

**BOARD OF ARCHITECTURAL REVIEW
MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on Thursday, August 7, 2014, at 4:00 p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

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

ABSENT: None

STAFF: Timothy Youmans, Catherine Clayton, Nasser Rahimzadeh,
Kathryn Herrmann

VISITORS: Eric Lowman, Cecile Lescs, Lawrence Belkin

APPROVAL OF MINUTES:

Chairman Rockwood called for corrections or additions to the minutes of July 3, 2014. Hearing none, he called for a motion. Mr. Serafin moved to approve the minutes as submitted. Mrs. Jackson seconded the motion. Voice vote was taken and the motion passed 3-0-1 abstention.

CONSENT AGENDA:

Chairman Rockwood called for a motion to move any case(s) to the Consent Agenda. Mr. Bandyke moved to have BAR-14-418 moved to the Consent Agenda, referring to the letter of July 1, 2014, as evidence of applicant's intent. Mr. Serafin seconded the motion. Voice vote was taken and the motion passed 4-0.

Mr. Bandyke moved to grant a certificate of appropriateness to BAR-14-418 as submitted. Mrs. Jackson seconded the motion. Mr. Serafin asked if the ridge is going to be rolled or a covered ridge. Mr. Belkin stated that it will be a rolled ridge. Voice vote was then taken and the motion passed 4-0.

NEW BUSINESS:

BAR-14-439 Request of Kim Craig for an outdoor café at 38 East Piccadilly Street.

Mr. Youmans stated that he spoke with Aaron Grisdale, Zoning Administrator, and he clarified that the furniture in the public right-of-way would not be BAR specific. He then stated that the Board is to decide on just the material that the furniture is constructed of not the signage or the decision to place the table and chairs. He added that the decision to allow the furniture placement is still pending.

A statement was made that a restaurant on Braddock Street, the French restaurant, across from Rouss Fire Department that has one or two tables and chairs out on the sidewalk has not come before the Board. Mr. Rahimzadeh stated that this is an ongoing violation case where the individual is saying that it is for display purposes and not for dining and he added that, unfortunately, he cannot really discuss the details. Discussion began as it relates to the materials of the outdoor furniture but not the color for this

case. Question was raised as to whether this will apply to everyone else who has outdoor seating. Mr. Youmans said that on the mall, which is the primary district, there are more stringent standards than those for the secondary district.

Chairman Rockwood called for further discussion. Hearing none, he called for a motion.

Mr. Serafin moved to grant a certificate of appropriateness to BAR-14-439 in regard to the table and chairs as submitted. Mr. Bandyke seconded the motion with a notation that the table and chairs are to be all metal.

Mr. Bandyke then stated that he retracts his second to the motion to approve.

Chairman Rockwood advised that without a second, the motion dies.

Mr. Bandyke then moved to deny BAR-14-439 because the furniture is not entirely metal and is partly composite therefore it does not necessarily meet BAR guidelines. Mrs. Jackson seconded the motion. Voice vote was taken and the motion passed 3-1.

BAR-14-445 Request of Cecile Lescs for the installation of a portion of a wood privacy fence, painted white at 306 North Kent Street.

Ms. Lescs approached the Board and explained her request. She stated that she wants to install a fence across her driveway to hide a van that she has parked in her yard. She said that this is a complicated issue because she shares the fence with the next door neighbor. She further advised that she wants this fence to be on the outside of the chain link fence but that she does not own the property so she will probably have to put it on the inside. She said that she wants to use the supports from the chain link fence for the wood fence but that she is not sure if that will work.

There was discussion that the idea is that she would put the fence on the inside of the chain link fence so then the chain link fence would be outside the fence. It was also stated that there is currently a chain link fence with a gate giving access at Ms. Lescs' driveway. She reiterated that she would leave this chain link fence up because it is her understanding that the neighbor paid for the fence originally and he does not want it removed.

Chairman Rockwood said that as he understands it, Ms. Lescs is only proposing the front portion of the fence and not the portion that goes down the side to which Ms. Lescs responded yes, just the front. She said that it is complicated and that the reason she wants to put up the fence is because she was cited for having an inoperable vehicle on display. She said that she had it covered with a tarp but was told that that was not allowed and that it had to be behind a fence. Chairman Rockwood then asked if it is Ms. Lescs' view that the fence will defend against the citation to which Ms. Lescs responded yes, because she said that it will defend against the public view of the inoperable vehicle.

Mr. Rahimzadeh read the Zoning Ordinance as it relates to inoperable vehicles and that proper enclosures are fences. Mr. Serafin asked if the applicant could put a fence around the car to which Mr. Rahimzadeh said yes, as far as he is aware.

Chairman Rockwood said that the installation of a 6-foot solid fence in this neighborhood is a concern because, in this instance, the purpose of the fence is to hide an inoperable vehicle. He also said that he is concerned about putting up a 6-foot fence in the front yard. Ms. Lescs asked if she could apply for a variance to which Mr. Youmans advised that she cannot really apply for a variance to install the fence out in to the public right-a-way. He also stated that she could possibly put up a temporary structure to help reduce the cost and to only screen the part that is around the vehicle.

Mr. Walker arrived at 4:21 p.m.

Chairman Rockwood then said that he thinks the best course is for Ms. Lescs to withdraw this application and then bring another plan with drawings, fencing material and such for approval. Chairman Rockwood called for further comments or discussion. Hearing none, he called for a motion.

Mr. Bandyke moved to table BAR-14-445 until the next meeting to allow the applicant time to resubmit an updated, revised fence plan. Mrs. Jackson seconded the motion. Voice vote was taken and the motion passed 5-0.

OLD BUSINESS:

None.

OTHER DISCUSSION:

Guidelines pertaining to substitute materials and the proposal of Eric Lowman of Oakcrest Builders. Mr. Serafin said that there was some discussion by City Council about the updated guidelines but not a lot and that most of Council was not in favor of it at all. He said that in his opinion, what Council wanted was a document that would allow for more streamlined approval of materials, possibly a list.

Mr. Youmans said that what he took away from it was that if there was a way to build in more objectivity and less subjectivity.

Chairman Rockwood said that since Oakcrest is here and their request is part of this overall discussion, he would like to discuss as a body the whole issue and then address this specific case. He said that the substitute materials draft that was prepared comes in large part from the Department of the Interior guidelines on the use of substitute materials and it does address the nature of new construction in it. He said that the guidelines that come to the Board come directly from the Ordinance which prohibits the use of synthetic materials in the historic district. He added that it is a complicated issue and that the proposed draft that was submitted gave about as much clarity in scope as the Board can within the guidelines.

Mr. Youmans suggested that possibly someone from the Board could be a scheduled presenter to Council because it is awkward to be in the audience at a Council work session as opposed to a public meeting. Possibly you could present to Council that this is what you want to do, to try to be accommodating on a case-by-case basis and that might resonate better although you may still have some who say that they do not want to follow that standard.

Chairman Rockwood said to specifically address Oakcrest's request, which is for the Board to give a ruling which would approve for use in your projects in new construction in the historic district, the composite siding which you installed on a building on Kent Street outside the district.

The applicant said they are specifically requesting approval to use the product on the exterior of an entirely new house. He said they want to use the composite material in place of Hardie Plank; however, it was previously approved for Hardie Plank. He said that they looked at this composite material because of the lesser expense and ease of installation.

Chairman Rockwood said that the Board has a very clear prohibition in these guidelines which the Board is charged to operate under. He further stated that he does not see a stopping point if the Board approves the use of this siding in this particular project from approving it in any other projects of similar nature that might come to the Board in the future. He added that it is pretty much contrary to the guidelines under which the Board operates and the substitute materials guidelines attempted to give the Board some leeway to allow the selective use of these types of materials in an appropriate way.

Further discussion concerned whether the Board had the authority to tell anyone what type of material they can use when the façade of the house could not be seen from the public thoroughfare. Comment was also made that unfortunately, the Board cannot necessarily be concerned about the economic implications and that the guidelines are not necessarily black and white.

The applicant said that the guidelines do not specifically say that Hardie Plank cannot be used. He also said that he sees Hardie Plank and this Smart Side as composite materials, not synthetic, and that synthetic to him means plastic. Mr. Bandyke said that although alternate materials are nice and may present a similar appearance, they are just not natural materials. Chairman Rockwood said that natural materials have a long track record and they really should be preferred as they present an authentic appearance.

Chairman Rockwood asked if the applicant has a preference in this instance to which the response was that they would prefer the Smart Side because it is cheaper and easier to use. Chairman Rockwood then reiterated that the Board had previously approved the use of Hardie Plank in this case.

Chairman Rockwood called for additional discussion. Hearing none, he called for a motion.

Mr. Serafin moved to grant a certificate of appropriateness to BAR-14-215 with the following condition:

- All siding and trim are to be James Hardie material with a smooth surface, following the drawings as submitted.

Mrs. Jackson seconded the motion. Voice vote was taken and the motion passed 5-0.

Mr. Youmans made the suggestion that the Board have a representative from the development community accompany them to the Council meeting to defend item 8 in the guidelines. Oakcrest said that they would be willing to accompany and support.

ADJOURN:

With no further business before the Board, the meeting adjourned at 5:33 p.m.