

**City of Charlottesville
Board of Architectural Review
April 16, 2002**

Minutes

Present:

Joan Fenton (Chair)
Linda Winner
Wade Tremblay
Joe Atkins
Preston Coiner
Ken Schwartz
Craig Barton
Lynne Heetderks
Allison Ewing

Also Present:

Tarpley Vest

Ms. Fenton convened the meeting at 5:06 p.m.

After reading the agenda to the public, she called for items not on the agenda.

B. Matters from the Public

Bill Atwood, 700 Harris Street, an architect for Guaranty Bank, sought feedback about proposed changes to the building including a canopy and moving a door forward within its fenestration. Mr. Schwartz expressed concern about the proposed canopy since Virginia National Bank does not have a canopy. Mr. Barton wondered if the proposed paint job would erase the need to move the door forward.

Katie Swenzen, doing renovation to 411 North First Street, sought approval to put a double window and double sash on each side elevation. Ms. Fenton and Ms. Heetderks felt it would be necessary to see the building and materials before granting approval. Mr. Tremblay made a motion to accept the proposal as submitted. Mr. Schwartz seconded the motion. The motion carried a 7-2 vote with Ms. Fenton and Ms. Heetderks voting against.

D. Preliminary Conference:

**Jefferson Madison Regional Library
201 Market Street
Tax Map 33 Parcel 196**

There was no staff report for the preliminary conference.

Bill Wyans, Business Manager for the Library, spoke regarding the "cow path" approach to the library. He was seeking feedback on two options that had been developed. The Board agreed there was a need for a walkway.

E. Certificate of Appropriateness Application:

BAR 02-4-7

120 East Main Street/Blue Light Grill

Tax Map 28 Parcel 26

Temporary Tent over Cafe Space

Kara Morrisette, Applicant

Ms. Fenton stated that in the past the Board has approved cafes putting up tents and sought a motion from the Board to allow administrative approval of tents on cafe spaces for Graduation weekend. Mr. Atkins so moved. Mr. Schwartz seconded the motion. Mr. Coiner sought clarification on a discrepancy in the dates between the application and the staff report. Ms. Fenton offered an amendment to the motion to be from Friday to Monday of Graduation. Whereupon she called for the vote which was unanimous.

F. Certificate of Appropriateness Application:

BAR 02-4-8

Vending Cart on Downtown Mall

Charles Seelock, Applicant

Ms. Vest gave the Staff report. The vending cart meets the design guidelines for mobility and size. However, it does not meet the guidelines for color or signage; staff could not recommend approval for that reason.

Charles Seelock expressed a willingness to cover the logo on the cart with a foam core product. He felt that the product would be a good addition to the Mall. He would also be willing to purchase a solid color umbrella to replace the proposed umbrella.

Ms. Fenton called for questions and comments from the public. There being none, she called for questions from the Board. Mr. Coiner inquired if the applicant were willing to paint the cart a different color. The applicant explained that he could not because he is leasing the cart. Ms. Fenton asked if he would be able to carry the Good Humor product in a non-Good Humor cart. The applicant stated he would not be allowed to do so. Mr. Coiner expressed a concern over gluing or duct-taping the foam core on the cart; he would be unable to support the current cart or any do-it-yourself modification.

Ms. Fenton closed the question and answer section and asked for comments from the Board. Mr. Tremblay had mixed feelings and was not totally comfortable with the solution for covering the cart and its logo. Mr. Coiner had no further comments beyond his earlier concern. Mr. Atkins

stated he was not comfortable with the strict guidelines regarding vending carts; he felt that the carts should be looked at individually. Even with the color scheme involved, the cart did seem subdued and the umbrella compromise was satisfactory. Ms. Winner agreed with Mr. Atkins. Ms. Fenton would not support the umbrella or the foam and was unsure regarding the variance on the cart. Ms. Ewing would not support the umbrella but thought a canvas skirt may be an alternative to the foam. Mr. Barton was concerned about what an adjustment to the cart would look like and could not support this item. Mr. Schwartz could not support the proposal.

Mr. Barton made a motion to deny the application by Mr. Seelock for a non-conforming pushcart to be used on the Mall. Mr. Schwartz seconded the motion. The motion carried by a 7-2 vote with Mr. Atkins and Ms. Winner voting against the motion.

G. Certificate of Appropriateness Application:

BAR 02-3-6

Carousel on Downtown Mall: Revised Fence Proposal Virginia Discovery Museum, Applicant

Ms. Vest presented the staff report. The carousel was approved at the March, 2002, meeting but the proposed fence was not. In light of the Board's concerns, the applicant has revised the proposal for a fence 42 inches high. Staff feels the proposal meets design guidelines and recommends approval.

Peter Clark, Gallery Manager of the Museum, and John Reeden, a Museum Board member, spoke regarding the proposal. They would prefer a taller fence for safety and insurance reasons.

Ms. Fenton called for questions and comments from the public. There being none, she called for questions from the Board. Mr. Atkins asked if the pieces were smaller. The applicant stated they were. Ms. Fenton called for comments from the Board. Mr. Atkins appreciated the flexibility in the applicant. Ms. Ewing was disappointed in the custom nature of the fence. Mr. Tremblay was unsure if the 42 inch height would be sufficient for the applicant's concerns about vandalism. Mr. Schwartz agreed with the preferability for something custom- and locally made. Mr. Barton was disappointed in the fence detail. Mr. Coiner would support something taller. Ms. Fenton thanked the applicant for returning with a new proposal.

Mr. Schwartz, while understanding the concerns about the height, made a motion to accept the proposal as submitted. Mr. Tremblay seconded the motion. Ms. Fenton called for discussion. Ms. Winner expressed concern over the variables which had been brought up as to being higher or more elegant. Mr. Schwartz explained that his thoughts behind the motion were that approval would give the applicant the right to proceed. Ms. Fenton asked if the Board would like the applicant to comment on the motion. The applicant, while sensitive to the comments already made, wants to come up with a solution that would make everyone happy. The process would be helped if Mr. Schwartz's motion was approved because that would allow the applicant to go forward with other necessary things. The question was called; the motion passed unanimously. Ms. Fenton asked if anyone wanted to provide additional comments to the applicant. Mr. Coiner stated that if the applicant should come back, he would support a higher fence -- up to 48 inches -

- and he would support the wing concept for the fencing. Ms. Winner concurred with Mr. Coiner. Ms. Fenton informed the applicant that they would be welcome to meet with any of the Board members to run things by.

H. Certificate of Appropriateness Application:

BAR 02-4-12

852-860 West Main Street: Merchants Tire and Peyton Pontiac Buildings

Tax Map 30 Parcels 3 and 4

Demolition of existing buildings

856 West Main Street LLC, Applicants

Jim Grigg, Architect

Ms. Vest presented the staff report. Both buildings had been designated as non-contributing to the West Main Street District by the City Council. Previously the Board had attempted to have City Council list the Peyton Pontiac building as contributing; City Council chose not to follow that recommendation. Staff found no evidence that the buildings met either of two requirements for reclassification under the design guidelines. Staff recommends approval of demolition of both buildings.

Jim Grigg, the architect representing 856 West Main Street LLC, reiterated Ms. Vest's finding that the buildings had not been designated as a contributing structure. The owner of the property in 1997 had been given the right to demolish the structures. There has been no significant change in the context of West Main Street and the new owner wishes to demolish these non-contributing structures.

Ms. Fenton called for questions from the public and the Board. She called for comments from the public; and then from the Board. Mr. Tremblay agreed with the determination of City Council; demolition should be granted. Mr. Coiner was concerned that there had not been enough time to research the history of the building. He also asked Ms. Vest what the City Attorney had said. The City Attorney's advice had been that the applicant has reasonable presumption that the designation is correct; therefore, the burden of disproving the current designation is the Board's. Mr. Atkins wished Council had not changed the designation and that the Board had been right in calling it a contributing structure. Ms. Winner agreed with Mr. Tremblay's comments. Ms. Fenton was, and still is, in favor of the building being designated as contributory; the Board, at that time, should have appealed the designation. Ms. Ewing concurred with Ms. Fenton's remarks. Ms. Heetderks drew the Board's attention to the language of the ordinance which did not say "unless City Council was mistaken in making the classification." It says BAR. The BAR said that the building was contributing; City Council overturned that. She contends that the BAR should continue to see that building as contributing. Mr. Barton agreed with Ms. Heetderks comments. Mr. Schwartz asked if the City Attorney had spoken specifically about the language in the ordinance. Ms. Vest felt unqualified to respond to that and sought clarification from Mr. Tolbert. He stated that key points from the City Attorney included that the presumption is that the Council made the correct designation when it designated the buildings as non-contributory; "BAR" should be replaced with "Council." The legal language is that the applicant has a

reasonable legal presumption that the determination that was made was valid. The only way the Board could change that was using one of the two criteria that either a mistake -- in mapping or typographically -- was made or that conditions have changed. Mr. Schwartz asked if a change might be the applicant coming before the Board with a proposal for an adaptive reuse of the same structure. Mr. Tolbert stated that the interpretation was regarding changes in the physical characteristics of things happening in the area. Mr. Schwartz, while understanding and respecting the position of his colleagues, was very surprised that the City Attorney was so comfortable with exchanging language in an ordinance in which the ordinance clearly indicates that the BAR has changed its position. His contention was that he had not changed his position at all. Having previously thought the building was a contributing structure, he still thought it was. Ms. Heetderks asked if removing the sheet metal facade from the building constituted a significant change in circumstances. Mr. Tolbert, hating to speak on behalf of the City Attorney's office, stated that the interpretation given was that the character of the area had changed, more so than what happens to the building.

Mr. Schwartz offered a motion for approval of the demolition of the Merchants Tire property, 856 West Main Street. Mr. Atkins seconded the motion. The motion carried unanimously.

Mr. Schwartz offered a motion to deny the request on the basis of mistaken classification as a non-contributing structure for 800 West Main Street, the former Peyton Pontiac building. He suggested, as in the description of the Code, the building demonstrates historic, architectural and cultural significance as one of the only remaining structures of the automobile era -- the heyday of the automobile on West Main Street. It is a significant reinforced concrete structure, that the applicant themselves have demonstrated in a previous submission has the potential for adaptive reuse. Ms. Heetderks seconded the motion. The motion did not pass with Ms. Winner, Ms. Fenton, Mr. Coiner, Mr. Atkins and Mr. Tremblay voting against the motion.

Ms. Fenton called for another motion. Mr. Tremblay made a motion to accept the proposal to demolish, as submitted, the Peyton Pontiac building. Mr. Coiner reluctantly seconded the motion. Mr. Atkins offered a friendly amendment, in support of Mr. Schwartz's comments and because the building could have and should have been designated as a contributing structure, that there be an appeal to the owner to take a different course of action and explore adaptive reuse possibilities for the building. Mr. Tremblay accepted the amendment. Mr. Schwartz appreciated the discomfort of some of those who would vote in favor of this motion; City Council is the higher authority. His issue was that the situation was unexpected and that the BAR could be in a position of upholding the earlier position and letting the issue be resolved at the higher level. Mr. Coiner stated that in hindsight the BAR should have taken action earlier. The motion passed with Ms. Ewing, Ms. Heetderks, Mr. Barton and Mr. Schwartz voting against.

Ms. Fenton asked Ms. Vest to get further clarification from the City Attorney on the issue raised by Mr. Schwartz. She also suggested to the Board that if there was a problem with that interpretation versus the way it is written, the Board ask Council to clarify or revisit that part of the ordinance.

I. Certificate of Appropriateness Application:

BAR 02-4-11
502 East Market Street
Tax Map 53 Parcel 91
Outdoor patio for Tastings Restaurant
Bill Curtis, Applicant

Ms. Vest gave the staff report. The property in question is not public right-of-way; it is included in the Market Street Garage parcel. Staff has some concerns about the impact of placing pavers on the dirt on the existing lemon trees. The applicant is aware of that concern and has explored many options. The City arborist said the only thing that would protect the root system would be a raised wood deck. Staff has several unanswered questions before they can make a formal recommendation for approval. Overall, staff would support the idea of a cafe space as long as the trees can be protected and all the materials are appropriate.

Bill Curtis, the applicant, spoke with many qualified people about the pavers and the effect on the trees. He does not want to damage the trees. He also gave details of plans and colors.

Ms. Fenton called for questions from the public. She then called for questions from Board members. Mr. Atkins asked if the applicant was serious in pursuing a fence around the patio instead of the proposed chains. Mr. Curtis was not that serious if it would be a stumbling block. Several Board members spoke at once stating they would prefer a low fence.

Ms. Fenton then called for comments from the public; there being none, she called for comments from the Board. Mr. Schwartz expressed support for the proposal. Mr. Tremblay also expressed support. Ms. Fenton would prefer a fence and also expressed a desire for more information about the awning. Ms. Ewing was concerned about grading and edging for pavers.

Ms. Winner made a motion to defer the Certificate of Appropriateness Application until the next meeting. Mr. Barton seconded the motion. The motion carried unanimously.

J. Certificate of Appropriateness Application:

BAR 02-4-12
100 Old Preston Place/Escafe-Eastern Standard Restaurant
Tax Map 33 Parcel 274
Kitchen Addition for Restaurant
Doug Smith, Applicant/David Kariel, Architect

Ms. Vest gave the staff report. The proposal meets the guidelines. Staff recommends approval.

David Kariel, architect, stated that they were trying to match the stucco of the adjacent buildings.

Ms. Fenton called for questions from the public and then from the Board. Mr. Schwartz asked about the backing of the stucco. Mr. Kariel believed they would be required to have metal studs and a wire mesh.

Ms. Fenton called for comments from the public and the Board. Mr. Schwartz expressed concern about not backing the stucco with masonry and stated that he would prefer to see some other treatment as the stucco reached ground level.

Mr. Schwartz offered a motion for approval as submitted with comments about the change in the base condition of the wall, suggesting either some other material as it meets the ground or a solid backing with masonry to provide it with longer term durability. Mr. Barton seconded the motion. The motion carried unanimously.

K. Certificate of Appropriateness Application:

BAR 01-10-31

322 East Main Street: Timberlake's Drugstore

Tax Map 28 Parcel 44

Building addition floor: Amend BAR Approval

David Plantz, Applicant

Ms. Vest presented the staff report. The initial review was in October 2001. At that time, concern was expressed about the L-shaped terrace, placement of the massing on the front of the building and concern was expressed that the proposal did not meet design guidelines. The applicant was encouraged to provide a model or perspective to the Board for review. The applicant returned in January, 2002 and approval was granted. Since that time, the applicant is seeking a revision to the approved building mass as well as final approval of the window details. The applicant encountered conflict in the rear of the building since the January approval. Staff does not support the proposal.

Ron Brown, with Brown Construction, and Mr. Plantz, the applicant, were present to answer any questions. Ms. Fenton called for questions from the Board. Mr. Tremblay sought clarification that the original 13 foot setback was being changed to an eight foot setback. The applicant affirmed that.

Ms. Fenton called for comments. Ms. Ewing preferred the earlier setback and would approve this setback with the amendment that the architect reconsider the overall height of the third floor. Ms. Heetderks also preferred the earlier terrace. Mr. Barton agreed with Ms. Ewing.

Ms. Ewing offered a motion to accept the proposal as submitted with the amendment of lowering the floor to ceiling height in the addition to minimize the visual impact of said third story from the Mall. Mr. Tremblay seconded the motion. Ms. Fenton suggested that Ms. Ewing clarify a height. Ms. Ewing suggested it be lowered by 18 inches. Mr. Barton offered a friendly amendment that the applicant remove the metal coping as indicated and replace it with a more appropriate material. The motion passed with Ms. Fenton, Ms. Heetderks and Mr. Schwartz voting against.

At 6:50 p.m., Ms. Fenton called for a five minute recess.

At 6:57 p.m., Ms. Fenton reconvened the meeting with all Board members except Mr. Tremblay returning.

L. Certificate of Appropriateness Application:

BAR 01-9-27

215-219 East Main Street

Tax Map 33 Parcels 236, 237

Demolition of 217 East Main Street

Renovate Paramount Theater

Martinez and Johnson, Architects

Paramount Theater, Applicant

Ms. Vest presented the staff report. The Paramount Theater was built in 1931. A preliminary report was made in September. Exploratory demolition has been going on; there is nothing behind the facade worthy of preservation. The Strawberry Building, 217 East Main Street, meets the review criteria for demolition. Staff recommends approval of the demolition.

Ms. Vest further stated that originally the applicant had prepared three separate items: a demolition request, review and feedback or approval on the renovations to the Paramount Theater, and the designs for the new building to be located at the current Strawberry site. Due to a communication error, the three had been submitted to the Board as one by staff.

James Regal, Senior Associate from Martinez and Johnson, explained that the demolition request was necessary to perform soil borings in that area.

Ms. Fenton called for questions from the public and then the Board. She then called for comments from the public. There being none, she called for comments from the Board. Ms. Heetderks mentioned a letter from the United States Department of the Interior which was included with the submittal which stated that the building was being changed from contributory to non-contributory.

Mr. Atkins made a motion to accept the proposal to demolish the Strawberry Building. Ms. Ewing seconded the motion. The motion carried unanimously.

The applicant made a presentation about the proposed renovation. The only change to the proposal which had previously been submitted was the addition of a fly loft. The fly loft must be raised at least 19 feet to allow the Paramount to be a performing arts theater. The applicant, using previous suggestions from the Board, designed this proposal which was submitted to the state Historic Preservation officer and to the National Parks Service due to the fact that the project is a tax credit project. Based on feedback from those two sources, the proposal was further redesigned.

Ms. Fenton called for questions. There were none from the public. Mr. Atkins wanted clarification on the role of the National Parks Service. The applicant replied that the NPS

determined which buildings are allowed to have tax credits. Ms. Fenton stated that, in the past, the BAR had never contested anything the NPS had approved.

Ms. Fenton called for comments from the public and then the BAR. Mr. Coiner stated that, in his understanding of the Code, if the project were certified for tax credits, it did not have to come before the BAR. Mr. Atkins thanked the applicant for considering the suggestions which had been offered by the BAR previously.

Ms. Ewing made a motion to accept the application as submitted with the preference for the scheme which articulates vertical piers aligning with the lower piers and further articulation of a break at the juncture between the new added fly loft on the existing. Mr. Atkins seconded the motion. The motion carried unanimously.

The architect then made a presentation regarding the proposed Strawberry Building replacement. Because this will be part of the Paramount building, the NPS still comments on the design. If the client does not meet their guidelines and recommendations on this portion of the project, they can -- and will likely -- disqualify the whole project. The one guideline is that the building be contemporary but compatible while avoiding false historicism. The NPS has not yet ruled on the proposed design.

Ms. Fenton called for questions from the public and then the Board. Mr. Schwartz asked if, in conversations with the client and the NPS, consideration had been given to the relationship of the Jefferson National Bank/Wachovia addition in regards to the historic tower sitting next to it. The architect confirmed that he had. The NPS would tend to like a more modern scheme. Regarding Ms. Ewing's question about the look of the mechanical penthouse, the architect stated it would be a horizontal louvre which would allow air permeability but still keep the mechanical equipment unseen from below.

Ms. Fenton called for comments. Mr. Schwartz expressed concern for the use of arches mimicking those of the Paramount which may cause problems of false historicism. The arches also diminish the facade of the Paramount. Ms. Heetderks felt it did enhance the Paramount. Ms. Ewing echoed Mr. Schwartz's comments. Ms. Fenton stated she would prefer the new building to be lower down so that the Paramount would be the crowning building. Ms. Winner would like to see something that goes along with what Mr. Schwartz had said based on her respect of him professionally; she also agreed with Ms. Fenton's statement about the height of the proposed structure. Mr. Atkins agreed that the arches diminish the Paramount.

Mr. Schwartz offered a motion indicating the Board's support for the architect's continued study of the elevation as it faces Main Street, the Mall, with particular attention to the positive qualities that existed in the earlier conceptual sketch -- not to say that this one can't be studied as well, but to give the architect a reason for trying to reconcile various approaches. Ms. Winner seconded the motion. Mr. Schwartz apologized for the convoluted nature of the motion and commented further on the two bays of the present proposal. This is preferable to the three bay approach of the earlier plan. The motion passed unanimously.

Mr. Barton recused himself from the deliberations of the project regarding item "M" on the agenda due to his position with the firm that will be presenting the proposal.

M. Certificate of Appropriateness Application:

BAR 02-3-8

622 West Main Street

Tax Map Parcel 29-2

Demolition of 622 West Main Street (Priority Press Building)

RBGC, Architects

First Baptist Church, Applicants

Ms. Vest gave the staff report. The property in question was designated as a contributing structure within the West Main Street Design Control District. As such, it must meet the review criteria for demolition as deemed by the BAR in order for the BAR to grant the Certificate of Appropriateness for demolition. She gave a history of previous appearances of the applicant before the BAR. The applicant has changed the demolition request and are now seeking permission to demolish 66 percent of the building, leaving alone 30 feet of the facade fronting West Main Street. Staff recommended denial of the request for total demolition.

Mr. Tony Brooks, representing the applicants, first thanked the BAR for hearing their request. He then clarified that the request would be for partial demolition instead of total demolition.

Reverend Dr. Bruce A. Beard, pastor of First Baptist, gave a brief history of the church. The church and community, as well as their needs, have grown significantly. There is a need for a facility to address public needs -- teens, drug rehabilitation programs, seniors -- issues. The benefit would not be just for the members of First Baptist Church. He reiterated that the applicants/architects had altered the demolition plan out of respect for the historic value of the building.

Ms. Pat Edwards, speaking on behalf of the applicants, gave a brief description of the work of the church committee to develop a plan to meet the needs of the Church and community.

Mr. Jeff Evans, of RBGC, discussed the three ideas that the committee of First Baptist Church looked at. Total demolition would allow the church to meet all of its building requirements. Adaptive reuse of the existing building as it stands does not allow full realization of the church program. The thought behind partial demolition of the building is that the first third of the building is preserved. This allows planning for the construction of the gymnasium and fellowship hall. This compromise will not allow the church to construct a new sanctuary.

Mr. Ed Fresa, a Senior Structural Engineer, spoke on behalf of the applicants. The building is a typical 1915-ish wall bearing, wood framed structure with limited load capacity. There is a great deal of sag in the building which could be attributed to several things: change in bearing walls and support locations, rot in the basement-level columns. The building is generally sound. The

portion of the building which is being sought to preserve and adaptively reuse is economically feasible.

Ms. Pat Evans read a prepared statement speaking to the criteria and guidelines of demolition.

Ms. Fenton called for questions from the public.

A member of the public asked if there would be a need to brace the front third of the building at any time, and if so, what expense would be involved. The project engineer explained that due to the height of the masonry walls, yes, they would have to be braced, primarily from the inside. She then asked if there were an asbestos problem. The engineer could not address that since he was not charged with looking at that.

Carol Dimman wondered what the size of the congregation was. She was informed that there were 800 members.

There being no further questions, Ms. Fenton closed that portion of the hearing and called for questions from the Board.

Mr. Schwartz asked if Mr. Evans or anyone else had consulted with the Department of Interior, National Parks Service about their assessment of the proposals for demolition. The applicant had not.

Ms. Heetderks asked if any thought had been given to some sort of formal archeology program before excavation or construction begins on the site. There had been a dig about three years ago in the lawn between the two buildings. Nothing of significance was found. Mr. Coiner stated he had received an e-mail from someone supporting additional studies there. That person felt what had been found in the prior dig was of some significance. The applicant stated that all that had been found was glass and nails. Mr. Coiner then asked if permission was given for the partial demolition, would additional digging be allowed. The applicant stated it would depend on the expense.

Ms. Ewing sought clarification about what would be required to retain the existing structure if the church program could accommodate itself into the existing structure. The engineer stated that all of the interior framing would have to be taken out. Mr. Schwartz then asked him if he had seen examples of gutting and adaptively reusing historic buildings. The engineer stated he had.

Ms. Fenton asked about retaining specific walls. The applicant explained that the determination had been made based on needs for specific programs and for emergency stairs and exits.

Mr. Schwartz questioned Ms. Vest if it was correct to assume that the wording of the Staff Report in response to Article II, The Public Necessity of the Proposed Demolition, which read "The building presents no threat to public health, safety or welfare in its current use and condition," reflected the City Attorney's interpretation of what public necessity is about. Ms. Vest stated it reflected not only consultation with the City Attorney, but research into other localities' interpretation of public necessity, as well as its interpretation in case law. Mr.

Schwartz stated that, while he respected Ms. Edward's interpretation, the Board must follow the statute and the expectation that is in front of the Board by virtue of these guidelines.

Ms. Fenton called for public comment.

Ms. Kim Washington, who works for Region Ten, spoke in behalf of the contribution to the community by First Baptist Church. She asked that the needs of the community be considered aside from the historical building.

Ms. Ashlen Smith spoke on behalf of Preservation Piedmont. While Preservation Piedmont understands and encourages the church's need for expansion, they would like to support the use of the Holsinger Warehouse as fully as possible as it exists.

Ms. Chris Madrid French, of Piedmont Preservation, spoke in opposition of the proposal since this is the last 20th Century warehouse on Main Street.

Ms. Crystal McLemore stated that she respects the historical value of the building, that the BAR remain open in considering the lives of the community.

Ms. Patricia Watson Bell shared with the BAR her reflections on living on Page Street and walking to First Baptist. The church needs more room to spread out to help the people. She asked that the Board take into consideration that the members of the church had been walking by grace and faith.

Ms. Ursula Orsen, an architectural student, can see a potential problem in the way the demolition is regarded. With the Board looking at the demolition separately, it only sees demolition of a historic structure. If the Board could look at the proposed adaptive reuse of 66 percent of the building, they would see history in the making and a preservation.

Ms. Gardenia Beard, representing the Albemarle Baptist Association as well as First Baptist, spoke in favor of the proposal. ABA supports changing the facility so the church can accommodate the needs in the community. She asked the Board to consider the fact that the applicant changed its original request for total demolition to the current proposal of leaving the front third of the building.

Mr. Ricky Grimes could understand and respect the Board's desire to preserve the building, but as a member of First Baptist he felt they were interested in preserving something else more important; the lives of the community. People should be considered first.

Mr. Eugene Snow, a recovering alcoholic and drug addict, stated that First Baptist Church did not turn him away. He stated he is one of the lives the church is interested in preserving.

Ms. Esther Yang, an architectural student at UVa, spoke in support of the proposal. Buildings need to meet the needs of the community. Holsinger photographed places to remind us of what Charlottesville once was. If the church is not allowed to expand, then a future photographer may

not have pictures to take. While the BAR speaks of the historicism of this building, they need to remember the historic nature of this church as well.

Ms. Colette Dabney, a member of First Baptist, holds Mr. Holsinger in high regard. He documented quite a lot of life in the African-American community in Charlottesville. One of the things Mr. Holsinger was for was preservation of history; he left documentation of life in his photographs which have been restored. What he gave remains with or without the building.

Ms. Alana Simmons, appreciated all that had been said supporting preservation of the building, asked that the BAR consider who would be responsible for maintaining preserving the building if the church had to relocate.

Ms. Tanya Lee, a member of the church, stated that she had not qualified for housing, Food Stamps or Medicaid, but she did qualify for First Baptist. When her home burned down, First Baptist was behind her.

Ms. Latisha Brown stated that the church isn't just open on Sunday. The church has programs that run throughout the week to help the community. There is no room; the church is busting out the seams.

Ms. Fenton closed the public comment portion. She then explained that the BAR has a different charge than does City Council. She then called for comments by the Board members.

Mr. Schwartz expressed sadness for the congregation because the entire provision of the Code was, in part, a result of the public's reaction to the wholesale destruction of communities within Charlottesville. He apologized that the decision to be made was people versus building. Of course, people are more important than buildings. He also felt frustrated that the impassioned pleas of the people are not addressed in the document the Board is supposed to follow.

Ms. Heetderks stated that there was no one on the Board who was not compelled or moved by those who spoke, or by the ministry of the church.

Ms. Ewing pointed out possible solutions within the guidelines.

Ms. Fenton, when reading the report, felt that the building absolutely needed to be preserved. When looking at her heart, she believes there is a morality that takes precedence over the document. Public necessity also includes the public necessity of preserving a congregation that has continuously used one of the most important historic buildings in all of Charlottesville.

Ms. Winner respectfully disagreed with her colleagues who say that they are totally bound by the criteria. The Board is trapped in an either/or mind set; she advocated a both/and mind set. The proposal for demolishing 66 percent is a both/and compromise and a win/win compromise.

Mr. Atkins stated that, within the guidelines, the pragmatics of structural report are very valuable to him. Not only does the first third correspond to the church's interpretation of the historical significance of the building, but also to the structural reality of the building. He can support the

demolition of the back two-thirds of the building knowing that the first third will participate in an ongoing way to the life of West Main Street and in ways that they have not foreseen yet.

Mr. Coiner was happy to see the different scheme when he opened his Board packet. A firm believer in the guidelines, he would support the application.

Mr. Schwartz asked Mr. Atkins if, in his review, he had considered the extension of the east wall to the back property line as part of the possible retention. Upon learning that he had, Mr. Schwartz followed up with the fact that the east wall is part of the public realm in a different manner than the west wall adjoining the church. Mr. Atkins thought that was a difficult issue.

Mr. Schwartz stated he was moved by the testimony of the public and influenced very much by the comments of his colleagues and would be delighted to offer a motion for approval of demolition of the western portion -- the western two-thirds of the existing wall structure, and the back of the existing structure. Ms. Ewing seconded the motion. Mr. Schwartz, seeking to clarify his motion for the benefit of the Board and the public, stated he was moved and persuaded by things he heard and he was trying to operate in a spirit of compromise. So that the church may expand, the back is not critical in the same way that the front is; the eastern side is more critical than the western side. Ms. Fenton sought to clarify the motion. The motion, if passed, would require them to work on the architectural drawing and they could come back to ask for the other side should they not be able to figure out a way to keep the east wall. Mr. Schwartz thanked Ms. Fenton for her clarification. Mr. Coiner stated he was not comfortable with that motion; the Board should not place that financial burden on the applicants. Ms. Heetderks commented that that was the same compromise that was worked out with the Downtown Mall; this would show consistency in the way the Board thinks about these properties regardless of who the applicant is. Mr. Atkins thought the motion could work quite well in allowing use of the wall.

Ms. Fenton, with approval of the Board members, clarified to the applicants that the east wall be retained while the architects explore the possibility of keeping it with the understanding that, should retention not be feasible, the Board is very open to reconsidering that. She then asked if that would be a hindrance to continuing on the program. The applicant asked if the discussion of the wall included the interior of the building. Ms. Fenton explained that the interior was not in the purview of the BAR. Mr. Schwartz stated that the spirit of this motion was not to freeze the decision in time, but to signal a sense of value and compromise that does not eliminate the option of the architect coming back to the Board at a future time and saying the front third portion is the only way to make the project work. The applicant was concerned about cost involved. Mr. Coiner sought clarification that the architect had looked at that possibility already.

Ms. Fenton called the question. The motion failed with Ms. Fenton, Ms. Winner, Mr. Atkins and Mr. Coiner voting against.

Ms. Fenton asked if there were another motion. Mr. Atkins made a motion to approve the proposal as presented with the suggestion that, because there has been such consideration of the eastern wall, that it continue to be considered throughout the architectural project -- he looked forward to seeing in the future -- but would not be a requirement of this approval. Ms. Winner seconded. Ms. Fenton called for discussion. Ms. Winner stated that she had seen a great deal of

trust and faith and cooperative spirit from the applicants. She respected that they have a mutual respect for the historic building and that they will try to consider the things the Board has discussed. Mr. Schwartz agreed. He also reiterated how amazing the public testimony had been; it would be his most memorable BAR meeting. He offered one cautionary note in that he feared that in future decisions coming before the Board, that the way in which staff recommendations have been countermanded and guidelines interpreted would come back to haunt the Board.

Ms. Fenton called the question. The motion carried six to one with Ms. Heetderks against.

Ms. Heetderks made a motion to adjourn. Ms. Winner seconded the motion, which carried unanimously. Whereupon the meeting was adjourned at 9:28 p.m