

DOWNTOWN DESIGN COMMITTEE

TRANSCRIPT OF PUBLIC HEARING

TUESDAY, JANUARY 3, 2012, 5:15 P.M.

SCHOOL BOARD CONFERENCE ROOM, 3RD FLOOR, CITY HALL

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MEMBERS PRESENT: Gary Leggett, Chairman  
Sara Steele, Co-Vice Chair  
Justin Verville, Co-Vice Chair  
Glenn Yates, Jr.  
Eva Daniel  
Kirsten Tynch  
Len Singer

MEMBERS ABSENT: Jason Baines

STAFF PRESENT: Samson Okafor

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1 (Call to order at 5:10 p.m.)

2 MR. LEGGETT: Since both applicants are here  
3 and we've got a quorum, let's get started. I would  
4 like to thank everyone for coming out this evening.

5 Everybody should have a copy of the minutes  
6 of the last meeting.

7 MR. VERVILLE: Motion to approve.

8 MR. YATES: Second.

9 MR. LEGGETT: Any discussion? Seeing none,  
10 all in favor? (Response.) Any opposed? (No  
11 response.) Minutes stand approved.

12 I'm not sure if any of you have been through  
13 the design process before. We have a copy of what's  
14 been submitted to Sam. We'll give you a chance to give  
15 a brief overview of what your overall goals are. If  
16 anyone mentions a particular product by name, we're in  
17 no way endorsing that product. We're just using it to  
18 give you an example of what we're talking about.

19 Sam, do we have any administratively  
20 approved?

21 MR. OKAFOR: No.

22 DDC-12-001, 720 DINWIDDIE ST:

23 MR. LEGGETT: The first applicant is  
24 DDC-12-001, Jesse Young. Request to replace existing  
25 1-over-1 wooden window with double-hung vinyl windows  
at 720 Dinwiddie Street.

Are you Mr. Young?

MR. YOUNG: Yes.

MR. LEGGETT: Any questions? Any  
discussion?

I'll speak up. My only concern is the  
obvious, the vinyl. We generally do not approve vinyl  
windows in the historic area. I made a point to ride  
by myself. This is obviously not new construction.  
Unfortunately, the front has been covered with vinyl,  
and it's probably been done before this board came into  
being. We can't make you take it down. Again, there  
was an aforethought to leave some of the moldings  
uncovered, the cornice work, which was a good touch  
with the vinyl.

MS. STEELE: The other concern I would raise  
is the description. It says existing windows of  
original shall be retained or replaced with windows  
that match in all dimensions and profiles, and these  
are 6-over-6 windows rather than 1-over-1. So  
replacing them with a 1-over-1 would be changing that  
as well, which is the character of the house.

MR. YOUNG: I'm not sure what that means.

1 MS. STEELE: Your windows have six small  
2 panes.

3 MS. SESSLER: We could put the panes in so  
4 they would be 6-over-6.

5 MR. VERVILLE: If vinyl is not going to be  
6 an option, if we were to allow you to do it, then we  
7 would have to allow everybody. Then the purpose of  
8 this committee is nonexistent. The whole purpose is to  
9 maintain the historic value. And there is something  
10 much nicer about a wood versus a vinyl. It compromises  
11 the integrity of our district.

12 MR. LEGGETT: We have in the past approved a  
13 wood composite type window that's maybe a little less  
14 maintenance, but it looks and feels like a wood window.  
15 That may be something worth looking at as well.

16 MS. SESSLER: Here are our concerns. We're  
17 in the middle of being stuck in a rental inspection.  
18 Some of the windows don't work and cannot be repaired.  
19 This is an investment property for us. We're happy to  
20 do that, but that is a huge amount of money for us to  
21 come up with to look into the wood composite windows,  
22 and the higher level ones are more expensive. We're  
23 looking at \$700 per window times 17 windows. We really  
24 can't afford to do that. We feel the vinyl windows are  
25 a huge improvement over what's there.

MR. VERVILLE: We certainly understand that,  
but, unfortunately, we can't take those types of things  
into consideration.

MS. SESSLER: Also many of the neighbors  
have vinyl windows.

MR. VERVILLE: It probably happened before  
this committee. If it didn't and it happened without  
approval, we would have to actually call them in, and  
they would probably have to take them down.  
Fortunately, what this does is it helps keep the value  
of your property higher by us making sure all the  
properties around you are adhering to these rules.

MS. SESSLER: I can't come up with that kind  
of money anyway. I don't know what to do with the  
rental inspection.

MR. VERVILLE: Unfortunately, our hands are  
tied.

MS. STEELE: One of the suggestions that  
other people have found that were a helpful solution  
would be to have them done in stages where you can --

MS. SESSLER: It won't pass the inspection.  
They all have to be functioning.

MS. STEELE: Can a carpenter come help you  
get some of the ones not functioning while you have,  
say, the worst ones replaced? Then you can replace the

1 others. There are other options besides Window World  
2 and See-thru Windows.

3 MS. SESSLER: We talked to Andersen and a  
4 lot of other window companies. We can't afford to put  
5 \$700 or \$800 in a duplex. Our property managers had  
6 three window manufacturers come out and say they're not  
7 repairable. They are a huge improvement.

8 MR. YOUNG: Are the aluminum storm windows  
9 on there not approved either currently? They're not  
10 all-wood windows?

11 MR. LEGGETT: Typically not.

12 MS. SESSLER: The house has aluminum on it.

13 MR. LEGGETT: That probably came before this  
14 body came into being. Our task is to maintain a  
15 historic nature of the area. To approve vinyl on  
16 anything is something we have not done because it does  
17 not fit with the age of the house.

18 MR. YOUNG: So the composite you were  
19 speaking about earlier, I see there's three new  
20 construction houses down the street that are vinyl-clad  
21 wood. Is that appropriate?

22 MR. OKAFOR: Say that again.

23 MR. YOUNG: There's three houses being  
24 built --

25 MS. STEELE: On Washington. They're wood  
windows.

MS. SESSLER: They're vinyl clad.

MR. LEGGETT: Still the wooden core.

MR. YOUNG: Would you approve the wood core?

MR. VERVILLE: We would have to see a  
sample. The biggest thing is appearance.

MR. YOUNG: If we were getting the same  
model they're using --

MR. LEGGETT: Is that within the district?

MR. YOUNG: It's on our block.

MR. OKAFOR: That's the 711 Washington  
block.

MS. SESSLER: The house across from us is  
Window World vinyl.

MR. LEGGETT: Again, if they went in after  
this board came into being and we were able to  
substantiate that, then they may well have to pull them  
out and start over.

MR. VERVILLE: We hate being perceived as  
the bad guys on this.

MS. SESSLER: The historic feel on some  
streets is more than others. I think that the property  
that we're talking about is less than other areas of  
the downtown.

MR. LEGGETT: This particular building gives

1 the look of historic. The vinyl covers what was  
2 originally there, but this is not a new building.

3 MR. VERVILLE: We have to use the same  
4 parameters for the entire district. Unfortunately, our  
5 hands are tied on this.

6 MR. OKAFOR: When the applicant came in, I  
7 explained to her the difficulty of getting vinyl  
8 approved. I told her that coming in here is taking a  
9 chance, because within the last two years when the new  
10 guidelines were adopted, the commission has not  
11 approved vinyl. The building she's talking about, the  
12 vinyl was done way, way back. I'm well aware of that  
13 building. More recently I did explain to her that  
14 since we have adopted a new guidelines, the commission  
15 has not approved vinyl of any kind.

16 MR. LEGGETT: That was one of the purposes  
17 of having the link for the guidelines published to save  
18 you from coming in.

19 MS. SESSLER: I totally appreciate that.  
20 When I'm talking about thousands of dollars, it's worth  
21 coming down and spending an hour to talk to you guys to  
22 see what we can do within your guidelines and within  
23 our budget. If not, to try to pursue an exception if  
24 that's possible. Is there a process beyond tonight?

25 MR. VERVILLE: If you're denied today, you  
have the ability to appeal, and Sam can walk you  
through that process, but there is a process for that.  
We don't necessarily have the final say. I think it  
would be unlikely, but there is a process.

MS. STEELE: You may want to continue to  
call different window distributors. I know that both  
Lowe's and Home Depot Have the ability to order  
different windows. I don't know if you checked with  
them to find out all the different levels of wood  
windows they have. There's also Probuild. They're a  
distributor for contractors. You may want to try them.  
There are many, many options out there for wood  
windows.

MR. YOUNG: If we currently have aluminum  
storms on there and we replace the windows with wood  
windows, would we be able to replace the aluminum  
storms at the same time with new ones since they're  
currently on there? Basically it's replacing broken  
ones with working ones.

MR. LEGGETT: Basically the way the  
guidelines work, if something is up that shouldn't be  
there, once you take it down, you can't put them back  
up. The recommendation is to do the insulated windows  
so you don't need the storms.

MR. YOUNG: I'm more worried about

1 insulation properties and stuff. We had a fire there  
2 recently, and we got approved for the replacement  
siding, which was basically the same as what was there,  
the vinyl.

3 MR. VERVILLE: There is a grandfather I  
4 think for a partial repair. It's a little bit of a  
gray area, but there's a grandfather clause.

5 MR. YOUNG: We got the appropriate approvals  
for everything.

6 MR. LEGGETT: That's for something that was  
before this committee.

7 MS. SESSLER: I don't think it was prior to  
this committee, the fire and the restoration.

8 MR. LEGGETT: The replacement of damaged  
material is a different thing.

9 MR. VERVILLE: Did they let you replace a  
wood window with a vinyl?

10 MR. YOUNG: It was an aluminum window. Some  
of the windows in the house are aluminum sliding. It's  
kind of been patch-worked throughout the years.

11 MR. VERVILLE: I'm curious about that  
12 process. That should have probably come to us, and you  
wouldn't have been able to put the vinyl.

13 MR. YOUNG: I believe they did. They put a  
stop work order and came down here.

14 MS. SESSLER: The insurance company. It was  
in 2009, 2010.

15 MR. LEGGETT: Didn't come here.

16 MS. STEELE: I don't mean to get into a  
technical thing, but you had mentioned storm windows,  
and then you wanted something with an insulation factor  
to keep noise down as well as to insulate so that you  
17 don't lose heat, etc. I think if you do a little bit  
more research on a wood core window, you will find that  
18 the insulation properties to those probably exceed a  
vinyl window. When you think about it, you light a  
19 fire with wood, you don't throw vinyl on a fire. So I  
think you will find what you're looking for in your  
20 budget if you just keep digging.

21 MR. YOUNG: There are definitely products  
out there. We just can't afford them. We're faced  
with having to end the rental agreements with the  
22 tenants in there if they won't let us continue renting  
the place without passing inspection. We can't pass  
23 the inspection without working windows. I understand  
your position.

24 MR. VERVILLE: We apologize but --

25 MS. SESSLER: If you guys can't approve them  
today, we'll have to follow the appeals process.

MR. YOUNG: So the wood core wrapped in

1 vinyl, that is --

2 MR. LEGGETT: We would still need to see it.  
It has been approved.

3 MR. VERVILLE: Again, it's the appearance  
4 that matters more than anything. A vinyl window is  
painfully obvious that it's a vinyl window. You can  
see it from the street.

5 MS. SESSLER: I agree with you, but a vinyl  
window in that kind of duplex would look better than  
the old, non-working windows.

6 MR. LEGGETT: It's still not in fitting with  
7 the age of that building, which is what we've got to  
work towards.

8 MS. SESSLER: It would go well with the  
vinyl siding.

9 MR. LEGGETT: That shouldn't be there.

10 MR. VERVILLE: The issue of precedence is a  
concern. We try to be consistent with everybody. Like  
I said, the appeals process is there for you.

I make a motion to deny.

11 MS. TYNCH: Second.

12 MR. LEGGETT: Any further discussion?  
Seeing none, all in favor? (Response.) Any  
opposed? (No response.) DDC-12-001 stands defeated.

13 MR. OKAFOR: Ma'am, what is your name?

14 MS. SESSLER: Amy Sessler.

MR. OKAFOR: I will send you information  
about the process in the mail.

15 MS. SESSLER: Not to the Dinwiddie address.  
We don't live there.

16 MR. OKAFOR: I can send it to the Virginia  
Beach address. If you're in a hurry, you can pick it  
17 up tomorrow after 3:00. If not, at the end of the  
business day tomorrow I'll put it in the mail.

18 MR. YOUNG: Will that contain -- do we need  
proof of denial or something?

19 MR. OKAFOR: Yes. I'll send you that in the  
mail. I will send the action today to the inspection  
20 department once I get the action by the end of  
tomorrow.

21 MS. SESSLER: So there's no type of  
Certificate of Appropriateness we can receive today?  
22 We're denied but -- so every window replacement comes  
through your committee except for wood?

23 MR. OKAFOR: Yes.

24 MR. VERVILLE: It has to be a like  
replacement, something that is the same shape and size.

25 MS. SESSLER: We come and meet with Sam to  
do that?

MR. VERVILLE: Yes.

1 MR. LEGGETT: Thank you very much.

2 DDC-12-002, 309 HIGH ST:

3 MR. LEGGETT: DDC-12-002, request of James  
4 Brinkley to install a business sign, 18" x 120", made  
5 of aluminum.

6 You're Mr. Brinkley?

7 MR. BRINKLEY: Yes, sir.

8 MR. LEGGETT: Does everybody have the  
9 pictures? Any questions?

10 There's no type of lighting on this sign?

11 MR. OKAFOR: No. I did check with the  
12 gentleman that turned in the application. He said  
13 there's no light. I told him the commission does not  
14 allow any type of interior lighting. He said there's  
15 no light.

16 Also I explained to him there's no vinyl.  
17 Guidelines do not permit vinyl. He gave me the  
18 material sample.

19 MR. LEGGETT: Back to the lighting a little  
20 bit for informational purposes. If you decide you do  
21 want to do external lighting, you have to bring that  
22 back before this committee. External lighting is  
23 permitted, but we need to see it before you put it up.  
24 The only thing we just flat do not allow is internal or  
25 back-lit signage.

Do you know which coloration the top is?  
Burgundy and white or burgundy and gold? Has that  
decision been made?

MR. OKAFOR: I think he's saying he has two  
options here. The first one could be this and has  
white letters. The second one could be this with gold  
letters.

MS. TYNCH: Have they made a selection of  
which option they're going with?

MR. OKAFOR: No. They didn't give me a  
selection.

What is your name, sir?

MR. BRINKLEY: James Brinkley. It will  
probably be the first option, burgundy and white. I  
don't think it would be the gold.

MR. SINGER: Some kind of a serif font?

MR. BRINKLEY: Yes, sir.

MS. STEELE: It would be the top I think.

MR. SINGER: Copper plate.

MR. YATES: Mr. Chairman, I have no  
objection to the sign. I think it could be improved by  
having a border maybe one inch around the sign. That  
would be at relatively no cost.

MR. LEGGETT: Yeah. It would definitely

1 dress it up.

MR. BRINKLEY: Yes.

2 MR. YATES: And I prefer the white on the  
3 burgundy, the top font.

4 MR. LEGGETT: Would you be opposed to  
5 putting a trim?

MR. BRINKLEY: We can do that.

6 MR. VERVILLE: I make a motion to approve  
7 the sign in the white text with the serif font with the  
8 border trim on the aluminum.

9 MR. SINGER: Second.

10 MR. LEGGETT: Any further discussion?  
11 Hearing none, all in favor? (Response.) Opposed? (No  
12 response.) Stands approved.

13 That's it. Any unfinished business?

14 MS. STEELE: I would like to ask everybody a  
15 question regarding the houses that went up on  
16 Washington Street that came to us for approval on the  
17 windows and all. I thought we approved the first-floor  
18 windows to be much larger than the second-floor windows  
19 in a traditional construction. Those windows seem to  
20 be the same size on the top as they are on the bottom.  
21 Did anybody else notice that?

22 MR. LEGGETT: I haven't seen it, but I  
23 thought we did approve the bigger.

Sam, can you go back and check that?

24 MR. OKAFOR: I'll check the minutes.

25 MS. STEELE: I think the pictures even  
showed a larger window on the first floor.

MR. YATES: Mr. Chairman, I would like to go  
off the record and discuss windows.

MR. LEGGETT: We'll go off the record.

(Meeting adjourned at 5:35 p.m.)

1 COMMONWEALTH OF VIRGINIA AT LARGE, to-wit:  
2

3 I, Kimberly A. Watrous, Registered Professional  
4 Reporter, a Notary Public for the Commonwealth of  
5 Virginia at Large, of qualification in the Circuit  
6 Court of the City of Norfolk, Virginia, and whose  
7 commission expires September 30, 2013, do hereby  
8 certify that this proceeding was recorded in Stenotype  
9 by me and reduced to computer printout under my  
10 direction; and that the foregoing constitutes a true,  
11 accurate, and complete transcript of such proceeding.

12 I further certify that I am not related to nor  
13 otherwise associated with any counsel or party to this  
14 proceeding nor otherwise interested in the event  
15 thereof.

16 Given under my hand and notarial seal this 12th day  
17 of January, 2012, at Norfolk, Virginia.  
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21 Kim Watrous, RPR  
22 Notary Reg. No. 195088  
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