

**City of Charlottesville
Board of Architectural Review
October 18, 2022 - BAR Minutes (draft)**



Re: First United Methodists Church BAR Appeal

Members Present: Ron Bailey, Carl Schwarz, Breck Gastinger, James Zehmer, Dave Timmerman, Tyler Whitney

Staff Present: Patrick Cory, Jeff Werner, Remy Trail

Certificate of Appropriateness

BAR # 22-10-02

101 East Jefferson Street, TMP 330190000

North Downtown ADC District (contributing)

Owner: First United Methodist Church

Applicant: William L. Owens, AIA

Project: Install solar panels

Jeff Werner - [summarized Staff Report]

William Owens, Applicant – I am the architect shepherding the project for First United Methodist Church. I am also a trustee of the church. The church has received an offer of a sizeable donation to add solar panels to the building and to reduce the church’s electrical demands as part of an ongoing green initiative at the church. The church’s goal is to cover at least 50 percent of their yearly electrical expenses at a savings of about \$10,000 to \$15,000 per year through the use of solar panels. The photo simulations, you have been provided, show the number and placement of solar panels as estimated by Tiger Solar as best to achieve this goal. The church would like to have an understanding of what the city and BAR would approve visually for the placement of panels on the existing roof. The roof surfaces of the church are not visible from the surrounding block except for the church’s own parking lot and directly in front of their courtyard. Only those at a distance and elevated will be able to see the solar panels. I also provided information on how the roofer would propose to attach the solar panel rack system through the existing slate roof. All electrical connections would be made through the attic or basement, except for a single conduit running up the back panel array and down the north face of the steeple to the existing electrical service in the courtyard. The church is more than happy to provide the city additional details on the design of the system as it is engineered. They would have a sense to what extent they would be permitted to have panels on the roof surfaces before going through the time and effort to have the system designed.

QUESTIONS FROM THE BOARD

Mr. Schwarz – The photo simulations you are showing us, that’s what you would like to do?

Mr. Owens – Yes. That is what Tiger Solar is telling us would maximize the solar gain for the project. It is around 200 [to] 220 panels. It is not totally defined. The goal was to reduce

the church to as close to net zero as possible. We're still working through the numbers on kilowatt hours. We have everything from at least 50 percent up to 75 percent, depending on where we place them. This is the estimate based for solar design, where they should be. The initial submittal to staff showed them on the portico roof that I had corrected immediately. Hopefully, you have the newer submission, which has them removed from the portico and put on the back courtyard roof.

Mr. Gastinger – I have a question about the mounts that was included in the packet. How often do those need to be in use? Are they essentially at the corner of every panel?

Mr. Owens – My understanding is that the panels mount on a continual channel. These mounts would be every six feet to support this continuous channel. Once we have a sense of where this is going to go, we will work with the roofer on what is involved. We have an obligation to this donor to see this through. They have specifically pledged this money for this specific idea.

Mr. Timmerman – Last time, somebody had a good idea of potentially locating the panels in the parking lot on the northeast side. Has that been looked at as a potential option as a way of taking some of the panels off the roof/off the slate?

Mr. Owens – No. I am not sure what is meant by that.

Mr. Timmerman – I have been in car parks where there is a framework. The panels mount overhead ten feet up and angled in a way to catch the sun's rays. They also create some shading for the cars.

Mr. Owens – My presumption would be that would be less desirable than disguising them on the roof. We haven't really explored that. I guess it is something we can talk about.

COMMENTS FROM THE BOARD

Mr. Gastinger – We should break this into two parts. I am guessing there are two major considerations. One is the impact on the historic district and the roofline of the structure. The second consideration being the detail and the issues relative to the preservation of the slate. Let's talk about the first one. Are there questions or concerns about the panels' installation relative to the historic district or to the roofline?

Mr. Zehmer – Within the guidelines under Rehabilitation, Section G-Roof, Note-8, place solar collectors and antennae on non-character defining roofs or roofs of non-historic adjacent buildings. We need to determine whether the main roof of the sanctuary is a character defining roof. We need to get over that hurdle first. I would argue that it is the main roof of the building. I also think they have a valiant goal. If there are ways we can help them achieve it, we should.

Mr. Schwarz – The fact is that it is not really visible from anywhere within close proximity. It is a character defining roof. You have to be standing back pretty far to see the roof. I agree

with them not putting them on the portico. Anywhere else would be acceptable to our guidelines. I also do not believe it will change the profile of the roof to obscure any massing of the building. They are so relatively flat to the roof. I think that helps.

Mr. Gastinger – That slim profile is important to me. It doesn't seem like it is going to really substantively change the profile against the sky or the roof itself. In an ideal world, they might be tiles. In some day, they might be tiles. I really wouldn't think there would be an issue with it. For me, I don't think it has an adverse impact on the district or the structure from a profile standpoint.

Mr. Timmerman – I felt that way last month when I was looking at all of the street views. You can't really see them. I guess looking at this image of the solar panels on a fairly identifiable historic building has changed my mind. In keeping with the standards, the minor buildings are one thing. The next time we see this shot, are we prepared to see the oldest churches in the downtown with that roof covering? For me, it comes down that I am more concerned about the material of the roof, the damage they could potentially do. I am concerned about having a viable, really durable material in the slate, and doing something to it that will adversely affect it.

Mr. Bailey – I practically walk by the church every day. I have never noticed the roof. I don't think it is character defining in that sense. It is an old, durable roof. If the church is not worried about the fact that it may break down, why should I worry about it?

Mr. Whitney – I would be in favor of proceeding with the solar panels and letting the church go the route of installing it. If it is visible, it is something of the church in a forward thinking direction. Since it is not visible by most viewpoints, I don't see any reason why they shouldn't proceed going with the solar panels.

Mr. Gastinger – Let's talk about the potential risk to the slate. The city recently explored replacing the slate on Key Recreation Center. We went through an enlightening discussion about the care and repair necessary and the state of slate supply currently in the market. This was a recent conversation we have had amongst the BAR.

Mr. Zehmer – You know that the Buckingham slate has dried up in the quarry. It is really difficult to get these days. The message is to be cautious. It seems to me that this is an installation method that would potentially do a lot of damage to the roof; not just for cutting the slate with the grinder and popping that slate that you need for each of these mounting points. The fact is that the installer is going to be walking all over your slate roof. The potential to break slate is very high. I say that as a cautionary note and having worked on slate roofs. There is a lot of caution that would go behind this. It would behoove you all to do some research and see if there are other slate roofs that this company has worked on and can show you where they have successfully installed the solar panels. Go see those projects so you can rest assured that they can do a good job. Talk to their clients as well as the contractor to make sure the client was happy with the job. It might be worth exploring within your parking areas. It might be where a solution is actually less expensive than going on the roof.

It might be worth exploring. If you can find something else that might be acceptable and is less expensive and meet your energy goals, maybe that is a ‘win-win.’

Mr. Bailey – Would you be willing to watch a solar farm built next to the church in a historic district?

Mr. Zehmer – I am not over the fact that it is a character defining roof. It is the main roof of the main part of the sanctuary.

Mr. Timmerman – For me, it would depend on the design of it. I think you can design something in a reasonable way. The parking lot, as it sits right now, is pretty empty.

Mr. Owens – We would have to elevate it to get around the trees. That’s the advantage of the sanctuary since it is up high.

Applicant #2 – Ten feet off the ground is not going to do it. We have another building. There is a 6 foot rock wall with a big house. It has shade. To get it through approval down there, there are a lot of things there.

Mr. Werner – If this was an asphalt roof, I probably would have had this on the Consent Agenda. Breck asked the right question. “What is our charge?” I am probably speaking more from my years in construction than necessarily from the guidelines. It is appropriate for the BAR to be asking that question. I don’t know.

Mr. Gastinger – I think that we would agree that the slate roof is a character defining feature of this church. If the proposal was to take the slate off and sell it to the city for Key Recreation Center, I don’t think we would approve that. We do have a role in trying to steer towards the protection of that roof and the protection of that detail in materiality. As citizens, we want to make sure that you do that, look at this material carefully. It obviously may save the congregation money in the long term. We don’t want it to be a risky move that could cause other headaches down the road. I wish there was a system that allowed for fewer penetrations. It seems like a very labor intensive and detailed installation on a delicate surface. I would also note, as someone who sits on a church board, if that risk is seen as too high, I would encourage you to think creatively about the strength of having a congregation. There are maybe things that you can do at the congregation scale of many residences throughout the city that could have as much or bigger impact overall.

Mr. Timmerman – I am looking at the parking lot. There’s a pretty clear view of the west side of the main roof.

Mr. Schwarz – A question for the installer: If the technology changes and you want to take these off and put a different panel on, what is the process of putting the slate back? It looks like you’re replacing more than just one slate. If you took one of these mounts off, how many slates are damaged, destroyed, removed, or would have to be to put a new slate back in that spot? What would be the scale of replacement should the solar panels have to be removed?

Mr. Owens – I wasn't completely thrilled with the system and with the penetrations that were involved. I couldn't get as much participation from the roofer as I wanted (ahead of time) to resolve this. I would pursue it myself. I would much rather see something that was removable that replaced the slate and the slate could be salvaged in theory and then put back rather than damaging a slate by doing it. That's something we haven't resolved. We're here because we have a specific obligation to us. The donor is wanting to give a large amount of money for this specifically (yes or no) to see that out. We're trying to respond back to them, as a first step here. We will work out the details to what you think is warranted to make you all comfortable with what we're doing. I certainly do understand. A lot of this could have been addressed by the solar company and the roofer. We could have hashed out something to save us a second visit. I agree with some of your comments in theory.

Applicant #2 – We want that roof. We're not going to do something that we feel and we can't prove that it is going to be done properly. We intend to keep the roof. We have no reason to think that it is going anywhere else. The engineering and the research is going to be done. We don't want to do it and come here and say we can't put solar panels on a roof. Construction is slammed. It still is slammed in Charlottesville. Once we get the 'go ahead,' we can roll. We will not put it on that roof if it is going to delay or hurt the life of that roof.

Mr. Gastinger – I am sure that you are more worried about that than we are.

Applicant #2 – We have to deal with the leaks. We have enough of them. We understand. We're making arrangements that we're not going to put the panels straight through without any way to walk between them. We have to get to them. Slate contracts and expands all the time. We're going to have to get behind those panels to fix it. We will make arrangements. We're going to do that without taking the whole roof off. We have thought through things. We know what we have to do. We certainly expect to be convinced in our own mind that this is going to be done and the roof will be lasting. If we can't, the solar panel might go away.

Mr. Gastinger – I felt generally that there was consensus that the panels could be placed on this roof without adverse effect to the historic district or the building because of its low profile. What I heard is that we have concerns about the slate. There is some openness if we had more information. You feel like this is going to protect the roof. That is something we would be prepared to support. It might be that there is a different system. It might be there is someone who has a direct experience with that installation. Generally, this Board supports your effort and just wants to make sure we can do what we can to support you doing it the best way possible.

Mr. Schwarz – It sounds like there are four of us tonight that seem to be supporting this idea. One person, who left earlier, denied a previous solar panel application. It might be closer than what it looks.

Mr. Gastinger – I would also note that, not only is Jeff [staff] open for continued conversation, if you have questions or get more information, it is also possible to reach out to Board members. We can give you feedback prior to the next meeting.

Mr. Owens – I understand the concern with the installation. I am not sure I am clear where we are with a ‘yes’ or ‘no’ with us going further. If we get a ‘no,’ what do I do when I leave here is substantially different. I certainly understand the concerns with the installation. I am pursuing a better solution possibly there. I don’t disagree.

Mr. Gastinger – There’s a majority here that would support the location of the panels on the roof.

Mr. Bailey – Shouldn’t we go through that with a motion? That’s what you’re here for.

Mr. Owens – If Board members are not here, they are not here.

Mr. Bailey – There is a suggested motion in the packet. (Mr. Bailey did read the motion from the packet).

Mr. Gastinger – I don’t know if there’s the same amount of comfort with the detail yet; not that it wouldn’t be approvable. It seems like we need to have a little bit more information.

Mr. Bailey – I can make the motion to approve. We can vote and they can decide what to do next.

Mr. Owens – What I would be looking to avoid is that we have to come back and we have a different variable on the Board and we wasted the time to pursue something.

Mr. Schwarz – As Breck recommended, it might be a good idea to reach out to us outside of the meeting by email and specifically reaching out to the members who are not here. I don’t think we can give them that because we have an incomplete Board. I don’t think we can vote tonight.

Mr. Owens – Can you do the approval of the installation rooftop solar units with the caveat providing additional information on the installations to still be reviewed?

Mr. Schwarz – We have gotten into trouble with that in the past.

Applicant #2 – Is the installation reviewable by the city?

Mr. Werner – This is another interesting question of what requires a building permit for roofing. I know there is an electrical permit involved. I don’t know about a roofing permit. It would not be an evaluation of the methodology. I am thinking back to when we talked about Key Recreation Center. I was surprised when they said that they would have 30 percent salvageable material. Having worked with and talked with the applicant about this, there is this understanding that the congregation is going to evaluate that. They’re not going to put somebody up on that roof if it damages the roof. I don’t know if you can say that in a motion. That’s the sense I get. They can’t move forward with that detailed evaluation without an affirmative or a negative. The choice would be to make a motion and make a vote. If it is a negative vote, they can appeal that to Council or take it as it is. If it’s a positive vote, they

can move forward with the COA. If you have any ideas of provisions/conditions that don't require a [later] subjective decision on my part. We can move forward with that.

Mr. Owens – You're not comfortable doing 50-50 or something. They do that in the county more often. I understand your concerns and they are warranted. I would like to address them. I would like to get out of here with enough confidence that we can do that and be able to resolve that. One proposal that the solar company had was to completely remove the roofing underneath the panels that would not be visible and put something that is actually easier to deal with as far as walkability. We decided that wasn't the way to go. It does provide an easier solution on one end.

Mr. Werner – Another option that the BAR has (you have 30 days to act on this). You can move to defer to the November meeting. They would have to come back and present this. You do have that ability. It forces the issue, but it is available.

Mr. Gastinger – I want to ask [the BAR] if you feel that you could support this project with a little more confidence in the installation method. The panels are located as they are proposed either with a little more information or an improved mounting method. Do you feel that you could support this project?

Mr. Timmerman – I would support it with a condition that we would avoid the planes that you could see from the ground. That probably knocks out the east sides. For me, it is the same thing as Key Recreation Center. I feel that we are here to maintain the unique character of the downtown. That's our main job. That is something I appreciate every time I go over the Belmont Bridge. I see that roof. That's one of the many details that I respond to as being part of the things I appreciate about the downtown.

Applicant #2 – The southeast side of the sanctuary dropped [?] 46 kW of power. That's half of the solar. We lose that whole sanctuary roof.

Mr. Gastinger – Ron, you're supportive as it is?

Mr. Bailey – I am supportive as it currently is. I can't believe these guys are going to let their roof leak if they can avoid it.

Mr. Schwarz – In theory, I side with Ron. I need to see more detailing.

Mr. Gastinger – I am seeing 4 votes in favor with a little more assurance on the detailing of the installation. There are 2 votes with some reservations. I can't speak to the outstanding votes.

Applicant #2 – Can we get approval for the panels and come back before doing any installation and present what we're doing?

Mr. Gastinger – There's only one Certificate of Appropriateness.

Applicant #2 – How do we know when we're going to come back and present the details when we have spent \$10,000 and you say 'no?'

Mr. Owens – They are not going to say 'no.' They're going to have a different dynamic on the Board that could say 'no.'

Mr. Schwarz – What is your timeline? Are you in a hurry to do this? Could it be postponed a month for you to come back and we have more members present?

Mr. Owens – I don't think there is any hurry other than the wasted effort in that intervening time. We're hoping to come out of here with some kind of agreed opinion from all of you. We can go back to the donor and see if there is still interest. The donation, as I understand it, is maximizing the solar output of the church that gets as close to zero as possible. I understand the concerns. I wish we had split it. That would be the most practical solution. I wish the roofer was here and tell you how he is going to do it. We're stuck here with what we're allowed to do.

Mr. Schwarz – You don't necessarily need to do the homework in the next month. If you can put the expense of doing any design work and figuring out if you can postpone that until we have a more complete Board. That might give you a little more assurance.

Alex Joyner, Pastor – One of our hopes and the donor's hope is that this could be an encouragement to other people in the congregation and to people in the city to consider solar energy to do what the city has said that it wants to do, which is environmental care. It matches the congregation's values and the city's values. I am sure you're going to be getting more requests for solar panels. I realize that we are at forefront of that. It's a question that is not going to go away for you.

Mr. Gastinger – Our guidelines do encourage us to try to find ways to make it work. We just want to make sure you don't end up in a bind. We can put the motion. I don't think it would pass this evening. If we deny it, it can be appealed directly to City Council. Another option is we defer it. It would be on next month's meeting agenda. You can request a deferral which gives you the option of coming back at your convenience.

Motion – Mr. Bailey - Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed roof-top solar panels at 101 East Jefferson 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.

Whitney, second. Motion failed 2-4.

(Y: Bailey, Whitney. N: Zehmer, Gastinger, Timmerman, Schwarz.)

Applicant requests a deferral – Mr. Schwarz moved to accept for deferral – Mr. Bailey second. Motion approved 6-0.