**TOWN OF ABINGDON, VIRGINIA**
**HISTORIC PRESERVATION REVIEW BOARD**
**REGULAR MEETING**
**WEDNESDAY, FEBRUARY 7, 2018 – 5:15 P.M.**
**ARTHUR CAMPBELL MEETING ROOM**
**MUNICIPAL BUILDING**

***Welcome to the Historic Preservation Review Board Regular Meeting. This is a citizen Board, appointed by the Town Council, to interpret and uphold the Historic Preservation Ordinance, which is Article 8 of the Abingdon Zoning Ordinance that protects the Historic District of Abingdon, which has been designated the Old and Historic District. Our aim on this Board is to provide a positive bridge between the property owners of the district and the design review process, so we welcome you to today's meeting. We appreciate your interest and we encourage public participation in our meeting. Your comments are important to our decision making process. Anyone addressing the Board will approach the podium, identify your first and last name and give your complete mailing address.***

**A. WELCOME – *Jeff Johnson, Chair***

**B. ROLL CALL – *Jason Boswell, Interim Director of Planning***

**C. APPROVAL OF MINUTES**

- January 3, 2018

**D. CERTIFICATE(S) OF APPROPRIATENESS**

1. Harold Stanley, owner of 284 Valley Street, Parcel No. 011-1-95 – ***Representatives are William and Kim Watson, Lebanon, Virginia***

2. Vickie Lane Marsh, owner, 121 Brewers Alley, Abingdon, Virginia, owner, Parcel No. 013-1-123 – ***Mike Rush, Representative, Washington County Habitat for Humanity***

**E. APPLICATION FOR TAX ABATEMENT**

1. Virginia House Company, owner, 208 East Main Street, Parcel No. 013-1-101 – ***Representative, PennStuart***

**F. OLD BUSINESS/MATTERS NOT ON THE AGENDA**

1. Discussion regarding definition of standing seam roof as raised by Councilman Humphreys at the January 3rd HPRB meeting.

2. Discussion of proposed changes to Historic Preservation Review Board Ordinance.

**G. ANNOUNCEMENTS**

**H. ADJOURNMENT**

**TOWN OF ABINGDON, VIRGINIA**
**MINUTES**
**HISTORIC PRESERVATION REVIEW BOARD**
**REGULAR MEETING**
**WEDNESDAY, JANUARY 3, 2018**

The Regular Meeting of the Historic Preservation Review Board was held on Wednesday, January 3, 2018 at 5:15 p.m. The meeting was held in the Municipal Building, Arthur Campbell room.

Jeff Johnson, Chair, opened the meeting and welcomed everyone in attendance.

1. **Roll Call** – Jason Boswell, Interim Director of Planning

Members Present:
Jeff Johnson, Chair
Cindy Patterson
Andrew Neese
Byrum Geisler

Members Absent:

Michael Weaver

2. **Approval of the Minutes**

Mr. Johnson noted that there were two (2) sets of minutes for HPRB to approve. The meetings were held on October 4, 2017 and December 6, 2017.

**On motion of Ms. Patterson, seconded by Mr. Geisler, the HPRB members approved the minutes of the October 4, 2017 meeting and the December 6, 2017 meeting as presented.**

**The roll call vote was as follows:**

| | |
|---|---|
| **Mr. Geisler** | **Aye** |
| **Mr. Neese** | **Abstain (not in attendance at either meeting)** |
| **Ms. Patterson** | **Aye** |
| **Mr. Johnson** | **Aye** |

3. **Application for Tax Abatement Request for Byrum Geisler.**

** Mr. Geisler came down from the dais to comment on his request. Mr. Geisler gave a description of the repairs he had done on his property at 228 East Main Street, Abingdon,

VA. Mr. Geisler noted there were no new additions and all work had been previously approved by the HPRB.

**On motion of Ms. Patterson, seconded by Mr. Neese, HPRB members approved the request for tax abatement as presented by property owner, Byrum Geisler and referred the form to the Town Manager for his review and approval.**

**The roll call vote was as follows:**

| | |
|---|---|
| **Mr. Geisler** | **Abstain (property owner)** |
| **Mr. Neese** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mr. Johnson** | **Aye** |

*Mr. Geisler returned to the dais.*

**4. Application for Certificate of Appropriateness for Edison Jennings**

Mr. Johnson commented that applicant, Edison Jennings, was not present for the discussion. HPRB members agreed to discuss the request in his absence. Mr. Johnson noted that the request involved the installation of a gravel driveway on Mr. Jennings' property but commented that there is currently a shared driveway between property owners Edwards and Jennings. Mr. Boswell noted that the two owners were involved in a legal matter over property. Mr. Johnson noted that the driveway would come in off Plum Alley and there was a significant slope it would follow. Discussion ensued regarding the driveway materials, landscaping and the impact on the utilities in the area.

Deb Icenhour, Town Attorney inquired about the location of the proposed driveway being across the property from the shared driveway that is the subject of an ongoing legal matter. Mr. Boswell confirmed that the town's Public Works Department would have to approve the proposed driveway prior to construction.

Councilman Humphreys inquired about landscaping around the driveway and referenced a plan for Plum Alley that was discussed many years ago.

**On motion of Mr. Neese, seconded by Mr. Geisler, the application for Edison Jennings Certificate of Appropriateness was approved as submitted subject to his use of brown pea gravel as indicated in Section 8(a) of our Ordinance and with a recommendation that Mr. Jennings work with town regarding plantings around the new driveway.**

**The roll call vote was as follows:**

| | |
|---|---|
| **Mr. Geisler** | **Aye** |
| **Mr. Neese** | **Aye** |
| **Ms. Patterson** | **Aye** |
| **Mr. Johnson** | **Aye** |

## 5. DISCUSSION ITEMS

Mr. Johnson commented that he had discussion items to mention to the board. The first item was the draft of an Ordinance to Repeal, Amend and Reenact Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6 through Section 8-8 Board of Architectural Review. Mr. Boswell summarized the proposed Ordinance changes noting that the most significant change was renaming the board Historic Preservation Review Board. Discussion ensued and members agreed they would like to see the Ordinance again with the modifications highlighted and discuss it in detail at the February meeting. Deb Icenhour, Town Attorney commented that the proposed Ordinance would affect the composition of the board to remove the stipulation that a Council member must serve on the board.

Mr. Geisler left the meeting at 5:45 p.m.

Mr. Johnson commented that questions had been raised about the type of standing seam roof that was installed on rental property belonging to Mike Edwards and located on East Main Street across from The Tavern Restaurant. Councilman Humphreys reported he was at the meeting where the HPRB approved Mr. Edwards' roof and it was approved for standing seam. Mr. Humphreys said that the roof Mr. Edwards' put on was not standing seam. Discussion ensued regarding how standing seam is installed, the different types of standing seam and striations in the metal. Mr. Johnson commented on the standing seam definition in the HPRB guidelines. After lengthy discussion, Board members agreed to discuss this matter again at the February meeting. Mr. Humphreys asked if a definition of standing seam could be obtained from the Virginia Department of Historic Resources.

There being no further business, the meeting was adjourned.

_____
Jeff Johnson, Chair

_____
Jason Boswell, Interim Dir. of Planning

Abingdon, Virginia

**IMPORTANT NOTE:**
The complete application must be filed with the Town of Abingdon's Office of Planning and Zoning no later than the third Monday of the month to be heard at the next month's Historic Preservation Review Board meeting. Applications received after the third Monday of the month will be heard at the following month's meeting. If an application is not complete, it will not be included on the meeting agenda. To avoid delays, it is recommended that applicants review the Old and Historic District's Design Guidelines found at www.abingdon-va.gov/announcements.htm#BAR and meet with Planning Department staff before the deadline to review their application.

# APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
## Town of Abingdon, Virginia

Historic Preservation Review Board
133 East Main Street • P.O. Box 789 • Abingdon, VA 24212
Phone: (276) 628-3167 • Fax: (276) 698-3412

| | |
|---|---|
| Location of Property: 284 VALLEY STREET | Historic District?: [X] Yes [ ] No |
| Business Name (if applicable): | Tax Map No: |
| Applicant/Property Owner Name (PRINT): HAROLD STANLEY | Representative Agent(s) Name: WILLIAM & KIM WATSON |
| Signature: Harold Stanley | Firm: |
| Mailing Address: 18032 JENNIFER DR | Mailing Address: P.O. BOX 2633 |
| City: ABINGDON | City: LEBANON |
| State/Zip: VA 24211 | State/Zip: VA 24266 |
| Phone/Fax Number: | Phone/Fax Number: 276-794-1021 or 276-794-1027 |
| Email: | Email: WATSONKG@MSHA.COM |

(Check the Appropriate Boxes - Check all that Apply)

| | | | | | |
|---|---|---|---|---|---|
| | Exterior Change | | Addition | | Relocation |
| X | Wall/Fence | X | Deck/Porch | | Demolition |
| | Driveway/Parking Area | | New Structure/Building | X | Grounds/Landscaping |
| X | Dumpster/HVAC, etc. screen | | Other _____ | | Other _____ |

Per Abingdon, Virginia Code of Ordinances, you may be eligible for local tax credits/abatements. Are you requesting tax credits/abatements for this project? [X] Yes [ ] No

The above named person(s)/firm has permission to represent me regarding this request for architectural review. I understand that I or my representative agent(s) must be present at the Historic Preservation Review Board meeting, on the date assigned by staff, typically the first Wednesday of each month at 5:15 p.m., to present my proposal and that failure to attend may result in the denial of my proposal by the Review Board due to insufficient information. No material change in the appearance of my property, that is viewable from any public street, shall be performed before receiving a Certificate of Appropriateness. I further understand that approval by the Historic Preservation Review Board for any modifications to homes, buildings, landscaping, or grounds including fences, driveways, and parking areas shall expire 12 months from the date of approval. I hereby authorize town staff and/or members of the Historic Preservation Review Board the right to enter onto my property during normal business hours for the purposes of investigating my request for a Certificate of Appropriateness.

Signed Harold Stanley Date JAN. 15 2018

PLEASE READ:
Applicants are encouraged to submit complete applications with sufficient information to allow a clear understanding of the proposal by the Historic Preservation Review Board members and Planning Department staff. Applications that do not clearly communicate the proposed new construction, alterations or changes will result in delays. Planning Department staff will periodically inspect properties for compliance with the COA. Failure to comply may also result in delays in the issuance of a Certificate of Occupancy, fines, or other enforcement actions.

FULL DESCRIPTION OF PROPOSAL: (please attach more sheets if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

**REQUIRED INFORMATION TO BE SUBMITTED WITH APPLICATION:**

Each item submitted is to be INITIALED by the applicant. If you are not submitting any of the requested information, please indicate "not applicable" and explain in the space provided why it is not necessary for this project.

- [x] Sketch, drawing and/or elevations showing the proposed changes or improvements, and an adequate number of photographs to show the area of the proposed alteration
- [ ] Site plan or plat of property
- [ ] A list of materials including color samples that identifies the type and quality of materials to be used in the Proposed Project

_____

_____

_____

- [x] $50.00 application fee if requesting tax credits
- [ ] Are you requesting tax credits for this project?
- [ ] Other (please attach more sheets if necessary)

_____

_____

_____

**To be Completed/Initialed by Planning Department Staff**

___ COA application has been reviewed and deemed to be complete.
___ List of adjoining property owners notified of this COA application has been attached to this application.

**Code: 011/Budget line item: 100-3-13-030-0400**

*The Suites on Valley*

*284 Valley Street*

*Abingdon, Virginia 24210*

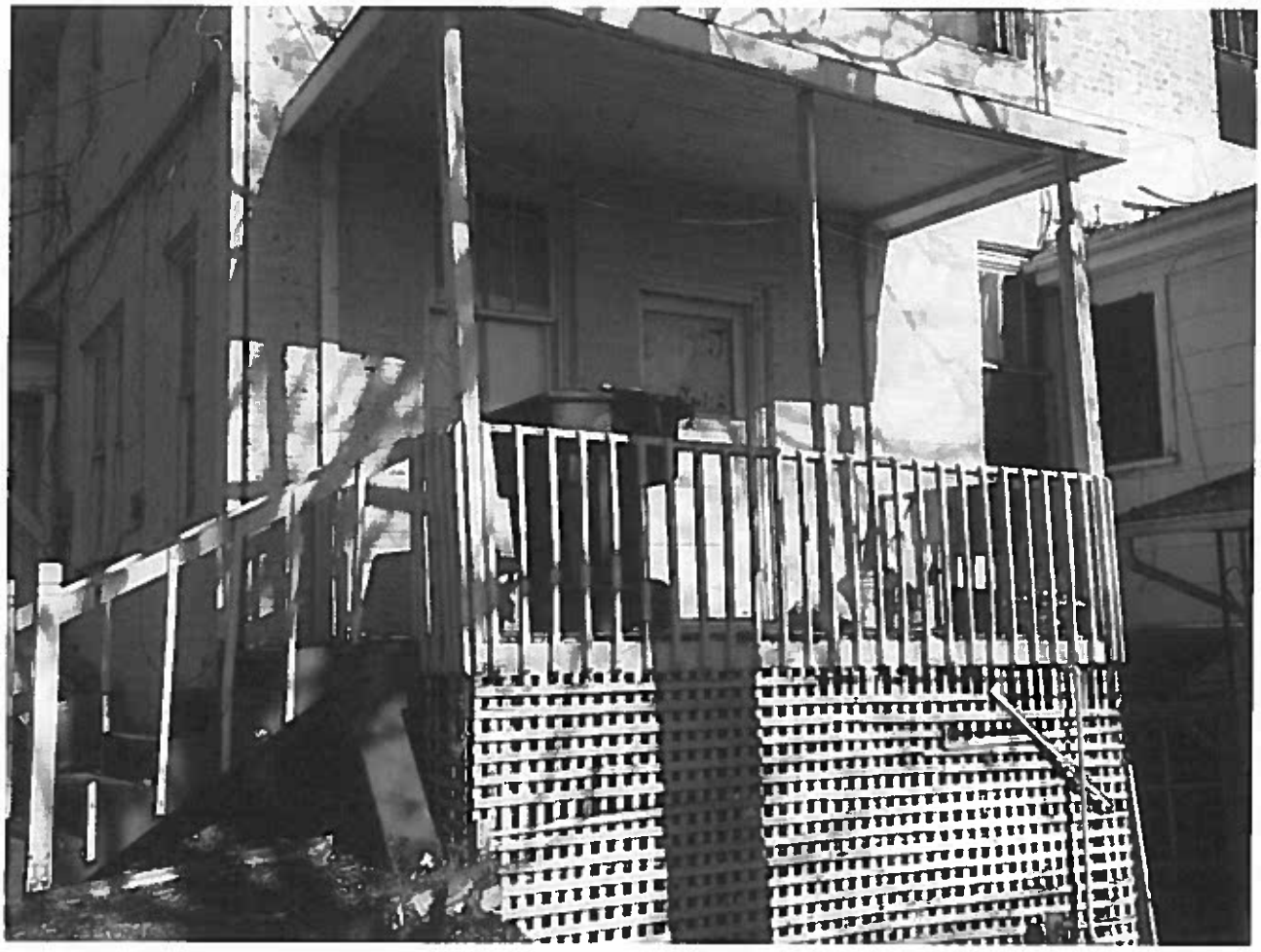
The exterior proposal is as follows:

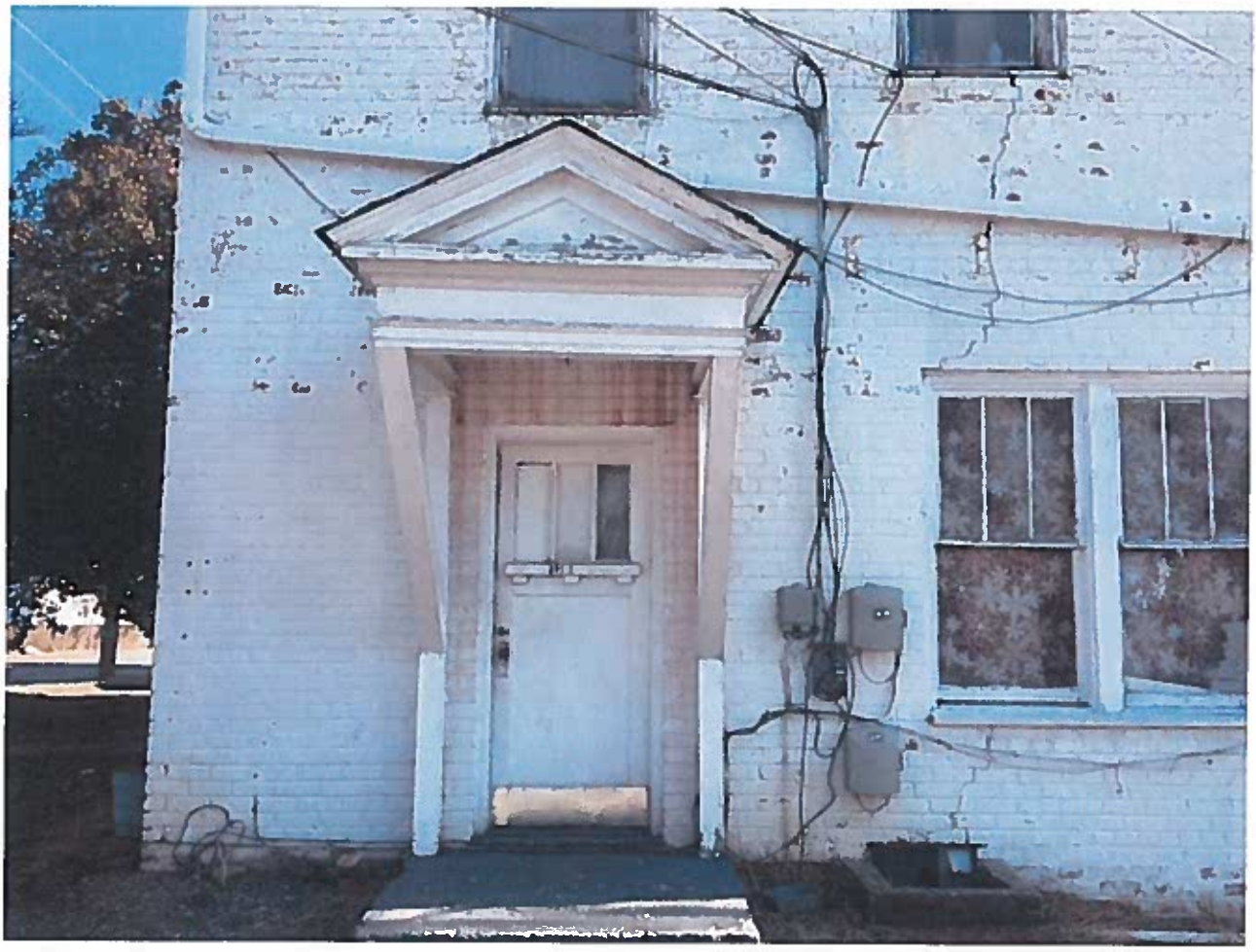
- The exterior of the home will have a fresh coat of white paint.
- Charcoal or black vinyl panel shutters will be added to the front of the home.
- All windows will be replaced with vinyl white or black windows
- The roof will be replaced with a charcoal or black metal with standing seams and snow breakers
- The original exteriors doors will be used if possible, if not a similar door will be installed
- Evergreen shrubs will be used to landscape the surroundings of the home, driveway, trash bin, HVAC
- Sidewalks and driveway will be made of pea gravel, concrete (painted) or brick
- Outside lighting will be black in color on the home.
- Solar landscape up lighting (clear bulbs) will be used around the property
- Wooden fence used to hide HVAC units and possibly trash bin
- Black metal mailboxes will be placed at front entrance
- Covered porch will be added to front entrance and each side (left & right) entrance
- White metal guttering
- Trees on property in front of home will be trimmed or removed

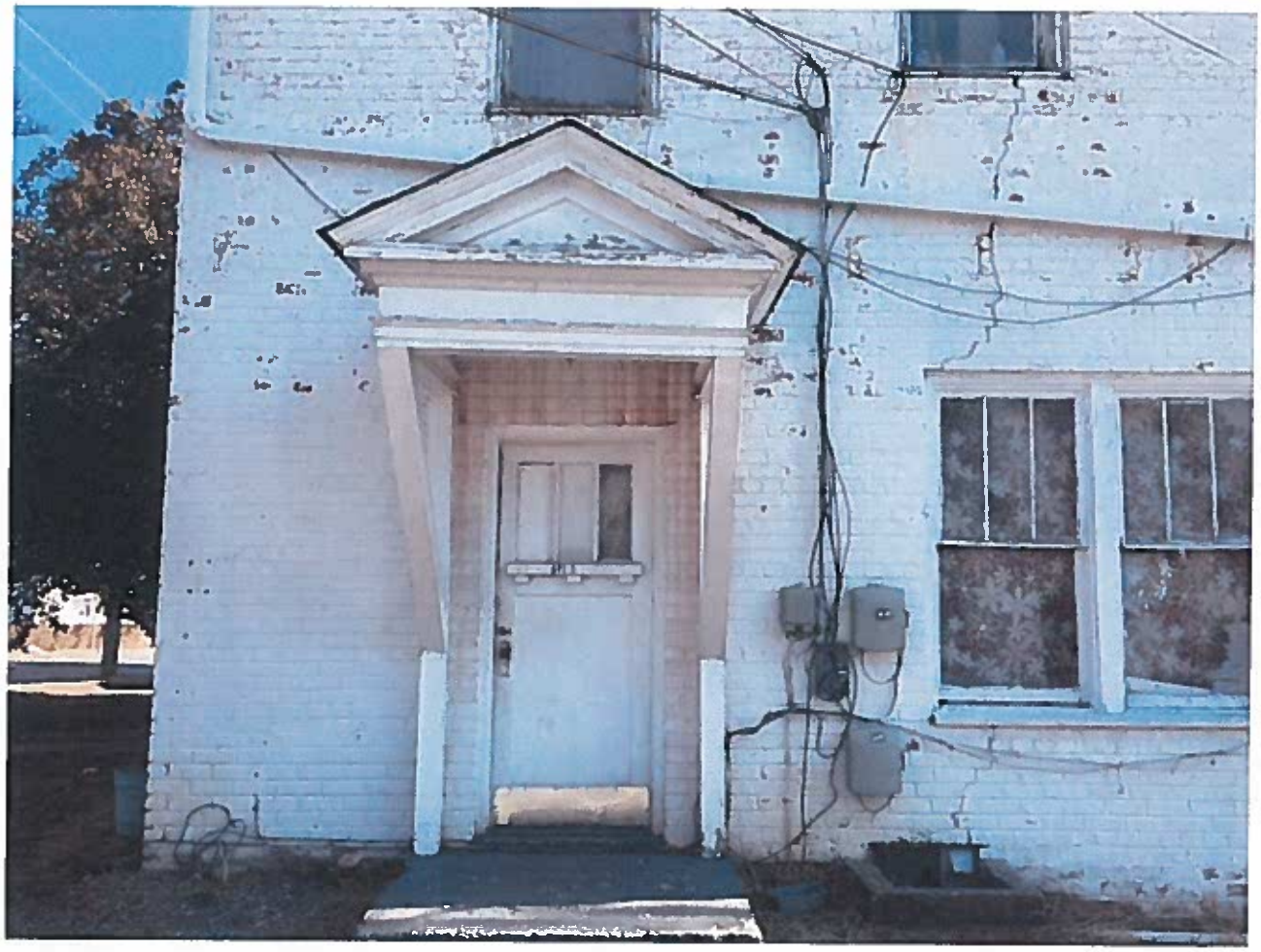
2017

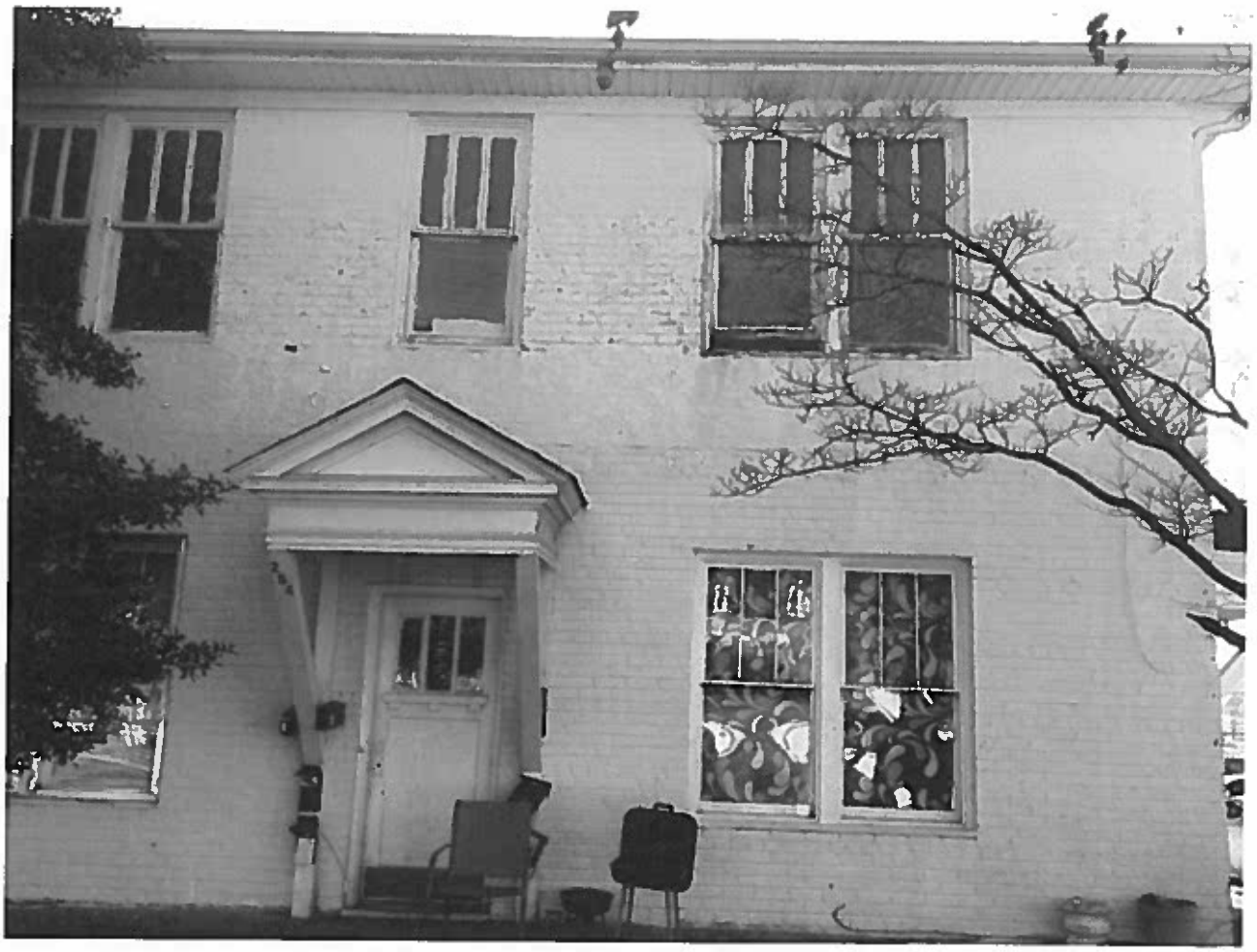
EVADNE

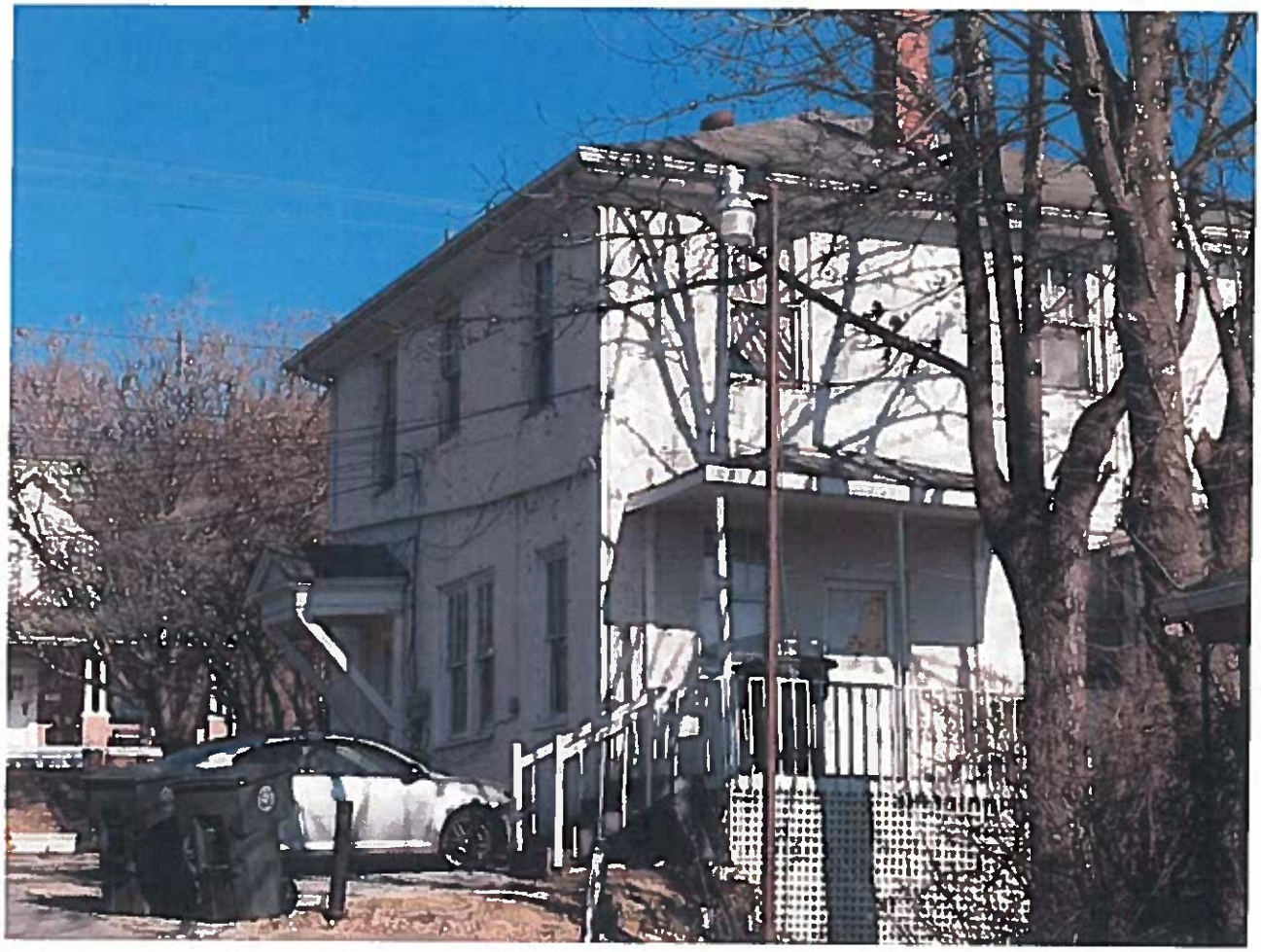
7











# Abingdon, Virginia

IMPORTANT NOTE:
The complete application must be filed with the Town of Abingdon's Office of Planning and Zoning no later than the third Monday of the month to be heard at the next month's Historic Preservation Review Board meeting. Applications received after the third Monday of the month will be heard at the following month's meeting. If an application is not complete, it will not be included on the meeting agenda. To avoid delays, it is recommended that applicants review the Old and Historic District's Design Guidelines found at www.abingdon-va.gov/announcements.htm#BAR and meet with Planning Department staff before the deadline to review their application.

## APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
## Town of Abingdon, Virginia

Historic Preservation Review Board
133 East Main Street • P.O. Box 789 • Abingdon, VA 24212
Phone: (276) 628-3167 • Fax: (276) 698-3412

| | |
|---|---|
| Location of Property: 121 BREWERS ALLEY | Historic District?: [✓] Yes [ ] No |
| Business Name (if applicable): | Tax Map No: PARCEL # 013-1-123 |
| Applicant/Property Owner Name (PRINT): VICKIE LANE MARSH | Representative Agent(s) Name: MICHAEL RUSH |
| Signature: Vickie Lane Marsh by Michael Rush | Firm: W.C. HABITAT FOR HUMANITY |
| Mailing Address: | Mailing Address: 763 CUMMINGS STREET |
| City: | City: ABINGDON 24211 |
| State/Zip: | State/Zip: |
| Phone/Fax Number: | Phone/Fax Number: 276 492 3044 |
| Email: | Email: |

(Check the Appropriate Boxes - Check all that Apply)

| | | | | | |
|---|---|---|---|---|---|
| [ ] | Exterior Change | [ ] | Addition | [ ] | Relocation |
| [ ] | Wall/Fence | [ ] | Deck/Porch | [ ] | Demolition |
| [ ] | Driveway/Parking Area | [ ] | New Structure/Building | [ ] | Grounds/Landscaping |
| [ ] | Dumpster/HVAC, etc. screen | [✓] | Other ROOF REPLACEMENT | [✓] | Other WINDOW REPLACEMENT |

Per Abingdon, Virginia Code of Ordinances, you may be eligible for local tax credits/abatements. Are you requesting tax credits/abatements for this project? [✓] Yes [ ] No

The above named person(s)/firm has permission to represent me regarding this request for architectural review. I understand that I or my representative agent(s) must be present at the Historic Preservation Review Board meeting, on the date assigned by staff, typically the first Wednesday of each month at 5:15 p.m., to present my proposal and that failure to attend may result in the denial of my proposal by the Review Board due to insufficient information. No material change in the appearance of my property, that is viewable from any public street, shall be performed before receiving a Certificate of Appropriateness. I further understand that approval by the Historic Preservation Review Board for any modifications to homes, buildings, landscaping, or grounds including fences, driveways, and parking areas shall expire 12 months from the date of approval. I hereby authorize town staff and/or members of the Historic Preservation Review Board the right to enter onto my property during normal business hours for the purposes of investigating my request for a Certificate of Appropriateness.

Signed Michael Rush Date 1-16-18

PLEASE READ:
Applicants are encouraged to submit complete applications with sufficient information to allow a clear understanding of the proposal by the Historic Preservation Review Board members and Planning Department staff. Applications that do not clearly communicate the proposed new construction, alterations or changes will result in delays. Planning Department staff will periodically inspect properties for compliance with the COA. Failure to comply may also result in delays in the issuance of a Certificate of Occupancy, fines, or other enforcement actions.

FULL DESCRIPTION OF PROPOSAL: (please attach more sheets if necessary)

- REPLACE WORN OUT SHINGLES ON ROOF WITH IKO ARCHITECTURAL SHINGLES, COLOR RIVIERA RED (A DARK RED) CONSISTENT W HPRB GUIDELINES, P14 SECTION B.
- REPLACE 8 BROKEN/DAMAGED WINDOWS WITH SIMULATED TRUE DIVIDED LIGHT ALUMINUM ~~VINYL~~ CLAD WINDOWS OF THE SAME SIZE, STYLE AND MUNTIN PROFILE PER HPRB GUIDELINES P11-D AND P16-E, IN AN APPROVED COLOR CLOSELY MATCHING THAT OF ORIGINAL WINDOWS

**REQUIRED INFORMATION TO BE SUBMITTED WITH APPLICATION:**

Each item submitted is to be INITIALED by the applicant. If you are not submitting any of the requested information, please indicate "not applicable" and explain in the space provided why it is not necessary for this project.

☐ Sketch, drawing and/or elevations showing the proposed changes or improvements, and an adequate number of photographs to show the area of the proposed alteration

☒ Site plan or plat of property

☒ A list of materials including color samples that identifies the type and quality of materials to be used in the Proposed Project
BROCHURE - IKO CAMBRIDGE COLLECTION, ARCHITECTURAL SHINGLE IN 'RIVIERA RED'
TEAR SHEET - WEATHER SHIELD SIGNATURE SERIES ALUMINUM CLAD, COLOR - BRICK RED

☑ $50.00 application fee if requesting tax credits

☑ Are you requesting tax credits for this project?

☐ Other (please attach more sheets if necessary)

**To be Completed/Initialed by Planning Department Staff**

___ COA application has been reviewed and deemed to be complete.
___ List of adjoining property owners notified of this COA application has been attached to this application.

**Code: 011/Budget line item: 100-3-13-030-0400**

# WASHINGTON COUNTY, VIRGINIA - IGIS®

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Aerial Imagery

- None
- 2011 VBMP Aerials -- Courtesy of VGIN, Commonwealth of Virginia
- 2015 VBMP Aerials -- Courtesy of VGIN, Commonwealth of Virginia

Administrative
Districts
Zoning
Utilities
Land Records
Transportation
Hydrography

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Lat, Lon: 36.711, -81.971

**WEATHER SHIELD.**
**WINDOWS & DOORS**

P.O. Box 309 Medford, WI 54451
weathershield.com

# QUOTE

Printed: 01/09/2018 01:31 PM

Quote #: 1971631
Quote Date: 01/09/2018
WSOneSource 1.0

Sold To: 24620

Mike Rush
118 Laurel Drive
Damascus, VA 24339

Delivery Instructions:

Ship To: 24620

BUILDING ACCENTS INC
141 COMMERCE CT
BRISTOL, VA 24202-5903

Deliver To:

| LINE # | QUANTITY | ATTRIBUTES | | UNIT | EXTENDED |
|---|---|---|---|---|---|
| 1 | 8 | P.O.:<br>Location:<br>Job: | Price: | 549.75 | 4,397.97 |

Signature Series Double Hung Tilt Rectangle 8109 1 Wide
Complete Unit
—— Mfg Date 7/30/2012 to Present
---- Frame Style Double Hung
No DP Required
Sizing Method Call Out 2-10 X 4-6 - Even
—— R/O Size 34" X 54"
—— Jamb Size 33 1/2" X 53 1/2"
Venting R/O - Top 27" Venting R/O - Btm 27"
—— Glass Size - Top 28" X 22 11/16" - Bottom 28" X 22 11/16"
Operating Code - Operating
Aluminum Clad - Putty Sash Profile - Brick Red - AAMA 2605
---- Exterior Panel/Sash Color Brick Red
—— W/Frame Nailing Fin
4 9/16" Jamb Depth -
Pine -
Insulated Low E
Glazing Bead Type - Colonial
—— W/Inert Airspace Gas
7/8" - Pine - SDL W/GBG - Rectangular - All Sash -
—— Colonial Interior Bar Profile
—— No Interior Bar Finish/Stain -
—— 3 W 2 H / 3 W 2 H /
Tan - Contemporary Lock W/Manual Latches Single Lock -
W/Full Screen - Brick Red - NO-SEE-UM Mesh - Shipped Loose
No Field Prepping

(Viewed from Exterior)
Rough Opening 34" x 54"
Overall Jamb 33-1/2" x 53-1/2"

Town of Abingdon

01/25/18 08:35 MISCELLANEOUS PERMIT

Owner: VICKIE LANE MARSH
Property Location: 121 BREWERS ALLEY
CERTIFICATE OF APPROPRIATENESS

Chk#: 6270
Batch Id: COUNTER8
Ref Num: 25659 Seq: 59 to 59

| | |
|---|---|
| Cash Amount: | 0.00 |
| Check Amount: | 50.00 |
| Credit Amount: | 0.00 |
| Total: | 50.00 |

# APPLICATION FOR
# WAIVER OF
# CERTIFICATE OF APPROPRIATENESS

Application is hereby made for waiver of Certificate of Appropriateness under Article 8, section 8-4-1,b of the Zoning Ordinance of the Town of Abingdon. Such waiver is limited to the following under the Guidelines adopted on May 5th, 2004 by the Board of Architectural Review as follows:

The Zoning Administrator of the Town may determine that certain minor actions involving buildings and structures within the Old and Historic District will have no permanent effect on the character of the District, and, by written waivers exempt the minor actions from review by the Board of Architectural Review. Such minor actions shall be limited to the following:

A. Repainting in a paint scheme that duplicates the existing paint colors. Provided, however:
- The paint used should be of high quality to provide a long lasting finish.
- Paint colors should be appropriate for the building or structure's architectural style and design, as to which the Board of Architectural Review will provide recommendations at the owner's request.
- Unpainted masonry should be left unpainted.

B. Addition or deletion of storm windows and doors, window gardens, awnings, temporary canopies, window air conditioners or similar appurtenances.

C. Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street, right of way or place.

D. Any alterations or other changes within the building or structure which are not visible from a public street, right of way or place.

E. Relocation of heating and cooling systems on the property, provided they are screened per the Design Guidelines.

E. Planting of grass, trees or shrubs and other landscape improvements, excluding, however, any landscape treatment which would substantially alter the old and historic aspects of the particular building or structure or involve construction of fences, walls, walkways, pools, fountains and like improvements which might affect the appearance of the historic site.

G. Repair of roof or guttering using materials that replicate existing material.

Name of Owner Virginia House Company
Name of Business (if applicable) Penn Stuart
Address 208 East Main St. Abingdon VA 24210 Telephone 276-628-5151
Item and number from list above that is the subject of this request: G- replace roof
Tax Map Number 013-1-101
Approved by the Zoning Administrator YES / NO
Location in Historic District (Sub-district)
Other comments

Date and Signature of owner Jeri D Shaner

Date and Signature of Zoning Administrator 10/23/17

*Each application for waiver should be on the form provided by the office of the Zoning Administrator and documented by appropriate drawings, plans or other depiction of the proposed addition, deletion or other alteration, together with samples of the materials and colors to be used in taking the minor actions.*

Town of Abingdon, Virginia
Old and Historic District

# APPLICATION FOR TAX ABATEMENT

133 East Main Street • P.O. Box 789 • Abingdon, VA 24212
Phone: (276) 628-3167 • Fax: (276) 698-3412

**Per Article II, Division 5 of the Abingdon, Virginia Code of Ordinances, you may be eligible for property tax credit and/or abatement.**

| | |
|---|---|
| Location of Property: 208 E. Main Street | |
| Property Owner Name (PRINT): Virginia House Company | Tax Map No: 013 1 101 |
| Business Name (if applicable): Penn Stuart | |
| Mailing Address: 208 E. Main Street | |
| City: Abingdon | |
| State/Zip: VA 24210 | |
| Phone/Fax Number: 276-628-5151 | fax 276-623-5539 |
| Email: tathames@pennstuart.com | |

**Required information to be submitted with the application:**

- Approved Certificate of Appropriateness from the Historic Preservation Review Board
- Copies of itemized receipts/proof of payment for work performed on exterior, or a total of expenditures certified by a CPA
- Before and after photographs
- If you have been approved for state/federal tax credits, please provide your approval form

Property owners within the town pay a combination of County and Town taxes. Local Historic Tax Credits only apply to the town's portion of tax owed. Town taxes consist of both **improvement value** and **land value.** Credits will be issued against **improvement value** only. Tax credits are $2,500.00 as to town property taxes for every $2,500.00 of exterior maintenance, restoration, preservation, and rehabilitation work performed and documented on structures located within the Old and Historic District of town. Credits will be given toward the **assessed value on the structure.** The tax credit shall be allowed immediately following the tax year in which the work is complete.

| EXAMPLE FOR $2500 SPENT | |
|---|---|
| Land Value $65,000 (Will change if new assessment year) | Billing for May $91.00<br>Billing for November $91.00 |
| Improvement Value $189,400 (Will not change for up to 10 years) | Billing for May $265.16<br>Billing for November $265.16 |
| **ABATEMENT SCHEDULE** | |
| 2016 Year | $530.32 |
| 2017 Year | $530.32 |
| 2018 Year | $530.32 |
| 2019 Year | $530.32 |
| 1st half 2020 year | $265.16 |
| 2nd half of 2020 year | $113.56 |

***Note: If you are delinquent on any Town fee or license, you will not be eligible to accept benefit of this abatement.**

**To be Completed/Initialed by Planning Department Staff**

COA was issued at the _____ HPRB meeting. $ 16,704 is eligible for Historic Tax Abatement.
Signed: _____ Town Manager.

208299

**PennStuart** ATTORNEYS AT LAW

LEONARD ROOFING, LLC 12/19/2017 $16,704.00

MBB

| Inv.Date | Inv.No. | Invoice Description | Amount |
|---|---|---|---|
| 11-28-2017 | 10242 | VIRGINIA HOUSE ROOF | 16,704.00 |

208299 Total: $16,704.00

DOCUMENT IS PRINTED ON CHEMICAL ALTERING PAPER. THE BACK OF THIS DOCUMENT INCLUDES A WARNING OF CHEMICAL WASH INDICATOR

No. 208299

**PennStuart**
ATTORNEYS AT LAW
208 E. MAIN STREET
ABINGDON, VIRGINIA 24210

THE FIRST BANK & TRUST CO.
ABINGDON, VIRGINIA 24210

68-446/514
02

DATE
12/19/2017

AMOUNT
$16,704.00

PAY EXACTLY

*Sixteen Thousand Seven Hundred Four and No/100 Dollars*

TO THE ORDER OF
LEONARD ROOFING, LLC
1540 EUCLID AVENUE
BRISTOL, VA 24201

PennStuart
GENERAL ACCOUNT

AUTHORIZED SIGNATURE

⑈208299⑈ ⑆051404464⑆ 2001 929 5⑈

208299

**PennStuart** ATTORNEYS AT LAW

LEONARD ROOFING, LLC 12/19/2017 $16,704.00

| G/L Acct. | Matter I.D. | Description | Amount |
|---|---|---|---|
| 50303-10000 | | LEONARD ROOFING, LLC -ROOF REPLACEMENT -VA HOU | 16,704.00 |

RoofScope®

208 E Main St, Abingdon, VA 24210

## Project Totals

| | | |
|---|---|---|
| **Total Roof Area** | - | **107.5 SQ** |
| Standard Slope (4:12-6:12) | - | 102.5 SQ |
| Flat Slope (0:12-1:12) | - | 1.8 SQ |
| Low Slope (2:12-3:12) | - | 3.2 SQ |
| High Roof (over 1 story) | - | 105.0 SQ |
| IWB (Ice & Water Barrier) | - | 1424.3 SF |
| Roof Planes | - | 22 |
| Structures | - | 1 |
| Eave | - | 474.8 LF |
| Rake | - | 146.4 LF |
| Parapet | - | 216.1 LF |
| Total Perimeter | - | 837.2 LF |
| Ridge | - | 230.3 LF |
| Hip | - | 141.6 LF |
| Valley | - | 64.0 LF |
| Slope Change | - | 31.1 LF |
| Step Flashing | - | 308.9 LF |
| Headwall Flashing | - | 285.4 LF |

THIS REPORT IS FOR ESTIMATION PURPOSES ONLY AND DOES NOT INCLUDE WASTE, VERIFY ALL DIMENSIONS AND TOTALS BEFORE PURCHASING MATERIALS.

THIS REPORT IS THE PROPERTY OF SCOPE TECHNOLOGIES, INC. AND MAY NOT BE REPRODUCED WITHOUT WRITTEN CONSENT

## Kim Kingsley

**From:** Kim Kingsley
**Sent:** Thursday, January 25, 2018 11:26 AM
**To:** Jason Boswell
**Cc:** crosenbaum@abingdon-va.gov
**Subject:** DHR Response regarding standing seam roofing
**Attachments:** metal roof page.JPG

FYI.....

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**From:** Melinat, Megan (DHR) [mailto:Megan.Melinat@dhr.virginia.gov]
**Sent:** Thursday, January 25, 2018 11:21 AM
**To:** Kim Kingsley <kkingsley@abingdon-va.gov>
**Subject:** RE: Town of Abingdon - Question

Hi Kim,

That's a pretty broad question....The attached image is a page from *Building Construction Illustrated* (Ching), that may be helpful.

Alternately, this website has a more casual description of the topic:
https://www.thespruce.com/basics-of-standing-seam-metal-roofs-1821949

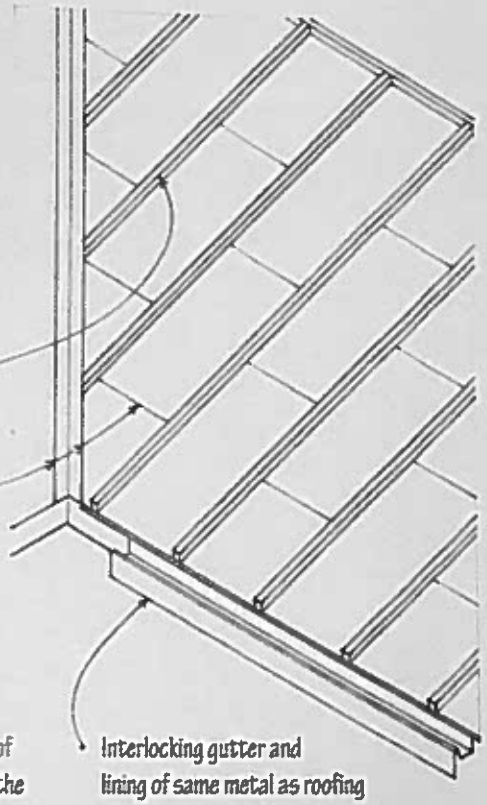
If I can answer specific questions, please let me know.

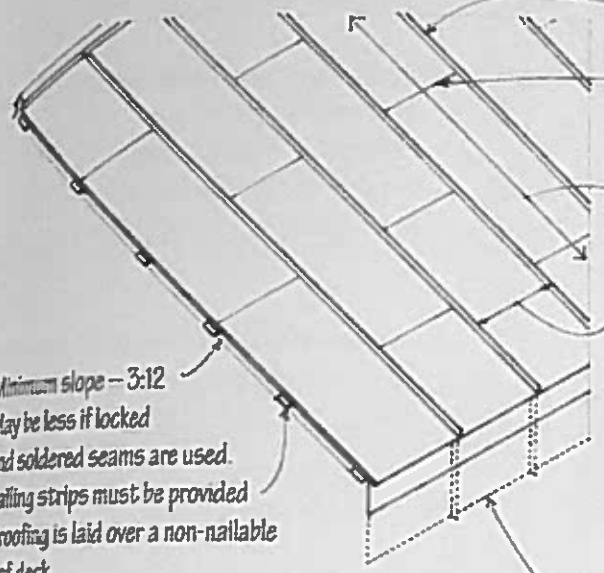
Thanks,
Megan

**Megan Melinat**
Virginia Department of Historic Resources
P: (804) 482-6455

A sheet metal roof is characterized by a strong visual pattern of interlocking seams and articulated ridges and roof edges. The metal sheets may be of copper, zinc alloy, galvanized steel, or terne metal, a stainless steel plated with an alloy of tin and lead. To avoid possible galvanic action in the presence of rain water, flashing, fastenings, and metal accessories should be of the same metal as the roofing material. Other factors to consider in the use of metal roofing are the weathering characteristics and coefficient of expansion of the metal.

- Metal roofing is installed over an underlayment of roofing felt. Rosin paper is used to prevent bonding between the felt and terne metal roofing.





Standing or batten seams

Horizontal and valley seams are flat and usually soldered.

Provide expansion joints on runs exceeding 30' (9 m).

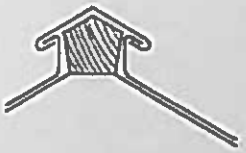
Vertical seams are spaced from 12" to 24" (305 to 610) o.c., depending on the starting width of the metal sheets and the size of the standing or batten seams.

- The seams on prefabricated batten roofs are spaced from 24" to 36" (610 to 915) o.c.

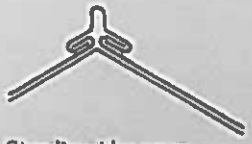
Metal pan may continue down to form a deep fascia.

- Minimum slope — 3:12
- May be less if locked and soldered seams are used.
- Nailing strips must be provided if roofing is laid over a non-nailable roof deck.

Interlocking gutter and lining of same metal as roofing

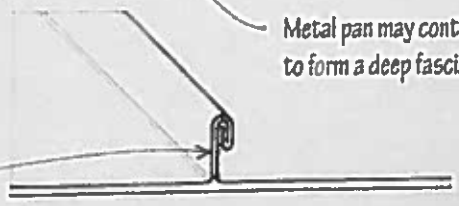


- Batten ridge seam

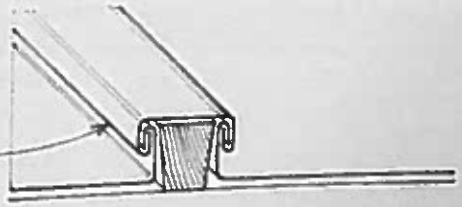


- Standing ridge seam

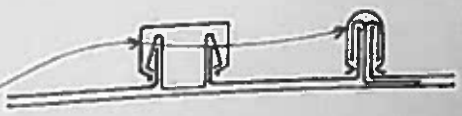
- Standing seams are made by folding up the adjoining edges against each other, then folding their upper portion over in the same direction a number of times.



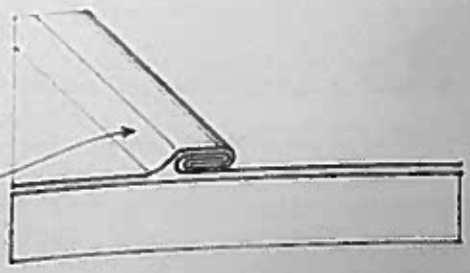
- Batten seams are made by turning up the adjoining edges against a batten and locking them in place with a metal strip placed over the batten.
- Taper batten to allow for expansion of roofing.



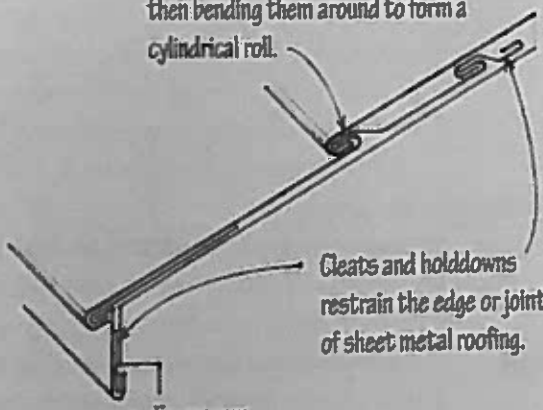
- Various prefabricated standing and batten seams are available from metal roofing manufacturers.



- Lock seams are made by folding up the adjoining edges against each other, folding them over, and flattening the interlock.



- Roll seams are joints between two pieces of sheet metal in the direction of fall of a curved or sloping roof; made by turning up the adjoining edges against each other, then bending them around to form a cylindrical roll.



Cleats and holddowns restrain the edge or joint of sheet metal roofing.

- Eave seam

Types of Seams

FYI - Carl Mallory Issue from May 2011.



TOWN OF ABINGDON
BOARD OF ARCHITECTURAL REVIEW
REGULAR MEETING
MAY 4, 2011 - 5:00 P.M.

The regular meeting of the Board of Architectural Review was held Wednesday, May 4, 2011 at 5:00 P.M. The meeting was held in the downstairs meeting room of the Municipal Building.

Dr. Charles M. Owens, Chairman, called the meeting to order. Mr. Jackson called the roll.

ROLL CALL

| | |
|---|---|
| Members Present: | Dr. Charles M. Owens, Chairman<br>Mr. Byrum Geisler<br>Mr. Jason Berry<br>Mr. Peyton Boyd<br>Mrs. Betsy White<br><br>Comprising a quorum of the Board |
| Members Absent: | None |
| Administrative Staff: | Mr. W. Garrett Jackson, Director of Planning/Zoning<br>Mr. Sean Taylor, Assistant Director Planning/Zoning<br>Mrs. Deborah Icenhour, Town Attorney |
| Visitors: | Mr. Carl Mallory<br>Mr. Jim Bundy |

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(2) Approval of Minutes: Regular Meeting, April 6, 2011

Mr. Berry made a motion that the minutes of the regular meeting, April 6, 2011 be approved with the following correction:

**Item 3, Page 11-14, Second Paragraph**

**FROM:** After discussion, Mr. Boyd made a motion that the original door should be retained and refinished as near to its original appearance as possible. Mr. Berry seconded the motion, with unanimous approval.

**TO: After discussion, Mr. Boyd made a motion to approve all proposed changes except the door and that a new door will be presented to the Board for review at a later date. Mr. Berry seconded the motion, with unanimous approval.**

Mr. Geisler seconded the motion, with unanimous approval.

* * * * * * * * * * * *

(3) CERTIFICATE OF APPROPRIATENESS - **Carl and Polly Mallory, Owners,** 112 East Main Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval to replace existing roof, with new metal roof, on structure **located at 112 East Main Street. Tax Map No. 12 (1) 100.**

This is a request to replace existing roof, with new metal roof, on structure located at 112 East Main Street.

Dr. Owens explained that it was his understanding that Mr. Mallory proposes to use a different material other than what is approved in the Guidelines.

Mr. Mallory explained that he proposes to replace the existing roof with 29 gauge, ribbed metal roof, dark brown in color. He has observed and counted several houses in the Old and Historic District having ribbed metal roof and he proposes to use the same type. Mr. Mallory presented a sample of the proposed metal roof.

Mr. Mallory also stated that the structure was built in 1890 and pictures made in the 1970's reveal that the existing roof is a 5v crimp metal roof, which has been painted and tarred several times.

Mr. Boyd stated that the original roof for the structure would have been a tin roof, having been painted over the years.

Mr. Mallory stated that he had met with approximately four or five different contractors. He indicated that he had signed a contract with his preferred contractor, with plans to use this particular metal roof for various reasons, one being that it was less expensive.

Dr. Owens explained that the 5v crimp metal roof is flat from rib to rib; the other product (ribbed metal roof) does not have the rib to rib effect.

It was also explained to Mr. Mallory that the roofs on the structures he referenced were installed before the Guidelines were established and they are now grandfathered.

Mr. Boyd stated that if this is the original roof, Mr. Mallory can replace it like with like, if he chooses.

Mr. Geisler asked it would be acceptable to Mr. Mallory if he could get the 5v crimp metal roof, brown in color, in the older looking profile? Mr. Mallory responded that it would depend upon if there had been an increase in the cost and if it took longer to get the material.

Mr. Jackson and Mr. Berry explained to Mr. Mallory that the Town has a Tax Abatement Ordinance and reviewed the incentives in detail with him, as presented by Mrs. Deborah Icenhour, Town Attorney.

Mr. Geisler explained to Mr. Mallory that it is the Board's responsibility to protect the Old and Historic District and that they would not be inclined to approve the requested profile.

Mr. Mallory stated that in order to take advantage of the Tax Abatement Ordinance, in order to offset the cost, he might reconsider this request, using the Board's recommendation, if a compromise could be reached, changing the requested color from dark brown to burnish slate. Mr. Mallory will contact the Town Staff before his final decision is made, to determine what tax incentives he might be eligible for.

After a lengthy discussion, Mr. Boyd made a motion to approve the installation of the 5v crimp metal roof, burnish slate in color, versus steel 4026. Mr. Geisler seconded the motion, with unanimous approval.

* * * * * * * * * * * * *

(4) CERTIFICATE OF APPROPRIATENESS - **Tim Nichols,** 229 East Valley Street, Abingdon, VA 24210; application for Certificate of Appropriateness for approval to construct a small porch roof over entrance door for property **located at 229 East Valley Street. Tax Map No. 13 (1) 16.**

This is a request to construct a small porch roof over entrance door for existing structure located at 229 East Valley Street.

The construction of the proposed porch roof will consist of wood trim, painted White to match the existing structure, with cedar shakes to match the existing roof.

After a lengthy discussion regarding this structure, Mr. Geisler made a motion that the request be denied. Mrs. White seconded the motion, with unanimous approval.

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(5) CERTIFICATE OF APPROPRIATENESS - **Martha E. Combs,** P. O. Box 1404, Abingdon, VA 24212; application for Certificate of Appropriateness for approval to renovate/remodel existing structure **located at 268 East Main Street. Tax Map No. 13 (1) 93.**

This application was discussed at the regular meetings, Wednesday, February 2, 2011, Wednesday, March 2, 2011 and Wednesday, April 6, 2011. All requested changes and proposed architectural improvements to the property have been approved except the discussion regarding the original front door, as to whether or not it would be feasible to remove the original front door of the structure and replace it with a new door, or to refurbish the original door.

As end result of the meeting held on April 6, 2011 "Mr. Boyd made a motion to approve all proposed changes except the door and that a new door will be presented to the Board for review at a later date. Mr. Berry seconded the motion, with unanimous approval."

After further review and a later discussion between Board members, Mr. Geisler made a motion to re-open the discussion of this topic, to reconsider this discussion, allowing the door and transom to be removed. Mrs. White seconded the motion, with unanimous approval.

Mr. Taylor explained that had he, along with Rick Statzer and Marion Watts, the Building Department Officials, had inspected the house regarding this issue. He further explained that this is one of the main entrances to this structure and since there will be a change in the use of this house, it will be left up to Building Department Officials to decide whether the door will have to be raised; it will be necessary to wait for the Building Department to receive required blueprints from Mr. Bundy as to what decision can be required. Mr. Taylor stated that he has discussed this matter with a contractor who has stated that if the door does have to be raised, the door and transom could be combined using all original elements that could be incorporated to reconstruct the door.

Mr. Boyd stated he could see no difference in doing this, opposed to installing a new door. He further stated that due to this structure being located in the Old and Historic District, the Building Official by law and the code, has the right to approve the use of the original door as it currently

appears if it is not life threatening. He further stated that taking all the existing parts and making one door does not accomplish what is intended to be accomplished; it might appear that one is preserving the door's appearance but it is not preserving the original door. He suggested the door be left as it is, depending on the dispensation from the Building Official.

After a lengthy discussion, the Board agreed that before a decision could be made they must wait for the blueprints from Mr. Bundy and a decision from the Building Official.

There being no further business, Mr. Geisler made a motion that the meeting be adjourned. Mr. Boyd seconded the motion, with unanimous approval.

Dr. Charles M. Owens, Chairman

W. Garrett Jackson, Secretary

**AN ORDINANCE OF**
**THE COUNCIL FOR THE TOWN OF ABINGDON,**
**TO REPEAL, AMEND AND REENACT**
**APPENDIX B – ZONING ORDINANCE – ARTICLE 8 –**
**OH OLD AND HISTORIC DISTRICT – SECTION 8-6. THROUGH**
**SECTION 8-8– BOARD OF ARCHITECTURAL REVIEW**

**WHEREAS,** §27-6-1 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

**WHEREAS,** the Town of Abingdon's current Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review, and upon due consideration the Council wishes to amend said ordinance, the Council for the Town of Abingdon elects to repeal, amend and reenact the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED,** upon recommendation of the Council of the Town of Abingdon, Virginia, after notice pursuant to §15.2-2204 of the Code of Virginia 1950, as amended, and public hearings of the Council for the Town of Abingdon on _____ as required by law:

1. That this ordinance shall take effect on _____; and
2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

That the Town of Abingdon's Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review, that is proposed for repeal, amendment, and reenactment, currently appears as follows:

Section 8-6. - Board of architectural review—Creation and membership.

8-6-1. *Creation and empowerment of the board.* For the purpose of making effective the provisions of this article, a board of architectural review ("board") is hereby established and empowered to consider and review all alterations, additions and changes within the boundaries of the old and historic district which fall within the purview of section 8-4-1 of this article, whether or not brought before it by an application for a certificate of appropriateness or other permit.

8-6-2. *Duty to enforce and sanctions.* The board shall make its decision on each project brought before it and see to the enforcement of its decisions through the administrator and the town's inspection department, to the end that buildings, structures or other resources of historic, architectural, or cultural significance are preserved insofar as they are appropriate and incongruous

projects are prohibited. The failure of an applicant or any other person to observe the board's decisions shall be subject to the sanctions provided in article 24, section 24-2 of this ordinance.

8-6-3. *Composition of the board.* The board shall consist of five members appointed by the town council, one of whom shall be a resident of the old and historic district and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the town; provided, the town council may in its discretion appoint any non-resident of the town who is otherwise qualified under this section 8-6 and holds or is employed by a person or firm holding a current business license issued by the town.

8-6-4. *Qualifications of the board members.* At least one board member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of Appendix A of 36 CFR 61. Similarly, at least one additional board member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning. Each board member is required to attend at least one informational or educational meeting per year which has been approved by the state department of historic resources as pertaining to the work and functions of the board or historic preservation. Provided, when adequate review of any proposed action would normally involve a professional discipline not represented on the board, the board must seek and secure appropriate professional advice before rendering its decision on the particular action. The administrator shall serve as advisor to the board.

8-6-5. *Terms of office and vacancies.* The board members shall be appointed for three-year terms and serve until their respective successors are appointed. If at any time hereafter all five positions on the board are vacant, the board members shall be appointed for three-year staggered terms, one member to serve for one year, two members to serve for two years, two members to serve for three years and all members to serve three-year terms thereafter. Vacancies caused by death, resignation or otherwise shall be filled (i) promptly and in any event not more than 90 days following the date on which the vacancy occurs; and (ii) for the unexpired term in the same manner original appointments are made. The town council shall have the discretion to appoint members to serve consecutive terms and also to remove them for habitual failure to attend meetings. Members may serve any number of terms but not more than two terms consecutively.

Section 8-7. - Same—Chairman; vice-chairman and secretary.

8-7-1. The board shall elect its chairman and vice-chairman from its membership and the administrator shall serve as secretary to the board.

Section 8-8. - Same—Procedure for meetings.

8-8-1. *Procedure to be followed in meetings.* The chairman shall conduct the meetings of the board in accordance with its written bylaws and all applicable provisions of the Code of Virginia, 1950, as amended. In the absence of the chairman the vice chairman shall preside. The secretary shall keep and make available for public inspection the minutes of the meetings and a permanent record of all resolutions, motions, transactions and decisions, including exemptions from review by the board. A quorum of three members present is required before the board may take any official action. Each member of the board shall have the right to one vote on each issue, to be exercised in person at a meeting and not by proxy, and the decision of the majority shall be final, subject only to the rights of appeal set out below.

8-8-2. *Notice of meetings.* Prior public notice of all regular or special meetings of the board must be given. In addition, the board's bylaws shall specify the means by which written public notice of such meetings is to be provided. Each meeting of the board shall be open to the public and an agenda shall be made available to the public prior to the meeting. The board shall grant a full and impartial hearing on each application and permit testimony from not only the applicants but interested members of the public.

8-8-3. *Frequency of meetings.* The board shall meet not less than four times a year, in regular and special meetings as provided in its bylaws but in the absence of a mutual agreement between the board and the applicant all applications shall be heard within 30 days after the application is filed. The board shall vote and announce its decision on any matter properly before it not later than 14 days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the board and applicant.

8-8-4. *Procedure on disapproval of application.* If the board disapproves any application it shall furnish the applicant with its written decision stating the reasons for disapproval and make recommendations with respect to the appropriateness of design, arrangement, texture, material, color, location, and any other factor on which the disapproval was based. The board shall rehear the application if within the 90-day period following the date of disapproval the applicant submits an amended application that complies with all recommendations of the board. Provided, the board shall not otherwise re-hear the subject matter of any application which has been denied for a period of one year after the date of the hearing, or if a re-hearing was held, for a period of one year after the rehearing.

8-8-5. *Requirement for bylaws.* The board shall adopt and make available for public inspection written bylaws for procedural matters, written notice of public meetings and other matters not covered by this article that include at a minimum (i) provision for regularly scheduled meetings at least four times a year; (ii) a requirement that a quorum be present to conduct business; (iii) rules of procedure for considering applications; (iv) a requirement for written minutes for all meetings; (v) minimum attendance requirements for all board members; and (vi) requirements that board members attend training sessions.

(Ord. of 6-2-03)

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Appendix B – Zoning Ordinance – Article 8 – OH Old and Historic District – Section 8-6. Board of Architectural Review Ordinance be repealed, amended and reenacted as follows:

§8-6. - Board of Architectural Review will be hereinafter renamed and referred to as Historic Preservation Review Board —Creation and membership.

§8-6-1. *Creation and empowerment of the board.*

For the purpose of making effective the provisions of this article, a Historic Preservation Review Board ("board") is hereby established and empowered to consider and review all alterations, additions and changes within the boundaries of the old and historic district which fall within the purview of section 8-4-1 of this article, whether or not brought before it by an application for a certificate of appropriateness or other permit.

§8-6-2. *Duty to enforce and sanctions.*

The board shall make its decision on each project brought before it and see to the enforcement of its decisions through the administrator and the town's inspection department, to the end that buildings, structures or other resources of historic, architectural, or cultural significance are preserved insofar as they are appropriate and incongruous projects are prohibited. The failure of an applicant or any other person to observe the board's decisions shall be subject to the sanctions provided in article 24, section 24-2 of this ordinance.

§8-6-3. *Composition of the board.*

The board shall consist of five members appointed by the town council, one of whom shall be a resident of the old and historic district and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the town; provided, the town council may in its discretion appoint any non-resident of the town who is otherwise qualified under this section 8-6 and holds or is employed by a person or firm holding a current business license issued by the town.

§8-6-4. *Qualifications of the board members.*

At least one board member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of Appendix A of 36 CFR 61. Similarly, at least one additional board member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning. Each board member is required to attend at least one informational or educational meeting per year, which has been approved by the state department of historic resources as pertaining to the work and functions of the board or historic preservation. Provided, when adequate review of any proposed action would normally involve a professional discipline not represented on the board, the board must seek and secure appropriate professional advice before rendering its decision on the particular action. The administrator shall serve as advisor to the board.

§8-6-5. *Terms of office and vacancies.*

The board members shall be appointed for three-year terms and serve until their respective successors are appointed. If at any time hereafter all five positions on the board are vacant, the board members shall be appointed for three-year staggered terms, one member to serve for one year, two members to serve for two years, two members to serve for three years and all members to serve three-year terms thereafter. Vacancies caused by death, resignation or otherwise shall be filled (i) promptly and in any event not more than 90 days following the date on which the vacancy occurs; and (ii) for the unexpired term in the same manner original appointments are made. The town council shall have the discretion to appoint members to serve consecutive terms and also to remove them for habitual failure to attend meetings. Members may serve any number of terms but not more than two terms consecutively.

*§ 8-7. - Chairman; vice-chairman and secretary.*

The board shall elect its chairman and vice-chairman from its membership and the administrator shall serve as secretary to the board.

§8-8-1. Procedure to be followed in meetings. The chairman shall conduct the meetings of the board in accordance with its written bylaws and all applicable provisions of the Code of Virginia, 1950, as amended. In the absence of the chairman the vice chairman shall preside. The secretary shall keep and make available for public inspection the minutes of the meetings and a permanent record of all resolutions, motions, transactions and decisions, including exemptions from review by the board. A quorum of three members present is required before the board may take any official action. Each member of the board shall have the right to one vote on each issue, to be exercised in person at a meeting and not by proxy, and the decision of the majority shall be final, subject only to the rights of appeal set out below.

§8-8-2. Notice of meetings. Prior public notice of all regular or special meetings of the board must be given. In addition, the board's bylaws shall specify the means by which written public notice of such meetings is to be provided. Each meeting of the board shall be open to the public and an agenda shall be made available to the public prior to the meeting. The board shall grant a full and impartial hearing on each application and permit testimony from not only the applicants but interested members of the public.

§8-8-3. Frequency of meetings. The board shall meet not less than four times a year, in regular and special meetings as provided in its bylaws but in the absence of a mutual agreement between the board and the applicant all applications shall be heard within 30 days after the application is filed. The board shall vote and announce its decision on any matter properly before it not later than 14 days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the board and applicant.

§8-8-4. Procedure on disapproval of application. If the board disapproves any application it shall furnish the applicant with its written decision stating the reasons for disapproval and make recommendations with respect to the appropriateness of design, arrangement, texture, material, color, location, and any other factor on which the disapproval was based. The board shall rehear the application if within the 90-day period following the date of disapproval the applicant submits an amended application that complies with all recommendations of the board.

Provided, the board shall not otherwise re-hear the subject matter of any application, which has been denied for a period of one year after the date of the hearing, or if a re-hearing was held, for a period of one year after the rehearing.

§8-8-5. Requirement for bylaws. The board shall adopt and make available for public inspection written bylaws for procedural matters, written notice of public meetings and other matters not covered by this article that include at a minimum (i) provision for regularly scheduled meetings at least four times a year; (ii) a requirement that a quorum be present to conduct business; (iii) rules of procedure for considering applications; (iv) a requirement for written minutes for all meetings; (v) minimum attendance requirements for all board members; and (vi) requirements that board members attend training sessions.

## Instructions for Handling Supplemental Pages to Your Abingdon Town Code

Here are supplemental pages for your Code. These supplemental pages bring your Code up to date through September 8, 1986.

Each of the supplemental pages should either be substituted for pages now in the Code or should be added to the Code. Supplemental pages should be substituted for pages in the Code having corresponding page numbers. Additional supplemental pages to be added to your Code are decimally numbered and should be placed after the basically numbered pages in the Code. The supplemental index pages should be substituted in the same manner as the text pages.

The Michie Company
Charlottesville, Virginia

mitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five feet.

6-6-2. A public or semipublic building such as a school, church, library, or hospital may be erected to a height of sixty feet from grade; provided, that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

6-6-3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

6-6-4. No accessory building which is within ten feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

Sec. 6-7. Special provisions for corner lots.

6-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

6-7-2. The side yard on the side facing the side street shall be twenty-five feet or more for both main and accessory building.

6-7-3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred feet.

## Article 7. Old and Historical Abingdon District.

### Statement of Intent

The old and historical Abingdon district is established to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of historic buildings and places of cultural interest; through the development of an appropriate setting for these buildings and places; and through the benefits resulting to the economy of Abingdon and developing and maintaining its vacation-travel industry through the promotion of these historic associations.

Sec. 7-1. Creation; boundaries.

In order to preserve the unique cultural heritage represented by the original section of the town, there is hereby established in the Town of Abingdon a district to be known as the "Old and Historic Abingdon District." The boundaries are as follows:

Begin at intersection of Plumb Alley and Reservoir Street and extending southwardly along Reservoir Street to West Main Street and thence westwardly with West Main Street to the west line of what is commonly known as R. R. Campbell property; thence southwardly along the west line of R. R. Campbell property to the north right-of-way line of Norfolk & Western Railroad; thence eastwardly along said right-of-way line to intersection of same with an extension of Park Place; thence northwardly with Park Place to intersection of Park Street; thence eastwardly along Park Street to intersection of Church Street; thence northwardly along Church Street to intersection of Troopers Alley; thence eastwardly along Troopers Alley to Tanner Street; thence northwardly along Tanner Street to Whites Addition #1 line; thence westwardly with Whites Addition #1 line to Court Street; thence crossing Court Street to the west line of same; thence southwardly along Court Street to the south line of what was formerly the William A. Stuart property; thence west with said Stuart line and extension thereof to Brewer's Alley; thence southwardly with Brewer's Alley to Plumb Alley; thence westwardly with Plumb Alley to the beginning.

Sec. 7-2. Use regulations.

In the old and historical Abingdon district, structures to be erected or land to be used, shall be for one or more of the following uses:

7-2-1. Motor hotels, townhouse, theatres, antique, craft and gift shops, single-family residences, parking lots, public office buildings, public utility offices and professional offices shall be located, beginning at Main Street and the west side of Appalachian Power Company's property south along the property line to the north right-of-way line of N&W Railway Company; thence, eastwardly to Park Place; thence, northwardly to Park Street; thence, eastwardly to Church Street; thence, northwardly to Main Street; thence, westwardly with Main Street to the beginning.

7-2-2. Single-family and two-family residences, townhouse, churches, antique and craft shops and professional offices shall be located, beginning at the intersection of Main and Church Streets and extending southwardly along Church Street to Trooper's Alley; thence, eastwardly with Trooper's Alley to Pecan Street; thence, northwardly with Pecan Street to Main Street; thence, westwardly with Main Street to the beginning.

7-2-3. Single and multiple-family residences, townhouse, antique and craft shops, automotive parts, bookstores, printing office, professional offices, general offices, public offices, neighborhood grocery, insurance office, furniture store, beauty and barber shop, funeral home, clothing store, restaurant and parking lots shall be located, beginning at the intersection of Main Street and Pecan Street extending southwardly with Pecan Street and Trooper's Alley; thence, eastwardly to the intersection of Trooper's Alley and Tanner Street; thence, northwardly to the intersection of Tanner Street and Main Street; thence, westwardly to the beginning.

7-2-4. Single and multiple-family residences, townhouse, antique and craft shops, bookstores, beauty and barber shops, colleges, clothing store, professional offices, public offices and public utilities shall be located, beginning at the intersection of Main Street and Tanner Street extending northwardly to Plumb Alley; thence, westwardly with Plumb Alley to the east side of the G.R.C. Stuart property; thence, southwardly to Main Street, thence, eastwardly to the beginning.

7-2-5. Single and multiple-family residences, townhouse, bookstores, churches, public offices, antique and craft shops, theatres, flower and gift shops, restaurants and professional offices and parking lots shall be located, beginning at the east side of the G.R.C. Stuart property line on Main Street extending northwardly along that line of Plumb Alley; thence, westwardly to the intersection of Plumb Alley and Cummings Street; thence, southwardly with Cummings Street to the intersection of Cummings Street and Main Street; thence, eastwardly with Main Street to the beginning.

7-2-6. Single and multiple-family residences, townhouse, doctor's and other professional offices, drugstores, retail business, and parking lots shall be located, beginning at the intersection of Main Street and Cummings Street extending northwardly with Cummings Street to the intersection of Cummings Street and Plumb Alley; thence, westwardly along Plumb Alley to the intersection of Plumb Alley and Reservoir Street; thence, southwardly along Reservoir Street to Main Street; thence, eastwardly along Main Street to the beginning.

7-2-7. Single and multiple-family residences, townhouse, antique and craft shops, bookstores, branch banks, professional offices, public offices, public utilities and parking lots shall be located, beginning at the intersection of Plumb Alley and Tanner Street, extending northwardly along Tanner Street to White's Addition #1 line; thence, westwardly with White's Addition #1 line to Court Street; thence, crossing Court Street to the south line of what was formerly the William A. Stuart property; thence, westwardly with said Stuart line and extension thereof to Oakhill Street; thence, southwardly along Oakhill Street to Valley Street; thence, eastwardly along Valley Street to Pecan Street; thence, southwardly along Pecan Street to Plumb Alley; thence, eastwardly along Plumb Alley to the beginning.

7-2-8. Off-street parking as required by this ordinance.

Sec. 7-3. Area, setback, frontage and yard regulations.

The old and historical Abingdon District shall follow the general established pattern already in existence in the district insofar as area, setback, frontage and yard regulations are concerned.

Sec. 7-4. Certificate of appropriateness required to erect, reconstruct, alter, restore, or raze a building.

7-4-1. In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest, no building within the old and historic Abingdon district may be demolished in whole or in part, nor may any architectural features of said building which are subject to public view from a public street be altered without prior application to the board of architectural review, hereinafter created. Neither shall any building or structure hereafter be erected, reconstructed, altered or restored within said old and historical Abingdon district, unless and until an application for a certificate of appropriateness shall have been approved by the aforementioned board of architectural review. Review of such application by the board will include analysis of external architectural features, including signs, which are subject to public view from a public street, way or place.

Sec. 7-5. Application for certificate of appropriateness.

7-5-1. Applications for such certificates of appropriateness shall be made to the zoning administrator for the Town of Abingdon, Virginia.

Sec. 7-6. Board of architectural review--Creation and membership.

7-6-1. For the purpose of making effective the provisions of this article, a board of architectural review is hereby established. The board shall consist of five members, all of whom shall be residents and qualified voters of the town, except as hereinafter noted. The board shall consist of five members appointed by the town council. One member of the board shall be a member of the council and one member shall be a member of the planning commission. The remaining membership of the board shall be composed of one certified architect, one licensed real estate broker, and one person with knowledge of and demonstrated interest in the historical character of the old part of the town. In the event there is not a certified architect residing in town, the council may, in its discretion, appoint a certified architect practicing in the community. The building inspector shall serve as advisor to the board.

7-6-2. The term of office of the members shall be for three years; except, that the term of the council member and planning commission member shall be coextensive with the term of office to which he is elected or appointed. Any appointed member of the board may be removed from office by the council after public hearing for inefficiency, neglect of duty or malfeasance. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

Sec. 7-7. Same--Chairman; vice-chairman and secretary.

7-7-1. The board of architectural review shall elect its chairman and vice-chairman from its membership and the building inspector shall be its secretary.

Sec. 7-8. Same--Procedure for meetings.

7-8-1. The chairman shall conduct the meetings of the board. In his absence the vice-chairman shall preside. The secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the board shall be entitled to vote and the decisions of the board shall be determined by a majority vote. A quorum of three members present is required before the board may take any official action. The board shall meet within twenty-one days after notification by the building inspector of an application for a certificate of appropriateness or permit requiring action by the board. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. When voting on any question, no proxy shall be allowed at any time. The board shall vote and announce its decisions on any matter properly before it not later than fourteen days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the board and the applicant. The board shall not hear the subject matter of any application which has been denied for a period of one year, except in cases where an applicant appears within ninety days with his application amended as hereinafter provided. In case of disapproval of the erection, reconstruction, alteration, restoration or razing of a building or structure, the board shall briefly state its reasons therefor in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location, and the like of the building or structure involved. In case of disapproval accompanied by recommendations, the applicant may be heard before the board if, within ninety days, he comes before the board with his application so amended that it will comply with all recommendations of the board. In matters covering the procedure for meetings not covered by this article (e.g., schedules for regular periodic meetings) the board may establish its own rules provided they are not contrary to the spirit of this article.

Sec. 7-9. Same--Matters to be considered in acting on the appropriateness of the erection, reconstruction, alteration, restoration, or demolition of a building or structure.

7-9-1. The board shall not consider interior arrangement, relative size of the building or structure, detailed design, or features not subject to any public view and shall not make any requirements except for the purpose of preventing developments obviously incongruous to the old and historic aspect of the surroundings. The board shall consider the following in passing upon the appropriateness of architectural features and uses.

a. Exterior architectural features, including all signs, which are subject to public view from a public street, way or place.

b. General design and arrangement.

c. Texture, material and color.

d. The relation of the factors in a, b, and c above to similar features of buildings and structures and uses in the immediate surroundings.

e. The extent to which the building or structure or the use would be harmonious with or obviously incongruous to the old and historical aspect of the surroundings.

f. In case of a building to be razed, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the town.

g. The extent to which the building or structure or the use will promote the general welfare of the town and all citizens by the preservation and protection of historic places and areas.

h. The extent to which said preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the town a more attractive and desirable place in which to live.

Sec. 7-10. Same--Issuance of certificate of appropriateness.

7-10-1. Decisions of the board will be incorporated in approving certificates of appropriateness or written reasons for disapproval. Immediately upon approval by the board of any application to erect, reconstruct, alter, restore, or raze a building, a certificate of appropriateness signed by the

chairman of the board and bearing the date of issuance shall be made available to the applicant. The building inspector shall refuse to honor any request for a building permit without such a certificate of appropriateness; but a certificate of appropriateness will in no way affect the requirement to comply with the other provisions necessary to obtain a building permit.

Sec. 7-11. Same--Right of appeal.

7-11-1. Whenever the board shall disapprove an application for a certificate of appropriateness any person shall have the right to appeal and be heard before the council for the Town of Abingdon; provided, that said person files with the town manager on or before fourteen days after the decision of the board, a written notice of intention to appeal. Upon receipt of such notice the town manager shall schedule a public hearing before the town council at a time not less than thirty days after the receipt of the notice. Such hearing shall be advertised in accordance with section 15.1-431 of the Code of Virginia, at the expense of the applicant.

## Article 7A. Black's Fort Historical District.

### Statement of Intent

The Black's Fort historical district is established to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of this site which is of great historic and cultural interest; through the development of an appropriate setting for this historic site; and through the benefits resulting to the economy of Abingdon and developing and maintaining its vacation-travel industry through the promotion of these historic associations. This ordinance is intended to promote the excavation and authentic reconstruction of a representative portion of Black's Fort on its original site.

### Historic Outline of Black's Fort

Black's Fort was built in July 1776, over two years before Abingdon was incorporated, and this fort served the needs of four hundred to five hundred early settlers to protect them against marauding Indians. The fort was the site of the first court session held in Washington County on January 28-29, 1777, and the location of its first jail.

Sec. 7A-1. Creation; boundaries.

In order to preserve the unique cultural heritage represented by this site, there is hereby established in the Town of Abingdon a district to be known as Black's Fort historical district. The boundaries are as follows: Begin at a point in the center of A Street at the bridge across Town Creek, then running southwardly with the thread of Town Creek to the center of the Abingdon Branch of the Norfolk & Western Railway line, thence with the center of the

right-of-way in a southeasterly direction to a point in the line of W. C. DeBusk and with DeBusk's south line in a southwesterly direction to the center of the Green Springs Road; then with the center of said road northerly to a point in the line of property formerly known as the C. C. Gibson property, and with the west line of said property and the W. E. Mingea line northwardly to a corner to the Gibson and Mingea property and projecting in the same direction across the Mingea and N&W property to a point in the center of the Radford Division of N&W railroad line, thence eastward to the center of Pecan Street, then southward with the center of the Green Springs Road to the junction of said road and A Street, thence eastwardly with the center of A Street to the beginning.

Sec. 7A-2. Use regulations.

In the Black's Fort historical district, structures to be erected or land to be used, shall be for one or more of the following uses: Churches, theatres, reconstructed portions of Black's Fort, museums, antique, craft and gift shops, single or two-family residences, parking lots, and bookstores may be located in this district.

Sec. 7A-3. Area, setback, frontage and yard regulations.

The Black's Fort historical district shall follow the general established pattern already in existence in the district insofar as area, setback, frontage and yard regulations are concerned.

Sec. 7A-4. Certificate of appropriateness--Required to erect, reconstruct, alter, restore or raze a building.

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest, no building or structure (but excluding railroad tracks and trestles) hereafter shall be erected, reconstructed, altered or restored within said Black's Fort historical district, unless or until an application for a certificate of appropriateness shall have been approved by the existing board of architectural review. Review of such application by the board will include analysis of external architectural features, including signs, which are subject to public view from a public street, way or place. The Findlay building shall not be demolished without approval of the board.

Sec. 7A-5. Same--Application.

Applications for such certificates of appropriateness shall be made to the zoning administrator for the Town of Abingdon, Virginia.

Sec. 7A-6. Board of architectural review.

Details of the organization, membership, meeting procedures, matters to be considered by the Board, the issuance of certificates and appeal procedures are clearly spelled out in sections 7-6 to 7-11 of article 7 of this ordinance, and all such portions thereto pertaining shall also apply to this ordinance.

## Article 8. Medical Arts District.

### Statement of Intent

The medical arts district is established for the purpose of prohibiting a heavy density of commercial establishments into the area adjacent to the general hospital. The principal use of land is for medical services and such auxiliary facilities as are needed to serve the primary users and the public. Any business which would substantially interfere with the orderly function of the general hospital is prohibited. It is, therefore, the intent of this ordinance to create a low-density commercial district for the specific purpose of serving the medical profession and the public in general by reducing noise and traffic congestion around the hospital.

Sec. 8-1. Use regulations.

In the medical arts district, structures to be erected or land to be used, shall be for one or more of the following uses:

8-1-1. Hospitals, general.

8-1-2. Medical and dental offices.

8-1-3. Medical appliance sales.

8-1-4. Apothecaries, limited to prescriptions, patent medicines, medical devices, and all other items generally found in a drug store, provided same are not publicly displayed.

8-1-5. Diagnostic laboratories serving the medical profession.

8-1-6. Dental laboratories.

8-1-7. Dormitory buildings.

8-1-8. Buildings used for training medical technicians and nurses.

8-1-9. Library.

8-1-10. Off-street parking as required by this ordinance.

8-1-11. Business signs, not to exceed four square feet; except, that larger signs may be permitted for hospitals, libraries, and dormitories with the approval of the planning commission.

8-1-12. Single-family dwelling.

8-1-13. Professional offices.

8-1-14. Dwellings constructed for two-family occupancy, but only those dwellings which are in existence on the date of adoption of this ordinance.

Sec. 8-2. Setback regulations.

Structures shall be located thirty feet or more from any street right-of-way, except that signs advertising sale or rent of premises may be erected up to the property line. These signs shall not exceed four square feet in area.

Sec. 8-3. Frontage regulations.

For permitted uses the minimum lot width at the setback line shall be at least eighty feet, and for each additional permitted use there shall be ten feet or more of additional lot width at the setback line.

Sec. 8-4. Yard regulations.

8-4-1. Side. The minimum side yard for each main structure shall be ten feet, and the minimum total width of the two required side yards shall be twenty feet.

8-4-2. Rear. Each main structure shall have a rear yard of a minimum of twenty-five feet.

Sec. 8-5. Height regulations.

Structures may be erected up to thirty-five feet in height from grade; except, that:

8-5-1. The height limit for buildings may be increased up to forty-five feet and up to three stories; provided, that there are two side yards for each permitted use, each of which is ten feet or more, plus one foot or more of side yard for each additional foot of building height over thirty-five feet.

8-5-2. A public or semipublic building such as a library or general hospital may be erected to a height to sixty feet from grade; provided, that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.

# TOWN OF ABINGDON, VIRGINIA
## REGULAR COUNCIL MEETING
## MONDAY, JUNE 2, 2003
## 7:30 P.M. – MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, June 2, 2003 at 7:30 P.M. in the Council Chambers of the Municipal Building.

The Veterans of Foreign Wars (VFW) Chaplain led the pledge to the flag.

A. ROLL CALL

Members of Council present:

Honorable Lois H. Humphreys, Mayor
Councilman Edward B. Morgan
Councilman Thomas C. Phillips, Jr.
Councilman French H. Moore, Jr.
Councilman Robert M. Howard

Comprising a quorum of the Council

Administrative Staff:

G. M. Newman, Town Manager
Mark Godbey, Finance Director
C. M. Vernon, Jr., Public Works Director
Jim Smith, Town Engineer
Al Bradley, Planning Director
Steve Galyean, Tourism Director
Tony Sullivan, Police Chief
Joey Burke, Fire Chief
John McCormick, Assistant Fire Chief
Linda F. Wilson, Town Clerk

Visitors:

Emmitt Yeary, Max Herman, John Jordan, Jim Alexander, Jean Neal, Members of the Veterans of Foreign Wars (VFW), Carol Fields of Washington County News, Chris Dumond of Bristol Herald Courier, and others

B. APPROVAL OF MINUTES
Regular Council Meeting – May 5, 2003

Mr. Phillips noted a correction on page 2003-25, 3rd paragraph; which stated that members of the Historical Society were presently beautifying Depot Square; however it should have read, "the Town was looking into making improvements to Depot Square". The Clerk noted that she would make the correction. See correction 2003-25 LFW 6/3/03

Mr. Phillips made the motion to approve the minutes of the meeting held on May 5, 2003 as amended above. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye, Mr. Phillips – Aye, Dr. Moore – Aye, Mr. Howard – Aye, Mayor Humphreys – Aye

The motion carried.

* * * * * * *

I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Consideration – Request to Change name of Cummings Street Park to Veterans Memorial Park. (Emmitt Yeary)

Dr. Moore made the motion to amend the 2003-2004 budget with the addition of $25,000; and to approve the request made by the William King Regional Arts Center for $50,000 for the purpose of improving their HVAC system; noting an appropriation of $25,000 in the 2003-2004 budget, and an appropriation of $25,000 in the 2004-2005 budget. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye
Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

* * * * * * *

2. **PUBLIC HEARING – AMENDMENTS TO SECTION 18-9 Historic District Entrance Corridor Overlay District**

1. 18-9-4 Special Uses.

(b) *When otherwise permitted in the underlying district, any newly constructed building intended to be occupied with greater than fifty thousand (50,000) square feet of floor area devoted to retail use shall require a special use permit in the EC district.*

2. 18-9-7 Administration

*In case of a building or use for which a special use permit is required, issuance of a certificate of appropriateness by the Planning Commission shall be required as set forth in this article. Such certificate of appropriateness shall be advisory to the Town Council, and shall be construed to be a part of the Planning Commission's recommendation to the Council on the special use permit. The Town Council may attach such conditions or modify the certificate of appropriateness as it deems necessary in conjunction with its action on the special use permit.*

Mr. Morgan advised that the Planning Commission felt the amendment would be useful in helping the Town manage future growth. They had unanimously recommended that it be adopted by Council. He noted that the amendment would not ban anything, but would specifically limit the size of buildings. It would also provide the Planning Commission and Council the opportunity to review proposed major developments and evaluate the potential impact they might have on the community.

Mr. Morgan made the motion to adopt, on first reading, an amendment to **Section 18-9 Historic District Entrance Corridor Overlay District** including (1) **18-9-4 Special Uses (b)**, and (2) **18-9-7 Administration** as presented above. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye
Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

* * * * * * *

D. CONSIDERATION OF ANY BIDS

1. Tabulation of Bids Received for: Green Springs Road Interceptor Replacement. (Public Works Department)

The Director of Public Works submitted the tabulation of the bid opening that was held on April 30, 2003 at 2:00 P.M. (copy attached and made a part of these minutes)

Mr. Vernon advised that, with the exception of one, all easements had been obtained for the project. He recommended that the bid be awarded to W-L Construction Paving in the amount of $98,420, contingent upon obtaining the necessary easement by the end of the month. He noted that his recommendation for W-L, the 2nd low bidder, was because he had worked with them on previous projects and held a high confidence level in them.

Dr. Moore made the motion to approve the Project Endorsement Resolution, as requested by the Historical Society of Washington County for the improvement of the Abingdon Train Station. Mr. Morgan seconded the motion. (copy attached to and made a part of these minutes)

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

* * * * * * *

H. SECOND READING OF ORDINANCES

1. **SECOND READING** – AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA. TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004. ***(Ordinance No. 2-2003)***

Mr. Howard made the motion to approve, on second reading, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA. TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004, noting the previous motion to appropriate $25,000 to WKRAC in the 2003-2004 budget and $25,000 in the 2004-2005 budget. (copy attached to and made a part of these minutes)

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

* * * * * * *

2. **SECOND READING** – To amend and reenact Article 8, OH Old and Historic District (LOCAL HISTORIC PRESERVATION ORDINANCE), of the Town of Abingdon Zoning Ordinance.

Mr. Phillips made the motion to approve, on second reading, to amend and reenact Article 8, OH Old and Historic District (LOCAL HISTORIC PRESERVATIN ORDINANCE), of the Town of Abingdon Zoning Ordinance. Mr. Morgan seconded the motion. (copy attached to and made a part of these minutes)

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

* * * * * * *

I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

2. Update – White's Mill. (Jean Neal)

Jean Neal, President, spoke on behalf of the White's Mill Foundation. Ms. Neal presented the following update on the White's Mill restoration project.

The Foundation had owned the property for almost 2 years. Drawings were complete for the restoration work. Application had been made for two grants. With present funds, the restoration work was scheduled to begin work on June 18.

The motion carried.

* * * * * * *

Mr. Phillips made the motion to reconvene in regular session. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye
Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

The following certification was approved:

Whereas, the Town Council of Abingdon, Virginia has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712(D) of the Code of Virginia requires a certification b the Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Town Council of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The roll call vote was: Mr. Morgan – I so certify Mr. Phillips – I so certify Dr. Moore – I so certify
Mr. Howard – I so certify Mayor Humphreys – I so certify

The motion carried.

I. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

3. Appointments – Recreation Commission
Dan Mathews, Scott Wilson- 5 year terms to expire 6/30/2003.

Mr. Morgan made motion to appoint Scott Wilson and Randi Dick to the Recreation Commission for 5-year terms to expire 6/30/08. Dr. Moore seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Dr. Moore – Aye
Mr. Howard – Aye Mayor Humphreys – Aye

The motion carried.

With no further business the meeting was adjourned. The time was 9:10 P.M.

Lois H. Humphreys
Lois H. Humphreys, Mayor

Linda F. Wilson
Linda F. Wilson, Clerk

# TOWN OF ABINGDON, VIRGINIA
## Public Works Department

**Bid Opening:**
**April 30, 2003**
**2:00 P.M.**

**TABULATION OF BIDS RECEIVED FOR:**
**GREEN SPRINGS ROAD INTERCEPTOR REPLACEMENT**

| Potential Bidders | | REGISTERED VIRGINIA CONTRACTOR NO. | BID BOND RECEIVED | TOTAL PRICE |
|---|---|---|---|---|
| Thomas Construction Company, Inc.<br>Johnson City, Tennessee | | | | NO BID RECEIVED |
| Iron Mountain Constsruction Company, Inc.<br>Mountain City, Tennessee | | 2705037004A | YES | $107,834.12 |
| C. L. Dale Construction Services, LLC<br>Lebanon, Virginia | | 2705074706A | YES | $97,940.00 |
| DLB, Inc.<br>Hillsville, Virginia | | 022512A | YES | $126,186.00 |
| W-L Construction Paving<br>Chilhowie, Virginia | | 2701017666A | YES | $98,420.00 |
| | | | | |
| | | | | |

Engineers Estimate $85,660.00 (Peed & Bortz, LLC)
Budgeted FY 2002-2003, $65,000
Contract Time – 45 Days
Bids Shall Remain Open 60 Days

# TOWN OF ABINGDON, VIRGINIA
## Public Works Department

Bid Opening:
May 28, 2003
2:00 P.M.

**TABULATION OF BIDS RECEIVED FOR:**
**KINGS MOUNTAIN NEIGHBORHOOD PROJECT**

| BIDDERS | RECEIVED ADDENDUM NO. 1 | | BID BOND RECEIVED | TOTAL BID |
|---|---|---|---|---|
| W – L Construction | YES | | YES | $174,125.00 |
| Maymead | YES | | YES | 362,736.50 |
| Ken Construction Company | YES | | YES | $150,063.50 |
| Inland Construction | YES | | YES | $244,478.00 |
| | | | | |
| | | | | |
| | | | | |

**Engineers Estimate - $233,022.00**

KingsMtnNbrhood-BidTab

## PROJECT ENDORSEMENT RESOLUTION

**Whereas,** in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the Town of Abingdon.

**Now, Therefore, Be It Resolved,** that the Historical Society of Washington County, requests the Commonwealth Transportation Board to establish a project for the improvement of the Abingdon Train Station, Abingdon Virginia.

**Be It Further Resolved,** that the Town of Abingdon, hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the Historical Society of Washington County subsequently elects to cancel this project, and that, if theTown of Abingdon through an agreement with the Historical Society of Washington County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 2 day of June, 2003 Abingdon, Virginia
BY Mayor Lewis W. Humphrey

Attest
Linda F. Wilson

Ordinance No. 2- 2003

**TOWN OF ABINGDON**
**Abingdon, Virginia**

AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE TOWN OF ABINGDON, VIRGINIA. TO FIX A RATE UPON REAL AND PERSONAL PROPERTY AND UTILITY SERVICES FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004.

BE IT ORDAINED by the Council of the Town of Abingdon, this 2 day of June 2003, as follows:

1. In accordance with budget estimates enclosed herewith, the following appropriations for the fiscal year beginning July 1, 2003 and ending June 30, 2004 are hereby authorized:

| | OPERATIONAL |
|---|---|
| General Government Administration | |
| Legislative | $ 45,029 |
| General & Finance-Administration | $ 791,580 |
| Board of Elections | $ 2,000 |
| Public Safety | |
| Police Department | $ 1,301,971 |
| Bureau of Traffic | $ 193,300 |
| Fire Department | $ 210,807 |
| Ambulance Service | $ 8,700 |
| Bureau of Inspection | $ 99,940 |
| Maintenance of Hwys., Streets, Bldgs., & Grounds | |
| Street Maintenance & Operations | $ 1,713,257 |
| Buildings & Grounds | $ 482,423 |
| Health (pest control) | $ 1,680 |
| Parks & Recreation | $ 1,279,190 |
| Cemeteries | $ 58,433 |
| Community Development | $ 426,104 |
| Non-Departmental | $ 476,492 |
| Contingencies | $ 754,019 |
| Transfer to Sewer Fund | $ 100,000 |
| **TOTAL APPROPRIATIONS FOR 2003-2004** | **$ 7,944,925** |

2. In order to provide the current revenues and expenditures for the Town of Abingdon for the fiscal year beginning July 1, 2003 and ending June 30, 2004, the Town tax rate upon all real property located within the corporate limits of the Town of Abingdon shall be $0.32 for each $100.00 of assessed value, and upon all personal property, exclusive of household goods and personal effects, located within the corporate limits of the Town of Abingdon shall be $0.55 for each $100.00 of assessed value.

3. The 10% tax on the purchase of utility services shall remain unchanged.

4. The allowance for elderly & handicapped real property tax exemption shall remain unchanged.

5. The meals & lodging tax rate of $0.04 per $1.00 shall be increased to $0.05 per $1.00.

6. The assessed value of real and personal property shall be determined by the Washington County Commissioner of Revenue and by the State Corporation Commission for public service corporation property.

7. A 10% rate increase on residential and commercial sewer customers.

8. This ordinance shall be in effect July 1, 2003.

TOWN OF ABINGDON, VIRGINIA

Lois H. Humphreys

Lois H. Humphreys, Mayor

ATTEST:

Linda F. Wilson

Linda F. Wilson, Clerk

**BOUCHER, HUTTON, KELLY & GRAHAM, P.C.**
ATTORNEYS AT LAW
131 EAST VALLEY STREET
ABINGDON, VIRGINIA 24210

(276) 628-3133
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DAVID J. HUTTON
GREGORY W. KELLY
MARK R. GRAHAM
GEORGE E. PRICE†
†Also admitted in Tennessee

RALPH E. BOUCHER (1936-1981)

*Of Counsel:*
DOROTHY BUCK BOUCHER

May 5, 2003

Mr. G.M. Newman
Town Manager
Town of Abingdon
P.O. Box 789
Abingdon, VA 24212

**Hand Delivered**

**RE: Amendment of Article 8 Old and Historic District Zoning Ordinance**

Dear Mr. Newman:

In accordance with a letter dated May 1, 2003 from Tom Phillips, I have reviewed the proposed amendment to Article 8 of the Old and Historic District Zoning Ordinance, a copy of which is attached hereto. Pursuant to Section 2-100 of the Code of the Town of Abingdon, I certify that the amendment to this ordinance is in correct form.

Very truly yours,
Boucher, Hutton, Kelly & Graham, P.C.

Gregory W. Kelly

Enclosure

C-2

# Article 8 OH Old and Historic District

## LOCAL HISTORIC PRESERVATION ORDINANCE

Section 8-1 Creation.

In order to (i) preserve the unique cultural heritage represented by the original section of the Town of Abingdon and the site of Black's Fort and the Town's historic resources for future generations; and, (ii) promote historic resources for economic development and financial stability, preserve historic resources for educational purposes, and promote quality of life and a sense of place for current residents of the Town, an OH Old and Historic District ("OLD AND HISTORIC DISTRICT") has been established.

Section 8-2 Permitted uses – By right.

Certain uses shall be permitted by right in the OH Old and Historic District specifically designated and located as follows:

8-2-1 Motor hotels, townhouse, theatres, antique, craft and gift shops, single-family dwellings, parking lots, public office buildings, public utility offices and professional offices shall be located beginning at Main Street and the west side of Appalachian Power Company's property south along the property line to the north right-of-way line of Norfolk Southern Railroad; thence eastwardly to Park Place; thence, northwardly to Park Street; thence, eastwardly to Church Street; thence, northwardly to Main Street; thence, westwardly with Main Street to the beginning.

8-2-2 Single-family and two-family dwellings, bed and board homes, townhouse, churches, antique and craft shops, gift shops and professional offices shall be located beginning at the intersection of Main and Church Streets and extending southwardly along Church Street to Park Street; thence, eastwardly with Park Street to Chincapin Alley; thence, northwardly with Chincapin Alley to Troopers Alley; thence eastwardly with Troopers Alley to Pecan Street; thence, northwardly with Pecan Street to Main Street; thence, westwardly with Main Street to the beginning.

8-2-3 Single- and multiple-family dwellings, townhouse, antique and craft shops, bookstores, printing office, professional offices, general offices, public offices, neighborhood grocery, insurance office, furniture store, beauty and barber shop, funeral home, clothing store, restaurant, parking lots and bed and board homes shall be located beginning at the intersection of Main Street and Pecan Street extending southwardly with Pecan Street and Trooper's Alley; thence, eastwardly to the intersection of Trooper's Alley and Tanner Street; thence, northwardly to the intersection of Tanner Street and Main Street; thence, westwardly to the beginning.

8-2-4 Single- and multiple-family dwellings, townhouse, antique and craft shops, bookstores, beauty and barber shops, colleges, clothing store, professional offices, public offices and public utilities shall be located beginning at the north intersection of Main Street and Tanner Street extending northwardly to Plumb Alley; thence with Plumb Alley to the intersection of Plumb Alley and Pecan Street; thence, southwardly with Pecan Street to Main Street; thence, eastwardly to the beginning.

8-2-5 Single- and multiple-family dwellings, townhouse, bookstores, churches, public offices, antique and craft shops, theatres, flower and gift shops, restaurants, professional offices and parking lots shall be located beginning at the intersection of Pecan Street and Main Street extending northwardly to Plumb Alley; thence, westwardly to the intersection of Plumb Alley and Cummings Street; thence, southwardly with Cummings Street to the intersection of Cummings Street and Main Street; thence, eastwardly with Main Street to the beginning.

8-2-6 Single- and multiple-family dwellings, townhouse, professional offices, drugstores, retail business, and parking lots shall be located beginning at the intersection of Main Street and Cummings Street extending northwardly with Cummings Street to the intersection of Cummings Street and Plumb Alley; thence, westwardly along Plumb Alley to the intersection of Plumb Alley and Reservoir Street; thence, southwardly along Reservoir Street to Main Street; thence, eastwardly along Main Street to the beginning.

8-2-7 Single- and multiple-family residences, tourist homes, bed and board homes, townhouse, antique and craft shops, bookstores, branch banks, professional offices, public offices, public utilities and parking lots shall be located beginning at the intersection of Plumb Alley and

Tanner Street, extending northwardly along Tanner Street to White's Addition #1 line to Court Street; thence, crossing Court Street to the north line of what was formerly the William A. Stuart property; thence, southwardly with the line of said Stuart property to an extension of the north line of tax map parcel no. 13- (1) -3; thence, westwardly with the extension of said property line and with the line of tax map parcel no. 12-(1)-41 to Oak Hill Street; thence, southwardly along Oak Hill Street to Valley Street; thence, eastwardly along Valley Street to Pecan Street; thence, southwardly along Pecan Street to Plumb Alley; thence, eastwardly along Plumb Alley to the beginning.

8-2-8 Cemeteries known as Sinking Spring "Black and White" adjoining the east and west sides of Russell Road.

8-2-9 Single-family, two-family, and multiple-family dwellings, tourist homes, bed and board homes, professional offices, dance studio, barber and beauty shops, banking facilities, parking lots, dry cleaners, public offices and personal service uses shall be located beginning at the intersection of Cummings Street and Plumb Alley extending northwardly with Cummings Street to the intersection of Cummings Street and Valley Street; thence, westwardly along Valley Street to the west line of tax map parcel no. 11-(7)-2; thence, southwardly along said line to Plumb Alley; thence, eastwardly along Plumb Alley to the beginning.

8-2-10 Single-family, two-family, and multiple-family dwellings, tourist homes, bed and board homes, professional offices and public offices and public library shall be located beginning at the intersection of Pecan Street and Plumb Alley extending northwardly with Pecan Street to the intersection of Valley Street and Pecan Street; thence, westwardly along Valley Street to the intersection of Valley Street and Oak Hill Street; thence, northwardly along Oak Hill Street to the intersection of Oak Hill Street and Bell Avenue; thence, westwardly along Bell Avenue to the intersection of Church Street and Bell Avenue; thence, southwardly along Church Street to the north line or "rear line" of tax map parcel no. 12-(1)-27; thence, westwardly along the "rear lines" of properties facing on Valley Street across Mason Place and continuing along the "rear line" of tax map parcel no. 12-(1)-11 and said line extended to an alley; thence, continuing westwardly along said alley to its intersection with East Alley; thence, northwardly along East Alley to the intersection of East Alley and High Street; thence, westwardly along High Street to the intersection of High Street and Dale Street; thence, southwardly along Dale Street to the intersection of Dale Street and Valley Street; thence, eastwardly along Valley Street to the intersection of Valley Street and Cummings Street; thence, southwardly along Cummings Street to the intersection of Cummings Street and Plumb Alley; thence, eastwardly along Plumb Alley to the beginning.

8-2-11 Single-family, two-family, and multiple-family dwellings, tourist homes, bed and board homes, professional offices shall be located beginning at the intersection of Plumb Alley and Tanner Street extending northwardly with Tanner Street to White's Addition #1 line; thence, eastwardly with White's Addition #1 line to White's Mill Road; thence, northwardly along White's Mill Road to the north line of tax map parcel no. 5-(1)-26; thence, eastwardly with said line to the east line or "rear line" of said parcel; thence, southwardly along the east line or "rear line" of parcels fronting on White's Mill Road and said line extending along the east line of tax map parcel no. 13-(1)-26B to Valley Street; thence, westwardly along Valley Street to the intersection of Valley Street and Deadmore Street; thence, southwardly along Deadmore Street to its intersection with Town Creek; thence, southwesterly along Town Creek to the intersection of Town Creek and Plumb Alley; thence westwardly along Plumb Alley to the beginning.

8-2-12 Churches, theatres, reconstructed portions of Black's Fort, museums, antique, craft and gift shops, single- or two-family residences, tourist homes, bed and board homes, parking lots, and bookstores shall be located beginning at a point in the center of "A" Street at the Bridge across Town Creek; thence, running southwardly with the thread of Town Creek to the center of the Virginia Creeper National Recreation Trail; thence, with the center of the right-of-way in a southeasterly direction to a point in the line of W. C. DeBusk and with DeBusk's south line in a southwesterly direction to the center of Green Springs Road; thence, with the center of said road northwardly to a point in the line of property formerly known as the C. C. Gibson property, and with the west line of said property and the W. E. Mingea line northwardly to a corner to the Gibson and Mingea property to a point in the center of the Norfolk Southern railroad line; thence, eastwardly to the center of Pecan Street; thence, southwardly with the center of Green Springs Road to the junction of said road and "A" Street; thence, eastwardly with the center of "A" Street to the beginning.

8-2-13 Public utilities.

8-2-14 Accessory uses.

8-2-15 Signs as approved by the Board and as permitted by article 21 of this ordinance. See also section 21-3-7.

8-2-16 Off-street parking as required by section 17-6 of this ordinance.

Section 8-3 Area, setback, frontage, yard and height regulations.

The Old and Historic District shall follow the general established pattern already in existence in the district insofar as area, setback, frontage, yard and height regulations are concerned.

Section 8-4 Certificate of appropriateness required to erect, construct, reconstruct, alter, restore, move or demolish a building.

8-4-1 In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest, the following review procedures shall be followed:

a. *Certificates of appropriateness.* Except as provided below in Sections 8-4-1b and 8-13-3, no building or structure within the Old and Historic District may be demolished or moved in whole or in part, nor may any architectural features of said building or structure which are subject to public view from any public street, right-of-way or place be altered in any way that affects the external appearance of the building or structure, including such items as roofs, chimneys, fences and color changes, without (i) prior approval of an application to the Board of Architectural Review ("BOARD") hereinafter created, and (ii) the Board's issuance of a certificate of appropriateness. Neither shall any building or structure hereafter be erected, constructed, reconstructed, altered, restored, moved or demolished within the Old and Historic District without the same prior approval and issuance of a certificate of appropriateness.

b. *Routine maintenance and minor action exclusion.* Upon written application, the Zoning Administrator of the Town of Abingdon (the "ADMINISTRATOR") may determine that certain minor actions involving buildings and structures within the Old and Historic District will have no permanent effect on the character of the district, and, by written waivers issued to the parties wishing to take the minor actions, exempt them from review by the Board. Such minor actions shall be limited to those listed in the Design Review Guidelines described in Section 8-9-1 below under the topic heading "*Routine Maintenance and Repair of Buildings and Other Minor Actions*". Each application for waiver must be on the form provided by the office of the Administrator and documented by appropriate samples of the materials and colors to be used in taking the minor actions. With respect to each waiver issued hereunder, the Administrator shall see to it through the Town's Inspection Department that the work performed and materials employed comply with the terms of the particular waiver. Provided, however:

(i) If the Administrator is uncertain about his authority to grant a waiver or if the Administrator and the applicant cannot agree on changes in any application for waiver, the application shall be referred to the Board at its next regularly scheduled meeting for a decision on the question, which decision shall be final;

(ii) If the Administrator denies an application for a waiver, the applicant may appeal the Administrator's decision to the Board, in which case the Board's decision shall be final; and,

(iii) If a waiver is issued and the work is commenced but in the opinion of the Administrator the work does not qualify for a waiver the Administrator shall order that the work be stopped until the applicant secures a certificate of appropriateness pursuant to Section 8-5 below. In any such case the applicant may appeal to the Board, whose decision on the question shall be final.

The Administrator shall provide the Board with a copy of each application for a waiver at the Board's regularly scheduled meeting next following the date the application was received.

c. *Work undertaken without authorization.* In addition to the sanctions provided in Article 24, Section 24-2 of this ordinance and any other remedy available at law or in equity, the Administrator shall issue a stop work order if any work subject to this Section 8-4 is started without authorization by either the Board or the Administrator, as provided above in Sections 8-4-1a and 8-4-1b, respectively. Any such stop work order shall (i) remain in effect until the party proposing to do the work secures appropriate authorization; and, (ii) be subject to the right of such party to appeal the action of the Administrator to the Board. Such party shall, by following the filing procedure specified in Section 8-12-1 below, have a further right of appeal to the Town Council and from it to the Circuit Court.

8-4-2 *Penalty for violations.* The violation of any provision of Section 8-4-1 after its effective date shall be subject to the sanctions provided in Article 24, Section 24-2 of this ordinance.

<u>Section 8-5 Application for certificate of appropriateness.</u>

8-5-1 *Procedure for applying.* Applications for such certificates of appropriateness shall be made in writing upon the form provided by the office of the Administrator. Each application must be submitted to the Administrator at least ten (10) calendar days in advance of the date of the meeting at which the Board is requested to issue a certificate of appropriateness. Provided:

(i) If the applicant demonstrates unavoidable hardship because of either availability or standby costs of materials, labor or other goods and services, the Board may in its sole discretion consider the particular application at either a regular or special meeting; and,

(ii) In no event shall the members of the Board consider at any regular or special meeting any matter with respect to which they have been provided with less than forty-eight (48) hours advance notice exclusive of weekends and holidays, with full documentation as required in this ordinance.

8-5-2 *New construction, etc. documentation.* In the case of new construction, extensive exterior alterations or building additions in the Old and Historic District, the applicant shall, in addition to any other documentation the Board may request, provide at a minimum scale drawings depicting the following:

a. A design of the proposed improvements detailing distances from any new building or improvement to lot lines, streets, alleys, and sidewalks; and,

b. A design of the proposed improvements in relation to existing structures which are located within the same block.

The drawings shall contain sufficient detail to depict the exterior architectural design of the building or structure, list proposed materials, textures and colors and include samples of such materials and colors. Additionally, the Board may request that the applicant provide photographs of the existing structures and any building or structure to be altered, repaired or added to.

<u>Section 8-6 Board of Architectural Review - Creation and membership.</u>

8-6-1 *Creation and empowerment of the Board.* For the purpose of making effective the provisions of this Article, a Board of Architectural Review ("BOARD") is hereby established and empowered to consider and review all alterations, additions and changes within the boundaries of the Old and Historic District which fall within the purview of Section 8-4-1 of this Article, whether or not brought before it by an application for a certificate of appropriateness or other permit.

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whether or not brought before it by an application for a certificate of appropriateness or other permit.

8-6-2 *Duty to enforce and sanctions.* The Board shall make its decision on each project brought before it and see to the enforcement of its decisions through the Administrator and the Town's Inspection Department, to the end that buildings, structures or other resources of historic, architectural, or cultural significance are preserved insofar as they are appropriate and incongruous projects are prohibited. The failure of an applicant or any other person to observe the Board's decisions shall be subject to the sanctions provided in Article 24, Section 24-2 of this ordinance.

8-6-3 *Composition of the Board.* The Board shall consist of five (5) members appointed by the Town Council, one of whom shall be a resident of the Old and Historic District and all of whom shall have a demonstrated interest, competence, or knowledge in historic preservation. All members must be residents and qualified voters of the Town; provided, the Town Council may in its discretion appoint any non-resident of the Town who is otherwise qualified under this Section 8-6 and holds or is employed by a person or firm holding a current business license issued by the Town.

8-6-4 *Qualifications of the Board members.* At least one Board member shall be either a registered architect with a demonstrated interest in historic preservation or an architectural historian meeting the professional qualifications standards of Appendix A of 36 CFR 61. Similarly, at least one additional Board member shall have professional training or equivalent experience in any one of the following disciplines: architecture, history, architectural history, American studies, archaeology, or planning. Each Board member is required to attend at least one informational or educational meeting per year which has been approved by the Virginia Department of Historic Resources as pertaining to the work and functions of the Board or historic preservation. Provided, when adequate review of any proposed action would normally involve a professional discipline not represented on the Board, the Board must seek and secure appropriate professional advice before rendering its decision on the particular action. The Administrator shall serve as advisor to the Board.

8-6-5 *Terms of office and vacancies.* The Board members shall be appointed for three (3) year terms and serve until their respective successors are appointed. If at any time hereafter all five (5) positions on the Board are vacant, the Board members shall be appointed for three (3) year staggered terms, one member to serve for one (1) year, two members to serve for two (2) years, two members to serve for three (3) years and all members to serve three (3) year terms thereafter. Vacancies caused by death, resignation or otherwise shall be filled (i) promptly and in any event not more than ninety (90) days following the date on which the vacancy occurs; and, (ii) for the unexpired term in the same manner original appointments are made. The Town Council shall have the discretion to appoint members to serve consecutive terms and also to remove them for habitual failure to attend meetings. Members may serve any number of terms but not more than two terms consecutively.

Section 8-7 Same - Chairman; Vice-Chairman and Secretary.

8-7-1 The Board shall elect its Chairman and Vice-Chairman from its membership and the Administrator shall serve as Secretary to the Board.

Section 8-8 Same - Procedure for meetings.

8-8-1 *Procedure to be followed in meetings.* The Chairman shall conduct the meetings of the Board in accordance with its written bylaws and all applicable provisions of the Code of Virginia, 1950, as amended. In the absence of the Chairman the Vice Chairman shall preside. The Secretary shall keep and make available for public inspection the minutes of the meetings and a

permanent record of all resolutions, motions, transactions and decisions, including exemptions from review by the Board. A quorum of three (3) members present is required before the Board may take any official action. Each member of the Board shall have the right to one (1) vote on each issue, to be exercised in person at a meeting and not by proxy, and the decision of the majority shall be final, subject only to the rights of appeal set out below.

8-8-2 *Notice of meetings.* Prior public notice of all regular or special meetings of the Board must be given. In addition, the Board's bylaws shall specify the means by which written public notice of such meetings is to be provided. Each meeting of the Board shall be open to the public and an agenda shall be made available to the public prior to the meeting. The Board shall grant a full and impartial hearing on each application and permit testimony from not only the applicants but interested members of the public.

8-8-3 *Frequency of meetings.* The Board shall meet not less than four (4) times a year, in regular and special meetings as provided in its bylaws but in the absence of a mutual agreement between the Board and the applicant all applications shall be heard within thirty (30) days after the application is filed. The Board shall vote and announce its decision on any matter properly before it not later than fourteen (14) days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the Board and applicant.

8-8-4 *Procedure on disapproval of application.* If the Board disapproves any application it shall furnish the applicant with its written decision stating the reasons for disapproval and make recommendations with respect to the appropriateness of design, arrangement, texture, material, color, location, and any other factor on which the disapproval was based. The Board shall re-hear the application if within the ninety (90) day period following the date of disapproval the applicant submits an amended application that complies with all recommendations of the Board. Provided, the Board shall not otherwise re-hear the subject matter of any application which has been denied for a period of one year after the date of the hearing , or if a re-hearing was held, for a period of one year after the rehearing.

8-8-5 *Requirement for bylaws.* The Board shall adopt and make available for public inspection written bylaws for procedural matters, written notice of public meetings and other matters not covered by this article that include at a minimum (i) provision for regularly scheduled meetings at least four times a year; (ii) a requirement that a quorum be present to conduct business; (iii) rules of procedure for considering applications; (iv) a requirement for written minutes for all meetings; (v) minimum attendance requirements for all Board members; and, (vi) requirements that Board members attend training sessions.

<u>Section 8 - 9 Same - Matters to be considered in acting on the appropriateness of the erection, construction, reconstruction, alteration, restoration, moving or demolition of a building or structure.</u>

8-9-1 *Role of Design Review Guidelines.* In reviewing each project the Board must follow the suggestions and requirements of the Design Review Guidelines adopted by the Board on March 9, 1999 and approved by the Town Council on April 5, 1999, as such document now exists and may hereafter be revised and amended by the Board. Provided, by either a four-to-one or unanimous vote the Board may elect to disregard any guideline it considers unimportant or inappropriate to a particular project.

8-9-2 *Review of Design Review Guidelines.* The Board shall periodically review the Design Review Guidelines in the context of the experience gained since the last review of that kind and make all such revisions that seem, in their judgment, to be necessary or advisable.

8-9-3 *Matters the Board shall and shall not consider.* The Board shall not consider interior arrangement of the building or structure or features not subject to view from a public street, right of way or place. In addition to those specified in the Design Review Guidelines, the Board shall consider the following matters in passing on the appropriateness of a particular project:

a. Exterior architectural features, including but not limited to the type and style of all windows, doors, signs and other appurtenant architectural features or elements which are visible to public view from a public street, right-of-way or place.

b. The architectural style, general design and arrangement of the building or structure.

c. Texture, material and color of the building materials employed.

d. The relationship of the factors in a., b. and c. above to similar features of buildings and structures and uses in the immediate surroundings.

e. The extent to which the building or structure or the use would be harmonious with or obviously incongruous to the old and historic aspect of the surroundings.

f. In case of a building or structure to be demolished, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the Town.

g. The extent to which the building or structure or the use will promote the general welfare of the Town and all citizens by the preservation and protection of historic places and areas.

h. The extent to which said preservation and protection will promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans and new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and, making the Town a more attractive and desirable place in which to live.

i. The extent to which either existing or proposed landscaping, including but not limited to trees, shrubbery or other vegetation associated with the building, structure or use, are harmonious with or incongruous to the old and historic aspects of the particular site.

<u>Section 8-10 Same - Issuance of certificate of appropriateness.</u>

8-10-1 *Procedure following approval of certificate.* Immediately upon approval by the Board of any application to erect, construct, reconstruct, alter, restore, move or demolish a building or structure, a certificate of appropriateness signed by the Chairman of the Board and valid for one (1) year from the date of issuance shall be issued to the applicant and made available to the Town Inspection Department.

a. After issuing any building permit pertinent to the particular work the Town Inspection Department shall see to it that the work performed and materials employed comply with the terms of the certificate of appropriateness and notify the Administrator upon completion of the authorized work. Provided, (i) no building permit may be issued in the case of any work covered by Article 8-4-1a until a pertinent certificate of appropriateness is issued; but (ii) the certificate of appropriateness will in no way affect the requirement to comply with other provisions necessary to obtain a building permit.

b. Unless work is commenced within the one (1) year period and thereafter continuously prosecuted with no delay or suspension

of more than ninety (90) days (subject to extension for good cause demonstrated to the Administrator and excluding any time the use of the certificate of appropriateness is stayed pursuant to appeal or court action) a certificate of appropriateness shall automatically terminate and be of no further force or effect.

8-10-2 *Notification requirement.* In the case of any application for a certificate of appropriateness for moving or demolition, new construction, extensive exterior renovations or building additions, adjacent property owners shall be notified in writing and public notice given of the date and time of the meeting of the Board to consider such action and afforded an opportunity to be heard at such meeting. No certificate of appropriateness may be issued until such notice is given and opportunity provided.

Section 8-11 - Maintenance of historic properties.

8-11-1 *Protective maintenance required.* Pursuant to Section 15.2 - 2280 of the Code of Virginia, 1950, as amended, all unoccupied buildings and structures subject to this article shall be preserved against decay and deterioration, maintained free from structural defects and repaired to the extent necessary to prevent irreparable damage. For purposes of this article, a building or structure is unoccupied if in the preceding twelve (12) calendar months no person has inhabited the premises on a continuous basis as a residence, place of work or place of carrying on official duties.

8-11-2 *Standard of maintenance and repair required.* The maintenance and repair required by this Section 8-11 must be sufficient to (i) protect the structural components of the building or structure and its exterior from damage by reason of either collapse or deterioration to such an extent that repair and preservation are not economically feasible; and, (ii) maintain the character of the district in which the building or structure is located. Specific items of maintenance and repair include but are not limited to correction of any of the following defects:

a. Deterioration of exterior walls, chimneys, foundations or other vertical support.

b. Deterioration of flooring or floor supports, roofs or other horizontal members.

c. Leaning, sagging, splitting, listing or buckling caused by deterioration under Items a. and b.

d. Deterioration or crumbling of exterior plasters or mortars.

e. Defective waterproofing of exterior walls, roofs and foundations including windows and doors.

f. Inadequate weather protection for exterior wall and roof coverings, including lack of paint.

g. Insect infestation, rotting, holes and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames.

i. Deterioration of architectural details, including cornices, entablatures and wall facings.

j. Delamination, instability, crumbling or loss of shape from deterioration under Items h. and i.

k. Deterioration of fences, gates and accessory structures.

8-11-3 *Enforcement.* When it is brought to the attention of the Board that a property may have deteriorated to the point that it cannot meet the standards specified in Section 8-11-2 above, the Board shall first request a meeting with the property's owner or authorized representative (including without limitation executor, administrator or trustee) and endeavor to discuss with such person ways to improve the condition of the building or structure

in accordance with a mutually agreeable time schedule. If such procedure leads to correction of the violation to the Board's satisfaction, no further action will be taken.

a. If the informal procedure does not lead to correction of the condition, the Board shall request that the Administrator cause the condition of the building or structure to be investigated further through the Town's Inspection Department acting as an agent for the Board, and, within fourteen (14) days thereafter, make a determination whether it is in violation of this Section 8-11. If such investigation leads to a determination there is no violation, no further action will be taken.

b. If the investigation leads to a determination that there is a violation or probable violation, the Administrator shall give the owner or authorized representative as described above written notice in which the repairs and work necessary to comply with the provisions of this Section 8-11 are specifically described and ordered to be performed. The repairs and work shall be completed within ninety (90) days from receipt of notice or such longer period of time the Administrator may specify consistent with the extent of the repairs and work, subject to extension for good cause demonstrated to the Administrator.

c. Failure to complete the necessary repairs and work within the period allowed for completion under the preceding Section 8-11-3b shall constitute a violation of this Article punishable as specified in Article 24, Section 24-2 of this ordinance. In addition, the Board may, after due notice to the owner or authorized representative as described above, direct the Administrator to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the building or structure and charge the reasonable cost thereof to the owner, which charge shall, so long as it remains unpaid, constitute a lien against the real property upon which the building or structure is situated.

d. In addition to any other available ground for relief, any owner aggrieved by an order issued under the preceding Section 8-11-3b may file a written petition with the Board for relief on the ground that the performance of the repairs and work would cause undue economic hardship. To perfect such remedy the petition must (i) be filed with the Board within ten (10) days after receipt of such notice and order; and, (ii) include evidence bearing on the claim for relief and circumstances of hardship including at a minimum the following items:

1. Nature of ownership, whether business or individual.
2. Financial resources of the owner claiming economic hardship.
3. Cost of repairs and work provided in the notice and order.
4. Assessed value of the pertinent land and improvements.
5. Real estates taxes and annual debt service for the previous two (2) years.
6. Any listing of the property for sale or rent and offers received, if any.
7. Annual gross income and cash flow received from leasing or other use of the property for the previous two (2) years.
8. Itemized operating and maintenance expenses for the previous two (2) years.

If the remedy is so perfected, the notice and order shall be stayed, and within thirty (30) days after any such petition is filed the Board shall schedule a public hearing on the claim of undue economic hardship. Following a full hearing on the merits, the Board shall, within thirty (30) days thereafter, make a finding whether or not the notice and order would entail undue economic hardship and enter the reasons for such finding into the record.

If the finding is that undue economic hardship would result, it shall be accompanied by a recommended plan to relieve the hardship which has included in its consideration (i) any available property tax relief; (ii) loans or grants from the Town, County or other public, private or non-profit sources; (iii) acquisition of the property by purchase or eminent domain; (iv) modification of the

building code or changes in applicable zoning regulations; (v) relaxation of this article sufficient to mitigate the economic hardship; and, (vi) any other available means of relief known to the Board. The Board shall report its finding to the Administrator, who shall issue an order for the property to be repaired within the time specified in Section 8-11-3a. in the case of a finding of no undue economic hardship and an order for the property to be repaired or otherwise handled according to the recommended plan in the case of a finding of economic hardship.

e. Any person aggrieved by the action of either the Board or the Administrator under this Section 8-11 shall, by following the filing procedure specified in Section 8-12-1 below, have a right of appeal to the Town Council and from the Town Council to the Circuit Court.

Section 8-12 - Right of appeal.

8-12-1 *Right to appeal on disapproval of application.* Whenever the Board shall disapprove an application for a certificate of appropriateness any person shall have the right to appeal and be heard before the Town Council, which may affirm, reverse or modify the decision of the Board, in whole or in part. Provided, any person wishing to appeal must file with the Town Manager on or before fourteen (14) days after the decision of the Board a written notice of intention to appeal which states the reasons for appeal in full and factual form. Upon receipt of such notice the Town Manager shall schedule a public hearing before the Town Council at a time not less than thirty (30) days after the receipt of the notice. Such hearing shall be advertised at the expense of the appellant and notice given once a week for two successive weeks in some newspaper published or having general circulation in the Town , specifying the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than twenty-one days after the second advertisement appears in such newspaper.

8-12-2 *Right to appeal on approval of application.* Opponents to the granting of an application for certificate of appropriateness shall likewise have the right to appeal and be heard by the Town Council, which may affirm, reverse or modify the decision of the Board, in whole or in part. Provided, within five (5) working days after the decision of the Board the persons wishing to appeal must file with the Town Manager a petition signed by not less than ten (10) individuals registered to vote in the Town, indicating their intention to appeal. Upon receipt of such petition the Town Manager shall schedule a public hearing before the Town Council within the time period and with the same provision for notice specified in Section 8-12-1. Any person to whom a certificate of appropriateness has been issued may commence work within the five (5) day period provided for notice of appeal, but at that person's sole risk.

*8-12-3 Right of appeal to Circuit Court.* Any person whose appeal has been denied by the Town Council shall have the right to further appeal the decision of the Town Council within thirty (30) days of the rendering of such decision by filing a petition at law with the Circuit Court of Washington County, Virginia setting forth the alleged illegality of the action of the Town Council. The filing of said petition shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to demolish an historic landmark, building or structure. The court may reverse or modify the decision of the Town Council, in whole or in part, if it finds upon review that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council in whole or part.

Section 8-13 - Demolition and moving of historic landmarks, buildings or structures.

8-13-1 *Requirement for Board approval.* In accordance with Section 15.2-2306, Code of Virginia, 1950, as amended, no historic

landmark, building or structure within the Old and Historic District shall be razed, demolished or moved until the razing, demolition or moving thereof is either (i) approved by the Board or (ii) approved on appeal by the Town Council after consultation with the Board; provided, the owner shall have the rights specified in Section 8-13-3 in addition to the right to appeal.

8-13-2 *Permissible action by the Board.* Pursuant to Section 8-4-1, the owner of a landmark, building or structure within the Old and Historic District who wishes to demolish or move the same must first apply to the Board for a certificate of appropriateness permitting demolition or moving, as to which the Board may approve, modify or deny the application. In reaching its decision on that or any other application to demolish or move, the Board may require the applicant to provide post-demolition or moving plans for the affected site and consider whether such plans would be appropriate to the historic and architectural character of the adjoining properties and the district as a whole. The Board shall also consider the criteria listed in the Design Review Guidelines described in Section 8-9-1 of this ordinance, the criteria listed in Section 8-9-3 and any other available information pertinent to its deliberations.

8-13-3 *Procedure to demolish or move by following sale procedure.* If the Board disapproves any application to demolish or move as provided in Section 8-13-2, the owner may appeal the Board's decision as specified above in Section 8-12. However, in addition to such right of appeal, the owner of an historic landmark, building or structure, the razing or demolition of which is subject to the provisions of Section 8-4 of this Article 8, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure, provided (i) the owner has applied to the Town Council for such right; and, (ii) the owner has, for the period of time set forth below, made and continuously maintained in effect at a price reasonably related to its fair market value, a bona fide offer to sell the landmark, building or structure and the land pertaining thereto to the Town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and, (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in Item c, below. Provided:

a. Notwithstanding the provisions of Section 8-12-3 that stay decisions of the Town Council pending appeal, no appeal to the Circuit Court of Washington County, Virginia by the owner or any other proper party shall affect the owner's right to make a bona fide offer under Section 8-13-3.

b. Any offer to sell must be made within one (1) year after the date the Town Council renders its final decision as provided in Section 8-13-4 below, but thereafter the owner may renew his request to such governing body to approve the razing or demolition of the historic landmark, building or structure.

c. The time schedule for offers to sell shall be as set forth in Section 15.2-2306, Code of Virginia, 1950, as such provision may from time to time be amended.

*8-13-4 Action required by the Town Council on application to sell under Section 8-13-3.* Before making a bona fide effort to sell as provided in Section 8-13-3, the owner shall first file an application with the Town Council that contains a statement identifying the property and stating (i) the source and amount of the proposed offering price; (ii) the date the offer of sale is proposed to begin; (iii) the name and address of any real estate agents or brokers listing or to list the property; (iv) the exact terms and provisions of the deed to be used in the sale, including a legally sufficient description of the land to be offered and the covenants relating to renovation and restoration of the building or structure situated on the property; and, (v) the proposed advertising measures and

measures to assure preservation and renovation by a buyer. Provided,

a. The proposed offering price shall be established by an appraisal prepared at the owner's expense by a licensed real estate appraiser. If the Town Council is uncertain that such price accurately reflects fair market value of the property, the Town may, at its sole expense, hire another licensed real estate appraiser within five (5) working days after receipt of the owner's statement. Within the 30-day period commencing on the date the Town hires the second appraiser, (i) the appraiser selected by the owner and the appraiser selected by the Town shall select a third licensed real estate appraiser, whose services shall be paid in equal shares by the owner and the Town; and, (ii) a majority of two of the three appraisers shall establish a price to be recommended to the owner.

b. If in the Town Council's judgment the advertising measures proposed by the owner are inadequate to assure that the offering will reach the maximum possible number of qualified buyers and provide them with a reasonable opportunity to examine the property, the Town Council shall provide the owner with a written response that specifically describes the deficiencies and suggests means whereby they may be corrected. Similarly, if in its judgment the proposed deed fails to comply with the requirements of Section 8-13-3, the Town Council may provide the owner with a written response which specifically describes the deficiencies and suggests means whereby they can be corrected.

Upon receipt of the owner's application the Town Council shall place the matter on the agenda for its next regularly scheduled meeting, at which it will conduct a full and impartial hearing and permit testimony from not only the owner-applicant but interested members of the public. The Town Council may, in its discretion, continue the matter from time to time pending a showing to the satisfaction of the Town Council that the application complies with the requirements of Section 8-13-3 for a bona fide offer to sell, at which time the application shall be approved. Upon such approval the time period specified in Section 8-13-3c as applicable to the particular offering price shall commence.

8-13-5 *Action required of the owner and Town Council after approval of application to sell under Section 8-13-3.* Within one (1) year following the date the Town Council approves the application to sell under Section 8-13-3, the owner shall cause the property concerned to be advertised for sale in accordance with the plans, specifications and procedures specified in the application (as it may have been revised by reason of suggestions under Section 8-13-4b. above) and thereafter continue the advertising in the same manner and to the same extent, with no interruption, until the sooner occurring of the signing of a bona fide contract binding on all parties thereto or expiration of the appropriate time period. If a bona fide contract binding on all parties is signed and closed in accordance with the original application as approved by the Town Council, no further action under this Section 8-13 will be required.

a. If the appropriate time period expires without the signing of a binding contract, the owner shall file with the Board an application for certificate of appropriateness which includes full and complete documentation of the unsuccessful sales effort, including but not limited to (i) formats of all advertisements, (ii) schedules showing when, where and how the advertisements were employed; (iii) any listings with real estate agents or brokers and offers received; and, (iv) any fliers or other descriptions of the property prepared pursuant to such listings.

b. Upon receipt of the owner's application the Board shall place the matter on the agenda for its next regularly scheduled meeting and thereafter approve the application if in its judgment the requirements of Section 8-13-3 for a bona fide offer and sale have been met. Otherwise, the Board shall follow the procedure for a

rehearing set out in Section 8-8-4 of this ordinance pending such approval. In any event, the owner shall, by following the filing procedure specified in Section 8-12-1, have a right of appeal to the Town Council and from the Town Council to the Circuit Court.

Section 8-14 - Designation of historic districts and landmarks.

Upon recommendation of the Board and adoption by the Town Council, the Old and Historic District may be enlarged or contracted, new historic districts may be established, and individual historic landmarks may be established or recognized to the full extent of the powers granted the Town in Section 15.2-2306 of the Code of Virginia, 1950, as amended.

Section 8-14-1 *Preliminary research.* The Board shall undertake to establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value.

Section 8-14-2 *Recommendation of historic districts and landmarks.* The Board may recommend to the Town Council the initiation of an amendment to this Article to designate landmarks and historic districts from the list established under Section 8-14-1 above, giving the reasons for its recommendation. Any such amendment shall be in accordance with the provisions of Section 15.2-2280 *et seq* of the Code of Virginia, 1950, as amended.

Section 8-14-3 *Criteria for selection.* A building, structure, group of structures, area, site or district may be recommended for designation as a landmark or historic district if it or they are significant by reason of (i) association with historic events or activities; or, (ii) association with important persons; or, (iii) distinctive design or physical characteristics; or, (iv) potential to provide important information about prehistory or history.

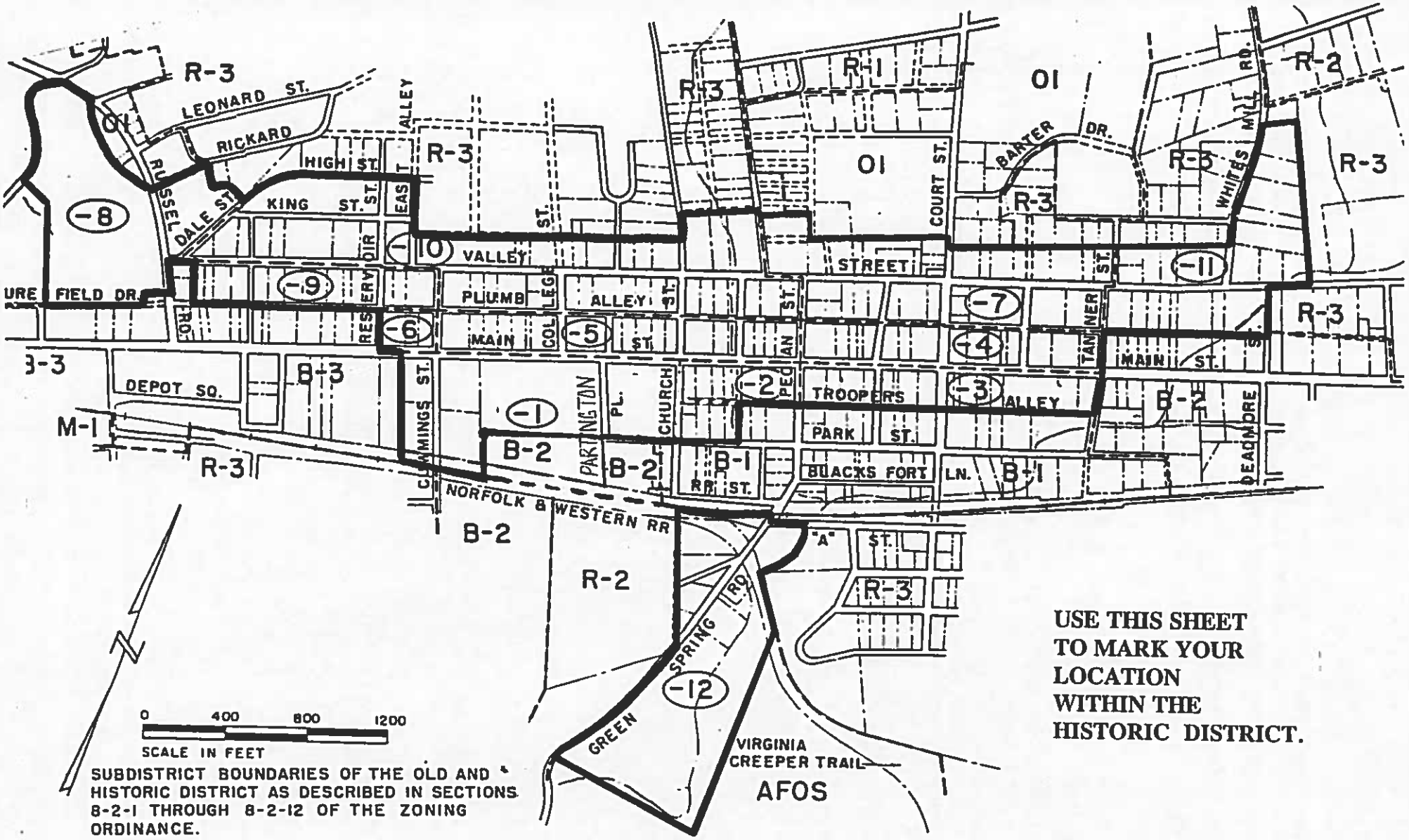
Section 8-14-4 *Boundaries.* In the Board's recommendation to the Town Council, historic districts or individual landmarks must be precisely designated by a legally sufficient description.

Section 8-14-5 *Other parties who may apply for designation.* Designations may also be initiated upon the written application to the Board of one or more owners of property within any area thought to qualify for selection under Section 8-14-3, giving the basis or reason for its qualification and a legally sufficient description of the property concerned. The Board shall, at its next regular meeting, schedule a hearing on the application at a time which gives at least thirty (30) days written notice to any owner who has not joined in or ratified the application. Similarly, either the Town Council or the Planning Commission may, on its own volition, initiate designations under this Section 8-14.

Section 8-14-6. *Moratorium on alteration or demolition while designation pending.* So long as any proceedings have been filed and are pending under Section 8-14, the Board shall not approve any subsequently filed application for a certificate of appropriateness or other permit to erect, construct, reconstruct, alter, restore, move or demolish any building, structure or other feature on a site or area included in or encompassed by the proceedings. Provided, if final action on the proceedings has not been completed within the ninety (90) day period following initiation of the proceedings, the certificate of appropriateness or other permit may be approved.

Section 8-15 – Severability.

Should any provision or part thereof of this Article 8 be declared invalid by a court of competent jurisdiction, the provision or part thereof shall not affect the validity of Article 8 as a whole or any part thereof other than the specific part held to be invalid.




SUBDISTRICT BOUNDARIES OF THE OLD AND HISTORIC DISTRICT AS DESCRIBED IN SECTIONS 8-2-1 THROUGH 8-2-12 OF THE ZONING ORDINANCE.

**USE THIS SHEET TO MARK YOUR LOCATION WITHIN THE HISTORIC DISTRICT.**

# BYLAWS OF THE BOARD OF ARCHITECTURAL REVIEW TOWN OF ABINGDON, VIRGINIA

The Board of Architectural Review of the Town of Abingdon, Virginia ("BOARD"), established pursuant to Section 8-6-1 of Article 8 of the Zoning Ordinance of the Town of Abingdon (the "HISTORIC PRESERVATION ORDINANCE"), hereby adopts the following rules for the transaction of its business:

## Section 1. - Officers and Duties.

1.1 *Officers.* The officers of the Board shall be a Chair, a Vice-Chair and a Secretary. They shall have the respective duties set forth below. At the next annual meeting and each annual meeting thereafter the voting members of the Board shall elect from their membership a Chair and Vice-Chair, each to serve for a term of one year or until his or her successor is elected. Either elected officer may serve any number of terms but not more than two terms consecutively.

1.2 *Duties of Officers.* In addition to any other duties specified in these bylaws:

a. *Chair* - The Chair shall (i) preside over the meetings of the Board; (ii) represent the Board before the Town Council, the Planning Commission and any other board or commission of the Town; (iii) act as a liaison between the Board and such organizations as the state Department of Historic Resources and the Town's Historical Society; (iv) recommend to the Town Council persons to fill vacancies on the Board as may be required; (v) recommend appointments of Board members to other Town boards or commissions or task forces as may be required; (vi) assist the Secretary in the preparation of agenda for meetings; (vii) appoint such committees as the Board may from time to time deem necessary to investigate the matters before it; and, (viii) perform such other duties as the Board may from time to time specify. The Chair shall be entitled to vote on all matters before the Board.

b. *Vice-Chair* - The Vice-Chair shall perform the duties of the Chair during his or her absence, disability or disqualification, and at such times shall have the same powers and duties specified above for the Chair.

c. *Secretary* - The Zoning Administrator of the Town or his designee shall serve as Secretary but shall not be eligible to vote upon matters before the Board. It shall be his or her duty to (i) prepare and maintain as a public record minutes of all meetings of the Board; (ii) provide public and other notices as required by these bylaws, the Historic Preservation Ordinance or applicable statutes; (iii) prepare, in congress with the Chair, the agenda for meetings as may be required; (iv) be custodian of the Board's books and records; (v) conduct all correspondence of the Board according to the Chair's direction and otherwise supervise the Board's clerical work; (vi) handle any funds allocated to or otherwise received by the Board; (vii) act as a liaison between the Board, the Town Manager and appropriate Town departments as may be required; (viii) issue and advise the Board of minor action waivers pursuant to Section 8-4-lb. of the Town's Historic Preservation Ordinance; (ix) advise the Board of the status of all pending certificates of appropriateness; (x) execute on behalf of the Board any documents requiring the signature of the Secretary; and, (xi) provide each new member of the Board with a packet containing copies of applicable statutes, the Historic Preservation Ordinance, these by-laws and any other information reasonably calculated to assist the new member in performing his duties.

1.3 *Vacancies* - If any vacancy occurs in the office of either the Chair or the Vice-Chair, the Board shall, in addition to other business conducted in accordance with these bylaws, conduct a special organizational meeting at which one of its voting members will be elected to the office vacated, to serve the unexpired term caused by the vacancy.

## Section 2. - Meetings.

2.1 *Organizational Meetings and Frequency of Regular or Special Meetings.* Each year, at the first regularly scheduled meeting after January first, the Board shall conduct an organizational meeting at which officers shall be elected and other business conducted in accordance with these bylaws. The Board shall meet not less than four (4) times per year in regular or special meetings. When there is no business for the Board the Chair may dispense with a particular meeting by giving at least twenty-four (24) hours advance notice to all members

2.2 *Time and Place of Meetings.* Unless the Board specifies otherwise, regular and all other meetings of the Board shall be held in the downstairs meeting room of the Town Municipal Building, or such other location as the Board may from time to time designate. Regular meetings shall be held monthly at that

location, at 1:00 p.m. on the first Wednesday of each month.

2.3 *Special Meetings.* Special meetings may be called upon request to the Secretary by either the Chair or at least three (3) other members of the Board.

2.4 *Work Sessions.* The Chair may hold a work session of the Board with regard to any matter or matters pertinent to the Board's duties and responsibilities as defined in the Historic Preservation Ordinance. Work sessions shall be open to the public but without public comment. No official action shall be taken at such meetings.

2.5 *Closed Sessions.* The Board may hold closed sessions in accordance with Section 2.2-3711, Code of Virginia, 1950, as amended, and any other applicable state law.

2.6 *Notice of Meetings to the Board.* The Secretary shall provide the members of the Board with written notice of (i) all special meetings and work sessions by serving the notice personally or leaving it at each Board member's place of business or residence at least forty-eight (48) hours in advance of the meeting; and, (ii) regular and all other meetings by either manual or electronic posting effected at least three (3) business days prior to each meeting. Each such notice shall state the date, time and place of the meeting concerned and be accompanied by an agenda prepared in accordance with these bylaws, together with such documentation as may be reasonably necessary to permit the members of the Board to consider the business with respect to which they have been called upon to act. Provided, (i) a member may waive notice of any meeting; and, (ii) the attendance of a member at a meeting shall constitute a waiver of notice thereof unless the member is attending for the stated purpose of objecting to the meeting on the ground that it has been unlawfully called or convened.

2.7 *Notice of Meetings to Public.* In addition to any other notice requirements provided in these bylaws and the Historic Preservation Ordinance, public notice of all regular and special meetings and all work sessions shall be provided in accordance with Section 2.2-3707 of the Code of Virginia, 1950, as such provision may from time to time be amended. The posting and publication thereby required shall be on the Town's web site, the interior and exterior faces of the windows on the west wall of Level 1 of the Town's Municipal Building, and at the office of the Town Clerk on Level 2 of such building, to the end that information on a particular meeting may be obtained at any hour of the day or night, either by remotely visiting the web site or directly visiting Level 1 or Level 2 of the Municipal Building.

2.8 *Attendance at Meetings.* Each Board member shall attend its meetings on a regular basis, with no more than three (3) consecutive un-excused absences from the meetings and work sessions of the Board in any calendar year. The Secretary shall notify any member of the Board when he or she is approaching the maximum number of un-excused absences and note such notification on the record. When informed in advance of the meeting the Chair may excuse absences in cases of illness, death in the family and any other case in which the Chair determines there is just cause for absence and request the Secretary to note the excused absence on the record. If three consecutive un-excused absences should occur, the Chair shall report the absences to the Town's Mayor for appropriate action.

## Section 3 - Conduct of Meetings.

3.1 *Quorum.* A quorum, consisting of three (3) voting members of the Board, must be present in person at a meeting before the Board is permitted to take any official action.

3.2 *Procedure.* At any meeting of the Board, the order of business to come before the meeting shall be specified in the agenda provided with the notice of meeting, subject to the right of the Chair to change the order with the consent of a majority of the members present. Except with the agreement of a majority of the members present, matters not on an agenda may not be brought before the Board. In passing upon any points of order and procedure not specifically provided for in these bylaws, the Historic Preservation Ordinance or the Code of Virginia, the Board shall be governed by Roberts Rules of Order. The Chair shall preside and decide all points of order and procedure but his or her rulings may be reversed by a majority vote of the Board members present. The Chair shall restate or cause to be restated each motion before any vote is taken. The Board shall grant a full and impartial hearing on each matter before it and permit testimony not only from the applicants but interested members of the public.

3.3 *Voting.* Each member of the Board shall have the right to one vote on each issue, to be exercised at a meeting in person and not by proxy. Except as provided in Section 8-9-1 of the Historic Preservation Ordinance (regarding adherence to the Design Review Guidelines) the decision of the majority shall be final, subject only to the rights of appeal provided in such ordinance. If the vote on any motion is a tie, the motion shall fail.

3.4 *Record of Meetings.* Acting on behalf of the Board, the Secretary shall keep a permanent record of the deliberations, transactions and resolutions of the Board at its meetings or any other public hearings, showing the vote of each member on each question (or if absent or failing to vote, indicating that fact) which record shall be signed by the Secretary and initialed by the Chair.

3.5 *Conflict of Interest.* Any member of the Board who has a direct or indirect financial or personal interest of any kind (whether through business association, investment or immediate family) in property which might be affected by a matter pending before the Board shall be disqualified from participating in the discussion, decision and other proceedings of the Board relating to the pending matter and shall disclose the conflict to the Board as soon as it comes to his or her attention. In addition, any member or other person present at a Board meeting who believes that a Board member has a conflict of interest may raise the question. Provided, a Board member may submit a matter to the Board for his own account so long as he or she discloses the conflict in advance and abstains from voting on it by the Board.

## Section 4. - Training Requirements.

Each Board member is required to attend at least one informational or educational meeting per year which has been approved by the Virginia Department of Historic Resources as pertaining to the work and functions of the Board or to historic preservation. If informed before a delinquency occurs, the Chair may excuse any Board member from meeting his or her training requirement in cases of illness, death in the family and any other case which the Chair deems good cause.

## Section 5. - Amendments.

These rules may be amended at any time by the affirmative vote of at least four (4) members of the Board. Provided, any such amendment must (i) first be presented to the membership of the Board in writing at a regular or special meeting preceding the meeting at which the amendment concerned is voted upon; and, (ii) be consistent with the provisions of the Historic Preservation Ordinance.

We, the undersigned, being the current five (5) voting members of the Board of Architectural Review of the Town of Abingdon, Virginia, do hereby adopt the foregoing as the bylaws of such Board.

_____
Charles R. Day – Member & Chair

_____
Betsy White – Member & Vice-Chair

_____
Andrew Hargroves – Member

_____
Thomas C. Phillips, Jr. - Member

_____
Doris C. Shuman - Member