

**BERRYVILLE ARCHITECTURAL REVIEW BOARD**  
**Berryville-Clarke County Government Center**  
**MINUTES OF REGULAR MEETING**  
**Wednesday, May 6, 2015**

The regular meeting of the Berryville Architectural Review Board was held on Wednesday, May 6, 2015 12:30 p.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

**ATTENDANCE**

The following members of the Board were present: Jim Barb, Chair; Ken Livingston, Vice Chair; Gene Williamson; Robin McFillen; Susan Godfrey

Press present: Val VanMeter

Others present: Giel Milner

The following staff member was present: Christy Dunkle, Town Planner

Mr. Barb called the meeting to order at 12:30p.m.

**APPROVAL OF AGENDA**

Mr. Williamson moved to approve the agenda as written, seconded by Ms. Godfrey. The motion passed unanimously by voice vote.

**APPROVAL OF MINUTES**

Mr. Williamson moved to approve the minutes of the April 1, 2015 meeting as written, seconded by Ms. McFillen. The motion passed by voice vote.

**Architectural Review**

**One West Main, LLC, (Giel Milner, Owner), is requesting a Certificate of Appropriateness in order to replace windows at the structure located at 1 West Main Street, identified as Tax Map Parcel number 14A5-(A)-10, zoned C General Commercial.**

Mr. Barb asked the applicant to come to the table. Mr. Barb asked staff to confirm that no application had been received for review. Ms. Dunkle said that is correct. Mr. Barb asked what Mr. Milner's plans were for future renovation of the building. Mr. Milner said the roof needs to be replaced, the electrical system needs to be updated and he wanted to update to central heat and air. He said he wanted to get rid of all of the window air conditioning units. He said he has been considering restoring the front door adding that the he may modify the aluminum storefront. He added that he offered the same rent and a five year lease to both tenants but neither remained in the respective spaces. He said there are three bathrooms and three kitchens he will replace on the second floor. He said he has not discussed renovation with the building official but he would ask for his recommendations. He said he has spent \$10,000 so far on the 25 windows he has installed to date. He offered to show ARB members the building.

Mr. Milner said he owns half of the alley behind the building and would like to brick up the back walk. He said he had three commercial spaces, the third being approximately the same size as the antique store. Ms. McFillen asked for clarification on the three commercial spaces Mr. Milner identified the spaces. Mr. Williamson asked what his plans were for the front of the building. Mr. Milner said he had no plans to change the front of the building at this time. Mr. Barb asked if he had seen any historic photos of the

building. Mr. Milner said he had not. Ms. McFillen recommended talking to the Clarke County Historical Association to obtain photos of the façade. He said he was not planning to replace the aluminum door. Mr. Milner discussed the placement of condensers saying that he can put them in the alley by right and has also discussed the placement on the west side of the building. He said he would likely place the condensers on the roof. He said he would like to remove all of the junk hanging from the building and added that his efforts will add economic vitality to the town and hopes his investment will help his neighbors.

Mr. Barb agreed that economic vitality was important and that preserving the character of the building, particularly in the downtown core, is important as there are not a lot of historic structures. He added that the result of preserving historic buildings is that the property values increase and everyone benefits. He said having three apartments occupied in the downtown area also contributes to the success of downtown. Mr. Barb said he worked with Cochran Lumber to renovate his storefront on West Main Street, replacing his front window with mahogany in order to replicate its original condition. He said it wasn't cheap but it is worth it.

Mr. Milner said the historic district survey identified the building as having neutral impact on Main Street and concluded that there is nothing historical about the building. Mr. Livingston said the structure was not necessarily exceptional but was not detracting from the local district. Mr. Barb added that it is a contributing structure. Mr. Livingston said due to its location at the corner of the main intersection downtown, it is an important building to the local district. Mr. Milner read the definition of "contributing structure" included in the ARB's application. He said he bought the building to fix it up and that Berryville is not Colonial Williamsburg. He said he is not willing to spend his money if he cannot recoup it. He said he is doing a significant number of improvements to the building.

Mr. Livingston said the ARB is not discouraging him from renovating the building but he must go through the process like others who own buildings in the historic district. He said the ARB has been in place for 20 years. Mr. Milner said that he would like to make an investment in the town and said other buildings can be better maintained. He said he was made aware of the review only after staff contacted him and the windows were installed. He said at that time he submitted the application. Mr. Barb reiterated that the ARB works with property owners to preserve the downtown streetscape.

Mr. Milner said that staff was gone the day he started the project and requested he stop work the next day until the application was submitted. He said staff told him the mullions were not on the outside of the windows and that someone had complained about the installation. Mr. Milner asked what difference does that make. Mr. Livingston reminded him that it is a historic building in the local historic district. Mr. Milner questioned the historic integrity of the structure and stated that George Washington had never slept there. Ms. Godfrey said that the age of the structure is significant, not the events. Ms. McFillen said that White's Pharmacy occupied the space and was the first pharmacy in the nation to operate with a counter layout. She said the intent is to maintain and improve downtown Berryville. She said Mr. Milner's attorney (letter included in minutes) stated that if the ARB did not provide the answer he was looking for, they will do whatever it takes. Mr. Milner said he was told to stop working. Ms. Dunkle explained that he was in violation of the Zoning Ordinance. Mr. Milner questioned the zoning violation. Mr. Livingston said the ARB's process is established in the Zoning Ordinance adding that he cannot imagine that the applicant was not aware that the property was located in the historic district. Mr. Barb asked whether he needed a building permit. Mr. Milner said he did not as he was simply cleaning out the building and getting estimates. He said he would meet with the County Building Official to be advised as to the next step. Mr. Milner added he has been in the County for 11 years and his reputation stands for itself.

Mr. Barb said the Building Department normally forwards items such as this to the Town Planning Office. He reiterated that he wanted to work together. Mr. Milner said he didn't appreciate people telling him what to do. Mr. Livingston said that windows are typically a defining characteristic of historic buildings. He said windows are almost always repairable and are something the ARB tries to retain. He said weather stripping and storm windows have about the same energy efficiency as new windows, particularly vinyl low cost windows. He added that the ARB follows state guidelines in order to maintain and preserve historic properties and districts. Mr. Milner said he understood but questioned Mr. Jerry Johnson's building and the Bank of Clarke, both of which have vinyl windows. There was a discussion about the establishment of the Architectural Review Board after both of the buildings referenced had been constructed. Mr. Barb said the structure at 300 North Buckmarsh Street is an example of a property owner working with the ARB to restore a structure properly. He said Mr. Beach, the building's owner, restored the existing structure including the original windows. He said a new addition on the rear of the structure featured new windows in the back. Mr. Milner said that his windows are already installed and that he is now aware of requirements and said he would like to discuss this going forward.

Mr. Barb said he felt like the ARB was making a very good compromise by adding the exterior mullions to the windows that were installed. He said it would be a big visual improvement and increase the value of the structure. Mr. Milner said there were 25 windows installed, Ms. McFillen added that 13 can be seen from Main and Church streets. Mr. Milner reiterated that he wanted to get the window air conditioning units off of the building. He said he is willing to look into maintenance and safety issues concerning the building. He asked ARB members to visit the building to see what he is doing. After a discussion about exterior mullions on only those windows facing Main and Church streets, Mr. Milner said that he is willing to look into it but not willing to commit. He said that considering the intention, it is a pretty small detail and asked why the ARB was discouraging him and micromanaging him. Mr. Livingston said that the standards are in place are for every property owner in the historic district. Mr. Milner said his improvements will be substantial and that this was an unreasonable circumstance. Mr. Livingston said the existing historic windows were fine and he has already spent more on the new windows than fixing the old ones. Mr. Milner suggested a possible compromise and if feasible he would modify the windows. He said in the end the ARB should allow him the freedom to make decisions as it is ultimately his building. He requested that the ARB back off a little bit as he is now aware of the requirements. Ms. McFillen reminded the applicant that any exterior modifications must be reviewed and approved by the ARB for any property in the historic district. She said that includes lighting and signage. There was a discussion about the interior of the building and about fire suppression requirements and that Mr. Royston would determine what is required. Mr. Milner said that he would be the only one in downtown to sprinkle a building when others are rat traps.

Ms. McFillen said she was more concerned with the Main and Church facades as the others either don't have windows or are not visible. She said a concern she has is what he is going to do on the first story of the building. Ms. Dunkle reiterated that any modifications to the first story must be approved by the ARB. Ms. McFillen said it is important to maintain the history of the downtown and that the ARB was here to work with him. Mr. Williamson said as ARB members, they are bound by a set of rules. He added that since the ARB was established, decisions made solely by the property owner is not necessarily just their choice. He said that since he has been a member of the Board, windows have been required to be repaired not replaced. He said it was unfortunate that the applicant was unaware of the requirements and that the compromise for exterior mullions was a more than fair. Ms. Godfrey reiterated that the compromise was exterior mullions on two sides of the structure only. Mr. Livingston agreed saying that this was a large compromise by the ARB. He said no vinyl window replacements or siding has been permitted by the ARB. He said the compromise was made so he didn't have to remove the new windows. He added that this compromise in no way allows future applicants to install vinyl windows. Mr.

Livingston said the trim around the window needed to be painted white so as not to stand out against the original cream color of the window frames. Mr. Milner said the trim from the new windows covered the cream color. Mr. Livingston said the trim will rot beneath the vinyl and that it is not a good situation either. He said SDL's (simulated divided light) shall be permanently attached to the outside of the window and the color around the window shall match the white windows. Ms. McFillen asked if the shutters were wood. Mr. Milner said he was not sure.

Mr. Livingston stated that the ARB has never received a letter from an applicant's attorney prior to a review. He said the letter stated that the board had no right to do anything. He said that the ARB was not afraid of making decisions concerning the historic district. Mr. Milner told Mr. Livingston not to threaten him and that Mr. Livingston would be making money on his efforts. Ms. Godfrey said the ARB was threatened before the meeting started by submission of the letter. Mr. Barb said he hadn't seen the letter as it arrived to staff an hour prior to the meeting. He said the windows should not have been installed without approval. Ms. McFillen asked whether the applicant considered a tax credit project. Mr. Milner said it was too expensive.

A motion was made by Ms. McFillen to require exterior mullions on the Church and Main sides of the building and to paint the window frames and trim white to match the windows. Mr. Livingston added that the applicant is in violation of the Zoning Ordinance but that he is willing to grant the Certificate of Appropriateness as long as the items are completed within a certain timeframe. There was a discussion about the length of time the applicant has to complete the conditions. It was determined that 90 days should be sufficient to obtain the materials and install the mullions and paint the windows. Mr. Milner asked what would happen if the mullions fall off. He asked that no motion be made at this time so that he can decide what to do. He said he would get back with the ARB after he made his decision.

Ms. Godfrey said that making a motion had nothing to do with his timeframe. She repeated the motion requiring exterior mullions on two sides of the building, painting the frames to match the windows, and completing the work within 90 days. She reminded the applicant that all future modifications to the exterior of the building must be reviewed and approved by the Architectural Review Board prior to the commencement of work. Mr. Barb repeated that the ARB wants to work with him and that it is better for the town when applicants and the ARB work together. He said the ARB is not adversarial and that all of the Board members live in old houses and respect the importance of the historic preservation.

There being no further discussion, Ms. McFillen made the motion to approve a Certificate of Appropriateness with the following conditions:

- exterior mullions on two sides (Church and Main street facades) of the building;
- painting the frames to match the windows;
- completing the work within 90 days.

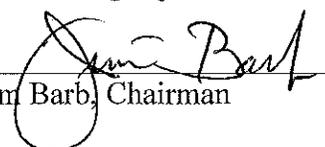
The motion was seconded by Ms. Godfrey. The motion passed unanimously by voice vote.

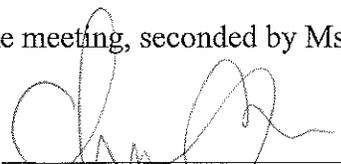
#### **Other**

Ms. Dunkle said was expecting another application but it was not submitted.

#### **ADJOURNMENT**

There being no further business, Ms. McFillen moved to adjourn the meeting, seconded by Ms. Godfrey, the meeting adjourned at 1:37p.m.

  
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Jim Barb, Chairman

  
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Christy Dunkle, Recording Secretary