

**City of Charlottesville**

**Board of Architectural Review**

**September 20, 2005**

**Minutes**

**Present:**

Joe Atkins, Chair

Fred Wolf, Vice Chair

Wade Tremblay

Preston Coiner

Lynne Heetderks

Syd Knight

Bill Lucy

Kate Swenson

Mr. Atkins convened the meeting at 5:05 p.m.

**A. Matters from the public not on the agenda**

Mr. Atkins called for matters not on the agenda.

Ms. Marla Ziegler, of 616 Park Street, informed the Board that over six weeks ago a severe storm caused a 175 year old American Linden to fall on the back of her house. The tree fell primarily on the kitchen area which has been modified numerous times over the years. The north side of the kitchen is open to the sky. The insurance company's structural engineer stated the north side must come off as well as the roof of the south part. Four years ago when the kitchen was restored and a mud room added, staff (Ms. Tarpley Vest) had concluded the back of the house was not visible from any public right of way and the area did not fall within the BAR's purview; the BAR Guidelines which Ms. Ziegler found online, had the exact same standard. She asked that the Board find that the back of her house, which was not subject to public view from any public right of way, is not within the scope of the BAR's powers. If that could not happen, she asked that she be given great flexibility in terms of removing what was clearly a health hazard.

Ms. Scala clarified that the request was to demolish the rear addition on the house without going through the normal procedures. Ms. Scala also stated the Zoning Ordinance had changed since Ms. Vest's finding; the Board now had purview over entire buildings and not just what was seen from the public right of way. Ms. Scala also stated this case was an emergency because of a freak of nature. Since the back part was not under the Board's jurisdiction, it had been completely remodeled.

Ms. Carrie Burke, who did the architectural renovations on the house in 2001, referenced the conflicting Code sections. She felt it was necessary to understand whether the Board had purview for purposes of scheduling and expediency and if there is proof of purview, could there be a more expedient process.

Mr. Atkins felt the Board could make a determination at the meeting and still retain the integrity of the BAR's process.

Mr. Coiner stated that he did not see this as a Guideline issue but rather a Code issue. He stated the Building Official had the authority to allow the demolition. Mr. Coiner did express concern about demolition as he did not want it construed that the Board did not have the authority for the design of the replacement.

Mr. Atkins reiterated that under the Zoning Ordinance the complete entity of exterior of the structure was within the Board's purview. He also sought clarification if, because this was not noticed, the Board could do an evaluation quickly based on extenuating circumstances.

Ms. Scala stated this was an extreme circumstance and she recommended it be brought to the Board. If the Board did not want to bypass notice, this matter possibly could be put on the Board's Work Session.

Mr. Atkins polled the Board regarding bypassing the notice sequence usually taken to act on this case. Mr. Coiner suggested approving the demolition subject to the Building Official seeing the site.

Mr. David Heilbronner, of 534 Park Street, stated if there was an issue of public notice, he, as a neighboring property owner, was comfortable with being notified tonight knowing the hazard to the house and the safety issues of the house. He felt any delays would be counter productive to the point of potentially harming what is still intact to the house. He urged the Board to make whatever legal allowances there were to proceed with the demolition.

Ms. Heetderks stated the Board still needed to apply the same criteria for demolition that would be applied to any other demolition request, even considering the condition of the existing structure.

Mr. Tremblay stated the rear element had been reconstructed without Board approval at the time, and was not historic. He felt they could waive whatever requirement they would typically have for a demolition in this case. He stated they may also want to allow them to remove elements as necessary to enable them to effect a proper repair.

Mr. Wolf felt this action could work in favor of protecting the original property.

Mr. Knight moved that, due to the extraordinary circumstances of the damage incurred at the residence, the Board approve the demolition of the kitchen addition and any damaged portions of the historic structure necessary to effect repairs with the stipulation that any new replacement of the kitchen and alterations to the historic structure come back before the Board of Architectural Review for a regular Certificate of Appropriateness. Mr. Coiner seconded the motion. Mr. Tremblay expressed concern that the applicant would need to make some immediate repairs to the historic aspect of the house once the damaged areas were removed. Ms. Heetderks stated if they were replacing like with like, staff could approve that. Mr. Atkins added that, while the Board was establishing firmly that this was within their purview, since it was a smaller, newer renovated portion of the house, all those things go into the consideration to allow for leniency and openness. Ms. Heetderks sought clarification as to how much of the damaged portion was part of the historic fabric of the house. Ms. Ziegler demonstrated what had been original to the structure and what had been added and renovated over the years. Ms. Heetderks asked that the motion reference Guidelines 6, which references the condition of the structure, and C, which addresses the overall condition and structural integrity of the building. Mr. Knight and Mr. Coiner accepted that as a friendly amendment. The motion carried unanimously.

Mr. Atkins called for any other matters from the public. There were none.

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

**BAR 05-09-01**

**521 North First Street**

**Tax Map 33 Parcel 2**

**Replace existing slate roof with copper roof**

**Mary Buford Hitz, Property Owner**

**Jim Boyd, AIA, Applicant**

Ms. Scala gave the staff report. This property is known as the Able Gleason House, 1859. There is a Guideline that says since slate is so expensive, when replacing an entire roof, in cases of extreme financial hardship, consider using materials such as artificial slate or possibly standing seam metal or appropriately textured asphalt shingles. It is difficult to see the roof if you are on the street. There are many metal roofs on houses on that street. Staff felt it was appropriate to use metal.

Mr. Jim Boyd, of Heyward Boyd Architects, stated the slate roof was in bad repair. Repairs were no longer possible without complete removal and replacement. The owner has a preference for copper but is open to other materials.

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

Mr. Knight sought clarification if the porch roof would be replaced as well. Mr. Boyd stated the porch roof, a tin roof, had not been part of the original application. He stated if the Board wished to include that in the language, it would be well received.

Ms. Heetderks asked the age of the slate on the roof. Mr. Boyd did not know.

Mr. Coiner wanted to know if the applicant had explored the cost of repair. He had; repair would be more than twice the cost of installing copper.

Mr. Coiner stated his opposition to putting copper on this property.

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

Mr. Knight felt this was an identical situation to one seen within the past two years from Bud Treakle which the Board did approve. He would approve the copper; he preferred that to an artificial slate.

Ms. Heetderks wanted more documentation of the damaged slate as a higher standard had been required in the past. This house was a crown jewel of downtown. She wanted to see an objective document or photographic evidence.

Mr. Atkins did not feel the roof was a distinguishing visual characteristic.

Mr. Coiner expressed willingness to accept the comments of the applicant regarding the condition of the slate. However, he would prefer replacing it with slate.

Mr. Tremblay made a motion to approve the applicant's request to replace the existing slate roof with a copper roof, to be defined broadly to mean either copper or lead-coated copper -- either was acceptable to Mr. Tremblay and he thought met the standards of the Board; and, that further, they would encourage the applicant to explore slate-like alternatives, that being possible preference; if they choose one of those, the Board would like to be made aware of what that alternative would be. Mr. Lucy seconded the motion. Ms. Heetderks wondered if Mr. Tremblay wanted to include language encouraging replacement of the porch roof with copper as well. Mr. Tremblay stated it would include the porch roof if the applicant so chose. Mr. Atkins called the question. The motion passed, 6-2; Ms. Heetderks and Mr. Coiner voted against.

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

**BAR 05-09-02**

**327 Sixth Street Southwest**

**Tax Map 29 Parcel 188**

## **Replace existing wood windows with aluminum clad windows**

### **Curtis L. Morton, Jr., Applicant**

Ms. Scala gave the staff report. This is the Benjamin Tonsler House, 1875-1879; it is an individually protected property. The applicant proposes to replace 13 existing wood windows -- seven on the front and six on the north elevation -- with double hung aluminum clad windows that will match the original in size and appearance. The windows will be painted to match the surrounding wood trim that will not be replaced. The proposed windows are probably original. The owner wants to replace them because they are not airtight. The windows vary in size -- one over one, six over two, four over four, and six over six. Whenever possible, staff recommends repair rather than replacement. Having viewed the windows, staff recommends replacement as proposed. The original number of panes in each window will be replicated in the replacement windows.

Mr. Curtis Morton stated most of the windows are original and are beginning to rot and break down. The windows will be measured to have exact replacements.

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

Mr. Wolf sought clarification of the glass dimension. He asked if the owner had pursued the other depth options available from the manufacturer. Mr. Morton stated the lower windows had to be plate glass since they were less than 16 inches from the floor. Mr. Wolf expressed concern that some of the windows were very thin, narrow, and tall and the proposed depth encroached on that which would cause a different look.

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

Ms. Heetderks felt it was a great packet and wonderful proposal.

Mr. Atkins felt this was not the right window replacement sash in terms of the depth of the glass. He also felt they should be specific in the motion of approving that the simulated divided light meets the criteria of windows which the Board has approved.

Mr. Wolf expressed a preference for the glass to be a half-inch insulated glass; he stated five-eighths would be better performance-wise.

Mr. Wolf moved that they approve the application, finding it consistent with the Guidelines of the Board and the Code for Rehabilitation within the City; that they approve the application as submitted with the one criteria that the applicant brings a sample window that shows them specifically the type of window that is going into the opening for them to look at. Mr. Knight seconded the motion. Mr. Coiner asked if Mr. Wolf wanted to specify a glass thickness. Mr. Wolf amended his motion that the glass thickness would not exceed five-eighths of an inch and that the muntin bars are a simulated divided or true divided pattern, but not in applied condition over the glass as the Board has been seen in some cases. Mr. Knight accepted the amendment.

Mr. Atkins suggested that Ms. Scala could deal with the sample administratively. Mr. Wolf and Mr. Knight accepted that as a friendly amendment. The motion carried unanimously.

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

**BAR 05-09-03**

**540 Park Street**

**Tax Map 52 Parcel 183**

**Dengel residence -- architectural and site changes**

**Tobias and Lynn Dengel, Applicants**

Mr. Knight recused himself from the matter as he represented the applicants.

Ms. Scala gave the staff report. Most of the architectural changes were to the rear of the house: extending the rear porch with a new painted wood porch; replace existing stairs on the south end of the porch; add new stairs to the north end of the porch; new painted wood railings on the stairs; replace a double window near the rear porch with a new pair of painted wood doors; install painted wood shutters on all windows with original shutter hardware; and replace front stair treads. Proposed site changes are: remove all existing wood fences, concrete and brick walks, a portion of the asphalt pavement and planting beds; construct new brick walks and dining terrace using salvaged bricks; install an evergreen hedge and wood gates as well as a stone dust walkway with a brick edging in the front yard; a swimming pool and flagstone terrace in the rear yard; a stone privacy wall with painted wood cap on the Farish Street side; a painted wood security fence around the balance of the yard. The materials and design are very appropriate. The windows to be replaced appear original to the house but are located on the rear elevation and the transom appears to fill the original opening. The height of the stone privacy wall and security fence should be specified.

Ms. Swenson sought clarification of the pool house. Mr. Knight stated it was an existing structure and was a combination storage shed and playhouse. He also stated it was not part of the application at this time.

Mr. Atkins called for questions of the applicants' representative.

Mr. Coiner sought clarification of the height of the evergreen hedges and privacy wall. Mr. Knight stated the intent was to tie the height of the fence and the stone wall to the elevation of the top of the brick foundation on the house. That would make the stone wall and fence seven and-a-half feet high where it hits the house. The intent then became that the top of the fence would remain level all the way around the yard. Mr. Knight stated the current intention is to have the fence and wall not exceed seven and-a-half feet at the house; more likely it will be in the six feet range. Mr. Knight stated the evergreen hedges and the gate would be waist height, or about four feet.

Mr. Atkins called for comments from the public.

Mr. David Heilbronner, of 534 Park Street, expressed concern about the appearance of the stone wall/fence combination. He expressed a hatred for solid wood fences.

Ms. Marla Zieglar, of 616 Park Street, stated she was lucky to have a hedge which provided privacy. She understood the Dengel's desire for some sort of barrier.

Ms. Carrie Burke, of 614 Park Street, stated her appreciation for what the Dengels had already done and the level of quality they exhibited in decisions they have made. She supported their desire to improve the property. However, she expressed concern that a solid fence would create a dam-like effect considering the drainage issues in that area.

Mr. Atkins called for comments from the Board.

Mr. Tremblay found the design to be gracious and elegant.

Mr. Wolf concurred with Mr. Tremblay. However, he wanted to see the type of stone and more detail on the fence.

Mr. Wolf moved to approve the application as submitted with the addition that certain details pertaining to the exact specific stone to be used on the screen walk and Farish Street as well as details about the species of wood and the exact configuration of wood and the height of the fence that surrounds the yard come back to the Board when they are resolved to a further level of detail. Mr. Tremblay seconded the motion. The motion passed, 7-0-1; Mr. Knight recused himself from the matter.

## **E. BAR Updates:**

### **ADC Districts Design Guidelines**

#### **VAvino appeal**

#### **208 Harmans Mill Road appeal**

#### **Rugby Road-University Circle-Venable Neighborhood ADC District**

#### **Downtown and North Downtown ADC District Additions**

Ms. Scala and Mr. Atkins gave updates on each matter.

ADC Districts Design Guidelines: The Guidelines were deferred by City Council. Mr. Caravati had been concerned about having a paragraph in the introductory section concerning flexibility of design. Ms. Hamilton had been interested in having a paragraph on sustainability of design, or green buildings, in each of the sections.

VAvino appeal: City Council asked the Board to consider the application again with the applicant present. The applicant had not been present at the City Council meeting. This would be placed on the October agenda.

208 Hartman's Mill Road appeal: Preservation Piedmont has done measured drawings of the house for the applicant and were talking with someone familiar with redoing old houses. The appeal was deferred and was scheduled for the 17 October City Council meeting.

Rugby Road-University Circle-Venable Neighborhood ADC District/Downtown and North Downtown ADC District Additions: These were heard by the Planning Commission and City Council at a Joint Public Hearing and both were deferred. There had been a large public presence; many people had expressed concerns about being included in the districts even though they were non-contributing.

## **F. Approval of Minutes:**

### **16 August 2005**

Mr. Coiner moved to approve the minutes as submitted. Mr. Tremblay seconded the motion. The motion passed, 6-0-2; Ms. Heetderks and Mr. Wolf abstained.

## **G. Matters from the public**

There were no matters from the public.

## **H. Other Business**

Ms. Swenson asked if they could discuss ways to present the Board of Architectural Review to the larger public in a way that was both accurate and helpful.

Mr. Coiner stated he and Ms. Scala had spoken about confusion on the votes held. He stated she suggested a roll call vote. Ms. Scala stated that recently Mr. Coiner was listed as having voted against something he had voted for. She explained it was not always easy to look up to count who voted how. Mr. Atkins saw no harm in that or in an alternative of stating a breakdown of voting if it was not unanimous.

Mr. Atkins stated the topic of sustainability would be added to the 28 September Work Session.

## **I. Adjournment**

Mr. Atkins called for a motion to adjourn. Mr. Tremblay so moved. Ms. Heetderks seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 7:11 p.m.