

RECEIVED
9/12/2025



Certificate of Appropriateness Application Renovation

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31

planningtech@capecharles.org

Revised 12/2024

Taxes	IRS
Violations	NA
Fee	1659 \$500
Decision	HDRB

Budget Code: HISTF 100-3100-1100

Budget Code VIOLATIONS: PERMZ 100-3100-1370

PART 1: APPLICATION NOTES

A Certificate of Appropriateness is required for all applications for zoning clearances and permits involving any exterior alteration, modification, restoration, reconstruction, demolition, new construction or moving of a property within the Cape Charles Historic District Overlay.

Minor Exterior Work* is exterior maintenance and repair, replacement of missing or broken windowpanes, roofing shingles, slates, tiles, porch floors, posts, rails, or shutters where no substantial change to design or material is proposed and other minor changes that do not materially change the historic characteristics of the building may be reviewed by the Zoning Administrator. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

Major Exterior Work: is any alteration of the architectural style of a structure or its significant architectural elements, modifications, additions, and any major or minor work not eligible for administrative review must be reviewed and approved* by the Historic District Review Board. Upon approval the applicant is responsible for confirming and obtaining all necessary building permits.

Note: A pre-application meeting is available upon request prior to submitting this application.

The following documents must be submitted to the Town before this application can be reviewed. In addition to these documents, the COA application and requested supporting information relevant to the applicable sections must be deemed complete by department staff prior to being evaluated.

- ☒ A) Zoning Clearance Application ☒ B) Photos of existing condition ☒ C) Owner Permission Affidavit
☒ D) Payment of COA Fee (Residential – Minor \$75, Major \$150 / \$500 OR Commercial/Commercial Residential - \$1,000)
☒ E) Site Plan/Survey ☒ F) Material Specifications ☐ G) Tree Permit Application

Owner signature: _____

Date: _____

PART 2: PROPERTY INFORMATION

Property Address: 537 MASON AVENUE, CAPE CHARLES, VA 23310

Tax Map #: 83A3-1-570

Is there an active Certificate of Appropriateness on this property? ☒ No ☐ Yes _____ Date

Zoning District: CR

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: DOROTHY M. BUTLER

Mailing Address: P.O. BOX 134, CAPE CHARLES, VA 23310

Phone Number: 757-678-6810

Email: dbmarlana@aol.com

PART 4: APPLICANT INFORMATION

☒ Check here if the applicant is owner. (If applicant is not the property owner, an Owner's Permission Affidavit must be attached.)

Name and/or Company: DOROTHY M. BUTLER

Mailing Address: P.O. Box 134, CAPE CHARLES, VA 23310

Phone Number: 757-678-6810

Email: dbmarlana@aol.com

RECEIVED

PART 5: PROJECT INFORMATION – Describe in detail proposed work.

(If any tree removal is being proposed a Tree Permit Application must be completed):

DEMOLITION of the old front porch, FLOOR, RAILINGS, PORCH TRIM, MOULDING, BALUSTRADES, HANDRAILS ON ENTRANCE steps, PORCH CEILING completely because the porch has deteriorated beyond repair. Porch rebuilt in style as the original porch style, but the ceiling will be a new style. The new porch will be covered by the original roof unless it needs to be replaced or repaired. It will be checked to make sure it is safe. If not safe, repaired or replaced. The roof/porch ceiling will be replaced. The new porch will have new floor boards, ceiling, railings, columns, posts, trim, skirting, handrails, trim, moulding.

PART 6. ALTERATIONS, REPAIRS OR ADDITIONS

Select the type of work to be performed (check all that apply):

☐ Addition ☐ Doors ☐ Windows ☐ Masonry ☒ Porch ☒ Roofs ☐ Siding ☒ Steps/Stoop & Railings
☒ Trim Work ☐ Fence or Wall ☒ Partial demolition ☐ Hardscaping ☒ Appurtenances ☐ Other:

A. ADDITION ☐ Not applicable **SEE SECTION 5.6 or 5.12 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Location (Attach a diagram; Survey/Site Plan is required): *Porch (built as the original porch)*

Stories: *2* Building height: *24 ft est.* Footprint: *48.2 x 26.1* Gross square footage: *5,600*

Complete all sections below that apply to your addition and supply elevation drawings.

B. ROOF ☐ Not applicable **SEE SECTION 4.2, 5.2, or 5.8 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Type of work: ☐ New ☒ Repair % of roof structure _____ ☒ Reroofing: In kind _____ Different in style or material ☒
☐ Add/Repair Gutters and downspouts ☐ Solar Panels ☐ Other Solar Installation

Location (Pictures of existing condition): *Roof OVER the porch SECTION (area)*

Existing Roof	Proposed Roof
Existing Condition: ☒ Original ☐ Not Original ☐ Not Sure	Proposed Work: <i>Replaced roof wood and the roof shingles.</i>
Existing Material: <i>Asphalt shingles - architectural</i>	Proposed Material: <i>Asphalt shingles</i>
Pitch: <i>15/12</i> <i>51.34 degrees</i>	Pitch: <i>15/12</i> <i>51.34 degrees</i>
Gutters & Downspouts: (Pictures of Location & Material Specs)	Solar: (Pictures of Location & Material Specs)
Proposed Work:	Proposed Work:
Proposed Material:	Proposed Material:
Other / Additional Notes:	

C. DOORS ☐ Not applicable **SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES**

Number of doors to be: Added: _____ Removed: _____
 Repaired: _____ Replaced: In kind _____ Different in style or material _____

Attach a diagram of the house exterior with all doors numbered. Add documentation for each additional door.

Existing Door	Proposed Door
Door 1: Complete a separate Section C for each door being modified. Original to the home: ☐ Yes ☐ No ☐ Not Sure	Work to be completed: ☐ Added ☐ Removed ☐ Repaired ☐ Replaced
Existing Material:	Proposed Material:
Dimensions: Width _____ Height _____	Dimensions: Width _____ Height _____
Configuration with picture (i.e., glass panes, divisions, decorative details & panels):	Configuration with picture (i.e., glass panes, divisions, decorative details & panels):

Indicate the reason for change:

D. WINDOWS ☐ Not applicable SEE SECTION 4.5, 5.5, or 5.11 OF THE HISTORIC DISTRICT DESIGN GUIDELINES	
Number of windows to be: Added: _____ Removed: _____ Repaired: _____ Replaced: In kind _____ Different in style or material _____	
Minimum Guidelines: Window Sill – thickness of 1-1/2" and Window Casing or Trim – thickness of 3-1/2"	
Attach a diagram of the house exterior with all windows numbered. Add documentation for each additional window.	
Existing Windows	Proposed Windows
Window 1: Complete a separate Section D for each window being modified if it is a different size, configuration, etc. Original to the home: ☐ Yes ☐ No ☐ Not Sure	Work to be completed: ☐ Added ☐ Removed ☐ Repaired ☐ Replaced
Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.): Include a picture	Configuration (i.e., double-hung sash, 2/2, 6/1, 6/6, etc.): Include a picture
Width: Height: Depth:	Width: Height: Depth:
Existing Material:	Proposed Material:
Sill: Length: Thickness: Depth:	Sill: Length: Thickness: Depth:
Existing Material:	Proposed Material:
Casing / Trim: Width: Height: Depth:	Casing / Trim: Width: Height: Depth:
Existing Material:	Proposed Material:
Shutters: Original: ☐ Yes ☐ No (Attach Location Picture)	Shutters: ☐ Repair ☐ Replace ☐ New (Attach Location Picture)
Existing Material:	Proposed Material:
Indicate the reason for change:	
E. PORCHES ☐ Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES	
New materials should match the historic material, composition, shape, size, and other visual qualities.	
Work to be done: ☒ Repair flooring ☒ Repair ceiling ☒ Repair columns ☒ Repair/Add Skirting ☐ Repair/Add Screening ☒ Flooring = ☐ Alter ☒ Replace ☐ Repair ☒ Columns = ☐ Alter ☒ Replace ☒ Repair ☒ Balustrade = ☐ Alter ☒ Replace ☐ Repair ☒ Ceiling = ☒ Replace ☐ Repair ☒ Skirting = ☐ New ☒ Replace ☐ Repair	
Location (Attach pictures for all work including existing and proposed; Survey may be requested):	
FLOORBOARDS: Number of boards to be: _____ Repaired <u>46</u> Replaced _____ Altered Replacement of flooring should match the historic floorboard orientation. Replacement of an entire porch floor, ensure the new floor slopes away from the building.	
Existing Condition: ☐ Original ☐ Not Original ☒ Not Sure	Proposed
Existing Material: <u>wood</u>	Proposed Material: <u>wood</u>
Dimensions: Length: <u>8 1/2 ft</u> Width: <u>3 1/2 in</u> Depth: <u>3/4 inch</u>	Dimensions: Length: <u>8 1/2 ft</u> Width: <u>4 inch</u> Depth: <u>1 1/2 inches</u>
CEILING	
Existing Condition: ☐ Original ☒ Not Original ☐ Not Sure	Proposed
Existing Material: <u>Vinyl type? or wood</u>	Proposed Material: <u>wood</u>
COLUMNS	
Existing Condition: ☒ Original ☐ Not Original ☐ Not Sure	Proposed
Existing Material & Design: <u>wood</u>	Proposed Material & Design: <u>wood</u>
Existing Dimensions: Height: <u>8 ft</u> Width: Diameter: <u>2 1/2 in</u>	Proposed Dimensions: Height: <u>8 ft</u> Width: Diameter: <u>2 1/2 in</u>
CONTINUE COMPLETING THIS SECTION ON PAGE 4	

BALUSTRADE	
Existing Condition: ☐ Original ☐ Not Original ☒ Not Sure	Proposed
Existing Material: <u>Wood</u>	Proposed Material: <u>Wood</u>
Existing Dimensions: Height: ^{2ft} <u>5in</u> Width: ^{7ft} <u>1in</u> Diameter: <u>1 1/2 in</u>	Proposed Dimensions: Height: ^{3ft} <u>5in</u> Width: ^{7ft} <u>1in</u> Diameter: <u>1 1/2 in</u>
Existing Style / Design: <u>Colonial style and modern mixed</u>	Proposed Style / Design:
SCREENING	
Existing Condition: ☐ Original ☐ Not Original ☐ Not Sure	Proposed Work: ☐ New ☐ Replace ☐ Repair
Existing Material:	Proposed Material:
SKIRTING	
Existing Condition: ☐ Original ☒ Not Original ☐ Not Sure	Proposed Work: ☐ New ☒ Replace ☐ Repair
Existing Material: <u>Wood</u>	Proposed Material: <u>Wood</u>
If replacing any item above, indicate the reason for replacement: <u>Deteriorated from weather. I am not sure it can be salvaged.</u>	
If altering any item above, describe any proposed change (material, size, etc.): <u>It will be the same size as original if possible. Material: <u>wood</u></u>	
F. STEPS/STOOPS/RAILINGS ☐ Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES	
Location (Attach pictures; Survey may be requested):	
Number of Steps to be: <u> </u> Repaired <u> </u> Replaced <u> </u> Altered	
Existing Condition: ☐ Original ☐ Not Original ☐ Not Sure	Proposed
Existing Material:	Proposed Material:
Dimensions: Rise: Run: Tread Width:	Dimensions: Rise: Run: Tread Width:
If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):	
Stoop to be: <u> </u> Repaired <u> </u> Replaced <u> </u> Altered	
Existing Condition: ☐ Original ☐ Not Original ☐ Not Sure	Proposed
Existing Material & Size:	Proposed Material & Size:
If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.):	
Number of Railings to be: <u> </u> Repaired <u> ✓ </u> Replaced <u> </u> Altered	
Location (Attach pictures; Survey may be requested): <u>Porch and handrailings</u>	
Existing Condition: ☐ Original ☐ Not Original ☒ Not Sure	Proposed
Existing Material: <u>Wood</u>	Proposed Material: <u>Wood</u>
Existing Dimensions: Height: ^{2ft} <u>2in</u> Width: ^{7ft} <u>1in</u> Diameter: <u>1 1/2 in</u>	Proposed Dimensions: Height: ^{3ft} <u>5in</u> Width: ^{7ft} <u>1in</u> Diameter: <u>1 1/2 in</u>
Existing Style / Design: <u>Vertical square</u>	Proposed Style / Design: <u>Vertical square</u>
If replacing, indicate the reason for replacement. If altering, describe any proposed change (material, configuration, size, etc.): <u>IF NOT salvageable, the railings will be replaced. The same style as the railing is now will be the new style. Materials maybe PVC, OR vinyl or wood. ON THE STEPS Replaced with TREX OR AZEK style.</u>	

G. SIDING ☐ Not applicable SEE SECTION 4.4, 5.4, or 5.9 OF THE HISTORIC DISTRICT DESIGN GUIDELINES			
Type of work: ☐ Minor Repair ☐ Full Re-Siding (same material) ☐ Full Re-Siding (Change of material)			
Location (Attach diagram & pictures):			
Existing Siding		Proposed Siding	
Original to the home: ☐ Yes ☐ No ☐ Not sure			
Existing Material:		Proposed Material:	
Dimensions: Thickness:	Width:	Dimensions: Thickness:	Width:
Indicate the reason for change, e.g., underlying material condition, rot:			
H. TRIM WORK ☐ Not applicable SEE SECTION 4.4, 5.4, or 5.10 OF THE HISTORIC DISTRICT DESIGN GUIDELINES			
Type of work: ☐ Minor Repair ☐ Alteration			
Location (Attach diagram & pictures):			
Existing Trim		Proposed Trim	
Existing Condition: ☐ Original ☐ Not Original ☐ Not Sure			
Existing Material:		Proposed Material:	
Dimensions: Width:	Height:	Dimensions: Width:	Height:
Style / Design:		Style / Design:	
Reason for repair or alteration (change of material or design):			
I. MASONRY ☐ Not applicable SEE SECTION 4.3 or 5.3 OF THE HISTORIC DISTRICT DESIGN GUIDELINES			
Type of work: ☐ New foundation ☐ Substantial Reconstruction ☐ Minor Repair ☐ Repointing			
Location (Attach diagram & pictures):			
Existing Masonry		Proposed Masonry	
Existing Condition: ☐ Original ☐ Not Original ☐ Not Sure			
Existing Material:		Proposed Materials:	
Existing mortar:	Joints:	Mortar to be used:	Mortar joints:
Other / Additional Notes: (Unpainted masonry cannot be painted.)			
Existing Chimney		Proposed Chimney	
Show location and document conditions with photographs		☐ Repair ☐ Remove ☐ Add a chimney cap	
Indicate the reason for change and materials:			
J. HARDSCAPING ☐ Not applicable SEE SECTION 9.1 OF THE HISTORIC DISTRICT DESIGN GUIDELINES			
Location (Attach Site Plan/Survey & pictures):			
☐ Driveway:	Length:	Width:	Materials:
☐ Walkway:	Length:	Width:	Materials:
☐ Other Paving:	Length:	Width:	Materials:



Owner Affidavit for Permission to Represent

Planning & Zoning Department
2 Plum Street; Cape Charles, VA 23310
757-331-3259 x31

planningtech@capecharles.org

Revised 03/2023

Taxes

Violations

Fees

Decision

PART 1. APPLICATION NOTES

Use this form to give permission for a contractor, architect, or other individual to represent the owner of a property in matters within the Town of Cape Charles.

PART 2: PROPERTY INFORMATION

Property Address: 537 MASON AVENUE, CAPE CHARLES, VA 23310 Tax Map #: 83A3-1-570

PART 3: PROPERTY OWNER INFORMATION

Name and/or Company: DOROTHY M. BUTLER

Mailing Address: P.O. Box 134, CAPE CHARLES, VA 23310

Phone Number: 757-678-6810 Email: dbmarlana@aol.com

I hereby give authority to the following representative to act on my behalf on the following matter:

EXPLAIN HIS COMPANY PLANS FOR THE WORK HE IS DOING ON MY HOUSE.

PART 4: REPRESENTATIVE INFORMATION

Name and/or Company: MATTHEW D. HART / HART CONSTRUCTION COMPANY LLC.

Mailing Address: 25526 EAST MAIN STREET, ONLEY, VIRGINIA 23418

Phone Number: (757) 710-4145 Email: ?

☐ to file documents on my behalf

☒ To represent me in meetings with Town officials

Name and/or Company: MATTHEW D. HART / HART CONSTRUCTION COMPANY LLC.

Mailing Address: 25526 EAST MAIN STREET, ONLEY, VIRGINIA 23418

Phone Number: (757) 710-4145 Email: ?

☐ to file documents on my behalf

☒ To represent me in meetings with Town officials

Signature of owner: Dorothy M. Butler

Date: 9-12-2025

State of Virginia, County of Northampton The foregoing instrument was acknowledged before me this 12th day of September 2025, by Dorothy M. Butler (name of person acknowledged)

Signature of Notarial Officer: Maureen T. Tamares

Notary Registration number: 00280830

My commission expires: 10/31/28



THIS IS TO CERTIFY THAT ON 6 MAY 1998, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

EASTERN SHORE SURVEYORS

THIS PROPERTY IS LOCATED ON TAX MAP 83A3 - 1 - PARCEL 570.

SOURCE OF TITLE: CURRENT OWNERS:
D.B. 179, P. 288 JAMES T. MELBOURNE
D.B. 41, P. 484 (PLAT)

THE PROPERTY SHOWN HEREON APPEARS TO FALL INSIDE ZONE(S) B AS SHOWN ON F.E.M.A. FLOOD HAZARD MAP PANEL NO. 31010E 0001 B

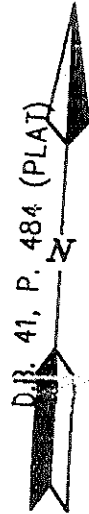
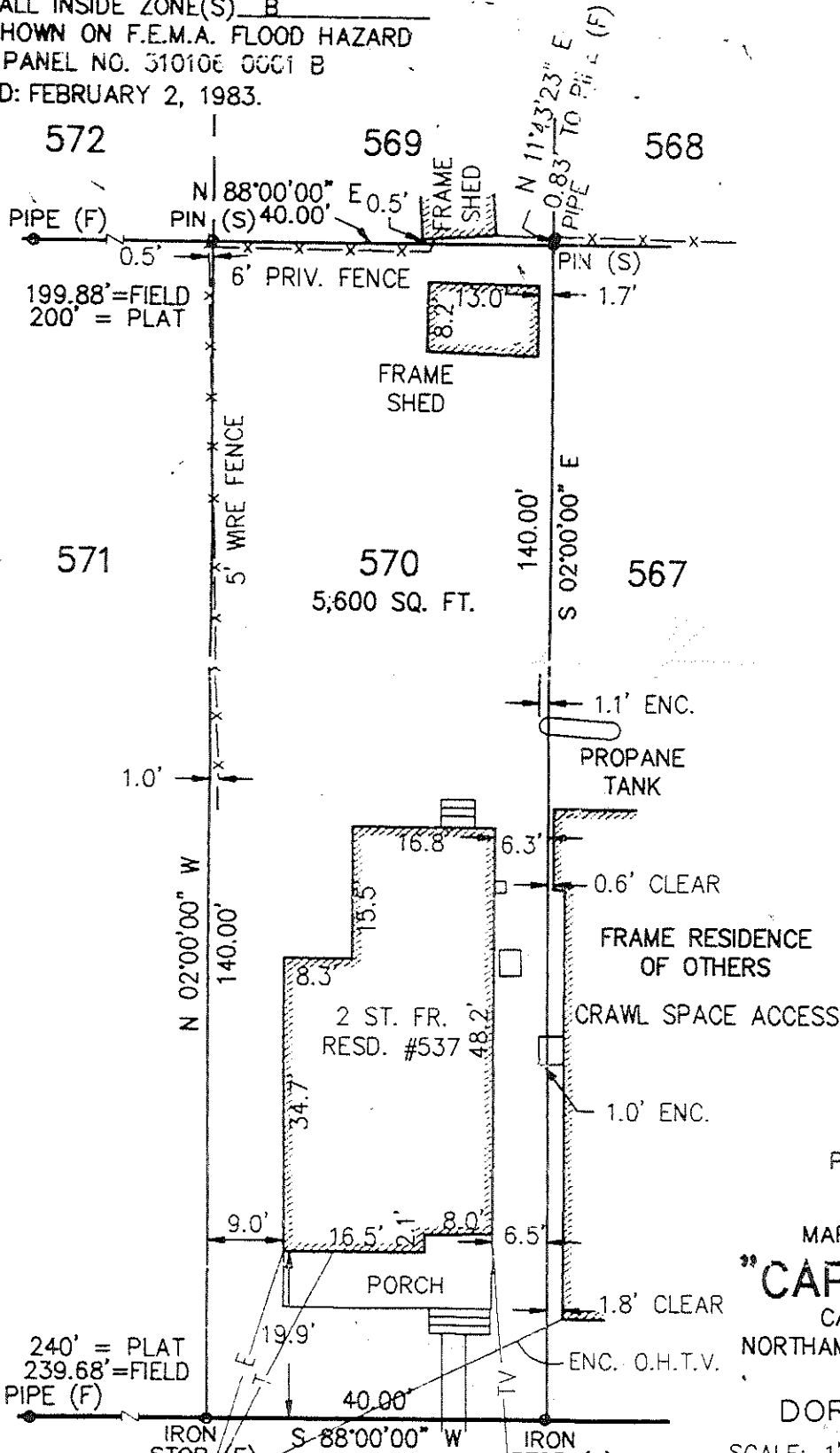
DATED: FEBRUARY 2, 1983.

BY:

JAMES B. LATIMER, II

NO. 1990

LAND SURVEYOR



PHYSICAL SURVEY

LOT 570

MAP OF THE TOWN OF

"CAPE CHARLES"

CAPEVILLE DISTRICT

NORTHAMPTON COUNTY, VIRGINIA

MADE FOR
DOROTHY BUTLER

SCALE: 1" = 20' 6 MAY 1998

537 Mason Avenue Existing Conditions

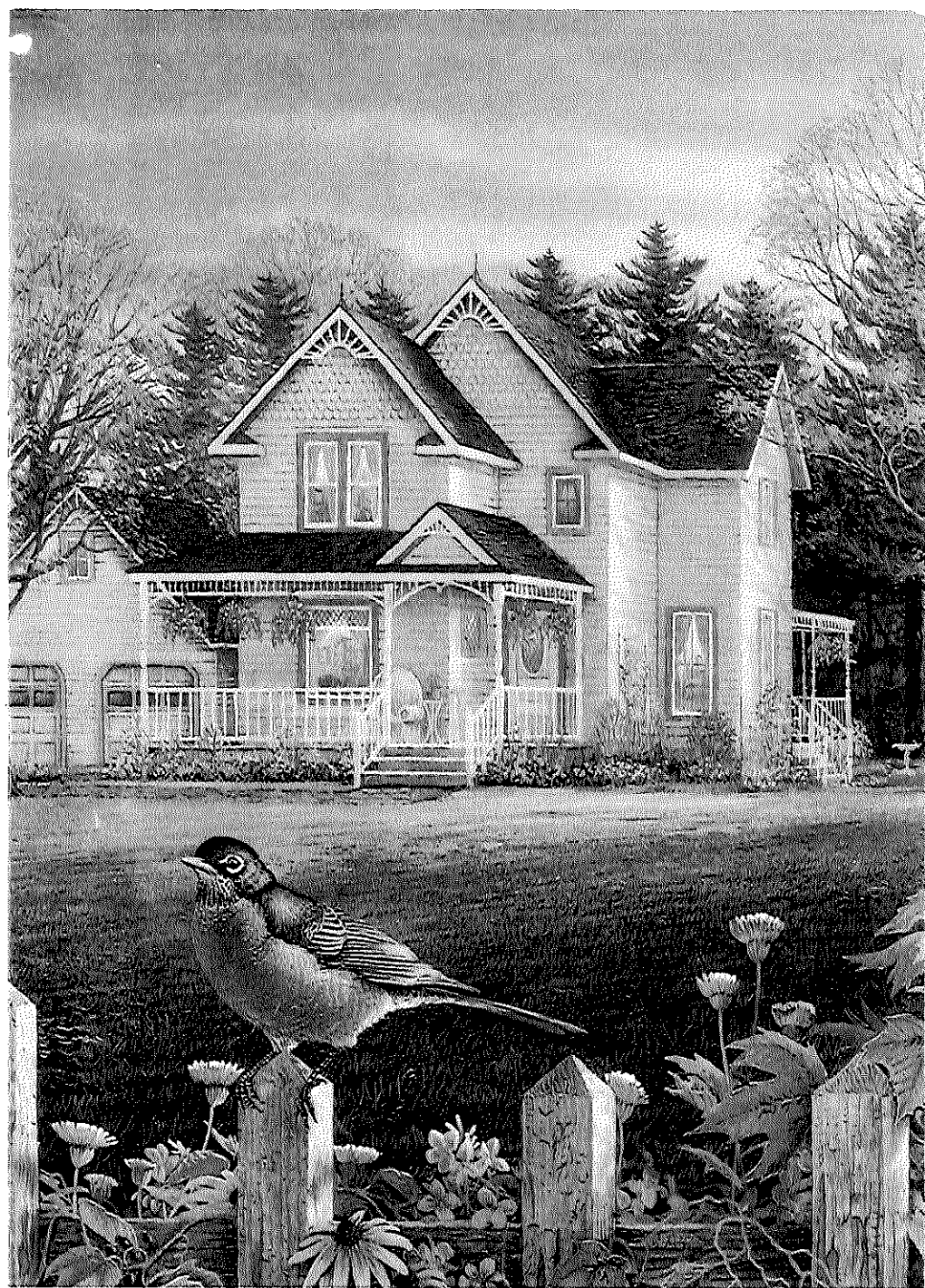












4388

Map ID 083A3-01-00-000057C

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 100R
Print Date 2/28/2022 4:46:19 PM**CONSTRUCTION DETAIL (CONTINUED)**

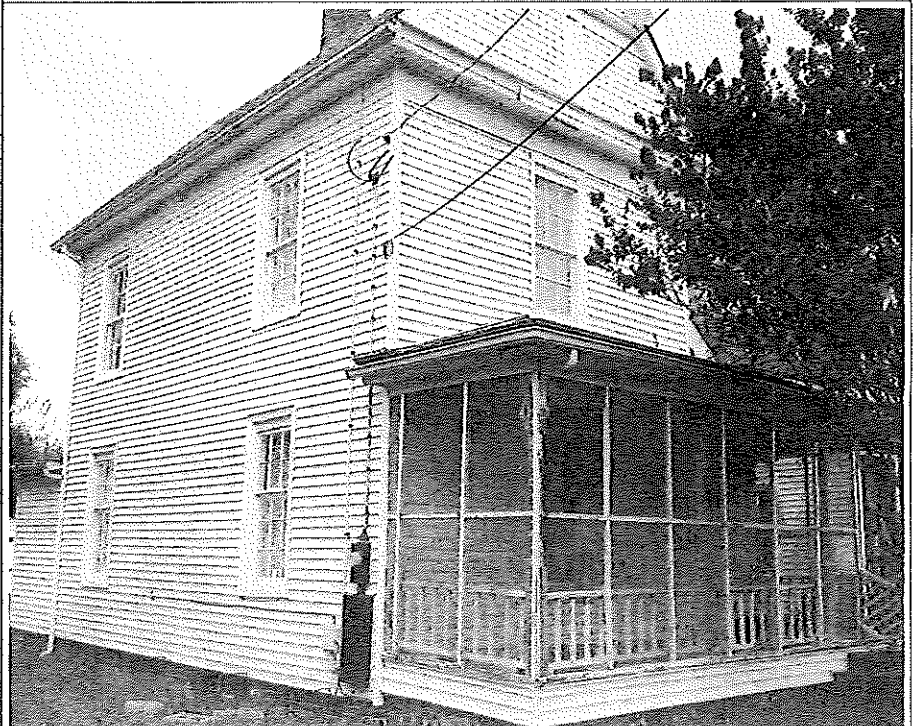
Element	Cd	Description
Half Baths	1	
Extra Fixtures		
Basement Area		
FPL Openings	0	
Sand Shower		
Ttl Living Area	1648	

MIXED USE

Code	Description	Percentage
100R	SFD - Urban Res	100
		0
		0

COST / MARKET VALUATION

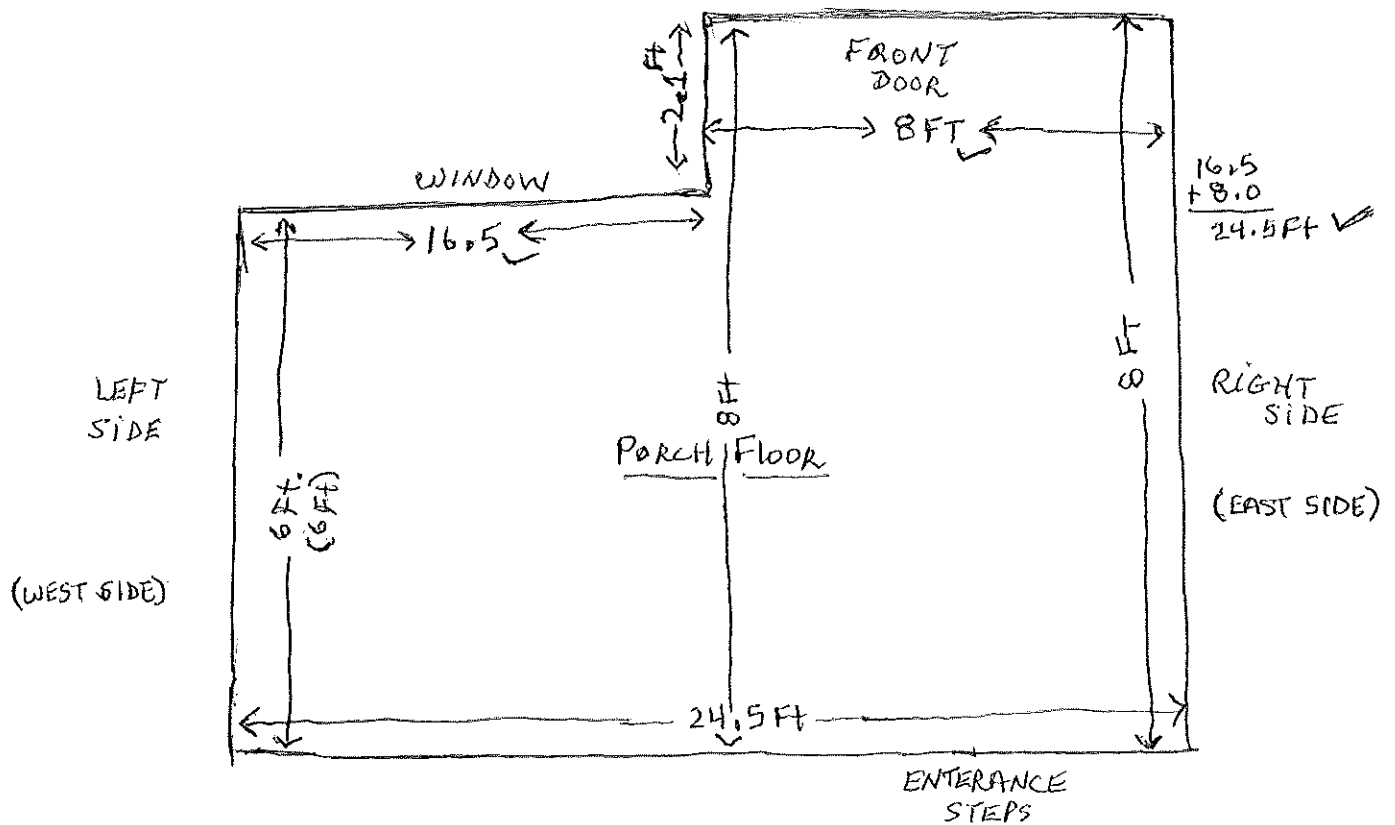
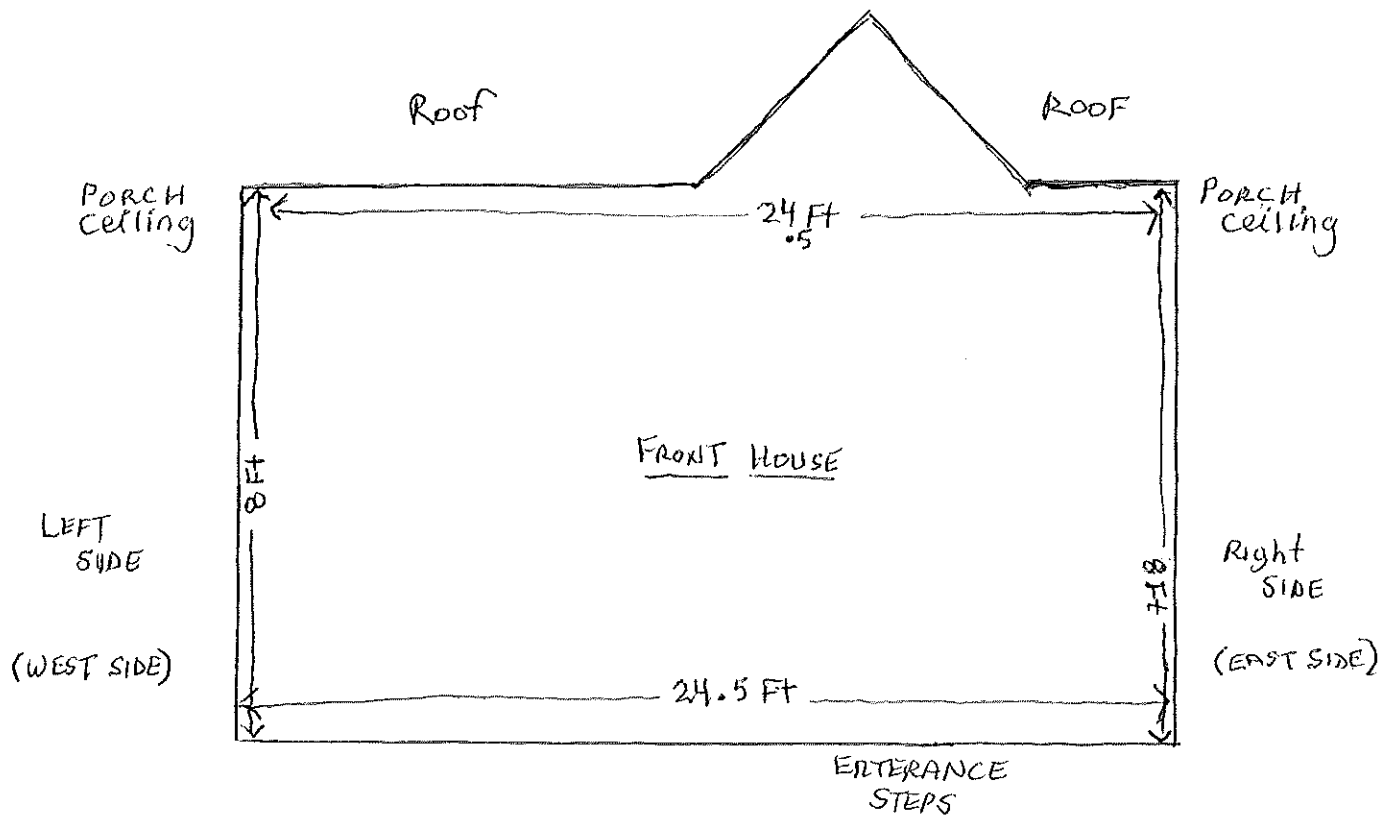
Base Rate	82.00
RCN	262,219
Net Other Adj	23,359
RCN	262,219
AYB	1920
Effective Year Built	1985
Condition Grade	A
Remodel Rating	
Year Remodeled	1991
EYB DPR	21
Functional Obsol	
Economic Obsol	
Cost Trend Factor	1
Condition	
% Complete	79
RCNLD	207,200
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	

SF2
(640 sf)SFD
(368 sf)FSP
(184 sf)**ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

ts	Unit Price	Year	%	Dep R	Cond	Qu	Adj	Apprais Va
1	300.00	1920	79	1.00	A	19	1.00	200
14	1.40	1920	100	0.00	A	29	1.00	500

UB-AREA SUMMARY SECTION

LIVING	GROSS	EFF AR	Unit Cost	Undeprec Value
0	184		0.00	0
1,280	640		289.88	185,523
368	368		144.94	53,338
1,648	1,192			



537 MASON AVENUE
CAPE CHARLES, VA 23310

TAX MAP # 83A3-1-570
ZONING DISTRICT: CR

D Butler

196 sq ft

$$8^{\text{ft}} \times 24.5^{\text{ft}} = 196$$

$$\text{Length} \times \text{width} = \text{Sq. Ft.}$$

~~24.5 ft~~

(Basic Porch) cost: \$250 - \$600+ per square foot

✓ Using

200 square feet

8 ft x 25 ft

approx \$1,000. to \$2,500.,
demolition

(\$4,800 - \$24,000)
cost 200 sq. ft

Trex Transcend

wood \$45 per square foot

composite approximately \$75 per square foot
overall installation costs ranging from \$25 to \$75
per square foot or more

Porch: 3 meters or less

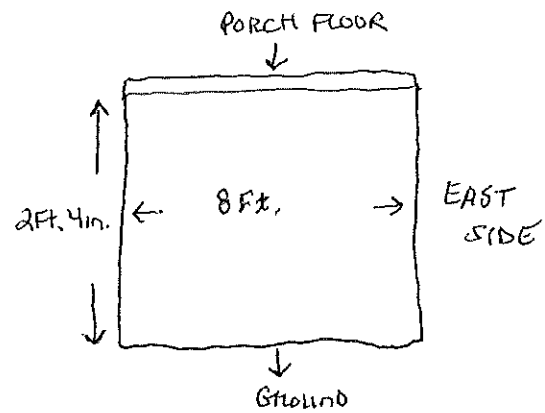
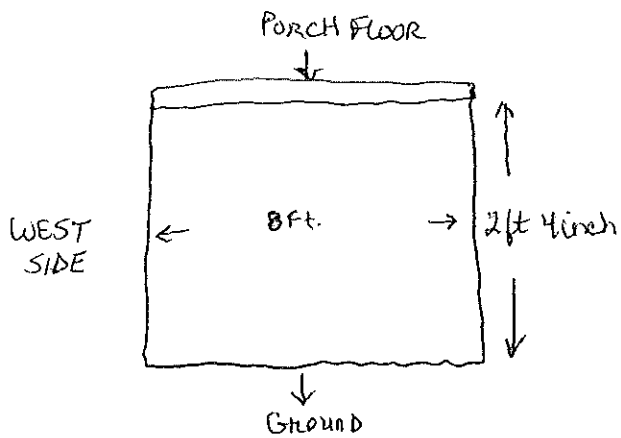
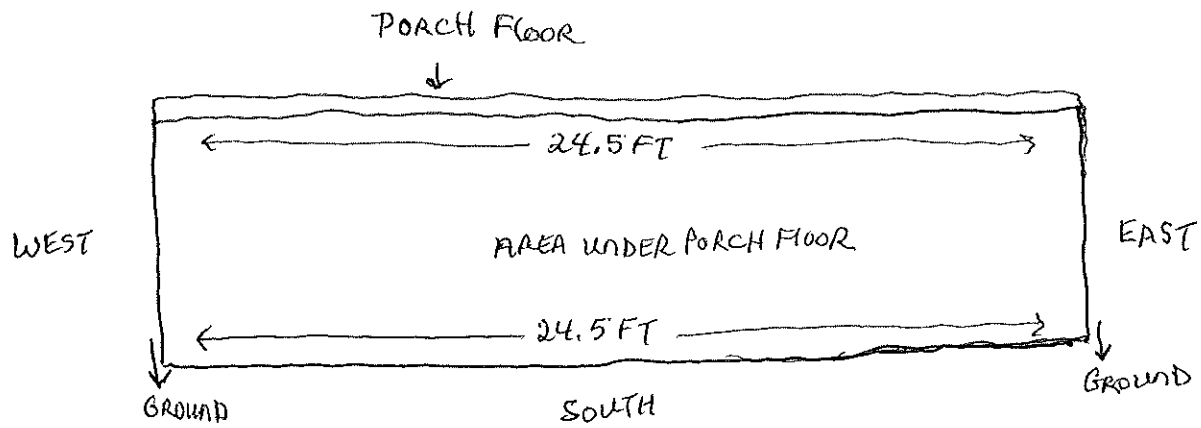
Labor \$20 to \$40 an hour

Residential

Railing heights: 36 - 42 inches
Commercial

staircases height: range between 34 and 38 inches

Bottom area of Porch (From porch floor to ground)



Hart Construction Company LLC.
Owner: Matthew D. Hart
25526 East Main Street
Onley, Virginia 23418
(757) 710-4145



Contract for Construction Work

THIS CONTRACT (the "**Contract**"), made this 10th day of September, 2025, by and between Hart Construction Company LLC (the "**Contractor**"), and Dorothy Butler (the "**Owner**").

Work Site Address: _____

WITNESSETH:

For and in consideration of the mutual covenants contained herein, the Contractor and Owner hereby agree as follows:

I. Plans

The Contractor shall furnish all materials and labor for the specified project until the obligations under this Contract are complete, details of which are to be listed below. [Such work shall be carried out in accordance with the plans and specifications dated See description Below., a copy of which is attached hereto as Exhibit A.] The Owner warrants that he or she is the fee title owner of the property and that either (i) the property is held out right, free, and clear of liens and encumbrances, or (ii) the property is held subject to certain liens, a full and accurate list of _____ which are: _____.

Hart Construction Company is to perform the following work for the property owner on said property above:

Job Description is as follows with price for each task.

-Remove and Re-Build 6.5' & 9' x 25' Front porch located on front of the house.

Measurements

6.5' x 15' = 97.5 sq ft.

10' x 9' = 90 sq ft. sq ft

187.5 sq ft. @ 90 per sq ft = \$16,875.00

This price includes stabilizing roof, removing all framing decking, post, old screen wire, railing, soffit on ceiling.

Installing new treated 2x8 treated floor joist.

Installing 5/4 Pine treated decking, 4 new post across the front 4x4 treated , install new railing with straight railing all the way around Pine treated.

Install new soffit on ceiling and new treated plywood around skirting. Painted red to match brick.

Demo existing front porch and hauling away to county landfill: 1,400.00

Install new pine treated railing on both sides of the steps: 800.00

Strip front porch roof and install new roll roofing material tie into existing roof and ensure flashing is done to prevent future leaks: 6,400.00

Total combined cost: \$25,475.00

This job will take approximately 3 weeks

We would require 1/3 (\$8,491.66), 1/3 once we get the decking installed and , 1/3 once finished.

Thank you for calling us to bid on this job!

-Class A Contractor's license # 2705 138531 Exp. 12-31-2026

-Hart Construction Company, LLC is insured with Selective Insurance

Property owner will provide and pay for permits.

II. Preparation

Prior to start of the Project, Owner shall provide and maintain a clear, accessible construction site to Contractor, his agents and employees. All necessary licenses, building and occupancy permits shall be obtained by the Contractor. In the event that Contractor cannot obtain any necessary licenses and/or permits for the Project within thirty (30) days of the date of this Contract, Contractor shall have the right to declare the Contract terminated, at which time this Contract shall terminate and be of no further force or effect. Prior to start of Project, Owner is to supply and maintain, at Owner's sole expense, electricity to property for the full duration of the Project.

III. Term

So long as Contractor is able to obtain all necessary licenses and permits are obtained by Contractor, Contractor intendsto begin work by _____, 20____, and will work diligently to complete the Project by _____, 20____. All delays caused by adverse weather conditions, material shortages, civil authorities, or other matters beyond the control of the Contractor, shall cause the completion date to be extended for a reasonable time for completion of the Project.

IV. Payment to Contractor

The Owner agrees to pay the Contractor for said work and materials the sum of _____ Dollars (\$_____) (the "**Contract Price**"), which shall constitute the construction price and be payable as follows:

- A. The sum of _____ Dollars (\$_____) down, upon the signing of this Contract, which shall be applied to the Contract price.
- B. The balance of the Contract Price, _____ Dollars (\$_____), will be due and payable to Contractor within fifteen (15) days of the completion date of the Project.

In making the final payment under this Contract, Owner signifies acceptance of the Project as contemplated herein, and Owner does thereby release Contractor from any and all liability under this Contract.

V. Responsibilities; Miscellaneous

A. Once work has commenced on the Project, Contractor shall work diligently to complete the Project in a workmanlike manner; provided, however, Contractor shall not be held responsible for damages occasioned by Owner or his/her agents, third parties, weather, or other causes beyond the Contractor's control.

B. This Contract shall bind the parties, their heirs, personal representatives, successors and assigns. This Lease shall be governed by the laws of the Commonwealth of Virginia and any litigation concerning this Contract between the parties hereto shall be initiated in the county in which the Project is located.

C. If Contractor brings an action to enforce the terms hereof or declare rights hereunder, Contractor in any such action, or appeal thereon, shall be entitled to its reasonable attorneys' fees and court costs to be paid by Owner as fixed by the court in the same or separate suit, and whether or not such action is pursued to decision or judgment. The attorneys' fee award shall not be computed in accordance with any court fee schedule, but shall be such as to fully reimburse all attorneys' fees and court costs reasonably incurred in good faith.

D. Contractor is not responsible for furnishing improvements outside of the scope of Project as described herein. Unforeseen existing damaged items, such as but not limited to rotting, are not to be the responsibility of the Contractor. Upon later specifications of repair for these items, addendums will be made to this Contract to encompass any additions to the Project.

E. There are no understandings or agreements between Owner and Contractor other than those set forth in this Contract. This Contract may not be modified or amended except by written agreement signed by both parties. The Owner and Contractor shall only make changes or modify this contract in the form of a Construction Change Order, to be signed by both parties involved.

F. Property debris and surplus materials created by this operation shall be removed by Contractor. All materials and labor necessary for the Project will be furnished by Contractor.

G. The invalidity of any provision of this Contract as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

H. OWNER HEREBY WAIVES ITS RIGHT TO TRIAL BY JURY OF ANY CAUSE OF ACTION, CLAIM, COUNTERCLAIM OR CROSS-COMPLAINT IN ANY ACTION, PROCEEDING AND/OR HEARING BROUGHT BY CONTRACTOR OR OWNER ON ANY MATTER WHATSOEVER ARISING OUT OF, OR IN ANY WAY CONNECTED WITH, THIS CONTRACT, THE RELATIONSHIP OF OWNER AND CONTRACTOR, CONTRACTOR'S PRESENCE ON THE PROPERTY, OR ANY CLAIM OF INJURY OR DAMAGE, OR THE ENFORCEMENT OF ANY REMEDY UNDER ANY LAW, STATUTE, OR REGULATION, EMERGENCY OR OTHERWISE, NOW OR HEREAFTER IN EFFECT. OWNER AND CONTRACTOR ACKNOWLEDGE THAT THEY HAVE CAREFULLY READ AND REVIEWED THIS CONTRACT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS CONTRACT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO. THE PARTIES HEREBY AGREE THAT, AT THE TIME THIS CONTRACT IS EXECUTED, THE TERMS OF THIS CONTRACT ARE COMMERCIALY REASONABLE AND EFFECTUATE THE INTENT AND PURPOSE OF OWNER AND CONTRACTOR WITH RESPECT TO THE PROJECT. OWNER ACKNOWLEDGES THAT IT HAS BEEN GIVEN THE OPPORTUNITY TO HAVE THIS CONTRACT REVIEWED BY ITS LEGAL COUNSEL PRIOR TO ITS EXECUTION.

I. Owner hereby certifies that he/she has the authority and is of legal competency to enter into this Contract. Consent to Contract is of free will and is not caused by force, or undue influence or fraud or misrepresentation.

IN WITNESS WHEREOF, the Owner and Contractor have caused this Contract to be executed as of the date first described above.

OWNER

Name: _____

CONTRACTOR

Matt Hart
Owner: Hart Construction Company LLC.