

**From:** Scala, Mary Joy  
**Sent:** Tuesday, April 23, 2013 10:23 AM  
**To:** 'Maya Restaurant'  
**Subject:** BAR action

April 23, 2013

Peter Castiglione  
633 W Main Street  
Charlottesville, VA 22903

**Certificate of Appropriateness Application**  
BAR 13-04-08  
629-631-633 W Main Street  
Tax Map 32 Parcels 163 & 164  
Backwater, Inc., Owner/ Peter Castiglione, Applicant  
Maya Restaurant Patio Tent

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on April 16, 2013. The following action was taken:

**Approved (4-2 with Miller and Osteen opposed) as submitted with clear top.**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

This certificate of appropriateness shall expire in 18 months (October 16, 2014), 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.

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)



## 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

RECEIVED

APR 03 2013

NEIGHBORHOOD DEVELOPMENT SERVICES

Please submit ten (10) copies of application form and all attachments.

For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.

The BAR meets the third Tuesday of the month.

Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 4 p.m.

Owner Name BACKWATER, INC Applicant Name PETER CASTIGLIONE  
Project Name/Description MAYA RESTAURANT PATIO Parcel Number 370163000 - 320164000  
Property Address 633 WEST MAIN ST, CIVILE, VA 22903  
629-631

#### Applicant Information

Address: 633 WEST MAIN ST

CHARLOTTESVILLE, VA 22903

Email: maya.civile.restaurant@gmail.com

Phone: (W) 979-6292 (H) \_\_\_\_\_

FAX: NA

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

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

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

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

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

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

#### Signature of Applicant

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

Peter Castiglione

4.2.2013

Signature

Date

PETER CASTIGLIONE

4.2.2013

Print Name

Date

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

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

Peter Castiglione

4.2.2013

Signature

Date

Peter Castiglione

4.2.2013

Print Name

Date

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

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

#### For Office Use Only

Received by: B8W

Fee paid: 125.00 Cash/Chk. # 13059

Date Received: 4/3/2013

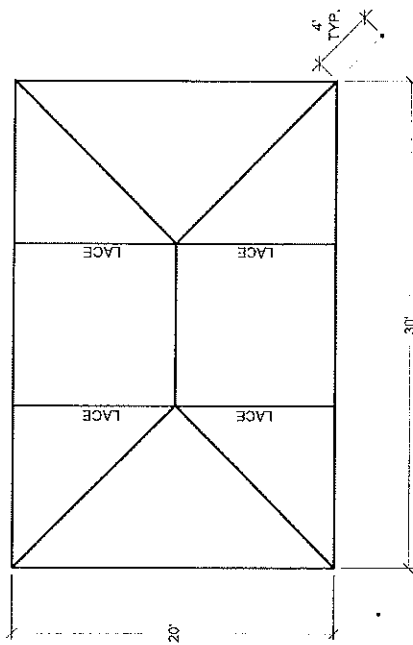
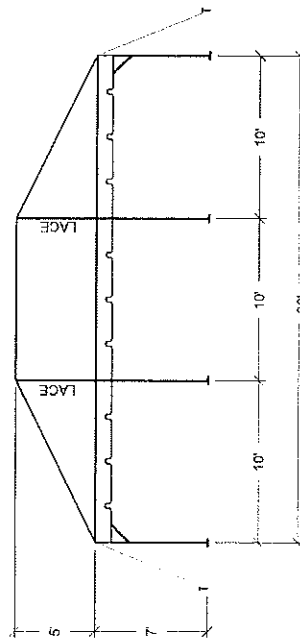
Approved/Disapproved by: \_\_\_\_\_

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

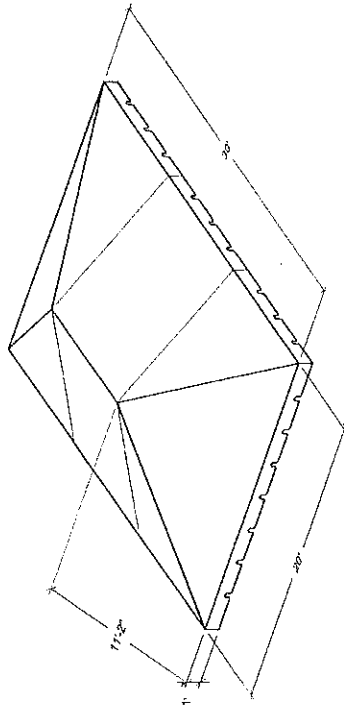
Conditions of approval: \_\_\_\_\_

P13-0061

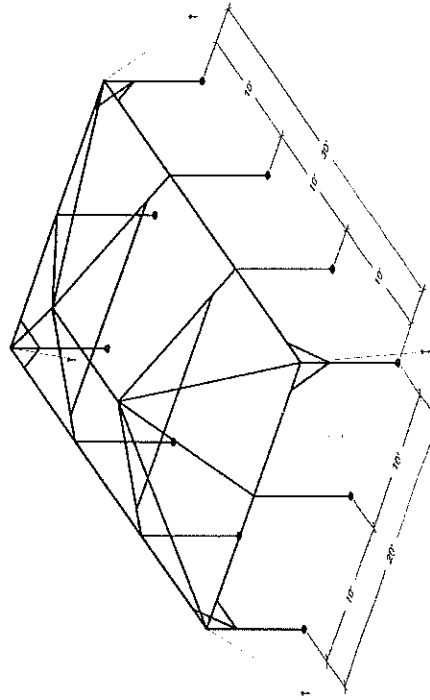
# Skyline Text 00

PLAN

### SIDE ELEVATION



TOP



ISOMETRIC

**NOTE:** UPRIGHTS MAY BE ADJUSTABLE FROM 7'-0" TO 10'-0".

REVISIONS		ANCHOR INDUSTRIES INC.	
SOFR NO.	DATE	BY	
		BROCHURE DRAWING	
		20' x 30' FIESTA FRAME TENT	
DRAWN BY: DMK		CHECKED BY:	
APPROVED BY:		ACSR NO.	DATE
			08/23-08
		DRAWING NO.	
		08-407-4	

**Maya Restaurant, 633 West Main Street, Charlottesville, VA 22903**  
**Certificate of Appropriateness c/o Tent Structure over outdoor patio**

Dear BAR,

We are expecting to erect and maintain our tent structure, as we have for the previous five years, on April 16<sup>th</sup>, 2013. In order to accommodate the private parties and reservations we have booked in the upcoming months, we plan on leaving said tent in place until November of 2013. Without the protection the tent provides from weather conditions, we will not be able to generate enough revenue to maintain our business. Having a tent on our patio while local temperatures permit outside dining is paramount to our business model.

Please take a moment to consider the following information:

**AESTHETIC**

We erect a tent with a clear top and white boarders for several reasons. The clear top allows sunlight to reach and nourish our patio plants and climbing vines that lend our patio space an organic presence. We grow herbs and flowers as the season dictates to beautify our space and soften the commercial nature of the Midtown corridor. The clear top also serves as a reflective surface after sunset (see picture) that makes the space seem larger and open as opposed to closed in and suffocating. We hang lighted paper lanterns from the support structure and use perimeter lights to illuminate our patio. Said lighting is controlled by dimmer switches. Lighting our patio is a challenge without the tent. We offer wooden tables and chairs for our diners which are more comfortable and visually pleasing. Without the tent to protect our furniture from rain, we would have to digress to outdoor furniture only. The plastic side walls are only dropped during weather or temperature events that dictate their use. We leave the side walls rolled up and fastened at all other times to allow for fresh air and a clear view of our plants, wooden tables and design details. Our tent is an improvement to our patio area from both functional and aesthetic points of view.

**REVENUE AND TAXES**

When we purchased our building in 2007, our business plan called for the extra revenue our patio provides. One of our greatest assets is our ability to rent out our dining rooms for private parties. When our dining rooms are rented, we need the patio space to accommodate our regular diners and reservations. The tent secures that we are able to maintain service during weather events. We currently have over 50 private functions booked between April and November. A substantial percentage of these parties are booked on the patio. If we are not permitted to leave our tent up during patio season, we stand to lose upwards of \$350,000 of guaranteed and secured revenue. This does not include regular business that can be interrupted due to rain, temperature, wind, etc. This constitutes approximately 25% of our annual sales. Should we experience poor weather on weekends throughout the season, this percentage could rise to 30% or more. Obviously, the tax that we collect is also a substantial number to consider.

Without the tent, we will not be able to generate enough revenue to pay our mortgage, maintain our expenses and pay our employees.

## HISTORY

During our first four years in business, we needed the tent to protect us from the poor conditions that surrounded our property on West Main Street. The dust and grime from the particulates displaced from the Amtrak station parking lot blew onto our patio in the form of violent dust storms for years. Our tent was not only a necessity to protect our revenue stream but a means to protect the health of our customers and employees. There were little to no street lights on our block of West Main Street either. The lighting the tent provided during this stretch of time was the only thing illuminating the sidewalks and streets. We were the sole source of pedestrian light after dark. We spent several very active years working with Jim Tolbert and Neighborhood Development to initiate street improvements. It was our hard cash and hard time (I spent years lobbying Silverman and Cadgene) that paid for the legal services required to get the Amtrak lot paved and street improvements in motion. We ask that the BAR consider that without our efforts and steadfast belief that West Main Street could become a destination such as the Downtown Mall, the parking lot would still be a dust bowl and West Main Street would not have developed to its current state. Thus, we find it interesting that until recently the City and the BAR were not concerned about the aesthetic value of our tent structure relative to the surrounding area be it Historic or not.

## IN CLOSING

We respectfully request that the BAR approve the use of or "Grandfather" the use of our tent from April through November so as to allow Maya Restaurant to provide our services to the public in the same manner as we have since we opened our doors in 2007.

Peter Castiglione



Christian Kelly









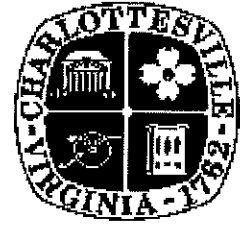








**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
April 16, 2013**



**Certificate of Appropriateness Application**

BAR 13-04-08

629-631-633 W Main Street

Tax Map 32 Parcels 163 & 164

Backwater, Inc., Owner/ Peter Castiglione, Applicant

Maya Restaurant Patio Tent

---

**Background**

The Joseph Building (Maya Restaurant) is a contributing structure in the West Main ADC district. The adjacent parcel and structure to the east where the patio is located is not shown as contributing. A two-story brick house was apparently demolished on this site in 1962.

**Application**

The applicant is proposing to erect a tent on the front patio of the non-contributing section of Maya Restaurant. The tent will be clear with white borders and placed on the existing outdoor patio to allow for outdoor dining through November. The proposed tent coordinates with the adjacent tent at Horse 'n' Hound restaurant.

**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;*

- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*



10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (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 Signs, Awnings, Vending and Cafes**

#### ***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, Wermland 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.**

### **Pertinent Guidelines for New Construction:**

#### ***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**

Seasonal tents are described as “appropriate in the Downtown, the Corner, and the West Main Street ADC districts...” (G.2) in the 2012 ADC guidelines. The application for the tent follows guideline G.4 stating that tents “should be a solid color without any text or logos”. The proposed tent is located in the front of the structure which yard, will not significantly impact the structure permanently (G.6) and will not alter the appearance of the front elevation of the contributing part of the property (G.7). However, the proposed tent will impact the front elevation of the non-contributing structure part of the property and so may be considered a new addition.

In October 2012 the BAR reviewed the first application for a seasonal tent under these new guidelines at 422 East Main Street, the Commonwealth Restaurant. The BAR accepted the applicant’s request to defer at that meeting. Then in December 2012, the BAR reviewed an application for one 25’ by 25’ seasonal tent in the side yard of the Biltmore Grill on Elliewood Drive in The Corner ADC district. This application was approved as submitted (6-1, with Miller opposing).

The proposed tent will have little impact on the contributing historic property, as it will be located to the side of this building. The tent is in keeping with the traditional commercial function of this structure and the West Main ADC district. It correlates well with the proposed tent at the neighboring 621-627 property which is also being considered for a Certificate of Appropriateness at this meeting.

### **Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for Tents, I move to find that the proposed outdoor tent satisfies the BAR’s criteria and is compatible with/is not compatible with this property and other properties in this district, and that the BAR approves/denies the application as submitted (or with the following modifications...).



# Architectural And Historic Survey



## Identification

STREET ADDRESS: 633 West Main Street  
 MAP & PARCEL: 32-163  
 CENSUS TRACT AND BLOCK:  
 PRESENT ZONING: B-3  
 ORIGINAL OWNER: Sarkis and Frances Joseph  
 ORIGINAL USE: Grocery Store  
 PRESENT USE: Bakery  
 PRESENT OWNER: Ferdinand & Judith A. Bazin  
 ADDRESS: 320 West Main Street  
 Charlottesville, VA 22901

HISTORIC NAME: Joseph Building  
 DATE / PERIOD: 1918  
 STYLE: Vernacular  
 HEIGHT (to cornice) OR STORIES: 2 storeys  
 DIMENSIONS AND LAND AREA: 20' x 84' (1680 sq. ft.)  
 CONDITION: Good  
 SURVEYOR: Bibb  
 DATE OF SURVEY: Winter 1983  
 SOURCES: City Records  
 Ch'ville City Directories

## ARCHITECTURAL DESCRIPTION

This small building is two storeys tall and three bays wide. Wall construction is of brick laid in 6-course American bond. The facade and east side elevation are faced with stucco and painted cream with dark blue trim. There is a mural representing LeSnail Patisserie on the eastern elevation. This building appears to have been built to the western wall of the two-storey brick house which stood at 631 West Main Street. Its demolition in 1962 left a recessed area in the wall of this building, with the house's chimney remaining in the center. There are matching 6-paneled entrance doors with 1-light transom and narrow architrave trim in the two side bays of the facade. The eastern one gives access to the store room, and the western one, to the stair to the second storey living quarters. In the center bay, there is a 3-light display window with plain trim. There is no storefront cornice. Windows at the second level of the facade are circular-headed, double-sash, 1-over-1 light, without surrounds. A shed roof covered with metal slopes to the rear of the building behind a small corbelled brick cornice. The rear elevation is three bays wide with a door in the center bay at each level. The 2-storey back porch has been removed. Windows and doors at the second level are segmental-arched. There are no windows on the eastern elevation.

## HISTORICAL DESCRIPTION

Sarkis and Frances Joseph purchased this lot in 1918 (City DB 31-326) and tax records show that the building was constructed in the same year. For two generations, the Joseph family conducted a neighborhood grocery store there and lived above, before selling the building in 1970 (DB 320-338). After two interim owners (DB 321-269), Ferdinand and Judith A. Bazin bought it in 1980 (DB 410-240) and completely renovated the entire building for use as a bakery with living quarters above.

# 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)



April 3, 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 13-04-08  
629-631-633 W Main Street  
Tax Map 32 Parcels 163 & 164  
Backwater, Inc., Owner/ Peter Castiglione, Applicant  
Maya Restaurant PatioTent

The Board of Architectural Review (BAR) will consider these applications at a meeting to be held on **Tuesday, April 16, 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 [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

Mary Joy Scala, AICP  
Preservation and Design Planner