

REPORT: BAR APPEAL - ATTIC ADDITION AT 513 14TH STREET NW

BAR Appeal - Attic Addition at 513 14th Street NW

Ms. Mary Joy Scala presented to Council, reviewing the BAR's denial of an attic addition at 513 14th Street NW. If Council overturns the BAR's decision, Ms. Scala advised Council that they should direct the applicant to return to the BAR for approval of other unresolved matters.

Ms. Galvin asked for clarification about the request for the applicant to lower the roof line. Ms. Scala said the applicant was agreeable to so. Ms. Galvin asked if the BAR can make a recommendation based on zoning density. Ms. Scala confirmed that zoning density is not under the BAR's purview.

Ms. Szakos asked for clarification on Ms. Scala's recommendation to uphold the BAR's decision. Ms. Scala said she tries to be tone-neutral, and her recommendation to the BAR was intended to be so as well.

Mr. Kurt Wassenaar, representing owner Mr. Lane Bonner, gave an explanation for why the applicant believed an appeal should be granted. He suggested Council may consider a process to reconsider the zoning at this parcel.

Council recessed at 9:02 p.m. and reconvened at 9:10 p.m.

Ms. Miller, BAR Chair, presented to Council on the BAR's recommendation to deny the application. The owner of the property owns adjacent properties allowing for parking, which allows the builder to construct all the way to the property line. She reviewed why the proposed addition does not meet the guidelines. Massing, size and scale were key issues; also, a landscape plan was not provided. She said the code audit may want to examine what constitutes an addition.

Ms. Szakos made a motion to uphold the BAR's decision to deny the proposed addition. Mr. Fenwick seconded the motion.

Mr. Fenwick said he sees no compelling reason to overrule the BAR's decision. Ms. Szakos said she read this carefully and visited the site, and while both positions have valid points, she did not find a compelling reason not to uphold the BAR's decision.

Ms. Galvin said she empathizes with the disconnect between the City's zoning ordinances and the guidelines, but applicants should not get caught in the middle. This is a sensitive infill project that increases density modestly without decreasing character along the street and within the context of the existing scale of the neighborhood. Regulating density, land use, or housing policy is not in any way under the BAR's purview.

Mr. Bellamy said he agrees with Ms. Galvin. He has the utmost respect for the BAR, but this is outside their purview, and they are not designed to make these kinds of decisions. This is the model we want developers to use, and that is what they did.

Mr. Signer said he leans towards Ms. Galvin's view as well, although it is a very close call. We generally defer to our boards, but it was a divided decision amongst BAR members. If this allows for larger zoning issues to be driven forward as a result of this confusion, that would be helpful for policy.

Ms. Szakos withdrew her motion to uphold the BAR's decision.

Ms. Galvin moved to overturn the BAR's decision and said the applicant should return to the BAR to address unresolved issues such as landscape and other details. Mr. Bellamy seconded the motion. The motion to overturn the BAR's decision passed. (Ayes: Ms. Galvin, Mr. Bellamy, Mr. Signer; Noes: Ms. Szakos, Mr. Fenwick.)

RESOLUTION: BLUE RIBBON COMMISSION ON RACE, MONUMENTS AND PUBLIC SPACES

Blue Ribbon Commission on Race, Monuments and Public Spaces Resolution

Mr. Signer presented on the proposed resolution forming a blue ribbon commission on race, monuments and public spaces. Mr. Signer noted three sub-bullets were removed because they are repetitive; Ms. Szakos said she thinks they are important, because they specifically ask for a recommendation and talks about revenue. Ms. Szakos said she would prefer to leave them in. Mr. Signer agreed to do so.

Ms. Galvin suggested based on comments and detailed letters Council has received adding the word "preliminary" in key locations, and adding language reserving the right to extend the charge of the commission should Council deem it necessary. This does not slow down a decision about the statues but builds in more time to get accurate data about costs and location possibilities.

Ms. Szakos said she does not object to adding "preliminary" in key locations, but she does not agree with extending the time of the commission because it needs to have a finite period of service so that when people are applying, they know how much time they have to commit.

Mr. Bellamy said he does not see why we need to add the word preliminary.

Ms. Galvin said she is responding to strong emails she received from professionals. She does not want to see this commission trying to figure out a particular cost estimate and losing sight of the big picture.

Mr. Signer said he is worried about watering down the advice we get. We could give the commission the ability to come back to us if they determine they need to do so. Ms. Galvin and Ms. Szakos said they would like to avoid this.

Ms. Szakos said the second bullet point is not complex. She supported inserting "preliminary" there, but not in other places.

Appeal for 513 14th Street NW –

Good evening Councilors,

First, let's address the zoning issue. Yes, the proposed addition apparently meets the criteria set by the zoning map. However, this building is also within an Architectural Design Control District, which is also a function of zoning. So, it needs to meet zoning criteria in terms of setbacks and size, but it *also* needs to gain a Certificate of Appropriateness from the BAR. Just like the BAR can't trump zoning, and approve a building exceeding step-backs or other prescribed zoning, meeting the prescribed zoning doesn't matter unless the addition can gain a Certificate of Appropriateness from the BAR.

In this case, the size of the building is enabled to be larger than may have been intended by zoning because the owner owns adjacent lots and the parking requirement can be minimizing using the adjacent lots, allows the addition to become much larger than its lot would otherwise be able to support.

In 199x, the current zoning was actually adopted concurrently with the historic district. The idea was to allow density near the University overall, but then to protect the neighborhood around the school by creating an ADC district. A kind of quid-pro-quo. So the large chunks of color are applied to the zoning map with a wide brush. The zoning doesn't look street by street or house by house. The finer detail is assigned to the BAR to paint. We are tasked with using a tiny brush: walking the area, gaining an understanding of it, then interpreting the guidelines as they pertain to that tiny spot on the map.

Whether or not members of the BAR agree with the zoning is irrelevant. In fact, many members may agree with the large chunks of color that are the zoning.

The BAR members, who are appointed by Council, are to determine if the application meets the guidelines, which too have been adopted by this body. It is simple. The proposed addition does not meet the guidelines:

P. Additions

1.b. Limit the size of the addition so it does not visually overpower the building.

3.a. New additions should not destroy historic materials that characterize the property

3.b. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

6.a. New additions or alterations to existing buildings should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the buildings would be unimpaired.

How this application pertains to the guidelines:

P. Additions

1.b. The addition will visually overpower the building. A number of mature trees will need to be removed, which is its own issue, and it will be much more visible from the street once the trees

didn't sell. Doing something with the duplex that fills the backyard is too expensive, so it still hasn't sold.

Charlottesville can't grow. We are limited, in perpetuity, by our borders. There are not many lots left, so our stock of single family homes can't grow either.

Standing on the front steps of 513 14th Street NW, you can see Venable Elementary. Behind the house is a quaint alley, and on each side you can see outbuildings and backyards. This neighborhood is littered with red solo cups now, but it could easily be a neighborhood for families again. Venable is a half block way, Gordon Avenue library is right there and it is a short walk to Preston Avenue for cookies from Breadworks, or kebobs from Sticks.

You are probably under pressure to overturn this BAR decision. We all want Charlottesville to grow and thrive. But, standing up for the neighborhoods and telling this developer "not on this lot" does not preclude us from further development. As long as developers can make money here, they will be here. Upholding the decision helps us keep the city special, and keeping the city special is what keeps developers here and investing in the community. We have the ability to keep our standards and do the right thing by the neighborhood. That is what I am asking you to do tonight. Are we that desperate for eight more bedrooms? Gaining eight rooms here is not worth spoiling a neighborhood, because after all, if you overturn the BAR here, what happens next door? And across the street? Please support the Venable neighborhood and the BAR and uphold our decision.

Thank you-

Melanie Miller - Chair of BAR