

**City of Charlottesville**  
**Board of Architectural Review**  
**May 19, 2009**  
**Minutes**

**Present:**

Fred Wolf, Chair  
Syd Knight, Vice Chair  
Amy Gardner  
Brian Hogg (joined the meeting at 6:49 p.m.)  
William Adams  
Michael Osteen  
James Wall  
Eryn Brennan  
Rebecca Schoenthal

**Also Present:**

Jim Tolbert, AICP, Director, NDS  
Mary Joy Scala, AICP

Mr. Wolf convened the meeting at 5:02 p.m.

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

Mr. Brent Nelson commended Ms. Scala for her hard work and thanked her for being a joy to work with. He then asked if it would be possible for her to include the staff reports with the online agenda as was being done with the Planning Commission. He added digitized drawings would also be helpful.

Ms. Brennan joined the meeting at 5:05 p.m.

Mr. Tolbert stated the Mall project was essentially finished with only a few small things to do. He stated an E-mail had been received from Mr. Halperin stating how pleased he was with the way it looked. Mr. Tolbert presented each of the Board members with a souvenir old brick.

Mr. Adams arrived at 5:07 p.m.

**B. Consent Agenda**

- 1. Minutes -- October 21, 2008**
- 2. Certificate of Appropriateness Application**  
BAR 09-05-01  
401 East Market Street  
Tax Map 53 Parcel 51  
Mike Stoneking, Applicant  
Replace windows

The minutes had not been included in the packet and were not to be part of the consent agenda.

**Ms. Gardner made a motion to pass the consent agenda has submitted. Ms. Schoenthal seconded the motion. The motion carried unanimously.**

**C. Certificate of Appropriateness Application**

**BAR 09-04-05**

**306 E. Main Street**

**Tax Map 28 Parcel 40**

**East Main Investments, LLC, Owner/ John Voigt, Applicant**

**Remove 2nd floor storefront; facade alterations**

Ms. Scala gave the staff report. This was last before the Board in April, at which time they accepted the applicant's deferral of the second floor alteration plan. Rehabilitation of both floors had been approved in March, 2008. The proposal has been revised to show the stucco drawn and rendered in an ashlar pattern. The existing railing will remain. The applicant now has two options depending on whether the existing concrete piers are determined to be structural. If not, they will be replaced with new stucco mullions to match the stucco surface above. Staff suggests the design be looked at in respect to the bank; the proposal must also fit in the established context of the 306-308 East Main storefronts.

The applicant, who did not identify himself for the record, reiterated there were two options. He stated they still proposed removing the metal panels.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS FROM THE BOARD:**

Mr. Wolf wanted to know what had been discovered about the piers. The applicant thought they were not structural but were original fabric of the building. He stated they would like to remove those piers, but if the Board thought they were an important part of the building, they would be left in place.

**COMMENTS FROM THE BOARD:**

Mr. Wall thought the piers were integral to the original design.

Mr. Wolf thought the accommodations and refinements which were made addressed the Board's previous concerns. He expressed a preference for retaining the piers because of the proportionality they create. Mr. Wolf stated his support of the proposed stucco infill panels in the pattern as described and the finish and the colors.

Ms. Brennan thought the scored stucco suggested the historic material that did not fit this modern building.

Ms. Schoenthal stated she had noticed that as well and agreed with Ms. Brennan's comment.

Mr. Wolf understood the concern about the thinly veiled historicism. He did not feel the building was intensely modern. He thought some break in the surface would be helpful.

Mr. Adams thought the keystoneing made it look fake and draw attention to itself.

**Ms. Schoenthal, having considered the standards set forth within the City Code including ADC District Design Guidelines for Rehabilitation, moved to find that the proposed removal of upper storefront and facade renovations satisfy the BAR's criteria and are compatible with this property and other properties in the district, and that the BAR approves the application as submitted with the caveat that all scoring be perpendicular or vertical in its alignment and Option B is the Board's choice. Ms. Brennan seconded the motion. The motion carried unanimously.**

**D. Certificate of Appropriateness Application  
BAR 09-04-06  
218 W. Water Street  
Tax Map 28 Parcel 84  
Waterhouse, LLC, Owner  
New construction**

Ms. Gardner recused herself from the matter.

Ms. Scala gave the staff report. A preliminary discussion had been held in April regarding major massing changes for the project. The glass corridor between the tower building and the building next to it has been added back to the design. Several new bays have been added; the final bay is an extension of the enclosed parking structure which is now two levels. Commercial egress is provided a door facing south street. South Street deserves its own appropriately scaled residential building; this proposal, with a parking deck rather than a garage is less likely to preclude a future building on South Street. The site drawings are much better but no site plan has yet been submitted. Staff feels the applicant should ask the owner of the spite strip for permission to add street trees and other landscaping in that strip. Approval should be conditioned on having any final details come back to Staff or the BAR for approval.

Mr. Bill Atwood was present with Mr. Mark Kestner and Ms. Ashley Cooper. Mr. Atwood wanted to be sure the Board members had received a supplemental package which included a letter from the Zoning Administrator. Mr. Atwood then began a PowerPoint presentation which was continued by Ms. Cooper and Mr. Kestner.

#### QUESTIONS FROM THE PUBLIC:

Ms. Mary Gillam, of 218 West South Street, wanted an explanation of the difference between a parking garage and a parking structure. She also wanted to know if this would preclude further development on South Street. Mr. Wolf thought this was something which could be addressed during the Board's discussion.

#### QUESTIONS FROM THE BOARD:

Ms. Brennan wanted to know the distance between the edge of the development to South Street as well as whether the grading would remain. Mr. Atwood stated the Lewis & Clark building were okay with the garage and with having an agreement to landscape the spite strip. He stated they were trying to come to an agreement with Lewis & Clark about the grading because it was not his property. Mr. Kestner stated the measurement went from 50 feet to 60 feet at the corner.

#### COMMENTS FROM THE PUBLIC:

Mr. Brent Nelson, of 707 Northwood Avenue, prefaced his comments by noting they were based on the original submittal and not the additional material which was since submitted. Mr. Nelson read a statement in opposition to the proposal. He stated the parking deck was an overpowering structure. He expressed concern about the South Street edge of the property as it needed to act as an appropriate transition between the modern Water Street designs and the South Street vernacular. He stated the parking deck was not an appropriate transition.

Ms. Mary Gillam, of 218 West South Street, stated she did not see the difference between a parking garage and a parking structure. She thought this would preclude any future development on South Street. She did not think the trellises were appropriate screening.

Ms. Helena Devereaux, of 532 North First Street, stated she had lived in the neighborhood 25 years and had seen a transformation along South Street. She thought the elimination of the townhouses was a loss to the project. She stated a parking garage did not contribute to the streetscape or to street life.

Mr. Aaron Lefleur, of 850 Harris Road, had attended a neighborhood meeting and was awed by how beautiful the building design was. He stated the Lewis & Clark owners had been excited to see the townhouses gone.

#### COMMENTS FROM THE BOARD:

Mr. Knight thought there was merit to many of the things that had been said on both sides of the issue. He thought the project had changed and he appreciated the effort to meet the concerns which had been raised in previous meetings. He thought this was a handsome project and in many ways did meet the Guidelines. He thought it was an improvement over what was

there, but the Guidelines still needed to be met. He expressed concern about how this project affected the street life. He thought the parking garage proposal for the South Street side was imaginative and was a very urban solution. Mr. Knight was not sure this was the solution for this context as it was fundamentally in conflict with the nature of South Street. Mr. Knight stated unless that could be better overcome, he had fundamental reservations about the project.

Mr. Adams thought the parking was problematic due to the views into the garage, the headlight action, and traffic at all hours. He stated the project had gotten better but he still had problems with the design of the classical tower element, its proportions, and development of cornice, pilasters, etc. Mr. Adams thought the project could be further improved by getting rid of a few more parking spaces behind the large Water Street windows on the second floor to allow an occupiable space on the second floor.

Mr. Osteen agreed the building had improved over previous schemes. He thought it needed more work. He thought the issue of the parking garage, parking structure, and parking shelf is a very challenging design project. Mr. Osteen thought it was very reasonable to assume that a substantial buffer needs to be provided on the development given the fact that the primary buffer was someone else's property. Mr. Osteen thought a minimal investment in the garage would not preclude the idea of future development that could do what the South Street neighbors think is appropriate. Since the applicant did not own frontage on South Street, Mr. Osteen had a hard time thinking the Board could interpret the Guidelines to say the applicant owes much more.

Mr. Wolf felt the adjustments made from the previous month's submittal made the main massing and the organization and the fenestration patterns make a lot more sense. His biggest concern and issue related to street life on Water Street at ground level and how the back space gets dealt with on South Street. Mr. Wolf agreed with Mr. Osteen that this did not preclude future development. He expressed his support for the primary moves of the building but he had reservations about the parking in the back.

Ms. Brennan agreed with her colleagues. She felt there was a historic precedent for this as a backyard for Water Street, but she didn't think it was anymore as the area rapidly changed. She echoed Mr. Adams' comments on the proportions of the classical tower. She also echoed Mr. Knight's comments and concerns about South Street and parking.

Ms. Schoenthal thought in trying to go by the guidelines, they must choose whether they went by the backyard situation guidelines or the historical Guidelines of South Street. She thought there was ambiguity in the guidelines. Ms. Schoenthal stated the consensus seemed to be there were a lot of problems with the parking section. She thought the configuration of the lot in relation to the doors of the garage was awkward. She thought the trellises and the gatehouse are a token concession to the streetscape and did not match the building.

Ms. Brennan sought a consensus of the Board that the applicant could come back with details, a site plan, and a new parking scheme. Mr. Wolf stated his comments were meant to say that

he thought the previous changes they had asked for at the previous meeting -- addressing the massing and certain alignments and structural continuities -- made him comfortable with supporting the massing, general fenestration patterns, materials and so forth, if the Board could agree there were underlying details to return.

**Mr. Wolf, having considered the standards set forth within the City Code including ADC District Design Guidelines for New Construction, moved to find that the proposed Waterhouse project revisions as they pertain to the overall massing, fenestration patterns, and material palette are generally approved with the exception of the base at the primary tower, which is defined by the cut stone material, and the site plan, including and particularly related to the South Street parking lot trellis structures, gatehouse, and entrance to covered parking, that the project with those revisions satisfies the BAR's criteria and are compatible with this property and others in the district, and that the BAR approves the application as submitted with those modifications. Mr. Knight seconded the motion. The motion passed, 7-1-1; Mr. Adams voted against and Ms. Gardner had recused herself from the matter.**

Mr. Hogg joined the meeting at 6:49 p.m.

**E. Certificate of Appropriateness Application**

**BAR 08-10-03**

**1824 University Circle**

**Tax Map 6 Parcel 97**

**Bruce Wardell, Applicant/Hillel Jewish Center at the University of Virginia,  
Owner**

**Revisions to approved plan**

Ms. Scala gave the staff report. This project was last before the Board in December when new construction was approved as submitted with alternate north elevation as the approved elevation. The applicant wants to substitute a glass mosaic tile with a Star of David design over the east entry in lieu of previously approved copper cladding over the doorway. The copper recesses have been changed to stucco pigmented to match the window frame color. A stucco water table has been added to the north elevation. The rear second floor deck was removed. The size of the front and rear patios has been reduced. A biofilter has been relocated because the original biofilter was not large enough.

Mr. Bruce Wardell provided the Board with samples of the proposed tile for over the main entrance as well as the color of the window frames. He explained the reason to change the exterior art was to identify the building as a Jewish structure for Jewish students. He stated there were also concerns about the way copper ages and stains.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

## QUESTIONS FROM THE BOARD:

Ms. Schoenthal wanted to know if the glass in the dining hall area was tinted. Mr. Wardell stated it was not, it was just the shading mechanism of the sketch software.

Mr. Knight wanted to know the rationale behind the new placement for the biofilter. Mr. Wardell explained a different mechanism had been requested and it generated a larger biofilter which required more distance for the pipe.

## COMMENTS FROM THE BOARD:

Mr. Hogg thought most of the changes were terrific and represented a refinement of the design. He thought the glass tile as it seemed like an appropriate material for that period of the house. However, he expressed concern about the placement of the biofilter.

Mr. Osteen complimented the applicant on the documentation of the changes which made it easy to review. He expressed concern about the placement of the rain garden and wanted it to be handled differently.

Mr. Adams supported the application.

Mr. Knight thought the rain garden was the one problematic thing. He thought the form of the rain garden in that location was a thumb in the eye of the old historic house and lawn. He thought there were other forms and other locations that needed to be explored.

Mr. Wolf thought there were instances where aspects of the Code could be relaxed when the historic nature of a building takes precedent over certain building code issues. He thought this could possibly be true for site plan considerations as well.

Mr. Wall stated he could support the project. The changes were subtle and had a real elegance and restraint.

**Mr. Knight, having considered the standards set forth within the City Code including ADC Design District Guidelines for New Construction, moved to find that the proposed new building addition and site design revisions satisfy the BAR's criteria and Guidelines and are compatible with this property and other properties in the district, and that the BAR approves the application as submitted with the exception of the rain garden proposed for just north of the west porch of the existing building and the Board further strongly recommends that the rain garden be either kept in its previous location in relation to the addition or that another solution be found that is compatible with the site. Mr. Wolf seconded the motion. The motion carried unanimously.**

**F. Certificate of Appropriateness Application**  
**BAR 09-05-06**  
**625 Park Street**  
**Tax Map 52 Parcel 189**  
**Ovation Builders, LLC, Applicant/Shaffrey, Owner**  
**Revised rear addition and partial demolition**

Ms. Scala gave the staff report. In January the Board approved a rear addition which has since been revised. The applicant is still removing the non-original construction in the rear, an octagonal sunroom and porch, but will add a smaller than was previously approved one-story addition. The materials are similar to before. There will be new basement windows, reuse the grates, wood railing, and new masonry porch steps. The Board should confirm the type of materials on the window trim. The applicant should return to the BAR if and when the rear patio is constructed. E-mails were received from a neighbor about the tree.

The applicant, who did not identify herself for the record, stated the masonry would be brick to match the existing back wall of the house as closely as possible. This brick would also be used for the new foundation. The window will be trimmed out with brick mold to match the windows in the masonry portion of the house and the new window will have the identical brick mold as the existing windows.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS FROM THE BOARD:**

Mr. Adams wanted to know if the north porch was part of an addition. The applicant stated it was not.

**COMMENTS FROM THE PUBLIC:**

Mr. Dick Howard, of 627 Park Street, stated he had previously expressed support of the project while voicing concern about the American elm tree. Since that meeting, this tree has been included in the Remarkable Trees of Virginia project. He stated the tree was also beginning to receive national attention. Mr. Howard stated the plan before the Board lists the diameter of the tree as 36 inches while it is actually 51 inches. This would mean a tree protection radius of 64 feet. He stated the contractor had been informed of this and was willing to apply the Mississippi State University's Extension Service guidelines for tree protection. Mr. Howard asked the Board, in their motion regarding this matter, to show it was their understanding the contractor was aware of and would work to carry out and implement the procedures set out in the tree protection plan.



Mr. Tony Wilson, of Ovation Builders, stated they had previously consulted with Arbor Life a tree specialist in Crozet. He stated his understanding that the Howards and the Shaffreys were interested in discussing the tree with Van Yahres. A report from Dave Rosene of Van Yahres stated "it appears that there will be minimum damage to the root system." Mr. Wilson stated they would be happy to comply with the report in full. He provided the Board with copies of the letter.

Mr. Wolf wanted to know if the diameter of the tree was larger than was shown on the report. The applicant stated she had not gone back to check and noted she may have measured at a lower point. Mr. Wolf stated it appeared there was additional room to expand the tree protection area given the diameter of the tree may be larger than was shown.

Mr. Wilson stated his intention to have Dave Rosene come out and work on this with him.

#### COMMENTS FROM THE BOARD:

Mr. Adams felt this was much improved from what it was before. He noted the loose symmetry complemented the original building.

Mr. Hogg stated he had been bothered by the relationship between the roof and the windows. He stated he was prepared to change his previous opposition due to the lowered roof of this proposal.

Mr. Wolf thought there was much improvement also.

Mr. Knight, noting there had been much discussion about the tree, stated they cared about the architecture as well. He stated the architecture did meet the Guidelines. Mr. Knight stated the tree was a rarity because there were so few American elm trees of any size that escaped Dutch Elm disease. He was glad the applicant would be working with an arborist.

**Mr. Knight, having considered the standards set forth within the City Code including City Design Guidelines for New Construction and Additions and Demolition, moved to find that the proposed demolition of the existing rear addition and the proposed new rear addition satisfies the BAR's criteria and are compatible with this property and other properties in the district, and that the BAR approves the application as submitted with the understanding that the tree protection guidelines as outlined in the Van Yahres Tree Company letter of May 15th will be adhered to. Mr. Wolf seconded the motion. The motion carried unanimously.**

**G. Certificate of Appropriateness Application  
BAR 09-05-02  
301 and 315 West Main Street  
Tax Map 32, Parcels 198, 197  
Robert Mooney  
Demolition**

Ms. Scala gave the staff report. The Board approved demolition of both buildings in 2005. This was extended administratively for one year. Reapproval was given by the BAR in 2007; this was extended another year by the Director of NDS. The applicant is again asking for reapproval of the demolition of both buildings. In the interim, the BAR denied a CVS project on the site in 2006 and approved a mixed use project in terms of the concept of the massing, general articulation and materials and asked for details to come back in 2008; they have not come back. The criteria indicate that 301 could be demolished. Staff originally recommended that 315 should not be demolished but should be incorporated into a redevelopment plan. After the structural plan was submitted and considered as part of the criteria, the BAR concluded that building could also be demolished.

Mr. Wolf sought clarification that the background information suggested the demolition approval was extended until October, 2009, so it technically had not yet expired. Ms. Scala confirmed it has not expired. She thought the applicant was being careful to ensure reapproval before the expiration date. She stated the applicant also wanted to be sure the extension would be dated from the October 2009, date rather than the meeting date.

Mr. Jim Mooney stated they were being proactive. He stated they wanted to have the demolition tied in with a new project. He reiterated they would like this to be an extension of the existing permit.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Ms. Brennan wanted to know if the applicant would still have approval until October if the Board denied this request. Ms. Scala did not have an answer for that. Mr. Wolf thought that was a legal interpretation and not an argument for the Board. Mr. Mooney stated their contention was the approval was good through October and they could tear the building down the next day. Ms. Brennan could not understand why they were reviewing the matter if their decision had no effect on the outcome. Ms. Brennan stated she would be willing to vote on the application with the reservation that the applicant would be relinquishing any previous approvals or denials. Mr. Mooney stated they withdrew their application. Mr. Hogg stated either they thought it was an appropriate application and acted upon it with Ms. Scala and the City Attorney deciding which date it is from as none of the Board was competent to make that kind of determination or stipulation. If the approval is valid until October, Ms. Brennan did not think they should be hearing this at this time. She stated she would recuse herself because there would be no point. Mr. Mooney noted the Board had applauded the applicant for being proactive and coming early for a previous extension.

Mr. Hogg thought the fundamental question was whether anything had changed since the last time approval was granted. He stated his understanding was nothing had changed. Mr. Hogg

stated the criteria had been met previously and the Board needed to be mindful of being arbitrary and capricious. He stated if the facts hadn't changed, despite the fact the Board had different members, there was a record upon which the Board must stand. He stated he had no problem approving this application as presented.

Ms. Brennan stated she had not been on the Board when it was approved and she thought the question of facts may apply to the engineering of the building. However, the question of whether the building merits preservation was subjective and she thought 315 was worthy of preservation. Ms. Brennan thought the building could be repaired and stabilized.

#### COMMENTS FROM THE PUBLIC:

Mr. Mooney noted there were structural flaws in the concrete flooring of 315.

#### COMMENTS FROM THE BOARD:

Mr. Osteen appreciated the fact that the applicant has not rushed to demolish the buildings even with the permits in place. He thought the reality that the buildings would be restored was minimal. He noted multiple development options had been looked at and suggested there could be a development option in the future that would see fit to partially restore those buildings. He appreciated the applicant's efforts to keep this available. He expressed his support of the application.

Ms. Brennan also appreciated the applicant coming early. Her primary concern was that her decision would be irrelevant if the applicant still had approval until October. She stated she would prefer to see this in October or just after when it was expired.

Mr. Knight noted that when he and Ms. Schoenthal met with Ms. Scala to discuss what items should be included on the Consent Agenda, this item had been considered for it as nothing had changed in the interim; it had not been because there were new Board members and because it would set a bad precedent to put any demolition project on the Consent Agenda. However, Mr. Knight stated the merits of the case were essentially unchanged. He could reluctantly support demolition although he preferred the buildings not be demolished. Mr. Knight did not think it was up to the Board to determine whether they should or not as that was a legal matter. He thought they could vote on it and let the City Attorney determine whether it was valid and what date the approval stemmed from. He stated they could also table the matter and ask for a City Attorney's ruling prior to acting on the matter. He expressed his support for the application.

Ms. Brennan asked that the Board defer or ask the applicant to defer until that question is settled.

Mr. Wolf stated he had supported this in the past and would support it again.

**Mr. Wolf, having considered the standards set forth within the City Code including the ADC District Design Guidelines for demolition, moved to find that the proposed demolitions of 301 and 315 West Main Street satisfy the BAR's criteria and Guidelines and are compatible with this property and other properties in the district, and that the BAR approves the demolitions as submitted. Mr. Osteen seconded the motion. The motion passed, 8-1; Ms. Brennan voted against.**

**H. Certificate of Appropriateness Application  
BAR 09-05-03  
2115 Jefferson Park Avenue  
Tax Map 17 Parcel 88  
Dave Ackerman, Applicant/Terry Hindermann, Owner  
Renovation and landscape improvements**

Mr. Wolf recused himself from the matter. Ms. Scala gave the staff report. The former Fry's Spring Service Station is an Individually Protected Property. The building was constructed in 1931 with a garage addition constructed in 1939. The applicant proposes to renovate and restore the existing building for use as a restaurant. The changes are aimed at improving pedestrian and vehicular access to the site. The wood and metal windows will be refurbished and painted. The tin tile roof and parapet will be painted also. Security bars and signage will be removed. The biggest proposed intervention is replacing the existing wood garage with aluminum doors. The stucco columns would be patched and repainted. Staff found the existing windows may be repaired and painted, but not replaced. The Board should determine if replacement of the garage doors was appropriate. A new city sidewalk is proposed.

Mr. Dave Ackerman, of Wolf Ackerman Design, stated most of the work would be patching and repairing, matching the existing color of the painted wood and stucco and the tin roof tiles. The color match for the tiles was tricky due to the state of disrepair. The existing asphalt would be removed and portions would be replaced with cast in place concrete with saw cut joints. The owner is proposing to fill this building with a restaurant tenant but does not have a tenant yet so there are no signage specifics at this time. Mr. Ackerman stated he would be happy to bring that information back at a later time.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS FROM THE BOARD:**

Mr. Adams wanted to know if there was a color for the concrete. Mr. Ackerman stated if it was colored, it would be lightly done.

COMMENTS FROM THE BOARD:

Mr. Adams thought this was a great project. He stated he would not power wash the brick as was proposed. He expressed a preference for glazing the replacement garage doors all the way down to allow for more light and visibility.

Mr. Hogg stated he had no problem with changing material for the door. His only concern was there was too much green because this had been an industrial building; the landscaping did not complement the building. He stated he would approve this with the request that the applicant revisit that aspect of the project.

Mr. Osteen thought it would be nice to have some recognition of the original drive path in the front of the restaurant in a way that would not receive vehicles. He wanted to know where the crosswalks were going to be. He expressed concern about the location of the handicap spot and suggested it be in the rear parking lot rather than on the street.

Mr. Knight thought it was a wonderful application. He objected to the handicap space where it was located as a curb cut.

**Ms. Brennan, having considered the standards set forth within the City Code including ADC District Design Guidelines for Rehabilitation, moved to find that the proposed changes 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. Hogg seconded the motion. Mr. Hogg offered a friendly amendment that the applicant take the conversation about the site plan into consideration as he moves forward. Ms. Brennan accepted the friendly amendment. The motion passed, 8-0-1; Mr. Wolf recused himself from the matter.**

Mr. Knight called for a brief recess. The meeting stood adjourned at 8:09 p.m.

Mr. Wolf reconvened the meeting at 8:29 p.m.

**I. Certificate of Appropriateness Application  
BAR 09-04-04  
100-102-104 Oakhurst Circle and 1616 JPA  
Tax Map 11 Parcels 1,2,3,4  
Tenth & Main, LLC, Owner/Wolf Ackerman Design, Architects  
New Construction and Rehabilitations**

Mr. Wolf and Ms. Gardner recused themselves from the matter.

Ms. Scala gave the staff report. This was last before the Board in April as a preliminary discussion about the rehabilitation of the four historic buildings; a preliminary discussion about

the new construction had been held in March. The application was for final approval of the new construction of a three-story, 36 unit apartment building with structured parking for 47 cars, for the proposed rehabilitation of the four historic structures, and for the realignment of the intersection of JPA and Emmett Street.

Mr. Dave Ackerman, of Wolf Ackerman Design, was present with Mr. Hunter McCardle of Water Street Studio. Mr. McCardle provided the Board with an updated illustrative plan which showed the latest revisions to the project. He stated a proposed ginkgo had been changed to an elm. The pathway from Emmett Street had been removed to allow for a larger garden area. Mr. McCardle stated unnecessary walls that would impede the oak had been removed. He stated they were proposing permeable paving leading into the garage. Two trees located in the sidewalk would need tree grates. All of the perimeter site walls would be stone to match as closely as possible the existing historic stone walls. The two upper most terrace walls associated with 100 and 102 would be stone while the lower walls and interior site walls would all be smooth finish cast in place concrete.

Mr. Knight suggested they deal with site issues first and then architecture.

#### QUESTIONS FROM THE PUBLIC:

Ms. Nina Barnes, of Gildersleeve Wood, stated the neighborhood had always worked for beautification and safety of the neighborhood. She expressed concern about how plans often showed beautiful trees but projects ended up with scraggly trees and no base planting. She stated they wanted to make sure there was base planting at the buildings.

Ms. Cyane Williams, of 108-A Oakhurst Circle, wanted to know how many congregating areas there would be. Mr. McCardle stated they were limited to the interior.

Mr. Charles Dipierro, of 106 Oakhurst Circle, wanted to know if the two trees circled in red on the plan were designated for removal. Mr. McCardle stated there were two trees in that area that would be removed. Mr. Dipierro wanted to know if these two white oaks were being removed because of their location near the garage entrance. Mr. McCardle confirmed that.

#### QUESTIONS FROM THE BOARD:

Mr. Adams wanted to know if the applicant planned on growing anything on the concrete walls. Mr. McCardle stated they could, and noted it would be an appropriate request for the wall at 1616.

Mr. Knight wanted to know if they had had an arborist recommend a tree protection plan. Mr. McCardle stated they had. Mr. Knight wanted to know if that would be carried out. Mr. McCardle confirmed absolutely it would.

Mr. Knight suggested the Board hear about the architecture and ask any questions about it before moving on to discussion.

Mr. Ackerman provided the Board with supplemental documents including cut sheets and details on windows, light fixture substitutions, and the revised bike rack. He then provided the Board with a material palette and color board. He stated the massing of the apartment building had been reduced. The garage opening had been recessed and reduced.

#### QUESTIONS FROM THE PUBLIC:

Ms. Cyane Williams, noting it was better than as was originally proposed, wanted to know if it had to look so modern. Mr. Knight stated the BAR had not yet given any type of approval to this project.

Ms. Williams wanted to know when the elevator tower had been added. Mr. Ackerman stated it had always been there. Ms. Williams stated it had not seemed to stand out quite as much previously. She wanted to know if it could be more visually appealing. Mr. Ackerman noted that was a matter of aesthetics.

#### QUESTIONS FROM THE BOARD:

Mr. Adams wanted to know if storefront windows were being used. Mr. Ackerman stated they were. Mr. Adams then wanted to know which of the windows were operable. Mr. Ackerman stated it was the transom units which would awning out.

#### COMMENTS FROM THE PUBLIC:

Ms. Nina Barnes explained that with a previous project in the neighborhood the neighbors thought they had addressed lighting and landscaping; however, the landscaping was not there and the lighting was too harsh. She expressed concern that would happen again. She wanted to know what the plan was for lighting and landscaping with this project as well as the plan for replacement of trees. Ms. Barnes expressed concern about the construction traffic. She stated that corner needed something beautiful, simple, and good.

Ms. Jane Foster, of 6 Gildersleeve Wood, expressed appreciation for the time given to the project by the architects. She stated the neighbors see themselves as a funny little historical neighborhood from the '20s and stated that was the look they would like to have. She implored the Board to keep in mind what the neighborhood looks like.

#### COMMENTS FROM THE BOARD:

Mr. Hogg appreciated the revisions to the site and thought they were a significant improvement. He stated the landscaping changes for 1616 were a massive improvement. He agreed with Mr. Adams that there should be plantings for the large concrete walls. The work

on the historic buildings was appropriate and would enhance the character of the corner. He thought the scale and articulation of the new buildings helped the large building relate to the scale of the neighborhood. Mr. Hogg thought the rendering of the plan made the tower look more than it actually would be. He supported the plan as presented.

Mr. Osteen thought improvements continued to be made. He thought the project had evolved nicely. He thought the architect and owner had been open to the neighbors. Mr. Osteen thought what was being done on Oakhurst Circle was what spoke to the neighborhood the most. He thought the modern insertions in the project were trying to respond to what the neighborhood was. Mr. Osteen thought this was a modern arts and crafts project design. He expressed concern about the trifab windows as he did not think that was an improvement. He stated the project had a very robust planting plan which would take time to mature. He did not see the advantage to the realignment of the path between 100 and 102.

Mr. Adams thought it was a difficult task to put this much program in an historic neighborhood. He found the grid strategy with distinct masses to be very successful. Mr. Adams would like to see the entry piece of the project and where the project meets the surrounding context reconsidered. He thought the garage entry elevation was too monumental. He thought the elevator tower could be buried in the project as the public would not like an elevator shaft sitting at the corner of the project. Mr. Adams expressed concern about the lighting in the garage.

Ms. Brennan expressed her support for the project, noting that it met the Guidelines. Her only concern was the elevator tower. She suggested some transparency to it. She agreed with Mr. Osteen that this was a modern interpretation of arts and crafts design.

Ms. Schoenthal stated she would approve the project as it met the Guidelines.

Mr. Wall thought the apartment section was respectful of the massing. He thought the elevator tower and the rough sawn textures could be addressed and more refined. He stated he would support it.

Mr. Knight thought this met the Guidelines in almost every way. He thought the project straddled the two worlds and the two types of design -- JPA and Oakhurst Circle. He thought the designers had done a good job of dealing with the landscaping in a simple, elegant fashion. He thought approval could be conditioned upon additional work on the main entrance at the corner and the motor entry facade.

**Mr. Hogg, having considered the standards set forth within the City Code including ADC District Design Guidelines for Rehabilitation and for New Construction, moved to find that the proposed rehabilitation of four existing structures, new apartment construction, and the modification to the landscape at the intersection of JPA and Emmett Street are compatible with this property and other properties in the district, and that the BAR approves the application with the request that the main entrance corner be restudied**



with the goal of mitigating the presence of the elevator tower on that elevation, that the south end of the new building be studied with the goal of reducing its monumental character and trying to control the presence of the garage entrance and parking court as it is approached from the south, and that the use of the aluminum window be reconsidered along with the rough sawn wood to make sure that the palette of materials in that portion of the building be harmonious with the precedents found in the neighborhood. Mr. Osteen seconded the motion. Mr. Knight sought clarification of Mr. Hogg's use of "request," wanting to know if this was a mandatory request. Mr. Adams offered a friendly amendment that it be a stipulation that those pieces of the project come back before the Board. Mr. Hogg and Mr. Osteen accepted the friendly amendment. Mr. Knight sought the opinion of the Board as to whether they wanted to see the photometrics; Mr. Osteen thought they should. Mr. Knight stated he would like to see and understand what light levels, especially from the garage, would look like at the edge of the site. Mr. Hogg and Mr. Osteen accepted this as a friendly amendment. The motion passed, 7-0-2; Mr. Wolf and Ms. Gardner did not vote, having recused themselves from the matter.

**J. Certificate of Appropriateness Application**  
**BAR 09-05-05**  
**433 North 1st Street**  
**Tax Map 33, Parcel 103**  
**Malcolm and Ruth Bell**  
**New Construction**

Ms. Scala gave the staff report. At the April meeting, the Board approved the demolition of the shed garage; the applicant is now requesting to construct an accessory building on the south side of the property in the location of the old shed. It is about 24 feet tall on the First Street facade and 17 feet tall on the Walker Street facade. The materials are smooth stucco painted pale buff, the wood door and casement window trim and wood trellis colors are not specified, the roof is standing seam copper with copper gutters. The new construction is narrower but longer and taller than the previous garage. It is mostly obstructed from pedestrian view by a canopy of trees.

The applicant, who did not identify himself for the record, stated their measurements indicate that the height on the east side of the building is 23 feet while the height on the west is 16'6".

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS FROM THE BOARD:**

Mr. Adams wanted to know why stucco had been chosen. The applicant stated the house and garage were stucco.

## COMMENTS FROM THE BOARD:

Mr. Hogg thought the size and scale related well to the historic building. He thought this was an appropriate outbuilding for this house.

Ms. Gardner thought it was a very thoughtful project and nicely designed. She thought it related well to the original structure and seemed to meet the Guidelines.

**Mr. Knight, having considered the standards set forth within the City Code including ADC District Design Guidelines for New Construction, moved to find that the proposed new accessory unit construction does satisfy the BAR's criteria and is compatible with this property and other properties in the district, and that the BAR approves the new construction as submitted. Ms. Brennan seconded the motion. The motion carried unanimously.**

The applicant stated there was a window in the existing garage they thought may have been recovered from the slave quarters the garage was built around. He wanted to know if it would be acceptable to substitute that window for a window of the same size on the north facade without coming before the Board. With the consent of the Board, Mr. Wolf stated he could.

**K. Review and Recommendation to City Council  
BAR 09-05-04  
McIntire Park  
Tax Map 45 Parcel 1  
VMDO Architects, Applicant/City of Charlottesville, Owner  
New construction of YMCA**

Ms. Scala gave the staff report. Per the lease agreement, City Council retained the right to approve the design and exterior appearance of the project. The applicant proposes to construct a new, two-story YMCA within the northern portion of McIntire Park. Materials will consist of brick, slate, prefinished metal panels, and aluminum frame windows. Site changes and additions include road realignments of existing driveway into the site as well as south of the ground lease boundary area. Approximately 234 new parking spaces are planned in relation to the existing 116 spaces.

Mr. Todd Bullard, of VMDO Architects, provide the Board with updated drawings. Also present with Mr. Bullard were Mr. Denny Blank, the executive director of the YMCA, and Mr. Jim Richardson, also of VMDO. Mr. Bullard gave a brief overview of the proposal for a recreation facility with a double gymnasium, two swimming pools, locker facilities, fitness center, multi-purpose rooms, and offices. The park's existing softball fields would remain. He stated the purpose of the site plan was to reinforce and create an arrival point for the park and the YMCA facility. He stated the area was still being designed by landscape architects.

## QUESTIONS FROM THE PUBLIC:

Mr. David Stackhouse, a new resident to Charlottesville, wanted to know if there had been a traffic study. He also noted the amount of usage he had seen for the gazebos and trails and wanted to know if there had been any consideration for all of the activities of the park to continue and what provisions were planned for that. He wanted to know how it would impact the neighborhood and the conservation area. Mr. Wolf explained there had been months of planning and evaluation which had required public input and conversation. Mr. Bullard stated there had been a master planning process which had designated a boundary line for the YMCA. The gazebos were in that area and would have to be removed or rebuilt elsewhere in the park. The relocation of the gazebos would be handled by the city. Mr. Bullard was not aware if a formal traffic study was conducted as part of the master planning exercise.

## QUESTIONS FROM THE BOARD:

Mr. Knight wanted to know the thinking behind the overall parking design. Mr. Bullard stated the challenge behind the plan was to find the balance between how much parking is enough and how much is too much.

Ms. Brennan wanted to know if the applicant was proposing pervious materials. Mr. Bullard stated they were proposing harvesting rainwater from the roof. He noted all the impervious surfaces would need to be treated with biofilters. Mr. Bullard explained the stored water could be used for toilets, pools, and irrigation.

Mr. Adams sought clarification as to whether there was a loggia along the front of the building. Mr. Bullard explained there was a spectator platform on the upper level of the pool.

Mr. Adams wanted to know if this was a LEED project. Mr. Bullard stated it was LEED equivalent.

Ms. Brennan wanted to know if there was a lot of tree coverage being removed. Mr. Bullard stated the master plan had shown every tree being removed; however, the proposal preserved most of the trees with only a handful in the immediate building area being lost.

## COMMENTS FROM THE PUBLIC:

Mr. Stackhouse expressed his support for the YMCA. He expressed his confusion as to why the architects had taken a very hilly lot and put a very horizontal building on it. He expressed concern that the building was a continuous wall with no trees that was connected to a parking lot; currently in that spot were hills, trees, grass, and gazebos. The building did not make it seem like a park anymore. He compared the rendering to walk on a Coney Island boardwalk. He suggested the building flow with the landscape instead and have some trees or other planting. He thought the building looked more like a factory.

## COMMENTS FROM THE BOARD:

Mr. Knight thought there was a laudable effort to fit the building to the site but there was some articulation that could be done to the building that would be helpful. He thought parking was driving the site plan. He had serious concerns about the effect that had on the design. Mr. Knight thought the lot south of the softball field was particularly troubling as that was the prominent view of the park. He thought maintaining plantings in the landscape buffers would be almost impossible.

Ms. Schoenthal stated she liked the building and appreciated what the building was doing. She did not mind the long, low structure, but instead found problematic the way it abuts pavement. She stated she would have difficulty supporting this based on the site plan and parking. She thought the loss of buffer to parking on the edge of the park was an egregious imposition. Ms. Schoenthal stated that buffer was critical to people on the highway noting that it was a park space. She expressed support for the Y being there and liked the building, but thought the site plan was of great concern as it currently stood.

Mr. Osteen stated they could debate the number of parking spaces which would be appropriate, but he would prefer they try to concentrate the parking in as small a footprint as possible. He stated he would expect to see an aggressive plan for handling parking in a park in an exceptionally green way. Mr. Osteen thought the architect owed it to the community to make an exemplary solution for the parking. His greatest concern was the outlying parking spaces.

Ms. Brennan agreed with her colleagues. She thought it was a fantastic challenge to do something completely green even if it involved using a deck.

Mr. Wall liked the building but found the materials sterile, industrial, and utilitarian. He thought the parking needed work, especially the lot which would be seen from 250.

Mr. Wolf supported the strategy, the location, the diagram, and the massing. He thought it could have more of a tactile quality. One of his concerns was the landscape move toward the pavilion adjacent to the ball fields closest to 250 in the way the traffic traverses that. He thought the vehicular crossing needed to be simpler.

Mr. Knight suggested they come up with a list of bullet points they suggest Council consider. He suggested it would be helpful to look beyond the boundary of the black dotted line for some of the solutions to the issues the Board had. He compared the project to the architect being asked to put ten pounds of flour in a five pound sack; either the sack needed to be bigger or less flour needed to go into it.

Mr. Wolf agreed there might be the opportunity for a more radical approach in considering the charge and a wider opportunity to study options so there could be a more sensitive integration into the park.

Mr. Hogg thought the building was so formal the landscape wants to respond to it more constructively. He stated the existing parking appeared to have big, wide planted medians while the proposed parking was just space after space after space.

Mr. Wolf wanted to be sure the recommendation to Council be that they consider, on the part of the architect, a broader boundary for investigation for solutions to issues pertaining to site, traffic, circulation, parking, mediation of the building to the landscaping, addressing structures that had been lost in the process of building the new structure and proposals for their locations. Ms. Schoenthal stated they should encourage ecologically responsible solutions to these problems since they were building in a park space. Mr. Wolf noted they did support the general massing, location, and diagrammatic organization of the building. He stated there was also general support of the material palette although interest had been expressed in whether that palette might shift in response to a building that is integrated so tightly with such an important piece of landscape architecture in the City.

**Mr. Wolf moved to approve a recommendation that summarized their comments this evening in suggesting that in general the BAR supports the general massing, orientation, location, and diagrammatic organization of the YMCA building in McIntire Park as shown with the exception that the Board has concerns about parking, vehicular and pedestrian circulation, and landscape to building mediation and the Board suggests further study on those issues, specifically with the possibility of allowing the architects to look beyond the current boundary in pursuing possible solutions. Mr. Knight seconded the motion. The motion carried unanimously.**

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

There were no matters from the public.

**M. Other Business**

There was no other business.

**N. Adjournment**

**Mr. Wolf moved to adjourn. Ms. Schoenthal seconded the motion. The motion carried unanimously, whereupon the meeting stood adjourned at 11:07 p.m.**