

**From:** Scala, Mary Joy  
**Sent:** Thursday, July 23, 2015 5:07 PM  
**To:** 'Benney, Joe'; 'billbailey@centurylink.net'  
**Cc:** 'Paul Tassell'; charles@kabbashfoxandgentry.com  
**Subject:** BAR Action - July 21, 2015 -313 E Main Street

July 23, 2015

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

**Certificate of Appropriateness Application(deferred from April)**

BAR 15-01-03

313 East Main Street

Tax Parcel 330229000

Charles Kabbash, T/A 414 Associates, Owner/ Joe Benny, Kilwin's of  
Charlottesville, LLC, Applicant

Demolish and reconstruct storefront-final details

Dear Applicant,

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

**The BAR approved the application as submitted (9-0) with addendums:**

- (1) the light fixture selection, wattage, and placement (administrative approval);**
- (2) consider a more adventurous tile plan (with administrative approval if you wish to reconsider the tile);**
- (3) consider more creative door handles, rather than stock design.**

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 (January 21, 2017), 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  
July 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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**NOTE: Changes in bold.**

**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.

**April 21, 2015 - 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.**

**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. **The panel sizes have been modified to better relate to the paneling under the storefront window, as requested.** The proposed awning fabric is Sunbrella "Burgundy." Six gooseneck lamps would illuminate the wall sign.

**The paneling detail under the storefront window is the same as previously.**

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 directly access the mall. **The doorway is now flat (not arched) on top, as requested.**

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 is proposed to be tile. A sample has been provided.**

**No additional details have been provided for the hanging sign.**

### **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 BAR had expressed concern previously that the substrate for the paneling was plywood that is currently warping badly. This needs to be addressed. The storefront should be refaced with a more stable material, or possibly stuccoed over.

The BAR had also requested a drawing to show how the hanging sign (and lights) would be positioned in relation to the awning. That still needs to be resolved.

### **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: \_\_\_\_\_

**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: \_\_\_\_\_

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.)

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

Joe Benney 12/30/2014  
Print Name Date

**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

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):

<p><b>For Office Use Only</b></p> <p>Received by: <u>[Signature]</u></p> <p>Fee paid: <u>12500</u> Cash/ck. # <u>185</u></p> <p>Date Received: <u>11/8/15</u></p>	<p>Approved/Disapproved by: _____</p> <p>Date: _____</p> <p>Conditions of approval: _____</p> <p>_____</p> <p>_____</p>
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SW 6112  
Biscuit

SW 6113  
Interactive Cream

SW 6114  
Bagel

SW 6115  
Totally Tan

SW 6116  
Tatami Tan

SW 6117  
Smokey Topaz

SW 6118  
Leather Bound

37

SW 6252  
Ice Cube

SW 6253  
Olympus White

SW 6254  
Lazy Gray

SW 6255  
Morning Fog

SW 6256  
Serious Gray

SW 6257  
Cabrillo

SW 6258  
Tricorn Black

140

SW 7004  
Snowbound

SW 7005  
Pure White

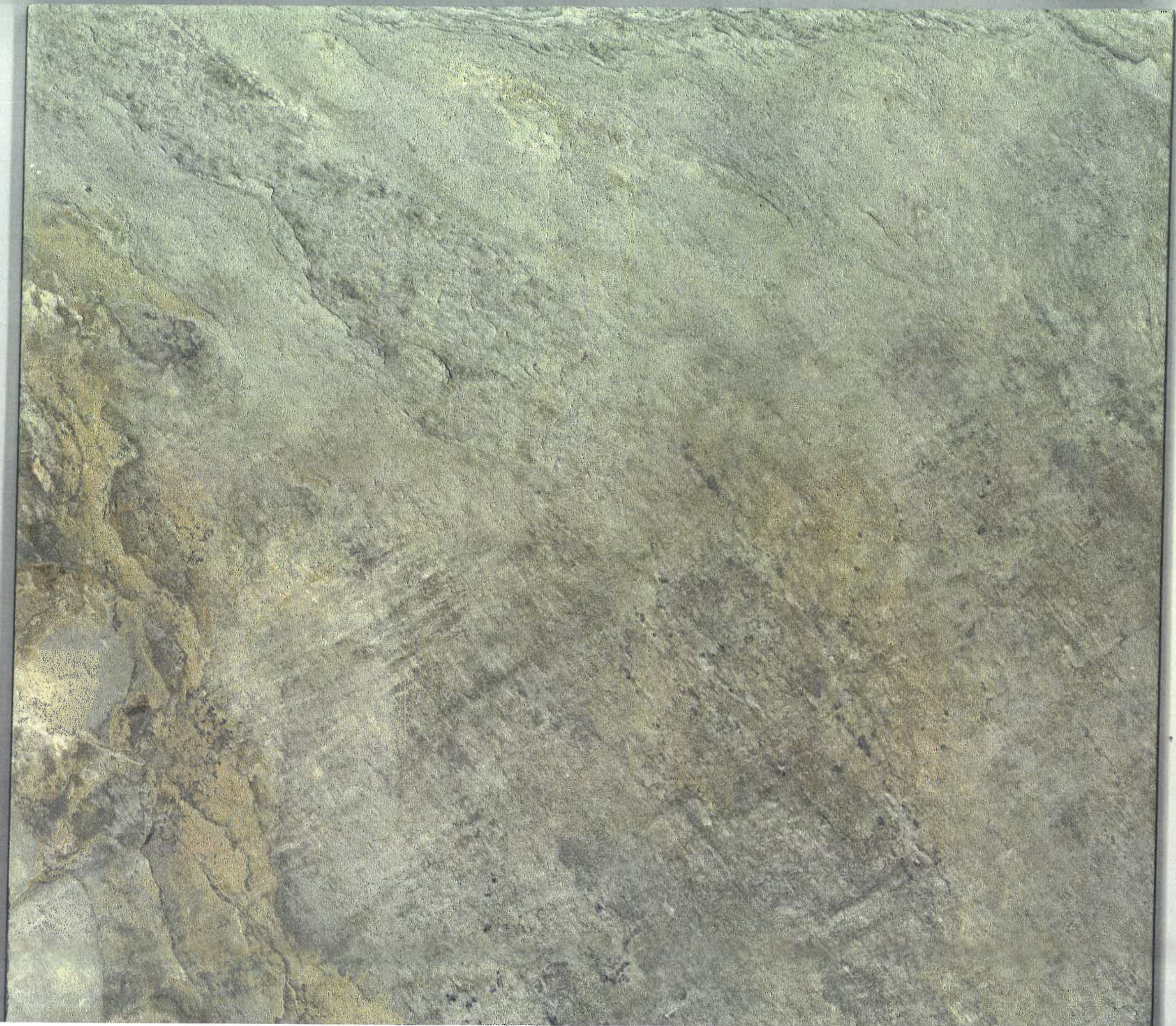
SW 7006  
Extra White

SW 7007  
Ceiling Bright White











**Daltile**

Series: Franciscan Slate

Part #: FS9612121P6

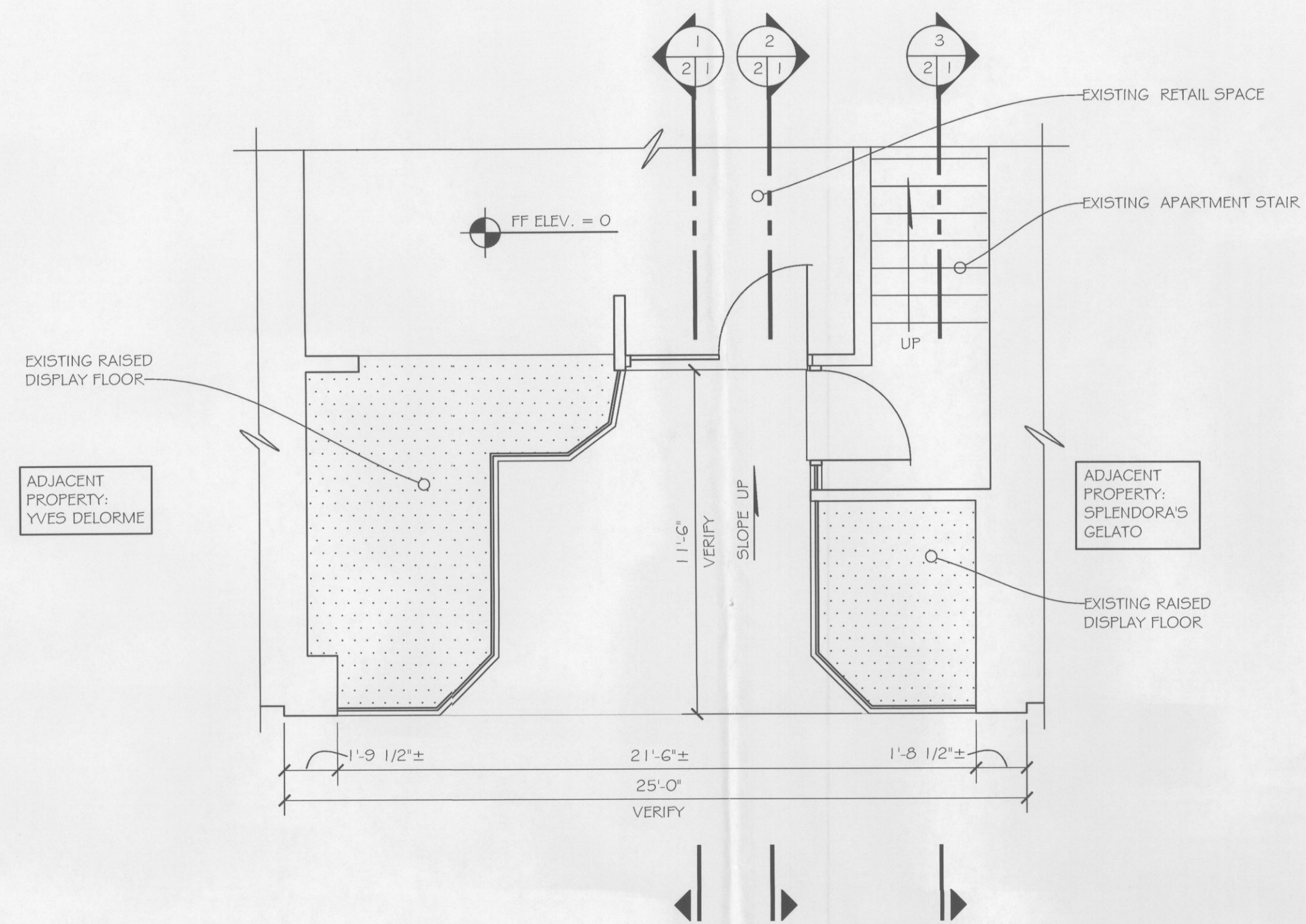
Description: 12X12 SAMPLE FS96 WOODLAND VERDE STD

Sample SKU#: FS961212SAM1P6

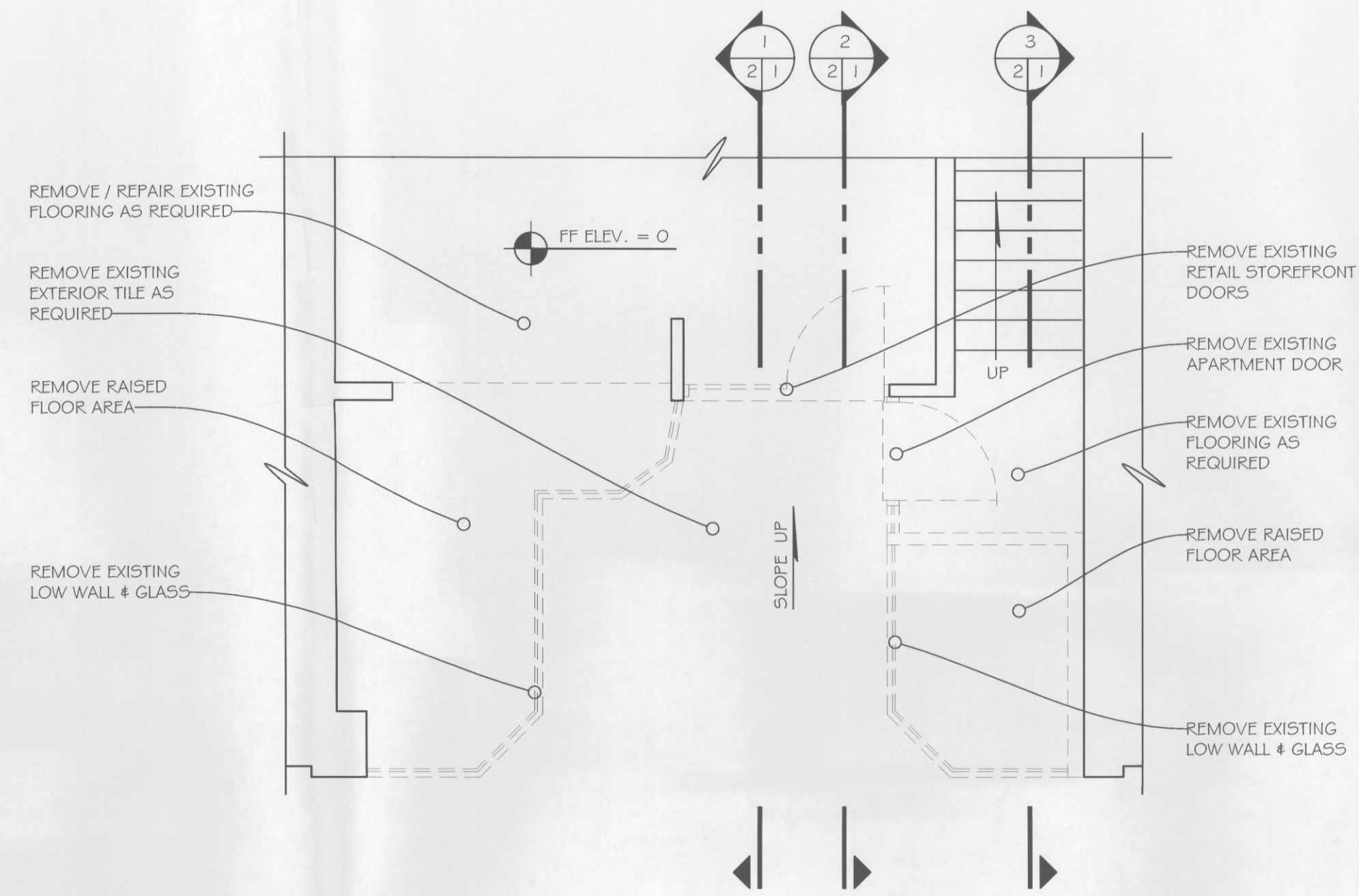
Note: Shade variation is inherent in all porcelain, ceramic, natural stone, glass, and wood products. Please inspect tile prior to setting, use of the product constitutes acceptance.

[www.daltile.com](http://www.daltile.com)

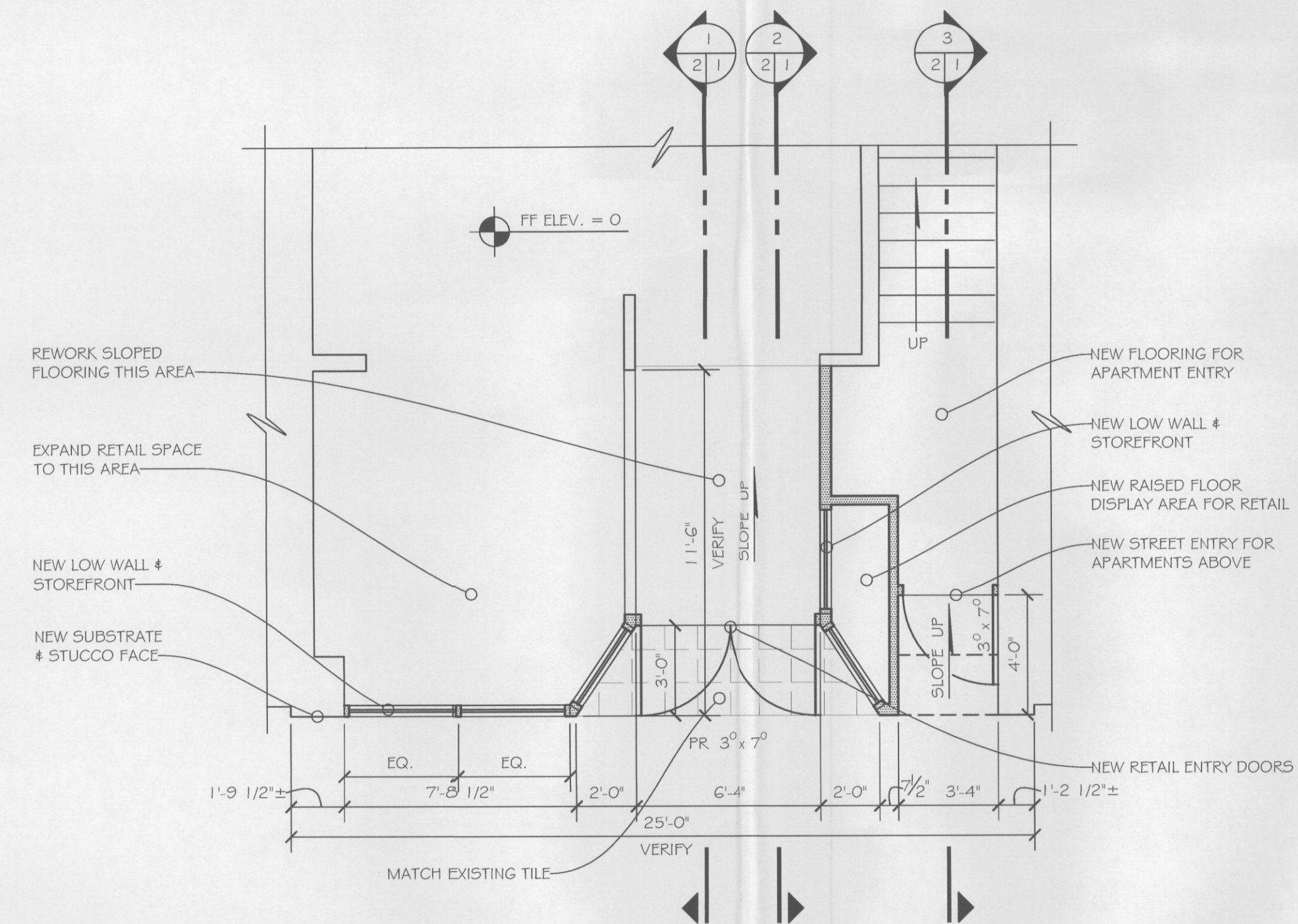




PLAN - EXISTING  
SCALE: 1/4" = 1'-0"



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



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

REVISIONS

B.A.R. SUBMITTAL  
NOT FOR CONSTRUCTION USE

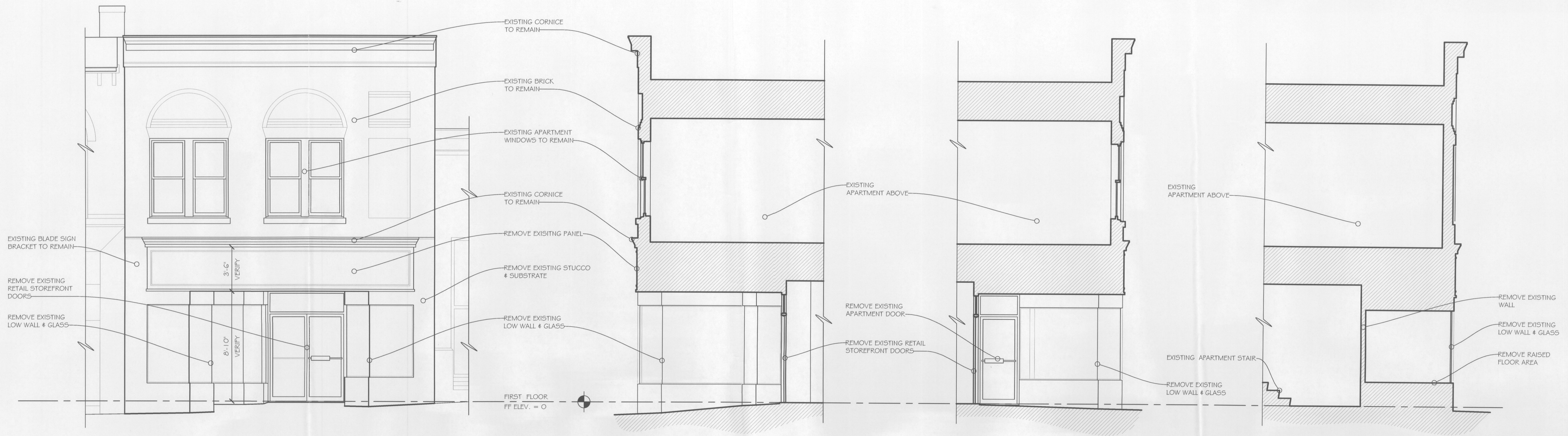
THE GAINES GROUP, PLC  
RESIDENTIAL & COMMERCIAL ARCHITECTURE

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

JOB NO:  
1509  
DATE:  
6-23-15  
DRAWN:  
PMT

BAR  
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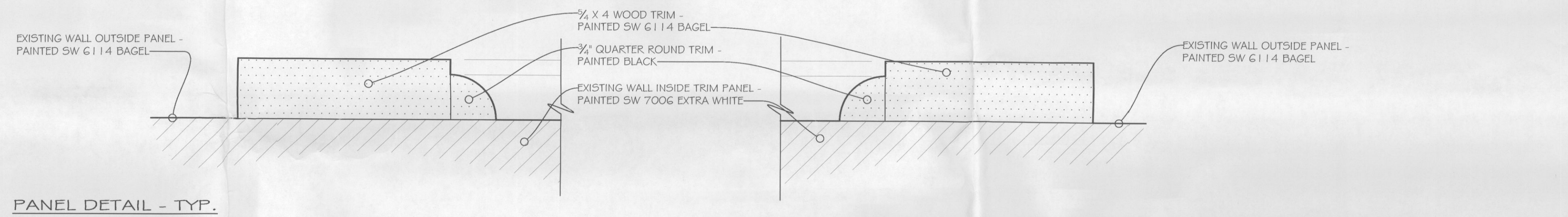


ELEVATION - EXISTING / DEMO  
SCALE: 1/4" = 1'-0"

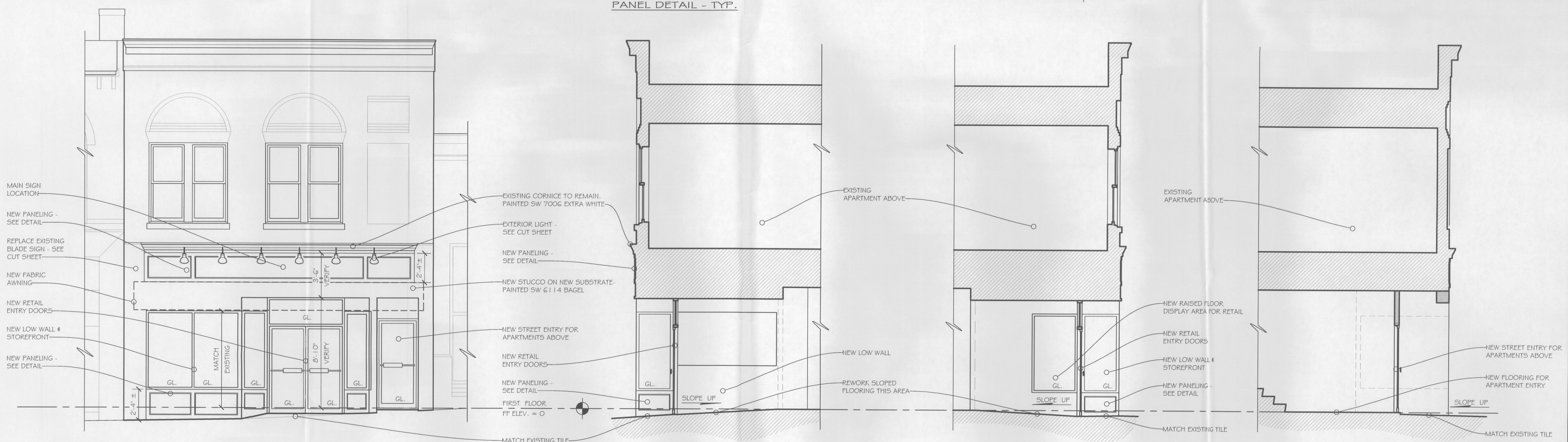
1 SECTION - EXISTING / DEMO  
SCALE: 1/4" = 1'-0"

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

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



PANEL DETAIL - TYP.



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

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

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

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

REVISIONS

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

JOB NO: 1509  
DATE: 6-23-15  
DRAWN: PMT

BAR  
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