

ARCHITECTURAL REVIEW BOARD MEETING MINUTES

The Board of Architectural Review held its regularly scheduled meeting on Thursday, February 7, 2013, at 4:00 p.m. in Council Chambers at Rouss City Hall, 15 North Cameron Street.

1. POINTS OF ORDER

PRESENT: Chairman Tom Rockwood, Tim Bandyke, Patricia Jackson, Bob Pinner, Peter Serafin, Don Crigler, and Kevin Walker

ABSENT: None

STAFF: Aaron Grisdale and Catherine Clayton

ELECTION OF OFFICERS:

Chairman Rockwood called for nominations for Chairman. Mr. Bandyke nominated Mr. Rockwood. Having no objections, discussion, or further nominations, the motion carried by unanimous vote.

Chairman Rockwood then called for nominations for Vice Chairman. Mr. Crigler nominated Mr. Bandyke and Mr. Pinner seconded the nomination. Having no objections, discussion, or further nominations, the motion carried by unanimous vote.

APPROVAL OF MINUTES:

Chairman Rockwood called for additions or corrections to the minutes of December 20, 2012. Hearing none, Ms. Jackson made a motion to approve and Mr. Bandyke seconded the motion. Motion to approve carried by unanimous vote.

2. CONSENT AGENDA

BAR-13-41 Orlando C. Artze of City Light Project #1, LP, for a Certificate of Appropriateness for the installation of an ADA compliant ramp at the property located at 208 North Kent Street (*Map Number 174-1-J24*).

Chairman Rockwood asked Mr. Grisdale to explain why this case was put on the Consent Agenda. Mr. Grisdale stated that staff believes that as a Fair Housing Act issue we should put it on there to grant reasonable accommodations for these types of access issues.

Chairman Rockwood asked if there is a Federal statute which requires this. Mr. Grisdale responded that it is his understanding that the Fair Housing Act that requires us to grant reasonable accommodations in these types of situations where access does not comply with zoning ordinance or City statute.

To clarify the proposal, Mr. Crigler asked if this was to be a temporary handicap ramp and that it will, in some fashion, be fastened down but to be taken apart and removed later. In the current rail system and according to the diagram, the ramp appears to be going inside of the existing railing.

Chairman Rockwood stated that the Board is wanting to discuss this therefore the case should be removed from the Consent Agenda and since it is the first item up, we will take it up as a regular item now.

3. NEW BUSINESS

BAR-13-41 Orlando C. Artze of City Light Project #1, LP, for a Certificate of Appropriateness for the installation of an ADA compliant ramp at the property located at 208 North Kent Street (*Map Number 174-1-J24*).

Chairman Rockwood asked if there is a representative of the applicant there. He then asked if any member of the Board wanted to be heard on the application. Mr. Crigler stated that he had no real problem with the proposal except but it would be nice if the existing rail matches the guide rail. In other words, 1) put it back together because it is in disrepair and 2) an agreement from the applicant that at whatever time the current occupant leaves that the ramp will be removed.

Ms. Jackson questioned that there is no indication as the width of the ramp and whether or not there was actually space on the property.

Mr. Pinner stated that he is concerned about the term “temporary” and that he would like to have a time limit on the “temporary” for the simple reason that a temporary situation could last 30 years and he does not want to see an aluminum ramp there obstructing almost all access to the property owners next door and being listed as temporary.

Mr. Grisdale states that it is his understanding that the property owner is attempting to accommodate this current tenant and they do not anticipate this tenant being there forever but he cannot speak for the property owner. The Board can make a conditional approval based upon the needs of this current tenant and require the property owner to remove the ramp immediately thereafter.

Mr. Bandyke asked if this railing had come before the Board at another time because he thought the two apartments were part of a ministerial program where they were purchased and rehabilitated to serve low income people. He also stated that he does not know who owns the property and that the original railing should be fixed if they want the other temporary railing installed and it should have been fixed regardless of the temporary railing.

Mr. Crigler stated that this rail is not required by City Code because it is not 30 inches off the ground. Mr. Bandyke stated that this could be considered as a blight. Mr. Crigler suggested that the Board table this until the applicant can attend and explain. Additionally, concern was raised about the close proximity to the other property. Mr. Bandyke stated that the ADA regulations state that it has to be one foot (1') of length for every one inch (1") of rise therefore, this ramp will be 12 feet out.

Mr. Crigler stated that possibly approve with the two (2) conditions as previously stated. Mr. Rockwood states that his concern is that there is a claim that there is a pre-emptive Federal rule which requires this ramp to be constructed in this fashion and that no one from the applicant or anyone else has attended this hearing or brought to us the statutory basis on which they claim that they have the right to build this thing and our approval by that rationale is superfluous and he thinks that the applicants needs to come before the Board and state their case and state the basis on which they claim they have the right to build this ramp. He further stated that he would be in favor of tabling this as was suggested earlier and have the applicant come before the Board and prove to the Board that they are entitled by right to install the ramp.

Mr. Serafin stated that the doctor's notes states that there is a need for a ramp but what it looks like and how it fits in to the neighborhood is the Board's business.

Mr. Crigler made a motion to table this until the next meeting or until such time as the applicant can be here. Mr. Serafin seconded the motion. Voice vote was made and the motion was unanimously approved to table until the next scheduled meeting.

BAR-13-39 William W. Hutchinson for a Certificate of Appropriateness for construction of a new deck and stairs for the property located at 443 North Loudoun Street (*Map Number 173-1-I-25*).

Chairman Rockwood asked if Mr. Hutchinson would come up and give a presentation to the Board. Mr. Hutchinson approached and explained that he had just recently purchased the property from the Economic Development Authority and there was some preliminary work done to have the property split up into three (3) apartments and so he planned to do three (3) 2-bedroom apartments with access to the third apartment from the second floor in the back which is the reason for this request today.

Mr. Hutchinson further explained that they intend to refurbish the existing wood work and windows that were hidden inside to maintain the old look. Mr. Crigler stated that Mr. Hutchinson would need to bring all of the changes back to the Board. He then asked if Mr. Hutchinson if he wanted to added it now to his application. Mr. Hutchinson stated that he could if it is appropriate or should he resubmit later.

Chairman Rockwood then asked how detailed Mr. Hutchinson's final plan is and that maybe it would be better if he got a real sense of what it is that he wants to do. Mr. Hutchinson stated that they have exposed enough so they know what they want to do. He then stated that at this point, he was just looking to get the deck and the steps up so that they could move to the next step.

Mr. Crigler stated that it appears that the second story deck seems to overlap the porch roof over the first floor door. Mr. Hutchinson stated that it will overlap the gutter but it will not infringe on the roof with about 5 to 6 inch clearance. Mr. Crigler stated that with the amount of information he feels that the Board should just deal with the deck and stairs at this time and have Mr. Hutchinson come back again with additional information and details. Mr. Hutchinson agreed and stated that he could have more information and details at that time. Mr. Crigler then stated that he would like to see a side elevation of the dormer to see how far it will project on to the addition.

Mr. Pinner asked if there would be anything done with the lower porch and if so, would it correspond with the upper deck? Mr. Hutchinson advised that he plans to resurface it and put a new railing on and it will be stained to match the upper deck. Mr. Pinner also asked to see a sample of the color of the stain when Mr. Hutchinson gets ready to do the work. Mr. Hutchinson advised that it would be an Olympic deeper porch gray with white railing.

Mr. Bandyke asked if the exterior was going to be changed from the old aluminum and Mr. Hutchinson stated that he would like to see what is under the old siding but for now he is trying to concentrate on the interior.

Chairman Rockwood then asked Mr. Grisdale if this is zoned for apartments. Mr. Grisdale advised the Board that from a zoning standpoint, the applicant was good to go in terms of proposed use and it is in accordance with City code. Mr. Pinner then asked about the driveway alongside the property. Mr. Hutchinson advised that according to the deed, it is a shared drive even though it is being used as a public thoroughfare.

Chairman Rockwood then asked if there was any other discussion by the Board as it pertains to the proposed rear decks and stairs. Question was raised as to what type of top rail is going to be used. Mr. Hutchinson stated that it will be treated lumber with a baluster with cap and treated and stained with a solid body stain. He further added that he can give the color choices. Mr. Bandyke then asked if the applicant was going to use a 2x6 cap rail, a 2x4 side rail, and the balusters would be nailed inside. Mr. Hutchinson stated that he uses a 2x4 bottom rail, a 2x3 top rail, a 2x2 baluster that will be nailed inside and then a 2x4 cap added in between the posts. The balusters will be square and attached at the top and not on the side then a cap will be put on top.

Hearing none, Chairman Rockwood asked for a motion. Mr. Crigler moved to grant the Certificate of Appropriateness to **BAR-13-39** for William Hutchinson's application at 443 N. Loudoun Street as submitted for the decks and stairs. Mr. Bandyke seconded the motion. Voice vote was made and the motion passed by unanimous vote for the decks and stairs and applicant will come back to the Board for façade, colors, elevations, etc.

4. OLD BUSINESS

None

5. OTHER DISCUSSION

National Register Nomination – Hawthorne and Old Town Spring

Mr. Grisdale spoke about the National Register nomination for the Hawthorne and Old Town Spring property out on Amherst Street. The Board of Architectural review was notified and there is a 60 day comment period, pro or con, on the nomination and they can be submitted to Aaron. Mr. Grisdale also advised that he has a full copy of the packet which contains 45 pages scanned and he can email to Board members if they would like. He further advised that there will be a public hearing on this on the 12th at City Hall at 6:00 p.m. The actual comment period goes until March 21st. Anyone wishing to submit comments can send them to Aaron and he will organize and forward them to the State office. Question was raised as to the origin of the application and Aaron advised that he believes it is by the owner.

Mr. Grisdale spoke about his email asking if everyone has a copy of the Bylaws and Historic guidelines and if there is anything that needs modified, we can take care of it in an open meeting.

Mr. Serafin asked about the work on the Old Towne Mall stating that there was a preliminary review of the plans for the bathrooms and then Board was to see it again but now it appears that there is a building going up. Mr. Pinner stated that there was a conceptual approval and not an actual approval for construction to which Aaron explained that there was an error on his part as to the actual approval versus a conceptual approval of the building permit. Framing is going up and it will be a coin-operated facility. The unit is made in New Zealand and it is very European design. Chairman Rockwood would like to see the actual plan elevation so that there can be an approval made for the record. Mr. Grisdale advised that he can bring the plans for the next meeting. Additionally, Mr. Crigler suggested that the new Old Towne Coordinator be brought in on it so they can get to know the Board.

Mr. Grisdale alerted Commission about a partial demolition application over on West Piccadilly Street for a shed addition or enclosed porch not a building demolition at the old Simply Charming property for the first meeting in March. Ms. Jackson asked if they intended to make a drive thru out of it and Mr. Grisdale replied "yes," but that Mr. Crigler could best respond.

6. ADJOURN

Motion was made and seconded for adjournment at 4:44 p.m. Motion carried by unanimous vote.

*****APPLICANT OR REPRESENTATIVE MUST BE PRESENT
AT THE MEETING**

