



# Minutes Architectural Review Board

## Supplementary Meeting

January 22, 2018  
Room 214, City Hall  
Fredericksburg, Virginia

### Members Present

Jonathan Gerlach, Chair  
Sabina Weitzman, Vice Chair  
Carthon Davis, III  
Karen Irvin  
Susan Pates  
James Whitman

### Members Absent

Kerri S. Barile

### Staff

Kate Schwartz

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Mr. Gerlach called the Architectural Review Board meeting to order at 7:02 p.m.

### OPENING REMARKS

Mr. Gerlach determined that a quorum of six members was present and asked if public notice requirements had been met. Ms. Schwartz stated that they had.

### APPROVAL OF AGENDA

Ms. Weitzman requested to add a discussion item to the agenda regarding vendors presenting on behalf of applicants and the Board agreed.

### CONTINUED ITEMS

#### A. Discussion of UDO Text Amendments and Updates to ARB Processes

Ms. Schwartz reviewed the potential ordinance and process updates described in the staff report. She also shared feedback from the focus group meeting that was held on January 19. Notes from this meeting were provided to the group. Ms. Schwartz also reviewed similar practices from other communities and statistics regarding the number and type of applications that would be impacted. Mr. Gerlach requested to review the process for UDO text amendments. Ms. Schwartz noted that the amendments would need to be initiated by City Council. This initiation would be followed by public hearings with the Planning Commission and the City Council.

Ms. Weitzman noted that there were two ways administrative review processes can go wrong. She noted that staff could potentially be too lenient, taking control away from the ARB; or staff can be too severe and not have the protection of a full group behind a decision. Ms. Schwartz noted that the Planning Department is accustomed to making difficult decisions and provides support. Ms. Irvin noted that the consent agenda process would provide a safety net, as well.

Mr. Gerlach asked for more details about how the timing of applications would be changed. Ms. Schwartz reviewed the potential schedule for administratively reviewed applications.

Mr. Davis noted that an attendee of the focus group meeting thought using a consent agenda eliminated the convenience of administrative review. Ms. Schwartz said that the process would introduce more question into the process than a simple administrative approval, but that it provides for balance in decision-making.

Ms. Pates said that the ARB needs the most assistance with new construction rather than minor alterations. Ms. Schwartz said the intention of these changes was to reduce the case load and allow the ARB to focus on more complex applications. Ms. Pates also said that removing paint should be added to the list of exterior alterations that require a COA.

Ms. Weitzman said she was supportive of some administrative review, but recommended talking through the list of eligible projects. She also said that she was less worried about the visibility of projects or about leniency, but was focused on whether or not the ARB was contributing to the review of these items. Mr. Gerlach asked what information would be provided to the ARB for administrative applications. Ms. Schwartz said the ARB would receive the same information that it does now, though it would likely be provided in a form, rather than the current narrative format.

Mr. Gerlach said his concern was balancing transparency with best practices and asked about other ways to provide notice. Ms. Weitzman recommended adding a statement to the existing published notice noting the types of applications that are administrative and where additional information may be found. The group discussed variations options for posted notice, mailed notice, or a second published notice. These will have to be evaluated with regard to cost and time.

The group discussed administrative review of item (a) approved tax credit projects. Group members discussed whether or not this would actually save time in a tax credit process and noted that these would likely be important structures that the ARB would be interested in reviewing. The group considered where they might conflict with a decision made by the Department of Historic Resources. Mr. Whitman, Mr. Gerlach, Ms. Weitzman, and Ms. Irvin expressed support for allowing this type of administrative review.

The group discussed administrative review of item (b) minor exterior alterations. The group reviewed the types of items that would be a concern and discussed the reversibility/removability of these changes. Ms. Schwartz clarified that these items would not be eligible for administrative review if there were other aspects of the application that required the full ARB's review. Mr. Davis and Ms. Pates said they thought this category should be removed.

The group discussed administrative review of item (c) fences, signs, lighting, and mechanical equipment. Mr. Gerlach said he was concerned about signs because they are so visible and can be obtrusive. Ms. Weitzman said she felt that she was often the only person to provide comments on signs and that staff regularly addresses any issues. She said signs typically don't endure or have a permanent impact. Mr. Davis said he was fine with the administrative review of signs, but felt fences should be removed from the list. He also noted that there should be a clear definition of what qualifies as mechanical equipment. Mr. Gerlach and Ms. Pates also supported removing fences from the list.

The group discussed item (d) emergency stabilization. Mr. Gerlach said he was very concerned about applicants potentially abusing this. Ms. Weitzman said that in the scenarios

where this would apply, the work that needs to be completed is urgent. Ms. Schwartz said this would create a process to allow emergency work to happen legally and with some oversight. Mr. Davis recommending adding a time limit condition to this to ensure that a complete application comes to the ARB within 6 months. He also said he was uncomfortable with the term “emergency” because it was not clearly defined. He thought this should be rephrased, or just the term “temporary” be used. The Board generally expressed support for this item.

The group discussed item (e) corrections to unsafe structures. Ms. Weitzman said she thought it was smart to have this language and to create a way to be a part of this process. These are projects, often demolitions, that aren’t required to have ARB approval now, so this creates an avenue to ensure the impact on the historic district is considered. Mr. Gerlach asked if it would be possible to allow staff to issue an immediate approval for safety reasons in these cases. Board members expressed support for a separate process for (d) and (e), where staff could issue the COA, but provide a report at the next regular meeting.

The Board discussed the examples of procedures from other cities. Ms. Weitzman commented on the example from Leesburg, and thought reviewing changes to approved plans should stay with the ARB. Mr. Gerlach asked that the sentence from Winchester’s code, about forwarding applications to the Board at the applicant’s request, should be added to the code and application form.

#### **OTHER BUSINESS**

##### **A. Discussion of Vendors as Applicants**

Ms. Weitzman said that having vendors or salesmen representing the property owner for COAs was difficult and made it very hard to discuss applications. They are not able to consider alternate materials, which is often very important. Mr. Davis said he agreed, but didn’t think it was feasible to refuse them. Ms. Schwartz said the property owner has the ability to designate a representative for their application, but that it is possible to work to ensure the property owner is involved and aware of any issues.

##### **B. Notes from Focus Group**

In reviewing the notes from the focus group, Ms. Pates noted the ARB’s difficult position and that they would always be balancing expectations. Ms. Weitzman recommended holding a work session to review the feedback and potentially engage in some training, especially to avoid giving the appearance of subjective decision-making.

#### **GENERAL PUBLIC COMMENT**

Theron Keller, 1108 Winchester Street, said he thought that in item (d), “temporary” was the “what” and “emergency” was the “why” and that both terms were needed. He also said that item (e) was about preventing imminent loss, and encouraged Board members not to get caught up in what might happen tomorrow.

#### **ADJOURNMENT**

The meeting adjourned at 8:53 p.m.



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Jonathan Gerlach, ARB Chair

