

# ALBEMARLE COUNTY HISTORIC PRESERVATION COMMITTEE

September 28, 2015: County Office Building, McIntire Rd., Room 241, 4:30 pm

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## MINUTES UPDATE

Committee Member Name	Present	Absent
1. Erika Castillo	x	
2. Katie Collins		X
3. Dennis Dutterer	x	
4. Ed Lay	x	
5. Jared Loewenstein	x	
6. Steven G. Meeks		x
7. Liz Russell	x	
8. Ross Stevens		x
9. Jeff Werner		x
10. Peter Wiley	x	
11.		
12.		
<b>Liaison Name</b>		
Ann Mallek, BOS		x
Rick Randolph, PC	x	
<b>On Leave</b>		
<b>Visitor Name/Contact Information</b>		
JT Newberry		

1. **Call meeting to order:** The chair called the meeting to order at 4:30 PM with a quorum.
2. **Announcements**
  - Next Meeting: October 26, 2015
  - New member Crystal Ptacek should start at the October meeting. She is an archaeologist who works at Monticello.
3. **Approval of Minutes**

P. Wiley made a motion to approve the August minutes. Second by Liz Russell. Minutes approved unanimously.

**4. Discussion Items**

J.T. Newberry, planner in the Department of Community Development, discussed a potential new use in the Rural Areas for Artist Communities and the related Zoning Text Amendment that is under review. The Planning Commission would like input from the Committee on how this could further preservation goals. Questions related to the proposal were reviewed (see attached). L. Russell pointed out that reversibility is a key factor when evaluating the goals. R. Randolph pointed out that crossroads communities would be appropriate locations for the use because groups could use existing structures. Scale and landscaping may be issues. Could limit only to use of existing structures. J. Loewenstein concluded the discussion by asking that all members be sent the document and that the group will be ready to discuss with J.T. Newberry at the October meeting.

**5. Work Group Updates**

- Manual Update: J. Loewenstein is nearly complete with the final edits of the manual. It should be ready before our next meeting.

**6. Questions**

- At the October 7 Board of Supervisors meeting, the Board will receive the Committee's annual update.
- The PAPA annual meeting is scheduled for Thursday, October 8 at Montpelier.

**8. Adjourn:** The meeting adjourned at 5:25PM

### Artist Community Zoning Text Amendment

Both the Rural Areas and the Historic, Cultural and Scenic Resources chapters of the Comprehensive Plan include direction to “promote the reuse of historic structures” and to “continue to find ways for preservation of historic structures and sites to be financially viable for property owners.”

More specifically, Strategy 3c of the Rural Areas chapter directs staff to “consider amending the Zoning Ordinance to allow for *artist residencies* in historic buildings.” This strategy also states an artist residency may be appropriate “if they can meet goals for preservation of historic structures and other Rural Area goals such as natural resource conservation.” It further outlines that:

- Additions, alterations and construction of additional buildings may be appropriate provided that the architectural and historic integrity of buildings and the site is retained.
- New construction should be compatible in appearance with historic buildings.
- The site should not be overwhelming in size, scale and massing.

With this in mind, we are drafting questions and potential standards aimed at achieving our Comprehensive Plan goals, as well as mitigating potential land-use impacts of a new “Artist Community” in the Rural Areas of Albemarle County.

**Question 1: Can an Artist Community further the County’s goals for Historic Preservation? If so, how should they be required to do so?**

- A. Should there be a minimum amount or specific type of historic resource to be preserved in order to be eligible for this use?
  - For example, the preserved historic resource would have to constitute at least X% of the total square footage of new structures associated with the proposed artist community?
  - Should the historic resource be required to be included in a national or state level register?
- B. Should there be any limit to additions, alterations and construction of additional buildings? If so, how should the limit be determined?
- C. Should there be a standard for the proximity of new construction to the historic resource?
  - For example, new construction associated with the artist community use should be at least X feet away from the historic resource?
- D. Should lodging associated with a proposed artist community only be permitted within historic structures that were previously used for lodging?
- E. How should the initial review and ongoing enforcement of the preservation be administered?
  - For example, should plan review and inspections be completed by a staff designee of the Historic Preservation Committee or is the current field review process sufficient to determine compliance?
- F. Should there be any by-right provision for this use, or should it only be permitted by special use permit?
- G. What types of other provisions could further Historic Preservation goals?

**Question 2: How many artists should be permitted in an Artist Community?**

The total number of artists permitted in an Artist Community should be limited by the total number of development rights that exist within the acreage under consideration. Using the development rights to determine the maximum number of artists provides a defensible baseline to compare impacts of by-right uses to the impacts generated by an Artist Community. Using the overall development potential allows a useful comparison to the most obvious impacts associated with residential development: traffic, groundwater resources and wastewater treatment (as noted on page 7.26 of the Rural Areas section of the Comprehensive Plan).

There are different approaches to how this philosophy could work:

- A. Use a fixed assumption (like the Health Dept. has used in the past) that a standard dwelling contains 3 bedrooms and therefore 3 artists would be permitted per development right.
- B. Use the average number of persons per household for Albemarle County (as calculated by the American Community Survey of the U.S. Census). The latest measure from 2009-2013 found 2.47 persons per household, so 2.47 artists would be permitted per development right.
- C. Use the maximum number of bedrooms that could be established under other the Rural Areas uses like B&Bs or Farm Worker Housing:
  - (1) B&Bs (by-right) permit up to 5 guestrooms per dwelling and up to two B&B uses per parcel (for a maximum of 10 guestrooms per parcel). Also note that Strategies 3a and 4c encourage historic buildings as opportunities for rural transient lodging permitted as B&Bs.
  - (2) Farm Worker Housing, Class A (by-right) provides up to two structures for up to 10 persons employed to work on the farm. No single structure may contain provisions for sleeping, eating, food prep and sanitation (bathing or toilets).
  - (3) Farm Worker Housing, Class B (by-SP) provides three or more structures for more than 10 persons employed to work on the farm. No single structure may contain provisions for sleeping, eating, food prep and sanitation (bathing or toilets).

Here's how these assumptions would look under three different scenarios:

- 1. One parcel of record w/ 2 development rights – presumed minimum acreage of at least 4 acres.
  - Scenario A: could have up to 6 rooms or 6 artists total.
  - Scenario B: could have up to two households x 2.47 persons or 4 artists total.
  - Scenario C(1): could have up to 10 rooms or 10 artists.
  - Scenario C(2): could have up to 10 artists by-right.
  - Scenario C(3): could have more than 10 artists by special permit.
- 2. Two parcels of record w/ 5 development rights – presumed minimum acreage of approximately 11 acres.
  - Scenario A: could have up to 15 rooms or 15 artists.
  - Scenario B: could have up to five households x 2.47 persons or 12 artists total.
  - Scenario C(1): could have up to 20 rooms or 20 artists.
  - Scenario C(2): could have up to 10 artists by-right.
  - Scenario C(3): could have more than 10 artists by special permit.
- 3. Three parcels of record w/ 10 development rights – presumed minimum acreage of at least 21 acres.
  - Scenario A: could have up to 30 rooms or 30 artists.
  - Scenario B: could have up to ten households x 2.47 persons or 24 artists total.
  - Scenario C(1): could have up to 30 rooms or 30 artists.
  - Scenario C(2): could have up to 10 artists by-right.
  - Scenario C(3): could have more than 10 artists by special permit.

a justification for extending public services to the Rural Area. Provision of public services encourages rather than discourages residential development.

A second possibility for zoning changes would be to set a maximum lot size in RPDs for development right lots that are less than 21 acres. In RPDs, setting a maximum lot size would result in the creation of larger preservation tracts. Consideration could also be given to setting a maximum lot size for development right lots in conventional developments to help achieve a similar result without reducing development rights. Another possibility would be to retain the existing allowances for conventional development, but allow that type of development as the exception, rather than the rule.

It should be noted that changes to the Zoning Ordinance related to RPDs need to be addressed carefully. State Code may mandate additional requirements that would affect the attractiveness of this option. If such is the case, the County may alternatively wish to approach the General Assembly about an exception for Albemarle County.

### **Objective 3: Protect the County's historic, archeological, and cultural resources.**

Most, but not all, of the County's historic, archeological, and cultural resources are found in the Rural Area. Some of these sites include Monticello, Ash Lawn-Highlands, Pine Knot, and the Journey Through Hallowed Ground. Many properties in the Rural Area are listed on the National Register of Historic Places. Historic features of the Rural Area contribute to the value placed by residents and visitors on Albemarle County. Historic buildings and sites also provide opportunities for tourism, which is discussed in the [Economic Development](#) and [Historic, Cultural, and Scenic Resources](#) Chapters of this Plan, as well as in the next section.

**Strategy 3a:** Promote reuse of historic structures that support agricultural and forestal uses in the Rural Area.

While valued by residents and tourists alike, historic buildings and sites can sometimes pose challenges for owners. Large farmhouses and historic mansions can be expensive to maintain and, at times, additional income is needed to ensure that historic buildings do not fall into disrepair. Historic buildings and sites can be maintained for their original use, such as a home, or converted to income producing properties, such as a restaurant at a crossroad community or a bed and breakfast. Care is needed when a building converts from one use to another to ensure that the historic integrity of a site is retained.

**Strategy 3b:** Consider amending the Zoning Ordinance to allow for restaurants in historic buildings, as defined in the [Historic, Cultural and Scenic Resources Chapter](#) of the Plan, in crossroads communities.

Restaurants, as a rule, are most appropriate in the Development Areas where public water and sewer is available and streets and parking lots can handle traffic generated by a successful business. However, in the Rural Area, a small restaurant in an existing historic building may be appropriate in a crossroads community to serve the nearby community. Expansion of a historic building for such a use may be acceptable if the size and scale of the addition retains the integrity of the historic resource and will not generate demands for public water and sewer. Building new structures for restaurants is not considered appropriate in the Rural Area.

**Strategy 3c:** Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings, as defined in the [Historic, Cultural and Scenic Resources Chapter](#) of the Plan.

An artist residency is a facility where individuals are provided time and space to create art within a unique geographic and cultural context. Meals, lodging, and private studio space are provided on-site to support uninterrupted creative work lasting from a few weeks to a few months. The purpose of artist residencies is to promote art as a critical cultural and societal resource. Participation in an artist residency is by invitation only. Artist residencies are neither commercial endeavors nor tourist destinations. They may be appropriate in the Rural Area if they can meet goals for preservation of historic structures and other Rural Area goals such as natural resource conservation.

Additions, alterations, and construction of additional buildings may be approved for artist residencies, provided that the architectural and historic integrity of buildings and the site is retained. New construction should be compatible in appearance with the historic buildings, and the site should not be overwhelming in size, scale, and massing. New construction for residence halls is not appropriate as it would prevent reversion to a by-right use in the Rural Area. Artist residencies should only be available by special permit and consideration should be given to locations in or near crossroads communities or Development Areas.

#### **Objective 4: Promote rural and historic landscapes that enhance visitors' experience and give historic sites as authentic a setting as possible.**

Tourism is a vital part of Albemarle County's economy. Within the confines of the existing goals for the Rural Area, tourism provides for economic vitality and is a benefit to the County. Agriculture, historic and scenic preservation, and the maintenance of rural character help to create authentic rural places. It is important that care be taken with tourist activities so that they do not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists.

##### **Events**

The most significant area of tourist growth to take place in recent years is with Rural Area events. Events at farm wineries, such as weddings, have become commonplace and can be profitable for owners; however, festivals and concerts at farm wineries also are allowed under County regulations. For farm wineries and cideries, farm breweries, and bona fide agricultural operations, up to 200 attendees are allowed per event, by-right. Larger gatherings require special permission to ensure that negative impacts do not result from large gatherings of people and their activities. A special use permit is also required for temporary events for nonprofit organizations and for special events in which there is a profit-making aspect. In the case of the latter, a maximum of 150 attendees is allowed; however, allowance for more than 150 persons can be approved as part of the special use permit. It is important that events at farm wineries are secondary to the agricultural use.

**Strategy 4a:** Continue to require special use permits for events at farm wineries, farm breweries, and bona fide agricultural operations for over 200 persons and for other events in the Rural Area for over 150 persons. These special events should promote or support agricultural production or a uniquely rural activity, such as a County fair, and be limited to once or twice per year.

Sometimes, requests for larger, more frequent events at farm wineries, farm breweries or farms must be evaluated. To date, the County has approved some of these requests when an occasional larger event is appropriate. Frequent or regular large events are not appropriate in the Rural Area. This is



ALBEMARLE COUNTY CODE: Zoning Text Amendment  
Draft for Submission on June 12, 2014

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6/10/14  
hand delivered  
to Ron Higgins  
Albemarle County

**Definition: ARTISTS' COMMUNITY**

A use composed of temporary lodging and working spaces for 20-30 adults selected through a competitive peer-review process for residencies on the property lasting from a few days to ninety (90) days. These individuals shall be professional artists of various creative genres, whether literary, visual, musical, theatrical, cinematic, architectural, cross-disciplinary or otherwise. There shall be individual studio spaces, bedrooms, and bathrooms assigned to each artist. These spaces may be either grouped together within two structures of 20,000 sq. ft. maximum each or may be spread among numerous smaller structures. Total square footage on a parcel shall not exceed 40,000. One structure may include rooms for food storage, the preparation of meals, dining, and meetings of these residents. Also allowed are offices, meeting spaces, storage, maintenance, and a residential space for use by employees and volunteers working on behalf of the Artists' Community, which shall be governed by the Board of a not-for-profit corporation.

**ACTUAL ZONING TEXT AMENDMENT:**

**ARTISTS' COMMUNITY:**

Each Artists' Community shall be subject to the following:

a. Residency:

Up to 30 artists of various genres shall reside on the parcel for amounts of time varying from a few days to ninety (90) days. These artists may come from any of the US states and foreign countries. The purpose of their residencies shall be, first, to produce creative art work and, second, to network with other artists. Additionally, the Artists' Community may open itself up to public visitation, education and enjoyment but this is an ancillary function. The owner of the property or manager of the Artists' Community shall have one or more employees reside on the property.

b. Number of Artists' Community Uses:

Any parcel may have only one (1) Artists' Community use.

c. Parking:

The number of off-street parking spaces required shall be equal to at least 50% of the artists scheduled at any time plus 100% of employees scheduled to work at any time.

c. Existing Permanent Structures:

This Code shall encourage the adaption of such structures for this use. Applications for permits including the conversion of structures listed on the Historic Register, either national or Virginia's, shall be deemed appropriate as far as zoning, yet still subject to health, safety, and welfare requirements.

d. New Permanent Structures:

e. Required density and limitation: This use shall require a parcel of a minimum of twenty (20) acres.

#### JUSTIFICATION:

The purpose of this Zoning Text Amendment is to provide a specific zoning classification to allow the VCCA (Virginia Center for the Creative Arts) to apply for a Special Use Permit in order to relocate to Albemarle County. Now over forty years in existence, the VCCA initially was located on properties leased in Albemarle County: first in the Greenwood area and then in the Keswick area. From 1978 to the present the VCCA has leased twelve acres owned by Sweet Briar College in Amherst County. In its history the VCCA has served over 3,500 artists from around the US and many other countries by providing residencies during which they are able to create new works of art and network with other artists.

The VCCA is currently exploring opportunities for relocating to Albemarle County but finds that the Zoning Code does not provide for its functions. Somewhat like a Bed and Breakfast, a Day Camp, a Private School, a Hotel, a Restaurant, and others, an Artists' Community is different from each of these, which is understandable as the VCCA is the only Artists' Community in the Commonwealth.

Currently the VCCA has :

- 25 artists in residence at any time for an average of three weeks each and therefore over 400 artists in a year,
- six full-time and about fourteen part-time employees,
- an annual operating budget of about \$1 million, and
- a governing Board of Directors drawn from Charlottesville, Richmond, Lynchburg, Roanoke and beyond.

As a 501©3 not-for-profit organization, the VCCA receives financial support from the Virginia Commission for the Arts, the National Endowment for the Arts, numerous foundations, and many individuals including Board members, as well as project support.

While the vast majority of the VCCA's activity is quiet and behind-the-scenes, as required for the artists' productivity, it currently holds quarterly Open Houses where the general public can tour its current campus and meet artists in their studios and an annual fund raising event which has been held twice at UVA's Morven Farm in Albemarle County.

Recent revisions to the County's Comprehensive Plan for Rural Areas are sympathetic to allowing Artists' Community as part of the Zoning Code, as the VCCA has demonstrated its:

- past protection of agricultural and forestal lands
- its desire to protect a large parcel of rural property with associated scenic quality and natural environment
- its past history of maintaining existing woodlands and field habitats for wildlife
- its protection of hills and valleys
- its maintenance and preservation of historic buildings
- its willingness to participate in cultural tourism and to educate area residents in the value of cultural activities.

The VCCA would be a valuable addition to Albemarle County and should be allowable under its Code.

GAS 6/9/14



# ALBEMARLE COUNTY HISTORIC PRESERVATION COMMITTEE

October 26, 2015: County Office Building, McIntire Rd., Room 241, 4:30 pm

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## MINUTES UPDATE

Committee Member Name	Present	Absent
1. Erika Castillo	x	
2. Katie Collins		x
3. Dennis Dutterer	x	
4. Ed Lay		x
5. Jared Loewenstein, Chair	x	
6. Steven G. Meeks	x	
7. Crystal Ptacek	x	
8. Liz Russell		x
9. Ross Stevens	x	
10. Jeff Werner	x	
11. Peter Wiley		x
12.		
<b>Liaison Name</b>		
Ann Mallek, BOS	x	
Rick Randolph, PC	x	
<b>On Leave</b>		
<b>Visitor Name/Contact Information</b>		
JT Newberry, Albemarle County Planning		
Greg Smith, VCCA		

1. **Call meeting to order:** J. Loewenstein called the meeting to order at 4:20 PM with a quorum.
2. **Announcements**
  - Welcome new member: J. Loewenstein welcomed Crystal Ptacek to the Committee and Greg Smith with VCCA to the meeting.
  - Next Meeting: November 23, 2015
3. **Approval of Minutes**

J. Werner made a motion to approve the September minutes. Second by D. Dutterer. Minutes approved unanimously.

#### 4. Discussion Items

J.T. Newberry, planner in the Department of Community Development, led a continued discussion on the potential new use in the Rural Areas for Artist Communities and the related Zoning Text Amendment that is under review.

- J. Werner noted that the ordinance would be available to anyone, not just this particular applicant, but wondered if the requirements would be so specific that it wouldn't work for any property. Is the scope too limited? He suggested that the TJ scholars' residence be used as an example.
- A. Mallek noted that Monticello would not have been able to build the visitors center without the zoning change (creation of Chap. 18, Section 11: Monticello Historic District).
- J.T. Newberry asked question #1 in his handout regarding eligibility criteria.
- The group suggested that "eligibility" should be better defined to clearly state that eligibility is a VDHR decision.
- R. Randolph asked if the bar should be lowered to just 50 years old.
- Stillhouse Mountain was offered as an example.
- Members of the group suggested that the overall site should be considered, not just a historic building (but clarified that only sites with historic structures should be eligible). Blocking views with new construction would be inappropriate. Important landscape features should be preserved.
- D. Dutterer stated that the proposal is not related to preserving historic resources.
- R. Stevens noted that many National Register properties are in conservation easements, so they could not take advantage of the proposed ordinance change.
- Members of the group were opposed to the concept that the proposal is trying to make it possible to do something in a historic structure that isn't allowed anywhere else. It is wrong to zero in on historic properties. "The proposal is simply using the notion of 'historic preservation' as a hook."
- But there probably won't be many applications made. How many would it really be? Can some research be done? Can a list be made?
- We must carefully define "artist community" to prevent it from being exploited for other uses or from being interpreted too widely.
- Limit to the primary historic structure (residence or similar) – not a minor shed or other outbuilding. Limit to a certain size structure?
- Members noted that a historic designation status can change. Upon further review, the status can be removed. A potential SP condition should be that the site has to retain its historic status in order for the use to continue. An affirmative finding by VDHR should be required before the application is considered.
- Consider the UVA Morven example.
- Consider the case of [Berry Hill](#) near South Boston, VA. It is now a lodging/dining/special events center that dramatically and negatively impacted one of the best examples of Greek Revival architecture in the nation.
- Consider like a B&B, school, or camp?
- J. Newberry asked question #2 in his handout regarding assistance the HPC could provide the PC, noting that staff envisions the HPC examining requests under this provision to determine if the proposal undermines the historic character/significance of the property.
- The committee members agreed that HPC input on individual requests would be important.
- How much new construction would be appropriate in relation to historic? The concern was expressed: "How much 'old' versus how much 'new' would be permitted on the site? Massing and visibility are important considerations for how much 'new' is permitted.
- A review for compatibility would be needed.

- J. Werner - Would need to establish criteria for maintenance. This would require monitoring by the county, which would not be easy. J. Loewenstein asked: Is this really enforceable?
- C. Ptacek noted that the conversation was focused on structures, but any new construction could impact below-ground resources. Archaeological survey may be required. J. Loewenstein noted that good criteria for preservation and construction (including below-ground resources) already exist and should be used as examples for drafting a new ordinance.
- R. Stevens noted that this would really be adaptation, not preservation. The impact of any viable Artist Community use (construction of parking lots, new structures for residents, etc.) would outweigh the preservation taking place.
- How could you adapt a house to accommodate 30 people without negative impact to the historic resource? The impact would be disproportionate and contrary to the resource. Should we be going there at all?
- A. Mallek suggested that the second bullet under eligibility should be eliminated.
- Greg Smith with VCCA thanked the HPC for considering this complex issue. He summarized his position, noting VCCA's current location and accommodations in a converted 1930s dairy barn on Sweetbriar property, which accommodates 25 artists. He also noted that the residential part is a challenge, individual bathrooms are desired.
- It was suggested that the use could be made by SP in the RA, but not just limited to historic resources. Make it apply to a broader category. If a historic property does happen to be proposed, involve the HPC for an added layer of review.
- J. Newberry noted that the genesis of the Comp Plan language was to encourage historic preservation.
- J. Werner summarized the discussion points as follows:
  - Define historic resource and historic structure
  - Designation is a function of eligibility (VDHR and NRHP). Loss of eligibility makes the use invalid.
  - Some range of new construction might be acceptable.
  - Establish design parameters; some level of design review would be needed.
  - Address maintenance/upkeep – ensure no unapproved changes are made.
- The historic preservation concern shouldn't trump other Rural Area policies/issues (i.e., development rights, etc.).
- The discussion can continue next month.
- What about building code issues? New Jersey has some good examples of rehabilitative building codes.

## 5. **Work Group Updates**

- Manual Update: J. Loewenstein reported that the manual editing has been completed. We will be moving into the process of getting the manual on line.

## 6. **Other Items**

- J. Werner asked A. Mallek for BOS assistance in obtaining information from VDOT on the process for acquiring and installing the brown "you have just entered XYZ Historic District" signs.

## 8. **Adjourn:** The meeting adjourned at 6:02 PM.

## Resident Artist Community Zoning Text Amendment

### Historic Preservation Committee - Discussion #2 – 10/26/15

Staff has continued to research standards for a new “Resident Artist Community” use in the Rural Areas that achieves Comprehensive Plan goals and mitigates potential land use impacts. At the Historic Preservation Committee (HPC) meeting in September, staff presented a broad overview of the text amendment application and provided some initial thoughts and questions for the Committee’s consideration. Staff is still working on a proposal for consideration by the Planning Commission for their initial review and feedback.

At present, the proposal would include the following items:

- The use would be allowed by special use permit;
- The use would need to preserve a historic resource;
- Eligible properties must:
  - I. Contain at least one historic resource listed on the State or National Registers, or;
  - II. Contain at least one contributing structure within a historic district on the State or National Register, or;
  - III. Contain at least one historic resource eligible for listing on the State or National Register.
- To ensure reversibility, the residential aspect of the use should be limited to single family dwellings. (Staff notes that use of existing single family dwellings is preferred to construction of new single family units in the Rural Area; however, construction of few new residential units for this use might be considered if a significant number of division rights on the remaining property were extinguished. In addition, each single family dwelling would have to be located on the site such that it could meet the subdivision ordinance requirements if subdivided in the future.)
- No residence halls or dormitory type sleeping arrangements would be allowed.
- Additions, alterations, and new construction must not undermine the integrity of the historic resource.
- A maximum of 30 resident artists would be allowed; however, the actual number of bedrooms allowed would need to relate to the total number of residential units involved and available division rights. (Staff is continuing research on this criterion.)

All special use permits in the Rural Area are evaluated for impacts to natural, cultural, and historic resources, relationships to achieving Rural Area goals, and impacts on nearby and adjoining properties. Special and detailed attention is always paid to impacts on water resources, traffic, and roads.

In addition to other items related to agricultural, forestal, and rural activities, staff believes that the following additional factors should be considered:

- The extent to which the proposed site will allow a historic site to be maintained, rehabilitated or restored;
- the proximity of the proposed use to designated crossroad communities; and
- whether any other offsets (such as extinguishment of development rights, establishment of a conservation easement, etc.) are proposed to mitigate impacts of the use.

**New Questions to Consider:**

The HPC is asked to provide any comments generated by the initial discussion in September and input on the following two specific questions:

- 1) **Are staff's recommended criteria for eligibility appropriate?** To be eligible for the use, the property on which the use is proposed must:
  - Contain at least one historic resource listed on the State or National Register; or
  - Contain at least one contributing structure to a State or National historic district; or
  - Contain at least one historic resource eligible for designation on the State or National Register.

*Please note the current definition of "Historic structure or site" in the Zoning Ordinance is "Any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register." The Comprehensive Plan identifies a "historic resource" as "a place with architectural, engineering, archaeological, or cultural remains present in districts, sites, buildings, or structures that possess integrity of location, design, setting, materials, workmanship, feeling, and association."*

- 2) **What can the Historic Preservation Committee do to assist the Planning Commission in making a recommendation to the Board of Supervisors, especially as it relates to potential changes to a historic property?**

**Next steps:**

Input and comments from the HPC will be provided to the Planning Commission when they discuss this proposed ZTA at a future worksession.



# ALBEMARLE COUNTY HISTORIC PRESERVATION COMMITTEE

November 23, 2015: County Office Building, McIntire Rd., Room 241, 4:30 pm

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## MINUTES

Committee Member Name	Present	Absent
1. Erika Castillo	x	
2. Katie Collins		x
3. Dennis Dutterer		x
4. Ed Lay	x	
5. Jared Loewenstein, Chair	x	
6. Steven G. Meeks		x
7. Crystal Ptacek	x	
8. Liz Russell		x
9. Ross Stevens		x
10. Jeff Werner	x	
11. Peter Wiley		x
12.		
<b>Liaison Name</b>		
Ann Mallek, BOS	x	
Rick Randolph, PC	x	
<b>On Leave</b>		
<b>Visitor Name/Contact Information</b>		
JT Newberry, Rachel Falkenstein, Elaine Echols, Albemarle County Planning		
Greg Smith, VCCA		

1. **Call meeting to order:** J. Loewenstein called the meeting to order at 4:39 PM without a quorum.
2. **Announcements**
  - Next Meeting: Some Committee members present indicated that they would not be able to attend the December 28 meeting, so the group decided that the meeting should be cancelled. The next meeting is scheduled for January 25, 2016. It will be the Committee's organizational meeting.
  - J. Loewenstein reported that Dennis Dutterer has asked for a leave of absence beginning now and lasting until Spring.
3. **Approval of Minutes**



- No action was taken on the minutes due to the lack of a quorum.

#### 4. Discussion Items

- Elaine Echols made a presentation on ZTA amendments related to Historic Preservation to give the Committee additional context to the Artist Communities request that was discussed in the two previous meetings.
- J. Loewenstein questioned the definition of “historic” in this discussion. He noted that the County doesn’t decide on eligibility - the state and feds do. If a building is 50 years old and it has some architectural merit and some historic associative merit, we send the new owner letter. It doesn’t mean much because we don’t have a local ordinance.
- E. Echols said that the ordinance states that historic inns and landmarks must be identified in the Comp Plan, and the Comp Plan says that means the resource is listed in the state or national registers. She asked if it should be that eligibility, or some other eligibility for the ZTA.
- J. Loewenstein said this determination would have to include sites as well as structures, and historic landscapes must be taken into account. Of the properties in question, one or both have significant sites.
- The “parameters” point is a good one. Not everyone in the group has had to deal with this sort of consideration before.
- J. Loewenstein said he would stay away from the economic benefit issue. It is a double-edged sword. It is difficult to gauge the degree of economic benefit. It will be hard for the HPC to get involved in that.
- EE replied that the HPC won’t be asked to get involved in that. – only HP issues.
- The percentage of change allowable will be application specific. There are state and federal standards - using those would be helpful.
- A. Mallek said that doing anything that changes eligibility wouldn’t be allowed.
- J. Werner said sites and structures are not interchangeable. Explain to the PC and BOS what historic designation does and does not do. It isn’t like an easement. No one from DHR monitors this. What is DHR’s willingness to stand up on a land use issue?
- E. Lay said if the PC didn’t attach the word “historic” to the issue, the HPC wouldn’t be involved. There are many buildings in this community that could be restored that are older but not historic. Why attach it to historic?
- J. Loewenstein asked why this use is only to be considered for historic structures. A. Mallek responded that it might have economic value for historic resources.
- The HPC was brought in too late. R. Randolph explained that the PC didn’t settle on a way to have this occur until the third time through, noting at that time that the only way it would be workable was if there was a historic building component. Then they said it needs to go to the HPC. Reversion was a major stumbling block. The HPC isn’t late. This is the only viable way to go from an applicant’s perspective.
- A. Mallek said that transient lodging separate from the main house might help maintain historic structures like barns, carriage house, etc., that can be a financial burden to some owners. No one is stepping up to help maintain those structure. That is the economic benefit. How can we help these things stand up? If it isn’t appropriate - OK.
- G. Smith stated that this is not an application for Casa Maria, but an effort for the organization to move back into Albemarle County.

- Why must this go to the PC on December 15? E. Echols stated that Mr. Smith has been waiting for a while. We must get to the PC to report on the status, and then to the BOS to see if they want to prioritize this work. If the HPC wants more time, we can report that.
- J. Loewenstein stated that reversion is a major consideration. Water use, septic, traffic, etc. must also be considered in terms of the larger use. Those issues should be solved before the ZTA. E. Echols stated that the PC will vet those issues. J. Loewenstein stated that if there are negative factors in the SUP that can't be overcome, why bother with the ZTA?
- J. Werner noted the importance of development rights. We don't want HP to be the sugar that sweetens this. There were lots of questions in our previous discussion, for example, about historic chicken coops and barns.
- EE said that it sounds like there is no consensus of opinion. Does the committee need more time? Can you say you believe it is or isn't an appropriate use for a historic structure?
- J. Werner asked what is the definition of the use? Is it a house being converted to 30 bedrooms? Is it in the historic building or in an addition to the building?
- J. Loewenstein asked if we can modify the existing use definition to allow this applicant to come in without going through all of this?
- A. Mallek said a summer camp with extra layers to protect historic structures was considered.
- R. Randolph said the trick is fitting this into the rural area in the county and he is not yet convinced it will fit. Scottsville may work. He is not seeing many opportunities that make this workable.
- J. Werner asked if we can revise the SP section to say if historic is involved, seek input from HPC.
- E. Lay asked if we can put this back to the PC to remove the historic component? The Comp Plan says "historic structure". This would have to go back to the BOS.
- J. Loewenstein stated that the economic benefit isn't likely to be significant.
- J. Werner said there is more to this discussion. The last discussion offered reasonable questions.
- J. Loewenstein suggested we go back to Anne's notes. End up with a suggestion to revise the Comp Plan to make the use possible in the RA or historic property part taken out. Or we need more time.
- J. Loewenstein suggested clarifying that we are not endorsing this use. We don't know enough about the use. Our role is to decide if this is the way to address it.
- E. Echols asked how the Committee feels about additions/expansions to historic structures.
- E. Castillo said it runs right up against the requirements of DHR.
- E. Echols said now you can have the use but you can't expand. The Secretary of the Interior allows expansion. Should that be a consideration?
- J. Werner asked is it a house large enough?
- E. Echols asked what if there is more than one house on a single parcel?
- J. Werner said it would be like a cluster subdivision - converting barns and stables into dwelling units. Is there an existing property with enough structures?
- E. Lay said there are two different issues - restaurant and artist community.
- E. Echols said it sounds like you believe there should be an opportunity to change the exterior if in keeping with the Secretary of the Interior's standards and if it does not affect eligibility.
- G. Smith said this is a hard subject to discuss because there is no artist community in the county. He invited the committee to VCCA to see what the use is. The HP concept arose to try to find a greater good for this particular use. Can you protect a larger tract of property, the historic parameter of the property, by requiring it be maintained for this use? Casa Maria is 60 acres. You could have 12 houses there instead. We need to have that discussion.

- J. Werner said you could put the land in conservation easement or the structure under a facade easement. Our local zoning does not protect the historic structure.
- The HP issue is complicating this to the level that it is not fair to the application.
- The historic aspect is a burden for the Committee and applicant.
- E. Echols summarized: it is a difficult, more complex issue because of the use being tied to HP; if there are additional uses allowed, ensure integrity of the site isn't damaged; this might be possible; someone will need to review changes for historic impact; the Secretary's Standards are broad.
- DHR isn't required to do this review for us.
- There needs to be a body reviewing the change.
- We can identify problematic issues for the PC. There are a few things the HPC agrees on.
- Is it appropriate for the Rural Areas? Is it appropriate for historic resource in the Rural Areas?
- It would help if you could give specific examples of properties and buildings to help visualize the request and the impact.

#### 5. **Work Group Updates**

- M. Maliszewski reported that a meeting has been scheduled with J. Lewis to begin work on moving the draft manual to the HPC's web page.

#### 6. **Other Items**

- J. Loewenstein mentioned the Mountain Grove auction scheduled for December 11 in Schuyler. Previews are scheduled for November 28 and 29 and the following two weekends from noon to 4. The location is 7375 Secretary Sand Road. E. Lay added that this is a very special building – a Palladian brick tripartite form, the oldest in area.
- J. Werner reported that he is in contact with the sign rep for VDOT and will talk with him next week about the possibility of installing the brown "Welcome to XXX historic district" signs in the county. The contact is Jason Newcomb with Interstate Logos.
- J. Werner reported that a coworker found a Walker Family cemetery on a piece of Gilbert Station land while studying it for a conservation. J. Werner has talked to Steve Thompson and Cinder Stanton about it. It is an African American family cemetery. Members noted that several counties are attempting to locate and document such cemeteries: Fluvanna, Prince William, Fauquier. J. Werner noted that there is not mention of cemeteries, burial grounds, etc. in the Comp Plan.

#### 8. **Adjourn:** The meeting adjourned at 6:05 PM.