

BAR MINUTES
CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
May 21, 2024 – 5:00 PM
Hybrid Meeting (In person at City Space & virtual via Zoom)



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). Due to the current public health emergency, this meeting is being held online via Zoom and in person at City Space. The meeting process will be as follows: For each item, staff will make a brief presentation followed by the applicant's presentation, after which members of the public will be allowed to speak. Speakers shall identify themselves and give their current address. Members of the public will have, for each case, up to three minutes to speak. Public comments should be limited to the BAR's jurisdiction; that is, regarding the exterior design of the building and site. Following the BAR's discussion, and before the vote, the applicant shall be allowed up to three minutes to respond, for the purpose of clarification. Thank you for participating.

Members Present: James Zehmer, Ron Bailey, Tyler Whitney, Carl Schwarz, Cheri Lewis, Roger Birle, Breck Gastinger, David Timmerman

Staff Present: Patrick Cory, Jeff Werner, Remy Trail

Pre-Meeting:

Staff did send out an email regarding summer vacations and having a quorum for each of the summer BAR meetings. Ms. Lewis asked a question earlier about the CoA application. A preliminary discussion is required under the code before proceeding to a formal CoA application. Staff did bring up that there is possibly going to be a glitch in the future with the new zoning code. According to staff, a CoA approval does not guarantee a building permit.

Ms. Lewis did have a concern about the CoA application for the mural when looking at the guidelines. Mr. Bailey brought up that previous mural applications have been presented to the BAR.

The Chairman called the meeting to order at 5:30 PM

A. Matters from the public not on the agenda.

No Public Comments

B. Consent Agenda (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

1. Meeting Minutes – April 16, 2024

Mr. Schwarz moved to have the 113 West Main Street project to the meeting agenda under New Items. The project was moved to the regular meeting agenda.

Mr. Schwarz moved to approve the rest of the Consent Agenda. Second by Ms. Lewis. Motion passes 7-0 with one abstention (Mr. Zehmer).

The project of 113 West Main Street was moved onto the agenda from the Consent Agenda.

C. Deferred Items

NA

D. New Items

2. Certificate of Appropriateness [Note: Approval of the Consent Agenda results in approval of the CoA as drafted in the staff report.]

BAR # 24-05-03

113 West Main Street, TMP 330259000

Downtown ADC District

Owner: West Mall LLC

Applicant: Adrienne Stronge/The Gaines Group, PLC

Project: Railing/fence at rear courtyard

Jeff Werner, Staff Report – Request CoA for fence/railing enclosure at the rear courtyard, facing Market Street.

Adrienne Stronge, Applicant – It is straightforward. Our owner wants to turn the unused courtyard, which is used for loading purposes, into something that his residents could use more often.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Schwarz – What was your response on the distance from the fence to the wall to prevent trash from piling up in there?

Ms. Stronge – We are going to try and get it as close to the wall as possible. Initially, we wanted to try and set it above the wall. The wall has a lean. We are nervous about adding any stress there. The idea is to remove the bottom board with this fence system. It can customize the distance between the rails. We can leave a rail off. It is customizable, which is why we wanted to go with this one for maintenance purposes. We will leave that bottom free enough to be able to get a broom or rake underneath.

Mr. Schwarz – How did you determine where to start the switch from the lower height fence to the 6-foot fence?

Ms. Stronge – I tried to keep that back so there is a visual connection at the pedestrian level. The higher fence was just to give the residents a sense of that warmth, the security of sitting against a higher wall. We wanted to step it down as we got closer to the sidewalk. There is some visual connection there. We were operating off the standard distance for that system.

Mr. Schwarz – Is the retaining wall about the same height all the way through? Is that correct? It looks like it is a little taller towards your building.

Ms. Stronge – It is about the same height. It has been leaning at that same angle for about 14 years. I think it is going to stay there if we don't add anything to it.

Ms. Lewis – You have a pedestrian opening on the left where you have the boards. You have a ‘utilitarian cattle gate.’ Is that still for loading?

Ms. Stronge – We still must be able to let residents load and unload. The maintenance team does use that gate to get their vehicle up when necessary. It is not a frequent occurrence. It is enough that we needed that vehicular size there. It would swing into the courtyard.

Mr. Gastinger – I don’t know if I followed the whole conversation about painted versus unpainted. What is the proposal currently?

Ms. Stronge – The original proposal was unpainted. We came back with painting it to pull in that color from the mural.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Schwarz – For the painted/unpainted, I think I figured out where some of the confusion is. Under Section 3 (materials and textures), it talks about ‘all exterior trim, woodwork, decking, and flooring must be painted or stained solid.’ It doesn’t mention fences. It mentions woodwork. I am not sure if that is how that whole precedent was slipped in here. It is a downtown urban area. The paint makes more sense to me than leaving it unfinished to weather. I know there is precedent for some weathered wood out there. It is more appropriate to paint it. I am struggling with the idea that it is a 6-foot-tall fence in a front yard. I know it is not facing the front. The transparency that is shown is great. If this was a house on Park Street, we wouldn’t allow this until it gets back behind the front of the house. I see that you are pulling back where the 6-foot starts. That is what has me torn. I understand the reason for it. I understand why the description you provided for the maintenance of any trash that might slip under there. Am I the only one that has a holdup on the 6-foot fence that is sticking out into Market Street?

Mr. Werner – I couldn’t help but think of it in that one section of the guidelines, the rear buildings. It is again something to add to our design guidelines discussion. We have other situations like this.

Ms. Stronge – Given that on the other side of the retaining wall, it will only be about 4 feet tall. It wouldn’t provide the same security for the residents there. That retaining wall is retaining grade there.

Mr. Gastinger – The shrubs that are to remain there are 6 feet tall now.

Mr. Zehmer – In the walls and fences guidelines, fences should not exceed 6 feet in height in the side and rear yards. There is an argument that this is a rear yard.

Mr. Schwarz – I am not going to ‘kill’ this thing. I want to raise that point. This is a front yard. It is a double front yard.

Mr. Gastinger – My issue was the little segment that is not doing anything on the street. I didn’t know if that was functionally necessary. It seems a little vulnerable. I could see a design argument. From an urbanistically view, it is not helping anything.

Ms. Lewis – Is there any reason why you didn’t bring that out to the street or to the right-of-way?

Ms. Stronge – It was more so that there is a place if the vehicle must pull in. Somebody is going to have to open the gate. They would pull along the street.

Mr. Zehmer – Why do you have that extra section?

Ms. Stronge – It was to bring it out to the sidewalk. It is getting the fence cohesively to run from the building to the sidewalk.

Mr. Bailey – It is aesthetically better.

Motion – Mr. Bailey – **Having considered the standards set forth within the City Code, including the Design Guidelines for ADC Districts, I move to find that the proposed fence/railing at 113 West Main Street satisfies the BAR’s criteria and is compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the application as submitted with the condition the wood planks be either painted or have an opaque stain, with the color to be OK’d by staff. Second by Mr. Birle. Motion passes 8-0.**

3. Certificate of Appropriateness Application

BAR # 24-05-01

207 14th Street, NW; TMP 090070100

Rugby Rd-University Cir-Venable ADC District (non-contributing)

Owner: University Hotel Management LLC

Applicant: Jim Shideler

Project: Mural on east elevation

Jeff Werner, Staff Report – Request CoA for a painted mural (within area of approximately 8-ft x 8-ft) on the east elevation, facing 14th Street.

Jim Shideler, Applicant – We are looking to put a decorative mural on the stark space of the building to bring color to the building into the area. We are working with the Charlottesville Mural Project to do that. The cost is going to be anywhere from \$8,000 to \$15,000 depending on the design. From our perspective, we are wanting to try to get approval that a mural can go on there before we start the design work with them. That way we can bring the design back to you before having it painted and if there are any adjustments that need to be made.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Ms. Lewis – Can you give us any idea about what you are thinking about?

Mr. Shideler – There is no political message or anything that could be perceived as anything. It is a hotel. It is a mid-century modern design. The theming throughout the guest rooms, the color schemes and design would be something that would tie into the field of the 60s. It would not have any wording on it or anything that could be construed as signage or anything like that.

Mr. Timmerman – Do you have a size in mind?

Mr. Shideler – Based on the space, we are looking at roughly an 8-by-8-foot section.

Mr. Werner – It would be helpful if there is a space, there are alignments, there is a scale/ratio that you feel should be established for where artwork could go. That would be helpful in their process.

Mr. Zehmer – The staff report has done a good job of calling out/not marring any architectural features on the façade there. It is a fine place for a mural. There are several of us that feel we should see the content before we can make an official final ruling. The process would be that you request a deferral. That gives you plenty of time to get that design done before you bring it back to us. If we ask to defer it, you have one month to get that turned around.

Mr. Schwarz – The way the staff report is marked out, places that you are not going to touch with the mural, I don't see that you could have any possible way of this being problematic. This seems guaranteed. I would love to see us loosen up our guidelines on murals. It is more interesting if it interacts with the architecture, wraps the corners, and touches the windows.

Ms. Lewis – I would love to see it wrap the corner and be on 2 facades. You have white space on the other side. I was thinking of some creative thing where you see one thing on the front side, and it tricks one on the second façade. There is a lot of white space on the other façade. I wouldn't want to hamper you. You have a lot of white space. It would be cool to use it in a creative way. If you wanted a piece of art hung up there, you would put a piece of art up. A mural is quite different.

Mr. Birle – I agree with Ms. Lewis. I don't think we want to limit you to these 8-by-8 dimensions. I want to give the artist some flexibility.

Mr. Shideler – The main point of this is to make sure a mural will be permitted, and then come back with a design for approval from that. That helps with the creativity from the artist by not being limited to the 8-by-8. It gives them more space.

Mr. Gastinger – This is a great space for a mural. Looking at the street view, I think the façade further to the north on the right-hand side of the building is opaque. It seems a mural could help enliven that.

Mr. Shideler – The left part is more visible. That tree does hang in front of the right side of the building.

Ms. Lewis – Is the mipod always like that?

Mr. Werner – That was where it was originally placed. The fire marshal said we were too close to the building next door.

Ms. Lewis – It is now perpendicular to the building a little.

Mr. Shideler – It is parallel to the frontage of the building.

Mr. Werner – In Cincinnati, the artwork on the walls is fascinating. I agree with you all. We should allow more and encourage more. The only thing I would ask is that if in helping the applicant in the conversation with the artist if there is anything there that you want to remove, you could now address that.

Mr. Schwarz – The safe answer is to look at that note.

Mr. Zehmer – There is Section J in Chapter 6 that is pertinent section in our guidelines to look at. One guideline that got my attention was 'painting directly onto the walls of a non-contributing building will be

considered on a case-by-case basis. This is a non-contributing building. We are going to look at it on a case-by-case basis. From what I am hearing, it is going to give you plenty of freedom to do what you would like to do. There is some sentiment that this would be a great contributing building to the district. It is currently not a contributing building. That plays in your favor.

Ms. Lewis – The belt course could be used as part of the mural in a contrasting color. That is what we are saying. We don't want it to disappear. I would not necessarily say that the mural must be limited to the area below. It would be cool to use that as some sort of framing or some part of the mural. I don't if I would want it to be painted over. It would then disappear. It is a significant feature. I would not say that you must stay away from it. You have a lot of space.

Mr. Timmerman – I want to commend you on what you have done so far. Looking at the before and after, it is worth saying that you have treated this with sensitivity, grace, and simplicity that adds to the street. You are capable in what you have done so far to show us something that we will be excited about in the next turn.

Mr. Werner – Getting it on the register, whether contributing or not, getting it listed and that eligibility for rehab tax credits is one of the things that I would like to see. Does that give you the clarity?

Mr. Shideler – I think so. I am being told that we can. We will submit the art for review prior to moving forward.

Mr. Zehmer – Does anybody have hard objections to a mural at this location? (Mr. Zehmer did an informal straw poll. There was strong support for the mural). The BAR is an open public meeting. We need to make sure we provide that forum for the public to comment on these things. You are getting good feedback from the people sitting up here. Once you bring it before us, there will be an opportunity for the public to speak.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Shidiler – I would like to request a deferral.

Ms. Lewis moves to accept the deferral request from the applicant. Second by Mr. Bailey. Motion passes 8-0.

4. Certificate of Appropriateness Application

BAR # 24-05-02

130 Madison Lane, TMP 090138000

The Corner ADC District

Owner: St Elmo Club of UVA INC

Applicant: Kevin Schafer / Design Develop

Project: Install door at dormer window, above west portico

Jeff Werner, Staff Report – Request CoA for Alterations to the west [front] and east [rear] elevations.

Bob Pinero, Applicant – We are here today to discuss the required path of egress from the portico roof. A significant amount of relevant work has already been done on the roof of the portico to ensure its longevity and protect the occupants. It is relative enough that we would like to take a moment to review the work already performed and get into the next natural evolution.

Next Slide

This project has come to us organically. It started as a ‘triage.’ We have some significant rot. It is an unsafe situation. On July 7, 2022, we were called by concerned members of the St. Elmo Board regarding the state of the portico roof. At the subsequent site visit, significant amounts of rot were discovered through extensive water infiltration of the existing rubber roof. Images on the screen here show the extent of damage to the roof. Most concerning in this scenario was the failure of the railing attachments. The portico roof was immediately closed by the board to all unauthorized occupants.

Next Slide

A follow-up site visit on July 13th with Dunbar Engineering involved careful, selective demolition of the portico ceiling to better analyze the state of the joists. Water infiltration was discovered along the porch beam and some degradation of the original historic joists. This degradation was not as severe as the roof sheathing and sleepers that compromised the upper layer of the roof. It was noteworthy enough to require reinforcing of the historical structural elements, the joist, and the beam.

Next Slide

Dunbar Engineering proceeded with the design that would immediately address the existing conditions. This maintenance project to stabilize and reinforce the historic roof was performed over the summer of 2022. With the roof open, the St. Elmo Board opted, at the time, to design for an assembly use loads and code compliant horizontal loading on the guard rail to ensure the safest, most accident resistant rooftop portico.

Next Slide

It is no secret that the residents of student housing along Madison Lane often occupy areas not authorized for use or occupancy. Acknowledging this fact, we as architects and engineers with the support of the St. Elmo Board have the ethical and professional requirement to plan for and design with this in mind and make this space as safe as possible. The proposal in front of you outlines the next steps in doing so by making code compliant egress from the portico rooftop.

Next Slide

The proposal outlines 2 ways of ensuring safe egress. We have a 3D Point Cloud Scanner. It is a digital duplicate. It allows us in interior spaces, exterior spaces, and floor elevations. We know what the existing conditions are. We know how to design to it. There is that level of review. We scan the entire building and all the roof structures. The proposal outlines 2 ways ensuring safe egress must occur. The first is through creating a code compliant egress door from the portico roof. To ensure the correctness of the proposed design, we utilize our 3D Point Cloud Scanner to understand the exact elevations of both the interior floor level and the exterior roof level. By understanding these elevations, we can confidently propose a solution that lowers the elevation of the roof by about 10 inches while still retaining the historic joist and the original trim from the existing portico. Code compliance requires a 3-foot platform on either side of the door. That is why lowering the roof helped.

Next Slide

The new egress door will be custom fabricated from wood and made to match the existing adjacent historic windows. The introduction of the egress door does not require altering the shape or form of the original dormer. We aim to merely lower the sill of the existing opening grill patterns and profiles. The grill patterns and profiles will match the adjacent historic windows and jam trim that matches the existing profiles will extend down to the lower roof deck. Code compliant lighting at a door at an egress path will tactfully be placed at the sides of the roof cutout.

Next Slide

It should be noted that the existing central dormer window is not original and was replaced twice between 2008 and today. A metal French casement window is currently in the opening. The image below highlights the difference between the original opening and the metal replacement window.

Next Slide

The lowering does drop the elevation of the waterproof membrane below the adjacent gutter line requiring us to propose 2 new copper downspouts behind the existing portico columns. These downspouts and scuppers will match the existing original downspouts found on the exterior corners.

Next Slide

This image of the existing conditions and the others provided in the submittal booklet show how the alterations will have minimal to no impact from a pedestrian perspective as an existing curve on the top of the portico conceals the view of the roof.

Next Slide

The second requirement for making the portico roof code compliant occupiable space is the introduction of an exterior egress stair on the rear façade and contained with the existing walled courtyard. To access the stairs, this proposal outlines lowering the sill of an existing window opening. The width of the masonry opening can remain as is. A new custom wood door, intended to replicate the look of the adjacent original windows by replacing jam and header trim profiles, grill trim locations and profile and feature a solid 2-panel section below.

Next Slide

As staff mentioned in 2008, the BAR reviewed and approved changing windows to doors on the rear elevation of this building. This approach is not without precedent. It was also imperative for us to avoid the large blading window, which this proposal accomplishes.

Next Slide

The overarching message of this presentation is life safety. How can we create a code compliant path of egress from this roof to officially be considered an occupiable space? Life safety cannot be the only criteria for design in a house of this historic prominence and contextual importance. Recognizing the significance of the district and the structure, the proposal has gone to great lengths to ensure a historically compatible and contextually sensitive intervention that meets our egress requirements. We want this building to be safely used. We also want it to last another 200 years. We aim for it to continue to be an important stitch in the fabric of The Corner ADC District. St. Elmo's Board should be commended for their proactive approach. The Board has left no stone unturned when it comes to encouraging us to explore the solutions to the challenge at hand.

Next Slide

Despite this being the first time in front of the Board, we would like to request a vote, if possible, to allow the construction of this project to proceed this summer while students are away.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Whitney – What is the material of the floor if the balcony?

Ms. Henebery – That would be a 2-inch rubber tile.

Mr. Birle – Is that existing?

Ms. Henebery – Currently, there are wooden deck tiles.

Mr. Birle – I have a constructional question about the slate that you are adding. You are adding a course of slate at the bottom.

Ms. Henebery – We are removing the slate below the central window.

Mr. Birle – What is going to happen to the existing slate? Does it need to be removed? How much needs to be removed?

Mr. Zehmer – The slate that is on there now came before us a couple years ago. It is synthetic slate. Usually, you start at the bottom and work your way up.

Mr. Timmerman – Does the building currently function with just one stair? What is the purpose for the exterior rear egress stair?

Mr. Pinero – It is to make this code compliant because of the load of that and the capacity to be able to get out. We need 2 forms of egress because of the occupancy load of this porch.

Mr. Schwarz – On the front of the building, the only visible change we are going to see are the 2 copper downspouts.

Mr. Pinero – Basically. With the sill detail on the door, you won't be able to see it. It is high up. There is a curve that goes around. It is historic. You can see it in that picture. It mirrors the portico columns. It jumps up and moves. That is why the railing goes with it. It is a historical piece from the original portico design.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Motion – Ms. Lewis – Having considered the standards set forth within the City Code, including City's ADC District Design Guidelines, I move to find that the proposed alterations to the west and east elevations at 130 Madison Lane satisfies the BAR's criteria and is compatible with this district and that the BAR approves the application as submitted. Second by Mr. Zehmer. Motion passes 8-0.

E. Other Business

5. Preliminary Discussion – Certificate of Appropriateness

NE corner of Wertland and 10th Street, NW

TMP 100037000, 100038000, 100039000, 100053000 (partial)

West Main Street ADC District

Owner/Applicant: UVA Foundation

Project: Multi-story, residential building

- Staff introduced the project to the BAR. This project is being pursued by the UVA Real Estate Foundation.
- There are grant funds associated with this proposed project.
- There are tree canopy requirements and open space requirements that are a part of the new development code that will be part of this project.

- The BAR cannot vote on separate CoA applications on height, massing, etc.
- Staff did ask that the applicant make a formal application submittal for the next submission. Most of the project is not in the historic district.
- Mr. Whitney did recuse himself from the preliminary discussion due to a conflict of interest in being an employee of the designer of this project.
- There are 4 properties that are going to be combined to make up the project site. The size of the project site is a little over 2 acres.
- Under the new zoning ordinance, the project site is zoned CX-8. There is some residential around the site.
- The proposal for the project is to be 6 stories even though 11 stories are allowed. There is no density limit for this site.
- There would be retail bays and garage entrance on the 10th Street side with the rest of the building being residential.
- There were 3 questions posed by the applicant for the BAR deliberations:
 - Should precedents from the Wertland ADC or Coca-Cola Building be considered equal to or stronger influences than our ADC designation?
 - What historical cues or architectural principles found in the surrounding ADCs and neighborhood do you see as most critical to the design and development of this site?
 - Are you able to identify any exemplary pedestrian experiences in the surrounding area that should be considered as precedents for this site?
- There is an Individually Protected Property directly across the street from the project site.
- The applicant did present what the proposed height and massing for the project site might look like.
- Members of the BAR did provide feedback and suggestions as to what could be done to further improve this proposed project.
- Mr. Gastinger did bring up the importance of the project site and 10th Street and Wertland Avenue.
- Mr. Zehmer brought up the placement of the parking on Wertland Street and the potential for traffic congestion entering onto 10th Street.
- Several members of the BAR did bring up the potential traffic congestion that could be a consequence of the garage entrance being on 10th Street.

6. Staff questions/discussion

- Two BAR vacancies: business/commercial property owner (now) and licensed architect (after July).
- Administrative approval May 8. 115 East High Street. VDHR Rehab Tax Credit Project.
- 605 16th Street NW, c1990s brick wall. Repairs necessary to cap, cannot match brick: is a stone or concrete cap acceptable?

7. Design Guidelines – Continue Discussion

Adjournment

The meeting was adjourned at 8:10 PM