

# COMMISSION OF ARCHITECTURAL REVIEW

MAY 28, 2015

## **Members Present**

Michael Nicholas  
Sarah Latham  
Robert Weir  
Robin Crews  
Susan Stilwell  
Jeffrey Bond  
Sean Davis

## **Members Absent**

## **Staff**

Renee Burton  
Clarke Whitfield  
Shanta Hairston

Chairman Nicholas called the meeting to order at 3:30 p.m.

## **ITEMS FOR PUBLIC HEARING**

1. *Request for a Certificate of Appropriateness to complete the following at 249 West Main Street:*
  - *Rebuild upper rear deck with aluminum handrails, steps and decorative fluted columns*
  - *Add aluminum handrails to the lower rear deck*
  - *Construct 9' x 11'6" aluminum white pergola in the rear yard*
  - *Install dark brown wood shutters on the front of the home to mimic the design of those at 349 West Main Street*
  - *Install a new bronze powder coated gate between 249 and 247 West Main Street that is 5' in height*

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Mr. Lewis Dumont from 249 West Main Street.

Mr. Dumont provided samples of the materials used for the pergola.

Mr. Dumont stated we actually came in front of the Board twenty years ago to get our deck built. At the time we had a two by four railing put up and treated and all. The Board really questioned the appropriateness at that time. They set it at the back of the house and all. They went and had it approved. Since then- I think a lot of you know our house at 249 West Main Street- we've done everything to make the house historically appropriate. We've taken down new lights and put up appropriate pieces and refinished the house and stripped everything to where it's totally historically Victorian of nature. It's actually featured on your website as a Victorian example. So after we finished all this, Mary thought the deck was totally inappropriate. In all honesty she is correct. So what we want to do is number one replace all the two by four treated wood which is not appropriate at all with appropriate material that is used in historic homes throughout the

U.S. So that's what we want to put up. Number two the columns that are holding up the upper deck were four by four posts. So what we want to do instead of that, we want to use a structurally sound material. That's what it looks like with all the fluted lines. It's got a nice base going with it. This was something that really looks like a nice looking column and also it goes with the front of the household. It goes with the round columns so that's what we want to do to hold out that deck. The gate that was there before was a chain link fence gate and we're actually using the same color as the trim of the house and we were going to put that gate where the original one is. It's really on the side of the house between our garage and the stairway going over to the Callahan house. It's really there just to keep the dog in, but at the same time while we're doing this we said it didn't make any sense to have a chain link fence there so let's put up an appropriate looking gate that actually has little spheres at the top. I think that's also in your packet. So we're real pleased with how that looked and I think you've seen the full effect on how the handrails would all look. It's a gorgeous looking handrail to be honest with you. Lastly while we're at this, we said well since we've got the deck there already we want to go with a pergola. So basically the pergola is another nine foot and six foot to the end so it'll give it a nice historic look. I don't know if you have copies of what the actual will look like. This is really all high end stuff out of Arkansas. Oh and lastly Mary mentioned during the summer after we saw the shutters walking the dog on 349 West Main, Mary said we've always thought about shutters but we never saw any that would be appropriate. When we saw the ones on 349, we said those look gorgeous. To my understanding they were made by one of the guys who used to work at Danville Lumber Company and the whole thing looked very appropriate. I don't know if there are any questions.

Mrs. Stilwell stated I have some questions. How much of this has already been done? Is the railing around both decks?

Mr. Dumont stated no. We went to two contractors to get bids, we asked a question and they said we did not need permission since I was replacing what was already there and not building anything.

Mr. Nicholas stated for the future on that, it's if you replace like with like. So if you take off the material and put the exact same material and the exact same color on, you don't need approval.

Mr. Dumont stated I'm learning and two we felt that we were taking something hideous down. I remember twenty years ago when we were in front of the CAR I said I might be able to do something more appropriate and they said that wouldn't be a problem. So I submitted the two by four treated design and to be honest with you my wife has never liked it for twenty years. Finally here we are.

Mrs. Stilwell stated I have a few more comments I would like to make if I may. So you want to go with the aluminum handrails and steps. Have you ordered the shutters?

Mr. Dumont stated no we hadn't done anything on the shutters to be honest with you. We think that'll probably be late fall.

Mrs. Stilwell asked how about the pergola?

Mr. Dumont stated no we have not.

Mrs. Stilwell stated so you haven't spent any money yet.

Mr. Dumont stated on those two that is correct.

Mrs. Stilwell asked but you have ordered the handrails and they are on the upper deck?

Mr. Dumont stated and the ones that are for the lower deck are underneath on site.

Mrs. Latham asked the columns that you said were four by fours holding up the upper deck, have you already put the aluminum fluted back? Because this picture looks like they are more substantial columns.

Mr. Dumont stated they are these columns in place.

Mrs. Latham stated ok so you've already wrapped them.

Mr. Dumont stated that's when we got the letter to stop from you guys.

Mrs. Latham asked and this piece of handrail right here?

Mr. Dumont stated that's when he was installing the bottom rails and that's when the City Inspector said cease and desist. He called me and asked me and I said you better stop.

Mrs. Latham stated alright I see on this drawing here I am looking at, we've got the upper deck and the upper deck does not extend across the entire back of the house.

Mr. Dumont stated those are the original stairs going down.

Mr. Davis asked you're adding the stairs from the first deck to the second deck?

Mr. Dumont stated well from the first deck to the second deck there were already wooden stairs there. So for the stairs that were falling apart, we came in with aluminum.

Mrs. Latham asked and those are not pictured here? I don't see the stairs.

Mr. Dumont stated the reason you don't is because that is on the other side.

Mrs. Latham stated now you also say that the pergola is supposed to be in the rear yard, but from this it looks like you're actually building it atop this garage structure.

Mr. Dumont asked did I say that? Yeah it's coming off the second deck. I don't see where I might have made that statement. Maybe it was implied that it was in the rear of the house instead of the front.

Mrs. Latham stated it does say here in the rear yard but it's built on top of the garage structure correct?

Mr. Bond stated it does not say rear yard, I think it's just inferring that it's in the rear of the house.

Mr. Nicholas asked what size shutters do you plan to have?

Mr. Dumont stated it's the height of the window then when you close the two shutters together they fit.

Mr. Nicholas asked size appropriate to the window>

Mrs. Latham asked are these planned to be operable or are these fixed shutters?

Mr. Dumont stated well operable in the standpoint that they would have hinges so they would be operable. I would want to make sure they did actually close correct.

Mr. Nicholas asked any other questions for the applicant before we open it further? Does anyone else wish to speak in favor of this application? Does anyone wish to speak in opposition.

Mr. Nicholas closed the Public Hearing.

Mr. Nicholas asked any questions for staff? Before we start discussion we should have a motion on the floor. There are five different requests, I suggest if there are any that you feel do meet the guidelines then group those together and put them in a single motion. If there are those you feel do not meet the guidelines, then let's deal with those separately.

**Mr. Bond made a motion to approve the requests in bullet points four and five as submitted because they do meet the guidelines. Mr. Weir seconded the motion.**

Mr. Nicholas asked is there any discussion on this?

Mrs. Stilwell stated I feel the shutters are inappropriate. I lived next door to that house for twenty years. I was familiar with that house in the 60's when I worked at the hospital. The Montague house has never had shutters on it and I just feel that it's not appropriate

to add that to a house when it's never existed there before. That would be about since 1964.

Mr. Nicholas stated the question before us is do the proposed shutters meet the guidelines. Point taken for the record.

Mrs. Latham stated I would like to make a statement. I agree with Susan. Historically speaking, the shutters are not appropriate. This is a vote to approve because it does meet the guidelines, but I do take issue with the shutters. They do meet the guidelines I just don't think they're appropriate.

Mr. Nicholas stated call the roll.

**The motion to approve the requests in bullets four and five as submitted was approved by a 6-1 vote.**

Mr. Nicholas stated now on items one, two, and three do we have any motion on those? Again only on the question of do they meet the guidelines.

**Mrs. Latham made a motion that the requests in bullets one, two, and three do not meet the guidelines. Mrs. Stilwell seconded the motion. The motion was approved by a 7-0 vote.**

Mr. Nicholas stated those do not meet the guidelines. Now the second question is do the proposals have an adverse effect on the aesthetics of the property. We can deal with those as a group or if the Commission wishes to vote on each one individually, whatever is your pleasure.

**Mrs. Crews made a motion to vote on bullets one, two, and three as a group because of no adverse effect on the property or detriment to the district. Mr. Bond seconded the motion.**

Mr. Nicholas asked is there discussion?

Mr. Weir stated we've never approved aluminum in the historical district except in the case of fencing. The shielding around the four by four, I don't really have too much of a problem with that. It's the aluminum handrails that bother me.

Mrs. Stilwell stated I'm kind of on the other side that when I built a deck two doors down, I had iron railings made because I knew of the maintenance issue. I don't have a problem with the handrails or the steps, but I do have a problem with the fluting, sheeting, and columns and the pergola on the yard. It looks out of character. I have a serious problem with the white aluminum.

Mrs. Latham stated I have an issue with the placement of the pergola on top of the garage structure. If it were free standing in the yard, that is a typical kind of structure that is behind a number of the Victorians in the OWE or used to be there, but I find it jarring to be placed here. I understand the convenience factor for the family being able to go out and enjoy that. It just doesn't seem to be a good placement and I think that is such an important structure historically.

Mr. Weir asked just out of curiosity what's different about putting it on the garage or in the yard? I mean, I don't see the difference.

Mrs. Stilwell asked a garage isn't an appropriate location for a pergola. At least that's my position.

**Mr. Bond withdrew his second to consider bullets one, two, and three as a group due to adverse effects on the aesthetics of the structure or district. Mrs. Crews withdrew her motion to consider bullets one, two, and three as a group due to adverse effects on the aesthetics of the structure or district.**

**Mrs. Stilwell made a motion to approve the aluminum handrails and steps in bullet number one, but not the fluted columns. Mrs. Crews seconded the motion.**

Mr. Weir asked are the aluminum steps covering something or is it total aluminum? Are you just putting a cover over the step?

Mr. Dumont stated no.

Mr. Weir asked is it the same gauge that you showed us here?

Mr. Dumont stated yes it is.

Mrs. Stilwell stated the treads on aluminum and the handrails are aluminum. Are there any risers on the steps or is it just treads?

Mr. Dumont stated there are two sets of stairs. The stairs that go down on the Callahan side that go down from the driveway to the first deck are on the existing risers that were there. These aluminum treads were just put on top. The risers from the first deck to the second deck are aluminum as some of the examples that you saw in the packet.

Mrs. Latham asked did you consult with anybody on these designs or this a design that the two of you came up with? Have you had any discussion on how you might accomplish what you want in a way that is pleasing before you and for the house?

Mr. Dumont stated it's not like we're changing anything. The deck has already been there and was approved 20 years ago. So we took out the two by four handrails and put in aluminum.

Mrs. Latham stated you're requesting the pergola and to add new things so I'm just wondering if the overall design is something you've had any discussions to try to both serve your purpose and might also be more fit with the history and the architecture. Actually we had gone on websites with historical houses and a lot used the exact same materials and designs. To be honest with you, I'm caught a little off guard. We weren't anticipating what we're hearing. To answer your question, yeah we spent a lot of time on the internet and talking to the aluminum building supplier of all these materials and their gallery of designs and completed projects all fit in. We said well that looks awesome so we thought it would be an enhancement. I guess the other thing going one step further like the shutter discussion, I'm the one that painted that house and stripped that house. Every one of the windows has a cutout where there were shutters there earlier.

Mrs. Latham asked on the front of the house?

Mr. Dumont stated all the way around. Every window has a cutout and someone had put in an eighth of an inch by the width of the wood and put it in there. In some cases it fell out and I put in a replacement so you couldn't tell.

Mr. Nicholas stated and that request has been approved.

Mrs. Latham stated I'm looking at the picture of the pergola of course it's a freestanding one and not one that's attached to the deck.

Mr. Nicholas stated the aluminum handrails and the steps. That's what we're on. Any other discussion on that question? That's the motion.

**The motion to approve the aluminum handrails and steps in bullet number one, but not the decorative flutes was approved by a 7-0 vote.**

**Mrs. Crews made a motion to approve the fluted columns in bullet number one because of no adverse effect on the property or district. Mr. Weir seconded the motion.**

Mr. Nicholas asked any discussion on that motion?

Mr. Davis stated I have a question. You had stated that there are several historical homes that have this, is this material recognized by the National Historic Trust or are there major landmarks that use this company?

Mr. Dumont stated I don't know the answer to that. I mean when we saw the designs, we saw the houses, and they looked appropriate number one and awesome number two. We had four by fours that were twisted and it's on the last part of the house that wasn't done correctly.

**The motion to approve the fluted columns in bullet number one was approved by a 6-1 vote.**

**Mr. Weir made a motion to approve bullet number two to add aluminum hand rails to the lower rear deck because of no adverse effect on the property or district. Mrs. Crews seconded the motion.**

Mr. Nicholas asked is there any discussion on the motion?

Mrs. Latham stated I guess I'm just kind of confused on the lower deck and exactly where that is. Why am I not seeing this?

Mr. Davis stated this is going to be extended over so it's going to wrap on the outside of the pergola.

Mrs. Latham asked are you proposing that the handrail go all the way across the side and the back of the lower deck?

Mr. Dumont stated well yes because Code calls for you to have handrails all around the deck.

Mrs. Stilwell asked the pergola is going to sit on top of the deck?

Mr. Dumont stated the first deck coming on out, it will attach to the upper deck. I think I have it in here.

Mrs. Stilwell asked it's going to be on the lower deck?

Mrs. Latham stated yes it's going to be built right off of the two fluted columns.

Mrs. Stilwell stated which are holding up the upper deck.

Mr. Nicholas asked further discussion on the aluminum handrails to the lower rear deck?

**The motion to approve bullet number two to add aluminum handrails to the lower rear deck was approved by a 6-1 vote.**

**Mrs. Stilwell made a motion to deny the request in bullet number three for an aluminum white pergola in the rear yard because it has an adverse effect on the property or district. Mrs. Latham seconded the motion. The motion was approved by a 6-1 vote.**

2. *Request for a Certificate of Appropriateness to complete the following at 944 Main Street:*
  - *Enclose rear porch with French doors and vinyl siding*



- *Rebuild a removed rear deck*

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Mr. Tim Norton from 944 Main Street.

Mr. Norton stated this porch has been enclosed for awhile. During the winter we had a leak around the middle door on the back of the house so we removed the vinyl siding off to make sure it would make it through a couple of storms with no leaks. During the time that the vinyl siding was off, Walter Lucas came by and said it looks like you're making an addition to the home. So we showed him the vinyl siding, it was seven years old and had been on the house. He still said we need to get a Certificate of Appropriateness. If you look at the pictures every neighbor that we have on the entire street have got their back porch enclosed.

Mr. Nicholas asked anything else? Do you want to say anything about building or removing the rear deck?

Mr. Norton stated yeah the deck was just rotted. We're just putting back the exact same. If you look on the City plat you can see that the deck has been there 40 years, so we're just replacing it with same like and kind. The only thing that may be a little different is we've got a couple pictures here of different spindles. The spindles that were on it were so thin and the deck's off the ground. We wanted to put thicker spindles.

Mr. Nicholas asked are they of the same design?

Mr. Norton stated they were just square spindles so we're just putting back square spindles.

Mr. Nicholas stated if you are replacing what was there with the exact same thing, then you actually don't need our approval for it.

Mr. Norton stated right. I think we would like to make something a little more thicker, heavy duty. Renee had come over and we're just going with her guidance. It's better to be safe than sorry. We're just putting back the same deck other than the spindles.

Mrs. Burton stated the deck is not an immediate replacement so it cannot be like or in kind. It's been removed for a good while.

Mr. Norton stated about three years.

Mr. Nicholas asked does any of the Commission have any questions for the applicant?

Mrs. Latham stated since I don't recall the deck, I would appreciate having some kind of sense of it. Is the deck coming off this enclosed porch?

Mr. Norton asked can you see on the right hand side that little hole in the brick? That's as far as it comes out.

Mrs. Latham stated so it comes off of here.

Mr. Norton stated right and it goes all the way to under that window right there. So you cannot see the deck from the street. That's just a rectangular deck.

Mrs. Latham asked is this for both enclosed decks or just the lower enclosed deck?

Mrs. Burton stated the lower. The upper was approved I think years ago. This project has been completed for some time as Mr. Norton stated, but due to the fact that the vinyl was removed and a building permit is now needed to replace it there is an additional process that needs to be taken care of to get a building permit. When we went through that process it was discovered there was never official approval for the enclosures or for the vinyl.

Mrs. Latham stated I was going to say this addition in this style and the vinyl approved for the second floor?

Mr. Norton stated all of that was already there. That top part has actually been on the house since the 60's.

Mrs. Stilwell stated I had that house for sale before you bought it and I don't have any photographs, but that upper enclosure had no windows in it. It was a closet; it was never a porch. It had originally been a porch.

Mr. Norton stated it's not a porch now.

Mrs. Stilwell stated I know, but it had originally been a closet.

Mr. Norton stated I don't know if we're discussing that but if we need to, we can.

Mr. Nicholas stated hold on, let me ask this. When did you purchase the property?

Mr. Norton stated in 2000. 15 years ago.

Mr. Nicholas stated I'm hoping you can see this, but this is the picture I've got. When you purchased the property in 2000, this upper part that we're talking about is that what it looked like?

Mr. Norton stated it did not look exactly like that.

Mr. Nicholas asked what's different?

Mr. Norton stated we added windows on the back side, but we got approval for all of that.

Mr. Nicholas asked and they got approval for that?

Mrs. Burton stated they did come before the Commission in 2002 for that.

Mr. Nicholas asked were they approved?

Mrs. Burton stated it just says to make a conservatory. All it states is that it was for a conservatory. That's all the information I have because I don't have detailed verbatim minutes back at that time.

Mr. Nicholas stated I understand. I'm just asking was his request approved?

Mr. Whitfield stated I think that's a yes.

Mrs. Latham asked so it had no information on whether to install any windows or anything else, just a conservatory?

Mrs. Burton stated I'm afraid not. You can say we've improved our procedures since that time.

Mr. Nicholas asked the vinyl that you took off, was the vinyl on there in 2000 when you bought it?

Mr. Norton stated no.

Mr. Nicholas asked when was that put on?

Mr. Norton stated in 2009, 2008, or 2010- somewhere in there.

Mr. Nicholas asked did he get the Commission's approval?

Mrs. Burton stated no.

Mr. Nicholas stated but it's been on there since 2008-2009. Are you seeking to put back the same type of vinyl, same color and everything?

Mr. Norton stated we just want to pick it up off the ground and put it back on the house. It's just stacked on the ground right now. That black stuff that you see is just new weather proof ice guard to stop all the leaks.

Mrs. Latham asked in 2008-2009 when this vinyl siding went up, you say there was no approval but was there a request made and approval for the enclosure itself or was none of that brought to us?

Mrs. Burton stated I do not have a record of anything being brought to you at that time.

Mrs. Latham asked so you made this enclosure in 2008-2009?

Mr. Norton stated we're in disagreement about that. We did a deck enclosure and we did not get a CAR approval but we didn't know we needed one back then. We're learning.

Mr. Nicholas asked any other questions for the applicant at this time?

Mr. Nicholas asked any other questions at this point for the applicant? Is there anyone who wishes to speak in favor of this application? Hearing none is there anyone who wants to speak in opposition to this application?

Present regarding the request was Colonel Lawrence Meader, Retired.

Colonel Meader, Ret. stated I have been working in the Old West End on historic homes. I'm just wondering can the back of the property be seen from the back of the road behind the property?

Mrs. Stilwell stated public right of way.

Mrs. Burton stated yes.

Mr. Norton stated during the summertime it cannot; during the wintertime it can be.

Mrs. Latham stated actually you can, I drove by the other day and you can see it.

Colonel Meader, Ret. stated I would just advise whatever the Commission decides, you are setting precedence. The second question I would have is vinyl siding historic? I'm going through pains to either replicate the siding for the houses I'm restoring or go find like material stripped off, sand down and paint it to put back on the house. We're not talking about \$100,000 houses, we're talking about one of the gems that lies on Main Street. My third question is it sounds like there's going to be a deck. What was the building material for the deck, what was used prior, and what materials should be used on the deck? Should it be brick? These questions I leave with the Commission and the property owner.

Mr. Nicholas asked anybody else wish to speak in favor or opposition?

Mr. Norton stated I would like to ask a question. Let me remind you guys the four houses- all next door neighbors- every one of them has got vinyl siding on the back of their house. Some have ten foot glass doors.

Mrs. Stilwell stated I would like to look at the pictures again.

Mr. Norton provided pictures of neighboring houses from the rearview.

Mr. Norton stated it seems like there is no pattern against any house. It just seems like the rear of the home is decorated towards whatever features the homeowner was decorating it towards. If it was done in the 70's then it was done in the 70's style. If it was done in the 90's, it was done in the 90's style.

Mr. Nicholas stated refresh my memory again these pictures are which houses?

Mr. Norton stated all of my next door neighbors.

Mr. Nicholas asked same street?

Mr. Norton stated same street.

Mrs. Stilwell stated I can identify this house is Bill Haynsworth house and that was an addition that was done prior to CAR's existence. I think it was done about 1970. I'm trying to figure out which these other two houses are. This is 936 Main correct? To the north of you.

Mr. Norton stated that's 936.

Mrs. Stilwell stated that's what I thought, where Amy lives. I remember that house also and it did not have vinyl siding on it. I don't know when the vinyl siding came but it did not have it on it. I'm trying to figure out what house that is.

Mr. Norton stated it's a couple houses down.

Mrs. Stilwell stated it's not your house Mr. Liepe. Pass that down to Mr. Liepe, I can't tell.

Mr. Nicholas asked sir do you wish to address the Commission?

Present in favor of the request was Mr. Paul Liepe.

Mr. Liepe stated yes I do. This is Mr. Wilson's house. When I was before the Commission here in March, I was advised because it would be visible from Grove Street I was advised that I would have to use another material. I'm here to inform you that if you approve vinyl for Mr. Norton, I would like to reduce my cost by doing the same thing.

Mr. Nicholas asked would anyone else like to speak?

Present in regards to the request was Mr. Steve Wilson.

Mr. Wilson stated I'm happy it looks like vinyl siding but it was milled by Danville Lumber to match.

Mr. Nicholas asked does anyone else wish to speak in favor or opposition of this application?

Mr. Nicholas closed the Public Hearing.

Mr. Whitfield stated Chairman it seems to be that these are two separate properties. One is the property for the French doors and it's a separate property for the fence; and because it is separate, I think it's best to take them separately.

Mrs. Latham stated the depth and the vinyl siding are all on the same property, but it is two properties.

Mr. Nicholas stated there are two bullet points with request number two. The first is does it meet the guidelines. You can treat them separately or together if it's your pleasure, but we need a motion. Bullet point number one, does it meet the guidelines or not?

Mrs. Latham stated I would like to move that we treat the two bullets separately.

Mr. Nicholas stated we don't need a motion to accept that. Bullet point number one let's make a motion.

**Mrs. Latham made a motion that the request to enclose the rear porch with French doors and vinyl siding in bullet number two does not meet the guidelines. Mrs. Stilwell seconded the motion. The motion was approved by a 7-0 vote.**

**Mrs. Stilwell made a motion to deny the request to enclose the rear porch with French doors and vinyl siding in bullet number two because it has an adverse effect on the property or district. Mrs. Latham seconded the motion.**

Mr. Nicholas stated I have something I think we should talk about. There is vinyl on the house. There has been vinyl on the house for seven years. For me personally, we hear there was no approval put back on in '08 or '09. Has there been an enforcement action?

Mrs. Burton stated no.

Mr. Nicholas stated so we've had a situation where property owner has been allowed to have vinyl for the past seven or eight years and is now seeking to replace like with like. I

think that's an issue and an issue that we need to deal with very carefully because if we say he cannot use the vinyl, I don't know that I'm comfortable with that.

Mrs. Stilwell stated I would like to say to that if you go rob a bank and you get away with it and you don't get permission to get the money and you come back nine years later and rob the same bank and you get caught- I mean if you don't pay attention to the rule and Mr. Norton knew these rules were in effect because he has been involved in other architectural elements which laid on the ground and rotted, roof lines have been altered- he is completely aware of the CAR guidelines and he has chosen to ignore them. Due to the lawsuit in which the City was not victorious, he apparently decided that he didn't need to obey the rules.

Mr. Norton stated I don't like that she is speaking for me and saying what I think and do. I don't want that. I don't want her to tell everybody what I'm thinking and what I'm doing. That's not what we're here to talk about. We're here to talk about this one issue not me, not me personally or what happened with the City. Don't discuss how I'm treating my properties or what I am or am not doing. That's not what we're discussing here. That's not what the CAR is set up for. Right now we took off 100 square feet of vinyl that's been up there for eight years, put on some weather guard, and we waited to make sure that the weather did not come back into the home before we put the vinyl back on. We're not trying to get away with anything. That's it.

Mr. Nicholas stated from the procedural standpoint, the only thing that's before us is this request. Either way history is history. On this request at the moment there is a motion and a second on the floor.

Mr. Weir stated leaning towards what you were saying, if we say he cannot replace like with like- or not even like with like but he wants to replace what came off- would that same precedence go to any like with like replacement then? If we say no he can't do that, then why can't we say you can't replace wood with wood? It seems like we're talking out of both sides of our mouths here.

Mrs. Stilwell stated it seems to me that the like that was existing was not legally approved by the laws of the Zoning Code of the City of Danville. It has no rights.

Mr. Nicholas asked do we have any evidence or record of what was there before the vinyl in '08 or '09?

Mrs. Burton stated I do not. What I do have is that it was an open lower level area. The last photos I have, the upper area was already enclosed. The lower level was open with columns. It appeared to be screened maybe at that point. I can't speak specifically on materials, but the doors were not there.

Col. Meader, Ret. stated I can't believe I'm going to say this but for the benefit of the property and for the help of the Board you might want to approve it and say go ahead and put it back on and then ask them to come back in a year or two with a plan on how to meet the guidelines. I don't know, if you say no to the vinyl siding right now then it's going to be weathered for who knows how long. If you allow them to put it back on then you wouldn't have to actually fight this circle that you're in right now. You could actually protect the dwelling.

Mrs. Latham stated I don't know if we have that authority.

Mr. Whitfield stated I think if you approve then you approve and if you deny then you deny.

Mr. Nicholas stated I appreciate the creative suggestion.

Mrs. Latham stated I appreciate your concern that the City failed to cite the enclosure and putting on vinyl siding. With that said I agree with Susan as well. When you have something that was put up in violation, I don't think we have the same standard of putting back like with like that might be the case. For example, when my husband and I did our house it did originally have a tin roof. At some point in the past long before CAR was in existence, it then changed to a shingle roof. We were able to go back then with a shingle roof. In this case, CAR had been in existence for 35 years at the time. No approval was sought. I do not think then that like with like is appropriate.

Mr. Davis stated I have a question. Is there a statute of limitations on how far back?

Mrs. Burton stated not on Zoning.

Mr. Norton stated I don't know who looks at our house more than the City. We didn't put it on illegally. We've talked to the City. They knew we put the enclosure on. It's been there. If we sand the door we get a call and ask did we put on a new door. So there's no way we had on an illegal structure for six years and nobody noticed.

Mrs. Latham stated I'm not saying nobody noticed it, I'm saying he didn't cite it.

Mr. Nicholas asked anyone else for comment or discussion on the motion at this point?

Mr. Bond asked was there a building permit pulled for enclosing the structure in 2008?

Mrs. Burton stated it was not in 2008, it was in 2002. That was the original permit. It did not necessarily include all of the work. Per our conversation we feel there might have been miscommunication. I can't speak to that because I wasn't involved.

Mr. Norton stated the contractors drew plans in 2002 to move that wall out and that's what that was. It was a lot of restoration inside the house. Like Renee was saying, it



was just a continuation from that project and that's why nobody has ever come over and said oh you did this wrong. It's always been a part of that plan we drew up.

Mr. Nicholas stated here is something else I want the Commission to discuss because this is part of why the guidelines were rewritten the way they are. Our concern is aesthetics and part of the reason we were given the flexibility we were given in my opinion is because if a homeowner could use a material that does not meet the guidelines but did not have a detrimental impact on the aesthetic of the property or the district that we wanted to give homeowners the flexibility to perhaps use a prohibited material that could be made to look a certain way that does not have detrimental effect on the historic aesthetic of the district. Does anyone feel that the use of vinyl as requested here have a negative effect on the aesthetic. If I'm looking at it from the public right of way which is the vantage point of our concern and I see that vinyl, does that cause concern and why? We should put our views out there.

Mrs. Stilwell stated vinyl is inappropriate in a local ordinance district. To my knowledge it's never been approved by CAR. I don't know how many years I've been on CAR, but I was reappointed so I've been here more than five- maybe seven or eight years- and the issue of the vinyl on the back of this house has been discussed as other business numerous times in my service to the City. This is not the first time this has come up, but nothing was ever done by the City to enforce the Zoning Code.

Mr. Nicholas stated and if we accept that is true, the question still is aesthetically is there a problem?

Mr. Weir stated if we vote no then this is what you're going to see.

Mr. Nicholas stated correct. This Board cannot compel a homeowner to do anything

Mr. Weir stated this is what we're going to see and that's going to definitely have an adverse effect on the neighborhood.

Mrs. Latham stated I would argue that Maintenance Code require siding put on houses and therefore it could be left unsided for a certain amount of time then Maintenance Code is in effect.

Mrs. Burton stated it does require protective. It does not specify material though.

Mr. Weir stated that could go on for years. We've got houses all over this town where we rent to them and say you're not in compliance and they're still sitting around the way they were. This could stay the same for years.

Mrs. Burton stated that would be up to the homeowner.

Mrs. Latham stated I'd like some clarification. This open, possibly screened back porch on the main floor level was enclosed around 2008 or 2009, but you say there was a building permit pulled in 2002 and that building permit was enforced continuously through 2008 and 2009?

Mrs. Burton stated the permit was closed. I can't tell you specifically what date. When it was closed, it was not noted that this additional enclosure had been completed. So now the work is being done which as Mr. Norton has stated it was removed for a leak- I have nothing to dispute that.

Mrs. Latham asked for the enclosure was there a building permit ever pulled to actually put walls in covered porch?

Mrs. Burton stated as I stated earlier the building permit only concerned the upper level, not the lower level. That's where we discussed we think there was miscommunication. Again I can't speak on it because I wasn't here. I wasn't involved in it. I'm going off speculation and conversations that I've had with those that were here.

Mrs. Latham asked Mr. Norton you're stating it was always your intentions for an enclosure?

Mr. Norton stated the contractors built that into the plan for the restoration home and that was submitted for our building permit. It wasn't wood, it was pink aluminum siding so we just changed it to vinyl.

Mrs. Stilwell stated the pink aluminum siding was added prior to CAR.

Mr. Norton stated so we didn't take off wood and put on vinyl. We just took off aluminum and put up vinyl.

Mrs. Latham asked so this was already part of an addition?

Mr. Norton stated yes and it was already pink aluminum. As Susan said, she's seen it.

Mrs. Stilwell stated but that was before this area was enclosed. This area was an opened porch. It was not enclosed. When I had the house on the market for sale- when Doctor Evans lived there- this was an open porch. From the back of the house to the east of where this is now, there was pink aluminum siding. It was not originally pink, but it had faded to pink.

Mr. Nicholas stated one of the efforts that I'm intentionally making is that everyone gets heard so there are no arguments that the evil Chairman wouldn't let them. So has everyone been heard and does anyone have anything new to say?

Mr. Davis stated I have two questions. Like you said we're in the position of replacing like with like. He's not even replacing the vinyl, he's just adding it back. So in the situation that we're in now, he's fitting inside that quota. My question is though is it the CAR responsibility to enforce this rule or is the City that goes after a homeowner who did something in the past?

Mr. Nicholas stated we're not an enforcement body.

Mr. Whitfield stated you're an approval and advisory body, not an enforcement body.

Mr. Davis stated right. It sounds like we're trying to do both. We are not an enforcement board. Right now the only thing we're looking at is replacing like with like.

Mr. Nicholas stated to bring it to a close, the motion on the table is to deny the request in item two, bullet point one because it does have an adverse effect on the property and the district. A yes vote is to deny the application, a no vote is not to deny the application.

**The motion to deny the request to enclose the rear porch with French doors and vinyl siding in bullet number two because it has an adverse effect on the property or district failed by a 2-5 vote.**

**Mrs. Crews made a motion to approve the request to enclose the rear porch with French doors and vinyl siding in bullet number two because of no adverse effect on the property or the district. Mr. Weir seconded the motion. The motion was approved by a 5-2 vote.**

Mr. Nicholas stated alright item number two, bullet point one has been approved as submitted. Item number two, bullet two is to rebuild a removed rear deck. I have a concern before we entertain a motion. I don't really know what this means. Do we have a picture?

Mrs. Burton stated I do not. Do you have anything you want to show?

Mr. Norton stated no I just brought the spindles.

Mrs. Burton asked have they seen that?

Mr. Norton stated yes. We're just putting the same exact wood deck back on. The only thing we're requesting is the spindles on there. Those 1970's are very thin and small and the back deck is elevated, so we just wanted to put something thicker. It's still wood. We're not putting in any vinyl or anything like that.

Mr. Nicholas asked so the thin ones were wood? The ones you're putting back on are wood and that's the only change that you're making?

Mr. Norton stated yes.

Mrs. Latham asked are there going to be stairs from the deck to the yard and where will they be?

Mr. Norton stated the same place they were before on the side. If you've got the picture under that, you can see where the stairs are right now. They would go right there going down.

Mrs. Latham asked so the stairs will come down from there?

Mr. Norton stated yes and it's hard to explain but they were inside the deck.

Mr. Nicholas asked will it be painted?

Mr. Norton stated yes.

Mr. Nicholas asked same color it was?

Mr. Norton stated we're putting brown back on it.

Mrs. Stilwell asked what about the balusters?

Mr. Norton stated that's what we're talking about. I call them spindles. They would be thicker than the old ones.

Mrs. Stilwell asked will they be painted?

Mr. Norton stated yes.

Mrs. Latham asked it will all be the same color?

Mr. Norton stated it will be.

Mrs. Latham asked is it stain or paint?

Mr. Norton stated it's a paint but they call it a stain.

Mrs. Latham asked round spindles?

Mr. Norton stated they will be square.

Mr. Bond asked do you have a size on those?

Mr. Norton stated it's like 16 feet long and 12 feet wide. It fits inside that. If you look in the ground you can see where the post was chunked out and we're just putting it back there.

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Colonel Lawrence Meader, Retired.

Col. Meader, Ret. stated what was the deck going to be made out of?

Mr. Nicholas stated wood.

Col. Meader, Ret. asked tree lumber or hardy board?

Mr. Norton stated just regular wood.

Mr. Nicholas closed the Public Hearing.

**Mr. Weir made a motion to approve the request to rebuild a removed rear deck in bullet number 2 because it meets the guidelines. Mrs. Crews seconded the motion. The motion was approved by a 7-0 vote.**

3. *Request for a Certificate of Appropriateness to construct a wood landing and staircase from the second floor opening on the detached garage at 1020 Main Street*

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Mr. Tim Norton at 944 Main Street.

Mr. Norton stated we're working with the City right now to restore this garage. The ones that I provided pictures to are the steps at the garage next door. We would like to put the same style steps as the one next door.

Mr. Weir asked you're not doing this one here?

Mrs. Burton stated that's just an example I gave.

Mr. Nicholas stated staff does not object to whether or not this meets the guidelines, so is there anyone who would like to speak in favor or against this application?

Mr. Nicholas closed the Public Hearing.

**Mrs. Stilwell made a motion that the request meets the guidelines and should be approved as submitted. Mrs. Latham seconded the motion. The motion was approved by a 7-0 vote.**

4. *Request for a Certificate of Appropriateness to demolish the structures located at the Five Forks intersection; 254 Jefferson Avenue, 400 Jefferson Street, 806 Pine Street and the façade of 402 Jefferson Street*

Mr. Nicholas opened the Public Hearing.

Present on behalf of the request was Mr. Earl Reynolds, Director of Community Development for the City of Danville.

Mr. Reynolds stated members of the Commission, there is a picture there and I believe Renee has also provided you with a booklet of information titled "Five Forks Assessment". I think the key there are the properties that are not subject to demolition which is 406 Jefferson which is on page 133 of the packet that you have. That particular property is at the corner of Jefferson and Pine.

Mrs. Stillwell stated I didn't understand what you said.

Mr. Nicholas stated the property at 406 Jefferson is not going to be demolished. It's not part of the request.

Mr. Reynolds stated as the Chairman mentioned in the introduction, 402 Jefferson is really just a façade. That building burned many years ago.

Mrs. Stilwell stated no the roof caved in.

Mr. Reynolds stated from my understanding it was the result of a fire, but anyway the City had to go in and clear the debris and so obviously that is already gone and would not be subject to the demolition. From a timeline standpoint, back in mid-2012 we were approached by the owner of that property at the time and quite frankly it was through our Economic Development Department. We actually met with him and went over to inspect the property.

Mrs. Stilwell asked which property?

Mr. Reynolds stated the entire project.

Mrs. Stilwell asked at 254?

Mr. Reynolds stated we went into all of the buildings that currently comply with what we loosely term the Five Forks Corner.

Mrs. Stilwell asked that Mr. Jones owns?

Mr. Reynolds stated that is correct. The properties on both Jefferson Avenue as well as Jefferson Street.

Mr. Nicholas opened the Public Hearing.

Present in favor of the request was Mr. Paul Liepe.

Mr. Liepe stated as much as I love these old buildings and as much as I would like to save as many buildings as we possibly can, this particular group of buildings is finally vexed. So I would move in favor of various plans that have been brought up by the City.

Mr. Nicholas asked anyone else who wishes to speak on this application?

Present on behalf of the request was Colonel Lawrence Meader, Retired.

Col. Meader, Ret. asked is there room for someone who is right down the center? I will tell you I'm not in favor of demolishing any of the historic structures. We can just throw that on the table. However, what concerns me most about taking down this property is what is the plan after it comes down? Everything I read about these houses coming down, I never see the plan on what is the next step. Let me tell you why. I drive through the Historic District every day because I live there and I call Public Works once a week and I ask them to please send somebody to mow this property where they tore down this building or please send somebody back out to lock up the house on the corner of Pine Street and Chestnut because somebody got in there last night. So I went to Council in November and I said I was for preservation. I asked for two things. I asked for the City to designate a new Commission to study what we can do with these houses instead of take them down. Is there a way to save them? And if there is not a way to save the structure, then what is the plan developed for after the structure comes down. I'm here to tell you there is no plan unless homeowners get on the phone with the City and ask them. The grass at 808 Green Street was two and a half feet tall. I've literally been going through when I have an extra trash can picking up the debris that is on that property to make it safe and sit the trashcan down the street at one of the properties that I own. I'm hoping to do more during Make Danville Shine so I don't actually have to go into a landfill. If you approve the demolition of this structure which used to be houses and made into a business, please in your decision make a note. City tell us what the plan is after it's down and who's going to take care of it the lot.

Mr. Nicholas asked City what is the plan for these properties after knocking them down and who's going to take care of them and on what schedule?

Mr. Reynolds stated all of the properties in the OWE that are owned by the Danville Redevelopment Housing Authority are on a maintenance list for Public Works for regular mowing.

Mrs. Stilwell asked have you checked 226 Jefferson Avenue lately?

Mr. Reynolds stated I have no doubt that they aren't behind in the moment. It depends on weather conditions and other issues occurring in the neighborhood. They're not being forgotten.

Mr. Nicholas asked what's the plan for after they come down? I just want to say to the Board I'm not entirely sure that's in our purview because we just need to decide whether or not it meets the guidelines. That being said, because it is a demolition I'm going to ask what's the plan for after the demolition?

Mr. Reynolds stated one of our partners that started this process is Virginia Housing Authority. They in fact put up the money to do the plan for Five Forks commercial buildings. They have a program in place called Mixed Use Income Program of VHDA where they actually provide grants and/or loans to government entities for commercial mixed use projects. So our intent is to seek grants and/or loans to actually construct a building there in that corner from which the remainder of the corner can be brought out.

Mr. Nicholas asked what is the timeline on that?

Mr. Reynolds stated that would probably take at least a year and a half. In the meantime, the property will be seeded and landscaped and maintained by the City.

Mr. Nicholas stated thank you for going down that line of inquiry again. I'm not sure if what happens after something if we have the opportunity to approve or disapprove or even consider. Are there any other questions for the applicant whether or not this request meets the guidelines.

Mrs. Latham stated I would like to follow up for clarification. There is no timeline for when other things will be built. Is this something that the City will pursue or are you looking for private investors?

Mr. Reynolds stated we're looking for private investors and of course as you already know, whatever is built back will have to go before this Board.

Mr. Davis asked with the lien, you're talking about \$300,000 in demolition?

Mr. Nicholas stated whenever the City demolishes the property, they can put a lien on that property to recover the cost of the actual demolition.

Mr. Davis asked so from what I remember when I talked to the City about an empty lot, it said that no one can do anything with that property until someone comes in and contests the lien? Whoever takes over the slot will have to pay it.

Mrs. Burton stated the Housing Authority owns the property and they will pay for the demolition. It's not a lien situation.

Mr. Nicholas stated if these were private properties then yes you are correct.

Mrs. Stilwell stated I have somewhat of a question. At 254 is the part of the building where the two houses were enclosed. I'm very familiar with Five Forks. I know that's a problem. The Housing Authority bought this complex in December 2012 and the roof has been leaking nonstop for three years, so I know why the property is deteriorated. Is there a possibility of saving the building at 260 which is actually the corner building that does not include the two houses that have been enclosed in a commercial building? The reason is that 260 Jefferson Avenue was Hankins' Pharmacy which is historically important for over a century. His wife wrote the story of Danville which was published in New York by the Stratford House in the 50's. She was the person who organized the City's Public Library and they resided there. Architecturally it's terrible right now, but there is brick behind the permastone and it is very important to the history of Five Forks. So is there any way possible that they could be separated that the part that wraps around the two houses could be taken down, but not the corner building.

Mr. Reynolds stated not to my knowledge.

Mr. Davis stated I mean it can be separated.

Col. Meader, Ret. Susan for 260, if you're looking at Jefferson is that to the right or the left?



Mrs. Stilwell stated if you're standing where the old hospital used to be, it is directly at the corner and does not enclose the two houses at Jefferson and Jefferson.

Mr. Nicholas closed the Public Hearing.

**Mrs. Stilwell made a motion to postpone the request to the June meeting due to the late arrival of the packets from the Memorial Day holiday delay. Mrs. Latham seconded the motion. The motion to postpone the request was approved by a 6-1 vote.**

Mrs. Latham stated I would like to make a recommendation from the Commission to the City that the Commission be allowed a site visit and that one reach out to the public for comment.

**Mrs. Latham made a request for Commission to have site visits to the property before the next meeting.**

Mrs. Burton stated I believe that it would be fine for the Commission to look at this property from the public right of way. This property as you can see from what's in front of you is unsafe.

Mr. Nicholas stated before we get into that, let's vote on what we're doing here. The request is that members of the Commission be permitted to visit the sites cited in request number four. Is that your motion? Is there a second to that motion?

**Mrs. Stilwell seconded the motion.**

Mr. Nicholas stated now Mrs. Burton with discussion.

Mrs. Burton stated this property has been deemed as unsafe. I myself would not feel safe going into certain areas of this property. There have been individuals who have had trouble in this property; floors have collapsed under their own weight. I would not recommend anyone go into this property without safety procedures in place and certainly not someone who was not skillfully trained to do so.

Mrs. Latham stated this is just a huge request put before us with no time to consider it. It's deemed good enough that anyone who tears it down could take it and salvage so there must be something in the structure that is salvageable. The pictures provided show us everything that's rotten, but I don't know which pictures are for which building. Are there just small areas of the building that are in really bad shape and unsafe? Bruce says there are large areas in the building that are still in tact and salvageable. We really have virtually no information about the condition inside. Without any of these pictures being captioned, I don't know what I'm looking at here.

**Mrs. Stilwell exited the meeting at 5:08 pm.**

Mr. Davis stated I appreciate grouping everything together so we can tear everything down. I think these really need to be taken case by case because 254 or what would be the corner lot, 260, why is that unsafe? How much is it going to be to separate it? The other two qualms that were behind the façade, I can recognize that being trouble. That

place does have a history. To be able to separate the buildings has been done before. Will we be able to separate these?

Mr. Nicholas asked in terms of approval or site visits? The approval has been delayed in its entirety until June so when that approval comes back before us, you can take each one individually if you wish. The motion before us right now is if the Commission members will be able to do a site visit.

Mr. Whitfield stated two things. One, the City doesn't own this property so the property owner would have to consent to that and that's the Housing Authority. Number two, my suspicion is if you wanted to go inside, the attorney from the Housing Authority is probably not going to allow that until a waiver is signed to say you are risking death going into the house. So you would have to be willing to do that. From my perspective, how do you all want to do this? Because if three or more of you meet at the same time then we need to advertise that as a public meeting so we don't run afoul on the freedom of information. You all could go at the same time; I just want to make sure we do that properly. I think it would probably be more likely that you all would meet as opposed to one of us, but we need to set a time and date so that anyone who wants to show up could show up since you are discussing public business.

Mr. Nicholas stated my thoughts on this simply are- and this is me speaking personally and maybe it's because I'm a lawyer- I'm not willing to sign a waiver that says my wife can't sue on behalf of my sake if I die. I personally don't feel that I need to go into any structures. I am only one of six.

Mrs. Latham stated if all else fails, one might be able to at least open the doors so one can look inside if the other attorney agrees.

**The motion for a request for Commission to have site visits to the properties in the application was approved by a 4-2 vote.**

## **APPROVAL OF THE MINUTES**

**Mrs. Crews made a motion to approve the February 26, 2015 and March 26, 2015 minutes. Mrs. Latham seconded the motion. The motion was approved by a unanimous vote.**

## **OTHER BUSINESS**

Mr. Dumont came forth to discuss the decision to deny his request for a pergola in the rear yard.

Mr. Dumont stated can I get a little clarification? I do understand that I was denied for a pergola. One clarification I do want to know is last year two houses down the Vaughan's were approved for a pergola and theirs can be seen from Stewart Street and ours can be seen from Montague so I'm really confused on the consistency here.

Mr. Davis asked was theirs wood or aluminum?

Mr. Dumont stated wood but they have vinyl corrugated on top.

Mr. Bond stated I think one of the main issues is that it was on top of the deck.

Mr. Dumont stated theirs is on top of the deck. You walk out of theirs like you walk out of ours.

Mrs. Burton stated I don't remember them coming for approval for that.

Mr. Dumont stated I was told that they did.

Mrs. Burton stated I will have to investigate that.

Mr. Nicholas asked about when?

Mr. Dumont stated last year when they were doing this.

Mrs. Burton stated let me look into it.

Mr. Dumont stated at the time, the fact that they can be seen from Stewart Street and we can be seen from Montague is the same.

Mr. Nicholas stated I don't disagree with that.

Mr. Weir asked isn't theirs wood?

Mr. Dumont stated yes theirs is wood but then they've got a vinyl corrugated thing on top of it. So it's like ok we're in the Historic District and you don't approve mine but you approve theirs?

Mr. Nicholas asked Mrs. Burton can you look into that please? The second thing is if we have a like to like comparison and it's inconsistent we need to address that. Do we have the ability to reconsider this request at a later time? Let's say we do some research and find that literally the same structure was approved on another house in the Historic District and majority of the members feel this applicant was not consistently treated, is there a mechanism to bring this before the Board again?

Mrs. Burton stated he would have to reapply and it's one year or substantial change.

Mr. Nicholas asked is it possible to reopen his application today and rescind what we did with the denial? Then it's back before the Commission and we can postpone that request to the June meeting and it would allow staff to get a comparison. Procedurally is that possible to do?

Mr. Whitfield stated I think since we're in the same meeting.

Mr. Nicholas stated since we have a quorum, they can do it.

**Mrs. Latham made a motion to remove and rescind the denial of item number one, bullet three to construct an aluminum white pergola in the rear yard. Mr. Weir seconded the motion. The motion was approved by a 6-0 vote.**

**Mrs. Latham made a motion to move item number one, bullet three to be heard at the July meeting due to Mr. Dumont being out of town in June. Mrs. Crews seconded the motion. The motion was approved by a unanimous vote.**

With no further business the meeting adjourned at 5:22 p.m.

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Approved