

**City of Charlottesville  
Board of Architectural Review  
February 17, 2009  
Basement Conference Room  
Minutes**

**Present:**

Fred Wolf, Chair  
Syd Knight, Vice Chair  
Amy Gardner  
Brian Hogg (arrives at 5:56)  
William Adams  
Michael Osteen  
Eryn Brennan  
Rebecca Schoenthal

**Not Present:**

James Wall

**Also Present:**

Mary Joy Scala

Mr. Wolf convened the meeting at 5:03 p.m.

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

There were no matters from the public.

**B. Consent Agenda**

1. Minutes -- August 19, 2008
2. BAR Recommendation to revise ADC Guidelines for Vending and Cafes

**Mr. Knight made a motion to approve the Consent Agenda. Mr. Osteen seconded the motion. The motion carried unanimously.**

**C. Certificate of Appropriateness Application**

**BAR 09-02-01  
139 Valley Road  
Tax Map 11 Parcel 50  
Denise Dale, Applicant  
Removal of four trees on Valley Road**

Ms. Scala gave the staff report. This property contains the 1935 contributing structure in the Oakhurst/Gildersleeve Wood Neighborhood ADC District. The applicant removed four trees without BAR approval. When staff learned of the four trees, they asked the applicant to come before the Board to see if approval would have been granted for removal. Landscape features are as important as buildings when considering an historic neighborhoods overall setting. The applicant provided a letter from a tree consultant. The ideal outcome would be for the applicant to propose replanting of similar large shade trees in appropriate locations on the property.

Ms. Dale stated the four trees which were removed were all diseased and one had fallen. The consultant had suggested removing eight trees; however, Ms. Dale had him remove four which were within striking distance of the walkway, the driveway, and parked cars. She stated that it had not been clear to her that the regulations cited referred to trees as they seemed to refer to structures and buildings.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Knight wanted to know if all four trees were in the front yard. Ms. Dale confirmed they were with three of them close to the house. She stated the most diseased tree was a large maple in the middle of the front yard. She stated she planned to replace the trees in the spring.

Ms. Gardner wanted to know if the applicant had replacement trees in mind. Ms. Dale stated she would replace the maple with a maple. Ms. Dale did not want to replace the large hemlock near the house. The other two trees would be replaced with a shade tree of some sort but not as large as a maple.

Mr. Knight wanted to know if she would be willing to plant the trees in other parts of the front yard. Ms. Dale stated she would.

#### COMMENTS FROM THE PUBLIC:

Ms. Sharon Luke, a friend of the applicant from Washington, Virginia, stated the regulations were not clear to regular people that the protections applied to trees. She asked that the website be made easier to understand so people weren't taken by surprise at finding they owned protected properties.

## COMMENTS FROM THE BOARD:

Mr. Osteen stated he drives past the house every day and had no idea these trees were diseased. He stated he had spoken with the men taking the trees down and there had been no mention of the trees being diseased. He stated he had seen the replacement of a water or sewer line and thought it looked like roots had gotten into a line and someone wanted to get rid of every tree to make sure it didn't happen again. Mr. Osteen stated the trees had not been close enough to the house for it to be in danger. He regretted the trees were gone.

Mr. Knight expressed concern that there was no opportunity to analyze anything meaningful about the trees and whether they were diseased. He stated if the applicant had come to the Board with solid information that the trees were diseased and needed to be removed, he would have found that in keeping with the Guidelines and voted for approval. He recommended at least three long-lived shade trees be planted, but not in the exact spots where the trees were removed. Despite his distress at this being brought after the fact, he stated he would support approval.

Mr. Adams stated the trees were important to the character of the neighborhood and the value of the applicant's property. He suggested the applicant be careful in species selection.

Mr. Wolf stated the report being done by the same company that removed the trees made the report carry less weight.

**Mr. Knight having considered the standards set forth within the City Code including City Design Guidelines for Site Design, moved to find that the removal of four trees satisfies the BAR's criteria and is compatible with this property and other properties in the district, and that the BAR approves the application as submitted with the understanding that the applicant intends to replace at least three two and-a-half inch caliper or larger, long-lived shade trees on the site and with the request that the applicant furnish a sketch and recommended species to Staff for review. Ms. Gardner seconded the motion. The motion passed, 5-1-1; Mr. Osteen voted against and Ms. Brennan abstained from voting.**

**D. Certificate of Appropriateness Application  
BAR 09-01-03  
118-120 West Main Street and 108 2nd Street SW  
Tax Map 28, Parcel 16  
Oliver Kuttner/M & O Corp., Applicant  
Add wall and gate to alleyway**

Mr. Wolf noted this item had been deferred by the Board at their last meeting. Ms. Scala confirmed that the applicant had not submitted any new information. Mr. Wolf noted the applicant was not present. Ms. Scala suggested that if the Board denied the application, that they allow the applicant to come back at any time with a revised application.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

There were no questions from the Board.

#### COMMENTS FROM THE BOARD:

Mr. Wolf stated they should deny the application as submitted since it presents three options, none of which were acceptable and there was no new information.

**Mr. Wolf having considered the standards set forth within the City Code including City Design Guidelines for Site Design and Elements, moved to find that the proposed alleyway wall and gate design does not satisfy the BAR's criteria and Guidelines and is not compatible with this property and other properties in the district, and that the BAR denies the application as submitted; the applicant may submit a revised application at any time and that the BAR would point to comments made during conversation with the applicant in Matters from the Public from the January, 2009, meeting in terms of guidance as to an appropriate alternative. Mr. Knight seconded the motion. The motion carried unanimously.**

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

**BAR 09-01-05**

**Cherry Avenue, Ridge Street, and Elliot Street**

**Tax Map 29 Parcel 265**

**Habitat for Humanity of Greater Charlottesville, Applicant/City of Charlottesville, Owner**

**New single family ecoMOD house**

Ms. Scala gave the staff report. This had been before the Board for preliminary comments in January. The applicant has included a site plan, perspectives, drawings, and elevation drawings. Proposed materials include mostly hardipanel siding painted a

dark color. The recessed area may be Hardiplank or corrugated metal siding. The rear ell will be corrugated metal siding. The roof will be metal. The solar panels will be mounted on the roof. The windows will be aluminum clad Pella or painted wood. Most suggestions offered by the Board in January were incorporated in this submittal.

The applicant, who did not identify himself for the record, provided a model of the proposal for the Board's review. He stated an arborist had looked at the large tree on the site plan because there was a concern that it was cracked down the middle and may not last. If it needed to be removed, they wanted to replace it in kind with a sweet gum in a similar location.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Knight sought clarification of the graveled parking area. The applicant stated it was the Gravelpave system which had been discussed. He stated they were trying to get some of leftover Downtown Mall brick to be crushed into brick gravel. It would be edged by either concrete or steel.

Mr. Wolf wanted to know about the retaining wall. The applicant stated it would either be concrete with white stone on top or a gabion that would be crushed block and brick and concrete found on the site.

#### COMMENTS FROM THE BOARD:

Ms. Schoenthal expressed appreciation for the applicant addressing some of the concerns that came up at the last discussion. She thought it was a great project and was appropriate in the historic district. She thought perhaps some of the details in terms of color and materials come back to the BAR for further review.

Ms. Brennan agreed with Ms. Schoenthal. She also wanted color details to come back to the Board.

Mr. Knight thought it met the Guidelines when they had last looked at it. He thought it still met the Guidelines. He suggested a concrete edge for the paver. If the tree needed to come out, he suggested replacement with several trees due to the mass of the existing tree.

Mr. Wolf thought the project looked good. He stated he had supported it before and would support it again. He thought colors should come back for Staff approval.

Mr. Adams thought it was a great project. He stated there were opportunities to tighten up the detailing.

**Mr. Knight, having considered the standards set forth within the City Code including City Design Guidelines for New Construction, moved to find that the proposed new single-family dwelling satisfies the BAR's criteria and is compatible with this property and other properties in this district, and that the BAR approves the application as submitted with the stipulation that items such as final color selection and final materials and details such as the window trim and the batten detail coordination with the windows is submitted for Staff review. Ms. Brennan seconded the motion. The motion passed, 7-0-1; Mr. Hogg, having arrived during discussion of the matter, recused himself.**

**F. Certificate of Appropriateness Application (Deferred from December 16, 2008)  
BAR 08-05-03  
1704 Gordon Avenue and 419 17th Street NW  
Tax Map 9, Parcel 2  
Development Management Too, LLC, Applicant/Wassenaar Design Group, Architects  
New construction**

Mr. Wolf recused himself from the matter as his firm had previously been involved with it.

Ms. Scala gave the staff report. The project is a three level, multi-family structure with eight two-story units and lower level parking for 21 vehicles, 16 of which are required by ordinance. Vehicle access to the parking is from 17th Street. Two buildings, each with four four-bedroom units, are connected with a bridge on the first floor. The applicant plans to save the 12 inch oak on Gordon and the 26 inch ash tree on 17th Street. Trees to be removed include three large cedars, two other large trees, and six trees owned by the church. A landscape plan details different varieties of trees and shrubs. Proposed materials include General Shale modular size brick veneer on the first level, hardifiber cement siding, Eagle windows and doors which are white aluminum-clad, double hung windows with seven-eighth inch muntin width permanently adhered to exterior width spacer bars, Therma-Tru doors, and asphalt shingles. The design has

been altered significantly since December. The Board should decide if the changes are sufficient to allow the building and site design to meet the Guidelines.

Mr. Kurt Wassenaar thanked the Board for their constructive comments in December. He detailed how those suggestions were implemented in the new proposal.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Adams sought clarification of a pathway near the building. Mr. Wassenaar stated it was the handicap ramp.

Mr. Adams wanted to know the reason behind the elevated bridge between the two masses. Mr. Wassenaar stated it connects the entrance and egress corridors. He stated it was a functioning entrance from the Gordon Avenue bus stop.

#### COMMENTS FROM THE BOARD:

Mr. Hogg expressed appreciation for the many revisions to this proposal. He thought it was a significant improvement. While there was a precedent for entrances on the corner in the neighborhood, he thought the cover of those entrances was closely associated with the size of the porch that it covers; he was inclined to believe the porch cover needed to be the full width of that facade. As to materials, Mr. Hogg stated there should be no textured hardiplank. Mr. Wassenaar stated he would make that change.

Mr. Adams thought it had gotten better, especially with the entrance on the side. He expressed concerns about the handicap ramp.

Ms. Gardner thought there had been many improvements. She agreed with Mr. Hogg that the porch should be the length of the facade. She suggested the applicant examine a darker palette as it might mitigate the size of the project.

Ms. Gardner wanted to know if the bridge was necessary. Mr. Wassenaar stated it was from a fire code standpoint.

Mr. Hogg thought the neighborhood could support a big building.

Mr. Knight agreed wholeheartedly that the project had come a long way and all of the changes had been beneficial, especially the vehicular entrance. However, he felt the

design called for one more level of articulation. Mr. Knight wondered if his colleagues would be comfortable with a conditional approval of general mass and scale with additional architectural detailing and materials to come back to the Board at a subsequent meeting.

**Ms. Gardner, having considered the standards set forth within the City Code including City Design Guidelines for New Construction and for Site Design, moved to find that the proposed new building satisfies the BAR's criteria for scale and massing and is compatible with this property and other properties in the district, and that the BAR approves the application as submitted with the consideration that it will come back before the Board for more site plan details, facade details, color palette, material choices, the facade on Gordon Avenue elevation. Ms. Schoenthal seconded the motion. Mr. Knight thought the applicant had the sense of the motion that when they spoke to architectural detailing, they weren't simply referring to sills and window trim and things like that, but rather some of the modulation of the actual surfaces. Mr. Adams thought some of the planning issues should be addressed on the Gordon Avenue entry. The motion passed, 5-2-1; Mr. Adams and Mr. Hogg voted against the motion and Mr. Wolf had recused himself from the matter.**

Mr. Knight called for a brief recess at 7 p.m.

Mr. Wolf reconvened the meeting at 7:07 p.m.

**G. Certificate of Appropriateness Application  
BAR 09-02-02  
118 11th Street SW  
Tax Map 10, Parcel 68  
Waco, Inc., Applicant/University Station LLC, Owner  
University Station Demolition**

This item was removed from agenda as it was a non-contributing building and as such does not require BAR approval for demolition.

**H. Certificate of Appropriateness Application  
BAR 09-02-03  
1328 Riverdale Drive  
Tax Map 50, Parcel 5  
Shelter for Help in Emergency, Applicant/JEM Land Trust, Owner  
Demolition request**



Ms. Scala gave the staff report. This has been before the Board several times. In June, 2003, the Board considered a request to remove the property from the list of individually designated properties and voted to deny that. In June, 2004, approval was granted for the demolition of some existing additions which dated from the 1940s, 1988, and 1993; however, the Board denied a request at that time to relocate the 1912 structure. The applicant seeks to demolish the 1912 building. The demolition approval granted for the additions has expired; Staff believes the applicant wishes to demolish everything at this time. There had been a mid-19th century frame house on the property but it either was demolished or fell down. Staff does not recommend approval. Staff had received a call from an adjacent property owner who expressed his support for the demolition.

The applicant, who did not identify herself for the record, provided the Board with photographs of the site. She confirmed that the property had come before the Board in the past with requests to demolish. She stated the main issues raised by the Board at those times were the landmark nature of the building and the Colonial Revival architecture. The building is nearly obscured from public view. The Colonial Revival features of the building are not unique and are shared or improved upon by a number of structures that are in better condition or in more appropriate surroundings. The structure is no longer used by Shelter for Help in Emergencies, having designed and constructed another residential shelter that better suits their needs. To make the most responsible use of their resources, the applicant needs to sell this property as profitably as possible. She stated they did not intend to demolish the structure, several sources had indicated having the approval to do so would increase and maximize the property's market value.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Hogg sought clarification of why the property was designated. Ms. Scala was not sure of the answer.

Ms. Brennan wanted to know if the Board could vote on an Individually Protected Property. Ms. Scala stated they could.

## COMMENTS FROM THE PUBLIC:

Mr. Brent Nelson, of 707 Northwood Avenue, stated that if the argument that demolition was because the original property had been subdivided repeatedly was a valid argument, then much of what the City still has today would have been torn down. He hoped the Board would not take that into consideration.

## COMMENTS FROM THE BOARD:

Ms. Brennan did not think the request for demolition met the criteria. She stated there were a lot of wonderful details and features about this house that make it special in the spectrum of Colonial Revival architecture in Charlottesville. Although it has lost its farm setting, the house is demonstrative of what was once there and therefore has that much more historic value.

Mr. Wolf expressed his agreement with the statements of Ms. Brennan.

Mr. Knight stated he was a little more torn about this than perhaps others were. He thought the 1912 building was marginal as an architectural example. He stated it was quirky, interesting, and old, but he could accept the argument that it was not unique or truly exemplary. He stated he was hesitant to approve a demolition request based on speculation and based on property value. Since demolition is forever, Mr. Knight felt there should be a compelling reason for it.

Mr. Hogg stated the building was listed with acknowledgment of the 1912 structure. He stated had not seen a compelling argument in relationship to the criteria.

**Mr. Knight, having considered the standards set forth within the City Code including City Design Guidelines for Demolition, moved to find that the proposed demolition does not satisfy the BAR's criteria and is not compatible with this property and that the BAR denies the application as submitted. Mr. Hogg seconded the motion. The motion carried unanimously.**

- I. Certificate of Appropriateness Application  
BAR 09-02-04  
218 West Water Street  
Tax Map 28 Parcel 84  
Atwood Architects, Inc., Applicant/Waterhouse LLC  
Renovate facade**

Ms. Gardner recused herself from the matter.

Ms. Scala gave the staff report. The applicant had a new tenant and they want to alter the existing aluminum glass storefront. A drawing was submitted.

Mr. Bill Owens, of Atwood Architects, stated they needed to reconfigure the door locations for the new tenant. They also wanted to improve upon the storefront.

#### QUESTIONS FROM THE PUBLIC:

Mr. Brent Nelson, of 707 Northwood Avenue, wanted an update on the overall Waterhouse project.

Mr. Wolf stated it was fair to ask, but since the Board was dealing with the Water Street facade, he wondered if it could happen independent of this matter.

Mr. Owens stated he would be happy to speak with Mr. Nelson on the side.

#### QUESTIONS FROM THE BOARD:

Mr. Wolf wanted to know what the finish would be on the new storefront system. Mr. Owens stated he would be a gray similar to something previously approved for the entire project.

#### COMMENTS FROM THE BOARD:

Mr. Hogg stated it looked fine. This was a reasonable alternative to having the nice historic plate glass across the ground floor.

Ms. Schoenthal agreed with Mr. Hogg.

**Mr. Hogg, having considered the standards set forth within the City Code including City Design Guidelines for Rehabilitations, moved to find that the proposed storefront revisions 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. Knight seconded the motion. The motion passed, 7-0-1; Ms. Gardner had recused herself from the matter.**

**J. Certificate of Appropriateness Application  
BAR 09-02-05  
526 North 1st Street  
Tax Map 33, Parcel 13  
Elvira Tate Hoskins, Applicant/Lisa & Jason Colton, Owners  
Construct a chicken coop**

Ms. Scala gave the staff report. The contributing structure was built in 1889. The applicant is requesting to install a 3 foot wide by 10 foot long by 5 foot high chicken coop in the northeast corner of the rear yard on the terrace level. Materials will be reclaimed lumber, galvanized wire, and corrugated metal roof. Chickens are permitted to be kept in the City as long as they are kept from going at large. Staff received two letters regarding this application; these were attached to the members' packets.

Ms. Joanne Grim was present with Ms. Lisa Colton. Ms. Grim stated the coop should not be visible from the street due to the angle from the sidewalk and hedge that is there.

Ms. Colton stated they had chosen the spot because it is buffered from all adjacent properties.

**QUESTIONS FROM THE PUBLIC:**

Ms. Mary Gillem, of 218 South Street, thought it was a great idea and noted that most of the properties in the neighborhood had had chicken coops as outbuildings in the yards.

Ms. Mary Buford Hitz, a neighbor of the Coltons, spoke in favor of the proposal.

**QUESTIONS FROM THE BOARD:**

Ms. Schoenthal wanted to know if the roof was angled for water run off. Ms. Colton stated it would ideally be for water collection.

**COMMENTS FROM THE BOARD:**

Mr. Osteen stated he has had chickens for 15 years, and his neighbors had been overwhelmingly supportive. He thought this was a positive thing and a beautiful design.

Mr. Hogg thought this was a typical outbuilding for a neighborhood of this age and its size and scale relate well to its setting.

Mr. Wolf expressed support for the proposal.

**Ms. Gardner, having considered the standards set forth within the City Code including City Design Guidelines for Site Design, moved to find that the proposed chicken coop satisfies the BAR's criteria and Guidelines and is compatible with this property and other properties in the district, and that the BAR approves the application as submitted. Mr. Hogg seconded the motion. The motion carried unanimously.**

**K. Certificate of Appropriateness Application  
BAR 09-02-06  
213 2nd Street SW  
Tax Map 28, Parcel 76  
Bang!, Applicant/Two Chefs, LLC, Owner  
Add new deck**

Ms. Scala gave the staff report. The applicant is requesting approval for a 620 square foot deck and exterior dining area located in the front yard. The deck is proposed to be constructed with ipe decking and low walls mounted on the existing concrete perimeter walls. The rails and new planters will be made with ipe top rail and stainless steel cable rail and planters. This block of 2nd Street has several very similarly situated former residences used for commercial purposes. The restaurant has used the existing building, front porch, and rear yard patio to its fullest advantage without altering the character of the building and its setting. Staff feels the proposed design does not meet the Guidelines.

Mr. Michael Savage, of Stowa Design, explained the applicant was trying to get something to bring more life to the restaurant.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Hogg sought clarification that this would require cutting down both trees in the front yard. Mr. Savage confirmed they would.

Mr. Adams wanted to know if the applicant had considered a design which would retain the trees. Mr. Savage stated they had looked into it with their clients but they did not like the idea of people eating under trees that were losing their leaves.

#### COMMENTS FROM THE PUBLIC:

Mr. Brent Nelson, of 707 Northwood, spoke in opposition of the proposal. He felt this was an extension of the modern approach to this property. The materials and the design concepts were extremely inappropriate in this location.

Ms. Mary Gillam, of 218 West South Street, agreed with Mr. Nelson that the design was inappropriate for the neighborhood.

#### COMMENTS FROM THE BOARD:

Mr. Knight thought it was not appropriate to have the front yard taken for any kind of seating area. The front yard was an important part of what makes that neighborhood what it is.

Ms. Brennan agreed with Mr. Knight. She stated this was an important house because of its setback.

Mr. Hogg explained that what was important about this historic district is the commercial uses have gone into the buildings and preserved a clear residential character.

Mr. Knight stated there was a fine balance in blending the new in with the old Charlottesville feel of the residential and mercantile.

Mr. Wolf explained that the Board could take action on the matter or the applicant could defer. Mr. Wolf stated the action the Board would take would not be favorable. Mr. Savage stated he would like to defer.

**Mr. Wolf made a motion to approve the applicant's deferral. Mr. Knight seconded the motion. The motion carried unanimously.**

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

There were no matters from the public.

## **L. Other Business**

Mr. Wolf stated the Piedmont Area Preservation Alliance had recently met.

Mr. Wolf noted preservation week was coming up April 3-11. Ms. Brennan noted the website [www.preservationweek.com](http://www.preservationweek.com) was available for more information.

**Mr. Wolf moved to adjourn. Ms. Schoenthal seconded the motion. The motion carried unanimously, whereupon the meeting stood adjourned at 8:25 p.m.**