



Community Development Committee

MEETING AGENDA

Berryville-Clarke County Government Center

101 Chalmers Court, Second Floor

Main Meeting Room

Regular Session

March 26, 2024

4:00 PM

Item

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1. **Call to Order- Ryan Tibbens, Chair**
2. **Approval of Agenda**
3. **Graffiti ordinance**  
Town Ordinance Review- sec. 13-37 Damage or defacement of recreational facilities
4. **Discussion- Town Code regulations for portable storage containers**  
Summary reflecting revisions and discussion
5. **Discussion- Livery stable**  
Livery stable discussion  
Livery stable evaluation report from 2018  
Sketches (options 1 and 2 for divisions of first floor of the livery) offered as discussion starters
6. **Other**
7. **Closed Session**
8. **Adjourn**

## **Community Development Committee Item Report Summary**

### **March 26, 2024**

**Item Title:**

Town Ordinance Review – sec. 13-37 Damage or defacement of recreational facilities

**Prepared By:**

Chief W. Neal White

**Background/History General Information**

The Community Development Committee of Town Council recently reviewed sections of the Town Code that pertained to rules in Rose Hill Park. As these revisions were being completed, it was recommended that sec. 13-37 also be reviewed to expand beyond recreational facilities as cited in the current ordinance.

**Findings/Current Activity**

The enabling legislation for sec. 13-37 is contained within § 15.2-1812.2 Code of Virginia. It is clear from a reading of § 15.2-1812.2 that the legislative intent of the section is to enable municipalities to address defacement (graffiti) of public and private property in a very defined manner.

Actual destruction of property, public or private, is generally prosecuted under state code when an offender is identified. It is typically more difficult to identify an offender and therefore prosecute instances of defacement or graffiti. It can also be less imperative for a private property owner to abate graffiti in a timely manner than to repair physical damage.

A revision to the Town Code to capture the intent of § 15.2-1812.2 would require the repeal of existing sec. 13-37 and the adoption of a new article or chapter within Town Code to align with the requirements of state code concerning a local ordinance to address defacement of property.

Historically, the police department has not been required to respond to many complaints of defacement or graffiti. Defacement to public property is generally abated either by the police department or public works department, and most often an offender is not identified. There are some areas within industrial sections of town that have been defaced and the graffiti has not been abated by the property owner. Currently there is no mechanism in place by which the town could compel the private property owner to take abatement action.

**Financial Considerations**

While the town currently does not have a habitual problem with defacement of property, the incorporation of an ordinance to address defacement on private property would require funds be available for agents of the town to properly abate graffiti in instances where a private property owner declines to abate the graffiti themselves.

There would also be operational costs to send notices required by code and monitor compliance.

**Schedule/Deadlines**

There is not a deadline associated with this item.

**Other Considerations**

None

**Attachments**

1. Current sec. 13-37 Berryville Town Code
2. Enabling legislation - § 15.2-1812.2, Code of Virginia
3. City of Hampton graffiti ordinance
4. City of Winchester graffiti ordinance
5. Draft Town of Berryville Ordinance

**Recommendation**

Committee level review.

**Sample Motion**

Item is not ripe for a motion currently.

Sec. 13-37. - Damage or defacement of recreational facilities.

It shall be unlawful for any person to willfully and maliciously damage or deface any real or personal property constituting the recreational facilities set forth in section 13-35 and section 13-36 of this chapter.

A violation of this section shall constitute a Class 1 misdemeanor.

(Ord. of 10-13-87; Ord. of 12-9-14(1))

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11.

**State Law reference**— Similar provisions, Code of Virginia, § 15.2-1812.2.

## § 15.2-1812.2. Willful and malicious damage to or defacement of public or private facilities; penalty.

A. Any locality may by ordinance make unlawful the willful and malicious damage to or defacement of any public buildings, facilities and personal property or of any private buildings, facilities and personal property. The penalty for violation of such ordinance is a Class 1 misdemeanor. The punishment for any such violation in which the defacement is (i) more than 20 feet off the ground, (ii) on a railroad or highway overpass, or (iii) committed for the benefit of, at the direction of, or in association with any criminal street gang, as that term is defined by § 18.2-46.1, shall include a mandatory minimum fine of \$500.

B. Upon a finding of guilt under any such ordinance in any case tried before the court without a jury, in the event the violation constitutes a first offense that results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying the ordinance in subsequent proceedings.

C. The ordinance shall direct that the community service, to the extent feasible, include the repair, restoration or replacement of any damage or defacement to property within the locality, and may include clean-up, beautification, landscaping or other appropriate community service within the locality. Any ordinance adopted pursuant to this section shall make provision for a designee of the locality to supervise the performance of any community service work required and to report thereon to the court imposing such requirement. At or before the time of sentencing under the ordinance, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant. The court shall also receive and consider the recommendations of the supervisor of community service in the locality concerning the plan.

D. Notwithstanding any other provision of law, no person convicted of a violation of an ordinance adopted pursuant to this section shall be placed on probation or have his sentence suspended unless such person makes at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in § 19.2-305.1.

E. If a locality seeks to clean or cover the defacement, it shall give notice to the owner and lessee, if any, of any private building or facility that has been defaced that, within 15 days of receipt of such notice, if the owner or lessee does not clean or cover the defacement or object to the removal of the defacement, the locality may clean or cover the defacement at the locality's expense.

### **ARTICLE III. GRAFFITI**

#### **Sec. 24-113. Definition of "graffiti."**

"*Graffiti*" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

#### **Sec. 24-114. Graffiti prohibited; criminal penalty.**

- (a) It shall be unlawful for any person to deface or damage by application of graffiti any public buildings, facilities or other property, or any private buildings, facilities or other property if the damage to the private property is less than one thousand dollars (\$1,000.00).
- (b) Any person convicted of a violation of subsection (a) shall be guilty of a Class 1 misdemeanor. Upon a finding of guilt in a case tried before the court without a jury where the violation constitutes a first offense, the court, without entering a judgment of guilt, upon motion of defendant, may defer further proceedings and place defendant on probation pending completion of a plan of community service work. If defendant completes the community service work as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Such discharge and dismissal procedure under this section shall be without adjudication of guilt and operates as a conviction only for the purposes of applying this article in subsequent proceedings. If the defendant fails or refuses to complete community service as ordered by the court, the court may make final disposition of the case as otherwise provided. Any fine imposed pursuant to conviction of a minor for violations of this section shall be assessed against the minor and such minor's parents or legal guardian.
- (c) Community service work prescribed by the court under subsection (b) shall include, to the extent feasible, the repair, restoration, or replacement of any damage or defacement to property within the city, and may include clean-up, beautification, landscaping or other appropriate community service within the city.
- (d) Community service work prescribed by the court under subsection (b) shall be performed under the supervision of the city manager or his/her designee, who shall report on such work to the court imposing the community service work requirement at such times and in such manner as the court may direct.
- (e) At or before the time of sentencing under this section, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant, as well as the recommendations of the city's community service supervisor concerning the plan.
- (f) No person convicted of a violation of this article shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in Code of Virginia, § 19.2-305.1.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

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**Sec. 24-115. Parental liability for cost of graffiti removal.**

In the event graffiti is applied to any public property by a minor who is living with either or both parents or a legal guardian, the city may institute an action and recover from the parents of the minor, or either of them, or from the legal guardian the costs for damages suffered by reason of the willful destruction of, or damage to, public property by the minor. The action by the city shall be subject to any limitation on the amount of recovery set forth in § 8.01-43 of the Code of Virginia or other applicable state law. Any recovery action brought by an owner for damages to private property by reason of graffiti shall be subject to the limitation set forth in § 8.01-44 of the Code of Virginia.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

**Sec. 24-116. Graffiti declared a nuisance.**

The existence of graffiti within the city limits in violation of this article is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

**Sec. 24-117. Removal of graffiti.**

- (a) The city manager or a designated representative of the city manager is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure by the application of graffiti.
- (b) The city manager or a designated representative is also authorized to undertake or contract for the removal or repair of the defacement by graffiti of any private building, wall, fence or other structure visible from any public right-of-way in accordance with the following procedures:
  - (1) Prior to such removal of graffiti from private property, the city manager or a designated representative shall issue to the property owner, by regular mail sent to the last address listed for the owner in city property assessment records, a notice which states: the street address and legal description of the property; that the property has been determined by the city to constitute a graffiti nuisance; that the owner must take corrective action to abate the nuisance created by such graffiti within fifteen (15) days of the date of the notice; and that if the graffiti is not removed within the fifteen-day period, the city will begin removal procedures, the cost of which shall be charged to the homeowner. The notice shall further advise the owner of the right to challenge the city's determination and proposed action by requesting a meeting with a designated city official identified in the notice within fifteen (15) days of the date of the notice. The city shall initiate no corrective actions while a request for such a meeting or the outcome of such a meeting is pending. The determination of the designated city official following the requested meeting shall be final.
  - (2) If no corrective action is taken by the property owner within the fifteen-day period provided above and there is no request to challenge the city's determination within that period, the city manager or a designee of the city manager shall send by regular mail an additional notice to the property owner. The second notice shall conform to the requirements of the first notice as set forth in subsection (b)(1) above and shall also state the date on which the city will commence corrective action to remove the graffiti on the property, which date shall be no earlier than fifteen (15) days from the date of mailing the second notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the city. Where the property owner fails to abate the nuisance within

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fifteen (15) days after issuance of the second notice, the city manager or a designated representative of the city manager is authorized to undertake removal efforts forthwith.

- (3) Before entering upon private property for the purpose of graffiti removal, the city shall attempt to obtain the consent of the property owner, occupant or other responsible party.
- (c) Where a structure defaced by graffiti is owned by a public entity other than the city, the removal of the graffiti by the city is authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

#### **Sec. 24-118. Emergency removal of graffiti.**

If the city manager or his designee determines that any graffiti is an immediate danger to public health, safety or welfare and is unable to provide notice by personal service after at least two (2) attempts to do so, then forty-eight (48) hours after the later of (1) mailing notice to the property owner or other responsible party and (2) posting notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed at its expense.

(Ord. No. 1466, 3-28-07)

#### **Sec. 24-119. Assessment of costs against property for removal of graffiti.**

- (a) If the city undertakes corrective action to remove graffiti from private property after complying with the notice provisions of subsection 24-117(b), the total cost for such removal and related repairs shall be chargeable to and paid by the property owner, and may be collected as a special assessment against the respective lot or parcel of land to which it relates in the manner in which city taxes and levies are collected.
- (b) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens.

(Ord. No. 1211, 5-27-98; Ord. No. 1466, 3-28-07)

## CHAPTER 11.1 GRAFFITI ABATEMENT<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 11.1-1. Purpose and intent.

It is the purpose and intent of this chapter to provide a procedure for removal of graffiti from walls and structures on both public and privately owned property in order to reduce blight and deterioration within the City of Winchester and to protect the public safety, and to provide for the recovery of costs of such removal.

#### Sec. 11.1-2. Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below:

*Defacement* means the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type.

*Graffiti* shall mean writings, drawings, inscriptions, figures or marks of paint, ink, chisel, chalk, dye and other similar substance, or flyers, bills and similar materials, which have been placed on public or private property without the permission of the owner, manager or occupant of the property.

*Placement of graffiti* shall include any form or act of drawing, painting, scrawling, writing, marking, inscribing, scratching, gluing, posting or otherwise affixing graffiti to public or private property.

*Public or private property* shall mean the exterior surface of any building, or any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, or any article of street furniture, utility or public service equipment, or other personal property located outdoors, whether owned by a public entity or by a private person or entity, and visible from any public right-of-way.

*Zoning and Inspections Administrator* shall mean the Winchester Zoning and Inspections Administrator, or his designee. (Ord. No. 2011-21, 10-11-11)

#### Sec. 11.1-3. Graffiti declared a nuisance.

The existence of graffiti within the city limits of the City, as defined within this chapter, is declared by Common Council to be obnoxious and a public and private nuisance and must be quickly abated to avoid the detrimental impact of such graffiti on the City and its residents, business owners, and visitors, and to prevent the further spread of such graffiti. (Ord. No. 2011-21, 10-11-11)

#### Sec. 11.1-4. Graffiti prohibited.

- (a) The placement of graffiti on any public or private property is declared to be a public nuisance and is prohibited.

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<sup>1</sup>Editor's note(s)—Ordinance No. 2008-28, adopted on June 10, 2008, enacted this chapter.

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(b) The failure of any property owner, manager or occupant of public or private property to remove or effectively obscure graffiti which has been placed upon property under such person's ownership or control, within 15 days after the service of notice as provided in this chapter is declared to be a public nuisance and is prohibited.

(c) Penalties for violations of this chapter are as set forth in Section 11.1-8 of this chapter.

(Ord. No. 2011-21, 10-11-11; Ord. No. 2022-14 , 5-24-2022)

State law reference(s)—Code of Virginia, § 15.2-908.

## **ARTICLE II. ABATEMENT OF GRAFFITI NUISANCE**

### **Sec. 11.1-5. Identification of graffiti and notice to abate.**

(a) *Notice and opportunity to abate.* Whenever the Zoning and Inspections Administrator becomes aware of the existence of graffiti on any public or private property, the Zoning and Inspections Administrator shall give, or cause to be given, written notice to remove or effectively obscure such graffiti to the owner of the property. Such notice may be served by personal service or first-class mail, and shall be complete upon delivery or mailing. Such notice shall direct the recipient to remove or effectively obscure such graffiti within 15 days of the date of the notice as provided in this chapter or to grant the City written permission to enter upon the property and remove or effectively obscure such graffiti, and shall inform the recipient that, in the event of failure to comply, the City may enter upon the property and remove or effectively obscure such graffiti, in the manner provided in this chapter.

(b) *Abatement by City.* If the owner of the property upon which graffiti has been placed fails to remove or effectively obscure the graffiti, or to grant the City written permission to enter upon the property and remove or effectively obscure such graffiti, within 15 days from service of the notice as provided in this chapter described in subsection (a), the Zoning and Inspections Administrator may enter upon the property and remove or effectively obscure the graffiti.

(c) *Waiver of liability.* The failure of the recipient of a notice given pursuant to subsection (a) to comply with the notice by removing or effectively obscuring such graffiti within 15 days as provided in this chapter shall be deemed a waiver of any claim by or on behalf of the notice recipient or, if different, the owner of the property, against the City for damage to the property arising out of the work or removing or obscuring the graffiti.

(Ord. No. 2011-21, 10-11-11; Ord. No. 2022-14 , 5-24-2022)

State law reference(s)—Code of Virginia, § 15.2-908.

### **Sec. 11.1-6. Materials.**

In no case shall the City be required to clean, paint or repair any more extensive area than where the graffiti is located. Nor shall the City be required to restore the area to its original condition (e.g., color, texture).

### **Sec. 11.1-7. Incentive payment for abatement.**

Where the property owner of the property where the graffiti is located complies with the notice to abate within 15 days as provided in this chapter; or, proactively removes or effectively obscures the graffiti prior to the issuance of a notice to abate, the property owner shall be entitled to an incentive payment not to exceed \$50.00 payable by the City upon presentation of a copy of an official Winchester Police Department incident report,

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satisfactory proof of the cost of abatement and upon verification by the City of the cost expended for graffiti removal, as long as the graffiti was not caused by said owner.

(Ord. No. 2011-21, 10-11-11; Ord. No. 2022-14 , 5-24-2022)

### ***ARTICLE III. PENALTIES***

#### **Sec. 11.1-8. Penalties.**

- (a) Any person who commits a violation of Section 11.1-4(a) shall be punished as provided for in Section 16-11 of this code.
- (b) Abatement of the nuisance by the City as provided in Section 11.1-5(b) shall be the sole remedy for the violation of Section 11.1-4(b); except that the expense of the abatement and the administrative fee shall constitute a lien on real property of the owner ranking in parity with liens for unpaid real estate taxes and shall be reported to the City Treasurer who shall record the lien and collect the lien in the same manner in which City taxes levied upon real estate are authorized to be collected.
- (c) Abatement by the City shall be exclusive of and in addition to any criminal penalty that may be imposed.

### ***ARTICLE IV. EXEMPTIONS***

#### **Sec. 11.1-9. Exemptions.**

This chapter shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on streets, sidewalks or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for kickball, hockey, hopscotch and the like, or to prohibit markings placed on public or private property by the authorized representative of the City or a public utility to indicate the location of service lines and facilities.

## **ARTICLE II. GRAFFITI**

### **Sec. 13-40. Definition of "graffiti."**

"*Graffiti*" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, figure or design of any type on any public or private building or other real estate or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person, firm, or corporation.

### **Sec. 13-41. Graffiti prohibited; criminal penalty.**

- (a) It shall be unlawful for any person to deface or damage by application of graffiti any public buildings, facilities or other property, or any private buildings, facilities or other property if the damage to the private property is less than one thousand dollars (\$1,000.00).
- (b) Any person convicted of a violation of subsection (a) shall be guilty of a Class 1 misdemeanor. Upon a finding of guilt in a case tried before the court without a jury where the violation constitutes a first offense, the court, without entering a judgment of guilt, upon motion of defendant, may defer further proceedings and place defendant on probation pending completion of a plan of community service work. If defendant completes the community service work as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Such discharge and dismissal procedure under this section shall be without adjudication of guilt and operates as a conviction only for the purposes of applying this article in subsequent proceedings. If the defendant fails or refuses to complete community service as ordered by the court, the court may make final disposition of the case as otherwise provided. Any fine imposed pursuant to conviction of a minor for violations of this section shall be assessed against the minor and such minor's parents or legal guardian.
- (c) Community service work prescribed by the court under subsection (b) shall include, to the extent feasible, the repair, restoration, or replacement of any damage or defacement to property within the city, and may include clean-up, beautification, landscaping or other appropriate community service within the city.
- (d) Community service work prescribed by the court under subsection (b) shall be performed under the supervision of the town manager or his/her designee, who shall report on such work to the court imposing the community service work requirement at such times and in such manner as the court may direct.
- (e) At or before the time of sentencing under this section, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant, as well as the recommendations of the town manager or his/her designee concerning the plan.
- (f) No person convicted of a violation of this article shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in Code of Virginia, § 19.2-305.1.

### **Sec. 13-42. Parental liability for cost of graffiti removal.**

In the event graffiti is applied to any public property by a minor who is living with either or both parents or a legal guardian, the town may institute an action and recover from the parents of the minor, or either of them, or from the legal guardian the costs for damages suffered by reason of the willful destruction of, or damage to, public property by the minor. The action by the town shall be subject to any limitation on the amount of recovery set forth in § 8.01-43 of the Code of Virginia or other applicable state law. Any recovery action brought by an owner for damages to private property by reason of graffiti shall be subject to the limitation set forth in § 8.01-44 of the Code of Virginia.

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**Sec. 13-43. Graffiti declared a nuisance.**

The existence of graffiti within the town limits in violation of this article is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

**Sec. 13-44. Removal of graffiti.**

- (a) The town manager or a designated representative of the town manager is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure by the application of graffiti.
- (b) The town manager or a designated representative is also authorized to undertake or contract for the removal or repair of the defacement by graffiti of any private building, wall, fence or other structure visible from any public right-of-way in accordance with the following procedures:
  - (1) Prior to such removal of graffiti from private property, the town manager or a designated representative shall issue to the property owner, by regular mail sent to the last address listed for the owner in county property assessment records, a notice which states: the street address and legal description of the property; that the property has been determined by the town to constitute a graffiti nuisance; that the owner must take corrective action to abate the nuisance created by such graffiti within fifteen (15) days of the date of the notice; and that if the graffiti is not removed within the fifteen-day period, the town will begin removal procedures, the cost of which shall be charged to the property owner. The notice shall further advise the owner of the right to challenge the town's determination and proposed action by requesting a meeting with a designated town official identified in the notice within fifteen (15) days of the date of the notice. The town shall initiate no corrective actions while a request for such a meeting or the outcome of such a meeting is pending. The determination of the designated town official following the requested meeting shall be final.
  - (2) If no corrective action is taken by the property owner within the fifteen-day period provided above and there is no request to challenge the town's determination within that period, the town manager or a designee of the town manager shall send by regular mail an additional notice to the property owner. The second notice shall conform to the requirements of the first notice as set forth in subsection (b)(1) above and shall also state the date on which the town will commence corrective action to remove the graffiti on the property, which date shall be no earlier than fifteen (15) days from the date of mailing the second notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the town. Where the property owner fails to abate the nuisance within fifteen (15) days after issuance of the second notice, the town manager or a designated representative of the town manager is authorized to undertake removal efforts forthwith.
  - (3) Before entering upon private property for the purpose of graffiti removal, the town shall attempt to obtain the consent of the property owner, occupant or other responsible party.
- (c) Where a structure defaced by graffiti is owned by a public entity other than the town, the removal of the graffiti by the town is authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

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**Sec. 13-45. Emergency removal of graffiti.**

If the town manager or his designee determines that any graffiti is an immediate danger to public health, safety or welfare and is unable to provide notice by personal service after at least two (2) attempts to do so, then forty-eight (48) hours after the later of (1) mailing notice to the property owner or other responsible party and (2) posting notice in a conspicuous place on the property, the town may remove or cause the graffiti to be removed at its expense.

**Sec. 13-46. Assessment of costs against property for removal of graffiti.**

- (a) If the town undertakes corrective action to remove graffiti from private property after complying with the notice provisions of subsection 13-44(b), the total cost for such removal and related repairs shall be chargeable to and paid by the property owner, and may be collected as a special assessment against the respective lot or parcel of land to which it relates in the manner in which town taxes and levies are collected.
- (b) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens.

# Community Development Committee Agenda Item Report Summary

March 26, 2024

## Item Title

Town Code regulations for portable storage containers

## Prepared By

Christy Dunkle

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## Background/History/General Information

The proposal is to regulate portable storage containers within the Town of Berryville.

## Findings/Current Activity

Below are changes that were presented at the February meeting. At that time, Committee members recommended that that the Town Code language should identify regulations for residential zoning districts only.

## Sec. 5-6. -PORTABLE STORAGE CONTAINERS

- (a) A portable storage container is defined as a purpose-built, **fully** enclosed, box-like container that is designed for temporary storage of household goods and equipment.
- (b) Notwithstanding any contrary provisions of the Town Code, portable storage containers located outside of a fully enclosed building or structure shall be permitted in all zoning districts, subject to the following restrictions:**
  - i. A **zoning Portable Storage Container** permit is required for any portable storage container placed on **residential** property in the Town of Berryville.
  - ii. ~~In residential districts,~~ **a** maximum of two (2) portable storage containers may be allowed on a lot for a period no longer than fifteen (15) days in any consecutive twelve-month period. A maximum of one (1) portable storage container may be allowed on a lot for a period no longer than sixty (60) days in any consecutive twelve-month period.
  - iii. Where there is a change in ownership of the lot, the date upon which title to the lot is conveyed shall begin a new 12-month period.
  - iv. The portable storage container must be at least five (5) feet from the property line or on the driveway of the lot.
  - v. One (1) portable storage container may be placed in a legal parking place on the street when space is not available on site for a maximum of seven (7) days.
  - vi. No portable storage container may have dimensions greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.

- vii. All portable storage containers shall be maintained in a condition free from rust, peeling paint, and other forms of deterioration.
  - viii. **A portable storage container is not permitted on any lot that does not contain a principal structure.**
  - ix. **Permanent structures require an approved zoning permit for an accessory structure.**
- (c) A first violation of this section shall constitute a Class 4 misdemeanor. A second or subsequent violation by the same person shall constitute a Class 3 misdemeanor. Each day of violation shall constitute a separate offense.**

Chief White did some additional research concerning the size of the containers and the areas in which they should be regulated. He recommended that the height dimensions in the ordinance should be modified to a 10' height which would incorporate current container size options for 20'-long storage containers.

Chief White explains his concerns about zoning districts and placement in an email dated March 21, 2024:

*Where I am a bit more concerned is how to address the issue of how the parcels are zoned so that the intent of the new ordinance is realized without unintended legislative consequences. Understanding that the intent would be to limit period of time that a storage container remains on a residential property, there are "pockets" of single-family homes lumped in areas of business and commercial zoning. For example, the 500 block of East Main Street has several homes in the light commercial zoning. If the ordinance was adopted with only the residential zoning regulations, a container could be situated on the property without the effect of the new ordinance. Conversely, I think that these storage containers are appropriate for business and industrial uses as a safe and secure way to store items long term on a majority of commercial and industrial properties. If the ordinance was drafted in a fashion that permits were required in all zoning types, it would take some effort on the front end to approve and issue permits for existing appropriate commercial and industrial uses.*

*I also think that the placement of the container on the street needs a little more language added to give the town the ability to deny a request for street placement if such placement would create a potential safety hazard. The language might already be fine because it states "may be placed", but when the permit is issued, we really need to be aware of potential hazards for street traffic and pedestrians. Narrow streets like the ones in Fellowship Square for example would not be safe for a container in my opinion with as much on-street parking that already exists.*

**Schedule/Deadlines**

N/A

**Other Considerations**

N/A

**Recommendation**

Discuss at the meeting.

**Sample Motion**

N/A

Livery Stable

Overview:

The Town of Berryville owns a 19<sup>th</sup> century livery stable that is located behind the former Town Office located at 23 East Main Street.

The former Town Office, which was constructed in 1936, is currently leased to Berryville Main Street. The first floor of the leased space is used for retail sales and the second floor is used for Berryville Main Street offices and business incubation.

The following improvements that support the former Town Office are located within the livery stable envelope:

- first and second floor bathrooms,
- electrical breaker boxes,
- water meter,
- hot water heater, and
- furnace and air conditioning unit (and associated above-ground oil storage tank).

In 2018, the Town commissioned an evaluation of the livery structure. The reviewing engineer concluded that the structure should be stabilized within approximately 5 years and that the estimated cost of the stabilization was \$150,000. The Town Council has been setting aside funds since 2018 to fund the stabilization project.

While the Council has discussed the stabilization in detail, the eventual use of the structure has not been determined.

The proposed FY2025 budget includes funding for the following interrelated projects:

- stabilization of the livery stable at 23 East Main Street (\$255,000),
  - o The original budget estimate for the livery stabilization was \$150,000. Because this was a 2018 estimate, it was increased by \$35,000 (added \$5K each year for years 2019 - 2025). To that \$185,000 stabilization budget, \$70,000 was added to address costs associated with yet to be determined improvements to the building and site above and beyond the stabilization of the structure.
- HVAC improvements at 23 East Main Street (\$30,000), and
- purchase and siting of a public bathroom on 23 East Main Street (\$105,000).

Attachments:

- Livery stable evaluation report from 2018
- Sketches (Options 1 and 2 for division of the first floor of the livery) offered as discussion starters

Request:

The Committee is asked to review this matter and make recommendations to the Council concerning the stabilization, improvement, and use of the livery stable.



# DELIVERING SOLUTIONS FOR TOMORROW'S BUILT ENVIRONMENT

## **Structural Evaluation of Livery Stable at 23 East Main Street, Berryville, VA *Final Submission***

To: Town of Berryville  
101 Chalmers Court, Suite A  
Berryville, VA 22611



Date: January 4, 2018



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## Executive Summary

The Livery Stable ("The Stable") is attached to the rear of the structure located at 23 East Main Street in Berryville, Virginia. It is a two story wood framed structure. Based on the condition of the structure and type of materials used, it is estimated that The Stable was constructed between 1860 and 1900 and has served many functions for the Town since its original construction. Currently the facility is unoccupied except for two restrooms that were recently added to the facility on the first and second levels of 23 East Main Street.

This report was issued by the Town of Berryville to accomplish the following:

- Structurally assess the condition of the framing elements
- Develop dimensioned plan drawings of the existing conditions
- Develop repair documents for items found deficient during the assessment
- Provide construction cost data for any repairs to be implemented on the facility

Damron Engineering and Consulting llc ("DEC") performed multiple field visits to measure existing elements, document any deficiencies, and record overall condition of The Stable. Documentation was visual in nature for each visit, no demolition was performed to document conditions. Subsurface investigations were not performed to document soil conditions or gather detailed information about below grade building elements.

Overall, The Stable is structural sound and in no danger of eminent failure. There are no repairs requiring immediate attention. However, near term and far term repairs have been identified based on the conditions viewed. Near term repairs are those that should be completed within the next two to five years, far term repairs are more cosmetic in nature and could be done in conjunction with the near term items or separate as funding allows. Near term repairs recommended include interior wythe of brick masonry repairs on the east wall, floor system modifications, and addressing building envelop repairs. Far term repairs include replacement of the metal panel siding with wood and restoring the west wall framing to original condition. It is estimated that the total cost for near term repairs is \$150,347 and far term repairs estimated at \$304,692.

The following pages provide more detail on the scope of work, investigation methods, recommendations and costs associated with each item. Native CADD drawings for the facility are provided electronically to the Town Manager.

## Background Information

The exact date of construction is not known for The Stable. There are photographic images that place the structure in use as the stable at the turn of the 1900's. It was potentially in use for an extended period of time prior to taking those images. Since serving as an operating livery, the Stable and 23 East Main Street have housed town offices, served as Police storage, the Public Works office and other services for the Town of Berryville. The Stable currently is unoccupied and primarily serves as a storage facility for the town and houses the mechanical equipment for the occupied spaces of 23 East Main Street.

The barn has undergone multiple renovations and currently has both timber and masonry load bearing elements. Timber framing was the primary construction method used in the United States in the 1700's and 1800's until balloon framing began to be more popular in the mid 1800's. Timber framing uses larger wood members spaced at larger intervals and are joined with wood connections. Wood connections typically are comprised of mortise and tenon joinery. The mortise (female) is the space in timber A that receives the tenon (male) from timber B. Tenons are typically 1-2" wide and are centered on the end of the timber. Both the mortise and tenon have holes so that a trunnel (peg) is inserted to keep the two timbers joined. Figure 1 is a diagram depicting common timber frame members and their terminologies, the shaded members in the diagram all together constitute a bent. The Stable was originally constructed of two interior and two gable end bents.

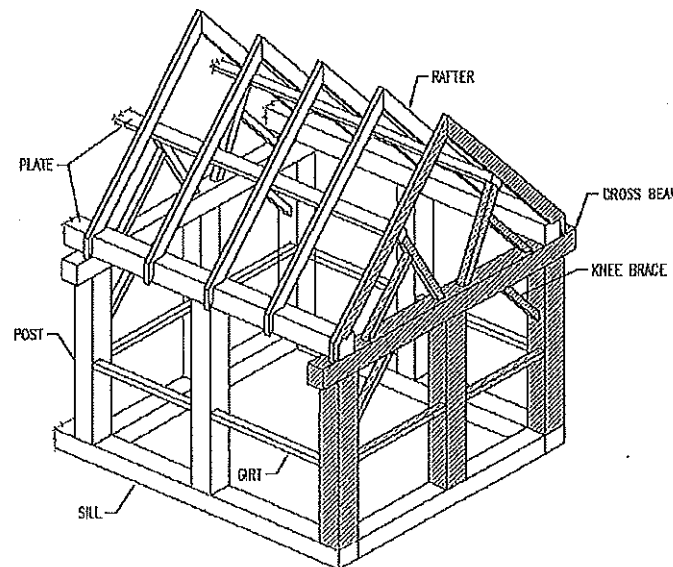


Figure 1 - Timber Frame Terminology

Several construction methods were visible in the barn. We used connection methodologies and lumber planing to aid in the dating process. The barn uses three types of wood connectors: timber frame, manufactured nails, and wire nails. The use of timber frame construction indicates a pre-1900's date. There are two types of nails used in the barn: machined and wire. Wire nails began to be used at the beginning of the 1900's. Machined nails became available in

the early 1800's. Throughout the structure, the lumber used is solid sawn, or rough planed, with no evidence of bark or rounded edges to the timbers. Planing machines were available in the early and mid 1800's, but were not widely used due to craftsman prejudices against early designs. The machines were modified and improved in the mid 1800's. Planing in the barn suggests a date later than 1860. Because of the civil war beginning in 1860 and lasting until 1865, the date of the barn is approximated as between 1870-1900.

## Methods of Investigation

Inspection, measuring, and photographic documentation of the barn occurred over several days in October and November by Damron Engineering & Consulting llc. Not only was the structural integrity examined, but also time was spent determining the best methods to create a weather-tight structure and what features could be maintained and or improved.

## Description of Structure

This section will describe the framing systems utilized and any deficiencies found during our field investigations. We will discuss the following systems: roof, floor, walls, and foundations.

### Roof System

The roof is covered with a steel crimp seamed panel system. The panels are approximately 23 inches wide and are attached to the roof framing with concealed fasteners below each seam. Light steel flashing is present where the barn abuts the 23 East Main street walls, and flashing is present surrounding the chimney penetration in the Stable. Against the abutted building the roof covering changes to a more modern pattern of steel roofing. The roof panels drain to steel gutters fastened to the roof by means of straps attached on top of the panels to the roof purlins below the panels. The panels show no signs of significant damage, but appear to have been in place longer than their anticipated useful life. The structure below shows signs of previous water leaks, but no active leaks were evident from the staining.

The roof panels are attached to longitudinal roof purlins ranging in size from solid sawn 1-inch by 6-inch boards to 1-inch by 10-inch boards. Purlins are spaced randomly, due to the variety of sizes used, not more than 16 inches on center. There are members that show water stains from previous leaks in the roof, but upon physical inspection of random samples the purlins are sound and do not need to be replaced.

Rafters make up the primary structural element for the roof system. The rafters are solid sawn 2 inch by 5 inch boards and are spaced 2 feet on center. At the peak of the roof the rafters are miter cut to the roof pitch and fastened together. To restrain lateral forces at the base of the rafter each pair is tied together with a 1 inch by 4-inch collar tie located 3 feet 10 inches below the bottom of the peak joint. Additionally, at alternating pairs the peak is reinforced with a solid sawn 1-inch by 10-inch board nailed to the southern face of the peak and a 2-inch by 4-inch vertical that runs from the peak to the floor system. The rafters bear on solid sawn beams that will be described in the wall systems.

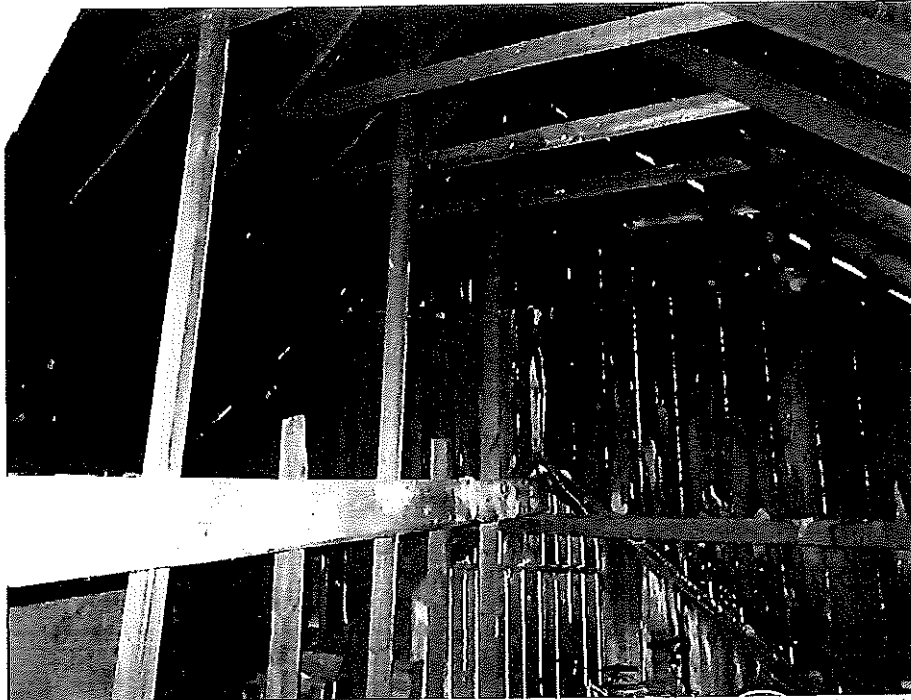


Figure 2 - Roof framing showing rafters, collar ties, and additional framing elements

Based on the visual observations, framing members making up the roof system appear to be sound and capable of withstanding snow loads applied to the system.

#### Roof Deficiencies

- a. Evidence of water infiltration present at the false ridge line on the south gable end. Flashing and roof covering should be replaced.
- b. On the main roof along the south gable, closure trim is missing or damaged that protects the ends of the roof purlins.
- c. Daylight is visible between the roof purlins along the south gable end. Will require closure to prevent moisture infiltration.
- d. Spray foam insulation has been installed to mitigate intrusion of pests into the building. This foam has the potential of trapping moisture should it get wet and could damage the wood members.
- e. Although the existing gutters are functional, the attachment of the gutters should be below the metal panel roofing to promote longevity of the system.

#### Floor System

The wearing surface for the floor system is comprised of 1-inch nominal planks attached to floor joists. These planks are butted together to form a continuous surface. In the finished space for the upper level an additional layer of plywood has been installed for a smooth wearing surface. A floor hatch was installed to allow access to the at-grade level just outside the door from the finished to unfinished area of the second floor. This hatch attaches to the top side of the decking with the opening framed between two floor joists. The only deficiency noted in the floor

deck are six areas where the deck has been removed, which totals twenty-four square feet, each location is approximately 2-feet by 2-feet. These openings currently have light-gage metal or street signs covering each. Once a use has been determined for the space, these openings should be filled in with like decking material to form a more uniform wearing surface.



*Figure 3 - View of floor framing.*

The wearing surface is supported by solid sawn floor joists. Joists bearing on the east wall of the building are 2-inch by 8 7/8-inch boards that bear in joist pockets in the brick wall. Joists bearing on the west wall are 2-inch by 10-inch members bearing on a 4-inch by 6-inch beam framed into the wall system. A transition in the floor is made roughly 12 feet 5 inches from the inside face of the east wall. At this transition the joists bearing on the western wall are stacked on top of those from the east. This transition results in an 11-inch step in the floor. The floor is supported at the transition by two separate means. First, by the concrete masonry wall that forms the electric room and bathroom. And second, south of the masonry wall, a flat 2-inch by 8-inch board supported by four columns with varied spacing. An additional flat support beam was also installed four inches away from the face of brick, it is also supported by columns, five with varied spacing.

Floor Deficiencies:

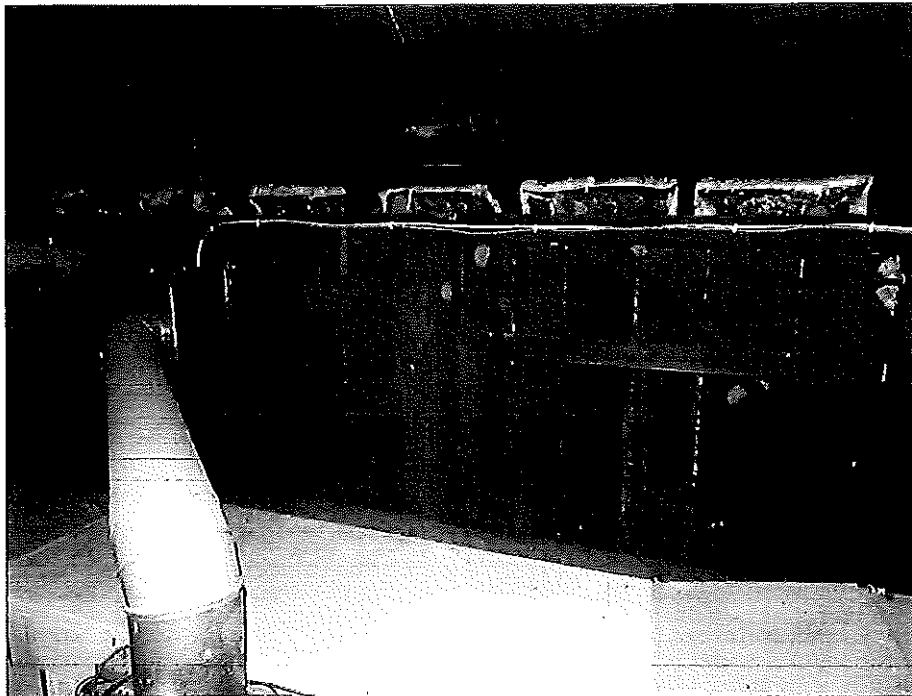
- a. The fifth joist from the south gable end has forty-four (44) inches removed starting fifty-four (54) inches from the face of brick.
- b. Fourteenth (14th) joist from the south end has evidence of previous infestation where the end of the joist has deteriorated. This is on the low joist and is not in the bearing region for the joist, but affects the connection to the high joist at that location.

- c. Near the rotten joist end, the band board shows similar infestation and has resulted in member deterioration. As with the joist, it is not an active situation.
- d. At the floor transition, the flat beam is not sufficient to support the floor if you apply the minimum code required live load. It will support the dead load of the system, as it has been, but it will not support live load should the floor be used.

## Wall Systems

### **West Wall**

The west wall exhibits the characteristics of traditional timber framing. It has a continuous beam, 4-inch by 4-inch solid sawn, at the top of the wall supporting the roof rafters. This beam has mortice splice joints over the primary and secondary columns that are 4-inch by 6-inch members. Below the roof beam is a floor beam that is a 4-inch by 6-inch member, again with mortice joints at each primary and secondary column.



*Figure 4 - Typical west wall framing above floor level.*

Below the floor beam, significant modifications to the wall framing has been made. It is unclear as to the reasoning behind these modifications. Each of the columns have been cut to different lengths and propped by multiple members. Between the columns below the floor beam random wall girts have been installed. These girts, and the framing supporting the columns, are fastened with wire nails, indicating work completed since the early 1900's. All of the new members' bear on a solid sawn 2-inch by 8-inch wood plate that is attached to a cast-in-place stem wall. The concrete stem wall abuts the existing building to the north and travels south to within 12 inches of the southwest corner of the building. As with the other columns along this

wall, the corner column has been cut with multiple members attached to it and carrying it to grade where it rests on stones from an original foundation wall.



*Figure 5 - West wall framing example below floor.*

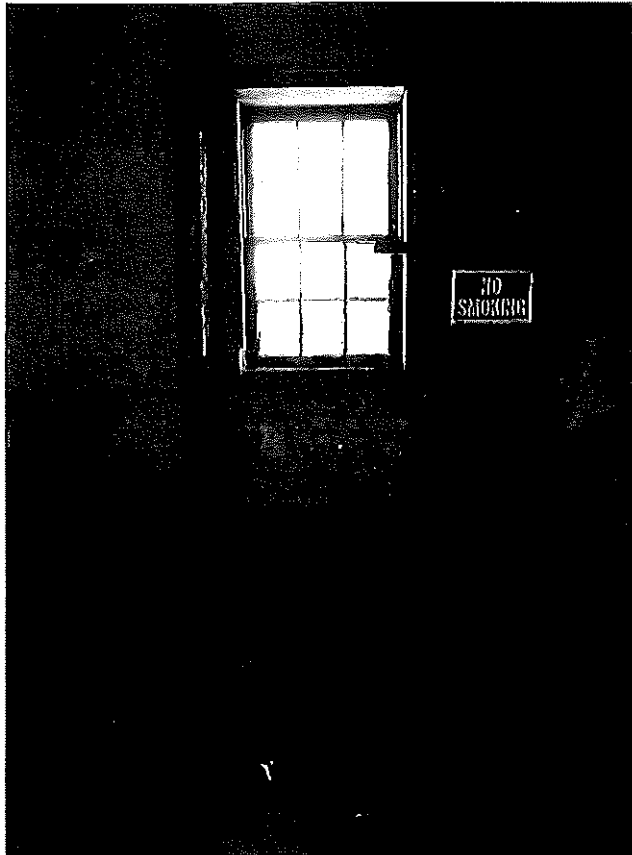
The exterior of the west wall is covered with a metal panel siding backed by solid sawn 1-inch planking. This planking and metal siding extends approximately one inch below the top of the concrete stem wall. Where the stem wall stops, additional planking has been added to grade.

The lateral bents are tied to the primary columns on this wall via morticed joints. Lateral bents are made from 4-inch by 6-inch continuous members. They are tied to the roof rafters by diagonal braces. Knee braces are attached to each primary column with wire nails. The north end abutting the adjacent building does not have a bent. The second interior bent was cut to form the finished space. This bent is nailed to the stud wall and has a larger, 1-inch by 8-inch, diagonal brace to the roof rafter.

#### ***East Wall***

The wall is constructed of a multi-wythe common (American) bond with a header course every six courses. The brick wall is supported by a stone foundation wall. Window openings on the at-grade level of the Stable utilize a Jack Arch to support the loads above. The window on the upper floor is flush to the rafter bearing assembly. The wall is continuous from the level of the stone foundation to rafter bearing. On the visible portions of the wall it is evident that the interior

face has been skimmed with a coating of mortar/plaster. It covers the entire exposed area of the second floor. On the at-grade level the coating is only visible on a small portion of the wall, but there are indications that it covered the entire wall at one time. The exterior surface of the wall has been painted in its entirety.



*Figure 6 - Brick deterioration on east wall below floor.*

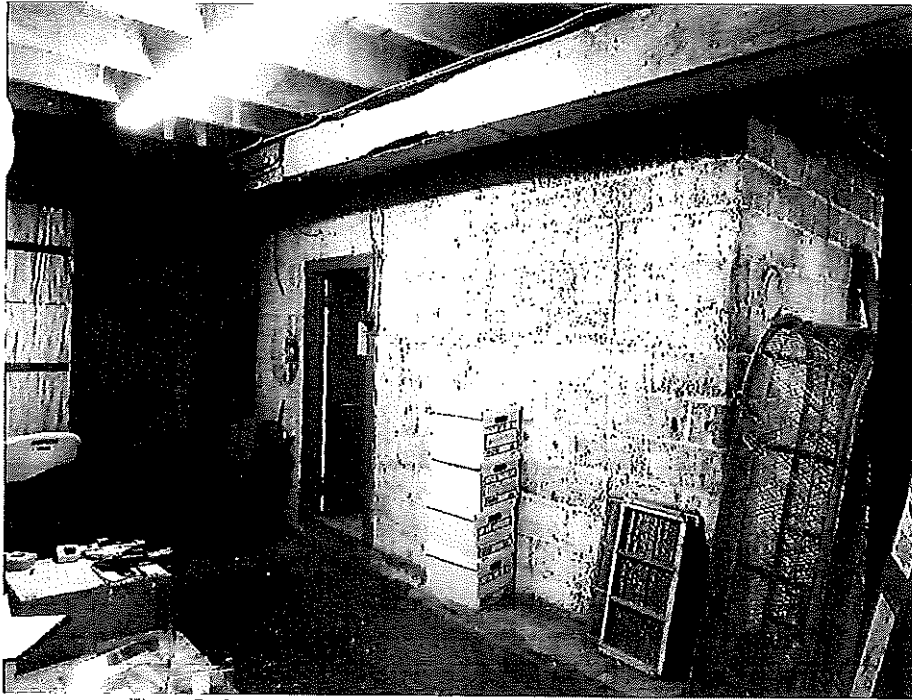
Rafter bearing is accomplished by multiple 4-inch by 6-inch boards. The first is set flush with the outside of the wall, leaving a 4-inch ledge on the inside of the wall. The second member is set so it overhangs the outside face of brick by one inch. There is a 2-inch separation between the two members accomplished by spacer blocks randomly placed between the two. The collar beam is morticed into the lower of the two members of the assembly. No knee braces are associated with the east wall.

#### ***South Gable Wall***

The south gable end is timber framed and has two distinct compositions. The first is from the roof to a false roof, which is made up of floor to rafter 1-inch planking with one intermediate girt 4-feet 10-inches above the collar bent. Below the false roof an additional layer of horizontal framing pushes the wall out an additional 5-inches and is covered with 1-inch nominal vertical planking. Within this wall is framed an opening for a sliding door and passage door on the at-grade level.

### ***Interior Partitions***

On the second level the partitions are framed of solid sawn 2-inch by 4-inch members resting on a 4-inch by 6-inch bottom plate. On the at-grade level, 4-inch concrete masonry units form the interior partitions. These partitions rest on a cast-in-place concrete slab.



*Figure 7 - Interior CMU partition, settlement cracking both sides of corner.*

### **Wall System Deficiencies**

#### ***West and South Walls***

- a. Rotten sill plate located under the primary column assembly of the second interior bent from the south gable.
- b. Water damage evident on the exterior plank siding along the south gable end.
- c. Flashing replacement required on the false gable on the south wall.
- d. Condensate drain pipe from the mechanical equipment on the second floor drains to grade. This has left an area of erosion directly below the drain. Recommend this drain be routed to the gutter drain to prevent further erosion.

#### ***East Wall***

- a. Mortar/plaster skim coat above the second floor has multiple floor to top of wall cracks and shows signs of delaminating from the wall bricks.
- b. Mortar/plaster skim coat delaminating on the remaining wall surfaces that have it.
- c. Mortar joint deterioration resulting from water infiltration or salt accumulation requiring 100 square feet of joint replacement/repointing. This deterioration has resulted in bricks loosening and dislodging from the wall.
- d. Coving and crumbling of bricks on the interior wythe below the southernmost window of the wall. Most likely caused by water infiltration.

- e. Minor settlement cracks on the exterior of the brick wall south of the southern most window. Approximately 10-feet of cracking.

#### *Interior Partitions*

- a. The exterior wall of the finished area on the second floor shows evidence of animal infestation/nesting.
- b. Settlement crack visible emanating from western corner of the south concrete masonry wall.

### Foundation Systems

The original foundation system for the building would have been stone walls. It is evident that the stone foundation walls are present along the east wall and appear in good condition from the exterior. On the west wall a concrete stem wall approximately two feet tall was installed on top of the original stone wall. Rod probing was used to verify the presence of foundation walls below grade to a depth of 20 inches. Foundations for interior columns and partitions is assumed to be cast-in-place concrete, but the depth of footings and size was not able to be determined during the study.

#### Foundation System Deficiencies

- a. Along the west wall at approximately 23-feet 8-inches the stone foundation under the stem wall was not able to be verified. We are unable to assess if the original foundations were removed or damaged, but it is our opinion that the stem wall from that point on to the north bears directly on grade.
- b. Stones are loose and shifting on the interior face of the foundation wall on the east wall. This occurs from the northern edge of the southernmost window to the south gable wall.
- c. Evidence of burrowing into the soil adjacent to the foundation wall is evident between the first and second windows on the southern end of the elevation.
- d. Grade along the east and west side has little to no slope way from the building allowing for water to potentially pond against the foundation walls.

### Basis of Evaluation and Design

In order to evaluate and design repairs for the structure applicable building codes, materials, and loading requirements must be determined. The following is a list of applicable codes, possible required materials for repairs, and applicable loads on the structure as set in the building codes.

#### Codes

- a) International Building Code, 2012
- b) Virginia Uniform Statewide Building Code, VUSBC 2014
- c) ASCE 7-10, "Minimum Design Loads for Buildings and Other Structures"
- d) ACI 318-05, "Building Code Requirements for Structural Concrete"

- e) NDS, "National Design Specification for Wood Construction," 2001 Edition

#### Materials

- a) Cast-in-place Concrete, NLWT,  $F'_c = 4000$  psi
- b) Timber, Mixed Oak, NELMA No. 1,  $F_b = 825$  psi

#### Loads

- a) Dead Load: self-weight +superimposed = actual+10 psf
- b) Floor Live Load: light storage = 50 psf
- c) Snow Load: ground snow load = 30 psf
- d) Wind Load: basic wind speed = 110 mph

### Repair Recommendations

Typically, we place repairs in three categories, immediate, near term, and far term. Immediate repairs are those required to maintain structural stability and protect human life. Near term repairs can be categorized as routine maintenance items required to maintain the functional aspects of the facility. Far term repairs are those that would be required to change the occupancy or improve the visual aesthetics of the facility. Based on our observations we consider the Stable to be in stable condition and repairs required fall into the near or far term category as described in this section.

#### Near Term Repairs

##### **Roof System**

The primary concern with the roof system is to replace elements that have been in service beyond their useful life and to provide closure to the system. To accomplish this we recommend replacing the roof panels and providing new flashing and guttering to match the system. This will ensure protection from the elements and improve the prevention of pests from entering the building.

The replacement will involve removing the existing metal panels, flashing, and trim pieces and replacing them with a new standing seam roof system. Additionally, the eaves and end overhangs will be enhanced with soffit that matches the period. The existing gutters are assumed to be in usable condition, they will be removed and re-installed with hangers below the roof panels. While this study found no evidence of damaged roof purlins, the cost estimate and documents provide for an allowance of replacing 5% of the purlins.

##### **Floor System**

In order to carry minimum design loads required by code for the second floor we recommend replacing the flat 2-inch by 8-inch boards and columns with a traditional beam system. These beams would utilize rough sawn timbers, 8-inch by 12-in at the floor transition and 6-inch by 10-inch offset from the east wall. Each beam would be supported by solid sawn 6-inch square columns. The beams would be joined to the columns by mortice joints and be equipped with knee braces for lateral support. We propose that the columns be offset from each end to allow for economy of member sizing while maintaining as much open space as possible within the

room. The columns would bear on spread footings cast such that the top of footing would be flush with the top of the existing gravel floor.

For the beam with a section removed, we recommend attaching a member of similar size to the existing for support. This attached member would but cut so it extends 16-inches beyond each side of the section removed. It would be attached with twelve 16d nails, six on each face.

### ***Walls Systems***

The most challenging repairs required for the Stable involve the brick restoration of the east wall. This will require complete replacement of the interior wythe in some locations and reparging the entire interior surface once the repairs are completed. To accomplish the repairs it will be necessary to support the roof and floor gravity loads as well as providing lateral bracing of the exterior wythe to prevent out of plumb movement of the brick during repairs. We anticipate the contractor using scaffolding for the full height of the wall to accomplish this. Once the elements are shored, the contractor will remove bricks as necessary and replace loose bricks to the floor level. We do not anticipate removal of any brick above the floor level. Once this is completed the contractor will remove the parging on the upper level and any remaining on the at-grade level and provide a new ½" thick coating to the entire exposed surface of brick. It should be noted that for this repair the existing fuel tank will have to be relocated temporarily in order to complete the repairs.

Timber repairs to the south and west walls include the following. Replace the existing wood siding below the false roof line of the south gable end. Additionally, for the area on the west wall that is not covered by metal panels, we recommend the existing timbers be removed and replaced closing any gaps that would allow for pests to enter the building. Finally, along the west wall below the column supporting the second interior bent, the wood sill will be replaced in kind with like material. The column and girts will have to be shored to accomplish this task.

### ***Foundations***

Prior to repairing the interior wythe of brick on the east wall, and after the wall has been shored, we recommend the foundation stones be cleaned of any debris from the brick wall, loose stones be repositioned and secured with mortar. While this is going on, any burrow holes found should be filled with soil and terminated.

We recommend the condensate drain on the west side of the building be extended to drain into the drain pipes carrying rainwater from the gutters away from the site.

### ***Far Term Restorations***

There is currently no plan for the future use of the Stable. Once a program has been established there are repairs to consider that bring the building more in line with its historic character. As these are more substantial restoration efforts, construction details have not been provided, but are reflected for budget purposes. First would be to remove the metal panel siding on the south and west walls and replace it with a more traditional board and batten system that would be typical of the period. At this point you would also restore the west and south wall framing to its original condition. This would entail removal of all the miscellaneous



bracing members and splice the existing members so that they function as originally intended without the need for multiple members.

As the occupancy is determined, in order to meet performance requirements, the concrete stem wall on the west elevation will have to bear below frost. In order to do this, we would recommend installing helical piers on the inside of the Stable attached to the bottom of the stem wall to provide the support needed. Once this has been completed we recommend evaluating grade around the Stable and regrade as necessary to provide positive drainage away from the foundations to prevent water intrusion issues.

### Cost Estimate Data

All of the repairs recommended above would be categorized as near term restorations or items that repair damage and maintain structural stability. Based on the repairs recommended it is logical to break the cost data up into three categories: masonry restoration, roof restoration, and timber restoration. The cost for each category are summarized below.

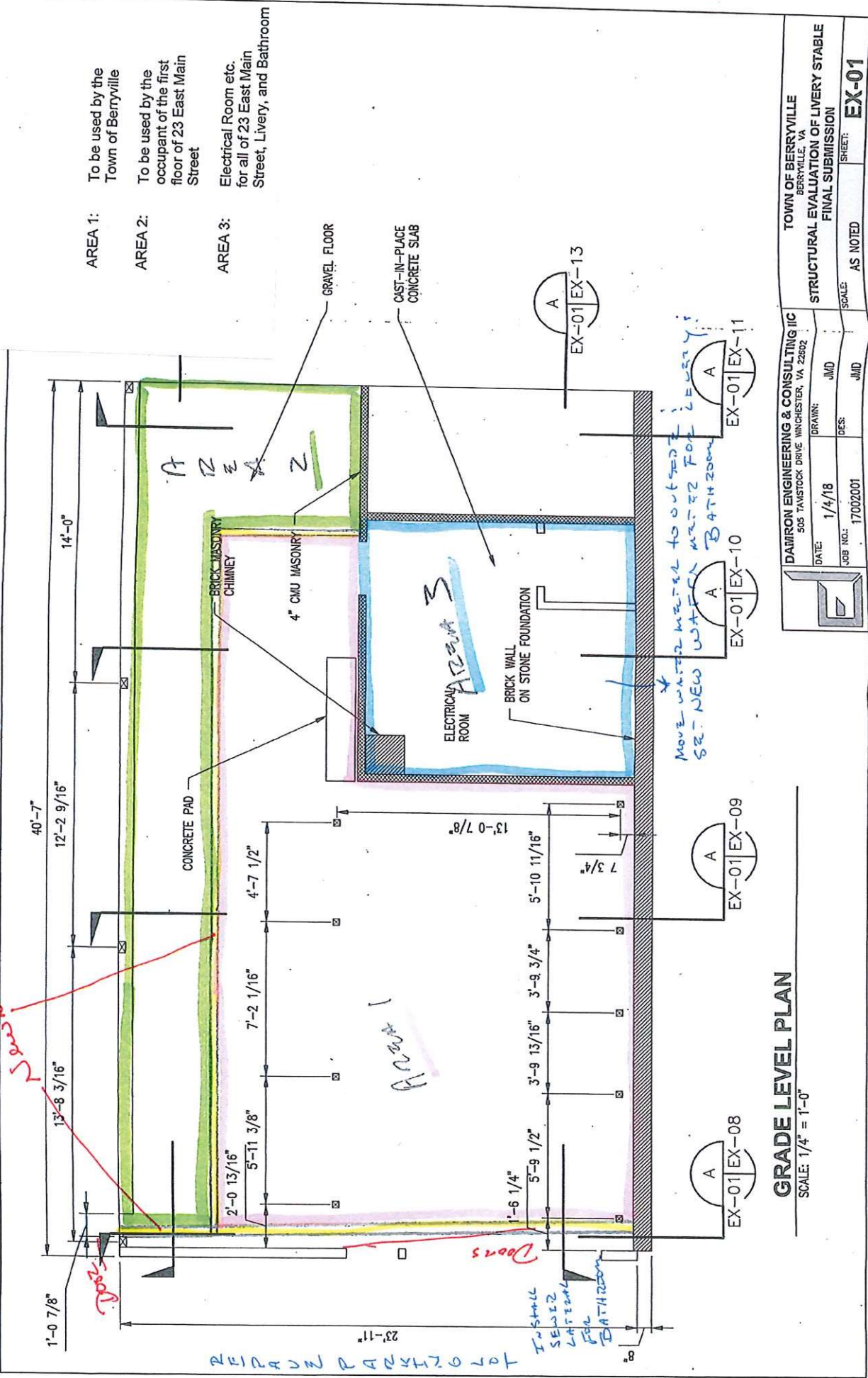
Category	Cost
Masonry Restoration	\$71,311.11
Roof Restoration	\$58,034.42
Timber Restoration	\$20,981.77

Far term repairs would take on the duties of bringing the structure entirely back to a specific time period condition with items such as removing the metal panel siding and replacing it with traditional board and baton siding. At this time, you would undertake a complete restoration of the west and south gable walls removing members not in kind and rebuilding. The next item could be to demolish the finished space on the second floor and reconstruct Bent 2 and the north gable end to their original condition. The far term items would require substantial design effort and would be estimated at \$304,692 including design and administration fees.

### Conclusion

Damron Engineering and Consulting llc has performed a comprehensive survey of the existing Livery Stable behind 23 East Main Street in Berryville, Virginia. Based on our observations we consider the Stable overall to be in stable condition with a few areas of concern. We have identified near term repairs required to maintain the integrity of the facility. Once these near term repairs have been completed we are confident that the facility can accommodate any program requirements the Town may assign to it.

*OPTION 1*



- AREA 1: To be used by the Town of Berryville
- AREA 2: To be used by the occupant of the first floor of 23 East Main Street
- AREA 3: Electrical Room etc. for all of 23 East Main Street, Livery, and Bathroom

DAMRON ENGINEERING & CONSULTING INC 505 TAVISTOCK DRIVE WINCHESTER, VA 22602		TOWN OF BERRYVILLE BERRYVILLE, VA	
DATE: 1/4/18	DRAWN: JMD	STRUCTURAL EVALUATION OF LIVERY STABLE	
JOB NO: 17002001	DES: JMD	SCALE: AS NOTED	SHEET: EX-01
		FINAL SUBMISSION	

**GRADE LEVEL PLAN**  
SCALE: 1/4" = 1'-0"

