From: Rourke, Kristin

Sent: Thursday, December 20, 2012 11:39 AM

**To:** 'afmcclure@gmail.com' **Subject:** December BAR Actions

December 20, 2012

Andy McClure (The Biltmore) 420 East Main Street #6 Charlottesville, VA 22902

#### **Certificate of Appropriateness Application**

BAR 12-12-02 16 Elliewood Avenue Tax Map 9 Parcels 97 The Biltmore – Andy McClure, Applicant/Geary Albright, et al, Owner Seasonal Tent

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 18, 2012. The following action was taken:

#### Approved (6-1 with Miller opposed) as submitted.

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.

This certificate of appropriateness shall expire in 18 months (June 18, 2014), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced construction. You may request an extension of the certificate of appropriateness before this approval expires for one additional year for reasonable cause.

Upon completion of construction, please contact me for an inspection of the improvements included in this application. If you have any questions, please contact me at 434-970-3130 or <a href="mailto:scala@charlottesville.org">scala@charlottesville.org</a>.

Sincerely yours,

Mary Joy Scala, AICP Preservation and Design Planner

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

## CITY OF CHARLOTTESVILLE BOARD OF ARCHITECTURAL REVIEW STAFF REPORT December 18, 2012



Certificate of Appropriateness Application
BAR 12-12-02
16 Elliewood Avenue
Tax Map 9 Parcels 97
The Biltmore – Andy McClure, Applicant/Geary Albright, et al, Owner
Seasonal Tent

#### **Background**

The Biltmore Grille (16 Elliewood) and the adjacent outbuilding (16 ½ Elliewood) are contributing structures located in The Corner ADC District.

16 Elliewood, originally a dwelling known as the Bruce House, is a concrete block building with brick trim built c. 1947. A rear service area was enclosed in 1980. The pergola was built in 1981, when the restaurant was called Graffiti's. A two story rear addition was added in 1994. The date of the front addition is before 1996. The rooftop terrace was added in 2001.

 $16\frac{1}{2}$  Elliewood is a wood frame structure built between 1930-1950. It may have originally been an outbuilding, and has been occupied by a series of restaurants

<u>June 16, 2009</u> - The BAR accepted (6-0) applicant's deferral request for the construction of a new patio. The BAR asked for a more formal site plan, and more detailed architectural information on the proposed fence, deck, railing, and bar. The BAR said the applicant should rethink the decking of the garden space, and suggest alternatives.

July 21, 2009 - The BAR approved the application for the patio as submitted (6-0-1 with Gardner not voting) including the potential alternative of eliminating the deck and skewing the orientation of the bar with the provision that the section of landscape immediately in front of the original restaurant at 16 Elliewood have mulch rather than gravel, and be maintained as a planted garden rather than porous seating area, and that the fence enclosure for the new crushed stone area at  $16 \frac{1}{2}$  Elliewood be studied and resubmitted to increase visibility between the patrons and sidewalk. Both items should be resubmitted for administrative approval (8-17-09) by staff.

November 15, 2011 - The BAR denied and application for two seasonal tents in the side yard of the Biltmore Grill Restaurant for the winter season (November 1-February 28). The larger tent would be 30 feet by 30 feet. The smaller tent would be 9feet by 20 feet. The application was denied as submitted (6-3 with Graves, DeLoach, and Coiner opposed) because it does not meet the Design Guidelines. Later in the meeting the BAR took the following action on a different application, which overrode the previous action: The BAR approved (7-1-1 with Osteen opposed and Hogg recused) a motion to provide a temporary grace period through March 15, 2012, extending it to all applicants, including previous applicants, currently considering adding a tent, with the understanding that these tents are temporary until the Spring, to give the BAR time to have one or more work sessions to define language that fits within the Design Guidelines that regulates structures not considered temporary (i.e., 7 days or less) when they occupy a site or are attached to a building within a historic design control district.

#### **Application**

The applicant requests approval to add one tent 25 feet by 25 feet to the side yard of the Biltmore Grill Restaurant for the winter season.

### Criteria, Standards, 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 - Signs, Awnings, Vending and Cafes

## G. Tents (Including Tent Canopies) for the Winter Café Season or Year-Round Use

- 1. Tents are generally not appropriate in historic districts that are primarily residential (North Downtown, Wertland Street, Ridge Street, Oakhurst-Gildersleeve, Rugby Road-Venable, most of Martha Jefferson).
- 2. Tents may be appropriate in the Downtown, the Corner, and the West Main Street ADC districts, and in the mixed use/commercial areas of Martha Jefferson Conservation District, except tents are not appropriate on the Downtown mall portion of East and West Main Streets, including Central Place, and on the side streets leading to the mall.
- 3. Tents should not permanently alter significant landscaping or site features.
- 4. Tents should be a solid color, without any text or logos.
- 5. Tents may be appropriate on the upper floors or roof of buildings.
- 6. Tents may be appropriate on the rear or side of a building.
- 7. If a tent would affect the front elevation of a building, or the character of the property or district, then the guidelines for Additions in Chapter 3, New Construction and Additions, should be followed.

#### **Discussion and Recommendations**

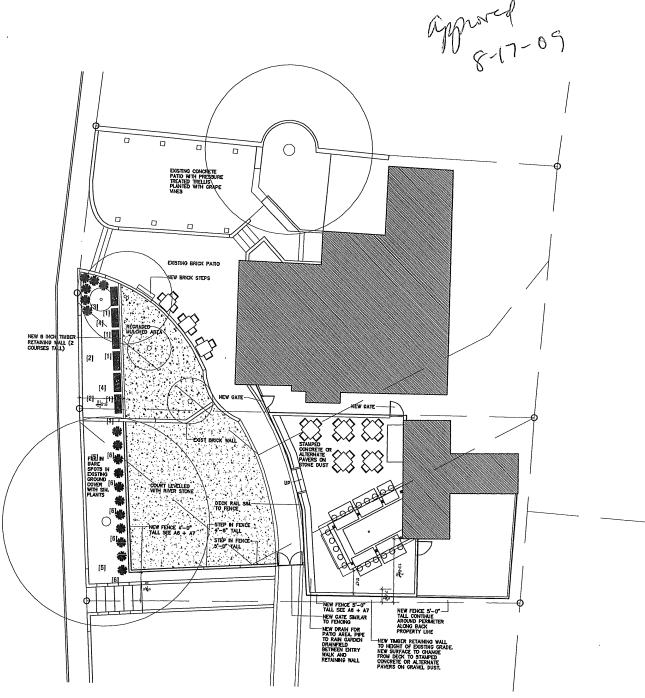
Seasonal tents are described as "appropriate in the Downtown, the Corner, and the West Main Street ADC districts..." (G.2) in the 2012 ADC guidelines. The application for the tent follows guideline G.4 stating that tents "should be a solid color without any text or logos". The proposed tent is located in the side yard, will not significantly impact the structure permanently (G.6). The tent will not alter the appearance of the front elevation of the building per se (G.7) and so should not be considered as a new addition.

In October 2012 the BAR reviewed the first application for a seasonal tent under these new guidelines at 422 East Main Street, the Commonwealth Restaurant. The BAR accepted the applicant's request to defer at that meeting.

If a tent will be repeatedly used in this location, then it should look more intentional. A darker color would make it detract less from the site.

#### **Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Tents, I move to find that the proposed outdoor tent satisfies the BAR's criteria and is compatible with this property and other properties in this district, and that the BAR approves the application as submitted (or with the following modifications...).



### **NEW WORK**

#### **16 ELLIEWOOD AVE PATIO**

BUILD NEW 6" TIMBER RETAINING WALL 2 COURSES TALL KEEPING GRADE ON STREET SIDE AS EXISTS. LEVEL NEW AREA WITH DIRT TOP WITH A MULCH TOPPING TO MATCH AREA ON 16 1/2 ELLIEWOOD SIDE IN ELEVATION (8" AT THE DOWNHILL SIDE OF WALL).

#### 16 1/2 ELLIEWOOD

ADJUST GRADE TO MATCH ELEVATION OF EXIST CONCRETE PAD. INSTALL NEW PAVERS ON BED OF GRAVEL DUST (ALTERNATE STAMPED CONCRETE). BUILD NEW BAR AS SHOWN IN PLANS. INSTALL NEW FENCING AROUND EXIST TIMBER RETAINING WALL AND CONTINUE FENCING PARALLEL TO PROPERTY LINE TO BACK OF PROPERTY. INSTALL NEW SECURITY FENCE ALONG BACKSIDE OF PROPERTY LINE. SEE ARCHITECTURAL PLANS FOR DETAILS.

## SITE PLAN

scale: 1:20



#### **PATIO**

- [1] (18) 3 GALLON ELEGANTISSIMA BOXWOOD
- [2] (5) 3 GALLON AZELEA
- [3] (6) 3 GALLON NANDINA DOMESTICA
- [4] (40) 1 QUART AJUGA "CHOCOLATE CHIP" GROUNDCOVER PLANTED IN HARDWOOD MULCH

#### 16 1/2 ELLIEWOOD

[5] FILL IN BARE SPOTS IN EXISTING GROUNDCOVER TO MATCH EXIST SPECIES OF PLANT USE HARDWOOD MULCH TO COVER BARE DIRT.

[6] (11) 3 GALLON NANDINA DOMESTICA

## **BILTMORE GRILL**

16 + 16 1/2 ELLIEWOOD AVENUE
DATE: 7.09.09 REVISION DATE: 7.28.09



## VIRGINIA HISTORIC LANDMARKS COMMISSION

HISTORIC DISTRICT SURVEY FORM

File No. 104-130 Negative no(s). 7234

Page 1 of 2							
treet address 16 Elliewood	lve.						
Town/City Charlottesvil	•						
sistoric name	Common name						
wood frame (siding: □ weatherboard, □ shingle, □ aluminum, □ bricktex, □ □ brick (bond: □ Flemish, □ stretcher, □ □ -course American, □ stone (□ random rubble, □ random ashlar, □ coursed ashlar, □ coursed ashlar, □ log (siding: □ weatherboard, □ shingle, □ aluminum, □ bricktex, □ stucco □ cast iron □ concrete block □ terra cotta □ enameled steel □ other: □ diass and metal							
Number of Stories	Roof Type						
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Dormers		Jumber of bays — Main facade					
0	☐ hipped ☐ 1 ☐ 2	□ 4 □ 7 □ 5 □ 8 . □ 6 □ <u>—</u>					
Porch Stories  yes ☐ no ☐ 1 ☐ 3 ☐ 2 ☐	Bays □ 1 (center) □ 2 □ 4 □ 1 (side) □ 3 □	General description					
☐ detached house ☐ detached town house ☐ row house ☐ double house		ercial (office)					
yle/period Vernacular	Date /9-77 Ar	rchitect/builder					
ocation and description of entrance	Because of cinder-block how older buildings well back from	e information (plan, exterior and interior decoration, pow type and trim, chimneys, additions, alterations)  its basically Georgian form, this use blends reasonably well with the on the street. Moreover, it stands the street in a large shaded yard. la was built in 1981 to serve outdoor					
	and is a popular bands playing i	rant Graffiti's was launched ca. 1980 student watering hole, with live in the pergola on weekends.					

Surveyed by Jeff O'Dell, VHLC

Date

8-83





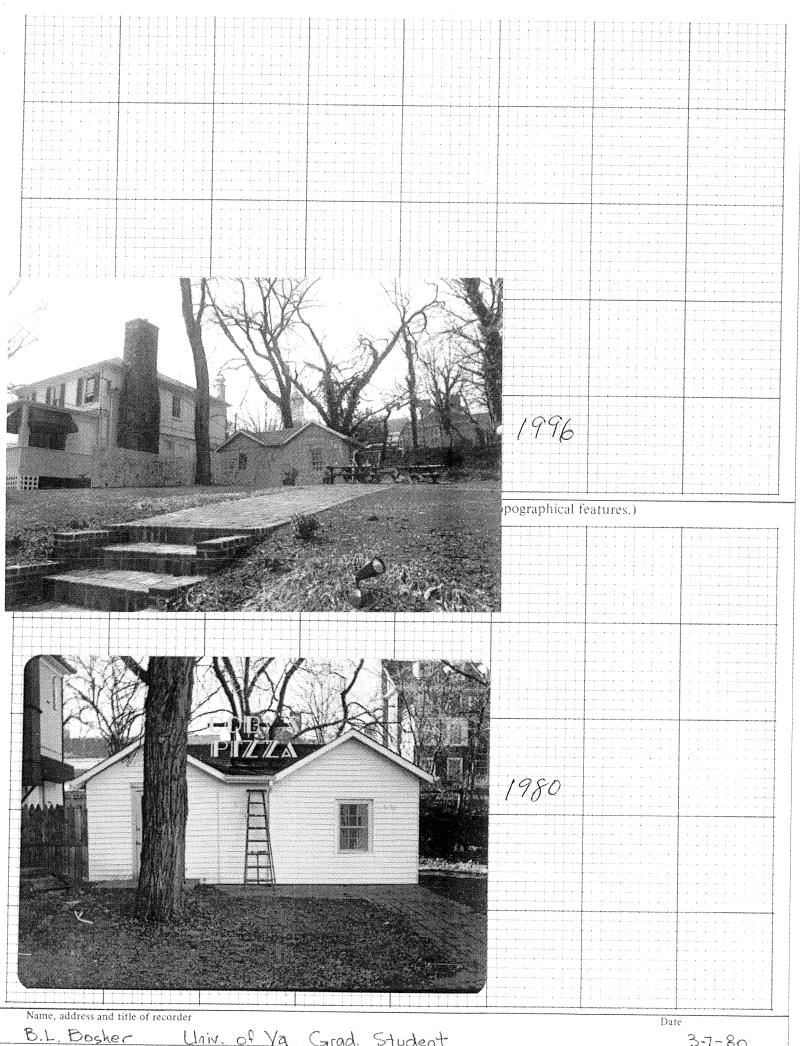


## VIRGINIA HISTORIC LANDMARKS COMMISSION

HISTORIC DISTRICT SURVEY FORM

File No. 104-1	30
Negative no(s).	7300

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	PHOTO	•	Historic	al information			
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			Source				
			Surveye	dby Jeff	O'Dell, VE	ILC Da	<sup>ste</sup> 9-83



Univ. of Va Carad Student

3-7-80



# Board of Architectural Review (BAR) Certificate of Appropriateness

RECEIVED

Please Return To: City of Charlottesville

NOV 2 7 2012

Department of Neighborhood Development Services

P.O. Box 911, City Hall Charlottesville, Virginia 22902

Telephone (434) 970-3130 Fax (434) 970-3359

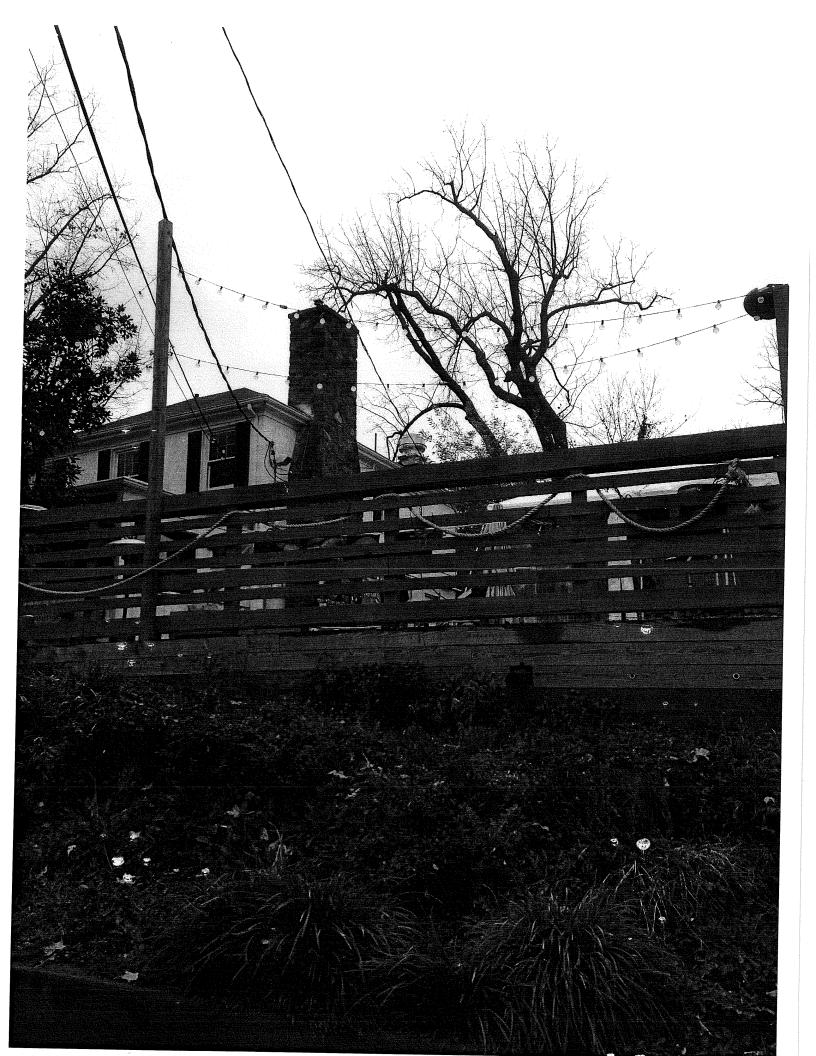
Please submit ten (10) copies of application form and all attachments.

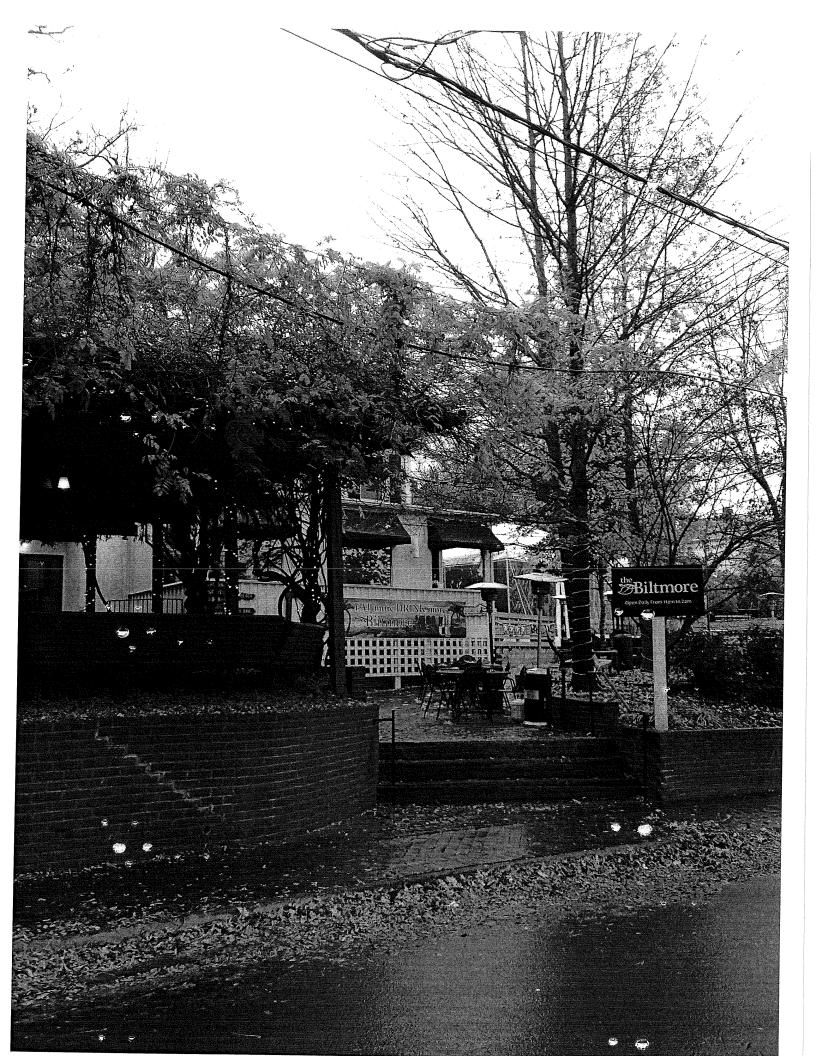
For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.

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.

Owner Name_ The Biltmore-Andy May	Applicant Name_Body McC/	are			
Project Name/Description Seasonal Tent	Parcel Number				
Property Address 16 Elliewood Avenu	2				
Applicant Information Address: \( \frac{720 \ Fast Main \ St, \ #6}{27902} \)  Email: \( \frac{afmcc/uve.0gmail, com}{27902} \)  Phone: \( (W) \frac{134-825-8781}{34-825-8781} \) \( (H) \)  FAX: \( \frac{Property Owner Information (if not applicant)}{27902} \)  Email: \( \frac{albrigge@ Jma.eda}{27902} \)  Phone: \( (W) \frac{434-823-4005}{34-823-4005} \) \( (H) \)	Signature  Print Name	Date  not applicant)			
Phone: (W)439-823-4005 (H)	I have read this application and herelits submission.	by give my consent to			
Do you intend to apply for Federal or State Tax Credits for this project?	Signature  Geary Albright  Print Name	Date 1/-20-17 Date			
Description of Proposed Work (attach separate narrative if necessary): 25×25'  Season Tent in Side Yand-Standard materials-White					
List All Attachments (see reverse side for submittal requirements):					
For Office Use Only  Received by: Cash/Ck. # 113  Date Received: 1127172	Approved/Disapproved by:  Date:  Conditions of approval:				







## 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



## **AFFIDAVIT OF MAILING**

To File: 16 Elliewood Avenue (BAR 12-12-02)

I, Kristin Rourke, being first duly sworn, hereby certify that I mailed the attached letter, by first class United States Mail, to the addresses shown on this affidavit on December 4, 2012.

Signed:

Kristin Rourke

#### **ADDRESSES**

**STATE OF VIRGINIA** 

## **See Attachments**

Notary Pub

My Commission Expires: AMG

Notary Public

## 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



December 4, 2012

Dear Sir or Madam:

This letter is to notify you that the following applications have been submitted for review 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 12-12-02
16 Elliewood Avenue
Tax Map 9 Parcels 97
The Biltmore – Andy McClure, Applicant/Geary Albright, et al, Owner Seasonal Tent

The Board of Architectural Review (BAR) will consider these applications at a meeting to be held on **Tuesday**, **December 18**, **2012**, **starting at 5:30 pm in City Council Chambers**, **City Hall**. Enter City Hall from the Main Street pedestrian mall entrance and go up to 2<sup>nd</sup> floor.

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

Sincerely yours,

Mary Joy Scala, AICP

Preservation and Design Planner

BOWMAN, HARWOOD MITCHELL 105 MARBLE RUN WILLIAMSBURG VA 23185

ALBRIGHT, GEARY, ETAL 6660 HIGHLANDER WAY CROZET VA 22932

AMORGOS LLC
P O BOX 1524
CHARLOTTESVILLE VA 22902

ST PAUL'S MEMORIAL EPISCOPAL CHURCH 1700 UNIVERSITY AVENUE CHARLOTTESVILLE VA 22903 CKW, LLC
CHRISY BOSSIE
17B ELLIEWOOD AVE
CHARLOTTESVILLE VA 22903

SHOPS UNDER THE ASH LLC P O BOX 7765 CHARLOTTESVILLE VA 22906

SOVRAN BANK
CORP RE ASSESS/NC1-001-03-81
101 NORTH TRYON STREET
CHARLOTTE NC 28255