

LEESBURG BOARD OF ARCHITECTURAL REVIEW
BUSINESS MEETING MINUTES

Monday, 22 February 2012
Town Hall, 25 West Market Street
Council Chamber

MEMBERS PRESENT: Richard Koochagian, Chairman; Jim Sisley, Vice Chairman; Dieter Meyer; Teresa Minchew; Tracy Coffing; Paul Reimers; Edward Kiley; Marty Martinez, Town Council Representative

MEMBERS ABSENT: Mary Harper, Planning Commission Representative

STAFF: Christopher Murphy, Zoning Administrator; Wade Burkholder, Deputy Zoning Administrator; Barbara Notar, Deputy Town Attorney

Call to Order and Roll Call

Mr. Koochagian called the meeting to order at 7:00pm, noted attendance and determined that a quorum was present.

Mr. Sisley moved to adopt the agenda. The motion was seconded by Mr. Reimers and it passed unanimously (7-0)

Approval of Minutes

Mr. Koochagian asked if there were any changes to the January 18 meeting minutes, Mr. Meyer requested the word "reverse" be inserted preceding the term Board and Batten. He also requested the word "unanimously" be deleted prior to the 4-1 vote. Mr. Meyer moved to adopt the minutes of 18 January 2012 as corrected. Ms. Minchew seconded the motion, and it passed unanimously 6-0-1 (Sisley abstain).

BAR Member Disclosure

There were no disclosures other than Mr. Meyer recused himself from TLHP 2012-0005, 19 N. King Street since he is the architect on the project. Mr. Reimers also recused himself from this case.

Petitioners

None

Consent Agenda

No cases were recommended for the consent agenda.

Discussion Agenda

TLHP-2012-0004 – 108 Cornwall Street, NE, Mr. Lester Moxley, Masonic Lodge. This is a circa 1930's building. They are requesting better accessibility to the building via a lift and adding an ADA accessible walkway to a door that will be added on the side of the building. The wheelchair lift is in compliance with ADA specifications and can be removed if the use of the building changes. The eastern entrance will see the replacement of the shed like entrance with an entrance that will match the front door. There will be a ramp leading to this doorway which will also provide accessibility to the basement level. In order to accomplish this upgrade, the lodge

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will have to encroach on the property adjacent to it which is owned by Loudoun County. To date the easements have not been finalized.

The Staff recommendation is based on the facts that:

- The addition of the new front door and portable ADA lift appears to meet the design guidelines for accessibility provided in section f. of the site and design guidelines in the OHD guidelines; and
- The addition of the side lower entrance with new door, removal of shed type entrance, ADA ramp into building, lead walk and ramp onto the Loudoun County (Semones) parking lot do not appear to meet the design guidelines and creates an unsafe condition; and
- The applicant does not have legal documentation to permit a connection to the County owned parking lot.
- Any plant materials removed as a result of this project shall be replaced with the same number and a type meeting the requirements of the zoning ordinance, elsewhere on the property.

Clint Good, owner's representative and Lodge member came forward to address the Board. He provided his background information and stated their intent is to provide ADA access to the building. He stated that it would be impractical and costly to install the lift on the inside of the building because of its size. They are seeking architectural approval of this project

Ms. Minchew asked for more detail on the historic nature of the building. Mr. Good said they are repeating the elements of the building. The shed entrance is in disrepair and they are proposing removal leaving only the overhang. She asked if they should give approval to something if the adjacent property owner is on warning that they don't approve. Mr. Murphy said he thought they could act on it this evening, knowing if they don't get the easement, they can't build the side entrance, and knowing if the design changes, they must come back for a re-review in front of the BAR.

Mr. Kiley asked if they had pursued making application with the easement. Mr. Good said they decided they would start with the BAR approval for the architecture. .

Mr. Meyer asked if there was a retaining wall at the end of the ramp and what the material of that would be. Mr. Good replied stucco. Mr. Meyer asked about the wood brace that was shown in the drawing and Mr. Good explained how it was to work.

Ms. Coffing said the email from John Hillis of the County said that discharge of handicapped citizens onto county property without proper physical and legal safeguards is not acceptable. Have you considered running the ramp to Cornwall Street where you would not set up a potentially hazardous condition. Mr. Good said they had not yet approached the County at all and said they need to enter into discussion with them.

Mr. Martinez said he is concerned about the courthouse expansion in the future. Mr. Fred Bishop, trustee of the lodge said there was discussion about putting a multistory parking garage on that lot. They have always held off on their updates pending the county decision. Mr. Martinez said he just wanted everyone to be aware of future impacts.

Richard Pezzullo, Director of Department of General Services for Loudoun County came forward to share the County's concerns. While the county is in favor of handicapped facilities, he has

concern over the safety of the encroachment which would require a formal process through the Board of Supervisors before staff could allow this and come up with the technical requirements.

Mr. Koochagian asked about a fascia board under the roof material. In the drawing it shows exposed rafter. Which is the plan?. Mr. Good said they would like to match the eave in the fascia.

Discussion

Ms. Minchew continued her concern about approving when they have been put on notice that the property owner who would have to give consent is not in favor of it. She is therefore encouraging the applicant to consider a different approach. Maybe if the walkway is pulled the other direction. She does not share staff opinion that there is no issue with their plan. She has no problem with the removal of the shed and the retention of the shed roof.

Mr. Reimers said he share Ms. Minchew's concern. Until they have the county blessing in hand he is not inclined to approve what is out there. He is in support of the lift, but not of the placement of the ramp.

Mr. Sisley also shares this opinion saying he could not approve the changes to the east side façade, but is in support of the lift.

Mr. Meyer said he fails to see where this is an issue for us. We are being asked if this meets the design guidelines, how this connects to the adjoining property and how that can work is their problem.

Mr. Sisley stressed again that his concern is a possible encumbrance to the County's property. Without clarification of this he cannot support this portion of the proposal.

Ms. Notar stated that was fine but your purview is the structure. They would definitely have to get a permit from the County to continue. You could condition the approval on County approval.

Ms. Coffing said she could support this architecturally, if a motion is crafted to approve what was submitted, it must be worded carefully to indicate that this is contingent upon review and approval from the County.

Mr. Good thought this was the first step. They have to go to the County for building permits and will have to submit drawings.

Ms. Minchew said she is OK to go ahead with a motion.

Mr. Koochagian said while he agreed with the modification of the ramp, he is concerned that the BAR would approve something when the property owner has not been part of the process.

Mr. Koochagian asked if they had investigated use of screening for the lift? Mr. Good said they really can't find any way to screen this.

Based on the facts that it is the BAR's understanding that the building is an historic contributing resource in the Old and Historic District, it is the BAR's understanding that the shed type entrance feature on the east side of the building is a later addition to the building and is not a character defining feature of the building; that the proposed lift is removable and all changes as proposed at this entrance would be reversible; that permissions to extend the proposed walkway to the adjacent lot are not in place, Teresa Minchew moved to approve Case No. TLHP 2012-0004 with the following clarification:

No work shall begin without all appropriate approvals from the adjacent landowner, and any change to the plan will return to the BAR for approval.

Mr. Meyer added there will be a fascia that will cover the rafter, tails that are currently exposed; that there will be two wood braces that will support the roof, one on each side; and that the existing foundation wall that will remain at the end of the ramp will be faced in a stucco material that will match that on the existing building. Ms. Minchew accepted the friendly amendments to the motion. The motion was seconded by Tracy Coffing. The motion passed 7-0.

Mr. Meyer recused himself at this point.

TLHP 2012-0005, 19 N. King Street, Fianna Investments, LLC. An application to install a new stairway and door, reducing a chimney height and adding storm windows on attic windows. Christopher Murphy went over the proposed stairway entrance, the windows and the chimney. A 1998 architectural survey indicates that the chimney is on the ell which is the original building on the lot built in accordance with the Minor land covenant. Staff recommendation is as follows: Based on the facts that:

- The early-nineteenth-century building is a contributing resource in the Old and Historic District;
- The addition of the metal stairs is not in keeping with the Federal style but may be mitigated by the absence of view from the public right-of-way;
- The lowering of the chimney may not be in keeping with the Federal style and period, but may also be mitigated by the absence of view from the public right-of-way;
- The addition of the 4 wood storm windows on the four attic windows is in keeping with similar approvals; and,
- The removal of the previously approved rear (west) elevation addition and side (north) elevation canopy over the existing door have no effect since these additions have not been built.

Mr. Koochagian asked if the applicant was present. Lynne Guy of W. A. Brown & Associates, architects for the project, came forward to make a few points. She said the point of the stairway was to make it look like it was from this time era so not to confuse the structure and being historical. She also pointed out that the corner is not visible to the public. The height of the chimney needs to be reduced based on the interior build out. The interior part is being moved so the height cannot remain. They would have to reinforce it with steel to be able to maintain the height. She mentioned that they would like to get approval this evening so that they can move forward with the zoning permit.

Questions

Ms. Coffing referred to the stair detail and asked why the wall to the rail was different than the railing that is on the outside of the stairs in terms of style. Ms. Guy said it was based on construction. It is the difference between the top of the guard rail and the handrail that is required under the building code.

Mr. Sisley asked about the transom on the north side and asked if it was going to stay. It will remain.

Mr. Kiley asked if they were going to remove all of the existing chimney brick and then build it back up. Ms. Guy said they would take it down and then rebuild it with the existing brick. Mr. Kiley asked why they needed to redo the chimney. Since this is not a character defining feature, the amount of skill to keep the chimney would not be worth it. In order to fix the chimney at its current height, they would have to use brick that did not match.

Ms. Minchew asked for a clarification on the storm windows and asked if it was going to be a one light window or a divided sash window? Ms. Guy said it was divided so that the storm matches up with the regular window. Removal of the window in the back will require removal of brick and

a new jack arch, correct? Yes. Ms. Minchew asked if there would be any problem with cutting into the historical part of the building when this occurs. The response was there is none anticipated. Lastly Ms. Minchew asked if the applicant was really undoing another application. Mr. Murphy said there are elements in the new application that are being retained from the old application. He said it made sense to leave it as is.

There were no members of the public that addressed the Board regarding this application, and the public hearing was closed at this time.

Discussion

Tracy Coffing said the chimney and proposed metal stairs are not visible from any right of way, so she has no problem with any of the improvements.

Jim Sisley mentioned that the chimney definitely needed some work since on bad days it "rained" masonry debris. He feels the structural integrity will be improved with the addition of the door at the rear of the building.

Ms. Minchew agreed with the comments and feels she would support the application. She has no problem with the stairs and their location.

Motion:

Based on the facts that the nineteenth century building is a contributing resource in the Old and Historic District, and the proposed metal stairs are not readily visible from a public right of way and that the chimney is apparently in very poor condition and structurally unsound and by lowering that chimney it is not readily visible from a public right of way and the addition of the four wood storm windows on the four attic windows is in keeping with similar approvals, and the removal of previously approved rear or west elevation addition and side or north elevation canopy over the existing door have no affect since these additions have not been built, Tracy Coffing moved to approve TLHP 2012-0005 as submitted.

Teresa Minchew added that on the approval of the storm windows based on meeting the current guidelines as opposed to referencing approved storm windows. The motion was seconded by Jim Sisley. The motion carried 5-0-2 (Meyer and Reimers recused)

ADMINISTRATIVE AGENDA

- a. Dieter Meyer volunteered to be the JARB representative again. On a vote of 7-0, Mr. Meyer was selected as the JARB committee representative.
- b. Paul Vanzandt's correspondence. Chris Murphy said he identified some areas in the NW quadrant of town that seem to be in a state of incomplete repair. He feels that there should be limitations on how long routine maintenance should go on. This correspondence is based on the correspondence sent to him from the Zoning Administrator saying the only statutory requirements we have are limitations on permit validity to start work. Once the work has started, there is no limitation on how long it needs to take. In cases of demolition by neglect where the risk of deterioration by wind, water, vandalism or other sources. You have the authority to request that repairs are made to the building. In the case of the properties noted by Mr. Vanzandt there is no need for any action on our part. The work that needs to be done is not detrimental to the structure at this time.

Mr. Meyer says every now and again this does happen, and the issue is the town does not have the power to do anything more. How would the town get additional jurisdictions. Ms. Notar said there is nothing in the State Code. As long as there is no danger, you won't get far. Virginia has strong property rights. Mr. Meyer said there is the counter

argument that you have the right not to have blighted property next to you. There was some further discussion on the blight and what happens if a project is never completed.

Information Items

The Toyota appeal has come down to whether the entrance feature is a sign. The Zoning Administrator determined that it was. It is illuminated panels with the Toyota logo on it. As a result this delayed their appeal. A sign of that nature would not be approved. Mr. Meyer asked if it would still go to the Council as an appeal? Mr. Murphy said it would. Would this go to the BZA? Mr. Burkholder said there was also an appeal on the materials they were going to use.

The Preservation Planner search netted 65 applications that were sent to the department. Of the 65 it was narrowed down to 8 for telephone interviews. Now there are 6 scheduled for second interviews. We hope to have two or three come in for the next round and ideally will complete this by month's end. There was some more brief discussion on the interviewing process.

ADJOURNMENT: The meeting adjourned at 8:12 pm

NEXT REGULAR BUSINESS MEETING:

Monday, March 19, 2012
25 West Market Street
Leesburg, Virginia

Richard Koochagian, Chairman

Christopher Murphy, Zoning Administrator