

From: Scala, Mary Joy
Sent: Friday, November 22, 2013 2:59 PM
To: afmcclure@gmail.com
Subject: BAR Action November 19, 2013

November 22, 2013

Andrew McClure
420 E Main Street
Charlottesville, VA 22902

RE: Certificate of Appropriateness Application
BAR 13-11-01
16 Elliewood Avenue
Tax Map 9 Parcels 97
The Biltmore – Andy McClure, Applicant/Geary Albright, et al, Owner
Seasonal Tent

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on November 19, 2013. The following action was taken:

The BAR approved (7-0) the application as submitted.

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.

This certificate of appropriateness shall expire in 18 months (May 19, 2015), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced construction. The expiration date may differ if the COA is associated with a valid site plan. You may request an extension of the certificate of appropriateness *before this approval expires* for one additional year for reasonable cause.

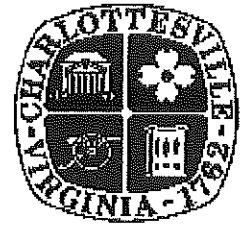
Upon completion of construction, please contact me for an inspection of the improvements included in this application. If you have any questions, please contact me at 434-970-3130 or scala@charlottesville.org.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner

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

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
November 19, 2013**



Certificate of Appropriateness Application

BAR 13-11-01

16 Elliewood Avenue

Tax Map 9 Parcels 97

The Biltmore – Andy McClure, Applicant/Geary Albright, et al, Owner
Seasonal Tent

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 for the construction of a new patio. 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 for the patio 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 (8-17-09) by staff.

November 15, 2011 - The BAR denied and application for two seasonal tents in the side yard of the Biltmore Grill Restaurant for the winter season (November 1-February 28). The larger tent would be 30 feet by 30 feet. The smaller tent would be 9 feet by 20 feet. The application was denied as submitted (6-3 with Graves, DeLoach, and Coiner opposed) 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.

December 18, 2012 – Approved 25 x 25 ft. seasonal tent in side yard for winter season (6-1 with Miller opposed) as submitted.

August 20, 2013 –The BAR deferred action (7-1 with Graves opposed) for one month to request a more detailed resolution of the design: detailed landscape plan; railing alternative; address the length and massiveness of deck.

September 17, 2013 - Approved (9-0) deck as submitted. The BAR preferred Option C (all six-board fencing), with a final landscape review by Mary Joy Scala and Laura Knott to incorporate more vertical, sustainable plantings.

Application

The applicant requests approval to add one tent 25 feet by 25 feet to cover the outdoor bar in the side yard of the Biltmore Grill Restaurant for the winter season (November 2013 through March 2014). The applicant would prefer to have the tent approval remain in place without having to return to the BAR each fall. When queried recently, the BAR indicated they would not be comfortable allowing a recurring tent permit without annual review.

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 Design Review Guidelines – Signs, Awnings, Vending and Cafes

*G. Tents (Including Tent Canopies) for the Winter Café Season or Year-Round Use
(Adopted by City Council on October 21, 2013)*

1. Tents are generally not appropriate in historic districts that are primarily residential (North Downtown, Wertland Street, Ridge Street, Oakhurst-Gildersleeve, Rugby Road-Venable, most of Martha Jefferson).
2. Tents may be appropriate in the Downtown, the Corner, and the West Main Street ADC districts, and in the mixed use/commercial areas of Martha Jefferson Conservation District, except tents are not appropriate on the Downtown mall portion of East and West Main Streets, including Central Place, and on the side streets leading to the mall.
3. Traditional solutions such as patio umbrellas and tree shade are encouraged,
4. Tents are not appropriate on the upper floors or roof of buildings.
5. Tents are not appropriate in front of a contributing building.
6. Tents may be appropriate in front of a non-contributing building, depending on the tent materials, and the impact of its footprint and massing on the streetscape and building.
7. Tents may be appropriate on the rear or side of a building.
8. Tents should not permanently alter significant landscaping or site features.
9. Tents should be a solid color, without any text or logos.

Discussion and Recommendations

Seasonal tents are described as “appropriate in the Downtown, the Corner, and the West Main Street ADC districts...” (G.2) in the 2013 revision to the ADC guidelines. The application for the tent follows guideline G.9 stating that tents “should be a solid color without any text or logos”. The proposed tent is located in the side yard, will not significantly impact the structure permanently (G.7).

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Tents, I move to find that the proposed seasonal tent through March 2014 satisfies the BAR’s criteria and is compatible with this property and other properties in The Corner ADC district, and that the BAR approves the application as submitted.

P13-0183



**Board of Architectural Review (BAR)
Certificate of Appropriateness**

RECEIVED

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

OCT 29 2013

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 4 p.m.

Owner Name The Biltmore Applicant Name Anderson McClure
 Project Name/Description Tent at The Biltmore Parcel Number _____
 Property Address 16 Elliewood Ave Charlottesville VA 22902

Applicant Information

Address: 420 E. Main St #6
Charlottesville VA 22902
Email: AFMCCLURE@gmail.com
Phone: (W) 434-202-1498 (H) 434-825-8789
FAX: 434-202-1499

Property Owner Information (if not applicant)

Address: P.O. Box 4120
Crozet VA 22932
Email: _____
Phone: (W) _____ (H) 434-409-8393
FAX: _____

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

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] 10/29/13
Signature Date

Anderson McClure 10/29/13
Print Name Date

Property Owner Permission (if not applicant)

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

[Signature] _____
Signature Date

Geary Albright 10/29/13
Print Name Date

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

Cover the outdoor bar with a heated tent from November 2013 -
* outdoor bar is located to the right of building March 2014
in the side yard.

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

- 1) photo of tent over the bar
 - 2) photo of tent over the bar at night 2012
 - 3) photo of the front of 2012
 - 4) FDS drawings of the tent
 - 5) tent guidelines
 - 6) outline of the Biltmore + proposed tent
- * the Biltmore tent would be in the side yard to the right

For Office Use Only

Received by: BSW Approved/Disapproved by: _____
 Date: _____
 Fee paid: 125.00 Cash/Chk. # 5076 Conditions of approval: _____
 Date Received: 10/29/2013 _____
P13-0183

cont'd contact.

Julie Marchbanks

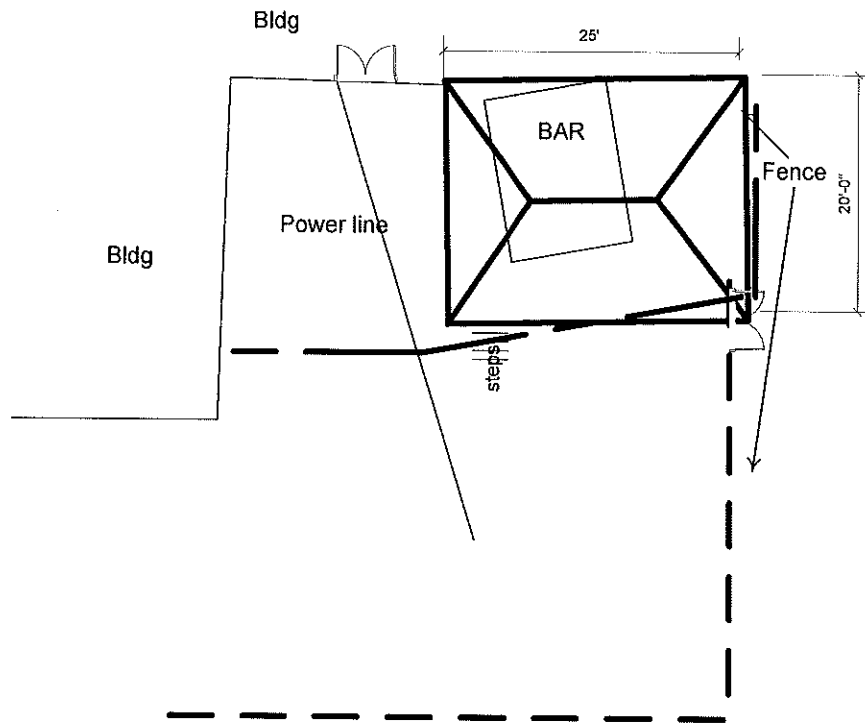
JLMARCHBANKS@gmail.com 202-256-0515







Biltmore Grill 20x25 Tent over Bar



Proposed text changes to Architectural Design Control District Design Guidelines

Chapter V Signs, Awnings, Vending & Cafes

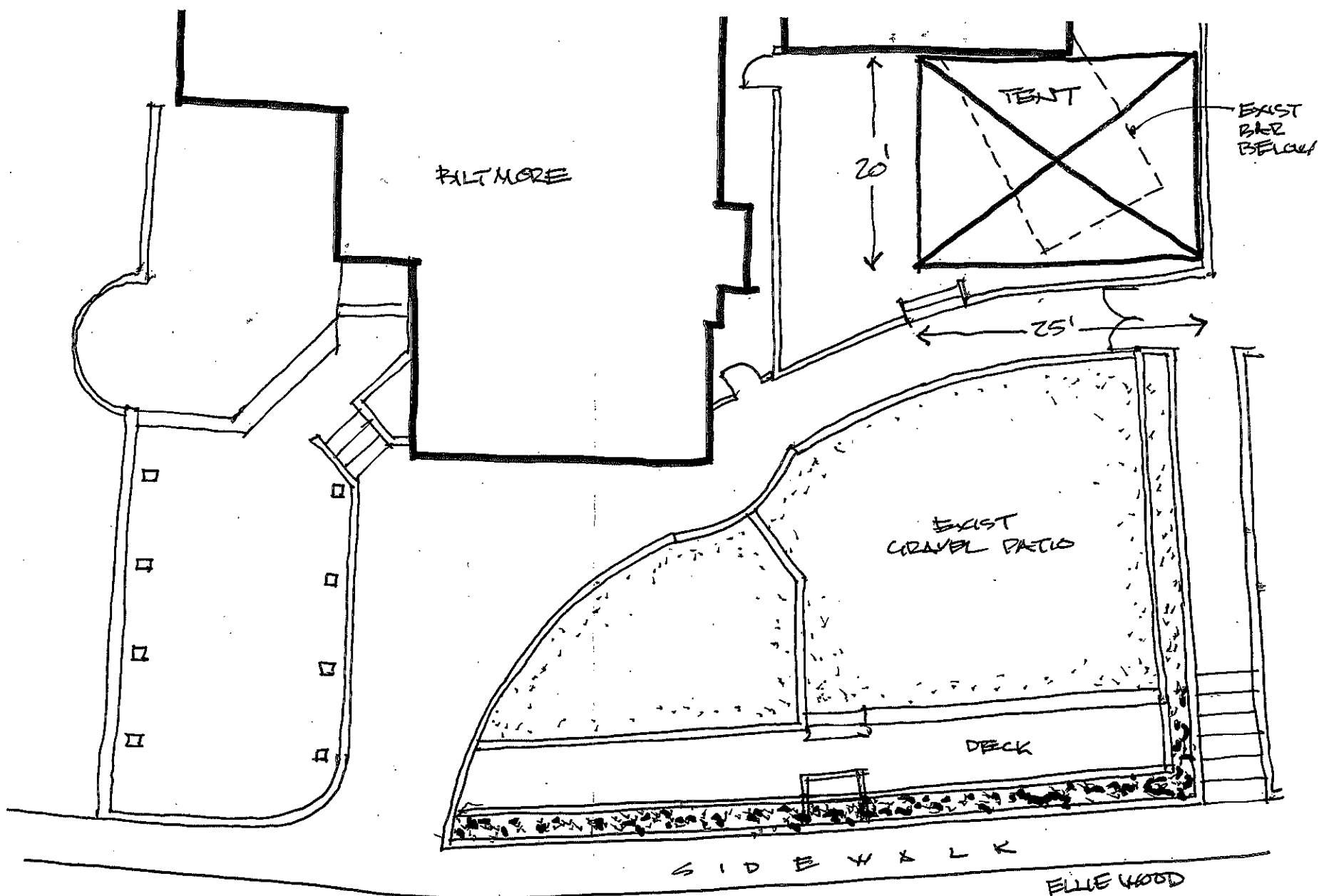
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- ~~3.~~ Traditional solutions such as patio umbrellas and tree shade are encouraged.
- ~~5.~~ 4. Tents may be are not appropriate on the upper floors or roof of buildings.
- ~~5.~~ Tents are not appropriate in front of a contributing building.
- ~~6.~~ Tents may be appropriate in front of a non-contributing building, depending on the tent materials, and the impact of its footprint and massing on the streetscape and building.
- ~~6.~~ 7. Tents may be appropriate on the rear or side of a building.
- ~~7.~~ If a tent would affect the front elevation of a building, or the character of the property or district, then the guidelines for Additions in Chapter 3, *New Construction and Additions*, should be followed.
- ~~3.~~ 8. Tents should not permanently alter significant landscaping or site features.
- ~~4.~~ 9. Tents should be a solid color, without any text or logos.

Chapter VI Public Design & Improvements

J. Public Art, Statues, & Fountains

1. Maintain existing features related to public art, statues and fountains.
2. Consider the place-making role any such new features can have in celebrating and communicating the history of the districts.
3. Develop an appropriate relationship between materials, the scale of artwork and the surrounding environment.
4. Choose artwork that is appropriate for the current general character of the site.
5. Consider the appropriateness of the sculpture base.
- ~~8.~~ 6. Public art, statues, and fountains shall be maintained as accessible to the public.
- ~~6.~~ Mural art on private property should be reviewed for appropriateness of materials, scale, and location within surrounding context.
- ~~7.~~ A mural's appearance, materials, colors, size, and scale should be compatible with the building and historic district of which the building is a part.
- ~~8.~~ The use of neon, luminescent, or reflective paint or materials is discouraged.
- ~~9.~~ A mural should not obscure or distort the historic features of a building, and should not cover an entire wall.
- ~~10.~~ Murals painted on primary facades are rarely permitted and strongly discouraged.
- ~~11.~~ In general, previously unpainted masonry should be left unpainted.
- ~~12.~~ Painting directly onto the walls of a non-contributing building, or adding a mural to a previously-painted, non-primary elevation of a contributing building will be considered on a case-by-case basis.
- ~~13.~~ In general, murals should be created on removable material, not directly on a building wall; installed on framing that allows water to weep between the mural and the wall; and attachments should not irrevocably damage the building.
- ~~7.~~ 14. Mural art that constitutes a sign shall conform to the sign regulations.



BALTIMORE GRILL
 STREIBUNG VON GEORGE

PROPOSED SEASONAL TENT
 10.28.13