

**City of Charlottesville  
Board of Architectural Review  
October 21, 2003**

**Minutes**

**Present: ALSO PRESENT:**

Joan Fenton, Chair Jim Tolbert, AICP, Director  
Lynne Heetderks, Vice Chair  
Wade Tremblay  
Preston Coiner  
Joe Atkins  
Allison Ewing  
Syd Knight  
Cheri Lewis  
Katie Swenson

Ms. Fenton convened the meeting at 4:27 p.m.

Discussion of new Section 34-1054 Optional Comprehensive Signage Plan

Mr. Tolbert explained that, under the new ordinance, signage would come before the Board if it were part of a new building package; if the building is up, signage is administratively approved. Appeals would come before the Board of Architectural Review. The Comprehensive Signage provision was put in to recognize unique situations including shopping centers or situations where there are multiple stores in the same property.

Ms. Fenton called for thoughts and opinions from the Board.

Ms. Fenton stated that anything in the district should, in principle, meet the criteria of the district.

Ms. Ewing asked if Ms. Scala was supposed to be involved in the administrative approval. Mr. Tolbert stated that had the proposal come in for administrative approval, he would have sat down with Ms. Scala to review the proposal. Ms. Lewis asked if the Code said Director of Neighborhood Development Services or Zoning Administrator. Mr. Tolbert stated it was ultimately his decision, but he would not make that without the appropriate staff person or planner.

Mr. Coiner sought clarification about protruding signs and the height requirement. Ms. Fenton stated she had difficulty approving a protruding sign where there are no others. Mr. Tolbert stated that the ordinance allowed for size, height, and other requirements to be set aside to address the situation. Mr. Tolbert also stated that ordinarily the bottom of a projecting sign had to be 7 1/2 feet above ground for safety reasons.

Ms. Fenton stated that the Board seemed to have problems with too many fonts being used in the signs, the number of colors being so bright, and the protruding signs which could set an adverse precedent and would like those issues to not be approved administratively but come before the Board of Architectural Review. Mr. Tolbert stated he had no problem with bringing Comprehensive Signage proposals for the historic review areas to the Board of Architectural Review. Ms. Lewis expressed concern that some businesses would not be able to avail themselves of the Comprehensive Signage Plan while others could; this would not be consistent for all property owners within the Historic District.

With no further discussion on the Signage Plan, Ms. Fenton called for a brief recess at 4:49 p.m.

Ms. Fenton reconvened the meeting at 4:56 p.m.

### **A. Matters from the public**

317 E. Main Street -- Splendor's Gelateria -- preliminary discussion

Mr. Jeff Bushman, of Bushman Dreyfuss, asked for feedback from the Board regarding the design options available. Three options had been submitted previously; of those, the favored design was titled SKA. The facade was stucco, which they would hope to paint Tuscan ochre.

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

Mr. Coiner stated he favored option A. However, he did not like the glass did not go down so close to the Mall level. He would like it if the tops of the windows and doors could relate to the top of the marble section on the building to the east.

Ms. Heetderks asked if the building were historic and if the facade was original. Mr. Tolbert was unsure. Mr. Bushman surmised that, based on exploratory work, the facade was not original. Ms. Heetderks suggested going to the Historical Society to see if they had a photograph of the original building. Mr. Bushman stated they had a photograph, which showed different openings; he further stated there was no direct photograph of the facade of the building.

Ms. Fenton called for any other matters not on the agenda.

Mr. Steve Cadogan, a tenant of 400-402 East Market Street, sought opinions regarding facade changes to the Fourth Street side, first floor windows. He would like to replace four windows with arched top double hung windows with wood frames. The windows would be insulated.

Ms. Fenton called for comments from the Board. There were none.

There were no further matters not on the agenda.

### **B. Certificate of Appropriateness Application**

**BAR 01-09-25**

**121-123 East Water Street and 115 Second Street Southeast**

**Tax Map 28 Parcel 28**

**Second Street Marquee**

**Charlottesville Contemporary Arts (Live Arts)**

**Bushman Dreyfuss, Architects (Jeff Bushman)**

Mr. Tolbert gave the staff report. The applicant is requesting approval of a second marquee on the Second Street elevation. The marquee will be identical in materials and colors to the Water Street marquee. Staff recommends approval.

Ms. Fenton called for comments from the applicant. Mr. Bushman had nothing to add.

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

Mr. Coiner sought clarification regarding the measurements of the marquee. Mr. Bushman explained that the original, October 13th, drawing had the legal size limitation, the new drawing of October 20th shows the proposed three foot by three foot marquee.

With no further questions, Ms. Fenton called for comments from the public and the Board.

Mr. Atkins stated he preferred the October 13th proposal, not the proposal based on the new ordinance.

Mr. Knight concurred with Mr. Atkins and sought clarification regarding the zoning interpretation that forced the change. Mr. Tolbert was unsure. Mr. Bushman stated that if it did not attach to the balcony, then it would be considered a projecting sign which was not allowed to have LED displays. Mr. Tolbert stated that if the Board of Architectural Review would allow him, with Ms. Scala and others, to review a Comprehensive Sign Package including what the applicant already had, they may be able to work out what the Board wanted. Ms. Lewis asked if that prohibited the applicant from putting up signs. Mr. Tolbert stated it would not.

Mr. Atkins made a motion to approve the final version, dated 10/20, but stated a strong preference for following the course of action Jim Tolbert described in applying under the Comprehensive Signage Plan in order that the final version dated 10/13 would be the result. Mr. Knight seconded the motion. The motion carried unanimously.

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

**BAR 03-10-01**

**104-106 East Main Street**

**Facade renovation**

**Tax Map 28 Parcel 22**

**C'ville Weekly Offices**

**William Chapman, Applicant**

**Neal Deputy, Architect**

Ms. Fenton noted that she owned a property two doors down from this site; she did not think she would have a conflict of interest.

Mr. Tolbert gave the staff report. The applicant seeks approval of a wall sign, which can be approved administratively; wall signs are limited to one square foot per linear foot of building frontage, which would be 19 square feet -- and removal of a brown strip, which will be repainted to match the building. The proposal is a simple renovation, which will improve the building's appearance. Staff recommends approval of the proposed changes with administrative approval of the sign permit.

Ms. Fenton called for the applicant. The applicant, William Chapman, had nothing to add.

Ms. Fenton called for questions or comments from the public. There were none. She then called for questions or comments from the Board.

Ms. Fenton suggested approving the conceptual signage while allowing administrative approval.

Ms. Lewis wanted to be sure the sign was limited to 19 square feet.

Mr. Knight asked what materials were proposed for the sign. The applicant stated it would be brushed aluminum, similar to the Blue Light Grill.

Ms. Lewis made a motion to approve the application insofar as the brown pebbly area is removed and that the sign be approved administratively with the limitation to the sign square footage limitation allowed by the ordinance. Mr. Knight seconded the motion. Mr. Coiner sought clarification as to what was behind the brown pebbly strip. The applicant did not know. Mr. Coiner expressed concern that what was underneath might be worse than the pebbly strip. The applicant explained that the proposal was more of a covering up rather than removal. Mr. Coiner suggested that they also consider filling up the holes left by previous awnings. Ms. Lewis sought clarification that they were approving a material to go over the strip and if that would change the motion. The applicant stated the intent was to make that the same as the rest of the surface. Ms. Lewis withdrew the removal portion of her motion to be restated that the area will be covered and finished and repainted to match the rest of the facade. Mr. Knight agreed. The motion carried unanimously.

#### **D. Certificate of Appropriateness Application**

**BAR 03-08-06**

**1415 University Avenue**

**Tax Map 9 Parcel 75**

**Renovation of Facade (Revisions)**

**Fraser Schaufele for Qdoba Mexican Grill, Applicant**

Mr. Tolbert gave the staff report. The applicant submitted two new proposals for awnings: three curved awnings without signs, or a simple, rectangular awning over the center door. The awnings are proposed to be fabric awnings in Sunbrella Terracotta color. The new entry door is proposed

to be stained cherry. The exterior is proposed to be painted Gold Flicker. Mr. Tolbert had a sample of the paint chip. The curved awnings without text are simple and fit the openings; the Guidelines note they are more appropriate for non-historic or new, commercial buildings. Staff prefers the rectangular awning, which would be suitable if placed within the existing opening. The stained cherry door and trim is recommended. All existing architectural features will be retained. Staff recommends approval.

Ms. Fenton recognized the applicant. Mr. Schaufele had nothing to add.

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

Ms. Ewing stated a preference for the square awning.

Ms. Swenson also preferred the square awning.

Mr. Knight made a motion to approve the staining of the entrance door, the rectangular awning over the door, the Gold Flicker as submitted and the sign as shown with the suggestion that the marble be reviewed and approved administratively. Mr. Atkins seconded the motion. The motion carried unanimously.

## **E. Certificate of Appropriateness Application**

**BAR 03-10-02**

**107 First Street South**

**Tax Map 28 Parcel 19**

**Add Patio**

**The Terraces/Gravity Lounge**

**Hampshire Investments, Applicant**

Mr. Tolbert gave the staff report. The application is to create a patio using brick pavers at the corner of First Street and Downtown Mall adjacent to Foot Locker. The level of the patio would be raised one step higher than the Mall to divert storm drainage from existing stairs on the front. The applicant proposes to paint the existing white/natural brick wall the same color as the stucco wall above. The applicant also proposes hanging a canvas mural, which can be changed periodically, on the wall. Staff recommends approval of the patio design with the materials matching the existing, subject to site plan approval; recommends painting the wall terracotta except the area of natural brick; and recommends approving the canvas mural subject to administrative approval of installation details.

Ms. Fenton recognized the applicant who had nothing further to add.

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

Mr. Knight asked for the dimensions of the proposed patio area. Mr. Coiner stated 12 feet by 14 1/2 feet.

Ms. Heetderks expressed concern about the canvas mural since artwork has to be approved. The applicant was unable to have a sample at this time. Ms. Fenton suggested deferring the mural until more information was available.

Mr. Atkins thought the whole wall should be painted and not exclude the natural brick.

Mr. Coiner concurred. He did express concern that the drawing showed painting certain areas while the accompanying narrative stated only painting the white area. The applicant stated they wanted to go with the drawing.

Mr. Atkins expressed concern if administrative approval of the final plan seemed justified.

Ms. Lewis expressed concern with approving something without a plan that shows dimensions.

Ms. Fenton stated that it seemed everyone would like to see further drawings. She stated that it looked like what was presented would be approved but the members would like to see all the detail of what was going to happen.

Mr. Knight stated that he would like to see more detail to make sure the wall would match what is there. He stated he would like to see the grade issue and the drainage issue worked out before it came back before the Board.

Ms. Heetderks stated she would be loath to see unpainted brick painted.

Ms. Lewis asked if the applicant would want to defer. Ms. Fenton asked the applicant if she wanted to defer or if she would want approval, if she could get it. The applicant wanted approval.

Mr. Coiner stated he had no problems with the concept. However, he did have problems with the lack of dimensions.

Ms. Ewing made a motion to defer the patio and the canvas mural and painting the brick pending a more complete set of drawings, but would like to communicate that the Board is supportive of the overall concept. Mr. Knight seconded the motion. Ms. Lewis stated her reservations of the mural without discussion of how it would be hung and its dimensions. The motion carried unanimously.

## **F. Certificate of Appropriateness Application**

**BAR 03-10-03**

**112 West Main Street (and Water Street side)**

**Tax Map 28 Parcel 18**

**Comprehensive signage plan with burgees**

**York Place**

**Chuck Lewis, Applicant**

Mr. Tolbert gave the staff report. The applicant has provided several options to choose between. Staff recommends that all color choices should be coordinated, including the seasonal colors; color choices may not be so objectionable if there were less of them on each facade; the Shops sign are incompatible in color, font, and material finish; projecting signs are a problem when the temporary nature of the planters is objectionable; signs would preferably be mounted flat against the wall or perhaps there is another solution to incorporate the signs into the building's architecture and make them less of an obstacle. Mr. Tolbert explained that under administrative approval the projecting signs would have been approved depending on the color choice and font.

Ms. Fenton recognized the applicant. Mr. Chuck Lewis apologized to the Board for what had occurred with regards to the timing. He explained that business had increased after placement of the illegal signs. He stated they needed something to bring in business but he did not want to make the Board unhappy by doing something illegal and that they did not want to start a trend.

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

Ms. Heetderks sought clarification that the first choice of the applicant was flat signs. Mr. Lewis concurred and added that they were with the colors.

Mr. Knight clarified that the second choice was protruding signs and asked if the third choice was flat or protruding. Mr. Lewis stated they were flat.

Ms. Heetderks asked why the additional railing was shown with flat signs. Mr. Tolbert explained the railing was necessary if York Place had a cafe. Mr. Atkins asked if the railings stayed up when the cafe was not in operation. Mr. Tolbert stated that cafes could now operate year-round.

Ms. Fenton asked if the fencing could be a condition of approving a protruding sign. Mr. Tolbert explained that under the Comprehensive Sign Plan something had to be there.

Mr. Coiner asked if the flags would stay the same color year-round or if they would be changed seasonally. Mr. Lewis explained there was a matching color chart for the flags and signs. He stated it would be nice to change them throughout the year but would accept the Board's decision to stay with one scheme.

Mr. Knight sought clarification as to which proposal was the applicant's first choice. Mr. Lewis stated he had presented as a first choice that which he thought would be best for the Board; however, his first choice was the protruding signs.

Ms. Fenton called for comments from the public.

Ms. Christa Pierpont Lightburn, manager of The Toy Place, spoke in favor of the protruding sign proposal. She spoke in behalf of a shop owner who could not be present, John Ruseau, who had seen an increase in traffic with the protruding signs. She had had a 25 percent increase in sales at her store with the signs.

Ms. Chris Oakley, of Oakley's Gently Used Books, spoke in favor of the proposal. She had also experienced an increase in business.

Mr. Robert Strutton, manager of the Celtic Knot, spoke in favor of the proposal. He had noticed an increase in business. He had been concerned about people walking into the signs but the railing had improved the appearance of the building. He did not like the A-frame signs on the Mall and thought the signs with the railing should be continued.

Ms. May La, owner of the hair salon in York Place, spoke in favor of the proposal. Her business had only been open for two months and many customers had not been able to find her shop until the signs were placed.

Ms. Fenton then called for comments from the Board.

Mr. Coiner stated that the success of the Mall was the success of the businesses. He further stated that a 25 percent increase in business may be attributable to the flat signs, not necessarily the protruding signs. He expressed a preference for the flat signs. He had no problems with the colors and expressed a preference for the flags changing with the seasons.

Mr. Atkins stated he had met with Mr. Lewis and walked through York Place to discuss the issues. Two important issues for Mr. Atkins were the planter as drawn in the presentation and described in the September meeting. He stated the planter was already existing and the guidelines would not apply to this case.

Mr. Tremblay stated he was swayed by the impact had on the businesses. He felt protruding signs could be made safe and if the owners and merchants felt it made a difference in getting traffic in, the protruding sign was a valuable component. He was supportive of the first choice with the option to have projecting signs that were protected as discussed.

Ms. Lewis stated she did not like the scroll ironwork, as it seemed like a great deal of fuss for the building.

Mr. Knight concurred with that. He had no strong feelings about the colors and felt that relaxing the three-color guideline would be appropriate. He did express concern that the protruding signs could create a precedent. He felt that the Shops sign created clutter and should be in a font similar to the York Place font.

Ms. Heetderks reminded everyone that the Guidelines state that three colors are recommended although more colors can be appropriate in an exceptional and tastefully executed designs.

Ms. Fenton felt she had the strongest concern about the protruding signs. She did not feel comfortable in setting the precedent of allowing protruding signs.

Ms. Ewing did not like the projecting signs or the scrollwork.

Mr. Coiner was encouraged by the fact that the applicant's first choice was a flat sign.



Mr. Atkins appreciated the applicant's willingness to work with the Board.

Ms. Swenson stated that perhaps reworking the Shops at York Place sign could provide a marketing opportunity for the applicant rather than going with what was proposed. Ms. Fenton concurred with Ms. Swenson.

Mr. Tremblay made a motion to approve the first choice option including the five-color palette as demonstrated with the understanding that the flags could rotate with the seasons at the owners' discretion using the same five colors in any combination he chooses; that the signage for both Shops and York Place as submitted is acceptable with the other suggestions being noted; and with the flat panel signage; and a simplified wrought iron around the signs that could be approved by staff; and a virtually identical look would be replicated on the Water Street side of the building. Ms. Lewis seconded the motion. The motion carried unanimously.

## **G. Discussion**

### Design Guidelines for Vendors

Mr. Tolbert gave the staff report. A committee of vendors and merchants had been formed approximately a year and-a-half prior to look at the regulations for the vendors on the Mall. Staff, merchants and vendors were concerned that the appearance of the Mall was getting out of hand. Vendors are regulated with design criteria and with the City Code. The committee has recommended changing both. Mr. Tolbert presented the Board with a listing of current criteria and proposed changes restricting colors, length of tablecloths, table height, signage, umbrella height, freestanding racks.

Ms. Fenton expressed concern about vendors without tables having only racks for displaying merchandise. Mr. Tolbert explained that racks would have to be in an area defined by tables. Ms. Lewis sought clarification about how many vendors wanted racks. Mr. Tolbert stated that the only vendors not using racks were the jewelry vendors.

Ms. Swenson left the meeting, 6:43 p.m.

Ms. Ewing suggested getting rid of the racks and the tables. Mr. Tolbert stated that would be impractical as there was no place for storage.

Ms. Fenton called for an informal poll of the Board for removing the rolling racks. The majority of the Board wanted them removed.

Mr. Tolbert continued the list of changes to the criteria to include: all merchandise must be on the tables, not on the ground; food vendors must supply trash containers; City Mall furniture may not be used as part of the location. These standards shall apply to all vendors whether regular Mall vendors, Christmas vendors, or City market vendors during permitted Friday mornings on the Mall.

Mr. Knight expressed concern that the table height regulations would not comply with ADA regulations. Ms. Fenton suggested it be reworded that "all tables must be at least 30 inches high and comply with ADA requirements."

Mr. Tolbert listed the City Code changes including: no certificate shall be required for a stand located within five feet of the facade of a building in which the vendor maintains a place of business licensed by the City, but they must comply with the regulations set forth regarding size, appearance and operational restrictions; if the table is further than five feet, they must comply with the vendors' laws. Violation of these regulations would be a Class III misdemeanor. All vendors stands should be attended at all times during operational hours by one person under the direction and control of the vendor to whom the stand belongs. No equipment can be used which utilizes or generates any fire or flame for the heating or cooking of food or beverages.

Ms. Heetderks moved to approve the Design Guidelines as amended. Mr. Atkins seconded the motion, which carried unanimously.

Mr. Tolbert stated that the City Attorney's office was working on the newspaper boxes. The recommendation may be that no newspaper can have more than one box per three to four blocks.

Ms. Fenton pointed out that the kiosk was never approved for the location it holds. Mr. Tolbert stated that he had a commitment that the kiosk would become a police informational headquarters as soon as the current lease is violated or expires.

Mr. Atkins left the meeting, 7:07 p.m.

## **H. Recommendation**

Ridge Street Historic District Nomination to Virginia Landmarks Register

Ms. Heetderks moved to approve the nomination. Mr. Coiner seconded the motion. The motion carried unanimously.

## **I. Approval of Minutes:**

September 16, 2003

Ms. Heetderks stated Charlie Kabash had not made the comments registered to him; it was Robert Nichols. She also asked that on page 5 she, rather than Ms. Lewis, be credited with a comment regarding the copper versus slate. Mr. Coiner asked that the word "painted" be eliminated from the statement on page 3.

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

## **J. Matters from the public**

There were no matters from the public.

### **K. Other Business**

Ms. Fenton suggested they have their Board of Architectural Review Christmas party and go out to dinner after the next meeting.

Mr. Coiner thanked Mr. Tolbert for his staff reports.

Ms. Heetderks informed the Board that City Council was deadlocked over the appeal for 224 Court Square. Mr. Tolbert had an update to the matter; the judge had stayed the payment of the \$100 a day until February and has referred them to mediation.

Mr. Tolbert reminded the Board of an 8 November training session.

### **L. Adjournment**

Ms. Heetderks made a motion to adjourn. Mr. Knight seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 7:13 p.m.