

**TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD WORK SESSION AGENDA
SEPTEMBER 1, 2021
HERNDON MUNICIPAL CENTER
LARGE CONFERENCE ROOM, 2nd Floor
777 LYNN STREET
7:00 P.M.**

CALL TO ORDER

1. Determination of Quorum

PUBLIC HEARINGS

2. **APPLICATION FOR BUILDING ALTERATIONS, HDRB #21-011**, to consider an application for a front porch addition on a house located at 910 Van Buren Street, Herndon, Virginia and on the east end of the Van Buren Street and First Street intersection, and further identified as Fairfax County Tax Map 0104-03-020008A. The property is zoned R-15, Single Family Residential; and consists of 15,000 total square feet of land. Owner/Applicant: David R. Kipper & Katherine Mitchell Kipper.
3. **APPLICATION FOR BUILDING SIGNAGE, HDRB #21-012**, to consider an application for a wall sign placed on a commercial building located at 783-G Station Street, Herndon, Virginia and approximately 100 feet north of the Station Street and Lynn Street intersection, and further identified as Fairfax County Tax Map 0162-02-0301D. The property is zoned PD-D, Planned Development-Downtown and consists of 5,904 total square feet of land. Owner: Steven Mitchell, James Building Development, LLC. Applicant: David R. Kipper, Golden Real Estate.

COMMENTS

4. Comments from the Staff Members
5. Comments from the Board Members

ADJOURNMENT

Title: HPRB #21-011; House Addition; 910 Van Buren Street

Staff Contact: Bryce A. Perry
 Deputy Director of Community Development
bryce.perry@herndon-va.gov
 (703) 787-7380

Summary Information

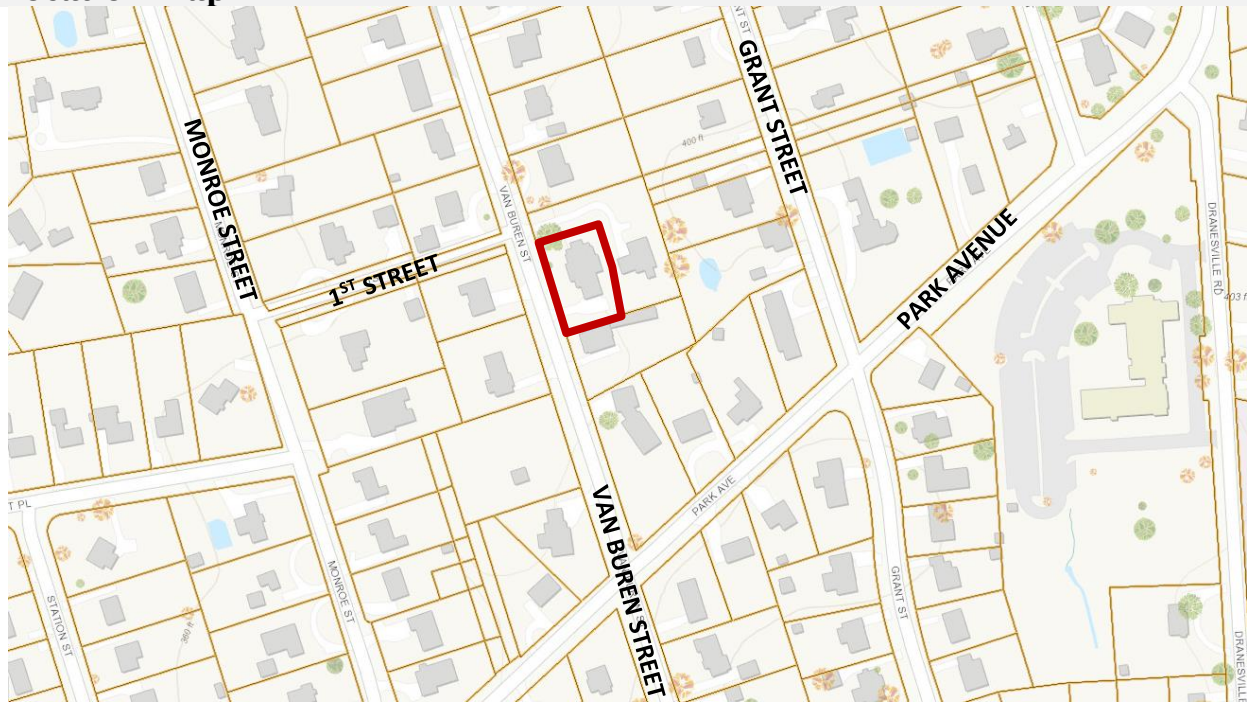
Applicant Request	Construction of a front porch		
Address	910 Van Buren Street		
Fairfax County Tax Map Number	0104-03-020008A		
Owners/Applicants	David R. Kipper & Katherine Mitchell Kipper		
Property Use	Single Family Detached Residential		
Zoning District	R-15		
HDO Designation	Non-Contributing		
Adjacent Zoning	North: R-15 East: R-15 South: R-15 West: P R-15		
Building Type(s)	One-story House	Date of Construction:	1997
Architectural Style(s)	Neo-traditional		
Exterior Material(s)	Brick and vinyl siding		
Neighborhood Design Profile	Established large lot single family detached residential neighborhood.		
Comprehensive Plan Land Use Designation	Neighborhood Conservation		

Staff Recommendation	Staff is withholding a recommendation until the applicant is able to provide the request material information as expressed in Comment #3 in the staff analysis of this report.
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Site/Building Description:

The site slopes south to north along Van Buren Street. The house sits in the center of the site with an attached side loaded garage accessed from Van Buren Street. The property is located at the edge of the Historic District boundaries with a historic house immediately to its south and a newer built house on a pipestem lot behind it. The homes across the street and north of the property are outside the Historic District. The house was built in the late 1990s in a neo-traditional style with a mixed brick and siding exterior cladding system.

Location Map



Case Details

Proposal:

This application proposes to construct an open front porch. It would be located on the right side of the front of the house attached to the existing attached garage. As proposed, it is 20'-4" in length, 12' in depth, and 16'-6" in height to the roof ridge. It would be designed with 3 bays supported by a concrete slab and covered by a full-length front gable roof. The bay further to the right side would have a half wall faced with brick. Porch materials include the following:

- 3-tab asphalt roof shingles to match existing
- Brick veneer for half wall to match existing
- Brushed concrete for porch floor
- Composite trim painted white
- Composite 6" x 6" decorative square columns painted white
- The cladding material of the front gable roof was not identified in the submission however the drawings show a scalloped patterned decorative siding.

In addition to the porch, the existing front entry of the house would be slightly altered. The existing opening in the brick wall in front of the front door will be increased in size and used as a passage into the porch.

Applicable Design Guidance:

- Zoning Ordinance Section 78-60.3. – *Historic District* (Attachment #2)

- *Historic District Overlay Guidelines* for Treatments of Non-Contributing Buildings (pages 102, 103)

Staff Analysis

1. The required front setback for this property is 45'. The existing house at 35' from the right-of-way is legally non-conforming. The proposed front porch also extends into the required setback however it does that encroachment is more than one foot less than the existing house. Since it does not extend beyond the existing house, the level of non-conformity is maintained and not increased and therefore allowed within the legally nonconforming status. In the event that the porch would extend beyond the existing house, closer to the right-of-way, the applicant would need to apply for a COA for a reduction in setback.
2. Staff believes that the proposed porch addition generally adheres to the applicable design guidelines in the Historic District Overlay Guidelines based on the findings listed below however more information is required before a complete evaluation can occur (see comment #3).
 - a. The porch reflects the scale, mass, and design of the existing house.
 - b. The porch is located in an existing niche that seems a natural placement for such as feature.
 - c. The porch does not visually overwhelm or detract from the rest of the house.
 - d. The porches level of detail is compatible with the subtle decorative approach used elsewhere on the house.
3. As cited in comment #2, additional information is necessary for a full evaluation of this case. The missing information includes:
 - a. Verification of the front gable cladding material.
 - b. Specification details of the column and trim composite material.
 - c. Verification of the brick/mortar proposed. Will it be an exact match or different than existing?

Staff Recommendation:

HDRB Alternatives:	1. Resolution to deny the application. 2. Resolution to approve the application as submitted. 3. Resolution to approve with condition(s). 4. The HDRB may also continue the review of this item to a future public hearing
Staff Recommendation:	Staff is withholding a recommendation until the applicant is able to provide the request material information as expressed in Comment #3 in the staff analysis of this report.

Report Attachments

1.	Porch Drawings
2.	Town's Zoning Ordinance, Section 78-60.3

Staff Signatures



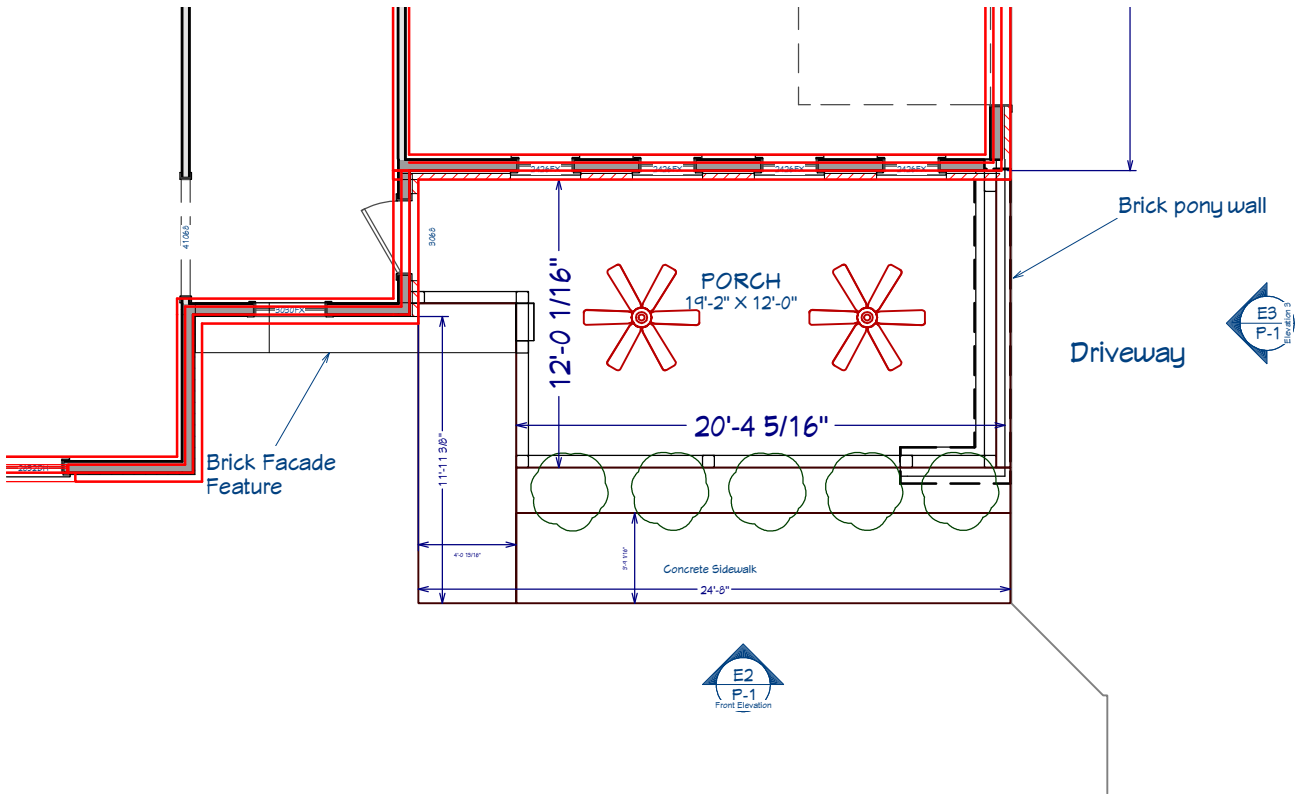
Bryce A. Perry
Deputy Director of Community Development



Front Elevation

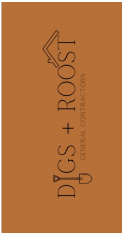


Elevation 3



1st Floor

REVISION TABLE	
NUMBER	DATE



910 Van Buren Street -
Kipper Residence
Front Porch Addition

DRAWINGS PROVIDED BY:
Herndon, VA
Digs + Roost, LLC
General Contractors
703-508-4627

DATE:

7/28/2021

SCALE:

1/4" = 1'

SHEET:

P-1



Front View



Side View



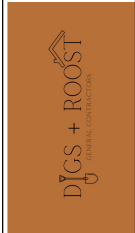
Alt Side View



Detail View

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REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION



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General Contractors
Herndon, VA
703-508-4627

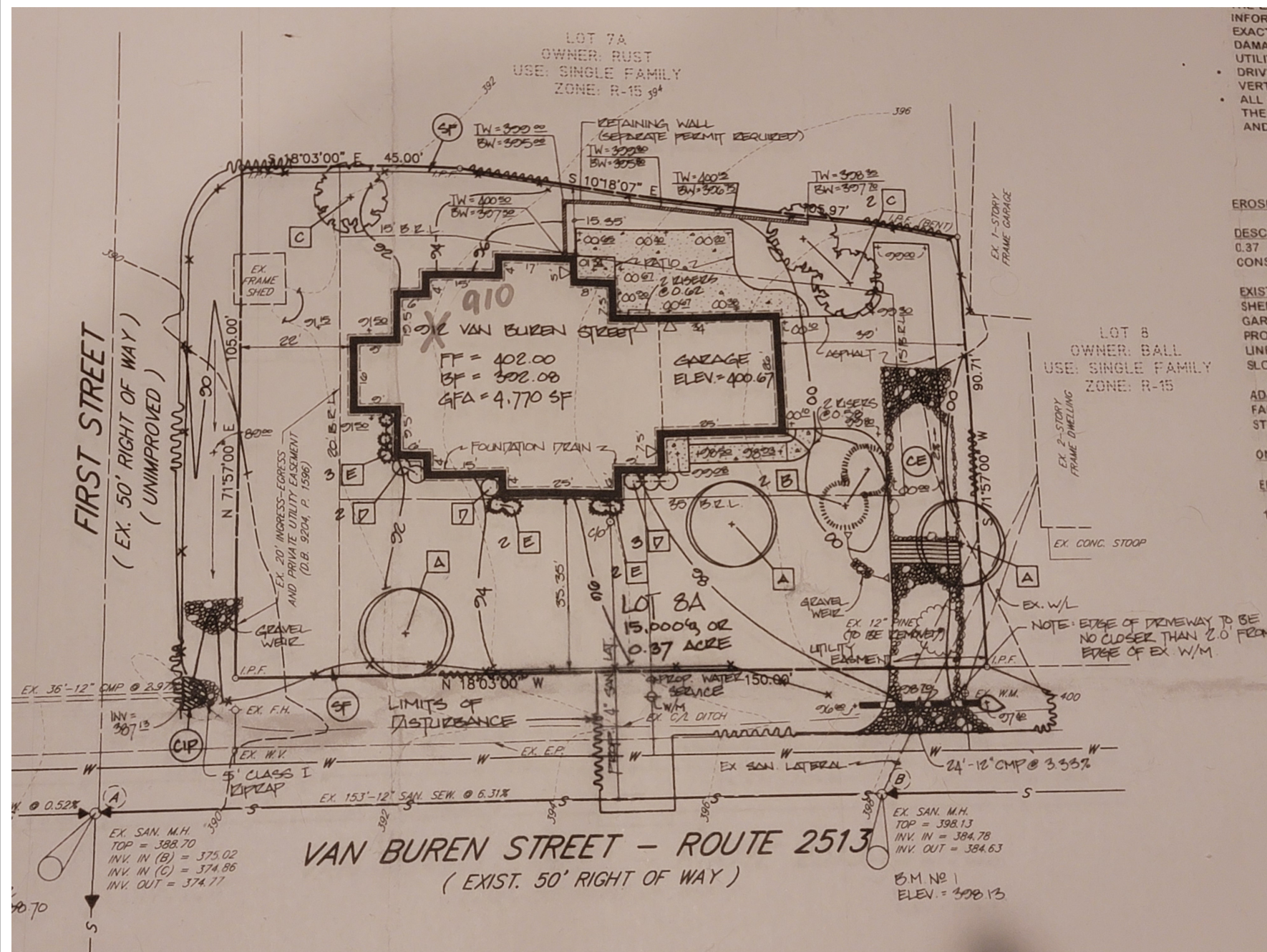
DATE:

7/28/2021

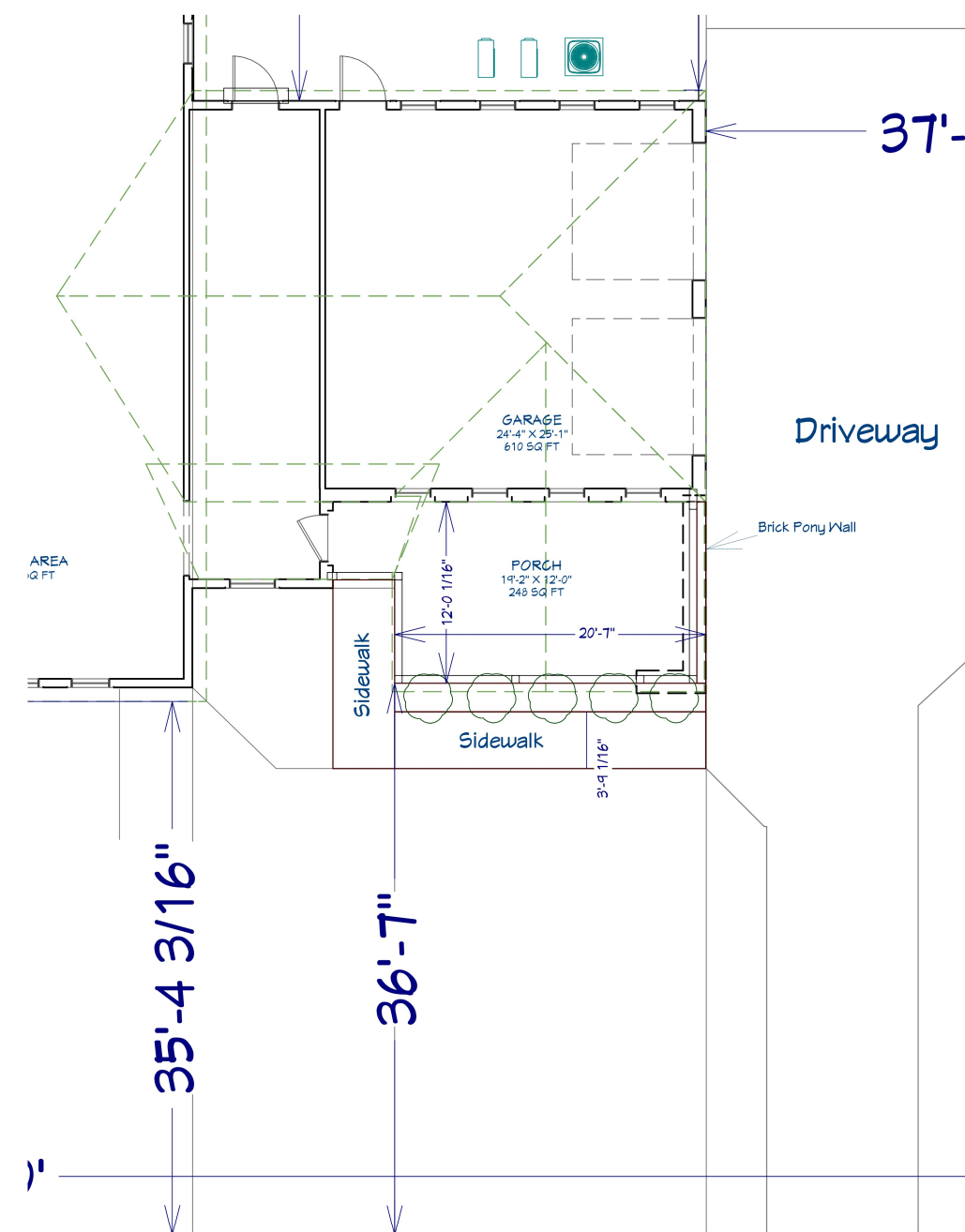
SCALE:

SHEET:

E-1

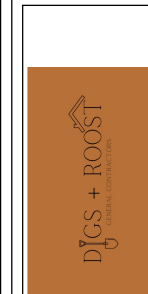


Snapshot of engineered plat



Sketch - Setbacks

NUMBER	DATE	REVISION	DESCRIPTION



910 Van Buren Street -
Kipper Residence
Front Porch Addition

DRAWINGS PROVIDED BY:
Digs + Roost, LLC
General Contractors
Herridon, VA
703-508-4627

DATE:

7/28/2021

SCALE:

SHEET:

P-2

Sec. 78-60.3. - Historic District Overlay (HDO).

- (a) *Purpose and intent.* The historic district overlay (HDO) is established pursuant to the authority granted to localities by the Code of Virginia § 15.2-2306. It is intended to promote and protect the unique character of the town through the identification, preservation and enhancement of buildings, structures, settings, neighborhoods, places and features with historical architectural significance to the town. The HDO further intends to:
 - (1) Ensure that additions, repairs, modifications, and new construction enhance rather than detract from the town's historic architectural settings.
 - (2) Preserve the architectural, artistic, and historic merit of individual structures.
 - (3) Protect historic resources from neglect and demolition.
 - (4) Retain important townscapes, streetscapes, and viewsheds integral to the identity of Herndon.
- (b) *Applicability.* No building, structure, or sign located in the historic district overlay shall be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of section 78-60.3(g), certificate of appropriateness in the historic district overlay.
- (c) *District boundaries and maps.* The boundaries of the historic district overlay shall be shown on the town's official zoning map and on the appropriate comprehensive plan maps after action by the planning commission and town council.
- (d) *Revision of historic district overlay boundary and designation of landmarks.* The boundaries of the HDO may be amended or areas, sites, buildings, and structures may be designated as historic landmarks in compliance with the following:
 - (1) *Amendment procedures.* The procedures for amendment of the HDO boundaries or designation of historic landmarks shall be as provided for as an amendment to the official zoning map pursuant to section 78-155.1, zoning map amendment. In addition, the following procedures shall apply:
 - a. The planning commission shall conduct or delegate a survey of the town. The survey shall identify and inventory all landmarks, buildings, or structures, in areas being proposed within the proposed district boundaries. The planning commission shall also prepare reports recommended to be included in the HDO.
 - b. Prior to establishing or expanding the HDO the town council shall:
 - 1. Provide for public input from the community and affected property owners in accordance with Code of Virginia, § 15.2-2204;
 - 2. Follow the written criteria set out below to be used to determine which properties should be included within the HDO; and
 - 3. Review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in the HDO.
 - c. Upon the inclusion of an area in the HDO, the owner of each property within the established district boundaries therein shall be given written notification, including a description of the factors justifying the designation.
 - (2) *Review of HDO boundary amendments.* The advisability of amending the HDO boundary is a matter committed to the legislative discretion of the town council and is not controlled by any one factor. The following shall be considered by the town council, and its advisory bodies as part of the deliberation process:
 - a. In considering an amendment to the HDO boundary, the town council may adopt a change for only part of the area surveyed by the planning commission. The town council may amend the HDO boundary to include any area that has been considered by the planning commission.

- b. The following criteria shall be used by the historic district review board, planning commission, and town council in evaluating the potential expansion of the HDO. The historic district review board and planning commission may recommend, and the town council may so ordain, a landmark, building, or structure, for designation as within the HDO, provided it meets one or more of the following criteria:
 - 1. The property or properties exemplifies or reflects the architectural, cultural, or social heritage of the town, is a reminder of the town's past, and enhances the town's attractiveness to visitors.
 - 2. The property or properties are associated with persons of national, state, or local historical significance.
 - 3. The property or properties exemplify local or regional architectural design, local craftsmanship or the work of an architect or builder of local, regional, or national prominence.
 - 4. The property or properties contain qualities, materials, and other physical characteristics that contribute to the study and understanding of historic periods, styles, or methods of construction.
 - 5. The property or properties are closely related to or contiguous with properties that meet criteria a-d as related to their visual character or historic pattern of development; or otherwise contribute to the historic and architectural context of the proposed or existing HDO.
 - c. Such HDO boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The town council shall include only the geographical areas in the HDO where a majority of the properties meet the criteria established below by the town in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the town council to be significant routes of tourist access to the town or to be designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may be included in the HDO notwithstanding the provisions of this subsection.
- (3) *Review of historic landmark designations.* The advisability of designating historic landmarks is a matter committed to the legislative discretion of the town council and is not controlled by any one factor. The following shall be considered by the town council and its advisory bodies as part of the deliberation process:
- a. In considering whether or not to designate an historic landmark, the town council may designate less than all of the possible landmarks considered by the planning commission.
 - b. The town council may designate any area, site, building, or structure as an historic landmark that has been considered by the planning commission. The designated landmarks shall meet at least two of the following standards:
 - 1. The area, building or structure appears on the National Register of Historic Places pursuant to the Historic Preservation Act of 1966, as amended;
 - 2. The area, building or structure is entered upon the Virginia Landmarks Register pursuant to Code of Virginia, § 10.1-138;
 - 3. The area, building or structure has been documented as having historic value by the state department of historic resources or another recognized historic or archaeological organization;
 - 4. The area, building or structure exemplifies or reflects the architectural, cultural or social heritage of the town, is a reminder of the town's past and enhances the town's attractiveness to visitors;
 - 5. The area, building or structure is associated with persons of national, state or local historical significance;

6. The area, building or structure is a good example of local or regional architectural design or exemplifies local craftsmanship, making it valuable for study of period, style or method of construction; or making it valuable for study of period, style or method of construction; or
 7. The building or structure is a work of a nationally recognized architect or is attributed to an architect or builder of local prominence.
- (e) *Reduction of setback.* In the HDO, the front setback for a single-family detached dwelling may be reduced from 35 feet to a lesser amount but not less than 20 feet, in instances where the HDRB makes a finding that such reduction shall cause the subject structure to be more compatible with nearby contributing structures.
- (f) *Development within the historic district overlay.* Development located within the historic district overlay shall be completed in accordance with the Historic District Overlay Guidelines, and the following standards:
- (1) *Standards for alterations.* A certificate of appropriateness to a building or structure shall be approved only after meeting the following standards:
 - a. Reasonable effort is made to alter the site, building, structure, and its environment to the minimal extent practicable.
 - b. Alteration of the original, distinguishing qualities or character of a site, building, structure, and its environment and the removal or alteration of any historic material or distinctive architectural features is avoided to the greatest extent practicable.
 - c. Alterations to existing buildings, structures, and sites are consistent with the original style of such buildings and structures.
 - d. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be retained and restored to the greatest extent practicable.
 - e. Deteriorated architectural features shall be repaired, rather than replaced, wherever reasonably possible. If replacement is necessary, new materials shall match the material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent practicable.
 - f. Repair or replacement of missing architectural features shall, to the greatest extent possible, be based on accurate duplications of the original features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. Cleaning of buildings and structures constituting historic landmarks shall be undertaken with the gentlest means practicable; provided, however, that sandblasting and other cleaning methods that may damage the existing building materials shall not be approved.
 - h. When more than 49 percent of the structural components or sheathing of the original or historic facades or roofs on the building or structure are removed, as determined by the zoning administrator, the provisions of section 78-60.3(f)(2), new construction, or section 78-60.3(f)(4), demolition, apply.
 - i. Every effort shall be made to protect and preserve archeological resources within or adjacent to the historic district to the greatest extent practicable.
 - j. Contemporary design of alterations to existing buildings and structures shall be compatible with the size, scale, color, material texture, and character of the building and structures within preservation districts. Such alterations shall not destroy or negatively impact significant historical, architectural, or cultural material.
 - k. Alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the original building or structure would be unimpaired.

- (2) *New construction.* A certificate of appropriateness for new construction of a building or structure may be approved only after meeting the following standards:
 - a. The design shall be architecturally compatible with the historic landmarks, buildings, and structures in the historic district overlay in terms of size, scale, color, material, and character.
 - b. No specific architectural style shall be adopted or imposed on the administration of this section.
 - c. Alterations of more than 49 percent of the structural components or sheathing of the original or historic facades or roofs on the building or structure, as determined by the zoning administrator, shall be considered new construction.
- (3) *Moving or relocating a building.* A certificate of appropriateness to move or relocate a building or structure may be approved only after meeting the following standards:
 - a. The relocation shall not have a detrimental effect on the structural soundness of the building.
 - b. The relocation shall not have a negative effect on other historic landmarks or on other sites, buildings, or structures located within the historic district overlay.
 - c. The proposed relocation shall provide new surroundings that would be compatible with the architectural aspect of the building or structure.
 - d. The proposed relocation is the only practicable means of saving the structure from demolition.
 - e. The building or structure shall be relocated to another site within the corporate limits of the town or to another adjacent site that is subject to protections enumerated in the district.
- (4) *Demolition.* A certificate of appropriateness to demolish a building or structure may be approved, only after meeting the following standards:
 - a. The building or structure does not contribute to the character of the historic district.
 - b. The building or structure would not qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register.
 - c. The building or structure has a common design that could reasonably be reproduced.
 - d. No historic events occurred in the building or structure.
 - e. It is determined the building or structure has a degree of structural unsoundness.
 - f. It is not practicable to relocate the building or structure, or portion thereof.
 - g. The proposed demolition does not adversely affect other historic landmarks located within the historic district overlay or adversely affect the character of the historic district overlay.
 - h. Practicable alternatives to demolition do not exist.
 - i. An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative.
- (g) *Certificate of appropriateness (COA) in the historic district overlay.* The purpose of this section is to establish the procedures and standards for the review of certificates of appropriateness in the historic district overlay.
 - (1) *Applicability.* Unless exempted pursuant to section 78-60.3(g)(2), exemptions, a certificate of appropriateness must be approved prior to:
 - a. New construction or alterations to any building or structure in the historic district overlay; or
 - b. Demolishing, or moving any historic landmark, building, or structure located in the historic district overlay.

- c. The installation of any sign not subject to section 78-140.5(f).
- (2) *Exemptions from COA.* The following minor development, which has been determined not to have permanent effects on the character of the building or sites within the historic district overlay, is exempted from the requirements of this section. In the event the scope or nature of the development changes during the improvement process, a violation may be issued pursuant to Article XVII (Enforcement, Violations, and Remedies).
- a. Additions or deletions of storm doors, storm windows, window boxes, or similar appurtenances, or portable air conditioners in windows.
 - b. The addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street, an addition or deletion of television or radio antennas, skylights or solar collectors.
 - c. Landscaping, grading, walks, swimming pools and related mechanical equipment, retaining walls of less than 12 inches in height, or temporary fencing in place for one year or less, when it does not significantly affect the character of the historic district overlay or an historic landmark and its surroundings.
 - d. Minor additions or deletions to an existing building or structure that is not visible from a public street and do not significantly change the architectural character of the building or structure.
 - e. Alterations that do not affect the exterior appearance of a site, building, or structure (repainting to a different color or painting unpainted surfaces affects the exterior appearance of the building or structure).
 - f. In cemeteries, memorialization on community and private mausoleums, columbaria, family estates, individual and family sites, and memorialization such as headstones and monuments, cremation benches, crypts, vase units, vesper lights, trees, shrubs, flowers, borders (including brick or ornamental fences) and the like, and the words, figures, and graphics on existing or future buildings or structures. Creation of new buildings or structures (not described in the previous sentence), new community burial units, new cenotaphs, new ossuaries, and similar development are not exempt.
 - g. Small cell facilities on a utility distribution or transmission pole that comply with the provisions [of section] 78-71.13(d)(3)(a).
 - h. Similar development determined by the zoning administrator not to have permanent effects on the character of the HPD.
- (3) *Relationship of certificate of appropriateness to administrative plan review.*
- a. An application for a certificate of appropriateness in the historic district overlay for a development that requires site plan, subdivision site plan, single lot development plan, or building location survey approval pursuant to section 78-155.6, plan (site plans, subdivision plans, single lot development plans, and building location surveys) shall not be reviewed formally by the historic district review board (HDRB) until the site plan, subdivision site plan, single lot development plan, or building location survey is approved. Applicants may meet informally with the HDRB prior to administrative plan approval.
 - b. On properties zoned and used for single-family residential within the historic district overlay, additions that comply with the applicable standards in section 78-60.3(f), and with a footprint between 750 square feet and 1,250 square feet, and disturb less than 2,500 square feet of land, may not be required to submit a single lot development plan. Relief from the submission of a single lot development plan shall be determined by the concurrence of the zoning administrator and town engineer.
- (4) *Certificate of appropriateness review procedure.* The approval of a certificate of appropriateness shall be subject to the Historic District Procedure Guide, section 78-153.2 (review process for applications requiring a public hearing (approval by a decision making body)), and the following:

- a. Certain certificates of appropriateness may be reviewed and approved, approved with conditions, or denied administratively. Review of such certificates of appropriateness shall be based upon the Herndon Historic Preservation Guidelines, the standards in section 78-60.3(f), and the standards listed below:
 1. A list of improvements that may receive administrative review of a certificate of appropriateness shall be established by the zoning administrator maintained in the office of community development.
 2. Improvements eligible for an administrative review shall be of a common and recurring nature.
 3. Improvements eligible for administrative review shall have only a minor impact on the design, character, or historic fabric of building, structure, or site.
 4. Applications may be forwarded to the HDRB if the zoning administrator determines the application does not meet the aforementioned criteria.
 - b. For those applications requiring HDRB review, following public notification and the scheduling of a public hearing, the HDRB shall conduct a public hearing on the application. At the public hearing, the HDRB shall consider the application, the relevant support materials, the staff report, and the public testimony and evidence given at the hearing. After the close of the public hearing, the HDRB shall either approve or disapprove the application based on the standards in section 78-60.3(f), development within the historic district overlay and the following standards:
 1. If the HDRB finds the application complies with the standards in section 78-60.3(f) and the Historic District Guidelines the HDRB shall approve a certificate of appropriateness.
 2. If the HDRB determines the application fails to comply with the standards in section 78-60.3(f), and the Historic District Guidelines, it may either disapprove the application or continue the public hearing. In either case, it shall explain why the application fails to comply with the review standards. It shall recommend revisions to the plans and specifications that would bring the application into conformance with section 78-60.3(f), and the Historic District Guidelines. The applicant may request or agree to a continuation of the public hearing in accordance with section 78-152.6, deferral of application and section 78-153.2(i)(2), continuation of public hearing.
- (5) *Certificate of appropriateness for minor improvements.* At its discretion, the HDRB may adopt a certificate of appropriateness providing design guidance for certain minor improvements such as changes in color of materials or fences, dumpster enclosures, and similar screening. The staff may review applications for eligible minor improvements addressed in the certificate of appropriateness for compliance with the certificate of appropriateness. The staff shall then notify the applicant in writing whether or not the application successfully complies with the certificate of appropriateness and the improvements shall be authorized under that certificate of appropriateness, without a public hearing before the HDRB.
 - (6) *Certificate of appropriateness review standards.* Development located within the historic district overlay shall be completed in accordance with the Historic District Overlay Guidelines and the standards set forth in section 78-60.3(f), development within the historic district overlay.
 - (7) *Appeal of COA administrative decision to the historic district review board.* The applicant may appeal the final decision of an administrative COA to the HDRB.
 - a. An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 30 days of the final decision.
 - b. If a written notice of appeal on an administrative certificate of appropriateness is received by the zoning administrator then anything on the administrative COA application shall be stayed.

- (8) *Appeal of COA decision to town council.* The applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the HDRB on a certificate of appropriateness, may appeal the decision to the town council, as follows.
- a. An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 14 days of the final decision of the HDRB.
 - b. No action shall be taken until 15 days after the final decision of the HDRB on a certificate of appropriateness. If a written notice of appeal on a certificate of appropriateness is initiated pursuant to this section, action on the certificate of appropriateness shall be stayed pending the final decision by town council.
 - c. The zoning administrator shall schedule a hearing on the matter at the earliest feasible town council meeting by which time notice can be provided consistent with the requirements of section 78-153.2(h), public notification.
 - d. At the hearing on the appeal, the appellant or the appellant's agent shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. Town staff shall be given an opportunity to respond, as shall any other person(s) the council deems necessary and appropriate.
 - e. After the conclusion of the hearing, the town council may affirm, modify, or reverse the decision of the HDRB, in whole or in part, or may remand the case to the HDRB. The decision shall be based on the standards in section 78-60.3(f), development within the historic district overlay. The town council decision shall be subject to the following standards:
 1. A decision shall not be reversed or modified unless there is evidence in the record that the decision of the HDRB is not correct, based on the review standards for a certificate of appropriateness.
 2. In determining whether or not to remand a case to the HDRB, the town council shall be guided by the following factors: the completeness of the record; the appropriateness of further review by the HDRB of certain points or facts; and any amendments to the application after the decision of the HDRB. Town council recognizes that revisions to an application for the purpose of clarifying issues, or addressing concerns raised during the public hearing are positive and will not necessarily result in a remand, except that significant and substantive revisions to the application may serve as a basis for remand.
- (9) *Appeal of town council decision to circuit court.* The applicant, any person jointly or severally aggrieved with a property interest in land abutting or across the street from property which is the subject of a final decision of the town council pursuant to subsection (8) above, any person with a property interest in land in the historic district overlay, who is aggrieved by a final decision of the town council, pursuant to subsection (8) above, or the town, may appeal the decision to the Circuit Court of Fairfax County pursuant to Code of Virginia § 15.2-2306. If appealed, a petition at law shall be filed setting forth the alleged illegality of the action by the town council, provided that such petition shall be filed within 30 days after the final decision is rendered by the town council. The filing of the petition shall stay the decision of the town council pending the outcome of the appeal to the court, except that the filing of the petition shall not stay a decision of the town council denying the right to raze or demolish a historic landmark, building or structure.
- (10) *Submittal of new COA application after disapproval.* If the HDRB disapproves a certificate of appropriateness, the applicant may, at any time, submit a new application with new information addressing the written reasons for disapproval.
- (11) *Transfer of certificate of appropriateness.* A certificate of appropriateness shall be transferable to subsequent owners of the property for which the certificate is issued.
- (12) *Expiration of certificate of appropriateness.* Development activity or demolition approved pursuant to a certificate of appropriateness must begin within five years of the issuance of the certificate of appropriateness, unless a shorter timeframe is included as a condition of approval

on the certificate of appropriateness. Failure to begin the activity within five years, or the timeframe conditioned on the approval, shall render the certificate of appropriateness void.

- (13) *Extension of approved certificate of appropriateness.* Upon written application submitted to the zoning administrator by the applicant at least 30 days prior to the expiration of the certificate, staff shall consider and may grant one extension not to exceed five years upon a showing of good cause. In determining good cause, staff shall take into consideration the scope of the proposed work and the laws, ordinances, and regulations in effect at the time of the request for extension. An administrative decision to disapprove a certificate of appropriateness may be appealed to the HDRB by the applicant pursuant to section 78-60.3(g)(7). Failure to apply for an extension within the time limits established by this section shall render the certificate of appropriateness void.
- (h) *Demolition, relocation and alteration of structures in the historic district overlay.* As provided in the Code of Virginia § 15.2-2306, in addition to the right of appeal outlined in this section, the owner of any building or structure shall be permitted to demolish, alter or relocate a building, structure or historic landmark in the historic district overlay provided that:
- (1) *Application required.* Application is made by the owner to the town council for the right to demolish the building or structure, or the right to alter, or the right to relocate a building or structure;
 - (2) *Demonstration of offer to sell.* The owner demonstrates that for a period set forth in the schedule in section 78-60.3(h)(3) and at a price reasonably related to its fair market value, the owner has made a bona fide offer to sell the historic landmark, building or structure, and the land pertaining thereto, to the town or Fairfax County, or to any person, firm, corporation, government, agency or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the historic landmark, building or structure and the land pertaining thereto. Evidence of a bona fide offer to sell must be demonstrated by a listing through a multiple listing service for the period of time established in section 78-60.3(h)(3) at a price reasonably related to the fair market value of the property.
 - (3) *Offering price and schedule requirements.* The schedule for offers to sell shall be as follows:
 - a. Three months when the offering price is less than \$25,000.00;
 - b. Four months when the offering price is \$25,000.00 or more but less than \$40,000.00;
 - c. Five months when the offering price is \$40,000.00 or more but less than \$55,000.00;
 - d. Six months when the offering price is \$55,000.00 or more but less than \$75,000.00;
 - e. Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00; and
 - f. Twelve months when the offering price is \$90,000.00 or more.
 - (4) *Bona fide contract of sale limitations.* No bona fide contract binding upon all parties involved shall have been executed for the sale for any such historic landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable period set forth in the schedule in section 78-60.3(h)(3).
 - (5) *Hazardous properties.* A contributing landmark, building or structure, or historic landmarks, shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the historic district review board (HDRB) or, on appeal, by the town council after consultation with the HDRB, unless the building official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that the contributing structure constitutes such a hazard that it shall be razed, demolished or moved.
 - (6) *Appeal not affected.* Any appeal which may be taken to the circuit court of Fairfax County from the decision of the town council, whether instituted by the owner or by any other proper party, notwithstanding the provisions of this section relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer to sell shall be made more than one year after a final decision by the town council, but

thereafter the owner may renew the request to the town council to approve the demolition of the historic landmark, building, or structure.

(Ord. No. [18-O-29](#), § 1, 11-13-2018; [Ord. No. 20-O-01](#), § 1, 1-14-2020; [Ord. No. 20-O-61](#), § 1, 11-17-2020)

Title: HPRB #21-012; Signage; 783-G Station Street

Staff Contact: Bryce A. Perry
Deputy Director of Community Development
bryce.perry@herndon-va.gov
(703) 787-7380

Summary Information

Applicant Request	Business identification wall sign.		
Address	783-G Station Street		
Fairfax County Tax Map Number	0162-02-0301D		
Owner	Steven Mitchell, James Building Development, LLC.		
Applicant	David R. Kipper, Golden Real Estate		
Business/Organization	Golden Real Estate (Tenant)		
Property Use	Mixed commercial use		
Zoning District	PD-D, Planned Development-Downtown		
HDO Designation	Contributing		
Adjacent Zoning	North: PD-D, Planned Development- Downtown South: CC, Central Commercial East: PD-D, Planned Development- Downtown West: PD-D, Planned Development- Downtown		
Building Type(s)	Two-story brick	Date of Construction:	1910
Architectural Style(s)	Greek Revival		
Exterior Material(s)	brick		
Neighborhood Design Profile	Historic and non-historic mix of mostly commercial one to three story buildings.		
Comprehensive Plan Land Use Designation	Adaptive Area, within the Downtown Master Plan area		

Staff Recommendation	Staff recommends approval as submitted and in accordance with the draft resolution provided (Attachment #1).
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Site/Building Description:

The building on which the proposed sign would be placed, known as the James Building, is divided up into multiple tenant spaces. The front half of the building facing Station Street was built in 1910 as a bank and is considered a contributing historic structure. The back half of the building, where the sign would be located, is a modern addition. Immediately abutting the northside and rear of the property is a public parking lot that is temporarily being used for outdoor seating for a restaurant.

Location Map



Case Details

Proposal:

This application proposes to install a business identification sign on the north (side) of the building's rear modern addition facing the adjacent public parking lot. The sign would be 2' tall by 12' long and constructed of 1.5" high density foam board (HDU) formed with raised letters and border and a recessed background. Though the drawings show three potential positions for the sign, the applicant has indicated that Position C is the preferred location. At this location, the sign is mounted between the first the second floor windows, centered between two bays. The submitted application materials did not include mention of any means of illumination.

Applicable Design Guidance:

- Zoning Ordinance Section 78-60.3. – *Historic District Overlay* (Attachment #4)

Staff Analysis

1. Staff has found that the proposed sign generally meets the applicable standards and criteria of the zoning ordinance.
2. The sign design is traditional and uses the synthetic HDU materials in a traditional manner. It is a material that several signs in the historic district have used and the board has approved. A sample material can be provided by staff at the board's request.

3. The building on which the sign would be placed has existing signage. There is no coordination in design or placement of the building signage however each sign is located on a different elevation and no two signs are visible at the same time. The proposed sign will be the only sign on north (side) elevation.

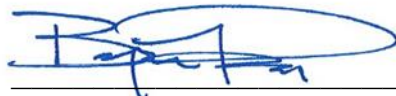
Staff Recommendation:

HDRB Alternatives:	1. Resolution to deny the application. 2. Resolution to approve the application as submitted. 3. Resolution to approve with condition(s). 4. The HDRB may also continue the review of this item to a future public hearing
Staff Recommendation:	Staff recommends approval as submitted and in accordance with the draft resolution provided (Attachment #1).

Report Attachments

1.	Draft Resolution
2.	Sign Drawings
3.	Streetviews
4.	Town's Zoning Ordinance, Section 78-60.3

Staff Signatures



Bryce A. Perry
Deputy Director of Community Development

**TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD**

DRAFT RESOLUTION

September 15, 2021

Resolution- to approve HDRB #21-012, for a wall sign located at 783-G Station Street, Fairfax County Tax Map Number 0162-02-0301D.

WHEREAS, the applicant has submitted an application to add building signage located at the above referenced address; and

WHEREAS, the proposed sign complies with the applicable zoning ordinance regulations as specified in the Town of Herndon Zoning Ordinance; and

WHEREAS, the Town of Herndon Historic District Review Board has determined that the proposed sign complies with the applicable Historic District Overlay Guidelines; and

WHEREAS, the Town of Herndon Historic District Review Board has reviewed this application and has held a duly advertised public hearing on September 15, 2021.

NOW THEREFORE, BE IT RESOLVED that the Historic District Review Board of the Town of Herndon, Virginia, **HEREBY:**

Approves HDRB #21-012, for building signage located at 783-G Station Street in Herndon, VA in substantial conformance with the design as shown in case materials reviewed by the HDRB and according to the following condition:

1. The sign shall be placed in accordance with "Position C" as provided in the sign drawing set.



Golden Real Estate
783-G station st
Herndon, VA 20170

NON LIT SIGN PLAN

Attachment #2

Prepared By: Jason Alexander-President
Vision Sign Inc. 45945 Trefoil Lane #184 Sterling, VA 20166
P: 703 707 0858 F: 1 866 838 0286 sales@visionsign.net

Installation Address:
783 Station St Herndon, VA 20170

Zoning: Historic (HPRB)

Occupancy Permit #:

Building Permit #:

Frontage: 49.5'

Allowable: 24

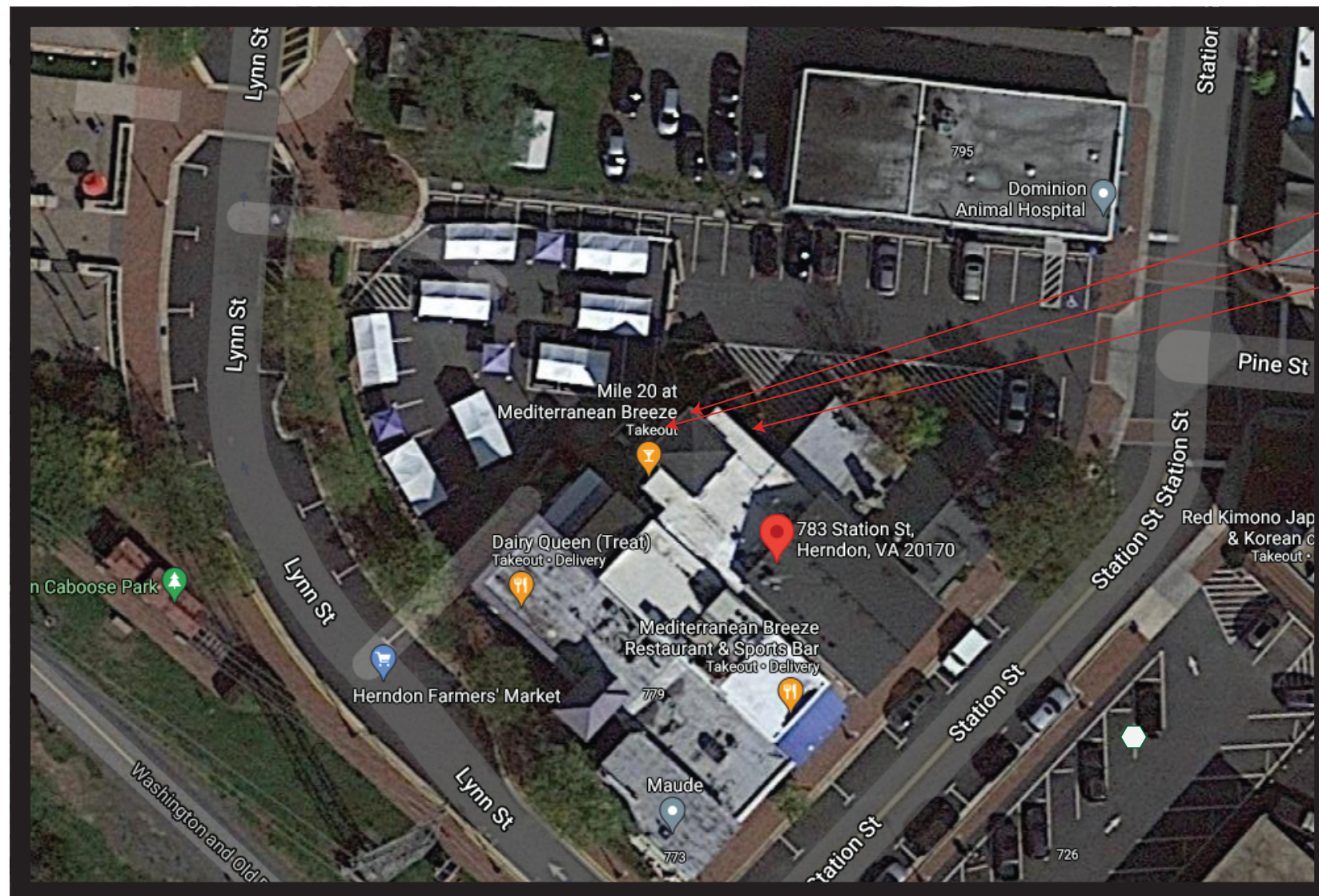
Sq ft of Signs: 24

Signs ①

1.5" sandblasted HDU painted SW-7551 Derbyshire Green and SW-6741 Greek Villa. Panels mounted to brick facade with 1/4" aluminum studs silicone sealed

(3) positions as options in order of tenant preference

Sign overview:



① Tenant Sign: Golden real Estate
Type: 1.5" Sandblasted HDU
Size: 24 Sq Ft

Position

- ① A West Elev 2nd floor
- ① B West Elev 1st floor
- ① C North Elev 1st floor



Golden Real Estate
783-G station st
Herndon, VA 20170

WALL MOUNTED SIGNS
Prepared By: Jason Alexander-President
Vision Sign Inc. 45945 Trefoil Lane #184 Sterling, VA 20166
P: 703 707 0858 F: 1 866 838 0286 sales@visionsign.net

Detail

24"



144"

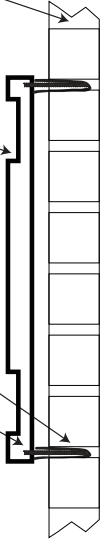
Detail

BRICK FACADE

1.5" HDU SIGNFOAM
TEXT & BORDER RAISED, BACKGROUND RECESSED

DOW CORNING 790 ADHESIVE

1/4" X 4" ALUMINUM STUDS



Colors



SW-6741 DERBYSHIRE
(HUNTER GREEN)



SW-7551 GREEK VILLA
(OFF WHITE)

scale 1 " = 1'



Golden Real Estate
783-G station st
Herndon, VA 20170

SIGN RENDERING

Prepared By: Jason Alexander-President
Vision Sign Inc. 45945 Trefoil Lane #184 Sterling, VA 20166
P: 703 707 0858 F: 1 866 838 0286 sales@visionsign.net

Position A
-2nd floor West Elevation



1/8" = 1'

Position B
-1st floor West Elevation



1/8" = 1'

Position C
-1st floor North Elevation



1/4" = 1'

Front View from Station Street



Side View from Station Street



Rear View from Lynn Street



Sec. 78-60.3. - Historic District Overlay (HDO).

- (a) *Purpose and intent.* The historic district overlay (HDO) is established pursuant to the authority granted to localities by the Code of Virginia § 15.2-2306. It is intended to promote and protect the unique character of the town through the identification, preservation and enhancement of buildings, structures, settings, neighborhoods, places and features with historical architectural significance to the town. The HDO further intends to:
 - (1) Ensure that additions, repairs, modifications, and new construction enhance rather than detract from the town's historic architectural settings.
 - (2) Preserve the architectural, artistic, and historic merit of individual structures.
 - (3) Protect historic resources from neglect and demolition.
 - (4) Retain important townscapes, streetscapes, and viewsheds integral to the identity of Herndon.
- (b) *Applicability.* No building, structure, or sign located in the historic district overlay shall be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of section 78-60.3(g), certificate of appropriateness in the historic district overlay.
- (c) *District boundaries and maps.* The boundaries of the historic district overlay shall be shown on the town's official zoning map and on the appropriate comprehensive plan maps after action by the planning commission and town council.
- (d) *Revision of historic district overlay boundary and designation of landmarks.* The boundaries of the HDO may be amended or areas, sites, buildings, and structures may be designated as historic landmarks in compliance with the following:
 - (1) *Amendment procedures.* The procedures for amendment of the HDO boundaries or designation of historic landmarks shall be as provided for as an amendment to the official zoning map pursuant to section 78-155.1, zoning map amendment. In addition, the following procedures shall apply:
 - a. The planning commission shall conduct or delegate a survey of the town. The survey shall identify and inventory all landmarks, buildings, or structures, in areas being proposed within the proposed district boundaries. The planning commission shall also prepare reports recommended to be included in the HDO.
 - b. Prior to establishing or expanding the HDO the town council shall:
 - 1. Provide for public input from the community and affected property owners in accordance with Code of Virginia, § 15.2-2204;
 - 2. Follow the written criteria set out below to be used to determine which properties should be included within the HDO; and
 - 3. Review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in the HDO.
 - c. Upon the inclusion of an area in the HDO, the owner of each property within the established district boundaries therein shall be given written notification, including a description of the factors justifying the designation.
 - (2) *Review of HDO boundary amendments.* The advisability of amending the HDO boundary is a matter committed to the legislative discretion of the town council and is not controlled by any one factor. The following shall be considered by the town council, and its advisory bodies as part of the deliberation process:
 - a. In considering an amendment to the HDO boundary, the town council may adopt a change for only part of the area surveyed by the planning commission. The town council may amend the HDO boundary to include any area that has been considered by the planning commission.

- b. The following criteria shall be used by the historic district review board, planning commission, and town council in evaluating the potential expansion of the HDO. The historic district review board and planning commission may recommend, and the town council may so ordain, a landmark, building, or structure, for designation as within the HDO, provided it meets one or more of the following criteria:
 - 1. The property or properties exemplifies or reflects the architectural, cultural, or social heritage of the town, is a reminder of the town's past, and enhances the town's attractiveness to visitors.
 - 2. The property or properties are associated with persons of national, state, or local historical significance.
 - 3. The property or properties exemplify local or regional architectural design, local craftsmanship or the work of an architect or builder of local, regional, or national prominence.
 - 4. The property or properties contain qualities, materials, and other physical characteristics that contribute to the study and understanding of historic periods, styles, or methods of construction.
 - 5. The property or properties are closely related to or contiguous with properties that meet criteria a-d as related to their visual character or historic pattern of development; or otherwise contribute to the historic and architectural context of the proposed or existing HDO.
 - c. Such HDO boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The town council shall include only the geographical areas in the HDO where a majority of the properties meet the criteria established below by the town in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the town council to be significant routes of tourist access to the town or to be designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may be included in the HDO notwithstanding the provisions of this subsection.
- (3) *Review of historic landmark designations.* The advisability of designating historic landmarks is a matter committed to the legislative discretion of the town council and is not controlled by any one factor. The following shall be considered by the town council and its advisory bodies as part of the deliberation process:
- a. In considering whether or not to designate an historic landmark, the town council may designate less than all of the possible landmarks considered by the planning commission.
 - b. The town council may designate any area, site, building, or structure as an historic landmark that has been considered by the planning commission. The designated landmarks shall meet at least two of the following standards:
 - 1. The area, building or structure appears on the National Register of Historic Places pursuant to the Historic Preservation Act of 1966, as amended;
 - 2. The area, building or structure is entered upon the Virginia Landmarks Register pursuant to Code of Virginia, § 10.1-138;
 - 3. The area, building or structure has been documented as having historic value by the state department of historic resources or another recognized historic or archaeological organization;
 - 4. The area, building or structure exemplifies or reflects the architectural, cultural or social heritage of the town, is a reminder of the town's past and enhances the town's attractiveness to visitors;
 - 5. The area, building or structure is associated with persons of national, state or local historical significance;

6. The area, building or structure is a good example of local or regional architectural design or exemplifies local craftsmanship, making it valuable for study of period, style or method of construction; or making it valuable for study of period, style or method of construction; or
 7. The building or structure is a work of a nationally recognized architect or is attributed to an architect or builder of local prominence.
- (e) *Reduction of setback.* In the HDO, the front setback for a single-family detached dwelling may be reduced from 35 feet to a lesser amount but not less than 20 feet, in instances where the HDRB makes a finding that such reduction shall cause the subject structure to be more compatible with nearby contributing structures.
- (f) *Development within the historic district overlay.* Development located within the historic district overlay shall be completed in accordance with the Historic District Overlay Guidelines, and the following standards:
- (1) *Standards for alterations.* A certificate of appropriateness to a building or structure shall be approved only after meeting the following standards:
 - a. Reasonable effort is made to alter the site, building, structure, and its environment to the minimal extent practicable.
 - b. Alteration of the original, distinguishing qualities or character of a site, building, structure, and its environment and the removal or alteration of any historic material or distinctive architectural features is avoided to the greatest extent practicable.
 - c. Alterations to existing buildings, structures, and sites are consistent with the original style of such buildings and structures.
 - d. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be retained and restored to the greatest extent practicable.
 - e. Deteriorated architectural features shall be repaired, rather than replaced, wherever reasonably possible. If replacement is necessary, new materials shall match the material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent practicable.
 - f. Repair or replacement of missing architectural features shall, to the greatest extent possible, be based on accurate duplications of the original features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - g. Cleaning of buildings and structures constituting historic landmarks shall be undertaken with the gentlest means practicable; provided, however, that sandblasting and other cleaning methods that may damage the existing building materials shall not be approved.
 - h. When more than 49 percent of the structural components or sheathing of the original or historic facades or roofs on the building or structure are removed, as determined by the zoning administrator, the provisions of section 78-60.3(f)(2), new construction, or section 78-60.3(f)(4), demolition, apply.
 - i. Every effort shall be made to protect and preserve archeological resources within or adjacent to the historic district to the greatest extent practicable.
 - j. Contemporary design of alterations to existing buildings and structures shall be compatible with the size, scale, color, material texture, and character of the building and structures within preservation districts. Such alterations shall not destroy or negatively impact significant historical, architectural, or cultural material.
 - k. Alterations to existing buildings and structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the original building or structure would be unimpaired.

- (2) *New construction.* A certificate of appropriateness for new construction of a building or structure may be approved only after meeting the following standards:
 - a. The design shall be architecturally compatible with the historic landmarks, buildings, and structures in the historic district overlay in terms of size, scale, color, material, and character.
 - b. No specific architectural style shall be adopted or imposed on the administration of this section.
 - c. Alterations of more than 49 percent of the structural components or sheathing of the original or historic facades or roofs on the building or structure, as determined by the zoning administrator, shall be considered new construction.
- (3) *Moving or relocating a building.* A certificate of appropriateness to move or relocate a building or structure may be approved only after meeting the following standards:
 - a. The relocation shall not have a detrimental effect on the structural soundness of the building.
 - b. The relocation shall not have a negative effect on other historic landmarks or on other sites, buildings, or structures located within the historic district overlay.
 - c. The proposed relocation shall provide new surroundings that would be compatible with the architectural aspect of the building or structure.
 - d. The proposed relocation is the only practicable means of saving the structure from demolition.
 - e. The building or structure shall be relocated to another site within the corporate limits of the town or to another adjacent site that is subject to protections enumerated in the district.
- (4) *Demolition.* A certificate of appropriateness to demolish a building or structure may be approved, only after meeting the following standards:
 - a. The building or structure does not contribute to the character of the historic district.
 - b. The building or structure would not qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register.
 - c. The building or structure has a common design that could reasonably be reproduced.
 - d. No historic events occurred in the building or structure.
 - e. It is determined the building or structure has a degree of structural unsoundness.
 - f. It is not practicable to relocate the building or structure, or portion thereof.
 - g. The proposed demolition does not adversely affect other historic landmarks located within the historic district overlay or adversely affect the character of the historic district overlay.
 - h. Practicable alternatives to demolition do not exist.
 - i. An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative.
- (g) *Certificate of appropriateness (COA) in the historic district overlay.* The purpose of this section is to establish the procedures and standards for the review of certificates of appropriateness in the historic district overlay.
 - (1) *Applicability.* Unless exempted pursuant to section 78-60.3(g)(2), exemptions, a certificate of appropriateness must be approved prior to:
 - a. New construction or alterations to any building or structure in the historic district overlay; or
 - b. Demolishing, or moving any historic landmark, building, or structure located in the historic district overlay.

- c. The installation of any sign not subject to section 78-140.5(f).
- (2) *Exemptions from COA.* The following minor development, which has been determined not to have permanent effects on the character of the building or sites within the historic district overlay, is exempted from the requirements of this section. In the event the scope or nature of the development changes during the improvement process, a violation may be issued pursuant to Article XVII (Enforcement, Violations, and Remedies).
- a. Additions or deletions of storm doors, storm windows, window boxes, or similar appurtenances, or portable air conditioners in windows.
 - b. The addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public street, an addition or deletion of television or radio antennas, skylights or solar collectors.
 - c. Landscaping, grading, walks, swimming pools and related mechanical equipment, retaining walls of less than 12 inches in height, or temporary fencing in place for one year or less, when it does not significantly affect the character of the historic district overlay or an historic landmark and its surroundings.
 - d. Minor additions or deletions to an existing building or structure that is not visible from a public street and do not significantly change the architectural character of the building or structure.
 - e. Alterations that do not affect the exterior appearance of a site, building, or structure (repainting to a different color or painting unpainted surfaces affects the exterior appearance of the building or structure).
 - f. In cemeteries, memorialization on community and private mausoleums, columbaria, family estates, individual and family sites, and memorialization such as headstones and monuments, cremation benches, crypts, vase units, vesper lights, trees, shrubs, flowers, borders (including brick or ornamental fences) and the like, and the words, figures, and graphics on existing or future buildings or structures. Creation of new buildings or structures (not described in the previous sentence), new community burial units, new cenotaphs, new ossuaries, and similar development are not exempt.
 - g. Small cell facilities on a utility distribution or transmission pole that comply with the provisions [of section] 78-71.13(d)(3)(a).
 - h. Similar development determined by the zoning administrator not to have permanent effects on the character of the HPD.
- (3) *Relationship of certificate of appropriateness to administrative plan review.*
- a. An application for a certificate of appropriateness in the historic district overlay for a development that requires site plan, subdivision site plan, single lot development plan, or building location survey approval pursuant to section 78-155.6, plan (site plans, subdivision plans, single lot development plans, and building location surveys) shall not be reviewed formally by the historic district review board (HDRB) until the site plan, subdivision site plan, single lot development plan, or building location survey is approved. Applicants may meet informally with the HDRB prior to administrative plan approval.
 - b. On properties zoned and used for single-family residential within the historic district overlay, additions that comply with the applicable standards in section 78-60.3(f), and with a footprint between 750 square feet and 1,250 square feet, and disturb less than 2,500 square feet of land, may not be required to submit a single lot development plan. Relief from the submission of a single lot development plan shall be determined by the concurrence of the zoning administrator and town engineer.
- (4) *Certificate of appropriateness review procedure.* The approval of a certificate of appropriateness shall be subject to the Historic District Procedure Guide, section 78-153.2 (review process for applications requiring a public hearing (approval by a decision making body)), and the following:

- a. Certain certificates of appropriateness may be reviewed and approved, approved with conditions, or denied administratively. Review of such certificates of appropriateness shall be based upon the Herndon Historic Preservation Guidelines, the standards in section 78-60.3(f), and the standards listed below:
 1. A list of improvements that may receive administrative review of a certificate of appropriateness shall be established by the zoning administrator maintained in the office of community development.
 2. Improvements eligible for an administrative review shall be of a common and recurring nature.
 3. Improvements eligible for administrative review shall have only a minor impact on the design, character, or historic fabric of building, structure, or site.
 4. Applications may be forwarded to the HDRB if the zoning administrator determines the application does not meet the aforementioned criteria.
 - b. For those applications requiring HDRB review, following public notification and the scheduling of a public hearing, the HDRB shall conduct a public hearing on the application. At the public hearing, the HDRB shall consider the application, the relevant support materials, the staff report, and the public testimony and evidence given at the hearing. After the close of the public hearing, the HDRB shall either approve or disapprove the application based on the standards in section 78-60.3(f), development within the historic district overlay and the following standards:
 1. If the HDRB finds the application complies with the standards in section 78-60.3(f) and the Historic District Guidelines the HDRB shall approve a certificate of appropriateness.
 2. If the HDRB determines the application fails to comply with the standards in section 78-60.3(f), and the Historic District Guidelines, it may either disapprove the application or continue the public hearing. In either case, it shall explain why the application fails to comply with the review standards. It shall recommend revisions to the plans and specifications that would bring the application into conformance with section 78-60.3(f), and the Historic District Guidelines. The applicant may request or agree to a continuation of the public hearing in accordance with section 78-152.6, deferral of application and section 78-153.2(i)(2), continuation of public hearing.
- (5) *Certificate of appropriateness for minor improvements.* At its discretion, the HDRB may adopt a certificate of appropriateness providing design guidance for certain minor improvements such as changes in color of materials or fences, dumpster enclosures, and similar screening. The staff may review applications for eligible minor improvements addressed in the certificate of appropriateness for compliance with the certificate of appropriateness. The staff shall then notify the applicant in writing whether or not the application successfully complies with the certificate of appropriateness and the improvements shall be authorized under that certificate of appropriateness, without a public hearing before the HDRB.
 - (6) *Certificate of appropriateness review standards.* Development located within the historic district overlay shall be completed in accordance with the Historic District Overlay Guidelines and the standards set forth in section 78-60.3(f), development within the historic district overlay.
 - (7) *Appeal of COA administrative decision to the historic district review board.* The applicant may appeal the final decision of an administrative COA to the HDRB.
 - a. An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 30 days of the final decision.
 - b. If a written notice of appeal on an administrative certificate of appropriateness is received by the zoning administrator then anything on the administrative COA application shall be stayed.

- (8) *Appeal of COA decision to town council.* The applicant or any person aggrieved by the decision with a property interest in land abutting or across the street from property which is the subject of a final decision of the HDRB on a certificate of appropriateness, may appeal the decision to the town council, as follows.
- a. An appeal shall be initiated by filing a written notice of appeal with the zoning administrator specifying the grounds for the appeal within 14 days of the final decision of the HDRB.
 - b. No action shall be taken until 15 days after the final decision of the HDRB on a certificate of appropriateness. If a written notice of appeal on a certificate of appropriateness is initiated pursuant to this section, action on the certificate of appropriateness shall be stayed pending the final decision by town council.
 - c. The zoning administrator shall schedule a hearing on the matter at the earliest feasible town council meeting by which time notice can be provided consistent with the requirements of section 78-153.2(h), public notification.
 - d. At the hearing on the appeal, the appellant or the appellant's agent shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. Town staff shall be given an opportunity to respond, as shall any other person(s) the council deems necessary and appropriate.
 - e. After the conclusion of the hearing, the town council may affirm, modify, or reverse the decision of the HDRB, in whole or in part, or may remand the case to the HDRB. The decision shall be based on the standards in section 78-60.3(f), development within the historic district overlay. The town council decision shall be subject to the following standards:
 1. A decision shall not be reversed or modified unless there is evidence in the record that the decision of the HDRB is not correct, based on the review standards for a certificate of appropriateness.
 2. In determining whether or not to remand a case to the HDRB, the town council shall be guided by the following factors: the completeness of the record; the appropriateness of further review by the HDRB of certain points or facts; and any amendments to the application after the decision of the HDRB. Town council recognizes that revisions to an application for the purpose of clarifying issues, or addressing concerns raised during the public hearing are positive and will not necessarily result in a remand, except that significant and substantive revisions to the application may serve as a basis for remand.
- (9) *Appeal of town council decision to circuit court.* The applicant, any person jointly or severally aggrieved with a property interest in land abutting or across the street from property which is the subject of a final decision of the town council pursuant to subsection (8) above, any person with a property interest in land in the historic district overlay, who is aggrieved by a final decision of the town council, pursuant to subsection (8) above, or the town, may appeal the decision to the Circuit Court of Fairfax County pursuant to Code of Virginia § 15.2-2306. If appealed, a petition at law shall be filed setting forth the alleged illegality of the action by the town council, provided that such petition shall be filed within 30 days after the final decision is rendered by the town council. The filing of the petition shall stay the decision of the town council pending the outcome of the appeal to the court, except that the filing of the petition shall not stay a decision of the town council denying the right to raze or demolish a historic landmark, building or structure.
- (10) *Submittal of new COA application after disapproval.* If the HDRB disapproves a certificate of appropriateness, the applicant may, at any time, submit a new application with new information addressing the written reasons for disapproval.
- (11) *Transfer of certificate of appropriateness.* A certificate of appropriateness shall be transferable to subsequent owners of the property for which the certificate is issued.
- (12) *Expiration of certificate of appropriateness.* Development activity or demolition approved pursuant to a certificate of appropriateness must begin within five years of the issuance of the certificate of appropriateness, unless a shorter timeframe is included as a condition of approval

on the certificate of appropriateness. Failure to begin the activity within five years, or the timeframe conditioned on the approval, shall render the certificate of appropriateness void.

- (13) *Extension of approved certificate of appropriateness.* Upon written application submitted to the zoning administrator by the applicant at least 30 days prior to the expiration of the certificate, staff shall consider and may grant one extension not to exceed five years upon a showing of good cause. In determining good cause, staff shall take into consideration the scope of the proposed work and the laws, ordinances, and regulations in effect at the time of the request for extension. An administrative decision to disapprove a certificate of appropriateness may be appealed to the HDRB by the applicant pursuant to section 78-60.3(g)(7). Failure to apply for an extension within the time limits established by this section shall render the certificate of appropriateness void.
- (h) *Demolition, relocation and alteration of structures in the historic district overlay.* As provided in the Code of Virginia § 15.2-2306, in addition to the right of appeal outlined in this section, the owner of any building or structure shall be permitted to demolish, alter or relocate a building, structure or historic landmark in the historic district overlay provided that:
- (1) *Application required.* Application is made by the owner to the town council for the right to demolish the building or structure, or the right to alter, or the right to relocate a building or structure;
 - (2) *Demonstration of offer to sell.* The owner demonstrates that for a period set forth in the schedule in section 78-60.3(h)(3) and at a price reasonably related to its fair market value, the owner has made a bona fide offer to sell the historic landmark, building or structure, and the land pertaining thereto, to the town or Fairfax County, or to any person, firm, corporation, government, agency or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the historic landmark, building or structure and the land pertaining thereto. Evidence of a bona fide offer to sell must be demonstrated by a listing through a multiple listing service for the period of time established in section 78-60.3(h)(3) at a price reasonably related to the fair market value of the property.
 - (3) *Offering price and schedule requirements.* The schedule for offers to sell shall be as follows:
 - a. Three months when the offering price is less than \$25,000.00;
 - b. Four months when the offering price is \$25,000.00 or more but less than \$40,000.00;
 - c. Five months when the offering price is \$40,000.00 or more but less than \$55,000.00;
 - d. Six months when the offering price is \$55,000.00 or more but less than \$75,000.00;
 - e. Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00; and
 - f. Twelve months when the offering price is \$90,000.00 or more.
 - (4) *Bona fide contract of sale limitations.* No bona fide contract binding upon all parties involved shall have been executed for the sale for any such historic landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable period set forth in the schedule in section 78-60.3(h)(3).
 - (5) *Hazardous properties.* A contributing landmark, building or structure, or historic landmarks, shall not be razed, demolished or moved until the razing, demolition or moving thereof is approved by the historic district review board (HDRB) or, on appeal, by the town council after consultation with the HDRB, unless the building official consistent with the Uniform Statewide Building Code, Part III Maintenance, determines that the contributing structure constitutes such a hazard that it shall be razed, demolished or moved.
 - (6) *Appeal not affected.* Any appeal which may be taken to the circuit court of Fairfax County from the decision of the town council, whether instituted by the owner or by any other proper party, notwithstanding the provisions of this section relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to in this section. No offer to sell shall be made more than one year after a final decision by the town council, but

thereafter the owner may renew the request to the town council to approve the demolition of the historic landmark, building, or structure.

(Ord. No. [18-O-29](#), § 1, 11-13-2018; [Ord. No. 20-O-01](#), § 1, 1-14-2020; [Ord. No. 20-O-61](#), § 1, 11-17-2020)