

Historic Yorktown Design Committee

Minutes

June 21, 2023
East Room
York Hall
301 Main Street
Yorktown, Virginia

Members Attending: Carolyn Weekley – Chair
Jose Longoria – Vice Chair
Margaret Mack-Yaroch – Alternate – voting member

Staff Attending: Earl W. Anderson, AICP

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

New Business

None

Approval of Minutes

Mrs. Betsy Taylor stated that the minutes did not properly reflect her stated comments. She clarified that their deck does not view the river and asked that it be changed.

The minutes of the May 17, 2023 meeting were approved unanimously with the amendment.

Old Business

Application No. HYDC-232-23, 425 Water Street, County of York, Virginia

Mr. Anderson stated that this application was tabled at the May 17, 2023 meeting of the committee. The applicant submitted the attached response that after conferring with Administration, the requested changes requested by the committee would not be practical, thus the building design would remain as initially submitted.

Mr. Longoria asked if this was the same plan that was presented to the committee two years ago.

Mr. Anderson confirmed that it was the same plan.

Mr. Longoria opined that two years ago the committee asked the County to go back and relook at what they presented. Now two years later, the County comes back with nothing changed and then we asked again a month ago and still there are no changes. He finds that very difficult. He is disappointed wholeheartedly that the County cannot take this committee's recommendations in earnest.

Mr. Darren Williams stated that he could not speak to two years ago, but everything was put on hold then to deal with COVID-19 issues. He understood the concerns; however, it was not practical to change the design of the facility.

Mr. Larry Raithel asked if it was really practical to say that the County needs a conference room down on the waterfront.

Mr. Williams stated that he values the opinions that have been stated, but, his direction from senior leadership was to move forward with the plan as previously submitted.

Ms. Margaret Mack-Yaroch asked for clarification on what the committee was supposed to be reviewing. As she understands it the committee is to look at the aesthetics of the outside of the building and not the inner contents.

Mr. Longoria opined that in this case, the inside function of the building is determining the massing, height, etc. for this proposed building.

Ms. Alyssa Adams, of 111 Smith Street stated that she has some background she would like to share with the committee. The proposed redesigned Dockmaster building as outlined in an email dated April 21, from the Office of Waterfront Operations states that there is a need for permanent infrastructure to support the 3,000 passenger ships in the cruise line industry that could be porting in Yorktown. It is unclear to people in the community what the status beyond the cruise line pilot program will be after June 2024. Is the County being transparent about the use of this proposed structure? Will the County share with the residents what is going on after the pilot program date to Yorktown's infrastructure? The vital functions of this proposed dock master building are ADA bathrooms, first aid, a dock master office, and a kiosk with QR code information. The real estate on the waterfront is small and limited and does not mirror waterfront offices. Waterfront activities have been organized remotely just fine for years. Functions outlined in a memorandum have already been designed for obsolescence unless of course there was an agenda that the citizens of York County had not been made aware of. Per the April 21 memorandum, the building function proposed seems to be geared towards activity on a much larger scale than is currently necessary and could do environmental damage and would definitely encroach on the existing historic overlay as designated by the Board of Supervisors 20 years ago.

Mr. Longoria thanked her for the information and that going back to the recommendations of the committee the massing and form are totally out of place for what has been planned

at that waterfront. The building should look like the other structures at Riverwalk and aesthetically it is too massive and looks like a big barn with a cupola on top.

Ms. Mack-Yaroch did not agree with that assessment. There are several properties within this area that do match this building, including the closest one to it, the Auxiliary Freight Shed building.

Ms. Weekley agreed with Mr. Longoria and stated he spoke very clearly and succinctly to the problem that the committee has observed with this particular building and that concern has been also voiced by a number of people who live in Yorktown.

Mr. Robert Hodson opined that the purpose of the committee is to decide if a structure's form and function intersect well with the Historic Design Guidelines. He does not feel it's appropriate for the County to ignore the Guidelines, because as they say "it is impractical". What is the reason it's impractical? To him, it seems the County has decided what they want to put in that building and it does not want to change it. The community and committee gave that input two years ago and again at the last meeting. The County refuses to make the requested changes. He did not think that is fair. The Guidelines say to use a gable roof and have pictures of those roofs and the County says no let's use a different roof style and say it is used in other places in the Village. However, it is not a roof style down by the waterfront. Another thing the Guidelines state and show in the appendix concerns the massing of the structure. When you have a large structure, you should break it up into small structures and not use a big block building. Yet, this is what the County is proposing. It is very clear that the County is moving forward in violation of the Guidelines because it wants to do something that you're not telling the citizens about. He understands the need for the bathrooms, it doesn't have to be done this way.

Mr. Williams stated that the County has been very transparent about the use of the building from the initial proposal. Nothing has been hidden.

Mr. Hodson questioned why the County is unwilling to change the buildings. Why is it impractical?

Mr. Williams answered that they County looked at the previous suggestions to change the location or enlarge the footprint. The County does not have any alternate locations and changing the footprint would create more impervious surfaces, which is more environmentally harmful.

Mrs. Terri Hodson stated that there are examples of structures that are not according to the Guidelines. When they built their house, they did not want it to look colonial, because it would confuse tourists and they wanted there to be a difference. She brought up the Tragle's house and how they were told to lower the house height. This was when her

husband was on the committee. The Tragles wanted a third story. The committee worked with them to lower the height and they came back and said they were appreciative.

Mr. Hodson opined that many applicants have been responsive to working with the committee, but not the County.

Mr. Anderson clarified that the Tragle house did and does not meet the Guidelines. Staff recommended denial throughout the process. However, as you said the committee decided to work with them to approve it, even though it was too tall and the massing was out of order with the adjacent structures.

Mr. Hodson clarified his point that people usually work with the committee to come up with solutions.

Mr. Anderson agreed with that statement. Most people do work with the committee; however, there have been some that did not. There was the gentleman on Ambler Street that refused to paint his picket fence white and he appealed the committee's denial to the Board of Supervisors. Not every applicant is going to work with the committee and that is why the procedures are in place. The committee and staff try to work with applicants and unfortunately, as in this situation, not everyone will work with you. He stated that he does not want to dismiss deliberation and giving everybody the chance to talk, but nothing has changed since the last meeting and if the committee is hearing the same repeated information as was stated in the last meeting, is the committee getting the information they need to make a decision.

Mrs. Hodson questioned the function committee. As she understands it the function of the committee is to apply the Guidelines. If the committee failed to apply them, as with the Tragle's house, then shame on them. The Village needs to have this committee here for a reason. She knows that several people fought against establishing the Guidelines. However, they are here, so let's follow them. If the committee votes no, then it is going to go to the Board of Supervisors and they are going to approve it, no matter if 100 people show up to protest, it is going to happen, so why is there even a committee?

Mr. Anderson stated that if you look at all the applications that have come before historic review 99.9% have gone through the process either with the committee or through administrative approval without any concerns. It is this 0.1%, who do not want to do what the Guidelines say and the committee can do as much as they can to work with the applicant. However, as Mr. Davis can explain you can't always get the other person to do what they want, as he has seen it happen in his time as a Planning Commissioner, and a few of the people in this room have seen it with the Ambler Street appeal. That is why this is a process and why there is an appeal process. The applicant has the right to appeal decisions of the HYDC and even the Board of Supervisors. He stated that he has been to court twice because someone did not agree with the decision a governing body made. This

is the way the process works, the committee's function here is to try to implement the Guidelines as best that they can and that is what the committee has always tried to do.

Mrs. Hodson asked if the specific examples noted about this building where it does not meet the Guidelines were relevant.

Mr. Anderson stated that in the memorandum he outlined where the building met or did not meet the Guidelines. This analysis is always provided to the committee. However, he noted that the Guidelines are just that they are guidelines. They are not set-in-stone regulations that require people to do certain things. If an applicant does not agree with something, the Guidelines have a process to come to the committee and explain why and the committee can interpret how the Guidelines should be applied or if they should not be applied. The committee has done that in the past, in the example of the Tragle home. The committee has been very good about working with an applicant to make sure they got what they wanted and everybody was happy in that sense. The Yorktown Historic District Overlay creates a process to make that happen. So, he would not agree that the function of the committee is gone, because an applicant decides they do not want to do what the Guidelines say. The Ordinance is written the way it is to give applicants the opportunity to talk to the committee, the committee to give input back to the applicant, and then to move forward through the process.

Ms. Mack-Yaroch agreed as this was her experience with Grace Church. Staff recommended a certain way outlined in the Guidelines and the committee considered other options and agreed with the applicant, as we felt it was a better product than what the Guidelines asked for.

Mrs. Beverly Krams opined that the County should go back to square one. Mr. Anderson is saying that the Guidelines are so loosely knit that anyone can do what they want. The term guideline is defined as any guide or indication of a future course of action or a set of steps to follow. The Zoning Ordinance Section was set in 2003 and enacted by the Board of Supervisors on the property owners of the Village. It says they were established to preserve and improve the historical significance of the town for all residents by protecting familiar and treasured visual and historic elements in the area and to prevent the encroachment of buildings and structures which are architecturally incompatible with the environments within areas of architectural harmony and historic character. The Guidelines state that their purpose is to preserve and protect the historic character of Yorktown. The analogy that the County gave at the time was what if some neighbor might paint their door purple. However, she believed it to be a tool for economic development to get historic tax money. Turns out she was right because now the County is not even following the Guidelines. To them, it is just some loose leaf; however, these are zoning laws.

She lives next door to Grace Church, which at the time had a member on the Economic Development Authority. All of this is political. The Guidelines are politicized. The building

is too big, no buildings had a cupola. This Commons has more history, than Jamestown or Williamsburg. The waterfront has more history than any waterfront property in the state of Virginia and is part of the Revolutionary Battle of Yorktown. The building needs to be in character with history and should respect the history of the Village. That's why Mary Matthews, wrote a letter to the President of the United States when they built the toilets on that site, as she was so upset. Now State of Virginia, which owns the land that she gave them for their Revolutionary War Museum, wants to park buses for a 3000-passenger cruise ship with a crew of 900 to come to Yorktown.

Mrs. Mack-Yaroch stated that the committee needs to focus on the building issue and not tie this to the cruise ship. We are here to vote on the building and not cruise ships.

Mr. Larry Raithel opined that as he understands what is being said, he appreciates that everyone came and the committee has given each of us a chance to talk, but it doesn't matter. He is concerned that because of the tents issue and that no alternate plans have been presented he suspects the County's going to tell the restaurants that they can keep their tents up. This building does not meet the Guidelines. It is way too big. The County wants to have a conference room, so the Ambassadors could have a break area. The question needs to be addressed of how else that can be done. But basically, the County is blowing the citizens off.

Mr. Anderson clarified that he did not state that. He reiterated that rehashing the same things over and over is not helpful to the committee and does not help make their decision any better. However, the committee can proceed in whatever direction it would like.

Mr. Raithel questioned why no one seemed to be able to address the citizen's questions.

Mr. Anderson stated that he and Mr. Williams are available to answer questions or you could schedule a meeting with anyone in the County Administration. He would be happy to facilitate a meeting.

Mr. Raithel stated that he felt the citizens had no control over anything and the County would do what they wanted to do. Additionally, the Board of Supervisors has not supported the citizens. So he is flummoxed as to what to do, as it seems that no one cares. The people who come to the beach don't care about what is going on. It is only the people in the Village that this affects that are being harmed and nobody's listening. Lastly, he felt Ms. Mack-Yaroch has a conflict of interest and should not vote on this.

Ms. Mack-Yaroch stated that she is a homeowner in the Village and the County Attorney has clarified that she does not have a conflict of interest. She does believe in following the Guidelines and she takes her role and responsibility, seriously. In her review of the Guidelines, she feels the building meets what has been asked.

Ms. Krams asked if Mrs. Mack-Yaroch was an employee of York County.

Mrs. Mack-Yaroch stated that she was and she is a homeowner in the Village.

Mr. Anderson stated that Ms. Mack-Yaroch's ability to serve on the committee has already been reviewed by the County Attorney's Office. If anyone has concerns they should contact that office.

Mrs. Krams opined that she has a letter from York County right now telling her she can paint her house white. She had to go to York County to get that letter. She did that because she did not want to ruin the character of Yorktown. In the meantime, she has a newspaper article that tells her that the Duke of York is going to take their 5,500 square-foot rooftop and turn it into an entertainment area. So much for the Design Guidelines.

Mrs. Taylor asked where the citizens and not just the residents of the Village get to make comments on issues of concern.

Mr. Anderson stated that that is the purpose of the HYDC and is what we are sitting in the room, today, to hear. Your voice.

Mrs. Taylor said that we were hitting a brick wall.

Mr. Anderson reiterated that the committee is listening to what you are saying. He asked the committee members if they were listening to what was being said tonight. All the committee members agreed that they were listening.

Ms. Weekley stated that she is listening and does not want to forecast how the vote might go tonight, but the committee will take a position on this matter, which is what they are supposed to do. Then, if the County wants to go ahead and build this building, the County will go ahead and build this building. The HYDC will have done its job as a Committee and that is all it can do.

Mr. Longoria opined that from the beginning, aesthetically, the location of the building, not necessarily the functions, was not in good keeping with the historic design elements and was not harmoniously balanced. The majority of the committee has said the massing was too big. The proposal is to go from two small buildings to one large building and he feels that the function and mass do have a correlation. Additionally, this does not just affect the village, all York County citizens will be affected. As a committee member, he has tried to address these issues back to the County; however, the reply is like putting lipstick on a pig. The whole proposal is not consistent with what is down there. Lastly, he wanted everyone to know he is listening, but there is a process and as Mr. Anderson stated the committee is part of the process, and if denied there more than likely will be other steps citizens can take.

Mr. Hodson asked if the committee could table it.

Mr. Anderson stated that the committee has to make a decision tonight, they have reached the limit the Zoning Ordinance allows for them to delay making a decision, which is sixty-five days.

Mrs. Hodson pointed out that there are multiple ways to break up a building and she finds it problematic to use other buildings in the village that are not in agreement with the Guidelines to say this building can be built this way. Just because another building that was not built in accordance with the guidelines was built does not mean another should be built that way. She thinks the biggest problem with the proposed building is the roofline and how large it is and it needs to be broken into smaller buildings.

Mrs. Krams opined that the Design Guidelines are supposed to protect familiar and treasured visual areas, not just for the residents of York County, but for those who live here. The river has a historic designation, as there are many sunken ships. So why would the County want to have people go down Ballard Street and then all they see is this giant building instead of the beautiful York River instead of smaller buildings that are in keeping with the Village?

Mr. Williams clarified that you will still be able to see the water as you come down the hill. The building is not that large and is in the same footprint as the current buildings.

Mr. David Bowditch asked if anyone had spoken or sent in written comments in favor of the proposed building.

Mr. Anderson stated that he is not aware of any comments in favor.

Ms. Adams asked where can citizens insert themselves into the process.

Mr. Anderson stated that everyone here is in the process right now.

Ms. Adams said that she meant after the committee made their decision.

Mr. Anderson opined that after the committee makes its decision, the County will have to decide whether to accept their decision or as the Zoning Ordinance allows to appeal the HYDC decision to the Board of Supervisors. Then the Board would take it up on one of their agendas, under consent items. If anyone wanted to speak on the item, they would need to speak during the citizen comment period.

Mrs. Hodson stated that they would be on the lookout for it to appear.

Ms. Weekley asked if anyone wanted to make a motion.

Mr. Longoria made a motion to deny the request based on the following:

- The proposed building is too large and box-like which does not meet the Historic Design Guidelines massing standards and looks more like a barn;
- The proposed roof line did not meet the Historic Design Guidelines which state roof shapes should be traditional gabled style and the proposed is a gambrel roof which would be out of place compared to other waterfront structures;
- The Historic Design Guidelines state that the primary roof slope should be no less than 9:12 and the proposed building has a pitch of 6:12.
- The proposed building does not harmonize with the surroundings and does not maintain compatibility in terms of style with other buildings within Riverwalk;
- The proposed building height would block scenic and pleasant views of the river and should be reduced to a one-story building;
- The cupola feature is out of place on the proposed structure and should be removed;
- The building design should meet the below additional Historic Design Guideline statements:
 - A cementitious siding shall be used instead of the proposed cellular PVC siding. Siding and trim applications shall be in accordance with the dimensional and specifications set forth in the Design Guidelines.
 - The brick-and-mortar colors shall match the brick-and-mortar colors used within Riverwalk.
 - All doors, siding, fencing, and shutters shall match a color from the Yorktown Color Palette and be compatible with the wall and trim colors used on the building.
 - Color samples for the shingles shall be submitted to and approved by the Zoning Administrator before installation.
 - If any vents are installed in the roof they shall be painted to blend with the roof shingle color.
 - The use or placement of television antennas or building-mounted satellite dishes visible from public rights-of-way, the river or adjacent properties shall be prohibited.
 - Fencing around the outside mechanical equipment shall be made from composite wood, painted white, and screened with evergreen landscaping.
 - The sign brackets shall be black or some other matching color.

With no other discussion, the Committee by voice voted on the motion to deny the request on a vote of 2:1 with Ms. Weekley and Mr. Longoria voting in approval and Ms. Mack-Yaroch dissenting.

Applications for Certificates of Appropriateness

None

Reports and Committee Requests

Mr. Anderson reported that there had been three administrative approvals since the last meeting for a small change in the design of Larry's Lemonade sign and the replacement of fencing at two homes on Ambler Street.

The committee discussed changes that the property owner along Water Street wished to make between the two restaurants and a possible new restaurant next to the Pub.

There being no further business to come before the Committee, the meeting was adjourned at 7:50 pm.

Respectfully Submitted,

Earl W. Anderson, Secretary

Approved by HYDC:

