



Leesburg

VIII. PROCEDURES AND REGULATIONS FOR DEMOLITION AND RELOCATION OF EXISTING STRUCTURES

PLEASE NOTE: Always check the most recent version of the Zoning Ordinance and other governing documents to ensure that your project meets the applicable regulations in the Town of Leesburg (i.e. setback, fence height) and the most recent version of the Design Review Procedures Manual for more information on how to plan a project and obtain a Certificate of Appropriateness.

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Historic buildings are irreplaceable community assets and once they are gone, they are gone forever. With each demolition or relocation, the integrity of the district is further eroded. Therefore, the demolition or relocation of any building in the Old and Historic District should be considered very carefully. The demolition or relocation of contributing buildings should be avoided.

The Leesburg Zoning Ordinance differentiates between planned demolition, which must be presented to the BAR for

consideration, and demolition by neglect, which is the gradual deterioration of a building due to lack of maintenance or repair.

Demolition by neglect is no less serious a matter and may have an equally serious impact on the character of the historic district. For this reason, the Town of Leesburg requires that buildings be maintained to a minimal standard, which is set forth in the Zoning Ordinance, in order to prevent demolition by neglect.



These two historic, contributing dwellings (above) were demolished in the late 1970s to make way for the multi-tenant development at Colonial Square (below).



This new development, constructed in the 1970s, replaced the historic buildings above.



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A. Demolition

The Leesburg Zoning Ordinance defines demolition as the removal of 40% or more of the exterior wall or roof surface of a building. The demolition of any building must be reviewed and approved by the BAR prior the removal of the structure.

Removal of less than 40% of the exterior wall or roof surface is considered an alteration to a building, and property owners need to follow the guidelines for obtaining a Certificate of Appropriateness in *Chapter I* of this document.

Consideration of demolition requests necessitates the BAR's approval of post-demolition plans prior to removal of the structure. Depending on the circumstances surrounding the demolition, these plans may involve site preparation and maintenance or the construction of a new building. The BAR will consider the impact of the demolition, as well as the post-demolition plans, on the property and the surrounding area. For projects involving new construction, applicants must follow the guidelines in *Chapter VII* of this document.

Demolition of Primary Buildings and Structures

For the purpose of reviewing applications for the demolition of any primary building, such as a house or commercial building, the BAR uses the Certified Local Government (CLG) grant-funded building surveys for properties in the Old and Historic District. A building listed in the survey forms as "historic" is considered to contribute to the historic character and integrity of the Old and Historic District unless it is determined to be a non-contributing resource in accordance with the steps below.

The buildings listed as "non-historic" in the building surveys are considered non-contributing to the district's historic character. On a case-by-case basis, the BAR will evaluate whether or not the demolition of any primary building or structure will have a detrimental effect upon the immediate context of the Old and Historic District. The BAR will review requests for demolition in accordance with the following steps:

1. Is the building or structure designated historic in the architectural survey for the property?
2. If the building or structure is designated as historic in the architectural survey, is it a resource that contributes to the architectural and historic integrity of the property, neighborhood, and historic district? A property is considered to be non-contributing if it does not have or retain integrity of any of the following:

- a. *Location*
By being able to interpret the structure in its original location, it is possible to understand why the property was created and its contribution to the broader history of the area.
- b. *Design*
Defined as a combination of the elements that create the form, plan, space, structure, and style of a property. Integrity of design is applied to historic districts through the way in which buildings, sites and structures relate to one another and the rhythms of the streetscape.
- c. *Setting*
The physical character of the property in which the building is situated, and the building's relationship to surrounding features, open space, and adjacent structures.
- d. *Materials*
The choice and combination of materials reveal the preferences of those who created the property and the availability of particular types of materials and technologies and help define an area's sense of time and place. It is necessary that buildings retain key exterior materials dating from the district's period of significance in order to properly convey the history of the district's development.
- e. *Workmanship*
This aspect can apply to a structure as a whole or to its individual components and provides evidence of the builder's labor, skill, and available technology.
- f. *Feeling*
Results from the presence of physical features that when considered together convey the district's historic character. The original materials, design, workmanship and setting can, for example, either convey the feeling of a mid-nineteenth century working-class neighborhood or a warehouse district of the same time period.
- g. *Association*
The presence of physical features that remain sufficiently intact to link a district's historic character to an important historical event or person and to convey such to an observer.

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3. If the resource has been determined to be a structure that contributes to the architectural and historic integrity of the property, neighborhood, and historic district, does the building retain structural integrity? In order to document the building's structural condition, the BAR may:
 - a. Require a site visit by the BAR members to more closely inspect and evaluate the building.
 - b. Require the applicant to submit an unbiased structural engineering report that documents the building's physical condition.
 - c. Require the applicant to submit an economic and structural feasibility study for rehabilitating or reusing the structure.
 - d. Require the applicant to submit a feasibility study for the relocation of the building as an alternative to demolition.
 - e. Require the testimony of expert witnesses at the public hearing at which the demolition request is being considered.

Demolition of Secondary/Accessory Structures

Demolition of secondary or accessory buildings such as sheds and garages; and structures such as fences and walls, that are historic may be appropriate if they are substantially deteriorated.

Note on the Demolition of All Buildings and Structures

1. If the applicant successfully demonstrates that the building is a candidate for demolition, the BAR may approve the demolition request with one or more of the following conditions, depending on the circumstances surrounding the request:
 - a. The applicant must conduct a reconnaissance or intensive-level survey in accordance with the *Virginia Department of Historic Resource's Guidelines for Conducting Cultural Resource Surveys in Virginia* (1999, revised 2000).
 - b. The applicant must conduct a Phase I archaeological study to determine if the property yields information important in Leesburg's history.
 - c. The applicant must demonstrate that the site will be prepared and maintained in accordance with a landscape plan once the building has been demolished.
 - d. The demolition may occur only following receipt of a building permit for the new construction.
2. If the application for demolition is made to facilitate new construction, the applicant is required to provide for the BAR's consideration, prior to approval of the demolition application, plans for the building or buildings that will be located on the site of the demolished building. The new construction project must comply with the guidelines found in *Chapter VII* of this document.



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B. Relocation

Because relocation of a structure from its original site is akin to demolition of the building in its original context, relocation should only be considered after it is determined that to remain in its original location would result in the structure's complete demolition. All other avenues should be explored if the goal is preservation of the structure. Should there be no other option to save a building from demolition, careful plans should be undertaken to find a suitable site for the structure. If the site is within the historic district, the building must harmonize with the character of the neighborhood and be compatible with the existing structures in its new context (See *Chapter VII: Guidelines for Additions to Existing Buildings and New Construction*). Prior to filing an application for relocation of a structure, the property owner should first review the steps that the BAR will follow to evaluate requests for demolition.

If the BAR determines that the building is a candidate for relocation, the treatment of the structure during the moving process and the building's establishment in its new location must follow the guidelines for the treatment of existing buildings in *Chapters V and VI* of this document.

The relocation of a building from the OHD to a site outside the boundaries of the district is considered equal to demolition, because the structure is no longer subject to the BAR's purview. Similarly, the relocation of a building from outside the boundaries of the OHD to a site within the district would be evaluated in accordance with *Chapter VII*.

C. Treatment of Newly Vacant Lots

Whether under public or private ownership and while awaiting redevelopment, these lots must be improved so as to add to the character of the district rather than detract from it. At a minimum, these lots can be graded and seeded (maintenance required) to create green pockets in otherwise industrial areas.



Faced with demolition, the freight depot that was historically located along the W&OD Railroad near Harrison Street was incorporated into the new Market Station development in the mid-1980s.

