

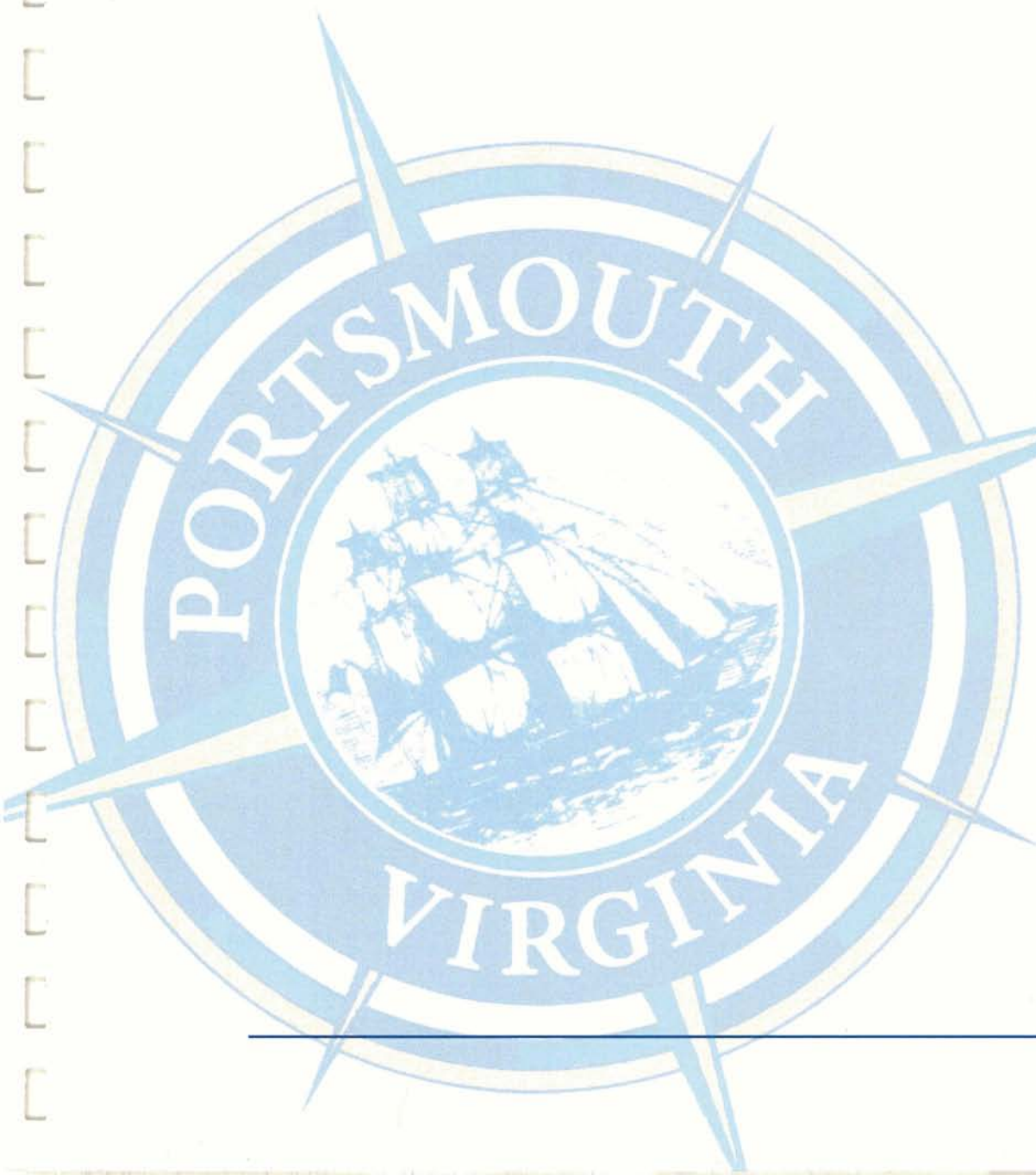
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F C U S *Historic Districts*

Portsmouth
Preservation
Program Manual

December 2007

Sections I - III



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FOCUS *Historic Districts*

PORTSMOUTH PRESERVATION
PROGRAM MANUAL

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Department of Historic Resources

December 2007

Sections I - III



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Introduction

The training manual for the City of Portsmouth Preservation Program consists of four basic sections.

- The first section covers background information regarding the establishment of local preservation efforts and the legal basis for such. The state enabling legislation and the wording of the City’s zoning ordinance establish the authority, purpose, role and criteria for the Historic Preservation Commission.
- Section three also contains information on due process. A clear understanding of due process is necessary for all Commission members. It can mean the difference of whether or not a decision is upheld on appeal.

- In the second section of the training manual, the review process is established and detailed. From the pre-application conference to review of the application, staff procedures, preparation for and conduct of the public hearing, recordkeeping and the appeals process, this section outlines the steps.
- Supplemental materials are provided in the third section of the manual. These are materials that provide information on the background and development of the historic districts, technical preservation information and case studies on particular types of projects to aid in your review.

I: PRESERVATION PROGRAM BACKGROUND

A. A Preservation Approach

1. Identify

As cities and towns develop through time each generation leaves its physical imprint on the community. The results are periods of various architectural styles, building types, street patterns and open spaces. These individual buildings, neighborhoods and commercial areas become more distinctive and treasured as they survive subsequent generations of development. The first step in identifying historic resources is to conduct a historic building survey. A building-by-building survey was conducted prior to the establishment of each of Portsmouth’s historic districts.

2. Designate

At some point in time the community recognizes the best of these areas as having architectural, historic and cultural significance. Through research and documentation it is possible to receive both state and federal recognition of historic properties and districts. The Virginia Landmarks Register is the state’s official recognition of historic structures and is administered by the Virginia Department of Historic Resources. The National Register of Historic Places is the federal program for recognition and is administered by the National Park Service.

Portsmouth has six Virginia Landmark Register and National Register of Historic Places districts, all of which are designated for local

review. The districts are Olde Towne, Truxtun, Cradock, Park View, Port Norfolk, and Downtown.

3. Protect

There are many ways to protect local historic resources including regulation, education, technical assistance and financial incentives. Local regulatory protection for historic resources is written into a city’s zoning ordinance and is often referred to as preservation overlay zoning.

Portsmouth’s Zoning Ordinance, in Article IV: Historic Districts, sets local government regulations for historic properties recognized by the state and federal registers either individually or within historic districts. It establishes the Historic Preservation Commission to protect and reinforce the distinctive character of these structures and areas.

The zoning ordinance requires that a building owner receive a Certificate of Appropriateness from the Historic Preservation Commission (HPC) before most exterior alterations or application for a building permit can be made. The review process is based on the standards and guidelines adopted into the zoning ordinance through the establishment of preservation overlay zoning. Thoughtful design guidelines can assist the HPC and property owners in the retention of these irreplaceable physical characteristics as they



oversee and carry out changes to properties and districts.

Other options for increased protection of Portsmouth's historic properties which can work in conjunction with the above referenced regulatory approach are outlined in the *FOCUS Historic Districts Report*.

Education-based recommendations suggested include the establishment of a private educational group such as a Historic Portsmouth Foundation, new informational materials for the public, annual Civic League workshops with the HPC, and a Contractor Certification Program.

Recommended financial incentives include publicity for currently available financial incentives, and new programs that offer low interest loans and emergency repair grants.

B. Virginia's Preservation Legislation for Localities

Referred to as the state enabling legislation and found in the Code of Virginia, section 15.2-2306: *Preservation of historical sites and architectural areas*, this important wording provides the basis by which a locality may adopt policies and procedures to safeguard historic resources in the public interest. *Note: The full text of the state enabling legislation may be found in Section IV: Technical Resources.*

Through this legislation, a locality may adopt an ordinance identifying local historic properties and the routes of tourist access to such resources. Those buildings, structures, and places of local importance and areas of unique architectural value may be protected by the amendment of existing zoning, to create **local** historic districts. The routes to those places may be protected by separate local zoning often referred to as corridor overlay zoning.

This section of the Code of Virginia also provides for the establishment of a review board to administer the ordinance and approve new construction, reconstruction, restoration, alteration, razing, demolition, and moving identified resources. The state enabling legislation establishes architectural compatibility as basis for this review.

The state enabling legislation also makes provision for the appeal of decisions of the review board. In summary, the code states that the decision of the review board may be appealed to

the local governing body and from local governing body to circuit court, based on illegality of action of local governing body. There are three factors that may be cited which are that the decision was *contrary to law*, *arbitrary*, or that it constituted an *abuse of discretion*.

NOTE: These terms and how to avoid decisions to which they may apply will be covered in Due Process, in Section II.

In the final section of this legislation, the state gives localities the power to acquire historic properties when the preservation of such is in the public interest.

C. Portsmouth Historic Districts' Zoning

Portsmouth's preservation overlay zoning provides a municipal ordinance for the protection of historic properties. This historic districts' zoning for the City of Portsmouth was revised in 2007 and fulfills the intent of the state enabling legislation. It states the public purpose of the zoning, establishes the historic preservation commission and its powers and responsibilities, provides criteria for design review based on architectural compatibility and a mechanism for the designation of additional historic resources.

The local zoning overlay also establishes a new enforcement process for design review, civil and criminal penalties for non-compliance, and a process through which an appeal may be filed if an error was made in the findings of the Historic Preservation Commission or their procedures.

NOTE: Portsmouth Zoning Ordinance, Article IV: Historic Districts is included in Section IV: Technical Resources, with portions excerpted here.

1. Purpose

The purposes of Portsmouth's historic district designation are set forth in Article IV. Historic Districts, Division 1. Olde Towne, Cradock, Truxtun, Port Norfolk and Park View, Sec. 40-51. Specific purpose of historic districts. The general purpose of the historic districts zoning is *to promote and protect the health, safety, comfort, recreation, prosperity, and general welfare of the community through the identification, preservation, and enhancement of Portsmouth's buildings, structures, sites, neighborhoods, landscapes, places and areas which have special historical, educational, cultural, artistic, architectural or archaeological significance as provided by Section 15.1-503.2 of the Code of Virginia.*



The public purpose is stated in the same section and reads *it is hereby recognized that the deterioration, destruction, or alteration of such buildings, structures, sites, neighborhoods, landscapes, places, and areas may cause the permanent loss of unique resources which are of great value to the people of the City of Portsmouth, the state of Virginia and the nation, and that the special controls and incentives are warranted to ensure that such losses are avoided when possible.*

The purposes for establishing this chapter are:

- a. *To preserve and improve the quality of life for the residents of the city by protecting familiar and reassuring visual elements in the area;*
- b. *To educate residents on the local cultural and historic heritage as embodied in the historic districts and properties and to foster a sense of pride in this heritage;*
- c. *To promote local historic preservation efforts and to encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register;*
- d. *To recognize and develop the historic districts as integral parts of the city so that new construction reinforces the quality and sensitivity of past generations;*
- e. *To promote tourism investment and business growth by protecting historical and cultural resources, including their setting and environment, attractive to visitors and thereby supporting local business and industry;*
- f. *To stabilize and improve property values by providing incentives for the upkeep and rehabilitation of older structures and by encouraging desirable uses and forms of economic development; and*
- g. *To prevent the encroachment of new buildings or structures, and additions or attachments which are architecturally incongruous with the visual and historic character of the district*

2. Establishment of the Historic Preservation Commission

It has been determined through state and local legislation that there is a public benefit to preserving historic resources. Therefore the Historic Preservation Commission has been established and given its power by the City's preservation overlay zoning. Appointed by City Council, members of the Historic Preservation Commission are citizen members of the City of Portsmouth's government and have regulatory authority over property. Portsmouth's historic district zoning provides the Commission's mandate to protect historic resources.

In the Zoning Ordinance, *Section 40-52*, the Historic Preservation Commission is created. It is charged, in that section, with the general purposes stated above [40-51(a)-(g)] and specifically *to preserve and protect historic places and areas in Portsmouth through the control of demolition and regulation of architectural design and uses of structures in such areas.*

Section 40-52.1 lists the powers and responsibilities of the Commission as:

- a. *The Commission, and/or its designated staff shall review all applications for Certificates of Appropriateness for any material change in appearance including construction, reconstruction, exterior alteration, demolition, or relocation of contributing or noncontributing properties within the historic districts and for individually designated historic properties with the exception of ordinary maintenance and repair items as listed in section 40-55; and either approve, approve with conditions agreed to by the applicant or deny those projects*
- b. *To assist and advise the City Council, the Planning Commission, other City departments, and property owners in matters involving historically significant sites and buildings or other properties either individually or in historic districts or abutting these properties and districts.*
- c. *To request information and services from any other City department, agency, board or Commission as long as the request is related to the exercise of the powers and*



duties of the Commission including: (1) a current project review, (2) development to standards (3) the investigation of new products or materials.

- d. To periodically conduct, or cause to be conducted, a survey of buildings, structures, places and areas in the city having historical, architectural, archaeological, or cultural significance, interest or value and for the purpose of compiling appropriate descriptions, facts, lists and an inventory map.
- e. The Commission shall use the survey described above (d) to recommend to the City Council such amendments as deemed appropriate, including the establishment of historic districts and revisions to existing historic districts. Upon receipt of said proposal, the City Council shall initiate such amendment pursuant to the Zoning Ordinance.
- f. To administer the provisions of the historic overlay ordinance in accordance with the duties set forth in each section; and to establish and periodically review appropriate standards and guidelines for such districts and properties subject to review and adoption by the City Council
- g. Conduct educational programs and disseminate information on historic properties and districts located within the city and general historic preservation issues and concerns and 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
- h. Request the opinion, advice, or other aid of any officer, employee, board, bureau or commission of the City within the scope of that person's competence.
- i. Review all proposed Virginia Landmarks Register and National Register of Historic Places nominations within the City of Portsmouth for the purpose of providing local comment to the State Review Board and the Virginia Department of Historic Resources.
- j. Participate in private, state and federal

historic preservation programs and with the consent of the City Council enter in to agreements to do the same.

3. Project Review

The historic district zoning adopted by City Council requires review of the material change in appearance of any building, structure, site or object either individually designated or in a historic district visible from a public right-of-way. Project types that are subject to review exclude routine maintenance when the scope of such a project is confined to repair with original materials and/or paint colors.

Any exterior alteration or maintenance that requires a change in design or material must be reviewed. Also, projects that include construction of new elements, additions or structures; reconstruction, demolition in full or part, or relocation must be reviewed.

Rehabilitation projects may be heard by the HPC or be approved administratively. The level of review for each project type varies by the extent of the proposed work and historic district in which the property is located. An approval matrix accompanying the Certificate of Appropriateness Application found in Section IV of this document provides guidance on what type of review is required. The Historic Preservation Commission (HPC) will always hear applications for new construction, relocation, and demolition projects.

In addition, the Zoning Ordinance makes special note that the intent of the criteria in regard to new construction is not to *discourage contemporary architectural expression* but rather to judge *the appropriateness of the architectural features, materials, scale, size, height, and placement of a new structure in relationship to existing structures and to the setting*. This section also calls for the compatibility of the proposed work with the standards and guidelines adopted by City Council and provides appropriate criteria for relocation and demolition.

- a. Review Criteria for Rehabilitation and New Construction Projects

The zoning ordinance (Section 40-54.3.3) states the criteria for approval as: *the proposed material change(s) in the*



appearance would not have a substantial adverse effect on the aesthetic, cultural, historic, or architectural significance and value of the historic structure or the historic district.

The *Secretary of the Interior's Standards for Rehabilitation* are specified as the basic criteria for review and are quoted here:

- (i) *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
- (ii) *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*
- (iii) *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*
- (iv) *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
- (v) *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
- (vi) *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*
- (vii) *Chemical or physical treatments,*

if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

- (viii) *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
- (ix) *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
- (x) *New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

b. Relocation Criteria

A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a historic structure, or object shall be guided by:

- (i) *The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.*
- (ii) *The importance of the historic structure, site, or object to the ambiance of a district.*
- (iii) *Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.*
- (iv) *Whether the historic structure or object can be moved without significant damage to its physical integrity.*



- (v) *Whether the proposed relocation area is compatible with the scenic, cultural, aesthetic, historical, and architectural character of the building, structure, site, or object.*

c. Demolition Criteria

A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of historic structures, sites, or objects shall be guided by:

- (i) *The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.*
- (ii) *The importance of the historic structure, site, or object to the ambiance of a district.*
- (iii) *The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.*
- (iv) *Whether the historic structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city.*
- (v) *Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.*
- (vi) *Whether reasonable measures can be taken to save the historic structure, site, or object from collapse.*
- (vii) *Whether the historic structure, site, or object is capable of earning reasonable economic return on its value.*

d. Hardship

The above criteria may be suspended according to Section 40-54.3.6 of the historic districts ordinance under the following circumstances:

- (i) *Strict compliance with the regulation provides the property owner no*

reasonable use of the property

- (ii) *The hardship results from application of the regulation to the property*
- (iii) *The hardship is one that affects the property directly*
- (iv) *The hardship is not the result of the property owner's own actions - that is, special circumstances or conditions causing the hardship exist through no fault of the property owner.*
- (v) *The hardship is peculiar to the property.*
- (vi) *Financial considerations, unless they greatly decrease or destroy the property's value, do not constitute a legal hardship*
- (vii) *That the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this ordinance.*

4. Maintenance and Neglect

a. Ordinary Maintenance

Section 40-55 of the historic districts' zoning ordinance lists a number of projects that fall under the ordinary maintenance exclusion and require no Certificate of Appropriateness which include:

- (i) *Repainting resulting in the same color. (Original painting of masonry surfaces is not exempted from review.)*
- (ii) *Replacing broken windowpanes, missing roof shingles, or missing features with matching in-kind materials.*
- (iii) *Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street.*
- (iv) *Planting of grass, trees and shrubs, but not including landscape treatment which substantially alters the*



contour of a site or involves landscaping or construction of parking areas, fences, walls, walkways, pools, fountains and the like which materially affect the appearance of a site and which is visible from a public street.

- (v) *Any changes to a structure which are not visible from a public street.*

Other items may be added to the above list at the discretion of the HPC and the Preservation Planner if those items are found to have *no more effect on the character of the district than those listed above.*

b. Demolition by Neglect

Section 40-55.1 also contains language regarding the minimum amount of maintenance required to prevent irreversible damage to historic properties. It is the responsibility of the HPC to investigate such occurrences and report on their findings to the Zoning Administrator who will then take the action necessary to remedy the situation.

Items that may be cited as contributing to Demolition by Neglect as cited in the historic districts ordinance include:

- (i) *Deterioration of the exterior of a building occurs to the extent that it creates, or permits, a hazardous or unsafe condition; or*
- (ii) *Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar occurs to the extent that it adversely affects the character of the district or could reasonably lead to irreversible damage to the structure or lead to a hazardous condition.*

5. Appeals

Provisions for the appeal of a decision of the HPC are found in Section 40-54.5 of the historic districts ordinance. Appeals from either the applicant or the Director of Planning must be filed with the Director of Planning

within 30 days of the final decision of the HPC. The grounds for appeal are limited to:

an alleged error by the Commission in finding that the proposed erection, alteration, reconstruction or restoration of a structure would not be architecturally compatible with the historic properties, buildings or structures within the historic district.

This section of the ordinance creates an Appeal Review Committee (ARC) consisting of the Director of Planning and the Assistant City Attorney or their designees who determine whether grounds exist for the appeal. If an appeal is found to have merit, it will be forwarded to the City Clerk for placement on the City Council agenda. A written conclusion will accompany all appeals forwarded to City Council.

If grounds do not exist, the appeal will be denied and the applicant will be notified by letter.

6. Enforcement

Section 40-54.7 provides the language for enforcement and remedies of the provisions of the historic districts' ordinance.

- a. Permits may be revoked if work does not proceed according to the terms of the Certificate of Appropriateness (COA) and may cause a Zoning Violation notice to be issued.
- b. If, in the opinion of the Zoning Administrator, Building Official or designated staff, work inconsistent with the provisions of the historic district ordinance is being performed, a stop work order may be placed on the subject property. The HPC may require the property owner to return the property to its previous appearance.
- c. The Historic District Zoning Inspector is charged to inspect projects that have been issued a COA and report any work that violates the COA or other City ordinances. This section also gives the City the right to enter these properties for the purpose of inspection.



The owner of a property that is in violation of the ordinance will be notified of the violation and given thirty days to correct the condition. If the property owner fails to remedy the situation within the specified time frame, criminal or civil penalties may be sought in accordance with Sections 40-54.6 and 40-54.8 of the ordinance. Other remedies that may be employed to correct the situation include powers granted by the Virginia Uniform Statewide Building Code, the Code of Virginia and the City Code.

7. Penalties

Two forms of penalties, criminal and civil, are written into the historic districts' ordinance.

- a. Criminal penalties for violation of the provisions of the historic district ordinance are classified as a misdemeanor offense and carry fines of between \$10.00 and \$1,000.00 per day, with each day constituting a separate offense. If convicted, the property owner will be given a time frame by which the violation must be remedied. If this does not happen, additional fines may be assessed for every ten-day period during which the property remains in violation.
- b. Civil penalties for initial offenses when a property owner fails obtain a COA prior the start of work range from \$50.00 for exterior painting to \$200.00 for removal or replacement of windows, partial or full demolition of any structure, or the construction of an addition. A full schedule of the penalties are listed in Section 40-54.8 of the ordinance. Any offense that is not corrected after receiving notification of the initial offense is punishable by an additional \$500.00 fine. Any property owner that is found in violation of the ordinance for a second offense will be penalized \$500.00 instead of the initial \$50.00-\$200.00 fine as a repeat offender.

8. Historic Markers

The HPC administers the historic marker program for the City of Portsmouth according to Section 40-57 of the historic districts

ordinance. These markers are available to the owner of any building designated as a historic structure by the Commission. The term "historic structure" is defined in Section 40-22 of the Zoning Ordinance to be *any individually listed "historic property" ... or structure contributing to a historic district.*

Once a marker, as approved by the HPC, has been placed on or adjacent to a historic structure it is necessary to make application to the Commission if the property owner wishes to remove the marker. The ordinance sets the criteria against which these requests should be considered as:

the historical or architectural value and significance of the building or structure and its relationship to or congruity with the land, place and area in the historic district upon which it is erected and with other buildings or structures therein.

9. Creation of Historic Districts and Historic Properties

The Historic Preservation Commission may, according to Section 40-53 of the Zoning Ordinance, recommend to City Council additional properties or district for historic designation. Any recommendation must be accompanied by a detailed report or a completed National Register of Historic Places nomination. The criteria for selection is listed in item (2) of this section. Also contained in this section is the process for adoption of a designation ordinance. Section 40-53.1 lists the five (5) local historic districts: Olde Towne, Truxtun, Cradock, Park View, and Port Norfolk.

10. Miscellaneous Provisions of the Zoning Ordinance

- a. Section 40-61.1 gives the HPC authority review signs in the historic districts.
- b. Section 40-71.1 exempts historic district parcels from the standard design and dimensional requirements for parking lots that apply to all other zoning districts.



II. DUE PROCESS

The role of the HPC is to evaluate the appropriateness of changes to historic resources and make decisions based on findings of fact by majority vote at a meeting. The language of the zoning ordinance provides design review criteria and allows for further interpretation through historic district guidelines. The HPC is required by ordinance to adhere to rules of order, bylaws and procedures.

As a member of the Historic Preservation Commission it is incumbent upon you to become familiar with your laws, rules, and procedures. These rules and the fair and unbiased application of them constitute due process. Decisions made through due process can rarely be overturned on appeal.

By following an established process for all business of the Historic Preservation Commission, you reduce the appearance of being arbitrary in your actions and therefore reduce the chance that a decision will be overturned on appeal.

The Fourteenth Amendment to the U.S. Constitution (1868) requires that lawmaking and the administration and enforcement of those laws be an open, public, and fair process:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This section provides basic information on due process as it pertains to the Historic Preservation Commission. In Section III you will find a guide in these application of these principles to the procedures of the Commission.

A. Components of Procedural Due Process

1. Reasonable Notice

Reasonable notice of upcoming action includes the notification of property owners, neighbors, other interested parties, and the general public. A combination of mailed notices, published notices in the local newspaper, and notice posted on the affected property can sat-

isfy this requirement. The nature of action and the meeting date, time and place should be included in all notifications.

Procedural due process also requires that all parties attending the public hearing have a reasonable opportunity to be heard prior to commission action. By keeping commission meetings open to the public, conducting the business of the commission in a business-like manner, establishing reasonable time limits, and treating all participants fair this requirement can be satisfied.

2. Basis for Decision

When it comes to decision-making, the HPC must explain its *basis for decision*:

- The decision must be consistent with the ordinance and the guidelines.
- The decision must be supported by facts in record.
- The decision should be consistent with previous decisions dealing with similar facts *provided that those decisions are consistent with the guidelines and supported by facts.*

3. Record-keeping

To prove, if challenged, that procedural due process occurred in the decision-making process, records of each application considered by the HPC should include:

- Any and all correspondence between the city and the applicant including the application or other information used as basis for decision.
- Any staff reports and recommendations;
- Minutes of each public meeting; (They should be prepared as soon as possible after that meeting, distributed to the HPC for review, approved at the next scheduled meeting and then be maintained in an accessible location for public inspection.)
- A verbatim record of the proceedings, via audio- or video-recording, should be used as a back-up form of record-keeping to support the written record; and



- Any other information used as a basis for the decision

4. Bias

Due process also requires that commission members remain free of bias, real or perceived conflicts of interest, and *ex parte* contacts.

In consideration of applications for Certificates of Appropriateness *bias* can take three general forms.

- Institutional policy – the specialized background of staff and commission members must be used impartially and consistently in the consideration of all COA applications.
- Prejudgment of the case – staff and commission members must keep an open mind regarding a COA application until the public input portion of hearing is closed. No statements about the item(s) under consideration should be made until the application has been voted upon and then based only on the findings of fact in the case.
- Personal animus – leave personal feeling out of decision making process. If the application meets the guidelines and the findings of fact support that conclusion, the application must be approved.

5. Conflicts of Interest

A conflict of interest can be either real or perceived. If a commission member has a competing interest to that of the applicant that may reduce that member's ability to remain impartial, the commission member should be excused from the discussion of that application. There are three main categories of *conflict of interest*:

- Personal conflicts – the appearance that a commission member's involvement in the decision-making process on a particular application may result in a personal, non-financial gain.
- Financial conflicts – direct or indirect effect of a decision upon a member's financial interests. Any decision made by

the Commission must be made without regard to any monetary gain resulting from the approval of the application.

- Professional conflicts – professional relationship of member and applicant. A commission member should not participate in the consideration of an application in which he has a professional stake such as the applicant's architect, attorney, real estate agent, banker, or contractor.

6. Ex parte contacts

Ex parte contacts are private communication between an applicant and a commission member. These communications should be avoided. By their nature they are not part of the public record. Should an *ex parte* contact be unavoidable then the nature/ character should be disclosed for the record.

7. Additional Recommended Steps

Additional recommended steps for the staff and commission members include:

- Training of HPC members in parliamentary procedure according to Robert's Rules of Order.
- The City Attorney's office should review any contentious issues that the HPC believes will be presented to the commission – before the public meeting.

8. Conclusion

If you provide proper notice, follow established procedures for the conduct of the public hearing and the decision-making process, and avoid conflict and bias in your proceedings you will have satisfied many of the requirements of procedural due process.



III. PROCEDURES TRAINING

This section has been developed to help establish guidelines for procedural due process for the consideration of applications for Certificates of Appropriateness by the Historic Preservation Commission and its staff. The establishment of and adherence to procedures for Commission actions and those of the administrative staff of the Commission constitute due process and lessen the chance that these actions will be seen as arbitrary.

A. Preliminary Steps

It is important that the applicant's contact with the Planning Department and HPC be professional and efficient. These steps and the manner in which they are carried out will set the tone for further interaction with the applicant as the process moves forward.

1. Initial Contact with Applicant

A prospective applicant may make initial contact with the Department of Planning by phone, e-mail or in-person. It is important for the Preservation Planner to gain the following information in order to provide the best advice to the prospective applicant.

- ❑ Address
Ask where the proposed project is to take place in order to confirm that the property is located within a historic district and in which district.
- ❑ Type of project
Ask the prospective applicant to explain scope of project and find out key aspects.
 - a. New construction
 - b. Demolition or relocation
 - c. Changes to existing property
 - (i) Repair of existing elements;
 - (ii) In-kind replacement of existing elements that cannot be repaired resulting in no change in exterior appearance; or
 - (iii) Alteration of existing elements resulting in an exterior change in appearance
- ❑ Determine if the proposed work initially appears to meet the guidelines for the district in which it is located.

- ❑ Check the matrix for level of review and inform the applicant of the type of review required.
- ❑ Direct the applicant to fill out an application by printing from the website or offer to mail an application to the applicant. Request that the applicant return the completed application with supporting materials to the Planning Department either in person or by mail by the required date.
- ❑ Explain the general steps and timeframe of the review process to the applicant.

2. Pre-Application Conference

The purpose of this conference is to ensure that the application is consistent with the guidelines when submitted for review. Projects that always require a pre-application conference include:

- a. Partial or full demolition
- b. New construction of dwellings
- c. Additions

Major rehabilitation projects may also require a conference depending on the scope of the project.

The Preservation Planner's role is to assist the applicant in becoming familiar with the design review process, the design guidelines and planning the proposed project within those guidelines. It may also be necessary to schedule the project for an HPC work session.

HPC work sessions are an opportunity for the prospective applicant to discuss the general design of the proposed project in an informal discussion with the HPC. The applicant can present any questions or concerns regarding the project's adherence to the guidelines and the HPC may voice similar sentiments.

If the applicant desires to furnish any written information to the HPC during the work session, the copying and distribution of such is the responsibility of the applicant.



B. Staff Review

From verifying that all of the necessary information and materials are present on the completed application, to completing the review checklist and staff report, to the administrative review of certain applications, the Preservation Planner plays a vital role in the process.

1. Application Review

Applications may be received by mail, e-mail or walk-in after an initial contact has been made or with no prior contact. If the applicant brings the completed application to the Planning Department, the first review steps (a. - d.) should be completed before the applicant leaves, when possible.

In the case of projects that may be reviewed administratively, it may be possible for the applicant to leave the Planning Department with a COA. This will not always be the case, as even some administrative review projects may require a site visit by the Preservation Planner.

- a. The application should be stamped as received with the date that the completed application was brought to the Planning Department office.

- b. Review application for completeness.

Verify the contact information and property owner's signature allowing on-site inspection and posting of public hearing notice.

Refer to the "Supplemental Requirements for Applications" section of the application to verify that all supporting materials are present in required form and number.

- c. Request additional information and materials, if necessary.
- d. Determine whether project can be administratively approved or requires HPC review. Discuss the approval process with the applicant.

If the application requires HPC review, return the Application Information Sheet to the applicant with the date/location/time of the next HPC meeting clearly marked. Schedule a site visit, if necessary.

- e. Look in file for background information on property.
- f. Fill-in HPC Application Staff Review Checklist.
- g. If project requires HPC review, determine need for site visit by Commission members.
- h. Conduct site visit, if necessary. Take photos for presentation and gather further information.
- i. Schedule the COA for public hearing or issue a COA if the work can be administratively approved.

2. Staff Report

The Staff Report will accompany all applications for COAs reviewed by the Preservation Planner. It forms the cover sheet and basis for the review of each project by the HPC members and will contain information that may be used in the "finding of fact" portion of the HPC's decision-making process.

There is one checklist for work on an Existing Structure and another for New Construction. See the Chapter IV: Section A for copies of these forms.

3. Administrative Review

Review to be conducted by the Planning Staff.

- a. Evaluate the application against the guidelines for the district.

The application includes a "Description of Exterior Work" section in which the applicant should check a box related to the type of proposed project. On the following lines, the applicant should describe the project concisely. Check to make sure this section properly represents the project scope. If not, ask the applicant for more information.

In the "Historic District Guidelines" section, the applicant is given a series of check boxes that correspond to the guidelines chapters and a line on which to enter the specific section(s) consulted. Check that the specific guidelines in these



sections were adhered to as this becomes your grounds for approval.

- b. If not approved administratively, place on agenda for next HPC meeting.
- c. Issue COA to applicant and stamp any drawings/plans as approved. Retain a copy of all materials for the project file.
- d. Provide instructions for proper posting of COA in visible location on job site and access to plans at the work location.
- e. Place a summary of the application on the consent agenda for next HPC meeting to inform the Commission of administrative actions. The consent agenda includes items not administratively approved but that adhere to the guidelines for the district and are recommended for approval.

C. Before, During and After the Public Meeting

Staff preparation and follow-up and the procedures followed by the HPC during the public meeting itself can provide a firm foundation for the decisions reached by the commission and their enforceability.

1. Meeting Preparation

- a. Notification
 - (i) Seven (7) days prior to the meeting date, post a meeting notice describing the property owner's request and the date, time and place of the public meeting on the property in question.
 - (ii) Post the same information as listed in "i" above as a public hearing notice on City website seven (7) days prior to the public meeting.
- b. Prepare agenda according to order of sample and as explained in the following section (6). Agenda should be sent to HPC members with their packet of applications to review and should be posted to the City website. *See sample agenda in Chapter IV: Section A.*
- c. General Pre-meeting Preparation
 - (i) Ensure that a quorum will be present, prior to the meeting;
 - (ii) Confirm meeting room;
 - (iii) Assure proper lighting and sound;
 - (iv) Make sure that tape or other sound recording equipment is operable;

- (v) Arrange seating to enhance interaction;
- (vi) Place name cards facing applicant and public; and
- (vii) Place exhibits/visual aids including individual maps of each district.

2. Commission Procedures – Public Meeting

The public meeting provides the input that the HPC uses to make a decision an application for a Certificate of Appropriateness. While the public meeting process is quasi-judicial and must adhere to due process in its procedures, it is also the most public portion of the Commission's actions. As such, it is a public forum, an opportunity to show the community that you are there to help and to work with them within the constraints of the law.

A few general considerations to heed in the conduct of the public meeting include beginning on time, starting the meeting with a positive attitude, and projecting a sense of confidence that is a result of your knowledge and preparation for the meeting. Avoiding the use of jargon and acronyms will also make the applicant and general public more comfortable with the process.

Finally, follow the established agenda. You have posted it on your website and it is expected that you will follow it. An annotated version of the sample agenda (found in the *Chapter IV: Section A*) follows here with some suggestions for the conduct of the public meeting.

- a. Call to order
Make sure you can be heard and understood
- b. Welcome
Explain format of meeting
- c. Secretary calls role. Note absences and reasons and presence of a quorum and make sure that these items are included in the minutes of the meeting.
- d. Approve/adopt minutes of the previous meeting noting any corrections brought to the chair's attention by another member or staff. Minutes are the record of what actually transpired at the previous meeting and should not be corrected to include information after the fact.



e. Summarize purpose of design review. The Historic Preservation Commission was created to aid in the preservation and protection of historic places and areas in Portsmouth through the control of demolition and regulation of architectural design and uses of structures. The HPC is obligated to make decisions based upon the standards and guidelines adopted by the City through the Zoning Ordinance and Design Guidelines.

f. Introduce board and state qualifications and other key participants. g. Summary of administratively approved items are presented to the HPC by the Preservation Planner. The HPC needs to vote to adopt these items as approved and enter them into the record.

h. Consent agenda presented by Preservation Planner. The consent agenda includes items not administratively approved but that adhere to the guidelines for the district and are recommended for approval.

Items for inclusion on the consent agenda are sent with the agenda to HPC members to provide time for review. Before the public meeting, HPC members may ask to have items removed from the consent agenda if a member believes that their is a need for discussion.

Remaining consent agenda items will be presented to the public during the meeting. If anyone wishes to speak to the application, it will be removed from the consent agenda. Remaining consent agenda items will be voted on.

i. Summarize the public hearing process for the applicant and the general public before consideration of the first application.

j. The Chair will introduce applications according to the agenda order: *Mrs. Smith, 309 Main Street, Olde Towne Historic District has submitted an application to replace her original wood windows with vinyl windows.* **or**

Property owner's name (insert here) is applying for a Certificate of

Appropriateness for property address (insert here) in name of historic district (insert here). The proposed work described on the application is to (insert here) _____ (demolish/construct/alter) the _____.

k. After introduction of the application the Chair should poll the HPC members for any conflict of interest, excuse members from participation and note the same in the minutes.

l. The Preservation Planner will then present the application according to the *HPC Staff Review Checklist*.

First, orient those in attendance by:

- locating property on district map,
- describing general historic character of surrounding area, and
- noting level of significance and historic integrity of property.

Then the Preservation Planner should:

- summarize the applicant's proposed work,
- note its impact on neighboring properties (noting their significance) and
- cite whether or not district guidelines have been followed.

The Preservation Planner will state "findings of fact" according to the checklist but will not make any recommendation on the disposition of the application.

As HPC members, you will already be familiar with the application but you still must listen to the staff presentations. Not paying attention may lead an applicant to cite bias, grounds for an appeal.

m. The Chair should then ask the property owner to confirm the accuracy of the staff summary and make any necessary additions or corrections.

n. A brief public comment period ends the public portion of consideration of each application.



- Establish a time limit for public comment. Ask for comments from the public *in favor* of the application.
 - Ask for comments from the public *in opposition* to the application.
 - Each speaker must give name and address before commenting.
 - Statements must be limited to review criteria in ordinance.
- o. Note any written comments submitted and enter into record.
- p. Close the public comment portion of the meeting for this application.

3. Commission Procedures – Deliberation

Once the public comment portion of the meeting has been closed for each application, it is the task of the HPC members to approve, approve with conditions, or deny the application. This formal discussion is for the voting commission members only. Follow these steps for the consideration of each application:

- a. Summarize the evidence. Use the *HPC Staff Review Checklist* checklist as a guide to evaluate the application against the established criteria. Discuss each element separately and allow for comment from each member on only that item in turn.
- b. Allow each HPC member to express views within the parameters of the review criteria.
- c. Listen carefully to other HPC members and ask questions.
- d. Develop a consensus.
- e. Establish findings of fact. Cite the applications adherence or lack thereof to the guidelines as reported on the *HPC Staff Review Checklist* with any additions necessitated by the public or HPC discussion of the application.
- f. Call for a motion stating, as findings of fact, that the proposed work is or is not incongruous with the historic aspects of the district with respect to the established criteria, including the reasons therefore and subject to any conditions that may be imposed.

- Call for a second to the motion.
 - Discuss the motion, asking the opinion of each member.
 - Call the question.
 - Record the vote for the minutes.
- g. Approval of Certificate of Appropriateness
The first vote records the HPC position on whether or not the application meets the guidelines. The second vote is whether or not to issue a COA.
- Call for a motion that the application that the application for a COA be approved/not approved, subject to any conditions suggested by the HPC and agreed to by the property owner.
 - Call for a second.
 - Discussion.
 - Call the question.
 - Record the vote for the minutes.
- h. Conclude the public meeting on each application.
- Summarize actions taken.
 - Inform participants of when and where to pick-up Certificate of Appropriateness.
 - Advise that written notice of the decision will be mailed including information on the appeal process if application was denied.
 - Thank all who have participated. Advise that they may stay or leave.
 - End consideration of each application on a positive note.
- i. Move to next application in order listed on agenda.
 - j. Complete any unfinished business from previous meeting.
 - k. Hear committee reports and any other HPC communications/announcements
 - l. New business.
 - m. Adjournment.
 - n. Meet with press if requested.



4. Public Hearing Follow-up Administrative Duties

a. Minutes

Minutes are the administrative record of the Historic Preservation Commission and should be complete.

- (i) Meetings should be taped and then transcribed as soon as possible to ensure accuracy and completeness.
- (ii) All meeting minutes should include: date, name of meeting, location, names of attending members, names of City staff present at meeting, existence of a quorum, name of member chairing meeting, correction and adoption of minutes of previous meeting, separate treatment for individual items discussed or acted upon and note as to rationale behind decisions (same as finding of fact motion), inclusion of name of person who prepared minutes.

b. Letter

Commission action should be documented in a letter to the applicant as soon as possible after the HPC meeting. *A Dear COA Applicant letter sample is included in the Chapter IV: Section A.* The letter should include:

- (i) HPC authority through the state enabling legislation and local zoning.
- (ii) Administrative facts, including the name of the property owner/applclicant, name and address of site, date the application was received, and the hearing date.
- (iii) Description of the site
- (iv) Findings of fact from *HPC staff Review Checklist* including the significance of the building and the project's adherence or non-adherence to the district's design guidelines

(v) Disposition of application. Whether it was approved, approved with conditions, or denied. This section should reference specific dated plans and specifications (if applicable) and any note any need for approval of changes to plans.

(vi) Record of motion, second, and vote.

(vii) Notice of appeal procedure, if application was denied.

c. COA/Application

The application and accompanying plans should be stamped approved, approved with conditions, or denied, and dated. A copy of approved plans should be available for pick-up at same time as COA.

d. Other Administrative Tasks

(i) Maintain a record of the decisions and the exhibits.

(ii) Add approved products to database resource for future applicants.

(iii) Notify other intergovernmental and local agencies of decisions as needed.

(iv) Participate, as necessary, in any appeals process.

(v) Generate monthly/annual reports on CAR decisions



D. Appeals

Appeals of the decisions of the HPC should be rare if due process and proper procedure are followed. In the rare instances where grounds are found for an appeal are found, due process and consistent procedures should be followed.

1. Appeals Procedure

The applicant/property owner or Planning Department may file an appeal with the Appeal Review Committee within 30 days of the final decision of the HPC. Appeals will only be taken for an alleged error of findings by the HPC in regard to architectural compatibility.

The Appeal Review Committee will review the appeal and determine whether or not there are grounds for an appeal. If no grounds are found, a letter will be issued to the property owner. If grounds are found, the appeal and findings of the Appeal Review Committee will be forwarded to the City Clerk for placement on the City Council agenda.

The Chair of the HPC will present the appeal and background information to City Council. The ARC and Preservation should also attend the City Council meeting to answer any questions.



What changes to historic buildings require City design review?

Are you contemplating making a change to the exterior appearance of your property? Can the change be seen from a public right-of-way? If your answer is *yes*, then City ordinances require such a change to be reviewed before work begins.

Either the City of Portsmouth's planning staff or the volunteer members of the City's Historic Preservation Commission (HPC) conduct these reviews. Application and review is free as long as you apply and wait for a decision before starting the work.

Approved projects will receive a Certificate of Appropriateness (COA) **that must be displayed during construction**. The COA can then be used to obtain a building permit (if needed).

A project must adhere to the criteria in the Zoning Ordinance and the historic district guidelines in order to be approved. Routine maintenance projects are excluded from review.

Changes that will affect either the exterior architectural or site features of a property within an historic district and require review and a COA include:

- exterior alterations/rehabilitations that require a change in design, color or material *such as replacement windows, paint, and substitute siding;*
- additions and new construction;
- major site changes *such as fencing and paving;*
- moving any building; and demolition, full or partial.

Rehabilitation projects may be heard by the HPC or be reviewed administratively. The level of review for each project type varies by the extent of the proposed work.

An approval matrix can be found in the Appendix of the guidelines for each historic district and as part of the COA application. The matrix provides guidance on what type of review is required for each element of your project.

How do I begin?

Before beginning your project, you should review the *City of Portsmouth Historic District Guidelines* for the district in which the property is located. These publications are available

- online at www.portsmouthva.gov/planning,
- from the City's Planning Department on the 4th floor of City Hall, and
- at local Portsmouth Library branches.

The Historic Districts Map located on the reverse of this brochure and on the website can be used to identify in which district your property is located. Refer to the guidelines for that district as the guidelines vary by district.

Locate the type of project you are considering on the *Approval Matrix* in the guidelines *Appendix A*. You will be able to quickly see if your project requires no review, administrative review, or HPC review.

Additional chapters in the guidelines interpret the City's preservation zoning, provide information on possible financial incentives, and outline what are appropriate and inappropriate treatments in the districts based on the area's historic character.

Penalties and Permits

Failure to obtain a COA can result in fines of up to \$5000. A Certificate of Appropriateness (COA) is needed prior to the issuance of a building permit for changes to an existing building, new construction, additions and demolition.

No Certificate of Occupancy will be issued unless the project is constructed in compliance with the COA.

Although a building permit is not required for the replacement of doors and windows and the construction of many site features, a COA is still required.

How do I apply for a COA?

Applications for a Certificate of Appropriateness for either administrative or HPC review are available online and from the Planning Department, located on the 4th floor of City Hall.

Required supporting materials vary by project type and are listed on the application. All forms necessary for COA application are available online at www.portsmouthva.gov/planning.

A pre-application meeting with the planning staff is suggested to discuss your project and what materials should be submitted.

A site visit to your property by Planning Department staff and/or the HPC may also be required prior to review of your COA application.

What is the Historic Preservation Commission (HPC)?

The HPC is comprised of seven volunteer members who have a demonstrated interest in and knowledge of architecture and local history. They consider each application according to the guidelines for that district.

The HPC holds a public meeting on the 3rd Tuesday of each month at 7:00 p.m. on the 6th floor of City Hall. Applications must be received 15 days before the meeting to be placed on the agenda and allow for proper notification.

What is Administrative Review?

The preservation staff in the Planning Department can review and approve many types of projects. Administrative review can expedite the approval process for common minor alterations, if the proposed work meets the guidelines.

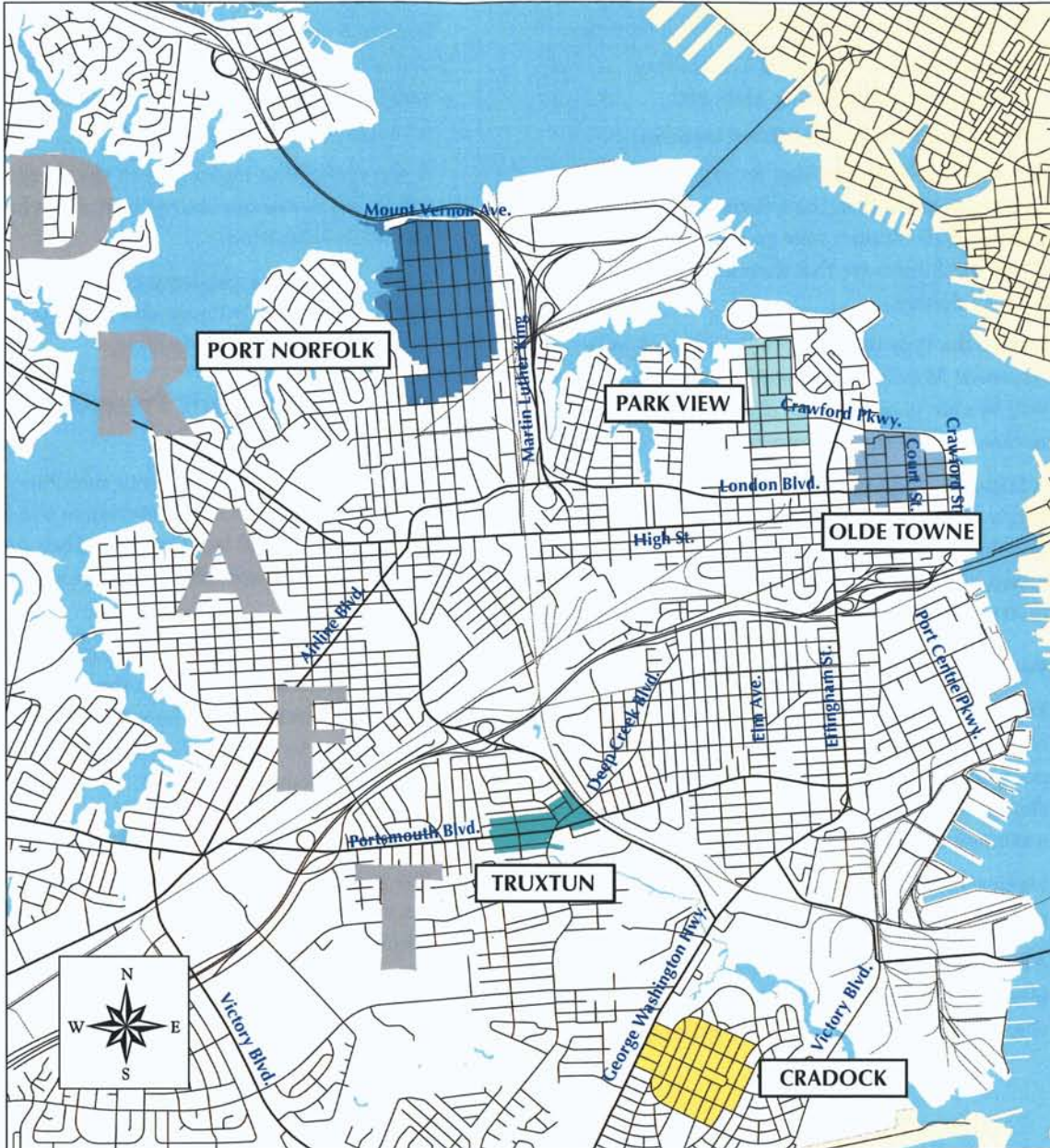
To see what projects can be approved in this manner, check the matrix in the Appendix of the guidelines. Often approval can be given the same day the application is submitted.



This 1886 image is from Edward Pollock's "Sketchbook of Portsmouth." The view looks northwest from the waterfront at Columbia Street and shows a densely developed downtown.

Is my property located in a historic district?

If you own property covered by one of the areas shaded below, it is located in a local preservation-zoning district. For a larger scale map of each district, please visit the Planning Department website www.portsmouthva.gov/planning



Before you begin

Planning a Project in Portsmouth's Historic Districts



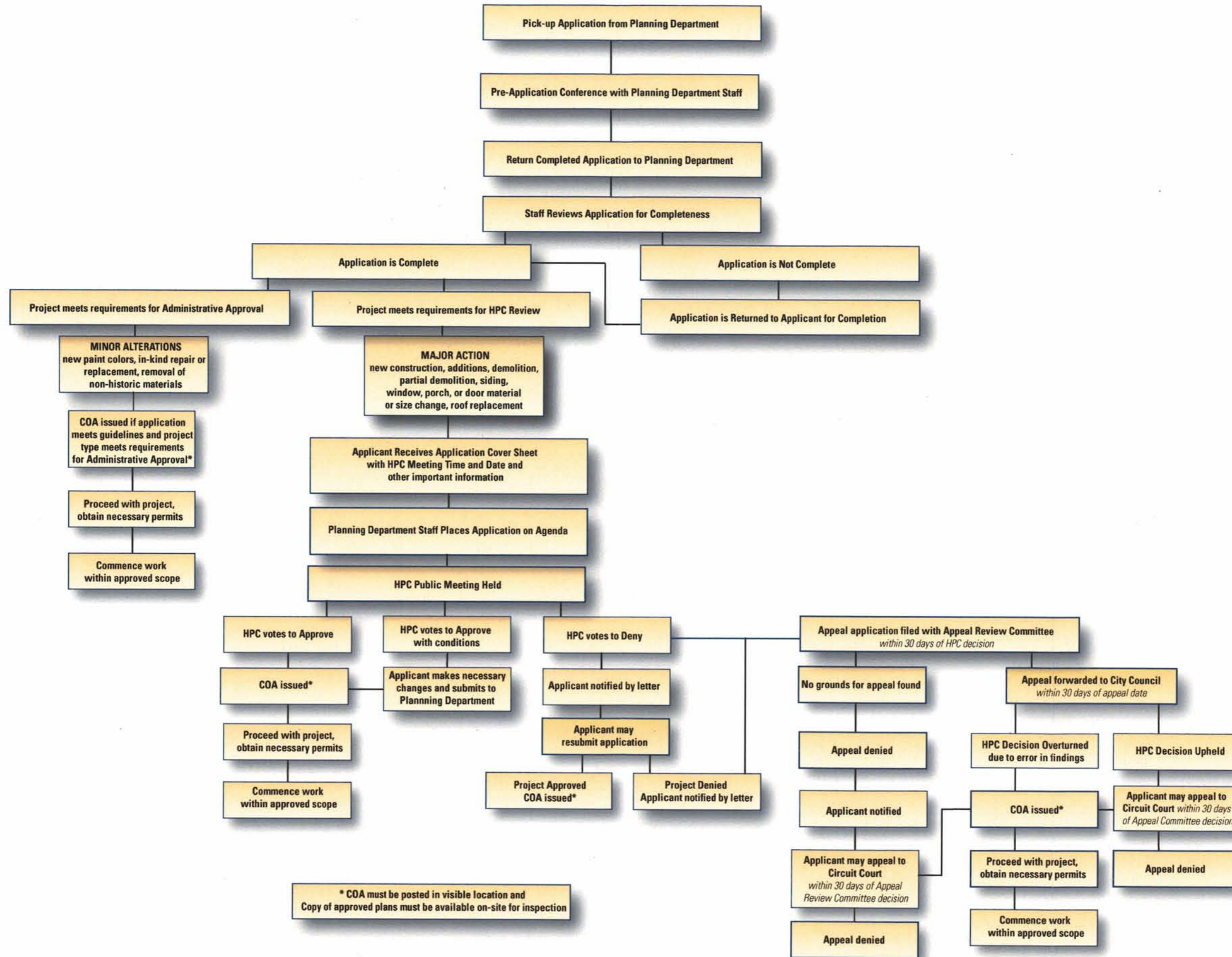
A guide to the
project review process



**City of Portsmouth
Department of Planning**

801 Crawford Street
Portsmouth, VA 23704
757.393.8836

www.portsmouthva.gov/planning



**CITY OF PORTSMOUTH HISTORIC PRESERVATION COMMISSION
APPLICATION INFORMATION SHEET**

Keep these information sheets for your records

As a property owner in one of Portsmouth's architecturally significant historic districts you play an important role in the preservation of Portsmouth's significant history. Because of the unique historic nature of these areas, the City, through its Zoning Ordinance, has created a design review process to protect the architectural and cultural heritage of these areas for future generations. The rehabilitation and ongoing use of these historic structures and sites has a positive impact on the local economy by stabilizing and increasing property values. Both the Planning Department staff and the Historic Preservation Commission (HPC) are available to assist you throughout all phases of your project.

Types of Review

Any work that affects the exterior appearance of your historic building, and can be seen from a public right-of-way, is subject to review before the project begins by either Planning Department staff or the Historic Preservation Commission. Approved work will receive a Certificate of Appropriateness (COA) that allows work to proceed. A matrix attached to this application provides information on the level of review required in your historic district for your project type. The Historic District Guidelines for your district provide valuable guidance on how to plan your project in accordance with the criteria in the Zoning Ordinance.

Administrative Review

Common rehabilitation projects that involve painting or maintenance and repair of historic elements and materials may be eligible for Administrative Review conducted by the Planning Department staff. Often, a COA can be issued on the same day as a completed application and supporting materials are submitted to the Planning Department. With a COA in hand you may then apply for a building permit (if needed) or begin your project (if no building permit is required).

Commission Review

Any project that involves new construction – a building, an addition, a new opening or element, or site feature – or demolition of any part of any building or site feature, requires a public meeting and decision of the HPC. In some districts, changes of materials may also need to come before the Commission. The HPC meets once a month and therefore, approval may take up to 45 days.

Please call the Planning Staff at (757) 393 - 8836 if you have any questions regarding the type of review for your project or have questions about filling out this application.

The Historic Preservation Commission strongly encourages you to make an appointment to discuss your project with the Planning Staff prior to submittal of your application.



APPLYING FOR A COA

Applications for Certificates of Appropriateness (COA) and all supporting material must be filed with the Planning Department on the 4th floor of City Hall located at 801 Crawford Street. For those projects requiring HPC review, the filing deadline is a minimum of fifteen (15) days prior to the next scheduled meeting. Please be as complete as possible in filling out the application and providing supporting information as requested. Eleven (11) copies of supporting materials are needed for projects to be considered by the HPC. Please contact the Planning Staff with any questions regarding your submission. Failure to provide adequate documentation of a proposed project may delay the application process.

To Be Completed by Staff:

Filing Deadline _____

HPC Public Meeting Date _____

HISTORIC PRESERVATION COMMISSION ACTION

The Historic Preservation Commission (HPC) will hold a public meeting for all applications requiring HPC review. The HPC meets on the third Tuesday of every month at 7:00 p.m. on the 6th floor of City Hall. **The applicant or a designated representative must be present at the meeting to answer any questions from the HPC.** Lack of attendance will delay consideration of the COA until the next regularly scheduled meeting of the HPC.

AFTER THE MEETING

If approval is granted, applicants should contact staff at (757) 393-8836 to pick up their COA and approved plans from the Department of Planning at City Hall, 4th floor. Many projects require building permits before construction can begin. Contact the Building Permits and Inspections office at (757) 393-8522 to determine if a building permit is needed.

APPEALING AN HPC DECISION

A decision of the HPC may be appealed to the Appeal Review Committee by the applicant or Director of Planning. A written notice of intent must be submitted to the Appeal Review Committee within thirty (30) days of the final HPC decision. Appeals should be mailed to the Director of Planning, 801 Crawford Street, Portsmouth, VA 23704.

COA EXPIRATION

Once an application has been approved by the Department of Planning or the HPC, the COA remains valid for a period of one (1) year from the date it is issued. All work approved on the COA must be completed within one year of issuance and once begun, no project may be left unfinished or abandoned. Failure to commence and complete work within this time frame renders the COA void and a new application must be submitted.

If an applicant requests an extension in writing to complete the project (for up to one additional year), the HPC may approve the extension if the proposed project is the same as when it was originally submitted and approved.



CERTIFICATE OF APPROPRIATENESS APPLICATION

*Note: Please type or use black ink on application and all supporting documents.
These forms may be downloaded from the Planning Department website at
www.portsmouthva.gov/planning.*

ADMINISTRATIVE USE ONLY – APPLICATION NUMBER: _____

PROPERTY ADDRESS: _____

HISTORIC DISTRICT: Cradock Truxtun Park View Port Norfolk Olde Towne

APPLICANT INFORMATION:

Name: _____

Mailing Address _____

City _____ State _____ Zip Code _____

Daytime Telephone _____ Home Telephone _____ Cell Phone _____

E-mail _____

Applicant's Capacity (*circle one*): Owner, Lessee, Agent, Architect, Contractor, Attorney, Other: _____

OWNER INFORMATION (if different from above):

Name: _____

Mailing Address _____

City _____ State _____ Zip Code _____

Daytime Telephone _____ Home Telephone _____ Cell Phone _____

E-mail _____

DESCRIPTION OF EXTERIOR WORK

Changes to an Existing Structure/Site New Construction Addition(s) Demolition

Describe, in your own words, all exterior work, building and site, that can be seen from a public right-of-way. See the attached "Supplemental Requirements" for required supporting materials. Be sure to indicate all exterior materials and colors. You may use additional sheets and attach manufacturer's information sheets where appropriate.

How did you hear that you needed a COA? _____



CERTIFICATE OF APPROPRIATENESS APPLICATION

HISTORIC DISTRICT GUIDELINES

Were the Historic District Guidelines consulted for this project? Yes No Don't Know

If yes, please check how you obtained the guidelines:

- Online Library Planning Department Civic League

Chapter(s) of Historic District Design Guidelines consulted:

- Site Design Section(s) _____
- Existing Structures — Elements Section(s) _____
- Existing Structures — Materials Section(s) _____
- New Construction and Additions Section(s) _____
- Demolition and Moving Section(s) _____

OTHER INFORMATION

Please note any other factors that the Planning Department staff and/or the HPC should take into account when considering this application.

Public notification requirements may include the on-site posting of the meeting date, time, and location. A site visit may also be required for consideration of your application. By your signature below, you agree to the placement of such notice on your property and allow HPC members and staff to enter your property to view the exterior of the building(s) involved for the purposes of evaluating your application for a COA.

Applicant's signature _____ Date _____

Property owner's signature _____ Date _____

(if different than applicant)

Note: A Certificate of Appropriateness (COA) is needed prior to the issuance of a building permit for erection, alteration or improvement. Although a building permit is not required for all types of construction, a COA is still required. Failure to obtain a COA can result in fines of up to \$5,000. No Certificate of Occupancy will be issued unless the project is constructed in compliance with the COA.

ADMINISTRATIVE USE ONLY

Date Complete Application Recv'd: _____ **Type of Review: AR** **HPC**

Public Meeting Date: _____

Approved **Denied** **Date:** _____



SUPPLEMENTAL REQUIREMENTS FOR APPLICATIONS

ALL APPLICATIONS

- Completed Certificate of Appropriateness Application
- Color Photographs (at least 4" x 6"), labeled and showing:
 - All public views of the building
 - Details of areas of building where work is proposed
 - Buildings on either side and across the street from the subject property

Additional information may be required by the Historic Preservation Commission after initial consultation or review and may include any or all of the following items:

CHANGES TO AN EXISTING BUILDING/SITE, SIGNS

An application for Changes to an Existing Building in any of Portsmouth's Historic Districts may require items from the list below in addition to those listed above under "All Applications."

FOR BUILDINGS:

- Historic evidence (such as old photos) to justify any restoration of missing elements
- Samples/catalogue sheets of materials to be used
- Paint chips for all new paint colors to be used
- Scaled Drawings (*with scale and north arrow*)
 - Physical Survey that *includes the property, all site conditions and adjacent structures*
 - Elevations *showing the proposed changes to the historic building including materials*

FOR SITES

- Scaled Drawings (*with scale and north arrow*)
 - Physical Survey *including the property, adjacent structures, and proposed alteration(s)*
 - Elevations of fences and other features *as requested*
- Samples/catalogue sheets of materials to be used

FOR SIGNS

- Drawing or photograph *showing sign location*
- Scaled Drawings showing *sign face, border, mounting mechanism, color, size of sign and lettering and materials*
- Samples/catalogue sheets of materials to be used

NEW CONSTRUCTION AND ADDITIONS

An application for New Construction or an Addition to a property in any of Portsmouth's Historic Districts may require items from the list below in addition to those listed above under "All Applications."

- Scaled Drawings (*with scale and north arrow*)
 - Showing all elevations of proposed structure and the historic building *including texture, relative grade and elevations related to the floor level*. Include drawings of architectural details. *Please note colors and materials on elevation.*
 - Floor plans of affected exterior walls on the historic building
 - Physical Survey *including the property and adjacent structures and showing the location of:* property boundaries, buildings, site lighting, parking, walkways, mechanical and utility equipment, accessory structures, fencing, and plantings
- Samples, photographs, brochures or catalog sheets of all materials to be used *including manufacturer's name, item number, and color for:* exterior wall cladding, foundation, roof, windows, doors, exterior lighting, and trim
- Paint chips for all new paint colors to be used

DEMOLITION

An application for Demolition of an historic structure in any of Portsmouth's Historic Districts may require any of the information listed above in addition to any of the items listed below:

- Feasibility study/structural study/cost estimates for rehabilitation
- Documentation of hardship
- Photographic documentation
- Plans for new use of property



MATRIX

LEGEND	NR = No Review				
	A = Administrative Review				
	H = Historic Preservation Commission Review				
	✓ = Yes		✗ = No		
REVIEW	Olde Towne	Port Norfolk	Park View	Cradock	Truxtun
DEMO	H	H	H	H	H
PARTIAL DEMO	H	H	H	H	H
NEW CONST	H	H	H	H	H
ADDITIONS	H	H	H	H	H
REHABILITATION					
Windows					
Maintain	NR	NR	NR	NR	NR
Replace Original					
Survey needed	✓	✓	✓	✗	✗
Consolidation required	✓	✓	✓	✓	✓
Design of New	H	H	H	A	A
Change in Size	H	H	H	H	H
New Opening	H	H	H	H	H
Fill-in Existing	H	H	H	H	H
Change in Materials					
Composite	H	A	A	A	A
Alum Clad	H	A	A	A	A
Vinyl Clad	H	H	H	A	A
Fiberglass	H	H	H	A	A
Vinyl	✗	H	H	A	A
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Storm Windows					
	H	A	A	A	A
Shutters					
Wood	H	A	A	A	A
Plastic	✗	✗	✗	✗	✗
Metal	✗	✗	✗	✗	✗
Composite	H	A	A	A	A
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Awnings					
	H	H	H	A	A



MATRIX

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	H = Historic Preservation Commission Review				
	✓ = Yes		✗ = No		
REVIEW	Olde Towne	Port Norfolk	Park View	Cradock	Truxtun
Siding					
Maintain	NR	NR	NR	NR	NR
Remove Non-Historic	A	A	A	A	A
Clad Over Existing	✗	✗	✗	A	A
Consolidation required	✗	✗	✗	✓	✓
Substitute Materials					
Cementitious	H	H	H	A	A
Vinyl	✗	✗	✗	A	A
Aluminium	✗	✗	✗	A	A
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Roof					
Maintain	NR	NR	NR	NR	NR
Change Design	H	H	H	H	H
New Openings	H	H	H	H	H
Appurtenances	H	A	A	A	A
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Wood	NR	NR	NR	NR	NR
Slate	NR	NR	NR	NR	NR
Metal	NR	NR	NR	NR	NR
Asbestos Shingle	NR	NR	NR	NR	NR
Replace w/substitute					
Metal	H	H	H	A	A
Artificial Slate	H	H	H	A	A
Architectural Shingle	H	H	H	A	A
Asphalt	H	H	H	A	A
Porch					
Maintain	NR	NR	NR	NR	NR
Enclose	H	H	H	H	H
Remove Porch	H	H	H	H	H
Change Design	H	H	H	H	H
Add or Change Steps	H	H	H	A	A
Replace w/Substitute Materials(partial & full)	H	H	H	A	A
Composite (railings and columns)					
Vinyl	H	H	H	H	H
Fiberglass	H	H	H	H	H
Wood Resin	H	H	H	A	A
Metal	✗	✗	✗	✗	✗
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR



MATRIX

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	✓ = Yes		✗ = No		
REVIEW	Olde Towne	Port Norfolk	Park View	Cradock	Truxtun
Doors					
Maintain	NR	NR	NR	NR	NR
Change Configuration	H	H	H	H	H
Change Design	H	H	H	A	A
Add Storm/Screen	H	A	A	A	A
Add New Opening	H	H	H	H	H
Fill-in Existing Opening	H	H	H	H	H
Replace with Substitute Materials					
Wood	H	A	A	A	A
Metal	H	H	H	A	A
Fiberglass	H	H	H	A	A
Vinyl	H	H	H	A	A
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Chimney					
Removal	H	H	H	H	H
Covering/parging	H	H	H	A	A
Change in Height	H	H	H	H	H
Chimney Caps/Vents	A	A	A	A	A
Change in Details/Design	H	H	H	H	H
Cornice					
Maintain	NR	NR	NR	NR	NR
Change in Design	H	H	H	H	H
Change in Material	H	A	A	A	A
Foundation					
Filling-in Piers	H	A	A	A	A
New Openings	H	H	H	A	A
Fill-in Existing Openings	H	A	A	A	A
Parging/Cladding	H	H	H	A	A
Gutters					
Maintain	NR	NR	NR	NR	NR
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Change in Materials	H	A	A	A	A
Change in Design	H	A	A	A	A
Lighting	H	H	H	A	A
Paint					
Change in Color	H	A	A	A	A
Repainting Same Color	NR	NR	NR	NR	NR



MATRIX

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	✓ = Yes	✗ = No			
REVIEW	Olde Towne	Port Norfolk	Park View	Cradock	Truxtun
SITE					
Walkways					
Maintain	NR	NR	NR	NR	NR
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Replace with Non-original Historic Materials	H	A	A	A	A
Replace with Substitute Materials	H	H	H	A	A
New Walkway	H	H	H	A	A
Driveways/Parking Areas					
Maintain	NR	NR	NR	NR	NR
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Replace with Non-original Historic Materials	H	A	A	A	A
Replace with Substitute Materials	H	H	H	A	A
Covering of Historic Materials	H	H	H	H	H
New Driveway	H	H	H	H	H
Lighting					
Major Scheme	H	H	H	H	H
Landscape/Plantings					
Maintain	NR	NR	NR	NR	NR
Seasonal Plantings	NR	NR	NR	NR	NR
Major Alterations	H	H	H	H	H
Berming/Earthworks	H	H	H	H	H
Historic Plantings (removal)	H	A	A	A	A
Outbuildings					
Maintain	NR	NR	NR	NR	NR
Removing Historic	H	H	H	H	H
Alterations to Existing	H	A	A	A	A
New Construction	H	H	H	A	A
Appurtenances					
New	H	A	A	A	A



MATRIX

LEGEND	NR = No Review				
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	H = Historic Preservation Commission Review				
	✓ = Yes	✗ = No			
REVIEW	Olde Towne	Port Norfolk	Park View	Cradock	Truxtun
Fences and Walls					
Maintain	NR	NR	NR	NR	NR
Removing Historic	H	H	H	H	H
New Construction	H	A	A	A	A
Materials					
Chain Link	✗	✗	✗	✗	✗
Split Rail	✗	✗	✗	✗	✗
Concrete Block	✗	✗	✗	✗	✗
Vinyl	✗	✗	✗	✓	✓
Brick	✓	✓	✓	✓	✓
Wood Picket	✓	✓	✓	✓	✓
Stone	✓	✓	✓	✓	✓
Metal	✓	✓	✓	✓	✓
Replace Original w/matching original material and exact design*	NR	NR	NR	NR	NR
Pools	H	A	A	A	A





BYLAWS OF THE
CITY OF PORTSMOUTH
HISTORIC PRESERVATION COMMISSION

PORTSMOUTH, Virginia

Drafted - August 2007

Adopted _____





HISTORIC PRESERVATION COMMISSION BYLAWS

CITY COUNCIL

Dr. James W. Holley III Mayor
Marlene W. Randall..... Vice Mayor
Stephen E. Heretick..... Councilman
William E. "Bill" Moody..... Councilman
Elizabeth M. Psimas..... Councilwoman
Douglas L. Smith..... Councilman
Ray A. Smith, Sr..... Councilman

CITY STAFF

Kenneth L. Chandler..... City Manager
Debra Y. White..... Clerk of Council
G. Timothy Oksman..... City Attorney
George M. Willson, Esquire..... Senior Deputy City Attorney
Paul D. Holt III, AICP Director of Planning
Landon C. Wellford, AICP..... Assistant Director of Planning
Jocelyn T. Adumuah, MRCP..... Manager of Current Planning
Fred R. Brusso, CBO Special Projects Administrator
Samson E. Okafor Principal Planner, Secretary to the HPC
Adrienne Helms..... Planner I

HISTORIC PRESERVATION COMMISSION

Joel Andre
Christine O. McLellan Babcock
Joanna Hall
Clayton T. Hough
Richard J. Ivy
Dr. Mel L. Milton, Ph. D.
Laura A. O'Reilly, Esquire
Patrice Ward
Peter A. Youngblood



Article I Purpose

Section 1

The purpose of the bylaws of the Historic Preservation Commission is to provide an additional tool for the implementation of the provisions of the City of Portsmouth's Zoning Ordinance, Article IV: Historic Districts. Section 40-52.2 allows for the adoption of such without amendment to the Zoning Ordinance.

The following bylaws may be amended by a two-thirds vote of the HPC members at any regular meeting of the Commission. The amendment to be voted upon must be submitted for consideration at the regularly scheduled meeting prior to the meeting upon which it is voted on.

The purpose of the Historic Preservation Commission (HPC) of the City of Portsmouth, Virginia is prescribed in Article IV, Section 40-52, "Historic Preservation Commission."

- a. preservation and protection of historic places and areas in Portsmouth through education, regulation, designation
- b. control of demolition of historic places and areas
- c. regulation of architectural design and uses in historic areas

Article II Organization

Section 1: Membership

The Historic Preservation Commission shall consist of seven (7) members appointed by City Council. Each member shall be a resident or property owner in the City of Portsmouth. All members should have a demonstrated interest in historic preservation or one of the following related field such as architecture, history, architectural history, planning, or archaeology. Further requirements shall be in accordance with the Virginia Certified Local Government (CLG) Program including one (1) member that is an architect or architectural historian and two (2) members that have professional training in architecture, history, architectural history, planning or archaeology.

In the course of meeting the CLG requirements every effort should be made to ensure adequate representation from the historic districts.

Section 2: Commission Member Duties

It is the responsibility of each Commission member to be familiar with the applications under consideration. It is further the duty of each member to avoid any conflict of interest or appearance of conflict arising from the consideration of such applications by removal from the consideration and decision-making process. A commission member may be removed from office by the city council for inefficiency, neglect of duty, or malfeasance.

After the initial training, Commission members are required to attend one training session per year to fulfill the requirements of the Virginia Certified Local Government Program as administered by the Virginia Department of Historic Resources. In addition, all members, upon appointment, will be required to undergo training in regard to the rules, procedures, regulations and statutes that govern their actions.

Section 3: Terms

The terms of Commission members shall be three (3) years, except for the initial terms as provided for in Section 40.52 of the Zoning Ordinance. Members are limited to two (2) consecutive full terms, being eligible for re-appointment after a three (3) year vacancy. Terms will run on the calendar year. Reappointment for a second term is necessary.

Section 4: Officers

The officers of the Historic Preservation Commission (HPC) shall consist of a Chair, Vice-Chair elected from its own membership; and an ex-officio Secretary, designated by the Director of Planning from the staff of the City's Planning Department.

Suggest that the position of Preservation Planner be created and that this be the ex officio position that serves the HPC as Secretary. Nomination of officers (Chair and Vice-Chair) shall be made



from the regular members of the HPC by members of the HPC in January of each year. Elections shall follow immediately thereafter. (Same meeting as nominations) A candidate receiving a majority vote of the appointed regular members of the HPC shall be deemed elected and shall serve for one (1) year or until a successor shall take office.

Section 5: Vacancies

Any vacancy shall be filled by City Council appointment within 60 days according to the membership qualifications stated in Article II: Section 1 of these bylaws. New members appointed to serve out the remainder of an unexpired term may be reappointed to two (2) full terms after the expiration of the partial term.

Section 6: Compensation

Members of the HPC serve without compensation, but may be reimbursed for actual expenditures for the business of the Commission as provided in the City budget and approved by the Planning Department.

Section 7: Rules and Regulations

The HPC may adopt such rules, regulations, and procedures as it may deem necessary to conduct the business of the Commission subject to the review and approval of City Council.

Section 8: Meetings

Regular meetings of the HPC shall be held on the 3rd Tuesday of each month at 7:00 p.m., on the 6th floor of the City Hall located at 801 Crawford Street. If the regular meeting date falls on a legal holiday, the HPC shall establish an alternate meeting date when the annual meeting calendar is set in January of each year.

The Commission may enter into closed meetings by motion stating the need for such under certain limited purposes pursuant to the Virginia Freedom of Information Act, Code of Virginia 2.2-3711. Reasons may include review of candidates for appointment, consultation with legal

counsel regarding specific legal matters requiring the provision of advice, and discussion of health records.

Special meetings of the Commission may be called by the Chairperson or by two regular HPC members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of the special meeting, a written notice fixing the time, place and purpose of the special meeting.

Such written notice of a special meeting is not required, however, if the time, place and purpose of the special meeting was established at a preceding regular meeting.

Section 9: Annual Report

An annual report on HPC activities for the preceding calendar year shall be submitted to City Council no later than June 30 of the next year (e.g. 2007 Annual Report due on June 30, 2008). This report shall include a summary of all cases administrative approved and heard by the HPC and their disposition and the number of appeals filed and heard. The report shall also list commission and staff participation in educational opportunities including community outreach as well as continuing education for the staff and commission.

Section 10: Attendance

Members of the HPC are expected to attend all meetings. Whenever any member misses three (3) consecutive meetings or four (4) meetings within any twelve (12) month period, the Chair shall report this information to the City Council, along with a recommendation for retention or removal of said member of the Commission. When making these recommendations, the Chair shall consider not only the reason for the absence of the member, but also any deleterious effect said absence may have upon the HPC as a whole, its members, and its ability to transact its business.



Section 11: City Staff Support

The Preservation Planner, as designated from the staff of the Planning Department by the Director of Planning, will serve as ex-officio Secretary to the Historic Preservation Commission (HPC). The duties of the Secretary include but are not limited to setting of the annual meeting calendar and filing deadlines, holding pre-application meetings with applicants, reviewing applications for completeness and adherence to guidelines, providing administrative approval as stipulated by the historic district guidelines adopted by City Council, establishing of the agenda for HPC meetings, notifying of meetings, placing of legal ads, maintaining all records, correspondence, and other materials pertaining to the HPC, and issuing of Certificates of Appropriateness.

City Council shall appoint the City Attorney or his designee to serve as counsel to the Commission. Such counsel shall attend all meetings of the HPC.

An Appeal Review Committee, as stipulated in the Zoning Ordinance Section 40-54.5, is charged with the review of all appeals for grounds and shall consist of the Director of Planning or his designee and the Senior Deputy City Attorney or his designee.

Other City of Portsmouth employees may be designated by City Council/City Manager/Director of Planning to aid the Commission in the fulfillment of its duties as required by the Zoning Ordinance.

Section 12: Special Committees

Special committees may be appointed by the Chair for purposes and terms consistent with the HPC's powers and responsibilities and as approved by a majority of the Commission members. Such Committees may include interested members of the public. Committee reports shall be a regular agenda item.

Section 13: Guidelines

The City Council shall adopt guidelines to aid in the interpretation of the standards set forth in the Zoning Ordinance. These guidelines are subject to the adoption by City Council before becoming effective.

Article III Commission Meetings

Section 1: Minimum Meetings

A minimum of twelve regularly scheduled meetings and at least one training session will be scheduled each year to fulfill the requirements of the Virginia Certified Local Government Program (CLG) as administered by the Virginia Department of Historic Resources.

Section 2: Public Meeting

All HPC meetings are open to the public unless the Commission is in Executive Session for one or more purposes specified in the Virginia Freedom of Information Act (*see Appendix for full text*). Executive Session may be called for any purposes that are permitted by the Virginia Freedom of Information Act.

Section 3: Parliamentary Authority

The rules contained in Robert's Rules of Order Revised shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with the by-laws or the special rules of order of this Commission.

Section 4: Role of Chair

The Chair shall preside at all meetings of the HPC and shall have the duties normally conferred by parliamentary procedures of such officers. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. Should the Chair and Vice-Chair be absent at any meeting, the Commission shall elect a temporary Chair to serve at the meeting.



HISTORIC PRESERVATION COMMISSION BYLAWS

Section 5: Conflict of Interest

If an application to be heard before the HPC creates any real or implied appearance of conflict of interest, that member shall abstain from the discussion and voting on that application.

Section 6: Quorum

Four members of the HPC shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority of those present. A simple majority of those present is needed to approve.

Section 7: Alternates

If a quorum of regular HPC members is not obtained, the Chair may seat as many as three alternate HPC members as defined by the Zoning Ordinance 40-52(f) to achieve a quorum and therefore allow the public hearing to proceed.

Section 8: Review of Applications

Applications for Certificates of Appropriateness for HPC consideration must be submitted by 12:00 Noon 15 days prior to the next scheduled meeting of the HPC. Completed applications, accompanied by all necessary submission requirements, will be placed on the agenda next scheduled HPC meeting as listed on the HPC Meeting Calendar.

Section 9: Notification of Applicants

Applicants shall be informed by the Planning Department of the time and date the item will appear on the Historic Preservation Commission agenda.

Section 10: Order of Business

The order of business at regular or special meetings shall be set by the Secretary and follow the established agenda format found in the Program Manual.

The order of business shall include the following items:

- (a) Call to order;
- (b) Review minutes;

- (c) Consent agenda;
- (d) Administratively approved COA applications;
- (e) Review of applications for COAs for which a representative is present
- (f) Unfinished business;
- (g) New business; and
- (h) Adjournment

Section 11: Time to Act and Extensions

A decision shall be made on each application within 60 days of the date of application unless an applicant makes a formal request for an extension. Extension requests must include a date until which the request will be continued. If this date is not met, the application will be considered withdrawn and resubmittal will be necessary.

Section 12: Owner Representation

If the legal property owner or owner's representative is not present at the regularly scheduled public hearing, the COA application will be carried over to the next regularly scheduled HPC meeting.

Section 13: Consent Agenda

Staff will make the initial determination of applications to be included on the consent agenda. According to the agenda, the Chair will provide HPC members with an opportunity to add or remove items from the consent agenda based on their review of these applications prior to the meeting. If anyone in attendance wishes to speak to an application on the consent agenda, this will also be cause for it to be placed under full Commission review. A representative does not need to be present for items on the consent agenda; however, if the application is removed from the consent agenda and a representative is not present, the application will be tabled until the next scheduled meeting of the HPC.

Section 14: Interested Parties

Before the Commission reaches a decision on a Certificate of Appropriateness application, all



interested parties are entitled to be heard in regard to the application's adherence to the guidelines. There are two opportunities for public comment; after presentation of the consent agenda and after Commission discussion of each application and before their vote. All public comment shall be addressed to the Commission and not the applicant.

Section 15: Minutes

The Preservation Planner shall prepare minutes of each meeting of the HPC. Minutes shall be held for public review and record in the Planning Department and will be posted on the City's website.

Approved: _____

Chair, Portsmouth Historic Preservation Commission

Date: _____



HPC APPLICATION STAFF REVIEW CHECKLIST

ALL PROJECTS

Application # _____

Level of Review:

- Administrative Review
- Full HPC Review

Yes No

- Is application complete?
- Additional materials required? If yes, state additional items needed below:

- Is site visit required?
- Are additional photographs needed? If so, list below:

- Does the description of the proposed work fully explain all facets of the project?
- Does the project adhere to the guidelines? Explain, if needed:

Tax Parcel # _____

Existing Use _____

Proposed Use _____

Scheduled for public hearing on _____

Send letter to notify adjacent property owners on _____

Subject property posting on _____

Website posting _____

Newspaper advertisement _____

- Review background information on district/sub-areas from Portsmouth Historic District Guidelines and Virginia Department of Historic Resources/Virginia Landmarks Commission surveys (*See C: Technical Resources*). These resources may help you determine the style, age, and level of alterations prior to and since designation of the historic district in which the subject property is located.

NOTES:



HPC APPLICATION STAFF REVIEW CHECKLIST

FOR CHANGES TO EXISTING STRUCTURES/SITES/SIGNS

(for all work that can be seen from public rights-of way)

Date of Construction: _____

Architectural Style:

- Federal
- Queen Anne
- Bungalow
- Greek Revival
- Vernacular Victorian
- American Foursquare
- Italianate
- Colonial Revival
- Other _____
- Second Empire
- Tudor Revival

Level of Design Integrity and Important Character Defining Features and Elements

Example: Residence retains original form and windows, roof and siding materials have been replaced with non-historic coverings. Porch exhibits original scroll-sawn trim characteristic of the period of construction and common throughout the neighborhood. Site displays original concrete ribbon driveway and mature trees. Walkway is new concrete finished in historic manner to echo historic precedent of adjacent properties of same style and age.

Note: Prioritize decisions regarding adherence to guidelines with regard to effect on the most important features and elements as defined here.

How does subject property relate to the character of the block and district?

Note: Describe in terms of context, rarity, design

Example: only Queen Anne in district, one of nine Colonial Revival houses in district – retains most original features of nine, work of famous architect, typical setback, spacing, form, only stone bungalow, etc.

How does proposed project meet guidelines?

This "finding of fact" should become basis for suggested HPC motion

List each element in the project scope as described by the applicant and verified:

*Repair deteriorated window with in-kind materials
(EXAMPLE)*

Cite appropriate Chapter/Section and guidelines:

*Chapter IV: Guidelines for Existing Structures:
Elements, Section E: Windows: #1, 3, 5*

HPC APPLICATION STAFF REVIEW CHECKLIST



NEW CONSTRUCTION

Property Research

- Previous buildings on site
- Archaeological sites associated with past uses

Is building type appropriate to district/site?

- Area character
- Reference to existing building types
- Compatible with adjacent historic structures
- Consistent with underlying zoning

Setback, Spacing, Orientation & Site

- Setback reinforces historic condition
- Spacing between buildings is within 20% of average on block, consistent with adjacent
- Orientation to primary street
- Outbuildings/parking located to rear of lot
- Paving reflects historic locations and materials
- Landscaping reflects prevailing condition, uses indigenous species and retains significant specimens
- Fences and walls: reflects historic locations and materials
- Appurtenances/utilities screened from view
- Lighting for adequate safety

Massing and Form

- Compatible with historic adjacent precedent
- Roof shape consistent with historic

Height, Width, Scale, Directional Expression

- Within 10% of prevailing height on block
- Respects directional expression of adjacent
- Incorporates human-scaled elements

Character-Defining Elements

Foundation

- Respects prevailing conditions
- Delineated by water table or material change

Roof and Cornice

- Design, materials and textures consistent with historic examples
- Roof pitch should reflect adjacent
- Relates to neighboring buildings in type, complexity and materials

Openings

Windows

- Ratio of solids to voids consistent with historic examples
- Rhythm and placement reflects existing traditional designs
- Height and width compatible with adjacent historic examples
- Constructed of approved material according to matrix for district and to match style of building
- No false windows
- Recessed jamb on masonry buildings
- Surface mounted frame on frame buildings
- True divided lights or three-part design
- No false muntins or removable grilles,
- Storm window divisions match window divisions
- Storm windows painted to match trim
- Shutters fit opening of window, are wood and mounted on hinges

Doors

- Design relates to historic examples
- Design incorporates transoms, sidelights or other decorative elements
- Mostly glass storefront doors framed in painted wood or metal
- Paneled or glazed paneled doors for residential construction

Porches

- Include if prevailing condition in area/block
- Reflect traditional design - size, height, materials



STAFF APPLICATION REVIEW CHECKLIST

Materials and Textures

Masonry

- Use of cast stone or concrete to simulate stone walls and decoration – window surrounds, foundations, quoins

Wood

- Use for siding if wood is the predominant material in area
- Elements - windows, storefronts, cornices, trim, porches, etc.

Metal

- Standing-seam for roof if prevalent in area
- Metal decorative elements should not recreate historic appearance

Synthetic Materials

- Appropriate context for use
- Synthetic siding should approximate historic material in size, type, style and surface appearance
- Cement siding board may be appropriate if it does not exhibit wood-graining
- Application of cement siding should use historic reveal
- Cement-sided structures should be trimmed in “real” wood and painted
- No molded vinyl or formed metal siding, no synthetic stucco

Glass

- Level of decorative glass use consistent with historic examples

Architectural Details and Decoration

- Details should be used to create interest
- Human-scaled elements
- Avoid blank walls
- Use appropriate scale for decorative elements
- Elements should be compatible with architectural style

Paint and Color

- Complement existing colors on adjacent historic structures
- Coordinated palette with limited number of colors
- Follows district guidelines for appropriate colors
- Respects traditional rules for color placement

Awnings

- Placed within opening - does not obscure decorative elements
- Coordination with overall color scheme



HISTORIC PRESERVATION COMMISSION

NOTICE OF PUBLIC MEETING

An application for a Certificate of Appropriateness will be considered on _____ (day, date),
at _____ (time) in the _____ room of _____ (name of location)
located at _____ (address).

Property Address: _____

Name of Applicant/Owner: _____

Proposed Work: _____

Any member of the public may speak at the meeting in regard to any application.

Please call the Preservation Planner in the Department of Planning and Inspections at (757)393-8836 if you have any questions regarding this application or meeting.





AGENDA

Historic Preservation Commission

3rd Tuesday, 7:00 p.m.

6th Floor Conference Room

801 Crawford Street

- A. Call to order
- B. Welcome
- C. Role call
- D. Review/adopt minutes
- E. Summarize purpose of design review
- F. Introduce board and state qualifications and other key participants
- G. Summary report of administratively approved COAs
- H. Presentation of consent agenda
- I. Summarize public hearing process
- J. Review applications for COAs
- K. Unfinished business
- L. Communications
- M. New business
- N. Adjournment

Dear COA Applicant/Property Owner,

Thank you for your recent application for a Certificate of Appropriateness (COA) for the following project:

(insert)

Property Address _____

Your application was received on _____ and the public hearing of your request occurred on _____ at a regularly scheduled meeting of the Historic Preservation Commission.

The establishment of the City of Portsmouth Historic Preservation Commission (HPC) is provided for in the State Code of Virginia (Section 15.2-2306) as the review board charged with the administration of local historic preservation zoning based on architectural compatibility. The authority of the HPC is established in the City of Portsmouth's Zoning Ordinance (Article IV, Division 1, Section 40-52). It allows review of projects including external repairs, exterior maintenance, exterior painting, new construction including building location, alterations to an existing building, demolition of an existing building and other improvements. General criteria for review are based on the *Secretary of the Interior's Standards for Rehabilitation*, nationally accepted standards published by the National Park Service and listed in the Zoning Ordinance.

More detailed guidance in the interpretation of the Zoning Ordinance and the *Secretary of the Interior's Standards for Rehabilitation* is available to property owners through the *Historic District Design Guidelines* for the historic district in which the property is located. The guidelines vary for each district but all include background information on the history of the district and its architectural styles, rehabilitation standards for materials and building elements, considerations for additions and new construction and reference and review procedure information. The HPC and designated Planning Department staff also use these guidelines as a basis for their review of your project.

The property listed above is located in the _____ Historic District. It was built circa _____ and is an example of the _____ style. The integrity of the structure and site are _____ and the character-defining features of the building include

_____.

During the public hearing the significance of the building and significance of the building elements affected by the proposed change were discussed. Relevant background and other relevant factors (*insert from minutes*) were submitted and heard through presentations by the property owner (or agent), City Planning Department staff (and other interested parties).

At the conclusion of the public hearing portion of the meeting the Commissioners analyzed the project's conformance or nonconformance with the existing design guidelines for the _____ Historic District. A motion was made, seconded and voted upon that your project should be *approved as submitted*, *approved with conditions stated below*, *disapproved* (*choose one*) according to the guidelines (*cite particular guidelines that apply*).

The City of Portsmouth Zoning Ordinance allows appeals of the decision of the HPC to the Appeals Review Committee based on *“an alleged error by the Commission in finding that the proposed erection, alteration, reconstruction or restoration of a structure would not be architecturally compatible with the historic landmarks, buildings or structures within the historic district.”*

If you wish to appeal the decision of the HPC you *“must set forth in writing the alleged error of the action or the decision of the Commission”* and such appeal must be *“filed within thirty days after the Commission’s final decision.”* The Director of Planning also has the right to appeal the decision.

Please contact the Planning Department if you have any questions or we can be of assistance to regarding your project.

Respectfully,

Secretary, Portsmouth Historic Preservation Commission
Department of Planning

Appeal of Decision of Historic Preservation Commission (HPC) Information Sheet

The decision of the HPC may be appealed to the City Council through the Appeal Review Committee. The grounds for such an appeal are stated in the Zoning Ordinance:

Based on alleged error of the action or decision of the committee in finding that the proposed erection, alteration, reconstruction, or restoration of a structure would not be architecturally compatible with the historic properties, buildings, or structures within the historic district

An appeal must be filed with the Appeals Review Committee through the Planning Department within 30 days of a final HPC decision.

The Appeal Review Committee is comprised of the Director of Planning or designee and Assistant City Attorney or designee. They meet on an as-needed basis to rule on the merit of the appeal. Based on their findings, the applicant will either be notified that there are no grounds or that the appeal has been forwarded to the City Clerk to be placed on the City Council agenda for the next available meeting. All appeals referred to City Council will be accompanied by a written conclusion based on the criteria established in the Zoning Ordinance.

If forwarded to City Council on grounds, City Council may either uphold or reverse the decision of HPC. If the decision is reversed, a Certificate of Appropriateness (COA) will be issued, allowing the project to proceed – based on any necessary permits being obtained. If City Council upholds decision of HPC then the applicant has 30 days to appeal to Circuit Court.



HISTORIC PRESERVATION COMMISSION
CERTIFICATE OF APPROPRIATENESS

Certificate of Appropriateness # _____

Issued: _____

Expires: _____

Property Address: _____

Property Owner: _____

Notice to Property Owner:

This Certificate of Appropriateness does not relieve the property owner of the above-mentioned property of the responsibility to meet all zoning, building, sign, and related city codes, nor does it relieve the applicant from obtaining all necessary clearances and permits. Any changes to the approved work described below must be submitted in writing to the Historic Preservation Commission for approval.

Approved Work: _____

Secretary to the Commission _____

THIS COA MUST BE POSTED IN A CLEARLY VISIBLE LOCATION ON THE SUBJECT PROPERTY DURING ALL PHASES OF CONSTRUCTION

Department of Planning • 801 Crawford Street • Portsmouth, VA 23704-3822
Phone (757) 393-8836 • Fax (757) 393-5223 • Website www.portsmouthva.gov/planning



Lee, Keshana (DHR)

From: Bill Frazier [bfrazier@frazierassociates.com]
Sent: Monday, February 25, 2008 2:46 PM
To: Kilpatrick, Kathleen (DHR)
Subject: Re: Support Letter Request
Follow Up Flag: Follow up
Flag Status: Red

Thanks so much, Kathleen. FYI, I am overnighting the full packet along with one set of the guidelines. All the other four guidelines are the same format and content but just different graphics to reflect the architecture of that district. Call with any questions. Best, Bill

Fr Blkberry. Honored to support you with a letter. Let me get the attachment open when in on Monday and see what else I will need. Of course, I would love to have the whole file when there is time. You're talking my home town and sounds like a wonderfil model effort for other localities to follow. Great show!
Kathleen S. Kilpatrick

-----Original Message-----

From: Bill Frazier <bfrazier@frazierassociates.com>
To: Kilpatrick, Kathleen (DHR)
Sent: Fri Feb 22 12:16:40 2008
Subject: Support Letter Request

Dear Kathleen,

As you may be aware, our office just completed a two year comprehensive evaluation of the community preservation program in Portsmouth working through the Planning Department but with all segments of the community.

We mailed questionnaires to all households in all 5 historic districts and held outreach workshops in each district as well. The result was a set of recommendations that was adopted by the City Council and then the ordinance was rewritten and strengthened, new procedures, by-laws, and forms were created. The next step was new training for the new historic preservation commission and then separate new guidelines for all the districts. The new program was just enacted last month.

In that regard, the City and our firm applied for a Virginia Planning Award from the VAPA in December. The winning applications will be announced at their annual meeting in March. In the meantime we and the City have decided to apply for a National Trust Honor Award for the project as well.

Unfortunately it has a short fuse and is due March 1st. May we impose upon you to write us a brief letter of support for the award application? I have taken the liberty of attaching the text for the VAPA award that we previously submitted as background for you to better understand the project.

In addition, I would be happy to send you a copy of the entire report, the new program manual and one of the sets of the guidelines next week but these

2/27/2008

documents are very lengthy and it will take me a couple of days to get those copied and mailed to you. Also I would be happy to come to Richmond at a later date and present the entire project to any interested staff if you all felt that it would be useful. Thanks for any consideration that you might give our request and feel free to call me on my cell if you have any questions.

Best regards,
Bill

--

William T. Frazier, AICP
FRAZIER ASSOCIATES
Architecture, Planning and Landscape Architecture
213 N. Augusta Street
Staunton, VA 24401
540.886.6230 (voice)
540.886.8629 (fax)
540.255-5923 (cell)
<http://www.frazierassociates.com>

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Process

The entire local preservation program was carefully examined and all aspects were modified as needed to create a new state-of-the-art local program. After significant research and essentially “taking the pulse” of each district, the project began in earnest:

Milestones

2,500 questionnaires were mailed to every household in all five historic districts. The return rate of 15% yielded unprecedented local feedback.



Public outreach workshops, sponsored by local civic leagues, were held in each historic district. Large turnouts revealed citizen interest.



Recommendations were made in the areas of regulation, procedures, boundaries, guidelines, training, public education and financial incentives. Every recommendation was adopted unanimously by City Council.



The zoning ordinance was rewritten and strengthened to streamline the review process, clarify requirements, and improve enforcement.



The original two CARs were disbanded and replaced with a new historic preservation commission. New qualifications for appointing members to these commissions were established. New procedures, by-laws, and forms were created. New historic preservation commission members underwent comprehensive training.



New design guidelines were written for each of the five districts. The guidelines are state of the art, utilizing the latest software which improves the quality of the graphics and makes the illustrations more understandable by the users. The content of each publication includes everything that is traditionally included, plus new information on using acceptable substitute materials, green design guidelines, sustainable design, and energy saving recommendations. All guidelines were placed on the city's website.

Impact

Ultimately, Portsmouth's design review process was simplified, clarified and strengthened. Requirements are now clear and easy to understand, the review process is shortened for most projects, and the public is on board. While Portsmouth's review process remains based on nationally accepted professional historic preservation standards, it is also inherently more flexible because it responds to the unique social, cultural, and economic situations of each district.

Model

The project is transferable to any other community with historic resources that has a local preservation program or is considering creating such a program. Its comprehensive approach greatly increases the community's ability to create an effective and long lasting program. Its outreach strategy ensures that all of the historic district residents and other stakeholders have ample opportunity for input throughout the entire process of program development and implementation.