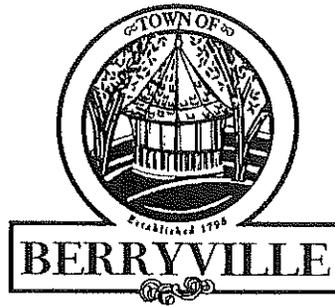


Town of Berryville
Berryville-Clarke County
Government Center
101 Chalmers Court Suite A
Berryville, VA 22611



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Town of Berryville
ARCHITECTURAL REVIEW BOARD
Regular Meeting

Wednesday, November 29, 2017 - 12:30 p.m.
Berryville – Clarke County Government Center
101 Chalmers Court – **AB Meeting Room** – Second Floor

AGENDA

1. **Call to Order** – Jim Barb, Chair
2. **Approval of Agenda**
3. **Approval of Minutes** – September 6, 2017
4. **Discussion** – 101 North Church Street Window Installation
5. **Other**
6. **Adjourn to Berryville Main Street office**

Patricia Dickinson
Mayor

Harry Lee Arnold, Jr.
Recorder

Donna Marie McDonald
Ward 1

Council Members
Allen Kitselman, III
Ward 2

Erecka L. Gibson
Ward 3

David L. Tollett
Ward 4

Keith R. Dalton
Town Manager

BERRYVILLE ARCHITECTURAL REVIEW BOARD
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
Wednesday, September 6, 2017

The regular meeting of the Berryville Architectural Review Board was held on Wednesday, September 6, 2017 at 12:30 p.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

ATTENDANCE

The following members of the Board were present: Jim Barb, Chair; Susan Godfrey, Vice Chair; Gene Williamson; Rachael Worsley

Member absent: Robin McFillen

Press present: None

Others present: Maral Kalbian

The following staff member was present: Christy Dunkle, Town Planner

Chairman Barb called the meeting to order at 12:30p.m.

APPROVAL OF AGENDA

Chair Barb asked for a motion to approve the agenda. Mr. Williamson made the motion to approve the agenda, seconded by Ms. Worsley, the motion passed by voice vote.

APPROVAL OF MINUTES

Ms. Worsley made the motion to approve the minutes of the August 2, 2017 meeting, seconded by Mr. Williamson, the motion passed by voice vote.

DISCUSSION – UPDATE OF BERRYVILLE HISTORIC DISTRICTS

Chair Barb asked Ms. Kalbian to join the ARB members at the table. He said that he and staff had met with Ms. Kalbian to discuss updating the national and local historic districts in Berryville.

Ms. Kalbian said that the ARB should consider requesting an update on the Berryville Historic District. She said the first effort was conducted in the late 1980's and she is proposing discussion about an update to the National Register district. She said that the Virginia Landmarks Register recognizes the national register. She said the national district is purely honorific and properties within the designated area are not required to obtain approval from the ARB. She explained the process of updating the historic district which included photo documentation of structures by trained individuals, completion of requisite forms, and an application to the Virginia Department of Historic Resources (DHR). She said that the last survey was completed in Berryville in 1987 when they documented structures 50 years or older, thus making the current cut-off period 1937. Ms. Kalbian added that those properties in the national district are eligible for rehabilitation tax credits. She said that individually listed structures are also eligible for the rehabilitation tax credits.

Ms. Kalbian said that the City of Winchester had just gone through a sizable update of their historic district, expanding the period of significance as well as the boundaries of the district. She said that Winchester's local and national districts did not match up adding that they now do.

Ms. Kalbian said there are currently 314 contributing structures; 74 outbuildings considered contributing; 62 non-contributing buildings (built after 1937), and 18 non-contributing outbuildings in Berryville's national historic district. She added that the confederate soldier in front of the court house complex is considered a contributing object.

Ms. Kalbian explained the advantage of updating the districts including new photos and documentation of the structures, alignment of the two historic districts which she would recommend, and additional properties would be eligible for rehabilitation tax credits. She said that additional neighborhoods would likely be added due to the expanded period of significance to 1967 including First Street, Liberty Street, Berryville Graphics, Swan Avenue, and Rosemont Circle.

Ms. Kalbian the process could take place in phases. She said that grants are available through the Virginia DHR. She said Certified Local Government funding is available adding that Berryville is not currently a CLG. She said a second option would be a cost-share grant through DHR which does not require CLG participation. She said a consultant would be selected by DHR and that there is a 50% match required by the Town. She said a third option is 100% funding by the Town. Vice Chair Godfrey asked what the approximately cost would be. Ms. Kalbian went through the steps of the updates including field work that would be approximately \$120 per property, database input, both hard copy and digital photographs, site plans and vicinity maps. She said this work will determine modifications to the current boundaries. She explained the Preliminary Information Form (PIF) and said that this and the proposed boundary changes would be forwarded to DHR for review and approval. She said this would allow for making the case to go on to phase 2 which would cost approximately \$15,000 to \$20,000.

There was a discussion about property owners who do not wish to be included in a district or in the tax credit program. She said education is an important step in engaging residents. There was a discussion about working with the County Historic Preservation Commission and to offer joint training opportunities to the two boards. Chair Barb discussed real estate tax breaks that are available in the County and Town.

Ms. Kalbian said that the different levels of historic preservation are restoration, preservation, and rehabilitation. The intent is to preserve as much as feasible for new uses.

There was a discussion about Frequently Asked Questions available on the DHR web site that staff could distribute to interested property owners.

There was a discussion about breaking through with property owners and citing examples of successful projects. There was a discussion about properties that are affected by demolition by neglect. She said it is important for property owners to have an advocate to do a tax credit project. She said repetition of the importance of historic districts and discussion of the tax credit project with property owners is important.

Board members thanked Ms. Kalbian for her presentation.

OTHER

There was no other business.

ADJOURN

There being no further business, Mr. Williamson moved to adjourn the meeting, seconded by Vice Chair Godfrey, the meeting adjourned at 1:50p.m.

Jim Barb, Chairman

Christy Dunkle, Recording Secretary

BERRYVILLE ARCHITECTURAL REVIEW BOARD
Window Installation at 101 N. Church Street
November 29, 2017

AGENDA ITEM 4

Staff received a message that new windows were being installed at the property located at 101 North Church Street, identified as Tax Map Parcel number 14A2-((A))-65 zoned C General Commercial. Ms. Dunkle requested that the work be stopped and that the windows the property owner would be installed needed to be reviewed by the Town Architectural Review Board prior to installation.

Cursory issues identified include the following:

- No Certificate of Appropriateness has been issued;
- Inappropriate material (vinyl);
- A gap at the top of the windows due to the installation of the incorrectly sized window;
- A different grill pattern from what existed on the original windows; and
- No exterior grills.

The following items are included for review:

- Letter sent by Chair Jim Barb dated November 21, 2017;
- Department of Historic Resources Survey completed in 1985 identifying the house as a contributing structure;
- Article VII of the Berryville Zoning Ordinance concerning the historic district; and
- Photographs of the structure taken by staff on November 21, 2017.

The property owner will be in attendance at the meeting. Staff has forwarded the ARB review application packet to the owner.

Recommendation

Request that the applicant submit detail cut sheets for review and discuss the items of importance at the meeting.

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November 21, 2017

Pete Dunning
DUNNING FAMILY LIMITED PARTNERSHIP
Post Office Box 610
Berryville, VA 22611

Dear Mr. Dunning:

This letter is in reference to the property located at 101 North Church Street, identified as Tax Map Parcel number 14A2-((A))-65, zoned C General Commercial, in the Town of Berryville.

This building is a contributing resource in the Berryville Historic District and requires a Certificate of Appropriateness prior to any exterior modifications. Staff indicated that windows were being replaced on Thursday, November 16, 2017 without a Certificate of Appropriateness having been issued by the Architectural Review Board (ARB). The ARB follows the Standards established by the U.S. Secretary of the Interior which pertain to all historic properties listed in or eligible for listing in the National Register of Historic Places. Standard 6 establishes specific criteria for modifications such as windows as follows:

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence

The ARB evaluates the adequacy of replacement windows and it appears from the photographs that the original windows should be repaired. Additional information on windows in historic buildings can be found at this link: <https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm#replacement> .

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Keith R. Dalton
Town Manager

The ARB's next meeting is Wednesday, November 29 at 12:30pm in the AB Meeting Room of the Berryville – Clarke County Government Center. Please let staff know by no later than noon on Monday, November 27, 2017 to confirm that you are available to attend the meeting to discuss the matter. Ms. Dunkle can be reached at 955-4081 or planner@berryvilleva.gov. In the meantime, please stop all work to the exterior of the referenced property.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Barb". The signature is fluid and cursive, with the first name "Jim" and last name "Barb" clearly distinguishable.

Jim Barb

Chair, Berryville Architectural Review Board

Cc: ARB members
Keith Dalton, Town Manager
Christy Dunkle, Assistant Town Manager

Town/Range/County: Berryville
 Street address or route number: 101 N. Church Street
 Historic name: _____

Section: Clarke
 U.S.G.S. Quad: Berryville 7.5
 Common name: _____

Present use: Residential
 Original use: Residential

Building Style: Federal
 Building Date(s): Mid-19th Century

1. Construction Materials
- wood frame
 - brick
 - bond: English
 - Flemish
 - 5-course American
 - stretcher
 - other _____
 - stone
 - random rubble
 - coursed rubble
 - ashlar dressed
 - rock-faced
 - log:
 - squared unsquared
 - notching:
 - V-notch half dovetail
 - saddle full dovetail
 - square diamond
 - concrete block
 - terra cotta
 - steel frame
 - other _____

2. Cladding Material
- weatherboard composition siding
 - vertical siding stucco
 - board & batten aluminum or vinyl siding
 - shingle:
 - wood cast iron
 - asbestos sheet metal
 - asphalt enameled metal
 - bricktex glass
 - other _____



3. Stories (number): 2.5
 low basement raised basement

4. Bays (number): front 3 side (church) _____
 symmetrical asymmetrical

5. Roof Type
- shed hipped
 - parapet? pyramidal?
 - gable mansard
 - pediment? false mansard
 - parapet? gambrel
 - clipped end? flat
 - cross gable? parapet?
 - central front gable? roof not visible
 - other _____

6. Roofing Material
- shingle
 - composition (asphalt, asbestos, etc.)
 - wood
 - metal
 - standing seam
 - corrugated
 - pressed tin (simulated shingles)
 - tile
 - pantile flat glazed
 - slate
 - not visible

7. Dormers (number): front 0 side _____
 gable pediment?
 shed
 hipped

8. Primary Porch
 style: Victorian
 stories: 1
 levels: 1 bays: 5
 materials: wood
 description and decorative details:
elaborate pendant brackets on square posts with decorative railing

9. General supplementary description and decoration:
single interior end chimney; stone foundation; triple window and fish scale shingles under front gable

10. Major additions and alterations:
porch and central front gable probably added ca. 1880s; 2-story plan ell

11. Outbuildings:
none

12. Landscape Features:
flower beds in front and side yard; garden in rear

13. Significance:
well-preserved Federal-style house with notable Victorian decoration added in late 19th century

Primary Sources
Berryville, Clarke County, VA, March 1930
Sanborn Map Company, NY, Copyright 1930

Name Mrs. Ralph Dorsey
Address Walnut Street

Date 03-14-85

Date

Name
Address

Phone
Date

Name
Address

Phone
Date

Published Sources
National Register Nomination Form
(VHLC 21-21) dated 09-13-85, continua-
tion sheet #1

Plan and Massing (Note original features, additions, and alterations)

Drawing of Plan

Sketch of Site Plan

Historical Information

ARTICLE VII– HISTORIC DISTRICT REGULATIONS

SECTION 701 – PURPOSE; DESIGNATION; USES

701.1 PURPOSE

The purpose of this article is to promote the general welfare of the citizens of Berryville, maintain and enhance the unique architecture and overall character of the Town, and enhance educational, cultural and economic opportunities through:

- (a) The designation of historic or architecturally significant structures, places, and areas of historical interest;
- (b) The protection of such structures, places and areas as significant in the history of the state and town, commemorative of the events, circumstances and architectures associated with them, serving as tangible reminders of the Town’s settlement and development history;
- (c) Promotion of the economy, commerce and industry of the Town, specifically with regard to property values and tourist trade, through the protection of such structures, places and areas, and the development and maintenance of appropriate and architecturally compatible settings.

701.2 HISTORIC DISTRICT OR LANDMARK DESIGNATION

- (a) The Town Council may adopt an ordinance setting forth any historic landmarks within the Town as established by the Virginia Department of Historic Resources, and any other structures within the Town having an important historic, architectural or cultural interest.
- (b) The Town Council may also amend the existing Zoning Ordinance of the Town of Berryville and set forth in such ordinance:
 - i. Any historic areas in the Town as defined by Section 15.1-430(b), Code of Virginia, 1950, as amended, and
 - ii. A delineation of one or more historic districts which:
 - (1) are adjacent to such landmarks and structures, or
 - (2) encompass such historic areas, or which
 - (3) encompass parcels of land contiguous to arterial streets or highways as designated pursuant to Title 33.1 of the Code of Virginia, 1950, as amended, including Section 33.1-41.1 of that Title. Such arterial streets or highways shall be found by the Governing Body to be significant routes of tourist access either to the Town, to designated historic landmarks, structures or districts in the Town or to any designated historic landmarks, structures or districts in Clarke County.
- (c) The Zoning Administrator shall maintain an inventory of each historic district which shall indicate any historic landmarks in the district, together with all properties.
- (d) A structure, group of structures, site or district may also be designated as a historic landmark or district if it:

Section 701 Historic District Regulations

- i. has significant character, interest or value as part of the Town's development or heritage; or
 - ii. portrays the environment in an era of history characterized by a distinctive architectural style; or
 - iii. is the work of a designer whose individual work has significantly influenced the development of Berryville; or
 - iv. contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
 - v. by being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or
 - vi. owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood or Town.
- (e) Any property once included shall not be removed from the provisions of this Article except by rezoning by the Town Council in accordance with provisions of the State Code.
- (f) Such amendment of the Zoning Ordinance and the establishment of such districts shall be in accordance with the provisions of Article 8 (Section 15.1-486, et seq. of the Code of Virginia), and the Berryville Planning Commission, after public hearing, may recommend historic districts and/or tourism corridors for adoption. The Town Council may adopt such recommended historic districts and/or tourism corridors to be designated on the Town of Berryville Official Zoning Map.

701.3 PERMITTED USES

The historic district zones will be overlay zones. The uses permitted in the underlying zoning districts are not changed by this Ordinance. A Certificate of Appropriateness is required for actions as provided for below.

SECTION 702 – CREATION OF THE ARCHITECTURAL REVIEW BOARD

For the purpose of making effective the provisions of this Article, there is hereby created a board to be known as the Berryville Architectural Review Board (hereinafter referred to as the "Board" or "Architectural Review Board").

Section 703 Membership, Meetings and Duties of the Board

SECTION 703 – MEMBERSHIP, MEETINGS AND DUTIES OF THE BOARD

703.1 COMPOSITION

The Board shall consist of five (5) members who are citizens of or owners of property within the Town of Berryville, with some knowledge of and interest in historic preservation. Two (2) members shall be property owners within a local historic district in the Town of Berryville. It is strongly encouraged that one (1) member be a registered architect, and that at least two (2) members have professional training in architecture, architectural history, archaeology, American studies, history, planning or in some related field.

703.2 APPOINTMENT AND TERMS

The Board members shall be appointed by the Town Council for four-year terms of office beginning at the date of appointment; provided, that one (1) member of the Board first appointed shall be for one (1) year, one (1) shall be for two (2) years, one (1) shall be for three (3) years, and two (2) shall be appointed for four (4) years. Vacancies occurring during the term of a member shall be filled for the unexpired term only and shall be filled within sixty (60) days. Members who miss more than two (2) meetings per year may be subject to dismissal. The members of the Board shall serve as such without compensation, except for justifiable out-of-pocket expenses.

703.3 ORGANIZATION

The Board shall elect from its membership a chairman and a vice-chairman who shall be elected in January of each year. The chairman shall preside over all meetings of the Board and shall have the same right to vote and speak as other members. The vice-chairman shall, in the absence or disability of the chairman, perform the duties of the chairman. In the absence or disability of the chairman and the vice-chairman, the Board shall by majority vote of those present choose one of its members to act as chairman pro tempore. The Board shall elect a secretary (this person may or may not be a member of the Board) who shall keep a record of all resolutions, proceedings and actions of the Board.

703.4 PROCEDURE FOR MEETINGS

- (a) Three members of the Board shall constitute a quorum for the performance of its duties. The Board shall adopt rules for the performance of its duties, which shall provide for the time and place for the holding of regular meetings. Regular meetings shall be convened only if there is pending business to be transacted; however, the Board shall meet at least four (4) times per year. The rules shall also provide for the calling of special meetings by the chairman or at least two (2) members of the Board.
- (b) All meetings of the Board shall be open to the public. All actions by the Board must be taken at a public meeting.

Section 703 Membership, Meetings and Duties of the Board

- (c) The Board shall keep a summary record of its resolutions, proceedings and actions. The concurring affirmative vote of a majority of the members present and voting shall be necessary for the adoption of any resolution, motion or other action of the Board. The Board in the exercise of its powers and performance of its duties shall act only by formal resolution which shall set forth the reasons for its decision. The vote of each member participating shall be recorded by the secretary.
- (d) The Board members shall act in compliance with all applicable conflict of interest laws, including exempting themselves from voting on any action in which their financial interests are directly involved.

703.5 STAFF ASSISTANCE

- (a) Upon request of the Board – and with the approval from the Town Manager – staff members or departments of the Town government shall furnish to the Board such information and render such service as may be required by the Board.
- (b) The Board may, from time to time, seek the advice of persons knowledgeable in the fields of architecture, landscape architecture, historic preservation or other relevant professions.

703.6 DUTIES OF THE BERRYVILLE ARCHITECTURAL REVIEW BOARD

- (a) The Board shall recommend to the Planning Commission which shall in turn recommend to the Town Council any changes, deletions, or additions to the boundaries of any historic districts; the creation of additional districts; determine the historic, architectural and cultural significance of the structures; and determine the appropriateness of proposed structures and signs.
- (b) The Board will review all applications for a Certificate of Appropriateness for the following, using the guidelines set forth in Section 705.1 below:
 - i. All new construction lying within the boundaries of a historic district, which creates a new structure of over one hundred fifty (150) square feet which is visible from a public right of way.
 - ii. Additions to existing contributing residential and non-residential structures within the boundaries of a historic district and visible from a public right-of-way. **(11/00)**
 - iii. Erection of all new signs within the boundaries of a historic district.
 - iv. Relocation of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are currently within the boundaries of a historic district.
 - v. Demolition of all contributing structures of over one hundred fifty (150) square feet which are visible from a public right-of-way, and are within the boundaries of a historic district.

Exceptions – The following are excepted from the requirements of this Article:

- vi. Construction of single-family detached residences and accessory structures in residential zoning districts of Annexation Area B.
- vii. Additions or unenclosed and unroofed rear yard decks, porches, and stoops to residential structures. On corner lots, the addition is reviewable if it faces one of the streets. **(11/00)**

Section 703 Membership, Meetings and Duties of the Board

- viii. Demolition, relocation, or erection of structures accessory to residences, where the accessory structure lies entirely behind the rear building line of the main residential building if not visible from a public right of way.
(09/15)
- ix. Erection of identification and home occupation signs for individual residences.

703.7 WAIVER OF REQUIREMENTS

The Board or the Zoning Administrator may waive any requirement of this Article, if the applicant demonstrates that strict adherence to this Article would create a substantial hardship for the applicant due to unique circumstances, or that the requirements are unreasonable given the applicant's unique circumstances. No such waiver shall be granted where the waiver would be detrimental to the intent of this Article, the Berryville Zoning Ordinance, the Berryville Comprehensive Plan and/or its Berryville Area Plan component.

SECTION 704 – ANNEXATION AREA B

704.1 BERRYVILLE DEVELOPMENT AUTHORITY TO ACT ON NEW STRUCTURES AND ACCOMPANYING NEW SIGNS IN ANNEXATION AREA "B".

For the area designated as Annexation Area "B" in the Clarke County, Town of Berryville Agreement Defining Annexation Rights dated December 29, 1988, the Berryville Area Development Authority ("BADA") is designated as the administrative body of the Town Council, granted the authority to carry out the duties of the Berryville Architectural Review Board, regarding the erection of new structures and accompanying new signs only. The BADA shall review only those proposals for property in Annexation Area B which is the subject of the application and for which no final certificate of occupancy has been granted. For such proposals located within a historic district, the BADA is authorized to exercise all related duties of the Architectural Review Board as described in this Ordinance, including issuance of a Certificate of Appropriateness. The Architectural Review Board shall serve as the administrative body in all other circumstances.

SECTION 705 CERTIFICATE OF APPROPRIATENESS

705.1 CRITERIA TO BE CONSIDERED FOR CERTIFICATE OF APPROPRIATENESS

Before a Certificate of Appropriateness is issued by the Board for structures as noted in Section 703.6.b, the Board, in addition to other pertinent factors related to the purpose of this Article, shall consider:

- (a) The historical and architectural value and significance of the structure, and its relationship with the land and area of the historic district in which it is located or proposed to be located.
- (b) The appropriateness of the exterior architectural features of a structure, given its site and location, and its compatibility with the exterior architectural features of other structures or places in the historic district and environs.
- (c) The general exterior design, arrangement and materials used or to be used in the structure and the type of windows, exterior doors, lights, architectural details, signs, and/or parking visible from a public right-of-way, and their compatibility with the other factors to be considered by the Board under this Section.
- (d) Concerning requests for demolition, the general level of expense likely to be incurred in the continued maintenance of an existing building, and the extent of any hardship likely to be caused by such expense.
- (e) The Board may also adopt additional guidelines providing further criteria for review of proposed projects.
- (f) In reviewing these factors, the Board shall consider whether a proposed design or demolition request would have a positive or neutral effect on the unique character of Berryville, or would harm and lessen the unique character of the Town.

705.2 APPROVALS OR DISAPPROVALS

- (a) Upon evaluation of plans submitted, according to the guidelines outlined in this Article, the Board shall approve or disapprove such modifications of the plans as the Board deems necessary to execute the purpose of this Article; otherwise the Board shall reject such plans and shall not issue the Certificate of Appropriateness.
- (b) The Board shall meet to consider such plans within fifteen (15) weekdays, excluding legal holidays, from the date of the submission of an application accepted as completed by the Zoning Administrator.
- (c) The Board shall act to approve or disapprove such plans (with or without conditions or modifications) within sixty (60) days from the date of complete application for the Certificate of Appropriateness—unless a longer time is agreed to by or on behalf of the applicant.

Section 706 Administrative Support from Planning Department

SECTION 706 - ADMINISTRATIVE SUPPORT FROM PLANNING DEPARTMENT

The Planning Department will provide administrative support for the Architectural Review Board as follows:

- 706.1 THE MAINTENANCE OF RECORDS, DISTRICT MAPS AND INVENTORY**
Maintain records of historic district zoning amendments; the zoning map showing any historic districts; an inventory list of all properties in historic districts.
- 706.2 APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS**
Receive applications that include plans and specifications provided by the applicant showing the proposed exterior architectural features of each structure or addition to a structure which shall include, but shall not necessarily be limited to, the construction techniques to be used; the general design, arrangement, texture, and materials proposed to be used; and the type of windows, exterior doors, lights, landscaping, parking, signs and other exterior details, fixtures and appurtenances which will be visible from a public street. Plans shall show the proposed action in relation to surrounding properties and structures.
- 706.3 ISSUANCE OF ZONING PERMITS AND SIGN PERMITS**
The Zoning Administrator shall issue zoning permits and/or sign permits for approved projects within a historic district following Board issuance of a Certificate of Appropriateness.

SECTION 707 RAZING OR DEMOLITION

- 707.1** Subject to the provisions of Subsection 707.2 hereof and Section 708, no contributing structure lying within a historic district shall be razed, demolished, or moved until the razing, demolition or moving thereof is approved by the Architectural Review Board which shall evidence its approval by issuing a Certificate of Appropriateness; or, on appeal, upon approval by the Town Council after consultation with the Architectural Review Board.
- 707.2** Following denial of a demolition application by the Architectural Review Board and denial of an appeal by Town Council, the property owner shall have the right to pursue demolition of the structure in question after offering the property for sale according to the procedure described in Section 15.2-2306 of the Code of Virginia, 1950, as amended.

SECTION 708 HAZARDOUS STRUCTURES

(11/97) Nothing in this Article shall prevent the razing or demolition of any structure which is in such an unsafe condition that it poses a threat to life or property, and protection from such condition is provided for in the BOCA Building Code and/or other applicable Town Ordinances.

Requests for demolition shall be reviewed by the following procedure:

1. For contributing structures less than three-hundred (300) square feet in size, such razing or demolition shall not commence unless the Clarke County building official certifies, in writing, that the structure is in such an unsafe condition that it poses a threat to life or property. After receiving such written report the Town Planner shall issue a waiver from the Certificate of Appropriateness requirement.
2. For contributing structures more than three-hundred (300) square feet in size, requests for razing or demolition shall be forwarded to the Architectural Review Board. The Architectural Review Board shall have the Town's engineer or other agent officially recognized by the Town of Berryville examine the structure to determine whether the structure is in such an unsafe condition that it poses a threat to life or property. If the Town's engineer determines that the structure poses such a threat, the Architectural Review Board shall issue a Certificate of Appropriateness for the demolition of the structure.

The cost of the review by the Town's engineer or agent shall be paid by the applicant.

SECTION 709 APPEALS OF BOARD DECISIONS

709.1 APPEALS TO THE TOWN COUNCIL

- (a) Any person aggrieved by any decision of the Board may, within thirty (30) days after the final decision of the Board, appeal such decision to the Town Council by filing both with the Board and the Town Manager a request in writing to that effect, setting out the reasons for the appeal.
- (b) The Town Council may reverse, modify or reaffirm the decision of the Board, in whole or in part. **(4/96)**
- (c) The Town Council may review any decision of the Board on its own authority if such review is undertaken within fifteen (15) days of the decision of the Board. The Council may reserve, modify or reaffirm the decision of the Board.

709.2 APPEALS TO THE CIRCUIT COURT

Any person aggrieved by any decision of the Town Council may appeal such decision to the Circuit Court of Clarke County for review by filing a petition at law, provided such petition is filed within thirty (30) days of the final decision of the Town Council. The court may reverse or modify the decision of the Town Council, in whole or in part, or it may affirm the decision of the Town Council.

Section 710 Boundaries of the Historic District

SECTION 710 BOUNDARIES OF THE HISTORIC DISTRICT

The boundaries of historic districts or historic landmarks are delineated upon the Town of Berryville, Virginia, Zoning Map, as overlay zones.

SECTION 711 SEVERABILITY

In case any section, paragraph or part of this historic district Article, for any reason, be declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 712 DEFINITIONS FOR ARTICLE VII REGULATIONS

- 712.1** Contributing: A structure, which is fifty (50) years old or older, and has not been altered so significantly (prior to being placed in a local historic district) as to lose its historic character.
- 712.2** Historic District: A property or area designated by the Berryville Town Council which is subject to the requirements of this Article.
- 712.3** Noncontributing: A structure less than fifty (50) years old, or one that is fifty (50) years old or older and which has been so altered (prior to being placed in a local historic district) that it has lost much of its historic character. Structures determined to be noncontributing may be administratively approved for demolition upon written approval by the Zoning Administrator.
- 712.4** Structure: A building or an addition to a building which increases the overall physical dimensions of such building; or a statue or monument visible from a public or other public place.

Section 710 Boundaries of the Historic District

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