

**From:** Scala, Mary Joy  
**Sent:** Tuesday, April 28, 2015 12:37 PM  
**To:** 'Benney, Joe'  
**Cc:** charles@kabbashfoxandgentry.com; 'billbailey@centurylink.net'; 'Raymond E. Gaines, AIA, FCSI, CCS'  
**Subject:** BAR Actions - 313 E Main Street - April 2015

April 28, 2015

Kilwin's of Charlottesville, LLC  
c/o Joe Benney  
25 Woodland Rd  
Bedford, NY 10506

**Preliminary Discussion**

BAR 15-01-03  
313 E Main Street  
Tax Parcel 330229000  
Charles Kabbash, T/A 414 Associates, Owner/Joe Benny, Kilwin's of Charlottesville, LLC, Applicant  
Demolish and Reconstruct Storefront

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on April 21, 2015. The following action was taken:

**The BAR approved (7-1 with Miller opposed) the façade demolition and renovation as submitted but with the following caveats the BAR wants to see: A detail of the paneling (to be administratively approved); the pattern of the paneling with Kilwin's sign modified so it has a relationship to the paneling below; the door head moved up and flat [not arched] so it matches the window line on the rest of the building; tile choice for the entrance (administrative approval); hanging signage to come back for separate approval.**

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 (October 21, 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](mailto: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](mailto:scala@charlottesville.org)

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
April 21, 2015**



**Certificate of Appropriateness Application**

BAR 15-01-03

313 E Main Street

Tax Parcel 330229000

Charles Kabbash, T/A 414 Associates, Owner/

Joe Benny, Kilwin's of Charlottesville, LLC, Applicant

Demolish and Reconstruct Storefront

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**Background**

313 East Main Street, (1860-67, 1914, 1965) is a contributing property in the Downtown Historic ADC District.

January 20, 2015 - Preliminary discussion only - the BAR is amenable to consider an application to demolish and reconstruct storefront.

**Application**

The applicant wishes to reconstruct the storefront in order to allow for product production and display.

The existing storefront and some flooring will be removed. The existing cornice will remain.

The existing sign panel will be replaced with a new three-panel detail with signage proposed in the center panel, and a new awning below. The awning fabric is Sunbrella "Burgundy." Six gooseneck lamps would illuminate the wall sign. A wall sign alternative could be "halo-lit" letters. A blade or projecting sign with attached gooseneck lighting is also proposed on the west side of the awning. No text will be added to the awning, since only two signs are permitted.

The double door entrance will be moved closer to the mall. The side entrance to the second floor apartments will be moved from the interior location to the mall side, with a new arched opening detail. The arched doorway appears to be the same stucco material as existing.

A new low wall and storefront will be created. The low wall is described as a real wood recessed panel. The panel detail shows two sizes of wood trim added to the wall surface.

Proposed colors are Sherwin Williams "Bagel" as the main exterior color, with "Extra White" and "Black" trim. The exterior flooring abutting the mall bricks has not been decided.

**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 Guidelines for Rehabilitation include:**

***B. Facades and Storefronts***

*Over time, commercial buildings are altered or remodeled to reflect current fashions or to eliminate maintenance problems. Often these improvements are misguided and result in a disjointed and unappealing appearance. Other improvements that use good materials and sensitive design may be as attractive as the original building and these changes should be saved. The following guidelines will help to determine what is worth saving and what should be rebuilt.*

1. *Conduct pictorial research to determine the design of the original building or early changes.*
2. *Conduct exploratory demolition to determine what original fabric remains and its condition.*
3. *Remove any inappropriate materials, signs, or canopies covering the façade.*
4. *Retain all elements, materials, and features that are original to the building or are contextual remodelings, and repair as necessary.*
5. *Restore as many original elements as possible, particularly the materials, windows, decorative details, and cornice.*
6. *When designing new building elements, base the design on the 'typical elements of a Commercial façade and storefront' (see drawing next page).*
7. *Reconstruct missing or original elements, such as cornices, windows, and storefronts, if documentation is available.*
8. *Design new elements that respect the character, materials, and design of the building, yet are distinguished from the original building.*
9. *Depending on the existing building's age, originality of the design and architectural significance, in some cases there may be an opportunity to create a more contemporary façade design when undertaking a renovation project.*
10. *Avoid using materials that are incompatible with the building or within the specific districts, including textured wood siding, unpainted or pressure-treated wood, and vinyl or aluminum siding.*
11. *Avoid introducing inappropriate architectural elements where they never previously existed.*

### **Discussion and Recommendations**

The historic survey says the entire façade was changed, probably in 1914, but there are no early photos. The current storefront could have been later, possibly 1940's, when the Shoe Center moved in. The BAR indicated earlier that the storefront could be replaced.

The proposed reconstruction is generally appropriate. The window glass should be specified as clear, and the storefront material (dark bronze or black aluminum?) should be confirmed.

The two signs will require separate sign permits that may be approved administratively.

### **Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Rehabilitation, I move to find that the proposed façade demolition and reconstruction satisfy the BAR's criteria 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

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 Kilwin's Chocolates Franchise, Inc. Applicant Name Joe Benney  
Project Name/Description Kilwin's of Charlottesville LLC Parcel Number \_\_\_\_\_  
Property Address 313 East Main Street, Charlottesville

### Applicant Information

Address: 25 Woodland Rd  
Bedford, New York 10506  
Email: jbenney@kilwinfranchise.com  
Phone: (W) 770-331-7696 (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.)

Joe Benney <sup>WOB</sup> 12-30-14  
Signature Date

Joe Benney 12/30/2014  
Print Name Date

### Property Owner Information (if not applicant)

Address: 308 E. Market St  
Charlottesville, VA 22902  
Email: charles@kabbashfoxand gentry.com  
Phone: (W) 434-531-6257 (H) \_\_\_\_\_  
FAX: \_\_\_\_\_

### Property Owner Permission (if not applicant)

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

Charlie Kabbash 12/24/14  
Signature Date

CHARLIE KABBASH  
Print Name Date

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

Description of Proposed Work (attach separate narrative if necessary): Adjustment to front of building to allow for product production and display

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

### For Office Use Only

Received by: [Signature]  
Fee paid: 12500 Cash/Ck. # 185  
Date Received: 11/8/15

Approved/Disapproved by: \_\_\_\_\_  
Date: \_\_\_\_\_  
Conditions of approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Kilwins®



## Why we believe we can create a high-quality Kilwins experience on your property:

Kilwins provides an authentic, uniquely American experience, where people come together to celebrate, vacation, and share the very best life has to offer, with their friends and family. We offer premium, hand-crafted confections, we believe in providing exceptional customer service delivered through store owners with personality and a caring attitude, and we create a top quality store environment in which this can consistently happen for our guests.

Our products are the best. We use the finest quality ingredients and our own original recipes, hand-crafted by team members with high standards who relish in creating unbelievable confections that we are proud to share. Our owners drive a knowledgeable, friendly, sincere and customer-centric culture, making Kilwins a favorite family vacation destination, year after year. The Kilwins store environment delivers this through an enjoyably nostalgic setting. We locate stores where people come to celebrate and experience a vacation. Smiles awaken and the senses come to life when customers experience Kilwins!

## Things to know about Kilwins:

Kilwins was founded in 1947, franchised in 1983, and now has 97 locations with additional new stores under construction. We strictly control every aspect of our brand, including store growth, limiting new stores to premium locations, and owners that share our values.

Our three product lines are made from Kilwins original recipes, and include **Hand-crafted Chocolates, Made-in-store Fudge, Caramel Apples, Caramel Corn & Brittle, and Original Recipe Ice Cream.**

Many of our products are crafted on-site, where our guests can see, smell and taste a sample of the treats as they are being made fresh from our in-store kitchens!

Our product line is exclusive, proprietary and is not sold anywhere else.

Many of our products, including ice cream, are delivered by a fleet of Kilwins own trucks, by Kilwins team members.

We offer a proprietarily-designed nostalgic and appealing American store design, brand-right everywhere you look, from the finishes, fixtures, product packaging, in-store winning high-end collateral and merchandising through to the uniforms and music.

Many stores have been operating successfully for decades. Our new stores emerge as a strong and welcome community asset.

Our people reinforce the brand because our team loves the confections we sell as much as our guests do! We also delight in making our guests feel welcome and special!

Kilwins has the highest store average sales of any other similar brand, almost \$200,000 per year higher than our next ranking competitor.

Our products, people, and stores create a brand that is a feast for the senses!



*The Kilwins culture is built on three values:*

- 1 Treat others like you want to be treated.*
- 2 Do your best.*
- 3 Have fun!*



**CHOCOLATES • FUDGE • ICE CREAM**

# Kilwins®



## Our guiding principles to creating a “My Kilwins” experience for all:

The “My Kilwins” guiding principles encompass a drive by every team member, from our kitchen, service and executive staff through our delivery team to create and empower a “Kilwins is MY company” attitude. We enjoy working with each other and are proud of our efforts to support the Brand! We share common values; treating others like we want to be treated, doing our best and having fun. Our core values describe the enduring character of Kilwins, and are the basis of our culture, creating understanding, alignment and trust. This allows us to predict and rely on each other’s actions, delegate authority, responsibility and accountability, and to expect fast and effective results. At Kilwins, we each have the responsibility, ability and motivation to create the best “My Kilwins” for our team and guests.

This spirit continues with our owners, as they genuinely maintain a “this is MY Kilwins store” ethic. Instead of being transaction-focused, Kilwins store teams sincerely convey a message of consistent care for our guests, resulting in a great customer experience. We have high skill levels, are individually motivated, willing to learn from and teach each other, and really care about everything we do. Kilwins team members are nice to others, well intended, do the right thing, and combine common sense, a high standard and motivation to achieve consistently superior results.

The most important aspect of “My Kilwins,” however, is what happens for our guests, as they proclaim the store they frequent to be “MY Kilwins”! For them, that Kilwins is the store THEY love—the place they spend a needed break from work, the place they visit for an ice cream cone with the grandparents and kids, a place that they purchase products they trust and love in order to further the “My Kilwins” experience at home with friends and family, and the place they are excited to introduce to future generations. That’s the “My Kilwins experience”! We drive a “My Kilwins” brand, and in almost 100 locations our family of owners and operators create a “My Kilwins” experience, but our loyal customers continue to carry it forward, introducing converts and new generations to our brand. They become our biggest cheerleaders, which supports our ever-stronger satisfaction and loyalty among customers, potential customers, and franchisees.

## Kilwins believes we have much in common with your brand:

Robert Iger, former chairman of Disney, famously said: “Disney prospers because people take us into their hearts and homes. They have an emotional connection to our brand because of their experiences with it, so our actions as a company must live up to the stories we tell and the characters we share. That is why we take seriously our obligation to produce responsible content and products, maintain respectful workplaces, invest in communities, and care for our planet.”

“In the end, the quality and integrity of our people and product is paramount to us — it’s more important than anything we do.”

THAT is what Kilwins believes, too!



**CHOCOLATES • FUDGE • ICE CREAM**



## Bill Bailey

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**From:** Benney, Joe [jbenney@kilwinsfranchise.com]  
**Sent:** Thursday, February 19, 2015 10:37 AM  
**To:** billbailey@centurylink.net  
**Cc:** Benney, Joe  
**Subject:** FW: 2 store front options  
**Attachments:** Charlottesville storefront options.pdf; \_Certification\_.htm

Please note that measurements, height restrictions, etc, are all taken into consideration and shown fairly accurately within the restrictions presented.

The signage as shown in option "B" can be illuminated from within, or from the back as a backlit "halo" sign, or both, or just illuminated from the front as shown. I do not have the sign restrictions of the area, but we can work within any of the local code requirements as revealed, including a choice of the actual signage materials the sign is built from. We typically work with a local sign provider who helps us understand local code restrictions and assists in applying for the proper permitting. The blade sign is highly dimensional. The awning fabric is Sunbrella® commercial-grade "burgundy" and the exterior paint color is Sherwin Williams® "bagel", used with "extra white" and black.

The panel detail is not painted on, but entails the use of a real wood recessed panel consisting of a 4" wood strip in "bagel" as shown, and a quarter round accent on the interior of that strip, and black detail on the trim quarter-round only. The interior panel is "extra white". The façade, except for the window capture, would be realized in wood and is dimensional.

The white fascia trim at the top must remain unless we are willing to increase construction costs substantially-it is the trim piece on a small mansard roofing section that we would not want to remove, for two reasons: 1) It appears to be original to the building or has at least been there for a long time, and has architectural integrity on its own, and 2) We may be opening a issue that will require additional construction. Also, we would have to do SOMETHING with the space once it is removed-and adding trim would not change the look from what it already is. Masonry work would perhaps strip out detail that may be original, and almost certainly would not match the original brick on the building.

As to the arch on the door on the right, this is an accurate detail given other buildings in the area, although we would be able to make that ceiling line flat as well, it just reduces the corridor to more of an afterthought, instead of something that looks like it could have been original to the building. We would want to include an appropriate surface-mount ceiling fixture above that area.

The above-door address decal would be realized in a typeface that is appropriate to the age of the building.

Regards, Regards,

### Joe Benney

Kilwins Chocolates Franchise, Inc.  
1050 Bay View Road  
Petoskey, MI 49770  
(W) 770-331-7696  
[jbenney@kilwinsfranchise.com](mailto:jbenney@kilwinsfranchise.com)

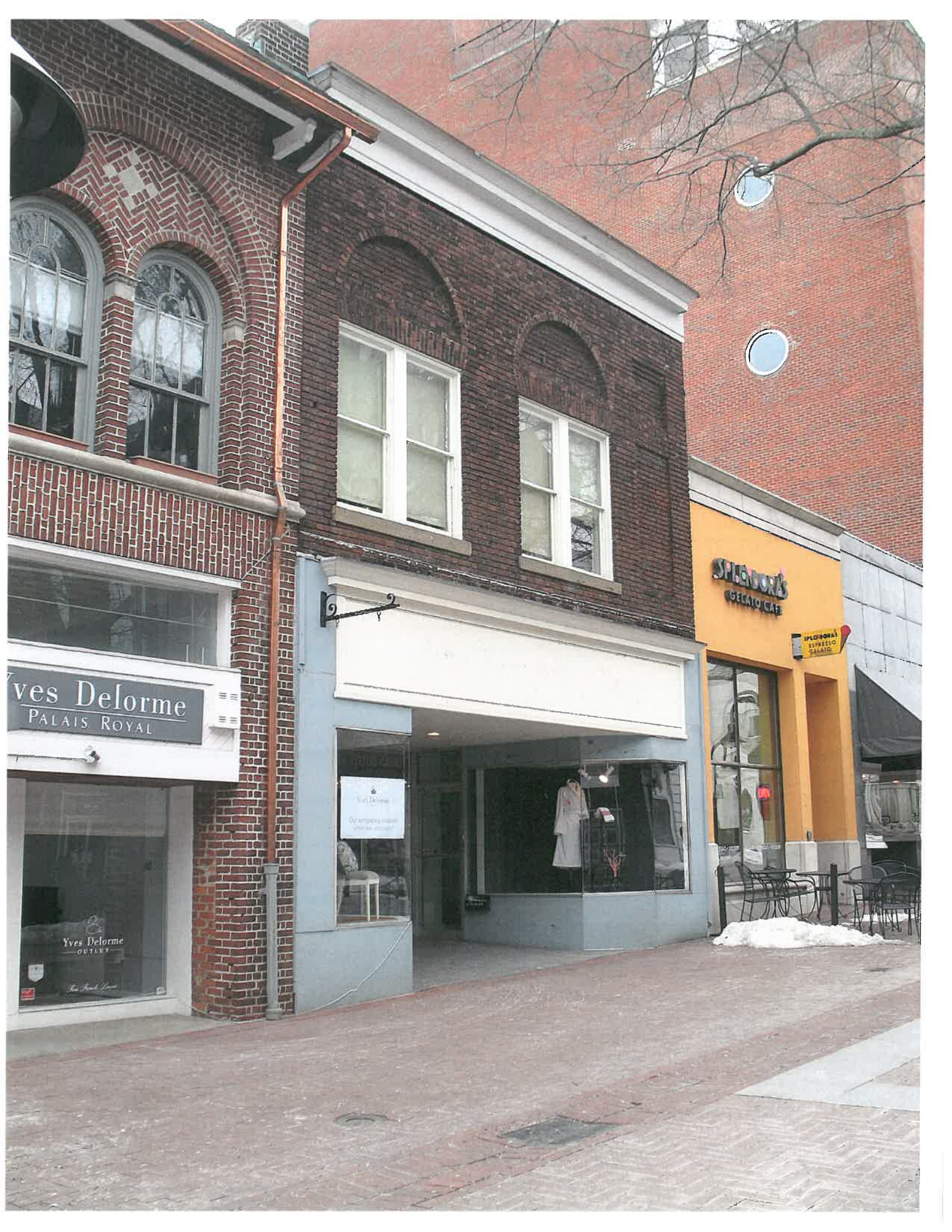




**SPLENDORAS**  
GELATO CAFE

Yves Delorme  
PALAIS ROYAL

GELATO / ESPRESSO / DESSERT  
GELATO / ESPRESSO



Yves Delorme  
PALAIS ROYAL

[Large white sign above the entrance]

SPINOBORG'S  
GELATO CAFE

SPINOBORG'S  
ESPRESSO  
GELATO

Yves Delorme  
OUTLET

Yves Delorme  
On temporary location  
until the renovation

[Outdoor seating area with tables and chairs]



Aves De l'orme  
Our temporary location  
while we renovate!

ETI  
CYCLES



**Kilwins**

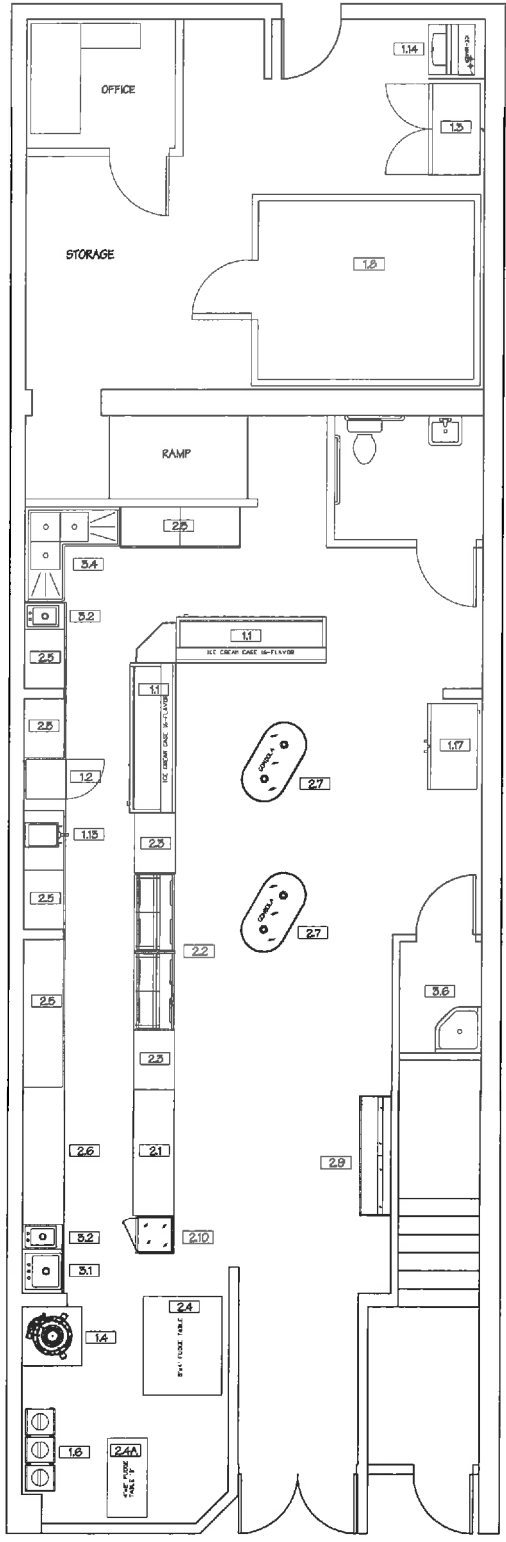
**CHOCOLATES ♦ FUDGE ♦ ICE CREAM**

313

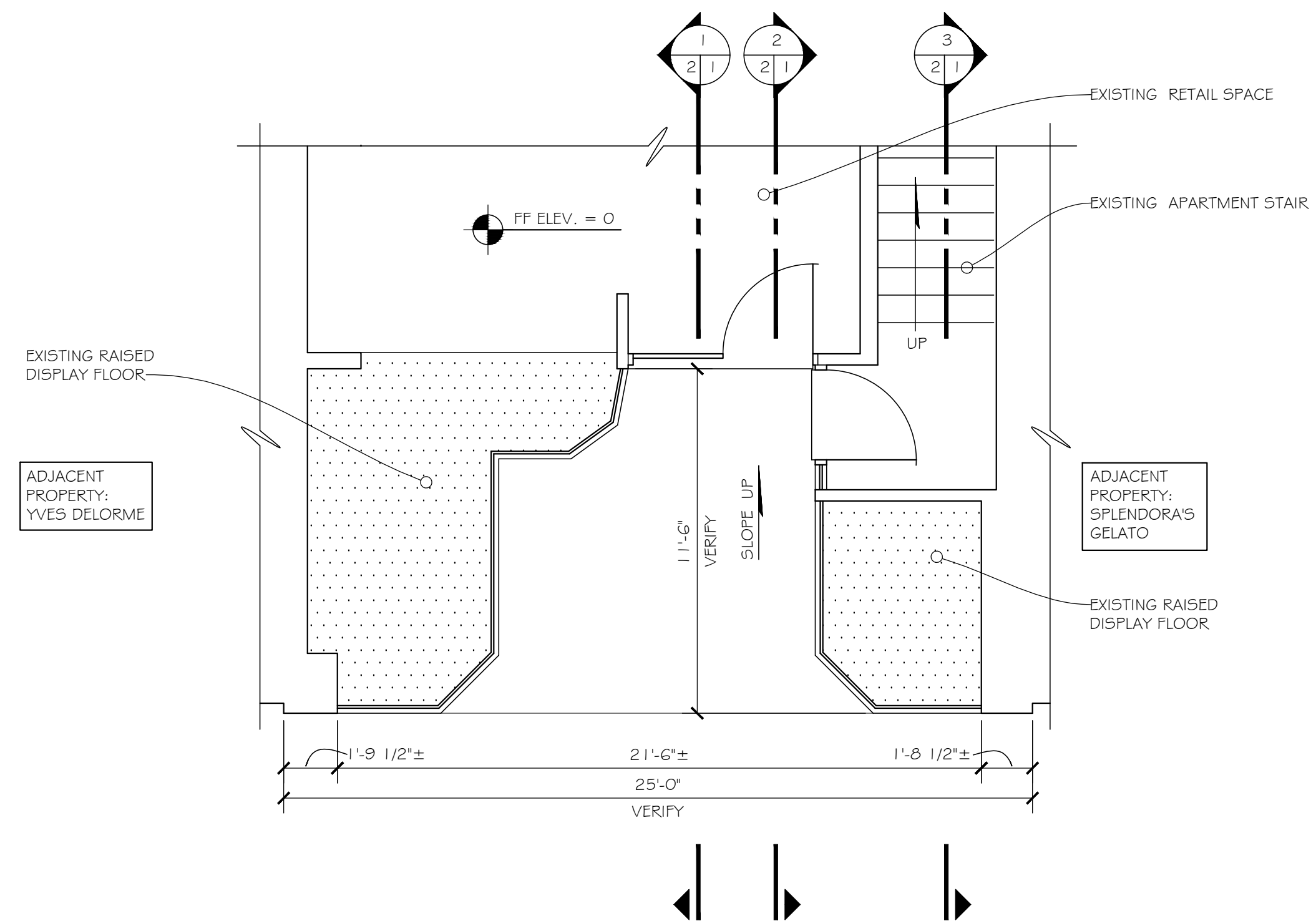
**Kilwins**  
"MADE IN THE USA SINCE 1917"

**Kilwins**  
"MADE IN THE USA SINCE 1917"

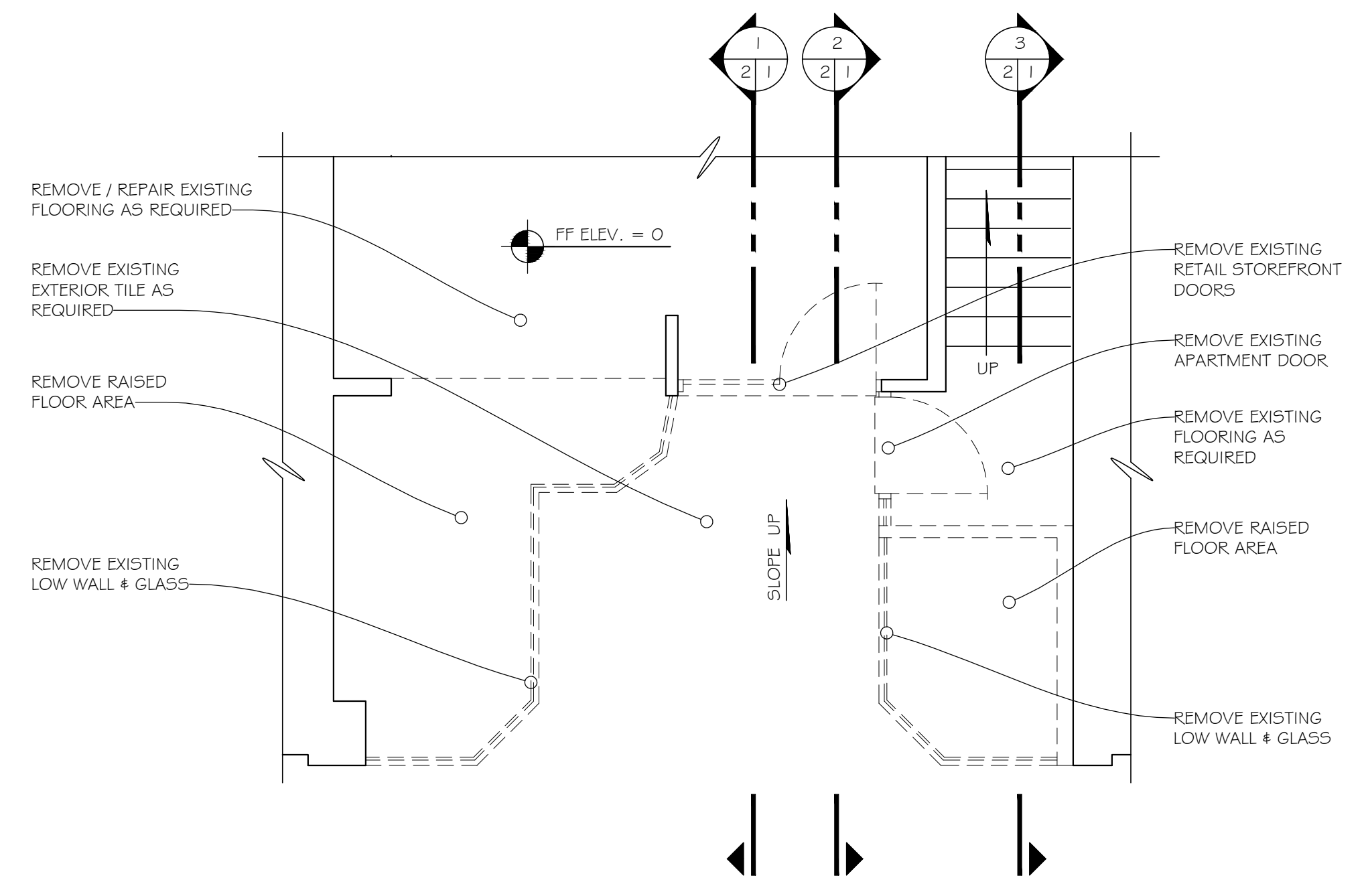
**Kilwins**  
"MADE IN THE USA SINCE 1917"



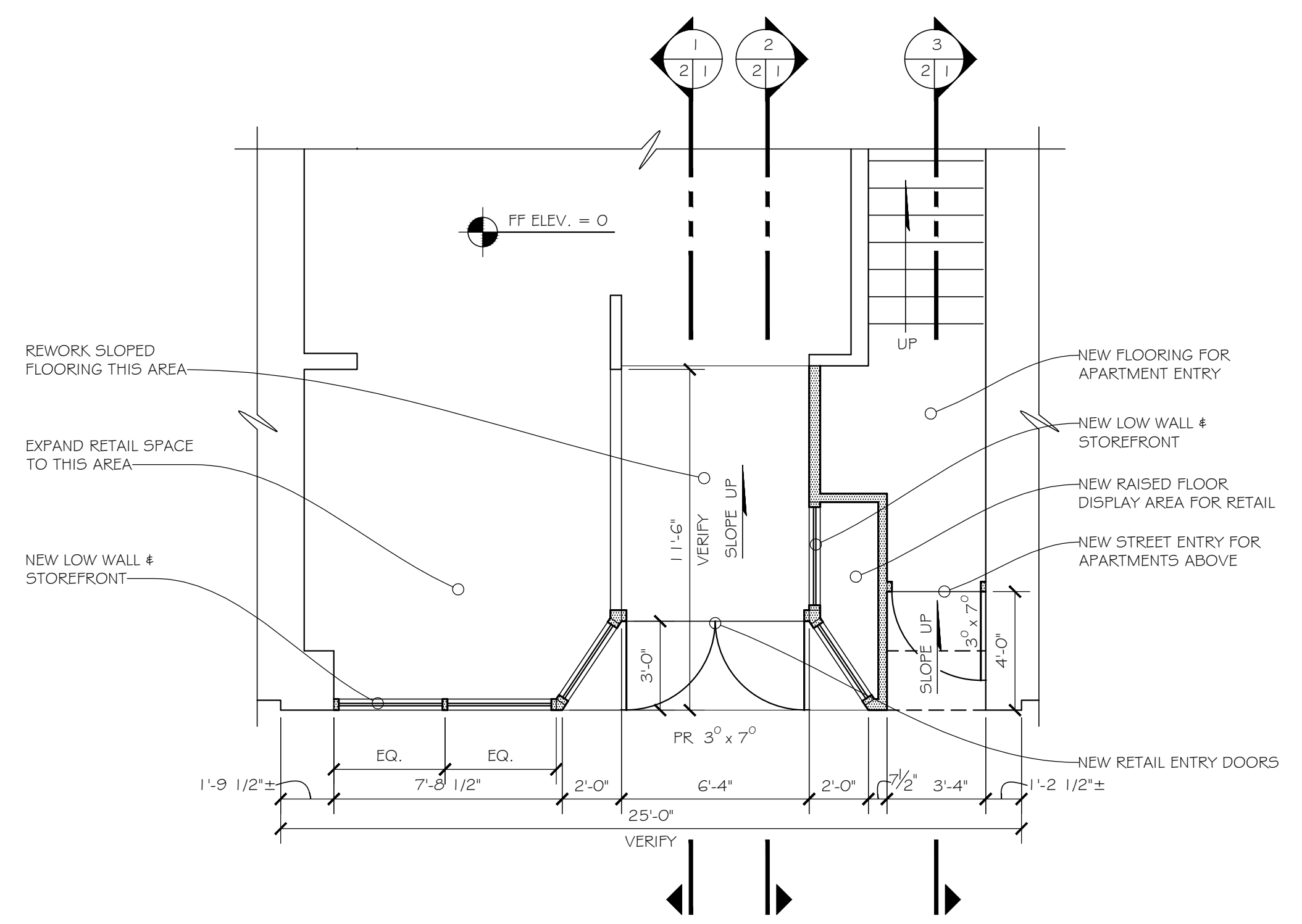
- EQUIPMENT SCHEDULE:
- 11 - ICE CREAM DIPPING CASE, 16-FLAVOR
  - 12 - REFRIGERATOR, UNDER-COUNTER
  - 13 - REFRIGERATOR
  - 14 - FUDGE STONE & EXHAUST HOOD
  - 16 - HILLIARD CHOCOLATE MELTER
  - 17 - WAFFLE CONE MAKER
  - 18 - WALK-IN FREEZER
  - 110 - ESPRESSO MACHINE
  - 114 - ICE MAKER
  - 117 - FREEZER, ICE CREAM CAKE
  - 21 - FUDGE DISPLAY
  - 22 - CANDY DISPLAY
  - 23 - POS CHECK-OUT STATION
  - 24 - FUDGE TABLE 4x5
  - 24A - FUDGE TABLE 2x4
  - 25 - WORK CABINET
  - 26 - BATCHING STATION
  - 27 - GONDOLA DISPLAY FIXTURE
  - 28 - RETAIL MIRRORRED WALL DISPLAY
  - 31 - PREP SINK
  - 32 - HAND SINK
  - 34 - THREE-COMPARTMENT SINK
  - 36 - MOP SINK



PLAN - EXISTING  
SCALE: 1/4" = 1'-0"



PLAN - DEMO  
SCALE: 1/4" = 1'-0"



PLAN - PROPOSED  
SCALE: 1/4" = 1'-0"

REVISIONS

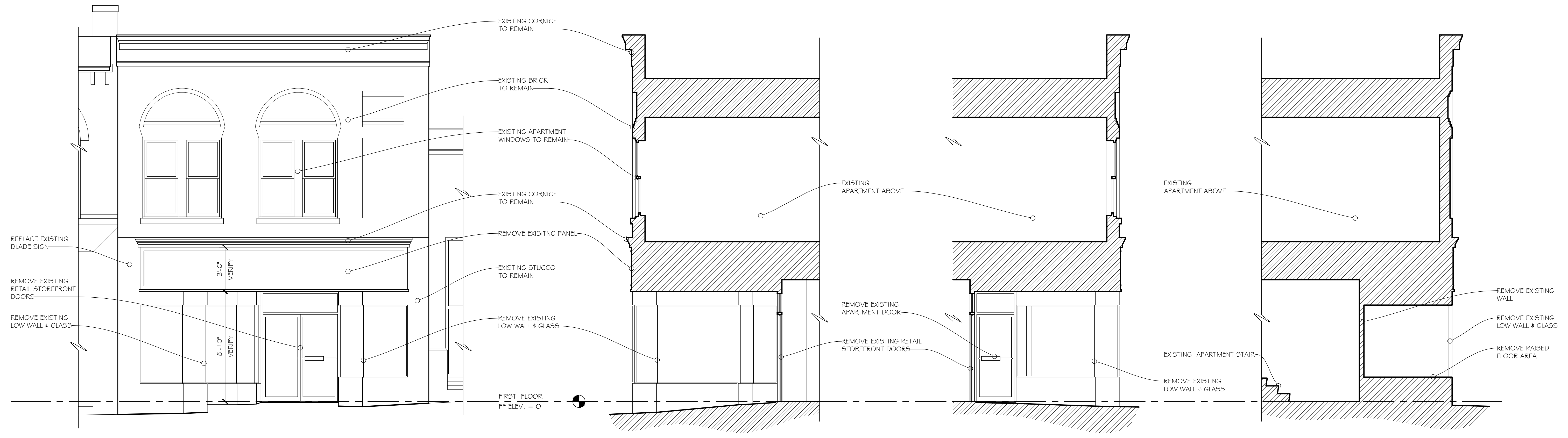
B.A.R. SUBMITTAL  
NOT FOR CONSTRUCTION USE

THE GAINES GROUP, PLC  
RESIDENTIAL & COMMERCIAL ARCHITECTURE

STOREFRONT IMPROVEMENTS  
KILWINS CHOCOLATES FRANCHISE, INC.  
313 EAST MAIN STREET  
CHARLOTTEVILLE, VIRGINIA

JOB NO:  
1509  
DATE:  
3-18-15  
DRAWN:  
PMT

BAR  
1

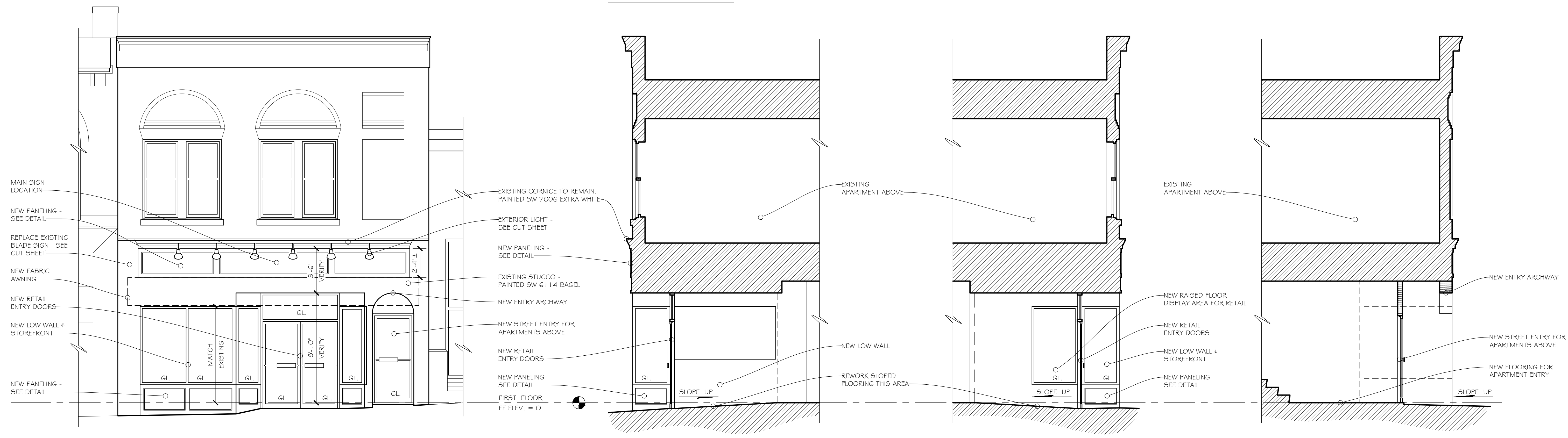
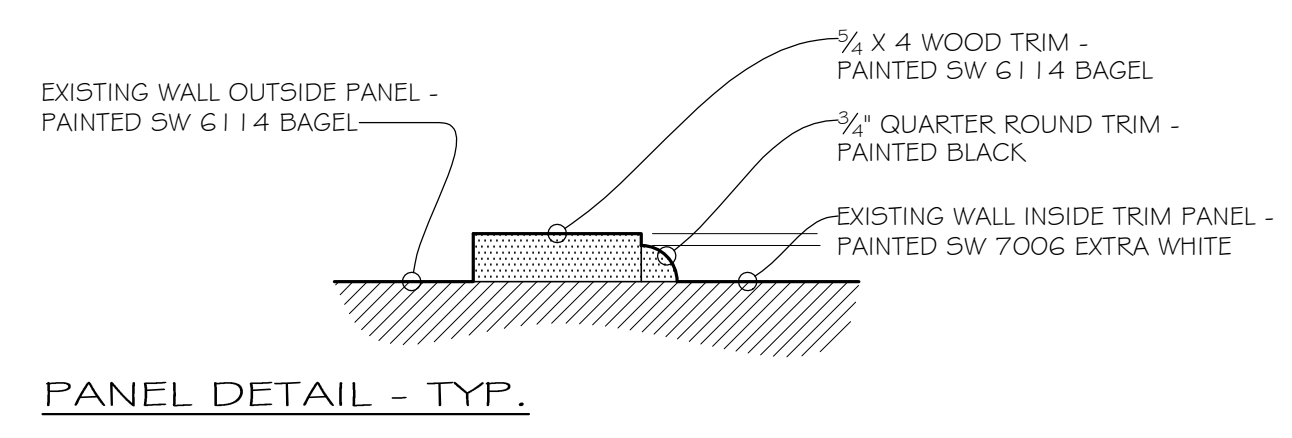


ELEVATION - EXISTING / DEMO  
SCALE: 1/4" = 1'-0"

1 SECTION - EXISTING / DEMO  
2 1 SCALE: 1/4" = 1'-0"

2 SECTION - EXISTING / DEMO  
2 1 SCALE: 1/4" = 1'-0"

3 SECTION - EXISTING / DEMO  
2 1 SCALE: 1/4" = 1'-0"



ELEVATION - PROPOSED  
SCALE: 1/4" = 1'-0"

1 SECTION - PROPOSED  
2 1 SCALE: 1/4" = 1'-0"

2 SECTION - PROPOSED  
2 1 SCALE: 1/4" = 1'-0"

3 SECTION - PROPOSED  
2 1 SCALE: 1/4" = 1'-0"

REVISIONS

B.A.R. SUBMITTAL  
NOT FOR CONSTRUCTION USE

THE GAINES GROUP, PLC  
RESIDENTIAL & COMMERCIAL ARCHITECTURE

STOREFRONT IMPROVEMENTS  
KILWINS CHOCOLATES FRANCHISE, INC.  
313 EAST MAIN STREET  
CHARLOTTEVILLE, VIRGINIA

JOB NO:  
1509  
DATE:  
3-18-15  
DRAWN:  
PMT

BAR  
2