

**City of Charlottesville
Board of Architectural Review
July 17, 2001**

Minutes

Present:

Joan Fenton (Chair)
Ken Schwartz
Linda Winner
Lynne Heetderks
Preston Coiner
W.G. Clark
Wade Tremblay

Also Present:

Tarpley Vest

Ms. Fenton called the meeting to order at 5:06 p.m. She suggested deferring the first item on the agenda, the approval of the minutes, until more people had arrived.

Ms. Fenton commented that she believed the BAR had agreed in the past that all copper roofs could be approved administratively, and suggested someone make a motion to that effect. She announced that this would allow Mr. David Marshall, the current applicant seeking approval of a copper roof, to leave early.

After general discussion, Mr. Tremblay made a motion to give Staff authority to approve copper roofs and replacement of any standing seam metal roofs administratively. Mr. Coiner seconded the motion, and it carried unanimously.

Ms. Fenton called for any matters from the general public not on the formal agenda, and turned the floor over to Ms. Vest.

Ms. Vest indicated that last month, Southern Culture's application for an outdoor cafe space had

been approved, but the design decided upon had not been the most favorable solution for either the BAR or the applicant. Southern Culture was therefore returning to request approval of a change in decking material from wood planks to a concrete slab. Ms. Vest indicated that Staff had no problems with the proposal.

The applicant indicated that they had initially preferred the concrete design, and after getting input from an outside contractor, they had decided that it was economically feasible and aesthetically preferable.

Ms. Fenton asked if there were any questions for the applicant. Hearing none, she called for comments from the general public or the Board. No comments were raised. She closed that portion of the meeting and called for a motion.

Mr. Tremblay made a motion to approve the concrete slab, seconded by Mr. Clark. A vote was taken, and the motion carried unanimously.

Ms. Fenton asked if there were any further matters to be raised by the public. Hearing none, she called the first item on the formal agenda, a preliminary discussion of the historic designation of Oakwood Cemetery.

Ms. Vest made a brief presentation. She indicated that the previous month, the BAR had looked at a similar proposal to designate Maplewood Cemetery as an historic site, and in the process of the City and the surrounding neighborhoods raising that issue, the question of Oakwood Cemetery had come up. Staff therefore felt it would be valuable to look at both sites and evaluate their historic resources, and then let the Board make a recommendation at their August meeting. Ms. Vest indicated that Kathleen Durham, who had done research on both cemeteries, was present to answer any questions.

Ms. Fenton thanked Ms. Durham for the work she did on the surveys, and then asked if Ms. Vest was looking for discussion or preliminary approval of the item. Ms. Vest indicated that that was up to the BAR; Staff was interested in discussing the issues involved, and then making a formal recommendation to the Planning Commission on both cemeteries.

Ms. Fenton asked if there were any question about the proposal.

Mr. Schwartz asked if, when these items were presented to the Planning Commission, there would be accompanying maps to demonstrate the location and context of both cemeteries. Ms. Vest confirmed this, stating that the proposal would be treated as a rezoning and would follow the same process as other applications for zoning overlay. Mr. Schwartz expressed his appreciation for the reports and added that additional visual aids would help the public and the Commission in their consideration of the proposal.

Ms. Fenton asked if the studies of the cemeteries were available on the website. Ms. Vest replied that she did not think they were yet, but she would look into that.

Mr. Tremblay asked what the implications to the City would be by making these historic designations, adding that he had had similar concerns about Wertland Street. Ms. Vest replied that it was different from Wertland Street because it involved cemeteries instead of property with a building on it, but any exterior change to the property visible from the public right of way would have to go through some type of review. Any change that did not require a building permit would typically be handled administratively by Staff. In response to further questioning, she indicated that a new gravestone would not require a permit, but changes to a major feature such as a large tree or a wall would have to come for some type of review. She added that in this instance, the historic designation is primarily an honorary or ceremonial recognition of the cemeteries. Further discussion brought out the fact that while this designation would enhance the visibility of the sites, it would not require any extra funding from the City.

Ms. Heetderks inquired about requests for new lighting. Ms. Vest indicated that any such requests would require a certificate of appropriateness.

Ms. Fenton asked if there were any further questions. Hearing none, she called for comments from the public or the Board. No comments were raised.

Mr. Tremblay made a motion that Oakwood Cemetery be incorporated into the historic designation recommendation, seconded by Ms. Winner. A vote was taken, and the motion carried unanimously.

Ms. Fenton called the next item on the agenda, an application for renovation of Market Street Parking Garage for retail uses.

Ms. Vest made a brief presentation. She indicated that preliminary concepts for renovation of the garage had come before the BAR the previous month. She reviewed the details of the proposal, reminding the Board that they had received it enthusiastically but had made a few comments and suggestions, which were summarized in the Staff report and which she would review again for their benefit. Specifically, the Board had recommended that sunlight should be blocked from the retail windows, to prevent negative impact on windows to the south; that the store fronts reveal more of the brick pier on the lower level; that the applicants consider storefront materials other than aluminum; and that the applicants reconsider use of the banners in light of their long-term maintenance requirements. She indicated that the applicants were back in response to these suggestions, and were seeking final design approval, which Staff recommended with the final submittal of materials, details and other samples.

Mr. Bruce Wardell reminded the Board that at the last meeting, they had presented two design schemes, one emphasizing the line at the eight-foot level and the other emphasizing the design at the top of the second level. He commented that they had since met with a design committee comprised of representatives of the Department of Economic Development, Public Works, et cetera, and revised the design in a way that tried to accommodate both schemes while incorporating a more straightforward type of canopy or awning at the store front level. He indicated that they had not yet decided on the store front system to be used, but overall, the design represented a lower canopy system of copper and steel, with the system of glass, steel and canopy enlivening the facade at each of the brick piers. Referring to one of the drawings, he described the design and placement of the lighting and the proposed signage system. He indicated that they had been asked to depict how their design scheme

might extend to the corner, the elevator and on up to Tastings on 5th Street, all of which was beyond the scope of what they had been hired to address, and directed the Board members to some preliminary sketches. He commented that they would like to continue to work with Ms. Vest or a representative of the Board, and that they would be happy to answer any questions at this time.

Ms. Fenton asked if there were any questions from members of the public or the BAR.

Mr. Schwartz asked why the first bay in from the elevator tower had a higher level than the canopy. Mr. Wardell replied that it had been designed that way to help make the transition as one turned the corner and went up the grade on 5th Street, as well as to announce that something other than retail was happening in that area.

Ms. Fenton commented that there was an ordinance against uplighting, and asked if the applicant planned to cap the lights he had described earlier. Mr. Wardell directed her to page 8 of the packet, indicating that they had started to address that and had detailed a cap, but added that he felt that they could just as effectively locate the light source at the top of the fixture and direct the light down.

Ms. Winner asked about the breakability of the windows. Mr. Wardell indicated that it would probably be more difficult to break these windows than those in any storefront on the Mall because a brick would have to be thrown farther, but they would not be completely invulnerable to vandalism.

Ms. Fenton asked if there were any further questions. Hearing none, she called for comments from the general public or the Board.

Concerning his previous question, Mr. Schwartz commented he was still not sure whether it was better to have that step up at the corner. If it was a question of head room, he would be in support of it, but without that concern, he felt that the elevator turning 45 degrees was enough of a change all by itself. After further discussion with the applicant, Mr. Schwartz asked for the opinion of other Board members.

Mr. Clark commented that he was more comfortable with the line going straight. Mr. Schwartz stated that that was his instinct as well, because the elevator distinguished the corner on its own.

Mr. Tremblay asked Mr. Schwartz how he would feel about that design in light of future development around the corner. Mr. Schwartz replied that that was not a concern to him; Main Street itself was the primary vista, and having the line consistent was an advantage. He added that he felt this was a very nice development of the scheme since the last presentation.

Mr. Schwartz made a motion to approve of the design, with consistent elevation of the canopies along the entire Main Street frontage, seconded by Mr. Clark. A vote was taken, and the motion carried unanimously.

Mr. Wardell asked if the additional details could be presented directly to Ms. Vest. After general discussion, Mr. Schwartz commented that given the nature of the details outstanding, it would be appropriate for them to come back before the BAR.

Ms. Fenton indicated that the third item on the agenda was deferred.

CERTIFICATE OF APPROPRIATENESS APPLICATION
410 Ridge Street

Ms. Vest gave a brief presentation. She indicated that Barrett Day Care had been located at this address for over six years. According to City records, the building was built circa 1915, but there was no evidence of when the rear staircase was installed. She added that some people were of the opinion that it had been built within the last 40 years. The staircase itself was currently sealed off and non-functional. According to the building official, it was not an urgent safety issue, but the day care center felt that it could become one and so were requesting to remove it. Ms. Vest indicated that Staff did not feel the staircase was a character-defining feature of the house and therefore did not have a problem with its removal.

Mr. Gary Evans, the director of the day care center, introduced himself and commented that the two buildings at 408 and 406, which were similar

architecturally, did not have staircases in back.

Ms. Fenton asked if there were any questions for the applicant from the general public or the Board members. Hearing none, she called for comments, but none were raised.

Mr. Tremblay made a motion to approve the removal of the stairway, seconded by Mr. Schwartz. A vote was taken, and the motion carried unanimously.

CERTIFICATE OF APPROPRIATENESS APPLICATION
224 9th Street SW

Ms. Vest gave a brief presentation. She indicated that this was an individually designated property which, according to City records, was called the Nalls House, even though it was located on Nalle Street. It was considered a really good example of the vernacular architecture of Charlottesville. Ms. Vest indicated that it had been a residential rental property for many years and was divided into a duplex. The applicants were planning to put offices in the building, and were proposing maintenance work and several changes in keeping with the change of use. Staff had reviewed the application against design guidelines and recommended approval.

The applicant indicated she would be happy to answer any questions, and Ms. Fenton opened the floor to questions from the general public or the Board members.

Mr. Coiner asked if any work was planned on the building other than what had been presented. The applicant indicated that they had used Doug Gilpin for the architectural work and an engineer to meet the City requirements for parking, drainage, et cetera. Mr. Coiner asked if they planned to replace the roof. The applicant replied that if they had a roofing problem, they would consider going to a copper roof.

Ms. Heetderks asked when the Nalls House was designated an individually designated property. Ms. Vest was not certain, but assumed it was when the City did the multiple resource designation in the early '70s. The applicant added that the first restoration was done in 1982.

Ms. Fenton asked if there were any other questions for the applicant. Hearing none, she called for comments from the general public or the Board.

Mr. Clark made a motion for approval, seconded by Mr. Tremblay.

Mr. Schwartz commented that he wanted to applaud the applicant for an incredibly sensitive proposal and to add the word "enthusiastic" to the motion.

A vote was taken, and the motion carried unanimously.

CERTIFICATE OF APPROPRIATENESS APPLICATION
Corner of South and 2nd Street

Ms. Vest made a brief presentation, stating that the building had been purchased by Tim Burgess, who planned to open a restaurant in it. In order to accommodate the restaurant use, they were seeking approval to add a small addition onto the rear of the building. Ms. Vest had requested that they call out the addition on the elevation drawings, which she hoped would make sense to the Board members. The applicants were also seeking approval to build a brick patio on the back of the building, to be accessed by wooden double doors and overlooked by a small balcony. All materials were to match existing materials, which would include brick, asphalt shingles and the windows and doors. Staff found that the proposal to meet the design guidelines for new additions and recommended approval, subject to submittal of all details and materials.

The applicant indicated that he would be happy to answer any questions. He stated that the biggest changes to the building would not be visible from the outside, mentioning the addition of antique bricks and several sets of french doors. They were also seeking approval for a front door, which would be painted the same color as the existing front door, but with the addition of the type of windows that are in the french doors.

Ms. Fenton asked if there were any questions for the applicant.

Mr. Schwartz asked about the location of the existing fireplace and chimney. The applicant indicated that the fireplaces were five feet in from the front door,

on either side.

Ms. Fenton asked if the chimney was visible, to which the applicant responded that it had been taken out and was now completely interior.

Hearing no further questions, Ms. Fenton called for comments from the general public or the Board.

Mr. Schwartz commented that, looking at the plan and the existing house, he had trouble visualizing how to build an addition flush with the existing brick wall and make that work. He said an easier detail might be to step it in slightly, for both the wall and the roof, so that he would not have the challenge of trying to match the brick, which might be really difficult to do.

Mr. Clark asked if that was Mr. Schwartz' suggestion rather than his motion, to which Mr. Schwartz responded that he thought it would be very difficult to make the current design work. However, he understood why the applicant wanted to maximize space.

Ms. Heetderks asked how much space would actually be lost if it were stepped in. The applicant estimated six to eight inches.

The applicant commented that there was a similar indentation on another part of the building, and so stepping in as Mr. Schwartz was suggesting should not be a problem at all.

Ms. Fenton commented that it made sense in terms of the guidelines, as well, which called for distinguishing an addition from the original building.

Mr. Clark stated that he felt the duty of the BAR was to protect the City and its buildings from egregious mistakes and harm, which was not the case in this situation, and therefore he felt that Mr. Schwartz' idea should go to the applicants as a suggestion rather than a condition. Mr. Schwartz responded that he was comfortable with it as a suggestion, because the suggestion would probably prove to make the applicants' lives easier.

Mr. Clark made a motion to approve the application,

seconded by Ms. Winner. Mr. Schwartz added that he hoped the applicant would understand the sincerity of the cautions noted in the minutes.

Ms. Vest confirmed that the motion was to approve the application as submitted, with the Mr. Schwartz' ideas understood as a suggestion rather than a requirement.

Mr. Tremblay asked about the issue of the front door, and Mr. Clark indicated that that was included in the motion.

Ms. Fenton called for a vote. The Board members were polled, and the motion carried unanimously.

CERTIFICATE OF APPROPRIATENESS APPLICATION
400 E. Jefferson Street

Ms. Vest made a brief presentation. She reminded the Board that in September of 2000, they had reviewed an application from Jerry Dixon to build a new building on 4th Street in the rear portion of this property. The owner of 400 E. Jefferson had subdivided off of their lot and was presenting plans to remove the rear porch, which the Board denied. He was now returning to the Board to submit a plan to restore that porch and renovate the front porch in a style that was more sympathetic to the building. Ms. Vest indicated that Staff was enthusiastic about the proposal and recommended approval.

Ms. Fenton asked if the new building was still going to be built, but Ms. Vest did not know.

Craig Donovan, one of the applicants, commented that he felt this was a pretty straightforward proposal. They had used two clues to generate their proposal: some existing railing pilasters that were on the upper level and a photograph from the '40s showing the railing that is currently proposed for the second floor, as well as brick piers and guard rails. He commented that they could not tell if those were original details or not, but their idea was to lighten the porch experience by eliminating the brick. That would involve the removal of the guard rails and the columns on the front, as well as the entire front staircase with its side wingwalls. Using the photographs showing the upper floor railings, the applicants planned to do a derivative

of that for the first floor. Mr. Donovan commented that the package the Board members had showed 42-inch railings on the first floor, which is the current code, but after the package was submitted, he had gotten word from Tom Elliot that the City was willing to allow them to do a lower railing. He handed out a revised elevation showing 36-inch railings for the members of the Board to pass around. He then indicated that they also planned to put arched, louvered shutters on the front and rear elevations, to match virtually the entire street, as well as windows in the upper, attic level, to match the double-hungs in the building itself. The last minor issue, he commented, was a casement window and door on the 4th Street elevation which had been blocked off, and which the owner planned to reopen and restore to original condition, anticipating future retail use.

Ms. Fenton asked if there were any questions for the applicant from the general public or the members of the Board.

Ms. Heetderks commented that the guidelines called for use of shutters only on windows that showed evidence of their use in the past. She asked if the applicant could tell from the nature of the brick surrounding the windows if they had had shutters in the past. Mr. Donovan replied that the brick did not show any indication of that, and the only photograph they were able to obtain did not show shutters. He added that there were probably never shutters on the 4th Street elevation because they literally would not fit. However, he contended that there is clearly historical, contextual precedent for those shutters, which is why they were being proposed. The package did not show any shutters on the 4th Street elevation, but subsequently the owner has been considering doing shutters at the door treatment on the retail doors on that elevation that would be identical to the other doors.

Mr. Coiner commented that the guidelines call for shutters that, when closed, cover half the window, but the drawing showed disproportionate sizing between the shutters and the windows. The applicant replied that that was an optical illusion. The drawing might not be to scale, but the intent was to make them real shutters, according to the guidelines.

Mr. Coiner asked if the applicant had brought the photograph he mentioned, and he indicated there was an original photograph in the package.

Ms. Fenton asked what year the photographs were from, and based on the cars present, Mr. Coiner estimated the 1950s.

Mr. Coiner commented that a typical railing in the '20s would likely have been a turned spindle design, and so it looked as if the applicant was trying to make the building look older than it is. Mr. Donovan responded that they had used what they could to come up with the proposal, relying on the photograph and the surrounding buildings and responding to the requirements of the code.

Ms. Fenton asked if the owner had ever thought about removing the canopies over the side doors. Mr. Donovan indicated that there had been some discussion of that, but nothing substantive. Ms. Fenton added that if the canopies were replaced with something that was not original to the building, her sense was that the Board would be happy if it was an improvement on the building. Mr. Donovan pointed out that his firm was also doing preliminary design work on the building across the empty lot, and his feeling was that it would be best to see what develops on that building before making changes in the canopies, perhaps allowing for a complementary treatment of both buildings.

Mr. Coiner asked if the applicant had mentioned that the spacing of the railings did not meet current code. Mr. Donovan responded that the existing railings met the code on spacing but not on height; the railings shown in the package did not meet code on spacing but did on height; and the newly proposed railings did not meet the code either way, but would be an improvement over what is already there. Mr. Coiner asked if he would have to get a variance, and he responded it had already been gotten.

Ms. Fenton asked for further questions. Hearing none, she called for comments from either the general public or the Board.

Ms. Heetderks expressed concern about the shutters. She commented that it seemed that what is not window on the building is all shutter, and while she

appreciated the desire to have the building fit into the context of the rest of the streetscape, she agreed with Mr. Coiner's comment that the current treatment tried to make the building look older than it is. She thought it might be an improvement to at least remove the shutters around the doors.

Ms. Fenton reread the guidelines that called for shutters only to be used on windows that showed evidence of their use in the past, commenting that she had difficulties therefore with the shutters on this building.

Mr. Tremblay commented that he looked at the shutters as non-permanent things and was not concerned with them.

Mr. Donovan pointed out on a diagram that the 12-inch columns blocked the view of the brick that would be between the shutters, so that in reality it was not the solid mass of window and shutter that it appeared to be.

Mr. Coiner commented that his concern was with the railing.

Mr. Schwartz indicated that he had been trying to visualize the building without the shutters, and he thought he preferred it visually without them. He also felt that the code on shutters was in place to help maintain a degree of integrity with the original structures, and so he shared the concerns expressed by other Board members.

Mr. Clark commented that he increasingly feels that it is the Board's duty to protect the City from egregious aesthetic harm to buildings. The proposal might be a little overwrought, but he did not think it was permanently harming the building or the town. He commented that he did not think it was their position to lay their ideas on an applicant but to simply vote whether they can go along with a proposal or not.

Mr. Schwartz responded that he was not sure if he agreed with the characterization that their charge from City Council was simply to avert egregious harm, although that was part of it. Mr. Clark agreed that that was his reading of the charge. Mr. Schwartz added that the design guidelines were in place for

presumably some reason, even if they as a Board did not always fully understand or agree with those reasons. He agreed with Mr. Tremblay that this was an example of a non-permanent change and was not a big issue. He pointed out, however, that in the photograph from the early '50s, the building up the hill also did not have shutters, so the shutters there must have been added at a later time. He was not certain that matching them was therefore the right thing to do. Although he did not feel strongly about the issue, he did prefer the building visually without the shutters and thought the suggestion made the building consistent with the guidelines.

Ms. Fenton asked if there were any further comments. Hearing none, she called for a motion.

Mr. Tremblay made a motion for approval of the application as submitted, seconded by Mr. Clark. A vote was taken, and the motion failed, with three in favor and four against.

Mr. Schwartz offered a motion for approval without the shutters, noting that the request was based upon the guidelines. Ms. Heetderks seconded the motion.

Mr. Donovan commented that the word "overwrought" was appropriate, but he felt the shutters were discreet and compatible with many other shutters in that area, and so while the design might not be architecturally pure, he was comfortable with it. He asked where the line is drawn to determine if something is acceptable or not, and gave the example of the railings being approved although they also did not meet the code.

Ms. Fenton indicated that they should finish the vote, and then they could take up discussion.

Ms. Winner asked what would happen if she did not vote on this motion. After general discussion, it was determined that new motions could continue to be made and until something satisfactory was found.

A vote was taken, and the motion for approval without the shutters carried.

Ms. Winner wondered how the architects on the Board felt about Ms. Heetderks' suggestion that just the shutters around the doors be removed, and asked if all of the shutters were in conflict with the

guidelines. Mr. Schwartz indicated he did not know.

Mr. Tremblay asked if the one picture from the '50s showing no shutters was definitive. Ms. Heetderks remarked that the applicant had indicated that there was no architectural evidence of shutters having been there. After several remarks on whether or not evidence would be visible, Mr. Donovan commented he felt there would be evidence if something had been there, and he had found no such evidence.

Mr. Tremblay asked if the theory behind the guideline about shutters was that their addition would somehow falsify the original structure. He remarked that it struck him as a matter of taste.

Mr. Coiner commented that this building, if completed according to the plans that had been submitted, would look nothing like the original. General discussion followed on the line between taste and respecting the commonwealth of a public street.

Mr. Schwartz said he imagined the writers of the design guidelines felt that the addition of shutters to an historic building threw the building into a different light, since shutters are more often associated with residential applications. He added that, looking at the side elevation, he felt there was a logic to keeping it without shutters, and the building would look very handsome without them.

Ms. Fenton informed the applicant that once the building was done, he could come back and reapply for the shutters. Mr. Donovan said he would run the idea by the owner.

Mr. Donovan said he wanted to be sure that the motion was for approval of the railings at 36 inches, and Mr. Schwartz and other Board members confirmed this.

CERTIFICATE OF APPROPRIATENESS APPLICATION
100 14th Street NW

Ms. Vest gave a brief presentation. She indicated that the building was designated as being part of the West Main Street design district, but it did not appear to be historic. According to City records, the building was built in 1972. She reminded the Board members of the previous presentation from the applicants back in July of 2000, where one of the

issues had been whether or not to extend the door openings down to street grade on the retractable door system that would replace the windows. The applicants had not wanted to do that because they had concern about people jumping in and out of the windows at night in what is basically a bar. In order to keep people from doing that, the applicants had installed some wrought iron work on the windows. Since the Board is charged with reviewing and approving all exterior changes to buildings, this came to Staff's attention and they were asked to have the matter brought before the BAR. Ms. Vest indicated that there were no guidelines pertaining to an element such as this and therefore Staff had no recommendations. It was the BAR's duty to determine the compatibility of the change to the building and the district.

The applicant, Mr. Andrew Vaughn, remarked that the change was something that was done from a safety point of view. He indicated that before the iron work was installed, there had been an occasional problem of someone trying to sneak into the restaurant, which was a concern to them because of ABC regulations. Since its installation, they have not had those sorts of problems, so he felt the piece was serving its purpose although it had been expensive and not something he really wanted to do. He admitted it was a wild thing, but he had gotten a lot of great feedback on it, even from the C'ville Weekly. He then detailed the work they had done to try to make the corner a more attractive place.

Mr. Clark remarked that the iron piece could be applied to the interior of the building. Mr. Vaughn replied that they had considered putting it inside, but the tracks that the doors slid in interfered with that, and anyway, it would still look the same whether it were inside or outside, whenever the windows were up.

Ms. Fenton asked if there were any questions for the applicant.

Ms. Heetderks asked, as a point of clarity, whether the Board was supposed to consider the item as if it had not been installed. Ms. Vest confirmed this.

Mr. Coiner asked if the applicant had gotten feedback from anyone in the City Building Inspection

Department in regard to it sticking out onto the sidewalk. Mr. Vaughn replied that it did not come out very far and did not impede traffic there.

Ms. Fenton asked if there were any further questions. Hearing none, she called for comments from the members of the Board.

Mr. Coiner commented that he really liked them. He mentioned some City railings over a bridge, to which Clark responded that those railings could only be called dreadful. Mr. Coiner then commented that this issue was similar to the fountain at the Station Restaurant: an art issue.

Ms. Winner commented that when she first saw the pictures in the packet, she thought the iron work looked awful, but when she drove over to actually look at it, she decided that she liked it and it looked funky and neat.

Ms. Heetderks asked Ms. Vest what standard they needed to apply to a contributing structure in an historic district. Ms. Vest responded that the only difference in designation between contributing and non-contributing structures is different criteria in the case of demolition requests. For non-contributing buildings, any change should be such that it helps bring the building closer to being a contributing structure, but once again she reminded the Board members that she had not been able to find any guidelines relating to a change such as this.

Ms. Fenton commented that when she first saw the iron work, she thought it was awful, but she was surprised that she has since come to really like it. She then asked why it took so long for this application to come to the Board. Ms. Vest responded that the applicant had worked through the zoning administrator, and then she had the application for several weeks, but she did not think it was the applicant's fault for the delay.

Mr. Clark remarked that the Board had worked closely with the applicant on the windows, and everything had gone well, so he was saddened that this had not come back to the BAR in the normal fashion, since the owner knew well that the BAR had to approve changes such as this.

Mr. Schwartz commented that if this proposal had come to him, his inclination would have been to request that it be installed indoors, so that when the windows were closed, it would not be visible, and it would be within the envelope of the building rather than encroaching on the space of the street. He called the artwork aggressive and said he found the proposal to be absolutely offensive, both in itself and as a matter of process. He said it was absolutely disingenuous for an applicant to be feigning innocence in all of this.

Ms. Winner questioned the process that required them to consider a situation such as this as if it had never happened, if in fact the applicant was aware of the process and chose to ignore it.

Mr. Schwartz stated that this put the BAR in an untenable position. An applicant who decides to ignore the process, put something up without consulting the BAR, and let people grow used to it before the matter is finally brought before the Board, has an unfair advantage over those who do follow the process. He added that he thought that the iron piece was incompatible with what was a simple, rectangular building that did not have a lot of gymnastics or pyrotechnics going on with it. He reminded the applicant and the Board that he had warmly and enthusiastically supported the original proposal, because he thought the changes were compatible and an improvement to the building, but he found this new addition absurd and would not vote for it.

Mr. Clark commented that this saddened him, because he did feel the iron piece had moxie and spirit. He passed it four times a day and looked at it every time, and he felt that it was funky and went along with a lot of the street furniture around it. He said he felt terribly troubled at the prospect of dampening a spirit of art, and was sad that it was not mounted on the interior for every reason Mr. Schwartz had stated, and he was uncertain what to do. From the point of view of correct process, he would have to vote against the addition, but he did not see how he could do that without being punitive.

Ms. Fenton commented that the concept of looking at it as if it were new was partly to avoid being punitive.

Mr. Schwartz stated that his intention was not to be punitive. He would look at a proposal like this and say, if the applicant wanted to do something creative, inspiring and unexpected on the inside plane of the restaurant, he would support it and be excited about it. It would be a positive improvement to the building held within the plane of the building itself.

Mr. Clark asked if there were any merit to Mr. Schwartz making a motion along those lines.

After general discussion among the members of the Board about how to word the motion, Mr. Schwartz made a motion for deferral to give the owner an opportunity to study the feasibility of reinstalling the piece of artwork inside of his building. Mr. Clark seconded the motion, and it carried unanimously.

Mr. Vaughn commented that, as he stated earlier, he had been very concerned about underage people sneaking into the restaurant through the windows and had panicked and sought to install something as quickly as possible, but if he had it to do again, he would come before the Board first. He reiterated his concern about the tracks for the sliding door present a problem for interior installation, but said he would look into it further.

Mr. Coiner commented that he appreciated the owner's concerns about underage people, but the project certainly was not done overnight. The owner at least could have brought by a design. Mr. Vaughn indicated that he understood the Board's point of view and he would look into their suggestions right away.

Ms. Fenton informed the applicant of the next meeting time for the BAR, and then called for the next item on the agenda, approval of the minutes from June 19, 2001.

Ms. Heetderks indicated she had a correction to note. On page 17, the minutes stated that she did not like the top half of the building in question, when in fact she did like it. She suggested rewording the minutes to indicate that what she did not like was how the application seemed to ignore the top half of the building.

Ms. Fenton asked if there were any other changes or corrections to be made to the minutes. Hearing none, she called for a motion.

Ms. Heetderks made a motion to approve the minutes as amended, seconded by Mr. Coiner. A vote was taken and the motion passed unanimously.

Ms. Fenton asked if there were any matters that the Board members wanted to bring up.

Mr. Clark asked what was going on with the Monticello Hotel roof. Referring to a letter from Mr. Jim Tolbert, Ms. Vest explained that typically, changes or upgrades to roof equipment were approved administratively. The City had approved several changes to the equipment on the roof of the Monticello Hotel in the past several months, but the most recent application to add six new white antennas and a box to the roof had been rejected, and the applicants were interested in appealing the issue to the BAR. They had attended the previous meeting of the BAR, and afterwards had met with Mr. Tolbert, Ron Higgins and Ms. Vest to look at alternative solutions. Ms. Vest informed the Board that there did not seem to be any better places available to locate the antennas that would lessen the impact, and so the applicants had agreed to paint them the same beige color as everything else, to recede into the elevator tower. Messrs. Higgins and Tolbert felt that that was enough of a compromise and approved the application administratively. Ms. Vest indicated that, as part of that process, it came to their attention that the City had recently had recently voted in a new tower ordinance dealing with communications towers in each of the zoning districts, but it did not deal with historic districts. Therefore, as a matter of policy, Mr. Tolbert has said that the City would like to send future applications to historic districts to the Board rather than approve them administratively. To facilitate this and to come up with appropriate guidelines, Ms. Kathleen Jerome was investigating what other cities in Virginia were doing about this issue in their historic districts. Ms. Vest indicated that they hoped to be able to present the Board with some information that might be adopted as guidelines in the August meeting.

Mr. Clark commented that the applicants' proposal would have gone a lot better if they had done a drawing showing the whole hotel building, rather than just the tower, which made it impossible for the Board to judge the scale or the impact.

Mr. Schwartz commented that within the last year, the Planning Commission adopted an ordinance regarding towers in general, not just within the historic district, and the reason it came to them was that there needed to be a systematic, city-wide set of guidelines and policy that would allow the Planning Commission to reject applications in certain inappropriate locations.

Ms. Vest added that their own interest had been to protect the new ordinance, but at the same time deal with the issue of towers in historic districts in a more thorough manner.

Ms. Fenton asked if they should be anticipating something on this in their packets for the next month, and Ms. Vest confirmed this, adding that they might want to schedule a worksession. Ms. Fest suggested that some photos be provided as well as textual research.

Mr. Coiner inquired about the status of the signs being posted. Ms. Vest indicated that a report had been put together detailing the signs, the vendors, et cetera, but the budget for them had not yet been approved by the City. General discussion followed about what could be done to get the budget approved and move the issue forward, and Ms. Vest suggested writing to Mr. Tolbert to express the Board's continued interest in this. She added that the City is working on a way to facilitate communication between all the different data systems.

Mr. Coiner then asked what was happening with the plan for the BAR to present historic awards. It was on the agenda two months ago, but nothing had happened yet. Ms. Vest reminded the Board that they had deferred the item previously to come up with some suggestions for nominations for historic awards.

Ms. Fenton asked if the Board members had any suggestions. General discussion followed concerning the Board's support of the Dogwood Limited Partnership and the work it has been doing.

Mr. Schwartz suggested that Ms. Vest set an agenda item for the following month to discuss with them the Board's consideration of Dogwood for a possible Preservation Award.

Ms. Heetderks asked if a list of previous award winners could be provided.

Mr. Clark questioned how the BAR got involved in the awards business, and after further discussion, Mr. Schwartz suggested that Ms. Vest make a presentation at the next meeting on the awards program, citing the wording that they have in the guidelines that guides the Board in this regard.

Mr. Coiner asked about the status of Maurice Jones coming to speak to the BAR. Ms. Heetderks indicated that that had been slated for that evening, but something had come up that had prevented his attendance. Discussion followed concerning when he might next speak to them.

Mr. Coiner reminded the Board that he had volunteered to review the City Code and guidelines. He thought it would be a good idea to have a workshop which would be advertised, with different architects and developers invited to attend, in order to discuss the guidelines and get feedback from everyone, since a number of complaints had been raised about certain aspects of them. Ms. Fenton commented that she thought that would be a good idea.

Ms. Vest commented that the City Council had just adopted a Comprehensive Plan, and the next thing to do was a major rewrite of the zoning ordinance. In the process of that, Mr. Tolbert had decided to organize a number of working committees to different deal with different subject areas of the ordinance, and one of them would be the historic ordinance. Ms. Vest commented that in Virginia, the City did not have a lot of power to penalize violations of the historic ordinance, which was essentially a violation of the zoning ordinance, and this had been a source of some frustration. She suggested that the BAR might ask the City Attorney to look again at the issue of allowing the City to regulate its historic districts and to write tickets for zoning violations. She thought that if there were separate systems for violation and review, it might make the Board more

comfortable in its review process. General discussion followed. Ms. Fenton asked Ms. Vest to let them know in August about the timing on working out the historic portion of the zoning ordinance, so that they could coordinate their suggestions for the guidelines with that. Mr. Schwartz commented that Mr. Coiner's ideas were right in line with this.

Concerning the earlier issues of the signs and the awards, Mr. Schwartz then indicated that he wanted to make clear that the Board was requesting its Chair to call Mr. Tolbert the following day to echo strongly the BAR's concerns that these things were not being addressed.

Mr. Coiner observed that July is election month, and therefore he would like to put Ms. Fenton's name in nomination for Chair, Ms. Heetderks as Vice-Chair, and City Staff as secretary. Mr. Schwartz seconded the motion, and the motion carried.

Mr. Clark made a motion to adjourn the meeting, which was passed unanimously.

Whereupon, the meeting adjourned at 6:38 p.m.

* * * * *

