

HISTORIC PRESERVATION AND ARCHITECTURAL REVIEW BOARD

KING WILLIAM COUNTY



AGENDA

OCTOBER 11, 2022 - 4:00 p.m.

ADMINISTRATION BUILDING BOARD ROOM

| ITEM | DESCRIPTION |
|------|---|
| 1. | CALL TO ORDER |
| 2. | ROLL CALL |
| 3. | APPROVAL OF MINUTES OF JUNE 30, 2022 |
| 4. | DISCUSS RECOMMENDATIONS BY DHR FOR CERTIFIED LOCAL GOVERNMENT STATUS <ol style="list-style-type: none">POSSIBLE ORDINANCE REVISIONSREVISION TO BY-LAWSLOCAL SURVEY EFFORTS REVIEWPUBLIC PARTICIPATION QUESTIONSCONFLICT OF INTEREST STATEMENT |
| 5. | ADJOURN |

ITEM 3
MINUTES JUNE 30, 2022

**MINUTES
KING WILLIAM COUNTY
HISTORICAL ARCHITECTURAL PRESERVATION REVIEW BOARD
WORK SESSION MEETING 6/30/2022**

At a regular meeting of the Historical Architectural Preservation Review Board, held on June 30, 2022 at 4:00pm in person, the meeting was called to order with the following members:

Present:

Carl Fischer

Robert Hubbard

John Freimarck

David Brown

Staff Present:

Percy Ashcraft, County Administrator

Christina Grover

Agenda Item 3. Approval of Minutes for March 16, 2022 Meeting

Chairman Fischer requested a motion to approve the March 16, 2022 meeting minutes. Mr. Freimarck made a motion, and the motion was seconded by Mr. Hubbard to approve the minutes.

The vote was unanimous on this motion.

Agenda Item 4. Unfinished Business-Certificate of Appropriateness form

Reviewed the updated status of the certificate of appropriateness form and discussed what additional items to include. **Approval of contents of COA Form.** Chairman Fischer requested a motion to approve the finalized COA form. Mr. Brown made a motion, and the motion was seconded by Mr. Hubbard to finalize the form.

Agenda Item 5. HPARB Handbook

Reviewed final changes to the handbook and retrieved all handbooks back from the Board members to make those changes.

Agenda Item 6. Certified Local Government Status Update

Planning staff has been in contact with the local Certified Local Government Coordinator regarding the submission process for the CLG designation. The CLG Coordinator first reviews each required piece of the submittal process the provides feedback for each portion. The Board will need to make corrections and then resubmit to ensure that the package is ready for the official CLG review through the National Department of Historic Resources. The package is not ready for submission until the Local Coordinator has worked with the Board and all matters have been reviewed and corrected. Planning will continue to

work with the CLG Coordinator in submitting the documentation for review. The Board will hold their next meeting once the review has occurred or there is a need for a public hearing.

Agenda Item 7. Review of DHR Files

Mr. Brown provided an overview of program & how properties were inventoried. Discussed purposed of reviewing the files is to possibly add locations to the National registry. Discussed sending informational letters to property owners however need to gather information on people to contact and obtain/create material to provide to homeowners.

Agenda Item 11. Adjournment

The meeting was adjourned.

Christina Grover, Planning Dept.

CLG Checklist of items to revise

CERTIFIED LOCAL GOVERNMENT APPLICATION CHECKLIST

Revised Sept 2022

Checklist of Criteria for the Virginia
CERTIFIED LOCAL GOVERNMENT PROGRAM

Locality applying: King William Date rec'd 8/23/22
Additional info requested: 9/21/22
Received: _____
Date application sent to NPS : _____
Reviewed by: _____
Date: _____

Does the local historic preservation ordinance:

Yes No

- X 1. Include a statement of purpose?
- X 2. Establish a review board to administer the ordinance?
- 3. Include criteria for the establishment of historic zoning to designate and protect **areas** with multiple properties, **individual structures**, and archaeological **sites**?
- 4. Set out a procedure for establishing historic districts that
 - X a. Allows the review board to make proposals for additional historic districts?
 - X b. Does not require individual owner consent for inclusion in a multi-property historic district?
- X 5. Require clearly delineated boundaries for historic districts?
- 6. Within the boundaries of multi-property historic districts, empower the review board to consider:
 - X a. Alterations to and relocations of **all structures or sites** visible from a public right of way?
 - X b. **Any** proposed demolition?
 - X c. **All** proposed new construction visible from a public right of way?
- X 7. Establish the standards and guidelines by which the review board judges all proposed alterations, relocations, demolitions, and new construction within historic districts? **AND/OR**
- X Has the review board adopted written design standards substantially consistent with the "Secretary of the Interior's Standards"?
- X 8. Have such standards been approved by formal action of the local governing body?
- X 9. Provide that the decisions of the review board are binding?
- X 10. Specify methods of enforcing the ordinance, penalties for violations, and procedures for appeal? **Please address how the board handles violations.**

Local Review Board

Yes No

- X 1. Do all members have a demonstrated interest, competence, or knowledge in historic preservation?
- X 2. Do at least two members have professional training or equivalent experience in architecture, history, American studies, architectural history, archaeology, or planning?
- X 3. Is at least one member a registered architect with a demonstrated interest in historic preservation or an architectural historian?
- 4. Number of members with professional training or equivalent experience:
Total number of members on review board: 6
- X 5. Are all members appointed by the local governing body?
- X 6. Can the local government demonstrate that it has attempted to appoint professionally qualified members to the extent available? AND
 Has the local government been successful in this effort?
- 7. Are review board vacancies required to be filled within 60 calendar days, or are there other provisions to insure that board vacancies do not remain unfilled for unreasonable periods of time? **Please Clarify. I didn't see this addressed in your ordinance or bylaws.**

Review Board Bylaws

Yes No

Does the local review board have written bylaws--or other administrative documents—that require:

- 1. Regularly scheduled meetings as often as necessary to complete its work in a timely fashion, but no less often than four times a year? **The website mentions "as needed". Can you confirm that they are no less often than four times a year?**
- X 2. A quorum to conduct business?
- 3. A Code of Conduct prohibiting member conflict of interests? **As discussed these are still need.**
- X 4. Rules of procedure--or other administrative documents--for considering applications for certificates of appropriateness?
- X 5. Written minutes for all meetings?
- 6. Minimum attendance to retain membership? **Not addressed in the bylaws.**
- 7. Member attendance at training sessions? **Not addressed in the bylaws.**
- X 8. Three year minimum term of office?
- X 9. Staggered appointments?

- _____ 7. Is testimony from any interested member of the public (not just applicants) allowed at meetings?
- _____ 8. Are all review board decisions made in a public forum?
- _____ 9. Are the review board's rules of procedures or other administrative documents available for public inspection?
- _____ 10. Are applicants provided with written notice of the review board's decisions?

Local Government Contact, Address and Telephone Number:

_____ Christina Grover, Zoning Administrator
_____ 804-769-4980
_____ cgrover@kingwilliamcounty.us

An executed CLG Agreement is attached. _____

Application reviewed by: _____ Aubrey Von Lindern

Checklist Completed by: _____

Title: _____ Certified Local Government Coordinator
Virginia Department of Historic Resources

Address: _____ P.O. Box 519 Stephens City, VA 22655

ITEM 4
COPY OF BYLAWS

King William Historic Preservation and Architectural Review Board Bylaws

ARTICLE I: NAME

The name of this Board shall be:
The King William County Historic Preservation and Architectural Review Board

ARTICLE II: PURPOSE

- Nominate properties to be designated as local or historic districts, archaeological areas and landmarks;
- Shall hear and decide all applications for exterior alteration, demolition, and new construction in locally designated historic districts through a Certificate of Appropriateness (CoA) process;
- Comment on proposals and issues affecting local and national historic resources located in King William County;
- Advise the County Board on historic preservation matters;
- Maintain a comprehensive inventory of Historic Resources and Districts, which identifies those historic properties linked to the significant people, places and events that helped shape King William County;
- Develop markers for the County's important historic sites;
- Coordinate with community groups, neighborhood associations, and other County departments and Boards on projects in which historic preservation issues are present;
- Shall review and make advisory recommendations on all applications for Rezoning, Land Division, Conditional Use Permits, Special Exceptions, and Variances proposed within a Historic District;
- May propose the establishment of additional historic preservation districts, and revisions to existing HP Districts; and
- Shall make annual reports to the Board of Supervisors reviewing the activities of the previous year.

ARTICLE III: MEMBERS

There shall be up to seven (7) but no less than five (5) members of the Board, of which at least four (4) shall be residents of the County who have demonstrated knowledge of and interest

in the preservation of historical architectural landmarks. One of these members shall be a member of the Board of Supervisors.

Approved by the King William County Board of Supervisors – March 2012

ARTICLE IV: QUALIFICATION OF MEMBERS

There shall be at least four (4) members who are residents of the County. At least one member shall have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning.

ARTICLE V: TERM OF OFFICE

Members shall be appointed by the Board of Supervisors for terms deemed appropriate by the Board of Supervisors. Each HPARB member shall serve until a successor is appointed. An appointment to fill a vacancy shall be only for the unexpired term.

ARTICLE VI: VOTING

Each member shall be entitled to one (1) vote.

ARTICLE VII: QUORUM

The presence of at least three members of the HPARB shall be required to conduct business, and all decisions shall be made by the majority vote of those present.

ARTICLE VIII: OFFICERS

The office of the Board shall be the President, Vice-President and Secretary.

ARTICLE IX: DUTIES OF OFFICERS

A. President

The president shall preside at all meetings of the Board.

B. Vice-President

The Vice President shall act for the President in his/her absence or incapacitated.

C. Secretary

The Secretary shall keep of a record of all proceedings of the Board and issue notice for all meetings.

Approved by the King William County Board of Supervisors – March 2012

ITEM 4
COPY OF ORDINANCE

Adopted Historic Preservation Architectural Review Board Ordinance

Division 3 – Historic Preservation Architectural Review Board

Sec. 86-28. Historic Preservation Architectural Review Board (HPARB) intent and establishment.

The intent of this section is to - implement the Comprehensive Plan goal of protecting our natural, scenic and historic resources and provide a means to recognize and protect the historic, architectural, cultural, and artistic heritage of the community, and to promote and protect the health, safety, recreational, educational, economical and general welfare of the community through the identification, preservation and enhancement of buildings, structures, districts, sites, objects, neighborhoods, landscapes, places and areas which have special historical, cultural, artistic, architectural or archaeological significance as provided by the Code of Virginia § 15.2-2306, hereinafter the “Virginia Code”.

It is hereby recognized that the deterioration, destruction, or alteration of said buildings, structures, districts, sites, objects, landscapes, places and areas may cause the permanent loss of unique resources which are of great value to current and future generations of our community, the Commonwealth of Virginia, and the nation, and that the special controls and incentives are warranted to ensure that such losses are avoided.

The purpose for establishing a historic district are:

- a. To protect the historic significance and integrity of the properties within the historic district(s) which are or may be recognized for having association with historic events that have made a significant contribution to the broad patterns of our history; or have association with significant persons; or possess distinctive characteristics of a type, period, or method of construction of that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or have the potential to yield information important to prehistory or history.
- b. To preserve and improve the quality of life and sense of place for residents by protecting familiar and treasured tangible, visual elements in the area.
- c. To promote tourism and other economic benefits by protecting historical, architectural resources, including historic landscapes attractive to visitors and thereby supporting local business and industry.
- d. To stabilize and improve property values by providing incentives for the upkeep and rehabilitation of significant older buildings and structures and encourage appropriate land

use planning and development that will enhance both the economic viability and historic character of the district.

- e. To educate residents, students and tourists about the local cultural and historic heritage as embodied in the historic district(s) through the preservation of our architectural and archaeological past that demonstrates the social and artistic development pattern of our predecessors.
 - f. To promote local historic preservation efforts and to encourage the identification and nomination by their owners of eligible individual historic properties to the National Register of Historic Places and the Virginia Landmarks Register.
 - g. The promotion of harmony of style, geographical context, form, color, proportion, scale, height, width, spacing, setback, orientation, rhythm, traditional quality, appearance, texture, finish and material between buildings of historic design and those of more modern design.
 - h. To develop the historic areas, not in a vacuum, but as a vital area in which each succeeding generation may build with the quality and sensitivity of past generations.
9. Encourage sound stewardship and foster a sense of pride in heritage resources.

For the purpose of administering the requirements of the Historic Preservation District (HP), the County Historic Preservation Architectural Review Board (HPARB) is hereby established and shall consist of at least five voting members, of which at least four shall be residents of the County and who shall have demonstrated a knowledge of and interest in the preservation of historical and architectural landmarks. Members shall be appointed by the Board of Supervisors for terms of four years, except that the Board of Supervisors may elect to make any of the initial appointments for terms of less than four years to provide for staggered terms of office. Each HPARB member shall serve until a successor is appointed. An appointment to fill a vacancy shall be only for the unexpired term. At least one member of the HPARB should have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning.

Sec. 86-29. Organization of the HPARB.

The presence of a majority of the members of the HPARB shall be required to conduct business, and all decisions shall be made by majority vote of those present. The HPARB shall, from time to time, elect its officers and shall adopt rules of procedures not inconsistent with this ordinance or with state law.

Sec. 86-30. Powers and Duties of the HPARB.

The HPARB:

- 1. May adopt rules and standards for the transaction of its business such as bylaws and

design guidelines without amendment to this chapter as approved by the Board of Supervisors.

2. Shall hear and decide all applications for certificates of approval;
 - a. No historic landmark, structure, building, or sign, within an HP district shall be erected, reconstructed, substantially altered, moved, razed, destroyed nor restored in an HP district until the plans for such shall have been approved by the Historic Preservation and Architectural Review Board (HPARB), and a Certificate of Approval issued. This requirement shall not apply to regular maintenance functions but shall apply to reconstruction, restoration, or new construction and shall not apply to reconstruction, restoration, or improvements that are solely to the interior of structures. The term "signs" shall be deemed to include those located within a building or structure which are, plainly visible from a public street, way, or place.
 - b. The HPARB may, after reviewing the application in any case involving only reconstruction or restoration, waive part or all of the requirements of this section upon a written finding that the application involves reconstruction or restoration only, will not materially affect the exterior appearance of the structure, and will not have an adverse impact on the character of the historic site. This decision of waiver shall constitute a final decision of the HPARB and shall be appealable to the County Board of Supervisors.
3. Shall review and may make advisory recommendations on all applications for conditional use permits, special exceptions, and variances proposed within a HP district;
4. May propose the establishment of additional historic preservation districts, and revisions to existing HP districts;
5. Shall administer the provisions of this Ordinance in accordance with duties as set forth in each section;
6. Shall develop and recommend the Board of Supervisors, as well as periodically review, appropriate design guidelines that are consistent with guidelines established herein and the Secretary of the Interior's Standards and Guidelines for Rehabilitation, for each such district and which have been approved by the Board of Supervisors;
7. May, from time to time, recommend areas for designation as Historic Districts, and additions or deletions to districts;
8. Shall review and approve or deny all applications for Certificates of Appropriateness in any Historic District. Decisions of the Board are binding upon applicants, unless and

until said decisions are overturned on appeal;

9. Act in an advisory role to other officials and departments of the locality regarding protection of local historic resources;
10. Periodically conduct, or cause to be conducted, a survey of historic resources in the community according to guidelines established by the State Historic Preservation Office;
11. Disseminate information within the locality on historic preservation issues and concerns;
12. Coordinate local preservation efforts with those of local historic and preservation organizations, the Virginia Department of Historic Resources, and other parties, both public and private;
13. Receive and act on public comment;
14. Advise owners of historic properties on issues of preservation, as requested;
15. Make recommendation to the Board of Supervisors regarding authorization of plaques to commemorate historic resources;
16. Seek out funds to forward the purposes of this ordinance, and to make recommendations to the Board of Supervisors regarding the use of those funds;
17. Investigate and support incentives programs including heritage tourism events and activities; and
18. Investigate and support heritage education activities.
19. Shall make annual reports to the Board of Supervisors reviewing the activities of the previous year.

Sec. 86-31. Appeals.

1. Any applicant or any owner of property located within the particular HP district in question, when aggrieved by a decision of the HPARB, may appeal such decision to the Board of Supervisors, which shall review the determination of the HPARB.
2. Any applicant or owner of property located within the particular HP district in question, when aggrieved by a final decision of the Board of Supervisors, may appeal its decision to the circuit court.

Sec. 86-32—86-34. Reserved.

Division 4 – Special Purpose Zoning Districts Requirements

Sec. 86-131. HP Historic Preservation District.

Sec. 86-131.1. Establishment.

1. The boundaries of an HP district shall in general be drawn to include:
 - a. Areas containing historic landmarks as established by the Virginia Board of Historic Resources, and any other concentration, linkage or continuity of buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance and integrity as to warrant conservation and preservation. The district may include either individual buildings or places of such character and a reasonable distance beyond to incorporate the contributing setting, or it may include areas or groupings of resources which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some in the defined area might not possess significant merit when considered alone.
 - b. Historic District boundaries may also be drawn to include any area of unique architectural value located within designated conservation, rehabilitation or redevelopment districts and land contiguous to arterial streets or highways, as designated under Title 33.1 of the Code of Virginia, 1950, as amended, found by the governing body to be significant routes of tourist access to the locality or to designated historic districts, landmarks, buildings or structures.
 - c. Any other concentration, linkage or continuity of buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance and integrity as to warrant conservation and preservation.
 - d. Any land contiguous to arterial streets or highways and found by the Board of Supervisors to be significant routes of tourist access to the locality or to designated historic districts, landmarks, buildings or structures.

2. The boundaries of a historic district shall conform to the boundaries of individual lots of record to the extent possible. Where a street is proposed as a historic district boundary, the edge right-of- way adjoining the district shall be deemed the district boundary.
3. HP districts may be established by the Board of Supervisors when such designation of historic sites would serve the purposes of this division, as stated in section 86-100.
4. HP districts shall be established in the same manner and by the same procedures set forth for zoning districts provided for in this ordinance, unless such procedures are qualified by requirements of this division.
5. Applications for the creation of an HP district may be made by resolution of the County Board of Supervisors or the County Planning Commission, or by application of property owners within the proposed HP district. The application shall contain information prescribed by the Zoning Administrator. A property owner may petition the Board of Supervisors for initiation of an HP district application including properties not owned by the petitioner. The Historic Preservation Architectural Review Board (HPARB) may also petition for initiation of an application.
6. The historic preservation overlay districts (HP) are adopted as follows:
 - a. Chelsea Plantation: Parcels 57-2 and 57-2B, Spotswood Subdivision and any future divisions therefore found on the tax map, section 57.
 - b. Elsing Green Plantation: A portion of parcel 51-15 extending to a width of 1,200 feet to the north and the south from the center of the private entrance to the plantation perpendicular to Route 632 and for a depth that runs to the parcel 51-15 property line at the Pamunkey River and any future division thereof as found on the tax map, section 51
 - c. King William Courthouse: Parcels 37-75, 37-76A, 37-76B, 37-77, 37-78, 37-78A, 37-80, 37-87, portion of parcels 37-75B and 37-76 extending for a depth of 600 feet on the west side of State Highway 30, the portion of parcels 37-81, 37-102 and 37-102A extending to a depth of 600 feet on the east side between State Highway 30

and Route 1301, and any future divisions thereof as found on the tax map, section 37.

d. Mangohick Church: Parcels 11-48, 11-48A, 11-63A, 11-63B, 11-66, 11-67, 11-68, 11-69, 11-69A, 11-71, 11-73A, the portion of Parcel 11-63 to the east of Parcel 11-63B, and any future divisions thereof found on the tax map, section 11; Divisions 11-B-1, 11B-

e. Seven Springs: Parcel 26-3 and any future division thereof as found on tax map, section 26.

f. St. John's Church: Parcels 54-65, 54-66, 54-67, and a portion of parcel 54-64 on the east side of State Highway 30 and any future divisions thereof as found on the tax map, section 54; Portion of parcel 55-1 extending for 600 feet in depth on the east side of State Highway 30 and any future divisions thereof as found on tax map, section 55.

g. Sweet Hall Plantation: Parcels 61-10, 61-11, 61-11A, 61-11B, 61-11C, 61-11D and the portion of parcel 61-8 extending 600 feet from Route 634 and any future divisions thereof as found on the tax map, section 61.

7. Regulations generally:

a. No historic landmark, structure, building, or sign, within an HP district shall be erected, reconstructed, substantially altered, moved, razed, destroyed or restored in an HP district until the plans for such shall have been approved by the Historic Preservation and Architectural Review Board (HPARB), and a Certificate of Approval issued. This requirement shall not apply to regular maintenance functions but shall apply to reconstruction, restoration or new construction and shall not apply to reconstruction, restoration or improvements that are solely to the interior of structures. The term "signs" shall be deemed to include those located within a building or structure which are, plainly visible from a public street, way or place.

b. The HPARB may, after reviewing the application in any case involving only reconstruction or restoration, waive part or all of the requirements of this section upon a written finding that the application involves reconstruction or restoration

only, will not materially affect the exterior appearance of the structure, and will not have an adverse impact on the character of the historic site. This decision of waiver shall constitute a final decision of the HPARB and shall be appealable to the County Board of Supervisors.

- c. All uses permitted by the district of which the HP district is overlaid shall be permitted, with the exception of the following uses which are prohibited:
 - i. All industrial uses found in the I district with the exception of offices, restaurants, and light retail uses.
 - ii. Automobile dealership.
 - iii. Salvage and scrap service.
 - iv. Gasoline Station.
 - v. Automobile repair service.
 - vi. Laundromats.
 - vii. Lumber and building supply stores.
 - viii. Warehousing and distribution.
 - ix. Recreational vehicle sales and service.
 - x. Non-accessory general advertising signs.
 - xi. Multi-family dwellings.
 - xii. Single-wide and double-wide manufactured homes.

Sec. 86-131.2. Certificate of approval.

1. No activity regulated by this division shall be commenced within a designated HP district unless and until a certificate of approval shall have been issued by the HPARB, as provided in this division. No certificate of approval shall be required in cases of buildings primarily used or to be used for agricultural or horticultural purposes in which the requested change would not have a clear and substantial detrimental impact on the character of the HP district as determined by the HPARB.
2. Any party aggrieved by the determination of the HPARB may appeal to the Board of Supervisors.

Sec. 86-131.3. Applications and procedures for certificate of approval.

1. Applications for certificates of approval shall be made to the Zoning Administrator on forms supplied by the Zoning Administrator. The Zoning Administrator shall refer all applications to the HPARB.
2. Changes, additions, and deletions to Historic Preservation boundary districts shall be preceded by at least one public hearing held by the HPARB at which time any interested party, including the applicant or his representative, shall be heard. The applicant shall provide any additional information requested by the HPARB.
3. All approvals or disapprovals by the HPARB shall include a statement of the reasons for such action. The HPARB may approve the application, approve the application with conditions or deny the application. In the case of denial, the HPARB may make recommendations to the applicant.
4. No substantially similar application for a certificate of approval shall be accepted by the Zoning Administrator within 12 months of denial of an application by the HPARB.
5. A certificate of approval shall be null and void 12 months after the date on which it was issued unless within such period the work authorized by the HPARB is commenced or an extension is granted by the HPARB.

Sec. 86-131.4. Review of applications for rezoning, land division, conditional use permits; special exceptions and variances.

The HPARB shall review all applications for rezoning, land division, conditional use permits, special exceptions, or variances proposed within an HP district and may make recommendations thereon to the Board or Commission charged with the issuance of such rezoning, land division, conditional use permit, special exception, or variance.

Sec. 86-131.5. Criteria for approval of certificate application.

1. The HPARB shall review each completed application for a certificate of approval. In reviewing such applications for the erection, construction, reconstruction, remodeling, exterior alteration, razing, demolition, moving or restoration of a building or structure, the HPARB shall not consider interior arrangement or features not subject to any public view and shall not make any requirements except for the purpose of preventing

developments incompatible with the purposes of the HP district. The HPARB shall use the latest edition of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures published by the U.S. Department of the Interior and shall consider the following in determining the appropriateness of the issuance of a certificate of approval:

2. The exterior architectural features, including all signs incorporated in such construction, which are subject to public view from a public street, way or place;
3. The general design, arrangement, texture, material, color, and fenestration of the building or structure and their relation to similar features of buildings or structures in the HP district;
4. The extent to which the construction or alteration of the building or structure would be harmonious with or architecturally incompatible with the character of the HP district;
5. The extent to which the construction or alteration of the building or structure promotes the purpose of the HP district; and
6. The extent to which denial of a certificate of approval would constitute a deprivation to the owner of a reasonable use of his property.
7. In reviewing an application for a certificate of approval for a permit for the razing or demolition of a historic landmark, building, structure or improvement, the HPARB shall, in addition to the applicable factors stated in subsection (a) of this section, review the circumstances and the condition of the structure or part proposed and shall report its finding based on consideration of any or all of the following criteria:
 - a. Whether the landmark, building, structure or improvement is of such architectural or historical interest that its removal would be to the detriment of the public interest.
 - b. Whether the landmark, building, structure or improvement is of such old and unusual or uncommon design, texture, and material that it could be reproduced only with great difficulty.

- c. Whether retention of the landmark, building, structure or improvement would help preserve and protect a historic site.
8. In reviewing a certificate of approval application for a permit to move or relocate an historic landmark, building, or structure, the HPARB shall consider the following criteria:
- a. Whether the proposed relocation would have a detrimental effect on the structural soundness of the landmark, building, structure, or improvement.
 - b. Whether the proposed relocation would have a detrimental effect on the character of the HP district.
 - c. Whether relocation would provide new surroundings which would be harmonious with or incongruous to the historical and architectural aspects of the landmark, building, structure, or improvement.

Sec. 86-131.6. Appeals.

1. Any applicant or any owner of property located within the particular HP district in question, when aggrieved by a decision of the HPARB, may, as allowed by the Code of Virginia, § 15.2-2306, appeal such decision to the Board of Supervisors, which shall review the determination of the HPARB.
2. Any applicant or owner of property located within the particular HP district in question, when aggrieved by a final decision of the Board of Supervisors, may appeal its decision to the circuit court in accordance with the Code of Virginia, § 15.2-2306.

Sec. 86-131.7. Razing or demolition.

No historic landmark or contributing building or structure, which accompanies this Ordinance shall be partly or fully demolished until a Certificate of Appropriateness is issued by the HPARB, with right of direct appeal from an adverse decision to the Board of Supervisors, as hereinafter provided. An appeal for final decision by the Board of Supervisors shall be automatic

and mandatory in the case of approval of the demolition of a building or structure so designated as a landmark. The Zoning Administrator may approve the demolition of a building or structure within the Historic District(s), which has not been designated either as a landmark or contributing structure on said inventory map.

The HPARB shall consider the following criteria in determining whether or not to grant a certificate of appropriateness for razing or demolition:

1. Whether or not the historic landmark, contributing building or structure is of such architectural or historic significance that its removal would be to the detriment of the public interest, to education, cultural heritage, the architectural history of the locality and would cause a loss of a visual tangible demonstration of local history and the social and artistic pattern of community development and planning.
2. Whether or not the contributing building or structure is of such interest or historic significance that it would qualify as a National, State, or local historic landmark through individual listing on the Virginia Landmarks Register or National Register of Historic Places.
3. Whether or not the historic landmark, contributing building or structure embodies the distinctive characteristics of a type, period, style, method of construction, represents the work of a master, possesses high artistic values or represents a significant or distinguishable entity whose components may lack individual distinction or whether the resource is associated with events that have made a significant contribution to the broad pattern of history or is associated with significant persons.
4. Whether or not retention of the historic landmark, contributing building or structure would help to preserve and protect a historic or architecturally significant place, the quality of life and pride of place or area of historic interest in the locality and promotes the purposes and intent of historic district zoning including tourism.
5. Whether or not the historic landmark, contributing building or structure has retained integrity or authenticity of its historic identity of design, materials, workmanship, setting, location, association and feeling and whether its unusual design, quality and workmanship of traditional materials and details of character defining features could be easily produced.
6. Whether the proposed razing or demolition will affect the archaeological potential to yield information important to prehistory or history at this site.

Sec. 86-131.8. Razing or demolition when certificate of approval denied.

1. In accordance with the Code of Virginia, §15.2-2306 A., addition to the right of appeal set forth in this division, the owner of a historic landmark, building, structure or improvement, the razing or demolition of which is subject to the restrictions of the HP district, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure, provided that:
 - a. Applicant has applied to the Board of Supervisors for such right.
 - b. The owner has, for the period of time, set forth in the schedule set out in this section and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building, or structure, and the land pertaining thereto, to such County or municipality or to any person, firm, corporation, or government agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto.
 - c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule contained in this section.
 - d. The time schedule for offers of sale shall be six (6) months.
2. The fact that an appeal has been made to the County circuit court from a decision of the Board of Supervisors shall not affect the right of the owner to make the bona fide offer to sell referred to in subsection (b) of this section. No offer to sell shall be made more than one year after a final decision by the Board of Supervisors, but thereafter the owner may renew his request to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be in accordance with the Code of Virginia, §15.2-2306.

Sec. 86-131.9. Moving or Relocation.

No building or structure officially designated as a historic landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the HPARB and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to

the Board of Supervisors shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a historic landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district, which has not been designated either as a historic landmark, contributing building or structure on said inventory map.

Secs. 86-132—86-135. Reserved.