



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

Monday, 17 October 2011  
Town Hall, 25 West Market Street  
Council Chamber

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**MEMBERS PRESENT:** Dieter Meyer, Chair; Jim Sisley, Vice-Chair; Richard Koochagian, Parliamentarian; Teresa Minchew; Tracy Coffing; Paul Reimers; Mary Harper, Planning Commission Representative; Marty Martinez, Town Council Representative

**MEMBERS ABSENT:** Edward Kiley

**STAFF:** Christopher Murphy, Zoning Administrator; Annie McDonald, Preservation Planner; Barbara Notar, Deputy Town Attorney

**Call to Order and Roll Call**

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

**Adoption of Meeting Agenda**

Mr. Sisley moved to adopt the agenda as presented; Ms. Coffing seconded the motion and it passed unanimously 6-0-1 (Kiley absent)

**Approval of Minutes**

Ms. Coffing moved to approve the 2011 September 14 meeting minutes; Mr. Koochagian seconded the motion, and it passed unanimously 4-0-3 (Kiley absent, Minchew and Sisley abstain).

**BAR Member Disclosure**

There were no disclosures, however. Jim Sisley asked about the status of TLHP 2011-0048 which was modified, and he questioned whether he would need to recuse himself. Annie McDonald stated that the applicant was not present. He indicated that it would be satisfactory to either approve the demolition contingent on approval of post demolition plans, or he would agree to defer to the November 21<sup>st</sup> meeting if necessary. That date is within the 75 days within which the Board must take action in order to avoid the case deemed approved. It seems appropriate to defer to that date. Barbara Notar said if he agrees to a deferral, the clock continues. Chairman Meyer said the item would come up and advised Mr. Sisley to recuse himself at that point.

**Consent Agenda**

Chairman Meyer said there was one case on the consent agenda, TLHP 2011-0062, 601 Catoctin Circle, NE, H-1 Overlay District, Steve Wolfson, Paxton Campus Comprehensive Sign Plan. Annie McDonald said approval was recommended on the condition that a fully dimensioned illustration of the signs be submitted to staff for final review and approval. There was no opposition to this.

Mr. Sisley moved to approve BAR case TLHP 2011-0062, 601 Catoctin Circle, NE, H-1 Overlay District, Steve Wolfson, Paxton Campus Comprehensive Sign Plan; Ms. Minchew seconded the motion, and it passed unanimously 6-0-1 (Kiley absent).

## Public Hearing Agenda

a. **THLP-2011-0048 (H-1 Overlay District), Applicant: Chip Gruver, Project: Demolition of 209 Church Street, SE. Continuation from 09/19/2011 public hearing.**

Annie McDonald asked what the Board's role was in approving post demolition plans. It has been understood that it was reviewing and taking action on them. Included in the staff report are the Zoning Ordinance Sections and the Design Guideline sections that bear on the Board's role. Should the Board find that what is proposed may or may not be appropriate, it may have bearing on the approval of the action.

Ms. Minchew stated that her concern was that the parking lot was initially approved because it was going to be behind a building. Was this addressed at all, and is it still pertinent? Ms. McDonald said it would be in the Board's best interest to look at this as a new case, not giving deference to the earlier decision.

Mr. Reimers moved to defer BAR case TLHP-2011-0048 to the November meeting; Ms. Minchew seconded the motion, and it passed unanimously 5-0-1-1 (Kiley absent, Sisley abstain)

Barbara Notar, Deputy Town Attorney, noted for the record that the applicant emailed staff today and agreed to any deferral and/or continuance.

b. **THLP-2011-0060, (H-1 Overlay District), Applicant: Matthew Penney, Project: 216 Wirt Street NW; Replace five vinyl windows on the façade (west elevation)**

Annie McDonald showed pictures showing additions to the building, historic portions and other renovations. She pointed out that at some point the windows had been replaced. It was discovered that there were zoning violations that had occurred at this property. She consulted with the Zoning administrator on whether or not the violations would stand with the property or if it would be considered grandfathered. Since there was no prior approval for the change in windows, it was determined that the violation runs with the property. Any potential owner would be responsible for the replacement. The current owner is now coming in to rectify this violation. They want to replace the windows with double hung six over six Pella Architect Series wood windows with wood surrounds. In her evaluation of the project Ms. McDonald felt it was appropriate to replace these windows because they have the greatest bearing on the way the building is perceived from the public right of way. In another case the BAR gave the property owner an eighteen month timeframe to correct the violation, so, in order to be consistent, she included the same timeframe in her recommendation to approve this project.

Matthew Penney came forward and said they had nothing to add.

### Questions

There were no questions from the Board.

### Discussion

Teresa Minchew expressed concern about not wanting to set a precedent making it seem that we are defacto approving the windows on the other façade. She is supportive of improving the façade with the understanding that there is no negative to the remainder of the building. Barbara Notar said they could include in their approval that there is not implied approval of vinyl windows on the sides of historic buildings.

Paul Reimers said these windows are on the old part of the house and that portion is being corrected. He is in agreement with this.

Chairman Meyer asked if the zoning violation would go away with the approval of the five windows. Christopher Murphy, Zoning Administrator, stated that their determination would wipe out the zoning violation. Mr. Meyer said it comes down to approval, then the next applicant could potentially use vinyl windows on the back of a building. Would this make it more difficult to approve vinyl windows in other circumstances? Barbara Notar said the property owners face a zoning violation. You have one decision to make, either upon approval of this application the zoning violation is corrected, or you can approve this without correction and set a timeframe for correction, and if the homeowner does not make correction prior to sale, they are selling the violation. Mr. Meyer said if the motion is crafted in that way, he agrees.

Councilmember Martinez asked if the purchase was made not knowing of the violation. The owner stated that they were informed. Mr. Martinez asked about the violation running with the house. Barbara Notar said the decision made by the Board tonight would determine whether or not the violation would continue.

Mr. Sisley asked about the historical significance of the north side of the building. Ms. McDonald said she had not done a complete evaluation, but pointed out the portions she believed were still original. Mr. Sisley questioned if that were the only historic part of the house left, then wouldn't the correction remove any zoning violation? Christopher Murphy once again stated that whatever the decision is, could correct the violation.

Mr. Meyer said if this were a window replacement project, the location would be a mitigating factor. If we look at it that way, then one could look at the windows and try to determine whether they are wood or not. Ms. Minchew is concerned that this has not been evaluated on that basis. Is this a sufficient representation of wood? She is concerned about setting the Board up for problems later. She asked if they could approve the replacement windows in the front, defer consideration of the sides, or approve replacement of the sides to in the future. Would this get rid of the violation and allow the applicant to come back at a later date and ask for a reconsideration with a full application with supporting material on why the vinyl windows on the side are appropriate.

Mr. Penney said they did intend to ask that the five windows on the front end the violation. The reasoning is that the original block faces front and the windows on the side are not visible from the walkway. He respects the historic district guidelines, but feels that this is a reasonable request.

Mr. Meyer said they could defer and go out to take a look.

Mary Harper said the windows were replaced in 2005 by two owners prior. The back peak was added around the same time. Prior to that there were some elderly occupants who deferred maintenance and the person, even though they did not get BAR approval, saved a historic house. Mr. Meyer said they did not disagree, they are just concerned that the guidelines are being followed closely enough so that future projects aren't liable to a precedent being set.

Mr. Meyer then suggested deferral to allow staff to come up with a motion that would avoid setting any precedent. Ms. Minchew still expressed concern that leaving the vinyl windows would be construed as a move by the BAR to approve such material. She supports approving the front, but deferring the rest of the windows. Mr. Meyer asked the applicant if a deferral for a month would have any negative impact on him. He responded that it would not.

Mr. Sisley moved to defer BAR case TLHP-2011-0060 to allow further study of the property and the crafting of a motion that best addresses the circumstance.

Ms. Minchew asked if there was a caveat that we could not come up with a motion that reflects that, we have another option. It was determined that this was addressed through the verbiage "to allow further study".

Mr. Koochagian seconded the motion, and it passed unanimously 6-0-1 (Kiley absent).

**c. THLP-2011-0061, (H-1 Overlay District), Applicant: George B. Reynolds III, Project: 16 S. King Street; replacement of the siding on the south side of the addition.**

Annie McDonald proceeded with the report on this application. Because of traffic patterns in the alleyway beside this building, on occasion damage is done. She pointed out the oldest part of the building, along with additions made to it. she said she was unclear as to what was intended to change, and she therefore has requested clarification. Currently it is in violation because it has been wrapped in Tyvek for some period of time. Her recommendation is approval with the modification that the cement fiberboard be smooth. The reveal will be between 4 and 7 inches to be consistent with traditional siding installation in the Old and Historic district. The applicant will clarify for staff whether or not the west elevation will also be reclad.

Mr. Sisley asked if smooth fiberboard was acceptable to the applicant? Ms. McDonald said she did not hear from the applicant on that.

Mr. Koochagian asked what they planned on doing to keep cars from hitting the fiberboard? Ms. McDonald said the solution would be to install bollards, but that would require action by the adjacent property owner, which is not guaranteed.

Ms. Coffing said she would not ask for clarification, she would state the condition that the proposed siding would wrap on the west side. Ms. McDonald stated that was not what was submitted and the Board would be reacting to something that was not proposed. As proposed, the siding on the south elevation is what was submitted.

Mr. Meyer asked if the applicant was willing to move forward at this time. Ms. McDonald responded that if the corrective action is not taken, then the violation continues. This is a visible violation and is one that many people in the community are aware of.

Teresa Minchew moved to approve BAR case TLHP-2011-0061 based on the findings that the building is an historic contributing resource that evolved over time and include the frame section that has been determined to not be a character defining feature of the property, and because the frame section is not considered to be character defining, the use of an alternative material may be appropriate if it conveys an appearance that is consistent with traditional materials used in the Old and Historic District; and the applicant requests approval to side the south elevation of the framed section in grained cement fiberboard siding; and the design guidelines state on page 110 "cement fiberboard siding should be smooth because grained siding typically does not convey a truly appropriate character"; and the application was unclear on the final reveal of the siding once installed and whether or not the siding on the west elevation of the framed section is also proposed to be replaced. I move to approve TLHP 2011-0061 with the following modifications and conditions: The cement fiberboard siding will be smooth, the reveal will be between 4 and 7 inches to be consistent with traditional siding installation in the old and historic district, the applicant will clarify for staff whether or not the west elevation of the frame section will also be reclad with the new siding. Mr. Sisley seconded the motion, and it passed unanimously 5-0-2 (Kiley and Reimers absent).

### **Administrative Agenda**

- a. **Guidelines Discussion, addition of dormers on existing structures.** Annie McDonald said at the last meeting on September 19, there was a request for dormers on the façade of 16 Liberty St., SW. In planning for this project they were advised not to apply dormers to the front, and following that, Mr. Meyer asked if the guidelines were explicit in the statement that dormers not be added to the façade of an existing building. She said that yes, they are. They specifically refer in the inappropriate treatment section "do not add dormers or other openings to the primary elevation of existing \_\_\_\_\_, and the rationale for that is the façade of the building has the greatest impact on the

public right of way and has the greatest impact on the way the building reads. The addition of dormers has the ability to convey a sense that the building was always like that. It is a false sense of history. Another reason is you would not add an addition to the front of the building and a dormer is a form of an addition.

Chairman Meyer asked if this couldn't stand on its own merit and let it be decided on a case by case basis. There could be a section added onto the main block which would also have an effect on how the front elevation is read. We should consider amending this rather than saying it can't ever be done. Review it on a case by case basis.

Teresa Minchew added there was a lot of time spent on discussing this during the revision process and there were good reasons for making this clear.

Jim Sisley said he is pondering whether or not a dormer actually alters the character of an historic building. He has seen cases where they have been removed and the request is to reinstall them., The addition of a dormer has always been below the uppermost portion of the primary façade so it fits in with guidelines about how to add to a structure. It has function.

Mr. Meyer said in certain cases that is the only place you can do an addition. There was some further discussion on dormers and Ms. McDonald cautioned that if the Board decides to change the guidelines, they need to determine what on an original historic façade is important to maintain. If addition of a dormer is appropriate, is removal of a dormer appropriate? Is there any relationship between the addition of the dormer or the blocking of a window on a façade? Mr. Meyer said he would like to be able to look at this on a case by case basis. Ms. McDonald asked what criteria would be used to evaluate this? Mr. Meyer said this would be a judgment call. Ms. McDonald said one reason there were revisions was it increased predictability and established, in writing long standing policy. If you go case by case, you remove predictability.

Richard Koochagian believes that dormers are significant in the elevation of a structure and if they decide to alter the guidelines, a lot of research should be put into it.

Tracy Coffing thinks dormers are character defining features and thinks that adding or removing them truly impacts a building's appearance. She would support consideration of the addition of dormers if the case can be made that they did exist at one time, or if there are other dormers that already exist on the building.

Mary Harper agreed with Ms. Coffing and feels if they were originally there, then there is no reason they couldn't be put back on.

Teresa Minchew said if they consider this then they need to address porches, enlarging openings, closing openings, removing fascia, trim boards, etc. It becomes a holistic thing.

Mr. Sisley said it is done in some jurisdictions if it does not alter the perceived character from the street and is in keeping with the original structure. That would preclude the addition of a dormer.

Mr. Meyer asked the Board to think about this for a month. He would like the input from Messrs. Kiley and Reimers, and continue the discussion next month. He also suggested they look at other things in the Guidelines that might need some tweaking.

- b. Annie McDonald said she provided the board with a list of administrative approvals. These include signs, changes in color scheme and fences. There were no questions on any of these.

**ADJOURNMENT:** The meeting adjourned at 8:15 pm

**NEXT REGULAR BUSINESS MEETING:**  
Monday, 21, 2011 at 7pm  
25 West Market Street  
Leesburg, Virginia

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Dieter Meyer, Chair

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Linda DeFranco, Acting BAR Clerk

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