

From: Scala, Mary Joy
Sent: Tuesday, July 26, 2016 3:47 PM
To: Liz Sutphen (eids@earthlink.net)
Subject: BAR Action - 402 Altamont STreet - July 19, 2016

July 26, 2016

Elizabeth Sutphen
P.O. Box 330
Earlsville, VA 22936

RE: Certificate of Appropriateness Application

BAR 16-07-03
402 Altamont Street
Tax Parcel 330152000
Elizabeth Sutphen, Owner/Applicant
Backyard privacy fence

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on July 19, 2016. The following action was taken:

Schwarz moved to find that the proposed new fence satisfies the BAR's criteria and is compatible with this property and other properties in the North Downtown ADC district, and that the BAR approves the application as submitted (both styles and colors), and approves the repair of the steps and the shed, negating the window replacement (to come back at a different time). Balut seconded. Motion passed (7-0).

To clarify, the BAR approved a 6 ft. high privacy fence, to be painted within one year of construction; to include privacy panels shielding neighbor's trash area & area along the steps to back of yard/gate, as discussed at the BAR meeting. The approved shed is described as a "garden chalet" in rear of property within fence boundaries; to be painted the same color as the fence within 1 year of installation. The concrete steps to backyard may be repaired or replaced with similar concrete steps.

This certificate of appropriateness shall expire in 18 months (January 19, 2018), 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.

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

Received at BAR meeting
July 19, 2016

13 July 2016

TO: Charlottesville Board of Architectural Review (BAR)

We are new Charlottesville home owners (402 Altamont St.) effective April 2016. This is our first experience working with the Charlottesville Board of Architectural Review for approval of desired home improvements to our property.

Our home at 402 Altamont St. is currently used as a rental for UVa and local business professionals but we plan to occupy the home in the next 3-5 years.

The approvals we are requesting are as follows:

1. Backyard fence for safety, security and privacy
2. Replacement of windows in upstairs bedrooms & bathroom due to safety hazard
3. Repair of backyard stairs due to safety hazard; will include upgrade of walkway to back of home
4. Construction of small "Garden Chalet" (shed) in backyard within fence boundaries for storage and security of personal belongings

Fence

The design and plans for our original backyard fence (shadow box with lattice top) were administrately approved on by Ms. Mary Joy Scala on 13 Jun 2016. The fence met all guidelines as established in BAR Site & Design Elements for C. Walls & Fences. The fencing materials were delivered to our home in accordance with the preplanned delivery schedule. Our neighbors on both sides of our home were informed of the fence in advance of the materials being delivered. Construction was halted due to neighbor (Mr. Kavit) appeal received by Ms. Scala the day before the construction was scheduled to begin. We arranged for all the fencing materials to be returned to the supplier at our cost and lost our contractor to execute the work until an undetermined later date.

Mr. Kavit's appeal states the fence will effect his property rights & that he believes the BAR would not have approved the fence.

Regarding Mr. Kavit's property rights, our Attorney (Mr. Brian S. Johnson, PLLC) has advised us of the following and recommended we submit this statement to the BAR:

- 1.) To our knowledge and our Attorney, no legal easement exists in favor of neighbor Mr. Kavit.
- 2.) That a dispute over an alleged easement would not be within the purview of the BAR.
- 3.) After the fence is built, the neighbor (Mr. Kavit) can gain full access to his side yard/gas meter/trash cans by either trimming back his landscaping or building some steps that would allow access to his side yard. Full access is also available from other side of his house.

We are requesting BAR approval for a 6 ft straight board fence with a lattice top (see Attachment-Fence Design). This is considered a "good neighbor fence" according to professional fence designs because it looks the same on both sides. The same fence design is used by other homeowners in the downtown Charlottesville historic district (see Attachment -Other Example). A high quality dark paint will be professionally applied within 1 year (BAR requirement) due to the necessary weathering for

pressure treated wood (see Attachment – possible paint colors). It will be a custom built fence by a reputable contractor that provides a guarantee on all workmanship.

The selected fence will begin at the bottom of our backyard stairs on the left side of the house & include privacy panels covering the neighbor's trash can area and the area along the stairs (see Attachments - Property Survey & Photo of side yard). A modified railing will be added to the privacy panel along the stairs for safety and to satisfy insurance requirements. These additions will not be visible from the road or in any way change the appearance of the front of the home. There will be two 6 ft. gates, constructed in the same design, recessed in the backyard on both sides of the house (see Attachment – Property Survey).

Windows

The windows in the upstairs bathroom and all bedrooms are not easily opened by the tenants and present a significant safety hazard for fire or other emergencies. Request BAR approval to replace all the windows (6 total) in accordance with Charlottesville Historic Board requirements (see Attachment – new Window specifications). They will be Jeld-Wen AuraLast windows which are used in historic lighthouses & other historic buildings across the country.

Backyard Stairs/Walkway

The backyard stairs, made of concrete, have broken sections (see Attachment – photo Backyard Stairs). Request BAR approval to repair these stairs using concrete materials to insure the safety of our tenants. Approval of a second railing attached to the privacy panel that will be installed along the stairs is also requested for additional safety & home insurance purposes. Request approval of a walkway constructed out of stepping stones or brick from the stairs to the back of the yard. This walkway will not be visible from the road.

Garden Chalet

The Garden Chalet (see Attachment – Garden Chalet) will be installed inside the fence in the backyard. The dimensions are approximately 6ft height by 3 ft wide. Request BAR approval for the installation of the Garden Chalet or similar design in our backyard.

In conclusion, request BAR approval for all additions and improvements as outlined above (Items #1-4) to be completed on a timeframe at the determination of home owner in accordance with availability of contractors to execute the work.

Also, in reference to neighbor's (Mr. Kavit) appeal, this letter serves to advise the BAR that Mr. Kavit is not our endorsed representative to the BAR on current or future Altamont St. neighborhood historic issues. There is no approval or support from us for his Altamont St. "neighborhood" statements or positions expressed to the BAR.

We look forward to occupying our Altamont St. home in the future and maintaining it to the highest standards in accordance with Charlottesville BAR recommendations.

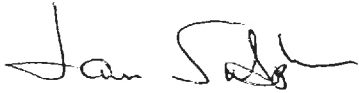
Thank you for your assistance.

Sincerely,



Elizabeth Sutphen, D.Sc., M.P.H.

Senior Manager, U.S. Army National Ground Intelligence Center



James Sutphen, M.D., Ph.D.

Professor of Pediatrics, University of Virginia

Attachments (8)



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 Email scala@charlottesville.org

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.
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 3:30 p.m.

Owner Name Elizabeth & James Sutphen Applicant Name Same
Project Name/Description HOME IMPROVEMENTS/REPAIR Parcel Number Provided via email
Project Property Address 402 Altamont St., Charlottesville, VA.

Applicant Information

Address: P.O. Box 330
Earlsville, VA. 22936
Email: eids@earthlink.net
Phone: (W) 980-7619 (C) 987-0696

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Elizabeth Sutphen 13 Jul 2016
Signature James Sutphen 13 Jul 2016 Date

Property Owner Information (if not applicant)

Address: _____
Email: _____
Phone: (W) _____ (C) _____

ELIZABETH SUTPHEN 13 JUL 2016
Print Name JAMES L. SUTPHEN Date 13 JUL 2016
Property Owner Permission (if not applicant)

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

Signature _____ Date _____

Print Name _____ Date _____

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

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

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

For Office Use Only	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____

Revised 2016



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 Email scala@charlottesville.org

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.
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 3:30 p.m.

Owner Name Elizabeth Sutphen Applicant Name Elizabeth Sutphen
Project Name/Description Privacy fence Parcel Number Provided via email
Project Property Address 402 Altamont St., Charlottesville, VA.

Applicant Information

Address: P.O. Box 330
Earlysville, VA 22936
Email: ejds@earthlink.net
Phone: (W) 434-973-8086 (C) 434-987-0696

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Signature _____ Date _____

Property Owner Information (if not applicant)

Address: _____
Email: _____
Phone: (W) _____ (C) _____

Print Name _____ Date _____

Property Owner Permission (if not applicant)

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

Signature _____ Date _____

Print Name _____ Date _____

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

Description of Proposed Work (attach separate narrative if necessary): Build "shadow box" design fence around perimeter of backyard; include two gates in backyard.

List All Attachments (see reverse side for submittal requirements): Sent via email to Ms. Scala.

For Office Use Only

Received by: O. Eubank
Fee paid: 100.00 Cash/Ck. # 4169
Date Received: 8/25/16

Approved/Disapproved by: MJ Scala
Date: June 13, 2016
Conditions of approval: To be painted within one year from date of installation.

Revised 2016

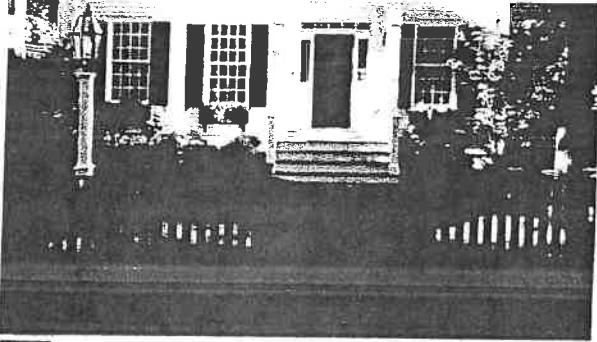


Fence Design



Other Example - N. Downtown

Fences: A Different Take



Featured Colors



midnight
2131-20



simply white
OC-117



tarrytown green
HC-134



Fences need not always be white. Experiment with other colors for a new, creative twist. The green undertones of *midnight* (2131-20) on this fence splendidly coordinate with the dark green front door and the surrounding foliage. Simulating wrought-iron, the fence color creates a clean contrast and gives the property a formal, elegant style.

Possible Paint Colors

8

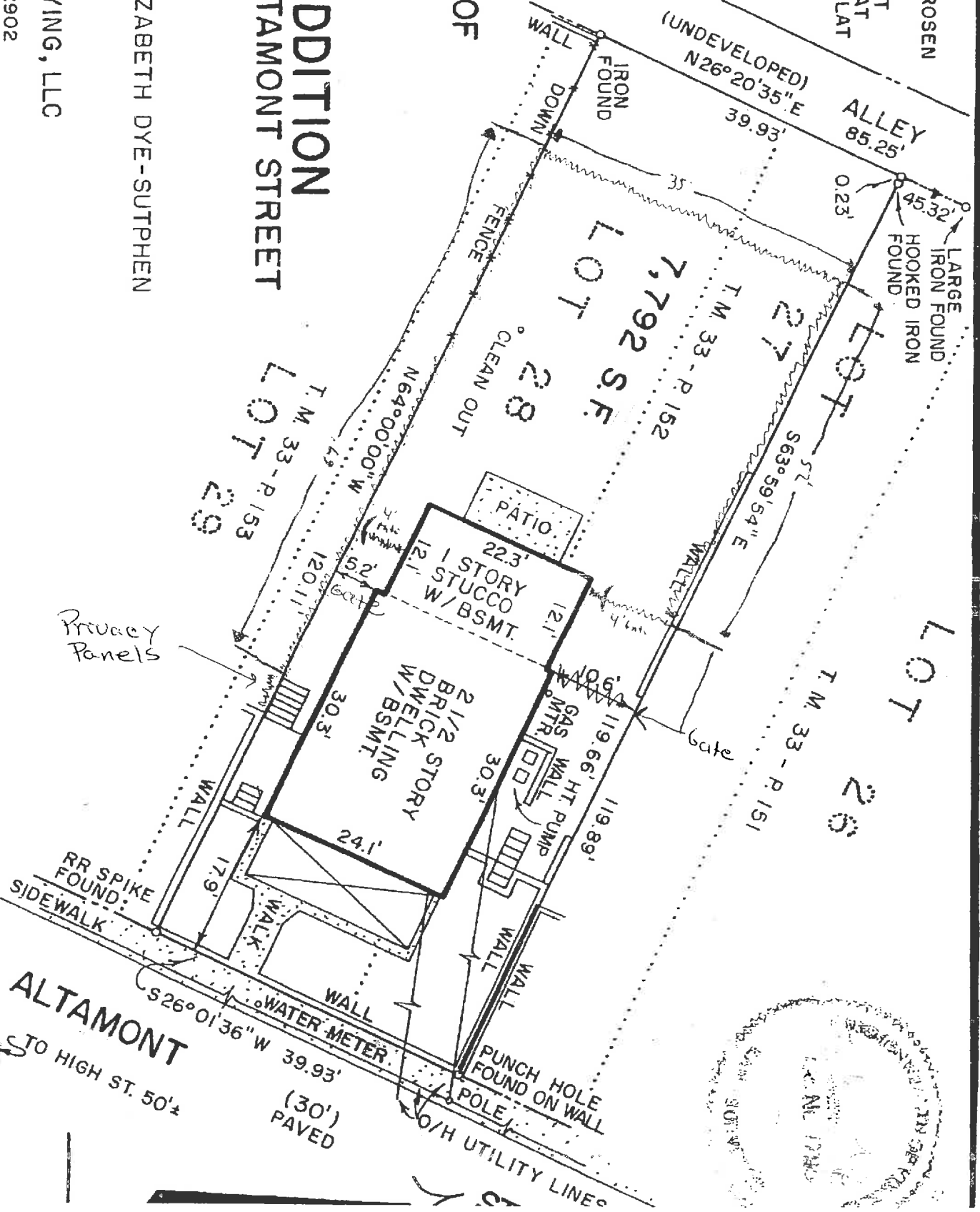
2016
 SURVEYING, LLC
 VIRGINIA 22902

N & ELIZABETH DYE-SUTPHEN

NT ADDITION
 02 ALTAMONT STREET
 VILLE

REVIEW OF
 28

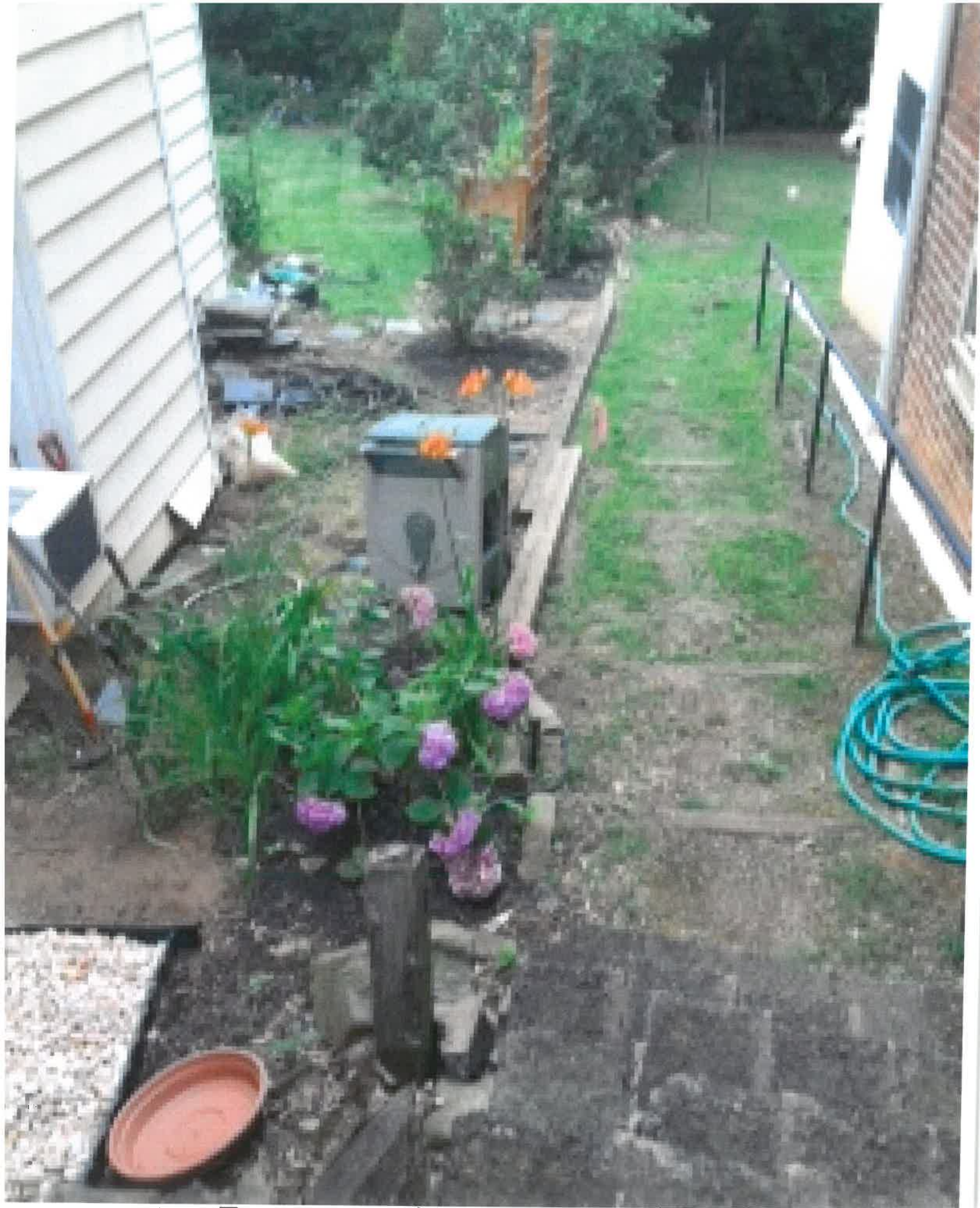
CHRISTINE ROSEN
 3, P. 1
 7, P. 9 PLAT
 P. 437 PLAT
 P. 150-151 PLAT
 ON A
 REVEY.
 S NOT LIE
 FLOOD
 IRDING TO
 ATE MAP,
 510033



ALTAMONT
 TO HIGH ST. 50'

39.93'
 (30')
 PAVED

Property Survey



— Neighbor Property —>

Side Yard

QUOTE BY: bholt
SOLD TO: LIZ SUTPHEN
Phone: 434-980-7619

QUOTE #: JMDC01337
SHIP TO:

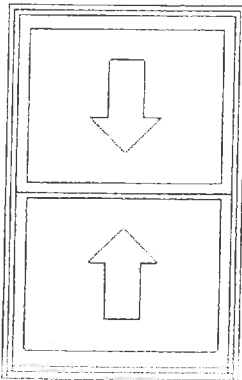
PROJECT NAME:
REFERENCE:

PO#:
Ship Via: Ground/Next Truck

LINE NO.	LOCATION SIZE INFO	BOOK CODE DESCRIPTION	QTY
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Line-1

Pocket Opening: 34 1/2 X 54



Frame Size : 34 X 53 3/4
W-2500 Traditional - Wide Rails - Top & Bottom Clad Double Hung,
Auralast Pine, Pocket Unit,
Brilliant White Exterior,
Primed Interior,
With-Plow White Jambliner,
White Hardware,
US National-WDMA/ASTM, PG 35,
Insulated Low-E Annealed Glass, Preserve Film, Argon Filled,
BetterVue Mesh Brilliant White Screen,
Clear Opening: 30.5w, 23.6h, 5 sf
PEV 2016.1.1.1444/PDV 6.334 (03/03/16) CW

Viewed from Exterior. Scale: 1/2" = 1'

6

Total Units:

6



Protect yourself when you choose JELD-WEN® Auralast® pine products backed by a limited lifetime warranty against wood rot and termite damage.

Window Specifications

11



(/)

LEARN MORE

AuraLast® Wood

ONLY JELD-WEN MAKES WOOD WINDOWS, PATIO DOORS AND DOOR FRAMES WITH SOLID AURALAST — THE WOOD THAT DOES NOT ROT!



AuraLast is JELD-WEN’s proprietary water-based wood protection process. Unlike traditional chemical dip-treatments that only coat a thin layer on the wood’s surface, AuraLast delivers virtually 100 percent surface-to-core protection. JELD-WEN wood windows, patio doors and door frames with AuraLast Wood can protect you from the expense, damage and inconvenience of decaying wood.

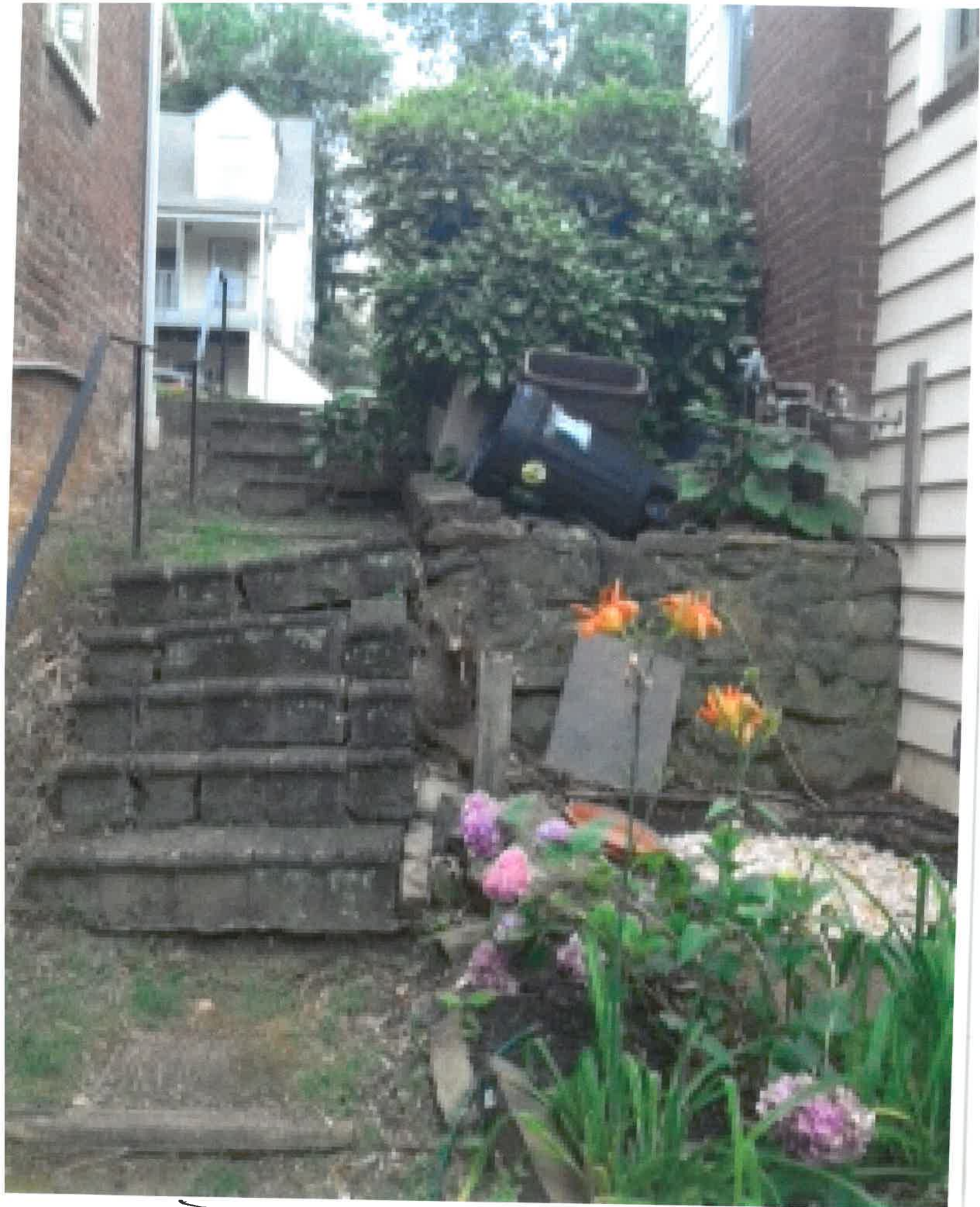


Because windows and doors are constantly exposed to various weather conditions—and moisture—wood rot can be an issue for homeowners everywhere. JELD-WEN wood windows and wood door frames made with AuraLast Wood are guaranteed not to rot for as long as you (the original homeowner) own and occupy your home. Have a look at our limited warranty for windows (<http://9dc159b43a66b1fe0a49->

[bd2073f7c8dbd16f36eed639782493f0.r48.cf1.rackcdn.com/3585/Window_Warranty_Eff_01-2014_Cert.pdf](http://9dc159b43a66b1fe0a49-bd2073f7c8dbd16f36eed639782493f0.r48.cf1.rackcdn.com/3585/Window_Warranty_Eff_01-2014_Cert.pdf)) or our limited warranty for doors.

(<http://c2456372.r72.cf0.rackcdn.com/23/current-int-ext-door-warranty.pdf>) You'll be glad you did.

Lighthouses, situated in harsh marine environments, are excellent places to test the reliability of our 100 percent wood AuraLast products. JELD-WEN Wood Windows with AuraLast Wood are featured in four historic lighthouses — in Oregon, Maryland, Wisconsin and Louisiana — and continue to perform reliably and beautifully. Read more (</planning-projects/projects/lighthouse-restoration>) about JELD-WEN’s Reliable Lighthouse Restoration Initiative.



Back yard Steps with Neighbor Trash Area ₁₃



**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
July 19, 2016**



Certificate of Appropriateness Application

BAR 16-07-03

402 Altamont Street

Tax Parcel 330152000

Elizabeth Sutphen, Owner/Applicant

Backyard privacy fence

Background

This c. 1915 dwelling is a contributing structure located in the North Downtown ADC District. Historic survey is attached.

July 12, 2012 – Administrative approval of a ceiling fan on the front porch.

June 13 and 20, 2016 – Administrative approval of a 6 ft. high fence in the rear yard.

Application

The property owner wishes to install a privacy fence in the rear yard. The fence will extend from the rear of the house on both sides to the side property lines, then approximately 60 feet to a point between the existing rear lawn and the tree line, then 35 feet across the rear yard. Two gates will be located in the fence on either side of the house. In addition, on the south side of the house the fence will extend along the side property line from the gate to the bottom of the side yard steps to provide additional screening from the neighbor's trash area.

The proposed fence is shadow box-style, with one foot of lattice on top for a total of six feet in height. It is pressure-treated pine that will be painted dark Charlestown Green (Benjamin Moore Tarrytown Green) or dark gray (BM Midnight) within a year of installation. The fence will be located approximately 6-12 inches from the side property lines.

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 for Site Design

C. WALLS AND FENCES

There is a great variety of fences and low retaining walls in Charlottesville's historic districts, particularly the historically residential areas. While most rear yards and many side yards have some combination of fencing and landscaped screening, the use of such features in front yards varies. Materials may relate to materials used on the structures on the site and may include brick, stone, wrought iron, wood pickets, or concrete.

- 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 cues from nearby historic fences and walls.*
- 7) Chain-link fencing, split rail fences, and vinyl plastic fences should not be used.*
- 8) Traditional concrete block walls may be appropriate.*
- 9) Modular block wall systems or modular concrete block retaining walls are strongly discouraged but may be appropriate in areas not visible from the public right-of-way.*
- 10) If street-front fences or walls are necessary or desirable, they should not exceed four (4) feet in height from the sidewalk or public right-of-way and should use traditional materials and design.*
- 11) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.*
- 12) Fences should not exceed six (6) feet in height in the side and rear yards.*
- 13) Fence structures should face the inside of the fenced property.*
- 14) Relate commercial privacy fences to the materials of the building. If the commercial property adjoins a residential neighborhood, use a brick or painted wood fence or heavily planted screen as a buffer.*
- 15) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.*
- 16) Retaining walls should respect the scale, materials and context of the site and adjacent properties.*
- 17) Respect the existing conditions of the majority of the lots on the street in planning new construction or a rehabilitation of an existing site.*

Discussion and Recommendations

Staff circulated the fence proposal to the BAR before granting administrative approval on June 13. Later, the applicant requested an amended design with a lattice top, and permission to move the right side gate forward 5 feet to avoid a drainage obstruction, which staff subsequently approved on June 20. The administrative decision was appealed by email (attached) from abutting owner Mark Kavita dated June 21, 2016. His objection is that the fence is not a "traditional downtown fence."

His other objections regarding his private property rights are not relevant to the BAR's discussion. See the Assistant City Attorney's statement below:

This application involves an appeal by the owner(s) of 400 Altamont (the Kavits) ("applicant") challenging the City's administrative approval of a certificate of occupancy for a fence proposed to be constructed by the owners of 402 Altamont (Sutphens). The Kavits object to the fence for two reasons: (1) they object to the appearance of the fence, and (2) they have been advised by their attorney, Mr. J. Randolph Parker, Esq., that under Virginia law the Sutphens may not fence off their property because that would make the side yard of the Kavits property inaccessible.

Appearance of the fence—the appearance of the fence is within the jurisdiction of the BAR. In considering the Kavits appeal, the BAR shall review the application as if the application had come before it in the first instance. The BAR's focus must be whether or not the fence, as proposed, is compatible with the character of the ADC District ("architectural compatibility"). The BAR's consideration of this issue may proceed, because the Sutphens are the owners of 402 Altamont and as such, they are permitted by City Code 34-282(a) to submit the COA application.

Private property rights—the BAR has no jurisdiction to render any opinions or determinations as to whether the Sutphens have a legal right to erect a fence on their property 402 Altamont. That is a matter that must be resolved between the Sutphens and the Kavits in some other forum.

In staff opinion, the fence meets the ADC Design Guidelines. The fence will be minimally visible from Altamont Street due to its setback from the street and the fact it will be situated well below the elevation of the street.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the proposed new fence satisfies the BAR's criteria and is compatible with this property and other properties in the North Downtown ADC district, and that the BAR approves the application as submitted.



Left (south) side yard



Right (north) side yard

II SITE DESIGN AND ELEMENTS

C. WALLS & FENCES

There is a great variety of fences and low retaining walls in Charlottesville's historic districts, particularly the historically residential areas. While most rear yards and many side yards have some combination of fencing and landscaped screening, the use of such features in front yards varies. Materials may relate to materials used on the structures on the site and may include brick, stone, wrought iron, wood pickets, or concrete.

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, and vinyl plastic fences should not be used.
8. Traditional concrete block walls may be appropriate.
9. Modular block wall systems or modular concrete block retaining walls are strongly discouraged, but may be appropriate in areas not visible from the public right-of-way.
10. If street-front fences or walls are necessary or desirable, they should not exceed four (4) feet in height from the sidewalk or public right-of-way and should use traditional materials and design.
11. Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.
12. Fences should not exceed six (6) feet in height in the side and rear yards.
13. Fence structure should face the inside of the fenced property.
14. 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.
15. Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.
16. Retaining walls should respect the scale, materials and context of the site and adjacent properties.
17. Respect the existing conditions of the majority of the lots on the street in planning new construction or a rehabilitation of an existing site.



A low stone wall accented with evergreen plantings provides a historically appropriate border between a private lot and the sidewalk.



An ornate Victorian iron fence with low plantings adorns this lot line while not obscuring the view of the house and yard beyond.



A low, wood picket fence coordinates with the materials used in the construction of the house as well as the paint color of the trim.

402 Altamont Street



STREET ADDRESS:	402 Altamont Street
MAP & PARCEL:	33-152
PRESENT ZONING:	R-3
ORIGINAL OWNER:	
ORIGINAL USE:	Residential
PRESENT USE:	Residential
PRESENT OWNER:	Whittaker, Claire B.
ADDRESS:	Whittaker, Claire B. 310 W. 85 th St. #6C New York, NY 10024
DATE/ PERIOD:	Ca. 1915
STYLE:	American Foursquare
HEIGHT IN STORIES:	2.5 Stories
DIMENSIONS/LAND AREA:	1,466 sq.ft./0.110 Acres
SOURCES:	Charlottesville City Records and 2005 Architectural Survey
CONTRIBUTING:	Yes

ARCHITECTURAL DESCRIPTION

This 2 ½-story, 3-bay, hip-roofed (asphalt shingle) dwelling is constructed of brick laid in a stretcher bond pattern. Constructed ca. 1915 and of the American Foursquare form, architectural details include: front hip-roofed dormer; an interior brick chimney; 1/1 sash windows with brick plain lintels; overhanging eaves; 3-bay front; transom over front door; rear enclosed porch; and 2-bay, hip-roofed front porch with Tuscan columns on brick piers and an open brickwork balustrade. It is a contributing resource in the District.



Mark Kavit <mkkav3@gmail.com>

(no subject)

Mark Kavit <mkkav3@gmail.com>
Draft

Tue, Jun 21, 2016 at 5:07 PM

It's always best if neighbors communicate, especially when it's about changes to property.

It's also important that developers inform and meet with neighbor groups on plans for a change in use of a property. This should be made mandatory in the city.

Recently, my wife noticed some new stakes along our property line. We knew the house next-door sold a few months earlier. She did not understand why there would be new stakes. She spoke to one of the tenants renting next-door, who told her that the owners were planning to build a fence. Later that day, I spoke to the daughter of the owner who lives in the house. Moments later her mother walked up to the house and we were able to speak. She discussed and showed me the plans. She told me that she was warned about me, and that Mary Joy Scala told her that "now that the plans had been approved there was nothing I could do about it".

I noted my concern and that I would need to consult with an attorney to protect my property rights.

1. My concern is how this would effect my property rights.
2. I do not believe that BAR would have approved this fence. It's not a traditional downtown fence. It could set a bad precedent, I do feel with some modification, this fence could work in a downtown location.

I'd like to see this manner come before the full BAR in order to have this boards' input.

I hereby appeal the administratative approval.

Sent from my iPhone







2016/07/18 04:42



2016/07/18 04:44



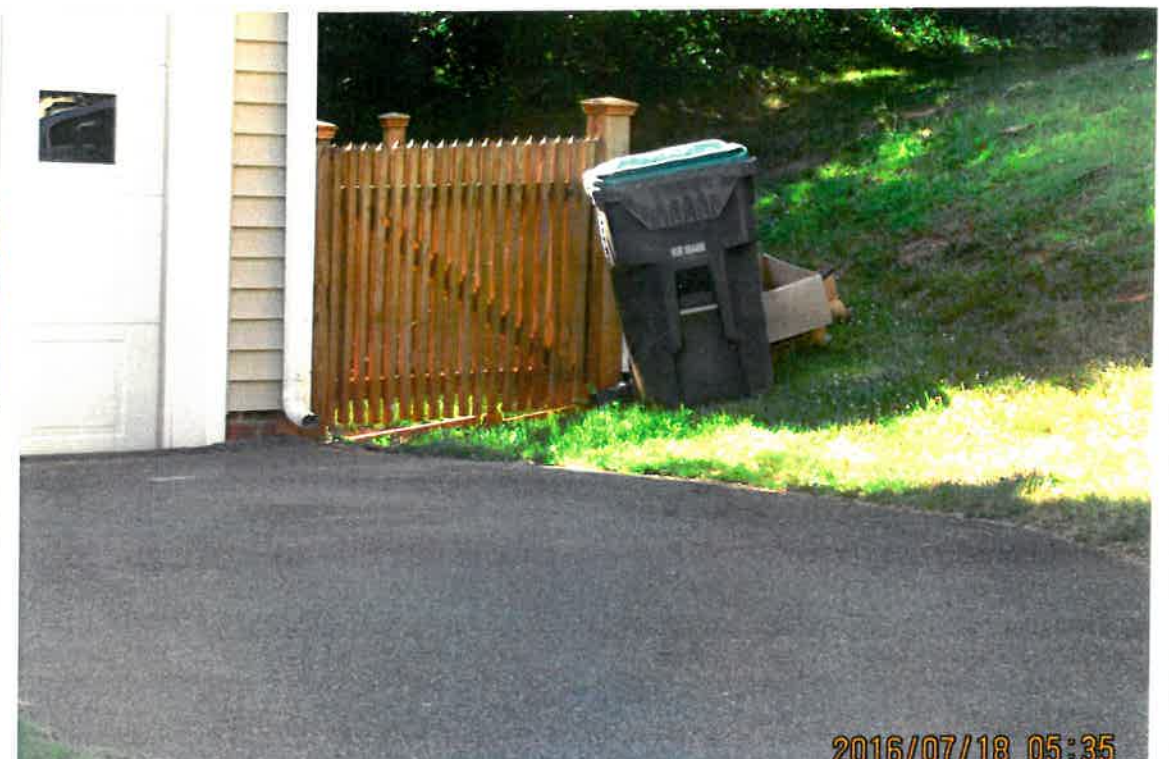
2016/07/18 05:32



2016/07/18 04:56



2016/07/18 04:38







Scala, Mary Joy

From: Scala, Mary Joy
Sent: Tuesday, June 14, 2016 8:43 AM
To: 'Elizabeth Sutphen'
Subject: RE: 402 Altamont Street

The height will remain at 6 feet, correct?

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

From: Elizabeth Sutphen [<mailto:eids@earthlink.net>]
Sent: Monday, June 13, 2016 5:28 PM
To: Scala, Mary Joy
Subject: Re: 402 Altamont Street

Thank you Mary Joy! We have decided to spend the extra money and get a nicer design with a 1 ft lattice on top of the 5 ft shadow box. Meeting with the installer tomorrow to discuss details. Will send a picture to you for approval before anything is done. It is much nicer and if we plan to live there in a couple of years we want everything to be attractive.
Liz

Sent from my iPhone

On Jun 13, 2016, at 8:37 AM, Scala, Mary Joy <scala@charlottesville.org> wrote:

Elizabeth,
Here is your approval. Good luck with your project. <

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

From: mfdscan@charlottesville.org [<mailto:mfdscan@charlottesville.org>]
Sent: Monday, June 13, 2016 8:32 AM
To: Scala, Mary Joy
Subject: Message from KM_C554e

<SKM_C554e16061307320.pdf>

Scala, Mary Joy

From: Scala, Mary Joy
Sent: Monday, June 20, 2016 8:43 AM
To: 'Liz Sutphen'
Subject: RE: 402 Altamont Street

~~You have approval with this email, to amend your previously approved fence application, to add lattice to the top 1 foot of the fence. The fence height will remain 6 feet. You may also move the gate up 5 feet on the right side of the house.~~ <

You may proceed.

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

From: Liz Sutphen [mailto:eids@earthlink.net]
Sent: Sunday, June 19, 2016 4:36 PM
To: Scala, Mary Joy
Cc: James L *HS Sutphen
Subject: Fw: 402 Altamont Street

Mary Joy,

We are down to the last lap in planning this fence. Materials will be delivered on Tues. & installation starts Fri. finally. As I mentioned last week, we have upgraded to the 5ft shadow box fence with a 1 foot lattice for about \$1500 more. Total height will not exceed 6ft & we will paint a dark color in 1 year. Thank you for this extension to allow proper aging. You already have a photo of the revised design which you said was nice. Only difference is the design of the lattice as we selected a tighter woven structure. Photo is attached. Also had to move the gate up about 5 ft. on the right side of the house due to drainage obstacle but the gate is still far from the front of the house. The left side will stay the same as drawn on the survey drawing.

Please approve these minor modifications by Monday for us if possible so all will be in order. The changes are enhancements overall for the finished fence. I have copied my husband on this email so he will have your final approval too.

Thank you again for working with us. After the fence I gather we will have to work on getting the new windows approved.
Liz

-----Forwarded Message-----

From: "Scala, Mary Joy"
Sent: Jun 13, 2016 8:37 AM
To: "Liz Sutphen (eids@earthlink.net)"
Subject: 402 Altamont Street

Elizabeth,

Here is your approval. Good luck with your project.

Mary Joy Scala, AICP

Preservation and Design Planner
City of Charlottesville

Scala, Mary Joy

From: Fabio, Craig
Sent: Friday, June 17, 2016 2:39 PM
To: 'eids@earthlink.net'; Scala, Mary Joy
Subject: Fence at 402 Altamont Circle

Ms. Sutphen,

Zoning requires your fence to be on your property, otherwise there is no restriction. There is also no longer a Building Permit requirement. The only approval you will need is the Certificate of Appropriateness from Mary Joy, which you are already working on. Please let me know if there are any additional questions or concerns.

Sincerely,

Craig A. Fabio
Asst. Zoning Administrator
City of Charlottesville

LAW OFFICE OF J. RANDOLPH PARKER

416 East Jefferson Street, Suite 1
Charlottesville, Virginia 22902

Phone (434) 973-3331
Facsimile (434) 505-0365

randy@parkerjd.com

June 20, 2016

James Stuphen and Elizabeth Dye-Stuphen
PO Box 330
Earlsville VA 22936

Re: Proposed Boundary Line Fence at 402 Altamont Street

Dear Mr. Stuphen and Mrs. Dye-Stuphen:

By way of introduction, I have been retained to represent Mark Kavit who lives at 400 Altamont St., adjacent to the property owned by you at 402 Altamont Street. It has come to Mr. Kavit's attention that you are considering building a fence between your property and his. The construction of such a fence would impede his access to the side of his home and, importantly, to a gas meter located there. Given that the positioning of the houses and the property line have been in place for many years, under Virginia law I have advised him that he has an easement to access the side of his home via the side of your property. The purpose of this letter is to advise you of same. Mr. Kavit wants to avoid litigation by making sure you are aware of his rights and that you not take any action to impede them. He also wants to avoid your paying for a fence that he will require be removed in the future.

I thank you for your consideration of this matter. Should you have questions about this, I would urge you to contact legal counsel of your choosing.

Very truly yours,

J. Randolph Parker

cc: Mark Kravit via email

402 Altamont

This application involves an appeal by the owner(s) of 400 Altamont (the Kavits) (“applicant”) challenging the City’s administrative approval of a certificate of occupancy for a fence proposed to be constructed by the owners of 402 Altamont (Sutphens). The Kavits object to the fence for two reasons: (1) they object to the appearance of the fence, and (2) they have been advised by their attorney, Mr. J. Randolph Parker, Esq., that under Virginia law the Sutphens may not fence off their property because that would make the side yard of the Kavits property inaccessible.

Appearance of the fence—the appearance of the fence is within the jurisdiction of the BAR. In considering the Kavits appeal, the BAR shall review the application as if the application had come before it in the first instance. The BAR’s focus must be whether or not the fence, as proposed, is compatible with the character of the ADC District (“architectural compatibility”). The BAR’s consideration of this issue may proceed, because the Sutphens are the owners of 402 Altamont and as such, they are permitted by City Code 34-282(a) to submit the COA application.

Private property rights—the BAR has no jurisdiction to render any opinions or determinations as to whether the Sutphens have a legal right to erect a fence on their property 402 Altamont. That is a matter that must be resolved between the Sutphens and the Kavits in some other forum.



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 Email scala@charlottesville.org

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.
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 3:30 p.m.

Owner Name Elizabeth Sutphen Applicant Name Elizabeth Sutphen
Project Name/Description Privacy fence Parcel Number Provided via email
Project Property Address 402 Altamont St., Charlottesville, VA.

Applicant Information

Address: P.O. Box 330
Earlsville, VA 22936
Email: eids@earthlink.net
Phone: (W) 434-973-8086 (C) 434-987-0696

Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct.

Signature _____ Date _____

Property Owner Information (if not applicant)

Address: _____
Email: _____
Phone: (W) _____ (C) _____

Print Name _____ Date _____

Property Owner Permission (if not applicant)

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

Signature _____ Date _____

Print Name _____ Date _____

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

Description of Proposed Work (attach separate narrative if necessary): Build "shadow box" design fence around perimeter of backyard; include two gates in backyard.

List All Attachments (see reverse side for submittal requirements): Sent via email to Ms. Scala.

For Office Use Only

Received by: O. Eubank
Fee paid: 1000 Cash/Ck. # 4169
Date Received: 8/26/16

Approved/Disapproved by: MJ Scala
Date: June 13, 2016
Conditions of approval: To be painted within one year from date of installation.

CHRISTINE ROSEN
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 7, P. 9 PLAT
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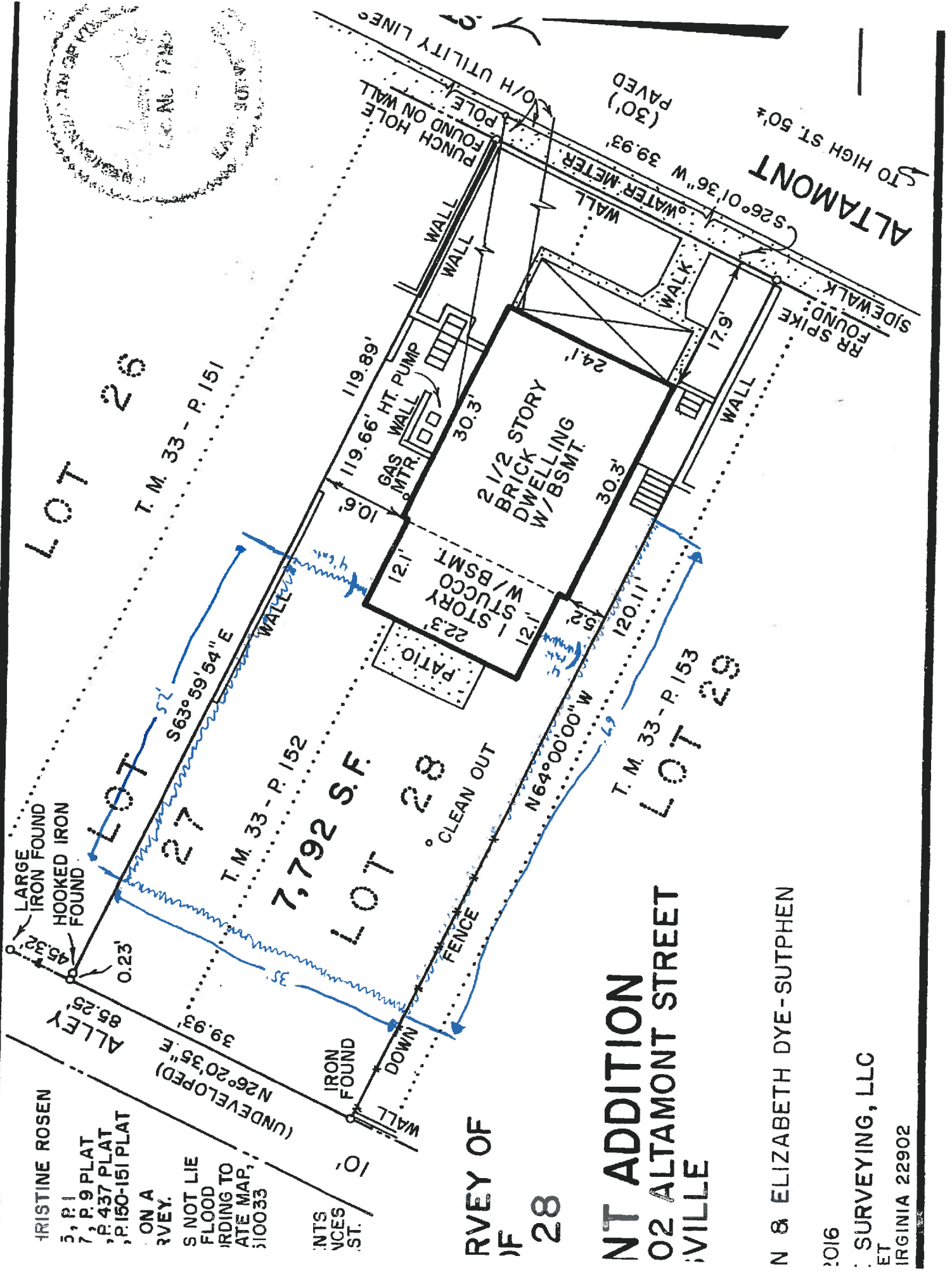
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NT ADDITION
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N & ELIZABETH DYE-SUTPHEN

2016
 SURVEYING, LLC
 ET
 VIRGINIA 22902







Fences: A Different Take



Like 599

Featured Colors



midnight
2131-20



simply white
OC-117



tarrytown green
HC-134



Fences need not always be white. Experiment with other colors for a new, creative twist. The green undertones of *midnight* (2131-20) on this fence splendidly coordinate with the dark green front door and the surrounding foliage. Simulating wrought-iron, the fence color creates a clean contrast and gives the property a formal, elegant style.

Scala, Mary Joy

From: Elizabeth Sutphen <eids@earthlink.net>
Sent: Thursday, June 09, 2016 5:44 PM
To: Scala, Mary Joy
Subject: Re: 402 Altamont fence-Flood CWF-UV Wood Finish

Hi Mary Joy- we have locked in on a fence installer and want to insure we can provide them with the approval letter by next week. It will all be the same as you approved, i.e. A 6 ft shadow box fence offset 6-12 inches from property line and painted a dark color within 1 year of installation. Please send me the approval letter so I can give to the installer. Thank you for working with us. Liz

Sent from my iPhone

> On May 25, 2016, at 1:49 PM, Scala, Mary Joy <scala@charlottesville.org> wrote:

>

> Will do, I'll email a copy of the approved permit when I get to it.

>

> 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

>

>

> -----Original Message-----

> From: Elizabeth Sutphen [mailto:eids@earthlink.net]

> Sent: Wednesday, May 25, 2016 1:49 PM

> To: Scala, Mary Joy

> Subject: Re: 402 Altamont fence-Flood CWF-UV Wood Finish

>

> Mary Joy- ok but please don't start the clock until I lock in a

> builder and exact start and finish date. I am still waiting for

> estimates. If you could approve it and specify painting within 1 year

> if completion that would be the best and appreciated. Thank you, Liz

>

> Sent from my iPhone

>

>> On May 25, 2016, at 7:12 AM, Scala, Mary Joy <scala@charlottesville.org> wrote:

>>

>> Elizabeth,

>> The BAR would prefer either of the paint colors you proposed, rather than natural wood stain.

>> I am willing to approve your application with either dark color painted no later than 1 year from date of approval.

>>

>> 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

