

# **ARCHITECTURAL REVIEW BOARD**

## **AGENDA**

### **SPECIAL MEETING**

**Tuesday, October 27, 2015 – 7:30 p.m.**

**Manassas City Hall  
9027 Center Street  
2<sup>nd</sup> Floor Conference Room**

#### **BOARD MEMBERS**

Tom Waters, Chairman  
William Rush, Vice-Chairman  
Debbie Haight

Nancy Hersch Ingram  
Fatima Pereira-Shepherd  
VACANT (ALTERNATE)

1. Pledge of Allegiance to the Flag
2. Roll Call
3. New Business
  - **ARB #2016-12**  
**Michelle Frantz and Sandra Sale**  
**9117 Center Street**
  - **Worksession – Historic Overlay District Zoning Ordinance Update**
4. Other Business
5. Adjournment



**CITY OF MANASSAS**  
Department of Community Development  
Elizabeth S. Via-Gossman, AICP, Director

## STAFF REPORT

**ARB Case:** #2016-40000012  
**Applicant:** Michele Frantz and Sandra Sale  
**Address:** 9117 Center Street



### REQUEST

The applicant is requesting approval to install a mural in the alleyway between the buildings located at 9117 and 9123 Center Street.

### PROPERTY INFORMATION

**Location** – 9117 Center Street is located at the southwest corner of the intersection of Center Street and Battle Street

**Historical Significance** – The building at 9117 Center Street was constructed c. 1910 on the former site of the Blossom Building which was destroyed in the 1905 fire. It is a two story Colonial Revival Style building with a molded cornice parapet, 24-light wood windows on the first story with Colonial Revival surrounds, and curved iron balconies on the second story windows. The building was constructed for Thomas H. Lion, one of the founders of the Manassas Improvement Association (M.I.C.). The structure originally consisted of five sections with a party wall between each, three of which have been demolished. This structure now comprises the only two remaining sections of the original building. Due to the demolition of the other sections, the property is ranked non-contributing to the local and National Register historic districts. However, it is listed as a Local Historic Landmark.

**Surrounding Properties** – The property is located in the downtown subarea of the Local Historic District. The three other corner buildings at the intersection of Center and Battle Streets are all contributing Local Historic Landmarks. Adjacent to the building on the west is 9123 Center Street, a non-contributing building.

### APPLICANT'S PROPOSAL

The applicant is proposing a mural for the alleyway between 9117 and 9123 Center Street. The mural will be painted on the asphalt to resemble a meadow with grass, a stream, stepping stones, and flowers. The bollards around the utility meters in the alley will be painted with flowers and vines. The artist will utilize Rustoleum Line Striping paint, both spray and brush-on, which is high performance industrial grade paint. The bollards will be painted with Plaid brand multi-surface paint. The artist's name and website will be discreetly incorporated into the image. The mural has been reviewed and endorsed by the Public Art Committee.

## STAFF ANALYSIS

The applicable design guidelines are found in the adopted Design Guideline Supplement #3: Mural Art. The mural is proposed for the pavement, rather than a building wall, and so many of the location guidelines are not applicable. As proposed on the pavement, the mural will not detract from any significant character defining features. Rather, the mural provides visual interest in an alleyway created by two blank walls devoid of any ornamentation. The proposed mural is an original design and the natural theme and color palette is compatible with the character of the surrounding historic district. The artist proposes high quality paint which is recommended for pavement applications because of its durability. In the event the mural becomes faded due to vehicular traffic, the paint should be reapplied. In keeping with the guidelines, the artist's name may be incorporated but may not exceed two square feet in area.

### Review Criteria

Pursuant to Section 130-406 (b), prior to approval of any certificate of appropriateness, the ARB shall determine if the following conditions have been adequately addressed:

CRITERIA	APPLICATION
Activity Proposed:	Installation of mural in alleyway
(1) Consistency with the Secretary of the Interior's Standards for Rehabilitation.	Not applicable.
(2) Being architecturally compatible with the historical, cultural and/or architectural aspects of the HOD, structure and its surroundings.	The natural theme and color palette of the mural is compatible with the character of the surrounding historic district.
(3) The visual impact of the proposed exterior architectural features, including all signs.	The proposed mural provides visual interest in an alleyway created by two blank walls.
(4) The general design, scale and arrangement of new construction and additions.	Not applicable.
(5) The texture, material and color of new construction, unless otherwise exempt from review.	Not applicable.
(6) The relationship of features (2) (3) and (4) above to similar features of the buildings and structures immediately adjacent to or visible from the proposed activity.	The proposed mural provides visual interest in an alleyway created by two blank walls. The natural theme and color palette of the mural is compatible with the character of the surrounding historic district.
(7) The extent to which the building or structure would be harmonious with, or incompatible with the historic aspects of its surroundings.	Not applicable.

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the application with the conditions that (1) the artist name not exceed two square feet in area, (2) the mural be maintained to avoid fading from vehicular traffic, and (3) receipt of the property owner's signed consent for installation of the mural.



RECEIVED OCT 22 2015

File No.: ARB\*2016-12

Date Accepted: \_\_\_\_\_

Tax Map: \_\_\_\_\_

**ARCHITECTURAL REVIEW BOARD  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

I/(We) Michele Frantz do hereby petition for approval of a Certificate of Appropriateness in accordance with Section 130-541 to permit the following:

Paint alleyway to resemble a meadow

(Use extra page if needed)

**Property**

**Description:** Site Address 9117 Center St. Zoning District B3  
Date Purchased \_\_\_\_\_ Corner Lot ☒ Yes ☐ No  
Approximate Age of Original Structure \_\_\_\_\_  
Non-conforming Use, Lot or Structure ☐ Yes ☐ No  
Use of Structure Mixed use - commercial and residential

**Building**

**Description:** Number of Stories 2 Width \_\_\_\_\_ Depth \_\_\_\_\_  
Height \_\_\_\_\_ Chimneys \_\_\_\_\_ Basement ☐ Yes ☐ No  
Type of Roof: Shingle/Wood \_\_\_\_\_ Asphalt \_\_\_\_\_ Tin \_\_\_\_\_  
Other \_\_\_\_\_

**Submission**

**Requirements:** ☐ Site Plan ☐ Sign Demographics ☐ Material Sample  
☐ Exterior Elevations ☐ Color Samples

**Proposal for “Little Bits”**

Michele Frantz • myarcadia@juno.com • 703/791-5767 • www.myarcadia.8m.com

Proposal: Paint the alleyway next to Alyssa Bryn to resemble a meadow. (See attached photos.)

**Materials:**

For asphalt: Rustoleum Line Striping paint, both spray and brush on.

- MSDS for brush on paint: <http://www.rustoleum.com/product-catalog/industrial-brands/high-performance/striping-paint/2300-system-traffic-zone-striping-paint/>
- MSDS for spray paint: <http://www.rustoleum.com/product-catalog/industrial-brands/high-performance/striping-paint/2300-system-inverted-striping-paint-aerosol/>

For pillars: Plaid brand multi-surface paint.

Preparation: debris from alley will be blown with leaf blower into adjacent parking lot; any piles of debris will be collected and properly disposed.

Time frame: work to be done this fall as weather allows, Sundays through Wednesdays when the shop in the alley is closed. Eight hours drying time is required after painting.

**PLEASE NOTE:**

- The artist requests use of four traffic cones to block off the alley during work hours and drying time.
- Artist's name and website will be discreetly incorporated into the image. Artist reserves the right to use images of finished work for promotional/portfolio purposes.

## CITY OF MANASSAS ARCHITECTURAL REVIEW BOARD

### Design Guideline Supplement #3: Mural Art

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#### **Background**

The City of Manassas Architectural Review Board reviews applications for Certificates of Appropriateness for substantial alterations to properties in the Historic Overlay District. The City of Manassas Zoning Ordinance designates the painting of non-residential structures resulting in a different color, such as mural art, as a substantial alteration requiring approval of the Architectural Review Board. The painting of mural art on small building elements, such as individual bricks and utility appurtenances (such as downspouts or raceways), shall not be considered a substantial alteration.

The Architectural Review Board supports the use of mural art in the Historic Overlay District. Mural art is widely considered one of the oldest methods of artistic expression. Murals bring art from the private to the public sphere, add visual and aesthetic value to neighborhoods, and provide a medium to display the history, beliefs and culture of a community. When appropriately executed, murals can enhance the character of a historic district.



**Figure 1.** Murals should complement the structure and be incorporated architecturally into the facade. (*Trompe l'oeil Bridge Mural, Frederick, MD*)

#### **Purpose**

The purpose of regulating mural art is to ensure the continued visual aesthetic of the historic district while allowing for compatible artistic and creative expression in appropriate locations and designs. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work.

#### **Mural Art vs. Signage**

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or calling. When an official interpretation is deemed necessary, the Zoning Administrator will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations of the zoning ordinance and applicable design guidelines.

#### **Review Criteria**

##### **A. Location**

1. Murals are not permitted on unpainted contributing or landmark structures. Murals on unpainted non-contributing buildings will be considered on a case-by-case basis.

2. Murals may not be located on the primary façade of a building.
3. The number of murals per block face should be limited to discourage visual clutter.
4. Historically significant murals (including historic advertisements) may not be painted over, even if faded.
5. The installation of a mural should complement and enhance the building and be incorporated architecturally into the façade.
6. The location of a mural on the building should not cover or detract from significant or character-defining architectural features.



**Figure 2.** The scale of the mural should be appropriate to the building and the site. (*Historic Del Ray Mural, Alexandria, VA*)



**Figure 3.** Faded historic murals or advertisements should not be painted over. (*Candy Factory Building, Manassas, VA*)

#### B. Design & Materials

1. The scale of the mural should be appropriate to the building and the site.
2. The theme of the mural should be appropriate within the context of the surrounding neighborhood and complement the existing character.
3. The mural should be an original design.
4. Sponsor and artist names may be incorporated but should be discreet and not exceed 5% of the design or 2 square feet in area, whichever is less.
5. The treatment and application of murals on historic material should follow all relevant Preservation Briefs as published by the National Park Services Technical Preservation Services.
6. Paint utilized should be intended for exterior use and of superior quality which will not corrode or compromise the integrity of the material to which it is applied.
7. Reflective, neon and fluorescent paints should not be used.

#### Maintenance

The property owner is responsible for proper maintenance of the mural, including the repair of material failure (peeling paint) and promptly removing vandalism in accordance with the Property Maintenance Code.

# City of Manassas

Manassas

## Reconnaissance Level Survey

DHR Id # 155-0094

### Resource Identification

Tax Parcel: 101/01 00/211//

Other Id#: 155-0161-0062

GPIN # 7795-58-8913

Property Name(s): ..... M.I.C. Building {Historic} Harris Agency, Inc., 9117  
Center Street {Current}

Property Date: ..... circa 1906

Address(s): ..... 9117 Center Street {Current}

County/Independent City: Manassas

City: ..... Manassas

State, Zip: ..... Virginia, 20108

USGS Quad Name: ..... MANASSAS

Surrounding Area: ..... City

### National Register Eligibility Status

Property is Historic (50 years or older)

Property is associated with the Local Manassas Historic District

Contributing Property to Local Historic Landmarks List

Property is associated with the National Register Manassas Historic District [district]

### Resource Description

Ownership Status: ..... Private

#### Primary Resource Exterior Component Description:

Component	Comp Type/Form	Material	Material Treatment
Chimneys	N/A	N/A	N/A
Chimneys	N/A	N/A	N/A
Foundation	Solid	Not Visible	Not Visible
Roof	Flat with parapet	Not Visible	Not Visible
Porch	N/A	N/A	N/A
Structural System	Masonry	Brick	Stretcher
Windows	Double-Hung	Wood	6/9
Windows	Fixed	Wood	24-light

Site Description: ..... Located in the commercial area of Old Town Manassas, the building is sited on the corner of a paved sloping lot. A paved parking lot is located on the southern, rear portion of the property and is accessed from Battle Street.

#### WUZIT Count:

No.	Wuzit Types	Historic?
1	Commercial Building	Non-Historic

#### NR Resource Count:

#	NR Resource Type	Contributing Status
1	Building	Non-Contributing

### Individual Resource Information

WUZIT: ..... Commercial Building

Est. Date of Construction: ... circa 1906

Primary Resource? ..... Yes

Architectural Style: ..... Colonial Revival

Interior Plan Type: ..... Unknown

Accessed? ..... No

Number of Stories: ..... 2

Condition: ..... Good

Threats to Resource: ..... None Known

Description: The two-story, seven-bay Colonial Revival-style commercial building is constructed with stretcher-bond brick with soldier belt course. It is covered by a flat roof with a parapet that has a molded cornice. Fenestration includes replacement 24-light windows with Colonial Revival-style surrounds and 6/9 double-hung wood windows on the second story. The second-story windows have rowlock sills and curved iron balconies. The canted corner entrance has a 1-light wood door.

**Cemetery Information****National Register Eligibility Information (Intensive Level Survey)**

Historic Context(s): ..... Architecture/Community Planning, Commerce/Trade

Time Period(s): ..... Reconstruction and Growth (1865-1914)

**Significance Statement:**

The Manassas Improvement Corporation (M.I.C.) Building at 9117 Center Street, is reflective of commercial buildings constructed after the fire of 1905 and the institution of building codes that required fireproof materials for those structures constructed in the commercial core. The building, now known as the Harris Building, is smaller now than originally constructed in 1906 for Thomas H. Lion. Lion was a lawyer, who was the mayor of Manassas from 1889 to 1894. He was a co-founder of the Mining and Building Company, along with Robert Porter, J.S.B. Thompson, C.E. Nicol, W.W. Moffit, and C.A.S. Hopkins. Later known as the Manassas Improvement Corporation (M.I.C.), the business had been created for the general maintenance of the town. The complex was constructed shortly after the 1905 fire on the site of the Blossom Building. The M.I.C. Building originally consisted of five sections with a party wall between each section. Sections 1 and 2 comprise the Harris Building, on the southwest corner of Center and Battle Streets; sections 3 and 4 have been demolished to create a parking lot; section 5 is now freestanding at 9414 Battle Street. This property is a contributing property to Local Historic Landmarks List. This property is a non-contributing property to National Register Manassas Historic District. Because of the demolition of a section of the original building and the replacement of the multi-light windows on the first story, this commercial building, which includes sections 1 and 2 of the M.I.C. Building is Ranked Non-Contributing.

**Ownership Information**

Azim, Mohammed H. &amp; Najia

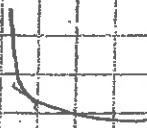
**Graphic Media Documentation**

Medium	Photo Roll	Negative Number	Photo Date
BW 35mm Photos	EHT 3	26-27	11/11/2005
Digital Photos	EHT 3	26-27	11/11/2005

**CRM Event**

Reconnaissance Survey EJ: EHT Tracerics, Inc. August 7, 2005

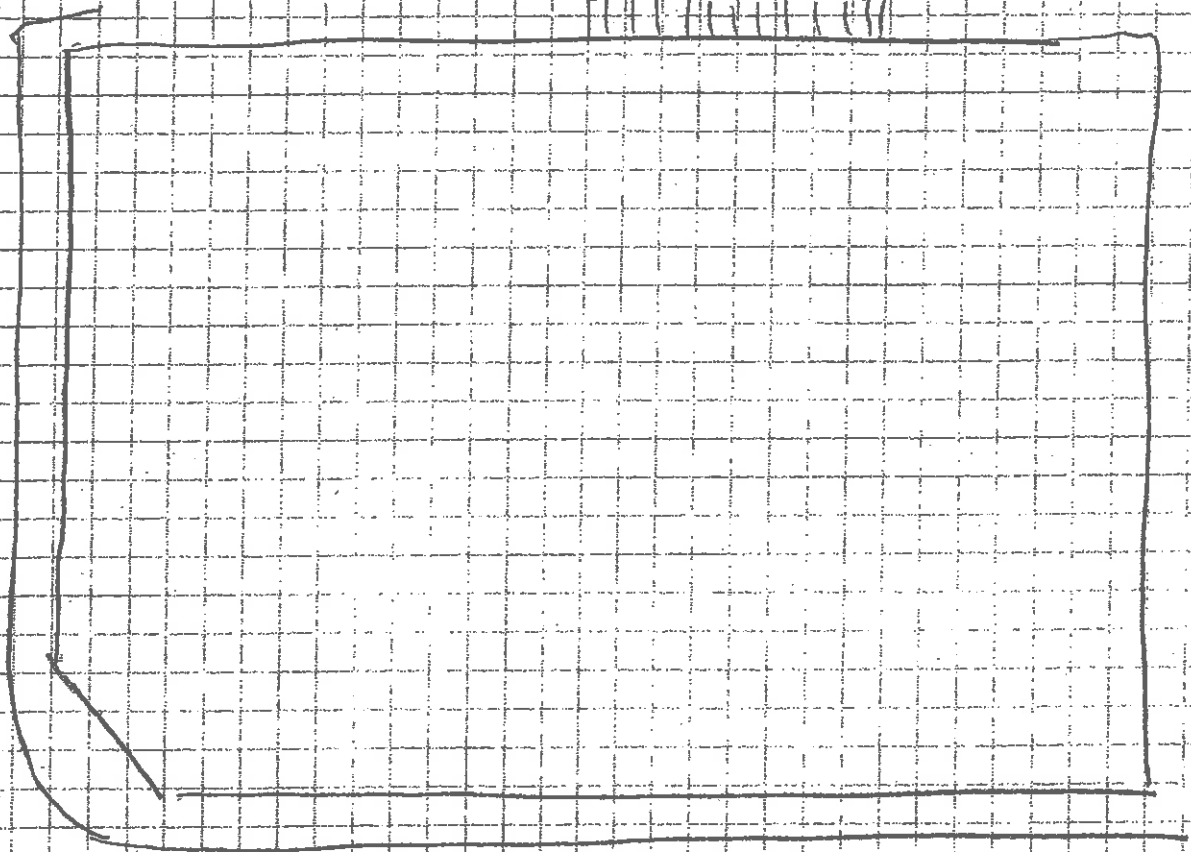
2



Parking

Center Street

M.L.C. BUILDING



Center Street

N ↓

155-0161-0662  
LD. # (S) 7795-58-8913

Address 9117 Center Street  
M.L.C. Building

Before:



After:



Pillars:



## City of Manassas Zoning Ordinance Update: Historic Overlay District Update Summary

Section	Proposed Changes
Sec. 130-401 Purpose and intent	<ul style="list-style-type: none"> <li>Expand purposes and intent with language from state code</li> </ul>
Sec. 130-402. Historic overlay districts	<ul style="list-style-type: none"> <li>Provide alternate zoning provisions for single family dwellings for front setback distance and driveway material to maintain consistency with historic design patterns</li> </ul>
Sec. 130-403. Individually protected properties	<ul style="list-style-type: none"> <li>Clarify that Historic Landmarks are individually protected structures which do not have to be located in an HOD</li> </ul>
Sec. 130-404. Architectural Review Board	<ul style="list-style-type: none"> <li>Update ARB meeting requirements for consistency with Certified Local Government requirements</li> <li>Add ability to develop and adopt design guidelines</li> </ul>
Sec. 130-405. Certificate of Appropriateness	<ul style="list-style-type: none"> <li>Streamline list of alterations exempt from ARB review</li> <li>Provide for administrative approval of small, temporary signage</li> <li>Include exemption from review for any alterations to existing structures in Liberia HOD not visible from view shed of Liberia Mansion</li> <li>Clarify scope of review</li> <li>Extend validity of Certificate of Appropriateness to two years</li> <li>Provide option for ARB to grant extension of validity of Certificate of Appropriateness for up to 1 year</li> </ul>
Sec. 130-406. Standards of review	<ul style="list-style-type: none"> <li>Update standards of review for alteration/new construction and demolition applications</li> <li>Add review standard for compliance with appropriate design guidelines</li> </ul>
Sec. 130-407. Application procedures	<ul style="list-style-type: none"> <li>Add option to require pre-application ARB work session meeting for new construction applications</li> <li>Clarify administrative approval procedure</li> </ul>
Sec. 130-412. Right to demolish	<ul style="list-style-type: none"> <li>Remove text and reference state code</li> </ul>
Sec. 130-413. Maintenance and repair required	<ul style="list-style-type: none"> <li>Rephrase to require affirmative maintenance</li> <li>Remove the word "demolition"</li> <li>Include provision for boarding of vacant or hazardous structures</li> </ul>

## ARTICLE II. DEFINITIONS

### Sec. 130-42. Definitions

*Architectural features* means the exterior details of a structure, created by the type of construction, the manner of assembly of the materials, and the use of decorative details that establish the overall appearance, period, and style of the structure but are not necessary for structural integrity. Features include, but are not limited to, such items as fanlights, cornice designs, corner boards, window trim, and gingerbread.

*Certificate of appropriateness* means the approval statement signed by the architectural review board which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, building repair, restoration, moving, relocation, demolition, or razing of all or a part of any structure within a Historic Overlay District, subject to the issuance of all other permits required for the matter sought to be accomplished.

*Demolition* means the dismantling or tearing down of all, or part, of any structure.

*Historic Overlay District (HOD)* means an area designated by the city council as an overlay district within which are found:

- (1) Structures included on the National Register of Historic Places or the Virginia Landmarks Register;
- (2) Any historic structure;
- (3) Any historic areas;
- (4) Areas of unique architectural value located within designated conservation, rehabilitation, or redevelopment districts; and/or
- (5) Parcels of land contiguous to arterial streets or highways found by the city council to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts in the city or a contiguous locality.

*Landmark, historic* means any structure listed on the city inventory of historic landmarks adopted pursuant to section 130-403.

*Structure, contributing* means any structure more than 50 years old that represents the period in which it was built by material, design, or other physical features, or is a place of significance that preserves, protects, or enhances the character of the Historic Overlay District in which it is located as listed on the adopted historic district survey adopted pursuant to section 130-402.

*Structure, historic* means any historic landmark or contributing structure.

*Structure, noncontributing* means any structure found within a Historic Overlay District that has not been identified and listed as a Contributing Structure.

**ARTICLE VIII. ZONING DISTRICTS**  
**DIVISION 4. OVERLAY DISTRICTS**  
**SUBDIVISION 1: HISTORIC OVERLAY DISTRICT**

**Sec. 130-401. Purpose and intent.**

The City of Manassas seeks to protect community health and safety and to promote the education, prosperity, and general welfare of the public through the identification, preservation, and enhancement of landmarks, buildings, structures, settings, neighborhoods, places, and features with special historical, cultural, and architectural significance. To achieve these general purposes, the City of Manassas seeks to pursue the following specific purposes:

- (1) To identify, preserve, and protect structures of architectural or historic significance;
- (2) To assure that, within the City's historic districts, new structures, additions, and related elements will be in harmony with their setting and environs;
- (3) To maintain and improve property values by providing for the upkeep, rehabilitation, and restoration of older structures in a safe and healthful manner, and by encouraging desirable uses and forms of development that will lead to the continuance, conservation, and improvement of the city's historic, cultural, and architectural resources and institutions within their settings;
- (4) To promote tourism and enhance business and industry, and to promote an enhanced quality of life within the city, through the protection of historic, cultural, and archaeological resources.

**Sec. 130-402. Historic overlay districts.**

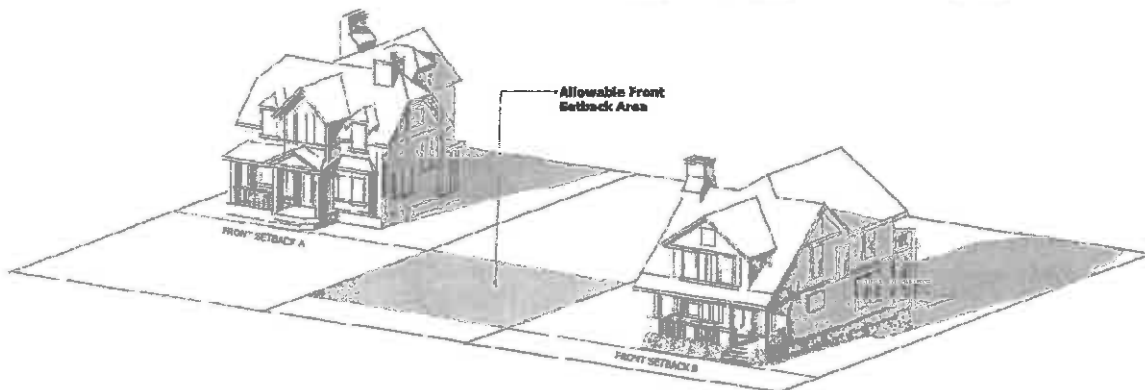
- (a) *Establishment.* The City Council has designated historic overlay districts (HOD) in the City as defined by Article II of this chapter, the boundaries of which are defined on an overlay district zoning map adopted herewith.
- (b) *Criteria for establishment.* The City Council may establish additional HOD's or modify existing ones. Upon request of the Council, the ARB shall prepare and submit a report to evaluate the proposed additional or modified historic district. Such report shall define the proposed HOD boundaries, set out the historic and/or architectural significance of the Historic Structures to be protected, and evaluate whether the public interest favors creation or modification of an HOD.
- (c) *Inventory of properties.* The ARB shall maintain an inventory of all properties within the established boundaries of an HOD. The inventory shall designate all structures as contributing or non-contributing as defined by Article II of this chapter.
- (d) *Amendments to historic overlay district boundaries.* The ARB may propose to the Planning Commission and/or the City Council such amendments as deemed appropriate for the revision to an existing HOD in accordance with zoning map amendment requirements of this chapter.

(e) *Relation to other districts.* The HOD shall be in addition to and shall overlay all other zoning districts within its boundaries, so that a parcel of land lying within the HOD will also lie in one or more “A”, “R”, “B”, “P”, or “I” districts. The effect is to create a new district, which has the requirements of the underlying district, together with the requirements of the overlay district.

(1) *Exception to front yard setbacks.* Within the boundaries of the HOD, the front setback distance requirements for R-1, R-2, and R-2-S districts shall be modified to provide that, where a new single family detached dwelling is constructed, the front setback distance shall be no greater or lesser than the setback distance of the adjacent dwellings. For the purpose of this requirement, any adjacent vacant lot or an adjacent dwelling unit separated by a street right-of-way shall not be considered an adjacent dwelling unit. All other requirements of the underlying zoning district shall be in full force and effect.

(2) *Exception to dustless surface provision.* Gravel driveways shall be permitted for single family detached dwellings located in the HOD in accordance with §130-205(b).

**§ 130-402 FIGURE 1: FRONT YARD SETBACK DISTANCE**



**This graphic is for illustrative purposes only.**

**Sec. 130-403. Individually protected properties.**

(a) *Establishment.* The City Council has adopted a list of Historic Landmarks in the City which shall be individually protected properties. For future inclusion in this list, Historic Landmarks shall be documented as being at least 50 years old and meet at least one of the following criteria:

- (1) The structure is on the National Register of Historic Places as called for by the United States Congress in the Historic Preservation Act of 1966;
- (2) The structure is on the state landmarks register pursuant to Code of Virginia, §10.1-2200 et seq.;
- (3) The structure exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community;
- (4) The structure is associated with persons of national, state, or local historical significance;

- (5) The structure is a good example of local or regional architectural design or exemplifies the local craftsmanship, making it valuable for study of period, style, or method of construction;
  - (6) The structure is a work of a nationally recognized architect;
  - (7) The structure is attributed to an architect or builder of local prominence; or
  - (8) The structure fosters civic pride in the City's past and enhances the City's attractiveness to visitors.
- (b) *Amendments to historic landmark list.* The ARB may propose to the Planning Commission and/or the City Council such amendments as deemed appropriate for revision to the historic landmarks list in accordance with the zoning map amendment requirements of this chapter.

**Sec. 130-404. Architectural Review Board.**

- (a) *Creation.* For the general purpose of this Chapter, there is created by the City Council the Architectural Review Board (ARB). The ARB shall be composed of five regular voting members and one alternate member. The alternate member shall only vote in case of a tie or in the absence of any regular member. The members of the ARB shall be appointed by the City Council.
- (b) *Member composition requirements and appointment term.*
- (1) At least four members shall be City residents. The ARB regular membership should include:
    - a. One who owns a designated Historic Structure in the City;
    - b. One member who is an architect;
    - c. One member who is a real estate agent with experience in the City; and
    - d. Two members who have a demonstrated interest, competence, or knowledge in historic preservation.
  - (2) *Term of office.* A member's term shall be three years.
  - (3) An appointment to fill a vacancy shall be only for the unexpired portion of the term vacated.
- (c) *Organization.* The ARB shall elect from its own membership a Chairperson and Vice-Chairperson who shall serve annual terms and may succeed themselves. The City shall designate administrative staff to the ARB and maintain all records, minutes, and files relating to the ARB meetings.
- (d) *Rules:*
- (1) The ARB shall meet in regular session at least once a month when an application has been filed for its consideration. It shall meet at least quarterly even if no application has been filed for its consideration.
  - (2) Special meetings of the ARB may be called in accordance with the ARB rules and procedures, as adopted and amended.

- (3) For the conduct of any hearing and the taking of any action, a quorum shall be not less than three members one of whom may be the alternate member.
  - (4) The ARB may make, alter, or rescind rules and forms for its procedures and the implementation of the purposes of this division, consistent with the ordinances of the City and the general laws of the Commonwealth.
  - (5) The ARB shall establish procedures for all matters coming before it for review.
  - (6) All meetings shall be open to the public unless the ARB enters closed session as permitted by the Virginia Freedom of Information Act.
  - (7) Public notice shall be required in the case of a proposal to demolish, move, or relocate a Historic Structure in accordance with the requirements of §130-696, *mutatis mutandis*. However, any person appearing and participating in a public hearing on such a proposal, whether personally or by an authorized representative, waives any defects in notice.
- (e) *Powers and duties.* The ARB shall:
- (1) Approve, approve with modifications, or deny applications for Certificates of Appropriateness for construction, reconstruction, exterior alteration, demolition, or relocation of Historic Landmarks or structures within an HOD.
  - (2) Assist and advise the City Council, Planning Commission, other City departments and agencies, and property owners in matters involving historically significant sites, landmarks, buildings and structures such as appropriate land design, parking lot design, and signs.
  - (3) Advise owners of Historic Structures relating to preservation.
  - (4) Review and propose additional areas or structures to be included in or removed from an HOD or designated as a Historic Landmark.
  - (5) From time to time conduct, or cause to be conducted, a survey of historic resources.
  - (6) Upon request of the City Council, Planning Commission, or interested citizens, conduct studies deemed necessary to consider additional historic overlay districts, and means of preservation and utilization of historic assets in the City.
  - (7) Develop, adopt, and publish design guidelines for the City's historic overlay districts to be considered by the ARB in granting or denying Certificates of Appropriateness, provided that such guidelines shall be consistent with the Secretary of the Interior Standards for Historic Preservation, the purposes and standards set forth within this Article, and with such standards, rules, regulations, and procedures as City Council may establish. A 60 day period for public comment shall be provided prior to the adoption of any design guidelines.
  - (8) Cooperate with, and enlist assistance from, the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic sites, landmarks, buildings, and structures within the City.

**Sec. 130-405. Certificate of Appropriateness.**

- (a) *Activity requiring ARB review.* Unless exempted by this section, no structure within an HOD, including signs, shall be erected, reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section. Unless exempted by this section, no Historic Landmark shall be reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section. Unless exempted by this section, no Historic Structure shall be razed, demolished or moved unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the city council in accordance with this section.
- (b) *Administrative review.* Notwithstanding any contrary provision of this article, the City may review and administratively approve applications for the following exterior changes:
- (1) Alterations to a noncontributing structure or minor alterations to a Historic Structure that do not substantially change the architectural character or are substantially hidden from view of the street right-of-way, including the construction of accessory buildings and structures on properties where none of the structures are designated as historic and where the construction would be in keeping with the character of the principal structure and surrounding area.
  - (2) Reconstruction performed to restore or replace the same as, or nearly the same as practical, a structure to its original documented historical design.
  - (3) Banner signs, window signs, portable signs and other minor or temporary signs that comply with the established standards of review and design guidelines.
  - (4) Alterations to existing structures located in the Liberia Mansion HOD which are not visible from the view shed of the Liberia mansion.
- (c) *Exemptions from review.* The razing, demolition, or moving of a Noncontributing Structure is exempt from review for a Certificate of Appropriateness. In addition, the following minor work or actions deemed not to have permanent effects upon the character of the HOD are exempted from review for a Certificate of Appropriateness:
- (1) Maintenance of exterior architectural features, including repair and replacement, with the same design, color and material if the City finds that such maintenance:
    - a. Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and
    - b. Does not perpetuate a condition or treatment that is considered to be inappropriate or incompatible with the historic character or surroundings of the building or structure.
  - (2) Repainting of residential structures.
  - (3) Repainting of non-residential structures resulting in the same color. At no time shall painting on original masonry be exempt.
  - (4) Additions or deletions on residential structures of storm doors or storm windows, window gardens, awnings, air conditioners, or similar appurtenances when installed in or upon existing windows or wall openings.

- (5) Addition or deletion of HVAC mechanical equipment, antennas, skylights, or solar collectors in locations not visible from a street right-of-way.
- (6) Residential driveways and landscaping involving minor grading, walks, retaining walls not exceeding 2 feet in height, fences not exceeding 4 feet in height, small fountains, or ponds so long as the landscaping on the property as a whole will not substantially affect the character of the property and its surroundings.
- (7) The construction of off-street loading areas and off-street parking containing five spaces or less in a non-residential district.
- (d) *Scope of review.* Review of the proposed construction, reconstruction, alteration or restoration of a building or structure shall be limited to exterior architectural features only and the appropriate standards of review specified in §130-406.
- (e) *Validity of Certificate of Appropriateness.*
  - (1) Any Certificate of Appropriateness shall expire on the second anniversary of the date of issuance, unless the owner relies in good faith on the Certificate of Appropriateness and incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the Certificate of Appropriateness. Such Certificate of Appropriateness shall expire and become null and void if the authorized work is suspended or abandoned for a period of two years after the activity has been commenced.
  - (2) Prior to the expiration of a Certificate of Appropriateness, upon written request and for reasonable cause, the ARB may extend the validity of any such certificate for a period not to exceed one year.

**Sec. 130-406. Standards of review.**

- (a) *Standards of review for construction and alterations.* The ARB shall consider the following criteria in determining whether or not to issue a Certificate of Appropriateness for construction or alterations:
  - (1) Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the HOD;
  - (2) The harmony of the proposed change in terms of overall proportion and the size and placement of elements such as entrances, windows, awnings, exterior stairs and signs;
  - (3) The effect of the proposed change on the historic district neighborhood, setting or streetscape;
  - (4) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
  - (5) The Secretary of the Interior Standards for Historic Preservation as may be relevant; and
  - (6) Any applicable provisions of the adopted design guidelines.
- (b) *Standards of review for relocation of a Historic Structure.* The ARB shall consider the following criteria in determining whether or not to issue a Certificate of Appropriateness to move a Historic Structure:

- (1) Whether moving the Historic Structure will likely have a detrimental effect on its structural soundness;
  - (2) Whether moving the Historic Structure will have a detrimental effect on the historical aspects of other Historic Structures in the district;
  - (3) If the Historic Structure is moved to a site within a City HOD, whether the new surroundings are harmonious with the historical and architectural aspects of the Historic Structure;
  - (4) If relocation is the only feasible means of saving the Historic Structure from demolition or neglect; and
  - (5) Any applicable provisions of the adopted design guidelines.
- (c) *Standards of review for demolition of a Historic Structure.* The ARB shall consider the following criteria in determining whether or not to issue a Certificate of Appropriateness to raze or demolish a Historic Structure:
- (1) The historic, architectural or cultural significance, if any, of the specific Historic Structure, including, without limitation:
    - a. The age of the Historic Structure;
    - b. Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
    - c. Whether, and to what extent, the Historic Structure is associated with an historic person, architect or master craftsman, or with an historic event;
    - d. Whether the Historic Structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
    - e. Whether the Historic Structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
    - f. The degree to which distinguishing characteristics, qualities, features or materials remain.
  - (2) Whether, and to what extent, the Historic Structure is linked, historically or aesthetically, to other Historic Structures within an HOD, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.
  - (3) The overall condition and structural integrity of the Historic Structure, as indicated by studies prepared by a qualified professional and provided by the applicant or other information provided to the board.
  - (4) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the Historic Structure that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.
  - (5) Any applicable provisions of the adopted design guidelines.

- (d) *Contemporary construction.* It is not the intent of the City to discourage contemporary architectural expression or to require the emulation of existing structures of historic or architectural interest in specific detail. Harmony, or incompatibility, shall be evaluated in terms of the appropriateness of architectural features, materials, scale, size, height, and placement of a new structure in relationship to existing structures and to the setting.

**Sec. 130-407. Application procedures.**

**(a) *Certificates of Appropriateness.***

- (1) Requests for Certificates of Appropriateness shall be accepted only from the record owner of the property involved in such proposal or their agent after authorization in writing.
- (2) Requests for Certificates of Appropriateness shall be made upon the appropriate application form provided by the City and submitted in accordance with established submission deadlines. Each application shall include the following:
  1. A completed and signed application form;
  2. A written description of the proposed activity;
  3. Samples or brochures depicting materials proposed;
  4. Samples or brochures depicting color choices;
  5. A drawing of sufficient detail to reflect the appearance of the property or structure upon completion of the project; and
  6. A nonrefundable filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended.
- (3) By specific request in a particular case, the ARB and/or the City may require submission of additional information in connection with an application.
- (4) The City may require a pre-application work session meeting with the ARB for applications for new construction.
- (5) Upon receipt of an application for a Certificate of Appropriateness, the City shall review the submission for completeness and advise the applicant of any omitted information required for review. Once all submission requirements are met, the application shall be set for the next available agenda.
- (6) A copy of the application, together with a copy of all reproducible materials filed by the applicant, shall be forwarded to the ARB members prior to the next meeting.
- (7) The City shall maintain a record of all such applications and of final disposition of the same.

**(b) *Administrative approval.***

- (1) Requests for administrative approval shall be made in accordance with §130-63 of this chapter and shall be made upon the appropriate application form provided by the City.

- (2) Should the application not adequately describe the proposed work, the City may require additional information including photographs, sketches, and samples of materials, or such other information as may be necessary to render a decision.
- (3) The City shall apply the same standards of review and design guidelines used and established by the ARB.
- (4) If the application for administrative approval is denied, the applicant may choose to seek ARB approval.
- (5) The City shall inform the ARB of administrative decisions at the next regular meeting following the date of such decisions.

**Sec. 130-408. Order of other approvals required.**

In any case in which an applicant's proposal for a Certificate of Appropriateness also requires the approval of other approving authorities, the following sequence of review shall apply:

- (a) *Board of Zoning Appeals.* Final action by the Board of Zoning Appeals shall precede final action by the ARB. The Board of Zoning Appeals may request the comments of the ARB prior to taking final action.
- (b) *Planning Commission.* Final action by the ARB shall be taken prior to review by the Planning Commission of a rezoning or special use permit application.
- (c) *Site plan approval.* Final action by the ARB shall be taken prior to site plan approval.
- (d) *Building or zoning permits.* Final action by the ARB shall be taken prior to final approval of building or zoning permits.

**Sec. 130-409. Approval or denial of applications by the Architectural Review Board**

- (a) The ARB shall render a decision upon any request or application for a Certificate of Appropriateness within 64 days after the item first appears on their agenda for action, unless such period is extended with the concurrence of the applicant.
- (b) Failure of the ARB to render a decision within the time period stated in §130-410(a) shall entitle the applicant to proceed to the City Council for the issuance of a Certificate of Appropriateness.
- (c) The ARB shall clearly state its reasons for approval, denial, modification, or deferral of an application in the records of the ARB proceedings.
- (d) The ARB may suggest changes which would make the application approvable. If the applicant agrees with the ARB and determines, in writing, to make the suggested changes, the ARB shall issue the Certificate of Appropriateness contingent upon such changes.

**Sec. 130-410. Appeals of Architectural Review Board decision to the City Council.**

- (a) An appeal from the ARB decision on a Certificate of Appropriateness to the City Council may be filed when:
  - (1) The ARB, in a final decision, denies an application for a Certificate of Appropriateness. The applicant shall have the right to appeal and be heard before the City Council, if a

written notice of appeal is filed with the City Clerk within 30 calendar days of the ARB's final decision.

- (2) The ARB, in a final decision, approves an application for a Certificate of Appropriateness, or an application for a permit to demolish a Historic Structure. Any opponents of the ARB's decision shall have the right to appeal and be heard before the City Council provided the appeal is filed with the City Clerk within 30 calendar days after the ARB's decision. An appeal by a third party under this section shall be accompanied by a written petition, signed by at least 25 persons who support the appeal and own real estate within the HOD or adjacent to the subject property.
- (b) The 30 calendar days shall begin on the next business day after the ARB decision.
- (c) Upon receipt of a notice of appeal, the City Clerk shall immediately notify the City Manager, who shall, after consultation with the City Council, schedule a public hearing before the City Council and provide public notice as required by the Code of Virginia.
- (d) Any notice of appeal shall be accompanied by a check or money order in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, to cover the costs of the public notice.
- (e) On any appeal, the final decision of the ARB shall be stayed, pending the outcome of the appeal before the City Council, unless the decision of the ARB denies the right to move, relocate, raze, or demolish a Historic Structure.
- (f) The City Council shall, after giving the required public notice, conduct a full and impartial public hearing on the matter before rendering any decision, adhering to the standards established by the HOD ordinance for review.
- (g) After consultation with the ARB, the City Council shall affirm, reverse, modify, or remand back to the ARB for reconsideration the decision of the ARB, in whole or in part. Appeal may be taken back to the City Council after any remand.
- (h) The decision of the City Council to affirm, reverse, or modify the ARB decision shall be final, subject only to an appeal to the applicable circuit court

**Sec. 130-411. Appeal to the court of record.**

- (a) Any applicant or body of at least 25 persons owning real estate within the HOD or adjacent to the subject property who previously appealed to the City Council and are aggrieved by a decision of the City Council may appeal such decision to the applicable circuit court.
- (b) Such appeal shall be filed as a petition setting forth the alleged illegality of the action of the City Council.
- (c) Such petition shall be filed within 30 calendar days after the final decision of the City Council.
- (d) The filing of such petition shall stay the decision of the City Council pending the outcome of the appeal to the court, unless the decision of City Council denies the right to move, relocate, raze, or demolish a Historic Structure.

- (e) The court may reverse or modify the decision of the City Council, in whole or in part, if it finds upon review that the decision is contrary to law or that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision.

**Sec. 130-412. Right to demolish a Historic Structure.**

When a Historic Structure may not be demolished due to the requirements of §130-406, the property owner shall, as a matter of right, be entitled to raze or demolish it in accordance with the requirements of the Code of Virginia, §15.2-2306 A.3., second paragraph, as amended. The owner shall submit evidence to support such claim of right to the City and the City shall determine whether the evidence establishes such a right.

**Sec. 130-413. Maintenance and repair required.**

- (a) All structures within an HOD and Historic Landmarks shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of disrepair include, but are not limited to:
  - (1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or
  - (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick plaster or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.
- (b) The Code Official shall notify the owner and the ARB of specific instances of failure to maintain or repair. The owner shall have 30 days to remedy such violation. If appropriate action is not taken within the 30 days, the City may initiate appropriate legal action as a violation of this chapter.
- (c) The boarding of a vacant structure within an HOD or a Historic Landmark shall constitute the alteration of the exterior architectural features of such structure. In the event such boarding is accomplished pursuant to an order from the Code Official to secure a hazardous structure against entry, the owner shall, after complying with such order, make application for a Certificate of Appropriateness. In considering any application under this section, the ARB may impose such conditions as may be appropriate to secure or preserve the historic elements of the structure against further loss, damage, or deterioration.

**Sec. 130-414. Hazardous buildings or structures.**

Nothing in this Article shall prevent the razing or demolition of any building or structure without approval of the ARB that is in such an unsafe condition that it would endanger life or property. No such demolition shall commence without written approval of the Code Official documenting the conditions necessitating such an action.

**Secs. 130-415-130-420. Reserved.**

## ARTICLE VIII. ZONING DISTRICTS

### DIVISION 4. OVERLAY DISTRICTS

#### **Sec. 130-401. HOD historic overlay district.**

- (a) *Authority.* There is created a historic overlay district (HOD) under Code of Virginia, §§15.2-2201 and 15.2-2306. This division and any adopted overlay districts may be created or amended as provided in Article XI of this chapter and pursuant to the requirements of this division.
- (b) *Purpose and intent.* The HOD promotes the protection and perpetuation of those areas of individual structures and/or premises, which have been officially designated by the City Council as having historic or architectural significance. Regulations are intended to protect against deterioration, destruction of, or encroachment upon historic or architecturally significant structures and/or areas, to encourage uses that will lead to their continuance, conservation and improvement in an appropriate manner, and to ensure that new structures, alterations to existing structures, and uses within such district will be in keeping with the historic or architecturally significant character to be preserved.
- (c) *Relation to other districts.* The HOD shall be in addition to and shall overlay all other zoning districts within its boundaries, so that a parcel of land lying within the HOD will also lie in one or more "A", "R", "B", "P", or "I" district. The effect is to create a new district, which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlay district.
- (d) *Definitions.* See §130-42.

#### **Sec. 130-402. Architectural review board.**

- (a) *Creation.* For the general purpose of this Chapter, there is created by the City Council the Architectural Review Board (ARB). The ARB is to be composed of five regular voting members and one alternate member. The alternate member shall only vote in case of a tie or in the absence of any regular member. At least five of these members shall be City residents. The members of the ARB shall be appointed by the City Council.
- (b) *Member composition requirements and appointment term:*
  - (1) The ARB regular membership shall include:
    - a. One shall own a designated historic structure in the City;
    - b. One shall be a graduate architect;
    - c. One shall be an established realtor in the City; and
    - d. Two shall be persons with knowledge of, and demonstrated interest in, the historical character of the City.
  - (2) Term of office. A member's term shall be three years.
  - (3) An appointment to fill a vacancy shall be only for the unexpired portion of the term vacated.
- (c) *Removal of members.* Any appointed member of the ARB may be removed from office by the City Council in accordance with §2-27.1 of this Code.

- (d) *Organization.* The ARB shall elect from its own membership a Chairperson and Vice-Chairperson who shall serve annual terms and may succeed themselves. The City shall designate administrative staff to the ARB and maintain all records, minutes, and files relating to the ARB meetings.
- (e) *Rules:*
  - (1) The ARB shall meet in regular session at least once a month when an application has been filed for its consideration. At no time shall it meet less than three times per calendar year.
  - (2) Special meetings of the ARB may be called in accordance with the ARB rules and procedures, as adopted and amended.
  - (3) For the conduct of any hearing and the taking of any action, a quorum shall be not less than three members one of whom may be the alternate member.
  - (4) The ARB may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the City and the general laws of the Commonwealth.
  - (5) The ARB shall establish procedures for all matters coming before it for review, and all meetings shall be open to the public. Public notice shall be required in the case of a proposal to demolish, move, or relocate a historic structure in accordance with the requirements of §130-696.
- (f) *Powers and duties.* The ARB shall:
  - (1) Issue or deny a Certificate of Appropriateness for construction, reconstruction, substantial exterior alteration, demolition, or relocation within a HOD.
  - (2) Assist and advise the City Council, Planning Commission, other City departments and agencies, and property owners in matters involving historically significant sites and structures such as appropriate land design, parking lot design, and signs.
  - (3) Advise owners of historic structures relating to preservation.
  - (4) Review and propose additional areas or structures to be included in a HOD.
  - (5) Upon request of the City Council, Planning Commission, or interested citizens, conduct studies deemed necessary to consider additional historic overlay districts, and means of preservation and utilization of historic assets in the City.
  - (6) Cooperate with, and enlist assistance from, the State Historic Landmarks Commission, the National Trust for Historic Preservation, and other interested parties, both public and private, in its efforts to preserve, restore, and conserve historic structures, buildings, sites, or areas within the City.

**Sec. 130-403. Historic landmark designation.**

To be considered a historic landmark and included in a HOD, a structure shall be documented as being at least 50 years old and meet at least one of the following criteria:

- (a) The structure is on the National Register of Historic Places as called for by the United States Congress in the Historic Preservation Act of 1966;

- (b) The structure is on the state landmarks register pursuant to Code of Virginia, §10.1-2200 et seq.;
- (c) The structure exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community;
- (d) The structure is associated with persons of national, state, or local historical significance;
- (e) The structure is a good example of local or regional architectural design or exemplifies the local craftsmanship, making it valuable for study of period, style, or method of construction;
- (f) The structure is a work of a nationally recognized architect;
- (g) The structure is attributed to an architect or builder of local prominence; or
- (h) The structure fosters civic pride in the City's past and enhances the City's attractiveness to visitors.

**Sec. 130-404. Inventory of historic structures and areas.**

The City Council shall prepare and adopt an ordinance to designate historic structures and areas. All structures or areas designated in such ordinance as historic structures or areas shall be considered as historic structures for the purposes of this division. The inventory ordinance may be amended as needed in accordance with Article XI of this chapter.

**Sec. 130-405. Amendments to historic overlay district boundaries.**

- (a) The ARB may propose to the Planning Commission and/or the City Council such amendments as deemed appropriate for the revision to an existing HOD in accordance with Article XI of this chapter.
- (b) As part of an initiated review, the ARB shall prepare and submit a report to substantiate the proposed amendment. Such report shall establish and define the proposed historic overlay district boundaries as defined upon an appropriate overlay map, as well as the historic and/or architectural significance of the structures or sites to be protected, and describe the desirable public objectives for preservation.

**Sec. 130-406. Certificate of Appropriateness.**

- (a) *Activity requiring review:*
  - (1) Unless exempt from review pursuant to §130-410, no structure, including signs, shall be erected, reconstructed, altered, or restored within a HOD unless approved by the ARB or, on appeal, by the City Council as being architecturally compatible with the historic structures within.
  - (2) Within a HOD, no historic structure shall be razed, demolished, or moved until the razing, demolition, or moving thereof is approved by the ARB or, on appeal, by the City Council after consultation with the ARB.
- (b) *Approval of Certificate of Appropriateness.* Prior to approval of any Certificate of Appropriateness, the ARB shall determine if the following conditions have been adequately addressed:
  - (1) The consistency with the Secretary of the Interior's Standards for Rehabilitation.

- (2) The architectural compatibility with the historical, cultural, and/or architectural aspects of the HOD, structure, and its surroundings.
  - (3) The visual impact of the proposed exterior architectural features, including all signs.
  - (4) The general design, scale, and arrangement of new construction and additions.
  - (5) The texture, material, and color of new construction, unless otherwise exempt from review.
  - (6) The relationship of features in §130-406(b) (2), (3), and (4), to similar features of the buildings and structures immediately adjacent to, or visible from, the proposed activity.
  - (7) The extent to which the building or structure would be harmonious with, or incompatible with, the historic aspects of its surroundings.
- (c) *Contemporary construction.* It is not the intent of the City to discourage contemporary architectural expression or to require the emulation of existing structures of historic or architectural interest in specific detail. Harmony, or incompatibility, shall be evaluated in terms of the appropriateness of architectural features, materials, scale, size, height, and placement of a new structure in relationship to existing structures and to the setting.
- (d) *Moving of a historic structure.* The ARB shall issue a Certificate of Appropriateness to move a historic structure provided the ARB finds that the structure meets at least two of the following criteria:
- (1) Moving the structure will not have a detrimental effect on its structural soundness.
  - (2) Moving the structure will not have a detrimental effect on the historical aspects of other historic structures in the district.
  - (3) If the structure is moved to a site within a City HOD, the new surroundings are harmonious with the historical and architectural aspects of the historic structure.
  - (4) Relocation is the only feasible means of saving the structure from demolition or neglect.
- (e) *Demolition of a historic structure.* The ARB shall issue a Certificate of Appropriateness to raze or demolish a historic structure if the ARB finds that the structure meets at least two of the following criteria:
- (1) The structure is not of such architectural or historic interest that its removal would be a significant detriment of the public interest.
  - (2) The structure is not of such significance that it would qualify on its own merit as a national, state landmark, or local historic landmark.
  - (3) The structure is not of such old and uncommon design, texture, and/or material that it could be reproduced only with great difficulty and/or expense.
  - (4) The structure is not preserving or protecting an area of historic interest in the City.

**Sec. 130-407. Right to demolish a historic structure.**

When a historic structure may not be demolished due to the requirements of §130-406, the property owner shall, as a matter of right, be entitled to raze or demolish it provided that:

- (a) The owner has, for the required time set forth in §130-407(c), made a bona fide offer to sell the historic structure and premises to such 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 historic structure and the premises; and
- (b) An application is filed with the ARB for demolition, which identifies the property, offering price, and the name of any real estate agent; and
- (c) The owner can demonstrate that the bona fide offer to sell was at a price reasonably related to the structure and premise's fair market value, as determined by independent appraisal. If the ARB decides that the offering price was set at an unrealistic value to discourage sale, the ARB and owner shall follow the procedure as established in the following subsections.
  - (1) Procedure for establishing the fair market value:
    - a. The owner and the ARB shall each retain, at the expense of each, an independent, qualified appraiser;
    - b. Should the two appraisers not agree upon the fair market value, those appraisers shall choose a third qualified appraiser to be paid by the City; and
    - c. A median value shall be established by the three appraisers, which shall be final and binding upon the owners and the ARB.
  - (2) No contract for the sale of any historic structure and premises shall be binding or enforceable prior to the expiration of the required offering for sale.
  - (3) Any appeal from the decision of the ARB and/or from the City Council shall not affect the right of the owner to make a bona fide offer to sell.
  - (4) The time schedule for offers to sell based on the agreed price shall be as follows:
    - a. Three months when the offering price is less than \$25,000.00.
    - b. Four months when the offering price is \$25,000.00 or more, but less than \$40,000.00.
    - c. Five months when the offering price is \$40,000.00 or more, but less than \$55,000.00.
    - d. Six months when the offering price is \$55,000.00 or more, but less than \$75,000.00.
    - e. Seven months when the offering price is \$75,000.00 or more, but less than \$90,000.00.
    - f. Twelve months when the offering price is \$90,000.00 or more.

**Sec. 130-408. Hazardous buildings or structures.**

Nothing in the HOD requirements shall prevent the demolition of any building or structure that is in such an unsafe condition that it would endanger life or property. No demolition shall commence without written approval of the Code Official documenting the conditions necessitating such action.

**Sec. 130-409. Deterioration from neglect.**

- (a) No historic structure within the HOD shall be allowed to deteriorate due to neglect. Deterioration from neglect includes:

- (1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or
  - (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick plaster or mortar, to the extent that it adversely affects the character of the HOD or could reasonably lead to irreversible damage to the structure.
- (b) When the Code Official determines that a historic structure in a HOD has deteriorated due to neglect, the Code Official shall notify the owner and the Chairperson of the ARB of this conclusion. This notice shall state the facts surrounding the conclusion and shall give the owner 30 days from the date of the notice to commence work to rectify the specifics or to initiate a request to demolish or move such structure. If appropriate action is not taken within the 30 days, the City shall initiate appropriate legal action as a violation of this chapter.

**Sec. 130-410. Exemptions from review by the Architectural Review Board.**

- (a) The following minor work or actions deemed not to have permanent effects upon the character of the HOD are exempted from review for a Certificate of Appropriateness:
- (1) Repainting of residential structures.
  - (2) Repainting of non-residential structures resulting in the same color. At no time shall painting on original masonry be exempt.
  - (3) Replacement of missing or broken original elements of a structure, such as window panes, roofing slates, tiles, shingles, outside doors, window frames, or shutters where no substantial change in design or material is proposed.
  - (4) Additions or deletions on residential structures of storm doors or windows, window gardens, awnings, air conditioners or similar appurtenances when installed in or upon existing windows or wall openings.
  - (5) Addition or deletion of HVAC mechanical equipment, antennas, skylights, or solar collectors in locations not visible from a street right-of-way.
  - (6) Residential landscaping, involving minor grading, walks, low retaining walls, temporary fencing, small fountains, or ponds that will not substantially affect the character of the property and its surroundings.
  - (7) Any alterations or building repairs to a noncontributing structure which will not substantially change the architectural character of the structure, or that are hidden from the view of a street right-of-way.
  - (8) Minor alterations or building repairs to a historic structure that will not substantially change the architectural character of the structure, or that are hidden from the view of a street right-of-way.
  - (9) Construction of accessory buildings and structures on properties not designated as historic structures and that are in keeping with the character of the existing principal structure and its surroundings.
  - (10) Any nonsubstantial exterior alteration.

- (11) Construction of off-street loading areas and off-street parking containing five spaces or less in a non-residential district.
- (12) In a non-residential district, creation of outside storage which does not require structural changes or major grading.
- (b) Application for exemption from review pursuant to this section shall be submitted to the City in accordance with §130-63 of this chapter to determine if the proposed work or action is exempt from review. Should the application for exemption not adequately describe the proposed work, the City may require additional information, including photographs, sketches, and samples of materials, or such other information as may be necessary to render a decision.
- (c) The City shall have authority to order any work stopped and that an appropriate application be filed for review by the ARB in any case where the City, after inspection, finds that the work may have an adverse effect on the HOD, or may clearly be inconsistent with the character of the present structures or the prevailing character of the surrounding properties.

**Sec. 130-411. Review and submission requirements for Certificate of Appropriateness.**

- (a) Upon receipt of an application for a Certificate of Appropriateness, the City shall:
  - (1) Review the submission for completeness and advise the applicant of any omitted information required for review as follows:
    - a. Each application shall include the following:
      - 1. A signed application form;
      - 2. A written description of the proposed activity;
      - 3. Samples or brochures depicting materials proposed;
      - 4. Samples or brochures depicting color choices;
      - 5. A drawing of sufficient detail to reflect the appearance of the site or structure upon completion of the project; and
      - 6. A nonrefundable filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended.
    - b. By specific request in a particular case, the ARB and/or the City may require submission of any or all of the following additional information in connection with an application:
      - 1. Architectural plans;
      - 2. Site plans;
      - 3. Landscaping plans;
      - 4. Construction methods;
      - 5. Proposed exterior lighting arrangements;
      - 6. Elevations of all portions of structure in public view;
      - 7. Design of doors and windows;

8. Relationships to adjoining structures; and
  9. Such other exhibits and reports as may be necessary for review.
- (2) Once all submission requirements are met, the application shall be set for the next available agenda.
  - (3) A copy of the application, together with a copy of all reproducible materials filed by the applicant, shall be forwarded to the ARB members prior to the next meeting.
  - (4) The City shall maintain a record of all such applications and of final disposition of the same.
- (b) Request for Certificates of Appropriateness shall be accepted only from the record owner of the land involved in such proposal or their agent after authorization in writing.

**Sec. 130-412. Order of other approvals required.**

In any case, in which an applicant's proposal for a Certificate of Appropriateness also requires the approval of other approving authorities, the following sequence of review shall apply:

- (a) *Board of Zoning Appeals:*
- (1) Final action by the Board of Zoning Appeals shall precede final action by the ARB.
  - (2) The Board of Zoning Appeals may request the comments of the ARB prior to taking final action.
- (b) *Planning Commission.* Final action by the ARB shall be taken prior to review by the Planning Commission of a rezoning or special use permit application.
- (c) *Site plan approval.* Final action by the ARB shall be taken prior to site plan approval.
- (d) *Preliminary subdivision approval.* Plats shall be reviewed and commented upon by the ARB prior to approval by the Planning Commission.
- (e) *Building or zoning permits.* Final action by the ARB shall be taken prior to final approval of building or zoning permits.

**Sec. 130-413. Required action by Architectural Review Board to issue a Certificate of Appropriateness.**

- (a) The ARB shall render a decision upon any request or application for Certificate of Appropriateness within 64 days after the item first appears on their agenda for action, unless such period is extended with the concurrence of the applicant.
- (b) Failure of the ARB to render a decision within the agreed time period stated in §130-413(a), shall entitle the applicant to proceed to the City Council for the issuance of a Certificate of Appropriateness.
- (c) Prior to denying any Certificate of Appropriateness, the ARB, on the basis of the review of information received, shall indicate to the applicant the changes in the plans and specifications, if any, which in the opinion of the ARB, would protect and/or preserve the historical or architectural aspects of the historic structure.

- (d) If the applicant agrees with the ARB and determines, in writing, to make the suggested changes, the ARB shall issue the Certificate of Appropriateness.

**Sec. 130-414. Expiration of certificates of appropriateness.**

- (a) Any Certificate of Appropriateness shall expire of its own limitation 12 months from the date of issuance if the work authorized is not commenced.
- (b) Any Certificate of Appropriateness shall expire and become null and void if the authorized work is suspended or abandoned for a period of 12 months from the date of the last construction inspection, or after the activity has been commenced.

**Sec. 130-415. Appeals from Architectural Review Board decision to the City Council.**

- (a) An appeal from the Architectural Review Board decision on a Certificate of Appropriateness to the City Council may be filed when:
  - (1) The ARB, in a final decision, denies an application for a Certificate of Appropriateness. The applicant shall have the right to appeal and be heard before the City Council, if a written notice of appeal is filed with the City Clerk within 30 calendar days of the ARB's final decision.
  - (2) The ARB, in a final decision, approves an application for a Certificate of Appropriateness, or an application for a permit to demolish structure. Any opponents of the ARB's decision shall have the right to appeal and be heard before the City Council provided the appeal is filed with the City Clerk within 30 calendar days after the ARB's decision. An appeal by a third party under this section shall be accompanied by a written petition, signed by at least 25 persons who support the appeal and own real estate within the HOD.
- (b) The 30 calendar days shall begin on the next business day after the ARB decision.
- (c) Upon receipt of a notice of appeal, the City Clerk shall immediately notify the City Manager, who shall, after consultation with the City Council, schedule a public hearing before the City Council and provide public notice as required by the Code of Virginia.
- (d) Any notice of appeal shall be accompanied by a check or money order in accordance with a fee schedule established by an uncoded ordinance enacted by the City Council, to cover the costs of the public notice.
- (e) On any appeal, the final decision of the ARB shall be stayed, pending the outcome of the appeal before the City Council, unless the decision of the ARB denies the right to move, relocate, raze, or demolish a historic structure.
- (f) The City Council shall, after giving the required public notice, conduct a full and impartial public hearing on the matter before rendering any decision, adhering to the standards and guidelines established by the requirements of the HOD for review.
- (g) The City Council shall affirm, reverse, modify, or remand back to the ARB for reconsideration the decision of the ARB, in whole or in part.
- (h) The decision of the City Council shall be final, subject only to an appeal to the applicable circuit court.

**Sec. 130-416. Appeal to the court of record.**

- (a) Any applicant or body of at least 25 persons owning real estate within the HOD who previously appealed to the City Council and are aggrieved by a decision of the City Council may appeal such decision to the applicable circuit court.
- (b) Such appeal shall be filed as a petition setting forth the alleged illegality of the action of the City Council.
- (c) Such petition shall be filed within 30 calendar days after the final decision of the City Council.
- (d) The filing of such petition shall stay the decision of the City Council pending the outcome of the appeal to the court, unless the decision of City Council denies the right to move, relocate, raze, or demolish a historic structure.
- (e) The court may reverse or modify the decision of the City Council, in whole or in part, if it finds upon review that the decision is contrary to law or that the decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision.

**Secs. 130-417-130-420. Reserved.**

## Deterioration by Neglect Comparison

Recommended Regulation		Manassas	Alexandria	Comments
Require affirmative maintenance		<p>Sec. 130-413. Maintenance and repair required</p> <p>(a) All structures within an HOD and Historic Landmarks shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of disrepair include, but are not limited to:</p> <p>(1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or</p> <p>(2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick plaster or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.</p>	<p>Sec. 10-110 - Required maintenance</p> <p>(A) <i>General provisions.</i> All buildings and structures within the Old and Historic Alexandria District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II — Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code.</p>	Both jurisdictions require affirmative maintenance. City of Manassas provides examples of disrepair.
Enforcement authority and ability to issue violations and penalties	Zoning Violation	<p>Sec. 130-733</p> <p>Alteration of a structure within the historic district without a Certificate of Appropriateness: Civil penalty of \$200 for initial summons and \$500 for each additional summons. Penalty for first offense is a warning providing a reasonable period of remediation not to exceed 10 days. Each day during which a violation exists constitutes a separate offense, however, a violation arising from the same set of facts may not be charged more frequently than once in any ten-day period and a series of violations arising from the same set of facts may not exceed a total of \$5,000.</p>	<p>Sec. 11-207 (B) &amp; (C)</p> <p>Alteration of a structure in HOD without Certificate of Appropriateness for which no building permit is required: Class 3 civil violation (\$100 first violation, \$150 second violation, \$500 for each additional violation arising from same set of facts)</p> <p>Alteration of a structure in HOD without Certificate of Appropriateness for which a building permit is required: Class 2 civil violation (\$500 first violation, \$1,000 second violation, \$1,500 for each additional violation arising from same set of facts)</p> <p>Unauthorized demolition: Class 1 civil violation (\$1,500). Unlawfully demolished building must either be reconstructed or a sum must be paid to the City equivalent to the cost of reconstruction to be used exclusively for the purpose of promoting historic preservation in the city.</p>	Both jurisdictions enforce civil penalties for alteration of structures in an HOD without approval. The City of Alexandria breaks the violation into three categories with corresponding increasing penalties.
	Spot Blight/ Derelict Building Violation	<p>Sec. 70-93. (a)</p> <p>(5) The city may impose and collect civil penalties, not to exceed a total of \$1,000.00, for violations of this section.</p>	<p>Sec. 8-1-144 - Violations.</p> <p>Unless otherwise specified, any person violating any provision of this article shall be guilty of a class 2 misdemeanor. Each day a violation continues shall be deemed a new and separate violation. In addition to any penalties imposed for each violation, a judge hearing the case shall order the person responsible for such condition to remove, restore, remediate or correct the violation or condition, and each day's default in such removal, restoration, remediation or correction after being so ordered shall constitute a violation of and a separate offense under this article.</p>	The City of Manassas imposes civil penalties for blighted or derelict buildings while the violation in the City of Alexandria is a class 2 misdemeanor.
Authority for city to make repairs directly and charge owner		<p>Sec. 70-93 (a)</p> <p>(2) The city through its agents or employees may remove, repair or secure any building, wall or any other structure that might endanger the public health or safety of other residents in the city, if the owner and lien holder(s) of such property have failed to remove, repair or secure the building wall, or other structure, and after the notice provided in subsection A. has been sent and the time to act provided in that notice has elapsed ...</p> <p>(3) In the event the city, through its own agents or employees, removes, repairs, or secures any building, wall, or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the city as taxes are collected.</p> <p>(4) Every charge authorized by this subsection or Virginia Code § 15.2-900 with which the owner of any such property has been assessed and that remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1, Code of Virginia.</p>	<p>Sec. 8-1-145 - Additional remedies of city.</p> <p>Notwithstanding the provisions of this article, the city may proceed to make repairs, secure the derelict or blighted building, demolish the derelict or blighted building, abate the derelict or blighted conditions, or exercise any and all other remedies, pursuant to Code of Virginia, title 15.2, the Uniform Statewide Building Code, the City of Alexandria Code and the City of Alexandria Charter.</p> <p>Sec. 8-1-153 – Recovery of city's costs, lien.</p> <p>(a) The City may assess and recover the costs it incurs in repairing or otherwise disposing of blighted property under a plan approved by city council pursuant to this article. Such costs may be assessed against and recovered from the person who owns the blighted property at the time the property is repaired or other disposed of by the city.</p>	No difference in regulation.
Coordination between ARB and Code Official		<p>Sec. 130-413</p> <p>(b) The Code Official shall notify the owner and the ARB of specific instances of failure to maintain or repair.</p>	No coordination required.	City of Manassas requires the Code Official to notify the ARB when violations are issued. No coordination or notification is required in the City of Alexandria.
Potential acquisition of property		<p>Sec. 70-93 (c)</p> <p>It is the policy of the city to address spot blight abatement in appropriate cases, using all remedies provided by law, including those contained in Virginia Code § 36-49.1.1.</p>	<p>Sec. 10-110 (C)</p> <p>The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section 10-110 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-110.</p>	City of Manassas regulation does not clearly state authority for potential acquisition, but does provide the ability to use any remedies contained in the state code, which includes acquisition.