

BOARD OF ARCHITECTURAL REVIEW MINUTES

The Board of Architectural Review held its regularly scheduled meeting on November 1, 2007 at 15 N. Cameron Street, at 4:00 p.m. in Council Chambers, Rouss City Hall.

PRESENT: Larry Belkin, Patrick Farris, Mark Lore, Cathy Shore, Tim Bandyke, Tom Rockwood

ABSENT: Lawton Saunders

VISITORS: David McLaughlin, Steve DeStefano, Sylvia Owens

MINUTES: The minutes of October 18, 2007 were amended on page 3, paragraph 4, line 1 to read "*Mr. Belkin considered voting against the motion because he felt the fence should be painted, but Mr. Rockwood*". *Mr. Bandyke, second by Mr. Rockwood, motioned to approve the minutes as amended.* Motion carried 4-2-0. Mr. Lore and Mr. Farris abstained.

CONSENT AGENDA

Mr. Belkin, Acting Chairperson, motioned to move the following application to Consent Agenda.

BAR-7-99 – Request of Steve DeStefano for approval of a white wooden storm door for 304 N. Kent Street.

All information required for review of the application was present. Mr. Farris, seconded by Mrs. Shore, motioned for approval of the application as presented. Motion carried 6-0-0.

NEW BUSINESS

BAR-07-100 – Request of Pebbles, LLC for approval of exterior paint at 27 W. Boscawen Street.

Request was for approval to paint front of building, body and trim, and gutters as well. A written description of colors was provided to the Board members. The color samples submitted with the application were also given for review. Question arose as to whether the paint scheme was to cover the entire front façade.

Communication with the applicant was suggested to provide color swatches to expedite the color placement indicated on the photo submitted with the application. The applicant was not present during the meeting.

.Mr. Farris, seconded by Mr. Bandyke, motioned to table the application until November 15, 2007. The motion carried 6-0-0.

BAR-07-101 – Request of CVK Subs, Inc. for approval of exterior paint at 24 S. Loudoun Street.

Mr. Patel, CVK Subs, Inc. requested to change the exterior sage green woodwork but the wording of his request left some questions in the minds of the Board Members. The applicant was not present during the meeting.

Mr. Lore, second by Mr. Farris, motioned to table the application until they could get a clear explanation of the paint color change location. Motion carried 6-0-0.

OLD BUSINESS

BAR-07-94 - Request of David McLaughlin for approval of materials for existing porch base at 618 S. Loudoun Street.

Mr. McLaughlin told the Board he was trying to come up with a way to improve his porch base. He would like to extend brick veneers to be attached over the parged cinderblock base. He left a two inch overhang of his stone pavers hoping to be able to fit in the veneers. He noted he was following the direction of City Council which tabled action on his appeal of the 2006 BAR decision. "They told me to try to work it out and that's what I'm trying to do."

Mr. Belkin asked about the corners of the steps. Mr. McLaughlin explained that the L-shaped veneer would cover the corners.

Mr. Belkin said that when they have a request for something already existing, they have to look at it as though it didn't exist. This is what happened a year ago. He showed some pictures showing the foundation of the house and showed a contrast of the steps leading to the left-side front door of the house and steps showing parging and stone just beyond it. Within the photograph, the foundation of the house could be seen between the two sets of steps.

Mr. Belkin offered some comments stating the focus of the last meeting was on the thin cut stone. He quoted from the Secretary of Interior Standard on new additions of construction, exterior alterations, or related alterations, which states no artificial material should be used and improvements to a historic structure must be in the spirit of the original house. He offered a suggestion as to what he would do, which included the following:

Remove or break off the edge of the veneer and reparse the entire porch with a thicker and irregular hard cement rather than stucco to convert the entire step unit into a single, massive unit with a slightly different tint and round off everything.

Mr. McLaughlin was asked if he was going to leave the stone and install veneer over all of the existing parging, to which he replied that he would prefer that to the overall parging but it would be cost prohibitive.

Mr. Bandyke indicated that he personally felt the railing did not fit with the sandstone work and the appearance was not an acceptable contrast. He offered that in his opinion, it actually detracts from the aesthetics of the house. The color and texture of the sandstone, along with the swirling nature of the railing do not fit. If it were limestone on the porch, he indicated that he wouldn't be offended by it at all. The parging would be secondary. The railing in the 1700's, if a railing

existed, would probably have been wood. The current railing is well made and well attached but just doesn't fit the house just like the porch stone doesn't. Mr. Bandyke added that if Mr. McLaughlin were to try to parge it, he will have a difficult time. He stated that what will happen is that the parging will spoil and it will have to be sealed because it will absorb moisture. He added that Mr. McLaughlin won't be able to make it look like concrete because with parging you don't get the same texture and strength as from 3000 psi concrete. When asked what was basis for the choice of stone – Mr. McLaughlin responded he wanted to find something similar to the sandstone.

Mr. Rockwood stated that the diamond stone pavers are a very regular and sharp shape; mortar joints are straight like tile. The railing could go either way but he would like to accommodate this particular set of circumstances without saying that this was a porch that I would have approved in a similar situation if proposed in advance.

Mr. Belkin added that, the actual brick is also troublesome in some cases because it is not brick but is like the Eldorado Stone – it is Eldorado brick and doesn't really look like brick. In our Secretary of the Interior Guidelines, there is almost a universal discouragement for the use of artificial materials.

Mr. McLaughlin said if the stone is a problem he can remove those and parge the whole thing with fewer sharp edges. He still would like to use the iron railing. He would be willing to remove the offensive decorative ironwork on his railing.

Mr. Farris indicated that this was a project of love for Mr. McLaughlin. He doesn't disagree with anything the Board Members have stated. He said that had the application come before the board as an original application with these materials, he would have had difficulty in making the approval. He sees the position Mr. McLaughlin is in – he inherited a porch of a certain design and is trying to make due. He felt that ideally, if money weren't an object, Mr. McLaughlin would have put nice large limestone blocks down.

Mr. Farris re-iterated Mr. Belkin's earlier suggestion, to which Mr. McLaughlin said he'd love to eventually replace the stoop within in 2 -3 years. At that time, he might propose to replace the whole thing with solid limestone. Mr. McLaughlin also expressed interest in conducting an archaeological search on-site and see what might have actually been there. He added that for now, using cinderblocks is probably the better choice. He wouldn't mind removing the curly cue thing in the middle of the railing, but would like to keep the rest of the iron railing. He wouldn't mind removing the stones and parging the whole thing making sure edges are not sharp. He doesn't want to try to simulate the stone with any kind of stucco work – He would like for it to look like a parged cinderblock base.

Mrs. Shore – If you go to brick, would it not clash some with the brick around the base (sidewalk) of the other limestone? Mr. McLaughlin stated he didn't believe so. Whatever was on the base was a higher architectural level than any kind of frontier look or the steps on the left. He felt that whatever was there before was not fancier than what is there now.

Mr. Belkins said that the Board's guidelines suggest not to recreate the past so it would be confusing to people. An addition has to be clear that it is an addition and is new. The guidelines also suggest not to do something that is out of character of the original. They make it very difficult in working with a renovation – you have to somehow be different but yet not clash. It looks like you kind of clashed here – that is where BAR's problems come from, but that doesn't mean you have to go back and do archaeological research to find a photo and have something to base a re-creation. Mr. McLaughlin indicated that he has not been able to find so much as a photo or picture - not even at the Library archives.

Mr Lore was asked for his input. He believed that there was a basis for a motion. He sensed that the Board is willing to work with him on the brick veneer option combined with a grinding of the edges to roughen them up as one alternative. Our motion could also give him the other alternative being the "Belkin alternative" – using a concrete covering. It was up to Mr. McLaughlin to choose his preferred alternative. In terms of the railing, Mr. Lore indicated that he did not feel strongly about it. It is high style for the house but doesn't bother him as much as it does it colleagues. Perhaps it could be toned down a little bit by taking out the decorative part in the middle.

Mr. McLaughlin said that removing the decorative part would take care of those who were opposed to the iron in general. He would be willing to round the edges of the stone. If the consensus is to remove them or parge over them, he'd do that. Or, he indicated that he would break the off the edges of stones and parge the whole thing.

Mr. Farris motioned to allow applicant to choose between one of two remedies. The first remedy being his proposal, as accepted, with two modifications: 1st the softening or rounding of the edges on the existing stonework; 2nd being the removal of the scrollwork from the iron railing. Implement Option 2 – The Belkin alternative – which would be the removal or covering of the existing stone in all other portions of the stoop with concrete parging and rounded edges.

Mr. Lore amended the motion by adding – In view of pre-existing conditions of this porch and circumstances surrounding the restoration, we agree to give these two alternatives.
Mrs. Shore second the motion. Motion passed 6-0-0.

ADDITIONAL OLD BUSINESS ITEM

Mr. Diem stated that this item recently came to his attention. Application for 10 W.Clifford Street (BAR 7-63) was previously before the Board as a Consent Agenda.

The applicant's comments in the packet from the Consent Agenda stated: We propose to restore the existing back porches using all wood construction, to match original siding and materials as close as possible. We expect to replace all floor, ceiling boards, posts, and railings. We would like to restore railings to a form more reflective of the period that the home was built.

Mr. Belkin asked if there was a railing that they are referring to? Mr. Diem replied that the picture showed the existing railing. There was nothing in the packet to describe the railing, everything was verbally descriptive. He was asked if the railing installed was the same on both

porches and Mr. Diem replied that he wasn't sure.

Mr. Belkin asked if a question was raised by a citizen or an inspector. Mr. Diem indicated that the issue was brought to the attention of the Zoning and Inspections Department.

The railing is currently unpainted and Mr. Diem stated that he was unsure if the homeowner's intention is to paint it or not. One solution is to paint it to match the other woodwork on the porch. Before he recommended that solution to the property owner, he wanted to find out if the form of the railing is consistent with the architecture of the structure.

Mr. Farris noted that the Board approved the railing and related ambiguous language without presentation of any description of design and materials. They said they were installing something appropriate for the period. Very often improvements and changes are made without the property owner or business center seeking the guidance of the BAR when they should within the Historic district. If we are holding the public to a standard then obviously BAR should hold itself to a similar standard. It appears that the house was built in the 1920's. The house is older than the railing.

Mr. Bandyke stated that most railings for houses during that era have been a fairly large cap rail, fairly large ballisters, either turned or square, with a fairly large bottom.

Mr. Belkin stated that the Board approved an application without a description beyond intent. Applicant stated they wanted to replace wood with wood that would be appropriate to the period.

Mr. Farris asked if it would be prohibitive to ask the applicant to come to the meeting to continue discussion on his modifications. Mr. Diem said there was nothing in the Zoning Ordinance to indicate that it was.

Mr. Lore indicated that the application gave 1896 as the year of construction of the house.

Mr. Belkin stated that the item be put under Old Business in light of the results of the construction that ensued.

Mr. Lore asked Mr. Diem if he recalled any conversation relative to BAR discussing with City Council BAR's feel of the demolitions on Kent St. Mr. Diem had no recollection on this.

Mr. Belkin asked if it would be valuable to pass a message on to City Council that the Board was open to the possibility of a discussion in which we can exchange ideas and explain how the BAR used the guidelines to come to the determination regarding the properties slated for demolition on Kent Street in order to provide City Council with full understanding of what BAR did regarding the properties before Council has to listen to the appeal of a Public Hearing, which would be more difficult for us to convey the depth and breath of the considerations that BAR had. This is in light that most of the members of Council never heard anything of what BAR did and they got only second hand information of our actions. Mr. Diem indicated that something to this effect could be drafted by Mr. Saunders, BAR Chairman, and submitted to the Clerk of Council.

Mr. Lore spoke about the TuTu Pink Building. He said he wasn't at the August meeting but while reading the minutes, he felt that something was going to be done and now painting isn't possible until next spring or summer which brings into question the enforcement of the Ordinance. Mr. Diem stated that as he recalled at that particular meeting, the direction from the Board was for the tenant or store owner to consider some options given during the August discussion. Upon further consideration of those options, the applicant was to return to BAR with the intended direction they wanted to go in. Mr. Diem stated that he did not remember there being a specific time line given to the applicant for a response.

Mr. Belkin inquired as to whether or not the Ordinance has a time line because at the moment they still do not have an approved request and of course the work was already done.

Mr. Diem indicated he would have to review the minutes of the meeting to see if the application was tabled at that time. If it had been tabled, the time line would have been extended.

Mr. Belkin said it might be appropriate to notify the applicant that not having heard anything from her; we attempted to solicit an opportunity to consider our suggestions and come back with a revised and acceptable proposal but have heard nothing at all. Since that has happened, recommend we advise her that the Board is going to place the application on the agenda again for the December 6th meeting and move forward either to turn it down or take some other action.

Mr. Diem referenced the Zoning Ordinance with the following text. In matters governing the procedures for meetings not covered by this Article the Review Board may establish its own rules provided they are not contrary to the spirit of this Article. The Board has tabled it but not indefinitely. A period of 90 days has lapsed with no further contact. Whatever time line we want to offer within 30 days, we would like to see this revisited before the BAR so we can finally resolve it.

Mr. Rockwood noted that there was an appeal period of 30 days, which has expired. They were in violation of our disapproval of their paint scheme and our action in the August meeting was as recollected an attempt to work out the situation without a formal enforcement proceeding. A second proposal did come back but with a different shade of pink. We suggested a solution that she lessen the pink area and come back with a livable solution. The process could be interpreted as a working out of the original application which was denied and is now in enforcement status because her appeal rights have expired. She can't file a new application because she has to wait a year; essentially the new application is a counter offer to settle with the proceeding to come up with an acceptable color. If she doesn't want to talk to us about a consensual arrangement within a designated time, we are going to refer the matter for enforcement under the original ruling.

Mr. Diem said that with any enforcement action under the Zoning Ordinance, not specifically limited to the BAR, he would have to give them the right to appeal under the Code of Virginia for a zoning determination. He added that there is a 30-day right to appeal to the Board of Zoning Appeals. From there, it can go on to Circuit Court. Mr. Diem stated that he believed the route he was going to take is written correspondence with the property owner because he is ultimately responsible under the Zoning Ordinance and then proceed to result the situation by

giving them a time line to either return to the BAR with a modified approach to incorporate some of the suggestions made or having a suspense date. If the items are not resolved and the Certificate of Appropriateness is not granted for that suspense date, then they will be found in violation or a determination will be made.

Meeting Adjourned at 5:45 p.m.