

**City of Charlottesville
Board of Architectural Review
September 10, 2002**

Minutes

Present:

Lynne Heetderks (Co-Chair)
Wade Tremblay
Preston Coiner
Joe Atkins
Allison Ewing
Syd Knight
Cheri Lewis

Also Present:

Tarpley Vest

Ms. Heetderks convened the meeting at 5:00.

A. Matters from the public

Ms. Heetderks called for matters from the public not on the agenda. There being none, she closed that portion of the meeting.

B. Certificate of Appropriateness Application

**BAR 02-8-22
114 Lankford Avenue
Tax Map 26 Parcel 10
Demolish House
Dale Ludwig, Owner/Applicant**

Ms. Vest gave the staff report. The house as an individual historic designation. The existing house had been built up around an 1845 log home which was built by Robert Goins, one of the first African-American property owners in this area. He was one of the first freed slaves who settled in the Lankford Avenue area. There has been an uncertainty as to how much of the original log structure remains. In 2000, the previous owners removed the chimney and began remodeling the interior prior to getting approval from the City and the BAR. Approval was given retroactively. The renovations were abandoned and the house resold to Dale Ludwig. The property was condemned as a public nuisance by a building official. In August, 2002, Mr. Ludwig appeared before the BAR requesting to demolish the structure and also requesting the Board recommend to City Council that the historic designation be removed from the property. At the August meeting, a motion was put forth for approval with conditions relating to the removal

of the historic materials. Action was deferred on that motion pending guidance from the City Attorney and further exploration of the historic significance of the site. Earlier in the day, a meeting was held on site with two members of the BAR, several members of the local preservation community, and a local expert in log home construction/reconstruction. The decision of the experts was that the logs could be reused in an ornamental way. The cultural significance of the historic features were more important to those present than were the physical integrity of the logs. The applicant still seeks approval to demolish the house. Demolition criteria were listed in the staff report. Staff initially recommended approval with conditions. Staff still stands behind that recommendation but the BAR has legally defensible options for approval with conditions, approval with no conditions, or denial.

Ms. Heetderks asked for comments from the applicant. He had none.

Ms. Heetderks asked for questions from the public for the applicant or Ms. Vest. A member of the public asked the applicant if he had been aware of the historic designation when he purchased the property. Mr. Ludwig stated he understood it had historic significance but did not see the historic significance. He was also asked if the property had been condemned before his purchase. He affirmed that. He was then asked about his plans for the parcel after demolition. Mr. Ludwig stated he had nothing set. He was asked if he had considered restoration. He stated he had not.

Ms. Heetderks called for questions from the Board.

Ms. Lewis asked if the applicant had any professional opinions about the feasibility of maintaining the log structure and renovating the house. He stated he had talked with a contractor who said there was no way to. She followed up with a question about incorporating the logs into any sort of structure. Mr. Ludwig stated they did not go that far.

Mr. Coiner asked if he had considered incorporating the logs into any new construction he may do on site. The applicant had not since they would rot in the weather.

Ms. Heetderks asked if anyone had expressed interest in accepting the logs. Ms. Vest stated that staff had not yet heard that anyone wanted the logs.

Ms. Lewis asked if Mr. Ludwig had contacted anyone to see if there was any interest. The applicant stated Ms. Vest had.

Ms. Heetderks called for comments from the public.

Ms. Ashlyn Smith, 620 Park Street, spoke in opposition of the request and requested that the BAR deny the request for demolition.

Mr. Kenneth Martin, 222 Lankford Avenue, spoke in opposition of the request for demolition and the removal of the historic designation.

Ms. Gillian Galley, an archeologist, spoke in opposition of the proposal. Removal of the timbers from the structure makes the timbers worthless.

Ms. Alexandria Sorrels, 1316 Chesapeake Street, urged the BAR to keep the building intact where it was.

Mr. Aaron Lynch, 338 Monticello Road, reminded the BAR of Charlottesville's history of demolition of black historic communities. With no other comments from the public, Ms. Heetderks closed that portion of the meeting. She then called for comments from the Board.

Ms. Ewing sought clarification on the BAR's purview with regard to the structure. Ms. Kelly explained what the Board had control over depended on the context of the application before them. Because they could not see anything historically significant from the outside, if the applicant wanted to make changes to the interior, then they did not have much purview to regulate that activity. With demolition, they had to look at whether the proposed activity was going to destroy the feature which is the basis of the designation. With the application for total demolition of this property they may consider this and grant approval or denial even though the logs are not visible from the street. She further stated the Board's options were approval with conditions or to deny the application. Ms. Ewing asked what conditions were legally justifiable. Ms. Kelly felt they were limited in their authority to impose conditions on a Certificate of Appropriateness approving a demolition. She stated that the conditions being considered at the previous meeting regarding a time period for access by people of the historic community was reasonable. Requiring a commemorative plaque or monument at the site if the structure were no longer there was a reasonable condition. Requiring use of the logs in that or another structure placed a significance to the logs that would appear as the Board were saying they really did not want to grant demolition. Ms. Ewing asked about the legalities of granting partial demolition. Ms. Kelly explained that was not before the Board for consideration.

Mr. Coiner stated his belief that the condemnation was as a public nuisance and not for structural reasons. Ms. Kelly stated that the condemnation as a public nuisance was related to the deterioration of the structure but that it was not an emergency. Mr. Coiner then asked what would happen if they denied the application and the City had told the applicant it needed to be demolished.

Ms. Kelly stated that neither he nor the City could go forth. The City and property owner would need to determine if anything could be done to remove those things which make it a nuisance.

Mr. Coiner felt they were at a disadvantage since they did not know the condition of the logs. His understanding was that the applicant would do some interior demolition so they could see more of the logs. He was disappointed with the inspection of the property.

Ms. Lewis felt they had very little authority to place conditions on the applicant for preservation. She expressed further disappointment that the applicant had not made any research voluntarily towards use or preservation of the core historic part of the structure. She stated she would be in favor of denying the application given their limited authority over preservation.

Mr. Atkins stated his feeling that the BAR made a mistake in 2000 regarding the property. He further stated that the property needed to be bought from the current owner by someone who would spend the money to restore and reconstruct the building.

Ms. Heetderks stated they must decide about demolition based on the criteria, which did not include what would go on the site following demolition. She cited criteria 1(a), (b), (d), (e), (g), 3 and 6, demolition should be denied.

Mr. Knight asked the members of the board to consider the neighborhood in a larger context. Demolition would have an adverse effect on the neighborhood.

Mr. Tremblay contrasted the obvious cultural significance of the structure with the total failure of the structure. He wondered who would come along and attempt to restore the structure.

Ms. Ewing was in favor of denying the application. She further stated its cultural value far outweighs its condition.

Mr. Knight made a motion that, based on the criteria in the City's guidelines for demolition, criteria 1 (a), (b), (d), (e), (g), 3 and 6, the Board deny approval of demolition. The motion was seconded by Ms. Lewis. Mr. Atkins hoped there could be a quick and fruitful resolution of the condemnation by the City. The motion passed unanimously.

C. Request to Remove Individual Designation from

Property at 114 Lankford Avenue

Ms. Vest explained this request had been made pending demolition of the property.

Ms. Lewis made a motion to deny the removal of the property from the designation. Mr. Coiner seconded the motion which passed unanimously. G.100 West Main Street

Ms. Vest gave the staff report. The owner is attempting to lease the basement space to a tenant who operates a restaurant who would like to place tables outside. Staff looked at the design guidelines and could see no reason to deny the application. Staff supports the application. The applicant explained it was a limited proposed design change. They were requesting a change to the paving surface.

Ms. Heetderks called for questions or comments from the public. There being none, she called for questions or comments from the Board.

Mr. Knight asked if the pavement would be brick. The applicant concurred.

Mr. Tremblay stated this was a reasonable adaptation of new building to a use by a single tenant.

Mr. Tremblay made a motion to accept the proposal.

Mr. Atkins seconded the motion which passed unanimously.

Ms. Heetderks called 520 East Main Street.

Ms. Vest gave the staff report. The matter had been before the Board in August. Concerns had been expressed about the stair tower and its roof. The applicant took the comments and came up with four potential schemes to deal with that tower. Staff supports scheme D.

Ms. Heetderks called for questions or comments from the public. She called for questions and comments from the Board.

Mr. Atkins asked if the intention was that this would be the final approval of the whole project. The applicant concurred.

Ms. Heetderks asked if the original cornice was being preserved on 520. The applicant stated new windows were being placed there and the cornice removed. However, cornice would be placed above.

Mr. Atkins asked why the stair tower was at the front face of the Mall. The applicant explained the building was narrow and they were trying to allow access to apartments from the Mall. It also serves as a terrace on the roof.

Ms. Heetderks expressed disappointment that there was no model to help the Board understand the proposal. She was concerned about the need to demolish the top two and-a-half to three feet of the structure.

Mr. Atkins felt the proposed brickwork would compensate for the loss of the parapet. He further stated he would love to see the stair tower stepped back.

Ms. Ewing concurred with Mr. Atkins about the tower and further stated concern over the side elevation which she felt needed more attention regarding the windows and cornice. The applicant stated his willingness to work with the Board on those details.

Mr. Tremblay was impressed by the creative adaptations.

Ms. Ewing made a motion to approve with conditions that the Board see further cornice details, materials, samples, windows, doors, awnings, and signage with the stipulation that they approve scheme B. Mr. Knight seconded the motion. Mr. Atkins made a friendly amendment that scheme D be added since they were the same with different roof options. He thought Ms. Ewing's request for further study of the stair would be justified.

Ms. Ewing accepted the amendment. Ms. Lewis pointed out that signage is administratively approved by the Zoning Administrator for Field Support so she offered a friendly amendment to retract signage from the motion. Ms. Ewing, Mr. Knight, and Mr. Atkins accepted the amendment. The motion carried, six to one, with Ms. Heetderks voting against.

Ms. Heetderks called Main Street Market.

Ms. Vest gave the staff report. The application which was in the members' packets was amended.

Staff does not have a recommendation as the design was just changed.

The applicant explained he was just proposing to add a stair and a second story.

Mr. Knight asked if the materials would be what was used on the rest of the existing structure. The applicant concurred.

Ms. Heetderks asked if the material were real stucco. The applicant stated it was Dryvit.

Ms. Lewis sought clarification of the current exterior material. The applicant explained it was concrete block.

Ms. Ewing stated she would prefer real stucco rather than Dryvit. Mr. Knight was also bothered by the Dryvit. The applicant asked if they would prefer concrete block. The suggestion was met with approving comments.

Mr. Atkins made a motion to approve as presented, accounting for the comments about going from Dryvit to painted concrete block for the simplified upper cornice line to match, in an appropriate way, the adjacent building. Mr. Tremblay seconded the motion. Mr. Coiner expressed to Mr. Atkins the discussion the Board had had regarding saying "as presented" rather than giving details. Mr. Atkins stated he would accept a friendly amendment to clarify the motion.

Ms. Ewing made a friendly amendment that the applicant come back with further details on the trellis, railing, wire mesh, windows, doors, lighting. The applicant asked about not building it at all. He further stated it was all written in the proposal. He asked that the BAR give him the same respect. Mr. Atkins refused to accept the amendment since it made too many requirements for return information. He stated he would entertain an amendment about missing details. Ms. Ewing made a friendly amendment that he come back with a sample of the triangular lighting fixtures.

Mr. Atkins and Mr. Tremblay accepted the amendment. Ms. Heetderks asked if Ms. Ewing would amend her amendment to allow for staff approval of the fixture. Ms. Ewing concurred, making her friendly amendment to be that he come back with lighting specifications for staff recommendation. The question was called and passed unanimously.

The applicant asked if his next item on the agenda could be deferred until the next meeting due to the late hour. Ms. Lewis made a motion to defer the application to the next meeting in October. Ms. Ewing seconded the motion which passed unanimously.

Ms. Vest brought other business to the attention of the Board.

The Virginia Department of Historic Resources would pay for one or two Board members to attend a Virginia Preservation Conference in Richmond September 22-24.

The University of Virginia entered into a third party agreement which divided their property into three areas: A, which is exempt from all zoning laws; B, they voluntarily submit all development

proposals to the City for comment and review; C, which is subject to all City laws. The University property known as The Towers and the parking lot behind it on the corner of West Main Street and JPA is in area B. They voluntarily submitted a plan to put two classroom trailers on the back of the property along the railroad tracks. Due to the need to get the trailers placed quickly, the Board was asked to hold a special meeting rather than putting it on the October 16 agenda. The BAR would be commenting or making suggestions but not voting on the matter. Ms. Vest suggested the BAR hold a special meeting at noon on October 1, 2002.

Ms. Ewing made a motion to adjourn the meeting. Mr. Coiner seconded the motion. The motion passed unanimously, whereupon the meeting stood adjourned at 6:53 P.M.