

**City of Charlottesville
Board of Architectural Review
August 16, 2005**

Minutes

Present:

Joe Atkins, Chair
Wade Tremblay
Preston Coiner
Amy Gardner
Syd Knight
Bill Lucy

Not Present:

Fred Wolf, Vice Chair
Lynne Heetderks
Kate Swenson

Also Present:

Mary Joy Scala

Mr. Atkins convened the meeting at 5:08 p.m.

**A. Presentation/BAR Discussion:
Downtown Wayfinding Signage**

Ms. Scala introduced Ms. Millie Ann Vandevender who gave a PowerPoint presentation.

Mr. Atkins called for comments or questions from the public.

A member of the public suggested that more contrast be added.

Mr. Atkins called for questions from the Board.

Mr. Coiner wanted to know if there was a standard size for lettering. He felt if less information was included on the signs, the lettering could be larger and easier to read.

Ms. Gardner sought clarification as to whether logos or a consistent lettering would be used on kiosks.

Mr. Tremblay felt the concept of the signage was very good.

Ms. Gardner felt a consistent font should be chosen rather than allowing each business to choose its own.

Mr. Knight stated for the record that the Downtown Advisory Committee had encouraged the City to try to simplify signs as much as possible in terms of the amount of information on each

sign and to try to simplify the signs graphically. Mr. Knight felt encouraged to see that the City would be hiring a graphic designer to polish and refine what had been proposed.

Mr. Atkins felt the kiosks needed a sturdier base.

B. Certificate of Appropriateness Application

BAR 05-08-01

401 East Main Street

Tax Map 53, Parcel 59

Use wine barrels to define outdoor seating area

Vavino, Applicant

Ms. Scala gave the staff report. The property was recently renovated; an awning and wall sign were added. An outdoor seating area had umbrellas which matched the awning. The seating area is defined with black bollards and chain. The applicant seeks to add wine barrels which have geraniums planted in them to define the seating area; the barrels would alternate with the bollards. The applicant would add a finish to the unfinished barrels. The intent of the Guidelines is to keep outdoor cafes uniform, neutral, restrained in design, and compatible with the urban feel of the Mall. The existing seating area perfectly meets that intent. Staff suggests locating the barrels inside rather than out on the Mall.

In the absence of the applicant, this item would be postponed until the applicant could be present.

C. Certificate of Appropriateness Application

BAR 05-08-04

501 Ridge Street

Tax Map 29, Parcel 137

Replace original windows with vinyl windows

Irene Allen Burton, Applicant

Ms. Scala gave the staff report. The property is a contributing structure in the Ridge Street ADC District. According to the 1994 survey information, the front, North and South sides had two-part windows with single panes that were probably replacements for one-over-one double hung windows; the rear still had double hung windows. The applicant had decided to replace all the windows with solid vinyl windows and had begun work. A stop work order was issued and the applicant was informed they needed a permit. The original second story windows were replaced several years ago following a fire. The applicant seeks approval to replace all windows with Comfort world 4000 solid vinyl double hung windows. Staff is unsure if any recently removed windows were original. Where possible, staff always recommends repair rather than replacement. The solid vinyl windows have already been special ordered. Staff recommends allowing the applicant to complete the job already started. Staff recommends the applicant should not add snap in Colonial grills or grids that would give a different appearance from the original one over one window configuration. The brick openings will not be altered. Staff recommends that the original wood trim that fits the arch opening be maintained.

The applicant's representative, who did not provide his name, apologized for the fact they were not conscious of the fact that they had to seek the BAR's approval. They humbly apologized for violating the rules of the City of Charlottesville.

Mr. Atkins called for questions of the applicant from the public. There being none, he called for questions from the Board.

Mr. Tremblay sought verification that the vinyl windows would fit within the existing openings. The applicant's representative concurred.

Mr. Atkins called for comments from the public and then the Board.

Mr. Tremblay expressed sympathy for the situation in which the owners had found themselves of not knowing the rules and to be making an effort to improve their home. He felt he could support this issue.

Mr. Atkins felt the mix of original and replacement windows warranted replacement. He stated that, while the Board usually preferred wood be replaced with wood, he felt circumstances in this case warrant supporting vinyl windows. Mr. Atkins stated the proposed windows shared the sight lines, profile and appearance of the original windows.

Mr. Knight, having considered the standards set forth within the City Code, including City Design Guidelines for Rehabilitation, moved to find that the vinyl replacement windows satisfy the BAR's criteria and are compatible with this property and other properties in this district, and that the BAR approves the application with the stipulation that the aluminum trim be denied and that the applicant replace any sills necessary with real wood. Mr. Coiner seconded the motion. The motion carried unanimously.

D. Certificate of Appropriateness Application

BAR 05-08-02

111 East Water Street

Tax Map 28, Parcel 23

The Flat crepe stand

Lauren McRaven, Applicant

Ms. Scala gave the staff report. The property is located at the rear of the Jefferson Theater, a 1920 building; the ell is original to the building. The applicant seeks to make changes to the two-story ell: a new serving window would be placed in an existing window opening facing Water Street; the surrounding L-shaped area would be converted to a brick patio; the sloping side roof would be extended to shelter an eating counter; lighting, fencing, shutters and signage would be added. Signage would require a separate sign permit. Staff approved the paint colors for the roofs and window trim; lighting must meet the City's shielded lighting requirements. Staff recommends approval.

Ms. Lauren McRaven presented the Board with some minor changes that were not completed at the time of application. She asked that the roof be changed from 3x6 to 4x7. She proposed that the roof be supported by cables to match the extension to the side roof.

Mr. Atkins called for questions from the public and then the Board.

Mr. Coiner sought clarification behind the additional lighting. Ms. McRaven stated the lights were purely aesthetic and not necessary but had been suggested by the designer.

Mr. Atkins called for comments from the public and then the Board.

Mr. Knight felt the proposal was very nicely done and would be attractive.

Mr. Coiner expressed concern about the roof line. Mr. Knight was concerned about discussing a second roof option they did not have in front of them.

Mr. Tremblay felt this reused a space which almost disappears in the current configuration.

Mr. Tremblay, having considered the standards set forth within the City Code, including City Design Guidelines for Rehabilitation and the Secretary of Interior Standards numbers 1, 2, 5 and 9, moved to find that the proposed changes satisfies the BAR's criteria and are compatible with this property and other properties in this district and that the BAR approves the application as submitted; he further added a suggestion of latitude in selecting the light fixtures which could then be approved by Staff at a later date. Mr. Knight seconded the motion. Ms. Gardner offered a friendly amendment that wrought iron details go before Staff for final approval. Mr. Tremblay and Mr. Knight accepted the friendly amendment. Mr. Atkins offered a friendly amendment that the cable connection details be added to Staff review. Mr. Tremblay and Mr. Knight accepted the amendment. The motion carried unanimously.

E. Certificate of Appropriateness Application

BAR 05-08-03

200 West Water Street

Tax Map 28, Parcel 79

Mono Loco patio – canopy sheeting

Robert Nichols, Formwork Design LLC, Applicant

Ms. Scala gave the staff report. The building had been built in 1935. In April, Mono Loco had sought to extend the patio by excavating the front parking area; that plan was on hold. The applicant seeks approval to add roll-up clear plastic sheeting at the existing perimeter to be used occasionally in the spring and fall. The sheeting will roll up and be tied when not in use. The existing canopy and structure will remain. Plastic canopies have been permitted in the past for temporary use such as graduation weekend. The Guidelines do not speak to a temporary canopy material but do reject vinyl plastic as a permanent solution. Staff sees no problem with a periodic or temporary use of clear plastic.

Mr. Jim Spearman was present on behalf of the applicant and presented the Board with a sample of the canopy.

Mr. Atkins called for questions from the public and then the Board.

Mr. Coiner sought clarification that this was a permanent piece that would be used occasionally. Mr. Spearman stated it was permanent in the sense it would be used in the spring and fall but it would not be visible from the street when it was not in use.

Mr. Atkins called for comments from the public and then the Board.

Mr. Tremblay felt it was a neat way to extend the season. He supported the proposal.

Mr. Knight had no problem with it as a temporary structure which would be part of the existing canopy. He did not want it grandfathered into the eventual structure which the Board had already approved.

Ms. Gardner asked that it be up in the cold winter months when it was beyond being used.

Mr. Coiner suggested that Mr. Atkins make the motion due to concerns about proper wording.

Mr. Atkins suggested that, having considered the standards set forth in the City Code, including City Design Guidelines for Signs, Awnings, Vending and Cafes, they move to find the proposed changes satisfy the BAR's criteria and are compatible with this property and other properties in the district and the Board of Architectural Review approves the application as submitted. Mr. Tremblay so moved. Mr. Knight seconded the motion. Ms. Gardner offered a friendly amendment that during winter and summer months when it was not necessary that it be rolled up and out of sight so that it doesn't appear to be a permanent addition to the building. Mr. Tremblay and Mr. Knight accepted the amendment. The motion carried unanimously.

Mr. Coiner asked if the Board could take a break. Mr. Atkins concurred whereupon the Board stood in recess at 6:35 p.m.

Mr. Atkins reconvened the meeting at 6:41 p.m.

F. Certificate of Appropriateness Application

BAR 05-06-08

Tax Map 53 in front of Parcel 80

First Amendment Monument

Thomas Jefferson Center for the Protection of Free Expression, Applicant

Ms. Scala gave the staff report. The design had been unanimously approved as submitted including material, lighting, text and font of the First Amendment script at the June 21st meeting; signage and the donor inscription was not part of the approval. The approval had been based on the assumption that the location and height had been previously approved; Ms. Scala was to

confirm that. The location of the proposed wall, but not the podium, was shown on a presentation that included the Transit Center and Downtown Mall extension that went to the Board of Architectural Review in August, 2004. The permitted height of the proposed monument was not discussed at that time by the Board of Architectural Review. A resolution adopted by Council in 2001 stipulated that the wall was to be no greater than seven and-a-half feet and no less than six feet. The application shows the Monument with two walls, 40 feet long and 12 feet long, ranging in height from seven feet, one inch to seven feet, eight inches. The low podium measures six feet square and is about one foot, three inches high. Also proposed are a lighted chalk tray, lighted structural glass paving strips, and two signs hanging from light posts. The stainless steel signs measure 15 inches by four feet and are two feet from the ground which complies with ADA requirements. The applicant is seeking approval of the signage and donor inscriptions. Staff feels the Board of Architectural Review should confirm the location of the walls and podium and the height of the Monument walls. Staff feels the redesigned stainless steel signage is much improved. The smaller monument will contain the First Amendment on one side and a quotation on the other side; the Board is being asked to approve the format, font, and placement but not the content of the quote. A location plan for the podium was not presented to the Board of Architectural Review until June, 2005, after the block work had been completed. Staff feels the podium obstructs Mall pedestrian traffic and should be relocated. The Board of Architectural Review should not approve a height which conflicts with City Council's resolution; the Board can make a recommendation to Council whether the proposed height is appropriate. Ms. Scala had heard from Mr. Wolf who thought the wall should be slightly shorter than is now constructed; he felt the podium was a tripping hazard and should be relocated closer to the wall. Mr. Wolf had understood the gap between walls was meant to align with the courtyard of the buildings to the south; it did not.

The applicant, who did not identify himself, stated the height had been measured from the slab. The correct measurement of the highest point would be seven feet, six and one-half inches; the low point would be seven feet, one-quarter of an inch.

Mr. Atkins called for questions from the public and then the Board.

Mr. Coiner felt it was unfortunate they were discussing and arguing about something which had been fast tracked by the City and which had been started without a building permit.

Mr. Lucy sought clarification as to whether other locations had been considered for the podium. The applicant stated they were trying to keep the scope of the Monument as concise as possible; also, the proposed location allowed for an audience.

Mr. Atkins called for comments from the public.

Mr. David Pettit, Esquire, of Feil, Pettit & Williams, located in front of the proposed location, reiterated his objection to the present height of the wall. He felt the height damaged the perspective of the north side of the Mall from the south side of the Mall. The wall also creates a barrier that detracts from the view and the sense of openness and free circulation the Mall should offer. Mr. Pettit did not believe the Board had approved the height. He thought that, under the City Council resolution of March 21, 2001, the Board had the right and the obligation to pass on

the design of the wall which includes the height. He felt the wall was too tall and was not properly located. He asked them to seriously consider whether the wall was too tall; if so, they were well within their rights to ask the applicant to reduce the height. Taking into account the scale of the wall relative to the Mall and the impact on the properties on either side of it, he asked they direct the applicant that the wall be made shorter.

Mr. Coiner clarified that he was not sure a building permit had not been acquired; however, since applying for a building permit would have sent the applicant before the Board, he assumed there was not a building permit. The applicant stated they had applied for one in April, which was waived, and one was given in May.

Mr. Atkins felt the Board of Architectural Review had approved the location, design intent and configuration, including the podium, at varying times.

Mr. Tremblay asked if they had ever been asked to speak to a height which they approved or had they said yes to a range. Mr. Atkins stated they had approved the presentation from the Monument designers.

Mr. Atkins reiterated they were to look at the signage and donor list, location of the podium and whether it is a tripping hazard or an obstruction.

Mr. Atkins felt the height of seven feet, six and one-half inches exceeded City Council's resolution but he felt it was an appropriate height.

Mr. Lucy was not comfortable with approving the height or location. He felt it needed to be lower and located somewhere else.

Mr. Atkins asked if everyone was in agreement that location and configuration had been approved. He stated his view was that the height and location of the Monument had been approved at previous meetings. Mr. Atkins stated that while there may be legal backing or legal grounds to reevaluate the City Council resolution regarding the height, the Board of Architectural Review has approved the height in June.

Mr. Atkins reiterated the matter before the Board was the signage and donors list and the inscription.

Mr. Knight, having considered the standards set forth within the City Code, including City Design Guidelines for Public Improvements, moved that they find the proposed Free Speech Monument, as amended below, satisfies the BAR's criteria and is compatible with this property and other properties in the district, and the Board of Architectural Review approves the signage and donors list as submitted in the packet they have. Ms. Gardner seconded the motion. Mr. Coiner reiterated his opinion that no donors list was appropriate and he would vote against the motion. The motion carried, 5-1; Mr. Coiner voted against.

Mr. Atkins asked that the Board confirm or reaffirm their approval of the location of walls, location of podium, and height of walls. Mr. Knight asked if his intent was to avoid having this

kind of discussion the next time. Mr. Atkins stated those items had been approved and he would like to affirm the reason behind the approvals was consistent and he supported those reasons referencing his earlier comments.

G. BAR Discussion and Recommendations:

Additions to North Downtown and Downtown ADC Districts

Ms. Scala gave the staff report. The item had been before the Board at the July meeting. The intent is to add specific properties to the existing Downtown and North Downtown ADC Districts with the intent to align the boundaries of the two ADC districts to the boundary of the state and national historic district. There had been concern that some of the properties may not be properly shown as contributing. Four members had sent notifications to Ms. Scala for further investigation of four properties. Ms. Scala felt the 415 McIntire property could be distinguished because it was sited away from the other contributing resources. Ms. Scala felt the Lethal Wrecker building was not distinguished architecturally and does not contribute to the district. Ms. Scala had not been able to find a reason to exclude the ranch houses. Staff suggested forwarding the ADC District to the Planning Commission and City Council with a recommendation to designate the district as proposed; if the Board wished to make some of the contributing structures non-contributing, she suggested 201 Avon and 415 McIntire.

Mr. Atkins called for questions from the public.

Mr. Don Cohen sought clarification of the criteria of the eight points included in the report that designated property and was there a quantitative figure of the eight points which allowed properties to be included or not. Mr. Atkins stated the whole area was evaluated and then they would search for those buildings which were non-contributing. Mr. Atkins stated there was no quantitative score sheet but the criteria are evaluated in the professional judgement of the consultant. Ms. Scala stated age was the main criteria.

Mr. Knight felt the five properties, especially the ranches, did not contribute to the district.

Mr. Coiner concurred.

Mr. Atkins stated the Board's options were forwarding their recommendations for the report as it stands; use Ms. Scala's staff report taking 201 Avon and 415 McIntire as non-contributing; or, look to the five as non-contributing.

Mr. Tremblay felt the third option seemed to have a consensus of approval and he would support it and make a motion to that effect. He then so moved. Mr. Lucy seconded the motion. The motion carried unanimously.

Mr. Atkins recalled item B.

B. Certificate of Appropriateness Application

BAR 05-08-01
401 East Main Street
Tax Map 53, Parcel 59
Use wine barrels to define outdoor seating area
Vavino, Applicant

The applicant was not present.

Mr. Tremblay expressed concern about using something which speaks to what the business is setting a precedent that could be a problem later.

Ms. Scala stated she had not received any positive public comments on the matter.

Mr. Coiner, based on his understanding of the Guidelines and having considered the standards set forth in the City Code, including City Design Guidelines for Signs, Awning, Vending and Cafes, moved to find the proposed changes do not satisfy the BAR's criteria and are not compatible with this property and other properties in this district and that the Board of Architectural Review deny the application as submitted. Ms. Gardner seconded the motion. Mr. Atkins suggested a compromise of allowing two barrels at the entrance way. Ms. Gardner did not concur with the suggestion. Mr. Knight stated he was not in the mood to propose a compromise when the applicant was not present. The motion carried unanimously.

H. BAR Discussion and Recommendations:

ADA Districts Design Guidelines --
Discussion of recommended changes to allow R-UHD zoning

Ms. Scala stated these were the main guidelines which might be affected by the larger multi-lot buildings. Ms. Scala asked for consideration of the guidelines and that the Board either say they were fine or which ones needed to be changed.

Mr. Tremblay made a motion that they recommend to the Planning Commission and City Council adoption of the ADC District Guidelines proposed changes as submitted by Ms. Scala this evening. Mr. Knight seconded the motion. Mr. Lucy offered a friendly amendment that the word "nearby" be inserted to page 3.6(4)(a). Mr. Tremblay accepted the amendment. Mr. Knight sought clarification of the definition of "certain" as used in 3.3(c) "new buildings on certain sites." Mr. Lucy asked if the meaning or intent would be changed if the words "on certain sites" were omitted. Mr. Tremblay concurred that those words could be pulled without changing the intent. Mr. Tremblay stated he could support that change. Mr. Atkins suggested "certain" be switched to "these" so that it would refer to the definition above. Mr. Tremblay and Mr. Knight accepted the amendment. The motion carried unanimously.

I. Approval of Minutes

July 19, 2005

Mr. Atkins asked for a motion to approve the minutes of July 19, 2005. Mr. Knight so moved. Mr. Coiner seconded the motion. The motion carried, 4-0-2; Mr. Tremblay and Mr. Atkins abstained since they had not been present for the meeting.

J. Matters from the public

There were no matters from the public.

K. Other Business

Ms. Scala, Mr. Coiner and Ms. Heetderks would be meeting August 24, 2005 at 5:30 to discuss the individually protected properties. Any other members who wished to attend would be welcome.

L. Adjournment

Mr. Tremblay made a motion to adjourn which Mr. Knight seconded. The motion carried unanimously whereupon the meeting stood adjourned at 8:21 p.m.