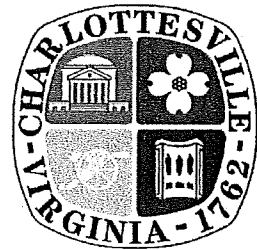


CITY OF CHARLOTTESVILLE

*"A World Class City"*

**Department of Neighborhood Development  
Services**

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.org](http://www.charlottesville.org)



February 18, 2009

Oliver Kuttner/M&O Corp  
108 2<sup>nd</sup> Street SW #2  
Charlottesville, VA 22902

**Certificate of Appropriateness Application**  
**BAR 09-01-03**  
**118-120 West Main Street & 108 2<sup>nd</sup> Street SW**  
**Tax Map 28 Parcel 16**  
**Oliver Kuttner/ M & O Corp., Applicant**  
**Add wall and gate to alleyway**

Dear Oliver,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on February 17, 2009.

**The BAR denied (7-0) the application as submitted. The applicant may resubmit a revised application at any time, and the BAR would point to comments made to applicant during the "matters from the public" discussion at the end of the January 2009 BAR meeting.**

(A gate is appropriate for this location, however not as a faux façade. The BAR could support an opaque gate and a height to prevent climbing over. The gates should be of equal width. Option #2 is a starting point for the scheme. Omit the middle section, and bring down the top railing. The application will be deferred providing an opportunity for the applicant to reapply with one scheme. It should align with the top of the windows into Revolutionary Soups; the height is partly a numbers issue and partly an alignment issue.)

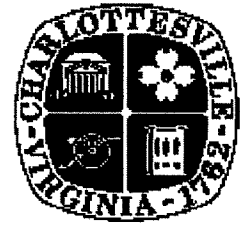
In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals should be directed to Jeanne Cox, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

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  
Preservation and Design Planner

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
February 17, 2009**



**Certificate of Appropriateness Application  
BAR 09-01-03  
118-120 West Main Street & 108 2<sup>nd</sup> Street SW  
Tax Map 28 Parcel 16  
Oliver Kuttner/ M & O Corp., Applicant  
Add wall and gate to alleyway**

---

**Background**

The Elliott and Carter Building ( façade 1904; 1 and 2-story rear wing 1946) formerly occupied by the Young Men's Shop, (currently occupied by Christian's Pizza, J. Fenton, Revolutionary Soup, and offices above) is located in the Downtown ADC District. The abutting property across the rear alley at 109-111 West Water Street was built in 1997, following demolition of an older building.

January 20, 2009 - The BAR deferred (5-0) for one month. The BAR must take action in February. The BAR commented on the application submission. A gate is appropriate for this location, however not as a faux façade. The BAR could support an opaque gate and a height to prevent climbing over. The gates should be of equal width. Option #2 is a starting point for the scheme. Omit the middle section, and bring down the top railing. The application will be deferred providing an opportunity for the applicant to reapply with one scheme. It should align with the top of the windows into Revolutionary Soups; the height is partly a numbers issue and partly an alignment issue.

A single scheme should be resubmitted for consideration.

**Application**

No design has been resubmitted.

**Criteria 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 Site Design and Elements**

### ***p. 2.4 – Walls & Fences***

- 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, vinyl plastic fences, and concrete block walls in general should not be used.*
- 8) If street-front fences or walls are necessary or desirable, keep them below four (4) feet in height and use traditional materials and design.*
- 9) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.*
- 10) Avoid fences over six (6) feet in height.*
- 11) Fence structure should face the inside of the fenced property.*
- 12) 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.*
- 13) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.*
- 14) Retaining walls should respect the scale, materials and context of the site and adjacent properties.*

### ***p. 2.9 – Utilities & Other Site Appurtenances***

- 1. Place overhead wires, utility poles and meters, antennae, trash containers, and exterior heat exchangers in locations where they are least likely to detract from the character of the site.*
- 2. Encourage the installation of utility services underground.*
- 3. Screen utilities and other site elements with fences, walls or plantings.*
- 4. Antennae and communication dishes should be placed in inconspicuous rooftop locations.*
- 5. Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.*

## **Recommendations and Discussion**

The BAR must take action at the February meeting since they deferred at the January meeting.

### **Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design and Elements, I move to find that the proposed alleyway wall and gate design does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties in this district, and the BAR denies the application as submitted. The applicant may resubmit a revised application at any time.

*and the BAR would point to comments made to app. during meeting from the public in Jan mtg*

CITY OF CHARLOTTESVILLE  
"A World Class City"

Department of Neighborhood Development Services

City Hall • P.O. Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



February 2, 2009

Dear Sir or Madam:


This letter is to notify you that the following application has been submitted for approval of a Certificate of Appropriateness by the City of Charlottesville Board of Architectural Review on property that is either abutting or immediately across a street from your property, or that has frontage on the same city street block.

**Certificate of Appropriateness Application (Deferred from January 20, 2009)**  
**BAR 09-01-03**  
**118-120 West Main Street & 108 2<sup>nd</sup> Street SW**  
**Tax Map 28 Parcel 16**  
**Oliver Kuttner/ M & O Corp., Applicant**  
**Add wall and gate to alleyway**

The Board of Architectural Review (BAR) will consider this application at a meeting to be held on **Tuesday, February 17, 2009, starting at 5pm in the Basement Conference Room, City Hall**. Enter City Hall from the Main Street pedestrian mall entrance.

An agenda is available on the BAR's home page accessible through <http://www.charlottesville.org> with approximate times. If you need more information, please do not hesitate to contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

  
Mary Joy Scala  
Preservation and Design Planner

aj



# CITY OF CHARLOTTESVILLE

*"A World Class City"*

## Department of Neighborhood Development Services

City Hall Post Office Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
[www.charlottesville.org](http://www.charlottesville.org)



January 22, 2009

Oliver Kuttner/M&O Corp  
108 2<sup>nd</sup> Street SW #2  
Charlottesville, VA 22902

**Certificate of Appropriateness Application**  
**BAR 09-01-03**  
**118-120 West Main Street & 108 2<sup>nd</sup> Street SW**  
**Tax Map 28 Parcel 16**  
**Oliver Kuttner/ M & O Corp., Applicant**  
**Add wall and gate to alleyway**

Dear Sir or Madam,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on January 20, 2009.

**The BAR deferred (5-0) for one month. The BAR must take action in February. The BAR commented on the application submission. A gate is appropriate for this location, however not as a faux façade. The BAR could support an opaque gate and a height to prevent climbing over. The gates should be of equal width. Option #2 is a starting point for the scheme. Omit the middle section, and bring down the top railing. The application will be deferred providing an opportunity for the applicant to reapply with one scheme. It should align with the top of the windows into Revolutionary Soups; the height is partly a numbers issue and partly an alignment issue.**

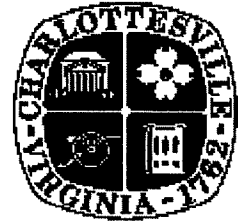
**Please resubmit a single scheme for consideration.**

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  
Preservation and Design Planner

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
January 20, 2009**



**Certificate of Appropriateness Application  
BAR 09-01-03  
118-120 West Main Street & 108 2<sup>nd</sup> Street SW  
Tax Map 28 Parcel 16  
Oliver Kuttner/ M & O Corp., Applicant  
Add wall and gate to alleyway**

---

**Background**

The Elliott and Carter Building ( façade 1904; 1 and 2-story rear wing 1946) formerly occupied by the Young Men's Shop, (currently occupied by Christian's Pizza, J. Fenton, Revolutionary Soup, and offices above) is located in the Downtown ADC District. The historic survey is attached. The abutting property across the rear alley at 109-111 West Water Street was built in 1997, following demolition of an older building.

**Application**

Concerned with trespassing in the trash area, the applicant is requesting approval to install a gate at the rear of the Elliott and Carter Building, located on Second Street SW, in the entranceway to an alley. The gate would span the width of the alley (ten feet).

Three design options are proposed that all include seven foot high gates, with approximately seven foot high opaque "windows" above, and an approximately three foot high railing on the top. The options show either brick or steel frames, black metal gates with copper or wood backing, with panels above of opaque glass, or copper, or stucco, and a black metal railing or grill on top.

The gates are designed to have a solid backing to conceal the trash, and also to prevent access to the panic bars on the inside. The applicant is willing to omit the solid panels above the gates, but would like something there to prevent access over the gates.

**Criteria 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 Site Design and Elements**

### ***p. 2.4 – Walls & Fences***

- 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, vinyl plastic fences, and concrete block walls in general should not be used.*
- 8) If street-front fences or walls are necessary or desirable, keep them below four (4) feet in height and use traditional materials and design.*
- 9) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.*
- 10) Avoid fences over six (6) feet in height.*
- 11) Fence structure should face the inside of the fenced property.*
- 12) 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.*
- 13) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.*
- 14) Retaining walls should respect the scale, materials and context of the site and adjacent properties.*

### ***p. 2.9 – Utilities & Other Site Appurtenances***

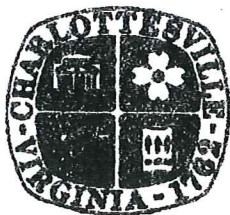
- 1. Place overhead wires, utility poles and meters, antennae, trash containers, and exterior heat exchangers in locations where they are least likely to detract from the character of the site.*
- 2. Encourage the installation of utility services underground.*
- 3. Screen utilities and other site elements with fences, walls or plantings.*
- 4. Antennae and communication dishes should be placed in inconspicuous rooftop locations.*
- 5. Screen all rooftop mechanical equipment with a wall of material harmonious with the building or structure.*

## **Recommendations and Discussion**

A gate is appropriate in this location. The proposed materials are appropriate. It may be better to reduce the overall height of the structure to a height that would still accomplish the objectives, and to simplify the design to reflect its true function.

**Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design and Elements, I move to find that the proposed wrought iron alleyway gate satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in this district, 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 \$350 application fee. For all other projects requiring BAR approval, please include \$100 application fee. For both types of projects, the applicant must pay \$1.00 per required mail notice to property owners. The applicant will receive an invoice for these notices, and project approval is not final until the invoice has been paid. For projects that require only administrative approval, please include \$100 administrative fee. 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.

#### Information on Subject Property

Physical Street Address: 118-120 WEST MAIN  
AND 108 2ND ST SW

City Tax Map/Parcel: Parcel ID #:  
280016000 RPC: 14862

#### Applicant

Name: OLIVER KUTNER/MFO CORP.

Address: 108 2ND ST SW #2  
CHARLOTTESVILLE VA 22902

Email: \_\_\_\_\_  
Phone: (W) 979-8913 (H) 806-2435  
FAX: 979-2102

Name of Historic District or Property: \_\_\_\_\_  
DOWNTOWN

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

#### Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

Signature \_\_\_\_\_

Date \_\_\_\_\_

#### Property Owner (if not applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_

FAX: \_\_\_\_\_

#### Property Owner Permission (if not applicant)

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

WALL & GATES TO SCREEN OFF TRASH IN ALLEY

Attachments (see reverse side for submittal requirements):

COLORER PLAN & 10 SETS OF PRINT.

#### For Office Use Only

Received by: \_\_\_\_\_

Fee paid: \_\_\_\_\_ Cash/Ck. # \_\_\_\_\_

Date Received: \_\_\_\_\_

Approved/Disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

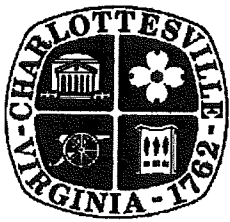
Conditions of approval: \_\_\_\_\_

P08-0066

ORIGINAL  
W/ OWNER'S  
SIGNATURE  
IS IN THE  
MAIL TO YOU

RECEIVED  
DEC 10 2008  
NEIGHBORHOOD DEVELOPMENT SERVICES





## 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 \$350 application fee. For all other projects requiring BAR approval, please include \$100 application fee. For both types of projects, the applicant must pay \$1.00 per required mail notice to property owners. The applicant will receive an invoice for these notices, and project approval is not final until the invoice has been paid. For projects that require only administrative approval, please include \$100 administrative fee. 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.

### Information on Subject Property

Physical Street Address: 118-120 WEST MAIN  
AND 108 2ND ST SW

City Tax Map/Parcel: Parcel 10 #:  
280016000 RPC:14862

### Applicant

Name: OLIVER KUTNER/MFO CORP.

Address: 108 2ND ST. SW #2  
CHARLOTTESVILLE VA 22902

Email: \_\_\_\_\_

Phone: (W) 979-8413 (H) 806 2435

FAX: 979-2102

### Property Owner (if not applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_

FAX: \_\_\_\_\_

Name of Historic District or Property: \_\_\_\_\_

DOWNTOWN

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

### Signature of Applicant

I hereby attest that the information I have provided is,  
to the best of my knowledge, correct. (Signature also  
denotes commitment to pay invoice for required mail  
notices.)

Signature

12/10/08  
Date

### Property Owner Permission (if not applicant)

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

Signature

Date

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

WALL & GATES TO SCREEN OFF TRASH IN ALLEY

Attachments (see reverse side for submittal requirements):

COLOR PLS & 10 SETS OF PRINT.

### For Office Use Only

Received by: \_\_\_\_\_

Fee paid: \_\_\_\_\_ Cash/Ck. # \_\_\_\_\_

Date Received: \_\_\_\_\_

Approved/Disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

Conditions of approval: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITY OF CHARLOTTESVILLE  
"A World Class City"

Department of Neighborhood Development Services

City Hall • P.O. Box 911  
Charlottesville, Virginia 22902  
Telephone 434-970-3182  
Fax 434-970-3359  
www.charlottesville.org



January 5, 2009

Dear Sir or Madam:

This letter is to notify you that the following application has been submitted for approval of a Certificate of Appropriateness by the City of Charlottesville Board of Architectural Review on property that is either abutting or immediately across a street from your property, or that has frontage on the same city street block.

**Certificate of Appropriateness Application**  
**BAR 09-01-03**  
**118-120 West Main Street & 108 2<sup>nd</sup> Street SW**  
**TM 28 P 16**  
**Oliver Kuttner/ M & O Corp, Applicant**  
**Add wall and gate to alleyway**

The Board of Architectural Review (BAR) will consider this application at a meeting to be held on **Tuesday, January 20, 2009, starting at 5pm in City Council Chambers, City Hall**. Enter City Hall from the Main Street pedestrian mall entrance.

An agenda is available on the BAR's home page accessible through <http://www.charlottesville.org> with approximate times. If you need more information, please do not hesitate to contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

Mary Joy Scala  
Preservation and Design Planner

aj







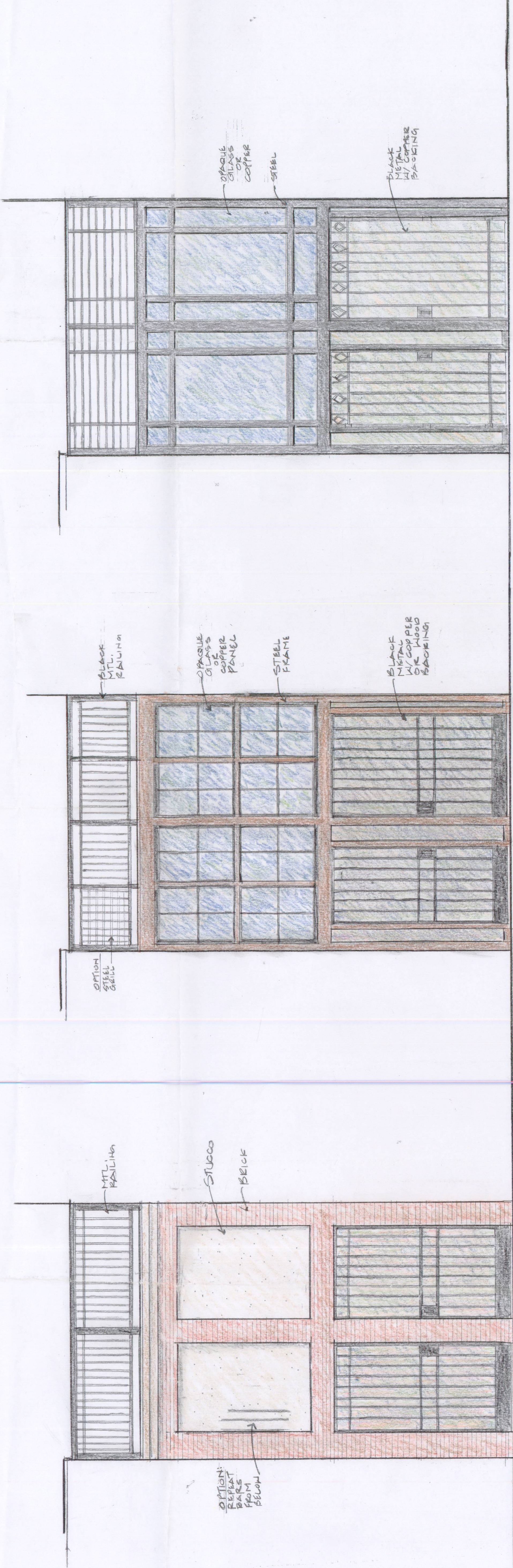
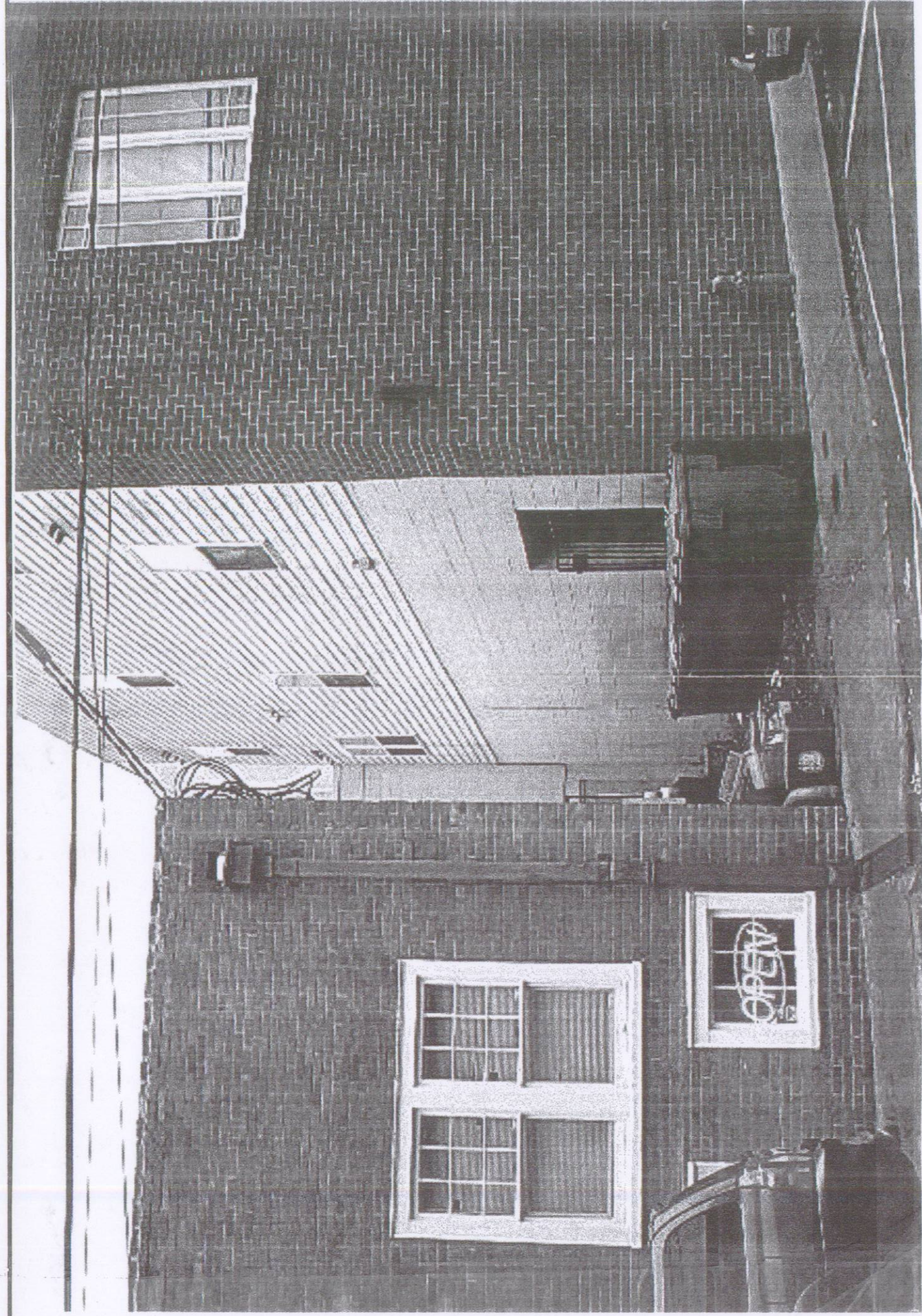
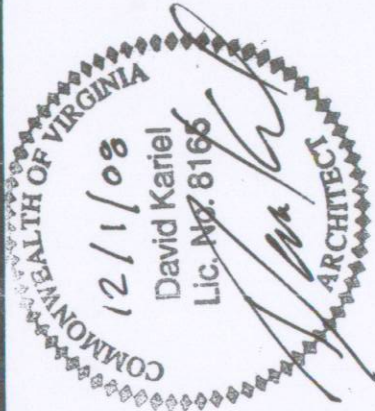




Proposed Wall and Gates  
for Oliver Kuttner  
108 2nd St. SW ♦ Charlottesville, VA

David Kattel  
Architect  
108 Second Street SW, Suite 11 Charlottesville, VA 22902 434-293-4483

REVISIONS	BY



OPTIONS

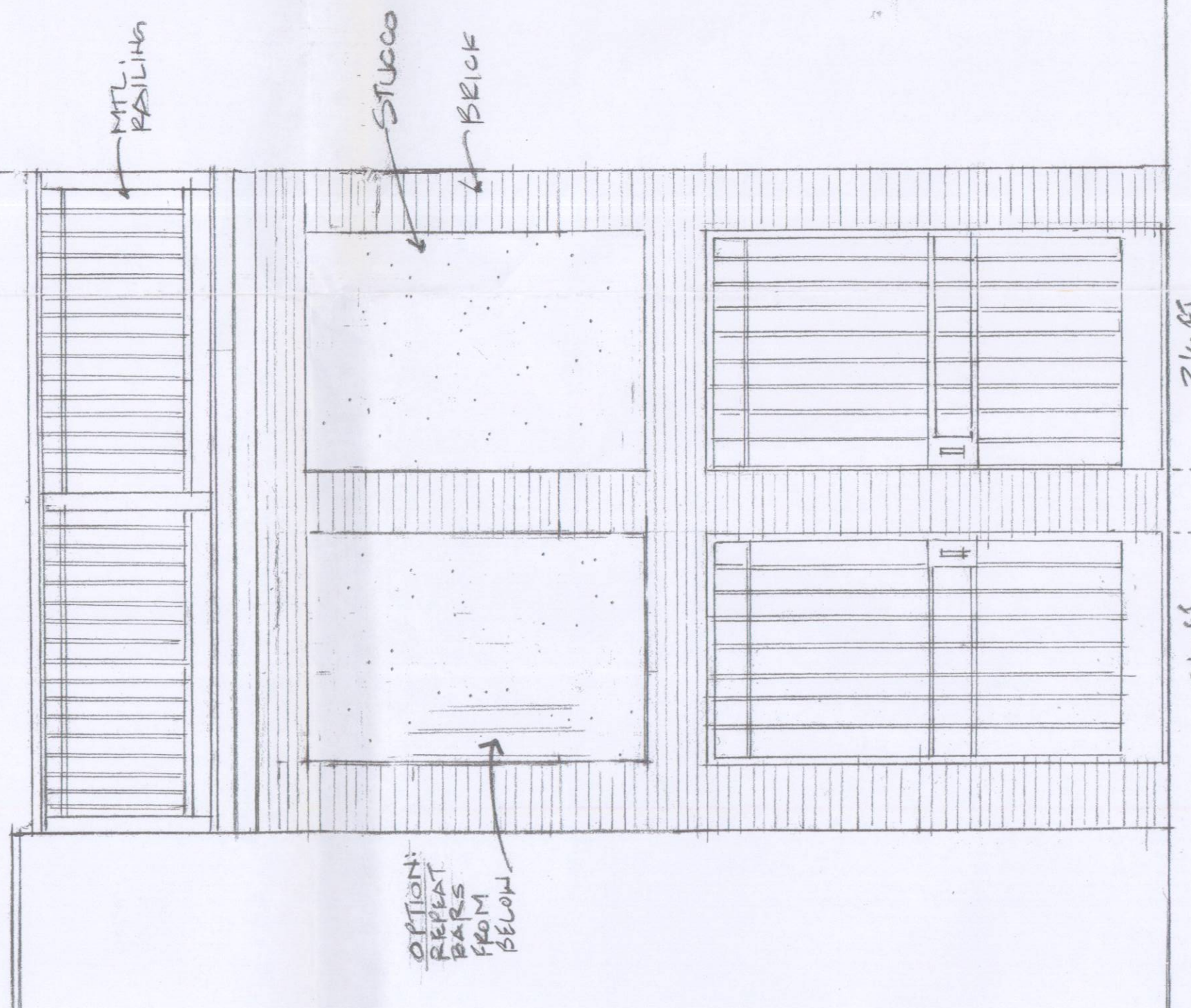
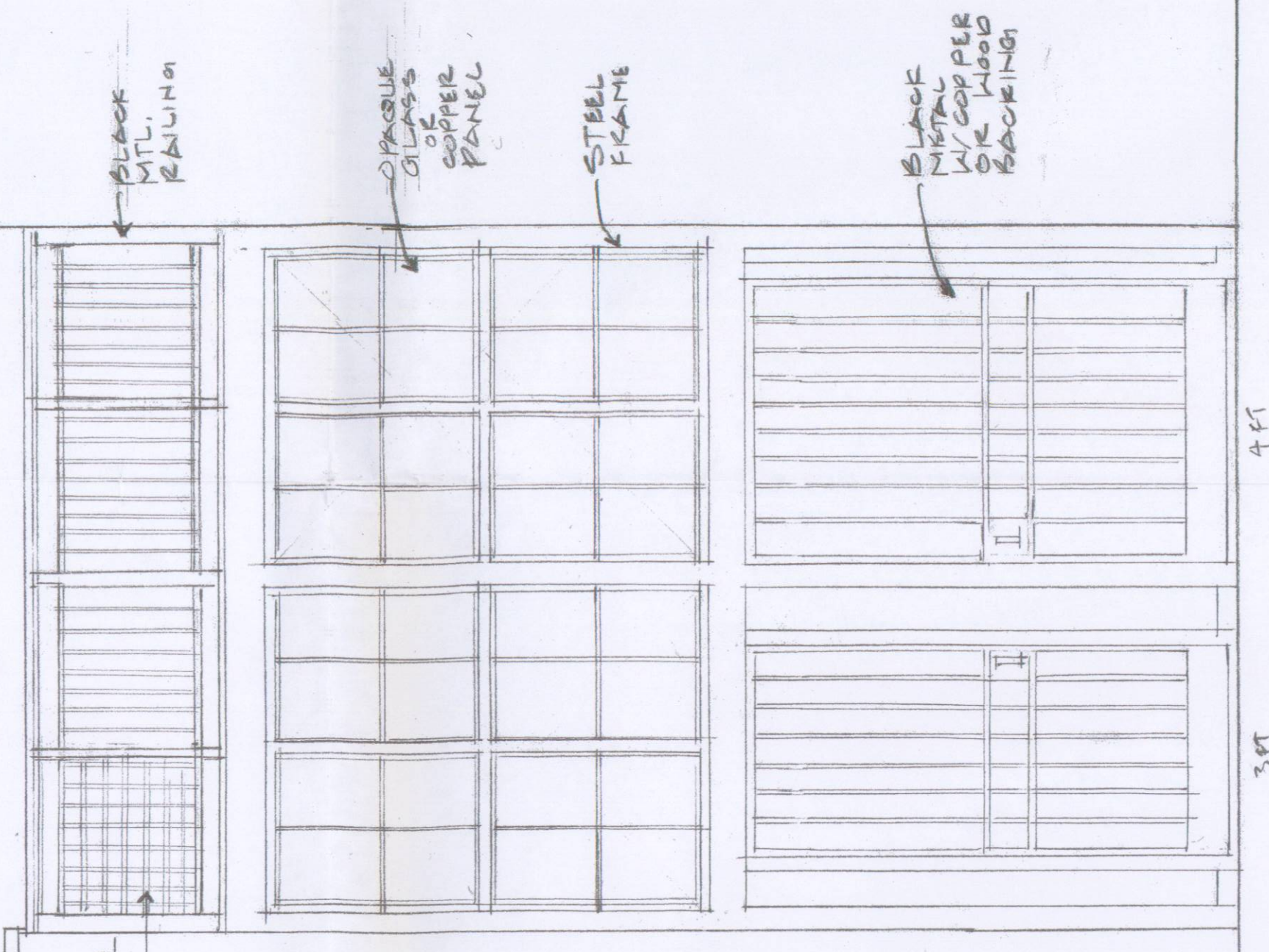
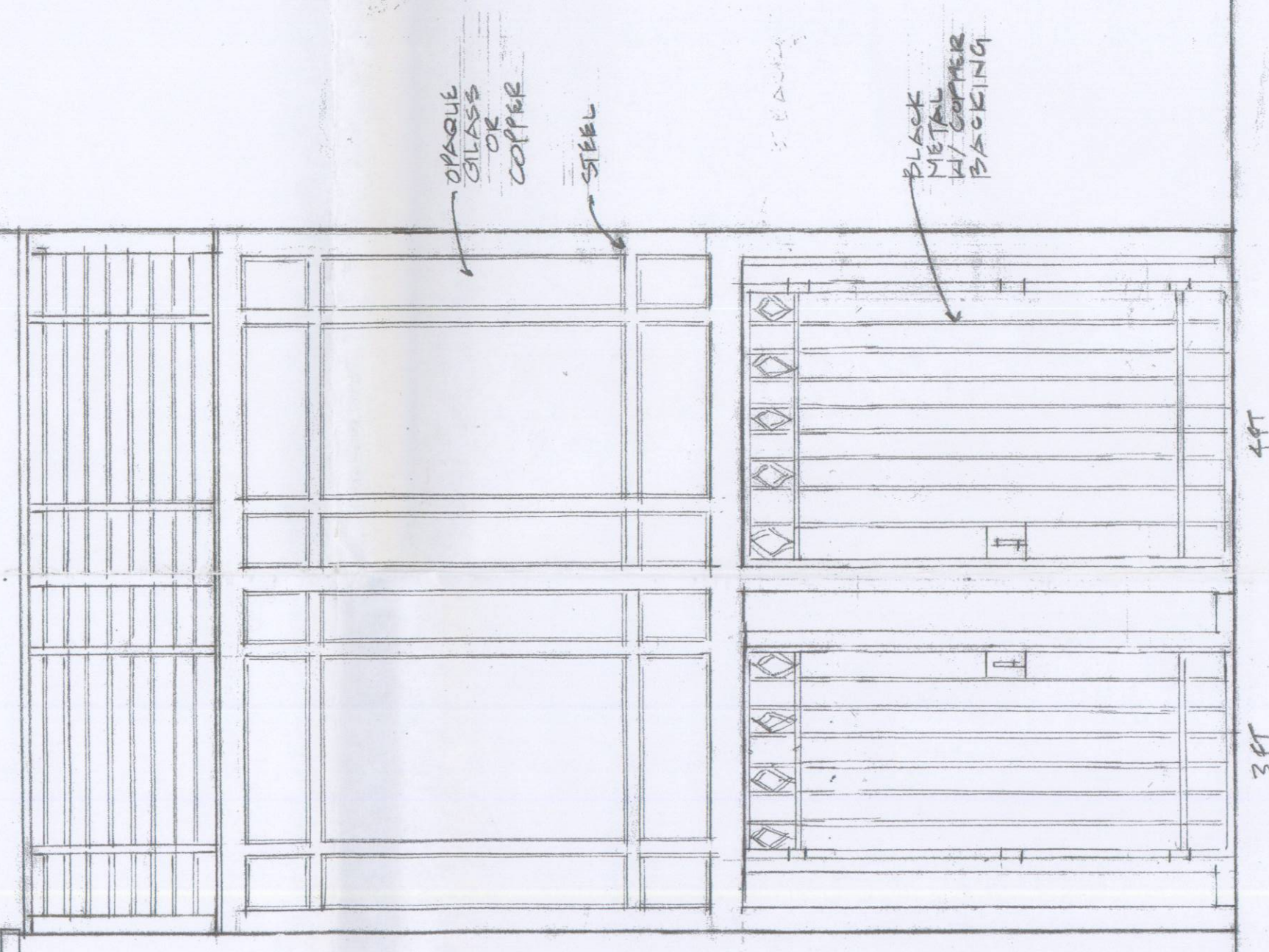
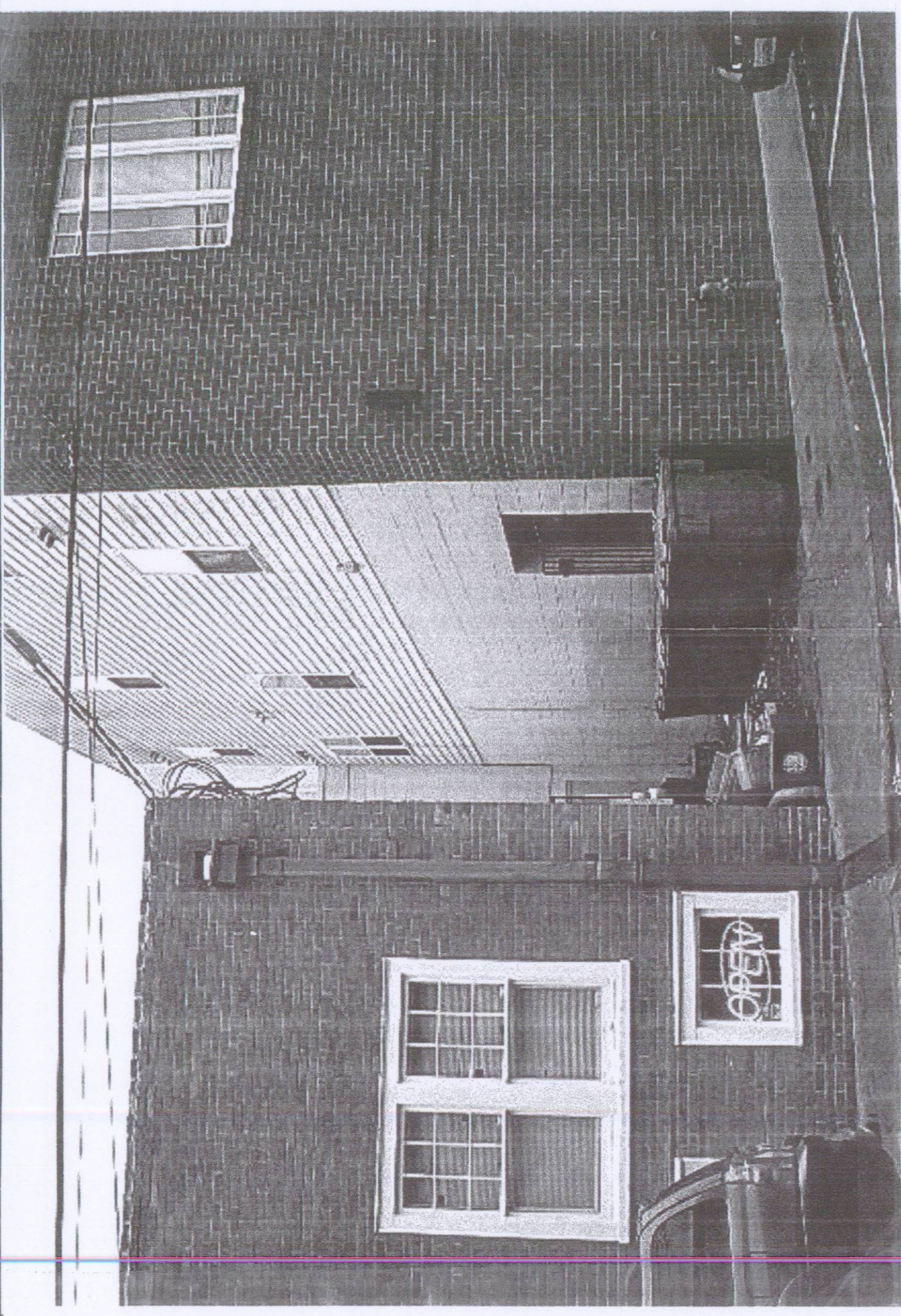
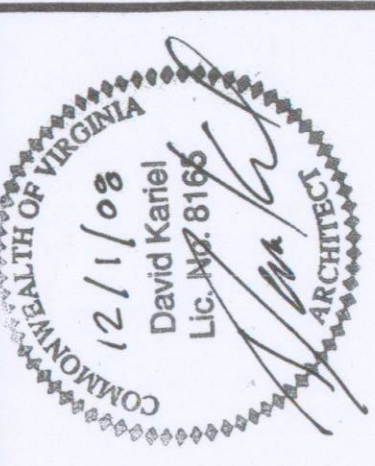


Proposed Wall and Gates  
for Oliver Kutner  
108 2nd St. SW ♦ Charlottesville, VA

David Kaniel  
Architect  
108 Second Street SW, Suite 11 Charlottesville, VA 22902 434-295-483

RECEIVED  
DEC 10 2008  
PROFESSIONAL RECORDS SERVICE

REVISIONS	BY



3

2

1

OPTIONS