CITY OF CHARLES TOWN
HISTORIC LANDMARKS COMMISSION
AGENDA • AUGUST 12, 2024

Commission/Board Meeting **CITY HALL** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. APPROVAL OF MINUTES

2.1 : June 24, 2024 Draft Minutes
6.10.24 HLC MINUTES_DRAFT.pdf

3. UNFINISHED BUSINESS

4. NEW BUSINESS

4.1 : **Public Hearing:** COA2024-15 - 105 E. Congress Street - Exterior wall
1. Staff Report.pdf
2. Application.pdf
3. Details.pdf
4. Narrative.pdf

4.2 : *Commission Review*: HLC Annual Report
Annual report - HLC - DRAFT.pdf

5. ADJOURNMENT

6. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:

https://www.charlestownwv.us/government/agendas-and-minutes/

Historic Landmarks Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/12/24
Department: Historic Landmarks Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

June 24, 2024 Draft Minutes

ATTACHMENTS:

- 6.10.24 HLC MINUTES_DRAFT.pdf

CITY OF CHARLES TOWN
HISTORIC LANDMARKS COMMISSION
MINUTES • JUNE 10, 2024

Committee Meeting **CITY HALL** **7:00 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Present: Nick Zaglifa, Chair
Anthony Troxel
Diane Drake
Randy Hilton

Amanda Updike - Absent

James Newman, Zoning Administrator
Georgia Brenneke, Intern

2. APPROVAL OF MINUTES

2:1 May 13, 2024 Minutes

RESULT:	**Approved Unanimous**
AYES:	Drake, Hilton, Troxel, Zaglifa

3. UNFINISHED BUSINESS

4. NEW BUSINESS

4:1 COA2024-14 – 400 E Liberty St – Exterior Alterations

Staff Presentation

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Hilton
SECONDER:	Drake
AYES:	Drake, Hilton, Troxel, Zaglifa

No Public Comment

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Troxel
SECONDER:	Hilton
AYES:	Drake, Hilton, Troxel, Zaglifa

DRAFT

HLC – Windows are not original to the structure. The intent and design of the side stairway is positive and accessible.

Motion to approve COA2024-14 – 400 E Liberty St – Exterior Alterations

RESULT:	**Approved**
MOVER:	Hilton
SECONDER:	Drake
AYES:	Drake, Hilton, Troxel, Zaglifa

4:2 COA2024-13 – 206 W Washinton St – Sign Permit

Staff Presentation

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Drake
SECONDER:	Hilton
AYES:	Drake, Hilton, Troxel, Zaglifa

No public comment.

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Troxel
SECONDER:	Drake
AYES:	Drake, Hilton, Troxel, Zaglifa

Motion to approve COA2024-13 – 206 W Washinton St – Sign Permit

RESULT:	**Approved**
MOVER:	Troxel
SECONDER:	Drake
NAYS:	Drake, Hilton, Troxel, Zaglifa

4:3 Commission Review - Augustine Avenue Trail Phase 2

Staff Presentation

Summary of Discussion –

HLC in favor, notes that connectivity the trail provides is important and the accessible design of the trail is positive.
Troxel: Is there a barrier or guard rail between the trail and traffic?
Staff: No physical barriers, there is a separation distance.

DRAFT

5. ADJOURNMENT

Motion to adjourn.

RESULT:	**Approved**
MOVER:	Drake
SECONDER:	Hilton
AYES:	Drake, Hilton, Troxel, Zaglifa

Adjourned at 7:22 pm.

DRAFT

Historic Landmarks Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/12/24
Department: Historic Landmarks Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

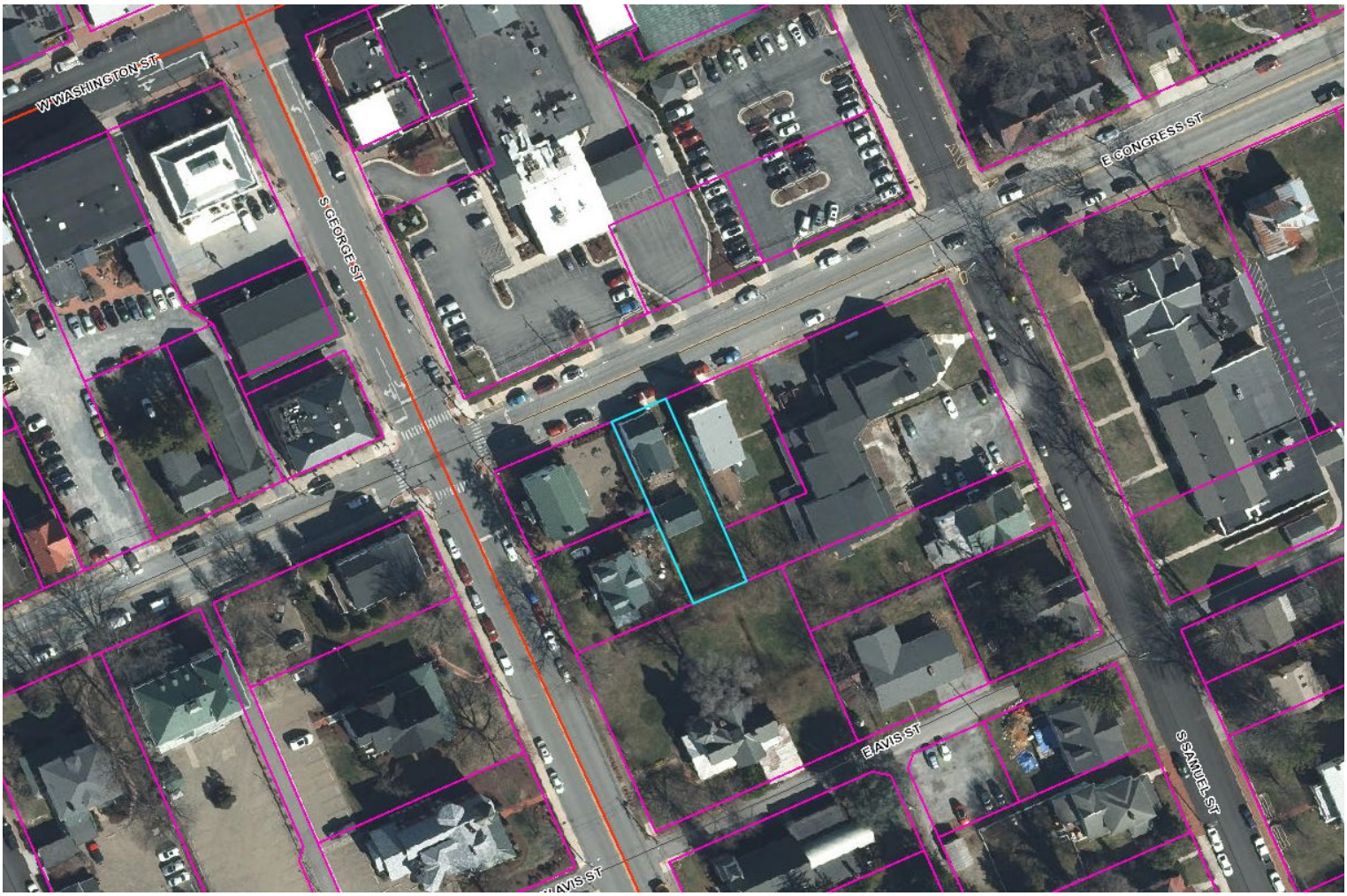
Public Hearing: COA2024-15 - 105 E. Congress Street - Exterior wall

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Details.pdf
- 4. Narrative.pdf

Public Hearing – Certificate of Appropriateness
COA-2024-15

Date: For the August 12, 2024, Historic Landmarks Commission meeting
Applicant: Deborah Dumont
Property Owner: Deborah Dumont
Report by: James Newman, City Planner, Zoning/Subdivision Administrator
Proposal: Certificate of Appropriateness for exterior wall
Property Location: 105 E. Congress St, TD: 03 / Map: 3 / Pcl: 2
Current Zoning: Old Town Residential (OT-R)



HISTORIC SURVEY BUILDING INFORMATION: Downtown Charles Town Historic District. Classical Revival, c. 1900. Three story, six bay brick commercial building with stone lintels and sills. **Contributing.**

PROPOSAL

1. Construct a 2ft. tall stone wall along approximately 82 ft. of the western property line.

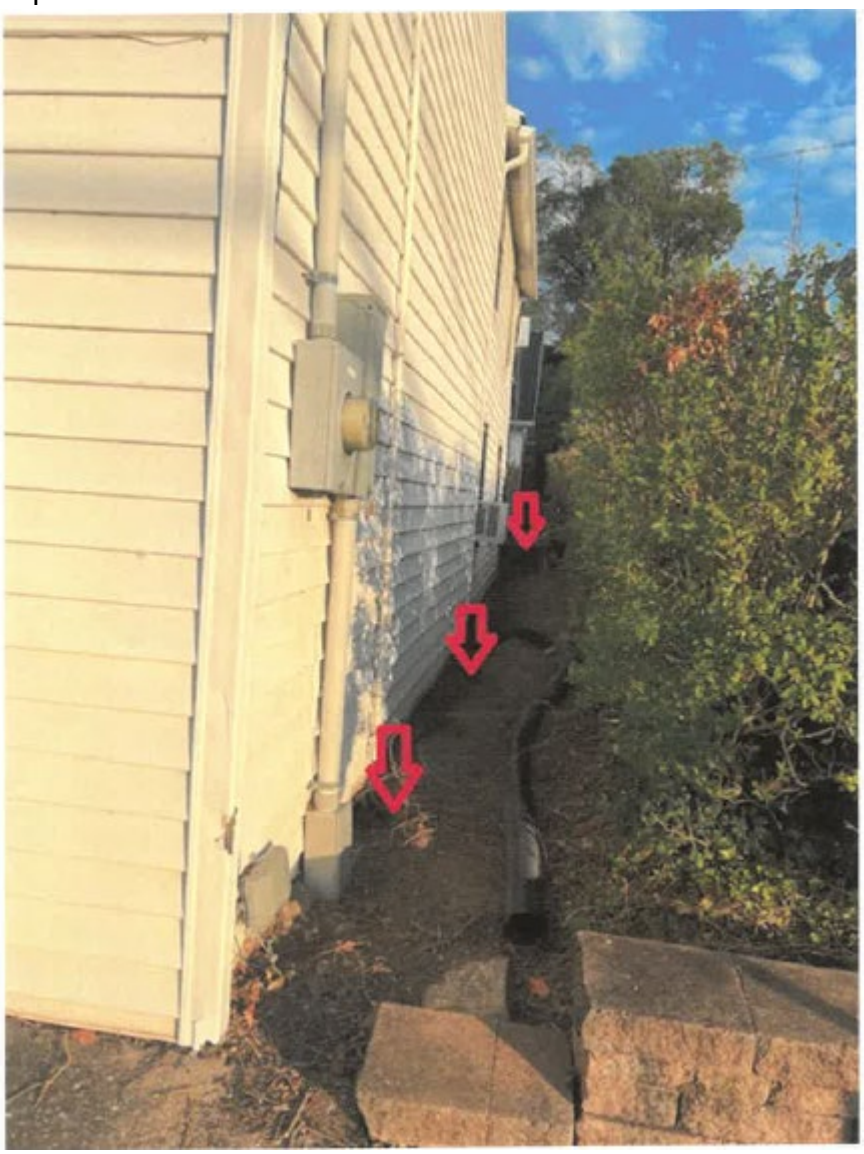
NARRATIVE

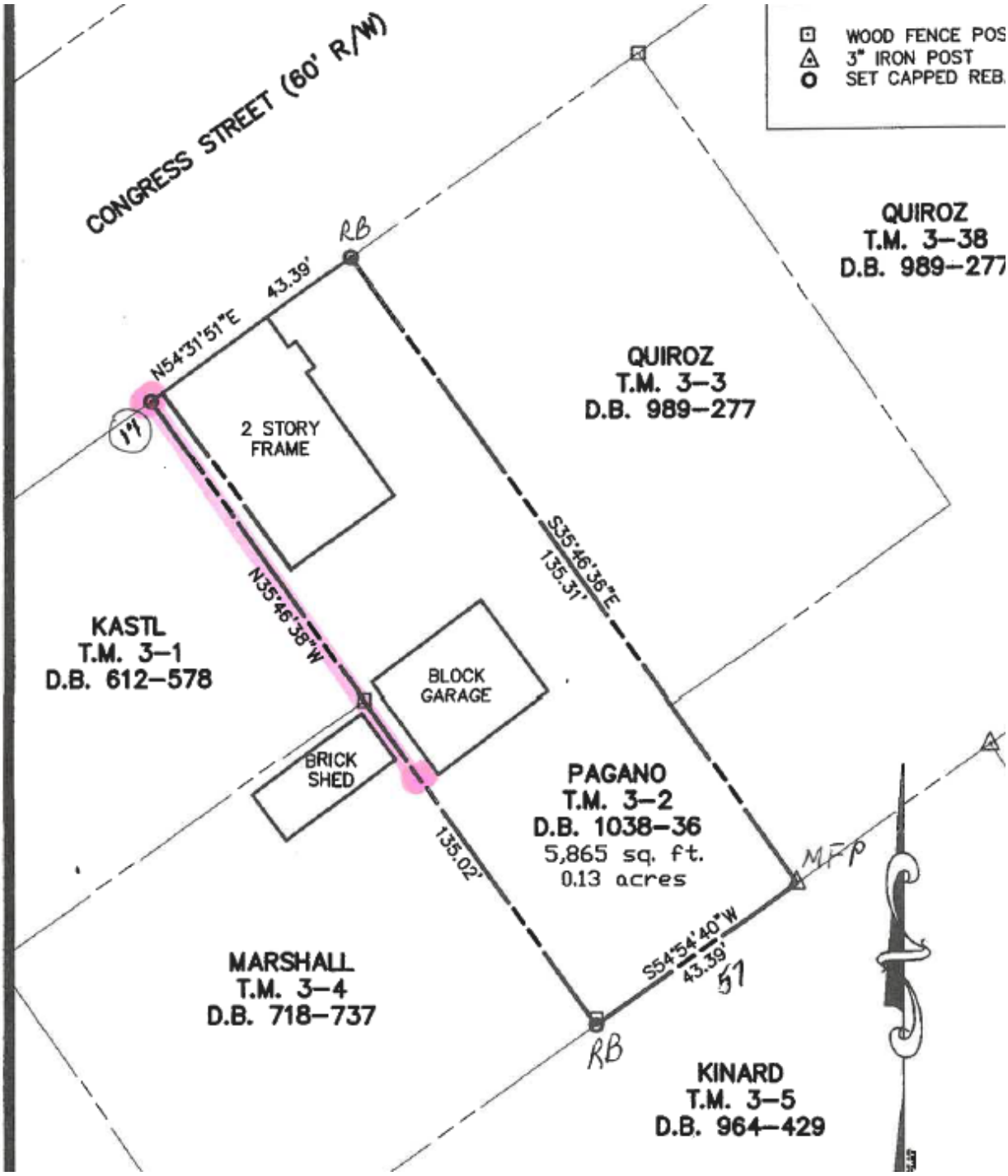
The applicant seeks to build a wall to protect the foundation of the structure; ivy from the neighboring parcel is encroaching under the siding of the house, and loose soil and rainwater are collecting against the foundation wall.

NEW CONSTRUCTION – EXTERIOR WALL LOCATION

Pictures provided by applicant.

Proposed location:




CONGRESS STREET (60' R/W)
WOOD FENCE POS
3" IRON POST
SET CAPPED REB
QUIROZ
T.M. 3–38
D.B. 989–277
RB
43.39'
N54°31'51"E
1"
2 STORY
FRAME
QUIROZ
T.M. 3–3
D.B. 989–277
S35°46'36"E
135.31'
N35°46'38"W
KASTL
T.M. 3–1
D.B. 612–578
BLOCK
GARAGE
BRICK
SHED
PAGANO
T.M. 3–2
D.B. 1038–36
5,865 sq. ft.
0.13 acres
135.02'
MFP
S54°54'40"W
43.39'
51
RB
MARSHALL
T.M. 3–4
D.B. 718–737
KINARD
T.M. 3–5
D.B. 964–429

Neighbor's barrier wall on street side – location of proposed barrier and endcap.



Proposed construction materials:



HISTORIC DISTRICT REQUIREMENTS

While there are no specific guidelines for short retaining walls, the Design Guidelines state:

-Avoid appurtenances that clash with the architectural period of the building and the streetscape.

-Appurtenances should not draw attention away from the historic building

From pg. 37 of the Design Review Standards

The proposed material are concrete blocks colored and shaped to look like rough hewn stone or brick.

ZONING ORDINANCE

Landscaping structures are not subject to setback requirements. The proposed work is in conformance with the Zoning Ordinance requirements.

CONCLUSION

Applicant proposed to install a wall to act as landscape barrier against rain, soil, and vegetation encroachment onto their property.

STAFF RECOMMENDATION

Approval.

The Commission may approve, approve with conditions, deny, or table action on the request.

COA Application No._____

RECEIVED
JUL 15 2024
BY: VS

CERTIFICATE OF APPROPRIATENESS APPLICATION

ZONING ORDINANCE SECTION 1322.13, HISTORIC OVERLAY DISTRICT
AND
ARTICLE 141 OF THE CHARLES TOWN CODIFIED ORDINANCE
AND
DESIGN REVIEW STANDARDS

All proposed activity must be approved by the Historic Landmarks Commission (HLC) via issuance of a Certificate of Appropriateness (COA).

Many of the activities for which a COA is required also requires building permit, which is a separate process from obtaining a COA.

If applying for the Façade Improvement Program, the "Addendum – Façade Improvement Program" will be required in addition to this application.

1. DATE July 9, 2024

2. APPLICANT'S NAME* Deborah Dawn Dumont

Address: 105 E Congress St, Charles Town 25414

Telephone Number: 619 850-2869 Fax Number ( )

Email Address: dddumont@gmail.com

Relationship to Owner: ___Lessee ___Contractor ___Architect ___Consultant ____Other: (explain) Owner

3. PROPERTY OWNER'S NAME Deborah Dawn Dumont

Address: 105 E Congress St, Charles Town 25414

Telephone Number: 619 850-2869 Fax Number ( )

Email Address: dddumont@gmail.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (List all parcels that apply)

Property Address: 105 E Congress St, Charles Town 25414

Tax Map # and Parcel(s): 19-03-0003-0002-0000

Deed Book and Page #: 1281 / 332

Zoning District: Charles Town Corp

5. DESCRIPTION OF FORMER USE(S) OF THE PROPERTY

R-Residence

6. DESCRIBE THE CURRENT OR PROPOSED USE OF THE SUBJECT PROPERTY

R-Residence

7. TYPE OF WORK:

A. X Exterior alteration or repairs.

B. _____ New Construction: 1)____Primary Structure; 2)____Garage; 3)____New Addition; 4)____Other;

C. _____Demolition: 1)____Whole Structure; 2)____Part of Structure;

D. _____Relocation of Structure

8. EXTERIOR ALTERATION OR REPAIR

A. Check all that apply for which approval of the proposed activity is requested:

____Architectural feature (decorative ornamentation)	____Metal trim	____Iron fences
____Material changes (wood, brick, metal, etc.)	____Windows - replacement, removal, elimination or new opening	_X_New construction Barrier wall
____Roof – Change in shape/profile	____Shutters	____Additions or alterations
____Skylights or dormers	____Door and transoms	____Signs
____Masonry - cleaning, tuckpointing, removal of masonry or other changes to the masonry	____Cut stone steps	____Solar panels
____Removal of historic markings and paintings	____Security Features	____Mothballing
____Wood cornices and concealed box gutters	____Porch or deck	____Demolition
____Wood trim	____Awnings and canopies	

B. List and describe in detail all work to be done for each item checked. Include the following materials when appropriate: See attached

1) Sketches, photographs, specifications, manufacturer's illustrations or other description of proposed changes to the building's exterior. Detailed drawings are required for major changes in architectural features.
2) If material changes are proposed, please provide a description of them. The architect's specifications or brochures may suffice; however, the Commission may request samples of new materials.

C. SIGNS: NA

1) See page 6 of this application for more information.
2) Signage activities are regulated under Article 1324 (Signs) and Section 1322.13 (Historic Overlay District) of the City of Charles Town's Zoning Ordinance and by extension the Design Review Standards. **All permitted sign sizes, location of placement and additional sign standards are regulated by Article 1324 and shall meet those standards.** The HLC role is to review the sign for appropriateness within the Historic Overlay District.

D. NEW CONSTRUCTION: Describe the nature of the proposed project. Include the following materials when appropriate: NA

1) Site plan with measured distances.
2) Elevation drawings of each façade and specifications which clearly show the exterior appearance of the project.
3) Samples or other description of materials to be used.
4) Drawings or other description of site improvements such as fences, sidewalks, lighting, pavement, decks, etc.

NA E. DEMOLITION OF STRUCTURE

1) Describe the structure's condition and reason for demolition.
2) Additional criteria is found in the Design Review Standards, including the need to prove economic hardship.
3) Describe the proposed reuse of the site, including drawings of any proposed new structure or landscaping.

NA F. RELOCATION OF STRUCTURE

1) Explain what will be moved, why, and proposed changes.
2) If a building will be moved into a district from outside, include photographs.
3) Include a site plan of the proposed location in the district and describe any site features which will be altered or may be disturbed, including foundations, walls, vegetation, etc.

NA G. MOTHBALLING OF STRUCTURE

1) Describe how the structure will be secured from unwanted entry.
2) Describe measures to be taken to keep the weather and pest out.
3) If the property owner will not be in the state of West Virginia, designate a local contact.
4) If any door(s) or window(s) are to be boarded up, they must be painted to look like a door or window or decals that look like door and window must be adhered to the boards on the window or door.
5) Additional criteria is found in the Design Review Standards, including the need to prove economic hardship.
6) Describe how the property will be maintained so as to not become a code violation, such yard maintenance.

DESCRIPTION OF THE PROPOSED ACTIVITY:

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have read the relevant provisions of the Charles Town Design Review Standards pertaining to this application, Section 1322.13, of the Zoning Ordinance and for a sign request, Article 1324 of the Zoning Ordinance.

Signature of Applicant

Deborah A Clement Date 7/9/24

Signature of Property Owner(s) (If different than Applicant)

_____ Date _____

Please submit an original completed petition to the following:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

NA Signs – Additional Information

ESTIMATED COST OF SIGN(S) (Excluding Labor & Installation):

SIGN CONTRACTOR:

Contractor License #: WV & City of Charles Town:

TYPE OF SIGN

Type of Sign	Check One	Type of Sign	Check One
Free Standing		Suspended	
Building Mounted		Awning	
Window Lettering		Other (List)	

Where on the property or building will the sign(s) be located?

SIGN MATERIAL:

SIGN DIMENSIONS:

Height	Width	Depth

WILL SIGN(S) BE LIGHTED? If yes, list the type of lighting to be used:

PLEASE PROVIDE PROOF OF INSURANCE (In case of sign damage) Insurance Company:

PROVIDE AN ILLUSTRATION OR PHOTOGRAPH OF THE PROPOSED SIGN(S)

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Zoning District: _____

Fee: $_____ Paid: $_____ Check No._____

Receipt No._____

Zoning Administrator Approval:_____ Date:_____

Historic Landmarks Commission Approval:_____Date:_____

Comments:_____

_____

_____

_____

_____

_____

APPLICANT: Deborah Dawn Dumont
105 E Congress Street
Charles Town, WV 25414
dddumont@gmail.com
(619) 850-2869 mobile

1. NEW – Erect a stone barrier wall to resolve erosion from neighbor's property impacting the foundation of my home

1.1 **Location:** Right side of house – along the entire property line of the Main Home. (refer to **Attachment 1,** Plat of Resurvey)

1.2 **Issue:** At some point in time, my adjoining neighbor installed a raised garden bed. A barrier wall was installed only on the street-facing sides. There was no barrier installed along our property line. Over the years, the raised garden bed has eroded and buried my foundation to above the level of the siding. Further, ivy from the garden has grown over my property line and underneath the siding of the house. This is causing damage to my home and must be remediated. Adjoining neighbor: BES Technology located at 203 George St.

1.3 **Proposed:** Build a permanent **stone scape barrier wall** to prevent future erosion and to contain ivy growth from neighbor's property. First step: remove the excess soil on my property to proper level to the foundation (refer to **Attachment 2**). Next, erect a high-quality barrier hardscape wall along the property line. This will contain the soil from my neighbor's yard. Garden treatments will be applied annually to prevent the ivy from impacting my property moving forward.

1.4 **Project description:** Remove the excess soil on my property to proper level with the foundation. This is an area of approximately 3 feet wide x 82 feet long. Prepare the soil per stone manufacturer's guidelines. Next, install a stone barrier wall along the property line. Note: The barrier wall will be the same height as the neighbor's exterior barrier wall and join at the corner with an end cap for an aesthetic finish (refer to **Attachment 1 – No. 1.1**).

1.4.1 Material:

- Keystone Hardscapes (www.keystonehardscapes.com) retaining wall. Durable concrete with iron oxide pigments that resist fading in extended UV exposure. Meets or exceeds applicable requirements of ASTM C1372 for compressive strengths, absorption, and dimensional tolerance. Perfect for

gravity wall up to 4 ft high with no surcharge loads. (www.keystonehardscapes.com). (refer to **Attachment 4**).

1.4.2 Dimensions:

- **Overall Length:** 82 feet approximately. Runs from front of 2 story frame house to rear of block garage. (refer to **Attachment 1**).
- **Overall Height:** Approximate 20-24 inches height (this will be based on landscape slope, there will be several step-ups along the length of the span as the property slopes down from back to front).
- **Width:** 8 inches width

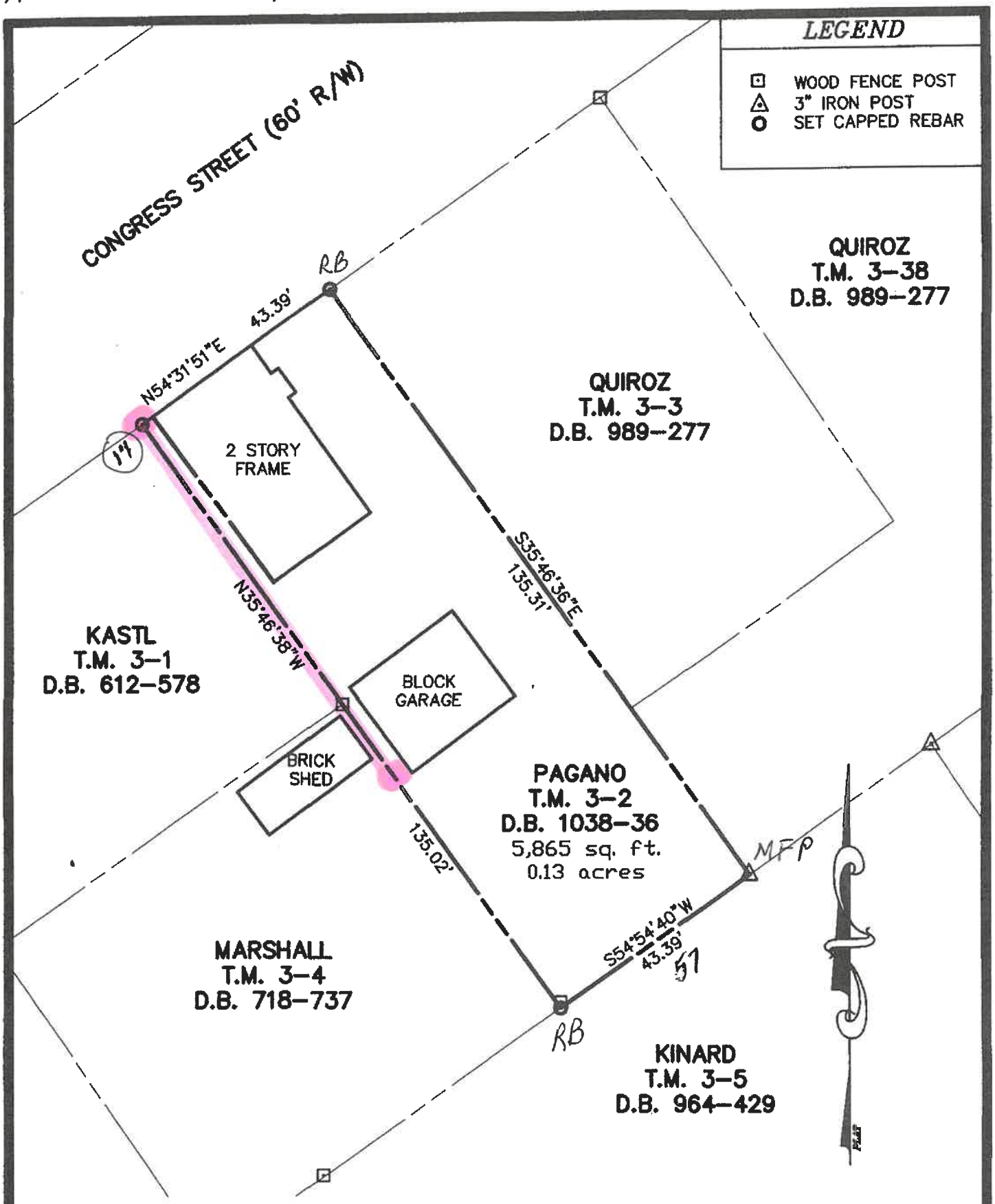
B. List and describe in detail all work to be done for each item checked. Include the following materials when appropriate:

1. **Sketches**
   - Survey map (**Attachment 1**)
2. **Photographs**
   - Buried foundation/siding – right side of house (**Attachment 2**)
   - Neighbor's barrier wall on street side – location of proposed endcap. (**Attachment 3**).
3. **Specifications**
   - 82 feet approximate finished length. Runs from front of 2 story frame house to rear of block garage (refer to **Attachment 1**).
   - Hardscape stones measure 4" x 16" x 8".
4. **Manufacturer's illustration** or other description of proposed changes to the landscape ~~building's exterior~~.
   - See **Attachment 4: Keystone Hardscapes, Rumbled Wall™**

   Detailed drawings are required for major changes in architectural features.
   - Not applicable

   If material changes are proposed, please provide a description of them. The architect's specifications or brochures may suffice; however, the Commission may request samples of new materials.
   - Not applicable

ATTACHMENT 1



PLAT OF RESURVEY

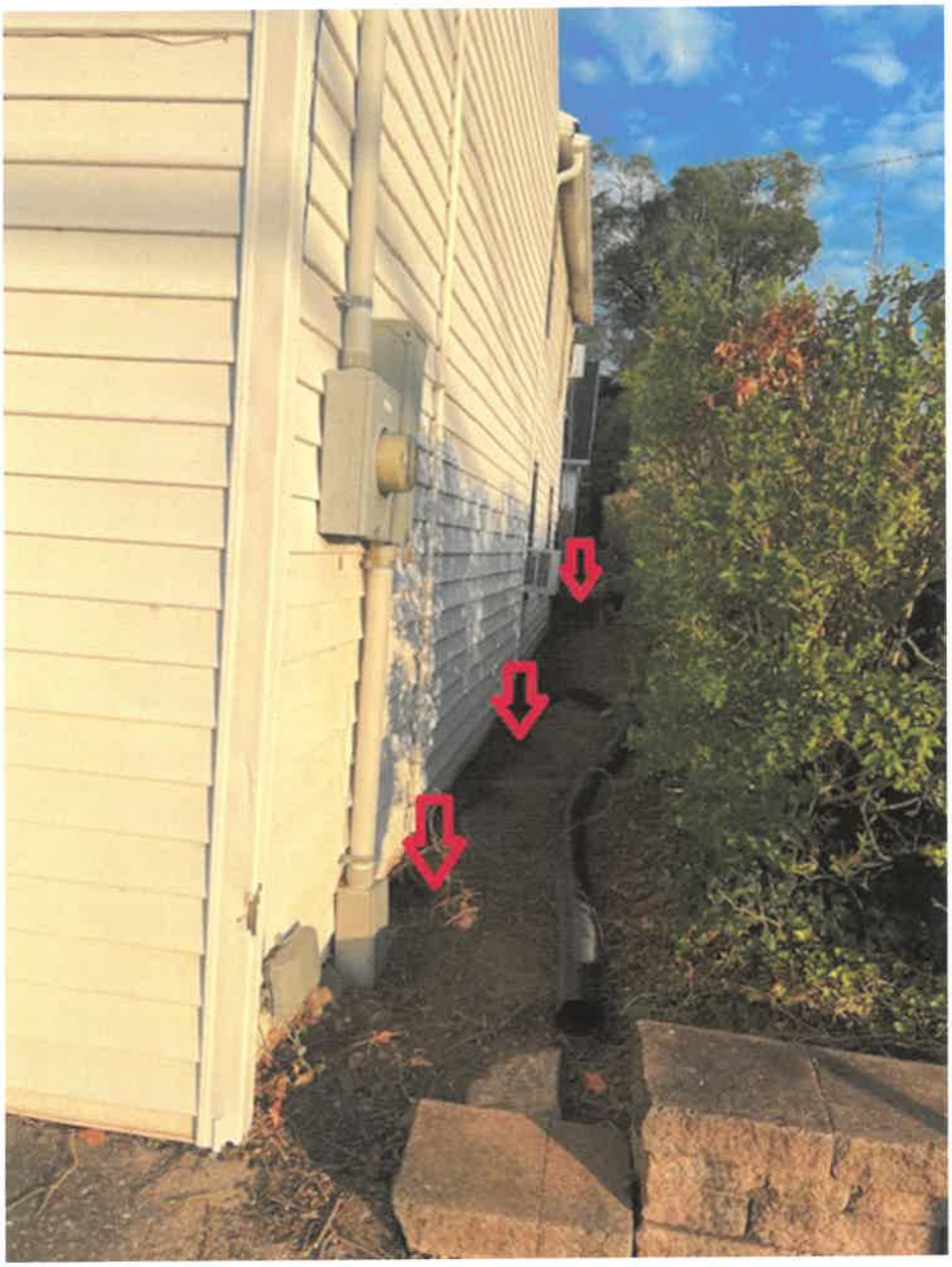
PLAT SHOWING RESURVEY OF TAX MAP PRACEL 3-2, STANDING IN THE NAME OF LISA M. PAGANO, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1038-36 LOCATED IN CHARLES TOWN CORPORATION, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 4915 DATE-8/23/07

GRAPHIC SCALE

CITY OF CHARLES TOWN, W. VA.

Attachment 2: Buried foundation/siding - right side of house



Attachment 3: Neighbor's barrier wall on street side – location of proposed barrier and endcap.



ATTACHMENT 4

RUMBLED WALL™





Chesapeake Blend



Eddington Blend



Granite Blend

Colors printed here are as true a match as the printing process will allow. For best matching results, please refer to actual samples.



#519
4" x 16" x 8"



Rumbled Wall provides rustic building blocks for do-it-yourself hardscape projects. Its weathered appearance offers a natural look and feel, adding texture and depth to raised planting beds, fire pits, columns, and seatwalls.

KEYSTONE® HARDSCAPES

George Root



HAGERSTOWN CATALOG | Vol. V

PAVERS | WALLS | OUTDOOR LIVING

July 11, 2024

Zoning Administrator
City of Charles Town
101 E Washington St
Charles Town, WV 25414

RE: Certificate of Appropriateness Application

Dear Zoning Administrator:

It is a pleasure to submit the enclosed *Certificate of Appropriateness Application* to begin remediation of my new home at 105 E Congress Street in Charles Town. I am thrilled to be a new member of the Charles Town Historical Community. While renovating an old home may pose many challenges, I believe that this journey will be well worth the effort and investment.

In the coming months, I will be renovating 105 E Congress to become my very own, preserving and restoring as much as possible. To begin planning, I have located a contractor experienced in historical home restoration.

I am also working closely with James Newman, Charles Town City Planner, Zoning/Subdivision Administrator regarding zoning permits, and permission requirements for various work. With his guidance, I am submitting my first application to you. This first project is to remediate a genuine issue caused by the raised back yard of my neighbor located at 203 George Street.

Unfortunately, some years ago, the backyard was raised about 1.5 – 2 feet. While a barrier wall was erected on the street sides of this corner lot to contain the earth, a barrier wall was not erected between our property line. The property line unfortunately is located only three feet from my house. Erosion has covered my foundation up past the siding and the ivy growing from their garden has invaded having grown underneath my siding, all of which is damaging.

The attached application proposes the remediation of these issues by continuing the barrier wall of the same height as that which is on the outside perimeter of 203 George Street. This will permanently prevent their raised garden from burying my foundation and causing damage to my home.

105 e congress ST | charles town, WV 25414 | DDDUMONT@GMAIL.COM | (619) 850-2869 MOBILE

I appreciate your review of the application and information that I have provided. Please feel free to reach out to me should you have any further questions. I would appreciate confirmation of receipt of my application and information about next steps and the duration of the approval process.

With regards,

Deborah D Dumont, PMP

Historic Landmarks Commission
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/12/24
Department: Historic Landmarks Commission
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Commission Review: HLC Annual Report

ATTACHMENTS:

- Annual report - HLC - DRAFT.pdf

CITY OF CHARLES TOWN

HISTORIC LANDMARKS COMMISSION

CITY OF CHARLES TOWN
DEPARTMENT OF COMMUNITY DEVELOPMENT

CERTIFIED LOCAL GOVERNMENT
ANNUAL REPORT
FISCAL YEAR 2023-2024

REPORT CONTENTS OUTLINE

A Certified Local Government is responsible for submitting an annual report to the West Virginia State Historic Preservation Office. The report is due within 60 days of the end of the local government's fiscal year, and must include the following information:

Compiled by: Georgia Brenneke
Date of completion: July 9, 2024

I. CONTACT INFORMATION

Commission Name: Historic Landmarks Commission
Mailing Address: 101 E. Washington Street, Charles Town, WV

Commission Members:

Chair:	Nick Zaglifa - nickforcharlestown@gmail.com
Co-Chair:	Amanda Updike - mandiux3@gmail.com
Member:	Randy Hilton - jrhiltonwv@gmail.com
Member:	Anthony Troxel - ttroxel70@hotmail.com
Member:	Diane Drake - dianemdrake@yahoo.com

II. LOCAL LEGISLATION

1. Copies of any new ordinances, amendments, bylaws, or guidelines affecting the Historic district or Design Review Standards enacted during this period.

- **Article 1759; copy attached at end of report**

2. Number and list of new historic districts or landmark designations. A map must also be submitted showing site locations.

- **ONE (Jefferson County Courthouse)**



3. Number of cases reviewed under authority of local ordinance (see next page)

CASES REVIEWED:

July 1, 2023 - June 30, 2024

	Approved	Denied	Appealed	Total
Maintenance	0	0	0	0
Facade Improvement	2	0	0	0
Signage	15	0	0	15
Demolitions	5	0	0	0
New Construction*	6	1	0	7
Totals:	28	1	0	**29**

*New construction refers to replacement, new structures, exterior changes, etc.

CASE HIGHLIGHTS:



100 E. Washington Street:

County Courthouse named National Historic Landmark.

130 W. Washington Street:

COA-2024-09
Certificate of Appropriateness to install a projecting sign.





100 W. Washington Street:

COA-2023-19
Certificate of Appropriateness to install a projecting sign.

CASE HIGHLIGHTS (CONT.):



120 W. Washington Street:

COA-2023-17

Certificate of Appropriateness to install a wall mounted sign.

132 W. Washington Street

COA-2023-15

Certificate of Appropriateness to install a wall mounted sign and a projecting sign.





207 W. Washington Street:

COA-2023-16

Certificate of Appropriateness to install a wall mounted sign on door.

III. LOCAL HISTORIC PRESERVATION COMMISSION

1. Any changes to the membership of the commission. For vacancies, please indicate length of vacancy, how an attempt was made to obtain qualified professionals to fill the vacancy, and how the new appointee(s) demonstrate an avocation, interest, competence, or knowledge of historic preservation. In addition, please submit a resume for any new commission members.

- **TWO NEW MEMBERS: Randy Hilton & Anthony Troxel; applications attached at end of report.**
- **Vacancies were advertised in the Spirit of Jefferson.**

2. Summary of how the commission obtained qualified professional expertise in the review of nominations or other actions normally evaluated by a professional if such expertise is not available on the commission.

- **The HLC receives staff reports before each meeting detailing the requests of the applicant**

3. Number of commission meetings held during this period.

- **12 commission meetings were held between July 2023 and June 2024.**

4. Explanation of how commission meetings were advertised in advance.

- **All public hearings were advertised in the Spirit of Jefferson, posted at City Hall, and indicated with signs or placards at the address of the establishment. Hearings were also advertised on the placards at the address of the establishment. Hearings were also advertised on the city website.**

5. Indication of the number of meetings which each commission member attended.

- **See next page**

COMMISSION MEMBER ATTENDANCE:

July 1, 2023 - June 30, 2024

Commissioner	Present	Absent
Chair Nick Zaglifa	11	1
Randy Hilton*	6	0
Amanda Updike	11	1
Anthony Troxel**	6	2
Diane Drake	12	0

*This commissioner began their term January 2024
**This commissioner began their term November 2023

PAST COMMISSION MEMBER ATTENDANCE:

July 1, 2023 - June 30, 2024

Commissioner	Present	Absent
Jeff Whitten (term ended 12.31.2023)	3	3

6. Indication of any historic preservation training sessions which each commission member attended during this period.

- **Amanda Updike attended 2024 CLG training series hosted by WVSHPO.**

IV. NATIONAL REGISTER NOMINATIONS

1. List of activities affecting any National Register sites in the commission's jurisdiction.

- **Jefferson County Courthouse was added.**

2. List of National Register nominations reviewed by the commission.

- **NONE**

3. List of persons contacted during the review and comment period.

- **NONE**

V. PUBLIC PARTICIPATION

1. Outline of public participation procedures which compiled with West Virginia Open Law 6-9A-1 et seq.

- **All meetings are open to the public and held in City Hall. All public hearings are advertised at least 14 days in advance in the local newspaper, agenda is posted at City Hall, and a sign is placed on the property for which the application was made.**

2. A list of any public comments received during the National Register review and comment period.

- **Any and all public comments made during a Commission discussion can be found in the approved meeting minutes.**

VI. LOCAL SURVERY AND INVENTORY:

1. List and copies of new inventory forms completed for individual buildings, historic districts, and archaeological sites. A map must be included that indicates newly inventoried sites.
   - NONE
2. Summary of survey activities including future plans
   - NONE

VII. TECHNICAL ASSISTANCE

1. Technical assistance needs for the upcoming year
   - NONE

ARTICLE 1759 - VACANT BUILDINGS

ARTICLE 1759
Vacant Buildings

1759.01 Purpose and scope.

1759.02 Definitions.

1759.03 Registration of vacant buildings; enforcement.

1759.04 Maintenance of vacant buildings.

1759.05 Appeals.

1759.06 Schedule of registry fees.

1759.07 Severability.

1759.08 Transition Provisions.

1759.01 PURPOSE AND SCOPE.

This Article is enacted pursuant to W. V. Code Chapter 8, Article 12, Section 16c for the purpose of ensuring that each Vacant Building in the City is properly monitored and maintained so as to provide for public health, safety, and welfare, including being safe for entry by police officers, fire fighters, and other emergency personnel in times of emergency. This article provides for registration and inspection of Vacant Buildings.

1759.02 DEFINITIONS.

When used in this article, the following capitalized words and phrases shall have the meanings indicated:

(a) "Alternative Means of Service" means, when service of notice or process under this Article is required to be made by Certified Mail but cannot be obtained, service of the notice or process by all of the following: (i) regular U.S. mail addressed as specified in subsections (i) or (ii) of the definition of Certified Mail; (ii) publication as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2); and (iii) posting on the front door or other conspicuous location on the subject Building. Service of notice or process by Alternative Means of Service shall be deemed made on the third (3rd) day following the earliest date on which such mailing, publishing, and posting have all occurred.

(b) "Building" means a structure having a roof supported by walls or columns that stands more or less permanently in one place and is utilized or intended for the shelter, housing, or enclosure of persons, animals, or personal property.

(c) "Building Code" means, collectively, the West Virginia State Fire Code, as adopted by the City under Article 1511 of the Codified Ordinances, and the West Virginia State

ARTICLE 1759 - VACANT BUILDINGS

Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

(d) "Certified Mail" means U.S. certified mail, return receipt requested, addressed to: (i) in all cases except where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and last known address of the Owner according to the records of the Jefferson County Tax Office; and (ii) in the case where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and address of the designated Local Agent. Service of notice or process by Certified Mail shall be deemed made upon delivery, as evidenced by the return receipt.

(e) "Non-resident Owner" means an Owner of a Vacant Building whose legal residence is outside the State of West Virginia.

(f) "Owner" means a person who individually or jointly with others:

(1) Has legal title to the property, with or without actual possession of the property;

(2) Has charge, care or control of the property as owner or agent of the owner;

(3) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(4) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(5) Is entitled to control or direct the management or disposition of the property.

(g) "Staff" means the Vacant Buildings Official and any of his or her staff or other City employees to which the Vacant Buildings Official delegates duties.

(h) "Vacant Building" means any residential Building that has not been occupied lawfully as a residence, or any non-residential Building that has not been occupied lawfully for its ordinary expected use, during the immediately preceding six (6) consecutive months or, in the case of seasonal Buildings, such as vacation homes, one (1) year.

(1) Occupancy will be determined by the status and use of the utilities, property condition, and similar factors, including, but not limited to, the following:

(A) A Building shall not be considered occupied merely due to entry for purposes not consistent with its ordinary expected use.

(B) A Building that is unsecured and occupied by one or more unauthorized persons shall not be considered occupied lawfully for purposes of the above definition.

(2) Notwithstanding anything to the contrary above, the following shall not be considered a Vacant Building:

(A) A new Building under construction while a building permit for the construction is issued, the work is proceeding on schedule with appropriate inspection requests, and the permit is unexpired.

ARTICLE 1759 - VACANT BUILDINGS

(3) When this Article refers to a Vacant Building with respect to filing a lien thereon, or registering the same in the Vacant Buildings Registry, or otherwise as the context requires, such reference shall include the real property upon which the Vacant Building is located.

(i) "Vacant Buildings Official" means the City Building Official designated under Article 1705 of the Codified Ordinances.

1759.03 REGISTRATION OF VACANT BUILDINGS; ENFORCEMENT.

(a) Registry. There shall be established and maintained a Vacant Buildings Registry, in which all Vacant Buildings in the City shall be registered.

(b) Notice of Requirement to Register. Prior to the last day of April in each year, the Vacant Buildings Official shall cause a Notice of Requirement to Register to be published as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2) and mailed by regular U.S. mail to: the name and address of the Owner, as appearing in the Vacant Buildings Registry, of each Vacant Building then registered in such registry; and the name and last known address of the Owner, according to the records of the Jefferson County Tax Office, of each Building that Staff has determined to be, or reasonably suspects to be, a Vacant Building. The Notice of Requirement to Register shall provide notice that: (i) the Owner of any Vacant Building within the City is required to register that Vacant Building in the Vacant Buildings Registry by submission of a completed Vacant Building Registration no later than the first day of July in the subject year; (ii) upon the initial registration of a Vacant Building in such registry, or in the event of re-registration of a Vacant Building that previously was registered but later removed from the registry, payment of a registry fee in the specified applicable amount must accompany submission of the Vacant Building Registration; (iii) in the event that a Vacant Building Registration is not timely submitted with respect to a Building then or subsequently determined to be a Vacant Building pursuant to Section 1759.03(e), such Vacant Building shall be involuntary registered pursuant to Section 1759.03(e) and the Owner of the Vacant Building shall be charged a registry fee in the specified applicable amount whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to registration in a prior year; (iv) if any applicable registry fee is not timely paid, the City may bring a civil action against the Owner to collect such registry fee and/or file a lien against the subject real property for the amount of such registry fee; and (v) a Non-resident Owner of a Vacant Building is required to designate a Local Agent to accept service of process and certain notices on behalf of the Non-Resident Owner. Publication of the Notice of Requirement to Register shall state where a person may obtain a blank Vacant Building Registration, and a blank Vacant Building Registration shall be sent with any mailed Notice of Requirement to Register.

(1) Neither the failure of the Vacant Buildings Official to mail a Notice of Requirement to Register to any Owner of a Vacant Building nor the non-receipt of a Notice of Requirement to Register by any Owner of a Vacant Building will relieve the Owner of the requirements under this Article.

ARTICLE 1759 – VACANT BUILDINGS

(c) Non-resident Owners. Each Non-resident Owner is required to provide to the Vacant Buildings Official signed and notarized document designating the name and address of a person who resides within the State of West Virginia and who the Non-resident Owner authorizes to accept service of process and notices of fees due under this section on behalf of the Non-resident Owner and who is designated as the Non-resident Owner's responsible agent for the purposes of receipt of notification in the event of an emergency affecting the public health, safety, or welfare (a "Local Agent"). Once provided, such document shall remain in effect until cancelled in writing by the Owner; *provided that*, the Owner shall be responsible for notifying the Vacant Buildings Official of any changes in the name or address of a Local Agent. Failure to provide such document by July 1 of the first year following enactment of this Article in which a Non-resident Owner owns a Vacant Building is a violation of this Ordinance subject to the General Penalty fine specified in Section 101.99 of the Codified Ordinances. Any provision herein requiring notice to or service upon an Owner shall be satisfied by notice to or service upon the Owner's designated Local Agent.

(d) Voluntary Registration. By July 1 of each year, the Owner of any Vacant Building within the City is required to register the Vacant Building in the Vacant Building Registry by submitting a completed Vacant Building Registration to the Vacant Buildings Official. A Vacant Building Registration will not be considered effective unless and until any registry fees required under Section 1759.03(g) are received by the Vacant Buildings Official.

(e) Involuntary Registration. Staff shall investigate any Building that is suspected to be a Vacant Building and determine whether it shall be considered a Vacant Building. Upon Staff's determination that a Building is a Vacant Building, Staff shall: (i) set forth in a written statement its findings supporting the determination; (ii) place the Owner of such Vacant Building on the list of persons to receive Notice of Requirement to Register pursuant to Section 1759.03(b); (iii) notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of Staff's determination that the Building is a Vacant Building that the Owner must register in the City's Vacant Buildings Registry by submission of a completed Vacant Building Registration by the following July 1, after which the City will involuntarily register the Vacant Building, with all applicable fees due; and (iv) in the event the Owner fails to register the Vacant Building by timely submitting a completed Vacant Building Registration, involuntarily register the Vacant Building in the Vacant Building Registry and assess against the Owner any registry fees required under Section 1759.03(g) whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to voluntary or involuntary registration in a prior year.

(f) Exemption from Registration. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from registration of such Vacant Building in the Vacant Buildings Registry due to inability to occupy the Building for a period stated and for reasons stated in the request. Upon a finding of good cause shown, City Council may exempt the Building from registration for a time specified in City Council's decision. Examples of circumstances when good cause for an exemption may exist include when the Vacant Building is being actively marketed for sale following the Owner's move to other

ARTICLE 1759 - VACANT BUILDINGS

property, or when the Vacant Building is being offered for lease following a prior tenant's vacation of the property.

(g) Registry Fees.

(1) The voluntary registry fee set forth in Section 1759.06(a) for the applicable type of Building shall be assessed to the Owner of a Vacant Building upon its initial voluntary registration by the Owner and also in the instance that the Vacant Building is voluntarily re-registered in the Vacant Buildings Registry after previously having been registered and later removed from such registry. Thereafter, the voluntary registry fee shall not be further assessed for so long as the Owner continues to voluntarily register the Vacant Building annually. The voluntary registry fee shall be submitted with the Owner's submission of the Vacant Building Registration by which the Vacant Building is first registered (or first re-registered in the case of a prior registration and removal from the registry) and due at that time.

(2) The involuntary registry fee set forth in Section 1759.06(b) for the applicable type of Building shall be assessed to the Owner of a Vacant Building in each year that it is involuntarily registered pursuant to Section 1759.03(e). In addition to the involuntary registry fee, the Owner shall reimburse the City for all its costs incurred in notifying the Owner of Staff's determination of Vacant Building status and of the registry fee due. The Owner shall be notified in writing of the involuntary registry fee due, together with all costs reimbursable to the City hereunder, by Certified Mail or Alternative Means of Service, which amounts are due when service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(3) The City may take the following actions in order to collect any registry fees and costs reimbursable to the City that are not paid in full within thirty (30) days of when due:

(A) After providing the Owner the notice specified below, file in the Office of the Clerk of the County Commission of Jefferson County a lien against the Vacant Building for the full amount of the delinquent registry fees and reimbursable costs, plus filing fees. Prior to filing such lien, the Vacant Buildings Official shall notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service that the City may file said lien unless all delinquent amounts are paid by a date stated in the notice, which stated date shall be no less than thirty (30) days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(B) Institute a civil action in the Circuit Court of Jefferson County against the Owner for the delinquent registry fees, reimbursable costs, and reasonable attorney fees and court costs incurred relative to the civil action.

(4) A registry fee paid shall be refunded if, on timely appeal, Staff's determination requiring registration as a Vacant Building is reversed.

ARTICLE 1759 - VACANT BUILDINGS

(h) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building, the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry.

1759.04 MAINTENANCE OF VACANT BUILDINGS.

(a) Required Maintenance. The Owner of a Vacant Building is required to maintain the Vacant Building in accordance with all applicable provisions of the Building Code and so as not to constitute a public nuisance prohibited by Article 1101 of the Codified Ordinances.

(b) Enforcement. In the event an Owner fails to maintain a Vacant Building as required by Section 1759.04(a) as determined by the Vacant Buildings Official, the Vacant Buildings Official may notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of such determination and the specifics of the identified failure and that the City may elect to take specified actions, which may include repairs, maintenance, and/or demolition, at the Owner's cost to bring the Vacant Building into compliance with the Building Code and/or eliminate the public nuisance, as the case may be, if the Owner does not take and complete the specified actions within a specified number of days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, which number of days shall be determined by the Vacant Buildings Official considering the urgency for the action in light of the potential harm to public health, safety, and welfare due to the condition of the Vacant Building. If the Owner fails to take and complete the specified actions within the number of days specified in such notice, the City may, in its discretion and notwithstanding any provision of Article 1101 or Article 1705 of the Codified Ordinances to the contrary, thereafter take such actions and the Owner shall be responsible for the costs of such actions, as well as all related legal and administrative costs incurred by the City. The City may bring a civil action against the Owner to collect all such costs.

(c) Alternative Enforcement. Nothing in this Section 1759.04 shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

ARTICLE 1759 - VACANT BUILDINGS

1759.05 APPEALS.

An Owner adversely affected by a determination made pursuant to this Article (excepting a determination regarding a request for exemption from registration made pursuant to Section 1759.03(f)) may appeal such determination to City Council by filing with the City Clerk a written notice of appeal within thirty (30) days of the date on which service of the notice of the subject determination is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, after which 30 day period the right to an appeal shall expire. The decision of City Council on any such appeal, as well as a determination by City Council regarding a request for exemption from registration made pursuant to Section 1759.03(f), may be appealed by an Owner to the Circuit Court of Jefferson County within thirty (30) days of the Owner's receipt of the subject decision or determination, after which 30-day period the right to an appeal shall expire.

1759.06 SCHEDULE OF REGISTRY FEES.

(a) Voluntary Registry Fee. The following voluntary registry fee, as specified for the type of Building at issue based upon its use when last occupied, shall be charged upon the voluntary registration of a Vacant Building pursuant to Section 1759.03(d) as provided in Section 1759.03(g)(1):

(1) Less than one-year: $250

(2) At least one year but less than two years: $500

(3) At least two years but less than three years: $1,000

(4) Plus an additional $1,000 per year for each year thereafter.

(b) Involuntary Registry Fee. Any vacant property existing upon the registry, and not voluntarily registered pursuant to Article 1759.03(b), will be subject to registration fees each year in accordance with the schedule above, with the exception of the initial fee, which shall be assessed at twice the rate."

(c) Use of Registry Fees. All registry fees assessed under this Article shall, when collected, be deposited in a separate account and be used for only the following purposes, as City Council shall determine from time to time:

(1) To improve public safety efforts, especially for police and fire personnel, who most often contend with dangerous situations manifested in Vacant Buildings; and

(2) To monitor and administer this Article.

1759.07 SEVERABILITY.

If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or

ARTICLE 1759 - VACANT BUILDINGS

invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

1759.08 TRANSITION PROVISIONS.

All registry fees, fines, penalties, liens, notices, letters, communications, orders, remedies, or other enforcement actions assessed, charged, imposed, placed, filed, issued, or otherwise instituted or taken under any prior version of this Article shall remain fully effective and enforceable notwithstanding the revision of this Article and nothing herein shall be deemed to modify, negate, limit, or otherwise affect such items.

Passed on First Reading : April 1, 2024

Passed on Second Reading : May 6, 2024
(following public hearing)

Attest :

Robert M. Trainor
Mayor

John Nissel
City Manager/Clerk

NEW MEMBER APPLICATIONS

Randy Hilton

RECEIVED
NOV 0 2 2023
BY: VR

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for: **Date of Application:** 11/2/23

- ☐ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☒ Historic Landmarks Commission
- ☐ Planning Commission
- ☐ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: James Randolph (Randy) Hilton

Address: 316 S. Mildred St., Charles Town, WV

Email: jrhiltonwv@gmail.com

Phone: 304 676 2591

Length of time lived in the City of Charles Town: 47 yrs.

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? President of C.T. Planning Commission, Ordinance Comm., Historic Landmarks Comm (Early 1980's), Bd. Member Jefferson Co. Dev. Authority Served 9 yrs. as mayor + 10 years on Council

List present memberships in any relevant community, service, or civic associations.

Currently Vice President, Friends of Happy Retreat Board member, Charles Town Museum & Library; Vestry Member, Zion Episcopal Church

Explain your interest in the board/commission and how it would benefit from your participation.

Life long interest in historic preservation. Worked on restoration of 4 historic properties in Charles Town. Interest in honoring excellent in preservation, expansion of signage for historic properties, expanding the overlay Historic Dist

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

NEW MEMBER APPLICATIONS

Anthony Troxel

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for: **Date of Application:** _____

- ☐ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☒ Historic Landmarks Commission
- ☐ Planning Commission
- ☐ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: TROXEL, Anthony T.

Address: 94 Edaw Drive, CT, WV 25414

Email: wvtroxels@icloud.com

Phone: 304-671-9054

Length of time lived in the City of Charles Town: 13 yrs

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? 2016-2023, Jefferson Co.; JEFFCo. HLC and JCESA

List present memberships in any relevant community, service, or civic associations.

Explain your interest in the board/commission and how it would benefit from your participation.

I have a need to serve in my community, and a desire to protect the history that makes our town an interesting and enjoyable place to live.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

HISTORICALLY HIP

Charles Town, WV





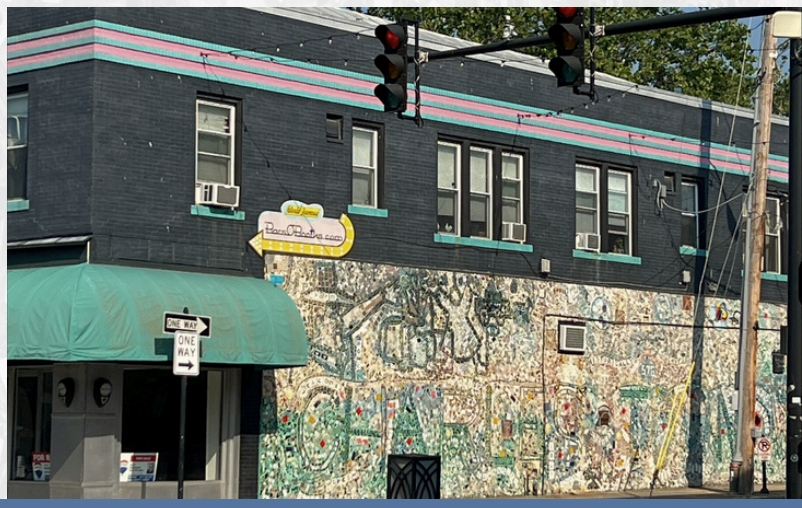












HISTORICAL LANDMARKS COMMISSION
101 E. WASHINGTON ST.
CHARLES TOWN, WV 25414
CHARLESTOWNWV.US