

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 12/16/14 (work session) **CUT OFF DATE:** 12/10/14
1/13/15 (regular mtg)

RESOLUTION ___ **ORDINANCE** ___ **PUBLIC HEARING** X

ITEM TITLE:

Appeal of BAR Decision regarding window replacement for Omgs at 455 N. Loudoun St (BAR-14-689)

STAFF RECOMMENDATION:

Reverse decision as contained in attached resolution.

PUBLIC NOTICE AND HEARING:

Public hearing for 1/13/15 Council mtg

ADVISORY BOARD RECOMMENDATION:

This is an appeal of a decision by BAR to deny request to replace windows

FUNDING DATA: N/A

INSURANCE: N/A

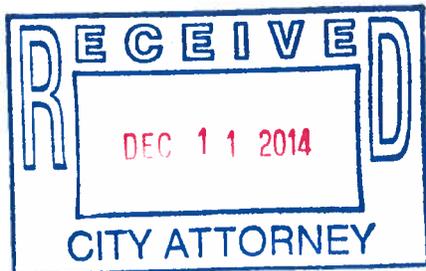
The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Zoning & Inspections	AMB		12/11/14
2. City Attorney	<i>[Signature]</i>		12/11/2014
3. City Manager			
4. Clerk of Council	KJH for E. Freeman		12/11/14

Initiating Department Director's Signature:
(Planning Dept)

[Signature]

12/10/14



APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

12/11/2014

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Timothy Youmans, Planning Director
Date: December 10, 2014
Re: Omps Appeal of BAR Decision (BAR-14-689) to City Council

THE ISSUE:

An appeal of a BAR decision pertaining to window replacement at 455 N. Loudoun Street. City Council must hold a public hearing within 60 days of the date of appeal filed on November 25, 2014.

RELATIONSHIP TO STRATEGIC PLAN:

Vision 2028- Winchester is a beautiful Historic City.

Principle #1: Beautiful and Historic City- Preservation and restoration of historic buildings and sites.

Principle #5: Great Neighborhoods with a Range of Housing Choices- Well maintained homes meeting City standards and codes.

BACKGROUND:

During a scheduled city inspection at a nearby home in the neighborhood, replacement of windows (including aluminum storm windows) with new wood and vinyl windows were observed. At that point, many of the windows were already replaced or in the process of being replaced.

See attached letter from Larry T. Omps dated October 21, 2014 which was addressed to Josh Crump, staff to the BAR with the application for a Certificate of Appropriateness. The letter mentions the removal of the inappropriate storm windows and the retaining of the wooden window frames. It notes the use of an acrylic coating similar to Kolbe K-Kron that has been approved for the historic district.

The Board of Architectural Review heard the matter at its November 20, 2014 meeting. Minutes of the meeting are attached. At the BAR meeting, the request was denied on a 6-0 vote with the Board noting that the vinyl windows are not appropriate in the historic district. The November 24th action letter from staff noted the options to appeal the decision within 30 days. On November 25, 2014, Mr. Omps provided written notice to the City Manager requesting appeal of the decision of the BAR.

Chapter 3, page 5 of the Winchester Historic District Design Guidelines, discusses windows as part of Residential Rehabilitation. Portions of the guidelines read: "1. Retain existing windows if possible." "2. Repair existing windows..." "4. Replace existing windows only when they are missing or beyond repair." "5. Do not use materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality of color of the glazing, or the appearance of the frame." "6. Use true divided lights to replace similar examples and do not false muntins in the replacement."

The Board did not discuss options discussion was focused on the precedent that would be set if the Board allowed this property owner to secure approval because so much of the work had been done without approval. The concern was that it would encourage other historic district property owners to undertake alterations without approval and then ask for forgiveness.

The appeal of the BAR decision and required fee were submitted to the Clerk of Council, in accordance with Section 14-9-1 of the Winchester Zoning Ordinance. The Clerk has sixty (60) days to schedule a public hearing with City Council from the date of the appeal. The Zoning Ordinance states that during this review of the appeal, "[t]he same standards shall be applied by Council as are established for the Board of

Architectural Review. The Council may affirm, reverse or modify the decision of the Board, in whole or in part."

As with the recent Hanke window replacement appeal case, it is noteworthy that there were already aluminum storm windows in place (presumably prior to 1976) on the windows in this circa 1912 apartment building that previously served as a funeral home. The applicant is removing the inappropriate aluminum storm windows. The BAR has jurisdiction over alterations on the exterior of a structure. Section 14-2-1 of the Zoning Ordinances defines 'Exterior Architectural Appearance' to include "*architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of building material; and **type and character of all windows, doors, light fixtures, signs, and appurtenant elements, subject to public view from a public street, public way, or other public places.***"

Much of the period wood in the windows is either being preserved or replaced with wood. The concrete/stone sills are also being retained. Since most of the stone and wood window elements are being retained and since the exterior-most aluminum storm windows are being removed, there is some latitude for City Council to find that the request, though started without approval, is consistent with the standards.

BUDGET IMPACT:

None

OPTIONS:

1. Uphold the decision of the Board of Architectural Review to deny the request, in full based upon a finding that the applicant undertook the work without BAR approval and that the Board properly applied the standards for window replacement;
2. Modify the decision of the Board of Architectural Review to preclude replacement of windows that have not already been replaced; or,
3. Reverse the decision of the Board of Architectural Review, in full based upon a finding that the BAR erred in applying the standards established for the BAR.

RECOMMENDATIONS:

Staff recommends that Council consider Option #3 which acknowledges the actions by the applicant to retain most of the period materials (wood and stone) and remove the inappropriate storm windows.

**BOARD OF ARCHITECTURAL REVIEW
MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on Thursday, November 20, 2014, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Chairman Rockwood, Mr. Serafin, Mr. Walker, Mr. Bandyke, Ms. Jackson, Ms. Elgin

ABSENT: None

STAFF: Josh Crump, Carolyn Barrett

VISITORS: Larry Omps, Jim Riley, George Stathopoulos, Glen Burke

APPROVAL OF MINUTES:

Chairman Rockwood called for corrections or additions to the minutes of November 6, 2014. Mr. Walker asked for a correction on page two. Chairman Rockwood called for a motion. Ms. Jackson moved to approve the minutes as corrected. Mr. Bandyke seconded the motion. Voice vote was taken and the motion passed 6-0.

CONSENT AGENDA:

None.

NEW BUSINESS:

BAR 14-689 Request of Jucapa LLC for a Certificate of Appropriateness to repair the windows at the property located at 455 North Loudoun Street.

Mr. Omps spoke about replacing the windows at the property. He said none of the windows are standard and the plan was to change the windows to more efficient and better appearing windows.

Mr. Walker asked about whether there was more wood exposed on the interior or exterior of the windows. Mr. Omps said they were removing the aluminum storm windows and putting back one-over-one windows. Mr. Serafin asked if they were vinyl clad windows. Mr. Omps said the window frames are original, the sashes are vinyl clad and covered with wood. There may be a quarter-inch of vinyl showing.

Chairman Rockwood asked if the existing sashes being replaced are covered with vinyl. Mr. Omps said some of them were. Chairman Rockwood asked if the replacement windows were made out of wood. Mr. Omps said the acrylic coating was approved by the Secretary of the Interior or approved by the BAR for covering Kolbe windows. Chairman Rockwood said he was trying to understand which part of the windows was wood. Mr. Omps pointed out which sections were wood and which were clad.

Mr. Bandyke asked if he was taking the sashes out of the windows and Mr. Omps said yes, they were putting in new insulated sashes.

Chairman Rockwood asked if the existing sashes were wood or vinyl. Mr. Omps said a combination of both. Some were from 1912, some were from other years. Chairman Rockwood asked how many of each were left to be replaced. Mr. Omps said he did not know. Chairman Rockwood asked if a majority to be replaced were wood or vinyl. Mr. Omps said at least 10 had not been replaced and the building had 30 or 40 windows. Mr. Bandyke asked if the ones that had been replaced were similar to the windows depicted composition wise and Mr. Omps said some of them were.

Chairman Rockwood asked if Mr. Omps could tell where the original windows to be replaced were on the building. Mr. Omps said on the south side and two smaller windows in the front of the building. Mr. Serafin said the Kolbe K-Kron coating on windows is like a high-tech automotive paint on windows. It looked like what Mr. Omps was replacing them with was a vinyl cladding which is a different thing. Mr. Omps said what they were doing was covering most of the vinyl with wood to give it a more natural appearance. Chairman Rockwood asked Mr. Omps to identify which windows were currently original wood sashes and which had been replaced previously with vinyl. Mr. Omps pointed out the windows on the drawings.

Mr. Bandyke said that if it is vinyl coated, a vinyl window or any vinyl on it at all, it is not acceptable. If it is K-Kron, which is a wood window with a baked on finish, that is acceptable because it is on wood. It is not vinyl because it is painted on. Mr. Omps has added wood onto the jamb of the window. The window sashes themselves are vinyl on the outside and that is a problem. The windows look better than the storm windows that were on the building but vinyl cannot be allowed. The K-Kron is approved because that is paint. Even though the sashes are hidden behind aluminum screens they are still vinyl. Chairman Rockwood asked if K-Kron windows could be purchased. Mr. Omps said those were about \$1,000 each. The ones he is putting in are \$200.00. Mr. Omps suggested the Historic District be divided up into two tiers. The downtown area could be perfectly historic. Five blocks out could have more latitude. There are many homes that people cannot repair to historical standards because they cannot afford it.

Chairman Rockwood said all they can do is work with applications as they come in. There are properties throughout the district that are sometimes problematic and have been allowed to run down to the extent that it is very expensive to improve them. Throughout the district, there are important historic buildings that they are charged with preserving and the standards are well established. In some cases it is a difficult thing. There are things that would not have been approved if brought before them. The building that Mr. Omps is talking about has several things that had they been presented, they would not have been approved such as the aluminum siding, bump out on the porch, aluminum ceiling on the porch and several windows.

Mr. Walker said he appreciated the care that had been given to trying to make the windows as historic as they can be with the wood trim and removal of aluminum storm windows. Unfortunately, vinyl will never be a historical material. Mr. Bandyke said it is number one on the rules for windows. The only option is a wood window that is a double glazed wood window. They are less than \$1,000.00 and they are not going to be coated like K-Kron windows which means they are a lesser quality which is the last thing needed for a window but unfortunately it has to be wood but it can be coated with anything he wanted.

Mr. Serafin said it would set a precedent that if wood windows could be replaced with vinyl here than why not on the mall or through the historic district. Chairman Rockwood said Mr. Omphs could look into alternative windows such as a non-clad window that would require maintenance to keep up but that may be cheaper to install. The price differential might not be as burdensome. Mr. Omphs said the difficulty they have is virtually all of them are custom sizes and you cannot just open a catalog and pick them out. He understood the board's position and if they vote it down, he will not take it personally. Chairman Rockwood asked if there was any other discussion by the board. He then called for a motion.

Mr. Bandyke made a motion to deny the request for a Certificate of Appropriateness for **BAR-14-689** because the replacement windows are vinyl. Mr. Serafin seconded the motion. Voice vote was taken and the motion passed 6-0.

BAR 14-705 Request of the Religious Society of Friends for a Certificate of Appropriateness to install a storage shed at 203 North Washington Street.

Jim Riley spoke about the shed and its placement on the property. It will be on the side that is not facing the street. It will be for mowing equipment and tools. The shed is pre-made from a dealer by the Apple Blossom Mall. The building is made out of white pine with board and batten styling and stained with a rustic cedar color.

Mr. Bandyke asked if it would be on a gravel or concrete pad. Mr. Riley thought it would be concrete blocks set in the ground and the church would put mulch or other material around it. Chairman Rockwood asked if the door would be on the north side and Mr. Riley said yes.

Mr. Bandyke made a motion to grant a Certificate of Appropriateness for **BAR 14-705** with the following comments:

- That it be a wooden storage building;
- It has a green metal roof;
- Board and batten siding;
- All wood trim;
- Four foot door;
- Set on small block piers or something of that nature;
- No windows.

Mr. Walker seconded the motion. Voice vote was taken and the motion passed 6-0.

BAR 14-707 Request of Nostimon LLC for a Certificate of Appropriateness to replace the roof at 202 East Piccadilly Street.

Mr. Stathopoulos outlined the project and stated that they wanted to replace the roof like-for-like. Mr. Bandyke asked if anything was mentioned about gutters. Mr. Stathopoulos said no. Mr. Bandyke said it looked like it was strapped to the roof and it would need to be rehung and restrapped. He recommended that be checked on. If they are being replaced same-for-same, it would not need to be brought back before the board.

Chairman Rockwood asked if it was a standing seam roof. Mr. Bandyke said it was a true standing seam and instead of a cap on the ridge, it was folded over, that is part of the standing seam. Some metal roofs are capped at the hip or ridge.

Mr. Serafin made a motion to grant a Certificate of Appropriateness for **BAR-14-707** with the following comments:

- The hip and ridge be a non-cap seam.
- Remaining items as submitted.

Mr. Bandyke seconded the motion. Voice vote was taken and the motion passed 6-0.

BAR 14-710 Request of GW Development LLC for a Certificate of Appropriateness to apply new trim around entryway and signage for restaurant entrance at 103 East Piccadilly Street.

Mr. Burke spoke about the rebranding of the Dancing Goat Restaurant and the plans for the entryway and signage of the restaurant to fit more into the feel of the old town area.

Mr. Bandyke asked if anything was going to be put on the top of the columns. He also asked about the lighting for the sign. Mr. Burke said there were two flood lights in the planters that are aimed at the signs. The board members asked questions pertaining to the size and material of the lettering for the new signs.

Mr. Bandyke made a motion to grant a Certificate of Appropriateness to **BAR-14-710** as described below:

- Change the two brick pilasters on either side of the entrance to a two foot higher elevation with a concrete or stone cap and allowances for either a concrete or metal pot or some sort of container on top if desired or need be.
- The door entrance will be flanked by two wood fluted columns with plinths and capitals
- The half round signage will be changed to "Food and Spirits" and will be applied metal letters.
- The name of the restaurant will be changed to "George's" and that signage will be above the "Food and Spirits" awning which will be depicted as submitted.
- The sign for George's Restaurant will have a metal bracket painted black and signage as submitted.
- The Half Note Lounge on the Piccadilly side will have a similar metal bracket with the same signage as submitted.
- Current lighting is not to be changed.
- Menu board is to be made out of wood with a glass or plastic door.

Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 6-0.

OLD BUSINESS:

None.

DISCUSSION:

Mr. Bandyke made a motion to adopt the meeting calendar for 2015. Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 6-0.

Mr. Serafin asked about doing a press release about windows or having a discussion to educate the public on the Historical District standards. Mr. Crump said postcards were going to be sent out in May to residents and businesses in the district as it was done last year.

ADJOURN:

With no further business before the Board, the meeting was adjourned at 5:24pm.

DISCUSSION:

Mr. Bandyke made a motion to adopt the meeting calendar for 2015. Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 6-0.

Mr. Serafin asked about doing a press release about windows or having a discussion to educate the public on the Historical District standards. Mr. Crump said postcards were going to be sent out in May to residents and businesses in the district as it was done last year.

ADJOURN:

With no further business before the Board, the meeting was adjourned at 5:24pm.



COMMERCIAL & RESIDENTIAL RENTAL PROPERTIES

1600 Amherst Street ■ Winchester, VA 22601 ■ (540) 662-9371

October 21, 2014

Mr. Josh Crump
Rouss City Hall
15 North Cameron Street
Winchester, VA 22601

Dear Mr. Crump:

This is a request to repair windows at 455 North Loudoun Street, Winchester, Virginia.

The existing windows are a combination of vinyl replacements and original wooden sash. A majority of the windows were replaced as part of the apartment renovation years ago.

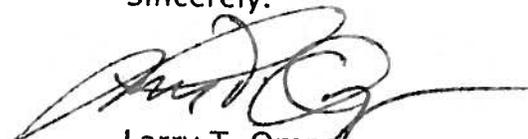
The remaining windows are in poor condition, and are unusual sizes and combinations. In an effort to preserve as much of the original window as possible, sashes were fabricated to fit in the original wooden frames. None of the wooden frames of windows being upgraded will be removed.

The sashes will be the same configuration as original windows, with an acrylic coating similar to the Kolbe K-Kron coating that has been approved for the historic district.

This is essentially a like-for-like replacement. The wooden frames remain and the sashes have the same configuration as original. The result will be a window without storm windows which take away from the historic look, particularly with the windows that are unique combinations.

Attached are photos of a window before replacement with storm windows and a window which has been replaced.

Sincerely,



Larry T. Ompr

LTO/nso



