

Minutes
October 8, 2009
Annual Guidelines Review
North End - Huntington Heights Architectural Review Board

The meeting was called to order at 6:00

Members present:

Chip Carpenter, Mary Kayaselcuk, Phil Shook, Robin Stippich, Deirdre Wells

Members Absent: Daniel Peters. The Board has one vacancy.

Staff present: David Watson, Saul Gleiser

Mr. Carpenter began the meeting by welcoming the public to the annual guidelines review, noting that there were five topics open for discussion.

The first topic addressed the addition of solar panels, and the following language was reviewed and approved:

1. Section IV.H. ROOFING
4. Solar Panels
 - a. The surface area of the solar panel may not be visible from the front of the house nor from the side facing a street if the property is a corner lot.
 - b. Panels may only be installed on the rear roof.
 - c. Panels shall be uniformly colored.
 - d. Panels must be fixed and not moveable.
 - e. Roofing under the panels must comply with standards set forth in the Guidelines.
 - f. The panels must be parallel to the existing roof and may not extend more than six inches above the roof surface.

Ms. Wells made the motion to approve

Mr. Shook provided a second

Aye: Kayaselcuk, Shook, Stippich, Wells, Carpenter

Nay:

Motion carried 5:0

The second topic for review provided for the administrative review of fencing.

Section E. FENCES, WALLS, AND RETAINING WALLS Administrative Review

Administrative Review for the following fence types: Picket; Board and Batten; Post and Rail; Shadow box; Cast/wrought iron; Stockade. The Board recommended that the following wording should be added at the end of Section E: NOTE: Vinyl, PVC and aluminum may be used in the above listed styles. Finish should mimic original materials.

Mr. Shook made a motion to approve this amendment.

Ms. Wells provided a second

Aye: Kayaselcuk, Shook, Stippich, Wells, Carpenter

Nay:

Motion carried 5:0

Also in regard to fencing, the Board also modified the Guidelines to allow the placement of rear yard fencing to align with the rearmost element of the front façade rather than the midpoint of the house.

The motion to approve this amendment was made by Ms. Wells
Ms. Kayaselcuk provided a second.

Aye: Kayaselcuk, Shook, Wells
Nay: Stippich, Carpenter
The amendment passed 3:2

The following modification regarding accessory structures was approved:

2. Section III. G. ACCESSORY BUILDINGS 2. Fenestration and Doors

The following proposed sentence modification is denoted in bold italics: A building greater than 80 square feet shall have at least one window ***on the ground floor level.*** (garages and sheds).

Ms. Wells made the motion to approve the amendment.
Mr. Shook made provided a second.

Aye: Kayaselcuk, Shook, Stippich, Wells, Carpenter
Nay:
Motion carried 5:0

The Board discussed the addition of appendices to Section III addressing energy efficient modifications to structures. The Board amended the proposal to change the wording energy efficiency to sustainability.

The following wording was approved:

III. GENERAL GUIDELINES

H. SUSTAINABILITY MODIFICATIONS

1. The Board recognizes the recent shift in public awareness of energy management and, as such, is willing to support such modifications to existing homes and properties. However, the Board continues to stand firm that any such modifications will not affect the overall historical character of the home and/or property.
2. Energy efficient modifications and features may include, but are not limited to, rain barrels, porous pavements, window tinting, and various landscaping features.
3. Any modifications for energy management must be presented to the Board for approval. The Board is concerned with visibility from street frontage, screening options, and overall historical character of the modified property.
4. Materials used and arrangement of such items may not obscure, radically change, damage, or destroy any historical character defining feature of the home.

5. The Board will consider not only the details of installation, but also how such installation will be removed and what effect removal would have on the structure or property. The method of eventual removal and the repair of any resulting damage shall be clearly identified in any COA application.

Mr. Shook made a motion to approve the amendment
Ms. Wells provided a second.

Aye: Kayaselcuk, Shook, Stippich, Wells, Carpenter
Nay:
Motion carried 5:0

The Board heard a proposed modification from staff that would exempt from review those areas not visible from the public right-of-way. It was noted that discussion and voting would be tabled until a later meeting:

Staff read the following statement:

Members of the Board, since our last meeting, issues have been brought to my attention that necessitate review of the policy of reviewing exterior changes to structures when these changes are not visible from the public right-of-way. In the past, the Board has granted limited leeway to applicants in regard to improvements that cannot be seen, but there is no formal policy allowing this in the Guidelines.

There is precedence around Virginia where Architectural Review Boards exempt non-visible areas from review. Architectural Review Boards in Virginia are charged with preserving the historic character of their respective districts. City attorneys in Norfolk and Richmond, and the county attorney for Isle of Wight, have interpreted protecting historical character to mean that only those areas that are visible from the public rights-of-way fall under the purview of ARB. I have asked the Newport News City Attorney to provide an opinion on this matter and his response was that exempting these areas from review is a prudent practice that the Board should consider, and the city manager concurred.

Staff recommends the consideration of adopting the policy of exempting exterior changes which are not visible from the public rights-of-way from Board review. However, this policy change was not mentioned in the public ad as required by City Ordinance. It is therefore recommended that the Board table discussion of this issue until the regularly scheduled November 5, 2009 meeting. This will allow an ad to be placed in the Sunday, November 1 Daily Press notifying the public of this discussion.

Staff recommends adopting the following language into the Guidelines:

Section III C. Policy 2. c. The function of the Architectural Review Board is to preserve the historical character of the North End Huntington Heights Historic District. Exterior changes to the structure or building that are not visible from the public right-of-way do not impact the character of the district and therefore will not require review by the Board.

The Board expressed a great deal of reluctance over this proposal and asked staff to provide examples from other localities that have this policy. Staff noted that policy in Richmond was based on court cases. The Board is required to visit the site to review the proposal. If the activity cannot be observed without trespassing on the property, the City Attorney stated that it could not be subject to review by the Board.

Ms. Stippich made a motion to table discussion of this proposal until the regularly scheduled January 8, 2010 meeting.

Ms. Kayaselcuk provided a second.

Aye: Kayaselcuk, Shook, Stippich, Wells, Carpenter

Nay:

Motion carried 5:0

Mr. Carpenter called for any additional public comment. Mr. Drew Velkey of 5812 Huntington Avenue asked if the appendices addressing sustainability would also cover green roofs. Ms. Wells said that it would.

Hearing no more public comment the meeting adjourned.

