

COUNTY OF YORK

MEMORANDUM

DATE: August 5, 2016 (BOS Mtg. 8/16/16)

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator



SUBJECT: Appeal of Certificate of Appropriateness for Application No. HYDC-118-16, Grace Episcopal Church

ISSUE

At its meeting on June 22, 2016, the Historic Yorktown Design Committee (HYDC) approved, subject to conditions, the application of Grace Episcopal Church for Yorktown Design Guidelines authorization to construct additions to the existing structure located at 109 Church Street (known as "Riverview") and to construct an outdoor elevator to provide accessibility between the adjacent Parish Hall parking lot and the structure. Grace Episcopal Church has submitted an appeal of the HYDC conditions of approval.

BACKGROUND

The subject parcel is owned by and adjacent to Grace Episcopal Church, located at 111 Church Street. The subject structure, before acquisition by Grace Episcopal Church, was a privately-owned single-family residence. In January 2002, the Board approved the church's YVA (Yorktown Village Activity) application to allow the residential structure to be used also for various church activities such as small group meetings, Sunday school classes, and indoor and outdoor social activities related to the church, along with other conditions.

In April 2016, Grace Episcopal Church submitted an application to the Historic Yorktown Design Committee (HYDC) requesting approval of the design of proposed renovations and additions to the "Riverview" structure. In addition, the application sought approval for the design of a proposed detached elevator that the church wishes to construct on the property. The HYDC met on May 18, 2016, and June 22, 2016, to review the application for a Certificate of Appropriateness (COA) for the subject property. At the meetings, at which multiple community members spoke concerning the application (minutes attached), the HYDC voted unanimously to approve the COA subject to the following conditions:

1. The additions shall be constructed in accordance with the exterior features depicted on the architectural renderings and with the supplementary information detailing proposed materials and colors presented with the application and received April 27, 2016 and with the modifications as depicted on the information submitted for the June 22nd meeting.
2. The walkway or path from the elevator and stairs to the structure shall be constructed using one of the following materials: grass, compacted dirt, brown pea stone, river stone, brick, bluestone, or other monolithic stone.

3. The sections of the proposed railing for the stairs and elevator visible from the parking lot of the Parish Hall shall be similar to the existing wooden picket fencing, painted white and at a height of 36 inches to 48 inches.
4. The addition on the eastern side of the structure shall be offset from the front of the house by one-foot per the Non-Contributing Properties guidelines, subsection 2(a), Location of Additions.
5. The elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street, or the beach area, except when in use. The elevator components shall be painted with one of the gray color selections on the Yorktown Color Palette. The car shall be parked behind the stairs when not in use so as not to be visible from the Parish Hall parking lot.
6. The deck shall have a perimeter railing system designed to be consistent with the picket fence style shown in the illustration on page 78 of the Yorktown Historic Design Guidelines, sub-section No. 3, left-hand side. The railing shall comply with all applicable requirements of the Uniform State Building Code (USBC). The railing height shall be consistent with USBC requirements but within the range of 36 inches to 48 inches, and it shall be painted a white color; and

Grace Episcopal Church filed for an appeal of the HYDC's decision by letter dated July 18, 2016 (copy attached), and followed that with a letter dated July 29, 2016, letter (copy attached) describing specific objections to the conditions relating to the one-foot building offset (Condition #4) and the elevator design (Condition #'s 3 and 5).

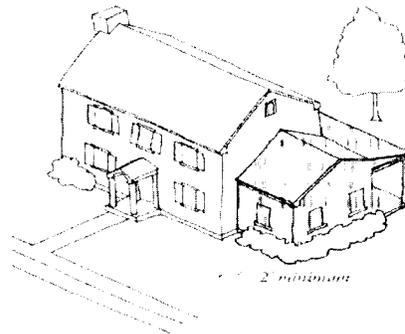
CONSIDERATIONS/CONCLUSIONS

1. Among other structural modifications, the church proposes to add 310 square feet of habitable floor area to the first and second floor (a total of 620 square feet) parallel to and attached to the eastern side (facing Read Street) of the existing structure. The subject property is located in the Historic Core, as defined by the Yorktown Historic District and Design Guidelines. According to County property records, the existing structure, known by the church as "Riverview", was constructed in 1946 and, therefore, is considered to be a *Non-Contributing Building* (1946 or later construction) making it subject to the standards set out in Section I.C.2. (page 37) of the Design Guidelines. (see attached HYDC-118-16 staff memorandum for details).

The Design Guidelines state that "additions should be located at the side or rear of existing construction...[and]... **be set back from the corner(s) of existing construction by a minimum of one (1) foot**" (emphasis added). This building offset is intended to preserve the character of the Yorktown Village architecture and to clearly differentiate between not only historical and newer construction, but also to inform the public as to the difference between legacy and new construction, even in the case of *noncontributing* structures such as Riverview.

Grace Church desires to have the HYDC's condition requiring an offset overturned. The church contends that there is no need for the offset since there are no occupied properties to the east and there would be limited visibility of the addition from the north (Water Street) and west (neighboring residential properties). Also, the church notes that including the offset would require re-engineering of the building plans and additional structural changes, both adding to the cost of the project, and that it would compromise interior functionality.

This was the first proposal for an end-extension building addition that has been reviewed in the 12-year history of the HYDC. While the Guidelines are, in fact, "guidelines", one of the *Five Principles* upon which they are based is "*Let what is old be dominant over the new*" (page 21, Yorktown Design Guidelines) and the architectural premise of having additions be subordinate to the main block of an existing building is demonstrated by the following diagram shown on page 84 of the Guidelines document.



2. The church also desires to install an elevator to transport those unable to use the steps that currently lead from the Parish Hall parking lot level down to the rear lawn of the "Riverview" house. The proposal that was presented to the HYDC was for an enclosed-shaft, vertical platform lift with a peaked roof and metal-frame/plexi-glass enclosed sides (see the spec. sheet and renderings attached to the applicant's July 29th appeal letter and marked as Exhibit A and B). Staff's recommendation to the HYDC was that the elevator enclosure be enhanced with wider trim boards, citing the HRT bus stop enclosures as an example of enhancements that can be made to utilitarian structures of this type. The HYDC did not agree with that recommendation and, instead, opted for approval with the stipulation that the "*elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street or the beach area, except when in use.*"

The HYDC discussed the elevator at length and various appearance options including requiring the part of the elevator shaft that would be visible from Church Street to have the look of a garden shed or well house, or to match the existing Parish Hall exterior, or to be screened with picket-fencing, or not to be visible at all. The committee decided that having the elevator hidden below the Parish Hall parking lot grade (thus obscuring view from Church Street) except when in use, and buffered from view with a picket fence on the parking lot level,

would be the most beneficial option.

Subsequent to the HYDC's action, further investigation by staff has determined that the type of elevator design envisioned by the Committee would not be permitted by the terms of the Virginia Uniform Building Code. Specifically, the Code would require a shaft enclosure that would have to extend around and above the lift platform when in the up-position, thus making it impossible to comply with the HYDC condition that the elevator not be visible when not in use. Given this development, it is clear that reconsideration of the HYDC decision on the elevator is necessary and that either the design the church wishes to use or one of the design alternatives that the Committee discussed will need to be considered.

RECOMMENDATION

The Board has strived to protect the character and significant history within Yorktown by designating the area as a special zoning district, creating specific design guidelines and appointing a special committee to review architectural components for projects. The fact that this is the first appeal of an HYDC decision in the 12-year history of its deliberations speaks well of the commitment of its members to fair and equitable interpretation and application of the Design Guidelines.

With respect to this case, I understand the HYDC's interpretation and application of the guideline calling for an offset in the wall plane of the proposed addition to the eastern end of the structure. However, while including that offset would provide symmetry with the offset of the existing wing on the western end of the structure, given that "Riverview" is a non-contributing structure per the Guidelines definitions I do not believe the off-set is as necessary as it would be with a *contributing* or *pivotal* structure (the terms used for structures constructed before 1946). Moreover, I believe, as the church notes in its appeal, that the limited visibility of the addition, both currently and perhaps more so if plans for new construction behind the Pub ever materialize, provides rationale for eliminating the off-set requirement. Accordingly, I recommend that the HYDC's decision concerning the need for an off-set (setback) between the front façade of the existing structure and the front façade of the proposed addition be overturned.

With respect to the elevator structure itself and the picket fence, the new Building Code information indicates that the design envisioned by the HYDC would not be feasible and that a configuration essentially as proposed by the church would be necessary. I understand and support the desire of the church to enhance accessibility to "Riverview" and believe that an elevator system is a reasonable way of accomplishing that. The peaked-roof, white powder-coated metal frame and plexi-glass enclosed shaft will sit between the Parish Hall and a dumpster enclosure and will be relatively inconspicuous in terms of visibility from Church Street and adjacent properties. Accordingly, I recommend that the elevator design and appearance depicted in the Symmetry Vertical Platform Lift spec sheet and the accompanying renderings, labeled as Exhibits A and B in the attachments to the applicant's July 29, 2016 appeal letter, be approved.

These recommendations are contained in proposed Resolution R16-100, and I recommend its approval.

However, should the Board wish to uphold the HYDC decision, proposed Resolution R16-101 suggests the option of requiring the 1-foot off-set and remanding the elevator design issue back to the HYDC for further consideration in light of the new information concerning Building Code requirements.

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Attachments:

- Applicant Letters dated July 18 and July 29, 2016
- Building Renderings
- HYDC-118-16 Certificate of Appropriateness (transmittal letter dated June 24, 2016)
- HYDC-118-16 Staff Memorandum, dated June 20, 2016
- HYDC minutes (May 18 and June 22, 2016)
- Proposed Resolution R16-100 (approve appeal as requested by applicant)
- Proposed Resolution R16-101 (uphold HYDC)

TARLEY ROBINSON

ATTORNEYS & COUNSELLORS AT LAW

Tarley Robinson, PLC
4808 Courthouse Street, Suite 102
Williamsburg, Virginia 23188

Telephone (757) 229-4281
Facsimile (757) 229-7439

D. Scott Foster, Jr.
sfoster@tarleyrobinson.com

July 18, 2016

Via Overnight Mail and Email (simmonse@yorkcounty.gov)

Ellen Simmons, Clerk of York County Board of Supervisors
224 Ballard Street
PO Box 532
Yorktown, Virginia 23690

RE: Notice of Appeal of Certificate of Appropriateness Issued for Application No.
HYDC-118-16

Ms. Simmons:

This letter serves as notice of appeal of the Certificate of Appropriateness issued by the Historic Yorktown Design Review Committee for Application No. HYDC 118-16 made by Grace Episcopal Church. Grace Episcopal Church requests that these conditions be considered at the August meeting of the York County Board of Supervisors along with the other pending applications by the Church. A copy of the Certificate of Appropriateness is enclosed for your reference.

Sincerely,

TARLEY ROBINSON, PLC



D. Scott Foster, Jr.

DSF:tbm

cc: James Barnett (jbarnett@yorkcounty.gov)
Earl Anderson (andersone@yorkcounty.gov)
Tim Cross (tcross@yorkcounty.gov)
J. Mark Carter (carterm@yorkcounty.gov)

July 29, 2016

Ellen Simmons, Clerk of York County Board of Supervisors
224 Ballard Street
PO Box 532
Yorktown, Virginia 23690

RE: Supplemental Information for Notice of Appeal of Certificate of Appropriateness Issued
for Application No. HYDC-118-16

Ms. Simmons:

This letter supplements the Notice of Appeal of Grace Episcopal Church (the "Church") as submitted on July 18, 2016 with respect to the Certificate of Appropriateness issued by the Historic Yorktown Design Review Committee ("HYDC") for Application No. HYDC 118-16.

Summary

The Church simply wants a) to provide safe and quality passage for its physically-challenged parishioners and guests to access Riverview for services and meetings; and b) to provide additional interior space at Riverview to meet demand for church groups to gather and conduct services. The proposed changes to the property will have a minimal visual impact on the surrounding area, and the denial of this request unreasonably and substantially burdens the Church's use of its structure and its ability to assemble. Consequently, the Church appeals the following conditions imposed by the HYDC:

I. Conditions relating to elevator design, construction and function.

Condition 3. "The Sections of the proposed railing for the . . . elevator visible from the parking lot of the Parish Hall shall be similar to the existing wooden picket fencing, painted white and at a height of 36 inches to 48 inches" (The Church takes no exception to the provisions of Condition 3 relating to the specifications for the proposed railing for the stairs.)

Condition 5. "The elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street or the beach area, except when in use." (The Church takes no exception to the provisions of Condition 5 relating to a specific color.)

II. The condition requiring a one-foot offset on the eastern addition to Riverview.

Condition 4. "The addition on the eastern side of the structure shall be offset from the front of the house by one-foot per the Non-Contributing Properties guidelines, subsection 2(a), Location of Additions."

Discussion

I. The Church requires a commercial grade enclosed lift.

A. The Church has contracted with Kenny Hardee of Area Access, Inc. in Norfolk to advise and recommend the appropriate lift for the Church's needs. In his professional opinion, a commercial grade enclosed lift is required. Some of the reasons are as follows, all of which relate to the safety of parishioners and guests:

1. The vertical lift will be open to the Church's parishioners and guests. The intensity and diversity of such use require a lift designed with controls and function to serve a variety of special needs. Only commercial lifts offer the functionality and safety features necessary.

2. Commercial lifts of this size have enclosed shaftways, a requirement of the relevant safety standards. Standards for commercial lifts are created by the American Society of Mechanical Engineers and are adopted and enforced by individual localities. Pursuant to ASME A18.1, "Safety Standards for Platform Lifts," any commercial elevator whose vertical travel exceeds sixty (60) inches is required to have an enclosed shaft. The required shaft must extend to at least the height of the railing adjacent to the parish hall parking lot. This enclosure will have ventilation and soft lighting during use at night. It will stand at a height of approximately eight feet above the parking lot grade. Consequently, to comply with the necessary safety standards for a commercial lift, the Church must install an enclosed lift that provides additional safety for both the user and bystanders.¹ A manufacturer's rendering is enclosed as Exhibit A.

B. Further, to weatherproof the lift, Mr. Hardee strongly recommends that the Church install a slant-roof enclosure so as to protect the user from the elements while the lift is in use. This safety feature makes Riverview accessible for all its parishioners and guests, even in dismal weather conditions. A rendering for this structure is enclosed as Exhibit B.

As a result, the very top of the enclosed lift will be visible the parish hall parking lot and Church Street, but not from Water Street or the Beach Area. Please see Exhibit C, photos 1 through 5. However, any visual impact of the structure will be *de minimis*. Conversely, a denial of the proposed enclosed lift places an unreasonable limitation upon the Church's ability to assemble, especially as it relates to its physically challenged parishioners and guests.

C. The enclosed lift will have a plexiglass door, that opens to a two-sided lift. The sides of the lift must be solid panels. In order to be user-friendly and to comply with the relevant codes, there should be no other gates or apparatus other than the plexiglass door to enter the lift. Given these safety parameters, complying with the requirement that the railing for the elevator mirror that of the surrounding picket fence is simply not feasible, if not impossible, for any commercial lift.²

¹Mr. Hardee has indicated that the Church's needs mandate the installation of a commercial lift. Installation of a residential lift would be wholly inappropriate resulting in an unacceptable safety risk.

²Mr. Hardee is not aware of any such product available, and does not believe that such a requirement can be met. Upon approval of the enclosed lift, there will be no need and no ability to construct a railing that mirrors the existing picket fence.

The promise of “safety” requires that the Church install a commercial enclosed lift. Further, an enclosed lift with a slant-roof enclosure provides the best and safest means of access for the user of the lift. Accordingly, we respectfully request that Board approve the Church’s original design as submitted to the HYDC.

II. The one-foot offset provides no aesthetic benefit while unreasonably compromising the interior functionality of the addition.

The one-foot offset is intended to be an aesthetic adjustment to note an addition to the original structure, but Riverview has no neighbor to the east, only a long slope to Read Street. The east side of Riverview is not visible from the south, and is only partially visible from the west and north. Please see Exhibit D, photos 1 and 2. Furthermore, the distance from Water Street is significant, and it would be practically impossible to look from Water Street and observe an offset with the naked eye.

Further, the one-foot offset obviously decreases the usable space of the addition and would require a complete and unreasonable re-engineering without any substantive benefit to or compelling interest for Historic Yorktown. The addition requires a structural beam, as well as two columns under this beam to allow for opening up the existing structure into the addition. Adding the one-foot offset interferes with the spacing of the columns, and compromises the flow and functionality of the area between the existing structure and the addition.

In conclusion, the one-foot offset provides no aesthetic benefit to Historic Yorktown, but will substantially and unreasonably impact the use and cost of the Church’s structure. Grace Episcopal Church respectfully requests that the Board of Supervisors remove the requirement for a one-foot offset.

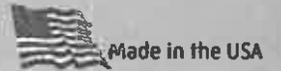
Sincerely,

TARLEY ROBINSON, PLC



D. Scott Foster, Jr.

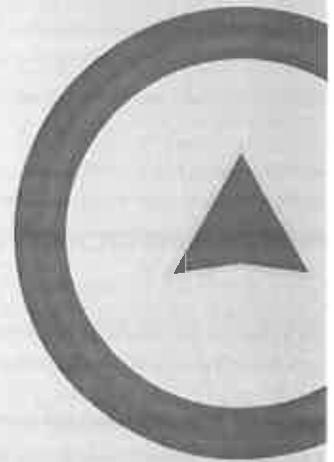
DSF:tbm



Symmetry Vertical Platform Lift

Model VPC-EL

Vertical Platform Conveyance-Enclosure Lift
Residential and Commercial Application



 **symmetry**
National Reach. Local Service.



Blumberg No. 6119

EXHIBIT

A

www.symmetryelevator.com

Convenient access to all levels

Whether it's commercial or residential use, outdoors or indoors, Symmetry vertical platform lifts eliminate the barrier that stairs can cause for people with limited mobility. A cost-effective solution, platform lifts create convenient access without compromising architectural character.

A18.1 code-compliant and designed for ease of installation.

Standard Features

- 750# capacity
- Speed: 10 FPM with a 1HP, 115V motor
- Lifting height: up to 168"
- Steel constructed with electrostatic, powder-coated finish
- On-board diagnostics
- Constant pressure up/down control switch installed on the platform
- Constant pressure, elevator-style, hall call control stations provided at each landing

Optional Features

- 230V motor
- Remote mounted controller
- ADA phone for both indoor and outdoor models
- Emergency lights
- Key switch to lock platform and landing controls
- Stationary Ramp
- Battery Back-up
- Power ventilation system
- Slant roof/dome enclosure

Safety Features

- Nonskid platform surface (black)
- Alarm and emergency stop switch
- Grab rail
- Landing interlocks keep door locked when the lift platform is at another landing
- Upper final limit

Platform Sizes

- 36" W x 48" D
- 36" W x 54" D
- 36" W x 60" D
- 42" W x 60" D

Enter/Exit Configurations

- Straight through
- 90°
- Enter/Exit same side

Vertical Platform Lift Gate/Door Options

- 42" lower platform gate*
- 42" upper landing gate*
- 80" landing gate*
- Non-fire-rated red oak door**
- Fire-rated steel door

*Available with optional acrylic insert

**Also available in other wood choices, by request

VPC Enclosure Options

- Metal Infill enclosure wall panels
- Plexi-glass infill enclosure wall panels

Symmetry platform lifts come with a two-year limited parts warranty on the basic unit, including all electrical and drive components.

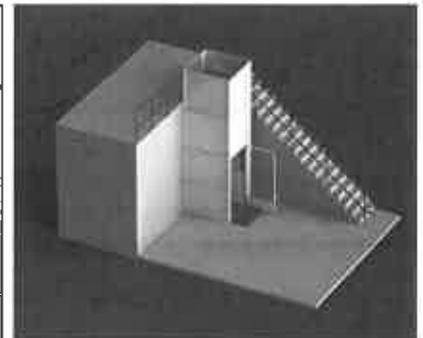
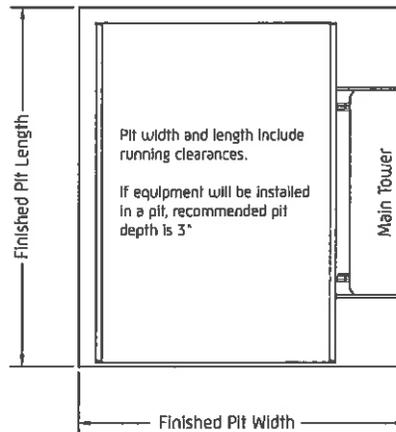
The information contained on this chart is intended for layout design only and should not be used for construction. Please contact the local representative for a job specific drawing.

VPC Drive Options

- Screw Drive
- Screw Drive with battery back-up
- Hydraulic Drive

Straight through configuration			
Platform Width	Platform Length	Finished Pit Width	Finished Pit Length
36"	48"	54 1/2"	54"
36"	54"	54 1/2"	60"
36"	60"	54 1/2"	66"
42"	60"	60 1/2"	66"
90° Exit configuration			
42"	60"	58 1/4"	68"
Enter/Exit same side configuration			
36"	54"	54 1/2"	62"
36"	60"	54 1/2"	68"
42"	60"	60 1/2"	68"

Footprint Layout



Straight Through Enclosure Application Shown

Enclosure Color Options



Ivory
standard



Black
optional



White
optional



Grey
optional

Full selection of RAL colors available



National Reach. Local Service.

877.375.1428 | symmetryelevator.com

303.08/11



Blumborg No. 6119

EXHIBIT

B



Riverview



Blumberg No. 6110

EXHIBIT

C



River view

1









Blumberg No. 6119
EXHIBIT
D



RECEIVED





County Administrator
Neil A. Morgan



**Deputy County Administrator/
Zoning Administrator**
J. Mark Carter

Deputy County Administrator
Vivian A. Calkins-McGettigan

June 24, 2016

Grace Episcopal Church
111 Church Street
Yorktown, VA 23690

Attention: David Grimsley

Dear Mr. Grimsley:

At its meeting on June 22, 2016, the Historic Yorktown Design Committee considered and approved, with conditions, Application No. HYDC-118-16 in which you requested authorization to renovate and construct additions to the existing structure located at 109 Church Street and to construct an outdoor elevator to provide accessibility between the Parish Hall parking lot and the subject property. The proposed improvements were described in your application dated April 27, 2016 and in the supplementary information presented at the June 22nd meeting.

Approval of the application was contingent upon the following conditions:

1. The additions shall be constructed in accordance with the exterior features depicted on the architectural renderings and with the supplementary information detailing proposed materials and colors presented with the application and received April 27, 2016 and with the modifications as depicted on the information submitted for the June 22nd meeting.
2. The walkway or path from the elevator and stairs to the structure shall be constructed using one of the following materials: grass, compacted dirt, brown pea stone, river stone, brick, bluestone, or other monolithic stone.
3. The sections of the proposed railing for the stairs and elevator visible from the parking lot of the Parish Hall shall be similar to the existing wooden picket fencing, painted white and at a height of 36 inches to 48 inches.
4. The addition on the eastern side of the structure shall be offset from the front of the house by one-foot per the Non-Contributing Properties guidelines, subsection 2(a), Location of Additions.
5. The elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street, or the beach area, except when in use. The elevator components shall be painted with one of the gray color selections on the Yorktown Color Pal-

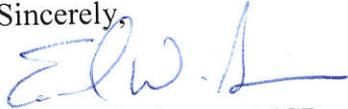
224 Ballard Street • P.O. Box 532 • Yorktown, Virginia 23690-0532 • (757) 890-3404
Fax: (757) 890-3418 • TDD (757) 890-3300 • Email: planning@yorkcounty.gov
A Hampton Roads Community

ette. The car shall be parked behind the stairs when not in use so as not to be visible from the Parish Hall parking lot.

6. The deck shall have a perimeter railing system designed to be consistent with the picket fence style shown in the illustration on page 78 of the Yorktown Historic Design Guidelines, subsection No. 3, left-hand side. The railing shall comply with all applicable requirements of with the Uniform State Building Code (USBC). The railing height shall be consistent with USBC requirements but within the range of 36 inches to 48 inches, and it shall be painted a white color.

The Certificate of Appropriateness for the proposed construction is enclosed. On behalf of the HYDC, we wish you a smooth and successful construction project. Should you have questions or need further information, please don't hesitate to contact me.

Sincerely,



Earl W. Anderson, AICP
Senior Planner

Enclosures:

- Approved plans and renderings, with annotated approval conditions
- Certificate of Appropriateness

Copy to: David Grimsley
Scott Foster, Tarley Robinson
Marianne Harris, Building Official
Dina Goode, Zoning and Code Enforcement Supervisor



Historic Yorktown Design Committee

Certificate of Appropriateness

This Certificate documents that the property modifications proposed to be undertaken at 109 Church Street, and as described in the submittals and documentation for **Case No. HYDC-118-16**, have been reviewed in accordance with the terms of Section 24.1-377 – Yorktown Historic District – of the York County Zoning Ordinance and are approved as noted in the HYDC letter dated **June 24, 2016**.

A handwritten signature in blue ink, appearing to read 'Earl W. Anderson', is written over a horizontal line.

Earl W. Anderson, Secretary
Historic Yorktown Design Committee

6-24-16

Date

The deck shall have a perimeter railing system designed to be consistent with the picket fencing style shown in the illustration on page 78 of the Yorktown Historic Design Guidelines, subsection No. 3, left-hand side.



The railing shall comply with all applicable requirements of the Uniform State Building Code (USBC). The railing height shall be consistent with USBC requirements but within the range of 36-inches to 48 inches, and shall be painted a white color.



Elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street, or the beach area, except when in use. The elevator components shall be painted with one of the gray color selections on the Yorktown color palette.

The elevator car shall be parked behind the stairs when not in use so as not to be visible from Parish Hall parking lot.

The walkway or path shall be constructed using one of the following materials: grass, compacted dirt, brown pea stone, river stone, brick, bluestone, or other monolithic stone.



Railing as depicted shall be similar to the existing wooden picket fencing, painted white and at a height of 36-inches to 48-inches.



COUNTY OF YORK

MEMORANDUM

DATE: June 20, 2016 (HYDC Mtg. 6/22/16)

TO: Historic Yorktown Design Committee

FROM: Earl W. Anderson, AICP, Senior Planner

SUBJECT: Application No. HYDC-118-16, Grace Episcopal Church – Renovations, Additions, and New Construction at 109 Church Street

Background

The application was presented to the HYDC at their regular meeting on May 18, 2016 and was continued to June 22, 2016 to ask County staff about the limitations noted about the deck within the Design Guidelines and to allow the applicant to submit a rendering of the elevator.

Issue

This application, submitted by Grace Episcopal Church, with applicant representative David S. Grimsley and Scott Foster of Tarley Robinson, seeks approval for the design of proposed renovations and additions to the existing structure on property located at 109 Church Street. In addition, the application seeks approval for the design of a proposed detached elevator which the applicant desires to construct on the property.

The proposed additions would consist of a:

- 310-square foot habitable floor area to the first and second floor (total 620-square feet) parallel to and attached to the eastern side (facing Read Street) of the existing structure;
- 116-square foot habitable floor area to the first floor parallel to and attached to the southwestern side (facing Parish Center) of the existing structure;
- A 1,150-square foot deck extending from the northwest (facing Water Street) side and wrapping around the eastern side of the structure (facing Read Street); and
- 18-foot handicap ramp off the southwestern addition (facing Parish Center).

The proposed 24-square foot elevator is proposed to be located in the northeastern corner of the property nearest the existing staircase leading to the Parish Center parking area.

The proposal does not comply with the minimums specified by the YVA – Yorktown Village Activity district provisions for the front and side yard setbacks. The proposal will meet the required 20 foot rear yard setback and the required 10-foot western side setback. However, the required front yard setback is 25-feet and the deck will extend 16-feet into the front yard setback, leaving a setback of nine-feet; while on the eastern side the deck would extend to the property line. These alternate setback proposals require approval by the Planning Commission and Board of Supervisors, and the church has submitted an application which will be considered by those boards in July and August, respectively. Additionally, the area to be expanded for the meeting space on the first floor requires an

approval by the Board of Supervisors. The expansion of the single-family residential areas is allowed, as long as they meet setback requirements.

Copies of the architectural drawings of the proposed structures are attached.

Pertinent Design Guidelines

The subject property is located in the Historic Core, as defined by the Yorktown Historic District and Design Guidelines. According to County property records, the existing structure was constructed in 1946 and, therefore, is considered to be a Non-Contributing Building (1946 or later construction) making it subject to the standards set out in Section I.C.2. (page 37) of the Design Guidelines. Both the addition to the existing structure and the detached elevator should be evaluated in accordance with those provisions. A summary listing of those standards along with staff comment follows:

Standard	Comments
<p><u>Site Planning and Landscape Alterations</u></p> <p>1. Views</p>	
<p>New construction and alteration of existing construction should be undertaken with appropriate recognition of its impact on views toward significant features and resources, as well as impacts on views from those resources and other vantage points. However, although such considerations are important, they should not be deemed so controlling as to limit the construction rights accorded by the basic development standards established for Yorktown.</p> <p>Views from public rights-of-way to ground-level utilities such as air conditioning units, trash and recycling containers, and satellite dishes should be screened using appropriate evergreen plant materials or compatible, solid fencing as the preferred approaches. In general, such utilities and appurtenances should be located in side or rear yards to minimize visibility. Other acceptable alternatives – either on their own or in combination with plant materials or fences – include the construction of compatible outbuildings to house such utilities, or the use of walls, provided they are in character with the primary building or outbuildings on the site.</p>	<p>The home faces Water Street, but is not fully visible from the beach front due to the topography. The deck railing may be visible, but should not impact the view.</p> <p>Ground-level utilities will be installed in the rear yard closest to the Parish Hall and away from any view.</p>
<p>2. Changes of Grade</p>	
<p>Existing grades should be retained to the extent possible to ensure proper drainage, erosion control, and good soil management practices throughout the Historic District.</p>	<p>No topographic changes are proposed.</p>
<p>3. Walks and Paths</p>	

<p>Appropriate materials for residential walks and paths include grass, compacted dirt, brown pea stone, river stone, brick, bluestone or other monolithic stone; civic and institutional walks should be limited to brick, bluestone or other monolithic stone.</p> <p>a. Asphalt and concrete should be avoided as materials for pedestrian circulation in the Historic District.</p> <p>b. New walkways and paths should adopt the same materials as existing walks and paths to which they connect.</p> <p>c. Existing walks and paths should be supplemented, rather than replaced, when incorporating ramps and other accessibility features.</p>	<p>The path material from the elevator and stairs is not designated. A condition for one of the listed materials to be used has been proposed.</p> <p>No materials have been noted, but a condition has been proposed.</p> <p>The existing path from the stairs to the structure is dirt connecting to a concrete walk around the structure; however most of this will be removed with the proposed construction. The addition will eliminate the existing, which should be replaced with appropriate materials.</p>
<p>4. Alley, Driveways and Parking Areas</p>	
<p>a. Additional driveways or vehicular access from Main Street should not be constructed.</p> <p>b. Appropriate surfacing materials for private, residential driveways and parking areas include, but are not limited to, grass, compacted soil/stone mixture, brown pea stone/gravel, exposed aggregate concrete, and brick pavers.</p> <p>c. All new driveways and associated parking areas intended to accommodate public traffic should be hard-surfaced with brown pea-stone set in an asphalt base or with a brownstone asphalt mix.</p> <p>d. Driveways should not exceed eleven (11) feet in width. The shared use of driveways by adjacent properties is encouraged, but the street entry for shared driveways should remain a maximum of eleven (11) feet wide. Shared driveways may split or increase in width no closer than twenty-five (25) feet from the front property line.</p> <p>e. Any public parking areas adjacent to a public street should be defined with plantings or other features that provide an appropriate streetscape edge.</p>	<p>No changes proposed.</p>
<p>5. Walls and Fences</p>	
<p>a. Existing boundary walls, fences and hedges that contribute to the character of the Historic District should be retained and maintained.</p> <p>b. Wooden picket fences are an appropriate type of fencing to use when defining property lines and public rights-of-way.</p>	<p>No changes proposed.</p> <p>The existing railing for the stairs is unpainted wood picket fencing. The proposed railing for the stairs and elevator are not shown as a wooden picket fence. A condition has been proposed to use the same wooden picket fencings as it exists today, but painted white.</p>

<p>c. Wrought iron and composite wood or wood-substitute products or synthetic fence materials may be considered on a case-by-case basis.</p> <p>d. Chain link, unfaced concrete, concrete block, or plywood fences are not considered appropriate in the Historic District.</p> <p>e. Unless necessary as retaining walls, the use of walls to define the front property line of residential lots should be avoided. In such cases, retaining walls should be constructed of or faced with brick.</p> <p>f. Stone, unfaced concrete, concrete block, or timber retaining walls are not appropriate except where they will not be visible, and then only on a case-by-case basis.</p>	<p>None have been proposed.</p> <p>None proposed.</p> <p>The proposed retaining wall will not be visible from any public view.</p> <p>The proposed retaining wall will not be visible from any public view.</p>
<p>6. Patios and Terraces</p>	
<p>Patios and terraces should be located inconspicuously in side or rear yards. Paving/surfacing materials should be compatible with existing walks and paths.</p>	<p>No patios or terraces are proposed. The unique configuration of the lot without road frontage is different from other lots in Yorktown that do have road frontage and where a deck in the front yard would not be acceptable.</p>
<p>7. Mail and Newspaper Boxes</p>	
<p>Plastic newspaper boxes, mailbox stands and integrally molded mailboxes/stands should not be used in the Historic District. Newspaper boxes should be incorporated into wooden mailbox supports or otherwise concealed in inconspicuous locations.</p>	<p>None are proposed.</p>
<p>8. Site Furnishings and Appurtenances</p>	
<p>a. On properties other than single-family detached residential, site furnishings such as benches, trash receptacles, and bicycle racks should be selected to be compatible with the setting in which they will be located and the overall streetscape character. Such furnishings should be constructed of durable, yet appropriate, materials and will be reviewed on a case-by-case basis to assure consistency with the character of the particular setting and the historic area as a whole.</p> <p>b. If located outside buildings, vending machines shall be screened from view from rights-of-way, public walkways, and adjacent properties by architectural features, landscaping, fencing or combinations thereof.</p>	<p>None are proposed.</p> <p>None are proposed.</p>
<p><u>Architectural Additions and Alterations</u></p>	

<p>2. Non-Contributing Properties (1946 or later)</p>	
<p>a. Location of Additions</p> <p>Additions should be located at the side or rear of existing construction. Additions should be set back from the corner(s) of existing construction by a minimum of one (1) foot.</p>	<p>The proposed side interior space addition will extend parallel to the eastern side matching the existing northern side façade, giving the addition a 16-foot setback from the nearest property line. The drawings do not show the one-foot setback on this side and a condition has been recommended to incorporate. The proposed rear interior space addition will square off the northern and western sides matching the existing façades, giving the addition a 45-foot setback from the nearest property line. The proposed deck will extend 16-feet from the northern and eastern façades.</p>
<p>b. Size and Scale</p> <p>New additions and outbuildings should not equal or exceed the ground floor footprint of the principal building on the lot.</p>	<p>The existing structure consists of approximately 1500 square feet of floor area. The proposed interior space additions will add 736-square feet, thus increasing the house by half the existing size. The deck will add another 1,150-square feet of outside space.</p> <p>The 24-square foot detached elevator will have a small footprint in comparison to the principal structure.</p>
<p>c. Form and Massing</p> <p>Additions that have other geometric forms or consist of complex massings of several forms should be avoided. The construction of additional stories on existing construction should be limited to one story. Such additions should be compatible with existing construction in size, scale, materials, and overall façade expression.</p>	<ul style="list-style-type: none"> • The ridgeline and eaves of the proposed addition will align with and complement those of the existing structure. • The addition will be situated on a brick veneer to match the existing structure. • Trim boards are proposed to be PVC to match existing. • Asphalt shingles are proposed to match existing. • Windows are proposed to be white-clad colonial style Andersen 200 and 400 series energy-efficient with 10-section divided light or 6-over-6 divided light. • The door to the eastern side deck will be a French door style with divided light grids to match windows. The new door to the kitchen will be a 15-section divided light door. • The elevator is proposed to be of steel and aluminum construction with a Plexiglas exterior the full length of the elevator shaft. Roof shingles are to match the house shingles. The proposed design is unlike anything that has been proposed in Yorktown before. Staff believes the structure should appear as innocuous as possible from the parking area of the Parish Hall and as such has proposed a condition for the elevator to be similar in design and color to the attached Hampton Roads Transit bus shelters images 1, 2, or 3)
<p>d. Color</p> <p>Colors for additions and existing construction should be compatible with the paint colors of surrounding properties and selected from the Yorktown Color Palette, as defined in Appendix 3, Glossary. Other colors may be proposed and will</p>	<ul style="list-style-type: none"> • The addition will have a brick veneer to match the existing brick. • Trim is proposed to be painted white to match the existing trim. • Windows and doors are proposed to be a painted

be considered on a case-by-case basis.	white to match the existing. <ul style="list-style-type: none">• Roofing colors would match the existing roof materials.
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Recommendation

In staff’s opinion, the proposed additions and elevator are fully consistent with the Design Guidelines and with the character of surrounding structures and the Historic Core. Staff believes that the proposed construction will be visually appealing and that it merits approval. Accordingly, it is recommended that the Committee find the proposal consistent with the Guidelines and that the application be approved, subject to the following conditions:

1. The additions and elevator shall be constructed in accordance with the exterior features depicted on the architectural renderings and with the supplementary information detailing proposed materials and colors presented with the application and received April 27, 2016.
2. The walkway or path from the elevator and stairs to the structure shall be constructed using one of the following materials: grass, compacted dirt, brown pea stone, river stone, brick, bluestone, or other monolithic stone.
3. The proposed railing for the stairs and elevator visible from the parking lot of the Parish Hall shall be similar to the existing wooden picket fencing, painted white.
4. The eastern side addition shall be offset from the front of the house by one-foot per the *Non-Contributing Properties* guidelines 2(a) *Location of Additions*.
5. The elevator shall be designed and constructed to be of similar look and color to the Hampton Road Transit bus shelters attached.

Attachments

- Application, including all attachments
- Vicinity Map
- HRT Bus Shelter images 1, 2, and 3

Historic Yorktown Design Committee

Minutes

May 18, 2016
Conference Room
York Hall, East Room
301 Main Street
Yorktown, Virginia

Members Attending: David Douglas, Chairman
Robert Andrade, Vice Chairman
Bill Cole
Carolyn Weekley, Alternate Member

Staff Attending: Earl W. Anderson, AICP

Mr. Douglas called the meeting to order at 7:01 PM.

Minutes

The minutes of the February 17, 2016 meeting were approved unanimously.

Conflict of Interest Statement

Committee members read the following into the record:

I, Bill Cole, am making this declaration that as a member of the Historic Yorktown Design Committee I am a property owner in the Windmill Point development that is an adjacent property owner to 107 Ambler Street, the property requesting an approval for a fence; as such I am able to participate fairly, objectively, and in the public interest for the application before the Committee.

I, David Douglas, am making this declaration that as a member of the Historic Yorktown Design Committee I am a parishioner at Grace Episcopal Church that is the applicant and custodian of 109 Church Street for the Diocese of Southern Virginia, the property requesting an approval for an expansion and elevator; as such I am able to participate fairly, objectively, and in the public interest for the application before the Committee.

Applications

Application No. HYDC 116-16, Charles Hedge, 107 Ambler Street

Mr. Anderson explained that this application seeks authorization for construction of a new wooden white picket fence along the street frontage of the home at 107 Ambler Street. He referred the Committee to the briefing memorandum and its attachments for additional details concerning consistency with the Guidelines.

Mr. Andrade asked about the specific location of the fence. Mr. Anderson stated the fence would be 35-feet long and run from the driveway east toward the river along Ambler Street, but would not meet the fence line of Windmill Point. The fence would stand-alone in the front yard. Mr. Hedge clarified that he was installing the fence to prevent people from turning around in his front yard and would place the fence three or so feet from the road edge.

The members reviewed the pictures from the presentation and commented on the property line versus the actual road pavement edge. Mr. Anderson clarified that the fence would be required to be built on Mr. Hedge's property and could not be built in the right-of-way.

Mr. Cole said the proposed fence examples were well designed and would fit nicely on Ambler Street.

There being no further discussion Mr. Andrade moved approval of the application as submitted.

By voice vote, the motion was approved unanimously.

Application No. HYDC 118-16, Grace Episcopal Church, 109 Church Street

Mr. Anderson explained that this application seeks authorization for the design of proposed renovations and additions to the existing structure on property located at 109 Church Street. He referred the Committee to the briefing memorandum and its attachments for additional details concerning consistency with the Guidelines.

Mr. Andrade asked for some clarification on the elevator and the new retaining wall. Mr. David Grimsley, the applicant's representative, stated that the new retaining wall would be ten feet (10') high nearest the Parish Hall then step down to seven feet (7'), then four feet (4') to tie into Mrs. Beverly Krams retaining wall on the adjacent property.

Mrs. Krams asked if there were plans for the wall. Mr. Anderson noted the drawings on the plans submitted. Ms. Krams asked that Mr. Will Holt, her legal counsel, be allowed to speak for her. Mr. Will Holt stated that they oppose the request by the applicant as the use of the property is supposed to be limited per the previous Yorktown Village Activity permit and with this proposal is expanding the use beyond that allowed by the permit. He opined that the Design Guidelines on page 37 states that "New additions and outbuildings should not equal or exceed the ground floor footprint of the principal building on the lot." He noted that the existing building footprint is 1,129 square feet and the proposal with the building expansion and deck doubles the existing footprint.

Mr. Holt also noted that the Design Guidelines on page 29 states, "Patios and terraces should be located inconspicuously in side or rear yards." The proposed deck is in the front yard and as such should not be allowed.

Mr. Holt stated that the Design Guidelines on page 43 state: "Decks or unpainted wood structures of any kind should be located only in rear yards. In the case of corner lots or through lots, views of such structures located in the designated rear yard should be screened from public rights-of-way by appropriate landscape materials." The proposal is clearly in the front yard and should not be allowed. It would also be visible from Water Street and be more visible after the old motel is removed from the site behind the Pub.

Mr. Holt stated that the Plexiglas elevator is not mentioned whatsoever as a use or structure in the Design Guidelines and that is because this type of use was never envisioned for a 17th century village. Additionally the Plexiglas material to be used for the elevator is not mentioned as an acceptable material within the Design Guidelines. Furthermore, the Yorktown Historic District Overlay Ordinance Section 24.1-377(h)(5)(b) states, "Accessory structures shall be appropriate to and compatible with the architectural features of the primary structure and the district." The proposed Plexiglas elevator certainly is not consistent with a brick residence. The proposed elevator used in connection with the church would transform the class and volume of the use of this property substantially. Clearly, the use envisioned for this property going forward appears to be more commercial in nature.

Lastly, Mr. Holt noted the illustration of general size and scale of additions on page 84 of the Design Guidelines, which show the offset as two feet. He agreed with the condition noted by staff, but felt the overall proposal did not meet many sections of the Design Guidelines and should be denied.

Mr. Douglas asked Mr. Anderson to remark on the items that Mr. Holt discussed.

Mr. Anderson clarified that the specific guideline about the size and scale noted by Mr. Holt relates to the habitable floor area and does not count the deck, which is outdoor space. Staff has interpreted these size limitations only to be based on the habitable floor area. Mr. Anderson stated that he was unsure about the application of the guideline limiting decks to the rear yard, because this is a non-contributing property and the guidelines noted by Mr. Holt are in the site planning and landscape alterations and new construction sections. However, he opined that the Design Guidelines are guidelines and not set in stone regulations, so the committee could weigh which guidelines particularly should fit a proposal or not.

Mr. Cole stated that determining the yards for this property is tricky because there is no street frontage. He said that he has not seen any properties in Yorktown where the deck was on the front of the house. Normally, there is a porch on the front of the structure and not a deck. This house clearly faces onto Water Street, but still has no street frontage, so the deck placement makes sense. The elevator is a dramatic structure and can be seen from the parking area. The shingles should match those used on the house.

Ms. Weekly asked if the National Park Service (NPS) had been contacted. Mr. Anderson stated that he had sent the item to the NPS for review, but had not heard anything back.

The committee decided to visit the site to get a better idea of the expansion. During the visit Mr. Jerry Twig and Mr. Grimsley showed the committee and Mr. Holt around the site and explained the addition to the house, the size of the deck, and the location of the elevator. Mr. Anderson noted that the existing porch has about a two foot offset, so the committee could envision the one-foot offset proposed by staff.

Mr. Holt stated that he would be happy to sit down with the applicant to assist with alleviating Mrs. Krams' concerns.

The committee returned to the East Room.

Mr. Andrade pointed out that only the top railing of the deck would be visible from Water Street and the applicant could add landscaping to block any view from Water Street or the adjacent residential homes. He proposed that possibly making the deck railing look like picket fencing could further obscure the deck from Water Street. Mr. Douglas agreed and said they could add those conditions.

Mr. Cole said that he understood the unique configuration of the home on the lot and the lack of street frontage in determining the yard areas. He said that the committee should get clarification on the specific limits in the Design Guidelines about the deck. Ms. Weekly agreed.

Mr. Holt stated that if there needed to be a redesign then the committee should table the application until the designs could be completed and brought back to the committee for everyone to see. Mr. Douglas clarified that this is the approach that the committee has always taken in discussing proposals and adding any needed conditions during that process, rather than having the applicant make the changes and bring them back to the committee later.

The committee discussed the elevator and Mr. Douglas stated that because of the location of the elevator next to the parking area, the elevator structure should look similar to a well house and not be an open structure.

Mr. Grimsley stated that the main reason for using the Plexiglas material was to keep people from feeling claustrophobic. He noted that the elevator and the house improvements were mainly so the church could modernize the home and provide for those that are disabled (i.e., in wheelchairs or using walkers). Currently, those that are disabled have to use the access through Mrs. Krams property, which they have access rights to use, but frequently receive negative feedback from Mrs. Krams about. He noted that using brick on the structure would not be an option.

Mr. Douglas stated that it would not need to be brick, but it could have HardiePlank siding on the outside visible from the parking area.

Ms. Weekly asked if the applicant thought about using a lift style elevator that disappeared down to the property rather than a standing structure as proposed. Mr. Grimsley said they did look at a variety of types and the cost is what determined the type they would use.

Mr. Cole agreed that the Plexiglas was not a material that should be used in Yorktown and would prefer a traditional design. Mr. Douglas stated that they could condition the look of the elevator. Mr. Cole asked why the one-foot offset was in the Design Guidelines.

Mrs. Krams stated that she worked on the Design Guidelines when the County was proposing to implement them. The offset was to make any addition subordinate to the main structures and make it look more ascetically pleasing, while keeping the

historical structure as the focal point. She noted that 85-percent of the Yorktown residents were against adopting the guidelines, but the Board approved the restrictions.

Mr. Grimsley noted they preferred to extend the living room to keep it symmetrical and so they would not have an offset inside the living room area. They are expanding so they can use the space for meetings and the offset would decrease that area. He said the offset would not be a good design and would require additional work by engineers and architects to redo the plans.

Mrs. Krams stated that that offset would give the structure more of a cottage look, which is what the structure is. She opined that the elevator would be seen from her home, which many tourists stop to take pictures of and having an elevator in the background is not appropriate.

Mr. Grimsley stated that the church needed to conform to the Americans with Disabilities Act (ADA) to allow fair use of all the church buildings. They have 400 members who have disabilities, who cannot fully utilize the structure, because of access. Right now, church members can only use the stairs from the parking area. When they try to use the other access it causes problems with Mrs. Krams.

Ms. Weekly noted that the other side of the structure has an offset and adding the offset on the other side would match. Mr. Twig noted that this side is a study and has an interior wall, where on the other side the church is trying to make the space bigger and not constrain it with an offset.

Mr. Grimsley stated that the church is trying to modernize the structure. The proposal would make the structure handicap accessible and would upgrade the structures systems to the current Building Code. The church wants to make the structure more usable for the disabled and for attracting young people. Additionally, the church has allowed clergy and a displaced Katrina family to stay at the home, while allowing bikers doing the Transamerica Bicycle Trail to stay there on a short-term basis.

Mr. Holt noted that the site was also known to have been the location of a cannon emplacement. Additionally, the site may have a restrictive easement from the NPS on it preventing certain development. The committee and Mr. Grimsley were unaware of any easement, but the NPS would need to confirm.

Mrs. Krams noted that her father and mother deeded the property to the NPS, which was then given to the church. There was an easement granted at that time and is probably recorded in the deed.

The committee continued discussing the look of the deck and the limitations set forth in the guidelines and felt they needed additional guidance from County staff. Furthermore, the look of the elevator needed to be better addressed by the applicant. The committee also asked that the NPS provide comments on whether there is an easement on the property.

Mr. Douglas stated that he would not be able to attend the normally scheduled meeting on June 18th because of being out-of-town. The committee, the applicant, and Mr. Holt agreed that they could meet on June 22nd.

There being no further discussion Mr. Andrade moved that the HYDC continue the hearing until June 22, 2016 at 7:00 pm at York Hall's East Room to give the applicant time to address the look of the elevator and for staff to address the guidelines limitations.

By voice vote, the motion was approved unanimously.

Old Business

Ms. Weekly stated that she was happy to see the Monument area cleaned up and the barriers removed.

Mr. Anderson updated the Committee on the building behind the Pub. The building has been condemned by the Building Official and is slated to be demolished in the next few months.

New Business

None

Staff Reports

None

Committee Requests

None

May 18, 2016
Minutes
Historic Yorktown Design Committee
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There being no further business to come before the Committee, the meeting was adjourned at 8:45 pm.

Respectfully Submitted,

Earl W. Anderson, Secretary

Approved by HYDC: Earl W. Anderson

Historic Yorktown Design Committee

Minutes

June 22, 2016
Conference Room
York Hall, East Room
301 Main Street
Yorktown, Virginia

Members Attending: David Douglas, Chairman
Robert Andrade, Vice Chairman
Bill Cole

Staff Attending: Earl W. Anderson, AICP

Mr. Douglas called the meeting to order at 7:00 PM.

Mr. Anderson introduced Jim Brown, who is the new liaison from the National Park Service (NPS).

Mr. Jim Brown stated that he is happy to be serving as the liaison to York County and looked forward to establishing a strong relationship. He noted that the NPS cannot take any official positions without first having gotten advice from the Solicitor's Office.

The committee members welcomed him and thanked him for attending.

Minutes

The minutes of the May 18, 2016 meeting were approved unanimously.

Old Business

Application No. HYDC 118-16, Grace Episcopal Church, 109 Church Street

Mr. Douglas noted the continuation of the referenced application from the last meeting on May 18, 2016. He asked Mr. Anderson for an update.

Mr. Anderson stated that this application seeks authorization for the design of proposed renovations and additions to the existing structure on property located at 109 Church Street. At the last meeting the HYDC asked for additional information

on the look of the elevator from the applicant and for staff to address the guidelines limitations. He referred the Committee to the briefing memorandum and its attachments for additional details concerning consistency with the Guidelines.

Mr. Douglas asked if there was a plan to move the dumpster and its screening. Mr. Grimsley, Grace Episcopal Church's representative, stated that they did not intend to move either. He noted that they no longer would be using Plexiglas in the elevator, but would use tempered glass instead. He said the Plexiglas could change color over time with exposure and they wanted to keep the clear glass look.

Mr. Cole inquired about the elevator rendering showing the railing going across the front of the elevator facing the Parish Hall parking lot. Mr. Anderson said it was probably an error in the rendering, as the other drawing did not show the railing going in front of the door into the elevator. Mr. Cole said he is in favor of them using pickets along the parking lot railing, so it remains consistent with what they have today.

Mr. Douglas opened the floor up to comments and noted the number of people in attendance. He asked that commenters keep their comments relevant to the architectural concerns of the application as the HYDC cannot make any decisions concerning any setbacks or usage of the property. He asked the applicant to comment.

Mr. Scott Foster, Tarley Robinson, PLC, representing Grace Episcopal Church, thanked the HYDC and stated that every church wants to grow and expand their membership. The Church is asking to renovate the existing Riverview structure to make it more functional for all its members. The plans allow for all members to access the inside of the structure and the proposed deck. Many of the handicap members have not seen the inside of the structure and that is unacceptable. The Church wants to create an inviting space that welcomes all; young and old.

Mr. Foster stated that staff's analysis was thorough and the Church accepts all the conditions except the offset. Views of this property from other parcels are minimal and the offset will not be seen by anyone. He asked the committee to recognize the ability to fully utilize the space versus the aesthetics. Adding the offset will disrupt the flow of the interior, which will be filled with normal household furniture.

Mr. Foster noted that using glass in the elevator will make it have less of a visual impact. It would be less imposing because it is transparent. Having the elevator facilitates the usage of the property by those with special needs. A windowless

elevator would be unused while a transparent elevator would be better for all. With a glass elevator, if a malfunction occurs, the occupant will not feel confined and can be seen. The church has asked multiple handicap accessibility manufactures to take a look at the site and each has said the ten feet (10') drop makes it impracticable for certain handicap accessibility models. For example, the sloping chair lift would require a seven foot (7') security fence to be installed along the stretch of area the lift would be installed. This would not look good and would take up much of the backyard with the lift and fence. He thanked the committee and asked that they approve the request without the required offset.

Mr. Anderson noted that Mr. Jacques van Montfrans of 228 Church Street, Yorktown, sent a letter of opposition to the HYDC in reference to this case. The letter was read into the record and is attached.

Mr. Albert Raithel, 114 Church Street, Yorktown, stated that he questions the need for an elevator. Nothing like an elevator exists in Yorktown now nor has there been one in the past. He will have a view of the elevator from his property across the street and the proposed elevator does not match anything that surrounds it. He proposed that a platform lift would be more suitable and not visible or they should enclose the visible structure with brick to match the Parish Hall. He also had concerns with the communication ability for anyone that might be stuck in the elevator. He noted that he is fine with the structure renovations, but does not support the elevator.

Mr. Grimsley replied that the Watermen's Museum has a lift elevator and it is broken and in disrepair, because it is exposed to the elements. Their proposal is for an all-weather structure. A lift system would be expensive to maintain. He also stated that enclosing the structure in brick would defeat the purpose of not making it a confining structure. Mr. Foster clarified that the American with Disabilities Act (ADA) requires that communication systems be installed for times when the elevator might malfunction.

Mr. Gary Harvey, 3517 Saunders Bridge, Williamsburg, stated that he was a parishioner. He wants to see the church grow, as churches are supposed to do, but they cannot do that without space. They have permission to use the structure for church activities, but not all parishioners can enjoy the structure.

Mr. Bob Kraus, 1325 Moore House Road, Yorktown, opined that the open platform elevator is not more expensive to repair when the equipment is enclosed from the weather. The Watermen's Museum elevator equipment is not enclosed and is exposed to the elements, resulting in the breakdowns.

Mrs. Marsha Brown, 213 Nelson Street, Yorktown, stated that she wanted to address two aspects in the church's proposal. First, the deck proposed for the front and side of Riverview is inappropriate, and is not in compliance with the Yorktown Historic District and Design Guidelines. The guidelines state on page 29 that patios and terraces should be located inconspicuously in side or rear yards and on page 43 that decks of any kind should be located only in rear yards. Second, the free standing elevator is totally inappropriate and nonconforming on residential property. This type of structure is completely out of character anywhere in our historic district, and most certainly out of line on the property on which is situated what many believe is the most historic buildings throughout the Historic Triangle, Grace Church.

Mrs. Brown opined that the application submitted is not in compliance with the Historic Guidelines which the Yorktown Village residents were assured by then County Administrator, James McReynolds in his memorandum dated April 18, 2003 in which he wrote, "The process protects properties and investments from the potentially adverse impacts of changes to adjoining properties. It gives property owners confidence that their investments in their property will not be negatively impacted by something totally out of character on an adjacent property."

Mrs. Brown asked what in the world is more out of character on residential property that has two adjoining neighbors than a 24 square foot free standing elevator. She recalled that during the months of discussion regarding the imposition of the Design Guidelines that residents of the village were often told that these guidelines would prevent a neighbor from painting their door purple which would be totally out of character for the village. How can anyone think a freestanding or even attached outdoor elevator is in character with a 17th century village? Please do not approve this application which will harm the owners of the adjoining properties, and which will totally alter the historic vision of Yorktown which the guidelines are supposed to protect.

Mr. Brown, 213 Nelson Street, Yorktown, stated that the Historic Triangle is there to promote the historic value of Jamestowne, Colonial Williamsburg, and Yorktown. People go to the other two places before they come to Yorktown. They come here to see the beach, which has become a travesty; a glorified strip mall. It could have been preserved like the 16th Century docks that existed there previously. Bruton Parish in Colonial Williamsburg and the Hampton Church both look the same on the outside as they did so many years ago. These additions can be seen from the outside and the colonial atmosphere needs to be protected.

Mr. George Bennett, 119 Smith Street, Yorktown, indicated that he has lived in the village since 2001 and was reassured when the Historic District Guidelines became effective in June 2004. Three of the five principles that are stated on page 21 say that anyone making changes to existing resources should do so with restraint. It goes on to say to let what is old be dominant over the new and to follow established design precedents. All these principles are being ignored or overlooked in this proposal.

Mr. Bennett opined that the following are examples of the guidelines being ignored. First on page 30 item C(1)(b) states that “additions, alterations, and new dependencies should be designed to ensure compatibility with existing construction in terms of location, size, scale, color, and materials and architectural period. In general alterations and additions should be designed to harmonize with surroundings and maintain compatibility in terms of style and materials.” An exposed and visible elevator constructed of metal and Plexiglas certainly does not meet these requirements. Secondly, on page 31 C(1)(b)(2)(b), states that “additions should have an overall size and scale that is clearly subordinate to existing construction.” The 1,000 square foot deck proposed for the front of the structure is larger than the footprint of the existing house. The scale of the addition increases even more when the side deck is considered.

Mr. Bennett continued that on page 35 C(4)(c) states that “decks should be located in rear yards only where they are not visible from public rights-of-way.” Placing a deck on the front of the house clearly violates this item. Lastly, the subject property is zoned residential. Non-residential uses have been approved for various small-group and church-related activities. Clearly the addition of the expansive decking invites much larger group activities with increased noise, parking congestion, and general disturbance of nearby residences. This was not the intent of the original agreement for property use. The purpose of the Yorktown Historic District and Design Guidelines is to prevent the encroachment of buildings and structures which are architecturally incompatible with their environs within areas of architectural harmony and historic character. Guidelines must apply equally to all individual residents and property owners, as well as, groups who administer property and structures within the historic core. Impartial enforcement of these guidelines is imperative to protect Yorktown's treasured visual and historical elements.

Mr. Walter Reiser, 103 North Beach Road, Yorktown, noted that he started spending summers in York County in 1938 and moved here in 1953. He started a business in 1955 that he ran for 44 years. During that time, he was appointed to be a Planning Commissioner by the Board of Supervisors and helped create the first

comprehensive land use plan, which was accepted and approved. Since then much has changed in the County. He remembered clearly, the County Attorney telling them not to make recommendations that did not match the Zoning Ordinance because it would affect future requests. He said that the Planning Commission cannot permit one person to do something and not allow another to do something similar. Yorktown has an overlay that adds more protections to properties that other areas do not have. The proposal tonight does not meet the requirements for residentially zoned property. A glass elevator tower does not meet the requirements set forth in the guidelines nor the intent and spirit of the area. What will a lit-up elevator look like at night? He recommends the HYDC deny the proposal for the elevator.

Ms. Lee Kreps, 508 Carlton Avenue, Durham, NC, indicated that she is a researcher, writer, and producer of the play, *1774 York Town Tea Party of Virginia*. She is a long-time former resident of Yorktown and very much an advocate of the history of the village and keeping the character and spirit of this town intact. The play is a reenactment performed each year in this historic village. It rekindles the spirit of Yorktown. Many volunteer hours and private resources go into promoting America's birth place of Yorktown.

Ms. Kreps continued that with regards to the architecture of the house at 109 Church Street, the elevator on Grace Church property and the large deck for entertaining on the front of this house on the York River is not appropriate. An outside elevator would become a novelty in a 17th century historic village. These proposals are character changing. The proposed architecture does not add to the charm or character of this historic village, quite the contrary. She cannot imagine any person here wanting this proposal adjacent to their private home, their refuge. Please deny this request.

Ms. Kreps presented a letter from Ms. Judith Leftwich, 226 Church Street, Yorktown, that was in opposition to the proposal. The letter was read into the record and is attached.

Mr. Will Holt, representing Ms. Beverly Krams, 105 and 107 Church Street, stated that it is not popular to oppose a proposal from a church; however, the view of the adjacent property owner is important to take into consideration. They reviewed the submittal materials for the subject application and view this proposal as very blatantly and obviously inconsistent with the Historic Yorktown Design Guidelines, which were designed to protect Ms. Krams and other Yorktown property owners. If the application is approved without substantial modification,

his client intends to appeal such decision to fullest extent allowable by law, including an appeal to the Circuit Court for York County.

Mr. Holt opined that ADA compliance is a good thing and getting people down to the home can be accomplished in many ways other than the proposed elevator. Those options need to be addressed by the HYDC and the applicant before you can move forward with this application. A bus stop design as proposed by staff is not supported by the guidelines.

Mr. Holt continued saying that several of Ms. Krams' objections related to this application are not minor as staff has stated, but bring a massive change to the property. First, the application is in complete disregard of the purpose and intent of the Historic Yorktown Overlay District. Goal #1 of the Historic Core is to encourage compatibility of non-contributing structures like the Riverview property with pivotal and contributing resources like Mrs. Krams' property. Further, York County Code Section 24.1-377(a)(5) states that the intent of the Yorktown Historic District Overlay is "to prevent encroachment of buildings and structures which are architecturally incompatible with their environs within areas of architectural harmony and historic character". Approval of the church's application without substantial modification would be in complete disregard of the purpose and intent of the overlay district that the HYDC is charged to protect.

Mr. Holt noted that secondly, the proposal is in complete disregard for the Design Guidelines. His memorandum to the HYDC at their May 18, 2016 meeting identified multiple specific inconsistencies of the application with the HYDC Design Guidelines. They have not been made aware of any significant modifications made in the time following the May meeting that would bring this application further into conformance with the Design Guidelines. While the HYDC certainly has some discretion in the application of the Design Guidelines, two of the primary components of the church's application, a 1,000 square foot deck on the front of the home, and a clear glass elevator are in complete contradiction of the Design Guidelines, and are areas that are outside of any reasonable discretion of a committee created to enforce such restrictions.

Mr. Holt opined that the deck and elevator are making the property an entertainment hall and changing the use of the property. The Historic Guidelines section on new construction applies in this case, even though staff says it does not, and a deck should not be allowed in the front yard. This deck is a huge change to the current use of the property. Additionally, nothing in the Historic Guidelines addresses allowing an elevator in Yorktown. There are many other ways that the church could address getting people from the Parish Hall parking lot to the site.

None of these have been presented to the committee. The deck and elevator will be seen by Ms. Krams and by beach goers looking up the bluff, so they cannot say that no one will see these things.

Mr. Holt stated that given Mr. Douglas' involvement with the church, as a present or former member of the church vestry, his participation in any vote or discussion regarding this application at the May or this meeting presents a conflict of interest for the church application.

Mr. Douglas asked Mr. Holt to clarify what conflict of interest he specifically has other than being a parishioner. Mr. Holt stated that his participation subjects himself and York County to a legal challenge for impropriety. Mr. Anderson clarified that the County Attorney reviewed the conflict of interest statement that Mr. Douglas made at the beginning of the meeting on May 18, 2016 and was satisfied that there was no conflict.

Mr. Holt continued stating that if the HYDC approves the subject application, the committee would be ignoring the purpose and intent of the Design Guidelines, acting completely in disregard for the specific provisions of the Design Guidelines, and taking action inconsistent with the York County Code. He and Ms. Krams respectfully request that the HYDC deny this application or that the committee defer any formal action on this application until the application is revised to conform to the Design Guidelines.

Mr. Foster presented pictures from Chischiak Watch that face the York River and have decks. He noted that are other developments that have decks and Ms. Krams house has a porch that faces the river, so it is not unheard of for property owners in Yorktown to want to face the river. He also stated that the guidelines on page 23 under goal #1, bullet #1states that the guidelines should be implemented for those structures that are most sensitive to change, while providing opportunities for growth, change, and development. This is what the church is asking for. Lastly, he noted that on his way into this building that there were several large plate glass windows, so glass is not absent from Yorktown and should be an appropriate material.

Mr. Andrade asked if the church flipped the house around so the front was facing the Parish Hall and the deck was then on the back of the house, would the deck still be a problem.

Mr. Grimsley stated that they looked at the cost of flipping the house, but it was too much cost to make the modifications.

Mr. Raithel stated that you cannot turn the house around. The bigger question is why they cannot put the deck on the back of the house as it exists now. Then it would meet the guidelines and avoid the problems. Unfortunately, the church wants the river view. There is no justification for not putting the deck on the back of the house.

Mr. Douglas opined that the house has no street frontage and additional landscaping could be put in to block any views.

Mr. Raithel indicated that the church wants a river view and has to be honest with what they are requesting, because they can put the deck on the back and have the same access and comply with the guidelines.

Mr. Grimsley stated that the deck is to allow for people to be mobile from the house with wheel chairs.

Ms. Krams said she knows what she can see from her property and the front deck will impact her enjoyment of her home.

Mr. Holt pointed out that the proposed landscaping needs to be seen on a rendering before it is approved to make sure it will do what it is being put in to accomplish.

Mr. Douglas stated that historically the committee has worked through the applications in this way to determine the final outcome without having to have multiple meetings with various iterations of plans.

Mr. Holt noted that most elevators he has used are enclosed and you cannot see out of them. The elevator, deck, and additions to the structure will be visible and those pieces need to be addressed.

Mr. Harvey stated that the glass in the elevator will be less visible and impact adjacent views the least. It would not be visible. The deck is there to provide people with a place to congregate. They do that now in the yard and inside the house. The mission of the church is to bring people together. A deck will provide a nicer place for people to gather over being in the yard. They are not an entertainment hall, but doing God's work. The percent increases that Mr. Holt presented are not relevant as the deck is not habitable space and are not considered under those guidelines.

Mr. Robert Hansford, 107 Church Street, Yorktown, asked if the old motel is being demolished will not the building be visible from the beach area.

Mr. Foster presented pictures that the church took looking up from Water Street at various angles of a gentleman holding a stick with a red ball on the top. He said the red ball represented the height of the deck railing.

Mrs. Brown asked why there are Yorktown Design Guidelines, which she fought against. Now she has to comply with them and now the HYDC is proposing to not make others comply with them. This does not make sense. The guidelines need to be thrown out.

Mr. Kennedy Neill, 120 Ballard Street, Yorktown, stated that he is opposed to using glass. If anything it will be more visible, especially at night when the lights are on inside the elevator.

Mr. Raithel noted that the lights at the church are currently too bright and the elevator will add to what he already sees across the street. The church is not giving enough respect to the residents and is ignoring the impacts. With these changes the church will be bringing more people to the property, changing the use.

Mr. Douglas clarified that the HYDC cannot look at the use.

Mr. Raithel stated that they are laughing at the people who live on Church Street.

Mr. Harvey said that the statement was not true.

Mr. Douglas noted that they needed to keep the conversation charitable because we are all neighbors. The solution to this will not make everyone happy.

Mr. Kraus indicated that the committee should table the application until the elevator can be thought through. It needs to be studied, especially with not allowing a tower structure and being more of a lift style structure. He likes his Yorktown neighbors and they like him. From Genesis to Revelation the Bible says to love God with all your heart and to love your neighbor as yourself. The church needs to sit down with the neighbors and come to a better solution.

Mr. Foster stated that the least intrusive style of elevator is a glass-sided structure.

Mr. Raithel stated that the elevator, if approved, should look colonial and look like something that belongs in Yorktown. A lift platform elevator makes the most sense as it would not be seen when not in use.

Mr. Foster noted that the elevator needed to be all-weather and allow the person using it to be out of the elements. He said that the lift style elevators do not move very fast and would be exposing the person using it.

Mr. Kraus stated that you can buy an elevator that would move fast.

Mr. Vance Field, 203 Marlbank Drive, Yorktown, indicated that he has been a parishioner at Grace Episcopal Church for 20 plus years. He served for many years on the development committee for Riverview. The original idea was to make the house more attractive to parishioners to use. The church gets great energy from the use of Riverview and is trying to build a community. They don't have many options for moving handicap people from the parking lot down to Riverview. They have looked at sloped walkways, chair-style sloping tracks, and elevators. Access through the easement is untenable, because of the confrontations with Ms. Krams. The elevator seemed the most logical and affordable solution.

Mr. Raithel asked about the elevator in the Parish Hall and using that to get down to the site.

Mr. Field said they looked at using that elevator, but moving the HVAC equipment and knocking a hole in the wall was costly. Additionally, access through the building at all times of day would be difficult to implement.

Ms. Krams noted that coming from the Parish Hall would make the easement revert back to her and strip the church of its use. Mr. Holt agreed.

Mr. Foster stated that coming through the Parish Hall would be unfeasible and would create a great inconvenience for the church to monitor people moving through the building at any time of day. Additionally, it would be hard to comply with the spirit of the ADA when you make people access through two buildings. The proposed elevator would provide a better alternative to the Parish Hall.

Mr. Douglas asked if there were any other comments. Hearing none he closed the comment period.

Mr. Cole stated that the proposed elevator is unacceptable. It is an inappropriate design and size for this site. There are other options available which could be more

expensive, but would be more appropriate. When you own a property there are certain things you have to consider in its use and certain costs you will have to bear. If an elevator is to be used on the site, then it cannot be visible. He continued that he is inclined to support the deck if the railing looked more like a picket fence similar to others along the bluff. He supports the other proposed conditions in the staff memorandum.

Mr. Foster asked if the pickets would be allowed by the Virginia Uniform Building Code. Mr. Anderson said that he was unsure and would follow up with the Building Code Official.

Mr. Andrade stated he agreed with Mr. Cole. Making the deck railing look like a picket fence is a good idea. The offset he has no opinion about as he thinks it will not be visible from Water Street. He is okay with the deck being in the location proposed. The elevator as proposed will not work. It should be enclosed and look like the church from the Parish Hall parking area. If they used a similar brick it would be a nice looking structure.

Mr. Douglas agreed with the other member's points and recommendations. The offset should be required. The deck is a non-issue because the property is unique and does not have street frontage and the visibility from public areas is limited. With the deck railing having pickets the viewscape is reasonable and consistent with other fencing on the bluff. The elevator is a problem as it has not been sufficiently developed to approve. It is non-compliant with the guidelines and there needs to be further evaluation of other alternatives. He understands the need for the committee to make some determination before the Planning Commission deals with the setback issue, so it is hard to postpone again. Alternatives could be a driveway from the parking lot or a lift-style elevator, where you don't see the elevator except when in use. Additionally, he would like to see how the elevator would look from Church Street with the dumpster area blocking the view.

Mr. Anderson stated that the HYDC could break up the components of the application and vote on each separately. This could allow the applicant to come back with a certain component later, while allowing other components to move forward.

Mr. Foster asked that if the committee decided to break up and not approve certain components, they discuss specifically what they would like to see the church bring back.

Mr. Douglas stated that the HYDC has approved several utility and shed buildings. Specifically, the shed at Ms. Weekley's home has been used as an example before. Dr. Neill's shed and the Moss structure are other examples.

Mr. Andrade noted the Smith home on Nelson Street and the NPS Superintendent's house are other examples.

Mr. Cole stated that it could be a lift-style elevator where you don't see the structure at all unless it is picking or dropping someone off in the parking lot. It would be hidden when not in use.

Mr. Foster asked what specifically they would be looking for him to bring back. Would they like to talk to manufacturers that have said certain elevators and lifts would not work? What can he provide to them to satisfy what they are looking for?

Mr. Andrade said he is okay with the elevator tower, but it needs to look like other structures and not as proposed.

Mr. Cole stated that he would like confirmation that certain style elevators would not work.

Mr. Raithel stated that Mr. Kraus already noted that a lift-style elevator would work.

Mr. Douglas noted that an enclosed car that goes down to the bottom and is hidden is the preference. He noted that this option was described by Ms. Weekley at the previous meeting. With this style there is nothing to see and the mechanisms can be enclosed from the weather. All people would see from the parking lot would be a picket fence railing, unless the elevator is being used.

Mr. Field asked about the option of switching the stairs and elevator, so it is completely behind the dumpster.

Mr. Douglas stated that the shift would not work, because the other way it is hidden by the stairs and further away from Ms. Krams property.

Mr. Holt asked if procedurally the committee had the authority to break up an application. He felt they had to approve the application as a whole. Mr. Anderson disagreed and the committee could decide how they wanted to handle an application.

Mr. Foster asked the committee for a recess, so they could discuss what options would work best for them.

Mr. Douglas called a recess at 9:01 pm. He called the meeting back to order at 9:13 pm.

Mr. Foster said the applicant would be willing to look at moving forward with the option of approving with a condition that the elevator not travel higher than the parking lot fence line or look like a garden shed, with the shed design to be approved by staff. If the committee preferred to remove the elevator completely they were fine with that, too, as long as they moved forward with other components.

Mr. Holt objected to the level of approval for the condition to have staff approve the garden shed look. Placing that kind of condition would put the decision out of the committee's hands. Also, to remove the elevator needs to be more of a formal process with separate applications for consideration.

Mr. Anderson disagreed and stated that the committee had the discretion to separate the components as they saw fit.

Mr. Andrade stated that he did not support approving without a rendering of the elevator. He would like to see what it looks like before it can be approved.

Mr. Cole asked if they have eliminated the option of going through the Parish Hall.

Mr. Foster indicated that going through the Parish Hall is not a feasible option because of the access issue, as well as providing security and the cost of increased insurance with others being able to access through the Parish Hall.

Mr. Cole understood, but with the limited amount of time a handicap person would need to use the Parish Hall elevator someone could easily show up and let them in and through the Parish Hall. He is not confident this is not a viable option. He agrees with Mr. Andrade on wanting to see a rendering before approving the elevator.

Mr. Douglas stated that the committee is okay with splitting the application up. He and the committee discussed the conditions with the majority approving of the offset and placing picket fencing along the deck railing.

Mr. Foster asked if the committee would mind a quick recess for the applicants to discuss.

Mr. Douglas called a recess at 9:20 pm. He called the meeting back to order at 9:27 pm.

Mr. Foster asked what type of elevator the committee might be open to approving.

Mr. Douglas stated that the elevator should not be visible from the parking lot or it should look like a shed. The fencing and railing should match the existing picket fencing in the parking lot and the elevator should complement that style.

Mr. Cole said that he could not vote for an enclosed tower elevator shaft style, which is what is proposed. The other committee members agreed.

Mr. Douglas suggested an enclosed car that would go up and down, but be out of sight when not in use.

Mr. Cole opined that he would not object to the car being seen when the elevator in use, but not be seen most of the time. If an elevator was proposed on a private home, he would not approve, but he is open to accommodate the church knowing that they are trying to provide better accessibility to the site.

The committee discussed various wording changes and additional conditions as suggested from the staff memorandum to apply to the request.

Mr. Holt cautioned the committee that they are approving something they have not actually seen. The conditions make sense, but are the conditions practically feasible for the site. The church has not done their due diligence for preparing their request. He recommended that the committee table the request for another thirty days to gain a better perspective on the proposal.

Mr. Andrade stated that most of the applications that come before the HYDC are altered as the committee works through their process to approval. The HYDC has always had a discussion process with the applicant, citizens, and the committee members to come up with a complete approval. They have traditionally not required applicants to come back multiple times with various changes. The committee works them out in their process.

Mr. Holt said he was concerned that the committee is writing themselves out of the process. The applicant can ask to have the application tabled until they can get together all the appropriate materials that are needed. The committee is proposing conditions that they have not seen renderings of and the applicant should provide those. The proposed landscaping would greatly benefit Ms. Krams and there are no drawings showing how these will be planted.

The committee continued discussion of the conditions and the possibility of removing the elevator from the approval and only approving the deck and expansion pieces.

Mr. Foster asked if the committee would mind another quick recess for the applicants to discuss removing the elevator.

Mr. Douglas called a recess at 9:40 pm. He called the meeting back to order at 9:44 pm.

Mr. Foster stated that they were willing to proceed with the approval as a whole with the conditions discussed by the committee.

There being no further discussion Mr. Cole moved approval of the application to renovate and construct additions to the existing structure located at 109 Church Street and to construct an outdoor elevator to provide accessibility between the Parish Hall parking lot and the subject property, contingent upon the following conditions:

1. The additions shall be constructed in accordance with the exterior features depicted on the architectural renderings and with the supplementary information detailing proposed materials and colors presented with the application and received April 27, 2016 and with the modifications as depicted on the information submitted for the June 22nd meeting.
2. The walkway or path from the elevator and stairs to the structure shall be constructed using one of the following materials: grass, compacted dirt, brown pea stone, river stone, brick, bluestone, or other monolithic stone.
3. The sections of the proposed railing for the stairs and elevator visible from the parking lot of the Parish Hall shall be similar to the existing wooden picket fencing, painted white and at a height of 36 inches to 48 inches.

4. The addition on the eastern side of the structure shall be offset from the front of the house by one-foot per the Non-Contributing Properties guidelines, subsection 2(a), Location of Additions.
5. The elevator shall be designed and constructed such that any enclosed car or structure is not visible from Church Street, Water Street, or the beach area, except when in use. The elevator components shall be painted with one of the gray color selections on the Yorktown Color Palette. The car shall be parked behind the stairs when not in use so as not to be visible from the Parish Hall parking lot.
6. The deck shall have a perimeter railing system designed to be consistent with the picket fence style shown in the illustration on page 78 of the Yorktown Historic Design Guidelines, sub-section No. 3, left-hand side. The railing shall comply with all applicable requirements of with the Uniform State Building Code (USBC). The railing height shall be consistent with USBC requirements but within the range of 36 inches to 48 inches, and it shall be painted a white color.

By voice vote, the motion was approved unanimously.

Mr. Douglas thanked all the participants for their input.

New Business

None

Staff Reports

Mr. Anderson noted that two new administrative approvals occurred since the last meeting. The first was for repainting a garage door and front door at 212 Smith Street. The second was for the staining of the deck and stairs at the Masonic Lodge.

Committee Requests

None

There being no further business to come before the Committee, the meeting was adjourned at 10:24 pm.

Respectfully Submitted,

June 22, 2016
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Historic Yorktown Design Committee
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Earl W. Anderson, Secretary

Approved by HYDC: Earl W. Anderson

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2016:

Present

Vote

Jeffrey D. Wassmer, Chairman
Sheila S. Noll, Vice Chairman
Walter C. Zaremba
W. Chad Green
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE THE APPEAL BY GRACE EPISCOPAL CHURCH OF THE CERTIFICATE OF APPROPRIATENESS ISSUED BY HISTORIC YORKTOWN DESIGN COMMITTEE FOR 109 CHURCH STREET IN CONNECTION WITH APPLICATION NO. HYDC-118-16

WHEREAS, on June 22, 2016, the Historic Yorktown Design Committee (HYDC) approved Application No. HYDC-118-16, submitted by Grace Episcopal Church, requesting authorization to renovate and construct additions to the existing structure located at 109 Church Street and to construct an outdoor elevator to provide accessibility between the Parish Hall parking lot on the 0.27-acre parcel located at 109 Church Street (Route 1003) and further identified as Assessor’s Parcel No. 18A-1-40 (GPIN P12d-3096-0643), subject to conditions; and

WHEREAS, Grace Episcopal Church, has appealed the decision of the HYDC to the York County Board of Supervisors in accordance with the provisions of Section 24.1-377(1)(1) of the York County Zoning Ordinance, which provide that the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination made by the HYDC and make such order, requirement, decision, or determination as ought to be made;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2016, that the following decisions be, and they hereby are, rendered with respect to the appeal of the Historic Yorktown Design Committee’s approval of Application No. HYDC-118-16:

1. The Committee's determination that a minimum offset of one foot (1') be required between the front façade of the existing structure and the front façade of the proposed addition on the eastern end is overturned and no offset shall be required;
2. The Committee's condition with respect to the design of the elevator and associated screening fencing is overturned and the elevator and adjacent fencing may be constructed in accordance with the design concept depicted on the specifications and renderings provided by the church (Exhibits A and B in the attachments to the applicant's appeal letter dated July 29, 2016).

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of _____, 2016:

Present

Vote

Jeffrey D. Wassmer, Chairman
Sheila S. Noll, Vice Chairman
Walter C. Zaremba
W. Chad Green
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO DOCUMENT ACTION ON THE APPEAL BY GRACE EPISCOPAL CHURCH OF THE CERTIFICATE OF APPROPRIATENESS ISSUED BY HISTORIC YORKTOWN DESIGN COMMITTEE FOR 109 CHURCH STREET IN CONNECTION WITH APPLICATION NO. HYDC-118-16

WHEREAS, on June 22, 2016, the Historic Yorktown Design Committee (HYDC) approved Application No. HYDC-118-16, submitted by Grace Episcopal Church, requesting authorization to renovate and construct additions to the existing structure located at 109 Church Street and to construct an outdoor elevator to provide accessibility between the Parish Hall parking lot on the 0.27-acre parcel located at 109 Church Street (Route 1003) and further identified as Assessor’s Parcel No. 18A-1-40 (GPIN P12d-3096-0643), subject to conditions; and

WHEREAS, Grace Episcopal Church, has appealed the decision of the HYDC to the York County Board of Supervisors in accordance with the provisions of Section 24.1-377(1)(1) of the York County Zoning Ordinance, which provide that the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination made by the HYDC and make such order, requirement, decision, or determination as ought to be made;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the ____ day of _____, 2016, that the following decisions be, and they hereby are, rendered with respect to the appeal of the Historic Yorktown Design Committee’s approval of Application No. HYDC-118-16:

1. The Committee's determination that a minimum offset of one foot (1') be required between the front façade of the existing structure and the front façade of the proposed addition on the eastern end is upheld;
2. The Committee's condition with respect to the design of the elevator and associated screening fencing is overturned and the matter of the elevator design is remanded back to the HYDC with the expectation that the Committee, operating with new information concerning Building Code limitations, will work with church representatives to determine whether modifications to or enhancements of the enclosed shaft concept depicted on the renderings provided by the church are necessary.