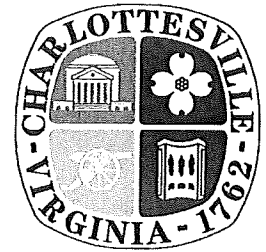


CITY OF CHARLOTTESVILLE  
"A World Class City"



Department of Neighborhood Development  
Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org

November 22, 2010

Mark Marshall  
1500 Amherst Street  
Charlottesville, VA 22903

**RE: Certificate of Appropriateness Application**

BAR 10-11-02

511 North First Street

Tax Map 33 Parcel 1

Mark Marshall

Plant two Japanese maple trees to replace two oak trees removed last summer

Dear Mr. Marshall,

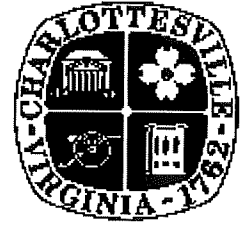
The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on November 16, 2010.

**The BAR denied (8-0) the request to replace two Pin Oak trees removed without approval with two Japanese Maples. The BAR wants the applicant to return to the BAR with a site plan with a creative solution; not a one-for-one replacement; including large trees to serve as shade trees on the street.**

**(Also, a suggestion was made to have smaller and fewer parking signs at the entrance. You may view the video discussion on the City's webpage under TV 10, archived shows and broadcasts, starting at approximately 1:59:00 on the tape.)**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
November 16, 2010**



**Certificate of Appropriateness Application**

BAR 10-11-02

511 North First Street

Tax Map 33 Parcel 1

Mark Marshall

Plant two Japanese maple trees to replace two oak trees removed last summer

---

**Background**

511 N First Street is a condominium multi-family building built in 1967 (survey attached). This property and others in the area were added to the North Downtown ADC District in 2006.

**Application**

Last summer (prior to the microburst) two large pin oak trees were removed without BAR approval or site plan (tree canopy) review.

The applicant is proposing to replace them with Japanese maples, *Acer Palmatum*, considered a small ornamental tree in the City's tree list.

**Criteria and Guidelines**

**Review Criteria Generally**

*Sec. 34-284(b) of the City Code states that,*

*In considering a particular application the BAR shall approve the application unless it finds:*

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec. 34-288(6); and*
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

**Pertinent Standards for Review of Construction and Alterations include:**

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) Any applicable provisions of the City's Design Guidelines.*

## Pertinent Design Review Guidelines - Site Design and Elements

### P. 2.3 Plantings

- 1) *Encourage the maintenance and planting of large trees on private property along the street fronts, which contribute to the "avenue" effect.*
- 2) *Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.*
- 3) *Use trees and plants that are indigenous to the area.*
- 4) *Retain existing trees and plants that help define the character of the district.*
- 5) *Replace diseased or dead plants with like or similar species if appropriate.*
- 6) *Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*
- 7) *Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

### Recommendations and Discussion

Landscape features are as important as buildings when considering an historic neighborhood's overall setting. Mature shade trees are an important part of this residential neighborhood's character.

In addition to being located in an ADC District, this property is zoned R-3. A site plan is required prior to the removal of trees having a caliper of 15 inches or more. Streetscape trees shall be large canopy trees (from the City's tree list) and one large tree is required for every 40 feet of road frontage. The tree cover requirement for R-3 zoning is 10% of the site within 20 years.

Staff received several citizen complaints when the trees were removed. The attached photos of the stumps were sent by a citizen.

Staff recommends that the two trees should be replaced with two large species shade trees.

### Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the removal of two large pin oak trees does not satisfy the BAR's criteria and is not compatible with this property and other properties in this district, and that the BAR therefore requires that the two trees be replaced with two large species [oak] trees of minimum — caliper.

*denies the app as submitted.*

*8-0*

*nor the replacement of 2 jay maples*

## NORTH 1<sup>ST</sup> STREET

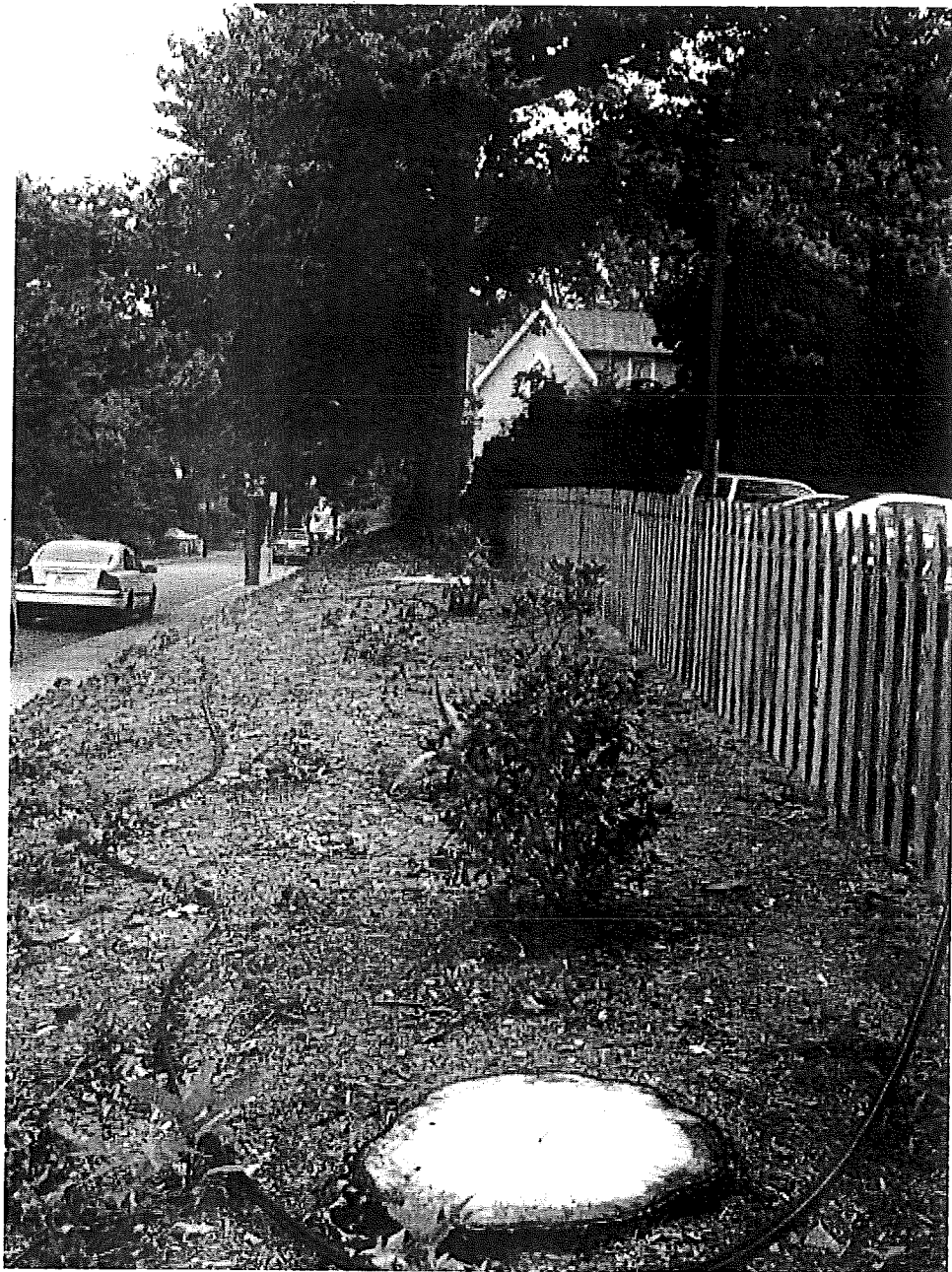
### 511 North 1st Street



<b>STREET ADDRESS:</b>	511 North 1 <sup>st</sup> Street
<b>MAP &amp; PARCEL:</b>	33-1.101-.614
<b>PRESENT ZONING:</b>	R-3
<b>ORIGINAL OWNER:</b>	
<b>ORIGINAL USE:</b>	Apartment Building
<b>PRESENT USE:</b>	Apartment Building
<b>PRESENT OWNER:</b>	Condominiums (numerous)
<b>ADDRESS:</b>	Condominiums (numerous)
<b>DATE/ PERIOD:</b>	1967
<b>STYLE:</b>	Vernacular
<b>HEIGHT IN STORIES:</b>	5.0 Stories
<b>DIMENSIONS/LAND AREA:</b>	
<b>SOURCES:</b>	Charlottesville City Records and 2005 Architectural Survey
<b>CONTRIBUTING:</b>	No

### ARCHITECTURAL DESCRIPTION

This 5-story, flat-roofed, rectangular-shaped modern apartment building was constructed in 1967 and is called Charlottesville Towers. The building, which is of unadorned brick construction over a steel frame, features metal sash casement windows; bays of projecting balconies, and an entrance on the north side marked by a flat-roofed canopy. Because of its age, this building is non-contributing resource in the District. The complex is made up of a series of condominiums, so there are numerous owners.



(looking south down 1st Street, stump #1)



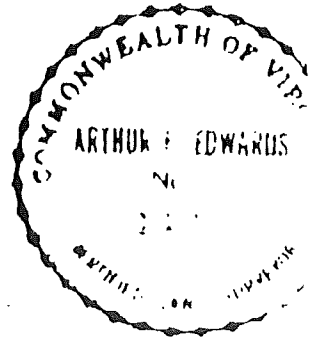
(stump #2)

LOT 14

ONT STREET

WIFE ROAD

SEE D B 400 P 358 FOR EASEMENT FOR PARKING AREA



LOT 2

LOT "B"

LOT 3

LOT 4

Parking Area

110' CB N 27° 03' E 170.16'

Proposed Fence

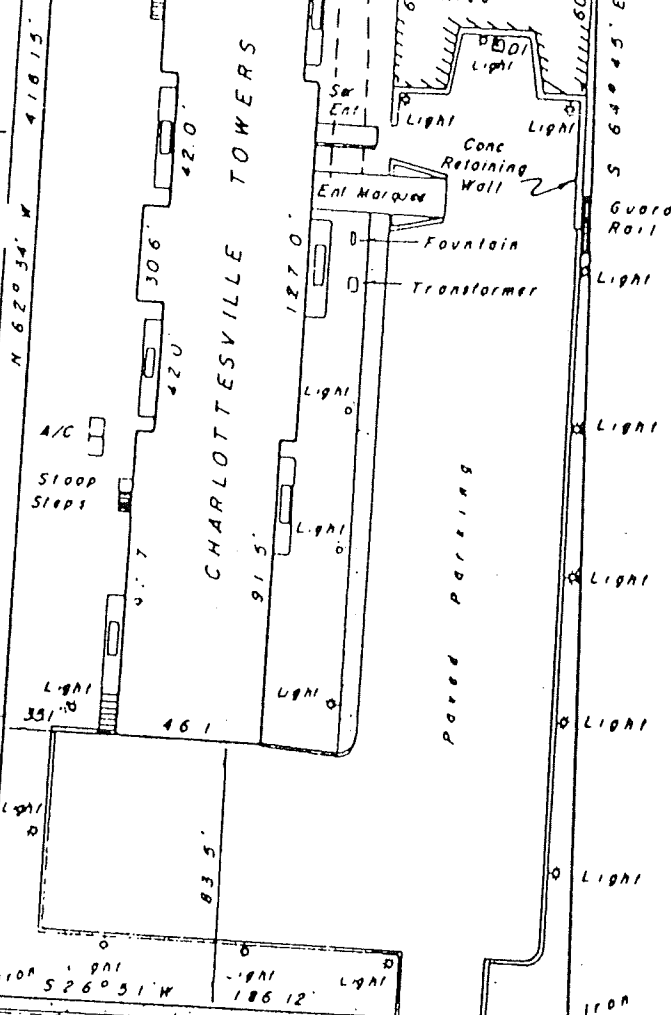
10' VT BT Easement DB 286-285

LOT 13

LOT A DB 238-175

I, ARTHUR F. EDWARDS, A REGISTERED SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND COMPLETES THE PROVISIONS OF VA. CODE ANN. § 55-100 AND THAT ALL UNITS OR PORTIONS DEPICTED HEREON HAVE BEEN SURVEYED AND COMPLETED.

LOT 14



DB 174-23

DB 2-305

SEE ARTICLE III AND EXHIBIT DECLARATION OF CONDOMINIUM CHARLOTTESVILLE TOWERS CO. A DESCRIPTION OF THE CONVE

LOT 15

NOTE EXTERIOR MEETS TAKEN FROM PLAT PREPARED BY RANDOLPH. LOT POSSIBLY SUBJECT TO SEWER EASEMENT D.B. 5

LOT 16

LOT 17

2-431

60' LINE SAN SEWER 4" W L



**Invoice No. 10-11-02-153    Project No. P10-0134**

Please return to: City of Charlottesville  
 Department of Neighborhood Development Services  
 Attn: Mary Joy Scala  
 P.O. Box 911, City Hall  
 Charlottesville, VA 22902  
 Telephone (434) 970-3182    Fax (434) 970-3359

Please return a copy of this invoice with the total amount due, shown at the bottom of the page, within ten (10) days of the date posted below. Please make checks payable to the City of Charlottesville.

**From:**            Department of Neighborhood Development Services  
                     Attn: Mary Joy Scala  
                     Post Office Box 911, City Hall  
                     Charlottesville, VA 22902

**RECEIVED**

DEC 10 2010

NEIGHBORHOOD DEVELOPMENT SERVICES

**Date: November 4, 2010**

**To:**                Mark Marshall  
                     511 North 1<sup>st</sup> Street  
                     Charlottesville, VA 22902

Date	Description	Price Each	Total
11/04/10	Notice to adjacent properties owners for 511 N. First Street/Tax Map 33 Parcel 1- letters 12	\$1.00	\$12.00
	<b>TOTAL DUE</b>		<b>\$12.00</b>

Please return this form and the total amount due within ten (10) days of the date shown above.

**Thank you.**





# Board of Architectural Review (BAR) Certificate of Appropriateness

Please Return To: City of Charlottesville  
Department of Neighborhood Development Services  
P.O. Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3130 Fax (434) 970-3359

Please submit ten (10) copies of application form and all attachments.

For a new construction project, please include \$350 application fee. For all other projects requiring BAR approval, please include \$100 application fee. For both types of projects, the applicant must pay \$1.00 per required mail notice to property owners. The applicant will receive an invoice for these notices, and project approval is not final until the invoice has been paid. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.

The BAR meets the third Tuesday of the month.

Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 4 p.m.

Project Name/Description	<u>CHARLOTTESVILLE TOWERS</u>	Parcel Number	<u>33-1</u>
Address/Location	<u>511 N. FIRST STREET, CHARLOTTESVILLE, VA 22902</u>		
Owner Name	Applicant Name <u>MARK MARSHALL</u> <u>1500 Amherst St. 22903</u>		

### Applicant Information

Address: 511 N. FIRST ST  
CHARLOTTESVILLE VA 22902  
Email: mark@realpropertyinc.com  
Phone: (W) 971-1600 Ex 103 (H) \_\_\_\_\_  
FAX: 971-5514

### Property Owner Information (if not applicant)

Address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_  
FAX: \_\_\_\_\_

Do you intend to apply for Federal or State Tax Credits for this project? No

### Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

[Signature] 10.26.10  
Signature Date

### Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Description of Proposed Work (attach separate narrative if necessary): PLANT TWO JAPANESE MAPLES, ACER PALMATUM GREEN, AT FRONT ENTRANCE BED. TREES WOULD REPLACE ~~BEFORE~~ OAKS TREES REMOVED LAST SUMMER

Attachments (see reverse side for submittal requirements): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### For Office Use Only

Received by: BFW  
Fee paid: 100.00 Cash/Ck. # 3414  
Date Received: 10-26-2010

Approved/Disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

Conditions of approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

P10-0134

**Growth Rate:** Slow to moderate

**Site Requirements:** Light dappled shade; evenly moist, well drained soil; protect from drying winds

**Texture:** Medium to fine

**Form:** Low; dense rounded top; spreading branches; assumes a layered look

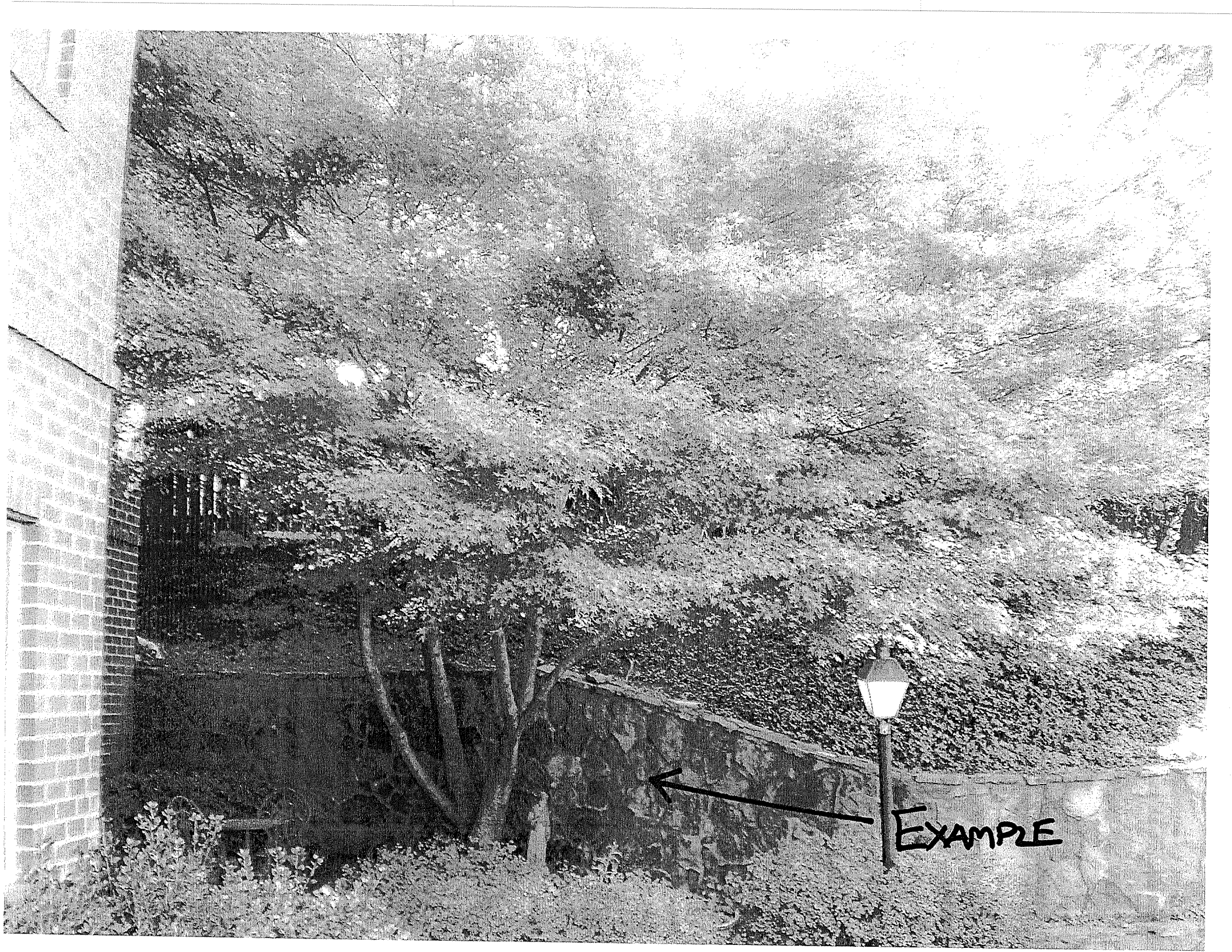
**Height:** 15 to 25'

**Width:** 10 to 25'

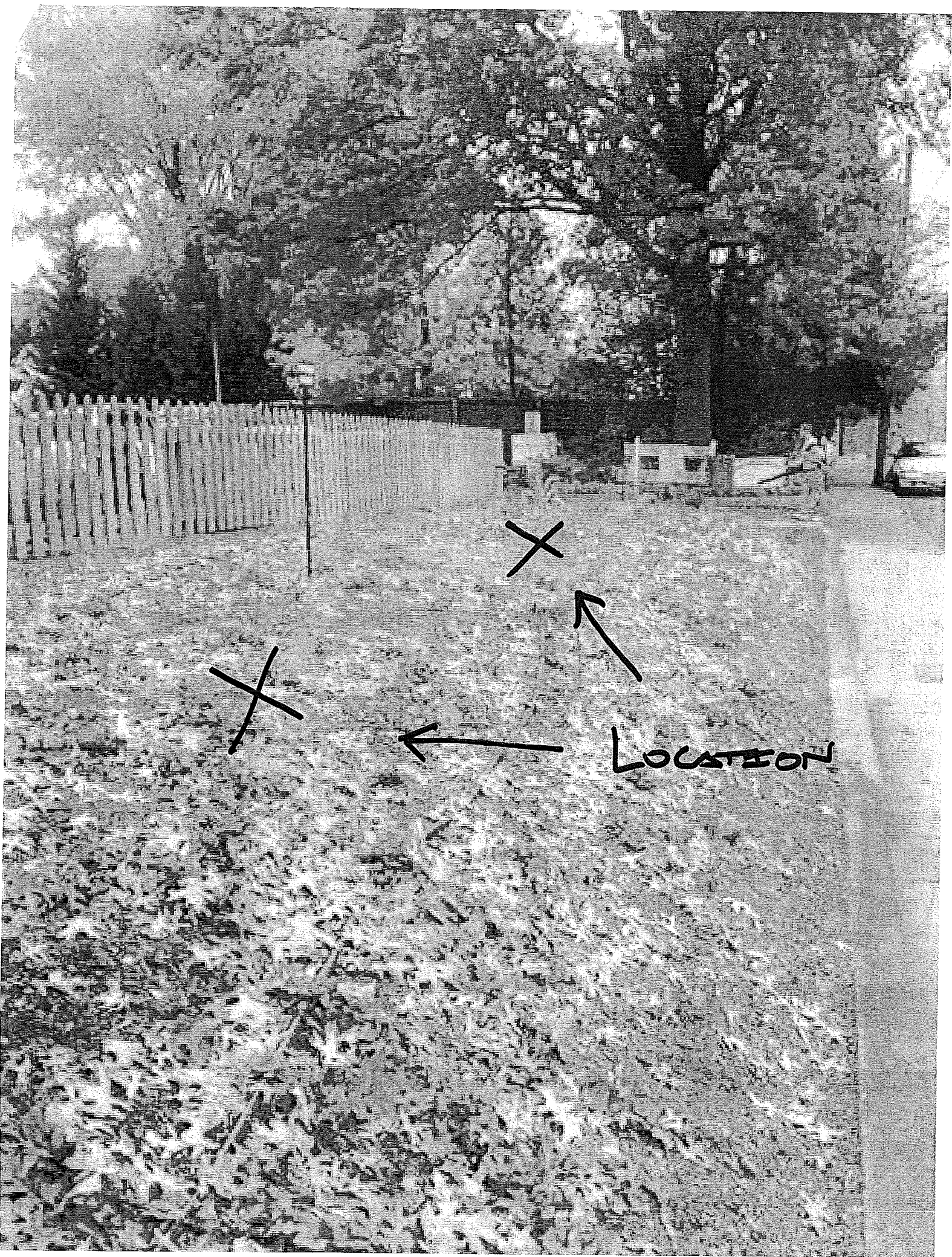
**Leaf:** 2 to 5" opposite, simple leaf with 5 to 9 lobes; green during summer; yellow, bronze, purple to red fall color

**Flower/Fruit:** Small red to purple flowers; attractive if viewed closely but insignificant from a distance

**Comments:** Can be grown as single or multi stemmed small tree; may suffer leaf scorch with excess sun, wind, or drought



EXAMPLE



LOCATION

CITY OF CHARLOTTESVILLE  
"A World Class City"

Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.org](http://www.charlottesville.org)



**RECEIPT**

**RECEIPT NUMBER:** R10002422  
**DATE:** 12/10/2010  
**TIME:** 12:18:18 PM  
**CUSTOMER:** CH'VILL TOWERS CONDO ASSOCIATION  
**APPLICANT:** MARK MARSHALL  
**OWNER:** CH'VILL TOWERS CONDO ASSOCIATION

---

**TOTAL ACTIVITY FEE DETAILS:**

<u>ACTIVITY NO</u>	<u>AMOUNT</u>	<u>FEE DESCRIPTION</u>
P10-0134	\$100.00	BAR COA (ALL OTHER)
P10-0134	\$12.00	MISCELLANEOUS FEE

---

**RECEIPT TRANSACTIONS:**

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>	<u>CHECK NO</u>
Check	\$12.00	00003437

---

**RECEIPT AMOUNT DUE: \$12.00**  
**RECEIPT AMOUNT PAID: \$12.00**

---

## Scala, Mary Joy

---

**From:** Genevieve Keller [genevieve.keller@gmail.com]  
**Sent:** Monday, November 15, 2010 11:10 AM  
**To:** Scala, Mary Joy  
**Cc:** hdevereux@embarqmail.com  
**Subject:** BAR-Cville Towers

Dear Mary Joy,

I am writing in regard to the application of the Charlottesville Towers to replace the illegally downed towering oaks with Japanese maples. The maples will not provide the same massing/shape or vegetative character as the lost trees. The lost trees should be replaced with trees of a similar character that fulfill the same function as "street trees" that provide shade and help to moderate the climate effects of the asphalt parking. I hope that the Board will consider the loss of shade and climate moderation along with massing, shape and scale when making a decision.

While the Board is considering the trees, I wonder if it could also address the new placard signs that the Towers installed along the bank. Were those approved? They would be much more appropriate and perhaps more stable if applied to the picket fence. In addition, the portable "no parking signs" are not temporary, and another type of sign could be just as effective and more appropriate. I doubt that they were approved and they have been changed since the Towers addition to ADC.

Finally, I believe that there should be some sort of mitigation for the illegal action that occurred last summer in removing the trees without notification or approval. While there may have been health issues for those two trees, there was no opportunity for civic review or assessment of the condition of the trees before their destruction.

Thank you for your attention to this matter.

Sincerely,

Genevieve P. Keller  
Architectural Historian/Preservation Planner  
504 N. 1st St  
Charlottesville, VA

**Scala, Mary Joy**

---

**From:** Mark Marshall [mark@realpropertyinc.com]  
**Sent:** Tuesday, November 16, 2010 10:11 AM  
**To:** Scala, Mary Joy  
**Subject:** RE: Planting Request

Sure – 1500 Amherst Street, 22903.

When you state they may take action, do you mean they may vote yes or no? If I cannot make it, I do ask that they take action.

---

**From:** Scala, Mary Joy [mailto:scala@charlottesville.org]  
**Sent:** Tuesday, November 16, 2010 10:00 AM  
**To:** Mark Marshall  
**Subject:** RE: Planting Request

Mark,

We mailed you an invoice for the adjoining owner notification fee (\$12.00) but it was returned for insufficient address. Could you give me your mailing address, please?

**Mary Joy Scala, AICP**  
Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall - 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

---

**From:** Mark Marshall [mailto:mark@realpropertyinc.com]  
**Sent:** Tuesday, November 16, 2010 8:09 AM  
**To:** Scala, Mary Joy  
**Subject:** RE: Planting Request

Ms. Scala – I have business in Richmond today and may not be able to make in back for the meeting tonight. It was unexpected. What would happen if we did not have a representative there this evening? I am thinking worst case right now. This is for Charlottesville Towers tree request.

Mark

---

**From:** Scala, Mary Joy [mailto:scala@charlottesville.org]  
**Sent:** Tuesday, October 26, 2010 9:50 AM  
**To:** Mark Marshall  
**Subject:** RE: Planting Request

I'll email you the agenda and staff report. Someone should attend the meeting to answer questions. It starts at 5 pm in Council Chambers in City Hall, but the agenda will give closer approx. of times.

**Mary Joy Scala, AICP**

Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall - 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

---

**From:** Mark Marshall [mailto:[mark@realpropertyinc.com](mailto:mark@realpropertyinc.com)]  
**Sent:** Tuesday, October 26, 2010 9:28 AM  
**To:** Scala, Mary Joy  
**Subject:** RE: Planting Request

Thanks, I will have it dropped off shortly. Do I contact you after the 16<sup>th</sup>?

Mark

---

**From:** Scala, Mary Joy [mailto:[scala@charlottesville.org](mailto:scala@charlottesville.org)]  
**Sent:** Tuesday, October 26, 2010 9:11 AM  
**To:** Mark Marshall  
**Subject:** RE: Planting Request

I glad to hear from you...there's been some public concern about losing those trees.

You should submit an application to the BAR (today is a deadline at 4 pm for the Nov 16 meeting) with \$100 fee and I'll put you on the agenda.

The BAR will decide if that's an appropriate species to replace the oak trees that were removed. There's also a zoning tree canopy requirement, so we need to check to see that the proposed species will satisfy that.

Thank you.

**Mary Joy Scala, AICP**

Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall - 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

---

**From:** Mark Marshall [mailto:[mark@realpropertyinc.com](mailto:mark@realpropertyinc.com)]  
**Sent:** Tuesday, October 26, 2010 8:47 AM  
**To:** Scala, Mary Joy  
**Subject:** Planting Request

Hi Ms. Scala – I understand you are the person to talk to regarding ARB requests in historic districts. My name is Mark Marshall, I manage the Charlottesville Towers at 511 N. First Street. They had two large trees taken out this past summer due to decay. They would like to replace these trees with



Japanese Maples the variety is an Acer Palmatum Green, that would grow 25-30 feet at max (smaller than what was there). They would like to plant them on the front entrance bed, same location as the ones before.

What steps do we need to take?

Thanks for your help!

Mark

Mark Marshall  
Community Manager, CMCA®, AMS®  
Licensed VA Real Estate Agent

Real Property Inc.  
1500 Amherst Street Ste. #3  
Charlottesville, VA 22903-5158

(434) 971-1600 x 103 voicemail  
(434) 971-5514 fax

**Scala, Mary Joy**

---

**From:** Haluska, Brian  
**Sent:** Thursday, November 11, 2010 11:44 AM  
**To:** Scala, Mary Joy  
**Subject:** RE: 511 N 1st Street

Mary Joy,

Even if they didn't have a site plan, the code would require one for the removal of those trees. I think we compromise by saying if you're removing a tree, you have to replace it with one that will reach a similar size, unless there is some sort of issue with utility lines or pipes.

Brian J. Haluska, AICP  
Neighborhood Planner

---

**From:** Scala, Mary Joy  
**Sent:** Thursday, November 11, 2010 8:43 AM  
**To:** Haluska, Brian  
**Subject:** 511 N 1st Street

This condo property had large oak trees along 1<sup>st</sup> Street North. Last summer they removed two without approval. Is there a site plan? Must they replace the trees with a certain species to meet tree canopy? It goes to BAr Tuesday and I am recommending large oaks again but would like back-up if you can provide.

**Mary Joy Scala, AICP**  
Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall - 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

# CITY OF CHARLOTTESVILLE

*"A World Class City"*

## Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



November 1, 2010

Dear Sir or Madam:

This letter is to notify you that the following application has been submitted for approval of a Certificate of Appropriateness by the City of Charlottesville Board of Architectural Review on property that is either abutting or immediately across a street from your property, or that has frontage on the same city street block.

### **Certificate of Appropriateness Application**

BAR 10-11-02

511 1st Street North

Tax Map 33 Parcel 1

Mark Marshall

Plant two Japanese maple trees to replace two oak trees removed last summer

The Board of Architectural Review (BAR) will consider this application at a meeting to be held on **Tuesday, November 16, 2010, starting at 5pm in the City Council Chambers, City Hall.** Enter City Hall from the Main Street pedestrian mall entrance.

An agenda with approximate times will be available on the BAR's home page accessible through <http://www.charlottesville.org>. If you need more information, please do not hesitate to contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

A handwritten signature in cursive script that reads 'Mary Joy Scala'.

Mary Joy Scala  
Preservation and Design Planner

**Scala, Mary Joy**

---

**From:** billemory [billemory@gmail.com]  
**Sent:** Thursday, July 15, 2010 5:29 PM  
**To:** Scala, Mary Joy  
**Subject:** 511 1st Street

Dear Mary Joy,

I've been meaning to write and ask if the Charlottesville Towers at 511 North First Street had applied for and been granted a COA to remove two large quercus palustris (pin oak) trees that contributed so significantly to the character of 1st Street. (Tree were cut down awhile ago- before the micro-burst)

I regularly bike in this area, I love the buildings, the wonderful tree canopy and the lack of traffic.

I don't have photos of the trees in question, but I have pictures of their stumps which I will include below.

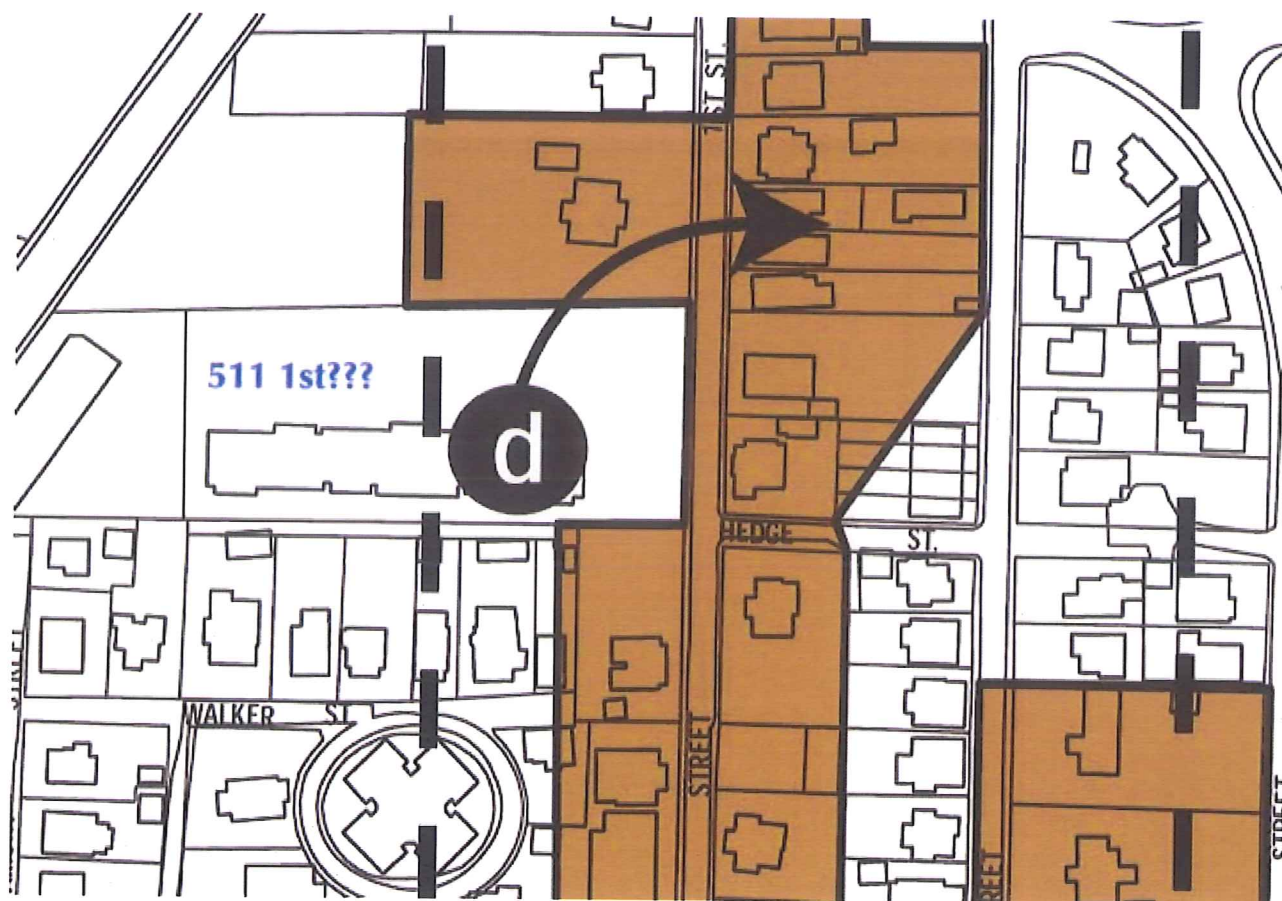


(stump #2)

And now, sadly, I have just referred to the Guidelines. I'd always assumed this building was non contributing, but it looks like it is not even in the District!



(looking south down 1st Street, stump #1)



OK then. rats.

Let me ask another question. When trees in an ADC are cut down, what are the replacement guidelines? Can you send me a copy?

Thanks,

Bill

p.s.- Is there any chance that 511 really is in the North Downtown ADC? (a mapping error?)