



Date of Council Meeting: July 14, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: County Appeal of Board of Architectural Review (BAR) Decision for Partial Demolition of Four Structures on Edwards Ferry Road
TLAP 2015-0001, 112 Edwards Ferry Road
TLAP 2015-0002, 110 Edwards Ferry Road
TLAP 2015-0003, 108 Edwards Ferry Road
TLAP 2015-0004, 106 Edwards Ferry Road

Staff Contact: Tom Scofield, Preservation Planner, Department of Planning and Zoning

Council Action Requested: Council vote to affirm, reverse, or modify the BAR's decision.

Staff Recommendation: Staff did not support demolition of these four structures during review of the Certificates of Appropriateness and staff recommendations on the demolition requests can be found, in detail, in the Certified Record.

Commission Recommendation: The BAR approved motions to allow partial demolition of the non-historic additions on each of the four structures subject to conditions contained in the attached report.

Fiscal Impact: Undetermined.

Work Plan Impact: Not Applicable.

Executive Summary: On May 18, 2015 the BAR approved motions to allow partial demolition on non-historic additions to the four structures listed above. The County has appealed these decisions requesting that Council reverse the BAR's decision and allow total demolition of each structure. The Leesburg Zoning Ordinance specifies the Council may vote to affirm, reverse, or modify the BAR's decision.

Background: Loudoun County submitted four Certificate of Appropriateness (COA) applications to demolish existing buildings at 106, 108, 110, and 112 Edwards Ferry Road on November 17, 2014. The BAR initiated work on the applications with a public hearing on December 15, 2014. The applicant requested that the BAR defer discussion of the applications until February.

A site visit was held on January 16, 2015 and discussion on the applications commenced on February 2. In total, 10 work sessions and meetings were held between December and May and the BAR rendered decisions on the applications on May 18, 2015. Key findings for the BAR were: the four structures are ‘contributing resources’ in the historic district; each structure is structurally sound; alternative conceptual designs proposed by the County’s design team could successfully allow the four buildings to coexist with the new building; and that the rationale provided by the County for demolition were unsupportable due to lack of consideration for options to retain the structures.

In recognition that there is an equal importance of retaining the County Courts complex in the downtown as well as retaining the historic structures, the BAR sought to provide a compromise recommendation to the County by recommending approval to demolish the non-historic rear additions on each of the four structures, thereby giving more room to accommodate the construction of the new Courts facility. Retention of the original historic fronts of each structure would preserve the historic streetscape along Edwards Ferry Road. The attached report and certified record provide a thorough account of the review process and supporting materials used by the BAR for their deliberation and decision.

Basis of Appeal: Loudoun County’s appeal of the BAR’s decision is included as Attachment 1 in the Certified Record. The reasons stated include:

- retention the four structures will negatively impact, and interfere with, the design and construction of the new courts building;
- public safety will be compromised at the new building if the four structures are retained;
- the Courthouse campus is better served without the four structures;
- retention of the four structures will increase the cost of the building project, the cost of which is borne by the taxpayers of Loudoun County; and
- parking issues.

Summary of BAR’s findings: Section VIII of the H-1 Guidelines and the Articles 3 and 7 of the Zoning Ordinance provide review criteria for requests to demolish structures in the H-1 Old and Historic District. These Guidelines, the Zoning Ordinance, and Town Plan preservation policy served as the foundation for the staff and BAR’s review of the subject applications.

The BAR’s decision to allow only partial demolition of each structure was based on the following findings:

- Each structure maintains a ‘contributing’ status in the historic district.
- Each structure is in good structural condition.
- Alternatives to full demolition were thoroughly discussed with the County design team by ascertaining how to retain the historic fronts of the houses and demolish the non-historic rear additions.

- A review of the post-demolition plans found that retention of the four structures would not deleteriously affect the proposed setback for the new court building; the construction staging process; or public utility provision to the new structure.
- Further, construction programming considerations did not mandate demolition of the four structures.
 - Stormwater management could be addressed with offsite options.
 - Perimeter security preferences (i.e. 50-foot standoff distance) could be addressed through building design rather than strictly adhering to a perimeter distance standard.
 - Fire suppression can be accommodated for the new court building as it already is throughout the historic district.
- Nothing in the Guidelines or Zoning Ordinance gives preferential standards to public-sector projects over private-sector projects with respect to demolition requests.
- The proposed demolition request is not consistent with the H-1 Guidelines, the Zoning Ordinance requirements, or the preservation policies in the Town Plan.
- Demolition of the four structures will deleteriously affect the Edwards Ferry streetscape which is important to maintaining Leesburg's heritage and small-town feel.

Council Options: The Zoning Ordinance states that the Town Council can affirm, reverse or modify the BAR's decision. Council may request new information or new/different testimony if so desired.

Council Decision: The Zoning Ordinance specifies that a Council decision is required 75 days after the date the appeal petition is filed which puts the Council's decision deadline at August 25. Should Council wish to deliberate and consider the testimony provided on July 14, a decision on the appeal could be deferred until the August 11 Council meeting. The Town Council will be on August recess for the second meeting of the month which would be August 25.

Attachments: The attached report provides a summary of the BAR's review. The column to the right is a chronological account of the review. The column on the left summarizes key actions and decision points.

The Certified Record is also attached and it contains all records that were reviewed by the BAR and collectively were used by the BAR to develop findings and recommendations. The BAR reviewed and certified this compilation of materials at their meeting on June 15, 2015.