

CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
March 26, 1980
7:45 p.m.
Community Development Conference Room

Minutes

1. February 27, 1980 -- Regular Meeting

B. New Items

1. Addition to Holy Comforter Catholic Church
210 E. Jefferson Street
Pre-application Informal Presentation of Concept

C. Other Matters

1. Secretary of Interior's "Standards" -- discussion

2. Approved colors for ADC -- discussion

D. Chairman's Report

E. Review Member's Reports

F. Department of Community Development Report

1. Historic Preservation Guide

Other Items Presented by the Public Not on the Agenda

INGES - Approach them with "Removal of Application" rather since
the issue. Call Jim Boyd.

Done!
RLA

BOARD OF ARCHITECTURAL REVIEW
MINUTES
March 26, 1980 - 7:45 p.m.

PRESENT

Jim Herndon
Ed Lay
Warren Martin
John Farmer
Ted Oakey

ABSENT

Geraldine Watkins
Ashlin Smith

CITY OFFICIALS PRESENT

Ron Higgins

A. Minutes

The meeting was called to order by John Farmer in the Community Development Conference Room. The minutes of the February 27, 1980 regular meeting were approved with the following corrections. On page 2, line 14, bricks and mortar should be repointed instead of repainted. On page 1, B. II The case number should be 102 and in the paragraph above "second" should be "third".

B. New Applications

1. Addition to Holy Comforter Church

Jack Rinehart, the architect for the proposed addition to H.C.C., presented a plan to demolish the house adjacent to the church at 208 E. Jefferson Street. This house has been occupied by the Jefferson Regional Library. He stated that the porch has been removed and that there have been numerous modifications. There is a similar building at 206 E. Jefferson Street to the right occupied by the Red Cross that has the same features but has the original porch. The house was built around 1895. Besides the church and the above two buildings is the Jefferson Library on the other corner of the block.

Rinehart proposed to alter the exterior of the church so that seating inside will be in a modified Creek Cross Plan. The present entrance will be moved to the addition on the right. He also plans to carry the present lines through two additions as well as use similar materials as the older church. The proposed addition will be run from Jefferson Street as well as from the rear of the new library on Market Street.

Rinehart asked for approval in concept to his plan as well as materials, etc. He also asked for conceptual approval in the event the church decides on extending the Third Street elevation.

The BAR had no objection to the concept to the addition of H.C.C. plan. Ed Lay said he was reluctant to tear down the adjacent building but favored the plan as long as there was not a delay after demolition. The board commended the architect for presenting a proposal of what the new structure would look like. They appreciated the completeness of presentation and thoughts given to the adjoining building.

*Add
Lay
1/26/81*

Warren Martin preferred the east gable addition of Third Street in addition to the general concept.

C. 1. Secretary of the Interior's "Standards for Historic Preservation Projects".

The board discussed the "Standards for Historic Preservation Projects" book that was distributed to board members. The board had previously adopted the Savannah criteria. The board decided that this book could be more concise and was not inconsistent with the Savannah guidelines.

Warren Martin moved that the "Standards for Historic Preservation Projects" be consolidated into BAR guidelines. Jim Herndon seconded. The motion passed unanimously.

2. The approved colors for ADC was delayed until next month.

D. Historic Preservation Guide

Ron Higgins, from the Department of Community Development, reported on the current status of the Historic Preservation Guide book. It has four criteria groups which have been expanded with more detail criteria under the subject headings. They are:

1. harmony of scale.
2. harmony of materials, textures, colors.
3. impact on surrounding environment.
4. historical or architectural significance.

There was a general discussion on the contents of the entire booklet. Mr. Higgins requested input before the next meeting in the hope that some final decision could be made at that meeting.

E. Ed Lay is to report before City Council on April 7, 1980, presenting information about awards on historic preservation.

F. Old Applications

Ron Higgins stated that the BAR must act on the request for demolition of Inge's store by April 26, 1980. (60 days from the February meeting.) Ed Lay suggested that the board go to the architect, Jim Boyd, if we don't hear from him by April 1, 1980 and ask him to remove his request and to begin procedure again with Mr. Lafon. Ron Higgins consented to call Mr. Boyd.

There being no further business, the meeting was adjourned at 9:45. The next meeting will be April 23, 1980.

Respectfully Submitted,

R. S. Oakey, Jr.

Hedge Street project (between 1st and 2nd Streets)

Mr. Saunders, the developer, and his architect, Mr. Clarence Wenger, presented a model and drawings of the proposed project. They asked for the Board's approval of the design.

Mrs. Wadlington and Mr. Farmer said that the building was too "boxy", that it needed some "relief" such as could be provided by chimneys, porches, dormer windows, gables and the like. Mr. Farmer noted that there were "a wealth of shapes" illustrated by the existing houses in the neighborhood.

Mr. Muse explained to the Board how the required setbacks and parking influenced the shape of the building. Mr. Martin observed that perhaps a variance was needed to reduce the front yard setback.

Mr. Van Groll reminded the Board that this project is just as important as Charlotte Square.

Mr. Martin and Mr. Wenger discussed the possibility of facing the building on 2nd Street. Mr. Wenger said that this was not possible. Mr. Martin felt that variances on Hedge Street and 2nd Street were needed.

Mr. Van Groll wondered about pull-off parking. Mr. Muse said that it would work.

Several Board members felt that some changes in the Ordinance were needed as they apply to the Historic District. Mr. Saunders pointed out in order to get a variance he would need to prove hardship.

It was noted that since it is possible to get the building on the lot under present ordinance, hardship would be difficult to prove.

Mrs. Ramsey suggested a townhouse or row house motif. Would that be possible, she asked. "Row houses would fit in."

Mr. Van Groll said that the mass of the building should be broken up in some way - perhaps to read as individual houses. He noted that the mass, as currently designed, is not appropriate in the neighborhood.

Mr. Wenger mentioned some of the alternative schemes that he had tried.

Mr. Van Groll suggested breaking up the building so that two units faced Hedge Street, and two units faced 2nd Street. Mr. Muse reviewed for the Board the requirements of the ordinance regarding front and rear yard setbacks.

Mrs. Smith asked Mr. Saunders if the purpose of the presentation was to obtain a Certificate of Appropriateness. He answered that it was.

Mr. Van Groll objected to the use of materials - brick on the front, and wood siding on the 3 other elevations.

Mrs. Ramsey said "it is not appropriate. We shouldn't belabor the point."

Mrs. Wadlington said the Board should support Zoning Variances for this project.

Mr. Martin suggested that the Board could make recommendations to the Planning Commission on possible changes to the ordinance that would provide some relief in cases such as this. Appropriate Site Plans should be possible in the Historic District.

Mr. Van Groll asked Mr. Saunders if he has purchased the property. Yes was the answer.

Mrs. Ramsey made a motion to deny the Certificate of Appropriateness. Mrs. Smith seconded the motion. It passed on a 6 to 0 vote of the Board.

The minutes of the previous meeting were read, and approved as corrected.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

John B. Farmer, Sr.
Secretary

CITY OF
CHARLOTTESVILLE
VIRGINIA

MEMO

TO: Board of Architectural Review
FROM: Ronald L. Higgins, Planner *RH*
DATE: March 25, 1980
RE: HOLY COMFORTER CATHOLIC CHURCH

Attached is the Landmarks Survey sheet for the above building. The architects have requested that they be added to your agenda in order to discuss their concept for adding to this building. This is being done intentionally before making applications for certificates of appropriateness for demolition or reconstruction.

They will present at your March meeting to discuss their progress. If you have any questions please contact me and I will convey any concerns to the architects.

Thank you.

RH/jw

LANDMARK



SURVEY

IDENTIFICATION

Street Address: 210 East Jefferson Street
 Map and Parcel: 33-197
 Census Tract & Block: 1-109
 Present Owner: Holy Comforter Catholic Church
 Address: 210 East Jefferson St., City
 Present Use: Church
 Original Owner: Holy Comforter Catholic Church
 Original Use:

BASE DATA

Historic Name: Holy Comforter Catholic Church
 Date/Period: 1925
 Style: Roman Revival
 Height to Cornice: 37.5
 Height in Stories: 1
 Present Zoning: B-3
 Land Area (sq.ft.):
 Assessed Value (land + imp.): 14850 + 51960 = 66,810

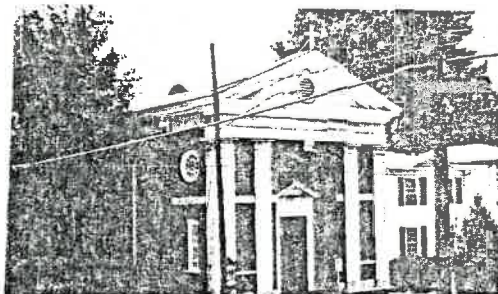
ARCHITECTURAL DESCRIPTION

The present church was designed in 1925 by Stanislaw Makielski and is based on Leo Battista Alberti's, one of the most important Early Renaissance architects, design for San Andrea in Mantua, Italy. The front, modeled on the triumphal arch, with pilasters, recessed pedimented entrance set against a thermal window, and gables pediment is a handsome interpretation of Neo-Renaissance motifs. The sides are treated in a much simpler manner. Set on a light colored podium, the plain brick walls are articulated with five elongated circular headed windows and an entablature with the mousetoothing, common in the nineteenth century cornices, now appearing in the architrave. A one story extension surrounds the chancel. The interior has been altered from Makielski's original scheme. This is a handsome and extremely well detailed church.

HISTORICAL DESCRIPTION

The present church was erected in 1925 on the site of the earlier 1880 church. Thomas Fortune Ryan of Nelson County was its chief benefactor. Catholics had worshipped in Charlottesville since 1869 and bought their property in 1879.

GRAPHICS



CONDITIONS

Good

SOURCES

City/County Records

HERBERT A. PICKFORD, JUDGE
CHARLOTTESVILLE, VIRGINIA
DAVID F. BERRY, JUDGE
MADISON, VIRGINIA

F. WARD HARKRADER, JR., JUDGE
LOUISA, VIRGINIA
VANCE M. FRY, JUDGE
ORANGE, VIRGINIA

SIXTEENTH JUDICIAL CIRCUIT

CIRCUIT COURTS OF THE CITY OF CHARLOTTESVILLE AND THE COUNTIES OF
ALBEMARLE, CULPEPER, FLUVANNA, GREENE, GOOCHLAND, LOUISA, MADISON AND ORANGE

March 25, 1980



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Roger C. Wiley, Jr., Esq.
City Attorney
P. O. Box 911
Charlottesville, Virginia 22902

Re: Bell, et als. v. City of Charlottesville, et als
Chancery File No. 4049

Gentlemen:

The threshold question is whether the evidence supports the standing which the plaintiffs allege they have to bring this action. In order to have standing to seek a review of a zoning decision, as opposed to a question of defects in the adoption of an ordinance or granting of a use permit, a person must have a specific personal and legal interest in the subject matter of the decision. He must be specifically and adversely affected thereby. If his only interest is strict enforcement of zoning regulations for the benefit of the general welfare, he has no such standing.

In the instant case, plaintiffs complain of the so called "Fisher" amendments and permits as being violative of the aesthetic concepts of the historic district in which they are property owners. The principal individual complaint as to damage is that the plaintiffs have been discriminated against in that their properties do not qualify for the higher density permitted by the amendments. This is not a special or pecuniary damage per se to their properties. There is no evidence that their properties are less valuable or in any way peculiarly harmed.

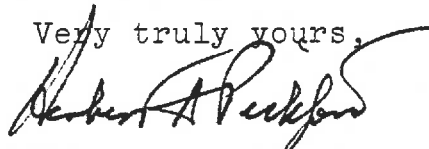
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There being no showing of any damage to the proprietary interests of the plaintiffs, they lack the requisite standing to challenge judicially any of the actions of the Charlottesville City Council complained of in their bill for declaratory judgment other than matters of form i.e., procedural defects in the adoption of the ordinance and/or facial deficiencies of the ordinance. Special injury need not be shown as to those matters. 101A C.J.S. Zoning and Land Planning, §267 (1979). The notice of the joint public hearing scheduled for December 13, 1977, omitted reference to what place or places within the City copies of the proposed amendments could be examined. There has been no showing of any prejudice having resulted from said omission. Virginia Code §15.1-431 was substantially complied with, and the defect is insufficient to overturn the ordinance in question.

As to facial deficiencies, the strongest point made by the plaintiffs is the alleged attempt by the City to use a special permit procedure to obviate the necessity of the property owner having to seek a variance or variances relative to height and yard regulations. City Code sections 31-140.1 and 31-228.1 are alleged to be facially deficient and void, there being no state enabling legislation permitting a local governing body to permit violations of height and set back regulations by use of a special permit. Suffice it to say, however, that Council in its legislative capacity can by special permit allow a property owner to exceed height limitations and to encroach upon set back lines, provided it is required to act in accord with the purposes and intents of the zoning ordinance, and that said ordinance contains sufficient guidelines and standards for such actions. See Rohan, 6 Zoning and Land Use Controls, § 44.05 (1978).

In conclusion, it is not for the Court to judge the wisdom nor the aesthetics of the "Queen Charlotte" project. The question before the Court is the legality of Council's actions insofar as the plaintiffs have shown they have standing to seek such a review. As to those matters, I cannot find deficiencies sufficient to overturn the ordinance and/or permits in question. Plaintiffs' motion for declaratory judgment relief is denied.

Mr. Wiley will draft and circulate to counsel for endorsement a decree consistent with this opinion.

Very truly yours,

Herbert A. Pickford