



**City of Manassas, Virginia
Board of Zoning Appeals Meeting**

AGENDA

**Board of Zoning Appeals Meeting
9027 Center Street
Manassas, VA 20110
City Hall Council Chambers - 1st Floor
Wednesday, June 14, 2017**

Call to Order - 7:30 p.m.

Roll Call and Determination of a Quorum

1. Public Hearings

**1.1 BZA #2017-01 and BZA #2017-02: 9512 Liberty Street & 9514 Liberty Street
(Staff: Matthew Arcieri, Zoning Administrator)**

[BZA #2017-01 and 2017-02 Staff Report](#)

[Attachment 1. Zoning Notices of Violations \(NOV's\), dated April 3, 2017](#)

[Attachment 2. Applicant's Appeal, dated April 27, 2017](#)

[Attachment 3. Letter from the Jamie Collins to Stephen K. Fox, dated November 6, 2015](#)

[Attachment 4. Building Assessment Report, dated April 4, 2016](#)

[Attachment 5. ARB Staff Reports, dated December 13, 2016](#)

[Attachment 6. VMC NOV's, dated April 3, 2017](#)

[Attachment 7. Letter from James Downey to Martin Crim, dated February 17, 2017](#)

**1.2 BZA #2017-03: 9419 Main Street
(Staff: Gregory J. Bokan, Deputy Zoning Administrator)**

[BZA #2017-03 Staff Report](#)

[Attachment 1 - City of Manassas, Reconnaissance Level Survey](#)

[Attachment 2 - Sinistral Brewing Company, Proposed Signage Specs](#)

[Attachment 3 - Plan View](#)

[Attachment 4 - BZA Application](#)

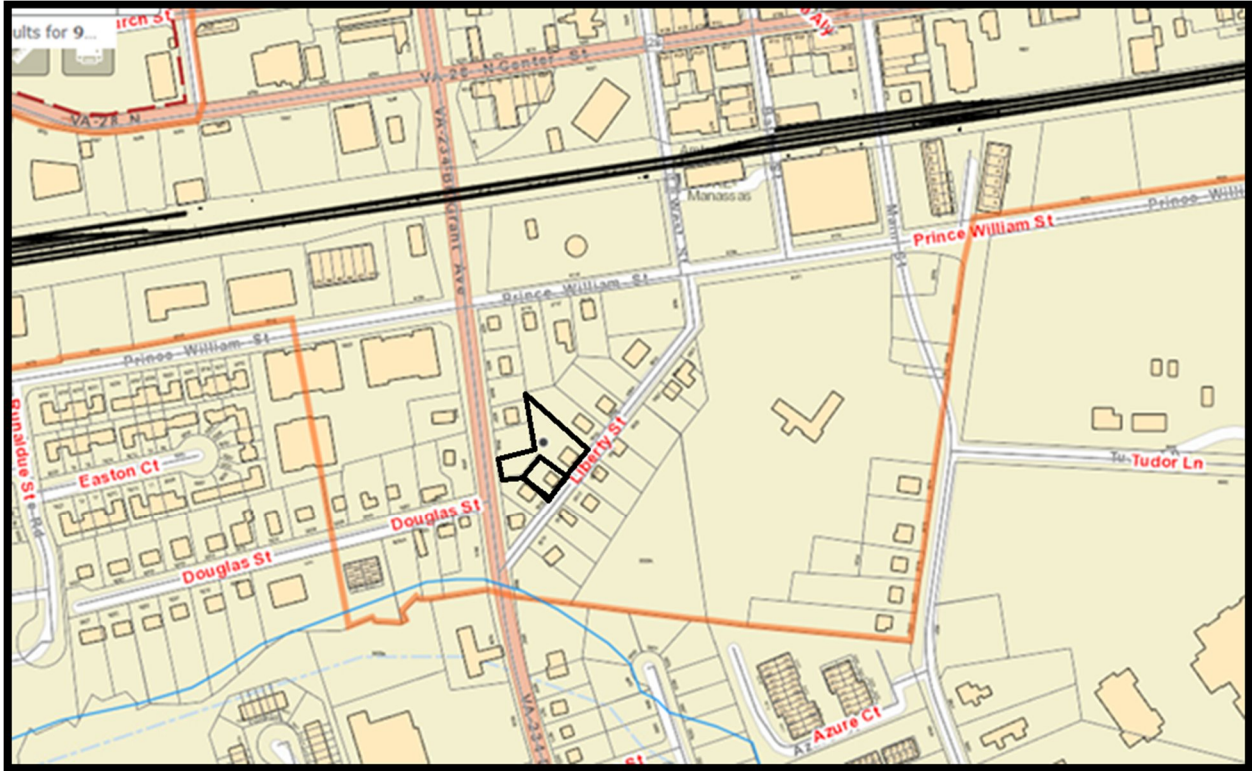
[Attachment 5 - Draft Architectural Review Board Resolution](#)

2. Other Business

Adjournment

BOARD OF ZONING APPEALS

No. 17-01 (9512 Liberty St.) and 17-02 (9514 Liberty St.)



Applicant: James P. Downey, Esq.

Site Owners: Stephen K. Fox, Trustee of the Dorothy Lomax Smith Living Trust

Site Address: 9512 and 9514 Liberty Street

Zoning: R-2-S, Small Lot Single Family Residential and Historic Overlay District

Summary: To consider an appeal of the Zoning Administrator's Notices of Violation #17-325 (9512 Liberty St.) and #17-326 (9514 Liberty St.) that (1) determined that the property owner has failed to maintain the contributing structures located on the above referenced properties in accordance with the requirements of the Historic Overlay District and (2) ordered the property owner to stabilize the buildings so as to prevent their further deterioration.

STAFF REPORT
BZA #17-01 and 17-02, 9512 and 9514 Liberty Street

REQUEST:

Board of Zoning Appeals Cases #17-01 and 17-02: 9512 and 9514 Liberty Street. The Zoning Administrator issued Notices of Violation #17-325 and #17-326 to the property owner determining that the property owner has failed to maintain the contributing structures located on the above referenced properties in accordance with the requirements of the Historic Overlay District ("HOD") and ordering the property owner to stabilize the buildings so as to prevent their further deterioration. The Notices of Violation (Attachment 1) were received by the owner on April 5, 2017. The Appeal for both properties was received by the City of Manassas on April 27, 2017 (Attachment 2).

BACKGROUND:

City staff has been working with the property owner to abate zoning and property maintenance violations at both sites for multiple years. The property at 9512 Liberty Street was placarded as unsafe/unfit for human habitation in February 2014 by the Fire Marshal. A Notice of Violation was also issued citing Virginia Maintenance Code violations at that time and the house has been vacant and without utility service since February 2014. The house at 9514 Liberty Street has been vacant and without utilities for over 4 years. Lack of maintenance has caused significant deterioration to the exterior elements of both houses.

Notice was given to the property owner in September 2015, citing Section 130-409 of the Historic Overlay District Division of the Zoning Ordinance – Demolition by Neglect (revised and renumbered as Section 130-413 in the 2016 amendments as part of the City's zoning ordinance update). As no resolution of the condition occurred, follow up correspondence in November 2015 also cited City Code Section 70-93 – Dangerous Structures, Derelict Buildings, and Spot Blight Abatement. While the property owner suggested that boarding the structures would meet the requirements of the Virginia Maintenance Code, on November 6, 2015 the City documented that boarding the structures would not satisfy the requirements of the Historic Overlay District, because the structures would continue to deteriorate without stabilization (Attachment 3).

In December 2015, the property owner applied to the Architectural Review Board (ARB) for a Certificate of Appropriateness to demolish both of the structures. In subsequent written submissions to the City, the property owner provided comprehensive assessments of both buildings. The report indicated that 9512 Liberty Street is "in a state of significant disrepair; ... in a non-habitable, dilapidated, and structurally unsound condition" and that, among other noted items of deterioration, "there is settlement of the floor framing at the interior of the house, significant cracking of the plaster walls, and sagging floor framing... There is evidence throughout of water infiltration and water damage... The inside of the house ... is unsanitary with cat feces, trash and a heavy stench of cat urine." The property owner indicated that 9514 Liberty Street is also "in a state of significant disrepair... The front porch floor is rotted ... [and] the center portion

of the house has settled ... approximately 4 to 5 inches... There is evidence of water damage... The second floor also is sagging," along with other indications of deterioration. (Attachment 4).

The ARB heard the request for the Certificates of Appropriateness in January 2016 and denied the application to demolish the structures. The applicant appealed the decision to the Manassas City Council, which held a public hearing on the appeal in April 2016. The public hearing was continued and a decision was made by City Council at the June 27, 2016, meeting to remand the decision back to the ARB for further consideration. The ARB held a work session on the cases in October 2016 followed by a public hearing in November 2016. Staff prepared a report to the ARB dated December 13, 2016 (Attachment 5), which documents the importance of both structures to the African-American heritage of the Manassas community. Resolutions denying the demolition of both structures were adopted at the December 2016, meeting of the ARB. The property owner did not appeal the December decision of the ARB.

Following the ARB decision and with no resolution to the outstanding zoning and Virginia Maintenance Code violations, the City performed a follow up inspection at 9512 Liberty Street and 9514 Liberty Street on March 23, 2017. The following new Notices of Violation were prepared for each of the properties:

- The technical assistant to the code official issued notices under the Virginia Maintenance Code (Attachment 6).
- Based on the code official's finding of significant deterioration in exterior elements of the two structures, the Zoning Administrator issued Notices of Violation #17-325 and #17-326 (Attachment 1) that determined that the property owner has failed to maintain the contributing structures located on the above referenced properties to the extent that such deterioration adversely affected the character of the HOD and could reasonably lead to irreversible damage to the structures. The Zoning Administrator further ordered the stabilization of the buildings so as to prevent their further deterioration.

On April 27, 2017, the property owner appealed the Zoning Administrator's Notice of Violations (Attachment 2).

The property owner also appealed the Virginia Maintenance Code violations and on May 10, 2017, the Manassas City Local Board of Building Code Appeals denied the appeals as untimely. The property owner had 21 days to appeal this decision to the State Building Code Technical Review Board but did not file an appeal with that body.

APPLICABLE CITY AND STATE CODE (emphasis added):

City of Manassas Code §130-413 Maintenance and repair required.

- (a) All structures within an HOD and Historic Landmarks shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of disrepair include, but are not limited to:

- (1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or
- (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.

Code of Virginia: § 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

ANALYSIS:

The Virginia Maintenance Code Notices of Violation dated April 3, 2017 (Attachment 6) establish the existence of exterior deterioration reasonably leading to irreversible damage to the structures. The property owner does not contest the existence of severe exterior deterioration, and has sought permission to demolish both structures. The adverse effect on the character of the HOD is shown by:

1. The length of time the buildings have been deteriorated and unoccupied (since at least 2014 for 9512 Liberty Street and for at least four years for 9514 Liberty Street);
2. The extent of the exterior deterioration of each structure, encompassing multiple surfaces to include walls, vertical supports, horizontal members, roof, chimney, siding, brick and mortar;
3. The severity of the exterior deterioration of each structure, with rotted porches (both structures), failed support beams (both structures), a need for a new foundation (both structures), failed basement walls that have partially fallen into the basement (9512 Liberty Street), a failed cellar access (9512 Liberty Street), a rotted deck (9514 Liberty Street), and leaning or displaced concrete blocks on the structural addition (9514 Liberty Street); and
4. The importance of the two structures to the African-American heritage of the community, as documented in the ARB staff report (Attachment 5).

Pursuant to the state code requirements for an appeal, “the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence”. The applicant’s appeal (Attachment 2) cites three reasons for the appeal, which are summarized below and followed by a staff response.

1) Owner has attempted to raze the structures, but has been denied by the Architectural Review Board and City Council.

Staff Analysis: Regardless of whether the demolishing of a structure in the Historic Overlay District is permitted, the property owner is required to maintain the structures in good repair, structurally sound, and reasonably protected against decay and deterioration. In addition, City Code specifies that the City Council serves as the appellate body for decisions by the Architectural Review Board. As noted previously, the property owner did not appeal the Architectural Review Board’s December 2016 denial of the demolition requests.

2) The ARB actions, in combination with other enforcement actions, constitutes a taking of the owner’s property in violations of the Constitution and Virginia Code.

Staff Analysis: The Board of Zoning Appeals is not a court of law and has no jurisdiction to hear a claim that the City has taken the property without paying just compensation. However, it should be noted that state code permits demolition of the two properties without ARB approval if they are listed for sale and rehabilitation and there is no buyer after one year. In fact, the applicant is separately proposing to market the properties under this state code requirement (Attachment 7).

3) The property owner believed that boarding and fencing of the two properties constituted an acceptable alternative to stabilizing the structures.

Staff Analysis: The City permitted the boarding and fencing of the two properties to deter public entry; however, at no time has the City stated that this was an acceptable alternative to taking action to stabilize the structures. In a letter dated November 6, 2015 (Attachment 3) the City clearly stated: “While the boarding of the structures will deter public entry, it will not stop the continued deterioration of the structures. The current condition adversely affects the character of the Historic Overlay District, and could lead to irreversible damage to the structure.”

RECOMMENDATION:

The appellant has failed to produce any evidence to rebut the Zoning Administrator’s order. Staff recommends that the Board of Zoning Appeals uphold the Zoning Administrator’s Notices of Violation #17-325 and #17-326 that determined that the property owner has failed to maintain the contributing structures located on the above referenced properties and the Zoning Administrator’s order to stabilize the buildings so as to prevent their further deterioration.

Attachments:

1. Zoning Notices of Violations (NOV's) dated April 3, 2017
2. Applicant's Appeal, dated April 27, 2017
3. Letter from the Jamie Collins to Stephen K. Fox, dated November 6, 2015
4. Building Assessment Report dated April 4, 2016
5. ARB Staff Report, dated December 13, 2016
6. Virginia Maintenance Code NOV's dated April 3, 2017
7. Letter from James Downey to Martin Crim, dated February 17, 2017



**CITY OF
MANASSAS, VIRGINIA**
Community Development · 9027 Center Street, Manassas, VA 20110 · 703-257-8424

COPY

NOTICE OF ZONING VIOLATION

CASE #: 17-10000325

ON THIS DATE APRIL 3, 2017, YOU ARE HEREBY NOTIFIED OF A VIOLATION OF THE ZONING ORDINANCE OF THE CITY OF MANASSAS, VIRGINIA ON THE PROPERTY LISTED BELOW. THIS NOTICE SERVES TO ADVISE YOU OF THE CITY CODE SECTION THAT HAS RESULTED IN THIS NOTICE BEING ISSUED AND THE REQUIREMENT FOR YOU TO ABATE THE VIOLATION IN THE TIME LIMIT SPECIFIED BELOW. IF NO TIME LIMIT IS GIVEN BELOW, THE VIOLATION MUST BE REMEDIED WITHIN 30 DAYS OF THIS NOTICE.

NO ADDITIONAL WARNINGS FOR THE VIOLATION WILL BE GIVEN. FAILURE TO COMPLY WITH THIS NOTICE, OR ANOTHER OCCURRENCE OF VIOLATION OF THE SAME TYPE, MAY RESULT IN CRIMINAL CONVICTIONS AND MONETARY PENALTIES UNDER MANASSAS CODE § 130-602.

YOU HAVE A RIGHT TO APPEAL THIS NOTICE OF VIOLATION WITHIN 30 DAYS IN ACCORDANCE WITH VIRGINIA CODE § 15.2-2311. THIS NOTICE AND ORDER SHALL BE FINAL AND UNAPPEALABLE IF NOT APPEALED WITHIN 30 DAYS. YOU MAY APPEAL BY FILING A NOTICE OF APPEAL, SPECIFYING THE GROUNDS THEREOF, WITH THE ZONING ADMINISTRATOR AT THE ADDRESS ABOVE. THE FEE FOR AN APPEAL IS \$500, PLUS THE COST OF PUBLIC HEARING NEWSPAPER ADVERTISEMENTS.

ADDRESS OF VIOLATION: 9512 LIBERTY STREET	
TIME LIMIT TO CORRECT THE VIOLATION: MAY 1, 2017	
VIOLATION DATE: MARCH 23, 2017	
VIOLATION TIME: 1:00 PM	
CITY ZONING ORDINANCE SECTION	NATURE OF VIOLATION
§130-413	<p>On March 23, 2017 Carlos Perez, acting as technical assistant to the City Code Official, determined that the property owner has failed to maintain the contributing structure located on the above referenced property resulting in deterioration of the exterior walls, vertical supports, horizontal members, roof, chimney, and exterior wall elements including siding, wooden walls, brick, and mortar to the extent that it adversely affects the character of the Historic Overlay District and could reasonably lead to irreversible damage to the structure.</p> <p>You are hereby ordered within 30-days of receipt of this notice to take any and all required actions to stabilize the building so as to prevent their further deterioration. Please contact the City's Development Services Division at (703) 257-8278 to discuss the requirements for building permits.</p>

PROPERTY OWNER'S NAME: GENE A. MALOY AND STEPHEN K. FOX, TRUSTEES FOR THE DOROTHY LOMAX SMITH TRUST	
LAST KNOWN ADDRESS OF PROPERTY OWNER FROM TAX RECORDS: P.O. BOX 630	
CITY, STATE, AND ZIP: CAPE CHARLES, VIRGINIA 23310	
<input type="checkbox"/> PERSONAL SERVICE	<input checked="" type="checkbox"/> REGISTERED OR CERTIFIED MAIL TO LAST KNOWN ADDRESS FROM TAX RECORDS. CERTIFIED MAIL#: <u>7014-21200000-0706-2871</u>
<input type="checkbox"/> BEING UNABLE TO MAKE PERSONAL SERVICE AND NOT FINDING ANY OTHER AUTHORIZED RECIPIENT, I POSTED THIS NOTICE OF VIOLATION ON THE FRONT DOOR OR SUCH OTHER DOOR AS APPEARS TO BE THE MAIN ENTRANCE OF THE LAST KNOWN ADDRESS OF PROPERTY OWNER LISTED ABOVE.	
INSPECTOR'S NAME (PRINTED) AND SIGNATURE: MATTHEW D. ARCIERI, AICP	
FOR REINSPECTION OR QUESTIONS CALL 703-257-8232	DATE: APRIL 3, 2017



**CITY OF
MANASSAS, VIRGINIA**
Community Development · 9027 Center Street, Manassas, VA 20110 · 703-257-8424

City of Manassas Zoning Ordinance

Sec. 130-413. Maintenance and repair required.

- (a) All structures within an HOD and Historic Landmarks shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of disrepair include, but are not limited to:
 - (1) Deterioration of the exterior of a structure to the extent that it creates, or permits, a hazardous or unsafe condition; or
 - (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.
- (b) The Code Official shall notify the owner and the ARB of specific instances of failure to maintain or repair. The owner shall have 30 days to remedy such violation. If appropriate action is not taken within the 30 days, the City may initiate appropriate legal action as a violation of this chapter.





CITY OF
MANASSAS, VIRGINIA
Community Development · 9027 Center Street, Manassas, VA 20110 · 703-257-8424

COPY

NOTICE OF ZONING VIOLATION

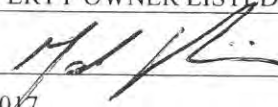
CASE #: 17-10000326

ON THIS DATE APRIL 3, 2017, YOU ARE HEREBY NOTIFIED OF A VIOLATION OF THE ZONING ORDINANCE OF THE CITY OF MANASSAS, VIRGINIA ON THE PROPERTY LISTED BELOW. THIS NOTICE SERVES TO ADVISE YOU OF THE CITY CODE SECTION THAT HAS RESULTED IN THIS NOTICE BEING ISSUED AND THE REQUIREMENT FOR YOU TO ABATE THE VIOLATION IN THE TIME LIMIT SPECIFIED BELOW. IF NO TIME LIMIT IS GIVEN BELOW, THE VIOLATION MUST BE REMEDIED WITHIN 30 DAYS OF THIS NOTICE.

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ADDRESS OF VIOLATION: 9514 LIBERTY STREET	
TIME LIMIT TO CORRECT THE VIOLATION: MAY 1, 2017	
VIOLATION DATE: MARCH 23, 2017	
VIOLATION TIME: 1:00 PM	
CITY ZONING ORDINANCE SECTION	NATURE OF VIOLATION
§130-413	<p>On March 23, 2017 Carlos Perez, acting as technical assistant to the City Code Official determined that the property owner has failed to maintain the contributing structure located on the above referenced property resulting in deterioration of the exterior walls, vertical supports, horizontal members, roof, chimney, and exterior wall elements including siding, wooden walls, brick, and mortar to the extent that it adversely affects the character of the Historic Overlay District and could reasonably lead to irreversible damage to the structure.</p> <p>You are hereby ordered within 30-days of receipt of this notice to take any and all required actions to stabilize the building so as to prevent their further deterioration. Please contact the City's Development Services Division at (703) 257-8278 to discuss the requirements for building permits.</p>

PROPERTY OWNER'S NAME: GENE A. MALOY AND STEPHEN K. FOX, TRUSTEES FOR THE DOROTHY LOMAX SMITH TRUST	
LAST KNOWN ADDRESS OF PROPERTY OWNER FROM TAX RECORDS: P.O. BOX 630	
CITY, STATE, AND ZIP: CAPE CHARLES, VIRGINIA 23310	
<input type="checkbox"/> PERSONAL SERVICE	<input checked="" type="checkbox"/> REGISTERED OR CERTIFIED MAIL TO LAST KNOWN ADDRESS FROM TAX RECORDS. CERTIFIED MAIL#: <u>7014-2120 0000-0706-2864</u>
<input type="checkbox"/> BEING UNABLE TO MAKE PERSONAL SERVICE AND NOT FINDING ANY OTHER AUTHORIZED RECIPIENT, I POSTED THIS NOTICE OF VIOLATION ON THE FRONT DOOR OR SUCH OTHER DOOR AS APPEARS TO BE THE MAIN ENTRANCE OF THE LAST KNOWN ADDRESS OF PROPERTY OWNER LISTED ABOVE.	
INSPECTOR'S NAME (PRINTED) AND SIGNATURE: MATTHEW D. ARCIERI, AICP 	
FOR REINSPECTION OR QUESTIONS CALL 703-257-8232	DATE: APRIL 3, 2017



**CITY OF
MANASSAS, VIRGINIA**
Community Development • 9027 Center Street, Manassas, VA 20110 • 703-257-8424

City of Manassas Zoning Ordinance

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 - (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster, or mortar, to the extent that it adversely affects the character of the HOD or the structure or could reasonably lead to irreversible damage to the structure.
- (b) The Code Official shall notify the owner and the ARB of specific instances of failure to maintain or repair. The owner shall have 30 days to remedy such violation. If appropriate action is not taken within the 30 days, the City may initiate appropriate legal action as a violation of this chapter.





James P. Downey, P.C.
Attorney and Counselor At Law

April 25, 2017

Received:
APR 27 2017

City of Manassas, Virginia
Matthew Arcieri, Manager of Planning & Zoning
Community Development
9027 Center Street, Suite 202
Manassas, Virginia 20110

Re: NOTICE OF APPEAL
9512 and 9514 Liberty Street, Manassas, Virginia
Owner: Gene A. Maloy and Stephen K. Fox, Trustees
of the Dorothy Lomax Smith Trust

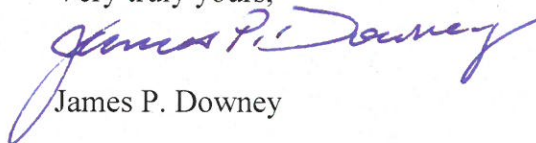
Dear Mr. Arcieri:

Please take notice that the owner hereby appeals the Notice of Zoning Violation (copies enclosed) on the above-referenced properties, and the owner appeals on the following grounds:

1. Owner has attempted to raze the structures, but has been denied substantive due process in its efforts. It met the requisite number of criteria, but the same were not applied properly. The City Council and Architectural Review Board arbitrarily and capriciously denied the owner's application for a permit to raze the structures.
2. The foregoing, taken together with other enforcement actions, including the threat of criminal prosecution to enforce civil remedies, constitutes a taking/appropriation of owner's property and rights attendant thereto without compensation, in violation of the Constitution and statutes of the Commonwealth of Virginia. Taking and/or damaging the property entitles owner to compensation, including damages.
3. Following the failed effort to obtain permission to raze the structures, at the direction of City Staff, the buildings were "boarded" and fenced to prohibit public entry. These tasks were undertaken at great cost and expense to owner and constitute an acceptable alternative, as the boarding and fencing were done with the good faith belief that they were an acceptable alternative.

Enclosed is check # 1688 in the amount of \$1,000.00 for filing the appeal on the two referenced properties.

Very truly yours,


James P. Downey

Enclosures

cc: Stephen K. Fox, Trustee
Gene A. Maloy, Trustee
Martin R. Crim, Esq.

City Attorney for the City of Manassas



CITY OF MANASSAS, VIRGINIA

COMMUNITY DEVELOPMENT

9027 Center Street
Manassas, VA 20110

Facsimile: 703/ 257-5831
Telephone: 703/ 257-8278

Elizabeth S. Via-Gossman, AICP
Director

Jamie Collins
Development Services Manager

MAYOR
Harry J. Parrish II

CITY COUNCIL
Jonathan L. Way, V. Mayor
Marc T. Aveni
Sheryl L. Bass
Ken D. Elston
Ian T. Lovejoy
Mark D. Wolfe

CITY MANAGER
W. Patrick Pate

November 6, 2015

Stephen K. Fox
10511 Judicial Drive, Suite 112
Fairfax, Virginia 22030

Certified Mail #7010 1870 0003 6486 4342

Reference 9510 Liberty Street, Manassas, Virginia 20110
9512 Liberty Street, Manassas, Virginia 20110

Dear Mr. Fox:

This office is in receipt of your letter dated October 24, 2015, in which you suggested that compliance with the option given in VMC Section 105 of boarding the structures would provide adequate resolution of the Notice of Violation at the 2 structures. The Notices of Violation issued in September referenced the provision of our Zoning Ordinance Section 130-409 for Deterioration from Neglect rather than the Virginia Maintenance Code. While both Ordinances work in tandem, in this case the Zoning Ordinance would take precedence over the Virginia Maintenance Code. The enabling legislation for our Historic Overlay District is State Code Section 15.2-2306.

While the boarding of the structures will deter public entry, it will not stop the continued deterioration of the structures. The current condition adversely affects the character of the Historic Overlay District, and could also lead to irreversible damage to the structure. I am not in a position to alter the original Notice of Violation for either structure, and ask that you comply with the Correction Action Required no later than November 20, 2015. Failure to comply with the Notice of Violation and Order of Correction may cause the City to pursue resolution of the situation through City Code Section 70-93 – Dangerous structures, derelict buildings, and spot blight abatement.

Sincerely,

Jamie S. Collins
Development Services Manager

cc: Matt Arcieri, Zoning Administrator
Martin Crim, City Attorney (e-mail)



BUILDING ASSESSMENT REPORT

**9512 & 9514 Liberty Street
Manassas, Virginia**

April 4, 2016

DEVELOPMENT SOLUTIONS, LLC

20130 Lakeview Center Plaza, Suite 400, Ashburn, Virginia 20147

Development Solutions, LLC. and its structural consultant conducted a structural and feasibility assessment of the two properties known as 9512 and 9514 Liberty Street Manassas Virginia. Our survey involved a review of exterior and interior conditions of the existing single-family homes in order to determine their potential for restoration and subsequent resale. Our report, is based on the information obtained from a visual site survey, and public records.

Summary & Conclusions

The residences at 9512 and 9514 while unique to the historical role they played at the turn of the century are presently in state of significant disrepair. The exterior and interior of both houses show structural evidence of not only failed support beams, but also their foundations. As they presently stand each of the houses are in a non-habitable, dilapidated, and structurally unsound condition.

Extensive and expensive reconstruction, with very little of the existing houses remaining, will be required to make the houses habitable for resale. The cost of these reconstruction with historical character and details is estimated to be \$500,000.00 - \$600,000.00 for 9512 and \$450,000.00-\$550,000.00 for 9514.

The current real estate estimated value of the house if they were in good habitable condition is \$285,000.00 for 9512 and \$240,000.00 for 9514. The sales price of homes sold in the general area within the last six months is between \$217,000.00 to \$333,000.00. The costs involved in the restoration of these homes compared to the potential price they could be sold in the present market is not cost effective.

If these homes are left in their present condition they will pose a health and safety risk to the community. It is therefor our recommendation to demolish the houses completely.

9512 Liberty Street

Background:

The project is a two-story residence approximately, 1,840 sq. ft. over a partial basement. (See Photo #1) The age of the building is from the late 1800's and it is within the historic district. The house is wood-framed with wood rafters and joists on wood stud walls. The perimeter foundation is mortared stone and brick masonry. Interior foundation support is unknown as the basement could not be safely accessed. Walls and ceilings are generally covered with plaster at the interior and the exterior's original clapboard siding has been replaced with what appears to be asbestos siding. Due to the finishes, observation of the wall studs and floor joists was not possible. Attic access also was not possible. Due to the age of the house it is anticipated that lead paint is also present.

The residence in its day would have been considered a fine home with good detail in particular the front façade with its front entrance and balcony.

Observations:

The house is generally in a state of significant disrepair; the exterior and interior of house are in a non-habitable, dilapidated, and structurally unsound condition. The front porch floor framing is rotted and the concrete access stair has deteriorated. (See Photo #2) There is an upper porch also with deteriorated floor and roof framing. (See Photo #3A and #3B)

At the interior, there is settlement of the floor framing at the interior of the house, significant cracking of the plaster walls, and sagging floor framing. This is likely caused by the partial failure of some basement walls, deterioration of the floor beams, and/or footing settlement. There is evidence throughout of water infiltration and water damage. (See Photos #4 and #5,) The floor joists could not be observed, but the floor sagging leads to the belief that the floor framing is undersized for the spans. (See Photos #6A and #6B) The central hallway has failure of the floor joist headers around the stair at the second floor and at the attic. (See Photos #7 and #8) The inside of the house in its present condition is unsanitary with cat feces, trash and a heavy stench of cat urine. (See Photo #9)

From the perimeter, it appears that the basement walls on two sides of the house have failed and partially fallen into the basement. (See Photo #10 and #11) There is a cellar access that has also failed with soil and stone infilling the access.

Discussion and Recommendation:

Based on our observations, renovation of the house to meet a minimal safe and habitable condition would be extremely expensive and will require the demolition of the existing structure. The front porch on both levels and at the roof would need to be completely demolished and rebuilt. The entire house would need to be shored at the interior and then jacked back up to a level position with new foundations installed at the interior and around the perimeter. The first floor framing will require replacement in some areas and reinforcement in others. All of the interior plaster and drywall finished will need to be removed; essentially gutting the house. The damaged or rotted second floor will need to be replaced.

The cost of the demolition and reconstruction with historical character and details is estimated to be \$500,000.00 - \$600,000.00.

The current real estate estimated value of the house if it were in good habitable condition is \$285,000.00. The sales price of homes sold in the general area within the last six months is between \$217,000.00 to \$333,000.00. (See Attached Valuation from Realtors Property Resources)

After extensive renovation, in order to make the house habitable for resale, very little of the existing house can be retained. The costs involved in the restoration versus what the house could be sold for in the present market is not cost effective. It is our recommendation to demolish the house completely.

9514 Liberty Street

Background:

The residence is a two-story structure approximately 1,284 sq. ft. over a crawlspace for the main part of house. There is a one-story addition on masonry piers at the rear on of the house that was constructed at a later date. The original residence was built around 1890 and it is within the historic district. The structure is wood-framed with wood rafters and floor joists on wood stud walls. The perimeter foundation is mortared stone masonry. Walls and ceilings are generally covered with plaster at the interior and the exterior has clapboard siding. Based on the age of the house it is anticipated that lead paint is also present. Due to the finishes, observation of the wall studs and floor joists in many areas was not possible

Observations:

The house in its present condition is in a state of significant disrepair. (See Photo #12) The front porch floor is rotted with complete loss of integrity of the floor joists and decking. The porch roof rafters are undersized and the support beams are rotted. (See Photos #13, #14A and #14B)

At the interior, the center portion of the house has settled significantly, causing steeply sloping floors, cracked plaster walls, and tilting of the central chimney. The total settlement is estimated to be approximately 4 to 5 inches and is most likely caused by settlement of the interior footings or rotting of the crawlspace support beams. The floors are "soft" in many areas of the first floor; likely caused by rotted floor joists.

There is evidence of water damage in a few areas of the second floor; likely due to bathroom or other plumbing leaks. (See Photos #15, #16 and #17) The second floor also is sagging in many areas, which is likely caused by over-spanned floor joists.

The second floor ceiling has significant sagging between the walls, likely due to over-spanned joists, but is otherwise in fair condition. The roof framing also appears to be in reasonably good condition, but the roof rafters are undersized and do not meet current building code requirements for snow and dead loads. (See Photo #18)

At the rear of the house, there is a wood-framed deck that is completely deteriorated. (See Photo #19) The perimeter foundations consist of mortared stone under the main house and concrete blocks under the one story rear addition. The concrete blocks for the addition are leaning or displaced and the stonewalls have lost their mortar and integrity in some areas. (See Photo #20)

In general the exterior and interior of house is in a non-habitable, dilapidated, and structurally unsound condition.

Discussion and Recommendations:

Based on our observations, renovation of the house to meet to a minimal safe and habitable condition would be extremely expensive and will require the demolition of a good majority of the existing structure. The front porch would need to be completely demolished and rebuilt. The entire house would need to be shored at the interior and then jacked up to a level position with new foundations installed at. All the finished and sub-floor will have to be completely removed so that the first floor framing can be replacement and reinforced. All of the interior plaster and drywall finished will need to be removed, essentially gutting the house. The damaged and rotted second floor will need to be replaced. The attic and roof-framing members will need to be supplemented to support the required loads.

The cost of the demolition and reconstruction with similar details as the existing house is estimated to be \$450,000.00 - \$550,000.00.

The present real estate sales estimate of the house if it were in good habitable condition is \$240,000.00. The sales price of homes sold in the general area within the last six months is \$217,000.00 to \$333,000.00. (See Attached Valuation from Realtors Property Resources)

In the end, as in 9512, very little of the existing house will be retained. The costs involved with restoration versus potential sales value in the present market is not cost effective. It is our recommendation to demolish the house completely.

Photographs -9512



Photo #1- 9512 Front View of the House

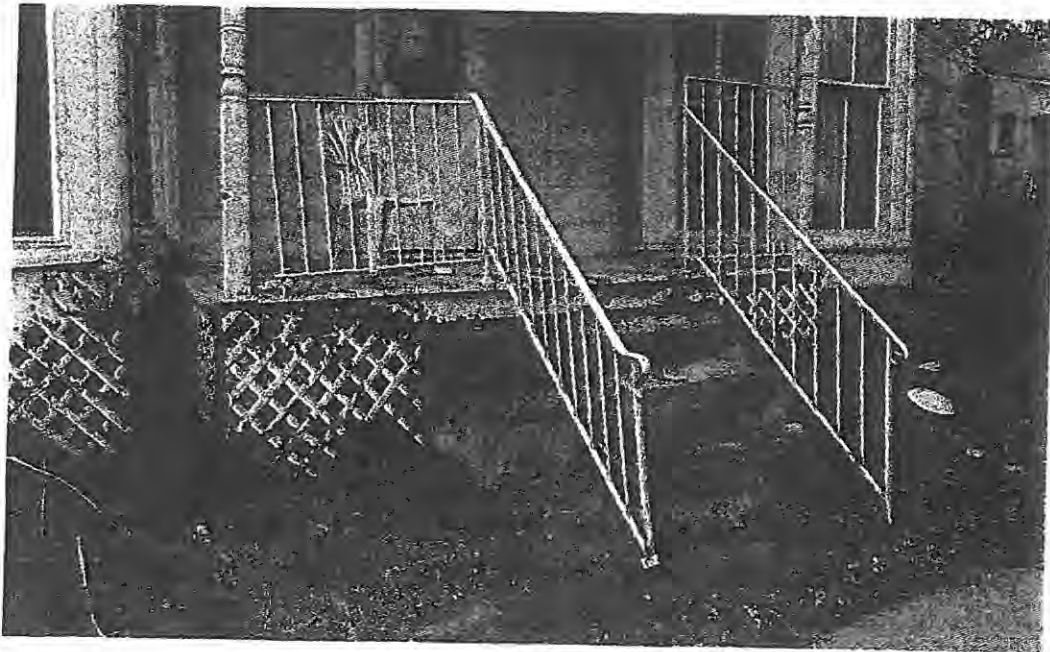


Photo #2 – Deteriorated Porch Floor Framing and Stoop

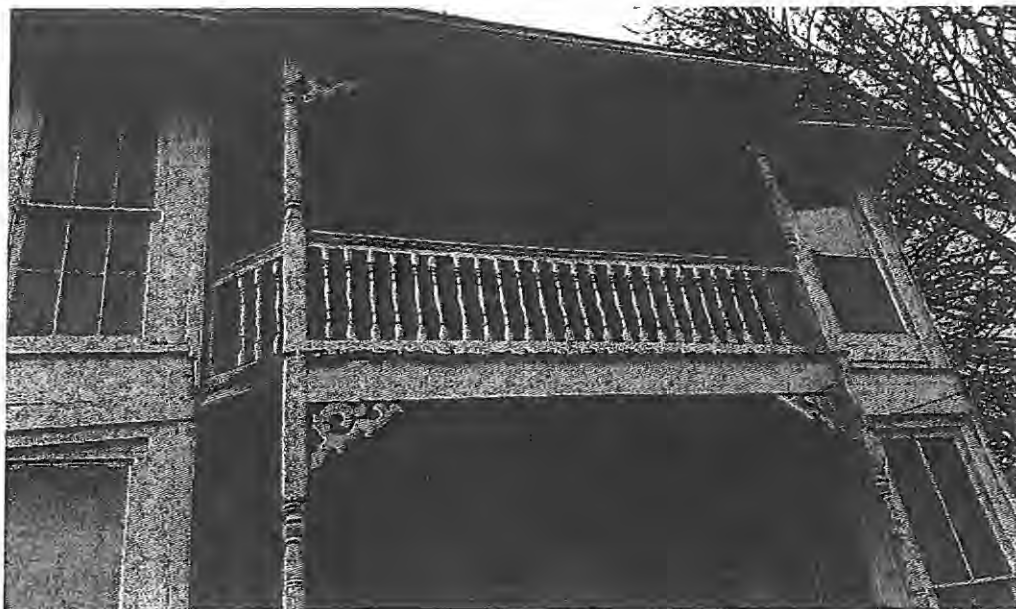


Photo #3A – Deteriorated Porch Roof and Floor Framing



Photo #3B – Deteriorated Porch Roof

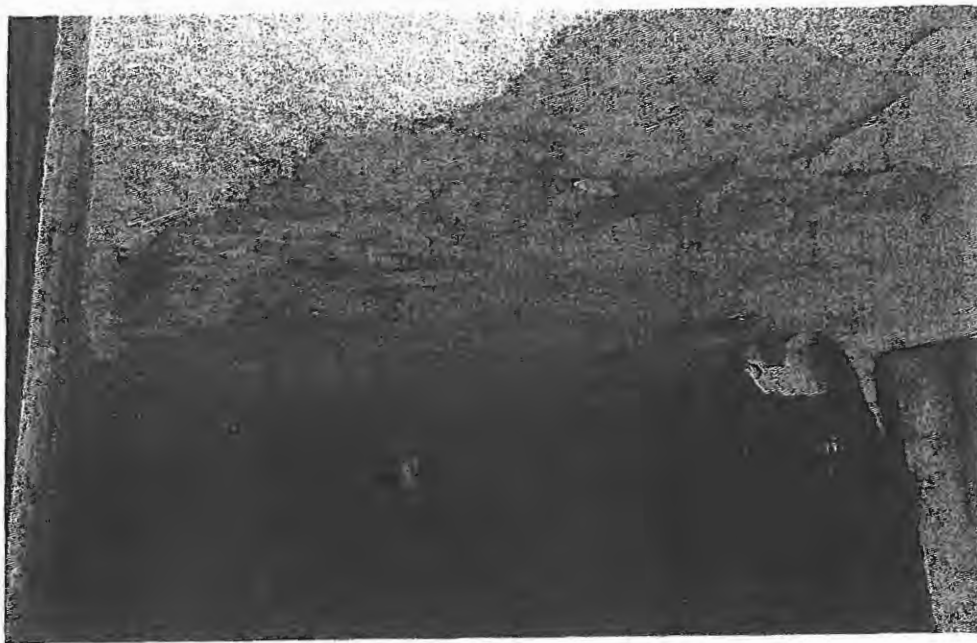


Photo #4 – Plaster Damage and Sagging Second Floor Joists due to Water



Photo #5 – Water Damage at Ceiling and Cracks in Wall Plaster



Photo #6A – Sagging First Floor

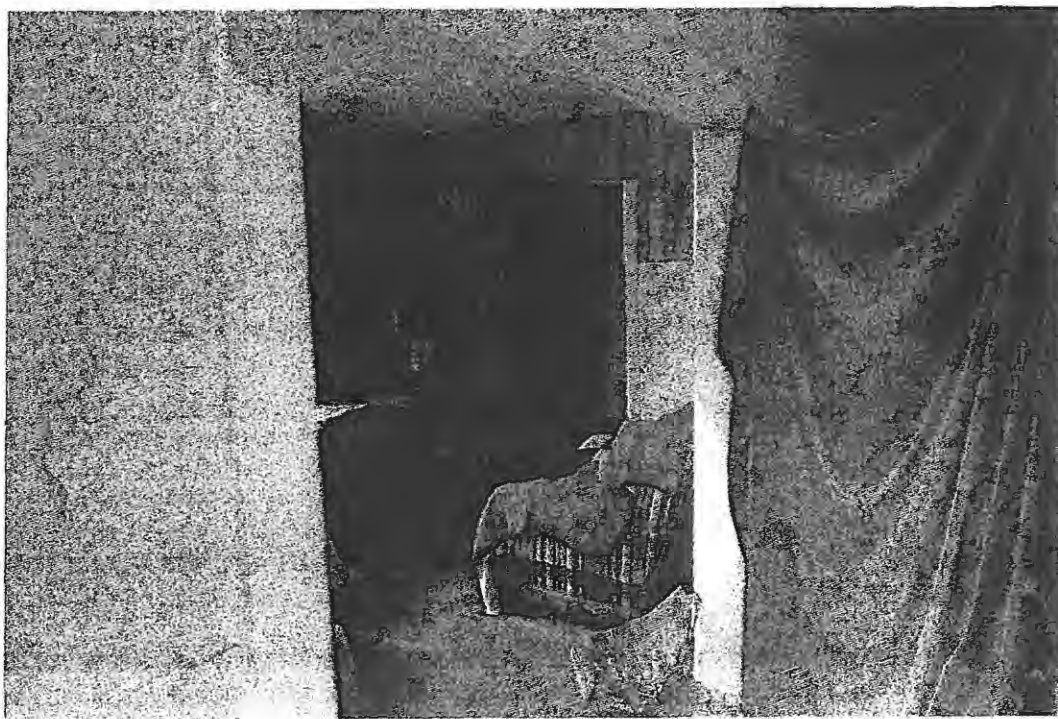


Photo #6B – Sagging First Floor

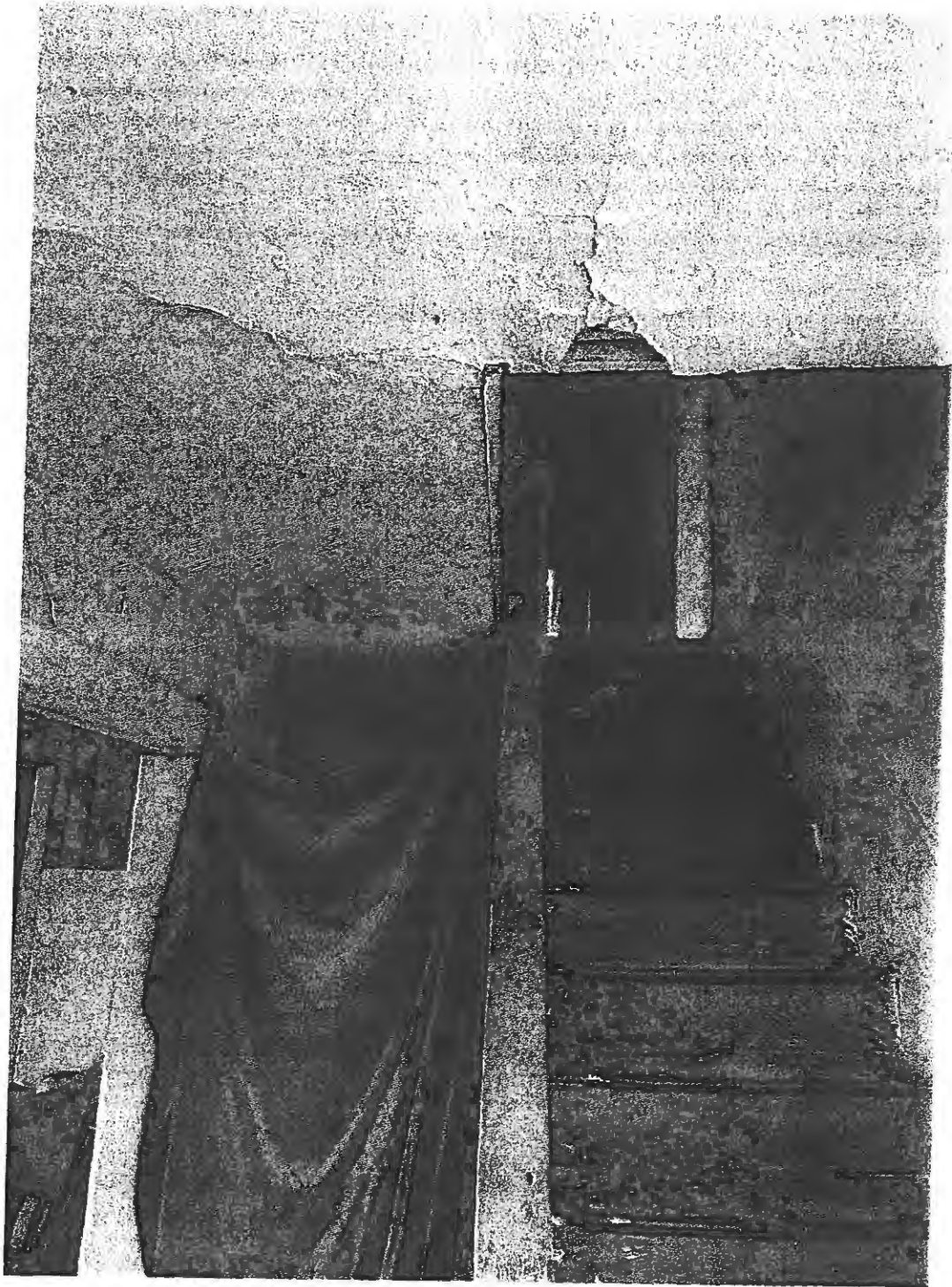


Photo #7 – Failed Floor Framing at Central Hall



Photo #8 – Failed Attic Level Framing at Second Floor



Photo #9 – Cat Feces



Photo #10 – Failed Basement Wall



Photo #11 –Failed Basement Wall

Photographs -951



Photo #12-- 9512 Liberty Street

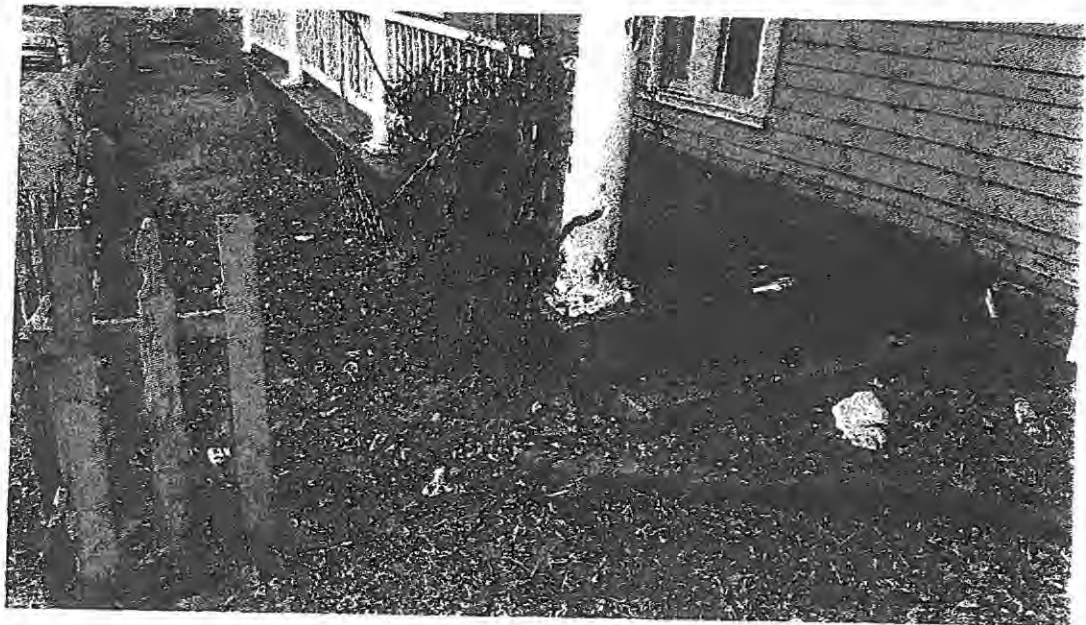


Photo #13 – Deteriorated Porch Floor Framing



Photo #14A – Deteriorated Porch Roof Framing

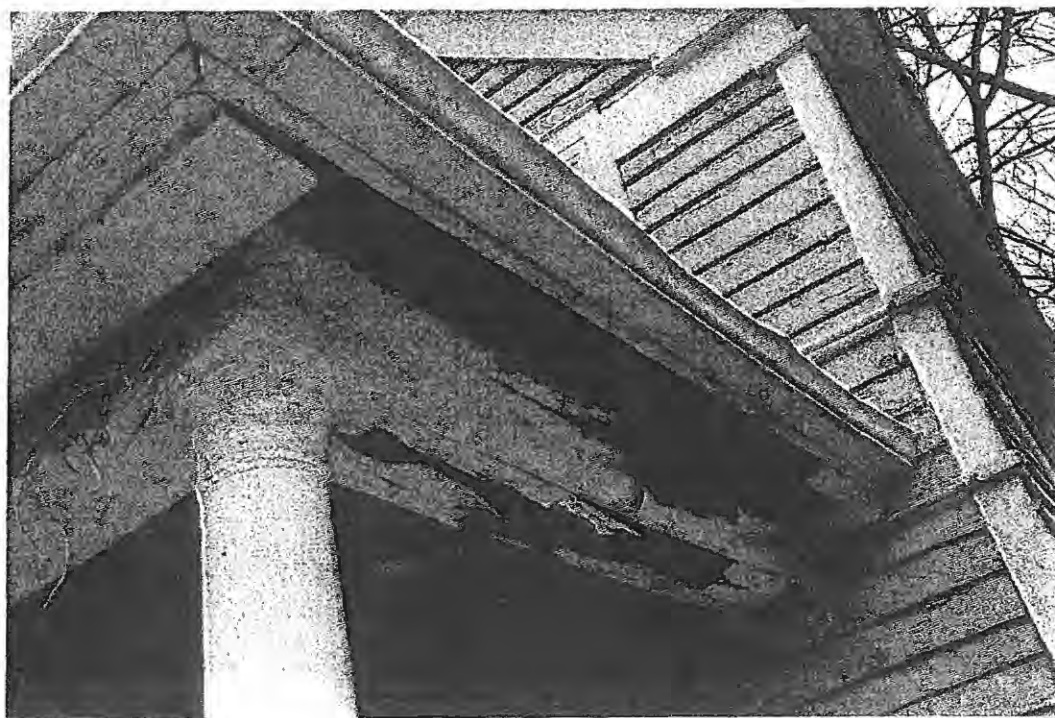


Photo #14B – Deteriorated Porch Roof Framing



Photo #15 -- Failed Second Floor Joists due to Water Damage



Photo #16 -- Failing Floor Joists due to Water Damage



Photo #17– Water Damaged Ceiling

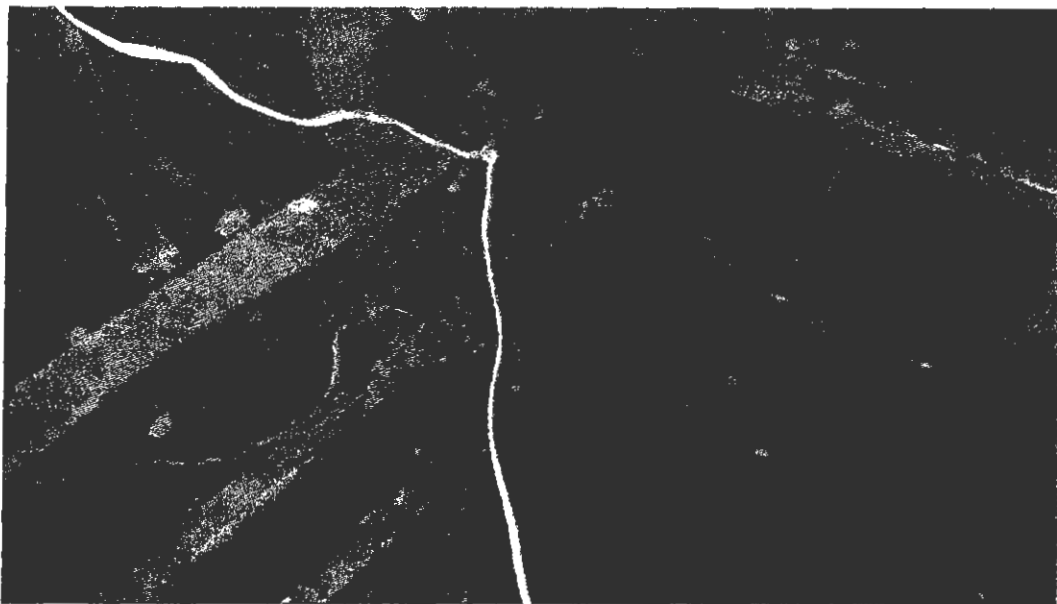


Photo #18 – Existing Roof Framing



Photo #19– Deteriorated Rear Deck and Improper Foundation Support for Addition

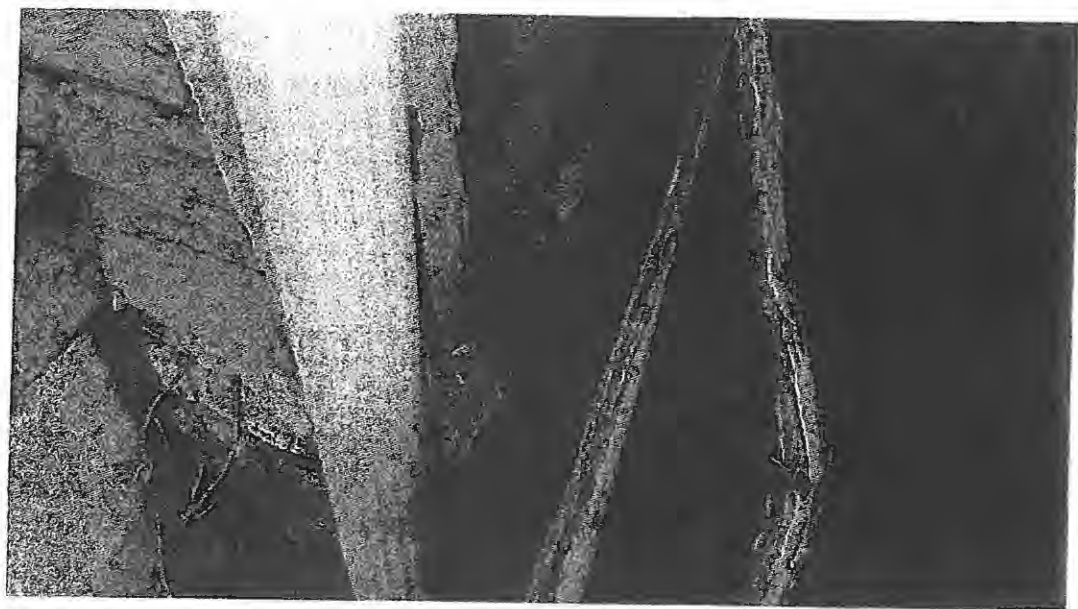


Photo #20 – Stone Foundation with Deteriorated Mortar

9512 Liberty St, Manassas, VA 20110



Legend:  Subject Property

OFF-MARKET

• Public Record

Current Estimated Value

\$285,000

Last AVM Update: 3/13/2016

AVM Est. Range: \$219,450 – \$350,550

AVM Confidence: ★★☆☆☆

▲ AVM Change - Last 1 Month: \$4,000

▲ AVM Change - Last 12 Months: 31.94%

Your Comp Analysis

\$289,627

Last Edited: 3/30/2016

\$157 Price per Sq. Ft.

Your Comp Analysis Range

\$217,222 – \$333,616

This report contains data and information that is publicly available and/or licensed from third parties and is provided to you on an "as is" and "as available" basis. The information is not verified or guaranteed. Neither this report nor the estimated value of a property is an appraisal of the property. Any valuation shown in this report has been generated by use of proprietary computer software that assembles publicly available property records and certain proprietary data to arrive at an approximate estimate of a property's value. RPR and its information providers shall not be liable for any claim or loss resulting from the content of, or errors or omissions in, information contained in this report.

9514 Liberty St, Manassas, VA 20110



Legend: Subject Property

OFF MARKET
• Public Record

Current Estimated Value

\$240,000

Last AVM Update: 3/13/2016

AVM Est. Range: \$175,200 – \$304,800

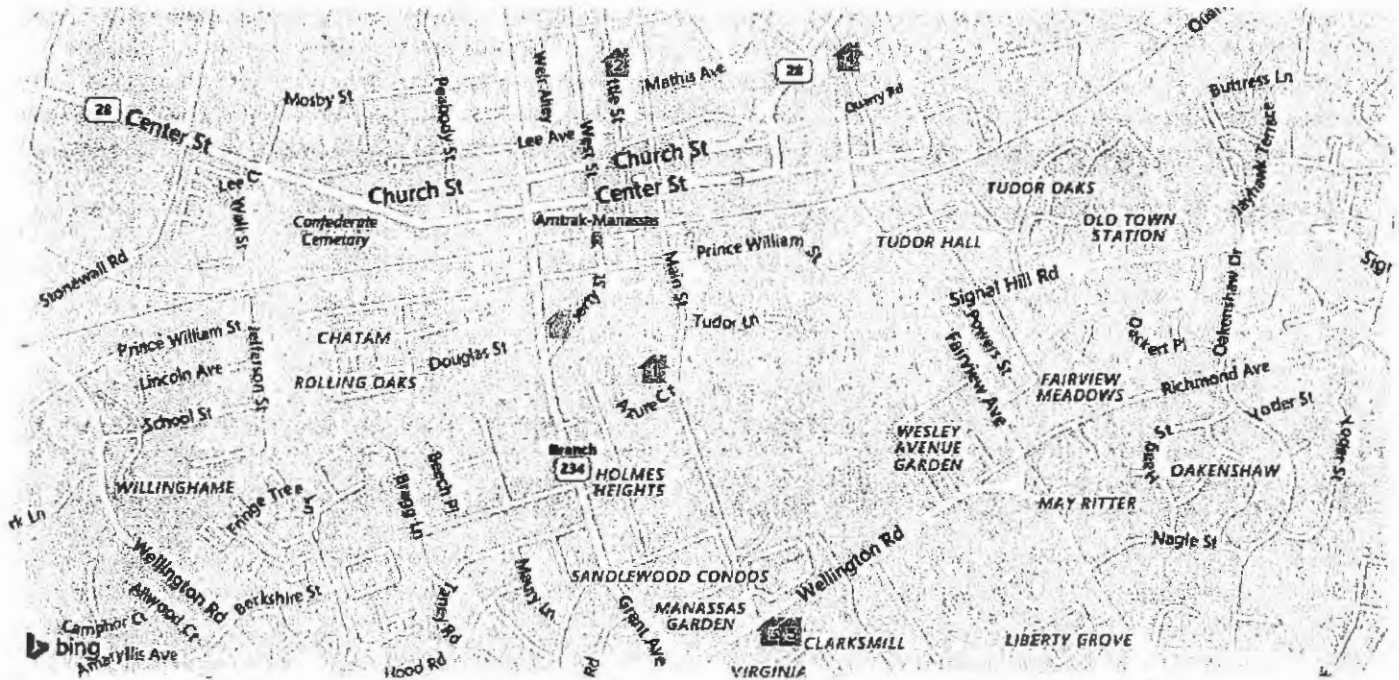
AVM Confidence: ★☆☆☆☆

↓ AVM Change - Last 1 Month: -\$2,000

↑ AVM Change - Last 12 Months: 12.14%

This report contains data and information that is publicly available and/or licensed from third parties and is provided to you on an "as is" and "as available" basis. The information is not verified or guaranteed. Neither this report nor the estimated value of a property is an appraisal of the property. Any valuation shown in this report has been generated by use of proprietary computer software that assembles publicly available property records and certain proprietary data to arrive at an approximate estimate of a property's value. RPR and its information providers shall not be liable for any claim or loss resulting from the content of, or errors or omissions in, information contained in this report.

Comps and Adjustments



LEGEND: Subject Property Pending Listing Expired Listing Distressed Recent Sale Off Market

This Property

	Proxim.	Days in RPR	Date	Amount	\$/sq ft	Living Area	Lot Size	Beds	Baths	Built
9512 Liberty St Manassas, VA 20110	—	—	—	—	\$155	1,840 sq ft	49,299.43 acres	3	1	1870

Recently Sold

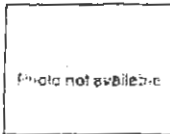
	Address	Proxim.	Days in RPR	Date	Amount	\$/sq ft	Living Area	Lot Size	Beds	Baths	Built	Comp vs Subject
	9520 Main St Manassas, VA 20110	.15 Mi. E	—	10/14/2015 Sold Date	\$359,000 Sold Price	\$181	1,980 sq ft	0.48 acres	4	2	1920	Same
	9309 Battle St Manassas, VA 20110	.39 Mi. N	—	1/22/2016 Sold Date	\$330,000 Sold Price	\$157	2,100 sq ft	8,736 sq ft	4	3	1940	Same
	9912 Wellington Rd Manassas, VA 20110	.55 Mi. SE	—	12/16/2015 Sold Date	\$260,000 Sold Price	\$177	1,465 sq ft	0.45 acres	3	2	1940	Same


RPR

 REALTORS
PROPERTY
RESOURCE

Property Report

9512 Liberty St, Manassas, VA 20110


RECENTLY SOLD

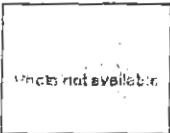
 9307 Maple St
Manassas, VA 20110

.57 Mi. NE -

 11/3/2015
Sold Date

 \$170,000 \$118
Sold Price

1,440 sq ft 49,299.43 acres 3 1 1915 Same


COMPARE

 9914 Wellington Rd
Manassas, VA 20110

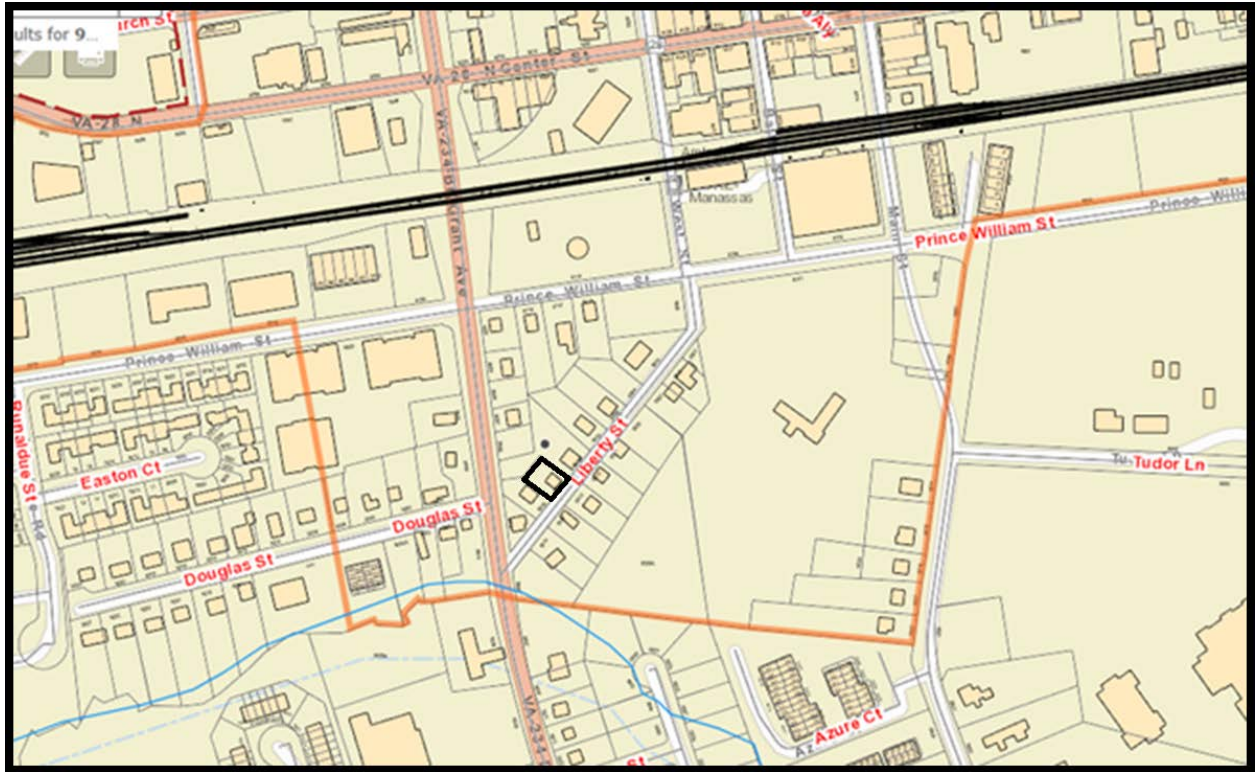
.56 Mi. SE -

 3/13/2016
Estimate Date Est. Value

\$276,090 \$153 1,804 sq ft 49,299.43 acres 3 1 1940 Same

ARCHITECTURAL REVIEW BOARD

No. 16-40000017



Applicant(s): **James Downey/Stephen K. Fox**

Site Owner(s): **Gene A. Maloy and Stephen K. Fox Trustees**

Site Address: **9514 Liberty Street**

Tax Map No.: **101 01 00 157**

Site Location: **North side of Liberty Street between Prince William and Grant**

Current Zoning: **R2S**

Parcel Size: **.21 acres**

Age of Structure: **circa 1915**

Type of Structure: **Residential**

Summary of

Request: **Demolition of primary structure on lot**

Date Accepted for Review: **December 23, 2015**

Date of ARB Meeting: **January 12, 2015**

November 9, 2016

December 13, 2016



CITY OF MANASSAS

Department of Community Development
Elizabeth S. Via-Gossman, AICP, Director

REPORT

ARB Case: #2016-40000017
Applicant: James Downey / Stephen K. Fox
Address: 9514 Liberty Street



REQUEST/BACKGROUND

The applicant is requesting approval of a Certificate of Appropriateness to demolish a single family home at 9514 Liberty Street. The case originally came before the Architectural Review Board at its meeting January 12, 2016, as a result of Property Maintenance Code violations. The Architectural Review Board reviewed the case according to the four Criteria for Demolition found in Section 130-406 (e) of the Zoning Ordinance, and denied the application on the basis that none of the four criteria had been met. The property owner subsequently appealed the decision of the Architectural Review Board to City Council. After public hearings were conducted by City Council on the case, City Council remanded the case decision back to the Architectural Review Board for further consideration, specifically an analysis of all relevant facts raised during public comment in terms of the four Criteria for Demolition. The Architectural Review Board held a work session on the case at its October 11, 2016, meeting.

PROPERTY INFORMATION

Location – The property is located at 9514 Liberty Street, on the north side of Liberty Street between Grant Avenue and Prince William Street.

Historical Significance – City real estate records date the home from 1890. The historic property surveys estimate the date of construction of 9514 Liberty Street as 1915. Both dates are within the period of significance for the Historic Overlay district. The house is listed as a contributing structure in the 1993 historic survey. The house is an example of the Colonial Revival style in Manassas. With the exception of a one story addition to the rear of the house, clad in vinyl siding, the original massing remains intact. The majority of the windows have been replaced with vinyl. The majority of the original materials on the house exterior have deteriorated to the point that they would need to be replaced. Research done by private individuals and provided to the City indicates that George Lomax, who resided at 9514 Liberty Street, was a WWI veteran and is buried at Arlington Cemetery. He was also a founding member of American Legion Post 114.

Surrounding Properties – The structure is located on Liberty Street in the southeast block below the intersection of Grant Avenue and Prince William Street. Of the 20 surrounding properties in this area, eleven were constructed after 1940. The majority of the properties dating back to the early 1900s have been significantly altered. While the fabric of the neighborhood has evolved over the years, input received during the public comment process, including the appeal of the case to City Council, indicates that there is

citizen interest in maintaining the structure as a connection to the neighborhood's past when it was the heart of the African American community in Manassas.

APPLICANT'S PROPOSAL

The applicant is proposing to demolish the vacant house due to the deteriorated state. According to the applicant, the long term goal of the trust would be to offer these properties, along with others on Grant Avenue, for redevelopment that would be harmonious and compatible with the neighborhood and the Historic Overlay District. (See attachment)

ANALYSIS

The guidelines for demolition are found beginning on page 114 of the Historic District Guidebook, as well as in Section 130-406 (e) of the Zoning Ordinance. The ARB shall issue a Certificate of Appropriateness to raze or demolish a contributing or historic structure if the ARB finds that that the structure meets at least two of the following four criteria.

Criterion 1. The structure is not of such architectural or historic interest that its removal would be a significant detriment of the public interest.

With regard to this criterion, information received during the public hearing process provides documentation that the house holds strong local historic interest and that its removal would be a significant detriment to the public interest. The house is located in the Liberty Street neighborhood, which was historically the heart of the African American community in Manassas. The house's continued presence in the neighborhood could serve to maintain a link to the historic fabric of the HOD.

Criterion 2. The structure is not of such significance that it would qualify on its own merit as a national, state landmark or local historic structure.

The Structure is eligible for designation as a local historic landmark via Section 130-403 criteria (c) *The structure exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community.*

With regard to this criterion, research performed by the community as part of the City Council appeal process provides insight into the former occupants of the structures. Research done by private individuals and provided to the City indicates that George Lomax, who resided at 9514 Liberty Street, was a WWI veteran and is buried at Arlington Cemetery. He was also a founding member of American Legion Post 114. While the criteria for demolition only states that the structures need to be eligible for historic landmark designation, it is recommended to the Board that the process for designation as a local historic landmark be initiated.

Criterion 3. The structure is not of such old and uncommon design, texture and/or material that it could be reproduced only with great difficulty and/or expense.

With regard to this criterion, the City has no information indicating a great difficulty or expense in reproducing design, texture, and/or material.

Criterion 4. The structure is not preserving or protecting an area of historic interest in the City.

With regard to this criterion, the structure is preserving one of the only early African American neighborhoods in the City. Located in the neighborhood is the Old Brown School, which was one of the first African American schools in Prince William County. The school operated until 1928 and is currently being used as a residence. The 1910 census confirms that residents on Liberty Street were of African American heritage. Public interest in the ARB cases has resulted in research being performed on the residents of the houses and the neighborhood. The museum system has initiated the installation of a historic marker in the neighborhood commemorating the historical significance of the neighborhood as well as the Old Brown School. In addition to the individual responses in

support of the denial of the application for a Certificate of Appropriateness to demolish the houses, both Preservation Virginia and the Prince William Chapter of the NAACP wrote letters in support of denying the application.

The response to the four Criteria for Demolition indicates the structure does not meet Criteria 1, 2, and 4. As only Criteria 3 has been met, the Certificate of Appropriateness to demolish the structure should not be approved.

STAFF RECOMMENDATION

A public hearing has been scheduled in conjunction with the Architectural Review Board agenda item for this case at its meeting on November 9, 2016. Staff recommends that the Architectural Review Board make a decision on the case after closing the public hearing on November 9, 2016, and making a formal resolution on the case outcome.

Attachments:

October 11, 2016 Architectural Review Board Work Session documents

Case Timeline

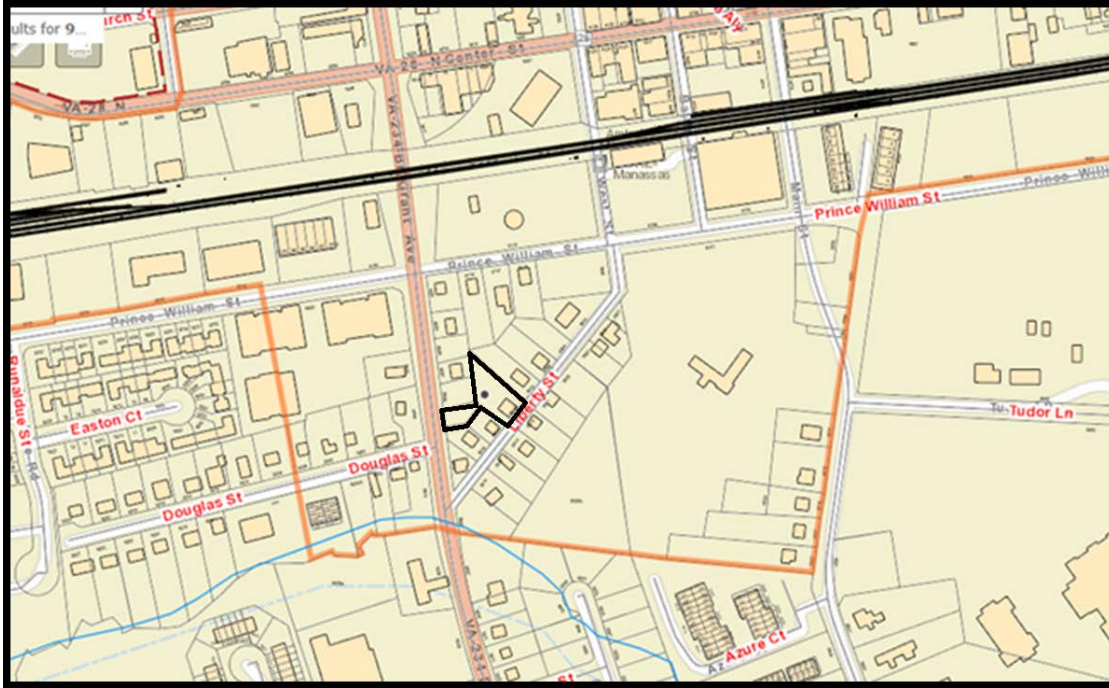
City Council Resolution #r-2016-42, Remanding the decision of ARB #2016-40000018 back to the ARB

City Council Resolution #r-2016-43, Remanding the decision of ARB #2016-40000017 back to the ARB

October 31, 2016 email from Stephen K. Fox to Jamie Collins via James Downey

ARCHITECTURAL REVIEW BOARD

No. 16-40000018



Applicant(s) **James Downey / Stephen K. Fox**

Site Owner(s): **Gene A. Maloy and Stephen K. Fox, Trustees**

Site Address: **9512 Liberty Street**

Tax Map No.: **101 01 00 158**

Site Location: **North side of Liberty between Prince William and Grant**

Current Zoning: **R2S**

Parcel Size: **.09 acres**

Age of Structure: **circa 1910**

Type of Structure: **Residential**

Summary of Request: **Demolition of primary structure on lot**

Date Accepted for Review: **December 23, 2015**

Date of ARB Meeting: **January 12, 2016**

November 9, 2016

December 13, 2016



CITY OF MANASSAS

Department of Community Development
Elizabeth S. Via-Gossman, AICP, Director

REPORT

ARB Case: #2016-40000018
Applicant: James Downey / Stephen K. Fox
Address: 9512 Liberty Street



REQUEST/BACKGROUND

The applicant is requesting approval of a Certificate of Appropriateness to demolish a single family home at 9512 Liberty Street. The case originally came before the Architectural Review Board at its meeting January 12, 2016, as a result of Property Maintenance Code violations. The Architectural Review Board reviewed the case according to the four Criteria for Demolition found in Section 130-406 (e) of the Zoning Ordinance, and denied the application on the basis that none of the four criteria had been met. The property owner subsequently appealed the decision of the Architectural Review Board to City Council. After public hearings were conducted by City Council on the case, City Council remanded the case decision back to the Architectural Review Board for further consideration, specifically an analysis of all relevant facts raised during public comment in terms of the four Criteria for Demolition. The Architectural Review Board held a work session on the case at its October 11, 2016, meeting.

PROPERTY INFORMATION

Location – The property is located at 9512 Liberty Street, on the north side of Liberty Street between Grant Avenue and Prince William Street.

Historical Significance – City real estate records date the home from 1870. The historic property surveys estimate the date of construction of 9512 Liberty Street as 1910. Both dates are within the period of significance for the Historic Overlay District. The house is listed as a contributing structure in the 1993 historic survey. The house is an example of the Queen Anne style in Manassas. There is a full width two story addition to the rear of the house. Both the original house and the addition are clad in asbestos shingles. A one story porch with a shed roof is attached to the southwest elevation. The majority of the original materials on the house exterior have deteriorated to the point that they would need to be replaced. Research done by private individuals and provided to the City indicates that William Lomax, shown as the head of household in the 1870 census, was a shoemaker by trade and served in the Civil War as a substitute. He enlisted in Syracuse, NY, in Company D 43rd Regiment of the U.S. Colored Infantry.

Surrounding Properties – The structure is located on Liberty Street in the southeast block below the intersection of Grant Avenue and Prince William Street. Of the 20 surrounding properties in this area,

eleven were constructed after 1940. The majority of the properties dating back to the early 1900s have been significantly altered. While the fabric of the neighborhood has evolved over the years, input received during the public comment process, including the appeal of the case to City Council, indicates that there is citizen interest in maintaining the structures as a connection to the neighborhood's past when it was the heart of the African American community in Manassas.

APPLICANT'S PROPOSAL

The applicant is proposing to demolish the vacant house due to the deteriorated state. According to the applicant, the long term goal of the trust would be to offer these properties, along with others on Grant Avenue, for redevelopment that would be harmonious and compatible with the neighborhood and the Historic Overlay District. (See attachment)

ANALYSIS

The guidelines for demolition are found beginning on page 114 of the Historic District Guidebook, as well as in Section 130-406 (e) of the Zoning Ordinance. The ARB shall issue a Certificate of Appropriateness to raze or demolish a contributing or historic structure if the ARB finds that the structure meets at least two of the following four criteria:

Criterion 1. The structure is not of such architectural or historic interest that its removal would be a significant detriment of the public interest.

With regard to this criterion, the front elevation of the house at 9512 Liberty Street is unique in its Queen Anne detailing including a porch on each level flanked by 2 story bay windows on each side. Information received during the public hearing process provides documentation that the house holds strong local historic interest and that its removal would be a significant detriment to the public interest. The house is located in the Liberty Street neighborhood, which was historically the heart of the African American community in Manassas. The house's continued presence in the neighborhood could serve to maintain a link to the historic fabric of the HOD.

Criterion 2. The structure is not of such significance that it would qualify on its own merit as a national, state landmark or local historic structure.

The Structure is eligible for designation as a local historic landmark via Section 130-403 criteria (c) *The structure exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community.*

With regard to this criterion, research performed by the community as part of the City Council appeal process provides insight into the former occupants of the structure. It appears that William Lomax occupied the house at 9512 Liberty Street in the 1870 time frame. William Lomax was born around 1830 and served as a substitute in the Civil War. While the criteria for demolition only states that the structures need to be eligible for historic landmark designation, it is recommended to the Board that the process for designation as a local historic landmark be initiated.

Criterion 3. The structure is not of such old and uncommon design, texture and/or material that it could be reproduced only with great difficulty and/or expense.

With regard to this criterion, the City has no information indicating a great difficulty or expense in reproducing design, texture, and/or material.

Criterion 4. The structure is not preserving or protecting an area of historic interest in the City.

With regard to this criterion, the structure is preserving one of the only early African American neighborhoods in the City. Located in the neighborhood is the Old Brown School, which was one of the first African American schools in Prince William County. The school operated until 1928 and is currently being used as a residence. The 1910 census confirms that residents on Liberty Street were of African American heritage. Public interest in the ARB cases has resulted in research being performed on the residents of the houses and the neighborhood. The museum system has initiated the installation of a historic marker in the neighborhood commemorating the historical significance

of the neighborhood as well as the Old Brown School. In addition to the individual responses in support of the denial of the application for a Certificate of Appropriateness to demolish the houses, both Preservation Virginia and the Prince William Chapter of the NAACP wrote letters in support of denying the application.

The response to the four Criteria for Demolition indicates the structure does not meet Criteria 1, 2, and 4. As only Criteria 3 has been met, the Certificate of Appropriateness to demolish the structure should not be approved.

STAFF RECOMMENDATION

A public hearing has been scheduled in conjunction with the Architectural Review Board agenda item for this case at its meeting on November 9, 2016. Staff recommends that the Architectural Review Board make a decision on the case after closing the public hearing on November 9, 2016, and making a formal resolution on the case outcome.

Attachments:

October 11, 2016 Architectural Review Board Work Session documents

Case Timeline

City Council Resolution #r-2016-42, Remanding the decision of ARB #2016-40000018 back to the ARB

City Council Resolution #r-2016-43, Remanding the decision of ARB #2016-40000017 back to the ARB

October 31, 2016 email from Stephen K. Fox to Jamie Collins via James Downey



VIRGINIA MAINTENANCE CODE (VMC) NOTICE OF VIOLATION

CASE #: 17-45000114

ON THIS DATE April 3, 2017, YOU ARE HEREBY NOTIFIED OF A VIOLATION OF THE VIRGINIA MAINTENANCE CODE (PART III OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, "VMC") FOR THE CITY OF MANASSAS, VIRGINIA ON THE PROPERTY LISTED BELOW. THIS NOTICE SERVES TO ADVISE YOU OF THE CODE SECTION THAT HAS RESULTED IN THIS NOTICE BEING ISSUED AND THE REQUIREMENT FOR YOU TO ABATE THE VIOLATION IN THE TIME LIMIT SPECIFIED BELOW. IF NO TIME LIMIT IS GIVEN BELOW, THE VIOLATION MUST BE REMEDIED WITHIN 30 DAYS OF THIS NOTICE.

NO ADDITIONAL WARNINGS FOR THE VIOLATION WILL BE GIVEN. FAILURE TO COMPLY WITH THIS NOTICE, OR ANOTHER OCCURRENCE OF VIOLATION OF THE SAME TYPE, MAY RESULT IN CRIMINAL CONVICTIONS AND MONETARY PENALTIES UNDER STATE AND LOCAL CODE.

YOU HAVE A RIGHT TO APPEAL THIS NOTICE OF VIOLATION WITHIN 14 CALENDAR DAYS OF RECEIPT OF THE DECISION IN ACCORDANCE WITH SECTION 106.5 OF THE VMC. THIS NOTICE AND ORDER SHALL BE FINAL AND UNAPPEALABLE IF NOT APPEALED WITHIN 14 CALENDAR DAYS OF RECEIPT OF THE DECISION. YOU MAY APPEAL BY FILING A NOTICE OF APPEAL, SPECIFYING THE GROUNDS THEREOF IN A LETTER CONTAINING A SHORT STATEMENT SPECIFYING THE OBJECTION TO THE DECISION, TO INCLUDE THE NAME AND ADDRESS OF THE OWNER OF THE BUILDING OR STRUCTURE, OR THE PERSON'S NAME APPEALING IF NOT THE OWNER. THE SIGNED APPEAL LETTER, A COPY OF THIS DECISION AND THE REQUIRED FILING FEE SHALL BE FILED WITH THE LOCAL BOARD OF BUILDING CODE APPEALS AT THE ADDRESS ABOVE.

ADDRESS OF VIOLATION: 9512 LIBERTY STREET, MANASSAS VIRGINIA 20110	
TIME LIMIT TO CORRECT THE VIOLATION: COMPLETE AND SUBMIT FOR APPROVAL A PLAN FOR STRUCTURAL STABILIZATION WITHIN 30 DAYS FROM THE RECEIPT OF THIS NOTICE; DILIGENTLY PURSUE APPROVED PLAN THEREAFTER.	
VIOLATION DATE: MARCH 23, 2017	
VIOLATION TIME: 1:00PM	
VMC SECTION	NATURE OF VIOLATION
	On March 23, 2017, City staff conducted a follow up inspection of the exterior of the structure for possible violation or violations of the Virginia Maintenance Code. During the inspection, City Staff identified various defective conditions of the structure's exterior including broken roof-gutters; rotted exterior wood trims; rotted moldings and siding on the building fascia boards, porch and dwelling; peeling or chipped paint on windows, doors, exterior wood trims or moldings, fascia boards and shutters; openings on the fascia board that have allowed wild life to enter the dwelling attic; structural members on the front porches, balconies and decking that are in disrepair; and foundation walls that seem to be failing. These conditions violate the minimum requirements of the Code sections listed below and must be corrected in accordance with the time specified above.
§ 301.2	General
§ 301.3	Vacant Structures and land
§ 304.1	Responsibility
§ 304.2	Protective treatment
§ 304.4	Structural members
§ 304.5	Foundation walls
§ 304.7	Roof and drainage
§ 304.10	Stairways, decks, porches and balconies
	When the repairs are completed, schedule a pass inspection by contacting me directly. A full copy of the 2012 Virginia Maintenance Code sections that apply is included.

PROPERTY OWNER'S NAME: GENE A. MALOY AND STEPHEN K. FOX, TRUSTEES FOR THE DOROTHY LOMAX SMITH TRUST	
LAST KNOWN ADDRESS OF PROPERTY OWNER FROM TAX RECORDS: P O BOX 630	
CITY, STATE, AND ZIP: CAPE CHARLES, VIRGINIA 23310	
<input type="checkbox"/> PERSONAL SERVICE	<input checked="" type="checkbox"/> REGISTERED OR CERTIFIED MAIL TO LAST KNOWN ADDRESS FROM TAX RECORDS. CERTIFIED MAIL#: 7014-21200000-0706-2840
<input type="checkbox"/> BEING UNABLE TO MAKE PERSONAL SERVICE AND NOT FINDING ANY OTHER AUTHORIZED RECIPIENT, I POSTED THIS NOTICE OF VIOLATION ON THE FRONT DOOR OR SUCH OTHER DOOR AS APPEARS TO BE THE MAIN ENTRANCE OF THE LAST KNOWN ADDRESS OF PROPERTY OWNER LISTED ABOVE.	
INSPECTOR'S NAME (PRINTED) AND SIGNATURE: CARLOS PEREZ	
FOR REINSPECTION OR QUESTIONS CALL 703-257-8424	DATE: APRIL 3, 2017

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. (Section deleted)

302.2 Grading and drainage. All premises shall be graded and maintained to protect the foundation walls or slab of the structure from the accumulation and drainage of surface or stagnant water in accordance with the VCC.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces regulated under the VCC shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 305 and 702.

302.4 Weeds. (Section deleted)

302.5 Rodent harborage. All structures and adjacent premises shall be kept free from rodent harborage and infestation where such harborage or infestation adversely affects the structures.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. (Section deleted)

302.9 Defacement of property. (Section deleted)

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

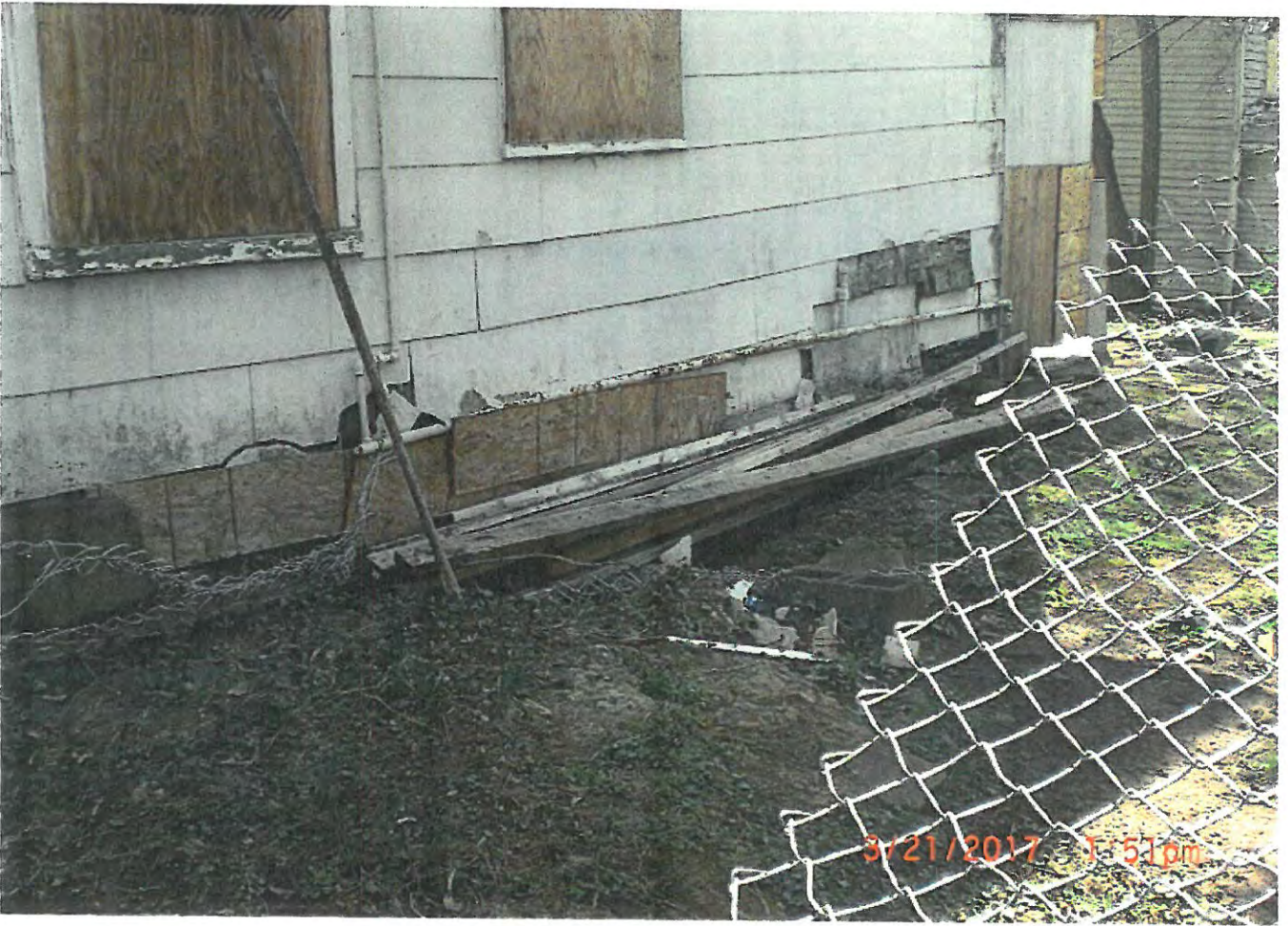
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[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet let-









VIRGINIA MAINTENANCE CODE (VMC) NOTICE OF VIOLATION

CASE #: 17-45000115

ON THIS DATE April 3, 2017, YOU ARE HEREBY NOTIFIED OF A VIOLATION OF THE VIRGINIA MAINTENANCE CODE (PART III OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, "VMC") FOR THE CITY OF MANASSAS, VIRGINIA ON THE PROPERTY LISTED BELOW. THIS NOTICE SERVES TO ADVISE YOU OF THE CODE SECTION THAT HAS RESULTED IN THIS NOTICE BEING ISSUED AND THE REQUIREMENT FOR YOU TO ABATE THE VIOLATION IN THE TIME LIMIT SPECIFIED BELOW. IF NO TIME LIMIT IS GIVEN BELOW, THE VIOLATION MUST BE REMEDIED WITHIN 30 DAYS OF THIS NOTICE.

NO ADDITIONAL WARNINGS FOR THE VIOLATION WILL BE GIVEN. FAILURE TO COMPLY WITH THIS NOTICE, OR ANOTHER OCCURRENCE OF VIOLATION OF THE SAME TYPE, MAY RESULT IN CRIMINAL CONVICTIONS AND MONETARY PENALTIES UNDER STATE AND LOCAL CODE.

YOU HAVE A RIGHT TO APPEAL THIS NOTICE OF VIOLATION WITHIN 14 CALENDAR DAYS OF RECEIPT OF THE DECISION IN ACCORDANCE WITH SECTION 106.5 OF THE VMC. THIS NOTICE AND ORDER SHALL BE FINAL AND UNAPPEALABLE IF NOT APPEALED WITHIN 14 CALENDAR DAYS OF RECEIPT OF THE DECISION. YOU MAY APPEAL BY FILING A NOTICE OF APPEAL, SPECIFYING THE GROUNDS THEREOF IN A LETTER CONTAINING A SHORT STATEMENT SPECIFYING THE OBJECTION TO THE DECISION, TO INCLUDE THE NAME AND ADDRESS OF THE OWNER OF THE BUILDING OR STRUCTURE, OR THE PERSON'S NAME APPEALING IF NOT THE OWNER. THE SIGNED APPEAL LETTER, A COPY OF THIS DECISION AND THE REQUIRED FILING FEE SHALL BE FILED WITH THE LOCAL BOARD OF BUILDING CODE APPEALS AT THE ADDRESS ABOVE.

ADDRESS OF VIOLATION: 9514 LIBERTY STREET, MANASSAS VIRGINIA 20110	
TIME LIMIT TO CORRECT THE VIOLATION: COMPLETE AND SUBMIT FOR APPROVAL A PLAN FOR STRUCTURAL STABILIZATION WITHIN 30 DAYS FROM THE RECEIPT OF THIS NOTICE; DILIGENTLY PURSUE APPROVED PLAN THEREAFTER.	
VIOLATION DATE: MARCH 23, 2017	
VIOLATION TIME: 1:00PM	
VMC SECTION	NATURE OF VIOLATION
	On March 23, 2017, City staff conducted a follow up inspection of the exterior of the structure for possible violation or violations of the Virginia Maintenance Code. During the inspection City Staff identified various defective conditions of the structure's exterior including broken roof-gutters; rotted exterior wood trims; rotted moldings and siding on the building fascia boards, porch and dwelling; broken fence; peeling or chipped paint on windows, doors, exterior wood trims or moldings, fascia boards and shutters; openings on the fascia board that have allowed wild life to enter the dwelling attic; structural members on the front porches, balconies and decking that are in disrepair; and foundation walls that seem to be failing. These conditions violate the minimum requirements of the Code sections listed below and must be corrected in accordance with the time specified above.
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CITY, STATE, AND ZIP: CAPE CHARLES, VIRGINIA 23310	
<input type="checkbox"/> PERSONAL SERVICE	<input checked="" type="checkbox"/> REGISTERED OR CERTIFIED MAIL TO LAST KNOWN ADDRESS FROM TAX RECORDS. CERTIFIED MAIL#: 7014-2120 0000 -0706-2857
<input type="checkbox"/> BEING UNABLE TO MAKE PERSONAL SERVICE AND NOT FINDING ANY OTHER AUTHORIZED RECIPIENT, I POSTED THIS NOTICE OF VIOLATION ON THE FRONT DOOR OR SUCH OTHER DOOR AS APPEARS TO BE THE MAIN ENTRANCE OF THE LAST KNOWN ADDRESS OF PROPERTY OWNER LISTED ABOVE.	
INSPECTOR'S NAME (PRINTED) AND SIGNATURE: CARLOS PEREZ	
FOR REINSPECTION OR QUESTIONS CALL 703-257-8424	DATE: APRIL 3, 2017

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James P. Downey, P.C.
Attorney and Counselor At Law

February 17, 2017

Martin R. Crim, Esq.
City Attorney for the City of Manassas
Vanderpool, Frostick & Nishanian, P.C.
9200 Church Street, Suite 400
Manassas, Virginia 20110

Re: Manassas City Code Violation – Possible Court Action
9512 and 9514 Liberty Street, Manassas, Virginia

Dear Mr. Crim:

Please be advised that I represent Mr. Maloy and Mr. Fox, Trustees of the Dorothy Lomax Smith Living Trust, to whom you have written on February 9, 2017, concerning possible court action, regarding 9512 and 9514 Liberty Street.

Because you have been present at various proceedings concerning the applications by these gentlemen for demolition permits, I know that you are well aware of their good faith efforts to comply with City codes governing whether or not these properties may be demolished. The efforts seeking permits to demolish followed after several meetings and presentations to City staff directed to alternate land uses on the property – acts in pursuit of the Trustees' fiduciary duties. They have presented substantial evidence that it is not financially feasible to rehabilitate the properties. Accordingly, they had no choice but to board them up and erect fencing along the perimeter while they weighed their options, actions taken at the written direction of City staff. It was their understanding that boarding up the properties was an acceptable interim solution. City staff has acquiesced in this effort to avoid any nuisances from the condition of the properties.

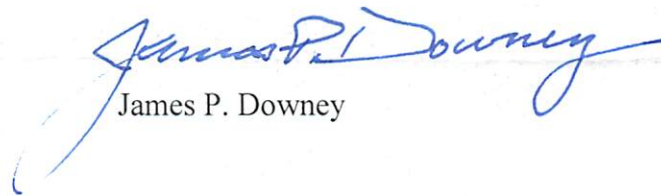
We deny your allegation of criminal intent. It has been the Trustees' consistent position that the properties should be demolished. Nevertheless, I would like to propose to you a constructive solution.

The Trustees are prepared to follow the statutory procedure for placing the properties on the market for sale at a reasonable price for the required amount of time, after which they would have the right to demolish, absent a satisfactory sale. Pursuing this course of action, however, requires the Trustees to be unanimous regarding its elements, and though not required, for the Trust beneficiaries to understand the change in direction as the Trust has concentrated its efforts on consolidation/sale for development. It has been necessary to devote time to making sure the beneficiaries indeed understand this course of action, which further accounts for the present state of the properties.

Martin R. Crim, Esq.
City Attorney for the City of Manassas
February 17, 2017
Page Two

I would welcome the opportunity to discuss this proposal with you, and ask that you refrain from initiating any further court action, a course that I believe would be most unfortunate and counterproductive.

Very truly yours,

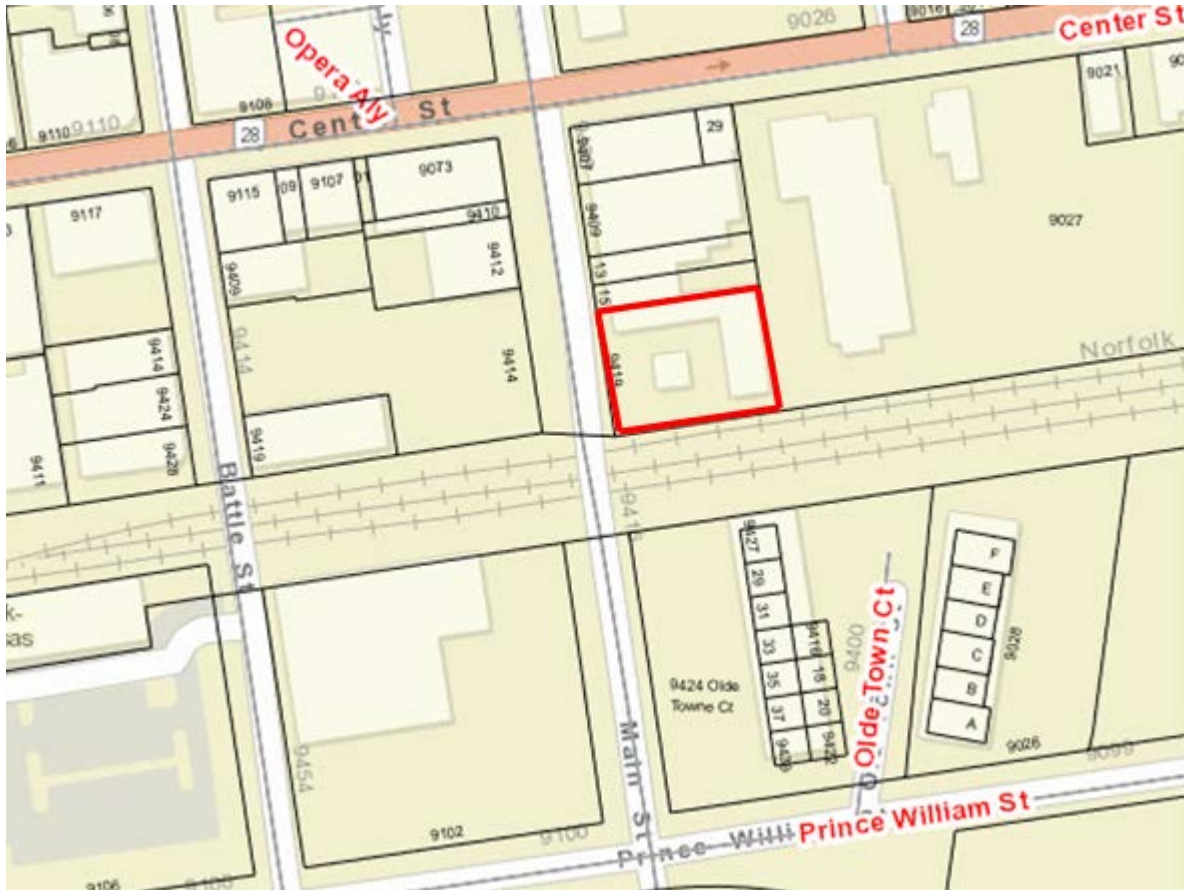


James P. Downey

cc: Stephen K. Fox, Trustee
Gene A. Maloy, Trustee
JPD/cmh

BOARD OF ZONING APPEALS

No. 17-03



Applicant(s): Blane Perry (Sinistral Brewery)

Site Owner(s): Bryan Weisberg

Site Address: 9419 Main Street

Zoning: B-3, City Center Commercial District and Historic Overlay District

Summary: To consider an application to approve a variance from the requirements of Section 130-124(a) of the City of Manassas Zoning Ordinance to eliminate the required setback for freestanding signage in order to permit an existing pole to be used as the support structure for a freestanding sign.

STAFF REPORT
BZA #17-03, 9419 Main Street

REQUEST:

Board of Zoning Appeals Case #17-03: 9419 Main Street, to consider an application to approve a variance from the requirements of Section 130-124(a) of the City of Manassas Zoning Ordinance to eliminate the required setback for freestanding signage in order to permit an existing pole to be used as the support structure for a freestanding sign. The property is zoned B-3, City Center Commercial. It is located in the historic overlay district. The required and proposed setbacks are:

	Required § 130-124(a)	Proposed
Front	8.5 feet	0 feet

BACKGROUND:

A historic survey of the subject property (Attachment 1) indicates that the buildings located at 9419 Main Street were constructed from circa 1920 to 1945. It is unknown when the existing zero setback sign pole was installed on the site; however, it appears to remain in its original location (Attachments 2 and 3). Based on the design of the sign, and research by staff, it is believed the sign was likely installed in the 1940s/1950s, and therefore was at one point a legally non-conforming sign. However, the use of the pole as a support for a sign was discontinued more than two year ago and has thus lost its legally non-conforming status.

The zoning ordinance (§130-124) requires that freestanding signs be setback one-half the height of the sign. Applying the required setback to the existing 17-foot sign pole would require the sign pole to be relocated from its original location, to a setback of 8.5 feet from Main Street.

In addition, for properties located in the historic overlay district, the BZA may request comments from the Architectural Review Board (ARB) prior to taking final action. This provides the BZA the opportunity to consider the historic character and context of the site when evaluating a variance request. During the review of the sign request, the ARB expressed a preference for the sign to remain in its current location, versus relocating the pole to meet the code requirements. The ARB will provide additional feedback at its June 13, 2017 meeting and a draft copy of the proposed ARB resolution is attached (Attachment 5).

APPLICABLE STATE CODE AND ANALYSIS:

The issue before the Board is to eliminate the required setback for a freestanding sign. The BZA has the power to grant a variance to the required setback for freestanding signs. The Code of Virginia requirements for a variance and staff's analysis is as follows:

§ 15.2-2309. Powers and duties of boards of zoning appeals

Boards of zoning appeals shall have the following powers and duties:

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

Staff Analysis: *The pole is believed to have existed since at least the 1940s/1950s and before the setback requirements for a freestanding sign were adopted in the early 1980s. In addition to the hardship associated with the cost of relocating the existing pole to meet current requirements, strict application of the freestanding sign setback would alter the historic character of the site and would be inconsistent with the intent of the Historic Overlay District.*

It should also be noted that this property has limited opportunities for wall or projecting signage due to the unusual development of the property, compared to other adjacent lots along this section of Main Street and within the historic downtown commercial core. Most buildings constructed within the historic downtown commercial core (early 20th century) are zero lot line construction, multi-story with parapet walls allowing for placement of wall mounted and projecting signage.

The development of this lot (mid 20th century) – with buildings setback from the street, one-story construction, and pitched roofs – provides limited opportunity for wall mounted signage or projecting signs, necessitating the need to utilize freestanding signage.

- (i) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

Staff Analysis: *The structures on the lot were developed from circa 1920 to 1945, and staff believes the pole has been located on the site since the 1940s/1950s. No evidence exists that the applicant has created any hardship.*

- (ii) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

Staff Analysis: *The use of the pole with a reduced setback is an existing condition of the site. The applicant is not proposing a new sign pole, but rather the reuse of an existing pole to maintain the historic character of the site (Attachments 2 and 3). Due to the existing nature of the pole, the*

zero building setback in the B-3 District, and the multi-storied construction found in nearby properties, the proposal does not appears to be of a substantial detriment to adjacent or nearby properties.

- (iii) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

Staff Analysis: *Staff is not aware of other “empty” poles that were formerly used as sign supports in the historic overlay district and therefore does not believe that this would set a precedent or necessitate a zoning text amendment. Outside of the historic overlay district, it is unlikely that a similar variance request would be supported.*

- (iv) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

Staff Analysis: *The proposed use of the site is a brewery which is a permitted by-right in the B-3, City Center Commercial District. This variance would not affect the use of the property.*

- (v) The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of §15.2-2286 at the time of the filing of the variance application.

Staff Analysis: *The Zoning Ordinance does not have a special exception (Special Use Permit) process to modify the requirements for a single freestanding sign or authorize the Zoning Administrator (subdivision A4 of §15.2-2286) to establish setbacks for freestanding signs.*

RECOMMENDATION:

The proposed setback is consistent with the historic character of the site and the historic overlay district. Staff recommends approval to eliminate the required setback for freestanding signage, subject to the following conditions:

- The existing height of the pole shall not be increased above 17-feet in height.
- The sign pole shall be refurbished and repainted and any signage placed on the pole shall comply with all requirements of the historic overlay district and shall be reviewed and approved by the ARB.

Attachments:

1. City of Manassas, Reconnaissance Level Survey, DHR Id# 155-0161-0171, August 2005
2. Sinistral Brewing Company, Proposed Signage Specs
3. Plan View
4. BZA Application
5. Draft Architectural Review Board Resolution

City of Manassas Reconnaissance Level Survey

DHR Id # 155-0161-0171

Resource Identification

Tax Parcel: 101/01 00/ 199/ 1/ 1

Other Id#: 155-0161-0172

GPIN # 7795-68-3106

Property Name(s): J.M. Davis Insurance {Historic} Commercial Building,
9419-9423 Main Street {Current}

Property Date: circa 1920

Address(s): 9419-9423 Main Street {Current}

County/Independent City: Manassas

City: Manassas

State, Zip: Virginia, 20108

USGS Quad Name: MANASSAS

Surrounding Area: City

National Register Eligibility Status

Property is Historic (50 years or Older)

Property is associated with the Local Manassas Historic District

Property is associated with the National Register Manassas Historic District [district]

Resource Description

Ownership Status: Private

Primary Resource Exterior Component Description:

<u>Component</u>	<u>Comp Type/Form</u>	<u>Material</u>	<u>Material Treatment</u>
Chimneys	Interior	Metal	Stovepipe
Chimneys	N/A	N/A	N/A
Foundation	Solid	Concrete	Poured
Roof	Hip	Asphalt	Shingle
Porch	1-story, Wrap-around	Wood	Awning
Structural System	Masonry	Concrete	Stucco
Windows	Double-Hung	Wood	2/2
Windows	Fixed	Wood	1-light

Site Description: Facing west, this commercial building is sited on a paved level lot. Signs indicate this building houses "Botkin Signs." There are two entrances off of Main Street to paved parking located to the west of the commercial building. The railroad tracks are located south of the building.

WUZIT Count:

<u>No.</u>	<u>Wuzit Types</u>	<u>Historic?</u>
1	Commercial Building	Historic
1	Commercial Building	Historic

NR Resource Count:

<u>#</u>	<u>NR Resource Type</u>	<u>Contributing Status</u>
2	Buildings	Non-Contributing

Individual Resource Information

WUZIT: Commercial Building

Est. Date of Construction: ... circa 1920

Primary Resource? Yes

Architectural Style: Colonial Revival

Interior Plan Type: Unknown

Accessed? No

Number of Stories: 1

Condition: Good

Threats to Resource: None Known

Description: Set on a poured concrete foundation, this is a one-story, three-bay Colonial Revival-style commercial building. It is concrete-block construction clad in stucco with raised wood panels. It is covered by a hipped roof sheathed in asphalt shingles. There is a one-story wrap-around awning with a flat cornice. Fenestration consists of 2/2 double-hung wood windows, 1-light fixed wood windows, rowlock sills, and Colonial Revival-style surrounds. An attached garage addition forms an ell. The garage is concrete-block construction. It is covered by a side gable roof. The fenestration consists of 12-light fixed windows and two roll-up doors.

Individual Resource Information

WUZIT:..... Commercial Building

Est. Date of Construction: ... circa 1945

Accessed? No

Primary Resource?..... No

Number of Stories:..... 1

Architectural Style:..... Other: Masonry Vernacular

Condition: Fair

Interior Plan Type: Unknown

Threats to Resource:..... None Known

Description: Set on a poured concrete foundation, this is a masonry vernacular, one-story, three-bay commercial building. It is concrete-block construction clad in stucco. It is covered by a pyramidal roof with overhanging eaves. Fenestration consists of 20-light wood windows and rowlock sills.

Individual Resource Information

WUZIT:.....

Est. Date of Construction: ...

Accessed?

Primary Resource?.....

Number of Stories:.....

Architectural Style:.....

Condition:

Interior Plan Type:

Threats to Resource:.....

Description:

Individual Resource Information

WUZIT:.....

Est. Date of Construction: ...

Accessed?

Primary Resource?.....

Number of Stories:.....

Architectural Style:.....

Condition:

Interior Plan Type:

Threats to Resource:.....

Description:

Individual Resource Information

WUZIT:.....

Est. Date of Construction: ...

Accessed?

Primary Resource?.....

Number of Stories:.....

Architectural Style:.....

Condition:

Interior Plan Type:

Threats to Resource:.....

Description:

Cemetery Information**National Register Eligibility Information (Intensive Level Survey)**

Historic Context(s): Architecture/Community Planning, Commerce/Trade

Time Period(s): World War I to World War II (1914-1945)

Significance Statement:

Based on the location and form, the structure at 9419-9423 Main Street, constructed circa 1920, appears to have originally been built as a gasoline station. Typical of such utilitarian buildings from the early part of the twentieth century, the building was ornamented in a fashionable architectural style that was often exhibited on residential buildings, thus creating a sense of association and historic context. This property is a non-contributing property to National Register Manassas Historic District. Because of its architectural and historical context, this property is Ranked Contributing.

Ownership Information

Botkin, Gerald W. & Evelyn M.

Graphic Media Documentation

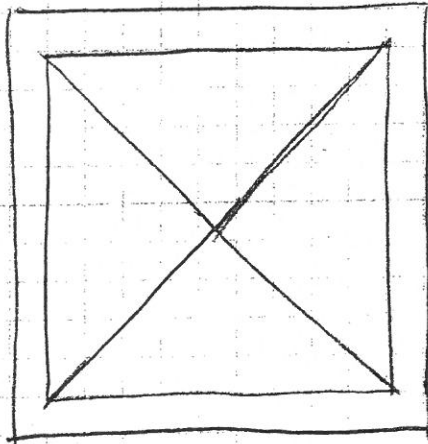
Medium	Photo Roll	Negative Number	Photo Date
BW 35mm Photos	EHT 9; EHT 10	1; 27, 36	11/23/2005
Digital Photos	EHT 9; EHT 10	1; 27, 36	11/23/2005

CRM Event

Reconnaissance Survey EJ: EHT Tracerics, Inc. August 23, 2005

9417
Main

Main St



N

I.D. # (s) 1795-68-3106 Address 9419 Main Street

SINISTRAL BREWING COMPANY

9419 Main Street
Manassas, VA 20110

CURRENT SIGN



PROPOSED SIGN

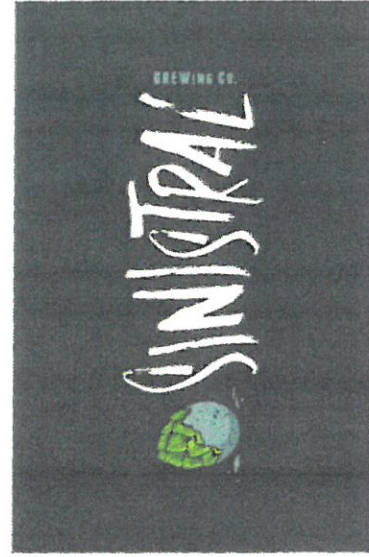


Proposed Signage Specs

Size: 6ft x 3ft

Material: 16 gauge steel

This sign will consist of 3 pieces of 16 gauge steel that is 6ft by 3ft. The center piece will be a solid piece painted our logo colors. The 2 outer pieces will have our logo cut out so the center color will show our logo.



MAY 24 2017

VERIFY EXTENT OF CONCRETE
SLAB DAMAGE AND REPAIR.
APPROX 44 SF

REMOVE PORTION OF WALL FOR
LARGER DOOR OPENING (20%)

REMOVE ALL FLOORING
AND PREP SUBFLOOR
FOR NEW FINISHES.

PREP WALL AREA FOR
FOR NEW FINISHES.

STRIP, CAULK, AND
REPAINT ALL EXISTING
WINDOWS.

REMOVE WALLS AND DOORS
SHOWN IN DASHED LINE

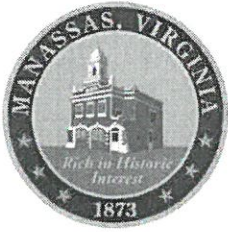
EXTERIOR DOORS SHOW
ARE TO BE CLOSED AND
INFILLED PER OWNER'S D

REMOVE EXISTING SIGN POLE
AND SAVE FOR REUSE.

REMOVE EXISTING
AND CAP (

EXIS
CAP

MAY 24 2017



CITY OF MANASSAS
Department of Community Development
BOARD OF ZONING APPEALS
APPLICATION

BZA #: 2017-03

DATE MAY 24 2017
(Completed by City Staff)

Site Address: 9419 Main Street Manassas, VA 20110

Street

Tax Map No(s): 101-01-00-199

Site Acreage: 0.19

Zoning District: B-3/HOD

☒ This is an application to the Board of Zoning Appeals for a variance from the following section(s) of the Zoning Ordinance (use additional pages if necessary):

Sec. 130-124 (a)

☐ This is an application to the Board of Zoning Appeals for an appeal from the following notice of violation or action by an administrative officer of the City (use additional pages if necessary):

APPLICANT

Blane Perry

Name (Please Print)

Blane Perry

Signature

8185 Tenbrook Drive

Address

Gainesville VA 20155

City State Zip Code

571-205-1517

Phone #

Fax #

blane@sinistralbrewingcompany.com

E-mail Address

OWNER

(Leave Blank if Same as Applicant)

Bryan Weisberg

Name

Thousand Oaks Barrel Company

Company

9124 I-Beam Lane

Address

Manassas VA 20110

City State Zip Code

(703) 885-1483

Phone #

Fax #

bryan@1000oaksbarrel.com

E-mail Address

*Justification Statement for BZA Application
Sinistral Brewing Company
9419 Main Street, Manassas, VA*

1. The variance would allow for us to utilize and preserve the existing sign pole on the property, 9419 Main Street, maintaining its current location. Our understanding, based on discussions with the building owner and the location and condition of the sign pole, is that the pole is in the location that it was originally erected. Strict application of the zoning ordinance would require the sign to be removed from its existing and original location and moved elsewhere on the property or replaced with new signage. Not allowing the original location to be maintained would unreasonably restrict the utilization of the property and allowing it to remain in place will alleviate a hardship due to a physical condition relating to the property or its improvements.
2. The property, 9419 Main Street, was acquired in good faith. Sinistral Brewing Co. leased the property for use as a brewpub with the understanding that use of the sign pole in its current location was permissible.
3. The property is in the downtown historic area. As this variance would allow the sign post to remain in its original and existing location, the variance being requested will not be a detriment to adjacent property or nearby properties in the proximity of that geographical area and will be in keeping with the historic condition of the site.
4. No, the property is in the historic district and the variance is not of a general or reoccurring nature that would require it to be adopted as an amendment to the ordinance. The existing buildings and property configuration is unique, making the installation of wall mounted and/or projecting signage difficult.
5. No, the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.
6. No, the relief or remedy sought by the variance application is not available through a special use permit or the modification process allowed under Zoning Ordinance Secs 130-59 or 130-206(h).



MANASSAS, VIRGINIA

Community Development · 9027 Center Street, Manassas, VA 20110 · 703-257-8223

MAY 24 2017

SPECIAL/LIMITED POWER OF ATTORNEY

THIS 17 day of MARCH, 2017, I, Bryan Weisberg, the owner of Tax Map Number _____, make, constitute and appoint Blaine Perry, my true and lawful attorney-in-fact, and in my name, place and stead giving unto said Blaine Perry full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make application for (circle one) (Special Use Permit), (Rezoning), (Architectural Review Board), (Board of Zoning Appeals) in connection with the above described real property.

The right, powers and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on MARCH 17, 2017, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Office of Community Development of the City of Manassas stating that the terms of this power have been revoked or modified.

Bryan Weisberg
Owner's Name (Please Print)

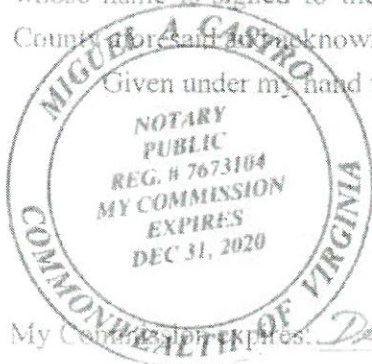
[Signature]
Owner's Signature

STATE OF Virginia

COUNTY OF Prince William

I, Miguel Castro, a Notary Public in and for the State and County aforesaid, do hereby certify that BRIAN WEINBERG whose name is signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged the same.

Given under my hand this 9th day of March, 2017.



[Signature]
Notary Public

My Commission Expires: Dec 31, 2020 ID: T65372817



Department of Community Development

ARCHITECTURAL REVIEW BOARD

RESOLUTION

Adopted: June 13, 2017

WHEREAS, the Manassas City Architectural Review Board received an application for a Certificate of Appropriateness from Blane Perry, ARB Case #2017-29 for the approval of a metal 3x6 freestanding sign, on the existing 17' sign pole, on the property located at 9419 Main Street; and

WHEREAS, the application was approved by the Architectural Review Board in regular session on April 11, 2017, with the relocation of the sign to meet the requirements of the Zoning Ordinance; and

WHEREAS, the ARB believes that keeping the sign in its current location would further the intent and purpose of the City of Manassas Historic District and design guidelines to preserve and protect the community's history; and

WHEREAS, the applicant has filed for a variance, BZA Case #2017-03, to permit an existing pole to be used as the support structure for a freestanding sign; and

WHEREAS, pursuant to section 130-408(a) of the Zoning Ordinance, the Architectural Review Board may provide comments to the Manassas City Board of Zoning Appeals prior to the Board of Zoning Appeals taking action.

NOW, THEREFORE, BE IT RESOLVED that the Architectural Review Board of the City of Manassas meeting in regular session on June 13, 2017, supports the granting of a variance to permit the existing pole to be used as the support structure for a freestanding sign.

William Rush
Chairman

Gregory Bokan
Planner