



Powhatan County

Local Board of Building Code Appeals (LBBCA)

Public Notice and Agenda

Regular Meeting with hearing

January 21, 2026 at 1:00 pm

This meeting is being held in the Village Building Conference Room, 3910 Old Buckingham Road in Powhatan, Virginia, and is open to the public to attend in person.

MEETING AGENDA

- A. Call to Order
- B. Roll Call
- C. Public Comment Period
- D. Adopt meeting minutes from November 20, 2025 regular meeting
- E. New Business
 - a. Appeal Hearing - 2025-001, Powhatan County School Board (PCSB) & Powhatan County Public Schools (PCPS) v. Powhatan County – RE: 4290 Anderson Hwy
- F. Adjournment

RECEIVED
OCT 29 2025

RECEIVED
OCT 29 2025
Janet S. Currier

BY: *S. Gallehr* POWHATAN COUNTY LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA)

Appeal No. 2025-001

Application for Appeal



Powhatan County

Locality

Powhatan County School Board/
Powhatan County Public Schools

I (we) _____ of 4290 Anderson Highway, Powhatan, VA 23219

(Name)

(Mailing address)

Tracy A. Gallehr, Esq., counsel and agent

Contact Number: for PCSB & PCPS (703)663-1723 Email: tgallehr@sandsanderson.com

Respectfully request that the Local Board of Building Code Appeals review the decision made on September 29, 2025, by the code official.

Description of Decision Being Appealed: Building Official David Dunivan's September 29, 2025, letter of written notification "RE: Permit 742-2025 - Demolition Permit, Parts of the PLC Building," which denied issuance of the Permit.

Location of Property Involved: Parcel Identification Number 26-32; 4290 Anderson Highway, Powhatan, VA 23139

What is the applicant's interest in the property?

Owner

Contractor

Owner's Agent

Other (explain) _____

Relief Sought: Reverse the September 29, 2025, denial of a demolition permit and order the Building

Official to issue a demolition permit for the project.

Attach the Decision of the Code Official and any other pertinent documents.

Tracy Gallehr
Signature of Applicant

Filed at Powhatan, Virginia, the 28th day of October, 2025



Tracy A. Gallehr
Attorney

Direct: (703) 663-1723
TGallehr@SandsAnderson.com

RICHMOND | CHRISTIANSBURG | FREDERICKSBURG
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Suite 300
Manassas, VA 20109
Main: (540) 373-2504
Fax: (540) 371-8158

October 29, 2025

VIA HAND DELIVERY

County of Powhatan Department of Community Development
Building Inspection Department
3834 Old Buckingham Road, Suite F
Powhatan, VA 23139
c/o David Dunivan, Building Official

Re: Powhatan County Public Schools Demolition Permit Denial
Permit # 742-2025 – Parts of the Pocahontas Landmark Center Building

Dear Mr. Dunivan:

Enclosed please find an application for appeal and statement of justification for such appeal before the Powhatan County Board of Building Appeals on behalf of the Powhatan County Public Schools and the Powhatan County School Board. We were advised that there was no filing fee for appeals to the Board of Building Appeals.

Also enclosed is an additional copy of the appeal application. Please file-stamp this copy for the person delivering this application or send it to the Superintendent at your earliest convenience.

Sincerely

A handwritten signature in cursive script that reads 'Tracy A. Gallehr'.

Tracy A. Gallehr

Enclosures

cc: School Board
Dr. Beth N. Teigen, Superintendent
Nicole S. Cheuk, Sands Anderson
Maxwell C. Hlavin, Sands Anderson

**Statement of Justification for the
Appeal Application to the
Powhatan County Local Board of Building Code Appeals**

Appellant and Property Owner:

Powhatan County Public School Board (“School Board”)
Powhatan County Public Schools (“PCPS”)
4290 Anderson Highway
Powhatan, VA 23139

Subject Property:

Parcel Identification Number 26-32, located at 4290 Anderson Highway, zoned Agricultural-10 (A-10).

Subject Permit:

Permit Number 742-2025 (the “Permit”)

Date of Filing of Appeal Application:

October 28, 2025

Decision Appealed:

Building Official David Dunivan’s September 29, 2025, letter of written notification “RE: Permit 742-2025 - Demolition Permit, Parts of the PLC Building,” which denied issuance of the Permit (**Attachment 1**).

Summary Basis of Appeal:

In accordance with Section 110.1, the Building Official is charged with reviewing applications for compliance with the Building Code and other “pertinent laws and ordinances.” In denying the Permit for the Subject Property, the Building Official misapplied an ordinance that is not pertinent to the Subject Property or Permit 742-2025. The Building Official based his denial on the failure to obtain approval of the Powhatan County Board of Supervisors (“BOS”) prior to the demolition of a structure within a Historic Overlay District pursuant to Powhatan County Zoning Ordinance (“PCZO”), Section 83-410. The Subject Property is neither in a Historic Overlay District nor is it, or any structures thereon, designated by ordinance as an historic landmark or structure; therefore, this reason for denial was not based on a pertinent law or ordinance and was in error.

Justification for Appeal:

The Subject Property is located at 4290 Anderson Highway, Parcel Identification Number 26-32, is also known as the Pocohontas Landmark Center (the “PLC”). The Subject Property adjoins and contains the access and road frontage for other parcels of property owned by the School Board, including Parcel No. 26-41A containing the Pocahontas Elementary School. The Subject Property contains multiple structures, one of which is the administrative offices of the School Board and PCPS. The PLC was last used for educational purposes in 2018 when the Pocahontas Middle School was closed. The eastern portion of the Subject Property is now used for a Powhatan County Parks and Recreation facility and the Powhatan African American Cultural Arts Museum. The property also contains several unoccupied structures – or portions of structures – that, in addition to being dangerous due to partial roof collapse, contain asbestos, mold and are beyond reasonable repair. It is the portions of these unoccupied and unsafe structures that the School Board seeks to demolish in the Permit: wings B, upper C, and D of the PLC comprising a total of approximately 39,275 square feet (**Attachment 2**) (collectively the “Structures”).

The BOS and School Board have been discussing and jointly working on finding a plan for the future of certain portions of the PLC for many years. From a budgetary standpoint, the last direction the BOS gave to the School Board was that the expense of renovation of the PLC was cost prohibitive and that partial demolition of the buildings was a more acceptable cost for the County and County taxpayers to bear on the “unsalvageable” portions of the PLC. As a result of this budgetary direction, the School Board procured and contracted with an entity to remove the dangerous wings of the structures and applied for the Permit. When the issue was raised by the County Department of Community Development that approval of the BOS was needed under PCZO Section 43-410(f), the School Board believed, based on the last budgetary direction from the BOS, that the process was a mere formality. The School Board agreed to go through the approval process under 43-410(f) to provide additional public process to the project, not because there was ever a belief that the Subject Property was zoned within a Historic Overlay District, or either an admission or concession that the process was required. In fact, the School Board formally objected to the process (**Attachment 3**) which letter is incorporated into this statement of justification the (the “Objection Letter”). This case was identified by the County as Case #25-13-HOD.

The Powhatan County Historic Overlay District (“HOD”) Ordinance is found in PCZO Section 83-410 (**Attachment 4**). Section 83-410(c) contains the procedures and criteria for the reclassification of land into a HOD. In pertinent part, this Section states “reclassification of land into a Historic Overlay District **shall occur in accordance with the procedures and review standards in Article II: Administration (zoning district map amendment (rezoning))**.” (PCZO Section 83-410(c), emphasis added). Stated more simply, a zoning map amendment is required for property to be added to a HOD zoning district.

The Subject Property is shown in Powhatan County GIS records, and on all documentation received from the County’s Community Development Department, as Agricultural-10 (A-10) zoning. Powhatan County has 24 use districts designated within their Zoning Ordinance (see PCZO Section 83-107). In addition to the A-10 zoning district, the Historic Overlay District is listed and designated by “H.” PCZO Section 83-108 states that “The boundaries of these districts are hereby established as shown on the zoning maps of Powhatan County, Virginia, said maps being on file in the office of the zoning administrator.” The official zoning maps in the office of the Powhatan County Zoning Administrator show the Subject Property with A-10 zoning and no designation of “H,” for the HOD.

The current HOD enabling ordinance was passed by the BOS on February 18, 2014. The School Board has continuously owned the Subject Property for the entire time the HOD Ordinance has existed. The School Board has no record within its minutes where it applied for or requested a rezoning to HOD as required by PCZO Section 83-410(c).

The School Board, by its counsel, through a Virginia Freedom of Information Act (FOIA) request sought any and all records related the Subject Property being rezoned into an history overlay district to include ordinances, resolutions, public hearing advertisements, and public hearing notices and minutes of the Planning Commission meetings and Board of Supervisors meetings related to such rezoning. In response on behalf of the County, Katie Shifflett, Deputy Clerk, responded that no such records could be found or they do not exist (FOIA request and reply email, **Attachment 5**).

It is not possible for the Subject Property to be rezoned into a HOD without any records or meeting minutes at the Planning Commission, BOS, or School Board. The rezoning procedures and criteria set out in PCZO Section 83-410(c) are extensive and require an investigation and report describing the historic, archeological, architectural or cultural

significance of the buildings, sites, etc., to be included in the HOD; recommended design standards and guidelines to apply to the review of applications for certificates of approval; a description of the HOD's recommended boundaries; and identification of contributing or noncontributing properties within the proposed district. The Planning Commission then considers whether to initiate a rezoning and refer the HOD to the BOS. It is inconceivable that the Subject Property went through the rezoning into a HOD and there are no minutes of any of the public bodies involved that reference the rezoning and absolutely no record of any of the documents to either create the HOD, design standards or guidelines that govern within the HOD or a list of contributing or noncontributing properties within the district.

PCZO Section 83-410(c)(3) contains a list of ten criteria for consideration in classifying a property into a HOD. One of those criteria is whether the property is listed in the National Register of Historic Places or the Virginia Landmarks Register. A review of the Virginia Landmarks Register maintained online by the Virginia Department of Historic Resources, a comprehensive list of all places within the National Register of Historic Places and Virginia Landmarks Register, does not show the Subject Property or any of the structures on the Subject Property are registered under either of those programs (Powhatan County appears on page 74 of 90, www.dhr.virginia.gov/wp-content/uploads/2025/06/RegisterMasterList.pdf, Powhatan County section reproduced below). The Register contains two Historic Districts within Powhatan: Powhatan Court House Historic District and Fine Creek Mills Historic District. However, it does not contain a historic district for the Subject Property.

<u>POWHATAN COUNTY</u>			
Belmead (Saint Emma's Church) 2024 Update & Belmead Boundary Increase	05-13-1969 12-12-2021	11-12-1969 04-14-2025	072-0049 072-0049
Powhatan Court House Historic District	12-02-1969	02-16-1970	072-0079
Keswick	11-19-1974	12-19-1974	072-0045
Belnemus	09-19-1978	04-20-1979	072-0002
Norwood	03-18-1975	05-19-1980	072-0048
Besumont	06-17-1986	04-02-1987	072-0095
Blenheim	07-15-1986	12-11-1986	072-0003
Huguenot Memorial Chapel and Monument	06-17-1987	03-23-1988	072-0093
Saint Luke's Episcopal Church	10-18-1988	03-20-1989	072-0038
French's Tavern	12-13-1988	04-21-1989	072-0105
Paxton	12-12-1989	12-28-1990	072-0034
Emmanuel Church	12-12-1989	12-27-1990	072-0013
Provost	09-15-1999	12-22-1999	072-0055
Red Lane Tavern	06-13-2001	01-24-2002	072-0044
Mosby Tavern	12-04-2002	04-11-2003	072-0054
Fine Creek Mills Historic District	09-10-2003	01-16-2004	072-5018
Elmington	12-01-2004	01-20-2005	072-0012
Somerset	06-08-2006	09-06-2006	072-0040
Rosemont	03-20-2008	05-29-2008	072-0169
Fighting Creek Plantation	09-19-2013	12-03-2013	072-0015
Sublett's Tavern	03-20-2025	05-06-2025	072-0042

The Subject Property nor any of its structures have been nominated for and are not Virginia registered historic landmarks, the Subject Property is also not within the National Register of Historic places. The Subject Property does, however, contain a Virginia Historical Highway Marker. The Department of Historic Resources has a highway marker program the purpose of which is best summarized on their “Application to Propose Placement of a New Virginia Historical Highway Marker” (**Attachment 6**):

The Virginia historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. **The Department of Historic Resources’ purpose in erecting markers is to educate the public about Virginia’s history, not to honor, memorialize, or commemorate persons, events, or places.** Because highway markers are not honorific in nature, they do not serve the same purpose as monuments, statues, memorial plaques, or war memorials.” (emphasis added).

The “Pocahontas High School 0-71” marker was erected on the property on or around 2015 (**Attachment 7**). This is an honorific program that is designed to educate the public about Virginia history along state highways and roads. The highway marker is not an indication that a structure or place is listed on the National Register of Historic Places or the Virginia Landmarks Register, or qualifies it to be included in such registers.

The staff report for the September 22, 2025, BOS consideration for approval of the demolition permit notes that the property is zoned A-10. The report then goes on to justify the need to obtain BOS approval for the demolition permit “[b]ecause the PLC property is identified as a historic resource in the 2021 Comprehensive Plan and is recognized by a Virginia Historical Marker highlighting its role in segregated and desegregated education, Planning Staff has determined that review under the Historic Overlay District provisions of the zoning ordinance is warranted.” As noted above, a highway marker does not amount to a historic landmark or structure designation. As identified in the Objection Letter, neither the Subject Property nor any portion of the PLC are actually recognized in the County’s Comprehensive Plan as a historic resource (see Attachment 3). Further, even if they were recognized in the Comprehensive Plan, that would be irrelevant to determining whether PCZO Section 83-410 is an ordinance pertinent to the Subject Property or the Structures. A county’s comprehensive plan is a guide to the “coordinated, adjusted, and harmonious development” of land within the community – it is “the locality’s long-range recommendations for the general development of the territory covered by the plan.” Code of Virginia § 15.2-2223 (“... a comprehensive plan is generally ‘a guideline for the development and implementation of a zoning ordinance’ and ‘does not, by itself, act as an instrument of land use control.’” *Hartley v. Bd. of Supervisors of Brunswick Cty.*, 897 S.E.2d 217, 225, 80 Va. App. 1 (2024), quoting *Bd. of Supervisors v. Lerner*, 221 Va. 30, 37, 267 S.E.2d 100 (1980)). The Comprehensive Plan does not amount to an ordinance or regulation and cannot be enforced as if it does. In order for PCZO Section 83-410(f) to be applicable to the Subject Property, this land would need to be rezoned into a HOD – something the County has stated it cannot find any record has occurred. Further, in order for PCZO Section 83-410(f) to be applicable to the Permit, the Structures would need to be designated as a “historic landmark or structure” within an established HOD – something the County has also stated it cannot find any record has occurred.

Conclusion:

Because the Subject Property is not within a Historic Overlay District, and the Structures are not designated as a “historic landmark or structure” within an established HOD, the denial of the Permit on the basis of requiring “any demolition within a Historic Overlay District be approved by the Board of Supervisors” pursuant to PCZO Section 83-410(f) was not based on a pertinent law or ordinance, was in error, and must be reversed.



EXHIBIT
1

*The County Of
Powhatan*

TO: Bob Benway, Director of Facilities PCPS

FROM: David Dunivan, CBO Building Official

DATE: September 29, 2025

RE: Permit 742-2025 – Demolition Permit, Parts of the PLC Building

On 7/21/2025, our office received a demolition permit for parts of the Powhatan Landmark Center. County Ordinance 83-410 requires that any demolition within a Historic Overlay District be approved by the Board of Supervisors before a Demolition Permit can be issued. The Powhatan County Board of Supervisors voted 5-0 on 9/22/25 against the proposed demolition of portions of the Powhatan Landmark Center. With that vote, the permit process cannot move forward. This permit can be cancelled by the applicant or will become abandoned after six months of inactivity per the 2021 Virginia Construction Code Section 108.8. I have included the ordinance and relevant code sections below.

Sec. 83-410. - Historic Overlay (H) District.

(f)

Demolition. No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.

The Code of Virginia and the adopted building code require that all applications meet applicable requirements of the building code, all pertinent laws, and ordinances.

13VAC5-63-100. Section 110 Permits.

A. Section 110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall

not be issued, and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one-family or two-family dwellings.

This letter shall serve as the written notification required in Section 110.1 of the 2021 Virginia Construction Code and provides the reasons why the permit cannot be issued.

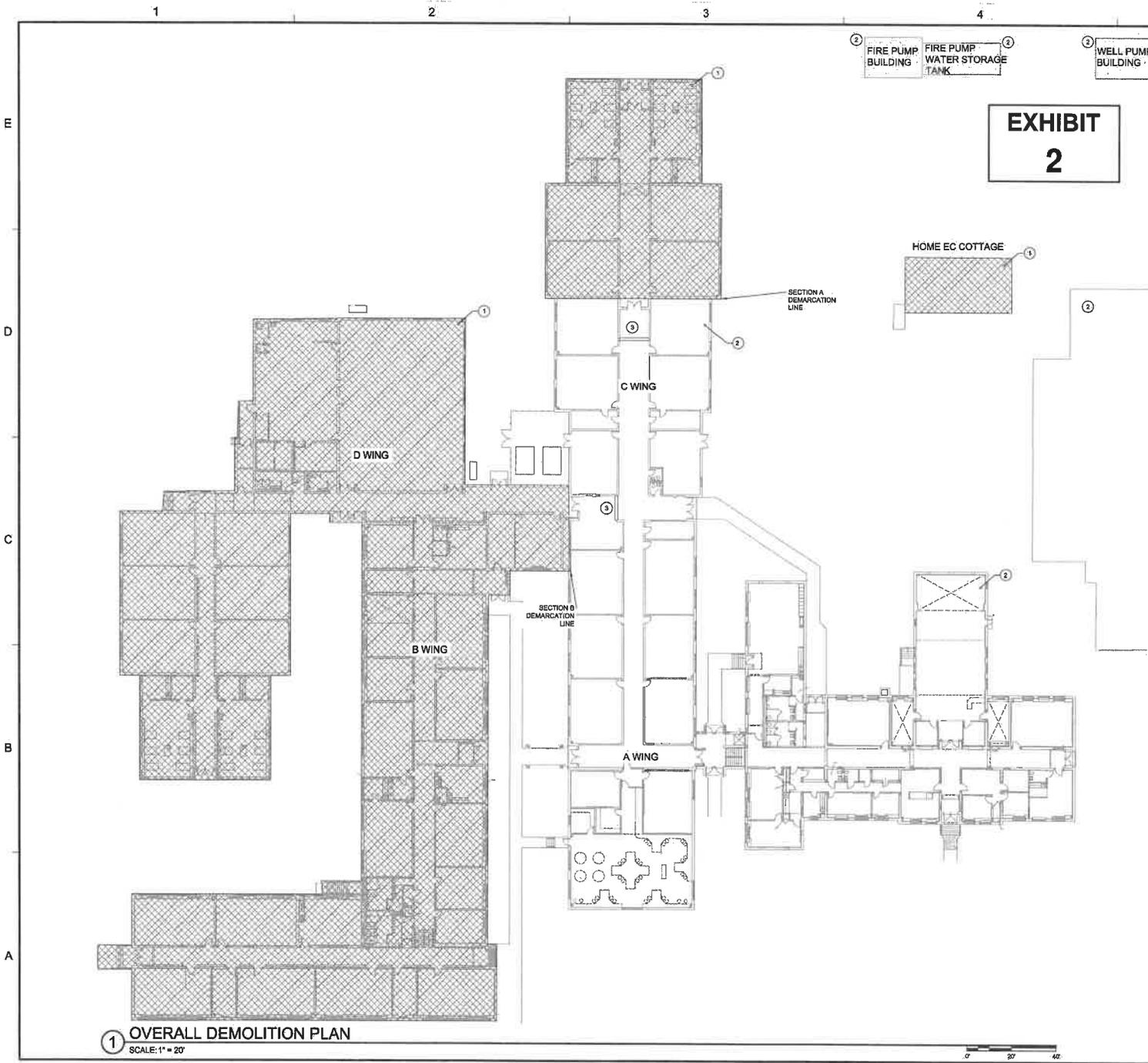
Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink that reads "David W. Dunivan, CBO". The signature is written in a cursive style.

David Dunivan, CBO

14/2025 13:49 PM
 2025/07/15 09:58 AM
 C:\100 GENERAL DEMOLITION OVERALL PLANNING



**EXHIBIT
2**

GENERAL NOTES:

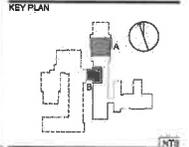
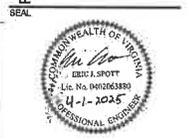
1. PROJECT BASE BID SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO WING B AND WING D ONLY.
- 1.1. BID ALTERNATE 1 SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO THE INDICATED SECTION OF WING C.
- 1.2. BID ALTERNATE 2 SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO THE HOME EC COTTAGE.
2. AN ASBESTOS ABATEMENT SHALL BE COMPLETED BEFORE ANY DEMOLITION WORK IS STARTED.
3. ALL PLUMBING, FIRE PROTECTION, MECHANICAL, AND ELECTRICAL SYSTEMS SHALL BE DISCONNECTED, MADE SAFE, OR REROUTED FROM THE DEMOLITION AREA PRIOR TO THE START OF DEMOLITION.
4. A MINIMUM OF 72 HOURS NOTICE TO THE OWNER SHALL BE PROVIDED BEFORE ANY DISRUPTIONS TO UTILITY SERVICES (ELECTRICAL, INTERNET SERVICE, HVAC, FIRE PROTECTION, ETC.) ALL UTILITY SHUTDOWNS SHALL BE RESTRICTED TO A PERIOD OF 48 HOURS MAXIMUM. THE CONTRACTOR SHALL STOP ALL WORK IN THE EVENT OF AN UNSCHEDULED UTILITY SERVICE DISRUPTION AND ASSIST WITH THE UTILITY RESTORATION PROCESS AT NO ADDITIONAL COST TO THE OWNER.

DEMOLITION NOTES:

1. CONTRACTOR SHALL DEMOLISH EXISTING BUILDING INCLUDING ALL CONTENTS, BUILDING SYSTEMS, MASONRY, STRUCTURE, AND FOUNDATION. REFER TO CIVIL, ARCHITECTURAL, PLUMBING, FIRE PROTECTION, MECHANICAL, AND ELECTRICAL DRAWINGS FOR DETAILED SCOPE.
2. EXISTING BUILDING TO REMAIN INCLUDING ALL CONTENTS.
3. CONTRACTOR SHALL PROVIDE TEMPORARY PARTITIONS TO ISOLATE OCCUPIED PORTIONS OF THE BUILDING FROM THE CONSTRUCTION AREA.



POWHATAN COUNTY PUBLIC SCHOOLS
 POCAHONTAS
 LANDMARK CENTER
 DEMOLITION PROJECT
 429D ANDERSON HWY
 POWHATAN, VIRGINIA 23139
 CONSTRUCTION DOCUMENTS



SCALE: 1" = 20'

REVISIONS

NO.	DESCRIPTION	DATE

NO. DESCRIPTION DATE
 DRAWN BY: EJP
 APPROVED BY: EJP
 CHECKED BY: EJP
 DATE: 4/1/2024
 TITLE:

**GENERAL
 DEMOLITION
 OVERALL PLAN**

PROJECT NO. 50185135

G-100
 SHEET NO.

1 OVERALL DEMOLITION PLAN
 SCALE: 1" = 20'



Maxwell C. Hlavin
Attorney

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September 19, 2025

VIA Electronic Mail (kjackson@powhatanva.gov)

Ms. Kalli Jackson, Esq.
County Attorney
3834 Old Buckingham Road
Suite A
Powhatan, VA 23139

Re. Case # 25-13-HOD

Ms. Jackson:

This letter follows on our telephone conversation of September 18. As you are aware, our firm represents the Powhatan County School Board (“School Board”), which owns the parcel of real property with an address of 4290 Anderson Highway and further identified as County Tax Map Parcel No. 26-32 (the “Property”) and the improvements thereon, certain portions of which are the subject of Building Permit # 742-2025 (the “Permit”)¹ (such portions of the improvements referred to herein as the “Structures”).

The County has subjected the Permit to heightened legislative review under a theory that the Property is subject to “the Historic Overlay District provisions of the Zoning Ordinance,” apparently “out of an abundance of caution.”² There is, however, nothing that the School Board is aware of to demonstrate that the property is actually zoned “within a Historic Overlay (H) District” as would be required to make any of the provisions of Sec. 83-410 applicable.³ Similarly, the School Board is not aware of any ordinance setting forth the Structures (or any improvements on the Property) as a “historic landmark or structure” within a lawfully established historic overlay district, which would be a prerequisite to the application of Zoning Ordinance Sec. 83-410(f) related to the Permit.⁴

¹ September 22, 2025 Board of Supervisors Agenda [hereinafter “AGENDA”] at pp. 60-64.

² September 2, 2025 Planning Commission Agenda, Item 6.c, Staff Report at p.1.

³ See Zoning Ordinance Sec. 83-410(b), (c), (f); see also Va. Code § 15.2-2306.

⁴ See Zoning Ordinance Sec. 83-410(f); see also Va. Code § 15.2-2306(A), (C).

In addition to this fundamental misapplication Zoning Ordinance Sec. 83-410,⁵ and in particular Sec. 83-410(f), the School Board felt it was necessary to address some inaccuracies in the staff report related to the County's justifications that the Property "is identified as a historic resource in the 2021 Comprehensive Plan and is recognized by a Virginia Historical Marker":⁶

1. Neither the Property, nor the Structures are identified as a historic resource in the 2021 Comprehensive Plan. The County's Staff Report states that the Property is identified as "as a historic resource on Map 3;" however, there are no Virginia or National Register Sites, Historic Sites Potentially Eligible as Virginia Landmark, Critically-Threatened Historic Sites or Ruins, or Historic Sites Requiring Future Study to Determine Eligibility on the Property.⁷ An enlarged version of the relevant portion of Comprehensive Plan Map 3 is attached as Exhibit A. The Comprehensive Plan (and Map 3) does recognize the Property as being within the Courthouse Village Special Area Plan, but this is inapplicable to whether any of the provisions of Sec. 83-410 apply to the Property, or the process in Sec. 83-410(f) applies to the Structures or the Permit.
2. Neither the Property, nor any improvements on the Property, are identified on the Historic Register maintained by the Virginia Department of Historic Resources.⁸
3. The installation of a Historical Highway Marker, such as Marker O-71 for Pocahontas High School, is part of an educational program that any person can apply for and is entirely distinct from the process to zone property into an historic overlay district.⁹

The School Board respectfully objects to the application of any provision of Sec. 83-410 to the Property, and the imposition of the process in Sec. 83-410(f) on the Permit, which is inconsistent with both state law and the County's ordinance itself. If the County continues to require the School Board to proceed with Case # 25-13-HOD prior to providing a decision on the Permit, the School Board respectfully objects to any denial of Case # 25-13-HOD, as well as the imposition of any condition on the Permit that may be imposed by the Board of Supervisors in approving Case # 25-13-HOD. The School Board requests that review and approval of the Permit be completed under the applicable ministerial process required by the Virginia Uniform Statewide Building Code.

I ask that you please work with the Clerk of the Board to place this letter in the legislative record for Case # 25-13-HOD, as well as the Building Official to place it in the County's file for Building Permit # 742-2025, both of whom are copied. Of course, we welcome continuing the conversation with you or coordinating a meeting with yourself and others from the County, if productive.

As an interim alternative, if the County is not going to forego the Sec. 83-410(f) process and proceed with ministerial review under the VUSBC, the School Board would be open to a deferral of the case on Monday to allow for the County time to reconsider its position. Thank you in advance for the County's attention to this matter and your commitment to public service.

⁵ See Va. Code § 15.2-2306.

⁶ AGENDA at pp. 51, 59.

⁷ POWHATAN COUNTY, VA., Long-Range Comprehensive Plan at pp. 59-60.

⁸ A list of sites in Powhatan County, available at <https://www.dhr.virginia.gov/location/powhatan-county/>.

⁹ General information related to DHR's Historical Highway Marker program, which is managed in collaboration with VDOT, is available at <https://www.dhr.virginia.gov/highway-markers/marker-application-process/>.

Respectfully,



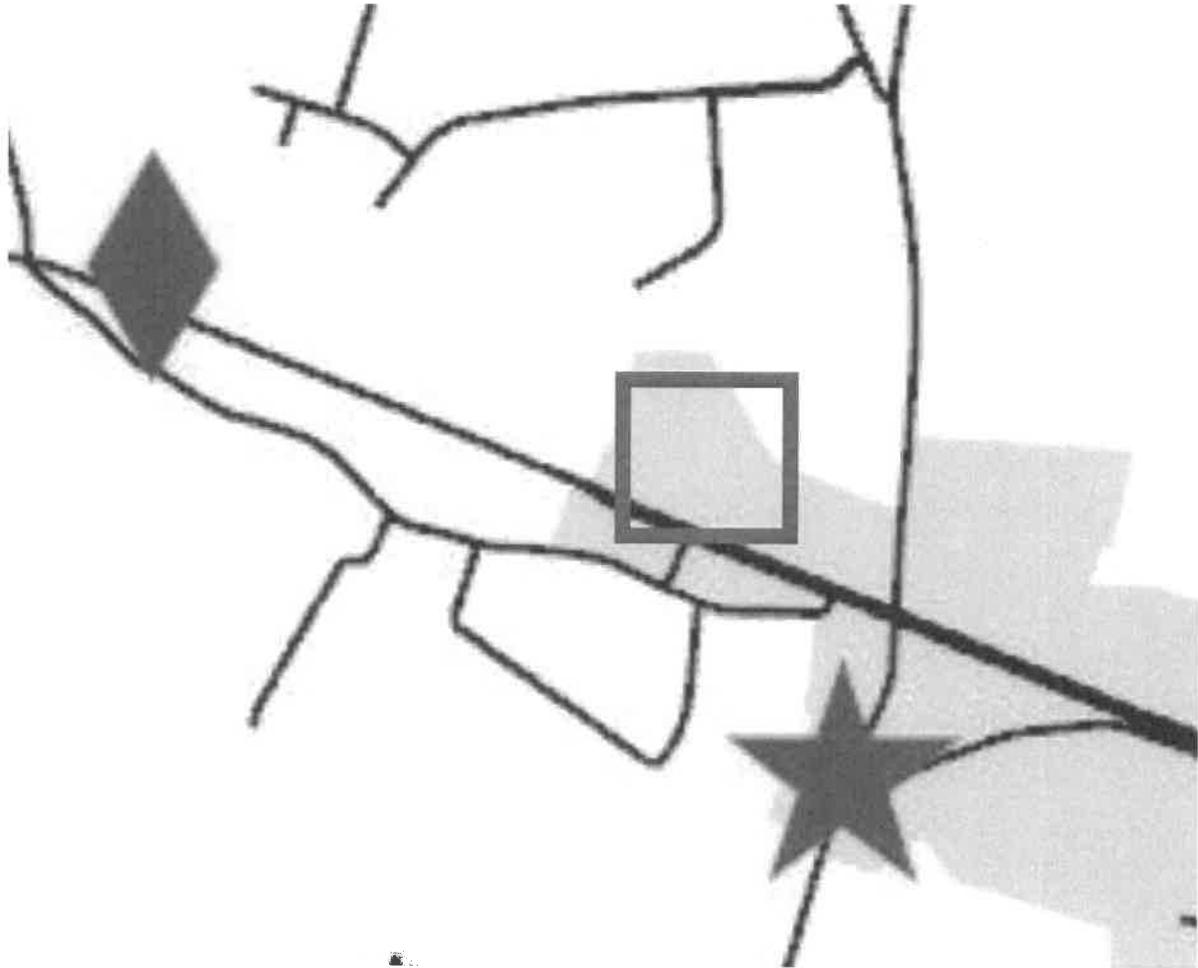
Max Hlavin

Attachment: Exhibit A – Enlarged Comprehensive Plan Map 3

- cc. Dr. Beth Teigen, Superintendent, by email
Susan Smith, Chair of the Powhatan County School Board, by email
Nicole Cheuk, Esq., by email
William Hagy, County Administrator and Clerk to the Powhatan County Board of Supervisors, by email
David Dunivan, Building Official, by email

EXHIBIT A

[Enlargement of Comprehensive Plan Map A depicting the Property]



Sec. 83-410. Historic Overlay (H) District.

- (a) *Purpose.* The purpose of the Historic Overlay (H) District is to identify sites containing specified landmarks, buildings and structures, villages, intersections, and scenic byways having historical, archaeological, social, economic, architectural, political, funerary, or cultural significance, with the intent of enhancing public awareness of such historic resources and encouraging their preservation and protection. Historic Overlay District regulations are intended to protect historic resources against destruction or encroachment; to encourage uses that will lead to their continuance, conservation, and archaeological heritage of the county; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.
- (b) *Applicability.* The Historic Overlay (H) District may be applied in accordance with the zoning district map amendment (rezoning) provisions of Article II: Administration, to property that contains a historic landmark, building, or structure, or that makes up a historic district, and to immediately adjacent land whose development could adversely affect the integrity of such a historic landmark, building, structure, or district.
- (c) *Procedures and criteria for reclassification of land into a historic overlay district.* Except as modified by subsection (1) below, reclassification of land into a Historic Overlay District shall occur in accordance with the procedures and review standards in Article II: Administration (zoning district map amendment (rezoning)).
- (1) *Pre-application requirements.*
- a. Before the zoning district map amendment (rezoning) application to establish a Historic Overlay District is submitted, an investigation and report of the potential Historic District shall be conducted, prepared by the initiating party, and submitted to the planning commission. The report shall:
 1. Describe the historic, archeological, architectural, or cultural significance of the buildings, structures, sites, areas, features, objects, or surroundings proposed to be included in the Historic District;
 2. Recommend design standards and guidelines to apply to the review of applications for a certificate of approval;
 3. Describe the district's recommended boundaries; and
 4. Identify properties within the proposed district as either "contributing" or "noncontributing" to the proposed district's historic, archeological, architectural, or cultural significance.
 - b. The planning commission may accept as the required significance report, a report prepared in conjunction with a previous nomination of the same land for Historic Overlay District zoning or for listing in the Virginia Landmarks Register or the National Register of Historic Places.
 - c. The planning commission shall consider the significance report based on the standards in section 83-410(c)(3), criteria for Historic Overlay District classification. On receiving a significance report, the planning commission shall consider whether to initiate a zoning map amendment (rezoning) application to classify the involved land as a Historic Overlay District.
 - d. If the planning commission decides not to refer the significance report on a potential Historic District to the board of supervisors, an owner of the property or properties making up the potential Historic District may prepare and submit an application for a zoning district map amendment (rezoning) to classify the involved land as a Historic Overlay District. Any such application shall include the significance report reviewed by the planning commission and a

record of action on the report by the planning commission (and board of supervisors, if applicable).

- (2) *Zoning district map amendment application review.* An application to classify land into a Historic Overlay District, whether initiated by the planning commission, the board of supervisors or by owners of property making up a potential Historic District, shall be subject to the review procedures and standards in Article II: Administration, zoning district map amendment (rezoning).
- (3) *Criteria for Historic Overlay District classification.* Land may be reclassified as a Historic Overlay District only after consideration of whether the proposed district:
- a. Is associated with persons, events, activities, or institutions of local, state, or national historical significance; or
 - b. Reflects the cultural, political, economic, architectural, archeological, funerary, or historical heritage of the county; or
 - c. Contains qualities and/or artifacts which significantly contribute to present-day knowledge and understanding of lifestyles, activities, events, or experiences of a previous era; or
 - d. Contains buildings or structures that embody the distinctive characteristics of an architectural style that is significant for the study of a period, method of construction, or use of indigenous materials; or
 - e. Contains buildings or structures that represent the work of a master architect, designer, or builder whose individual work has influenced the development of the city, county, state, or nation; or
 - f. Contains buildings or structures recognized for the quality of architecture and retaining sufficient features showing that architectural significance; or
 - g. Is a geographically definable area possessing a significant concentration of well-designed structures or other objects or sites united by past events or by a plan or physical development; or
 - h. Is a geographically definable neighborhood united by culture, architectural styles, or physical development; or
 - i. Has yielded, or may be likely to yield, information important in prehistory or history; or
 - j. Is listed in the National Register of Historic Places or the Virginia Landmarks Register, or includes individual properties so listed.
- (d) *Certificate of approval required.* After land is classified into a Historic Overlay District, no development shall occur on such land without issuance of a certificate of approval in accordance with the review procedures and standards in the specific review procedures provisions of Article II: Administration.
- (e) *Modified use standards.* Irrespective of the principal use standards applicable to the underlying zoning district (see Article VII: Use Standards), telecommunications towers are prohibited within historic overlay districts.
- (f) *Demolition.* No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.

(Ord. No. O-2014-02, 2-18-14)

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Tuesday, October 7, 2025 12:40 PM
To: Beth Teigen; Susan Smith
Cc: Cheuk, Nicole S.
Subject: FW: Record Requests - Tax Map Parcel # 26-32

EXHIBIT
5

Dr. Teigen and Chair Smith, we received the County's responses to the School Board's VFOIA requests. We thought you all and the other members might like to see the responses and records as part of the School Board's consideration of its next steps. The responses are highlighted below (highlights in original) and are supplemented by the 10/7 email from Ms. Shifflett. The provided records can be accessed at:

<https://sandsanderson.sharefile.com/d-sc102fd13deed4e12aa6f77928e098594>.

There is nothing in the responses or provided records indicating that the property is within an historic overlay district or that any portion of the PLC has been identified as an historic landmark or structure consistent with Virginia Code § 15.2-2306 and County Code Sec. 83-410.



Maxwell C. Hlavin

Attorney

Sands Anderson PC

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From: Katie Shifflett <kshifflett@powhatanva.gov>
Sent: Tuesday, October 7, 2025 9:41 AM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

My apologies, you are correct. In regard to the second request: Pursuant to Virginia Code section 2.2-3704, the requested records could not be found or do not exist



Powhatan County

Katie Shifflett

Deputy Clerk

County Administration

p: 804-598-5612 x 2010

a: 3834 Old Buckingham Rd.

Powhatan, VA 23139

kshifflett@powhatanva.gov



This communication is subject to the Virginia Public Records Act § 42.1-76 et. seq. and is subject to release upon request unless specifically protected by law.

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Tuesday, October 7, 2025 9:37 AM
To: foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

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Thank you very much for your efforts in timely providing these records and responses. Can you please clarify the response to Request #2 below. Based on the representation of Mr. Hagy's verbal response, it appears to be that the requested records could not be found or do not exist, but I do not want to make any assumptions on the County's written response. Thanks again.

Max



Maxwell C. Hlavin

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From: foia <foia@powhatanva.gov>
Sent: Monday, October 6, 2025 4:09 PM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

1. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to Tax Map 26-32 being zoned into an historic overlay district.

Pursuant to Virginia Code section 2.2-3704, the requested records could not be found or do not exist

2. All minutes of Planning Commission meetings and Board of Supervisors meetings related to Tax Map 26-32 being zoned into an historic overlay district.
 - a. Please note that this request reaffirms the record request made by Dr. Teigen to Mr. Hagy on August 28, 2025, which went without a response.

Please note that Mr. Hagy responded to Dr. Teigen's August 28, 2025 records request in conversation the same day or shortly thereafter by informing her there are no responsive records

3. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to the Board of Supervisors identifying or “setting forth” any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

See attached records

4. All minutes of Planning Commission meetings and Board of Supervisors meetings related to the identification or “setting forth” of any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

See attached records

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Wednesday, September 24, 2025 1:18 PM
To: foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

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Received. Thank you.



Maxwell C. Hlavin

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From: foia <foia@powhatanva.gov>
Sent: Wednesday, September 24, 2025 1:05 PM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; Kalli Jackson <kajackson@powhatanva.gov>; foia <foia@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

CAUTION: External Message

Due to the nature of this request spanning potentially decades-worth of paper and electronic files, it is not practically possible to provide the requested records or to determine whether they are available within the initial 5-work-day period. Therefore, the County is invoking the 7-work-day extension available under Va. Code Section 2.2-3704 to allow additional staff time to conduct an extensive search for, and review of, such records or before October 6, 2025.

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Thursday, September 18, 2025 3:44 PM
To: Kalli Jackson <kajackson@powhatanva.gov>; foia <foia@powhatanva.gov>

Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>

Subject: Record Requests - Tax Map Parcel # 26-32

Some people who received this message don't often get email from mhlavin@sandsanderson.com. [Learn why this is important](#)

Kalli, following up on our conversation so that we can obtain relevant public records, which would help to address the applicability of County Code Sec. 83-410(f) (or any predecessor ordinances adopted pursuant to Virginia Code § 15.2-2306) to Tax Map Parcel # 26-32 and the portions of structures subject to Permit No. 742-2025 for demolition. On behalf of the Powhatan County School Board, please provide public records in accordance with the Virginia Freedom of Information Act for the following four requests:

1. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to Tax Map 26-32 being zoned into an historic overlay district.
2. All minutes of Planning Commission meetings and Board of Supervisors meetings related to Tax Map 26-32 being zoned into an historic overlay district.
 - a. Please note that this request reaffirms the record request made by Dr. Teigen to Mr. Hagy on August 28, 2025, which went without a response.
3. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to the Board of Supervisors identifying or "setting forth" any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.
4. All minutes of Planning Commission meetings and Board of Supervisors meetings related to the identification or "setting forth" of any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

We are happy to receive the records responsive to each of the four requests above in electronic format via email or other electronic delivery on behalf of the School Board. Please provide an estimate if the County believes the charges for producing the requested records for any of the four requests above will be more than \$200. Please don't hesitate to reach out related to any of the foregoing or Case # 25-13-HOD generally. Thanks!

Max



Maxwell C. Hlavin

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**DEPARTMENT OF HISTORIC RESOURCES****2801 Kensington Avenue, Richmond, Virginia 23221**

Telephone: (804) 367-2323 Fax: (804) 367-2391

**Application to Propose Placement of a New
Virginia Historical Highway Marker**

Before completing this application, please read the information below explaining the procedures and criteria for the marker program. Please note that not all applications will be approved.

You may submit this application and accompanying material via email to Jennifer Loux, Highway Marker Program Manager, at Jennifer.Loux@dhr.virginia.gov. If you would prefer to submit a hard copy of your application, please send it to:

Dr. Jennifer R. Loux
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Incomplete applications will not be considered. Applications *must* be accompanied by photocopies of source material (or links to online material). All submitted materials become the property of the Department of Historic Resources (DHR).

If you have questions, please contact Jennifer Loux at (804) 482-6089 or Jennifer.Loux@dhr.virginia.gov.

Purpose of the Marker Program

The Virginia historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. The Department of Historic Resources' purpose in erecting markers is to educate the public about Virginia's history, not to honor, memorialize, or commemorate persons, events, or places. Because highway markers are not honorific in nature, they do not serve the same purpose as monuments, statues, memorial plaques, or war memorials.

Application Procedures

The Virginia Board of Historic Resources (BHR), the body responsible for approving highway markers, convenes in March, June, September, and December. The Highway Marker Program will accept applications from the public four times per year, in advance of each quarterly meeting.

Using the criteria outlined below, a committee of DHR staff members will identify the highest-scoring marker proposals from the pool received at each deadline. At least five topics will be selected. Staff will then present the list of selected topics to the BHR for official approval at its next meeting, approximately seven weeks after the application deadline. At the subsequent meeting of the BHR, three months later, staff will present the final texts of the markers for Board approval. Any applicant whose project is not selected will be eligible to apply again in the future, but *applications will not automatically be carried over to future board cycles*.

Our deadlines for completed applications to be received are the following dates at 11:59 pm. Extensions cannot be granted, so please plan ahead.

February 1: The BHR will approve the selection of topics from this pool of applicants at its March meeting; the BHR will consider the texts of these markers at its June meeting.

May 1: The BHR will approve the selection of topics from this pool of applicants at its June meeting; the BHR will consider the texts of these markers at its September meeting.

August 1: The BHR will approve the selection of topics from this pool of applicants at its September meeting; the BHR will consider the texts of these markers at its December meeting.

October 20: The BHR will approve the selection of topics from this pool of applicants at its December meeting; the BHR will consider the texts of these markers at its March meeting.

Proposed marker topics will be evaluated based on the following criteria:

- | | |
|-----------|---|
| 25 points | Has potential to educate the public |
| 25 points | Fills a gap in the historical marker program in order to address a topic that the program has not extensively covered |
| 20 points | Addresses the history of a community that has been marginalized or underrepresented |
| 20 points | Reflects a breadth of historical significance that extends beyond the locality, preferably demonstrating statewide or national significance |
| 10 points | Contributes to a more equitable geographic distribution of markers |

When developing a marker proposal, please keep in mind:

- State historical markers are not erected to *honor* or *celebrate* people, places, or events. If you are primarily seeking to honor someone or something, a state marker is not the proper venue.
- Our mission is to educate the public, and markers are intended to present historically accurate information in as objective a fashion as possible. Therefore, texts will not editorialize or assign value judgments. Additionally, we cannot leave out factual information that is important, even if it may be considered upsetting or unpleasant.
- Topics must demonstrate a regional, statewide, or national level of significance. Subjects of primarily local importance are not eligible for state highway markers. State markers will emphasize their topics' connections with broader trends in history.
- Please consider whether there is anyone with whom you should consult or partner when preparing your application. For example, if you are applying for a marker about an individual who has living children or grandchildren, have you invited them to be part of the project? If you are applying for a marker about a school you did not attend, have you contacted the alumni association?
- Marker proposals will not advance to the Board of Historic Resources when it is impossible to authenticate or verify the information to the satisfaction of DHR staff. Photocopies of the documents that support your proposed marker text are a crucial part of the application package. We need to see *how you know* what you know about your topic.
- Buildings, historic districts, archaeological sites, cemeteries, etc., listed on the Virginia Landmarks Register and/or the National Register of Historic Places do not automatically qualify for highway markers. Each application will be evaluated on its own merits.
- A house of worship may qualify for a state historical marker if it: (1) was founded in the colonial period, (2) was founded by African Americans in the Emancipation/Reconstruction era, (3) was the first of a denomination in a locality, or (4) presents significant architectural qualities. Most other houses of worship would more appropriately be noted on a local marker.
- Please submit your application with the understanding that DHR staff will edit your proposed marker text in consultation with you.
- If the application is approved, the applicant will be charged for the manufacture of the sign panel and, in some cases, the post on which the sign is mounted. The price is set by Sewah Studios, the marker manufacturer, and is approximately \$3,000. For localities outside VDOT's jurisdiction, there is a \$415 charge for the post on which the marker is installed.
- We want you to succeed! We strive to tell Virginia's story, and we appreciate your role in telling it. If you have any questions, please don't hesitate to contact Jennifer Loux at Jennifer.Loux@dhr.virginia.gov or 804-482-6089. We look forward to working with you.

Here, for your reference, are criteria established by the BHR for the Marker Program:

Marker Criteria

(Approved by the Board of Historic Resources, 8 December 1993; revised 17 March 2016 and 13 December 2018)

The state historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. The text for each proposed marker shall be reviewed and edited by the manager of the marker program and the staff of the Department of Historic Resources and, with the location, shall be approved by the Board of Historic Resources.

No marker shall be erected to commemorate a living person.

In order for an historic event to be eligible for a marker, the event must have occurred at least fifty years ago. Likewise, a place or person must have attained its significance at least fifty years ago, although there are exceptions if the event, place, or person is of extraordinary historical significance.

The size and shape of the state marker shall be that presently in use. Only the following shall appear on the marker: the seal of Virginia; identification code; title; text; name of the Department of Historic Resources; and the year the marker was approved.

Markers shall be erected in safe locations, at or close to the places being described, and where they will be visible to the public. When a marker is to be placed in a Virginia Department of Transportation (VDOT) right-of-way, VDOT shall approve the site and install and maintain the marker. When a marker is to be placed in a locality's right-of-way, the local public works department shall approve the site and install and maintain the marker.

How to Develop and Submit a Marker Application

1. Research and Write a Proposed Marker Text

Research the topic by consulting primary and secondary sources. Primary sources are materials produced at the time of the historical event in question (such as letters, school board minutes, wills, deeds, newspaper articles, etc.), while secondary sources include articles or books written later. DHR places a higher value on primary sources. It is often helpful to seek assistance from local and regional historical associations and libraries when conducting your research. **You must photocopy your sources and submit them to DHR with your application.**

Propose a draft marker text of about 100-120 words, following the “Highway Marker Writing Style” (see Appendix 1 near the end of this packet). The text must demonstrate that the topic rises above the local level of significance.

Unless there is sufficient documentary evidence to establish authenticity without question, no “firsts” or other superlative terms will be used. As markers are designed to last for decades, please also avoid making observations in the text about current conditions of buildings or land.

2. Suggest a Suitable Marker Location

The site you suggest should be in the public right-of-way. Please provide either a street address or a description such as “U.S. Rte. 11, 0.2 miles south of Virginia Rte. 270.” Mark the location on a street or highway map and submit it with the application.

If the marker text refers to a specific physical property, we ask that you provide the property owner's contact information and signature on page 13 of this application.

Please see step 6 below for more information about the site-selection process.

BE SURE TO NOTE: If your proposed site lies within the corporate limits of an independent city or town, or on a secondary road in Arlington County or Henrico County, see Appendix 2 at the end of this packet. You will need to obtain a letter indicating the locality’s willingness to install and maintain the marker, and submit that letter to us with your marker application. For all other counties and localities, VDOT is responsible for approving sites and erecting markers; you do not need to obtain a letter indicating pre-approval from VDOT.

3. Submit Your Application Packet to DHR for Review

Approximately seven weeks after the application deadline for the quarter in which you apply, DHR staff will inform you whether your proposed marker topic has been selected to move forward in the process. If your application was not selected, you may apply again in the future.

4. Work with DHR in Revising or Refining the Marker Text

If your application is selected to move forward toward official approval, DHR staff will work with you to finalize the text that will appear on the marker. Staff will conduct additional research if necessary and will edit the text for accuracy, clarity, brevity, thoroughness, and educational value. Staff will then send the text to the Marker Editorial Committee, a group of outside scholars. If the committee accepts the text, DHR staff will present it to the Board of Historic Resources for official approval.

5. Await the Final Decision of the Board of Historic Resources

DHR will notify you of the date and time of the quarterly board meeting at which the marker text will be presented. The meeting is open to the public, and you are welcome to attend. After the meeting, DHR will send you a copy of the board-approved text. The board has final authority regarding the topics and content of all state markers.

6. Meet with the Virginia Department of Transportation or Local Public Works Department

If a marker is to be placed in VDOT's right-of-way, DHR will notify VDOT and ask that a traffic engineer meet with you to review the proposed site. VDOT is responsible for approving the site and may select another location if it concludes that your choice is incompatible with traffic safety.

If a marker is to be placed outside VDOT's jurisdiction (that is, within the boundaries of an independent town or city, or on a secondary road in Arlington or Henrico County), you will work with the locality's public works department to secure site approval for the marker. For a list of towns and cities that maintain their own roadways, please see Appendix 2 to this application.

Please take great care when finalizing the marker's location with VDOT or the local public works department. Make sure all members of the sponsoring group who wish to provide input are present. Discuss whether the sign panel will be parallel or perpendicular to the roadway. Once the site is agreed upon and the marker is installed, the marker cannot be relocated.

Criteria for Marker Placement:

Safety

It is expected that travelers will need to pull off the road to read the marker, and then reenter the highway; they must be able to do so conveniently and safely. Markers must be placed so that they do not block drivers' lines of sight when making turns or create traffic hazards when travelers stop to read the marker.

Markers also must be placed where they are least likely to be struck by motor vehicles or otherwise endanger motorists. Curves, industrial or commercial intersections, congested areas, and similar hazardous places will be avoided.

Accessibility

Ideally, the marker should be placed as close as possible to the site it describes. Sometimes, however, because of traffic conditions, the remoteness of the site, or other reasons, the marker must be placed some distance away. The marker should be placed in a safe but relatively high-traffic area. Given the choice between a secondary road and a primary road, the marker will be placed on a primary road if both locations are equally safe. Markers are not permitted on interstate or other limited access highways, except in safety rest areas or at welcome centers.

Cost efficiency

It is more cost effective to place the marker at an existing turnout or wide shoulder than it is to construct a new one. VDOT will not construct a pull-off area to accommodate a new marker. In some cases, this consideration may result in a marker's placement at a site other than the one requested by the sponsor.

Placement on private property

State markers are usually placed in VDOT rights-of-way or on public property in independent localities. Under special circumstances they may be placed on private property.

7. Pay for the Manufacture of the Marker

DHR will order the marker from the foundry, Sewah Studios, after the site has been approved. The foundry will bill the sponsoring organization directly at the time the marker is shipped to VDOT or to the local public works department. The price is set by Sewah Studios, the marker manufacturer, and is approximately \$3,000. Some applicants for markers in independent localities may be required to pay an additional \$415 for the post on which the marker will be mounted. The foundry accepts checks or money orders in payment.

VDOT will cover the cost of installing a marker in its right of way, including the cost of the post. In rare cases, funding for installation may not be immediately available, and the project may be delayed.

In certain localities outside VDOT's right of way, the sponsor may be responsible for covering the expenses associated with installing a marker.

The marker is the property of the Commonwealth of Virginia. The name of the sponsoring individual or organization cannot be included on the marker. The marker is silver-painted cast aluminum with black uppercase and lowercase letters and is approximately 42 by 40 inches. The same text appears on each side of the marker.

8. Hold an Unveiling Ceremony

The schedule for ordering and manufacturing markers is determined by various factors including the workload of DHR, VDOT, local public works departments, and Sewah Studios. **Please do not set a date for a ceremony** until the marker is delivered. DHR will try to send a representative to the ceremony to extend congratulations and to make brief remarks about the marker program. DHR, in consultation with you, will send out a press release to local media announcing the marker ceremony.

**Virginia Department of Historic Resources
Historical Highway Marker Required Information**

This form is designed to provide the Virginia Department of Historic Resources with the data necessary to evaluate a potential marker topic.

Proposed Title for Marker:
Address or Description of Proposed Marker Site:
Please also attach a map showing the proposed location for the marker.
City or County where proposed marker would be located: If the marker is to be placed in a town or city, please see Appendix 2 to this application form.
Would the marker be placed at the actual historic site it describes? If not, why not? If the marker site and the historic site are different, please be sure to indicate each one on the map submitted as part of the application package.
How far away (e.g., yards, miles) is the historic site from the proposed marker site (if applicable)?
Is the proposed marker associated with a “mitigation” agreement stemming from a federal 106 environmental review project? If so, please provide details about who is involved with the project and the appropriate project codes.

Proposed Text for the Marker: What information do you think should appear on the marker? Please propose a draft text of about 100-120 words that highlights the most significant facets of the topic. The text should make it clear that the subject is significant beyond its locality.

If your proposed topic is selected to advance toward official approval, please note that changes to the submitted text are likely to be made by DHR staff, the Marker Editorial Committee, and/or members of the Board of Historic Resources so that the final text conforms to the marker program's criteria and writing style. Examples of recently approved texts are available from DHR upon request.

In addition to submitting your proposed text in this application packet, **please also send an email containing your text** to Jennifer Loux at Jennifer.Loux@dhr.virginia.gov. The text should be in a format that is possible for DHR staff to cut and paste into a Word document, allowing us to create an electronic file for the application. Please do not write your text in capital letters.

Proposed Marker Text:

Bibliographical Sources Consulted. A minimum of three sources is required, but please do not limit yourself to three if you have additional material that will help us learn more about your subject. Our approval process includes a word-by-word fact check, and we will be looking at the documents very carefully. Please photocopy and submit all sources, or provide web addresses for sources that are online; applications submitted without these photocopies or web links will not be considered. Below, please list all documents, books, and articles you have consulted. You may use extra sheets if necessary.

Source #1

Author _____
Title _____
Publisher _____
Publisher's location
[City and State] _____
Date of publication _____

Source #2

Author _____
Title _____
Publisher _____
Publisher's location
[City and State] _____
Date of publication _____

Source #3

Author _____
Title _____
Publisher _____
Publisher's location
[City and State] _____
Date of publication _____

Sponsor Information (The foundry will send the invoice for the marker to the address provided below.)

Organization: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

Signature: _____

Date: _____

By signing this agreement you confirm that you have funding to pay for a state historical highway marker. The price is set by Sewah Studios and is approximately \$3,000 for the sign panel. The post on which the marker would be installed—which is necessary only for markers installed in localities outside VDOT’s jurisdiction—is \$415. In certain situations the sponsor could be responsible for expenses associated with installing a marker. The marker is and will remain the property of the Commonwealth of Virginia.

• • Signature required for processing all applications. • •

If the applicant is an organization, please provide the name and title of the contact person who will work with DHR to finalize the marker text.

Contact Name: _____

Title: _____

Email address: _____

Daytime telephone
and area code: _____

Author's Information

(If the author of the proposed marker text is different from the sponsor, please provide that person's contact information here.)

Organization: _____
Name: _____
Address: _____
City, State, Zip Code: _____
Email address: _____
Daytime telephone
and area code: _____

NOTE: If the marker text refers to a specific physical property, the Department of Historic Resources needs the property owner's information and signature prior to reviewing the proposal, even if the marker would be installed in the public right-of-way. Please provide the same below:

Owner: _____
Firm: _____
Address: _____
City, State, Zip Code: _____
Email address: _____
Daytime telephone
and area code: _____
Owner Signature _____
Date: _____

Notification

In the following space, please provide the contact information for the local County Administrator or City Manager. If your topic is selected, DHR will send a courtesy notification to this individual before the Board of Historic Resources meets to consider the final text.

Name: _____

Position/Title: _____

Locality: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

Appendix 1

Highway Marker Writing Style

To ensure stylistic consistency among state markers, DHR staff will revise and edit draft texts. The goal is to provide as much accurate and interesting information as possible in a limited space. Sponsors can assist us by following these suggestions when writing their drafts.

- Aim for about 100-120 words, but it is better to be a little too long rather than too short in the first draft. Please be aware that a marker's final text must not exceed 700 characters (this includes letters, punctuation marks, and spaces).
- Spell out numbers less than 10; otherwise, use Arabic numerals (one, two, etc., but 10, 237, 10,000, etc.).
- Do not use honorary titles such as Mr. and Mrs. Do include and abbreviate occupational titles and ranks (the Rev., Col., Maj. Gen., Dr., etc.) the first time a person's name appears. On subsequent use, give only the person's last name.
- Use military style for dates; abbreviate months (7 Dec. 1941).
- Do not use commas before or after Jr., Sr., II, etc. (e.g. James Brown Jr. was secretary of the board).
- On Civil War subjects, write "Civil War," not "War Between the States." For military personnel, give the individual's rank at the time of the event being discussed on the marker.
- On Seven Years' War subjects, write "Seven Years' War," not "French and Indian War."
- On first use, give a person's full name as he or she used it or as it is best known (e.g. Alexander Graham Bell; Maggie L. Walker), but on subsequent use give only the last name.

For advice on writing concisely and vigorously, refer to *The Elements of Style* by William Strunk Jr. and E. B. White. DHR uses the 17th edition of *The Chicago Manual of Style* as its authority on copy style.

Appendix 2

If you are applying for a marker to be placed in one of the following localities, your application *must* be accompanied by a signed letter from the local government stating that the locality agrees to install and maintain the marker on its public land.

If you have questions, please contact Jennifer Loux at Jennifer.Loux@dhr.virginia.gov.

Towns

Abingdon	Chincoteague	Leesburg	Smithfield
Altavista	Christiansburg	Luray	South Boston
Ashland	Clifton Forge	Marion	South Hill
Bedford	Culpeper	Narrows	Strasburg
Berryville	Dumfries	Orange	Tazewell
Big Stone Gap	Elkton	Pearisburg	Vienna
Blacksburg	Farmville	Pulaski	Vinton
Blackstone	Front Royal	Purcellville	Warrenton
Bluefield	Grottoes	Richlands	Wise
Bridgewater	Herndon	Rocky Mount	Woodstock
Chase City	Lebanon	Saltville	Wytheville

Counties

Arlington Co. and Henrico Co. (secondary roads only; call 804-482-6089 for further details)

Cities

Alexandria	Fairfax	Manassas	Roanoke
Bristol	Falls Church	Manassas Park	Salem
Buena Vista	Franklin	Martinsville	Staunton
Charlottesville	Fredericksburg	Newport News	Waynesboro
Chesapeake	Galax	Norfolk***	Williamsburg
Colonial Heights	Hampton	Norton	Winchester
Covington	Harrisonburg	Poquoson	
Danville	Hopewell	Portsmouth	
Emporia	Lexington	Radford	

For markers in Lynchburg, Petersburg, Richmond (city), Suffolk, or Virginia Beach, you do not need to submit a letter from the local government. DHR has an agreement for marker installation with these localities.

***To apply for a marker in Norfolk, you must receive special pre-approval from the City. You may contact them at historicalmarker@norfolk.gov to begin this process.

IS YOUR APPLICATION COMPLETE? Please make sure you...

- Review Appendix 2 to determine whether your application needs to be accompanied by a signed letter from a local official.
- Include copies of your documents/sources that verify the information that would appear on the marker.
- Submit a map indicating the proposed location of the marker.
- Provide the sponsor's signature on page 12.
- Send in your proposed marker text in the body of an email (or in an attached Word document—not pdf) to Jennifer.Loux@dhr.virginia.gov.

ool one mile southeast in 1931 to offer upper-level courses to African American students. l for African Americans at a cost of about \$40,000. The Federal Emergency Administration l for the project. Additional support came from the Virginia Board of Education's Literary aided African American schools across the South. The building was named Pocahontas l 1989, when county schools were desegregated.

virginia.gov.



A Powhatan County School Board Minutes Powhatan Today, 21 May 1998.



Powhatan County

**Powhatan County Building Official's
Statement to Uphold the 9-29-25 Notification Letter and
Deny the Appeal for Lack of Jurisdiction**

Appeal #: 2025-001

Appeal Date: 10-29-2025

Decision Appealed: 9-29-2025 Notification Letter for Permit 742-2025

Acronyms Used:

LBBCA – Local Board of Building Code Appeals

Review Board – State Building Code Technical Review Board

USBC – Virginia Uniform Statewide Building Code

Exhibit List:

Exhibit A – Building Official's 9-29-25 Status Notification Letter for Permit 742-2025

Exhibit B – Multiple Notifications of County Code Sec. 83-410(f) Zoning Requirements dated 7-9-25, 7-23-25, and 8-21-25

Exhibit C – Building Permit Application 742-2025 received 7-21-25

Exhibit D – Application for Appeal received 10-29-25

Exhibit E – Review Board Decision 04-02 – Fairfax County Pool Ordinance

Exhibit F – Review Board Decision 01-01 – Virginia Beach Zoning Ordinance

Exhibit G – Review Board Decision 99-12 – Chesterfield County Drainage Easement

Exhibit H – Review Board Decision 99-01 – Hanover County Zoning Ordinance

Exhibit I – Review Board Decision 98-09 – Isle of Wight County Local Ordinance

I. Introduction

Permit 724-2025 cannot be issued because it has not received **zoning** approval. The Building Official has no authority to determine whether a zoning ordinance requirement applies to a property or has been met. Because zoning matters are outside the scope of the USBC, there is no jurisdiction for the LBBCA to hear this appeal. The LBBCA should **uphold** the Building Official's 9-29-25 notification letter and **deny the appeal for lack of jurisdiction.**

II. USBC Section 110.1 - Approval and Issuance of Permits

The USBC recognizes there are other requirements that apply to property development outside the scope of the building code. In fact, Section 110.1 prohibits the Building Official from issuing permits until he receives approval from all other departments and agencies for compliance with all non-USBC related requirements:

110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall not be issued and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one-family or two-family dwellings. (**emphasis added**)

The Powhatan County Code of Ordinances contains the County's "local laws" set by the County Board of Supervisors, which are separate and distinct from the USBC. Many non-USBC-related construction requirements are found in the County's zoning ordinance. For example, the zoning ordinance regulates minimum lot size, building setbacks, how many homes can be built on a property, etc.

The County's Zoning Department has authority over zoning ordinance requirements. In fact, no building permit can be issued in the County until a zoning staff member signs the permit to signify compliance with zoning requirements. Zoning staff have not signed Permit 742-2025. (See page 2 of Permit Application, attached as **Exhibit C**).

County Code Section 83-410(f) is a zoning law that requires the Board of Supervisors to pre-approve demolition of historic buildings before a building permit can be issued. County Code Section 83-410(f) is enforced by the Zoning Department, not the Building Official. The Building Official and the County Administrator made the applicant aware of this zoning requirement on

multiple occasions, including before the permit application was filed (see emails and letter correspondence attached as **Exhibit B**).

On September 22, 2025, the Board of Supervisors unanimously denied the demolition permit under County Ordinance 83-410(f). As a result, the proposed demolition is not in compliance with the zoning ordinance and cannot proceed.

While the Building Official has no role in determining the applicability of zoning ordinance requirements, when he has been informed that a local ordinance requirement has not been met, he is required to provide written notice under USBC Section 110.1 to inform applicants of the reasons why a building permit cannot be issued.

This is exactly what the Building Official did in his letter notification dated 9-29-2025, which is attached as **Exhibit A**.

III. State Review Board Decisions on Local Ordinance Requirements Under USBC Section 110.1 - Approval and Issuance of Permits

The State Review Board has repeatedly confirmed that the Building Official has no authority or jurisdiction to determine “local ordinance requirements” because they are outside the scope of the USBC. In each of the five cases summarized below, the Review Board dismissed the appeal for lack of jurisdiction because other departmental approvals were required before a permit could be issued. The Review Board Decisions are also attached in full as **Exhibits E-I**.

1. Exhibit E – Review Board Decision 04-02 (Fairfax County Pool Ordinance)

The Fairfax County Swimming Pool Code, enforced by the Fairfax County Health Department, prevented the use of concrete pavers on decks adjacent to swimming pools. The builder appealed the Health Department’s decision on pavers to the LBBCA, and argued the USBC superseded the local swimming pool code. The LBBCA agreed and said the USBC allows concrete pavers. The Health Department appealed the LBBCA decision to the Review Board.

The Review Board overturned the LBBCA decision for lack of jurisdiction and improper venue for deciding matters under Fairfax County Swimming Pool Regulations. The Review Board found no authority to rule on the validity of the local requirement or whether the local requirement is superseded by the USBC. Rather, **the validity of a local requirement must be decided through an appropriate venue for challenging the ordinance in question**, whether it be an appeal to the Board of Zoning Appeals, an appeal to the governing body of the locality, or an appeal directly to the courts.

2. Exhibit F – Review Board Decision 01-01 (Virginia Beach Zoning Ordinance)

A billboard management company **appealed the code official’s withholding of a permit** to repair a billboard **because the zoning department determined** that structural alteration of the billboard was **prohibited under the zoning ordinance**. The billboard company appealed both the building code and the zoning decisions to the LBBCA and the Board of Zoning Appeals, respectively. Both decisions were upheld. The billboard company further appealed the USBC decision to the Review Board, and the zoning decision to the circuit court. The Review Board found a **preliminary jurisdictional issue for decision: whether the Building Official was barred from issuing the building permit due to the zoning decision**, regardless of whether the permit should or should not otherwise be issued under the USBC.

The Review Board applied USBC Section 108.1 [now 110.1 – Approval and issuance of permits] regarding when USBC permits may be issued in relation to approval of zoning and other matters. The Review Board determined that **the Building Official is prohibited from issuing the USBC permit where zoning officials determined there is noncompliance with the zoning ordinance** and that decision has not been overturned by an appropriate authority.

The Review Board **upheld** the code official’s decision and **denied** the appeal.

3. Exhibit G – Review Board Decision 99-12 (Chesterfield County Mini Storage – Drainage Easement)

A builder applied for a permit to construct the third phase of a mini storage facility on Hull Street Rd. **The Building Official informed the builder by letter that the permit could not be released due to problems with compliance with other County requirements**. The builder appealed and said the Building Official could not hold up the permit based on the non-USBC related requirement to record a drainage easement prior to releasing the building permit. The builder argued that the requirement to record the drainage easement was invalid or unauthorized. The Building Official argued that USBC Section 108.1 [now 110.1] barred him from issuing the permit until the county’s environmental engineering department, which was requiring the easement, notifies him that the requirement has been met.

The Review Board found the **purpose of USBC Section 108.1 [now 110.1]** is both to assure proposed construction will be in conformance with the requirements of the USBC and to provide a check and balance function to assure building construction related requirements outside the scope of the USBC are met prior to authorizing construction to commence. **In enforcing requirements outside the scope of the USBC, the Building Official** does not make an independent determination of whether non-USBC construction related requirements have been met, but instead **bases the issuance of the permit upon receiving the approval from the appropriate approving authority**.

The Review Board did not have jurisdiction to decide whether the county environmental engineer's decision to require the builder to record an easement was invalid or unauthorized – but the fact that such decision existed was sufficient to authorize the refusal to issue the building permit under 108.1 [now 110.1].

The Review Board upheld the code official's decision and denied the appeal.

4. Exhibit H – Review Board Decision 99-01 (Hanover County 2 Homes on 1 Lot – Zoning Ordinance)

A builder obtained a building permit and built a second house on a lot already containing one home. The Building Official became aware of the zoning violation and issued a notice of violation for occupying the home without a certificate of occupancy. The builder appealed the notice of violation to the LBBCA, which upheld the Building Official's decision. The builder appealed to the Review Board. Prior to the Review Board hearing, the Building Official revoked the building permit, so the builder appealed that decision to the LBBCA, which upheld the revocation. The builder then appealed the revocation to the Review Board. The zoning department and the county's counsel testified that a new USBC building permit would not be permitted to be issued due to lack of compliance with the County's zoning ordinance prohibiting two houses on a single lot.

The Review Board held that, while zoning issues are not within the jurisdiction of the Review Board, USBC Section 108.1 [now 110.1] requires the rejection of permit applications which do not conform to the requirements of the USBC and all pertinent laws and ordinances.

The Review Board upheld the code official's revocation of the permit and denied the appeal.

5. Exhibit I – Review Board Decision 98-09 (Isle of Wight Motel – Local Ordinance)

The code official determined that a proposed addition to an existing motel would have to connect its plumbing drainpipes to a public forced sewer main instead of to an existing septic system. The Review Board found the USBC allows connection to either a public sewer or private disposal system, without mandating which. However, the county attorney submitted a letter stating there is a local ordinance which requires connection to the public sewer and that the county board of supervisors has reviewed the project and determined the ordinance would require connection to the public sewer.

The Review Board upheld the code official's decision and denied the appeal under USBC Section 108.1 [now 110.1] because it did not comply with the local non-USBC ordinance requirement.

IV. Conclusion

This appeal presents a dispute over the application of County Code Section 83-410(f) – which requires the Board of Supervisors to pre-approve demolition permits for historic properties. However, this zoning ordinance requirement is under the authority of the Zoning Department, not the Building Official.

Because zoning matters are outside the scope of the USBC, the Building Official was required to reject the permit under USBC Section 110.1 for noncompliance with “all pertinent laws and ordinances.”

Accordingly, the LBBCA should uphold the Building Official’s 9-29-25 notification letter for Permit 742-2025 and **deny the appeal for lack of jurisdiction.**



Exhibit A

The County Of Powhatan

TO: Bob Benway, Director of Facilities PCPS

FROM: David Dunivan, CBO Building Official

DATE: September 29, 2025

RE: Permit 742-2025 – Demolition Permit, Parts of the PLC Building

On 7/21/2025, our office received a demolition permit for parts of the Powhatan Landmark Center. County Ordinance 83-410 requires that any demolition within a Historic Overlay District be approved by the Board of Supervisors before a Demolition Permit can be issued. The Powhatan County Board of Supervisors voted 5-0 on 9/22/25 against the proposed demolition of portions of the Powhatan Landmark Center. With that vote, the permit process cannot move forward. This permit can be cancelled by the applicant or will become abandoned after six months of inactivity per the 2021 Virginia Construction Code Section 108.8. I have included the ordinance and relevant code sections below.

Sec. 83-410. - Historic Overlay (H) District.

(f)

Demolition. No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.

The Code of Virginia and the adopted building code require that all applications meet applicable requirements of the building code, all pertinent laws, and ordinances.

13VAC5-63-100. Section 110 Permits.

A. Section 110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall

not be issued, and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one-family or two-family dwellings.

This letter shall serve as the written notification required in Section 110.1 of the 2021 Virginia Construction Code and provides the reasons why the permit cannot be issued.

Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink that reads "David W. Dunivan, CBO". The signature is written in a cursive style.

David Dunivan, CBO

From: [David Dunivan](#)
To: [Robert Benway](#)
Subject: Re: PLC Demolition
Date: Wednesday, July 9, 2025 11:00:06 AM
Attachments: [Logo Transparent Small 460b4cf3-fdca-4365-b3d0-2c95f2969a66.png](#)
[SocialLink Facebook 32x32 2b714b9d-a24d-4a0c-ac25-a9d2db8321dd.png](#)
[SocialLink Twitter 32x32 62bbaa66-ca3c-42b7-bf8f-f0b27088a433.png](#)
[SocialLink Instagram 32x32 9b51cd7d-49dc-49a8-bd63-4d2a06101cba.png](#)
Importance: High

Good morning Mr. Benway,

Below I have outlined the requirements for the demolition permit that is being proposed for portions of the PLC building. Please note that no work shall begin until permits are reviewed and issued by the County. This includes work that involves any demolition, any asbestos removal, any trade (elec, plumb, mech, gas) removal, etc. Additionally, please keep in mind that the demolition plans will need to be complete, with all pages for both the building and related trades. The process below will take some time since it involves both Planning Commission meetings and approval from the Board of Supervisors. All scheduled work will need to be delayed until all approvals and permits are obtained.

Requirements for demolition permit related to historic property under County Code Sec. 83-410(f):

- No work may begin on the property until a demolition permit has been submitted and approved by Powhatan County.
- A stop work order will be issued if any work proceeds without such permits.
- The permit procedure for this property requires the following:
 - Proof of ownership in form of Deed to property
 - Demolition contract and drawings
 - Asbestos testing report
 - Letter of material acceptance from qualified disposal facility
 - Survey / Site Plan showing containment of construction work and safety barriers
 - Planning Commission recommendation
 - Public Hearings before the Planning Commission and Board of Supervisors
 - Approval by the Board of Supervisors

Please share this information with any contracted parties. We will be glad to answer any questions that you may have. A Stop Work order will be issued immediately if any

work proceeds without the issuance of permits.

Thanks,

David Dunivan

Building Official

Building Inspections

p: 804-598-5622 x 2012

From: Robert Benway <robert.benway@powhatan.k12.va.us>

Sent: Tuesday, July 1, 2025 12:16 PM

To: David Dunivan <ddunivan@powhatanva.gov>

Subject: Re: PLC Demolition

David,

The contract with Demolition Services was signed on Friday by both parties. The goal is to begin in asbestos abatement and line termination around the middle of July. Asbestos testing is complete and abatement guidelines were provided as part of the demolition project plan.

The contractor is responsible for obtaining all permits. I will let them know to apply for permits ASAP as there is typically a 2 week lead time.

Thanks for reaching out,

Bob Benway

Director of Facilities

Powhatan County Public Schools

4290 Anderson Highway

Powhatan, VA 23139

(804) 598-5700

Working to create a safe, secure, clean and comfortable environment for students and staff to learn, work and play!

On Tue, Jul 1, 2025 at 12:06 PM David Dunivan <ddunivan@powhatanva.gov> wrote:

Good morning,

I just wanted to check in to see when the demolition work was going to take place for the west side of the PLC. I don't believe we have a demolition permit on file yet for the proposed work. We would also need asbestos testing and reports along with proper disposal procedures in place. Additionally, a utility disconnect inspection would be required once permits are issued. Please provide information as soon as possible.

Thanks,



David Dunivan

Building Official

Building Inspections

p: 804-598-5622 x 2012

a: 3834 Old Buckingham Rd. STE F

Powhatan, VA 23139

ddunivan@powhatanva.gov



This communication is subject to the **Virginia Public Records Act** § 42.1-76 et. seq. and is subject to release upon request unless specifically protected by law.

From: [David Dunivan](#)
To: [Robert Benway](#); [Christopher Zylonis, Jr](#); rfeather@demoservicesinc.com
Cc: [Ligon Webb](#); [Janet Currie](#)
Subject: PLC Demolition Application Update
Date: Wednesday, July 23, 2025 10:59:38 AM

Update on the PLC Demolition permit:

The permit for demolition has been received and entered in Keystone and it was assigned Permit Number 742-2025. The items below were noted upon the Building Department review and do not include any comments that may be noted by the Zoning Department. This permit will be routed to Zoning as of the time this email is being sent.

Building Department Comments:

- A significant amount of lead paint was also identified as part of the asbestos testing. These amounts are considered hazardous based on EPA standards. No information was received from the applicant regarding the proper safe removal of the lead paint items identified in the testing report. No lead paint disposal letter was received from a disposal facility to accept the lead paint materials.
- A letter of disposal for the asbestos identified two disposal locations, one for non-friable asbestos and one for friable asbestos. No letters were received directly from either of these disposal sites to accept the asbestos materials.
- A demolition plan was received, which could qualify as the site plan. However, this is not a survey if a survey is going to be required (please check with Zoning to see what may be required).
- The following meetings and procedures will need to be conducted as well:
 - Planning Commission recommendation
 - Public Hearings before the Planning Commission and Board of Supervisors
 - Approval by the Board of Supervisors

Zoning added the following information: “In order to properly advertise this, the soonest this can be heard before the Planning Commission is September 2, and before the BoS, September 22nd”.

For any additional information that may be needed on the Zoning side, please reach out to Ligon Webb. He will also be the person of contact for the meeting related items.

Thanks,

David Dunivan

Building Official

Building Inspections

p: 804-598-5622 x 2012



August 21, 2025

Dr. Beth Teigen
Superintendent
Powhatan County Public Schools

Dear Dr. Teigen,

As a follow up to the request at our meeting earlier this week, I wanted to share additional information on the Pocahontas Landmark Center and the requirements that apply under Powhatan County's zoning ordinance.

The Pocahontas Landmark Center was identified as a historic building within a Historic Overlay (H) District, as established in Sec. 83-410 of the Powhatan Zoning Ordinance. The intent of this designation is to protect structures of historical and cultural significance and to ensure that any major changes – such as demolition – receive careful review.

For any demolition request, the applicant must provide standard documentation such as proof of ownership, a demolition contract and drawings, an asbestos report, a letter of material acceptance from a disposal facility, and a site plan showing containment and safety barriers. In addition to this documentation, because the Landmark Center is a historic building, the process also requires public hearings before both the Planning Commission and the Board of Supervisors, and ultimately, approval by the Board of Supervisors. These steps must occur before demolition can be authorized.

I hope this summary is helpful as we continue our conversations about the future of the Pocahontas Landmark Center.

Sincerely,


County Administrator

Cc:

Bill Donati, Chair BOS
Mark Kinney, Vice-Chair BOS
Susan Smith, School Board Chair
Jeanne Wade, School Board Vice-chair

COUNTY OF POWHATAN
Building Inspections Department
3834 Old Buckingham Road, Suite F
Powhatan, VA. 23139
(804) 598-5622-Phone (804) 598-5877-Fax
www.powhatanva.gov

COMMERCIAL CONSTRUCTION
Permit Application

RECEIVED
JUL 21 2025

PERMIT NUMBER: 742-2025 DATE OF APPLICATION: 7/21/25 RECEIVED BY: CIW

OWNER NAME: Powhatan County Public Schools
Last name First name Middle initial

ADDRESS: 4290 Anderson Highway Powhatan, VA SITE ADDRESS: _____
(If different)

ZIP: 23139 PHONE: 804-598-5700

EMAIL ADDRESS: robert.benway@powhatan.k12.va.us

SETBACKS OF PROPOSED BUILDING: FRONT: _____ BACK: _____ RIGHT: _____ LEFT: _____

DISTANCE TO NEAREST BUILDING ON SAME LOT: _____

TAX PARCEL #: _____ TOTAL ACREAGE OF LOT: _____

HEALTH DEPT. PERMIT NUMBER: _____ EXPIRATION DATE: _____

WATER: (Check one) Public Private Well SEWAGE: (Check one) Public Private Septic

STRUCTURE: (Check one) ADDITION ALTERATION NEW CONSTRUCTION TEMPORARY

NATURE OF WORK: School Building - see back details
(Examples: Office Building, Canopy, etc.)

CONTRACTOR: Feather, Ronald L STATE LICENSE NO. 2705138502
Last name, First name Middle initial

TRADING AS: Demolition Services Inc. CLASS: A EXPIRATION: 1-31-2027

ADDRESS: 16377 Bennett Rd, Culpeper, VA 22701 SPECIALTY CLASSIFICATION(S): Demo

PHONE: 540-825-4321
BUSINESS LICENSE NO. 10456 2705138502 LOCALITY Powhatan Culpeper EXPIRATION: 12/31/25 1-31-2027

EMAIL ADDRESS: rfeather@demoservicesinc.com

NOTE:

Two (2) hard-copies and one electronic copy of plans required at time of submittal
When required by the Code of Virginia, provide A/E sealed plans.
When A/E sealed plans are not required by the Code of Virginia, plans must be signed by the individual (not company) responsible for the design, including the individual's occupation and address.

<input type="checkbox"/> COMMERCIAL BUILDING	Value: \$ _____	Total Sq Ft: _____
#Stories _____	Sq Ft 1 st Floor _____	Sq Ft 2 nd Floor _____
Sprinklers Y/N _____	Alarm System Y/N _____	Occupant Load _____
Other Work (Specify): _____		

DEMOLITION Value: \$ 360,300 (Total cost of demolition)

Describe building or building element to be demolished Portion of Pocahontas Landmark Center & Cottage

Have all utilities been disconnected? Yes No If No, explain _____

Please provide appropriate documentation (receipts) that demolition debris has been properly disposed of.

Note: Asbestos and Demolition Certification Form is required to be submitted with permit applications for all commercial repair, alteration, or demolition work.

By signing this application, the applicant acknowledges responsibility for the above matters.

I certify that I am legally authorized to make this application. I also certify that all construction will be executed in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code and the Ordinances of Powhatan County. No portion of the work executed under this permit will be used or occupied until a Final Inspection and/or Certificate of Occupancy is granted.


 Applicant Signature _____ Date 7/16/22025
 Chris Zylonis
 Print Name _____

Applicant is Building Owner Owner's Agent Contractor/Contractor's Agent

NOTE: If the permit applicant does *not* hold a Contractor's license issued by the Virginia Department of Professional and Occupational Regulation, submit a notarized Affidavit of Exemption from Contractor Licensing.

PERMIT FEES:

All fees plus state levy are to be paid upon application for a permit. The Commonwealth of Virginia requires every jurisdiction to collect a 2% fee levy on each permit issued. This amount is added to the permit fee collected by the county at the time of application for a permit (e.g., \$40 permit fee + 0.80 levy = \$40.80 total). Cash or check are the only acceptable forms of payment.

(THIS SECTION TO BE COMPLETED BY COUNTY STAFF)

Use Group: _____ Use Code: _____ Fed. Use Code: _____ Construction Type: _____

Magisterial Dist.: _____ Zoning: _____ Traffic Area: _____ Voting Dist.: _____

USBC Edition: _____ Hydrologic Unit: _____ Route #: _____ Floodplain: Y/N _____

Site Plan # _____ Variance/Conditional Use Permit# _____ Occupant Load: _____

Planning & Zoning Approval _____ Building Dept. Approval _____

POWHATAN COUNTY LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA)

Appeal No. _____

Application for Appeal



Powhatan County

Locality
Powhatan County School Board/
I (we) Powhatan County Public Schools of 4290 Anderson Highway, Powhatan, VA 23219
(Name) (Mailing address)

Tracy A. Gallehr, Esq., counsel and agent
Contact Number: for PCSB & PCPS (703)663-1723 Email: tgallehr@sandsanderson.com

Respectively request that the Local Board of Building Code Appeals review the decision made on September 29, 2025 by the code official.

Description of Decision Being Appealed: Building Official David Dunivan's September 29, 2025, letter of written notification "RE: Permit 742-2025 - Demolition Permit, Parts of the PLC Building," which denied issuance of the Permit.

Location of Property Involved: Parcel Identification Number 26-32; 4290 Anderson Highway, Powhatan, VA 23139

What is the applicant's interest in the property?

- ___ Owner
- ___ Contractor
- X Owner's Agent
- ___ Other (explain)

Relief Sought: Reverse the September 29, 2025, denial of a demolition permit and order the Building Official to issue a demolition permit for the project.

Attach the Decision of the Code Official and any other pertinent documents.

Tracy Gallehr Signature of Applicant

Filed at Powhatan, Virginia, the 28th day of October, 2025

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Fairfax County Department of Health
Appeal No. 04-2

Decided: April 16, 2004

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See § 36-114 of the Code of Virginia.

II. CASE HISTORY

In correspondence during the time period from July to November of 2003, Trammell Crow Residential ("Trammell Crow"), a company specializing in residential multi-family housing, was informed by the Fairfax County Department of Health ("Health Department") that the use of concrete paving bricks ("pavers") to form the decks adjacent to swimming pools at projects being constructed by Trammell Crow in the County did not comply with the Fairfax County Pool Code.

In December of 2003, Trammell Crow filed an appeal with the Fairfax County Board of Building Code Appeals ("County USBC board") seeking to have the Health Department's decision overturned and the use of the pavers approved.

The Fairfax County Attorney's Office, representing the Health Department, submitted a brief to the County USBC board in letter form questioning whether the County USBC board had jurisdiction of the matter as the decision in question was made under the Fairfax County Water Recreation Facilities Ordinance ("County's swimming pool regulations"), which are part of the Fairfax County Code.

The County USBC board met in February of 2004 and decided that it did have jurisdiction to hear the appeal. The appeal was heard on its merits at the same meeting and the County USBC

board ruled to overturn the decision of the Health Department and substituted a decision of its own prescribing criteria for the approval of the use of pavers for the swimming pool decks.

The Health Department appealed the County USBC board's decision to the Review Board seeking reversal on jurisdictional grounds.

A preliminary hearing before the Review Board was scheduled by Review Board staff to decide whether the County USBC board acted outside of its jurisdiction in hearing Trammell Crow's appeal. The parties were given the opportunity to submit written arguments prior to the preliminary hearing and the parties were in attendance and made oral arguments at the preliminary hearing.

III. FINDINGS OF THE REVIEW BOARD

This case concerns questions of jurisdiction and proper venue. Trammell Crow should have the right to challenge the decision of the Health Department concerning the use of the pavers, both as to whether the Health Department has authority to institute the requirement and as to whether the requirement is valid on its merits. The question is what venue is proper for that challenge.

The Review Board has had a number of cases where similar issues have arisen. The parties were given copies of these past

Review Board cases prior to the preliminary hearing. In Review Board Appeal Numbers 98-9, 99-1, 99-12 and 01-1, the issues in question were whether the Review Board had authority to determine that the USBC superseded a local ordinance requiring a sewer connection to a building, a zoning ordinance prohibiting two houses on one lot, a County Engineering Manual requirement for an easement and a County ordinance requirement for repairing signs, respectively. In each case, the Review Board ruled that it had no authority to rule on the validity of the local requirement or whether the local requirement was superseded by the USBC. That issue must be decided through an appropriate venue for challenging the ordinance in question, whether it be an appeal to a Board of Zoning Appeals, an appeal to the governing body of a locality or an appeal directly to the courts. What the Review Board did decide in those cases, however, is that the USBC prohibits the issuance of a building permit until compliance is achieved with the local requirement, or the local requirement has been found to be invalid by the appropriate body.

This case is no different. Trammell Crow argues that the County's swimming pool regulations are invalid because they are superseded by the USBC, which would permit the use of the pavers in question. They may be right. However, the Review Board has

no authority to rule on the validity of the County's swimming pool regulations.

The Health Department testified that it believed the proper venue for Trammell Crow's appeal was first to the Director of the Health Department under the County's swimming pool regulations and then to the Circuit Court. Section 69.1-1-15 of the County's swimming pool regulations, submitted as an exhibit by the Health Department, does provide for a hearing before the Director when a swimming pool permit or operator's certificate is denied.

In conclusion, the County USBC board incorrectly decided that it had jurisdiction to rule on whether the County's swimming pool regulations are superseded by the USBC or to hear Trammell Crow's appeal at all, since the purpose of the County USBC board is to hear appeals of decisions arising from the enforcement of the USBC only¹. No such decision was appealed. Therefore, the County USBC board should have dismissed Trammell Crow's appeal as invalid.

¹See § 36-105 of the Code of Virginia and § 106 of the USBC.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the County USBC board to be, and hereby is, reversed and vacated and the appeal by Trammell Crow to the County USBC board is ordered to be, and hereby is, dismissed as invalid.

Michael A. Connor, Sr.
Chairman, State Technical Review Board

June 18, 2004
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

No zoning approval

Exhibit F

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Adams Outdoor Advertising
Appeal No. 01-1

Decided: July 20, 2001

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

II. CASE HISTORY

Adams Outdoor Advertising ("Adams"), a billboard management company, appeals a decision of the City of Virginia Beach USBC officials ("code official") concerning a billboard located on property at the corner of Northampton Boulevard and Hook Lane.

In March, 2000, the code official informed Adams that the billboard was in an unsafe condition and would have to be demolished or repaired. Subsequent to correspondence between Adams and the code official, Adams filed for a USBC permit to repair the billboard. In review of the application, the code official determined additional information was needed before the permit could be approved.

After additional correspondence, in June, 2000, Adams was informed by the code official that the permit would still not be issued and, in separate correspondence, Adams was informed by the City's zoning department that the proposed repairs to the sign constituted a structural alteration, which was not permitted under the City's zoning ordinance.

Adams appealed the code official's decision to the City of Virginia Beach Board of Building Code Appeals ("City USBC board") and the zoning decision was appealed to the City of Virginia Beach Board of Zoning Appeals.

The City USBC board heard Adams' appeal and ruled to uphold the code official's decision. The City's Board of Zoning Appeals heard Adams' appeal of the zoning decision and ruled to uphold the zoning decision. Alleging undue interference by the City, Adams performed the repairs to the billboard prior to the hearings by the local boards.

Adams further appealed the City USBC board's decision to the Review Board and the Board of Zoning Appeals' decision was appealed to a circuit court.

Pursuant to Adams' appeal to the Review Board, Review Board staff conducted an informal fact-finding conference attended by both parties and their counsel. Review Board staff identified an issue for resolution by the Review Board of whether the code official was barred from issuing the USBC permit due to the zoning decision, irregardless of whether the permit should or should not otherwise be issued under the USBC. Several prior decisions of the Review Board involving similar issues were distributed to the parties for review prior to the hearing of the appeal.¹

A hearing before the Review Board was scheduled with the above issue to be heard preliminarily and if decided in the negative, to determine whether the permit should be issued. All

¹ Review Board Appeal Nos. 98-9, 99-1 and 99-12.

parties and their counsel were present at the Review Board hearing.

III. FINDINGS OF THE REVIEW BOARD

In consideration of the preliminary issue, the Review Board finds the record to clearly evidence that the changes to the billboard proposed and subsequently performed by Adams to have been determined by the City's zoning department to be in violation of the City's zoning ordinance. Adams appealed the City's zoning decision to the City's Board of Zoning Appeals, which upheld the City's zoning decision. The Board of Zoning Appeals' decision has been appealed to circuit court, but the case has not been heard. Therefore, at the current time Adams has not obtained the zoning approval required for the repair to the billboard.

Section 108.1 of the USBC² addresses when USBC permits may be issued in relation to approval of zoning and other matters, and states as follows:

"The code official shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and all laws and

²The edition of the USBC effective prior to September 15, 2000 is applicable in the appeal.

ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable."

The Review Board finds the code official is prohibited from issuing the USBC permit to Adams under the above language since the City's zoning officials have determined there is noncompliance with the City's zoning ordinance. Therefore, the code official's decision not to issue Adams' permit is upheld on this basis³ and no consideration of further issues in the appeal is necessary.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the code official not to issue Adams' permit and the decision of the City USBC board to uphold such decision of the code official to be, and hereby are, upheld.

The appeal is denied.

Michael A. Cramer, Sr.

Chairman, State Technical Review Board

9-21-01

Date Entered

³ Review Board member Jones dissented stating the appeal should not be before the Review Board at all.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Carroll Foster, Inc.
Appeal No. 99-12

Decided: October 15, 1999

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (USBC) and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia and § 103.1 of the USBC. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia and § 121.1 of the USBC. The Review Board's proceedings are governed by the Virginia Administrative Process Act. See Article 2 (§ 36-108 et seq.) of Chapter 6 of Title 36 of the Code of Virginia.

II. CASE HISTORY

In April 1999, Carroll Foster, Inc. (Foster), a development company, obtained site plan approval from the County of Chesterfield's Planning Department for Phase III of a mini storage facility on Hull Street Road.

In June 1999, Foster's contractor applied for a building permit from the Chesterfield County USBC department (code official). The code official informed the contractor by letter dated July 6, 1999 that the USBC permit could not be released due to problems with compliance with other County requirements.

Foster appealed the code official's refusal to issue the USBC building permit to the Chesterfield County Board of Building Code Appeals, which declined to hear the appeal. Foster then appealed to the Review Board.

Foster and the code official agreed to waive informal fact-finding proceedings and a hearing was held before the Review Board on October 15, 1999.

III. FINDINGS OF THE REVIEW BOARD

The issue for resolution by the Review Board is whether the code official erred in not issuing the USBC building permit. USBC, § 108.1 addresses the issuance of permits and states in pertinent part:

"If the application or the construction documents do not conform to the requirements of all pertinent laws, the

code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable."

Foster states the only outstanding issue is the County's requirement that a drainage easement be recorded prior to releasing the USBC permit. Foster argues the County lacks authority to require such a recorded easement, therefore the USBC permit must be issued.

The code official agrees the drainage easement is the only issue preventing the issuance of the USBC building permit, but argues he is barred from issuing the permit by USBC § 108.1 until the County's Environmental Engineering Department, which is requiring the drainage easement, notifies him that the requirement has been met.

The Review Board finds the purpose of § 108.1 of the USBC is both to assure proposed construction will be in conformance with the requirements of the USBC and to provide a check and balance function to assure building construction related requirements outside of the scope of the USBC are met prior to authorizing construction to commence. In enforcing the latter requirement, the code official does not make an independent determination of whether non-USBC construction related requirements have been met, but bases the issuance of the permit upon receiving the approval from the appropriate approving authority.

In this case, the County's Environmental Engineering Department has imposed the requirement for the easement upon Foster. Counsel for the County cites the authority for this requirement to be the County's Engineering Reference Manual and the decision-making power of the County Environmental Engineer. Foster acknowledges the requirement has not been met and only argues the requirement is invalid or unauthorized.

The Review Board does not have jurisdiction to decide whether the County Environmental Engineer's decision to require Foster to record an easement is invalid or unauthorized. However, the fact that such decision exists is sufficient to authorize the refusal to issue the building permit under USBC § 108.1.¹

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the Chesterfield County code official to be, and hereby is, upheld.

The appeal is denied.



Chairman, State Technical Review Board

¹ See also the decision of the Review Board in Appeal No. 98-9: Frank v. Isle of Wight, where the code official's refusal to issue a building permit was upheld based on the County's statement of noncompliance with a sewage disposal ordinance.

11-19-99
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Battlefield Rental Homes, Inc.
Appeal No. 99-1

Decided: October 15, 1999

DECISION OF THE REVIEW BOARD

I. PROCEDURAL BACKGROUND

The State Building Code Technical Review Board (Review Board) is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code (USBC) and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia and § 103.1 of the USBC. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia and § 121.1 of the USBC. The Review Board's proceedings are governed by the Virginia Administrative Process

Act. See Article 2 (§ 36-108 et. seq.) of Title 36 of the Code of Virginia.

II. CASE HISTORY

In February 1996, Battlefield Rental Homes, Inc. (Battlefield) obtained a building permit from the Hanover County USBC enforcement department (code official) to construct a new house on property owned by Battlefield. An existing rental house was also on the property.

In July 1996, Battlefield was notified by letter from a County zoning official that having two houses on the same lot was a violation of the County's zoning ordinance. The letter indicated the property could be brought into compliance with the zoning ordinance by creating a separate lot for each house, each meeting appropriate size, width and depth requirements, and by providing a 20 foot wide access. Battlefield was unable to satisfy the County's requirements for access and zoning approval was withheld.

In January 1998, the code official issued a USBC notice of violation for occupying the new house without a USBC certificate of occupancy. Battlefield appealed the notice to the Hanover County USBC appeals board, which upheld the code official's ruling. Battlefield then appealed to the Review Board.

In September 1998, prior to the Review Board hearing Battlefield's appeal, the code official revoked the USBC building permit. The Review Board then conducted a preliminary hearing and dismissed the appeal as moot due to the revocation of the permit.

In October 1998, Battlefield appealed the revocation of the building permit to the County's USBC appeals board. The County board upheld the revocation. Battlefield then appealed to the Review Board.

Battlefield and the code official agreed to waive informal fact-finding proceedings and a hearing was held before the Review Board on October 15, 1999.

III. FINDINGS OF THE REVIEW BOARD

The issue for resolution by the Review Board is whether the code official erred in revoking the USBC building permit. USBC, § 108.6 addresses the revocation of permits and states:

"The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based."

Battlefield argues it has a vested right to use the property as contemplated by the granting of the building permit and there are no misrepresentations on the building permit application.

The code official argues no vested right exists where the property does not comply with the County's zoning ordinance and

the site plan submitted with the building permit application was a misrepresentation due to only showing one house on the property.

The Review Board finds the requirements of the USBC for applying for a building permit include an accurate representation of all contemplated construction and existing construction on a site. USBC, § 107.6 states in pertinent part:

"The application for permit shall be accompanied by a site plan showing to scale the size and location of all new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey."

The USBC clearly required Battlefield to show both the existing house and the proposed new house when applying for the permit. Battlefield acknowledges both houses were not shown on the site plan. Therefore, a misrepresentation of fact occurred and USBC, § 108.6, required the code official to revoke the building permit.

In addition, a County zoning department representative and the County's counsel testified a new USBC building permit would not be permitted to be issued due to the lack of compliance with the County's zoning ordinance. While zoning issues are not within the jurisdiction of the Review Board, the USBC, in § 108.1, requires the rejection of permit applications which do not conform to the requirements of the USBC and all pertinent laws and ordinances.

IV. FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the Hanover County USBC appeals board, which upheld the code official's revocation of Battlefield's building permit, to be, and hereby is, upheld.

The appeal is denied.

Michael A. Connor Sr.

Chairman, State Technical Review Board

11-19-99

Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Vernon W. Hodge, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.

VIRGINIA:

Local ordinances

Exhibit I

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Jonathan Frank
Appeal No. 98-9

Decided: September 18, 1998

DECISION OF THE REVIEW BOARD

PROCEDURAL BACKGROUND

The State Building Code Technical Review Board ("Review Board") is a Governor-appointed board established to rule on disputes arising from application of the Virginia Uniform Statewide Building Code ("USBC") and other regulations of the Department of Housing and Community Development. See §§ 36-108 and 36-114 of the Code of Virginia. Enforcement of the USBC in other than state-owned buildings is by local city, county or town building departments. See § 36-105 of the Code of Virginia and § 103.1 of the USBC. An appeal under the USBC is first heard by a local board of building code appeals and then may be further appealed to the Review Board. See § 36-105 of the Code of Virginia and § 121.1 of the USBC.

This appeal to the Review Board is from a decision of the County of Isle of Wight USBC Inspections Department ("code official"). The decision being appealed was a determination

that a proposed addition to an existing Econo-Lodge Motel would have to connect its plumbing drain pipes to a public forced sewer main instead of to an existing septic system.

The appeal was first brought to the County of Isle of Wight Board of Building Code Appeals by Jonathan Frank, the architect for the project. The County appeals board denied Frank's appeal. An appeal to the Review Board was then filed by Frank.

FINDINGS OF THE REVIEW BOARD

The code official argues § 701.2 of the 1995 edition of the International Plumbing Code ("IPC"), a nationally recognized model code incorporated for use as part of the USBC, requires the drainage piping to be connected to a public sewer, where available. The code official states the Hampton Roads Sanitation District's forced sewer main, which is adjacent to the Econo-Lodge property is available for connection to the addition to the motel.

The Review Board finds the determination by the code official that § 701.2 of the IPC is applicable is incorrect. The IPC, as a referenced standard under the USBC, must be used in conjunction with USBC requirements. Section 102.4 of the USBC states, "Where differences occur provisions of this code and referenced standards, the provisions of this code apply." Section 2901.1 of the USBC, which addresses plumbing systems, states in pertinent part: "Water supply sources and sewage

disposal systems are regulated and approved by the Virginia Department of Health. Plumbing fixtures shall be connected to an approved water supply source and to an approved sanitary sewer or private sewage disposal system."

Therefore, the USBC permits connection to either a public sewer or private disposal system without mandating which. However, in this case, the County of Isle of Wight's County Attorney has submitted a letter indicating that there is a local ordinance which requires connection to the public sewer and that the County of Isle of Wight Board of Supervisors has looked at this particular project and determined the ordinance would require connection to the public sewer.

The USBC addresses this situation under § 108.1, which governs when a permit is to be issued and states as follows: "If the code official is satisfied that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, the code official shall issue a permit therefor as soon as practicable."

The action of the code official to deny the issuance of the permit due to the planned use of the septic system rather than connecting to the public forced sewer main is therefore correct, but the controlling provisions is § 108.1 of the USBC, not § 701.2 of the IPC.¹

¹ Review Board member Cantor opposed the vote to uphold the code official's decision to deny the permit stating connection to the private sewage disposal system satisfies USBC requirements.

FINAL ORDER

The appeal having been given due regard, and for the reasons set out herein, the Review Board orders the decision of the code official to reject the permit application due to the drainage piping being proposed for connection to the septic system instead of the public forced sewer main to be, and hereby is, upheld.

The appeal is denied.

Michael A. Conner, Sr.
Vice-Chairman, State Technical Review Board

10-16-98
Date Entered

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Norman R. Crumpton, Secretary of the State Building Code Technical Review Board. In the event that this decision is served on you by mail, three (3) days are added to that period.



Tracy A. Gallehr
Attorney

Direct: (703) 663-1723
TGallehr@SandsAnderson.com

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Fax: (540) 371-8158

October 29, 2025

VIA HAND DELIVERY

County of Powhatan Department of Community Development
Building Inspection Department
3834 Old Buckingham Road, Suite F
Powhatan, VA 23139
c/o David Dunivan, Building Official

Re: Powhatan County Public Schools Demolition Permit Denial
Permit # 742-2025 – Parts of the Pocahontas Landmark Center Building

Dear Mr. Dunivan:

Enclosed please find an application for appeal and statement of justification for such appeal before the Powhatan County Board of Building Appeals on behalf of the Powhatan County Public Schools and the Powhatan County School Board. We were advised that there was no filing fee for appeals to the Board of Building Appeals.

Also enclosed is an additional copy of the appeal application. Please file-stamp this copy for the person delivering this application or send it to the Superintendent at your earliest convenience.

Sincerely

A handwritten signature in blue ink that reads "Tracy A. Gallehr".

Tracy A. Gallehr

Enclosures

cc: School Board
Dr. Beth N. Teigen, Superintendent
Nicole S. Cheuk, Sands Anderson
Maxwell C. Hlavin, Sands Anderson

POWHATAN COUNTY LOCAL BOARD OF BUILDING CODE APPEALS (LBBCA)

Appeal No. _____

Application for Appeal



Powhatan County _____

Locality

I (we) Powhatan County School Board/
Powhatan County Public Schools of 4290 Anderson Highway, Powhatan, VA 23219
(Name) (Mailing address)

Contact Number: Tracy A. Gallehr, Esq., counsel and agent
for PCSB & PCPS (703)663-1723 Email: tgallehr@sandsanderson.com

Respectively request that the Local Board of Building Code Appeals review the decision made on September 29, 2025 by the code official.

Description of Decision Being Appealed: Building Official David Dunivan's September 29, 2025, letter of written notification "RE: Permit 742-2025 - Demolition Permit, Parts of the PLC Building," which denied issuance of the Permit.

Location of Property Involved: Parcel Identification Number 26-32; 4290 Anderson Highway, Powhatan, VA 23139

What is the applicant's interest in the property?

- Owner
- Contractor
- Owner's Agent
- Other (explain) _____

Relief Sought: Reverse the September 29, 2025, denial of a demolition permit and order the Building Official to issue a demolition permit for the project.

Attach the Decision of the Code Official and any other pertinent documents.

Tracy Gallehr _____
Signature of Applicant

Filed at Powhatan, Virginia, the 28th day of October, 2025

**Statement of Justification for the
Appeal Application to the
Powhatan County Local Board of Building Code Appeals**

Appellant and Property Owner:

Powhatan County Public School Board (“School Board”)
Powhatan County Public Schools (“PCPS”)
4290 Anderson Highway
Powhatan, VA 23139

Subject Property:

Parcel Identification Number 26-32, located at 4290 Anderson Highway, zoned Agricultural-10 (A-10).

Subject Permit:

Permit Number 742-2025 (the “Permit”)

Date of Filing of Appeal Application:

October 28, 2025

Decision Appealed:

Building Official David Dunivan’s September 29, 2025, letter of written notification “RE: Permit 742-2025 - Demolition Permit, Parts of the PLC Building,” which denied issuance of the Permit (**Attachment 1**).

Summary Basis of Appeal:

In accordance with Section 110.1, the Building Official is charged with reviewing applications for compliance with the Building Code and other “pertinent laws and ordinances.” In denying the Permit for the Subject Property, the Building Official misapplied an ordinance that is not pertinent to the Subject Property or Permit 742-2025. The Building Official based his denial on the failure to obtain approval of the Powhatan County Board of Supervisors (“BOS”) prior to the demolition of a structure within a Historic Overlay District pursuant to Powhatan County Zoning Ordinance (“PCZO”), Section 83-410. The Subject Property is neither in a Historic Overlay District nor is it, or any structures thereon, designated by ordinance as an historic landmark or structure; therefore, this reason for denial was not based on a pertinent law or ordinance and was in error.

Justification for Appeal:

The Subject Property is located at 4290 Anderson Highway, Parcel Identification Number 26-32, is also known as the Pocohontas Landmark Center (the “PLC”). The Subject Property adjoins and contains the access and road frontage for other parcels of property owned by the School Board, including Parcel No. 26-41A containing the Pocahontas Elementary School. The Subject Property contains multiple structures, one of which is the administrative offices of the School Board and PCPS. The PLC was last used for educational purposes in 2018 when the Pocahontas Middle School was closed. The eastern portion of the Subject Property is now used for a Powhatan County Parks and Recreation facility and the Powhatan African American Cultural Arts Museum. The property also contains several unoccupied structures – or portions of structures – that, in addition to being dangerous due to partial roof collapse, contain asbestos, mold and are beyond reasonable repair. It is the portions of these unoccupied and unsafe structures that the School Board seeks to demolish in the Permit: wings B, upper C, and D of the PLC comprising a total of approximately 39,275 square feet (**Attachment 2**) (collectively the “Structures”).

The BOS and School Board have been discussing and jointly working on finding a plan for the future of certain portions of the PLC for many years. From a budgetary standpoint, the last direction the BOS gave to the School Board was that the expense of renovation of the PLC was cost prohibitive and that partial demolition of the buildings was a more acceptable cost for the County and County taxpayers to bear on the “unsalvageable” portions of the PLC. As a result of this budgetary direction, the School Board procured and contracted with an entity to remove the dangerous wings of the structures and applied for the Permit. When the issue was raised by the County Department of Community Development that approval of the BOS was needed under PCZO Section 43-410(f), the School Board believed, based on the last budgetary direction from the BOS, that the process was a mere formality. The School Board agreed to go through the approval process under 43-410(f) to provide additional public process to the project, not because there was ever a belief that the Subject Property was zoned within a Historic Overlay District, or either an admission or concession that the process was required. In fact, the School Board formally objected to the process (**Attachment 3**) which letter is incorporated into this statement of justification the (the “Objection Letter”). This case was identified by the County as Case #25-13-HOD.

The Powhatan County Historic Overlay District (“HOD”) Ordinance is found in PCZO Section 83-410 (**Attachment 4**). Section 83-410(c) contains the procedures and criteria for the reclassification of land into a HOD. In pertinent part, this Section states “reclassification of land into a Historic Overlay District **shall occur in accordance with the procedures and review standards in Article II: Administration (zoning district map amendment (rezoning)).**” (PCZO Section 83-410(c), emphasis added). Stated more simply, a zoning map amendment is required for property to be added to a HOD zoning district.

The Subject Property is shown in Powhatan County GIS records, and on all documentation received from the County’s Community Development Department, as Agricultural-10 (A-10) zoning. Powhatan County has 24 use districts designated within their Zoning Ordinance (see PCZO Section 83-107). In addition to the A-10 zoning district, the Historic Overlay District is listed and designated by “H.” PCZO Section 83-108 states that “The boundaries of these districts are hereby established as shown on the zoning maps of Powhatan County, Virginia, said maps being on file in the office of the zoning administrator.” The official zoning maps in the office of the Powhatan County Zoning Administrator show the Subject Property with A-10 zoning and no designation of “H,” for the HOD.

The current HOD enabling ordinance was passed by the BOS on February 18, 2014. The School Board has continuously owned the Subject Property for the entire time the HOD Ordinance has existed. The School Board has no record within its minutes where it applied for or requested a rezoning to HOD as required by PCZO Section 83-410(c).

The School Board, by its counsel, through a Virginia Freedom of Information Act (FOIA) request sought any and all records related the Subject Property being rezoned into an history overlay district to include ordinances, resolutions, public hearing advertisements, and public hearing notices and minutes of the Planning Commission meetings and Board of Supervisors meetings related to such rezoning. In response on behalf of the County, Katie Shifflett, Deputy Clerk, responded that no such records could be found or they do not exist (FOIA request and reply email, **Attachment 5**).

It is not possible for the Subject Property to be rezoned into a HOD without any records or meeting minutes at the Planning Commission, BOS, or School Board. The rezoning procedures and criteria set out in PCZO Section 83-410(c) are extensive and require an investigation and report describing the historic, archeological, architectural or cultural

significance of the buildings, sites, etc., to be included in the HOD; recommended design standards and guidelines to apply to the review of applications for certificates of approval; a description of the HOD's recommended boundaries; and identification of contributing or noncontributing properties within the proposed district. The Planning Commission then considers whether to initiate a rezoning and refer the HOD to the BOS. It is inconceivable that the Subject Property went through the rezoning into a HOD and there are no minutes of any of the public bodies involved that reference the rezoning and absolutely no record of any of the documents to either create the HOD, design standards or guidelines that govern within the HOD or a list of contributing or noncontributing properties within the district.

PCZO Section 83-410(c)(3) contains a list of ten criteria for consideration in classifying a property into a HOD. One of those criteria is whether the property is listed in the National Register of Historic Places or the Virginia Landmarks Register. A review of the Virginia Landmarks Register maintained online by the Virginia Department of Historic Resources, a comprehensive list of all places within the National Register of Historic Places and Virginia Landmarks Register, does not show the Subject Property or any of the structures on the Subject Property are registered under either of those programs (Powhatan County appears on page 74 of 90, www.dhr.virginia.gov/wp-content/uploads/2025/06/RegisterMasterList.pdf, Powhatan County section reproduced below). The Register contains two Historic Districts within Powhatan: Powhatan Court House Historic District and Fine Creek Mills Historic District. However, it does not contain a historic district for the Subject Property.

<u>POWHATAN COUNTY</u>			
Belmead (Saint Emma's Church) 2024 Update & Belmead Boundary Increase	05-13-1969 12-12-2021	11-12-1969 04-14-2025	072-0049 072-0049
Powhatan Court House Historic District	12-02-1969	02-16-1970	072-0079
Keswick	11-19-1974	12-19-1974	072-0045
Belnemus	09-19-1978	04-20-1979	072-0002
Norwood	03-18-1975	05-19-1980	072-0048
Beaumont	06-17-1986	04-02-1987	072-0095
Blenheim	07-15-1986	12-11-1986	072-0003
Huguenot Memorial Chapel and Monument	06-17-1987	03-23-1988	072-0093
Saint Luke's Episcopal Church	10-18-1988	03-20-1989	072-0038
French's Tavern	12-13-1988	04-21-1989	072-0105
Paxton	12-12-1989	12-28-1990	072-0034
Emmanuel Church	12-12-1989	12-27-1990	072-0013
Provost	09-15-1999	12-22-1999	072-0055
Red Lane Tavern	06-13-2001	01-24-2002	072-0044
Mosby Tavern	12-04-2002	04-11-2003	072-0054
Fine Creek Mills Historic District	09-10-2003	01-16-2004	072-5018
Elmington	12-01-2004	01-20-2005	072-0012
Somerset	06-08-2006	09-06-2006	072-0040
Rosemont	03-20-2008	05-29-2008	072-0169
Fighting Creek Plantation	09-19-2013	12-03-2013	072-0015
Sublett's Tavern	03-20-2025	05-06-2025	072-0042

The Subject Property nor any of its structures have been nominated for and are not Virginia registered historic landmarks, the Subject Property is also not within the National Register of Historic places. The Subject Property does, however, contain a Virginia Historical Highway Marker. The Department of Historic Resources has a highway marker program the purpose of which is best summarized on their “Application to Propose Placement of a New Virginia Historical Highway Marker” (**Attachment 6**):

The Virginia historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. **The Department of Historic Resources’ purpose in erecting markers is to educate the public about Virginia’s history, not to honor, memorialize, or commemorate persons, events, or places.** Because highway markers are not honorific in nature, they do not serve the same purpose as monuments, statues, memorial plaques, or war memorials.” (emphasis added).

The “Pocahontas High School 0-71” marker was erected on the property on or around 2015 (**Attachment 7**). This is an honorific program that is designed to educate the public about Virginia history along state highways and roads. The highway marker is not an indication that a structure or place is listed on the National Register of Historic Places or the Virginia Landmarks Register, or qualifies it to be included in such registers.

The staff report for the September 22, 2025, BOS consideration for approval of the demolition permit notes that the property is zoned A-10. The report then goes on to justify the need to obtain BOS approval for the demolition permit “[b]ecause the PLC property is identified as a historic resource in the 2021 Comprehensive Plan and is recognized by a Virginia Historical Marker highlighting its role in segregated and desegregated education, Planning Staff has determined that review under the Historic Overlay District provisions of the zoning ordinance is warranted.” As noted above, a highway marker does not amount to a historic landmark or structure designation. As identified in the Objection Letter, neither the Subject Property nor any portion of the PLC are actually recognized in the County’s Comprehensive Plan as a historic resource (see Attachment 3). Further, even if they were recognized in the Comprehensive Plan, that would be irrelevant to determining whether PCZO Section 83-410 is an ordinance pertinent to the Subject Property or the Structures. A county’s comprehensive plan is a guide to the “coordinated, adjusted, and harmonious development” of land within the community – it is “the locality’s long-range recommendations for the general development of the territory covered by the plan.” Code of Virginia § 15.2-2223 (“... a comprehensive plan is generally ‘a guideline for the development and implementation of a zoning ordinance’ and ‘does not, by itself, act as an instrument of land use control.’” *Hartley v. Bd. of Supervisors of Brunswick Cty.*, 897 S.E.2d 217, 225, 80 Va. App. 1 (2024), quoting *Bd. of Supervisors v. Lerner*, 221 Va. 30, 37, 267 S.E.2d 100 (1980)). The Comprehensive Plan does not amount to an ordinance or regulation and cannot be enforced as if it does. In order for PCZO Section 83-410(f) to be applicable to the Subject Property, this land would need to be rezoned into a HOD – something the County has stated it cannot find any record has occurred. Further, in order for PCZO Section 83-410(f) to be applicable to the Permit, the Structures would need to be designated as a “historic landmark or structure” within an established HOD – something the County has also stated it cannot find any record has occurred.

Conclusion:

Because the Subject Property is not within a Historic Overlay District, and the Structures are not designated as a “historic landmark or structure” within an established HOD, the denial of the Permit on the basis of requiring “any demolition within a Historic Overlay District be approved by the Board of Supervisors” pursuant to PCZO Section 83-410(f) was not based on a pertinent law or ordinance, was in error, and must be reversed.



**EXHIBIT
1**

*The County Of
Powhatan*

TO: Bob Benway, Director of Facilities PCPS

FROM: David Dunivan, CBO Building Official

DATE: September 29, 2025

RE: Permit 742-2025 – Demolition Permit, Parts of the PLC Building

On 7/21/2025, our office received a demolition permit for parts of the Powhatan Landmark Center. County Ordinance 83-410 requires that any demolition within a Historic Overlay District be approved by the Board of Supervisors before a Demolition Permit can be issued. The Powhatan County Board of Supervisors voted 5-0 on 9/22/25 against the proposed demolition of portions of the Powhatan Landmark Center. With that vote, the permit process cannot move forward. This permit can be cancelled by the applicant or will become abandoned after six months of inactivity per the 2021 Virginia Construction Code Section 108.8. I have included the ordinance and relevant code sections below.

Sec. 83-410. - Historic Overlay (H) District.

(f)

Demolition. No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.

The Code of Virginia and the adopted building code require that all applications meet applicable requirements of the building code, all pertinent laws, and ordinances.

13VAC5-63-100. Section 110 Permits.

A. Section 110.1 Approval and issuance of permits. The building official shall examine or cause to be examined all applications for permits or amendments to such applications within a reasonable time after filing. If the applications or amendments do not comply with the provisions of this code or all pertinent laws and ordinances, the permit shall

not be issued, and the permit applicant shall be notified in writing of the reasons for not issuing the permit. If the application complies with the applicable requirements of this code, a permit shall be issued as soon as practicable. The issuance of permits shall not be delayed in an effort to control the pace of construction of new detached one-family or two-family dwellings.

This letter shall serve as the written notification required in Section 110.1 of the 2021 Virginia Construction Code and provides the reasons why the permit cannot be issued.

Please let me know if you have any questions or concerns.

Thanks,

A handwritten signature in black ink that reads "David W. Dunivan, CBO". The signature is written in a cursive style.

David Dunivan, CBO

1

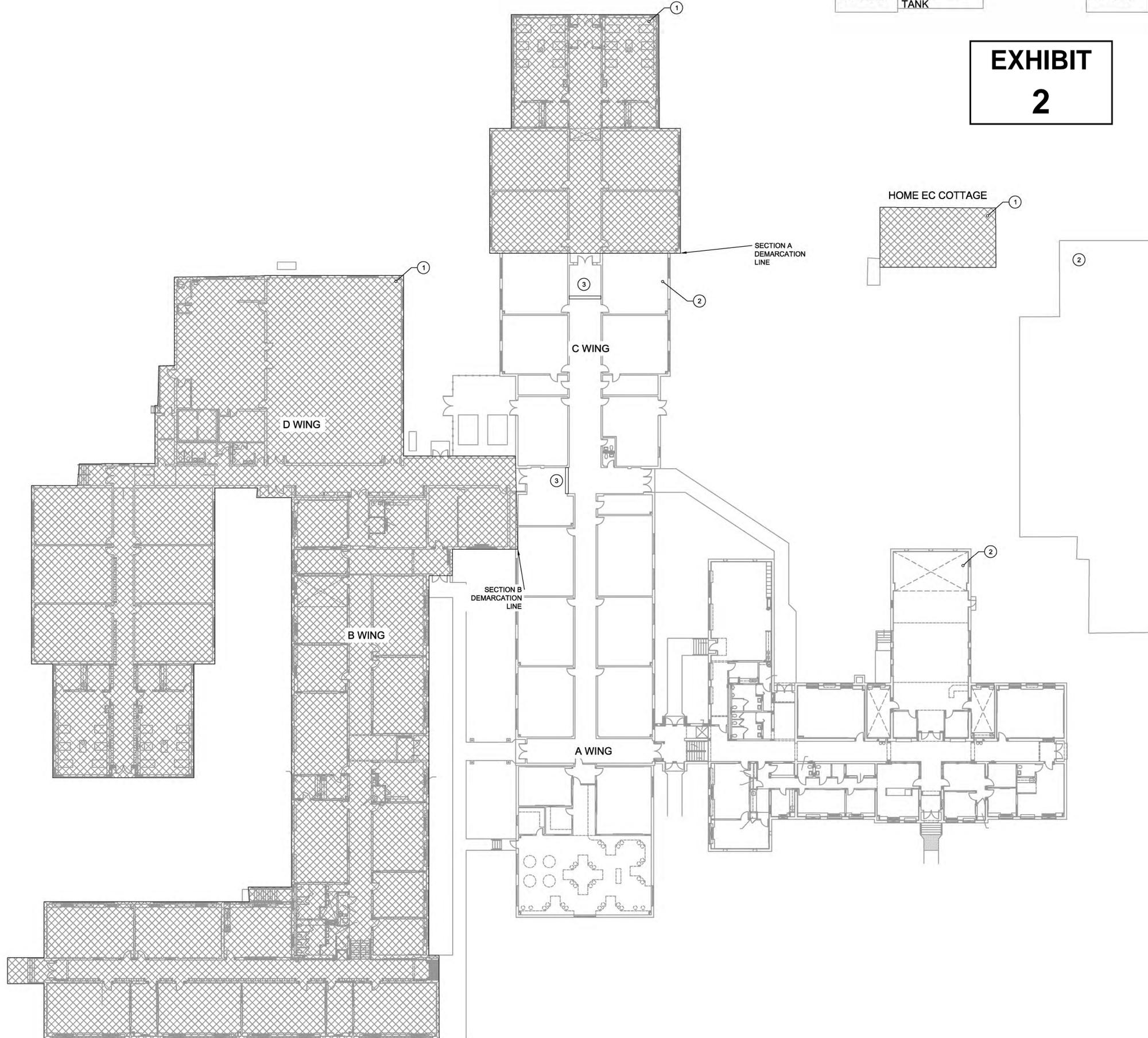
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E
D
C
B
A



(2) FIRE PUMP BUILDING
 FIRE PUMP WATER STORAGE TANK
 (2) WELL PUMP BUILDING

EXHIBIT
2

SECTION A DEMARCATION LINE

SECTION B DEMARCATION LINE

1 OVERALL DEMOLITION PLAN
 SCALE: 1" = 20'

GENERAL NOTES:

- PROJECT BASE BID SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO WING B AND WING D ONLY.
- BID ALTERNATE 1 SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO THE INDICATED SECTION OF WING C.
- BID ALTERNATE 2 SCOPE SHALL INCLUDE DEMOLITION AND ALL SUPPORT WORK TO THE HOME EC COTTAGE.
- AN ASBESTOS ABATEMENT SHALL BE COMPLETED BEFORE ANY DEMOLITION WORK IS STARTED.
- ALL PLUMBING, FIRE PROTECTION, MECHANICAL, AND ELECTRICAL SYSTEMS SHALL BE DISCONNECTED, MADE SAFE, OR REROUTED FROM THE DEMOLITION AREA PRIOR TO THE START OF DEMOLITION.
- A MINIMUM OF 72 HOURS NOTICE TO THE OWNER SHALL BE PROVIDED BEFORE ANY DISRUPTIONS TO UTILITY SERVICES (ELECTRICAL, INTERNET SERVICE, HVAC, FIRE PROTECTION, ETC.) ALL UTILITY SHUTDOWNS SHALL BE RESTRICTED TO A PERIOD OF 48 HOURS MAXIMUM. THE CONTRACTOR SHALL STOP ALL WORK IN THE EVENT OF AN UNSCHEDULED UTILITY SERVICE DISRUPTION AND ASSIST WITH THE UTILITY RESTORATION PROCESS AT NO ADDITIONAL COST TO THE OWNER.

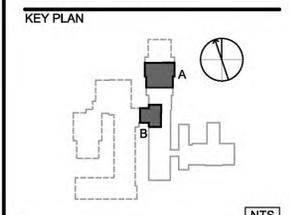
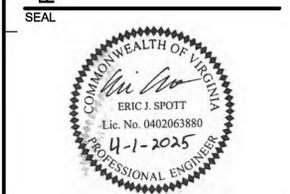
DEMOLITION NOTES:

- CONTRACTOR SHALL DEMOLISH EXISTING BUILDING INCLUDING ALL CONTENTS, BUILDING SYSTEMS, MASONRY, STRUCTURE, AND FOUNDATION. REFER TO CIVIL, ARCHITECTURAL, PLUMBING, FIRE PROTECTION, MECHANICAL, AND ELECTRICAL DRAWINGS FOR DETAILED SCOPE.
- EXISTING BUILDING TO REMAIN INCLUDING ALL CONTENTS.
- CONTRACTOR SHALL PROVIDE TEMPORARY PARTITIONS TO ISOLATE OCCUPIED PORTIONS OF THE BUILDING FROM THE CONSTRUCTION AREA.

WALL RATING LEGEND:



POWHATAN COUNTY PUBLIC SCHOOLS
POCAHONTAS LANDMARK CENTER
DEMOLITION PROJECT
 4290 ANDERSON HWY
 POWHATAN, VIRGINIA 23139
 CONSTRUCTION DOCUMENTS



REVISIONS

NO.	DESCRIPTION	DATE

DRAWN BY _____ EJS
 APPROVED BY _____ EJS
 CHECKED BY _____ EJS
 DATE _____ 4/1/2025

TITLE
GENERAL DEMOLITION OVERALL PLAN

PROJECT NO. 50186136

G-100
 SHEET NO.

4/1/2025 3:45:46 PM
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Maxwell C. Hlavin
Attorney

Direct: (804) 783-7241
MHLavin@SandsAnderson.com

RICHMOND | CHRISTIANSBURG |
FREDERICKSBURG | DURHAM | VIRGINIA BEACH
| WILLIAMSBURG

SANDSANDERSON.COM

919 East Main Street
Post Office Box 1998
Richmond, VA 23218-1998
Main: (804) 648-1636
Fax: (804) 783-7291

September 19, 2025

VIA Electronic Mail (kjackson@powhatanva.gov)

Ms. Kalli Jackson, Esq.
County Attorney
3834 Old Buckingham Road
Suite A
Powhatan, VA 23139

Re. Case # 25-13-HOD

Ms. Jackson:

This letter follows on our telephone conversation of September 18. As you are aware, our firm represents the Powhatan County School Board (“School Board”), which owns the parcel of real property with an address of 4290 Anderson Highway and further identified as County Tax Map Parcel No. 26-32 (the “Property”) and the improvements thereon, certain portions of which are the subject of Building Permit # 742-2025 (the “Permit”)¹ (such portions of the improvements referred to herein as the “Structures”).

The County has subjected the Permit to heightened legislative review under a theory that the Property is subject to “the Historic Overlay District provisions of the Zoning Ordinance,” apparently “out of an abundance of caution.”² There is, however, nothing that the School Board is aware of to demonstrate that the property is actually zoned “within a Historic Overlay (H) District” as would be required to make any of the provisions of Sec. 83-410 applicable.³ Similarly, the School Board is not aware of any ordinance setting forth the Structures (or any improvements on the Property) as a “historic landmark or structure” within a lawfully established historic overlay district, which would be a prerequisite to the application of Zoning Ordinance Sec. 83-410(f) related to the Permit.⁴

¹ September 22, 2025 Board of Supervisors Agenda [hereinafter “AGENDA”] at pp. 60-64.

² September 2, 2025 Planning Commission Agenda, Item 6.c, Staff Report at p.1.

³ See Zoning Ordinance Sec. 83-410(b), (c), (f); see also Va. Code § 15.2-2306.

⁴ See Zoning Ordinance Sec. 83-410(f); see also Va. Code § 15.2-2306(A), (C).

In addition to this fundamental misapplication Zoning Ordinance Sec. 83-410,⁵ and in particular Sec. 83-410(f), the School Board felt it was necessary to address some inaccuracies in the staff report related to the County's justifications that the Property "is identified as a historic resource in the 2021 Comprehensive Plan and is recognized by a Virginia Historical Marker":⁶

1. Neither the Property, nor the Structures are identified as a historic resource in the 2021 Comprehensive Plan. The County's Staff Report states that the Property is identified as "as a historic resource on Map 3;" however, there are no Virginia or National Register Sites, Historic Sites Potentially Eligible as Virginia Landmark, Critically-Threatened Historic Sites or Ruins, or Historic Sites Requiring Future Study to Determine Eligibility on the Property.⁷ An enlarged version of the relevant portion of Comprehensive Plan Map 3 is attached as Exhibit A. The Comprehensive Plan (and Map 3) does recognize the Property as being within the Courthouse Village Special Area Plan, but this is inapplicable to whether any of the provisions of Sec. 83-410 apply to the Property, or the process in Sec. 83-410(f) applies to the Structures or the Permit.
2. Neither the Property, nor any improvements on the Property, are identified on the Historic Register maintained by the Virginia Department of Historic Resources.⁸
3. The installation of a Historical Highway Marker, such as Marker O-71 for Pocahontas High School, is part of an educational program that any person can apply for and is entirely distinct from the process to zone property into an historic overlay district.⁹

The School Board respectfully objects to the application of any provision of Sec. 83-410 to the Property, and the imposition of the process in Sec. 83-410(f) on the Permit, which is inconsistent with both state law and the County's ordinance itself. If the County continues to require the School Board to proceed with Case # 25-13-HOD prior to providing a decision on the Permit, the School Board respectfully objects to any denial of Case # 25-13-HOD, as well as the imposition of any condition on the Permit that may be imposed by the Board of Supervisors in approving Case # 25-13-HOD. The School Board requests that review and approval of the Permit be completed under the applicable ministerial process required by the Virginia Uniform Statewide Building Code.

I ask that you please work with the Clerk of the Board to place this letter in the legislative record for Case # 25-13-HOD, as well as the Building Official to place it in the County's file for Building Permit # 742-2025, both of whom are copied. Of course, we welcome continuing the conversation with you or coordinating a meeting with yourself and others from the County, if productive.

As an interim alternative, if the County is not going to forego the Sec. 83-410(f) process and proceed with ministerial review under the VUSBC, the School Board would be open to a deferral of the case on Monday to allow for the County time to reconsider its position. Thank you in advance for the County's attention to this matter and your commitment to public service.

⁵ See Va. Code § 15.2-2306.

⁶ AGENDA at pp. 51, 59.

⁷ POWHATAN COUNTY, VA., Long-Range Comprehensive Plan at pp. 59-60.

⁸ A list of sites in Powhatan County, available at <https://www.dhr.virginia.gov/location/powhatan-county/>.

⁹ General information related to DHR's Historical Highway Marker program, which is managed in collaboration with VDOT, is available at <https://www.dhr.virginia.gov/highway-markers/marker-application-process/>.

Respectfully,



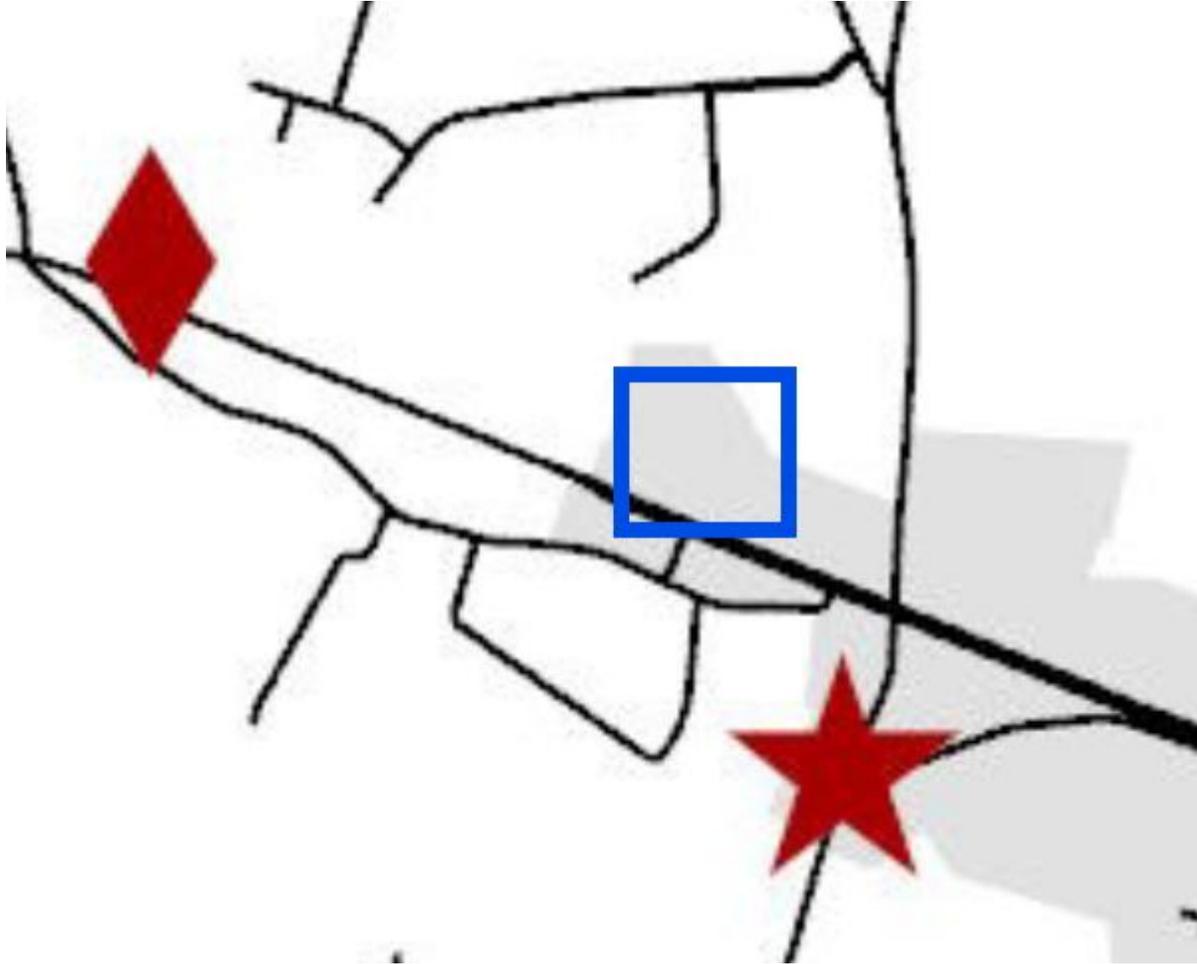
Max Hlavin

Attachment: Exhibit A – Enlarged Comprehensive Plan Map 3

- cc. Dr. Beth Teigen, Superintendent, by email
Susan Smith, Chair of the Powhatan County School Board, by email
Nicole Cheuk, Esq., by email
William Hagy, County Administrator and Clerk to the Powhatan County Board of Supervisors, by email
David Dunivan, Building Official, by email

EXHIBIT A

[Enlargement of Comprehensive Plan Map A depicting the Property]



Sec. 83-410. Historic Overlay (H) District.

- (a) *Purpose.* The purpose of the Historic Overlay (H) District is to identify sites containing specified landmarks, buildings and structures, villages, intersections, and scenic byways having historical, archaeological, social, economic, architectural, political, funerary, or cultural significance, with the intent of enhancing public awareness of such historic resources and encouraging their preservation and protection. Historic Overlay District regulations are intended to protect historic resources against destruction or encroachment; to encourage uses that will lead to their continuance, conservation, and archaeological heritage of the county; to prevent creation of environmental influences adverse to such purposes; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.
- (b) *Applicability.* The Historic Overlay (H) District may be applied in accordance with the zoning district map amendment (rezoning) provisions of Article II: Administration, to property that contains a historic landmark, building, or structure, or that makes up a historic district, and to immediately adjacent land whose development could adversely affect the integrity of such a historic landmark, building, structure, or district.
- (c) *Procedures and criteria for reclassification of land into a historic overlay district.* Except as modified by subsection (1) below, reclassification of land into a Historic Overlay District shall occur in accordance with the procedures and review standards in Article II: Administration (zoning district map amendment (rezoning)).
- (1) *Pre-application requirements.*
- a. Before the zoning district map amendment (rezoning) application to establish a Historic Overlay District is submitted, an investigation and report of the potential Historic District shall be conducted, prepared by the initiating party, and submitted to the planning commission. The report shall:
 1. Describe the historic, archeological, architectural, or cultural significance of the buildings, structures, sites, areas, features, objects, or surroundings proposed to be included in the Historic District;
 2. Recommend design standards and guidelines to apply to the review of applications for a certificate of approval;
 3. Describe the district's recommended boundaries; and
 4. Identify properties within the proposed district as either "contributing" or "noncontributing" to the proposed district's historic, archeological, architectural, or cultural significance.
 - b. The planning commission may accept as the required significance report, a report prepared in conjunction with a previous nomination of the same land for Historic Overlay District zoning or for listing in the Virginia Landmarks Register or the National Register of Historic Places.
 - c. The planning commission shall consider the significance report based on the standards in section 83-410(c)(3), criteria for Historic Overlay District classification. On receiving a significance report, the planning commission shall consider whether to initiate a zoning map amendment (rezoning) application to classify the involved land as a Historic Overlay District.
 - d. If the planning commission decides not to refer the significance report on a potential Historic District to the board of supervisors, an owner of the property or properties making up the potential Historic District may prepare and submit an application for a zoning district map amendment (rezoning) to classify the involved land as a Historic Overlay District. Any such application shall include the significance report reviewed by the planning commission and a

record of action on the report by the planning commission (and board of supervisors, if applicable).

- (2) *Zoning district map amendment application review.* An application to classify land into a Historic Overlay District, whether initiated by the planning commission, the board of supervisors or by owners of property making up a potential Historic District, shall be subject to the review procedures and standards in Article II: Administration, zoning district map amendment (rezoning).
- (3) *Criteria for Historic Overlay District classification.* Land may be reclassified as a Historic Overlay District only after consideration of whether the proposed district:
- a. Is associated with persons, events, activities, or institutions of local, state, or national historical significance; or
 - b. Reflects the cultural, political, economic, architectural, archeological, funerary, or historical heritage of the county; or
 - c. Contains qualities and/or artifacts which significantly contribute to present-day knowledge and understanding of lifestyles, activities, events, or experiences of a previous era; or
 - d. Contains buildings or structures that embody the distinctive characteristics of an architectural style that is significant for the study of a period, method of construction, or use of indigenous materials; or
 - e. Contains buildings or structures that represent the work of a master architect, designer, or builder whose individual work has influenced the development of the city, county, state, or nation; or
 - f. Contains buildings or structures recognized for the quality of architecture and retaining sufficient features showing that architectural significance; or
 - g. Is a geographically definable area possessing a significant concentration of well-designed structures or other objects or sites united by past events or by a plan or physical development; or
 - h. Is a geographically definable neighborhood united by culture, architectural styles, or physical development; or
 - i. Has yielded, or may be likely to yield, information important in prehistory or history; or
 - j. Is listed in the National Register of Historic Places or the Virginia Landmarks Register, or includes individual properties so listed.
- (d) *Certificate of approval required.* After land is classified into a Historic Overlay District, no development shall occur on such land without issuance of a certificate of approval in accordance with the review procedures and standards in the specific review procedures provisions of Article II: Administration.
- (e) *Modified use standards.* Irrespective of the principal use standards applicable to the underlying zoning district (see Article VII: Use Standards), telecommunications towers are prohibited within historic overlay districts.
- (f) *Demolition.* No historic landmark or structure within a Historic Overlay (H) District shall be demolished unless and until the demolition is approved by the board of supervisors after receipt of a recommendation from the planning commission and, if deemed necessary, consultation with an architect from the Virginia Department of Historic Resources.

(Ord. No. O-2014-02, 2-18-14)

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Tuesday, October 7, 2025 12:40 PM
To: Beth Teigen; Susan Smith
Cc: Cheuk, Nicole S.
Subject: FW: Record Requests - Tax Map Parcel # 26-32

EXHIBIT
5

Dr. Teigen and Chair Smith, we received the County's responses to the School Board's VFOIA requests. We thought you all and the other members might like to see the responses and records as part of the School Board's consideration of its next steps. The responses are highlighted below (highlights in original) and are supplemented by the 10/7 email from Ms. Shifflett. The provided records can be accessed at:

<https://sandsanderson.sharefile.com/d-sc102fd13deed4e12aa6f77928e098594>.

There is nothing in the responses or provided records indicating that the property is within an historic overlay district or that any portion of the PLC has been identified as an historic landmark or structure consistent with Virginia Code § 15.2-2306 and County Code Sec. 83-410.



Maxwell C. Hlavin

Attorney

Sands Anderson PC

PO Box 1998, Richmond, VA 23218-1998

Direct: (804) 783-7241 | Main: (804) 648-1636

www.sandsanderson.com | mhlavin@sandsanderson.com | [Bio](#) | [vCard](#)

NOTICE from Sands Anderson PC: This message and its attachments are confidential and may be protected by the attorney/client privilege. If you are not the named addressee or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Please notify the sender immediately by e-mail and delete and destroy this message and its attachments.

From: Katie Shifflett <kshifflett@powhatanva.gov>
Sent: Tuesday, October 7, 2025 9:41 AM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

My apologies, you are correct. In regard to the second request: Pursuant to Virginia Code section 2.2-3704, the requested records could not be found or do not exist



Powhatan County

Katie Shifflett

Deputy Clerk

County Administration

p: 804-598-5612 x 2010

a: 3834 Old Buckingham Rd.

Powhatan, VA 23139

kshifflett@powhatanva.gov



This communication is subject to the **Virginia Public Records Act** § 42.1-76 et. seq. and is subject to release upon request unless specifically protected by law.

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Tuesday, October 7, 2025 9:37 AM
To: foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

You don't often get email from mhlavin@sandsanderson.com. [Learn why this is important](#)

Thank you very much for your efforts in timely providing these records and responses. Can you please clarify the response to Request #2 below. Based on the representation of Mr. Hagy's verbal response, it appears to be that the requested records could not be found or do not exist, but I do not want to make any assumptions on the County's written response. Thanks again.

Max



Maxwell C. Hlavin

Attorney

Sands Anderson PC

PO Box 1998, Richmond, VA 23218-1998

Direct: (804) 783-7241 | Main: (804) 648-1636

www.sandsanderson.com | mhlavin@sandsanderson.com | [Bio](#) | [vCard](#)

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From: foia <foia@powhatanva.gov>
Sent: Monday, October 6, 2025 4:09 PM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

1. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to Tax Map 26-32 being zoned into an historic overlay district.

Pursuant to Virginia Code section 2.2-3704, the requested records could not be found or do not exist

2. All minutes of Planning Commission meetings and Board of Supervisors meetings related to Tax Map 26-32 being zoned into an historic overlay district.
 - a. Please note that this request reaffirms the record request made by Dr. Teigen to Mr. Hagy on August 28, 2025, which went without a response.

Please note that Mr. Hagy responded to Dr. Teigen's August 28, 2025 records request in conversation the same day or shortly thereafter by informing her there are no responsive records

3. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to the Board of Supervisors identifying or “setting forth” any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

See attached records

4. All minutes of Planning Commission meetings and Board of Supervisors meetings related to the identification or “setting forth” of any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

See attached records

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Wednesday, September 24, 2025 1:18 PM
To: foia <foia@powhatanva.gov>; Kalli Jackson <kajackson@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

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Received. Thank you.



Maxwell C. Hlavin

Attorney

Sands Anderson PC

PO Box 1998, Richmond, VA 23218-1998

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From: foia <foia@powhatanva.gov>
Sent: Wednesday, September 24, 2025 1:05 PM
To: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>; Kalli Jackson <kajackson@powhatanva.gov>; foia <foia@powhatanva.gov>
Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>
Subject: RE: Record Requests - Tax Map Parcel # 26-32

CAUTION: External Message

Due to the nature of this request spanning potentially decades-worth of paper and electronic files, it is not practically possible to provide the requested records or to determine whether they are available within the initial 5-work-day period. Therefore, the County is invoking the 7-work-day extension available under Va. Code Section 2.2-3704 to allow additional staff time to conduct an extensive search for, and review of, such records or before October 6, 2025.

From: Hlavin, Maxwell C. <mhlavin@sandsanderson.com>
Sent: Thursday, September 18, 2025 3:44 PM
To: Kalli Jackson <kajackson@powhatanva.gov>; foia <foia@powhatanva.gov>

Cc: Cheuk, Nicole S. <NCheuk@sandsanderson.com>

Subject: Record Requests - Tax Map Parcel # 26-32

Some people who received this message don't often get email from mhlavin@sandsanderson.com. [Learn why this is important](#)

Kalli, following up on our conversation so that we can obtain relevant public records, which would help to address the applicability of County Code Sec. 83-410(f) (or any predecessor ordinances adopted pursuant to Virginia Code § 15.2-2306) to Tax Map Parcel # 26-32 and the portions of structures subject to Permit No. 742-2025 for demolition. On behalf of the Powhatan County School Board, please provide public records in accordance with the Virginia Freedom of Information Act for the following four requests:

1. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to Tax Map 26-32 being zoned into an historic overlay district.
2. All minutes of Planning Commission meetings and Board of Supervisors meetings related to Tax Map 26-32 being zoned into an historic overlay district.
 - a. Please note that this request reaffirms the record request made by Dr. Teigen to Mr. Hagy on August 28, 2025, which went without a response.
3. All ordinances, resolutions, public hearing advertisements, and public hearing notices, related to the Board of Supervisors identifying or “setting forth” any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.
4. All minutes of Planning Commission meetings and Board of Supervisors meetings related to the identification or “setting forth” of any historic landmarks, buildings, or structures on Tax Map Parcel # 26-32.

We are happy to receive the records responsive to each of the four requests above in electronic format via email or other electronic delivery on behalf of the School Board. Please provide an estimate if the County believes the charges for producing the requested records for any of the four requests above will be more than \$200. Please don't hesitate to reach out related to any of the foregoing or Case # 25-13-HOD generally. Thanks!

Max



Maxwell C. Hlavin

Attorney

Sands Anderson PC

PO Box 1998, Richmond, VA 23218-1998

Direct: (804) 783-7241 | Main: (804) 648-1636

www.sandsanderson.com | mhlavin@sandsanderson.com | [Bio](#) | [vCard](#)

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**DEPARTMENT OF HISTORIC RESOURCES****2801 Kensington Avenue, Richmond, Virginia 23221**

Telephone: (804) 367-2323 Fax: (804) 367-2391

**Application to Propose Placement of a New
Virginia Historical Highway Marker**

Before completing this application, please read the information below explaining the procedures and criteria for the marker program. Please note that not all applications will be approved.

You may submit this application and accompanying material via email to Jennifer Loux, Highway Marker Program Manager, at Jennifer.Loux@dhr.virginia.gov. If you would prefer to submit a hard copy of your application, please send it to:

Dr. Jennifer R. Loux
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Incomplete applications will not be considered. Applications *must* be accompanied by photocopies of source material (or links to online material). All submitted materials become the property of the Department of Historic Resources (DHR).

If you have questions, please contact Jennifer Loux at (804) 482-6089 or Jennifer.Loux@dhr.virginia.gov.

Purpose of the Marker Program

The Virginia historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. The Department of Historic Resources' purpose in erecting markers is to educate the public about Virginia's history, not to honor, memorialize, or commemorate persons, events, or places. Because highway markers are not honorific in nature, they do not serve the same purpose as monuments, statues, memorial plaques, or war memorials.

Application Procedures

The Virginia Board of Historic Resources (BHR), the body responsible for approving highway markers, convenes in March, June, September, and December. The Highway Marker Program will accept applications from the public four times per year, in advance of each quarterly meeting.

Using the criteria outlined below, a committee of DHR staff members will identify the highest-scoring marker proposals from the pool received at each deadline. At least five topics will be selected. Staff will then present the list of selected topics to the BHR for official approval at its next meeting, approximately seven weeks after the application deadline. At the subsequent meeting of the BHR, three months later, staff will present the final texts of the markers for Board approval. Any applicant whose project is not selected will be eligible to apply again in the future, but *applications will not automatically be carried over to future board cycles*.

Our deadlines for completed applications to be received are the following dates at 11:59 pm. Extensions cannot be granted, so please plan ahead.

February 1: The BHR will approve the selection of topics from this pool of applicants at its March meeting; the BHR will consider the texts of these markers at its June meeting.

May 1: The BHR will approve the selection of topics from this pool of applicants at its June meeting; the BHR will consider the texts of these markers at its September meeting.

August 1: The BHR will approve the selection of topics from this pool of applicants at its September meeting; the BHR will consider the texts of these markers at its December meeting.

October 20: The BHR will approve the selection of topics from this pool of applicants at its December meeting; the BHR will consider the texts of these markers at its March meeting.

Proposed marker topics will be evaluated based on the following criteria:

- | | |
|-----------|---|
| 25 points | Has potential to educate the public |
| 25 points | Fills a gap in the historical marker program in order to address a topic that the program has not extensively covered |
| 20 points | Addresses the history of a community that has been marginalized or underrepresented |
| 20 points | Reflects a breadth of historical significance that extends beyond the locality, preferably demonstrating statewide or national significance |
| 10 points | Contributes to a more equitable geographic distribution of markers |

When developing a marker proposal, please keep in mind:

- State historical markers are not erected to *honor* or *celebrate* people, places, or events. If you are primarily seeking to honor someone or something, a state marker is not the proper venue.
- Our mission is to educate the public, and markers are intended to present historically accurate information in as objective a fashion as possible. Therefore, texts will not editorialize or assign value judgments. Additionally, we cannot leave out factual information that is important, even if it may be considered upsetting or unpleasant.
- Topics must demonstrate a regional, statewide, or national level of significance. Subjects of primarily local importance are not eligible for state highway markers. State markers will emphasize their topics' connections with broader trends in history.
- Please consider whether there is anyone with whom you should consult or partner when preparing your application. For example, if you are applying for a marker about an individual who has living children or grandchildren, have you invited them to be part of the project? If you are applying for a marker about a school you did not attend, have you contacted the alumni association?
- Marker proposals will not advance to the Board of Historic Resources when it is impossible to authenticate or verify the information to the satisfaction of DHR staff. Photocopies of the documents that support your proposed marker text are a crucial part of the application package. We need to see *how you know* what you know about your topic.
- Buildings, historic districts, archaeological sites, cemeteries, etc., listed on the Virginia Landmarks Register and/or the National Register of Historic Places do not automatically qualify for highway markers. Each application will be evaluated on its own merits.
- A house of worship may qualify for a state historical marker if it: (1) was founded in the colonial period, (2) was founded by African Americans in the Emancipation/Reconstruction era, (3) was the first of a denomination in a locality, or (4) presents significant architectural qualities. Most other houses of worship would more appropriately be noted on a local marker.
- Please submit your application with the understanding that DHR staff will edit your proposed marker text in consultation with you.
- If the application is approved, the applicant will be charged for the manufacture of the sign panel and, in some cases, the post on which the sign is mounted. The price is set by Sewah Studios, the marker manufacturer, and is approximately \$3,000. For localities outside VDOT's jurisdiction, there is a \$415 charge for the post on which the marker is installed.
- We want you to succeed! We strive to tell Virginia's story, and we appreciate your role in telling it. If you have any questions, please don't hesitate to contact Jennifer Loux at Jennifer.Loux@dhr.virginia.gov or 804-482-6089. We look forward to working with you.

Here, for your reference, are criteria established by the BHR for the Marker Program:

Marker Criteria

(Approved by the Board of Historic Resources, 8 December 1993; revised 17 March 2016 and 13 December 2018)

The state historical highway marker program documents facts, persons, events, and places prominently identified with the history of the nation, state, or region. The text for each proposed marker shall be reviewed and edited by the manager of the marker program and the staff of the Department of Historic Resources and, with the location, shall be approved by the Board of Historic Resources.

No marker shall be erected to commemorate a living person.

In order for an historic event to be eligible for a marker, the event must have occurred at least fifty years ago. Likewise, a place or person must have attained its significance at least fifty years ago, although there are exceptions if the event, place, or person is of extraordinary historical significance.

The size and shape of the state marker shall be that presently in use. Only the following shall appear on the marker: the seal of Virginia; identification code; title; text; name of the Department of Historic Resources; and the year the marker was approved.

Markers shall be erected in safe locations, at or close to the places being described, and where they will be visible to the public. When a marker is to be placed in a Virginia Department of Transportation (VDOT) right-of-way, VDOT shall approve the site and install and maintain the marker. When a marker is to be placed in a locality's right-of-way, the local public works department shall approve the site and install and maintain the marker.

How to Develop and Submit a Marker Application

1. Research and Write a Proposed Marker Text

Research the topic by consulting primary and secondary sources. Primary sources are materials produced at the time of the historical event in question (such as letters, school board minutes, wills, deeds, newspaper articles, etc.), while secondary sources include articles or books written later. DHR places a higher value on primary sources. It is often helpful to seek assistance from local and regional historical associations and libraries when conducting your research. **You must photocopy your sources and submit them to DHR with your application.**

Propose a draft marker text of about 100-120 words, following the “Highway Marker Writing Style” (see Appendix 1 near the end of this packet). The text must demonstrate that the topic rises above the local level of significance.

Unless there is sufficient documentary evidence to establish authenticity without question, no “firsts” or other superlative terms will be used. As markers are designed to last for decades, please also avoid making observations in the text about current conditions of buildings or land.

2. Suggest a Suitable Marker Location

The site you suggest should be in the public right-of-way. Please provide either a street address or a description such as “U.S. Rte. 11, 0.2 miles south of Virginia Rte. 270.” Mark the location on a street or highway map and submit it with the application.

If the marker text refers to a specific physical property, we ask that you provide the property owner's contact information and signature on page 13 of this application.

Please see step 6 below for more information about the site-selection process.

BE SURE TO NOTE: If your proposed site lies within the corporate limits of an independent city or town, or on a secondary road in Arlington County or Henrico County, see Appendix 2 at the end of this packet. You will need to obtain a letter indicating the locality’s willingness to install and maintain the marker, and submit that letter to us with your marker application. For all other counties and localities, VDOT is responsible for approving sites and erecting markers; you do not need to obtain a letter indicating pre-approval from VDOT.

3. Submit Your Application Packet to DHR for Review

Approximately seven weeks after the application deadline for the quarter in which you apply, DHR staff will inform you whether your proposed marker topic has been selected to move forward in the process. If your application was not selected, you may apply again in the future.

4. Work with DHR in Revising or Refining the Marker Text

If your application is selected to move forward toward official approval, DHR staff will work with you to finalize the text that will appear on the marker. Staff will conduct additional research if necessary and will edit the text for accuracy, clarity, brevity, thoroughness, and educational value. Staff will then send the text to the Marker Editorial Committee, a group of outside scholars. If the committee accepts the text, DHR staff will present it to the Board of Historic Resources for official approval.

5. Await the Final Decision of the Board of Historic Resources

DHR will notify you of the date and time of the quarterly board meeting at which the marker text will be presented. The meeting is open to the public, and you are welcome to attend. After the meeting, DHR will send you a copy of the board-approved text. The board has final authority regarding the topics and content of all state markers.

6. Meet with the Virginia Department of Transportation or Local Public Works Department

If a marker is to be placed in VDOT's right-of-way, DHR will notify VDOT and ask that a traffic engineer meet with you to review the proposed site. VDOT is responsible for approving the site and may select another location if it concludes that your choice is incompatible with traffic safety.

If a marker is to be placed outside VDOT's jurisdiction (that is, within the boundaries of an independent town or city, or on a secondary road in Arlington or Henrico County), you will work with the locality's public works department to secure site approval for the marker. For a list of towns and cities that maintain their own roadways, please see Appendix 2 to this application.

Please take great care when finalizing the marker's location with VDOT or the local public works department. Make sure all members of the sponsoring group who wish to provide input are present. Discuss whether the sign panel will be parallel or perpendicular to the roadway. Once the site is agreed upon and the marker is installed, the marker cannot be relocated.

Criteria for Marker Placement:

Safety

It is expected that travelers will need to pull off the road to read the marker, and then reenter the highway; they must be able to do so conveniently and safely. Markers must be placed so that they do not block drivers' lines of sight when making turns or create traffic hazards when travelers stop to read the marker.

Markers also must be placed where they are least likely to be struck by motor vehicles or otherwise endanger motorists. Curves, industrial or commercial intersections, congested areas, and similar hazardous places will be avoided.

Accessibility

Ideally, the marker should be placed as close as possible to the site it describes. Sometimes, however, because of traffic conditions, the remoteness of the site, or other reasons, the marker must be placed some distance away. The marker should be placed in a safe but relatively high-traffic area. Given the choice between a secondary road and a primary road, the marker will be placed on a primary road if both locations are equally safe. Markers are not permitted on interstate or other limited access highways, except in safety rest areas or at welcome centers.

Cost efficiency

It is more cost effective to place the marker at an existing turnout or wide shoulder than it is to construct a new one. VDOT will not construct a pull-off area to accommodate a new marker. In some cases, this consideration may result in a marker's placement at a site other than the one requested by the sponsor.

Placement on private property

State markers are usually placed in VDOT rights-of-way or on public property in independent localities. Under special circumstances they may be placed on private property.

7. Pay for the Manufacture of the Marker

DHR will order the marker from the foundry, Sewah Studios, after the site has been approved. The foundry will bill the sponsoring organization directly at the time the marker is shipped to VDOT or to the local public works department. The price is set by Sewah Studios, the marker manufacturer, and is approximately \$3,000. Some applicants for markers in independent localities may be required to pay an additional \$415 for the post on which the marker will be mounted. The foundry accepts checks or money orders in payment.

VDOT will cover the cost of installing a marker in its right of way, including the cost of the post. In rare cases, funding for installation may not be immediately available, and the project may be delayed.

In certain localities outside VDOT's right of way, the sponsor may be responsible for covering the expenses associated with installing a marker.

The marker is the property of the Commonwealth of Virginia. The name of the sponsoring individual or organization cannot be included on the marker. The marker is silver-painted cast aluminum with black uppercase and lowercase letters and is approximately 42 by 40 inches. The same text appears on each side of the marker.

8. Hold an Unveiling Ceremony

The schedule for ordering and manufacturing markers is determined by various factors including the workload of DHR, VDOT, local public works departments, and Sewah Studios. **Please do not set a date for a ceremony** until the marker is delivered. DHR will try to send a representative to the ceremony to extend congratulations and to make brief remarks about the marker program. DHR, in consultation with you, will send out a press release to local media announcing the marker ceremony.

**Virginia Department of Historic Resources
Historical Highway Marker Required Information**

This form is designed to provide the Virginia Department of Historic Resources with the data necessary to evaluate a potential marker topic.

Proposed Title for Marker:
Address or Description of Proposed Marker Site: Please also attach a map showing the proposed location for the marker.
City or County where proposed marker would be located: If the marker is to be placed in a town or city, please see Appendix 2 to this application form.
Would the marker be placed at the actual historic site it describes? If not, why not? If the marker site and the historic site are different, please be sure to indicate each one on the map submitted as part of the application package.
How far away (e.g., yards, miles) is the historic site from the proposed marker site (if applicable)?
Is the proposed marker associated with a “mitigation” agreement stemming from a federal 106 environmental review project? If so, please provide details about who is involved with the project and the appropriate project codes.

Proposed Text for the Marker: What information do you think should appear on the marker? Please propose a draft text of about 100-120 words that highlights the most significant facets of the topic. The text should make it clear that the subject is significant beyond its locality.

If your proposed topic is selected to advance toward official approval, please note that changes to the submitted text are likely to be made by DHR staff, the Marker Editorial Committee, and/or members of the Board of Historic Resources so that the final text conforms to the marker program's criteria and writing style. Examples of recently approved texts are available from DHR upon request.

In addition to submitting your proposed text in this application packet, **please also send an email containing your text** to Jennifer Loux at Jennifer.Loux@dhr.virginia.gov. The text should be in a format that is possible for DHR staff to cut and paste into a Word document, allowing us to create an electronic file for the application. Please do not write your text in capital letters.

Proposed Marker Text:

Bibliographical Sources Consulted. A minimum of three sources is required, but please do not limit yourself to three if you have additional material that will help us learn more about your subject. Our approval process includes a word-by-word fact check, and we will be looking at the documents very carefully. Please photocopy and submit all sources, or provide web addresses for sources that are online; applications submitted without these photocopies or web links will not be considered. Below, please list all documents, books, and articles you have consulted. You may use extra sheets if necessary.

Source #1

Author _____

Title _____

Publisher _____

Publisher's location
[City and State] _____

Date of publication _____

Source #2

Author _____

Title _____

Publisher _____

Publisher's location
[City and State] _____

Date of publication _____

Source #3

Author _____

Title _____

Publisher _____

Publisher's location
[City and State] _____

Date of publication _____

Sponsor Information (The foundry will send the invoice for the marker to the address provided below.)

Organization: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

Signature: _____

Date: _____

By signing this agreement you confirm that you have funding to pay for a state historical highway marker. The price is set by Sewah Studios and is approximately \$3,000 for the sign panel. The post on which the marker would be installed—which is necessary only for markers installed in localities outside VDOT’s jurisdiction—is \$415. In certain situations the sponsor could be responsible for expenses associated with installing a marker. The marker is and will remain the property of the Commonwealth of Virginia.

• • Signature required for processing all applications. • •

If the applicant is an organization, please provide the name and title of the contact person who will work with DHR to finalize the marker text.

Contact Name: _____

Title: _____

Email address: _____

Daytime telephone
and area code: _____

Author's Information

(If the author of the proposed marker text is different from the sponsor, please provide that person's contact information here.)

Organization: _____

Name: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

NOTE: If the marker text refers to a specific physical property, the Department of Historic Resources needs the property owner's information and signature prior to reviewing the proposal, even if the marker would be installed in the public right-of-way. Please provide the same below:

Owner: _____

Firm: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

Owner Signature _____

Date: _____

Notification

In the following space, please provide the contact information for the local County Administrator or City Manager. If your topic is selected, DHR will send a courtesy notification to this individual before the Board of Historic Resources meets to consider the final text.

Name: _____

Position/Title: _____

Locality: _____

Address: _____

City, State, Zip Code: _____

Email address: _____

Daytime telephone
and area code: _____

Appendix 1

Highway Marker Writing Style

To ensure stylistic consistency among state markers, DHR staff will revise and edit draft texts. The goal is to provide as much accurate and interesting information as possible in a limited space. Sponsors can assist us by following these suggestions when writing their drafts.

- Aim for about 100-120 words, but it is better to be a little too long rather than too short in the first draft. Please be aware that a marker's final text must not exceed 700 characters (this includes letters, punctuation marks, and spaces).
- Spell out numbers less than 10; otherwise, use Arabic numerals (one, two, etc., but 10, 237, 10,000, etc.).
- Do not use honorary titles such as Mr. and Mrs. Do include and abbreviate occupational titles and ranks (the Rev., Col., Maj. Gen., Dr., etc.) the first time a person's name appears. On subsequent use, give only the person's last name.
- Use military style for dates; abbreviate months (7 Dec. 1941).
- Do not use commas before or after Jr., Sr., II, etc. (e.g. James Brown Jr. was secretary of the board).
- On Civil War subjects, write "Civil War," not "War Between the States." For military personnel, give the individual's rank at the time of the event being discussed on the marker.
- On Seven Years' War subjects, write "Seven Years' War," not "French and Indian War."
- On first use, give a person's full name as he or she used it or as it is best known (e.g. Alexander Graham Bell; Maggie L. Walker), but on subsequent use give only the last name.

For advice on writing concisely and vigorously, refer to *The Elements of Style* by William Strunk Jr. and E. B. White. DHR uses the 17th edition of *The Chicago Manual of Style* as its authority on copy style.

Appendix 2

If you are applying for a marker to be placed in one of the following localities, your application *must* be accompanied by a signed letter from the local government stating that the locality agrees to install and maintain the marker on its public land.

If you have questions, please contact Jennifer Loux at Jennifer.Loux@dhr.virginia.gov.

Towns

Abingdon	Chincoteague	Leesburg	Smithfield
Altavista	Christiansburg	Luray	South Boston
Ashland	Clifton Forge	Marion	South Hill
Bedford	Culpeper	Narrows	Strasburg
Berryville	Dumfries	Orange	Tazewell
Big Stone Gap	Elkton	Pearisburg	Vienna
Blacksburg	Farmville	Pulaski	Vinton
Blackstone	Front Royal	Purcellville	Warrenton
Bluefield	Grottoes	Richlands	Wise
Bridgewater	Herndon	Rocky Mount	Woodstock
Chase City	Lebanon	Saltville	Wytheville

Counties

Arlington Co. and Henrico Co. (secondary roads only; call 804-482-6089 for further details)

Cities

Alexandria	Fairfax	Manassas	Roanoke
Bristol	Falls Church	Manassas Park	Salem
Buena Vista	Franklin	Martinsville	Staunton
Charlottesville	Fredericksburg	Newport News	Waynesboro
Chesapeake	Galax	Norfolk***	Williamsburg
Colonial Heights	Hampton	Norton	Winchester
Covington	Harrisonburg	Poquoson	
Danville	Hopewell	Portsmouth	
Emporia	Lexington	Radford	

For markers in Lynchburg, Petersburg, Richmond (city), Suffolk, or Virginia Beach, you do not need to submit a letter from the local government. DHR has an agreement for marker installation with these localities.

***To apply for a marker in Norfolk, you must receive special pre-approval from the City. You may contact them at historicalmarker@norfolk.gov to begin this process.

IS YOUR APPLICATION COMPLETE? Please make sure you...

- Review Appendix 2 to determine whether your application needs to be accompanied by a signed letter from a local official.
- Include copies of your documents/sources that verify the information that would appear on the marker.
- Submit a map indicating the proposed location of the marker.
- Provide the sponsor's signature on page 12.
- Send in your proposed marker text in the body of an email (or in an attached Word document—not pdf) to Jennifer.Loux@dhr.virginia.gov.

ool one mile southeast in 1931 to offer upper-level courses to African American students. l for African Americans at a cost of about \$40,000. The Federal Emergency Administration l for the project. Additional support came from the Virginia Board of Education's Literary aided African American schools across the South. The building was named Pocahontas 1969, when county schools were desegregated.

[.virginia.gov](http://www.virginia.gov).



A Powhatan County School Board Minutes Powhatan Today, 21 May 1998.