

**City of Charlottesville  
Board of Architectural Review  
July 15, 2003  
Draft Minutes**

**Present:**

Lynne Heetderks, Vice Chair  
Preston Coiner  
Joe Atkins  
Syd Knight  
Cheri Lewis  
Katie Swenson

**Also Present:**

Mary Joy Scala

Ms. Heetderks convened the meeting at 4:57 p.m.

**A. Matters from the public**

There were no matters not on the agenda.

**B. Certificate of Appropriateness Application**

**BAR 03-07-01**

**110 East Main Street**

**Tax Map 28 Parcel 23**

**Add stairway and loading dock to rear**

**Jefferson Theater**

**Hawes C. Spencer, Applicant**

Ms. Scala gave the staff report. The application was previously before the Board of Architectural Review in 1994 and was approved but never built. The applicant is requesting approval to erect a small stairway and loading dock using black painted metal construction on the rear of Jefferson Theater facing Water Street. The only Design Review Guideline speaks to using materials, windows, doors, architectural detailing that are compatible with historic buildings in the district. Staff recommends approval as submitted.

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

The applicant stated he would like to substitute a copper handrail for the black-hued steel.

Mr. Coiner stated he had been expecting something a little more flamboyant. The applicant explained that something flamboyant would not match the industrial staircase.

Mr. Atkins made a motion to approve the loading dock and stairs as submitted including the potential change of the handrail to copper. Mr. Coiner seconded the motion. Ms. Lewis stated that she had represented the applicant in a legal capacity when the property was bought;

however, she no longer represented him, nor did she expect any pecuniary gain of any sort from the outcome of the vote. The motion carried unanimously.

### **C. Certificate of Appropriateness Application**

**BAR 03-07-02**

**Downtown Mall**

**Vendor Table with freestanding grill and propane stove**

**Brian Cricket Rakita, Applicant**

Ms. Scala gave the staff report. Ms. Scala stated that the only action they could take was to deny this. There was no application, no formal request nor Certificate of Appropriateness. The Board of Architectural Review had 60 days to approve or deny or it was approved. Action must be taken. The applicant had not responded to phone calls from Ms. Scala.

Mr. Atkins asked if there were no photos or drawings of the proposal. Ms. Scala concurred and stated that was the problem she had. She stated she could not write a report because she was unsure what it would look like. The Fire Marshal and the Building official had no problems with the proposal of a freestanding grill in conjunction with a table. However, it would have a different appearance than other vending tables on the Mall so she and the Zoning Administrator felt the proposal should come before the Board of Architectural Review.

Mr. Coiner made a motion to deny the application based on the fact that the applicant had not supplied the necessary information to the Department. Ms. Lewis seconded the motion, which carried unanimously.

### **D. Informal Discussion**

Juvenile and Domestic Relations Court Building

Ms. Scala gave the staff report. A Preliminary Discussion on the J&D expansion project had been heard in November. The Court Steering Committee is requesting comments and suggestions regarding the two alternative proposed facades for the existing former Elks Club building. Guidelines that may pertain to the proposal had been included in the members' packets. Ms. Scala had been confused as to which guidelines to include: it was either to be considered a prominently visible addition, which would require the guidelines for new construction, or a replacement of the previous facade, which would need the facade improvement guidelines. Ms. Scala felt the comments she had heard focused the debate on whether to use a traditional or contemporary design. She further stated her belief that the focus should be on having a nice building and a good design. She felt the Committee should be commended for their decision to locate the building on Court Square.

Antonio Fiol Silva, of Wallace, Roberts & Todd, gave a PowerPoint presentation on the proposed facades. During the presentation, Ms. Lewis expressed an interest in seeing the dimensions of the openings for each of the plans. Mr. Fiol Silva continued his PowerPoint presentation. Mr. Atkins asked how the existing windows would be affected by the stair and

elevator. Mr. Fiol Silva explained that the elevator had been moved so that a nook was created for people to stand in, otherwise the windows would have to be blocked over. Mr. Fiol Silva continued his presentation.

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

Mr. Coiner asked if they had considered glass elevators. The applicant stated they had not because they did not think the Sheriff would approve as well as due to the historic nature of the building.

Ms. Heetderks called for comments from the public; there being none, she called for comments from the Board.

Ms. Lewis wanted to know what were the concerns as to coming out to the street. Mr. Fiol Silva explained that the bulk of the building and the necessary scale of the portico would appear out of place.

Ms. Swenson stated she was pleased and excited with the work done since the last meeting. She liked the skylight. She expressed her pleasure with the direction of the project as well as the way the applicant was paying homage to the past.

Ms. Heetderks stated she was disappointed to see the movement from respecting the existing facade to obliterating the facade. She stated that, in the concern about the jail, they not forget that this is a historic structure. She further stated her concern that this was a constructive demolition. She would prefer to see a rehabilitation of the original facade. She referenced the Guidelines for Rehabilitation: Facade Improvement, paragraph 4.2, number 5 which states restore as many elements as possible, particularly materials, windows, decorative details on the cornice; and number 6 which says reconstruct missing original elements such as cornices and windows if documentation is available -- which Ms. Heetderks stated there clearly was; 4, designing elements that respect the character, materials and design.

Mr. Atkins stated his agreement with Ms. Heetderks. It was complicated in that the jail figures into the composition of the block. He stated the courtyard was a tremendous asset. He stated he saw the same solution rendered in different palettes with varying degrees of success; one historic, one contemporary. He stated that the considerations which helped him not get bogged down in the contemporary versus historical were the choices about looking at the historic Elks Club building or investing in a higher degree of functionality in the way the Court works. He further stated there were three Standards for Rehabilitation as given by the Secretary of the Interior which were crucial with regard to adding on to an existing building. The third standard, All buildings shall be recognized as products of their own time, alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged. He stated Ms. Heetderks had mentioned number 6, which dealt with repairing or replacing lost architectural features. Number 9 stated that contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color of material and character of the property. He further stated that was where the difficulty

was since the building had lost its portico and roof and has things that could be recreated but it also has a certain historical significance in the plane of the building that exists.

Mr. Coiner stated he had not expected they would be looking at anything other than a traditional design.

Ms. Swenson asked if the notion of restoring the original facade was a viable option. Mr. Fiol Silva stated that with what they were trying to accomplish on the site that was not a viable option. He further stated that when they began they were told the jail was very important because it was a truly historic building. A decision had been made to reuse the existing building. The only way to have two courtrooms in the building was to change the facade.

Ms. Lewis asked who was the client of Wallace, Roberts & Todd. Mr. Fiol Silva stated the client was the City of Charlottesville and the County of Albemarle as well as the courts and all of its judges.

Ms. Heetderks asked if the committee had discussed applying for an application to demolish the entire structure and starting over and why they did not consider that if they did consider obliterating what was basically the only design feature of the building. Mr. Fiol Silva stated they had not because the rest of the structure was sound. Ms. Heetderks asked if the decision had been financial rather than historical. Mr. Fiol Silva stated their stance that the historical integrity of the building had been lost already.

Mr. Knight stated his concern about the issues raised by Ms. Heetderks regarding the facade of the original building. He expressed sympathy for the hard work done by everyone, including the architects. He expressed concern that a restored facade would be a watered down, somewhat pallid version of the original. He stated he was not happy with the fish or fowl nature of the proposed facades. He stated this was a streetscape building, but in the context of the overall Court Square, it was a background building, which should be deferential to the main courthouse.

Mayor Cox stated that the courtyard is seen as an amenity for what might be future uses.

Mr. Knight asked what was being sought of the Board. Ms. Heetderks stated it was at the will of the Board since it was a preliminary discussion. A Committee member stated the two facades presented what they thought were perhaps the best solutions and they wanted a reaction as to which direction the Board of Architectural Review felt comfortable with. Mr. Fiol Silva stated that, as one of the architects working through a lot of issues, they would love an unequivocal direction since they had spent seven months in the schematic process.

Ms. Lewis was glad that there had been a public forum. She stated she was excited about the Court project. She had looked at the functionality of the facade. She stated that the J&D Court had seen an increase of court cases over any other court in the local area. Ms. Lewis stated this court was the court for the whole 16th Judicial Circuit. She stated that families and children were coming to the court daily to have their matters adjudicated. She saw the building differently than the design people of the Board. She stated the lack of a portico was a loss; a shallow portico is not serving the needs of the people who come to this building. Ms. Lewis stated it was a very

stressful place for minors to be waiting. She hoped that the front of the building, even if it had to extend to the street, would be welcoming. She felt that there should be a portico that screens people from the elements. She wished that the elevator and stairway could be scaled down. She felt there was a need for space so that people attending the court did not need to be next to the adverse party, an adverse witness, or opposing counsel. She preferred an open portico to a recessed space with a balcony above it where conversations between counsel and clients could be overheard. However, she was in agreement with Ms. Heetderks in not wanting the original facade to go away.

Mr. Atkins stated that it had seemed the original had a broken lentil with brick on either side. He preferred that since it broke down the mass of the building. He felt that Ms. Lewis' point about shelter had been a good point. He agreed with the setback issue presented by the architect. He thought that more windows would help lighten up the facade. He stated that Ms. Lewis' statement about the balcony was a good point.

Ms. Swenson, in consideration of Ms. Lewis' comments about the presence of children in the court, felt the softest, least harsh atmosphere possible be created.

Ms. Heetderks expressed a concern about the consistency of the Board's decisions. She felt that was the purpose for using the Guidelines. The same standards must be applied to all applicants. For that reason she could not support obscuring the facade of the building. One of her concerns was running into the problems of inappropriate adaptive reuse of buildings. She further stated that adaptive reuse was the savior of a lot of the historic structures; however, she was concerned that in the Board's concern to be accommodating to applicants, that the Board allows things to happen to historic structures that violate the historical integrity of the building and the reason for which they were included in the first place. Her view of the purpose of the Board of Architectural Review was to protect the historic resources of the City. She stated that because of having so many problems with the basic premise of where this project is going, she would vote against it if put on the front. She thought the modern design was neat, interesting and fabulous, but it did not belong in the Court Square area.

Mr. Knight stated he would have to support the comments made by Mr. Atkins. He could not support the "historical" proposal because it is false historicism. He stated he would rather see the building as a background building and as simple as possible so as not to compete with the courthouse. Ms. Lewis stated this was the busiest courthouse in this region. Mr. Knight stated it was not "the" courthouse though; it was not "the court" of Court Square. He urged simplicity.

Ms. Heetderks encouraged the applicants to seek the opinions of those members of the Board of Architectural Review who were not present: Joan Fenton, Allison Ewing and Wade Tremblay.

Mr. Atkins commended Wallace, Roberts & Todd for the work they had done and for their patience, intelligence and skill. He further stated that the job of the Board was to look at those two facades and give advice; he did not think they could do that without bringing up legitimate historical responses, such as restoration of the Elks Club.

Ms. Heetderks encouraged Board members, if they had additional comments, to contact the architect or city staff.

#### **E. Election of Board of Architectural Review Officers: Chair, Vice Chair, Secretary**

Mr. Coiner made a motion to defer until August. Mr. Atkins seconded the motion, which carried unanimously.

#### **F. Approval of minutes – June 17, 2003**

Ms. Heetderks stated she would abstain from the vote since she had not been present at the June meeting. Ms. Lewis stated she also would abstain.

Mr. Atkins moved to approve the minutes as submitted. Mr. Knight seconded the motion which carried with four votes in favor, no votes against, and two abstentions.

#### **G. Matters from the public (please limit to 5 minutes)**

Ms. Heetderks stated she had a matter from the public listed on her paperwork, but with no members of the public present, she bypassed the matter.

#### **H. Other Business**

Preliminary Discussion: Smokeless Tobacco Tent on the Downtown Mall

Ms. Scala gave the staff report. The potential vendor had tried to locate on the Mall but was told to try to get a vending table. The guidelines say no tents. Ms. Scala also thought the proposed amount of signage would not be allowed either. Ms. Scala asked that the Board of Architectural Review express discouragement. She felt she would not be able to express approval for an application for a vending tent.

Ms. Lewis agreed with staff.

Ms. Heetderks suggested they have Ms. Scala respond to the inquiring individual that, under the guidelines for vending structures, this does not meet the guidelines and could not be approved as submitted.

Mr. Coiner asked if the new guidelines for vendors on the Mall included that there would be no hanging of clothes since many vendors were selling clothes. He asked that Ms. Scala get a copy of the new guidelines for the Board members. Ms. Scala stated she would find out.

#### **I. Adjournment**

Ms. Lewis made a motion to adjourn. Mr. Knight seconded the motion, which carried unanimously whereupon the motion stood adjourned at 7:25 p.m.

