

**MEETING MINUTES
PURCELLVILLE PLANNING COMMISSION SPECIAL MEETING
THURSDAY, SEPTEMBER 9, 2021, 7:00 PM
TOWN HALL COUNCIL CHAMBERS**

Meeting audio recording provided at the following link: <https://purcellvilleva.new.swagit.com/videos/136757>

COMMISSIONERS PRESENT:

Nedim Ogelman, Chair/Commissioner
Ed Neham, Vice Chair/Commissioner (Participated remotely from residence due to medical disability)
Stosh Kowalski, Commissioner
Stanley Milan, Town Council Liaison
Chip Paciulli, Commissioner
Nan Forbes, Commissioner
Boo Bennett, Commissioner

STAFF PRESENT:

Andy Conlon, Senior Planner
Max Inaba, IT Specialist

STAFF PARTICIPATION REMOTELY:

Sally Hankins, Town Attorney
Kimberly Bandy, Deputy Town Clerk

CALL TO ORDER

Chair Ogelman called the meeting to order at 7:12 PM. Council Chambers was experiencing technical difficulties. Those participating remotely could hear the meeting and only participate through the Chat and not audio. Commissioner Kowalski then led the Pledge of Allegiance.

STATEMENT OF PURPOSE:

Chair Ogelman stated that this meeting was being held for follow up from the public hearing and its' proposal ordinance suggestion. This meeting is to answer previous citizen concerns/ questions and to share the gathered answers from citizen suggestions.

CITIZEN COMMENTS (first opportunity)

An unidentified participant from the crowd asked if there would be a vote from the citizens on this ordinance. Chair Ogelman stated that referendum is not allowed in the state of Virginia. This decision would be based upon the current Comprehensive Plan that reflects the will of the citizens.

COMMISSIONER COMMENTS:

Chair Ogelman called upon the Town Attorney and she was unable to be heard. Chair Ogelman requested that the Town Attorney correct anything in his following summarization of her items. The two items focused on by the Town Attorney was; 1) Legislation to possibly opt-out and 2) Research on town wide demolition provision. Ultimately the opt-out is not an option if this ordinance were to pass and town wide demolition is not possible under Virginia law. Ms. Hankins confirmed this shared statement.

(Chair Ogelman referenced the power point document maps shared at the meeting which will be included at the end of these minutes.)

Commissioner Kowalski reached out to a dozen insurance companies and received the same answer regarding owning a designated Historic property there are higher costs to repair/replace, but being a part of a historically contributing district this would not affect insurance costs and there are no declarations necessary.

Chair Ogelman shared that the principle focus would be on the mainly used structures on and within the property, referencing a map, and there is a decision trying to be made on the boundaries of this historic district.

Commissioner Bennett addressed the sale of a residence if it were to be within this historic district zone and reiterated that preservation is not the focus as proposed in 2006-2007 and citizens were not going to have to answer to everything a homeowner does to their home. She shared findings that the assessed evaluation when in a historic zone increases substantially over decades, owner occupancy is maintained at an often higher rate, and sales prices like assessed values increase.

Commissioner Forbes shared that the focus of this ordinance was to implement goals set from the Comprehensive Plan in maintaining small town character by expanding the historic district and to not have small town HOA for citizens that are within this district, but to only have a process set in place to review potential demolition. Chair Ogelman read a chat question from Ty R. regarding any impact on citizens wishing to install energy efficient windows, siding to their home, requiring use period materials instead of modern equivalents or any prohibition on solar array installation in which he answered not from this legislation. Kathy Ruckman commented in requesting to see the actual legislation. Chair Ogelman explained that there would probably be a need for another public hearing to go through this process again to present the actual documentation.

CITIZEN COMMENTS

Rick Ortmann, 140 S. 29th Street, asked why demolition is bad. Chair Ogelman shared it is a way to fulfill the requests to preserve the small town feel and character of the town stated in the Comp Plan referencing the architecture and structures that exist being significant to the look and feel of the town. Mr. Ortmann continued to share that the attempt to control demolition would be wrong. Commissioner Kowalski shared that the Commissioners do use subjective opinions and that they are not hired consultants and are citizens of the town trying to best represent other citizens.

Ms. Visna, 241 W. J. Street, shared her concern that in 2013 when moving to town that Town Hall had been packed with citizens wanting to hear the potential impact of downtown and the building of homes that are of concern for an individual economic gain but not best for the neighborhood or community. She shared that the Planning Commission is listening to citizen concerns from meeting to meeting.

Mr. Christopher, 11th Street, who holds a permit for demolition of his property is concerned what he will be told on what he can or cannot build. Chair Ogelman encouraged an answer that the Planning Staff Department and the Board of Architectural Review is set in place to assist with these types of decisions and also there is an appeals process for the citizen to go before the Town Council. Chair Ogelman shared that the ordinance being proposed is regarding demolition and not what would be built.

Chair Ogelman had Max Inaba, IT Specialist, share comments in the Chat session. Mr. Inaba read the following and summarized here: Ms. Hankins requested that Commissioner Bennett share her third party resources from which she gathered her answer regarding home values and

she would report back as well as the Senior Planner, Ms. Susan Eidelheit shared that various published articles share mixed impacts of both positive and negative ideas to having a historic district regarding height stipulations, L.A.T., 150 S. 12th St., were not made aware of being part of the designated area when the sale of a home and if it could be included in a title report of the property in which it was determined in conversation that this would fall on the purchaser/realtor of the property research.

Casey Chapman, 205 Hirst Road Suite 106, CASECO LLC commented on neighbors having “the right” is strong language when it comes to personal property and that there may be a right to their opinion and not a right to other’s personal property. There are zoning rules and regulations that impose restrictions on property owners such as to make a larger or newer home in which is or is not permissible. He does share that this ordinance does over reach on people’s personal property and why is this happening now specifically on demolition. Commissioner Forbes shared that it is common to have modifications to zoning ordinances and are evolving documents over time. Chair Ogelman shared that this is a cyclical process based on a new Comprehensive Plan that was deliberated on over 5 years. Mr. Chapman asked if the Town would abide by the same and referenced a town owned property. Chair Ogelman reiterated that this is a proposed ordinance rooted in the Comp Plan. A citizen in Council Chambers agreed with Mr. Chapman and questioned if the ordinance was about protection or about the property owner being able to make a decision on their own property. The citizen requested the Planning Commission to create five other options to enhance the character of the town as opposed to this type of ordinance.

Brian Duscharme, 141 S. 29th Street, would like his address removed and expresses his distrust in government and the Planning Commission of their over reach and fully opposes to putting his home in a Historic Overlay.

Daniel Reed, multiple property owner, shared his love of the small town character, but with an interdependence for tolerance of property owners and agrees with what is owned is owned and there should not be a weigh-in of its’ surrounding properties.

Brenda Dowdy, resident on F Street, who lives in a small rambler questioned the impact of taxes on her property and decisions of the future Planning Commissioners. She would like to see the actual final document and did not agree with the quick turnaround in meetings for citizens to not be able to participate.

Commissioners covered that there was no additional taxes being imposed and Chair Ogelman shared that the Planning Commission is genuinely trying to get citizen input and provide answers. This proposed ordinance is to only cover full demolition of a property and not impose other restrictions and because of additional citizen input there will be a need for another public hearing.

Max Inaba, IT Specialist, share comments in the Chat session. Mr. Inaba read the following and summarized here: Ms. Susan Eidelheit questioned the higher home appraisals in the district, Blake Edwards questioned why the Board of Architectural Review could not be more involved and it was answered that this is not a focus on color, materials being used on a home, but to have a process instilled over demolition, Ms. Hankins shared the established criteria for demolition, L.A.T. suggested to use a grandfather clause and share all information available on properties for

avoid any additional financial impact, Ms. Susan Eidelheit suggested for potential home buyers to research their property, Marshall questioned why is additional legislation needed to maintain the character of the town and it was answered that new Comprehensive Plans are passed every five years and this makes the zoning ordinance an "in motion" document. Unknown citizen commented that development does need to be kept up within a small town and appreciated the work of the Planning Commission. Ryan Howell, 511 W. North Street, unsettled with restricting demolition and needs a better definition for "demolition". Chair responded that the charm of town is not rooted in one thing and the entire zoning ordinance gives this structure to the town, and demolition is not the only component, but only one component that works with the rest of the ordinance. The definition of demolition is being worked on and trying to be a light touch.

Casey Chapman, 205 Hirst Road Suite 106, CASECO LLC commented he is a homeowner of 141 N. Hatcher and a business owner, and has vested interests in the town for both of those reasons. He had questions on the process of demolition and thanked the Planning Commission for receiving additional comments to the proposed ordinance and the time being spent on this item. He also questioned the process of what was being addressed first by the Planning Commission.

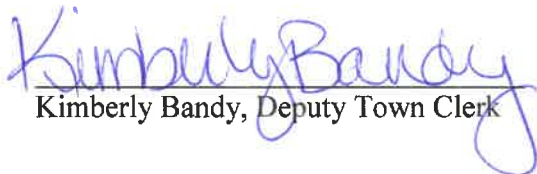
Chair Ogelman summarized the process for demolition and the need to demolish because of health, safety, and welfare versus wanting a property destroyed in this proposed broad district and the Virginia code. The Virginia code needs to be reviewed.

Council member Milan shared that there is a five year development of the each Comprehensive Plan and ordinances evolve along with that Comprehensive Plan on the wishes and aspirations of the citizens. The process for the Planning Commission items was prioritized several meetings ago.

Chair Ogelman shared that the areas chosen and were prioritized by which area was most vulnerable to not be able to achieve what the Comprehensive Plan says is the aspiration for the town.

ADJOURNMENT

With no further business, Council member Milan made a motion to adjourn the meeting at 9:21PM. The motion was seconded by Commissioner Kowalski and carried 7-0.


Nedim Ogelman, Chair/Commissioner
Kimberly Bandy, Deputy Town Clerk

Historic Preservation Overlay Zone

Purcellville Planning Commission

September 9, 2021

Addressing Citizen Comments

Summary of Commissioner and Staff Studies

- Criteria for inclusion in the Historic Preservation Overlay Zone:
 - Not in the Historic District Overlay Corridor; and
 - ☐ Listed in 2006 History Matters LLC survey; or
 - ☐ Other contributing properties not in History Matters LLC survey and related historic district
- Opting out
- Town-wide blanket demolition provision
- Contiguous area or individual properties -- see following maps

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Purcellville
Historic District
2006
Virginia Department
of Historic Resources

LEGEND

Historic District Buildings

Contributing

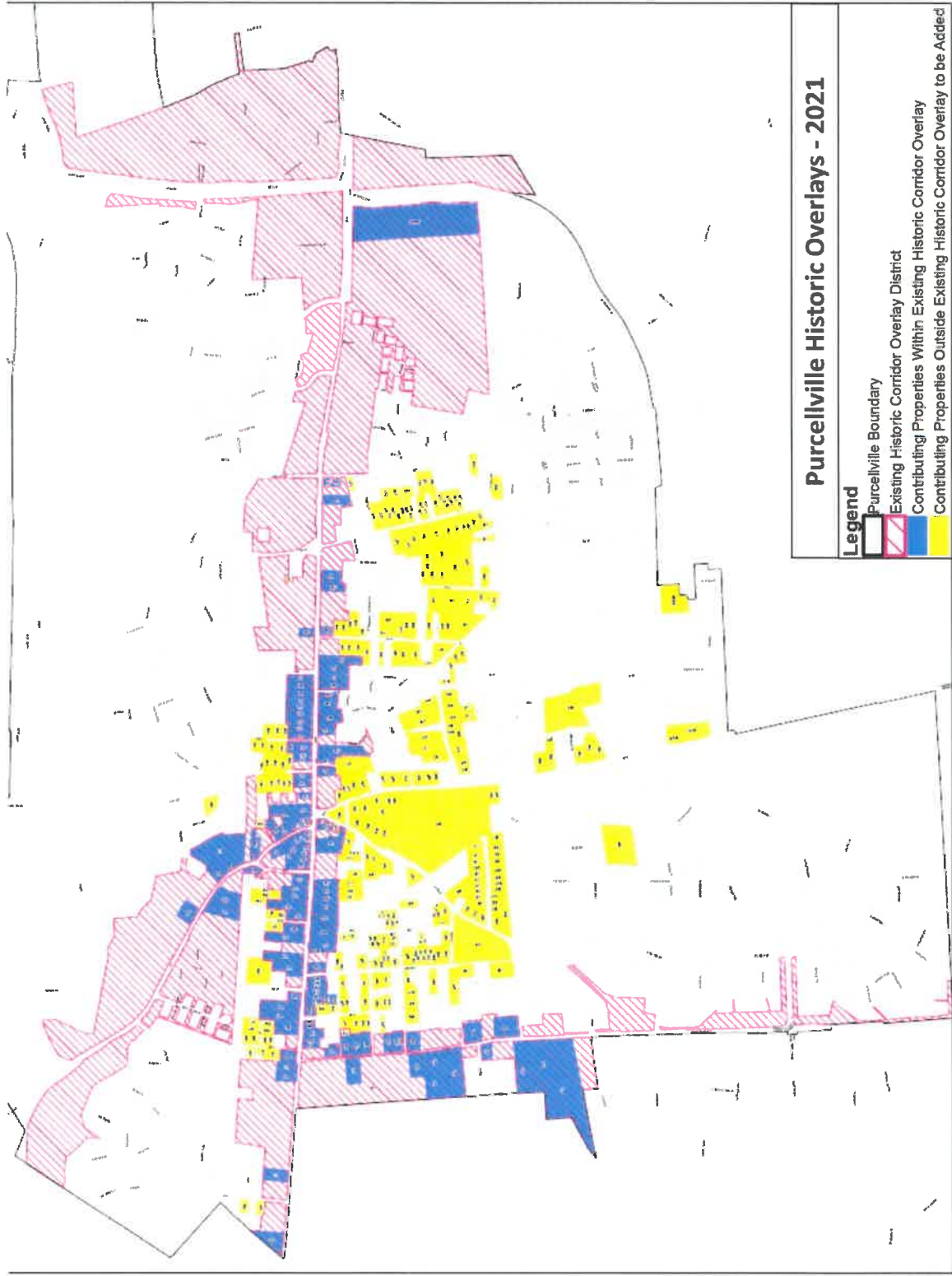
Non-Contributing

Streets

Parcels

Historic District Boundary

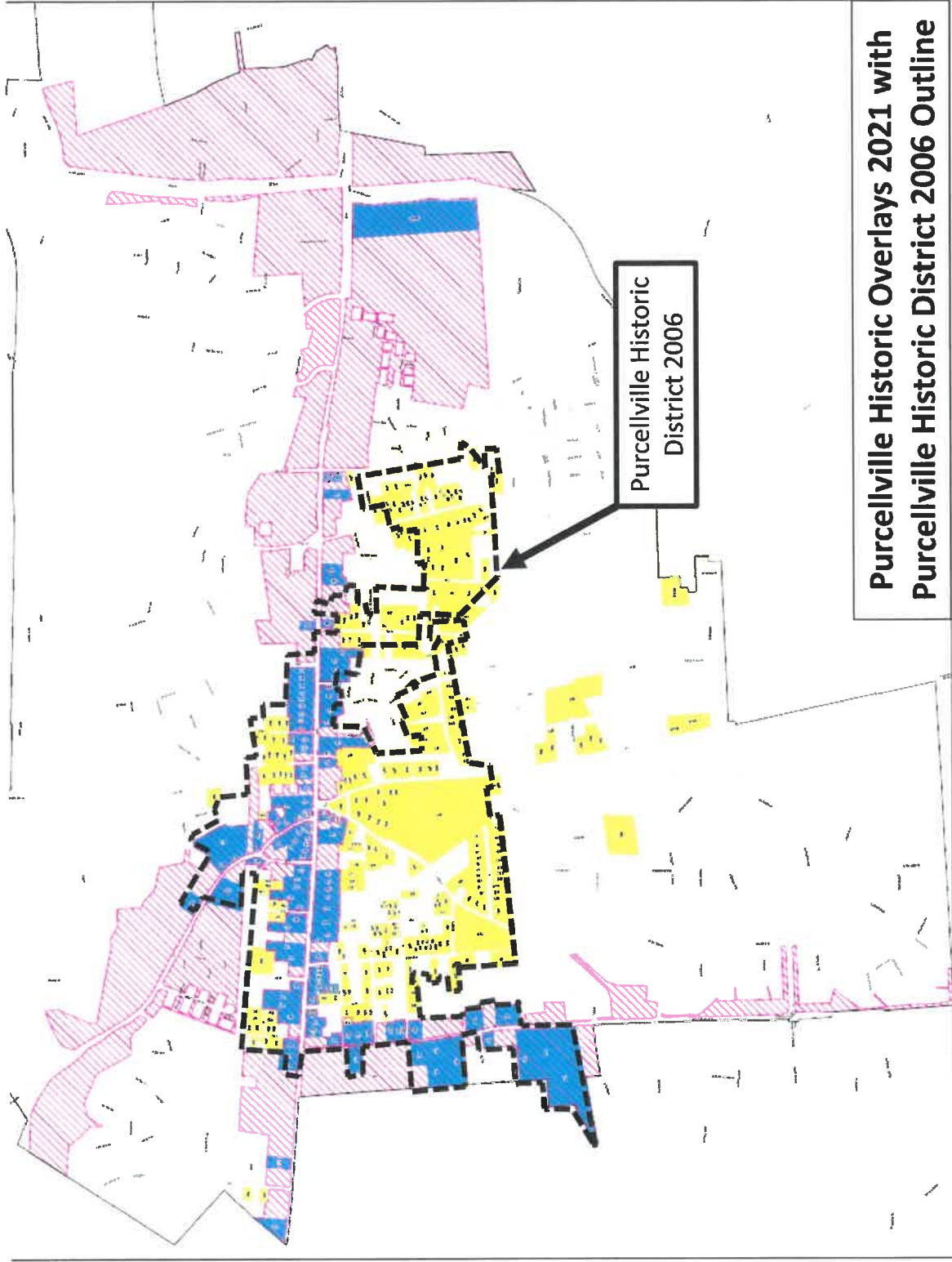




Purcellville Historic Overlays - 2021

Legend

-  Purcellville Boundary
-  Existing Historic Corridor Overlay District
-  Contributing Properties Within Existing Historic Corridor Overlay
-  Contributing Properties Outside Existing Historic Corridor Overlay to be Added



**Purcellville Historic Overlays 2021 with
Purcellville Historic District 2006 Outline**

Summary of Commissioner and Staff Studies (continued)

- Principal/main structures only; not accessory structures/uses
- Insurance; impacts on sales
- Demolition provisions - discourage with the lightest possible touch
 - If BAR says structure is sound; and
 - Owner wants full demolition; i.e., won't leave front façade; and
 - If owner won't accept above conditions; then
 - The property is eligible for sale per Virginia Code § 15.2-2306 schedule; and
 - If the property doesn't sell within one year, the owner may then demolish it
- Maintenance (health, safety and welfare);
- Additions and modifications - anything except building has to keep its front façade
- "Strawman" Ordinance -- see following pages



ARTICLE 14B. - Historic Preservation Overlay Zone

Section 1. - Intent.

The Historic Preservation Overlay Zone is intended to implement the Purcellville Comprehensive Plan goal of amending the Town's historic zoning overlay district to be more inclusive of all historically contributing structures. The purpose of these regulations is to promote the health, safety, and general welfare of the public through the identification and preservation, of buildings, structures, landscapes, settings, neighborhoods, places and features recognized by the Commonwealth of Virginia through its historic registries as having special historical, cultural, architectural and archaeological significance through the establishment of historic districts, and through the protection of other significant properties.



Section 2. - Applicability.

The Historic Preservation Overlay Zone is created to conserve elements of the Town's historic character and in accordance with Code of Virginia § 15.2-2306 to preserve and protect: (i) historic landmarks as may be established by the Virginia Board of Historic Resources and any other buildings or structures within the Town having an important historic, architectural or cultural interest and any historic areas within the Town as defined by Code of Virginia § 15.2-2201; or (ii) designated historic landmarks, buildings, structures or districts.

2.1 Historic Preservation Overlay Zone

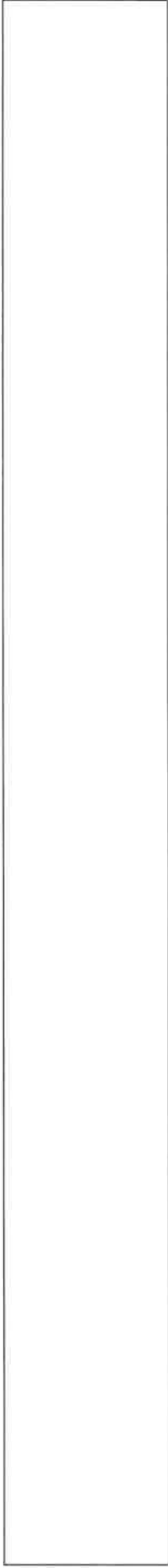
- A. The Purcellville Historic Preservation Overlay Zone is hereby established over and upon the parcels of land within the boundaries of Purcellville, but not lying within the Historic Corridor Overlay District (see Article 14A), where the principal use is a contributing historic structure[†] as defined in this Article, as the parcel existed on the original adoption date of these historic regulations and as shown on the Purcellville Zoning Map; and
- B. Unless otherwise expressly exempted, no structure or building within the Historic Preservation Overlay Zone shall be demolished unless and until a certificate of design approval authorizing such work shall have been approved by the Board of Architectural Review or, on appeal, by the Town Council after consultation with the Board of Architectural Review, in accordance with this Article

[†] That the United States Department of the Interior National Park Service National Register of Historic Places and the Commonwealth of Virginia Landmarks Register have designated as contributing buildings and structures in Purcellville (DHR #286 as well as a few contributing buildings and structures registered as part of DHR #053).

2.2 Definitions.

For the purposes of this Article, the following definitions shall apply:

- A. Structure. Anything man-made that is not an accessory building or an accessory use as defined in Article 15, Section 2.
- B. Historic structure. Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or the Virginia Landmarks Register or preliminarily determined as meeting the requirements of individual listing on the National Register or Virginia Landmarks Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior or the Virginia Department of Historic Resources as contributing to the historical significance of a registered historic district or zone, or a district preliminarily determined by the Secretary of the Interior or the Virginia Department of Historic Resources to qualify as a registered historic district;



2.2 Definitions (continued).

- (3) Individually listed on a local inventory of historic structures including the National Register of Historic Places, the Virginia Department of Historic Resources, and the African American Architectural Surveys; or
- (4) Designated for protection by the town as a historic structure.
- C. Contributing. Any building, object, or structure that adds to the historical integrity or architectural qualities that make a historic district or zone significant.
- D. Historic preservation professional. A person or firm who have professional qualifications to conduct evaluations of the historic character and significance of manmade structures, historic sites, etc., including, but not limited to architectural historians, historians and archaeologists.

A historic designation for properties not yet surveyed or designated under items (1) through (4) above shall be made by the zoning administrator on a case-by-case basis under the written opinion of an historic preservation professional, such as an architectural historian or historian, or because they become formally recognized by the National Register of Historic Places and/or the Virginia Department of Historic Resources.



2.3 Demolition permit review and approval

No historic structure, as defined in this Article, within the Historic Preservation Overlay Zone shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the Board of Architectural Review, or, on appeal, by the Town Council after consultation with the Board of Architectural Review.

In addition to the right of appeal set forth herein, the owner of a historic structure, the razing or demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) the owner has applied to the Town Council for such right, (ii) the owner has for the period of time set forth in the schedule contained in Code of Virginia § 15.2-2306 and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and

2.3 Demolition permit review and approval (continued)

(iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule specified in the Code of Virginia. Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew his request to the Town Council to approve the razing or demolition of the historic landmark, building or structure.

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Section 3. - Permitted uses.

3.1 By right.

The following uses shall be permitted by right in any Historic Preservation Overlay Zone:

- A. All uses permitted by right in the underlying districts except as herein otherwise provided.

3.2 By special use permit.

The following uses are authorized within the Historic Preservation Overlay Zone only by special use permit:

- A. All uses authorized by special use permit in the underlying districts.

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Section 4. - Area and bulk regulations; minimum yard and setback requirements; height requirements; landscaping and screening; preservation of natural features.

4.1 Area and bulk regulations, minimum yard and setback requirements, and height regulations shall be as provided by the underlying district.

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Section 5. - Nonconformities.

5.1 Any existing use, activity, lot or structure subject to the provisions of the Historic Preservation Overlay Zone, which does not conform to the provisions of the Historic Preservation Overlay Zone shall be subject to Article 5, Nonconformities, of this ordinance.

5.2 Repair and maintenance of nonconforming structures.

An owner may repair and maintain a nonconforming structure or a structure occupied or used by a nonconforming use.

Section 6. - Administration

Article 14B, Historic Preservation Overlay Zone, shall be administered by the Board of Architectural Review created and appointed by the Purcellville Town Council pursuant to Chapter 54, Article II of the Town Code. The Board of Architectural Review shall be responsible for issuance of certificates of design approval as required by this Article 14B.

Application for a certificate of design approval for demolition, together with a fee as adopted by the Town Council, shall be filed by the owner or contract purchaser of the subject property with the zoning administrator. Complete applications with the required fee must be received by the zoning administrator at least 14 calendar days prior to the Board meeting at which consideration is desired.

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Section 6. - Administration (continued)

Upon receipt of a complete application, the zoning administrator shall schedule the same for hearing and shall cause notice of such hearing to be sent to the Board of Architectural Review. The Board shall confer with the applicant at the hearing and shall approve or disapprove such application and, if approved, shall issue a certificate of design approval, with or without conditions together with such modifications as deemed necessary to ensure compliance with this Article. Failure of the Board of Architectural Review to approve or disapprove such application within 60 days from the date of complete application shall be deemed to constitute approval of the application.

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Section 7. - Appeals.

The Town Council reserves unto itself the right to review all decisions of the Board of Architectural Review made in the administration of Article 14B which, in its discretion, it shall deem necessary to the proper administration hereof.

Any person aggrieved by any decision of the Board of Architectural Review in the administration of this Article may demand a review of the application by the Town Council. Such demand shall be made by filing a request therefore in writing with the zoning administrator with the appropriate fee within ten calendar days of the date of such decision. The Town Council may affirm, reverse or modify, in whole or in part, the decision of the Board of Architectural Review. In considering an appeal, the Town Council shall give due consideration to the recommendations of the Board of Architectural Review together with such other evidence as it deems necessary for a proper review of the application.

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Section 7. - Appeals (continued)

Any person or persons jointly or severally aggrieved by any decision of the Town Council may appeal such decision to the Loudoun County Circuit Court for review by filing a petition at law, setting forth the alleged illegality of the action of the Town Council, provided such petition is filed within 30 days after the final decision is rendered by the Town Council. The filing of said petition shall stay the decision of the Town Council pending the outcome of the appeal to the court.

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Section 8. - Design criteria.

8.1 Demolition permit criteria.

In reviewing demolition applications, the Board of Architectural Review shall consider the following:

- A. The designation of the particular structure as historic or non-historic by a qualified historic preservation professional or by a government-recognized historic survey;
- B. The context of the structure in relation to surrounding buildings and landscape on the site and adjacent and nearby sites;
- C. The appropriateness, as determined through application of applicable design criteria and guidelines, of proposed structures, which will replace the demolished structure, if any; and
- D. The safety and soundness of the historic structure.

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Section 9. - Deviations from approved plans.

Any person who once having obtained the approval required by this Article deviates substantially from the approved plan shall be subject to the violations and penalties specified in Article 11, section 17 of this ordinance.

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Historic Property Overlay Zone in a nutshell:

- Applies only to historic properties not already in the existing corridor district
- Applies to individual properties rather than a broad area
- Applies only to principal use structures
- Does not require extra approvals for repairs/modifications
- Does not place restrictions on uses in the base zoning
- Requires Board of Architectural Review approval for demolition

