

From: Scala, Mary Joy
Sent: Friday, December 09, 2011 8:19 AM
To: afmcclure@gmail.com
Subject: BAR Action - 16 Elliewood

December 9, 2011

Anderson McClure
16 Elliewood Avenue
Charlottesville, VA 22903

**RE: Certificate of Appropriateness Application
BAR 11-11-02
16 Elliewood Avenue
Tax Map 9 Parcel 97
Anderson McClure, Applicant/ Geary Albright, etal, owner
Two tents at Biltmore Grill**

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on November 15, 2011.

The following action was taken:

The BAR denied (6-3 with Graves, DeLoach, and Coiner opposed) the application as submitted 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.

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.

If you have any questions, please contact me at 434-970-3130 or scala@charlottesville.org.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
November 20, 2011**



Certificate of Appropriateness Application

BAR 11-11-02

16 Elliewood Avenue

Tax Map 9 Parcel 97

Anderson McClure, Applicant/ Geary Albright, etal, owner

Two tents at Biltmore Grill

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 ½ 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

June 16, 2009 - The BAR accepted (6-0) applicant's deferral request. 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 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 ½ Elliewood be studied and resubmitted to increase visibility between the patrons and sidewalk. Both items should be resubmitted for administrative approval by staff.**

Application

The applicant requests approval to add two tents in the side yard of the Biltmore Grill Restaurant for the winter season (November 1-February 28). The larger tent would be 30 ft x 30 ft. The smaller tent would be 9ft. by 20 feet.

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 – Signs, Awnings, Vending and Cafes

p. 5.6

C. Awnings, Marquees, & Canopies

Awnings can contribute to the overall image of the Downtown, The Corner, and West Main Street by providing visual continuity for an entire block, helping to highlight specific buildings, and covering any unattractively remodeled transom areas above storefronts. They also protect pedestrians from the weather, shield window displays from sunlight, and conserve energy. Marquees are usually associated with theaters and contain areas for changing information. Canopies are more permanent structures.

1. Types

- a. *Fixed, sloped fabric awnings are the traditional awning type and are appropriate for most historic buildings, both residential and commercial.*
- b. *Boxed or curved fabric awnings; a more current design treatment, may be used on a non-historic or new commercial building.*
- c. *Marquees and canopies fabricated from rigid materials are appropriate on some commercial buildings, however, they must fit the storefront design and not obscure important elements such as transoms or decorative glass.*
- d. *Historic marquees and canopies should be retained and maintained on historic building facades.*
- e. *Backlit awnings or canopies used as illuminated signs are inappropriate.*

2. Placement

- a. *Place awnings carefully within the storefront, porch, door, or window openings so they do not obscure elements of damage materials.*
- b. *Choose designs that do not interfere with existing signs or distinctive architectural features of the building, or with street trees or other elements along the street.*
- c. *Choose an awning shape that fits the opening in which it is installed.*
- d. *Make sure the bottom of the awning valance is at least 7 feet high, or 10 feet if it contains a sign.*

3. Color and Materials

- a. *Coordinate colors with the overall building color scheme. Solid colors, wide stripes, and narrow stripes may be appropriate, but not overly bright or complex pattern.*

b. Aluminum, vinyl plastic, or overly ornate fabric awnings are generally inappropriate for any buildings within the historic districts.

c. Contemporary marquees or canopies may be constructed of combinations of metal, wood, and glass; some types of plastic may be appropriate.

Discussion and Recommendations

Plastic canopies are frequently approved for temporary events, such as during graduation weekend. The permanent use of plastic canopies is a needed discussion point for the BAR. The guidelines do not specifically address the issue of a temporary-looking structure encapsulating the facade of a building for long periods of time. But, in this climate, the outdoor patio use can be extended year-round with space heaters, so there is a moderate demand for these types of structures.

The restaurant at 12 Elliewood Avenue requested a plastic tent at one point, but was encouraged by the BAR to construct a more permanent, porch-like structure. Mono Loco has one of the few approved restaurant canopies in permanent use. "Temporary" canopies are currently in use in the ADC districts on West Main Street at Maya, Horse and Hound, and sometimes at Wild Wings Cafe; and on Elliewood Avenue at Coupe de Ville (may have been in place prior to adoption of ADC) and the Backyard. The Commonwealth Restaurant on the Downtown Mall is also making a request at this meeting.

A tent of 900 sq. ft. or more, or that seats 50 or more, requires a building permit. Any tent structure requires fire department approval.

Does the BAR want to review every canopy proposed for more than a single event? Are there guidelines that the BAR could add for guidance, such as color or material preferences? Will there be instances when a canopy structure is not appropriate for other than temporary use?

Regarding this specific application, the tent is a "wedding" style white tent with clear "windows." It is proposed for the side yard patio area, in front of the bar. It would not directly obscure the main building.

Staff suggests that the BAR hold a work session to produce policy guidelines for extended use of tents in an ADC District. Considerations include:

- Location of the tent in the City and surrounding context of ADC district;
- Location of tent on the property: in front of the primary façade or to the side or rear; on roof or ground;
- Size and materiality of tent;
- Length of time intended: weekend event (3-5 days); winter café season (November 21-March 15); or year-round.

Suggested Motion

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



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

RECEIVED
OCT 25 2011
NEIGHBORHOOD DEVELOPMENT SERVICES

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 Bill Honore Temporary Tent Parcel Number 090097000
Address/Location 16 Elliewood Ave
Owner Name Anderson McClure Applicant Name Anderson McClure

Applicant Information

Address: 16 Elliewood Ave,
Charlottesville VA 22903
Email: amcclure@gmail.com
Phone: (W) 434-825-8789 (H) _____
FAX: _____

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.)

Geary Albright, et al. [Signature] 10-20-11
Signature Date

Property Owner Information (if not applicant)

Address: 16 Elliewood Ave.
Charlottesville VA 22903
Email: albrige@jmu.edu
Phone: (W) _____ (H) 434-823-4005
FAX: _____

Property Owner Permission (if not applicant)

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

[Signature] 10-21-11
Signature Date

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

Description of Proposed Work (attach separate narrative if necessary): Erect a temporary tent.

Attachments (see reverse side for submittal requirements): Site plan and description attached.

For Office Use Only	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____

BAR Proposal

The Biltmore Grill
16 Elliewood Avenue
Charlottesville, VA 22903

RECEIVED

OCT 25 2011

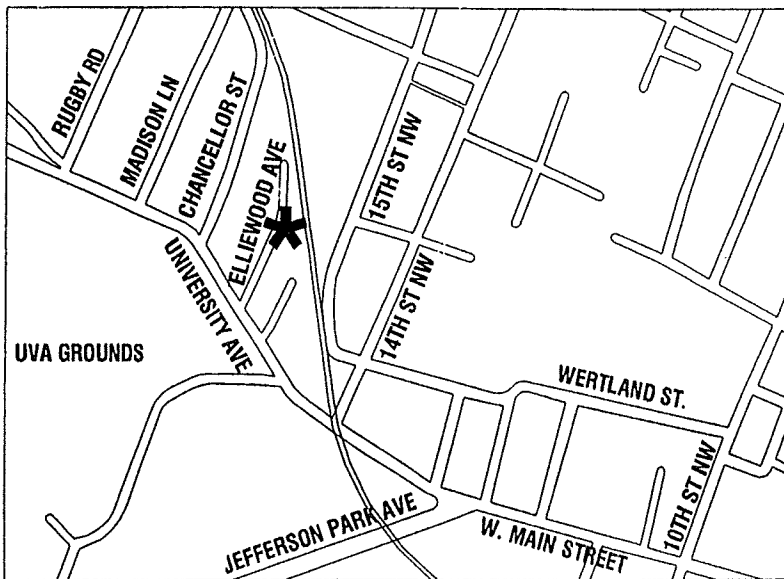
NEIGHBORHOOD DEVELOPMENT SERVICES

Goal: To rent and erect a standard tent in the side yard of the Biltmore. This tent will be used from November 1st to February 28th 2012.

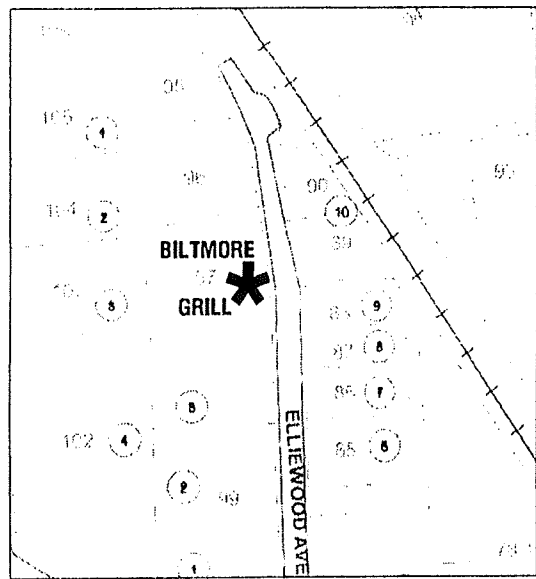
1. The tent will be made of standard materials and will be in Jeffersonian style.
2. The tent will be placed very near the end of a dead end street.
3. The tent will be very similar to many more highly visible tents in Charlottesville:
 - a. Maya Restaurant } WM
 - b. Horse and Hound } WM
 - c. The Backyard Restaurant } e
 - d. Coupe De Ville's Restaurant } e
 - e. McGrady's Restaurant } EC X
 - f. Beer Run } X
 - g. The Grounds at UVA (directly across from the Corner) } X
4. The tent will be composed of one small portion (20 by 9), and one larger portion (30 by 30), in an attempt to cover the outdoor portion of the far side of the building.

Thank you for your time.

Andy McClure



ADDRESS: 16 + 16 1/2 ELLIEWOOD AVENUE



TAX MAP AND PARCEL NUMBER: 9-97
(090097000)

A VICINITY MAP
scale: NTS



B TAX MAP
scale: NTS



PROJECT: BILTMORE GRILL
OWNER: BILTMORE ENTERTAINMENT; DRAWN BY STOA DESIGN + CONSTRUCTION LLC
ZONING DISTRICT: (GD) THE CORNER DISTRICT CORRIDOR-MIXED USE-ADC-PARKING EXEMPT ZONE
TAX MAP AND PARCEL NUMBER: 9-97 (090097000)
ADDRESS: 16 + 16 1/2 ELLIEWOOD AVENUE
CITY AND STATE: CHARLOTTESVILLE VIRGINIA
SOURCE OF SURVEY: GLOECKNER, SMITH, COLEMAN, INC. SEE ATTACHED PLAT DATED 3.22.95

ADJACENT PROPERTY INFO:

NORTH: TMP 9-96 MIXED USE BUDDHIST BIKER BAR
SOUTH: TMP 9-98 MIXED USE PARKING GARAGE
NORTH-WEST: TMP 9-104 MIXED USE
NORTH-EAST: TMP 9-102 + 103 MIXED USE BANK OF AMERICA

PROPOSED USE: RESTAURANT AND DINING FACILITIES

MAX DWELLING UNITS BY TYPE: N/A

GROSS RESIDENTIAL DENSITY: N/A

RECREATION AREAS: N/A

SITE PLAN PHASING: ALL AT ONCE

TOPOGRAPHY: N/A

EXISTING WATERCOURSES AND FLOODPLAINS: N/A

EXISTING AND PROPOSED STREETS: NO NEW STREETS SEE DRAWING S0 FOR

EXISTING STREET FRONTAGE ON ELLIEWOOD AVENUE.

EXISTING SEWER FACILITIES, DRAINAGE CHANNELS AND EASEMENTS: NOTED ON DRAWING S0 AND ON SURVEY DATED 3.22.95

STORM DRAINAGE FACILITIES WITH STORM DETENTION AND WATER FLOW: THE EXISTING WATER DRAINAGE SHOULD NOT BE AFFECTED BY THIS PROJECT. IMPERVIOUS PATIO AREA IS BEING REMOVED TO INSTALL NEW DECK THAT CAN DRAIN TO SOIL BELOW.

STORMWATER MANAGEMENT PLAN UTILIZING BMP'S:

STREAM BUFFER MITIGATION PLAN: N/A

COVERAVATION PLAN: N/A

CONSERVATION CHECKLIST: N/A

TRAFFIC: N/A PROJECT IS IN PARKING EXEMPT ZONE

DRAWING KEY:

- 1) T1 TITLE SHEET
- 2) S0 EXIST SITE PLAN
- 3) S1 NEW SITE PLAN
- 4) PLAT DATED 3.22.95

SETBACK INFORMATION

FRONT STREET SETBACK: TO PROPERTY LINE

SIDE LOT SETBACK: TO PROPERTY LINE

BACK LOT SETBACK: TO PROPERTY LINE

SITE INFORMATION

TMP 9-97 TOTAL SQUARE FOOTAGE: 9748 S.F.

PARCEL A 16 1/2 ELLIEWOOD AVE TOTAL SQUARE FOOTAGE: 3309 S.F.

PARCEL B 16 ELLIEWOOD AVE TOATAL SQUARE FOOTAGE: 5839 S.F.

TOTAL SQUARE FOOTAGE NEW BAR CONSTRUCTION: 150 S.F.

TOTAL SQUARE FOOTAGE BUILDING AREA: 2068 S.F.

TOTAL NEW PATIO AREA @ 16 1/2 ELLIEWOOD: 760 S.F.

NOTE: 220 SQUARE FEET OF EXIST PATIO TO BE REMOVED

TOTAL NEW MULCH PATIO AREA @ 16 ELLIEWOOD: 667 S.F.

OPEN SPACE SQUARE FOOTAGE: 7680 S.F. OR 79 % OF

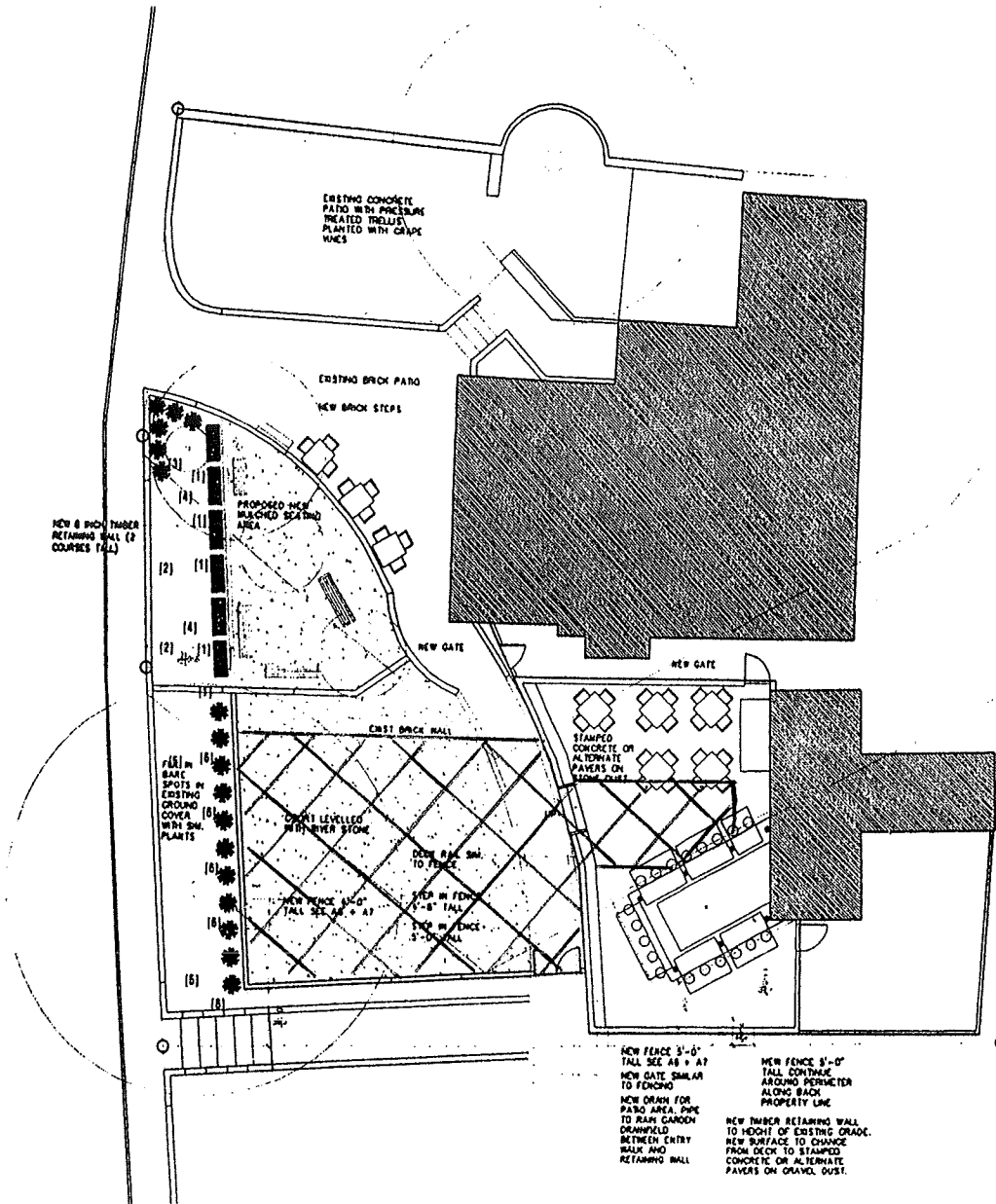
PROPERTY

TOTAL TREE COVER: 2300 S.F. OR 30 % OF OPEN SPACE

T1 TITLE SHEET
scale: NTS

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

STOA
DESIGN + CONSTRUCTION, LLC



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.

PLANTING PLAN

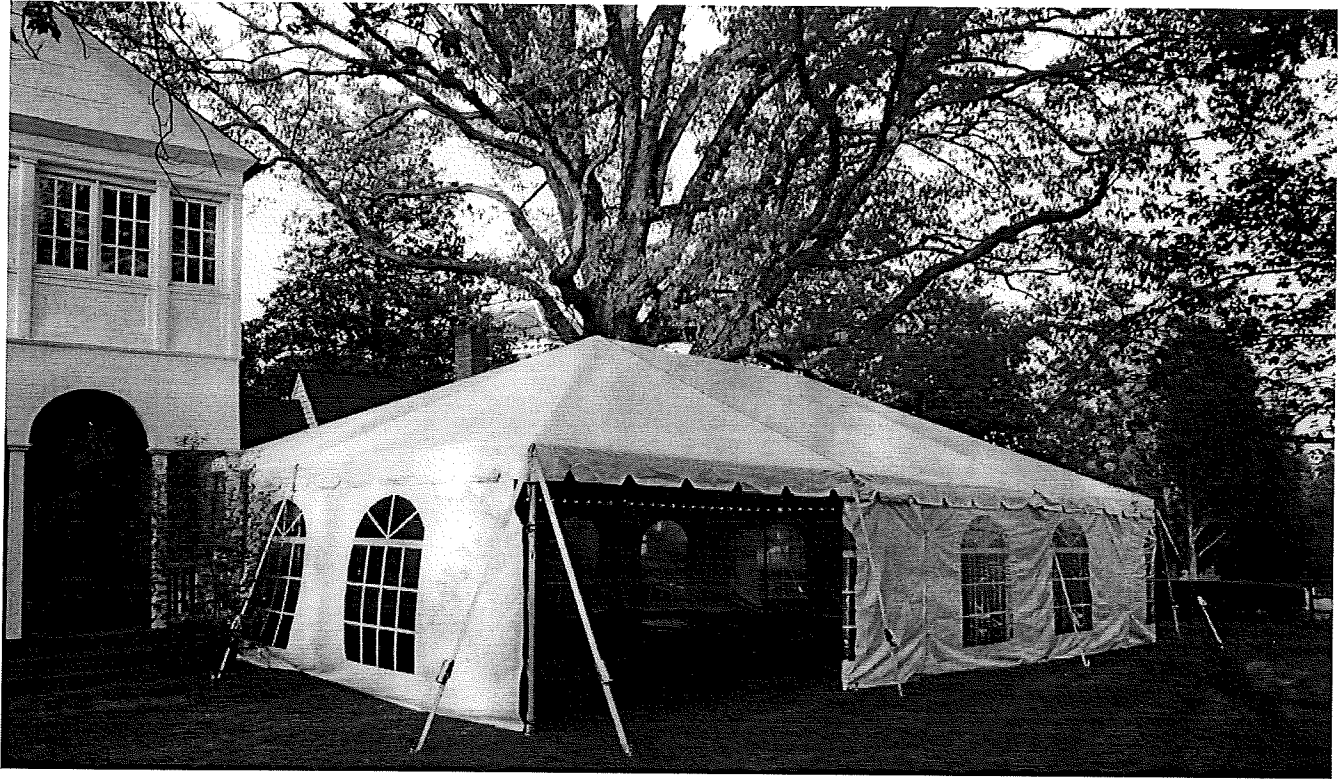
PATIO

- [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





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 11-11-02)

I, Lisa Barmore, 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 October 27, 2011.

Signed:



Lisa Barmore

ADDRESSES

See Attachments

STATE OF VIRGINIA

CITY OF CHARLOTTESVILLE, to-wit:

The foregoing instrument was acknowledged before me this 1st day of November 2011, by Lisa Barmore.

My Commission Expires: December 31, 2011


Notary Public

PATRICIA R. CARRINGTON
NOTARY ID # 7098914
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DECEMBER 31, 2011

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, 2011

Dear Sir or Madam:

This letter is to notify you that the following application has 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 11-11-02

16 Elliewood Avenue

Tax Map 9 Parcel 97

Anderson McClure, Applicant/ Geary Albright, etal, owner

Two tents at Biltmore Grill

The Board of Architectural Review (BAR) will consider this application at a meeting to be held on **Tuesday, November 15, 2011, starting at 5:30 pm 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Mary Joy Scala'.

Mary Joy Scala, AICP
Preservation and Design Planner

ALBRIGHT, GEARY, ETAL
6660 HIGHLANDER WAY
CROZET VA
22932

AMORGOS LLC
P O BOX 1849
CHARLOTTESVILLE VA
22903

BOWMAN, HARWOOD MITCHELL
105 MARBLE RUN
WILLIAMSBURG VA
23185

CKW, LLC
CHRISY BOSSIE
P O BOX 104
KENT STORE VA
23084

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

ST PAUL'S MEMORIAL EPISCOPAL
CHURCH
1700 UNIVERSITY AVENUE
CHARLOTTESVILLE VA
22903

10
Elliewood
(7)