

COMMISSION OF ARCHITECTURAL REVIEW
February 28, 2013

Members Present

Richard Morris
Susan Stilwell
Michael Nicholas
Sarah Latham
Robin Crews
Cynthia Castle

Members Absent

Robert Weir

Staff

Renee Blair
Christy Taylor
Clarke Whitfield

Renee Blair called the meeting to order at 3:30 p.m.

I. ELECTION OF OFFICERS

Ms. Blair opened the floor for nominations for Chairman.

Mrs. Latham nominated Susan Stilwell for Chairman. The nomination to elect Susan Stilwell as Chairman was approved by a 6-0 vote.

Ms. Blair opened the floor for nominations for Vice Chairman.

Mrs. Stilwell nominated Sarah Latham as Vice Chairman. The nomination to elect Sarah Latham as Vice Chairman was approved by a 6-0 vote.

Ms. Blair opened the floor for nominations for Secretary.

Mrs. Latham nominated Robin Crews for secretary. The nomination to elect Robin Crews as Secretary was approved by a 6-0 vote.

Chairman, Susan Stilwell now presided over the meeting.

II. ITEMS FOR PUBLIC HEARING

Item 1. Request for a Certificate of Appropriateness, PLCAR20130000044, to construct a meeting area on the northeast lawn of the Danville Museum of Fine Arts at 975 Main Street.

Open the Public Hearing.

Present on behalf of the request was Mr. Fred Meder.

Mr. Meder gave a presentation of the project to the Commissioners, describing the placement of the monuments.

Ms. Blair stated the construction drawings have been approved by the Inspections office.

There was discussion about the curved balustrades.

Mrs. Latham stated for clarification, that portion is not being built. The patio exists and the granite monuments will go around it. That other section to the left of the sidewalk is not part of the project now. It is just a hope somewhere down the road because there wasn't sufficient funding.

There was discussion about the plaques that will be placed on the monuments.

Close the Public Hearing.

Mrs. Crews made a motion to approve the installation of five granite monuments/kiosks at the walking trail meeting area on the Sutherlin Avenue side of the Museum's lawn area.

Mrs. Stilwell asked should we include pavers and a granite bench?

Ms. Blair stated the only thing that is actually going to require a permit is the kiosks, the large monuments. That is the only thing that requires a Certificate of Appropriateness.

Mr. Nicholas seconded the motion. The motion was approved by a 5-0-1 vote (Mrs. Latham abstained).

Item 2. Request for a Certificate of Appropriateness, PLCAR2013000045, to waive the parking requirements of a duplex structure within the HP-O District at 848 Green Street.

Open the Public Hearing.

Ms. Blair stated staff is bringing you this request.

Present in opposition to the request was Mr. Fred Meder. Mr. Meder stated it was my impression that we were zoned R-2.

Ms. Blair stated there is no R-2 zoning in the City of Danville since 2004.

Mr. Meder stated we were actively taking four units and turning them into two before that 2004 zoning change. Because the zoning changes, why do we have to bring this up, that there is a parking requirement and you have to make two buildings. I own five duplexes.

Ms. Blair stated the property located at 848 Green Street is zoned single family residential and has been used as a single family residence for a long time. Being in the OT-R zoning classification you are required to have a special use permit to create an attached dwelling or a duplex unit. That is what they are applying for.

Mr. Meder asked so this is like a procedural thing? I don't view that as a problem.

Ms. Blair stated the duplex request has to be heard by Planning Commission and then their recommendation goes to City Council. The application will go before Planning Commission on March 11. Prior to that coming before this Board now, is a request to grant a waiver to the

parking requirements that come along with a duplex unit just the same if you had a bed and breakfast or an apartment complex. When you have multiple bedrooms that are available commercially you are required to provide parking. That is required to be a paved, curb and gutter lot with striped parking spaces to meet the required dimensions. In this particular case, being in the Historic District there is a requirement that all parking be in the rear. At 848 Green Street you can't fit a vehicle around 848 and the neighbor. Being in the Historic District, you need to look at it to see if it is something that you would like to allow, a parking lot in the rear of a residential structure. She has requested a waiver to that requirement.

Mr. Meder stated I don't have an issue with parking. There is on-street parking. My only reservation is that if she is going to make a duplex, that there be a requirement that it becomes part of the Rental Inspection program and that it doesn't become a substandard dwelling.

There was discussion about the Rental Inspection program and current Building Code standards.

Mr. Whitfield stated it has to meet Code in order to get a CO.

Ms. Blair stated with this particular unit, she will have to do that. She is going to have to provide a fire rating between the two units. One area, she plans on using. The other area will be a one to two bedroom unit for rent.

Mr. Morris stated I thought the whole idea was to get multi-family homes and duplexes back to single family homes. This is going in the reverse direction.

There was discussion about the current multi-family homes and duplexes within the Historic District.

Ms. Blair stated City Council has approved this type of thing in the past, creating a duplex from a single family unit. This is not something that is brand new, but it is not something that we see extremely often.

Mr. Nicholas asked where is Ms. Williams?

Ms. Blair responded she is in Maryland.

Mr. Morris stated so she is probably going to rent both of these units out. She is not even living here.

Ms. Blair stated no, she has told me that she would do an owner-occupied. Her and her husband both are teachers in the D.C. area and they plan on retiring to this area.

Mr. Nicholas asked who is the applicant here because you said this request comes from staff?

Mr. Whitfield responded she is the applicant; however she has asked staff to make the presentation on her behalf.

Mrs. Stilwell asked can we approve this?

Mr. Morris responded if we did not approve this it would be more difficult for her to get a duplex on that property; because if we don't approve it that means she has to put parking in the rear.

Ms. Blair stated correct.

Mr. Morris stated and she is not going to knock down part of her house to do that.

Ms. Blair stated I wouldn't suspect. She would have to come back before this Board to remove part of the home.

Close the Public Hearing.

Mrs. Stilwell stated the columns on the front of this house do not appear to be wood. They appear to be some kind of synthetic material and I would very much like for the City to investigate.

There was some discussion about a house that Mr. Morris owns and the restoration of the porch using composite columns.

Ms. Blair stated the change of the columns have not been approved.

There was further discussion about appropriate materials that can be used other than wood and updating the guidelines.

Mrs. Latham made a motion to approve the waiver of parking requirements for a duplex structure. The motion died due to the lack of a second.

Mr. Morris made a motion to deny the waiver. Mrs. Crews seconded the motion.

Mr. Nicholas asked when City Council considers this for a Special Use Permit; could they not put that waiver into the Special Use Permit?

Mr. Whitfield responded no. They could put conditions on the use of the property, but they couldn't grant that waiver.

Mr. Nicholas asked and if we deny the waiver today?

Mr. Whitfield responded the project dies.

Mr. Nicholas stated they could appeal that denial to City Council.

Mr. Whitfield stated that is correct.

Mr. Nicholas asked if the Board takes no action today, can they appeal?

Mr. Whitfield responded if you do not take any action, in 60 days it becomes approved.

The motion failed due to a 3-3 vote (Latham, Nicholas, and Stilwell voted in opposition).

Mr. Nicholas made a motion to approve the application. Mrs. Latham seconded the motion. The waiver was not approved by 2-4 vote (Castle, Crews, Morris, and Stilwell voted in opposition).

Mrs. Stilwell stated I am tired of the multi-family. If they lived there, I would be much more supportive of their efforts.

Mr. Morris stated they bought the house knowing that it was a single family.

Mr. Nicholas stated I think that we are getting confused, because the only thing that is before us is a waiver; not whether or not they can do it as a duplex. That is not our decision. We may be opposed to that, so at that point the question becomes how do we minimize the effect of this becoming a duplex assuming it is approved. If we don't grant this waiver they are going to have to come back and ask to make serious modifications to the home, which I would submit is going to be a lot worse.

Mrs. Crews stated but that would not pass either.

Mr. Morris stated if you know the house, you know that there is no way they are going to do that. The objective is to discourage them from a duplex.

Mr. Nicholas stated I guess I take the position that since that question is not before us, and this is just my personal opinion, I consider that unfair to the applicant.

Mrs. Castle stated no way, because they could have put the stipulation on the purchase of the home just like I did on mine.

Mr. Nicholas stated the vote is what the vote is.

Mrs. Latham stated I agree with Michael. I am not happy to see this go to a duplex. I could argue that all day long in the public meeting before City Council.

III. APPROVAL OF MINUTES

Mr. Nicholas made a motion to approve the minutes from the December 13, 2012 meeting. Mrs. Latham seconded the motion. The motion was approved by a unanimous vote.

IV. OTHER BUSINESS

There was discussion about letters addressed to City Council in regards to the Rental Inspection District.

Ms. Blair presented a Section 106 Review Application for an antenna addition to an existing tower on Lanier. There was discussion about the addition of the antenna. The Commissioners did not have any issues with the addition of an antenna on the existing tower.

There was discussion about the attendance of the Peters Park Dedication.

There was discussion about the dedication of the Wendell Scott marker scheduled for April 5, 2013 at 12:00 p.m. There was discussion about the efforts being made to preserve Danville's history and how the marker dedications are being advertised.

There was discussion about the Saponi Indian Marker and what happened to it.

Mrs. Latham stated the YMCA is required to place two kiosks down by the Riverwalk Trail. One is going to be about Riverside Cotton Mills and the other about the Wreck of the Old 97.

There was discussion about the placement of these two kiosks.

Mrs. Crews asked is there any information on Mr. Holbrook's application?

Mr. Whitfield responded it has not been resolved yet. There have been some motions and it is set for trial in June.

Ms. Blair stated I want to say on the 25th. It is a Friday.

Mrs. Latham stated I believe that is right. I have been contacted as a possible witness. It is the 28th. They have asked me to be available for the possibility to testify that yes, we had a thorough discussion about it and that we carefully considered this before making our decision.

Mr. Whitfield stated the suit against the Commission should go because he appealed both the Commission's and the City Council's decision.

Mrs. Stilwell asked what do you mean by go?

Mr. Whitfield responded it should be dismissed, because it was essentially a new hearing when it was appealed to the City Council. The action has to be completely against City Council.

Mrs. Latham stated Jim Daniel just said in case, because it had already gone before Council at the time he contacted me.

Mr. Whitfield stated he might have asked you to be there to be a witness to what happened at the Council meeting. If you will recall at the Council meeting it was a split vote 5-4 and there was a tremendous amount, almost 45 minutes worth, of debate over that one issue. One of the things that they have to prove is that it was arbitrary and capricious; and the fact that they went through a reasonable legislative debate and then it was a split decision.

With no further business, the meeting adjourned at 4:24 p.m.

APPROVED