

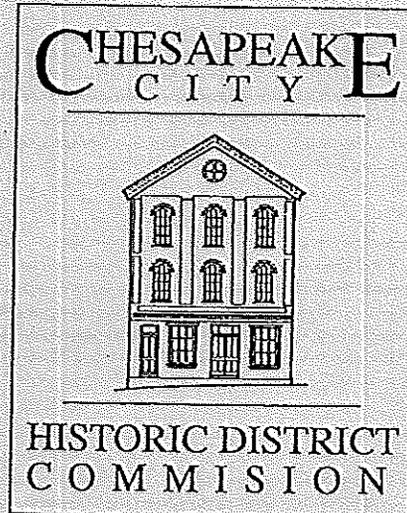
Owning Property

in the

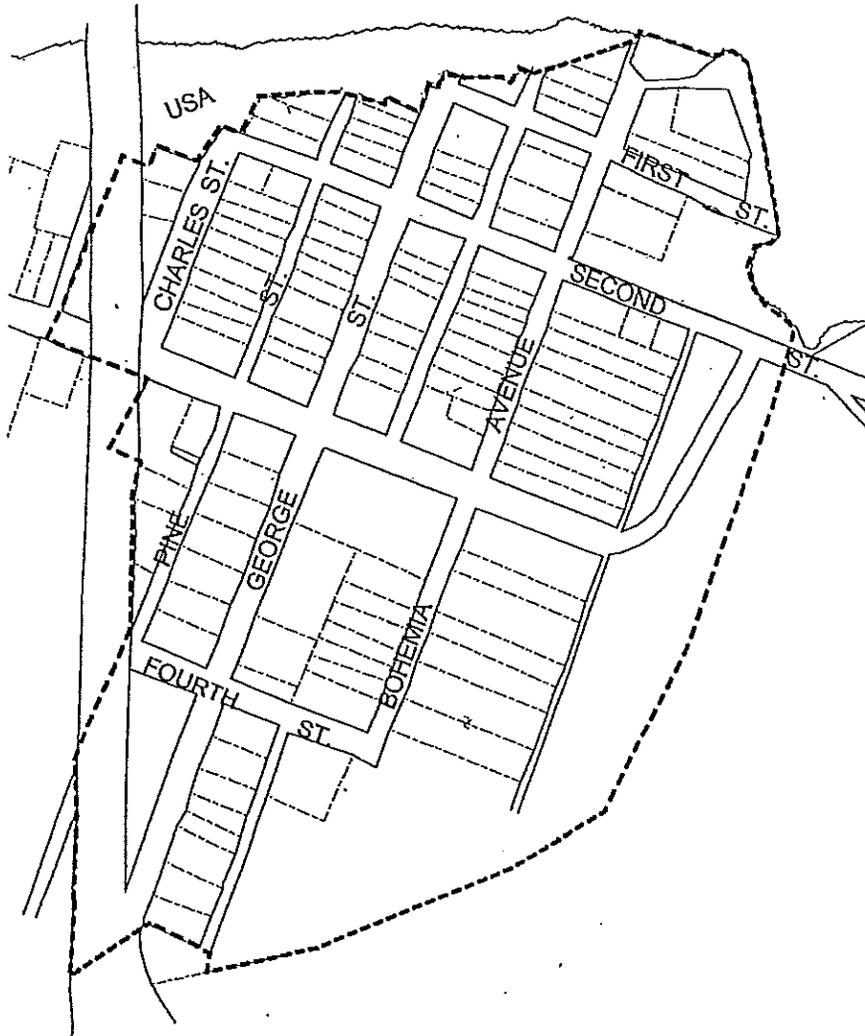
Chesapeake City

Historic District

A Guide to Permit Procedures



Office of the Mayor & Council
Historic District Commission
November 1997



Chesapeake City Historic Area District
(See the map in zoning ordinance for exact boundaries)

Foreword

The map on the facing page shows the location of the Historic Area District in Chesapeake City. If you own, manage, lease, or control property in the Historic Area District and plan exterior changes to a structure, or plan to build on such property, there are legal requirements of which you should be aware. This guide can be a first step in understanding the Chesapeake City Historic Area District permit process and in determining your individual legal responsibilities. This booklet is meant as an informal guide only and does not supersede or change the law as described in the *Town of Chesapeake City Zoning Ordinances* or the procedures adopted by the Historic Area District Commission.

If you still have questions about your individual property after reading this guide, please call the administrative staff at Town Hall for assistance or contact a member of the Historic Commission. We hope you will find everyone to be knowledgeable, courteous, and helpful.

Sincerely,

Chesapeake City Historic Commission

History of Historic Area Zoning

Around 1973 a group proposed to build a marina in Chesapeake City which would have resulted in the destruction of several historic structures on the waterfront. This precipitated some concerned citizens to petition for a portion of the south side to be listed on the National Register of Historic Places. The actual listing occurred on July 15, 1974 and included about 120 structures.

In 1976 the Maryland Historical Trust completed an inventory of the district which included a description of each structure, some history and a photograph. In 1993 the photographic record was updated. These are currently on file in the Historic Commission's files and are often consulted when an application for permit is reviewed.

On May 8, 1977, The Town of Chesapeake City passed a Zoning Ordinance which became effective June 1, 1977. Subsection 508 deals with the Historic Area District and constitutes the legal basis for the Historic District Commission's work. This section superseded an interim ordinance which had been in place since the establishment of the District in 1974.

The Commission is limited to seven persons, all of whom shall be residents, and at least three shall reside in the Historic District.

Purpose

The state's enabling legislation for historic area zoning and Chesapeake City's Historic Area Zoning Ordinance are clear concerning the purpose of historic zoning legislation. The goal of such legislation is to: "safeguard the heritage of the municipal corporation by preserving the district(s) therein which reflects elements of its cultural, social, economic, political, or architectural history; to stabilize and improve property values in such a district; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of historic districts for the education, welfare and pleasure of the residents of the municipal corporation."

Commission's Vision Statement

The Chesapeake City Historic District Commission has as its principal objective to work closely with the owner(s) of an historic property to:

- Encourage that properties be maintained;
- Encourage rundown properties to be restored;
- Encourage additions to be compatible with the existing structure and street-scape;

and by doing so, have the Historic District recognized as a premier example of mid-to-late 19th century architecture in the next decade.

Preface

The following pages provide a step-by-step guide to you for making exterior changes in the Historic Area District. Where appropriate, excerpts from the Town of Chesapeake City Zoning Ordinances are included so that there will be no misunderstanding of terms, definitions or applicability.

Also found towards the end of the booklet in a reprinting of The Secretary of the Interior's Standards for Rehabilitation. These ten standards are used as a general guide by the Historic District Commission in reviewing requests for exterior change in the Chesapeake City Historic Area District.

And lastly are some general design guidelines regarding the exterior appearance a building in the historic district. The house shown represents a typical structure and is presented to provide the reader a general idea of some the important details that are evaluated by the Historic District Commission.

Members of the Commission welcome opportunities to meet informally with current or prospective property owners to discuss what changes could be considered appropriate, however, final decisions are rendered by the entire Commission at one of their regular or special public meetings.

1.

Do I Need Historic District Commission Approval For My Activity?

The easiest and safest way to make this determination is to call the Town Hall Office and talk to the Town Manager. The office is open from 9:00 A.M. to 4:30 P.M., Monday through Thursday and 9:00 to 12:00 noon on Friday. Give all the information about your project, including your expected timetable. This could save time in the long run, since the Historic District Commission meets on the last Tuesday of each month and permit applications must be received seven (7) days prior to the meeting.

In addition to requiring Historic District Commission approval for your activity, it is likely you will also be subject to regular zoning, building codes, or other Town Ordinances. Therefore, you may want to request Chesapeake City Zoning Permit Application, along with an Historic District Permit Application when you call. A copy of the simple-to-use Historic District form is shown pages 10 and 11 of this pamphlet, and can be reproduced if desired. Otherwise, an individual at Town Hall Office will send you a copy or you can pick one up one at 108 Bohemia Avenue.

Only interior work (that has no exterior manifestation) is clearly exempted from the Chesapeake City Permit Application. Maintenance work can be exempt from historic review, but only as described in Step 2.

2.

What Is Considered Ordinary Maintenance In Historic Area Zoning?

Ordinary Maintenance - Includes any work for which a building permit is not required by law, the purpose and effect of such work being to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage. A replacement that necessitates a change in material, though not a change in appearance, shall require a certificate of Historic District Commission approval. Activities considered as "ordinary maintenance" include, but are not limited to, repainting and exact replacement of rotted or deteriorated materials.

Any painting which changes the colors of any part of a structure requires a permit from the Historic District Commission. The only colors, and color combinations, acceptable are those which would have been commercially available at the time the original portion of the structure was built. Color charts from several paint manufactures show historic color chips and combinations thereof.

Here the potential applicant should exercise care in making a determination that no Historic Permit is necessary because the project is "Ordinary Maintenance." It must be noted that maintenance is only work for which a permit is not required.

3.

Are There Any Exceptions Besides Ordinary Maintenance And Interior Work?

Printed below is Section 508-E of the *Town of Chesapeake City Zoning Ordinances*.

"Before the construction, alteration, reconstruction, moving or demolition of any structure is made within the Historic District, if any changes are involved which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way in the district, the person, individual, firm or corporation proposing to make the construction or change shall file with the Zoning Inspector an application for permission to build, alter, reconstruct, move, demolish or make the addition. If the application conforms to applicable use regulations, then the Zoning Inspector shall forward the application to the chairman of the Historic District Commission, as per sub-section 508-F. Every such application considered by the Historic District Commission shall be accepted or rejected by that Commission. No permit for any such change may be granted until the Commission has acted thereon as hereinafter provided."

"An adjacent public way" is an important phrase in this section. All changes even slightly visible from any portion of any street, alley or the canal requires an Historic District Commission Permit.

CHESAPEAKE CITY HISTORIC DISTRICT COMMISSION APPLICATION FOR PERMIT APPROVAL

(Application must be received 7 days prior to meeting to be on meeting agenda)

PROPERTY ADDRESS _____

PROPERTY OWNER _____ AGENT _____

OWNER'S ADDRESS _____

OWNER'S PHONE _____ E-MAIL _____

(If the agent is not owner, a signed letter of authorization from the owner MUST accompany the application)

Type of Exterior Change
Proposed: _____

Estimated Start Date _____ Estimated Completion Date _____

Applicant, or agent must be present when the application is heard. All absentee applications will be denied until the applicant or agent can appear.

Construction plans, materials lists and photographs of the property, visible from the public right of way MUST be attached.

Signature of owner /agent _____ Date _____

This application is approved this _____ day of _____ 20 _____

Conditions _____

Chesapeake City Historic District Commission Chair _____ Date _____

Tax Map _____ Parcel _____ Lot _____ Zoned _____ Critical Area _____

P.O Box 205, Chesapeake City, Maryland 21915 (410)885-5298 Fax (410)885-2515

THIS PERMIT WILL EXPIRE ONE YEAR AFTER APPROVAL DATE

4.

How Are Structures Defined?

From the Town of Chesapeake City Zoning Ordinances:

"Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground." This will include, among other things, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and tower, trestles, piers, paving, bulkheads, wharves, sheds, coal bins, gazebos, shelters, fences, signs and satellite dishes.

The applicant to the Historic District Commission should note that signs are included as structures in the definition above. In fact, sign approval is the most frequent form of approval granted. Any change to a sign (except to repaint the sign exactly as originally approved) requires Historic Commission review.

Also included for Historic review as part of a structure are: chimneys, doors, storm doors, storm windows, lighting fixtures, window sashes, shutters, gutters, balustrades, brackets, and porch supports to mention a few.

5.

What Step Do I Take To Apply For Historic District Commission Approval?

1. Request a permit application form from the Town Hall Office, 106 Bohemia Ave. Telephone 885-5298 or write to P.O. Box 205, Chesapeake City, MD 21915 to have one mailed. If you prefer, reproduce the form on pages 10 and 11 in this booklet.
2. Supply all the requested information of the permit application. Be certain to sign and date the application noting that the applicant must be the owner of the property of the agent of the owner.
3. Attach construction plans, a photograph of the property visible from the public way(s), and building elevations. Describe the materials used and the colors selected. Submit product information on new materials that are anticipated in construction. This would include but not be limited to doors, windows, roof shingles, siding, bricks, stone, mortar, storm windows and doors.
4. For sign application show type of sign (flat, projecting, or freestanding), size, design, method of mounting, location on building or property, and style of typeface used in lettering.
5. Submit the application to Town Hall seven (7) days in advance of the monthly meeting. The Commission meets on the 4th Tuesday of each month at 6:30 P.M. in the Town Hall Office.

6.

Do I have To Appear At The Historic District Hearing?

Though the *Town of Chesapeake City Zoning Ordinances* do not require the attendance of applicants at the hearing when the application is considered, it is an adopted policy of the Historic District Commission that the applicant or their agent be present. There is good reason for this requirement.

1. The applicant may be called upon to give testimony concerning the application. Plans do not always provide every detail necessary for Historic District Commission approval.
2. The applicant may be queried as to whether alternatives were considered in developing plans or whether changes could be made to the plans to allow approval.
3. The applicant may have to testify concerning inability to find original materials, economic or personal hardship, or other factors affecting conformance with the Secretary of the Interior's Standards for Rehabilitation.

Therefore, your failure to appear at the hearing concerning your application will *not* be reason for the denial of your application, but it will not assist in its approval should problems arise.

7.

What Happens Next?

After the Historic District Commission has reviewed your application, and all questions have been answered and all testimony given, the Historic Commission may rule in any of the following ways:

1. Your application can be approved as submitted.
2. Your application can be approved with conditions imposed by the Commission.
3. Your application can be denied with an invitation to reapply with a different concept.
4. Your application can be denied in part and approved in part.
5. Your application can be denied altogether.
6. Your application can be tabled at your request until the next regular meeting of the Historic District commission.
7. Your application can be tabled at the discretion of the Historic District Commission for these reasons: lack of information in the application; modifications or revisions introduced at the meeting; new information revealed at the meeting affecting the decision on the application; or any other reason the Commission feels they can not make a decision that meeting.

An approved permit is valid for one (1) year, and can be extended at the discretion Zoning Inspector for six months upon receipt of advanced written request of the original applicant.

8.

What If I'm Denied My Permit Request?

Step 7 discussed three levels of denial that give you options during the permit process.

In the first level you can be denied with an invitation to reapply with a different concept. This allows you to reappear before Commission at the next meeting.

The second level, where part of your application is approved and part denied, you can carry out the approved portions of your permit but not the denied portions.

At the third and final level, where your application is denied altogether, you cannot again resubmit the application for six months.

The Historic District Commission will state the reasons for denials at any of the three above levels and may suggest remedies that would strengthen or improve your application. It is important that you listen and attempt to cooperate.

Appeals of the decisions of the Chesapeake City Historic District Commission are made to the Town's Planning Commission.

The Secretary Of The Interior's Standards for Rehabilitation

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of 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.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to 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 structure would be unimpaired.

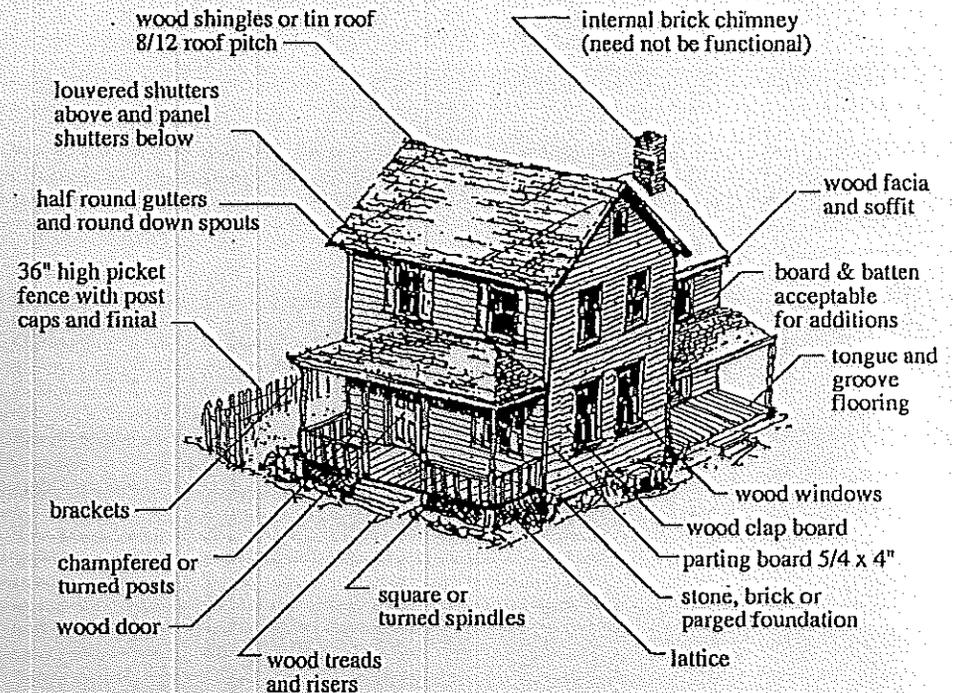
ACKNOWLEDGMENTS

This guide is largely based on a similar publication distributed by the Office of the Mayor and Council of Chestertown, Maryland. It was written and published by the Historic District Commission with funding provided by the Mayor and Council of Chesapeake City.

DESIGN GUIDELINES

While every structure is different a 'representative' house is shown on the following page. It is intended to provide the reader a 'feel' of how a properly restored house would appear. Specific questions about a project should be directed to a member of the Commission.

Historic Rehabilitation Design Guidelines



Notes:

- paint with historic colors
- chimney caps are acceptable
- windows are typically 6/6 with 5/4 " x 4" wood trim with sill
- doors should be wood with 4 or 6 panels
- shutters should appear to be functional
- roof pitch minimum of 6/12, 8/12 or 10/12 preferred

Annotated House Showing Historically Significant Details