

**BAR MINUTES  
CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
Regular Meeting  
March 16, 2021 – 5:00 PM  
Zoom Webinar**



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). Due to the current public health emergency, this meeting is being held online via Zoom. The meeting process will be as follows: For each item, staff will make a brief presentation followed by the applicant's presentation, after which members of the public will be allowed to speak. Speakers shall identify themselves, and give their current address. Members of the public will have, for each case, up to three minutes to speak. Public comments should be limited to the BAR's jurisdiction; that is, regarding the exterior design of the building and site. Following the BAR's discussion, and before the vote, the applicant shall be allowed up to three minutes to respond, for the purpose of clarification. Thank you for participating.

**Members Present:** Cheri Lewis, Carl Schwarz, Breck Gastinger, Jody Lahendro, Robert Edwards, Andy McClure, Ron Bailey, Tim Mohr, James Zehmer

**Staff Present:** Jeffrey Werner, Robert Watkins, Patrick Cory, Joe Rice

**Pre-Meeting:**

There was a discussion regarding the November BAR Minutes. City Communications Staff and staff went over the new platform in taking detailed minutes with the members of the BAR.

Robert Edwards, new member of the BAR, was introduced to the other members of the BAR. Mr. Edwards is a historian.

Staff and the BAR went over the Consent Agenda. There was a discussion regarding the items on the Consent Agenda. The COA for 5<sup>th</sup> Street SW was pulled from the Consent Agenda.

**The meeting was called to order by the Chairman at 5:30 PM.**

**A. Matters from the public not on the agenda**

No Comments from the Public

**B. Consent Agenda** (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

Mr. Mohr moved to approve the Consent Agenda. (Second by Mr. Schwarz) The Consent Agenda was approved by a 9-0 vote. The 5<sup>th</sup> Street SW Certificate Of Appropriateness was pulled from the Consent Agenda for further discussion by the BAR.

1. BAR Meeting Minutes from November 17, 2020

**2. Certificate of Appropriateness Application**

BAR 21-03-01

414 East Main Street, TMP 280049000

Downtown ADC District

Owner: Virginia Pacific Investments, LLC  
Applicant: Greg Jackson/TOPIA design  
Project: Improvements to the rear of the building

**3. Certificate of Appropriateness Application**

BAR 21-03-02  
1001 West Main Street, TMP 100050000  
West Main ADC District  
Owner: M & J Real Estate, LLC  
Applicant: Michael Martin, State Permits, Inc.  
Project: Exterior alteration

**4. Special Use Permit – BAR recommendation**

BAR 21-03-04  
64 University Way, TMP 050048000  
Rugby Road-University Circle-Venable ADC District  
Owner: Neighborhood Investments, LLC  
Applicant: Chris Henningsen, Henningsen Kestner Architects  
SUP Request: Increase in residential density and allow a reduction in side yard setbacks to address the non-conforming structure.

**C. Deferred Items**

**5. Certificate of Appropriateness Application**

BAR 21-03-03  
301 5<sup>th</sup> Street SW, TMP 290104000  
Individually Protected Property  
Owner/Applicant: Michael McMahon  
Project: Rear addition

**Jeff Werner, Staff Report** – This is a COA request for 301 Fifth Street Southwest. It's an individually protected property. It's the Shelton four house. It is a contributing structure in the Fifeville and Tonsler Neighborhoods Historic Districts, which is listed on the National Register. It was built by John Shelton, a black carpenter, possibly a free man who in 1880, resided there with his wife, Rebecca, a seamstress and their daughter, Julia. This is one of the older homes in the city. The request is for a COA to construct a rear addition and related site work. This project had been reviewed by the BAR back in 2010. The project was delayed and the COA expired. That's why it's been brought back. The questions that were before that were brought up, were addressing the trees on the High Street side. There was the recommendation from one of the BAR members to revisit those. Staff recommends approval with the conditions that were referenced by Mr. Schwarz and whatever changes you all have.

**QUESTIONS FROM THE PUBLIC**

**Andy Gems** – Just curious if there was an updated version of the proposal available for download. I only have the one from 2010 and 2011.

**Mr. McMahon** – We're making no changes.

**Mr. Werner** – There are two drawings. There are the drawings that were reviewed by the BAR in 2010. There is another set that is dated September, 2011. Those were the construction drawings we had

that were submitted the following year. I used the one from the BAR review in 2010. There is nothing new. Nothing has been altered.

**Mr. Watkins** – Both of those drawings are available with the packet on the city website.

## **QUESTIONS FROM THE BOARD**

**Mr. Zehmer** – You are not replacing the windows on the original house?

**Mr. McMahon** – We are not at this time. We're going to try to rebuild them. The windows on the front are not all the same from 100 years ago.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Gastinger** – For everyone's education, that Lacebark Elm is on the city's tree list only for limited use and it's for its invasive quality. I'm glad that you're interested in changing the species. I think it would be a better contribution to the neighborhood. As long as you use the Charlottesville recommended tree species for the medium or large scale canopy and also consider the way that they're located along the property line in the ways that they could contribute to the street. Currently, they're arching into the property. You may determine that along the street might be better.

**Mr. McMahon** – If you have a recommendation, I would love to hear it. There is not going to be a fence there because of the grade of the city sidewalk and the storm sewer. Originally, my intention was to build that up and plant a row of trees. That's something I tried to address at the time. It didn't go anywhere.

**Mr. Gastinger** – I think that's fine. I think we will give you some latitude to select a tree. I don't know the site well enough to feel confident. I also try to not give specific recommendations. I think the tree list is a great place to start. That will give a little bit of flexibility.

**Mr. McMahon** – That is much appreciated. With the last process, what put it on hold was that I went on another project. What did it for me was that I was getting micromanagement on what kind of plants I could use. Thank for giving me that option. That was unexpected and much appreciated.

**Motion – Mr. Gastinger** – **Having considered the standards set forth within the City Code, including the ADC District Guidelines, I move to find that the proposed addition and sitework at 301 5th Street SW satisfies the BAR's criteria and is compatible with this IPP property and that the BAR approves the application as submitted, with the following conditions:**

- **Two entrance doors at the west elevation will be wood and with a design similar to that shown.**
- **The insulated glass in the windows will have an internal spacer bar aligned with the applied grilles.**
- **Shutters are wood or composite material, not vinyl or metal.**
- **For any future exterior lighting, the lamping will be dimmable, have a Color Temperature not to exceed 3,000K, and a Color Rendering Index not less than 80, preferably not less than 90.**

- That the proposed 6 lacebark elms be substituted with appropriate species from the Charlottesville Tree List in the medium to large canopy category and that the owner should have discretion to align those trees with the street.

**Ron Bailey seconds motion. Motion passes (9-0).**

#### **D. New Items**

##### **6. Certificate of Appropriateness Application**

BAR 21-03-05

420 West Main, TMP 290011000

Downtown ADC District

Owner: A Cadgene, Main Street Land Trust, LLC.

Applicant: Greg Jackson/TOPIA design

Project: Canopy for the Little Star restaurant

**Jeff Werner, Staff Report** – This is a COA request for 420 West Main Street. It is in the Downtown ADC District. The Downtown ADC District does extend a bit further down West Main than people realize. This request is to construct a canopy in the front corner of what had been a service station. This building was constructed in 1960s. It was renovated into restaurant use in 2001. It is a contributing structure within the West Main Street Historic District on the National Register. I think the most recent time we last saw it was in May of 2018. There were some improvements done in that patio area that you see on the front. This is a COA request for a structural and metal canopy at the front, north elevation. As far as staff's recommendations, the building currently contributes to set to the West Main Street District, which has a history of automobile related businesses. The BAR should discuss how such changes relate to the original historic building. The building has been modified over the years, adapting it from a service station or restaurant. While the proposed canopy is aesthetically consistent with the current expression of the buildings architecture, it is still an addition to the historic façade. Staff does support the design techniques to support this proposal and the intent of the design. Our recommendation to the applicant and to you all is to see if there is some way that this could still have a physical separation from the existing building. It could possibly have some connection points. The surface does not appear to be a continuous part of the historic building. There was a comment from the BAR in the comments I received about how the seasonal plastic walls will be anchored. With the recommendation of the polycarbonate roof, there's a UV protective coating to the yellowing that can occur on that type of material. There is no exterior lighting indicated. However, the BAR can also apply, if you choose, the conditions that we've used for lighting. That is with the catenary lights. Our recommendation is approval and with the comments about the design.

**Greg Jackson, Applicant** – There is a noting of lighting. It's not attached. There is a consideration for it. The owner wanted string lights that are dimmable and can adhere to the criteria that was suggested in 414. One thing that I am noting when I'm looking at this is that, unfortunately, my rendering is not as accurate as by color description. Page 12 gives a better indication of the difference in colors that would be if this is painted the silver gray against the white building. This was the change made from the last BAR meeting.

#### **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

## QUESTIONS FROM THE BOARD

**Mr. Schwarz** – You are intending on supporting this off of the structure that is in the existing canopy? You would puncturing the metal skin on the side of that canopy?

**Mr. Jackson** – That's correct.

**Mr. Schwarz** – Have you thought about how that detail is going to work?

**Mr. Jackson** – No. I am looking at the structural engineer's diagram. That's basically what it is. It doesn't address that completely. I think that it is the intent to go through and connect to that W-10 that's in there. We have to penetrate. I can certainly get back to you. The look would be to keep that flat appearance. It appears that the W-8 penetrates it. How that is done is tricky.

**Mr. Schwarz** – The desire is that it will look like the beams are penetrating through the existing canopy versus taking it off and putting something else in its place.

**Mr. Lahendro** – Is the design intent that the new canopy match and align with the existing historic canopy?

**Mr. Jackson** – It borrows from the language. It's inspired by it and probably more so in this design. I didn't feel the need to deviate that much. It sets back from the original canopy. The original canopy can come out and still have its presence. It does set back. The columns stay in line and stay slanted together. It's trying to both work with what's there and honor it with a different set back: have a different coloring, have the different kind of roofing, be fresh and new construction. Even the rhythm of the W-8s across the beams are a different rhythm.

**Mr. Lahendro** – I am asking less for all of those things than I am just the fascia of the new canopy.

**Mr. Jackson** – The fascia would be very similar and just a flat surface.

**Mr. Gastinger** – When putting up an infrastructure like this that allows for that installation of temporary wall panels, is that still governed by the tent codes or are we voting to allow a plastic wall on Main Street?

**Mr. Werner** – Yes and no. I wondered that. It's not a tent.

**Mr. Schwarz** – They are plastic walls when the applicant wishes to have them up. The Potbelly Sandwich shop was going to put plastic in the brick openings, under The Standard. We have a structure in there. They have plastic in them.

**Mr. Werner** – There was a beam issue there. How I am interpreting it is that this is a structure first. Second is the component that could be part of it. If so, how you all want to treat it. It is not a tent.

**Mr. Mohr** – What happens if they glaze it in down the line? Does that become more of a building code question than a BAR question? I am wondering about its definition.

**Mr. Werner** – I don't have an actual legal definition. It is not a tent. It is a structure. That's how I treated it in the staff report. We can certainly go back and defer and get a legal finding from zoning. Nothing seemed to indicate that this would be a tent.

**Mr. Mohr** – The W-8s C-4s are not in alignment? They're off grade with one another?

**Mr. Jackson** – They're not in alignment. On page 15, that's more of the current alignment. We're spacing the W-8s closer than they need to be. They can be the structure for the roof. It's a cleaner system. In theory, you would not see from outside into the inside. From inside, you would see those timbers come in that space.

**Mr. Mohr** – There is definitely some detail.

**Mr. Jackson** – I want to make sure that they don't conflict and make sure that it is visually working.

**Mr. Schwarz** – You will need to develop a detail of how it intercepts the main portion of the building. There are a lot of metal panels that are not easy to cut a hole in. I think we get the design intent. I am curious how that will end up. Where does the water drain off of this? Is it flat? Is it sloping to one side?

**Mr. Jackson** – It is a one percent slope from the building out to the front. The intent is for it to also be sloped out to the west, to the street corner. We would probably have to have some type of notch or tube to allow it to discharge up near the front corner.

**Mr. Mohr** – The title implies that it's actually pitching back toward the building. One advantage to that you bring your leaders down against the building and not float out in the outer corner if your pitch is running the other way.

**Mr. Jackson** – That's a possibility. It is basically a downspout. At this point, we probably are not going to have anything else attached to the building and just have it shoot out. If it is raining, it is coming out from that point and further away from the building.

**Mr. Mohr** – It just implies the opposite direction.

**Mr. Schwarz** – Did you describe how the side panels are going to work? When it gets cold and rainy, have you thought about how you're going to apply those?

**Mr. Jackson** – How we're going to keep it from moving around?

**Mr. Schwarz** – When the sun comes out, do you take them off or keep them in place?

**Mr. Jackson** – With any design, the user can thwart any type of intention. We do our best when we design it to be rolled up and out of sight. When it is down, it is as clean as possible.

**Mr. Schwarz** – The design intent is that they roll up into the ceiling?

**Mr. Jackson** – If that is not the case, the design intent is for them not to be seen.

**Mr. Schwarz** – They have a lot of storage space. I don't think you can fold this up pretty tightly. I can't see them taking it back inside. That's a big question mark for me.

**Mr. Gastinger** – Is the intention that these are seasonal or more like shades?

**Mr. Jackson** – No, seasonal; just for the cold period. These were put in place. I probably would have gotten to it. When I sent it as a review to some of you guys a while back that was a question. We looked at it, I talked to the owner, and that's what we proposed. It wasn't necessarily a part of the original intention to have those. Had it been, I might have tried to look at some kind of sliding panel type of system or something. Even something like that begins to give it more of a presence that starts to take away from the building, rather than an open air canopy. With the clear plastic, it seems to allow it to still be an open air canopy that you can know that it's just a temporary type of cover. It actually hasn't come from the client. I can follow up on that. I assumed that they would want to use it since I see them all over. Maybe by next winter, it's not such a concern anymore where they have the full indoor dining, and it's not necessary. It's a thing now. When we first started talking about this, to have it for all the outdoor dining, I'm not sure if it will be that important. They might not even follow through with it

**Mr. Mohr** – It looks like you have space along the street elevation inside the structure there. It would have a pretty significant role. You have about ten inches under the roof behind the outside channel.

**Mr. Jackson** – We can adjust and make sure that there is space there.

**Mr. Mohr** – With the short elevation, I don't know how you're going to do it there.

**Mr. Jackson** – I assume that, when they are using these, is during the cold, winter time. When they're not, I suspect that they're going to take them down and place them somewhere in storage. It is really not going to be an up and down thing daily. It is going to be seasonal during the winter, if they even use them. We put them up as a scenario that was going to happen. I hadn't talked to the restaurant owner about their intent. It was an assumption.

**Mr. Schwarz** – It probably makes sense to design something, whether they use it or not. If Little Star sells to somebody else, who knows what the next person might want to do. Thinking about it is probably not a bad idea at this point.

**Mr. Werner** – With the thinking about the Pot Belly Sandwich, one of the issues we had there is that they described “a shower” curtain that would just be pushed aside. That was a concern that we didn't want. It's either visible when it's used or it's not. I've been talking with Andy McClure about a project he has in mind and different ways of doing things. I'm not trying to suggest a deferral, but it may be a way to separate this out. When I was thinking about it, I had given some thought to it. It's a tent. Craig came to us maybe 18 months ago with that affiliate across the street from City Hall. We had something that came in on East Water Street last month, at times referred to as a pergola. The idea of something within that permanent roof, permanent frame, permanent structure, I don't think of that as a tent. I do think how the sides are used really needs some thought. We are in a period right now where we're thinking about these enclosures because of circumstances with COVID. Looking at the Sky Bar, Commonwealth Bar and the discussion about that, it really came down to that permanence of that enclosure, that screening. It's understandable when it's cold out. I think your question, Carl initially is raising some questions in my head and I don't know how to answer them. It would be wise to decouple and to understand whether the city wants to go with these enclosures and how they want to treat them.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## COMMENTS FROM THE BOARD

**Mr. McClure** – I just don't think deferring to the city for something that we can define ourselves is best. Personally, I guess I'm a little biased. I did talk to the owner of the restaurant about this, prior to it being presented to us. We did just approve the C and O thing. Prior to that, there were a couple other things like the Pot Bellied Sandwich and Sky Bar. We have some precedent. I don't know that we can't answer this question one way or another.

**Mr. Gastinger** – This is a really cool building and one really character defining one for a certain era of Charlottesville and an era that is losing more of its members over the next few years. One of the really character defining features is that canopy that shoots out towards the street and its angled supports. While I very much do think a project could succeed here, I'm concerned that this really complicates the legibility of that canopy. The painting also muddles the story. I'm concerned about the fascia being the same depth and meeting in plane with the existing canopy. One thing that's also been lost in the current painting scheme of the entire structure all going to white is the clarity and celebration of that structural component. Previously, it was a maroon color. It really stood out from the rest of the structure. In this proposed painting scheme, not only are the angled supports all the same color, including the old ones, there could be a different way potentially of using color and maybe differentiation of that roof plane that still allows for the clear legibility of that original structure. With some tweaks, it can get there. I am concerned about it at the moment. I don't know how to deal with the enclosure. That's a really difficult one. It seems like that open space is really important to its historical character. I am worried that it is inching into being enclosed, which would destroy the legibility of it.

**Ms. Lewis** – I'm supportive of the application for the canopy. I do think that it meets the guidelines. This building has, according to our records, the first iteration and closing that entryway box into the bar was 2000. I think there were revisions made to it prior to that; maybe ones that weren't approved by the BAR. Nevertheless, the building has evolved. I think the canopy is respectful of the original building. Certainly the new box was created and enclosed 21 years ago. I would like to see more detail on the drop sides, the impermanent sides, materials. I would agree with other members of the BAR that I'm not ready to approve the enclosure aspect of it without a little bit more information. I think you're you've got at least five or six industrial lights that you'll be removing, to place this canopy. There should be a lighting plan that should be submitted. It seems like there will need to be some lighting here, even though the canopy allows a bit of light. That's where I am on this currently.

**Mr. Lahendro** – I think canopy can work. I would just like to see some distinction between the canopies, as you've designed it, Mr. Jackson, and what was there before. It is a contributing building to the ADC. Is it a contributing building to the West Main Street Historic District? I think it is looking at the DA HR report. The Secretary Standards would tell you with an addition like this to not create a false historicism and imply that the canopy that you're adding. There's no distinction between it and canopy that's there. Even if you dropped it six inches below the canopy that's there, that would be enough distinction in my mind. Maybe do something a little different to the fascia. I think a canopy is possible. I think that there's a good reason for it. I just would like to see some distinction between this new canopy and what's there.

**Mr. Mohr** – From my perspective, I go back to Carl's first question there with the junction between the old and the new there. That really might be also parallel in what Jody said. Maybe what there needs to be is a reveal or resolution of the new parallels, the old one, or something there. They're separated and don't quite touch. Maybe they are a little bit out of plane. I just think there's some games you can play with the language of it that would create that sense of this is new. The basic form of it and everything is nice and complimentary. I don't have any problem with it. I just think it needs a little



more development at the level of language that says I am different. Some of that could certainly be done with color. I think it is real problematic for those W-8s to pierce through it. I think that's where you got to get a little inventive. It just seems like there's some massaging to do to that to make it pull it off. If they decided to put curtains on it down the line, I just think that would have to come back. You'd have to figure out how they're laid out and all that kind of stuff.

**Mr. Jackson** – I sent the first initial sketches to you. We moved it around to a few other people when I was just testing it out. We only put that curtain in there upon a question. Frankly, it could be very much like the Pavilion and the Michie Courtyard that is not intending to have them. If somebody had asked that question, I might have put them around that as well. We didn't bring it forth necessarily. I would be happy to decoupling it. If the forces do come about that say they want something, we could bring it and show it. That was only to address a question of how it could be done.

**Mr. Mohr** – The problem with it right now is the lightness and the smoothness and cleanness of it is pretty much not true. It harms your argument. It needs to go away, unless you want to come back and apply for that specifically. I think Mr. Schwarz and Mr. Lahendro are zeroing in on more distinction between the two pieces make sense to me.

**Mr. Jackson** – We know the guidelines. Codes sometimes don't meet the specifics of a project and they're generic. In this case, at the end of the day, the building is better with the canopy than without, given where the building is now. It's not the original Sinclair 1960s gas station anymore. The canopy actually brings that spirit back, rather than take away from it.

**Mr. Schwarz** – I'm supportive of this concept. I may have been the person who asked that question about the plastic on the walls. It would be important for you to make sure the client doesn't want those. I think it's better to design them in. At some point, someone's going to tack up some plastic. It will happen without coming to the BAR and then that'll be a whole issue in itself. That's up to you. That's between you and the client. What Jody and some of the others have been saying about trying to have a little more distinction between the existing canopy and the new are definitely very valid and good points. I'm struggling with it. As to whether I would have approved as is or not, I think it would be much, much better, with more distinction. The thing that holds me up the most and would make me want to defer this is I think it's not quite developed yet. Obviously, you figured out the structure. I want to know how this actually joins the metal panels. It looks really nice, neat, and clean. I want to know how you're going to figure that out, how you're going to flush into the building. You're going to have to figure out how the water stays, or it doesn't penetrate between the existing canopy and the new canopy. There's some details there that I think needs to be worked out. I think they could actually be very noticeable visually. If you're going to drop a downspout, we need to see it and we need to know where it goes. It's going to change the visual aspect of this project. Conceptually, I think it's a great project. I just think you need to take it up another level so we actually really know what it's going to look like.

**Mr. Lahendro** – Greg, to your point about the Sinclair station, no, it's not. The bones of the Sinclair station are still here. One of the nice things about the design that was done to convert it to a restaurant is the fact that it kept those bones. Those bones are still obvious. They're so obvious that the building was just recently determined to be a contributing member to the historic district, not because of the restaurant changes, but because they didn't destroy the original Sinclair gas station bones. That station is still there. Continuing on with that line of thought, like the restaurant before, the new changes that we make now should have the same kinds of distinction.

**Mr. McClure** – One point I want to point out is that nobody's really said anything wrong as far as I'm concerned. It already does have plastic sides today and it has for every winter. There's a bunch of

restaurants that have that as well. I don't think they want plastic sides when they don't have to have plastic sides. I don't think anybody wants plastic sides when they don't have to have plastic sides. We're already approving stuff like that every day, every year.

**Mr. Schwarz** – I think what is in front of Little Star right now is an exception due to the pandemic. I have no problem if they want to put plastic walls up to enclose this in the winter. I want to know what that looks like.

**Mr. Mohr** – I think it is a vast improvement over the umbrellas or the tent, big time. It keeps the character of the architecture. It's like seeing window types in a more difficult project. We just need more detail. It doesn't mean there's anything wrong with the design at all. I don't have a problem with the canopy. It is front and center. It'd be good to have a better sense. This seems unresolved where it needs to be canopy to me, which I know that was your point.

**Mr. Zehmer** – Just echoing a lot of the sentiments you've already heard. The canopies have been a traditional gas station feature even back to the 1920s. I think as a design feature it is something that should be celebrated. In terms of the plastic walls, I wonder if one way to make them a little more successful wouldn't be to pull them back from the front edge of the new proposed canopy. Right now, the rendering shows it dropping straight down off the front. I think that if you pull them back a foot or so it would give that reveal and give that definition to that canopy. I agree with Jody to see if there's a way to separate it from the building or drop it down just slightly so that the original canopy can still shine.

**Mr. Schwarz** – It sounds like there's not enough for approval tonight. It sounds like you have support for the project. You've got a couple people asking you to differentiate the canopy a little bit, either drop it or find some other means of differentiation. If the client decides they want the side panels, you've heard some comments on how that might work. If they don't, great. Personally, if you want my vote, I need to see a little more detail development and how this meets the existing building just to make sure that there's no surprises when it's finished. If you don't want to show me the innards and the guts of what happens when you cut a section through there, that's fine.

**Mr. Mohr** – What would a conditional approval consist of? Is that really not possible given how we are operating things right now?

**Ms. Lewis** – It is a restaurant during COVID. A month in good weather does make a difference. We have an economy to open back up. This is a factor.

**Mr. Jackson** – We were already trying to talk about ways to fast track it, if it was approved. The canopy is certainly something that I don't think necessarily has to be there. We can certainly come back with that. I don't think it can be lowered. I can look at that. In looking at how the structure connects, I think it needs to be at the same level. It is already set back. The color is different; maybe not enough. I had talked to the owner about where it connects with the side existing canopy and against a building to maybe hold back visually, with the C channel set back a few inches or so with a darker color as a very small way to separate it similar to that addition we saw earlier. They did a whole bigger part, but as a visual separation between the two elements. The owner wasn't interested in that. He's liking it and wants it that way. It would be back to the drawing board for Handleman. I agree about the details. It's a challenge to how much work ahead we do to present to see how it's going to fly. Because you can go in, you can spend a lot of time with details and run up the bill. It's always a tricky thing about that. I'm not sure really what I'm contributing to this decision point. It's good to hear what the general concept is. I can see the dilemma is whether this could be approved with conditions.

**Mr. Gastinger** – I wonder if one strategy might be to taper that piece that can only reach towards the street, so that the canopies end up having a different thickness, which could be further differentiated by the color. It seems like that end piece could probably want to be a little bit lighter anyway and maybe it could be thinner and differentiate.

**Mr. Jackson** – The outer band could definitely be a smaller, narrower profile.

**Mr. Schwarz** – That's a good idea. I hate to say this. I feel fairly strongly that I think we need to at least defer this a month to let you verify all these things and make sure that it all works out that way. When I asked you the question about what happens when the beams meet the existing construction, and you said oh, 'I haven't really thought about that much yet.' I want to see something that says that you thought about it. I don't mean to be snarky about that. I think that eliminates surprises. It doesn't have to be a CD level section. I think we just need to see that you have you have thought about it. I am a little confused. I think at one point you mentioned, did I hear you say that 'you just let it spill off the edge?' Did I hear that correctly?

**Mr. Jackson** – The front corner would have a scupper, a little exit port.

**Mr. Schwarz** – That could make for a nice hole in the ground. It's just another thing that would be important to think about. If you're going to do that, we need to see a pile of rocks or something on the plan to show that it is not splashing off of the sidewalk or digging a hole in the ground. You could light the whole thing with string lights. That is not just as sufficient. It would be good to get those approved sooner.

**Ms. Lewis** – It would be nice if the lighting were nicely designed as part of it. It is such a simple canopy. I wouldn't want the lights to really be an afterthought. It could be a really nice thing. It can be very tucked away.

**Mr. Lahendro** – If there was a procedure for getting something in a week and we could vote and look at it, and vote online, that would be fine with me too. I would want to see something. I think that it has been tried before or we can't do it or something like that. I understand that the need to hurry this along, but I would want to see something.

**Applicant requests a deferral – Motion to accept deferral by Ms. Lewis (Second by Mr. Gastinger). Motion passes 9-0.**

## **7. Certificate of Appropriateness**

BAR 21-03-06

128 Chancellor Street, TMP 090105000

The Corner ADC District

Owner: University Christian Ministries

Applicant: Tom Keough, Train Architects

Project: Front façade alterations

**Jeff Werner, Staff Report** – This is a COA request for 128 Chancellor Street. This structure is within The Corner ADC District. It is contributing. It was constructed in 1926. It's a rectangular form, three bay frame, shingle dwelling with Craftsman and Colonial Revival stylistic elements. It was constructed as a dwelling. The house was occupied until the 1960s, when it transitioned to other uses. Since the 1980s, it has served as the Center for Christian Study at the University of Virginia. This is a

continuation of a project you all reviewed last year for the rear addition. There was some alterations to the front elevations. Those were pulled out to treat those separately. That's what's here before you now. This is a request for an alteration to the front entrance and to the terrace. I would characterize it as a hardscaping project up on that entrance terrace. Staff does recommend approval.

**William Sherman, Applicant** – This project as mentioned is a hardscape project that is looking at the front entry, which is currently asphalt parking areas across the portion of the front and a couple of bushes and some ground cover in front of the house. The desire of the Christian Study Center is to make this usable in a way that would be more amenable to a range of uses. This is a view from the south corner looking at the removal of the asphalt and replacing that with brick on sand and a herringbone pattern. There is a series of benches along the edge of the sidewalk that are both intended as a gift and an invitation to the city in creating an edge that actually does demarcate the boundary between the center and the sidewalk. They are open to seating actually on both sides. There's also a small planter bed visible there. There is currently on the property, something of an enclosure for garbage and trash cans and a parking space on that south end. The parking space would now be bricked. That means it also could serve at times as not a parking space. The garbage can area would be enclosed in fencing that matches existing fencing on the property and painting that matches the paint color of the house. There's a boardwalk that runs back along the edge of the house there that's actually the fire regress from the fire stare of the new addition behind. In front of the existing house, there are no changes to the building structure itself. The landscape in front would be an area for terraces where they have some wooden furniture and some seating around an existing Japanese maple. The benches that you see there would create an edge to the street, while maintaining the current entrance to the front porch and the front door. To the left, we've showed this with the parking that is possible here. The goal and the intention is that it would not be used as parking all the time. It would be possible for them to put up a tent in conformance with all the tent regulations in that space or to simply have it as an open terrace that could serve as a as a social space for the center. There is on the northern property boundary a fence along that edge, which also masks dropping off of the property of the grade along that side and also screens a bit of the neighboring wooden fire stair that comes off that building. That would be the board fencing to match the current board fencing on the property itself. There is a large historic tree, which we have been working with tree consultants to protect. It actually may alter the line slightly where you see the arc around that tree. That arc is going to get a bit larger, which may mean the parking may be a bit more limited than we're showing here. There may be one space left if they were going to be using that for parking. The primary use here is and the goal is to actually put that tree in a better and healthier condition rather than running under the asphalt in the way that it is right now. I want to make clear that the cars are shown there simply for illustrative purposes. These are not formal parking spaces. This is primarily a hardscape landscape for social uses.

## **QUESTIONS FROM THE PUBLIC**

**Geary Albright** – We're the back door neighbors to the center. We've been back there since they bought the building in 1976. We have concerns with the whole development of the property that have never been properly addressed. I know the towering nature of the rear aspect of it that we expressed concern about and the drainage issue and the loss of green space all conspired to make this quarter acre lot into a 10,000 square foot building. It just seems way out of proportion. When they put an addition on the back in 1996, we were fine with that. It still left a lot of green space in the back. I expressed concerns about their drainage which drains onto our parking lot and the facade which towers over our buildings. None of that was ever addressed.

**Robert Aulebach** – We represent 134 Chancellor Street. The only thing in the front that I would suggest is that if you've walked there very often the sidewalk is very, very small. By putting that

seating so close to the street, it'd be pretty hard for people to pass. It would probably be best if it was actually pushed back a little bit off the street to give room for people to pass. I'm thinking people in wheelchairs and things like that. That would be probably the only concern we have.

**Mr. Keough** – We are aware of Dr. Albright's concerns. They came up during the site plan review. We are actually in the midst of addressing those with the city, particularly around the stormwater. We were waiting for city comments on our stormwater plan. The intention is once we get that squared away with the city, we will meet with Dr. Albright to review what's been approved and what our strategy is. We're trying to do so in a manner that respects his issues that he raised last fall. It just hasn't come back from the city yet. Regarding the massing, we've actually moved the building back from the property line about 10 feet from when he last saw that in the fall. Just didn't feel the addition of the bump outs in the back, which we'll get into some code issues in terms of fiberglass. We just moved everything back a little bit, partly to address the same comments that were raised by him and some of the other Elliewood neighbors at that time.

**Mr. Schwarz** – Does that mean that we will be seeing the building again?

**Mr. Keough** – I don't know. It looks the same. You have to tell me what you want to do about that.

**Mr. Schwarz** – If it is moved back 10 feet, I don't think we would have a problem. We do need to see that.

**Mr. Sherman** – The actual footprint on the ground, where it meets the ground, stays where it was. We had some projecting bays on the back. We've actually just pulled them back. They don't project quite as far. As you recall with the elements on the back, there were three larger elements in relation to the core structure. We've reduced their presence in the back slightly by pulling them back partly for code issues. It was also partly for cost and massing issues. It was also partly to address the concern about how imposing this was going to be. There were a number of factors leading into that. I think we were all completely within the spirit. I think somebody looking at the two sets of drawings would have a hard time seeing that we did something differently. You would feel it was actually an improvement, looking at it from below. We'd be happy to show them to you and let us know if they need any further review. With respect to the front issue, that's actually the point about the sidewalk and the proximity of the sidewalk. We'd like to maintain that edge along the sidewalk edge. We could entertain modification of the actual bench design. That might prevent people from sitting on that side facing the street, if that was a concern. I understand completely the width of sidewalk issue. We are happy to work with neighbors to make things work as well as possible for everyone. We had been thinking of it actually from the other perspective of people walking up the street actually may feel comfortable just having a seat there along the way and having a conversation. In a way, it's a part of the outreach mission of the institution to invite participation and engagement with the community.

## **QUESTIONS FROM THE BOARD**

**Mr. Zehmer** – Do you know what the width of the sidewalk is right there?

**Mr. Sherman** – I believe it is a four foot sidewalk.

**Mr. Mohr** – It doesn't look like there are any power poles, except just off the side of your property.

**Mr. Sherman** – There are no power poles. We are not adding any new lighting in the front. There is enough light coming from street lighting that already exists on the property. We don't feel the need to add any additional lighting to the property.

**Mr. Schwarz** – From the street view and the photos that have been submitted, it really looks like the site slopes down from the street towards the building. Is that accurate? I am trying to understand how that is incorporated in the site plan.

**Mr. Sherman** – The primary slope is actually running from parallel to the street rather than back. The adjustment that we're making slightly is where the brick meets the house. We have an area that will be actually a slightly recessed gravel area, immediately adjacent to the house. We're not running the brick right up into the shingles. There's some utility lines there that are existing. The gas service comes in there. We're going to be holding the brick back a bit from the house and using that to pitch the water in a way that follows the current topography. It's all being handled as part of the actual drainage itself. Where that water goes is being handled as part of the more comprehensive review that we're doing on all of this site drainage with the city right now.

**Mr. Keough** – Beneath the brick and the sand bed, there is a drainage system that is porous. It is being taken around to the stormwater system.

**Mr. Schwarz** – There is not going to be any need for a step from the sidewalk to the brick. Is it all flush from the sidewalk?

**Mr. Sherman** – It is all flush. That sidewalk is in pretty bad shape, mostly because what the roots have been doing. That will all be cleaned up as part of this process. We're working to make sure we don't do any damage to the roots and leave the tree in a better situation.

**Mr. Schwarz** – One of the questions that came up from the public was the timeframe for construction. I think it was a sorority down the street. They were curious how it was going effect the school year. I imagine this is going to be a long term project to build

**Mr. Keough** – We're working with Alexander Nicholson and they're our construction manager with Design Phase Services. They've estimated 16 months construction period. At this point in time, we're targeting a December 1, 2021 start time with a march, 2023 completion date. We've actually met with the sorority down the street just the other day. We did speak to them a little bit of this timeframe and impact of the project. We have reached out to them in St. Paul's Memorial Church. Dr. Albright will be next as soon as we get our city comments on the stormwater.

**Mr. Werner** – I know this project has caused some angst. I've gotten a lot of questions about it. There is the continued process that Tom and Bill referred to. To make sure you all know that anything that comes out of the site plan review the changes, I'm in that loop. If something changes, you'll know about it. It won't be something that we miss. I understand some folks asked about the driveway, construction traffic, and who's going to fix what. Joey Winter had been the planner on this project. I think Ms. Creasy has stayed on this one. I'm trying to get some information from her that I can share with people. I've been looking at the map. I'm curious how they're going to get the construction in and out of there. I've built on difficult sites. If you see a change on this property or something that changes because of the construction activity of permanent alteration, we'll review it.

**Mr. Gastinger** – I have a question for Mr. Sherman. You talked about how the protection of the ginkoes is going to happen. How are you intending to protect the Japanese maple? You're going to have to remove almost 6 to 8 inches of the top surface to install those pavers.

**Mr. Sherman** – The current design holds that diameter around the Japanese maple at about 54 inches. We are working with Bartlett Tree Services, who have been caring for these trees for a longer period. They felt our plans were going to be fine with particular respect to the Japanese maple and recommending that we expand the diameter with respect to the ginkoes. That's what we're basing that on.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Zehmer** – I support the application. I like the benches the way they are. I don't think you should put a back on them. The incentive is to be more welcoming.

**Mr. Bailey** – I agree with that.

**Mr. Gastinger** – Last time this was presented, I had a number of concerns about the precedent that this could set for the street and the amount of paving that's installed in the front yard. I think the planted area got smaller and less consequential. This is going to be basically potted plants at the street front. Even though this is a tiny site, it is a bit jarring that the entire lot would be paved. I would have preferred that, if the benches could even move in board and that band be a low hedge or continue to break up the continuation of the brick and paved surface at the sidewalk, I think that would be more in keeping with the character of the neighborhood and adjoining properties. My other concern probably is still within our guidelines. The color of the brick pavers and the brown shingle together, with this extent, is a lot. It's very brown. It gets pretty intense. I think that shows up even in the renderings. I think that while that color might be found appropriate by the board, I might recommend you look at a little bit more contrast, it might just feel very samey. Those are my concerns.

**Mr. Schwarz** – I'm inclined to agree with Breck on the amount of hardscape. I'm struggling to understand the scale of the site. When you're there or when you look at photographs of it, it feels so much smaller than it looks on your plan. I'm just struggling to understand what I'm missing. Maybe you're going to limb up the Japanese maple and suddenly it'll make more sense. I am struggling with this.

**Mr. Lahendro** – I would just say I agree with Breck. Philosophically, I'd love to see more green in front of it. Canonbury House, which is just next door, and they have a lawn area or an earthen area. They can't keep plants there because the people are stepping all over it. It just ends up being denuded from the activity that goes on. As much as I agree with Breck, I'd love to see green too. The reality is I don't think you could keep it.

**Motion – Ms. Lewis - Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed alterations at 128 Chancellor Street satisfy the BAR's criteria and are compatible with this property and other properties in The Corner ADC district, and that the BAR approves the application as submitted,**

**with a recommendation for the applicants to look at the brick color on the chimney, to seek more contrast for the hardscape. (Carl Schwarz seconds motion.)**

**Motion passes (7-2, Breck Gastinger and Andy McClure opposed).**

**The Meeting was recessed for five minutes by the Chairman**

**8. Certificate of Appropriateness Application**

BAR 21-03-07

506 Park Street, TMP 530123000

North Downtown ADC District

Owner: Presbyterian Church Charlottesville Trust

Applicant: Karim Habbab, brw architects

Project: Modify approved addition

**Jeff Werner, Staff Report** –This is a COA request for 506 Park Street. This is a within the North Downtown ADC District. The First Presbyterian Church is designed in a Colonial Revival style. It's based on James Gibson's 1722 St. Martin in the Fields in London. It was constructed in 1954. The Fellowship Hall on the Seventh Street was constructed in 1986. Last summer, you all reviewed extensive changes going on the primary line on the east side, with the addition of a new gathering hall and exterior terrace. There were some other changes going on towards the front of the church. This is where we used to have a revision to a COA. This is a new request. This is to modify what was approved last summer. This is in that north east corner, where that addition was planned. That's being eliminated there. Instead, a handicap access ramp will be built and an elevator tower constructed at the rear of sanctuary. It's a relatively simple project. It's just making sure that everyone understands what's still in and what's not in, relative to the prior work. I think there's some questions about trees that we're going to have to get into. As far as what's been proposed, there's nothing here that staff felt was problematic. There's some clarifications we've received from the applicant that I think you all should discuss. For example, the elevator tower at the back of the sanctuary and the adding of sills to those insets. The sills and the clarification on the landscaping were the two things that we wanted you to make sure we're clear on. We have no problem with this one and recommend approval.

**Bruce Wardell, Applicant** – I'll give you a little bit of background on this just to set the stage. This is certainly a function of the sequence that these things happen in. Early in the project, we bring something that we need approval for, to get other things going. It's a combination of understanding the ultimate costs of that addition, combined with what is a unique opportunity for the church. The addition was actually phase two and three of a four and five phase plan. The later phases were renovation of the interior of the building. The combination of finding that the costs of the addition were higher than we had expected, along with a relatively unique opportunity to be able to renovate a building when it's not being used, particularly for a church, that's always an issue that you have to wrestle with. How do you keep the thing going while you're doing major work inside? Within the last two or three months, the church decided to take the opportunity to do the comprehensive interior renovation of the church and make this addition actually the phase five of the addition. This is really an effort to put in place for the interior renovation, but also allows for the future construction of the addition as we had envisioned it initially. The major thing that means architecturally, is that arcade that is currently open gets enclosed as an entry from the parking lot. They did not want to put off the accessibility of the entire building. It is one of these odd situations in which we have to place an elevator that is waiting for the building to surround it. They're in really that gracious of a way to do that. The way that we've done it in this case is we have taken up the language that existed on the building already. These blind windows existed actually right in the place where the elevator is. Enclose the arcade and leave the existing colonnade. Leaving the existing colonnade does a number of things. It



certainly preserves the access to the building there. It creates a very logical and identifiable entry. We will add the accessibility to that. It also separates from the street what will ultimately become an area that inevitably children will be playing in. There's an architectural barrier between what will be a play yard and the street itself. The landscaping in that area is obviously relatively minimal. It is a placeholder for a future addition. I think one of the things that we discussed recently was the removal of a number of trees and the identification of trees along the driveway that goes from the upper parking lot to the lower parking lot. The part of the site plan that will be done that is currently under review from the city is the originally planned connection from the upper parking lot to the lower parking lot. That drive from the upper parking lot to the lower parking lot will include the trees that were originally identified for the ultimate site plan. There are some initial pieces of that site plan. You can see the road from the upper parking lot. If you will touch that drive that goes from the upper parking lot, the trees from the original site plan will be planted during this phase of the work. There are no changes to the interior courtyard. There are no changes that we will continue. We will build the front terrace that is on Park Street. There are no changes to that.

**Karim Habbab, Applicant** – We had some questions on the handrails from staff.

**Mr. Werner** – With the handrails, my sense was that it was going to be what matched the ADA entrance that was added two years ago. My understanding was that this was going to be similar.

**Mr. Wardell** – That's correct. It matches the conditions around the building.

**Mr. Habbab** – There was a question about the maple tree that staff had asked us about. That does not need to be removed for the new grading. That tree will be staying.

**Mr. Gastinger** – Can we confirm what one that is in the plan?

**Mr. Werner** – If you look at the right hand side, there are four London plane trees. Above the second one, you can see a tree there. There's probably a 30 inch maple. I don't know how London plane tree manages an understory tree. That was what I asked. Is that staying or going? Was it something we reviewed last summer? I couldn't recall. I just want to make sure that didn't slip by.

**Mr. Habbab** – I believe that tree was mislabeled on the drawing. I think it was labeled as 24 inch maple.

**Mr. Wardell** – Any tree that we do preserve is going to be preserved temporarily.

**Mr. Gastinger** – That tree is going to go? Or is it going to stay?

**Mr. Wardell** – That tree could stay from the grading plan. It would be my preference that we institute the new planting of the new trees. Start with that. That would be my preference.

**Mr. Gastinger** – The other three trees were slated for removal?

**Mr. Wardell** – Yes. That has to do with the grading necessities.

**Mr. Werner** – They were all approved for removal. What you are seeing with the trees is identical to what we saw last summer. There are obviously some plants, lower plantings. As far as trees go, what we are seeing, is the same thing last summer. That is definitely not a 30 inch maple back there.

## **QUESTIONS FROM THE PUBLIC**

No Question from the Public

## **QUESTIONS FROM THE BOARD**

**Mr. Mohr** – The elevator is painful. Is that something that is totally absorbed when the addition goes on?

**Mr. Wardell** – That’s right. It will be surrounded by the addition.

**Mr. Mohr** – Is there any harm in taking it up to pick up the window bane?

**Mr. Wardell** – We had a series of discussions about where that thing would stop. Did you want to take it all of the way up to the rake of the building? Unfortunately, the technical clearances that we need won’t let us take it down to the bell course. The height of the thing is right in the middle. That’s why we introduced the bell course and tried to do a plain vanilla top to the top of the thing.

**Mr. Mohr** – Would it make it any better to take it to the top of the windows so that it is mimicking the other windows and put a flat roof on it?

**Mr. Wardell** – We could do that.

**Mr. Mohr** – It seems that it is drawing more attention to itself. I am just wondering if there is a way to minimize it more.

**Mr. Wardell** – This is not a design issue that we’re going to “fall on our sword” for. We are happy to design this by consensus.

**Ms. Lewis** – By doing that, you would get rid of the appearance of having to disguise the window that you are needing to break in. That little room does make sense.

**Mr. Mohr** – There isn’t a white band over the jack arches. The model is a little off. There is really nothing happening up there in the main gable?

**Mr. Schwarz** – There is a trim board above the window heads.

**Mr. Mohr** – It looks like it might be a pent eave?

**Mr. Wardell** – The rake for the gable goes all of the way across. There is a half-round window in the gable.

**Mr. Mohr** – Model is a little funky in that regard. I just wondered if there was some way to minimize it even more.

**Mr. Wardell** – I think you can make a strong argument for bringing it up to the trim that is just above the third story windows.

**Mr. Mohr** – I don’t know if I would bother putting anything more exotic than what you already have down in the middle band and move that middle band up.

**Mr. Wardell** – That makes a lot of sense. When the addition is done, we know that the east side of this wall will still be exposed inside. The north side may be exposed. That sill will be a part of the addition on that when it is done. I am certainly amenable to those modifications.

## **COMMENTS FROM THE PUBLIC**

No Comments from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Lahendro** – I just want to confirm that the change of the door entry to the arcade has been moved back one bay so that we can delete the fenestration that was in that arch facing Seventh Street. I see it in the packet as an appendix. That is certainly a great improvement.

**Mr. Wardell** – We moved it back. It gave us two open arches and an outside space.

**Ms. Lewis** – I should have acknowledged up front. I am a member of this church. I am not involved in this process. I don't have a personal interest defined by Virginia law in the outcome of this vote. I believe that I can participate.

**Mr. Gastinger** – I have a few questions about how the site plan will work. I don't have any concerns with the architecture. Knowing how kids are dropped off here for school wondering how people might move from the lower parking lot up to any portion of the building, it seems that the ADA ramp is a 'tortured' way to enter that pavilion. How were you thinking about that? Do the stairs still need to be removed?

**Mr. Wardell** – In the most recent version, both stairs to the pavilion will still be there. Starting the ramp at that point, as opposed to down the sidewalk, made sense. It's the most efficient path. It really is a pragmatic piece there. It's not going to have any real architecture to it. It is really a dedicated path up there. It will have handrails on both sides.

**Ms. Lewis** – The entrance to the preschool is further down on Seventh Street. It was moved 1.5 years ago. They no longer share the entrance.

**Mr. Gastinger** – What about passage from the parking lot up through to the front of the building towards Park Street?

**Mr. Wardell** – That road will be graded exactly the way it was proposed last summer. In the site plan, there will be bollards that will control the ability to go between those during the week. They cut off access between the two levels or open access between the two levels.

**Mr. Schwarz** – This is probably ready for a motion. I would recommend with that motion that the elevator have a recommendation that the applicant look into changing the height and that we don't design it for him.

**Mr. Zehmer** – On the last page of the packet, there is a window sample. The note does say that it is not the final sample. I am just wondering when they find a window that does match the mutton profile, that can be submitted to staff for verification.

**Mr. Schwarz** – The window note says that you're going to use a putty style mutton. Is that the intention?

**Mr. Wardell** – You’re catching me off guard here. I am not sure where we are with Pella and the mutttons right now. It’s been awhile. We were working with Pella Windows to get a profile that more closely matched the existing profile on the building. I don’t know what their current response is.

**Mr. Schwarz** – I think we approved this before. I believe this page was in the last submittal.

**Mr. Zehmer** – Does this relate to filling in the arcade?

**Mr. Wardell** – It has to do with the windows filling in the arcade is what we are looking at.

**Mr. Schwarz** – You’re matching the ones from an addition that was added relatively recently.

**Mr. Wardell** – The windows would really match that. What we were actually trying to match is the configuration of the details from the front windows that face Park Street. It’s a little bit different fenestration configuration, but we are looking to approximate those proportions.

**Motion – Mr. Lahendro – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed alterations at 506 Park Street satisfy the BAR’s criteria and are compatible with this property and other properties in the North Downtown ADC District, and that the BAR approves the application as submitted, with these recommendation:**

- **that the height as shown of the elevator be reconsidered**
- **that the white banding around the elevator be reconsidered, and changes allowed if the designer decides to do so**

**Carl Schwarz seconds motion**

## **9. Certificate of Appropriateness Application**

BAR 21-03-08

500 Court Square, TMP 530096000

North Downtown ADC District

Owner: 500 Court Square

Applicant: Doug Brooks, on behalf of the condo assoc.

Project: Replace four, apartment windows

**Jeff Werner, Staff Report** – This is a COA request to replace four windows in an apartment at 500 Court Square. The building is in the North Downtown ADC District. It is contributing. It is a Colonial Revival nine story brick building. This was originally the Monticello Hotel designed by architects Daniel Johnson of Lynchburg constructed in 1924/1926. It's also a contributing structure in Charlottesville, Albemarle County Courthouse Historic District list on the Virginia landmarks Register and the National Register of Historic Places. The BAR has reviewed some of the things at this site; most recently some security gates. I had to go back to 2011. The last BAR review related to windows within an apartment. Back in July 2011 the BAR approved to placement of non-existing windows on the sixth floor unit facing Market Street; approved with the aluminum clad window, sash kits, and applied a mutton that matched. From reading the staff report, it was clear that there have been replacements over the years that have not gone to the BAR. The comment at that time was that when this was approved, the city recommended the homeowners group, basically to come up with a plan for when windows are replaced. What is it that we want? Possibly July 2011 is an example. That's one side of it. With replacement of windows, I will say I'm getting a lot of questions in the last couple months about window replacements. I've been repeatedly pushing the point to people that repairing windows is

a lot less expensive than replacing them. That fits the bill here. What I am looking at is some water infiltration; probably more having issues with the sill and the window frame than with the sash. Something could be fixed with some repairs to the sill and better caulking and maybe storm windows on the exterior. This is the south side. We all know that's the heavy weather side of any building in Charlottesville, particularly if it's up in the air like this one. My recommendation wasn't necessarily yes or no to replacements. From a cost standpoint, I don't know if it's necessarily the right solution. Simply replacing the windows may not fix the problem that they're having with water infiltration. If the BAR does approve this, I think, it's an opportunity to express a standard that not approving requests that come in for 500 Court Square; but certainly expressing maybe what would be expected in an application. What is acceptable as a replacement is the criteria for that. We certainly have conditions with us where, with insulated glass and applied grills, the grills are the same dimensions, the same light configurations, same alignments with the spacebar within the insulated glass.

The applicant was not on the call for this application.

**Mr. Lahendro** – This is an important issue. We don't want individual condo owners to come in and start replacing windows differently from one to the other. It needs brought holistically. A case needs to be made that there's something wrong with the windows holistically before we start agreeing to a standard for replacing them. I am not ready to proceed with anything until we get some clarification here.

**Ms. Lewis** – I have represented the condominium association in the past. I can speak with assurance that the windows are considered part of common elements. Responsibility for that is shared with all of the unit owners within the building. They're residential and commercial. Mr. Brooks is the President of Real Property. They're the licensed community manager for common interests associations.

**Mr. Bailey** – It is very similar to the condos that I own in DC. The windows are owned by the association. What you need to have is for them to have a common standard and come to us and ask us if that common standard is appropriate for that building as an association.

**Mr. Werner** – The application came from Doug Brooks.

**The BAR moved onto the other item on the agenda to give this applicant time to join the meeting.**

**The BAR returned to this application following the last item on the agenda.**

**Mr. Werner** – This came up briefly and you read the report. This had come up back in 2011. Mary Joy was asking 'what is our standard?' Is this something that the, in this case, an individual apartment owner who has asked to do this? Or is this something that the building itself, you all look to do, as part of a comprehensive project for everything? It have been some mix and matches over there. If there's a grand plan in place, that makes it a lot easier to say, 'here's what we want to address. When an owner says we're going to do something, and the BAR needs to be prepared for that kind of piecemeal approach. How do you see that moving forward?

**Mr. Brooks** – Unfortunately, it's the ladder from what we can determine. It's a mixed use condominium. The common elements and declaration is such that the windows are actually considered part of the unit, which makes it challenging. The condominium association is more or less left with, in essence, doing architectural review itself and then approving a certain appearance and standard that it could impose. However, since I came on board, which was after the 2011 application by one of the

owners, our answer has been ‘stop, you can't do anything.’ We're in a historic district and we need BAR approval. We went through that with BAR when we did our balustrade and rooftop etc. We know that folks had slipped through the cracks prior to 2011, doing the replacements on their own, slipping it by the board of directors there. It was self-managed from 1978 until 2014 13. I think that's how a lot of that occurred. The quick answer to the BAR is that the association would love to set the standard. I see in the notes that 2011 set that standard with French vanilla and divided light with spacer grills. I was intrigued when I got that. I'd never seen that documentation. There's no plan in place from an owner and association perspective to do a group project all at once. I think the association would love a standard that it could then apply. The applicant, whether it be the building and the owner together, would have to run it by the BAR to confirm that we're conforming to the approved standard. That's kind of a huge run out in response.

## **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

## **COMMENTS FROM THE BOARD**

**Mr. Lahendro** – Has a survey by an engineer or a professional been done of the windows around the building?

**Mr. Brooks** – I am not aware of any survey. The association has been responsible for exterior surfaces. I believe around 80% to 90% of the windows are original. All of the lower level windows from the fourth floor down are original.

**Mr. Lahendro** – Are there complaints from the owners about the windows in the entire building?

**Mr. Brooks** – Few and far between. I think that some of the folks that have renovated their units without applying may have had those complaints. I asked immediately for documentation as to why the request. They provided a home inspection report. Essentially what we see now and I also saw in a note from staff was a misdiagnosis by one of our infamous home inspectors to the why they're seeing water damage. I think that's from condensation. We have old windows that aren't low E. In essence, it was a cold water coil and fan system, like they used to have in hotels back in the 50s. We have cold air blowing against an original window and it is moisture and condensation is what you're seeing there. I think owners are frustrated with the fact it's very difficult to clean or maintain or paint these from the inside. Certainly they don't tilt in. They feel cold air and have wet sills when it's really hot.

**Mr. Schwarz** – I just want to clarify. All of the windows from the fourth floor down are all original. In looking at the photos that I took, the windows above that level, at least 50%, have been replaced. Is that inaccurate to you?

**Mr. Brooks** – I don't want to challenge you on that. I know we have been spending a great deal of time on painting and caulking these windows. I would be happy to follow up and do a more formal inspection on that. We just haven't had the number of requests. It has been off the radar.

**Mr. Schwarz** – It might actually help the argument for replacements if 10% of the windows are all original and the rest are new. To me, it looked like a lot of replacements have already been done. It looks like there are different types. This one does not meet our guidelines or standards. We have been harsh to applicants, who have had much worse windows. We can discuss an appropriate standard for replacements, should a window warrant replacement.

**Mr. Mohr** – From my perspective, it really needs a full building report so we know what we're dealing with here. It does seem dealing with it piecemeal is insane for something that is one building. If they're trying to maintain it, it would be good for things to be consistent throughout. That's a real nightmare to have so many different systems going on. This is one of the conundrums of old buildings and modern HVAC technology. It certainly doesn't help the system blowing right on the windows. That is double jeopardy right there with the way those systems are set up.

**Mr. Bailey** – Wouldn't be appropriate at this point for us to ask for the building to try to come up with their own standards before anyone comes to us?

**Mr. Werner** – If the window needs to be replaced, picking something is the easy part. The 'heavy lift' is showing why a replacement window is needed. There is a perception that there will be saving of money. The question for the BAR is what is it that we need to see or staff needs to present to you. I don't know if there's a way to express that. That's where you all have difficulty evaluating what it is. I have difficulty expressing to people what they need to bring to the table.

**Mr. Schwarz** – That is going to be a very long conversation that we need to have as part of the guidelines review to set a standard of what is a window that warrants replacement. We do seem to keep moving that bar around a little bit. That would be good to set that bar at a good location and a consistent location for each applicant.

**Mr. Mohr** – In terms of the guidelines, we should look at what UVA has done in reference to this very same problem on large buildings. What has their approach been? It seems that there is a lot of intelligence there. This building is an 'odd man' in a lot of ways. It is one of the biggest residential buildings in downtown. It doesn't really have a coherent approach to some of the systems that compose the building. UVA deals with large buildings because it is an organization. It can do it. It seems that we need to find a model. Jody might know some examples at the school where they would deal with a building this size.

**Mr. Lahendro** – At New Cabell Hall, all of the windows were renovated, repaired, recaulked, and restrung. They were taken out and repaired off site. They were brought back and re-installed. The frames were repaired and replaced. There is precedent there. It's been done. For the dormitories, there is a different standard for dormitories. They have taken out the windows and replaced them. It depends on the building and the historic importance of it.

**Mr. Mohr** – With that in mind, I can see an argument that everything at street level should be restored and kept as is. The residential portion moves to a more modern, consistent window type throughout. Infiltration is a big deal.

**Mr. Lahendro** – I would like to have it established that there is a problem. We need a survey by a professional. We need to be told that there is a problem and what the problem is. We can then address it appropriately.

**Mr. Werner** – If there is an apartment owner with windows in bad shape, the BAR has the ability to say that you can't have building look like that. What is the stewardship responsibility of the owner? If somebody lets their windows go bad and you have to replace them, is the applicant paying for that?

**Mr. Brooks** – Our understanding of the governing documents is that the association is responsible for the exterior maintenance, defined as caulking, sealing, and painting. However, the actual element itself

is a property of the unit owner. That's why we've engaged in this long term caulking and painting program to alleviate those issues and to prevent them.

**Mr. Zehmer** – Do you think that would be up to the individual owners to install storm windows or would that be a building responsibility?

**Mr. Brooks** – Our reading is that would be a unit owner responsibility.

**Mr. Schwarz** – I know that we tell homeowners to install storm windows to protect their historic windows. When you look at the façade of this building and the few windows that have storm windows, they are the worst looking ones.

**Mr. Zehmer** – I feel like it is unfortunate, to some degree, that the windows are the responsibility of the unit owners. That's the way you all have your organization set up and structured. I can't argue with it. It's unfortunate. It seems to me like it's a part of the envelope of the building itself. I did just share on the chat, the link to the Secretary of the Interior standards, which definitely recommend repairing windows and installing storms as the first line of defense. I think it absolutely echoes what staff had pointed out. It's a lot actually less expensive to repair than to replace.

**Mr. Lahendro** – I will point out there are some decent interior storm windows. They don't always have to be the exterior type.

**Mr. Zehmer** – That is something that UVA has started to do quite a bit with installing interior storms, so that we don't attract the historic character and the exterior. We can achieve some energy improvement and sustainability measures. We definitely did that at O'Neill Hall and the rugby apartment building. That's another tactic.

**Mr. Werner** – When someone does something like this, do you ever bring in a crane? Or do you dangle a scaffolding over the side? What's the mechanism that you all use for this exterior work?

**Mr. Brooks** – When an owner replaces a window of this type, it is typically done from the inside.

**Mr. Werner** – How would you caulk it?

**Mr. Brooks** – A lot of these are partially self-sealing and these windows probably would not use a full copy. It's not like a NP one copied around the exterior. We would have to get Pelas installation instructions to confirm for this model how they would do that.

**Mr. Schwarz** – Ron, you said that the associations would come up with their own standard. The last application developed a good standard, which was the off white and then using the applied buttons with a spacer bar between the glasses. With what James and Jody have said, an interior storm window would be a great solution to this, I would strongly recommend against exterior storm windows as a solution. It's great that it is a big building so you don't notice. When you look, the windows are a lot of different types and the storm windows are not doing any favors for the building.

**Mr. Bailey** – Would you have a motion based on repairing the windows and install interior storm windows?

**Mr. Schwarz** – I think my motion would be to deny this application.



**Motion to deny the application – Mr. Lahendro – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the replacement of four windows at 500 Court Square does not satisfy the BAR’s criteria and is not compatible with this property and other properties in the North Downtown ADC district, and that for the following reasons the BAR denies this application as submitted: the project would specifically violate guidelines C.1., C.2., and C.7 under the City Design guidelines for Rehabilitation. Tim Mohr seconds motion. Motion passes (9-0).**

## **10. Certificate of Appropriateness Application**

BAR 21-03-09  
735 Northwood Avenue, TMP 340078000  
North Downtown ADC District  
Owner: Laura and Phillip Smith  
Applicant: David Mullen, Halcyon  
Project: Rear dormer, roof shingle replacement

**Jeff Werner, Staff Report** – This is a COA request for the addition of a rear dormer and is a request to install photovoltaic shingles in replacement of the existing asphalt. This house was built in 1931. It is in the North Downtown ADC District. It is considered contributing. This is a COA request for construction rear dormer replacing the existing asphalt shingles with photovoltaic shingles, and replacement of the gutters and downspouts. It is standard seamless gutters. They want to go with copper gutters and downspouts. We think everything's fine with the rear edition and certainly with copper. I put this on the regular agenda. I'm so intrigued by the roofings and it probably deserved the discussion we're going to have about it. As I mentioned before we started, we don't have a sample. I know the applicants tried to get a hold of one and figure out how to take a look at it. They can better address what their schedule is, as far as moving forward. It is more important to get the okay and move forward with the dormer and maybe separate out the shingles. There are not really any issues with this one.

**David Mullen, Applicant** – With the shingles, we’re waiting to hear back from Tesla on whether we could get a sample of the photovoltaic shingles. They were more concerned about whether we would get approval on that dormer and whether they could move forward with coming up with a design and giving us a design for the Tesla panels that we would then approve and they would they would like to do that. After the approval by the BAR of the basic plan on the dormer. I think we'd get more engagement with them after we've got a go ahead on the basic plan for the dormer. Right now we don't have a sample yet of the photovoltaic panel other than what information you can already find online about it.

### **QUESTIONS FROM THE PUBLIC**

No Questions from the Public

### **QUESTIONS FROM THE BOARD**

No Questions from the Board

### **COMMENTS FROM THE PUBLIC**

No Comments from the Public

### **COMMENTS FROM THE BOARD**

**Mr. Zehmer** – I am not sure about the interior configuration. On the rear dormer, I feel the two side windows should be a little bit closer to the center window.

**Mr. Mullen** – That’s certainly possible to move them in a little bit.

**Mr. Gastinger** – As to the roof shingles, this is an ideal situation where the roof shingles themselves will be able to conform pretty closely as I understand that system to the roof shape. In this instance, this will be a great example of a solar installation that pretty carefully preserves the roof shape and appearance. I am excited to see it.

**Mr. Bailey** – I do have a question with regards to why they are reluctant to not move forward before the dormer is approved. How is that working? Are they leasing the shingles to you? I don’t understand what the arrangement is.

**Mr. Mullen** – From what I understand, they typically want to start the process with an approved permit. They will start with us earlier.

**Mr. Schwarz** – The design work that they have to put in engineering the circuitry, they want to make sure they have a project in hand.

**Mr. Mullen** – The way that I interpret is they are trying to do is get a fixed plan from us.

**Mr. Schwarz** – This can be a fantastic test case and a good example. The imagery that is on Tesla’s website is pretty close to what you get. I probably could approve the shingles tonight and you submit the final shingles design to staff to make sure there is no surprises in there.

**Mr. Lahendro** – I looked through the Tesla website. I had more questions than when I started with the construction of putting purlins in. I found it to be more uninformative than informative. I did not find the images or the information to help me at all. I have more issues with the shingles than I do with the dormer. I would like to see a sample. I worry there is a reflection from the Tesla shingles. Are there any examples of the shingles in the area that have been installed?

**Mr. Mullen** – I think there aren’t because they’re in the process of expanding where they will install shingles. That would be a new thing for our area. I am not really sure what is represented on the website. They are on the third generation of the design of the shingles themselves. I am not sure if there are some photos/diagrams on the website that handle their system and not how they do it anymore.

**Mr. Lahendro** – If they do get installed, it is done in such a way that they can be replaced. I can’t imagine that they’re going to last as long as an asphalt shingle roof.

**Ms. Lewis** – I share Jody’s concern. This is located close to my house. The way the topography falls down from Northwood down to Second, you can actually see this house. This is especially visible to the properties that are on Robertson Lane. Because of the topo, this house sits very high up. There are houses under it. I love that we are experimenting with this on the back of a building. There are homes that can clearly see this easily. I am curious what the material will look like. We don’t have any samples. During COVID, we glossed over this not being able to share tactile samples. That’s one downside of the current circumstances. We do need to have a little bit more information about this if we aren’t able to share it in person. I support it. I would love to see what they looked like. There could be some impact on the neighbors below them.

**Mr. Mullen** – You're right. There are houses down the street that are exposed to 735 Northwood. There's not much to tree cover in that direction. To the south and to the east, there's more tree cover. The building across directly across the street from 735 Northwood is a garage for a house on Park Street. That is a question. What the glare properties are of the tiles themselves. That would be more information that we need.

**Mr. Werner** – Would the panel only be on the front, south facing?

**Mr. Mullen** – The actual solar panels would be on the front. The system combined solar panels with other tiles that don't have a solar panel in them but are aesthetically the same format. Blinds infills the roof out. The units at the edge, where they need to cut the panel in the factory; those don't have photovoltaic arrays in them. It's only the full panels that you see in a roof.

**Mr. Schwarz** – The whole roof is going to look the same?

**Mr. Mullen** – Right. The front elevation shows you can see on the upper roof is the Tesla solar roof shingles.

**Mr. Mohr** – I would need to know what the solar shingles are. It looks like there is a scale issue as drawn.

**Mr. Schwarz** – That scale looks like what was on the website, unless they have been redesigned.

**Mr. Mullen** – That's 15 inches by 43 inches, which is what they have on the website.

**Mr. Mohr** – That would be a really big slate. They look a little clunky. If they're not drawing attention to themselves, that might not be an issue. I think that we need a sense of what they are. The other board members do have a point.

**Mr. Bailey** – Are there any other houses in the other historic districts that have other forms of solar power installed on their roofs? Has that been allowed in the past?

**Mr. Schwarz** – Not facing a street that I know of.

**Mr. Werner** – The only ones I am familiar with are in the Martha Jefferson neighborhood. I know that there has been some commercial applications that are below parapets. A year ago, somebody built an array in their backyard. I haven't seen anything like this. There is some excitement about it.

**Mr. Schwarz** – I am going to propose that we make a motion to approve the dormer so that the design work can happen. I don't know how the procedure would work for staff. Since it sounds like we need more information to fully approve the shingles, let's get this thing moving.

**Mr. Werner** – I think that is a wise course. The only solar powered project that I was involved in was the one at Campbell Hall. The problem is how you anchor these things onto a 30 year old concrete roof. The attachment is the challenge. There might be some construction details related to this. I think it makes sense to treat it separately. Let's see what comes out of the design effort.

**Justin Pinchum** – I am interested to know if you've seen any Tesla tiles anywhere else in Charlottesville. This will be our first 'go' with it. We're learning with you guys.

**Mr. Werner** – There’s just nothing I've seen before. It's really exciting, but probably more questions than anything. What we've seen has been the traditional glass panels that are roof mounted. In those cases, the primary concern I've talked to folks has been making sure your underlying roof is in good shape before you spend a lot of money putting panels on it. If you're at year 25 of the 30 year shingles, fix that before putting the panels on it. This obviously solves that problem or appears to. I haven't seen anything.

**Mr. Pinchum** – Our understanding is that it resembles a fully slated roof is the look they're going for but without actually seeing a physical sample. Mr. Mullen, you have asked Tesla for a physical sample and you haven't heard a positive reply?

**Mr. Mullen** – Not yet. If they're unable to get us a physical sample at a reasonable time, would some sort of actual photographs and specification drawings of the tiles suffice and some documentation about glare and what that material does.

**Mr. Schwarz** – That would be fine.

**Ms. Lewis** – Spec sheets or what is available would be fine.

Mr. Schwarz – My understanding from looking at their website was that the process laying down a membrane roof. They fasten the shingles on top of that. Mr. Lahendro was asking purlins. We would be curious to know if there is an extra structural piece in there. Is it solar shingles fastened down on top of the membrane? Is it thin or thick? That would be something we would want to know.

**Mr. Gastinger** – I can imagine why Tesla is not sending samples to every person considering a project. They are probably very protective and they are probably not cheap. If it helps your case, this is going to be a really important test case for Charlottesville. It will have the capacity to demonstrate that this is an appropriate way of integrating solar in a historic district. If this board feels they can't get to that decision, I can't imagine a better installation in Charlottesville. I can imagine a lot of really bad places where this project would be a bad idea or with roofs that are much more complex. If it can't happen here, I don't know where it does happen in Charlottesville. This is a really important question.

**Mr. Pinchum** – Do you have a sense of the tiles that would need to be cut in a normal roof installation if those are glass tiles that look like the Tesla tile?

**Mr. Mullen** – From what I have read there has been three generations of the Tesla tile in development. With previous iterations, those tiles would be field cut. It sounds like they are cut in the factory. Everything is brought to site.

**Mr. Werner** – I think of the house up there on Park. Two and a half years ago, they put the copper roof on and about blinded me every time I walked by. We've approved bright shiny things up on roofs; from that perspective, I think the way I'm thinking about it is the when's the full slate shingles that just simply look so completely different. That's in lieu of real slate. You have that comparison that you have to get past. This is a house that is 20th century. It has asphalt shingles on it. We're not looking to replicate a slate roof or cedar shakes or something like that. I think that maybe the uniformity of these is something I think that's something you could see in an image.

**Mr. Mohr** – I think it might end up being a lot nicer looking than an asphalt shingle roof. Looking at the website, it looks nice. We need some 'hands-on' facts about it.

Ms. Lewis – I leave it to the applicant to provide us with that information.

**Motion for Denial – Mr. Schwarz – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed dormer and gutter and downspouts at 735 Northwood Avenue satisfies the BAR’s criteria and is compatible with this property and other properties in the North Downtown ADC District, and that the BAR approves the application as submitted with the recommendation that the two flanking windows on the rear elevation of the dormer have equidistant spacing between the center windows and the edges of the dormer. James Zehmer seconds motion. Motion passes (9-0).**

## **E. Other Business**

### **11. Staff Questions/Discussion**

#### South Street Inn Landscaping Plan

- Staff brought this to the BAR for the recommendation of how to treat this landscaping plan.
- After a very brief discussion, the BAR recommended that the applicant bring the landscaping plan back to the BAR for review, even if it is on the Consent Agenda.

#### Jefferson School

- Awning on the front of the school.
- After discussing, the BAR is comfortable with staff approving this administratively.

#### Lighting at The Standard

#### Comprehensive Plan Update

### **12. PLACE Update**

## **F. Adjournment**

Meeting was adjourned at 9:30 PM

