

Adopted by City Council 11/28/00 - effective 2/28/01. Minor amendments approved by the Chesapeake Historic and Architectural Review Board on 7/12/01 per Section 12-706 of the Chesapeake Zoning Ordinance.

PROCEDURAL GUIDELINES FOR THE CHESAPEAKE HISTORIC AND ARCHITECTURAL REVIEW BOARD

PURPOSE

The primary function of the Chesapeake Historic and Architectural Review Board (“Review Board”) is to provide for the review of all significant exterior modifications visible from a public street within the Chesapeake Historic and Cultural Preservation District, and to determine whether or not these proposed changes will be compatible with the surrounding area. The primary function of the Review Board is to ensure that Chesapeake does not needlessly lose its historic and architectural past.

Within a Historic and Cultural Preservation District (“Historic District”), no building or structure visible from a public street, including signs, can be erected, reconstructed, restored, demolished, or altered in any way that affects the external appearance of the structure without a "certificate of appropriateness." Certificates of appropriateness may be needed for work on additions, roofs, chimneys, doors, windows, siding, fences, walls and color changes, and must be approved by the Review Board as being architecturally compatible with the historic area, landmark, building, or structure itself.

A building or demolition permit will not be issued by the Department of Inspections for the erection, reconstruction, alteration, removal, relocation, or demolition of a building or structure until a certificate of appropriateness is approved for the proposed change by the Review Board.

PROCEDURE FOR REVIEW OF AN APPLICATION

Applicants for review involving new construction, alterations, additions, relocations or demolitions to existing buildings and structures within a Historic District and visible from a public street must submit to the Review Board appropriate documentation, which may include:

Preliminary Drawings and Outline Specifications: These are plans and exterior elevations drawn with sufficient detail to show, as far as they relate to exterior appearances, the architectural design, including proposed materials, textures, and colors, samples of materials and color samples and a plot plan of all improvements affecting appearances of walls, walks, terraces, accessory buildings, lights, and other elements. The applicant shall provide one (1) original and ten (10) copies of all descriptions, specifications, plans, sketches and other written materials.

Photographs: There should be clear photographs of all sides of a structure to be reviewed for repair, alteration, additions, relocation or demolition by the Review Board. In the case of new construction, clear photographs of the adjoining and opposite properties should be included. The applicant shall provide one set of original color photographs, along with nine (9) xerox copies of each such photograph.

Color Changes: These should include samples of proposed colors differing from the existing colors of the structure or colors previously approved by the Review Board. The applicant shall provide one sample for each proposed color.

SPECIFIC SUBMISSION REQUIREMENTS

NEW CONSTRUCTION:

1. Surveyed site plan with proposed buildings, structure(s) indicated as well as on-site parking as needed.
2. Front and side elevations drawn to scale with architectural details enlarged where subject to public view from a public street.
3. Samples, photographs and/or brochures of siding, brick type, roof shingles, paint chips, doors and windows, ornamentation and other exterior materials.
4. Arrangement of proposed exterior lighting.
5. Proposed signs with appropriate detail as to character and location.
6. Clear photographs of adjoining and opposite properties.
7. The applicant shall provide one (1) original and ten (10) copies of all written materials and one (1) sample of all proposed materials. The applicant shall also provide one (1) original photograph of the entire structure and one (1) original photograph of each proposed work area. The applicant shall also provide nine (9) xerox copies of each original photograph.

MAJOR ALTERATIONS/ADDITIONS TO EXISTING STRUCTURES:

1. Surveyed site plan or City tax map with addition(s) shown if a change in the building footprint of the main structure is involved.
2. Elevations of front and/or sides to scale to show intended alteration(s) with enlarged details where subject to public view from a public street.

3. Samples, photos and brochures of siding, brick type, roof shingles, paint chips, door and windows, ornamentation and other exterior materials.
4. Arrangement of proposed exterior lighting.
5. Proposed signs with appropriate detail as to character and location.
6. Clear photographs of all sides of the structure under review.
7. The applicant shall provide one (1) original and ten (10) copies of all written materials, including applications, plans, drawings, etc. and one (1) sample of all proposed materials. The applicant shall also provide one (1) original photograph of the entire structure and one (1) original photograph of each proposed work area. The applicant shall also provide nine (9) xerox copies of each original photograph.

MINOR ALTERATIONS/REPAIRS:

1. Written description of work to be performed accompanied by samples, photos or brochures of siding, brick type, roof shingles, paint chips, doors, windows, and similar facilities needed for review. The applicant shall provide one (1) original and ten (10) copies of all written descriptions and one (1) sample of all materials.
2. Clear photographs of the structure. The applicant shall provide one (1) original photograph of the entire structure and one (1) original photograph of each proposed work area. The applicant shall also provide nine (9) xerox copies of each original photograph.

RELOCATIONS:

1. Clear photographs of the structure to be relocated and adjacent properties. The applicant shall provide one (1) original set of photographs and nine (9) xerox copies of each original photograph.
2. Clear photographs of the premises to which the structure will be relocated. The applicant shall provide one (1) original set of photographs and nine (9) xerox copies of each original photograph.
3. Written description of reasons for the relocation and the proposed use of the vacated property. The applicant shall provide one (1) original and ten (10) copies of the written description.

DEMOLITION:

1. Clear photographs of the structure to be demolished to illustrate state of disrepair. The applicant shall provide one (1) original set of photographs and nine (9) xerox copies of each original photograph.
2. Written report from Department of Inspections relative to condition of the structure. The applicant shall provide one (1) original and ten (10) copies of the written report.
3. Written description of any structure to remain, and any new structures proposed to replace the demolished structure. The applicant shall provide one (1) original and ten (10) copies of the written description.

APPLICATION DATES AND PROCESS

1. An application and all supporting information must be submitted to the Review Board at the Planning Department, Second Floor, City Hall, 306 Cedar Road, Chesapeake, Virginia 23322 at least ten (10) days prior to the meeting date. In the case of emergencies, the Board shall hear applications no later than five (5) business days after the filing of a complete application.
2. The Review Board will meet to review applications the second (2nd) Thursday of each calendar month (except on City holidays) at five thirty (5:30) p.m., or at such other time as the Review Board deems appropriate. **Incomplete applications will not be scheduled for a hearing.** If any regular scheduled meeting date falls on a City holiday, the meeting will be held on the third (3rd) Thursday of that month. Special meetings may be held upon notification by the Chairman of the Review Board to all members that an emergency application has been filed.
3. Upon receipt of a complete application, the applicant will be informed of the time and place in City Hall at which the Review Board will consider the application. Written notice shall also be mailed or delivered to adjacent property owners and other interested persons, associations and civic organizations that have requested notice of hearings. The applicant and other interested parties will have the opportunity to be heard by the Review Board at the scheduled time and place before any decision is made.

MODIFICATION OR DENIAL OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS

Upon the request of an applicant, the Review Board may permit modifications of an original

proposal during the open meeting if such modifications are clearly indicated by the applicant and recorded by the Review Board.

The Review Board shall deny the application for a certificate of appropriateness if it finds:

1. that the action proposed would adversely affect or be incompatible with the character of the Historic District; or
2. the action proposed would not be consistent with the intent of the Historic and Cultural Preservation Overlay District ordinance; or
3. the proposed action would not be consistent with the Architectural Guidelines and Standards adopted for the Historic District.

Where certification is denied, the Review Board shall record its reasons for denial.

SPECIAL RULES FOR DEMOLITIONS

In considering applications for proposed demolitions requiring certificates of appropriateness, the Review Board shall consider the circumstances and condition of the landmark, building or structure, or part thereof, proposed for demolition, and shall determine the feasibility of its preservation. If preservation is found to be physically or economically infeasible, the Review Board shall issue a certificate of appropriateness for demolition. If preservation is found to be physically and economically feasible, the Review Board shall deny the application for a certificate of appropriateness for demolition.

If an application for a certificate of appropriateness for demolition is denied, in addition to the right of appeal as set forth below, the owner of a historic landmark, building or structure shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that:

1. The owner has applied to the City Council for such a right; and
2. The owner has made a bona fide offer to sell the landmark, building or structure and the land pertaining thereto to any person, firm, corporation, government agency or political subdivision which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure; and
3. No bona fide contract, binding upon all parties, shall have been executed prior to the expiration of the applicable time period set forth in paragraph 5 below.
4. The market value of the subject landmark, building, or structure will be determined by the City Assessor's records, or upon the owner's request by an Appraisal Committee

appointed by the City Council. If after the fair market value has been

determined and the owner has not been able to sell the property within the waiting time determined by the City, but not exceeding one year, the owner may receive permission for the demolition of the subject property from the Board and obtain the necessary demolition permit from the City.

5. The time schedule for offers to sell shall be as follows based on the fair market value of the property:

\$25,000 or less	3 months
\$25,000 to 40,000	4 months
\$40,000 to 55,000	5 months
\$55,000 to 75,000	6 months
\$75,000 to 90,000	7 months
\$90,000 or more	12 months

6. No offer to sell shall be made more than one year after a final decision by City Council, but thereafter the owner may renew his request to City Council to approve the razing or demolition of the historic landmark, building or structure.

WORK PERFORMED UNDER CERTIFICATE OF APPROPRIATENESS

All work shall be performed in accordance with the certificate of appropriateness and other approved documentation. A holder of a certificate of appropriateness is required to notify the Review Board and the Office of Zoning Administration upon the completion of the work approved by the certificate. The applicant shall call the Office of Zoning Administration to schedule an inspection of the property to ensure compliance with the certificate. The applicant shall submit to the Department of Planning and the Office of Zoning Administration color photos of the entire structure and of the detailed work performed under the certificate of appropriateness within ten (10) days of completion.

GENERAL CERTIFICATES OF APPROPRIATENESS

Certain minor actions deemed not to adversely affect the character of the Historic District need not be reviewed by the Review Board and may be approved through the issuance of a general certificate of appropriateness by the Director of Planning. Such actions include the following:

- * Replacement of like-for-like materials.
- * Repainting resulting in the same color or in a color scheme previously approved by the Review Board (initial painting of new surfaces will require individual certificate of appropriateness).

- * Addition or replacement of storm windows or storm doors that match the color and architectural style of the existing trim.
- * Addition or replacement of canopies and awnings.
- * Addition or replacement of television or radio antennas, satellite dishes (eighteen inches or smaller) or solar collectors.

Requests for a general certificate of appropriateness for minor actions must be submitted in writing to the Director of Planning. The Director or designee, will then determine whether a general certificate may be issued under these Guidelines or whether an open meeting before the Review Board will be necessary to obtain an individual certificate of appropriateness.

TEMPORARY CERTIFICATES OF APPROPRIATENESS

The Review Board may issue a one-year temporary certificate of appropriateness upon a showing of economic hardship by the owner of a building, structure, landmark or area proposed for alteration, renovation or repair. A temporary certificate may only be issued upon findings by the Review Board that:

- * The building or structure is occupied by the owner and is non-income producing.
- * The current financial status of the owner-applicant is such that immediate compliance with the Architectural Guidelines would be unduly burdensome, and
- * Any detriment to the Historic District will, due to its temporary nature, have limited effect on the overall historic character of the District.

A temporary certificate shall not be issued in cases where the owner/applicant has failed to perform regular maintenance on the building, structure or landmark, or where the owner/applicant has otherwise been so willfully or grossly negligent as to cause or give rise to the alleged need for a temporary certificate of appropriateness.

The issuance of a temporary certificate of appropriateness shall not excuse compliance with any other applicable laws, including without limitation, compliance with the Virginia Uniform Statewide Building Code. A one-year extension may be granted upon filing an application prior to the expiration of the temporary certificate and demonstrating to the satisfaction of the Review Board that due diligence has been exercised to upgrade the alteration, renovation or repair to conform with the requirements for a permanent certificate.

RIGHT OF APPEAL

If a request for a certificate of appropriateness or temporary certificates of appropriateness is denied, the applicant has the right to appeal to City Council. The following must be done:

1. File a written petition of appeal with the City Clerk within thirty (30) days after the decision of the Review Board specifying the alleged erroneous action of the Review Board; and
2. Submit a check or money order to cover the cost of public notice. The applicant will be notified of the cost upon filing the application for appeal.

The filing of an appeal with City Council shall stay the decision of the Review Board pending a final decision by City Council. If City Council upholds the decision of the Review Board, the applicant has the right to appeal to the Chesapeake Circuit Court. The applicant must appeal City Council's decision within thirty (30) days by filing with the Clerk of the Chesapeake Circuit Court a petition setting forth the alleged illegality of the actions by City Council. The decision of the City Council is stayed until a final decision is reached by the Circuit Court, except that the filing of such petition shall not stay the decision of City Council if such decision denies the right to raze or demolish a landmark, building or structure, in accordance with City and State laws.

The Board and the City of Chesapeake retain the right at all times to take action against any person who has not:

1. Obtained a certificate of appropriateness and has engaged in or is about to engage in an act to change or demolish a historical landmark, building, or structure;
2. Waited for final decisions on his or her appeals before commencing the proposed work; or
3. Commenced or conducted work which differs from that which was authorized by the Board.
4. Failed to maintain property in accordance with the Uniform Statewide Building Code.

If the Circuit Court upholds a decision denying a certificate of appropriateness, a temporary or permanent restraining order may be issued to the person in violation and he or she must:

1. Discontinue the construction, alteration or demolition immediately, and/or

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2. Restore the affected property to its previous condition.