

Packet Guide
City of Charlottesville
Board of Architectural Review
Regular Meeting
September 17, 2024, 5:30 p.m.
Hybrid Meeting (In-person at CitySpace and virtual via Zoom)



Pre-Meeting Discussion

Regular Meeting

A. Matters from the public not on the agenda [or on the Consent Agenda]

B. Consent Agenda

1 Approval of meeting minutes: [August 20, 2024](#)

2. [Certificate of Appropriateness Application](#)

BAR # 24-09-02

1309 West Main (Graduate Hotel), TMP 100016000

West Main Street ADC District

Owner: RAAJ Charlottesville Owner, LLC

Applicant: Paul Karpets

Project: North and south elevations, remove stucco panels, install EIFS.

C. ~~Deferred Items~~

D. New Items

3. [Certificate of Appropriateness](#)

BAR # 24-09-01

409 Park Street, TMP 530037000

North Downtown ADC District

Owner/Applicant: Anthony Arsali

Project: Modify fence height

E. Other Business

4. Staff questions/discussion

- Question: Temp, seasonal vestibules at storefronts.
- Administrative approvals, summary.
- Reminder: BAR training. One hour requirement.

5. [Work Session:](#) Design Guidelines for Café Spaces

Chapter V- Signs, Awnings, Vending & Cafes, Section E. Outdoor Cafes

F. Adjourn

Certificate of Appropriateness Application

BAR # 24-09-01

409 Park Street, TMP 530037000

North Downtown ADC District

Owner/Applicant: Anthony Arsali

Project: Modify fence height

Application components (please click a bookmark below to go directly to report pages):

- [Staff Report](#)
- [Applicant Submittal](#)
- [Historic Survey](#)

Certificate of Appropriateness Application

BAR # 24-09-02

1309 West Main (Graduate Hotel), TMP 100016000

West Main Street ADC District

Owner: RAAJ Charlottesville Owner, LLC

Applicant: Paul Karpets

Project: North and south elevations, remove stucco panels, install EIFS.

Application components (please click a bookmark below to go directly to the report pages):

- [Staff Report](#)
- [Application Submittal](#)

September Work Session: Downtown Mall Café Spaces

Session components (please click a bookmark below to go directly to the item):

- [ADC District Guidelines- Ch. 5](#)
- [City Code Article VI. Sidewalk Cafés](#)
- [Café Spaces Map- 2011](#)

**City of Charlottesville
Board of Architectural Review
Staff Report
September 17, 2024**



Certificate of Appropriateness

BAR # 24-09-02

1309 (1301-1317) West Main Street; TMP 100016000

West Main ADC District

Owners: RAAJ Charlottesville Owner, LLC

Applicant: Paul Karpets et al

Project: Exterior alterations



Background

Year Built: 1966

District: West Main ADC District

Status: Non-contributing

Style: Mid-Century Modern; major alterations circa 1996-2004

Prior BAR Reviews (See Appendix)

Application

- Submittal: Sundown Renovations Inc, drawings *Graduate - Charlottesville Renovation*, dated 21 August 2024, five sheets.

Request CoA for exterior alterations, primarily cosmetic, to existing, non-contributing structure:

- South and North elevations: Remove skim-coated panels and insulation. Install new insulation and EIFS wall coating.
- East and West elevations: Repaint walls.

Discussion and Recommendation

Between 1996 and 2004 the former Howard Johnson hotel saw numerous renovations including covering of the brick façade, removal of the 1966 peaked entrance roof, and additions from the original three, to the current eight, stories. Documentation of these modifications is incomplete. From 2014 onwards, any renovations or alterations have been noted in the appendix.

The EIFS will replace non-original, skimmed wall panels (installed mid-1990s) and the work will improve the insulation of the exterior walls. The specified material is drainable, with an air and moisture barrier.

The expansion joints are consistently located and symmetrical with the building's bays and floor levels.

The proposed color palette (grays and earth tones) is appropriate.



Staff recommends approval of the requested CoA with the condition noted below.

Suggested Motions

Approval: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the exterior alterations at 1309 West Main Street satisfy the BAR's criteria and is compatible with this property and other properties in this ADC District, and that the BAR approves the request with the condition that the EIFS installed in areas adjacent to pedestrian traffic or prone to damage shall be reinforced or a Class PM system and/or a high-impact resistant system.

Denial: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find the proposed exterior alterations at 1309 West Main Street does not satisfy the BAR's criteria and is not compatible with this property and other properties in this ADC District, and that for the following reasons the BAR denies the request: [...]

Criteria, Standards, and Guidelines

Review Criteria Generally

Per Chapter 34, Div. 5.2.7. C.2:

- a. In considering a particular application the BAR will approve the application unless it finds:
 - i. That the proposal does not meet specific standards set forth within this Section or applicable provisions of the City's design guidelines; and
 - ii. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the IPP that is the subject of the application.
- b. The BAR will approve, approve with conditions, or deny applications for Certificates of Appropriateness in accordance with the provisions of this Section.
- c. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and

character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations: [Re: building height. Not germane to this request.]

Standards for Review and Decision

Per Chapter 34, Div. 5.2.7. D.1:

- a. Review of the proposed construction, reconstruction, alteration or restoration of a building or structure is limited to exterior architectural features, including signs, and the following features and factors:
 - i. Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable District;
 - ii. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
 - iii. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
 - iv. The effect of the proposed change on the adjacent building or structures;
 - v. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;
 - vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
 - vii. When reviewing any proposed sign as part of an application under consideration, the standards set forth within Div. 4.11. Signs will be applied; and
 - viii. Any applicable provisions of the City's design guidelines.

ADC District Design Guidelines

[Chapter 1 Introduction \(Part 1\)](#)

[Chapter 1 Introduction \(Part 2\)](#)

[Chapter 4 Rehabilitation](#)

Appendix:

Prior BAR Reviews

November 18, 2014 – Rehabilitation:

- Exterior painting in four colors (two shades of dark gray, off-white, and pale gray-blue), with portions finished in new thin brick, painted dark charcoal gray.
- All the windows on the upper floors were retained. The existing two-story section along West Main Street had extensive changes: a new storefront, and a balcony over the existing garage entrance.
- New square footage was enclosed on the roof with bronze metal siding for use as a restaurant.
- Signage permitted in the same location as the Red Roof Inn sign but reduced by 30%.

The BAR approved the changes *with the following conditions:*

1. Mechanical screen to be pulled back from West Main Street [to align with penthouse wall].

2. Provide windows on the [penthouse] West Main Street façade.
3. Provide internal spacer bars on the ground floor [SDL] windows.
4. The lower rail shall match the penthouse rail.

The BAR made the following suggestions:

1. The penthouse should be black or dark gray instead of bronze color.
2. The existing transformer to the west of Mellow Mushroom should be screened.

March 17, 2015 – Revisions to previous application: (11/2014)

- The BAR approved the exterior changes with the following modifications:
 - BAR must review the profile for window muntins;
 - Revised color scheme per discussion [no teal; use previous grays or grayed blues with darker color replacing light vertical bands] with physical samples of all colors circulated for staff approval;
 - Revised elevations to show where colors are going; penthouse changed back to bronze color with windows reconfigured at east end;
 - The *Graduate* sign may be located high up on the west side, if removed from other two elevations;
 - The monument sign was approved with BAR review prior to installation.

April 21, 2015— Revision of previous approval:

- BAR approved the application as submitted; with the specification that the color scheme is in the gray-color family.

September 15, 2015— BAR approved the CoA for a mural on the west-façade, facing The Rotunda [*Charlottesville Mural Project*].

October 20, 2015— BAR approved a CoA to upgrade antennas and relocate equipment on roof in new stealth enclosures.

June 10, 2019— Administrative approval for catenary lights with posts.

Pre-1990's photos



Recent photos



1309 WEST MAIN STREET, CHARLOTTESVILLE, VA

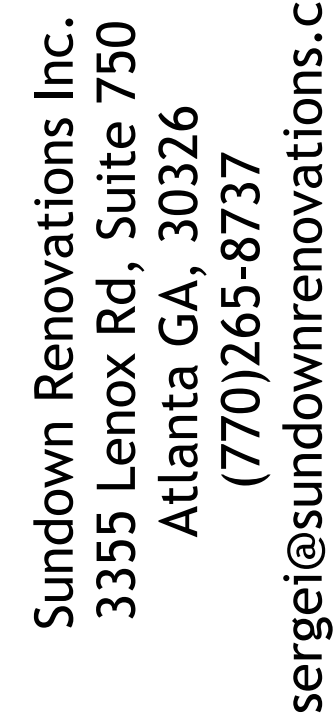


Sundown Renovations Inc.
3355 Lenox Rd, Suite 750
Atlanta GA, 30326
(770)265-8737
sergei@sundownrenovations.com

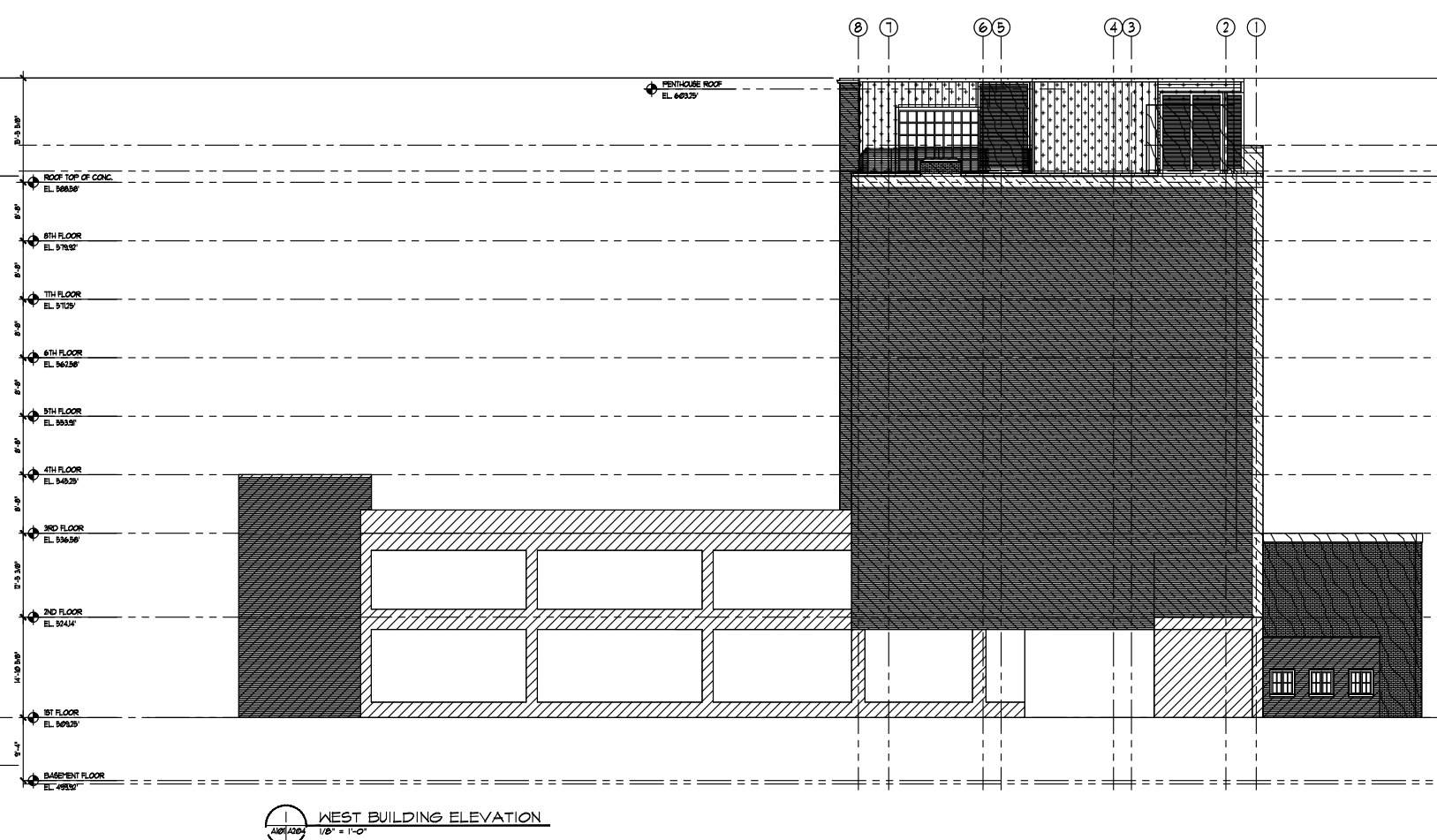
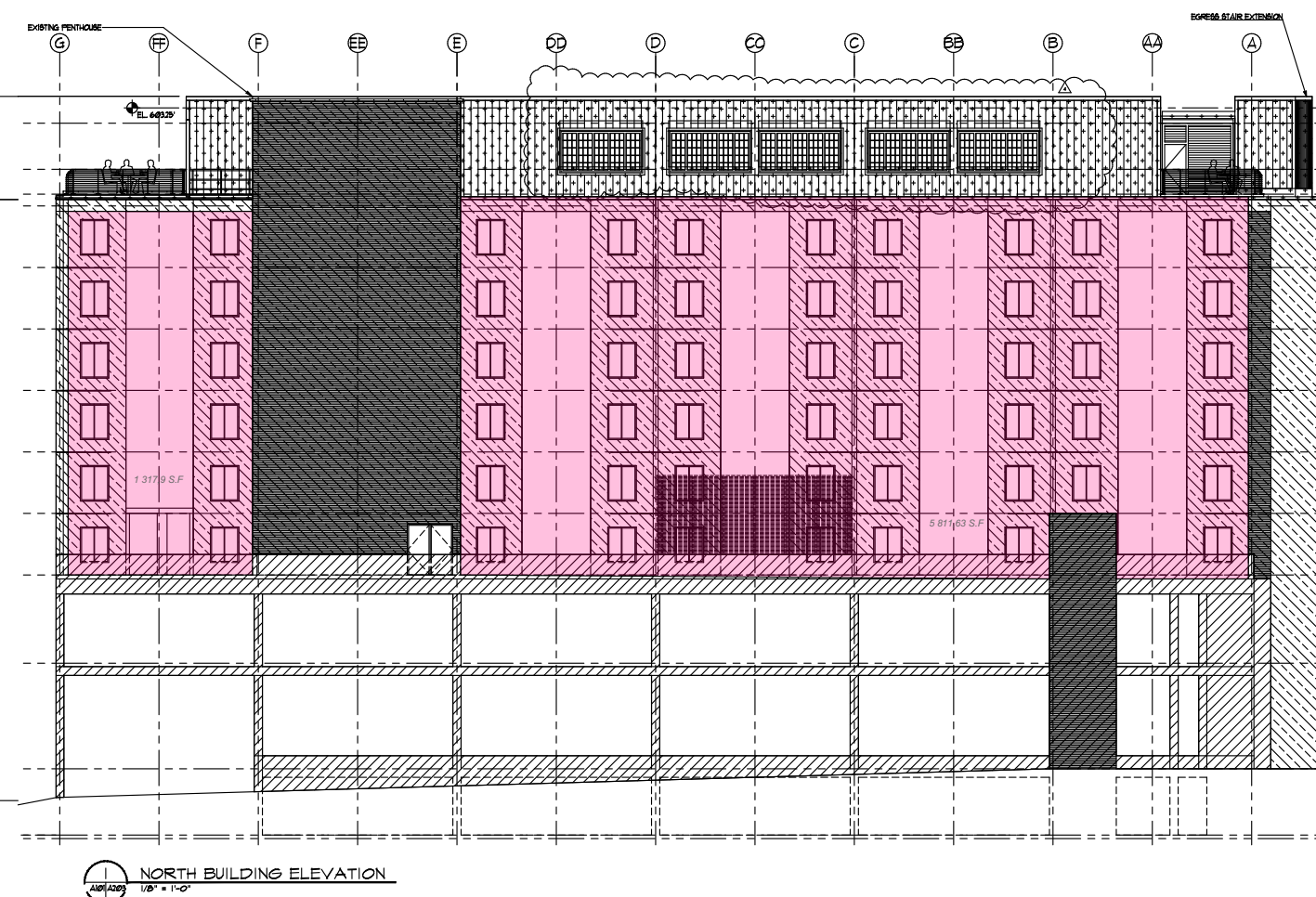


ID	MATERIAL DESCRIPTION	COLOR	MANUFACTURER	NOTES
EP01	EXISTING STUCCO OR PAINTED BRICK	METROPOLITAN AF-630	BENJAMIN MOORE PAINT	-
EP02	EXISTING STUCCO OR PAINTED BRICK	SPARROW AF-120	BENJAMIN MOORE PAINT	-
M01	STANDING SEAM METAL SIDING	MATCH KAUNEER DARK BRONZE ANODIZED FINISH	-	-
EP03	EXISTING STUCCO, MASONRY, OR CONCRETE	BRUTON WHITE CW-110	BENJAMIN MOORE PAINT	-
EP04	NEW SMOOTH STUCCO	METROPOLITAN AF-630, SEMI-GLOSS	BENJAMIN MOORE PAINT	-
BRK1	THIN BRICK WITH CORNERS AND RETURNS	5-85 CHARCOAL	GLEN GARY BRICK	-
EP05	MECHANICAL EQUIPMENT SCREEN 1ST FLR	MATCH KAUNEER DARK BRONZE ANODIZED FINISH	-	-
A01	ALUMINUM STOREFRONT 1ST & 2ND FLOOR	DARK BRONZE ANODIZED	KAUNEER	-
EP06	STEEL GUARDRAIL, POSTS, ETC. 2ND FLOOR	SPARROW AF-120, SEMI-GLOSS	BENJAMIN MOORE PAINT	-
RF01	ROOF FACIA, 2ND FLOOR	MATCH 5-85 CHARCOAL BRICK	-	-
RF02	ROOF FACIA, PENTHOUSE	MATCH KAUNEER DARK BRONZE ANODIZED FINISH	-	-
A02	ALUMINUM WINDOWS AND DOORS, PENTHOUSE	DARK BRONZE ANODIZED	KAUNEER	-
S01	STEEL OVERHEAD DOORS	MATCH DARK BRONZE ANODIZED	-	-
EP07	MECHANICAL SCREEN, 3RD FLOOR	MATCH KAUNEER DARK BRONZE ANODIZED FINISH	-	-
EP08	MECHANICAL SCREEN, PENTHOUSE	MATCH KAUNEER DARK BRONZE ANODIZED FINISH	-	-
EP09	STEEL GUARDRAILS, PENTHOUSE	SPARROW AF-120, SEMI-GLOSS	BENJAMIN MOORE PAINT	-

OF	A2 (ANSI C)
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Sundown Renovations Inc.
3355 Lenox Rd, Suite 750
Atlanta GA, 30326
(770)265-8737
sergei@sundownrenovations.com

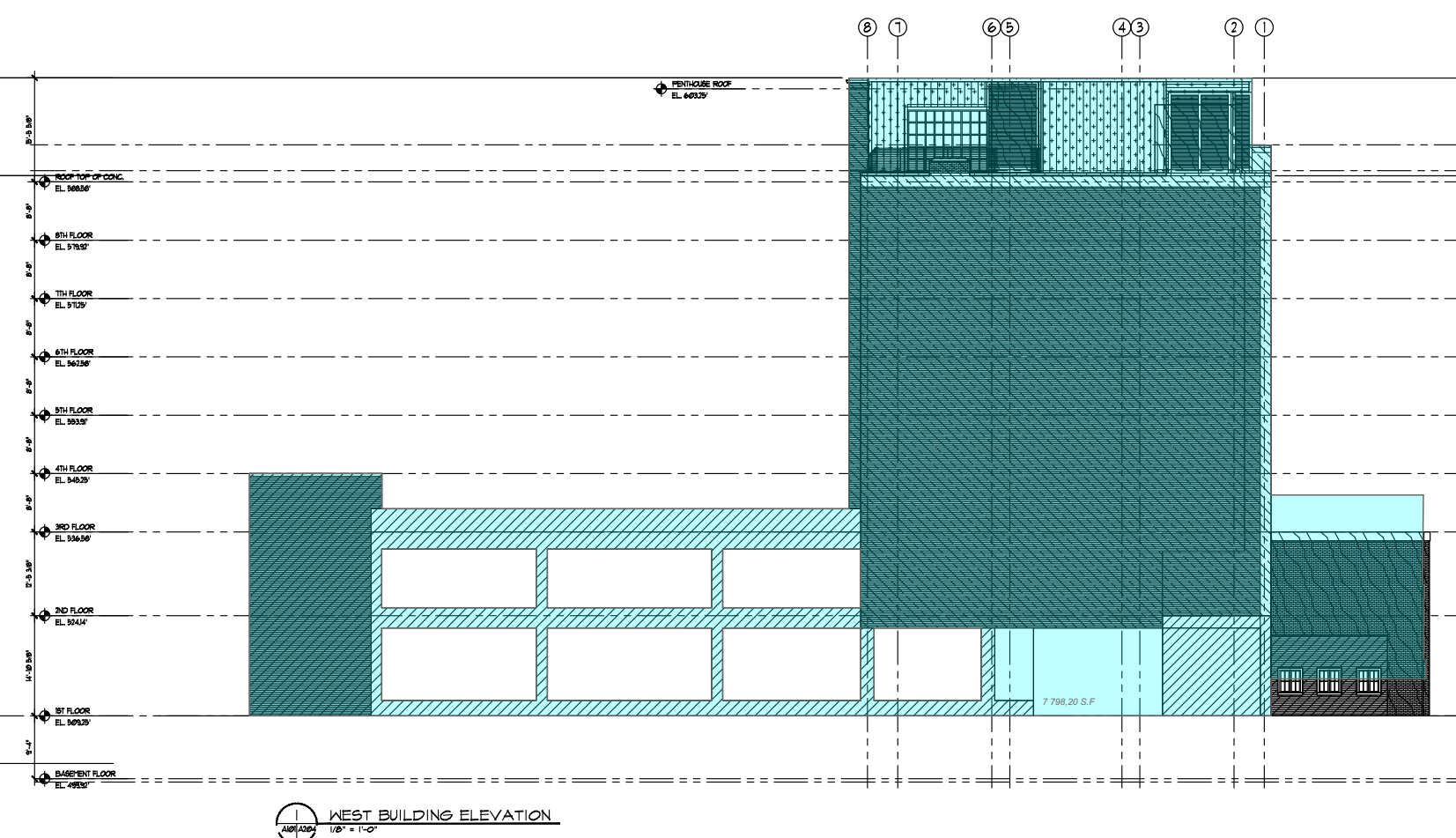
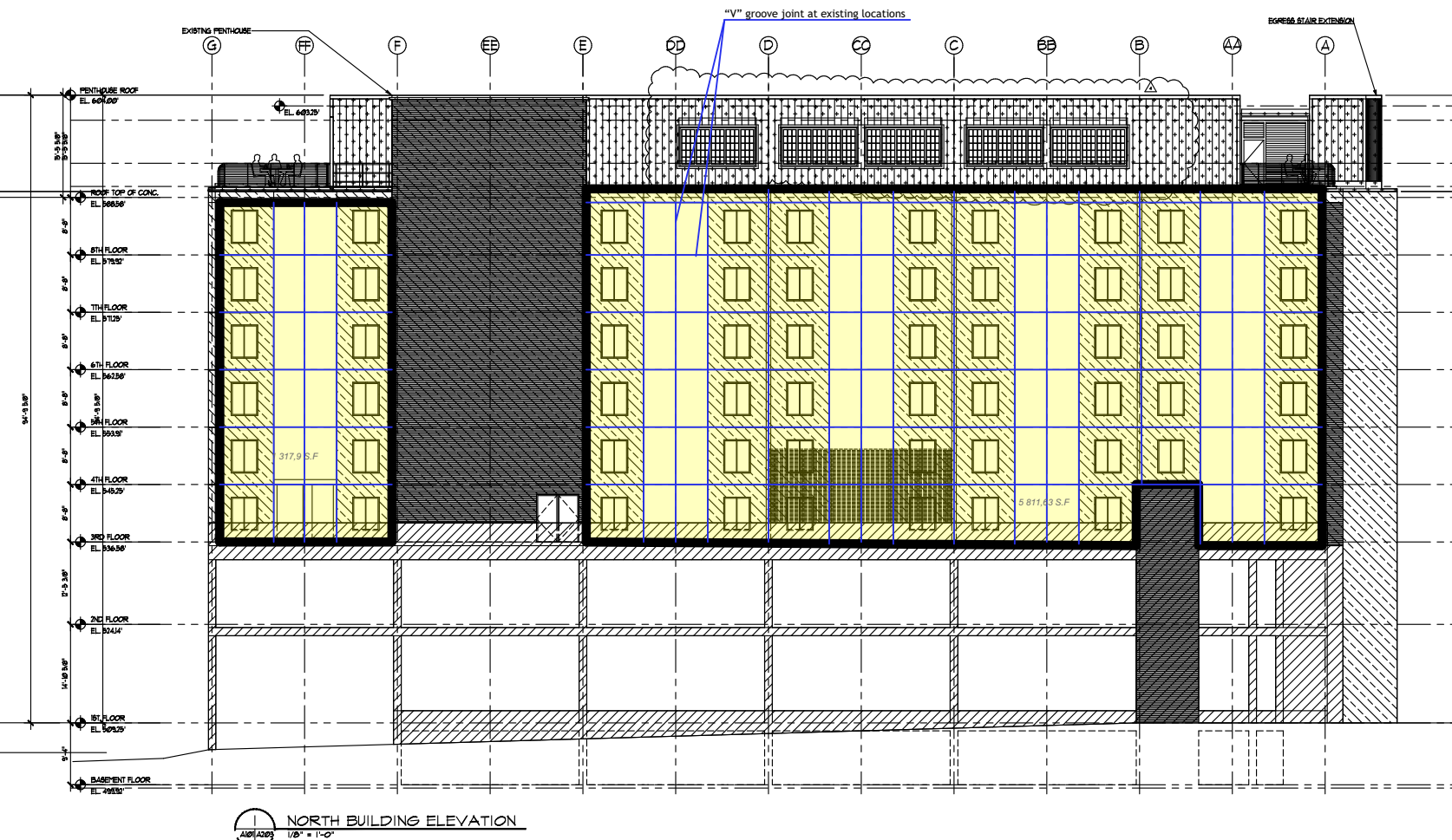
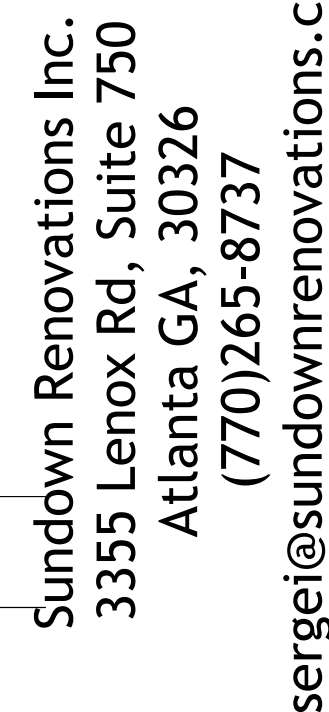


*Demolition finishes,
drywall, insulation
(all framing remains)*

17068,73 S.F

No work

[illegible]



Install new insulation R-20 value
Install exterior type drywall
Install EIFS system
Seal all window and penetrations
using MP-1 type sealant

17068,73 S.F

Repair and paint all other adjacent surfaces to match existing paint color combination

16526,1 S.F

““V” groove joint at existing locations

Elevations mounting finishes

PROJECT NUMBER:

DATE:

SCALE: 1:300

SHEET NUMBER:	3
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OF A2 (ANSI C)

Detail: Termination at flashed window head



SUBSTRATE
 PAREX USA ADHESIVE
 EXPANDED POLYSTYRENE INSULATION BOARD
 PAREX USA REINFORCING MESH EMBEDDED IN PAREX USA BASECOAT
 PAREX USA FINISH
 PAREX USA MESH BACKWRAP
 METAL FLASHING (BY OTHERS)
 4"
 CLOSED CELL BACKER ROD & ELASTOMERIC SEALANT (BY OTHERS)
 ELASTOMERIC SEALANT (BY OTHERS)
 AIR SEAL (BY OTHERS)

The architecture, engineering, and design of the project using the Dryvit and Tremco products are the responsibility of the project's design professional. All products and systems must comply with local building codes and standards. This detail is for general information and guidance only and Dryvit and Tremco specifically disclaims any liability for the use of this detail. The project design professional determines, in its sole discretion, whether this detail or a functionally equivalent detail is best suited for the project. This detail is subject to change without notice. Contact Dryvit and Tremco to ensure you have the most recent version.

STANDARD SYSTEM
OPTIMUM SYSTEM



Sundown Renovations Inc.
3355 Lenox Rd, Suite 750
Atlanta GA, 30326
(770)265-8737
sergei@sundownrenovations.com

No:	Description	Date:
Return details at Doors, windows, corners and joint detail		
PROJECT NUMBER:		
DATE:		
SCALE: 1:1		
SHEET NUMBER: 4		
OF	A2 (ANSI C)	

**City of Charlottesville
Board of Architectural Review
Staff Report
September 17, 2024**



Certificate of Appropriateness

BAR # 24-09-01

409 Park Street, TMP 530037000

North Downtown ADC District

Owners/Applicant: Anthony Arsali

Project: Construction of Fence. [Request change to admin CoA approved July 8, 2024.]



Background

Year Built: 1905

District: North Downtown ADC District

Status: Contributing

This two-story, with tower, brick house was constructed for Hallie P. Earley. Converted to offices in 1960, the structure displays a combination of Colonial Revival and Victorian styles. The Landmark Survey is attached.

Prior BAR Reviews

April 4, 1978 – Application approved to repair the tilted chimney and paint the exterior. CoA issued by the BAR chair.

July 8, 2024 – Administrative approval for a CoA to construct a new wood fence, details included below.

Application

CoA request to allow a segment of the new painted wood fence fencing [at front-yard section along the south parcel line] be taller than the adjacent, historic metal fence. In the administrative review, staff required this segment not exceed the height of the metal fence.

Discussion and Recommendation

In early May 2024, the applicant requested approval for a wood fence at the sides and rear of the property. Staff approved a wood, painted fence matching one approved by the BAR at 415 Park Street ([BAR 415 Park Street fence May2019](#)), with a condition that, at the front side yard (on the front section of the south parcel line), the new fence would not be taller the historic metal fence, then, at

point where the grade of the side yard changed, the fence could transition to a height of 4-feet. Applying the design guidelines, staff concluded the front yard segment of the new fence should continue at the same height of the historic fence, or, at least, not be taller than it. Staff's intent was the height of both the old and new fences appear continuous at this corner. (See appendix and attached CoA doc.)

During construction and following completion of this section, staff informed the applicant the fence at the SE corner must not be taller than the historic fence. Following completion, the applicant stated the fence complied with the CoA because while the new segment was taller where it met the historic fence, the height was no taller than other, non-adjacent sections of the historic fence. Staff was unwilling to allow the change; however, the applicant was invited to submit an application requesting the BAR allow it.

Fence at SE corner of 409 Park Street, per approved CoA.



Fence at SE corner of 409 Park Street, as constructed.



Suggested Motion

Approval: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the height of the painted wood fence at 409 Park Street, as currently constructed on the south side satisfies the BAR's criteria and is compatible with this property and other properties in this ADC District, and that the BAR [approves the request].

Or [approves the request with the following conditions: ...]

Denial: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the height of the painted wood fence at 409 Park Street, as currently constructed on the south side, does not satisfy the BAR's criteria and is not compatible with this property and other properties in this ADC District. With that, the [section of fence] should be lowered to a height not taller than the adjacent to the historic metal fence, where the two meet.

Criteria, Standards and Guidelines

Review Criteria Generally

Per Chapter 34, Div. 5.2.7. C.2:

- a. In considering a particular application the BAR will approve the application unless it finds:
 - i. That the proposal does not meet specific standards set forth within this Section or applicable provisions of the City's design guidelines; and
 - ii. The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the IPP that is the subject of the application.
- b. The BAR will approve, approve with conditions, or deny applications for Certificates of Appropriateness in accordance with the provisions of this Section.
- c. The BAR, or City Council on appeal, may require conditions of approval as are necessary or desirable to ensure that any new construction or addition is compatible with the scale and character of the Architecture Design Control District, Individually Protected Property, or Historic Conservation District. Prior to attaching conditions to an approval, due consideration will be given to the cost of compliance with the proposed conditions as well as the goals of the Comprehensive Plan. Conditions may require a reduction in height or massing, consistent with the City's design guidelines and subject to the following limitations: [Re: building height. Not germane to this request.]

Standards for Review and Decision

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 - i. Whether the material, texture, color, height, scale, mass, and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable District;
 - ii. The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs, and signs;
 - iii. The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;
 - iv. The effect of the proposed change on the adjacent building or structures;
 - v. The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls, and walks;

- vi. Whether the proposed method of construction, renovation, or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;
- vii. When reviewing any proposed sign as part of an application under consideration, the standards set forth within Div. 4.11. Signs will be applied; and
- viii. Any applicable provisions of the City's design guidelines.

Links to ADC District Design Guidelines

[Chapter 1 Introduction \(Part 1\)](#)

[Chapter 1 Introduction \(Part 2\)](#)

[Chapter 2 Site Design and Elements](#)

[Chapter 3 New Construction and Additions](#)

Pertinent ADC Guidelines for Site Design include:

C. WALLS AND FENCES

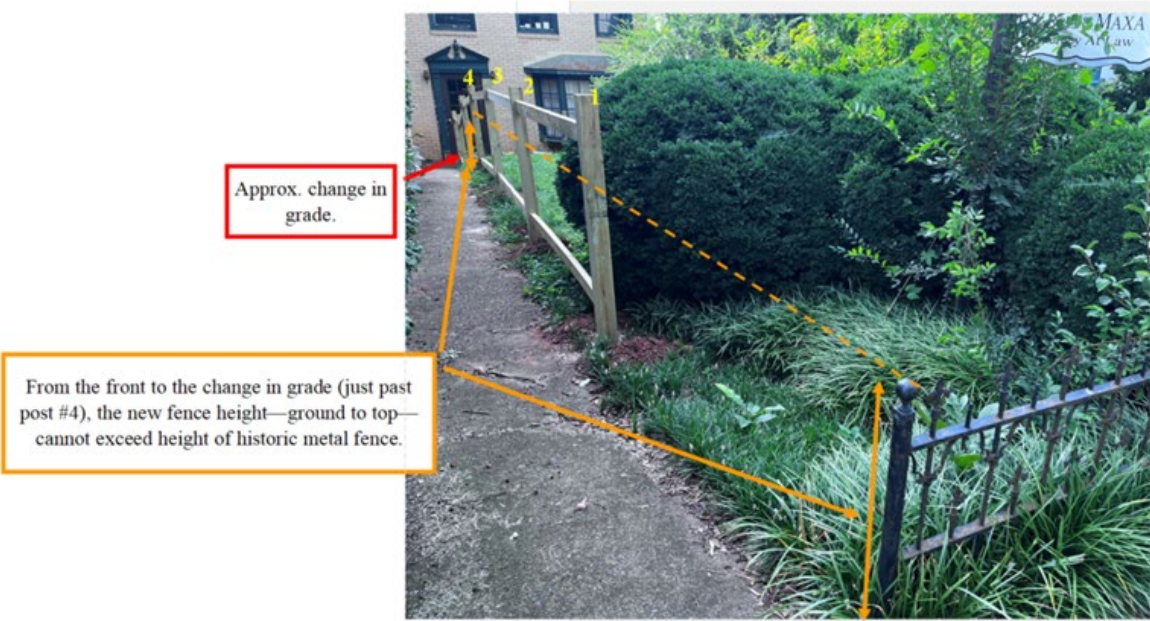
There is a great variety of fences and low retaining walls in Charlottesville's historic districts, particularly the historically residential areas. While most rear yards and many side yards have some combination of fencing and landscaped screening, the use of such features in front yards varies. Materials may relate to materials used on the structures on the site and may include brick, stone, wrought iron, wood pickets, or concrete.

- 1) Maintain existing materials such as stone walls, hedges, wooden picket fences, and wrought iron fences.
- 2) When a portion of a fence needs replacing, salvage original parts for a prominent location.
- 3) Match old fencing in material, height, and detail.
- 4) If it is not possible to match old fencing, use a simplified design of similar materials and height.
- 5) For new fences, use materials that relate to materials in the neighborhood.
- 6) Take design cues from nearby historic fences and walls.
- 7) Chain-link fencing, split rail fences, and vinyl plastic fences should not be used.
- 8) Traditional concrete block walls may be appropriate.
- 9) Modular block wall systems or modular concrete block retaining walls are strongly discouraged but may be appropriate in areas not visible from the public right-of-way.
- 10) If street-front fences or walls are necessary or desirable, they should not exceed four (4) feet in height from the sidewalk or public right-of-way and should use traditional materials and design.
- 11) Residential privacy fences may be appropriate in side or rear yards where not visible from the primary street.
- 12) Fences should not exceed six (6) feet in height in the side and rear yards.
- 13) Fence structures should face the inside of the fenced property.
- 14) Relate commercial privacy fences to the materials of the building. If the commercial property adjoins a residential neighborhood, use a brick or painted wood fence or heavily planted screen as a buffer.
- 15) Avoid the installation of new fences or walls if possible in areas where there are no fences or walls and yards are open.
- 16) Retaining walls should respect the scale, materials and context of the site and adjacent properties.
- 17) Respect the existing conditions of the majority of the lots on the street in planning new construction or a rehabilitation of an existing site.

Per administrative CoA, July 8, 2024



From staff email to the applicant, August 19, 2024: "... I noticed the posts and rails along the south boundary had been constructed taller than the historic metal fence."



From staff to the applicant, August 27, 2024: “Your contractor installed the fence too high on the south side, so it will have to be reworked.”





New, max height **6-ft** (incl. sliding segments for entry gate at rear, on 5th Street.

New wood fence.

- Front yard: not higher than historic metal fence.
- Side yard: max height 4-ft.

Note: Parcel lines not reliable in GIS imagery. Fence must be installed on or within parcel boundary.

No fence at neighbor's porch.

Grade change (approx)

Historic metal fence to remain

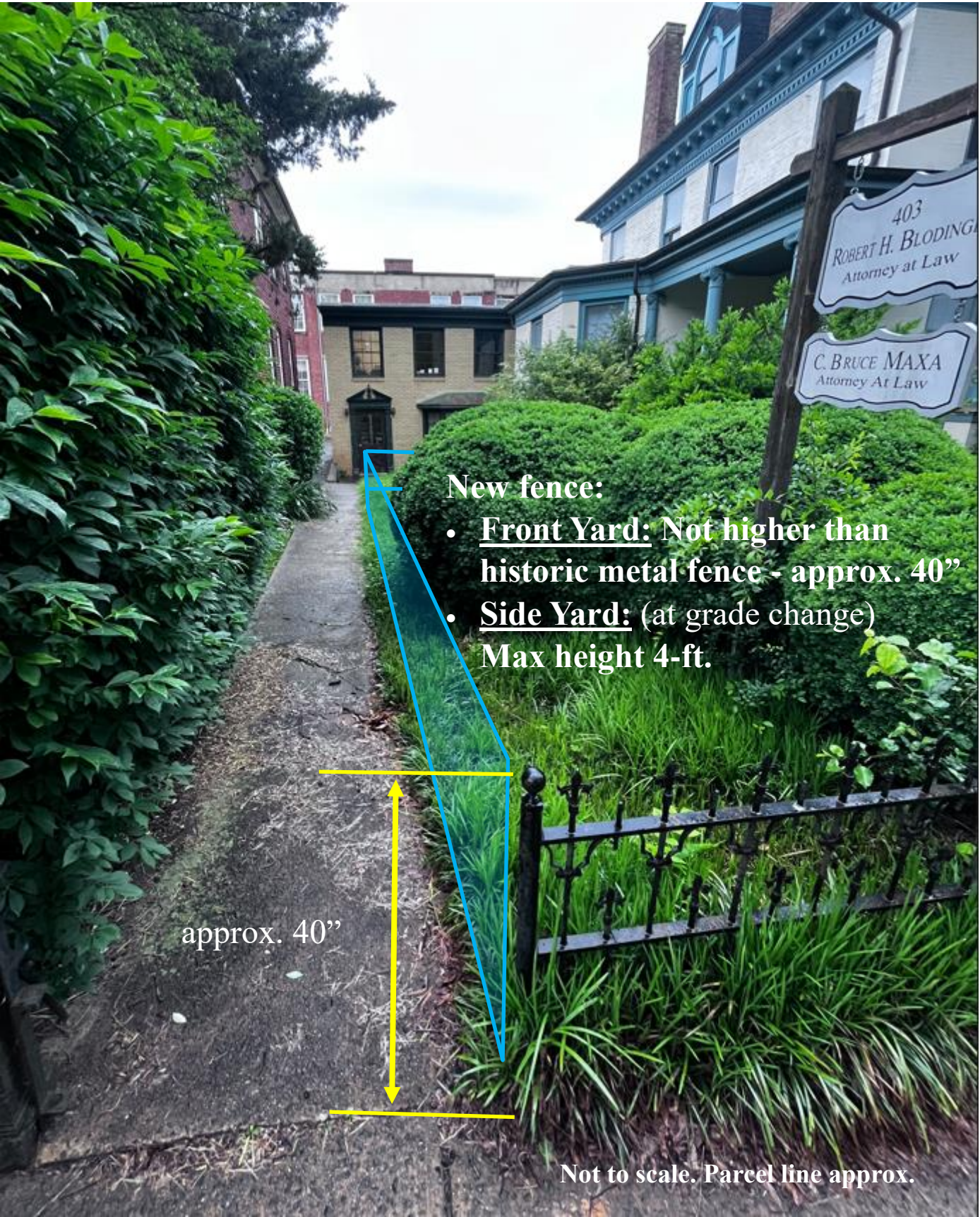


New fence to be painted, vertical wood planks, similar to fence at 415 Park Street. Color to be dark. *Charleston Green* or *Black*.

Fence structure—posts and framing—should face the inside of the fenced property. Location of fencing per approved development plan.



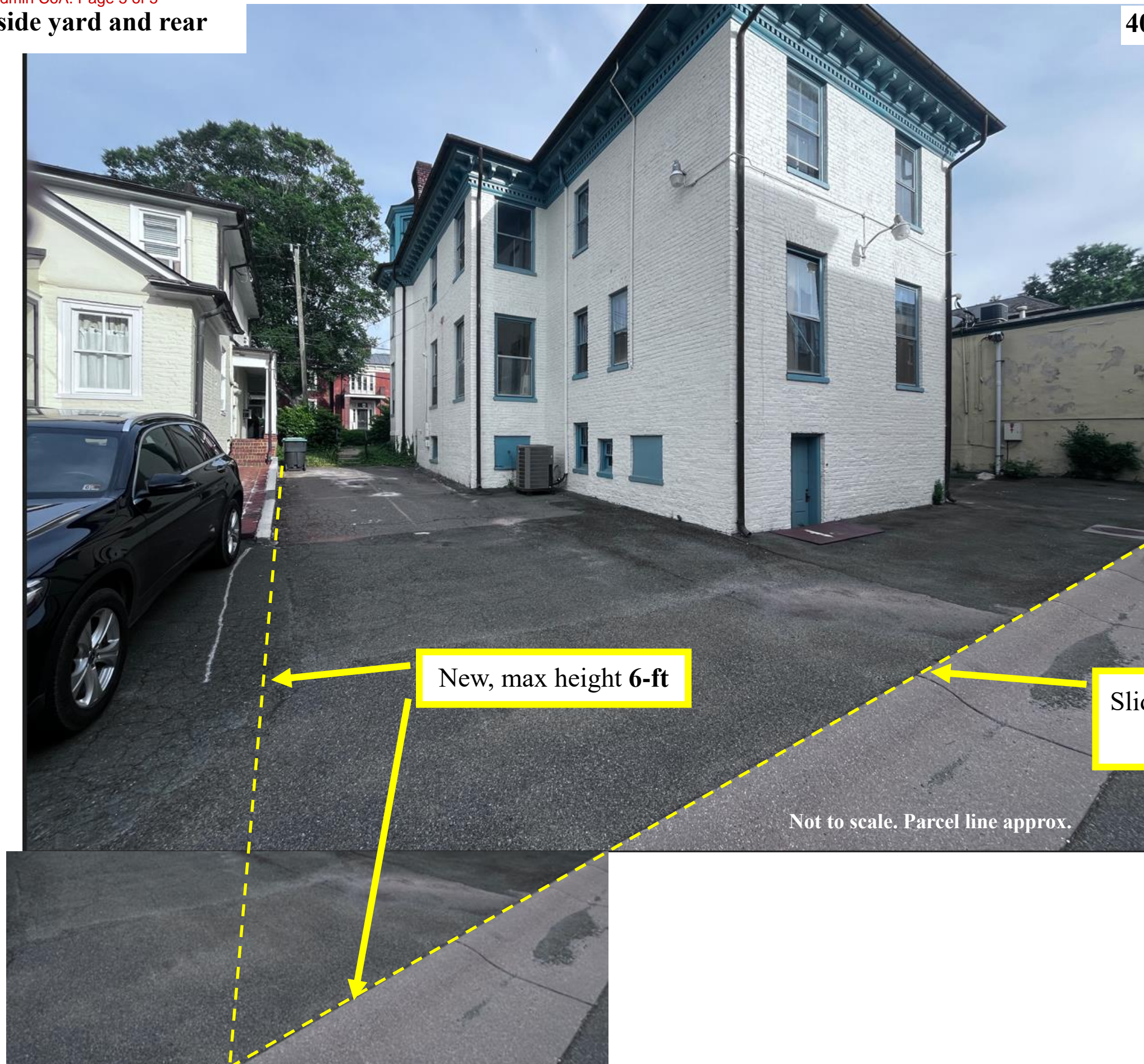
South side yard.



North side yard

409 Park Street - fence. July 8, 2024 (rev 1)





From: Anthony Arsali
Sent: Tuesday, August 27, 2024 9:27 AM
To: Werner, Jeffrey B <wernerjb@charlottesville.gov>
Cc: Richardson, Kate <richardsonka@charlottesville.gov>
Subject: RE: 409 Park - Fence

Good Morning Jeff,

As you may recall, our initial discussions revolved around the new fence being permitted to be approximately 48 inches, which was the approximate highest point of the existing fence. However, when we went back to formalize the application and approval, we discussed and agreed that the fence was to go up to 40 inches, which is the approximate height of the end post of the existing fence. Please see image IMG_0902 attached. For reference, you can see the bottom of the post I'm referring to in the bottom left corner of your picture. The new fence is 38 inches. Please see image IMG_0904. If it's helpful we can bring down the 4x4 post an inch or two so it does not exceed 39 inches. I've also attached 2 other pictures showing that the existing fence goes up to 45 inches. If it's helpful to meet at the fence, please let me know.

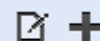
Regards,
Anthony A. Arsali, Esq.
Arsali Law PLLC
409 Park Street
Charlottesville, Virginia 22902
Licensed in Florida and Virginia

From: Anthony Arsali <aarsali@arsalilaw.com>
Sent: Tuesday, August 27, 2024 10:27 AM
To: Werner, Jeffrey B <wernerjb@charlottesville.gov>
Cc: Richardson, Kate <richardsonka@charlottesville.gov>
Subject: Re: 409 Park - Fence

There definitely was a misunderstanding here. I'm not trying to change what was approved. I just understood that the approved height was the post height. That's why I sent you a picture of the post and its height last week when the issue first came up and asked the fence contractor to lower the height of the fence from where he originally had it. This has been a cordial discussion from the beginning and you've been a great help in all this. Would it be possible to meet at the property and discuss further? I'm now living here so I'm happy to meet anytime. As you can see, at some point there was a gate here that was removed. It looks like we have an extra metal post from the original fence. Could we install that where the 4x4 is and would that satisfy your concerns?



Applicant's description from CoA request from City Works portal.



Grand Sum: 0

HST-COA :	COA Info	Group Sum	Sum Flag
	<p>Application Type</p> <p>Description of Proposed Work</p> <p>Comment: This a follow up to HST24-0020 and is a result of a misunderstanding. The fence on the south side of property from Park St to the change in grade was administratively approved to be built at a height not to exceed the height of the historic metal fence. Our understanding was that the permitted height would be approximately 40 inches, which is the height of the end post of the historic fence. Mr. Werner's understanding was that the height would be approximately 33 inches or the height of the historic fence where it meets the new fence. Our fence contractor measured the height of the end post at 39 inches and installed the fence at a height of 38 inches. After the fence was installed, Mr. Werner explained that the administrative approval was for 33 inches and that if we wished to maintain the fence at 38 inches we would have to go before the BAR for approval, which we are doing here. The reason for the request is that the property is a residence and we have three young children aged 5, 4, and 2 and we're hoping they can use the front yard (which is the only green space on our property) as an area they can get outside and play. The fence is intended as a barrier to keep them safe. Additionally, and unfortunately, there have been people in the recent past who have done unlawful acts on the property and we're hoping that the installation of the fence will deter that in the future. I'm going to attach a couple pictures. Please note that the wood fence will be painted all black in accordance with the previous approval.</p> <p>Do you intend to apply for Federal or State Tax Credits for this project?^N</p>		



Updated applicant photo, 9.16.24

LANDMARK



SURVEY

IDENTIFICATION

Street Address: 409 Park Street
 Map and Parcel: 53-37
 Census Tract & Block: 3-501
 Present Owner: Francis Debount
 Address: Cumberland Road
 Present Use: Offices
 Original Owner: Hallie P. Earley
 Original Use: Residence

BASE DATA

Historic Name: Early House
 Date/Period: 1900
 Style: Colonial Revival
 Height to Cornice:
 Height in Stories: 2 + tower
 Present Zoning: B-1
 Land Area (sq.ft.): 7821 sq. ft.
 Assessed Value (land + imp.): 9720 + 10,680 = 20,400

ARCHITECTURAL DESCRIPTION

This massive structure displays the union of two architectural styles popular in Charlottesville at the turn of the century. The main block is Colonial revival with its symmetrical composition, giant Ionic pilasters defining a center pavilion, cornice with its large bracket-like modillions, and formal entrance porch. The tower, on the other hand, is a Victorian feature popular in the late nineteenth century. The house is two stories high and built of fine pressed blond brick. The side and rear elevations, being less important, are laid with rough brick in common bond. The interior has been so altered as to make its original appearance hopelessly obscure.

HISTORICAL DESCRIPTION

Hallie P. Earley bought the lot from Mrs. Agnes H. Wood in May of 1900 for \$2,070. The present structure was begun at that time for the tax records for 1901 indicate that the house was finished and appraised for \$5,600. The Earl family owned the property until 1944, at which time John E. sold it to Frances J. Schlesinger, who held the title for less than five years. The house has served as offices since 1960. Deed references: 11-241, 119-38, 148-285, 217-461, 329-555.

GRAPHICS

CONDITIONS

Average

SOURCES

City Records

Street Address: 409 Park

Map & Parcel: 53-37

Census Tract & Block: 3

Present Owner: Mr. Frank DeBount

Address: Cumberland Rd.

Present Use: Office

Original Owner:

Original Use: residence-doctor's office

Historic Name: Dr. Early residence -

Date/Period: ~~1905~~ 1901

Style: Col. Revival

Height to Cornice:

Height to Stories: 2 + Tower

Present Zoning: B-Office

Land Area (sq. ft.): 881821 8'

Assessed Value (land+imp)

7566 + 8700 = 16,260

Historic Description

Stone Ionic pilaster caps - Ionic porch -
 Ram. tower -
 Pressed blond brick - on front only - S side painted -
 handsome fence - across Park St. front -
 Modern addition conn. only by veranda -
 Rear = 5 course common -
 3 yrs. ballustrade needs to be replaced on front porch -

13 rooms

Judge Spitzer -

Dr. Early, M.D. - office & reception - evening hours -

sold before WWII - son Dick inherited sold to Mrs. [unclear] -

14 yrs. ago - offices -

No arch. known -

Rooming house -

Name of Persons Int. visited:

Judge Spitzer -
 Allen N.



De Bonat . 329-555- 1971

Barista Building One 217-461 1960

Lula Jones 148-285 - Nov. 1949

Jones from Frances G. Schlesinger

Schlesinger from John E. Early . 119-38 Dec. 1944 \$11,500

John E. Early's Mother, Hallie P. Early from Mrs. Agnes H. Wood
May 1, 1900 11-241 (\$2,070) " Southern portion of lot upon
which Mrs. Wood now resides

1901 L.B. 500 + 5600 Building Added

Lula Jones 148-285
Barista Bldg, Inc - 2/60 217-461



CHARLOTTESVILLE

ARCHITECTURAL DESIGN CONTROL DISTRICTS

DESIGN GUIDELINES

Approved by City Council, September 17, 2012



V

SIGNS, AWNINGS, VENDING & CAFES

- A. SIGNS.....5
- B. TEMPORARY
SIGNS.....8
- C. AWNINGS,
MARQUEES,
& CANOPIES.....9
- D. VENDING
STRUCTURES.....11
- E. OUTDOOR
CAFES.....12
- F. TENTS FOR
WEEKEND EVENTS
(UP TO 5 DAYS).....13
- G. TENT CANOPIES
FOR EXTENDED USE
(MORE THAN 5 DAYS)..14

D. VENDING STRUCTURES

A vending structure is defined as any stand, rack, cart, prop, table, frame, pedestal or container used for display of goods and services. These standards shall apply to all vendors whether regular mall vendors, Christmas Market vendors, or City Market vendors when permitted on the Mall. See Section 28-119 of the City Code.

1. Design

- a. Preference for mobility of the structure will be given.
- b. All vending stands should have a tailored black (preferred), dark green, purple, navy, charcoal gray, or maroon cloth skirt that is long enough to touch the ground and hide the structure of the table and ancillary equipment for all four sides of the table.
- c. All skirts must be properly maintained and kept clean and in good repair.
- d. All tables must be at least 30 inches high and comply with applicable ADA standards.
- e. Only items for sale should be visible.
- f. Trailer hitches must be removed from carts.

2. Materials

- a. Vending cart materials other than black or silvertone metal require BAR approval.
- b. All wood must be finished or painted.

3. Color

- a. Colors on vending structures should be in keeping with the character of the surrounding area.
- b. No primary or bright colors shall be allowed.
- c. Dark colors or silver are preferable.

4. Size

- a. All vending structures shall be within a space limited to either 5 feet by 10 ½ feet, or 10 ½ feet in length and width, and 6 feet in height.

5. Signs

- a. No signs should be located on or within any vendor structure, except a price sign, and a sign or logo identifying the name of the vendor or the product, which signs shall lay flat on the table.
- b. The vendor's license and peddler's license shall be displayed on the structure.
- c. No sign shall be greater than 2 square feet in area.

6. Umbrellas

- a. Only single pole umbrellas can be used to cover vending structures and should not obscure surrounding businesses.
- b. No permanent canopies or tents are allowed.
- c. Umbrellas should be of only one dark or neutral color that is compatible with the vending structure.
- d. The size of the umbrella should be in scale with the vending structure and fit within the space limits as stated in #4. Umbrella clearance shall be minimum 7 feet.
- e. No text is permitted on a vending structure umbrella.

7. Racks and bookcases

- a. Only one vending rack shall be allowed per vendor.
- b. The rack shall be no longer than four feet not more than six feet high.
- c. No rack shall be allowed unless it is associated with a stand with table(s).
- d. All racks must be within the space allotted for a vendor stand.
- e. Racks shall be black or silvertone.
- f. A bookcase located adjacent to a storefront shall be maximum four feet high, constructed of metal.

8. Merchandise

- a. All merchandise must be located on a vending table or on a rack.
- b. No merchandise shall be placed on the ground nor shall it be visible on the ground under the table.

9. Stands and Chairs

- a. Each vendor must furnish his/her own stands and chairs.
- b. Chairs must be located within the square footage allowed for the vendor area.



This vending stand's skirt and umbrella comply with the standards.

E. OUTDOOR CAFES

All elements, including chains, bollards, tables, chairs, planters, and trash containers, should be the same color, materials, and design character. Black, being the dominant color of mall elements, or silvertone metal are preferred. The use of treated lumber or unfinished wood anywhere on the mall is not allowed.

1. Fences, Chains, and Bollards

- a. Should be wrought iron or black painted metal.
- b. Should be kept well-maintained.
- c. Chain-links shall be two inches in length or larger.
- d. Bollards shall be at least 3 inches in diameter.

2. Tables and Chairs

- a. Should be wrought iron, black painted or silvertone metal. Other materials or colors require BAR approval.
- b. Cloth tablecloths and removable seat cushions are permitted. Materials other than cloth, and color are subject to BAR approval.

3. Planters

- a. Should be compatible in terms of design, scale, and color with other elements of the café. The planter material shall be terra cotta or concrete. Other materials require BAR approval.

4. Umbrellas

- a. If used, may contain a maximum of one dark or neutral solid color that is compatible with the furniture.
- b. The size of the umbrella should be in scale with the table. Oversize umbrellas may be permitted, but all parts must be contained within the café space.
- c. No text is permitted on an outdoor café umbrella.

5. Trash Containers

- a. Black metal is preferred.
- b. Should be located within the café enclosure.



Dark painted metal is preferred for outdoor cafe furniture.



Silver tone metal furniture is an alternative to dark colors.



Planter boxes soften the simple design and subdued color of this fence.

ARTICLE VI. SIDEWALK CAFÉS

DIVISION 1. GENERALLY

Sec. 28-186. Responsibilities of zoning administrator under article.

The zoning administrator shall be responsible for receiving and approving applications for permits under this article and for administering the requirements of this article. The city treasurer shall be responsible for collecting rent payments required by subsection 28-214(c)(2).

(Code 1976, § 25-28.1[i]; 3-4-02; 6-21-04; Ord. No. O-22-016, § 1, 2-7-22)

Sec. 28-187. Compliance with state and local laws and regulations.

- (a) The operation of a café pursuant to a permit granted under this article shall comply with all provisions of state and local building codes and health laws and regulations regarding the service and preparation of food and also, where applicable, the operations of an outdoor café shall be conducted in accordance with the regulations of the state alcoholic beverage control board.
- (b) No person operating a café under a permit granted under this article shall allow any café furnishings or equipment to be or remain within any fire lane, or to protrude into the airspace above any fire lane.

(Code 1976, § 25-28.1[e]; 3-4-02; 6-21-04)

Sec. 28-188. Right to limit or deny admission or service.

Within the designated area of a café, the operator holding a permit under this article shall have the right to limit access and occupancy to only bona fide paying customers of that operator's restaurant who are behaving in a lawful manner, and shall have the same right to deny admission or service as the operator exercises on their own premises. However, no person shall be denied access or service to the café area on the basis of race, religion, national origin, sex, sexual orientation, age or disability.

(Code 1976, § 25-28.1[f]; 3-4-02; 6-21-04; 9-7-21(1), § 2)

Secs. 28-189—28-210. Reserved.

DIVISION 2. PERMIT

Sec. 28-211. Required.

- (a) No person shall operate an outdoor café on a city sidewalk or the downtown pedestrian mall referred to in section 28-212 without a permit issued pursuant to this division.
- (b) The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. This map shall be maintained available for public inspection within the city's department of neighborhood development services. The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.
- (c) For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February, 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.
- (d) The city council will, from time to time, approve a schedule of the rents, fees and charges associated with reservation of outdoor café spaces. No space shall be reserved to any person until all applicable rents, fees and charges have been paid.

(3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11)

Sec. 28-212. Application.

- (a) The operator of any licensed restaurant in the city may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café on the city sidewalk contiguous to such restaurant.
- (b) The operator of any licensed restaurant abutting the downtown pedestrian mall on Main Street between East Seventh Street and Ridge-McIntire Road, or the adjacent side streets may, on or before the commencement of each permit term, apply to the zoning administrator for a permit to operate an outdoor café upon a portion of the mall or any side street located within the same block as the restaurant. If there is no such space available, such an operator may apply for a permit to operate café space adjacent to its restaurant provided that for its entire length, at least twelve (12) feet of sidewalk is maintained between the café space and any obstruction and/or the fire lane for pedestrian travel.
- (c) A prospective operator of a restaurant shall provide, as part of its application, an executed lease for, evidence of ownership of, or a valid option agreement to lease or purchase the restaurant space. Submission of a valid option agreement in conjunction with a timely and complete qualifying application shall cause the space applied for to be reserved for the prospective operator for thirty (30) days from the date of application. Failure to submit an

executed lease or purchase agreement for the restaurant space within this time period shall result in denial of the application.

- (d) Any operator holding a valid permit for a particular outdoor café space shall be deemed to have re-applied for permission to use the same space for a succeeding permit term. Such operator shall pay the required application fees and rent, and shall complete all paperwork required by the zoning administrator, within thirty (30) days of the commencement of the succeeding permit term. During such thirty-day period, the café space shall not be assigned by the city to any other operator; however, if the incumbent operator fails to meet all requirements within the thirty (30) days, then the operator's permit shall expire and the city may deem that space to be unassigned.
- (e) No operator shall be assigned all the available space within a single block on the downtown mall. No space in excess of eight hundred (800) square feet will be assigned to any operator. However, any operator assigned a space in excess of eight hundred (800) square feet as of March 1, 2011 may continue to utilize that space, or such additional space as may be approved by resolution of city council, until ownership of the restaurant changes.
- (f) Any operator assigned space on a mall corner may include space located on an adjacent numbered side street that is closed to through-traffic. If any such side street is used for parking of motor vehicles, or for one (1) or more loading zones, during certain hours of the day or evening, no outdoor café operations shall be authorized during any such hours.
- (g) When a permit holder ceases operation of café space, the zoning administrator shall notify all owners of commercial property on the block where that café space is located. All such owners shall have thirty (30) days from the date of notice to submit a permit application for the available café space in accordance with this article. Up to fifty (50) percent of the available space (but in no case more than four hundred (400) square feet) shall be awarded to a restaurant that will occupy the vacating restaurant space, and the remainder shall be awarded to the first other applicant (provided each submit a timely and complete qualifying application). If no additional applications are received, the entire available space shall be offered to the restaurant that will occupy the vacating space, up to the maximum allowable square footage.

(Code 1976, § 25-28.1[a]; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11; 4-2-12)

Sec. 28-213. Grant.

The zoning administrator shall grant a permit applied for under this division for a period of not more than one (1) permit term, provided the zoning administrator finds:

- (1) That the restaurant requesting the permit is being or will be operated as a lawful use in the zoning district in which it is located. **If the proposed café will be located in an area subject to design control by the board of architectural review, once the zoning administrator has completed an initial review of the application, then the design and appearance of the café structures and furnishings shall be reviewed by the board pursuant to the standards and procedures set forth in Chapter 34 of this Code.**

(2) That the proposed café will not present a hazard to the public health, safety or welfare.

(3) That all required rents, fees and charges have been paid.

(Code 1976, § 25-28.1[b]; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2))

Sec. 28-214. Contents and conditions generally.

- (a) A permit granted by the zoning administrator under this division shall identify the permit term, or outstanding portion thereof, during which the operation of the café shall be authorized.
- (b) Permits for cafés on the downtown pedestrian mall or city sidewalks may contain additional reasonable conditions and requirements as the zoning administrator may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the proposed café will not present a hazard to the public health, safety or welfare.
- (c) Effective for the permit term commencing in March 2009, and each permit term thereafter:
 - (1) Each applicant for a café permit shall pay a permit fee upon submission of such application, in the amount specified on the most recent fee schedule approved by city council. For operators renewing an existing permit this fee shall be due and payable within thirty (30) days following the commencement of the current permit term.
 - (2) Each operator shall pay rent in the amount specified on the most recent fee schedule approved by city council. Such rent shall be paid according to the payment schedule set by the city treasurer. Any cafe permit for which the holder has not paid rent hereunder within thirty (30) days of the due date shall expire and become null and void.
- (d) No food preparation shall be performed in any area which is the subject of a café permit issued under this article. The operator of an outdoor café which is the subject of any such permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire café area and the sidewalk located within the café after the close of each business day. The zoning administrator shall have the authority to require any café operator, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the zoning administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.
- (e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, planters and barriers. All items used for delineation of café space shall be compliant with current ADA Guidelines and approved by city staff prior to use. An outdoor café shall be in operation only during hours that the restaurant with which it is associated is open.

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- (f) Musical entertainment shall be allowed within any outdoor café area subject to a permit; however, such activity shall be limited to un-amplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day. Cafés located on the downtown pedestrian mall shall also be subject to the city's noise ordinance established for that area; however, in the event of a conflict between said noise ordinance and the requirements of this section, the stricter requirement shall govern the activities within such outdoor café.
 - (g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within their outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.
 - (h) Access to and use of city electricity by outdoor café operators, including, without limitation, use of any outdoor electrical outlet(s), shall be permitted for cash registers and credit card machines only to those operators that pay a monthly fee to the city as established by city council.
 - (i) Space heaters (other than any heaters requiring use of city electricity or electrical outlets) may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public. Each heater must be approved by city staff.
 - (j) No café permit shall be shared by any restaurant with another restaurant without the prior written approval of the zoning administrator. In the case of such sharing arrangement, (i) the original operator shall remain fully responsible for compliance with this article unless otherwise agreed in writing by the zoning administrator; and (ii) if the space that is the subject of the permit exceeds eight hundred (800) square feet under circumstances permitted by section 28-212(e), approval of the sharing arrangement shall be conditioned upon a reduction of the area reserved by the permit to not more than eight hundred (800) square feet.
 - (k) All tables, chairs and equipment located within an outdoor café shall be maintained in good, clean condition by the operator.

(Code 1976, § 25-28.1[c, d]; 11-19-90; 2-6-95, § 1; 3-4-02; 6-21-04; 12-5-05(2); 5-4-09(1); 3-7-11; 2-3-14; 9-7-21(1), § 2; Ord. No. O-22-016, § 2, 2-7-22)

Sec. 28-215. Conditions for indemnification of city and public liability insurance.

As a condition of a permit granted under this division, the café operator shall indemnify the city (including, without limitation, its officers, officials and employees) and hold the city harmless from and against all claims for damages or injuries of any kind whatsoever arising out of the operator's occupancy of the public right-of-way or the operation of the café. The operator shall obtain and keep in force throughout the duration of the permit public liability insurance with coverage in the amount of at least one million dollars (\$1,000,000.00) combined single limit. The city shall be named an "additional insured" party with respect to such insurance. Prior

to issuance of a permit under this division, and on the commencement date of each permit term thereafter, the café operator shall be required to provide documentation satisfactory to the city attorney demonstrating that this insurance requirement has been met.

(Code 1976, § 25-28.1[g]; 2-6-95, § 1; 3-4-02; 6-21-04)

Sec. 28-216. Revocation.

- (a) The director of neighborhood development services may revoke any permit granted under this division, upon finding:
 - (1) A violation any of the requirements or mandatory provisions set forth within this article (including, without limitation: failure to pay or delinquency in payment of rent, failure to obtain written approval prior to an assignment; failure to obtain or maintain required insurance, intrusion into a fire lane or any pedestrian walkway, failure to maintain café area free of leaves, ice and snow, etc.);
 - (2) A violation of any condition of a permit imposed pursuant to section 28-214(b) of this division;
 - (3) That the continued operation of the café poses a threat to the health, safety or welfare of the public or constitutes a public nuisance;
 - (4) That the café has not been substantially utilized for a period of thirty (30) or more days between March 1 and Labor Day of any year. No café operator who has elected to shut down operations entirely between Labor Day and February 28 of the succeeding calendar year, and who has removed all equipment and furnishings from the café area during that time, shall be subject to permit revocation during such time;
 - (5) Violation of any federal or state law, or of any city ordinance, applicable to the café or the operation thereof;
 - (6) That a café space awarded to a prospective restaurant owner has not been substantially utilized for a period of six (6) months after its issuance.
- (b) A person who has been denied a permit by the zoning administrator, or whose permit has been revoked by the director of neighborhood development services, may appeal the denial or revocation to the city manager. Such appeal shall be made in writing, within five (5) business days following the decision appealed from, and shall set forth the basis on which the person contests the decision. The city manager shall consider the appeal and shall render a written decision within five (5) business days after receipt of the appeal. The decision of the city manager may be appealed by the aggrieved person to the city council, by submitting a written notice of appeal to the city manager within five (5) days of the city manager's decision. After a hearing conducted at any regular meeting of the council, provided the appealing person has been notified of such hearing by written notice delivered to the person's place of business at least five (5) days before such meeting, the council shall make a final decision on the merits of the denial or revocation.
- (c) During the pendency of an appeal from a decision of the director of neighborhood development services to revoke a permit, an outdoor café may continue to operate, unless

the director of neighborhood development services determines, in writing, that allowing such operations to continue would present an unreasonable risk to the health, safety or welfare of the public. Any such determination shall be provided to the café operator by hand-delivery at the café site to the agent or employee supervising café operations, and by certified mail to the mailing address provided by the operator in their application, and may require the café operator to immediately cease operation. Any such determination shall be reviewable by the city manager in connection with the operator's appeal.

- (d) Any permit issued under this article may be revoked by city council at any time, upon thirty (30) days' advance written notice to a café operator, upon a determination that such revocation is necessary to serve the welfare, safety or convenience of the public.

(Code 1976, § 25-28.1[h]; 3-4-02; 6-21-04; 12-5-05(2); 3-7-11; 9-7-21(1), § 2)

Secs. 28-217—28-220. Reserved.

Downtown Mall: Leased cafe and vendor spaces (from 2011 map).
For BAR discussion only. Not an official map.

