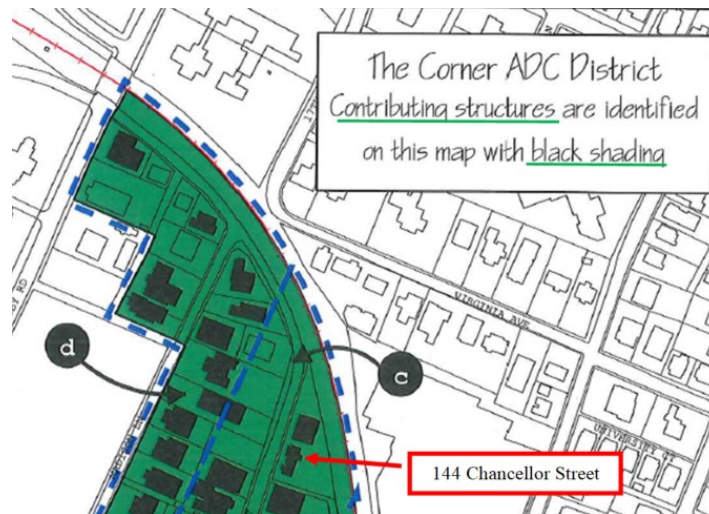


Legal Supplement to Staff Memo to City Council, May 5, 2025  
144 Chancellor Street: Appeal of BAR denial of requested CoA

On January 22, 2025, the City of Charlottesville, Virginia's ("City"), Board of Architectural Review ("BAR") denied a certificate of appropriateness ("CoA") to allow demolition of an approximately 20-ft x 56-ft, single-story, wood-framed structure constructed circa 1905 as schoolhouse at 144 Chancellor Street. On November 17, 2003, City Council established the Corner Architectural Design Control District ("CADCD") and designated 144 Chancellor Street as a *contributing structure* to the district. (Ref. City Code Chapter 34, Section 2.9.2.B.6.) Per City Code Chapter 34, Section 5.2.7.A.1.c., the demolition of a contributing structure requires BAR approval of a CoA.

Note: Within City-designated ADC Districts, contributing structures are identified in the district maps found in Chapter 1 of the ADC District Design Guidelines, adopted by City Council on September 17, 2012. The map for The Corner ADC District (excerpt below, from page 23 of Chap. 1) identifies 144 Chancellor Street as a contributing structure. Link to Chapter 1 of the design guidelines: [Chapter 1 Introduction \(Part 1\)](#)



On February 5, 2025, within the 10-day period proscribed by City Code Chapter 34, Section 5.2.7.E., the property owner appealed the BAR's decision to City Council. [The Appellant's letter of appeal is Attachment 1. Staff's response is Attachment 2.]

State enabling legislation authorizes the City to establish historic districts within its Zoning Ordinance, and to designate specific buildings or structures within the Zoning Ordinance as having important historic, architectural, archaeological or cultural interest. Virginia Code §15.2-2306(A)(1).

State law also authorizes the City to provide for a review board to administer the ordinance. Virginia Code §15.2-2306(A)(1). In 1959, Charlottesville embarked on a preservation planning program and enacted an Architectural Design Control Ordinance. This ordinance established a "restricted design district" comprised of 33 properties in the Court Square area and created a Board of Architectural Review ("BAR") to review the appropriateness of exterior changes to buildings in the district. Per City Code Chapter 34, Section 5.1.5., the BAR is responsible for

final action regarding Certificates of Appropriateness (“CoA”) under Major Historic Review, which includes requests to raze a contributing structure.

State law also authorizes the City to include within its Zoning Ordinance a requirement that no historic landmark, building, or structure within any District shall be razed, demolished, or moved until the razing, demolition, or moving thereof is approved by the review board [BAR], or, on appeal, by the governing body [City Council] after consultation with the review board. Virginia Code §15.2-2306(A)(2). Per City Code Chapter 34, Section 5.2.7.A.1.c., the demolition of a contributing structure requires BAR approval of a CoA.

State law also requires the City, by enacting the above, include within its Zoning Ordinance the right of the owner of a historic landmark, building, or structure to appeal to the Circuit Court for such locality from any final decision of the governing body. Virginia Code §15.2-2306(A)(3). This has been implemented in the City’s Zoning Ordinance by City Code Chapter 34, Section 5.2.7.E.1, Appeal of Decision.

According to City Code Chapter 34, Section 5.2.7.E.1.d.: “City Council will consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within this Section, as applicable, and any other information, factors, or opinions it deems relevant to the application.”

Finally, per City Code Chapter 34, Division 5.2.7.E.1.f., in addition to the right of further appeal, following a denial by City Council, the property owner *will, as a matter of right, be entitled to demolish such building or structure if all of the following conditions have been met:*

- i. The owner has appealed to City Council for permission to demolish the building or structure, and City Council has denied such permission;
  - ii. The owner has, for the applicable sale period set forth herein below [per item g, see below, this period would be 12-months \*], and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to a person or legal entity that gives reasonable assurance that the building or structure will be preserved and restored; and
  - iii. No bona fide contract, binding upon all parties thereto, must have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
  - iv. If all of the foregoing conditions are not met within the applicable sale period, then the City Council’s decision denying a permit will stand, unless and until that decision is overturned by the Circuit Court. However, following expiration of the applicable sale period, a property owner may renew their request to the City Council to approve the demolition of the historic landmark, building or structure.
- g. The time in which a property owner may take advantage of the right to appeal, the applicable “sale period” is as follows:
- [...]
- vi. 12 months when the offering price is equal to or greater than \$90,000.00.\*

\* Per the City Real Estate Assessor’s Office, the structure is assessed at \$177,000. (Ref. Elizabeth Craft e-mail to Jeff Werner, April 7, 2025 3:33 PM.