



VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Historic Preservation Easement Program

POLICY #5

Review of Applications for Work on Easement Properties

While the placement of an historic property under easement is generally with the understanding that the historic character should not be altered, the DHR recognizes that there is a need for balance between maintaining historic preservation values and the continued use of an historic property. This dynamic balance requires careful consideration of any proposal to alter a property—including the review of restoration work. In addition, there are instances where maintenance and other work is necessary to maintain the existing condition of the property.

It should be noted that each easement is drafted with specific reserved rights and restrictions, and that some easements may allow or disallow certain alterations. In some cases, work described herein as minor may require review and approval. This policy is meant to provide general guidance and does not apply across all easement documents, projects, or properties.

In order to guide a property owner in understanding the type of work that can and cannot be conducted without prior approval, the Department has developed a list of examples of major and minor work (attached), unless otherwise specified in the easement. Work defined as minor can be conducted without prior approval by the Department. In cases where work defined as major is to be performed, the request for approval, as required by the terms of the easement, shall be submitted to the Department for consideration by staff.

The Department shall strive to respond to requests for approval within 30 days of receipt of a complete application, unless otherwise specified in the easement. A complete application should include: a letter from the property owner, architect, architectural historian, or other expert summarizing the work that is proposed and why it is necessary; plans, schematic drawings, and other design documents developed for the project; photographs of the property, specifically existing conditions that are to be addressed and historic fabric that would be affected by the proposed work; and any other information necessary to understand the proposal.

Easement staff may contact the owner, architect, architectural historian, etc. to schedule a site visit or to request additional information required by the Department in making its decision. Internal procedures for regional office involvement will be followed in the processing of requests for approval.

Requests for approval shall be considered by the staff or the Treatment Committee of the Department, depending on complexity, and will be evaluated for consistency with the terms of the easement and according to the Secretary of the Interior's Standards for the Treatment of Historic Properties and other guidance documents and historic preservation principles and values. Upon the recommendation of the Treatment Committee, the request for approval may be heard by the Board of Historic Resources before a final response is issued. Requests for approval shall not be unreasonably withheld, unless the request is not consistent with the terms of the easement.

Requests for approval of work involving ground disturbing activities will further be considered by the Easement Program Archaeologist. Upon request by the Easement Program Archaeologist, the Archaeological Evaluation Team of the Department will also consider projects involving ground disturbance in order to recommend an appropriate course of action.

All letters approving work to be performed on an easement property will include a sunset clause, or a timeframe within which the work must be completed. If the work is not done within the specified timeframe, the property owner must seek new approvals from DHR. Prior approval of work shall not be transferable to any new property owner.

Upon completion of work on an easement property, the baseline documentation must be updated. The inspection form must also be updated and all updates should be provided to the property owner.

Examples of Major and Minor Alterations

Alterations of a minor nature generally do not require review by the Department of Historic Resources. Minor alterations are normally considered to be ordinary maintenance and repair.

This list is not intended to be comprehensive; it is only a sampling of some of the more common types of alterations which may be contemplated by property owners.

PAINT

Minor – Exterior or interior hand scraping and repainting of painted non-decorative and non-significant surfaces as part of periodic maintenance.

Major – Painting or fully stripping decorative surfaces or distinctive stylistic features including murals, stenciling, wallpaper, ornamental woodwork, stone, decorative or significant original plaster.

WINDOWS AND DOORS

Minor – Regular maintenance including caulking, painting, and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major – Wholesale replacement of units, change in fenestration or materials, alteration of profile or setback of windows. The addition of storm windows is also considered a major change, however with review is it generally acceptable.

EXTERIOR

Minor – Spot repair of existing cladding and roofing including in-kind replacement of clapboarding, shingles, slates, and in-kind replacement in-kind of porch elements.

Major – Large-scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e. removal of chimneys or cornice detailing or installation of architectural detail which does not have a historical basis); altering or demolishing building additions, **spot repointing of masonry**. Structural stabilization of the property is also considered to be a major alteration.

LANDSCAPE/OUTBUILDINGS

Minor – Routine maintenance of outbuildings and landscape including lawn mowing, pruning, gardening, and repair.

Major – Moving or subdividing buildings or property, altering of property, altering or removing significant landscape features such as gardens, view sheds, walks, plantings, ground disturbance affecting archaeological resources.

HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS

Minor – Repair of existing systems.

Major – Installing or upgrading systems which will result in major appearance changes (i.e. dropped ceilings, disfigured walls or floors, exposed wiring, ducts, and piping), the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as major alterations are not necessarily unacceptable. Under the terms of the easement such changes must be reviewed by the DHR and their impact on the historic integrity of the resource assessed.

It is the responsibility of the property owner to notify the DHR in writing when any major alterations are contemplated. Substantial alterations may necessitate review of plans and specifications.

DHR staff will work with property owners to provide technical assistance in the case of minor alterations and will use newsletters and site visits to inform property owners about minor and major alterations.

The intent of the easement is to enable the DHR to review proposed alterations and assess their impact on the integrity of the structure, not to preclude future change. DHR staff will attempt to work with property owners to develop mutually satisfactory solutions, which are in the best interests of the property.