

**TOWN OF LEESBURG
APPEAL HEARINGS**

NOTICE IS HEREBY GIVEN that an appeal hearing will be held by the **Leesburg Town Council** on **Tuesday, April 9, 2013 at 7:30pm** in the Town Council Chamber, second floor in the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 to hear the following items:

I. Case No. TLAP-2013-0001 , Old Town Grill: Darius Saeidi has submitted an appeal of the January 23, 2013 decision of the Board of Architectural Review in case TLHP-2012-0118 which denied appellant's Certificate of Appropriateness request for an aluminum wall sign on the property at 15 South King Street based on the finding that the sign material did not comply with design guidelines.

The property subject to this appeal is approximately 0.11 acres in size and is zoned B-1, Community (Downtown) Commercial District, and H-1, Old and Historic Overlay District. The property is located on the west side of South King Street (Route 15) and is more particularly described as MCP Parcel Identification Numbers 231-38-1965-000.

II. Case No. TLAP-2013-0002 Kingdom Enterprise: Michael O'Connor has submitted an appeal of the of the December 17, 2012 decision of the Board of Architectural Review in case TLHP-2012-0127 which approved appellant's Certificate of Appropriateness request for alterations to the exterior of the property at 6 W. Market Street with conditions.

The property subject to this appeal is approximately 0.5 acres in size and is zoned B-1, Community (Downtown) Commercial District, and H-1, Old and Historic Overlay District. The property is located on the north side of West Market Street (Route 7) and is more particularly described as MCP Parcel Identification Numbers 231-38-2499-000.

Full and complete copies of the above-referenced appeals and related documents may be examined in the Leesburg Department of Planning & Zoning, on the second floor of the Leesburg Town Hall, 25 West Market Street, during normal business hours (Monday-Friday, 8:30am to 5:00pm), or by calling 703-771-2773 and asking for Kim Del Rance, Preservation Planner of the Department of Planning & Zoning.

At this hearing, all persons desiring to express their views regarding this matter will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting date. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

Ad to run: 03/27/2013 & 04/3/2013



Date of Council Meeting: April 9, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: **TLAP-2013-0001** Appeal of the Board of Architectural Review decision in case TLHP-2012-0118
(Request for an aluminum wall sign to be approved for 15 S. King Street)
(Attachment 1)

Staff Contact: Kim K. Del Rance, Preservation Planner

Staff Recommendation: Staff recommends that the Town Council dismiss the appeal for failure by the Appellant to cite any grounds as a basis for the appeal as required by Zoning Ordinance §3.10.14.B. **Appeals to the Town Council.**

In the alternative, if Council determines sufficient grounds are present to hear the appeal, Staff recommends that the Town Council uphold the decision of the Board of Architectural Review (BAR) to deny the Certificate of Appropriateness request for the wall sign for TLHP-2012-0118 based on the facts that were established at the time the decision was made.

Date Filed: 5 February 2013 (timely filed within the 30 day appeal period)

Hearing Date: 9 April 2013

Action Required by: 21 April 2013

Appellants: Darius Saeidi and Fabian E. Saeidi
Leesburg Colonial Inn
19 S. King Street
Leesburg, VA 22075
703-777-5000

Owner of Record: Fabian Saeidi

Original Applicant: Fabian Saeidi
Old Town Grill
15 S King Street
Leesburg VA 20175
703-777-7246

Location: 15 S. King Street

Zoning: B-1, Community (Downtown) Commercial District

H-1 Old and Historic Overlay District

Appeal Summary: In accordance with Zoning Ordinance §**3.10.14.B Appeals to the Town Council (Attachment 2)** the Appellants, Darius and Fabian E. Saeidi, have appealed the January 23, 2013 decision of the Board of Architectural Review (BAR) to deny an aluminum wall sign at 15 S King Street based on its finding that the proposed sign material did not comply with design guidelines regarding the sign material. The Appellants desires to use an aluminum sign that has been installed without prior authorization.

Basis for Appeal: In the appeal petition (**Attachment 1**), the Appellants have raised no issues as a basis for the appeal. That is, Appellants have cited no guidelines, law or other grounds in support of its position that the BAR erred by denying the Certificate of Appropriateness for the aluminum sign. As of March 29, 2013 Appellants have supplied no information regarding its position for Council consideration, other than its opposition to the final BAR action.

Appeal Regulations: **Zoning Ordinance Section 3.10.14.B. Appeals to Town Council.** Appeals to the Town Council from any final decision of the BAR may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the BAR is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The BAR shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the BAR pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the BAR if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall review the BAR record, consider the written appeal and the criteria set forth in the Old and Historic District Guidelines and to that end shall have all the powers of the BAR. The Town Council may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the BAR within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the BAR, unless all parties to the appeal agree in writing to extend such time period.

Council Options: In accordance with Zoning Ordinance §**3.10.14.B Appeals to Town Council (Attachment 2)**, the Council may:

- reverse the decision of the BAR, or
- affirm, wholly or partly, the decision of the BAR, or

- modify any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the BAR within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the BAR's decision, unless all parties to the appeal agree in writing to extend such time period.
- In the alternative, Council may dismiss the appeal if it finds that the Appellants did not raise any issues as a basis for the appeal. Section 3.10.14.B specifically states "Council review shall be limited to the issues raised on appeal."



Figure 1 The Subject Aluminum Sign

Chronology
Summary:

On October 9, 2012, the Zoning Inspector for the Town of Leesburg notified the owner of the property at 15 S King Street they were in violation by making exterior alterations, which included installing a new sign, without permission. The owner applied for a Certificate of Appropriateness (COA) on October 22, 2013 which put the violation process into abeyance. The application was recessed at the applicant's request on three separate occasions (at the BAR meetings on November 19, 2012, December 3, 2012, and January 7, 2013) to give the applicant more time to provide details regarding the actual sign material.

On January 23, 2013 the BAR reviewed this request with the information that the sign was made of an aluminum material. Following review of the project and discussion of the issues with the Owner/Applicant, the BAR made the following findings:

- The installed sign is of a material that is inappropriate under the Old and Historic District Guidelines

Based on these findings, the BAR voted to deny case TLHP-2012-0118 because the sign does not meet the standards set forth in the H-1 Old and Historic District Design Guidelines. Below is a brief chronology of the events related to this appeal petition. A full chronology is contained in **Attachment 3**.

October 9, 2012 Following a citizen complaint, Zoning Inspector, Carmen Babonneau performed a courtesy visit to the site, noted the subject sign installed without proper BAR approval, and met with owner Mr. Fabian Saeidi. The regulations regarding signs and exterior changes in the H-1 Old and Historic District and the BAR review process were explained to Mr. Saeidi. It was also explained that installing a new sign without proper approvals was a violation of those regulations.

October 31, 2012 Darius Saeidi, the son of Mr. Fabian Saeidi, submitted seven (7) signed Certificate of Appropriateness applications for the properties of 15 S. King Street and 19 S. King Street. Three (3) of those applications were for the property of 15 S. King Street, including the wall sign that is the subject of this appeal. **(Attachment 4)**

November 19, 2012
Public Hearing BAR application TLHP-2012-0118 concerning the subject sign was placed on the agenda for the regular BAR meeting **(Attachment 5)**. Preservation Planner Kim Del Rance presented a staff report **(Attachment 6)** based on the photos and information provided by staff. The subject building had three applications related to signs, all of which were addressed at this meeting. The BAR explained the sign ordinance requirements and asked the applicant to submit a cohesive plan showing all the signs requested and their materials.

Mr. Fabian Saeidi stated the building had four signs when it was the Green Tree Restaurant, but staff found no record of any approvals for signage for the Green Tree. The BAR reaffirmed that only two signs are allowed for each business and asked Mr. Saeidi which two of the three remaining signs he would like to keep. Mr. Saeidi stated he wanted to keep all of them, including the wall sign that is the subject of this appeal.

The BAR scheduled site visits for the Board members during daylight hours on November 24 and November 25, 2012 at 15 S King Street and 19 S King Street. The BAR recessed the case **(Attachment 7)** to review the site and allow Mr. Saeidi time to bring a cohesive sign plan until the December 3, 2012 BAR Work Session.

Weekend of
November 24-25,
2012 The BAR made site visits individually to the properties at 15 S. King Street and 19 S. King Street. No public notice was required since the board did not meet together at the site.

December 3, 2012 TLHP-2012-0118 was placed on the agenda for the BAR Work Session. Ms. Del Rance presented a staff report **(Attachment 8)**. The representative for the applicant was Darius Saeidi, the son of the applicant. When asked what material the sign was made of, Mr. Saeidi stated he did not know.

The BAR explained to Mr. Darius Saeidi that the details the applicant needed to submit for this and other signs under consideration were the total number of signs and the sign materials as part of a sign plan detailing all of the requested signs. The board recessed the case due to insufficient information until the January 7, 2013 BAR Work Session. **(Attachment 9)**

January 7, 2013

The BAR convened the scheduled Work Session but there was no representative present because Mr. Fabian Saeidi had notified Ms. Del Rance earlier that day he would not be present and requested a delay. At the applicant's request the BAR recessed the cases to January 23, 2013 (**Attachment 10**).

January 23, 2013
Public Hearing

Preservation Planner Kim K. Del Rance presented a staff report (**Attachment 11**) on the materials from site visits, provided by staff and submitted by the Applicant. Ms. Del Rance stated that the wall sign was placed on a circa. 1890 commercial building, and that the wall sign was not made of an appropriate material per the guidelines. However, she said that the sign was placed in an appropriate location on this commercial building and was in appropriate colors under the guidelines.

Page 2 of the staff report cited the Guidelines for Signs in the Old and Historic District - Materials (**Attachment 12**) which state:

- Traditional sign materials, such as painted wood and engraved or embossed metals, are encouraged in the Old and Historic District.
- Signs constructed of a durable composite wood material that, when painted, is indistinguishable from solid wood are also acceptable.
- The materials of which the sign is made should complement the design and materials of the building to which it relates.

Ms. Del Rance stated that the sign appeared not to be wood or a durable composite due to the ripples visible where the sign was fixed to the wall (see Figures 2 and 3 below). The waviness of the several panels was reflected by the sign surface in the light. Staff recommended approval of the sign with the condition that the sign be redone in an appropriate material, either wood or a wood composite. Mr. Fabian Saeidi stated there has always been a sign here since he has owned the building. He also stated that the original Green Tree sign was one piece of wood that became bowed from the weather so he replaced it with four pieces of wood and when that became weathered he changed that to aluminum. He said that when it was the Green Tree, previous zoning let them use aluminum type material.



Figure 2 Aluminum Sign Panels showing Seam



Figure 3 Aluminum Sign showing waviness of panels

Board Member Dieter Meyer asked if there was any record that the sign was previously aluminum, and if so, would the BAR be required to allow an aluminum sign if one had already been in place. Ms. Del Rance stated that there was no record of any BAR approval or sign permit for either the original Green Tree sign or any subsequent sign. Zoning Administrator Christopher Murphy stated the Board was not required to allow a sign made of a material that was the same as a previously unapproved sign. Mr. Meyer stated the sign material was “clearly not appropriate material”. Board Member Paul Reimers stated he had no problem with the sign except the material and the remaining four members made similar comments.

Mr. Meyer asked Mr. Saeidi if he was willing to replace the sign in wood. Mr. Saeidi replied he was not willing to do so.

The BAR denied the application to leave the aluminum sign on the front of 15 S. King Street because the sign material was “completely and utterly inappropriate and objectionable under the H-1 Guidelines”. The motion passed 5-1-1 with Board member Dieter Meyer dissenting, stating he agreed with the spirit of the motion but not the exact wording. (**Attachment 13**)

January 28, 2013

Ms. Del Rance sent a letter to the Owner/Applicant detailing the denial of the sign application due to the sign being of an inappropriate material. (**Attachment 14**)

- February 5, 2013 Darius and Fabian Saeidi filed an appeal of the denial on February 5, 2013 listing no basis for the appeal. (**Attachment 1**)
- February 26, 2013 Ms. Del Rance emailed the Appellants with the date the appeal will be scheduled to go before Town Council and details of the appeal procedure (**Attachment 15**).

Alternate Motions

- Motion to dismiss I move to DISMISS the decision of the Board of Architectural Review in case TLHP-2012-0118, rendered on January 23, 2013 due to the lack of any issue having been raised as a basis for the appeal as required by Zoning Ordinance Section 3.10.14.B.
- Motion to affirm I move to AFFIRM the decision of the Board of Architectural Review in case TLHP-2012-0118, rendered on January 23, 2013.
- Motion to reverse I move to REVERSE the decision of the Board of Architectural Review in case TLHP-2012-0118, rendered on January 23, 2013.
- Motion to modify I move to MODIFY the decision of the Board of Architectural Review in case TLHP-2012-0118, rendered on January 23, 2013. by:
- _____
 - _____
 - _____
 - _____

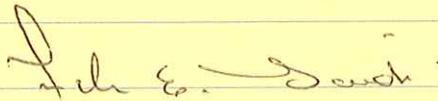
- Attachments:**
- (1) Appeal Petition, filed on February 5, 2013
 - (2) Zoning Ordinance §**3.10.14.B Appeals to Town Council**
 - (3) Detailed Chronology
 - (4) Application for case **TLHP-2012-0118** for installed wall sign at 15 S King St.
 - (5) November 19, 2012 BAR Business Meeting Agenda
 - (6) November 19, 2012 Staff Report **TLHP-2012-0118**, TLHP-2012-0119 & TLHP-2012-0120
 - (7) November 19, 2012 BAR Business Meeting Minutes
 - (8) December 3, 2012 Staff Report **TLHP-2012-0118**, TLHP-2012-0119 & TLHP-2012-0120
 - (9) December 3, 2012 BAR Work Session Minutes
 - (10) January 7, 2013 BAR Work Session Minutes
 - (11) January 7, 2013 Staff Report **TLHP-2012-0118**
 - (12) Sign Guidelines for the Old and Historic District p.7
 - (13) January 23, 2013 BAR Business Meeting Minutes
 - (14) January 28, 2013 Letter of denial for application **TLHP-2012-0118**
 - (15) February 26, 2013 email to appellants with date appeal to be heard by Town Council

2-5-13

I Darius Saeidi,

Would like to note my appeal that the Board of Architectural Review made January 23, 2013 in regard to the sign in front of 15 South King Street. They denied the obmission of Appropriateness of the sign in the H1 district.

Sincerely,



Darius Saeidi

RECEIVED

FEB - 5 2013

Town of Leesburg
Town Manager

Leesburg Colonial Inn
19 South King St.
Leesburg, Va. 22075
(703) 777-5000

3.10.11 Conformance with Permit Required

All work performed pursuant to issuance of a Certificate of Appropriateness shall conform to the approved plans and specifications and to any modifications required by the permit. In the event work is performed not in conformance with the permit, the Zoning Administrator shall notify the responsible person or firm in writing of the violation and shall take the necessary legal steps to ensure that the work is performed in conformance with the permit.

3.10.12 Lapse of Approval

A Certificate of Appropriateness (COA) shall lapse and become void unless:

- A.** Construction is commenced within twenty-four (24) months from the date the COA was issued.
- B.** Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.

3.10.13 Change of Plans after Issuance of Permit

Any change in the work plan subsequent to the issuance of a Certificate of Appropriateness shall require submittal of a new application and issuance of a new permit except that modifications to approved projects may be administratively approved by the Preservation Planner in accordance with Section 7.5.6.D of the Zoning Ordinance.

3.10.14 Appeals

- A. Reconsideration by the Board of Architectural Review.** The Board of Architectural Review shall not reconsider any application that has been denied except in cases where an applicant submits an application that has been amended to substantially address the Board of Architectural Review's reasons for denial of the original application.
- B. Appeals to Town Council.** Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall

review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the Old and Historic District Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review’s decision, unless all parties to the appeal agree in writing to extend such time period.

- C. Appeals to the Circuit Court of Loudoun County.** Appeals to the Circuit Court of Loudoun County from any decision of the Town Council may be made by any person by filing a petition at law, setting forth the alleged illegality of the action of the Town Council within thirty (30) days from the final decision rendered by the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse or discretion or it may affirm the decision of the Town Council.

Sec. 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overlay District)

3.11.1 Applicability

Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of Sec. 7.6 until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Appropriateness procedures of Sec. 3.11.

3.11.2 Exemptions

The provisions of this section shall not apply to any of the following:

- A.** Regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).
- B.** Single-family detached dwellings;
- C.** Attached dwellings (including townhouses and duplexes); and
- D.** Construction within approved Planned Development Districts.



*Appeals of BAR’s decisions are heard by the Town Council. Appeals must be filed within 30 days.



Date of Council Meeting: April 9, 2013

Detailed Chronology TLHP-2012-0118 for appeal TLAP-2013-0001

Staff Contact: Kim K. Del Rance, Preservation Planner

Chronology:

- October 9, 2012 Following a citizen complaint, Zoning Inspector, Carmen Babonneau performed a courtesy visit to the site and met with Mr. Fabian Saeidi. The regulations regarding exterior changes in the H-1 Old and Historic District and the Board of Architectural Review process were explained to Mr. Saeidi. It was also explained that installing a new sign without proper approvals was a violation of those regulations.
- October 18, 2012 A meeting was held in the second floor conference room of Town Hall with Mr. Fabian Saeidi; Barbara Notar, Deputy Town Attorney; Marantha Edwards, Director of Economic Development; Christopher Murphy, Zoning Administrator; Kim K. Del Rance, Preservation Planner and Carmen Babonneau, Zoning Inspector. The violations process was explained to Mr. Saeidi as well as how applying for a Certificate of Appropriateness would put the violation process in abeyance to allow him time to come into compliance. Mr. Saeidi was told the deadline for applications for the November 19, 2012 Board of Architecture Review Regular meeting was Monday October 18, 2012. Mr. Saeidi stated he would submit applications.
- October 31, 2012 Darius Saeidi, the son of Mr. Fabian Saeidi, submitted seven (7) signed Certificate of Appropriateness applications for the properties of 15 S. King Street and 19 S. King Street. Three (3) of those applications were for the property of 15 S. King Street, including the wall sign that is the subject of this appeal.
- November 15, 2012 The Preservation Planner, Ms. Del Rance, made a site visit to 15 S. King Street and took photographs of changes that were made without a Certificate of Appropriateness.
- November 19, 2012
Public Hearing TLHP-2012-0118 was placed on the agenda for the regular Board of Architectural Review Meeting. Ms. Del Rance presented a staff report based on the materials provided by staff originating from the violation case TLVN-2012-0157. The Board of Architectural Review explained what details the applicant needed to submit and scheduled site visits for the board members during daylight hours on November 24 and November 25, 2012 at 15 S King Street and 19 S King Street. The BAR recessed the case due to insufficient information until the December 3, 2012 Board of Architectural Review Work Session.
- Weekend of The Board of Architectural Review made site visits individually to the properties

Appeal of BAR case TLHP-2013-0001
Town Council Meeting of April 9, 2013
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November 24-25, 2012 at 15 S. King Street and 19 S. King Street. No public notice was required since the board did not meet together at the site.

November 28, 2012 Staff site visit to 15 S. King Street

December 3, 2012 TLHP-2012-0118 was placed on the agenda for the Board of Architectural Review Work Session. Ms. Del Rance presented a staff report based on the materials provided by staff originating from the violation case TLVN-2012-0157. The representative for the applicant was Darius Saeidi, the son of the applicant.

The Board of Architectural Review explained to Mr. Darius Saeidi that they had not received enough information to render a decision on the cases before them. Mr. Darius Saeidi said the total number of signs was three (3), but in the previous meeting with Mr. Fabian Saeidi the total was four (4).

The Board requested a cohesive sign plan showing all the signs being requested and recessed the case due to insufficient information until the January 7, 2013 Board of Architectural Review Work Session.

December 7, 2012 Ms. Del Rance sent an email to the Owner/Applicant, Mr. Fabian Saeidi requesting the information for the BAR by December 11, 2012. (**Attachment A**)

December 10, 2012 Ms. Del Rance sent an email to the Owner/Applicant, Mr. Fabian Saeidi correcting the date the materials were needed to December 28, 2012 for the scheduled Work Session on January 7, 2013. (**Attachment B**)

January 4, 2013 Ms. Del Rance sent an email to the Owner/Applicant, Mr. Fabian Saeidi a copy of the January 7, 2013 staff report recommending denial since the requested information had not been submitted. (**Attachment 10 from Appeal**)

January 6, 2013 Ms. Del Rance emailed Mr. Fabian Saeidi that the meeting place had been changed to the lower level conference room due to the Town Council meeting in the chambers. (**Attachment C**)

January 7, 2013 Ms. Del Rance called the Owner/Applicant Mr. Fabian Saeidi after 1:00 pm to ask if he would be present at the Board of Architecture Review Work Session that night at 7:00 pm. Mr. Saeidi replied he was unaware of the meeting or any information he was asked to provide. Mr. Saeidi was informed of the meeting more than 10 days prior.

- Mr. Fabian Saeidi called to request the meeting be delayed so he could meet with staff to better understand what materials were needed for the meeting.
- Ms. Del Rance advised Mr. Saeidi he had been informed more than 6 weeks ago about the information and the meetings and that it was all available online, including the webcast where he could watch the meeting he sent his son to and also the meeting he attended.
- 4:55 pm Ms. Del Rance received an email from Mr. Fabian Saeidi requesting a delay until the next meeting and ten (10) days' notice of the

meeting date. Ms. Del Rance replied Mr. Fabian Saeidi had been given notice several times in December, but his request would be passed along to the Board of Architectural Review. (**Attachment D**)

- 7:00 pm The Board of Architecture Review convened the scheduled Work Session in the Lower Level Conference Room where only audio recordings of the meeting are available due to the Town Council meeting in Chambers on the second floor. Aware of the 75 day time limit for reviewing cases, the Board of Architecture Review recessed the cases to January 23, 2013 due to the Owner/Applicant's request.

January 8, 2013

Ms. Del Rance emailed Mr. Fabian Saeidi at 4:09 pm a letter (**Attachment E**) which included the Staff Reports from November 19, 2012 and December 3, 2012 for reference (**Attachments 6 and 8 from appeal**) detailing exactly what information was needed for the January 23, 2013 regular meeting of the Board of Architecture Review.

- Ms. Del Rance then called Mr. Fabian Saeidi and was told Mr. Saeidi was at the dentist and was sent to his voicemail where a detailed message was left of the email and that hard copies of the letter would also be available at the counter for him to pick up.

January 9, 2013

Ms. Del Rance mailed the detailed letter to Mr. Fabian Saeidi by certified mail.

- 4:33 pm a gentleman came to the counter requesting a hard copy of the detailed letter for Mr. Fabian Saeidi. He was given a copy of what was emailed January 8, 2013 and mailed certified January 9, 2013. (**Attachment E**)

January 11, 2013

Ms. Del Rance was asked to coordinate with the Zoning Inspector, Carmen Babonneau for a timeline of events and actions regarding the violations at 15 S. King Street and 19 S. King Street. (**Attachment F**)

January 14, 2013

Mr. Fabian Saeidi sent an email to Ms. Del Rance with information on the property and requesting to keep all signs on the building as is. (**Attachment G**)

January 23, 2013
 Public Hearing

TLHP-2012-0118 was placed on the agenda for a public hearing at the business meeting on January 23, 2013 and Preservation Planner Kim K. Del Rance presented a staff report on the materials from site visits, provided by staff and submitted by the Applicant.

Ms. Del Rance stated that the wall sign was placed appropriately on this commercial building and was in appropriate colors, however, the sign backing material was not wood. The sign appeared to be plastic from the waviness visible where the sign was bolted or tacked to the wall. The waviness was reflected by the sign surface in the light. Mr. Fabian Saeidi stated the sign was aluminum. The board asked Mr. Saeidi if he would replace the sign in wood. Mr. Saeidi said he would not.

The Board of Architecture Review denied the application to leave the sign on the front of 15 S. King Street as it was. The motion passed 6-1 with board member Dieter Meyer stating he agreed with the spirit of the motion, but not the exact wording. (**Attachment 16 from Appeal**)

- January 28, 2013 Ms. Del Rance sent a letter to the Owner/Applicant detailing the denial of the sign application due to the sign being of an inappropriate material.
- February 5, 2013 Darius and Fabian Saeidi filed an appeal of the denial on February 5, 2013. **(Attachment 1 from Appeal)**
- February 26, 2013 Ms. Del Rance emailed the Appellant with the date the appeal will be scheduled to go before Town Council and details of the appeal procedure.

Attachments:

- (A) December 7, 2012 email to Mr. Fabian Saeidi requesting information
- (B) December 10, 2012 email to Mr. Fabian Saeidi extending deadline for information
- (C) January 6, 2013 email to Mr. Fabian Saeidi changing location of January 7, 2013 Work Session
- (D) January 7, 2013 emails between Mr. Fabian Saeidi and Ms. Kim Del Rance regarding the January 7, 2013 Work Session
- (E) Letter dated January 8, to Mr. Fabian Saeidi regarding BAR decision
- (F) Memorandum dated January 11, 2013 with chronology of efforts for 15 and 19 S. King Street properties
- (G) January 14, 2013 email from Mr. Fabian Saeidi requesting to keep all signs

Message

From: [Kim Del Rance](#) Sent: 12/7/2012 10:47:06 AM
To: [Mike O'Connor <Mike.O'Connor@fsg-llc.com>](#) ([Mike.O'Connor@fsg-llc.com](#)); [theoldtowngrill@yahoo.com](#)
CC: [Chris Murphy](#); [Carmen Babonneau](#)
Subject: Design plans for 12/17 BAR meeting

Good morning,

This is to reaffirm that the BAR requested design plans showing your full intent for all actions taken and to be taken in relation to the cases for you properties heard at the December 3, 2012 BAR Work Session. In order for me to review the plans before the Board can make a final determination, please have the plans in to me no later than Tuesday December 11, 2012 by 5pm. I will need 10 copies of your plans for the board.

If you cannot have them to me by then, please advise so I can make my recommendation to the board based on the information I have.

Thank you,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

Message

From: [Kim Del Rance](#) Sent: 12/10/2012 4:19:18 PM
To: theoldtowngrill@yahoo.com
CC: [Chris Murphy](#); [Carmen Babonneau](#)
Subject: RE: Design plans for 12/17 BAR meeting

Hi Mr. Saeidi,

You are scheduled for the January 7, 2013 work session so I won't need your plans until December 28, 2012.

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Kim Del Rance
Sent: Friday, December 07, 2012 10:47 AM
To: Mike O'Connor <Mike.O'Connor@fsg-llc.com> (Mike.O'Connor@fsg-llc.com); theoldtowngrill@yahoo.com
Cc: Chris Murphy; Carmen Babonneau
Subject: Design plans for 12/17 BAR meeting

Good morning,

This is to reaffirm that the BAR requested design plans showing your full intent for all actions taken and to be taken in relation to the cases for you properties heard at the December 3, 2012 BAR Work Session. In order for me to review the plans before the Board can make a final determination, please have the plans in to me no later than Tuesday December 11, 2012 by 5pm. I will need 10 copies of your plans for the board.

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Message

From: [Kim Del Rance](#) Sent: 1/6/2013 1:49:47 PM
To: [Kim Del Rance](#); [BAR](#); theoldtowngrill@yahoo.com
CC: [Chris Murphy](#); [Debi Parry](#)
Attachments:  [2013 1 07 Work Session Agenda.pdf \(162Kb\)](#)  [2013 1 07 Work Session Agenda.doc \(102Kb\)](#)
Subject: Meeting location change RE: Staff reports for 1-7-13 Work Session

Hello,
Please note the meeting will not be in Council Chambers as the Council will be meeting there, we will be in the lower level conference room. This means there will only be audio recording of the session.
I'll see you all Monday night.
Kim

From: Kim Del Rance
Sent: Friday, January 04, 2013 5:52 PM
To: [BAR](#); theoldtowngrill@yahoo.com
Cc: [Chris Murphy](#); [Debi Parry](#)
Subject: Staff reports for 1-7-13 Work Session

Hello,
Attached please find all staff reports for the January 7, 2013 Work Session Monday night at 7pm in the Town Council Chambers of Town Hall.
I have also attached a copy of the agenda. Please let me know if there are any problems with the files or reports.
Kim

Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov<<mailto:kdelrance@leesburgva.gov>>

Message

From: [Kim Del Rance](#) Sent: 1/7/2013 5:04:49 PM
To: [Fabian Saeidi](#)
CC: [Chris Murphy](#); [Susan BerryHill](#)
Subject: RE: Tonight's meeting

Mr. Saeidi,

I will pass along your request, but you received notice from me on December 7 and December 10 with the January 7, 2013 meeting date and your son was present at the December 3, 2012 meeting where the motion was to recess until January 7, 2013. My call today was a courtesy due to the number of cases you have open. The webcast of the December 3, 2012 meeting has been on the web available for view to the public since December 4, 2012.

Sincerely,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [mailto:saeidi@theoldtowngrill.net]
Sent: Monday, January 07, 2013 4:48 PM
To: Kim Del Rance
Subject: Tonight's meeting

January 7, 2013

Dear Ms. Del Rance and the Leesburg Board of Architecture Review,

Thank you for your telephone call call at 4:25pm today, January 7, 2013, regarding tonight's meeting at 7:30pm. As I mentioned during our conversation, this is very short notice and I did not receive your email until late this afternoon. I would like to postpone thonight's review until the next meeting. Please give me a 10 day notice of the next scheduled meeting.

The best way to reach me is by calling 703.777.5000

Sincerely,
Fabian Saeidi

Message

From: [Kim Del Rance](#) Sent: 1/8/2013 4:08:35 PM
To: theoldtowngrill@yahoo.com
CC: [Chris Murphy](#); [Carmen Babonneau](#); [Susan BerryHill](#)
Attachments:  [rd13-1-8 15 and 19 S KingAttachmt.pdf \(1124Kb\)](#)
Subject: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

Last night the BAR recessed your cases until the next meeting at your request. I have attached a letter and attachments which list the items of information I will need no later than Monday January 14, 2013 to review for the meeting on January 23, 2013. If the items are not received by 5pm on Monday January 14, 2013 then the violations will no longer be an abeyance. I will be calling you to confirm this email was received and mailing hard copies as well. If you have any questions, please contact me.

Sincerely,

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

January 8, 2013

25 West Market Street 20176 ■ 703-771-2763 ■ Fax: 703-771-2724 ■ www.leesburgva.gov

Fabian Saeidi
15 S. King Street
Leesburg, VA 20175

Re: Notice of BAR action at the Work Session on January 7, 2013 and the necessary information for Certificates of Appropriateness to bring properties at 15 S. King Street and 19 S. King Street into compliance

Dear Mr. Saeidi,

Last night the Board of Architectural Review recessed all seven of your cases, TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116, TLHP-2012-0117, TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120 for the properties at both 15 S King Street and 19 S King Street. The board reiterated their request for detailed information on paint schemes for both properties, which signs you are requesting to keep and where, what materials they are made of and drawings showing the new construction at the rear of the property at 19 S. King Street. No changes are to be made until they have been approved and any and all required Town of Leesburg zoning permits or Loudoun County Building permits must be obtained prior to any changes made even after approval by the BAR.

Below is a repeat of the information provided to you on October 18, 2012, November 19, 2012, December 3, 2012 and again January 7, 2013. All items below must be given to the Preservation Planner by Monday, January 14, 2013 or the violation process will no longer be in abeyance.

For 15 S. King Street:

1. A comprehensive paint scheme showing paint color samples and where they are to be located on the building and architectural features.
2. Which 2 of the 3 existing signs you request to keep and supply sign materials, dimensions and color samples. See previous staff reports online for details on how signs may be brought into compliance. <http://www.leesburgva.gov/index.aspx?page=19&parent=7973>
3. All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work

For 19 S. King Street:

1. A comprehensive paint scheme showing paint color samples and where they are to be located on the building and architectural features
2. Which 2 of the 3 existing signs you request to keep and supply sign materials, dimensions and color samples. See previous staff reports online for details on how signs may be brought into compliance
3. Gazebo, rear porch roof, deck and fence area need drawings showing their location on a plat, dimensions, materials and elevations showing their construction.
4. The plastic fence/lattice must be removed and an appropriate fence may be administratively approved through the regular administrative approval process when you bring in an application for a new fence.
5. All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work



For future reference you can find all Old and Historic (H-1) Design Guidelines and Sign Guidelines on the town's website at:

<http://www.leesburgva.gov/index.aspx?page=391>

You can also download copies of the COA application and checklist there for additional copies, including a fillable form you can then print out filled in.

Before you make any changes, including painting, on any properties in the Historic District, please contact me first or have your representative contact me for clarification on what requires an application and fees.

Thank you for allowing us to help you keep the Historic District beautiful and historically intact—this is what drives the customers to Leesburg and into your business.

Please contact me if you have any questions or need any further assistance in regard to this application. I may be reached by telephone at 703-771-2773, or by email at kdelrance@leesburgva.gov.

Sincerely,

A handwritten signature in green ink that reads "Kim K. Del Rance".

Kim K. Del Rance, LEED AP
Preservation Planner

Encls: Letter dated October 18, 2012
Staff Reports dated November 19, 2012
Staff Reports dated December 3, 2012



See Appeal
Attachments 6 and 8

October 18, 2012

Fabian Saeidi
15 S. King Street
Leesburg, VA 20175

Re: Notice of necessary applications for Certificates of Appropriateness to bring properties at 15 S. King Street and 19 S. King Street into compliance

Dear Mr. Saeidi,

In order to bring these properties into compliance with the Zoning Code in regards to the Old and Historic District Design Guidelines I have attached applications you will need to fill out for the following changes you have already made to the properties without the required Certificates of Appropriateness (COA).

For 15 S. King Street:

1. New paint colors, COA may be administratively approved, NO FEE unless it does not mean the guidelines and you do not wish to change it, then it needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
2. Repainted wall sign front, COA may be administratively approved, \$10
3. New projecting sign paint, COA may be administratively approved, \$10
- Additionally a sign permit for each sign is also required, \$40 for each sign, total \$80

For 19 S. King Street:

1. New paint colors, COA may be administratively approved, NO FEE unless it does not mean the guidelines and you do not wish to change it, then it needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
2. New Window sign on front and
3. New wall sign in rear and the New projecting sign in rear needs at least 2 COA applications (\$10 each) and 2 sign permits (\$40 each) and removing one of the three signs as only 2 signs are allowed per business. However, if you desire 3 signs you can apply and attend the BAR meeting to address the board with your explanation for an additional application fee \$10 and should the 3rd sign be approved by the BAR it would require another sign permit (\$40)
4. Gazebo, rear porch roof, deck and fence needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
*The plastic fence/lattice must be removed and an appropriate fence may be administratively approved, however, if you desire the plastic fence you may apply and attend the meeting with your explanation, but my recommendation will be a denial as plastic has already been shown to not be an appropriate material for the Historic District and has been removed when it is in violation.

For any applications to go to the BAR please have those completed and to me by October 22, 2012 for the November 19, 2012 meeting with all required drawings and materials listed on the attached checklist for the appropriate application.



For future reference you can find all Old and Historic (H-1) Design Guidelines and Sign Guidelines on the town's website at:

<http://www.leesburgva.gov/index.aspx?page=391>

You can also download copies of the COA application and checklist there for additional copies, including a fillable form you can then print out filled in.

Before you make any changes, including painting, on any properties in the Historic District, please contact me first or have your representative contact me for clarification on what requires an application and fees. Thank you for allowing us to help you keep the Historic District beautiful and historically intact—this is what drives the customers to Leesburg and into your business.

Please contact me if you have any questions or need any further assistance in regard to this application. I may be reached by telephone at 703-771-2773, or by email at kdelrance@leesburgva.gov.

Sincerely,

Kim K. Del Rance, LEED AP
Preservation Planner

Attachments: Certificate of Appropriateness (7)
Sign permits (4)

January 11, 2013

Memorandum

To: Susan Berry-Hill, Planning Director

Cc: Christopher Murphy, Zoning Administrator; Brian Boucher, Deputy Planning Director; Carmen Babonneau, Zoning Inspector

From: Kim K. Del Rance, Preservation Planner

Below are the timelines for actions taken and notice given to the owner of the properties at 15 S King Street and 19 S King Street for multiple zoning violations and the required parallel Board of Architectural Review process:

Chronology of Zoning Inspector, Carmen Babonneau:

- October 9, 2012 TOL Zoning staff performed a courtesy visit and met with Mr. Saeidi who was verbally notified of the 13 violations that were observed at his properties located at 15 and 19 South King Street. The TOL regulations regarding exterior changes in the H-1 Old and Historic District and BAR guidelines were explained to Mr. Saeidi.
- On October 18, 2012, the Director of Planning and Zoning, the Zoning Administrator, the Preservation Planner, the Town Attorney, the Manager of Economic Development and the Zoning Inspector attended a meeting with Mr. Saeidi. The TOL regulations regarding BAR guidelines, Sign and Zoning regulations, BAR approvals, Sign Permits and Zoning Permits were explained to Mr. Saeidi; he was also presented with two courtesy letters detailing the violations and the respective corrective measures to be taken in order to abate the violations. Mr. Saeidi was given 10 calendar days to get the properties into compliance.

Chronology of Preservation Planner, Kim K. Del Rance:

- October 11, 2012 accepted meeting with Mr. Saeidi in 2nd floor conference room
- October 12, 2012 rcvd photographs from Carmen Babonneau of violations at 15 and 19 S King St
- October 15, 2012 meeting moved to October 18, 2012
- October 15, 2012 Staff made site visit, photos taken
- October 17, 2012 received more photos of violations from Carmen Babonneau
- October 18, 2012 meeting with Mr. Saeidi, Barbara Notar, Carmen Babonneau, Christopher Murphy, Marantha Edwards and myself
- October 18, 2012 sent letter detailing what information needed for applications and fees to bring 15 and 19 S King Street into compliance with Historic District Guidelines to be reviewed by the BAR
- October 31, 2012 Mr. Saeidi's son brought in 7 signed COA applications and appropriate fees with no information on changes made to the property

- November 15, 2012 Wrote staff report for November 19, 2012 meeting based on visual observations of changes since no information had been provided by the applicant
- November 19, 2012 BAR Meeting with Mr. Saeidi in attendance, webcast available online. Board gave specific instructions as to what information was needed to move forward. BAR agreed to site visits on the weekend during daylight hours. Cases were recessed until December 3, 2012 to allow applicant more time to bring in information. Applicant was advised to make no changes without approvals. Applicant promised to follow instructions.
- November 28, 2012 Staff made site visit again, more photos taken
- November 28, 2012 research on aerial photos of properties shows shed has been on property for at least 10 years, but gazebo was placed within past year and Christopher Murphy, Zoning Administrator, witnessed roof being built on gazebo in the past few months
- November 29, 2012 near 5pm, paint contractor for Mr. Saeidi brought a paint can lid of a “barn red” up to counter to show what had been painted and would continue to be painted. I advised contractor that I could not give approval but I advised it would likely be approved by the Board, however, I could not guarantee that.
- December 3, 2012 6:26 pm received photos by email from the email account Mr. Saeidi had given as applicant showing the shed had been repainted the barn red and new light fixtures had been installed.
- December 3, 2012 7:00 pm BAR Work Session, Applicant sent his son to represent him at the meeting. The Board described again in detail what information was needed to move forward. The representative acknowledged and promised to follow the instructions and advise Mr. Saeidi on the results of the meeting.
- December 7, 2012 emailed confirmation to Mr. Saeidi that I needed information for the applications by December 11, 2012.
- December 10, 2012 emailed Mr. Saeidi to correct date that information was needed by December 28, 2012 for the January 7, 2013 BAR work session meeting
- January 4, 2013 emailed revised staff reports to applicant showing recommendation for denials based on new information received as requested from applicant.
- January 7, 2013 called Mr. Saeidi to ask if he would be present at the meeting at 7pm that night. Mr. Saeidi replied he did not know about the meeting, nor any information, I advised him to check his emails, he said he would. Mr. Saeidi called back to say he wanted to meet with me and delay the meeting so he could understand what information he needed to provide. I advised Mr. Saeidi he had been informed more than 6 weeks ago about the information and the meetings and that it was all available online, including the webcast where he could watch the meeting he sent his son to and also the meeting he attended.
- January 7, 2013 Mr. Saeidi emailed me at 4:55pm that he requested a delay until the next meeting and requested 10 days notice for the meeting. I replied he had received notice several times in December and that I would pass along his request to the Board of Architectural Review.



- January 7, 2013 7:00 pm, BAR meeting the board recessed all cases at Mr. Saeidi's request for more time but was also aware of the 75 day timeframe for a decision which would be before the next meeting and since the applicant requested the extension the board complied.
- January 8, 2013 Wrote and at 4:09 pm emailed detailed letter of what information was requested of Mr. Saeidi, included a copy of the October 18, 2012 letter to Mr. Saeidi requesting that information and staff reports from the November 19 and December 3, 2012 meetings which detail how to bring properties into compliance with the historic guidelines and town code.
- 4:15pm called the telephone number provided by Mr. Saeidi as the best way to reach him, I was advised he was at the dentist and was given his voicemail. Left a detailed message of what I had emailed, that a hard copy was available for him to have someone pick up at the planning department and copies would also be mailed to him certified.
- January 9, 2013 mailed letters and staff reports by certified mail with return receipt requested.
- January 9, 2013 4:33 pm gentleman at counter asked for packet for Mr. Saeidi, gave copy of what was mailed and emailed.

The process continues as the next Board of Architectural Review meeting on January 23, 2013 will discuss and decide the status of the items covered by the pending applications. The application numbers are TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116, TLHP-2012-0117, TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120.

Message

From: [The Old Town Grill](#) Sent: 1/14/2013 3:26:23 PM
To: [Kim Del Rance](#)
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

There were no changes in the rear just simple modifications. The hanging sign is wooden. The sign above the door is metal however is within 2 feet of the store front. The gazebo is 8' by 8'. The lights are metal. And the porch over the rear entrance is 16 ft long, 5 feet out from the building, and 9.5 feet tall.

Sincerely
Fabian

On Jan 14, 2013, at 3:16 PM, Kim Del Rance <KDelRance@LEESBURGVA.GOV> wrote:

Hello Mr. Saeidi,

Yes I received both emails now, but there is no information on the rear porch (dimensions, materials), gazebo (dimensions, materials, location on site plan) and window muntins on the storefronts of both buildings (15 and 19 S King St) which were discussed at the meetings as needing to change somehow—what is your proposal for changing them. What is the material for the lighting you installed, are they plastic or metal. What is the material of the wall signs installed, are they vinyl or wood. Where is the approval for the bar and exterior changes made in the rear—this was asked at the meeting your son attended December 3, 2012. We will need all of this information today as well.

Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 3:01 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

Both Emails should have gone through by now. 19 S king and 15 S king.

Sincerely
Fabian
Darius

From: Kim Del Rance <KDelRance@LEESBURGVA.GOV>
To: Fabian Saeidi <theoldtowngrill@yahoo.com>
Cc: Chris Murphy <CMurphy@LEESBURGVA.GOV>
Sent: Monday, January 14, 2013 2:40 PM
Subject: RE: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

I received one email with two photographs and a statement about signs at 15 S. King Street. The board requested information on the gazebo, materials and dimensions, the lighting and the porch roof as well as the muntins on the storefront glass.

They also requested information on 19 S King Street—the paint scheme and color samples and proposed signage.

This information must be supplied today by 5pm as it has been requested since October 18, 2012.

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 2:37 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

The two emails sent includes the information we intend on discussing for this meeting. After we get these settled we can work from there.

From: Kim Del Rance <KDelRance@LEESBURGVA.GOV>
To: Fabian Saeidi <theoldtowngrill@yahoo.com>
Cc: Chris Murphy <CMurphy@LEESBURGVA.GOV>
Sent: Monday, January 14, 2013 2:15 PM
Subject: RE: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

I was under the impression you were coming in to the planning department today with all of the information for the Board of Architectural Review. I will certainly pass this on, but there are more items requested, will you be bringing them in or emailing them?

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 2:11 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

Dear Kim,

Here is the desired Paint Scheme Layout for the Old Town Grill, 15 South King Street. It is a two color scheme Front view of the building, which out Barn Red, and White. With the side of the building remaining the same color, Forrest Green as it has been for the past 40 years, since I purchased the building. We also intend to keep all three signs on the building but are willing to work to compromise to do so. There has been four signs on the building for 40 years and just this past year we eremoved one sign to have only 3. Since one sign is a foot and a half on the inside of the building we feel it is appropriate to keep the sign that has been there for so long, to maintain the historic storfront image the building has maintained over the years. I feel removing that sign is taking away from the building historic Image.

Sincerely,
Fabian Saeidi
Darius Saeidi

Message

From: [Kim Del Rance](#) Sent: 12/7/2012 10:47:06 AM
To: [Mike O'Connor <Mike.O'Connor@fsg-llc.com>](#) ([Mike.O'Connor@fsg-llc.com](#)); [theoldtowngrill@yahoo.com](#)
CC: [Chris Murphy](#); [Carmen Babonneau](#)
Subject: Design plans for 12/17 BAR meeting

Good morning,

This is to reaffirm that the BAR requested design plans showing your full intent for all actions taken and to be taken in relation to the cases for you properties heard at the December 3, 2012 BAR Work Session. In order for me to review the plans before the Board can make a final determination, please have the plans in to me no later than Tuesday December 11, 2012 by 5pm. I will need 10 copies of your plans for the board.

If you cannot have them to me by then, please advise so I can make my recommendation to the board based on the information I have.

Thank you,
Kim

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To: theoldtowngrill@yahoo.com
CC: [Chris Murphy](#); [Carmen Babonneau](#)
Subject: RE: Design plans for 12/17 BAR meeting

Hi Mr. Saeidi,

You are scheduled for the January 7, 2013 work session so I won't need your plans until December 28, 2012.

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Kim Del Rance
Sent: Friday, December 07, 2012 10:47 AM
To: Mike O'Connor <Mike.O'Connor@fsg-llc.com> (Mike.O'Connor@fsg-llc.com); theoldtowngrill@yahoo.com
Cc: Chris Murphy; Carmen Babonneau
Subject: Design plans for 12/17 BAR meeting

Good morning,

This is to reaffirm that the BAR requested design plans showing your full intent for all actions taken and to be taken in relation to the cases for you properties heard at the December 3, 2012 BAR Work Session. In order for me to review the plans before the Board can make a final determination, please have the plans in to me no later than Tuesday December 11, 2012 by 5pm. I will need 10 copies of your plans for the board.

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Message

From: [Kim Del Rance](#) Sent: 1/6/2013 1:49:47 PM
To: [Kim Del Rance](#); [BAR](#); theoldtowngrill@yahoo.com
CC: [Chris Murphy](#); [Debi Parry](#)
Attachments:  [2013 1 07 Work Session Agenda.pdf \(162Kb\)](#)  [2013 1 07 Work Session Agenda.doc \(102Kb\)](#)
Subject: Meeting location change RE: Staff reports for 1-7-13 Work Session

Hello,
Please note the meeting will not be in Council Chambers as the Council will be meeting there, we will be in the lower level conference room. This means there will only be audio recording of the session.
I'll see you all Monday night.
Kim

From: Kim Del Rance
Sent: Friday, January 04, 2013 5:52 PM
To: [BAR](#); theoldtowngrill@yahoo.com
Cc: [Chris Murphy](#); [Debi Parry](#)
Subject: Staff reports for 1-7-13 Work Session

Hello,
Attached please find all staff reports for the January 7, 2013 Work Session Monday night at 7pm in the Town Council Chambers of Town Hall.
I have also attached a copy of the agenda. Please let me know if there are any problems with the files or reports.
Kim

Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov<<mailto:kdelrance@leesburgva.gov>>

Message

From: [Kim Del Rance](#) Sent: 1/7/2013 5:04:49 PM
To: [Fabian Saeidi](#)
CC: [Chris Murphy](#); [Susan BerryHill](#)
Subject: RE: Tonight's meeting

Mr. Saeidi,

I will pass along your request, but you received notice from me on December 7 and December 10 with the January 7, 2013 meeting date and your son was present at the December 3, 2012 meeting where the motion was to recess until January 7, 2013. My call today was a courtesy due to the number of cases you have open. The webcast of the December 3, 2012 meeting has been on the web available for view to the public since December 4, 2012.

Sincerely,
Kim

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Preservation Planner, Town of Leesburg, VA
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kdelrance@leesburgva.gov*

From: Fabian Saeidi [mailto:saeidi@theoldtowngrill.net]
Sent: Monday, January 07, 2013 4:48 PM
To: Kim Del Rance
Subject: Tonight's meeting

January 7, 2013

Dear Ms. Del Rance and the Leesburg Board of Architecture Review,

Thank you for your telephone call call at 4:25pm today, January 7, 2013, regarding tonight's meeting at 7:30pm. As I mentioned during our conversation, this is very short notice and I did not receive your email until late this afternoon. I would like to postpone thonight's review until the next meeting. Please give me a 10 day notice of the next scheduled meeting.

The best way to reach me is by calling 703.777.5000

Sincerely,
Fabian Saeidi

Message

From: [Kim Del Rance](#) Sent: 1/8/2013 4:08:35 PM
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Attachments:  [rd13-1-8 15 and 19 S KingAttachmt.pdf \(1124Kb\)](#)
Subject: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

Last night the BAR recessed your cases until the next meeting at your request. I have attached a letter and attachments which list the items of information I will need no later than Monday January 14, 2013 to review for the meeting on January 23, 2013. If the items are not received by 5pm on Monday January 14, 2013 then the violations will no longer be an abeyance. I will be calling you to confirm this email was received and mailing hard copies as well. If you have any questions, please contact me.

Sincerely,

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

January 8, 2013

25 West Market Street 20176 ■ 703-771-2763 ■ Fax: 703-771-2724 ■ www.leesburgva.gov

Fabian Saeidi
15 S. King Street
Leesburg, VA 20175

Re: Notice of BAR action at the Work Session on January 7, 2013 and the necessary information for Certificates of Appropriateness to bring properties at 15 S. King Street and 19 S. King Street into compliance

Dear Mr. Saeidi,

Last night the Board of Architectural Review recessed all seven of your cases, TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116, TLHP-2012-0117, TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120 for the properties at both 15 S King Street and 19 S King Street. The board reiterated their request for detailed information on paint schemes for both properties, which signs you are requesting to keep and where, what materials they are made of and drawings showing the new construction at the rear of the property at 19 S. King Street. No changes are to be made until they have been approved and any and all required Town of Leesburg zoning permits or Loudoun County Building permits must be obtained prior to any changes made even after approval by the BAR.

Below is a repeat of the information provided to you on October 18, 2012, November 19, 2012, December 3, 2012 and again January 7, 2013. All items below must be given to the Preservation Planner by Monday, January 14, 2013 or the violation process will no longer be in abeyance.

For 15 S. King Street:

1. A comprehensive paint scheme showing paint color samples and where they are to be located on the building and architectural features.
2. Which 2 of the 3 existing signs you request to keep and supply sign materials, dimensions and color samples. See previous staff reports online for details on how signs may be brought into compliance. <http://www.leesburgva.gov/index.aspx?page=19&parent=7973>
3. All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work

For 19 S. King Street:

1. A comprehensive paint scheme showing paint color samples and where they are to be located on the building and architectural features
2. Which 2 of the 3 existing signs you request to keep and supply sign materials, dimensions and color samples. See previous staff reports online for details on how signs may be brought into compliance
3. Gazebo, rear porch roof, deck and fence area need drawings showing their location on a plat, dimensions, materials and elevations showing their construction.
4. The plastic fence/lattice must be removed and an appropriate fence may be administratively approved through the regular administrative approval process when you bring in an application for a new fence.
5. All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work



For future reference you can find all Old and Historic (H-1) Design Guidelines and Sign Guidelines on the town's website at:

<http://www.leesburgva.gov/index.aspx?page=391>

You can also download copies of the COA application and checklist there for additional copies, including a fillable form you can then print out filled in.

Before you make any changes, including painting, on any properties in the Historic District, please contact me first or have your representative contact me for clarification on what requires an application and fees.

Thank you for allowing us to help you keep the Historic District beautiful and historically intact—this is what drives the customers to Leesburg and into your business.

Please contact me if you have any questions or need any further assistance in regard to this application. I may be reached by telephone at 703-771-2773, or by email at kdelrance@leesburgva.gov.

Sincerely,

A handwritten signature in green ink that reads "Kim K. Del Rance".

Kim K. Del Rance, LEED AP
Preservation Planner

Encls: Letter dated October 18, 2012
Staff Reports dated November 19, 2012
Staff Reports dated December 3, 2012



See Appeal
Attachments 6 and 8

October 18, 2012

Fabian Saeidi
15 S. King Street
Leesburg, VA 20175

Re: Notice of necessary applications for Certificates of Appropriateness to bring properties at 15 S. King Street and 19 S. King Street into compliance

Dear Mr. Saeidi,

In order to bring these properties into compliance with the Zoning Code in regards to the Old and Historic District Design Guidelines I have attached applications you will need to fill out for the following changes you have already made to the properties without the required Certificates of Appropriateness (COA).

For 15 S. King Street:

1. New paint colors, COA may be administratively approved, NO FEE unless it does not mean the guidelines and you do not wish to change it, then it needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
2. Repainted wall sign front, COA may be administratively approved, \$10
3. New projecting sign paint, COA may be administratively approved, \$10
- Additionally a sign permit for each sign is also required, \$40 for each sign, total \$80

For 19 S. King Street:

1. New paint colors, COA may be administratively approved, NO FEE unless it does not mean the guidelines and you do not wish to change it, then it needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
2. New Window sign on front and
3. New wall sign in rear and the New projecting sign in rear needs at least 2 COA applications (\$10 each) and 2 sign permits (\$40 each) and removing one of the three signs as only 2 signs are allowed per business. However, if you desire 3 signs you can apply and attend the BAR meeting to address the board with your explanation for an additional application fee \$10 and should the 3rd sign be approved by the BAR it would require another sign permit (\$40)
4. Gazebo, rear porch roof, deck and fence needs BAR approval with a \$25 fee and attending the BAR meeting to address the board with your explanation
*The plastic fence/lattice must be removed and an appropriate fence may be administratively approved, however, if you desire the plastic fence you may apply and attend the meeting with your explanation, but my recommendation will be a denial as plastic has already been shown to not be an appropriate material for the Historic District and has been removed when it is in violation.

For any applications to go to the BAR please have those completed and to me by October 22, 2012 for the November 19, 2012 meeting with all required drawings and materials listed on the attached checklist for the appropriate application.



For future reference you can find all Old and Historic (H-1) Design Guidelines and Sign Guidelines on the town's website at:

<http://www.leesburgva.gov/index.aspx?page=391>

You can also download copies of the COA application and checklist there for additional copies, including a fillable form you can then print out filled in.

Before you make any changes, including painting, on any properties in the Historic District, please contact me first or have your representative contact me for clarification on what requires an application and fees. Thank you for allowing us to help you keep the Historic District beautiful and historically intact—this is what drives the customers to Leesburg and into your business.

Please contact me if you have any questions or need any further assistance in regard to this application. I may be reached by telephone at 703-771-2773, or by email at kdelrance@leesburgva.gov.

Sincerely,

Kim K. Del Rance, LEED AP
Preservation Planner

Attachments: Certificate of Appropriateness (7)
Sign permits (4)

January 11, 2013

Memorandum

To: Susan Berry-Hill, Planning Director

Cc: Christopher Murphy, Zoning Administrator; Brian Boucher, Deputy Planning Director; Carmen Babonneau, Zoning Inspector

From: Kim K. Del Rance, Preservation Planner

Below are the timelines for actions taken and notice given to the owner of the properties at 15 S King Street and 19 S King Street for multiple zoning violations and the required parallel Board of Architectural Review process:

Chronology of Zoning Inspector, Carmen Babonneau:

- October 9, 2012 TOL Zoning staff performed a courtesy visit and met with Mr. Saeidi who was verbally notified of the 13 violations that were observed at his properties located at 15 and 19 South King Street. The TOL regulations regarding exterior changes in the H-1 Old and Historic District and BAR guidelines were explained to Mr. Saeidi.
- On October 18, 2012, the Director of Planning and Zoning, the Zoning Administrator, the Preservation Planner, the Town Attorney, the Manager of Economic Development and the Zoning Inspector attended a meeting with Mr. Saeidi. The TOL regulations regarding BAR guidelines, Sign and Zoning regulations, BAR approvals, Sign Permits and Zoning Permits were explained to Mr. Saeidi; he was also presented with two courtesy letters detailing the violations and the respective corrective measures to be taken in order to abate the violations. Mr. Saeidi was given 10 calendar days to get the properties into compliance.

Chronology of Preservation Planner, Kim K. Del Rance:

- October 11, 2012 accepted meeting with Mr. Saeidi in 2nd floor conference room
- October 12, 2012 rcvd photographs from Carmen Babonneau of violations at 15 and 19 S King St
- October 15, 2012 meeting moved to October 18, 2012
- October 15, 2012 Staff made site visit, photos taken
- October 17, 2012 received more photos of violations from Carmen Babonneau
- October 18, 2012 meeting with Mr. Saeidi, Barbara Notar, Carmen Babonneau, Christopher Murphy, Marantha Edwards and myself
- October 18, 2012 sent letter detailing what information needed for applications and fees to bring 15 and 19 S King Street into compliance with Historic District Guidelines to be reviewed by the BAR
- October 31, 2012 Mr. Saeidi's son brought in 7 signed COA applications and appropriate fees with no information on changes made to the property

- November 15, 2012 Wrote staff report for November 19, 2012 meeting based on visual observations of changes since no information had been provided by the applicant
- November 19, 2012 BAR Meeting with Mr. Saeidi in attendance, webcast available online. Board gave specific instructions as to what information was needed to move forward. BAR agreed to site visits on the weekend during daylight hours. Cases were recessed until December 3, 2012 to allow applicant more time to bring in information. Applicant was advised to make no changes without approvals. Applicant promised to follow instructions.
- November 28, 2012 Staff made site visit again, more photos taken
- November 28, 2012 research on aerial photos of properties shows shed has been on property for at least 10 years, but gazebo was placed within past year and Christopher Murphy, Zoning Administrator, witnessed roof being built on gazebo in the past few months
- November 29, 2012 near 5pm, paint contractor for Mr. Saeidi brought a paint can lid of a “barn red” up to counter to show what had been painted and would continue to be painted. I advised contractor that I could not give approval but I advised it would likely be approved by the Board, however, I could not guarantee that.
- December 3, 2012 6:26 pm received photos by email from the email account Mr. Saeidi had given as applicant showing the shed had been repainted the barn red and new light fixtures had been installed.
- December 3, 2012 7:00 pm BAR Work Session, Applicant sent his son to represent him at the meeting. The Board described again in detail what information was needed to move forward. The representative acknowledged and promised to follow the instructions and advise Mr. Saeidi on the results of the meeting.
- December 7, 2012 emailed confirmation to Mr. Saeidi that I needed information for the applications by December 11, 2012.
- December 10, 2012 emailed Mr. Saeidi to correct date that information was needed by December 28, 2012 for the January 7, 2013 BAR work session meeting
- January 4, 2013 emailed revised staff reports to applicant showing recommendation for denials based on new information received as requested from applicant.
- January 7, 2013 called Mr. Saeidi to ask if he would be present at the meeting at 7pm that night. Mr. Saeidi replied he did not know about the meeting, nor any information, I advised him to check his emails, he said he would. Mr. Saeidi called back to say he wanted to meet with me and delay the meeting so he could understand what information he needed to provide. I advised Mr. Saeidi he had been informed more than 6 weeks ago about the information and the meetings and that it was all available online, including the webcast where he could watch the meeting he sent his son to and also the meeting he attended.
- January 7, 2013 Mr. Saeidi emailed me at 4:55pm that he requested a delay until the next meeting and requested 10 days notice for the meeting. I replied he had received notice several times in December and that I would pass along his request to the Board of Architectural Review.



- January 7, 2013 7:00 pm, BAR meeting the board recessed all cases at Mr. Saeidi's request for more time but was also aware of the 75 day timeframe for a decision which would be before the next meeting and since the applicant requested the extension the board complied.
- January 8, 2013 Wrote and at 4:09 pm emailed detailed letter of what information was requested of Mr. Saeidi, included a copy of the October 18, 2012 letter to Mr. Saeidi requesting that information and staff reports from the November 19 and December 3, 2012 meetings which detail how to bring properties into compliance with the historic guidelines and town code.
- 4:15pm called the telephone number provided by Mr. Saeidi as the best way to reach him, I was advised he was at the dentist and was given his voicemail. Left a detailed message of what I had emailed, that a hard copy was available for him to have someone pick up at the planning department and copies would also be mailed to him certified.
- January 9, 2013 mailed letters and staff reports by certified mail with return receipt requested.
- January 9, 2013 4:33 pm gentleman at counter asked for packet for Mr. Saeidi, gave copy of what was mailed and emailed.

The process continues as the next Board of Architectural Review meeting on January 23, 2013 will discuss and decide the status of the items covered by the pending applications. The application numbers are TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116, TLHP-2012-0117, TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120.

Message

From: [The Old Town Grill](#) Sent: 1/14/2013 3:26:23 PM
To: [Kim Del Rance](#)
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

There were no changes in the rear just simple modifications. The hanging sign is wooden. The sign above the door is metal however is within 2 feet of the store front. The gazebo is 8' by 8'. The lights are metal. And the porch over the rear entrance is 16 ft long, 5 feet out from the building, and 9.5 feet tall.

Sincerely
Fabian

On Jan 14, 2013, at 3:16 PM, Kim Del Rance <KDelRance@LEESBURGVA.GOV> wrote:

Hello Mr. Saeidi,

Yes I received both emails now, but there is no information on the rear porch (dimensions, materials), gazebo (dimensions, materials, location on site plan) and window muntins on the storefronts of both buildings (15 and 19 S King St) which were discussed at the meetings as needing to change somehow—what is your proposal for changing them. What is the material for the lighting you installed, are they plastic or metal. What is the material of the wall signs installed, are they vinyl or wood. Where is the approval for the bar and exterior changes made in the rear—this was asked at the meeting your son attended December 3, 2012. We will need all of this information today as well.

Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 3:01 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

Both Emails should have gone through by now. 19 S king and 15 S king.

Sincerely
Fabian
Darius

From: Kim Del Rance <KDelRance@LEESBURGVA.GOV>
To: Fabian Saeidi <theoldtowngrill@yahoo.com>
Cc: Chris Murphy <CMurphy@LEESBURGVA.GOV>
Sent: Monday, January 14, 2013 2:40 PM
Subject: RE: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

I received one email with two photographs and a statement about signs at 15 S. King Street. The board requested information on the gazebo, materials and dimensions, the lighting and the porch roof as well as the muntins on the storefront glass.

They also requested information on 19 S King Street—the paint scheme and color samples and proposed signage.

This information must be supplied today by 5pm as it has been requested since October 18, 2012.

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 2:37 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

The two emails sent includes the information we intend on discussing for this meeting. After we get these settled we can work from there.

From: Kim Del Rance <KDelRance@LEESBURGVA.GOV>
To: Fabian Saeidi <theoldtowngrill@yahoo.com>
Cc: Chris Murphy <CMurphy@LEESBURGVA.GOV>
Sent: Monday, January 14, 2013 2:15 PM
Subject: RE: 15 and 19 S King Street Certificate of Appropriateness

Hello Mr. Saeidi,

I was under the impression you were coming in to the planning department today with all of the information for the Board of Architectural Review. I will certainly pass this on, but there are more items requested, will you be bringing them in or emailing them?

Thanks,
Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*

From: Fabian Saeidi [<mailto:theoldtowngrill@yahoo.com>]
Sent: Monday, January 14, 2013 2:11 PM
To: Kim Del Rance
Subject: Re: 15 and 19 S King Street Certificate of Appropriateness

Dear Kim,

Here is the desired Paint Scheme Layout for the Old Town Grill, 15 South King Street. It is a two color scheme Front view of the building, which out Barn Red, and White. With the side of the building remaining the same color, Forrest Green as it has been for the past 40 years, since I purchased the building. We also intend to keep all three signs on the building but are willing to work to compromise to do so. There has been four signs on the building for 40 years and just this past year we eremoved one sign to have only 3. Since one sign is a foot and a half on the inside of the building we feel it is appropriate to keep the sign that has been there for so long, to maintain the historic storfront image the building has maintained over the years. I feel removing that sign is taking away from the building historic Image.

Sincerely,
Fabian Saeidi
Darius Saeidi



The Town of Leesburg
Department of Planning and Zoning
25 West Market Street
Leesburg, Virginia • 20176
703-771-2765 • fax 703-771-2724
www.leesburgva.gov

Leesburg

the hometown of the 21st century



CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

For Board of Architectural Review and Administrative Approval of projects in the H-1 and H-2 Overlays pursuant to Code of Virginia §15.2-2306 and Leesburg Zoning Ordinance §7.5.5 and §7.6.4

revised Oct 2012

For staff use only

TLHP 2012 - 0120
H-1 or H-2 Overlay [checked]
Not an Overlay District [unchecked]
BAR approved [unchecked]
Admin. Approved by [unchecked]

Fee \$ _____ Receipt No. _____ Issued by _____

APPLICANT NAME FABIAN E. Saedi

(the PERSON to whom written communication should be addressed; NOT the name of a business or organization)

BUSINESS/ORGANIZATION Old Town Grill

ADDRESS 15 S. King st.

CITY Leesburg, VA STATE VA ZIP 20175

PHONE (703)777-7246 (cell/home/work) eMAIL _____
circle one

As the above-named applicant, I do hereby make an application for a Certificate of Appropriateness as required by the Leesburg Zoning Ordinance for the property located at 15 S. King st, MCPI/PIN (parcel identification no.) 231-38-1972-000 to permit the following, checking all that apply:

- [checked] Alterations to an existing (primary / accessory) structure — \$25
[] Addition to an existing (primary / accessory) structure — \$100 / \$25
[] New construction of a (primary / accessory) structure — \$500 / \$50
[] Demolition or relocation of an existing (primary / accessory) structure — \$50
[checked] Installation of a sign — \$10
[] Comprehensive Sign Plan — \$25
[] Other (fencing, paving, color, etc.) _____

(If more than one fee applies, applicants will be charged the higher of the fees only.)

Please mark accompanying checklist with relevant and required items, noting there is a 3-day acceptance period upon receipt of application and materials.

The project is more fully described as follows (do not write "see attached"):

Please check one of the following:

- [] Written permission from the owner of the property is attached hereto (application WILL NOT be accepted without documentation of property owner approval); or
[] I hereby certify that I am the owner of the property involved.

Applicant's Signature

Date

10/21/12



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
BUSINESS MEETING AGENDA**

**Monday, November 19, 2012 at 7:00pm
Town Hall, 25 West Market Street
Council Chamber**

1. ADOPTION OF MEETING AGENDA

2. APPROVAL OF MEETING MINUTES for November 5, 2012

3. BAR MEMBER DISCLOSURE AND PETITIONERS

4. REFERRALS AND OTHER BUSINESS

- a. **TLZM-2012-0005** Oaklawn Land Bay C, Miller Drive and Trimble Plaza

Project Description: Second submission for zoning modification for service station with car wash.

- b. **TLHP-2012-0127** 6 W. Market St (B-1/H-1) Michael O'Connor, Kingdom Enterprise, LLC

Project Description: Approve side door and pediment already installed and lighting on front façade already installed, add brick to lower side façade, brick sidewalk along side of building and paint building black with gold trim.

5. CONSENT AGENDA

Items placed on the Consent Calendar are deemed, at the discretion of the Chair, to be approvable without discussion. However, anyone in attendance at the meeting has the right to ask that any item proposed for the Consent Calendar is placed back in the regular order of business.

Procedure: The Chair and Staff will first identify the proposed case number(s) along with any clarifications and/or conditions to be included in the approval. The Chair will then provide an opportunity for anyone attending the meeting to ask that any given case be removed from the Consent Calendar and placed back in the regular order of business. Following that, a motion will be made for approval of the Consent Calendar and the cases included in the motion will be approved without discussion by the BAR. ***If you wish to have an item proposed for the Consent Agenda placed back in the regular order of business for any reason, you must tell the Chair before the BAR votes on the motion so that the item may be removed from the Consent Agenda and placed on the Regular Agenda.***

6. PUBLIC HEARINGS on New Cases in the H-1 Overlay District

- a. **TLHP-2012-0103** 207 S. King St (8B South Street SW)(B-1/H-1), Andy Johnston, Loudoun Cares

Project Description: Adding a brick façade, landscaping and parking lot alterations.

- b. **TLHP-2012-0105** 212 Edwards Ferry Rd NE (R-HD/H-1), Paul Reimers, PR Construction & Dev.

Project Description: Remove window, patch siding and exterior trim.

- c. **TLHP-2012-0106** 209 North St NE (R-HD/H-1), Paul Reimers, PR Construction & Dev

Project Description: Replace two doors on rear of home with 4 door sliders.

- d. **TLHP-2012-0107** 107 W. Market Street (B-1/H-1), Dwight Stonerook, Trustees of the Leesburg United Methodist Church

Project Description: Replace existing pair of 28" doors with a single 42" wide door and 14" sidelight to allow for handicap accessibility.

- e. **TLHP-2012-0108** 218 Cornwall St NW (R-HD/H-1), Mark Salser, homeowner

Project Description: Replace windows and doors on existing barn structure to make into pool cabana.

- f. **TLHP-2012-0122** 222 S King St (B-1/H-1), Steve Makranczy, business owner

Project Description: Replace front doors

- g. **TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116 & TLHP-2012-0117** 19 S. King St (B-1/H-1), Fabian Saeidi, Kings Tavern & Wine Bar

Project Description: Review already constructed porch roof and gazebo on existing rear patio, installation of two signs and exterior painting already completed.

- h. **TLHP-2012-0118, TLHP-2012-0119 & TLHP-2012-0120** 15 S. King St (B-1/H-1), Fabian Saeidi, Old Town Grill

Project Description: Review two signs and exterior painting already completed.

7. PUBLIC HEARINGS on New Cases in the H-2 Overlay District

- a. **TLHP-2012-0098 and 0099** 448 S. King St Rite Aid (B-2/H-2) and 720 S. King St Food Lion B-2/H-2) Gary Finiff, Virginia Regional Transit

Project Description: Construction of a prototype bus shelter in front of Rite Aid and Food Lion.

8. ADMINISTRATIVE AGENDA

Administrative Approvals of COAs (For Information Only)

- a. TLHP-2012-0104 218 Cornwall St NW– Fence
- b. TLHP-2012-0110 505 E. Market St – Ramps & Handrail Upgrades
- c. TLHP-2012-0111 401 E. Market St – Capital One Bank ATM Surround Replacements
- d. TLHP-2012-0112 607 Potomac Station Dr NE– Capital One Bank ATM Surround Replacements
- e. TLHP-2012-0113 201 Loudoun St SE “McCandlish & Lillard” – Sign

9. OLD BUSINESS

10. NEW BUSINESS

11. ADJOURNMENT



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT**

**PUBLIC HEARING AND REGULAR MEETING: 19 NOVEMBER 2012
AGENDA ITEM 6h**

BAR Case No. THLP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120: Installation of two signs and exterior painting for Old Town Grill

Reviewer: Kim K. Del Rance, LEED AP
Address: 15 S. King St.
Zoning: B-1, H-1 Overlay District
Applicant/Owner: Fabian Saeidi, Old Town Grill

Site Description: This 1890 2-story 4-bay commercial style duplex has a stepped parapet roof with a heavy modillioned projecting cornice with double brackets at the middle and ends with a detailed frieze. The first story storefront has single pane display windows that flank a recessed double entrance with twin transoms. There are raised mouldings on the panels above the glass.

Context: This building in 1903 was a grocery store in the north wing and a dry goods store in the south wing. The 20th century storefront appears incongruent with the 19th century building. This building is important as an example of 19th century commercial architecture and its association with a chain store, A&P Grocery, which occupied this building. This building faces east on S King Street in the heart of the historic district.

Description of Proposal:

This report is reviewing actions already taken on the building as well as signage added without prior approval:

TLHP-2012-0118 and **TLHP-2012-0119** two of the three signs: Window sign "Old Town Grill Steak & Seafood", Wall sign "Steak Old Town Grill Seafood", Bracket sign "Old Town Grill Steak & Seafood"

TLHP-2012-0120: Paint only front façade red while façade along alley to parking remains green, trim painted white, two windows on upper level have yellow trim



Site Development/Zoning Issues: These applications are the result of zoning violations for actions taken without approval, including construction, painting and signage.

FOR TLHP-2012-0118 AND TLHP-2012-0119:

OH&D SIGN GUIDELINES P. 3

NUMBER OF SIGNS PERMITTED

Each business in the Old and Historic District is allotted a maximum of two (2) signs. The BAR has the authority to decrease or increase the number of signs permitted under the Zoning Ordinance based on its determination of what is appropriate for the architectural characteristics of a building and its setting. (Zoning Ordinance Section 15.11.1)

Wall Sign Placement

- *A wall sign must be located on the same façade as the main entrance to the business being advertised.*
- *Wall signs must be aligned with other elements of the building, including windows and doors, and may not be placed higher than the top of the door, excluding the trim. The BAR may determine that the architectural characteristics of the building warrant placement of a wall sign higher than the top of the door.*



This business only has one entrance and one façade facing the right of way and the side of the building, with no entrances, faces a pedestrian walkway/alley leading to public parking. The placement of the existing signs is on the front façade only. The architectural characteristics make the wall sign above the door appropriate for this specific building and architecture where it would not otherwise be appropriate in general. With the addition of the pedestrian sized projecting sign both vehicular and pedestrian traffic are addressed with the third sign in the window unnecessary and distracting from the architecture.

WINDOW SIGNS: any sign attached to or applied directly onto the surface of the window, or that is highly visible from the public right-of-way through the window. Window signs are generally painted, silk-screened, or in some other manner applied directly to the glass area of a storefront.

CRITERIA FOR PROJECTING SIGNS

- *Individual projecting signs may not exceed 2' x 3'*
- *Projecting signs must be located on the same facade as the primary business entrance and in direct relation to that entrance.*

The projecting sign is properly located, the correct size and with colors appropriate to the building.



CH. VI GUIDELINES FOR THE PRESERVATION AND MODIFICATION OF EXISTING STRUCTURE: MATERIALS

F. PAINT AND PAINT COLOR

A properly painted building accentuates its character-defining details. Painting is one of the least expensive ways to maintain historic fabric and make a building an attractive addition to the historic district. All changes in exterior paint color must be approved but may be approved administratively by the Preservation Planner.

In many instances, buildings are painted inappropriate colors or colors are placed on the building incorrectly. Some paint schemes use too many colors, while others paint all building elements the same color – neither one of these is a preferred treatment.

The new red may be appropriate, however, placing it only on the front façade when there is no materials change on the side elevation is incorrect. Painting the raised moulding white to match the trim is appropriate, but all the trim should be white, including all of the windows on the second floor, not just two of them.

STAFF RECOMMENDATION/DRAFT MOTION

(Based on the BAR's discussion at the meeting, any changes to the language of either part of the motion should be incorporated as necessary.)

Based on the findings that:

- Two signs are allowed in the historic district unless the board finds it appropriate to increase that number based on the architecture and the setting
- The wall sign above the door is appropriate on this building due to its architecture creating a natural space for advertising
- The projecting sign and the window sign are both appropriate, however the presence of both is beyond the number of signs allowed unless the board finds them appropriate in this setting
- The paint colors are not obtrusive in general, but the third color, yellow is applied incorrectly in this paint scheme as is having two main body colors of red and green

Staff recommends approval of **TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120** subject to the plans, photographs and materials submitted as part of this application dated October 31, 2012 subject to the following conditions:

1. Either the window sign or the projecting sign be removed
2. The yellow trim is painted white to match the rest of the white trim
3. All sides of the building must use the same body color since there is no material change in this setting is highly visible in the heart of the historic district. The red or the green should be subdued and not bright or obtrusive.
4. all applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work

DRAFT MOTION

I move that TLHP-2012-0118, TLHP-2012-0118 and TLHP-2012-0120 be approved subject to the application submitted by Fabian Saeidi and the site visits of staff and photos submitted by Carmen Babonneau on October 31, 2012 and subject to the findings and conditions of approval as stated in the November 19, 2012 Staff Report (or as amended by the BAR on November 19, 2012).



July 2008 photo

Mr. Saeidi stated he would be willing to change the roof of both structures to a standing seam metal roof to match the main building.

Ms. Minchew asked if there is any record of when the structures in the rear were constructed.

Ms. Del Rance stated she has been unable to find a record of approval for any structure in the rear.

Ms. Minchew asked that staff research the age of the shed as it may pre-date any requirement for approval.

Chairman Koochagian stated the importance of knowing the existing materials for the rear porch. Further, he stated the left front window was previously divided light to match the right window; however, it now appears to be three solid panes of glass.

Mr. Saeidi stated the glass in the window was replaced and the wood grill and it was removed so that the windows would be more open.

Ms. Minchew proposed that the BAR schedule a site visit prior to approval given the elements for discussion are pre-existing. Further, she stated it would be nice to have a concise proposal from the applicant to address each issue.

Vice Chairman Sisley moved to recess TLHP-2012-0114, TLHP-2012-0115, TLHP-2012- 0116 and TLHP-2012-0117 to the December 3, 2012 work session to allow the BAR members the opportunity to visit the site. The motion was seconded by Mr. Kiley and passed by a 6-0-1 vote (Meyer absent).

h. TLHP-2012-0118, TLHP-2012-0119, TLHP-2012-0120 15 S. King Street (B-1/H-1 Overlay District), Applicant: Fabian Saeidi, Old Town Grill, Project: Review two signs and exterior painting already completed.

Chairman Koochagian opened the public hearing at 9:48 pm.

Ms. Del Rance provided a brief history of the building, stating it is considered contributing. She stated these applications are also addressing actions already taken. She stated this also addresses actions that have been taken without zoning approval. Further, she outlined staff's concerns with the following applications for this property.

TLHP-2012-0118 and TLHP=2012-0119: Signs

- Three signs have been installed, a Window sign "Old Town Grill Steak & Seafood", a Wall sign "Steak Old Town Grill Seafood" and a Bracket sign "Old Town Grill Steak & Seafood".
- This business has only one entrance which is on the front façade facing the right-of-way.
- The historical characteristics make the wall sign above the door appropriate for this building.
- The projecting sign attracts both pedestrian and vehicular traffic
- The third sign in the window is unnecessary and distracts from the architecture.

TLHP-2012-0120: Paint

- The new red may be appropriate; however, placing it only on the front façade when there is no materials change on the side elevation is incorrect.
- Painting the raised moulding white to match the trim is appropriate, but all of the trim should be white, including all of the windows on the second floor, not just two of them.

Ms. Del Rance stated staff recommends that the applications either be denied or approved with conditions to make these actions appropriate.

The applicant, Fabian Saeidi, stated the building was painted green when the building housed The Green Tree Restaurant. When the restaurant was redone, the painter did not have a tall enough ladder; however, a larger ladder has been found and the painter will return to finish the paint work on

the trim and windows. He stated the building had four signs when it was The Green Tree and another sign has been ordered to be placed in the other window to match the current window sign.

Ms. Del Rance stated she has not received an application for the fourth sign.

Barbara Notar, Deputy Town Attorney, stated these applications are also in response to a Notice of Violation and the argument that the signs were there before is not relevant. She stated these are new signs that need new permits and fall under the current guidelines regulating the number of signs allowed.

Ms. Minchew verified staff has not found prior approvals for signage or paint scheme on this property. She stated it is her recollection that the green and yellow paint scheme was never approved either.

Mr. Reimers asked which two signs the applicant would like to keep.

Mr. Saeidi stated he would like to keep all four signs that he had for The Green Tree. Further, he stated the signs in the window are hanging signs and should not come under the Zoning Ordinance.

Mr. Murphy stated there is a provision in the Zoning Ordinance stating that a sign that is more than three feet inside the window is not considered a sign and is not regulated.

Mr. Koochagian asked if the applicant is planning to paint the alley façade to match the front.

Mr. Saeidi stated the alley façade has always been green and was recently painted the same shade of green prior to the new bricks being installed in the alley.

Chris Thomas, petitioner, stated a window sign on the right side would be blocked by the recently added center muntin.

The public hearing was closed at 10:04 pm.

Ms. Minchew stated a site visit would also be beneficial for these applications to identify all of the elements that need to be addressed. Further, she stated an application needs to come before the board with a plan outlining a cohesive color scheme for the building.

There was further discussion regarding signage for the building.

Vice Chairman Sisley added that a cohesive plan is also needed for signage at both buildings.

Vice Chairman Sisley moved to recess TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120 to the December 3, 2012 work session to allow the BAR members the opportunity to visit the site. The motion was seconded by Mr. Kiley and passed by a 6-0-1 vote (Meyer absent).

Ms. Minchew asked staff provide a copy of the survey documents for both properties.

Vice Chairman Sisley stated there were a number of photographs recently taken by the town for the alley improvement project. He suggested the photographs may provide information regarding the existing condition of the rear of both properties at that time.

Public Hearings on New Cases in the H-2 Overlay District

- a. THLP-2012-0098 and TLHP-2012-0099, 448 S. King Street Rite Aid (B-2/H-2 Overlay District) and 720 S. King Street Food Lion (B-2/H-2 Overlay District), Applicant: Gary Finiff, Virginia Regional Transit, Project: Construction of a prototype bus shelter in front of Rite Aid and Food Lion.**

Chairman Koochagian opened the public hearing at 10:15pm



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT**

**WORK SESSION: 3 DECEMBER 2012
AGENDA ITEM 6C**

BAR Case No. THLP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120: Installation of two signs and exterior painting for Old Town Grill

Reviewer: Kim K. Del Rance, LEED AP
Address: 15 S. King St.
Zoning: B-1, H-1 Overlay District
Applicant/Owner: Fabian Saeidi, Old Town Grill

Additional Information since the November 19, 2012

Regular Meeting:

The applicant has submitted a paint sample of the “barn red” used on the rear of 19 S King Street as the paint color used on the front façade of the Old Town Grill at 15 S. King St as well. Staff has visited the site and recommendations based on that visit are below.

Description of Proposal: This report is reviewing actions already taken on the building as well as signage added without prior approval:

TLHP-2012-0118 and **TLHP-2012-0119** two of the three signs: Window sign “Old Town Grill Steak & Seafood”, Wall sign “Steak Old Town Grill Seafood”, Bracket sign “Old Town Grill Steak & Seafood”

TLHP-2012-0120: Paint only front façade red while façade along alley to parking remains green, trim and shutters painted white.

Site Development/Zoning Issues: These applications are the result of zoning violations for actions taken without approval, including construction, painting and signage. According to the Land Management Information System there are no County permits for this property other than a fire assembly permit for the Green Tree Restaurant in 2007.

There are no zoning, sign or Certificate of Appropriateness (COA) applications on file for this property dating back to 1982.

FOR TLHP-2012-0118 AND TLHP-2012-0119: OH&D SIGN GUIDELINES P. 3

FOR TLHP-2012-0120

CH. VI GUIDELINES FOR THE PRESERVATION AND MODIFICATION OF EXISTING STRUCTURE: STYLE AND DESIGN

E. SHUTTERS P.57

The correct installation of shutters adds depth to the appearance of the window, creating shadows on the facade as light moves across the building. Shutters mounted outside the window frame not only appear inoperable but also produce a very flat image, since the shutters are on the same plane as the window trim.



These shutters are not the proper size for the windows and are not installed correctly, so their removal would be most appropriate.

CH. VI GUIDELINES FOR THE PRESERVATION AND MODIFICATION OF EXISTING STRUCTURE: MATERIALS

F. PAINT AND PAINT COLOR

There is no record of any paint approvals on this building since the ownership changed in 1982. The new red may be appropriate; however, the current paint scheme with two body colors in a highly visible location with pedestrian access along these two facades is not appropriate.

Painting the raised moulding white to match the white trim is appropriate.

Painting the shutters white may be appropriate; however, a contrasting color may be more suitable, such as black shutters.

Should the wall along the alley be repainted, care must be taken when repainting the side of this building to avoid dropping paint on the new bare brick installed by the Town of Leesburg at taxpayer expense.

STAFF RECOMMENDATION/DRAFT MOTION

(Based on the BAR's discussion at the meeting, any changes to the language of either part of the motion should be incorporated as necessary.)

Based on the findings that:

- Two signs are allowed in the historic district unless the board finds it appropriate to increase that number based on the architecture and the setting
- The wall sign above the door is appropriate on this building due to its architecture creating a natural space for advertising
- The projecting sign and the window sign are both appropriate, however the presence of both is beyond the number of signs allowed unless the board finds them appropriate in this setting
- The current paint scheme is not appropriate
- The shutters are sized and installed incorrectly

Staff recommends approval of **TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120** subject to the plans, photographs and materials submitted as part of this application dated October 31, 2012, staff photos dated November 15, 2012 and site visit November 28, 2012 subject to the following conditions:

1. Either the window sign or the projecting sign be removed
2. all applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work
3. The entire building must have one body color, the barn red may be appropriate
4. The shutters should be removed

DRAFT MOTION(s)

I move that **TLHP-2012-0118, TLHP-2012-0119 and TLHP-2012-0120** be approved subject to the application submitted by Fabian Saeidi on October 31, 2012, photos submitted by Carmen Babonneau on November 15, 2012 and the site visits of staff and subject to the findings and conditions of approval as stated in the December 3, 2012 Staff Report (or as amended by the BAR on December 3, 2012).

direction to the applicant to submit a comprehensive plan to detail how each of the items will be addressed with regard to placement, color and materials.

Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114, TLHP-2012-0115, TLHP-2012-0116 and TLHP-2012-0117 to the January 7, 2013 BAR Work Session. The motion was seconded by Ms. Minchew and approved on a 6-0-1 vote (Coffing absent).

Mr. Saeidi confirmed he should meet with staff and submit information before the next meeting.

Vice Chairman Sisley advised the applicant to not perform any further work on the building until the Board has reached a decision.

c. TLHP-2012-0118, TLHP-2012-0119, TLHP-2012-0120, 15 S. King St (B-1/H-1), Fabian Saeidi, Old Town Grill. Project: Review two signs and exterior painting already completed.

Chairman Koochagian noted the public hearing has been closed.

Ms. Del Rance stated since the last meeting the front façade of the building has been painted red and the side of the building remains green. She stated her opinion that the shutters are not appropriately sized for the windows and that while wall sign and hanging signs may be appropriate; the window sign should be removed.

Chairman Koochagian asked how long the shutters have been on the building.

Representative for the applicant, Darius Saeidi, stated the shutters were in place when purchased.

Mr. Meyer verified the shutters are not operable.

Ms. Minchew stated while the building was most recently green and it is unknown at what point it was first painted green or what the original color of the building was.

Mr. Meyer suggested a unified design for the building could be achieved by painting the remaining window trim white, removing the shutters and painting the side to match the front façade. Further, he stated the business is only allowed two signs and the applicant can choose one to be removed.

Mr. Saeidi stated the business previously had four signs; however, when it was rebranded as the Old Town Grill, one of the window signs was removed and the other three were repainted.

Ms. Del Rance stated approval is needed anytime a sign is replaced or altered.

Mr. Koochagian pointed out that the windows on the front façade do not match, similar to the property at 19 S. King where one side has been replaced.

There was further discussion regarding the symmetry of the windows and whether they need to match on this building as the front façade reads as two separate buildings with two entrances.

Ms. Minchew stated Ms. Coffing had submitted comments on this application based on her site visit. She read the following comments into the record:

East Elevation

- **Signage**: Remove either the sign in the southerly storefront window or the projecting sign on the northeast corner of the building. Since the projecting sign and the main sign over the first story are highly visible, it would seem most practical to remove the sign in the southerly storefront window.
- **Paint Colors**: The paint colors on all elevations should be consistent. The existing paint scheme on the east elevation could be tempered by (1) painting all with window trim and sash white; (2) painting the presently white trim over the first floor storefront windows red to match the wall; and (3) painting the front doors white (to match adjacent trim) or black. See note regarding shutters.
- **Shutters**: The shutters should be removed. The shutters are not properly sized for the windows and are not installed to be, or appear to be, operable.

North and West Elevations

- The paint color scheme for the north and west elevations should be consistent or complimentary with the front (east) elevation. The existing bold green paint with a high-gloss finish is not appropriate for the building or OHD. In addition to color, the BAR needs to evaluate the level of glossiness of proposed finishes. The north and west elevations should be repainted either red (to match the east elevation) or an appropriate, complimentary neutral color, as approved.

Mr. Meyer stated if the applicant's intends to keep the window sign, the sign should be moved back three feet from the window so it is not considered a sign in accordance with the Zoning Ordinance.

Ms. Minchew asked that staff investigate the material of the existing wall sign.

After further discussion regarding signs and window symmetry it was the consensus of the Board to request that the applicant provide a comprehensive plan for the building to detail the signs and paint scheme.

Vice Chairman Sisley proposed a motion to recess TLHP-2012-0018, TLHP-2012-0019 and TLHP-2012-0120 to the January 7, 2013 BAR Work Session. The motion was seconded by Mr. Kiley and approved on a 6-0-1 vote (Coffing absent).

Chairman Koochagian asked the applicant to meet with staff to create a proposal for the January work session.

Old Business:

Ms. Berry-Hill provided an update regarding the Zoning Ordinance amendment recently passed by Council pertaining to signage for auto dealerships. She stated ordinance amendment was initiated by the Council to assist the auto dealers in meeting the signage requirements mandated by their brand's corporate headquarters. She outlined the approved amendments stating the quick turn around in the approval process was requested by Council to help the auto dealers in meeting the timelines mandated by the corporate headquarters. Further, she stated normally the Board would be included in the process for changes in the H-2 Corridor; however, this case was an anomaly.



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
WORK SESSION MINUTES**

**Monday, 07 January 2013
Town Hall, 25 West Market Street
Lower Level Conference Room 2**

MEMBERS PRESENT: Chairman Richard Koochagian, Vice Chairman Jim Sisley, Parliamentarian Edward Kiley, Dieter Meyer and Paul Reimers

MEMBERS ABSENT: Teresa Minchew, Town Council Representative Marty Martinez and Planning Commission Representative Mary Harper

STAFF: Director of Planning & Zoning Susan Berry Hill, Deputy Town Attorney Barbara Notar, Preservation Planner Kim K. Del Rance and Planning & Zoning Assistant Debi Parry

Call to Order and Roll Call

Mr. Koochagian called the meeting to order at 7:00pm, noted attendance and determined that a quorum was present. Further, he noted there is a vacancy on the Board resulting from the resignation of Ms. Coffing.

Adoption of Meeting Agenda

The meeting agenda was adopted on a motion by Vice Chairman Sisley, seconded by Mr. Kiley, and approved by a 5-0-1-1 vote (Minchew absent and one Board vacancy).

BAR Member Disclosure

There were no disclosures.

Recessed cases in the H-1 Overlay District

- a. **TLHP -2012-0114, 19 S King St (B-1/H-1 Overlay District), Applicant: Fabian Saeidi, Kings Tavern & Wine Bar. Project: Review already constructed porch roof and gazebo on existing rear patio.** Chairman Koochagian stated the applicant, Fabian Saeidi, has submitted a letter requesting that each of his applications be recessed to the January 23, 2012 BAR Meeting as he was unable to attend tonight's meeting and claims that he was unaware of the meeting. He stated the December 3, 2012 BAR Work Session, the Board had recessed the cases to this work session with direction to the applicant to submit a comprehensive plan for 19 S. King St and 15 S. King St; however, the applicant has only submitted photographs showing painting that was done and light fixtures that were replaced. Further, he stated the applicant has indicated that the gazebo at 19 S. King has been painted as well.

Chairman Koochagian verified that staff emailed the applicant twice regarding tonight's meeting. Further, he stated the applicant's son was present as his representative at the December 3, 2012 work session when these cases were last discussed. He stated staff has recommended denial of

each application and has suggested that the Board vote tonight versus recessing to the next meeting.

Vice Chairman Sisley asked the benefits of voting on the applications tonight versus acknowledging the applicant's request to recess the cases to the January 23, 2013 meeting.

Ms. Del Rance stated these applications were made in response to zoning violations issued by the Town. She stated submission of the applications stays the enforcement process for 30 days and that timeline has already been extended because of the holidays. She stated delaying action again until the January 23, 2013 meeting would be providing a courtesy to this applicant that is not normally extended to other applicants because he did have notice of tonight's meeting.

Mr. Reimers asked what the applicant's next steps would be if the applications are denied.

Ms. Del Rance stated if the applications are denied, the violations will be enforced by the Zoning Staff and there will be no further action required by the Board.

Mr. Koochagian asked if staff has consulted with the Town Attorney's Office.

Ms. Del Rance stated the Deputy Town Attorney, Ms. Notar, provided direction that the applications be considered and voted on separately as that is how they would proceed through the violation process.

Mr. Meyer noted because the applicant has requested a little more time, it would not be inconsistent with the Board's practice over many years to recess the cases to the next meeting.

There was further discussion regarding the possibility of proceeding with the cases this evening versus allowing the applicant the additional time to provide the material requested by the Board by recessing the applications.

It was the consensus of the Board to recess the applications to the January 23, 2013 Meeting with direction to staff to call the applicant and to follow up with a certified letter outlining the Board's expectation that a comprehensive plan be provided before the meeting to address each application.

Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

b. TLHP-2012-0115, 19 S King St (B-1/H-1 Overlay District), Applicant: Fabian Saeidi, Kings Tavern & Wine Bar. Project: Review window sign already installed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

c. TLHP-2012-0116, 19 S King St (B-1/H-1 Overlay District), Applicant: Fabian Saeidi, Kings Tavern & Wine Bar. Project: Review rear door sign and projecting sign already installed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

d. TLHP-2012-0117, 19 S King St (B-1/H-1 Overlay District), Applicant: Fabian Saeidi, Kings Tavern & Wine Bar. Project: Review exterior painting already completed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

e. TLHP-2012-0118, 15 S King St (B-1/H-1 Overlay District), Applicant Fabian Saeidi, Old Town Grill. Project: Review window and wall signs already installed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

f. TLHP-2012-0119, 15 S King St (B-1/H-1 Overlay District), Applicant Fabian Saeidi, Old Town Grill. Project: Review bracket sign already installed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

g. TLHP-2012-0120, 15 S King St (B-1/H-1 Overlay District), Applicant Fabian Saeidi, Old Town Grill. Project: Review exterior painting already completed.

As per the discussion above, Vice Chairman Sisley proposed a motion to recess TLHP-2012-0114 until the January 23, 2013 BAR Regular Meeting at the applicant's request as submitted by email January 7, 2013. The motion was seconded by Mr. Reimers and approved on a 5-0-1-1 vote (Minchew absent and one Board vacancy).

Old Business:

a. Coldwell Banker awnings

Ms. Del Rance stated the application, TLHP-2012-0070, for awnings at the 25 S. King Street Coldwell Banker location was approved by the Board on the August 20, 2012 Consent Agenda. She stated the drawings submitted with the application were unclear as to whether the bottom edges of the awning were to be fixed versus loose so the installed awnings with the fixed edges were essentially installed as approved. Further, she stated the manager of the local office is not pleased with the awnings as installed; however, they are unable to replace the awnings due to the additional cost.

b. Title Max Paint color

Ms. Del Rance stated the color on the Title Max building is more obtrusive and glossy than the sample provided in the application. She stated she will contact the applicant to ask that they repaint the gables with a more appropriate color.



BAR Case No. TLHP-2012-0118: Wall sign
"Steak OLD TOWN GRILL Seafood"

Reviewer: Kim K. Del Rance,
LEED AP
Address: 15 S King Street
Zoning: B-1/H-1 Overlay
District
Applicant/Owner: Fabian Saeidi, Old
Town Grill



Description of Proposal: This application is in response to zoning violations. Owner has installed plastic wall sign on front of building. This report is reviewing actions already taken on the building without prior approval.

Site Description: This 1890 2-story 4-bay commercial style duplex has a stepped parapet roof with a heavy modillioned projecting cornice with double brackets at the middle and ends with a detailed frieze. The first story storefront has single pane display windows that flank a recessed double entrance with twin transoms. There are raised mouldings on the panels above the glass.

Context: This building in 1903 was a grocery store in the north wing and a dry goods store in the south wing. The 20th century storefront appears incongruent with the 19th century building. This building is important as an example of 19th century commercial architecture and its association with a chain store, A&P Grocery, which occupied this building. This building faces east on S King Street in the heart of the historic district.

Site Development/Zoning Issues:

This application is the result of zoning violations for actions taken without approval. There are no zoning, sign or Certificate of Appropriateness (COA) applications on file for this property dating back to 1982. See cover memo regarding zoning enforcement issues at 15 and 19 S King Street.

APPLICATION OF THE GUIDELINES:

NUMBER OF SIGNS PERMITTED

Each business in the Old and Historic District is allotted a maximum of two (2) signs. The BAR has the authority to decrease or increase the number of signs permitted under the Zoning Ordinance based on its determination of what is appropriate for the architectural characteristics of a building and its setting. (Zoning Ordinance Section 15.11.1)

OHD Design Guidelines:

Guidelines for Sign in the Old and Historic District

p. 3 Number of signs permitted

Each business in the Old and Historic District is allotted a maximum of two (2) signs

p. 7 Materials

- *Traditional sign materials, such as painted wood and engraved or embossed metals, are encouraged in the OHD.*
- *Signs constructed of a durable composite wood material that, when painted, is indistinguishable from solid wood are also acceptable.*
- *The materials of which the sign is made should complement the design and materials of the building to which it relates*

Wall Sign Placement

- *A wall sign must be located on the same façade as the main entrance to the business being advertised.*
- *Wall signs must be aligned with other elements of the building, including windows and doors, and may not be placed higher than the top of the door, excluding the trim. The BAR may determine that the architectural characteristics of the building warrant placement of a wall sign higher than the top of the door.*

Materials: However, it is visible that this sign is not wood and it was seen in a site visit that it is not a durable composite as the sign is rippled where it is affixed to the building.

Sign Placement: This business only has one entrance and one façade facing the right of way and the side of the building, with no entrances, faces a pedestrian walkway/alley leading to public parking. The placement of the existing signs is on the front façade only. The architectural characteristics make the wall sign above the door appropriate for this specific building and architecture where it would not otherwise be appropriate in general.

STAFF RECOMMENDATION/DRAFT MOTIONS

(Based on the BAR's discussion at the meeting, any changes to the findings should be incorporated into the motion.)

Based on the findings that:

- The wall sign above the door is appropriate on this building due to its architecture creating a natural space for advertising
- Signs in the Historical District must be of wood or metal
- All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work

Staff recommends approval of **TLHP-2012-0118** subject to the plans and photos as shown in this report with the following conditions to be completed within 30 days of the approval, February 22, 2013:

- The wall sign will be removed and replaced with an identical sign on wood or metal or if it is possible to paint directly onto the building
- If the new sign cannot be fabricated within 30 days then the applicant will remove the plastic sign and apply for a temporary sign until the permanent sign is completed
- There were site visits by staff on October 9 and 15 and the BAR on November 28-29, 2012 and photographs provided by Zoning Inspector, Carmen Babonneau from her site visits
- All applicable Town and County Zoning and Building Permits must be obtained prior to proceeding with work

DRAFT MOTION

(Based on the BAR's discussion at the meeting, any changes to the findings should be incorporated into the motion.)

I move that TLHP-2012-0118 be approved subject to the application dated October 31, 2012 and photos as shown in this report and subject to the findings and conditions of approval as stated in the January 23, 2013 Staff Report (or as amended by the BAR on January 23, 2013.

conform to the area in which they are to be installed.

- Signs with unique shapes related to the nature of the business, such as eyeglasses for an optician or a boot for a shoe repair shop, may also be appropriate.

Text

- Signs may contain only the name, and, if desired by the business owner, a concise indication of the general nature of the business.
- Inclusion of a logo may be acceptable if it is determined that the text is not overcrowded and the sign otherwise meets the guidelines.
- E-mail addresses and telephone numbers are prohibited on signs in the OHD.

Material

- Traditional sign materials, such as painted wood and engraved or embossed metals, are encouraged in the OHD.
- Signs constructed of a durable composite wood material that, when painted, is indistinguishable from solid wood are also acceptable.
- The materials of which the sign is made should complement the design and materials of the building to which it relates.
- Support structures, if any, must be of durable traditional materials.

Color and Finish

- The sign color scheme includes the colors (including black and white) used for all elements of the sign or Comprehensive Sign Plan, including the text, background, logo, border and support structure, if any.
- Because signs are alterations to a building, their color schemes must respect the same guidelines as buildings. The color scheme must complement or relate to the overall color scheme of the storefront or building, including accent and trim colors. The color scheme may not detract from the architectural character of the storefront or building, nor from the surrounding buildings.
- The color scheme should be comprised of two or, at most, three colors (inclusive of background, text, and other elements); however, a particularly well-executed design may be determined to meet the guidelines though comprised of more than two or three colors.
- Reflective materials are generally discouraged. The BAR may deem appropriate a well-designed use of metallic (i.e., gold) leaf in a window sign or raised or engraved lettering on another type of sign.
- Text and graphics must be executed in a durable material that, in its finished form, resembles paint. Text and graphics may be executed in paint or, in some cases, flat or two-dimensional vinyl material that is commonly used by sign companies. The BAR may determine that vinyl letters, borders, and graphics are inappropriate in the case of large signs that exceed 24" x 36" in dimensions.

Illumination

- Internally illuminated or translucent signs such as box signs and neon signs are prohibited in the OHD unless a determination has been made by the BAR that such signs are historic in nature.
- Sign faces only may be externally illuminated by a properly shielded incandescent spotlight. That is, light must not spill over so as to impact pedestrians or vehicular traffic, or neighboring properties, and must otherwise meet all lighting requirements for the Town.
- The BAR shall review all details of the design of the spotlight and the intensity of the light used.

SOLUTIONS FOR MULTI-TENANT BUILDINGS

By definition, multi-tenant buildings are those structures that house three or more tenants or businesses, each of which may need signage to have a visible presence in the Old and Historic District. If each business installs separate signs without coordination, the result

Uniquely shaped signs, such as those shown below, may help convey the nature of a business and provide added visual interest to a sign.



The following signs illustrate how varied the design of a single sign shape may be. In these four cases, the oval sign is treated differently. While these signs may be similar in shape, they are very different in the way they are treated.



The words are incised and painted with a slightly metallic copper-colored paint, giving them a more distinguished look.



Shading and strong contrast to make the business name stand out.



A more modern design composition and non-traditional letter style set this sign apart from others nearby.



Simple and eye-catching, this sign takes advantage of a single bright color used sparingly with white text and black background.

Ms. Minchew clarified for the applicant that the Board is not providing direction for painting of any brick that is currently not painted. Further, she stated she would like to add a condition to any motion made that staff is to see and approve the paint color before it is applied.

Mr. Kiley moved to approve TLHP-2012-0117 subject to the application dated October 31, 2012 and photos as shown in staff's report with the following conditions:

1. The front of the building will be painted the same "barn red" color as already appears painted in the rear.
2. None of the unpainted brick on the front of the building will be painted without the submission of a further application.
3. All future painting, including the painted approved in this motion, will be submitted for approval to the Town of Leesburg Preservation Planner before proceeding with work.
4. All applicable Town and County zoning and building permits must be obtained prior to proceeding with work.

The motion was seconded by Mr. Reimers.

Mr. Meyer asked if the motion was meant to include painting of the front door.

Mr. Kiley clarified the conditions as follows:

1. The painting on the front of the building only consists of the door and the brick below the windows.
2. No unpainted brick is subject to this motion.

The motion was approved by a 6-0-1 vote (Malloy absent).

e. THLP-2012-0118, 15 S. King St (B-1/H-1 Overlay District). Applicant: Fabian Saeidi, Old Town Grill. Project: Review installation of sign.

Chairman Koochagian noted the public hearing has closed.

Ms. Del Rance stated this application refers to the existing wall sign above the door which reads, "Old Town Grill Steak and Seafood". She stated the existing sign guidelines limit businesses to two signs; however, there are currently three signs on this front façade. She stated the guidelines further indicate that signs should be made of wood or composite materials that when painted are indistinguishable from wood; however this sign appears to be metal or plastic. Further, she stated staff finds the colors, graphics and placement of the sign to be acceptable, and recommends approval of the application subject to the reproduction of the sign using an appropriate material.

The applicant, Fabian Saeidi, stated he originally installed wooden signs at this location for the Green Tree; however, they deteriorated after a short period of time and were replaced with the existing aluminum sign. He stated when the business was rebranded the sign was repainted and reinstalled.

Mr. Meyer asked if there is any record of previous approval for the aluminum sign and further, would a previous approval make any difference in this instance.

Mr. Murphy clarified that a sign permit is required anytime a sign is changed. He stated he would need to review the Town's records to see if a sign permit was issued for an aluminum sign for the previous business at this location; however, given that the building is in the Historic District he does not believe the Town would have issued such an approval without BAR support. Further, he stated this sign in question does not have a sign permit.

Ms. Del Rance stated she has reviewed the Town's records and has not found any previous sign permits issued for this property.

Mr. Saeidi stated this is the same sign that has been on the building for many years and any concerns regarding the materials were never brought to his attention.

Ms. Minchew verified the Board has not previously discussed the design of the sign. She further verified it is staff's opinion that the sign graphics and text meet the guidelines.

Mr. Meyer stated the material is clearly not appropriate for the Old and Historic District and urged the applicant to seek Board approval before any changes are made on his properties in the future. Further, he asked if the inclusion of the words "Steak" and "Seafood" is allowable under the guidelines.

Ms. Minchew read the following from the Old and Historic District Sign guidelines:

"Signs may contain only the name and, if desired by the business owner, a concise indication of the general nature of the business. Inclusion of a logo may be acceptable if it is determined the text is not overcrowded in the sign otherwise and the sign meets the guidelines"

She stated since it is addressed in the guidelines, it is a worthy discussion to see if the inclusion of those words is appropriate.

There was further discussion regarding the logo and text of the sign as well as the material.

Chairman Koochagian stated it would be helpful to have a cohesive sign plan for the building.

There was further discussion regarding how best to proceed with the application given the sign is of an inappropriate material and has already been installed.

Mr. Meyer asked if the applicant would be willing to replace the existing sign with a wooden sign.

Mr. Saeidi indicated he would not.

Mr. Kiley moved to deny TLHP-2012-0118 on the basis that the sign that is already up is of a material that is completely and utterly inappropriate and objectionable under the H-1 guidelines, which resulted in this sign being cited for a zoning violation. The motion was seconded by Ms. Minchew.

Mr. Meyer stated he will be voting no because he does not agree with the wording of the motion; however, he does agree with the spirit of the motion of this not being approvable.

The motion was approved by a 5-1-1 vote (Meyer opposed and Malloy absent).

f. THLP-2012-0119, 15 S. King St (B-1/H-1 Overlay District) Applicant: Fabian Saeidi, Old Town Grill Project: Review installation of sign.

Chairman Koochagian noted the public hearing is closed.

Ms. Del Rance stated this application covers the hanging sign in the left window as well as the existing bracket sign. She stated the bracket sign meets the guidelines with regards to material, placement and design. She stated the applicant has made known his intention to have a wall sign, which under the ordinance only leaves room for approval of one additional sign. Further, she stated her recommendation that the bracket sign be approved and the window sign removed.

The applicant, Fabian Saeidi, stated when the Green Tree operated at this location there were two window signs, one in each window. He stated when the business became Old Town Grill one of the window signs was repainted and hung three feet inside the window, therefore, it should not be under the purview of the BAR.

Ms. Minchew stated the sign was not three feet back from the window when she visited the site and asked if it had been moved.

January 28, 2013

Fabian Saeidi
15 S. King Street
Leesburg, VA 20175

Re: BAR Case TLHP-2012-0118; 15 S. King Street, B-1/H-1 Overlay District

Dear Mr. Saeidi:

This letter serves as your official notification of the action taken by the Leesburg Board of Architectural Review (BAR) at the January 23, 2013 BAR Meeting in regards to BAR Case TLHP-2012-0118; 15 S. King Street wall sign above the front entrance. Based on the findings that:

- The existing sign is of a material that is inappropriate under the Old and Historic District Guidelines which resulted in this sign being cited for a Zoning Violation.

The BAR denied TLHP-2012-0118 as submitted as part of the application package date stamped October 31, 2012. This denial does not preclude the applicant from submitting a new application for a different sign of appropriate material and design.

Appeals to Town Council: In accordance with Leesburg Zoning Ordinance Section 3.10.14.B: Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. After 30 days final decisions made by the Board of Architectural Review are final and unappealable.

Violations Process: Please be advised that any pending zoning enforcement actions for the wall sign will now continue unless or until final resolution of cited violations has been achieved.

Please contact me if you have any questions or need any further assistance in regard to this application. I may be reached by telephone at 703-771-2773, or by email at kdelrance@leesburgva.gov.

Sincerely,



Preservation Planner

File: THLP-2012-0118

Kim Del Rance

From: Kim Del Rance
Sent: Tuesday, February 26, 2013 4:43 PM
To: theoldtowngrill@yahoo.com
Cc: Brian Boucher; Chris Murphy; Susan BerryHill; Debi Parry
Subject: BAR Appeal status on sign at 15 N King St

Hello Mr. Saeidi and Darius Saeidi,

I'm sorry I missed your call Mr. Saeidi the other day, I did return it and left a message with someone. I believe this email will also answer your question the other day too, Darius. The appeal of the BAR decision to deny approval for the sign at 15 N King St will be scheduled for the April 9, 2013 Town Council meeting. Council is not having a second meeting in March and we could not meet the deadline for the early March meeting, so this is the soonest we can have it heard. The meetings are in Council Chambers, same as the BAR meetings and begin at 7:30 pm. An agenda will be made and posted by the Town Clerk once it is closer to the meeting.

Kim

*Kim K. Del Rance, LEED AP
Preservation Planner, Town of Leesburg, VA
703-771-2773, FAX 703-771-2727
kdelrance@leesburgva.gov*