

From: Scala, Mary Joy
Sent: Thursday, July 23, 2015 3:30 PM
To: 'Carolyn Polson'
Subject: BAR Action - July 21, 2015- 400 W High Street

July 23, 2015

Carolyn Polson
400 West High Street
Charlottesville, VA 22902

Certificate of Appropriateness Application (deferred from May)

BAR 15-05-03
400 West High Street
Tax Parcel 330154000
Walker's Legacy, LLC, Owner/ Carolyn Polson, Applicant
Remove trees and replace with other species

Dear Applicant,

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

The BAR approved the application as submitted (9-0) with the stipulation of a one-to-one replacement of the existing trees. The BAR requests one medium canopy tree from the City of Charlottesville's list (to replace the mulberry) and three large canopy trees of any of the species indicated by the Tree Commission (to replace the walnuts), and with an understory or small scale planting scheme to come back to Mary Joy for administrative approval after circulation to the BAR. The Tree Commission recommended either: Willow Oak, Scarlet Oak, or American Elm (Valley Forge or New Harmony).

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 Rice, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

This certificate of appropriateness shall expire in 18 months (January 21, 2017), unless within that time period you have either: been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. The expiration date may differ if the COA is associated with a valid site plan. You may request an extension of the certificate of appropriateness *before this approval expires* for one additional year for reasonable cause.

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

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
July 21, 2015**



Certificate of Appropriateness Application (deferred from May)

BAR 15-05-03

400 West High Street

Tax Parcel 330154000

Walker's Legacy, LLC, Owner/ Carolyn Polson, Applicant

Remove trees and replace with other species

Background

This 1915 dwelling is a contributing structure located in the North Downtown ADC District and has been remodeled in a Vernacular Mediterranean Revival style. The building's current use is The Inn at 400 W High Street.

May 19, 2015 - The BAR accepted (9-0) the applicant's request to defer, and the replacement of the Live Oak in the front yard. The BAR asked to see a measured site plan with existing and proposed tree locations [diameter and species] and fence and utilities. [The location of the building and the alley pavement would also be important to show.]

Application

This applicant is seeking approval to remove three volunteer Black Walnut trees (8", 14", 19") and one Mulberry tree (with two-8"forks) growing along the north property line abutting a public alleyway that connects West High Street/Altamont Street with McIntire Road. At the last BAR meeting, the BAR approved removal of a dead Live Oak tree in the front yard, which has been removed. The original intent was to replace it with another Live Oak.

The justification for the plan to remove the trees is that the trees are tangled in electric lines, and pose a danger to guests from falling limbs and walnuts.

The applicant intends to keep a 5" Maple, 3" Plum, and a 20" non-fruiting Mulberry along the same row of vegetation. The applicant's plan also proposes additional plantings, including Arborvitae and Fosters Holly, which the City Arborist had recommended instead of the originally planned Leland Cypress.

The Tree Commission has made additional recommendations, to which the applicant is agreeable.

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

B. PLANTINGS

Plantings are a critical part of the historic appearance of the residential sections of Charlottesville's historic districts. The character of the plantings often changes within each district's sub-areas as well as from district to district. Many properties have extensive plantings in the form of trees, foundation plantings, shrub borders, and flowerbeds. Plantings are limited in commercial areas due to minimal setbacks.

- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, which contribute to the "avenue" effect.*
- 2) Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.*
- 3) Use trees and plants that are indigenous to the area.*
- 4) Retain existing trees and plants that help define the character of the district, especially street trees and hedges.*
- 5) Replace diseased or dead plants with like or similar species if appropriate.*
- 6) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.*
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*
- 8) Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

Discussion and Recommendations

The ownership of the alley has not been resolved. The City Attorney's office is unable to confirm that the alley is a City R/W, or whether it may still be owned by the original developer of the Altamont Street subdivision. The property owner prefers that the alley should remain public, and has been maintaining the lower part of the alley as part of her circular driveway.

Since the last meeting, the applicant has had prepared a measured site plan with existing and proposed tree locations and fence and utilities, as requested by the BAR. The plan confirms that the Walnut trees either straddle the property line, or are on the applicant's property. The double Mulberry proposed to be removed is in the alley area.

The applicant's plan was reviewed by the Tree Commission for recommendations. They have submitted two photos and a plan that recommends replacing one of the proposed Fosters Holly with a canopy tree, and recommends adding a replacement canopy tree near to Altamont Street, which could replace the dead Live Oak that was removed from the front yard. Recommended replacement canopy trees are Scarlet Oak, American Elm 'Valley Forge' or 'New Harmony' or a Willow Oak. Staff recommends this plan as recommended by the Tree Commission.

Suggested Motions

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the proposed tree removals and replacements satisfy the BAR's criteria and are compatible with this property and other properties in the North Downtown ADC district, and that the BAR approves the application as submitted, with two canopy trees in locations as recommended by the Tree Commission.



Board of Architectural Review (BAR)

Certificate of Appropriateness

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3130 Fax (434) 970-3359

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

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

The BAR meets the third Tuesday of the month.

Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name Carolyn Polson Applicant Name Carolyn Polson
Project Name/Description The Inn at 400 West High Parcel Number 330154000
Property Address 400 West High Street, Charlottesville, 22902

Applicant Information

Address: 400 West High Street
Charlottesville, VA 22902
Email: merriment@400westhigh.com
Phone: (W) 434-981-0458 (H) _____
FAX: _____

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.)

Carolyn Polson 5-1-15
Signature Date
Carolyn S Polson 5-1-15
Print Name Date

Property Owner Information (if not applicant)

Address: same
Email: _____
Phone: (W) _____ (H) _____
FAX: _____

Property Owner Permission (if not applicant)

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

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

same
Signature Date

* Pictures sent to Ms. Scala

Print Name Date

Description of Proposed Work (attach separate narrative if necessary): Removal of dead Live Oak in front of house. Removal of 5 diseased and dangerous (dead limbs, tangled electric wires, falling walnuts) Black walnut trees.

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

Hope to replace with several Leland Cypress but am open to suggestions!

For Office Use Only

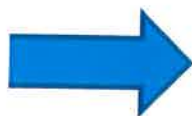
Received by: O. Eband
Fee paid: 125.00 Cash/Ck. # 1696
Date Received: 5/1/15

Approved/Disapproved by: _____

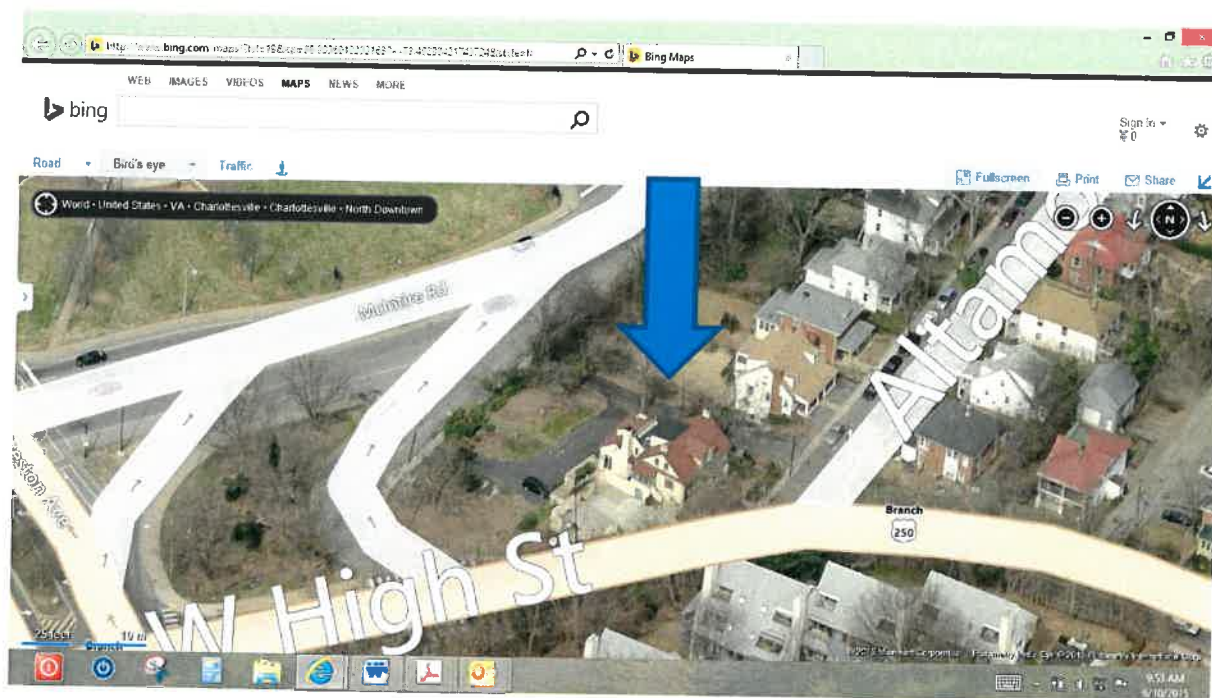
Date: _____

Conditions of approval: _____

Please contact me w/questions / 434-981-0458
merriment@400westhigh.com



The area marked with this Blue Arrow was created as a result of a 1912 Plat of Altamont Addition, and was identified on the 1912 Plat as "High Street Extended"



NOTES FROM CITY ATTORNEY'S OFFICE

- No express dedication to public use is found on the original subdivision plat (1912).
- The original developers (C.H. Walker and E.G. Haden) reserved to themselves, their heirs and assigns, the right to close any streets or alleys shown on the 1912 plat, and to sell any such areas that might be closed. *Reference Deed Book 24 Pages 150-151.* This reserved right was exercised on at least one occasion, in 1913. *Reference Deed Book 24 Page 436-437.* In our opinion, this reservation indicates an intention by the developers to retain title.
- At this time, we **do not have information indicating that title** (ownership) to the area shown as "High Street Extended" on the 1912 Plat of Altamont Addition **was ever conveyed to the City** either by the original developer(s) or by anyone else. Beyond that, we are not able to give an opinion of title/ ownership.
- Once an issue of ownership has been questioned: if an applicant for a zoning approval cannot demonstrate ownership of a property, then the applicant may not be granted a zoning approval for or relating to that property. **It is the responsibility of the applicant seeking a zoning approval to establish ownership.**
 - ❖ This could take the form of a title opinion from an attorney/ title company of the applicant's choosing, or a initiation/ completion of the statutory process for a partial vacation of the original 1912 Plat of Altamont Addition (i.e., to "erase" the area identified as High Street Extended and thereby resolve title).
 - ❖ July 1999: City Council considered a petition by the owner of 400 W. High Street, seeking to close "High Street Extended". Council declined to take action on the petition, because of unresolved development issues between the applicant and the owner of property adjacent to the opposite side of the subject area.

From: Scala, Mary Joy
Sent: Wednesday, May 27, 2015 9:16 AM
To: Carolyn Polson (n2notes@embarqmail.com)
Subject: BAR Actions May 19, 2015 - 400 W High Street

May 27, 2015

400 West High Street
Charlottesville, VA 22902

Certificate of Appropriateness Application

BAR 15-05-03

400 West High Street

Tax Parcel 330154000

Walker's Legacy, LLC, Owner/ Carolyn Polson, Applicant

Remove walnut trees and replace with Ieland cypress

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on May 19, 2015. The following action was taken:

The BAR accepted (9-0) the applicant's request to defer, and the replacement of the Live Oak in the front yard. The BAR asked to see a measured site plan with existing and proposed tree locations [diameter and species] and fence and utilities. [The location of the building and the alley pavement would also be important to show.]

The applicant may resubmit when ready.

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

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
May 19, 2015**



Certificate of Appropriateness Application

BAR 15-05-03

400 West High Street

Tax Parcel 330154000

Walker's Legacy, LLC, Owner/ Carolyn Polson, Applicant

Remove walnut trees and replace with leland cypress

Background

This 1915 dwelling is a contributing structure located in the North Downtown ADC District and has been remodeled in a Vernacular Mediterranean Revival style. The building's current use is The Inn at 400 W High Street.

Application

This applicant is seeking approval to remove four volunteer Black Walnut trees and one Mulberry tree growing along the north property line abutting a public alley-way that connects West High Street/Altamont Street with McIntire Road. There is also a dead Live Oak in the front yard that the applicant plans to replace.

The justification provided is that the trees are tangled in electric lines, and pose a danger to guests from falling limbs and walnuts.

The applicant proposes to replace the walnut trees with screening shrubs. Rather than Leland Cypress, the applicant would like to use Arborvitae, similar to those at the rear of Social Hall on E Jefferson Street. The City Arborist also recommended Foster's Holly as a replacement species.

The dead Live Oak in the front yard will be replaced with another Live Oak.

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:

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- (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

B. PLANTINGS

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- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, which contribute to the "avenue" effect.*
- 2) Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.*
- 3) Use trees and plants that are indigenous to the area.*
- 4) Retain existing trees and plants that help define the character of the district, especially street trees and hedges.*
- 5) Replace diseased or dead plants with like or similar species if appropriate.*
- 6) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.*
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*
- 8) Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

Discussion and Recommendations

The proposal to remove four Walnut trees and to replace them with Arborvitae is reasonable. The Applicant and BAR may want to consider Foster's Holly instead.

Suggested Motions

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

400 West High Street



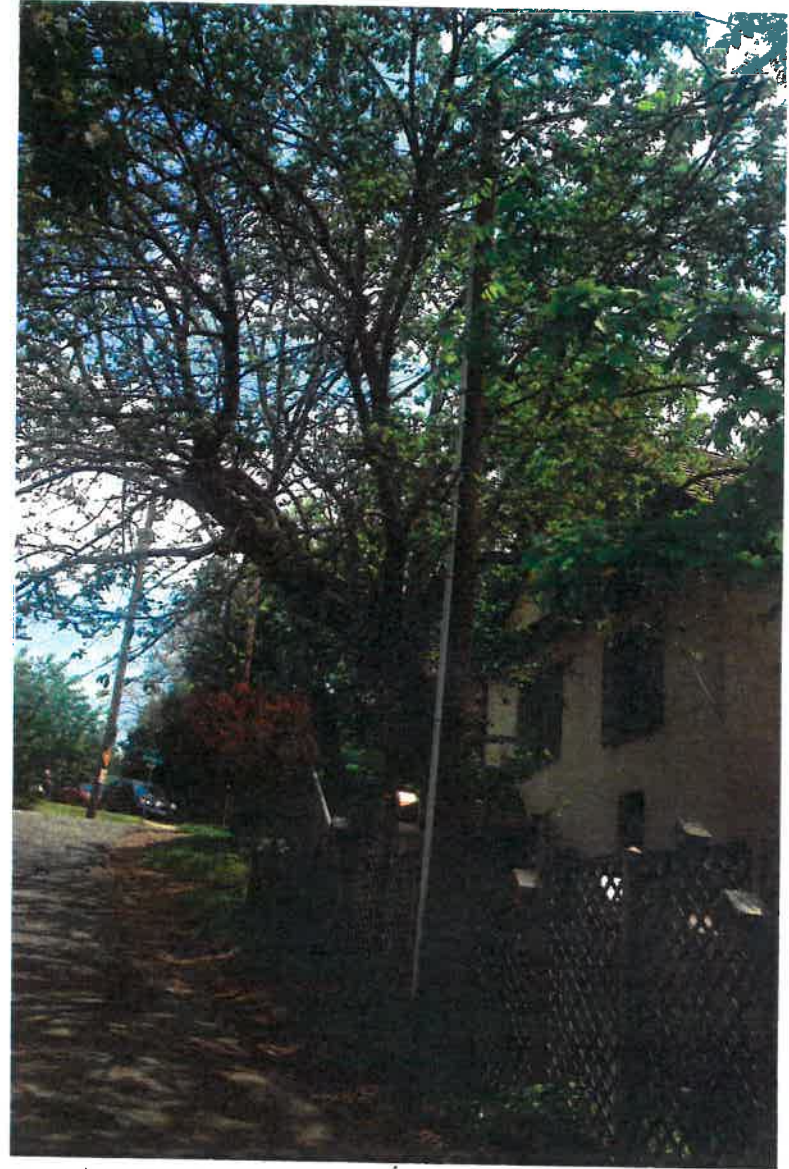
STREET ADDRESS:	400 W. High Street
MAP & PARCEL:	33-154
PRESENT ZONING:	R-3
ORIGINAL OWNER:	
ORIGINAL USE:	Residential
PRESENT USE:	Residential
PRESENT OWNER:	Mosley, Charles & Kathleen Free
ADDRESS:	Mosley, Charles & Kathleen Free 400 West High Street Charlottesville, Va. 22902
DATE/ PERIOD:	Ca. 1915
STYLE:	Vernacular
HEIGHT IN STORIES:	2.5 Stories
DIMENSIONS/LAND AREA:	3,434 sq.ft./0.271 Acres
SOURCES:	Charlottesville City Records and 2005 Architectural Survey
CONTRIBUTING:	Yes

ARCHITECTURAL DESCRIPTION

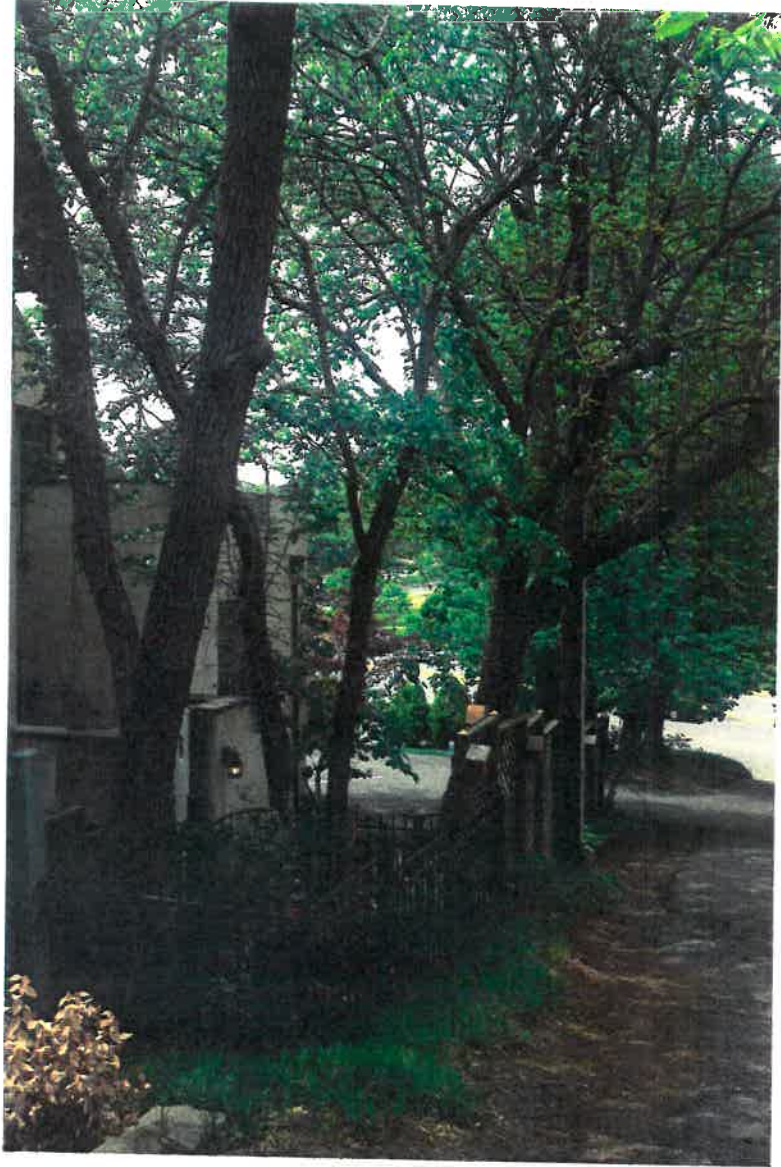
Sited at a bend in the road, this 2 ½-story, 3-bay, ca. 1915, stuccoed dwelling has been remodeled and reflects a vernacular Mediterranean Revival style. Architectural details include: pantile roof; interior end stuccoed flues; multi-light casement windows with louvered shutters; a large front gabled dormer with round-arched French door leading out to a balcony with wrought iron railing that sits on the roof of the arbor that shelters the front entrance; gable-end returns; split-level foundation; rear dormers; and rear wings. Despite alterations, the building maintains historic integrity and is a contributing resource in the District.



Walnut #1 looking east



Walnut #2 looking east



Walnut trees # 3+4 looking west



Live Oak looking west

Scala, Mary Joy

City Arborist

From: Hughes, Tim
Sent: Tuesday, May 05, 2015 10:31 AM
To: Scala, Mary Joy
Subject: RE: Alleyway trees at The Inn at 400 West High Street
Attachments: Fosters Holly.pdf

Hi Mary Joy

I drove past -and we don't have any issues with the request - It does not appear that there is much ROW there- - Any replacements will of course be the owner's maintenance responsibility.
Fosters holly might be a choice as well (attachment FYI) as the arborvitae

Tim

-----Original Message-----

From: Scala, Mary Joy
Sent: Monday, May 04, 2015 1:55 PM
To: Hughes, Tim
Subject: FW: Alleyway trees at The Inn at 400 West High Street

Tim,

I have an application for Bd. of Arch. Review to remove some volunteer Walnut trees on the alley side of this address, and to replace with evergreens. Someone said the Walnut trees may be in City R/W. Do you care if they are removed/replaced? (the owner wants Leland Cypress but we will recommend probably Arborvitae instead.)

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: Carolyn Polson [mailto:n2notes@embarqmail.com]
Sent: Thursday, April 30, 2015 11:50 AM
To: Scala, Mary Joy
Cc: Carolyn Polson
Subject: Alleyway trees at The Inn at 400 West

Ilex x attenuata 'Fosteri': Fosters Holly¹

Edward F. Gilman and Dennis G. Watson²

Introduction

Foster's holly #2 is one of the better cultivars of *Ilex x attenuata*, part of a group of hybrids between *Ilex cassine* x *Ilex opaca*. Foster's holly reaches 15 to 25 feet in height with a spread of 8 to 12 feet, creating a dense, pyramidal silhouette. The trunk usually grows straight up through the crown, unless the tree was topped. The small, glossy, almost black-green, linear leaves have spiny margins, and are joined in spring by showy, small, white flowers. The blooms are followed by the heavy production of brilliant red berries, which persist on female trees from fall through winter.

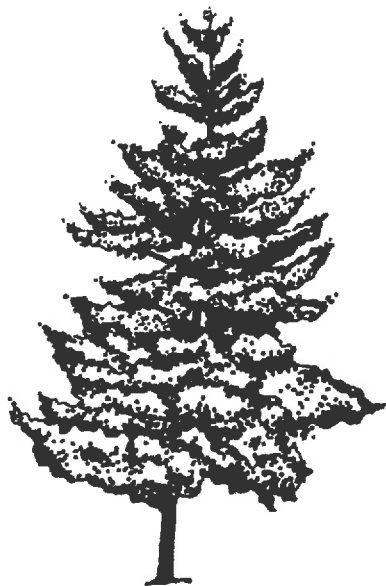


Figure 1. Middle-aged *Ilex x attenuata* 'Fosteri': Fosters holly

General Information

Scientific name: *Ilex x attenuata*

Pronunciation: EYE-lecks x uh-ten-yoo-AY-tuh

Common name(s): Fosters holly

Family: Aquifoliaceae

USDA hardiness zones: 6A through 9B (Fig. 2)

Origin: not native to North America

Invasive potential: little invasive potential

Uses: hedge; parking lot island < 100 sq ft; parking lot island 100-200 sq ft; parking lot island > 200 sq ft; container or planter; screen; specimen; street without sidewalk; sidewalk cutout (tree pit); tree lawn 3-4 feet wide; tree lawn 4-6 feet wide; tree lawn > 6 ft wide; highway median; bonsai

Availability: not native to North America



Figure 2. Range

1. This document is ENH474, one of a series of the Environmental Horticulture Department, UF/IFAS Extension. Original publication date November 1993. Revised December 2006. Reviewed February 2014. Visit the EDIS website at <http://edis.ifas.ufl.edu>.
2. Edward F. Gilman, professor, Environmental Horticulture Department; and Dennis G. Watson, former associate professor, Agricultural Engineering Department, UF/IFAS Extension, Gainesville FL 32611.

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U.S. Department of Agriculture, UF/IFAS Extension Service, University of Florida, IFAS, Florida A & M University Cooperative Extension Program, and Boards of County Commissioners Cooperating. Nick T. Place, dean for UF/IFAS Extension.

Description

Height: 15 to 25 feet

Spread: 8 to 12 feet

Crown uniformity: symmetrical

Crown shape: pyramidal, columnar

Crown density: dense

Growth rate: slow

Texture: fine

Foliage

Leaf arrangement: alternate (Fig. 3)

Leaf type: simple

Leaf margin: spiny, entire, pectinate

Leaf shape: elliptic (oval), ovate

Leaf venation: pinnate

Leaf type and persistence: evergreen

Leaf blade length: less than 2 inches, 2 to 4 inches

Leaf color: green

Fall color: no color change

Fall characteristic: not showy

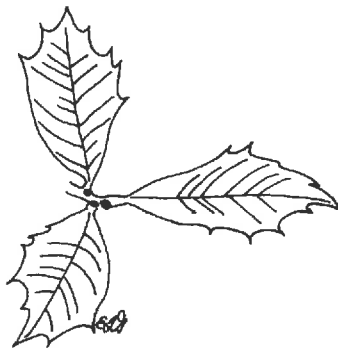


Figure 3. Foliage

Flower

Flower color: white/cream/gray

Flower characteristics: not showy

Fruit

Fruit shape: round

Fruit length: less than .5 inch

Fruit covering: fleshy

Fruit color: red

Fruit characteristics: attracts birds; showy; fruit/leaves not a litter problem

Trunk and Branches

Trunk/bark/branches: branches don't droop; not showy; typically one trunk; thorns

Pruning requirement: little required

Breakage: resistant

Current year twig color: green

Current year twig thickness: medium

Wood specific gravity: unknown

Culture

Light requirement: full sun, partial sun, or partial shade

Soil tolerances: clay; sand; loam; acidic; slightly alkaline; well-drained; extended flooding

Drought tolerance: high

Aerosol salt tolerance: moderate

Other

Roots: not a problem

Winter interest: yes

Outstanding tree: yes

Ozone sensitivity: unknown

Verticillium wilt susceptibility: resistant

Pest resistance: resistant to pests/diseases

Use and Management

With its dense, compact, upright growth and neat habit, Foster's holly is ideal for use as a tightly clipped screen or hedge, or as a specimen, foundation, or container planting. Can also be planted in a small soil space or in a tall, narrow overhead space. Would probably make a suitable street tree but has not been extensively tried.

Foster's holly should be grown in full sun or partial shade on well-drained, slightly acid, moist soil. It is very drought-tolerant once established and has no serious pest problems.

There are other Foster's hollies—#1 and #4—but these are less available and perhaps not as showy.

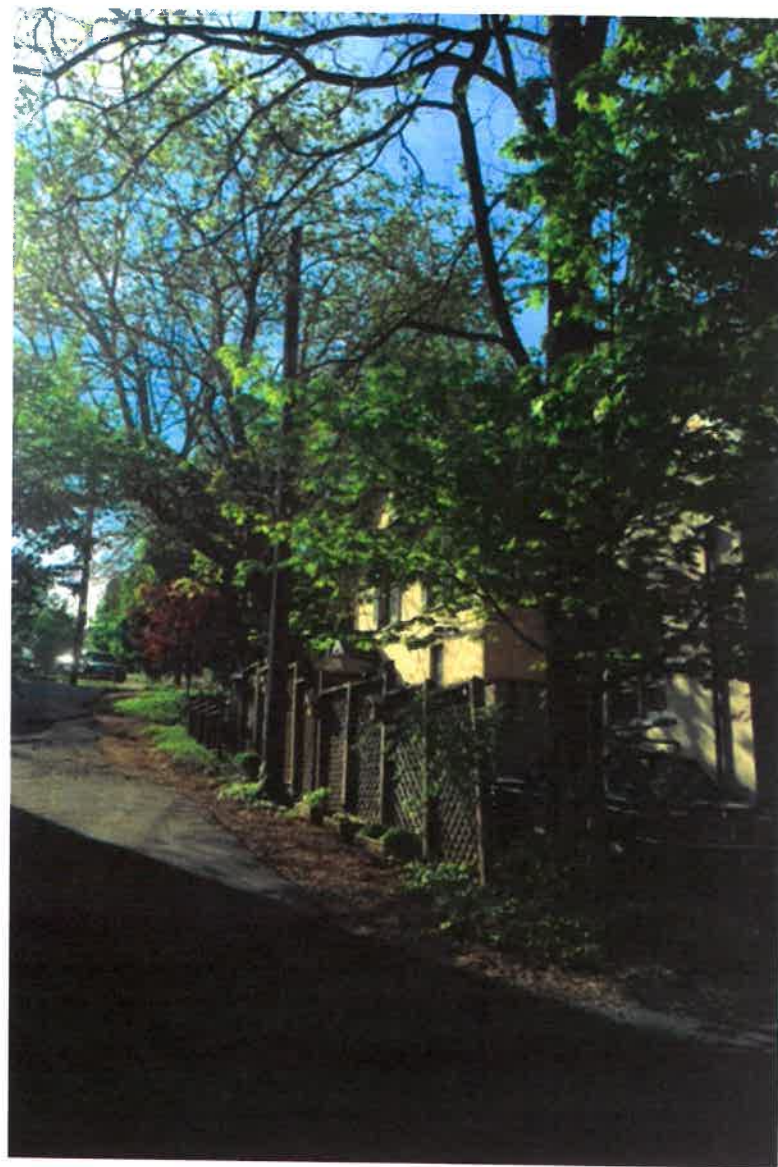
Propagation is by cuttings or grafting.

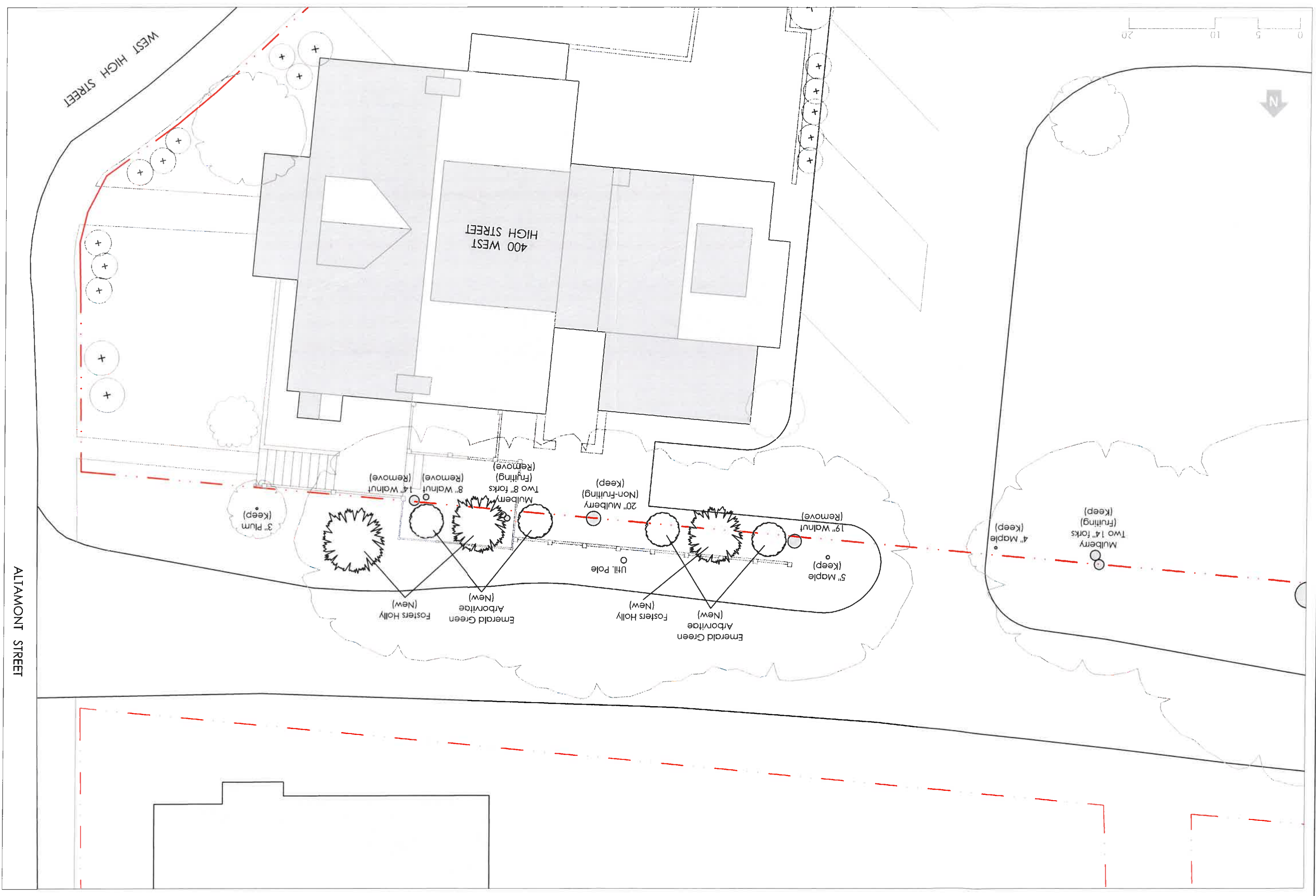
Pests

Scale and leaf miners.

Diseases

No diseases are of major concern.





THE INN AT 400 WEST HIGH

Landscape Plan

ALIAMONT STREET



