

Town of Purcellville

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Appeal # 13-01

Appeal of Board of Architectural Review Decision Application

Date 11-26-2013 PIN 488-37-7354 & 488-37-5457 Zoning District C-4
Street Address 130 N. 21st Street (CDA13-12) & 138 N. 21st Street (CDA13-18) , Purcellville, VA 20132
Name of the Appellant(s) Chapman Group, L.C. & Martinsburg Plaza, L.C.
Agent/Owner's Name Mark Nelis, Member/Manager Telephone No. (540) 338-5843
Fax No. (540) 338-3702 E-mail mnelis@nelislaw.com
Mailing Address 196 N. 21st Street, Purcellville, VA 20132

Nature of the Appeal:

See Attached: STATEMENT OF JUSTIFICATION

APPEAL OF DECISION OF BOARD OF ARCHITECTURAL REVIEW

Date of determination or notice of violation, order, requirement, or decision which is the subject of this appeal:

11-19-2013

Agent/Owner:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

[Signature]
Agent/Owner's Signature

11/26/13
Date

For Town Use Only

Required Submission Date: _____ Application Received: _____ Hearing Date: _____

Public Hearing Advertisement Date: _____

Fees Paid: \$ 75.00



Approved: Denied:

STATEMENT OF JUSTIFICATION
APPEAL OF DECISION OF BOARD OF ARCHITECTURAL REVIEW

This statement is written in support of an appeal filed with the Town Council of Purcellville pursuant to Article 14A Section 7 of the Purcellville Zoning Ordinance. In particular Chapman Group L.C. and Martinsburg Plaza L.C. (collectively the “Appellant”), owners of several buildings located at the intersection of 21st Street and “O” Streets appeal the decision of the Board of Architectural Review (“BAR”) related to demolition applications CDA13-12 and CD 13-18. The decision of the Board prohibits the destruction of these buildings and requires the incorporation of the facades of these structures as part of the construction related to Vineyard Square, CDA 13-11. These buildings are located at 130 and 138 North 21st Street.

The BAR failed to consider applicable provisions of the Zoning Ordinance.

The Purcellville Zoning Ordinance provides that the underlying district regulations control the height of the structures.

Article 14A Section 4.1:

“Area and bulk regulations minimum yard and setback requirements, and height regulations shall be as provided by the underlying district, except that the following provisions and limitations shall apply to any development or portion thereof within the district which shall be visible from a designated HC street.”

The proposed Vineyard Square project complies with the requirements of the underlying C-4 district.

The BAR has consistently dictated architectural style. However the HC Overlay district provides that no architectural style shall be imposed.

Article 14A Section 8.2:

“The board of architectural review and the town council on appeal shall not adopt or impose any specific architectural style in the administration of this article.”

By requiring that the new construction on 21st Street incorporate the existing building facades, the BAR has dictated not just the architectural style but an exact replica of buildings constructed several decades ago.

The Proposed Construction Complies with the Zoning District Regulations

The construction of the Vineyard Square complies with the C-4 zoning regulations of the Town of Purcellville. Section 9.8.3 of the C-4 regulations restricts the height of buildings on the subject parcel to 35 feet for one-half of the 21st Street frontage. For all other parcels in the C-4 district buildings may be up to 60 feet. In consideration of this restriction, the balance of the facade along 21st Street is permitted to be 65 feet in height. Over of the 21st Street elevations included in Vineyard Square, including the buildings that are subject to this appeal are only 14 feet in height. The proposed buildings are in conformance with the C-4 district regulations including the bulk and height regulations.

The Proposed Construction is permitted under the adopted Design Guidelines.

As set forth in Section H, Page 31 of the Design Guidelines, the Board of Architectural Review is charged to retain the historic fabric of the Town while balancing *“the needs of the property owners to make contemporary use of their property”*.

The Appellant acquired the properties over 5 years ago for exactly the stated reason – to make contemporary use of the Property. From the outset it has been the Appellant’s stated objective in numerous public hearings and workshops to replace the existing buildings with a compact downtown center. In accordance with Guideline 2F (page 32 of the Design Guidelines) the Appellant believes the removal of the buildings is consistent with the goals of the Town Comprehensive Plan, Downtown Master Plan and applicable sections of the Town Zoning Ordinance.

The Appellant has proposed a project, Vineyard Square, that is in conformance with the Town Comprehensive Plan, Downtown Master Plan and applicable sections of the Town Zoning Ordinance, revisions which were adopted in 2008 addressing the size and scale of the development of the Property (See Sections 9.8.3 and 9.8.4 of the C-4 district regulations).

The proposed re-development of the Property will create housing and retail opportunities in the central area of the downtown district, an area that has limited housing opportunities and few high quality retail spaces.

The impetus to this project began with the downtown charette conducted by Hill Studio as a consultant to the Town of Purcellville. The charette and the result of the charette – the Downtown Master Plan – recognized the need to construct new buildings in the downtown district to increase the diversity of land uses and economic opportunities. The C-4 Zoning Ordinance reflects the Downtown Master Plan and provides the path for projects such as Vineyard Square. The Town Council upon advice and recommendation of the Planning Commission has moved a step further adopting an ordinance with a 65 foot building height.

There is no alternative to demolition.

There is no alternative to demolition. The re-development of the Property includes a parking garage underneath all of the buildings fronting 21st Street. The buildings on the

Property, including the buildings on 21st Street, are not capable of being relocated. The construction procedure to support the front facades while demolishing the existing building and excavating for the parking garage some 10 feet below the existing footers would be economically infeasible. The Appellant would be responsible for driving pilings, building a steel support wall parallel to the façade, blocking and bracing the same. The masonry façade would likely crumble and crack due to the vibration of separating the masonry front facade from the masonry side wall and the driving of pilings to support the footer of the front facade. The overhead power lines will also be a safety hazard during construction. The Appellant has filed revised drawings for review by the BAR that illustrate the construction of compatible elevations as recommended by the BAR.

The buildings proposed for demolition are beyond their economic life, having been built in an amateur fashion, and cannot feasibly be preserved as part of the redevelopment. According to the previous property owner, Bob Nichols, this group of buildings has had at least three major fire events within his 65 years of memory and the last being in the late 90s. In general the buildings do not comply with Federal law in regards to handicap accessibility and some have been compromised structurally due to these fires on the premises. The building identified as 130 North 21st Street was significantly compromised and altered to include a vertical vinyl barn style door.

Staff Report

The staff report provided to the BAR analyzes the adopted guidelines for the demolition of buildings in the overlay district. The staff report contains the following findings:

- a. This building(s) has no particular architectural or historic significance.*
- b. This building is constructed of brick, concrete block, wood siding, and metal panels. All of these materials could be reproduced easily, and the building's design is not particularly unusual.*
- c. This building's date of construction is consistent with nearby buildings in Old Town; however, there is little else about this building that is distinctive.*

- d. This building does not represent a unique or rare example of an historic or architectural style or feature of Town or Loudoun County history.*
- e. This building has a similar scale and character to other buildings along North 21st Street, but a newly constructed building could easily serve the same purposes.*
- f. As stated previously, the 2006 Town Comprehensive Plan strongly supports the preservation of the town's historic resources, yet the façade of the northern half of 130 N 21st Street was specifically noted as a substandard façade needing improvement in the 2005 Purcellville Downtown Master Plan.*

Conclusion

The Appellant has designed a mixed-use pedestrian oriented center consistent with the Purcellville Zoning Ordinance. The existing buildings fail to comply with current building codes, are not structurally sound for any development, and do not meet any criteria for the contemporary use of the Property. The location of the buildings at 130 and 138 North 21st Street compromise the size of the planned pedestrian sidewalk, along 21st Street. The sidewalk along these facades presently narrows to a width of four feet and averages less than seven feet in width. Keeping the building facades that encroach upon a wider pedestrian area would be inconsistent both with the Downtown Plan and the Town Comprehensive Plan. As described herein, there is no alternative to demolition. The BAR failed to consider applicable provisions of the Zoning Ordinance. The Appellant is prepared as requested by the BAR in the motion adopted at their November hearing to construct a compatible structure to replace the buildings subject to this appeal.