

Old School Cape Charles, LLC  
548 Monroe Avenue  
Cape Charles, VA 23310

October 17, 2013

Dear Madam Mayor and Town Council:

This letter is to request that Town Council reject the recommendation of its staff in regards to Old School Cape Charles' appeal of the Historic Review Board decision. It is apparent that the Town staff is falling back on legal precedents that do not exist attempting to act as a legal authority is outside their scope and purview; this should only take place in a court of law.

Certainly, regarding whether OSCC is required to be a landowner in order to appeal this decision is outside the scope and purview of this Council. The Town's own zoning code does not say that an aggrieved party must own the property in question. Town Code says, "An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, . . ."

Old School Cape Charles is indeed an interested and aggrieved party having brought two appeals of a lower court decision regarding the property in question to the Virginia Supreme Court. OSCC also meets the legal definitions provided below:

*An individual [organization] who is entitled to commence a lawsuit against another because his or her legal rights have been violated.*

Looking to historical precedent in Cape Charles, the civic organization Old School Cape Charles has as much right to involve itself with the decisions about the old school as the Citizens for Central Park had the right to involve itself with determining the style of bathroom in the park.

That said, Old School Cape Charles requests that it be granted time to present its case to the Town Council for a decision about the validity of the Certificate of Appropriateness provided by the zoning administrator in the name of the Historic District Review Board.

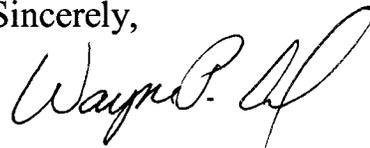
There was even disagreement within the Historic District Review Board as to whether the five items requested by the developer should be approved while

leaving issues regarding the Historic District Guidelines unconsidered and requested material not received from the developer. The numerous inconsistencies found with the awarding of the Certificate of Appropriateness, lends itself to a much more introspective analysis.

Old School Cape Charles has requested a hearing on its concerns about the approval of a Certificate of Appropriateness for this property. Now is not the time to bring all the merits of the appeal forward. That is the reason for the appeal process.

Old School Cape Charles looks forward to presenting a full explanation of its reasons for its appeal to you at a hearing before Town Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Creed". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Wayne Creed