

Minutes

CHARLOTTESVILLE BOARD OF ZONING APPEALS
February 20, 2025
NDS Conference Room

Members Present: Genevieve Keller, Hosea Mitchell, Josh Krahn, Elizabeth Lynn

Staff Present: Patrick Cory, Read Brodhead, Craig Fabio

I. CALL TO ORDER

The Meeting was called to order by Ms. Keller at 5:05 PM.

II. PUBLIC HEARINGS

BZA 25-02-001: 1010 Wertland Street

Owner requests relief from 34-2.4.4.B.5.K of the Development Code: Grimm & Parker Architects has applied on a variance on behalf of the University of Virginia Foundation for the property located at 1010 Wertland Street. Side Street facing entrances into a building are required to be no more than 60 feet apart. The Applicant is seeking a 64'-1" variance. If the variance is approved, two entrances on the Wertland Street side of the property will be spaced 124'-1". The Applicant has cited topographic challenges with the property as it falls almost 20 feet along the length of the structure.

Read Brodhead, Staff Report –

LOCATION: 1010 Wertland Street

TAX MAP & PARCEL: 100037000, 100038000 & 100039000

APPLICANT: James Engelhardt, Grimm & Parker Architects Erin Stushek, AICP

ZONING AND USE: CX-8, (Commercial Mixed-Use, up to 8 Stories)

This is a variance to increase the space between entrances along the Wertland side of the building. Instead of having entrances every 60 feet as required by code, there will be a 124-foot, 1-inch gap between two of the entrance spaces. The variance is 64 feet, 1 inch. The first step in analyzing the variance is whether the applicant can apply for a variance. I believe they do based on the shape and size of the lot. For the area of the lot, there is a 20-foot increase or decrease of slope on the lot. I think they meet that test. The property consists of 4 separate parcels. It is larger than what I originally thought. It encompasses some of the lot over here that is also owned by UVA. I notified all the adjacent property owners. It does not change. I want to let you know that the lot comes all the way over here. These are the 3 parcels. They are all zoned CX-8. The proposed use of the site will be for affordable, multi-family units and an early childhood education center. The property is required to meet all these regulations in the development code. If you are familiar with the development code and you click on a hyperlink, it will open more code sections. It might say entrances here, which is what we are looking at on the side street property. It must be spaced no more than 60 feet apart. An entry feature is required for each entrance above that. Due to the elevation change of the property, the structure will have 2 separate stories facing Wertland Street. There will be 5 stories on the northwest side of the building and 6 stories on the northeast side of the building as it gets closer to 10th Street. The drop in elevation makes it difficult to comply with entrance requirements, which require the maximum of 60 feet between entrances. On the northeast side of the structure, there will be 2 entrances into the building with 43 feet of spacing between the doors. On the northwest side of the structure, there will be 2 entrances with 55 feet of spacing. The issue lies between doors 2 and 3 of the structure in the middle area as we transition from 6 stories to 5 stories in height as you go up Wertland Street. If an entrance was included between these 2 doors (highlighted in blue in the attachment), there would need to be

a substantial number of stairs traversing down to the parking garage down below, which takes up parking spaces to accommodate the stairs. Stairs would also have to traverse up into the entrance, which would lead into a single apartment unit. All the other units in the building are accessed from a common hallway. The intent of requiring street-facing entry spacing is to facilitate the creation of a convenient, attractive, and harmonious community by providing visual interest along the public realm, orient buildings to the public realm, and promote greater use and activation of the public sidewalk by limiting distance without physical connections. Each entrance is also required to have an entry feature, which is a roof, canopy or similar feature providing coverage to provide adequate protection from inclement weather for pedestrians using the entry. Wertland Street is the side street for this project and 10th St NW is the primary street. The entry feature spacing requirement is more stringent on the primary street, requiring entrances at least every 40 feet; standards which this proposed plan will comply with.

I have met with the applicant in the past. I did not feel that they had a hardship. The first time that they came to me they presented this distance. There was going to be 229 feet between these 2 entrances. They took it upon themselves to redesign the project at the last minute. They were able to put in a second entrance. This entrance is an entrance into a utility room. It will have that entry feature. The second entrance that they are adding is an entrance into the leasing office. They are putting in stairs. They were able to redesign and fit the landing and stairs within their property. They were able to make that work. This is the span here from these 2 yellow doors is where the variance has been requested. This blue door would represent what they would have to put in to meet the code. It where the parking garage is. That is why they are requesting the variance.

Mr. Mitchell – The blue door would lead to the parking garage?

Mr. Brodhead – The blue door is where the parking garage is located. In this zoning district, there is something called ‘active depth requirements.’ Within 9 feet, you must have an active use, such as an apartment, a retail location between the edge of the property and the first 9 feet from the front of the building. As soon as there is a story that exists, it does not exist until after this line. Once 6 feet of the building is exposed/daylit, the story begins. The 5-story building is 5 stories all the way to here. At this point, it becomes 6 stories. They are exempt from the ‘active depth requirements’ here because more than 6 feet is not daylit, which is something that they redesigned.

Mr. Mitchell – Why is the blue door problematic?

Elizabeth Chapman, Applicant – The property is owned by the University of Virginia Foundation. That is important to note. If it was owned by UVA, you would not have jurisdiction. Jurisdiction would be with the state. Since it is owned by the Foundation, that gives you jurisdiction.

Where the existing sidewalks are coming up, if we were to put a door there, we are around 7 feet above the floors of the garage. We would essentially be creating an areaway where you would have to go down like you are entering a basement or we would have to be going up. We are going up 8.5 feet to get to that upper floor. You can see how big that stoop and stairs are to get into the leasing office. I believe that it is 5 more steps that you would need. It would feel like an entire story up above the street. It would be awkward.

Next Slide

If you see that man on the sidewalk and where he is looking at the building, he is looking at the structure between the 2 floors. He either must go down to the garage or he must go up to the second floor.

Ms. Keller – Are there other pedestrian entries into the garage?

Ms. Chapman – The main entrances (vehicular and pedestrian) to the garage is off 10th Street.

Mr. Brodhead – I can go into why they meet the hardship. The applicant must show that they meet the 4-step hardship test.

Was the property acquired in good faith and a hardship was not created by the applicant for the variance? I mentioned that 4 parcels are being combined to create this project. Three of the parcels are on Wertland Street. They have a big cross-slope that has tripled by combining the parcels. They are attempting to combine them and make a bigger building. Based on the topography, they have a case for a hardship there.

Granting the variance would not be a substantial detriment to adjacent properties. Adjacent properties on Wertland Street and 10th Street suffer similar topographic challenges. If we are coming off West Main Street, they all slope down. Everyone in that area does have that sort of challenge with slope down there.

Is the condition or situation of the concerned property not so general or recurring in nature to make reasonable, practical the formulation of a general regulation to be adopted as an amendment to the ordinance? No. I don't think it is so reoccurring. It is why we have variances for these unique situations.

Will the granting of the variance result in a use that is not otherwise permitted? No.

At the time of the filing of the variance application, was the relief or remedy sought by the variance application is not otherwise available through a special use permit process or zoning ordinance amendment? Yes. The applicant can apply for a special exception permit through City Council. It would take up to 4 months for Council to hear this request. The applicant has chosen to seek the variance because it is a more streamlined process.

APPLICANT PRESENTATION

Elizabeth Chapman, Applicant – This is Wertland Street. That is what we are talking about. This is the Coca-Cola Building across the street from us. Behind us, you will see the Stacey Hall property. UVA is sectioning off a piece of the Stacey Hall parking lot and giving it to the UVA Foundation. This property is part of their affordable housing initiative where they are trying to generate more workforce housing in the city of Charlottesville and Albemarle County. They are giving land to the UVA Foundation for the purpose of developing affordable housing. JT (here virtually) is one of the developers paired together to submit a proposal to the UVA Foundation to develop this affordable housing. He is with the National Housing Trust. Their partners are The Preservation of Affordable Housing and Whitecliff Development. I wanted to mention that to say that this is specifically going to be affordable housing. It will be focused on people making 60 percent or less of the area median income. It will be family housing with 1-bedroom up to 3 bedrooms.

As staff has noted, we are focused on this Wertland Street elevation. You can see what we are proposing. This would be standing in front of the Coca-Cola building looking at our site. The elevation that we are concerned with is the one on the right-hand side. That is our Wertland Street frontage. The important thing to note here is that we did look with staff at what this might look like if we try to put an entrance in this location. It is really squeezed in between the edge of the property line and the front of the building. We don't know if we can make it truly work and constructed the way we want to. We feel it is going to be awkward and a lot of steps. Our preference is not to install it. Overall, we don't think it is going to be a detriment to the community overall. However, we recognize that we are asking for a favor from you. We feel we need to give something back to the public in place of this entrance to meet the spirit of the ordinance if we are not meeting it exactly. There is some language available to us within the zoning ordinance that tells us different strategies that we can use to screen parking. We are looking to those different strategies to screen. Instead of an open surface parking lot, the side of

our parking garage. We are proposing to add this retaining wall instead of doing the entrance and to add several foundation plantings and trees to help enliven the public realm in place of a building entry at this one location.

PUBLIC COMMENTS

No Public Comments

BOARD DISCUSSION AND MOTION

Mr. Krahn – It makes sense. I understand the hardship and why they want to do it the way that they want to do it. It is more a problem of the building code than it is the typology. It is nothing in our jurisdiction. It is not even in the city’s jurisdiction. I would like to see this project move forward as quickly as possible. It is a lot of affordable homes.

Ms. Keller – I have no problem with doing this. It is my understanding that Board of Architectural Review is supposed to look at this project. They meet next week. I have no problem with us approving this. The BAR will have an opportunity to look at it and to see how that space would have been with doors would be articulated. That is more of their purview than our purview. I appreciate that you are adding the trees to the site. It does show some of the difficulty in applying a form-based code in a redevelopment situation where form-based code works so well in a new development situation. There are tweaks to this ordinance that we pushed through quickly so we could get it in place so projects like this could happen. We need to look at it to make sure that it works better in the future, so you don’t have to wait.

Motion to Approve Variance – Mr. Krahn – I move to grant a variance as requested in Application BZA 25-02-001, based on a finding that the applicant has established that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and meet the following hardship factor (i)-(v) detailed in this staff report.

- i. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.**
- ii. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.**
- iii. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.**
- iv. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.**
- v. At the time of the filing of the variance application, the relief or remedy sought by the variance application is not otherwise available through a special use permit process or a zoning ordinance amendment.**

Second by Ms. Lynn. Motion passes 4-0.

III. REVIEW OF JULY 2024 BZA MEETING MINUTES

Motion to Approve Minutes – Motion passes 4-0.

IV. ADJOURNMENT

The Meeting was adjourned at 4:30 PM.