

**City of Charlottesville  
Board of Architectural Review  
June 16, 2009  
Minutes**

**Present:**

Fred Wolf, Chair  
Syd Knight, Vice Chair  
Brian Hogg (5:29 p.m.)  
William Adams (5:22 p.m.)  
James Wall  
Eryn Brennan

**Not Present:**

Amy Gardner  
Michael Osteen  
Rebecca Schoenthal

**Also Present:**

Mary Joy Scala

At 5:16 p.m., Mr. Wolf informed the public five members were needed for a quorum and they would wait 15 more minutes. With the arrival of Mr. Adams at 5:22 p.m., Mr. Wolf convened the meeting.

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

There were no matters from the public.

**B. Consent Agenda**

1. **Minutes -- October 21, 2008**
2. **Minutes -- November 18, 2008**
3. **Minutes -- December 16, 2008**

**Mr. Wolf moved the consent agenda. Mr. Knight seconded the motion. The motion carried unanimously.**

**C. Certificate of Appropriateness Application**

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

Ms. Scala gave the staff report. This was last before the Board in May at which time only the overall massing, fenestration patterns, and materials palette except for the base of the primary tower, defined by cut stone material, and except the site plan as defined by the South Street side by the parking lot gatehouse, trellis

structures, and covered parking. The parking structure is now two levels accessed by a garage door on Water Street and a parking deck on South Street which is now two and-a-half feet below the street level. On South Street the parking deck is enclosed with horizontal metal guard railing on the east side. There are two planters constructed of a two foot high stucco wall; these will contain a hedge, bulbs, and perennials. The parking deck is now accessed with a slight ramp that does not align with the garage entry. Three maple trees are located in the spite strip area. Most of the Board's concerns from the preliminary discussion have been addressed.

Mr. Hogg joined the meeting at 5:29 p.m.

Mr. Bill Atwood gave a brief history of the site, beginning with the Spotless Store which was a light industrial building. The parking lot is the biggest asset in downtown. He noted this site was the beginning of the commercial area.

#### QUESTIONS FROM THE PUBLIC:

Mr. Brent Nelson, of 707 Northwood Avenue, cited Section 34-869 (b), Tree Cover Requirements. He stated it indicated the on site tree canopy requirement for this proposal would be ten percent. He wanted to know if this had been addressed. Mr. Nelson then cited Section 34-873(c), Parking Lots, Screening, and Interior Landscaping, which states that a continuous landscaped buffer, at least five feet in width, shall be established between the edge of a parking lot and an adjacent property where there is no intervening public street right of way. He wanted to know if this had been addressed. He then cited Section 34-873(d), Interior Parking Lot Landscaping, which states that the interior landscaped areas shall consist of at least one tree and at least three shrubs per eight parking spaces. He wanted to know if this needed to be addressed. Ms. Scala explained the differences in review by Neighborhood Development Services, the Planning Commission, and the Board of Architectural Review. She also explained this was a parking structure not a parking lot so interior landscaping would not be required. She also explained this property's zoning exempted the street tree requirements and the buffer requirements.

#### QUESTIONS FROM THE BOARD:

Mr. Knight noted the site plan, in referencing the top of the parking deck in the rear, said patterned concrete. He wanted to know if that pattern was made by saw cutting or if it was stamped. The applicant stated there would be some of each.

## COMMENTS FROM THE PUBLIC:

Mr. Brent Nelson read a prepared statement in opposition of the proposal. He reminded the Board of their concerns about the scale and relationship of the parking structure to the residential quality of South Street, a dislike for the tacked on gatehouse, the proposed trellises and the South Street views into the parking structure, and that the BAR had told the applicant a significant change to the South Street side of the proposal needed to occur. Mr. Nelson stated that change was not present in this proposal. He asked the Board to remember Section 34-284(b) of the City Code in making their decision. He stated the parking structure was not compatible with the unique, intact, row of historic vernacular structures facing it.

Ms. Mary Gillam, owner of the property at 218 West South Street, thought the parking structure was an inappropriate use and was incompatible with the Victorian structures across from it.

Mr. Brandon Clancy, of 1004 Locust Avenue, stated the parking lot has been an eyesore. He thought having a landscaped pathway down both sides of South Street would be an improvement. He stated that in the best of worlds, no one wants a parking deck across this street, but in a realistic sense this proposal was minimally invasive.

Mr. Aaron Wahlfer, of 850 Harris Road, felt that it was positive that the townhomes were gone. He stated the site currently had a very ugly parking lot. He informed the Board of problems involving drugs and graffiti in the area which are creating a pattern of deterioration. He thought the proposal would make the neighborhood more desirable.

## COMMENTS FROM THE BOARD:

Mr. Wolf wanted the applicant to describe where the material on the trellis and the parking would grow from. The applicant explained the trellis would extend into the planter areas in some places.

Ms. Brennan wanted to know what the trellis would look like in the winter. Ms. Ashley Cooper stated two different types of vines had been chosen to address that issue. The cross vine was an evergreen while the other vine would be the Virginia creeper which would not be seen during the winter.

Mr. Hogg noted there were thousands of things they would much rather see on the site but they could not compel someone to build something. He thought this was a modification of an existing condition. He stated he was loathe to rely on vegetation as a reliable form of mitigation; however, there were many things proposed that

would soften the presence of the lot. Mr. Hogg stated he had trouble not finding this appropriate if the proposal was looked at without thinking about what they might wish or what they liked better about a previous approval.

Ms. Brennan thought many of the previous concerns had been addressed by the new proposal. She echoed Mr. Hogg's comments. She thought the proposal was an improvement over what is existing and had merit on that level.

Mr. Knight agreed with the general rationale that the Board had to rule on the application before them and not what had been before them previously. He did not think they should approve this simply because it is better than what is there even though it may be a lot better than what's there. However, he had a hard time finding why this should not be approved on its own merits as per the Guidelines. He thought that by and large it does meet the Guidelines. The only part that gave him pause was the Water Street facade and the two levels of parking there. He was concerned about what would be seen through the windows of the parking area. With that one remaining concern, Mr. Knight found that this generally met the Guidelines and stated he would probably be inclined to vote in favor of it.

Mr. Hogg clarified that he was not suggesting a reason to approve something was because it was better than the existing condition. Mr. Knight stated he wanted to make clear that when the Board rules on it, they must take it on its own merits and not as a comparison.

Mr. Adams stated he had opposed the last proposal due to issues in the articulation of the upper part of the building. In looking at it anew, he thought the scheme for the parking deck in the back had not improved but it had addressed some of the concerns. He thought the proposal would be strengthened if the second story on the Water Street side was some sort of program and not just parked cars as it seemed like a dead zone on the street.

Mr. Wolf felt there had been a variety of improvements over this. He thought the parking on the South Street side was much more sensitive than the earlier iteration. However, he would like to see the four spaces on the front of the second level as being leasable space that would create a different kind of vibrancy and activation of the street wall on Water Street. He suggested bringing the guardrails down to align with the top of the parapet wall that makes the planter. He believed that creating a buffered tree edge and the planted edge would be a positive effect on this.

Mr. Wall thought there were some empty areas that had not been addressed such as the parking entrance on Water Street and the emptiness above it. He thought this proposal met a lot of concerns that had been brought up before. He thought it did fall within the Guidelines.

Ms. Brennan agreed with concerns about the Water Street level. She was not sure windows would be an appropriate solution.

**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 satisfy the BAR's criteria and are compatible with this property and others in the district, and that the BAR approves this application with the following condition: that the first two stories of the north facing facade on Water Street be studied and resubmitted with a particular eye towards balancing the need for the vehicular access with the public nature of the facade, the use of the storefront, and how the facade responds to the street and the pedestrian, in particularly, the way the second floor fenestration works with the first floor openings to the garage. Mr. Knight seconded the motion. The motion carried unanimously.**

**D. Certificate of Appropriateness Application  
BAR 09-06-01  
16 & 16 1/2 Elliewood Avenue  
Tax Map 9 Parcel 97  
Andy McClure, Applicant/Geary Albright, Owner  
Biltmore Grill -- add decks, replace fence, site changes**

Ms. Scala gave the staff report. There are two structures on this property; a 1947 former dwelling and a small frame structure next to it which was built sometime between 1930 and 1950. The applicant requests approval to add two additional wood decks and a wood bar. He also wants to replace the exterior fencing on the street side and the right side as you face the restaurant. One wood deck would be added in front of the smaller of the two buildings while a wooden bar enclosure would be extended on the right side of that building. The existing window would become the door to the bar. The bar would have a canopy of green material similar to the awnings on the main building. The second wood deck is proposed in front of the main building closer to the street on top of an area which is currently mulched and has trees. Both decks would have treated lumber railings similar to the existing. Elliewood Avenue is characterized by outdoor dining and a pedestrian scale. This proposal would be appropriate. Architectural details are missing. Painted wood railings and fence are usually preferred over treated lumber in historic districts. The height of the proposed fence is an issue as the applicant would like it to be 4' in the front but 5' on the side and rear. The bar addition proposal is appropriate with colors and materials matching the main building. The proposed deck in the bar location follows the line of the existing brick walkway and is appropriately located. However, the proposed deck in the mulch area seems inappropriately located.

Mr. Andy McClure, of 1106 Grady Avenue, explained one of their goals had been consistency with the space and consistency with the street. He stated they did not want to get rid of any trees and would build the deck around the trees in order to have a garden-style area.

#### QUESTIONS FROM THE PUBLIC:

There were no questions from the public.

#### QUESTIONS FROM THE BOARD:

Mr. Wall wanted to know if existing treated wood trump painted wood. Ms. Scala stated they could make a case for it being consistent with what was there.

#### COMMENTS FROM THE PUBLIC:

There were no comments from the public.

#### COMMENTS FROM THE BOARD:

Mr. Knight didn't doubt the sincerity of the applicant and what he wanted to do, but he did have reservations about what he was seeing. He stated he could not discern from the drawings what the applicant wanted to do. He expressed concern about reviewing anything based on sparse information. He did not think that was a good precedent nor was it fair to the other applicants who do put a lot of effort into detailed, measurable applications. He found this application to be deficient. He expressed concern about the types of materials that were being suggested as best he could understand them from the presentation.

Mr. Hogg expressed his appreciation of Mr. Knight's comments. He had strong reservations about the deck in front of the house as he thought the deck would overwhelm the street.

Mr. Adams agreed that flooding the yard with deck to the street level was problematic. He thought the plant screening was more intriguing and added to the character of the property and establishment. The bar reminded him of driftwood cantinas along the Gulf Coast.

Mr. Wolf thought that putting the volume of the bar on that side uses the block building to create a space there which might be nice. He expressed concern about the decking over the garden space. He thought he would support this in general and could give general approval to the concept with details coming back. He suggested the Board could have the applicant defer and choose to come back with

the additional details so it could be approved all at once. Mr. Wolf stated there was not sufficient information for the Board to feel comfortable signing off on this application.

Mr. McClure stated he understood additional information was needed about where the different heights of fence would meet, but wanted to know what other information was needed. Mr. Wolf explained the application that was submitted was the basis of the approval; this application was on a Xerox that was not to a specific scale without dimensions or labels. He suggested the applicant provide elevation drawings that were measured and drawn that give basic fundamental information about materials, heights, over all shapes, angles, specifics about the dimension of the batten that would go on the wood skirt that surrounds the bar. He suggested limited but careful drawings that look at the details of the site in a more measured way would be critical to being able to say the Board understood what the application was.

Mr. Knight stated the application would take a site plan drawn to scale with some detail on it. He also wanted to have some idea of what the planting would be. Mr. Knight stated there should be some fence detail shown in section and in a short elevation that would give the Board a better idea of the size, materials, relationship, the forms, and spacing on the pickets.

Ms. Brennan suggested color samples would be helpful.

Mr. Wolf stated the Board would need more information on the fence, deck, railing, and bar.

Mr. Knight reiterated the applicant should perhaps rethink decking the garden space.

Mr. Wolf thought there was quite a bit of space that was already being given over to hardscape or seating or terrace or deck. He thought the green and trees and mulch added a quality to the space.

Mr. McClure requested a deferral.

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

**E. Certificate of Appropriateness Application  
BAR 09-06-03  
110 E. Main Street  
Tax Map 28 Parcel 23**

**Jefferson Theater Holdings, LLC**  
**Brick screen for larger mechanical units behind Jefferson Theater**

Ms. Scala gave the staff report. This application is to add a brick enclosure to the rear to screen several new mechanical units. A smaller unit had been there previously located between the stair landing and the windows; this unit is being replaced by six larger units that will conceal the lower window. The 19' feet long and 5'8" high brick screen will be placed 10' from the theater rear wall. The brick will be reclaimed from the theater site with mortar to match the existing. Solid piers will alternate with an open lattice pattern to allow ventilation to the units. Four black bollards will protect the brick wall. This appears to be the best location on the ground for the units.

Mr. Kirby Hutto, Project Manager for the Jefferson Theater, stated this was the best solution they had been able to come up with that would fit within the budget.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS FROM THE BOARD:**

Mr. Knight wanted to know if any other kind of louvers or screens had been considered instead of the brick lattice. Mr. Hutto stated they had been told that brick or masonry would be the preferred material so that was what they had focused on.

**COMMENTS FROM THE PUBLIC:**

There were no comments from the public.

**COMMENTS FROM THE BOARD:**

Mr. Wolf stated he had no issue with this solution. He thought this was a perfectly reasonable solution which fit with the context, the building, and the location.

Mr. Knight found that kind of 1958 California patio brick lattice out of character with the building. He would much rather see metal louvers or a similar kind of screen with brick piers

Mr. Hogg thought it would be incidental on the streetscape since it was set back from the sidewalk edge. He thought this was a reasonable solution to a difficult problem.

**Mr. Wolf, having considered the standards set forth within the City Code including City Design Guidelines for Site Design and for Rehabilitation, moved to find that the proposed brick screen for the mechanical units satisfies the BAR's criteria and is compatible with this and other properties in the district, and that the BAR approves the application as submitted. Mr. Hogg seconded the motion. The motion passed, 5-1; Mr. Knight voted against.**

**F. Discussion**

**BAR 09-06-02**

**411-417 East High Street**

**Tax Map 53 Parcel 32**

**City of Charlottesville and County of Albemarle, Owners**

**Old County Jail -- replace porch roof on Jailer's House; Jail/Wall Maintenance**

Ms. Scala gave the staff report. Staff was concerned the wall would fall since a parking garage was being built next to the building. The County came up with a stabilization plan. The wall has gray and blue tarps on it. The Juvenile and Domestic Relations Court building project is almost finished which will open up this area to High Street. Staff had received E-mails from people who were concerned about how this looked and why it wasn't falling under the Building Maintenance Code. During construction, the front porch of the jailer's house got dislodged and was not attached very well and then fell off. That needs to be replaced. Discussion should address at what point does the jail wall and the rest of the building get rehabilitated and when will the porch roof be put back.

Mr. Ron Lilley, of Albemarle County, explained the County had gone out with Request for Proposals for help in evaluating the long term use of the old jail and the complex. He stated they hoped to have a reuse study completed by the end of the year. He explained the tarps were in place to address stability concerns as well as moisture concerns. He realized that was not attractive and stated they were trying to find the best solution without tarps.

**QUESTIONS FROM THE PUBLIC:**

There were no questions from the public.

**QUESTIONS AND COMMENTS FROM THE BOARD:**

Mr. Knight wanted to know if the County had any idea of a better arrangement. Mr. Lilley stated he an idea which was not definitive and would be meeting with a contractor on 17 June; however, he thought it would be much like the existing brick wall with a more stabilized set of 0bricks on top.

Mr. Wolf stated he would be in favor of studying what the replacement of the original portico would be over a secondary porch structure. He thought this was a really unique, special instance of architectural history in Charlottesville.

Mr. Hogg agreed with Mr. Wolf. As the County started looking at uses, he hoped the renovation would begin to address getting water out of the building and keeping it away from the building.

Mr. Wolf thought the wall was a critical part of this assemblage of pieces and its framing of the centerpiece which was the jailhouse.

Ms. Brennan thought that, in the absence of any historical documentation about the original porch, reconstruction of what was existing would be most appropriate.

Mr. Hogg thought a preservation firm could search for evidence of the original porch.

Mr. Lilley stated they would try to keep the Board apprised as to how it was going.

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

There were no matters from the public.

#### **H. Other Business**

1. City Attorney's ruling regarding demolition permit at 301/315 West Main Street

Ms. Scala stated the City Attorney had agreed with the Board that the approval of demolition would date from the meeting date.

2. Upcoming BAR vacancies

Ms. Scala asked the Board to start thinking of possible replacements. Mr. Wolf noted his term would be over at the end of 2009.

#### **I. Adjournment**

Mr. Hogg moved for adjournment. Mr. Knight seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 7:38 p.m.