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State board to review Waterford's historic status

Local

By Shannon Sollinger

Source: Loudoun Times-Mirror

TUESDAY, AUGUST 21 2007

UPDATED TUESDAY, AUGUST 21 2007

'I have no problem with the historic district, just with the way it is administered in Loudoun County.'

Milari Madison

The Virginia Board of Historic Resources will convene in Waterford later this fall to hear Milari Madison's petition to have the Waterford Historic District declared a thing of the past.

Since 2003, when she and her husband, Paul, bought the dilapidated house on Janney Street in Waterford for \$180,000, Madison has failed to get plans approved by the county -- first to restore the historic structure, and now to build a new one on the vacant lot.

Her battles with the county's zoning administrator, the Department of Building and Development, the Planning Department and the Historic District Review committee at one point had seven lawsuits moving through Circuit Court. In late 2006, the court ruled she could have the old structure demolished on the condition she drop all other legal actions.

If she can't get the county to let her build a house on the property, Madison said, the next step is to get rid of the historic designation that gives the county the authority to hold her up.

Her petition to the Virginia Department of Historic Resources claims, "The designation [Historic District] is used as a basis for limiting the Petitioner's property rights." The designation, she charged in the petition, is and always has been "faulty, unlawful, and obsolete ... "

She also is charging that Kathleen Kilpatrick, director of the Department of Historic Resources, mishandled her petition to have Waterford taken off the list. Kilpatrick rejected the petition when she should have given it directly to her board, Madison charges.

Patrick Butler, chairman of that board, wrote to Madison on Aug. 12, "Only the Board ... has the authority to remove a property or district from the Register."

True, but Kilpatrick does have the authority to turn down a petition under certain conditions, said Catherine Slusser, the department's deputy director for policy and planning.

"The director can decide to take it to the board. In this case, the director looked at what had been sent, the conditions for removing, and the findings [of the Architectural Evaluation Committee], and the director

found the conditions did not meet the criteria," Slusser said.

The next step, Slusser said, is for the petitioner, Madison, to appeal that decision directly to the board. She did just that and "It's all going according to

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regulation."

The Waterford Historic District was placed on the state's list of landmarks in 1972. In 1977, Madison said, the county followed suit and established historic district zoning for the area. Only local authorities, not the state, can establish any regulations governing the district, Slusser said.

Madison's appeal charges that Waterford's designation as an historic district, and its placement on the Virginia Landmarks Register, "is used as a basis for limiting [her] property rights and happiness. A such, [she] is directly harmed by the faulty, over-reaching, unlawful recasting of the Petition, and refusal by the Commission to de-list the Waterford Historic District ... "

Both the original petition and the appeal contend that Waterford's designation as an historic district was plagued by legal and procedural errors from the beginning, and that since then houses have been destroyed and added, streets have been paved, modern building materials have made their way in and a modern sewage treatment plant graces its western edge.

In short, Waterford is no longer a rural farm village surrounded by an agricultural landscape – even if it had been listed properly in the first place, the basis for its listing has long since been destroyed, according to Madison.

She denies that she is anti-history, or even anti-historic district. "I have no problem with the historic district, just with the way it is administered in Loudoun County. I feel that all of this is a result of the failure of the county government, and that's where we are now."

Her husband is descended from James Madison, she said, and "I had an uncle who was president of Czechoslovakia. So I value history."

She wants a district, she said, which is purely voluntary – individual property owners can opt out at any time – and perhaps limited to specific buildings "through the wishes of the property owners."

Madison has also petitioned the U.S. Department of the Interior to take away Waterford's status as a National Historic Landmark.

When the state board meets in Waterford, in late October or November, according to Butler's letter, it will "review the question of whether or not Waterford Historic District retains sufficient physical integrity and historic significance to remain listed as a Virginia Historic Landmark."

All affected property owners and local governments will be notified, and the public will be invited to speak.

Nancy Doane, executive director of the Waterford Foundation, said, "We welcome the Virginia board's coming and reviewing what we have been able to accomplish. Yes, there are threats of development, but we have done an incredible job to protect the integrity of our historic designation."

Waterford was the first setting, as opposed to a building or structure, to be so designated, Doane said, and "it is very different because it is a living area, occupied by people on private property."

Contact the reporter at ssollinger@timespapers.com

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What could be worse than an arrogant, unemployed, Attorneys wife with a royalty complex and too much

time on her hands? This article pretty much describes everything wrong with the world today: People who believe that they are exempt from the rules even though they've signed on to those very rules. Completely amazing! I suggest that Mrs. Madison get a hobby and stop wasting taxpayer funded resources.

Posted by **MarkKay**

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Mr. Kay,

I have a completely different opinion. The Madisons applied for a new CAPP to build a new home two years ago, and the County staff will not even accept it. The HDRC, without seeing it, will not review it. The appeal of the decision to just ignore the Madison's application is never scheduled before the Board of Supervisors. And while they are carefully salvaging the remnants of the house, the County revokes their demolition permit. Has a demolition permit ever been revoked before in this County? This seems to be unnecessary fighting. And then the County demands that they clean up the site. Without the demo permit, they can no longer have the heavy equipment there to "clean up", so they must do his by hand. Many of the things that the County has done to this couple are simply not supported by the law, but very clearly punitive and overreaching. The County needs to soften up on the Madisons, review their application to build, and stop all this nonsense. The big problem with the Historic Districts is that it seems who you are determines what rules apply to your land and property, and even the HDRC has said they have "unwritten rules." If we are going to have such strict applications of the law, we need to be consistent. We need to be professional about all of this, and say good-bye to good ol' boy control where some get to do whatever they like, and some are completely deprived of their rights.

Posted by **sallymann**

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As for the multiple lawsuits, it should be noted that the County sued the Madisons multiple times, even bringing criminal charges, and asking for very stiff fines, stretching the intent of the law, applying made up rules, and even making up the history of the house. It is only a little unfair to blame the Madisons for the multiple lawsuits brought by the County, accusing them of having too much time on their hands. They have been abused by the County, as shown by the Court dismissing the criminal complaints, the fines, and by the fact that they won in the circuit court, who appointed an independent expert. At the same time, the ordinance -- with respect to Mr. Burton's very historic Mercer House, which is deteriorating-- is completely ignored. And he is not the only one to whom the historic district regulations and maintenance ordinance do not seem to apply. Has anyone recently driven by Mr. Burton's house? Anyone who cares about the historic districts should. The laws should be equally enforced, with consistency, or we should not enforce them against anyone.

Posted by **sallymann**

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sallymann must be living in some other place if she thinks Milari Madison has any leg to stand on. The Madisons knew exactly what they were getting into when they moved to Waterford, it was no secret what the community was about. But, being obnoxious lawyers they are, who think they are above the very law they

purport to "practice", they have become nothing more than bad neighbors. They are cut from the same cloth that moron judge in DC is from, you know the one who is suing the dry cleaner? I have read for 4 years now the plaintiff wails by the Madisons and they are nothing more than spoiled selfish, self-absorbed people who are acting like children. And at this point, why would they even want to live in Waterford when they know that everyone in town hates their guts? It is people like this who have infiltrated Loudoun over the last few years who are changing the very complexion of the county. They march in here, look around and then demand to make it fit their idea of how a place should look. Milari Madison mentions she has relatives in Czech Republic, maybe she should consider moving there, people like her and her husband are unwanted in this county.

Posted by **Kodiak**

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Kodiak

Kodiak,

If laws are not fairly administered, then you can expect a challenge. It is not fair for the County staff not even to accept an application to build. Accept it, review it, and if it should be denied, deny it, but stop playing games. Revoking the demolition permit, granted by the circuit court, is just another act of revenge, and all of this needs to stop. Piling on with threats of criminal prosecution is no way to work anything out. The HDRC needs all of its rules to be written, needs to stop enforcing "unwritten rules" and needs to actually enforce the real written rules if it is to have any respect in the courts.

Posted by **sallymann**

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Kodiak

Are you saying that since Waterford now "hates" the Madisons, that the county should just stonewall them, never review any of their plans, never let them build a thing? This is democracy? Do you realize that the County could have bought the house for \$1 before it was demolished, but even the County agreed that the cost to restore it, given its extreme state of disrepair (a partial shell/no roof) was prohibitive (Lori Waters opinion.) The radical postures that the County has taken have driven the Madisons to the positions they have taken. It is time for the County to stop this. They need to look at the Madison's plans and work it out, for the benefit of not only Waterford, but for all of the citizens of Loudoun. It makes no sense to devote this level of County resources (multiple agencies filing multiple suits/county staff stonewalling the Madisons resulting in more litigation) to this issue--hundreds of thousands of dollars. The County should have bought the house --it would have been a lot less expensive.

Posted by **sallymann**

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sallymann, of course due process is fine and something to aspire to, but the Madison's think they are owed something. I have watched this unravel over the years, and have read all of the things Milari Madison has said, and she is acting just like 99.9% of all lawyers do, spoiled, arrogant and pompous. You can say all you want about property rights, lawsuits etc, but it does not diminish the very basic fact, the Madisons knew what they were getting into when they bought in Waterford. My God they should be kissing their realtor that they bought something there for 180k in 2003. They need a dose of reality, but being lawyers...they don't know this world..they live in an unreal world. No one is worth the hourly wage most get and it is no wonder it makes them selfish. The bottom line is clear here ,the Madisons are nothing more than bottomfeeding narcissistic boorish people. And don't get me started on her little slight of hand FOIA request to try and ruin Jim Burton's election campaign getting names and emails...Madison plays the game very well as a lawyer would and everyone else be damned.

Posted by **Kodiak**

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Kodiak, I think the Madisons are owed something too--basic fairness. I think they are owed the review of their building plans/applications submitted TWO years ago. I think you, Kodiak, would be a little upset too, if you owned a lot and wanted to build, and everytime you went to the County the staff just said sorry, the County will not accept your application or plans. No citizen deserves the treatment the Madisons have been given-- I don't care black, white, czech, lawyer (since you seem to hate them too), whoever you are, whatever profession you are, a citizen needs to be able to trust that he or she will be treated just like any other lawful citizen. The county is wrong here, and is responsible for this mess by overreaching and exercising incredible unreasonableness. All the County has to do is reasonably look at the Madison's plans, apply the law and facts fairly, and stop playing games.

Posted by **sallymann**

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sallymann...I expect that you are in fact Milari Madison, no one else feels like you do. I think they are owed something too...a U-Haul truck to take them to some place where they can wallow with others of their ilk, like McLean which is where I think they came from. You keep talking about fairness and applications etc. You don't want to address the simple basic fact, they knew

Waterford would be a tough nut to crack from the start...if they are so smart and did their homework, they would know the way things are. Your support of such stupidity is absurd and so one can only surmise you are Milari Madison herself...and yes, as a matter of fact I do hate lawyers...they are a blot on our society...who was it Shakespeare who once said, "kill all the lawyers"...hmm even then! The county is not wrong, the Madisons are...

Posted by **Kodiak**

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I am not Milari Madison, but I do think it is very wrong of the County not to even accept her application to build for review--for more than 2 years. Are you one of the neighbors who approve of or are encouraging the county just saying "no" to any reasonable proposal, because you have made up your mind that the Madisons are a "blot" and you don't want them as neighbors? I hope this is not the case. It is narrow minded unreasonable stubbornness like this that causes these problems. Everyone needs to stop and try to work it out. The Board of Supervisors should take the Madisons appeal of the failure to accept their application to build, and make a decision about what they need to do to move forward. Reason, not emotion, needs to rule. Maybe if they can get permission to build something, they will be able to sell their property and move on, if that is their choice. Right now, \$180K for a third of an acre that you can't build on seems pretty expensive. Sally Kurtz and Nancy Doane--or maybe Scott York-- need to sit down with the Madisons, the County Attorney, and perhaps the chair of the HDRC and hammer out something everyone can live with. We need Peace, not continued punitive actions by the County.

Posted by **sallymann**

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It would appear that Ms.Mann is in support of tearing down the past and building McMansion that now scar the countryside and small towns. My guess is that she also supports turning Route 9 into a four lane highway or putting a bypass around Hillsboro and tearing up the land. Or better year four lanes thru Middleburg. The issue is that these folks and the owners of the blue roof house in Lincoln all purchased the houses at a great price with thoughts of making money. I do not have a problem with that. Just wondering why Sally Mann has taken up there causes. Why is Sally Mann so intimate with the everthing that has transpired? Citizens of the true Waterford (not those in new houses who want the address) rise up and rebel! Citizens of Loudoun, rise up and stop the waste of your tax monies! The next thing that will happen is Ms. Madison will ask that the road name be changed to her name. The district was created to protect the town from people just like Ms. Madison who do not understand the value of historic districts. If she did, she would not have torn down the original house.

Posted by **ArnoldsGrove**

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Arnoldsgrove,

That is crazy talk...Middleburg, Hillsboro, Route 9--way to jump to conclusions--scare tactics? All I said was the county owes it to the Madisons to look at and review their plans, not prejudge them (like you and so many in the community have done.) How do you know they are planning to build a "McMansion?" Have you seen their plans? No, no one has. The county will not even accept their application to build, much less review it. How do you know it is not historically accurate? You just do not want the Madisons to live in Waterford -- and that is WRONG. You want to punish them for tearing down a house they thought (and the county thought) was too costly to save. The Blue Roof is not even in an historic district, and neither are most of the properties surrounding it. That is a completely different, but equally arbitrary and unfair, "enforcement" issue. Especially since the county historic district regs specifically do not address roof color (there are red roofs, green roofs, and many different color of roofs all over the historic districts) or roof mass, which are the supposed "unwritten" rules in that case being enforced. If the county does not consistently enforce its laws (many are simply immune from the Historic district regulations, and allowed to do as they please) then yes, it is wrong, and it sets up the whole historic district for challenge. If you cared about the Historic District, you would insist that the rules be applied fairly--the same to everyone, so that it would not be vulnerable to such attacks. And furthermore, why should the taxpayers pay to defend such arbitrariness? Staff should just do its job and stop with the politics. Review the Madison's

and stop that and please return the reasons
application to build--that seems so straightforward to
me.

Posted by **sallymann**

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