

TOWN OF ABINGDON
HISTORIC PRESERVATION REVIEW BOARD
REGULAR MEETING
SEPTEMBER 7, 2016 – 5:15 P.M.

The Regular meeting for the Historic Preservation Review Board was held on Wednesday, September 7, 2016, at 5:15 p.m. The meeting was held in the Municipal Building, Colonel Arthur Campbell room.

Mrs. White, Chairperson, called the meeting to order. Mr. Taylor called the roll.

ROLL CALL

Members Present: Mrs. Betsy White, Chairperson
Mr. Jeff Johnson, Vice-chairman
Mrs. Cindy Patterson, Councilperson
Mr. Andrew Neese

Comprising a quorum of the Board

Members Absent: Mr. Michael Weaver

Administrative Staff: Mr. Sean Taylor, Assistant Town Planner
Mrs. Deb Icenhour, Town Attorney
Matthew Johnson, Director of Planning

Visitors: Mr. Thomas Deene
Mr. Brian Ely
Polly Mallory
Dee Hopkins
Gary Kimbrell
Susan Kimbrell
Edison Jennings
Donna Levine
Joe Levine

(2) Approval of Minutes: **Regular meeting, August 3, 2016**

Mrs. Patterson moved to approve the minutes from the regular meeting, August 3, 2016, as submitted. Second by Mr. Johnson. All in favor. Minutes approved.

Minutes stand approved as submitted.

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- (3) Certificate of Appropriateness: **Dee Hopkins**, 116 E. Main St., Abingdon, VA 24210, **owner**; **Bryan Ely**, **representative**; request for COA to install fences – one in front of property and one in rear.

Mr. Johnson requested that the HPRB go into executive session with the Town Attorney to discuss the legalities of the matter.

On motion of Mr. Johnson, seconded by Mr. Neese, the HPRB went into closed session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, the board will convene in a closed session for the purpose of consultation with legal counsel regarding specific legal matters requiring the advice of counsel.

The Town Attorney, Deb Icenhour, read the following certification to be adopted by the HPRB members:

WHEREAS, the Historic Preservation Review Board of the Town of Abingdon, Virginia has convened in a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions set forth in the Virginia Freedom of Information Act; and WHEREAS, Sec. 2.2-3712(D) of the Code of Virginia, 1950, as amended, requires a certification by the Historic Preservation Review Board that such closed meeting was conducted in conformity with Virginia law; and NOW THEREFORE, be it resolved, that the Historic Preservation Review Board of the Town of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from an open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The certification was as follows:

Mrs. White- I so certify
 Councilperson Patterson- I so certify
 Mr. J. Johnson- I so certify
 Mr. Neese- I so certify

On motion of Mr. Johnson, seconded by Mr. Weaver, the HPRB reconvened in regular session.

Roll call vote as follows:

Mrs. White- Aye
 Councilperson Patterson- Aye
 Mr. J. Johnson- Aye
 Mr. Neese- Aye

Mrs. White updated the board that Mrs. Hopkins application was presented as a continuation of an application tabled at the August 3rd, 2016 HPRB regular stated meeting. Mrs. Hopkins stated that she has amended her application state that the propose fencing would be placed 6 inches off of the

property line while all other aspects of the application are to remain as originally presented. Mrs. White requested that Mr. Taylor present the application as written. After Mr. Taylor read the application, Mrs. White asked Mrs. Hopkins to explain the height of the proposed privacy fence.

Mrs. Hopkins explained that the Privacy Fence would be 6 feet in height with a lattice panel on top matching the current fencing located on Mrs. Hopkins property. Mr. Thomas Dene, attorney for Carl and Polly Mallory who is an adjacent neighbor to Mrs. Hopkins, presented to the board that the proposed fence would detract from the overall preservation of the Mallory's property due to the close proximity of the proposed fence to the Mallory's residence. Mr. Dene further presented to the Board that Mr. and Mrs. Mallory are opposed to the installation of the fence due to being possibly prevented from completing any preservation work on the residence due to the proposed location of the fence being less than 2 feet from the side of the residence.

Mr. Bryan Ely, an attorney representing Mrs. Hopkins, asked that the HPRB follow the guidelines in approving the fence. Mr. Johnson noted that town staff had recommended the approval of the proposed rear privacy fence and did not recommend approval of the privacy fence along the side of the Mallory's structure due to Design Guideline #12 "Solid Board Fences that obstruct visibility of the historic premises are not appropriate for use in front yards". Mrs. Hopkins explained that the proposed fence is to block out the disrepair of the Mallory's structure especially after the removal of the concrete block garage.

Mr. Johnson moved that the application be denied due to the proposed privacy fencing obstructing an historic building. Second by Mr. Neese.

Roll call vote as follows:

Mrs. White- Aye
Councilperson Patterson- Aye
Mr. J. Johnson- Aye
Mr. Neese- Aye

Mrs. White asked that Mr. Mathew Johnson explain to Mrs. Hopkins the procedures for appealing the HPRB decision. Mr. M. Johnson, Director of Planning, read the applicable sections of the Code for the record. Mr. Ely asked if Mrs. Hopkins could present a new COA application to the HPRB without appealing the decision. Mrs. White affirmed that a new application for COA could be brought before the board.

Mrs. White presented to the board concerns about the Stop Work Order issued to Mrs. Hopkins concerning the two post's installed without having been issued a COA. Mr. Matthew Johnson replied that no action would be taken to remove the posts until after the timeline for appeal of the decision has lapsed. After the timeline for appeal has lapsed town staff would then take action to have the posts removed.

Mr. J. Johnson made a motion to stay the stop work order until after the October 5th regular stated HPRB meeting. Second by Mrs. Patterson.

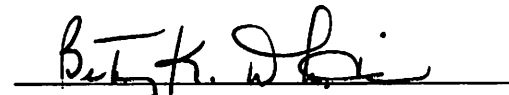
Roll call vote as follows:

Mrs. White- Aye
Councilperson Patterson- Aye
Mr. J. Johnson- Aye
Mr. Neese- Aye

There being no further business, the meeting adjourned.



Sean Taylor, Secretary



Mrs. Betsy White, Chairperson