

City Staff's response to the Appellant's June 2, 2025 letter [Attachment 2] appealing to City Council the Board of Architectural Review's ("BAR") May 20, 2025 denial of a certificate of appropriateness ("CoA") for demolition of the two-story, brick structure at 1301 Wertland Street (BAR #HST25-0068).

The "Staff Response" for each item below represents the collective positions of the BAR, the City's Preservation and Design Planner, and the City Attorney's Office.

Referenced material from the May 20, 2025 BAR meeting re: this CoA requests are at:
[1301 Wertland St Demo CoA - BAR review May 20 2025](#)

Referenced City Code sections are included in the Appendix to this Response. [Attachment 3]

EXECUTIVE SUMMARY OF STAFF'S RESPONSE

This appeal has been taken by Steven W. Blaine of Woods Rogers Vandeventer Black, PLC on behalf of the owner of 1301 Wertland Street, the property that is the subject of this appeal. For the reasons stated below, Staff's position is that the concerns expressed by the Appellant do not provide a basis for Council to approve a CoA for demolition the standards set forth within Chapter 34 (Zoning) Section 5.2.7. D.1.b. However, Council should also review the Appellant's letter and not rely entirely on Staff's summary of the concerns expressed.

Per City Code Chapter 34, Section 5.2.7.E.1.d., in reviewing an appeal "City Council will consult with the BAR and consider the written appeal, the criteria set forth within this Section, as applicable, and any other information, factors, or opinions it deems relevant to the application."

Staff Response to Appellant's Contentions

Appellant item 1: *BAR failed to consider that the demolition of this structure could have any public purpose or necessity [per Review Criteria for Demolition.]*

Staff Response: The agenda, applications, and staff reports were posted on May 16, prior to the May 20, 2025 BAR meeting. The applicant for the CoA request for 1301 Wertland Street did not notify staff that any information had been omitted, nor request any changes to what was posted and would be reviewed by the BAR.

Additionally, the applicant had the opportunity to attend the May 20, 2025 meeting-- in-person or remotely—and present information to the BAR.* However, neither the applicant or a representative participated in the meeting. Absent information from the applicant, it is not staff's responsibility to generate hypothetical development scenarios for the BAR to consider.

(* As is the practice at the beginning of a BAR meeting, on May 20, 2025 the chair publicly stated the following: "Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review. Staff will introduce each item, *followed by the applicant's presentation, which should not exceed ten minutes.* The Chair will then ask for questions from the public, followed by questions from the BAR. After questions

are closed, the Chair will ask for comments from the public. For each application, members of the public are each allowed three minutes to ask questions and three minutes to offer comments. Speakers shall identify themselves and provide their address. Comments should be limited to the BAR's purview; that is, regarding only the exterior aspects of a project. Following the BAR's discussion and prior to taking action, the applicant will have up to three minutes to respond." [emphasis added])

Appellant item 2: *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.*

Staff Response: Typically, and specifically for buildings of particular historic significance, the BAR evaluates a requested demolition on its own merits, weighing far less heavily what development might be allowed by a requested demolition. However, in presenting this demolition request to the BAR, the applicant neither mentioned or included in the application any information regarding the proposed development of the site, nor did they refer to the approved Site Plan (P23-0047), and CoA (BAR 22-09-03 and HST24-0033) for construction of multi-story, multi-unit apartment building on the site, which includes preservation and rehabilitation of the historic house. In fact, neither the applicant or a representative attended or spoke at the May 20, 2025 BAR meeting.

In an April 29, 2025 e-mail, prior to the BAR meeting, the applicant expressed to staff the following: *I'm fully aware that the BAR won't approve the request. In full disclosure, with that in mind, I don't intend to spend the time & money I usually do on the presentations ([the information submitted for the CoA request] will be a "minimal viable product").*

Appellant item 3: *The BAR staff report failed to even mention the property's zoning classification, or potential for redevelopment.*

Staff Response: See response to Item 1.

Appellant item 4: *There was no legitimate undertaking by the BAR to weigh the public need for housing, versus the BAR's predilection for preserving the Structure.*

Staff Response: The BAR did weigh the site's development potential. From the meeting minutes (see Attachment 6):

- Mr. Schwarz: While many applicants will use the argument that the new zoning ordinance and Comprehensive Plan call for more housing and denser development. Our Comprehensive Plan talks a lot about historic preservation. [...] The Comprehensive Plan is not just about more density, more housing. It is also about protecting our cultural and historic resources.

- Ms. Tabony: New developments can sit adjacent to old, unique properties that are very much contributing to the history and the story of this place. The conversation between those two conditions is what I think will keep Charlottesville a unique city and continue to keep it a destination city and something that we can be proud of and love.
- Ms. Lewis (In the approved motion to deny the requested CoA.): There is no reason for demolition that has been stated, that is one of the guidelines for [the BAR] to consider to applicant's reason. We don't have that here because [the applicant] didn't bother to appear tonight. The application doesn't tell me the reason, except for redevelopment.

Additionally, see response to Item 1. On May 20, 2025, the applicant had the opportunity to present information for the BAR to weigh in its consideration of the requested CoA; however, the applicant did not provide that information in their submittal, nor participate in the meeting.

Appellant item 5: *One of the City's primary goals is "to support the opportunity to provide more housing in all neighborhoods in the City." Council did not exempt the Wertland Street neighborhood in prioritizing the building of more housing in all neighborhoods.*

Staff Response: When Council adopted the new Development Code, they adopted the entire Code, not just part of it. That Code included this historic district and the protections it offers. The fact that a site could accommodate 300 bedrooms under one set of rules in the zoning does not negate another section of the zoning that would limit what can be built on the site – the entire ordinance applies all at once. The correct interpretation of Council's action in this regard is that they welcome creative reuse of this building and site that preserves the historic structure while accommodating a potential greater density of development. In no way can or should the adoption of the Development Code be interpreted as negating the City's adopted historic preservation goals.

The Comp Plan and the City Code address the importance of historic preservation

- Per City Code Chapter 34, Sec. 2.9.2.A.: the establishment of historic districts and through the designation of individually significant properties is intended to preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the City, the Commonwealth of Virginia, or this nation.
- Per the Comprehensive Plan: Goal 11. Provide effective protection of Charlottesville's historic resources, including through recognition and incentives.

Appellant item 6: *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.*

Staff Response: See response to Item 4.

Appellant item 7: *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.*

Staff Response: See response to Item 5.