From: Scala, Mary Joy
Sent: Thursday, September 18, 2014 1:41 PM
To: 'Robert Nichols'
Cc: cwispelwey@nbwla.com
Subject: BAR Action - September 16, 2014 - 310 E Market Street

September 18, 2014

Aaron Burr, LLC
PO Box 1403
Charlottesville, VA 22902

RE: **Certificate of Appropriateness Application**
BAR 14-09-07
310 East Market Street
Tax Parcel 330220000
Aaron Burr, Owner/ Robert Nichols, Formwork Architecture LLC, Applicant
Comprehensive interior rehab; demolish 1-story additions; paint brick; create new courtyard entry

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on September 16, 2014. The following action was taken:

The BAR approved (8-0) 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 (March 16, 2016), 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 the project. 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 the project, 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
September 16, 2014

Certificate of Appropriateness Application
BAR 14-09-07
310 East Market Street
Tax Parcel 330220000
Aaron Burr LLC, Owner/ Robert Nichols, Formwork Architecture LLC, Applicant
Demolish 1-story additions in Market St. courtyard; paint brink; create new courtyard entry

Background

310 E Market Street (1907) is a contributing structure in the Downtown ADC District.

October 15, 2013 – The BAR approved (6-0) the window replacement, and accepted the applicant's request for deferral to explore changes to (removing) the existing entrance. The BAR suggested revisiting the design aspects of the door infill – perhaps something between what is there now and the proposal- at a minimum leaving the stairs in place. The BAR members are available to discuss ideas prior to formal re-submittal.

February 18, 2014 - Robert Nichols, architect, and Breck Gastinger from Nelson Byrd Woltz presented sketches for courtyard at 310 E Market Street, the Sylvan Arms. Osteen suggested a more open gate; Hogg preferred the fence to be squared off, not angled to the street.

March 14, 2014: The BAR approved (5-0) the renovation as submitted, subject to BAR review of the final fence and gate design by email.

Application

- Demolish existing 1-story brick addition and
- Demolish existing non-conforming shed addition in Market Street courtyard;
- Addition of a wooden deck in courtyard with wood cladding on vertical face;
- Addition of wood stairs to deck with black steel guard and handrails;
- Addition of painted steel egress door at existing window opening on the west side of the courtyard;
- Addition of new aluminum clad door at existing masonry opening on east side of the courtyard;
- Addition of new aluminum clad door/window assembly at existing masonry opening on south side of courtyard;
- Addition of two black barn light fixtures.

- Paint medium gray the (currently unpainted) rear brick elevation that faces west above roof;
- Add new windows to that elevation.

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 Standards for Considering Demolitions include:
The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:
(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

(1) The age of the structure or property;
The addition they are tearing down is not original to the building
(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;
310 E Market Street (1907) is a contributing structure in a National Register District
(3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;
There are no known associations.
(4) Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;
Not that are considered original to the building
5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and
(6) The degree to which distinguishing characteristics, qualities, features or materials remain;
The 1-story addition is intact, but deteriorating

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.
301 East Market Street is linked historically and aesthetically to other buildings in the Downtown ADC District.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;
No structural report has been submitted.
(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and
The applicant is asking permission to raze the 1-story addition.
(e) Any applicable provisions of the city's Design Guidelines

1. *The criteria established by the City Code.*
   See above.
2. *The public necessity of the proposed demolition.*
   There is no public necessity.
3. *The public purpose or interest in land or buildings to be protected.*
   The 1-story addition has no significance.
4. *The existing character of the setting of the structure or area and its surroundings.*
   This part of the Downtown ADC District is a mixed-use historic district.
5. *Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.*
   Relocation would not be a preferable alternative.
6. *Whether or not the proposed demolition would affect adversely or positively other historic buildings or the character of the historic district.*
   The proposed demolitions would not detract from the character of the building or district.
7. *Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.*
   No structural report has been submitted.

Pertinent Guidelines for Rehabilitation
ENTR*ANCES, PORCHES, AND DOORS*

Entrances and porches are often the primary focal points of a historic building. Their decoration and articulation help define the style of the structure. Entrances are functional and ceremonial elements for all buildings. Porches have traditionally been a social gathering point as well as a transition area between the exterior and interior of a residence.

The important focal point of an entrance or porch is the door. Doors are often a character-defining feature of the architectural style of a building. The variety of door types in the districts reflects the variety of styles, particularly of residential buildings.

1. The original details and shape of porches should be retained including the outline, roof height, and roof pitch.
2. Inspect masonry, wood, and metal or porches and entrances for signs of rust, peeling paint, wood deterioration, open joints around frames, deteriorating putty, inadequate caulking, and improper drainage, and correct any of these conditions.
3. Repair damaged elements, matching the detail of the existing original fabric.
4. Replace an entire porch only if it is too deteriorated to repair or is completely missing, and design to match the original as closely as possible.
5. Do not strip entrances and porches of historic material and details.
6. Give more importance to front or side porches than to utilitarian back porches.
7. Do not remove or radically change entrances and porches important in defining the building's overall historic character.

8. Avoid adding decorative elements incompatible with the existing structure.
9. In general, avoid adding a new entrance to the primary facade, or facades visible from the street.
10. Do not enclose porches on primary elevations and avoid enclosing porches on secondary elevations in a manner that radically changes the historic appearance.
11. Provide needed barrier-free access in ways that least alter the features of the building.
a. For residential buildings, try to use ramps that are removable or portable rather than permanent.
b. On nonresidential buildings, comply with the Americans with Disabilities Act while minimizing the visual impact of ramps that affect the appearance of a building.
12. The original size and shape of door openings should be maintained.
13. Original door openings should not be filled in.
14. When possible, reuse hardware and locks that are original or important to the historical evolution of the building.
15. Avoid substituting the original doors with stock size doors that do not fit the opening properly or are not compatible with the style of the building.
16. Retain transom windows and sidelights.

Discussion and Recommendations

The proposed demolitions are appropriate.

The BAR may wish to comment on the plan to replace the existing windows with doors on both the east and west side of the alleyway and how that will affect the rhythm and pattern of voids in the structure. However, it is very difficult to see the elevations directly, and this area has been encapsulated for years.

The area of unpainted brick to be painted is only visible from adjacent buildings.

Also, the exterior changes being approved should be specified (the color of paint for the brick, the type and color of wood being used for the deck, etc.) The type of replacement windows should be specified.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Demolitions, and Rehabilitations, I move to find that the proposed demolitions and improvements satisfy the BAR's criteria and guidelines and are compatible with this property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted (or with the following modifications...).

Board of Architectural Review (BAR)
Certificate of Appropriateness

RECEIVED
AUG 26 2014
NEIGHBORHOOD DEVELOPMENT SERVICES

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

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 Aaron Burr LLC Applicant Name Robert Nichols, Formwork Architecture LLC

Project Name/Description 117-119 Fourth Street NE Renovations Parcel Number 33/220

Property Address 310 E. Market St

Applicant Information
Address: 620 Farish St

Email: robert@formworkusa.com
Phone: (W) 434-296-2223 (H) _____
FAX: _____

Property Owner Information (if not applicant)
Address: Aaron Burr LLC
PO Box 1403, Charlottesville, VA 22902
Email: cwispelwey@nbwla.com
Phone: (W) (434) 984-1358 (H) _____
FAX: 434. 984. 4158

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

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 8.26.14 Date

Robert F. Nichols 8.26.14
Print Name Date

Property Owner Permission (if not applicant)
I have read this application and hereby give my consent to its submission.

Claudine Wispelwey 8.26.14
Signature Date

Claudine Wispelwey 8.26.14
Print Name Date

Description of Proposed Work (attach separate narrative if necessary): Comprehensive interior rehab; Demolish 1-story additions in Market St. courtyard; paint brick where badly repaired; create new courtyard entry

List All Attachments (see reverse side for submittal requirements):
11x17 drawings incl. site plan, courtyard elevations, rear elevation

For Office Use Only

Received by: _____
Fee paid: _____ Cash/Ck. # _____
Date Received: _____

Approved/Disapproved by: _____
Date: _____
Conditions of approval: _____

Scala, Mary Joy

From: Robert Nichols <robert@formworkusa.com>
Sent: Tuesday, September 02, 2014 3:35 PM
To: Scala, Mary Joy
Subject: Sylvan Arms party wall repair
Attachments: 9 PARTY WALL ELEVATION _ Layout.pdf

Mary Joy:

If there is still time to add this sheet to our current application for 310 E. Market, please do so. I sent you a note a few moments ago with some comments by our attorney clarifying the language of the party wall. It is clear our client has rights to modify the wall east of the centerline. The existing door was installed in violation of the party wall agreement, and additionally, required Kabbash's tenant to trespass in order to use the door (there are no easements in place). I'm hoping you are able to separate the design review process from whatever other battles and or permitting headaches may still remain to be resolved.

Thanks,

Robert

Scala, Mary Joy

From: Robert Nichols <robert@formworkusa.com>
Sent: Tuesday, September 02, 2014 2:52 PM
To: Scala, Mary Joy
Subject: Fwd: Sylvan Arms - Kabbash wall and BAR

Thanks for your earlier note, Mary Joy. I sent a note to our client's attorney regarding the BAR application and owner signatures. He JUST sent the reply below confirming that the wall in question is a party wall and our client has all rights to make changes to his side of the wall. Please see below and let me know if that solves the problem.

Thanks.

Begin forwarded message:

From: "Claudine R. Wispelwey" <cwispelwey@nbwla.com>
Subject: FW: Sylvan Arms - Kabbash wall and BAR
Date: September 2, 2014 at 2:42:03 PM EDT
To: Robert Nichols <robert@formworkusa.com>

From: George McCallum [mailto:GMcCallum@mkpc.com]
Sent: Tuesday, September 02, 2014 1:50 PM
To: Claudine R. Wispelwey
Subject: Sylvan Arms - Kabbash wall and BAR

Claudine,

The common boundary line between the two properties is located in the center of the division wall between the two properties, which is the eastern wall of Mr. Kabbash's building and the western wall of Aaron Burr's courtyard. This division wall was established by the grantor (who is one of Aaron Burr's predecessors in title) in a deed dated March 8, 1921, recorded in Charlottesville Deed Book 37, page 285, as a party wall between the two properties. The operative language in this deed is as follows:

> "It is distinctly understood and agreed between the parties hereto that the Eastern wall of the property herein conveyed shall become and remain a party wall, and the common property of said grantor and grantee, their respective heirs and assigns; so that either of them shall be at liberty to use said wall by inserting timbers or other material up to, but not beyond, a vertical line drawn through the center and along the entire length of said wall, or otherwise to use said wall in any manner that may not interfere with the equal use of the other half of the wall by the other owner."

This wall is owned in common by both Mr. Kabbash and Aaron Burr LLC. It is not Mr. Kabbash's wall or Aaron Burr LLC's wall -- but rather a party wall owned in common by both of them.

Each owner is at liberty to use said wall in any manner that may not interfere with the equal use of the other half of the wall by the other owner.

For purposes of an application to BAR for approval of a design and materials for closing and bricking up the doorway on Aaron Burr's one half side of the wall, I do not think that Mr. Kabbash's signature is necessary.

The proposed work cannot extend into Mr. Kabbash's one half side of wall without his agreement or court order ordering him to close the doorway on his half side wall.

George

George B. McCallum, III
McCallum & Kudravetz, P.C.
250 East High Street
Charlottesville, VA 22902

phone: 434-293-8191
fax: 434-296-9641
email: gmccallum@mkpc.com

From: Claudine R. Wispelwey [mailto:cwispelwey@nbwla.com]
Sent: Tuesday, September 02, 2014 12:49 PM
To: George McCallum
Subject: FW: Sylvan Arms - Kabbash wall and BAR

From: Robert Nichols [mailto:robert@formworkusa.com]
Sent: Tuesday, September 02, 2014 11:36 AM
To: Claudine R. Wispelwey; Breck Gastinger
Subject: Sylvan Arms - Kabbash wall and BAR

Claudine and Breck:

I'm trying to squeeze the fix to Charlie's wall into the current BAR application. I don't think it will work, but there is a chance. I think the wall belongs to Charlie, but that Aaron Burr has party wall rights as described in the chain of title. If that's the case, we would need Charlie's signature today on application. I don't think that's likely.

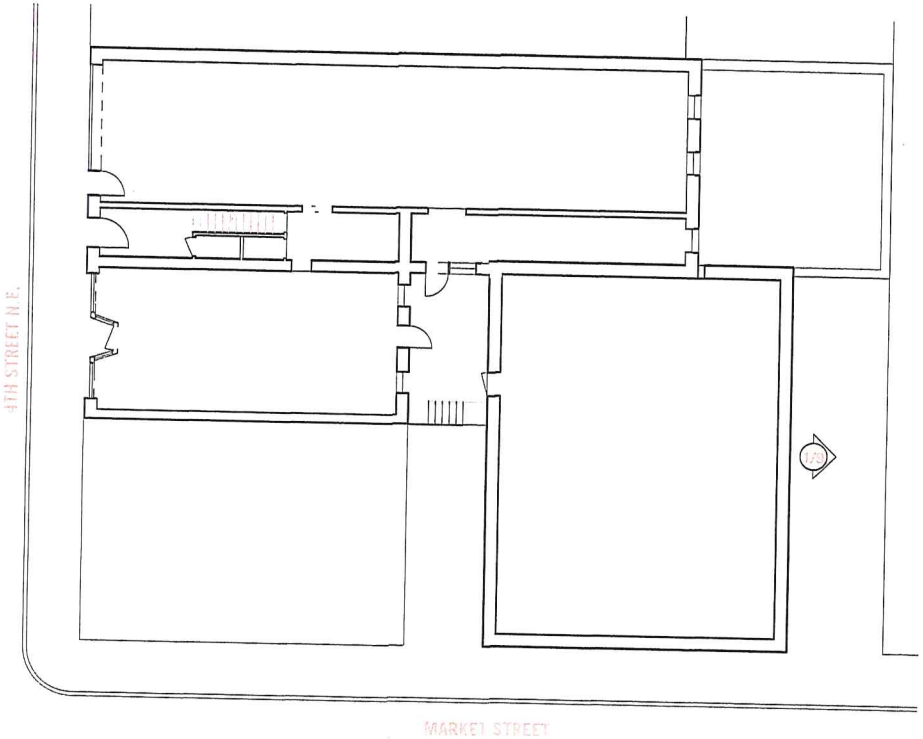
OR, does Aaron Burr actually own half the wall? In that case, perhaps we wouldn't need CK signature. Question for George, I assume.

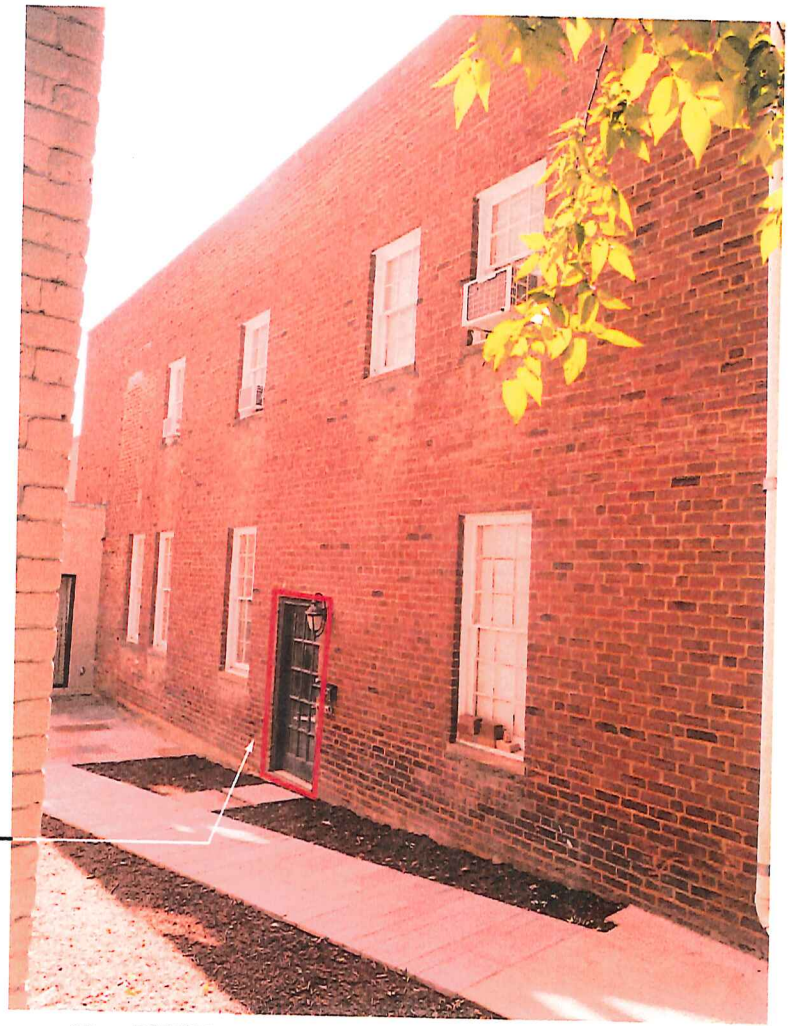
ROBERT NICHOLS

WWW.FORMWORKUSA.COM | 620 FARISH STREET, CHARLOTTESVILLE, VIRGINIA 22902 | 434-296-2223

ROBERT NICHOLS

WWW.FORMWORKUSA.COM | 620 FARISH STREET, CHARLOTTESVILLE, VIRGINIA 22902 | 434-296-2223

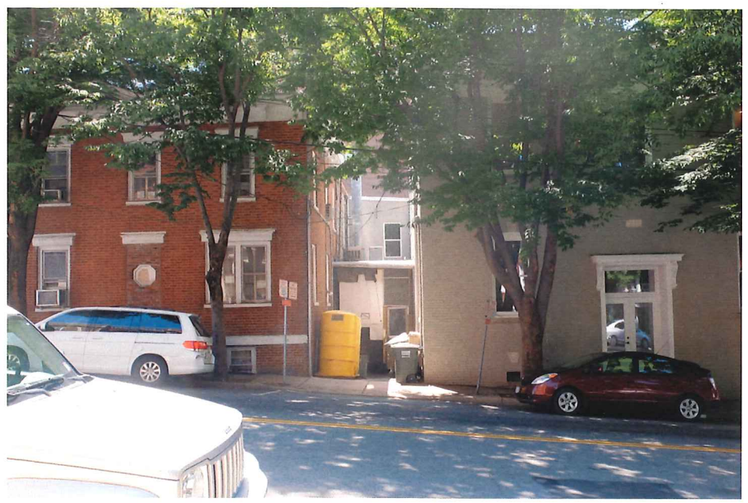




REMOVE EXISTING DOOR, INFILL MASONRY OPENING W/ BRICK TO MATCH. REMOVE LIGHTING, MAILBOX

2 PARTY WALL ELEVATION

FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223



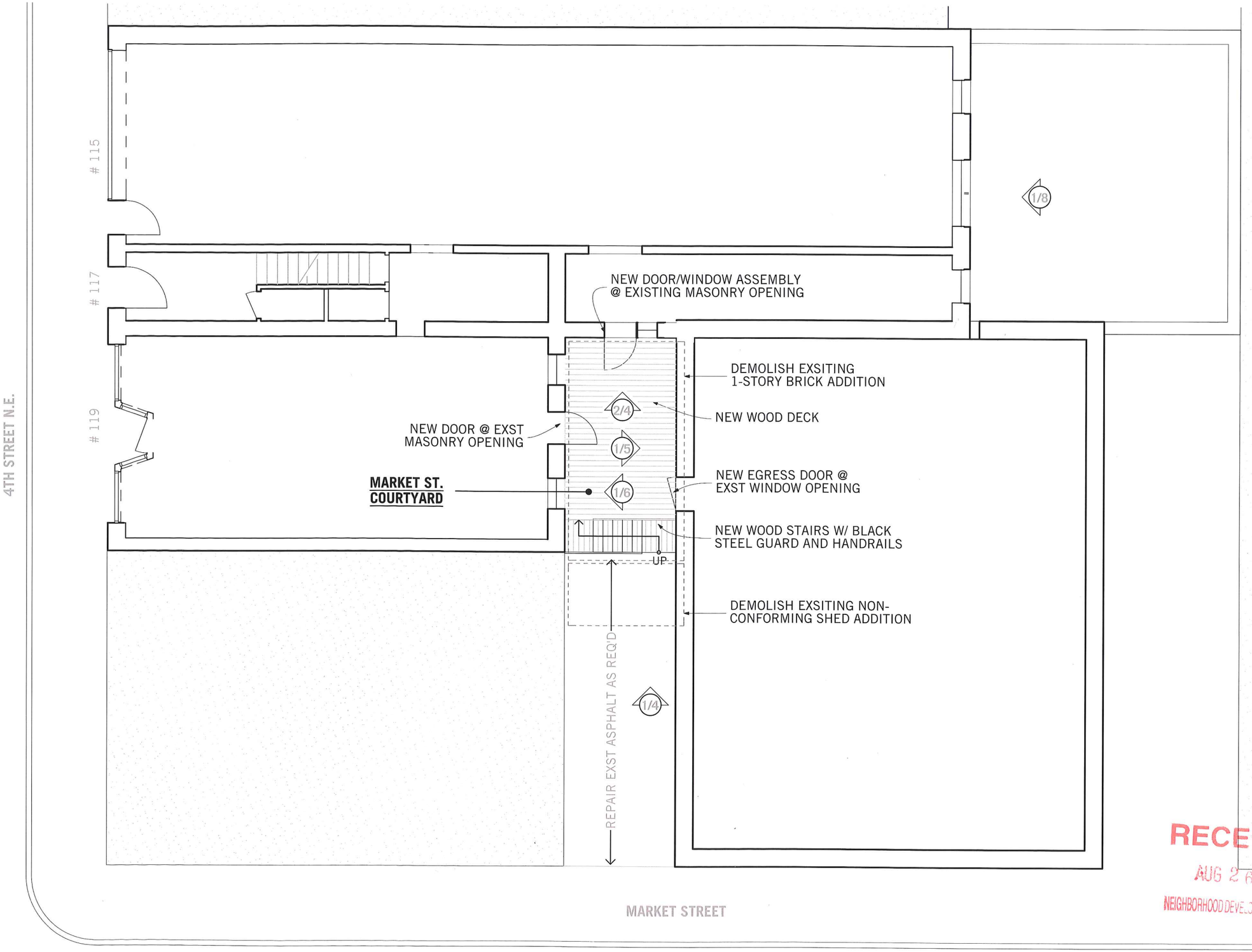
115-119 4th Street NE
Exterior Modifications

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

BOARD OF ARCHITECTURAL REVIEW, CHARLOTTESVILLE, VIRGINIA

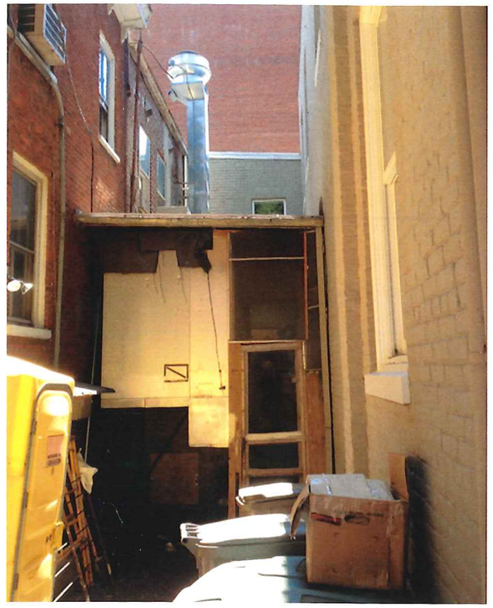
AUGUST 26, 2014

FORMWORK DESIGN LLC, 620 FARISH STREET, CHARLOTTESVILLE, VIRGINIA

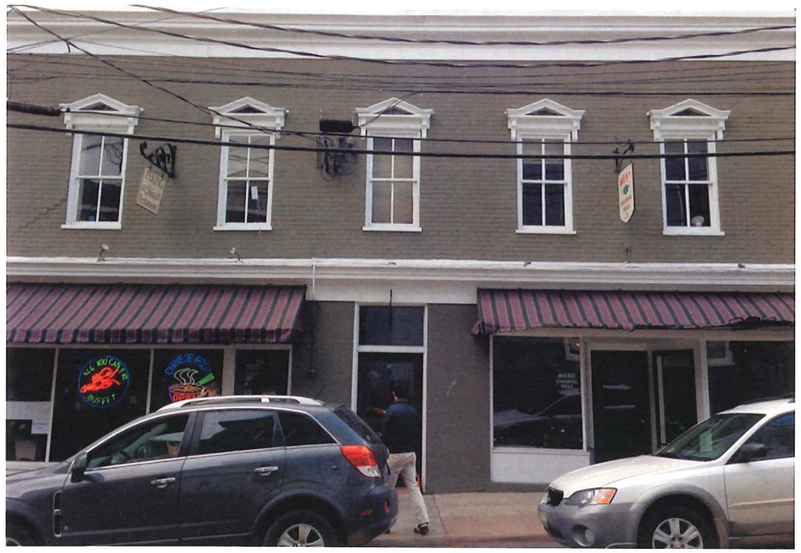


RECEIVED
AUG 26 2014
NEIGHBORHOOD DEVELOPMENT SERVICES

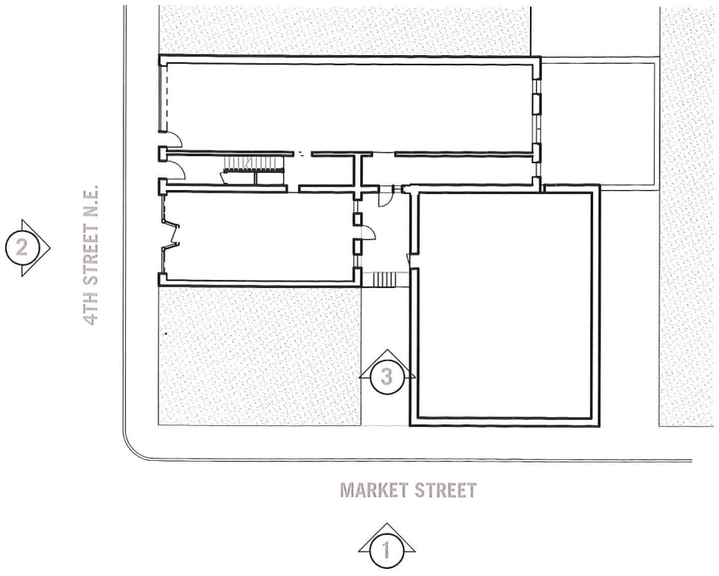
FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223



3 | COURTYARD FACADE

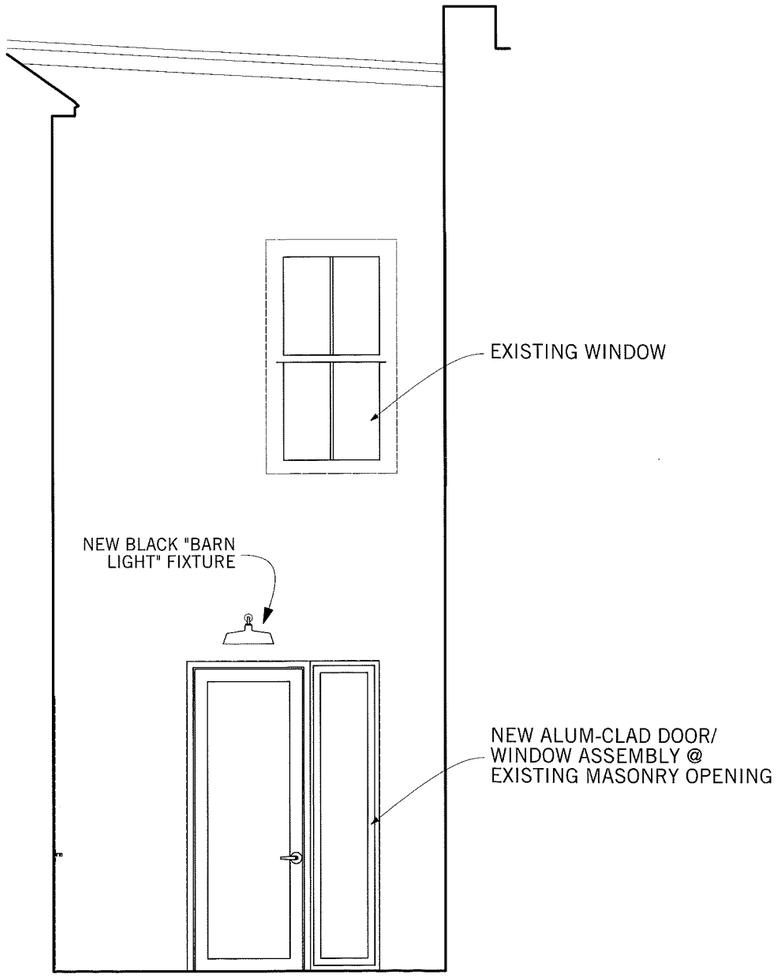


2 | 4TH STREET FACADES

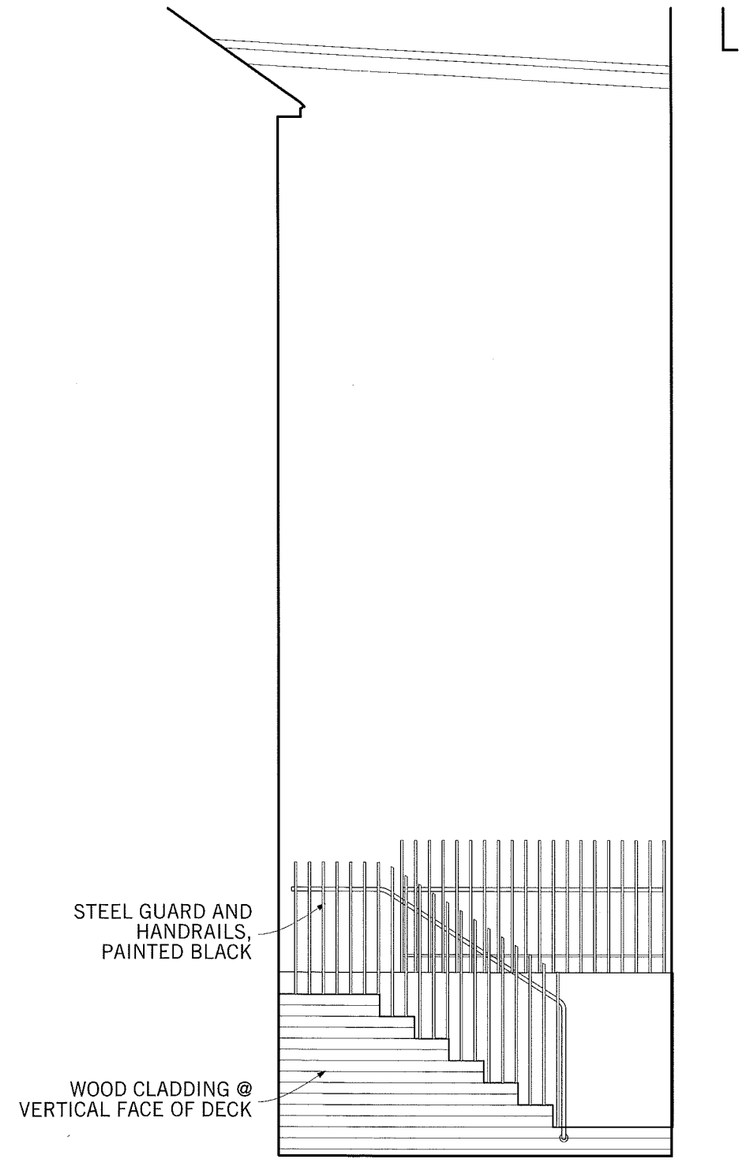


1 | MARKET STREET VIEW OF COURTYARD ENTRANCE

FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223



2 **COURTYARD SOUTH ELEVATION**



1 **COURTYARD DECK ELEVATION**

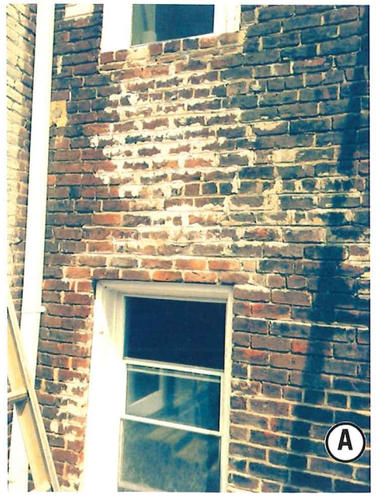
1 **ELEVATION - COURTYARD WEST**

FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223

5 COURTYARD WEST ELEVATION 117-119 4th Street NE | August 25, 2014

1 **COURTYARD ELEVATION EAST**

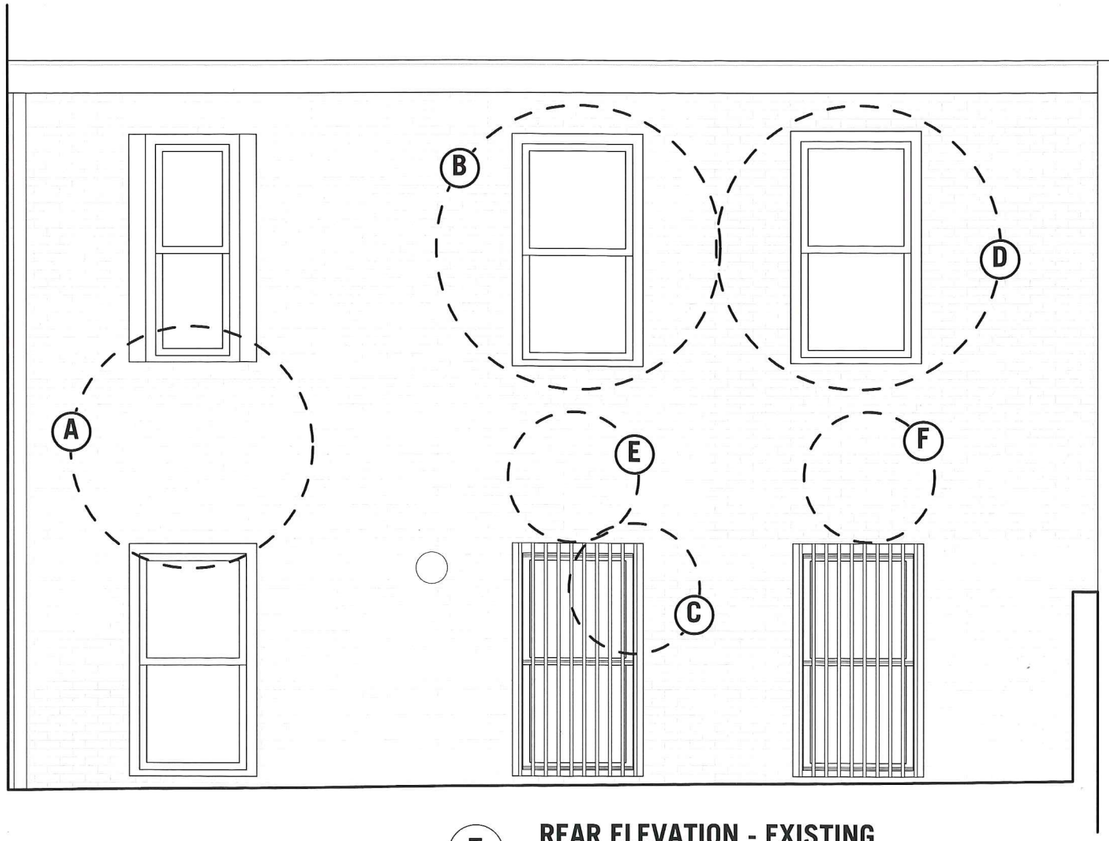
FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223



MASONRY IN POOR CONDITION

RAW MASONRY JAMBS EXPOSED

ALUM. REPLACEMENT WINDOWS



7 REAR ELEVATION - EXISTING

RAW MASONRY JAMBS EXPOSED

MASONRY IN POOR CONDITION

MASONRY IN POOR CONDITION

FORMWORK CHARLOTTESVILLE, VA 22902 434-296-2223

1 **REAR ELEVATION - PROPOSED**