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Via Email and Hand Delivered:

The Honorable Mayor Wade and Charlottesville City Councilors

City of Charlottesville

c/o Clerk of Council

605 East Main Street, 2nd Floor

Charlottesville, Virginia 22902

clerk@charlottesville.gov

**Re: Appeal of Denial of Certificate of Appropriateness; BAR #25-0068; 1301
Wertland Street, TMP 04030300**

Honorable Mayor Wade and City Councilors:

Applicants, 1301 Wertland LLC and JSB Development LLC hereby appeal the action taken by the Charlottesville Board of Architectural Review (BAR) to deny a certificate of appropriateness for demolishing the existing structure at 1301 Wertland Street ("Structure").

Grounds for Appeal.

City Council must overturn the BAR's action because the BAR failed to consider that the demolition of this structure could have any public purpose or necessity and therefore it failed to make one of the necessary findings under the BAR Review Criteria for Demolition. See Charlottesville Architectural Control Districts Design Guidelines, Approved by City Council, September 17, 2012, Section B.2), page 6.

The property on which the Structure is located was zoned CX-5 by Council as part of the City-wide rezoning adopted December 18, 2023. The applicants' initial design concepts illustrate that the demolition and by-right re-development of this parcel would yield 212 bedrooms, with 300 bedrooms achievable with utilization of bonus density. A re-development would translate to 300 more UVa. students walking to classes, reducing vehicular traffic and relieving student housing pressures on other neighboring communities, such as 10th and Page. This potential project aligns with many of the goals of the Comprehensive Plan and the zoning ordinance.

The BAR staff report failed to even mention the property's zoning classification, or potential for redevelopment. There was no legitimate undertaking by the BAR to weigh the public need for housing (as promoted by the City's Comprehensive Plan and the action by Council to

designate this property for higher density housing), versus the BAR's predilection for preserving the Structure.

As stated in the Comprehensive Plan, one of the City's primary goals is "to support the opportunity to provide more housing *in all neighborhoods in the City.*" Charlottesville Comprehensive Plan, page 20, emphasis added. Council did not exempt the Wertland Street neighborhood in prioritizing the building of more housing in all neighborhoods. While one member of the BAR noted that the Comprehensive Plan generally supports historic preservation, the BAR never undertook to balance this general policy with the Council's specific policy objective to promote more housing.

Furthermore, Council's deliberate and specific designation for this property as Higher Intensity Residential development was an affirmative action implementing the goals of the Comprehensive Plan and was intended to promote a more intensive use of this parcel. If it had been Council's intent to forever preserve all existing structures within the Wertland ADC District, Council would not have designated the areas within the District for such a higher intensity residential use.

The BAR did not make all the findings required in order to sustain its action on May 20, 2025. Therefore, the BAR's denial must be overturned.

Relief Sought

For the reasons stated, the applicants respectfully request that the BAR's decision be overturned, and a Certificate of Appropriateness be issued to permit demolition of the Structure at 1301 Wertland Street.

Respectfully,

Steven W. Blaine

Cc: Jeff Werner