

## BOARD OF ARCHITECTURAL REVIEW MINUTES

The Board of Architectural Review held its regularly scheduled meeting on September 4, 2008 at 15 N. Cameron Street, at 4:00 p.m. in Council Chambers, Rouss City Hall.

**PRESENT:** L Belkin, T Bandyke, P Farris, M Lore, T Rockwood, C Shore and L Saunders.  
**ABSENT:** None.  
**STAFF:** Diem and Walsh  
**VISITORS:** Debbie Melnikoff, Dan & Lisa McCoig, Eric Arkfeld, Ty Lawson, Dave Bowman and Linda Ross.

### MINUTES

It was moved by M Lore, seconded by P Farris, to approve as amended. Abstained Rockwood, Bandyke.

### CONSENT AGENDA

**BAR-08-86** Request of Debbie Melnikoff to install a projecting sign at 16 S. Loudoun St.

**BAR-08-83** Request of Dan & Lisa McCoig to erect a garden fence at 35 W. Piccadilly St.

*It was moved by M Lore, seconded by T Rockwood, to move BAR-08-83 to the consent agenda.*

*Motion passed unanimously 7-0.*

*It was moved by P Farris, seconded by T Rockwood, to grant a certificate of appropriateness to the items on the consent agenda.*

*Motion passed unanimously 7-0.*

### NEW BUSINESS

**BAR-08-82** Request of Eric Arkfeld to get approval on newly applied paint and banister at 212 S. Braddock St.

Mr. Saunders explained that the guidelines are against putting vinyl on primary elevations.

Mr. Lore agreed, stating that there is a lot of precedent with this.

Mr. Farris agreed also, stating that they can't afford to make exceptions even for a small amount.

Mr. Saunders asked if the new paint was the same color as it was.

Mr. Diem stated that the house was a green and was changed to a tan.

Mr. Arkfeld stated that the porch floor and trim were green.

Mr. Saunders stated that he has no issue with the color choice.

Mr. Farris agreed.

*It was moved by L Belkin, seconded by C Shore, to grant a Certificate of Appropriateness to BAR-08-82 for the color choices for the house (taupe for the body, off-white for trim and white for the door). The request for the vinyl guard rail at the right-side of the porch be denied.*

*Motion passed unanimously 7-0.*

**BAR-08-84** Request of Boford Properties to paint, replace rear siding with hardi plank, and replace the gutters and windows at 404 S. Kent St.

Mr. Bowman presented a sample of the hardi plank that he planned to use.

Mr. Lore asked if it was going to just be placed on the back or on all three sides.

Mr. Bowman explained that it would be on all three sides because what is there is in really bad shape.

Mr. Saunders stated that the siding that was there was asbestos so he has no problem with hardi plank. He felt that the Board has been consistent with not allowing hardi plank on primary elevations. This situation is one that could allow it because they are not replacing original wood siding.

Mr. Belkin stated that in recent requests, the applicants would have taken down repairable wood siding to put up hardi plank which isn't the case here. There was never wood siding there to begin with.

Mr. Lore stated that there is nothing that shows what was there before the asbestos brick.

Mr. Farris agreed. He asked if they plan to paint the entire structure.

Mr. Bowman said yes he did.

Mr. Belkin referred to the guidelines and stated that in order to use hardi plank, you have to use the smooth not the rough.

Mr. Bowman stated that it wouldn't be a problem.

Mr. Belkin asked for a better drawing showing what type of window would be installed. He asked how much of a brick pier they were going to have.

Mr. Bowman explained that it may be 2 ½ or 3 feet. All he wanted to do is keep the windows uniform.

Mr. Saunders stated that they can just suggest that the windows match what's on the second floor.

*It was moved by P Farris, seconded by L Belkin, grant a Certificate of Appropriateness to BAR-08-84 as presented with the stipulation that the hardi plank be smooth and that the first level windows align with the second floor windows - 6 over 6.*

*Motion passed unanimously 7-0.*

**BAR-08-85** Request of Madison Farms LLC to get approval of water sealant applied at 305 N. Loudoun St.

Mr. Diem stated that he had some administrative information to share, starting with introducing Mr. Lawson as the attorney for the applicant. He presented a letter from Bank of Clarke County to the Board. He also explained that he spoke to Mr. Lawson regarding Ordinance provisions pertaining to applications that have not been amended within 90 days of disapproval. His understanding was that the applicant wants to move forward but is seeking some guidance as to how to do that.

Mr. Saunders asked for clarification on the timeline. It was his understanding that if an application was denied that it couldn't come back in front of the Board for one (1) year.

Mr. Diem stated that he was correct. He added that Mr. Lawson is going to explain how the application could be amended.

Mr. Lawson questioned where the applicant is in the process and where does he go from here. He recalled the previous cases stating that the first approval was true wood siding at which time nothing was said about coming back when a color was chosen. He explained that a sealant was put on it, not a stain for protection so the wood didn't dry out and crack. He stated that he's looking for guidance. He added that he was told that the color will fade over time to a gray. He handed out before and after pictures. He asked if anyone appeared in at the last '08 meeting.

Mr. Saunders stated that his sister was here for him.

Mr. Diem explained that there were two (2) meetings in 2007.

Mr. Saunders asked for the minutes of those meetings. Mr. Farris handed him the excerpts noted in the BZA cases file for this property.

Mr. Belkin asked why this case is being heard in front of the Board of Zoning Appeals.

Mr. Diem explained that it was based on a question of the appropriateness or the interpretation of the Zoning Ordinance Section 14-3-1. He explained that if a resolution is made here that they may not need to go in front of the BZA.

Mr. Saunders asked if that was the total minutes. He found it hard to believe that the Board never addressed color.

Mr. Farris recalled that in one of the meetings that the applicant/representative stated that they would come back for color because the initial question was what kind of siding they were going to use since the hardi plank had been denied. They also asked for time to expose some of the original wood to see if it was restorable.

Mr. Lawson stated that based on the minutes there was no discussion of color.

Mr. Saunders stated that there is a better system now, where everything that gets said gets into the minutes. Prior to that we had handwritten minutes and he understands that some things may have been left out but he knows that they discussed having to come back for color approval. He continued by saying that regardless of the minutes, the color is not approved.

Mr. Lawson reminded the Board that there is no color just sealant.

Mr. Saunders continued, saying that if there is no color then the applicant will have to make a color choice and bring it back to the Board.

Mr. Lawson stated that a decision has to be made before the BZA hearing. He asked Mr. Diem if the BAR could retain this case instead of going to the BZA.

Mr. Diem explained that he can table the BZA hearing until he has a chance to come back in front of the Board, but it has to be within 90 days.

Mr. Saunders stated that on Sept 6<sup>th</sup> the applicant didn't know what he wanted to do or what he was going to use so it's possible that color wasn't discussed because he wasn't at the step yet.

Mr. Bandyke remembered it being a discovery process. The applicant wanted to first see what was underneath the siding.

Mr. Diem suggested following 14-4-4 of the Ordinance by allowing the Zoning Dept to send a letter to the applicant, providing him with suggestions, giving him 90 days to respond with an amended application.

Mr. Farris agreed with what Mr. Diem suggested. He explained that it would be the simple thing to do.

Mr. Saunders asked that they come back with color samples compatible with guidelines given in the standards.

Mr. Belkin suggested adding that it should be an opaque paint, three (3) colors should be used; a body, trim and accent, which can be found in the historic guidelines.

Mr. Lawson asked about a stain that looks like paint. It would last longer and has a good look.

Mr. Bandyke stated that opaque stains have been used previously. He explained that the applicant will have to get something compatible with the Thompson's that's already been applied.

Mr. Saunders suggested making a motion.

It was moved by P Farris, seconded by C Shore, for the Zoning Administrator to send a letter to address the applicant with what the Board had suggested within 90 days of the receipt of the letter.

Mr. Rockwood stated that based on the information that had been provided, the application has not been amended, and therefore it should be denied.

Mr. Saunders asked if it would be better to deny it and then allow the applicant to come back once a color choice has been made.

Mr. Lawson stated that there isn't any time left because the BZA meeting is next week.

Mr. Farris asked if Mr. Lawson would be willing to withdraw the application so they wouldn't have to deny it.

Mr. Lawson asked where that would leave them. The sealant has been applied but it has been denied. This would put them back to the BZA, where their argument would be that they did what was approved, applying the wood siding and adding a sealer as maintenance which is excluded. If the BZA would rule in their favor they may be right back to the BAR where they started. He was hoping for an in-between, to keep it active allowing the applicant to come back with a stain or paint and if it's approved the whole situation goes away.

Mr. Diem stated that the BZA application can be deferred.

Mr. Saunders stated that he doesn't want to complicate this issue when the applicant is willing to fix it.

Mr. Farris again asked if the case could be withdrawn. He asked about the motion that has been seconded.

Mrs. Shore withdrew her second.

Mr. Farris stated that it would mean a letter would not be sent.

Mr. Diem explained that under Section 14-4-4, a letter should be sent.

Mr. Farris asked to reinstate his motion so the letter could be sent.

Mrs. Shore re-seconded the motion.

Mr. Belkin explained that the treatment of the wood was intended to be permanent, that treatment is a color “natural wood grain”. This color is not compatible with the historic district and that is why the sealant was not approved.

Mr. Bandyke brought attention to the missing shutters in the recent photos. He stated that it will have to also be addressed at that time.

Mr. Saunders suggested that should be discussed at the same time as the color.

Mr. Rockwood pointed out that they aren't operational.

Mr. Saunders explained that the applicant will still need permission to take them off.

Mr. Saunders asked for the vote.

*It was moved by P Farris, seconded by C Shore, for the Zoning Administrator to send a letter to address the applicant with what the Board has suggested within 90 days of the receipt of the letter.*

*Motion passed unanimously 7-0.*

### **OLD BUSINESS**

None

### **OTHER DISCUSSION**

Consideration of a favorable recommendation to the Board of Zoning Appeals for a variance of a yard setback at 419 N. Loudoun St.

#### **Mr. Farris recused himself.**

Mr. Farris began presenting his request to the Board by explaining his involvement as the President of the French and Indian War Foundation. He explained that they will be going before the BZA asking for relief of setback requirements that HR-1 zoning requires for libraries. Libraries are allowed within this zoning district however, the assumption is that it would be a new construction which would abide by the setback requirements. This

structure is approximately 170 years old. To meet the requirements they would have to shave off several feet of the building, the foundation has no interest in doing this.

Mr. Farris explained that the request would include changing the single-family dwelling into a museum/library. The impact on the neighborhood would be negligible; there would be no need for additional parking.

Mr. Lore asked why this would be an issue for the BAR.

Mr. Farris explained that it's a historic structure. The BZA could say that there is no hardship. In order to use it as a library they would have to meet the requirements. That would put the case back to the BAR in order to ask permission to remove the 3 feet needed to meet those requirements.

Mr. Diem explained that according to 14-12 "Yard Variances" the BAR can recommend approval in order to retain the historic streetscape.

It was moved by L Belkin, seconded by T Rockwood, recommending to the BZA that a variance of a yard setback be granted at 419 N Loudoun St.

Motion passed unanimously 7-0.

### **ADJOURN**

With no further business to discuss, the meeting was adjourned at 5:15pm.