



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

Monday, 03 January 2011
Town Hall, 25 West Market Street
Council Chamber

MEMBERS PRESENT: Dieter Meyer, Chair; Tracy Coffing, Vice-Chair; Jim Sisley, Parliamentarian; Teresa Minchew; Richard Koochagian; Paul Reimers

MEMBERS ABSENT: Edward Kiley; Doris Kidder, Planning Commission Representative; Marty Martinez, Town Council Representative

STAFF: Annie McDonald, Preservation Planner; Wendy Walker, Clerk of the BAR

Call to Order and Roll Call

Mr. Meyer called the meeting to order at 7:02pm, noted attendance and determined that a quorum was present.

Discussion Agenda

Town Plan Review – Heritage Resources

2005 Town Plan Heritage Resources Element: Action Program & Policy Map

Ms. McDonald indicated having compiled comments from the previous work session discussion, as well as comparison to the Fredericksburg plan. Ms. Minchew said some of the goal was not BAR responsibility (e.g., interpreting) to which Ms. McDonald responded that the BAR was one way to implement that goal, but to tie back to the BAR would be more appropriately listed in the objectives. Mr. Meyer noted the document was intended to be a Town-wide planning goal, and not necessarily just the BAR. Ms. McDonald added that if keeping the H-1 and H-2 Districts, the Town could set up a separate board so memorializing a single board may be too specific. Mr. Meyer did not object to any of the language. In the third paragraph, Ms. Coffing suggested that the first two sentences be omitted and the third edited to make it more succinct.

Ms. McDonald noted there were no modifications to the paragraphs between the goal and listed objectives. Mr. Sisley suggested including the Barber & Ross property which was added into the H-1 District. Mr. Meyer posed being clear that it was added for reasons not having to do with it being a historic property since it was not put into the H-1 for the right reasons, or remaining silent on it as there was argument made to have it removed from the district since it was not a historic property. Ms. Minchew suggested a general goal to revisit the appropriateness of boundaries, as well as reference to the new guidelines. Mr. Sisley proposed adding a background and Harrison Street, which included Barber & Ross. Ms. Minchew and Mr. Meyer suggested adding less specificity as the H-1 was expanded several times since its original designation.

Objective 1: Sub-objectives were not included as the objective was the main thing focused on, were not necessary and could be limiting, to which the Board agreed the language was okay.

Objective 2: Intended to protect heritage resources, the BAR had suggested not including how to protect those resources. Mr. Sisley agreed with adding about revisiting the appropriateness of the existing H-1

boundaries. Ms. McDonald noted it dovetailed with the work of the Form-Based Code, but suggested it be Objective B, followed by designating qualifying resources, to follow in logical succession.

Objective 3: Mr. Meyer suggested changing the wording to make it more positive as new development was not necessarily negative. Ms. Minchew suggested using “foster appropriate changes to or within” to leave out the development reference which can have negative essence, though some may not like it that vague. Ms. McDonald noted language was more specific afterward which would direct intent. Mr. Sisley requested taking out “expanding” as the plan would be passed around to other parties. Mr. Koochagian asked about removing “current”. Ms. McDonald said with the revised language for A, then B goes away to which Mr. Meyer stated that it was a design that would evolve through time. Ms. Coffing suggested removing “original” from the Old and Historic District. Regarding the H-2 Overlay, Ms. McDonald recommended stating “the properties in the corridors” to which Mr. Meyer and Mr. Sisley agreed with being general.

Objective 4: Mr. Meyer commented regarding item D about Town Code, DCSM and capital projects ensuring protection of the heritage resources, noting that the DCSM needed to be adjusted so it does not hinder effective design in the historic district, such as curb radii, materials, as well as curb and gutter details that may be different in the historic district, to be more compatible. It was totally ignored sometimes and, having a large impact that it has, should then create as a major objective to have some design review by the BAR or staff component so it was not engineering-driven in its entirety. Ms. McDonald advised putting it in the Action Program as it was a sense of urgency and need since it was not new, but had not been done to which Ms. Minchew suggested changing “adequate measures” to “appropriate measures”. Ms. McDonald noted transportation departments now engage locals to help develop a context sensitive solution for the transportation problem/need. Ms. Minchew suggested adding that language about providing measures for context sensitive design and review, as opposed to “adequate”.

Regarding E and overhead utilities, Mr. Meyer said to help tremendously and for a lot less money would be to eliminate all the cross street wires to be parallel, which cleans it up for a significant improvement. For a start, it is a goal that is much more achievable and makes an enormous difference in the appearance at a much lower cost than undergrounding. Mr. Meyer said the goal had to be there to aim for and then could figure out how to pay for it. Ms. Minchew suggested it should be a more general objective about cleaning up the viewshed. Mr. Meyer iterated about a design review of infrastructure installation other than by engineering, but by an architectural review board or qualified staff member with some aesthetic sense to have a positive impact on the viewshed. It does not have to cost a lot of money, but the people of the Town want aesthetic thought put into it, not just an engineering solution.

Objective 5: Enforcement (things that were not reviewed) and quality control (things that were reviewed) were two different items that had both come up before Council. Ms. McDonald stated enforcement is primarily responsive as opposed to proactive so rather than patrolling an area, enforcement is responding to complaints, generally in writing. Enforcement captured the roof at 206 Loudoun Street SW and the illegal addition at 225 West Market Street, but not everything is caught because of inadequate staffing levels, which is not going to change. The Quality control component is only when there is a Certificate of Occupancy issued so if a CO is not required, then we do not inspect for quality control in compliance with the approved plans. In addition, there is no sunset on approved plans once a project is under construction. Mr. Sisley referred to diligent pursuit of completion to which Ms. McDonald said it was on a case-by-case basis (i.e., approved delay and timeframe in which compliance can take place). Ms. McDonald confirmed there is code regarding pursuing enforcement, but there is only one inspector to follow up with overcrowding, illegal cars, illegal signs, etc. Mr. Sisley suggested wording as “active enforcement and quality control” to mitigate direct and indirect negative impacts to heritage resources. Ms. McDonald clarified that a building permit is not always required, as well as sometimes there are modifications to BAR-approved plans after obtaining permits. Ms. Minchew iterated increasing awareness of the existence of identified heritage resources, and regulations in place should be an objective. Ms. McDonald recommended calling it proactive outreach, which would include enforcement and quality

control, and sounds more positive. Ms. Minchew reiterated having the County reflect in the tax records when a property is in Leesburg's historic district. Mr. Sisley suggested wording as "ensure that unapproved projects are heavily changed that are identified, reviewed and brought into compliance with the design guidelines." Then noting per Objective 2B that there are heritage resources designated but not currently in an overlay district, Mr. Sisley queried about asking the Town to diligently pursue bringing those resources into an overlay district for protection.

Objective 6: Ms. McDonald noted UGA and JMLA are not governed by the Town's regulating documents so as a referral agent, it may be better to write as "review projects in the UGA and JMLA to ensure appropriate development with the least possible impact on historic resources."

Action Program: Because the objective changed to periodic review, Ms. McDonald suggested modifying to review and update the heritage resources design guidelines as necessary with a long-term timeframe. Actions are tied in some way to some of the objectives, though some objectives did not have an action, but intent may have been a culling of manageable actions. Mr. Sisley noted there were four objectives with no action to which Ms. Minchew agreed each objective should be addressed at least minimally. Mr. Sisley asked about adding reasonable timelines on some of the actions (e.g., "once every five years" instead of "periodically") to which Ms. McDonald agreed some more specific timeframes might be better than general, though general is necessary in some cases. Mr. Sisley said there were other aspects of the Town Plan that are time-bound that way.

Policy Map: Ms. McDonald questioned changing the map to specifically label what currently exists such as designation of protected overlays, adding that there had been some things that had not been surveyed. Ms. McDonald offered to make some recommendations for the BAR to review, noting that specificity could hurt because there could be a resource that had not been identified but was eligible. Ms. Minchew said it needed to be revised to make sense, and the intent of surveying was to get information before it went away and was too late. Mr. Meyer said a visual depicting where some of the places are was a helpful reference and useful document, though maybe it needed to be worded differently about potential sites to which Ms. Minchew agreed. Mr. Reimers queried about control of items outside the Town limits to which Mr. Sisley said there was an Urban Growth Area and Joint Land Management Area which those were in. Ms. Minchew said there was a big concern the last time about paying attention to Douglass School, the old hospital and Loudoun County High School, but there was push back about doing anything. Ms. McDonald clarified the intent was to identify those resources that could be designated within the H-1 Overlay to which Ms. Minchew suggested including that language about currently or potentially under H-1 Overlay regulations. Ms. McDonald stated one of the things that could change significantly was how we approach the H-2 Corridor, noting Harrison Street was H-2 area but the Barber & Ross site was designated with the H-1 Overlay. Staff argument at the time was that the site did not meet the state-enabling legislation definition for a corridor, but then it should not be there in the first place since it could have any level of design review. Ms. McDonald asked if all of the potential eligible H-2 Corridors as defined on the map be removed so the map only shows the existing H-2 boundaries.

Mr. Sisley said there was an H-2 Corridor recommendation to Council that they never acted on, and there had been a lot of work relative to the H-2 so if these were taken out, would that diminish the pressure on Council to act on the H-2 and give more probability that the H-2 would go away. Ms. Minchew did not know what the harm was in leaving in the H-2 to which Mr. Meyer said the H-2 outside between the Bypass and border of Town was completely wrong because there was a highway outside versus a boulevard inside so would almost need multiple H-2 guidelines depending upon where since they are all designed differently. Ms. McDonald stated Old Waterford Road shown was not currently designated with the H-2, and was not a significant route of tourist access into the Old and Historic District. Ms. Minchew responded that the map should show existing boundaries, not potential. Mr. Meyer assumed the reason was to start encouraging the creation of additional ones, though it did not say that well and one size fits all corridor guidelines do not work well because they are so different depending upon which corridor, mainly related to the design of the roadway coming in, where it is, or how it is oriented. Ms. Minchew reiterated that the map should reflective the goals and districts as they currently exist.

Appeal of the Dodona Manor Fence approval (TLHP-2006-0109): Ms. McDonald stated there was a request for zoning interpretation, proposing that the entire appeal is mute because after the BAR approved the fence, staff administratively approved as a landscape feature the installation of the statue on the West Market Street side of the property, with the understanding that the fence design had changed to be wider at that entrance point and then stepped back as it historically did (the two items standing separate from each other). The argument is that with the administrative approval of the statue, the original plan approved by the BAR in 2006 was modified and is no longer relevant, therefore the plan has changed and they need to resubmit. Mr. Meyer agreed with that to which Ms. McDonald agreed it could be argued either way, adding that the Applicant submitted a second application in 2007. Mr. Reimers queried why the Applicant wouldn't resubmit as a change, if that is what they want to do. Mr. Meyer reiterated asking Town Attorney regarding if it should have ever been before the BAR in the first place since zoning did not allow it to which Ms. McDonald indicated there was no answer yet but would follow up.

Upcoming Town Council meeting with boards and commissions: Ms. McDonald noted the Council work session on Monday January 24th which was open to all board and commission members, though most important for chairs and vice chairs to attend. There was no agenda yet so Ms. McDonald would keep the Board apprised, but it was follow up on how Council can help boards/commissions do their jobs.

Adjournment: The meeting adjourned at 8:38pm.

NEXT REGULAR BUSINESS MEETING:
Wednesday, January 19, 2011 at 7pm
Town Hall Council Chamber
25 West Market Street
Leesburg, VA

Dieter Meyer, Chair

Annie McDonald, Preservation Planner