

**City of Charlottesville  
Board of Architectural Review  
May 21, 2002**

**Minutes**

**Present:**

Joan Fenton (Chair)  
Linda Winner  
Wade Tremblay  
Joe Atkins  
Preston Coiner  
Lynne Heetderks

**Also Present:**

Tarpley Vest

Ms. Fenton convened the meeting at 5:03 p.m.

Matters from the Public not on the Agenda

Katie Swenzen, 411 North First Street, reported on the progress of renovation to the home. After demolishing the holly tree off the back deck, she wishes to repair instead of replace the current deck. To save this deck, the plans will need to be altered. She proposes to switch the locations of a door and a window and replace them with better quality materials.

Mr. Tremblay made a motion to accept the proposal as presented. Mr. Atkins seconded the motion which carried unanimously.

Mr. Ben Ford, a member of Preservation Piedmont, wanted to express his disappointment with the decision in the April meeting to allow partial demolition for the First Baptist Church property. He felt that the majority of the members strayed too far from the criteria they were required to consider. He was unable to attend the April meeting, but read the Minutes of the session as well as a Letter to the Editor of the Daily Progress by the Chairwoman of the BAR. He took exception to a comment regarding the likelihood of approval by City Council. He felt that consideration of what City Council would or would not do should be part of the decision making process of BAR or any of its members. He asked the members where the BAR would draw the line for the next applicant on the morality and ethics issue. He recommended that the members have a meeting to review the criteria that are to be applied for a Certificate of Appropriateness in which they discuss whether the criteria are of value. He further suggested that the Board members write a brief description explaining the reason behind their vote. He thought this would aid in clearing up the controversy surrounding this decision. He then informed the Board that he had written to Bruce Beard seeking permission for the local chapter of the Archeological Society of Virginia to perform some archeological investigations on the site.

A member of the public asked what happens if, in cases of partial demolition, the applicant discovers that the remaining part of the structure cannot be incorporated into the design. Ms. Fenton stated that there had been a meeting with the City Attorney just prior to the meeting to clarify what the regulations were for partial demolition. She stated that the Board cannot do anything that requires the applicant to do work after a demolition is approved. Ms. Heetderks thought the question involved whether the applicant, after an approved partial demolition was completed and the remaining structure is found to be unsound, had to come back with a separate application for complete demolition. Ms. Vest stated that the applicant would have to come back with a new submittal. She further stated they would be required, under the City's Building Code, to stabilize the building.

Ms. Fenton made a statement to the public that the Board had been wrestling with the issue of partial demolition and how to understand those issues. Mr. Atkins stated that as a result of the meeting held in the previous hour with the City Attorney there would be a clarification and supplementary description of the decision. He felt his motion had not been sufficiently clear in that they had not countermanded the staff recommendation. He felt the comments and motion did not fully reflect the Board's use of the guidelines.

Ms. Fenton called for any further public comments or matters not on the agenda. She further stated an appreciation for the comments given regarding the long April meeting. Ms. Winner thought it was helpful to hear the view of someone who had not attended but had accessed the press accounts, word of mouth and the April minutes.

Ms. Fenton called for the first item on the agenda.

Ms. Vest stated there were four items on the agenda which were related: 101 East Main Street, 105 East Main Street, 107 East Main Street and 111 East Main Street. The Board considered these four properties as one application, as four individual applications for demolition in the past. The first application is for a partial demolition of 101 East Main Street. This was built as a duplex with 105 East Main Street. The applicants requested total demolition in 2000. That request was denied. It was appealed to City Council which did not permit total demolition.

The applicants are pursuing, for each of the four properties, the authority to proceed with a partial demolition as granted by Council in 2000. There was a lot of discussion about the front and side facade at that time. The applicants' intention is to pursue what Council approved in 2000. They would retain the front and western facades. Staff, using the guidelines, concluded the building does not meet the criteria for demolition. It is worthy of preservation. However, preservation of the front and side facades achieves the preservation of this building as it is viewed from the public rights of way. The public value of the building would be preserved by preserving the facade. Staff supports this request for partial demolition with preservation of the front and side facades.

Ms. Fenton called on the applicant to speak. She asked for clarification of the description saying "to demolish the rear portion of the building (ten foot behind the facade)."

Mr. John Little, of Michie, Hamlett, Lowry, Rasmussen & Tweel, spoke as a representative of Galen Bates, the Court-appointed receiver for Main Street Retail Partners which is the owner of these properties. He related that they had been told by City staff that the reason for a ten foot buffer is to ensure that the facade will not be disturbed. He stated the purpose of all four applications was to ask the BAR to approve the demolition of the buildings consistent with the resolution of City Council which was adopted September 18, 2000. The resolution denied the demolition of 101 East Main Street, the proposal before the BAR seeks partial demolition of the rear and interior portions of the building with preservation of the south and west facades. The prior Certificate of Appropriateness expired one year after the approval so they seek reinstatement of those certificates.

Ms. Vest asked to add an amendment to her report. Staff advises approval with a condition that the applicant be responsible for shoring and maintaining the facade during any demolition and subsequent construction.

Ms. Fenton asked for questions from the Board and the general public. Mr. Coiner sought clarification that, although the staff recommendations says the south and east facades, it should read the south and west facades. Ms. Vest verified that it should say west. There were no other questions.

Ms. Fenton called for comments from the public. There being none, she called for comments from the Board.

Ms. Heetderks stated that of the four applications, this was the only one in disagreement with what City Council had recommended. She felt that Council was accurate in that decision. The back wall of 101 is the original wall, the other three have new additions. She further stated that the rear facade, which is visible from the public right-of-way, is as significant as the front and side facades. She felt the Board should abide by Council's determination and deny the demolition permit for that one rather than permit partial demolition.

Mr. Coiner agreed with Ms. Heetderks. He did not think he could support a motion for partial demolition.

Mr. Tremblay felt that the rear wall had not been an issue in the first discussion. The issue had been the side wall and the front wall.

Ms. Heetderks made a motion to accept the City Council's recommendation to deny the application to demolish 101 East Main Street. Mr. Coiner seconded the motion. The motion carried six votes to one with Mr. Tremblay voting against. The application was denied.

Ms. Fenton called for a staff report on 105 East Main Street. Ms. Vest stated that 105 also meets the criteria for preservation and not the criteria for demolition. The City Council, in their resolution, had required preservation of the south side which fronts the Downtown Mall and allowed for demolition of the rear addition. She also stated that is what the applicants were seeking.

Ms. Fenton called for further comments from the applicant. She then called for questions of the applicant by the public or Board members. She then called for comments from the public.

Ms. Genevieve Stella, of 504 North First Street, wanted to issue a word of caution about partial demolition of these buildings and others. She stated the downtown area is part of a larger National Registry Historic District. She felt that partial demolitions had an effect on the integrity of the entire downtown area.

Ms. Fenton then called for comments from the Board.

Mr. Coiner expressed confusion about the Council's resolution of partial demolition of the two-story section. He wondered if the application was referring to ten feet there. The applicant's representative explained that the ten foot buffer was not mentioned in the Council resolution, but was added after consultation with City staff. Mr. Coiner further queried whether the ten feet would be north of the original structure. Mr. Little stated that the ten feet was for the facade. Since the building was three stories, he wondered if the demolition would only be of the two-story addition in the rear or if it would go to within ten feet of the facade. Mr. Little felt that would be a determination made by the City on review of the plans that would be submitted. He reiterated that the buffer was to make sure that the facades don't crumble. Mr. Coiner was concerned about the discussion of ten feet when there was no mention of footage in the Council resolution. Ms. Vest stated that was just a standard. She also stated that the Staff would recommend that the motion include shoring up the facade. She stated that the actual Council resolution granted the demolition of the two-story attachment behind 105 East Main Street.

Mr. Tremblay made a motion to adopt the proposed demolition request subject to the appropriate shoring up provisions that were described. Mr. Atkins seconded the motion. Ms. Heetderks offered a friendly amendment that it was specifically the two-story addition on the rear of 105 as Council resolved. Mr. Tremblay concurred that his motion was to reflect what Council had deemed best. The motion carried unanimously.

Ms. Fenton then called for 107 East Main Street. Ms. Vest stated that building had a cast concrete facade that was applied in the 1950s. The Council review granted total demolition of the building. On review of the demolition criteria, staff did not find the building worthy of preservation based on its exterior appearance. Staff recommends demolition with a condition requiring that the adjacent buildings be shored up during that demolition and any construction to ensure there is no impact on adjacent buildings.

The applicant had nothing to add. There were no questions for the applicant. Ms. Fenton called for comments from the public and then the Board.

Mr. Coiner reported he had received a call from the architect who had looked at the buildings. The City-retained architect was very concerned with the structural integrity of the walls of the building on either side. Mr. Coiner stated that if the application were approved, he would urge the applicant to have the construction people do a super job to maintain the structural integrity.

Mr. Tremblay made a motion to accept the application for demolition subject to the appropriate shoring to protect the adjacent structures as recommended by Staff. Mr. Atkins seconded the motion which passed unanimously.

Ms. Fenton then called for 111 East Main Street. Ms. Vest stated 111 was adjacent to the Wachovia National Bank new addition. Staff, upon review of criteria, found the building worthy of preservation on the south facade. The applicant seeks permission to demolish everything north of the facade. Staff supports that request based on the criteria and the spirit of Council's resolution. The applicant had nothing to add.

Ms. Fenton called for questions of the applicant. She then called for comments.

Mr. Tremblay made a motion to approve the demolition of the building with the exception of the facade with the appropriate shoring provisions that have been described earlier and as recommended by Staff. Mr. Atkins seconded the motion. The motion passed unanimously.

Ms. Fenton called for the revised fence proposal for the carousel on the Downtown Mall. Ms. Vest reported that the carousel had been approved by the BAR in March, but the proposed wrought iron fence was excluded from the approval due to concerns by the Board regarding the prison-like effect of the design. The applicants returned in April with a modular metal fence proposal that would be 42 inches tall. Since that meeting they have learned that the owner of the carousel is not comfortable with a 42 inch tall fence and they are hoping to return to their original submittal of a six foot tall fence. Staff reviewed the fence against the design guidelines and found that it meets the design guidelines as was found in March, but that it doesn't address the concerns expressed by the BAR. Staff supports the applicant because of the design guidelines.

The applicant stated that they had determined it would be possible to have three openings. The predominant sense would be that it would be open on three sides. He also addressed the height and material issues which had been brought up previously. The applicant feels that the wrought iron fits in better with the surroundings and the feel of the Mall. As regards the height of the fence, the applicant is trying to balance the wishes of the owner of the carousel with the interests of the BAR and the public.

Ms. Fenton called for questions regarding the carousel.

Ms. Heetderks sought clarification that the original fence application had been considered and denied and not excluded as Ms. Vest as stated in the Staff report. Ms. Vest then concurred with Ms. Heetderks.

Mr. Coiner thanked the applicant for bringing a demonstration model.

Ms. Fenton called for comments from the public and then the Board.

Ms. Winner also expressed appreciation for the model. She stated the model was much nicer looking than the drawing had made it seem. For that reason, she was leaning towards supporting it.

Ms. Heetderks also appreciated the model.

Mr. Tremblay reported that he had seen the owner and security was a big issue. He also expressed appreciation for the model.

Mr. Coiner sought clarification on the number of gates. He was informed there would be three double gates.

Mr. Atkins expressed appreciation for the three gate plan. He also thanked the applicant for pursuing the revised gate. He felt that the best solution had been achieved.

Ms. Winner stated that perhaps they should have been interested in the historic preservation of the historic carousel as well as the appearance on the Downtown Mall.

Mr. Coiner made a motion that the Board accept the fence for the Discovery Museum carousel as presented. Mr. Atkins seconded the motion. The motion passed unanimously.

The applicant stated he was impressed by the process. He felt that they had ended up with a better product as a result of the give and take with the BAR.

Ms. Fenton stated that the Paramount Theater had withdrawn their request. She then called for the report regarding 400 East Main Street, the Enterprise Building. Ms. Vest reported that the building had been before the Board in March, 2002, with the owner of the building serving as applicant. She reported there had been a lively discussion. The building has three tenants, including Guaranty Bank which served as the applicant for the current proposal. The applicants seek to move the entry enclosure forward three to six feet, to add an ATM with a night depository on the Fourth Street elevation and to repaint the window frames white. Staff reviewed the proposal against the design guidelines and found guidelines which were relevant. The storefront configuration is to be retained, although the recessed door front is the most traditional on the Downtown Mall. The new door is to exactly match the existing door. The ATM is being located on the side to minimize the impact from the Mall. There are no design guidelines for ATMs. Staff recommends approval of these three proposals.

Mr. Bill Owens, the architect, wanted to concur with the Staff recommendation. He feels the changes are minor to facilitate the change in usage from Enterprise Travel to the bank.

Ms. Fenton called for questions from the public and then the Board.

Mr. Coiner asked if the signage would be backlit. Ms. Vest stated that an ATM was not considered a sign. He then asked if they looked at all ATM machines or only the ones that protrude from the wall. Ms. Vest thought that some ATMs were done through staff approval.

Ms. Heetderks sought clarification about the application seeking to move the entry enclosure forward three to six feet. The applicant stated that should read three foot, six inches.

Ms. Fenton called for comments from the public and the Board.

Ms. Fenton stated she did not like the thing over the ATM with the roof mimicking the front of the building. The architect attempted to explain the reason for the design of the ATM but was told by the Chairwoman that he could not speak during the comment section.

Mr. Tremblay made a motion to approve the plan as submitted. Ms. Winner seconded the motion. Mr. Atkins asked if Ms. Fenton wanted to make a friendly amendment to encourage losing the pediment in order not to confuse the front Mall face with the side street face. Ms. Fenton concurred with Mr. Atkins statement. Mr. Tremblay stated he was not as concerned about that. He further stated he liked the look. Mr. Atkins then made an amended motion to approve the plan as drawn and encouraged the applicant to consider removing the pediment. He stated that this motion did not include a condition for approval. Ms. Vest asked if the applicant came back with a design that did not include the pediment, could they proceed or would the BAR need to see that plan. Mr. Atkins clarified that the motion was intended to give the applicant an option. The motion carried four to two with Ms. Fenton and Ms. Heetderks opposing the motion.

Ms. Fenton then called the next item on the agenda. Ms. Vest gave the staff report. The application is for remodeling part of what once was Advance Auto Parts. It was previously remodeled for separate tenants. The portion of the building under consideration was given a new storefront in the 1990s. Raptor is expanding their business into this space and want to eliminate the existing storefront and replace it with glass block. Staff recommends approval of the application so there would not be a blank wall on Third Street and because the existing storefront is not historic so there are no preservation issues.

Ms. Fenton recognized the applicant to comment.

The applicant presented an example of the proposed glass block.

Ms. Fenton called for questions for the applicant.

Ms. Heetderks sought clarification from Ms. Vest that the brick arches were original and not added on during the previous remodel. Ms. Vest stated she assumed so. Mr. Coiner stated he thought they were not original and had been added by Advance Auto Parts.

Ms. Fenton called for comments from the public and the Board.

Ms. Winner made a motion to accept the application as proposed. Mr. Atkins seconded the motion. The motion passed unanimously.

Ms. Fenton called upon Ms. Vest to present the next item on the agenda. Ms. Vest stated the building had been approved with storefront doors, two entrances into the basement. When it was constructed, it was constructed with Gothic arched doorways. The doorways were subsequently

brought before the Board and the Board denied them. The applicant expressed interest in complying with the Board and removed the arched doorways. They were replaced with brick door surrounds. Staff reviewed drawings after the arches were removed to ensure they would build what was previously approved as part of the original design. She reported she had been asked by some Board members to bring it before the Board. She stated she had taken it to the Board in an informal discussion and was asked to bring it before the Board. It has proven impossible for the applicant to remove the brick protrusion and still have an aesthetically acceptable brick wall there. The applicant seeks approval for the brick surrounds as they stand. The applicant has also run into an issue with the recession being used by vagrants and is also seeking approval to install wrought iron gates that would match the other wrought iron work on that site.

The applicant stated the doorways are problematic. She felt that if they had to get rid of the front part of the arch, they would lose light. She further stated there had been no intent to supersede BAR approval and guidelines. The arch helps protect the doorway from heavy rains.

Ms. Fenton called for questions.

Mr. Atkins asked if the applicant had a depiction of the gate. She did and displayed it. Mr. Coiner asked if it were a double gate. The applicant stated it was not. Mr. Atkins followed up by asking if the gate was two pieces that folded back against the wall. The applicant stated that was what she wanted to do and had planned to speak with the Board about that. Ms. Vest sought clarification as to where the gate would be installed. The applicant showed where it would be installed. Ms. Heetderks inquired about the height of the gate. She was told it would be close to the height of the arch to avoid people climbing over it.

Ms. Fenton called for comments from the public and Board.

Mr. Atkins stated he wished it had been a cohesive design presentation so as to avoid the residual problems. He stated that despite potentially setting a bad precedent for accepting things that have been built that stray from BAR suggestions, he would find the arch acceptable rather than ask the applicant to do unreasonable things to remove it.

Mr. Atkins made a motion to retroactively approve the hooded arch. Mr. Coiner seconded the motion. The motion was unanimously approved.

Ms. Winner made a motion to accept the fence with the recommendation that it be a split fence. She clarified the motion that it was a recommendation, and not a requirement for approval. Mr. Tremblay seconded the motion.

Mr. Atkins stated he had a concern about the direction the fence would swing as it affects design appearance. Folding in would make them discreet and out of the public way. If the applicant could find a very narrow profiled hinge so that they would be snug against the wall, he would prefer in-swinging gates. Ms. Heetderks preferred a motion for double doors because of the safety issue. Mr. Tremblay felt outward-hinged double gates would be more attractive. Ms. Fenton asked Ms. Winner to restate her motion. Ms. Winner stated her motion had been to



approve the gate, whether it was single, double, in-swinging or out-swinging would be at the discretion of the architect and builder.

Ms. Fenton called the question. The motion failed with a three-three tie.

Mr. Atkins made a motion to approve the design of the gate with the requirement that it be in-swinging so it would not protrude into public right-of-way. Ms. Heetderks seconded the motion. Mr. Atkins asked when the gates would be open and closed. He was informed that the gates would be open whenever the business was open. Ms. Fenton asked about the width outside the arch. She was told it was about three feet.

Ms. Fenton called the question. The motion failed with a three-three vote.

Mr. Atkins suggested they return to Ms. Winner's more inclusive and flexible motion.

Ms. Winner made a motion to approve the gate with a strong recommendation that it be a single in-swinging gate. Mr. Atkins seconded the motion with a friendly amendment that there are four options with that gate: a pair of gates, a single gate, out-swinging or in-swinging with a strong preference for single in-swinging. Mr. Tremblay seconded the strong preference motion. The motion carried with a four-two vote with Ms. Fenton and Ms. Heetderks voting against.

Ms. Fenton called for approval of the April minutes.

Ms. Heetderks stated that the existing trees mentioned on page six were linden trees. She also wanted the minutes to reflect on page 11 that Bruce Beard stated that nothing of significance had been found. She also wanted to state approval for the designation of who voted for and against specific motions.

Mr. Coiner wanted clarification on page ten the reason for Mr. Tremblay leaving the meeting. Mr. Tremblay had noted to the Chairwoman earlier that he had a conflict of interest on the issue.

Mr. Tremblay thanked Mr. Coiner for the correction.

Ms. Winner wanted the minutes to reflect that Mr. Schwartz had retracted a motion that he had made.

Ms. Heetderks questioned Ms. Vest regarding the office policy on pre-release of minutes not yet reviewed by the Board, such as was mentioned by a member of the public earlier in the evening. Ms. Vest stated that she always stated they were draft minutes and wrote "draft" on them. She stated that whenever possible she waits until after the BAR meeting to release them. She further stated that when someone is seeking the minutes for their own information and clarity, if she has them, she will share them with the understanding that they are draft minutes.

Ms. Fenton felt that more detail on page ten regarding the staff report would be helpful rather than the statement that Ms. Vest "gave a history of the previous appearance" due to the precedent setting nature of the application.

Ms. Vest felt that she had stated that staff was pleased with the direction the application had taken and supported the request for partial demolition and asked if that could be added to the minutes.

Ms. Heetderks made a motion to approve the minutes as amended. Mr. Atkins seconded the motion which passed unanimously.

Mr. Atkins asked if he could write a statement for supplemental clarity to the grounds for the motion and the decision. He felt it would have been appropriate to have at the ready to address some of the concerns raised earlier in the meeting. Mr. Coiner stated his support for Mr. Atkins plan, but hoped that Mr. Atkins would prepare it as a justification and not an attempt to defend the actions of the Board.

Ms. Winner asked if there were a policy regarding responses to public comments such as those received in the meeting. Ms. Heetderks wondered if it would be appropriate to send a letter to the person. Mr. Tremblay did not feel that would be an appropriate response. Mr. Atkins felt that it could be appropriate.

Mr. Coiner commented on the plans for an archeological review as mentioned by Mr. Ford. His understanding of that was that if they thought something was under the ground, the project would have to be stopped. Mr. Tremblay asked if there were any legal requirements regarding excavations. Ms. Vest stated the City could adopt an archeological overlay district. She further stated the plan was that the City hire a consultant to assess the city and inventory possible areas that are likely to have the resources.

Mr. Coiner asked when the zoning review would go before the Planning Commission or Council. Ms. Vest informed him that the Zoning Committee is still working on it. She further stated the project is taking longer than anticipated. Mr. Coiner asked if the BAR review of the Code and the guidelines would be part of the report. Ms. Vest affirmed his query as to the Code. She stated the guidelines were a separate issue.

Mr. Coiner stated how helpful it had been to see models of proposed projects.

Ms. Fenton expressed concern over proposals which did not submit drawings prior to appearing before the Board. Ms. Heetderks felt the Board could reserve the right to refuse to hear an application based on insufficient information.

Mr. Atkins commended Ms. Vest for her job of flagging the things that need to be heard in the meeting and were crucial to the presentation.

Mr. Tremblay made a motion to adjourn. Ms. Winner seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 6:47 p.m