

**City of Charlottesville  
Board of Architectural Review  
December 18, 2001**

**DRAFT  
Minutes**

Present:

Joan Fenton (Chair)  
Linda Winner  
Wade Tremblay  
W.G. Clark  
Joe Atkins  
Preston Coiner

Also Present:

Tarpley Vest

At 5:05 p.m., Ms. Fenton convened the meeting. She then asked if there were any amendments to the minutes of the last meeting. There being none, Mr. Tremblay moved that they be approved. It was seconded by Ms. Winner. The motion was approved unanimously.

604 East Main Street.

Ms. Vest gave a brief report on landscape improvements to the Police Department. The proposal meets the guidelines and approval is recommended. Ms. Vest then reminded the board members of their recent request of her regarding a list of recommended species. After checking with Parks, there is really no such thing. A member of the committee stated that they don't work off of a standard list since each site stands on its own. Therefore, a standard list of recommended species would not work. He then continued, at Ms. Fenton's request, to add to Ms. Vest's report. He stated that the landscape improvement plan had come about after certification of the Police Department. One of the items that came up in that review was that the landscape did not meet the criteria. Irrigation of the site was a consideration due to lack of parking space for a

water truck. He then called on Stan to further discuss the plan.

He distributed a photograph of the plants which they are proposing to use. His plan was to keep the mass of vegetation provided by the magnolias that can be seen coming down Market Street. Autumn Brilliant would be planted as well as plants under-planted under the trees. Plants, staggered by height, would be planted in the primary planter. Soil material levels will be adjusted to provide uniform planting levels. The flag poles and lighting which are currently in place will not be changed.

Ms. Fenton asked if there were any questions.

Mr. Coiner asked if there were any way to save any of the current bushes. He was told that it would be easier and cheaper to buy new plants than to uproot and separate the existing plants.

Ms. Fenton asked if there were any further questions or comments. There being none, she asked if anyone wanted to make a motion. Mr. Atkins moved that the proposal be approved. It was seconded by Mr. Coiner. The motion passed unanimously.

Replacement of canopy for Live Arts.

Ms. Vest presented the report. This is a proposal for a new canopy for the new storefront. Since this represents a change to an approved plan, it needed to go before the Board. Although this is not a traditional canopy for the district, it meets design guidelines and seems appropriate to the building. Approval is recommended.

Ms. Fenton asked for questions or comments.

Mr. Clark asked if he should vote in this matter due to his tenancy in that building. Ms. Fenton suggested he abstain. He then commented that, as a tenant, he feels this would be an improvement since the existing awning covers some of the glass block. The proposed canopy adds an elegance to the Art Deco spirit of the building.

Ms. Fenton requested any other questions and comments. There being none, Mr. Atkins moved for approval. Ms. Winner second the motion which passed with five votes for, none against and with Mr. Clark abstaining.

New Porch at 308 and 300 East Market Street. The report was presented by Ms. Vest. The application first came before the Board in July of 2000. That application was denied due to lack of appropriateness of structure located 18 inches off of Market Street. There were several concerns raised by Board members at that time as well. After that meeting, the owner retained an architect who presented a revised plan in April, 2001. It was approved at that time. Construction has begun and not yet finished. The owner has requested changes due to the inability to obtain the decorative raised wood panels. He seeks to use solid wood with wood moldings. The staff feels that, if constructed properly and in a high quality manner and then painted, the change would not be noticeable from the street. The staff is interested in working with the applicant to assure that this is executed well.

Ms. Fenton asked the applicant if he wished to add to the report. He explained that there were no raised panels to be found. He has found a birch paneling that will be used.

Mr. Clark asked if he were referring to a birch plywood. Upon being answered in the affirmative, Mr. Clark stated that birch plywood has interior glue, not exterior. He suggested the applicant consider a marine plywood.

The applicant continued his comments as to the use of moldings. By using molding, the paneling will look almost identical to the building. He is seeking approval so he can finish the project.

Ms. Fenton asked for questions for the applicant. Mr. Coiner commented that he would hate to see interior plywood used on the exterior. The applicant stated that he would use exterior. Mr. Coiner then commented on the applicant stating ten feet when the application says 12 feet. Mr. Clark then commented on the section detail which shows a way for water to run through the deck under the plywood. The applicant stated that there was a copper pan to catch the water and draw it down. Mr. Clark stated, and the applicant agreed, that the drawing does not show the copper pan. However, the applicant stated that the copper pan had already been installed.

Ms. Fenton asked for further questions or comments. Having none, Mr. Tremblay moved for approval of the design changes as submitted by the applicant. Mr. Coiner seconded the motion. The motion passed unanimously.

The applicant then asked the Board to come see the project when it is finished.

Ms. Fenton then called for Staff Reports.

Ms. Vest reported on behalf of Ken Schwartz. He noticed some things on top of 500 Court Square and wanted verification of approval. Shenandoah Towers had submitted an application during the summer. As far as staff is concerned, everything is kosher. Ron had administratively approved the plan because it was a maintenance and replacement of technologically outgrown equipment issue.

Mr. Tremblay asked if changes in evolving technology would be considered an invalidation of the existing site plan. Ms. Vest said that existing equipment usually can be treated as an amendment to the site plan. The issue is the historic district and the visibility of these things in the historic district. Should anyone want to add anything to that site, or any other site in the historic district, it will be sent to the Board for approval.

Mr. Atkins stated that his understanding of Mr. Schwartz's concern was that if there were new technology retrofit -- take some out, put some back -- he was looking for that to be an opportunity for the City to negotiate even better solutions to include the possibility of getting rid of the equipment.

Ms. Fenton asked if the Board were looking to request that any update or modification come to the Board. Ms. Winner asked if they would have the authority to deny the upgrade. Ms. Fenton stated that if it came before the BAR, the BAR could require some shielding as part of the process. Mr. Tremblay inquired if the position was going to be that it needed to be gone. Ms. Fenton said that while they may not be able to say, "You have to take it down," they may be able to say, "No, you can't upgrade." Ms. Vest stated that the current ordinance permits maintenance to any

historic property. However, going from 12 pieces of equipment to nine is change and it would be reasonable for the BAR to ask that any change, even a reduction, come to the Board. Ms. Fenton said that coming to request a change would give them an opportunity to negotiate.

Ms. Winner asked how long the leases were. Ms. Vest was unsure. Mr. Coiner said they were long leases, usually a couple lifetimes. Ms. Fenton felt the real issue was whether they wanted to request that any change come before the Board.

Mr. Atkins thanked Tarpley for the report and stated that he would rather wait for Mr. Schwartz to be present to discuss the matter. Ms. Fenton asked if the matter should be put on January's agenda.

Ms. Vest presented the next item, door frames. Mr. Schwartz had expressed his concern to her about the Gothic arches that were removed. The project had been approved in many phases. Site details had been approved in phases by staff. The brick door frames had been approved administratively as part of the site plan. She further stated that the developer contends the doors, as built, are therefore approved.

Mr. Atkins asked if they appear anywhere else. Ms. Vest responded that they appeared as Gothic everywhere else.

Mr. Clark asked if that were the only drawing that vaguely resembles it. Ms. Vest stated that that was the fall back drawing. When the arches were not approved, this was the previously approved drawing.

Ms. Winner sought clarification about the Gothic arches having not been approved. Ms. Vest stated that they are claiming that the drawing represents what was built.

Ms. Fenton felt that was totally inaccurate.

Mr. Clark stated that with the arches having been denied, they knew the Board was keen on the issue. He further stated that the builder should have brought the new idea back to the Board.

Ms. Winner wanted further clarification as to what staff had told the builder. Ms. Vest stated that she

had told the builder to build the doors as part of the previous approved drawing. Mr. Atkins said he felt that was consistent with the way the direction was going. Mr. Clark stated that the Board should have never gotten itself into a situation of approving a building piecemeal.

Mr. Clark sought clarification of the doors on the plan, as to their location being within the plane of the wall and not projected from the wall.

Ms. Fenton called for comments.

Ms. Winner was curious about what had been said or written by staff that would lead the builder to believe that what has been done was okay, so that's what they built. Ms. Vest showed the plan that staff had told them to build. Ms. Winner sought clarification that that was not what they built. Mr. Clark stated that the plan was part of the set of drawings. They portray a flat wall opening and they have a projected opening. Mr. Tremblay asked if the measurement of the projection were six inches. Mr. Clark replied that it was more like two feet. Ms. Vest stated that it was the depth of the planters. Ms. Fenton asked if there was agreement among Board members that what was presented was not what had been built.

As a subsequent question, Ms. Winner asked if it were awful the way it is. Mr. Clark stated his opinion that it was. Ms. Winner further asked if he would have approved it if presented that way.

Ms. Vest asked if the Board would like this to appear on the January agenda as a change to the approved plan. Mr. Clark felt that, as this was a concern of Mr. Schwartz's, he deserved a chance to speak to it. Mr. Atkins moved that they defer.

Ms. Fenton stated that there was also an issue of a Certificate of Occupancy. Ms. Vest stated that they did not have any of their COs and that they were working for their COs. Mr. Tremblay asked if there weren't even any temporary COs. Ms. Vest stated that the residents have COs. She further stated that the commercial spaces will not get COs until every punch list and everything is resolved including the doorways. Mr. Atkins said that he would rather not see Certificates of Occupancy go out with repair work

needed. Ms. Vest stated that if the Board determines that the as-built does not meet the approved drawing, the COs cannot be issued. COs have to be linked to BAR approval.

Ms. Fenton asked if the Board wanted it on the agenda for the January meeting. Mr. Clark queried if two shops on Water Street had recently undergone a paint job. Ms. Vest replied in the affirmative to which Mr. Clark inquired if they had had permission to do so. Ms. Vest thought Mr. Higgins had approved it, but she was not sure that the color came out exactly as approved. Mr. Clark then asked if that were something that had to come before the BAR. Ms. Vest stated that paint colors are one of the items that the Code gives to the Planning Commission.

Ms. Fenton asked if there were anything else. Nothing being mentioned, she then thanked W. G. Clark for serving on the Board. He in turn thanked the Board. He stated that he enjoyed knowing and working with the other members. Ms. Fenton stated that they were still looking for someone to fill his seat.

Mr. Coiner reported that the Historic Preservation part of the Zoning Commission met last week and they are focused on the same kind of issues as the Board is.

Ms. Fenton also thanked Tarpley Vest for all of her hard work.

Mr. Clark, doing his favorite thing one last time, made a motion to adjourn the meeting. It was seconded by Mr. Atkins and passed unanimously. Whereupon, the meeting was adjourned at 5:44 p.m.

