

## Werner, Jeffrey B

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**From:** Werner, Jeffrey B  
**Sent:** Wednesday, September 20, 2023 5:01 PM  
**To:** Long, Valerie  
**Cc:** Nedostup, Megan; Murphy, Mollie  
**Subject:** BAR action - 104 Stadium Road, Sept 19, 2023

Valerie:

Since you've been our contact on this one, please share the following with the applicant/owner.  
Jeff

**Recommendation to City Council – Request to remove IPP designation.**

BAR 23-09-01  
104 Stadium Road, TMP 160002000  
Individually Protected Property  
Owner: Woodrow Too, LLC  
Applicant: Subtext Acquisitions, LLC  
Project: Rezoning Application

The above referenced request was reviewed by the City of Charlottesville Board of Architectural Review on September 19, 2023. The following action was taken:

**Motion to recommend Council deny the ZMA/ZTA by Mr. Gastinger. Birle second. Vote 6-0. Motion passed 6-0.**

Having reviewed the criteria under City Code Section 34-274, I move the BAR recommend that City Council deny the request to remove the IPP designation of 104 Stadium Road. Furthermore, the BAR has two considerations, should Council approve the request [to remove IPP designation] the BAR recommends:

1. A condition that within six (6) months or, if sooner, prior to application for a demolition permit, the property and building will be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, with that documentation submitted to staff for the BAR archive.
2. Council explore a mechanism to restore [if the building is not razed] or retain [until demolition is certain] the IPP status, should the proposed development not move forward as planned.

Discussion begins at approx. 01:30:00. Motion at approx. 02:00:00.

<https://boxcast.tv/channel/vabajtzezyv3iclkl1a?b=jhtl4flziy6hdh2qzi6f>

If you have any questions, please contact me at [wernerjb@charlottesville.gov](mailto:wernerjb@charlottesville.gov).

Sincerely,  
Jeff

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Jeff Werner, AICP

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Application components (please click each link to go directly to PDF page):

- [Staff Report](#)

**City of Charlottesville  
Board of Architectural Review  
Staff Report  
September 19, 2023**



**Recommendation to City Council – Request to remove IPP designation.**

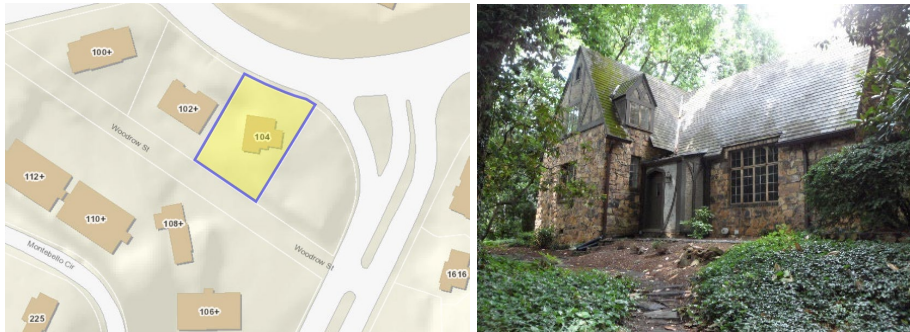
BAR 23-09-01

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**Background**

*Year Built:* 1927

*District:* Individually Protected Property (designated by City Council in 2011)

The MacLeod house (or *Stone House*, as it is referred to by prior owners) is an Individually Protected Property (IPP). The property is not listed on the VLR or NRHP.

**Prior BAR Reviews**

- July 19, 2011: BAR recommended City Council designate 104 Stadium Road an Individually Protected Property. (TMP 160002000; 0.22-acres)
- February 22, 2023: BAR denied CoA for demolition, On June 5, 2023, City Council, on appeal of the BAR denial, approved the demolition CoA. (See Appendix for BAR action and City Council action.)

**Request**

Note: There is no formal BAR application or submittal for a ZMA/ZTA request. To review the City’s historical survey and additional documentation provide by the applicant, see the February 15, 2023 submittal and staff report: [BAR review - 104 Stadium Road - Feb 2023](#)

Applicant has requested City Council approve a ZMA/ZTA that would remove the IPP designation of 104 Stadium Road (TMP 160002000). In reviewing such a request, City Code requires that Council consider the recommendation of the BAR, with that recommendation based on the criteria found in City Code Section 34-274. (See the Discussion below.)

Proposed revisions to Sec. 34-273. - Individually protected properties.

(b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

[...]

69.1.	104	Stadium Road	Tax Map 16	Parcel 2
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### **Discussion**

Based on the criteria found in Section 34-274 (analysis below), staff recommends the BAR recommend that Council not remove the IPP designation. However, acknowledging Council's June 5, 2023 conditioned approval of a demolition CoA [on appeal of the BAR denial], staff recommends the BAR's motion—whether supporting or opposing this request—include the following:

Should Council approve the request, the BAR recommends a condition that within [period of months] or, if sooner, prior to application for a demolition permit, the property and building will be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, with that documentation submitted to staff for the BAR archive.

### **Suggested Motions**

*Recommend denial:* Having reviewed the criteria under City Code Section 34-274, I move the BAR recommend that City Council deny the request to remove the IPP designation of 104 Stadium Road. [proposed condition.]

or

*Recommend approval:* Having reviewed the criteria under City Code Section 34-274, I move the BAR recommend that City Council approve the request to remove the IPP designation of 104 Stadium Road. [proposed condition.]

### **Standard of Review – IPP Designation**

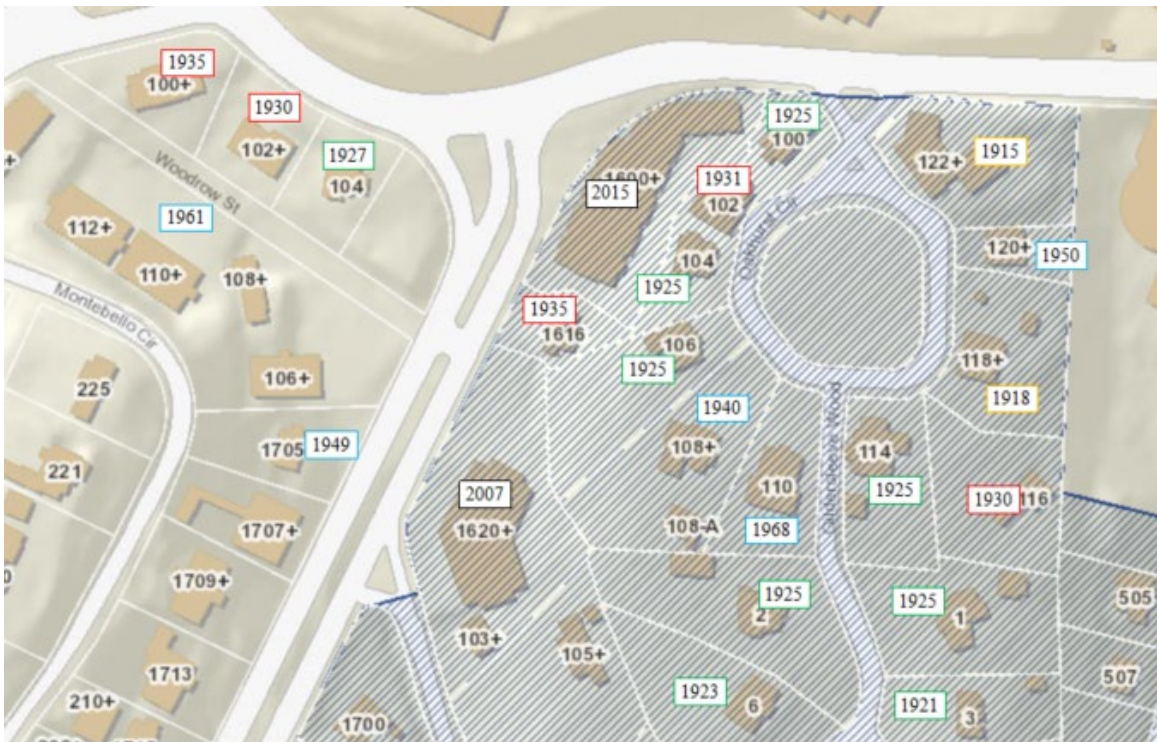
**Sec. 34-274.** - Additions to and deletions from districts or protected property list.

- a) City council may, by ordinance, from time to time, designate additional properties and areas for inclusion within a major design control district; remove properties from a major design control district; designate individual buildings, structures or landmarks as protected properties; or remove individual buildings, structure or landmarks from the city's list of protected properties. Any such action shall be undertaken following the rules and procedures applicable to the adoption of amendments to the city's zoning ordinance and zoning map.
- b) Prior to the adoption of any such ordinance, the city council shall consider the recommendations of the planning commission and the board of architectural review ("BAR") as to the proposed addition, removal or designation. The commission and BAR shall address the following criteria in making their recommendations: [listed below, with staff comments inserted]

**(1) The historic, architectural or cultural significance, if any, of a building, structure or site and whether it has been listed on the National Register of Historic Places (NRHP) or the Virginia Landmarks Register (VLR);**

Staff Comment: The structure was built in 1927. In 2011, the property was designated by the City an Individually Protected Property. The property is not listed on the VLR or NRHP, nor within a historic district listed on the VLR or NRHP.

104 Stadium Road was built in the same period as many of the houses in the Oakhurst-Gildersleeve Historic District (1920s-1930s). It is possible 104 Stadium Road was considered as part of the district, but staff found no evidence it was or was not.



**(2) The association of the building, structure or site with an historic person or event or with a renowned architect or master craftsman;**

Staff Comment: There are no known associations with historic events, architects, or master craftsmen. The house was built for Malcolm M. MacLeod, an English literature professor at the University of Virginia. MacCleod resided there until its sale in 1954. The house is also associated with Edward R. Stettinius, Jr., who attended UVA in the early 1920s, and later served as the U.S. Secretary of State [1944-1945] under President Franklin Roosevelt and in 1946 was named the country's first delegate to the United Nations. From 1946 through 1949, Stettinius served on the UVa Board of Visitors as UVa's rector. It is reported that Stettinius, being acquainted with MacCleod, was a frequent visitor to the Stone House. That said, there is no information regarding when Stettinius visited this

property, how long he stayed, or if those visits can be associated with historic events or activities.

**(3) The overall aesthetic quality of the building, structure or site and whether it is or would be an integral part of an existing design control district;**

Staff Comment: From the 2011 City survey: *The property at 104 Stadium Road is an example of a 1927 English Tudor Revival style. The terraces with rock steps and low walls are a rare example of historic landscape.*

JPA and a vacant lot separate the house and property from the Oakhurst-Gildersleeve ADC District and VLR/NRHP Historic District. (See #1, above.)

**(4) The age and condition of a building or structure;**

Staff Comment: Staff has not examined the site or structure; however, for the February 2023 demolition request, the applicant stated the building was “in good structural condition to the best of our knowledge, but there is deferred maintenance that would need to be addressed in the future.”

**(5) Whether a building or structure is of old or distinctive design, texture and material;**

Staff Comment: Stone buildings are not unusual in Charlottesville, but they are not frequent; stone site walls are more commonly found. Examples of similar period, stone homes within the Oakhurst-Gildersleeve ADC District include:

- 1 Gildersleeve Wood (1925, Dutch Colonia Revival)
- 3 Gildersleeve Wood (1928, Tudor Revival)
- 12 Gildersleeve Wood (1935, Colonial Revival)
- 700 JPA (1935, Colonial Revival)]
- 117 Maywood (1938, Vernacular Craftsman)
- 130 Maywood Lane (1940, Vernacular)
- 550 Valley Road (1935, Tudor Revival)
- 552 Valley Road (1937, Tudor Revival)

**(6) The degree to which the distinguishing character, qualities or materials of a building, structure or site have been retained;**

Staff Comment: Staff has not examined the site or structure. However, the 2011 BAR staff report noted the following: *The character-defining features of the main structure and site are intact. In addition to the main dwelling, the stone foundation of a one-story garage in place by 1929 remains today. The garage was removed by 1950. Surrounding the property are numerous trees. Two sloping terraces on the back of the property are marked with low stone walls. A stone planter sits at the head of a series of stone steps leading from the Woodrow Street entrance down the terraces. This terraced garden and stone steps are likely original as the stone matches the house.*

**(7) Whether a building or structure, or any of its features, represents an infrequent or the first or last remaining example of a particular detail or type of architecture in the city;**

Staff Comment: (See #5, above.) It is not an infrequent or the first or last remaining example of a particular style or design.

**(8) Whether a building or structure is part of a geographically definable area within which there exists a significant concentration or continuity of buildings or structures that are linked by past events or, aesthetically, by plan or physical development, or within which there exist a number of buildings or structures separated geographically but linked by association or history.**

Staff Comment: (See #4, above.) 104 Stadium Road is linked historically to a period of growth at the University of Virginia in the early twentieth century, which spurred the growth of residential neighborhoods near its campus to house professors and students, such as Oakhurst-Gildersleeve neighborhood.

## **Appendix**

### **From BAR Action on February 22, 2023.**

Motion to deny CoA by Mr. Whitney. Second by Mr. Zehmer. Vote 6-0, motion passed:  
*Denial:* Having considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy or the BAR's criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:

**From staff notes** (*For the specific discussion re: the motion to deny, refer to the meeting video, link below, beginning at approx. 01:14:00.*)

- *The house is almost 100 years and, while not being the only stone house in Charlottesville, it is a fairly rare example of this house type in Charlottesville. It is from the time [associated with the growth of the University]*
- *[The house] creates character of space where it exists.*
- *It is a unique remnant of a historic landscape.*
- *The [house/property] is in good condition there's no reason for demolition [as related to] its condition*
- *[Reference to] Review Criteria for Demolition, #3: The public purpose or interest in land or buildings to be protected.\* The last record that we have that would speak to [this criteria] is the designation of the property itself by City Council in 2011; it was clearly a desire for this building and the adjacent property to be protected, and the wording in that [2011] resolution is also that the adjacent parcel not be developed*
- *IPP & BAR have never voted to [approve demolition of] an IPP*
- *[The property's] historic landscape contributes to the context of JPA, could influence the buffer of JPA and built lots.*



- *[Reference] Design Guidelines #6 & #7: alternatives to demolition, rehabilitation and reuse of structure is possible.\**

*\* Reference ADC District Design Guidelines, Chapter VII – Demolitions and Moving.  
Link: [Chapter 7 Demolition and Moving](#)*

*Recommendations to Council:*

- *Building be documented thoroughly through photographs and measured drawings according to the Historic American Building standards, information should be retained by City of Charlottesville’s Department of Neighborhood Development Services and Virginia Department of Historic Resources;*
- *CoA for demolition be contingent on BAR approval of building’s replacement if it remains an IPP or approval of the building by the Planning Commission if it’s an Entrance Corridor project [or a mechanism Council deems appropriate] to ensure that the building is not unnecessarily demolished if the project does not move forward.*

Link to the meeting video: (Discussion of 104 Stadium Road begins at approx. 00:10:00.)  
<https://boxcast.tv/channel/vabajtzezyv3iclkx1a?b=gvoe4cwtctydvwijke2c>

**From the City Council resolution approved June 5, 203:**

[...]

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that, pursuant to the conditions below, a Certificate of Appropriateness is hereby approved for the requested demolition at 104 Stadium Road.

Approval of certificate of appropriateness is expressly conditioned upon the occurrence of the following before issuance of a demolition permit:

1. Building and gardens be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards, information should be retained by City of Charlottesville’s Department of Neighborhood Development Services and Virginia Department of Historic Resources;
2. Approval of a design-review CoA for new construction on the parcel as a contiguous element of the proposed multi-lot development to ensure that the building is not demolished without an appropriate and City-approved replacement, and issuance of site plan and building permit for construction of such replacement.
3. After the foregoing conditions are accomplished, if the IPP designation has not previously been removed by appropriate action of Council, whether before or after demolition, but no later than 30 days after demolition, applicant will request City Council initiate a zoning ordinance amendment per City Code § 34-274 to delete the property from the protected property list by zoning text and map amendment.