



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

Wednesday, 7 September 2011
Town Hall, 25 West Market Street
Council Chamber

MEMBERS PRESENT: Dieter Meyer, Chair; Jim Sisley, Vice Chair (arrived 8:59pm); Richard Koochagian, Parliamentarian; Teresa Minchew; Tracy Coffing; Paul Reimers; Edward Kiley; Planning Commission Representative; Marty Martinez, Town Council Representative

MEMBERS ABSENT: Mary Harper, Planning Commission Representative

STAFF: Michael Watkins, Senior Planner; Annie McDonald, Preservation Planner; Barbara Notar, Deputy Town Attorney

Call to Order and Roll Call

Mr. Meyer called the meeting to order at 7:00 pm, noted attendance and determined that a quorum was present. Tracy Coffing moved to adopt the agenda. The motion was seconded by Teresa Minchew. The vote carried 6-0-1 (Sisley absent)

BAR Member Disclosure

There were no disclosures.

Petitioners

None

Public Hearing Agenda

- a. **TLHP-2011-0046, (H-1 Overlay District), Applicant: Gene Weissman, Architecture, Inc, Project: Expansion of the deck on the north side of Fireworks Pizza, construction of an addition on the south side of the train depot over the Los Tios patio and enclosure of the patio.**

Annie McDonald, Preservation Planner presented the proposed expansion and pointed out on photos where the improvements would be located. The addition will be attached allowing the knee brace to be exposed showing the original SW corner of the depot. The Los Tios patio extends underneath the proposed expansion. She pointed out that when the building was moved, it was placed on a new foundation, that the windows were replaced with non historic materials, and a window was added. The store front proposed for the Los Tios patio will be on the front side. The character of the connection will not change. The store front will not be visible from the right of way at all. Ms. McDonald went on to say that the roof line would blend well with all of the varied roof lines in the complex. She displayed some photos of elevations showing the proposed expansion. Further pointing out the floor plans as they exist and how they will be expanded, along with the reinstallation of the bay window which will allow for expanded space, Ms. McDonald went on to say that the application also requires a boundary line vacation. Currently there is no zoning right to build the expanded deck to the north. The existing deck is 3' off the property line. The boundary line vacation will allow expansion closer to the parking lot.

The applicant is looking for feedback from the BAR if there are any issues with the design of the addition, or whether the boxed bay would be appropriate in lieu of canted bay. Hopefully they can have a complete application with the consensus of the Board at the next meeting. Staff recommendation is for approval on the condition of product illustration and cut sheets for the bay window and the storefront system will be submitted to staff for final review and approval.

Gene Weissman, Architecture, Inc, thanked Ms. McDonald for the job she did in describing the project. Essentially they are looking for more space. The bay window idea was a result of looking at old pictures and realizing that this could solve some space problems on the interior. Historically he said the boxed bay was used so that the engineer could look down the tracks to see the trains coming.

Mr. Meyer asked if the board had any questions on the application.

Teresa Minchew asked to see the renderings of the current bay proposed and then the boxed bay. Mr. Weissman explained the different angles and the functionality of the two. Ms. Minchew asked if the box bay would extend out further and Mr. Weissman said he did not think that it would. How low would the other windows go? They would be pretty much the same as they are. Ms. Minchew asked if all the mechanical equipment was shown on the plans. Mr. Weissman said no, it is not. She asked that the next plans they see include these so that they get a first hand idea of what needs to be done.

Paul Reimers asked what the dimension of the projection off the wall plane of the new box bay that you are plugging versus the projection off the wall of the canted bay window? Mr. Weissman said he was not sure but thought the canted bay was about 3'6" to 4' while the other one is 4'6".

Richard Koochagian asked if the windows on the bay were opaque? No, it is frosted glass.

Tracy Coffing asked if there was technical information on the material of the bi-fold doors? The response was they were wood.

Marty Martinez asked where this was going next in the process. Annie McDonald said this requires approval of the plan review department and then the BAR. Once the land development is done, it is a by right application.

Dieter Meyer asked about the new roof structure that covers the dining patio – how was that height determined? Mr. Weissman stated that the current height of the roof of the depot is just above 7' which is exceptionally low. Too low to be functional for the outdoor dining.

There were no members of the public that wished to speak.

Mr. Meyer asked for comments from the board.

Teresa Minchew said her only concern was about the bay. She also agrees that the roof line being higher is also of some concern.

Paul Reimers also had concern with the bay. In looking at the old photograph, there is no way the bay is projecting out 3'6" or whatever in the picture. That would be very deep for a canted bay window. He would consider a boxed bay more of an addition than a window.

Dieter Meyer said he recently researched bay windows and what is considered precedent is what his research substantiated. We need to ask, is this an acceptable addition?

Richard Koochagian agrees that the roof structure is proportionately disconcerting. Regarding the bay window, he prefers the canted bay because of site lines of the proximity of the doors. The

canted bay would flow better. He has some concern about the new addition wondering if there is enough differentiation between that addition and the existing depot. He would like to see a better angle. He also thought it was too close to the columns of the existing structure. He understands there is a variety of roof structures, but they all seem to flow together.

Tracy Coffing said the roof structure over the patio dining is awkward. As far as the bay is concerned, either canted or boxed would be acceptable.

Councilmember Martinez asked what the additional seating would be on both levels? There was no answer. Mr. Martinez then asked how the parking was counted. Ms. McDonald said they would have to address that when they come in for a zoning permit.

Mr. Meyer said that the comments made by Mr. Koochagian were things that he does not have issue with. and the bay window is not an issue either. The height of the patio roof is of concern to him. One suggestion was to lower the floor level in that area.

Mr. Reimers asked if they were going to waterproof the lower area by Los Tios. The answer was yes.

Barbara Notar said there needed to be a motion to defer with continuation of the public hearing.

Teresa Minchew moved to defer and continue the public hearing on TLHP 2011-0046 until such time as the boundary line adjustment has been filed. The motion was seconded by Richard Koochagian. The motion carried 6-0-1 (Sisley absent).

b. TLHP – 2011-0048 (H-1 Overlay District), Applicant: Chip Gruver, Gruver Cooley Corporation, Project: Demolition of the circa 1940 two story dwelling at 209 Church St., SE.

Annie McDonald presented the visual location of the structure stating that there had been previous demolition approval granted. Then approval was granted to rehabilitate 209 Church St., SE. That application expired and they asked for a re-approval of the entire application. They since have marketed this and has an interested person who would like to demolish 209. The building is listed as a contributing historic resource. Ms. McDonald quoted a sentence from the report that said the house contributed to they historic character of the district and that its scale, size, style and building materials were indicative of a 1940's house. Provided the BAR approves the demolition of 209 Church, the applicant proposes adding square footage to the previously approved building that has yet to be submitted. This design is dependent on the Board's action of this request. The Board has previously approved demolition of buildings considered to be contributing with documentation that the structures do not retain structural integrity. The guidelines also discuss whether the building has architectural integrity, if this is lost, it is less of an issue. The historic integrity is important in the Board's decision. The rationale for the demolition must be clear. Once a historic building is destroyed, it is gone forever. Caution must be taken to assure that the proper steps have been taken to make the determination of historic integrity and structural integrity. Ms. McDonald feels that there is not enough information on the loss of the building's structural integrity.

Chip Gruver of Gruver Cooley came forward stating that had with him Bob Gordon, with Loudoun Commercial Title, and John Wolf. They formed a partnership to acquire 209 and 211 Church street properties. He gave a background of his company stating that they build and refurbish homes and have an orientation toward preservation. Originally they thought they would demolish 211 and rebuild integrating 209 into the plan. They had not been in the building, but once they got into the buildings, it was apparent that 209 had a loss of structural integrity. The damage was more a product of improper building practices, specifically lack of foundation and footings that have become apparent. There is also termite damage and black mold, along with lead paint in the building. All mechanical functions have also been stripped out contributing to further deterioration. He proceeded to show pictures of the deterioration. The exterior siding had been covered with aluminum siding and the

metal roof had also been replaced. He went on to describe the plans for the site showing renderings of the planned building. If we don't follow through with our plans – well, the building has been on the market for the last 5 years. There have been no serious contracts. We don't see rehabilitating the house as any economic possibility.

Mr. Meyer introduced questions from the board with a couple of his own. He asked in regard to the action tonight, since the applicant is not the property owner, we would be granting the demolition to the applicant. Annie McDonald added, "with the property owner's approval." He went on to ask about the residential zoning. He thought this was B-1. Also, it was mentioned that the property was on the market for around 48 months. Was that the property as a whole? So 209 has not been on the market separately? The applicant responded in the affirmative.

Teresa Minchew wanted clarification on why this would not be available as a residential use? The need of a waiver to include a parking lot, would this prevent them from moving forward? Annie McDonald said the applicant would need approval from the LDO, Susan Berry Hill, for the waiver. The BAR has previously approved the kind of screen permitted, so if you were to approve the demolition, you would have to condition it on approving the screen. The approval of the application is contingent upon the waiver by the LDO. You don't have the authority to waive that section of the Zoning Ordinance. Ms. Minchew asked if it was no longer a requirement to submit the plan. It used to be that they approved a demolition and plan simultaneously. Annie McDonald responded said it is a requirement by the Zoning Ordinance, and the information provided is basically considered their post demolition plan.

Ned Kiley said that the one figure they have from the Department of Interior historic preservation certification application is that the rehabilitation cost estimate as of June 2008 would be \$220,000 and you had a different figure? Mr. Gruver said he was using an inflationary figure. Mr. Kiley asked if anyone had gone in the last 30 to 60 days and given a rehabilitation estimate, correct? The report is detailed but hasn't been updated since 2008.

Paul Reimers asked if these were on two different lots? Mr. Gruver said they would have to be consolidated prior to improvements.

Tracy Coffing asked when the last BAR site visit was? Annie McDonald said it was in the early part of 2007.

Dieter Meyer asked Alicia McCormick, structural engineer, to talk about the process she went through to come to her conclusion that restoration was impractical. She responded that it was basically visual and that the worst part was the cellar. This was originally a crawl space that was then modified to be a cellar. The concrete block was cracked, excavation haphazardly done. It was, in her estimate, beyond any repair. The framing was minimal, floors slipping because of bad support, inadequately installed beams. She did not do a total analysis because the visual indications were substantial. Mr. Meyer asked how this structure stacked up to others that she had inspected. She responded that most were in much better condition, this is the worst as far as having to reinforce the structure.

Teresa Minchew asked if she had inspected the property again after her original inspection? The response was no.

Ned Kiley asked if she had reviewed the National Park Service Historic Preservation Certification Application on this property? She responded that she was not sure which form she was given. Mr. Kiley said under this Certification this property would be able to be renovated. She agreed, that it could.

Bob Gordon, 205 Andover Court, Leesburg, came forward to state that he is a big fan of the Historic District and has a business located at Market Station. He, along with John Wolf are looking to

relocate and keep their businesses in the historic district in Leesburg. Initially they thought this area was ready to go. Now they are finding that the entire building is put together out of building code, also that the siding and roof were out of character for the area.

Mr. Meyer asked for comments from the board.

Teresa Minchew thanked Mr. Gordon for going through his efforts to stay in the old and historic district. She still has a question on the residential use intended for this house. A site inspection is definitely necessary prior to any decision on demolition. She also pointed out that they cannot rely on costs that might be association. She also has a question on the necessity of consolidating the lots. Ms. McDonald said she did not know what all the feasible options are with regard to permitable site plans. Ms. Minchew asked if having approved the application for 211, does changing 209 affect that in any way? Another concern is demolition of a historic structure for parking. Has any other use for the site been considered? Mr. Gruver said this site, as it stands, there is a requirement for additional parking.

Ned Kiley echoed Ms. Minchew's comment that a site visit is necessary.

Paul Reimers said he feels the consolidation is required because the travel way would not provide the side yard setback required. A question he had was as you take the massing of other projects should we be thinking about them with regard to this house, or just this house? Ms. McDonald said only this house. She said there are things that have been approved, but they are in the future. Your role is to act on this application.

Richard Koochagian said he does need to see the house, and he does have concern about removing a house for purposes of parking.

Tracey Coffing agreed with these points.

Mr. Gruver said that since 2007 it has deteriorated significantly. Whether it is residential or commercial, that does not change it's structural soundness.

Mr. Meyer asked if his reason for demolition was purely for structural purposes, Mr. Gruver responded yes. When this was originally approved, was demolition of this building ever on the table? Ms. McDonald said demolition was part of the original application in 2006. It was proposed at that time because the owner thought that the entrance needed to be away from South Street. (Part of separation requirements for commercial entrances from intersections). The lot did not meet the separation distance requirements. It was decided that If the building was a contributing resource they would have to think about where the entrance could be and whether the demolition could happen. At that time the Board felt they needed a site visit since they had a contributing resource even through they had a structural engineering letter. There was no expert testimony as a result of that site visit. Following the site visit the nature of the application changed to rehabilitation of the structure. Some examples that were shown were cited because of specific problems? Ms. McDonald said that yes, one was extensive termite damage, and this was the only demolition under the new guidelines. Mr. Meyer asked what precedent is there for demolition on structural deficiency to help gauge where the line might be. He suggested that they defer the case until the site visit and asked that the structural engineer be present for the visit. Then whatever additional information is found regarding the structural deficiency should be provided.

Paul Reimers said there is concern about tearing down a building to put up a parking lot. If we approve taking down the house and then not approve parking – is this a possibility?

Mr. Gruver said he would like clarification on what it is specifically they are trying to define on when the process crosses the line. Are they asking the engineer if this is adequate, or not adequate? The engineer has testified to the condition of the house. What is the measure you are trying to achieve to

make that determination. Even if it is determined that it can be done, economically you need to ask if it can be done. Mr. Gruver said they will not do it.

Mr. Meyer said the understood and it did become a judgment call for them. He asked if there was anything in the guidelines that can guide the Board past what they have already discussed. Ms. McDonald said the Board can ask for additional information. "In order to document the buildings structural condition , the BAR may require a site visit to more closely inspect and evaluate the building, require the applicant to submit a structural engineering report, to document the building's physical condition. They have provided a letter and expert testimony this evening. A structural engineering report can take a number of forms. I have seen one for the Loudoun Museum that is quite detailed. You can also require the applicant to conduct an economic and structural feasibility study for rehabbing or reusing the structure. Require the applicant to submit a feasibility study for the relocation of the building as an alternative to demolition and require the testimony of expert witnesses at a public hearing. Further it states that if the applicant successfully demonstrates that the building is a candidate for demolition, the BAR may approve the demolition request with one or more of the following conditions depending on the circumstances surrounding the request. The applicant must conduct a reconnaissance or intensive level survey in accordance with VDHR's guidelines for protecting cultural resource surveys. The applicant must conduct a basal and archeological study. The applicant must demonstrate that the site will be prepared and maintained in accordance with the landscape plan once the building has been demolished. If the applicant is not contesting the building's historical significance, then is a more thorough survey. If the BAR determines it is a historic resource that is worthy of demolition, the Board may say we think that an intensive level architectural survey is warranted in this case as mitigation for the demolition. But the Board may say it is not necessary. That is why a site visit would be important.

Mr. Meyer agreed and said that several Board members have not seen it and they should.

Teresa Minchew said they need to be very sure before they give approval to demolish a contributing building.

Mr. Gruver said that he understands. Could it be done? Yes. However, you cross a line with the practical component when you look at the economic feasibility. Where is the value? I am still at a loss regarding what we need to provide.

Teresa Minchew said as much as they would like to focus their energy on buildings that are the most architecturally desirable, we have the same responsibility to look out for the vernacular buildings and the modest buildings.

Mr. Meyer said they want to do a site visit and they would like a structural engineer present to help the Board understand her recommendations.

Annie McDonald added since the applicant has raised the issue of demolition of 202 Church Street, SE by Joanna Coston for the construction of the incubator, that demolition request was originally reviewed in 2004 under the prior set of design guidelines which were less clear and more subjective in the standards. The COA had expired and the Board re reviewed it in 2006/07, again prior to the adoption of the new Design Guidelines. So the standards by which they were reviewed are different.

Richard Koochagian moved in the case of TLHP 2011-0048 a deferral of the application pending a site visit. The motion was seconded by Teresa Minchew. The motion carried 6-0-1 (Sisley absent)

Mr. Gruver asked if this would be completed by the September 19th meeting? Annie McDonald said yes, this would happen prior to that. (Mr. Sisley arrived at 8:59pm)

Work Session Discussion

Appeal of TLHP 2011-0034 (326 East Market Street). Annie McDonald explained that the applicant in this case is appealing. The appeal was filed on August 15, 2011. The first handout is a letter from Star Buick appealing the decision. The appeal is on three basic issues: The design guidelines for the H-2 corridor district are not consistent with the guidelines for General Motors. The durability of the product approved by the Board versus the durability of the product proposed by the application. The next points are implied – the applicant is suggesting that the Board’s decision was arbitrary because retail branding is consistent throughout the H-2 overlay district, and second because there many buildings the Board stated that the metal proposed is not based on the building conditions of Leesburg. That in fact you based your decision on and the applicant states that – I would submit that there are many buildings with standing-seam metal roofs or facias that implies, if not explicitly states that the Board’s decision is arbitrary because of similar materials elsewhere in the corridor.

What has been approved by Council is the process by which the appeal will be heard. It is not different from the process of the appeal on the Dodona Manor Fence. The main difference is what the Council can do. They don’t have to determine that the Board’s decision was arbitrary. Instead they review the record and the appeal and come to their own decision. In the Dodona Manor case the Board made their statement and the appellants made their case and there was no real role for staff beyond a staff report. In this staff needs to be prepared to answer any questions. The standard is different this time. The Council will review the case and the appeal. We need to be available to answer any questions, mainly I need to be available along with at least one Board member. It is scheduled for September 27. Should the Board desire to meet to discuss this, we could do it tonight, on the 19th or at the site visit on the 14th. The Board decided there was no need for that.

Preservation Virginia Annual Conference – Annie McDonald announced that the Preservation Virginia Conference is coming up this month. In the past there hasn’t been much for design review boards. This year the program is more targeted to Boards. One is Preservation Law for ARB’s and governments, the other is due process property rights and transparency in operations of local ARB’s. If you are interested, please let me know by Monday, September 12.

Other Business. We have been selected to participate in an analysis of design review in Virginia. Annie McDonald said she would have more information soon.

ADJOURNMENT: The meeting adjourned at 9:11pm

NEXT REGULAR BUSINESS MEETING:
Monday, September 19, 2011 at 7pm
Council Chambers
25 West Market Street
Leesburg, Virginia

Dieter Meyer, Chair

Linda DeFranco, Acting BAR Clerk