

## **BOARD OF ARCHITECTURAL REVIEW MINUTES**

The Board of Architectural Review held its regularly scheduled meeting on, June 21, 2007 at 15 N. Cameron Street, at 4:30 p.m. in Council Chambers, Rouss City Hall.

**PRESENT:** Rockwood, Bandyke, Belkin, Lore, Saunders, Shore

**ABSENT:** Farris

**VISITORS:** Chad Bales, Boyd Hammon, Allen Moore, James Gorden, Jennifer Shearop, Shaun Roop

### **MINUTES**

Mr. Belkin and Mr. Lore requested changes in the minutes from the June 7, 2007 meeting.

Mr. Lore, seconded by Mr. Bandyke, moved to approve the minutes with the corrections. The motion passed 6-0-0.

### **CONSENT AGENDA**

Mr. Lore requested the addition of BAR-07-42 to the consent agenda

**BAR-07-39** – Request of Maurey R. Fish for approval of an outdoor patio at 147 N. Loudoun Street

**BAR-07-40** – Request of Fort Loudoun, LLC for approval of deck construction at 28 Wolfe Street

**BAR-07-41** – Request of Psychotherapy Associates of Winchester for approval of roof replacement at 125 S. Cameron Street

**BAR-07-43** – Request of Fakhritdin Nasirou for a sign at 4 N. Loudoun Street

**BAR-07-44** – Request of The Winchester Group, Inc. for approval of a sign at 24 W. Piccadilly Street

**BAR-07-45** – Request of Allen Moore for approval of a sign at 38 Rouss Avenue.

**BAR-07-42** – Request of Dr. Frank H. Reuling for roof replacement at 308 S. Cameron Street

Mr. Belkin, seconded by Mrs. Shore, moved to approve the consent agenda. The motion passed 6-0-0.

**NEW BUSINESS**

**BAR-07-46** – Request of Jennifer Shea-Roop and Shaun Roop for approval of a fence and satellite dish at 448 N. Braddock Street.

Mr. Diem stated that city staff is concerned about the fence height limitation on a corner side yard. In the application, the applicant stated several reasons for wanting the fence but it may need to be presented to the Board of Zoning Appeals in order to keep the height of the fence.

Mr. Belkin asked with the current height of the fence is now. Mr. Roop stated the fence is 5 foot 11 inches.

Mr. Saunders stated that what we are looking at is the fence itself.

Mr. Diem stated the applicant can have a fence or wall up to 5 feet except for in a 25 foot clearance triangle that is established in a corner yard property.

Mr. Belkin stated that the applicant has indicated he wants to paint the fence white. This style of fence is one we have approved many times before and it is wood.

Mr. Sauders stated the fence does appear to meet our criteria even with it painted white.

Mr. Diem asked the applicant if he wants to reduce the height of the fence or if he wanted to pay the \$500 fee and present this to the Board of Zoning Appeals. Mr. Roop informed Mr. Diem that there are several sex offenders in his area that he does not want looking into his fence. He added the fence is 5 foot 11 because the average male is 6 foot tall. Mrs. Shea-Roop added that they have also experienced problems with drug paraphernalia being disposed of in their yard as well. Mr. Diem explained that if they do go to the BZA, they would have a good argument but there is the \$500 filing fee to be aware of.

Mr. and Mrs. Roop questioned Mr. Diem on where the corner side yard would be located on their property. Mr. Diem stated that North Street would be the corner side of their property and that a fence could be up to 5 feet in that area.

Mr. Belkin asked what will be done with the setback area from the sidewalk. Mr. Roop stated that he will be putting stone in the 2 foot section to help with the poison ivy problems that exist.

Mr. Saunders stated that the issue for the board is to approve the style and color of the fence.

Mr. Lore mentioned that the northwest side of the fence is sagging. Mr. Roop stated the concrete has not been put around the posts in that section.

Mr. Belkin suggested the applicant cut off the bottom of the wood instead of the top. The top is very nice.

Mr. Saunders asked the applicant where the satellite is located on the property. Mr. Roop explained that the satellite is located inside of a bush in the front yard. It was the only place the satellite installer could get a signal.

Mr. Bandyke asked if the applicant could mark it on his property drawing. Mr. Roop marked the location on the drawing.

Mr. Belkin stated that there are several homes on the street that have satellites. He added it is his inclination to disapprove this part of the application. Mrs. Roop explained that the installer tried all over the property and on the house to get signal but could not. She added that this may be a mute point anyway because their contract with the satellite company is over in a few weeks. Mr. Belkin reiterated that several people within the same block as the applicant have satellite television through Direct TV and have no problem.

Mrs. Roop asked if it is FCCA law that if you cannot get reception anywhere else except your front yard that you are allowed to have it there. Mr. Diem stated he was not aware of that law. Mrs. Roop stated that her attorney had mentioned that to her as unsolicited advice. Mr. Belkin stated that he would hope that the community spirit would override the attorney's advice.

Mr. Saunders asked the applicant if they wanted to revise the application to have more time for the satellite and come back to the meeting in July. Mr. Roop stated he would.

Mr. Diem wanted to clarify that on the 5 foot height requirement on the fence it is only for non-required front and/or side yard there indicating that they are setback 2 feet from the sidewalk which is more than likely the property line. He added the required corner side yard distance is 15 feet so the applicant would be in the required corner side yard area in which case the permitted fence height is 4 feet and has to be 25% open. Mr. Diem suggested the applicants set up a meeting with him to go over their options.

Mr. Saunders suggested we table this with the applicant knowing the BAR is ok with the fence and painting it.

Mr. Belkin stated it was a good idea because of the satellite.

Mr. Lore stated that if needed, the guidelines say the satellite issue could be solved by screening through some landscaping.

Mrs. Shore, seconded by Mr. Lore, moved to table BAR-07-46 until the July meeting. The motion passed 6-0-0.

**BAR-07-47** – Request of Thomas H. Rockwood for approval of stone facing installation at 101 N. Washington Street.

Mr. Rockwood gave a review of the previous work done on the addition to the house. He thought that painting the foundation grey would be sufficient but thinks covering the foundation with stone would be a good idea.

Mr. Saunders stated he wondered why it wasn't done before. Mr. Rockwood stated it was because "battle fatigue."

Mr. Belkin stated there should be an offset to show a difference. The guidelines state that new construction should not be so close it confuses people. He added that most preservationists would say that the stone should be slightly different than the original style but that we didn't need to be that close.

Mr. Rockwood stated that he is aware of that provision and that it is a balancing act with having to make it different from the original. He has not picked a particular style or size but it will be distinct so that you will be able to tell the difference.

Mr. Lore stated he thinks Mr. Belkin's point is a good one. He added that he is glad the applicant is putting facing on it.

Mr. Belkin, seconded by Mr. Lore, moved to approved BAR-07-47 as presented. The motion passed 4-0-2.

## **OLD BUSINESS**

**BAR-07-32** – Request of Hammon Construction Co. for approval of material to be used at 122 N. Loudoun Street

Mr. Hammon presented an aluminum product in a double 6 pattern to be used on the canopy outside of the Bell's Ladies store. The canopy in front of the Door Mouse is a white vinyl and the canopy in front of the Bell's Mens store is a brown plastic. Mr. Hammon also presented the available colors for the product and reported the owner did not have a preference in color.

Mr. Saunders suggested the dark brown to match the Men's store. Mr. Bandyke suggested using a triple 4 pattern instead of the double 6.

Mr. Belkin, seconded by Mr. Rockwood, moved to approve the use of the aluminum material in a Royal (brown) color and a triple 4 pattern. The motion passed 6-0-0.

## **CORRESPONDENCE**

Mr. Diem informed the board that a violation letter was sent to TuTuPink regarding the exterior changes. As of the time of the meeting, no further appeals had been filed and no additional presentations had been made to the BZA.

Mr. Belkin asked what it means. Mr. Diem stated the owners of the property have 30 days to appeal. If no appeal is filed, civil penalties could be enforced.

Mr. Rockwood asked if the violation was only for the color change. Mr. Diem stated it was not so much the color but that approval was not granted by the BAR.

### **OTHER ITEMS**

Mr. Saunders began the discussion on the proposed guideline changes brought forth by Mr. Belkin. Mr. Bandyke has requested samples of the Hardiplank for the board to view. The discussion continued to include the use of Hardiplank in the guidelines, the cost of shutter hardware, and the use of the wording “natural stone” and “brick”. Mr. Belkin requested that some time be spent thinking about the guidelines. Mr. Saunders agreed and suggested everyone look through the guidelines and brings any additional changes to the next meeting.

Mr. Saunders began the discussion of starting the meeting at 4 pm instead of 4:30 pm. Mr. Bandyke asked what started the need for a change. Mr. Diem stated it originated from a board member who needs to leave the meeting at 5 pm every time because of other obligations. Mr. Bandyke asked what affect it would have on city staff schedules. Mr. Diem stated it would not present problems for staff. Other benefits that were discussed by the board members are 1) if BAR ends late, other meetings cannot start on time, 2) potential quorum issues if someone leaves early, 3) an applicant on the consent agenda could get their permit the same day, and 4) less need for extra compensation for city support staff. It was decided to change the meeting time to 4 pm beginning with the August 2, 2007 meeting.

### **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 5:34 pm.