

Mayor  
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J. Keith Melton, Jr.  
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Patrick McConville II



Town Manager  
Robert W. Lohr, Jr.

Assistant Town Manager  
J. Patrick Childs

221 S. Nursery Avenue  
Purcellville, VA 20132  
(540) 338-7421  
Fax: (540) 338-6205  
www.purcellvilleva.gov

## STAFF REPORT

**TO:** Mayor and Town Council  
**FROM:** Daniel Galindo, AICP  
**SUBJECT:** Appeal of BAR Decision – Demolition of 130 & 138 North 21<sup>st</sup> Street (CDA13-12 & CDA13-18)  
**DATE:** December 13, 2013

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### Summary

At its meeting held on November 19, 2013, the Board of Architectural Review (BAR) considered a Certificate of Design Approval application for a proposed development known as Vineyard Square and 11 associated applications for demolition of the existing structures on the site. During the meeting, the BAR did not approve the demolition of the entire structures at 130 & 138 North 21<sup>st</sup> Street and moved that the existing façades be maintained and incorporated into the design for Vineyard Square. The original applicants have appealed the BAR's decision to Town Council as permitted by Section 54-79 of the Town Code and Article 14A, Section 7 of the Zoning Ordinance.

### Background

The BAR is authorized to regulate the exterior appearance of buildings and structures within areas zoned for commercial, industrial, and public building use. Within the Town's Historic Corridor Overlay District, the BAR regulates the exterior appearance of buildings and structures as well as the demolition of historic structures. 130 North 21<sup>st</sup> Street (CDA13-12) and 138 North 21<sup>st</sup> Street (CDA13-18) are located within the HC District. Both contribute to the Purcellville Historic District which is listed on the National Register of Historic Places. Chapman Group, LLC and Martinsburg Plaza, LLC applied for approval to demolish their respective structures in preparation for the construction of Vineyard Square, a proposed 5-6 story mixed-use building.

After consideration of the applications, Chairman Pat Giglio made the following motion:

I move the BAR *not* approve the demolition requests for CDA13-12 130 North 21<sup>st</sup> Street – Main Building and CDA13-(18) [*verbally misstated as CDA13-12*] 138 North 21<sup>st</sup> Street – the “brick buildings” with the following findings:

1. These buildings are listed as contributing elements within the Purcellville National Register Historic District and possess integrity

of design, craftsmanship and materials from their early twentieth-century period of significance that cannot be replicated (p. 32 – Criteria A).

2. These buildings embody the early twentieth-century development of Purcellville’s business district and incorporate original period features such as brick facades, storefront windows, period appropriate entry doors, sign bands, and steeped parapet walls which are distinctive architectural elements of Purcellville’s downtown and link the design of these buildings with other buildings of the same period on the street (p. 32 – Criteria B & D) which contribute to the historic context of the street.
3. The scale, design and physical relationship of these buildings to other surrounding buildings and their position on the street contribute to the visual quality and historic character of the streetscape, characterized by the gradual increase in height of the buildings and the curvature of the street (p. 32 – Criteria C & E) framing views to the depot and mill.

I further move that (the) applicant be required to incorporate the building façades, consisting of the brick portion of these buildings fronting on North 21st into the design of the proposed new construction for CDA13-11 Vineyard Square. Preserving and maintaining the brick facades and all the existing architectural features of these brick buildings and incorporating them into the proposed new construction will maintain the distinctive architecture of the town and historic qualities of (the) streetscape in keeping with the objectives of the Town’s historic district Design Guidelines (p. 4 – Purpose) and the Town’s Comprehensive Plan.

Vice-Chairman Dan Piper then offered the following friendly amendment: “For clarity, the façade includes relief items, storefronts, glass, frames, recesses, bands, decorative elements, cornices, pieces of trim that may need to be replaced due to rot or something, but still, that’s the façade; it’s not just the brick.” The motion and amendment passed unanimously.

Although not explicitly stated in the motion, the BAR’s discussion of the approved motion clarified that only the façades were not approved for demolition and must be incorporated into the Vineyard Square design. All elements of these buildings except for the façades *were* approved for demolition.

### **Staff Comments**

The Council’s consideration of these appeals should comply with the Town’s established ordinances. From the Town Code:

“Sec. 54-80. - Hearing before town council.

- (a) On any appeal of the decision of the board to the town council, the final decision of the board shall be stayed pending the decision of the town council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same procedure and standards shall be applied by the council as are established for the board. The council may affirm, reverse or modify the decision of the board, in whole or in part,

or may remand the case to the board. The decision of the council shall be final, subject to the provisions of section 54-81 of this article.

- (b) In determining whether to remand a case to the board, the council shall be guided by these factors: the completeness of the record; the appropriateness of further review by the board of certain points or facts; and any amendments to the application after the decision of the board. In this regard, the town council recognizes that changes to perfect, clarify, improve or adapt an application to citizen or town concerns, are positive and would not necessarily result in a remand. Changes that are substantive, that do not meet one or more of the elements set out in the preceding sentence, or that preclude complete review of the application by the board and citizens at that level, may serve as a basis for remand.”

From the Article 14A, Section 7 of the Zoning Ordinance:

“In considering an appeal, the town council shall give due consideration to the recommendations of the board of architectural review together with such other evidence as it deems necessary for a proper review of the application.”

Further comments from staff, including the original analyses of these two applications, may be found in the original BAR staff reports attached at the end of this report. A letter to Council from Chairman Giglio regarding the appeal has also been attached.

### **Motions**

#### *Motion to Affirm Board’s Decision*

“I move that the Town Council affirm the decision of the Board of Architectural Review for CDA13-12 and CDA13-18 to require the incorporation of the brick façades into the Vineyard Square design while allowing the remainder of the buildings to be demolished for the reasons stated in the Board’s original motion.”

-Or-

#### *Motion to Modify Board’s Decision*

“In order to protect and promote the public health, safety and welfare of the citizens of Purcellville and its visitors by protecting the town's unique historical and architectural character, preventing deterioration of the appearance of the town, encouraging the construction of attractive buildings which respect the small-town character of Purcellville, and ensuring taxable land values and commerce above the levels necessary to finance acceptable levels of municipal services, I move that the Town Council modify the decision of the Board of Architectural Review for CDA13-12 and CDA13-18 that would require the incorporation of the brick façades into the Vineyard Square design while allowing the remainder of the buildings to be demolished in the following ways:

- A.
- B.
- C.”

-Or-

#### *Motion to Reverse Board’s Decision and Allow Demolition*

"I move that the Town Council reverse the decision of the Board of Architectural Review for CDA13-12 and CDA13-18 and approve demolition of the buildings in their entirety, based on the following findings:

- A.
- B.
- C."

*-Or-*

*Motion to Remand Applications to BAR*

"I move that the Town Council remand CDA13-12 and CDA13-18 to the Board of Architectural Review for reconsideration, based on the following findings:

- A.
- B.
- C."

**Attachments**

- Appeal Application and Revised Statement of Justification
- Letter from Chairman Giglio Regarding Appeal
- CDA13-12 Application Materials
- CDA13-12 Staff Report
- CDA13-18 Application Materials
- CDA13-18 Staff Report