

Attachment 3

Certificate of Appropriateness Request via Appeal to City Council

HST25-0084

Tax Map 29 Parcels 71,73,74,75,76

202, 204, 208 & 214 7th Street SW & 613 Delevan Street

204 & 208 7th Street SW - Individually Protected Properties

Owners:

- 202 7th Street SE: Monticello Media LLC
- 204 7th Street SE: William Lynch & 204-7 LLC
- 208 7th Street SE: Michael J. Christian
- 214 7th Street SE: 7th St LLC
- 613 Delevan Street: Mattie L. Hall

Applicant: Mitchell-Matthews Architects

Project: New multi-story, mixed-use building incorporating two IPPs



Background

204 7th Street SW: *Hawkins-Lee House*

Year Built: 1870s/1880s

District: IPP

208 7th Street SW: *Hawkins-Parker House*

Year Built: 1870s/1880s

District: IPP

204 and 208 7th Street SW were reportedly constructed between 1876 and 1889 by James B. Hawkins, who acquired the parcel in 1869. [A third house on the north side of 204, also built by Hawkins and similar to 204 and 208, was razed prior to 1980.] Constructed as worker cottages in a simple form that was common in Charlottesville, the use of brick was atypical. (Hawkins was a brick mason.) 204 is associated with Edmond Lee, a man of color born c1875. The Lee family owned and occupied the house from 1902 to 1955. 208 is associated with Whit Parker, a man of color born c1880. The Parker family owned and occupied the house from 1902 to 1979.

The parcel at 202 7th Street SW was used as a commercial/industrial site as early as 1891, when it was a lumber yard. [The adjacent railroad was built in the 1850s.] In 1896, it was the Virginia Ice Company. In the early 20th century, it served the Charlottesville and Albemarle Railroad Company. Later a coal and wood lot, it transitioned to a tower site, which is no longer in use.

Prior BAR Actions

(See summary and links in Attachment 1 of memo to Council.)

Application

- Applicant submittals: Mitchell Matthews Architects drawings, *The Mark, Charlottesville – 202 7th Street SW – Certificate of Appropriateness Application, November 18, 2025.* [Reviewed by BAR December 16, 2025.]

CoA request for rehabilitation of two brick dwellings at 204 and 208 7th Street SW (both designated IPPs) and construction of a seven-story apartment building. Because the multi-parcel project encroaches onto the two IPPs, the entire project is subject to design review as a Major Historic Review under City Code Chapter 34, Div. 5.2.7. *Note: When evaluating a project associated with an ADC District or an IPP, the Criteria for Review and Decision require the BAR to consider exterior architectural features of the full project, which has long been interpreted to include all exterior elevations to assess potential impacts.*

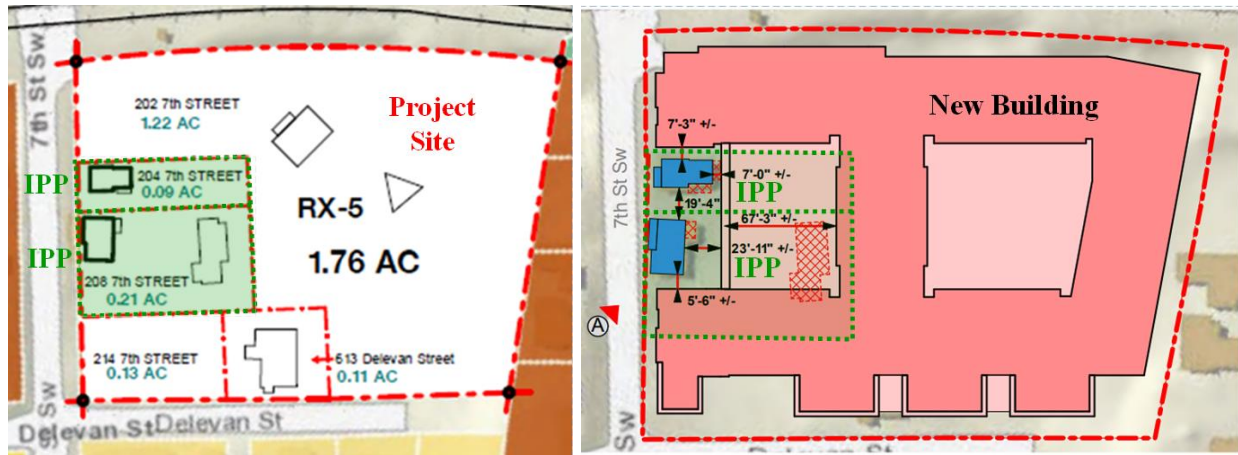
Discussion

This CoA request is presented as a single CoA, incorporating the following elements:

- 204 7th Street, SW: Rehabilitation of and alterations to the structure.
- 208 7th Street, SW: Rehabilitation of and alterations to the structure, including demolition of the non-historic shed.
- 202, 204, 208, 214 7th SW and 613 Delevan Street: The proposed multi-story and related landscaping are *new construction* associated with two designated IPPs. Relative to the required CoA, the new construction is evaluated primarily in the context of its physical and contextual impact on the two IPPs.

Project site: 1.76-acres encompassing five separately owned parcels.

- 202 7th Street SW: 1.22-acre parcel. Transmission tower and equipment building, c1972.
- 204 7th Street SW: 0.09-acre parcel. Two-story, brick dwelling. City-designated *Individually Protected Property*.
- 208 7th Street SW: 0.21-acre parcel. Two-story, brick dwelling. City-designated *Individually Protected Property*. (A framed outbuilding is non-contributing.)
- 214 7th Street SW: 0.13-acre parcel. Vacant.
- 613 Delevan Street: 0.11-acre parcel. Two-story, framed dwelling with stucco. Listed on the VLR and NRHP as a contributing resource within the *Fifeville-Tonsler Historic District*. The property is not designated by the City; therefore, the BAR does not have purview over proposed demolition or alterations.



IPPs:

The two, existing brick dwellings (204 and 208) will be retained, rehabilitated, and incorporated into the planned development. A non-historic, wood-framed shed at the rear of 208 will be razed and minor elements on each dwelling will be removed. Information from the assessor’s record indicates the current shed replaced the two cottages noted on older maps.

New Building:

Construction of a seven-story residential building featuring stepped massing, a brick base, and fiber-cement siding with modern windows. The 7th Street elevation forms two tower-like wings flanking the historic houses, with an upper single-story terrace recessed between them, creating a visually distinctive setback. Surrounding the historic houses is a terraced, landscaped courtyard.

Review Criteria:

The ADC District Design Guidelines are applied for the review of this CoA request. Although written for ADC *Districts*, they also apply to IPPs; references to “district characteristics” interpreted as the relevant characteristics of the protected properties and contributing structures at 204 and 208 7th Street SW.

Because the proposed seven-story building is not within an ADC District, but adjacent to two, small historic dwellings, applying the guidelines requires judgment. The guidelines acknowledge this need for flexibility: they are intended to provide a design framework, not a prescriptive checklist, and not every criterion must be met in every case. The objective is to determine whether the new construction is appropriate and compatible with the character of the IPPs.

During the BAR review, some residents expressed concerns about impacts on properties along Delevan Street; however, addressing those impacts is outside the purview of the required design review. The applicant nevertheless voluntarily reduced height and added roofline articulation, upper-story setbacks, and façade modulation to reflect the transitional intent of the Code of Development, even though those provisions do not formally apply to this zoning district. (Ref. City Code Sec. 34-4.7.B.)

Under City Code Sec. 34-5.2.7(C)(2), a CoA must be approved unless:

- The proposal does not meet applicable standards or design guidelines; and
- The proposal is incompatible with the historic, cultural, or architectural character of the two Individually Protected Properties.

In short, Council’s decision is whether the proposed building is compatible with the historic, cultural, and architectural character of the protected properties at 204 and 208 7th Street SW.

Applicable Design Guidelines and Staff Analysis

From the ADC District Design Guidelines, Chapter 3: New Construction. Excerpts germane to this project specific to *Setback, Spacing, Massing & Footprint, Height & Width, and Scale*.^{*} Specific references to the Code of Development are included to illustrate the apparent conflicts with the Design Guidelines, a concern expressed by the BAR and in the Appellant’s letter.

Setback

- *New buildings, particularly in the West Main Street corridor, should relate to any neighborhoods adjoining them. Buffer areas should be considered to include any screening and landscaping requirements of the zoning ordinance.*
- *At transitional sites between two distinctive areas of setback, for instance between new commercial and historic commercial, consider using setbacks in the new construction that reinforce and relate to setbacks of the historic buildings.*

Staff Comment (setback):

- The IPPs have front setbacks of 7 ft and 10 ft; the new building’s north and south wings are generally aligned with these setbacks.
- The Guidelines recommend new multi-lot buildings reinforce the setbacks of historic buildings.
- RX-5 zoning permits front setbacks between 5 ft and 15 ft.

Spacing

- *Multi-lot buildings should be designed using techniques to incorporate and respect the existing spacing on a residential street.*

Staff Comment (spacing):

- The IPPs are approximately 20 ft apart.
- While the new building is monolithic, the recessed upper terrace between the two wings helps create a sense of separation.
- RX-5 zoning does not require spacing between structures.

Massing & Footprint

- *Often new commercial, office, or multiuse buildings will be constructed on sites much larger than the traditionally sized lots 25 to 40 feet wide. [...] These assembled parcels can translate into new structures whose scale and mass may overwhelm neighboring existing structures. Therefore, while this building type may need to respond to the various building conditions of the site, it also should employ design techniques to reduce its visual presence. These could include varying facade wall planes, differing materials, stepped-back upper levels, and irregular massing.*

- *Multi-lot buildings by their nature will have large footprints: The massing of such a large scale structure should not overpower the traditional scale of the majority of nearby buildings in the district in which it is located.*

Staff comment (footprint):

- The two IPPs have very small footprints (532 and 612 sq ft, each under 15%).
- The new building has a footprint of approximately 63,000 sq ft, or more than 80% of the site.
- The Guidelines caution that multi lot buildings should not overpower the traditional scale of nearby buildings.
- RX 5 zoning allows up to 100% site coverage.

Height & Width

- *Attempt to keep the height and width of new buildings within a maximum of 200 percent of the prevailing height and width in the surrounding sub-area.*
- *In commercial areas at street front, the height should be within 130 percent of the prevailing average of both sides of the block. Along West Main Street, heights should relate to any adjacent contributing buildings. Additional stories should be stepped back so that the additional height is not readily visible from the street.*

Staff comment (height):

- The IPPs are two stories.
- The Guidelines recommend new buildings not exceed four stories in this context.
- The proposed building is seven stories, which is the maximum allowed by RX 5 zoning.

Staff comment (width):

- The IPPs are 18 ft and 32 ft wide.
- The Guidelines suggest new buildings not exceed 64 ft in width.
- The proposed west elevation along 7th Street is approximately 219 ft wide.
- RX-5 zoning requires a minimum width of 75% of parcel width; the building meets this requirement.

Scale

- *Height and width also create scale, the relationship between the size of a building and the size of a person. Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site.*
- *Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*
- *In lieu of significantly reducing the horizontal dimensions of a building, the design guidelines also recommend the perception of the height, massing, and scale of large buildings be mitigated by articulated design details, varying facade wall planes, differing materials, stepped-back upper levels, and irregular massing.*
- *Techniques could include varying the surface planes of the buildings, stepping back the buildings as the structure increases in height, and breaking up the roof line with different elements to create smaller compositions*

Staff comment re: scale: Massing and scale describe how a building appears and is experienced—its height, shape, and proportions relative to a person and to adjacent structures. Mitigation of perceived scale could include reducing the street level height, using stepbacks above the fourth story, increasing setbacks along 7th Street, or increasing the spacing between the new building and the IPPs to allow greater tree canopy and screening.

* The BAR did not express significant concerns regarding the following sections of the design guidelines; therefore, staff will not address them here. However, staff can review and discuss with Council all sections of the design guidelines germane to this project.

- Roof
- Orientation
- Windows & Doors
- Porches
- Foundation & Cornice
- Materials & Textures
- Color palette
- Details & Decoration

Recommendation

Relative to the two IPPs, staff supports—and the BAR supported--the proposed rehabilitations (in lieu of demolition), to the extent possible retain meaningful context and allowing interpretation of the associated history (for example, signage, historic photographs, etc.), and incorporating into the new building design elements that complement the two historic dwellings.

The BAR determined the proposed building is incompatible with the two IPPs, primarily due to its height and the resulting massing, and scale. Focusing on those attributes, following the guidance in the review criteria (see staff comments above, under *Applicable Design Guidelines and Staff Analysis*), staff recommends Council uphold the BAR’s determination and deny the CoA.

Should Council approve the CoA, staff recommends the following conditions:

- Prior to Preservation & Design staff approval of the necessary building permit for the new building, applicant will complete and provide for the BAR archive a Phase I archeological investigation of the sites associated with the two IPPs. [Note: For historical context, it would be appropriate to examine the entire project site; however, staff can only suggest Council expand the scope beyond the two IPPs.]
- During rehabilitation of the historic brick structures at 204 and 208 7th Street SW:
 - prior to replacing any architectural elements, in lieu of repairing them, the applicant will consult with BAR staff to determine if BAR review is necessary; and
 - applicant will provide for the BAR record a monthly update on the progress of the work, including photographs.

Criteria, Standards and Guidelines

Note re: Under City Code §34-5.2.7, a CoA review cannot consider a permitted use associated with a project to conclude that the use results in the project being *incompatible* with a district or protected property. When evaluating a design, it is appropriate—and often necessary—to *understand* the proposed use to provide context. (For example, an apartment building may

feature balconies, multiple entrances, and outdoor amenities, while an office or medical building may emphasize large windows, and a monumental primary entry. These functional elements help explain and justify architectural choices, but do not affect whether the underlying use is permissible.¹) Additionally, per City Code §34-5.2.7.E.2., the issuance of a CoA “cannot, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a [CoA] is lawful unless conducted in accordance with the required building permit and all applicable building code requirements.”

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:
 - i. [not germane to this request]
 - ii. In all other areas subject to review, the BAR may reduce the allowed height by no more than 2 stories; and
 - iii. The BAR may require upper story stepbacks of up to 25’.

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;

¹ From the Design Guidelines: “For instance, an institutional building like a church or library may have monumental scale due to its steeple or entry portico, while a more human scale may be created by a storefront in a neighboring commercial building.”

- 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](#)

[Chapter 4 Rehabilitation](#)

[Chapter 5 Signs, Awnings, Vending, and Cafes](#)

[Chapter 6 Public Improvements](#)

[Chapter 7 Demolition and Moving](#)