

**COMMISSION OF ARCHITECTURAL REVIEW  
MEETING OF JULY 22, 2010**

**Members Present**

Cynthia Castle  
Susan Stilwell  
Jeffrey Carson  
Robin Crews  
Richard Morris  
Fred Meder

**Members Absent**

Luis Abreu

**Staff**

Renee Blair  
Clarke Whitfield  
Christy Taylor  
Emily Scolpini (Intern)

Chairman, Fred Meder, called the meeting to order at 3:35 pm.

Mr. Whitfield distributed copies and read the following statement. "Please remember, while the CAR is not authorized by Statute to dictate the type of materials to be used in the construction, repair, or renovation of buildings or structures in the Historic Preservation Overlay District, the CAR is specifically authorized to judge and approve whether or not the construction, repair, or renovation of a building or structure is being done in a manner that is architecturally compatible with the landmarks, buildings and structures within the Historic Preservation Overlay District."

Mr. Carson asked if the materials cannot be devised in a manner that exactly duplicates the existing materials to be replaced, can we say no?

Mr. Whitfield responded it is up to you to determine if it is done in a manner that is architecturally compatible.

Mr. Morris read from the guidelines "it has to match by design by substituting materials that convey the same visual appearance, size, texture, and composition."

Mr. Carson stated composition is material.

Mr. Whitfield responded it has to be done architecturally compatible with that building and the surrounding buildings in the district.

Mr. Carson asked we have a problem with syntax here. Can you read that again?

Mr. Meder asked where is that coming from?

Mr. Morris stated it's coming out of the first page of what we are doing today. The third one down called wood guidelines. "It has to match by design by substituting materials that convey the same visual appearance, size, texture, and composition." According to what this says you can vinyl side a building if we can't dictate material.

Mr. Whitfield responded it depends on whether or not it changes the architectural compatibility with the district and the building itself.

Mr. Meder asked so a vinyl sided building would not be architecturally compatible to your home on Green?

Mr. Whitfield responded you have to look at, overall, how it will affect that building. There are certain architectural significances attached. There are a lot of factors to consider when determining if something is architecturally compatible.

Mrs. Stilwell stated we get to decide if something is architecturally compatible.

Mr. Whitfield responded exactly. You get to decide if it is architecturally compatible with both that building and the other buildings and structures in the district.

## I. ITEMS FOR PUBLIC HEARING

### **Item 1. *Application PLCAR20100000036* - To cover or replace the wooden eaves around the structure with vinyl.**

Present on behalf of the request was Stony Bolton. Mr. Bolton stated the building is totally brick except for the windows and the eve that goes all the way around the building. It is too high for us to paint. It will not change anything on the building if we put vinyl siding. Vinyl siding will look like wood from the street. It will be the same color that we are putting around the windows. We just want to cover it so we don't have to get up there every year and try to paint it because it is so high.

Mrs. Stilwell stated we don't approve vinyl siding in this commission. We've been opposed to it, and I continue to be opposed to it. It is an income property and you are not in any way economically strapped that you can't maintain an income property. If the painting is done correctly, scraped down to the wood, linseed oil, primer, and good paint, you should not have to paint it every year. It should last five (5) to seven (7) years.

Mr. Morris asked is the wood rotted or anything?

Mr. Bolton responded it is beginning to deteriorate in places.

Mr. Morris stated if it rots, one thing that I think we would approve is cement siding.

Mr. Meder asked are you familiar with Hardi Board?

Mr. Morris stated it's actually a cement substrate. You still have to paint it, but texture wise and material wise we allow that sometimes if it is in the back of a building or on the side of a building. In this particular case, this might be an alternative because we realize that soffits and things do rot out.

Mr. Meder stated Mr. Bolton, the boards that Rick is talking about are actual planks. They come in three-fourth ( $\frac{3}{4}$ ) inch, what they call one (1) inch stock; whatever depth the fascia would be, eight (8) inch or ten (10) inch, you can get them like that. They nail right up and you paint them one time but it's concrete. It saws just like wood, it looks just like wood. It doesn't rot. There is a fifty (50) year transferable warranty on the board as well.

Mr. Morris added they make it specifically for soffits and fascia board, and they actually have the sizes for the soffits. Going back to what Susan said, I own a house that was built in 1800. When I got the house, it was peeling and in terrible shape. I totally stripped the house down, power washed it so there was no residue, primed it with an oil based, painted it, and six (6) years later it is good as new. That would be cheaper for you than vinyl siding and it will last.

Mr. Bolton responded I know what the regulations are about vinyl siding in the District and I understand what you were talking about and agree with you too. Another alternative would suit me fine. I just want to cover it and make it look good for the District. It's a nice little building and I would like to keep it nice.

Mr. Morris asked can this be amended to Hardi Board?

Mr. Whitfield responded you can deny this and if he decides to go with some other material he can come back.

Mr. Carson stated I just want to make sure I clearly understand where this vinyl is supposed to go. This is just the cornice around the top of the building? Can you do that with a cornice, with molded work?

Mrs. Stilwell stated there really isn't any fancy molded work on this building.

Mr. Morris asked can someone from this board help him out with something like that?

Mr. Whitfield responded long as you don't make any money off of it. Another thing that you are is an advisory board. It might be more appropriate though for him to make contact with Renee and then her refer him to the Board.

**Mrs. Stilwell made a motion to deny the applicant's request to replace the wooden eaves and fascia board with vinyl siding. Mr. Carson seconded the motion. The motion was approved by a 5-1 vote. Mrs. Crews opposed.**

**Item 2. *Application PLCAR2010000044* - Lot line adjustment between 810 and 840 Main Street. This adjustment necessitates the need for parking, drive entrance and landscaping adjustments on both properties**

Present on behalf of the request were Dan and Sarah Latham, owners of 840 Main Street. We would like to ask you to table this request indefinitely until we can reach a final agreement with the YMCA.

Mr. Meder stated there is going to be an issue there. How long will this take?

Mrs. Latham responded we don't know. We thought we were close and then suddenly things changed.

Mr. Whitfield stated you can table indefinitely and that is considered an action. It might make sense to withdraw but we don't want to be in a situation where they have to wait a year to come back.

Mrs. Latham responded we are coming at Renee Blair's suggestion because she said that would be action. Action has to be taken; otherwise we couldn't resubmit for a year. We don't know how long it will take. We are continuing to talk with them. Whether or not it will happen in a month though, we can't say for sure.

Mr. Whitfield stated so the proper motion would be to postpone indefinitely.

Mrs. Stilwell stated I want to make sure that the City and the CAR are aware of the deteriorating condition of the last remaining servant's quarters on Millionaire's Row.

Mrs. Latham responded this is probably the third or fourth offer that we've made the YMCA since we moved-in in 2005 and tried to acquire what they are currently using for storage but was originally constructed as a dwelling. In addition we wanted to acquire a little additional property that would allow us a parking area, a driveway, and a buffer area between the commercial and residential property. We have to drive across their property in order to access the alley because they use it as egress only, preventing us from safely using it as an ingress as the deed requires. Meanwhile, in all the years we have lived here the structure has not been maintained in any way and is in violation of numerous maintenance codes. There are large holes in the roof, in the siding, the porch is disintegrating. There is a large board literally just hanging off the porch that has been for months and has not been removed or remediated in any way. My husband frequently removes fallen limbs from the porch and in front of it so that it looks a little bit tidier. There literally has not been anything but a partial paint job done on the building since we moved despite many requests that we have made including the offer to have it painted at our own expense if they would fix it up. The foundation also has large holes and cracks in it.

Mr. Morris asked are you dealing with local people at the Y or some organization somewhere else?

Mrs. Latham responded we have to deal with the Board.

Mr. Meder asked so what is the writing on the wall with the Board at this point?

Mrs. Latham responded we honestly thought we were close and then suddenly the cost required of us zoomed upward. Given that the estimate on the basic repairs on this building is \$7500-\$10,000 plus any additional work that we would need to do if we acquired some of the parking lot to create a buffer and things like that. It got to a point of being an unreasonable request.

**Mrs. Stilwell made a motion to approve the applicant's request to postpone the request indefinitely. Mr. Carson seconded the motion. The motion was approved by a 6-0 vote.**

**Item 3. *Application PLCAR20100000050* – Install new Victorian style federal approved windows.**

Present on behalf of the request were Lance and Joyce Marshall. I'm relatively new to your Danville. I fell in love with Danville two years ago. I'm a new bloodline, I'm a different kind of bloodline and I appreciate what you folks are doing here; however it is time to see things in a new light. President Obama passed something new this year. It covers historic as well as new and old construction. Some things are approved above and beyond at the federal level. That exceeds your local government. 1890 was the year our building was built. They have newer materials. Do you drive around in 1970 vehicles today? I don't think so. There is a reason why you have new technology and new materials. I apologize I was not aware that I needed to come to the board to get permission. Here is the unique thing. You can correct me if I'm wrong but will you please read that sir?

Mr. Whitfield read the building permit that was issued "replace all existing windows with new size windows."

Mr. Marshall asked is that not a permit?

Mr. Whitfield responded it appears to be a building permit.

Mr. Whitfield discussed the building permit with Mr. Marshall, determining that the permit stated that he was allowed to replace the existing windows and no stipulations were given on materials.

Mr. Marshall stated there was a gentleman that previously owned the property since 1980. Nothing was done with this property. It was Section 8 housing, so basically he was collecting. This person also owns multiple places in the city. What I want to know is, for thirty (30) years no one cared, not code enforcement, not plumbing, not electric, no one. They allowed it for thirty (30) years. Now you get someone that does care and is trying to do the best that they can.

Mr. Meder asked can you clarify something? Your intent is to replace the windows. Our Board looks at what you want to do with the outside. You can do whatever you want to the inside. Our Board is federally mandated and approved by the state and our City Council to maintain a certain guideline within the Historical District. With that said, you are asking for permission to replace the windows?

Mr. Marshall displayed the sample window that he brought to share with the Board. We are asking to replace the windows. We are not trying to ruin the integrity.

Mrs. Stilwell asked did you buy the property through a licensed real estate agent?

Mr. Marshall responded yes we did.

Mrs. Stilwell stated your real estate agent should have advised you and it should have been checked on the Multiple Listing Form that the houses in this neighborhood are subject to architectural review. That is a requirement. They could lose their real estate license for not disclosing that to you.

Mrs. Marshall stated we came to Danville, my son loved Danville. When my husband died I needed a change. My son told me how wonderful Danville was and how wonderful the people were. Since I've gotten here, I don't see it. Every step of the way we have battled against the City. We are trying to improve the property while keeping the value of the old look. When I drive around my neighborhood and no it is not on Colquhoun or those neighborhoods, it's actually one (1) block to two (2) blocks in the same area of the Westend Historic District that have vinyl windows. We ran out of time to be able to take these pictures to present to you to show you that this has been done. We are not going to make them look like vinyl windows. When we are done with this property, when we get done with the trim, it will keep with the natural look of how it should look to this community. We aren't even one-fourth (1/4) of the way done with the paint job and we've had ten (10) people come up to us and say how wonderful this property looks because we do care. I am tired of fighting against people; people that I don't know have a degree. I want to know if these people on the Board actually went to college and have a degree for that because I don't know. This really upsets me. Here we are trying to bring this house up to Code and we're constantly fighting the City.

Mr. Meder responded we appreciate your position and many of us have been in the same boat. The City doesn't hold any grudges or take any sides. They don't go after any specific person. If they come down on you it's because they are following specific guidelines. I have hard times too. If I don't do something right they come down on me. It's not directed at you. They are trying to elevate the entire city. We are very aware of the deterioration within our city. We have very old homes and structures and there is a problem. What we are trying to do within the overlay is protect what it looks like. We appreciate what you are trying to do by fixing it up, but there are some ways that you can do things and some ways that you really shouldn't.

Mrs. Marshall stated I can show you other houses in the same district as mine; there are at least 3 homes with vinyl windows.

Mr. Meder responded we are aware of that. The district is only thirty (30) years old. Some of these things were done before and some have been done at night. We try our best to stop it but sometimes we can't.

Mr. Marshall stated you're right. They can do it at night. I am not going behind your back doing it. We did get the permit. It was already granted and now we are coming before you. We are doing it the best way that we can. We are doing it legitimately.

Mrs. Stilwell asked what I want to know is how did they get a building permit?

Mrs. Blair responded the building permit was issued. It was issued without a consultation with the Zoning Department.

Mrs. Stilwell asked is it valid?

Mrs. Blair responded it is a valid building permit. It is in violation of the Zoning Code, but it is a valid building permit.

Mr. Meder asked so these windows are six (6) over six (6) are they not? According to this picture, they are also significantly larger than the original ones.

Mrs. Marshall stated that's not done. The window was stopped, it's not done, nor is the trim on the outside done, nor is the fancy stuff that my boyfriend is going to put up there and make it look so wonderful. You all won't even give us a chance to finish it. We have it half done and you are judging on that.

Mrs. Stilwell responded the windows are not the right size and they are not the correct configuration for a house from this period. In this house, the window sanctions have one large pane over another large pane. They are tall skinny windows. That is what is appropriate for a house of this period. These windows are small sash windows. There was a Reconnaissance Survey done starting in 1971 when Russell Wright came to Danville and surveyed the historic properties in the Old Westend Historic District when it was formed. That's when this commission of citizens was formed. The historical information is that the windows are one (1) over one (1) sash except for the front window and the polygonal bay which has a segmental arch head and decorative leaded glass. These windows don't have real mullions; they have the fake thing between the glass panes. They are totally architecturally inappropriate for this style and period of house. Even if they were wooden windows they are not the right style of window for this house.

Mr. Marshall asked based on what?

Mrs. Stilwell responded based on the Department of Historic Resources in Richmond, the state of Virginia Reconnaissance Survey, and the information that Mr. Wright gathered in 1971.

Mr. Marshall asked are we aware of what the federal government just recently passed.

Mrs. Stilwell responded it has nothing to do with our Board of Architectural Review.

Mr. Carson stated your mother asked whether any of us were actually qualified to be here. I have two degrees, one in architecture and one in architectural history. I served the United States government for thirty years doing this sort of thing. I am here without any remuneration. I'm here for the City, I'm here for you. The windows are for a different style of house. They are for a house

that would be either Federal or Georgian, and this is Victorian. You have not only asked to replace the windows with something that we feel is not appropriate in its configuration; you've completely altered the original window size which materially affects the character and the style of the house. I want to go one step further I'm one of the many people here who restored their homes. It cost me less to restore the existing windows and put on storms than it would have for me to replace the windows with what you are proposing. Please keep that in mind. Obviously I am supporting the Staff in this and their decision.

**Mr. Carson made a motion to deny the applicant's request to install new Victorian style federal approved windows. Mrs. Crews seconded the motion. The motion was approved by a 6-0 vote.**

**Item 4. Application PLCAR20100000052 - Construct concrete and brick handicap ramp in front yard.**

Present on behalf of the request was Richard Morris. We are planning on putting a handicap ramp starting at the existing steps where the front door is and wrap around the building.

Mr. Carson asked did you say that you are going to be using historical brick?

Mr. Morris responded we are trying to find compatible brick from Schoolfield. The mortar will be compatible. We are going to have the mortar tested. You do realize that even if they come up with the right mortar mix, it still may look different from the old building because of the age.

Mr. Meder asked have you tried the Virginia Foundry in Lynchburg that makes the lime mortar? He will match any color.

Mr. Morris responded well, they will match the original ingredients, but when you use it on the new building, it still won't match the old unless we dye it to match the old.

Mr. Meder stated they have a color thing. They will do colors.

Mr. Morris responded they can dye it to match the old mortar but not the original contents. If we match the original color of the mortar as it is now, it will not be the original ingredients because the mortar has aged.

Mr. Meder stated the building has multiple point jobs so I don't think the color will be that big of a problem. If you get a blend of it, you will be in the game.

Mr. Morris responded besides, we are replanting plants in front of that wall anyways. The main point that I was trying to make is the brick will be old; we are going to try to match it as close as possible. The mortar we are trying to do that with the company that you just mentioned. Although ramping and going upward, the ramp will disappear because the wall itself will be level. There is a brick course on the church itself. The wall will be that same height and follow that line all the way around. The only thing that will show that's ramping up will be the rail. We want to put a very simple rail, as simple as possible. We are not going to match the rail of the existing entry way or anything like that.

Mr. Carson asked is the rail going to be iron, bronze, or brass?

Mr. Morris responded it will be iron but just as simple as we can get it.

Mr. Carson asked what kind of a profile will it have? Is it going to be a flat rail or circular?

Mr. Morris responded probably circular.

Mr. Meder asked are you going to leave the plant material behind and put it in front?

Mr. Morris responded it is actually going where the plant material is now. It is going right up against the building.

Mr. Meder asked is that not going to cause problems on the mortar of the original building with the splash from the rain?

Mr. Morris responded the whole ramp will be sloping downward and there will be flashing. Construction wise, it will be fine. Plus there will be new planting in front of the wall similar to the planting that they have now.

Mr. Meder asked so you don't see any problems with that being right against the building with the new concrete which will be very hard against this old brick?

Mr. Morris responded there will be galvanized flashing between it.

Mr. Meder stated maybe we need an expansion joint so you won't be pushing on the building badly. I'm just thinking that there is potential there for a little bit of damage.

Mr. Morris responded we are going to have a construction detail before we start that will be submitted to the City.

Mr. Meder stated I think there is a VDOT approved membrane that you can put in there like caulking. It forms a gasket and I can give you the specs that we have to use on jobs. It is about three-fourths ( $\frac{3}{4}$ ) of an inch and you can put it against the building. It would be a continuous solid, waterproof membrane that would move. You are going to have a four foot wide ramp?

Mr. Morris responded it is going to be four (4) feet wide at the beginning because we are trying to get within the setback requirements, but then will be a little wider around the corner.

Mr. Meder stated when you do too much concrete it will move and push the weakest point, which will be the building.

**Mr. Carson made a motion to approve the applicant's request to install/construct a concrete and brick handicap ramp in the front yard. Mr. Castle seconded the motion. The motion was approved by a 5-0 vote. Mr. Morris abstained.**

## **II. APPROVAL OF MINUTES**

**Mr. Stilwell made a motion to approve the April 22, 2010 minutes. Mrs. Crews seconded the motion. The minutes were approved by a 6-0 vote.**

## **III. OTHER BUSINESS**

Mr. Meder asked is there anything that we can do about taking action against the Realtor?

Mrs. Blair responded that would be a civil matter between the realtor and the purchaser.

Mr. Whitfield stated I'm assuming that another Realtor could make a complaint just like an attorney could make a complaint against another attorney. I believe the question was asked if in fact this was not listed properly as being a property in the historic district, what steps could you take?

Mrs. Stilwell responded it is a material disclosure.

Mrs. Castle asked are the guidelines available in the Realtor's offices?

Mrs. Stilwell responded no.

Mrs. Castle stated that's another thing. When I was a Realtor in North Carolina in two historical cities, the actual guidelines were available to each Realtor to give to the homeowner when they purchased a home in a historical district.

Mr. Meder responded maybe we should go through the neighborhood and when we see a house for sale contact the Realtor and give them a copy of the guidelines to give to potential buyers.

Mr. Morris stated I just purchased two houses in Lynchburg. I just received a letter from the Historical Society pointing out that they are in the Historic District and its guidelines. This is exactly what we should do here. We should send a letter out to every new homeowner who buys in the Historic District.

Mrs. Crews responded I'm suggesting proactively. The Realtor venue is much better because people might decide not to purchase in the district.

Mr. Meder added so when we drive through and see a sign that says Wilkins for example, we write down the number of the house and we mail him the guidelines with a note asking him to include this with the sale.

Mrs. Blair stated the guidelines are readily available in my office.

The members continued to discuss how to make the guidelines available to Realtors and new homeowners.

The members further discussed application PLCAR20100000050.

Mr. Carson asked is there any way that we might limit free testimony to three (3) minutes.

Mr. Whitfield responded there are certain limitations that you can place on debate. An item for "other business" at a future meeting might be to develop procedures. You currently don't have procedures but they sometimes add a little more formality and that could be good.

Mrs. Blair stated we had modifications to the design guidelines in the Old Westend Historic District. They received Planning Commission approval and are going before City Council for review the first of the month.

Mrs. Stilwell asked do we have an applicant for the attorney position on CAR?

Mrs. Blair responded there are several that have applied but I have not been made aware of one from that profession.

With no further business, the meeting adjourned at 4:53 p.m.

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APPROVED