

**City of Charlottesville  
Board of Architectural Review  
Basement Conference Room  
16 January, 2007  
Minutes**

**Present:**

Fred Wolf, Chair  
Syd Knight, Vice Chair  
Wade Tremblay  
Preston Coiner  
Amy Gardner  
Lynne Heetderks  
Brian Hogg  
Michael Osteen  
William Adams

**Also Present:**

Mary Joy Scala  
Mr. Wolf convened the meeting at 5:06 p.m.

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

Mr. Wolf called for matters from the public. There were none.

**B. Consent Agenda (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. If pulled, minutes will be discussed at the end of the agenda, but applications will be discussed at the beginning.)**

**1. Minutes -- 28 November, 2006**

**2. Minutes -- 19 December, 2006**

**3. Certificate of Appropriateness Application**

**BAR 06-08-08**

**1618-1622 JPA and 103 Valley Road**

**Tax Map 11 Parcel 7**

**Wade Apartments, LLC, Applicant**

**Mitchell/Matthews, Architects and Urban Planners**

**Remove Squirrel's Nest parking**

Mr. Osteen asked to pull the November minutes.

**Mr. Knight moved approval of items 2 and 3 on the Consent Agenda. Mr. Hogg seconded the motion. The motion passed with Mr. Tremblay abstaining from voting on item 3 and Ms. Gardner abstaining from voting on item 2.**

**C. Certificate of Appropriateness Application**

**BAR 07-01-02**

**411-417 East High Street**

**Tax Map 53 Parcel 32**

**Juvenile and Domestic Relations Courthouse demolition and reconstruction**

**Mike Mollica, Applicant for City of Charlottesville and County of Albemarle, Owners**

Ms. Scala gave the staff report. She reminded the Board that a corner of the court building collapsed in March. The applicant seeks to demolish the rear 22 feet of the building in order to rebuild it. The rear part of the east and west elevations would be reconstructed using salvaged brick and a new foundation to match the existing stucco plaster foundation. The existing stone window lintels and sills would be salvaged and reused. Staff had not received a written structural report. Mr. Mike Mollica had informed Staff the proposed demolition and reconstruction were recommended by structural engineers as being preferable to rebuilding only the collapsed portion. Due to the extenuating circumstances of the collapse, Staff agrees the additional demolition is appropriate. The new type of window should be confirmed. Staff has requested the BAR see a sample of the brick to be used for the book end structures.

Mr. Tom Meeks was present on behalf of the applicant. He explained that another reason for the demolition was to give some assurance that the building doesn't collapse even further as the new construction is done.

Mr. Wolf called for questions from the public.

Mr. Robert Blodinger, Esquire, an adjacent property owner, wanted to know why no one had considered doing it correctly in tearing the whole thing down instead of dragging it out for years.

Mr. Wolf stated that was a question for the applicant. Mr. Coiner stated the question was not appropriate for what the Board was looking at. Mr. Blodinger stated that what it looked like seemed to be part of what the Board of Architectural Review does.

With no other questions from the public, Mr. Wolf called for questions from the Board.

Mr. Coiner sought clarification that the applicant would be matching the color of the existing lime mortar. Mr. Meeks stated the applicant's belief that the brick color and the mortar color can be suitably matched which is contrary to the Department of the Interior guidelines.

Mr. Wolf called for comments from the public.

Mr. Blodinger stated the project was wrong to begin with and not enough money was put in the project to do it right. He stated the building was in terrible condition. He stated this was a bad plan. He expressed concern that there would be another collapse. He suggested the Board not approve the application until some good engineering work goes into what could go there rather than repairing a terrible mess.

Mr. Wolf called for comments from the Board.

Based on Mr. Blodinger's comment, Mr. Osteen wanted to know the status of the structural engineering report. Ms. Scala stated she had not seen one and that Mr. Mike Mollica had said they had reports. Mr. Meek stated a report had been commissioned and was part of the working papers of Mr. Craig Brown. Mr. Meek stated he was not at liberty to give out the report and that it must be obtained from Mr. Brown.

Mr. Hogg stated the question concerning the Board was whether there was a justification in the existing condition of the building to allow the demolition.

Mr. Knight agreed with Mr. Hogg. He was comfortable with the assumption that portion of the building is untenable at this point and needs to be removed.

Mr. Tremblay stated he was comfortable with moving forward.

Mr. Hogg wondered if they should defer for a month to obtain a structural report. Mr. Knight stated he could defer, but the structural condition of the existing building was obvious.

Mr. Wolf stated the reconstructed portion should match perfectly and the additions should be differentiated from the structure.

**Mr. Knight, having considered the standards set forth within the City Code including the City Design Guidelines for Demolition, and based on the extenuating circumstances of the partial building collapse, moved to find that the proposed demolition of the rear 22 feet of the J&DR Court building and proposed reconstruction as submitted satisfies the BAR's criteria and is compatible with this property, the historic district, and that the BAR approves the application as submitted. Mr. Coiner seconded the motion. Mr. Wolf offered a friendly amendment that the windows are now being specified as replacing the existing windows will be approved as submitted provided they are aluminum clad with a simulated divided light and that they maintain the current existing brick mold on the exterior of the building so that effectively it is a sash replacement, not a unit replacement. Mr. Knight accepted the friendly amendment as did Mr. Coiner. Mr. Wolf called a voice vote. The motion carried unanimously.**

**D. Certificate of Appropriateness Application (Deferred from 19 December, 2006)**

**BAR 06-12-01**

**26 University Circle**

**Tax Map 6 Parcel 76**

**Replace roof**

**James Moore, Owner and Applicant**

Ms. Scala gave the staff report. The applicant could not be present. The applicant seeks to replace the existing light grey asphalt shingle roof with a Tamko brand, dark reddish-brown shingle roof. Ms. Scala had a sample of the roof material. Staff thought the color was appropriate.

Mr. Wolf called for questions from the public and then the Board. There were no questions. Mr. Wolf then called for comments from the public.

Ms. Karen Dougald, of University Circle, expressed concern about how the proposed color would blend with the structure. She stated the roof did need to be replaced.

Mr. Wolf called for comments from the Board.

Ms. Heetderks stated the Guidelines did not address the issue of roof color but she felt the guiding principle of paint color applied. She sought clarification of the Guidelines. Ms. Scala stated the general criteria was that it be consistent with the character of the building and the neighborhood.

Mr. Osteen expressed his understanding that something in the Guidelines referred to darker shades.

Mr. Tremblay stated the proposed shingle would neither add nor detract from the building, which was an unusual house in the neighborhood.

Mr. Wolf stated he was sensitive to the concerns and thoughts of the neighbors, but he thought the shingle would be an improvement over the light grey. He felt the darker shade would complement the brick better than the light grey.

**Mr. Tremblay, having considered the standards set forth within the City Code including the City Design Guidelines for Rehabilitation, moved to find that the proposed roof replacement -- specifically shingles -- satisfies the BAR's criteria and is compatible with this property and other properties in this district, and that the BAR approves the roof**

replacement as submitted. Mr. Knight seconded the motion. Mr. Wolf called the question. The motion carried unanimously.

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

**BAR 06-04-03**

**218 West Water Street**

**Tax Map 28 Parcel 84**

**Exterior colors**

**Waterhouse, LLC, Owner/Atwood Architects, Inc, Applicant**

Ms. Scala gave the staff report. Color chips were provided to the Board. Staff recommends approval of all the colors specified in the paler color scheme for the townhouse siding.

The applicant's representative, Bill Atwood, stated the color was a much paler color based on suggestions from the Board. He stated they no longer wished to have the green color considered.

Mr. Wolf called for questions from the public. There were none. He then called for questions from the Board.

Mr. Hogg wanted to know how the paint was applied. The applicant's representative stated the system was colored.

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

Mr. Wolf stated the yellow seemed a good complement with the surrounding buildings.

Mr. Hogg stated he liked the idea of bringing the color down on Water Street.

**Mr. Knight, having considered the standards set forth within the City Code including the City Design Guidelines for New Construction and Additions, moved to find that the proposed Waterhouse Project color schemes with the modification of the lighter colors as proposed by the stucco and the darker yellow on the South Street second facade 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 amended. Mr. Tremblay seconded the motion. Mr. Wolf called the question. The motion carried, 8-0-1; Ms. Gardner abstained.**

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

**BAR 07-01-01**

**222 South Street**

**Tax Map 28 Parcel 95**

**Enclose Porch**

**Michael Stoneking, Applicant/EAM Commercial Investments, LLC, Owner**

Ms. Scala gave the staff report. The building is a contributing structure from the Downtown ADC District. This is the Burgess Brooks house which was built in 1884. The applicant seeks approval: to enclose the existing front porch to create a foyer and accessible entry; to remove the concrete side stoop and ramps on the west side of the building; to replace the side door on the west side of the building with a window -- originally a window was in that location; to add a new concrete walkway and steps with a handrail; to add new ramps to provide handicap access from the rear parking lot; to add new front landscaping; and to repaint the house and roof. The Guidelines recommend against enclosing a porch on a primary location. Removing the side stoop and ramps is appropriate. Replacing the side door with a window to match the east elevation window is appropriate since a window was originally located there. The new concrete steps, walkway, and railing are appropriate. The new ramps comply with the Guidelines to minimize

the visual impact of making the building accessible. The proposed landscaping looks appropriate but more detail is needed on the proposed ficus. Color chips are needed for the repainting.

The applicant's representative, who did not identify himself for the record, stated he did have paint chips and a preliminary landscape sketch for the Board.

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

Mr. Hogg asked if the columns would be replaced. The applicant stated the strategy was to use cribbing and jacks to get up under the roof of the porch and hold it up and dismantle the porch, shorten the columns by eight inches, and reassemble the entire thing.

Ms. Heetderks wanted to know if the floor could be raised without squishing the columns. The applicant stated they had done a version of that in their office and didn't think it was going to work or last.

Mr. Knight asked if the sketch from the applicant was what was being approved as opposed to the site plan from the packets. The applicant did not think it was fair to ask them to approve it as they had just received it. He stated it was similar but there were some differences. He stated landscape approval would be sought later, but he was open to insights from the Board. Mr. Knight sought explanation of the Zen garden. The applicant stated his client had an affinity for Japanese rock garden. He stated the space lent itself to that kind of garden.

Mr. Wolf called for comments from the public.

Mr. Brent Nelson, of 214 South Street, spoke in opposition of the proposal. He stated this house was the center of a block of intact houses which were much like they were when originally built. He stated his belief that the neighborhood had not been informed about any of this.

Ms. Mary Guillem, the adjoining property owner, stated this was a bad precedent for the street to enclose the porch.

Mr. Wolf called for comments from the Board.

Ms. Heetderks stated she found it extremely hard to justify enclosing the porch. There was no compelling reason. The porch was the most interesting architectural feature of this house and was part of the rhythm of South Street. She stated the Guidelines explicitly prohibit it. She was also troubled by the concept of lopping off some of the length on the columns.

Mr. Coiner expressed his agreement with Ms. Heetderks. He could not support enclosing the porch.

Mr. Tremblay stated he tended to favor an applicant's desire to make better use of a property especially one being used as this one was as an office. However, he recognized the Guidelines and the neighbors' perspective. He stated he would have a hard time bucking the Guidelines on this application.

Mr. Knight stated this was a good example of a case where intentions were one thing and the way they were carried out was another. He thought enclosing the porch was wrong. Mr. Knight also thought bringing the handicap access into the front yard was trying too hard. He stated he had a hard time with the Zen garden as it was jarring when put in context with the architecture of the house and the rest of the neighborhood.

Mr. Osteen agreed with his colleagues. He stated the Guidelines address the issue well. He was not inclined to support enclosing the porch.

Mr. Hogg stated he would defer to the Guidelines regarding enclosing the porch. He stated shortening the columns would compromise a significant feature of the design of the building.

Mr. Wolf expressed his agreement with much of what had been said. He stated he could listen to a conversation about shortening the columns. He could not support enclosing the porch.

Ms. Heetderks wanted to know if the applicant would like to request a deferral. The applicant would.

**Mr. Coiner moved they accept the applicant's request for deferral. Mr. Knight seconded the motion. The motion carried unanimously.**

### **G. Certificate of Appropriateness Application**

**BAR 07-01-01**

**619 East High Street**

**Tax Map 53 Parcel 112**

**Remove two Norway maples**

**Melanie McCollum, Applicant for Court Square Condominium**

Ms. Scala gave the staff report. This is a contributing property in the North Downtown ADC District. The Peyton Apartments Building was constructed in 1938 incorporating part of a Baptist church that was begun in 1901 and burned in 1936. Evidence of the church is visible on the sides of the building. The applicant seeks to remove two Norway maples from the front yard and replace them with one tree on the west side only. The applicant requests suggestions for a replacement species. The City Arborist inspected the trees and found they were not hazardous. The trees were not specimen trees. Structural deficiencies will cause the need for ongoing maintenance as the trees get larger. The tree on the east side is beginning to encroach on the overhead utility corridor. Staff feels these should be replaced with similar large shade trees that contribute to the North Downtown streetscape and help maintain the City's street canopy.

The applicant was present but had nothing to add.

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

Mr. Knight sought clarification of why only one tree would replace the two being removed. Ms. McCollum stated she had suggested it because of the overhead wires.

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

Mr. Knight stated these were not great trees. Norway maples are an invasive species. He stated they needed to get the potential for mass with a large, long-lived shade tree in the oak, maple, black gum, or ash families.

Mr. Osteen expressed concern about removing two trees and only replacing them with one. He suggested removing the westernmost tree and replacing it with a new specimen tree; when that tree had established itself, then the other tree could be removed. Ms. McCollum stated the tree on the east was in worse shape and had the most problems associated with it.

Mr. Hogg stated he could accept the applicant's proposal to take both trees down as long as there was a substantial replacement tree.

Mr. Adams stated it was important to replace both trees.

**Mr. Hogg, having considered the standards set forth within the City Code including the City Design Guidelines for Site and Design Elements, moved to find that the proposed tree removal satisfies the BAR's criteria and is compatible with this property and other properties, and that the replacement, not of one, but both trees, also meets those criteria and the BAR approves the application subject to the replacement of both trees with an upright species to be reviewed with staff with a minimum two-inch caliper. Mr. Knight seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

### **H. Certificate of Appropriateness Application**

**BAR 06-10-05**

**109 East Jefferson  
Tax Map 33 Parcel 194  
Demolition and New Construction  
Bethany Puopolo, Architect  
Janice C. Aron, Owner**

Ms. Scala gave the staff report. This was discussed as a preliminary at the October, 2006, meeting. The proposal is to return the building to its usage as a single-family structure. At the preliminary meeting, most members stated they would support the demolition of the 20th century addition, others were troubled by the height of the proposed addition and suggested a minor reconfiguration of the rear elevation; members had also expressed general support of the driveway and reintroducing the original windows. Changes were made to the addition based on those suggestions. The applicant seeks approval for the demolition of a mid-20th century addition and one-story brick dependency in the rear west side of the property, and wants approval to add a replacement addition to the house, new rear stairs, new shutters on the street elevation. The applicant is also requesting preliminary discussion of the proposed changes to the site. The applicant will return for final site approval. There may be future requests for changes to the building plans, such as a change in the roof material or new basement windows to provide emergency egress. Staff does not think the site is ready for Board approval yet and would like the Board to accept it as a preliminary. The proposed demolition would remove a fairly recent addition that does not add to the significance of the older structure. The proposed addition is compatible with the character of the building and the district. The placement and materials of the addition distinguish it from the older construction. The size is secondary to the main structure. The addition could be removed in the future without compromising the main building. The proposed windows, material and color are appropriate. The site plan should be discussed as a preliminary and may be approved in concept if appropriate.

The applicant was present but had nothing to add to the staff report.

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

Mr. Osteen sought clarification of the site plan proposing 12 foot hedges when there were none taller than four or five feet. The applicant's representative stated the proposed hedge was Leyland cypress which would give some privacy to the house against the facade of the church as well as a barrier to deflect some of the noise from the heating/cooling units next to the church.

Mr. Coiner asked that they consider the demolition first. Mr. Wolf agreed.

Mr. Wolf called for comments from the public.

Ms. Joyce Repass, of 227 East Jefferson, Queen Charlotte Condominium, stated the structure was a very handsome building and the applicant was enhancing the property. She stated the residents of Queen Charlotte had a positive feeling that the applicant was improving a handsome property. She further stated they were pleased the site was being returned to a single-family dwelling.

Mr. Wolf called for comments from the Board. There were none.

**Ms. Gardner, having considered the standards set forth within the City Code including the City Design Guidelines for Demolition, moved to find that the proposed demolition of the addition and rear dependency satisfy 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. Mr. Osteen seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

Mr. Wolf called for discussion of the proposed addition.

Mr. Knight stated the addition had been a strong presentation when seen in October and the modifications suggested by the Board have helped it even more. He thought it was very well done and met the Guidelines. He supported it subject to whatever minor modifications were suggested.

Mr. Hogg expressed appreciation for how responsive the applicant had been. He stated he would feel more comfortable giving a final blessing on something that had more of a sense of detail. He expressed concern about the rear stairs and the cornice on the addition.

Mr. Coiner stated that since the rear stairs were based on a pool and pool house which had not yet been approved, he would be more comfortable dealing with approval of the addition but not the rear stairs.

Mr. Adams agreed with Mr. Hogg about the addition. He felt there was some more fine tuning which needed to be done.

**Mr. Hogg, having considered the standards set forth within the City Code including the City Design Guidelines for New Construction and Additions, moved to find that the proposed new side addition and the new shutters satisfy the BAR's criteria and are compatible with this property and other properties in this district, with the request that a wall section be submitted and the cornice be restudied before final approval, otherwise the BAR submits the application as submitted. Mr. Adams seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

Mr. Wolf thought there was a benefit in having the stairs come up the side as opposed to directly perpendicular to the house. He stated that given the conflicts expressed by the applicant regarding future site plan aspirations, and looking at the way the stairs are expected to arrive at the porch, there were other ways to attach the stairs.

Mr. Knight agreed with Mr. Wolf. He stated the stairs, when taken in isolation, didn't bother him that much. He further stated it was part and parcel of what happened in the rest of the space. He expressed concern that the sliding gate was taller than the wall.

Mr. Adams thought the proposal was nice but he was concerned about the removal of two trees for the guest house.

**Mr. Wolf moved to approve the addition of the rear stairs to the rear porch as submitted. Mr. Tremblay seconded the motion. The motion carried unanimously.**

Mr. Coiner suggested the applicant have a dialogue with the members of the adjacent church and with the residents of Queen Charlotte Condominiums.

Mr. Wolf sought clarification whether the Board would be approving the two accessory buildings in the back. The applicant stated she would be pleased to submit more details on the porch facade.

**Mr. Knight moved they approve the site plan in concept subject to submission of details discussed and the elevations of the accessory buildings. Mr. Coiner seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

Mr. Wolf called for a recess at 7:20 p.m.

Mr. Wolf reconvened the meeting at 7:42 p.m.

## **I. Certificate of Appropriateness Application**

**BAR 07-01-05**

**610 East Main Street**

**Downtown Transit Center**

**Tax Map 53, Parcel 160**



## **Comprehensive Signage Plan**

### **Mike Mollica, Applicant for City of Charlottesville**

Ms. Scala gave the staff report. The proposed plan is exceptionally good. The freestanding signs are not appropriate and are not permitted in the Downtown ADC District normally. Staff did not recommend a waiver. Staff recommended approval of the plan as submitted including option A with a stipulation that white LED lighting in the suspended mahogany rather than neon as it is less intense.

Mr. Scott Hendricks was present on behalf of the City and had nothing to add.

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

Ms. Gardner sought clarification of the number of potential tenants. Mr. Hendricks explained the primary tenant was the Transit Center with a secondary tenant of the Visitors Center. He stated there was a third location on the upper floor and a potential fourth of a newsstand-type operation in the basement.

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

Ms. Gardner preferred option A. She thought the signage package was nice and very restrained while harmonizing with the building. She agreed with the LED lighting as suggested by Ms. Scala.

**Ms. Gardner, having considered the standards set forth within the City Code including the City Design Guidelines for Signs, moved to find that the proposed Comprehensive Signage Plan, including option A, satisfies the BAR's criteria and is compatible with this property and other properties in this district, and that the BAR approves the application with the stipulation that the halo lit letters on Water Street canopy are lit by white LED and not neon, and the wood screen should match the major wood screen on the west elevation of the building. Mr. Hogg seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

## **J. Preliminary Discussion**

**BAR 07-01-04**

**206 Fifth Street NE**

**Tax Map 53 Parcel 93**

**New Addition**

### **Joe Chambers, Applicant for Alwood, LLC**

Ms. Scala gave the staff report. The applicant is seeking a preliminary discussion of a proposal to add a semi-octagonal conference room addition to the south side of the building in an existing parking lot. All existing appendages to the building in that location would be removed including the old wisteria vine. The site fronts on two primary streets. Staff is concerned that the addition appears residential and is not consistent in character with the surrounding buildings. However, if the proposal is allowed, the remaining parking surface area should be pulled into the design.

Mr. Roger Farrell, of Dalgliesh Gilman Paxton, was present on behalf of Alwood. Dalgliesh Gilman Paxton needs to add conference and studio space. The addition is meant to preserve the end wall of the block. They fully expect to put a vine back, possibly a winter jasmine. Materials would be turncoated stainless which develops a nice patina as it ages.

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

Mr. Adams wanted to know if the windows would be operable. Mr. Hendricks stated some would be.

Mr. Adams expressed a preference for copper rather than the stainless.

Ms. Gardner sought the explanation behind the octagonal shape. Mr. Hendricks stated a rectangular shape would be a more aggressive move. The octagonal shape retained more of the feeling of the open space that was there.

Mr. Wolf stated he had no problem with the form. He thought lead-coated copper would be an easier transition to the facade.

Mr. Osteen stated he was happy with the building face but wanted to see a dedicated parking plan.

Ms. Heetderks expressed general support for the concept. She liked the suggestion of copper.

Mr. Adams stated the turncoated steel stays bright for a long time and could cause a problem on the street.

Mr. Hogg expressed concern about the spandrel between the first and second floors.

Mr. Knight asked that the detailing which comes back include how the addition meets the ground plane. He stated he was more concerned with the surface rather than a parking plan.

#### **K. Preliminary Discussion**

**BAR 06-11-12**

**1108 West Main Street**

**Tax Map 10 Parcel 64 and 65**

**William Atwood, Applicant**

**John Bartelt, Owner**

**New Construction at Sycamore House**

**Mr. Fink stated this had been withdrawn by the applicant.**

#### **L. Recommendations for Special Use Permit**

**SUP 07-01-01**

**112 West Market Street**

**Tax Map 33 Parcel 254**

**First Christian Church Renovations for Day Shelter**

**Stu Rifkin, Applicant**

**Shady Acres, Inc, Owner**

Mr. Wolf recused himself as he was involved in the project.

Ms. Scala gave the staff report. The possible future use of this property was discussed in August. A Special Use Permit for a Day Shelter was being considered by City Council. The Planning Commission recommended approval of the Special Use Permit application at its 9 January 2007 meeting. The Board must determine whether the use of First Christian Church as a day shelter would have an adverse impact on the Downtown ADC District; if so, reasonable conditions that would mitigate those impacts. The day shelter will occupy the basement level with offices above that. The sanctuary will not be used by the day shelter, but will be used for other unrelated events. The main impact of the Special Use Permit will be replacement of the windows in the annex. This change to the annex should be acceptable.

Mr. Knight sought clarification that any exterior changes such as window replacements would come back to the Board. Ms. Scala confirmed they would.

Mr. Stu Rifkin was present to answer any questions. He stated the window move was to access the fire escape.

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

Mr. Hogg sought clarification that the alterations described were confined to the annex. The applicant confirmed that.

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

**Ms. Heetderks moved that they recommend to City Council that the Special Use Permit be granted for the conversion of First Christian Church annex to a day shelter. Ms. Gardner seconded the motion. Mr. Knight called the question. The motion passed, 8-0-1; Mr. Wolf abstained from the matter.**

## **M. Recommendations for Special Use Permit**

**513 Dice Street**

**Tax Map 29 Parcel 63.1**

**Infill development**

**Shackleford House LLC/Jane Covington, Applicant**

Ms. Scala gave the staff report. In October, 2005, an application for exterior renovations was approved; those have been accomplished. The applicant plans to make application for infill development and subdivide the property in two lots and add a second dwelling. Infill development is similar to a Planned Unit Development, but on a smaller parcel. This would be the first application for infill development. This property is individually designated as historic. The applicant is requesting guidance on a proposed Special Use Permit application. One of the infill objectives includes preservation of historic structures. Staff recommends that the setback of the proposed dwelling should be consistent with the other dwellings on Dice Street and not set back as shown. The Board must review the design of the proposed dwelling since subdivision of the property would not remove the individually protected property designation.

The applicant was present but had nothing to add.

Mr. Wolf called for questions and comments.

Ms. Joyce Henderson, of 221 Fifth Street SW, explaining that her backyard borders the property, expressed concern about the amount of development in Fifeville. She expressed concern about parking in the neighborhood.

Mr. Coiner stated that, while sympathetic to the neighbors' concerns, this was more of a Planning Commission issue than a BAR issue.

Ms. Heetderks was as concerned with how it impacted the neighborhood as the existing house. She stated it seemed to be more of a Zoning issue.

Mr. Hogg stated he did not object to the proposal. Since this was an individually protected property and not in a district, he felt they had the luxury of considering the building independent of its context. He thought the idea of having the building set back was more respectful of the historic house; a building closer to Dice Street would obscure the back of the house. He appreciated the neighbors' concerns.

Mr. Knight thought that was a good comment; however, an equally powerful argument could be made for another location on the site. Mr. Knight suggested they make a decision on whether they were going to recommend the Special Use Permit to allow a second structure somewhere on the property and then allow the applicant to come back with a proposal.

Ms. Heetderks wanted to know if there would be any parking associated with this. The applicant stated there would be off street parking.

Mr. Hogg stated the drawing gives the impression the new building is larger than the existing structure. He stated it would be helpful to know the proposed footprint of the building.

Mr. Wolf stated his belief that most of the Board would support dividing the property to allow a second structure. However, without specifics, he was not sure he or the Board would be comfortable with signing off on a location which is verbally discussed that is then brought back to another Board and presented as something that was perceived as being agreed to.

Ms. Gardner stated she could understand the concerns of Ms. Henderson and added that Ms. Covington had done a fine job of restoring the house.

#### **N. Matters from the public not on the agenda**

There were no matters from the public.

#### **B. Consent Agenda**

##### **1. Minutes -- 28 November, 2006**

Mr. Osteen asked that the fourth paragraph up from the bottom of page 4 include a reference to his primary concern about the vertical proportion of the street elevation as it is substantially taller than any other building on the street.

Mr. Osteen also asked that "was" be changed to "is the" in the second paragraph of page 7.

Mr. Osteen stated his issue for pulling the minutes was the statement on page 8, "Mr. Knight stated this technically meets the City requirement according to the City Attorney." Mr. Osteen stated that was Mr. Knight's impression of what the City Attorney had said at that point, but the City Attorney had not taken a stand at that point and subsequently the Zoning Administrator has indicated that the design presented was a one-story design. He asked that the minutes be qualified to show that what Mr. Knight said was not fact. Mr. Knight stated that was not quite true either based on what transpired at the meeting. Mr. Knight stated that Mr. Tolbert had stepped out from the September meeting for a ruling from the City Attorney; Mr. Tolbert came back into the room and said, "The City Attorney has ruled." Mr. Knight suggested the minutes read: "According to the Director of Neighborhood Services, the City Attorney stated that the mezzanine technically met the requirement for a second story." Mr. Knight stated that was the statement at the time. Mr. Osteen expressed concern about leaving that reading as fact in old minutes to avoid precedent.

Ms. Heetderks asked that "As examples," be added as a preface to "Ms. Heetderks cited 3.11" on page 8 as she had only cited two of the plethora of Guidelines that were in violation.

**Mr. Coiner moved that the November minutes be accepted as amended. Ms. Heetderks seconded the motion. Mr. Wolf called the question. The motion carried unanimously.**

#### **Adjournment**

**Mr. Wolf moved to adjourn. Ms. Heetderks seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:11 p.m.**