

Historic Yorktown Design Committee

Minutes

April 20, 2022
East Room
York Hall
301 Main Street
Yorktown, Virginia

Members Attending: Carolyn Weekley, Chair
Robert Hodson, Vice Chair
Jose Longoria
Larry Raithel, alternate

Staff Attending: Earl W. Anderson, AICP

Ms. Carolyn Weekley called the meeting to order at 7:00 PM.

Old Business

None

New Business

Application No. HYDC-220-22, 524 Water Street, Larry's Lemonade

Mr. Earl W. Anderson submitted the staff report, which stated that this application, submitted by Larry's Lemonade, seeks approval for the installation of a new utility unit on the roof and a proposed detached tent located at 524 Water Street. The utility unit is an HVAC unit which the building permit lists as a replacement for a similar unit. The tent is 600-square feet (20'x30') and is located over the previously approved outdoor patio and a portion of the parking area to the southeast of the building. The applicant intends to use the tent for outdoor dining.

The applicant submitted a permit to the Building Safety office for the replacement of a gas package (HVAC) unit that was to replace an existing unit. The County Building Safety office does not require plans when applying for a like for like replacement. The approval under the Historic Guidelines was missed and the office approved the permit. The installation was in process when a concern was received from the residential neighbor. The neighbor submitted a picture of the roof, which did not show a unit of the same size on the roof or with any unit installed in that same location. An investigation of previous Historic Guidelines approvals did not show any new utility units being installed on the roof. Additionally, staff looked through to see if a photo of the roof could be found that showed the previous utilities and none were found. The applicant has stated that a unit of the same size was located on the roof and this was a like for like replacement, but did not have any pictures to show the previous unit on the roof. The unit has been installed.

Mr. Anderson said the proposed tent will be required to meet the accessory structure dimensional requirements specified for the YVA – Yorktown Village Activity district for the side and rear yard of five feet (5') and must be located behind the existing front of Larry's Lemonade building. If approval is granted from the HYDC for the tent, the applicant will need to submit for approval through the YVA process for an increase in lot coverage and floor expansion above twenty-five percent.

In staff's opinion, the new HVAC unit changes the overall visibility of the existing utilities on the roof from Water Street and the beach and any new utilities should not be visible from these areas. Staff recommends that an extension to the parapet roof should be added to the roof to block the visibility of the roof utilities from the ground.

Mr. Anderson stated that the Design Guidelines do not appropriately address the continuous use of a tent in the Waterfront area of Yorktown and many of the recommendations do not accommodate the style and design of a tent. Accordingly, it is recommended that the Committee not find the tent consistent with the Guidelines and that the application be denied. He stated that he would be happy to answer any questions.

Ms. Sabrina Hack showed pictures of the structure from Water Street and stated that the new unit could not be seen from the street but agreed that it could be seen from behind the building. She stated that she couldn't change the location of other people's property and did not believe it was a hindrance to the residential views. She said when the installation was contracted, the company was supposed to get any permits required and Larry's Lemonade followed the required policies and procedures to get everything done. She noted that she felt that building up the parapet wall would not benefit anybody.

Mr. Robert Hodson asked why she felt that way.

Ms. Hack stated that the additional parapet would detract from the appearance and would actually attract more attention when the unit is currently not visible from the street or from the beach.

Mr. Hodson opined his agreement about the unit barely being visible from the beach. He noted that from the bluff and public walkway, the view is really unattractive in many ways and added that it's not only this unit, but the view of the back in its entirety. He suggested an architect could give some good alternatives to cover it up.

Mr. Larry Raithel stated that he has seen it done on other buildings. He added that he lives up on the hill on Church Street. He said that the previous tenant kept it very messy around the property and when the current applicant took over, there were promises to keep it clean and looking good. He said the roof currently looks horrible, along with the stuff outside the side door. He said that although he realizes the struggles of a seasonal business, it should be different in Yorktown, as it is a historic area and a special place. He stated that he would like to see something done about the backside of the building and roof and there has to be options so the utilities cannot be seen while coming down the hill. He stated that he is worried that Larry's Lemonade is moving back to a place that when visitors walk down the stairs, they will not be interested in going to it. He noted that he understands why

the tent was put up for the emergency situation at the time, but those times are passed. He stated that he would like to see the tents removed because they are not compliant with any of the Historic Guidelines nor are they an appropriate option for the village or the waterfront. He said the tents should be taken down and both businesses should go back to what was previously done with Larry's Lemonade utilizing the approved outdoor area with picnic tables and umbrellas.

Ms. Hack said that the umbrella use has been denied.

Mr. Anderson clarified that bright yellow neon umbrellas was denied, but green ones had been approved that were similar to the umbrellas at Ben & Jerry's.

Mr. Raithel reiterated that the tents are not appropriate structures. He said the Committee is not averse to looking at seating or outdoor arrangements that could be permanent; however, a tent structure doesn't fit.

Ms. Hack asked what makes their tent different than the two tents sitting down at Riverwalk.

Mr. Anderson stated those tents are placed temporarily by the County and are up for events.

Mr. Raithel stated that the Committee has asked the same questions on those tents.

Ms. Hack opined that the one behind the Freight Shed stays up all the time.

Mr. Anderson said they are not supposed to stay up and should come up and down. He explained that they were allowed as temporary structures, but the County is not required to comply with its own rules and regulations. He stated that he has encouraged County staff to make application for any architectural changes in Yorktown.

Mr. Hodson clarified that the Committee has asked the County why the tents do not come down between events and added that right now, from the Committee's perspective, there should not be any non-permanent structures in Yorktown.

Mr. Raithel gave an example of when his daughter was married at the Hornsby House and they put a tent up and down, up and down, for each event. He said eventually, they realized they needed something more permanent and constructed a permanent structure behind the house for events which is his suggestion for this situation. He stated that an outdoor seating area can be approved and would like to see some ideas for that outdoor eating area.

Ms. Hack stated that customers definitely prefer to sit outside.

Mr. Hodson opined that Larry's Lemonade has the ability to have umbrellas with tables, as was allowed prior to COVID, so bringing in a tent is not necessary.

Ms. Weekley asked if anyone else wanted comment.

Mrs. Beverly Krams said that she is the residential neighbor on the bluff behind Larry's Lemonade and noted that the two properties share about 180 feet of a property line, which is her front yard and porch and Larry's Lemonade's backyard. She said that she owns an older contributing home, which has more guidelines that apply to it. She added that businesses along Water Street are leasing tenants and are certainly not something that you would put next to a private residence if built today. She noted her surprise that the County recommended approval of this because it didn't meet the Guidelines. She stated that she doesn't understand why people fight complying with the Guidelines and if someone is interested in doing business or living in the historic village, they should comply. She said that Yorktown Village is nationally and internationally known and compatibility with the town's historic character is the most important consideration in evaluating the appropriateness. Mrs. Krams noted that the Guidelines state that a review should address the impact of particular activities on adjacent resources and the village as a whole. She said that it does not only have an impact on her, but also on visitors using the stairs. She cited page 56 of the Guidelines which states that views from public rights-of-way and adjacent properties, like her property, a utility such as an air conditioning unit or satellite dish must be screened and mechanical equipment should be unobtrusively located onsite in a side or rear yard.

Mr. Anderson clarified that the Guideline she read is listed within the Historic Core and this proposal is within the Waterfront section, which starts on the next page.

Mrs. Krams said she was very surprised by that. She said that the Guidelines also state that flat roofs do not produce the quality or the character appropriate for a historic district and questioned why call attention to this roof. She said that she understands that although they may be grandfathered, why call attention to a large object placed on a flat roof when it's not appropriate in the district. She asked where the tents are considered under the Guidelines.

Mr. Anderson stated that tents are not discussed within the Guidelines.

Mrs. Krams opined that was correct. She stated that it doesn't meet the accessory definition because of the canvas and said it is not like a building, as it doesn't have trim or windows noting that the tents were allowed under COVID. She said that she disagrees with expanding their restaurant seating and taking away parking. She added that the white tent is blaring and the lights reflect off of it and it flutters at night which she can hear in her bedroom. She said that the tents were only a temporary thing and did not think it had anything to do with helping historic district nor her property. She felt the Committee should deny the request for the tent and the HVAC should be taken off the roof and placed on the ground behind the building. She stated that she has invested a lot in her property and thanked that Committee.

Mr. Rick Tanner stated that the County has been trying to attract a lot of tourists. He said that in the last 20 years that he has been in Yorktown, the County has done a great job. He added that events like Market Days and concerts, promote tourism. He said that the National Park Service, unfortunately, have a couple of buildings that need work, but lack budget. He said visitors may walk Main Street and see that many of the houses are closed

and noted the Nelson House is open periodically. He asked why people and tour ships from Baltimore visit and answered the battlefields, to tour Yorktown, concerts and Market Days and when they visit they want to eat.

Mr. Raithel stated that the tourist from the boats go to Williamsburg and Jamestown.

Mr. Tanner agreed and pointed out that they spend their money in Williamsburg and they do not spend their money in this County. He said it hurts every single person sitting in this building and at this table and businesses in Yorktown should try to do as much as they possibly can for this County. He said that he has done all he can to pay attention to the Guidelines and would rather the County get the business instead of adjacent localities.

Mr. Raithel said that the history of Yorktown is what is important and the Committee's job is to help it all fit together. He said it should not be about trying to bring more people into the village because doing so creates more traffic, more noise, and more trash. He stated if the focus is on increasing more business that it is going to cause more and more problems in Yorktown. The capacity of the village is limited and bringing more people in just does not work.

Mr. Anderson clarified that the issues being discussed right now are not relevant to the architectural review proposed and would fall under the purview of the Board of Supervisors. He asked that any further comments be focused on the architectural components and not the use.

Mr. Tanner stated that he felt the HVAC can be screened and the building needs an air conditioning unit very badly, as the smaller units do not work efficiently.

Mrs. Krams asked why the unit needed to be that big. She said that her house is bigger than Larry's Lemonade and her unit is not that big.

Mr. Tanner said that a business needs more size because the doors are opened and closed more frequently and the kitchen is cooking all day.

Mr. Vic Reynolds stated that he has spent \$273,412 to renovate a building that he does not own. He noted that that he is a four time combat veteran and has poured himself into that building. He said it was his endeavor to clean up the roof and consolidate the equipment and added the two units were paid for out of his own pocket. He said that he owns three NASCAR teams and can be gone for days of the week and because of this lack of time, he told his installer to do whatever the County requires. He said that the building is super-hot and this new unit is needed and added that he has no problem putting a shield around it. He stated that he even paid an extra \$11,000 for this system to have decorative ducts. He said that the restaurant has been closed for the last four months, because he can't find a single employee. He noted that pressure washing the roof would help clean up the look of the roof and he thinks he has done a good job improving the property.

Mrs. Krams opined that the roof doesn't need pressure washing and noted that it used to be gray before it was painted white which is now bright and makes the sun glares off it.

Mr. Reynolds stated that he was approved to use white on the building, which is part of the Yorktown Color Palette.

Mrs. Krams said the roof had always been gray for as long as she remembers.

Mr. Reynolds clarified that when the leaking roof was redone, the contractor only had white as an option for the membrane. He said white was the color that was approved for the outside of the building. He stated that the colors for Larry's Lemonade are bright-green, yellow, and pink, and he cannot get away from those colors. He added that they have always tried to comply with the Historic Guidelines and is doing his best to make a living on this property. He said that it's already hard enough to run this business and some things feel like they are being a little nitpicking; however, he understands the importance of following codes and the importance of asking permission. He said that he is trying to make something pretty out of an old brick building that was not built in modern times and understands that the Committee has to make a decision and will work together to figure this out. He stated there are certain lines in the sand where he needs to stand and feels strongly that the tent should be allowed because there are tents on the other end of Water Street and that his end of Water Street should be treated fairly. He said that there has been a lot of County investment on the other end of Water Street to drive tourism, but he feels like his side is being treated unfairly.

Mr. Jose Longoria stated that it was good to hear from everybody. He noted that the property and building have been looking a lot better over the last couple years and that he sees the impact of what visitors see when they come down the stairs. He stated his appreciation of the clean outside of the building on three sides and said that the backside of the building is problematic. He agreed that there is minimal impact of the HVAC unit to the front or sides and questioned whether an enclosure or painting it is appropriate. He concurred with the staff recommendations about the tent. He said that Larry's Lemonade already has the ability to have outdoor seating and the tent does not fit with the aesthetic of the historic Yorktown environment.

Mr. Hodson said the front of the building does look much better and he appreciates the investment into this structure. He stated that the structure is architecturally challenged, in many ways but understands that although white is in the color palette, gray is also in the color palette and would have worked much better.

Mr. Raithel asked if it was painted or is it a coating material.

Mr. Reynolds stated that it was a rubber membrane and the only other option was tar which he thought would look bad. He said that he thought the white would look clean but now he can see now that he called it wrong.

Mr. Hodson stated that he understands Mr. Reynolds inherited the building with its many challenges and there is only so much that can be done. He suggested that maybe there could be some discussions with the County to see if some strategies can be come up with to address the view from the stairs. He said there was previous talk of screening the trash bins and it is unfortunate view that is seen from the top of that hill. He stated that the two things

in front of the Committee today are the air conditioning unit and the tent and if it had come to the Committee prior to being installed, he would have liked to consider placing it on the ground behind the building and screening it.

Mr. Reynolds stated there was no space behind the building and they could not dig to pour a foundation.

Mrs. Krams asked if the roof was paintable, because if you could paint it a medium gray, along with the ducts it would all blend into the roof and said the white roof outlines everything up there, but if it was all close to the same color, it would disappear into the roof.

Mr. Reynolds opined that he could paint the duct work but is not allowed to touch anything with the fire suppression system.

Mrs. Krams suggested that painting things gray would blend it all in and nobody would notice anything up there.

Mr. Reynolds said he was unsure if it could be painted, but he would be happy to check into it.

Ms. Weekley stated that this is a good solution if you could homogenize the color.

Mr. Hodson said that he thought there needed to be some sort of screening and that could be accomplished through a uniform camouflage of color. He stated that he does not think building up the parapet wall would help with screening and may look worse. He walked the site and the HVAC cannot be seen three sides. He said that the stairs is the view that he struggles with and homogenizing the roof to a common color is a good approach.

Mr. Longoria liked the options discussed.

Mr. Hodson stated he was on the same page as Jose and Larry and agreed the tents really are not in the character of Yorktown. He said that the Guidelines exist and the Committee does its best to follow the spirit of them. He noted that the village is a very unique and historical community and special in a lot of ways. He stated that the Guidelines are in place to preserve the existing character and were worked out with a lot of public opinion and community input. He noted that the Committee was put in place to interpret and enforce them. He said it may not be a perfect solution, but sometimes a better solution arrives through discussion.

There being no further discussion, Mr. Longoria motioned to deny the tent.

By voice vote, the motion to deny the tent was approved unanimously.

Mr. Longoria moved approval of the new roof utility, subject to the roof surface and utility units and associated accoutrements being painted gray or black.

By voice vote, the motion to approve the new HVAC unit was approved unanimously.

Staff Reports

Mr. Anderson discussed the administrative approvals completed since the last meeting and he reviewed them with the Committee.

The Committee discussed the Waterman's Museum and the approval for the signs. The overall consensus was that the museum needed to comply with the Guidelines, especially when it comes to blocking views of the river from the public sidewalk.

The Committee also discussed whether the County can penalize properties that don't comply with a decision by the Committee. Mr. Anderson noted that ability for the Zoning and Code Enforcement office to cite properties and the processes of compliance and taking it to court if compliance is not accomplished.

The Committee deliberated things the County could do to improve the view from the stairs, such as providing landscaping or fencing to help with the sites.

Committee Requests

None

There being no further business to come before the Committee, the meeting was adjourned at 8:30 pm.

Respectfully Submitted,

Earl W. Anderson, Secretary

Approved by HYDC: *Earl W. Anderson*