

**BAR MINUTES
CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
December 20, 2022 – 5:00 PM
Hybrid Meeting (In person at City Space & virtual via Zoom)**



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: Roger Birle, Cheri Lewis, James Zehmer, Tyler Whitney, Carl Schwarz, Ron Bailey

Staff Present: Patrick Cory, Remy Trail, Mollie Murphy, Jeff Werner

Pre-Meeting:

Mr. Schwarz did have some questions regarding the 300 Court Square Site and went to the 300 Court Square site during the Pre-Meeting. Members of the BAR did discuss the project at 300 Court Square and the alterations being proposed by the applicant. Members of the BAR did have some questions regarding the mortar, the whitewash, and the windows with 300 Court Square.

Ms. Lewis called the meeting to order at 5:00 PM.

A. Matters from the public not on the agenda

No Comments from Members of 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.)

1. Certificate of Appropriateness

BAR # 22-12-02

116 West Jefferson Street, TMP 330183000

North Downtown ADC District

Owner: Jefferson Street Properties, LLC

Applicant: Kristin Cory

Project: Porch reconstruction, alterations to rear addition

2. Certificate of Appropriateness

BAR # 22-12-03

1513-1515 University Avenue, TMP 090080000

The Corner ADC District

Owner: Lloyd's Building, LLC

Applicant: James Zehmer/University of Virginia

Project: Replace built-in gutters w/hanging gutters, install new asphalt shingles.

Mr. Schwarz moved to approve the Consent Agenda. Second by Mr. Bailey with Mr. Zehmer abstaining from the roll call due to Mr. Zehmer being an applicant for one of the items on the Consent Agenda.

Motion passes 6-0 with one abstention (Mr. Zehmer)

C. Deferred Items

3. Certificate of Appropriateness

BAR # 22-11-03

507 Ridge Street, TMP 290141000

Ridge Street ADC District

Owner/Applicant: Kimberly and Clayton Lauter

Project: Demo backyard shed/cottage

Jeff Werner, Staff Report –

Background

Year Built: Cottage/shed (House constructed c1895) District: Ridge Street ADC District

Status: Contributing

The Gianniny-Bailey House contributes to the series of Victorian residences along Ridge Street that date to the 1890s. This two-story, two-bay house was originally weatherboard, now covered with stucco. Notable features include a semi-octagonal projecting bay on the front façade, and Eastlake trim on the second story porch. The structure in the rear was built as a servant's cottage.

Request CoA for demolition of an approximately 10-ft x 12-ft, single-story, wood-framed structure in the rear yard.

Discussion

Note: No substantive changes to the November 15, 2002. Revisions are highlighted.

Staff visited the site on November 3, 2022 and found the cottage to be in poor condition, but not at immediate risk of collapse. (See attached photos and summary.) Owners plans to construct an accessory dwelling unit near/at the location of the cottage; however, they also expressed that regardless of the ADU project, they do not wish to incur further expenses necessary to stabilize and maintain the cottage. With that, the owners have expressed willingness to allow relocation of the structure to another site, should someone express interest in acquiring it and provided the BAR approves the move.

As summarized below, the design guidelines recommend against approving this request. However, should there be an opportunity to relocate the structure to another site—likely a property not under BAR purview--staff suggests the BAR consider allowing that move as a solution that preserves the structure (or, at least, precludes immediate demolition) and avoids a potentially contentious appeal to Council (should a demo CoA be denied), and/or avoids actions that might result in leveraging civil fines.

Note: Staff refers to the following provisions of the City Code only as a matter of full disclosure and for information only, not to suggest a possible a path or outcome, nor to provide an enforceable interpretation of the Code.

Per Sec. 34-277 (Certificates of appropriateness; demolitions and removals), the BAR must approve the razing or moving of a contributing structure, except upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury. Having no such determination by the City that exception does not apply. Additionally, failure to obtain the necessary approval for demolitions, the owner is subject to a civil penalty not to exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition, razing or moving. (Sec.34-86(b). See Appendix of this staff report.) The City's current assessment for this structure is \$2,700. (Reference J. Davis email of Nov. 9, 2202.) As such, the fine could not exceed \$5,400.

Per Sec. 34-281 (Maintenance and repair required), the owner of a contributing structure shall not allow it to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure or protected property. In a violation of this requirement, the owner is subject to a civil penalty of \$200 for the first violation, and a civil penalty of \$500 for each subsequent violation. (Sec. 34-86(a)(10), see Appendix of this staff report.)

Per Sec. 34-285 (Approval or denial of applications by BAR) and should the BAR deny the CoA, the applicant may appeal to Council and seek further remedy per Sec. 34-286 (City Council appeals). (See Appendix of this staff report.)

Should the BAR approve the demolition request, staff recommends the following condition (included in the suggested motion below):

- Applicant will provide for the BAR record documentation of the existing building. [In addition to the photos provided, documentation will include dimensioned floor plans and elevations.]

Ms. Lewis – Has anybody come forward saying that they would like to pay for removal of this? If so, are they working with the owners to do that?

Mr. Werner – I have two parties who have expressed interest. I asked them (the applicants) if somebody was interested if we could take a look at it. I know that it would not be moved to another district, an IPP, or something like that. It would essentially be allowing demolition by allowing it to be removed and placed somewhere else. The two parties that I talked to are interested in using it as a structure. No point in belaboring this unless you all were interested in it. If you were, we could take a look at it.

Ms. Lewis – For us looking to take a vote tonight, we have an application to demolish unless somebody modified that application and gave us information about a removal, which is some of the same criteria. We would have to have information about the removal. I don't know if anybody is prepared to do that tonight. I am trying to summarize where we are. We have a lot of information from staff and certainly from last month's discussion.

Mr. Werner – Removal would be not two sites that it would fall under BAR purview. It would essentially be allowing someone else to remove the building, put it somewhere, and utilize it. There would be no assurances that would result in preservation.

Ms. Lewis – Are you going to suggest that as staff? I am thinking procedurally. How do I go forward with this?

Mr. Werner – I haven't dealt with a situation like this. I was figuring where things stood with all of you. In my personal/professional opinion, it is one of those that you load it up on a truck and take it down the road. That can be easily done. I have expressed that to both parties. Were this to be removed, the goal is quick removal. This is not turning into a construction project in someone's backyard.

Ms. Lewis – Is it sturdy enough to be removed?

Mr. Werner – I would take the windows out and I would put a lot of framing inside to hold it together to keep it from wracking. The chimney would have to be taken down. I think it can be done. The result, when it got somewhere else; that would have to be determined to be expedient on behalf of the owner and out of respect for them. Allowing it to be relocated is no guaranteed protection. I know they want to have it removed. I know the next step, if this was to be denied, is an appeal to Council. If Council agrees with the BAR, the next step is the required sale. The amount of time for this would be two months on the market. There's a sequence of steps in the ordinance. It would be up to them as to what they do with it after that; should nobody step forward.

Ms. Lewis – I didn't see any information in the staff report about a removal.

Mr. Werner – I mentioned the interested individuals. It is not like on Preston and that house was being moved down the street to another site within the district. It would simply be allowing its removal to someone seeking to use the structure.

Ms. Lewis – A long time ago, I represented an applicant who wanted to demolish a shed that was believed to have been inhabited. It was dated older than this. It was in Woolen Mills. My client, like these applicants, wanted it demolished. After we were defeated by the BAR, we came back with another motion to move it elsewhere on the property. We're here because there's an application that somebody has presented. I am not hearing from them.

Mr. Werner – I am offering you what I can. To take it straight out of the BAR protocols, the recommendation would be that this is the demolition of a building that is contributing and historic. We don't have an engineer's report. My concern is that it will likely be a denial. It will likely be lost. I don't know how to word that carefully. You all within your right to review the staff report. There is evidence in there and you can make a decision based on that.

Kimberly Lauter, Applicant – You said that it was a contributing structure. I thought that it doesn't have any effect on the designation as a historic district.

Mr. Werner – There are two districts involved here. One is the local/city district. It is designated as contributing. That is why the BAR is reviewing it. One of the criteria in the guidelines is: How is it referred to in the National Register listing? For the Ridge Street Historic District, it is listed as contributing. It is a contributing structure. However, in conversations with the Department of Historic Resources, removing it (in their opinion), would not put the district at risk of being delisted. The house is not individually listed. It is all part of the district. If ninety percent of the buildings that are historic on Ridge Street were demolished, DHR would probably say that this no longer qualifies for the National Register listing. It is contributing locally and to the National Register. It is not individually listed. Removing it from this site will not place the National Register designation in jeopardy.

Ms. Lauter – We have not been able to determine if anyone actually lived in the structure. We have reason to believe it was maybe a kitchen. It is so small. It is 10 by 10. Nobody lived in there.

Ms. Lewis – People lived in 10 by 10s.

Clayton Lauter, Applicant – The intention here is not to cause a fuss but to remove this building to put in an ADU for her failing health, aged father. The value proposition of this structure is for the structure’s sake. It is going to go away, whether it is tomorrow, next week, or in three years due to upkeep. We are not selling tickets. We are not roping this off. We’re not inviting the public to come view it. I am more than happy to document the construction in its removal. The notion that it should be lifted, put on a flat-bed, and carted off to a non-historic: No, that’s crazy. If you had another location in the district where you would like to move it, we can consider that. What you’re saying is that I am giving a building away for free to somebody with no oversight of this body or anybody else. That’s nuts. I understand the purview, the directive, and the mission of this Board. When it makes sense to do exterior modifications or retain historical value, I get it. I support it. That’s why we lived in the house in the first place. This building is falling down with birds. There are those that come before you with millions of dollars. We are not one of them. I understand that your purview is structures historic in nature. We’re talking about my mother’s father. If necessary, we will see you in front of City Council.

QUESTIONS FROM THE BOARD

No Questions from the Board

COMMENTS FROM THE BOARD

Mr. Schwarz – With the previous BARs, there is precedence for taking down much larger portions of historic structures. There is also precedence for basically giving quite a bit of free reign to the rear side of historic houses. This is in the rear. It is not visible from the street. Its removal will not change the district. It is very particular to this one property. Through precedent alone, I would vote for approval of demolition.

Mr. Bailey – I will associate myself with your remarks (Mr. Schwarz).

Mr. Zehmer – In reference to the letter that was submitted and having seen the building, I am not convinced that it is mid-18th century. The saw marks on the framing and the construction don’t look like it is 1840s. I think the staff report is more accurate. It is likely the 1890s time period. As I mentioned last month, I don’t feel that it is beyond repair.

Mr. Birle – Our purview is fairly narrow here. Even though it is a humble building, it is listed on the National Register. It is a contributing resource. It is our purview to protect buildings like this. With that narrow and analytical focus, that would be my recommendation.

Mr. Whitney – What seems unique to this structure is that I wouldn’t want to set a precedent for the BAR to associate with is that it does seem like a piece of character we wouldn’t want to lose. It does seem with the windows and the chimney that it was more than a shed at one time. It does seem like a unique piece we would lose if it is approved to be demolished. It is unique in that we don’t see a lot of historic fabric of the city. I would be in favor of denying the motion for demolition.

Mr. Bailey – It is interesting that you use the word ‘see.’ As was pointed out, you can’t see it. Nobody wondering around the district can see it for the most part. It isn’t contributing in the sense that the public gets to enjoy it. That is the motion that we have approved in the past; things that are behind

historic structures that are not contributing to the fabric of the neighborhood in the sense that people will get to see the neighborhood and experience it in that way. I think that should be taken into consideration.

Ms. Lewis – I find this challenging because we’re seeing reasonable people differ strongly on this. With no disrespect to the applicant, I have been on the BAR previously from the Planning Commission for two terms. I have been back on this Board for two years. I haven’t heard an applicant threaten to demolish something that they legally couldn’t demolish. You said that it will come down.

Mr. Lauter – I said that it will come down eventually.

Ms. Lewis – I heard within a shorter period of time. We do have someone taking the minutes. I have never heard an applicant say that; that they will get their way. I don’t know how that impacts my voting. I am sitting here. Does that mean it will be demolished no matter what this Board or whether it makes me emboldened to vote to deny it? I don’t know. I am noting for me that is a shocking comment. I am sure the applicant (through staff) is well aware of the consequences and fines. Those may not be personal concerns for them. I want to note that for my colleagues. We deal with people’s private property. We deal with their property rights every single time we’re here. Our guidelines do impose the right for us to do certain things. A demolition is an extreme example of when a property owner wants to do something with their property. I have never had a property owner say “I want to alter it. If you deny me, I am going to alter it anyway.” I have never heard those words. I don’t know how it effects my voting on this.

Mr. Lauter – We wouldn’t be here if we didn’t respect the process. We live in the area. We have lived in the area for 13 years. We have complied with all other asks of this BAR. Whether they have been installing gutters on the front of the house when I came before with my children years ago; whether it is solar panels. I don’t know if perhaps my comments were inarticulate. What I did mean to say was that we are not going to allocate the resources that some on this committee would wish us to allocate to maintain this structure into perpetuity. By withholding maintenance, it will fall down on its own. It was not a threat by myself or my wife. The letter that you read mentioned something. Those were not our words. It said something about being destroyed imminently. I believe those were Tony’s words. They were not our words. I apologize for the miscommunication. I agree with the gentleman who said that this cannot be seen by the public. I am not speaking ill of my neighborhood. We love our neighborhood. It can be a little rough. There are 9 mm holes in front of my house. There are drive-bys up the street. Do I allow people to walk through my yard? No. It is completely our property. This shed/shack is not visible to anyone unless you’re my neighbor. The public can’t see it. We’re not going to sell tickets. I respect this body. I respect your mission as described and outlined to maintain the historic fabric of the community for the public. This is not publicly seen, viewable, or considerate one that the public can consider. It does not contribute. It is not individually listed on the National Register. It is a contributing building that will not affect the National Register or the Local Register. I appreciate your purview. I understand your passion. I respect it.

Motion – Mr. Zehmer – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition at 507 Ridge Street does not satisfy the BAR’s criteria and guidelines for demolitions and that for the following reasons the BAR denies the application as submitted because the proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located that is the subject of the application

Mr. Birle second. Motion passed 4–2. CoA was deni

4. Certificate of Appropriateness

BAR # 22-09-04

0 3rd Street NE, TMP 330020001

North Downtown ADC District

Owner: Scott Loughery

Applicant: Candace Smith, Architect

Project: New residence on vacant lot

Jeff Werner, Staff Report –

Background

Year Built: n/a. (According to available information, parcel has never been developed.) *District:* North Downtown ADC District *Status:* n/a

CoA request for a three-story, single-family residence and detached garage on vacant parcel.

Discussion

For the summary of the staff's comments re: the design guidelines for New Construction and Additions, see the October 18, 2022 staff report, under Discussion and Recommendations at: 0 3rd St NE - October 18 2022 BAR packet

This will be the BAR's fourth discussion of this request. At each of the prior meetings (September 20, October 18, and November 15) and in correspondence to the BAR, several neighboring property owners expressed their questions and comments regarding the project. The applicant has been responsive to the BAR's questions and recommendations.

Staff recommends approval of the CoA, acknowledging the alternate liriop selection, see below.

Landscaping Plan

* = On the City's Tree/Shrub List and/or not considered invasive in Virginia.

Note the revision below to the liriop selection.

• Trees:

o Amelanchier – Serviceberry *

o Acer palmatum 'Osakazuki' - 'Osakazuki' Japanese Maple (matched pair) *

• Shrubs, Evergreen:

o Ilex crenata 'Green Lustre' - 'Green Lustre' Japanese Holly *

o Azalea 'Pink Pearl' - Azalea 'Pink Pearl' *

o Abelia 'Rose Creek' - 'Rose Creek' Abelia *

• Shrubs, Deciduous:

o Itea virginica - Virginia Sweetpsire "Henry's Garnet" *

o Pyracantha coccinea – Firethorn *

o Hydrangea paniculata 'Limelight' - 'Limelight' Hydrangea *

o Hydrangea paniculata 'Little Quick Fire' - 'Little Quick Fire' Hydra *

o Liriop Muscari will be substitute for the Liriop spicata 'Big Blue' indicated on the Landscape Plan. [Staff: Liriop spicata is noted as invasive by the City of Alexandria and Arlington County. (www.invasiveplantatlas.org/subject.html?sub=11562) From the applicant's note to staff: Liriop spicata is a running type of liriop and could spread, although the brick walls will contain it. However, Liriop Muscari is a non-running, "clumping" variety that will not travel outside the brick walls. There are a couple varieties of muscari; the client will select one of those variants.]

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Motion – Mr. Zehmer – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the new residence at 0 3rd Street, NE 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 alternate liriopie noted in the staff report].

Mr. Bailey second. Motion approved 6-0. CoA was approved.

D. New Items

5. Certificate of Appropriateness

BAR # 22-12-01

300 Court Square, TMP 530096100

North Downtown ADC District

Owner: Eagle Tavern, LLC

Applicant: Candace DeLoach et al

Project: Exterior alterations

Jeff Werner, Staff Report –

Background *Year Built: Farish House 1854; Annex (south wing) c1880. (Historical surveys attached.)*

District: North Downtown ADC District Status: Contributing

CoA request for exterior rehabilitations and alterations to historic hotel, including reconstruction of historic east portico and construction of a two-story terrace over the rear courtyard.

From the applicant’s narrative, including responses to Nov 15, 2022 BAR comments:

300 Court Square – Front of building, North-Facing

- Remove four smaller windows, investigations point to these windows as not original, infill with brick. Remaining windows will be centered and symmetrical. We will provide additional close up photos of the brick and window interactions. We believe these [four windows] to not be original. (photos 1-4.)
- In response to concerns that board members have regarding the request to unevenly apply whitewash to the exterior of the building, there is evidence that the entire building was painted white; we would like to invite board members to look at the revised sample on the exterior near the tavern entrance. We have added red wash to the lime wash to warm it and make it blend the various mortars and brick repairs.
- Requesting to use a lime mortar on the brick repairs. [Staff note: In prior discussions with the applicants, staff noted that the repairs to the existing masonry would be considered maintenance and repair, provided the work would comply with the BAR design guidelines for Masonry, from Chapter IV-Rehabilitations.]
- Window mullions, casings, sashes, fascia, railing and door trim to be painted “Gray Owl” Benjamin Moore - 2137 60.
- Shutters, balcony railings, and upper eave to be painted “Braemer” No BS14C35 - by Fine Paints of Europe. Please see sample on actual building.
- All exterior doors to be painted - “Green” – BS 16C39 by Fine Paints of Europe.
- Install four handmade copper gas lanterns flanking both sides of ground-level windows: French Quarter Lantern by Bevelo. (photo 15)
- Install three handmade copper gas lantern pendants on the two balconies and above the front entry door. (photo 16)

Items to be submitted to the City of Charlottesville for approval – in all three instances, we are requesting to install a hotel amenity placed on city property:

- Install four flush-mounted landscape lights in sidewalk to up-light plantings and illuminate pilaster detail. Since this is city property, we will obtain their permission prior to installing. [Staff note: See Discussion and Recommendations.]
- Install black and white canvas awning with Greek Key pattern that extends from door to street. Awning is supported by copper poles and illuminated from within. Because this is city property, we will obtain their permission prior to installing the awning. [Staff note: See Discussion and Recommendations.]
- Install steps from the landing of the portico on the 6th Street side. May we suggest that we will not build anything until we have the city's permission, which would hopefully happen during construction or offer up that we will build the steps such that they could be removed if not approved? [Staff note: See Discussion and Recommendations.]

East Side of building – 6th Street

- Please see dimensional drawings of the portico as designed. Because this is designed to incorporate the existing fire escape, we ask that it is approved as drawn for functionality. Please refer to dimensional drawings submitted. [Staff note: See Discussion and Recommendations.]
- We have elected to use electric lamps on the 6th Street side. We heard [Mr. Gastinger's] concern and are reducing the number of gas lanterns used to only those on the North facing exterior (as previously submitted).
- All exterior doors to be painted "Green" No BS 16C39 – Fine Paints of Europe
- We will be installing an electric light fixture at the gift store entry.

Rear of the building – Not Visible from 6th Street

- A two-story trellised wall will be built against the neighboring equipment building [to west, rear of Monticello Hotel] to hide the AC chiller on top. Two-story terrace to be built over the courtyard to screen satellite dishes from the room views. Please see submitted dimensional drawings of this structure.
- Trellised terrace to be painted "Gray Owl" by Benjamin Moore – 2137-60.
- A wooden deck will be built to the same level as the first-floor ballroom.
- In consideration of the use of Bermuda Shutters, which garnered a lot of conversation, we will not use shutters on the south side of the annex building and would like to use Bermuda shutters only on the back side of the building which is not visible from the street.

Motion – 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 alterations and rehabilitations at 300 Court Square 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 the following modifications and conditions:

- **Approve the [lime] wash in concept, but want to review a physical sample. [BAR approved a wash. Staff will make a later recommendation should approval of the color require a separate, formal CoA request.]**
- **For the [exterior electric] lighting, all lamping will be dimmable, have a Color Temperature not exceeding 3,000K, and a Color Rendering Index not less than 80, preferably not less than 90, and lighting should be shielded to prevent glare to the sidewalk.**
- **For removal of the four windows [north elevation], infill the openings with brick, but have a grout line indicating where the windows used to be. Do not tooth-in the infill into the adjacent brick]. Infill panels to be set back ¼' to ½" [per applicant suggestion].**

- All [setback] encroachments are subject to City zoning [specifically relative to the east portico, awning at the north entrance, and any projections out into the right of way, and anything in the sidewalk].
 - o Staff note: Per prior discussions with the applicant, it is understood that any encroachments into the public right of way must be resolved with the City through the appropriate process; that design approval by the BAR does not prevail over setback and/or other zoning requirements.

Separate signage package. [All signage will require a separate signage permit.]

Mechanical units will be screened. [Applicant indicated locations at the rear: Beneath the rear trellis/deck and on the low roof area. See image below for clarity.]

Mr. Bailey second. Motion passed 6-0. CoA approved with conditions.

E. Other Business

6. Staff Questions/Discussion

- BAR Rep to DT Mall Committee
- DT Mall NRHP nomination update

Adjournment

The meeting was adjourned at 7:55 PM.