

City of Charlottesville Board of Architectural Review  
Regular Meeting  
December 20, 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: Lewis, Bailey, Schwarz, Birle, Zehmer, Whitney.  
BAR members absent: Gastinger, Timmerman.  
[Note: The BAR is a nine-member board; however, one seat is vacant.]

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

**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.

**Clayt 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-18<sup>th</sup> 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 it 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 denied.**