Town of Leesburg Virginia

Certificate of Appropriateness
Department of Planning & Zoning

25 West Market Street 20176 ■703-771-2765 ■ Fax: 703-771-2724 ■ www.leesburgva.gov

May 19, 2015

Marlene Walli Shade, AIA
Dewberry Architects, Inc.
8401 Arlington Boulevard
Fairfax, VA 22031

Re: BAR Case TLHP-2014-0117, 108 Edwards Ferry Road NE (H-1 Overlay District)
Request to demolish a primary, contributing building as part of the Courthouse expansion project

Dear Ms. Shade,

This letter serves as your official notification of the action taken by the Leesburg Board of Architectural Review (BAR) on Monday, May 18, 2015 regarding Certificate of Appropriateness (COA) application TLHP-2014-0117 for the proposed demolition of the primary, contributing building located at 108 Edwards Ferry Road NE. Based on the documents, plans, drawings, narratives, and other materials submitted as part of your application date stamped November 17, 2014, and all subsequent submittals, communications, evidence and testimony, the BAR has APPROVED IN MODIFIED FORM this COA as authorized by Section 3.10.6 of the Leesburg Zoning Ordinance based on the Statement of Findings documents attached to this letter.

The conditions placed on the COA approval by the BAR for TLHP-2014-0117 include the following requirements:

1. As recommended in the Final Staff Report, dated May 18, 2015, authorization and approval is granted for demolition of the area indicated in red on the diagram identified as Exhibit A attached to the Final Staff Report for 108 Edwards Ferry Road NE; no other portion of the building is included in this approval. This selective, partial demolition will have negligible negative impact on the size, scale, massing and pedestrian-oriented nature of the Edwards Ferry Road streetscape and the surrounding historic district and neighborhoods, and will minimally impact the integrity of the contributing historic resource, helping to provide a sense of scale and character between the proposed large institutional building (the New District Courthouse) and the smaller scale architecture in the neighborhoods it will adjoin.
2. As provided in the *Procedures and Regulations for Demolition and Relocation of Existing Structures* as outlined in the Old & Historic District Design Guidelines, the applicant must conduct an intensive-level architectural 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; and the applicant must demonstrate that the site will be prepared and maintained in accordance with a landscape plan once the approved portions of the building have been demolished.
3. The demolition may occur only after receipt by the applicant of both a building permit for new construction for the New District Courthouse and final approval for the submitted rezoning application TLZM-2015-0002.
4. For the interface area between the historic portions of the building (as indicated in green on Exhibit A of the Final Staff Report) and the non-historic portions of the building (as indicated in red on Exhibit A of the Final Staff Report), an exploratory investigation shall be performed by the Applicant to identify and determine the historic materials to be saved and the non-historic materials to be removed with review and approval by the Preservation Planner.
5. The applicant the applicant will return to the Board with post-demolition plans for rebuilding the newly-exposed rear portion of the building.

6. This approval shall not be construed as authorization, approval, or endorsement of any version or alternative concept for the exterior appearance of the New District Courthouse facility as presented to date by the applicant.
7. This APPROVAL IN MODIFIED FORM is based on the General Statement of Findings common to 106, 108, 110, 112 Edwards Ferry Road NE and the Statement of Findings specific to 108 Edwards Ferry Road NE.

Appeals to Town Council: In accordance with Section 3.10.14, *Appeals,* of the Zoning Ordinance this final decision of the Board of Architectural Review may be appealed to the Leesburg Town Council by the applicant or any resident, property owner, or business owner. An appeal must be filed as a written petition with the Clerk of the Town Council, setting forth the basis of the appeal, within thirty (30) days after the date shown on this letter. A public hearing for the appeal(s) with Town Council will be promptly scheduled in compliance with all applicable notice requirements.

Lapse of Approval: In accordance with Section 3.10.12 of the Zoning Ordinance this Certificate of Appropriateness shall lapse and become void if work is not completed within twenty-four (24) months from the date of this letter. If additional time is needed, you may obtain a six (6) month extension from the Zoning Administrator, but the request must be submitted prior to the 24-month expiration date.

Demolition Permit Required: In accordance with Section 3.6, *Demolition Permits,* of the Zoning Ordinance a separate permit for demolition must be obtained from the Zoning Administrator prior to the razing or removal of any part of the structure. An application for a demolition permit is to be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the shape and dimensions of the lot upon which the demolition is to take place; the exact location, size, elevation, height and portion of the structure to be demolished; the existing and intended use of the structure; and other information as required by the Zoning Administrator with regard to the lot and neighboring lots.

This approval does not waive or modify any other applicable sections of the Zoning Ordinance, Building Code, Subdivision and Land Development Regulations, or any other approvals or permits required by the Town of Leesburg including any and all permits required by the Loudoun County Department of Building and Development. All applicable permits and approvals shall be obtained before work is started.

Please contact me by telephone at 703-771-2773 or by email at tscofield@leesburgva.gov if you have any questions regarding this matter.

Respectfully submitted,

Tom Scofield

Thomas W. Scofield, Preservation Planner
Department of Planning & Zoning

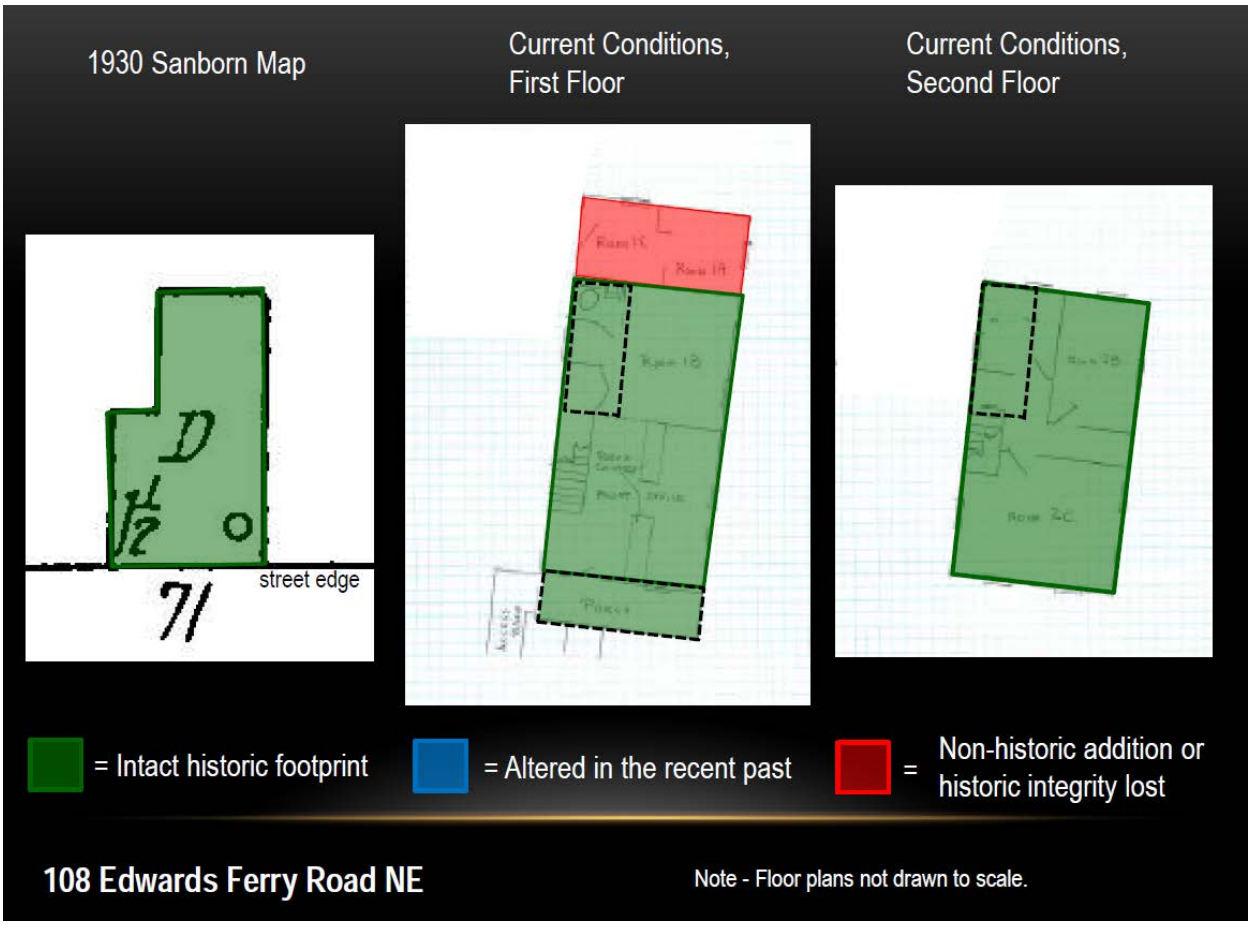
SBH:ts

cc: Tim Hemstreet, County Administrator
Peter Hargreaves, Design Manager, Department of Transportation & Capital Infrastructure
Scott Parker, Assistant Town Manager
Susan Berry Hill, Director, Department of Planning & Zoning
Christopher Murphy, Zoning Administrator
Liz Whiting, Advising Attorney, Town of Leesburg

ATTCH: Exhibit A from the Final Staff Report for TLHP-2014-0117 (1 page)
BAR Statement of Findings Common to All Four Demolition Applications (7 pages)
BAR Statement of Findings Specific to 108 Edwards Ferry Road NE (3 pages)

File: THLP-2014-0117

Exhibit A



Town of Leesburg, Virginia Board of Architectural Review

Case # **TLHP** - 2014-0118

- ☐ Administrative Approval
- ☑ H-1 Overlay District
- ☐ H-2 Corridor Overlay District/Proffer

Notes: Selective demolition approved by the BAR for the red area only as indicated on the diagram above.

Thomas W. Scofield — Staff, Board of Architectural Review

05/18/2015 — Approval Date

These drawings shall not be changed without prior approval from staff or the Board of Architectural Review.

LEESBURG BOARD OF ARCHITECTURAL REVIEW

REQUEST FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION

STATEMENT OF FINDINGS
COMMON TO ALL OF THE FOLLOWING APPLICATIONS:

TLHP-2014-0115	112 Edwards Ferry Road NE
TLHP-2014-0116	110 Edwards Ferry Road NE
TLHP-2014-0117	108 Edwards Ferry Road NE
TLHP-2014-0118	106 Edwards Ferry Road NE

{The ballot used by the BAR in determining their findings for final action at the May 18, 2015 regular business meeting is provided below. BAR members accepted, rejected, or revised each finding by a majority vote. A check [✓] indicates those findings accepted by a majority vote; ~~strikethrough~~ indicates findings or specific language rejected by a majority vote; <u>underline</u> indicates findings or specific language added by a majority vote.}

REGULATORY CONTEXT

1. [✓] Loudoun County, a county government and political jurisdiction within the Commonwealth of Virginia, (the "Owner") owns the buildings identified as 106 Edwards Ferry Road NE, 108 Edwards Ferry Road NE, 110 Edwards Ferry Road NE, and 112 Edwards Ferry Road NE, located in the Town of Leesburg (the "Subject Improvements" as shown in Exhibit 1).
2. [✓] The Subject Improvements are located on a 1.89 acre land parcel identified by the Loudoun County Office of the Commissioner of the Revenue as 231-38-8886-000 (the "Subject Parcel" as shown in Exhibit 2).
3. [✓] The Owner has maintained and occupied the Subject Improvements and Subject Parcel since acquisition made in 1980.
4. [✓] The Subject Improvements and Subject Parcel are entirely located within the current boundary of the Leesburg National Register Historic District (Exhibit 3) and have been identified as 'historic' and as 'primary resources' in the architectural survey as indicated on the respective Virginia Department of Historic Resources Reconnaissance Survey Forms (VDHR Identification Numbers 253-0035-0491, 253-0035-0492, 253-0035-0493, and 253-0035-0494) and are designated as "Contributing Resources" in said historic district.
5. [✓] The Subject Improvements and Subject Parcel are also located entirely within the current boundary of the Old and Historic District (the "OHD") as established and designated by the Leesburg Town Council as part of an amendment to the zoning ordinance on June 10, 1963.
6. [✓] The zoning ordinance requires property owners to obtain approval from the Town prior to the commencement of any construction or other work associated with a proposed project that changes the exterior appearance of existing buildings and structures, proposed new construction, and the demolition of existing buildings and structures within the OHD.

7. [✓] As authorized in Section 7A-2 of the Leesburg Town Charter pursuant to Section 15.2-2306 of the Code of Virginia and further established in Section 2.3 of the Leesburg Zoning Ordinance, the Leesburg Board of Architectural Review (the "BAR") was created "*to administer the provisions…relating to Historic Districts and to advise the Town Council in its efforts to preserve and protect historic structures and sites within the town.*

8. [✓] The Leesburg Town Council has delegated authority for the review and approval of applications for proposed changes to the exterior appearance of existing buildings and structures and proposed new construction, and the demolition of existing buildings and structures within the OHD to the BAR since the initial adoption of these regulations.

9. [✓] The permitting process and application procedure for the review of proposed changes to the exterior appearance or demolition of a building or structure in the OHD requires approval of such actions by the BAR, or on appeal by the Town Council, and results in the issuance of a Certificate of Appropriateness (the "COA") when approved.

10. [✓] The Town of Leesburg is a Certified Local Government as recognized and designated by the U.S. National Park Service and the Virginia Department of Historical Resources under 36 CFR 61.6 thereby certifying that local regulations are consistent with standardized and widely-accepted historic preservation procedures and best practices, attesting that the BAR is comprised of qualified members meeting certain expertise and professional criteria, and acknowledging the community has made a substantial commitment to historic preservation.

11. [✓] Rules and regulations for the OHD including Certificate of Appropriateness procedures are currently implemented under the auspices of the H-1 Overlay District as established and authorized under Article 7, *Overlay and Special Purpose Districts*, of the Town of Leesburg Zoning Ordinance adopted pursuant to §15.2-2306, Code of Virginia.

12. [✓] Rules and regulations for the H-1 Overlay District are further described and outlined under Article 3, *Review and Approval Procedures,* Section 3.10, *Certificate of Appropriateness (H-1 Overlay: Old and Historic District)* and Section 7.5, *H-1 Overlay, Old and Historic District* of the Zoning Ordinance.

13. [✓] The <u>Leesburg Old and Historic District Design Guidelines</u> (the "Guidelines") were created and developed for the following intended purposes associated with the review of COA applications:
    a. *"…to ensure that the historic architectural character of individual buildings--and the historic district as a whole--is retained as change occurs over time;*"
    b. The Guidelines, *"are not intended to prevent development, but rather to guide it so that any changes, including rehabilitation of existing structures and the construction of new buildings, respect the character of the OHD;*"
    c. The Guidelines *"are based on the prevailing architectural and site characteristics of the OHD and are tailored to the community;"*
    d. The Guidelines *"are a tool for property owners to use when planning a project…" and*
    e. The Guidelines "*are for town staff and the BAR to use when evaluating whether or not a rehabilitation, new construction, or demolition project is appropriate for the OHD.*"

14. [✓] The Guidelines were adopted by the Leesburg Town Council on January 7, 2009 and are used by Town staff and the BAR in the review of each and every COA application submitted and presented.

15. [✓] Section 7.5.2, *Applicability,* of the Zoning Ordinance states that COA rules, requirements, and procedures "*apply to all property…located within the boundaries of the H-1 Overlay District*" and Section 7.5.5, *Certificate of Appropriateness,* states that COA rules, requirements, and procedures "*apply to both public and private structures and facilities*."

16. [✓] The Owner is contemplating construction of the New District Courthouse, a new judicial services facility 92,000 square feet in size proposed for construction on the Subject Parcel, to meet the needs and demands of a growing court system in Loudoun County (the "Project").

17. [✓] In November 2013 the Owner entered into a professional services contract with Dewberry, Inc. to design the Project along with associated off-site improvements and to serve as advisor for the Owner on architectural and engineering matters.

18. [✓] The Owner and Dewberry, Inc. determined, prior to any consultation with the BAR, that it is necessary to remove the Subject Improvements in their entirety from the Subject Parcel in order to accommodate construction of the New District Courthouse.

19. [✓] Without making formal application, the Owner and Dewberry, Inc. presented conceptual plans and designs developed for the Project to the BAR at a meeting held on August 4, 2014 which included the proposed removal of the Subject Improvements in their entirety from the Subject Parcel.

20. [✓] The conceptual plans and designs presented to the BAR included four (4) options prepared as part of a massing study for the Project with a single preference "chosen by consensus" clearly communicated by the Applicant.

21. [✓] The conceptual plans and designs presented to the BAR also included five (5) alternatives prepared as part of an elevation study of the south side of the proposed courthouse building facing Edwards Ferry Road NE associate with the Project with input solicited from the members of the BAR who stated preferences for options #2 and #5.

22. [✓] The BAR advised the Owner and Dewberry, Inc. at the meeting held on August 4, 2014 that justification for demolition of the Subject Improvements was not readily apparent as presented in the conceptual plans and designs for the Project and that the historical integrity of the streetscape along Edwards Ferry Road NE was of substantial importance in accordance with Articles 3 and 7 of the Zoning Ordinance and the Guidelines.

23. [✓] The BAR encouraged the Owner and Dewberry, Inc. on August 4, 2014 to consider alternatives to demolition and further communicated a specific alternative that would likely maintain the historical integrity of the streetscape along Edwards Ferry Road NE. The alternative suggested at the time was removing certain portions of rear ells and additions on the four buildings to accommodate construction of the New District Courthouse while retaining the historic cores of the four buildings along the streetscape of Edwards Ferry Road NE.

SUBMITTAL & REVIEW OF APPLICATIONS

24. [✓] Four (4) Certificate of Appropriateness applications requesting demolition as defined in Section 7.5.8, *Demolition Applications* of the Zoning Ordinance for the proposed removal of the Subject Improvements in their entirety from the Subject Parcel were submitted to the Leesburg Planning & Zoning Department by Dewberry, Inc. (the "Applicant") as properly authorized by the Owner on November 17, 2014.

25. [✓] The Preservation Planner for the Town of Leesburg Planning & Zoning Department accepted the four (4) Certificate of Appropriateness applications and assigned the following case numbers:
    a. 112 Edwards Ferry Road NE = TLHP-2014-0115;
    b. 110 Edwards Ferry Road NE = TLHP-2014-0116;
    c. 108 Edwards Ferry Road NE = TLHP-2014-0117; and
    d. 106 Edwards Ferry Road NE = TLHP-2014-0118 (all four collectively referred to as the "Applications").

26. [✓] The Applications and accompanying staff reports, were forwarded to the BAR for review and public hearing on December 15, 2014, a regularly-scheduled business meeting.

27. [✓] At the December 15, 2014 BAR meeting the Preservation Planner and the Applicant made summary presentations, the public hearing was opened, and formal review of the Applications by the BAR was initiated.

EXHIBITS FOR STATEMENT OF FINDINGS COMMON TO ALL FOUR APPLICATIONS

106 Edwards Ferry Road NE

108 Edwards Ferry Road NE

110 Edwards Ferry Road NE

112 Edwards Ferry Road NE

Exhibit 1 – The four (4) buildings identified as the "Subject Improvements"

Exhibit 2 – The land parcel identified as the “Subject Parcel” (Parcel Id No. 231-38-8886-000)

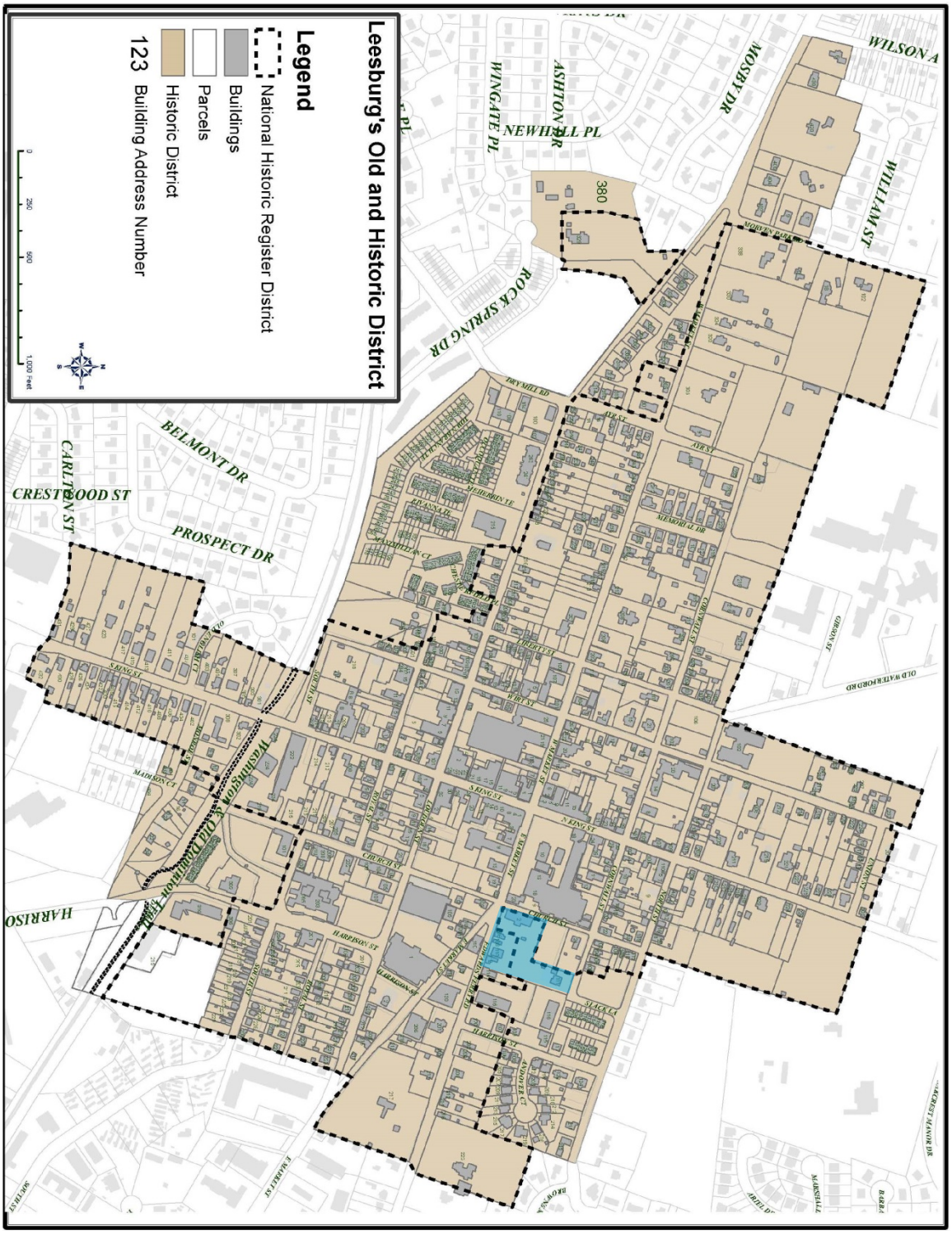


Exhibit 3 - Map of historic districts with the Subject Parcel highlighted in blue

LEESBURG BOARD OF ARCHITECTURAL REVIEW

REQUEST FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION

STATEMENT OF FINDINGS
SPECIFIC TO THE FOLLOWING APPLICATION:

TLHP-2014-0118 106 Edwards Ferry Road NE

{The questionnaire ballot used by the BAR in determining their findings for final action at the May 18, 2015 regular business meeting is provided below. A check [✓] indicates the answer to each question that was approved by a majority vote of BAR members.}

STEPS FOR DEMOLITION REVIEW

As per the procedures for reviewing the proposed demolition of Existing structures as outlined in the Old & Historic District Design Guidelines *the BAR will review requests for demolition in accordance with the following steps:*

1. Is the building or structure designated historic in the architectural survey for the property?
   [✓] YES [ ] NO [ ] INCONCLUSIVE

2. If the building or structure is designated as historic in the architectural survey, is it a resource that contributes to the architectural and historic integrity of:
   The property?
   [✓] YES [ ] NO [ ] INCONCLUSIVE (*All 7 criteria listed below should be considered before making a selection.)*

   The neighborhood, specifically the Edwards Ferry Road NE streetscape?
   [✓] YES [ ] NO [ ] INCONCLUSIVE (*All 7 criteria listed below should be considered before making a selection.)*

   And/or the Old and Historic District?
   [✓] YES [ ] NO [ ] INCONCLUSIVE (*All 7 criteria listed below should be considered before making a selection.)*

   A property is considered to be non-contributing if it does not have or retain integrity of any of the following:

   a. **Location** - By being able to interpret the structure in its original location, it is possible to understand why the property was created and its contribution to the history of the area.
      [✓] YES [ ] NO [ ] INCONCLUSIVE

   b. **Design** - Defined as a combination of the elements that create the form, plan, space, structure, and style of a property. Integrity of design is applied to historic districts through the way in which buildings, sites and structures relate to one another and the rhythms of the streetscape.
      [✓] YES [ ] NO [ ] INCONCLUSIVE

   c. **Setting** - The physical character of the property in which the building is situated, and the building's relationship to surrounding features, open space, and adjacent structures.
      [✓] YES [ ] NO [ ] INCONCLUSIVE

   d. **Materials** - The choice and combination of materials reveal the preferences of those who created the property and the availability of particular types of materials and technologies and help define an area's sense of time and place. It is necessary that buildings retain key

exterior materials dating from the district's period of significance in order to properly convey the history of the district's development.
[✓] YES [ ] NO [ ] INCONCLUSIVE

e. **Workmanship** - This aspect can apply to a structure as a whole or to its individual components and provides evidence of the builder's labor, skill, and available technology.
[✓] YES [ ] NO [ ] INCONCLUSIVE

f. **Feeling** - Results from the presence of physical features that when considered together convey the district's historic character. The original materials, design, workmanship and setting can, for example, either convey the feeling of a mid-nineteenth century working-class neighborhood or a warehouse district of the same time period.
[✓] YES [ ] NO [ ] INCONCLUSIVE

g. **Association** - The presence of physical features that remains sufficiently intact to link a district's historic character to an important historical event or person and to convey such to an observer.
[✓] YES [ ] NO [ ] INCONCLUSIVE

3. If the resource has been determined to be a structure that contributes to the architectural and historic integrity of the property, neighborhood, and historic district, does the building retain structural integrity?
[✓] YES [ ] NO [ ] INCONCLUSIVE

   a. Has the Applicant or expert witnesses provided any evidence and/or testimony that the building does not retain structural integrity?
   [ ] YES [✓] NO [ ] INCONCLUSIVE

   b. Has Town staff provided any evidence and/or testimony that the building does not retain structural integrity?
   [ ] YES [✓] NO [ ] INCONCLUSIVE

   c. Through observations made during the site visit held on January 16, 2015 where an opportunity was provided to closely inspect and evaluate the building were any conditions observed by you revealing that structural integrity is not retained?
   [ ] YES [✓] NO [ ] INCONCLUSIVE

   d. Has the Applicant submitted an economic and structural feasibility study for rehabilitating or reusing the structure that explores alternatives that may identify an occupant for the building and allow it to remain in place?
   [ ] YES [✓] NO [ ] INCONCLUSIVE

4. Has any evidence and/or testimony been provided that indicates relocation of this building should be considered as a viable alternative to demolition?
[ ] YES [✓] NO [ ] INCONCLUSIVE

As per the procedures for reviewing the proposed demolition of existing structures as outlined in Section 7.5.8 *of the* Town of Leesburg Zoning Ordinance *the BAR will consider Post-Demolition Plans as part of their review.*

5. Are the post-demolition plans appropriate to the architectural character of the historic district?
[ ] YES [ ] NO [✓] INCONCLUSIVE

6. Does the evidence and testimony submitted by the Applicant regarding Stormwater Management Infrastructure requirements for the New District Courthouse warrant consideration of the complete and total demolition of this resource?
   [ ] YES [✓] NO [ ] INCONCLUSIVE
7. Does the evidence and testimony submitted by the Applicant regarding Perimeter Security requirements for the new District Courthouse warrant consideration of the complete and total demolition of this resource?
   [ ] YES [✓] NO [ ] INCONCLUSIVE
8. Does the evidence and testimony submitted by the Applicant regarding Construction Staging requirements for the new District Courthouse warrant consideration of the complete and total demolition of this resource?
   [ ] YES [✓] NO [ ] INCONCLUSIVE
9. Does the evidence and testimony submitted by the Applicant regarding Fire Safety requirements for the new District Courthouse warrant consideration of the complete and total demolition of this resource?
   [ ] YES [✓] NO [ ] INCONCLUSIVE