

4.0 Design Review for Historic Properties in Spotsylvania County

In October 1987, pursuant to sections 15.1-489 and 15.1-503.2, [Code of Virginia](#), 1950, as amended, the Board of Supervisors of Spotsylvania County authorized historic overlay districts. In order to carry out the provisions of this section, an architectural review board known as the [Historic Preservation Commission](#) was created. The preservation commission has since designated for protection nine [historic sites](#) and districts;

- ◆ **Fredericksburg and Spotsylvania National Military Park**
- ◆ Rapidan Dam Canal of the Rappahannock Navigation
- ◆ Tubal Furnace Archaeological Site
- ◆ **Spotsylvania Courthouse [Historic District](#)**
- ◆ St. Julien
- ◆ Andrew's Tavern
- ◆ Prospect Hill
- ◆ Massaponax Church
- ◆ La Vista

In 1989 the [Historic Preservation Commission](#) adopted the "[Spotsylvania County Historic District Design Guidelines](#)". The commission in evaluating proposed alterations to all nine districts and sites uses these guidelines.

The design guidelines presented here, "[Spotsylvania Courthouse Area: Architectural and Landscape Architectural Design Guidelines](#)," have been written specifically for application to the Spotsylvania Courthouse Planning Area. They address the three subareas of the planning area - Historic, Village, and Transitional. They are intended for use by:

- 1) the Historic Preservation Commission in reviewing applications for [Certificates of Appropriateness](#) for proposed alterations to the Spotsylvania Courthouse [Historic District](#) and the Fredericksburg and Spotsylvania National Military Park;
- 2) the County Planning Department in planning for and directing growth and new development in the Courthouse Area;
- 3) the County Planning Department in implementing their Courthouse Area Plan and making improvements to the area; and
- 4) local property owners throughout the county who may be considering making improvements, both landscape and architectural, to their properties.

The previous [Sections 2.0](#) and [3.0](#) describe the existing architectural and landscape architectural resources present in the Courthouse Area and provide background information for using the following three sections, [5.0-7.0](#), which are the actual guidelines for the three planning areas.

[Section 5.0](#) - provides guidelines for the Historic Planning Area. Located within this area is the locally designated Spotsylvania Courthouse [Historic District](#); this district is also listed in the National Register of Historic Places. The Historic Preservation Commission will use the guidelines in this section in reviewing proposed alterations to properties located within the district. The Planning Department can also use these guidelines and local property owners in the ways previously mentioned.

The architectural rehabilitation and new construction guidelines presented in this section can also be used by homeowners of historic properties in the Village and Transitional Planning Areas to guide them in making decisions about changes and additions to their properties.

[Section 6.0](#) - provides guidelines for the Village Planning Area. No locally designated districts are located within the Village Planning Area at the present time. These guidelines are intended for use by the local planning department as they begin to implement the Courthouse Area Plan.

[Section 7.0](#) - provides guidelines for the Transitional Planning Area. No locally designated districts are located within the Transitional Planning Area at the present time. These guidelines are intended for use by the local planning department as they begin to implement the Courthouse Area Plan.

4.1. *Historic Overlay Districts and the Review Process* [2](#)

The [Spotsylvania County Zoning Ordinance \(Sec.23-7.3.1\)](#) describes the purposes of establishing a **historic overlay district** as follows:

- 1) preserve and improve the quality of life for residents of the county by protecting familiar and valuable visual elements in the area;
- 2) promote tourism by protecting historical and cultural resources attractive to visitors;
- 3) stabilize and improve property values by providing incentives for the upkeep and rehabilitation of older structures;
- 4) educate residents on the local cultural and historic heritage and foster a sense of pride in this heritage;
- 5) promote local historic preservation efforts and encourage the nomination of qualified historic properties to the National Register of Historic Places and the Virginia Historic Landmarks Register;
- 6) prevent the encroachment of buildings and structures, which are architecturally incongruous with their environs, within areas of special historic character;
- 7) prevent the creation of environmental influences adverse to the purposes stated in this section; and
- 8) ensure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

The [Historic Preservation Commission](#) is charged with carrying out the provisions related to the establishment and administering of historic overlay districts.

They also are responsible for recommending designation of additional districts, sponsoring public information activities related to historic preservation, and coordinating local historic preservation activities with those of the Virginia Department of Historic Resources.

The [Commission consists of seven members](#) each serving a four-year term.

Design review is the process by which the historic preservation commission approves major changes that are planned within the historic overlay district and issues certificates of appropriateness, which allow the proposed changes to take place. There is a four-step process for obtaining a [certificate of appropriateness](#) (COA).

STEP 1: Determining Whether a COA Is Required A COA is required for

- 1) the erection, reconstruction, alteration, restoration, razing, demolition or movement of any building or structure, including signs, in any historic overlay district; or
- 2) the razing or demolition of any historic landmark, building or structure in any historic overlay district.

A COA is not required for

- 1) normal repairs and maintenance such as repainting, provided such repair and maintenance activity does not include any architectural changes or alterations;
- 2) interior modifications unless there is an effect to the exterior appearance; and
- 3) changes to buildings primarily used or to be used for agricultural or horticultural purposes in which the requested change would not have a clear and substantial detrimental impact on the character of the district as determined by director of planning.

The information provided in this section about the local review process is a summary only. anyone interested in the full content of the regulations should obtain a copy of the relevant sections of the [Spotsylvania County Zoning Ordinance](#) Article 3. Division 4 Historic Preservation commission. Article 4. Division 3 certificates of Appropriateness. Article 7. Division 3 Historic Overlay Districts

Note that special conditions exist related to demolition These conditions are contained in sec 23-4 3 8 of the [zoning ordinance](#)

STEP 2: Submitting an [Application](#) for a COA to the Historic Preservation Commission

Applications are to be submitted to the county on forms provided by the county. Applications should include any and all information necessary to show compliance with the design guidelines.

STEP 3: Commission Review of Application/Public Hearing

Within ten days of receipt of an application, the county shall determine whether the application is complete. If determined to be complete, the county performs a staff review of the application and prepares comments. The application with comments is then submitted to the historic preservation commission within thirty days of a determination of completeness. The historic preservation commission then provides public notice of the date, time, and location of the public meeting at which the commission shall consider the application.

STEP 4: Action by the Historic Preservation Commission

After the public meeting and within sixty days of the determination of completeness, the historic preservation commission makes its decision. One of three actions will be taken:

- 1) Commission will issue the certificate of appropriateness:

- 2) Commission will issue the certificate of appropriateness subject to reasonable conditions; or
- 3) Commission will deny the certificate of appropriateness.

The commission will notify the applicant of its decision in writing and, in the case of a denial, specify the reasons.

Appeals to the board of supervisors of decisions of the historic preservation commission must be filed in writing with the county administrator within thirty days after the decision is rendered.

4.2. State and Federal Review Processes

National Historic Preservation Act of 1966 -

Review of design projects in Spotsylvania County may also take place at the state and federal levels under two sets of conditions. The first concerns projects with some level of federal involvement (funding or permitting) that will impact one or more historic properties. According to Section 106 of the National Historic Preservation Act of 1966, federal agencies must provide the President's Advisory Council on Historic Preservation an opportunity to comment on the effect of federal, federally-assisted, or federally-permitted projects involving properties either listed in or eligible for listing in the National Register of Historic Places. Most often it is in fact the State Historic Preservation Office that carries out these reviews. The Secretary of the Interior's "Standards for Rehabilitation" is always the criteria for evaluation. The comments made are not binding but merely advisory, although this process has in many cases led to modifications of proposals and more sympathetic treatments of historic resources.

Rehabilitation Tax Incentives - Federal and state involvement will also occur when a property owner wishes to take advantage of federal rehabilitation tax incentives or grants. A tax credit is available for qualifying rehabilitation projects, and applicants must submit a two-part application to the State Historic Preservation Office. Part One of this application documents the significance of the property while Part Two is a description of the project. After this documentation has been reviewed at the state level, it is sent on to the National Park Service for a final review and a decision concerning the application for tax credits. Again, the Secretary of the Interior's "Standards for Rehabilitation" are utilized in these evaluations.