

City of Charlottesville Board of Architectural Review  
Regular Meeting  
November 15, 2022, 5:30 p.m.  
Hybrid Meeting (In-person at CitySpace and virtual via Zoom)  
Draft Minutes: Excerpts re: 507 Ridge Street

BAR members present: Gastinger, Timmerman, Schwarz, Birle, Zehmer, Whitney.  
BAR members absent: Lewis, Bailey.  
[Note: The BAR is a nine-member board; however, one seat is vacant.]

**Jeff Werner, Staff** – [introduction of submittal and staff report.]

**Clayt Lauter, Applicant** – We love the shed. It's cute. It's a question of value. I have an 81 year old father in law with limited resources living in an assisted living facility in Sandusky, Ohio. He has maybe enough money for 18 months at \$8,000 a month to live in that facility. His daughter (my wife) and his sister are in Virginia. One is in Washington DC. My wife and I are here. No other family under 80 years old is near him. It is little things. His driver's license has expired. There's nobody there to help him get an ID, except for the facility owners, who want every dime. It's a nine hour drive to Ohio. We have to pay a personal expense, time away from her children, our three special needs kids (two autistic and one diabetic) in order to facilitate her seeing her father. The second value is this shed. It is unremarkable. The windows are busted out. There's nothing but plywood on the floor. Birds and a groundhog live in it. The chimney is falling down. It leaks. It's been a great place for the last 13 years to keep my tablesaw. It's not intended for any living. Were it a historic, brick cottage, I would completely support renovating it. One of the reasons we bought the home is that we care. I have already been before you once to get gutters because the roof was falling down. We put solar panels in our backyard because we care about the environment and our footprint. There are other things of value than simply maintaining a structure because it once stood. It's really a question of value of the quality of life for my father in law and his remaining days and how we can afford to keep him happy, well, and engaged in life when his family is nine hours away. He sits in his chair all day. That's all he does. Think about your family. Is that more important or less important than this? I appreciate you all wanting to protect and value the history of this town. I do too, which is why we bought the house and why I have spent thousands of hours insuring that house is a good house, a beautiful home. I don't think that this shack is more important than my father in law. We have to find a way forward. If we have to defer until December 20<sup>th</sup>, we will for a little while. His funds are running out. He's in good health. He might live another ten years. If that's the case, with an accessory building that we want to put there, we can use the electrical and water from the home within code tastefully done. I am happy to get approval for a design from you. His life matters. The value of his life matters more than this.

## **QUESTIONS FROM THE BOARD**

**Mr. Gastinger** – I have questions for staff (Jeff). You stated that you hadn't found evidence of this having a resident from the census. We have multiple documents that suggest that this was one of the last servant's quarters in this part of the city. It does have a chimney in the structure, which is not usual for an exterior structure. It seems pretty clear that somebody was spending significant time here. We don't have much evidence to the contrary.

**Mr. Werner** – There is a lot of information in the census and city directories. You can piece things together and try to see if there's a gap. Is there something on either end that suggests someone at this house? I think it is very possible. I think it would have been during the period Mr. Gianniny and his family were there. It does not look like this building has been there a long time. If this was in my yard, I would have that there as something to warm the shop. It does not appear to me to be in the original location. There's no denying this is something probably from 1895. If it is associated with Mr. Gianniny, it definitely dates to the house. It is unique. I have gone through every survey of the Ridge Street Historic District. I can't find another cottage/servant's quarters. In some ways, you can say that this is the only one I am aware of. In the context of its setting and its association with someone there, I can't put someone there. It becomes a shed that dates to the house.

**Mr. Birle** – I was confused. You're asking to take this down in order to build something else there?

**Mr. Lauter** – Yes. An accessory dwelling unit/home for him (father in law) so we can have adjacent access for him. He is not necessarily in the home. If there's a problem, we can be there. We can get Meals for Wheels. We can build something that adds value to the end of his life. Should one of our children fail to launch, that would be appropriate as well. We have a great deal of land. Some of it is not in the historic area. It doesn't make any sense from a utility standpoint. He has maybe \$125,000/\$150,000 depending on the market. That's not going to last very long at \$8,000 a month at an assisted living facility.

**Mr. Birle** – You have looked at moving this on your property?

**Mr. Lauter** – We haven't looked at it. If I tried to put a forklift under there and move it, I know that it's going to fall apart. I have moved a number of buildings with forklifts. I don't find it remarkable. I think some of the wood in it is heart pine. It is beautiful. It can be milled. We would incorporate what was appropriate in the new dwelling. It matters to us aesthetically to match the current home and make it look nice. From a functional standpoint, the building is falling down, the footers are falling down. It is rotten on the back. I have termites in there. We do not have the resources to provide the "TLC" that was mentioned. We don't intend to. It is not utilitarian enough to use for anything other than storage of materials.

**Mr. Timmerman** – Is one of the reasons you're demolishing it is because you don't have enough space? Have you looked at a scenario where you might leave it and build around it?

**Mr. Lauter** – We have not looked at that. Right underneath that is a sanitary line. It makes the most sense. We don't want to eat up our entire backyard without building it. We want to enjoy the space. It's a beautiful area. Putting another building next to it and retaining that aesthetically; no we have not considered that. We have considered further down on the property doing that. That is cost prohibitive. I have to run additional electrical. It's going to have to have its own service. At this point, it is feasible to trench from its location into our basement and run electrical and water. I am on one meter and I meet the city's guidelines for an ADU. We're a constrained family (resource). Doing it for its own sake adds no value in our world.

## COMMENTS FROM THE BOARD

**Mr. Gastinger** – I do think that this is a remarkable structure. I think it is pretty unique. From what we have seen, reviewed, and the history that has been given, it tells a pretty interesting story about

the house, neighborhood, and the development of the city. We are set up as a board to follow our guidelines. For all of the personal stories and realities that are very present for the applicant, that is not part of our mandate and review process. Just as we don't evaluate what is happening within the walls of the structure, we are looking to protect the historic fabric and character of our community where we can. It is not say that those things are any less real. We're not the body to evaluate those other circumstances. That would be City Council. In my mind, it's very straight forward that this is a structure that we want to try to protect and retain. I think it adds to the property and it adds to our community. I'm interested in ways that we can do that. It would certainly be preferred to protect it in place. Secondly, to protect it on the property. Thirdly, protect it in some other fashion. I do find it to be intriguing and interesting and even in its smallness it is an important of our city's history.

**Mr. Zehmer** – I think Mr. Gastinger put it very well. Our purview is that this is a contributing structure in the historic district. It is our duty to protect it. I appreciate the applicant's personal situation. It does make it difficult. Our purview is to protect the contributing structures. I did visit the site. I looked at the building. It is certainly in rough shape. I have seen worse. In particular looking under the building, there's a number of pressure treated floor joists. It has seen some care at some point. There are some pretty easy ways to help mitigate some of the termite damage. There's a lot of mulch piled up around the building. That can be raked back. That's from a preservation standpoint. In a way to try and meet the applicant's goals, I agree with Mr. Gastinger that possible relocation on the property would be an acceptable solution. There's considerable room further down the hill. I know there are the solar panels further down the hill and maybe even further down. Mr. Gastinger laid it out perfectly. Choice one is preserve it. Choice two is relocate on the property. Choice three is relocate within the district as opposed to somewhere else and completely out of context. Our guidelines really discourage demolishing a building. I do not feel that we can do that in good conscience in following our guidelines.

**Mr. Timmerman** – I sympathize with your situation. I understand what you're going through. I do agree with my colleagues. Even if you don't see that thing as a remarkable structure, you might consider seeing it in a different way. It's remarkable for the little piece of the overall puzzle of our historic district. I live in an old house. There's a certain weight that you carry when you're in these things. We often make our own decisions about that from a personal standpoint. It is a bit of a burden. On the other side when you look at those photographs, that photo where you have the cottage in front of the old house, to me, that adds quite a bit of value to your property. There's a wonderful connection of the smaller house with the larger house in your yard. It seems to have a symbiosis relationship at least in the photo that I was looking at. I think we're talking about biases here. What we're really here for is upholding the guidelines. How do we do that? I am looking at your site plan. I'm not sure what is happening in the rear yard. I don't think it is necessarily a bad thing given the fact that the original location of the cottage was further back. I like the idea of restoring it to its original location if it has to be moved. It does seem that there's a good amount of space to work around back there. I understand the proximity issue as far as cost goes. That seems like a viable option to me. It might be a value added thing where you might develop some of the rest of the property further back to extend that backyard. This is me coming at it from the perspective of understanding the pressures you feel but also wishing there was a way to view this thing for what it is which is a little piece of a much bigger history lesson. Somewhere in the staff report, there are some lines about 'every little bit that you chip away, you lose something.' Our job here is to recognize these things. The big things are obviously easy. The little things are harder. We sympathize with the kind of positions that people are in economically and socially. We don't want

to be a burden in that way. We are here to protect that fabric and those stories so we can keep this place as special as we know it is.

**Mr. Whitney** – I am in agreement with a lot of the statements that the board has made. I don't have anything else to contribute beyond what has already been said. I would encourage the applicant to try to find a way to relocate it on the site. I do understand the applicant's desire to build and all of the reasons set forth for trying to build an ADU in this location.

My question for staff is that we mentioned the possibility of finding another home for it and what that venue would look like for finding another location.

**Mr. Werner** – The applicant sent me a note today and asked about a C and a D in the staff report. For whatever reason, there are two lists for demolitions. In the second list, it referred back to the first list. The applicant asked "where are C and D?" They are answered. If this does get into a situation where there's an appeal, let's do the right steps. Word had just changed the lettering. Those were the three things. In fairness to the applicant, I just want to point that out. With the overall condition and integrity, I have stated it and shared that. We know there was not an engineer's report. To what extent, the means/methods for moving/removing, it is to be demolished. I don't see anything left out of the discussion. It is absent in the staff report.

With moving it to a site that is not within a district, I don't know what it would take to establish it as a contributing structure. I don't know that step. I know we've talked about it. We've moved entire houses in the city without them losing their designation. I know there was a discussion of relocating the house on Preston Place. It's been discussed. With the mechanism by which it would be protected, I don't know. That's the piece to figure out if that's the opportunity. In my conversation with the applicant, I sent all of the questions to him that you all had. What about rolling it down the hill? He said there was the cost of rolling it down the hill and maintaining it when it is down the hill. I am not trying to make a judgment. What is best for this structure? In the zoning ordinance, if somebody knocks this down and they knocked it down without BAR approval, there is a fine. I talked to the city assessor. They have a valuation of this at \$2700. It would be the maximum the city could fine someone for such a demolition would not be more than two times that value. If the building fell into disrepair, the city does have the means by which a contributing structure in a historic district is not maintained. I am not entirely clear. It is \$500 and an X amount for each additional incident. What does that mean? I know there is a threshold at which it won't go any further. There are ways we can compel this owner to not let something happen. In my conversations with them, they don't want to put in the expense into moving it. With moving it, the roof is in bad shape and that it doesn't shed water. There's a cost associated with that. My concern is that these other avenues might lead to the building's loss. Is there a way to find a solution? The BAR can evaluate these guidelines. The remedy for that is an appeal to Council. That is an option. That is built into the ordinance. City Council can consider those other things. I would recommend deferral. If there's an appeal on a denial, there has been this omission. If you all feel this omission is not significant, however it is spelled there, it is available.

**Mr. Birle** – To me, moving it on the property is just as good as keeping it where it is. It looks to me like it has been moved more than once. Moving it away/selling it and taking it out of context has very little value at that point. Our focus does have to be pretty narrow. It might be for others to consider the other issues. It is pretty 'cut and dry.' We're being told by the reports that it is significant and rare.

**Mr. Schwarz** – I ultimately would support demolition for this through precedent. I know that most of our Board is very new. I have seen quite a few demolition approvals where whole servant's quarters get chopped off the back of large houses; something much more significant than this small building that we don't really know if a servant lived in. I recognize the sense that it is rare in the neighborhood. It is just out of precedent that we have approved demolitions much more significant than this in the past. It is coming down. Nobody is going to take it. Whether it comes down and we fine you for it or whether you go through a Council appeal and pay for the appeal, we're going to cost you money by delay. As others have said, that's not our purview. What is our purview is the fact that we have demolished much more significant structures in the past.

We could defer this and prolong it. Or we can make a motion tonight and you can take the motion and do what you want with it, whether it is an appeal or you 'put this to bed.' Would you like to defer it and see if you can figure out someone who can take the shed for you?

**Mr. Lauter** – I am more than happy to allow you people to reconsider your comments if intractable on that. I would remind this group that not an eighth of a mile away is a hotel in the historic district. That is condos in the historic district that many in our community fought against in front of you and Council about eight years ago with tooth and nail. That's OK? But my 10 by 12 shed is the Holy Grail of the neighborhood. I appreciate that you want to stay in your 'swim lane.' Let's talk precedence and reality. It's coming down one way or another or it is getting moved. If this Council would like to fund its movement to somewhere on my property, write me a check. If the expectation that me and my wife and our limited resources have to go find \$10,000 to move this when it is coming down anyway, that's the question of value I pose. Historic value does have value; so does current value. This is current. I am not going to be selling tickets to this shed on my property. Nobody is going to come and want to see it. If they did, they're going to require my permission. I am more than happy if you want to defer it to consider it. That's fine. The clock is ticking on my father's quality of life. I understand that it is fine to keep your blinders on and stay within your mission statement. Why do you think I put solar panels on my property? I did it because I care about the environment and our town. To detract from the beauty of the nature of my lawn, you're 'darn tooting.' It is the right thing to do. Our world is much bigger than the ordinances that you operate under. I am fine if you defer to December 20<sup>th</sup>. It is coming down; one way or another. We have to take care of my father in law.

**Mr. Birle** – One thing I wonder about is this idea of precedent. I'm new to the Board. What are the other examples where we have had similar or more significant demolitions?

**Mr. Schwarz** – There are a couple of large houses on Park Street where they took the entire back half of the house off so they could put on a new addition back there. Those back halves were inferior in the sense that they had lower ceilings and smaller rooms presumably because they were servant's quarters. I can think of two examples. One was Chris Long's former house. The other one was Hard Bargain. It is way down Park Street and almost at the end of the district. On Virginia Avenue, we took down the last three working class bungalows on the street. We took down two of those. We did keep one for an apartment building.

**Mr. Gastinger** – They do have some precedent value. They're not quite like this. This is unusual in its age, association with the house at this age. My recollection of those precedents is that those were more recent additions and a different series of conditions. I do think there's a chance if the applicant

came to the Board and demonstrated that there was no way the ADU could be built and that it required the demolition. That might change some minds. On the other hand, given the information that we have, the preservation of the structure (from our guidelines) is the preferred recommendation.

**Mr. Lauter** – What is it that you mean the ADU requires the demolition? What are you saying?

**Mr. Gastinger** – We have had requests for demolitions in the past that were of (in some ways) modest but significant structures; historic nonetheless. We have approved demolition along with a successful building that was going in its place. We understood the necessity of removing the structure. That's one of our evaluation criteria. Without any other context, we don't have any way to evaluate whether the structure is required to come down.

**Mr. Timmerman** – If we could see what the hardship is and see the design, (there are setbacks) then there is an example of where the hardship is coming from as opposed to saying 'we have to move it. We have to get it out of here because we have another structure that we want to put in.'

**Mr. Lauter** – There's no other place for it to go on our property that is governed by you all fundamentally. There's no other place for it to go. We can't put it in our front yard. That is the only place it can go based on the setback if you look at where that fence is. I have to come five feet off that fence according to the current guidelines. I can go back. I then have a parking area that is nothing but gravel. From a functional standpoint, it is right over the sewer. I can get into the house. We can cost effectively put an ADU in an area that's maybe 16 by 25 feet long; a little bit larger than this but not significantly. Match it in form and structure to what we have there currently and add value. The notion that someone is going to buy it, I don't see it. You guys are the BAR. Maybe you know someone who has that interest. For me to use my father in law's limited funds to pick it up and move it, replace it, and then maintain it somewhere else on my property. I am sure that you have very wealthy people come before you that have the funds, the resources, and the means to do that every day. I am not one of them. I think this is a logical value add thing. I appreciate and am more than happy to allow Mr. Werner and whomever else would like to document the process by which it comes down. The notion that it is going to sit into perpetuity, well maintained by me and family, who don't plan on selling this home anytime soon, I wouldn't put money on it. I hope you do it in conscience understanding that you approved the hotel at the corner of my street. I have a 9 mm round in the front of my house. My kids saw the shooting across the street 18 months ago. Not many people are walking up on my property. We live on Ridge Street, which is a little different than Park Street.

**Mr. Schwarz** – You do have a choice. If you want to request a deferral or if you want us to defer it, we can do that. We can vote. It sounds like the vote is going to be to deny the demolition. That would let you move on. What would you prefer us to do?

**Member from the Public** – Are you saying this building could leave the property?

**Mr. Schwarz** – I think that's an option some Board members are for.

**Mr. Werner** – There is precedence there. We have allowed that evaluation of Wyndhurst.

**Member from the Public** – There are people who will take it. They're not going to buy it. They will take it for free. They will take it down and disassemble it or move it wholesale.

**Mr. Lauter** – I don't know if that meets their criteria with regards to preservation.

**Mr. Schwarz** – That sounds like a reason to defer. Would you be all right with that? Give it a month.

**Mr. Lauter** – I am more than happy to defer. I know you don't want to consider the financial arrangement and the quality of life issue of my father in law. That is too hard for me.

**Mr. Gastinger** – It's not that we don't want to; we can't. We're volunteers governed by the statutes. That's not a criteria we can use as part of our evaluation.

**Mr. Schwarz** – You're Ok with the deferral to investigate. It sounds like the applicant is not going to do the investigation. Is that something staff is going to do or should we just end this?

**Mr. Werner** – Ending it is assuming a denial. That places some choices for Mr. Lauter to make. I would assume the loss of the building. I cannot tell you right now what I could offer or what I would do tomorrow. If it is deferred, the applicant doesn't have a proposal for an ADU in the back. A deferral does not in any way, shape, or form cause any financial problem with anybody. If we had before you tonight a project to be approved to construct something new, it would be a little different sense of urgency. Maybe in a month, I can think of something and maybe I can't. At least, I know a decision hasn't been made that is final for that structure. If someone is willing to take this, there is not opposition to that. I keep thinking what we can do, that will provide some certainty for this building.

**Mr. Timmerman** – There may be some benefit for the applicant as well. If there's a deferral, there's maybe a chance that you don't have to pay the fine.

**Mr. Lauter** – I am fine with that. I am emotional about it because I have seen the man. I understand that no one comes to see him.

**Mr. Werner** – There is an ADU process that we need to be having underway as far as a design for something.

**Mr. Schwarz** – How about we move for the deferral? That gives it 30 days.

**Mr. Werner** – I did speak with the DHR (Department of Historic Resources). In their staff opinion, the removal of this building would not place the overall district at risk. One of the reasons you're having this discussion is the BAR's purview is a function of the local designation. However, one of the questions is about (DHR) whether the demolition of a structure be reason for delisting the district. That answer was no. I don't want to lose the building. If an option presents itself, a month gives me the 30 days to figure it out. I may not be able to.

**Motion – Mr. Whitney moved to defer the request. Mr. Schwarz, second. Motion passed 6 – 0. [Note: Being deferred by the BAR, the matter will be reviewed at the December 20, 2022 meeting.]**