AND THE MUTCD.

7. ALL MATERIALS AND CONSTRUCTION WITHIN THE VDOT RIGHT-OF-WAY SHALL CONFORM TO THE CURRENT VDOT STANDARDS AND SPECIFICATIONS AS OUTLINED IN THE ROAD & BRIDGE STANDARDS, ROAD & BRIDGE SPECIFICATIONS, ROAD DESIGN MANUAL, MINIMUM STANDARDS OF ENTRANCES TO STATE HIGHWAYS, DRAINAGE MANUAL, PAVEMENT DESIGN GUIDE FOR SUBDIVISIONS AND SECONDARY ROADS, AND ASHTO GREEN BOOK.

8. THE DEVELOPER WILL BE RESPONSIBLE FOR HIRING A GEOTECHNICAL (SOILS) ENGINEER. A PROFESSIONAL ENGINEER OR PROFESSIONAL GEOLOGIST SHALL SUBMIT A COMPLETE REPORT WITH BORING DATA AND RECOMMENDATIONS TO VDOT FOR APPROVAL OF HIS PROPOSED METHOD OF CONSTRUCTION. THIS INCLUDES A RECOMMENDATION FOR PAVEMENT DESIGN AND TREATMENT OR DISPOSAL OF ANY UNSUITABLE SOILS. APPROPRIATE GEOTECHNICAL REPORTS SHOULD ALSO BE SUBMITTED DURING CONSTRUCTION OF THE ROADWAY OR ENTRANCE.

9. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IN ACCORDANCE WITH THE VA EROSION & SEDIMENT CONTROL MANUAL. AN INDIVIDUAL CERTIFIED BY THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION, HOLDING A RESPONSIBLE LAND DISTURBER CERTIFICATION, IS TO BE IN CHARGE OF THE LAND DISTURBING ACTIVITY AND ON THE WORK SITE AT ALL TIMES.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UNDERGROUND AND OVERHEAD UTILITIES, WHETHER OR NOT THEY ARE SHOWN ON THE PLANS. THE CONTRACTOR WILL BE RESPONSIBLE FOR REPAIRS AT HIS OWN EXPENSE OF ANY UTILITIES DAMAGED BY HIS CONSTRUCTION METHODS. MISS UTILITY MUST BE CONTACTED AT 1-800-552-7001 AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

11. ALL FIXED OBJECTS SUCH AS UTILITY CABINETS, PEDESTALS, AND STREETLIGHTS SHALL BE LOCATED IN ACCORDANCE WITH CLEAR ZONE REQUIREMENTS AS NOTED IN APPENDIX A OF THE ROAD DESIGN MANUAL OR ASHTO ROADSIDE DESIGN GUIDE. THERE SHALL NOT BE ANY CABINETS, PEDESTALS, OR FIRE HYDRANTS LOCATED ON THE SHOULDER.

12. FLOWERS, SHRUBS, AND TREES SHALL NOT BE PLACED WITHIN THE PROPOSED RIGHT OF WAY BY THE DEVELOPER OR HOMEOWNER WITHOUT AN APPROVED SET OF PLANS AND AN APPROVED PLANTING AGREEMENT. NO IRRIGATION (SPRINKLER) SYSTEMS SHALL BE LOCATED WITHIN THE PROPOSED RIGHT OF WAY. ANY IRRIGATION SYSTEM FOUND WITHIN THE RIGHT OF WAY WILL BE REMOVED PRIOR TO THE ACCEPTANCE OF THE STREETS AND ALL COSTS OF THE REMOVAL WILL BE BORNE BY THE OWNER AND/OR DEVELOPER. THE DEVELOPER IS RESPONSIBLE FOR INSTALLING MAILBOX POSTS.

13. CONTACT VDOT'S REGIONAL OPERATIONS SIGNING/PAVEMENT MARKING MANAGER 72 HOURS IN ADVANCE OF ALL PAVEMENT MARKINGS/SIGN INSTALLATIONS AT (757) 925-2663. FAILURE TO DO SO MAY RESULT IN ADDITIONAL COST TO THE DEVELOPER.

14. CONTACT TRAFFIC ENGINEERING AT (757) 925-2663 A MINIMUM OF 48 HOURS IN ADVANCE WHENEVER AN OPEN CUT OR BORING OF A UTILITY LINE ACROSS A ROAD IS WITHIN 400 FEET OF A TRAFFIC SIGNAL. SO THE LINES CAN BE MARKED. FAILURE TO DO SO COULD BE A COSTLY REPAIR FOR THE DEVELOPER.

15. SIGHT DISTANCES AT ENTRANCES AND INTERSECTIONS SHALL BE MAINTAINED AT ALL TIMES DURING AND AFTER CONSTRUCTION. ANY FIXED OBJECTS OR LANDSCAPING THAT OBSTRUCTS DRIVER VIEW SHALL BE RELOCATED AT DEVELOPER'S EXPENSE OR THE ENTRANCE MAY BE CLOSED AT VDOT'S DISCRETION.

16. THE COUNTY STANDARD OR REQUIREMENT SHALL BE IN FORCE IF IT IS MORE STRINGENT THAN VDOT'S. THE VDOT RESIDENT ENGINEER SHOULD BE CONTACTED FOR ANY CLARIFICATION.

#### SITE PLAN NOTES FOR

LOT 134

PARCEL ID 83A1-1-134

"MAP OF THE TOWN OF CAPE CHARLES"

(DB 41, PG 483) PLAT

TOWN OF CAPE CHARLES

NORTHAMPTON COUNTY, VIRGINIA

MARCH 23, 2023



ENGINEERS | SCIENTISTS | SURVEYORS  
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462  
757.490.2964 | MSAONLINE.COM

FB: 729, PG 66-67

DRWN. BY CJS

CHK'D. BY JJV DATE

TABLE 3.32-E  
(Revised June 2003)  
PERMANENT SEEDING SPECIFICATIONS FOR COASTAL PLAIN AREA

| LAND USE                                         | SEED                                                                                        |                                        |
|--------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------|
|                                                  | SPECIES                                                                                     | APPLICATION RATES                      |
| Minimum Core Lawn<br>(Commercial or Residential) | Tall Fescue <sup>1</sup>                                                                    | 175-200 lbs.                           |
|                                                  | Bermudagrass <sup>1</sup>                                                                   | 75 lbs.                                |
| High-Maintenance Lawn                            | Tall Fescue <sup>1</sup>                                                                    | 200-250 lbs.                           |
|                                                  | Bermudagrass <sup>1</sup> (seed)                                                            | 40 lbs. (unhulled)<br>30 lbs. (hulled) |
|                                                  | Bermudagrass <sup>1</sup> (by other vegetative establishment method, see Std. & Spec. 3.34) |                                        |
| General Slope (3:1 or less)                      | Tall Fescue <sup>1</sup>                                                                    | 128 lbs.                               |
|                                                  | Red Top Grass or Creeping Red Fescue                                                        | 2 lbs.                                 |
|                                                  | Seasonal Nurse Crop <sup>2</sup>                                                            | 20 lbs.                                |
|                                                  |                                                                                             | TOTAL: 150 lbs.                        |
| Low-Maintenance Slope<br>(Slopes less than 3:1)  | Tall Fescue <sup>1</sup>                                                                    | 93-108 lbs.                            |
|                                                  | Bermudagrass <sup>1</sup>                                                                   | 0-15 lbs.                              |
|                                                  | Red Top Grass or Creeping Red Fescue                                                        | 2 lbs.                                 |
|                                                  | Seasonal Nurse Crop <sup>2</sup>                                                            | 20 lbs.                                |
|                                                  | Seiricea Lespedeza <sup>2</sup>                                                             | 20 lbs.                                |
|                                                  |                                                                                             | TOTAL: 150 lbs.                        |

- When selecting varieties of turfgrass, use the Virginia Crop Improvement Association (VCA) recommended turfgrass variety list. Quality seed will bear a label indicating that they are approved by VCA. A current turfgrass variety list is available at the local County Extension office or through VCA at 804-746-4894 or at <http://eudon.ces.vt.edu/html/Turf/turf/publications/publications2.html>.
- Use seasonal nurse crop in accordance with seeding dates as stated below:  
February, March-April.....Annual Rye  
May 1st-August .....Foxtail Millet  
September, October-November 15th.....Annual Rye  
November 16th-January.....Winter Rye
- May through October, use hulled seed. All other seeding periods, use unhulled seed. If Weeping Lovegrass is used, include in any slope or low maintenance mixture during warmer seeding periods increase to 30-40 lbs./acre.

#### FERTILIZER & LIME

Apply 10-20-10 fertilizer at a rate of 500 lbs. / acre (or 12 lbs. / 1,000 sq. ft.)  
Apply Pulverized Agricultural Limestone at a rate of 2 tons/acre (or 90 lbs. / 1,000 sq. ft.)

#### NOTE:

- A soil test is necessary to determine the actual amount of lime required to adjust the soil pH of site.
- Incorporate the lime and fertilizer into the top 4-6 inches of the soil by disking or by other means.
- When applying Slowly Available Nitrogen, use rates available in *Erosion & Sediment Control Technical Bulletin # 4, 2003 Nutrient Management for Development Sites* at <http://www.dcr.state.va.us/sw/e&s.htm#pubs>

### PERMANENT SEEDING SCHEDULE

VE&SC STD & SPEC 3.32

TABLE 3.31-B  
ACCEPTABLE TEMPORARY SEEDING PLANT MATERIALS  
"QUICK REFERENCE FOR ALL REGIONS"

| PLANTING DATES    | SPECIES                                                                                                                        | RATE<br>(LBS/ACRE) |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------|
| SEPT. 1 - FEB. 15 | 50/50 MIX OF<br>ANNUAL RYEGRASS<br>( <i>Lolium multi-florum</i> )<br>&<br>CEREAL (WINTER) RYE<br>( <i>Sespeda canadensis</i> ) | 50 - 100           |
|                   |                                                                                                                                |                    |
| FEB. 16 - APR. 30 | ANNUAL RYEGRASS<br>( <i>Lolium multi-florum</i> )                                                                              | 80 - 100           |
| MAY 1 - AUG. 31   | GERMAN MILLET<br>( <i>Setaria italica</i> )                                                                                    | 90                 |

#### FERTILIZER & LIME

Apply 10-20-10 fertilizer at a rate of 400 lbs. / acre (or 10 lbs. / 1,000 sq. ft.)  
Apply Pulverized Agricultural Limestone at a rate of 2 tons/acre (or 90 lbs. / 1,000 sq. ft.)

#### NOTE:

- A soil test is necessary to determine the actual amount of lime required to adjust the soil pH of site.
- Incorporate the lime and fertilizer into the top 4-6 inches of the soil by disking or by other means.
- When applying Slowly Available Nitrogen, use rates available in *Erosion & Sediment Control Technical Bulletin # 4, 2003 Nutrient Management for Development Sites* at <http://www.dcr.state.va.us/sw/e&s.htm#pubs>

### TEMPORARY SEEDING SCHEDULE

VE&SC STD & SPEC 3.31

THE FOLLOWING PERSON (PRINT), (SIGN), IS IDENTIFIED AS THE RESPONSIBLE LAND DISTURBER WHO WILL BE IN CHARGE OF AND RESPONSIBLE FOR CARRYING OUT THE LAND DISTURBING ACTIVITY. THIS PERSON MEETS THE APPLICABLE REQUIREMENTS OF VIRGINIA CODE SECTION 10.1-563 AND 10.1-566 BY VIRTUE OF THE FOLLOWING (CHECK THE CATEGORY THAT APPLIES):

- \_\_\_\_ RESPONSIBLE LAND DISTURBER CERTIFICATE
- \_\_\_\_ DCR CERTIFICATION FOR COMBINED ADMINISTRATOR, ADMINISTRATOR, PLAN REVIEWER, INSPECTOR, OR CONTRACTOR
- \_\_\_\_ VIA PROFESSIONAL ENGINEER, LAND SURVEYOR, LANDSCAPE ARCHITECT, OR ARCHITECT.

UPON AWARD OF THE CONTRACT AND BEFORE ANY LAND DISTURBING ACTIVITY CAN BEGIN, THE CONTRACTOR SHALL EXECUTE THE CERTIFICATE FOR RESPONSIBLE LAND DISTURBER WITH THE DEPARTMENT OF PLANNING, ENVIRONMENTAL SERVICES. THIS EXECUTED FORM IS TO BE SUBMITTED TO THE DEPARTMENT OF PLANNING. AWARD OF THE CONTRACT WILL RELIEVE THE ABOVE SIGNER OF ALL RESPONSIBILITY.

SITE PLAN NOTES  
FOR

LOT 134

PARCEL ID 83A1-1-134

"MAP OF THE TOWN OF CAPE CHARLES"

(DB 41, PG 483) PLAT

TOWN OF CAPE CHARLES

NORTHAMPTON COUNTY, VIRGINIA

MARCH 23, 2023



ENGINEERS | SCIENTISTS | SURVEYORS  
5032 ROUSE DRIVE, SUITE 200 | VIRGINIA BEACH, VA 23462  
757.490.1964 | MSA@MSA.VA.GOV

FB: 729, PG 66-67

DRWN. BY CJS

CHK'D. BY JJV DATE

JOB # 22231  
SHEET 4 OF 4



11:52



 97
Maulsby Permit R... 

Done

## NOTES

1. ALL DOORS ARE PANEL DESIGN AS SELECTED BY OWNER
2. DOORS SHALL HAVE A MINIMUM U VALUE OF .35
3. TEMP GLASS SHOWER DOOR

## WINDOW SCHEDULE

| WDW MARK | MANUF ANDERSEN 400 | WDW TYPE    | NOTES   |
|----------|--------------------|-------------|---------|
| A        | 3052               | DOUBLE HUNG | 1,2,3,4 |
| B        | 2452               | DOUBLE HUNG | 1,2,3,4 |
| C        | 2434               | DOUBLE HUNG | 1,2,3,4 |
| D        | TWIN 3052          | DOUBLE HUNG | 1,2,3,4 |
| E        | 3034               | DOUBLE HUNG | 1,2,3,4 |
|          |                    |             |         |

## NOTES

1. PROVIDE MIN 12" ICE & WATER SHIELD OVER NAILING FIN AND UNDER 15# FELTS
2. PROVIDE 5/4" BULLNOSE WD STOOL WITH 4" APRON
3. WINDOW HEAD AT 84" AFF, TYP
4. WINDOWS SHALL HAVE A MINIMUM U VALUE OF .35 AND A DESIGN PRESSURE OF +25.2 PSF AND -27.3 PSF
5. PROVIDE 16" TRANSOM

GRA

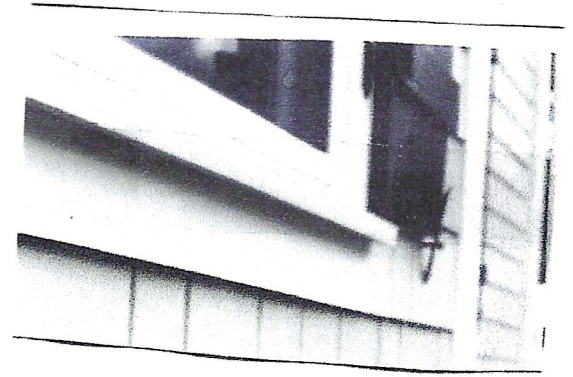
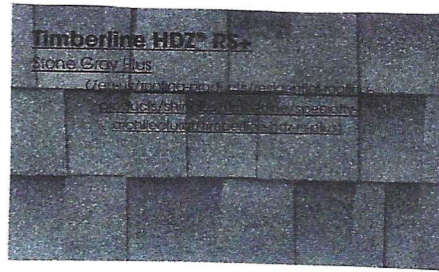
1/4"=1'-





## Maulsby Material List

Lot 134- Madison Avenue



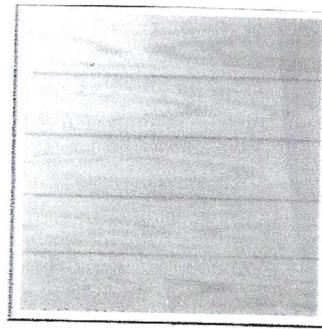
Foundation – Stucco over block

Siding – Hardi Fibert Cement 7" exposure woodgrain

Roof – Architectural shingle

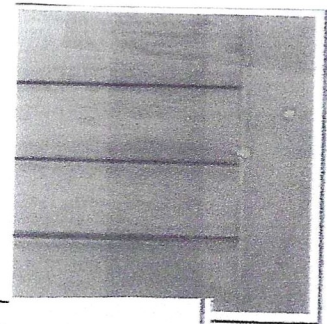
Windows to be vinyl double hung with 2 over 2 grill pattern with 4" case trim and 2" historic sill

Front porch – Azek T&G 3' faced 1" thick woodgrain



Front porch columns – 8" Permacast

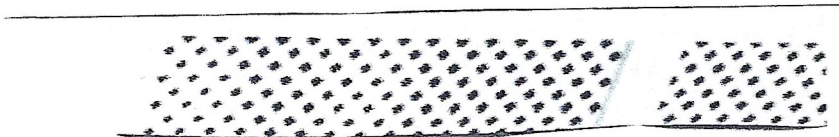
Rear deck flooring to be azek 5/4 x 6" composite woodgrain timbertech decking



Handrails to be azek Premier composite rails with square 1 1/4" balusters



Porch underpinning to be vinyl privacy lattice with 1" diagonal holes

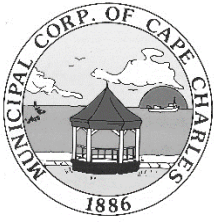


Doors to be fiberglass Therma Tru with 4" trim



**Lot 134 Madison Avenue Neighboring Homes**





## HISTORIC DISTRICT REVIEW BOARD STAFF REPORT

Meeting Date: May 16, 2023

Item #8A– Report from Zoning Administrator Katie Nunez

Prepared by: Katie H. Nunez, Planning & Zoning Administrator

Date: May 10, 2023

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### **1) MINOR EXEMPTIONS APPROVED BY ZONING ADMINISTRATOR:**

- a. 223 Jefferson Avenue – Reroofing pursuant to CCZO Section 8.17(B)
- b. 7 & 9 Plum Street – Front Porch Reroofing pursuant to CCZO Section 8.17(B)
- c. 606 Monroe Avenue – Add fence & gate to left side of property pursuant to CCZO Section 8.17(I)
- d. 541 Tazewell Avenue – Construct an 8' x 10' accessory structure (shed) in rear of property pursuant to CCZO Section 8.17(D)
- e. 622 Jefferson Avenue – 6-Month Extension for Rear Fence & Shed

### **2) COMPLIANCE CHECKS BY ZONING COMPLIANCE OFFICER ON ISSUED CERTIFICATES OF APPROPRIATENESS (COA):** Four checks and all have been found in compliance and the project is completed and we have issued Completion Certifications on the COAs.

- 301 Madison Avenue
- 220 Jefferson Avenue
- 416 Randolph Avenue
- 6 Randolph Avenue

### **3) CONSIDERATION OF A POLICY FOR HISTORIC DISTRICT REVIEW BOARD MEMBERS TO PARTICIPATE IN MEETINGS THROUGH REMOTE PARTICIPATION**

I have confirmed with the Town Clerk that the Town Council has adopted a policy to allow for remote participation in Town Council meetings, as required and in compliance with the Code of Virginia Section 2.2-3708.2 & 2.2-3708.3 which covers States of Emergency declarations as well as non-state of emergency time frames. However, this statute requires each individual Board or Commission to adopt a Remote Participation Policy and does not provide authority for the Town Council to set a blanket policy for the Town.

Therefore, I am providing you a copy of both sections of the State Code and a draft policy for our discussion and possible consideration of adoption.



# **TOWN OF CAPE CHARLES**

## **POLICY FOR ELECTRONIC PARTICIPTION IN HISTORIC DISTRICT REVIEW BOARD MEETINGS**

**Adopted \_\_\_\_\_**

Pursuant to the Code of Virginia Section 2.2-3708.2 and 2.2-3708.3, the Cape Charles Historic District Review Board adopts the following to allow for remote participation or electronic participation in meetings of the Historic District Review Board:

The following provisions qualify for an individual member of a public body to use remote participation in meetings:

- i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
  - ii) a family member's medical condition that requires the member to provide care for such family member that prevents the member's physical attendance;
  - iii) the member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
  - iv) a personal matter.
1. On or before the day of a meeting, the Historic District Review Board Member shall notify the Chairman that he/she is unable to attend the meeting due to:
    - a. A temporary or permanent disability or other medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance, along with the remote location from which the absent member participated.
    - b. A family member's medical condition. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to a family member's medical condition that required the member to provide care for such family member, preventing the member's physical attendance, along with the remote location from which the absent member participated.
    - c. Principal residence is more than 60 miles from the meeting location. The minutes of the meeting shall include the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location.
    - d. A personal matter. The member must specifically identify the nature of the personal matter which shall be recorded in the minutes of the meeting, along with the remote location from which the absent member participated.

Participation by a member pursuant to this subdivision is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
  2. A quorum of the Historic District Review Board must be physically assembled at the primary meeting location.
  3. The Historic District Review Board members present at the physical location must approve the electronic participation by a majority vote.
    - a. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes of the meeting.
  4. Arrangements must be made for the voice of the remote participant to be heard by all persons at the primary meeting location.

## § 2.2-3708.2. (Effective until September 1, 2022) Meetings held through electronic communication means

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to § 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this subdivision shall:



- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- d. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information

Advisory Council in accordance with § [30-179](#).

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § [2.2-3707](#). Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
- b. The dates and purposes of each such meeting;
- c. A copy of the agenda for each such meeting;
- d. The primary or central meeting location of each such meeting;
- e. The types of electronic communication means by which each meeting was held;
- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

2018, cc. [55](#), [56](#); 2019, c. [359](#); 2021, Sp. Sess. I, cc. [33](#), [490](#).

This section has more than one version with varying effective dates. Scroll down to see all versions.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## § 2.2-3708.2. (Effective September 1, 2022) Meetings held through electronic communication means during declared states of emergency

Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The public body convening a meeting in accordance with this section shall:

1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
4. Otherwise comply with the provisions of this chapter.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

The provisions of this section shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

2018, cc. [55](#), [56](#); 2019, c. [359](#); 2021, Sp. Sess. I, cc. [33](#), [490](#); 2022, c. [597](#).

This section has more than one version with varying effective dates. Scroll down to see all versions.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## § 2.2-3708.3. (Effective September 1, 2022) Meetings held through electronic communication means; situations other than declared states of emergency

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such



disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Public access to the all-virtual public meeting is provided via electronic communication means;
3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;
9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first

adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and
2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

2022, c. [597](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.