

MEETING MINUTES
PURCELLVILLE PLANNING COMMISSION SPECIAL MEETING
THURSDAY, SEPTEMBER 9, 2021, 7:00 PM
TOWN HALL COUNCIL CHAMBERS

Meeting audio recording provided at the following link: <https://purcellvilleva.new.swagit.com/videos/136757>

COMMISSIONERS PRESENT:

Nedim Ogelman, Chair/Commissioner
Ed Neham, Vice Chair/Commissioner (Participated remotely from residence due to medical disability)
Stosh Kowalski, Commissioner
Stanley Milan, Town Council Liaison
Chip Paciulli, Commissioner
Nan Forbes, Commissioner
Boo Bennett, Commissioner

STAFF PRESENT:

Andy Conlon, Senior Planner
Max Inaba, IT Specialist

STAFF PARTICIPATION REMOTELY:

Sally Hankins, Town Attorney
Kimberly Bandy, Deputy Town Clerk

CALL TO ORDER

Chair Ogelman called the meeting to order at 7:12 PM. Council Chambers was experiencing technical difficulties. Those participating remotely could hear the meeting and only participate through the Chat and not audio. Commissioner Kowalski then led the Pledge of Allegiance.

STATEMENT OF PURPOSE:

Chair Ogelman stated that this meeting was being held for follow up from the public hearing and its' proposal ordinance suggestion. This meeting is to answer previous citizen concerns/questions and to share the gathered answers from citizen suggestions.

CITIZEN COMMENTS (first opportunity)

An unidentified participant from the crowd asked if there would be a vote from the citizens on this ordinance. Chair Ogelman stated that referendum is not allowed in the state of Virginia. This decision would be based upon the current Comprehensive Plan that reflects the will of the citizens.

COMMISSIONER COMMENTS:

Chair Ogelman called upon the Town Attorney and she was unable to be heard. Chair Ogelman requested that the Town Attorney correct anything in his following summarization of her items. The two items focused on by the Town Attorney was; 1) Legislation to possibly opt-out and 2) Research on town wide demolition provision. Ultimately the opt-out is not an option if this ordinance were to pass and town wide demolition is not possible under Virginia law. Ms. Hankins confirmed this shared statement.

(Chair Ogelman referenced the power point document maps shared at the meeting which will be included at the end of these minutes.)

Commissioner Kowalski reached out to a dozen insurance companies and received the same answer regarding owning a designated Historic property there are higher costs to repair/replace, but being a part of a historically contributing district this would not affect insurance costs and there are no declarations necessary.

Chair Ogelman shared that the principle focus would be on the mainly used structures on and within the property, referencing a map, and there is a decision trying to be made on the boundaries of this historic district.

Commissioner Bennett addressed the sale of a residence if it were to be within this historic district zone and reiterated that preservation is not the focus as proposed in 2006-2007 and citizens were not going to have to answer to everything a homeowner does to their home. She shared findings that the assessed evaluation when in a historic zone increases substantially over decades, owner occupancy is maintained at an often higher rate, and sales prices like assessed values increase.

Commissioner Forbes shared that the focus of this ordinance was to implement goals set from the Comprehensive Plan in maintaining small town character by expanding the historic district and to not have small town HOA for citizens that are within this district, but to only have a process set in place to review potential demolition. Chair Ogelman read a chat question from Ty R. regarding any impact on citizens wishing to install energy efficient windows, siding to their home, requiring use period materials instead of modern equivalents or any prohibition on solar array installation in which he answered not from this legislation. Kathy Ruckman commented in requesting to see the actual legislation. Chair Ogelman explained that there would probably be a need for another public hearing to go through this process again to present the actual documentation.

CITIZEN COMMENTS

Rick Ortmann, 140 S. 29th Street, asked why demolition is bad. Chair Ogelman shared it is a way to fulfill the requests to preserve the small town feel and character of the town stated in the Comp Plan referencing the architecture and structures that exist being significant to the look and feel of the town. Mr. Ortmann continued to share that the attempt to control demolition would be wrong. Commissioner Kowalski shared that the Commissioners do use subjective opinions and that they are not hired consultants and are citizens of the town trying to best represent other citizens.

Ms. Visna, 241 W. J. Street, shared her concern that in 2013 when moving to town that Town Hall had been packed with citizens wanting to hear the potential impact of downtown and the building of homes that are of concern for an individual economic gain but not best for the neighborhood or community. She shared that the Planning Commission is listening to citizen concerns from meeting to meeting.

Mr. Christopher, 11th Street, who holds a permit for demolition of his property is concerned what he will be told on what he can or cannot build. Chair Ogelman encouraged an answer that the Planning Staff Department and the Board of Architectural Review is set in place to assist with these types of decisions and also there is an appeals process for the citizen to go before the Town Council. Chair Ogelman shared that the ordinance being proposed is regarding demolition and not what would be built.

Chair Ogelman had Max Inaba, IT Specialist, share comments in the Chat session. Mr. Inaba read the following and summarized here: Ms. Hankins requested that Commissioner Bennett share her third party resources from which she gathered her answer regarding home values and

she would report back as well as the Senior Planner, Ms. Susan Eidelheit shared that various published articles share mixed impacts of both positive and negative ideas to having a historic district regarding height stipulations, L.A.T., 150 S. 12th St., were not made aware of being part of the designated area when the sale of a home and if it could be included in a title report of the property in which it was determined in conversation that this would fall on the purchaser/realtor of the property research.

Casey Chapman, 205 Hirst Road Suite 106, CASECO LLC commented on neighbors having “the right” is strong language when it comes to personal property and that there may be a right to their opinion and not a right to other’s personal property. There are zoning rules and regulations that impose restrictions on property owners such as to make a larger or newer home in which is or is not permissible. He does share that this ordinance does over reach on people’s personal property and why is this happening now specifically on demolition. Commissioner Forbes shared that it is common to have modifications to zoning ordinances and are evolving documents over time. Chair Ogelman shared that this is a cyclical process based on a new Comprehensive Plan that was deliberated on over 5 years. Mr. Chapman asked if the Town would abide by the same and referenced a town owned property. Chair Ogelman reiterated that this is a proposed ordinance rooted in the Comp Plan. A citizen in Council Chambers agreed with Mr. Chapman and questioned if the ordinance was about protection or about the property owner being able to make a decision on their own property. The citizen requested the Planning Commission to create five other options to enhance the character of the town as opposed to this type of ordinance.

Brian Duscharme, 141 S. 29th Street, would like his address removed and expresses his distrust in government and the Planning Commission of their over reach and fully opposes to putting his home in a Historic Overlay.

Daniel Reed, multiple property owner, shared his love of the small town character, but with an interdependence for tolerance of property owners and agrees with what is owned is owned and there should not be a weigh-in of its’ surrounding properties.

Brenda Dowdy, resident on F Street, who lives in a small rambler questioned the impact of taxes on her property and decisions of the future Planning Commissioners. She would like to see the actual final document and did not agree with the quick turnaround in meetings for citizens to not be able to participate.

Commissioners covered that there was no additional taxes being imposed and Chair Ogelman shared that the Planning Commission is genuinely trying to get citizen input and provide answers. This proposed ordinance is to only cover full demolition of a property and not impose other restrictions and because of additional citizen input there will be a need for another public hearing.

Max Inaba, IT Specialist, share comments in the Chat session. Mr. Inaba read the following and summarized here: Ms. Susan Eidelheit questioned the higher home appraisals in the district, Blake Edwards questioned why the Board of Architectural Review could not be more involved and it was answered that this is not a focus on color, materials being used on a home, but to have a process instilled over demolition, Ms. Hankins shared the established criteria for demolition, L.A.T. suggested to use a grandfather clause and share all information available on properties for

avoid any additional financial impact, Ms. Susan Eidelheit suggested for potential home buyers to research their property, Marshall questioned why is additional legislation needed to maintain the character of the town and it was answered that new Comprehensive Plans are passed every five years and this makes the zoning ordinance an “in motion” document. Unknown citizen commented that development does need to be kept up within a small town and appreciated the work of the Planning Commission. Ryan Howell, 511 W. North Street, unsettled with restricting demolition and needs a better definition for “demolition”. Chair responded that the charm of town is not rooted in one thing and the entire zoning ordinance gives this structure to the town, and demolition is not the only component, but only one component that works with the rest of the ordinance. The definition of demolition is being worked on and trying to be a light touch.

Casey Chapman, 205 Hirst Road Suite 106, CASECO LLC commented he is a homeowner of 141 N. Hatcher and a business owner, and has vested interests in the town for both of those reasons. He had questions on the process of demolition and thanked the Planning Commission for receiving additional comments to the proposed ordinance and the time being spent on this item. He also questioned the process of what was being addressed first by the Planning Commission.

Chair Ogelman summarized the process for demolition and the need to demolish because of health, safety, and welfare versus wanting a property destroyed in this proposed broad district and the Virginia code. The Virginia code needs to be reviewed.

Council member Milan shared that there is a five year development of the each Comprehensive Plan and ordinances evolve along with that Comprehensive Plan on the wishes and aspirations of the citizens. The process for the Planning Commission items was prioritized several meetings ago.

Chair Ogelman shared that the areas chosen and were prioritized by which area was most vulnerable to not be able to achieve what the Comprehensive Plan says is the aspiration for the town.

ADJOURNMENT

With no further business, Council member Milan made a motion to adjourn the meeting at 9:21PM. The motion was seconded by Commissioner Kowalski and carried 7-0.

Nedim Ogelman, Chair/Commissioner

Kimberly Bandy, Deputy Town Clerk