

**From:** Scala, Mary Joy  
**Sent:** Wednesday, November 06, 2013 11:23 AM  
**To:** Alex George (alex@commonwealthskybar.com); med@fpwlaw.com  
**Cc:** gabo@townsquareassociates.com  
**Subject:** BAR Action - October 15, 2013

November 6, 2013

Alex George  
422 E Main Street  
Charlottesville, VA 22902

**Certificate of Appropriateness Application**

BAR 12- 10-02  
422 E Main Street  
Tax Map 28 Parcel 52  
Alex George, Applicant/  
J. Williams & D. Pettit Trust, A&N Building Land Trust Owner  
Temporary Roof Enclosure for Commonwealth/ Skybar Restaurant

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on October 15, 2013. The following action was taken:

**Approved (6-0) as submitted. The motion was then amended (6-0) to allow the applicant to keep his current tent in place until January 3, 2014, but with no extensions, to allow time to construct the roof enclosure structure.**

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 (April 15, 2015), 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 construction. 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.

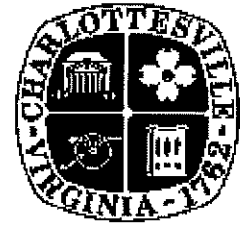
Upon completion of construction, please contact me for an inspection of the improvements included in this application. If you have any questions, please contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

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  
October 15, 2013**



**Certificate of Appropriateness**

BAR 12-10-02

422 East Main Street

Tax Map 28 Parcel 52

Alex George, Applicant

J. Williams & D. Pettit Trust, A&N Building Land Trust Owner

Seasonal tent for rooftop deck

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**Background**

This property is a contributing structure in the Downtown ADC district. It is described in the National Register Nomination Form as: *brick (painted) with aluminum façade; 1 story; shed roof; 5 bays. Commercial Vernacular, Ca.1900. Central-bay entrance; plate glass windows.* The building was originally a two story building, but the second story was either burned or removed and a new façade installed on the front and front side most likely in the mid-20<sup>th</sup> century. It was previously used as the A&N Store and an art gallery.

March 21, 2006 - The BAR approved (7-0) façade renovations and window additions to the 5<sup>th</sup> Street façade (these renovations for a proposed Littlejohn's Deli were never completed).

October 16, 2007 - The BAR approved (5-2) the application except the color of the glazed block and the material/profile of the cornice, both of which shall be brought back to the BAR for final approval. A condition of the approval is that the top of the reworked windows on the 5<sup>th</sup> Street side shall meet the spring point of the arch. It was recommended that the glazed block color be coordinated with the upper sign panel color. (These renovations for a grocery store were never completed.)

September 21, 2010 - The BAR accepted the applicant's deferral (8-0). Comments made were: needs to be calmer and more unified; subdue the palette; suggest minimal scheme using existing shell; let the roof of penthouse become a big eave or overhang; glass guardrail undermines pilaster ending.

October 19, 2010 - The BAR approved (5-0) the proposed new building renovation as submitted, with the condition that the applicant considers the comments discussed in the meeting about lowering the west wall.

February 15, 2011 - The BAR approved (7-0) revisions to the design as submitted.

April 19, 2011 - The BAR approved (7-0) revised materials and colors on the consent agenda.

July 19, 2011 - The BAR approved (7-0) the revisions to the original design for the front canopy, window head/canopy heights, and brick finish as submitted.

November 15, 2011 - The BAR moved to deny the application. The motion failed (4-4 with Knight, Wolf, DeLoach, and Graves opposed).

Then the BAR approved (7-1-1 with Osteen opposed and Hogg recused) a motion to provide a temporary grace period through March 15, 2012, extending it to all applicants, including previous applicants currently considering adding a tent, with the understanding that these tents are temporary until the Spring, to give the BAR time to have one or more work sessions to define language that fits within the Design Guidelines that

regulates structures not considered temporary (i.e., 7 days or less) when they occupy a site or are attached to a building within a historic design control district.

October 16, 2012 - Accepted (5-0) the applicant's request for deferral of a temporary tent for a rooftop deck (with a main section of 20 by 22 feet clear plastic facing East Main and 5<sup>th</sup> Street SE, and a section of the rooftop patio on the 5<sup>th</sup> Street SE side will be enclosed with clear plastic sheathing for indoor/outdoor seating during the winter months).

### **Application**

The applicant requests a Certificate of Appropriateness for a seasonal temporary roof structure to be enclosed during the winter months on the roof-top patio space of the Commonwealth/Skybar Restaurant.

Phase I of the enclosure will be located on the side along 5<sup>th</sup> Street SE, consisting of a painted steel frame (pergola) with clear vinyl panels with black edges mounted (clipped) behind the structure. The new pergola will be bolted to the existing steel railing and to the existing roof beam. The vinyl panels may be removed in the warm season.

Phase 2 of the enclosure is a structure located on the Main Street side of the restaurant. The structure would be setback from the front (stopping at the end of the copper wall) and from the side of the building (stopping at the existing roof). New beams to match existing will be added. A new post clad in copper will stand at the corner. Clear vinyl panels with black edges will similarly enclose the sides and top, and may be removed when not in use.

### **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 – Seasonal Tents**

Current Guidelines followed by Proposed Guidelines changes on City Council's 10/21 agenda:

### *G. Tents (Including Tent Canopies) for the Winter Café Season or Year-Round Use*

1. Tents are generally not appropriate in historic districts that are primarily residential (North Downtown, Wertland Street, Ridge Street, Oakhurst-Gildersleeve, Rugby Road-Venable, most of Martha Jefferson).
2. Tents may be appropriate in the Downtown, the Corner, and the West Main Street ADC districts, and in the mixed use/commercial areas of Martha Jefferson Conservation District, except tents are not appropriate on the Downtown mall portion of East and West Main Streets, including Central Place, and on the side streets leading to the mall.
3. Tents should not permanently alter significant landscaping or site features.
4. Tents should be a solid color, without any text or logos.
5. Tents may be appropriate on the upper floors or roof of buildings.
6. Tents may be appropriate on the rear or side of a building.
7. If a tent would affect the front elevation of a building, or the character of the property or district, then the guidelines for Additions in Chapter 3, New Construction and Additions, should be followed.

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3. Traditional solutions such as patio umbrellas and tree shade are encouraged.
5. ~~4. Tents may be~~ are not appropriate on the upper floors or roof of buildings.
5. ~~Tents are not appropriate in front of a contributing building.~~
6. ~~Tents may be appropriate in front of a non-contributing building, depending on the tent materials, and the impact of its footprint and massing on the streetscape and building.~~
6. ~~7. Tents may be appropriate on the rear or side of a building.~~
7. ~~If a tent would affect the front elevation of a building, or the character of the property or district, then the guidelines for Additions in Chapter 3, New Construction and Additions, should be followed.~~
3. ~~8. Tents should not permanently alter significant landscaping or site features.~~
4. ~~9. Tents should be a solid color, without any text or logos.~~

### **P. ADDITIONS**

Many of the smaller commercial and other business buildings may be enlarged as development pressure increases in downtown Charlottesville and along West Main Street. These existing structures may be increased in size by constructing new additions on the rear or side or in some cases by carefully adding on extra levels above the current roof. The design of new additions on all elevations that are prominently visible should follow the guidelines for new construction as described earlier in this section. Several other considerations that are specific to new additions in the historic districts are listed below:

1. Function and Size
  - a. Attempt to accommodate needed functions within the existing structure without building an addition.
  - b. Limit the size of the addition so that it does not visually overpower the existing building.
2. Location
  - a. Attempt to locate the addition on rear or side elevations that are not visible from the street.
  - b. If additional floors are constructed on top of a building, set the addition back from the main façade so that its visual impact is minimized.
  - c. If the addition is located on a primary elevation facing the street or if a rear addition faces a street, parking area, or an important pedestrian route, the façade of the addition should be treated under the new construction guidelines.
3. Design
  - a. New additions should not destroy historic materials that characterize the property.

*b. The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

**4. Replication of Style**

*a. A new addition should not be an exact copy of the design of the existing historic building. The design of new additions can be compatible with and respectful of existing buildings without being a mimicry of their original design.*

*b. If the new addition appears to be part of the existing building, the integrity of the original historic design is compromised and the viewer is confused over what is historic and what is new.*

**5. Materials and Features**

*a. Use materials, windows, doors, architectural detailing, roofs, and colors that are compatible with historic buildings in the district.*

**6. Attachment to Existing Building**

*a. Wherever possible, new additions or alterations to existing buildings should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the buildings would be unimpaired.*

*b. The new design should not use the same wall plane, roof line, or cornice line of the existing structure.*

**Discussion and Recommendations**

The applicant will discuss the phasing of the project.

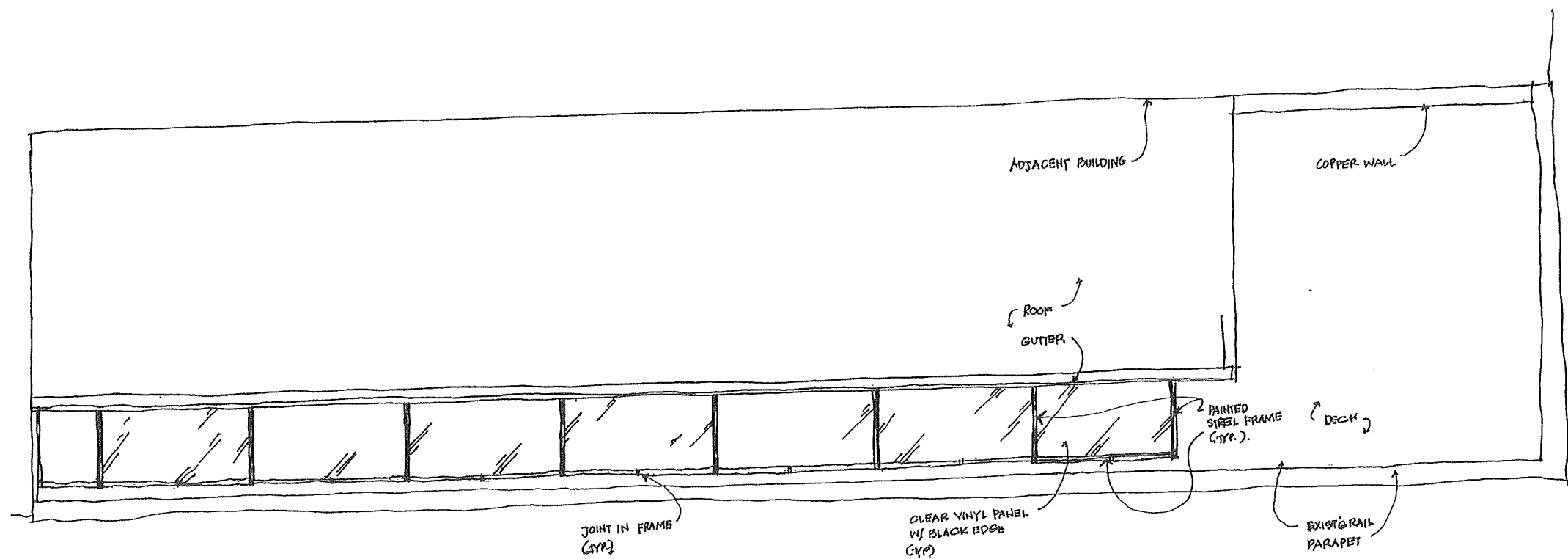
Although the amended tent guidelines have not yet been adopted by Council, this structure is arguably not a tent, and may be reviewed as an addition to the building.

The applicant wisely asked the original building architect to propose a solution to the Skybar's tent dilemma. The proposal is to leave a designed steel framework in place, to which flat, clear vinyl panels may be attached in cold weather.

In staff opinion, this structure is complementary to the newly-renovated building, and will continue to function as a festive addition to the east end of the mall.

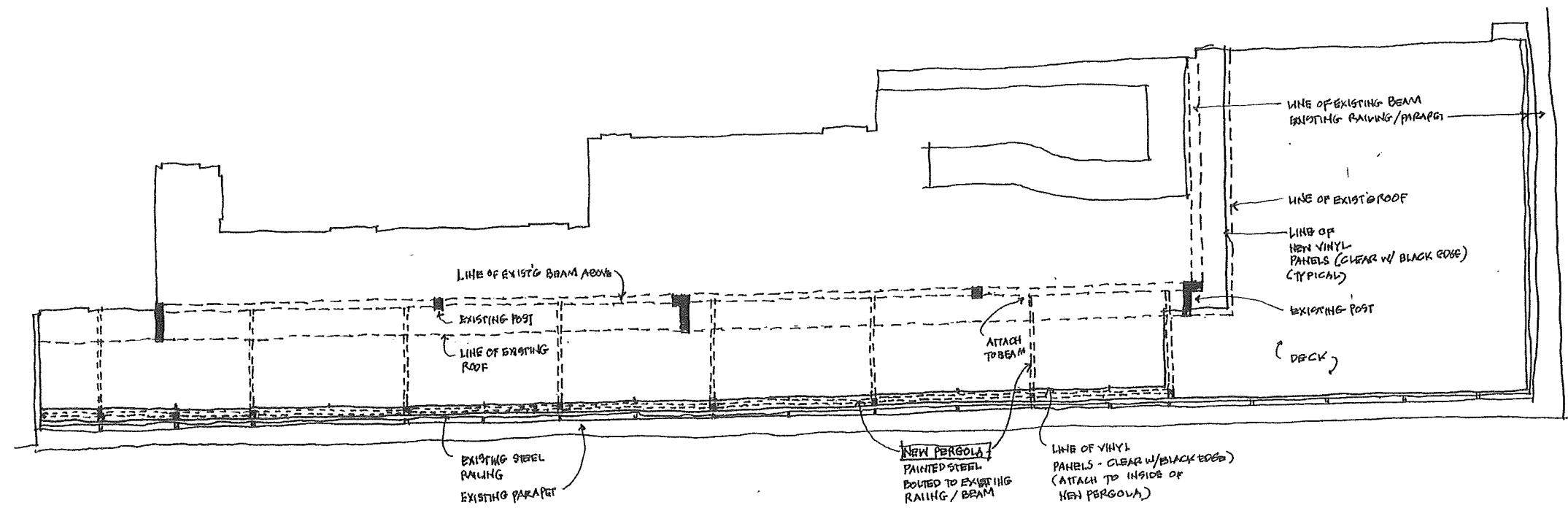
**Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Seasonal Tents and New Additions to historic buildings, I move to find that this seasonal temporary enclosure satisfies the BAR's criteria and is compatible with this contributing property and other properties in the Downtown ADC district, and that the BAR approves the application as submitted (or with the following modifications...).



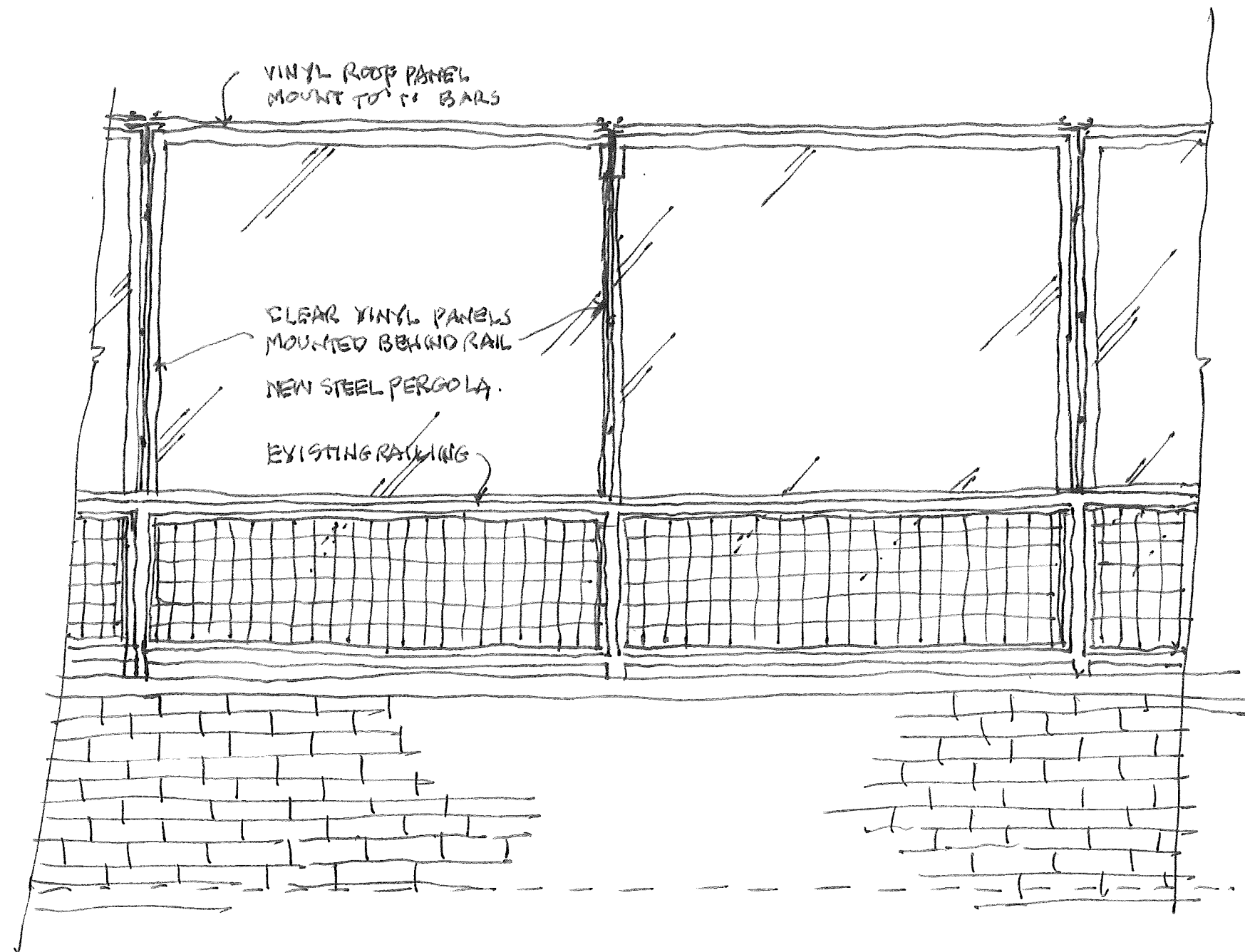
SKYBAR ROOF - PHASE 1 - PLAN

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 3/24/13



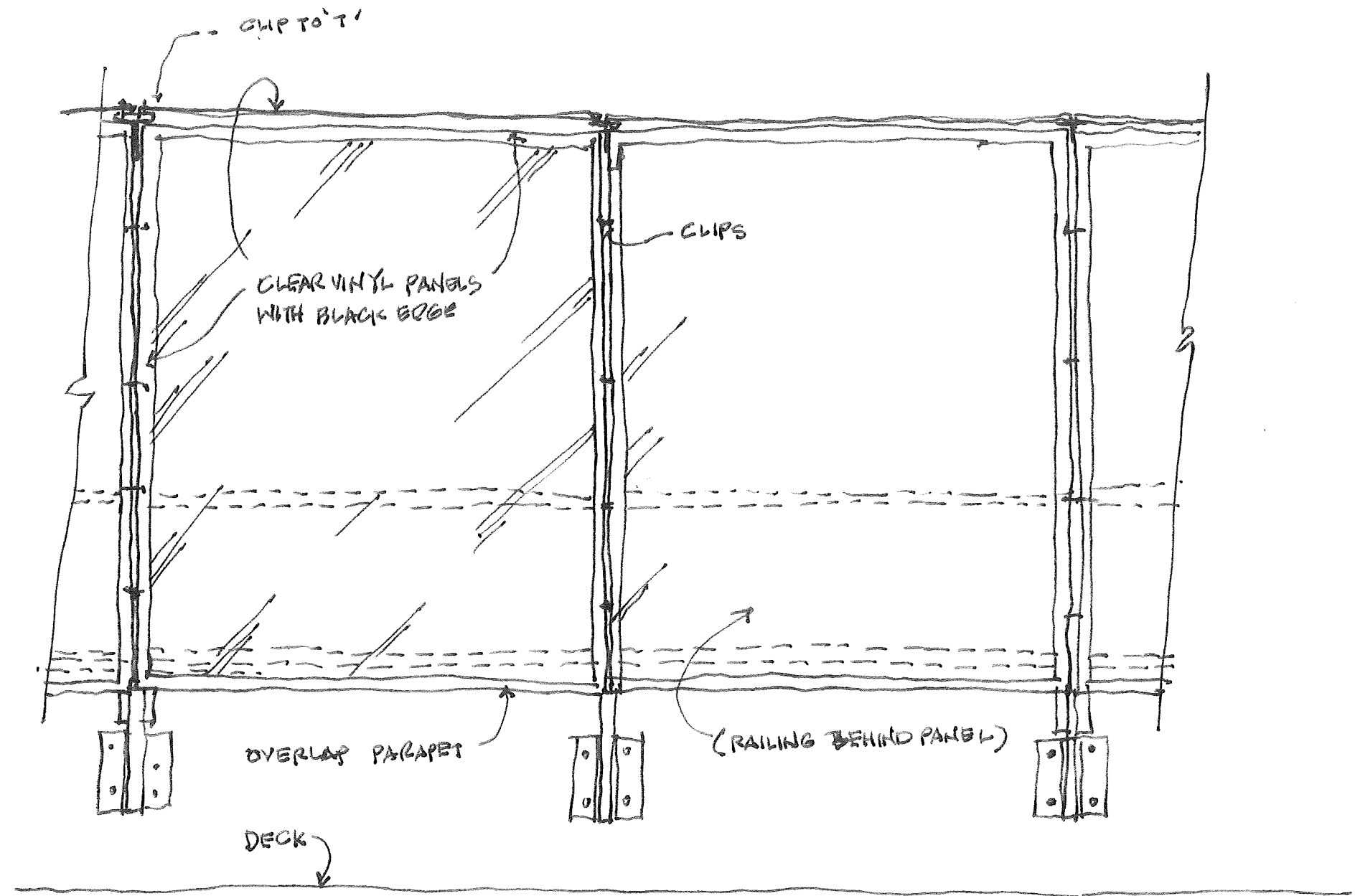
SKY BAR - PHASE 1 - PLAN

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
 ROYAL BARTON STUDIO 9/24/13

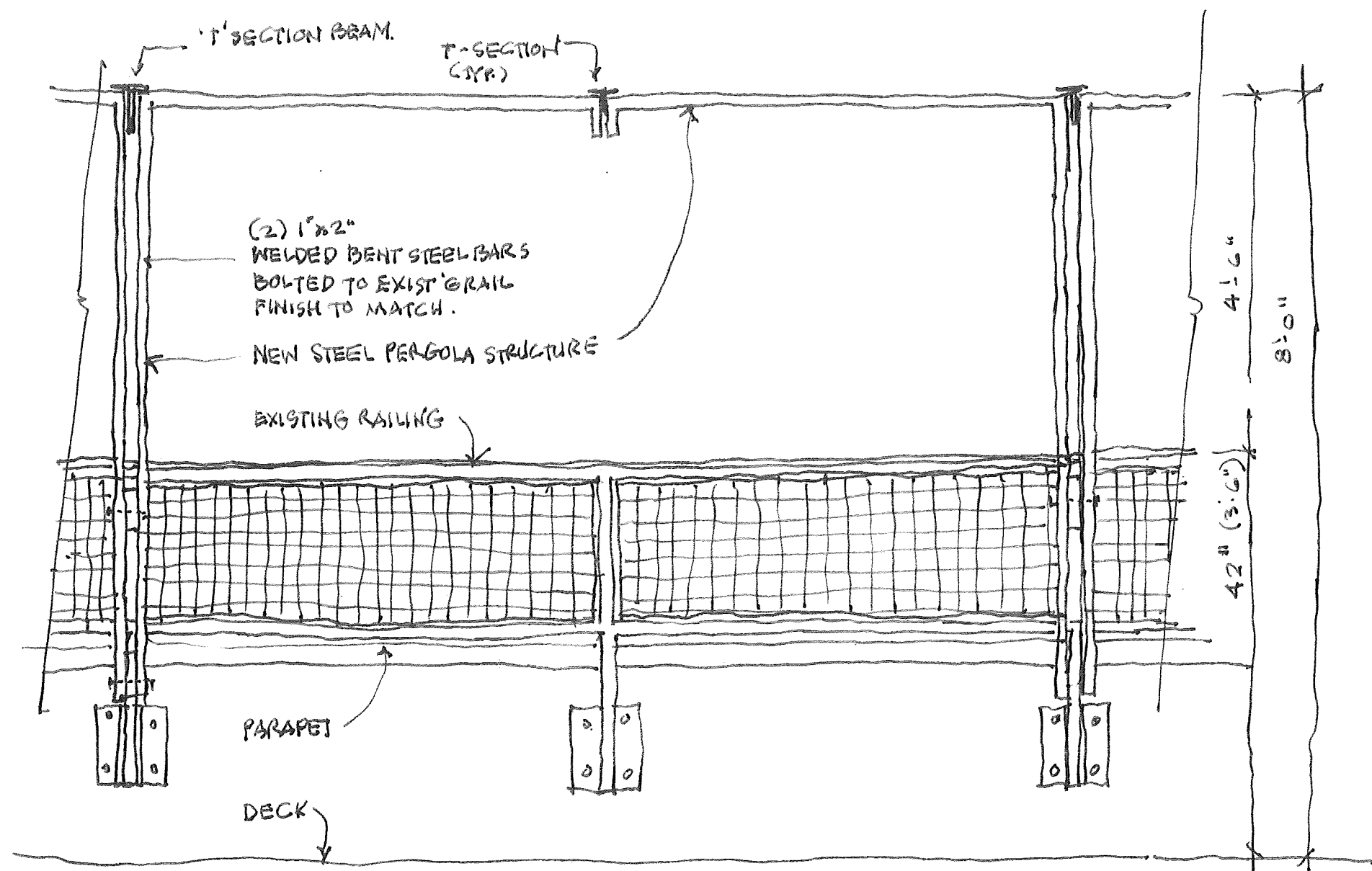


PERGOLA  
ELEVATION FROM STREET WITH PANELS  
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13

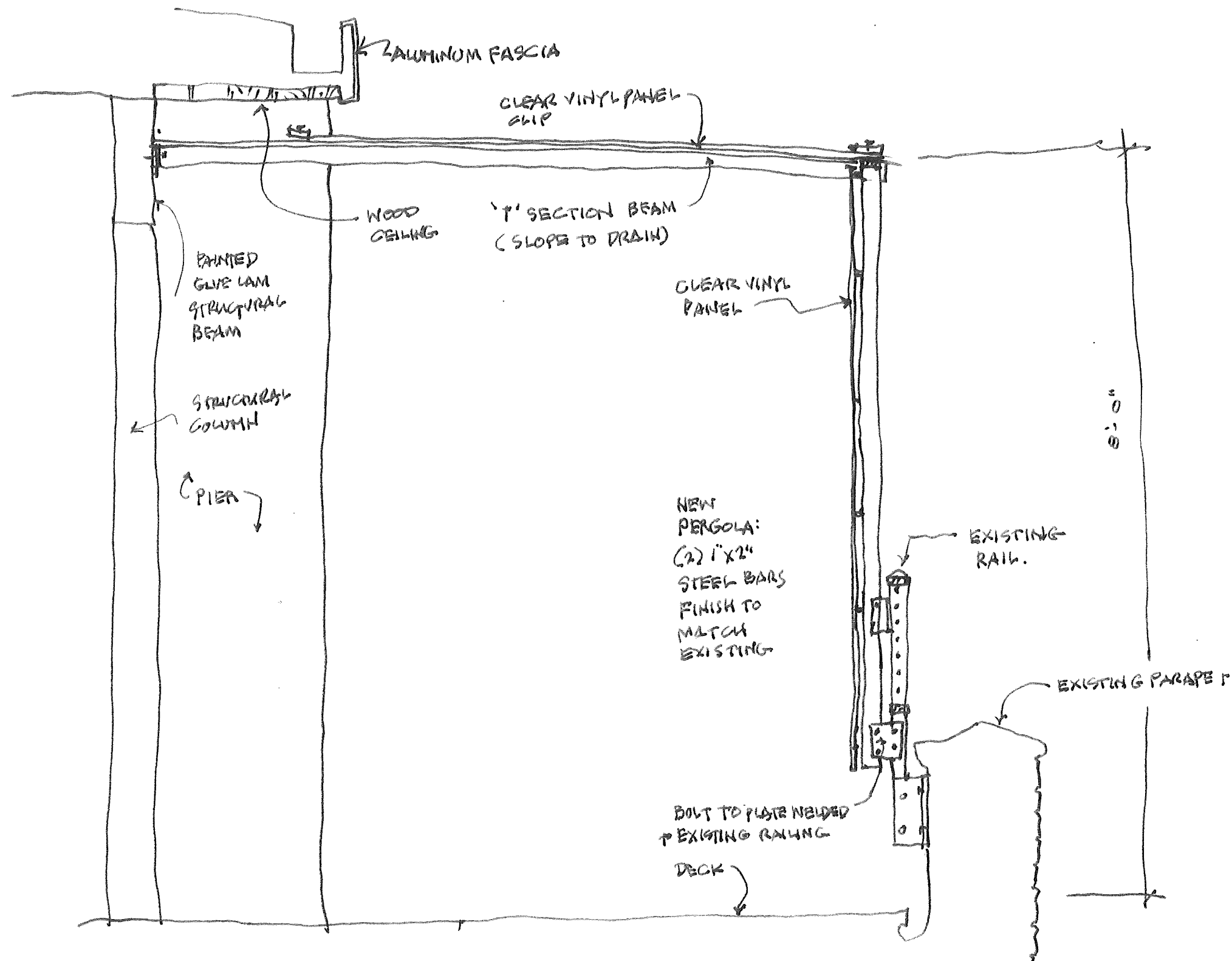




PERGOLA  
ELEVATION FROM ROOF WITH PANELS  
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13

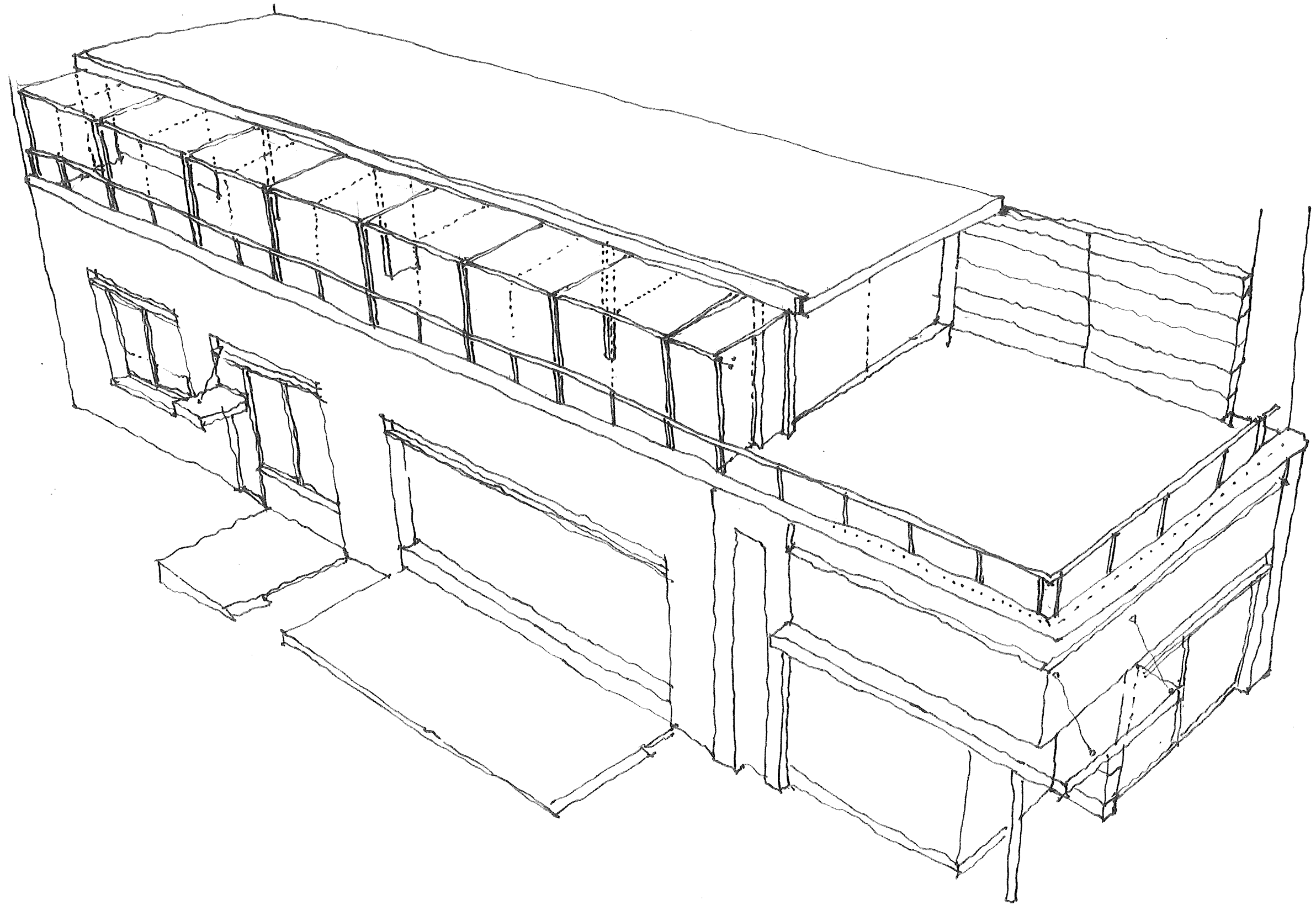


PERGOLA  
ELEVATION FROM ROOF W/O PANELS  
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13



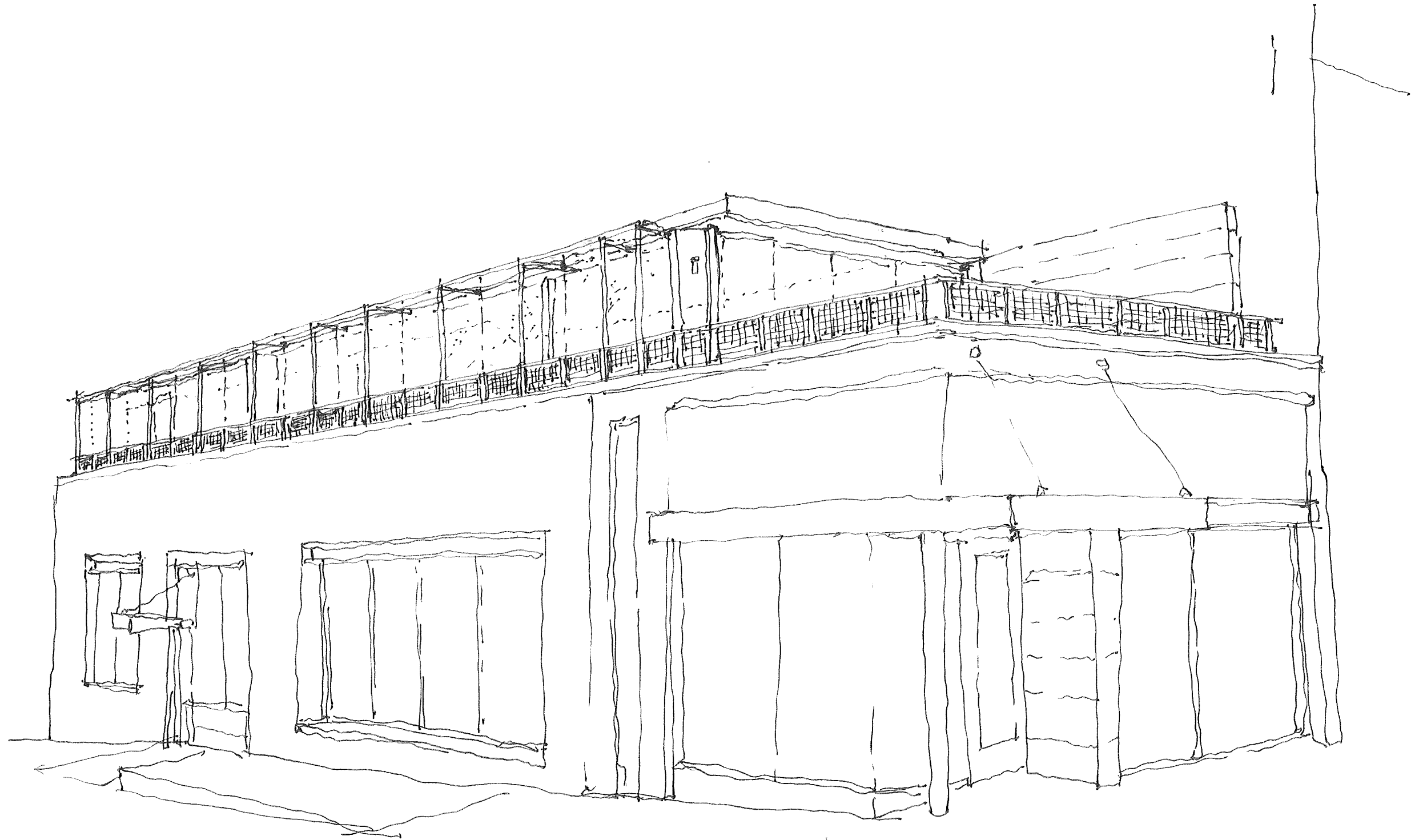
## PERGOLA SECTION

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13

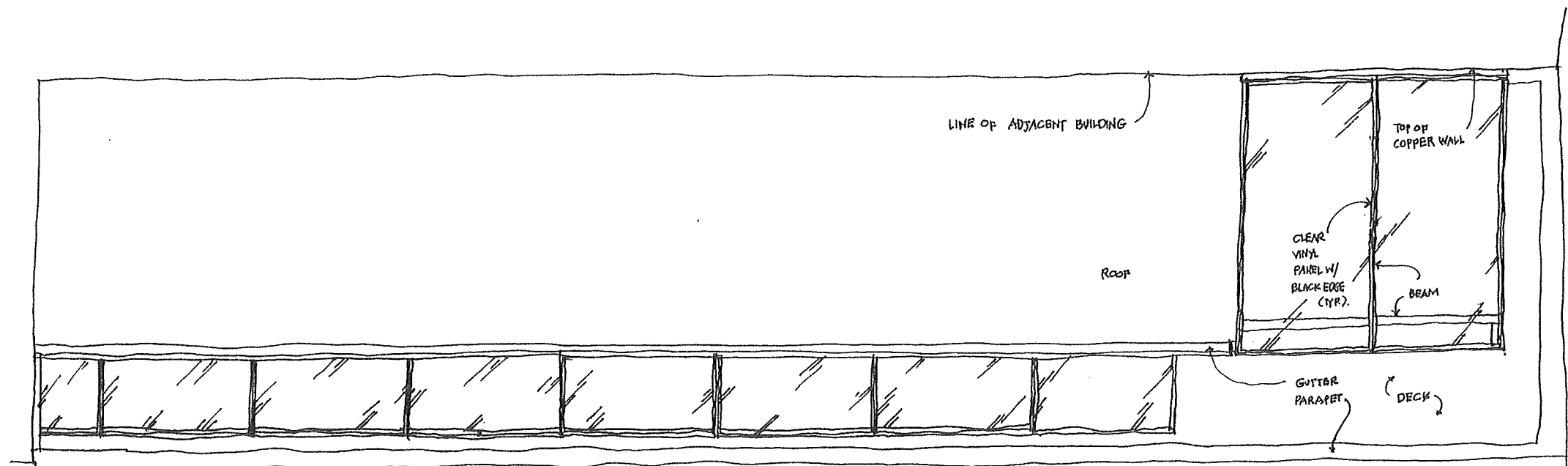


SKYBAR PERGOLA  
AERIAL VIEW - PHASE 1

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13

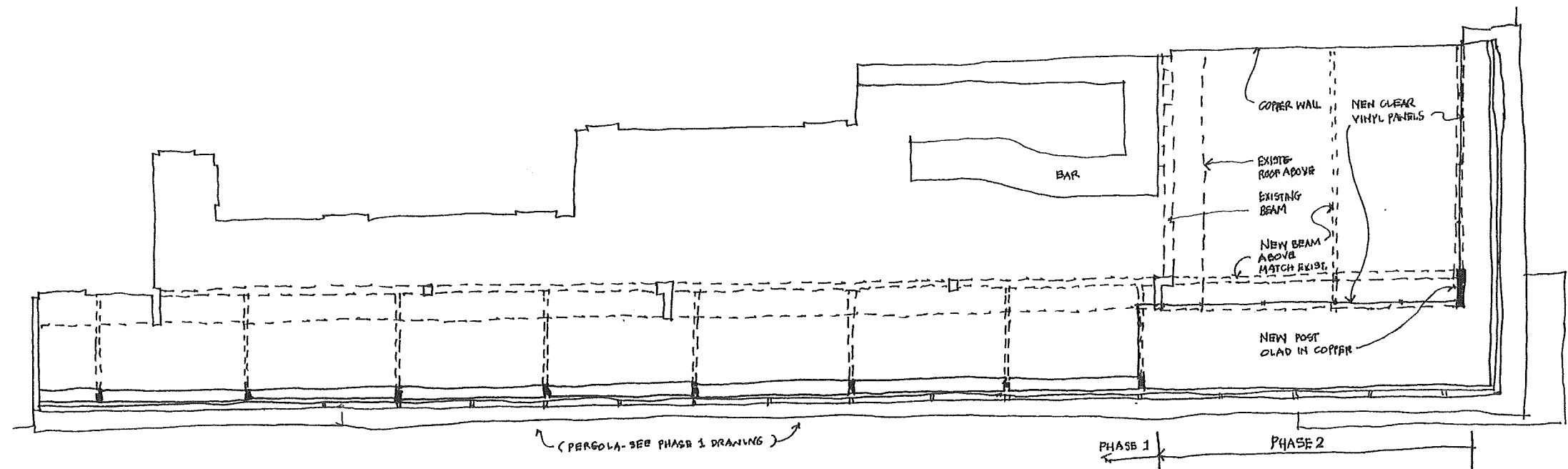


PERSPECTIVE SKETCH from NE PHASE 1  
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13



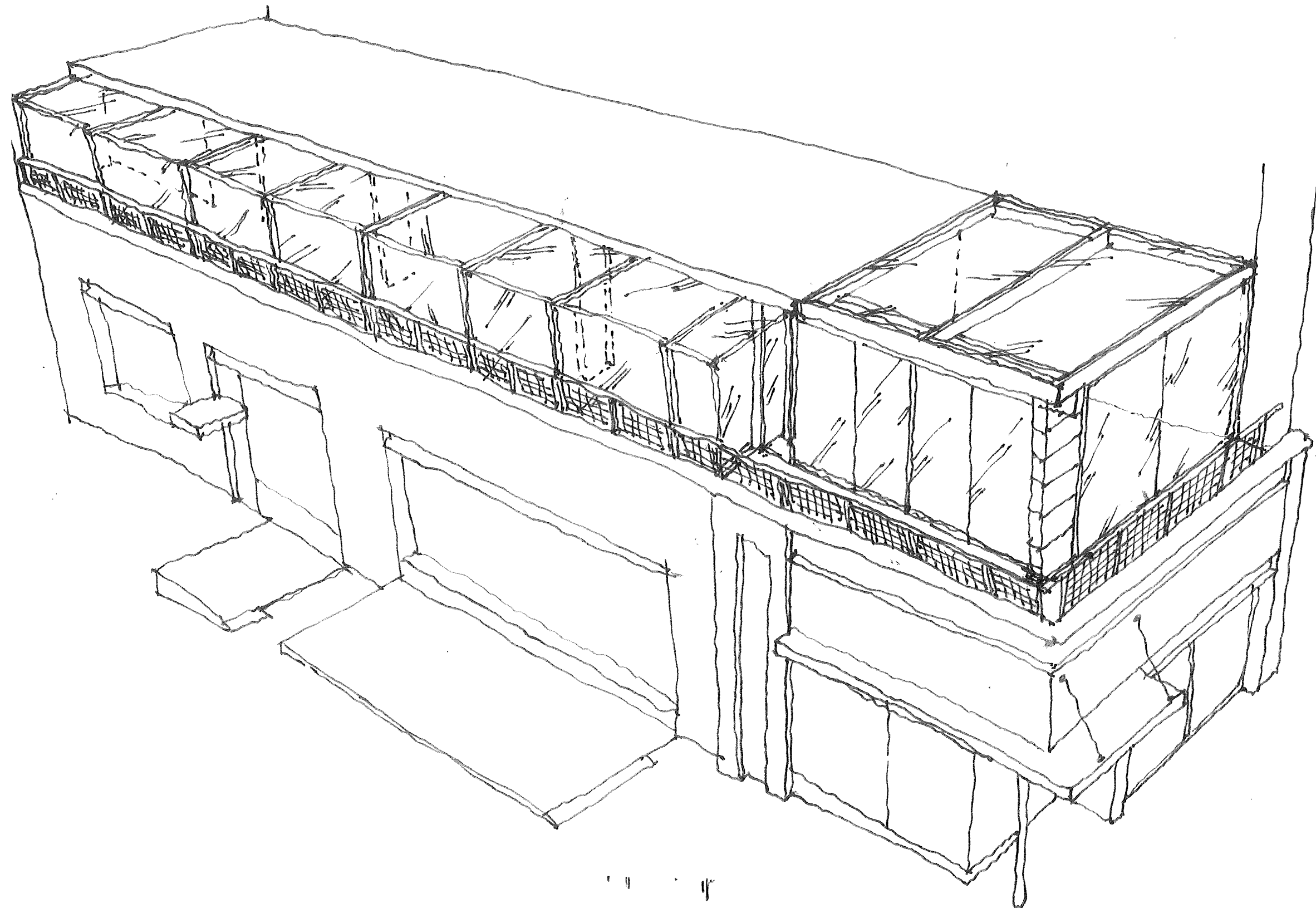
ROOF - PHASE 2 - PLAN

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13



SKYBAR - PHASE 2 - PLAN

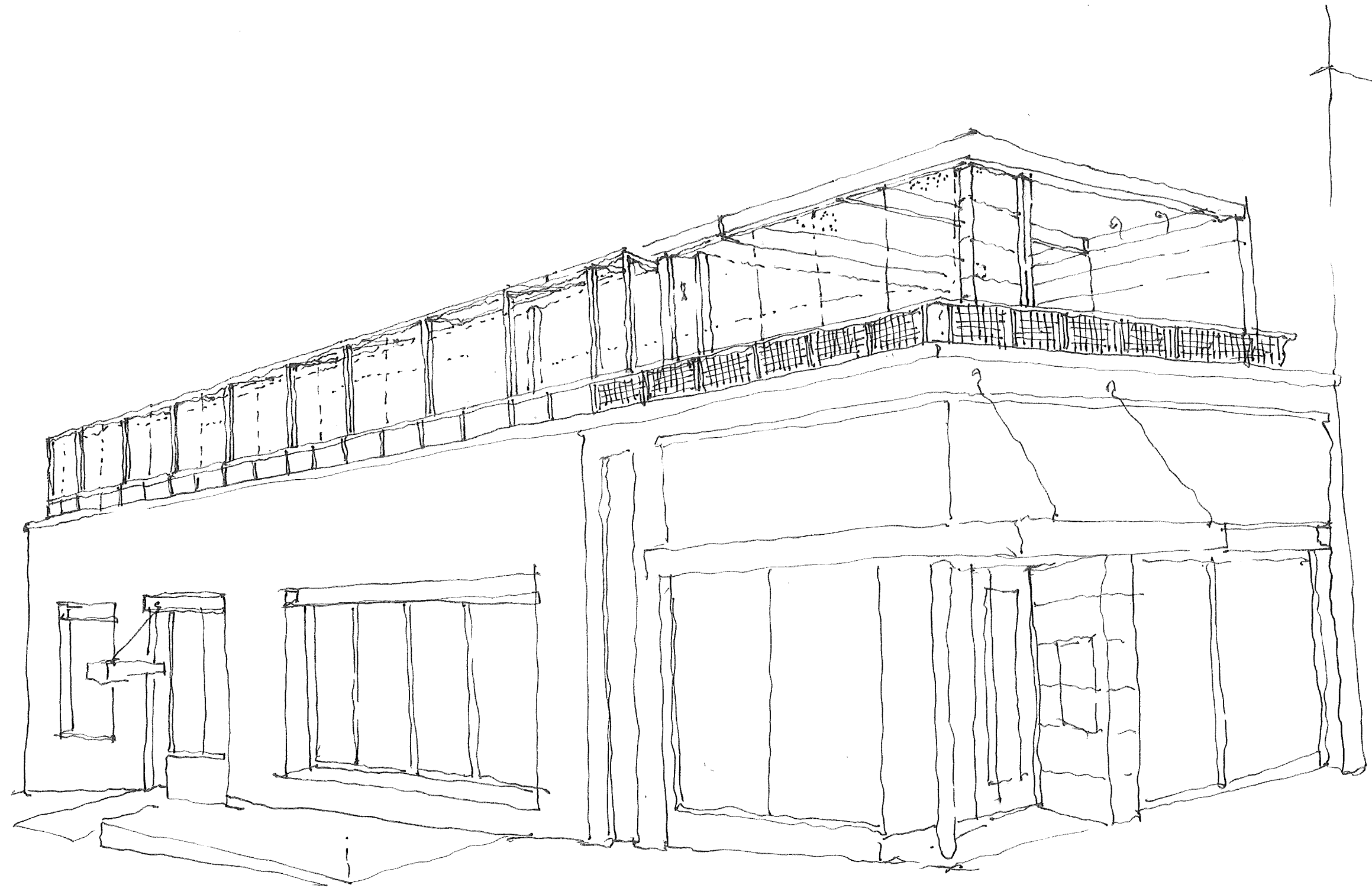
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
 RYAN BARTON STUDIO 9/24/13



SKYBAR TRELLIS  
AERIAL VIEW - PHASE 2

COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 5/24/13





PERSPECTIVE SKETCH from NE. PHASE 2  
COMMONWEALTH TEMPORARY ROOF ENCLOSURE  
ROWEN BARTON STUDIO 9/24/13













# 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)



October 1, 2013

Dear Sir or Madam:

This letter is to notify you that the following application has been submitted for review 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 12- 10-02

422 E Main Street

Tax Map 28 Parcel 52

Alex George, Applicant/

J. Williams & D. Pettit Trust, A&N Building Land Trust Owner

Temporary Roof Enclosure for Commonwealth/ Skybar Restaurant

The Board of Architectural Review (BAR) will consider these applications at a meeting to be held on **Tuesday, October 15, 2013, starting at 5:30 pm in City Council Chambers, City Hall**. Enter City Hall from the Main Street pedestrian mall entrance and go up to 2<sup>nd</sup> floor.

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

Sincerely yours,

Mary Joy Scala, AICP  
Preservation and Design Planner

EAST MALL, LLC  
112 W MAIN ST STE 5  
CHARLOTTESVILLE VA 22902

GIECK, JOE H, TRUST  
2124 WENTWORTH FARM  
CHARLOTTESVILLE VA 22902

MAIN, RALPH TR OF BLACK  
DUCK LD TR  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

MAIN, RALPH TR OF BLACK  
DUCK LD TR  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

MASONIC CORPORATION OF  
CH'VILLE  
B BASKERVILLE  
1326 HILLTOP ROAD

RUSSELL INC  
404 EAST MAIN STREET  
CHARLOTTESVILLE VA 22902

EAST MALL, LLC  
112 W MAIN ST STE 5  
CHARLOTTESVILLE VA 22902

KABBASH, CHARLES A T/A 414  
ASSOCIATES  
308 EAST MARKET STREET  
CHARLOTTESVILLE VA 22902

MAIN, RALPH TR OF BLACK  
DUCK LD TR  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

NIC, LLC  
P O BOX 6634  
CHARLOTTESVILLE VA 22906

GIECK, JOE H, TRUST  
2124 WENTWORTH FARM  
CHARLOTTESVILLE VA 22902

MAIN, RALPH TR OF BLACK  
DUCK LD TR  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

MAIN, RALPH TR OF BLACK  
DUCK LD TR  
P O BOX 2378  
CHARLOTTESVILLE VA 22902

MASONIC CORPORATION OF  
CH'VILLE

OMD, LLC  
P O BOX 100  
CHARLOTTESVILLE VA 22902