

## **Watkins, Robert**

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**From:** Watkins, Robert  
**Sent:** Thursday, November 18, 2021 12:51 PM  
**To:** jd@bdarchitects.com  
**Cc:** Werner, Jeffrey B  
**Subject:** November 2021 BAR Decision

### **Certificate of Appropriateness**

BAR 21-11-01  
218 West Market Street, Tax Parcel 330276000  
Owner/Applicant: Heirloom Downtown Mall Development, LLC  
Applicant Rep: Jeff Dreyfus, Bushman-Dreyfus Architects  
Project: Demolition of existing structure

### **Certificate of Appropriateness**

BAR 10-11-04  
123 Bollingwood Road, TMP 070022000  
Individually Protected Property  
Owner: Juliana and William Elias  
Applicant: Jeff Dreyfus, Bushman Dreyfus Architects  
Project: Modifications to west elevation

Dear Jeff,

Thanks for your participation in the Board of Architectural Review meeting Tuesday. The BAR reviewed the two above-referenced projects. First, they approved a Certificate of Appropriateness for your project at 218 West Market Street with the consent agenda. Please find the motion to approve the consent agenda below, along with the motion for approval from the staff report:

*Breck Gastinger asks to remove 106 Oakhurst Circle from the consent agenda and moves to approve the remaining items.*

*James Zehmer seconds motion. Motion approved (7-0).*

*Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as application with the following conditions:*

- *The COA be extended to 30 months. [An additional year past the statutory 18 month period of validity.]*
- *BAR staff approval of the demolition permit is contingent upon:*
- *Applicant will submit for the record documentation and photographs of the existing building.*
- *BAR approval of a COA for this building's replacement. o An approved building permit for construction of that replacement.*

The BAR also passed the following motion regarding your project at 123 Bollingwood Road:

*Carl Schwarz moves to accept the applicant's request for a deferral.*

*Jody Lahendro seconds motion. Motion approved (7-0).*

Please let me know if you have any further questions.

All the best,

Robert

Robert Watkins  
Assistant Historic Preservation and Design Planner  
Neighborhood Development Services  
PO Box 911  
Charlottesville, VA 22902

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
November 16, 2021**



**Certificate of Appropriateness**

BAR 21-11-01

218 West Market Street, Tax Parcel 330276000

Owner/Applicant: Market Street Promenade, LLC, Owner/ Heirloom Real Estate Holdings LLC

Applicant Rep: Jeff Dreyfus, Bushman-Dreyfus Architects

Project: Demolition of Existing Structure

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**Background**

Year Built: 1938

District: Downtown ADC District

Status: Contributing (Note: By code, all structures in the Downtown ADC are designated as contributing, regardless of year built or historic significance.)

218 West Market Street is a contributing structure in the Downtown ADC District. City assessment records indicate the building was constructed in 1938. A c1965 Sanborn Map indicates this structure at the site--see Appendix. From the 1982 NRHP nomination of the *Charlottesville and Albemarle County Courthouse Historic District: A&P Grocery*. brick (stretcher bond); 1 story; flat roof; 3 bays. Commercial Vernacular, c1950. Brick pediment over central entrance; large fixed-paned windows, balustrade along parapet.

**Prior BAR Actions:**

September 21, 2010 - BAR approved the design as submitted (7-0-1 with Wolf recused) to renovate a basement space for use as a new restaurant and bar that will front on Old Preston Avenue.

May 21, 2013 - Approved (8-0) as submitted. (Signage)

March 13, 2019 – BAR approved demolition CoA

Motion: Sarafin moved having considered the standards set forth within the City Code, including City Design Guidelines for Demolition, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application with the following conditions:

- The COA be extended an additional year past the 18 month to 30 months
- The demolition of the building is contingent upon the granting of a COA and building permit for this buildings replacement

- Request to have the building documented and photographed for the public record, if the building is to be demolished  
Lahendro seconded. Approved (4-0-2, with Schwarz and Ball recused.)

### **Application**

Applicant submittal:

- Bushman Dreyfus submittal: CoA application, dated October 22, 2021; memorandum, dated October 25, 2021; BAR action memo, dated March 22, 2019; applicant narrative, site plan and photographs—pages numbered 1 through 10. (13 pages.)

Request for the demolition of existing commercial building at the edge of the downtown mall. The intent of this demolition is to provide additional parking on the site, with the potential of being redeveloped for the site of a mixed use structure in the future of Charlottesville’s downtown development.

### **Discussion and Recommendations**

This request was approved in March 2019; however, that CoA has expired. Given the prior approval, staff recommends approval as a Consent Agenda item with the motion for approval as stated below.

### **Suggested Motions**

*Approval:* Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR’s criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application *as* application with the following conditions:

- The COA be extended to 30 months. [An additional year past the statutory 18 month period of validity.]
- BAR staff approval of the demolition permit is contingent upon:
  - Applicant will submit for the record documentation and photographs of the existing building.
  - BAR approval of a COA for this building’s replacement.
  - An approved building permit for construction of that replacement.

*Denial:* Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 218 West Market Street does not satisfy or the BAR’s criteria and guidelines and is not compatible with this property and other properties in the Downtown ADC District, and for the following reasons the BAR denies the application as submitted:...

### **Criteria, Standards, and Guidelines**

#### **Review Criteria Generally**

Sec. 34-284(b) of the City Code states that,

In considering a particular application the BAR shall approve the application unless it finds:

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.

**Pertinent Standards for Review of Demolitions:**

Sec. 34-278. - Standards for considering demolitions.

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:

(1) The age of the structure or property;

**Applicant comment:** Apart from being approximately 69 years old, this structure is not distinctive and has been significantly modified over the years. Since the time the [NRHP] nomination was written, the building has been dramatically changed with the elimination of its parapet balustrade, modifications to the original masonry, and the addition of the brick wall that now fronts Old Preston Avenue (enclosing what was a triangular outdoor service area at the rear of the lot). In the mid 1980's, the structure was further modified with the cutting of large storefront openings into the east-facing bearing wall, and the addition of a postmodern arcade and porticos along the north and east elevations.

(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;

**Applicant comment:** The property is noted as a contributing structure to the Charlottesville-Albemarle County Courthouse Historic District.

(3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;

**Applicant comment:** No known associations.

(4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

**Applicant comment:** No such characteristics are attributed to this building.

(5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and

**Applicant comment:** The brick building and its metal storefront could be readily reproduced with today's materials and techniques.

(6) The degree to which distinguishing characteristics, qualities, features, or materials remain.

**Applicant comment:** Aside from some original brick and possibly original storefront on West Market Street, no distinguishing characteristics, qualities, features or materials remain.

(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.

**Applicant comment:** The property is part of the historic downtown commercial district and will remain as such, if this particular building is replaced with another commercial or mixed-use building.

(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.

**Applicant comment:** A structural study has not been completed.

(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.

**Applicant comment:** The building is neither an historic cultural marker nor does it represent an important moment in Charlottesville's architectural development. As such, the applicant proposes to demolish the building.

## **Pertinent and Relevant Information Regarding Demolitions**

### **A. Introduction**

Historic buildings are irreplaceable community assets; and once they are gone, they are gone forever. With each successive demolition or removal, the integrity of a historic district is further eroded. Therefore, the demolition or moving of any contributing building in a historic district should be considered carefully.

Charlottesville's Zoning Ordinance contains provisions that require the property owner to obtain approval prior to demolishing a contributing property in a historic district or an Individually Protected Property (IPP).

The following review criteria should be used for IPP's and (contributing) buildings that are proposed for demolition or relocation.

Plans to demolish or remove a protected property must be approved by the BAR or, on appeal, by the City Council after consultation with the BAR. Upon receipt of an application for demolition or removal of a structure, the BAR has 45 days to either approve or deny the request. If the request is denied and the owner appeals to the City Council, the Council can either approve or deny the request. If Council denies the request, the owner may appeal to the City Circuit Court.

In addition to the right to appeal to City Council or the Circuit Court, there is a process that enables the owner to demolish the building or structure if certain conditions have been met. After the owner has appealed to City Council and has been denied, the owner may choose to make a bona fide offer to sell the building or structure and land.

The property must be offered at a price reasonably related to the fair market value of the structure and land and must be made to the city or to any person or firm or agency that gives reasonable assurance that it is willing to preserve and restore the property. City Council must first confirm that the offering price is reasonably related to the fair market value.

The time during which the offer to sell must remain open varies according to the price, as set out in the State Code and the Zoning Ordinance.

If such a bona fide offer to sell is not accepted within the designated time period, the owner may renew the demolition request to City Council and will be entitled to a Certificate of Appropriateness that permits the demolition of the structure.

## B. Demolition of Historic Structures

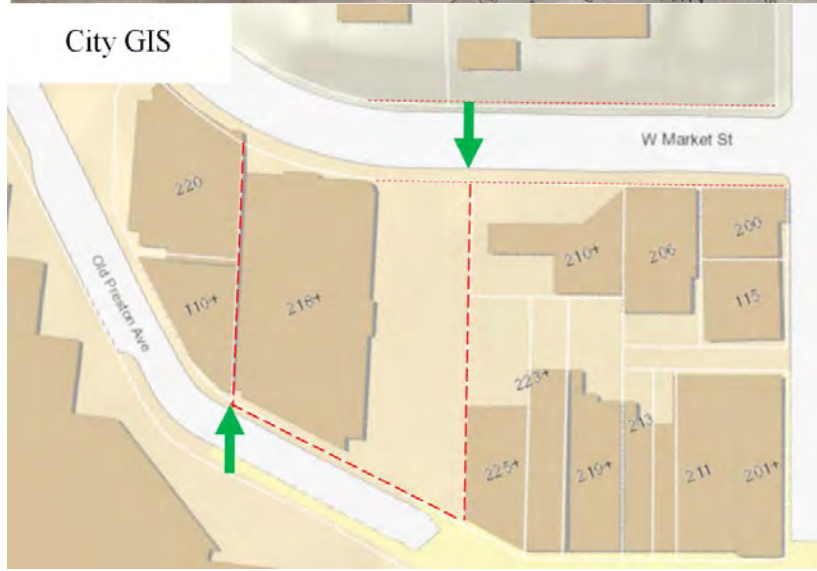
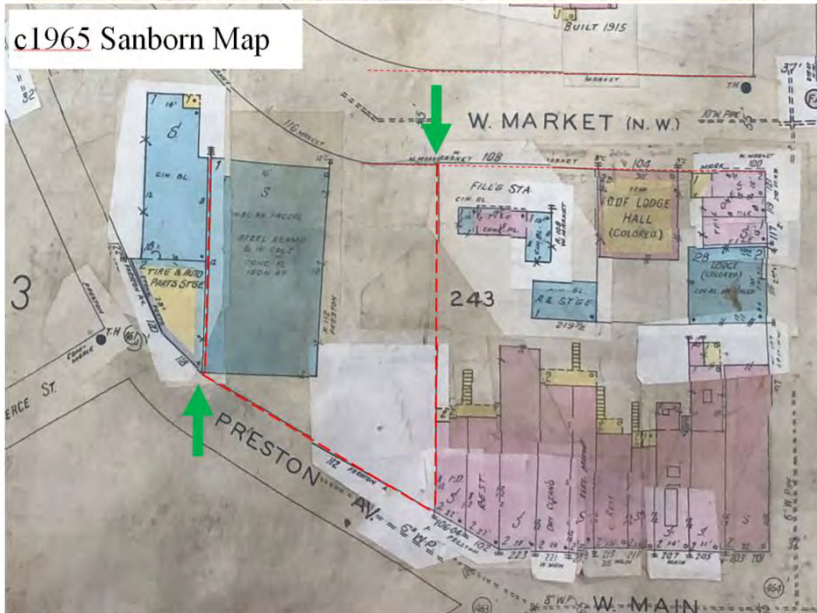
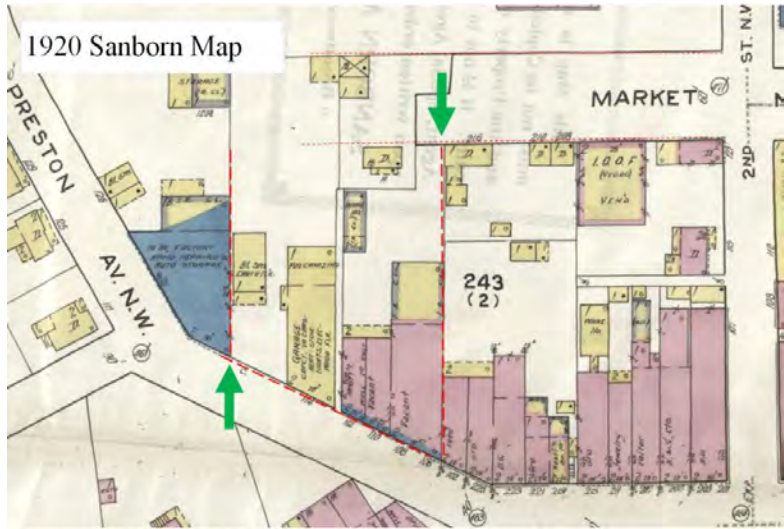
### Review Criteria for Demolition

- 1) The standards established by the City Code, Section 34-278.
- 2) The public necessity of the proposed demolition
- 3) The public purpose or interest in land or buildings to be protected.
- 4) Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.
- 5) Whether or not the proposed demolition would adversely or positively affect other historic buildings or the character of the historic district.
- 6) The reason for demolishing the structure and whether or not alternatives exist.
- 7) Whether or not there has been a professional economic and structural feasibility study for rehabilitating or reusing the structure and whether or not its findings support the proposed demolition.

### Guidelines for Demolition

- 1) Demolish a historic structure only after all preferable alternatives have been exhausted.
- 2) Document the building thoroughly through photographs and, for especially significant buildings, measured drawings according to Historic American Buildings Survey (HABS) Standards. This information should be retained by the City of Charlottesville Department of Neighborhood Development Services and the Virginia Department of Historic Resources.
- 3) If the site is to remain vacant for any length of time, maintain the empty lot in a manner consistent with other open spaces in the districts.

Appendix







# VIRGINIA HISTORIC LANDMARKS COMMISSION

File no. 104-72 (A)  
Negative no(s). 7 (505+)

## SURVEY FORM

Historic name County/Town/City <i>albemarle/Charlottesville</i> Street address or route number <i>212-16 W. Market St</i> USGS Quad <i>Charlottesville, West</i> Original owner Original use Present owner Present owner address  Present use Acreage	Common name <i>VACANT LOT (Storage for Maddux Supply Co)</i> Date or period Architect/builder/craftsmen  Source of name Source of date Stories Foundation and wall const'n  Roof type
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State condition of structure and environs

State potential threats to structure  
 Note any archaeological interest

Should be investigated for possible register potential?    yes \_\_\_ no \_\_\_

Architectural description (Note significant features of plan, structural system and interior and exterior decoration, taking care to point out aspects not visible or clear from photographs. Explain nature and period of all alterations and additions. List any outbuildings and their approximate ages, cemeteries, etc.)



Interior inspected?

Historical significance (Chain of title; individuals, families, events, etc., associated with the property.)



## Board of Architectural Review (BAR) Certificate of Appropriateness

Please Return To: City of Charlottesville  
Department of Neighborhood Development Services  
P.O. Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3130

Please submit ten (10) hard copies and one (1) digital copy of application form and all attachments.  
Please include application fee as follows: New construction project \$375; Demolition of a contributing structure \$375;  
Appeal of BAR decision \$125; Additions and other projects requiring BAR approval \$125; Administrative approval \$100.  
Make checks payable to the City of Charlottesville.  
The BAR meets the third Tuesday of the month.  
Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name Heirloom Downtown Mall Development LLC Applicant Name Heirloom Downtown Mall Development LLC  
Project Name/Description Existing retail structure Parcel Number 330276000  
Project Property Address 218 West Market Street

### Applicant Information

Address: 178 Columbus Ave, #231409  
New York, NY 10023  
Email: jeff@levien3.com  
Phone: (W) \_\_\_\_\_ (C) 917-612-0630

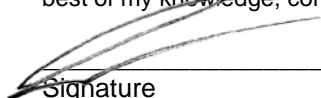
### Property Owner Information (if not applicant)

Address: \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: (W) \_\_\_\_\_ (C) \_\_\_\_\_  
—

Do you intend to apply for Federal or State Tax Credits  
for this project? no

### Signature of Applicant

I hereby attest that the information I have provided is, to the  
best of my knowledge, correct.

  
\_\_\_\_\_  
Signature Date 10/22/2021

Jeff Levien  
\_\_\_\_\_  
Print Name Date 10/22/2021

### Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to  
its submission.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Print Name Date

**Description of Proposed Work (attach separate narrative if necessary):** Demolition of existing structure  
On March 13, 2019, the BAR approved the demolition of the existing structure. Due to COVID and the bottleneck  
in the construction industry for planning and undertaking work, the C of A expired recently. We are requesting a period  
of 36 months before the expiration of this new C of A.

**List All Attachments (see reverse side for submittal requirements):**  
Narrative, underground parking study, photos of existing and neighboring structures.

<b>For Office Use Only</b>	Approved/Disapproved by: _____
Received by: _____	Date: _____
Fee paid: _____ Cash/Ck. # _____	Conditions of approval: _____
Date Received: _____	_____
<i>Revised 2016</i>	



## Memorandum

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To: Jeff Werner  
From: Jeff Dreyfus  
Date: 10/25/2021  
Subject: 218 West Market / re-application of C of A for demolition

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Dear members and staff of the Board of Architectural Review,

Attached is an application for a Certificate of Appropriateness for the demolition of the structure at 218 West Market Street. This identical application was previously submitted and approved by the BAR on March 13, 2019 (notification of approval attached). The approval was for a 30 month period, expiring on September 19, 2021.

Upon receiving the BAR's March 2019 approval, the owner began the process of applying for a Special Use Permit for increased density and height, which was approved by City Council on September 8, 2020, six months into the pandemic shutdown. Planning for this project was halted due to the pandemic and has forced a delay in the planning and approval process.

The owner is intent on completing a project on the site, and looks forward to working with the BAR during the planning process. In order to proceed with the project, we request the same approval as that granted in 2019 with a modification to include a 36 month expiration date and with the same 2 additional clauses noted in the previous approval:

- The demolition of the building is contingent upon the granting of a C of A and building permit for this building replacement.
- Request to have the building documented and photographed for the public record, if the building is to be demolished.

Thanks for your time and your assistance as we work together to contend with these unprecedented times!

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dreyfus".

Jeff Dreyfus  
Project Architect

**From:** [Mess, Camie](#)  
**To:** [Jeff Levien](#)  
**Cc:** [Werner, Jeffrey B](#)  
**Subject:** February BAR Actions - 218 West Market Street  
**Date:** Friday, March 22, 2019 4:23:08 PM

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March 22, 2019

**Certificate of Appropriateness**

BAR 19-02-04

218 West Market Street

Tax Parcel 330276000

Market Street Promenade, LLC, Owner/ Heirloom Real Estate Holdings LLC, Applicant

Demolition of Existing Structure

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on March 13, 2019. The following action was taken:

**Motion: Sarafin moved having considered the standards set forth within the City Code, including City Design Guidelines for Demolition, I move to find that the proposed demolition of 218 West Market Street satisfies the BAR's criteria and guidelines and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application with the following conditions:**

- **The COA be extended an additional year past the 18 month to 30 months**
- **The demolition of the building is contingent upon the granting of a COA and building permit for this buildings replacement**
- **Request to have the building documented and photographed for the public record, if the building is to be demolished**

**Lahendro seconded. Approved (4-0-2, with Schwarz and Ball recused.)**

If you would like to hear the specifics of the discussion, the meeting video is on-line at:

[http://charlottesville.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1352](http://charlottesville.granicus.com/MediaPlayer.php?view_id=2&clip_id=1352)

This certificate of appropriateness shall expire in 18 months (September 13, 2020), unless within that time period you have either been issued a building permit for construction of the improvements if one is required, or if no building permit is required, commenced the project. You may request an extension of the certificate of appropriateness before this approval expires for one additional year for reasonable cause. (See City Code Section 34-280. Validity of certificates of appropriateness.)

If you have any questions, please contact me at 434-970-3998 or [messc@charlottesville.org](mailto:messc@charlottesville.org).

Sincerely,  
Camie Mess

Camie Mess  
Assistant Historic Preservation and Design Planner  
City of Charlottesville  
Phone: 434.970.3398  
Email: [messc@charlottesville.org](mailto:messc@charlottesville.org)



BAR Certificate of Appropriateness  
218 West Market Street  
Demolition Application Narrative

218 West Market Street presents an opportunity for the City to further its stated goals for the Downtown Mixed-Use Corridor of increased commerce and additional housing in the entertainment and employment center of our town. Looking at the current and future expansion of Charlottesville, the BAR must identify opportunities for accommodating growth in ways that are sensitive to our historic urban fabric by protecting important structures in our cultural and urban development while recognizing that some old buildings must be allowed to be taken down to make way for the future.

The structure at 218 West Market Street is listed as a contributing structure to the Charlottesville-Albemarle County Courthouse Historic District, and is in the Downtown Architectural Design Control District. The National Register Nomination only notes the following about the building:

"218 (A&P Grocery): brick (stretcher bond); 1 story; flat roof; 3 bays. Commercial Vernacular. Ca. 1950. Brick pediment over central entrance; large fixed-paned windows; balustrade along parapet."

As the BAR reviews the City's standards for considering demolitions in an ADC District, we offer the following perspectives:

*(a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:*

*(1) The age of the structure or property;*

Apart from being approximately 69 years old, this structure is not distinctive & has been significantly modified over the years. Since the time the nomination was written, the building has been dramatically changed with the elimination of its parapet balustrade, modifications to the original masonry, and the addition of the brick wall that now fronts Old Preston Avenue (enclosing what was a triangular outdoor service area at the rear of the lot). In the mid 1980's, the structure was further modified with the cutting of large storefront openings into the east-facing bearing wall, and the addition of a post modern arcade and porticos along the north and east elevations.

*(2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places or listed on the Virginia Landmarks Register;*

The property is noted as a contributing structure to the Charlottesville-Albemarle County Courthouse Historic District.

*(3) Whether, and to what extent, the building or structure is associated with a historic person, architect or master craftsmen, or with a historic event;*

There are no known associations.

*(4) Whether the building or structure or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;*

No such characteristics are attributed to this building.

*(5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and*

The brick building and its metal storefront could be readily reproduced with today's materials and techniques.

*(6) The degree to which distinguishing characteristics, qualities, features, or materials remain.*

Aside from some original brick and possibly original storefront on West Market Street, no distinguishing characteristics, qualities, features or materials remain.

*(b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings.*

The property is part of the historic downtown commercial district and will remain as such if this particular building is replaced with another commercial or mixed-use building.

*(c) The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board.*

A structural study has not been completed.

*(d) Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing, or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural, or cultural value.*

The building is neither an historic cultural marker nor does it represent an important moment in Charlottesville's architectural development. As such, the applicant proposes to demolish the building.

Additionally, we offer that this parcel (approximately 0.56 acres) is significantly underutilized with its suburban model of at-grade parking for 29 cars directly in front of the 1980's storefronts and colonnade. Occupying roughly one half of the site, the existing structure presents a huge impediment to maximizing the potential density for land so deep in the center of our commercial and residential core.

The vision for the redevelopment of the property is of a mixed-use structure with retail, commercial and residential units. As part of the Urban Core Parking Zone, such by-right development here does not require onsite parking; however, the economics of developing commercial and residential uses in this urban location will necessitate the inclusion of some onsite parking for residents and workers. With permission to demolish the existing structure, a large below-grade parking level could be constructed across the site, with entry at the lowest corner on Old Preston Avenue (see attached parking study plan). Requiring that the existing structure remain would preclude underground parking for any type of development here.

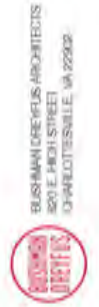
Having weighed the preservation of our architectural past alongside the limited opportunities our town has to accommodate growth, the BAR has approved demolition of other contributing structures including the Studio Art building at 1106-1112 West Main Street, the Escafe restaurant building at 215 West Water Street, and the Clock Shop at 201 West Water Street. The land at 218 West Market Street represents a similar opportunity as those sites, offering the chance for increased density and vitality downtown, but it requires the removal of the existing structure.

If the existing structure is required to remain in place for future development, this site will, by necessity, continue to be an underutilized anomaly in our urban fabric. Granting permission to raze the building is an important step in furthering the growth and development of our downtown core with vibrant, mixed-use developments such as the one contemplated for this site.

Preliminary parking level study



**BELOW GRADE PARKING**  
60 SPOTS TOTAL  
18 COMPACT SPOTS (30% OF TOTAL SPOTS)





View of the property looking southwest



North façade





Vinegar Hill Theater to the northwest



North façade detail, Vinegar Hill Theater to the right



North façade detail: brickwork from three different periods of construction



Northeast corner of the building: brickwork from three different periods of construction



East façade



Added brickwork in portico of east façade



Parking lot viewed from Old Preston Avenue



Parking lot and building viewed from the downtown mall



South façade, added after the original construction.



Old Preston Avenue; structure on the right.



South facade



Adjacent structure at southwest corner