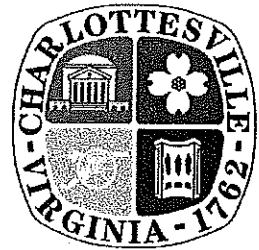


CITY OF CHARLOTTESVILLE  
"A World Class City"



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

January 22, 2010

Oliver Kuttner  
M&O Corporation  
108 2<sup>nd</sup> Street SW #2  
Charlottesville, VA 22902

**Certificate of Appropriateness Application**  
**BAR 10-01-02**  
**108 2<sup>nd</sup> Street SW**  
**Tax Map 28 Parcel 16**  
**M&O Corporation**  
**New gate and ramp**

Dear Mr. Kuttner,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on January 19, 2010.

**The BAR denied the application (7-0).**

**They said a gate makes sense there, but there are problems with the design. They also did not want to support a project that should have come for approval before it was built.**

**Therefore, you must now please remove the ramp and gate.**

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 Jeanne Cox, 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  
Preservation and Design Planner

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
January 19, 2010**



**Certificate of Appropriateness Application**  
BAR 10-01-02  
108 2<sup>nd</sup> Street SW  
Tax Map 28 Parcel 16  
M&O Corporation  
New gate and ramp

---

**Background**

The Elliott and Carter Building ( façade 1904; 1 and 2-story rear wing 1946) formerly occupied by the Young Men’s Shop, (currently occupied by Christian’s Pizza, J. Fenton, Revolutionary Soup, and offices above) is located in the Downtown ADC District. The historic survey is attached. The abutting property across the rear alley at 109-111 West Water Street was built in 1997, following demolition of an older building.

January 20, 2009 - The BAR deferred (5-0) for one month. The BAR must take action in February.

February 17, 2009 - The BAR denied (7-0) the application as submitted. The applicant may resubmit a revised application at any time, and the BAR would point to comments made to applicant during the “matters from the public” discussion at the end of the January 2009 BAR meeting.

(A gate is appropriate for this location, however not as a faux façade. The BAR could support an opaque gate and a height to prevent climbing over. The gates should be of equal width. Option #2 is a starting point for the scheme. Omit the middle section, and bring down the top railing. The application will be deferred providing an opportunity for the applicant to reapply with one scheme. It should align with the top of the windows into Revolutionary Soups; the height is partly a numbers issue and partly an alignment issue.)

**Application**

Concerned with trespassing in the trash area, and needing ramp access for a tenant, the applicant has installed two gates and a ramp in an alley at the rear of the Elliott and Carter Building, located on Second Street SW. The gates span the width of the alley (ten feet). The applicant is requesting approval, after the fact, for the new gates. The new ramp would be concealed by the gates.

The black painted steel gates are designed to have a solid copper backing to conceal the trash, and also to prevent access to the panic bars on the inside.

The applicant has submitted drawings; staff has added photos of the existing conditions.

**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 Guidelines for Site Design and Elements**

***p. 2.4 – Walls & Fences***

- 1) Maintain existing materials such as stone walls, hedges, wooden picket fences, and wrought-iron fences.*
- 2) When a portion of a fence needs replacing, salvage original parts for a prominent location.*
- 3) Match old fencing in material, height, and detail.*
- 4) If it is not possible to match old fencing, use a simplified design of similar materials and height.*
- 5) For new fences, use materials that relate to materials in the neighborhood.*
- 6) Take design clues from nearby historic fences and walls.*
- 7) Chain-link fencing, split rail fences, vinyl plastic fences, and concrete block walls in general should not be used.*
- 8) If street-front fences or walls are necessary or desirable, keep them below four (4) feet in height and use traditional materials and design.*
- 9) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.*
- 10) Avoid fences over six (6) feet in height.*
- 11) Fence structure should face the inside of the fenced property.*
- 12) Relate commercial privacy fences to the materials of the building. If the commercial property adjoins a residential neighborhood, use brick or painted wood fence or heavily planted screen as a buffer.*
- 13) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.*
- 14) Retaining walls should respect the scale, materials and context of the site and adjacent properties.*

***p. 2.9 – Utilities & Other Site Appurtenances***

- 1. Place overhead wires, utility poles and meters, antennae, trash containers, and exterior heat exchangers in locations where they are least likely to detract from the character of the site.*

2. Encourage the installation of utility services underground.
3. Screen utilities and other site elements with fences, walls or plantings.
4. Antennae and communication dishes should be placed in inconspicuous rooftop locations.
5. Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.

### **Recommendations and Discussion**

A gated barrier is appropriate in this location. The proposed materials are appropriate. The BAR previously said it could support an opaque gate and a height to prevent climbing over.

Staff has received a letter of objection from an abutting owner. The City Attorney's office has previously advised the BAR by memo that the BAR's determination of whether to issue a certificate of appropriateness does not decide the private property rights or liabilities of the applicant or abutting owners. Practically, if the BAR is uncomfortable making a decision when a private dispute exists, the applicant may choose to withdraw the application until the dispute is resolved. But if the applicant does not choose to withdraw, then the BAR is obligated to review the application and make a decision within the time limits allowed.

### **Suggested Motion**

Having considered the standards set forth within the City Code, including <sup>City Code</sup> City Design Guidelines for Site Design and Elements, <sup>not</sup> I move to find that the proposed alleyway gates satisfy the BAR's criteria and guidelines and are <sup>not</sup> compatible with this property and other properties in this district, and that the BAR approves the application as submitted (~~or with the following modifications.....~~)

*Denise*





108 2<sup>nd</sup> Street SW

# Architectural And Historic Survey



## Identification

<b>STREET ADDRESS:</b> 118-120 W. Main Street	<b>HISTORIC NAME:</b> Elliott & Carter Building (Young Men's Shop)
<b>MAP &amp; PARCEL:</b> 28-16	<b>DATE / PERIOD:</b> 1904 and c. 1946
<b>CENSUS TRACT AND BLOCK:</b> 1-311	<b>STYLE:</b> Italianate
<b>PRESENT ZONING:</b> B-4	<b>HEIGHT (to cornice) OR STORIES:</b> 3, 2
<b>ORIGINAL OWNER:</b> W. T. Elliott and A. G. Carter	<b>DIMENSIONS AND LAND AREA:</b> 50.3' x 172' (8656.76 sq. ft.)
<b>ORIGINAL USE:</b> Grocery Store	<b>CONDITION:</b> Good
<b>PRESENT USE:</b> Men's Clothing Store, Offices	<b>SURVEYOR:</b> Bibb
<b>PRESENT OWNER:</b> M & O Corporation	<b>DATE OF SURVEY:</b> Spring, 1979
<b>ADDRESS:</b> c/o Dr. Virgil Marshall	<b>SOURCES:</b> City Records W. Harry O'Mansky
306 East Jefferson Street	Alexander, <u>Recollections of Early Ch'ville</u>
Charlottesville, Virginia 22901	Holsinger's <u>Charlottesville</u>

Sanborn Map Co - 1896, 1907, 1920, 1969

## ARCHITECTURAL DESCRIPTION

This simply, but handsomely, detailed large building is three stories tall and seven bays wide. It is built of pressed brick laid in stretcher bond on the facade, and ordinary brick laid in 5-course American bond on the Second Street elevation. The first level of the facade is now faced with tile, but early photographs show that the original storefront had rusticated brick corner piers supporting a simple entablature. The two recessed entrance loggias reflect the building's original use as two smaller stores. A display window between the two loggias replaces the original entrance to the upper stories. The facade is arcaded at the second and third levels. Windows are double-sash, 1-over-1 light, with rusticated stone sills. Those at the second level also have rusticated stone lintels. Those at the third level have half-round transoms under the moulded brick arches of the arcade. Stone hyphens at window-top level form end blocks for the arches. There is an inset panel outlined with brick egg-&-dart moulding in each bay above the arcade. The facade is crowned by a projecting wooden cornice with paneled frieze, brackets, cornice stops, and finials. The section of the frieze above the central bay is undecorated and set off by paired brackets, as if the name of the building were to have been written there. The first bay of the Second Street elevation matches the facade in all respects. The other five bays of the original three-story building have somewhat narrower windows, segmental-arched at the second level and round-arched at the third. The first two bays also have half-round windows with wheel-spoke muntins at the first level. Access to the offices at the second and third levels is through an Art Decco style entrance in the two-story rear addition.

## HISTORICAL DESCRIPTION

The house that formerly stood on this site is said to have been one of the earliest brick buildings in the town. It was two stories tall, three bays wide, probably double pile, with capped interior end chimneys. W. T. Elliott and A. G. Carter bought it in 1903 (City DB 14-255) and replaced the old house with the present building in 1904. They were partners in a grocery business, and when they dissolved partnership in 1909, Carter purchased the building (DB 20-372) and continued to operate the grocery in the western store room for another decade. He sold the building in 1919, and the lot behind it in 1923, to W. H. Snyder (DB 33-8, 44-97). Harvey A. Basham bought it in 1940 and added two-story rear wing in 1946 (DB 104-469, 125-311). The present owners purchased it from Basham's estate in 1966 (DB 280-261). The Young Men's Shop opened in 1933 in the eastern store room and has occupied the entire main level since about 1940.





**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**

**JAN 06 2010**

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. 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.

**Information on Subject Property**

Physical Street Address: 108 2ND STREET  
CHARLOTTESVILLE VA 22902  
City Tax Map/Parcel: \_\_\_\_\_

Name of Historic District or Property: \_\_\_\_\_

Do you intend to apply for Federal or State Tax Credits for this project? \_\_\_\_\_

**Applicant**

Name: OLIVER KUTNER  
Address: 108 2ND STREET SW. #2  
CHARLOTTESVILLE VA 22902  
Email: OLIVER@EDISON2  
Phone: (W) 806 2435 (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.)

[Signature] 1/6/10  
Signature Date

**Property Owner (if not applicant)**

Name: M&D CORP.  
Address: 108 2ND STREET SW.  
CHARLOTTESVILLE VA 22902  
Email: SAME  
Phone: (W) SAME (H) \_\_\_\_\_  
FAX: \_\_\_\_\_

**Property Owner Permission (if not applicant)**

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

[Signature] 1/6/10  
Signature Date

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

PUT A SET OF GATES IN FRONT OF ALLEY

**Attachments (see reverse side for submittal requirements):**

**For Office Use Only**

Received by: Lisa Barnow  
Fee paid: \$100<sup>00</sup> Cash/Ck. # \_\_\_\_\_  
Date Received: 1/6/10

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

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

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

P10-0001

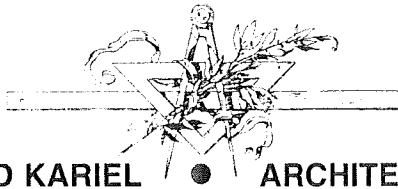
**HISTORIC DISTRICT ORDINANCE:** For more information, please refer to *Section 34- 271 Historical Preservation and Architectural Design Control Overlay Districts* in the City of Charlottesville Zoning Ordinance online at [www.charlottesville.org](http://www.charlottesville.org)

**DESIGN REVIEW GUIDELINES:** You may obtain a copy of the current *Design Review Guidelines* at the Department of Neighborhood Development Services in City Hall.

**SUBMITTAL REQUIREMENTS:** The following information and exhibits shall be submitted along with each application for Certificate of Appropriateness, per *Sec. 34-282 (d)* in the City of Charlottesville Zoning Ordinance:

- (1) Detailed and clear depictions of any proposed changes in the exterior features of the subject property;
- (2) Photographs of the subject property and photographs of the buildings on contiguous properties;
- (3) Samples to show the nature, texture and color of materials proposed;
- (4) The history of an existing building or structure, if requested;
- (5) For new construction and projects proposing expansion of the footprint of an existing building: a three-dimensional model (in physical or digital form);
- (6) In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer, unless waived by the BAR.





DAVID KARIEL ● ARCHITECT

108 Second St. SW, Suite 11

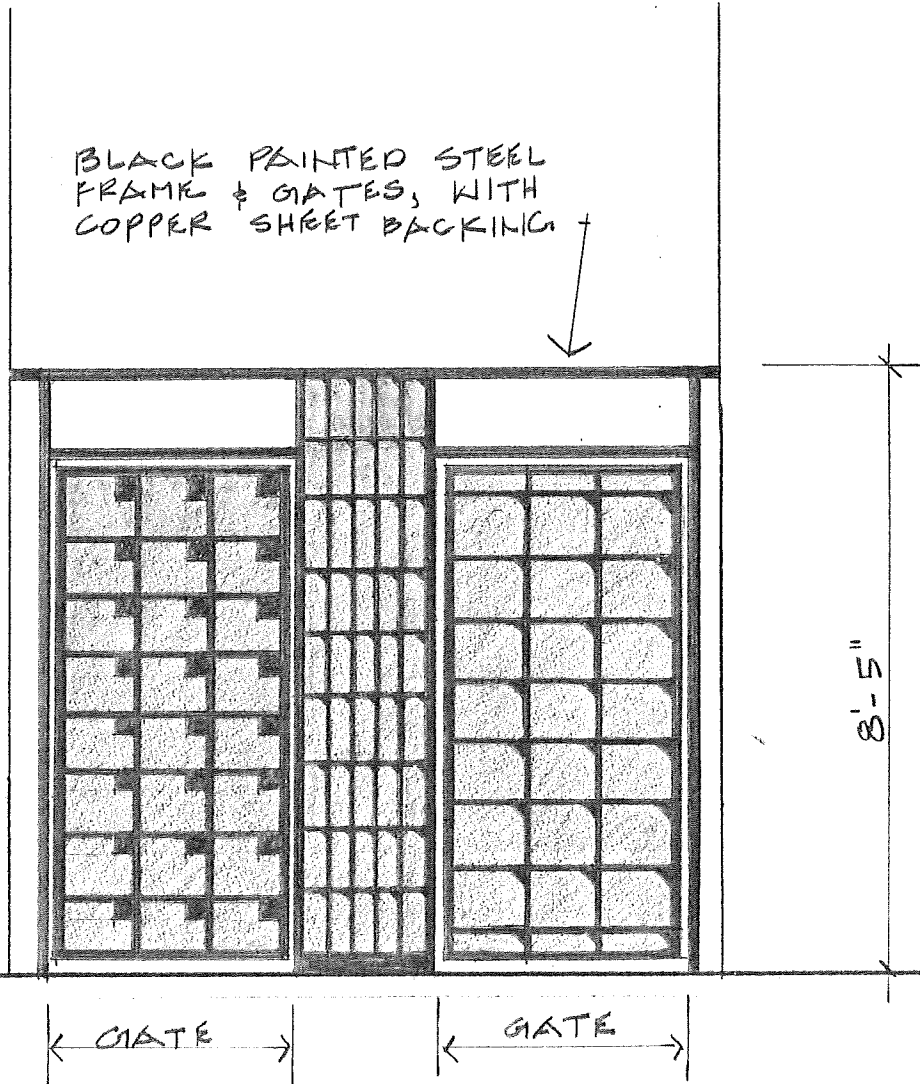
Charlottesville, VA 22902

(434) 295-3483

# Proposed Wall and Gates

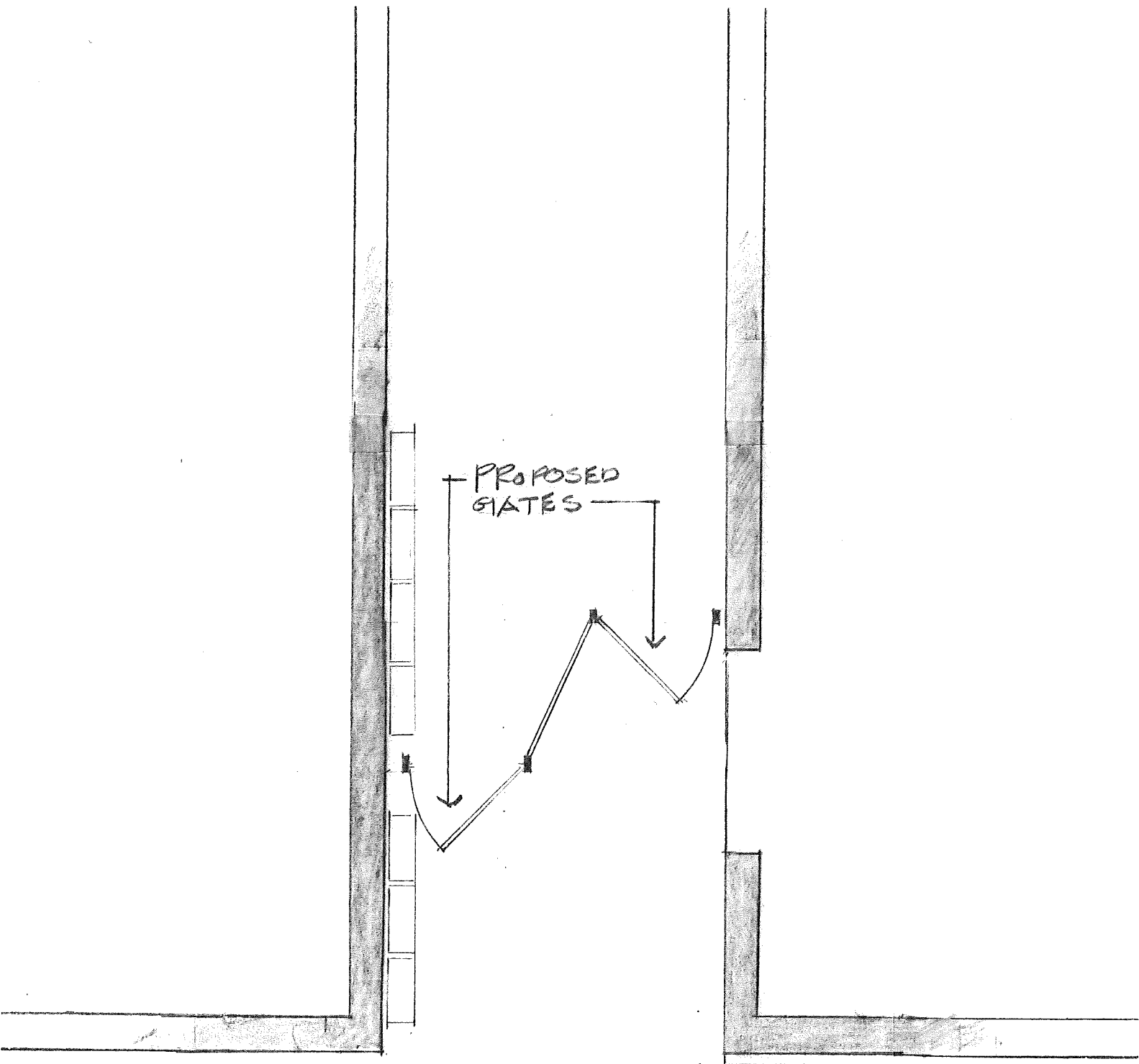
108 Second Street, SW for Oliver Kuttner

BLACK PAINTED STEEL  
FRAME & GATES, WITH  
COPPER SHEET BACKING



ELEVATION

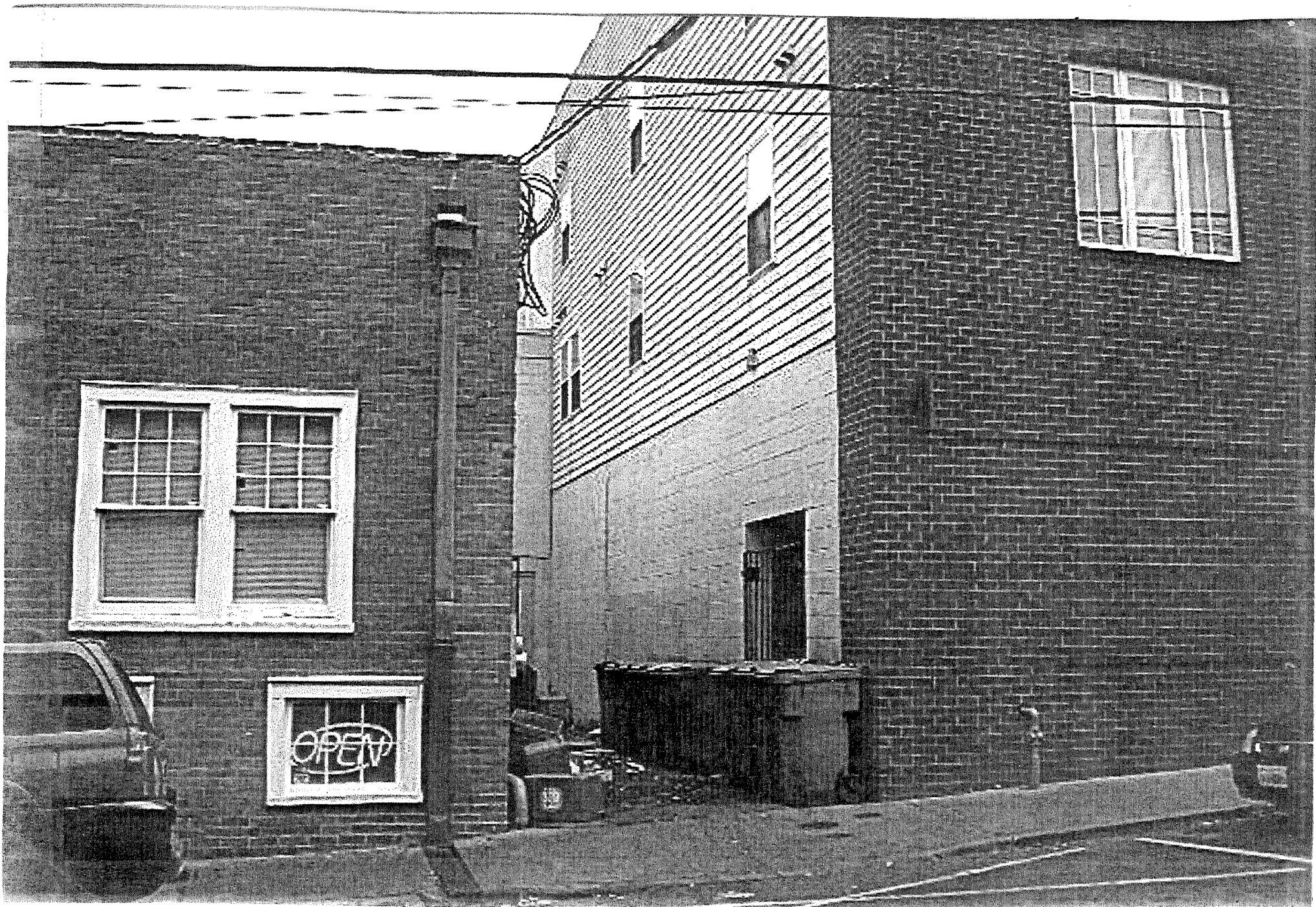
$3/8" = 1'-0"$



PLAN

$\frac{1}{4}'' = 10''$

← 2ND STREET →



**Payne & Hodous, L.L.P.**

Attorneys at Law  
414 East Jefferson Street  
Charlottesville, Virginia 22902

Frederick W. Payne  
Robert P. Hodous  
Donna R. DeLoria  
William W. Tanner

Telephone: 434-977-4507  
Facsimile: 434-977-6574

*E-mail: fwpayne@paynehodous.com*

Jessica F. Smith  
Kristina M. Hofmann

January 8, 2010

Mrs. Mary Joy Scala  
Preservation and Design Planner  
City of Charlottesville  
P.O. Box 911  
Charlottesville, Virginia 22902

Re: Certificate of Appropriateness Application—BAR 10-01-02—TM 28-16—  
Our file 08-5082

Dear Mary Joy:

The undersigned represents Mall Property, LLC, the owner of several parcels adjoining the subject parcel, including parcels 13, 17 and 18 on Tax Map Sheet 28. The work for which the certificate is requested has already been substantially installed, in violation of the ordinance. More particularly, the location of the proposed work is a 10 foot alley in which my client enjoys an easement. The work in question has previously been substantially installed, and both the existing work and the work which is proposed violate my client's property rights by unreasonably restricting its use of the easement. A copy of the most recent deed into my client (recorded in the Clerk's Office in Deed Book 863, page 707), with a plat of the respective property attached is enclosed herewith for your information.

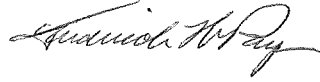
As you can see from the enclosed letter to the applicant dated December 3, 2009, the applicant has previously been informed that its actions are unlawful. It has failed to correct the situation. Instead, it has filed the instant application. Please be advised that I have been authorized to file suit to require removal of the unlawful construction and intend to do so in the immediate future.

Finally, I note that, in accordance with City Code Sec. 34-282, the instant application can only be filed by the owner, contract purchaser or lessee of the subject property. While we do not question that M & O Corporation is the beneficial owner of the fee interest in Parcel 16, that interest is subject to the rights of my client, as the owner of the easement, and M & O has no right to construct anything in the alley without the consent of my client. Therefore, the application is not in proper form in accordance with the terms of the ordinance, since M & O's right in the property is insufficient to allow it to proceed with the proposed construction, and it lacks standing to apply for the certificate in question.



Accordingly, my client respectfully requests that the City (a) dismiss the application for want of standing on the part of the applicant; (b) deny the application on the ground that the proposed construction, as well as the existing work, is unlawful; and (c) deny the application on the further ground that the proposed work is inconsistent with the relevant provisions of the City Code.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Frederick W. Payne".

Frederick W. Payne

Enclosures

Cc (w/ enc.): Mr. Charles E. Lewis, III

**Payne & Hodous, L.L.P.**

Attorneys at Law  
414 East Jefferson Street  
Charlottesville, Virginia 22902

Frederick W. Payne  
Robert P. Hodous  
Donna R. DeLoria  
William W. Tanner

Telephone: 434-977-4507  
Facsimile: 434-977-6574

*E-mail: fwpayne@paynehodous.com*

Jessica F. Smith  
Kristina M. Hofmann

December 3, 2009

Mr. Oliver Kuttner  
M & O Corporation  
108 2<sup>nd</sup> Street SW, #1  
Charlottesville, Virginia 22902

Re: Alley easement, 108 2<sup>nd</sup> Street SW—Our file 08-5082

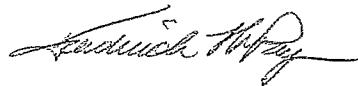
Dear Mr. Kuttner:

The undersigned has been asked by Mall Property, L.L.C., to contact you regarding the alley serving its properties on West Main Street and West Water Street in Charlottesville. The alley in question lies between your property at 108 2<sup>nd</sup> Street SW and my client's property at 112-116 2<sup>nd</sup> Street SW. This alley is impressed with an easement in favor of Mall Property's several properties with a width of 10 feet. It is my understanding that you, or someone on your behalf, has recently obstructed the alley by the installation of a gate, the construction of certain steps and ramps, the installation of a metal fence, the maintenance of garbage cans and several other things. As a result, my client's use of the easement has been severely and unreasonably obstructed. I further understand that my client's manager, Mr. Lewis, has recently spoken with you personally about trying to resolve this situation and that you declined to take any action to do so.

This is to demand that you remove all obstructions from the alley leading from Second Street SW so as to restore a clear width of 10 feet for my client's easement. My client would greatly prefer to resolve the matter by agreement between neighbors. However, if substantial steps are not taken toward an amicable resolution not later than 5 p.m. on December 10, 2009, my client will have no choice but to take appropriate steps to defend its rights in the alley.

Please feel free to direct your response either to me or to Mr. Lewis directly. In either event, we look forward to a prompt and thorough resolution of the matter.

Sincerely yours,



Frederick W. Payne

Cc: Mr. C. E. Lewis, III

TAX MAP 280018000

THIS DEED, made this 9<sup>th</sup> day of July, 2002 by and between CHARLES E. LEWIS, III, Trustee of the Mall Land Trust u/a dated February 1, 1995, hereinafter referred to as Grantor, and MALL PROPERTY, L.L.C., a Virginia Limited Liability Company, hereinafter referred to as Grantee, whose mailing address is York Place, 112 West Main Street, Charlottesville, Virginia 22902;

WITNESSETH:

That for and in consideration of the sum of \$10.00, cash in hand paid, the receipt of which is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY with SPECIAL WARRANTY OF TITLE unto the Grantee, the following described real property located in the City of Charlottesville, Virginia:

(TM28-18) All that certain lot or parcel of land situated in the City of Charlottesville, Virginia, fronting 61.25 feet on the south side of West Main Street (Downtown Mall) and further fronting 45.81 feet on the north side of Water Street, also known as Tax Map 28, Parcel 18, said parcel consisting of Lot A (3,144 square feet), Lot B (1,318 square feet), and an additional 11,090.00 square feet, as designated and shown on plat of Gloeckner Engineering/Surveying Inc., dated December 17, 2001 and captioned "Plat Showing Physical Survey Of Tax Map 28, Parcel 13 and Tax Map 28, Parcel 18", attached hereto and recorded herewith, TOGETHER WITH the non-exclusive easement of right-of-way for purposes of ingress and egress over a ten-foot alley established in a lease agreement dated August 23, 1957, by and among Jefferson-LaFayette Theatres, Inc., and W.H. O'Mansky, et als., recorded in the aforesaid Clerk's Office in Deed Book 201, page 345, which easement runs

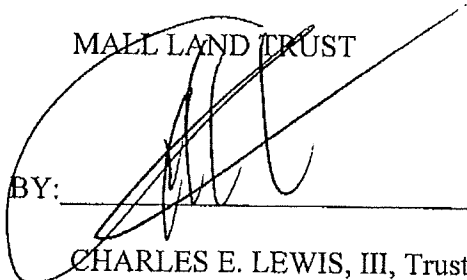
This document was prepared by:  
Buck, Toscano & Tereskerz, Ltd.  
211 East High Street  
Charlottesville, VA 22902

from Second Street, S.W., to the property described above and is shown on a plat of Amos R. Sweet, C.L.S., dated September 24, 1960, recorded in the aforesaid Clerk's Office in Deed Book 223, page 332, and on the aforesaid plat of Gloeckner Engineering/Surveying, Inc. attached hereto, the aforesaid parcels and easement being the same property in all respects conveyed to the Grantor by deed of VHM Corporation, a Virginia corporation, dated February 1, 1995, and recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville in Deed Book 647, page 23.

This conveyance is made expressly subject to all easements, conditions, restrictions and reservations contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by a limitation of time contained therein or have not otherwise become ineffective.

THIS DEED IS EXEMPT FROM TAXATION PURSUANT TO VA. CODE SECTION 58.1-811.A.10 AS IT IS A CONVEYANCE TO A LIMITED LIABILITY COMPANY FROM A GRANTOR WHICH IS ENTITLED TO RECEIVE NOT LESS THAN 50% OF THE PROFITS AND SURPLUS OF SUCH LIMITED LIABILITY COMPANY.

WITNESS the following signature and seal:

MALL LAND TRUST  
BY:  (SEAL)  
CHARLES E. LEWIS, III, Trustee



0863  
0789

BOOK 863 PG. 709

STATE OF VIRGINIA

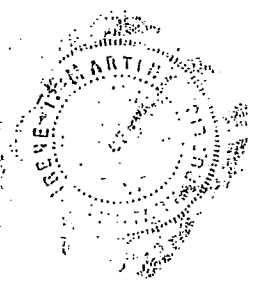
CITY/COUNTY OF Charlottesville, to-wit:

The foregoing Deed dated July 9, 2002 was acknowledged before me this 5<sup>th</sup> day of August, 2002 by Charles E. Lewis, III, Trustee as Trustee of Mall Land Trust.

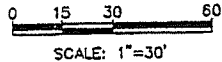
My Commission Expires: June 30, 2004

James J. Martin

Notary Public



c:\wopdocs\mall\ndtrs-mallprop2002.ded

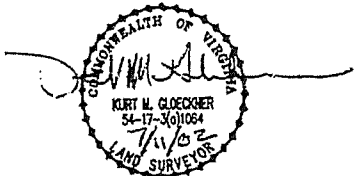


**NOTES:**

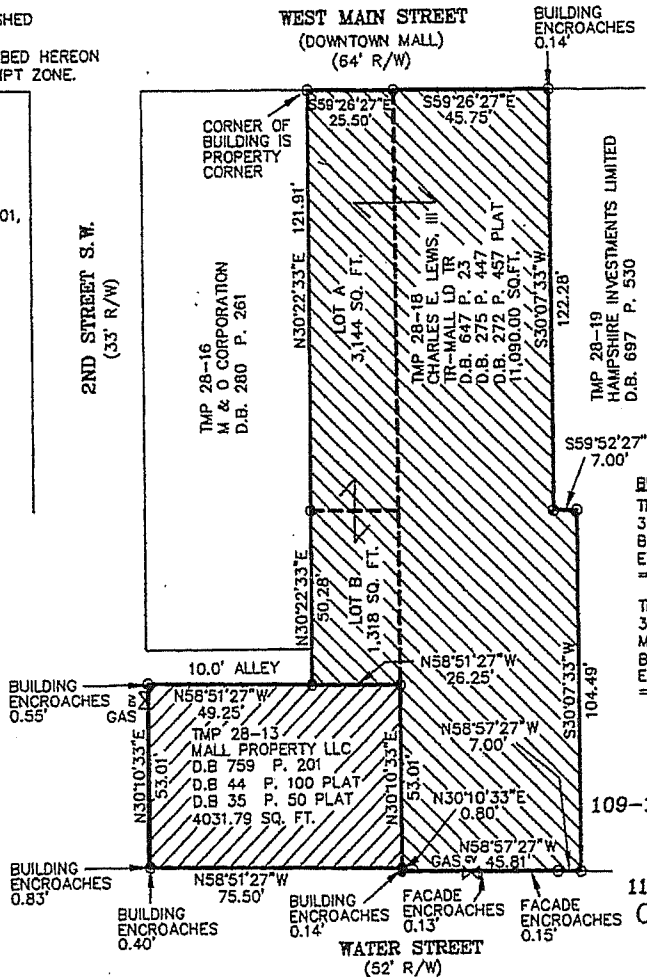
- 1) THERE ARE NO ESTABLISHED BUILDING LINES.
- 2) THE PROPERTIES DESCRIBED HEREON ARE IN A PARKING EXEMPT ZONE.

THE UNDERSIGNED HEREBY CERTIFIES, AS OF DECEMBER 17, 2001, TO WACHOVA BANK, N.A. AND ITS SUCCESSORS AND ASSIGNS AND SOUTHERN TITLE INSURANCE COMPANY THAT HE IS A DULY REGISTERED LAND SURVEYOR OF THE STATE OF VIRGINIA; THAT THIS PLAT OF SURVEY IS MADE AT LEAST IN ACCORDANCE WITH THE MINIMUM STANDARDS ESTABLISHED BY SAID STATE FOR SURVEYS AND LAND SURVEYORS AND WITH THE MINIMUM DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS AS ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND AMERICAN CONGRESS ON SURVEYING AND MAPPING; THAT THIS SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PREMISES; AND THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY ACROSS SAID PREMISES OR ANY OTHER EASEMENTS OR RIGHTS OF WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED, NO PARTY WALLS, NO ENCROACHMENTS ONTO ADJOINING PREMISES, STREETS OR ALLEYS BY ANY OF SAID BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS, AND NO ENCROACHMENTS ONTO SAID PREMISES BY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON ADJOINING PREMISES.

SIGNATURE OF SURVEYOR  
REGISTERED NUMBER VA. 1064



**GLOECKNER ENGINEERING SURVEYING INC.**  
ENGINEERS - SURVEYORS - LAND PLANNERS  
2246 IVY ROAD, SUITE 6  
CHARLOTTEVILLE, VIRGINIA 22908



THIS IS TO CERTIFY THAT ON DECEMBER 12, 2001 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THE TITLE LINES AND WALLS OF THE BUILDING ARE SHOWN HEREON. THIS PROPERTY LIES IN ZONE C AND NOT IN AN AREA DESIGNATED AS ZONE A (100 YEAR FLOOD HAZARD) AS SHOWN ON FEDERAL FLOOD RATE INSURANCE MAPS, EFFECTIVE DATE: JUNE 15, 1979

UTILITIES AND EASEMENTS OTHER THAN THOSE SHOWN MAY EXIST.

**LEGAL REFERENCES:**

- TMP 28-18  
CHARLES E. LEWIS, III  
TR-MALL LD TR  
D.B. 647 P. 23  
D.B. 275 P. 447  
D.B. 272 P. 457 PLAT
- TMP 28-13  
MALL PROPERTY LLC  
D.B. 759 P. 201  
D.B. 44 P. 100 PLAT  
D.B. 35 P. 50 PLAT

**BUILDING INFORMATION:**

- TMP 28-18  
3 STORY BRICK AND STUCCO BUILDING  
BUILDING HEIGHT = 32.35'  
EXTERNAL GROUND LEVEL SQUARE FOOTAGE = 15,516.12 SQ. FT.
- TMP 28-13  
3 STORY BRICK & C.M.U. (CONCRETE MASONRY UNIT) BUILDING  
BUILDING HEIGHT = 36.35'  
EXTERNAL GROUND LEVEL SQUARE FOOTAGE = 4,057.56 SQ. FT.

PLAT SHOWING  
**PHYSICAL SURVEY OF  
TAX MAP 28 PARCEL 13**  
109-111 WATER ST. - 112-116 2ND ST. N.E.  
AND  
**TAX MAP 28 PARCEL 18**  
112 WEST MAIN - 107 WATER STREET  
**CHARLOTTEVILLE, VIRGINIA**  
DECEMBER 17, 2001

DWG. NAME 038PHYSUR JOB NO. 0103800

0833  
0710

BOOK 863 PG. 710

STATE TAX	\$ _____	(030)	Admitted to Record in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia, on the <u>5<sup>th</sup></u> day of <u>May</u> , 20 <u>22</u> at <u>3:57</u> o'clock <u>P</u> . M., and recorded in Deed Book No. <u>863</u> Page <u>707</u> The taxes imposed by §§58.1-801 and 58.1- 802 of the Virginia Code have been paid.
CITY TAX	\$ _____	(214)	
TRANS	\$ <u>1.00</u>	(212)	
TECH. FEE	\$ <u>3.00</u>	(104)	
CLERK'S FEE	\$ <u>14.50</u>	(301)	
VELF	\$ <u>1.50</u>	(145)	
STATE FEE	\$ _____	(038)	
SEQ 58.1-801	\$ _____	(038)	
STATE TAX	\$ _____	(038)	
LOCAL TAX	\$ _____	(220)	
LOCAL TAX	\$ _____	(223)	
TOTAL \$	<u>20.00</u>		<u>Paul J. [Signature]</u> Clerk

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



January 5, 2009

Dear Sir or Madam:

This letter is to notify you that the following application has been submitted for approval of a Certificate of Appropriateness 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 10-01-02  
108 2<sup>nd</sup> Street SW  
Tax Map 28 Parcel 16  
M&O Corporation  
New gate and ramp

The Board of Architectural Review (BAR) will consider this application at a meeting to be held on **Tuesday, January 19, 2010, starting at 5pm in the Basement Conference Room, City Hall.** Enter City Hall from the Main Street pedestrian mall entrance.

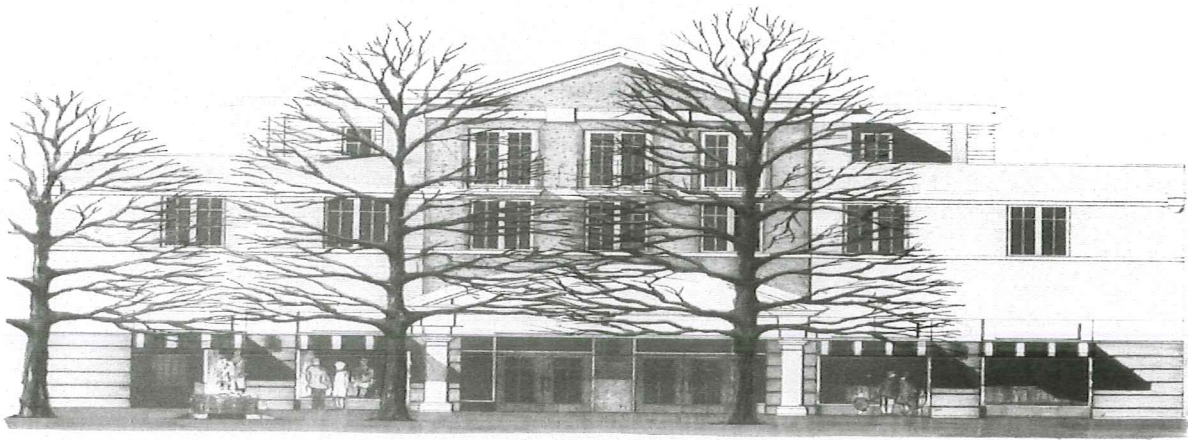
An agenda with approximate times will be available on the BAR's home page accessible through <http://www.charlottesville.org> If you need more information, please do not hesitate to contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

Mary Joy Scala  
Preservation and Design Planner

lp





## YORK PLACE

Corporate Offices

112 W. Main Street Suite 11  
Charlottesville, Virginia 22902  
(434) 984-4517

January 19, 2010

Mary Joy Scala  
City of Charlottesville  
610 E. Market Street  
Charlottesville, VA 22902

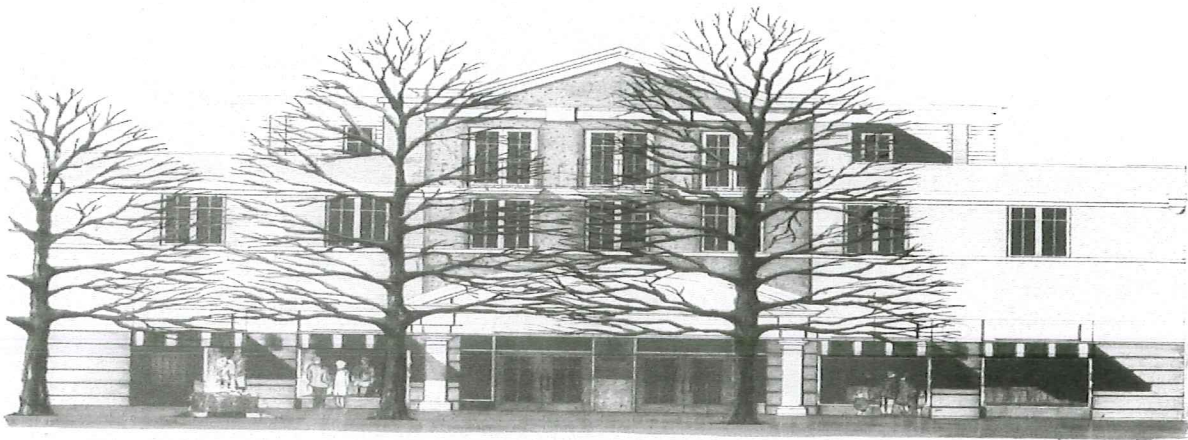
Mary Joy,

Thanks for working with me.

God Bless You,

A handwritten signature in blue ink, appearing to be "Chuck Lewis". The signature is stylized and somewhat abstract.

Chuck Lewis



## YORK PLACE

Corporate Offices  
112 W. Main Street Suite 11  
Charlottesville, Virginia 22902  
(434) 984-4517

January 19, 2010

Members of the BAR,

Sorry I can not be with you tonight. Thanks for taking a look at this.

You can see we are not being allowed our 10 foot easement. We have filed with the court to get this matter straight. Oliver can not understand that he owns the alley but we have 2 easements to it.

Again, thank you for your time.

God Bless You,

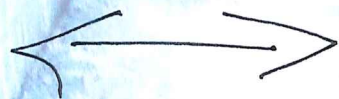
A handwritten signature in blue ink, appearing to be 'Chuck Lewis', written in a cursive style.

Chuck Lewis



Water Street  
Studios  
Has 10 ft  
EASEMENT

OLIVERS  
TENANTS TRASH



Looking West



from York Place Door  
Has 10 ft easement





YORK PLACE  
has 10ft easement

OLIVERS  
CUSTOMERS  
TRASH



Looking EAST

WATER  
STREET  
STUDIOS  
Has 10ft  
easement

