

**City of Charlottesville
Board of Architectural Review
August 19, 2003
Minutes**

Present:

Joan Fenton, Chair
Lynne Heetderks, Vice Chair
Wade Tremblay
Preston Coiner
Allison Ewing
Cheri Lewis
Katie Swenson (5:11 p.m.)

Also Present:

Ron Higgins
Mary Joy Scala

Ms. Fenton convened the meeting at 4:55 p.m.

A. Matters from the public

Ms. Fenton then called for matters from the public not on the agenda.

Mr. Bruce Williamson, president of Acme Ice Company, LLC, the new owners and operators of the Charlottesville Ice Park, was following up on an application made two years previously for a specially fabricated, tubular-shaped downspout. He stated there has been a problem with vandalism of the copper downspouts. The new owners were looking for a permanent solution to the problem and were considering the cast iron boot as had been suggested by a Board of Architectural Review member during the previous application process. They would be seeking approval of something ten to 12 feet high so it would be beyond reach. He asked that the Board of Architectural Review give Ms. Scala the administrative power to approve a specific design and height for these cast iron boots.

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

Mr. Coiner stated he had never seen boots that tall. He stated that one thing discussed previously had been to use the boot and use thick wall copper pipe rather than downspout pipe so it wouldn't vandalize as easily.

Ms. Ewing also had not seen boots that tall. She thought they should see what was proposed.

Ms. Heetderks stated she was comfortable with Ms. Scala dealing with the proposal, as was Mr. Tremblay.

Mr. Coiner stated he was comfortable with Ms. Scala making the decision; however, he was not comfortable with it being ten to 12 feet tall. He requested that the owner explore the possibility of using a shorter boot and thick wall copper pipe. Mr. Williamson stated he would look into that before submitting any application.

Ms. Ewing stated she would be comfortable with receiving an E-mail digital image of the product.

Ms. Fenton asked if they were allowed to do an administrative approval where the Board is shown photos and if anyone has an objection, they would tell Ms. Scala and it would come back to the Board. Ms. Scala did not see why they could not. Ms. Fenton asked if there was a motion. Mr. Tremblay so moved. Mr. Coiner seconded the motion. Ms. Lewis sought clarification that it was understood that it was an administrative decision with Ms. Scala consulting the Board to see if there were any objections, but ultimately it would be staff's decisions; otherwise it would be a violation to pull and make a decision like that. The motion carried unanimously.

Ms. Fenton called for any other matters not on the agenda. There being none, she closed that portion of the meeting.

B. Certificate of Appropriateness Application

BAR 03-08-01
408 Ridge Street
Tax Map 28 Parcel 155
Enclose area under rear porch
Reginald D. Butler, Applicant

Ms. Scala gave the staff report. This is the C. L. Hawkins house located in the Ridge Street Historic District. The applicant proposes to add and close the lower part of the rear porch. The rear of the dwelling is visible from Oak Street. The applicant proposes to enclose half of the space under the rear porch on the south side for storage of garden equipment. The brick columns will remain visible. The siding will match that used to enclose the porches above. There will be one window facing east and one door facing north. Staff recommends approval because the proposed enclosure meets the standards and criteria set forth in section 34-577 and is compatible with the historical, cultural, or architectural character of the property and district.

The applicant had nothing further to add.

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

Ms. Lewis asked if the applicant had any samples of the materials to be used. The applicant explained it was a wood surface, which had been painted. Mr. Tremblay asked if it were cedar; the applicant concurred.

Mr. Coiner asked if the window would match the windows in the addition. The applicant stated it would.

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

Mr. Coiner suggested they specify that it be painted the same color.

Ms. Lewis asked that they suggest that the door be wooden.

Mr. Tremblay made a motion to approve the request consistent with the previously completed addition with cedar siding, painted white, and the five panel wood door as described by the applicant, and the same window. Ms. Lewis seconded the motion. The motion carried unanimously.

Mr. Butler informed the Board that he would be renovating the attic and was unsure how to vent the attic consistent with the architecture once sheetrock was installed. He asked for their suggestions on how to vent the attic. Mr. Coiner stated he knew of one house of that period that had a stack vent. Mr. Tremblay urged the applicant to get professional advice.

C. Certificate of Appropriateness Application

BAR 03-08-02

400 East Water Street

Tax Map 28 Parcel 60.2

Install new window and replace trees

Tim Michel, Applicant/Outlaw Design, Architects

Ms. Scala gave the staff report. The request was to remove three trees in the City's right-of-way in front of the building and replace them with the same number of a smaller species and to install a new window unit in the third bay from the left on the rear of the building. The Design Review Guidelines recommend that the trees be replaced with an appropriate species. The City Arborist recommends replacement with Ginkgo Princeton Sentry or a similar variety. The criteria found in the ordinance and in the Guidelines for Rehabilitation and for additional materials and features had been included in the members' packets. The issue regarding the window is whether a new opening should be cut into the brick building where there has not been an opening. New openings have been placed during previous remodeling. The window is larger than the other punched openings but is placed between pilasters on the rear elevation so it will not have an adverse effect on the building or district. Staff recommends approval of the replacement of the three existing trees with three Ginkgo Princeton Sentry trees or other species to be approved by staff. Staff recommends approval of the new window as submitted. (Ms. Swenson enters the meeting.)

The applicant had nothing to add but would answer any questions.

Ms. Fenton called for questions or comments regarding removal and replacement of the trees.

Ms. Lewis stated the trees appeared to be overgrown.

Ms. Ewing sought the reason for removing the existing trees. Mr. Michel explained they were 21 years old and the grates around the trees were inches off the ground and the sidewalks are cracked. Ms. Scala explained that the City Arborist was suggesting Ginkgo because the roots wouldn't get up into the sidewalk as much. Ms. Scala had also spoken with Mr. Knight, who was unable to be at the meeting; he was fine with the Ginkgo but would not recommend putting in a

small tree that would not fit the space. Ms. Fenton stated the Board could do a motion that the trees be Ginkgo or some other tree that the City Arborist finds acceptable. Ms. Lewis so moved. Mr. Tremblay seconded the motion. Ms. Swenson agreed that the trees were overgrown and should be replaced with the appropriate tree of choice. She also suggested the applicant consider putting some down the sidewalk. Ms. Fenton requested a formal motion for the record.

Ms. Swenson made a motion to allow for other trees to be added at the owner's discretion. Ms. Fenton clarified that the motion was to allow for the Ginkgo or any other tree as accepted by the Arborist and to allow it to come down the sidewalk. Ms. Swenson concurred with Ms. Fenton's clarification. Ms. Ewing seconded the motion. The motion carried unanimously.

Ms. Fenton then called for questions regarding the proposed window.

Ms. Ewing asked about the long term plans for the back of the building considering its rather piecemeal appearance. Mr. Michel explained they could not redo the entire back facade right now.

Mr. Coiner stated that as the area south of the tracks became more developed, the rear of the building became more visible.

Ms. Swenson sought clarification that Ms. Ewing was concerned that okaying an aperture of that size was setting up something the applicant may want to repeat in every bay. Mr. Coiner concurred that it was a concern. Ms. Ewing stated she would like to see the future of the rear facade; she was okay with the size and configuration of this window, but she hoped that there would be continuity to the back facade when it is modified in the future.

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

Mr. Coiner stated he would support it either way, but he would like a smaller window.

Ms. Fenton stated she found the window too large. She thought a smaller window would look better.

Ms. Ewing stated that, while she would approve this application, she would favor a punched opening type of arrangement rather than the one large opening.

Ms. Heetderks stated that the Design Review Guidelines for Rehabilitation state: Do not change the number, location, size, or glazing patterns of windows by cutting new openings, blocking the windows, or installing a replacement sash.

Ms. Lewis stated that it does meet the criteria in that it is making a minimal impact on defining characteristics of the building. She argued that the front was much more defining than the rear part.

Mr. Tremblay made a motion to approve the applicant's request. Mr. Coiner seconded the motion. Ms. Fenton asked that the motion include recognition that they were allowing an

opening where there was none with the understanding that it is because the rear of the building, and because it has been done previously the Board does not see a problem with allowing that. Mr. Tremblay felt that was a very nice attachment. The motion carried 6-1 with Ms. Fenton voting against.

Ms. Fenton explained that the motion had passed and the applicant was allowed to do the window as presented but there were some on the Board who thought it would be better if it were smaller. The architect asked if they would need to come before the Board again if they decided to go with a smaller window.

Ms. Lewis made a motion that if the applicant wants to deviate from what the Board had just approved, they can bring it back to staff who can approve it administratively subject to any objections from this Board. Ms. Ewing seconded the motion. The motion carried unanimously.

D. Certificate of Appropriateness Application

BAR 03-08-03

213 East Water Street (212 East Main Street)

Tax Map 28 Parcel 35

Replace windows

Gabe Silverman, Applicant

Ms. Scala gave the staff report. This was the rear portion of 212 East Main Street. The applicant seeks to replace three existing windows on the third floor with white clad wood double hung windows in the existing openings. When the second floor tenant moves out, the applicant would like to replace the three existing windows on the second floor in the existing openings. Staff recommends approval as submitted.

Ms. Fenton stated she was a tenant in the building; she would abstain upon request of the Board; if not, she would proceed. Ms. Lewis asked if she had any pecuniary interest in the outcome; Ms. Fenton stated she did not. The Board was satisfied.

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

Ms. Heetderks asked if the third floor windows had already been replaced. Mr. Silverman stated they had been removed approximately 30 years ago and replaced with Dryvit. Ms. Heetderks asked if the applicant had already replaced the windows. Mr. Silverman stated they had been replaced that day.

Mr. Coiner asked what the height of the lower windows would be. Mr. Silverman explained the existing windows were taller than the upper ones; sizing for replacement could not be done until the tenant moves out.

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

Ms. Lewis felt the application represented an improvement in that they were closer to what the original windows were.

Ms. Heetderks felt it was a major improvement. Her concern was that the project had proceeded without approval and then came before the Board for approval. She stated that Ms. Scala should discourage applicants from moving ahead with applications before getting Board of Architectural Review approval.

Ms. Heetderks made a motion to approve the replacement of the third floor windows with the double hung clad windows as submitted, as well as the second floor windows. Mr. Tremblay seconded the motion. The motion carried unanimously. Ms. Fenton asked that the applicant remain for with item H on the agenda.

E. Certificate of Appropriateness Application

BAR 03-08-04

Downtown Mall

Vending Table with display wall

The Hauser Company, Applicant

Ms. Scala gave the staff report. The Zoning Administrator had brought this to Ms. Scala's attention. It doesn't quite meet the existing rules for tables. The tables can be 10 by 10 and have to be covered with a dark cloth. This proposal is to locate a stand for the purpose of displaying advertising information for the Belmont Lofts, a new condominium development. The applicant proposes a small table with a dark cloth to display brochures and, in addition, a wall, covered in dark fabric, seven feet high and one foot deep, behind the table to show interior and exterior photos and renditions of the loft. All display items are supposed to be located on the tabletop while the display wall is freestanding. This would be the only example of a display wall of this type on the Downtown Mall. There are currently examples of clothing racks that do not meet the tabletop rule. While the display would be attractive looking, staff opinion is that it would resemble more a booth at a trade show rather than what would normally be seen on the Downtown Mall. Another concern is that these would then proliferate. The applicant does have permission to display brochures without the freestanding wall. Staff recommends against the idea because it is freestanding and does not meet the tabletop requirements.

Ms. Monica Brewington did understand the concern with the trade show booth-type look. They did not want a trade show-type look to the wall. They did not want anything obtrusive on the Mall. She explained that the wall was solid black and did not have any cloth over it. She stated the wall was very conservative.

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

Mr. Tremblay sought clarification that the display table would not stay up over night. Ms. Brewington stated that it would not. She further stated that they were only seeking to display it during two or three Fridays After Five from 5 to 9 o'clock.

Mr. Coiner stated he had a concern about the way it would look on the Mall. He also was concerned about future applicants.

Ms. Fenton concurred with Mr. Coiner. She was concerned that it would set a precedent.

Ms. Brewington asked if there were a recommended location. Ms. Fenton explained the BAR did not have purview over the location.

Ms. Lewis stated the wall seemed too large.

Mr. Tremblay asked if the wall were not freestanding and were attached to the table would it be acceptable under Code. Ms. Scala stated the dimensions allowed were 10 by 10 by 10 and anything has to be sitting on the tabletop itself. Mr. Coiner felt it would not meet the guidelines.

Ms. Swenson felt the sheer size of the monolithic slab was the issue. She felt it would be a mistake to let it go through which would encourage further development in that direction.

Ms. Lewis made a motion to decline the application as submitted. Ms. Ewing seconded the motion. Ms. Fenton asked if the motion should include the reason for denial. Ms. Lewis stated it did not meet the guidelines. Mr. Tremblay sought clarification that the applicant had permission for the tabletop display and that such already existed; Ms. Fenton concurred. The motion carried unanimously. Ms. Fenton informed the applicant she had ten days to appeal to City Council if she wanted.

F. Certificate of Appropriateness Application

BAR 03-08-05

308 East Market Street

Tax Map 28 Parcel 223

Addition of third story and terrace

Charlie Kabbash, Applicant

Formwork Design (Cecilia Hernandez), Architects

Ms. Scala gave the staff report. The Board of Architectural Review had approved a plan for a revised porch 17 April 2001. The applicant proposes a third floor residential addition with a terrace. The building material is stucco. The terrace is accessed through four glass sliding doors with true divided lights. Staff recommends approval of the addition, which meets the standards and criteria, set forth in section 34-577 and which is compatible with the historic, cultural, or architectural character of the property and district. Staff requests approval of the side elevations, which are partially visible from Market Street and any, proposed exterior lighting.

Mr. Robert Nichols and Ms. Cecilia Hernandez were present on behalf of the applicant. They provided the Board with renderings of the elevations.

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

Ms. Heetderks wanted to know the setback on the non-glass stucco panels. Mr. Nichols stated it was a matter of inches. Ms. Heetderks then inquired as to the setback for the sliding glass doors. Ms. Hernandez stated her belief that it was eight feet.

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

Mr. Coiner stated it seemed that something had been stuck on top of the building, there was no relationship between the addition and the body. He then asked Ms. Scala if it met the setback requirements. Ms. Scala was unsure. Ms. Heetderks read from the Review Guidelines: If additional floors are constructed on top of a building, set the addition back from the main facade so that its visual impact is minimized. Ms. Fenton stated the Board had been very strong in insisting on those setbacks. Mr. Nichols asked if the Board would encourage them to resubmit making the setback consistent along the front. The Board stated a preference for that. Ms. Fenton concurred with Mr. Coiner that it felt as if the addition did not relate to the building. Mr. Nichols felt it would be best to take a stab at it completely set back. Ms. Hernandez asked that the application be removed from the agenda. Therefore, the application was deferred at the applicants' request.

G. Certificate of Appropriateness Application

BAR 03-08-06

1415 University Avenue

Tax Map 9 Parcel 75

Renovation of facade

Qdoba Mexican Grill, Applicant

Bayus-Evola (Ed Cooke), Architects

Ms. Scala gave the staff report. This is the Chancellor Building, which is an individually designated building. This was formerly the Espresso Cafe and they had removed the glass from the front and created a patio effect. The applicant would like to keep the patio but want to make it so they can provide security and close it off at night. They propose to reinstall the glass entry door and transom, reglaze the sidelights on either side of the main door, remove the existing marble base and repair the base, remove the existing signage and repair the wall, repaint a portion of the wall previously painted, install glazed grills behind the two large openings. They plan a non-illuminated sign on the storefront and a non-illuminated projecting sign; three dome-shaped, solid colored awnings in Sunbrella Terracotta. The applicant prefers that the awnings contain white lettered signs. Examples had been provided in members' packets. Staff is concerned with preserving the historical features of the building, particularly the marble base; allowing the architectural features to show, particularly the triglyphs on the entablature where the wall sign will be located; and the compatibility of the design with the district. When this was reviewed in 1998, the Board asked that the missing marble be more closely matched or replaced entirely; it appears that all of the marble from the right-hand side is missing. Staff recommends retaining the original marble on the left side and replacing the original marble or matching the marble on the right side. Staff recommends approval of the projecting sign. The wall sign does not fit as easily into the area without obscuring the triglyphs. Staff recommends the sign be designed so the letters conform to the spaces between the triglyphs. The Zoning Administrator

stated that each awning sign counts as one sign and only two are allowed for the building. The awnings are proposed to hide the mechanism for the two glazed grills. Staff recommends against the glazed grills as proposed because they are not compatible to the building.

The applicant was not yet present. Ms. Fenton suggested moving to the next item on the agenda to allow the applicant a chance to get to the meeting.

H. Certificate of Appropriateness Application

BAR 03-08-07

224 Court Square

Tax Map 53 Parcel 99

Partial Demolition and Exterior Wall Replacement

Mary Bess Johnson, Applicant

FPW (Seth Warner), Architects

Ms. Fenton called 224 Court Square. Ms. Heetderks requested they have a few moments to read the opinion letter from the City Attorney. Ms. Scala stated that the applicant was not yet present. Ms. Fenton suggested coming back to the matter when the applicant was present.

Ms. Fenton recalled 1415 University Avenue upon the entrance into the meeting of the applicant.

Mr. Bob Morin, a representative of Holiday Sign Company, spoke on behalf of the applicant. He explained that he had not seen anything in the Zoning that spoke to calculating the sign area. He stated the size of the copy on the awnings is consistent with the building next door. Mr. Higgins left the meeting to find a copy of the Zoning ordinance. Mr. Morin presented a sample of the high-density foam proposed for the projecting sign. Mr. Higgins stated each of the three awnings is a sign. Mr. Higgins stated the definition of a sign was any exterior display or insignia. A marquee sign was considered anything attached to or from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall, the building line or the street line. Ms. Fenton sought clarification that the owner would prefer the sign across the side and the protruding side. The owner concurred.

Ms. Fenton called for questions about the signs.

Mr. Coiner sought clarification that the sign could be done in three sections and not cover up the triglyphs. Mr. Morin stated it created an onus on the applicant to do that and that it does not look good.

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

Ms. Lewis was vehemently opposed to covering up the triglyphs, which is an important architectural detail on the facade of the building.

Mr. Coiner concurred with Ms. Lewis.

Ms. Fenton felt the sign as presented complements the building.

Ms. Lewis made a motion to approve the wall sign as divided by the triglyphs, retaining the triglyphs and moved to approve the protruding sign. Mr. Tremblay seconded the motion. Ms. Fenton displayed an example of the signage, which should be approved. Mr. Tremblay thought there could be some latitude as long as the triglyphs were respected. Ms. Fenton made a friendly amendment to allow staff to approve changes along as it honors the triglyphs. Ms. Lewis accepted the friendly amendment. Ms. Heetderks commented that the number of letters in this restaurant were almost identical to the number of letters in the prior restaurant which had a legible and rather elegant sign; she was confident the sign maker could achieve the same thing. The motion carried unanimously.

Ms. Fenton called for questions on the grill windows. There being none, she called for comments from Board members.

Ms. Ewing felt it was inappropriate to the character of the street and to the historic nature of the building.

Ms. Ewing made a motion to deny the grill windows based on Design Review Guidelines Item 8, avoid using inappropriate elements such as mansard roofs, metal awnings, small paned windows, plastic shutters, inoperable shutters, or shutters on windows where they never previously existed. Ms. Lewis seconded the motion, which carried unanimously.

Ms. Fenton called for discussion of the awnings, calling first for questions and then comments.

Mr. Tremblay moved for approval of the awnings as submitted. Mr. Coiner seconded the motion. Ms. Heetderks had some concern based on the Design Review Guidelines for facade improvement, number 3 which speaks to removing inappropriate elements but which could speak to putting on inappropriate elements: Remove any inappropriate materials, signs, or canopies covering the facade. Ms. Heetderks felt this was one of the more graceful facades along that stretch of West Main and thought it disappointing to put awnings covering the details over the arch windows. Ms. Swenson concurred with Ms. Heetderks. Ms. Heetderks also referenced number 8: Avoid using inappropriate elements where they never previously existed. Ms. Ewing also agreed with Ms. Heetderks. The motion failed 3-4 with only Mr. Tremblay, Mr. Coiner and Ms. Lewis voting for; Ms. Fenton, Ms. Heetderks, Ms. Swenson and Ms. Ewing voted against.

Ms. Fenton called for questions or comments about the marble.

Ms. Heetderks sought clarification as to whether the missing marble still existed somewhere. Ms. Scala was unsure and had hoped it had been removed by the architect in an attempt to match it.

Ms. Ewing stated she would not approve removal.

Ms. Heetderks moved that they deny the application to remove the existing marble based on Design Review Guidelines for facade improvement, number 4: Retain all elements, materials, and features that are original to the building... remodeling and repair as necessary. Ms. Ewing

seconded the motion. Ms. Fenton asked if the motion could include that the applicant can replace where there was originally marble with the color being approved by staff. Ms. Heetderks and Ms. Ewing accepted that as a friendly amendment. The motion carried.

Ms. Heetderks asked if the proposal for repainting meant repainting the same color. Ms. Scala stated her assumption it would be a similar color.

(Recess, 6:30 - 6:41 p.m.)

Ms. Fenton recalled 224 Court Square.

Ms. Scala gave the staff report. The applicant was under court order to remove part of this 1830 building on Court Square. Ms. Scala looked at the building. The applicant's building was built in 1830. Prior to that, 230 Court Square was built in 1820. The person who built 224 asked permission to use the south wall of 230 as the north wall of 224. The deed gave them permission; they also built a rear section beyond what was on the 1820 building. Years later a one-story addition was built on 230. The front of 230 is a 1961 facade. The facade of 224 was cited under the Building Codes due to a section dangerously bowing out; the section was removed and replaced with Board of Architectural Review approval. The buildings have been attached since 1830.

Ms. Scala stated she had been consulting with the City Attorney's Office regarding the court case. The City Attorney, upon review of the court file, concluded that the Board of Architectural Review should proceed to review the application the same as any other and to apply the City Code criteria and Design Guidelines to render a final decision on the merits of the application. The City Attorney had said that if the application was approved, the parties would be left to work out between them issues related to compliance with the Court's orders; if the application was denied, the City Attorney's Office would work with Staff to determine how to implement the Board of Architectural Review decision in relation to the Court's proceedings. The next scheduled hearing for the court case is September 15; the City Attorney's Office recommended action be taken at this Board of Architectural Review meeting.

Ms. Scala stated the application was to remove a portion of the red brick wall. She spoke to the architect. Ms. Scala felt that may or may not meet the exact Court order. She believed the Court order goes further than that and requests removal of the wall, but also the two buildings be physically separated to the point that daylight could be seen through them. Referring to photographs before the Board of Architectural Review, Ms. Scala stated there would be a one inch difference at the front of the buildings, but there would be a nine inch difference at the back. Ms. Scala stated this would change the effect you get on Court Square where a lot of the buildings are connected.

Ms. Scala stated the proposal before the Board of Architectural Review was not to separate the buildings. The request was to demolish the rear parapet wall. The applicant is proposing to replace that wall, approximately nine inches over, with a Hardiplank siding wall. She stated the architect feels the best solution is to remove the wall to a point above the one story rear addition on the adjacent property.

Ms. Scala stated that as part of the Court case the applicant had systematically removed any interior attachments of their building to the adjoining building and a new stud wall had been put in place several inches from what was the common wall. There is a clear space between the two buildings inside. However, the front wall, roof and brick wall in the back are still encroaching on the adjacent property. The Court order is seeking to have them removed. Ms. Scala reiterated that the application before the Board was for removal of the rear brick parapet wall.

Ms. Scala stated the applicant proposes to remove the 1830 rear red brick parapet wall down to the level of the flashing of the flat roof on the 20th Century rear addition on 230 Court Square. The exposed side of 224 Court Square would then be covered with Hardiplank siding; this would be seen from Jefferson Street.

Ms. Swenson asked if any of the wall could be seen from the front. Ms. Scala did not believe so.

Mr. Tremblay sought clarification if part of the existing material was wood for a compatibility of materials comparison. Ms. Scala stated there was a porch on the back. Ms. Scala was unsure of the material; she felt the applicant could answer that question.

Ms. Scala continued her staff report. Review criteria were listed for the Board of Architectural Review. Section 34-577 of the City Code states that in reviewing any application for Certificate of Appropriateness the Board shall approve it unless the Board finds that the proposed change (1) does not meet the standards and criteria set forth in the section and (2) if they find it's incompatible with the historic, cultural and architectural character. Ms. Scala had included the demolition criteria, the design review guidelines demolition criteria, and the alterations and new construction criteria. She stated the proposed demolition does not meet the demolition criteria. Staff recommends denial of the request for partial demolition because it does not meet demolition criteria A(1), (3), (4), (5), (6) and (7). Additionally it does not meet the Guidelines demolition criteria 1, 2, 3, 4, 5, 6, and 7. Staff recommends denial of the new construction using Hardiplank siding because it does not meet new construction criteria 1, 3, 4, and 6. Both the partial demolition and the new construction are incompatible with the historic, cultural and architectural character of the property and the district. Staff recommends that if the partial demolition does occur then the wall should be replaced with brick that is as close as possible to the original material and that great care be exercised not to cause additional damage to adjacent parts of either structure.

Ms. Scala stated the applicant was present, as was the owner of 230 Court Square, Mr. Gabe Silverman. She further stated that although he had not signed the application, the City Attorney found it was appropriate for the Board to act upon the application and to deem Mr. Silverman as having authorized Ms. Johnson to pursue the application based on what was in the Court files; this is something he is seeking through the Court action.

Ms. Fenton recognized the applicant. Ms. Johnson had nothing to add to the presentation.

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

Mr. Coiner asked for clarification of the City Attorney's memo, which stated the Court, has not been alerted to the fact that it is a protected property. Ms. Scala stated they had looked at the file earlier in the day and had not found anything. Ms. Lewis asked if the parties to the lawsuit could comment to the issue. Ms. Johnson stated her lawyer had been told numerous times and that she had certainly expressed it; she stated there was no way they could not have known it.

Ms. Ewing asked if the City could condemn a wall. Ms. Scala paraphrased a Code section, stating: The governing body is authorized to acquire any legal manner in the historic area, landmark, building or structure which, in the opinion of the governing body, should be acquired, preserved, maintained for the use, observation, education, pleasure and welfare of the people; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto or a state or interest therein is about to be destroyed. Ms. Scala stated she was unsure, but that might be a possibility.

Ms. Fenton wanted to know, since the party to the lawsuit who was saying that his wall and property are threatened was not involved in the application, what possible damage there was to the wall. Mr. Silverman stated he had not planned to be present for this application since he was not a part of it. Ms. Lewis stated it would help provide insight on the application. Mr. Silverman stated that the Johnsons, when they acquired 224 Court Square, had been informed of a deed which specifically said that the adjacent property wanted them to disengage their building from 230; they were obligated to do that. He further stated that their wall was needed off of his property so he could continue to build up. He stated the applicant's wall could be moved over and kept intact as a piece of architecture using the existing brick, which restructures the wall leaning onto his property and it also allows him to continue building up on his property. Ms. Lewis asked if there were any current structural harm to his building. Mr. Silverman stated there could be since it is not a sound wall. Ms. Swenson sought clarification that the two buildings were not structurally compromising each other. Mr. Silverman concurred that they were not; he further stated that at this point the only thing being compromised was whether that end of the wall could come down onto his property because it is quite weak and is out of plumb, similar to what had happened to the front. He explained that there was nothing supporting the sidewall other than the roof rafter.

Mr. Bill Johnson corrected that the building had been purchased prior to Town Square getting their property. He further stated the front wall could have been done a lot simpler and less expensive than taking the whole wall down, putting new footings, taking out and reinstalling the windows and doors as they were originally. He stated the back parapet wall had not been determined to be unsafe. They would need to separate the footings to separate the buildings. He stated that Town Square just wanted to cause a little more problems to their building by making them do things they didn't want to do.

Ms. Fenton called for comments from the public.

Mr. Ben Ford, of Preservation Piedmont, spoke in opposition of the proposal. He stated the basic issue was that the applicant did not wish to partially demolish the existing structure at 224 Court Square. He felt approval of the Court's decision would set a ludicrous precedent. Preservation

Piedmont believes that allowing the partial demolition will substantially impact the structure's integrity and the historic nature of larger Court Square as it exists today and as planned for future development and preservation. He asked that they deny the application and suggested they send a letter to the Court stating that with the current denial it would be illegal for the applicant to partially demolish the structure because it is a protected property.

Ms. Fenton called for comments from the Board members.

Ms. Heetderks stated her understanding that while the Court case and the Court orders were of interest to the Board of Architectural Review, it was really moot since what was before them was this particular piece of a historic structure and the Design Guideline criteria and City Code criteria. She didn't know that there had ever had a more clear-cut case against allowing a partial demolition of a structure, which by virtue of its age and location would be considered highly protected. For that reason she moved for denial of the application for partial demolition, based on the City Code, section 34-577(1), paragraph a, numbers 1, 3, 4, 5, 6 and 7 and number 2, and in addition to the guidelines for demolition criteria numbers 1, 2, 3, 4, 5, 6 and 7. Mr. Coiner seconded the motion.

Ms. Lewis asked if there were any precedent in the fact that this Board approved demolition of the very same building a few years ago for purposes of preserving the integrity of the structures. Ms. Heetderks was unsure if that had been considered a demolition or rehabilitation. Ms. Scala explained that had been cited by the Building Official as being in need of repair. Ms. Heetderks clarified that it had been approved as rehabilitation; if it had been a demolition, they would not have been able to require the applicant to rebuild it.

Ms. Fenton questioned if the City Attorney was saying that the Court was not told it was a protected property but the applicant is saying the Court knew it was a protected property. Mr. Tremblay expressed agreement with Ms. Heetderks that that was outside the purview of the BAR.

Ms. Lewis noted that the 1997 motion was to approve rebuilding which meant demolition of the facade to protect the integrity of the structure; there had also been an approval of a demolition of the rear bathroom addition on this building. She stated this was not a pristine building, which had not been affected by modern decisions.

Ms. Fenton called the question. The motion to deny demolition carried 5-2 with Ms. Lewis and Ms. Fenton voting against.

Ms. Fenton explained that they would not consider the plan for changing what the building is. She further stated if the judge overrules this and if it is still to be demolished, then it would come back to the Board of Architectural Review to agree to what the plans would be.

Mr. Ford sought explanation on how a judge could overrule an ordinance. Ms. Fenton was unsure, but that she felt that should he be able to say that then this building would come back to the Board of Architectural Review.

Ms. Heetderks made a motion to deny the application for new construction. Ms. Ewing seconded the motion which carried unanimously.

I. BAR Recommendation

Proposed new local design control district: The Corner ADC District.

Ms. Scala stated that when City Council adopts a new historic district they are required to consider the recommendation of the Board of Architectural Review and the Planning Commission. This would be going before the Planning Commission on 9 September for a public hearing. The Corner District was recommended to be included as a local historic district in the historic preservation plan that was done in the mid-90s. Contributing and non-contributing buildings have been determined. Surveys for architectural significance and historical significance have been completed for each structure. Two informal meetings have been held with the residents.

Ms. Swenson asked if approval of The Corner as a district meant that they were also approving the list of contributing and non-contributing properties. Ms. Scala concurred.

Ms. Fenton stated there had been a walk through by the Board of Architectural Review of the last proposed district, which allowed them to look at each building and make a recommendation at that time; this has not been done with this proposal. She stated it was difficult to get a consensus in the sense of each building. She asked if it would be possible to have a walk through sometime before the September meeting. She suggested there be a motion in principle to approve contingent upon the walk through; whatever the recommendations of those who do the walk through would be the recommendations of the Board on specific properties. Mr. Coiner asked that for future districts a walk through be required up front as well as being notified of the public meetings.

Ms. Lewis stated the paperwork needed to reflect what properties are contributing and non-contributing, not just a tax map with colors on it which is not a proper record of what is being brought into the district.

Ms. Swenson sought clarification as to how properties were judged since there seemed to be no apparent method for determination. Ms. Heetderks stated there was some justification for designations on the backs of some of the listings. A staff intern explained that survey work done in 1983 had determined that one of the older buildings had been altered so much at that point it was non-contributing.

Ms. Fenton made a motion in principle to approve the design control district with recommendations coming from those people who do the walk through. Ms. Swenson seconded the motion. The motion carried unanimously. A walk through was scheduled for 5 p.m. on 2 September.

Ms. Fenton called for item K before item J since the Chair and Vice Chair should be on the committees.

K. Election of BAR Officers: Chair, Vice Chair, Secretary

Ms. Lewis nominated Joan Fenton for Chair. Ms. Ewing seconded the nomination, which carried with Ms. Fenton abstaining.

Ms. Lewis nominated Lynne Heetderks for Vice Chair. Mr. Tremblay seconded the nomination which carried with Ms. Heetderks abstaining.

Mr. Coiner moved that Mary Joy Scala, or her designee, be secretary. Ms. Lewis seconded the motion. The motion carried unanimously.

J. Choose BAR Representatives

Historic Districts Survey Steering Committee and Guidelines Steering Committee

Ms. Lewis stated that as a member of the CPC she had been put on the Survey Steering Committee.

Ms. Scala stated that Jim Tolbert had said two Board of Architectural Review members were needed for the Committee that would be selecting a consultant for the Survey work and an additional two Board of Architectural Review members for the Committee that would be working on the Guidelines. Two Planning Commissioners had been appointed to each committee. Mr. Tolbert wanted the Board of Architectural Review to recommend one citizen for each committee.

Ms. Fenton volunteered to serve on the Steering Committee, as did Ms. Heetderks.

Ms. Heetderks suggested Mr. Tremblay for the Guidelines Committee. Mr. Coiner volunteered for the Guidelines Committee. Also suggested for the Guidelines Committee were Mr. Atkins or Mr. Knight.

Ms. Fenton suggested Ben Ford for the Guidelines Committee.

Ms. Swenson suggested Jackie Taylor for the Survey Committee.

L. Approval of Minutes: July 15, 2003

Mr. Coiner asked that Mayor Cox be referred to as such on page 4.

Ms. Heetderks made a motion to approve the minutes as amended. Ms. Lewis seconded the motion which carried unanimously.

M. Matters from the public

There were no additional matters from the public.

N. Other Business

Recoleta -- National and State Register Nomination: Comments or Concerns

Ms. Lewis moved that the Board of Architectural Review support adding this to the National Register. Mr. Coiner seconded the motion. The motion carried unanimously.

Mr. Coiner suggested that the Historic District Survey Steering Committee look at this property to see if it should be considered an individually protected property.

Ms. Scala sought clarification as to who had been appointed to the two committees. Ms. Fenton and Ms. Heetderks were to be on the Survey Steering Committee. Jackie Taylor was the suggested citizen representative. Representing the Board of Architectural Review on the Guideline Committee would be Mr. Coiner. The suggested citizen representative was Ben Ford. Mr. Atkins would be asked to also represent the Board of Architectural Review on this committee. Ms. Fenton suggested Ken Schwartz be considered as a citizen representative to the Survey Committee.

O. Adjournment

Ms. Heetderks moved to adjourn. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 7:46 p.m.

**City of Charlottesville
Board of Architectural Review
Notes from August 26, 2003 BAR Special Meeting**

Present: Joan Fenton, Preston Coiner, Syd Knight, Katie Swenson, Cheri Lewis

Also present: Mary Joy Scala, Linda Peacock, Bill Letteri, Architect Antonio Fiol-Silva

The meeting convened at approximately 5:00 p.m. at the Juvenile and Domestic Relations Courthouse, 411 E. High Street.

Ms. Fenton: Nice design; complements neighborhood. Gives the sense of a place you should take seriously; simple enough.

Ms. Swenson: What about stairs? Rails go all the way across?

Mr. Fiol-Silva: Thin rail; you could do [front] stairs.

Ms. Swenson: Stairs would help it to be an urban building (not necessarily functional).

Mr. Fiol-Silva: This is also urban. Stairs are expensive – would rather save it for making the rest of the façade nicer.

Ms. Fenton: If no stair in front, where will they hang out? On the sidewalk, or make it comfortable/inviting enough to come in from the sides.

[Discussion about the Historical Society stairs and whether that is a good example to use for side-entry stairs.]

Mr. Coiner: Questioned the use of soapstone on the base – no other examples of that in Charlottesville.

Ms. Swenson: Panels are floating – need benches beneath to anchor them.

Mr. Fiol-Silva: Showed examples of bricks. Said they are proposed to be more golden, more like the Historical Society than the library.

Discussion then took place outside the building:

Mr. Knight liked the strong concept as presented by the architect, having the stairs on the side.

Ms. Fenton, Ms. Lewis and Mr. Coiner wanted front stairs to the sidewalk. Ms. Swenson said she could be convinced about the side stairs.

They all wanted to see a plan view, especially of the ramp and stairs area. It was agreed they would be sent a plan view, and copies of the elevations as presented so they could all send in final comments.

Demolition discussion: They should plan to request demolition of all three buildings in the back at the regular September meeting.

When the final plan comes to the Board of Architectural Review for approval, the Board of Architectural Review members requested to first put on the agenda the changes proposed to the existing façade (punched openings if any, balcony changes, etc.), then the proposed new façade design (encapsulation).

The meeting was adjourned at 6 p.m.