

**BOARD OF ARCHITECTURAL REVIEW
MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on Thursday, April 3, 2014, at 4:01p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia

POINTS OF ORDER:

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

ABSENT: None

STAFF: Will Moore, Carolyn Barrett

VISITORS: Monty Rhodes, Fran Ricketts, John Behnke, Brandon Rippner, John Chesson, Hugh Sager, Allen Baldwin, John Scully IV, John Scully V, Sandra Bosley

APPROVAL OF MINUTES:

Chairman Rockwood called for additions or corrections to the minutes of March 20, 2014.

Ms. Jackson moved to approve the minutes as presented. Mr. Walker seconded the motion. Motion passed 5-0.

CONSENT AGENDA:

None.

PUBLIC HEARINGS:

None.

NEW BUSINESS:

BAR-14-163 Request of Brewbaker's Restaurant for a Certificate of Appropriateness for planters at 168 N. Loudoun Street.

Monty Rhodes gave his proposal for planters at his restaurant. Instead of changing the existing planters on the fence, they decided to use the money for other improvements. The length of the fence is held together by the planters. Chairman Rockwood asked if everything was existing right now and if he was proposing any changes. Mr. Rhodes said the café planters are all existing. The proposal was submitted by his wife for planters in the windows. Ms. Jackson asked for an example of what the window box was going to look like. Mr. Rhodes said he did not have any. Chairman Rockwood said it would be useful if they had the specifications for the planter boxes. Mr. Rhodes said they were planning on painting the front of the building and wanted to wait to see what that looked like. Chairman Rockwood suggested they defer the part about the second story planters and Mr. Rhodes return with the information for them.

Chairman Rockwood asked Mr. Moore if they were under obligation to remove the street level fencing and planters. Mr. Moore said the fencing was not before them for action as it meets the OTDB guidelines. The guidelines for planters are for them to be metal or stone; because these are wood, the consideration is just for the existing planters. There was some discussion among the board members and Mr. Moore about the existing planters as compared to other restaurants and the new guidelines.

*Mr. Bandyke made a motion to grant a Certificate of Appropriateness to **BAR-14-163** to maintain the present fence and planters as they are. Mr. Serafin seconded the motion. Motion passed 5-0.*

Chairman Rockwood asked Mr. Rhodes to bring back the information after they had decided on the particular design for the window planters.

BAR 14-177 Request of CCAP for a Certificate of Appropriateness for removal of a window, installation of a door, installation of a vertical platform let and associated landing deck, screening fence and bollards at 106 S. Kent Street.

Ms. Ricketts spoke about moving the clothing boutique to 106 S. Kent Street for people and their families to come and get clothing. The chair lift would be in the back of the building. There was some discussion among the board members about the location of the lift and if it was visible from the street. Mr. Moore confirmed that the rear parking lot connects through to Sharp St and that it would be visible from there. Chairman Rockwood said it was a much better solution than what was previously proposed at the front of the building.

Mr. Bandyke asked if they were taking out a window and replacing it with a door. Ms. Ricketts' contractor said that was correct. There was some discussion among the board about materials for the siding, deck, and door. Mr. Walker asked about the bollards and what they were made of. The contractor stated that they would be steel, but they could also use concrete wheel stops if that was preferable.

*Mr. Serafin made a motion to grant a Certificate of Appropriateness to **BAR 14-177** as submitted with the following conditions:*

- *Elimination of steel bollards and inclusion of concrete wheel stops.*
- *Pressure treated lumber to be stained to fit the standard colors guidelines.*
- *A wood door in place of a steel door.*

Mr. Walker seconded the motion. Motion passed 5-0.

BAR-14-179 Request of Prime Tower Development, LLC for a Certificate of Appropriateness to install a wireless telecommunications facility, including a 75 foot monopole tower, at 17 West Monmouth Street.

Mr. Behnke presented the proposal for a monopole cell tower at South End Fire Company. Mr. Bandyke asked if they intended to have a flag on the pole. Mr. Behnke said it was either/or. If that is what they wanted, they could put one up. If they wanted it plain, they could do that too. Mr. Bandyke asked if there would be any cell panels or equipment visible on the outside of the pole and if any would be added to the outside in the future. Mr. Behnke said it was all internal even though that was very expensive to do. Their preference is to have a traditional platform on the top, but they are going under

the assumption that that would be difficult to get approved. They are willing to go to the extra expense. Mr. Bandyke said he believed there was a similar structure on Berryville Avenue. Mr. Moore said it was a taller structure than this one, but the concept is the same with internal equipment and flagpole hardware.

Mr. Walker asked if the renderings were an accurate depiction of the height of the structure. Mr. Behnke said they were very accurate. If they approved a Certificate of Appropriateness, they would do a wind test for the City Council. They would fly balloons so they can see the height. Mr. Serafin asked if there were going to be any lights. Mr. Behnke said they will get a statement from the FAA if there needs to be a light at the top. Historically, he has never seen them lit below 200 feet. If there are military personnel who feel strongly that the flag needed to be lit, they could do that with spot lights.

Mr. Rockwood asked to make sure he understood the proposal. It is a cell phone tower designed to provide cell service to everyone's cell phone; it is not a dedicated separate network for emergency communications. Mr. Behnke said that is correct, thus the term cellular. Their engineers find ideal spots and make sure everything is working together. Mr. Rockwood asked if the tower was able to add additional tenants if somebody would want to. Mr. Behnke said yes and everything would be internal. He directed the members to one of the drawings that showed additional internal spaces. Mr. Bandyke asked if the original tenant was on top. Mr. Behnke said yes, the top was the best spot and this was the shortest pole he had ever done.

Mr. Rockwood asked to confirm that it was not a part of a dedicated emergency communications system for the fire company. Mr. Behnke said it becomes a part of it, because by definition the E911 service components merge into the whole 911 system. In addition, if the South End Fire Company, the City of Winchester Fire Department or EMS needed some sort of communication antennas separate from theirs, they would allow it, but it would be an exterior mount. Chairman Rockwood said, as he understands it, that is not the purpose of installing this; it is a revenue item for the fire department. Mr. Behnke said that was correct. It provides cellular service to the general public.

Mr. Walker asked Mr. Behnke to describe the enclosure at the base. Mr. Behnke said the base of the tower is about eight feet in diameter and would have cabinets around the base. There would be a fence around the equipment with a lock on it. There is computer switching equipment inside, which is the "magic" of the system. There is nothing fancy about the antennas or the pole. Mr. Walker asked what type of fence it would be. Mr. Behnke said it is usually chain link with three strands of barbed wire at the top. Ms. Jackson asked how high it would be. Mr. Behnke said typically six feet and then the three strands of barbed wire on top of that.

Mr. Rockwood asked if it was Mr. Behnke's contention that cell service in this area is currently inadequate. Mr. Behnke said no, but that that was no longer the standard. The standard is to be ahead of the curve. Historically, most people in the room remember when cell phones were much bigger. All the new cell towers could not provide coverage and you could not get a signal. This is driven by capacity. If you picture schoolchildren getting on a bus to go along a route, the bus is coverage. Capacity is if the school bus is full. All the current facilities being built are at 98% capacity because no one is going to accept a dropped call. Mr. Rockwood asked if he was aware of any current difficulty with capacity in the City of Winchester for cell phone reception. Mr. Behnke said he was not.

Mr. Bandyke said he would like to go on record saying he would like to see a flag on the pole. He thinks it diminishes the fact that it is a monopole. Chairman Rockwood said he was not sure he agreed with that. Mr. Behnke said that was an internal choice. From an architectural standpoint, he felt they had approached the spirit of the ordinance. Mr. Serafin said the only way it was not within the guidelines was the size, which was too large. Chairman Rockwood said that was a difficult thing to get around. His personal view was that in the absence of any demonstrated need or integration with a dedicated public safety communication, he had a great deal of difficulty approving the installation of a tower of that size and location in the Historic District. He did not see any principle which would limit the application of this to anyone else in the Historic District who might later want to put up a cell phone tower. He understood the fire company's reasoning, that they would like a revenue stream from the lease payments which accrue from the tower, but their charge is to consider the aesthetics and view sheds of the Historic District with the appropriateness of these structures. He did not see a way for it to fit under the guidelines through which they were working.

Mr. Behnke said he came there today only prepared to address the aesthetics and visual cue based on how he understood the Ordinance on how it affects architecture. They are perfectly prepared to provide propagation maps, but he had been told that was beyond the purview of the board. Mr. Rockwood said the maps probably would not help, as he already told them there was not any problem with cell phone service, and that is certainly his own personal experience in the Historic District.

Brandon Rippner, President of the South End Fire Company, asked to address the Board. He stated that just as the Board's charge is to preserve the Historic District, it is part of their charge too. South End is not out just to make money. They are a volunteer organization. The majority of their income is from charitable gaming - Bingo games - but that revenue has been going down. They are trying to do anything they can to continue. \$1500 may not sound like a lot of money, but it is to them. They need every option available to them.

Mr. Walker said, speaking architecturally, the issue of scale is a relevant one. A 75 foot pole is out of scale with the neighborhood and most things seen in the Historic District and it was a big concern for him. Ms. Jackson asked if the pole were dropped in size, would there still be the same effective service. Mr. Behnke said no, you have to have something sticking out in order to draw the radio waves. It is not a telephone, it is a walkie-talkie. The cap for the Ordinance for the conditional use permit is 75 feet and they can be made shorter, but the effectiveness goes down because of the buildings. The Board spent some time talking about the consequences of setting precedent if they were to approve the Certificate. They discussed how important the volunteer firefighters are and sympathized with their need for revenue.

Mr. Bandyke asked about the diameter of the pole at its base. Mr. Behnke said it was eight feet at the base and at the top it was two to two-and-a-half feet. It tapers upward very gradually. Mr. Bandyke said he was not a fan of monopoles in the Historic District. Where it is located is more of an industrial footprint. Where it is located in proximity to the building is probably the best place it could go. He understood the need for, now or in the future, the services and the financial aspect for the South End Fire Company. He stated that he did not have an issue with it in this particular case, but he would in another case.

*Mr. Bandyke made a motion to grant a Certificate of Appropriateness to **BAR-14-179** for a monopole on the South End Fire Company's property as depicted. Ms. Jackson seconded the motion. The motion was defeated 2-3 (with Mr. Serafin, Mr. Walker and Chairman Rockwood in the negative).*

Chairman Rockwood asked if the Board then needed a motion to deny. Mr. Moore stated that, per the Ordinance, the Board should include the reason for a denial, so a motion to deny stating such reason would be helpful.

*Mr. Serafin made a motion to deny granting a Certificate of Appropriateness to **BAR-14-179** because the proposed tower is out of scale with the surrounding properties in the neighborhood and the Historic District, in general. Mr. Walker seconded the motion. The motion to deny passed 3-2 (with Mr. Bandyke and Ms. Jackson in the negative).*

OLD BUSINESS:

BAR-13-499 Request of John P. Chesson, MD for a Certificate of Appropriateness to construct a shed, install a condenser surround, gate, gated enclosure and fence at 101 W. Cork Street.

Mr. Walker announced that he is abstaining from the case.

Dr. Chesson presented his proposal with revised design and materials list. The remaining items for consideration were the finish of the gate and condenser surround, plus the details for the shed. There was limited discussion about the gate and condenser surround. Dr. Chesson stated that they had previously considered a rusted metal finish, but decided against it. Chairman Rockwood stated that he like the revised design of the shed. There was discussion about the proposed colors for the shed and fence. Mr. Bandyke stated any of the color options included would be fine.

*Mr. Bandyke made a motion to grant a Certificate of Appropriateness to **BAR-13-499** for the architectural renderings and colors as submitted. Ms. Jackson seconded the motion. Motion passed 4-0-1 (with Mr. Walker abstaining).*

BAR-14-130 Request of Joe's Steakhouse for a Certificate of Appropriateness for an outside patio area at 25 W. Piccadilly Street.

Hugh Sager reviewed the project for the patio and the information he had brought. The remaining items for consideration were the metal fence, the wood privacy fence, the deck, and the planter pots.

Mr. Walker asked if the fence would be at the same height as the wrought iron. Mr. Sager said it would be close. The wrought iron fence was an odd height - about 38 inches. He could make the new fence two inches shorter or a little bit taller, whichever the Board preferred.

Mr. Walker asked what sort of finish would be used on the wood fence. Mr. Sager said he would like to keep it stained to keep it natural. However, he is open to suggestions from the Board. Mr. Bandyke said black or white would be more appropriate and in keeping with the rest of the property and the trim on the main building. Mr. Sager said that would be fine.

Mr. Bandyke asked about the height of the band deck and if would be painted. Mr. Sager said it would be pressured treated wood and you have to wait six months or so before painting or staining. GHe

would then paint or stain it opaque. Mr. Walker asked if there would be a skirt board on the Indian Alley side also. Mr. Sager said yes.

Chairman Rockwood asked for clarification on the number of planter pots. Mr. Sager stated that the plan shows 15 or sixteen, but he would prefer to have fewer - about ten - and space them out more. There was discussion about potential materials for the planter pots. Mr. Sager stated that he would prefer plastic for ease of movement when necessary, but he understood if a different material was needed to meet guidelines.

*Mr. Serafin made a motion to approve **BAR-14-130** as submitted with the following conditions:*

- The planters to be ceramic or stone, the designs as submitted are approved.*
- The stage deck to be painted black.*
- The proposed wood fence to be painted white or black.*
- The proposed black aluminum fence to be 36 inches in height.*

Mr. Bandyke seconded the motion. Motion passed 5-0.

ADJOURN:

With no further business before the Board, the meeting was adjourned at 5:21pm.