

BOARD OF ARCHITECTURAL REVIEW

The Board of Architectural Review held its regularly scheduled meeting on Thursday, November 21, 2013, at 4:00 p.m. in Council Chambers, Rouss City Hall, 15 N. Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Chairman Rockwood, Mr. Bandyke, Ms. Jackson, Mr. Walker, Mr. Serafin
ABSENT: None
STAFF: Aaron Grisdale, Nasser Rahimzadeh, Catherine Clayton, Katherine Herrmann
– Assistant City Attorney
VISITORS: None

APPROVAL OF MINUTES:

Chairman Rockwood called for additions or corrections to the minutes of November 7, 2013. Hearing none, he called for a motion. Mr. Bandyke moved to approve the minutes as submitted. Ms. Jackson seconded the motion. Voice vote was taken and the motion passed 4-0-1 (Mr. Walker abstained).

CONSENT AGENDA:

None.

NEW BUSINESS:

None

OLD BUSINESS:

BAR-13-587 Request of Iris, LLC, for a Certificate of Appropriateness to construct a new two (2) story, two (2) bedroom addition to the property located at 308 W. Boscawen Street (Map Number 172-01-D-20-01, zoned Central Business (B-1) District with Historic Winchester (HW) District overlay.

Mr. Grisdale advised the Board that Mr. Rosenfeld is unable to make the meeting tonight.

Chairman Rockwood recommended tabling the application once again since the applicant is not available to discuss and provide the requested information. Chairman Rockwood asked if Mr. Rosenfeld gave any indication if he would be ready in two (2) weeks.

Mr. Grisdale stated that he presumes so and the applicant did anticipate being ready today but that Mr. Rosenfeld's recovery is taking a little longer than he thought.

Mr. Bandyke said that in driving North on Stewart Street and looking toward where this project will be, there is a large open parking area behind there and it can be seen quite readily from the street. He then said that the applicant is proposing to use Hardy Plank on that side, the East side. He advised that you are a good distance away but you can still see it. He requested clarification on the use of Hardy Plank and the appropriateness of its use on a street that can be viewed from the public right-of-way.

Mr. Serafin commented that there are things missing that were requested from the last meeting. He asked if we could get a message to Mr. Rosenfeld to provide it for the next meeting.

Mr. Grisdale asked what specifically the Board wanted from Mr. Rosenfeld to which Chairman Rockwood stated that it is in the minutes on page 4 exactly what is requested. He added that the Board did indicate to Mr. Belkin at the last meeting that those things were expected and they are still expected.

Chairman Rockwood called for a motion. Mr. Bandyke moved to table BAR-13-587 until the next Board meeting and pending receipt of the requested documents/information. Mr. Serafin seconded the motion. Voice vote was taken and the motion to table passed 5-0.

OTHER DISCUSSION:

Hardy Plank

Discussion was rendered among the Board members as it pertains to the use of Hardy Plank in the Historic District. Mr. Bandyke said his understanding is that if it can be seen from a public right-of-way then the Board usually does not allow it. Also, it cannot be used on the front façade of the house which is prominent. He stated that he believes that the Board has allowed it sometimes on the side if it is difficult to see or if it is right up against something else.

Mr. Serafin asked if alleys are public right-of-ways. If the fronts of houses, such as the townhouse project from the last meeting, will face the alley then they could have hardy plank on them because they are facing an alley instead of the street. Mr. Bandyke said it is a public right-of-way. An alley, if it is a true alley, is a deeded access to those houses that abut that alley but that he doesn't know in this particular case. Chairman Rockwood said that some of the alleys in the City are not public alleys as he understands it. Mr. Grisdale said that are a lot of alleys both public and paper. A paper alley is one that is not improved but it is still a public right-of-way.

Chairman Rockwood said that a primary façade on a public right-of-way should not be allowed to use hardy plank. He added that the Board has permitted hardy plank on the side. The Board has approved hardy plank for new construction on all facades including the front which he feels would take care of the townhouse example. He added that those are the two (2) rules that he has had understood with the use of hardy plank.

Mr. Grisdale said that is what he has generally seen. If it is invisible from a public street or if it is less visible, then the Board has traditionally been a little more flexible for hardy plank in those situations. For newer construction, there has been a little more flexibility from what he has seen.

He added that this is a very beneficial discussion because staff is seeing a lot of requests for hardy plank and so it is a lot easier for staff to give someone guidance up front as to what the Board's collective opinion is in terms of each of those situations, both new construction and rehabilitation of existing structures. That way we can try to prevent situations where someone is coming in with a request and then the Board asks them to consider alternatives. Mr. Serafin stated that new construction would include things like this addition to an existing structure to which Chairman Rockwood stated yes.

Chairman Rockwood stated that there is a preference for original materials throughout these guidelines and they are guidelines that are not necessarily expressed in precise terms but it is fair to say that in general that is a pretty strongly expressed preference, i.e., original windows, muntins, siding. He added that he is not sure that this can be read as giving an exception for hardy plank for new construction. The Board has not insisted on it and the practice has been what was previously described on non-primary elevations of older houses and it has been allowed when the structure is entirely new. It is kind of a rule of reason and the Board could make a stricter case. The Board could say that they are not going to allow the use of non-original materials in the historic district but that really has not been the plan. Mr. Bandyke said that the Board does have some latitude because there is no hard and fast rule. We are lenient on back and side elevations but we are firm on the front of old structures but new structures are different.

Mr. Grisdale said that the way to do that is to take a look at the guidelines themselves and bring in some outside assistance, possibly through a CLG grant, to work with the Board and staff to try to bring the guidelines a little more modern. He explained that a CLG grant stands for Certified Local Government. With historic resources there are certain grants and money available for Certified Local Governments. There are only a handful in Virginia that are so if you have a historic district you have a Board that enforces regulations within your historic district and there are a few other standards that go along with that. There are certification documents and information that staff has to send back, I believe annually, basically giving information such as the number of meetings held, the number of approvals, and other things like that. With discussions and studies in to historic district resources and expansion of the National Historic District over the past years, many of those have been funded with CLG grants with some having matching City funds. From time to time, funds come available in the future and that might be something for us to explore.

Mr. Bandyke then asked how they would change the handbook. Mr. Grisdale stated that it is the Board's guidelines they could form a sub-committee of the Board to meet regularly with staff to go through the guidelines. It would be a fairly large project so it would have to be something separate from regular board meetings. It is the Board's regulations so I do not think that it requires Council action or anything like that. Mr. Grisdale said that the Zoning Ordinance makes reference to the Historic District guidelines so while the Zoning Ordinance itself is something that City Council would have to legislate and change, the Historic District regulations are something that are more administrative.

Chairman Rockwood then added that this is a Department of the Interior document the way he understands it to which Mr. Grisdale stated that it is modeled after the Secretary of the Interior's

Historic Renovations regulations, so that is why it might be a larger project than just at a Board meeting.

Chairman Rockwood said that the Board may have furnished local examples to illustrate this manual but the text is pretty straight up from the Department of the Interior. He added that he is wondering if there are later editions of this at the Department of the Interior that would account for these new materials. Mr. Grisdale stated that staff can check in to it and try to bring some more information back and then we can have further discussions next week.

Mr. Grisdale advised that there are some different publications that the Federal Secretary of the Interior has put out on very specific issues such as storm windows and things like that. He added that he would do some research and try to bring back some more specific information as to, if the Board is interested in looking at revising our guidelines and what kind of general direction would need to happen.

Mr. Bandyke said that people have been asking him if the City of Winchester is going to expand the Historic District and if the Board has a say-so in that. He stated that he advised them that he does not know. He then asked what the process is for that.

Mr. Grisdale advised that there are two aspects to that, the Local Historic District and the National Historic District. For the local historic district, it would be a zoning action which would be an act of Council. Typically in the past, they have taken a recommendation from the local Board of Architectural Review but that he does not think there is any interest in modifying the local historic district. However, there are some efforts that the Planning Director is working with in terms of studying potential expansion of the National Historic District basically to open additional properties in the downtown area to State and Federal historic tax credits.

Chairman Rockwood added that several years ago they did look, block by block, because there are some anomalies both in the boundary of the City district and the National Historic District. Along with that there were some funds committed to update the survey which we now have but that did not necessarily change the boundaries. Mr. Grisdale said that in 2010-2011 there was a survey that looked at properties that are outside both our Local Historic District and the National Historic District to see if they are candidates to expand the National Historic District.

Chairman Rockwood questioned whether they have been enacted upon. Mr. Grisdale said there has been no expansion to the National Historic District. Mr. Grisdale added that is something that the Planning Director is working on, to try to see if there is room for that expansion in the National District. He then advised that there is some discussion about modifying the period of significance as well for the existing historic district which would make additional buildings eligible for tax credits. He added that he believes it goes through 1929 and that this would take it to 1964 so some of the other buildings would be eligible for renovation tax credits through the State and Federal governments. Mr. Grisdale said that he would ask Mr. Youmans to come in if the Board has a light agenda for the next meeting to give the Board a little background as to what is happening with that project.

Mr. Bandyke then asked for an updated listed of the BAR members to which Mr. Grisdale stated that staff would have them available at the next meeting.

By-Laws

Chairman Rockwood opened discussion as it pertains to two (2) recommended changes to the Board of Architectural Review By-Laws. He advised the first recommended change is on page 3, Application Procedure, section A. Procedure, whereby the current by-laws read, "Application for a certificate of appropriateness shall be submitted to the Zoning Administrator at least five working days..." It has been proposed to change the by-laws to read, "Application for a certificate of appropriateness shall be submitted to the Zoning Administrator at least ten days..." to allow for consistency in procedures. He added that this is our practice in fact and it seems that the by-laws should be changed to reflect that.

Mr. Grisdale advised the Board that the current deadline in practice is Monday, the week before the meeting. We are just trying to make it consistent. For the past few years, our application procedure has been for the application to come in ten (10) days before the Board's meeting to ensure that the application is complete and that we have enough materials and the like. Mr. Serafin suggested that it read ten (10) calendar days to make it clear.

Chairman Rockwood said this time does give staff the opportunity to clean up any obvious short comings with the applications so that they Board does not have things fall apart at the meeting. Mr. Serafin then asked about Section C and whether it refers to calendar days. He asked that unless it is otherwise specified, does it refer to calendar days.

Chairman Rockwood called for a motion.

Mr. Serafin moved to change the By-Laws on page 3, Application Procedure, section A. Procedure, to read, "Application for a certificate of appropriateness shall be submitted to the Zoning Administrator at least ten days..." whereby changing five (5) working days to ten (10) days. Mr. Bandyke seconded the motion. Voice vote was taken and the motion passed 5-0.

The second item in the By-Laws is on page 4; paragraph C on the issuance of the Certificate of Appropriateness. He added that this has to do with the Board's practice of tabling. Chairman Rockwood read the proposed insertion as follows, "The maximum time for which an application may be tabled by the Board is sixty (60) days. If no new or clarifying information is submitted to the Board for the tabled application within sixty (60) days, the application shall be deemed withdrawn, unless the Board chooses to take a final vote on the application."

Chairman Rockwood said that if it is withdrawn, there is a one-year period in which the application cannot be resubmitted. Mr. Grisdale said that he does not believe that applies to withdrawn applications, but that it does apply to denied applications. Since this requested

change would not affect a withdrawn application or an application that is deemed withdrawn to which Mr. Grisdale stated that is correct.

Mr. Walker said that he does not necessarily have an issue with it except that it does not refer to the time the Board meets. Since the Board meets on the first and third Thursday, the 60 days may not align with the meeting dates. Mr. Grisdale stated that the 60 days is just a staff suggestion but if the Board has a different time, he is not tied to 60 days.

Mr. Bandyke said that is at least four (4) BAR meetings and Chairman Rockwood said that is a maximum number of times. Mr. Walker suggested that we could say that “the maximum number of times it can be tabled is (whatever).” Mr. Bandyke said that he believes that 60 days is gracious enough. We could even carry it for two (2) meetings and say that if the applicant is not going to be here for two (2) meetings then they will have to resubmit it but that is a lot of work to have to resubmit.

Ms. Jackson asked if the applicants are all aware of the 60 day window of the number of times that they can come back. Mr. Grisdale said that this is the current issue that we do not have a defined standard. Unless the Board makes a decision on the application or the applicant chooses to withdraw, it just hangs in limbo.

Mr. Bandyke asked if any application that is currently pending has the drawing of the house attached to it. Mr. Grisdale stated that it is not actually attached to the application but it is available as a supplemental sheet in our file rack in the office. Mr. Bandyke stated that this picture is an excellent thing for people to have along with the application. Also, you could put something on the application to the effect of the 60 day rule. Mr. Grisdale responded that we can do that and have it reflected in the By-Laws as well. Mr. Serafin said that sixty days seems like long enough. Mr. Grisdale then stated that if the applicant submits clarifying or new information, this is a moot point because they would be doing what the Board asked them to do.

Chairman Rockwood called for a motion. Mr. Bandyke moved to change the By-Laws to read as follows: “The maximum time for which an application may be tabled by the Board is sixty (60) days. If no new or clarifying information is submitted to the Board for the tabled application within sixty (60) days, the application shall be deemed withdrawn, unless the Board chooses to take a final vote on the application.”

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

ADJOURN:

Hearing no other business, the meeting adjourned at 4:50 p.m.