

Buckland Zone Adopted

By RICHARD LEIGH
JM Staff Writer

The Prince William Board of County Supervisors Tuesday night adopted an historical overlay district for the 19th-century mill village of Buckland.

While the public hearing saw comment from about a dozen persons supporting the overlay, on grounds that the zone would protect the historic character of the village and buildings from the development rampant elsewhere in the county, three others opposed the measure, saying it was unconstitutional and implying it was illegal.

In a related zoning matter, an amendment to the historic overlay district section of the zoning ordinance was passed to allow minor alterations without county Architectural Review Board approval.

These include alterations to gutters, storm doors, storm windows, window boxes, window air conditioners, and other items that do not significantly alter the exterior appearance of the structure. This amendment passed without comment.

The district requires that "a certificate of appropriateness (issued by the ARB) shall be required prior to the erection or reconstruction of the exterior or alteration, restoration,

tion, or excavation of any building or structure within the historic overlay district," according to Mavis Standfield of the Prince William Planning office.

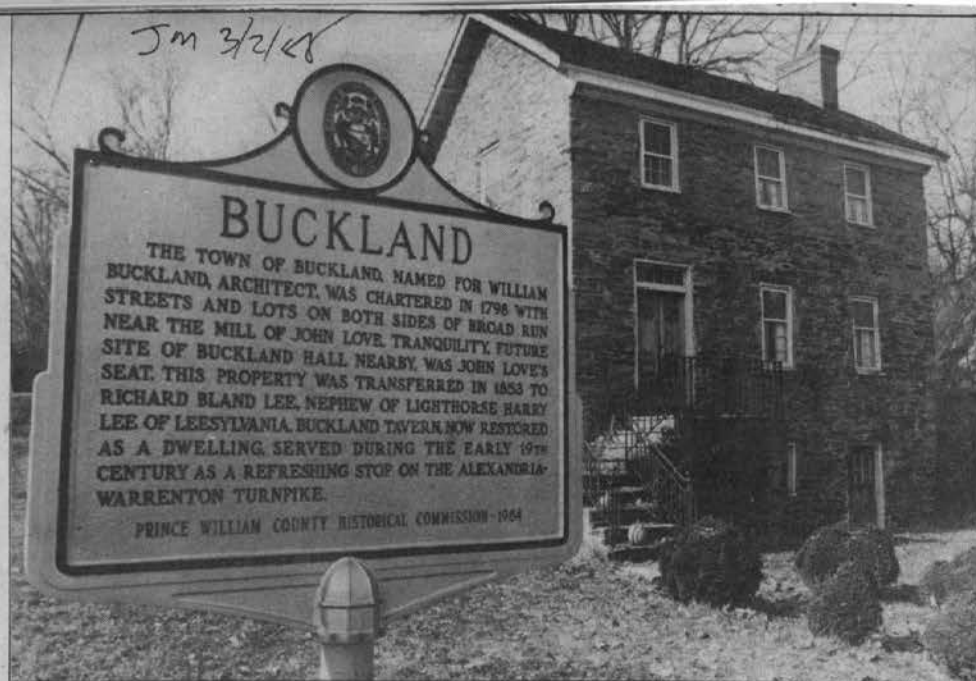
Gainesville Supervisor Robert Cole asked County Attorney John Foote if the district were constitutional and whether it were reversible.

The constitutionality question, Foote said, asks whether the ordinance constitutes a taking of private property for public purpose without just compensation. If it does, it would violate the U.S. and Virginia constitutions, he said.

The ordinance is constitutional and would survive a constitutional challenge, he said.

The district also is reversible, he said. "Any zoning decision this board undertakes is reversible at the will of the board in accordance with standard rules of law" pertaining to the standard rezoning process.

Paul Edmondson, assistant general counsel of the National Trust for Historic Preservation and associate editor of the Preservation Law Reporter, also said the Buckland overlay district was constitutional. He has written several articles on the constitutionality. See Zone Approved on A-3.



Jerry Foster—The Journal Messenger

'New' Historic Site

The Prince William County Board of Supervisors has adopted an historic overlay zone for the 19th century mill village of Buckland following a public hearing

Tuesday night. About a dozen citizens spoke out in favor of the overlay while three opposed it on grounds it may be unconstitutional.

PUBLIC LIBRARY BUCKLAND Prince William Public Library
PRINCE WILLIAM PUBLIC LIBRARY SYSTEM Manassas, Va.
RELIC/Bull Run Reg Lib Manassas, VA

REFERENCE

VIRGINIANA FILE

Zone Approved

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of historic preservation ordinances, he said.

Susan Dudley and Brian Mannix, who together own about one-third of the property, both protested the overlay. The district includes about eight acres owned by those who object to the district, she said.

Rose Hazel, owner of one of the historic houses in Buckland, presented a petition favoring passage of the district to the board bearing the signatures of 11 of the 14 property owners in the proposed district.

Better means of preserving the historic character of the area would be through covenants or easements, Dudley said. The covenant requires

an agreement of the landowners, while the district required the agreement of the supervisors, she said.

She also said these other means are legal, and that the district violates the Fifth Amendment to the U.S. Constitution, saying it takes property without just compensation.

Linda Wright, owner of an adjoining property, referred to the district as a "police action." A Buckland overlay would set a pattern to be repeated in other county locations, she said.

State Division of Historic Landmarks Jeff O'Dell said Buckland has already been nominated to the Virginia Landmarks Register. The

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application for the National Register has been written and is ready for submission to the National Park Service.

"The Virginia Register offers very little in the way of protective measures," O'Dell said. "It's mostly an honorific designation." While the National Register does not impose limitations on property owners, it does convey "benefits and restrictions," he said.

Before moving for adoption of the district, Cole said opponents have expressed to him the fear that the county "was going to march across the land and start picking up historic

sites and stuff this down their throats. It is not the intention of the county government, its staff, the supervisors, or me" to do this, he said.

"I tend to believe that covenants, easements, and restrictions would be divisive rather than cohesive," Cole said. "The historic overlay would be less restrictive on homeowners but more protective for the cause. The intended purpose is historic preservation. With the pressure of development, the area must have some protection to maintain the integrity of the village."