

The Smithfield Board of Historic and Architectural Review held its regular meeting on Tuesday, August 18<sup>th</sup>, 2020 at 6:30 p.m. at the Smithfield Center.

**Members Present:**

Trey Gwaltney - Chairman  
Julia Hillegass – Vice Chair  
David Goodrich  
Ronny Prevatte  
Russell Hill  
Justin Hornback

**Board Members absent:**

Gary Hess

**Staff members present:**

John Settle – Community Development & Planning Director  
Tammie Clary - Planner

There were two (2) citizens present. The media was not represented. Chairman Gwaltney welcomed everyone to the meeting.

**Community Development & Planning Director's Report:**

Mr. Settle explained the new seating arrangement and the police officer in attendance at the meeting. Both are a direct result of an incident that occurred at the Planning Commission meeting last week. He also reported that Town staff have compiled a list of properties of cultural and/or historic significance located within the corporate limits but outside of the Historic Preservation Overlay (see Enclosure 1). These properties generally include buildings and/or structures that were constructed prior to 1945 or are known to contain cemeteries. Mr. Settle stated that he would welcome the BHAR's suggestions on the inclusion of any properties not represented on the list. At this time, it is Town staff's intention to share this inventory with the Virginia Department of Historic Resources (DHR) so that all properties on this list which have not been assigned a DHR identification number in the Virginia Cultural Resource Information System may be inventoried by the DHR.

**Upcoming Meetings and Activities:**

Monday, August 24<sup>th</sup> – 3:00 PM – Town Council Committee Meetings  
Tuesday, August 25<sup>th</sup> – 3:00 PM – Town Council Committee Meetings  
Tuesday, September 1<sup>st</sup> – 6:30 PM – Town Council Meeting  
Tuesday, September 8<sup>th</sup> – 4:00 PM – Pinewood Heights Management Team Meeting  
Tuesday, September 8<sup>th</sup> – 6:30 PM – Planning Commission Meeting  
Tuesday, September 15<sup>th</sup> – 6:30 PM – BHAR Meeting

**Public Comments:**

There were no signups for public comments.

**Board Member Comments:**

Vice Chair Hillegass stated that Mr. Settle should contact John Edwards who may have a lot of knowledge about properties with cemeteries. Mr. Edwards is retired and has a lot of free time to discuss these properties and if anyone would know, it would be him.

**Roof Change – 213 South Church Street – Landmark – Kimberly Newman, applicant:**

Mr. Settle reported that the applicant is seeking approval to replace the architectural asphalt shingle roof on the existing detached garage with a pressed metal shingle roof to match the roof present on the primary building. Town staff recommended approval as submitted.

Mr. Settle displayed the product sample for the applicant.

The applicant, Kimberly Newman, resides at 213 South Church Street. The garage currently has a modern, shingled asphalt roof. It is nearing the end of its life. The applicant would like the roof to look more historically accurate.

Chairman Gwaltney asked if the applicant knew when the house roof had been replaced. The applicant thought it might have been fifteen to twenty years old but was not certain. The house roof has some stains but does not need replacing. Additionally, the applicant inquired if the Board had ever approved, or would consider approving faux cedar shake shingles. Vice Chair Hillegass stated that they had not, but also indicated that that particular material had never been presented to them.

Mr. Hill made a motion to approve the application as submitted. Mr. Hornback seconded the motion. Chairman Gwaltney called for the vote.

On call for the vote, six members were present. Mr. Hill voted aye, Mr. Hornback voted aye, Mr. Prevatte voted aye, Mrs. Lally voted aye, Vice Chair Hillegass voted aye, and Chairman Gwaltney voted aye. There were no votes against the motion. The motion passed.

**Accessory Structure – 120 Cockes Lane – Contributing – Dana Ormbrek, applicant:**

Mr. Settle reported that the applicant is seeking approval to erect a six foot tall common redwood dog-eared wooden privacy fence in the rear and side yards of the property. The proposed fence will be positioned no closer than five feet to the public right-of-way on the side of the house fronting on Cedar Street. Town staff recommended approval under the condition that the fence be either stained or painted white.

The applicant was not present at the meeting.

Mr. Hill asked if the good side of the fence would be facing out. Mr. Settle stated that the applicant did not clarify that; but it could be a condition in the motion.

Chairman Gwaltney stated there would be a fair amount of work that needs to be done to the house. There would be a lot of fence around the property. He asked that if the exterior were painted, would the fence match better if it was painted or stained. A stained fence would look like a lot of wood around what could be an attractive painted house. Mr. Settle stated that the guidelines do not address a preference for painting over staining. The fence is an accessory structure. There is a precedent that accessory structures emulate the primary building. Chairman Gwaltney stated that the house is primarily white.

Vice Chair Hillegass asked if the BHAR had any options for the style of the fence. Chairman Gwaltney stated that the property backs up to other properties so he understands why the applicants want a fence.

A discussion was held among the BHAR members about grass maintenance and fence maintenance due to the fact that the fence will run along Cedar Street.

Chairman Gwaltney stated that the code governs where the fence goes. The BHAR can dictate whether the applicants paint it white or stain it. He asked if the Board was okay with either of those choices. Vice Chair Hillegass stated that it would be a difficult decision since the Board does not know what the future plans are for the house.

Mr. Prevatte made a motion to approve the fence under the condition that the fence be either stained or painted white, and that the finished side of the fence face outward from the property. Vice Chair Hillegass seconded the motion. With no further discussion, Chairman Gwaltney called for the vote.

On call for the vote, six members were present. Mr. Hill voted aye, Mr. Hornback voted aye, Mr. Prevatte voted aye, Mrs. Lally voted aye, Vice Chair Hillegass voted aye, and Chairman Gwaltney voted aye. There were no votes against the motion.

Mr. Settle explained that the applicant would have a year to start the project, and two years to complete the project, or re-application to the BHAR would be necessary.

**Discussion Item – SZO Article 3.M – Text Amendment – Town of Smithfield, applicant:**

Mr. Settle reported that the 2017 designation evaluation of the properties located within the Historic Preservation Overlay (HPO), which was finalized by the Board of Historic & Architectural Review (BHAR) earlier this year, has caused Town staff to realize that the inventory of properties located within the HPO (enshrined in Smithfield Zoning Ordinance (SZO) Section 3.M.H) has grown to become lengthy and difficult to navigate. Additionally, Town staff have persistently struggled with a lack of clarity in the SZO concerning the boundaries of the HPO, the absence of classification criteria for non-contributing properties, and our inability to update the inventory of properties to reflect technical changes to certain attributes contained therein (i.e. address changes, etc.). To remedy these concerns, Town staff have proposed a text amendment to SZO Article 3.M which seeks to achieve the following items:

- (1) The revision of SZO Section 3.M.D.4 to include classification criteria for non-contributing properties.
- (2) The creation of a map of the HPO which clearly illustrates the HPO's boundaries, and the designations of the properties located therein.
- (3) The repeal of SZO Section 3.M.H, and its replacement with an inventory of properties that will be attached to the aforementioned HPO map as an appendix.
- (4) The creation of SZO Section 3.M.D.6, which allows Town staff to update the inventory and HPO map from time to time to reflect technical changes which occur within the HPO in real time. All changes will be brought to the BHAR for their approval. This, coupled with the removal of the inventory list from SZO Section 3.M.H, allows for Town staff to make changes to the inventory and map without having to seek review and decision by both the Planning Commission and the Town Council- a sixty-to-ninety-day process that entails two public hearings. Some examples of technical changes to the inventory and map that Town staff would seek to undertake include (but are not limited to):
  - (a) Address assignments, changes, and removals (i.e. new construction, demolition, etc.).
  - (b) The reversion of a property's designation from landmark or contributing to non-contributing in the event of its accidental destruction by fire, flood, etc.

- (c) The creation, vacation, and/or adjustment of lot lines and tax parcel identification numbers as a part of the subdivision process.

Some other items for the consideration of the BHAR include the fact that Article 3.M of the SZO has always referenced an HPO map, but until now, no definitive map has been known to Town staff. Finally, the inclusion of an inventory of properties located within an overlay district as a section of the zoning ordinance is a concept that is atypical in Virginia. In the compilation of the HPO map and inventory, Town staff discovered that there were two instances in which two designations had been applied to the same property. The first instance was 301 & 302 Jericho Rd (TPIN 21A-01-092A), which are Windsor Castle (a landmark building) and the Caretaker's House (a contributing building), respectively. The second instance was 517 & 519 Main St (TPIN 21A-01-223C), which are Main Street Baptist Church (a non-contributing building) and the Rawls House (a contributing building). In the case of both properties, Town staff have amended the inventory and map so that the classification of greater significance now applies to both buildings. A redlined version of this text amendment is included in the pages immediately following this staff report. Additionally, the draft HPO map and inventory have been included for the convenience of the BHAR. Photographs of the buildings and properties noted in the previous paragraph have also been included. Town staff is seeking a consensus from the BHAR on this discussion item before it proceeds to the Planning Commission as a discussion item.

Vice Chair Hillegass commended staff for their work on this text amendment, as it was much needed. The timing coincides with updates to the Comprehensive Plan.

Chairman Gwaltney asked for clarification on the two instances in which two different designations applied to one property. Mr. Settle explained that the designations had to apply to the entire parcel, not specific buildings.

The members of the BHAR reached a favorable consensus on the application's procession to the Planning Commission as a discussion item.

#### **BHAR Bylaws Amendment – Town of Smithfield:**

Mr. Settle reported that, earlier this year, Town staff conducted a review of the bylaws of all the Town's appointed Boards and Commissions. This review entailed a thorough comparison of each Board's bylaws to those present in other jurisdictions, in addition to all applicable regulations outlined in the Code of Virginia. Staff were able to discern that the most crucial change needed in the Town's Boards' bylaws was the alteration of the circumstances necessary for a Board to hold a special meeting. In order to help clarify Section II of the bylaws and stress the importance of a special BHAR meeting, Town staff are proposing the revision of Section II.3 of the BHAR's bylaws, which currently reads: . . . *Special meetings of the Board may be called at the request of the Chairman or at the request of a majority of the membership* . . . The proposed Section II.3 would read: . . . *Special meetings of the Board may be called at the request of the Chairman with the concurrence of three (3) other Board members* . . . Town staff believe that this language is the most suitable for the Town. The Board of Zoning Appeals adopted a similar bylaws amendment

at its meeting last month. A redlined version of this bylaws amendment was included in the pages immediately following this staff report. Town staff recommended approval as submitted.

Vice Chair Hillegass made a motion to approve the bylaws amendment as submitted. Mr. Hill seconded the motion. With no further discussion, Chairman Gwaltney called for the vote.

On call for the vote, six members were present. Mr. Hill voted aye, Mr. Hornback voted aye, Mr. Prevatte voted aye, Mrs. Lally voted aye, Vice Chair Hillegass voted aye, and Chairman Gwaltney voted aye. There were no votes against the motion. The motion passed.

**Approval of the Tuesday, August 6<sup>th</sup>, 2020 Meeting Minutes:**

The Town Attorney had reviewed the minutes and recommended approval by email.

Vice Chair Hillegass made a motion to approve the minutes as presented. Mrs. Lally seconded the motion. Chairman Gwaltney called for the vote.

On call for the vote, six members were present. Mr. Hill voted aye, Mr. Hornback voted aye, Mr. Prevatte voted aye, Mrs. Lally voted aye, Vice Chair Hillegass voted aye, and Chairman Gwaltney voted aye. There were no votes against the motion. The motion passed.

The meeting adjourned at 7:40 p.m.

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Mr. Trey Gwaltney - Chairman

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Mr. John Settle – Director of Community  
Development & Planning