



Town of Haymarket  
 15000 Washington Street, #100  
 Haymarket, VA 20169  
 703-753-2600

**Thomas Britt**  
 TOWN PLANNER

## MEMORANDUM

TO: Architectural Review Board  
 FROM: Thomas Britt, Town Planner;  
 DATE: July 10, 2024  
 SUBJECT: ZP #2024-0701 6794, 6796 Fayette Street COA for Demolition Application

**APPLICATION SUMMARY:**

Business/ Applicant: Jim Ebadi

Street Address: 6794, 6796 Fayette Street

Proposed Use: Demolition

Applicant’s Brief Description of the Activity: Demolition of two shed structures.

Town Planner Assessment		
Zoning Ordinance	Application Details	Staff Response
<b>Sec. 58-16.8</b> Matters to be considered by board in acting on appropriateness of erection, reconstruction, alteration, restoration or demolition of building or structure.	Demolition request: 6794, 6796 Fayette Street	Demolition request: 6794, 6796 Fayette Street – These structures are currently vacant, with one property bisected by the parcel lines
<b>Sec. 58-16.8 (1)</b> Exterior architectural features, including all signs, which are subject to public view from a public street, way or place.	Demolition request: 6794, 6796 Fayette Street	The applicant is requesting to demolish two accessory sheds to clear the land on the parcel of 6794 Fayette Street and sell the lot for development.
<b>Sec. 58-16.8 (2)</b> General Design Arrangement	Demolition request: 6794, 6796 Fayette Street	The applicant is requesting to demolish two accessory sheds to clear the land on the parcel of 6794 Fayette Street and sell the lot for development.
<b>Sec. 58-16.8 (3)</b> Texture, material and color	Demolition request: 6794, 6796 Fayette Street	Not Applicable
<b>Sec. 58-16.8 (4)</b> The relation of the factors, subsections (1), (2), and (3) of this section, to similar features of the	Demolition request: 6794, 6796 Fayette Street	The applicant is requesting to demolish two accessory sheds to clear the land on the parcel of 6794 Fayette Street and sell the lot for development.

buildings and structures in the immediate surroundings		
<b>Sec. 58-16.8 (5)</b> The extent to which the building or structure would be harmonious with or obviously incongruous with the old and historic aspect of the surroundings	Demolition request: 6794, 6796 Fayette Street	The applicant is requesting to demolish two accessory sheds to clear the land on the parcel of 6794 Fayette Street and sell the lot for development.
<b>Sec. 58-16.8 (6)</b> In the case of a building to be razed, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the Town	Demolition request: 6794, 6796 Fayette Street	See below for the demolition guidelines text and analysis.
<b>Sec. 58-16.8 (7)</b> The extent to which the building or structure will promote the general welfare of the Town, and all citizens, by the preservation and protection of historic places and areas	Demolition request: 6794, 6796 Fayette Street	This matter is at the discretion of the ARB
<b>Sec. 58-16.8 (8)</b> The extent to which the building or structure will promote the general welfare by: (a) Maintaining and increasing real estate values (b) Generating business (c) Creating new positions (d) Attracting tourists, students, writers, historians, artists and artisans, and new residents (e) Encouraging study of and interest in American history (f) Stimulating interest in and study of architecture and design (g) Educating citizens in American culture and heritage	Demolition request: 6794, 6796 Fayette Street	These matters are at the discretion of the ARB

(h) Making the Town a more attractive and desirable place in which to live		
<b>Comprehensive Plan</b>		
<b>Comp Plan 1.5.3</b> Historic Resource Inventory List	Demolition request: 6794, 6796 Fayette Street	The main structure/site IS listed on the historic resource list within the Comprehensive Plan. The original historic structure is a white single family home sitting on the south side of 6796 Fayette Street nearest to the Norfolk Southern Railway.
<b>Comp Plan 1.5.4</b> Potential Archaeological Site	Demolition request: 6794, 6796 Fayette Street	The site and surrounding area are not listed as a potential archaeological site in the Comprehensive Plan
<b>Architectural Review Board Historic Guidelines</b>		
<b>I. Introduction (E) Community Design and the Comprehensive Plan</b>	Demolition Request 6794, 6796 Fayette Street	R-1 Property
<b>II. Streetscape and Site Design</b>		
<b>II. (a) Washington Street Enhancement Project</b>	Not applicable	Not applicable
<b>II. (b) Streetscapes Other Than Washington Street</b>	Not applicable	Not applicable
<b>II. (c) Fences and Walls</b>		
<b>II. (d) Lighting (Free Standing/Posts)</b>	Not Applicable	Not Applicable
<b>II. (e) Telecommunication Dishes, Drums and Towers</b>	Not Applicable	Not Applicable
<b>II. (f) Screening</b>	Not Applicable	Not Applicable
<b>III. New Construction and Additions to Existing Non-Historic and Non-Contributing Structures</b>		
<b>III. (a) General Guidelines</b>	<i>"to create a more pleasing blend of historic and new elements in the Town, new structures shall be compatible with the prevailing and recognized historic architectural character of the existing adjacent structures"</i>	These matters are at the discretion of the ARB
<b>III. (b) Colors</b>		Not Applicable
<b>III. (c) Exterior Elements</b>		Not Applicable
<b>III. (d) Chimneys</b>	Not Applicable	Not Applicable
<b>III. (e) Roofing</b>	Not Applicable	Not Applicable
<b>III. (f) Lighting, (attached to structure)</b>	None	None
<b>III. (g) Windows and Doors</b>	Not Applicable	Not Applicable
<b>III. (h) Decks</b>	Not Applicable	Not Applicable
<b>III. (i) Handicapped Ramps</b>	Not Applicable	Not Applicable

<b>III. (j) Awnings</b>	Not Applicable	Not Applicable
<b>IV. Guidelines for Alterations or Additions to Historic Structures or Contributing Structures</b>		
<b>IV. (a) General Guidelines</b>	Demolition request: 6794, 6796 Fayette Street	Historic Structure Listed in the Comprehensive Plan, see below for historic structure guidelines and analysis.
<b>V. Signage</b>	Not Applicable	Not Applicable, not historic or contributing
<b>VI. Demolition Guidelines</b>	Demolition request: 6794, 6796 Fayette Street	See below for demolition guidelines and analysis.
<b>VII. Situations Not Covered, Additional Requirements</b>	Not Applicable	Not Applicable

**VI. DEMOLITION GUIDELINES**

The Town Code has important requirements for all demolition of buildings within the Town.

**A. SPECIAL INSTRUCTIONS FOR HISTORIC STRUCTURES**

The Haymarket Comprehensive Plan supports the preservation of the Town’s historic resources to the greatest extent possible. Therefore, there must be a compelling reason to demolish a historic structure.

- Applicants must provide a written statement explaining the reason for the demolition and describe alternatives to demolition and why such alternatives are not considered feasible.
- In some instances, the ARB may require a structural analysis of the building by a licensed professional engineer regarding the structural integrity of a building prior to a demolition permit decision.
- If an applicant is successful in demonstrating that a historic structure is a candidate for demolition the ARB may approve the demolition request with one or more of the following conditions, depending on the circumstances surrounding the request:
  1. Complete, professional, photographic documentation of the interior and exterior of the building, including black and white print and digital images.
  2. Phase I archaeological survey of the property to determine if the property yields information important to the Town’s history.
  3. The applicant must demonstrate that the site will be prepared and maintained in accordance with a landscape plan once the building has been demolished.
  4. The demolition may occur only following receipt of a building permit for the new construction.

**ARTICLE XVI. - OLD AND HISTORIC HAYMARKET DISTRICT OVERLAY**  
**Sec. 58-16.1 - Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

‘Board’ means the Architectural Review Board, abbreviated ‘ARB’.

‘Altered’ means any readily apparent change, including paint.

### **Sec. 58-16.2 - Purpose and Intent.**

The Town of Haymarket seeks to identify, preserve, and enhance landmarks, buildings, structures, and neighborhoods with historical, cultural, and architectural significance to the Town. The historic overlay is intended to implement these goals and ensure that new development is in keeping with the character of Haymarket. The overlay intends to encourage a compatible aesthetic treatment within the Town, promote tourism and visitor opportunities, provide an attractive entry into town, and promote and advance the health, welfare and safety of town residents and visitors.

### **Sec. 58-16.3 - Creation; boundaries.**

(a) In order to preserve the unique culture of the Town, there is hereby established an overlay district to be known as the “Historic Haymarket Overlay” which shall include all that area that lies within the corporate limits of the Town.

(b) Prior to any expansion of the historic district the Town shall identify and inventory all structures being considered for inclusion in such a district and shall establish written criteria to be used in making such determination. The Town shall identify all landmarks and designate by ordinance any resource as part of a local historic district, subsequent to soliciting public input in a manner consistent with Code of Virginia, §15.2-2204. The owners of such property proposed for designation shall be given written notice of the public hearing on the ordinance.

(c) The town may annually consider updates to the boundaries of the Historic Haymarket Overlay so that it is expanded to include newly identified historic resources, and/or contracted to reflect the removal or demolition of historic resources.

In order to promote the general welfare, through the preservation and protection of historic places and areas of historic interest, all buildings within the Historic Haymarket Overlay which were built prior to 1950 are designated historic resources.

### **Sec. 58-16.4 - Certificate of appropriateness required in the Historic Haymarket Overlay**

(a) Application for a certificate of appropriateness shall be made to the Architectural Review Board. Any decision of the Architectural Review Board shall be appealable by any member of the Town Council after consultation with the Board, or any aggrieved person to the Town Council.

(b) No building, structure or sign shall be erected, reconstructed, altered, or restored within the Historic Haymarket Overlay, unless and until a complete application for a certificate of appropriateness shall have been approved by the Board or, on appeal, by the Town Council. Review of such applications by the Board will include analysis of external architectural features which are subject to public view from a public street, way, or place, in light of their architectural compatibility with the historic buildings in the district.

(c) The zoning administrator shall determine whether a change is readily apparent, subject to appeal to the Board of Zoning Appeals.

**Sec. 58-16.5 - Architectural review board; creation, membership.**

(a) For the purpose of making effective the provisions of this article, an Architectural Review Board (ARB) is established. The Board shall consist of up to seven members, but not fewer than five, appointed by the Town Council, and shall be legal residents of the Town. Board members will be appointed from the Town Council and one from the Planning Commission. Members should have a demonstrated interest, competence, or knowledge of historic preservation.

(b) The term of office of the members shall be for three years, except that the term of the Council member and Planning Commission member shall correspond to their official tenure of office. Members may be removed from office by Town Council at will and without notice. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

**Sec. 58-16.6 - Chairman, vice-chairman, and secretary of the board.**

The Architectural Review Board shall elect its chairman and vice-chairman from its membership, and the Town Clerk shall be its secretary.

**Sec. 58-16.7- Rules**

1. The ARB shall meet for a regular session at least once a month.
2. The Architectural Review Board shall adopt and maintain bylaws governing the procedure for meeting dates and other rules set forth by this article. The bylaws may be reviewed annually for updates.
3. Special meetings may be called in accordance with the ARB procedures as adopted and amended.
4. A quorum shall be no less than a majority of sitting members.
5. All meetings shall be open to the public unless the ARB enters closed session as permitted by the Virginia Freedom of Information Act.

**Sec. 58-16.8 - Matters to be considered by the Board**

1. The board shall not consider interior arrangement, relative size of the building or structure, detailed design or features not subject to any public view and shall not make any requirements regarding such matters. After receiving a certificate of appropriateness, the zoning administrator shall determine whether this provision applies.
2. The board shall consider the following in passing upon the appropriateness of architectural features:
  - (1) Exterior architectural features, including all signs, which are subject to public view from a public street, way, or place
  - (2) General design arrangement.
  - (3) Texture, material, and color.
  - (4) The relation of the factors, subsections (1), (2), and (3) of this section, to similar features of the buildings and structures in the immediate surroundings.

- (5) The extent to which the building or structure would be harmonious with or obviously incongruous with the old and historic aspect of the surroundings.
- (6) In the case of a building to be razed, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places and preserve the general historic atmosphere of the Town.
- (7) The extent to which the building or structure will promote the general welfare of the Town, and all citizens, by the preservation and protection of historic places and areas.
- (8) The extent to which the building or structure will promote the general welfare by:
  - a. Maintaining and increasing real estate value
  - b. Generating business;
  - c. Attracting tourists and visitors;
  - d. Encouraging study of and interest in American history, architecture, and design;
  - e. Making the Town a more attractive and desirable place in which to live.

**Sec. 58-16.9 - Issuance of certificate of appropriateness.**

Decisions of the Board will be incorporated in approved certificates of appropriateness or written reasons for disapproval. Immediately upon approval by the board of any application to erect, reconstruct, alter, restore, or raze a building, a certificate of appropriateness, signed by the chairman of the Board and bearing the date of issuance, shall be made available to the applicant. The zoning administrator shall refuse to honor any request for a building permit without such certificate of appropriateness, but a certificate of appropriateness will in no way affect the requirement to comply with the other provisions necessary to obtain a building permit.

**Sec. 58-16.10 - Right of appeal.**

- (a) Whenever the board shall approve or disapprove an application for a certificate of appropriateness or fail to take action within 60 days of its filing, any aggrieved party shall have the right to appeal and be heard before the Town Council provided such person files with the Town Clerk on or before 30 days after the decision of the board a written notice of appeal. Upon receipt of such notice, the Town Clerk shall place such appeal on the agenda for the next regular meeting of the Town Council.
- (b) Any party may appeal the decision of the Town Council to the circuit court pursuant to this section.
  - (1) A party is any applicant or any person who owns property adjacent to the property which the application concerns. For the purposes of this section, the term "adjacent" includes any property separated from the applicant's property only by a road and which would be adjacent if the road were not present.
  - (2) Appeal shall be by petition at law setting forth the alleged illegality of the action of the Town Council.
  - (3) The appellant must file the appeal with the circuit court of the county within 30 days of the Town Council's decision.
- (c) In addition to the right of appeal, the owner of an historic landmark, building or structure shall have a right to raze or demolish such landmark, building or structure provided he has complied with the provisions of the second paragraph of Code of Virginia, § 15.2-2306(A)(3), as amended.

**Sec. 58-16.11 - Deterioration by neglect.**

(a) No owner of an officially designated historic building within the historic district shall allow it to deteriorate to the point where it is not economically feasible to repair or restore it. Specifically, no owner may permit:

(1) Deterioration of the exterior of a historic building to the extent that it creates or permits a hazardous or unsafe condition;

(2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, of a historic building to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure. In determining whether deterioration adversely affects the character of the historic district, the zoning administrator shall be guided by the comprehensive plan and, if adopted, the strategic plan and capital improvements budget.

(b) If a building inspector determines that a historic structure is violating the Property Maintenance Code, he shall so notify the owner, the zoning administrator, and the chairman of the Architectural Review Board of this conclusion, stating the reason for such determination, and shall give the owner 30 days from the date of the notice in which to commence work rectifying the specifics, or to initiate a request to demolish, move or relocate such structure. If appropriate action is not timely taken, the Town Building Inspector shall initiate appropriate legal action.

**Sec. 58-16.12 - Demolition review and approval**

1. No historic resource, as defined in this article within the Historic Haymarket Overlay shall be demolished or moved, in whole or in part, until the demolition or moving thereof is approved by the Architectural Review Board, or, on appeal by the town council after consultation with the ARB.

2. In addition to the right of appeal set forth herein, the owner of a historic resource, the demolition or moving of which is subject to the provisions of this section, shall, as a matter of right, be entitled to demolish or move such historic resource provided that:

a. The owner or applicant has applied to the town council for such right,

b. the owner has for the period of time set forth in the schedule contained in Section 15.2-2306 of the Virginia code and at a price reasonably related to its fair market value, made a bona fide offer to sell the historic resource, and the land pertaining thereto, to the town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the historic resource and the land pertaining thereto, and,

c. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such historic resource, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule specified in the Virginia Code. Any appeal which may be taken to the court for the decision of the town council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final



decision by the town council, but thereafter the owner may renew his request to the town council to approve the demolition or moving of the historic resource.

3. Demolition Approval Criteria Considerations. In reviewing applications for the demolition or moving of a historic resource from or within the Historic Haymarket Overlay, the Architectural Review Board shall consider the following:

- a. How the demolition or removal of a historic resource from the property on which it is located will impact the historic integrity of the site and any remaining on-site historic resources on the same property;
- b. How the loss of the historic resource will impact the historic integrity of any adjacent historic property;
- c. The impact the loss of the historic resource will have on the overall integrity to any historic district the historic resource is located in ;
- d. The ability of the historic resource to be adaptively reused as part of a new on-site development which would not adversely impact the historic resource's ability to convey its historic significance through its integrity of location, setting, feeling, association, design, materials and workmanship; and
- e. Whether any monies or assistance for preservation of the historic resource could be made available to the property owner within 180 days of the owner's request to demolish or move it.

#### **Sec. 58-16.13 Time Limit**

A certificate of appropriateness shall be valid for one (1) year from the date of issuance. If the demolition, erection, reconstruction, alteration, relocation or restoration for which the certificate of appropriateness was issued is not commenced within one year and thereafter diligently pursued, a new certificate shall be obtained prior thereto.

Discussion:

**a. How the demolition or removal of a historic resource from the property on which it is located will impact the historic integrity of the site and any remaining on-site historic resources on the same property;**

**Staff Response** – The buildings are part of a larger collection of structures on the parcels, which were historically part of the Pearson House, which is part of the Historic District List. The main two structures that constituted the Pearson House are two single family homes found on the parcel of 6796 Fayette Street, while the two sheds functioned as accessory structures. The larger shed is bisected by a parcel line and is in violation of the Town Code. Demolition of the structures will resolve this zoning violation and will also leave the landscape on 6794 Fayette Street open for development.

**b. How the loss of the historic resource will impact the historic integrity of any adjacent historic property;**

**Staff Response** – The structure is surrounded by two single family homes on the 6796 Fayette Street parcel, which constitutes the Pearson Home historic resource. The adjacent lots are two new-build single family homes currently under construction at the corner of Fayette and Jefferson Street, and the historic Sarah Turner House (built in 1930), which is obscured by a substantial landscaping buffer next to 6794 Fayette Street.

**c. The impact the loss of the historic resource will have on the overall integrity to any historic district the historic resource it is located in;**

**Staff Response** – The demolition of the structures does not affect the integrity of the historic Pearson House and were built after the original construction.

**d. The ability of the historic resource to be adaptively reused as part of a new on-site development which would not adversely impact the historic resource’s ability to convey its historic significance through its integrity of location, setting, feeling, association, design, materials and workmanship;**

**Staff Response** – The shed that is bisected by the parcel line dividing 6794 and 6796 Fayette Street is currently a violation of the Haymarket Town Code, and adaptive reuse of this structure would not mitigate the zoning violation. The smaller shed is an underutilized accessory structure. Removal will help the applicant accomplish the purpose of selling the raw land clear of any structures or other objects.

**e. Whether any monies or assistance for preservation of the historic resource could be made available to the property owner within 180 days of the owner’s request to demolish or move it.**

**Staff Response** – Grant funding options would require further discussion by Town Council.

There are no grant funding options currently available from the Town of Haymarket, this would require further discussion by Council.

The applicant has supplied a brief narrative as to why the demolition permit has been requested for the structure, along with photo documentation of the structures, and a structural report for the two buildings.

The Town Planner was notified of power cords being strung between one of the single-family homes and the large shed on 6796 Fayette Street. The Town Planner visited the site on July 1st and noted that there was power being run from the home to the shed via a power cord as reported. Photos are provided in this staff report of the power cord strung between the structures. There is potential that individuals are living in the shed structure currently, which would constitute a violation of Town Code. The applicant must ensure there is a timeline for the tenants to move out prior to demolition of the shed structure, and to ensure there are no other zoning violations involving occupancy of the structures to be demolished.







STAFF RECOMMENDATION:

Based on the above assessment of the building at 6794 and 6796 Fayette Street, the Town Planner recommends approval of the COA.

Draft Motion: "I move the Board approve the COA for ZP#2024-0701, for the demolition of the two shed structures at 6794 and 6796 Fayette Street."

Or an alternate motion.