

Members Present

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

Members Absent

Staff

Renee Burton
Alan Spencer
Shanta Hairston

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

ITEMS FOR PUBLIC HEARING

1. *Request for approval of the Old West End Design Guidelines.*

Chairman Stilwell opened the Public Hearing.

Mrs. Crews asked did each of our committee members receive these?

Mrs. Burton stated yes it's in front of everyone. He was the only one that I've received written comment from so I wanted to make sure you had that.

Mrs. Latham stated in reading the entire document, there are a number of typos and a couple of mistakes. I printed this out and I have made the suggested corrections. There are multiple ones so I don't know that I want to take the time and go through it, but some are on the captions. There's a mis-numbering of a house; it says the number of tobacco leaf medallions in the sidewalk are tied to an internet site and that's incorrect. There are a few number of things.

Mrs. Burton stated not trying to cut you off but maybe we should do the public hearing and then close that and then get the response from the Commission.

Mrs. Stilwell asked is there anyone here in the public who would like to speak on these guidelines?

Mr. Richard Holbrook was present on behalf of the request.

Mr. Holbrook asked where can we get a copy of these? Or can we even get a copy?

Mrs. Burton stated sure it's online now, which is the draft. I just printed a limited number because they are in the draft form and once the final copies come out we will print more for availability. If you would like a copy now I can print you one.

Mr. Holbrook stated I would appreciate it. That's all I need.

half of the request.

Mr. Steve Wilson stated I was wondering if it's possible if you could say for maybe two minutes is there anything we need to actually investigate or focus on?

Mrs. Burton asked the difference between the two sets of guidelines?

Mr. Wilson stated yes.

Mrs. Stilwell said I'd rather say that we have really looked at embracing the new technologies of construction and given us much more leniency in trying to deal with the economics of preservation. The photographs and things in here, they tell the story. We didn't have that before.

Mr. Wilson asked do you want me to stand up?

Mrs. Burton stated the guidelines discuss using substitute materials. In some instances it may be something where it's a decorative feature on a home. Under the old guidelines it would say that it had to be something created from wood; under the new guidelines we have some flexibility that may be able to be created from a composite material. Fascia boards we may be able to approve Azek material versus wood so it gives more flexibility for the substitute materials that are present now.

Mr. Wilson stated but asbestos shingles or aluminum or vinyl windows or probably the majority of substitute materials that anyone might think about Hardie Board decorative elements are not going to be repaired. So I assume that metal roofs are still in?

Mrs. Stilwell stated it seems to me that we have options on roofing.

Mrs. Burton stated on roofing there are options. The Board may be able to approve changing a metal roof to shingles. Now that being said, we do specifically look at architectural shingles only, not a three tab shingle design. I mean it would be something that is probably a fifty year architectural shingle, so this does allow more flexibility. It also changes the processes for the Commission. Right now the Commission has one set of guidelines, which is this, to go by. There's not a great deal of flexibility. If it does not meet the guidelines, the Commission is bound to a denial. Under the new process for the design guidelines, it's a two part vote. Vote one for the Commission will be whether or not it does meet the guidelines. Vote two will be whether or not they approve the project or application in front of them. So this gives the Commission flexibility to say this does not meet the guidelines; however, the second vote could be that we still understand that it is sympathetic to the architecture, it is appropriate, and they still can approve a specific application. This is a great deal of more flexibility than they have now.

sections specifically for noncontributing buildings for
al section on before. So there are some additional

considerations that could be made for buildings that are noncontributing. But when you mentioned like vinyl windows, for example, on historic houses and all from my read, you're not going to get vinyl windows approved as replacement windows. You're going to have to go with wood windows or true divided light or this kind of thing. It's not as if we're going to take all of our historic homes and put in stock windows from Lowe's. Everything has to fit the original window opening and you can't reduce the size, so it's going to be much more specific and thorough but also allows for case by case consideration.

Mr. Wilson asked so for noncontributing buildings theoretically vinyl windows might be rejected on some grounds.

Mrs. Latham stated if vinyl windows were already there then of course it could be replaced with vinyl. That's always been the case.

Mr. Wilson stated he custom made Hardie Board around windows in the correct aspect of divided light might be accepted.

Mrs. Stilwell stated we're going to require plans and samples. You can't just come in here and say I've got this window and I want to do this to it. We have to be able to see what materials you're using and you must have a drawing, plans, and information so we don't have to waste our time saying this is tabled and you have to come back in 30 days when you're trying to get something done, especially at this time of year.

Mr. Nicholas arrived to the meeting at 3:41 PM.

Mrs. Burton stated under the noncontributing building section, under the windows, it's specifically addressed that window panes of double glazing are not acceptable. Windows may be constructed of wood, wood clad and prefinished metal or aluminum, or other appropriate materials. So prior even the aluminum clad wrap or something of that nature was not an option. So there are more options available for us to look at.

Mrs. Latham stated they have this picture in here on the opening page, it could be considered a contributing building I guess because of its age and style. In that we have the metal frame windows that were typical at the time. They could have just automatically been replaced with the same kind of windows.

Mrs. Stilwell stated but true divided light.

Mrs. Latham stated well yes however these windows are, they would be true divided light I'm sure. But I think my sense is that we maybe have not only some options that are written in but a few more options that we can consider with discussion.

approval process being a two-step opens up the
than what you have now.

Mrs. Stilwell asked do you have anything to say Ms. Ingram? Well I am going to close the Public Hearing at this point and go back to the Commissioners.

Mrs. Stilwell closed the Public Hearing.

Mrs. Stilwell stated I have one question and maybe I just don't have my orientation on the maps, the last sentence talking about the properties on Loyal Street and it says there on the northeast edge of the district and maybe they are on the northeast edge, but I couldn't tell exactly where they are.

Mrs. Burton stated no they shouldn't be.

Mrs. Latham asked I think it's the northwest edge isn't it?

Mrs. Stilwell stated no Grove would be northwest, but Loyal in my opinion might be southeast. I just couldn't figure out the streets I will admit.

Mrs. Burton stated it's actually turned at an angle where it actually be like this. So they're actually in this lower corner by Green Street. I guess of the District it is on the eastern edge, but I would not think it's necessarily in the northeastern because it would be closer to downtown I would think.

Mrs. Stilwell stated it didn't sound like the northeastern. I guess I could go out there with my compass.

Mr. Weir stated normally on a map you have a north aerial shown so it will give you directions.

Mrs. Burton stated there's one by the scale. So you have to kind of turn it at an angle.

Mr. Weir stated normally it would be up in upper and it would be large so you could see it.

Mrs. Stilwell stated or even next to the City of Danville and Allison Platt; something bigger. There's plenty of room to put something in there that's easier to see than this little thing down here.

Mrs. Burton stated ok. Is that something that we want to do is to enlarge that?

Mrs. Stilwell stated I just wanted to make sure the orientation is correct.

Mrs. Latham stated now may I ask since those buildings on Loyal and the eligible areas on Grove Street are being proposed to merge with the Old West End, is the approval of

f that or will there be a separate process to add

Mrs. Burton stated no that would be a completely separate process. At this point we do have a grant application that has been approved; the RFP is out to do the architectural survey work and to put in the PIFs completely. This will be the first draft then the nomination before that boundary extension.

Mrs. Stilwell asked on Grove and on Loyal?

Mrs. Burton stated yes. Now the boundary extensions, the way they will be presented, are for the State and National Registry. There are no plans at this point to add them to the local district. That is something that will be at least a year maybe two out for discussion because of the process that you have to go through for the State and National Register. So unless those areas are adopted to the local registry, these guidelines will have no relevance to them at all.

Mrs. Latham stated there are a couple of areas I wish Allison was here to answer a couple of questions on. Occasionally the writing suggests that an entire property could come under review and then at least once it says only from the public right of way. But sometimes it refers to the rear and things like that, but that's specifically saying that are in the public right of way. Is there a change? I know she commented that in at least North Carolina it's the entire public property whether in view or not. I don't know whether this is a State law or just a local variation that we have here.

Mrs. Burton stated no there has not been a change. It will only be those that are in public view.

Mr. Weir asked if it can't be seen from the public right of way then you can do anything you want?

Mrs. Burton stated correct.

Mrs. Stilwell stated but you better be sure that there's not an alley and you really would have to go in a lot of different directions and look between houses because you can see a lot. You don't realize how much you can see.

Mrs. Burton stated if there's a specific section just let me know. I've read this document section by section but then you try to get through it in its entirety. I make sure certain things are there and of course some are going to slip by because I'm focused on certain areas.

with you for the corrections and if you find anything
missing spelling and some were house numbers that
needed to be checked.

Mr. Weir stated one question that Sarah brought up about the numbering system being a computer program. It is a computer program but it's not available to the public right now. I went to preservation for the History United Foundation and they had a computer program that had all the historic markers in the City in it. They said that unfortunately it was only for Android phones because nobody had the money to pay to do it on Apple. But there is a program so that's probably why she did that.

Mrs. Burton stated they were working on an app so that you could follow throughout the River District and throughout OWE.

Mr. Nicholas stated well if that's not going to be made public then it doesn't need to be in this contraband and if it is going to be made public then maybe so.

Mrs. Latham stated well not only that but I'm on the advisory committee for the History United and frankly I would advise against using those medallions in that way at all because of the history surrounding the numbering of those. They were never supposed to be numbered. They are not supposed to be tied because of the sites. This was put in specifically for the Historical Society's Millionaires Row Tour and Holbrook Ross District Tours. They were designed to be kind of visual markers for people who want to follow along with the Victorian self-guided book or whatever. They are not tied to specific stops along the Millionaires Road or Holbrook Ross District. Sometimes they're tied together, but for example my house is not mentioned in the Millionaires Row tour, but I've got a medallion in front of my house that just fills out according to the space, so it's best that probably there's no reference. I will speak to the folks at History United about that so it doesn't get confused.

Mrs. Burton stated okay got it.

Mrs. Latham stated we mentioned roofing materials and I just want to be sure that I understand. I'm here kind of speaking on behalf of my mother who lives in the Historic District, has a standing seam, it is in need of replacement and would cost \$25,000 to replace and she cannot afford that; so I understand so all of the public can understand because this still sometimes says like with like but going back there are some other possibilities and there are other metal roofing systems now that look very similar to a standing seam but aren't. They're much less expensive.

Mrs. Stilwell stated the screw down metal.

er decides she wants to replace the roof, she could look and have the screw down metal; but somebody could also say I would like to switch architectural shingles because I simply cannot afford that cost.

Mrs. Burton stated yes.

Mr. Nicholas stated well that's the flexibility that we would get that we don't have now.

Mrs. Latham asked and that way because that has always been an issue, do you lose the house because you have blight materials and so on for \$25,000 or \$30,000?

Mr. Nicholas asked is it considered a zoning violation occurring if you don't comply?

Mrs. Burton asked if you don't comply with the guidelines?

Mr. Nicholas stated correct.

Mrs. Burton stated yes.

Mr. Nicholas stated noncontributing structures would seem to me like that would be a given. Why do we care so much about noncontributing structures? The noncontributing structures by definition do not have historical value. If someone wants to replace a wooden window with vinyl who cares? What's the thought process on that?

Mrs. Burton stated well we care because it's in the district.

Mr. Nicholas stated I understand that and for a contributing historical structure that matters. My question is why does it matter for a structure that does not contribute already to the historical value of the district?

Mrs. Burton stated this was brought before the Commission at the public meeting that we had. The conversation was had then that building A, building B, or building C, it didn't matter because if you were in the district you were treated equally.

Mrs. Stilwell stated and it does reflect on the neighborhood.

Mrs. Crews stated on section one page three it says guidelines do not dictate specific solutions that are not open to interpretation. They are not regulations. So again, it did rub me somewhat interestingly when we prohibition against materials. I have a problem with prohibitions but not regulations, guidelines only. They say we are to assist property owners, that we are understanding and helpful in applying regulations, and we can review those.

Mr. Nicholas stated what I was hoping to see out of this was, and this is my personal view on the quality of our district, is that we are an aesthetics board. We are not a

is a material- I'm just going to use the word vinyl- if the wood right and the homeowner is willing to paint or do whatever to make it look exactly like wood, then I personally don't have any problem with the presence of vinyl subject to the requirement that it be made to look just as the original material.

Mrs. Stilwell asked how about divided light?

Mr. Nicholas stated I don't know. It's case by case, but I was hoping to see in these the discretion given to this board. The burden I believe should always be on the applicant. It's not a presumptive that we're going to approve it, but the applicant needs to demonstrate the maintaining of historic character of their home. I think this is kind of you can have your cake and eat it too. We're not regulations, but here are our regulations.

Mrs. Stilwell stated we're prohibiting things.

Mr. Nicholas stated and if we're going to do that then let's write it as if we're going to do that. But that's what we had and what I was hoping we're trying to move to is maintaining the historical accuracy or the aesthetic of the neighborhood. So I think it's fine to say historically vinyl is not appropriate. Historically it should be true divided light. Historically it should be this, this, and this. That's the aesthetic we're shooting for and then can say to applicants if you can demonstrate this aesthetic using modern material, prove your case.

Mrs. Stilwell stated I agree, prove your case.

Mr. Nicholas stated I don't see that vision reflected in this.

Mrs. Crews stated nor I. In addition to that, when is the last time the guidelines got reviewed?

Mrs. Burton stated they were created in 1999.

Mrs. Crews stated okay so in 1999 to 2014, by making prohibitions to certain things technology of those items have come a long way between now and then so by prohibiting we're absolutely setting aside the notion that they will ever achieve the Certificate of Appropriateness. I don't like the verbiage of it.

Mr. Weir stated it sounds like we've got more flexibility on the historical side than we do on the noncontributing side. It really does.

Mr. Nicholas stated correct me if I'm wrong but the way I read section four, a noncontributing structure is we leave it alone unless you want to update the structure. Unless you want to update the structure, you can replace like with like but if you want to

you are going to be held to essentially the same

Mrs. Burton stated yes.

Mr. Nicholas stated to me that doesn't make sense.

Mrs. Stilwell stated but we do have a two-step process. We can vote that it does not meet the Certificate of Appropriateness but because of the situation we can approve it anyway, right?

Mrs. Burton stated correct and that was the conversation that we had is that every building is treated equally but you do have that two-step process. You could say it does not meet the guidelines and that could be the vote. Your second vote could say because it is a noncontributing structure it is still appropriate to add A, B, C, and D.

Mrs. Latham stated I think that was introduced in the very beginning.

Mrs. Burton stated it is in the very beginning. So you can say something is completely out of line when it comes to this document as far as its design and materials and then afterwards say you know what, it is still appropriate. It looks nice, the aesthetics are pleasing, and the Commission still believes it can happen.

Mrs. Stilwell stated and it will save the property.

Mrs. Burton stated yes.

Mr. Weir asked is that documented somewhere on there?

Mrs. Burton stated yes it is in the processes.

Mr. Weir stated no not in here, I mean on the register of properties so the future boards know that yes we agreed that it did not meeting the guidelines but we voted to do it because it did help the Old West End.

Mrs. Burton stated right at this point if the process is adopted, all documents will be changed to show that two-step vote versus just an approval or denial.

Mr. Weir asked so the reasoning for approval of the request be in here also saying okay we realize it does not comply but we approved it because?

Mrs. Burton stated yes.

Mrs. Stilwell stated we'd document the cause. We'd have to put why we voted approval. That will be in the records.

be in the records and it will be part of your task as a
you clearly state those reasons. If nothing else, just for
the records as a whole to be maintained in a proper manner. Also if there ever was
something to be challenged, it's very important that you've stated the reasoning behind
your vote.

Mrs. Stilwell asked as part of the motion or as an amendment to the motion even?

Mrs. Burton stated correct, not just in conversation but it must be in your vote.

Mr. Nicholas stated the two-step process though seems to be limited. I'm looking at
section one page seven item number 4. It says the project will be discussed in following
discussion and the Commissioners will first decide if the property meets the guidelines.
That would be the first vote. The Commission cannot describe the discrepancy as minor
issues COA or describe the discrepancy in major issues COA. I can envision major
noncompliance and still see COA work. I think the word minor needs to come out of
there. The Commission can either decide to issue a COA notwithstanding with
discrepancy.

Mrs. Burton asked so you want to remove the term minor because you don't want to
classify the discrepancy.

Mr. Nicholas stated the minor. Let's take my example of wood windows replaced with
vinyl. I don't know anybody who would call that minor.

Mrs. Stilwell stated that's major.

Mr. Nicholas stated however I can envision a hypothetical scenario where an owner
could spend the time to get the materials and get the vinyl to look exactly like the wood
sufficient to satisfy me and COA notwithstanding guidelines. But under the way this is
written, we still wouldn't grant it because it wouldn't be deemed as "minor". Or we could
deem it minor and everyone would laugh at us because we're not following orders.

Mrs. Burton stated I understand that.

Mrs. Latham stated if we could have some sort of definition of what's minor and what's
major.

Mr. Nicholas stated I just think the wording needs to be changed. I like the two-step
process, I'm very comfortable with that because I think the property owner can decide
what burden he wants to meet. They can try to say we're complying with the guidelines
and that's the easy process because you either are or you aren't. If we determine you
are, COA is issued and end of story. Or they could come and say what we want to do is

... why it's beneficial to the Historic District. They don't satisfy the condition.

Mrs. Burton stated duly noted.

Mrs. Stilwell asked any other commentaries?

Mrs. Crews stated the shrubbery issues, is this different? I didn't have the old guidelines beside me at the time of reviewing it, but are the shrubbery issues in the new guidelines similar to or substantial to conforming?

Mrs. Burton stated I do not recall any changes in the shrubbery.

Mrs. Crews stated because it talked about a certain height of landscaping, I'm thinking for you and me specifically. (Looking at Mrs. Latham)

Mrs. Burton stated right that is standard. I don't know that it was just specifically in the current guidelines, but it is in the Zoning Code that shrubbery, fencing, anything of that nature in the front yard is not to be taller than four feet.

Mrs. Latham stated we have a side yard, and in our case I noticed that the Y put in, because they were required by Zoning, to put in a buffer between the parking lot and the property. A buffer was for whatever reason not required on our property, but we negotiated and caved for putting a buffer on the Y's property. And when we came before CAR this specifically said these are the kinds of trees to use that will never get tall like the ones on your side. Fortunately we had talked to Mr. Gentry who happens to like the trees so they'll stay.

Mr. Nicholas stated sorry let me go back to the two-step process. Is this new, this two part vote system?

Mrs. Burton stated you guys have not been doing that, no. We've been practicing this process with the River District. They're a design commission and it's been not quite a year, right about a year, and things have been going really well. So we kind of made them the guinea pig before we took it on, but it's been going really well for them.

Mrs. Stilwell stated because ultimately we're hoping that we will preserve Old West End and we don't want it to be Disneyland and Mickey Mouse, but we don't want to lose a house because somebody cannot maintain it. This gives us some flexibility to work with them, but the burden is still on them to prove their idea or suggestion and I want to see some materials.

Mr. Nicholas stated I think if we could make it clear if we determine that what they want to do meet the guidelines and there's no debate with the COA issuance because it's within the guidelines. You really don't have much to prove if what you want to do is right

ant is not within the guidelines, that's where they're

Mrs. Burton stated now the property owner has an option; before they did not. They had no option for approval at all.

Mrs. Stilwell stated and we had no options.

Mr. Weir stated that's it, we had no options.

Mrs. Burton stated everyone was locked into this one document, now you'd have that opportunity to look at it at face value and not just specifically on the document.

Mrs. Latham stated I was just looking at Mr. Liepe's recommendation because we have not specifically asked questions or spoken to his comments. They are directly related to what we were just speaking on. He's talking first about section five. Now the second references I think on page eight and nine, he thinks the routine maintenance section should be removed because how could there be routine maintenance on a new building? I don't personally agree because it's a new building but there will be routine maintenance on any structure. I don't personally think that should be an issue.

Mrs. Burton stated I think it depends on whatever your definition of new would be at that time. If you're looking at new as day of construction, but for us we may look at it as still a new building because it was after the period of significance so it would still be considered new at that time as well.

Mrs. Latham stated now his bigger concern here is single lot residential infill. He says there's not enough flexibility. It seems to me there could be circumstances where a proposed residence is complimentary, yet does not adhere to all recommended materials. That would be a good project to find because the Commission then feels duty bound to the guidelines. But that still with the two-part vote probably takes care of that.

Mrs. Burton stated correct, that addresses that. I think that's something you know it's in the front of the document and when you get to the back, you're probably already lost scope of that while reading. So it is something that we will address.

Mrs. Latham stated even if it's putting that at the beginning of each section because very often somebody picks this up and they're not going to read the whole thing I am only interested because I'm new construction, so I think an introductory paragraph would help.

Mrs. Burton stated I think that's a great idea. The way it is set up online, you can go to each individual section and then table comments and come back, so I think that's a good idea.

section should probably include not only that two-part
you need to go by because that's in section one. You
go down and you've got to apply and put it in these sections. Now each section ends
with % will be considered a Zoning violation+and as you've already told, they've always
been Zoning violations. I do have some agreement with the fact that there doesn't seem
to be a lot of teeth in these Zoning violations.

Mr. Nicholas stated violating the Zoning ordinance is a class one misdemeanor; you've
got to go to court for that.

Mrs. Stilwell stated they've in there a lot.

Mr. Nicholas stated I don't see Alan in General District Court very often storming the
gates.

Mrs. Burton stated more building code I believe I've had four in my tenure.

Mr. Nicholas asked how long have you been here?

Mrs. Burton stated 11 years.

Mrs. Latham stated and yet we know of instances of code violation that were never
picked up by the City. If the City does not pursue, and here again what's a major
violation and what's a minor violation, but I know the City is terrific on cease and desist.
You know the purple house on Sutherlin were throwing out the old windows and putting
in stock windows that didn't fit. There was a temper tantrum and things went forward.
But there are major violations that don't get addressed, so this is most effective when
we can work with the property owners but when we also know that the City is truly
dedicated to making sure that especially gross violations get hammered the way that
they need to be. We have truly lost the architectural significance of at least one
structure that I know of and that was not taken up. So it would be nice to know that the
City has moved forward with this.

Mrs. Stilwell stated has our back because we've volunteers month after month, year
after year trying to do our best and we can't. Many of us are invested financially in the
neighborhood and the City should be supportive.

Mr. Davis asked Renee the letter that was sent out to the OWE that was addressed
to several homes on my street specifically a couple others on Chestnut and Pine where
it says you need to address the roof, the stairs, the siding and all of that was that the
City's attempt at having teeth?

Mrs. Burton stated that specific letter was because of your location in the rental district
so that is a Building Code violation.

...nting their house?

Mrs. Burton stated you still unfortunately have the additional enforcement because you're in that district.

Mrs. Stilwell stated don't complain it took us five years to get a rental inspection district.

Mr. Davis stated oh no, I'm not complaining.

Mrs. Burton stated that letter is from the Building Inspections Division.

Mr. Nicholas stated I don't know a single case where this Commission made a decision and the City did not follow up on that decision. Can anyone think of one?

Mrs. Stilwell stated 944 Main.

Mrs. Latham stated well that wasn't a decision made; the doors were a decision. The other thing we did to my understanding wasn't.

Mr. Nicholas stated here's my thing, I see the City backing up the Commission in the decisions that it makes. I think you're talking about what about the people who do stuff without Certificate of Appropriateness and it never comes to this Board. That is a different issue because it's an enforcement by the City outside the decision of the Board. I think we have a real problem if we make a decision and the City refuses to enforce it. I don't see that happening. We make decisions and the City follows up on our decision; that's that. The question what do you do with people who don't file for Certificate of Appropriateness and then nothing happens is a separate issue that's not really in front of us.

Mrs. Crews stated it never is going to get in front of us.

Mrs. Burton stated because that's a specific zoning issue.

Mrs. Crews stated exactly.

Mrs. Burton stated along those lines, I would like to point out page 13 of section three there is a bold bullet point under routine maintenance that I hope everyone did see. It does say to please note that if building elements are to be removed for repair that staff must be contacted. These items may not be removed for more than 30 days without administrative approval or more than 60 days without a Certificate of Appropriateness. Removal of more than six months constitutes a Zoning violation. So then at that point there is additional enforcement that is available that has not been available in the past.

Mr. Nicholas stated removal for more than 60. So you're telling me that we have the authority to allow removal for more than six months?

val?

Mr. Nicholas stated well if I want to build an addition on my house and I want to remove an element and the building addition is going to take nine months, I come to the CAR and CAR says everything that you want to do is approved. The six month thing doesn't apply because then I have the certificate. Is that right?

Mrs. Stilwell stated yeah but if you don't do anything and then you wait a year and a half and you've got a big hole.

Mr. Nicholas stated sure I understand, but if I have a plan and I come to you and say I need to remove my kitchen and it's not viewable from a right of way. I'm going to start the work in March and it's going to take until December and the Commission says that's okay. The building element is going to be gone for more than six months.

Mrs. Burton stated right but you will have that Certificate of Appropriateness for that.

Mr. Nicholas stated that's my question. COA supersedes the system.

Mrs. Crews stated with the scenario that Mike just did, add a month or add two months. When does the COA end?

Mrs. Burton stated a Certificate of Appropriateness is only good for a year. So if his project has not been completed within that year, he is to be contacted. If nothing is done or changes are not made, you will get a notice that your Certificate of Appropriateness has expired. Then at that point the changes that were made that were not within the regulations become a zoning violation.

Mr. Weir stated but they can apply for another COA and come in saying the reason for the delay.

Mrs. Burton stated yes and you also used to have the authority to extend one. Let me double check and make sure you still have that.

Mrs. Stilwell stated I don't think it is.

Mrs. Burton stated no I don't think it is in the new one so if that's something you want.

Mrs. Stilwell stated I do recommend that being in there.

Mrs. Burton stated we do want the authority to extend a Certificate of Appropriateness for up to six months.

Mrs. Stilwell stated I think that's reasonable because sometimes when you're working on these major projects the contractor disappears from the face of the earth with the money.

are talking old houses you get the uh-oh factor you
you go uh-oh.

Mrs. Burton asked so we have an extension of Certificate of Appropriateness for up to six months would you feel like that should be straight Administration or should they have to come back in front of the Commission?

Mr. Weir stated I think they should come back.

Mrs. Burton stated okay.

Mr. Davis asked what happens if it rained for three months. I mean hypothetically it rained for three months. Is that something that needs to come before us?

Mr. Weir stated they've got a year to complete. So if it rains for three months then that's nine months that it's not raining. So I still think at the end of the year they need to come back and say we've got 20 inches above normal in rain, my back yard is a mess, nobody can work back there and that sort of thing.

Mrs. Stilwell stated or the contractor ran off with my money. That's a very common thing that happens in Danville, not just the Old West End.

Mrs. Latham asked when people come back requesting an extension they don't have to pay more money do they?

Mrs. Burton stated right they would not be charged again.

Mrs. Latham stated okay because that's an important thing.

Mr. Weir stated if they get the Certificate of Appropriateness and they explain what happened then we give them six months or not, I think we should be given the information so we stay on top of things.

Mrs. Stilwell stated well we can't open the Public Hearing. Should we open the Public Hearing?

Mr. Nicholas stated does anyone want to speak?

Mrs. Stilwell reopened the Public Hearing.

Mr. Wilson stated well looking at the last conversation, you're talking about six months removing something. I didn't quite catch what's going on, but the architectural element on like the windows of the purple house.

Mrs. Burton stated right or if you had some sort of specific architectural detail that you needed to make a mold for because they were rotten.

on Green Street where the entire front porch and
cars. I was told that someone had actually gotten a
CAR approval for doing something to it and it's for sale.

Mrs. Stilwell stated the City has a contract on it now.

Mrs. Burton stated the Housing Authority has a contract on that.

Mr. Wilson asked a contract on the owner or the house?

Mrs. Stilwell stated on the property.

Mr. Wilson stated actually it reminded me of the concept that there are a number of
issues that CAR does not have policing authority over other than waiting for someone to
come and ask permission. Is it possible that someone has a database or a list or file
that was available on issues that are floating out there that could be kept track of
because the City has mechanisms for going and checking on things but it requires a
citizen to call or ask. Somebody has to call and ask to follow up. I guess it's more than
just the rental district because if a certain number of people complain, then the
department goes out and does something. It's been quite positive here out on the street
seeing the City within two hours two people from the City drive by and posts their sign.
So it would be good to have a running list. I have my list and you probably have some
too. Is it possible for CAR to have a formal list of issues that they can follow and then
someone is aware of it.

Mrs. Burton stated if there are issues that are as you call them on a structure, it would
then be a zoning violation. That's how it would be handled; it would not be handled by
this Commission at all. That would be handled by someone in the Zoning Division.

Mr. Wilson asked so in Zoning is there a list of issues?

Mrs. Burton stated there are letters that are sent to those that have violations but there
is not a database so to speak. We are currently working on designing software called
City Works. It's currently being used by Public Works for their complaint tracking and
things of that nature. Zoning will then take part of that. April right now is my kickoff date.
I think I'm going to have to push that back to May, but I'm working on that now so that
hopefully we can integrate with that system. That will allow for tracking of zoning issues.
We will also probably by the following December open it up to the public through a web
portal. We're going to do everything internally first and then open it up through a web
portal. Once that portal is open to the public, you can look at any property in the City
and see whether or not there is a violation, whether there is a building permit, or X, Y,
and Z on that property.

an interesting procedural question for me. You
violation. If the Zoning administrator sends a letter
saying you are in violation I can appeal that to the Board of Zoning Appeals, which
means that a property owner who has no love for CAR can bypass us completely?

Mrs. Burton stated yes.

Mr. Nicholas asked is that intentional? That seems to me that you have the two different
boards and two different bodies potentially determining this part of the Old West End
Guidelines? Because if I hear that there's a certain chairperson on the CAR that just
doesn't like me and I don't like that person, if I'm savvy enough to read the code I can
say hmm I don't ever need to go to CAR I just need to get four people on the Board of
Zoning Appeals to agree with me. Wait until you find me in violation, appeal that, convict
given the flexibility that was put into this.

Mrs. Stilwell stated which they're not going to be familiar with.

Mr. Nicholas stated convince the Board of Zoning Appeals that the administrators made
the wrong decision and then boom I don't need a COA; I can just do it. I mean that's
hypothetically possible.

Mrs. Burton stated hypothetically yes and then at that point the City could then in turn
appeal that to Circuit Court if they do not agree with the BZA determination. That's
something that's written into City Code, that's State Statute. That's not something we
created.

Mr. Nicholas stated I understand that part but the City when it says that this is classified
as a Zoning violation starts that process there.

Mrs. Burton stated but that is the only path that we are given for enforcement.

Mrs. Stilwell stated and the same body that presents cases to us also presents cases to
the BZA in which they can notify the BZA of our opinions or the fact that we were
bypassed when they had the avenue.

Mrs. Burton stated right, the Commissioners would have the opportunity to speak at that
board meeting as well.

Mrs. Stilwell stated they ask for forgiveness not permission.

Mr. Nicholas stated this is all a part of the Zoning Code right?

Mrs. Burton stated yes.

only for a hardship variance from BZA and bypass guidelines as imposed on my property which is uniquely situated and different from others that I meet the four criteria under State Code necessary to grant the variance and BZA not applying the guidelines but applying the State Code on the four factors could then grant the variance from having to comply with the guidelines? Isn't it almost like an opt-out for a hypothetical hardship property?

Mrs. Burton stated if that person or that application could prove all four criteria which I do not believe they could I mean generally speaking. There could be case by case situations quite possibly.

Mr. Nicholas asked well if this is a part of Zoning Code then why does this exist? Why doesn't it just go through BZA?

Mrs. Stilwell stated because they don't care about historic property like we do.

Mr. Nicholas stated that's the practical answer. I'm just saying.

Mrs. Burton stated well the Zoning Code is actually in the Historic Preservation Overlay which then creates the Commission of Architectural Review within the Zoning Code then you have the additional regulations because you're into a local district. I think it's because of your vast knowledge of historic preservation is where I would go for the difference.

Mrs. Stilwell asked is there anything else to be said? Sonya would you like to address?

Mrs. Sonya Ingram was present on behalf of the public.

Mrs. Ingram stated I have a question about the changes in the new guidelines about materials. Could you just in like one sentence tell me what they changes are?

Mrs. Burton stated the changes are going to be within the current guidelines everything must be like for like. Under the proposed guidelines there is the opportunity for the use of substitute material. We are going to be focusing on the aesthetics of change or the aesthetics of the structure itself, not specifically just the material itself. So if you had a fascia board that was wood and needed to be replaced, it could be replaced with Azek or whatever kind of substitute material that is available. But the Commission would have to approve that with the condition that it still looks the same.

Mrs. Ingram asked is there a list of approved materials? Did you list those out?

Mr. Nicholas stated I personally don't think they should be.

Mrs. Burton stated no we purposely chose not to do that.

What you have seen recently in architectural review
nothing that other boards are looking at?

Mrs. Burton stated yes we had a meeting with Mike Pulice about that and he said this is something that has been looked at throughout the Commonwealth because you have so many structures that are being lost and deteriorating at rapid pace because of situations where things are going to be like for like. Because of the cost of those materials versus something that they could have actually obtained in today's market and still have the same aesthetic value.

Mr. Nicholas asked do you disagree with that Mrs. Ingram?

Mrs. Ingram stated I am not saying I disagree. I think it has changed a lot from the last five years. As far as historic buildings, the type of wood that was used is very hard to find now.

Mrs. Stilwell stated because it has all gone to the landfill.

Mrs. Ingram stated it does concern me a little bit, especially the vinyl, but I don't disagree with it.

Mrs. Crews stated but as you just said, in the last five years it has changed rapidly. I think it is going to be exponential changes in certain kinds of material fascia even in the forbidden vinyl in the next short period. I don't think we should lock ourselves in and understand the guidelines will not be revisited for a long time and technology is going to go leaps ahead.

Mrs. Burton stated we had a discussion by email, the Commissioners, of a composite material that was actually being used for windows now. It looks extremely similar in design and profile of a wood window, but it is a composite material.

Mrs. Stilwell stated and it is painted and has true divided light.

Mr. Davis asked are you talking about fiber glass windows? Because those have been out for 15-20 years.

Mrs. Burton stated this had some kind of odd name to it.

Mrs. Crews asked what is the value to what we are talking about costs.

Mrs. Burton stated this is actually more expensive than a wood window. The product that we looked at was an Anderson product, so actually it is more expensive.

Mrs. Crews stated so it may be prohibited for applicers who had the best intentions of the district not to be able to afford this?

oken there are things out, and this is off subject, but
ut no one could afford it. Today's market, someone
could have one in their home. It's gotten to that point where you may make payments
but they are affordable to individuals and to a home. So who's to say that this isn't
something that would be similar?

Mrs. Ingram stated I just want to say I think it's really important for the board to make
sure- and I'm just using windows as an example- that you have original wood windows
to make sure they are so far gone and that's when you actually replace them because
repairing wood windows can be less expensive than vinyl windows and there are people
that do that.

Mrs. Stilwell stated Designs and Glass on North Main, he's a master of restoring wood
windows. It's too bad we don't have a business in Danville, a factory, that restores wood
windows. And I do want to mention seeing Sonya here that Piedmont Community
College is now having an Associate's Building Trades Historic Restoration. They're
going to be educating and training people to do historic repairs and that's going to be a
fabulous thing for us to have nearby.

Mrs. Burton stated I think we have one more public comment so we can go ahead and
close that.

Mrs. Stilwell stated okay one more, Mr. Holbrook.

Mr. Holbrook stated I was looking at everything and I just want to say briefly, I could live
anywhere I choose to in Danville. I love Danville and as an investor's point of view, I
look on section three page eight about the rundown house and it talks about unwilling
buyers. It's unfortunate we lose these structures to be lost and fall down. As an investor
I look on page four section one at the 900 Main Street medical building. I grew up
getting my shots in that building. That might be something I would look at as an investor
in the future, but these guidelines are not investor friendly I guess we could say. Even
though we preserve the architectural look- like with those aluminum windows, that
building has been on the market about three or four years; they can't sale it. In its
present state, it would be an energy dinosaur. With everything that's impressed on
energy today, a better window would be the way to go but in your guidelines nobody
can renovate it.

Mr. Nicholas stated with the way that they're written now I would disagree with you.
Only because you're right in they don't meet the guidelines, that brings us to the second
question. Can the property owner convince us that the change requested is sufficient
balancing all interest involved? I think that's where people are going to have to realize
first of all these guidelines are rewritten a little bit and adopted. This board is going to go
from zero discretion to a whole heck of a lot of discretion. That's where the owners will

point to this board and that's where it's going to be on
We are no longer slaves to the Code. Read it,
apply no or yes, and approved. You're going to be exercising that discretion in
balancing the things that Mr. Holbrook is talking about. The owner's going for energy
efficiency. Okay what does that mean? Are we replacing windows and what does that
mean? These type of windows do not preserve the historic structure. Do they at all? Are
they attempting to? You know, and balance it all out and take a vote. I think that's where
we're going.

Mrs. Stilwell stated that building is old enough to be eligible for tax credits. 990 Main?
Wasn't it built in the 50's?

Mr. Holbrook stated 60's I believe. It says '65 in here.

Mrs. Burton stated I would have to look it up.

Mr. Weir stated the problem is we've got to be consistent. Inconsistency can get us in
trouble real fast.

Mrs. Stilwell stated okay I'm going to close the Public Hearing.

Mr. Wilson stated just one quick comment about that. The unfortunate situation
especially with investor on friendliness is that you have to own the property to come to a
COA. So if you're interested in a building and you want to get a variance from the
guidelines, you can't do it. Isn't that right?

Mrs. Burton stated you can actually be an applicant as long as you have the property
owner sign off on that as well.

Chairman closed the Public Hearing.

Mrs. Latham stated that's exactly what the Housing Authority did with the quad plex on
Green Street.

Mrs. Burton stated correct.

Mrs. Latham stated because that quad plex that you were mentioning came before us
last month, the City has not closed on it I guess.

Mrs. Burton stated Housing Authority.

Mrs. Latham stated it was able to come before us to get a Certificate of
Appropriateness.

Mrs. Burton stated right the Housing Authority was able to become the applicant.

to the approval of the minutes?

Mrs. Burton stated we need to address this item if we want to make a motion, or will it be tabled?

Mr. Nicholas stated I think it needs to be rewritten.

Mrs. Latham stated the typos in here are not major but there are a few things and the things that have been mentioned here.

Mrs. Latham made a motion to table the request for approval of the Old West End Design Guidelines. Mr. Weir seconded the motion. Mrs. Crews abstained because she had further questions. The motion was approved by a 5-0-1 vote.

APPROVAL OF THE MINUTES

Mrs. Latham made a motion to approve the August 28, 2014 minutes. Mrs. Crews seconded the motion. The motion was approved by a 6-0 vote.

OTHER BUSINESS

The Commissioners asked Mrs. Burton to present a new copy of the guidelines to them once the suggested changes have been made.

The Commissioners agreed to set a special meeting for Thursday November 6, 2014 to vote on the approval of the Old West End Design Guidelines.

With no further business the meeting adjourned at 4:47 p.m.

Approved