



**LEESBURG BOARD OF ARCHITECTURAL REVIEW**

**FINAL STAFF REPORT**

**REGULAR BUSINESS MEETING: MONDAY, MAY 18, 2015**

**AGENDA ITEMS #9C**

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**\*\*\*PUBLIC HEARING OPEN ON THIS APPLICATION\*\*\***

**BAR Case Numbers:** TLHP-2014-0117 (Certificate of Appropriateness)  
**Addresses:** 108 Edwards Ferry Road NE  
**Proposed Action:** Demolish contributing historic building for courthouse expansion

PIN (Parcel ID#): 231-38-8886  
Zoning/Overlay: GC/H-1 Overlay District  
Applicant: Marlene Walli Shade, AIA, Dewberry Architects Inc.  
Owner: Loudoun County  
c/o Peter Hargreaves, DTCl, Design Manager  
Reviewer: Tom Scofield, AICP, Preservation Planner  
Staff Recommendation: Approve with modifications  
Critical Action Date: May 18, 2015 (extension mutually agreed upon by BAR and Applicant/Owner)



**Proposal**

The following request is proposed in this Certificate of Appropriateness application:

- Demolish the contributing historic resource at 108 Edwards Ferry Road NE, a primary resource in the Leesburg National Register Historic District and locally designated Old & Historic District, to construct the New District Courthouse facility.

**Final Staff Recommendation**

There are **two** preservation goals that should be considered with the courts expansion proposal. First, the County Courthouse is, and always has been, a defining historic feature in Leesburg's downtown. Over the past several years, discussions between the Town Council and the County about the need for the court system expansion has yielded consensus among both governing bodies to continue this historic precedent by keeping the courts system in Leesburg's downtown and developing an expansion plan that respects this tradition. The second preservation goal is to plan for this expansion while assuring that the historic integrity of the historic district will be maintained.

Conceptual planning for the latest courts expansion proposal appears to have started with the demolition of the four contributing historic resources as a forgone conclusion. At a minimum, the courts expansion proposal should "*do no harm*" to the historic district. A higher aspiration would be to plan for the courts expansion by *enhancing* the District through avoidance of negative impacts on existing historic resources and by preparing site and building plans that are respectful of the historic streetscape along Edwards Ferry Road NE. As such, it is the obligation of this Certificate of Appropriateness review process to fully ascertain the contributing status of the four structures proposed for demolition and to fully explore the options for retention of these structures before entertaining a discussion of demolition.

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With this in mind, it is the opinion of staff that the primary building located at 110 Edwards Ferry Road NE should maintain its designation as a historic, contributing resource in the Leesburg National Register Historic District and the locally-designated Old and Historic District. In its current condition, the building retains integrity of location, design, setting, materials, workmanship, feeling and association and substantially contributes to the historic and architectural character of the property, neighborhood, historic district, and Town of Leesburg. The applicant has not provided adequate evidence to support claims to the contrary. It also appears that alternatives to demolition likely exist and should be pursued with the applicant in an effort to avoid or mitigate the negative impact that the loss of this, and the other three contributing historic buildings proposed for demolition, represents. It remains arguable that, as currently designed, the proposed setback of the new courts facility from Edwards Ferry Road NE potentially accommodates the contributing historic building where it stands. Although it is the stated preference of the Loudoun County Board of Supervisors that this building, and the other three contributing historic resources, be removed from the site to make way for the New District Courthouse, the Board of Architectural Review cannot grant approval for the request solely on the grounds of preference and convenience.

The burden of proof lies with the applicant in providing justification for the proposed demolition and the information, evidence and testimony provided by the applicant and owner to date does not warrant total and complete demolition of this contributing, historic building. The proposed action is not well-supported or consistent with requirements and procedures outlined in Articles 3 and 7 of the zoning ordinance and the Old & Historic District Design Guidelines. However, since it is desirable to maintain the courts system in downtown Leesburg and there appears to be a reasonable mitigation alternative that allows construction of the New District Courthouse while retaining most of this contributing, historic building on site, staff recommends that the Board of Architectural Review APPROVE the application in modified form as authorized under Section 3.10.6 of the zoning ordinance.

Modification of the submitted Certificate of Appropriateness application as proposed by staff would only allow selective demolition of the non-historic enclosed 1-story rear porch on the building indicated in red on the diagram identified as Exhibit A included with this staff report. Staff finds that removal of this portion of the structure as generally depicted in Exhibit A will not negatively impact the integrity of the historic resource and will not negatively impact the streetscape of Edwards Ferry Road NE. Therefore, allowing the removal of the rear portion of the building will provide space for addressing utilities, fire safety, stormwater, perimeter security, and staging concerns associated with the construction and operation of the New District Courthouse while maintaining the historic integrity of the contributing resource, the Edwards Ferry Road NE streetscape, and the Old and Historic District.

#### Alternative BAR Motions for Final Action

Based on the specific facts indicated in the Statement of Findings and the application submitted by Dewberry, Inc. date stamped November 17, 2014 along with the associated evidence and testimony provided thereafter, I move that Certificate of Appropriateness TLHP-2014-0117 be **APPROVED, as submitted**, with the understanding that the demolition may occur only after receipt of a building permit for new construction.

-OR-

Based on the specific facts indicated in the Statement of Findings and the application submitted by Dewberry, Inc. date stamped November 17, 2014 along with the associated evidence and testimony provided thereafter, I move that Certificate of Appropriateness TLHP-2014-0117 be **APPROVED, with modifications**, subject to the following conditions of approval provided in the *Procedures and*

*Regulations for Demolition and Relocation of Existing Structures* as outlined in the Old & Historic District Design Guidelines (select one or more of the following that shall apply):

- The applicant must conduct a reconnaissance or intensive-level survey in accordance with the Virginia Department of Historic Resource’s Guidelines for Conducting Cultural Resource Surveys in Virginia (1999, revised 2000);
- The applicant must conduct a Phase I archaeological study to determine if the property yields information important in Leesburg’s history;
- The applicant must demonstrate that the site will be prepared and maintained in accordance with a landscape plan once the building has been demolished;

Also including the following condition of approval as stated in the Final Staff Report:

- Only demolition of the non-historic enclosed 1-story rear porch on the building as indicated in red on the diagram identified as Exhibit A attached to the Final Staff Report shall be allowed, authorized and approved because this selective demolition will not negatively impact the integrity of the contributing, historic resource and the Edwards Ferry Road streetscape;
- The demolition may occur only after receipt of a building permit for new construction;

And furthermore, including the following additional conditions of approval as specified by the BAR:

- \_\_\_\_\_;
- \_\_\_\_\_; and
- \_\_\_\_\_.

-OR-

**Draft Motion for Denial**

Based on the specific facts indicated in the Statement of Findings and the application submitted by Dewberry, Inc. date stamped November 17, 2014 along with the associated evidence and testimony provided thereafter, I move that Certificate of Appropriateness TLHP-2014-0117 be **DENIED** based on failure of the request to adhere to Articles 3 and 7 of the Zoning Ordinance and the procedures and requirements for demolition outlined in the Old and Historic District Design Guidelines for the following reasons:

- \_\_\_\_\_;
- \_\_\_\_\_; and
- \_\_\_\_\_.

Should the applicant resubmit the request the following suggestions should be considered:

- \_\_\_\_\_;
- \_\_\_\_\_; and
- \_\_\_\_\_.

If no appeal of this denial is filed by an aggrieved party within thirty (30) days, the demolition delay period as defined in Section 7.5.8 shall automatically be in effect. During this delay period the property owner shall be required to make a bona fide offer to sell the property. If no bona fide contract to sell the property to parties interested in its preservation has been executed prior to the expiration of the demolition delay period, the property owner shall be entitled to demolish the building, by right.

Exhibit A

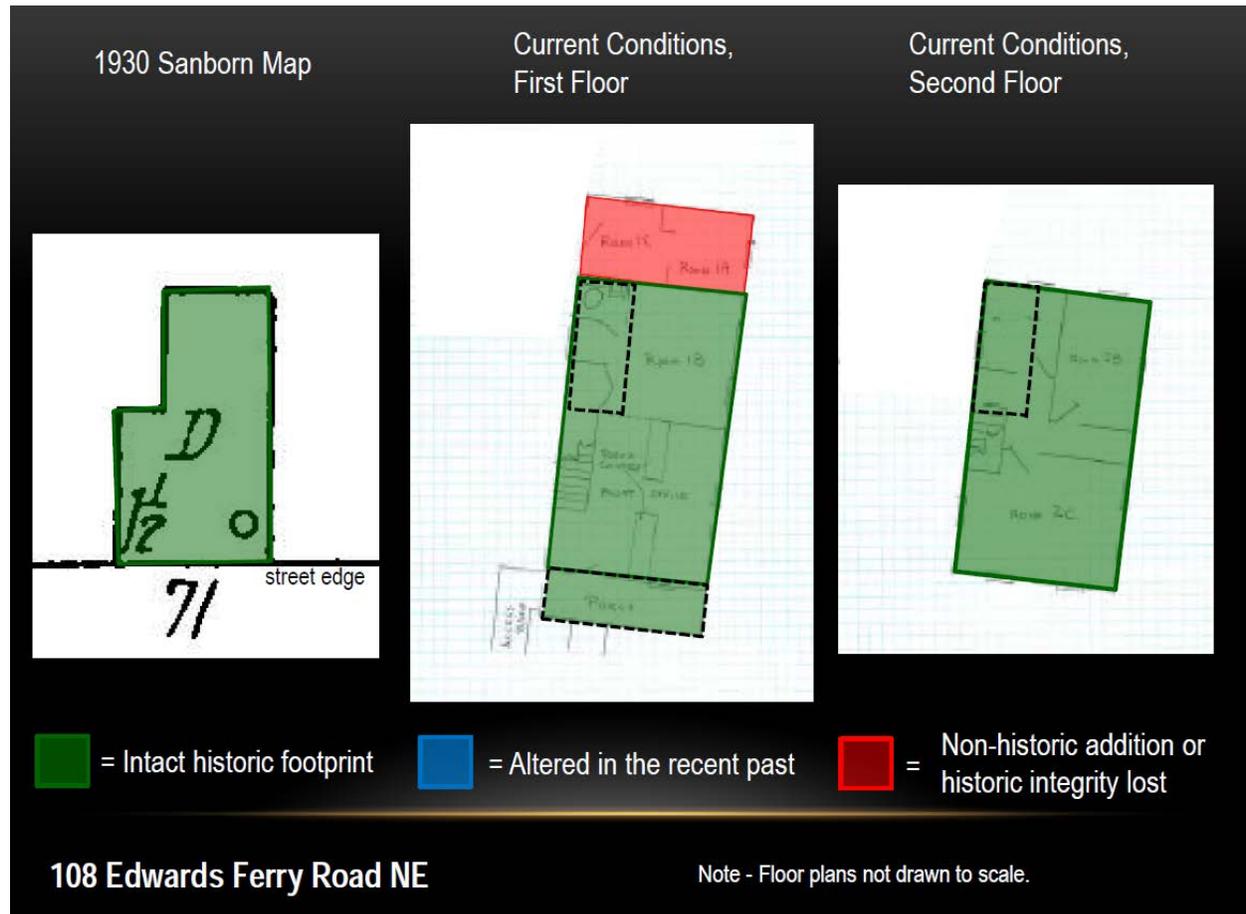


Exhibit B

