

Clayt DeMotte Lauter

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January 4, 2023

City Council of Charlottesville
City Council
c/o Ms. Kyna Thomas / clerk@charlottesville.gov
PO Box 911
Charlottesville, VA 22902

RE: BAR #22-11-03
507 Ridge Street, Tax Parcel 290141000
Ridge Street ADC District
Owner / Applicant: Kimberly and Clayt Lauter
Project: Demo backyard shed / cottage

Dear City Councilors,

In accordance with Charlottesville City Code Sections 34-285 and 34-286 please find our official appeal of the Board of Architectural Review's (BAR) decision on December 20, 2022, referenced above, herein.

Background

Recently, we filed an application with the Charlottesville BAR for permission to demolish the existing outbuilding / shed behind our historic home at 507 Ridge Street to build / construct an appropriate Accessory Dwelling Unit (ADU) for my wife's father, Craig J. Dieterich, who is elderly and in failing health. Mr. Dieterich is 81 years of age with limited resources, which will be exhausted in the middle of 2024 (estimated). The existing structure although "historic" is 1) not in its original location with regard to the home (it has been moved at least two times and currently located above our sanitary line), 2) is in poor condition, not suited for renovation to accommodate current building codes and occupancy requirements for an ADU, much less an elderly man, and 3) is not visible to any other, save my family, immediate neighbors, as foliage allows, and any guests we may have at our home (it is not truly viewable / appreciable from the either Ridge Street or Oak Street; simply another shed).

During conversations with the BAR, several members assumed the intractable position that our "historic" shed must be preserved for preservation's sake, though it clearly is in rough shape, and does not meet any of the needs outlined above. Simply put, the majority of the BAR decision (4 to 2) as of December 20th, 2022, was that demolition of the existing shed is not in line with the mission of the BAR. I defer to the council to review the written position and video of meetings in November and December. Those in favor of allowing us to demolish the shed (those voting Nay on the motion to deny our request) rightly supported these key points: 1) the shed behind our home is NOT uniquely represented on the National Historic Register and its demolition would not adversely or any other way detract from the historic designation of the Ridge Street Historic District 2) the shed is NOT viewable to the public, 3) is not associated to ancillary citizenry and/or historical figure (NO NAME OR PERSONAGE OF ANTIQUITY CAN BE DIRECTLY LINKED TO THIS STRUCTURE) and 4) its (the shed's) demolition is not without precedent; larger and much more historic structures have been raised in recent years, thus substantiating such actions (again, please review dissent decision of BAR members on 12/20/2023).

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Council Appeal

As outlined, both Kimberly and I are seeking to create a safe, affordable, living residence for her aged father; one that will allow him to finish his life in relative comfort, with family support. Mr. Dieterich is currently living in an assisted living facility for the aged and infirm in Lakeside, OH. He has limited resources, which are rapidly draining, due to the cost of the facility (~\$8.5K/month). Under such conditions and with Medicare covered facilities limited, his options are scarce. We seek to demolish the existing structure and use his available remaining funds to construct an ADU, within city guidelines / approval and BAR approval (if necessary) to retain the historical look of our home / property. The location for placement of ADU must be handicapped accessible and directly adjacent to our home, both for utility and healthcare reasons (utility integration and oversight of Mr. Dieterich's care).

Simply put, the question is one of value; the value of the quality of life of my 81-year-old father-in-law, or the value of a unremarkable out building / shed, which although old, isn't viewable to the public, cannot meet the needs of renovation to serve as an ADU, and its demolition in no way detracts from the Ridge Street National Historic Designation nor the Local Historic Designation.

The arguments put forward by BAR members and Staff are those of "retaining the structure in order to maintain a window to the past". Some historical structures should and are retained and maintained due to and for their historical value. This is not one of them nor should it be. Conservatorships and foundations have been and are created to seek donations and resources to ensure the continued existence of structures such as Monticello or Mount Vernon. This is a ~12' by ~14' shed, in poor repair (the roof is leaking, the windows are damaged, animals are living in it, etc.) on our private property, with no access to the community, which's value is diminishing daily. The BAR's wish that it be maintained in perpetuity for its own sake is capricious and unreasonable. In its decision, the BAR's motive to deny our demolition of the shed appears a matter of precedent rather than sound judgement.

In truth, I have approached the BAR in good faith several times, following the process in accordance with Charlottesville City Code(s) regarding our historic district (see historical records regarding 1) Solar Panel placement and 2) rain gutter replacement). Allegations from the BAR chair during the 12/20/2022 meeting that were flaunting the BAR's oversight are unfounded and inflammatory. As active citizens in good standing within Charlottesville, we have always sought appropriate action in good conscious. I formally reject Chair Lewis's accusations as noted in the council meeting (again, see video of the BAR meeting 12/20/2022).

Conclusion

The BAR's 12/20/2022 motion to deny our request to demolish the old, non-locational, out building behind our home at 507 Ridge Street was decided wrongly. Our desire to remove it, retain appropriate elements for the construction of a ADU for my wife's aged father, Craig J. Dieterich is fiscally, morally, and socially the correct one, adding human value to our community. Sometimes it is appropriate to retain / maintain structures for their own sake, adding context and value to the community. This structure is not one of them.

Respectfully,

Clayt DeMotte Lauter
Clayt Lauter