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# TOWN OF SMITHFIELD

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*"The Ham Capital of the World"*

December 9, 2015

TO: BOARD OF HISTORIC & ARCHITECTURAL REVIEW

FROM: WILLIAM G. SAUNDERS, IV, AICP, CZA  
PLANNING AND ZONING ADMINISTRATOR

RE: MONTHLY MEETING

The Board of Historic and Architectural Review will hold its regularly scheduled monthly meeting on **Tuesday, December 15, 2015 at 6:30 pm** in Conference Rooms A & B at the Smithfield Center.

If you have any questions, please contact William Saunders at (757) 365-4266.

cc: Town Council  
William H. Riddick, III, Town Attorney  
The Smithfield Times  
The Daily Press  
File

**DEPT. OF PLANNING, ENGINEERING, AND PUBLIC WORKS**

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**TOWN OF SMITHFIELD  
BOARD OF HISTORIC & ARCHITECTURAL REVIEW  
AGENDA**

**December 15, 2015**

**1) Planning and Zoning Administrator's Report**

- Cary & Main (Pierceville) Future Land Use Change & Rezoning Application

**2) Upcoming Meetings and Activities**

December 15<sup>th</sup> - 7:30 p.m. -- Board of Zoning Appeals – Cancelled  
December 21<sup>st</sup> - 4:00 p.m. -- Town Council Committee Meetings  
December 22<sup>nd</sup> - 4:00 p.m. -- Town Council Committee Meetings  
December 24<sup>th</sup> & 25<sup>th</sup> - Town offices will be closed in observance of Christmas  
Dec. 31<sup>st</sup> & Jan. 1<sup>st</sup> - Town offices will be closed in observance of New Year's Day  
January 5<sup>th</sup> - 7:30 p.m. -- Town Council Meeting  
January 12<sup>th</sup> - 6:30 p.m. -- Planning Commission Meeting  
January 15<sup>th</sup> - Town offices will be closed in observance of Lee / Jackson Day  
January 18<sup>th</sup> - Town offices will be closed in observance of Martin Luther King Day  
January 19<sup>th</sup> - 6:30 p.m. -- Board of Historic & Architectural Review

**3) Public Comments**

**4) Board Member Comments**

**5) Consideration of Demolition by Neglect – 502 Grace Street – Landmark – Town of**

**Smithfield, applicant.** (Staff report and photos enclosed)

**6) Approval of the November 17, 2015 meeting minutes** (Enclosed)

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**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.**  
.....  
Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Board of Historic and Architectural Review Meetings. ADA compliant hearing devices are available for use upon request. Please call (757) 365-4200 at least 24 hours prior to the meeting date so that proper arrangements may be made.  
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**STAFF REPORT TO  
THE BOARD OF HISTORIC & ARCHITECTURAL REVIEW**

**December 15, 2015**

<b>Owner Name &amp; Address</b>	Mary Delk Crocker 502 Grace Street Smithfield, VA 23430
<b>Property Location &amp; Description</b>	502 Grace Street, Across from Cofer Automotive, behind IOW Christian Outreach
<b>Statistical Data</b>	
Property Classification	Landmark
Current Zoning	C-C, Community Conservation
<b>Surrounding Land Uses/Zoning</b>	D, Downtown District; DN-R, Downtown Neighborhood Residential

**Overview**

Given the ongoing poor condition of the property known as Pierceville, town staff has determined the property to be in violation of Section 22.2 of the Town Code (Unsafe Structures) and Article 3.M: HP-O, Historic Preservation Overlay District Ordinance, F: 2: G (Maintenance and Repair Required). Below find the items that were determined to be the cause for action:

- The primary residence is in a state of disrepair, including but not limited to the following:
  - Sections of siding that are missing or have been patched in a manner inconsistent with the Historic District regulations
  - Sections of roofing that are missing which expose structures to the elements and create a hazardous situation
  - Deferred maintenance issues inconsistent with the Historic District regulations that could be considered 'demolition by neglect'
  - Vegetation not consistent with Town Code
- In addition, there are numerous accessory structures (barns) on the property that are in various states of disrepair, including but not limited to the following:
  - Deferred maintenance issues inconsistent with the Historic District regulations that could be considered 'demolition by neglect'
  - Roofing – paint, missing sections, collapsed sections which expose structures to the elements and create a hazardous situation
  - Siding – paint, missing sections, collapsed sections which expose structures to the elements and create a hazardous situation
  - Doors, Windows – paint, missing sections
  - Vegetation not consistent with Town Code

Before the Board of Historic and Architectural Review is consideration of the conditions at Pierceville in regard to demolition by neglect and/or unsafe or dangerous structures, as per Section F: 2: G (Maintenance and Repair Required) Historic Preservation Overlay District Ordinance; which reads:

*Maintenance and Repair Required*

*All buildings and structures in the HP-O District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the Review Board, result in the irreparable deterioration of any exterior appurtenance or architectural feature, or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:*

- (1). *The deterioration of exterior walls or other vertical supports;*
- (2). *The deterioration of roofs or other horizontal members;*
- (3). *The deterioration of exterior chimneys;*
- (4). *The deterioration or crumbling of exterior plaster or mortar;*
- (5). *The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;*
- (6). *The peeling of paint, rotting, holes, and other forms of decay;*
- (7). *The lack of maintenance of surrounding environment e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping and*
- (8). *The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.*

*After notice by the Review Board by certified or registered mail of specific instances of failure to maintain or repair and of the opportunity to appear before the Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in the Zoning Ordinance. In the alternative, if the owner fails to act, the Review Board may order the Planning and Zoning Administrator, after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town from a fund established for such purposes.*

### **Timeline**

November 10, 2009 – The Town of Smithfield planning department requested of the owner a written course of action within thirty (30) days to resolve the violations on the property.

December 1, 2009 - The Town of Smithfield Town Council declared the property as having unsafe and dangerous structures as per Section 22.2 of the Town Code.

December 11, 2009 – The owner’s attorney responded requesting a specific list of corrections, offering the opportunity for town officials to inspect the site and proffering that the overgrowth in vegetation would be removed by January 15, 2010.

December 18, 2009 – The Town of Smithfield planning department thanked the owner for the show of good faith and notified them that they would be in contact to set a date for the site visit after January 15, 2010, when the vegetation would have been removed.

January 14, 2010 – The owner’s attorney contacted asking for a meeting to discuss the maintenance issues.

January 19, 2010 – The maintenance issues were reported to the Board of Historic and Architectural Review; the board voting to declare the situation demolition by neglect and to start the violation process as per Article 3.M: HP-O, Historic Preservation Overlay District Ordinance, F: 2: G 'Maintenance and Repair Required'.

August 19, 2010 – Town officials visited the site and photo-documented the damage and neglect. Due to the fact that the home was inhabited at the time, the Isle of Wight Building Official’s office undertook action in order to resolve the unsafe structure situation.

July 21, 2011 – A Warrant for Building Inspection was issued to Isle of Wight County Building Officials for the interior of the primary structure.

October 14, 2011 – Following an inspection, Isle of Wight County Building Officials determined the home unsafe for habitation and requested a schedule for completing all necessary repairs and to have all violations corrected by October 1, 2013.

August 22, 2012 - Isle of Wight County Building Officials requested a schedule for completing all necessary repairs within fifteen (15) days and to have all violations corrected by October 1, 2013.

October 16, 2013 - Isle of Wight County Building Officials requested correction of all violations within thirty (30) days; or, to submit a schedule of repairs to have all necessary work completed within one hundred eighty (180) days.

November 1, 2013 – The property owner applied for an appeal hearing from the Board of Building Code Appeals.

December 5, 2013 - Board of Building Code Appeals hearing was cancelled.

January 10, 2014 - Isle of Wight County Building Officials notified the owner of a new hearing date.

January 29, 2014- Board of Building Code Appeals hearing cancelled.

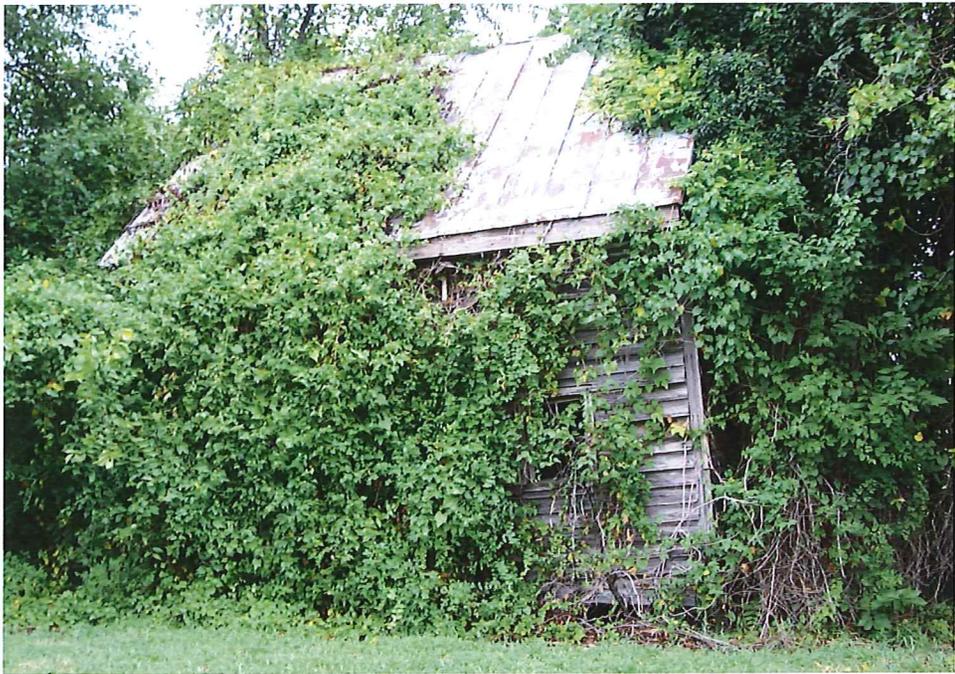
February 19, 2014 - The Board of Building Code Appeals heard the case, did not vote and determined to re-examine the case in six (6) months.

October 15, 2014 - The Board of Building Code Appeals re-examined the case and found that the Isle of Wight County Building Officials were correct in their interpretation of the condition of the home and the building code violations. Due to this finding, the deadline for all repairs necessary to correct all violations by October 1, 2013 was valid. This deadline passed with no improvements having been made and the home is now in an even more serious state of disrepair.

December 1, 2015 – Smithfield Town Council voted to have the Board of Historic and Architectural Review reconsider the conditions at Pierceville in regard to demolition by neglect and/or unsafe or dangerous structures.

If you have any questions this item, please contact William Saunders at 365-4266.





The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, November 17<sup>th</sup>, 2015. The meeting was called to order at 6:30 p.m. Members present were Mr. Roger Ealy, Chairman; Mr. Trey Gwaltney, Vice Chairman; Mr. Ronny Prevatte, Ms. Julia Hillegass, Mr. Gary Hess, and Mr. Jeff Yeaw. Mr. Russell Parrish was absent. Staff members present were Mr. William G. Saunders, IV; Planning and Zoning Administrator and Mr. William H. Riddick III, Town Attorney. There were three (3) citizens present.

Chairman Ealy – I would like to call the November 17<sup>th</sup>, 2015 Board of Historic and Architectural Review meeting to order. The first item on the agenda is the Planning and Zoning Administrator's Report.

Planning and Zoning Administrator – Thank you, Chairman. I have two items on my report tonight. We granted administrative approval to remove a damaged chimney. It was leaking because of structural disrepair and did not have any relevant historical contribution to the district. I have an update on the Cary and Main or Pierceville future land use change and rezoning application. It was before you all last month. It went to Town Council at their November 3<sup>rd</sup> meeting. At that meeting, the future land use change was tabled until January 5<sup>th</sup>, 2016. The rezoning application and public hearing were continued until January 5<sup>th</sup>. In the committee meeting that I just left, they have tentatively scheduled a work session between the developer, the applicant, and the Town Council for Monday, December 7<sup>th</sup> at 6:30 p.m. Thank you.

Chairman Ealy – We will now move to Upcoming Meetings and Activities. You have a list of those. Next we have Public Comments. Is there anyone who would like to speak? Please state your name and address for the record.

Mr. R. B. Braunhardt – I live at 101 Goose Hill Way. I have spoken before several times. I know you are probably tired of hearing but bear with me please. What I would like to address was some comments I made to Dr. Cook's Public Buildings and Welfare committee meeting in October. I did a presentation on what I call an informal walkabout survey of the historic district. I looked at one hundred and six homes. I am not going to bore you with the streets but the gist of it was Cary Street, Main Street, Grace Street, and several of the connecting streets between them such as Cedar, North Mason, Institute, etc. The purpose of my walkabout survey was to be able to approach you and ask you to reconsider your comments where you said that you thought the developers proposed twenty four elevations, pictures, drawings, that they had scattered around the

room during your last BHAR meeting, were appropriate. I do not think they are appropriate. The purpose of this survey was to try to show you in a very, very quick, unscientific survey of the main features that I saw out of those one hundred and six homes. I think that based on the ordinances that are there and the responsibility of the Town Council. I recognize that you advise the Town Council. You make recommendations to them but that recommendation should include very specific things, reminders in some cases, and in other cases you tell the builder that he has to do certain things to keep the same type of character of the houses he is proposing building which I think, by definition and Ms. Venable's comments included part of that definition, that they are tract homes. By their very nature, they do not have the historical, architectural details, and features that are predominate in the one hundred and six homes that I did in my survey. Without beating you up with tons and tons of data, let me just hit a few of the items that I looked at. Roofs - ninety of the roofs of the one hundred and six homes had the composition but a full thirty percent of them had a metal roof. The builder proposes no metal roofs. They do talk in the proffers about possibly having a porch with a metal roof or a bay on the side with a metal roof but no metal roofs. When you have thirty percent of the homes in the town with metal roofs don't you think the subdivision should carry that theme through so that it still has that historic flavor to it? Porches - ninety-eight of the one hundred and six homes have porches. Forty-five of those porches had significant gingerbread. It is a term I use but I found it in the ordinances. It is a pretty standard one apparently. Another term used was detailed or decorative millwork. Gingerbread works for me. Twenty five percent of those ninety eight homes had two and three sided wrap around porches. The developer proposes only a small little porch but he promises that it will not be less than six feet deep. An interesting fact, that I saw the other day when I walked around and looked, is that a lot of porches on the very narrow homes or the bungalows as we might call them there is still a lot of gingerbread or fish scale decorative items on it but the porch went from left to right. It went all the way across the front of the house. It is not what the developer is showing that he is going to put in the housing. Garages - every house had a garage. Most of them were attached in the developer's plans. He even says that in his proffers. Fifty-four percent of the houses have no garages in the historic district. I am not proposing that you do not let people have garages. I would not even buy a house that did not have a garage, of course, I am a car nut. The garages they do have, thirty-four

percent of them are set back off the front line of the house back in the back of the property. They are half way back or all the way at the back of the property. I think we need some more work on the garage issue than simply allowing a front facing garage attached to the house. It certainly does not match the rest of the historic district. Chimneys - there are zero chimneys in the developer's plans. Of the one hundred and six houses in this town, one hundred have a chimney which is ninety-four percent. Not only that, thirty-one have two chimneys and ten have three chimneys. I think there were actually a couple more chimneys but I could not see far enough in the back of the house. Chimneys are a predominant feature and it should keep on throughout this proposed subdivision. I have not even talked about the siding. They talk about structural manmade lumber. The ordinances call for Hardiplank. It says 'cementitious board such as Hardiplank.' I think we should be telling the developer when we meet with him that what they are offering is not appropriate and that they need to have these features. I could go on about dormers. I could go on about fence material, bay windows, and the number of turrets. Have you looked at the number of turrets in this town? It is one of the things that is so cool. You are walking around, you look up and there is a turret. How many people have turrets in their homes these days? If you are going to keep the historical district theme or the feel you cannot put up one hundred and fifty-one houses that are four walls and a roof. There is no historical, architectural detail to that at all. Hopefully, you get the idea here that there are some things, I think, that give us and give the review Board the power to do what I am asking you to do and that is compatibility. E.2.B says that 'compatibility with similar features of buildings or structures within the area/district.' 'Harmonious with and architectural incompatible with historic buildings within the subject overlay districts' was in section E.2.D. The public necessity of the proposed construction. The general compatibility of the site plan and the exterior design arrangement, texture, and materials proposed to be used. I think it is well within the purview of this Board. I think it is really what you are supposed to do is to protect this town. People come to Smithfield because it is not York County. It is not Newport News. It is not Virginia Beach. Nobody ever said anything that I am aware of I certainly have never said anything about Hearndon, his homes, his construction, or the quality. I think that is a red herring; it is not the issue. He may build great houses as I told Dr. Cook in his Public Buildings and Welfare committee. I think the phrase was "hell, I bought those kinds of houses when I moved around for thirty years in the military." I have only ever

had one rental house in thirty years. I bought houses. Those houses are tract homes that is not in keeping with the historic district. I have this little survey and if you want I can crank out more because I have all of the data. I just did not want to make your ears bleed listening to me talk about the rest of the features. These are not the right houses and the appropriateness of those; I call in question. I am not impugning your integrity. I am not attacking you about this or that. I am just urging you to rethink these designs that the builder is asking to build are not appropriate for the historic district as I have demonstrated here. There is one last point that I would leave you with please. I think the danger is not making the developer do the same thing. I am not saying that you will tell him that he will have a metal roof on every house or that they will all have two sided porches. I think there should be some percentage of those that are in keeping with the historic district and the numbers and the percentages. What I really think the danger is, if you do not do this, anybody in the last twenty years and I picked that date because 1990 was when the historic district ordinances were first generated. We can argue about the timeline but when people had been told that they had to change this or knock this down and put this up to fit with the historic district. You have not got a leg to stand on. They can tell you to pound sand. I am not trying to be disrespectful but that is what they are going to do. Some of them may even turn to lawsuits. They will say “you made me do this when you let that guy build one hundred and fifty-one homes that do not have the historical flavor and architectural details.” Like some of the things I have mentioned here. I think the real damage is that you run the risk of destroying the reason people come to Smithfield. It is not like their home. It is not like their suburbs and their nice little houses. It is different. It is different by design, by luck, and by hard work by you and some of your predecessors. I would like you to keep doing that and tell this developer that you are glad to let him build but that he has to have these features. Thank you very much for your time. I appreciate it.

Chairman Ealy – Thank you. Next we have Board Member Comments. Are there any Board member comments? Hearing none, we will move to Color Change, Window Removal Awnings & Shutters – 25 E. Main Street – (Contributing) – Lee Duncan, applicant.

Mr. Lee Duncan – I am the owner of 25 Main Street, Wharf Hill Brewing Company. I am here to request approval for blocking a window that faces northeast. It is located on the side of the building over the rooftop which also faces the blocked up

windows of 17 Main Street which is the old shoe shop. The building windows on the opposite side of the building have two of those windows that have been blocked up in previous years. The purpose for blocking the windows is that the northeast winds penetrate the windows and then they leak down the inside of the wall. Also, I am requesting permission to keep a sealant, called Drylok, I have put on the side of the building on the same side as the window that was blocked. The sealant is white. I would like to cover it with a brick red paint. I have used clear sealant on that wall. Unfortunately because of some of the pitting and deterioration of the mortar, although we did extensive repointing of that mortar, I still have water penetration when a nor'easter blows. The last storm we had fried our modem. It poured down our bar onto bottles and so forth. It is not very attractive. Also that wall, the same wall I am discussing, has a chimney built into it. Whereas most of the wall is solid brick, three bricks thick, where you have the chimney you have a hollow so there is only one brick thick. Water especially penetrates through into the flue and down there and out the opening in the wall where the stove pipe used to penetrate. For reasons which are purely practical, I sealed the wall. I did so because winter was coming and I wanted to do something before we get into the regular period of harsh weather. To follow that, I would like to do an exterior paint over the white using a roller which will not necessarily penetrate into all of the mortar joints. Hopefully, the white will still be somewhat visible giving you kind of an effect as if there was still mortar but the bricks will be red. I would also like to put wood shutters which I have collected over the last year. They are wood shutters from the Victorian period which is the same period as the building. They would be on the second floor front facing windows and the window that I blocked up to give the appearance of a window but it will be closed and then do a faux painting of the trim around the sill and the window. They would be painted dark green which matches the shop fronts downstairs like the first story of the restaurant. Then I would like to replace a torn and blackened vinyl gray awning that is over the opening of the doorway of the brewery itself. It is at 19 Main Street. It will be a dark green fabric awning which will also match the front of the main part of the building. So I would be repainting side of the building, adding second story non-functioning but original wood style shutters, and then an awning. I believe you have a picture of the building from the early 1900's which shows the original shutters that were in place.

Planning and Zoning Administrator – I would like to add something, Mr. Chairman. I think you were also going to paint the awning over the window at 19 Main Street.

Mr. Duncan – Yes sir that is correct. There is an aluminum awning over the window of the 1953 structure of the brewery. It is aluminum and structurally sound. I would like to keep it but paint it the matching dark green. The awning over the front doorway, the awning over the window, the shop fronts, and the upstairs shutters will all be the same dark green.

Chairman Ealy – Are there any comments or questions?

Ms. Hillegass – Mr. Chairman, I move to approve as presented.

Mr. Hess – Second.

Chairman Ealy – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, six members were present. Chairman Ealy voted aye, Vice Chairman Gwaltney voted aye, Ms. Hillegass voted aye, Mr. Hess voted aye, Mr. Yeaw voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Ealy – Thank you sir. Next we have Approval of the October 20<sup>th</sup>, 2015 Meeting Minutes.

Town Attorney – Mr. Chairman, I have reviewed the minutes. I made some minor corrections and revisions and would recommend the minutes be approved as revised and corrected.

Vice Chairman Gwaltney – So moved.

Mr. Hess – Second.

Chairman Ealy – A motion has been made and properly seconded. All those in favor signify by saying aye, opposed say nay.

On call for the vote, six members were present. Chairman Ealy voted aye, Vice Chairman Gwaltney voted aye, Ms. Hillegass voted aye, Mr. Hess voted aye, Mr. Yeaw voted aye, and Mr. Prevatte voted aye. There were no votes against the motion. The motion passed.

Chairman Ealy – Is there any other business? We are adjourned.

The meeting adjourned at 6:49 p.m.

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Roger Ealy  
Chairman

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Mr. William G. Saunders IV  
Planning and Zoning Administrator