

INTRODUCED: May 23, 2022

A RESOLUTION No. 2022-R034

To modify the decision of the Commission of Architectural Review partially approving with conditions a certificate of appropriateness to replace windows at 2323 Venable Street by fully approving such application and removing all conditions to such approval.

Patron – President Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 27 2022 AT 6 P.M.

WHEREAS, on February 22, 2022, the Commission of Architectural Review issued a partial approval of an application by the owner of 2323 Venable Street identified as Certificate of Appropriateness Application No. COA-105889-2022 for vinyl windows installed to remediate a mold condition; and

WHEREAS, on March 7, 2022, pursuant to section 30-930.8 of the Code of the City of Richmond (2020), as amended, the owner of 2323 Venable Street filed an appeal with the City Clerk asking that the Council modify the Commission of Architectural Review’s decision granting partial approval to instead grant full approval without conditions of Certificate of Appropriateness Application No. COA-105889-2022; and

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 27 2022 REJECTED: _____ STRICKEN: _____

WHEREAS, pursuant to section 30-930.8 of the Code of the City of Richmond (2020), as amended, the Council may reverse or modify the decision appealed, in whole or in part, by resolution when it is satisfied that the decision of the Commission of Architectural Review is in error, or, by taking no action, the Council may affirm the decision of the Commission; and

WHEREAS, the Council is satisfied that the Commission of Architectural Review's decision is in error under Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended, because the Council believes that the owner of 2323 Venable Street has presented sufficient evidence to show that the Commissioner of Buildings has determined that the alteration of the house at 2323 Venable Street is required for public safety because of an unsafe or dangerous condition within the meaning of section 30-930.6(j) of the Code of the City of Richmond (2020), as amended, in the form of the mold condition that the owner of 2323 Venable Street installed the vinyl windows to remediate;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council hereby modifies the decision of the Commission of Architectural Review partially approving with conditions Certificate of Appropriateness Application No. COA-105889-2022 to replace windows at 2323 Venable Street in the Union Hill Old and Historic District by fully approving such application as originally submitted by the owner of 2323 Venable Street and removing all conditions to such approval.

BE IT FURTHER RESOLVED:

That the Council hereby directs that a Certificate of Appropriateness sufficient to show the Council's full approval of Certificate of Appropriateness Application No. COA-105889-2022 without any conditions thereon be issued to the owner of 2323 Venable Street.

**A TRUE COPY:
TESTE:**
Amelia D. Reed
City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Lou Brown All
Interim Council Chief of Staff

Council Ordinance/Resolution Request

TO Haskell Brown, Interim City Attorney

THROUGH Joyce Davis, Interim Council Chief of Staff

FROM Steven Taylor, Council Policy Analyst

COPY Cynthia Newbille, 7th District Council Member & Council President
Sam Patterson, 7th District Liaison

DATE May 19, 2022

PAGE/s 1 of 2

TITLE Reversing the Decision of the Commission of Architectural Review – regarding
2323 Venable Street

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING PATRON

SUGGESTED STANDING COMMITTEE

Cynthia Newbille

Land Use, Housing & Transportation

ORDINANCE/RESOLUTION SUMMARY

Pursuant to a review of the Committee of Architectural Review (CAR) decision relative to 2323 Venable and the timely appeal of that decision, patron requests that legislation be drafted reversing the decision of CAR because of the City Building Official's/Inspector's findings that the building in question was unsafe due to mold infestation.

BACKGROUND

The owner of 2323 Venable has filed a timely appeal to City Council requesting that the decision of CAR regarding the property be reversed.

AFFECTED CITY DEPARTMENT(S)/AGENCY(IES)

CAR, Building Permits, and City Council

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$ N/A	
Fiscal Summary: N/A		

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 10.4.2011srs

A. Ross Phillips
2323 Venable St.
Richmond, VA 23223
(434) 962-2866
arossphillips@gmail.com

March 7, 2022

Candice D. Reid
City Clerk
900 E. Broad St., Suite 200
Richmond, VA 23219
Hand Delivered

Re: Petition of Appeal- 2323 Venable Street Certificate of Appropriateness Decision

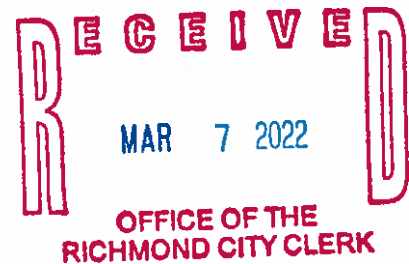
Dear Ms. Reid:

Enclosed please find, pursuant to City Code §30-930.8, a Petition of Appeal of the above-referenced Commission of Architectural Review decision dated February 22, 2022.

Yours very truly,



A. Ross Phillips



PETITION OF APPEAL

2323 VENABLE STREET CERTIFICATE OF APPROPRIATENESS DECISION

I. REQUESTED RELIEF

I, Austin Ross Phillips, respectfully request that City Council overturn the decision dated February 22, 2022 by the Commission of Architectural Review (CAR) granting partial approval, with conditions, of a Certificate of Appropriateness (COA) and grant full approval without conditions. CAR's partial approval and conditions would have the effect of causing me to replace the historically-sized vinyl windows I had to install to make my house safe from dangerous mold. Full COA approval by City Council is appropriate because CAR's decision is inconsistent with City Code. Furthermore, full approval is appropriate because I replaced smaller vinyl windows with larger, historically-sized vinyl windows. This replacement made the front facade of my house that faces Venable Street more historic. Restated plainly, I am asking City Council to approve the improved windows shown here:



¹ 2323 Venable St. is shown on the left. 2323-2317 Venable St. are four row homes built between 1890 and 1905. Before the August 2020 mold emergency the windows at 2323 Venable St. looked the same as the windows shown here at 2321-2317 Venable St. (This is sort of a before-and-after picture.)

II. BACKGROUND

Due to terrible mold and yeast growing in my house at 2323 Venable Street (the “Home”) that was caused by defective windows and degraded brickwork in August 2020, I was forced to replace my windows. For a timeline of events with pictures of the mold emergency and repairs, see the Application for COA dated January 14, 2022 attached as Attachment A². Before beginning repairs, I commissioned an industrial hygienist and a construction defect expert to inspect my Home and prepare reports. The industrial hygienist detected unsafe mold levels throughout the Home, not just along the Venable Street facing interior wall. The construction defect expert noted among other things: 1) poor construction methods for the brick and exterior maintenance over the years, 2) cracked and degraded exterior masonry, particularly around the defective windows 3) improper window installation, 4) a recommendation to install new windows with proper flashing, and 5) a recommendation to tuck point and paint the entire home exterior. Notably, the demolition and removal of moldy interior walls around the windows revealed that the defective windows were much smaller than the original, historic windows. My wife and I voluntarily decided that while replacing the vinyl windows and making necessary structural repairs to prevent future leaks, we would take on the added expense of installing larger windows to restore the historic look of our Home.

It took months to even find a contractor to perform repairs due to the raging COVID pandemic and the construction and remodel boom in Richmond. I was then beholden to that contractor and his means and methods because I could not risk having to start finding another contractor. My contractor believed that wooden windows took longer to have delivered than vinyl

² I did not include the first picture or the Virginia Department of Historic Resources report in Attachment A with my application materials. Presumably CAR staff added them to my application that was provided to CAR.

windows, and that no permit was necessary to replace vinyl windows with vinyl windows. It did not appear that any permit would be required to replace vinyl windows in my neighborhood when the view out my front door was this:



Because of the emergency nature of the repairs and the difficulty finding a contractor, I had my contractor order the windows that he recommended and that he could have delivered soonest. It still took several months for the windows to arrive after they were ordered. While my wife and I anxiously waited for this costly repair to be completed, we spent our first winter in our new Home without interior walls around our bedroom and living room windows. This misery was exacerbated by the pandemic—not only were we concerned about getting COVID, we were afraid of contracting other harmful respiratory diseases caused by the mold detected by the industrial hygienist in our Home.

³ Shown here is 2400 Venable Street, where the City allowed a street art festival in the summer of 2020 and where this art still remains. I am not necessarily opposed to this art but, to say the least, it is not historic whatsoever and it completely undermines the credibility of CAR's decision.

The repairs were finally completed in March 2021, seven months after the mold emergency began. Based on recommendations in the industrial hygienist's and the construction defect expert's reports, my wife and I had a second then a third contractor tuck point then paint the entire Home exterior to prevent future leaking and mold. This work took several more months and was completed around Thanksgiving 2021. We had to seal the exterior to improve the structural integrity and protect our historic Home. The visible mold around the windows just brought our attention to much larger problems. Our Home's exterior was overdue for significant repair, totaling over \$25,000.00, which is a lot of money for us as newlyweds who just bought our first house together. It was such a relief to have all our exterior repairs completed after over a year of disarray and many sleepless nights.

Not long after the paint dried, I was surprised to receive a Notice of Violation (NOV) from CAR staff on December 10, 2021 for not obtaining CAR approval before installing windows nine months earlier. I could not have waited this long to seek CAR approval before ordering windows. By the NOV, I was "ordered to stop work immediately and obtain the required COAs to resume work." I submitted a COA application December 20, 2021 but was told by CAR staff that it was inadequate. After I explained my situation to a CAR staff member over the phone, she led me to believe that CAR would approve the COA based on the mold emergency that caused the window replacement. She suggested the NOV was probably triggered by a citizen complaint from March 2021 but that it took so long for her office to issue the NOV because they had been extremely understaffed. She advised me to explain the mold emergency in my COA application, hence the focus of Attachment A submitted January 14, 2022. She further advised that, in the unlikely event that CAR denied the COA, City Council would approve the COA on appeal.

CAR staff ignored my request to seek a City Code §30-930.6(j) unsafe or dangerous condition determination by the Commissioner of Buildings. This Code section is discussed in section III.A. below. I was again surprised when a different CAR staff member prepared and sent me the CAR staff report recommending the partial approval with conditions that CAR ultimately granted. The main basis of the CAR staff recommendation, and thus of CAR's decision, was that the new windows are vinyl. The staff report was provided to me February 18, 2022, only four days before the February 22, 2022 meeting where CAR made the decision on appeal. I received confirmation of CAR's decision by the letter from CAR staff dated February 23, 2022 and attached as Attachment B. The Commissioner of Buildings then determined that the mold in the Home was an unsafe condition by email dated March 3, 2022 and attached as Attachment C.

III. ERRORS AND ILLEGALITY

This appeal is made pursuant to City Code § 30-930.8. CAR's decision was in error and contrary to City Code because the Home repairs at issue were required to correct unsafe and dangerous conditions and because the replaced windows were already vinyl.

A. The Unsafe and Dangerous Conditions Caused by Mold at the Home Precluded the Need for a COA.

The mold and yeast growing in the Home was an unsafe and dangerous public safety hazard caused by dampness. See e.g., Mold Remediation in Schools and Commercial Buildings, E.P.A. September 2008, pp. 39-43, available at <https://www.epa.gov/sites/default/files/2014-08/documents/moldremediation.pdf>. City Code acknowledges that COAs are not required when building repairs are "required for public safety because of an unsafe or dangerous condition." City Code § 30-930.6(j)⁴. This section contemplates that the Commissioner of Buildings will make

⁴ In its entirety, § 30-930.6(j) reads: "Unsafe and dangerous conditions. Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any such building or feature which the

determinations of such repairs and notify CAR of such determinations. Upon such notification, Article IX, Division 4 of Chapter 30 does not apply to repairs required by the unsafe or dangerous conditions. Division 4 is CAR's COA authority. Therefore, upon a § 30-930.6(j) determination by the Commissioner of Buildings, a COA is not required and CAR does not have jurisdiction over the safety-required repairs.

In addition to denying the vinyl windows, CAR denied the window trim around the windows. The contractor who installed the windows insisted that the trim was necessary to prevent further water damage given the condition of the 120 year old Home. This is a stark example of CAR improperly placing aesthetic preferences over the interests of safety and structural preservation of a crumbling historic building.

CAR erred by not seeking a § 30-930.6(j) Commissioner of Buildings determination. The Commissioner of Buildings has now made his § 30-930.6(j) unsafe-condition determination as evidenced by Attachment C. Regardless of the posture of this appeal, no COA was necessary to repair the windows in this case. But for the mold emergency I would not have undertaken the repairs. Because CAR improperly ignored this and denied the COA, which should never have been before CAR, I ask that City Council overturn and correct the CAR decision.

B. CAR Erred Because the Replaced Windows were Vinyl

CAR staff acknowledged that the replaced windows were vinyl. CAR staff even provided documentation that the Home's original windows were replaced with smaller windows in the 1950's. According to CAR's own guidelines, window appearance should not be altered.

The architectural character of windows should not be altered by inappropriate materials or finishes that radically change the sash, depth of reveal, muntin

Commissioner of Buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings shall provide notice to the Commission of Architectural Review."

configuration, the reflective quality or color of the glazing or the appearance of the frame.

Old & Historic Districts of Richmond, Virginia Handbook and Design Review Guidelines (“CAR Guidelines”), Building Elements, Windows, #9, p. 69, available at https://www.rva.gov/sites/default/files/Planning/PDFDocuments/PlanningPreservation/CAR/Old_Historic_District_Guidelines.pdf (emphasis added).

Notably, CAR chose this wording without reference to “original windows” even though that term appears 10 times throughout the CAR Guidelines. Thus, the CAR Guidelines actually forbid changing the appearance of existing vinyl windows without regard to the appearance of original windows that preceded existing vinyl windows. CAR misapplied its own rule and is attempting to require an alteration that would change the appearance of the replaced vinyl windows.

IV. Conclusion

CAR failed to adequately recognize the repairs to the Home were required by dangerous and unsafe conditions, as well as the fact that the replaced windows were already vinyl. This caused CAR to approve the COA with conditions that were in error and in violation of law. I respectfully request that City Council correct the CAR decision and approve the COA wholly and without any conditions.

ATTACHMENT A

[Application for COA]



COMMISSION OF ARCHITECTURAL REVIEW

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

PROPERTY (location of work)

Address 2323 Venable St.

Historic district Union Hill Old and Historic District

Date/time rec'd: _____
Rec'd by: _____
Application #: _____
Hearing date: _____

APPLICANT INFORMATION

Check if Billing Contact

Name Alexis Ross Phillips

Phone (434) 962-2866

Company _____

Email arossphillips@gmail.com

Mailing Address 2323 Venable St.

Applicant Type: Owner Agent

Richmond, VA 23223

Lessee Architect Contractor

Other (please specify): _____

OWNER INFORMATION (if different from above)

Check if Billing Contact

Name _____

Company _____

Mailing Address _____

Phone _____

Email _____

PROJECT INFORMATION

Project Type: Alteration Demolition New Construction
 (Conceptual Review Required)

Project Description: (attach additional sheets if needed)

See Attachment. Supplying photos sub. by email December 31, 2021.

ACKNOWLEDGEMENT OF RESPONSIBILITY

Compliance: If granted, you agree to comply with all conditions of the certificate of appropriateness (COA). Revisions to approved work require staff review and may require a new application and approval from the Commission of Architectural Review (CAR). Failure to comply with the conditions of the COA may result in project delays or legal action. The COA is valid for one (1) year and may be extended for an additional year, upon written request and payment of associated fee.

Requirements: A complete application includes all applicable information requested on checklists available on the CAR website to provide a complete and accurate description of existing and proposed conditions, as well as payment of the application fee. Applicants proposing major new construction, including additions, should meet with Staff to review the application and requirements prior to submitting an application. Owner contact information and signature is required. Late or incomplete applications will not be considered.

Zoning Requirements: Prior to Commission review, it is the responsibility of the applicant to determine if zoning approval is required and application materials should be prepared in compliance with zoning.

Signature of Owner

Date 1/14/22



CERTIFICATE OF APPROPRIATENESS APPLICATION INSTRUCTIONS

In advance of the application deadline please contact staff to discuss your project, application requirements, and if necessary, to make an appointment to meet with staff for a project consultation in the office or on-site. The Commission of Architectural Review website has additional project guidance and required checklists:

<http://www.richmondgov.com/CommissionArchitecturalReview/index.aspx>

Staff Contact: 804.646.6335 Carey.Jones@Richmondgov.com

SUBMISSION INSTRUCTIONS

Certain exterior work can be administratively approved by Staff. Please contact staff for a preliminary determination of the level of review required prior to submitting an application.

Submit the following items to the Division of Planning and Preservation, 900 E. Broad Street, Rm. 510:

- One (1) signed and completed application – property owner's signature required
- One (1) copy of supporting documentation, as indicated on appropriate checklist, collated and stapled. All plans and elevations must be printed **11x17** and all text easily legible.
- One digital copy of the application and supporting documentation, submitted via email or OneDrive.
- Application fee, as required, will be invoiced. Payment of the fee must be received before the application will be scheduled. Please see fee schedule brochure available on the CAR website for additional information.
- **Application deadlines are firm.** All materials must be submitted by the deadline to be considered at the following Commission meeting. Designs must be final at the time of application; revisions will not be accepted after the deadline. Incomplete and/or late applications will not be placed on the agenda.
- A complete application includes a signed application form, related checklist, legible plans, drawings, elevations, material specifications, and payment of the required fee as described in Sec. 30-930.6(b).
- The Commission will not accept new materials, revisions, or redesigns at the meeting. Deferral until the following month's meeting may be necessary in such cases to allow for adequate review by staff, Commissioners, and public notice if required.

MEETING SCHEDULE AND APPLICATION DUE DATES

- The CAR meets on the fourth Tuesday of each month, except in December when it meets on the third Tuesday.
- The hearing of applications starts at 4:00 PM in the 5th floor conference room of City Hall, 900 E. Broad Street. The owner and/or applicant is *encouraged to attend* the meeting.
- All applications are due at 12 noon the Friday after the monthly CAR meeting, except in December, when applications are due the following Monday. For a list of meeting dates and submission deadline dates for each meeting please visit: <http://www.richmondgov.com/CommissionArchitecturalReview> or contact staff.
- **Exception:** Revisions to applications that have been deferred or conceptually reviewed at a Commission meeting can be submitted nine (9) business days after that meeting in order to be reviewed at the following meeting. Please contact staff to confirm this date.

May 2020- My now wife, Olivia, and I bought our house at 2323 Venable Street. One reason we were drawn to our house and neighborhood is their historic character. We are committed to embracing that historic character.

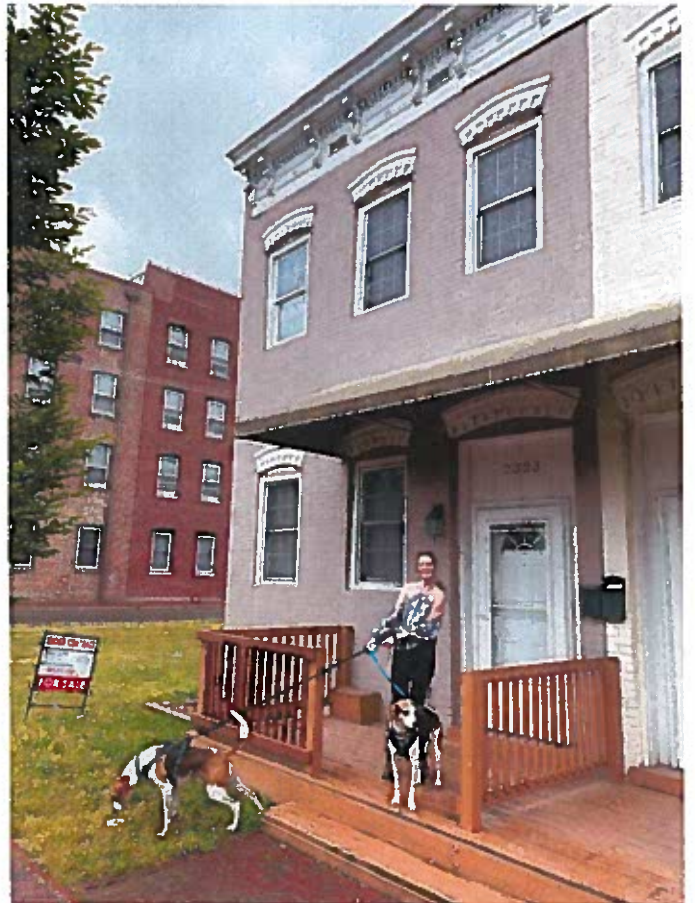
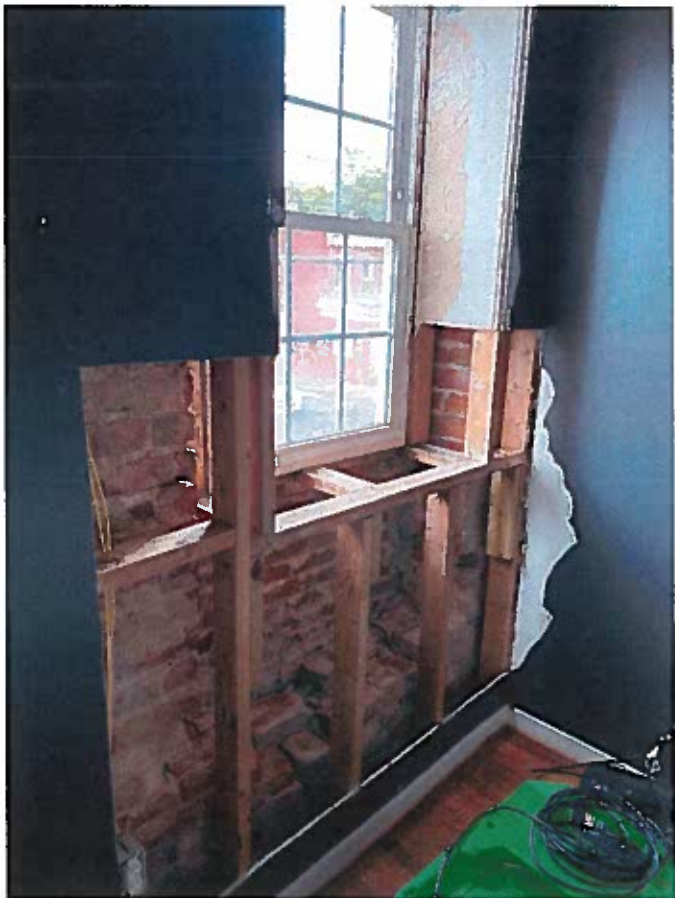
August 2020- Water damage primarily from an upstairs bedroom window caused dangerous mold and yeast to protrude from the walls around the two downstairs windows. It looked like something from Stranger Things if you saw that TV show. We paid an industrial hygienist and a construction defect contractor to inspect the house and prepare reports. It was clear that the leakiest upstairs window and both downstairs windows had to be replaced. We paid restoration contractors to safely remove moldy and yeasty materials from around those windows. After that removal, it was apparent that the original windows went almost to the floor but they had been replaced by much smaller windows. The walls are three bricks deep, but the gaps between the original windows and replacement windows were filled with a single row of mismatched brick.

To restore our house's historic character, Olivia and I decided to replace the cheaper modern window size with larger windows that much better align with the original size. For aesthetic consistency and to make structural repairs to prevent future leaking, we had to restore the other two upstairs windows while we were at it.

Meanwhile, there was a severe shortage of contractors and building materials, e.g., windows, due to the COVID pandemic and the construction/remodel boom. I covered our exposed brick walls around the three windows with tarp for the winter as we miserably searched for a contractor then waited for windows to arrive. I slept approximately 5 feet from the upstairs tarp-covered window, or listened to the wind and/or rain blowing against the "wall" when they kept me awake. To be sure, dealing with this so soon after purchasing our house has been traumatic and expensive.

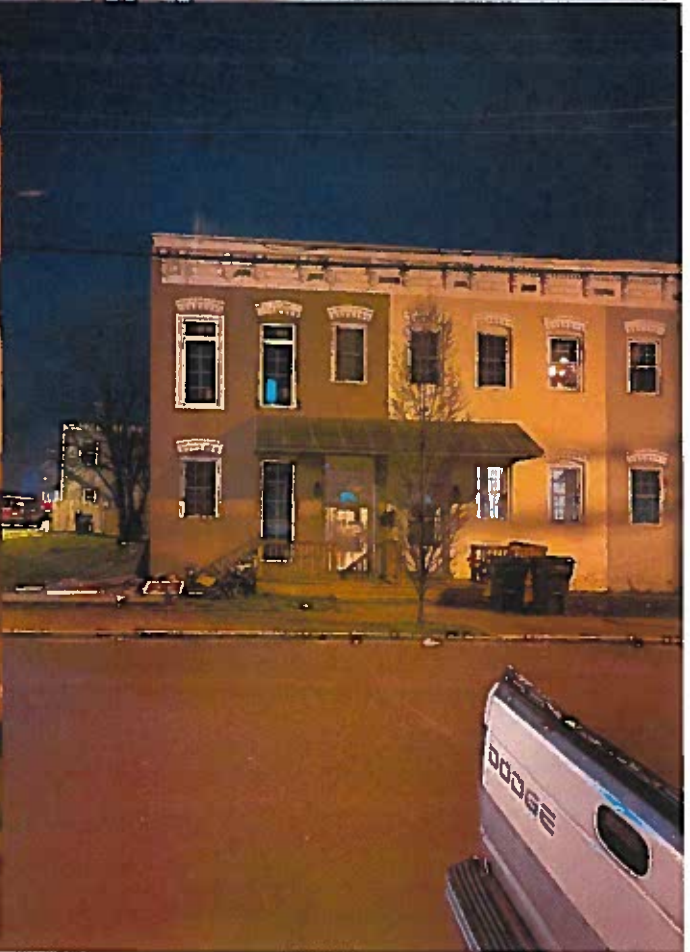
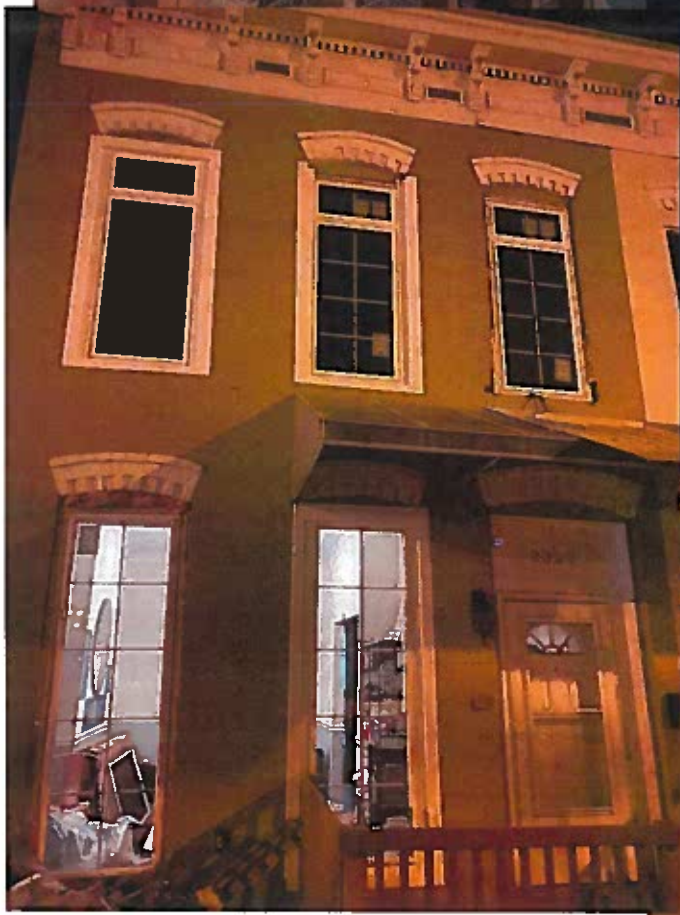
March 2021- Windows were finally installed!

December 2021- Notice of Violation issued for restoring windows without certificate of appropriateness.











ENERGYSTAR® Certified in All 50 States

Endure
 628 - 1-Lite Casement (Fixed)
 ComfortTech DLA-UV
 Double Glaze - Low-E w/Argon - Grids
 Frame: Vinyl PRD-K-77-00396-00004

ENERGY PERFORMANCE RATINGS

U-Factor (LSA-P)	Solar Heat Gain Coefficient (SHGC)
0.25	0.22

ADDITIONAL PERFORMANCE RATINGS

Visible Transmittance	Air Infiltration (cfm/ft²)
0.47	≤ 0.3
Condensation Resistance	
60	—

Manufacturer certifies that these ratings conform to applicable NFRC procedures for determining window product performance. NFRC ratings are determined for a base set of environmental conditions and a specific product size. NFRC does not recommend any product and does not warrant the suitability of any product for any specific use. Consult manufacturers literature for other product performance information. - www.nfrc.org

Registration

To register this product, go to our website and click the warranty registration tab. Fill out the requested information including the product identification number listed below.

Product ID
6725736.003

Visit our website at www.provia.com for additional products and information.

ProVia
 425 S Broadway, PO Box 480
 Sugarcreek, OH 44681
www.provia.com



Virginia Department of Historic Resources
Reconnaissance Level Survey Report for Record No. 127-0815-0363

PROPERTY INFORMATION

DHR ID#: 127-0815-0363

Property Dates: 1890-1905

Other DHR#:

Resource Name: Row Houses, 2317-2323 Venable Street Resource Name Explanation: Function/Location

ADDRESS INFORMATION

Street #: 2317-23 Suffix: Street Name: Venable Street Address Explanation: Current

LOCATION

County or Independent City: VA760 Richmond (Ind. City) Town/Village/Hamlet: Vicinity: USGSQUAD: RICHMOND
Restricted UTM Data?: No
Tax Parcel: Magisterial District: UTMCenter -10 acres:
State: Virginia ZIP: UTMCoords +10 acres:

HISTORIC DISTRICT INFORMATION

Name of National Register Historic District: Union Hill Historic District
Name of DHR Eligible Historic District:
Name of Local Historic District:

PHYSICAL CHARACTER OF GENERAL SURROUNDINGS

Setting: City Acreage: NR Resource Type: Building Ownership: Private

Site Description / Notable Landscape Features:

Union Hill is an urban historic district. The houses are situated on narrow lots that run from the street face to a rear alley. The dwellings are set close together with many being attached or in rows. The front yards are narrow and often unplanted. The sidewalks are brick laid in a herringbone pattern with granite curbs. With the exception of Clay Street there are very few mature street trees.

INDIVIDUAL RESOURCE INFORMATION

Resource Type: Single Dwelling Year Built: 1890-1905
Primary Resource: Yes Date Source: Site Visit
Architectural Style: Italianate

Architectural Description:

This 2-story, 12-bay, Italianate Style row house has paired entrances. The building has a bracketed cornice with dentils and ventilator panels in frieze. There are corbeled brick arched lintels over windows and doors. Rear eills are paired.

Condition: Poor
Threats to Res: Vacant

Additions & Alterations Description:

Porches have been removed. Windows have been altered, the doors boarded and rear portions partially demolished.

Secondary Resource Description:

of Stories: 2 Interior Plan: Accessed: Access Denied: Why?
Interior Description:

RESOURCE COUNT

What is it? Single Dwelling

What is it?: COUNT 1

What is it?: STATUS Historic

EXTERIOR COMPONENTS

127-0815-0363	Chimney	1	Interior end	Brick	
127-0815-0363	Door	4	Boarded	Not visible	Not visible
127-0815-0363	Window(s)	20	Sash, double-hung	Wood	2/2, Horizontal
127-0815-0363	Porch	1	Removed	Not visible	Not visible
127-0815-0363	Roof		Shed	Not visible	Not visible
127-0815-0363	Chimney	4	Central interior	Brick	
127-0815-0363	Structural System		Masonry	Brick	Stretcher Bond

HISTORIC SUMMARY

DHR Historic Context: Domestic

Statement of Significance:

This Italianate Style dwelling contributes to the architectural integrity of the Union Hill Historic District.

PHOTOGRAPHIC DOCUMENTATION

Photographic Media: B&W 35mm Photos PhotoControl #:

Frame # Begin: Frame # End: Photo Date:

BIBLIOGRAPHIC INFORMATION

Record Type: Author: Citation Abbreviation: Bibliographic Notes:

CRM EVENT INFORMATION

CRM Event: Person or Organization P. Witt CRM Event: ID# Associated with Event

CRM Event Type: Reconnaissance: Cost-Share CRM Event: Notes

Event: Start Date: 06/27/2000

CRM Event: Person or Organization Janet G. Blustein CRM Event: ID# Associated with Event

CRM Event Type: Reconnaissance Survey CRM Event: Notes

Event: Start Date: 10/ /1993



2317-2323 VENABLE ST

ATTACHMENT B

[Denial Letter]



City of Richmond Commission of Architectural Review



February 23, 2022

Austin Ross Philips
2323 Venable St
Richmond, VA 23223

RE: 2323 VENABLE ST
Application No. COA-105889-2022

Dear Applicant:

At the February 22, 2022 meeting of the Commission of Architectural Review, the review of your application for a Certificate of Appropriateness resulted in the following action: **Partial approval**. Specifically, the Commission partially approved the application for the reasons cited in the staff report provided the following conditions are met: that the existing window opening is left unaltered:

- denial of front facade vinyl windows, and vinyl transom windows;
- denial of the front facade window trim;
- approval of the enlargement of the masonry openings on the front facade to match the dimensions of the historic masonry openings based on physical and photographic documentation;
- approval of replacing the existing vinyl windows; and staff recommends double-hung wood, or aluminum clad wood windows be installed that fit within the historic masonry openings on the front facade and match the historic lite configuration, or be a 1/1 light configuration if photographic evidence does not exist.

You, or any aggrieved party, have the right to appeal a decision of the Commission of Architectural Review to City Council as specified in Section 30.930 of the Richmond City Code. A petition stating reasons for the appeal must be filed with the City Clerk within 15 days of this meeting.

If you have any questions, please contact Alex Dandridge, CAR Secretary at (804) 646-6569 or by e-mail at alex.dandridge@rva.gov.

Sincerely,

Alex Dandridge
Secretary, Commission of Architectural Review

ATTACHMENT C

[Commissioner of Buildings Unsafe Condition Determination]



Ross Phillips <arossphillips@gmail.com>

2323 Venable St. Windows

2 messages

Ross Phillips <arossphillips@gmail.com>
To: David.Alley@richmondgov.com

Wed, Feb 23, 2022 at 11:41 AM

Mr. Alley:

Thank you for taking the time to talk to me this morning about my windows. I am copying the City Code section I mentioned below. As I said, I am not asking you to overrule CAR's denial. (More precisely, CAR granted partial approval with conditions that would require me to replace the windows again.) I am only asking for your factual determination that the mold in my home in August 2020 was an unsafe or dangerous condition that required demolition and reconstruction.

- (j) *Unsafe and dangerous conditions.* Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any such building or feature which the Commissioner of Buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings shall provide notice to the Commission of Architectural Review.

City Code 30-930.6.

Due to email file size limitations, I will hand deliver the following attachments to your office: CAR application, CAR Staff Report, Mold Report, and Construction Report. I will not try to summarize everything here but did want to mention that I also tuck pointed and painted the entire exterior to seal my home after I replaced the windows. There was mold throughout the house due to the degraded brickwork. The mold around my windows just brought my attention to a much bigger problem. Do not hesitate to let me know if you have any questions.

Thank you for your consideration,
Ross Phillips
(434) 962-2866

Alley, David L. - PDR <David.Alley@richmondgov.com>
To: Ross Phillips <arossphillips@gmail.com>

Thu, Mar 3, 2022 at 1:29 PM

Ross,

Good Afternoon! Thank you for the supporting documents. I will agree that the structure at 2323 Venable St was indeed unsafe and unfit for occupancy due to the mold issue.

Thanks!

Best Regards,

David L Alley III, CBO
Commissioner of Buildings



City of Richmond
Department of Planning and Development Review
Office 804-646-3439
Cell 804-513-6939
david.alley@richmondgov.com

From: Ross Phillips [mailto:arossphillips@gmail.com]
Sent: Wednesday, February 23, 2022 11:42 AM
To: Alley, David L. - PDR <David.Alley@richmondgov.com>
Subject: 2323 Venable St. Windows

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

[Quoted text hidden]



UNITED STATES
POSTAL SERVICE

POSTAL MONEY ORDER

Serial Number

27616732806

Year, Month, Day
2022-03-07

Post Office
232195

U.S. Dollars and Cents

\$150.00

One Hundred Fifty Dollars and 00/100 *****

Amount

Pay to

City Clerk

Clerk

2

Address



From

Ross Phillips

Address

Memo

Car Appeal Fee

⑆000008002⑆

SEE REVERSE WARNING - NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

27616732806⑈



City Of Richmond, Virginia

Office of the City Clerk

Candice D. Reid
City Clerk

CERTIFIED MAIL

March 14, 2022

A. Ross Phillips
2323 Venable St
Richmond, VA 23223

Re: Commission of Architectural Review Appeal
(2323 Venable Street - Application No. COA-105889-2022)

Mr. Phillips:

This letter is to acknowledge receipt of your petition, appealing a decision made by the Commission of Architectural Review (CAR) on February 22, 2022, concerning an application for a Certificate of Appropriateness for the property located at 2323 Venable St. This letter also acknowledges receipt of your money order #27616732806 on March 7, 2022, for one hundred and fifty dollars (\$150.00) to process the appeal, as required by Section 30-930.8(a) of the *Code of the City of Richmond, Virginia, 2020*.

Pursuant to Section 30-930.8 of the City Code, a copy of your appeal petition has been forwarded to members of City Council and Alex Dandridge, CAR Secretary. The Code requires CAR to file certified or sworn copies of the record of its action and documents considered by CAR in making the decision being appealed to this office within fifteen (15) days. This information, along with any affidavit providing supplemental information, will be forwarded to all members of Council.

Upon receipt of this communication, you are encouraged to contact your Council representative or any City Council member directly to discuss your appeal or share information related to the appeal process. Contact information for all members of the City Council is enclosed with this letter.

Either the mayor or a member of Council may introduce a resolution to modify or reverse CAR's decision in light of your appeal. If the Council has not adopted such a resolution within 75 days, excluding city holidays and days on which the city government is closed due to a local emergency properly declared, from the date on which you filed your petition with my office, CAR's decision will be deemed to have been affirmed, unless both you and CAR agree in writing by **May 22, 2022**, to extend this 75-day period.

If you need additional information, I may be reached at 646-7955.

Sincerely,

Candice D. Reid
City Clerk

Encl.

c: The Honorable Richmond City Council
Alex Dandridge, Secretary, Commission of Architectural Review



City Of Richmond, Virginia

City Council

District 7

Cynthia I. Newbille, President

646-5429

cynthia.newbille@rva.gov

District 1

Andreas D. Addison

646-5349

andreas.addison@rva.gov

District 3

Ann-Frances Lambert

646-0070

ann-frances.lambert@rva.gov

District 5

Stephanie A. Lynch

646-6050

stephanie.lynch@rva.gov

District 9

Michael J. Jones

646-5497

michael.jones@rva.gov

District 6

Ellen F. Robertson, Vice President

646-5348

ellen.robertson@rva.gov

District 2

Katherine L. Jordan

646-6531

katherine.jordan@rva.gov

District 4

Kristen M. Nye

646-6263

kristen.nye@rva.gov

District 8

Reva M. Trammell

646-6592

reva.trammell@rva.gov

Addressing mail to City Council

The Honorable (Councilmember's Name)
Representative, District (Councilmember's
District)

900 East Broad Street, Suite 305
Richmond, Virginia 23219



March 29, 2022

To the Honorable Council of the
City of Richmond, Virginia:

Greetings:

Attached please find a summary of the appeal, the statement of the Commission of Architectural Review, and all pertinent records regarding the appeal of 2323 Venable Street CAR Application No. COA-105889-2022.

The application was for the review and approval of the enlargement of windows to match the historic masonry openings and to replace existing vinyl windows with new vinyl windows at 2323 Venable Street located within the Union Hill Old and Historic District. The work was completed without first obtaining a Certificate of Appropriateness. The Commission of Architectural Review partially approved the application on an 8-0-1 vote at the February 22, 2022, meeting of the Commission.

Please note that City Code Section 114-930.8. (c) states: "The failure of the city council to modify or reverse the decision of the commission within 75 days from the date the petition is filed shall be deemed to constitute affirmation of the commission's decision, unless all parties to the appeal agree in writing to extend such period of time."

Please call me at 646-6569 or e-mail me at alex.dandridge@rva.gov if you have any questions regarding this appeal.

Sincerely,

A handwritten signature in black ink that reads "Alex Dandridge". The signature is written in a cursive, flowing style.

Alex Dandridge
Secretary to the Commission of Architectural Review

COMMISSION OF ARCHITECTURAL APPEAL RESPONSE
2323 Venable Street
APPLICATION COA-105889-2022
March 28, 2022

Introduction

Ross Phillips, owner of 2323 Venable Street, filed an appeal on the above-referenced application for a Certificate of Appropriateness on March 14th, 2022. The petition (see attached) objects to the February 22, 2022 decision of the Commission of Architectural Review to partially approve the application for a Certificate of Appropriateness (COA-105889-2022) for the enlargement of windows to match the historic masonry openings and to replace existing vinyl windows with new vinyl windows.

The scope of work was completed without receiving a Certificate of Appropriateness from the Commission of Architectural Review as required by City Code Sec. 30-930.6. The Certificate of Appropriateness reviewed by the Commission on February 22, 2022 was in response to a Notice of Violation issued to the property on December 10, 2021, and was a request for the Commission to approve the work that had already been completed.

The subject property is an attached, single-family, masonry dwelling in the Italianate style constructed in approximately 1900, and is the end unit of a grouping of four (4) row homes 2323-2317 Venable Street. The dwelling features many of its original, character-defining architectural elements such as a decorative wooden cornice, brackets, and arched brick lintels.

The Commission's appeal response addresses the basis for the Commission's decision that the work described in the application is not compatible with the historic design and material of the Union Hill Old and Historic District and was not consistent with the *Old and Historic District Handbook and Design Review Guidelines*.

City Council, under Section 30-930.8 (c) of the City Code, may reverse or modify the decision appealed, in whole or in part, when it is satisfied that the decision of the Commission is in error under Chapter 30, Article IX, Division 4 which is the division of the code that applies to preserving the unique historic and architectural character of the City's Old and Historic Districts through the review of applications for certificates of appropriateness. As the Commission used its adopted *Guidelines* as the basis for its decision regarding this application, the Commission asserts that they did not act in error in their review of this Certificate of Appropriateness.

Response to the Specific Items of the Appeal

Regarding the appeal of Certificate of Appropriateness Application COA-105889-2022 2323 Venable Street, there are several pertinent aspects for City Council to consider:

- The Commission has reviewed the request by Ross Phillips to replace five (5) existing vinyl windows. The Commission approved the replacement of the existing vinyl windows for the following reasons:

- The *Old and Historic District Handbook and Design Review Guidelines* state that, **“Windows should only be replaced when they are missing or beyond repair. Any reconstruction should be based on physical evidence or photo documentation. (pg. 69)”** The Applicant provided numerous images to the Commission demonstrating that prior to replacing the vinyl windows, they were deteriorated and were not adequately protecting the dwelling from water intrusion. This led to the growth of mold and mildew on the interior of the dwelling, which is what led the Applicant to replace the windows without Commission approval. The Commission approved the replacement of the deteriorated vinyl windows, finding they were deteriorated beyond repair, clearly unoriginal to the dwelling, and were an incompatible material for the Union Hill City Old and Historic District.
 - Applicant has cited section 30-930.8 which states that, “Nothing in this division shall be construed to prevent the construction, reconstruction, alteration or demolition of any such building or feature which the Commissioner of Buildings shall determine is required for public safety because of an unsafe or dangerous condition. Upon the determination of such a condition, the Commissioner of Buildings shall provide notice to the Commission of Architectural Review.” The Applicant reached out to the Building Commissioner post-CAR review to receive a determination retroactively. Staff was notified of the Building Commissioner’s determination through the appeal of the CAR’s decision. Therefore this determination could not have been considered at the February 22, 2022 CAR meeting or by Staff at the administrative level, and the Commission would have needed to be notified prior to the work being completed to waive the COA requirement.
- The Applicant requested to enlarge five (5) masonry openings that had been partially infilled. The Commission approved the enlargement of the masonry openings for the following reasons:
 - Page 69 of the *Old and Historic District Handbook and Design Review Guidelines* states that, **“Original masonry openings for doors and windows should be maintained. Infilling original masonry openings is strongly discouraged.”** The Applicant reopened the masonry openings to the original size based on physical evidence, and to reflect photographic documentation. The applicant returning them to the original size is in-keeping with the historic district guidelines and was approved by the Commission.
- The Commission has reviewed the request by Ross Phillips to replace existing vinyl windows with new, larger, fixed vinyl windows, which was denied by the Commission for the following reasons:

- According to section 30-930.3(d) of the City Code, the Commission shall **“review construction, alteration, reconstruction, repair, restoration, or demolition within any old and historic districts.”** The Commission has the authority to review the replacement vinyl windows because the replacement was not in-kind. Additionally, while the previous windows were vinyl, they were installed pre-district and were not subject to historic review at the time of installation. The Commission found the installation of vinyl windows to be an incompatible treatment and material and in direct conflict with the *Old and Historic District Handbook and Design Review Guidelines* which state that, “Because the material cannot be manufactured to model effectively the appearance of historic windows, vinyl windows are not appropriate for historic buildings in historic districts.”

- The Commission did not support the design of the new windows based on the *Old and Historic District Handbook and Design Review Guidelines* which state that, **“The architectural appearance of original windows should be used as a model for new windows. Changes in the sash, depth or reveal, muntin configuration, frame or glazing is strongly discouraged. New glass should not be tinted or receive reflective coatings (pg. 69).** Photographic documentation was never located demonstrating the exact design and pane configuration of the original windows. In situations such as this, the Commission looks to the character of the surrounding district and historic precedent to determine an appropriate replacement window design. Based on the style of the dwelling, other dwellings in the district, and common historic materials, the Commission was able to determine that the replacement windows should be double-hung wood, or aluminum-clad wood to resemble wood, with a 1/1 pane configuration, as the exact lite configuration of the original windows is unknown.

- The Commission has reviewed the request by Ross Phillips to install exterior trim pieces around the masonry window openings. The Commission has denied this request for the following reasons:
 - The Commission found the applicant's proposal to install trim pieces which extend beyond the masonry window openings to be inconsistent with the architectural character of windows within the Union Hill City Old and Historic District. The *Old and Historic District Handbook and Design Review Guidelines* state that, **“The architectural character of windows should not be altered by inappropriate materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality or color of the glazing or the appearance of the frame. (pg. 69)”** The Commission found that the exterior trim pieces installed around the existing window openings were an inappropriate finish that radically changed the appearance of the masonry window openings. The Commission found that based on historic photographs and historic

window designs in the district, this trim detail is not a common articulation around windows. Photographic documentation demonstrated that the original windows featured a sill and lintel, but not trim. These features were removed by a previous owner and perhaps even pre-district. The Commission found the window trim to be an incompatible treatment and an articulation around windows not original to the building or common within the district.

The Commission's Responsibility

The Commission of Architectural Review, under Chapter 30, Article IX, Division 4, Section 30-930 of the City Code, is charged with the responsibility of promoting and preserving the historic and architectural resources of the City of Richmond. This is accomplished by a design review process set up to evaluate any exterior changes proposed in City Council-created Old and Historic Districts. The Commission either issues (approves or approves in a modified form) or denies a Certificate of Appropriateness by this process. In this review process, the Commission must determine whether the proposed new construction is compatible with the Old and Historic District of which it is a part.


The Commission has adopted *The Richmond Old and Historic Handbook and Design Review Guidelines* in accordance with City Code Section 30-930.7 (g) *Adoption of architectural guidelines*, which states: "The commission of architectural review may adopt architectural guidelines for any old and historic district to assist the public and the commission in planning for and reviewing exterior modifications..."

Application History

- 12/10/2021 – Staff issued a notice of violation to 2323 Venable Street for exterior work that had been completed without review and approval by the Commission of Architectural Review.
- 02/22/2022 – The Commission reviewed and partially approved the application

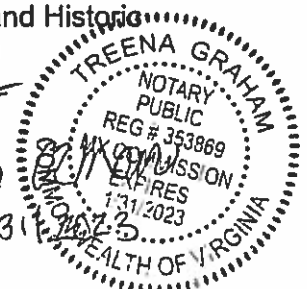
Conclusion

The Commission's review and Partial Approval were consistent with the Standards for Rehabilitation in Chapter 30, Article IX, Division 4, Section 30-930.7(b) of the City Code and the *Richmond Old and Historic Handbook and Design Review Guidelines* adopted under Section 30-930 (g) of the City Code. As the City Code and the *Guidelines* are clear that the reopening of infilled masonry window openings to match the historic dimensions is encouraged when photographic and physical documentation exists, and that non-original windows and windows that are deteriorated beyond repair, may be replaced with an appropriate material and design. The *Guidelines* are also clear in stating that the architectural appearance of original windows should be used as a model for new windows and that the use of vinyl windows is an incompatible material for City Old and Historic Districts.


Neville C. Johnson Jr. Chair.

March 29, 2022

Treene Graham
Reg # 353869 1/31/2023



Commission of Architectural Review
March 28, 2022



Alex Dandridge
Secretary to the Commission of Architectural Review
March 28, 2022

Commonwealth of Virginia
City of Richmond

Sworn and subscribed to before me by Alex Dandridge, whose name is signed
above, on this 29 day of March, 2022



Signature of Notary Public

Notary Registration Number: 7825501
My Commission Expires: 04/30/2023





NOTICE OF VIOLATION

TO: PHILLIPS AUSTIN ROSS
2323 Venable St
Richmond, VA 23223

DATE: 12/10/2021

RE: 2323 Venable St.

It has come to our attention that the following work was performed at the above address:
Replacement of windows without review and approval by the Commission of Architectural Review.

Our staff observed this condition during a site inspection on November 15, 2021. Your property is located within the Union Hill Old and Historic District. As you may be aware, this designation requires that a Certificate of Appropriateness (COA) be obtained from the City for any changes or alterations to a permanent structure that are visible from the public right-of-way. The Department of Planning and Development Review is the City agency that manages COAs.

Our records indicate that you have not obtained any or all of the COAs required for this work. The exterior modifications currently under way/completed constitute a violation of the City of Richmond Zoning Ordinance, specifically Sections 30-930.6(a). Therefore, you are ordered to stop work immediately and obtain the required COAs to resume work. For your convenience, a copy of this notice will be posted on-site, mailed to the property owner of record and held on file in the Department of Planning and Development Review, Room 510, 900 East Broad Street.

In addition to stopping work immediately, you must either apply for a COA or reverse the unauthorized changes you have made within thirty (30) calendar days. Enclosed you will find a COA application including instructions. The City official who handles COA applications is Eva Campbell, Secretary to the CAR. She can be reached at (804) 646-7550 or eva.campbell@richmondgov.com for more information on the process and what steps you must take to resume work in compliance with the Code. You may also petition this decision by filing an appeal with the Secretary of the Board of Zoning Appeals (BZA). Any appeal must be made in writing and submitted within thirty (30) calendar days to the BZA in accordance with Section 15.2-2311 of the Code of Virginia and Section 17.19 of the Richmond City Charter, or the decision shall be final and not appealable. All unauthorized work must cease during the appeal process.

Failure to take corrective action(s) or to appeal the decision within the specified time period may result in the City taking legal action per Section 30-1080 of the Richmond Zoning Ordinance. Instead, we hope that you will respond to the violation(s) promptly and we look forward to assisting you in any way we can.

William C. Davidson, Zoning Administrator

CODE COMPLIANCE WILL BE VERIFIED ON January 10, 2022



City of Richmond Commission of Architectural Review



February 23, 2022

Austin Ross Philips
2323 Venable St
Richmond, VA 23223

RE: 2323 VENABLE ST
Application No. COA-105889-2022

Dear Applicant:

At the February 22, 2022 meeting of the Commission of Architectural Review, the review of your application for a Certificate of Appropriateness resulted in the following action: **Partial approval**. Specifically, the Commission partially approved the application for the reasons cited in the staff report provided the following conditions are met: that the existing window opening is left unaltered:

- denial of front facade vinyl windows, and vinyl transom windows;
- denial of the front facade window trim;
- approval of the enlargement of the masonry openings on the front facade to match the dimensions of the historic masonry openings based on physical and photographic documentation;
- approval of replacing the existing vinyl windows; and staff recommends double-hung wood, or aluminum clad wood windows be installed that fit within the historic masonry openings on the front facade and match the historic lite configuration, or be a 1/1 light configuration if photographic evidence does not exist.

You, or any aggrieved party, have the right to appeal a decision of the Commission of Architectural Review to City Council as specified in Section 30.930 of the Richmond City Code. A petition stating reasons for the appeal must be filed with the City Clerk within 15 days of this meeting.

If you have any questions, please contact Alex Dandridge, CAR Secretary at (804) 646-6569 or by e-mail at alex.dandridge@rva.gov.

Sincerely,

A handwritten signature in cursive script that reads "Alex Dandridge".

Alex Dandridge
Secretary, Commission of Architectural Review



Staff Report
City of Richmond, Virginia



Commission of Architectural Review

5. COA-105889-2022	Final Review	Meeting Date: 2/22/2022
Applicant/Petitioner	Austin Ross Philips	
Project Description	Enlarge existing windows to match the historic masonry openings and replace existing vinyl windows with new vinyl windows.	
Project Location		
Address: 2323 Venable		
Historic District: Union Hill		
High-Level Details: <ul style="list-style-type: none"> The applicant requests permission to enlarge existing windows to match the size of the historic masonry openings, and to replace existing double-hung, vinyl windows with vinyl casement windows with transoms and vinyl casing and trim on the front façade of an attached dwelling. The work has been completed without review and approval by the Commission of Architectural Review. 		
Staff Recommendation	Partial Approval	
Staff Contact	Alex Dandridge, alex.dandridge@rva.gov , (804) 646-6569	
Previous Reviews	Staff issued a notice of violation to the property for alteration of existing window openings and the installation of new windows without review and approval by the Commission of Architectural Review on December 10 th , 2021.	
Conditions for Approval	<ul style="list-style-type: none"> Staff recommends denial of front facade vinyl windows, and vinyl transom windows Staff recommends denial of the front facade window trim. Staff recommends approval of the enlargement of the masonry openings on the front façade to match the dimensions of the historic masonry openings based on physical and photographic documentation. Staff recommends approval of replacing the existing vinyl windows Staff recommends double-hung wood, or aluminum clad wood windows 	

	be installed that fit within the historic masonry openings on the front facade and match the historic lite configuration, or be a 1/1 light configuration if photographic evidence does not exist.
--	--

Staff Analysis

Guideline Reference	Reference Text	Analysis
Standards for Rehabilitation, Residential Construction, #5, pg. 59	<i>Retain original windows including both functional and decorative elements such as frames, sash, muntins, glazing, sills, hood molds, paneled or decorated jambs and moldings, shutters and exterior blinds</i>	It appears that original windows, frames, and sills were removed prior to designation of the local historic district.
Building Elements, Windows, #1, pg.69	<i>Retain all original windows, and ensure that hardware is in good shape, reusing serviceable window hardware and locks</i>	The original windows appear to have been replaced prior to the designation of the local historic district as indicated by historic photographs. (see Figure 1)
Building Elements, Windows, #5, pg.69	<i>Original masonry openings for doors and windows should be maintained. Infilling original masonry openings is strongly discouraged.</i>	Based on physical and photographic documentation, the applicant is proposing to enlarge the existing masonry window openings to match the dimensions of the historic window openings on the front façade (see Figures 1 & 2). Staff believes this alteration enhances the historic integrity of the building by restoring the historic fenestration. <u>Staff recommends approval of the enlargement of the front masonry openings to match the original dimensions indicated by physical and photographic documentation.</u>
Building Elements, Windows, #7, pg.69	<i>Windows should only be replaced when they are missing or beyond repair. Any reconstruction should be based on physical evidence or photo documentation.</i>	The applicant has indicated that the existing front vinyl windows are no longer protecting the interior of the building from moisture and are leaking. Images were submitted to staff that demonstrate the extent of mold and moisture damage that seem to have been caused by the inefficacy of the existing windows. Staff also notes that the existing windows are vinyl, a non-approvable material, and are not original to the building. <u>Staff recommends approval of the replacement of the existing front vinyl window.</u>
Building Elements, Windows, #9, pg.69	<i>The architectural character of windows should not be altered by inappropriate materials or finishes that radically change the sash, depth of reveal, muntin configuration, the reflective quality or color of the glazing or the appearance of the frame.</i>	The applicant is proposing to install white trim around the window openings which appears to extend beyond the masonry opening and onto the face of the building. Based on historic photographs and historic window designs in the district, staff finds that this trim detail is not a common articulation around windows. In addition, photographic

		<p>documentation demonstrate the original windows featured a sill and lintel, but not trim. These features were removed by a previous owner and perhaps even pre-district. <u>Staff recommends denial of the window trim that extends beyond the original masonry openings.</u></p>
<p>Building Elements, Windows, #10, pg.69</p>	<p><i>The architectural appearance of original windows should be used as a model for new windows. Changes in the sash, depth or reveal, muntin configuration, frame or glazing is strongly discouraged. New glass should not be tinted or receive reflective coatings.</i></p>	<p>Staff was not able to locate photographs of the original windows.</p> <p>The applicant is proposing to install vinyl casement windows on the front façade with interior spacer bars in an eight pane configuration, the second floor windows featuring two pane transom windows.</p> <p>Staff finds that the proposed windows are not compatible with historic window design in the district.</p> <p><u>Staff recommends that double-hung wood, or aluminum clad wood windows be installed that fit within the historic masonry openings and match the historic lite configuration, or be a 1/1 light configuration if photographic evidence does not exist.</u></p>
	<p><i>Because the material cannot be manufactured to model effectively the appearance of historic windows, vinyl windows are not appropriate for historic buildings in historic districts.</i></p>	<p>The applicant is proposing to install vinyl windows. <u>Staff recommends denial of the vinyl windows.</u></p>

Figures



Figure 1. Historic Photo 1950s



Figure 2. Historic Photo date unknown



Figure 3. Brick infill separating from original masonry opening. Exposed to outside



Figure 4. Interior water damage and mold



Figure 5. 2323 Venable looking west.



Figure 6. Front facade, 2323 Venable



Figure 7. 2323-2317 Veanable

5. COA-105889-2022 2323 Venable

The application was presented by Alex Dandridge.

Commission Chair Johnson asked if there were any question for staff from Commissioners.

Commissioner Wheeler asked if the vinyl windows installed before the Union Hill District was established. Mr. Dandridge said yes, he had no evidence otherwise.

Commission Chair Johnson asked if the applicant was present. The applicant, Ross Phillips responded yes. He quoted Mike Tyson, saying he had been “punched in the face” by the mold and other problems they confronted when they moved into the home. This threw off their plans to remodel the house, and this was a priority. There was a lot of mold and yeast as a result of the windows.

Commission Chair Johnson asked if they had gone through the permitting process. Mr. Phillips said no, they hadn’t. Commission Chair Johnson asked if they were aware they were in a CAR district. Mr. Phillips said yes.

Commissioner Pearson asked for the justifications for them not following the CAR Guidelines by installing vinyl windows. Mr. Phillips said that getting the windows done was his priority. Commission Pearson asked if the vinyl windows are permanent. Mr. Phillips said yes, he intends to keep them permanently.

Commission Chair Johnson opened the floor for public comment.

Nancy Lambert asked not to make a precedent for not asking for forgiveness, but permission. There is due diligence to be done with homes.

Mr. Dandridge said that in instances of immediate need of health, staff is amenable to helping swiftly.

Commission Chair Johnson opened floor for Commission discussion.

A motion was made by Commissioner Moore, seconded by Commissioner Wheeler, to partially approve approved the application for the reasons cited in the staff report provided the following conditions are met: denial of front facade vinyl windows, and vinyl transom windows; denial of the front facade window trim; approval of the enlargement of the masonry openings on the front façade to match the dimensions of the historic masonry openings based on physical and photographic documentation; approval of replacing the existing vinyl windows; and staff recommends double-hung wood, or aluminum clad wood windows be installed that fit within the historic masonry openings on the front facade and match the historic lite configuration, or be a 1/1 light configuration if photographic evidence does not exist.

Commission Chair Johnson said they feel for the applicant, but there is a process to be followed.

Commissioner Moore said it’s a difficult situation, but they need to stick with the precedent.

Commissioner Wheeler said he agrees, and there are administrative approvals that can be done for damaged windows.

Commission Chair Johnson said he applauds that the applicant re-opened the original openings.

CAR February 22nd, 2022 Meeting Minutes

The motion carried by the following vote:

Aye –Danese, Grier, Johnson, Moore, Morgan, Pearson, Rodriguez, Wheeler

Excused – Brewer



COMMISSION OF ARCHITECTURAL REVIEW

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

PROPERTY (location of work)

Address 2323 Venable St.

Historic district Union Hill Old and Historic District

Date/time rec'd:	_____
Rec'd by:	_____
Application #:	_____
Hearing date:	_____

APPLICANT INFORMATION

Check if Billing Contact

Name Austin Ross Phillips

Phone (434) 962-2866

Company _____

Email arossphillips@gmail.com

Mailing Address 2323 Venable St.

Applicant Type: Owner Agent

Richmond, VA 23223

Lessee Architect Contractor

Other (please specify): _____

OWNER INFORMATION (if different from above)

Check if Billing Contact

Name _____

Company _____

Mailing Address _____

Phone _____

Email _____

PROJECT INFORMATION

Project Type:

Alteration

Demolition

New Construction

(Conceptual Review Required)

Project Description: (attach additional sheets if needed)

See Attachment. Supporting photos submitted by email December 31, 2021.

ACKNOWLEDGEMENT OF RESPONSIBILITY

Compliance: If granted, you agree to comply with all conditions of the certificate of appropriateness (COA). Revisions to approved work require staff review and may require a new application and approval from the Commission of Architectural Review (CAR). Failure to comply with the conditions of the COA may result in project delays or legal action. The COA is valid for one (1) year and may be extended for an additional year, upon written request and payment of associated fee.

Requirements: A complete application includes all applicable information requested on checklists available on the CAR website to provide a complete and accurate description of existing and proposed conditions, as well as payment of the application fee. Applicants proposing major new construction, including additions, should meet with Staff to review the application and requirements prior to submitting an application. Owner contact information and signature is required. Late or incomplete applications will not be considered.

Zoning Requirements: Prior to Commission review, it is the responsibility of the applicant to determine if zoning approval is required and application materials should be prepared in compliance with zoning.

Signature of Owner

Date 1/14/22



CERTIFICATE OF APPROPRIATENESS APPLICATION INSTRUCTIONS

In advance of the application deadline please contact staff to discuss your project, application requirements, and if necessary, to make an appointment to meet with staff for a project consultation in the office or on-site. The Commission of Architectural Review website has additional project guidance and required checklists:

<http://www.richmondgov.com/CommissionArchitecturalReview/index.aspx>

Staff Contact: 804.646.6335 Carey.Jones@Richmondgov.com

SUBMISSION INSTRUCTIONS

Certain exterior work can be administratively approved by Staff. Please contact staff for a preliminary determination of the level of review required prior to submitting an application.

Submit the following items to the Division of Planning and Preservation, 900 E. Broad Street, Rm. 510:

- One (1) signed and completed application – property owner's signature required
- One (1) copy of supporting documentation, as indicated on appropriate checklist, collated and stapled. All plans and elevations must be printed **11x17** and all text easily legible.
- One digital copy of the application and supporting documentation, submitted via email or OneDrive.
- Application fee, as required, will be invoiced. Payment of the fee must be received before the application will be scheduled. Please see fee schedule brochure available on the CAR website for additional information.
- **Application deadlines are firm.** All materials must be submitted by the deadline to be considered at the following Commission meeting. Designs must be final at the time of application; revisions will not be accepted after the deadline. Incomplete and/or late applications will not be placed on the agenda.
- A **complete application** includes a signed application form, related checklist, legible plans, drawings, elevations, material specifications, and payment of the required fee as described in Sec. 30-930.6(b).
- The Commission will not accept new materials, revisions, or redesigns at the meeting. Deferral until the following month's meeting may be necessary in such cases to allow for adequate review by staff, Commissioners, and public notice if required.

MEETING SCHEDULE AND APPLICATION DUE DATES

- The CAR meets on the fourth Tuesday of each month, except in December when it meets on the third Tuesday.
- The hearing of applications starts at 4:00 PM in the 5th floor conference room of City Hall, 900 E. Broad Street. The owner and/or applicant is *encouraged to attend* the meeting.
- All applications are due at 12 noon the Friday after the monthly CAR meeting, except in December, when applications are due the following Monday. For a list of meeting dates and submission deadline dates for each meeting please visit: <http://www.richmondgov.com/CommissionArchitecturalReview> or contact staff.
- **Exception:** Revisions to applications that have been deferred or conceptually reviewed at a Commission meeting can be submitted nine (9) business days after that meeting in order to be reviewed at the following meeting. Please contact staff to confirm this date.

May 2020- My now wife, Olivia, and I bought our house at 2323 Venable Street. One reason we were drawn to our house and neighborhood is their historic character. We are committed to embracing that historic character.

August 2020- Water damage primarily from an upstairs bedroom window caused dangerous mold and yeast to protrude from the walls around the two downstairs windows. It looked like something from Stranger Things if you saw that TV show. We paid an industrial hygienist and a construction defect contractor to inspect the house and prepare reports. It was clear that the leakiest upstairs window and both downstairs windows had to be replaced. We paid restoration contractors to safely remove moldy and yeasty materials from around those windows. After that removal, it was apparent that the original windows went almost to the floor but they had been replaced by much smaller windows. The walls are three bricks deep, but the gaps between the original windows and replacement windows were filled with a single row of mismatched brick.

To restore our house's historic character, Olivia and I decided to replace the cheaper modern window size with larger windows that much better align with the original size. For aesthetic consistency and to make structural repairs to prevent future leaking, we had to restore the other two upstairs windows while we were at it.

Meanwhile, there was a severe shortage of contractors and building materials, e.g., windows, due to the COVID pandemic and the construction/remodel boom. I covered our exposed brick walls around the three windows with tarp for the winter as we miserably searched for a contractor then waited for windows to arrive. I slept approximately 5 feet from the upstairs tarp-covered window, or listened to the wind and/or rain blowing against the "wall" when they kept me awake. To be sure, dealing with this so soon after purchasing our house has been traumatic and expensive.

March 2021- Windows were finally installed!

December 2021- Notice of Violation issued for restoring windows without certificate of appropriateness.