

**CLARKE COUNTY
HISTORIC PRESERVATION COMMISSION
Minutes - 18 March 2020**

A regular meeting of the Historic Preservation Commission was held at the Town/County Government Center, 101 Chalmers Court, Berryville, Virginia on 18 March 2020 at 4:00 p.m.

Present: Betsy Arnett, Terri Catlett, Katherine Berger, Robin York, and Billy Thompson
Phone In: Bob Stieg, Doug Kruhm
Absent: Page Carter
Staff: Alison Teetor, *County Natural Resource Planner* and Maral Kalbian, *County Architectural Historian*, Chris Boies, *County Administrator*
Other: No one

Electronic Participation Ms. Arnett explained that members are authorized to phone in and participate fully in the meeting provided the members present in person approve their participation and that the members phoning in must state why they are phoning in and not present. Ms. Teetor asked members for a motion to allow Mr. Stieg and Mr. Kruhm to participate electronically. On motion of Ms. Berger seconded by Mr. York members approved the electronic participation. Both Mr. Kruhm and Mr. Stieg stated they are not present in order to self-quarantine due to the coronavirus.

Election of Officers Ms. Teetor opened the floor for nominations for Chair. With nomination by Mr. York, seconded by Ms. Berger, Ms. Arnett was elected Chair (Yes - York, Berger, Catlett, Stieg, Kruhm). Ms. Arnett assumed the gavel. With nomination by Mr. York, seconded by Ms. Berger, Ms. Carter was elected Vice-Chair (Yes - York, Arnett, Berger, Stieg, Kruhm, and Catlett).

Approval of Agenda On motion by Mr. York, seconded by Ms. Berger, the agenda was approved with the addition of a discussion of demolition by neglect under old business and the 2020 award recipients under new business.

Schedule of Meetings for 2020 The schedule of meetings for 2020 was accepted as presented. Meeting dates are January 15, March 18, May 20, July 15 (if needed), September 16, November 18, and January 20, 2021.

Approval of Minutes

On motion by Mr. Stieg, seconded by Ms. Berger, the minutes of October 30, 2019, public hearing were approved as amended, Mr. York and Mr. Thompson abstained. On motion of Mr. York seconded by Mr. Kruhm, the minutes of November 20, 2019 were approved as amended.

Report of the Chair No report.

Report of Architectural Historian: Ms. Kalbian reported that she had attended a Preservation Virginia sponsored conference in Alexandria on accessing African-American history. She went with Adeela Al-Khalili who is the current president of the Josephine School Community Museum. They were impressed that much of what was presented has already been

accomplished in Clarke County, such as listing buildings on the National Historic Register, nominating rural historic districts, and applying for civil rights grants. There has been no word on when we will hear about the most recent civil rights grant application to restore the Mount Zion Church Annex. She also stated that the National Trust for Historic Preservation is looking for 1,000 places where American women made their mark. She suggested Elizabeth Rust Williams for Clermont and there maybe others if anyone is interested in nominating someone. The National Trust website has all the information. Ms. Kalbian also reported that she was asked to look at a potential barn restoration on Wickliffe Road. While there she commented that the barn must be part of a farm and the owners mentioned that there is an old house over the hill. Ms. Kalbian had never documented it and opined that it might be one of the oldest homes in the County. She is planning to go back and document the house. Ms. Arnett asked to go with her.

She also reported that she drove by the garage being constructed at 140 White Post Road by Brian Legge, which was the subject of a Certificate of Appropriateness approved by the HPC last October. She noticed that the roof was corrugated metal rather than the standing-seam metal that had been specified. Members chimed in with their concerns regarding the size and height of the garage, which was approved to 2' shorter than the house. Other concerns regarding deviations from what was approved included the style of doors, the use of a skylight, extra openings, height of openings, and the size of pavilion.

The following issues were identified at the meeting with regards to the structure as built versus the structure approved by the HPC and described in the Certificate of Appropriateness.

- 1) size of the structure - the approved footprint was attached to the approval letter - and is attached here - no larger than 1,240 sq ft., and they are concerned that the building extends into the setback
- 2) the height of the structure - approved to be 2 feet lower than the roofline of the house - it appears to be taller
- 3) the roof material - approved black standing seam metal roof - the owner installed a black corrugated metal roof
- 4) there is an extra door on the back of the building which was not approved
- 5) there is a skylight which was not approved
- 6) the garage doors are not as approved - see picture of Carriage style garage door
- 7) on the side of the building facing the church there is a garage door and no windows
- 8) there is a heat vent or something on the 340 side that was not approved
- 9) garage doors should be pull up not sliding
- 10) the height of the garage doors appear different than the approved elevations provided by the owner
- 11) the pavilion should be 16 x 16 it appears larger and may extend into setback area

Members asked what the process is for rectifying the discrepancies. Mr. Boies explained that based on the section in the Zoning Ordinance, the Zoning Administrator is responsible for requesting a stop work order or issuing a notice of violation. Mr. Legge would then have 30 days to comply or appeal. He may also reapply for a Certificate of Appropriateness to ask for approval of the items that were not originally approved. Ms. Teetor stated she will speak with Mr. Fincham tomorrow.

CLG grant/other Grant projects Ms. Teetor reported that the next grant application deadline has been extended to May 1, 2020. She asked Ms. Kalbian to discuss her thoughts on completing the book. Ms. Kalbian stated that she is concerned that she will not be able to finish writing the text and complete the layout and publish in 9 months. She advocated that it may be more reasonable to have 2 additional phases, one for the writing and another for the layout and publishing. Mr. Stieg suggested she might hire someone that could help get things done more quickly. Ms. Kalbian stated that supervising someone else might actually take more time. Members asked staff to contact DHR to see if they would consider 2 additional phases. On motion of Ms. Berger, seconded by Mr. York members authorized staff to apply for the grant to work on the book.

Old Business Ms. Arnett was hoping to discuss the demolition by neglect issue but in the interest of time requested that the item be placed on the May meeting agenda. Ms. Kalbian stated that she would provide an updated spreadsheet of the at risk structures.

New Business Ms. Arnett stated that the Commission needs to select the 2020 Historic Preservation awardees. She also suggested that rather than our usual luncheon it might be nice to have an early evening reception and invite all past awardees. This event could be hosted at the Barns of Rosehill. Ms. Kalbian stated that she did not have the list of potential nominees with her but recalled that in previous discussions members had talked about Matt Hannan who renovated the house at 1682 Millwood Road and also the Church at 1680 Millwood Road. Another suggestion was for Josephine and Steven Fleming 169 John Mosby Highway (the Goat House). Ms. Kalbian stated that she will email other options later this week.

Adjournment: On motion of Mr. York, seconded by Ms. Berger, the meeting was adjourned at 5 p.m. The next regular meeting is scheduled at 4:00 p.m. on May 20th 2020.



Betsy Arnett, Chair



Alison Teetor, Clerk to the Commission

CLARKE COUNTY
HISTORIC PRESERVATION COMMISSION
Minutes - 29 July 2020

A regular meeting of the Historic Preservation Commission was held at the Town/County Government Center, 101 Chalmers Court, Berryville, Virginia on 29 July 2020 at 4:00 p.m.

Present: Betsy Arnett, Terri Catlett, Katherine Berger (present for electronic meeting policy adoption, phone in 4:10 - end of meeting, Robin York, and Bob Stieg
Absent: Page Carter, Doug Kruhn, Billy Thompson
Staff: Alison Teetor, *County Natural Resource Planner* and Maral Kalbian, *County Architectural Historian*
Other: No one

APPROVAL OF ELECTRONIC MEETING RESOLUTION AND POLICY

Ms. Teetor explained that each Board or Commission in the County is being asked to adopt a written policy allowing for participation of members by electronic communication. He stated that the Boards would still be required to have a quorum in attendance, but that members unable to attend would be permitted to participate and vote.

On Motion of Mr. York, seconded by Ms. Berger, the Historic Preservation Commission approved the resolution adopting the Electronic Meeting Policy as included in Attachment A.

Ms. Berger left after the electronic meeting policy adoption therefore there was no longer a quorum, so the following are notes regarding the remainder of the discussion.

Report of the Chair

The house addressed as 135 E. Main St. Boyce burned down. Ms. Arnett questioned whether it was part of the Saratoga property and part of their Conservation Easement.

Front Royal has recently adopted a spot blight abatement ordinance. Ms. Arnett questioned whether the County could adopt a similar ordinance. She will forward the code section to staff for review.

Report of Architectural Historian:

Ms. Kalbian reported that she has had several calls asking for historic information on properties:

- Boom Road - Berryville Land and Improvement Company
 - Malcom McGruder - roof repair Millwood - may require executive committee approval
 - David Carr from Blandy - information on Tulyeries slaves
 - Documented a structure at 1179 Swinley Road prior to demolition
 - Reviewed house located at 125 White Post Rd - addition requiring CofA
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- She will send an updated list of the abandoned building list to members
 - She has been asked to research the confederate statue in front of the Courthouse for the Board of Supervisors and found that the statue is not owned by the County. She has been working with historians around the state to develop a methodology

and criteria for determining if a statue can or should be removed. The first question should always be ownership.

- Mr. Steig asked if the HPC should send a letter to he BOS. Ms. Catlett opinioned that the Board is asking the public to be patient as they work through the process and suggested that a letter is not needed at this time.

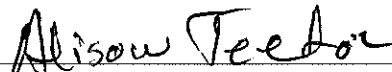
CLG grant/other Grant projects

- The County has received confirmation that we were approved for the CLG grant application for the final phase of the book. These funds will be used to complete the manuscript, other funds will be needed for publication.
- The County was also approved for the grant application to establish the boundary and complete a preliminary information form (PIF) for the Battle of Berryville. Work will begin in August with a request for bids from consultants.
- Ms. Kalbian stated that the verbiage for the Bristow Marker has been approved. It will cost approximately \$1,700 to manufacture and install. Members discussed using social media to encourage donations for the project.

The next meeting is scheduled for Wednesday September 16th at 4:00 pm.



Betsy Arnett, Chair



Alison Teetor, Clerk to the Commission

CLARKE COUNTY
HISTORIC PRESERVATION COMMISSION
Minutes - 16 September 2020

A regular meeting of the Historic Preservation Commission was held at the Town/County Government Center, 101 Chalmers Court, Berryville, Virginia on 16 September 2020 at 4:00 p.m.

Present: Betsy Arnett, Terri Catlett, Katherine Berger, Page Carter, and Bob Stieg
Phone In: Billy Thompson and Maral Kalbian, *County Architectural Historian*
Absent: Doug Kruhm, Robin York
Staff: Alison Teetor, *County Natural Resource Planner* and Brandon Stidham, *Planning Director*
Other: Scott Seeberger, Bill & Marcia Waite, Joe Donavan

Approval of the Agenda: Ms. Teetor requested that Scott Seeberger, resident, Blue Ridge Mountain Rd., be permitted to address the Commission to discuss a potential zoning overlay to protect historic resources in the Bear's Den Rural Historic District. On motion of Ms. Berger, seconded by Ms. Carter the agenda was approved as amended.

Powerpoint presentation - Scott Seeberger, resident, 18521 Blue Ridge Mountain Rd.
Mr. Seeberger presented a powerpoint describing his concern regarding historic resources within the Bear's Den Rural Historic District. His concern started when his neighbor built a wood privacy fence blocking his view of an existing stone wall and view of the valley. He contended that the Rural Historic District did not offer enough protection and he would like the HPC to consider establishing a local historic district or historic overlay district that could help protect historic resources on the Mountain. Mr. and Mrs. Waite and Mr. Donavan were present to support Mr. Seeberger's request. The Commission asked Mr. Stidham what the process for creating an overlay would be. Mr. Stidham stated it would be a text amendment to the zoning ordinance that requires review by the Planning Commission and approval by Board of Supervisors. He also stated that a text amendment review must also be formally initiated by the Planning Commission or the Board.

Report of the Chair - No report.

Report of Architectural Historian:

Ms. Kalbian reported that she has been contacted about several potential Certificate of Appropriateness (CofA) issues but no applications have been submitted:

- Malcolm Magruder spoke with Alison Teetor about a roof repair that would require a CofA approved by the executive Committee. To date, Mr. Magruder has not applied and the status of the roof repair is unknown.
- Ms. Kalbian and Ms. Teetor have made several visits to the home owned by Cassandra Moore located at 125 White Post Road. Ms. Moore applied for a CofA to demolish the home. She had a termite inspection completed and the company stated there was extensive damage. Further, the company is reluctant to treat with termiticides due to the close proximity of wells. Ms. Kalbian looked for damage on one of the site visits and could see no issues. Ms. Moore was told that she can apply for a demolition permit but she needs to make the case as to why it is the best option.
- Ms. Teetor and Ms. Kalbian also met with Shannon and Sarah Shafer regarding the yellow house located at 267 White Post Rd. They also would like to apply for

demolition due to structural damage and mold. As this is a predominate contributing structure in the local historic district, the Shafers were encouraged to list the property for sale per the ordinance. They indicated they did not wish to go through that process and ended up selling the property to a neighbor.

- Ms. Kalbian was also asked by the new owners of the property located at 117 Bell Lane to inspect the existing 1880 farmhouse. She will meet with them later this week. Another historic house for sale is 420 Rock Hall Lane. The house was built in 1750 and appears to be in good condition.

Ms. Kalbian also reported that she presented her findings on the confederate statue to the Board of Supervisors on September 15th. The basic findings were that the County does not own the statue and therefore has no authority to have it removed. The Board is getting legal advice regarding the issue.

Ms. Teetor updated members on the Brian Legge situation. Currently he has been found to be in violation of the setbacks. The setback to Route 340 is 50 feet as VDOT traffic counts are above 5,000 trips per day. Mr. Legge contends that due to COVID trips per day are less than 5,000 therefore the setback would be 25 feet. If he can get VDOT to validate this assertion, he would meet the setback requirements and then would come to the HPC with a revised CofA for approval of the structure.

Another issue that was brought to the attention of Ms. Teetor is the replacement of a standing seam metal roof asphalt shingles at 106 Berrys Ferry Road, also in the White Post local historic district. Roof replacement does require a CofA but can be approved by the executive committee. As many residents may not be aware of the CofA requirements, members asked staff to send a letter describing the requirements.

CLG Grant/Other Grant projects

Ms. Kalbian reported that work on the book is moving along. Ms. Arnett asked if there could be a section on the mail order homes as there are many in the County and it is an interesting way to build. The next CLG grant round is anticipated in March 2021 and the HPC intends to apply for funds for the final phase of the book.

Regarding the Battle of Berryville grant, the RFP went out last week and proposals are due October 22nd.

Criteria for Demolition by Neglect Ms. Teetor included examples from other CLG communities on their criteria. Members discussed and recommended that a committee be establish to make a recommendation to the full Commission. Ms. Catlett, Ms. Kalbian, Mr. Stieg and Ms. Arnett agreed to work with Ms. Teetor prior to the November meeting. Ms. Arnett asked staff to research smaller communities more like Clarke to see if they have a different approach from the cities and larger counties. At a minimum it would appear that an independent assessment from a certified professional, like a structural engineer would be required.

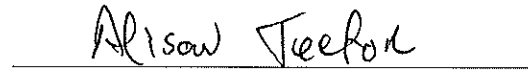
New Business Ms. Arnett suggested that staff poll Commission members to determine if there is a better meeting time as it has been difficult to get a quorum in recent months. Ms. Carter updated the Commission on the Millwood Community Association efforts. They are working to identify grants to assist with stabilization of historic structures and clear titles. The group would also like to renovate a building in the community to use as a museum describing the history of

Millwood. She also stated that the group would like to be involved with the Village Plan when work begins on that component of the Comprehensive Plan. Ms. Carter will give a more detailed presentation at the November meeting.

Adjournment – On motion of Ms. Berger, seconded by Ms. Carter the meeting was adjourned at 5:05 pm. The next meeting is scheduled for Wednesday November 18th at 4:00 pm.



Betsy Arnett, Chair



Alison Teetor, Clerk to the Commission

CLARKE COUNTY
HISTORIC PRESERVATION COMMISSION
Minutes - 18 November 2020

A regular meeting of the Historic Preservation Commission was held at the Town/County Government Center, 101 Chalmers Court, Berryville, Virginia on 18 November 2020 at 4:00 p.m.

Present: Betsy Arnett, Robin York, Katherine Berger ar.v. 4:10, Page Carter, and Bob Stieg
Phone In: Maral Kalbian, *County Architectural Historian*
Absent: Doug Kruhm, Billy Thompson, Terri Catlett
Staff: Alison Teetor, *County Natural Resource Planner*, Jeremy Camp, *Interim Zoning Administrator*

Approval of the Agenda: On motion of Mr. York, seconded by Ms. Carter the agenda was approved as presented.

Approval of Minutes for September 16, 2020: On motion of Mr. Stieg, seconded by Ms. Carter the minutes were approved as presented.

Report of the Executive Committee: No report.

Staff Reports: Ms. Kalbian reported that she has been working on the book and also the Battle of Berryville grant. She stated she had been contacted by the people that recently purchased the Bell property at 117 Bell Lane off of Parshall Rd.. When looking the property up on VCRIS it was noticed that the boundaries of the Chapel Rural Historic District were inaccurate. Ms. Kalbian worked with DHR to make the correction.

Ms. Teetor provided an update on Mr. Brian Legge's appeal. Mr. Legge submitted an application to appeal the Zoning Administrators determination that the garage is in violation of the setback to Route 340. The County Zoning Ordinance states that for primary highways with greater than 5,000 trips per day a 50-foot setback is required. The traffic data is provided by VDOT. Mr. Legge contends that due to COVID traffic counts are down. He is working with his attorney to get a revised traffic count from VDOT. A public hearing with the Board of Zoning Appeals will be scheduled in mid-December.

CLG/Other Grant Projects: Ms. Kalbian reported that eleven proposals were received regarding the Battle of Berryville grant. The committee consisting of Bob Stieg, Betsy Arnett, Maral Kalbian, and Alison Teetor reviewed and ranked the proposals. Three firms were selected for interviews that have been scheduled for this Thursday and Friday. A selection will be made shortly there after and the contract awarded in early December. The purpose of the grant is to provide a better understanding of the Battle of Berryville and establish definitive boundaries for the PIF nomination.

A future grant application will be for a Civil Rights grant to repair the Mt. Zion Church Annex, known as the Benjamin Franklin Annex. Ms. Arnett stated that the grant application period is open now. Ms. Teetor stated she would begin the application.

Ms. Carter updated members on the efforts in Millwood to establish an administrative office for the Millwood Community Association and a museum highlighting the history of Millwood and its residents. The building to house the museum is located next to the Shiloh Baptist Church.

The group intends to work with the Clarke County Historical Association to mothball the building until such time as funds are available to stabilize the building. Ms. Carter thought it might provide an example of how historic buildings could be stabilized. She is looking for grants to help with the rehabilitation of the building such as the African American Civil Rights grants. Ms. Kalbian opined that these grants require a distinct tie to the civil rights movement and how the building contributed historically. Ms. Kalbian stated that there might be an opportunity to get a planning grant to assist with updating National Register Nominations. Ms. Carter stated that the group will also approach local citizens to donate funds.

Mr. Stieg discussed the 6 historic buildings on Josephine Street that the town is considering for demolition due to disrepair. In the past the Town and County had worked with the Planning District Commission to apply for Community Development Block grants to repair the structures but the grant ended up being a revolving loan fund requiring mortgage payments. Residents saw the effort as a land grab and decided not to participate.

Ms. Kalbian stated that Allen Kitselman and Tim Painter had done an evaluation of the buildings and maybe able to share their findings for use with budgeting for fundraising.

Old Business:

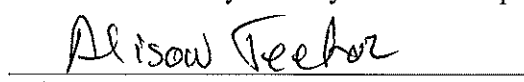
- a. **Criteria for Demolition in Local Historic Districts** – Ms. Arnett stated that no committee meeting had been scheduled to discuss this issue as requested at the last meeting and asked staff to set up a meeting prior to the January meeting.
- b. **Demolition by neglect - Letter to Property owners** – Ms. Arnett included a draft letter in the packet. Members reviewed and edited the letter and on motion by Mr. Stieg, seconded by Mr. York approved sending the letter to property owners with homes identified as endangered.

New Business Mr. Stieg reported that he had been selected to serve on an eight person committee to determine the fate of the statue in front of the Courthouse. John Staelin, former Board of Supervisors Chair, will chair the committee.

Adjournment – On motion of Mr. York, seconded by Ms. Carter the meeting was adjourned at 5:05 pm. The next meeting is scheduled for Wednesday January 20th at 4:00 pm.



 Betsy Arnett, Chair



 Alison Teetor, Clerk to the Commission