

Watkins, Robert

From: Watkins, Robert
Sent: Wednesday, March 16, 2022 9:30 AM
To: chapsicecream@gmail.com
Cc: Werner, Jeffrey B
Subject: March 2022 BAR Decision

Certificate of Appropriateness Application

BAR 20-03-02
223 East Main Street, TMP 33023400
Downtown ADC District
Owner: Labace, LLC
Applicant: Tony LaBua
Project: Replace storefront

Dear Tony,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on March 15, 2022. The following action was taken:

Breck Gastinger moves to approve the consent agenda, with the following three corrections to the July 20, 2021 meeting minutes:

- *Page 14: in the 5th paragraph, "balls" should be "walls."*
- *Page 14: in the 5th paragraph, "vanity" should be "humanity"*
- *Page 19: the motion should say "deferral" instead of "referral"*

as well as with the correction of the applicant's name to "Tony LaBua" on application materials associated with 223 East Main Street.

Cheri Lewis seconds motion.

Motion passes (7-0).

A Certificate of Appropriateness was approved for your project as a result of it being on the consent agenda. Please also find the suggested motion for approval from the staff report:

Approval: Having considered the standards set forth within the City Code, including City's ADC District Design Guidelines, I move to find that the proposed storefront at 223 East Main Street satisfy the BAR's criteria and are compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as submitted.

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

<https://boxcast.tv/channel/vabajtzezuuv3iclkx1a?b=tycoam74nerhajuktwgz>.

Per the provisions of City Code Sec. 34-280: This CoA is valid for 18 months [from the date of BAR approval]; upon written request and for reasonable cause, the director of NDS or the BAR may extend that period by one year; and this CoA does not, in and of itself, authorize any work or activity that requires a separate building permit.

(Complete text of Sec. 34-280:

https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH34ZO_ARTIIIOVDI_DIV2HIPR_ARDECOOVDI_S34-280VACEAP)

If you have any questions, please contact me at watkinsro@charlottesville.gov.

Sincerely,
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
March 15, 2022**



Certificate of Appropriateness

BAR 20-01-01

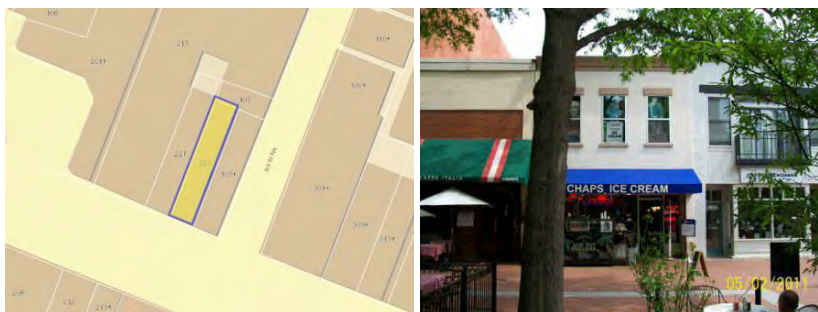
223 East Main Street, TMP 33023400

Downtown ADC District

Owner: Labace, LLC

Applicant: Tony Labace

Project: Replace storefront



Background

Year Built: c. 1821, alterations mid-1800s, 1917, 1970s

District: Downtown ADC District

Status: Contributing

223 West Main is believed to be a c1864 addition to neighboring 225 West Main, which was constructed in the 1821 and one of the oldest buildings in the City. Alterations over time have left only fragments of the original structure. The existing storefront is believed to date to the 1970s. (Historic survey attached.)

Prior BAR Reviews

January 22, 2020 (20-01-01): The applicant proposes to replace the storefront and requests a deferral in order to get pricing information. The BAR moves (7-0) to accept the applicant's request for a deferral. (See Appendix for minutes of January 2020 discussion).

Application

- CoA submittal dated December 5, 2019. Elevation and plan for proposed storefront. Photos of existing. Glass specifications.

CoA request for the replacement of the c1970s commercial storefront. New frame to match the existing, which is clear anodized aluminum, with similar window and door configurations. New storefront will be straight, returning to an earlier wall alignment visible on the floor slab. The plywood sections will be replaced with flat metal panels (matching the frame). The storefront will use clear glass with a VLT of 80%.

Discussion

The BAR was supportive of this project in January 2020 but the applicant requested a deferral so he could return for approval when he was ready for construction.

Staff recommends approval of this CoA.

Suggested motion

Approval: Having considered the standards set forth within the City Code, including City's ADC District Design Guidelines, I move to find that the proposed storefront at 223 East Main Street satisfy the BAR's criteria and are compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as submitted.

Denial: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed storefront at 223 East Main Street do not satisfy the BAR's criteria and are not compatible with this property and other properties in the Downtown ADC District, and that 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 Construction and Alterations include:

- 1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;
- 2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;
- 3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
- 4) The effect of the proposed change on the historic district neighborhood;
- 5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;
- 6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- 7) Any applicable provisions of the City's Design Guidelines.

Pertinent ADC District Design Guidelines

Chapter III: New Construction & Additions

I. Windows & Doors

...

- 8) Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.

Chapter IV: Rehabilitation

B. Facades & Storefronts

- 1) Conduct pictorial research to determine the design of the original building or early changes.
- 2) Conduct exploratory demolition to determine what original fabric remains and its condition.
- 3) Remove any inappropriate materials, signs, or canopies covering the façade.
- 4) Retain all elements, materials, and features that are original to the building or are contextual remodelings, and repair as necessary.
- 5) Restore as many original elements as possible, particularly the materials, windows, decorative details, and cornice.
- 6) When designing new building elements, base the design on the “Typical elements of a commercial façade and storefront” (see drawing next page).
- 7) Reconstruct missing or original elements, such as cornices, windows, and storefronts, if documentation is available.
- 8) Design new elements that respect the character, materials, and design of the building, yet are distinguished from the original building.
- 9) Depending on the existing building’s age, originality of the design and architectural significance, in some cases there may be an opportunity to create a more contemporary façade design when undertaking a renovation project.
- 10) Avoid using materials that are incompatible with the building or within the specific districts, including textured wood siding, vinyl or aluminum siding, and pressure-treated wood.
- 11) Avoid introducing inappropriate architectural elements where they never previously existed.

C. Windows

...

- 15) Do not use tinted or mirrored glass on major facades of the building. Translucent or low glass may be strategies to keep heat gain down.

Appendix:

Minutes from January 22, 2020 BAR meeting discussion on 223 East Main Street:

QUESTIONS FROM THE PUBLIC

None

QUESTIONS FROM THE BOARD

Mr. Zehmer – Is the intent to replace the whole storefront?

Jeff Werner – It will be all of the way across the storefront.

Mr. Schwarz – How is this going to be constructed? How is it going to work at the top and at the bottom?

Tony Labace, Applicant – Tiel Construction in the site plan should have that in your packet.

Jeff Werner – The applicant is not pursuing this immediately. What would be helpful would be a shop drawing of when you go forward. At this point, it is not cast in stone. The question for the BAR is whether the applicant can contact some people, and get some cost estimates.

Tony Labace – I do recall talking to the construction company. The panels will match and everything that goes with it.

Mr. Lahendro – What is to finish on the frame?

Tony Labace – It is what you see in the picture, only 60 years later.

COMMENTS FROM THE PUBLIC

None

COMMENTS FROM THE BOARD

Mr. Gastinger – I don't have any issue with this in principle. Seeing those shop drawings and having some confidence in the final design and that it's matching the intention that we are imagining.

Mr. Lahendro – Are the horizontal openings at the top glass too?

Tony Labace – No. From the header down to the plywood metal frame is where the glass is going to be.

Mr. Lahendro – Metal panels in that very top, horizontal element?

Tony Labace – Sure.

Mr. Zehmer – It's currently plywood that matches the plywood below.

Tony Labace – I was going to try to do it this winter. I just put in a \$20,000 sub-zero freezer in. I am going to wait until next fall. At that time, I am certainly happy to come forward and present.

Mr. Lahendro – I am fine with the concept. I would like to see how it is finally designed. You clearly don't know at this point.

Tony Labace – We had several options. My original thought was all glass, except for the bottom part. That's a steel header up top. The glass is going to go underneath the steel header. Do you see where those lights are back there? That's all steel.

Mr. Lahendro – Is it right up against that curtain wall?

Tony Labace – It is.

Mr. Ball – No changes to the awning or lights?

Tony Labace – No.

Mr. Schwarz – There are many different things that you can do that would be perfectly fitting with our guidelines. I want to know what you intend to do. You can move forward with confidence thinking you are going to achieve something. If you get a shop drawing, submit it to staff. Staff can put it on the consent agenda.

Jeff Werner – That was the goal. We could let him move forward with getting some costing for this. A deferral and a shop drawing submission for the consent agenda.

Mr. Lahendro – Does that give you the confidence to proceed?

Tony Labace – Sure. I am pretty open about it. Part of the problem is that espresso window is plexiglass. It has been plexiglass for 14 years. The two panels by the door were plexiglass.

Mr. Schwarz – It is better for you to request a deferral. That gives you an infinite amount of time to come back to the BAR. If the BAR imposes a deferral, you will have to come back next month.

Tony Labace – I would like to request a deferral.

Deferral: Applicant requested a deferral pending the final details with the contractor. Mr. Gastinger made the motion to accept the deferral (Mr. Lahendro seconded). Motion passed 7-0.

Architectural And Historic Survey



Identification

STREET ADDRESS: 223-225 E. Main Street

MAP & PARCEL: 33-234 & 233

CENSUS TRACT AND BLOCK:

PRESENT ZONING: B-4

ORIGINAL OWNER: John R. Jones

ORIGINAL USE: Store

PRESENT USE: Confectionary & TV Studio/Music Store

PRESENT OWNER: Jessie T. Hook Carl R. Stacy, Jr.

ADDRESS: 1203 Hilltop Road 1904 Wakefield Rd.
Ch'ville, Va 22903 Ch'ville, VA 22901
(#223) (#225)

HISTORIC NAME: Jones-Hartnagle Building

DATE / PERIOD: c. 1821, mid-1800's, 1917, 1970's

STYLE: Vernacular

HEIGHT (to cornice) OR STORIES: 2 storeys

DIMENSIONS AND LAND AREA: #223-18'75"x92'97" (1743 sq. ft.)

CONDITION: Good #225-20.2"x92.98" (1878 sq. ft.)

SURVEYOR: Bibb

DATE OF SURVEY: Winter 1983

SOURCES: City/County Records Carl R. Stacy, Jr.

Ch'ville City Directories Harold Wright

Alexander, Recollections of Early Charlottesville

Holsinger's Charlottesville, other Holsinger photos

Sanborn Map Co. - 1886, 1891, 1896, 1907, 1920

ARCHITECTURAL DESCRIPTION

This is almost certainly the oldest building remaining on Main Street, but very little original fabric has survived the repeated alterations. The eastern half is the original section. Two storeys tall, two bays wide, and double pile, it probably resembled the early 19th century buildings on Court Square which followed the side hall plan and had living quarters for the storekeeper on the second level. Construction is of brick laid in Flemish bond on the facade and the eastern (Third Street) elevation. The western half was probably a duplicate, except that the brick is laid in American bond. The building still has a hip roof covered with standing-seam metal, but its projecting eaves and cornice brackets have been replaced with a parapet. The eastern half (#225) has a high parapet with a wooden entablature which still remains above the false front. In the early years of this century, both store rooms had recessed central entrances, and a single storefront entablature extended across the entire building. The second storey living quarters above both store rooms were dismantled some years ago and the stairways that gave access to them were removed. The remains of a fireplace can still be seen in #223, but a finished interior wall covers the windows, if they still exist. The storefront of #223 is now covered with vertical wooden siding around the display windows and the upper level is covered with wooden shingles. #225 is covered with dark brown metal board-&-batten siding and has a recessed second storey balcony. Its 2-storey rear extension is constructed of brick laid in 5-course American bond. Brick is the one-storey wing behind that is laid in 7-course American bond.

HISTORICAL DESCRIPTION

Alexander states that the original section of this building was built by Col. John R. Jones who also conducted a store at "Number Nothing", Court Square. He purchased this lot in 1821 (ACDB 22-377), and the oldest part of the building was standing by 1828. According to Alexander, the building was on a high foundation, and the floor of the storeroom was later lowered some four feet. James A. Watson, John Hasson, and Dennis Boyle purchased the building in 1855 (ACDB 54-269). Frederick Hartnagle was the occupant at that time, and he purchased the building in 1857 & 1864 (ACDB 56-204, 60-418). He extended the building to the rear and built the western half of the duplex soon after acquiring ownership. S. C. Chancellor bought the property from Hartnagle's estate in 1913 (City DB 25-18) and sold it two years later to Hollis Rinehart (DB 27-112). Until that time, it had been occupied by a series of bakeries and confectionaries for half a century or more. The Co-operative Drug Co., Inc., brought the eastern half (#225) in 1917 (DB 30-172). The side windows were bricked up, a parapet built and the upper level of the facade covered with what appears to have been a plywood panel possibly stuccoed. J. L. Hartman bought it in 1923 (DB 44-239, 45-404) and sold to L. S. Macon in 1927 (DB 59-244). The Standard Drug Co. occupied the storeroom from the mid 1930's until 1950. After that, it housed a series of small dress shops until Carl R. Stacey, Jr. purchased it in 1972 for his music store (DB 338-382). He added the balcony, rebuilt the storefront, and covered the facade with metal siding. The upper level of the western half of the facade (#223) may not have been significantly altered until a 1953 remodeling when it was covered with a metal false front. Walter R. Ellington bought that half in 1917 (DB 30-466) and sold it in 1932 to J. P. Ellington (DB 77-301). They conducted a clothing store there for twenty years. E. J. Perkins bought it from the Ellingtons in 1943 (DB 113-201) and the Standard Marshall Corporation bought it from his estate in 1946 (DB 128-277) and sold it in 1965 to the Rinehart's Kenridge Properties, Inc. (DB 263-435). Jessie T. Hook bought it from the Rinehart family in 1976 (DB 370-511). Shoe stores occupied the storeroom from the mid 1930's to the mid 1960's. The interior was completely remodeled in 1965 to adapt it for use as a radio station. It was again remodeled in 1976 to include a small storeroom at the front of the building. The present false front dates to that time.

Additional References: City DB 361-1

Building

County / City

VIRG





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

RECEIVED
DEC 06 2019
NEIGHBORHOOD DEVELOPMENT SERVICES

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 Labace LLC Applicant Name Tony Labace
Project Name/Description Replace storefront / Chaps Ice Cream Parcel Number 33023400
Project Property Address 223-235 East Main Street

Applicant Information

Address: 1607 Brandywine Drive
Charlottesville, Va 22901
Email: chapsicecream@gmail.com
Phone: (W) 434-944-4139 (C) 434-962-7474

Property Owner Information (if not applicant)

Address: 223 East Main St
Email: chapsicecream@gmail.com
Phone: (W) 434-977-4139 (C) 434-962-7474

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.

Anthony M. Labace 12-5-19
Signature Date
Anthony M. Labace 12-5-19
Print Name Date

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):
Remove existing glass and metal storefront, replace with new. Realign east door and two adjacent panels as noted.

List All Attachments (see reverse side for submittal requirements):

Two pages, dated Nov. 18, 2019: elevation and plan; photos of existing.

For Office Use Only

Received by: J. Barmore
Fee paid: \$125.00 Cash/Ck. # 17618
Date Received: 12/6/2019
Revised 2016 P19-0174

Approved/Disapproved by: _____
Date: _____
Conditions of approval: _____

HISTORIC DISTRICT ORDINANCE: You can review the *Historical Preservation and Architectural Design Control Overlay Districts* regulations in the City of Charlottesville Zoning Ordinance starting with Section 34-271 online at www.charlottesville.org or at Municode.com for the City of Charlottesville.

DESIGN REVIEW GUIDELINES: Please refer to the current *ADC Districts Design Guidelines* online at www.charlottesville.org.

SUBMITTAL REQUIREMENTS: The following information and exhibits shall be submitted along with each application for Certificate of Appropriateness, per *Sec. 34-282 (d)* in the City of Charlottesville Zoning Ordinance:

- (1) Detailed and clear depictions of any proposed changes in the exterior features of the subject property;
- (2) Photographs of the subject property and photographs of the buildings on contiguous properties;
- (3) One set of samples to show the nature, texture and color of materials proposed;
- (4) The history of an existing building or structure, if requested;
- (5) For new construction and projects proposing expansion of the footprint of an existing building: a three-dimensional model (in physical or digital form);
- (6) In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer, unless waived by the BAR.

APPEALS: Following a denial the applicant, the director of neighborhood development services, or any aggrieved person may appeal the decision to the city council, by filing a written notice of appeal within ten (10) working days of the date of the decision. Per *Sec. 34-286*. - City council appeals, an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application.

Scope of Work:

We hereby propose to furnish materials and labor necessary for the installation of the following:

(1) commercial storefront frame with (1) 36" x 84" single door and (1) 40" x 84" single door. Doors to have standard push/pull hardware, standard surface mounted closers, standard 4" thresholds, standard MS locks thumb-turn interior/keyed exterior. Doors to be single acting, out-swing, butt hung.

Qualifications:

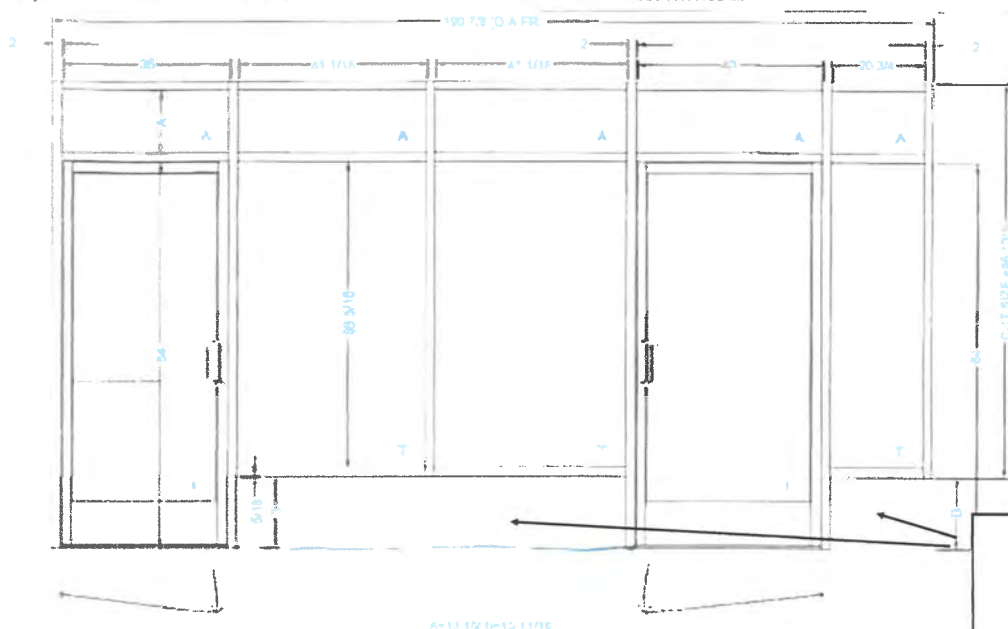
Melak Coral, FG00T series 2" x 4 1/2" system, 1" glazed for all exterior frames

Sealants Urathane caulk for around exterior perimeters of all storefront in our scope of work for a weather tight seal. Interior caulking by approved change order only.

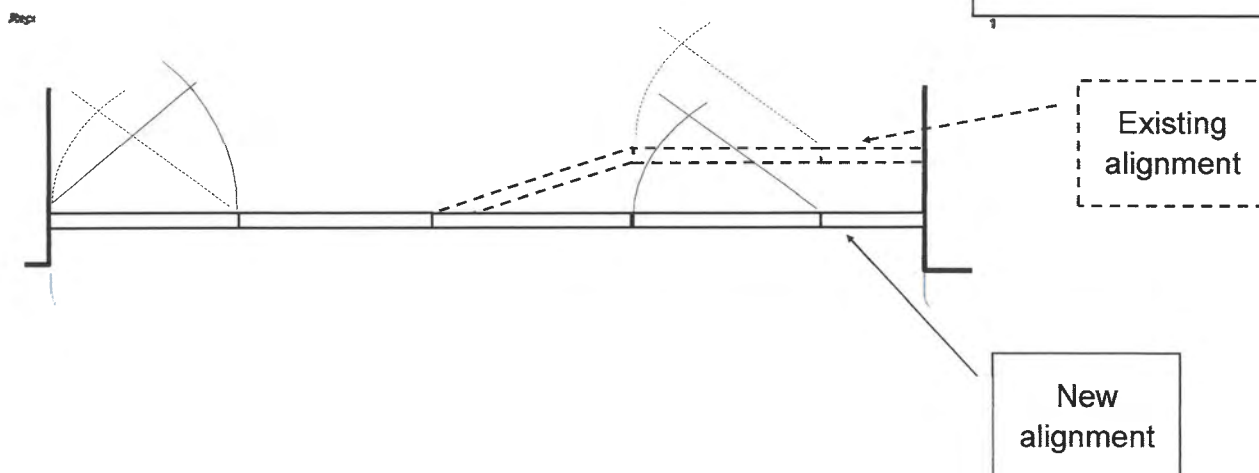
Finish: Clear Anodized Finish.

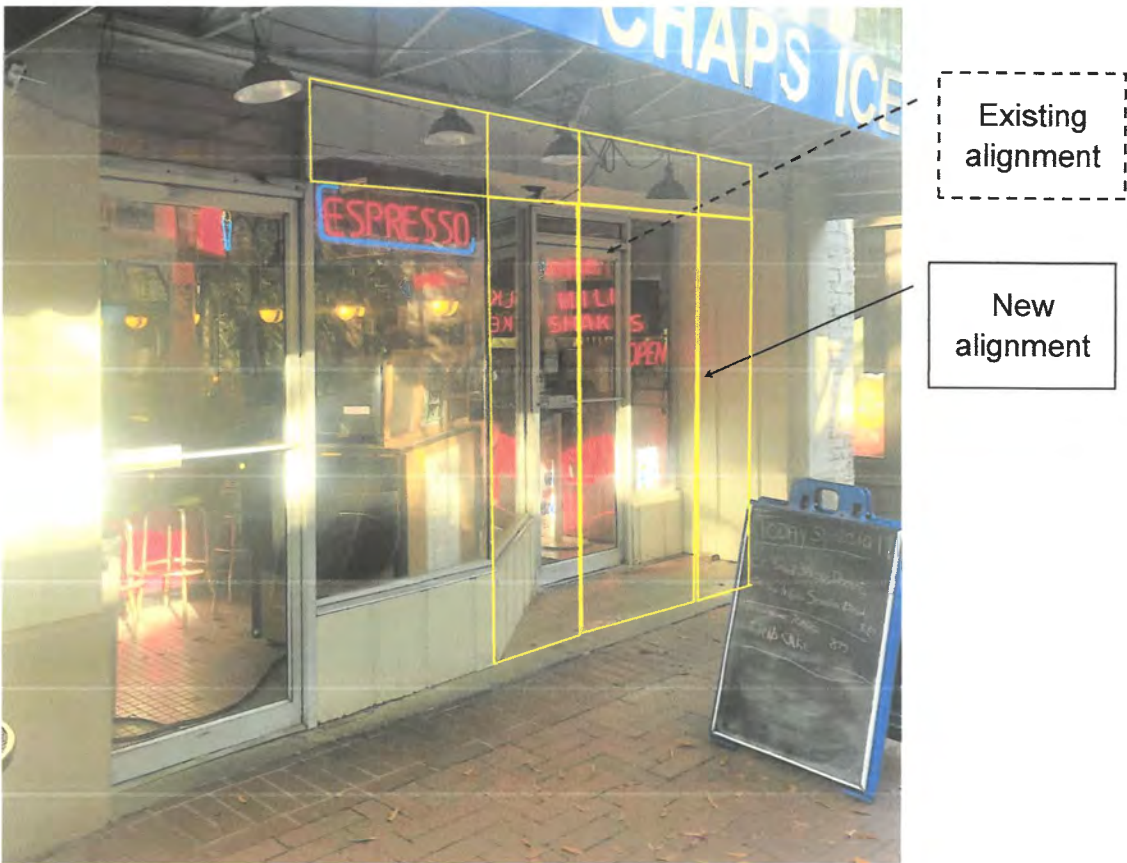
Glass: 1" clear, dual pane insulated, in exterior aluminum storefront frames 1/4" clear tempered in doors and where required.

Labor: Furnish for a complete installation of the above scope of work in accordance with the manufacturer's instructions.



Replace plywood panels
with flat, metal panels
(to match frame)





Existing storefront



Watkins, Robert

From:
Sent: Wednesday, March 9, 2022 1:42 PM
To: Werner, Jeffrey B
Cc: Watkins, Robert; chaps ice cream
Subject: RE: New storefront at Chap's

WARNING: This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.

	VLT	Reflect (ext)	Reflect (int)	Winter U- Value	Summer U-Value	SHGC	SC	LSG
CLEAR + CLEAR	80%	15%		0.47	0.50	0.73		1.10

Here is the glazing spec requested.

Respectfully yours,

Stephen Wagner
Commercial Management



Disclaimer: This email is confidential and should not be used by anyone who is not the original intended recipient. If you have received this email in error please inform the sender and delete it from your mailbox or any other storage mechanism. Charlottesville Glass & Mirror cannot accept liability for any statements made which are clearly the sender's own and not expressly made on behalf of Charlottesville Glass & Mirror or one of its agents.

From: Werner, Jeffrey B
Sent: Wednesday, March 9, 2022 12:40 PM
To: Stephen
Cc: Watkins, Robert; chaps ice cream
Subject: New storefront at Chap's

Stephen:

Need to confirm the layout and materials for the Chap's storefront. Sketch below based on what Tony shared with me back on 2020. Let me know if anything is different. We want to this approved by the BAR meeting next Tuesday.

- Metal frame and fixed panels: clear, anodized.
- Thermal glass, clear.

Otherwise, the only spec I need is for the glass VLT. We realize there are a range of ways to define *clear glass*, but the BAR's standard is a VLT of not less than 70%. There is some flexibility in that, but that's the starting point. Higher is great, but it cannot go much lower. This is especially important for storefronts, where we don't want a *wall of mirrors* on the mall.

Jeff

