

REVISED

Work Session Agenda Staunton City Council Rita S. Wilson Council Chambers August 13, 2020 5:00 p.m.

- | | | |
|------------------|-------------------|---|
| 5:00 p.m. | | Mayor's Introductory Remarks |
| 5:05 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 5:10 p.m. | 2. & B | Discussion of Refund of Bank Franchise Tax to Branch Banking and Trust Company (now Truist) and Related Ordinance |
| 5:20 p.m. | 3. | Update on Central Avenue Streetscape Project |
| 5:30 p.m. | 4. | Update on the Staunton Crossing Economic Development Business Plan |
| 5:50 p.m. | 5. | Presentation on My Brother's and Sister's Keeper Initiative – RESCHEDULED TO AUGUST 27, 2020 |
| 6:05 p.m. | | Break |
| 6:20 p.m. | 6. | Discussion Concerning Council Meeting Security |
| 6:40 p.m. | 7. | Discussion of Establishment of Ad Hoc Advisory Committee to Study and Report on Gypsy Hill Golf Course |
| 7:00 p.m. | 8. | Closed Meeting for Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by such Counsel Regarding Contractual-Related Aspects Pertaining to 240 North Lewis Street, Staunton, VA |
| 7:15 p.m. | | Break |

REVISED

Regular Meeting Agenda Staunton City Council Rita S. Wilson Council Chambers August 13, 2020 7:30 p.m.

Call to Order

Pledge of Allegiance

Invocation/Moment of Silence—Dull

Mayor's Report

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of July 23, 2020

REGULAR MEETING

- A. Report of Nominations Committee and Consideration of Nominations of Council Liaisons to Boards and Commissions and to Committees of the Virginia Municipal League**
- B. Consideration of Refund of Bank Franchise Tax to Branch Banking and Trust Company (now Truist) and Related Ordinance**
- C. Appeal of Historic Preservation Commission Denial of a Certificate of Appropriateness (COA) for 208 Fayette Street (Newtown Historic District)—Side Addition**
- D. Consideration of Resolution Consenting to and Confirming Declaration of Local Emergency Beginning August 8, 2020**

Matters from the City Manager

Matters from the Public*

Adjournment

***All persons wishing to be heard at Matters from the Public are invited to participate in person or by using the following procedure:**

- Dial toll free number: **(844) 854-2222**
- When prompted, enter the access code for the meeting: **619358#**
- You will hear the automated word "Muted"
- At that point, you will have been added to the queue to share your comments with Council
- While you are in the queue, you will hear the audio feed of the meeting
- When you hear the automated word "Unmuted," share your comments with Council
- Participants are reminded Matters from the Public portions of the meeting are a time for Council simply to listen to your comments
- While you are in the queue, mute the television, computer or other device on which you are listening to the meeting

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

Background: Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of _____; as to the Regular Session, the addition/deletion of _____].

City Manager: Steven L. Rosenberg

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CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Maggie Ragon Commissioner of Revenue Rick Johnson Treasurer Phil Trayer Chief Finance Officer
Item #	2 & B	
Ordinance #		
Department:	Commissioner of Revenue Treasurer Finance	
Council Vision:	Responsive, Efficient Government	
Subject:	Refund of Bank Franchise Tax to Branch Banking and Trust Company (now Truist) and Related Ordinance	

Background: For tax years 2012-2014, Branch Banking and Trust Company (BB&T) filed what it asserted was a timely appeal of the assessment of certain bank franchise taxes with the Virginia Department of Taxation. The bank reported a significant increase in its deduction for retained earnings and surplus of subsidiaries and requested refunds. The Department of Taxation requested additional information and determined the deductions to be less than reported. After considering all information submitted, the Department of Taxation allowed certain adjustments as reported on a schedule of overpayments reported to localities. The Department of Taxation has notified the City of Staunton to refund the amounts of \$9,941 for 2012, \$9,020 for 2013, and \$10,393 for 2014, totaling a refund due to BB&T of \$29,354 (shown as \$29,355 in the *Summary of Refunds* table of the Tax Commissioner's determination letter dated October 1, 2019.)

No provision for interest is included in the directive from the Department of Taxation. As there is no precedent for charging interest should a bank franchise tax payment be made past the due date established by the Treasurer, the Commissioner of Revenue and the Treasurer have deemed it unnecessary to consider interest on the refunds.

Virginia Code § 58.1-3990 provides that the governing body of any city or county may provide by ordinance for the refund of any local taxes erroneously paid. A draft ordinance authorizing the refund to Truist is attached for Council's consideration.

Attachment:

Draft ordinance (with attachments)

City Manager's Recommendation: Recommend that City Council adopt the ordinance, as presented.

Suggested Motion: I move that Council adopt the ordinance authorizing and directing the Treasurer of the City of Staunton to refund a total excess assessment of bank franchise taxes, in the amount of \$29,355, to Truist Bank, the successor in interest to Branch Banking & Trust Company.

City Manager: Steven L. Rosenberg

Ordinance No. 2020 - _____

**AN UNCODIFIED ORDINANCE TO DIRECT THE TREASURER OF THE CITY
OF STAUNTON, VIRGINIA, TO REFUND THE AMOUNT OF EXCESS
ASSESSMENTS OF BANK FRANCHISE TAX, AS DETERMINED BY THE
VIRGINIA TAX COMMISSIONER**

Recitals

A. Virginia law provides and allows for what is known as state and local bank franchise tax under the provisions of Chapter 12 of Title 58.1 of the Virginia Code, and the City of Staunton has had an uncodified bank franchise tax ordinance, a copy of which is annexed and incorporated by reference as **Exhibit A**;

B. The City of Staunton realizes receipt of such a local tax under the provisions of Virginia Code §§ 58.1-1208 and 58.1-1211;

C. The bank franchise tax assessment is actually determined and controlled essentially by the Virginia Department of Taxation, with the local commissioners of revenue having the role of receiving a duplicate copy of the bank's tax return as filed with the Virginia Department of Taxation, under the provisions of Virginia Code § 58.1-1207;

D. By letter determination dated October 1, 2019, the Virginia Tax Commissioner concluded as follows with regard to Bank Branching and Trust Company, as it was then known for the tax years in question:

In accordance with this determination, the adjustment to increase equity capital for the 2014 tax year by including noncontrolling (minority) interests in consolidated subsidiaries is reversed. In addition, the Department will allow a deduction for both retained earnings and surplus of the Bank's subsidiaries to the extent included in gross capital. Finally, the Credit carryovers must be corrected to show the amounts that should have been claimed for the 2012 through 2014 tax years. The enclosed schedules display the adjustments (including mathematical errors) to be made as a result of this determination. The overpayments of state BFT, including applicable interest, will be refunded shortly. The Department will notify the affected localities and refunds of the local portion of the BFT will be issued by those localities.

E. A copy of the Virginia Tax Commissioner's determination letter dated October 1, 2019 is annexed to this ordinance and incorporated by reference as **Exhibit B**, and since issuance of the determination letter, the Staunton Commissioner of Revenue has

DISCUSSION DRAFT 8.3.20

undertaken a review, as have other locality revenue or financial officers, given the unique circumstances;

F. The Staunton Commissioner of Revenue, upon further review, consistent with the Virginia Tax Commissioner's October 1, 2019 determination, now has concluded that although there may be legal procedural issues that the City of Staunton might raise to decline any refund, deference should be given under the unique circumstances to the Virginia Tax Commissioner's determination letter, occasioning a local certification by the Commissioner of Revenue that the assessments as determined were erroneous;

G. The Staunton Commissioner of Revenue now files with the Staunton City Council, the governing body of the City of Staunton, Virginia, a certificate consistent with the provisions of Virginia Code § 58.1-3981, which certificate is annexed as a part of this ordinance and incorporated by reference as **Exhibit C** as a condition, along with the consent of the Staunton City Attorney, to permit City Council to direct a refund;

H. The Staunton Commissioner of Revenue has consulted with the Chief Finance Officer of the City of Staunton, the City Manager of the City of Staunton, and the Treasurer of the City of Staunton, who do not disagree with the Staunton Commissioner of the Revenue's certification under these unique circumstances;

I. The Staunton Commissioner of Revenue also has consulted with the Staunton City Attorney, who gives his consent; and

J. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that it **AUTHORIZES AND DIRECTS** the Treasurer of the City of Staunton to refund the total excess assessments of \$29,355.00, as determined by the Virginia Tax Commissioner in the October 1, 2019 letter, to Truist Bank, the successor in interest to Branch Banking and Trust Company, on the condition that acceptance of such refund constitutes a binding waiver by Truist Bank for itself and its predecessor in interest, Branch Banking and Trust Company, of any claim of interest or any other amounts related to tax assessments embraced within the October 1, 2019 letter determination of the Virginia Tax Commissioner.

Introduced:

Adopted:

Andrea W. Oakes, Mayor

ATTEST: _____
Suzanne F. Simmons, Clerk of Council

AN ORDINANCE TO AMEND THE TAX CODE
OF THE CITY OF STAUNTON, VIRGINIA
TO IMPOSE A BANK-FRANCHISE TAX

BE IT ORDAINED by the City Council of the City of Staunton, Virginia, that the following Ordinance is hereby enacted and added to the Tax Code of the City of Staunton, Virginia.

Section I. Definitions.

For the purposes of this ordinance, the following words shall have the meanings ascribed to them by this section:

- A. "Bank" shall be as defined in Section 58-485.01 of the Code of Virginia.
- B. "Net Capital" shall mean a bank's net capital computed pursuant to Section 58-485.07 of the Code of Virginia.

Section II. Imposition of City Bank Franchise Tax.

- A. Pursuant to the provisions of Chapter 10.01 of Title 58 of the Code of Virginia, there is hereby imposed upon each bank located within the boundaries of this City a tax on net capital equalling eighty percentum of the state rate of franchise tax set forth in Section 58-485.06 of the Code of Virginia.
- B. In the event that any bank located within the boundaries of this city is not the principal office but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by Section 58-485.012 of the Code of Virginia.

Section III. Filing of Return and Payment of Tax.

- A. On or after the first day of January of each year, but not later than March 1, of any such year, all banks whose principal offices are located within this city shall prepare and file with the Commissioner of the Revenue (or comparable local assessing officer) a return as provided by Section 58-485.013 of the Code of Virginia in duplicate which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Commissioner of the Revenue (or comparable assessing officer) shall certify a copy of such filing of the bank's return and schedule and shall forthwith transmit such certified copy to the State Department of Taxation.
- B. In the event that the principal office of a bank is located outside the boundaries of this city and such bank has branch offices located within this city, in addition to the filing requirements set forth in Section A hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue or appropriate assessing officer of this city a copy of the real estate deduction schedule, apportionment and other items which are required by Section 58-485.012, 58-485.013 and 58-485.014 of the Code of Virginia.
- C. Each bank, on or before the first day of June of each year, shall pay into the treasurer's office (or other appropriate official) of this city all taxes imposed pursuant to this ordinance.

Section IV. Effective Date of Ordinance.

The provisions of this ordinance shall be effective for the year beginning January 1, 1980.

Section V. Penalty upon bank for failure to comply with ordinance.

Any bank which shall fail or neglect to comply with any provision of this ordinance shall be fined not less than one hundred nor more than five hundred dollars, which fine shall be recovered upon motion, after five days' notice in the circuit court of this city. The motion shall be in the name of the Commonwealth and shall be presented by the attorney for the Commonwealth of this locality.

Walter Smith
Mayor

Attest:

Bette W. Kerr

Effective Date: January 1, 1980



COMMONWEALTH of VIRGINIA

Department of Taxation

October 1, 2019

Mr. David M. Vistica
Washington National Tax
Deloitte Tax LLP
555 12th Street, N.W., Suite 400
Washington, D.C. 20004

Re: § 58.1-1824 Application: Bank Franchise Tax
Branch Banking and Trust Company

Dear Mr. Vistica:

This is in response to your letter in which you seek correction of the bank franchise tax (BFT) assessments issued to Branch Banking and Trust Company (the "Bank") for the 2013 and 2014 tax years and protective claim for refund for the 2012 through 2014 tax years. I apologize for the delay in responding to your appeal.

FACTS

For the tax years at issue, the Bank had investments in numerous subsidiaries that were reported in the Bank's official report of condition (the "Call Report"). The Bank timely filed amended BFT returns for the taxable years at issue, reporting a significant increase in its deduction for retained earnings and surplus of subsidiaries and requested refunds.

Under review, the Department requested additional documentation concerning the deductions for the surplus of subsidiaries. Based on the additional documentation, the Department granted deductions that were less than originally claimed. The Department also increased taxable capital on the 2014 return. The refunds were denied and assessments were issued for the 2013 and 2014 tax years.

The Bank filed a protective claim for refund, contending it had correctly reported its capital on the 2014 return and the deductions on its amended returns. The Bank also asserts the Department assessed the 2013 tax year beyond the statute of limitations. Further, if relief is not granted on the issue of the deduction, the Bank



claims the Department failed to allow a historic rehabilitation tax credit to which it was entitled.

DETERMINATION

Statute of Limitations

Pursuant to *Virginia Code* § 58.1-104, the Department generally has authority to issue an assessment within three years of the due date of a timely filed return. Under *Virginia Code* § 58.1-1207, the 2013 BFT return was due March 1, 2013. Thus, the Department had until March 1, 2016, to issue an assessment. The 2013 assessment was issued in February 2017, beyond the statute of limitations.

Total Equity Capital

The BFT is imposed on the net capital of a bank. *Virginia Code* § 58.1-1205 provides the computation for determining a bank's net capital. There is no provision under Virginia statute that requires or permits banks to combine capital among affiliated banks for purposes of determining its BFT liability. Instead, each bank must make a separate determination of its capital.

For the 2014 tax year, the Department adjusted the Bank's "total equity capital" to equal the amount reported on the Call Report. While Title 23 of the Virginia Administrative Code (VAC) 10-330-20 B 7 starts the BFT computation with total equity capital as reported on the Call Report, the Department has recognized that changes in United States Generally Accepted Accounting Principles (GAAP) and federal banking regulations have included items reported in a bank's equity beyond those items identified in Virginia's statute. See Public Document (P.D.) 05-165 (12/5/2005).

Under *Virginia Code* § 58.1-1205, the computation of net capital begins "by adding together its capital, surplus, undivided profits and one half of any reserve for loan losses net of applicable deferred tax" Title 23 VAC 10-330-20 defines "gross capital" to mean "the total of capital stock, surplus, and undivided profits and one half of any reserve for loan losses net of applicable deferred tax" Under the regulation, the gross capital of a bank is computed by adding the following accounts as reported on the Call Report: (1) preferred stock, (2) common stock, (3) surplus, (4) undivided profits and reserve for contingencies and other capital reserves, and (5) 50% of reserve for loan losses reduced by deferred tax. Under Virginia's regulation, any amounts not included in these five categories are not included in a bank's computation of total equity capital.

For the 2012 through 2014 tax years, the Bank included "noncontrolling (minority) interests in consolidated subsidiaries" in computing its total equity capital reported on its Call Reports. The Bank argues this line was created as a result of the reclassification of liabilities related to minority interests in relegated entities from the liability section of the balance sheet. According to the Bank, it was required to report a lower-tiered subsidiary as a noncontrolling interest because it was held outside the consolidated group included in the Call Report.

Financial Accounting Standards Board (FASB) Statement No. 160 made a number of amendments to Accounting Research Bulletin (ARB) 51 with regard to consolidating financial statements of related entities. Included in the amendments was a change in the way noncontrolling interests in other entities were reported in the financial statements. Instead of reporting the noncontrolling or minority interests in the liability section of the balance sheet, FASB Statement No. 160 began requiring entities to report noncontrolling interests in the consolidated statement of financial position with equity but separate from the parent's equity. Under the provisions of FASB Statement No. 160, the total equity capital reported on the Call Report included a separate item in its equity section for "noncontrolling (minority) interests in consolidated subsidiaries." The description of the equity accounts included in determining a bank's capital subject to BFT does not include noncontrolling or minority holdings in a subsidiary.

Deduction for Surplus

Under GAAP, banks are required to include majority-owned subsidiaries in a consolidated Call Report. Accordingly, a Call Report filed by a bank may include the bank and its subsidiaries. Before consolidation, a parent bank will include the investment in its subsidiary as an asset. The subsidiary reports a corresponding equity owned by the parent bank in the equity section of its balance sheet. When the entities are consolidated, an elimination adjustment is made to offset the intercompany transaction. In the elimination, the parent bank's asset will be offset by the subsidiary's equity owned by the bank.

Virginia Code § 58.1-1206 A 4 permits a deduction equal to the "amount of retained earnings and surplus of subsidiaries to the extent included in the gross capital of the bank." Title 23 VAC 10-330-30 E explains that the intent of the deduction is to remove the amount of increase in the bank's recorded investment in its subsidiaries resulting from undistributed earnings of such subsidiaries from the gross capital of a bank. This reduces the possibility that the bank would be taxed on the activities of its subsidiaries. Under the regulation, the deduction is limited to the amount included in gross capital that represents the undistributed earnings of its subsidiaries during the period of the bank's investment in such subsidiaries.

For reporting purposes, the regulatory requirements applicable to the Call Report conform to GAAP. Under ARB No. 51, retained earnings of a purchased subsidiary at the date of acquisition are not included in consolidated financial statements. Consequently, the only undistributed earnings of a subsidiary that should be included in a bank's consolidated financial statement would be the subsidiary's retained earnings during the period of the bank's investment.

Such increases are generally reflected in a subsidiary's undivided profits or retained earnings. In some instances, however, the increase may be reflected in the subsidiary's surplus. As such, the deduction is permitted for the subsidiary's retained earnings and surplus.

Pursuant to Title 23 VAC 10-330-20 B, "surplus" is defined as the amount shown on the Call Report including "reserves for contingencies and other capital account reserves." For purposes of the Call Report, the surplus account includes capital contributions, adjustments arising from treasury stock transactions, and any amount received for common stock in excess of its par value.

Unlike retained earnings, a subsidiary's surplus at the date of acquisition is not eliminated in consolidated financial statements under GAAP. Consequently, the clear language of the statute permits a deduction for any amount of a subsidiary's surplus included in the Call Report of a bank. Such surplus, including reserves, treasury stock, and amounts paid in excess of par, should be readily identifiable on the subsidiary's year end financial statements. See P.D. 06-69 (8/18/2006).

The Department denied the deductions for surplus because Title 23 VAC 10-330-30 E restricts the deduction to undistributed earnings. In addition, the deduction reported on the 2014 return far exceeded the amount reported on the Call Report.

The term "undistributed earnings" is not defined for BFT purposes. Generally, the term "undistributed earnings" is used along with a number of terms to describe retained earnings, which are earnings or profits that are not paid as distributions to the entity's owners. The Virginia Supreme Court has used the terms "undistributed earnings" and "retained earnings" interchangeably. See *Segaloff v. Segaloff*, 59 Va. Cir. 55, 2002 Va. Cir. LEXIS 131 (2002). *Virginia Code* § 58.1-1206, however, permits a deduction for surplus in addition to retained or undistributed earnings. See also P.D. 06-69 (8/18/2006).

As to the amount of the deduction claimed by the Bank, *Virginia Code* § 58.1-1206 A 4 limits the deduction to the extent retained earnings and surplus are included in the gross capital of the bank. In conjunction with its review, the Department requested the Bank to provide a reconciliation of its deduction to amounts reported on

the Call Report. The reconciliation provided by the Bank indicated that a significant amount of the deduction for retained earnings and surplus claimed on its amended returns had been eliminated before being reported on the Call Reports. In accordance with the statute, the Bank would not be permitted to deduct retained earnings and surplus not included in gross capital.

Historic Rehabilitation Tax Credit

In 2009, the Bank received a Historic Rehabilitation Tax Credit (the "Credit") from a pass-through entity. In subsequent years, the Bank became eligible to claim additional Credits received through various pass-through entities.

Under *Virginia Code* § 58.1-339.2, any individual, trust, estate, or corporation is entitled to the Credit equal to 25% of eligible expenses. Credits granted to partnerships are allocated to the partners either in proportion to their ownership interest or as agreed. The credit may be carried over for up to 10 tax years.

As permitted under the statute, the portion of the Credit that was not used on the 2010 BFT return was carried forward to 2011 and 2012. Credits earned in subsequent taxable years were likewise carried forward to 2012, 2013 and 2014 and claimed on the Bank's original BFT returns. When the Bank filed amended returns, the state BFT tax liability was reduced to \$0. As a result, the Bank had no BFT liability on which to apply the Credits that had been carried forward. Thus, the Bank did not report any Credit on the amended returns.

The Bank asserts the Department has not reflected available Credits against the assessments made for the 2013 and 2014 tax years. A review of the audit reports confirms the Department failed to adjust Credit carryovers to reflect the full amounts that were eligible to be claimed in its audit findings and resulting assessments.

When the Bank amended its deduction of retained earnings, it also amended its claims for the Credit in accordance with the resulting state BFT liability. Because the Credit carryovers were amended, the Department was obligated to adjust the Credit carryovers when it disallowed the deduction.

Mathematical Errors

During the course of considering the Bank's appeal, a number of minor transposition errors were discovered on the amended returns. The Bank has provided documentation to verify the correct amounts.

CONCLUSION

In accordance with this determination, the adjustment to increase equity capital for the 2014 tax year by including noncontrolling (minority) interests in consolidated subsidiaries is reversed. In addition, the Department will allow a deduction for both retained earnings and surplus of the Bank's subsidiaries to the extent included in gross capital. Finally, the Credit carryovers must be corrected to show the amounts that should have been claimed for the 2012 through 2014 tax years. The enclosed schedules display the adjustments (including mathematical errors) to be made as a result of this determination. The overpayments of state BFT, including applicable interest, will be refunded shortly. The Department will notify the affected localities and refunds of the local portion of the BFT will be issued by those localities.

The *Code of Virginia* sections, regulations, and public documents cited are available on-line at www.tax.virginia.gov in the Laws, Rules & Decisions section of the Department's web site. If you have any questions regarding this determination, you may contact David T. Mason in the Department's Office of Tax Policy, Appeals and Rulings, at (804) 371-6041.

Sincerely,



Craig M. Burns
Tax Commissioner

Enclosure

AR/1289c

SUMMARY OF REFUNDS DUE TO BB&T

LOCALITY	2012 REFUND TO BANK	2013 REFUND TO BANK	2014 REFUND TO BANK	TOTAL DUE TO BANK
Accomack County	\$3,425	\$3,214	\$4,176	\$10,815
Albemarle County	\$42,246	\$36,003	\$44,391	\$122,640
Amelia County	\$4,537	\$3,739	\$3,946	\$12,223
Amherst County	\$15,197	\$11,832	\$14,117	\$41,146
Arlington County	\$158,647	\$142,710	\$168,167	\$469,524
Augusta County	\$9,829	\$8,354	\$13,063	\$31,247
Bath County	\$8,855	\$7,616	\$7,544	\$24,015
Bedford County	\$15,643	\$14,601	\$18,136	\$48,380
Bland County	\$9,254	\$7,855	\$9,265	\$26,374
Buckingham County	\$6,482	\$5,424	\$5,596	\$17,502
Campbell County	\$8,822	\$7,450	\$8,895	\$25,166
Carroll County	\$2,994	\$2,637	\$0	\$5,631
Charles City County	\$3,947	\$3,239	\$3,689	\$10,875
Chesterfield County	\$70,433	\$64,154	\$81,011	\$215,599
City of Alexandria	\$52,131	\$49,269	\$57,996	\$159,396
City of Bristol	\$7,093	\$6,158	\$7,748	\$20,999
City of Buena Vista	\$4,543	\$4,267	\$8,635	\$17,446
City of Charlottesville	\$24,895	\$26,411	\$27,675	\$78,981
City of Chesapeake	\$80,870	\$72,711	\$89,443	\$243,023
City of Colonial Heights	\$16,790	\$14,632	\$19,005	\$50,426
City of Covington	\$12,970	\$10,940	\$13,821	\$37,731
City of Danville	\$29,046	\$22,670	\$25,140	\$76,856
City of Emporia	\$11,537	\$10,333	\$11,916	\$33,786
City of Fairfax	\$100,397	\$75,294	\$132,942	\$308,634
City of Falls Church	\$31,101	\$26,705	\$30,354	\$88,159
City of Franklin	\$8,232	\$10,864	\$13,174	\$32,270
City of Fredericksburg	\$72,761	\$60,929	\$66,605	\$200,295
City of Galax	\$7,356	\$5,770	\$6,888	\$20,014
City of Hampton	\$9,855	\$11,697	\$15,840	\$37,392
City of Harrisonburg	\$24,376	\$21,610	\$29,382	\$75,369
City of Hopewell	\$11,516	\$10,242	\$12,664	\$34,422
City of Lexington	\$8,737	\$7,402	\$8,433	\$24,571
City of Lynchburg	\$90,394	\$60,041	\$74,530	\$224,965
City of Manassas	\$59,796	\$47,845	\$56,510	\$164,151
City of Martinsville	\$29,962	\$25,356	\$28,748	\$84,066
City of Newport News	\$21,402	\$20,198	\$24,120	\$65,720
City of Norfolk	\$119,411	\$76,450	\$100,045	\$295,906
City of Petersburg	\$10,408	\$8,560	\$9,940	\$28,908
City of Poquoson	\$9,520	\$8,894	\$10,802	\$29,215
City of Portsmouth	\$31,820	\$27,777	\$34,350	\$93,947
City of Radford	\$5,971	\$5,221	\$6,246	\$17,438
City of Richmond	\$71,455	\$97,105	\$76,924	\$245,484
City of Roanoke	\$24,813	\$22,282	\$26,231	\$73,326
City of Salem	\$20,423	\$16,252	\$19,256	\$55,931

SUMMARY OF REFUNDS DUE TO BB&T

<u>LOCALITY</u>	2012 REFUND TO BANK	2013 REFUND TO BANK	2014 REFUND TO BANK	TOTAL DUE TO BANK
City of Staunton	\$9,941	\$9,020	\$10,393	\$29,355
City of Suffolk	\$40,470	\$29,940	\$33,567	\$103,977
City of Virginia Beach	\$161,162	\$141,347	\$170,923	\$473,432
City of Waynesboro	\$6,358	\$5,112	\$6,198	\$17,667
City of Williamsburg	\$9,372	\$8,136	\$10,823	\$28,330
City of Winchester	\$93,497	\$78,059	\$96,502	\$268,059
Cumberland County	\$2,422	\$2,153	\$2,423	\$6,999
Dinwiddie County	\$2,999	\$2,704	\$3,161	\$8,864
Fairfax County	\$545,843	\$464,315	\$568,435	\$1,578,593
Fauquier County	\$13,128	\$11,310	\$13,828	\$38,267
Fluvanna County	\$11,613	\$9,529	\$11,812	\$32,954
Franklin County	\$21,518	\$16,319	\$20,459	\$58,295
Frederick County	\$22,204	\$19,391	\$21,987	\$63,583
Gloucester County	\$15,836	\$14,101	\$16,491	\$46,429
Greene County	\$6,368	\$5,318	\$6,726	\$18,413
Hanover County	\$42,244	\$38,107	\$42,773	\$123,124
Henrico County	\$144,178	\$123,029	\$161,870	\$429,077
Henry County	\$20,330	\$15,515	\$18,527	\$54,373
James City County	\$3,208	\$4,268	\$4,916	\$12,392
King & Queen County	\$3,261	\$2,965	\$3,102	\$9,329
King George County	\$10,581	\$9,017	\$10,268	\$29,866
Loudoun County	\$57,965	\$53,224	\$67,850	\$179,038
Mecklenburg County	\$3,011	\$2,544	\$3,093	\$8,648
Middlesex County	\$9,517	\$7,963	\$9,532	\$27,012
Montgomery County	\$2,556	\$2,117	\$2,494	\$7,167
Nelson County	\$10,281	\$9,348	\$10,967	\$30,596
Page County	\$9,665	\$8,562	\$9,957	\$28,184
Patrick County	\$3,723	\$3,067	\$3,965	\$10,755
Pittsylvania County	\$6,240	\$5,138	\$6,048	\$17,425
Prince George County	\$6,413	\$5,274	\$6,385	\$18,072
Prince William County	\$86,598	\$77,827	\$94,538	\$258,962
Rappahannock County	\$2,896	\$2,549	\$2,867	\$8,312
Roanoke County	\$17,618	\$15,564	\$19,663	\$52,845
Rockbridge County	\$15,615	\$13,117	\$16,958	\$45,690
Rockingham County	\$4,689	\$3,929	\$4,539	\$13,157
Russell County	\$2,491	\$2,236	\$2,549	\$7,276
Scott County	\$2,751	\$2,108	\$2,439	\$7,298
Smyth County	\$3,329	\$0	\$0	\$3,329
Spottsylvania County	\$26,090	\$22,371	\$27,464	\$75,925
Stafford County	\$38,767	\$34,048	\$41,920	\$114,734
Sussex County	\$2,237	\$2,172	\$2,249	\$6,658
Town of Abingdon	\$35,327	\$7,573	\$8,328	\$51,228
Town of Altavista	\$4,789	\$3,768	\$4,388	\$12,944
Town of Amherst	\$8,739	\$10,714	\$12,824	\$32,277



MAGGIE RAGON
COMMISSIONER OF REVENUE

TO: Mayor Carolyn Dull; Members of Council

FROM: Maggie Ragon, Commissioner of Revenue

DATE: April 16, 2020

RE: Bank Franchise Tax refund

I received a letter, dated February 27, 2020, from Mr. Keven Wright, Director of Special Taxes and Services, Virginia Department of Taxation.

The letter includes a copy of a ruling made by Tax Commissioner Craig Burns in October, 2019 regarding a request for refund of certain bank franchise taxes assessed of BB&T for the years 2012-2014.

The determination of the Tax Commissioner based on review of the amended returns and ensuing appeal directs the City of Staunton to issue a refund of taxes paid for 2012-2014.

I certify that the refund amount calculated by the Department of Taxation is:

2012	-	\$ 9,941
2013	-	\$ 9,020
2014	-	\$10,393

For a total of \$29,354. Please refer to the attached documents from the Department of Taxation showing these amounts totaling to \$29,355.

I further certify that the amount of tax assessed and paid by BB&T was:

2012	-	\$10,816
2013	-	\$10,556
2014	-	\$13,171

For a total of \$34,543

116 W. Beverley Street P.O. Box 4 Staunton, Virginia 24402 540.332.3829 www.staunton.va.us

revenue@ci.staunton.va.us

BIRTHPLACE OF THE COUNCIL-MANAGER FORM OF GOVERNMENT

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Staff Members: Nickie Mills Billy Vaughn Phil Trayer Tom Sliwoski
Item #	3	
Ordinance #		
Department:	Engineering Public Works Finance	
Council Vision	Responsive, Efficient Government Built Environment	
Subject:	Update on Central Avenue Streetscape Project	

Background: The City continues its work on the Central Avenue Streetscape Project through the Virginia Department of Transportation (VDOT) Transportation Enhancement Program. The project, designed by Draper Aden Associates, will enhance the portion of Central Avenue from Frederick Street to Pump Street, and include underground utilities, brick sidewalks, brick crosswalks, historic-style light poles, and landscaping.

After experiencing challenges with the acquisition of easements for underground electric service distribution lines, the City was required to redesign the project. It was rebid on June 25, 2020, and the lowest responsive bidder was Messer Contracting, LLC, of Glen Allen, Virginia, with a bid of \$1,937,099.75. The bid was 21% higher than the engineer's estimate of the cost of construction, likely due to market conditions.

Recently, Dominion Energy finalized its design of the underground electric service distribution lines, and provided to the City a final cost estimate for its portion of the electrical work for the project. City staff have been working with VDOT to finalize the funding allocations based on the

recent bid and the revised estimate from Dominion Energy. The revisions resulted in an overall estimated project cost of \$2,434,942. A portion of the increase in the project cost will be covered by crediting the City's Engineering Division's staff time on the project toward the local funding requirement.

As required by VDOT to advance the project to its construction phase, a letter dated July 15, 2020, was sent by City Manager Steve Rosenberg to VDOT's Program Manager Michael Fulcher, confirming the City's commitment to fully fund the 100% local funding requirement of \$339,057. The letter is attached to this agenda briefing. Further local matching funds from the City, required in connection with other funding vehicles, total \$184,838. Chief Finance Officer Phil Trayer confirms that all local funds are budgeted and appropriated.

Staff will engage with interested parties in the coming weeks to apprise them of the project's status. Once VDOT provides the necessary authorization, staff will award a contract to Messer Contracting, LLC and issue a notice to proceed with construction. The project is estimated for completion in the summer of 2022.

City Engineer Nickie Mills will attend Council's work session on August 13, 2020, to share further details of the project with Council.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Central Avenue Streetscape Improvement Project
Funding Summary
Prepared July 13, 2020

Funding Source	City Funds	Fed. Source Funds	State Source Funds	Total Funds
SafeTEA-LU (Initial TAP Grant)	\$0	\$1,074,676	\$268,669	\$1,343,345
TA (New TAP Grant)	\$127,622	\$510,486		\$638,108
Revenue Sharing	\$57,216		\$57,216	\$114,432
Engineering Division Staff Time during Constr.	\$30,000			\$30,000
City Funds	\$309,057			\$309,057
				\$0
Totals	\$523,895	\$1,585,162	\$325,885	\$2,434,942

July 14, 2020

Mr. Michael Fulcher
Virginia Department of Transportation
Program Manager
Staunton District Office
811 Commerce Rd
Staunton, VA 24401

Dear Michael,

Thank you for your assistance in getting our Central Avenue Streetscape project to this stage. The Central Avenue project will improve the walkability and historic appeal of this important part of the City's historic downtown.

We are excited to confirm that we are ready to take this project to construction, and that the City is prepared to fully fund the 100 % local funding requirement of \$339,057. We look forward to working with you on this and future projects.

Sincerely,

Steve Rosenberg
City Manager
City of Staunton

July 15, 2020

Michael Fulcher
Program Manager
Virginia Department of Transportation
Staunton District Office
811 Commerce Rd
Staunton, Virginia 24401

Re: Central Avenue Streetscape Project

Dear Michael:

Thank you for your role in advancing the City of Staunton's Central Avenue Streetscape Project to its construction phase. As you are well aware, the project will improve the walkability and appeal of this important part of the city's historic downtown.

I am pleased to confirm that the city is prepared to commence construction of the project and to fully fund the 100% local funding requirement of \$339,057. We look forward to working with the Virginia Department of Transportation on this project.

Sincerely,



Steven L. Rosenberg
City Manager

cc: Leslie Beauregard (by electronic mail)
Assistant City Manager

Nickie Mills (by electronic mail)
City Engineer

Phil Trayer (by electronic mail)
Chief Finance Officer

Billy Vaughn (by electronic mail)
Community Development Director

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Staff Members: Billy Vaughn Amanda DiMeo
Item #	4	
Ordinance #		
Department:	Economic Development	
Council Vision:	Economic Development	
Subject:	Update on the Staunton Crossing Economic Development Business Plan	

Background: During Council's work session on August 13, 2020, staff will provide an update on the City's recent efforts to implement the recommendations in the Staunton Crossing Economic Development Business Plan. Tim Davey of Timmons Group will provide a brief overview of the adopted business plan, a summary of which is attached to this agenda briefing. Topics to be addressed include the following:

- Site Preparation – In 2019, to facilitate the redevelopment of the site, City Council and the Economic Development Authority committed to the demolition of all structures at Staunton Crossing. The project involves the razing of 19 buildings, the abatement of hazardous materials, the removal and disposal of 18 above and underground storage tanks, and the salvage of equipment and building materials. Site preparation efforts also include the construction of a road to access the entire site. As a result of the current pandemic and budget reduction attributable to the projected loss of city revenues, the demolition component was placed on hold.
- Brownfields Grant – On March 29, 2019, the Virginia Economic Development Partnership Authority (VEDP) awarded the City a brownfields matching grant totaling \$432,000 to facilitate the redevelopment of the site by undertaking remediation activities, including (a) safe removal and disposal of hazardous materials within existing structures, and (b) removal and disposal of existing above and underground storage tanks, including soil restoration. According to the

performance agreement between VDEP and the City, these activities must be completed by November 30, 2020. As part of the project, the city agreed to contribute \$1,360,000 for non-hazardous building demolition.

Given the deferral of the demolition project, staff requested an extension of the completion date to allow additional time for the City to consider resumption of the project. On May 21, 2020, the City received confirmation of an extension until August 31, 2021. Staff will continue to engage with VEDP concerning the status of the demolition.

- Crossing Way Extension – The project, funded by Virginia Department of Transportation (VDOT) under its SMART SCALE program, involves the design and construction of a new 4,000 linear-foot spine road connecting Richmond Avenue to Valley Center Drive. When completed, the \$8.78 million road project will make the property fully accessible and provide another step towards being ready for development. To advance the project, right-of-way must be dedicated to VDOT for the construction of the new road. A draft plat to effect the dedication has been prepared and is attached to this agenda briefing. As shown on the plat, a portion of Building 127 (outlined in red), is located within the temporary construction easement and the proposed permanent right-of-way. This 3-story building, which is included in the deferred demolition component, must be demolished prior to commencement of site work and construction. According to VDOT, construction is scheduled to begin in the second quarter of 2021. Staff will continue to engage with VDOT until authorization is provided to resume the demolition project and address the right-of-way conflict.
- Phase I Development – Construction is underway of a 7-Eleven convenience store and market at 101 Crossing Way. The facility, developed and owned by Holtzman Oil, will include a 6,000-square foot building with a 5,800-square foot fuel canopy. Currently, no date has been provided for the store's opening.

A site plan was submitted for review for a 5,800-square foot 3-tenant commercial building. Proposed to be located in front of the two existing hotels, the building would include a drive-thru and 540 square foot outdoor patio. Tenants are unknown at the present time.

Attachments:

- Staunton Crossing Economic Development Business Plan—Report Summary
- VDOT Proposed Right-of-Way Plat for Crossing Way Extension

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

STAUNTON CROSSING

An Economic Development Business Plan

REPORT SUMMARY



MARCH 2019

PREPARED FOR:

City of Staunton
116 W Beverley St.
Staunton, VA 24401

PREPARED BY:

Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, Virginia 23225

SUMMARY

Timmons Group has completed its report and findings for the Staunton Crossing Economic Development Business Plan. The full report describes a conceptual Master Plan for the City owned real estate and a Business Plan approach to ensuring that Staunton Crossing achieves its highest potential value to the City of Staunton.



Master Plan

Three important stakeholder sessions were conducted to solicit input for Staunton Crossing through a kickoff work session, an interim status/progress work session, and an on-line survey. The full Report shows the results of the input sessions and how Timmons Group combined that valuable input with land planning best practices to recommend a conceptual Master Plan. The full report describes the planning priorities important in crafting the final land use options to build the business plan around. The planning priorities included:

1. *Existing Projects already underway*
2. *Topography and Environmental Constraints*
3. *Land Use Alternatives to achieve highest potential value*
4. *Transportation/Traffic Constraints*
5. *Sewer, Water, Power, Natural Gas Infrastructure Efficiency*
6. *Extensive Stakeholder Feedback/Input*

The results of the Master Plan establish a vision that can potentially produce 1.9 million square feet of economic development and over 3,000 quality jobs in Staunton Crossing. More importantly, the Business Plan establishes targets of how much annual tax revenue and potential for jobs might result for the City.

Business Plan Recommendations

The report includes ten recommendations to make Staunton Crossing attractive to Economic Development prospects and improve the chances for landing target businesses within the development. The ten recommendations include important initiatives the City has already set in motion over the past few years. The full report builds on that momentum and recommends others that will capitalize on the City's investment and best position Staunton Crossing for success over the next 24 months. The ten recommendations are:

1. Demolish Existing Buildings

The City's plan to demolish the old Western State buildings is critically important. The City should employ consultants and contractors that can complete the work quickly and cost-effectively and capitalize on a public relations opportunity that provides better visibility for Staunton Crossing.

2. Build new VDOT Road

The City's efforts to secure grant funding for this road is exemplary, and staff should coordinate construction of central parkway through property in a way that opens every land bay to

development. The City should be proactive in ensuring completion of project in reasonable timeframes as delays in this stage could delay marketing and dealmaking for Staunton Crossing.

3. Brownfields Grant Funding

The City has recently secured grant funding from the Virginia Brownfields Restoration and Economic Redevelopment Fund. Timmons Group recommends completing this process and providing the matching funds necessary to assist with demolition proposed in #1 above.

4. Return On Investment Analysis

\$50,000-\$70,000

Timmons Group recommends completing an analysis that can be used to track the Return on Investment (ROI) through the life of this project. The report will help ensure that all investments proposed in securing economic development prospects provide an acceptable return to the City. The analysis can also take into consideration previous investments and timing expectations before any construction is commenced using City dollars.

5. Tier 4 Site Readiness Certification

(see below)

Tier 4 Site Readiness will ensure that the City's property is fully embraced by the Virginia Economic Development Partnership (VEDP) and other economic development marketing arms to reach worldwide prospects. Improvements for Tier 4 readiness generally need to be completed within 12 months of commitment, so at a minimum, construction plan approvals need to be in place and ready to implement when the opportunities dictate. Tier 4 site readiness is further detailed below.

6. Develop Marketing Plan

\$30,000-\$40,000

This Business Plan provides a roadmap for Staunton Crossing that ensures expansive and sustainable growth in the short term, with an eye to long-term opportunities. The City should develop a Marketing plan that identifies these value propositions and drives the message for the park to a wide and diverse audience.

7. Draft Design Guidelines and Agreements

\$15,000-\$20,000

Developer agreements and design guidelines need to be in place to control and protect the interests of both the City and the businesses that locate in Staunton Crossing.

8. Draft Covenants and Restrictions

\$25,000-\$30,000

The covenants and restrictions establish from an operational perspective what is and is not allowed in the development, and how future operational and maintenance responsibilities for open space, landscaping, stormwater ponds, etc. should be allocated.

9. Real Estate Strategies (Control)

The City should ensure they control the future use of any property needed to achieve the highest level of business plan success. This should be done in the early stages of the business plan.

10. Data Center Strategies

\$20,000-\$25,000

The City should consider investments unique to attracting data centers to Staunton Crossing. The plan should consider working closely with Dominion Energy to discuss electrical infrastructure and revenue strategies, including special data center tax rates, that will maximize the value to the city of designating some of Staunton Crossing as a Data Center site. Consideration should be given to achieving certification as a preferred data center site.

Getting to Tier 4 Certification

Several active steps should be taken to help Staunton Crossing achieve the Tier 4 designation by Virginia Business Ready Sites Program Standards. The significant steps that Staunton Crossing should take include the following:

Diligence - \$300,000 - \$330,000

- Rezone the Property for Industrial Use
- Conduct a Preliminary Geotechnical Report
- Complete necessary Land survey (ALTA/boundary/topo)
- Complete a Phase 1 ESA
- Traffic Impact Study (if necessary)
- Floodplain and Stormwater Study
- Cultural Resources Study
- Threatened and Endangered Species Study
- Wetland Delineation and COE Confirmation
- Natural Gas PER
- Electrical PER

Ready to Construct - \$600,000 - \$700,000

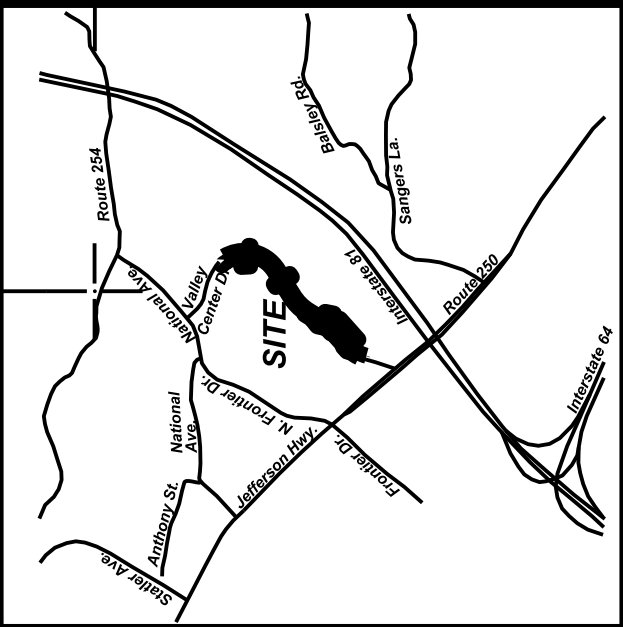
Several steps should be taken to assure that Construction plans are complete and/or permits for Infrastructure Improvements are secured

- Construction Plans Approved - Water system improvements
- Construction Plans Approved - Wastewater system improvements
- Construction Plans Approved - Transportation Improvements
- Construction Plans Approved - NG system design (if applicable)
- Construction Plans Approved - Stormwater design (if applicable)
- ALL off-site Easements Acquired for Infrastructure Improvements
- Wetlands & environmental permitting complete w/ mitigation

Timeline

The City of Staunton is in a position with current projects and additional recommendations outlined in this report to have a fully marketable site for the world stage by the end of calendar year 2020.





Area Table			
Parcel Number	Proposed Right of Way	Proposed Permanent Drainage Easement	Proposed Temporary Construction Easement
001	511,494 Sq.Ft.	11,439 Sq.Ft.	185,628 Sq.Ft.
002	22,237 Sq.Ft.	199 Sq.Ft.	
003	57,709 Sq.Ft.		
004	29,114 Sq.Ft.		21,682 Sq.Ft.

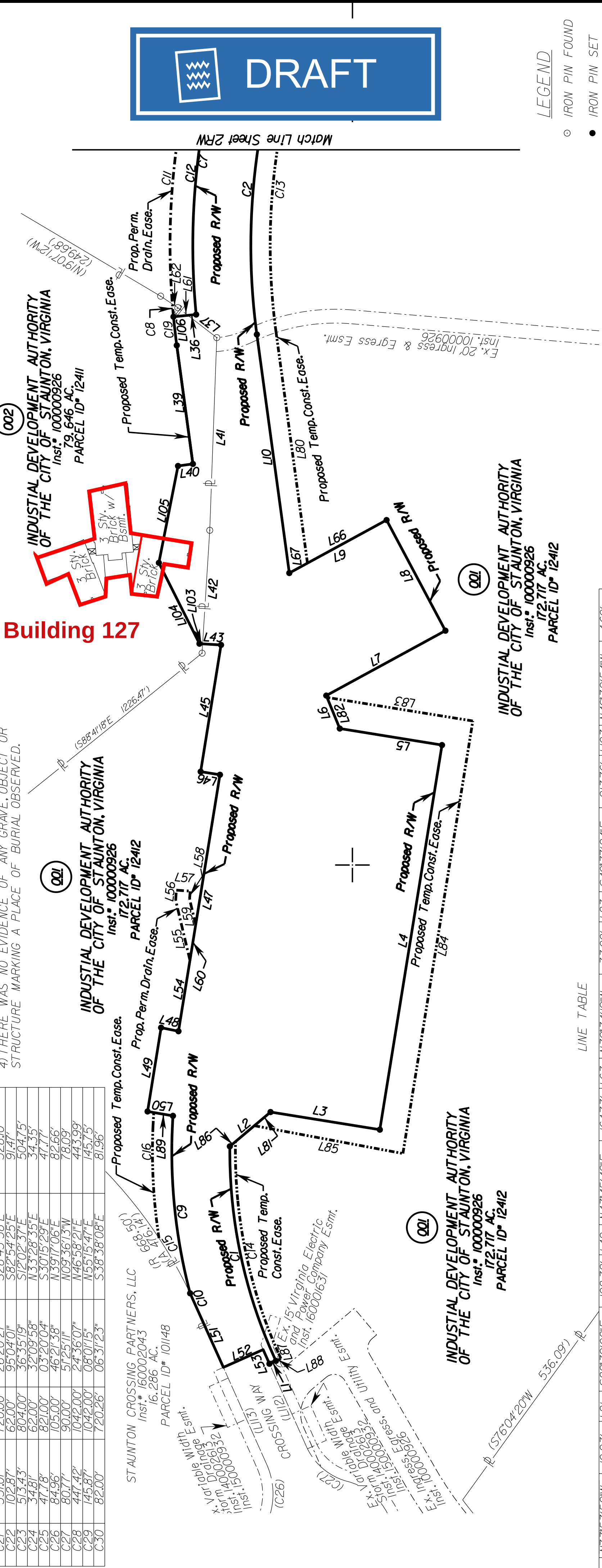
NOTES:

1) DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A CURRENT FIELD SURVEY.

2) THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD. THE PROPERTY BOUNDARIES SHOWN HEREON ARE BASED ON EXISTING RECORD INFORMATION AND FOUND MONUMENTATION AND ARE NOT INTENDED TO REPRESENT BOUNDARY SURVEYS. THERE MAY EXIST OTHER DOCUMENTS OF RECORD AND THOSE WHICH MAY NOT BE RECORDED THAT WOULD AFFECT THESE PARCELS OF LAND.

3) THIS PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X" COMMUNITY PANEL NO: 51015C0343D EFFECTIVE DATE: SEPTEMBER 28, 2007.

4) THERE WAS NO EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL OBSERVED.



LINE TABLE											
L1	N73°53'52"W	10.23'	L21	S88°39'08"E	108.38'	L42	N43°45'48"E	164.73'	L63	N39°34'19"W	33.00'
L2	N89°58'05"W	77.02'	L22	S83°06'10"E	117.5'	L43	N46°32'54"W	26.69'	L64	S83°06'10"E	105.39'
L3	N40°38'55"W	160.29'	L23	S83°05'47"E	266.59'	L45	N49°19'19"E	185.73'	L65	S18°40'54"E	5.80'
L4	S49°22'36"W	563.77'	L24	S64°16'29"E	47.76'	L46	N40°40'41"W	28.23'	L66	N78°22'25"W	130.36'
L5	S40°37'24"E	149.94'	L25	N02°17'29"W	95.49'	L47	N49°22'36"E	375.99'	L67	N78°22'25"W	29.96'
L6	S17°56'51"W	51.54'	L26	N08°16'59"W	22.314'	L48	S35°08'30"E	25.69'	L68	S17°27'55"W	128.79'
L7	N18°22'25"W	196.36'	L27	N59°16'25"E	104.70'	L49	N49°22'36"E	122.85'	L69	S43°00'54"W	308.83'
L8	S12°10'15"W	181.58'	L28	N47°13'49"E	69.27'	L50	N39°58'37"W	37.34'	L70	S35°45'00"W	79.73'
L9	S78°22'25"E	160.32'	L29	N51°12'01"E	49.83'	L51	N16°06'17"E	100.85'	L71	S55°02'58"W	108.91'
L10	S32°26'49"W	348.34'	L30	S39°12'42"E	81.02'	L52	N7°3'53'43"W	63.00'	L72	S63°55'17"W	70.52'
L11	S59°16'25"W	239.51'	L31	N59°16'45"E	75.61'	L53	N16°06'17"E	22.45'	L73	S59°16'38"W	130.56'
L12	S74°30'56"W	62.31'	L32	N30°43'35"W	54.27'	L54	N49°22'36"E	104.06'	L74	S07°46'28"E	66.72'
L13	N50°18'09"W	100.31'	L33	N07°25'30"W	66.47'	L55	N26°47'22"E	89.25'	L75	S30°43'35"E	72.69'
L14	N50°43'35"W	49.62'	L34	N42°25'31"E	88.97'	L56	N43°46'20"E	14.56'	L76	S59°16'25"E	101.00'
L15	S59°16'25"W	77.00'	L35	N59°16'25"E	225.73'	L57	S46°13'40"E	20.26'	L77	N30°43'35"W	55.35'
L16	S30°43'35"E	67.78'	L36	N55°19'42"W	12.15'	L58	S45°15'10"W	11.45'	L78	S82°51'33"E	64.37'
L17	S07°46'28"E	77.10'	L37	N12°15'16"W	52.90'	L59	S26°47'22"W	38.32'	L79	S59°16'25"W	293.30'
L18	S59°16'25"W	95.25'	L39	N32°26'49"E	173.77'	L60	S49°22'36"W	52.07'	L80	S32°26'49"W	337.69'
L19	N88°39'08"W	110.11'	L40	S57°30'48"E	217.7'	L61	N12°15'16"W	18.31'	L81	S89°58'05"E	30.65'
L20	S06°21'49"W	40.15'	L41	N42°16'55"E	278.95'	L62	N17°56'51"E	9.44'	L82	N17°56'51"E	48.64'

DATE

CITY OF STAUNTON
SUBDIVISION AGENT

*** IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS, THE SUBDIVISION AGENT APPROVAL IS VOID.

- LEGEND
- IRON PIN FOUND
 - IRON PIN SET



Virginia Department of Transportation

Prepared for VDOT by
Randy A. Stowers, LS
Rice Associates
10681 Gaskins Way
Manassas, VA 20109
(703) 968-3200

UPC: 111048

PROJECT: XXXX-XXX-XXX X-XXX
DATE: MAY 14, 2020
SCALE: 1" = 100'
DRAWN BY: JKR
CHECKED BY: RAS

PLAT SHOWING
PROPOSED RIGHT OF WAY TO BE CONVEYED TO
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

PROPERTY OF INDUSTRIAL DEVELOPMENT
AUTHORITY OF THE CITY OF STAUNTON, VIRGINIA

Inst.# 100000926
Inst.# 100000933
STAUNTON, VA

SCALE

0 100' 200'

PARCEL: 001-04
SHEET 1 OF 2

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Mayor Andrea Oakes Vice Mayor Mark Robertson
Item #	6	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Discussion Concerning Council Meeting Security	

Background: At the request of Mayor Andrea Oakes and Vice Mayor Mark Robertson, this item has been added to Council's work session agenda for August 13, 2020, for discussion. Police Chief Jim Williams will be present and available to answer questions of members of Council. An invitation to attend has been extended to Sheriff Matt Robertson.

City Manager's Recommendation: Not applicable.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Steve Rosenberg City Manager Chris Tuttle Parks and Recreation Director Phil Trayer Chief Finance Officer
Item #	7	
Ordinance #		
Department:	Parks and Recreation Finance	
Council Vision:	Culture Responsive, Efficient Government	
Subject:	Establishment of Ad Hoc Advisory Committee to Study and Report on Gypsy Hill Golf Course	

Background: At City Council's meeting on July 23, 2020, Council discussed establishment of a citizen group to study and report on the operations of Gypsy Hill Golf Course. The attached resolution provides for the establishment of an ad hoc advisory committee, to be staffed by the Parks and Recreation Department and to report directly to Council.

The item is included on Council's work session agenda for discussion. Among items to be addressed are the number of members of the committee and the deadline for completion of the committee's work.

The resolution will be included for consideration on a subsequent regular meeting agenda. After adoption of the resolution, Council may commence recruitment of members of the committee.

City Manager's Recommendation: Discuss the draft resolution and provide guidance and direction to staff.

Suggested Motion: Not applicable.

City Manager: Steven L. Rosenberg

Recitals

1. The Advisory Committee is established and will be composed of __ members, one of whom will be named by the constituent members as the Chair and another of whom as the Vice Chair to help lead the Advisory Committee. The Advisory Committee will be a public body

subject to the applicable requirements of the Virginia Freedom of Information Act and members of the Advisory Committee should be aware of those requirements.

2. Council, upon recommendation of its Nominations Committee and in consultation of the Director of Parks and Recreation, will appoint the members of Advisory Committee by not later than _____. Members of the Advisory Committee will be selected such that the members will bring a diversity of backgrounds and perspectives to the Advisory Committee.

3. The Advisory Committee is charged with evaluating objectively the operational and programmatic and financial practices and results of the Facility, compared to golf industry metrics and best management practices, for a course that is an open-to-the-public course, with the goal of completing an evaluation of the Facility, including the Course, and providing to Council its findings and recommendations.

4. The Advisory Committee will be supported by the Director of Parks and Recreation and departmental staff as well as other City staff to the extent that information is needed, with access to City financial and other records and reports.

5. The Advisory Committee, among other things, will do the following as part of its creation of report:

- a. Review the past and current programmatic and financial practices and results of the Facility.
- b. Conduct a comprehensive review and evaluation of the Facility.
- c. Complete a financial analysis of the Facility.
- d. Complete a Facility asset analysis.
- e. Complete a Facility management and maintenance analysis.
- f. Complete a marketing analysis.
- g. Complete a current and future economic/trend analysis.
- h. Research and develop an overview of the current national and regional golf market, including demographics and competition.
- i. Candidly identify, describe, and report the strengths and weaknesses of the current programmatic and financial practices and results of the Facility.
- j. Provide recommendations for the golf enterprise, including but not limited to whether to modify the Facility; recommend Facility capital improvements and funding sources for such improvements; recommend financial and programmatic improvements, including financial procedures and controls and youth and family involvement; recommend modifications to

the relationship between the golf professional and the City; and recommend whether and to what extent the City should consider the Facility as an integral part of its recreation programs and, if so, the magnitude to which the Facility should be subsidized by the City's General Fund (general tax revenues).

6. The Advisory Committee will be expected to complete its work and submit a preliminary report to Council not later than _____. Council then will schedule and hold a public hearing on the preliminary report after which the Advisory Committee will complete and submit to Council a final report within thirty (30) days of the public hearing, at which time the Advisory Committee's work will be completed and its existence no longer continued absent further action of Council otherwise.

Andrea W. Oakes, Mayor

Attest: _____
Suzanne F. Simmons, Clerk of Council

§ 15.2-1411. Appointment of advisory boards, committees and commissions; compensation and reimbursement of expenses

The governing body of any locality may appoint such advisory boards, committees, and commissions as it deems necessary to advise the governing body with regard to any matter of concern to the locality. Members shall be appointed to serve at the pleasure of the governing body.

The governing body may provide for (i) reimbursement of the actual expenses incurred by members while serving on such advisory boards, committees, and commissions and (ii) compensation to members for their services for attendance at regularly scheduled meetings, and for training in an amount determined appropriate by the governing body from available funds.

1981, c. 254, § 15.1-33.2; 1993, c. 894; 1994, c. [165](#); 1997, c. 587; 2002, c. [27](#); 2005, cc. [740](#), [879](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 15.2-1806. Parks, recreation facilities, playgrounds, etc

A. A locality may establish parks, recreation facilities and playgrounds; set apart for such use any land or buildings owned or leased by it; and acquire land, buildings and other facilities pursuant to § 15.2-1800 for the aforesaid purposes.

In regard to its parks, recreation facilities and playgrounds, a locality may:

1. Fix, prescribe, and provide for the collection of fees for their use;
2. Levy and collect an annual tax upon all property in the locality subject to local taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;
3. Operate their use through a department or bureau of recreation or delegate the operation thereof to a recreation board created by it, to a school board, or any other appropriate existing board or commission.

B. A locality may also establish, conduct, and regulate a system of hiking, biking, and horseback riding trails and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it. A locality may also establish, conduct, and regulate a system of trails for all-terrain vehicles, off-road motorcycles, or both, as those terms are defined in § 46.2-100, and may set apart for such use any land or buildings owned or leased by it and may obtain licenses, easements, leases, or permits for such use on land not owned or leased by it. A locality may also establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it.

In furtherance of the purposes of this subsection, a locality may provide for the protection of persons whose property interests, or personal liability, may be related to or affected by the use of such trails or waterways. Nothing contained in this subsection shall be construed to interfere with the use and enjoyment of private property.

1997, c. 587; 2008, c. 381; 2018, cc. 720, 721.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

FIFTH. To erect and keep in order all necessary public buildings; to establish and regulate public squares, airports, playgrounds and parks in or near the city, and to acquire by purchase, condemnation, or otherwise, the land it may deem necessary for such uses, and to construct in such public squares, playgrounds, or parks, as it may maintain, or upon any city property, stadiums, swimming pools, and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands and restaurants; to charge for admissions, and to rent out or lease the privileges of construction or using such swimming pools, recreation or amusement buildings, structures or enclosures of every character, refreshment stands or restaurants.

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	City Council Doug Guynn City Attorney
Item #	8	
Ordinance #	N/A	
Department:	City Council / City Attorney	
Council Vision:		
Subject:	Closed Meeting for Consultation and Discussion with Legal Counsel Requiring the Provision of Legal Advice by such Counsel Regarding Contractual-Related Aspects Pertaining to 240 North Lewis Street, Staunton, Virginia	

Suggested Motion: I move that Council enter a closed meeting for consultation and discussion with legal counsel for necessary legal advice regarding contractual-related aspects pertaining to 240 North Lewis Street, Staunton, VA, pursuant to Virginia Code Section 2.2-3711(A)(8);

Second. Discussion. Vote – Clerk of Council to poll members of Council.

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote – Clerk of Council to poll members of Council.

City Council
WORK SESSION
July 23, 2020
5:00 p.m.

Council Members Present: Mayor Oakes, Vice Mayor Robertson, Council Members Holmes, Claffey, and Darby. Participating by Zoom platform were Council Members Dull and Mead.

Mayor Oakes requested citizens to wear a mask while in City Hall and Council Chambers.

Mayor Oakes called the meeting to order: As Mayor, I call this meeting of Staunton City Council to order. I note that this meeting is being broadcast over the City's cable channel and streamed live on the City's website so that members of the public may hear our meeting. The meeting is also being recorded.

Mayor Oakes asked the Clerk of Council to call the roll for confirmation of those Council members present for today's meeting.

Clerk of Council Call the Roll of Council Members Present:

Mayor Oakes	aye	Ms. Darby	aye
Vice Mayor Robertson	aye	Ms. Mead	aye
Ms. Dull	aye	Mr. Claffey	aye
Mr. Holmes	aye		

City Manager Identifies City Officials Present:

Mayor Oakes asked City Manager, Steve Rosenberg, to note the participation of any City officials or colleagues, or anyone else, during today's meeting by Zoom or telephone.

Mr. Rosenberg stated all City employees and officials participating in today's meeting would do so in Council chambers. He noted there would be some participants, both during the Work Session and the Regular meeting, representing themselves or various organizations and introduce themselves as the items appeared on the agenda.

Background Statement:

Mayor Oakes stated "Please let me mention that notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice provided to members of City Council. In addition to limited public seating in city hall, access to this meeting has been provided to the public by audio feed on the City's cable channel and the City's website. During this work session, as in the past, there will be no opportunity for public comment. Public comment will be received during Council's regular meeting, which will begin at 7:30 p.m. Instructions for public comment by telephone can be found on agenda for the regular meeting and on Council's website at: www.ci.staunton.va.us/government/city-council .

Also, let me highlight and have reflected in the meeting minutes that this meeting, although being conducted in person, is also being conducted by Zoom, with virtual participation by certain members of City Council, given the catastrophic nature of the declared emergency and disaster

related to the Covid-19 outbreak, which as part of the total circumstances, makes it impracticable or unsafe to assemble in a single location. The meeting is being held consistent with City Council Ordinance 2020-04 regarding continuity of government, a copy of which can be found online at : www.staunton.va.us/cogord2020-04.

1. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Ms. Mead stated she didn't receive any information about the addition of the discussion of liaison assignments from anyone. She asked Mayor Oakes if she intended for her to add that to the agenda for tonight's meeting.

Mayor Oakes stated that item would be postponed until the Nominations Committee to review all documentation being received. She noted it would be added to the agenda for one of the August meetings.

Mr. Holmes moved to approve the Work Session agenda along with the Regular Meeting agenda as presented.

The motion was seconded Vice Mayor Robertson and carried unanimously as follows:

Mr. Claffey	aye	Ms. Mead	aye
Mr. Holmes	aye	Vice Mayor Robertson	aye
Ms. Darby	aye	Ms. Dull	aye
Mayor Oakes	aye		

2. Discussion of FY 2020 Annual Action Plan Relating to the U.S. Department of Housing and Urban Development Community Development Block Grant Program for the City of Staunton as a HUD Entitlement Community

Billy Vaughn, Director of Economic Development, stated this was the City's second year of being designated as a U.S. Department of Housing and Urban Development (HUD) new entitlement community starting with the federal fiscal year 2019. In accordance with the federal regulations, an annual action plan (AAP) must be prepared and adopted by City Council. The AAP is a prerequisite to receiving the annual allocation through HUD's Community Development Block Grant (CDBG) program. Under the current FY2019 AAP, the city received \$354,433.

Mr. Vaughn stated the HUD Housing consultant and experts, Jessica Lerz, with Mullin and Lonergan Associates, were present on the Zoom platform to make a presentation to Council.

Ms. Lerz stated Council members had been provided a packet containing an overview of the consolidated planning process. As required by HUD, virtual public hearings were held on June 9, 2020 and July 9, 2020 to solicit feedback on the draft FY2020 AAP. She noted very little public comment was received.

Ms. Lerz then reviewed the proposed projects with Council.

The proposed FY2020 Annual Action Plan covers the period of October 1, 2020 through September 30, 2021. The City anticipates receiving \$352,891 in CDBG funds for the program year. The FY 2020 Annual Action Plan contains the following major components:

1. Identification of federal and non-federal resources reasonably expected to be made available during the program year to undertake activities.
2. A list of activities to be undertaken during the FY 2020 program year to address community development and housing needs established in the City's Five-Year Consolidated Plan for FY 2019-2023. The City intends to fund such projects as public services, public facilities/infrastructure, and homeowner-occupied rehabilitation, and program administration.
3. Identification of homeless and special needs activities to be undertaken during the FY2020 annual program period to address identified needs within the City.

Response/Strategy: Ms. Lerz then reviewed the following proposed projects:

- Blue Ridge Legal Services will use CDBG funding for FY20 to sustain the costs of the staff attorney position we will be adding to meet the increased level of need created by the COVID-19 crisis. Legal services will focus on eviction prevention and housing cases caused by COVID-19, and civil matters such as unemployment claims, debt, and collection related issues, which has been identified as increased areas of need due to the crisis. Blue Ridge Legal Services will serve 25 people with a total budget of \$25,000.
- Blue Ridge CASA provides advocacy for abused and neglected children. The proposed activities will directly benefit at least 70 low-income children living in unstable and inadequate housing conditions who have been victims of abuse or neglect and have special needs. Funds will be used for 1 FTE Program Assistant. Blue Ridge CASA will serve 70 people with a total budget of \$15,000.
- Valley Mission - Initial Housing Support Program provides financial and utility assistance to formally homeless households within Staunton City limits to moving into safe, affordable, and appropriate permanent housing. Approximately 5-10 households will be assisted through this program with a budget of \$5,000.
- Valley Program for Aging Service (VPAS) Meals on Wheels program provides nutritious meals five days a week to frail, older Staunton residents who are at nutritional risk. Approximately 90 seniors will be assisted through this program with a budget of \$10,000.
- Valley Program for Aging Service (VPAS) Transportation Assistance program provides residents 60 years and older and those under 60 with a disability transportation services to medical and other life necessary destinations when there is no other reliable or affordable transportation option available to them. Approximately 70 low income residents will be assisted through this program with a budget of \$10,000.
- Re-Roofing Staunton project provides roof replacement for low-income, vulnerable homeowners. With a budget of \$50,000, approximately 10 households will benefit from this activity.

- 147
- 148 • Owner-Occupied Housing Rehabilitation-Critical Home Repair project will provide
- 149 critical home repair (roof, electrical, foundation, HVAC) to low-income homeowners.
- 150 With a budget of \$25,000, approximately 10 households will benefit from this activity.
- 151
- 152 • “A” Street Aging in Place Project provides 500 feet of water lines and 300 feet of water
- 153 lines and road/curbs/gutter with turnaround Increase water capacity to current standards
- 154 for 10 existing homes at the end of A Street. Water access for 9-15 new units to be built
- 155 at the end of “A” Street for elderly/special needs housing. Street/curb/sidewalks for new
- 156 housing units extended A Street. This is a multi-year project with total funding \$120,000.
- 157 25 households will be assisted through this program with a FY2020 budget of \$67,313.
- 158
- 159 • Valley Supportive Housing—Pump Street project will renovate six units at 111 Pump St.
- 160 including modernize air conditioning, add TV availability, paint cabinets, replace failing
- 161 appliances, re-carpet. Approximately 6 people will benefit from the renovation of 6 rental
- 162 units with a budget of \$25,000.
- 163
- 164 • Public Facility Improvements-West Beverly Street Sidewalk project involves replacing
- 165 500 linear feet of sidewalk along W. Beverley Street from Grubert Avenue to Dollar
- 166 General to improve ADA accessibility. Approximately 518 low income households will
- 167 benefit from proposed project. This is the second year of a multi-year project with total
- 168 project cost of \$52,750. The FY2020 budget is \$40,000.
- 169
- 170 • Public Facility Improvements-Rockway Street Waterline project will provide funding for
- 171 approximately 810 feet of waterline along Rockway Street from Lambert Street. Target
- 172 minimum number of individuals to be served in the program year 40 low income
- 173 households. This is the second year of a multi-year project with total project cost of
- 174 \$145,796. The FY2020 budget is \$10,000.
- 175
- 176 • CDBG Program Administration funding will be used to support the general
- 177 administration and planning activities for the Community Development Block Grant
- 178 Program. The maximum budget is \$70,578.
- 179

180 Ms. Lerz stated the AAP had been on display for 30 days and had allowed the public to provide
181 any public comment. She stated she was requesting that Council adopt the plan tonight where it
182 would then be submitted to HUD around August 15, 2020. She noted the City would start to
183 receive FY2020 funds on October 1, 2020.

184

185 Mayor Oakes asked Council members if they had any questions.

186

187 Vice Mayor Robertson asked about the process regarding household selection. Ms. Lerz stated
188 the selection process for the actual agencies wanting to provide services was reviewed by Mr.
189 Vaughn and Mullin and Lonergan. Requirements needing to be met included basic requirements
190 by CDBG, meeting national standards, and were they in line with the strategic plan that was
191 developed in 2019. She noted the actual projects sometimes required an income eligibility intake.

192

193 Ms. Mead questioned the number of public meetings that took place. She noted only one person
194 attended the one of the public comment meetings and asked how many people attended the second
195 meeting. Ms. Lerz stated only one person, representing Valley Program for Aging Services,

attended the second meeting. Ms. Mead asked if any public comments were received during the thirty-day period. Mr. Vaughn stated he had not received any public comments, but noted it the whole process had taken place during the pandemic.

Vice Mayor Robertson asked if families receiving aid this year would be eligible for next year. Mr. Vaughn stated what they had attempted to do with the program was to provide funding to those non-profit organizations that were already providing services to low- to moderate-income individuals. He stated it could happen.

Mr. Holmes asked Mr. Vaughn there any funding that would offer rent assistance for the unemployed. Mr. Vaughn stated he did not believe so, but noted there was a round of additional funding for the FY2019 HUD funds and thought some of the organizations would use some of that funding for rent. Ms. Lerz stated with the COVID CARES Act funding through CDBG there were two organizations that would be providing rental assistance to households impacted by the pandemic. Mr. Vaughn stated that was a separate pool of funds approved previously by Council.

Ms. Dull stated she would be recusing herself from any discussion or the vote in order to avoid the appearance of impropriety as her brother was the Executive Director of Blue Ridge Legal Services.

This will be Item F on the Regular meeting agenda.

3. Discussion of Council Procedure Memorandum No. 5 / Grant Application

Mr. Rosenberg stated this item was on the agenda as a result of some discussions during Council's meeting on July 9, 2020. He stated that Procedure Memorandum No. 5 was among those adopted by Council at the organizational meeting on July 1, 2020. He noted it had taken a slightly different form than it had in prior years in that it required that all grant applications, whether requiring a local match or not, be approved by City Council prior to their submission.

Mr. Rosenberg stated at the last meeting he had provided two examples of situations in which there was a very short turnaround between a notice of funding opportunity and a grant application deadline. He noted he'd suggested to Council to take account of those circumstances that it might be appropriate to further modify the Procedure Memorandum to allow greater flexibility for those short turnarounds. Mr. Rosenberg stated before Council was a revised draft that restored the original language as it had been effect in prior years, but added an additional requirement that required the City Manager to report to City Council grants that didn't require a match for their information no later than the second meeting of City Council following the approval and submission of that grant application.

Mayor Oakes asked Council members if they had any questions.

Vice Mayor Robertson stated, after review, he was requesting that Council keep Procedure Memorandum No. 5 as is and simply take the approach that was discussed previously which had been done at other times. He stated this could involve sending an email to Council.

Mr. Holmes stated if no matching funds were required, he felt it would be better to restore the memorandum to its original language.

Mayor Oakes asked Mr. Rosenberg for other occasions where Council voted retrospectively.

Mr. Rosenberg stated he was not sure he could provide an answer to that question. He stated another example of a retroactive approval were the temporary relief ordinances that had been adopted by Council in response to the public health emergency.

Ms. Mead questioned what the problem was and why the preapproval needed to take place.

Vice Mayor Robertson stated he understood Ms. Mead's reticence. He stated he was elected to guard the citizen's money and that it was a matter of being as open as possible.

Ms. Mead stated she agreed with Vice Mayor Robertson on the topic of transparency. She questioned whether funding received from the government or outside organizations was truly the taxpayer's money unless it required that the taxpayer's made a match.

Mr. Rosenberg stated as funds are received, they go through the budget process. He noted in the form of budget amendments, there was approval by Council of the expenditure of the grant received funds. He stated there wasn't as if there was no approval role for Council by proceeding with the modifications to the Procedure Memorandum.

This will be Item G on the Regular meeting agenda.

4. Discussion Concerning Gypsy Hill Golf Course

Mr. Rosenberg stated this item was on the agenda at the request of Mayor Oakes for further discussion.

Mr. Claffey stated he played at the golf course the day before. He noted the 2020 golf season was basically done. He stated he felt Council could really do anything in 2020. Mr. Claffey stated he would propose there wasn't a need for a consulting firm to analyze the need of the golf course, but have local citizens form a task force. He noted that task force could possibly report to Chris Tuttle, Director of Parks and Recreation, and to make plans for improvement in 2021. He noted he'd received a list of potential persons that would be interested in participating in such a citizen panel. Mr. Claffey stated he'd spoken to several citizens as well. He stated he would recommend seeing what Council could do for 2021. He noted the golf pro indicated play was up significantly over last year.

Mayor Oakes asked Mr. Rosenberg if there were any numbers on how the golf course was doing in 2020 despite the pandemic.

Mr. Rosenberg stated, according to a report provided by the Chief Finance Officer, the number of rounds played in FY2019 was 7,100 rounds versus 8,300 rounds in FY2020. He noted the golf course was closed for the entire month of April with partial months in March and May. Even in March, rounds were greater in 2020 than in 2019. In May, he noted they were significantly lower, but the course did not open until the end of May. Mr. Rosenberg stated it was not quite a 20% increase year or over. Cart rentals in FY2019 totaled approximately \$46,000 and for FY2020 they were almost \$62,000. Green fees were approximately \$36,000 in FY2019 and \$48,000 in FY2020. He noted membership fees were flat.

Mayor Oakes asked Mr. Rosenberg if he would like to address the issue of the outside consultant.

294
295 Mr. Rosenberg stated the idea of a citizen task force was not a bad one. He noted the RFP that
296 was nearly completed, but not yet issued when the pandemic hit, included an element for public
297 participation. He noted in the scope of work, staff was calling upon the consultant to propose some
298 mechanism to obtain and consider public input as part of the consultant's work – whether that
299 would come in the form of workshops, public hearings or something like a citizen's committee
300 such as Mr. Claffey suggested. Mr. Rosenberg stated staff felt it was important to obtain, consider,
301 and incorporate that sort of public input. He noted he'd been in discussions with Mr. Tuttle and
302 both continued to take the view that the operation would benefit from the eyes of an outside
303 professional. He stated a lot of what staff was looking for from the consultant was still appropriate
304 to maximize the asset that the city had. He stated he anticipated many Council members would
305 prefer to not to see the closure of the golf course. If that was the case, he stated staff could refine
306 the scope of the RFP to be issued so that's not on the table for consideration, but to guide the
307 consultant in their work to consider options and alternatives to maximize the operation of the asset
308 that the city has.

309
310 Mr. Claffey stated when the golf course was closed for approximately two months, but did not
311 know how this would continue to go during the current pandemic. He noted golf was being
312 enjoyed by a record number of people this year. He stated now was not the time to make a long-
313 term plan for the golf course, but to do what could be done in the short run to keep the course
314 operational, moneymaking, and not spend any money for a consultant fee. Next year if the City is
315 in a better financial state, then possibly look into that. Mr. Claffey stated he felt the important
316 issue now was not spending money that the City didn't have.

317
318 Mayor Oakes asked Mr. Claffey about the idea that he presented of just doing away with the
319 outside consultant altogether and bringing in a citizen's task force. She asked if that was something
320 that a staff member could start to formulate now for next year.

321
322 Mr. Claffey stated he foresaw that happening in the fall of this year for improvements when the
323 course opened in 2021.

324
325 Ms. Mead asked Mr. Claffey what specific goals would he ask the citizen's task force or committee
326 to accomplish. Mr. Claffey stated he would try to get a youth program developed by next year.
327 He stated he would also like to see some league play by making it more accessible and encouraging
328 play. Mr. Claffey stated new golf carts would need to be looked at eventually and involved a big
329 expense.

330
331 Ms. Mead asked Mr. Claffey who would decide the composition of the citizen's task force. Mr.
332 Claffey stated he would like to pass that to Mr. Tuttle.

333
334 Ms. Mead asked if the group would include minorities, low income citizens, women, young people.
335 Mr. Claffey stated anyone who was interested in golf could be included.

336
337 Mayor Oakes asked Mr. Rosenberg if it were the pleasure of Council to move forward with a
338 citizen's task force, was it something that the Parks and Recreation Department could formulate
339 and look into having a diverse group of citizens represented to study the golf course.

340

Mr. Rosenberg stated, learning of the proposal as he had for the first time tonight, if it were Council's desire that they afford him the time to confer with Mr. Tuttle and come back to Council at the August 13, 2020 meeting.

Ms. Mead asked who would assist the citizen's group with designing and distributing surveys to citizens of Staunton.

Mr. Rosenberg stated that was part of what he and Mr. Tuttle would need to discuss. He noted something along those lines would require staff resources.

Vice Mayor Robertson stated he did read some of Ms. Mead's literature and felt it was a good idea to look at different possibilities.

Ms. Mead stated the community had a misperception that there was a desire on the part of City Council previously to close the golf course. She noted that misperception was aggravated by a recent PAC mailing prior to the recent Council election.

Mayor Oakes stated Ms. Mead was out of order. She asked Mr. Rosenberg to have staff look into that matter and report to Council at the August 13, 2020 meeting.

Ms. Dull stated the city was spending almost \$0.02 of the Real Estate tax on the maintenance, staff, and everything that went into running the golf course. She stated that was fine if people used it. She stated again the issue for her was if that much of an investment was going to be put into the golf course then it needed to be used. She stated her point had always been the golf course needed to be utilized.

Mayor Oakes stated Ms. Dull's point had been on the record for the public to read.

Mr. Rosenberg stated it would be helpful to have an informal sense of the desires of Council members on this issue. He noted whether that desire was to defer engagement of a consultant and to return to Council with a report concerning the possible establishment of a citizen task force. He stated it did not need to be a formal motion.

Mr. Claffey stated he would definitely be in favor of that.

Vice Mayor Robertson stated he was in favor of that.

Mr. Holmes stated he was in favor of that.

Ms. Darby stated she was in favor of that.

Ms. Mead stated she was in favor of deferring spending money on a consultant, but wanted to make sure the task force represented all of the people of Staunton and not a limited number of people.

Ms. Dull stated she was in favor of deferring it, but was not necessarily opposed to Mr. Rosenberg's suggestion of using fresh eyes that had expertise in that area to point out ways where usage could be improved.

Mayor Oakes stated she was in favor of Mr. Rosenberg returning to the August 13, 2020 meeting with his research.

5. Discussion of Possible Statement Concerning Use of Face Coverings

Mr. Rosenberg stated this item was on the agenda at the request of Councilman Holmes.

Mr. Holmes stated he would like to see Council state in the strongest way possible, without passing an ordinance, to urge citizens to wear face masks. He noted it was proven to prevent the spread of the virus. He noted he would have to close his business for 14 days if a staff member became infected because a customer refused to wear a mask. Mr. Holmes stated if City Council would do something to promote wearing masks could possibly help local businesses remain open and protect staff and customers.

Mr. Holmes stated he was looking for a statement from Council as a group.

Ms. Mead stated she would like to offer her strong support for Mr. Holmes and this issue. She noted his very life and livelihood depended on his customers wearing masks and encouraged everyone to follow the guidelines.

Discussion ensued among Council members.

Mayor Oakes asked if there was any interest among Council members to create a video. Council members were in agreement of support.

Mr. Rosenberg stated staff would be pleased to have a conversation with Lee Catlin, communications consultant, to present suggestions to Council. Discussion ensued.

Mayor Oakes stated it seemed like the majority of Council was in favor and directed Mr. Rosenberg to conduct research and email Council members.

6. Discussion of Possible Reaffirmation of Council Statement on Racial Justice

Ms. Mead stated recently many citizens had approached her since Council issued the June 12, 2020 statement where racially motivated violence was condemned by Council. She noted these citizens had expressed concern that the current City Council may not share the commitment to racial equity that was made in that statement. She noted those citizens were afraid that statement would not be followed by actions of the City Council to combat racial equity in Staunton. Ms. Mead then read from that issued statement from June 12, 2020.

Ms. Mead stated she was proposing that the City Council as newly organized July 1, 2020 reissue the June 12, 2020 statement and commit to planning a course of action to meet the commitment expressed in that statement.

Mayor Oakes asked Council members if they had any comments or questions.

Mr. Claffey stated he appreciated Council's declaration from the June 12, 2020 meeting following the nation's unrest after the murder of George Floyd, much had occurred since then. He noted the country had experienced peaceful protests, as well as rioting and looting, all in the name of racial

injustice. He noted a defund police movement had also arisen. He stated the police department should be thanked for an admirable job in making arrests involving two local murders. Mr. Claffey stated rather than reaffirming previous statements made in response to national events, he would prefer to keep things local and express support for law enforcement personnel who provide for the safety and welfare of its citizens.

Mr. Holmes stated he would like to incorporate former Vice Mayor Kier's "Building Bridges for Greater Good" events. He noted there was an event being held next week and encouraged Council members to attend. Mr. Holmes stated he would like for Council not to water down the previous statement made.

Mayor Oakes noted the statement that was already in place had already been voted on by a majority of that Council and there was no need to vote on it again. She stated under Roberts Rules, if Council had voted in the affirmative, it could be brought back up, but normally it would be to vote against it. Mayor Oakes clarified with Ms. Mead that she did not want to vote against the statement.

Ms. Mead stated she did not want to vote against that June 12, 2020 statement. She noted that statement was about national unrest, but that it was also about local racial inequities. She stated this was about taking action to determine where those inequities were and putting plans in place to cure those inequities.

Mayor Oakes stated the statement was already in place that was voted on by the majority of that Council. She noted if they were looking for the new Council members to vote, being that it was already in place, they could make individual statements on their own.

Ms. Mead stated Council did not need to vote on it again, but rather she wanted to hear the current Council was committed to planning a course of action to meet the commitment that expressed in that statement.

Mayor Oakes stated it was a completed statement through a majority vote. Discussion ensued.

Ms. Dull asked Ms. Mead to re-read the statement that talked about the plan. Discussion ensued.

7. **Closed Meeting for Consultation and Discussion with Legal Counsel Requiring Provision of Legal Advice by Such Counsel Pertaining to Legal Considerations and Discussion Involving: (i) Possible Vacation of City Public Right of Way and Application of the Provisions of Chapter 18.85 of the Staunton City Code to a Potential Project; and (ii) Specific Pending Litigation and Mediation**

Mr. Holmes moved to enter a closed meeting for consultation and discussion with legal counsel requiring the provision of legal advice by such counsel pertaining to legal considerations and discussion involving: (i) possible vacation of city public right of way and application of the provisions of Chapter 18.85 of the Staunton City Code to a potential project; and (ii) specific pending litigation and mediation, pursuant to Virginia Code Section 2.2-3711(A)(8).

The motion was seconded Ms. Darby and carried unanimously as follows:

Mr. Holmes

aye

Vice Mayor Robertson

aye

488	Ms. Darby	aye	Ms. Dull	aye
489	Mayor Oakes	aye	Mr. Claffey	aye
490	Ms. Mead	aye		

491

492 Mr. Holmes moved that Council reconvene in an open meeting and certify to the best of each
493 member's knowledge that only lawfully exempted public business matters were discussed and that
494 only public business matters as identified in the closed meeting motion were heard, discussed or
495 considered in the meeting.

496

497 The motion was seconded Ms. Darby and carried unanimously as follows:

498

499	Ms. Darby	aye	Ms. Dull	aye
500	Mayor Oakes	aye	Mr. Claffey	aye
501	Ms. Mead	aye	Mr. Holmes	aye
502	Vice Mayor Robertson	aye		

503

504 The work session adjourned at 7:15 p.m.

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Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL**Thursday, July 23, 2020****7:30 p.m.****Rita S. Wilson Council Chambers**

PRESENT: **Mayor Andrea Oakes**
 Mark Robertson, Vice Mayor
 Carolyn W. Dull
 R. Terry Holmes
 Brenda O. Mead
 Stephen W. Claffey
 Amy G. Darby

ALSO PRESENT: **Steven Rosenberg, City Manager**
 Leslie Beauregard, Assistant City Manager
 Douglas Guynn, City Attorney
 Suzanne F. Simmons, Clerk of Council

Mayor Oakes called the meeting to order: As Mayor, I call this meeting of Staunton City Council to order. I note that this meeting is being broadcast over the City's cable channel and streamed lived on the City's website so that members of the public may hear our meeting. The meeting is also being recorded.

Mayor Oakes asked the Clerk of Council to call the roll for confirmation of those Council members present for today's meeting.

Clerk of Council Call the Roll of Council Members Present:

Mayor Oakes	aye	Vice Mayor Robertson	aye
Ms. Darby	aye	Ms. Dull	aye
Mr. Holmes	aye	Ms. Mead	aye
Mr. Claffey	aye		

Mayor Oakes asked that City Manager Steve Rosenberg note the participation of any City officials or colleagues, or anyone else, during today's meeting by Zoom or telephone.

Mr. Rosenberg stated all City employees and officials who were participating in the meeting were doing so in Council Chambers. He noted he was aware of one individual participating by Zoom – consultant Jessica Lerz, would participate for Item F on the regular meeting agenda.

Background Statement:

Mayor Oakes stated "Please let me mention that notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice provided to members of City Council. In addition to limited public seating in city hall, access to this meeting has been provided to the public by audio feed on the City's cable channel and the City's website. During public hearings, toward the beginning of the meeting, and Matters from the Public on Council's agenda, toward the end of the meeting, public comments will be taken, in person and by telephone. Members of the public who wish to participate in such matters by telephone, at the appropriate

time, may call (844) 854-2222 and, when prompted enter the access code 619358#. Callers will be recognized in order. The public is reminded that public hearings and Matters from the Public are times for Council simply to listen to your comments. Each speaker will be limited to five minutes. Detailed instructions for public participation by telephone have been publicized over the course of the past week on the City's website and Facebook page and can be found now on the agenda for this meeting and on Council's website at www.ci.staunton.va.us/government/city-council.

Also, let me highlight and have reflected in the meeting minutes that this meeting, although being conducted in person, is also being conducted by Zoom, with virtual participation of certain members of City Council, given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak, which as part of the total circumstances makes it impracticable or unsafe to assemble in a single location. The meeting is being held consistent with City Council Ordinance 2020-04 regarding continuity of government, a copy of which can be found online at: www.staunton.va.us/cogord2020-04.

Mayor Oakes then asked that everyone wear a mask while in City Hall and Council Chambers.

The Pledge of Allegiance was recited in unison.

The invocation/moment of silence was given by Mr. Claffey.

MAYOR'S REPORT

Mayor Oakes stated today she toured the Staunton Innovation HUB. She noted it was incredible and cutting edge.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Ms. Mead stated last year she'd been involved with Staunton-Augusta-Waynesboro Housing Council and recently met with Anna Leavitt from CAPSAW to work on bringing that group back. She noted she was also involved in weekly conversations with citizens who were focused on racial inequity in the city. She stated she and Ms. Dull attended the Shenandoah Valley Partnership's annual meeting. She noted she attended a meeting for the CSPDC's Agricultural Enterprise Center Feasibility Study Team.

Mr. Holmes stated on July 30, 2020, former Vice Mayor Kier would hold an event for "Building Bridges for the Greater Good" in Gypsy Hill Park.

Vice Mayor Robertson noted last night there was a major water main break on Greenville Avenue. He commended City staff for their hard work and continued service.

Ms. Darby stated she'd requested the City Attorney's assistance in drafting a statement regarding a public hearing on the Second Amendment issue. She read a prepared statement, but stated she felt a public hearing should be held on that matter.

Ms. Dull stated she attended the Augusta Health quarterly meeting with elected officials, administrators, and staff. She noted Augusta Health had done a wonderful job in preparing for the pandemic. She stated Augusta Health was approved for the new CT scanner, but denied for a MRI

scanner. Ms. Dull stated Sentara had amended their COPN application and moved their freestanding outpatient facility to Bridgewater and had been approved for CT and MRI scanners.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the minutes of the Organizational Meeting of July 1, 2020.

The motion was seconded by Vice Mayor Robertson and carried as follows:

Vice Mayor Robertson	aye	Mayor Oakes	aye
Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye		

Mr. Holmes moved to approve the work session and regular meeting minutes of July 9, 2020 as presented.

The motion was seconded by Mr. Claffey and carried as follows:

Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye		

REGULAR MEETING

A. Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, to Amend Section 18.105.020(1), Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, by Eliminating the Minimum Five-Acre Requirement for a Planned Residential Development

Rodney Rhodes, Senior Planner, stated the next three agenda items involved Breezy Hill developments. The first item pertains to the amendment to the City Zoning Code regarding the minimum acreage requirement. Currently the zoning code states the minimum lot size in order to apply for a Planned Residential Development (PRD) is five acres. Mr. Rhodes stated the Breezy Hill developers were requesting that be eliminated in order that they may proceed with the Special Use Permit application that is also before Council for a public hearing.

Mr. Rhodes stated implications of eliminating the five-acre requirement might result in additional applications for Planned Residential Developments. He stated the regulations for the PRD were established for the intended purpose of providing optional methods of land development which encourage more imaginative solutions to environmental design problems. He stated he felt the City should try to encourage that type of development. He noted some proposals may not meet all of the requirements of PRD; however, since they all have to go through the Special Use Permit process, they would all be reviewed by staff and by the Planning Commission before City Council took action. Mr. Rhodes stated staff supported the proposed amendment to the City Code.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

B. Public Hearing and Consideration of a Request by Breezy Hill of Staunton Two, LLC, For a Special Use Permit to Create a Planned Residential Development at 123 Overlook Road (PID# 101806) Under the Provisions of SCC 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code

Mr. Rhodes stated Breezy Hill is a development located on Overlook Road behind the Historic Breezy Hill Mansion which fronts on N Augusta Street. The property is zoned P-1, Professional District. The development began in 2008. He noted the original proposal was to create 11 multi-family units to be sold as condominiums. He noted that was a by right use and did not require any public hearings or approval by Planning Commission or City Council.

Mr. Rhodes stated a site plan was approved for the development of three buildings built as townhouse style apartments. Building one, consisting of the first three units, was completed in 2008 and each unit was issued a Certificate of Occupancy and sold as condominiums. Permits were issued for foundations for the other two buildings. The foundations were completed but no other permits were requested at that time. In 2019, a permit was issued for the construction of building number 2 which is currently under construction.

The developer now desires to turn this development into single-family attached dwellings. Single-family attached dwellings are a permitted use in the P-1 Professional Districts; however, the zoning code requires that each lot front on a public street. The configuration of the parent parcel and the foundations that were constructed make it impossible to meet this requirement. The zoning code allows for a Planned Residential Development (PRD) to include private streets, driveways, and parking areas and for lots to be established without public street frontage. Currently, the zoning code requires that for a PRD to be considered, the developed parcel must contain a minimum of five acres. The Breezy Hill Development is less than two acres excluding it from consideration. The developer has requested that SCC 18.105.020(1) be amended to eliminate the minimum acreage requirement so that Breezy Hill can be considered for a PRD. A PRD is approved by City Council through the Special Use Permit process. A Special Use Permit application has been submitted and is included as part of this request.

Mr. Rhodes stated staff had reviewed both applications and was supportive of the requests. The purpose of a PRD is to give developers flexibility in design and layout while still maintaining the basic density limitations of the district in which the development is located. The Special Use Permit process allows PRDs to be considered on a case by case basis.

Mr. Rhodes stated the developer asserts that the real estate market for condominiums has declined and that condo units are difficult to sell. Furthermore, he notes that meeting the legal requirements of creating condominiums is an onerous process. The conversion of these units to single-family attached would aid in the development and sale of this property. In general, owner occupied units promote better property maintenance and it has been the policy of the City to encourage owner occupied housing. The policy prompted a 2006 code amendment which made single-family attached dwellings fronting on public streets a "by right" use in R-3, Medium Density Residential, R-4, High Density Residential and P-1, Professional districts. Prior to the amendment, all single-family attached dwellings were only permitted through a PRD.

Mr. Rhodes stated the proposed Breezy Hill PRD is in compliance with the underlying P-1 Zoning regarding density, parking, setbacks, and open space. At its meeting of June 18, 2020, the Planning Commission conducted a public hearing on the matter. On a 5-0 vote, the Commission voted unanimously to recommend approval of both the Zoning Code Amendment and the Special Use Permit.

Mayor Oakes asked Council members if they had any questions.

Mr. Holmes asked Mr. Rhodes for clarification regarding road frontage and parking. Mr. Rhodes stated there would be one access from Overlook Road which would provide ingress and egress for all 11 units. He noted there would be individual parking spaces in front of those units and believed each unit would have garages.

Council members did not have any further questions. Mayor Oakes stated the public hearing would consist of Items A and B. She noted in-person speakers and phone calls would be taken.

The public hearing was opened.

There were no phone calls or speakers on the Zoom platform.

Phil Miller, attorney for Breezy Hill developers – John Dod and Bret Ritchie, stated he was present to answer any questions with regard to the project. He noted the project was started twelve years ago.

Vice Mayor Robertson asked what kind of timeframe were the developers looking at as far as completion with the next eight units.

Mr. Miller stated the next four units were almost completed and assuming that they will sell quickly, then the next four units would begin construction immediately. He noted the project was stopped due to the economy and financing requirements in regards to condominiums.

There being no one else wishing to speak, the public hearing was closed.

Mr. Claffey moved that Council approve the consideration of the request by Breezy Hill of Staunton Two, LLC to amend Section 18.105.020 (1), Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, by eliminating the minimum five-acre requirement for a Planned Residential Development. In addition, Mr. Claffey moved that Council approve the Zoning Code Amendment and adopt the ordinance, as presented and as recommended by the Planning Commission.

The motion was seconded by Mr. Holmes and carried as follows:

Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye		

Mr. Holmes moved that Council approve the Special Use Permit to create a Planned Residential Development at 123 Overlook Road, as recommended by the Planning Commission.

The motion was seconded by Vice Mayor Robertson and carried as follows:

Ms. Dull	aye	Vice Mayor Robertson	aye
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye	Ms. Darby	aye
Mr. Claffey	aye		

Ordinance No. 2020-17

**AN ORDINANCE AMENDING SECTION 18.105.020,
PLANNED RESIDENTIAL DEVELOPMENT, OF CHAPTER 18.105,
DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW,
OF TITLE 18, ZONING, OF THE STAUNTON CITY CODE
TO REMOVE THE MINIMUM SIZE REQUIREMENTS NECESSARY
FOR CONSIDERATION OF A PLANNED RESIDENTIAL DEVELOPMENT**

Recitals

A. Breezy Hill of Staunton Two, LLC, the owner of 123 Overlook Road (PID 101806), has requested an amendment to Section 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code (SCC);

B. 123 Overlook Road is presently zoned P-1, Professional District (SCC Chapter 18.50) and contains approximately 1.322 acres more or less;

C. The owner of 123 Overlook Road wishes to develop the property as a Planned Residential Development and construct eight new single-family attached dwellings; however, the current provisions of SCC Section 18.105.020 require a minimum of five acres for a Planned Residential development to be considered;

D. Planned Residential Development requires special approval under Chapter 18.105, which contemplates that “[residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, that overall population densities do not exceed the densities of specific residential districts;”

E. The purpose of the proposed amendment is to eliminate the minimum five-acre requirement and permit the property to qualify for development under SCC Section 18.105.020 so that single-family attached dwellings can be constructed on the property;

F. City Planning and Zoning Staff have reviewed the requested amendment and determined that the amendment promotes the intentions of the *City of Staunton, Virginia, Comprehensive Plan 2018 -2040*, Future Land Use Map, which designates the area as Low Density Residential, by allowing for the construction of single-family dwellings rather than multi-family dwellings;

G. The Planning Commission of the City of Staunton, after study and review, has properly heard the matter and recommended approval of the proposed code amendment on the basis that it would serve the interests of public necessity, convenience, general welfare, and good zoning practice, which City Council affirms based upon its own review;

H. This matter has been properly advertised, heard, and considered; and

I. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 18.105.020, Planned Residential Development, of Chapter 18.105, Development Standards for Uses Permitted on Review, of Title 18, Zoning, of the Staunton City Code, is **HEREBY AMENDED, RESTATED, AND REORDAINED** as follows:

18.105.20 Planned residential development.

- (1) General Description. The regulations established in this section are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, that overall population densities do not exceed the densities of specific residential districts. A planned residential development shall be permitted in any R-1, R-2, R-3, R-4, and P-1 districts ~~and have a minimum of five acres.~~

In all other respects, the provisions of Chapter 18.105, Development Standards for Uses Permitted on Review, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: July 23, 2020

Adopted: July 23, 2020

Effective Date: July 23, 2020

/s/ Andrea W. Oakes

Andrea W. Oakes, Mayor

ATTEST: /s/ Suzanne F. Simmons

Suzanne F. Simmons

Clerk of Council

C. Consideration of a Final Plat for Lot 2 of the Breezy Hill, LLC Properties

Mr. Rhodes stated the plat before Council would create eight additional lots. As noted before, the property is zoned P-1, Professional District, and consists of approximately 1.32 acres with the

residue lot of approximately 2/3's acre which would be the common area and include the required open space. Mr. Rhodes stated that was approximately twice the required size for the PRD.

Mr. Rhodes stated upon the adoption of the accompanying zoning text amendment, the plat would be in conformance with all requirements of both the zoning and subdivision ordinances.

Mr. Rhodes stated the Planning Commission considered the final plat at its meeting on June 18, 2020 and on a 5-0 vote, the Commission voted unanimously to recommend approval of the plat with the following conditions:

1. Any additional facility fees shall be paid.
2. A signed maintenance agreement must be submitted for maintenance of the private utilities.

Mr. Rhodes stated Public Works had determined that no additional facility fees were required with the development. He noted staff had received a signed maintenance agreement that had already been recorded.

Mayor Oakes asked Council members if they had any questions.

Council members did not have any questions.

Ms. Darby moved that Council approve the final plat for lot 2 of Breezy Hill LLC Property, as recommended by the Planning Commission.

The motion was seconded by Mr. Holmes and carried as follows:

Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye	Ms. Darby	aye
Mr. Claffey	aye	Ms. Dull	aye
Vice Mayor Robertson	aye		

D. Consideration of an Ordinance Amending Section 3.05.080 of the Staunton City Code to Increase Courthouse Security Fee from \$10 to \$20

Leslie Beauregard, Assistant City Manager, stated this item was first introduced at the July 9, 2020 Council meeting and a public hearing was also held. She noted tonight's action was consider the ordinance.

Ms. Beauregard stated the General Assembly enacted legislation during the 2020 session and approved by the Governor of Virginia, authorized the increase of the courthouse security fee from \$10.00 to \$20.00, against a convicted defendant. She noted the assessment was used solely for courthouse security personnel, but could also be used for equipment and other personal property used in connection with courthouse security.

Ms. Beauregard stated Council had received several attachments that also included the presentation that was provided at the July 9, 2020 meeting along with a letter from Sheriff Robertson that supported the increase. She noted he was also present to answer questions. Ms. Beauregard stated staff had tried to obtain demographic data from the Supreme Court of Virginia, but had not heard back from them.

396 Mayor Oakes asked Council members if they had any questions.

397
398 Mr. Holmes asked Ms. Beauregard if it was known how many first offenders were involved. Ms.
399 Beauregard stated the information that she was hoping to receive mainly involved demographics
400 of the individuals and did not know the answer to his question.

401
402 Mayor Oakes clarified that the fee was subject to convicted defendants only. Ms. Beauregard
403 stated that was correct.

404
405 Mr. Holmes asked if it was ever assessed how the money would be spent.

406
407 Ms. Beauregard stated there was a budget amendment included in the packet as well. She noted it
408 was for eleven months only and not the entire fiscal year. She stated the money was currently set
409 aside for salaries and was for courthouse security.

410
411 Mr. Holmes questioned Sheriff Robertson if his department was still not on the Kronos system for
412 the City.

413
414 Sheriff Robertson stated his department currently his office was not on the Kronos system.

415
416 Mr. Holmes asked Sheriff Robertson if, and when, his department would become part of the
417 Kronos system.

418
419 Sheriff Robertson stated he had received a Memorandum of Agreement from the City Manager
420 today. He noted he would return the signed agreement to Mr. Rosenberg the next morning.

421
422 Mr. Holmes stated the Kronos system would provide an accurate record as far as timekeeping.
423 Discussion ensued. Mr. Holmes questioned Sheriff Robertson how many employees he considered
424 the department to be down.

425
426 Mr. Holmes stated it was a concern of his that the proposed fee increase, and interest possibly
427 charged, could escalate into a lot of money for someone.

428
429 Sheriff Robertson stated there was a myriad of fees and that they were not all for his department.
430 He explained that the courthouse security fee was controlled by Virginia Code and was the only
431 fee received by his department.

432
433 Vice Mayor Robertson asked what the local communities had done regarding the fee increase.

434
435 Sheriff Robertson stated Salem, Rockbridge, Lexington, Winchester, Highland County, and Bath
436 County had adopted the fee increase. He noted he had not heard from Rockingham County.

437
438 Mayor Oakes asked Sheriff Robertson if he knew if local judges were in support of the measure.

439
440 Sheriff Robertson stated judges would not weigh in on the matter as they were forbidden to do so.

441
442 Ms. Mead reviewed public input, either for or against the fee increase, that had been received by
443 Council on the issue. Input also included the request that Vice Mayor Robertson should recuse
444 himself from the vote. Ms. Mead stated she would like to hear what Vice Mayor Robertson had
445 to say on that issue.

Vice Mayor Robertson stated he'd asked the City Attorney, Doug Guynn, to weigh in that and asked if he would weigh in on the matter.

Doug Guynn, City Attorney, stated he had advised Vice Mayor Robertson that, in his opinion, he did not have a conflict of interest and may vote just as any other Council member.

Ms. Mead stated from the approved Work Session minutes of the July 9, 2020 meeting, Chief Financial Officer, Phil Trayer, noted that the Clerk of Circuit Court, Staci Falls, indicated that approximately 45% of the Circuit Court staff's time was dedicated toward the assessment and collection of court fees, and 25% of the Juvenile and Domestic Court staff's time was engaged in collecting and assessing fees. Ms. Mead stated it was learned that the Clerk of Court employed seven people with a total annual salary and benefits budget of \$506,356. She noted 45% of that time spent would come to \$227,860 that the taxpayers of the city are paying for the assessment and collection of court fees. She noted she had sent information to Council members that included studies on the collection of fees to support courthouse operations. She stated she would submit rather than assessing the fees, if the Sheriff needed more staff, that money be taken from the Clerk of Court and reduce the expense that they incur in assessing and collecting fees. Ms. Mead stated that judges don't hold hearings to assess defendant's ability to pay and, as a result, it falls largely on the poor, minorities, those with substance abuse issues, and people with intellectual disabilities. She stated she felt it was an opportunity for the City to do something in a small way to say that they care about all of its citizens and was an unjust means of collecting revenues to support courthouse operations.

Mr. Holmes clarified with Sheriff Robertson that the State assessed that he would have seven officers for a city the size of Staunton.

Sheriff Robertson stated it was actually five, including himself.

Council members did not have any further questions.

Mr. Claffey moved that Council adopt ordinance to increase the courthouse security fee from \$10.00 to \$20.00, effective August 1, 2020, and adopt an ordinance amending the fiscal year 2021 budget by adding Budget Amendment Number One, totaling \$41,250.00, for courtroom security, as presented.

The motion was seconded by Ms. Darby.

Mr. Holmes stated he felt it was a large amount to increase and penalized citizens who didn't have the money to pay. He noted Council had received negative feedback for increasing water fees by 5%. He noted this fee increase was by 100%.

Mr. Claffey stated he wanted to confirm that there was a significant difference between a tax on all citizens versus a fee imposed only convicted violators of the law. He noted the issue of raising security fees was a cost born only by a convicted person. He stated if the incremental forecast of \$45,000 that would increase yearly was not raised by charging the convicted felon, it would have to be paid by the citizens of Staunton. He stated the violators should pay for the services that they require. He noted if a convicted person was unable to pay, community service could be arranged and a deferred payment plan could also be set up. He stated "if you don't want to pay the fine, don't commit the crime". Mr. Claffey stated he would support the fee increase.

Ms. Dull stated in using that same analogy, if “you don’t want to pay the fee, don’t use the water” or if “you don’t want to pay the fee, don’t use the sewer or the trash”. She stated she felt that was a false argument. She stated the overwhelming response from the people, and that the newer Council members had pledged that they were going to listen to the people, said overwhelmingly not to raise those fees. Ms. Dull stated she would be voting no.

Ms. Mead stated she wanted to repeat for the business people present, that the cost of collecting those fees annually in just the Circuit Court was \$227,860. She noted the citizens of Staunton was paying to collect those fees and was bad business.

Mr. Holmes asked how much the fees were per year.

Mr. Claffey stated they were figuring them to be \$45,000 per year and by doubling it they would increase to \$90,000.

Mr. Holmes clarified that \$200,000 was being spent to collect it.

Mr. Claffey stated that was unsubstantiated.

Ms. Mead stated it was not unsubstantiated, that the information about the salary of the Clerk of the Circuit Court had been received today.

Ms. Darby clarified with Ms. Beauregard that the proposed increase was passed through the General Assembly and signed off by the Governor.

Ms. Beauregard stated that was correct and that the Governor had provided the authorization to do so.

Mayor Oakes stated this was not a public hearing and was only a discussion for the Council members. She stated water was a necessity and committing a crime was not a necessity. Mayor Oakes stated the fee was only for convicted defendants, and was not for the general taxpayers of Staunton. She stated you could look at it as a user fee. She noted there were a lot of victims that the convicted defendants had committed crimes against who were also low-income, minority, and were intellectually disabled. Mayor Oakes stated she was going to consider the victim in this situation and the safety of the courthouse.

The motion carried as follows:

Ms. Mead	no	Ms. Darby	aye
Mr. Claffey	aye	Ms. Dull	no
Vice Mayor Robertson	aye	Mayor Oakes	aye
Mr. Holmes	no		

Ordinance No. 2020-18

AN ORDINANCE AMENDING, RESTATING AND REORDAINING SECTION 3.05.080, ASSESSMENT OF SPECIAL COURT COSTS, OF CHAPTER 3.05, IN GENERAL, OF TITLE 3, REVENUE AND FINANCE, OF THE STAUNTON CITY CODE

**TO INCREASE FROM TEN DOLLARS TO TWENTY DOLLARS
THE FEE ASSESSED AGAINST CONVICTED DEFENDANTS IN CRIMINAL OR
TRAFFIC CASES IN DISTRICT OR CIRCUIT COURT**

Recitals

A. Virginia Code § 53.1-120(D) authorizes localities to assess a fee as part of the costs of each criminal or traffic case in which the defendant is convicted of a violation of any statute or ordinance, to be used for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security;

B. The City currently assesses a fee of ten dollars (\$10.00) consistent with the prior provisions of Virginia Code § 53.1-120(D);

C. With the enactment of Senate Bill 149, the provisions of Virginia Code § 53.1-120(D) are amended now to authorize localities to assess such sum not in excess of twenty dollars (\$20.00) as of July 1, 2020;

D. The expense for providing courthouse security has continued to increase significantly for the City, and the City Sheriff recommends approval of the fee increase from ten dollars (\$10.00) to twenty dollars (\$20.00);

E. This matter has been properly advertised, heard, and considered; and

F. These recitals are an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 3.05.080(2) of the Staunton City Code be, and the same is hereby amended, restated and reordained to read as follows:

Sec. 3.05.080 Assessment of special court costs.

...

(2) There is hereby assessed the sum of twenty dollars (\$20.00) as part of the costs in each criminal or traffic case in the district and circuit courts of the City in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer of the City and held by the treasurer subject to appropriation by the City Council to the Sheriff's Office for the funding of courthouse security personnel and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

...

In all other respects, the provisions of Section 3.05.080(2), of Chapter 3.05, of Title 3 of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

The Clerk of Council is **DIRECTED** to forward a copy of this ordinance immediately to the Clerk of the Staunton General District Court and the Clerk of the Staunton Circuit Court as well as to the Sheriff of the City of Staunton.

Introduced: July 9, 2020
Adopted: July 23, 2020
Effective: August 1, 2020

/s/ Andrea Oakes
Andrea Oakes, Mayor

ATTEST: /s/ Suzanne F. Simmons
Suzanne F. Simmons
Clerk of Council

(SEE ATTACHMENT 1)

E. Consideration of an Uncodified Emergency Ordinance Concerning Utility Bills, Utility Disconnections and Parking Fees

Mr. Rosenberg stated Council had an ordinance before them that would extend temporary relief to businesses and residents that was first enacted by Council on March 26, 2020. He noted the emergency relief addressed two different subjects that were relevant to the discussion at tonight's meeting.

As it relates to utility payments and disconnection suspensions:

- Adjustment of interest rate to 0% and penalty to \$0.00 for charges incurred during the billing periods of March 10, 2020, through June 10, 2020, provided payment is made in full on or before July 10, 2020.
- Suspension of disconnections of water service for failure to pay water service bills for the period of March 18, 2020, through July 10, 2020.

As it relates to parking fees:

- Suspension of fees for the New Street parking garage, Johnson Street parking garage, Wharf parking lot, and Augusta Street parking lot during the period of March 18, 2020 through April 23, 2020.

Though the period of suspension expired on April 23, 2020, collection of parking fees had not resumed at any of the above facilities in days since.

Mr. Rosenberg stated at the July 9, 2020 Council meeting, staff initiated a conversation about the possible extension of those relief measures. Consensus among Council was to extend all of them and bring them to an end as of August 10, 2020. He stated the ordinance that was before Council

would continue and extend the 0% interest rate and the \$0 penalty for water fees for the billing periods of March 10, 2020 through July 10, 2020 provided payment was made in full on or before August 10, 2020. He noted it would continue the suspension of disconnections for the period of March 18, 2020 through August 10, 2020. Mr. Rosenberg stated staff would entertain requests for payment plans with those customers as noted previously.

Currently, there were 547 delinquent accounts with past due payments in the aggregate amount of \$105,027. For comparison purposes, in June 2019, there were 91 customers, with an aggregate amount due of \$11,744, were disconnected.

Mr. Rosenberg stated as the City continue with those relief measures, were they not to come to an end, the totals would increase. He noted it was staff's recommendation to move forward with the adoption of the ordinance, but would work with customers on payment plans. Concerning the parking fees, he noted the City would resume the collection of those parking fees at the above name facilities as of August 11, 2020.

Mr. Holmes asked if it was possible to use CARES Act funds to help people with their water bills.

Ms. Beauregard stated that was not possible as it was considered revenue loss.

Vice Mayor Robertson moved that Council adopt an ordinance extending suspension of utility disconnection and applicable penalties through the end of business on August 10, 2020, and continuing suspension of parking fees in all city lots, also through August 10, 2020, as presented.

The motion was seconded by Mr. Claffey and carried as follows:

Ms. Claffey	aye	Ms. Dull	aye
Vice Mayor Robertson	aye	Mayor Oakes	aye
Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	aye		

Ordinance No. 2020 - 20

AN UNCODIFIED EMERGENCY ORDINANCE AMENDING, RESTATING AND REORDAINING CERTAIN CODE SECTIONS OF THE STAUNTON CITY CODE TO EXTEND TEMPORARY RELIEF FURTHER BY:

**SETTING TEMPORARILY ANY APPLICABLE INTEREST RATE AT 0% AND ANY
APPLIABLE PENALTY AT \$0.00 AS TO ANY DELINQUENT PAYMENT OF WATER
UTILITY BILLS DUE DURING THE PERIOD OF MARCH 10, 2020 THROUGH JULY
10, 2020, UNDER THE PROVISIONS OF SECTION 13.20.080, PENALTY ON AND
NOTICE AND COLLECTION OF DELINQUENCIES, OF CHAPTER 13.20, USE
CHARGES, OF TITLE 13, ENVIRONMENT;**

**SUSPENDING ANY DISCONTINUANCE OF WATER SERVICE FOR THE
TEMPORARY PERIOD OF MARCH 18, 2020 THROUGH AUGUST 10, 2020, UNDER
THE PROVISIONS OF SECTION 13.20.090, DISCONTINUANCE OF SERVICE FOR
FAILURE TO PAY, OF CHAPTER 13.20, USE CHARGES, OF TITLE 13,
ENVIRONMENT; AND**

SUSPENDING CERTAIN PARKING FEES FOR THE PERIOD OF MARCH 18, 2020, THROUGH AUGUST 10, 2020, UNDER THE PROVISIONS OF SECTION 10.25.180, CHARGE FOR PARKING IN CITY-OWNED ATTENDANT-OPERATED PARKING LOT, OF CHAPTER 10.25, STOPPING, STANDING AND PARKING, OF TITLE 10, VEHICLES AND TRAFFIC

Recitals

A. On January 30, 2020, the World Health Organization (WHO) declared novel coronavirus (COVID-19) a public health emergency of international concern and on March 11, 2020, the WHO characterized COVID-19 as a pandemic;

B. On March 12, 2020, the Governor of Virginia declared a state of emergency, to prepare and coordinate Virginia's response to the potential spread of COVID-19;

C. On March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak;

D. On March 16, 2020, the City Manager and Emergency Management Director, Steven L. Rosenberg, declared a local emergency in light of COVID-19;

E. At its special-emergency meeting on March 18, 2020, by resolution the Staunton City Council confirmed City Manager and Emergency Management Director, Steven L. Rosenberg's declaration of a local emergency and declared a disaster;

F. On March 23, 2020, the Governor of Virginia issued an executive order that, in essence, further recognizes the emergency and disaster COVID-19 outbreak, closing the public schools for the entire remainder of the school year and closing recreational and other non-essential establishments;

G. At its special-emergency meeting on March 24, 2020, Staunton City Council adopted an ordinance reratifying and reaffirming the declaration of a local emergency and disaster due to COVID-19; implementing emergency procedures to ensure continuity of government; ratifying and affirming the City Manager's authority and exercise of authority and discretion in taking actions in the best interest of the City; and authorizing the City Manager to take actions to implement the provisions of the ordinance;

H. At its March 26, 2020 meeting, City Council adopted Ordinance 2020-05 to provide temporary relief to citizens regarding: interest and penalties for the late payment of excise taxes; interest and penalties for the payment of utility bills; suspension of discontinuance of water service; suspension of certain parking fees; and flexibility for those qualifying under real estate tax exemption for elderly and disabled persons;

I. City Council recognizes that exigent circumstances under emergency and disaster conditions continue to exist and the occurrence and/or threat of COVID-19 merits and even necessitates action by City Council to help provide some further temporary relief for Staunton citizens and Staunton businesses and other payers;

J. At its July 9, 2020 meeting, after careful consideration, City Council determined to extend temporary relief concerning utility payments and disconnection suspensions and parking fees;

K. This matter has been properly heard and considered; and

L. These recitals are deemed an integral part of this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that:

1. To the fullest extent permitted by law, effective retroactively, as to any delinquent payment of water utility bills under SCC Section 13.20.080, any applicable interest rate shall be 0% and any applicable penalty \$0.00 for charges incurred solely during the billing periods of March 10, 2020 through July 10, 2020; and absent payment in full of such water utility bills not later than August 10, 2020, interest and penalty shall apply, retroactively, as provided under the provisions of SCC Section 13.20.080;

2. **AND BE IT FURTHER ORDAINED** that, to the fullest extent permitted by law, discontinuances of water service, under the provisions of SCC Section 13.20.090, Discontinuance of Service for Failure to Pay, of Chapter 13.20, of Title 13, Environment, are **HEREBY SUSPENDED FROM OPERATION OF LAW**, effective retroactively, solely for the period of March 18, 2020 through August 10, 2020;

3. **AND BE IT FURTHER ORDAINED** that, to the extent required or necessary by law for Council to take action, the parking fees for the City-owned New Street parking garage, Johnson Street parking garage, Wharf parking lot, and the Augusta Street parking lot are **HEREBY SUSPENDED** solely during the period of March 18, 2020 through August 10, 2020, under the provisions of Section 10.25.180, Charge for Parking in City-Owned Attendant-Operated Parking Lot, of Chapter 10.25, Stopping, Standing and Parking, of Title 10, Vehicles and Traffic;

4. The City Manager is **AUTHORIZED** to take all reasonable and necessary actions, as determined in the exercise of the City Manager's discretion, to implement the provisions of this ordinance; and the prior actions of the City Manager as to any of the subjects of this Ordinance are **RATIFIED** and **AFFIRMED**;

5. In all other respects, the provisions of Title 3, Revenue and Finance, and Title 13, Environment, and all other provisions of the Staunton City Code remain the same and are hereby restated, confirmed and reordained;

6. To the extent that any provision of this ordinance is found or determined to be invalid or void, the other provisions of this ordinance shall remain in effect without further action of this Council; and

7. This Ordinance is effective retroactively as specifically provided as to and including the dates specified in this Ordinance.

Adopted: July 23, 2020

Effective Date: Retroactive as provided.

/s/ Andrea Oakes
Andrea Oakes, Mayor

ATTEST: /s/ Suzanne F. Simmons
Suzanne F. Simmons, Clerk of Council

F. Consideration of the FY 2020 Annual Action Plan Relating to the U.S. Department of Housing and Urban Development Community Development Block Grant Program for the City of Staunton as a HUD Entitlement Community

Billy Vaughn, Director of Economic Development, stated he had shared earlier during the work session that this was the City's second year as a HUD entitlement community and would receive an annual allocation to address low- to moderate-income individual issues.

Mr. Vaughn stated in order to receive the annual allocation, the City must prepare an annual action plan (AAP) and be adopted by City Council. He stated during the work session the outside consultant, Jessica Lerz from Mullin and Lonergan, provided a very detailed presentation on how the funds would be spent through local non-profit organizations as well as preparing or installing sidewalks and improving water service to several neighborhoods.

Mr. Vaughn stated Ms. Lerz was available to answer any questions.

Ms. Dull stated she wanted to reiterate her statement, that even though the City Attorney told her that she did not have a conflict of interest, she would recuse herself from any discussion and voting on the issue as her brother was the Executive Director for Blue Ridge Legal Services.

Ms. Darby thanked Mr. Vaughn and Ms. Lerz for the thorough information.

Mr. Holmes moved to adopt the FY2020 Annual Action Plan, and authorize the City Manager to execute the sub-recipient agreements with agencies recommended to receive HUD CDBG funds.

The motion was seconded by Vice Mayor Robertson and carried as follows:

Vice Mayor Robertson	aye	Mayor Oakes	aye
Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	abstain		

G. Consideration of Council Procedure Memorandum No. 5 / Grant Applications

Mr. Rosenberg stated this item was for a proposed modification to Council Procedure Memorandum No. 5. He noted this was reaffirmed with a modification by Council at its organizational meeting on July 1, 2020. He stated the modification at the time was to require that all grant applications, not only those which required a local match, be presented to and approved by City Council before their approval.

Mr. Rosenberg stated at the last meeting on July 9, 2020, he had shared several examples where this proved to be a bit problematic and involved grant opportunities with short turnaround times and did not permit staff to bring grant applications to Council prior to their submission. Mr. Rosenberg stated he had proposed revisions to Council's procedure that he believed were consistent with discussions at the July 9, 2020 meeting. He stated the proposal was to revert to the prior procedure that would allow the City Manager to submit grant applications that did not require a local match provided that he report to Council concerning those unmatched grant applications within a certain period of time after their submission.

Mayor Oakes asked Council members if they had any questions.

Vice Mayor Robertson stated he would like City Council to take no action at that time and to simply have the City Manager reach out to Council with an email and then approve the measure at the next meeting.

Mayor Oakes asked Mr. Rosenberg if it were an issue of being able to vote on grant issues retroactively.

Mr. Rosenberg stated he couldn't say categorically that it was not an issue. He noted he would believe that Mr. Guynn would say that it was a legally effective step, but that an organization might not flag it as an issue.

Mayor Oakes asked Mr. Rosenberg if he would be able to send an email out as suggested by Vice Mayor Robertson.

Mr. Rosenberg stated if it was Council's desire on how to handle those applications, staff could attempt to make that work.

Mr. Holmes stated he did not see where there was a problem with letting staff go ahead and submit applications if matching funds weren't required as long as Council was notified.

Ms. Mead stated she believed that the Council Procedure Memorandum that Mr. Rosenberg provided was what Council agreed on the work session previously.

Mr. Holmes asked Vice Mayor Robertson for his thoughts regarding the original memorandum.

Vice Mayor Robertson stated in his mind he was elected to guard the people's money. Discussion ensued.

Mayor Oakes noted to Mr. Guynn that Vice Mayor Robertson leave Procedure Memorandum No. 5 as it was voted on July 1, 2020. She asked if any action needed to be taken.

Mr. Holmes moved that Council adopt the revised Council Procedure Memorandum No. 5, as presented.

The motion was seconded by Ms. Mead. The motion failed as follows:

Mr. Holmes	aye	Ms. Mead	aye
Ms. Darby	no	Mr. Claffey	no

886 Ms. Dull aye Vice Mayor Robertson no
887 Mayor Oakes no
888

889 **H. Consideration of Virginia Tourism Corporation's WanderLOVE Grant**
890

891 Katie Campbell, Group Sales and Marketing Manager for the Tourism Department, stated she
892 was present on behalf of the Tourism Department in regards to its application and subsequent
893 award of \$10,000 for Virginia Tourism Corporation's WanderLOVE grant program. She
894 noted the application deadline was July 2, 2020. The Tourism Office received notice of the
895 receipt of the grant, in the amount of \$10,000, on July 14 and a formal agreement was received
896 on July 20.
897

898 Ms. Campbell stated the Virginia Tourism Corporation's WanderLOVE grant program was
899 established to provide immediate recovery marketing funds to destination marketing
900 organizations (DMO) across the Commonwealth that have been heavily impacted by the novel
901 coronavirus pandemic. She noted the Tourism Department would use those funds to promote
902 the city as a safe and welcoming destination for travelers planning a road trip in Virginia. She
903 noted the grant funds would support the Tourism Department's own WanderLOVE marketing
904 campaign to help drive economic activity and travel to the area.
905

906 Ms. Campbell stated there was no additional fiscal impact to the City by accepting the grant
907 funds as all matching funds are already included in the department's FY2021 budget and
908 marketing plan.

909 Matching funds of \$14,300 and will include the following:
910

- 911 • Radio ads on WNRN that will air in the Richmond Market at \$1,800
- 912 • Radio/TV/Web ads on Richmond's NPR and VMP station at \$4,500
- 913 • Google Adwords at \$3,000
- 914 • Digital Campaign will include a landing page with road trip itinerary and social ads for
915 \$5,000. These ad placements will run from mid-August/early September to early/mid-
916 November
917

918 Mayor Oakes asked Council members if they had any questions.
919

920 Ms. Dull asked if anyone had any estimate of the amount of staff time to present the briefing and
921 for Ms. Campbell to present the item.
922

923 Mr. Rosenberg stated there had been no effort to try to quantify the value of the effort.
924

925 Ms. Dull asked if that could be something that could be done in the future for all grants that Council
926 would retroactively decide to accept the funds or not.
927

928 Mayor Oakes stated that would be an individual request by Councilwoman Dull.
929

930 Council members did not have any further questions.
931

932 Mr. Claffey moved that City Council authorize staff to apply for and accept the WanderLOVE
933 Grant through the Virginia Tourism Corporation.
934

The motion was seconded by Vice Mayor Robertson.

Ms. Dull stated the motion was not accurate because the Tourism Department had already applied for and accepted the grant. She questioned if the motion should say something like "I move that City Council approve what staff applied for and received"

Ms. Mead stated "retroactively approve".

Ms. Beauregard stated the acceptance letter had not yet been signed.

The motion carried as follows:

Ms. Darby	aye	Mr. Claffey	aye
Ms. Dull	no	Vice Mayor Robertson	aye
Mayor Oakes	aye	Mr. Holmes	aye
Ms. Mead	aye		

MATTERS FROM THE CITY MANAGER

Mr. Rosenberg stated he had nothing to add.

MATTERS FROM THE PUBLIC

Mr. Rosenberg stated at the present time there were not any callers on the phone to participate.

Mary Lane, 41 N. Augusta Street, stated she agreed with Vice Mayor Robertson and cared deeply where taxpayer's money was going. She noted her car was recently towed from the Frederick Street lot and asked if that process could be improved. She stated she found the voting process very efficient.

Aaron Barmer, 312 Fayette Street, stated City Council had not replied to an email sent to them regarding renaming the Stonewall Jackson Hotel. He noted he wanted to be sure that the City would not be an obstacle to the removal of the hotel's sign and asked Council to release a statement of support for those changes.

Baldwin Jennings, 332 Sharon Lane, stated Mayor Oakes was an outstanding leader and citizen.

Nitch Narduzzi, 130 S. Jefferson Street, spoke about several items discussed during the work session. Regarding the HUD community grant, she hoped Council would focus on transitional housing. She hoped Council would pursue a citizen's task force regarding the Gypsy Hill Park Golf Course. She stated she would like a public apology from several Council members who participated in dishonest dissemination of information during the recent election regarding the Golf Course of which she was a candidate. She supported the proposed video regarding the wearing of face coverings. She noted she would like to see Council's reaffirmation of social justice support.

Callers on the line included:

Alison Profeta, 402 Farrier Court, stated she felt Ms. Mead was clear when she was asking for reaffirmation that there would some type of action by Council regarding social justice. She stated

984 residents were looking for action and that the minority community should be given the same
985 opportunities.

986
987 Joshua Rhodes, 1500 N. Coalter Street, stated he wanted to reaffirm Mr. Barmer's statement
988 regarding the Stonewall Jackson Hotel name change.

989
990 Leland Pond, 16 College Circle, stated she was against the courthouse security fee increase.

991
992 Mary Lane, 41 N. Augusta Street, stated there was a miscommunication between City Council, the
993 public, and the Police Department about parking fees. She asked if communications could be
994 improved between the Police Department and towing companies.

995
996 Mayor Oakes asked Mr. Rosenberg if he could have someone from the Police Department speak
997 with Ms. Lane.

998
999 There was no one else wishing to speak.

1000
1001 **ADJOURNMENT**

1002
1003 There being no further business to come before Council, the meeting adjourned at 9:26 p.m.

1004
1005
1006
1007 _____
1008 Suzanne F. Simmons
1009 Clerk of Council

**Ordinance No. 2020-19
AN ORDINANCE TO AMEND
THE FY 2021 BUDGET ORDINANCE
FOR THE CITY OF STAUNTON
BY ADDING BUDGET AMENDMENT NUMBER ONE**

BE IT ORDAINED, by the City Council of the City of Staunton, Virginia, that the FY2021 Budget is amended as follows:

GENERAL FUND		
<u>Anticipated Revenue</u>		
General Revenue	\$	41,250
Total Revenue	\$	41,250
<u>Appropriations</u>		
Public Safety		41,250
Total Appropriations	\$	41,250
GRAND TOTAL BUDGET AMENDMENT	\$	41,250

INTRODUCED: July 09, 2020

PUBLIC HEARING: July 09, 2020

Public Hearing Advertisement Date: July 01, 2020

Approved this 23rd day of July, 2020

Effective Date: August 1st, 2020

ATTEST: Suzanne F. Simmons

Suzanne F. Simmons
Clerk of Council

CERTIFIED: _____

Andrea W. Oakes
Mayor of Council

FY 2021 BUDGET AMENDMENT NO. 1

GENERAL FUND		AMOUNT	
	LEDGER CODE	REVENUE	EXPENDITURE
JUDICIAL ADMINISTRATION			
PUBLIC SAFETY			
<u>SHERIFF DEPARTMENT</u>			
To appropriate Courtroom Security Fee Funding			
Courtroom Security Fees	11022-41610	\$ 41,250	
Part Time	11022170-51510		\$ 30,000
Overtime	11022170-51530		\$ 8,317
FICA	11022170-52010		\$ 2,933
TOTAL GENERAL FUND		\$ 41,250	\$ 41,250

GENERAL FUND REVENUE SUMMARY

General Revenues	\$ 41,250
Courtroom Security Fees	41,250
Total General Fund Revenues	<u>\$ 41,250</u>

GENERAL FUND EXPENDITURE SUMMARY

Public Safety	\$ 41,250
Parks, Recreation, Cultural	-
Nondepartmental	-
Transfer from Other Funds	-
Total General Fund Expenditures	<u>\$ 41,250</u>

FY 2021 BUDGET AMENDMENT NO. 1

CITY GOVERNMENT FUNDS

GENERAL FUND	\$ 41,250
CAPITAL IMPROVEMENTS FUND	\$ -
GRANTS FUND	\$ -
TOTAL CITY GOVERNMENT FUNDS	<u>\$ 41,250</u>
TOTAL FY2021 BUDGET AMENDMENT NO. 1	<u>\$ 41,250</u>

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Nominations Committee: Vice Mayor Mark Robertson Councilman Stephen W. Claffey Councilwoman Amy G. Darby
Item #	A	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Report of Nominations Committee and Consideration of Nominations of Council Liaisons to Boards and Commissions and to Committees of the Virginia Municipal League	

Background: At Council's regular meeting on August 13, 2020, the Nominations Committee will present its recommendations for appointments of Council liaisons to boards and commissions and committees of the Virginia Municipal League.

City Manager's Recommendation: Not applicable.

Suggested Motion: I move that the following appointments be made, consistent with the recommendations of the Nominations Committee [recite names of nominees and positions to which they are nominated].

City Manager: Steven L. Rosenberg

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Staff Members: Rodney Rhodes Linda Nesselrodt Historic Staunton Foundation Representative: Frank Strassler
Item #	C	
Ordinance #		
Department:	Community Development—Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Appeal of Historic Preservation Commission Denial of a Certificate of Appropriateness for 208 Fayette Street (Newtown Historic District)—New Side Addition	

Introduction: This item is an appeal from a decision of the Staunton Historic Preservation Commission (Commission). Under Section 18.85.050(7)(m) of the City Code, an appeal may be taken to City Council to challenge a decision of the Commission. City Council has the prerogative to reverse or affirm the Commission's decision in whole or in part, essentially having all the same powers of the Commission. In this instance, property owners, Kim and Bill Woodwell, appeal to City Council the Commission's July 28, 2020 action to deny a Certificate of Appropriateness for the construction of an addition at 208 Fayette Street. (Exhibit A, Appeal letter from Kim and Bill Woodwell.) Attached to this briefing are exhibits that constitute the administrative record of proceedings before the Commission and other relevant documentation (Exhibits A – I).

Background: The subject of this appeal is a single-family structure located at 208 Fayette Street, in the Newtown Historic District, and constructed between 1850 and 1870. In May of 2020, the owners applied for a COA for a side addition. (Exhibit B, Application for Certificate of Appropriateness.) The Commission considered the request at its May 26, 2020 meeting. During the discussion, Commissioners noted that the proposed addition deviated significantly from the Historic Design Guidelines. The Commission specifically noted that the proposed addition was close to the front edge of the house and competed with the massing of the current

house, throwing off the symmetry and obscuring the entire north face of the building, hiding every current detail. The application was therefore tabled until the June meeting in order for the applicant to address the Commission's concerns. (Exhibit C, Minutes of the May 26, 2020 Meeting of the Staunton Historic Preservation Commission.)

Prior to the Commission's meeting on June 23, 2020, the applicants provided revised plans. The applicants noted the proposed addition was now set back from the front of the house by more than three feet and that the height of the addition had been reduced so that it did not obscure the bracketed cornice of the original roof. The applicants further noted the reduction in the width and depth of the addition to limit its overall size while still trying to give it the functionality that they needed. The applicants also provided alternative designs utilizing a "hyphen" to connect and physically and visually separate the addition from the existing structure per the suggestion of Commission members. Commissioners noted their appreciation of the efforts to scale back the design and provide alternative views of suggestions made at the previous month's meeting; however, they still took issue with the massing and height of the addition. Commissioners noted their preference for a two-story addition. The applicants stated it would not be worth it for them to take the addition down to two stories given what they felt they needed to make the house work for them. They noted their willingness to bring back additional details for the three-story addition. The application was therefore tabled until the July meeting. (Exhibit D, Minutes of the June 23, 2020 Meeting of the Staunton Historic Preservation Commission.)

At the Commission's meeting on July 28, 2020, the applicants noted the focus of the most recent changes was to soften and reduce the massing of the addition. The applicants also reminded the Commissioners that the lot was unique and that was why they were proposing the addition to the north side of the house. They stated their proposed addition would still be more than 80 feet from both Fayette Street and Federal Street. (Exhibit E, Draft Minutes of the July 28, 2020 Meeting of Staunton Historic Preservation Commission.)

Mr. Frank Strassler, an expert in historic preservation with the Historic Staunton Foundation (HSF), as part of the established process, analyzes and submits a written briefing and recommendation on all such applications to the Commission. Concerning the addition, Mr. Strassler recommended to the Commission that it deny the Certificate of Appropriateness, stating:

- The proposed addition is located on a prominent side of the house. As designed, it will remove the paired windows on all three floors. The visibility – including height and location as proposed continues to dominate the house.
- The height and scale of the addition continues to compete with the front façade. The setback from the front façade is minimal.
- It appears the addition is designed to relate as approximately 1/3 the width of the house.
- The height of the revised addition continues to compete with the bracketed cornice. The paired windows will be removed. Paired windows are a character-defining element of the Italianate Style.
- The large addition for this property doesn't comply with the Secretary of Interior Standard that, "a property will be used as it was historically

or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.”

- The flat roof does differentiate the addition. However, a similar or related roof form, such as a low hip, can help the addition be compatible with the adjoining historic structure.

(Exhibit H, Recommendation of Historic Staunton Foundation dated July 21, 2020, for the Staunton Historic Preservation Commission.)

At its meeting on July 28, 2020, upon consideration of the information presented, including the Historic Staunton Foundation’s recommendation, the Commission acted to deny the requested Certificate of Appropriateness for the proposed addition. (Exhibit E, Draft Minutes of the July 28, 2020 Meeting of Staunton Historic Preservation Commission.)

Exhibit I is Historic Staunton Foundation’s brief concerning the appeal of the Commission’s decision, which contains a recommendation to Council:

HSF recommends Council uphold the decision reached by the Historic Preservation Commission. The Commission reviewed the existing conditions and considered the proposed changes in relation to the adopted guidelines in reaching their decision.

Administrative Record Exhibits:

- A. Appeal letter from Kim and Bill Woodwell
- B. Application for Certificate of Appropriateness dated June 21, 2019
- C. Minutes of the May 26, 2020 Meeting of the Staunton Historic Preservation Commission
- D. Minutes of the June 23, 2020 Meeting of the Staunton Historic Preservation Commission
- E. Draft Minutes of the July 28, 2020 Meeting of the Staunton Historic Preservation Commission
- F. Recommendation of Historic Staunton Foundation dated May 20, 2020, for the Staunton Historic Preservation Commission
- G. Recommendation of Historic Staunton Foundation dated June 18, 2020, for the Staunton Historic Preservation Commission
- H. Recommendation of Historic Staunton Foundation dated July 21, 2020, for the Staunton Historic Preservation Commission
- I. Recommendation of Historic Staunton Foundation dated August 3, 2020, for Staunton City Council

Issue: Whether to reverse or affirm, wholly or partly, the decision of the Staunton Historic Preservation Commission, denying a Certificate of Appropriateness for an addition.

1. affirm the decision of the Commission, denying the Certificate of Appropriateness;
2. reverse the decision of the Commission and approve the Certificate of Appropriateness as requested by the applicants, permitting the addition as presented;
3. modify the decision of the Commission; or
4. remand the matter back to the Commission to consider any new information presented at the City Council meeting.

Alternative Suggested Motions:

I move that Council affirm the decision of the Historic Preservation Commission denying the requested Certificate of Appropriateness, for the reasons on which the Commission based its decision.

I move that Council reverse the decision of the Historic Preservation Commission and approve the Certificate of Appropriateness as requested by the applicant, permitting the addition as presented.

I move that Council remand the matter back to the Historic Preservation Commission to consider new information presented at the City Council meeting.

City Manager: Steven L. Rosenberg

July 30, 2020

Mr. Rodney Rhodes
Senior Planner, Planning & Zoning Division
Community Development
City of Staunton
116 W Beverley Street
Staunton, Virginia 22401

Dear Mr. Rhodes:

We are writing to appeal the Historic Preservation Commission's denial of a certificate of appropriateness for a proposed addition to our home at 208 Fayette Street. After three appearances before the commission, and a good-faith effort alongside our project architects to revise our proposal in response to commission members' comments and suggestions, our application was denied at the commission's July 28 meeting.

Of important note is that commission members offered numerous compliments with respect to our plans in the course of our conversations, as well as our flexibility and our willingness to adapt the proposal based on commission feedback. In the end, they based their 4-1 denial on what we believe is a subjective reading of the Staunton Historic Guidelines. Later in this letter, we offer our best explanation for why we believe our proposal meets with both the letter and the intent of those guidelines.

WHO WE ARE

We are proposing an addition to the north elevation of 208 Fayette Street, one of the houses that originally was the site of the Staunton Female Seminary. We purchased the property in 2019. We have lived in the northern Shenandoah Valley for 25 years on a farm property with an 1830s farmhouse that we restored over many years.

We are planning to move to Staunton later this year and will live at 208 Fayette Street with Kim's mother, Laura, and, for the short-term at least, our 22-year-old daughter, Josie. Our son Dean is in college in the Midwest.

After making the decision to move to Staunton based on our longstanding affection for the city and community, we were attracted to the Fayette Street property because of its historic character and our desire to live in Newtown.



SUMMARY OF PROPOSAL

We have consulted for this project with Winchester-based architects Reader & Swartz, who assisted in the design of historically appropriate renovations to our current farmhouse. The firm is well-regarded and has received numerous awards for their work in historic preservation.

The planned addition includes converting two small, dark basement apartments into an expanded “garden-level” unit for Kim’s mother with increased access and much-needed natural light. We also would create added living space on the main and second floors, including a new kitchen on the main floor that allows us to create a laundry room and mudroom in the existing space, plus an additional bedroom on the second floor to create a three-bedroom home with a small office. In all of this work, our goal is to protect the house’s unique historic character while making it significantly more functional for use by our family and other families in the future.

After initially considering an addition to the rear (or west) side of the house, we decided instead that we wanted to build on the north side. This allows us to preserve the classic, 100-year-old porch on the back of the house, a porch that is integral to entry and exit of the house from off-street parking. We note here that the Staunton guidelines explicitly state the following: *“Do not remove porches that are important in defining the building’s overall historic character.”*

An addition on the back of the house also would require destruction of seven original and historic windows that are similar in size and placement to the windows on the front of the house, as shown in photo below.



In contrast, the north elevation of the house is a large expanse of painted brick penetrated by six narrow windows that are dissimilar to the existing back and front windows and restricted in size due to chimneys and fireplaces. See photos below.



Building on the north side also is the most logical and intuitive response to the uniqueness of this piece of property, which unlike other properties around it includes an expansive side yard and garden.



The plan we are proposing is based on a design common to Staunton and Newtown. The idea is to add to the house in a way that suggests the addition of a multi-story porch as was common in the 19th century, with that porch subsequently being enclosed with a bank of windows over time.

STAUNTON HISTORIC COMMISSION REVIEW

We originally appeared before the Historic Preservation Commission at its May 20 meeting. After discussing the proposal with commission members, we agreed to table it until the June meeting so we could try to respond to commission members' feedback and comments.

For the June meeting, we made a number of substantive revisions to our plans in an effort to address commission members' concerns about the size and prominence of the addition. We increased the set-back from the front of the house by more than 3 feet. We reduced the height so it the addition would not obscure the bracketed cornice of the original roof. And we reduced the width and depth of the addition to limit its size while still trying to make it as functional as possible. We also included a design with a "hyphen" or connector to physically and visually

separate the addition from the existing structure per suggestion of commission members. The new design also added a brick base, bands of trim and roof details to make the addition both distinctive and compatible with the original house, in accordance with the Secretary of the Interior guidelines.

During the June 18 meeting, commission members expressed their appreciation for our efforts to adapt the design in response to their comments. However, they proceeded to raise two issues that they felt might pose a barrier to their approval of a certificate of appropriateness for the project. These two issues were: 1) the “massing” of the addition (or the perception of its overall size and scale); and 2) whether there was precedent for the commission approving an addition of this size. Once again, we agreed to table our proposal until the July meeting so we could try to respond to these issues.

In preparation for the July meeting, we worked with the architects to revise the design once again in an effort to soften and reduce the massing of the addition in a number of ways.

Among the changes we made in our proposal since the original submission are:

- Reduction in overall size of the addition.
- New roof details and a larger roof overhang to make the roof of the addition more empathetic and compatible with the original roof and structure.
- Brick facing on the ground level to make the addition more compatible with the brick of the original structure, along with siding on the main floors to add differentiation for the addition and to break up the visual plane on all sides.
- Horizontal trim bands at each floor/ceiling level to further break things up and soften the massing of the addition.
- Hyphen variation of addition.
- An arbor over the ground-level door to add variation to the plane of the north elevation.
- A window box to add variation to the plane of the north elevation. (This design is available in materials provided for July meeting.)

In our July presentation, we also pointed out that the issue of massing for this project should be considered in the context of the topography and the extensive trees and plantings of this property. In particular, the edges of this addition would be set back 80 feet and 84 feet from Fayette and Federal Streets, respectively, meaning that the perception of massing from the street would be much reduced. Furthermore, this addition would be obscured from all angles by trees and plantings. As shown in a number of point-of-view (POV) sketch ups (attached) we prepared for the commission’s review, these natural buffers significantly soften the scale and prominence of the addition from the street.

On the issue of precedent, we tried to remind commission members that this is a very unique lot in size, shape and configuration. The combination of an ample side yard/garden, public road frontage on three sides of the property, and the ability to set back the addition a considerable

distance from the property line on all sides makes this an uncommon situation where an addition on the north side of the house is a sound and eminently defensible solution.

In addition, we expressed our fear that allowing an addition on the back or west side of this house might create its own precedent by sanctioning the destruction of a beautiful, 100-year-old porch, along with seven original and historic windows similar in size and placement to those on the front façade of the house.

We also pointed out that the commission does indeed have a record of approving an addition of similar size just two doors down from our home. The houses at 214 and 208 Fayette formed the mirror-image, opposing sides of the Staunton Female Seminary. In 2006, the Historic Preservation Commission approved a three-story addition to 214 Fayette that added 400 square feet/floor to the original structure. By comparison, the addition we are proposing adds 371 square feet/floor to 208 Fayette Street. We remarked to commission members that we could think of no better precedent for the addition we are proposing at 208 Fayette than the commission's approval of a similar-sized addition to its sister property just two doors away.

During the July meeting, we discussed these issues with commission members. And, while they were once again highly complimentary of our plans and our flexibility, the group ended up approving a motion to deny a certificate of appropriateness for the proposal.

COMPLIANCE WITH HISTORIC GUIDELINES

As noted above, the Commission based their denial on what we believe is a subjective reading of Staunton's Historic District Design Guidelines for additions to historic properties. In our July presentation, we outlined for the commission how our project actually is in accordance with both the letter and the spirit of those guidelines.

Below we list the six guidelines used as the basis for the commission's denial, along with our comments on how we have made every effort to meet these guidelines in our proposal.

Guideline #1: Attempt to locate the addition on the rear elevation so it is minimally visible from the street. The guidelines do not say anywhere that adding to the rear of a house is required. In fact, we have considered a rear addition as an option for this property, and we attempted it in some early designs. But for the reasons we have outlined, adding to the back of 208 Fayette just doesn't make sense given the unique nature of the property. And doing so would actually create its own problems with the guidelines because we would be tearing down an historic porch that is essential to the current form, integrity and function of the house.

Guideline #2: Attach new additions or alterations in such a manner that if they were removed in the future, the essential form and integrity of the building would be unimpaired. Our proposal adds a simple rectangular prism to the house. If someone wanted to remove it in the future, the original structure would be entirely intact. The essential form and integrity of the house are absolutely unimpaired by this addition. On the other hand, if we were to add on the

back of the house, we would have to remove the 100-year old porch that is essential to entry and exit, while destroying seven original windows and three doors.

Guideline #3: Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure. Nowhere in the guidelines do they define what should be considered subordinate, so deciding what is subordinate is a matter of opinion. Our proposal is for an addition of roughly 13 feet, with a lower roofline and setbacks from the front and back of the existing house. It would extend no more than one-third from the side of the existing building. We feel the addition is subordinate to the existing house, in accordance with the Staunton guidelines. And with the design improvements we made in response to commission members' comments, we have made the addition even more subordinate in its appearance.

Guideline #4: Maintain the original orientation of the structure. With the addition we propose, the house is still based on a center hall structure, with porches on the east and west, and with all original rooms and walls intact.

Guideline #5: The new design should not use the same wall plane, roof line, cornice height and identical materials as the historic building. Our proposal checks all of the boxes here, not in opinion but in fact. And our changes in response to the commission's comments mean that the addition does even better when judged according to this guideline.

Guideline #6: The new work should be differentiated from the old while being compatible. We believe — and it appeared that commission members agreed — that the design we presented and amended over a period of three months meets this guideline as diligently, as tastefully and as respectfully as possible.

In sum, we strongly believe that our proposed addition to 208 Fayette Street is in strong compliance with the Staunton Historic Commission guidelines and should have been approved by the commission. Our goal from the start of this process has been to respect and protect the history of this beautiful house we were lucky enough to find, while increasing its functionality for today and tomorrow.

We look forward to council members' comments and are happy to answer any questions you have as you consider this appeal.

Thank you very much,
Kim and Bill Woodwell



WOODWELL RESIDENCE
 208 FAYETTE STREET
 STAUNTON, VIRGINIA 24401

Banding with Arbor

SCHEME A.1
 NOTE: THESE IMAGES SHOW AERIAL
 VIEWS WITH SOME LANDSCAPING
 REMOVED FOR CLARITY



P.O.V. #1



P.O.V. #2



P.O.V. #3



P.O.V. #4



P.O.V. #5



P.O.V. #6



P.O.V. #7



IMPORTANT NOTE: The complete application must be filed with the City of Staunton's Office of Planning & Inspections no later than the first Tuesday of the month to be heard at that month's Historic Preservation Commission Meeting. Applications received after the first Tuesday of the month will be heard at the next month's meeting.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS
City of Staunton, Virginia

Historic Preservation Commission
 116 W. Beverley Street
 Staunton, VA 24401
 Phone: (540) 332-3862 Fax: (540) 332-3807

Location of property	208 FAYETTE ST	Historic District	NEWTOWN
Business Name	NA	Tax Map No:	#375
Application Fee \$50 Paid	☒ YES ☐ NO		

Applicant/Property/ Owner Name (PRINT)	WILLIAM B KIMBERLY WOODWELL (BILL KIM)	Representative Agent(s) Name	
Signature	Kimberly B Woodwell	Firm	
Mailing Address	1292 JADWIN RD	Mailing address	
City/State/Zip	MAURENTOWN VA 22642	City/State/Zip	
Phone/Fax Number:	540 333 3081	Phone/Fax Number:	
Email:	KWOODWELL@gmail.com	Email:	

(Check the appropriate boxes—CHECK ALL THAT APPLY)

☒	Exterior Change	☒	Addition		Relocation
☒	Wall/Fence		Deck/Porch		Demolition
	Driveway/Parking Area		New Structure/Building		Grounds/Landscaping
	Signage		Dumpster Screen		Other _____
	Other _____		Other _____		Other _____

The above named person(s)/firm has permission to represent me regarding this request for architectural review. I understand that I or my representative agent(s) must be present at the Historic Preservation Commission Meeting on the date listed above to present my proposal and that failure to attend may result in the denial of my proposal by the Commission due to insufficient information. No material change in the appearance of my property, that is viewable from any public street, shall be performed before receiving a Certificate of Appropriateness. I further understand that approval by the Historic Preservation Commission for any modifications to homes, buildings, landscaping, or grounds including fences, driveways, and parking areas shall expire 12 months from the date of approval.

Kimberly B Woodwell
 [Signature]
 SIGNATURE

5/4/2020
 [Signature]
 DATE

PLEASE READ: Applicants are encouraged to submit complete applications with sufficient information to enable a clear understanding of the proposal by the Historic Preservation Commission members and staff. Incomplete applications that do not clearly communicate the proposed improvements or changes will be denied.

FULL DESCRIPTION OF PROPOSAL:

SEE ATTACHMENT

REQUIRED INFORMATION TO BE SUBMITTED WITH APPLICATION:

(Each item submitted is to be INITIALED by the applicant. If you are not submitting any of the requested information, please indicate not applicable and explain in the space provided why it is not necessary for this project)

KBW Sketch, drawing and/or elevations showing the proposed changes or improvements
WHD ~~SEE~~

KBW Site plan or plat of property
WHD

KBW Photographs showing property, work in question, and the area of the proposed
WHD project

KBW Other (please list)
WHD Letter / Memorandum from applicant architect. Reader # Snoutz

KBW A list of materials that identifies the type and quality of materials to be used in the
WHD Proposed project

KB 5
WHD Twelve sets of all information and materials for use by the Historic Preservation Commission members and staff in the review of this request (REQUIRED)
*****COA for signs only requires two sets of information.*****

(Applicants may refer to typical submissions kept at the Planning and Inspections Department of the City of Staunton on the third floor of City Hall located at 116 W. Beverley Street for illustrations of how to present the required information)

We submit this application for a Certificate of Appropriateness for two separate proposals:

1. Addition to the north elevation of 208 Fayette Street
2. Replacement of wooden fence along property boundary. {See description on page 6}

Full Description of Proposal - Addition to the north elevation of 208 Fayette Street:

We propose an addition to the north elevation of 208 Fayette Street. We purchased the property in 2019. We have lived in the northern Shenandoah Valley for 25 years on a farm property with an 1830s farmhouse that we restored over many years.

After making the decision to move to Staunton based on our longstanding affection for the city and community, we were attracted to the Fayette Street property because of its historic character and our desire to live in Newtown. We are planning to move to Staunton in 2020 or early 2021 and will live at 208 Fayette Street with Kim's mother and, for the short term at least, our 22-year-old daughter, Johanna.

Virtually everyone who enters the house at 208 Fayette notes that its grand appearance outside does not match the relatively small living spaces within. The addition we are proposing will make the house work for all of us—and surely for any family in the future—while respecting the building's unique historic character and architecture.



We have consulted for this project with Winchester-based architects Reader & Swartz, who assisted in the design of historically appropriate renovations to our current farmhouse. Their letter about the proposed addition is included with this application.

The planned addition includes converting the two current basement apartments into an expanded “garden-level” unit for Kim's mother with increased access and much-needed natural light. We also would create added living space on the main and second floors, including a new kitchen on the main floor that allows us to create a laundry room and mudroom in the existing space, plus an additional bedroom on the second floor.

Placing the new addition on the north elevation takes advantage of the property's large side yard. Among the alternatives, building on the front would, of course, be impossible, as any addition to the south and building on the rear side (west) would crowd the neighbor's backyard and require removing or reconfiguring many historic features, including the classic, early 1900s two-story back porch, seven windows matching those on the front of the house, and three doors.

We are excited about the opportunity to live in a beautiful and historic home in Staunton and we thank you for your consideration.

Photographs Showing Property – Addition to north elevation of 208 Fayette Street:

1. Overhead of site of proposed addition



2. House: North (side) elevation



3. House: Rear elevation showing existing 2-story porch, windows and doors we retain with proposed new construction to north elevation.



4. House: backyard



List of Materials - Addition to north elevation of 208 Fayette Street:

Materials proposed as shown in included elevation drawings.

1. Foundation: For the new foundation, we propose using a thin brick veneer to resemble the existing brick foundation.
2. Siding: We are considering using painted smooth finish cement board or painted wood lapped siding.
3. Trim detail: For window frames and cornice details, we propose using painted Boral panel. We also propose painted stamped metal for some of special detail around the windows. (See adjacent photo showing trim detail.)
4. Windows: The new windows will be the same size as the existing windows on the front and back of the house. We propose using prefinished extruded aluminum clad windows with simulated divided lites to resemble the existing 6-over-6 double sash windows.
5. Roof: For the roof, we propose using EPDM.
6. Gutters: New gutters will match the existing half-round gutters and round downspouts.



Full Description of Proposal – Replacement of wooden fence: We propose replacing a 6-foot wooden fence along a property line between our house and our neighbor to the south (212 Fayette Street). The fence we are replacing was removed prior to our purchase due to storm damage but is shown in the enclosed photo. The new fence will be installed in same location as previous fence and will mirror the look and design of fence already installed on the other side of our neighbor's yard, as shown in the photo.

Photographs Showing Property – Replacement of wooden fence:

1. Photo of neighboring yard showing location of original fence that has since been removed. The new fence will be located in same location as the fence on the left side of the photo. New fence will be identical in height, design and materials as fence on right side of the photo.



2. Overhead along proposed fence location.



3. Views along proposed fence location from backyard.

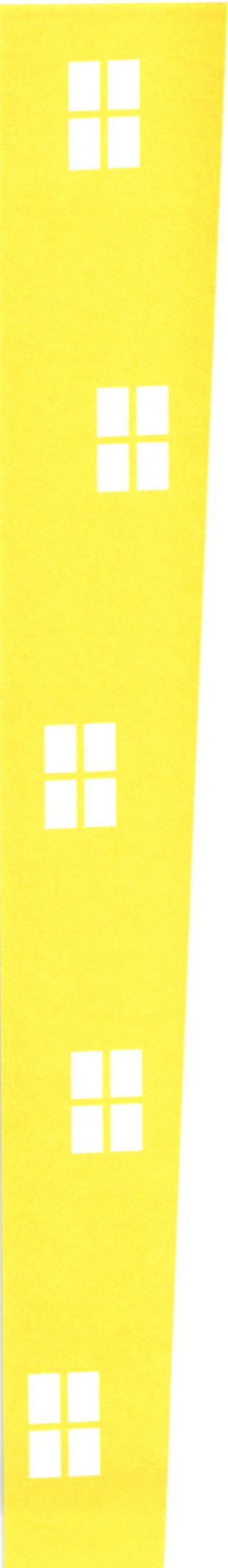


List of Materials – Replacement of wooden fence:

We plan to build the fence on-site using “Severe Weather Wooden Southern Yellow Pine Dog Ear Wood Fence Pickets to replicate the existing backyard fence between the backyards of our neighbors at 212 and 214 Fayette Street.

Size of the proposed pickets are 5/8in x 5-1/2in x 6-ft. Pickets will be installed in a shadowbox pattern as shown in adjacent photo.





READER & SWARTZ ARCHITECTS, P.C.

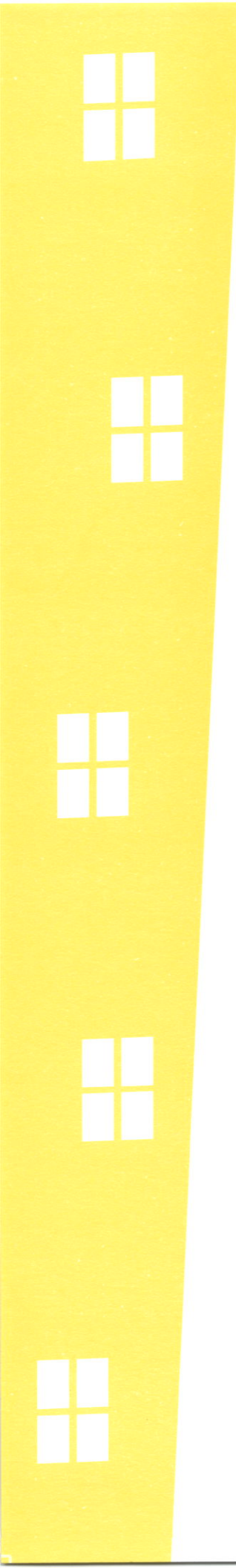
May 4, 2020

Dear Members of the Historic Preservation Commission:

The primary goals of the renovations and addition to 208 Fayette Street include: (a) converting two existing small apartments on the ground floor into one enlarged, barrier-free apartment, and (b) expanding the living spaces on the main level and the bedrooms on the upper level. Although the historic structure is being adapted to support current lifestyles, we agree that it is important to minimize modifications in order to maintain the building's character. Our proposal preserves the history of the house while making it viable for the 21st century.

Before arriving at the current design, we considered our options for expansion and found that we were greatly limited. We obviously would not add to the front, and there is simply not enough space to build to the south without encroaching on the neighboring house. Additionally, any plans to build off of the back are complicated by the existing porch and stairs. If we were to construct the addition on the back of the house, it would require the removal, or obscuring, of seven existing windows and three existing exterior doors and the demolition of the existing (c) 1914-1921 two-story porch. Moreover, a new stair and porch would have to be rebuilt to provide a second, more direct means of access from the parking area on the north to the main level of the house, which is 10'-0" above grade. Ultimately, the added demolition and construction requirements to build on the back -- and consequently, on the north, as well -- did not seem feasible financially nor optimal for historical preservation.

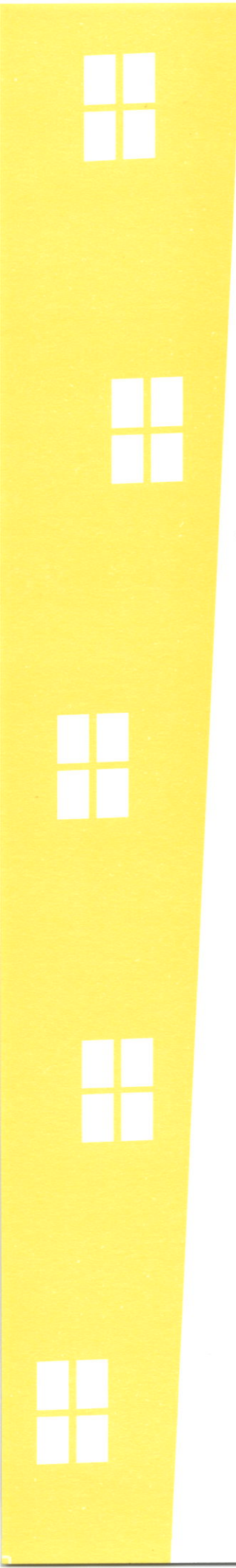
Building off of the north side proves most advantageous in accomplishing both the owners' functional needs and in respecting the existing building. Foremost, more land is available to the north, allowing for an addition that will provide the needed space for the owners. Demolition will be minimal as there are fewer windows to remove (only two per floor) and fewer walls to alter to allow access to the addition. Opting to build on the north also preserves the traditional center hall organization of the house as the aligning front and rear stairs will be left intact. This also prevents the need to construct a second service stair that would detract from this center hall organization and impose entry functions on the



dining room or parlor space. Furthermore, the north façade is a primarily blank brick wall penetrated by six narrow windows that are dissimilar to the existing front, back, and south side windows since they are constricted between fireplaces and interior walls. The front façade is comparatively more architecturally significant, as is the rear facade that has similar, albeit slightly more humble proportions. A side addition would maintain the house's major character-defining features.

The proposed design is sensitive to the architectural language of the historic house. The addition is centered on the north façade and respectfully steps back from the front and back facades to maintain the prominence of the original massing. It also steps down in height, as the new roof attaches under the existing roof, preserving the original profile of the cornice and roofline. The façade of the addition is organized into a highly-regulated manner that is mandated by the window and floor arrangements of the house. The new windows are of similar proportions to the front façade's double hung windows and are organized to follow the same strict regularity found in the existing façade design and in many traditional designs. This organization is also matched in the visual structure of the addition, with prominent pilasters and beams dividing the floors and windows. The intention is to invoke a look similar to an old, traditional porch that has been glassed-in. However, new materials were chosen to appropriately differentiate the new from the old. We chose to clad the addition in a lap siding and trim board that complement the predominantly brick structure. In sum, the exterior of the new addition reflects the ordered regularity that commands the design of the historic house while being respectful of its historic features, though clearly differentiated in materials.

Lastly, the new interior plan largely maintains the existing center hall layout, but greatly improves its overall functionality. In the ground level apartment, the expansion of a couple of openings and the addition of a few walls creates an expansive accessible apartment. The windows on the north wall will be removed and their openings will be reused as access points to the new addition. This side addition will allow more light to enter the space and will preserve the existing ground level entry at the back of the house. Similarly, in the upper levels, just a few new walls redefine the functionality of the spaces while leaving them virtually unchanged. The opening for the windows on the existing north façade will, again, be reused to allow access to the new addition. As a result, to quote the



Historic Staunton Foundation, the house's "essential form and integrity... are unimpaired if the addition is to be removed." This addition is easily reversible if ever desired.

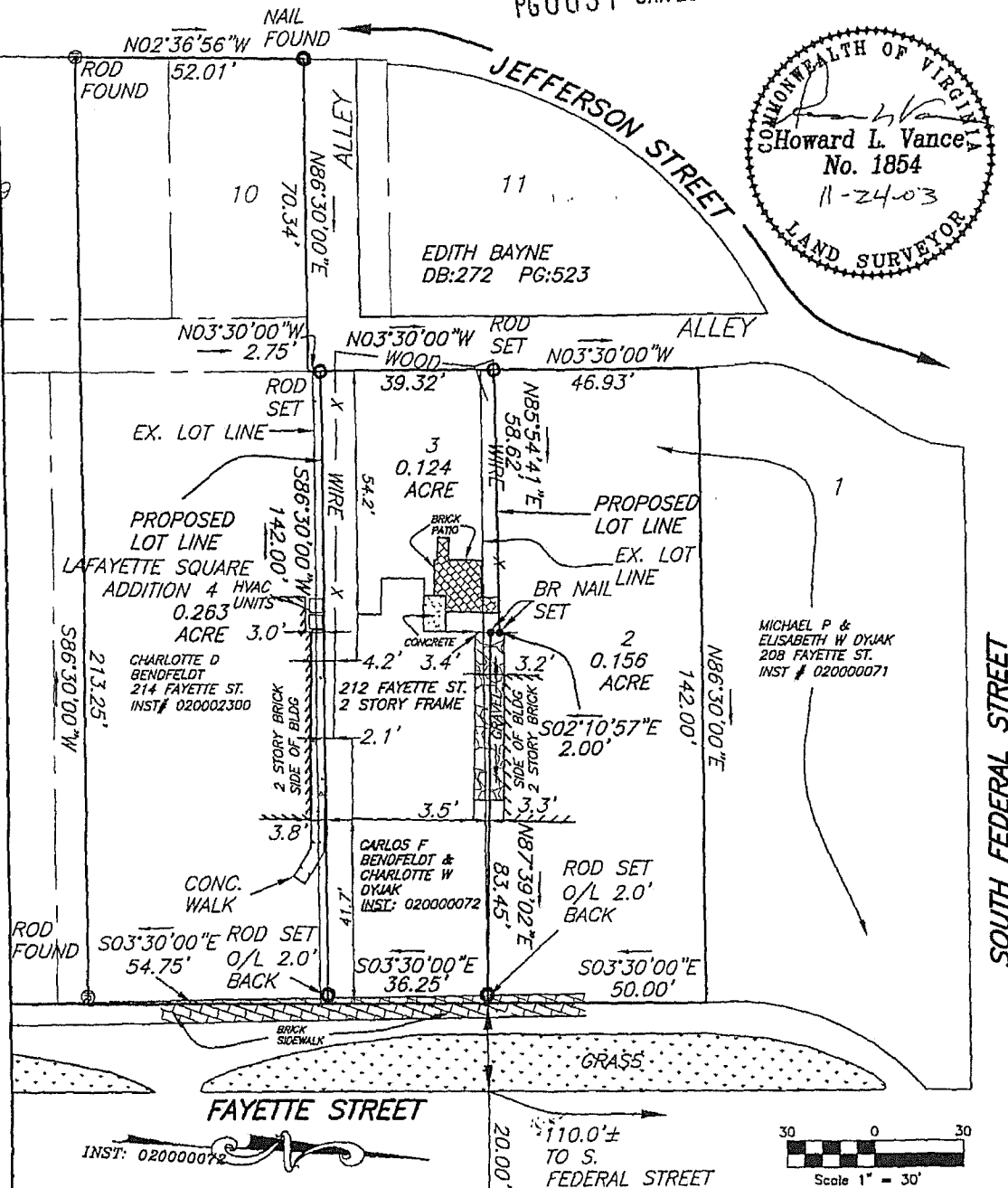
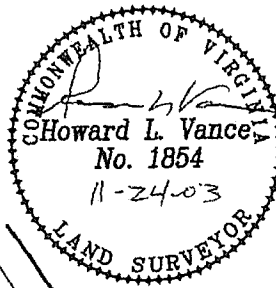
In summary, the location and the design of the proposed addition thoughtfully address the historic preservation of 208 Fayette Street while maximizing its functionality. The design respects the language of the house and the traditional means of building while minimally altering the historic fabric of the structure.

Sincerely,



Chuck Swartz, FAIA

040000283
PG0031 JAN 23 04



INST: 020000072

Scale 1" = 30'

Sharon E. Aufe 1/6/04
SUBDIVISION AGENT

IF THIS PLAT IS NOT RECORDED WITHIN
6 MONTHS, THE SUBDIVISION AGENT
APPROVAL IS VOID.

***NOTE: IMPROVEMENTS SHOWN ON PLAT FOR
212 FAYETTE STREET. NOT ALL IM-
PROVEMENTS SHOWN ON 208 & 214
FAYETTE STREET EXCEPT BLDGS ONLY.

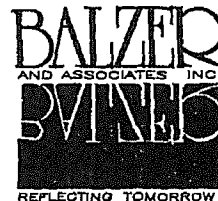
PLAT OF PROPOSED LOT LINE REVISIONS AT 208, 212, AND 214 FAYETTE STREET

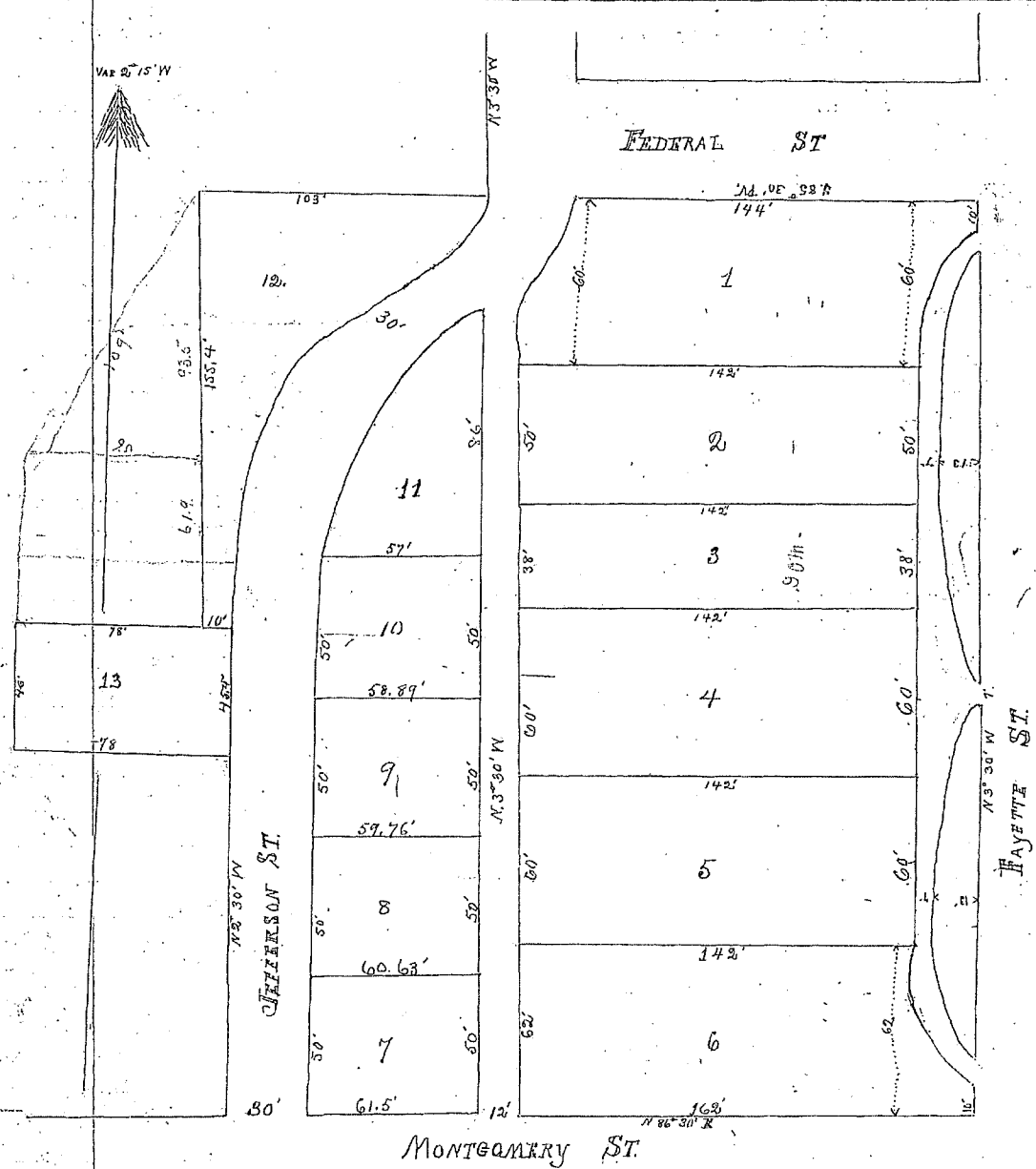
CITY OF STAUNTON, VIRGINIA

DATE: 11-24-2003
SCALE: 1" = 30'
JOB NO: S0310013

PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS

1208 Corporate Circle • Roanoke, Virginia 24018 • Phone (540) 772-9580 • Fax (540) 772-8050
1557 Commerce Road • Suite 201 • Verona, Virginia 24482 • Phone (540) 248-3220 • Fax (540) 248-3221
880 Technology Park Drive • Suite 200 • Glen Allen, Virginia 23059 • Phone (804) 553-0132 • Fax (804) 553-0133





LAFAYETTE SQUARE ADDITION
To the
CITY OF STAUNTON, VA.

The foregoing subdivision of a tract of land situated in the City of Staunton on Lafayette, Federal, Montgomery and Jefferson Streets being the same property conveyed to me by three deeds, one from R. C. Page, trustee, one from J. H. Bonds and another from C. H. Caldwell, trustee &c as appears in the plat is with my free consent and in accordance with my declaration of said property. Witness my hand and seal this 18th day of February, 1899.

I, J. P. Carlin, a Notary Public for the County of Augusta, in the State of Virginia, do certify that James L. Carlin whose name is signed to the above writing bearing date on the 18th day of February, 1899 has acknowledged the same before me in my County of Augusta. Given under my hand this 18th day of Feb'y, 1899.

In the Clerk's Office of the Court of Augusta for the City of Staunton February 18th 1899.

This foregoing Plat of Lafayette Square addition was this day forwarded in the office aforesaid and

STEWART ST.

SCALE
1" = 40'
February 10th 1899

H. H. Hancock, S. E.

*Rel'd to J. P. Carlin -
May 11/10*

STAUNTON HISTORIC PRESERVATION COMMISSION**May 26, 2020****5:30 p.m.****Electronic Communications Meeting**

PRESENT: **Deneen Brannock, Chair**
 Michael Brown, Vice Chair
 Alexander Avery
 Dennis Blanton
 Carter Lively

ALSO PRESENT: **Rodney S. Rhodes, Senior Planner**
 Linda Nesselrodt, Zoning Technician
 Frank Strassler, Historic Staunton Foundation
 Terry Holmes, Council Liaison
 Suzanne F. Simmons, Clerk of Council

Ms. Brannock called the meeting to order: As Chair, I call this electronic communications meeting of the Historic Preservation Commission to order. I note that this meeting is being broadcast over the cable channel and being streamed live so that members of the public may hear our meeting. The meeting is also being recorded.

Background Statement:

Ms. Brannock stated “Please let me mention that in calling this meeting, notice, reasonable under the circumstances, of this meeting has been given to the public contemporaneously with the notice by memorandum provided to members of Historic Preservation Commission. Access to this meeting has been provided to the public by electronic means such as this Zoom meeting.

Also, please let it be reflected in the meeting minutes that this meeting is being conducted by Zoom, given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak, which as part of the total circumstances, makes it impracticable or unsafe to assemble a quorum in a single location. The meeting is being held consistent with City Council Ordinance 2020-04 regarding continuity of government, a copy of which can be found online at: www.staunton.va.us/cogord2020-04.”

Nature of the Electronic Meeting:

Ms. Brannock stated “Given that we are conducting this meeting by Zoom, please keep in mind the following: First, each speaker please speak loudly, clearly, and slowly and identify yourself each time when speaking, so that it can be recorded properly in the minutes. Second, please pause after each speaker to allow a brief interval between comments so that another speaker knows when to step in. Third, if for any reason a participant cannot clearly hear the speaker or must leave the meeting before it is adjourned, please let us know. Fourth, all votes will be taken by roll call and

recorded in the minutes. Fifth, if any member of the Historic Preservation Commission has to leave the meeting for any period of time, to please interject and make an announcement so that the Clerk may take note of attendance in the minutes; I ask that you also announce your return so it also may be reflected in the meeting minutes. Finally, I ask everyone's patience, because without being in the same room, it is likely that a speaker may not realize that another speaker is continuing. Also, we may unintentionally step on each other's words, so it's fine if we need to have the speaker repeat or clarify their comments. We'll take whatever time is necessary to get through the meeting and understand what is being said clearly and accurately."

There were no questions from Commission members or participants about the process.

MOMENT OF SILENCE

A moment of silence was observed.

Ms. Brannock stated she would entertain a motion from a Commission member to dispense with the reading of the historic preamble for the meeting.

Mr. Avery moved to dispense with reading the preamble of the Historic Preservation Commission. The motion was seconded by Mr. Lively and carried at 5-0.

Ms. Brannock	aye
Mr. Brown	aye
Mr. Avery	aye
Mr. Blanton	aye
Mr. Lively	aye

Rodney Rhodes, Senior Planner, stated he felt it would be appropriate for the minutes to reflect that members of the Historic Preservation Commission were in attendance.

APPROVAL OF MINUTES

Mr. Blanton moved to approve the minutes of the April 28, 2020 Meeting as presented. The motion was seconded by Mr. Brown and carried at 5-0.

Ms. Brannock	aye
Mr. Brown	aye
Mr. Avery	aye
Mr. Blanton	aye
Mr. Lively	aye

NEW BUSINESS

- a. **CERTIFICATE OF APPROPRIATENESS**
Jonathan Wright / Redbeard Brewing Company
120 S. Lewis Street
Roof over Loading Dock Area / Gutters
Project Already Completed

Jonathan Wright, 120 S. Lewis Street – Redbeard Brewing Company, stated he replaced a small portion of a roof that had existed previously. He noted he only replaced the portion directly over the loading dock on the south end of the building to stop water infiltration. He stated he believed the roof was demolished in the late 1990's. He noted there was a roof truss that was actually still attached to the front part of the building and mirrored that shape.

Ms. Brannock asked Commission members if they had any questions.

Mr. Brown stated his only issue with that was the posts, anchors, and fasteners were all exposed.

Mr. Wright stated he'd addressed that in the letter that he submitted. He noted those trim-out items would get completed. He stated his construction company would wrap the pressure treated posts with white pine and paint it white. He stated beadboard would be installed on the underside of the dock ceiling.

Ms. Brannock asked if all of that would be painted. Mr. Wright stated it would be painted.

Frank Strassler, Executive Director of Historic Staunton Foundation, stated the documentation is quite clear with pictorial and physical evidence of the prior loading dock. He noted there is a roof structure on the building although the new one does not extend out as far as the older one. He stated he agreed with covering the loading dock as it raked into the building. Mr. Strassler wanted to point out that the guidelines specifically ask for not using T1-11 and he believed there was T1-11 siding there.

Mr. Wright stated the T1-11 siding was temporary. He noted it was his intention to have the appearance of board and batten when the project is completed.

Mr. Wright clarified that the COA was for the dock as well as gutters that had already been installed. He noted he would like to also replace plastic gutters in place with half round and add more. He asked if that could also be approved without having to submit another application.

Ms. Brannock clarified that those would be half round gutters. Mr. Wright stated they would be the exact same product as the ones already installed on the south end of the building.

Commission members did not have any further questions.

HSF Recommendation – HSF recommends that the Certificate of Appropriateness be approved based upon the precedent of a loading dock covering historically documented in this location. There is clear documentary, pictorial, and physical evidence of the prior loading dock. Documents indicate various shed structures in this location between 1904 and 1990.

Half round gutters are appropriate for the structure and district.

Please see the photos and maps from the HSF archives.

Design recommendations based upon the guidelines for storefronts include:

1. Complete proposed work to “wrap” the support posts. Use wood lumber to cover the pressure treated posts that may be painted or stained.
2. Consider a siding material as an alternative to T1-11 plywood siding.

V. Guidelines for Existing Buildings – Elements K. Storefronts

<https://www.ci.staunton.va.us/home/showdocument?id=1672>

5. Avoid using or retaining materials and elements that are incompatible with the building or district. Depending on the style and age of the commercial building, these may include: unpainted aluminum-frame windows and doors, unpainted aluminum panels or display framing, reflective or tinted glass display windows, T1-11, vinyl or aluminum siding, EFIS (artificial stucco), wood shingles, mansard roofs, metal awnings, coach lanterns, residential styled solid doors, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed. Creating false historical appearances like Colonial, Old English, or other themed storefront designs are not appropriate for the authentic historic buildings in downtown Staunton.

And

VII. Guidelines for Additions

R. Additions

Additions to the existing historic buildings may be compatible with the design, scale, and architectural style of the original structure while still being differentiated from the historic building. **In any case, the addition should be designed so that significant historic materials, features, and forms of the original building are maintained.** There is no specific formula for the design of an addition; it can be any architectural style – traditional, contemporary or a simplified version of the historic building.

Mr. Brown moved that the Certificate of Appropriateness be approved with the stipulations that had been discussed including:

1. Replacing the T1-11 plywood siding.
2. The addition of gutter at the other side of the building where the former computer business was.
- 3) Wrapping the posts and painting them. Covering the exposed fasteners.

The motion was seconded by Mr. Lively and carried at 5-0.

Mr. Avery	aye
Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	aye
Mr. Brown	aye

- b. CERTIFICATE OF APPROPRIATENESS**
William & Kimberly Woodwell
208 Fayette Street
Addition / Construct a Fence

William and Kimberly Woodwell, 208 Fayette Street, stated they are proposing to construct an addition on the North side of the house and to install a wood privacy fence. He noted the interior of the house is small and does not meet their needs. Initially, they thought about building off of the back of the house, but it would involve tearing down the back porch and eliminating more historic windows and doors than they would if they had built on the North side. He stated they felt an addition to the back would also encroach needlessly on the neighbor's house and backyard to the South. Therefore, he stated they wanted to explore the possibility of an addition on the North side. Mr. Woodwell stated the uniqueness of the lot and space that was available on that side of the house would make it work. He noted that side of the house was a colossal brick wall with six narrow windows that did not match the windows on the front and back of the house. Mr. Woodwell stated they wanted to make certain any changes made would respect its history and maintain the character of the Newtown District.

Mr. Woodwell indicated his architects, Beth Reader and Chuck Swartz, were present as well on the Zoom platform and introduced them.

Mr. Swartz stated the main level of the house was 10' and the back porch with the staircases was more directly connected with the off-street parking and also to the gardens. He explained their initial plans for building the addition on the back which contains 7 windows and 3 doors, but inside, the design made it worse for the building. He stated they tried to look at the project as a whole house integrity thing and make it more livable. He explained the proposed building plans to Commission members. He noted they opted not to do a hyphen and another piece, but were trying to keep the addition as tight to the house so that it wasn't a larger presence than necessary.

Ms. Brannock asked Commission members if they had any questions or comments.

Ms. Brannock stated Mr. Strassler submitted a very detailed packet of information related to the City's guidelines as well as the Secretary of Standards, all of which the Commission based their review on.

Mr. Strassler stated he understood the architectural issues and their concerns. He stated what he tried to do in his recommendation was to outline specifically the guidelines which the architects and owners needed to discuss and that there appeared to be differences between what was being proposed and what are in the guidelines.

Mr. Strassler spoke in detail to the HSF recommendations (see below). He stated those were his general comments and that he had outlined the Secretary of Interior guidelines as well as local guidelines for the Commission to consider.

Ms. Brannock asked Commission members if they had any questions or comments.

Mr. Brown stated the addition was not very far from the front edge of the house and strongly competed with the massing of the house. He noted he would like to ask the applicants if any consideration was made to splitting the addition where part of it was on the back and part of it was on the side and toward the back of the building so that it was moved back essentially.

Mr. Swartz stated once they thought the addition on the North side made the most sense, they did not want to tear down the two-story porches, so that was why they stayed totally on the North

side as opposed to going around to the back as well. He noted they could pull the addition back some. He noted they do hyphens and buildings that have their own roofs, but the scale of the project was trying to avoid making something bigger than was necessary.

Mr. Blanton stated he would echo what Mr. Strassler had pointed out relative to the guidelines. He noted the proposal as it currently stood did deviate rather significantly from the guidelines that the Commission worked under. He stated, in his perspective and taking into account the guidelines, the issues were fact of obscuring the entire North face of the building and that it would hide every detail of it as it stood now. He noted there was the issue of competition in terms of the mass. He asked if a two-story version set away from the current structure with a hyphen of some sort had been considered.

Mr. Avery stated he wanted to echo Mr. Blanton's thoughts. He noted he got the sense from looking at the packet and the property, and the consideration of not losing the back porch and keeping it as tight as possible, but stated all of them were competing priorities. He noted the Commission needed to keep their eye on what was right for the house visually and within the guidelines. He noted he agreed with what the Commissioners comments.

Ms. Brannock noted what struck her in looking at the plans and then standing in front of the house was the fact that the addition would be very large and was competing with the house and throwing off the symmetry. She stated the other interesting component was the history of the house and the two houses to the south of it having been connected and part of the Lutheran Female Seminary. Ms. Brannock stated she understood letting the building grow a little bit wasn't out of the realm of its historic trajectory, but having something of that large scale very prominent from the front of the building being contradictory to the guidelines. She noted the Commission very much encouraged additions on the rear and back and being non-visible elevations. Ms. Brannock stated she hoped they could scale the addition down on the North elevation and break it up more. She noted she liked the idea of the roof line being more compatible as opposed to a flat roof which gave the impression of a rectangular box attached to the North side of the house. She stated ideally it would be on the West elevation and the back. She noted while historic porches were certainly an important character-defining feature, she felt they were somewhat secondary as far as what was seen from the front elevation of the house.

Mr. Swartz clarified with the Commission that it was permissible to tear down the 100-year old two-story porches.

Ms. Woodwell stated they had initially thought about that and explained they did not want to build a three-story addition so close to the neighbor. She noted it was better placement for them on the garden side rather than the back and did not want to tear down the porch.

Ms. Brannock stated the Commission always wanted to encourage retention of historic features, but the Commission needed to balance what the guidelines stated, especially for the impact of a new addition and what the best placement of that would be. Also, what give and take might there be with the porches and the need for a new addition.

Mr. Brown stated he thought there could be a way to preserve part of the porch.

Ms. Brannock stated the owners and architects noted their willingness to set back the addition and questioned how far back would they be willing to go.

Mr. Swartz stated the drawings the Commission members had showed approximately 2' from the front face of the building and was the same on the back. He noted they looked at taking another foot or so out of each end. He noted basically if they started to pull the addition towards the back and still leave the porch with the back staircase, they could start to set the addition around 3.5-4.5' back off of the face without negatively impacting what they were trying to do. He explained other possible adjustments. Discussion ensued.

Mr. Avery asked if any consideration had been given to constructing a two-story addition on the North side or did the demand of the situation dictate a third story enlargement as well. He noted there seemed to be a lot of property and was curious as to why a three-story addition was necessary.

Mr. Swartz and Mr. Woodwell explained the proposed plan details and reasons for such.

Mr. Brown stated it was a good suggestion to drop the upper floor and if a hyphen was used that would give a place for the transition between the floor levels and make up for moving it back slightly more from the front. He noted those things might enable it to compete less with the symmetry and massing from the front view of the house. Mr. Brown asked if they had considered reusing some of the current windows.

Mr. Swartz stated that was possible. He noted when there are discussions of a hyphen and the windows, he stated since there were already openings for those windows, they wanted to connect at those locations and not cut through brick walls. He asked for clarification regarding a hyphen and if they had permission to go through at least one of those window openings. He noted it was possible to do a hyphen and would add to the dimension out into the yard.

Ms. Brannock stated the Commission could not design the project, but had offered some ideas for solutions for what they thought could be possible or items that could help the Commission see it as being compatible to the guidelines. She noted the idea of putting an addition on a non-primary elevation, which would be the rear, and secondly if there was an addition on the North side it would need to be smaller in scale than what the Commission was currently seeing. Discussion ensued.

Mr. Lively asked if Commission members wanted to discuss the fence.

Mr. Woodwell asked what their next option would be if decisions were not made at tonight's meeting.

Ms. Brannock explained if the Commission did not feel proposed projects were meeting guidelines, they would ask owners to return at another meeting with plan revisions.

The owners explained the proposal for the new fence due to previous damage from a storm. The proposed fence would be replaced to look like the one on the other side of the yard.

Ms. Brannock stated Mr. Strassler noted that proposal met the HPC guidelines.

Ms. Brannock stated the Commission appreciated all of the work that had gone into the proposal. Discussion ensued.

Ms. Brannock asked Commission members if they had any further questions.

Mr. Blanton commented that the yield from the hyphen would be meeting the ideal in the guidelines given by Mr. Strassler's recommendation.

Discussion ensued. Mr. Swartz noted they could make a 3-D model to present to the Commission.

Mr. Swartz clarified with the Commission that it would be permissible to tear down the back porches. Ms. Brannock stated as long as the addition was compatible with the standards in the guidelines.

Discussion ensued. Mr. Swartz stated it was their plan to retain the porches as they were still functional and made the proposed plans make sense.

Mr. Brown was disconnected from the meeting at 6:37 p.m.

HSF Recommendation – HSF recommends the Certificate of Appropriateness for the addition be denied as proposed.

The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch addition.

North Addition

The Commission should consider how the addition meets the Staunton and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house and will remove or obscure the paired windows on three floors. The proposal does not address utilizing a hyphen or connector to limit the physical and visual impact on the historic house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition competes with the front façade. The setback from the front façade is minimal.

3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.

- The flat roof does differentiate the addition. However, a similar or related roof form can help an addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.

6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

- As indicated on the drawings, the roofline obscures and competes with the bracketed cornice. A series of paired historic windows (six in all) will be removed.

Secretary of Interior – no recommended:

Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.

Fence

HSF recommends the Certificate of Appropriateness for the fence be approved as proposed. The view is limited and the wood fence matches the neighbors installed fence.

IV. Guidelines for Site Design & Elements C. Fences & Walls

4. Respect the existing edge condition of the subject street when designing on a new site or rehabilitating an existing lot. If the majority of the lots on the subject street have a fence or wall, consider incorporating one into the site improvements. If the majority of the lots on the subject street have an open lawn leading to the street, avoid adding a fence or wall to the front of the lot.

5. The design of new fences and walls should blend in with the materials and designs found in the historic district and should generally reflect the era and style of the surrounding area. Commonly used materials are brick and stone for walls and wood or metal for fences. Historic cast concrete with screened aggregate finishes also is found in the historic districts and may be appropriate for new walls if the color and finish match historic examples. Planted hedges are also used to define edges of properties.

6. The height of the fence or wall should not exceed the average height of other fences and walls of surrounding properties. See the City Code for further detailed requirements.

Mr. Avery moved that the Commission table the addition proposal pending revisions and return of the applicant and that the Certificate of Appropriateness be approved for the fence as proposed.

- The view is limited and the wood fence matches the neighbors installed fence.

Mr. Brown rejoined the meeting at 6:40 p.m. on the Zoom platform. The motion was repeated for Mr. Brown.

The motion was properly seconded by Mr. Lively and carried at 5-0.

Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	aye
Mr. Brown	aye
Mr. Avery	aye

OLD BUSINESS

- a. **CERTIFICATE OF APPROPRIATENESS**
Courtney Cranor
264 Fillmore Street
Driveway & Walkway

Ms. Brannock stated the owner has requested this item be tabled until the June regular meeting.

Mr. Rhodes asked for clarification on whether this item was tabled last month until this month's meeting and asked Ms. Nesselrodt if a motion was needed.

Ms. Nesselrodt stated the owner had signed the agreement to table and was tabled from last month. She noted it would be a good idea for the Commission to entertain a motion.

Mr. Blanton moved that the Commission accept the request to postpone action on the item of Old Business.

The motion was properly seconded by Mr. Lively and carried at 5-0.

Mr. Avery	aye
Mr. Brown	aye
Ms. Brannock	aye
Mr. Lively	aye
Mr. Blanton	aye

OTHER BUSINESS

- a. **Review and Discussion of Proposed Revisions to 18.85 H-1 Historic Preservation District Ordinance of the Zoning Code of the City of Staunton**

Mr. Rhodes stated staff had drafted minor changes to 18.85 H-1 Historic Preservation District Ordinance of the Zoning Code for the City of Staunton. He noted those proposed changes had been discussed by staff and/or Commissions over the past year.

Mr. Rhodes provided an overview of the proposed changes and welcomed comments and feedback from Commission members. He noted this was only a draft and not in final form. The changes included the following:

- Line 99 – to clarify what is a repair. Mr. Rhodes stated staff was proposing if more than 50% of the element was being replaced, even in kind, that it would appear before the Commission. He noted Mr. Strassler and the City Attorney would review this.
- Line 332 – this would reference the new City historic district guidelines that were adopted last year.
- Line 398 – requirement that the applicant must agree for an item to be tabled. He noted the Commission could table the matter if they saw fit without seeking the applicant's approval.
- Line 440 – “Exceptions to the Guidelines” – Mr. Rhodes stated he would want the City Attorney to review this as it was complicated item.
- Line 457 – give staff the authority to approve screening for residential mechanical equipment.
- Line 482 – if removing vinyl or metal siding to expose the original siding, a COA would not be needed. Also, replacement of gutters with historic half round gutters.

Mr. Rhodes stated these were a few of the proposed changes in the ordinance. He noted Mr. Strassler had reviewed those changes and sent comments to staff which were sent to Commission members.

Mr. Strassler stated some of his comments centered making sure that some of the text used in the zoning ordinance reflected the text used in the guidelines and appropriately using the term “rehabilitation” instead of “restoration”. He stated he was worried about the definition of “repairs” and gave examples of such. He also spoke on gutters in historic districts.

Ms. Brannock stated she felt it was important to have the definitions of “rehabilitation” and “restoration” clear in the guidelines. She asked if the Commission wanted to consider adding review of murals into the guidelines.

Mr. Blanton stated that was a good point from Ms. Brannock. He noted he had a couple of items, but in the interest of time he would wait. He asked staff and Ms. Brannock what was the process going forward with addressing revisions.

Ms. Rhodes stated to simplify matters, if all comments were sent to staff where they could be incorporated into that chapter, then at a future date staff would share proposed changes with all Commission members. He explained once those changes were approved by the HPC, then it will go through public review and a public hearing process before the Planning Commission and then the City Council. He noted there wasn't a set timeline for this.

Mr. Blanton stated the proposed changes were good ones and appreciated the thought and effort by staff.

Mr. Rhodes stated this did not necessarily need to be brought back at the next meeting, but hoped to have a more refined document in the next several months to present to the Commission.

Ms. Nesselrodt stated she felt it was a good idea when Ms. Brannock spoke on updating the guidelines for murals and possibly schedule a review of the guidelines.

Mr. Rhodes stated he did not have any further business.

ADJOURNMENT

The Chair adjourned the meeting at 6:57 p.m.

Suzanne F. Simmons
Clerk of Council



Planning & Inspections
Department

City of Staunton
VIRGINIA
P.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission

FROM: Applicant

DATE: 5/21/2020

SUBJECT: Agreement to Table Agenda Item

I Courtney Cranor agree that action regarding my application for a

Certificate of Appropriateness dated 3/30/2020 regarding

264 Fillmore Street be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set

Forth in the below listed code section:

City of Staunton Code
Section 18.85.050 (7-g)

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision

Applicant/Authorized Agent Signature

XXXXXXXXXX

Witness Signature



Planning & Inspections
Department

City of Staunton
VIRGINIA
P.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission

FROM: Applicant

DATE: 5/26/2020

SUBJECT: Agreement to Table Agenda Item

I Kim Woodwell agree that action regarding my application for a

Certificate of Appropriateness dated 5/4/2020 regarding

208 Fayette Street be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set

Forth in the below listed code section:

City of Staunton Code
Section 18.85.050 (7-g)

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision

Kimberly B. Woodwell

Applicant/Authorized Agent Signature

XXX

Kim Woodwell

Witness Signature

STAUNTON HISTORIC PRESERVATION COMMISSION**June 23, 2020****5:30 p.m.****Electronic Communications Meeting**

PRESENT: **Deneen Brannock, Chair**
 Michael Brown, Vice Chair
 Dennis Blanton
 Carter Lively

ABSENT: **Alexander Avery**

ALSO PRESENT: **Rodney S. Rhodes, Senior Planner**
 Linda Nesselrodt, Zoning Technician
 Frank Strassler, Historic Staunton Foundation
 Terry Holmes, Council Liaison
 Suzanne F. Simmons, Clerk of Council

Ms. Brannock called the meeting to order: As Chair, I call June 23, 2020 electronic communications meeting of the Historic Preservation Commission to order.

Background Statement:

Ms. Brannock stated “please let it be reflected in the meeting minutes that this meeting is being conducted by Zoom, given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak which makes it impracticable to assemble a quorum in a single location. The meeting is being held consistent with City Council ordinance 2020-04 regarding Continuity of Government. A copy of that can be found online at the City’s website.

Clerk of Council Call the Roll of Historic Preservation Commission Members Present:

Ms. Brannock	aye
Mr. Brown	aye
Mr. Blanton	aye
Mr. Lively	aye

Ms. Brannock asked Rodney Rhodes, Senior Planner, to identify staff present on the Zoom platform.

Mr. Rhodes stated, in addition to himself, staff present were:
Linda Nesselrodt, Zoning Technician
Frank Strassler, Executive Director of Staunton Historic Foundation
Terry Holmes, City Council liaison
Suzanne Simms, Clerk of Council

HISTORIC PREAMBLE

Ms. Brannock stated due to the extent of tonight's agenda and time, she asked for a motion from a Commission member to dispense with the reading of the historic preamble for the meeting.

Mr. Lively moved to dispense with reading the preamble of the Historic Preservation Commission. The motion was seconded by Mr. Blanton and carried at 4-0.

Ms. Brannock	aye
Mr. Brown	aye
Mr. Blanton	aye
Mr. Lively	aye

APPROVAL OF MINUTES

Mr. Blanton moved to approve the minutes of the May 26, 2020 Meeting as presented. The motion was seconded by Mr. Lively and carried at 4-0.

Ms. Brannock	aye
Mr. Brown	aye
Mr. Blanton	aye
Mr. Lively	aye

NEW BUSINESS

**a. CERTIFICATE OF APPROPRIATENESS
JACE Properties, LLC / Ian & Leslie Boden
103 S. Coalter Street
Lighting at Front Entry Way**

Ian and Leslie Boden, 103 S. Coalter Street, stated they were proposing to install two exterior light fixtures on the front of the building.

Ms. Brannock stated one of the cut sheets in the packet for the lighting, but wasn't clear. She asked Mr. Boden to provide information regarding the proposed metal awning.

Mr. Boden stated they were currently holding off on the awning. He noted it was their understanding that they could install an awning as long as it did not go past the steps onto city property and onto the sidewalk.

Ms. Brannock clarified that the request was only for the lighting. Mr. Boden stated that was correct.

Ms. Brannock asked Mr. Strassler if he had anything further to add to review.

Mr. Strassler stated he did not have anything further to add his review.

97

98 Ms. Brannock asked Commission members if they had any questions.

99

100 Commission members did not have any further questions.

101

102 **HSF Recommendation** – HSF recommends the certificate of appropriateness be approved for
103 the light fixtures flanking the entry. Consider utilizing a fixture reflecting Craftsman style
104 architecture. The age of the building, front door and windows reflect this period style

105

106 The light fixtures should follow the guidelines and be designed to provide full cutoff. This will
107 illuminate the walking surface of the entry without glaring into the eyes of pedestrians.

108 4. Use fixtures that are compatible with the character of the historic building and the
109 surrounding area.

110 5. Choose full cut-off fixtures whose light levels provide for adequate safety but do not
111 spill over onto neighboring properties. Existing porch lights or lit storefronts often are
112 sufficient.

113 8. Building facade lighting is not recommended when storefronts can be lit. If storefronts are
114 not part of the facade, entry lighting and/or full cut-off shielded fixtures may be considered to
115 provide safe lighting for customers.

116

117 Awning:

118 5. Avoid using or retaining materials and elements that are incompatible with the
119 building or district. Depending on the style and age of the commercial building, these may
120 include: unpainted aluminum-frame windows and doors, unpainted aluminum panels or
121 display framing, reflective or tinted glass display windows, T1-11, vinyl or aluminum siding,
122 EFIS (artificial stucco), wood shingles, mansard roofs, **metal awnings**, coach lanterns,
123 residential styled solid doors, plastic shutters, inoperable shutters, or shutters on windows
124 where they never previously existed. Creating false historical appearances like Colonial, Old
125 English, or other themed storefront designs are not appropriate for the authentic historic
126 buildings in downtown Staunton.

127

128 Please bring a clear photograph of the proposed awning. The application photocopy did not
129 relate the detail well.

130

131 Mr. Lively moved that the Certificate of Appropriateness be approved. The light fixtures will
132 follow the guidelines and be designed to provide full cutoff.

133

134 The motion was seconded by Mr. Brown and carried at 4-0.

135

136 Mr. Blanton asked if the motion should specify that any action on an awning would require an
137 additional COA.

138

139 Linda Nesselrodt, Zoning Technician, stated the Commission did not review awnings.

140

141 The motion carried as follows:

142

143 Mr. Blanton aye
144 Mr. Lively aye
145 Ms. Brannock aye
146 Mr. Brown aye
147

148 **b. CERTIFICATE OF APPROPRIATENESS**
149 **JACE Properties, LLC / Eric Stamer**
150 **312 Kalorama Street**
151 **Replace Garage Doors**
152

153 Eric Stamer, 312 Kalorama Street, stated he was proposing to replace three deteriorated garage
154 doors with new steel roll up garage doors with the same outward appearance. He noted they
155 were not exact as they weren't dealing with wood. He stated the spacing between the sections
156 would be identical and would be white in color.
157

158 Ms. Brannock asked Commission members if they had any questions.
159

160 Ms. Brannock asked if it would be the same configuration of windows and solid panels.
161

162 Mr. Stamer stated it would be the same.
163

164 Commission members did not have any further questions.
165

166 Ms. Brannock noted Mr. Strassler stated this was a noncontributing building and recommended
167 approval.
168

169 **HSF Recommendation** – Historic Staunton Foundation recommends approval of the Certificate
170 of Appropriateness for replacing the garage doors. This is a non-contributing building. The
171 proposed doors match the existing in design with the same window fenestration.

172
173 Mr. Brown moved the Certificate of Appropriateness be approved for replacing the garage doors
174 as submitted.
175

176 The motion was properly seconded by Mr. Lively and carried at 4-0.
177

178 Mr. Blanton aye
179 Mr. Lively aye
180 Ms. Brannock aye
181 Mr. Brown aye
182

183 **c. CERTIFICATE OF APPROPRIATENESS**
184 **Staunton Innovation Hub, LLC**
185 **Frazier Associates, Carter Green**
186 **11-17 N. Central Avenue**
187 **Amend COA to include Plaza**
188

Ms. Brannock recused herself as she is employed by Frazier Associates, the employee architect. She filled out a "Declaration of Personal Interest in a Transaction" form and it was emailed to the Clerk. Ms. Brannock turned the meeting over to Mr. Brown.

Mr. Brown stated this was an application for a Certificate of Appropriateness for the creation of infill plaza at 24 N. Coalter Street / 11 N. Central Avenue for Staunton Innovation Hub.

Peter Denbigh noted Carter Green, architect with Frazier Associates, and Jessi Barnes, project partner and landscape architect, were also present on the Zoom platform.

Mr. Denbigh stated the project involved converting part of the loading dock area on the Augusta Street side of the former News Leader building and converting a portion of that area to an outdoor plaza, greenspace, and outdoor seating space. He noted the project would include regrading, seating, electric, trees and umbrellas offering shade areas, and tables.

Mr. Green stated the area was similar to a campus type environment that they were looking to create. He explained the plaza would provide for a presence on the street for the project. He noted potential signage would be reviewed separately. Mr. Green explained the primary part of the project would involve the addition of pavers and landscaping. He noted they were going through a Historic Tax Credit review and, so far, had been approved.

Mr. Brown asked Commission members if they had any questions.

Mr. Holmes asked if parking would be free at night or would parking not be allowed.

Mr. Denbigh stated it was the intention at that point that there would not be any parking since it was a 24/7 facility. He noted the parking would be reserved for guests of the members.

Mr. Blanton asked Mr. Denbigh to describe the amount of grading that would be necessary on the property before the landscaping was installed.

Mr. Denbigh stated it would essentially involve removing the concrete pad that currently led to the loading dock and creating a larger, more level space. He noted it would be more pedestrian- and bench and seating friendly. He stated it would extend from the north edge of the southern alley over to 32 N. Augusta Street.

Mr. Blanton asked if the depth of the grading extend any appreciable distance below the level of the current street or sidewalk.

Mr. Denbigh stated it would not and would, in fact, still be above it. He noted there would be an ADA accessible ramp on the west side of the plaza as well as several stairs on the Augusta Street side.

Mr. Green asked Mr. Blanton if he was asking about archeology impact.

Mr. Blanton stated that was correct. He noted the designs were very clear and well done. He stated he gathered from those that the extent of grading and new paving was fairly superficial.

Mr. Green stated it was minor amount and would be focusing on making sure that water flowed off of the site. He noted planting beds were positioned to help mitigate some of the drainage there. He stated it was anticipated that the building foundations there were filled up with the debris from the previous demolitions.

Mr. Strassler stated he did not have any further comments to add to his review. He noted the project added a vertical element back to the streetscape that was lost. He noted it was a new contemporary use of the site, but landscaped well.

Commission members did not have any further questions.

HSF Recommendation – HSF recommends approval of the Certificate of Appropriateness for the outlined landscape adaptive reuse and creation of an infill plaza. The project creates a new landscape that infills a parking and loading area created by inappropriate demolition that occurred in the 1980's.

The project meets the Staunton IV. Guidelines for Site Design & Elements, specifically the Gathering Places section, through the utilization of entryways, permeable paving, carefully designed landscape planting, lighting, and the incorporation of a contemporary structure. The new structure provides vertical emphasis and a defined entry point along the Augusta streetscape where taller buildings are missing.

The project is being reviewed at the local, state and federal level due to the use of Historic Tax Credits.

Mr. Blanton moved the Certificate of Appropriateness be approved as outlined for adaptive reuse and creation of an infill plaza.

The project meets the local Historic District Guidelines as outlined and the Secretary of Interior Guidelines for Rehabilitation.

The project meets the Staunton IV. Guidelines for Site Design & Elements, specifically the Gathering Places section, through the utilization of entryways, permeable paving, carefully designed landscape planting, lighting, and the incorporation of a contemporary structure. The new structure provides vertical emphasis and a defined entry point along the Augusta streetscape where taller buildings are missing.

The project is being reviewed at the local, state and federal levels due to the use of Historic Tax Credits.

The motion was properly seconded by Mr. Lively and carried at 4-0.

Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	abstain
Mr. Brown	aye

Ms. Brannock rejoined the meeting.

285
286 **d. CERTIFICATE OF APPROPRIATENESS**

287 **John F. Ginnity**

288 **309 W. Beverley Street**

289 **Driveway & Rear Porch Extension**
290

291 John Ginnity, 309 W. Beverley Street, stated he owned an electric car and was not able to park
292 and plug in the car on the street due to safety issues. He noted did not know that he would need
293 approval to use his backyard for parking. Mr. Ginnity also stated the front and back porch were
294 deteriorating and he was proposing to replace them with the correct materials and structure that
295 was currently outlined in the Guidelines. He noted he was looking at a wood grained Douglas
296 fir type material. He stated he would also like to do an addition off of his back porch to increase
297 its depth. He noted the Guidelines stated it would need to be separated by at least one step and
298 install railing around it based off of requirements. He noted he would comply with the
299 Guidelines and match the railing with wood and also similar to what was existing.
300

301 Ms. Brannock asked Mr. Strassler to give input on the proposal.
302

303 Mr. Strassler stated the proposed floor, as described, looked like replacement in kind and was
304 exactly what Guidelines asked for. He noted the deck addition would have a minimal view and
305 he recommended separating the addition from the original porch either by stepping down or
306 using an alternate material or alternate direction of the flooring in order to distinguish the two.
307 Mr. Strassler stated he brought up the railing as it looked like the Building Code would require
308 that. He noted the parking was a bit of a challenge with the Guidelines. He explained the
309 Guidelines specified parking in driveways only on large and wide parcels that can accommodate
310 such a feature and to avoid placing driveways on small narrow lots and no parking in a front
311 yard. Mr. Strassler stated one of the issues was that part of the yard faced Washington Street.
312 He noted that was one issue for the Commission to consider as well as zoning. He noted there
313 was no existing curb cut.
314

315 Ms. Brannock stated Commission members might need clarification from the City on whether
316 or not there was the need for a railing on the proposed extension of the porch and how the curb
317 cut issue could be handled.
318

319 Ms. Nesselrodt stated the driveway entrance would be approved by the Engineering Division.
320 She noted the applicant had applied for that. Mr. Ginnity stated he had already received approval
321 and attached it to the application. For new construction, Ms. Nesselrodt stated the deck railing
322 would be under the Building Code requirements. Mr. Ginnity stated he would install a railing
323 regardless.
324

325 Ms. Brannock asked Commission members if they had any questions.
326

327 Ms. Brannock stated she noticed a car parked beside Mr. Ginnity's fence and asked if that was his
328 property as well. Mr. Ginnity stated that was the neighbor's property and that he had received
329 permission to park there temporarily.
330

Mr. Lively asked Mr. Ginnity if there would be a drain at the bottom where he would park. Mr. Ginnity stated he would install a drain there if it was a requirement. He noted there were currently concrete pavers in that particular area and could install a gate for appearance purposes.

Mr. Brown stated it was so small that it did not feel overwhelming on the site to him. He noted if there was a gate there it would mitigate the appearance of a big driveway.

Mr. Ginnity asked if there was a height requirement on the gate.

Ms. Brannock asked staff if a taller fence could be built.

Rodney Rhodes, Senior Planner, stated the maximum height for a fence on a front yard that faces the street was 3.5'.

Mr. Blanton asked staff if it was allowable to run a moveable charging line/cord from the house to the curbside if the car were parked at the curb, providing that the electrical line was covered somehow that prevent a trip hazard for pedestrians.

Mr. Ginnity stated he felt it was a safety and liability issue and that a neighbor used a wheelchair. Discussion ensued.

Ms. Brannock noted there was off-street parking at the other end of that block off of Washington Street. She clarified with Mr. Ginnity if he would be willing to do paver strips with grass which would mean removing the concrete pavers that were there currently. Mr. Ginnity stated he could do that, but that his proposal was mainly from the sidewalk to those pavers. He noted if two strips were required for the whole area, he was willing to take out the pavers.

Mr. Blanton stated he'd made the same observation at Ms. Brannock regarding the parking space on the corner. He asked if Mr. Strassler could share its history.

Mr. Strassler stated he believed that when 234 W. Frederick Street was rehabbed, that parking area already existed and that there were already curb cuts. He noted at 17 W. Washington Street there was a request for parking, but again it had a curb cut and an entry way for a drive that went along that property.

Mr. Brown asked Mr. Ginnity how far was the distance between the sidewalk and the existing pavers. Mr. Ginnity stated from the sidewalk up to the first step it was approximately 12' and noted his vehicle was 12' long. Mr. Brown asked for the distance from the sidewalk to where the pavers started and where Mr. Ginnity was proposing to install the strips. Mr. Ginnity stated he believed it was approximately 4'.

Ms. Nesselrodt stated the curb cut that was on the City's property would be installed according to City standards. She clarified at the property line, where the pavers were referenced, would be where the strips would start. Mr. Ginnity stated that was correct. Discussion ensued.

Mr. Strassler clarified that the property next door was not a parking place and was a side yard.

Mr. Holmes clarified with Mr. Strassler that the porch could be the same level as long as the pattern was changed or differentiated from the regular porch. Mr. Strassler noted he believed so. He noted it was up to the Commission, but he offered that as an opportunity to keep it all at the same level.

Mr. Holmes asked if a gate were to be installed, which direction would it open. Mr. Ginnity stated he had no thought of that in detail, but would most likely it would swing out and that there would be enough space to do so.

Ms. Brannock explained this was a very unique situation. She noted she felt that then fence being there helped and wished that it could be taller to conceal a vehicle and to provide more privacy.

Mr. Rhodes stated he wanted to correct himself regarding the height of the fence. He noted that height was for residential districts, but stated this property was zoned Commercial. Ms. Nesselrodt stated there was no maximum height zoned for Commercial property. Mr. Rhodes stated this property was in an area that the City would consider doing a comprehensive rezoning of properties that were zoned for Business and are utilized for residential. He noted this area could possibly be done next year. He stated if the Commission approved a fence or gate that was taller than 3.5', it would become nonconforming if the property were downzoned to Residential.

Mr. Brown stated he felt it would be better to keep the fence low.

Commission members did not have any further questions.

HSF Recommendation –

Replace Porch Floor: HSF recommends approval with design considerations.

Historic porches utilize painted wood, tongue and groove flooring. Older flooring is typically 2 ½ inches wide made of vertical grain lumber. The vertical grain and painted finish minimizes horizontal wood movement.

Vertical grain douglas fir and locust with tongue and groove is available and is a good match for a historic porch flooring. Coated with borate wood preservative, primed and painted on all surfaces, this floor should provide a good maintainable surface.

Deck Addition:

Create a visual separation from the historic porch by lowering the deck height by one-step level. Consider a change in material by using a deck paver system allowing installation upon framing. Or, possibly using a diagonal pattern for wood decking will suffice.

Change Fence to Gate:

The fence is a new feature added to the site by the previous owner. Cutting the fence and creating a gate will not significantly change the appearance. However, leaving the gate open with a car parked on the patio will create a visual impact that may be incompatible with the setting.

Parking:

The commission should consider how the parking meets the guidelines considering the small lot and street location. Zoning staff should provide guidance concerning this specific lot - is the Washington Street section considered a front yard or side yard?

3. *In general, driveways should be located only on large, wide parcels that can accommodate such a feature and when this feature is found on other surrounding historic properties.*

4. *Avoid placing driveways on small, narrow lots. Such a feature would have a major negative visual impact on the site.*

5. *Do not place paved parking pads in the front yard. All driveways for residential uses should extend to at least the rear building line.*

6. *Parking areas should be screened in some manner so that the parking is not the dominant visual feature of the property.*

13. *Screen private parking areas with landscaped borders.*

Curb Cut and Apron:

This is a small lot with little opportunity for screening a parking place. This removes an on-street parking place on a crowded street. The location is close to the intersection with busy traffic. The existing curb is the historic limestone curbing and should be retained. Overly deep layers of City asphalt paving have obscured this historic element.

If the Commission recommends a curb cut, the limestone should be salvaged and utilized as edging for the apron material. It is suggested that an apron be constructed of a paver material allowing future repair and removal as needed.

Mr. Brown moved the Certificate of Appropriateness be approved for replacing the failed flooring for the porches using the matching material as submitted per the Guidelines. Also, the deck addition either by lowering the deck height or change in material direction that would retain the same height. Mr. Brown moved that the submittal for the curb cut and driveway be approved as submitted with the understanding that this is a specific case given that it's a side street in the rear of the house and it's a very small driveway for a small electric car for this particular case and it doesn't overwhelm the site.

The motion was properly seconded by Mr. Lively.

Ms. Brannock stated she would note that there was a precedent for a similar parking space on that same block and that the parking space was concealed by a fence and gate.

Mr. Brown stated he'd forgotten to add the fence and the gate.

Ms. Brannock stated maybe it needed to be added to the motion that beyond the curb cut the entrance to a new parking space would be the concrete paver strips or permeable paver strips.

Mr. Brown requested that the motion be amended to add that as well.

Mr. Ginnity stated before he moved forward on the project, he would like to submit more drawings to the Commission and the City and wanted approval again before actually starting the work.

Ms. Brannock questioned Mr. Ginnity if he would rather delay and return next month with some actual plans.

Mr. Ginnity stated he was alright with the Commission's approval, but that he would still submit additional information.

Ms. Brannock asked Mr. Ginnity if he would do that through the City.

Mr. Ginnity stated he would submit through the City as well as the Historic Preservation Commission.

The motion carried at 4-0.

Mr. Blanton aye

Mr. Lively aye

Ms. Brannock aye

Mr. Brown aye

e. CERTIFICATE OF APPROPRIATENESS

Sigora Solar, LLC

324 Sherwood Avenue

Solar on Roof

Gage Carroll, representative for Sigora Solar, stated they were proposing to install black solar panels with black brackets on a metal roof in order to blend in as much as possible with the property. He noted all of the panels were away from the front of the house to avoid as much visibility as possible from the street. He noted the proposed panels would sit low to the existing roof.

HSF Recommendation – HSF recommends the approval of a COA if a physical demonstration indicates that the installation meets the guidelines.

A. *“should be placed in locations with limited or no visibility” “on a secondary roof slope, on a rear addition”*

B. *“should be installed in a manner that limits their impact on historic materials and features of the building”*

C. *“should be set back from the edge of the roof to limit visibility”*

D. *“should be compatible with the color of the existing roof in order to blend this new roof element with the existing roof as much as possible.”*

The roof top addition of solar panels can meet the guidelines if the installation has limited or no visibility, therefore having minimal impact on the historic character. This proposal is to install panels and associated hardware directly on the historic building. The application includes many

516 details but needs to clarify what the actual appearance will be from city streets.
517 The Staunton Zoning Code specifies the changes viewable from a City Street require a COA.
518 An elevation photo of 324 Sherwood with the panels overlaid in scale would help the
519 Commission understand the visual impact.

520
521 It appears the installation will extend approximately between 5 ¼" above the standing seam roof.

522
523 In order for the Commission to clearly understand the effect of the installation on the
524 architectural character, it is recommended that flagging tape or other indicator be
525 attached to the roof at the same gross area and height of the proposed solar panels. The
526 commission members will need to visit the property before the meeting.

527
528 Being accurate with this demonstration is important so that all have a clear
529 understanding of the visual effect of the proposed installation

530
531 Mr. Brannock asked Mr. Strassler if he had any additional comments.

532
533 Mr. Strassler stated he was hoping that the Commission would have a chance to view the proposal
534 with some flagging tape or something that would give them a definitive understanding from the
535 street view of the appearance of the panels. He noted part of that back roof was viewable from
536 Sherwood Avenue. Given how much time the Commission had spent working with solar and
537 approving those projects, Mr. Strassler stated that to be consistent to ensure that Commission
538 members understood what the view would be.

539
540 Mr. Carroll stated if any additional documentation needed to be provided, he could have his design
541 team provide that information possibly by the end of the week.

542
543 Ms. Brannock asked Mr. Carroll if he'd been able to create any mockups on the roof that Mr.
544 Strassler had mentioned.

545
546 Mr. Carroll stated he only had plans that showed an aerial view, but not specifically a
547 photoshopped version from standing on the street. He noted it could be done if need be.

548
549 Mr. Strassler stated that was a challenge for Historic Preservation Commissions. He explained
550 that it was based on what was viewable from the street before the Commission could make a
551 decision.

552
553 Mr. Brown noted the other possibility was actually putting something on the roof that would
554 simulate a panel. Mr. Carroll stated that could be done by an installation team.

555
556 Mr. Blanton stated it would be good to have something on the roof physically in order to allow the
557 Commission to see the vertical profile of the installation relative to the current roof and how it
558 would affect the overall visibility from the street side.

559
560 Ms. Brannock stated the Commission was very much in favor of solar energy, but that it needed
561 to be consistent in their review and mindful of how visible it was from the street. She asked Mr.
562 Carroll if he and the owners would be willing to delay this item until the July 28, 2020 meeting in

order to create the mockup. Mr. Carroll stated they could do that if that was the next available opportunity to present a mockup.

Ms. Brannock noted once the mockup was created, inform the Planning Department and then Commission members could go separately for a site visit. She asked that clear photographs be taken at different angles along the front of the street for documentation purposes.

Ms. Brannock asked staff how a waiver could be handled. Ms. Nesselrodt explained that she would email the waiver to Sigora Solar and how it could be returned.

f. CERTIFICATE OF APPROPRIATENESS

Thomas Erskine /

Terry Sager, PWD Windows & Doors

353 Sherwood Avenue

Replace Windows

Thomas Erskine, 353 Sherwood Avenue, stated he is proposing to replace all windows in the house with aluminum clad SDL windows. He noted the windows are rotten and are the old style with window weights with pulleys. He noted all of the windows, except for one, were two over two and that the proposed replacement windows fit pretty well with that. Mr. Erskine stated only three windows were visible from Sherwood Avenue.

**HSF Recommendation –
Windows:**

HSF recommends the Certificate of Appropriateness for replacement windows be denied based upon the guidelines adopted by the City of Staunton.

Clearly, the photos and descriptions provided with the window inventory indicate the existing historic windows are in overall good condition. The window sash and mechanical elements will require basic maintenance. Replacement of window weight ropes is a simple process and upgrades are possible without changing the architectural character of the house. Repair of wood components including sash and sills is a basic woodworking process.

The proposed replacement windows will not convey the same visual appearance as the historic windows. Replacement windows would permanently remove the two over two, double hung wood sash windows and depending upon final installation, may remove trim elements. The existing windows are character-defining components of the house. The ultimate goal of the preservation ordinance and guidelines is to retain, maintain, and repair as much historic fabric as possible. Rehabilitation preserves the architectural character and integrity of the house and district.

Historic windows should and can be properly repaired, maintained, and made weather tight. Storm windows may be placed on the exterior or interior of the windows to provide double-glazing. Maintenance of existing windows and the addition or deletion of storm windows does not require a Certificate of Appropriateness.

Many property owners in Staunton's Historic Districts carefully follow and invest in their properties according to the guidelines adopted in the City of Staunton Zoning Code. Numerous independent studies clearly indicate that rehabilitation of wood sash windows is cost effective and retains this important historic element of the architecture. Repaired windows are fully functional and are energy efficient when properly weather-stripped and include a storm window.

Ms. Brannock asked Mr. Strassler if he would summarize his review.

Mr. Strassler stated the guidelines request that a window survey be done to show the condition of the windows. Based upon what was seen in the application, staff did not see historic windows that required an extensive amount of repair. He noted it appeared that the windows needed basic maintenance including probably mechanical elements, such as rehangng the weights, scraping the window sash to make sure that it doesn't have a thick paint layer to keep it from sliding up and down, possibly providing weatherstripping, and having storm windows would provide an extremely good window for a historic house. He noted that would compete quite well in energy efficiency with a replacement window.

Mr. Strassler stated the guidelines did not recommend the replacement of historic windows and that the Commission had very consistently upheld those guidelines.

Mr. Erskine asked Mr. Strassler if he could give him an estimate of what that would cost per window.

Mr. Strassler stated he did not know. He noted it was possible that most of the windows would not need to be rebuilt, but needed to be scraped and rehang the weights. He noted it would basically depend on the time and labor of his carpenter.

Ms. Erskine asked if they could replace all of the storm windows.

Mr. Strassler stated the City's zoning code outlines that owners may replace storm windows and storm doors without a Certificate of Appropriateness as long as the opening size was not changed or the architectural details of the casing.

Ms. Brannock asked Commission members if they had any questions.

Ms. Brannock stated the guidelines clearly stated the importance of historic windows and maintaining them for the character of the house. She noted there are local contractors and craftsmen that are very skilled at repairing historic windows. She stated the Staunton Historic Foundation would perhaps be able to provide that information.

Mr. Blanton stated the guidelines constrained the Commission a good bit in these cases. He noted there are very good interior style storm windows that could be considered as well.

Commission members did not have any further questions.

Mr. Erskine asked if he would need to do anything through the Commission if he had the windows rebuilt.

Ms. Brannock stated as long as the appearance of the windows wasn't changed and that the window was not replaced.

Mr. Brown moved the Certificate of Appropriateness be denied as proposed. The proposed replacement of the historic windows did not meet the Guidelines for the preservation ordinance.

The motion was properly seconded by Mr. Blanton and carried at 4-0.

Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	aye
Mr. Brown	aye

Ms. Brannock recommended that the owner reach out to Mr. Strassler and the Staunton Historic Foundation for help.

OLD BUSINESS

a. CERTIFICATE OF APPROPRIATENESS

Courtney Cranor

264 Fillmore Street

Driveway & Walkway

***Owner has requested this item be tabled until the July regular meeting**

Ms. Brannock stated the owner had requested this item be tabled until the July 28, 2020 meeting.

Mr. Brown moved that the Commission accept the request to delay the application.

The motion was properly seconded by Mr. Lively and carried at 4-0.

Mr. Brown	aye
Ms. Brannock	aye
Mr. Lively	aye
Mr. Blanton	aye

b. CERTIFICATE OF APPROPRIATENESS

William & Kimberly Woodwell

208 Fayette Street

Addition

Ms. Brannock asked the owners to provide the Commission with updates on the proposed project.

Mr. Woodwell noted architects, Beth Reader and Chuck Swartz, were also present on the Zoom

platform. He stated they were presenting a revised proposal for the addition on the north side of the house. He noted their proposal would require the least amount of demolition and took advantage of the space to the north of the house. He stated their proposal from last month and the current revisions were based on a design form common in the city. He noted the idea was to add to the house in a way that suggests the addition of a multistory porch with the porch subsequently being enclosed with a bank of windows over time.

Mr. Woodwell stated the biggest change in the revisions was that they had tried to address the Commission's concerns regarding the size and the prominence of the addition. He noted it was now set back from the front of the house by more than 3' and that the height of the addition had been reduced so that it did not obscure the bracketed cornice of the original roof. He noted they had reduced the width and depth of the addition to limit its overall size while still trying to give it the functionality that they needed. Mr. Woodwell stated the new design added a brick base, bands of trim, and roof details all in an effort to make it both distinctive and compatible with the original house. He noted two alternate versions had also been included in the packet, each with a hyphen, which had been suggested at last month's meeting. Mr. Woodwell stated what they were proposing was roughly one-third of the width of the house and felt it would meet the Guideline's definition of an addition. He stated he felt the revised changes would make the addition more subordinate to the house than it originally was. Mr. Woodwell stated they did not want to completely write off the hyphen design, but felt it would only add to the size and scale of any addition that they would build.

Ms. Brannock stated she appreciated the design being scaled back and providing alternative views of suggestions made at last months' meeting.

Ms. Brannock asked Commission members if they had any questions.

Mr. Blanton stated he felt the subordinate in this case would be well defined by something less altitude. He noted, from his recollection, one of the concerns was obscuring all three pairs of the six windows on that side of the house which represented a kind of feature of the structure and was also a very visible feature of the house as well. Mr. Blanton stated his recommendation would be to again consider a two-level addition over a three-level addition in order to maintain a sense of the original aspect of the building.

Mr. Brown stated he would echo what Mr. Blanton said. He noted he liked the reduced version with the hyphen the best, but he that he still felt that the height impinged on the massing of the house a bit too much. He stated he would rather see it reduced to perhaps a two-story addition on that side.

Ms. Brannock stated she did like the brick base at the bottom and that it tied it to the main house while visually reducing the addition. She stated she still felt, from the north elevation, that the mass of the structure was very big. She noted possibly breaking down the gray siding with a band of trim at the second story level would help. Ms. Brannock stated if the Commission were to consider a third story, making the addition a little bit more subordinate with slightly smaller windows might help as well. Ms. Brannock asked if this was a flat roof or just a very shallow hip roof.

Mr. Woodwell stated it was a very shallow hip roof. He explained how they were trying to keep the roofing underneath all of the bracketed roof.

Ms. Woodwell stated that the third-floor windows that they needed to maintain were egress per building code and that they were a little hesitant to reduce the size too much below what the drawing showed.

Ms. Brannock stated on looking at the reduced version with the brick base and the entrance at the ground level on the north elevation, she asked what materials would be used at that entrance.

Mr. Woodwell stated it would be a flagstone or brick terrace and would not be the entrance into the space. He noted the intention was the entrance into the space was either from the back underneath the two porches as it currently was and also have an entrance under the front porch.

Ms. Brannock clarified that area was pretty much at grade and would just be used as a patio area. He stated that was correct.

Ms. Brannock noted that while driving by there was a great deal of existing landscaping and mature trees which helped conceal that end of the house. She asked if the trees would be retained or would some need to be removed. Mr. Woodwell stated that no trees would need to come out for the addition.

Ms. Brannock stated the Commission's preference would be for an addition to be on the rear elevation, but understanding that the owners did not want to remove the historic porch and like that access into the house. She noted the north elevation was less significant in a lot of ways as it was brick with the paired windows and was the least ornamental of the three primary elevations that were visible on the house. She asked how far did the west wall of the addition set back from the original rear wall of the house.

Chuck Swartz explained that it was a foot. He stated they were happy to return with further details, materials, and proportions.

Ms. Brannock asked Mr. Strassler if he had any further comments.

Mr. Strassler stated he felt that he had outlined it well in his review and that the Commission had gone over all of those details in their discussion.

Ms. Brannock stated she felt the revised version did a good job of mimicking what could have been an enclosed porch, but that it was still a little large in scale, especially stretching to the rear wall.

Mr. Blanton reiterated that for him it was a question of mass and particularly height. Otherwise he felt it was a very handsome design. He noted that those were the two things that he found problematic at that point.

Mr. Brown stated he felt some of Ms. Brannock's comments were good about the brick base and perhaps detailing and windows might mitigate some of the massing issues.

Mr. Woodwell stated it would not be worth it for them to take the addition down to two stories in terms what they felt they needed to make the house work for them. He noted if there were ways with the suggestions made today to make that third story work, they would like some clear direction and would help them.

Ms. Brannock stated she felt that she could live with three stories, but felt that it still looked like a large box, partly because of the roof. She noted she didn't know if there was a way to bring the roof line down.

Mr. Brown suggested there could be a flat roof if a hyphen was used and have a low hip, but a bigger hip, on the main part. He noted it would raise the height some. Discussion ensued.

Mr. Swartz noted in the design with the roof being flatter, the rafter tails were starting to be expressed in order to give that the detail or decorative look.

Ms. Brannock stated she tended to like the design without the hyphen the best. She noted she felt it integrated better with the historic structure.

Mr. Lively asked if there was any precedent in the historic districts for having an addition that was similar to this pertaining to size and location, specifically to the right of the main façade.

Mr. Strassler stated he could not think of one. Discussion ensued among Commission members.

Mr. Blanton stated, acting on Mr. Lively's comment, that was a question he had was really concerning the matter of precedence; therefore, he would advocate for the scaled down version to the extent that was possible.

Discussion ensued regarding the size, scale, and location of the addition.

Ms. Woodwell asked if the Commission was willing for them to come back with some sort of detailing on the addition.

Mr. Brown stated he was fairly close going either way, but noted with some of the suggestions that he made, it might a possibility to sway him over if he could see those options.

Mr. Swartz asked if a conceptual go ahead could be approved.

Mr. Rhodes stated he was familiar with that process in other jurisdictions, but that the City of Staunton was not set up to give approval for concepts.

Ms. Brannock stated in asking the applicants to come back with more information and refinements was certainly a step in that direction, but that the Commission typically did not give a partial approval or a conditional approval so that there would not be any confusion about what was approved.

Mr. Woodwell stated they would like to hear comments on what the next version would look like.

Mr. Blanton stated he was still disinclined to approve an addition of the scale that was currently designed. He noted he would favor two levels as opposed to three levels. Otherwise he stated he felt the design details were attractive and didn't have problems with the overall appearance. He noted it was just the question of mass and the question of precedent in that regard. He noted he would be prepared to reconsider.

Mr. Brown stated he personally like the reduced hyphen version the best. He noted addressing some of the roof ideas that were suggested, the rafter tail expression was good, the brick base was good, addressing window size as much possible while still keeping an egress window in some way, and the massing of the back part with perhaps a line of trim, those things would be a good list to look at.

Mr. Lively stated his feelings were in line with Mr. Blanton's and it was just the massing that bothered him.

Ms. Brannock stated the massing was the biggest issue and the placement on the side of the house.

Commission members did not have any further questions or comments.

HSF Recommendation - HSF continues is recommendation - the Certificate of Appropriateness for the addition be denied as proposed.

The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch additions.

Ms. Brannock asked the owners if they would be willing to return at the July 28, 2020 meeting.

Mr. Woodwell stated they were agreeable to return next month.

Ms. Brannock stated the Commission was trying to work with them, but also work within the Guidelines and that setting a precedent for something of that scale was a great concern.

Discussion ensued.

Ms. Brannock stated Ms. Nesselrodt would send a waiver form for a continuation.

Mr. Brown moved to table the application until the July meeting.

The motion was properly seconded by Mr. Lively and carried at 4-0.

Mr. Brown	aye
Ms. Brannock	aye
Mr. Lively	aye
Mr. Blanton	aye

OTHER BUSINESS

Mr. Rhodes stated last month staff had given the Commission a draft version of some changes to the Historic District regulations. He noted he'd received comments from Mr. Blanton regarding additional proposed changes. Mr. Rhodes stated he welcomed other comments and noted it could perhaps be placed on the July agenda. He noted there was no timeframe required and it could possibly wait several months.

Mr. Strassler stated he may not be present for the July meeting, but could possibly use the Zoom platform.

Mr. Rhodes stated he did not have any further business.

ADJOURNMENT

The Chair adjourned the meeting at 7:23 p.m.

Suzanne F. Simmons
Clerk of Council



Planning & Inspections
Department

City of Staunton
VIRGINIA
P.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission
FROM: Applicant
DATE: 6/23/2020
SUBJECT: Agreement to Table Agenda Item

I Michael Graves, Sigora Solar agree that action regarding my application for a

Certificate of Appropriateness dated 6/8/2020 regarding
324 Sherwood Ave be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set
Forth in the below listed code section:

**City of Staunton Code
Section 18.85.050 (7-g)**

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision


Applicant/Authorized Agent Signature

XXX 
Witness Signature



Planning & Inspections
Department

City of Staunton
VIRGINIA
P.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission
FROM: Applicant
DATE: 6/23/2020
SUBJECT: Agreement to Table Agenda Item

I Courtney Cranor agree that action regarding my application for a

Certificate of Appropriateness dated 3/30/2020 regarding

264 Fillmore Street be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set

Forth in the below listed code section:

City of Staunton Code
Section 18.85.050 (7-g)

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision

Applicant/Authorized Agent Signature

Witness Signature



Planning & Inspections
Department

City of Staunton
VIRGINIA
P.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission

FROM: Applicant

DATE: 6/23/2020

SUBJECT: Agreement to Table Agenda Item

I Kim Woodwell agree that action regarding my application for a

Certificate of Appropriateness dated 5/4/2020 regarding

208 Fayette Street be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set

Forth in the below listed code section:

City of Staunton Code
Section 18.85.050 (7-g)

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision

Kimberly B. Woodwell

Applicant/Authorized Agent Signature

XXX

Kimberly B. Woodwell

Witness Signature

DECLARATION OF PERSONAL INTEREST IN A TRANSACTION

**To be filed with the Clerk of Council of the City of Staunton and
made available for public inspection for a period of five years**

I am an officer or employee of the City of Staunton, Virginia, and I declare my interest.

My office or position: Member of the HPC

The transaction involved: Staunton Innovation Hub Certification of Appropriateness request

Nature of my personal interest affected by the transaction: employee of project architecture firm, Frazier Associates.

Name and Address of Business and Address and Tax Map and Parcel No. of Real Estate: Staunton Innovation Hub, 11-17 N. Central Avenue, Staunton

Date: 6/23/2020

A handwritten signature in black ink, appearing to read "Christopher J. Frazier", written over a horizontal line.

Signature: _____

Legal Reference: Virginia Code §§ 2.2-3112 and 2.2-3115.

STAUNTON HISTORIC PRESERVATION COMMISSION**July 28, 2020****5:30 p.m.****Electronic Communications Meeting**

PRESENT: **Deneen Brannock, Chair**
 Michael Brown, Vice Chair
 Alexander Avery
 Dennis Blanton
 Carter Lively

ALSO PRESENT: **Rodney S. Rhodes, Senior Planner**
 Linda Nesselrodt, Zoning Technician
 Frank Strassler, Historic Staunton Foundation
 Terry Holmes, Council Liaison
 Suzanne F. Simmons, Clerk of Council

Ms. Brannock called the meeting to order: “As Chair, I call this June 23, 2020 electronic communications meeting of the Historic Preservation Commission to order. Please let it be reflected in the meeting minutes that this meeting is being conducted by Zoom given the catastrophic nature of the declared emergency and disaster related to the Covid-19 outbreak, which makes it impracticable or unsafe to assemble a quorum in a single location. The meeting is being held consistent with City Council ordinance 2020-04 regarding Continuity of Government, a copy of which can be found online at: www.staunton.va.us/cogord2020-04 .

I note that this meeting is being broadcast over the cable channel and being streamed live so that members of the public may hear our meeting. The meeting is also being recorded.

Clerk of Council Call the Roll of Historic Preservation Commission Members Present:

Ms. Brannock	aye
Mr. Brown	aye
Mr. Avery	aye
Mr. Blanton	aye
Mr. Lively	aye

Rodney Rhodes, Senior Planner and Zoning Administrator, stated the following were participating on the Zoom platform were:

Terry Holmes, City Council liaison
Frank Strassler, Executive Director of Staunton Historic Foundation
Suzanne Simmons, Clerk of Council
Linda Nesselrodt, Zoning Technician

49
50
51 **MOMENT OF SILENCE**
52

53 Ms. Brannock stated the Commission would dispense with the Moment of Silence.
54

55 **HISTORIC PREAMBLE**
56

57 Ms. Brannock stated the Commission would dispense with reading the preamble.
58

59 **APPROVAL OF MINUTES**
60

61 Mr. Avery stated he would abstain as he was not present at the June 23, 2020 meeting.
62

63 Mr. Brown moved to approve the minutes of the June 23, 2020 Meeting as presented. The motion
64 was seconded by Mr. Lively and carried at 4-0.
65

66	Ms. Brannock	aye
67	Mr. Brown	aye
68	Mr. Blanton	aye
69	Mr. Lively	aye
70	Mr. Avery	abstain

71
72 **NEW BUSINESS**
73

74 **a. CERTIFICATE OF APPROPRIATENESS**

75 **Craig Peterson**
76 **9 N. Jefferson Street**
77 **Amend COA to Replace Siding**
78

79 Craig Peterson, 9 N. Jefferson Street, stated he obtained the original COA two years ago, but was
80 unable to hire a contractor; therefore, the COA expired. He noted there wasn't any siding that
81 was able to be saved due to deterioration. Mr. Peterson stated all of the siding was replaced with
82 the same size and height as the original siding with the exception that the new siding was rough
83 sawn. He stated an addition at the rear of the house was replaced with Hardiplank which he had
84 requested in the original COA. He stated the reason he was present was that he had replaced all
85 of the siding instead of parts of it.
86

87 Ms. Brannock asked Commission members if they had any questions or comments.

88 Mr. Blanton stated it might be useful for the record as a friendly reminder procedurally from the
89 City Code and it should also be reminded that when a Certificate of Appropriateness is issued, all
90 work performed pursuant to an issued COA shall conform to the requirements of such a certificate.
91 He noted he was not there to contest or propose that the Commission undo the new siding, he
92 simply wanted to remind everyone of the proper approaches to reapply in advance of such a change
93 in strategy or plan for the building.
94

Mr. Strassler referred to his original 2018 recommendation in the difference in siding. He noted the original siding was well weathered, but was probably a smooth plane siding as opposed to an over-exaggerated rough sawn siding. He stated one of the goals with historic preservation, and with the original COA, would be that it matched the original siding, and that a match did mean a match. Mr. Strassler stated in the Guidelines it was not terribly clear of how to obtain that match.

Commission members did not have any further questions or comments.

Mr. Avery moved to approve the Certificate of Appropriateness for the installation of siding as completed. The Guidelines weren't specific or descriptive concerning the appearance of siding and how to obtain a match. As well, the siding for the addition should only use the smooth Hardiplank and not the exaggerated raised grain side of the Hardiplank.

The motion was properly seconded by Mr. Blanton.

Mr. Brown stated he would add reiterating some of the comments made by Mr. Strassler in his analysis that the rough sawn might be construed as fitting in well with the weathered condition of the siding that was removed.

The motion carried as follows:

Mr. Avery	aye
Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	aye
Mr. Brown	aye

b. CERTIFICATE OF APPROPRIATENESS

Roger Priore

512 Locust Street

Reconstruct Front Porch, Restore Window Opening

Reconstruct Retaining Wall, Add HVAC / Screening on Rear

Roger Priore, 512 Locust Street, stated there was a deteriorated retaining wall beneath the front porch that needed to be removed and replaced. He noted there was a concrete sidewalk and steps that also needed to be removed and replaced. He stated he intended to rebuild the front porch with a standing seam metal roof as close to the original as he possibly could. Mr. Priore noted there was a gable window on the front that at some point was turned into a door and was proposing to restore it to its original size and replace it with a historic window. Mr. Priore stated he would also be installing a HVAC system on the back corner of the house that would be screened with vegetation.

Mr. Priore stated on his application there was another door on the rear of the property, that had not been noted, approximately 8' off the ground that lead to nowhere. He noted the original owner probably intended to build a deck there, but it was never permitted. Mr. Priore stated it was his intention to remove that door and close it up to match the existing siding.

Mr. Priore stated it was noted on the field trip by Commission members that a new roof had been

installed which contained ridge vents. He noted the roof was replaced due to deterioration. He noted a new standing seam metal roof was installed, but unfortunately the contractor installed ridge vents which was not in the scope of work. He noted he was out of town when that was installed. Mr. Priore stated he would like to ask for an exception that it be accepted as installed.

Ms. Brannock asked Commission members if they had any questions.

Ms. Brannock noted Commission members were able to take a field trip the day prior and review the proposed items. She asked Mr. Strassler if he had any comments to add.

Mr. Strassler stated he did not, but noted his recommendation contained everything. He apologized for missing the rear door in the application, but that it also followed the recommendation that he made for the restoration of the gable window on the front. He noted the owner should use the physical framing and photographic evidence to establish what needed to be done there. Mr. Strassler stated the ridge vents weren't large, oversized ridge vents. He noted it was preferable that they were not on the dormers especially, but the new roof would protect the structure quite well.

Ms. Brannock noted Mr. Priore mentioned that historic windows would be used to replace the doors. She clarified if they would be new wood double hung windows with true divided lights. Mr. Priore stated they would be.

Mr. Brown clarified that the windows would not be clad, but would be painted wood. Mr. Priore that was correct.

Mr. Blanton stated it was nice to see work on the house and applauded Mr. Priore for taking on the project. He stated he felt obligated, from a procedural standpoint, to offer the reminder that the first item of the code under Historic Preservation District stated that no material changes shall be made or permitted by the owner or occupant thereof until an application for a Certificate of Appropriateness had been submitted to and approved by the Commission. Mr. Blanton stated he wouldn't deny being troubled somewhat by the replacement of the roof without such application for a COA. Mr. Blanton stated he also had some reservations for allowing it to stand as it was. He noted his reservations reflected recent actions by the Commission which had required private homeowners to make significant restorations of work that was improperly done. He gave several examples. He noted in the spirit of consistency and fairness, he stated he did have reservations about approving the roof as it was. He stated the COA application, such as it was made, was sound and fully prepared to accept the items in the proposal there. He noted the roof was problematic for him and stated he would be inclined to request that approval of the COA be conditioned upon rectifying the roof installation that did not meet the Guidelines.

Mr. Brown stated he went by the house and that he would agree with Mr. Blanton.

Ms. Brannock clarified that the work was done while the owner was away, but noted the contract stated that a ridge vent was not to be installed. She asked Mr. Priore if he'd spoken with the company who installed the roof. Mr. Priore stated he had no spoken with the company about rectifying that and wasn't sure what would be involved in doing that. He noted it was not part of the scope of work and was supposed to be entirely a kind replacement with the standing seam on the ridge and did not include the ridge vents at all. He explained that he did not know what would be involved in rectifying that problem.

Ms. Brannock stated Commission would take that into consideration when making the motion.

Commission members did not have any further questions.

HSF Recommendation – Historic Staunton Foundation recommends the COA for reconstruction of porch, retaining wall, concrete steps, and the restoration of the gable window be approved.

The retaining wall and concrete steps will have limited view.

It is recommended that porch details will include wood posts, traditional top railing, a bottom rail, and pickets based upon photographic documentation. Porch elements will be constructed in a manner that reflect traditional design. The pickets will be fastened in a traditional manner within a rebate under the rail, and on a bird's mouth on top of the bottom rail.

Restoration of the gable window should use the physical framing and photographic evidence to establish size, molding details, and sash configuration. The new window will be made to fit the historic opening and should not rely upon a modern stock window unit to determine the window design.

Mr. Lively moved that the Certificate of Appropriateness for reconstruction of porch, retaining wall, and the restoration of the gable window be approved and the door to nowhere removal be approved.

Ms. Brannock stated the Commission should also address the gutters, the HVAC screening, and the roof. She asked if a member would like to amend the motion.

Mr. Blanton stated he would recommend an amendment that simply stated the motion that was just stated for approval be conditioned upon rectifying the noncompliant roof by removal of the ridge vents with some appropriate replacement that obviously protected the interior of the structure. To be clear, he stated the ridge vents were the item of concern.

Linda Nesselrodt, Zoning Technician, asked Mr. Blanton if he was also including the approval of the screening for the HVAC in that amendment.

Mr. Blanton stated he approved the screening of the HVAC.

Ms. Brannock asked Commission members if they were clear on the motion. She stated the Commission was basically approving the application as submitted with the addition of screening the new HVAC system, asking the owner to explore rectifying the ridge vents on the roof.

The motion was properly seconded by Mr. Avery.

Mr. Priore clarified that the motion that was about to be passed, the verbiage used was to "explore" rectifying that. He noted it sounded like Mr. Blanton wanted to "require" it.

Mr. Brown stated he would propose tabling the roof part of the motion until a resubmission next month after Mr. Priore had a chance to come up with a solution from his contractor.

Ms. Brannock asked staff for guidance as it was not part of the application.

Ms. Nesselrodt stated the owner asked for an amendment to his application this evening to approve it as submitted. She noted it would either need to be tabled with his consent or approved or denied. She noted she wouldn't say necessarily that he needed to explore options on how to correct it, but that a decision needed to be made on either approve, deny or table it as it was part of his application.

Ms. Brannock asked Mr. Priore if he would be willing to allow the Commission to table that until the August 25, 2020 meeting which would allow him time to speak with the roofer about rectifying the roof issue.

Mr. Priore questioned if the remainder of the application would also be tabled or did it only pertain to the roof part.

Ms. Nesselrodt stated it would only be the roof part. She noted the motion as it stood was to approve the application as it was submitted and then table the roof.

Mr. Priore stated he was willing to table the roof.

Ms. Brannock clarified that the Commission was voting on a motion to approve the application as submitted with the addition of screening around the HVAC system and tabling, and asking the applicant to return in August, with information about addressing the roof issue.

The motion carried at 5-0.

Mr. Blanton	aye
Mr. Lively	aye
Mr. Avery	aye
Ms. Brannock	aye
Mr. Brown	aye

Ms. Brannock stated staff would email the Agreement to Table Agenda Item form to Mr. Priore.

OLD BUSINESS

a. CERTIFICATE OF APPROPRIATENESS

Courtney Cranor

264 Fillmore Street

Driveway & Walkway

***Withdrawn by Owner**

Ms. Brannock clarified with staff that the owner had requested this item be withdrawn.

Ms. Nesselrodt stated that was correct.

b. CERTIFICATE OF APPROPRIATENESS

William & Kimberly Woodwell

208 Fayette Street

Addition

Ms. Brannock asked the owners to provide the Commission with updates on the proposed project.

Mr. Woodwell stated he wanted to make several comments regarding the revised proposal for the addition on the north side of the house. He noted architects, Beth Reader and Chuck Swartz, were also present on the Zoom platform. He thanked Commission members for making a site visit to the house.

Mr. Woodwell stated they were presenting a revised proposal that he hoped responded successfully to suggestions and comments made at the June 23, 2020 HPC meeting. After the initial May 26, 2020 meeting, he stated they made a number of substantive changes to the design that was originally proposed. He noted they did that in response to Commissioner's comments and concerns about various aspects of that design. Mr. Woodwell noted the first round of changes included reducing the height, width, length, and the setbacks of the proposed addition.

Mr. Woodwell stated they were present tonight with additional changes in response to comments and questions at the June 23, 2020 meeting. He noted the focus of those changes was to soften and reduce the massing of the addition. He stated the changes were explained with some new visuals in the proposal. He stated he wanted to note a couple of additional points regarding the issues of size and massing. He noted the proposed addition was roughly 13' with a lower roofline and setbacks from the front and back of the house. Mr. Woodwell stated they felt the addition was subordinate to the existing house in accordance with HSF guidelines. He stated they felt that they had made the addition even more subordinate in its appearance. Mr. Woodwell stated a two-story addition in this case essentially meant a one-story addition to the main house on top of the added space in the basement or garden level. He stated to go to the trouble for approximately 350 square feet of added living space on one floor in the main house did not make sense to them. He explained their goal for the main house. Mr. Woodwell stated they wanted to reiterate that the lot was unique and that was why they were proposing the addition to the North side of the house. He stated their proposed addition would still be more than 80 feet from both Fayette Street and Federal Street.

Mr. Woodwell stated he then wanted to address the concerns expressed at the last meeting regarding whether there was precedent for approving an addition of this size. He noted there was a good example two doors down from their house. He noted the Commission approved a three-story addition to that house in 2006 and felt it was comparable to size and scale of their proposed addition.

Mr. Woodwell stated it was clear that everyone shared the same values. He stated that they were all present because they wanted to try and balance the goals of historic preservation with allowing residents to make necessary updates and upgrades to their homes. He noted the house was originally one of three structures built for the Female Seminary. He stated they were asking for the Commission's approval to simply do what the previous owners of the sister house, two doors down, did in 2006. He stated that summarized their proposal, but asked to reserve the

right to make specific comments in response to the HSF recommendations.

Ms. Brannock thanked Mr. Woodwell for his detailed and well-prepared presentation. She stated she felt there were some key issues for Commission members charged with upholding and abiding by their guidelines that they have trouble getting past.

Ms. Brannock asked Commission members if they had any questions.

Mr. Blanton echoed Ms. Brannock's comments and expressed his appreciation for the quality of the design and planning by the owners. He stated the bedrock of the Commission's decisions was always the Guidelines and felt it had become the stumbling block. He then shared guidelines from the Secretary of Interior regarding recommendations for additions. He noted there were some that were difficult to embrace while there were some that were easy to embrace.

Mr. Woodwell stated he felt there was a difference of opinion regarding the degree to which the project complied or didn't comply with the Guidelines. He stated he wanted to speak about their proposal in light of the Guidelines. He stated he felt he needed to be on the record that they felt they were making every attempt to actually comply with the Guidelines. He then went through Guidelines #1-6 individually. He stated a rear addition would not work for them and would involve removing a historic porch containing 7 original windows and 3 doors. He stated the term "subordinate" was a matter of opinion. He stated he felt the addition that they were proposing complied across the board with each of those guidelines. Mr. Woodwell stated compliance with the Guidelines was in an issue in their mind of opinion and was subjective.

Ms. Brannock stated the Commission felt the owners were definitely trying to meet the spirit of the Guidelines. She noted, as a Commission, they were left to interpret the Guidelines and to build a record of the decisions that were made. Ms. Brannock stated setting a precedent for approving for additions on a primary side of a house was the biggest concern that she had.

Mr. Brown stated he'd visited the property several times and it was a difficult decision. He noted Mr. Woodwell made a compelling series of arguments to make his case and that he would need to take those into consideration.

Mr. Blanton stated the quality of the proposal was exceptional. He stated he would look favorably upon a two-story version of the addition proposed for the North side or alternatively an addition on the rear side that could reach the level of three floors.

Mr. Avery stated he seconded Mr. Blanton's remarks. He noted he was still having a hard time of the three-story addition on the front, even with the hyphen. He noted it would inevitably compete.

Ms. Brannock asked Commission members if they had a motion. She noted the owners had adapted their design over the past several months, but felt they were not interested in redesigning the addition for the back of the house.

Mr. Woodwell stated they were not interested in a rear addition and asked for a vote at tonight's meeting of the proposal presented.

Commission members did not have any further questions or comments.

HSF Recommendation - HSF continues its recommendation - the Certificate of Appropriateness for the addition be denied as proposed.

The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch additions.

Mr. Avery moved for denial of a Certificate of Appropriateness for the addition as proposed. Many of the guidelines relating to additions had not addressed in a manner that would prevent the addition from competing with the historic house. As proposed, the addition is not sympathetic to the overall architectural character.

The motion was properly seconded by Mr. Lively and carried at 4-1.

Mr. Brown	nay
Mr. Avery	aye
Mr. Lively	aye
Mr. Blanton	aye
Ms. Brannock	aye

Ms. Brannock stated this was a very difficult decision for the Commission. She reminded the owners that they had the right to appeal the decision to City Council.

Mr. Rhodes explained that Ms. Nesselrodt would send a letter to owners that are denied a COA within a day or two of the meeting; however, if the owners wanted City Council to take action on this at their August 13, 2020 meeting, the owner's appeal would need to be received by July 30, 2020.

c. CERTIFICATE OF APPROPRIATENESS
Sigora Solar, LLC
324 Sherwood Avenue
Solar on Roof

Anjelle, representative for Sigora Solar, stated the company did not want to proceed with installing a temporary structure or a few panels on the home recommended at last month's meeting. She explained this would require utility approval as well as a permit. She noted those sample panels could not be removed without potential damage to the roof.

Ms. Brannock stated there seemed to be a misunderstanding regarding the mock-up that had been requested at last month's meeting. She explained the mock-up involved a ruler and tape showing the height on the roof of the actual panel, not an actual installation of a panel. This would also involve photographs from the street view.

The representative stated that was a miscommunication. She noted a mock-up would be possible.

Ms. Brannock stated Commission members did visit the property the day before. She asked the representative what height would the panel sit above the roof.

Anjelle stated she did not know the height offhand. She noted the rails would sit 6" off of the roof plus the thickness of the panel.

Ms. Brannock asked if there were different sizes and could the lowest profile possible be installed.

Anjelle stated the specific panel chosen was because of the roof type. She noted a low-profile panel would be installed typically recommended for black roofs for low visibility. She noted it would be a black panel and black frame with a black cell. She noted that tended to be non-reflective. She explained the location of the panels chosen would be the only possible option.

Ms. Brannock stated it would be helpful given the visibility of the roof. She noted the Commission appreciated Sigora moving the panels to the back third of the house and helped a great deal. She noted it would be helpful to have a mock-up completed as well as dimensions.

Anjelle stated specification sheets had possibly been submitted previously. She explained funding for the project was on a timeframe for the owner. She questioned if the mock-up would need to be presented at another meeting. She explained the owner's loan would expire on August 26, 2020 and that the panels would need to be installed prior to that.

Ms. Brannock noted Commission members agreed to hold special meetings in the past for certain circumstances. She noted she would open that to Commission members for a motion for how they would like to proceed.

Mr. Blanton stated he would be willing to revisit the site as early as possible for Commission members to inspect a model. He explained Commission members were concerned foremost with the profile of the installation, meaning the height off of the current roof level.

Anjelle presented pictures to Commission members of similar installations on a metal roof. Discussion ensued.

Ms. Brannock stated the pictures were helpful. She clarified that the panels sat 6-8" above the roof. Anjelle stated that was correct.

Ms. Brannock asked Commission members if they felt they could make a motion based on the presentation or ask for a mock-up with a Special Meeting to follow.

Mr. Blanton asked Mr. Strassler if he still felt the panel should not be any higher than the flashing on the chimney.

Mr. Strassler stated it was hard to tell from the street how high the flashing was. He noted Sigora did submit technical sheets for the panels. He noted it appeared the panels would rest 5.25" above the seams of the roof in total height. He estimated that flashing on the chimney was approximately 4-6" tall. He then referred to his recommendation and noted, for most points, the application had met the majority of the recommended guidelines. He noted the challenge was whether the Commission considered this to be limited visibility from Sherwood Avenue.

HSF Recommendation – HSF recommends the approval of a COA if a physical demonstration indicates that the installation meets the guidelines.

476
477 A. *“should be placed in locations with limited or no visibility” “on a secondary roof slope,*
478 *on a rear addition”*

479 B. *“should be installed in a manner that limits their impact on historic materials and*
480 *features of the building”*

481 C. *“should be set back from the edge of the roof to limit visibility”*

482 D. *“should be compatible with the color of the existing roof in order to blend this new*
483 *roof element with the existing roof as much as possible.”*
484

485 The roof top addition of solar panels can meet the guidelines if the installation has limited or no
486 visibility, therefore having minimal impact on the historic character. This proposal is to install
487 panels and associated hardware directly on the historic building. The application includes many
488 details but needs to clarify what the actual appearance will be from city streets.

489 The Staunton Zoning Code specifies the changes viewable from a City Street require a COA.
490 An elevation photo of 324 Sherwood with the panels overlaid in scale would help the
491 Commission understand the visual impact.
492

493 It appears the installation will extend approximately between 5 ¼” above the standing seam roof.
494

495 In order for the Commission to clearly understand the effect of the installation on the
496 architectural character, it is recommended that flagging tape or other indicator be
497 attached to the roof at the same gross area and height of the proposed solar panels. The
498 commission members will need to visit the property before the meeting.
499

500 Being accurate with this demonstration is important so that all have a clear
501 understanding of the visual effect of the proposed installation
502

503 Ms. Brannock asked Commission members if they had any further questions or
504 comments.
505

506 Mr. Brown stated he felt like it was limited enough and that he would not have a
507 problem with approving the proposal.
508

509 Mr. Brown moved that the Certificate of Appropriateness be approved as submitted with the
510 understanding that it did meet the guidelines, had limited visibility on the secondary slope,
511 installed in a manner that limits the impact, setback from the roof as far as practicable, and it is
512 compatible with the color of the existing roof.
513

514 The motion was properly seconded by Mr. Blanton.
515

516 Mr. Blanton asked if he could add to the rationale for the Commission’s approval that a significant
517 portion of the installation was on a relatively recent addition to the house and not on the historic
518 roof side.
519

520 Mr. Lively asked if the glass was shiny or frosted.
521

Anjelle stated the glass was not frosted. She explained it was not reflective or shiny. She noted the cells underneath the glass panel were black and that the glass was clear.

The motion carried as follows:

Mr. Blanton	aye
Mr. Lively	aye
Ms. Brannock	aye
Mr. Avery	aye
Mr. Brown	aye

OTHER BUSINESS

Mr. Rhodes stated he did not have any further business.

ADJOURNMENT

The Chair adjourned the meeting at 6:43 p.m.

Suzanne F. Simmons
Clerk of Council

Planning & Inspections
DepartmentCity of Staunton
VIRGINIAP.O. Box 58
Staunton, VA 24402-0058

TO: Historic Preservation Commission

FROM: Applicant

DATE: 7/28/2020

SUBJECT: Agreement to Table Agenda Item

Roger Priore/Ozone Equity Holdings, LLC agree that action regarding my application for a

Certificate of Appropriateness dated 5/7/2020 regarding
512 Locust Street be tabled until the next Historic Preservation

Commission meeting. I understand that by signing this agreement I am waiving my rights as set
Forth in the below listed code section:

**City of Staunton Code
Section 18.85.050 (7-g)**

Approval or Rejection of Application for Certificate of Appropriateness. The commission shall approve or reject an application for a certificate of appropriateness at the meeting when the item is heard as prescribed in subsection (3) of this section. Failure of the commission to act shall constitute approval, and the certificate of appropriateness shall be issued, unless the applicant agrees to an extension of time in writing. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Notice of the issuance of approval or denial of a certificate of appropriateness shall be sent by the United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission within 15 calendar days of the date of the decision

DocuSigned by:

7/31/2020

7ED85B20CE76477

Applicant/Authorized Agent Signature

XXX

Witness Signature



Historic Staunton Foundation
20 South New Street
Staunton Virginia, 24401
www.historicstaunton.org

STAUNTON HISTORIC PRESERVATION COMMISSION

HSF Recommendation

May 20, 2020

Certificate of Appropriateness

208 Fayette Street

Newtown Historic District

Side Addition and Wood Privacy Fence

Existing Condition: Built between 1850 and 1870 this is a 3 bay 2 story, brick residence with a hip roof, center gable, bracketed cornice with wide frieze board, central Palladian window on second story, six over six light, double hung wood sash windows, and central paneled entry door with sidelights and transom.

A single story porch with hip roof, supported on raised tall brick columns extends across the facade. Front porch includes bracketed cornice, square columns with capital and base, and balustrade with turned pickets. Central wood stairs with balustrade leads to the entry.

The north painted brick façade includes a pair of corbeled brick masonry chimneys, the bracketed cornice and paired 4 over 4 double hung wood sash windows on three stories.

The rear brick façade includes the bracketed cornice, six over six light, double hung wood sash windows on three stories and a two story shed roof porch. The shed roof is supported with square columns. A balustrade extends across the second floor.

The house was first constructed for the Lutheran Female Seminary. The progression of Sanborn Maps indicate a number of changes and building connections over time.

Proposed Work:

The applicant proposes to construct a significant addition on the North side of the house and to install a Wood Privacy Fence.

Please review the complete application including architect's drawings and material list.

Discussion:

The Secretary of the Interior's Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Continued - The Secretary of the Interior's Standards for Rehabilitation:

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interior's Guidelines for Rehabilitation:

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting	

RECOMMENDED

NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
<u>Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.</u>	
<u>Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.</u>	

Please review the attached Secretary of Interior Rehabilitation Guidelines for Exterior Additions

See Staunton Residential Design Guidelines concerning additions to existing buildings.

Discussion:

Attached are the Guidelines for New Construction and Additions. Please review with the aid of the attached Design Review Check List.

<https://www.ci.staunton.va.us/home/showdocument?id=1672>

VII. Guidelines for Additions

R. Additions

Additions to the existing historic buildings may be compatible with the design, scale, and architectural style of the original structure while still being differentiated from the historic building. In any case, the addition should be designed so that significant historic materials, features, and forms of the original building are maintained. There is no specific formula for the design of an addition; it can be any architectural style - traditional, contemporary or a simplified version of the historic building.

1. Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.
2. Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.
3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.
4. Maintain the original orientation of the structure. If the primary entrance is located on the street facade, it should remain in that location.
5. The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.
6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

C. Fences & Walls

Fences and walls are a prominent site feature on many properties within Staunton's residential historic districts. Due to Staunton's topography with its various hills, many parcels have retaining walls laid in native limestone in the late 19th and early 20th centuries by European stone masons. Other masonry walls are constructed of brick, often with a cast stone cap. There also is a rich tradition of wrought iron fences, some in combination with limestone walls bordering residential lots. Other sites are defined by wooden picket fences, and some streets with gently sloping lots have open front yards without such features.

GUIDELINES:

1. Retain any existing historic fences and walls.
2. Repair existing historic fences and walls by salvaging original parts or materials for a prominent location from a less prominent location when possible.
3. Replace deteriorated historic fences by matching the material, height, and detail of the existing example. If this is not possible, use a simplified design of similar materials and height.
4. Respect the existing edge condition of the subject street when designing on a new site or rehabilitating an existing lot. If the majority of lots on the subject street have a fence or wall, consider incorporating one into the site improvements. If the majority of the lots on the subject street have an open lawn leading to the street, avoid adding a fence or wall to the front of the lot.
5. The design of new fences and walls should blend in with the materials and designs found in the historic district and should generally reflect the era and style of the surrounding area. Commonly used materials are brick and stone for walls and wood or metal for fences. Historic cast concrete with screened aggregate finishes also is found in the historic districts and may be appropriate for new walls if the color and finish matches historic examples. Planted hedges are also used to define edges of properties.
6. The height of the fence or wall should not exceed the average height of other fences and walls of surrounding properties. See the City Code for further detailed requirements.
7. Privacy board fences are not generally appropriate for front or side yards or other highly visible areas.
8. Wood picket fences should be painted or stained with an opaque stain to complement the historic character of the building and street.
9. Chain link, vinyl, split rail, or unpainted pressure-treated wood fences or concrete block walls where visible from public rights-of-way are not appropriate in the historic districts.
10. The structural members of any fence should face inward to the property being fenced. Fences where the structural members are an integral part of an overall design, and where both sides of the proposed fence are identical, are appropriate.

HSF Recommendation:

HSF recommends the Certificate of Appropriateness for the addition be denied as proposed.

The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch additions.

North Addition

The commission should consider how the addition meets the Staunton and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house and will remove or obscure the paired windows on three floors. The proposal does not address utilizing a hyphen or connector to limit the physical and visual impact on the historic house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition competes with the front façade. The setback from the front façade is minimal.
 3. *Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.*
- The flat roof does differentiate the addition. However, a similar or related roof form can help an addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.
 6. *The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.*
- As indicated on the drawings, the roofline obscures and competes with the bracketed cornice. A series of paired historic windows (six in all) will be removed.

Secretary of Interior – not recommended:
Attaching a new addition in a manner that obscures, damages, or destroys character- defining features of the historic building.

Fence

HSF recommends the Certificate of Appropriateness for the fence be approved as proposed. The view is limited and the wood fence matches the neighbors installed fence.

IV. Guidelines for Site Design & Elements C. Fences & Walls

4. *Respect the existing edge condition of the subject street when designing on a new site or rehabilitating an existing lot. If the majority of lots on the subject street have a fence or wall, consider incorporating one into the site improvements. If the majority of the lots on the subject street have an open lawn leading to the street, avoid adding a fence or wall to the front of the lot.*
5. *The design of new fences and walls should blend in with the materials and designs found in the historic district and should generally reflect the era and style of the surrounding area. Commonly used materials are brick and stone for walls and wood or metal for fences. Historic cast concrete with screened aggregate finishes also is found in the historic districts and may be appropriate for new walls if the color and finish matches historic examples. Planted hedges are also used to define edges of properties.*
6. *The height of the fence or wall should not exceed the average height of other fences and walls of surrounding properties. See the City Code for further detailed requirements.*

Sample motion:

Addition - I move for denial of a Certificate of Appropriateness for the addition as proposed. Many of the guidelines relating to additions are not been addressed in a manner that will prevent an addition from competing with the historic house. As proposed the addition is not sympathetic the overall architectural character.

- The proposed addition is located on a prominent side of the house and will remove or obscure the paired windows on three floors. The proposal does not address utilizing a hyphen or connector to limit the physical and visual impact on the historic house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition competes with the front façade. The setback from the front façade is minimal.
 3. *Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.*
- The flat roof does differentiate the addition. However, a similar or related roof form can help an addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.
 6. *The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.*
- As indicated on the drawings, the roofline obscures and competes with the bracketed cornice. A series of paired historic windows (six in all) will be removed.

Secretary of Interior – not recommended:
Attaching a new addition in a manner that obscures, damages, or destroys character- defining features of the historic building.

Fence - I move for approval of a Certificate of Appropriateness for the fence as proposed.

- The view is limited and the wood fence matches the neighbors installed fence.

LOCATION/OWNERSHIP

Name of Structure _____

Street Address 208 Fayette Street

Present Owner(s) WOODWELL WILLIAM HERRON; JR
WOODWELL KIMBERLY BROWN

Mailing Address 12982 JADWYN RD
MAURETOWN, VA 22644

Present Use Residence

LEGAL DESCRIPTION

Account No. _____

Assessor's Map No. 375

Block & Lot XX-1

Present Zoning R-4

Accessible to Public No

Additional Surveys _____

Original Use Residence / Girls' School

Date of Construction 1850-1870

Source of Date Estimate

Date of Major Known Remodeling _____

Source of Date _____

Architect or Builder Unknown

PHYSICAL DESCRIPTION

No. of Bays 3 No. of Stories 2

Roof Type hip with center gable

Porch Type single story across front

Building Materials: Clapboards ☐ Brick ☒ Stone ☐

Stucco ☐ Shingles ☐ Board & Batten ☐

Other: _____

Notable Architectural Features: Palladian window on second story; overall design matches closely 214 Fayette, 6/6 lights; bracketed porch and cornice

Significant Interior Details:

Date 6/76 Surveyed By WTF

Photograph Roll No. 2187 Neg. No. 8

Unknown

Significant Outbuildings or Landscape Features:
None

Architectural Style ☐ or

Characteristics ☒ :

Greek Revival ☐

Gothic Revival ☐

Stick Style ☐

Italianate ☒

Queen Anne ☐

Chateausque ☐

Romanesque Revival ☐

Shingle Style ☐

Colonial Revival ☐

Beaux Arts ☐

Vernacular ☐

Other _____



EVALUATION**Building Condition:**

Excellent ☐ (3)
 Good ☐ (2)
 Fair ☒ (1)
 Deteriorated ☐ (0)

Alteration of Original Design:

None or Minor ☐ (3)
 Moderate ☒ (2)
 Considerable ☐ (1)

Importance to Neighborhood:

Great ☐ (3)
 Moderate ☒ (2)
 Minor ☐ (1)

Incidence in Area:

Rare ☐ (2)
 Frequent ☒ (1)

Architectural Value:

Outstanding ☐ (6)
 Notable ☒ (4)
 Worthy of Mention ☐ (2)

Associative Value:

National ☐ (3)
 Regional ☐ (2)
 Local ☒ (1)
 Unknown ☐ (0)

TOTAL PRESERVATION VALUE: 11Category: A ☐ (15-20) B ☒ (11-14) C ☐ (6-10) D ☐ (0-5)**OLD MAP REFERENCES:**

YEAR	PAGE	USE
1857		
1870	A structure appears	
1877	Staunton Female Seminary	
1884	"	"
1886	5 Lutheran Female Seminary	
1891	6	"
1894	5	"
1899	11	"
1904	11 #207	Dwelling
1909	2 #208	"
1914	2	"
1921	2	"
1929	2	"
Other: _____		

OLD PHOTO REFERENCES:

Staunton: PP&F, p. 19
 Daily News 1896; page 32
 Staunton Dev. Co. Map 1891
 Augusta Historical Bulletin
 Volume 6 #1 page 17

BIBLIOGRAPHIC REFERENCES:

Daily News 1896; page 32
 (Dunsmore) 1885 atlas page 28
 (Staunton Female Seminary)

ADDITIONAL MAP INFORMATION:

MAJOR ALTERATIONS: As early as 1877, connected to adjoining #212 and 214. Center building removed, front porch altered from entrance porch to full porch, back L-shaped addition removed, 1894-1899; back porch removed, 1904-1909; back porch added 1914-1921.

DEED RESEARCH AND ADDITIONAL INFORMATION:

According to Staunton in 1896, the Dunsmore Business School took over the premises of the Female Seminary in the summer of 1896.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.	
Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.	

[61 a-b] The materials, design, and location at the back of the historic house are important factors in making this a compatible new addition. Photos: © Maxwell MacKenzie.



NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND
RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting.	



[62] The stair tower at the rear of this commercial building is a compatible new addition.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Rooftop Additions

Designing a compatible rooftop addition for a multi-story building, when required for a new use, that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets.

Constructing a rooftop addition that is highly visible, which negatively impacts the character of the historic building, its site, setting, or district.

[63] (a) A mockup should be erected to demonstrate the visibility of a proposed rooftop addition and its potential impact on the historic building. Based on review of this mockup (orange marker), it was determined that the rooftop addition would meet the Standards (b). The addition is unobtrusive and blends in with the building behind it.



NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND
RELATED NEW CONSTRUCTION

RECOMMENDED

Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building.

NOT RECOMMENDED

- Constructing a highly-visible, multi-story rooftop addition that alters the building's historic character.
- Constructing a rooftop addition on low-rise, one- to three-story historic buildings that is highly visible, overwhelms the building, and negatively impacts the historic district.
- Constructing a rooftop addition with amenities (such as a raised pool deck with plantings, HVAC equipment, or screening) that is highly visible and negatively impacts the historic character of the building.



[64] **Not Recommended:**
It is generally not appropriate to construct a rooftop addition on a low-rise, two- to three-story building such as this, because it negatively affects its historic character.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Related New Construction

Adding a new building to a historic site or property only if the requirements for a new or continuing use cannot be accommodated within the existing structure or structures.

Locating new construction far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting.

Adding a new building to a historic site or property when the project requirements could be accommodated within the existing structure or structures.

Placing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting.

[65] (a) This (far left) is a compatible new outbuilding constructed on the site of a historic plantation house (b). Although traditional in design, it is built of wood to differentiate it from the historic house (which is scored stucco) located at the back of the site so as not to impact the historic house, and minimally visible from the public right-of-way (c).



new
addition

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Designing new construction on a historic site or in a historic setting that it is compatible but differentiated from the historic building or buildings.	Replicating the features of the historic building when designing a new building, with the result that it may be confused as historic or original to the site or setting.
Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting.	
Ensuring that new construction is secondary to the historic building and does not detract from its significance.	Adding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting. Constructing a new building on a historic property or on an adjacent site that is much larger than the historic building. Designing new buildings or groups of buildings to meet a new use that are not compatible in scale or design with the character of the historic building and the site, such as apartments on a historic school property that are too residential in appearance.
Using site features or land formations, such as trees or sloping terrain, to help minimize the new construction and its impact on the historic building and property.	
Designing an addition to a historic building in a densely-built location (such as a downtown commercial district) to appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings.	

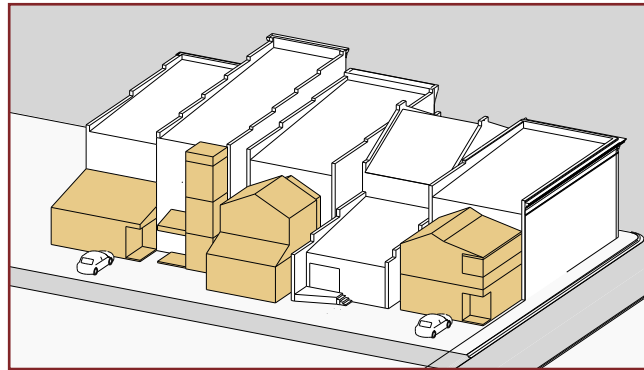
R. Additions

Additions to the existing historic buildings may be compatible with the design, scale, and architectural style of the original structure while still being differentiated from the historic building. In any case, the addition should be designed so that significant historic materials, features, and forms of the original building are maintained. There is no specific formula for the design of an addition; it can be any architectural style — traditional, contemporary or a simplified version of the historic building.

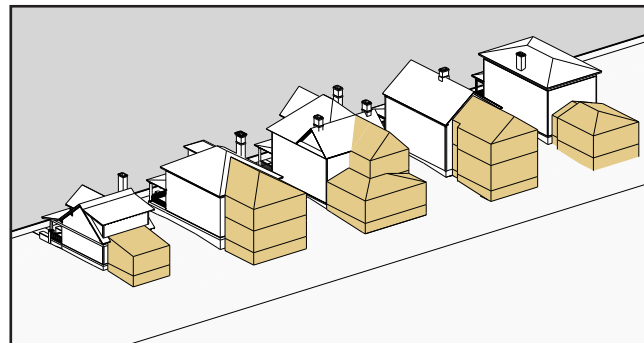
1. Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.
2. Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.
3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.
4. Maintain the original orientation of the structure. If the primary entrance is located on the street façade, it should remain in that location.

5. The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.
6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

(cont.)



Additions to commercial buildings are located on the rear elevation & not visible from primary streets.



These massing examples for new rear additions show various ways to add on without overpowering the historic dwelling.



The rear addition to this historic house in northern Virginia was designed to be compatible with the height, materials, openings, & roof form of the historic house.



This new porch addition was placed to the side & rear of the historic house & was designed to complement the existing design & take advantage of dramatic views of downtown Staunton's skyline.



The glass connector successfully attaches the new addition (rear) to the historic building (front).



The new rear addition in Warrenton, VA, respects the height, materials, & width of the historic building while having a contemporary 3rd floor balcony & 1st floor garages.



This rear addition in Lexington, VA, consists of new balconies, green roofs, & a contemporary rear entry block.

ROOFTOP ADDITIONS

The same guidance as above should be applied when designing a compatible rooftop addition, plus the following:

1. A rooftop addition is generally not appropriate for a one, two or three-story building—and often is not appropriate for taller buildings.
2. A rooftop addition should be minimally visible.
3. Generally, a rooftop addition must be set back at least one full bay from the primary elevation of the building, as well as from the other elevations if the building is freestanding or highly visible.
4. Generally, a rooftop addition should not be more than one story in height.
5. Generally, a rooftop addition is more likely to be compatible on a building that is adjacent to similarly sized or taller buildings.

Note: If the homeowner intends to take advantage of the available Virginia historic rehabilitation tax credits for the rehabilitation of the existing historic house, the design of any new addition will require design review at the state level even though the costs of the new addition cannot be calculated into the tax credits. While these guidelines follow the intent of the *Secretary of the Interior's Standards for Rehabilitation Projects*, interpretation of the standards by state review staff may differ from these guidelines.

It may be challenging to design an addition to a historic building, and in that regard, it is highly recommended for the owner(s) and their architect or designer read the following brief before starting such a project:

TECHNICAL INFORMATION

Preservation Brief #14

New Exterior Additions to Historic Buildings: Preservation Concerns

<https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>

DESIGN REVIEW CHECKLIST**SITE DESIGN****A. Connectivity Between Areas & Neighborhoods**

- ☐ pedestrian and vehicular links to neighborhoods/public places
- ☐ visual compatibility with area/neighborhood
- ☐ continuity of pedestrian routes
- ☐ connectivity with adjacent sites

B. Connectivity Between & Within Sites

- ☐ pedestrian links between buildings, parking and green spaces
- ☐ crosswalks at vehicular access points and building entrances
- ☐ visibility of crosswalks
- ☐ compatibility of paving materials
- ☐ pedestrian passageways through large masses of buildings

C. Building Arrangement

- ☐ building orientation to street/public space/other buildings
- ☐ setback correlation to zoning
- ☐ compact building arrangement
- ☐ contiguous street presence
- ☐ compatibility with adjacent neighborhoods/side streets
- ☐ orientation of service areas
- ☐ corner buildings have (2) facades

D. Parking

- ☐ reduced scale by division into modules with plantings, pedestrian paths
- ☐ screening from street and adjoining development
- ☐ pedestrian access by pathways/crossings

- ☐ reinforce streetwall
- ☐ minimal curb cuts
- ☐ architectural compatibility of structured parking
- ☐ bicycle parking facilities
- ☐ landscaping

E. Plantings & Open Space

- ☐ sufficient open space at perimeters of site
- ☐ planted areas: drainage areas, entries, buildings, parking
- ☐ preserve topography
- ☐ preserve existing landscape features
- ☐ appropriateness of plant species
- ☐ use of plantings as screening
- ☐ street trees to define edges, pedestrian routes, public spaces

F. Walls & Fences

- ☐ high-quality materials
- ☐ compatibility with site buildings
- ☐ height corresponding to adjacent sites
- ☐ setback for placement of utilities and plantings
- ☐ texture/modulation of design
- ☐ paint or stain pressure treated wood
- ☐ City requirements for sight distance
- ☐ planting density to provide year around visual screen

G. Lighting

- ☐ light fixture height
- ☐ coordinate lighting plan with landscape plan
- ☐ appropriate nighttime illumination
- ☐ pedestrian-scaled light poles
- ☐ shielded building accent lighting
- ☐ appropriate to neighboring uses

H. Signs (site and/or building)

- ☐ placement on building
- ☐ respectful of adjacent businesses
- ☐ compatibility of colors and materials with building
- ☐ minimal number of colors
- ☐ City's outdoor lighting requirements
- ☐ direct illumination away from residential areas and street
- ☐ monument signs with landscaping
- ☐ opaque background for internally lit signs

I. Utilities, Communications Equipment & Service Areas

- ☐ locate to minimize visual impact
- ☐ screening of dumpsters, service areas, loading docks
- ☐ utilities underground or to rear of site
- ☐ placement of noise-generating features
- ☐ rooftop screening

BUILDING DESIGN**A. Building Mass, Scale & Height**

- ☐ division of large facades into bays
- ☐ variety of materials
- ☐ appropriate mass for site
- ☐ modulated mass of transitional buildings
- ☐ use of mass reducing techniques

B. Architectural Style

- ☐ neighborhood identity
- ☐ diversity of traditional local materials
- ☐ smooth transition between developments
- ☐ compatibility with City vision
- ☐ upgrade of existing development

C. Facade Composition

- ☐ orientation to street or public space
- ☐ hierarchy of entry design
- ☐ partial orientation of shopping areas to adjoining neighborhoods
- ☐ avoid blank walls
- ☐ use of three-part facade design
- ☐ regular pattern of solid and voids
- ☐ openings consistent with context of building
- ☐ respect architectural traditions of region
- ☐ storefronts at street level

D. Roof Forms & Materials

- ☐ form complementary to building design/ contributes to human-scale
- ☐ shed roof screened with parapet wall
- ☐ large expanse of roof mass broken with gables, dormers, etc.
- ☐ key roof pitch to adjoining neighborhood where appropriate
- ☐ use of quality materials on visible roof areas
- ☐ screen rooftop equipment from view

E. Details

- ☐ details to create designs of interest
- ☐ human-scaled elements
- ☐ avoid blank walls
- ☐ scale of decorative elements
- ☐ compatibility of elements with architecture

F. Awnings

- ☐ coordination with overall color scheme
- ☐ not a primary design element
- ☐ not an illuminated sign
- ☐ material compatible with building

G. Materials & Textures

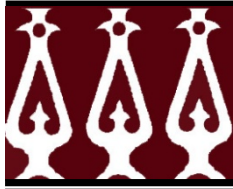
- ☐ material changes to reduce mass and provide interest
- ☐ avoid monotonous surfaces
- ☐ use of quality materials on all visible sides
- ☐ avoid concrete block, vinyl and aluminum siding

H. Color

- ☐ coordinated palette with limited number of colors
- ☐ primary colors should be natural tints
- ☐ reserve bright colors for accents
- ☐ color to reduce mass/provide visual interest
- ☐ avoid use of color that turns building into sign

I. Appurtenances

- ☐ screening from streets, adjacent sites, development access roads
- ☐ placement on least visible elevations
- ☐ coordination of colors



Historic Staunton Foundation
 20 South New Street
 Staunton Virginia, 24401
www.historicstaunton.org

STAUNTON HISTORIC PRESERVATION COMMISSION HSF Recommendation

May 20, 2020
 Continued June 18, 2020

Certificate of Appropriateness 208 Fayette Street Newtown Historic District Side Addition

Existing Condition: Built between 1850 and 1870 this is a 3 bay 2 story, brick residence with a hip roof, center gable, bracketed cornice with wide frieze board, central Palladian window on second story, six over six light, double hung wood sash windows, and central paneled entry door with sidelights and transom.

A single story porch with hip roof, supported on raised tall brick columns extends across the facade. Front porch includes bracketed cornice, square columns with capital and base, and balustrade with turned pickets. Central wood stairs with balustrade leads to the entry.

The north painted brick façade includes a pair of corbeled brick masonry chimneys, the bracketed cornice and paired 4 over 4 double hung wood sash windows on three stories.

The rear brick façade includes the bracketed cornice, six over six light, double hung wood sash windows on three stories and a two story shed roof porch. The shed roof is supported with square columns. A balustrade extends across the second floor.

The house was first constructed for the Lutheran Female Seminary. The progression of Sanborn Maps indicate a number of changes and building connections over time.

Proposed Work:

The applicant proposes to construct a significant addition on the North side of the house. Please review the complete application including architect's drawings and material list.

Discussion:

The Secretary of the Interior's Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Continued - The Secretary of the Interior's Standards for Rehabilitation:

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interior's Guidelines for Rehabilitation:

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character- defining interior spaces.
Constructing a new addition on a secondary or non-character defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the <u>least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.</u>	Attaching a new addition in a <u>manner that obscures, damages, or destroys character- defining features of the historic building.</u>
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the <u>addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.</u>	Constructing a new addition that is as large as or larger than the historic building, which <u>visually overwhelms it (i.e., results in the diminution or loss of its historic character).</u>
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting	

RECOMMENDED

NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
<u>Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.</u>	
<u>Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.</u>	

Please review the attached Secretary of Interior Rehabilitation Guidelines for Exterior Additions

See Staunton Residential Design Guidelines concerning additions to existing buildings.

Discussion:

Attached are the Guidelines for New Construction and Additions. Please review with the aid of the attached Design Review Check List.

<https://www.ci.staunton.va.us/home/showdocument?id=1672>

VII. Guidelines for Additions

R. Additions

Additions to the existing historic buildings may be compatible with the design, scale, and architectural style of the original structure while still being differentiated from the historic building. In any case, the addition should be designed so that significant historic materials, features, and forms of the original building are maintained. There is no specific formula for the design of an addition; it can be any architectural style - traditional, contemporary or a simplified version of the historic building.

1. Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.
2. Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.
3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.
4. Maintain the original orientation of the structure. If the primary entrance is located on the street facade, it should remain in that location.
5. The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.
6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

HSF Recommendation:

HSF continues its recommendation - the Certificate of Appropriateness for the addition be denied as proposed. The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch additions.

North Addition

The commission should consider how the addition meets the Staunton and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house. As designed, it will remove the paired windows on all three floors. The revised proposal does address utilizing a hyphen or connector. However, the visibility – including height and location as proposed continues to dominate the house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition continues to compete with the front façade. The setback from the front façade is minimal.
 3. *Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.*
- It appears the addition is designed to relate as approximately 1/3 the width of the house.
- Will continuing to utilizing proportional relationship of the addition help to address the visual dominance?
 - Will an addition that is one story shorter, or 1/3 proportionately shorter than the house relate better?
 - Will a shorter addition allow the third floor set of paired windows to remain? This may help provide acknowledge of the features.
 - Will utilizing diminishing opening sizes on each story help to balance vertical emphasis?
 - Will a longer hyphen, proportionally scaled to the width of the house provide better separation?
- As indicated on the illustration, the height of the revised addition continues to compete with the bracketed cornice. The paired historic windows (six in all) will be removed. Paired windows are a character-defining element of the Italianate Style.
 5. *The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.*

Secretary of Interior – not recommended:

Attaching a new addition in a manner that obscures, damages, or destroys character- defining features of the historic building.

- While the HPC does not review the desired functional program for the house and addition, the desired features appear to govern a large addition for this property. This relates to The Secretary of Interior Standard:
 1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
- Can some of the functions be incorporated into a partially enclosed rear porch?
- The flat roof does differentiate the addition. However, a similar or related roof form, such as a low hip, can help the addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.
 6. *The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.*
- The HPC has consistently required materials for new additions and infill buildings, including windows, to be painted. Specified elements should be constructed of materials that receive paint well.

Sample motion:

I move for denial of a Certificate of Appropriateness for the addition as proposed. Many of the guidelines relating to additions are not been addressed in a manner that will prevent an addition from competing with the historic house. As proposed the addition is not sympathetic the overall architectural character.

Alternate Motion - I request the applicant continue their application for a Certificate of Appropriateness for the addition to address the following. Many of the guidelines relating to additions are not been addressed in a manner that will prevent an addition from competing with the historic house. As revised proposals for an addition are not sympathetic the overall architectural character.

North Addition

The commission should consider how the addition meets the Staunton Guidelines and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house. The revised proposal does address utilizing a hyphen or connector. However, the visibility – including height and location as proposed continue to dominate the house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
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- As indicated on the illustration, the height of the revised addition continues to compete with the bracketed cornice. The paired historic windows (six in all) will be removed. Paired windows are a character-defining element of the Italianate Style.
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DESIGN REVIEW CHECKLIST**SITE DESIGN****A. Connectivity Between Areas & Neighborhoods**

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- ☐ screening from street and adjoining development
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- ☐ reinforce streetwall
- ☐ minimal curb cuts
- ☐ architectural compatibility of structured parking
- ☐ bicycle parking facilities
- ☐ landscaping

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- ☐ sufficient open space at perimeters of site
- ☐ planted areas: drainage areas, entries, buildings, parking
- ☐ preserve topography
- ☐ preserve existing landscape features
- ☐ appropriateness of plant species
- ☐ use of plantings as screening
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- ☐ compatibility with site buildings
- ☐ height corresponding to adjacent sites
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- ☐ texture/modulation of design
- ☐ paint or stain pressure treated wood
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G. Lighting

- ☐ light fixture height
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- ☐ appropriate nighttime illumination
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- ☐ rooftop screening

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- ☐ compatibility of elements with architecture

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- ☐ coordination with overall color scheme
- ☐ not a primary design element
- ☐ not an illuminated sign
- ☐ material compatible with building

G. Materials & Textures

- ☐ material changes to reduce mass and provide interest
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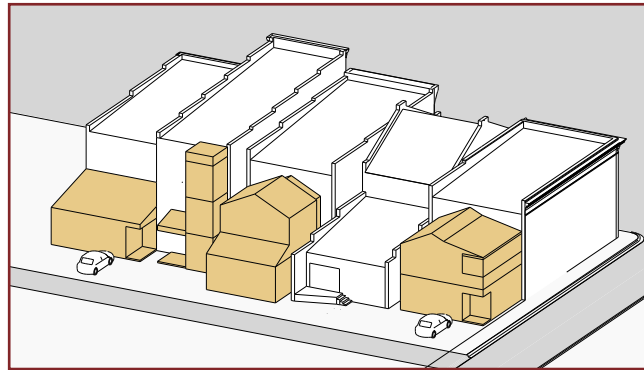
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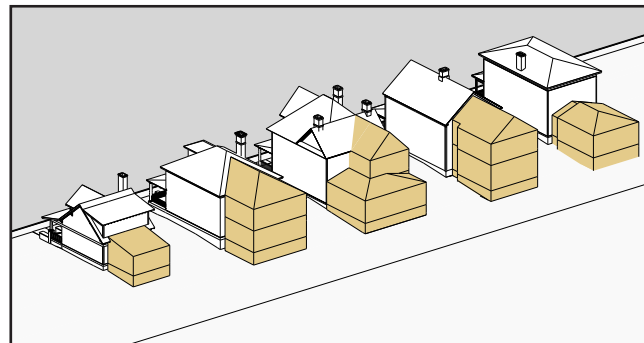
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3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.
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(cont.)



Additions to commercial buildings are located on the rear elevation & not visible from primary streets.



These massing examples for new rear additions show various ways to add on without overpowering the historic dwelling.



The rear addition to this historic house in northern Virginia was designed to be compatible with the height, materials, openings, & roof form of the historic house.



This new porch addition was placed to the side & rear of the historic house & was designed to complement the existing design & take advantage of dramatic views of downtown Staunton's skyline.



The glass connector successfully attaches the new addition (rear) to the historic building (front).



The new rear addition in Warrenton, VA, respects the height, materials, & width of the historic building while having a contemporary 3rd floor balcony & 1st floor garages.



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It may be challenging to design an addition to a historic building, and in that regard, it is highly recommended for the owner(s) and their architect or designer read the following brief before starting such a project:

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<https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>

LOCATION/OWNERSHIP

Name of Structure _____

Street Address 208 Fayette Street

Present Owner(s) Michael P. & Elizabeth W. Dyer

Mailing Address same

Present Use Residence

LEGAL DESCRIPTION

Account No. _____

Assessor's Map No. 375

Block & Lot XX-1

Present Zoning R-4

Accessible to Public No

Additional Surveys _____

Original Use Residence / Girls' School

Date of Construction 1850-1870

Source of Date Estimate

Date of Major Known Remodeling _____

Source of Date _____

Architect or Builder Unknown

PHYSICAL DESCRIPTION

No. of Bays 3 No. of Stories 2

Roof Type hip with center gable

Porch Type single story across front

Building Materials: Clapboards ☐ Brick ☒ Stone ☐

Stucco ☐ Shingles ☐ Board & Batten ☐

Other: _____

Notable Architectural Features: Palladian window on second story; overall design matches closely 214 Fayette, 6/6 lights; bracketed porch and cornice
Significant Interior Details: _____

Date 6/76 Surveyed By WTF

Photograph Roll No. 2187 Neg. No. 8

Unknown

Significant Outbuildings or Landscape Features: None

Architectural Style ☐ or

Characteristics ☒ :

Greek Revival ☐

Gothic Revival ☐

Stick Style ☐

Italianate ☒

Queen Anne ☐

Chateausque ☐

Romanesque Revival ☐

Shingle Style ☐

Colonial Revival ☐

Beaux Arts ☐

Vernacular ☐

Other _____



EVALUATION**Building Condition:**

Excellent ☐ (3)
 Good ☐ (2)
 Fair ☒ (1)
 Deteriorated ☐ (0)

Alteration of Original Design:

None or Minor ☐ (3)
 Moderate ☒ (2)
 Considerable ☐ (1)

Importance to Neighborhood:

Great ☐ (3)
 Moderate ☒ (2)
 Minor ☐ (1)

Incidence in Area:

Rare ☐ (2)
 Frequent ☒ (1)

Architectural Value:

Outstanding ☐ (6)
 Notable ☒ (4)
 Worthy of Mention ☐ (2)

Associative Value:

National ☐ (3)
 Regional ☐ (2)
 Local ☒ (1)
 Unknown ☐ (0)

TOTAL PRESERVATION VALUE: 11Category: A ☐ (15-20) B ☒ (11-14) C ☐ (6-10) D ☐ (0-5)**OLD MAP REFERENCES:**

YEAR	PAGE	USE
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1870	A structure appears	
1877	Staunton Female Seminary	
1884	"	"
1886	5 Lutheran Female Seminary	
1891	6	"
1894	5	"
1899	11	"
1904	11 #207	Dwelling
1909	2 #208	"
1914	2	"
1921	2	"
1929	2	"
Other: _____		

OLD PHOTO REFERENCES:

Staunton: PP&F, p. 19
 Daily News 1896; page 32
 Staunton Dev. Co. Map 1891
 Augusta Historical Bulletin
 Volume 6 #1 page 17

BIBLIOGRAPHIC REFERENCES:

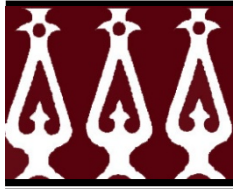
Daily News 1896; page 32
 (Dunsmore) 1885 atlas page 28
 (Staunton Female Seminary)

ADDITIONAL MAP INFORMATION:

MAJOR ALTERATIONS: As early as 1877, connected to adjoining #212 and 214. Center building removed, front porch altered from entrance porch to full porch, back L-shaped addition removed, 1894-1899; back porch removed, 1904-1909; back porch added 1914-1921.

DEED RESEARCH AND ADDITIONAL INFORMATION:

According to Staunton in 1896, the Dunsmore Business School took over the premises of the Female Seminary in the summer of 1896.



Historic Staunton Foundation
20 South New Street
Staunton Virginia, 24401
www.historicstaunton.org

STAUNTON HISTORIC PRESERVATION COMMISSION HSF Recommendation

May 20, 2020
Continued June 18, 2020
Continued July, 21 2020

Certificate of Appropriateness 208 Fayette Street Newtown Historic District Side Addition

Existing Condition: Built between 1850 and 1870 this is a 3 bay 2 story, brick residence with a hip roof, center gable, bracketed cornice with wide frieze board, central Palladian window on second story, six over six light, double hung wood sash windows, and central paneled entry door with sidelights and transom.

A single story porch with hip roof, supported on raised tall brick columns extends across the facade. Front porch includes bracketed cornice, square columns with capital and base, and balustrade with turned pickets. Central wood stairs with balustrade leads to the entry.

The north painted brick façade includes a pair of corbeled brick masonry chimneys, the bracketed cornice and paired 4 over 4 double hung wood sash windows on three stories.

The rear brick façade includes the bracketed cornice, six over six light, double hung wood sash windows on three stories and a two story shed roof porch. The shed roof is supported with square columns. A balustrade extends across the second floor.

The house was first constructed for the Lutheran Female Seminary. The progression of Sanborn Maps indicate a number of changes and building connections over time.

Proposed Work:

The applicant proposes to construct a significant addition on the North side of the house. Please review the complete application including architect's drawings and material list.

Discussion:

The Secretary of the Interior's Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Continued - The Secretary of the Interior's Standards for Rehabilitation:

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interior's **Guidelines for Rehabilitation:**

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character- defining interior spaces.
Constructing a <u>new addition on a secondary or non-character defining elevation and limiting its size and scale in relationship to the historic building.</u>	Constructing a <u>new addition on or adjacent to a primary elevation of the building</u> which negatively impacts the building's historic character.
Constructing a new addition that results in the <u>least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.</u>	Attaching a new addition in a <u>manner that obscures, damages, or destroys character- defining features of the historic building.</u>
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the <u>addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.</u>	Constructing a new addition that is as large as or larger than the historic building, which <u>visually overwhelms it (i.e., results in the diminution or loss of its historic character).</u>
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	

Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting	
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Continued - The Secretary of the Interior's Guidelines for Rehabilitation

RECOMMENDED

NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
<u>Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.</u>	
<u>Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.</u>	

Please review the previously provided Secretary of Interior Rehabilitation Guidelines for Exterior Additions

See Staunton Residential Design Guidelines concerning additions to existing buildings.

Discussion:

See the Guidelines for New Construction and Additions. Please review with the aid of the Design Review Check List.
<https://www.ci.staunton.va.us/home/showdocument?id=1672>

VII. Guidelines for Additions

R. Additions

Additions to the existing historic buildings may be compatible with the design, scale, and architectural style of the original structure while still being differentiated from the historic building. In any case, the addition should be designed so that significant historic materials, features, and forms of the original building are maintained. There is no specific formula for the design of an addition; it can be any architectural style - traditional, contemporary or a simplified version of the historic building.

1. Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.
2. Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.
3. Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.
4. Maintain the original orientation of the structure. If the primary entrance is located on the street facade, it should remain in that location.
5. The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.

6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.

July 2020 - HSF Continues the previous recommendation.

The changes provided do help divide the elevation and the street level views better illustrate size and scale. The view from Fayette Street is significant and competes with the historic façade. Other challenges were previously outlined. The most significant challenges continue to be the three-story height and the appearance of a flat roof.

HSF Recommendation:

HSF continues its recommendation - the Certificate of Appropriateness for the addition be denied as proposed.

The proposed design does incorporate sympathetic features including brick masonry, wood siding and trim, and glass fenestration. The form relates an early 20th century sleeping porch additions.

North Addition

The commission should consider how the addition meets the Staunton and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house. As designed, it will remove the paired windows on all three floors. The revised proposal does address utilizing a hyphen or connector. However, the visibility – including height and location as proposed continues to dominate the house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition continues to compete with the front façade. The setback from the front façade is minimal.
 3. *Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.*
- It appears the addition is designed to relate as approximately 1/3 the width of the house.
- Will continuing to utilizing proportional relationship of the addition help to address the visual dominance?
 - o Will an addition that is one story shorter, or 1/3 proportionately shorter than the house relate better?
 - o Will a shorter addition allow the third floor set of paired windows to remain? This may help provide acknowledge of the features.
 - o Will utilizing diminishing opening sizes on each story help to balance vertical emphasis?
 - o Will a longer hyphen, proportionally scaled to the width of the house provide better separation?
- As indicated on the illustration, the height of the revised addition continues to compete with the bracketed cornice. The paired historic windows (six in all) will be removed. Paired windows are a character-defining element of the Italianate Style.
 5. *The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.*

Secretary of Interior – not recommended:

Attaching a new addition in a manner that obscures, damages, or destroys character- defining features of the historic building.

- While the HPC does not review the desired functional program for the house and addition, the desired features appear to govern a large addition for this property. This relates to The Secretary of Interior Standard:
1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Can some of the functions be incorporated into a partially enclosed rear porch?
- The flat roof does differentiate the addition. However, a similar or related roof form, such as a low hip, can help the addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.
6. The new work should be differentiated from the old while being compatible with its massing, form, scale, directional expression, roof forms and materials, foundation, fenestration, and materials.
- The HPC has consistently required materials for new additions and infill buildings, including windows, to be painted. Specified elements should be constructed of materials that receive paint well.

Sample motion:

I move for denial of a Certificate of Appropriateness for the addition as proposed. Many of the guidelines relating to additions are not been addressed in a manner that will prevent an addition from competing with the historic house. As proposed the addition is not sympathetic the overall architectural character.

Alternate Motion - I request the applicant continue their application for a Certificate of Appropriateness for the addition to address the following. Many of the guidelines relating to additions are not been addressed in a manner that will prevent an addition from competing with the historic house. As revised proposals for an addition are not sympathetic the overall architectural character.

North Addition

The commission should consider how the addition meets the Staunton Guidelines and Secretary of Interior Guidelines.

- The proposed addition is located on a prominent side of the house. The revised proposal does address utilizing a hyphen or connector. However, the visibility – including height and location as proposed continue to dominate the house.
 1. *Attempt to locate the addition on the rear elevation so that it is minimally visible from the street.*
 2. *Attach new additions or alterations to existing buildings in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired. A short narrow connector or small hyphen can provide the link between old and new that limits damage to the historic fabric of the original.*
- The height and scale of the addition continues to compete with the front façade. The separation from the front façade is minimal.
 3. *Limit the size of the addition so that it does not visually overpower the existing building; it should be subordinate to the historic structure.*
- As indicated on the illustration, the height of the revised addition continues to compete with the bracketed cornice. The paired historic windows (six in all) will be removed. Paired windows are a character-defining element of the Italianate Style.
 5. *The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.*

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Attaching a new addition in a manner that obscures, damages, or destroys character- defining features of the historic building.
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 1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
- The flat roof does differentiate the addition. However, a similar or related roof form, such as a low hip, can help the addition be compatible with an adjoining historic structure. The proposed modern materials alone will accomplish differentiation. Aluminum clad windows may not relate traditional materials well.
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- The HPC has consistently required materials for new additions and infill buildings, including windows, to be painted. Specified elements should be constructed of materials that receive paint well.

LOCATION/OWNERSHIP

Name of Structure _____

Street Address 208 Fayette Street

Present Owner(s) Michael P. & Elizabeth W. Dyer

Mailing Address same

Present Use Residence

LEGAL DESCRIPTION

Account No. _____

Assessor's Map No. 375

Block & Lot XX-1

Present Zoning R-4

Accessible to Public No

Additional Surveys _____

Original Use Residence / Girls' School

Date of Construction 1850-1870

Source of Date Estimate

Date of Major Known Remodeling _____

Source of Date _____

Architect or Builder Unknown

PHYSICAL DESCRIPTION

No. of Bays 3 No. of Stories 2

Roof Type hip with center gable

Porch Type single story across front

Building Materials: Clapboards ☐ Brick ☒ Stone ☐

Stucco ☐ Shingles ☐ Board & Batten ☐

Other: _____

Notable Architectural Features: Palladian window on second story; overall design matches closely 214 Fayette, 6/6 lights; bracketed porch and cornice
Significant Interior Details: _____

Date 6/76 Surveyed By WTF

Photograph Roll No. 2187 Neg. No. 8

Unknown

Significant Outbuildings or Landscape Features: None

Architectural Style ☐ or

Characteristics ☒ :

Greek Revival ☐

Gothic Revival ☐

Stick Style ☐

Italianate ☒

Queen Anne ☐

Chateausque ☐

Romanesque Revival ☐

Shingle Style ☐

Colonial Revival ☐

Beaux Arts ☐

Vernacular ☐

Other _____



EVALUATION**Building Condition:**

Excellent ☐ (3)
 Good ☐ (2)
 Fair ☒ (1)
 Deteriorated ☐ (0)

Alteration of Original Design:

None or Minor ☐ (3)
 Moderate ☒ (2)
 Considerable ☐ (1)

Importance to Neighborhood:

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 Moderate ☒ (2)
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 Frequent ☒ (1)

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 Notable ☒ (4)
 Worthy of Mention ☐ (2)

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 Regional ☐ (2)
 Local ☒ (1)
 Unknown ☐ (0)

TOTAL PRESERVATION VALUE: 11Category: A ☐ (15-20) B ☒ (11-14) C ☐ (6-10) D ☐ (0-5)**OLD MAP REFERENCES:**

YEAR	PAGE	USE
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BIBLIOGRAPHIC REFERENCES:

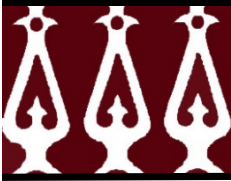
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DEED RESEARCH AND ADDITIONAL INFORMATION:

According to Staunton in 1896, the Dunsmore Business School took over the premises of the Female Seminary in the summer of 1896.



Historic Staunton Foundation

20 South New Street

Staunton Virginia, 24401

www.historicstaunton.org

STAUNTON CITY COUNCIL

August 3, 2020

HSF Brief

Appeal of the HPC Decision for 208 Fayette Street

New Addition

Newtown Historic District

Discussion:

Please read the complete HPC review conducted for the Historic Preservation Commission. This document is an outline providing an architectural description, existing conditions, proposed changes, and an outline of Guidelines applicable to the project. The review helps the Commission establish a “finding of fact” relevant to the adopted Zoning, that again establishes a basis of information including location in a historic district, view of the features from a public street, and establishes elements relating the historic character of the property. Applicable Historic District Guidelines as adopted by the City of Staunton were outlined.

Further Review Discussion:

Following the Staunton Guidelines – the review followed section VII. Guidelines for Additions.

<https://www.ci.staunton.va.us/home/showdocument?id=1672>

The reviews conducted also reference the Secretary of Interior Standards for Rehabilitation and the Secretary of Interior Guidelines for Rehabilitation that are a basis for local guidelines. Council is encouraged to read sections **I. Introduction** and **II. Guidelines for Planning your Project** of the Staunton Guidelines. In addition to reviewing the Guidelines, a helpful process is to work through the proposed project with the aid of the **Design Review Check List found in Appendix 2A.**

VII. Guidelines for Additions

R. Additions

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5. The new design should not use the same wall plane, roof line, cornice height, and identical materials that make the addition appear original to the historic building.
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The Secretary of the Interior's Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
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3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

For further reading and explanation:

Please read the attached NPS Introduction to Rehabilitation

Recommendation:

HSF recommends Council uphold the decision reached by the Historic Preservation Commission. The Commission reviewed the existing conditions and considered the proposed changes in relation to the adopted guidelines in reaching their decision.

STANDARDS FOR REHABILITATION & GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

Rehabilitation

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.



Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
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10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

INTRODUCTION

In **Rehabilitation**, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation. However, greater latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings** to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials. Of the four treatments, only **Rehabilitation** allows alterations and the construction of a new addition, if necessary for a continuing or new use for the historic building.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Rehabilitation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Rehabilitation** work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and

during rehabilitation work. A historic building undergoing rehabilitation will often require more extensive work. Thus, an overall evaluation of its physical condition should always begin at this level.

Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, *repairing* is recommended. **Rehabilitation** guidance for the repair of historic materials, such as masonry, again begins with the least degree of intervention possible. In rehabilitation, repairing also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing components of features when there are surviving prototypes features that can be substantiated by documentary and physical evidence. Although using the same kind of material is always the preferred option, a substitute material may be an acceptable alternative if the form, design, and scale, as well as the substitute material itself, can effectively replicate the appearance of the remaining features.

Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, **Rehabilitation** guidance is provided for *replacing* an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair. If the missing feature is character defining or if it is critical to the survival of the building (e.g., a roof), it should be replaced to match the historic feature based on physical or his-

toric documentation of its form and detailing. As with repair, the preferred option is always replacement of the entire feature in kind (i.e., with the same material, such as wood for wood). However, when this is not feasible, a compatible substitute material that can reproduce the overall appearance of the historic material may be considered.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, the guidelines never recommend removal and replacement with new material of a feature that could reasonably be repaired and, thus, preserved.

Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing, such as a porch, it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historic appearance. If the feature is not critical to the survival of the building, allowing the building to remain without the feature is one option. But if the missing feature is important to the historic character of the building, its replacement is always recommended in the **Rehabilitation** guidelines as the first, or preferred, course of action. If adequate documentary and physical evidence exists, the feature may be accurately reproduced. A second option in a rehabilitation treatment for replacing a missing feature, particularly when the available information about the feature is inadequate to permit an accurate reconstruction, is to *design* a new feature that is compatible with the overall historic character of the building. The new design should always take into account the size, scale, and material of the building itself and should be clearly differentiated from the authentic historic features. For properties that have changed over time, and where those changes have acquired

significance, reestablishing missing historic features generally should not be undertaken if the missing features did not coexist with the features currently on the building. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history.

Alterations

Some exterior and interior alterations to a historic building are generally needed as part of a **Rehabilitation** project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance.

Code-Required Work: Accessibility and Life Safety

Sensitive solutions to meeting code requirements in a **Rehabilitation** project are an important part of protecting the historic character of the building. Work that must be done to meet accessibility and life-safety requirements must also be assessed for its potential impact on the historic building, its site, and setting.

Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a **Rehabilitation** project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

Sustainability

Sustainability should be addressed as part of a **Rehabilitation** project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. Only sustainability treatments should be considered that will have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*.

New Exterior Additions and Related New Construction

Rehabilitation is the only treatment that allows expanding a historic building by enlarging it with an addition. However, the **Rehabilitation** guidelines emphasize that new additions should be considered only after it is determined that meeting specific new needs cannot be achieved by altering non-character-defining interior spaces. If the use cannot be accommodated in this way, then an attached exterior addition may be considered. New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted. Generally, a new addition should be subordinate to the historic building. A new addition should be compatible, but differentiated enough so that it is not confused as historic or original to the building. The same guidance applies to new construction so that it does not negatively impact the historic character of the building or its site.

Rehabilitation as a Treatment. *When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.*

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.	Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.	
Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.	
Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.	

[61 a-b] The materials, design, and location at the back of the historic house are important factors in making this a compatible new addition. Photos: © Maxwell MacKenzie.



NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND
RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting.	



[62] The stair tower at the rear of this commercial building is a compatible new addition.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Rooftop Additions

Designing a compatible rooftop addition for a multi-story building, when required for a new use, that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets.

Constructing a rooftop addition that is highly visible, which negatively impacts the character of the historic building, its site, setting, or district.

[63] (a) A mockup should be erected to demonstrate the visibility of a proposed rooftop addition and its potential impact on the historic building. Based on review of this mockup (orange marker), it was determined that the rooftop addition would meet the Standards (b). The addition is unobtrusive and blends in with the building behind it.



NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND
RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building.	Constructing a highly-visible, multi-story rooftop addition that alters the building's historic character. Constructing a rooftop addition on low-rise, one- to three-story historic buildings that is highly visible, overwhelms the building, and negatively impacts the historic district. Constructing a rooftop addition with amenities (such as a raised pool deck with plantings, HVAC equipment, or screening) that is highly visible and negatively impacts the historic character of the building.



[64] **Not Recommended:**
It is generally not appropriate to construct a rooftop addition on a low-rise, two- to three-story building such as this, because it negatively affects its historic character.

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED

NOT RECOMMENDED

Related New Construction

Adding a new building to a historic site or property only if the requirements for a new or continuing use cannot be accommodated within the existing structure or structures.

Locating new construction far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting.

Adding a new building to a historic site or property when the project requirements could be accommodated within the existing structure or structures.

Placing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting.

[65] (a) This (far left) is a compatible new outbuilding constructed on the site of a historic plantation house (b). Although traditional in design, it is built of wood to differentiate it from the historic house (which is scored stucco) located at the back of the site so as not to impact the historic house, and minimally visible from the public right-of-way (c).



new
addition

NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Designing new construction on a historic site or in a historic setting that it is compatible but differentiated from the historic building or buildings.	Replicating the features of the historic building when designing a new building, with the result that it may be confused as historic or original to the site or setting.
Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting.	
Ensuring that new construction is secondary to the historic building and does not detract from its significance.	Adding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting. Constructing a new building on a historic property or on an adjacent site that is much larger than the historic building. Designing new buildings or groups of buildings to meet a new use that are not compatible in scale or design with the character of the historic building and the site, such as apartments on a historic school property that are too residential in appearance.
Using site features or land formations, such as trees or sloping terrain, to help minimize the new construction and its impact on the historic building and property.	
Designing an addition to a historic building in a densely-built location (such as a downtown commercial district) to appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings.	

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	August 13, 2020	Steven L. Rosenberg City Manager
Item #	D	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Resolution Consenting to and Confirming Declaration of Local Emergency Beginning August 8, 2020	

Background: In response to a significant weather event that occurred on Saturday, August 8, 2020, and the effects from it, involving sudden, sustained torrential rainfall and flooding, and real and personal property damage suffered by businesses and individuals, the City Manager, in his capacity as Director of Local Emergency Management, retroactively declared a local emergency effective as of August 8, 2020.

By such a declaration, the City positioned itself to undertake measures in response to the significant weather event. Under state law, the City Council must consent to and confirm such a declaration.

Council is requested to consider and adopt the attached resolution (to which a copy of the declaration of local emergency will be attached) that recites the circumstances and declaration of the local emergency and consents to and confirms the declaration and authorizes waiver of fees under Staunton City Code Section 15.10.120.

Attachments:

- Attachment 1— Declaration of Local Emergency by the City of Staunton Local Director of Emergency Management
- Attachment 2— Draft Resolution of the Council of the City of Staunton, Virginia Consenting to and Confirming Declaration of a Local Emergency Beginning August 8, 2020

City Manager's Recommendation: Recommend adoption of the resolution, as presented.

Suggested Motion: I move to adopt the resolution consenting to and confirming the declaration of a local emergency beginning August 8, 2020, in the City of Staunton.

City Manager: Steven L. Rosenberg

WHEREAS, retroactive to Saturday, August 8, 2020, Steven L. Rosenberg, City Manager and Emergency Management Director of the City of Staunton, Virginia did find and declares:

Date: _____

50 Time: _____

51

52 Attest: _____

53 Suzanne F. Simmons, Clerk of Council

54

DRAFT

- A.** Virginia Code § 44-146.21 authorizes the declaration of a local emergency;
- B.** Section 11 of the Charter of the City of Staunton also grants broad powers to City Council;
- C.** Retroactive to August 8, 2020, Steven L. Rosenberg, City Manager and Emergency Management Director of the City of Staunton, Virginia did find and declare:

C.2. That due to the significant weather event a condition of extreme peril to life and property necessitated and merited such declaration or proclamation of the existence of a local emergency beginning August 8, 2020 and such circumstances continue, with some citizens and local business owners reportedly dealing with continuing conditions of sufficient severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused or being caused; and

NOW, THEREFORE, the Council of the City of Staunton, Virginia:

2. **CONFIRMS, RESOLVES, DECLARES AND ORDERS** that during the existence of such emergency, the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City staff shall be those prescribed by Virginia law and the ordinances, resolutions, and approved plans

of the City of Staunton in order to mitigate and otherwise address the effects of such emergency;
and

3. **RESOLVES** that now and retroactively to and including August 8, 2020, Council
CONSENTS to and **CONFIRMS** such declaration of local emergency, and **RATIFIES** and
AFFIRMS that all City officials are granted such authority, pursuant to extant law, in such
circumstances to take all actions, to the fullest extent permitted by law, to prevent or alleviate the
damage, loss, hardship or suffering threatened or caused or being caused by such local emergency;
and

4. **RESOLVES** that, under the unique circumstances, to the extent necessary, the City
Manager or designee is authorized to waive any building permit fees under Staunton City Code
Section 15.10.120 as to any construction and demolition for property damaged as a result of the
August 8, 2020 weather event and necessarily the effects from it for any person, including a
corporate entity, current with payment of all obligations otherwise to the City.

Introduced: August 13, 2020

Adopted: August 13, 2020

Effective: Retroactively as provided

Andrea W. Oakes, Mayor

Attest: _____
Suzanne F. Simmons, Clerk of Council