

BOARD OF ARCHITECTURAL REVIEW
MAY 16, 1995

PRESENT

Peggy VanYahres
Martha deJarnette
Eldon Wood
Pryor Hale
Dawn Thompson
Todd Bullard

ABSENT

Kurt Wassenaar, Chairman

STAFF PRESENT

Satyendra Singh Huja
Fred Boger
Kay Frazier, Parks Division

May 16 '95
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Ms. VanYahres called the meeting to order at 3:30 p.m.

A. CERTIFICATE OF APPROPRIATENESS APPLICATION

1. BAR 95-04-474 City Hall Landscape Plan

Mr. Gregg Bleam, Landscape Architect was present and briefly reviewed with the Board the proposed landscape plan for City Hall. Mr. Bleam said he has prepared three proposals for improving the landscaping around City Hall. The schemes are:

- a) Keeping the major Magnolia Trees
- b) Taking out the Magnolia Trees and to increase color around City Hall throughout the year. This design would also get rid of the lawn and replant the area with large deciduous trees.
- c) Saving the one large Magnolia Tree on the 7th Street side of the building and removing the other magnolias. These trees would be replaced at the entrance to City Hall with six inch caliper trees.

Mr. Bleam said another option at this time is to remove only the one Magnolia tree that rests against the wall of the building in front and then do further design work for City Hall.

Mr. Huja informed the Board that the fountain in front will probably be removed and the area developed as a first amendment park with a podium. Mr. Huja said the plants in the planters behind the Magnolia Tree on the 7th Street side could be taken out.

Mr. Bleam said as many of the Boxwoods would be saved as possible. Some of the new boxwoods may be relocated elsewhere.

Mr. Huja said only the Magnolia tree up against the wall should be removed at this time.

Ms. VanYahres said the Board needs to give Mr. Bleam some direction on how to proceed.

Ms. Hale said she cannot say at this time if the trees should be removed. However, she does have a bias against removing large mature trees.

Mr. Bullard said he has not had the time to look at this area.

- a) The canopy will block visibility of the stores on the opposite sides of the Mall.
- b) The canopy will block visibility up and down the Mall.
- c) The canopy is larger than the approved 10" x 10" size for vendor stands. permitting a larger size stand will encourage similar requests which will defeat the integrity of both the Historic Preservation Ordinance and the Vendor Ordinance. The size of vendor stands was recently changed by City Council from 8' x 8' to the present size and we fail to see why a larger stand is justified.
- d) A vendor stand must be removed from the Mall during nonoperating hours. It does not appear this type of canopy can be easily removed at the end of each day as required by the vendor ordinance.
- e) We do not feel this type of canopy is appropriate for use on the Downtown Mall on a daily basis . We have no major problems (at this time) with using this type of stand during the special events approved by City Council and within the area designated as a special event area.

Mr. John Bright was present and said he does not want to see the Mall cluttered with this type of use. If it is going to be allowed, the Spectacle Shop, Spirit Vision Gallery and KMH Hightower want to have a canopy (tent) also.

Ms. Sara Greenfield, President of the Great Escape Flies, Inc., was present and made the following presentation to the Board:

"Please note in response to Mr. Huja's memo dated May 12, 1995, I am requesting a canopy for use over my existing vendor display. I have a permitted issued to me by Lee Richards and the City of Charlottesville, and have had one for over six years, I believe. The canopy is not a stand. The canopy is a canopy professionally made of vinyl, not canvas. It is located in front of my business on 413 E. Main, not 411 E. Main. However, The Nook's restaurant is located directly in front of my front door, so I am able to move the canopy below their outdoor cafe.

My canopy was shipped as a 12' x 12' because there was not a 10' x 10' in stock. If a waiver cannot be made for a 12' x 12', I can try to return it for a 10' x 10'. Therefore, for the purpose of this ordinance, the vendor's ordinance, I fully understand 10' x 10' canopies.

I am asking for it to cover my vending stands or tables with displays in this case, when I am set-up as a vendor. The structure is temporary and takes exactly a half hour to remove, and an hour or less to put in place. This canopy does not block visibility to any of the nearby merchants as seen in the photographs presented today.

In the past, my oak vending cart and blue and white canvas awning used to be out on the Mall every day in the summer, as well as on all major holidays and special events.

I am asking for a temporary permit for graduation weekend until this issue can be resolved. As a vendor, and as an active vendor for several years in the City of Charlottesville, starting with a cart and awning approved by the BAR at that time, I feel it is in keeping with the ordinances current at this time. However, I am asking for a motion to amend the ordinance with respect to the incorporation of a

clause that allows for the appropriate use of professionally made canopies for use on the Downtown Mall in vending spaces now approved by the Planning Department in the City of Charlottesville.

These canopies would do well in many existing spaces still available on the Mall. Please refer to exhibit descriptions and attached exhibits."

EXHIBIT DESCRIPTION

The photographs enclosed are current of the property, and surrounding businesses. They are in exhibit to show location, size of installation, elevation, pole type, type of mounting, color characteristics and details of signage, to scale. Each photograph has a description on the back of the photo.

I was told by Mr. Boger, that a drawn to scale site plan with elevations in this case was not necessary. He had waived those requirements. If you would like these exhibits for your file, I will be happy to have them drawn, and I can submit them for your next session.

Mr. Bullard said the Board cannot grant a temporary permit. It is not what we do. Mr. Bullard asked what do you want.

Mr. Greenfield said she wanted approval of the canopy. The Board has the authority to approve canopies.

Ms. DeJarnette said the use of a canopy on a regular basis is inappropriate for this Mall.

Ms. Hale said there are other issues to consider, such as removing the canopy each night, maintenance, etc.

Ms. VanYahres said if the canopy was set up in front of Williams Bookstore, it would block visibility of the storefront and Mike Williams would be complaining.

Mr. Bullard said that's the way the ordinance is written, awnings and canopies are generally considered to be attached to the building.

Mr. Caravati said that first come, first get, is no way to play games. We should not approve a Certificate of Appropriateness until we can come up with something.

Mr. Caravati made the motion to deny these requests because the use of this type of canopies on the Mall is not appropriate due to size, scale, shape and color. The motion was seconded by Ms. Hale and unanimously passed by all members present.

The Board requested staff to write to City Council requesting the vending ordinance be changed to correct this problem.

4. **BAR 95-04-471** **625 Park Street**

This case was withdrawn by the petitioners.

The minutes for the March 21, 1995 and January 7, 1995 minutes were approved as corrected.

There being no further business, the meeting was adjourned at 5:25 p.m.