



Historic District Review Board Regular Session

April 17, 2007

4:30 P.M.

At approximately 4:30 p.m. in Town Council Chambers Chairman Russ Dunton called to order the Regular Session of the Historic District Review Board. In addition to Chairman Dunton, present were Jan Neville, Melvin Dudley and Bob Sellers. Absent was Dianne Davis. Also present were Town Planner Jason Pruitt and Town Clerk Joy Pelletier.

Melvin Dudley led the invocation and all recited the Pledge of Allegiance.

Motion made by Melvin Dudley, seconded by Jan Neville and unanimously approved to accept the agenda as amended by adding item C to Other Business.

Motion made by Melvin Dudley, seconded by Bob Sellers and unanimously approved to accept the minutes as presented.

OLD APPLICATIONS

No Old Applications

NEW APPLICATIONS

- A. 701 Monroe Ave – Manuel Development Corp. – New Single Family Dwelling.

Jason Pruitt reported that the proposed structure would be identical to the home located at 612 Plum Street. The Plum Street home had been reviewed by the board and approved at the November 15, 2005 meeting.

Mr. Pruitt stated the siding material would be a cedar look with the foundation to be brick. The windows would be single paned, double hung Anderson windows. A smaller octagonal window and column of small paned beside the front door were planned for the front of the structure.

Motion made by Melvin Dudley, seconded by Bob Sellers and unanimously approved to accept the minutes as accepted.

- B. 501 Randolph Ave. - Cape Charles Baptist Church – Closure of window openings
Town Planner Jason Pruitt recused himself from this discussion as he was attending this church.

John Burdiss was present to represent the church. The request was to close the window openings on the north side of the church with cement blocks. He reported the window openings were problematic due to proposed interior renovation.

In discussion Chairman Dunton pointed out that the church with its addition was considered a historic contributing structure. As such, it was against the current ordinances to block existing windows. He also pointed out that the area of the building in question was exposed to the street and should be softened.

Further discussion was held concerning the survey of the Historic District and how the addition was considered part of a contributing structure. Also discussed was the guideline book and how general some of the guidelines were. A suggestion was made that the guidelines be strengthened and revised

Motion made by Melvin Dudley, seconded by Jan Neville and unanimously approved to keep the four lower windows but allow removal and blocking the cavities with cement block of up to four upper windows.

OTHER BUSINESS

A. Harbor Area Architectural Design Standards

Jason Pruitt presented this item as information only. He reported an RFP had been advertised with a project cost of 30,000 – 40,000. The deadline for submitting proposals would be May 1 and a pre-bid meeting would be held April 19. He further indicated a CLG grant application had been submitted in the amount of \$18,000 to cover a portion of the Harbor Area Architectural Design Standards project cost. This amount would cover approximately 40% of the total project cost.

Mr. Pruitt also announced Town Council would be appointing a steering committee to handle the project. The committee would include one Town Council member, one Planning Commission member, one Historic District Review Board member the Town Planner and one or more private property owners.

B. Certified Local Government Workshop Opportunity

As directed by the Board, Jason Pruitt had contacted Camille Bowman of the Virginia Department of Historic Resources to provide a workshop for the members of the Board. Ms. Bowman's specialty is making decisions on different type of building materials. She agreed to hold a workshop on that topic, and then entertain a question and answer session on topics of the Board's choice. Mr. Pruitt was directed to set up a workshop for later in the summer.

C. Town Council Executive Session.

Chairman Dunton read the following motion made at the Town Council Executive Session on April 10, 2007:

“Motion made by Councilman Evans, seconded by Mary Harris and unanimously approved to ask the Historic District Review Board to provide an agenda and minutes of their meeting and a monthly report to the Town Council, change the ordinance to add two people to the HDRB as quickly as possible with one of the members of the Planning Commission being one of those people added to the Board and to inform them the ordinance under which they operate is not discretionary and look into establishing required training.”

Chairman Dunton then explained that his impression of the Town Council’s understanding of the Historic Guidelines was that there was no room for give and take. He stated the current guidelines were not written in that manner, they were guidelines only. He went on to say the Guidelines could only be changed by the Historic District Review Board not by Planning Commission or Town Council. He did mention a public hearing was necessary if changes were to be made.

Chairman Dunton then went over the application system beginning with the Building Department and working towards the Historic District Review Board. He mentioned if the decision of the HDRB was appealed, it would go to Council who could then overrule the denial in all or part. Any further appeal would go to court. Chairman Dunton’s understanding was that Town Council could only over rule a denial, not an approval.

Chairman Dunton suggested meeting with Town Council to walk through the entire process for everyone’s clarification. He voiced concern that Town Council may not understand that the working in most of the guidelines encourages an applicant towards a certain look, but is written that allows the Board discretion in order to compromise with the applicant. He read some examples from the guideline book which used words such as “avoid” “consider” and “try to prevent”.

Chairman Dunton mentioned that the board would also have to consider what might happen to a structure if an application was denied. He pointed out there was a structure in Town that had a twice denied application resulting in nothing happening to protect the structure from further decay.

Motion made by Melvin Dudley, seconded by Jan Neville and unanimously approved to schedule a public hearing for 4:30 p.m. on May 15, 2007 to change the By-laws adding the two additional members to the board.

The next item Chairman Dunton brought to the table was that the Board could not enforce an order to make an owner repair a structure. He stated on construction, the Board had the authority to apply a stop a work order for violations. He also stated that when the Board approved a design, the Building Department was responsible to be certain the work was in compliance.

A clarification to this statement was made during the approval of the minutes on May 15, 2007. The clarification was that under demolition by neglect, the Historic District

Review Board would have no authority to issue any kind of order to force the landowners to repair the structure; the enforcement must be handled by the Building Department. When refurbishing or remodeling an existing structure on which a Certificate of Appropriateness had been issued, if historic elements were being destroyed, then the HDRB could delegate authority to the Zoning Administrator to issue a stop work order. Further, once a Certificate of Appropriateness is issued, the HDRB would not have authority to inspect the work. Inspections should be completed by the Building Department.

Chairman Dunton explained the comments related to the apartments on Harbor Avenue that were refurbished and sold as condominiums. He clarified that the approval by the Board was 1) to replace the flat roof with a gabled roof and 2) repair the original brick structure. However, as the work progressed it was discovered the building was structurally unsound. It was the decision of the Building Department to allow the building to be demolished. It was then their responsibility to see that the structure was rebuilt to look as close as possible to what was approved by the Historic District Review Board. He felt that had been done.

Chairman Dunton stated that it was the building Department's responsibility to ensure that all building projects requiring HDRB approval are done according to the Certificate of Appropriateness.(05-15-07)

ANNOUNCEMENTS

Jason Pruitt mentioned that one of the requirements for eligibility to the Certified Local Government Program was to update the Historic Survey. He announced the intern, Shelia Sheppard, had attended a training session to enable her to make the survey and meet the requirement.

Motion made by Melvin Dudley, seconded by Jan Neville and unanimously approved to adjourn the Regular Session of the Historic District Review Board.

Chairman

Town Clerk