

**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 22, 2015 11:29 AM  
**To:** lynnhall.w.ward@gmail.com; 'CenturyLink Customer '  
**Subject:** BAR Action- December 15, 2015 - 1600 Grady Avenue

December 22, 2015

Lynn-Hall Ward  
1600 Grady Avenue  
Charlottesville, VA 22903

**RE: Certificate of Appropriateness Application**

BAR 15-12-04

1600 Grady Avenue

Tax Parcel 034091000

Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner

Removal of magnolia tree (west side of building), and an ash tree (south side).

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 15, 2015. The following action was taken:

**Knott moved to find that the BAR denies the proposed removal of two trees (Ash and Magnolia) as submitted. DeLoach seconded. Motion passes (8-0).**

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](mailto:scala@charlottesville.org).

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

Charlottesville, VA 22902

Ph 434.970.3130 FAX 434.970.3359

[scala@charlottesville.org](mailto:scala@charlottesville.org)

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
December 15, 2015**



**Certificate of Appropriateness**

BAR 15-12-04

1600 Grady Avenue

Tax Parcel 034091000

Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner

Removal of magnolia tree and an ash tree

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**Background**

1600 Grady Avenue (Preston Court Apartments) was built in 1928 and designed by Stanislaw Makielski. It is individually listed on the National Register and is a contributing structure in the Rugby Road-University Circle-Venable Neighborhood ADC District.

September 18, 2012 - The BAR accepted (6-0) the applicant's (Lynn Hall Ward and Barbara Lucas) request for deferral of request to remove six trees (3 magnolias and 3 poplars) intended to correct an ongoing water infiltration problem in the basement.

The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.

November 2012 - The BAR allowed staff to administratively approve removal of one Poplar tree to allow completion of the waterproofing of the building, with the removal of the other five trees to come back to the BAR. The BAR stated their intent to require the care and protection of the Pecan, Ash, and Beech trees, and replacement of the six trees to be removed. They noted the replacement trees should be big trees, and Poplars are especially suited to the site.

June 18, 2013 - Barbara Lucas spoke under *Matters from the public not on the agenda*, and asked to remove a large Ash tree from 1600 Grady Avenue, in order to correct a problem with root infiltration in a sanitary sewer line. The BAR consensus was not to allow the tree to be removed. The applicant was advised to follow the regular BAR application procedure, to prepare a plan and a more compelling submittal.

November 19, 2013 - Discussion (no action) : Willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees); look at saving other Magnolias on sides; prefer post and chain fence, but want to see final.

May 6, 2014 - Staff and the BAR Chair met on site with applicant.

August 19, 2014- The BAR denied (7-0) the application as submitted because the applicant did not submit the requested grading and landscape plan.

## **Application**

The applicant is requesting the removal of two trees: one magnolia tree on the west side and an ash tree on the south side of the building. Staff has requested additional information such as pictures of the two trees to be removed, landscape, and grading plans. However, the applicant has not provided the additional information for the application.

## **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 Guidelines for Site Design include:**

#### **P. 2.3 Plantings**

- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, 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) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.*
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*
- 8) Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

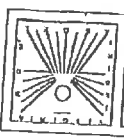
### **Discussion and Recommendations**

The property owner is unwilling to have a grading/drainage plan prepared. Even if the BAR was willing to approve removal of the two trees, the R-3 zoning requires certain plans to be approved before tree removal and grading may occur.

Staff suggests that the BAR vote either yes or no on the two trees, and allow the application to move to the next step in the process. If yes, then staff will inform the Neighborhood Planner that the applicant may apply for a site plan amendment. If no, the applicant can appeal to City Council.

### **Suggested Motions**

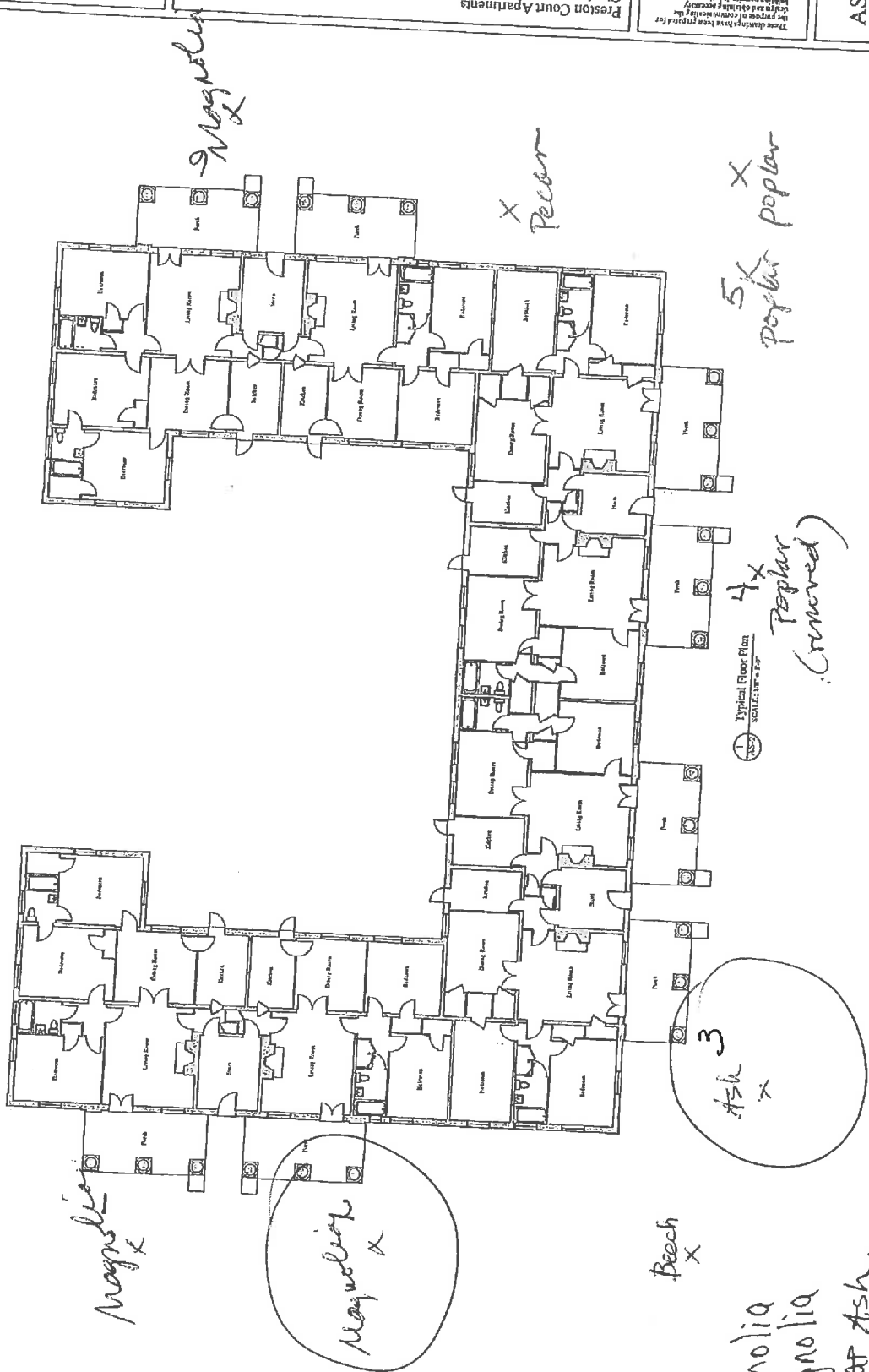
Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the proposed removal of two trees (Ash and Magnolia) does not satisfy the BAR's criteria and is not compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR denies the application as submitted.



Preston Court Apartments  
Charlottesville, VA

These drawings have been prepared for the purpose of contract and shall be the property of the architect. No part of these drawings shall be used for any other purpose without the written consent of the architect.

AS-2  
-18/04



4x  
Poplar  
(removed)

Typical Floor Plan  
SCALE: 1/8" = 1'-0"

3  
Ash  
X

Beech  
X

1. Magnolia
2. Magnolia
3. Poplar Ash
4. Poplar
5. Poplar
6. Magnolia



# BARTLETT TREE EXPERTS

1185 FIVE SPRINGS ROAD, CHARLOTTESVILLE, VA 22902-8785 • (434) 971-3020 • FAX (434) 971-1331

9/17/12

Preston Court Apartments  
1600 Grady Avenue  
Apt. 11  
Charlottesville, VA 22903

Gentlemen,

This letter is in reference to the existing trees at Preston Court Apartments, 1600 Grady Ave. I have been made aware of the moisture issues with the basement apartments and the options (or lack thereof) to repair these issues. My understanding of the engineers report is that removal of the trees and re-grading the topsoil to facilitate surface drainage is the best engineering option. I am not qualified to comment on this or other engineering solution, but will address the trees in question below.

There are 3 large tulip poplars at the right front of the building. Not only do these trees contribute to the water issue, but they have been severely topped in the recent past. This type of "pruning" is harmful to the tree and contributes to decay and future structural defects. This in addition to the decay present in the trees would lead me to recommend removal of the trees that would allow for re-grading in this area. At the left front of the building there is a healthy white ash and American beech. Both of these trees are in good condition and are valuable shade trees. If one of the trees must be removed to repair the drainage issue, I would remove the ash and grade to preserve the beech as it is a disease free native tree to our area.

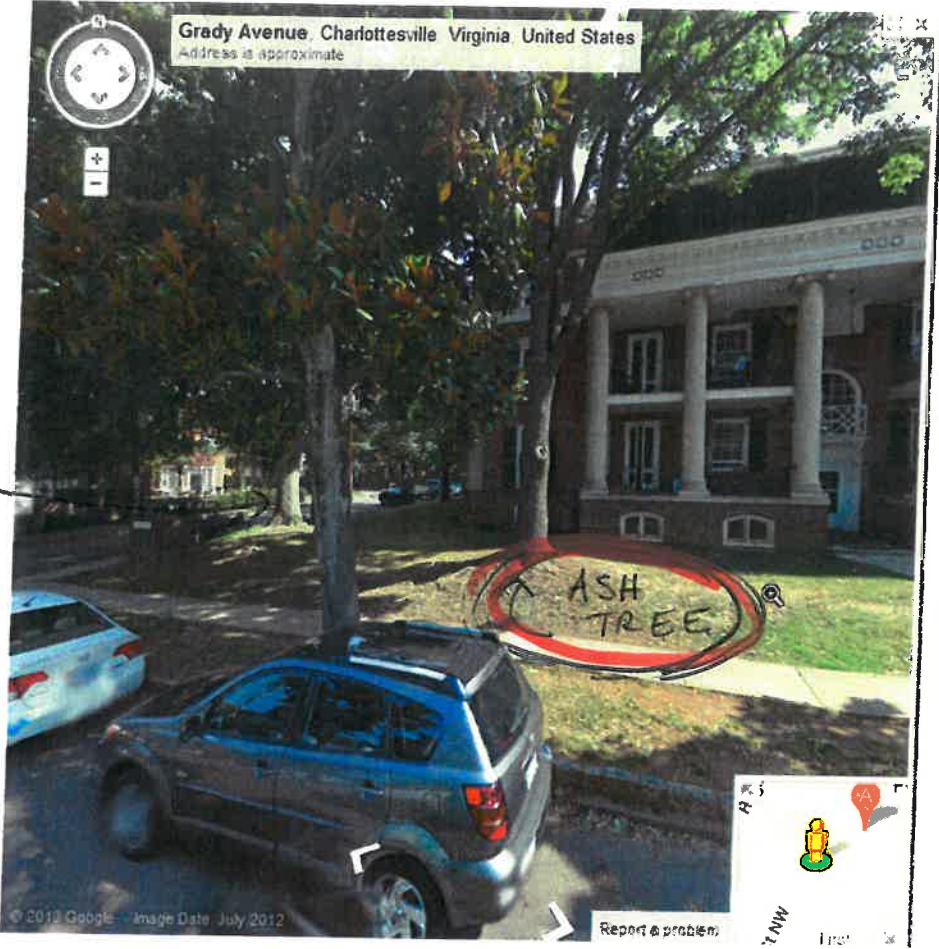
On the left side of the building there is a slowly declining Southern magnolia that could be removed to improve the grade/drainage in that area. This tree is not dying quickly, but is unlikely that it would survive in the long term. There is a healthy Southern magnolia at both the left and right rear of the building. Due to the grade surrounding the property in these areas re-grading to simply allow gravity to carry the water away from the building will not be sufficient. Hopefully a solution involving only root pruning of these trees can be found to help solve the moisture issue in this area. Finally there is a large Pecan on the right side of the building that is not a significant moisture concern. The basement rooms in this area are dedicated to mechanical services for the building and excess moisture in this area can be tolerated at this time. Should you have further questions or concerns, I am willing to meet on site to discuss the trees and options as needed.

Sincerely,

Michael Abbott  
Bartlett Tree Experts – Arborist and Local Manager  
ISA Board Certified Master Arborist  
MS in Forestry

THE F.A. BARTLETT TREE EXPERT COMPANY  
SCIENTIFIC TREE CARE SINCE 1907

Corporate Office: P.O. Box 3067, Stamford, Connecticut 06905-0067 • (203) 323-1131 FAX (203) 323-1120



BEECH  
TREE

ASH  
TREE

3 POPLARS →

© 2013 Google Image Date July 2012

Report a problem

Report a problem





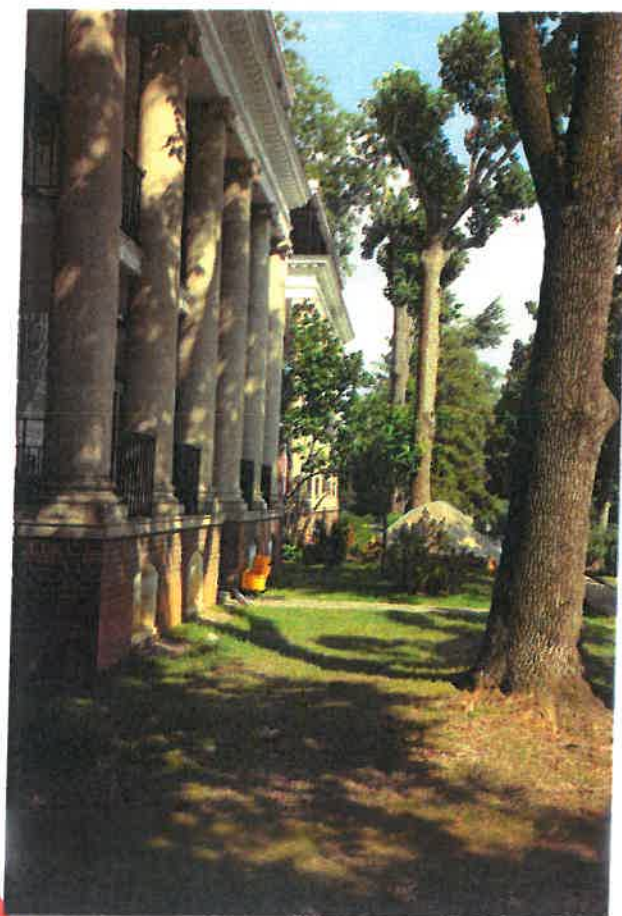
2 MAGNOLIAS ON PRESTON PL  
# 1



2 MAGNOLIAS PRESTON PL  
# 2



2 MAGNOLIAS PRESTON PL  
# 1 and 2



ASH 3 POPLARS ON GRADY AVE  
# 3-4-5



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The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.

November 2012 – The BAR allowed staff to administratively approve removal of one Poplar tree to allow completion of the waterproofing of the building, with the removal of the other five trees to come back to the BAR.. The BAR stated their intent to require the care and protection of the Pecan, Ash, and Beech trees, and replacement of the six trees to be removed. They noted the replacement trees should be big trees, and Poplars are especially suited to the site.

June 18, 2013 - Barbara Lucas spoke under Matters from the public not on the agenda, and asked to remove a large Ash tree from 1600 Grady Avenue, in order to correct a problem with root infiltration in a sanitary sewer line. The BAR consensus was not to allow the tree to be removed. The applicant was advised to follow the regular BAR application procedure, to prepare a plan and a more compelling submittal.

[At this point Maurice Jones asked me for an update, which I sent him on June 20, 2013.]

November 19, 2013 – Discussion (no action) : Willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees); look at saving other Magnolias on sides; prefer post and chain fence, but want to see final.

May 6, 2014 – Staff and the BAR Chair met on site with applicant.

August 19, 2014 - The BAR denied (7-0) the application as submitted because the applicant did not submit the requested grading and landscape plan.

There was no appeal and there have been no further requests.

MEMO TO: Maurice Jones  
FROM: Mary Joy Scala  
DATE: June 20, 2013  
RE: 1600 Grady Avenue Tree Removal Request

### Background

In September 2012, Lynn Hall Ward and Barbara Lucas came to the BAR meeting to request removal of 6 trees (3 magnolias and 3 poplars) from the Preston Court Apartments to correct an ongoing water infiltration problem in the basement (staff report attached). **The applicant deferred because the BAR wanted to see a plan** for how storm drainage would be handled/tied into the City main:

*The Board is truly not convinced that the removal of the trees will solve the problem. They do feel that there are technical solutions that should be looked at. They feel the trees have been abused over the years and if pruning was done correctly the problem would have been prevented. They feel the applicant has not presented enough information and would suggest a deferral. The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.*

In November 2012 The BAR allowed staff to administratively approve removal of one poplar tree. The request had come by letter from Ashley Cooper Davis (letter attached) to remove one poplar immediately to allow completion of building waterproofing.

*Staff asked if the BAR would allow **administrative approval of removal of one poplar tree** at 1600 Grady Avenue, with the removal of the other 5 trees to come back to the BAR. They agreed, and stated their intent to require the care and protection of the **Pecan, Ash, and Beech trees**, and replacement of the six trees to be removed. They noted the replacement trees should be big trees, and Poplars are especially suited to the site.*

### Current Request

The property manager, Barbara Lucas, called last week and requested immediate removal of an Ash tree located on the left side of the property. This Ash tree was not included in the original request to remove six trees, and was specifically mentioned by their arborist as being in good health (arborist letter attached). Since the matter was deferred by the BAR in September 2012, no plan or additional information had been submitted.

Barbara Lucas indicated it was an emergency situation, so I suggested she could appear at the BAR meeting under "Matters Not on the Agenda" to have a short (5 minute) discussion. The BAR discussed the request briefly, and reiterated their previous request for a plan, and questioned whether it was a true emergency.

### City Council Appeal

Richard Harris in the City Attorney's office has confirmed that the request to remove one Ash tree at Preston Court Apartments may not be considered by City Council until it has been properly noticed and acted upon by the Board of Architectural Review (BAR).

Therefore, I called Barabara Lucas today and emailed Lynn Hall Ward (who has previously signed the applications as property owner) to inform them of this decision. I told them they could make application to the BAR for their July 16 meeting. If the BAR denies their request, then they could legally appeal to City Council.



# 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  
NOV 24 2015  
NEIGHBORHOOD  
DEVELOPMENT SERVICES

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 3:30 p.m.

Owner Name Lynn-Hall Ward Applicant Name Preston Court Limited Partnership  
 Project Name/Description Tree Removal Parcel Number \_\_\_\_\_  
 Property Address 11600 Brady Avenue

### Applicant Information

Address: 11600 Brady Avenue  
Charlottesville, VA 22903  
Email: lhward@embarqmail.com  
Phone: (W) 434-971-8015 (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.)

Lynn-Hall Ward 11/24/15  
Signature Date  
Lynn-Hall Ward 11/24/15  
Print Name Date

### Property Owner Information (if not applicant)

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

### Property Owner Permission (if not applicant)

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

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

\_\_\_\_\_  
Signature Date  
\_\_\_\_\_  
Print Name Date

Description of Proposed Work (attach separate narrative if necessary): \_\_\_\_\_

List All Attachments (see reverse side for submittal requirements):

Remove dying magnolia tree on west side of building.  
Remove poplar tree on south side of building.

### For Office Use Only

Received by: J. Barmore  
Fee paid: 125<sup>00</sup> Cash/Ck. # 7654  
Date Received: 11/24/2015

P15-0194

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

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

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

## Scala, Mary Joy

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**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 01, 2015 8:42 AM  
**To:** 'CenturyLink Customer '; lynnhall.w.ward@gmail.com  
**Subject:** 1600 Grady BAR application

Lynn,

I received your application to remove two trees, but there was nothing else included. At a minimum I need current photos of the two trees so that the BAR members understand your request. Although I have copies of your previous applications, I'm sure you understand it is not my job to prepare your new application.

Previously the BAR expressed a willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but said you first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees).

Please be aware that, without a grading and landscape plan, the BAR may deny your request.

**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  
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