

COMMISSION OF ARCHITECTURAL REVIEW

JULY 22, 2021

Members Present

Robert Stowe
Susan Stilwell
Jackson Weller
Robert Weir

Members Absent

Robin Crews

Staff

Doug Plachcinski
Lisa Jones
Ryan Dodson

Ms. Crews called the meeting to order at 3:30 p.m.

ITEMS FOR PUBLIC HEARING

- 1. Certificate of Appropriateness Request 2021-225, to install a side yard privacy fence at 936 Main Street.*

Mr. Weir opened the Public Hearing.

Present to speak on behalf of this request was Amy Whitehouse, owner of 936 Main Street. Ms. Whitehouse stated, I have a very difficult neighbor by the name of Tim Norton, and he has harassed me since I have lived there for nine years. I got a restraining order thankfully from Judge Stilwell and I tried to get another one the other day, but I was not successful. What he did, he waited until I went away to Greensboro and I came home he had chopped down some trees that I had planted seven years ago as a privacy hedge because he had a habit of coming out and walking all around my windows which are on the first floor there. I decided the way to keep his interests at bay was to plant these trees. I bought about two thousand dollars' worth of trees and they were immature at the time but when Mr. Norton took his chainsaw to them, they were like eight years old or nine. They had grown and it would be expensive to replace them according to this man here who gave me a letter because of the way they were cut. These are the trees lying on the curb when I came home, and they were planted two feet from the property line. He had to get over with his chainsaw and cut them totally off, and he trespassed on my property to do this to begin with. When I applied, I asked you for a wooden fence and I was so excited when I asked but I don't think that would be in keeping with the property. I don't think it would look right and I don't think it would be anything that would add to the property and I don't think it would look right. So, what I would like to do if I could get the permission to within my property line and I had a picture of it, but I forgot to bring it. It is a white brick wall, and it is eight feet high, and this is going to cost about ten thousand dollars to keep this guy out. It will be eight feet high and seventy-four feet long, make it first those blocks and then covered it with those bricks and whitewash them, so it would be in keeping them with the status of the house. I looked around at home depot and those places and the wooden fences that run along

they don't look right. They wouldn't be attractive and not only that it would not add to the value of the property. I thought maybe I better find out what the rules were considering that is an old house.

Mr. Fred Meder stated we have had problems with Tim Norton in the past and he has built decks in the past without permits and they city does not have the courage to go after him. They have no documentation of before or after and even though I lived on the street and saw it happen, the city continues to fund this man. This lady is going to need all the help that she can get.

Ms. Ann Williams stated I want to ask Amy will your wall extend all the way to the end of your property or to the end of your house?

Ms. Whitehouse stated I would extend along the side of the property and back to that cement divider there which is seventy-four feet.

Ms. Williams stated it would end at the sidewalk?

Ms. Whitehouse stated it would start at the sidewalk in the front; that is the whole idea. We would start at the sidewalk along at the front by the gate. I don't want it to be wide, just eight feet high and then I will put some plants or something on top of it.

Ms. Williams stated in general I approve of the guidelines that we already have but I have complete sympathy with Amy over Mr. Norton.

Mr. Plachcinski stated if I could point out that Ms. Whitehouse is amending her request. The front yard fence, so the portion of any privacy fence in front of the house, can only be four feet tall.

Mr. Weir closed the Public Hearing.

Mr. Weir stated we need some guidance on this?

Mr. Plachcinski stated the standard says fencing should not exceed thirty to forty-eight inches in front yards and six feet inside and rear yards and additional two feet of open work may be added to the top of the six-foot wood fence.

Mr. Weir stated we are talking about an eight-foot brick fence.

Mr. Plachcinski stated right.

Mr. Stowe stated the limitation would be six feet.

Mr. Plachcinski stated apparently, I would say that the commission may have latitude to add the ability to allow open work on top of the six feet of brick but that should not go over fifty percent of capacity. We are going on the facts in this case and this item. Just

because the commission may have approved something in some other location does not obligate them to approve the request here. I am very sympathetic to Ms. Whitehouse issues, but she has not provided any sort of exhibit other than a verbal description of what she wants to do.

Ms. Whitehouse stated I have some pictures that I took of a fence that I saw when I was out driving in North Carolina. It is about this wide, but it has little white bricks and then you paint it all white and then it will be the same trim as my house. It looks kind of like an old country place like.

Mr. Plachcinski stated I think it may be prudent to consider tabling or adjourning at this time until you are able to line up the contractor or bring an example of what you would like to do.

Ms. Whitehouse stated I guess that is a possibility. I have to find somebody that builds brick walls, but I don't know anybody right now. I just wanted to do something to keep this man out of my hair. What are you suggesting?

Ms. Stilwell stated are you talking on the driveway?

Ms. Whitehouse stated no not the driveway that is next to Mr. Liepe's house. I don't have a driveway. I have two feet and four inches. I have my deed and I looked it up. I planted the trees two feet inside and I was going to go right outside the tree line with the wall.

Ms. Stilwell stated I think it would be helpful if you would bring us something then we would be able to approve. We don't want to approve something, especially something as permanent as a brick wall and then it is in violation and you are forced to take it down.

Ms. Whitehouse stated I don't want to do that. I'm trying to do this in a way that will minimize any misunderstandings or any additional economic involvement here, but it is going to be expensive enough the way that it is. If I put a wooden fence of some kind, it wouldn't look right and it wouldn't be in keeping with the houses along the avenue there.

Ms. Stilwell made a motion to postpone this request until Ms. Whitehouse brings a picture or other exhibit of what she is trying to do. Mr. Stowe seconded the motion. The motion was approved by a 4-0 vote.

2. Certificate of Appropriateness Request 2021-244, to install roof-mounted solar panels at 918 Green Street.

Mr. Weir opened the Public Hearing.

Present to speak on behalf of this request was Fred Meder, owner of 918 Green Street. Mr. Meder stated we would like to fix up our house and keep it going for another fifty years and that's the plan. The only way to do that is to continue to push the technology. Are there any questions?

Ms. Stilwell stated where are they going to be mounted?

Mr. Meder stated it's shown in the packet and it's on the roof.

Ms. Stilwell stated with what façade?

Mr. Weir stated it is going to be all over.

Mr. Meder stated here is a picture of my house from the middle of the street. You can't see the roof unless you are turning the corner of Holbrook.

Mr. Weir stated it is awful hard to see that roof.

Ms. Stilwell stated I'm sorry I saw this and had forgotten and it's one of the loveliest backyards that I have ever seen.

Mr. Paul Liepe stated I don't think Mr. Meder's statement is correct in his mention that you cannot see the road if you are standing directly in front of this house. However, from most of Holbrook through Sutherlin Avenue a portion of the roof that he is proposing to mount panels is quite visible. I have a sketch of that, and it shows that area. On the basis that from the driving distance or at least perhaps about three hundred feet, one section of the panels that Mr. Meder is proposing is quite visible and perhaps not from directly in front of the house but certainly from a large area of the Historic District. On that basis I would oppose that part of his installation and applaud him from the balance of the installation.

Mr. Meder stated to be clear that is eight panels on the front section and my wife, and I requested that they not be put up, but the plan came in since we use so much electricity that we needed more panels. I'm hoping in the future that things will change. I am fine eliminating those eight panels if I can get that in writing and this gets back to Titan, so they know what the plan is. This has already been approved by Danville Utilities.

Mr. Weir stated would these eight panels in the front here, did you say that you were not going to put them on?

Mr. Meder stated no, it's what you will decide but I'm comfortable either way. It would be about eight thousand dollars less.

Ms. Stilwell stated may I ask Mr. Leipe a question? You can see the front panels from Sutherlin?

Mr. Liepe stated yes from Sutherlin and almost from Holbrook and perhaps one lot in from Holbrook Street you can see that portion of the road.

Mr. Meder stated yes and like I stated when you turn the corner of Holbrook to Green my house is front center and yes you can see that one quarter panel up there without a doubt. I'm comfortable eliminating that.

Mr. Lawrence Meder stated I am here to support my brother but more importantly I am here to support Danville and the Old West End, America, our planet, and the

environment. No, don't approve this plan minus eight solar panels from the roof, even though he has said that he could do without them. Approve it all and I'm sorry Mr. Liepe I work with him and I'm friends with him. I'm sorry if you can see it from the street but I can see the American flag from the street in front of everybody's house. I can see the cell towers, power lines from the Old West End, refrigerators that they throw out on the streets, dishwashes, washers, and everything else that goes out on the street. I can see big trees with groundhogs in them and okay now we are going to see solar panels. Unless we switch our energy consumption to something that is going to help our planet, we are not going to have a planet. Our grandkids are not going to have a place to breath. This needs to be approved. Three years ago, I came before this board and I asked and begged you to please make guidelines for solar, because it was coming to the Old West End. I was told that you are not a board that makes rulings like that, but somebody here could have kicked up somewhere. The Danville officials that sit up on my right could have taken the issue and worked it. I'm telling you that they need to take this issue and they need to work it and it is coming to Danville. I know the utility commission is a little bit slow on embracing residents in Danville who bring solar. I mean if they were just charging, we would see it on our electric bill: put solar on your house, and we will give you two thousand dollars or something. I have not seen that in my flyer. I will tell you this, that I have read your guidelines from cover-to-cover multiple times and whenever I am with a new resident town, I say well have you read the guidelines yet. What I think that you need to understand is that these solar panels are not a permanent fixture on top of the house. Any hurricane could take them off. It is not altering the house and you might get tired of solar and maybe want a windmill, I don't know that could change to. They can just come off and it's just like the American flag; you put it on a holder and then take it off when you don't want it up there. They are fully removeable and you know he is not replacing wood windows with vinyl, and he's not taking down a flat board and putting up plastic siding. I mean he is doing something that is only going to help his energy, our energy, and it is going to take down some of the grid consumption during peak hours. The electric commission and Danville Utilities were up to about twenty five percent renewable energy rate right now. We are not where we need to be. We need to push it another fifty percent especially if we want a planet. I would say approve this fully don't let him escape with eight thousand dollars less. Let's put all the panels up there because this is not the only house that is going to get solar. Please write the rule into the book so we don't have to keep asking that we want to put solar on these buildings, because it is coming. I told you three years ago well now it is here.

Mr. Liepe stated as I'm sure you are aware, you have two applications of a similar nature, but both have sections of solar panel visible from the street. While Mr. Plachcinski argues that approving things does not set a precedent, I think in this case it would. If you approve two houses with solar panels facing the street how do you turn down others. I think that would expose the commission to numerous appeals to City Council and I don't think that should be where you want to go. Further, while I support the goal, I think there are other ways to accomplish the same thing including utility scale solar. This is not the only way to power your house with solar because you are already powering your house with solar based on the wires coming in from the street at least

from a certain extent. I'm concerned about what this will do to the look of the Historic District setting a precedent of this nature.

Mr. Lawrence Meder stated I would just like to rebut Mr. Liepe's statement. In fact, yes, if you approve these two houses you might set a precedent. We did hear of the eight-foot concrete fence that was approved in the Old West End that didn't set a precedent for this. Let's develop the rules and get them into our guidelines as an addendum.

Mr. Weir closed the Public Hearing.

Ms. Stilwell stated I am a strong advocate for solar panels. I have them on my building, but the city utilities changed the wattage and made them nonfunctional and now they are finally functional again. They don't give me any credit. None whatsoever. But I'm going to keep trying until I get it right. I spent thirty thousand dollars on my solar panels. It is a shame that our guidelines have not even attempted to deal with this issue as it is coming. It is here.

Mr. Weir stated the federal government passed the law that we couldn't argue over satellite dishes and now we have them scattered all over the place. This is a whole lot better and more important to me than a satellite dish. It would seem like it would not be to the standard, so we want to go through the two-step process.

Mr. Stowe stated there is another argument and I agree Susan the goal is admirable. It is the question of the eight panels that go on the front. Does that adversely affect the neighborhood and other people buying homes and if you buy a home in that neighborhood do you think that is detrimental that you are looking at a home with solar on top?

Mr. Meder stated I understand that this is a closed meeting, but I can speak to there being no set guidelines for homes purchasing solar panels or reselling the house with the panels. It is such a new thing that the solar people are trying to figure this out. How do you sell your home when you have panels on them if you don't own them because everybody's now buying panels on time through a third-party lender? It makes it difficult. The only information that we could find was the State of Virginia have passed HOA rules that they cannot deny the panels. They can ask them to put them around the corner, but you can put them on your property regardless because that is State Law. There are a lot of problems with this and obviously I'm bringing it to you being the first one here to resolve these problems. I was a commission member for fourteen years and I was the first one that brought concrete hardy board here and got the roof coatings and all those things because we are trying to preserve the buildings for the next fifty years. My goal is I want someone to live in these homes. I live next to abandoned homes, many, many abandoned homes, and people drive up and say oh nobody lives next door to you. It looks like a cemetery. You can smell the rotting wood when you walk by these homes.

Mr. Plachcinski stated according to the National Park Service it sounds like their determination of historic impact is low profile solar collectors where flush mounted on the slope roof, though visible, these few panels have relatively little impact on the historic character of the property. However, if the roof had been a more prominent feature of the property this installation may not have been appropriate. I think that is

really the measuring stick: how prominent is the roof featured for this property and does the installation of the flush mount solar panels alter the historic character of the overall property and not just does it change the appearance of the roof. I think that is a question and applying that standard to this and the next application may yield a different conversation.

Mr. Stowe stated I think those are some good points of why we don't set precedents with the decision because it is a case-by-case basis. If we decide that something is right it doesn't mean that it is right for the next property. In this case because guidelines are vague or don't address this at all, we will have to use the two-step process with the second step being does this adversely affect the neighborhood not just that specific property. Are we affecting the neighborhood by allowing this on a house, is the question.

Ms. Stilwell stated I think it has a positive effect.

Mr. Weller stated I don't think it is an argument of whether that solar power is a good power. I think that we are all in agreement I think it is exactly what Mr. Stowe said of this particular property.

Mr. Stowe stated it is specifically these eight panels here being visible from a public right away.

Ms. Stilwell stated are you ready for a motion?

Mr. Stowe stated I guess I'm asking are we all in agreement.

Ms. Stilwell stated we are going to go around and vote and find out.

Mr. Stowe made a motion to approve the Request 2020-244 without the eight panels on this section of the roof. There was not a second, so the motion failed.

Mr. Weller made a motion that Request 2020-244 does not meet the guidelines. Mr. Stowe second the motion. The motion was approved by a 4-0 vote.

Mr. Weller made a motion to approve the Request 2020-244 as requested with all panels on the grounds that it does not have any adverse effect on the neighborhood and with the understanding that it is case by case determination.

Ms. Stilwell seconded the motion. The motion was approved by a 4-0 vote.

Ms. Stilwell stated I would like to ask Doug can we get somebody involved in helping us deal with this issue as it will return?

Mr. Plachcinski stated yes.

Mr. Lawrence Meder stated just to let you know how fast it is coming there is a vacant lot in the Old West End and somebody may be coming for permission to put solar panels on the vacant lot, and you will be able to drive by and see them and wave at them.

3. Certificate of Appropriateness Request 2021-245, to install roof-mounted solar panels at 154 Chestnut Street.

Mr. Weir opened the Public Hearing.

Present to speak on behalf of this request was Fred Meder, owner of 154 Chestnut Street. Mr. Meder stated unlike the last home where I am putting the panels, I want to put all the panels on this roof. It does not impact the vista. I have a picture of the vista from across the street from the sidewalk.

Mr. Weir stated where are the panels going on here?

Mr. Meder stated down this side and the back, and you might could see two. That's stationary. You know the cars on Chestnut drive about forty-five miles per hour. They don't see anything. The goal is to put people in this home for the next fifty years.

Ms. Stilwell stated does it have two units or one?

Mr. Meder stated this was a duplex with 1700 square feet and it has two little main rooms that need to be a little bigger. I'm having a very difficult time getting the floor plan correct and Rick Morris Architects forgot the washer, dryer, water heater and pantry.

Mr. Paul Liepe stated I will repeat my previously objection about the solar panels being visible from the street. In this case the panels will be visible from about two hundred-and-fifty-foot-long section off Chestnut Street. While there are a few cars that go forty-five miles per hour, there are also many people that walk along that street who might find the industrial look of solar panels objectionable.

Mr. Meder stated I just want to point out that you must be in the exact right spot here. It's not my house. You turn the right corner, and it is there.

Mr. Weir closed the Public Hearing.

Ms. Stilwell made a motion that the Request 2021-250 does not meet the guidelines as submitted. Mr. Weller seconded the motion. The motion was approved by a 4-0 vote.

Ms. Stilwell made a motion that this item does not have any adverse effect on the neighborhood and to approve request 2021-250. Mr. Weller seconded the motion. The motion was approved by a 4-0 vote.

4. Certificate of Appropriateness Request 2021-250, to install a paved driveway at 842 Main Street.

Mr. Weir opened the Public Hearing.

Present to speak on behalf of this request was Mary Kent, owner of 842 Main Street. Ms. Kent stated our driveway, I think maybe when it was the red cross, was gravel and that gravel is gone and now it's just dirt. We have really done a lot of work on our house and it is impossible to keep that driveway looking nice and that is very important to us. All our neighbors have concrete and we just want to keep up with our neighbors. We just want to put a cement driveway in.

Ms. Stilwell stated you are better to use cement because that is better than black top.

Ms. Kent stated what do you got for me?

Mr. Weir closed the Public Hearing.

Mr. Weller made a motion to approve Request 2020-250 as submitted. Mr. Stowe seconded the motion. The motion was approved by a 4-0 vote.

5. *Certificate of Appropriateness Request 2021-253, to remove a magnolia tree and surrounding retaining walls at 1002 Main Street.*

Mr. Weir opened the Public Hearing.

Present to speak on behalf of this request was Jane Willis who stated, I am representing the Wednesday Club as President. Our board of Governors is requesting a certificate of appropriateness to remove a large magnolia tree that is in front of our building and then to remove the retaining wall that is around it. The wall has been repaired several times and if you look at the photos that were inside of your packet you can see where the last photo shows the cracks. In the top photo of the last page there is a crack on the left-hand side of the wall you can see where different brick has been used to repair that corner of the wall and that part of the wall now leans in towards the buildings. The roots are pushing out and there are also cracks along this side of the wall where the roots are pushing that out. Then the bottom photo you can see a metal plate that has been put up to hold the wall in place. The grain across the top it all unaligned, crooked and there are large cracks in this portion of the wall. There are roots on top of the ground. We have cracks in the sidewalks, some moisture in our board room and we think maybe there are roots underneath the building. We are requesting permission to take the wall down, take the tree down, level the land and plant grass seed. We want to retain the granite and retain enough bricks to build a sign in the future. We don't have the funds right now to do that nor do I have board approval to build a sign. There is some granite across the front of the property which is in the picture above and I don't know but are they called corner stones? Does anybody know?

Ms. Stilwell stated that is what I would call them.

Ms. Willis stated we believe that might be the original property line. This property was purchased in 1923 and if you go back and look at pictures it looks like there was originally granite all the way across the front. This is all that is left what is across the front of the property. Then there is the granite that is going up the sidewalk which probably came from the property. We would like to use this in the landscaping but until this tree comes down and this land is level. I don't know if you can get sixteen women to agree where that granite needs to go. We would like at least permission to if you won't let us move this granite from the front, we would at least get permission to decide on what to do with the granite on the side of the wall where to locate that. We don't want to detract from our building, and we would like for our beautiful building to be enhanced with green grass and plants just to make it look better, because our cracks in the wall just don't look good at all. We would greatly appreciate it if you would grant, I request.

Mr. Weller stated that tree is going to be gone?

Ms. Willis stated that tree is going to be gone, the roots gone, and everything will be leveled.

Mr. Weller stated I love it and my in-laws live next door and it really beats my view down the road.

Mr. Fred Meder stated my profession all my adult life has been landscape gardening. I moved here in 1988 on Sutherlin Avenue and this tree and wall has been broken since then. I don't understand what is going on. It has been there my adult life which has been since 1988 and it was the same way as it is today. I would like to point out that magnolia is quite essential southern, and I am from the north.

Mr. Paul Liepe stated I don't wish to comment on the tree, and I don't really care to comment on the retaining wall. I'd like to point out that the granite that is now next to the curb was at the original 1002 Main Street address that the Wednesday club bought in 1920 and it was demolished in 1970 for their present club house. I'm delighted to hear that they would like to make some productive use of that granite curbing and I wonder if a decision on removing that ought to be postponed until they come forward with a planned proposal.

Ms. Stilwell stated do they have a plan of what to do with that granite curbing? We can't give you carte blanche without knowing what you are going to do.

Ms. Willis stated no, I don't have a plan. We are more than willing to leave what is at the front in place and just reset it because it is crooked it and it needs to be reset. The granite that is running up the side of the wall and no we have not even discussed it and it can certainly be dropped down into the trench that is going to be there when that wall comes out because that is our property line. If we chose to move it at a further date, we would certainly come back and request permission to move it. We would just like to have the land leveled and a nice green lawn there until we can approve something else.

Ms. Stilwell stated you can come back every month.

Ms. Willis stated I know.

Mr. Weir closed the Public Hearing.

Ms. Stilwell made a motion that a Certificate of Appropriateness be granted for 2021-253 at 1002 Main Street as submitted. Mr. Weller second the motion. The motion was approved by a 4-0 vote.

APPROVAL OF THE MINTUES

Ms. Stilwell made a motion to approve the July 7, 2021 minutes. The motion was approved by a unanimous vote.

OTHER BUSINESS

With no further business, the meeting adjourned at 4:20 p.m.

Approved