

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	October 21, 2013
Action Required:	Yes
Presenters:	William Adams, Chair, Board of Architectural Review (BAR) Mary Joy Scala, Preservation & Design Planner, NDS
Staff Contacts:	Mary Joy Scala, Preservation & Design Planner, NDS Jim Tolbert, Director NDS
Title:	144 Chancellor Street - Appeal of BAR Decision

Background:

The format for an appeal of a Board of Architectural Review decision is: (1) staff report; (2) applicants' presentation; and (3) the BAR's position presented by the Chair of the BAR.

The zoning ordinance requires that 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. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.

In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.

Discussion:

The applicants are appealing a decision of the BAR to deny their request to demolish 144 Chancellor Street, a contributing structure in The Corner Architectural Design Control (ADC) District, which was built in 1905 as a school.

On July 16, 2013 staff recommended to the BAR that the request did not satisfy the BAR's criteria and guidelines, and the BAR voted (7-0) to deny the request to demolish 144 Chancellor Street.

Community Engagement:

The abutting owners were required to be notified of the application. No public comment has been received.

Alignment with City Council's Vision and Priority Areas:

Upholding the BAR's decision aligns with Council's vision for *Charlottesville Arts and Culture*. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. Also, re-using rather than demolishing a historic building is a sustainable choice that aligns with Council's Vision for *A Green City*.

Budgetary Impact:

None.

Recommendation:

The BAR at its meeting on July 16, 2013 voted unanimously (7-0) to deny the request based on the ADC Districts' demolition criteria and design guidelines. The BAR's main concerns were the loss of an early 20th century vernacular school building, an unusual building type in The Corner ADC District, and the owner's lack of building maintenance given the length of time of ownership.

Alternatives:

1. If City Council agrees with the appellant, then Council should vote to overturn the BAR decision. The owner could then proceed to obtain a demolition permit to demolish the building.
2. If City Council agrees with the BAR decision to deny demolition, then Council should vote to uphold the decision. The applicant would then have the option to make further appeal to the Circuit Court.

In addition to the right of further appeal, following a denial by City Council, the owner may make a bona fide offer to sell the property to a person willing to preserve and restore it per state code and local ordinance, Sec. 34-286 (d). The sale price must be reasonably related to the fair market value of the building, which amount must be confirmed by City Council before the property is offered for sale. If no bona fide offers are received within one year, then the owner may renew his demolition request to City Council, and is entitled to demolish if all conditions have been met.

Attachments: July 16, 2013 BAR Staff Report
Excerpt BAR Minutes July 16, 2013
144 Chancellor Street Historic Survey

**CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
STAFF REPORT
July 16, 2013**

Certificate of Appropriateness Application

BAR 13-07-03

144 Chancellor Street

Tax Map 9 Parcel 109

Delta Zeta National Housing Corporation, Owner/ Eric Amtmann, AIA, Applicant

Demolish building

Background

144 Chancellor Street (1905) is a contributing structure in The Corner ADC district. The building appears on the 1907 Sanborn Map as a school.

Application

The applicant is requesting approval to demolish the building.

Criteria 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 Considering Demolitions include:

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;*
The building was built in 1905.

- (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 building is a contributing structure in the Rugby Road - University Corner historic district, which is listed on the National Register of Historic Places and the Virginia Landmarks Register.

- (3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an 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;*

The former school building represents an unusual building type in The Corner ADC District.

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

144 Chancellor Street could be reproduced.

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

The simple design of the schoolhouse has been retained. The footprint and openings appear original. The building has been remodeled, including the addition of siding, and reconstruction of the entrance porch, in the same size as the original, which appears to have been added between 1913 and 1920.

(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 and structures.

144 Chancellor Street is linked historically and aesthetically to other residential and formerly residential buildings along Chancellor Street and Elliewood Avenue. This resource offers an example of a small vernacular building built to serve the residents in the area as a school. This connection greatly adds to the significance of the structure.

(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;

The applicant has submitted a structural report prepared by Dunbar, Milby, Williams, Pittman and Vaughan, dated February 9, 2010; and a partial building inspection report prepared by Martin Quarles, dated January 8, 2010.

(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; and

The applicant intends to raze the building.

(e) Any applicable provisions of the city's Design Guidelines

1. *The criteria established by the City Code.*

See above.

2. *The public necessity of the proposed demolition.*

There is no public necessity.

3. *The public purpose or interest in land or buildings to be protected.*

The public purpose is to save tangible evidence and reminders of the people of Charlottesville, their stories, and their buildings. It is important to protect a broad spectrum of historic resources so that the sense of community continuity and belonging will be meaningful to all of the City's residents. This building is of particular significance because of its age and because it was originally built as a school.

4. *The existing character of the setting of the structure or area and its surroundings.*

This is a residential area zoned for mixed-use development.

5. *Whether or not a relocation of the structure would be a practical and preferable alternative to demolition.*

The location of 144 Chancellor Street is part of its significance.

6. *Whether or not the proposed demolition would affect adversely or positively other historic buildings or the character of the historic district.*

The small residential scale of The Corner ADC District is threatened by its current zoning, which allows mixed use. It is important to preserve all the remaining structures that contribute to the character of the area.

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.*

A structural report has been prepared for 144 Chancellor Street. Its findings support the proposed demolition, that the building's current condition is not suitable for occupancy, and that the cost to bring the building to a condition that would permit occupancy could exceed the cost to replace the building.

Discussion and Recommendations

The BAR does not consider what the possible new use of the property would be, only whether or not the building merits preservation.

The property owner is responsible for maintaining and repairing a historic property so that it does not fall into a state of disrepair, including: exterior walls and other vertical supports; roofs or other horizontal members; exterior chimneys; exterior plaster or mortar; and necessary waterproofing.

The above criteria indicate that 144 Chancellor Street should not be demolished. The Corner ADC district is an intact area of historic buildings that should be preserved although they may be adapted for other uses. This building could easily be refurbished and incorporated into the plans for expansion of the Delta Zeta property.

Suggested Motion:

Having considered the standards set forth within the City Code, including ADC District Design Guidelines for Demolition, I move to find that the proposed demolition of 144 Chancellor Street does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties in The Corner ADC district, and that the BAR denies the demolition as submitted.

**Minutes
Board of Architectural Review Board
July 16, 2013
City Council Chambers**

Members Present

Mr. William Adams - Chairperson
Mr. Justin Sarafin
Ms. Candace DeLoach
Mr. Brian Hogg
Ms. Laura Knott
Mr. Tim Mohr
Mr. Michael Osteen

Staff Present

Ms. Mary Joy Scala

3. Certificate of Appropriateness Application

BAR 13-07-03

144 Chancellor Street

Tax Map 9 Parcel 109

Delta Zeta National Housing Corporation, Owner/ Eric Amtmann, AIA, Applicant

Demolish building

Ms. Scala provided the staff report.

The applicant was present and gave a brief overview of what it would cost to move the building and the cost to demolish it.

There were no questions or comments from the public.

Questions from the Board

Mr. Hogg asked when was the last time the building was occupied, and the applicant stated that the building has been empty for 10 years.

Mr. Osteen asked if the applicant has acquired any historic photographs in his research and the applicant stated no.

Comments from the Board

Mr. Hogg noted the current owners have owned the building since 1979, and they have allowed it to sit unoccupied for ten years. From a historical standpoint, the late 19th – early 20th century is particularly meaningful for this part of Charlottesville. The development of Chancellor Street with boarding houses and this school created a very interesting interaction between the University and the Charlottesville community. This building of that time period is significant. Even though its form is relatively diminutive, the form – gables roofs and complex massing - is compatible with the streetscape of larger buildings. Mr. Hogg said that the fact that the owner was able to use the property for 24 years, then allowed it to sit vacant for ten, intentional or not is an essay in demolition by neglect. He thinks that the applicant has not met the criteria in the guidelines, and that the building merits preservation even in its current condition.

Mr. Mohr agreed with his comments regarding the long term ownership. The foundation has been failing for a while, and could be addressed. It is a specious argument that the building is now ready to be torn down. The BAR is not to take into consideration the financial implications, but only the building's historic value in a historic district.

Mr. Osteen said he would like to have seen historic photos, and would have a hard time supporting a demolition without a full understanding of what it used to be.

The applicant noted that #7 in the review criteria calls for consideration of a "professional economic and structural feasibility study."

Mr. Adams said that from the 2010 structural report it looks like water has been running through for a great period of time, which indicates a demolition by neglect situation.

Mr. Sarafin noted that extensive work was done around 1979, according to a site plan from that time. He agreed that the length of ownership and the delayed maintenance – termite damage for example, is absolutely part of a normal maintenance schedule for a building – were problematic. As for the architectural value of this type of vernacular school building, which are lost all the time, all over the state, in terms of the context of early 20th century Charlottesville – it is very important. He would not support the demolition.

Mr. Hogg said, having considered the standards set forth within the City Code, including ADC District Design Guidelines for Demolition, I move to find that the proposed demolition of 144 Chancellor Street does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties in The Corner ADC district, and that the BAR denies the demolition as submitted.

Mr. Sarafin seconded the motion.

Denied (7-0).

DGP

DALGLIESH GILPIN PAXTON ARCHITECTS

ARCHITECTURE + HISTORIC PRESERVATION + PLANNING + INTERIOR DESIGN

Robert L Paxton AIA
Eric W Amtmann AIA
Roger L Birle AIA

Mark T Bittle AIA
Joseph J Chambers AIA
Shawn A Mulligan AIA
John Peterson AIA

R David Craig
Director Interior Design

30 July 2013

City of Charlottesville
City Council
c/o Paige Barfield
PO Box 911
Charlottesville, VA 22902

RE: Board of Architectural Review Appeal
BAR 13-07-03
Tax Map 9 Parcel 109
Delta Zeta Annex
144 Chancellor Street
Charlottesville, VA 22902

Dear City Councilors,

On behalf of Delta Zeta National Housing Corporation (DZ-NHC), Owner of 144 Chancellor Street, this letter appeals the Board of Architectural Review (BAR) denial of a Certificate of Appropriateness for Demolition of the structure at 144 Chancellor Street, commonly referred to as the Annex. This appeal contests the BAR finding that the proposed demolition does not satisfy the BAR's criteria and guidelines.

Please find enclosed the following documents:

- BAR Ruling dated 19 July 2013.
- BAR Staff Report dated 16 July 2013.
- BAR Application for Certification of Appropriateness for Demolition dated 24 June 2013. The BAR Application contains additional supporting documents and photographs referenced therein.

The following timeline summarizes key dates:

- 1905 building originally constructed
- 1907-1917 building in use as a school
- 1920 building is vacant
- 1929 building serves as a rental dwelling
- 1937 renovation, scope unknown
- 1958 general repair, scope unknown
- 1986 renovation, scope unknown
- 1996 building purchased by Delta Zeta National Housing Corporation
- 1996-1998 building briefly serves as a rental dwelling
- 1998 DZ-NHC determines the building is unsafe, prohibits further occupancy
- Dec 2010 DGP Architects retained to perform Feasibility Study for rehabilitation
- Dec 2010 storm and falling tree damage roof, roofing at end of service life
- Jan 2010 structural condition and building inspections performed
- Jan 2010 asphalt shingle roofing replaced following inspections
- Apr 2010 Feasibility Study determines structural rehabilitation is not feasible
- Jul 2012 earthquake in Central Virginia further destabilizes structural condition
- Jun 2013 Application to BAR for Certificate of Appropriateness for Demolition

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The BAR application submitted on behalf of DZ-NHC provided a point by point analysis of the following standards utilized by the BAR to assess the appropriateness of a proposed building demolition:

- *City Code Section 34-278 Standards for Considering Demolitions and Movings*
- *Charlottesville Architectural Design Control District Design Guidelines - Review Criteria for Demolition*

Analysis of the standards concluded demolition of the structure satisfies the BAR's criteria and guidelines, summarized by two main points:

- *Point #1: Review Criteria for Demolition, Item #7:*
 - ▶ A professional economic and structural feasibility study for rehabilitating the structure was performed, and its findings support the proposed demolition.
 - ▶ The building is in a state of structural failure, unsound for any form of occupancy, with structural rehabilitation determined to be infeasible.
- *Point #2: Standards for Considering Demolitions, Item 'a'*
 - ▶ The building is not associated with a historic person, architect or master craftsman, or with an historic event.
 - ▶ The architectural character of the building is quite common and utilitarian, a vernacular frame cottage, and does not represent an infrequent or first or last remaining example within the city of a particular architectural style or feature.
 - ▶ Distinguishing characteristics, qualities, features and materials have been destroyed or heavily obscured by past removals and renovations.

The BAR ruling that the proposed demolition does not satisfy the BAR's criteria and guidelines focused on contrary aspects of the two points above, as evidenced by BAR members' discussion during the hearing:

- *Point #1: The current structural failure resulted from the Owner failing to maintain the structure over time. Permitting demolition at this time would establish a dangerous precedent of allowing "demolition through neglect."*
- *Point #2: The original use of the building as a school represents an historically significant period during the early 20th Century.*

This appeal contests the BAR position on the two points above as follows:

Point #1:

The structural failure of the Delta Zeta Annex resulted from the following factors:

- Insufficient engineering at the time of initial construction
- Lateral earth forces in excess of the structure's design applied for long periods of time
- Compound failures of multiple structural systems, resulting in building displacement, triggering further failures
- Lateral earthquake forces (2012) compounding the instability of an already unsound structure

The structural failure of the Delta Zeta Annex did not result from neglect or lack of maintenance on behalf of the Owner.

Owners of historic buildings should perform reasonable routine maintenance and service to sustain the building in a state of utility. DZ-NHC demonstrated good stewardship of the Annex by replacing the asphalt shingle roof in January 2010 following storm damage. However, the structural failure issues have been present in the building for years, dating to before DZ-NHC ownership of the Annex in 1996. After

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a brief period of attempted renovation and re-occupancy of the building between 1996-98, the scope of the structural failure finally became apparent. The scope and cost of structural failure of this nature exceeds any reasonable expectation of building maintenance and service.

Point #2:

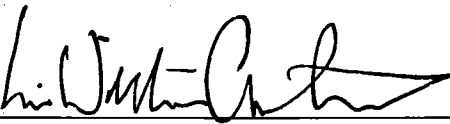
The BAR ruling asserted the apparent use of the Annex as a school may provide some historical or cultural value. However, there is no association of the Annex with a particular historic person, architect or master craftsman, or with an historic event. With vague and tenuous connections to historical references, this appeal assigns a minimal historical and cultural value to the Annex. Furthermore, the lack of extant significant architectural details and design does not support meritorious status.

Conclusion:

The case for rehabilitation of any historic structure must find a balance between historical and cultural value, potential utility of the structure in the future, and the feasibility of rehabilitation, including structural and economic requirements. There is minimal historical and cultural value in the Annex, and the building itself has exceeded the original intended lifespan of its simple, vernacular frame construction. The extant structural failures, through no fault or neglect of the Owner, have overwhelmed the feasibility of rehabilitation. Therefore, this appeal finds the proposed demolition of the structure at 144 Chancellor Street satisfies the BAR's criteria and guidelines, and is eligible for a Certificate of Appropriateness for Demolition.

Sincerely yours,

DALGLIESH GILPIN PAXTON ARCHITECTS

By 
Eric W. Amtmann, AIA

EWA/vwr

City Council meeting minutes October 21, 2013
Excerpts re: 144 Chancellor Street

RESOLUTION: 144 CHANCELLOR STREET - APPEAL OF BAR DECISION 144 Chancellor Street - Appeal of BAR Decision

Ms. Scala presented to Council. Mr. Bill Adams was also present. The applicants are appealing a decision to deny the request to demolish 144 Chancellor Street because the building classifies as a contributing historical structure. The BAR vote was 7-0 to deny the request.

The applicant, Mr. Eric Antman, presented to Council on behalf of the Delta Zeta Corporation. He said his firm has a long tradition of historic preservation, and this is an earnest and considered request for demolition. The professional and economic feasibility study showed that the building is in a state of failure, unsound for occupancy. Attempting reconstruction would be an irresponsible use of funds.

Ms. Smith asked Ms. Scala when this building was deemed historic. Ms. Scala said the district was put into place in 2003.

Mr. Bill Adams, Chair of the BAR, presented to Council, said allowing this property to be demolished sets a dangerous precedent of demolition by neglect and incentives owners not to maintain property. The structural state of the building points to lack of maintenance on the part of the owner, who has owned the building for 34 years. The building has been empty since 1998. He also cited historical significance for denying the demolition.

Mr. Norris confirmed that the building was only in use as a school for about ten years. He asked what harkens to its use as a school building in its current form. Mr. Adams said it is still identifiable as a single room school house.

Ms. Smith asked why Delta Zeta purchased the building. Mr. Antman said he suspects there was neglect on the part of a disorganized local chapter that was incapable of taking proper stewardship of the building, at which time the building was transferred to the national organization from the local chapter. Mr. Antman said the local Delta Zeta chapter intends to build an addition of similar scale and structure to the current building.

Ms. Smith said she feels we need to uphold the BAR's decision. We are losing our history quickly, and demolition by neglect is disturbing.

On motion by Ms. Smith, seconded by Ms. Szakos, Council voted to uphold the BAR's decision for the same reasons the BAR put forward, which was the loss of an early 20th century vernacular school building and the owner's lack of building maintenance given the length of time of ownership. (Ayes: Mr. Norris, Ms. Smith, Ms. Szakos, Ms. Galvin, Mr. Huja; Noes: None.)

City Council action memo to applicant

From: Scala, Mary Joy
Sent: Friday, November 08, 2013 10:10 AM
To: Eric Amtmann (EAmtmann@dgparchitects.com)
Cc: jjg@dzshq.com
Subject: City Council Action - 144 Chancellor Street

November 8, 2013

Delta Zeta National Housing Corporation
202 E Church Street
Oxford, OH45056

Certificate of Appropriateness Application

BAR 13-07-03
144 Chancellor Street
Tax Map 9 Parcel 109
Delta Zeta National Housing Corporation, Owner/ Eric Amtmann, AIA, Applicant
Demolish building

Dear Applicant,

Your appeal of the Charlottesville Board of Architectural Review's July 16, 2013 decision to deny demolition of the above referenced property was heard at a meeting of the Charlottesville City Council on October 21, 2013. The following action was taken:

City Council unanimously upheld (5-0) the Board of Architectural Review's decision to deny demolition.

In accordance with Charlottesville City Code 34-286 (c), this decision may be further appealed by the property owner to the Circuit Court of the City of Charlottesville by filing a petition within thirty days of Council's decision. In addition, the property owner may follow a process to offer the property for sale, as outlined in Charlottesville City Code 34-286 (d) and (e). Please be aware that, should you choose to pursue that process, the first step is to return to City Council to confirm that the proposed offering price is reasonably related to the fair market value. Please see the City Code for details of Section 34-286.

If you have any questions, please contact me at 434-970-3130 or scala@charlottesville.org.

Sincerely yours,

Mary Joy Scala, AICP
Preservation and Design Planner
City of Charlottesville
Department of Neighborhood Development Services