

**Architectural Review Board
City of Petersburg, Virginia**

Minutes of the Regular Meeting
June 12, 2019 6:00 p.m.
Council Chambers, City Hall
135 N. Union Street, Petersburg VA 23803

Members Present:

Chair, Joe Battiston
Vice-Chair, Dino Lunsford
Terry Ammons
Mitchell Pradia

Members Absent:

Larry Murphy
Celeste Wynn
Lisa Jordan

Staff:

Secretary to the ARB, Kate Sangregorio

1. **CALL TO ORDER**

Chair Joe Battiston called to order a regular meeting of the City of Petersburg Architectural Review Board on Wednesday, June 12, 2019 at 6:00 p.m. at Council Chambers, City Hall, 135 N. Union Street, Petersburg, Virginia 23803.

2. **THE PLEDGE OF ALLEGIANCE**

3. **REVIEW OF MINUTES**

Minutes from May 8, 2019 were presented. Mr Pradia motioned to dispense of the review of the minutes, seconded by Mr Lunsford. The motion passed unanimously.

4. **APPROVAL OF AGENDA**

Mr Ammons made a motion to approve the agenda. The motion was seconded by Mr Pradia and passed unanimously.

5. **PUBLIC INFORMATION PERIOD**

Chair Battiston opened the Public Information Period to anyone who wished to speak on any subject not on the agenda. With there being no comments, Chair Battiston closed the Public Information Period.

6. **REQUEST(S) FOR CERTIFICATES OF APPROPRIATENESS**

Regular Agenda:

a. 227 St Andrews Street:

Applicant present, Robert Dance with attorney Glen Morgan. Staff recommended denial.

Mr Morgan stated that with the structural engineer's report the building should be torn down; people will be hurt and the City could be liable. He said people will only buy this house to take it down and rebuild it, but Mr Dance has a plan for the entire row. Mr Morgan asked why anybody would buy this house, just as a lot in the middle of the City without owning the other lots. He stated that Mr Dance wants to do something beneficial to the City, reasonably selling the property isn't fair, he has an economic investment in the property. Mr Morgan said Mr Dance wants to comply with the ARB but nobody will buy it without the intent to demolish it and rebuild.

Mr Battiston said the City has an Ordinance to follow, which outlines selling the property for a reasonable price- Mr Dance's asking price was three times higher than its assessed value, which is not showing good faith. Mr Battiston added that houses in that condition have been fixed before, and this house has unusual architectural characteristics. Mr Ammons said it was built quirky with a corner entrance. Mr Ammons also said the ARB doesn't usually look at real estate, and they try not to be the entity to approve demolitions because anything can be fixed. He also said that often applications for demolition have a proposal for what will be built in place of the building, which gives the ARB a different request to consider. Mr Ammons also said people aren't standing in line to buy and fix this house, the next step is City Council, which doesn't have a preservation mindset. Sometimes there is a will and things do get fixed.

Mr Pradia said nobody will buy the house at that price, but staff stated there has been interest in the house, so the applicant isn't trying to sell. Mr Morgan said Mr Dance only bought it because of his other lots on the street, so nobody else would buy just this lot. Mr Pradia said they can't be bought and allowed to deteriorate, the Zoning Ordinance has maintenance requirements. Mr Battiston said that Mr Dance has owned the property for years and neglected it. Mr Dance stated that he knew the previous owners, and there was a lot of damage on the back from termites. Mr Dance said there was also a cottage next to it, and when they got through the termite damage to the main house to replace the beams, the contractors said they would not go anywhere near it, and it needed a structural engineer's report. Mr Dance was concerned the house would fall so he contacted the structural engineer, Charlie Townes. The report said people should not be within 15 feet of the house, and Mr Dance gave the report to the Building Official Mr Howard Hines. Mr Dance said the middle section in the back fell last weekend, and he talked to Marlow Jones, Assistant Fire Marshall, who said it needed to come down.

Mr Ammons said the ARB can't speculate on profit, and the conditions the city sets for advertising the sale weren't followed, so the applicant hasn't done what he was told, so City Council might ask him to engage that process again with a realtor or something. Mr Dance stated that he hadn't gotten any counter offers. Mr Ammons said that was probably because the price was so extreme. Mr Morgan said that was speculative- Mr Dance's position is economic, while the ARB's is aesthetic. Mr

Battiston said they haven't seen plans for what will be built in the house's place. Mr Dance said there's a vacant lot next to the house, he would combine it with that. Mr Morgan asked if the ARB wanted Mr Dance to completely redo the application. Mr Ammons said no, that's not what's proposed, and asked staff the verbiage in the Ordinance about price, which is "a price reasonable and related to its fair market value." Staff noted that Dr William Fitzhugh told staff they were interested in the property but Mr Dance turned them away. Mr Dance said Dr Fitzhugh never made him an offer. Mr Morgan said it makes a difference that Mr Dance owns all the other lots. Mr Battiston said that when somebody buys a house and lets it sit and rot just to take it down, that's not good. Mr Dance stated it was old damage. Mr Battiston said every day it gets worse.

Mr Battiston said the rules have not been followed and they want them followed. There needs to be a working phone number, a realtor who will try to sell it versus a homeowner who doesn't want to sell it. Mr Dance pointed out again that he had received no counter offers. Mr Battiston said that was not the point, the point is that the asking price is too high; at an auction the property would sell for around \$15,000 – \$20,000. Mr Morgan agreed with this. Mr Battiston said maybe someone will have a love and passion for the building to fix it; the members of the ARB have done renovations at hefty cost. Mr Battiston also said that to see a house like this destroyed because of a wider plan is not good; it would be a different story if the Ordinance was followed, but it was not properly handled. Mr Dance said it was not safe. Mr Battiston said it was the owners job to board it up. Mr Dance said he didn't want to go near it.

Mr Ammons said the fair market value could be between \$30,000 and \$50,000 which would require less time on the market to allow for demolition. Mr Ammons also said the ARB could still deny it since the ARB's role is preservation and they're just a step in a chain who can't step in the role of City Council; who could consider Mr Dance's financial situation in allowing demolition. Mr Morgan said there were no ill feelings, he understood the ARB was doing their job.

Chairman Battiston asked if anyone present would speak for or against the application.

Marlow Jones, Assistant Fire Marshall, came forward. Mr Jones said the photos don't do the house justice, and there is a structural engineer's report on the condition of the house. Mr Jones said he was there on life safety concerns, not on financial concerns or anything else. He said that some buildings in the City could have been saved, the Nash Building looked brand new compared to this house, it's dangerous for firemen, or working on building code. Mr Jones stated that he has put people on notice of danger, he's taking the fires on Washington Street seriously, but wants to preserve what he can, however on this house there is nothing to put boards on. Mr Jones said kids are coming out of school, so everyone is on notice of danger, firemen could be hurt, and the ARB should make the decision to take it down.

Mr Battiston confirmed that Code Compliance had the right to take buildings down when they reach the point. Mr Lunsford commented the house was red-tagged. Mr Ammons asked why the case was even before the ARB if it was in eminent danger of collapse.

Mr Jones cannot take it down without a letter stating that it can't be saved, if it caused a fire it could kill someone; but he wasn't involved with the other stuff. Mr Battiston said this was asking the ARB to vote against the Zoning Ordinance, while buildings can be taken down in an emergency. Mr Ammons asked if this was a life-safety danger, Mr Jones said yes. Mr Jones said Mr Hines could take the building down as the Building Official, but he was following the Fire Code. Mr Battiston asked if the building had to be secured, Mr Jones said it can't be because there's nothing to secure. Mr Ammons asked if this was now a Code Compliance issue, since Mr Hines fenced in the Nash building and took it down; Mr Ammons added that they appreciate where Mr Jones and Mr Hines come from.

Mr Battiston suggested a resolution; for Code to require a fence around the property for safety for the duration of the sale period, Mr Ammons added that since the building can't be physically closed, a fence would be the best way to keep people away. Mr Jones said firemen would still have to get over the fence into the building.

Mr Lunsford asked why red-tagged buildings were under ARB purview. Mr Ammons said the ARB can only address what they were there for; which is if this house needs to come down, and it probably will, but the ARB isn't the group to allow it. Mr Jones said he was not asking anything, just putting the ARB on notice. Mr Pradia asked if the Code Compliance Department knew this, Mr Jones said yes. Mr Jones said it's got to come down, he doesn't want the ARB in the middle of it, but cares about the safety of everyone.

Mr Battiston said if Code Compliance or the courts say that the house is in eminent danger of collapse it will come down, however if the ARB denies the demolition, it will take another month for City Council to rule on it, and they'll see how the applicant tried to circumvent the Ordinance. Mr Battiston said he still thinks a fence would aid safety concerns until the issue is resolved. Mr Jones said even if there's a fence, people can still get in.

With no further public comments, Chair Battiston closed the public comment period.

Mr Ammons said he appreciated those who came for the application. Mr Ammons made a motion to deny the application for demolition, for Code Compliance to review the situation if there is an eminent life safety issue, so the process can begin or supersede City Council to resolve the issues. Mr Pradia seconded the motion and it passed unanimously. If Code Compliance believes that it is ok, then the applicant can appeal to City Council. Mr Morgan said he understands the ARB's position, and Mr Dance said he's working on his properties.

b. 225 N. South Street:

Applicant present, Dino Lunsford. Staff recommended approval with changes. Mr Lunsford recused himself from discussion as a Board member.

Mr Battiston asked when the addition was built, Mr Ammons guessed 60s or 80s, probably non-contributing. Mr Ammons asked if Mr Lunsford supported staff's recommendations, Mr Lunsford did.

Mr Lunsford explained that he thinks the fire doors on the right side was the original front of the building, but he could keep the rough openings of the existing storefront on the street side. Mr Lunsford also said he was trying to find photos from that side, there was originally a cupola and the tower was taller. Mr Ammons said that was for hoses to hang on to dry them. Mr Lunsford said there are old photos of a horse-drawn carriage fire station. Mr Ammons agreed with staff's recommendations, and questioned the proposal to cover the CMU in stucco. Mr Lunsford explained he doesn't like the look of the cinder block and tried to strip it. Mr Ammons said the new windows shouldn't match the existing, and questioned the arch over them in the plans was part of the stucco. Mr Ammons also said 1 over 1 double hung new windows would be more appropriate, and for the exterior insulation finish system stucco, the shape should be broken up so it's not a monolith. Mr Lunsford said he wanted the stucco to have a flow between brick and CMU.

Mr Ammons commented that projects like this have a lot of detail, but also miss some detail. Mr Lunsford said he wanted to prioritize demo on the addition. Mr Pradia asked if the eyebrow arches over the new windows would be brick or bump outs from the CMU. Mr Lunsford said he needs more detail for that. Mr Ammons suggested giving the project general approval but the applicant must come back for more detail on the exterior finish and new windows. The ARB agreed to this.

No public comment.

Mr Ammons motioned to approve the application with the understanding of staff's recommendations and that the applicant will bring additional detail on cinderblock addition and the windows. Mr Pradia seconded the motion and it passed unanimously, with Mr Lunsford recusing himself from voting.

c. 221 Liberty Street:

Applicant not present. Staff recommended approval with changes

Mr Ammons said he would usually fight harder against resizing a window, but in this case it's really not visible, but he would like to see what it will look like. Staff asked if the ARB was not opposed to the application, they just needed a plan or image of the window. The ARB agreed.

No public comment.

Mr Pradia motioned to defer the application, seconded by Mr Lunsford. The motion passed unanimously.

6. OLD BUSINESS

127 W. Bank Street

Mr Ammons reminded staff about the chain link fence at 127 W Bank Street, and also questioned the removal of paintings from the windows on 429 3rd Street. Staff said notification letters from last month were late to be sent out, staff would follow up with the applicant within the next few weeks.

7. **NEW BUSINESS**

Posters in Windows

Mr Battiston questioned the appropriateness of the wig shops on Sycamore Street which have their windows entirely covered by posters. Staff was unsure since they posters can't be considered signs, so they probably don't count as permanent changes and it would be hard to enforce their removal. Mr Ammons commented that the inside vs outside the window appropriateness wasn't clear. Mr Battiston said any storefront ordinances should be checked; billiard halls have to keep their windows clear. Mr Ammons suggested checking the zoning on signage, cities can enforce this if there is strong city support. Mr Ammons added that fast food window stickers have sizing limits, and that these are issues the ARB can't address alone, it should be the Zoning Administrator, Planning Director, the ARB, etc working together so as not to have people feel singled out.

8. **ADMINISTRATIVE APPROVALS**

9. **WORK SESSION**

Posters in Windows

Mr Ammons said the ARB decided a while ago not to approve demolitions unless the proposed replacement project is good; the ARB would consider the bigger picture and potentially approve a demolition as part of the plan for a project/

10. **ADJOURNMENT**

A motion was made by Mr Lunsford to adjourn the meeting seconded by Mr Pradia, the motion passed unanimously and the meeting was adjourned.