

Mess, Camie

From: Mess, Camie
Sent: Thursday, December 21, 2017 11:43 AM
To: 'jmullen@rothjackson.com'
Subject: BAR Action- December 19, 2017 - 421 West Main Street

December 21, 2017

Quirk Charlottesville, LLC
c/o Jennifer D. Mullen
919 E Main Street, Suite 2110
Richmond, VA 23219-4624

Certificate of Appropriateness Application
BAR 17-12-02
421 West Main Street
Tax Parcel 320178000
Quirk Charlottesville, LLC Owner/Jennifer D. Mullen, Esq., Applicant
Re-approval of Demolition of Atlantic Futon

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 19, 2017. The following action was taken:

Schwarz moved to approve all the consent agenda items, with his modifications to the November 21st minutes (fixed prior to the meeting by Camie Mess) which include the November 21, 2017 regular meeting minutes, and the September 26, 2017 and October 31, 2017 work session minutes, and the Certificate of Appropriateness Application for 421 West Main Street, the re-approval of demolition of Atlantic Futon. Balut seconded. Approved (5-0).

This certificate of appropriateness shall expire in 18 months (June 19, 2019), 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. 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 434-970-3398 or messc@charlottesville.org.

Sincerely yours,

Camie Mess
Assistant Preservation and Design Planner

Camie Mess
Assistant Preservation and Design Planner
City of Charlottesville Neighborhood Development Services
610 E. Market Street, P.O. Box 911, Charlottesville, Virginia 22902
Phone: (434) 970-3398
E-mail: messc@charlottesville.org

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
December 19, 2017**



Certificate of Appropriateness Application

BAR 17-12-02

421 West Main St

Tax Parcel 320178000

Quirk Charlottesville, LLC Owner/Jennifer D. Mullen, Esq., Applicant

Re-approval of Demolition of Atlantic Futon

Background

The building located at the rear of 421 West Main is considered a contributing structure in the Downtown ADC district. The parcel contains a concrete block building built c 1935. The 1920 Sanborn Insurance map (attached) shows only a small, frame building in the location of the existing block building, which is on the Commerce Street frontage of this property.

Prior to 1984 there was a brick building located on the West Main Street frontage of this same property (surveys attached). A fire, determined to be arson, destroyed the original Gianniny-Pace building at 421 West Main Street.

On October 21, 2014 the BAR approved the demolition of this building, with the condition that the building was thoroughly documented in plan and photographed prior to demolition.

Application

The applicant is requesting re-approval for demolition of the Atlantic Futon building at the rear of 421 West Main Street. The previous permit has expired.

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 Considering Demolitions include:

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

(1) The age of the structure or property;

The building was constructed c 1935.

(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;

The West Main Street historic district was added to the Virginia Landmarks Register 6-15-2017, and to the National Register 9-18-2017. This building is contributing due to age.

(3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

No associations are known.

(4) Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

It does not.

5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty

It could easily be reproduced, but would not be historic.

(6) The degree to which distinguishing characteristics, qualities, features or materials remain;

The building is plain, and utilitarian. Most of the windows have been replaced.

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.

Commerce Street probably had a lot of commercial activity in the past, and this building was part of that activity. It was probably built as a garage.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;

A structural report has not yet been received from the applicant. The building appears to be in fair condition.

(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and

The applicant has requested demolition of the entire structure.

(e) Any applicable provisions of the city's Design Guidelines.

Pertinent Design Review Guidelines for Demolition Criteria

1. Standards established by City Code (see above).
2. *The public necessity of the proposed demolition.*
There is no public necessity.
3. *The public purpose or interest in land or buildings to be protected.*
The significance of the building is not sufficient to warrant protection.
4. *The existing character of the setting of the structure or area and its surroundings.*
501 and 503 W Main Street are significant buildings. Additionally, Commerce Street has a wealth of historic structures, including the Individually Protected Property Jefferson School; contributing structures including Dr. Jackson's residence and attached commercial structures near 4th Street, the Ebenezer Baptist Church on 6th Street, the former C&R Auto building, and the Bell Funeral Home; and other Starr Hill residences and structures including the former Bethel Baptist Church that was the original home of Barrett Day Care, and is currently being restored and remodeled as two apartments.
5. *Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.*
Relocation of the structure would not be a preferable alternative.

6. *Whether or not the proposed demolition would affect adversely or positively other historic buildings or the character of the historic district.*

Taken alone, the demolition of this structure would not adversely or positively affect other historic buildings or the character of the district.

7. *Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.*

A structural report has not yet been received from the applicant. This building appears to be in fair condition.

Discussion and Recommendations

This building was built circa 1935 and was constructed out of concrete blocks. It has recently been recognized as a historic building due to its age, on the Virginia Register and National Register of Historic Places. However, its design is not unique. It does not encompass unique construction practices, materials, or have any defining architectural features. Relocation of this building given its age and lack of architectural significance is not practical.

This building does not contribute greatly to the West Main Street ADC district. The only historic significance is in its age and location. It indicates a type and scale of activity that was found on Commerce Street in the 1930s. The brick building that was destroyed on West Main Street in the early 1980s was more significant.

Although the previous project on the adjacent parcels, the Atlantic, incorporated all four parcels into that scheme, the owners of the proposed Quirk Hotel project were unable to acquire this property until plans for the hotel had already been submitted. They have not indicated the proposed use of this property after the building has been demolished. The final certificate of appropriateness for the hotel is still pending submittal of final details to the BAR for review and approval.

Suggested Motion

Having considered the standards set forth within the City Code, including City Design Guidelines for Demolitions, I move to find that the demolition of structure at the rear of 421 West Main Street satisfies the BAR's criteria and is compatible with these properties and other properties in the Downtown ADC district, and that the BAR approves the application as submitted.

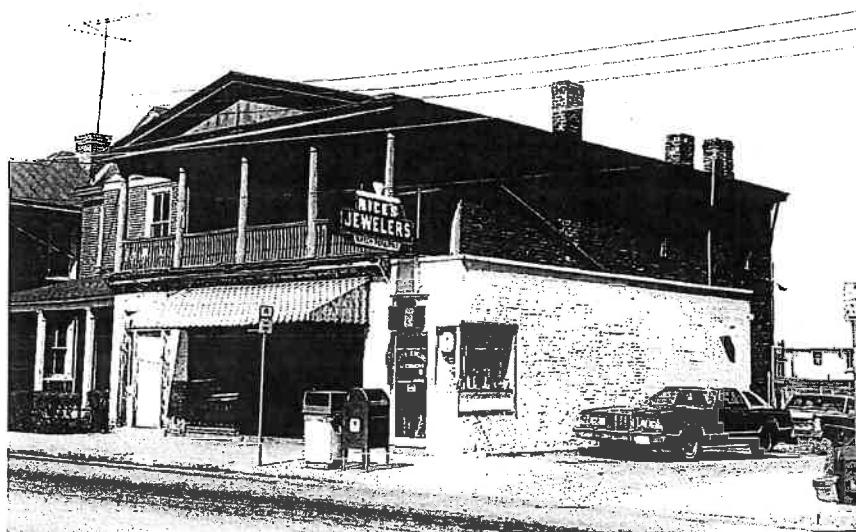


1920 SANBORN MAP

501-503 W Main Street
421-425



425 W Main St. demolished 1984
Built 1893



421 W Main St. demolished by fire 1981
Built 1890









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



December 5, 2017

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 17-12-02

421 West Main St

Tax Parcel 320178000

Quirk Charlottesville, LLC Owner/Jennifer D. Mullen, Esq., Applicant

Re-approval of Demolition of Atlantic Futon

The Board of Architectural Review (BAR) will consider these applications at a meeting to be held on **Tuesday, December 19, 2017, starting at 5:30 pm in the City Council Chambers, City Hall**. Enter City Hall from the Main Street pedestrian mall entrance and go up one 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.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner



**Board of Architectural Review (BAR)
Certificate of Appropriateness**

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

Email scala@charlottesville.org

RECEIVED

NOV 27 2017

NEIGHBORHOOD DEVELOPMENT SERVICES

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.

Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375; Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100. Make checks payable to the City of Charlottesville.

The BAR meets the third Tuesday of the month.

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

Owner Name Quirk Charlottesville, LLC

Applicant Name Jennifer D. Mullen, Esq.

Project Name/Description The Quirk Hotel

Parcel Number 32017800

Project Property Address 421 West Main Street

Applicant Information

Address: 919 East Main Street, Suite 2110
Richmond, VA 23219-4624

Email: jmulen@rothjackson.com

Phone: (W) 804-977-3374 (C) 804-241-9764

Property Owner Information (if not applicant)

Address: 10120 West Broad Street

Suite J, Glen Allen, VA 23060

Email: _____

Phone: (W) _____ (C) _____

Signature of Applicant

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

[Signature] 11/27/2017
Signature Date

Jennifer D. Mullen 11/27/2017
Print Name Date

Property Owner Permission (if not applicant)

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

Signature Date

Print Name Date

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

Description of Proposed Work (attach separate narrative if necessary): The applicant requests the BAR re-issue the COA to demolish the building located at 421 West Main Street. The applicant proposes demolition in connection with the site work for the Quirk Hotel, as approved by the existing COAs for 425, 501 and 503 W. Main St. The applicant will apply for a COA once a plan for the site is developed.
List All Attachments (see reverse side for submittal requirements):

For Office Use Only

Received by: O. Eubanks

Fee paid: 315.00 Cash/Ck. # 010281

Date Received: 11/29/17

Revised 2016

Approved/Disapproved by: _____

Date: _____

Conditions of approval: _____



ROTH JACKSON

ROTH JACKSON GIBBONS CONDLIN PLLC

VIA FEDEX

JENNIFER D. MULLEN

Ms. Mary Joy Scala, AICP
City of Charlottesville
Department of Neighborhood Development Services
610 East Market Street
Charlottesville, VA 22902

Richmond Office
(804) 977-3374 (direct)
jmullen@rothjackson.com

November 27, 2017

RE: Quirk Charlottesville, LLC

Dear Ms. Scala:

Please find enclosed the Board of Architectural Review certificate of appropriateness application for 421 West Main Street and a check in the amount of \$375.00 for the related fee. I will send the applicant's narrative tomorrow under separate cover.

Should you have any questions, please contact me.

Sincerely,

Jennifer D. Mullen

Enclosure



VIA EMAIL

Jennifer D. Mullen

Ms. 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

Richmond Office
(804) 977-3374 (direct)
jmullen@rothjackson.com

November 28, 2017

**RE: 421 West Main Street
Board of Architectural Review Application Narrative**

Dear Ms. Scala:

This letter shall serve as an application narrative for the Board of Architectural Review ("BAR") certificate of appropriateness application for the property located at 421 West Main Street (the "Property"). The applicant proposes to demolish the single story cinder block structure located to the rear of the Property.

The structure located on the Property was constructed originally as an automobile repair shop and was most recently the Atlantic Futon. This request meets the criteria set forth in Section 34-278 of the City Code. The building on the Property is not listed on the Virginia or National Register and does not have any association with a historic person or event, nor is it of a particular architectural importance or distinctive design. The Property will ultimately be incorporated into the Quirk Hotel development located on the parcels located at 425, 501 and 503 W. Main Street.

Thank you in advance for your consideration of the BAR certificate of appropriateness application. Please let me know if you have any questions.

Sincerely,

Jennifer D. Mullen

Enclosure

Ms. Mary Joy Scala
November 28, 2017
Page 2

Cc: Ted Ukrop via email
Christian Kiniry via email
Danny MacNelly via email
Mitch Crowder via email

SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned individually has made, constituted and appointed, and by these presents does make, constitute and appoint Jennifer D. Mullen as its true and lawful attorney, for it and in its name, place or stead, to perform any and all acts which they, or any one of them, deem appropriate with respect to an application to the Board of Architectural Review for the City of Charlottesville, Virginia for the property located in the City of Charlottesville, Virginia, known as 421 W. Main Street for a certificate of appropriateness. Subject to the foregoing, the above-named attorney is authorized to do, execute and perform all and every act, matter and thing in law, or in the judgment of all or any one of them, needful or desirable to be done in relation to the sale of the Property as fully and amply, and with the same effect, as the undersigned might or could do if acting itself.

This Special Limited Power of Attorney shall automatically expire without further act of the undersigned upon the sale of the Property or such earlier date as this Special Limited Power of Attorney may be otherwise rescinded or modified by the undersigned.

[SIGNATURE APPEARS ON THE NEXT PAGE]

This Special Limited Power of Attorney has been executed pursuant to due authorization
as of November __, 2017.

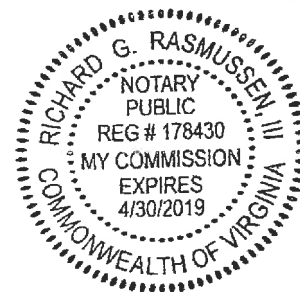
By: Dina L. Browning
Dina Browning

STATE OF Virginia
CITY/COUNTY OF Charlottesville To-wit:

27th day of November, 2017 Dina Browning.

[Signature]
Notary Public

My commission expires: 4/30/19
Notary registration no.: 178430



From: Jennifer Mullen [mailto:JMullen@rothjackson.com]
Sent: Tuesday, December 12, 2017 4:46 PM
To: Scala, Mary Joy
Cc: Mess, Camie
Subject: RE: Demolition

Mary Joy,

Thanks for the email and I am sorry it has taken me so long to get back to you. I appreciate the placement on the consent agenda and hope the information we can provide is sufficient to keep it there but understand if the BAR would like to hear it on the regular agenda.

We are planning to demolish the building, grade and seed it. We are currently working on a site plan for the property with the architect, landscape architect and the engineers but will most likely not have that in a form to bring to the BAR before the summer of 2018. We are working on a program for this portion to incorporate it into the hotel site plan that will have it as an outdoor area for the hotel which may have an accessory structure as an outdoor feature but not additional hotel rooms. The opportunity to acquire the property came with a short closing so we are still working on the plan and will keep you posted as we work through the site.

If you have additional questions, please let me know.

Thanks in advance,
Jennifer

Jennifer D. Mullen, Esq.
804-977-3374