



City Of Richmond, Virginia
Office of the City Clerk

Request to Withdraw Legislation

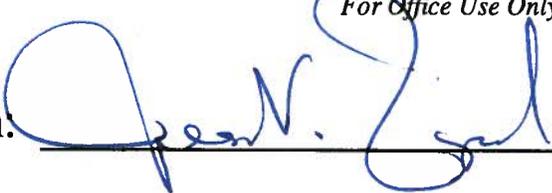
Paper Number: Res. No. 2014-R258

Chief Patron: Councilor Charles Samuels

Introduction Date: December 8, 2014

Chief Patron Signature: 

For Office Use Only

Attestation: 

Effective Date: November 9, 2015

INTRODUCED: December 8, 2014

A RESOLUTION No. 2014-R258

To reverse the decision of the Commission of Architectural Review that denied a certificate of appropriateness for the proposed painting of the exterior brick portions of a condominium located at 407 North Allen Avenue.

Patron – President Samuels (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 12 2015 AT 6 P.M.

WHEREAS, on August 26, 2014, the Commission of Architectural Review denied an application identified as Certificate of Appropriateness Application No. 14-099 for approval to paint the exterior brick portions of a condominium located at 407 North Allen Avenue in the Monument Avenue Old and Historic District; and

WHEREAS, on October 6, 2014, the owner of 407 North Allen Avenue filed a petition with the City Clerk appealing such decision of the Commission in accordance with section 114-930.8 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, the Council is satisfied that the Commission’s decision is in error under Chapter 114, Article IX, Division 4 of the Code of the City of Richmond (2004), as amended,

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

because the Council believes that the Commission (i) denied the owner's right to maintain, repair and preserve the home, (ii) acted arbitrarily by failing to provide an explanation for the August 26, 2014, decision to deny a certificate of appropriateness;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council reverses the decision of the Commission of Architectural Review denying Certificate of Appropriateness Application No. 14-099 for approval to paint the exterior brick portions of a condominium located at 407 North Allen Avenue.



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, Richmond City Attorney
Richmond Office of the City Attorney

THROUGH Lou Ali
Council Chief of Staff *V. Jones for Lou Brian Ali*

FROM William E. Echelberger, Jr., Council Budget Analyst *[Signature]*

COPY Mr. Charles R. Samuels, President
Haskell Brown, Deputy City Attorney
Vincent Jones, Deputy Chief of Staff
Marianne G. Pitts, 2nd District Council Liaison

DATE November 25, 2014

PAGE/s 1 of 2

TITLE Reverse the decision of the Commission of Architectural Review - 407 North Allen Avenue

RECEIVED
NOV 26 2014

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Mr. Charles R. Samuels, President
(By request)

SUGGESTED STANDING COMMITTEE

Land Use, Housing, and Transportation

ORDINANCE/RESOLUTION SUMMARY

The Patron requests a resolution to reverse the decision of the Commission of Architectural Review which denied a certificate of appropriateness for the proposed painting of the exterior brick portions of a building at 407 North Allen Avenue within the Monument Avenue Old and Historic District.

BACKGROUND

The owners of 407 North Allen Avenue, the Arcadia Condominium Association - a three unit residential condominium, have filed an appropriate appeal to the City Council requesting that the denial of their request for a certificate of appropriateness be reversed. The Commission of Architectural Review (CAR) denied a certificate of appropriateness for the proposed painting of the exterior brick portions of a building at 407 North Allen Avenue within the Monument Avenue Old and Historic District.

Documents explaining the owners' grounds for appeal are attached.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact

Fiscal Summary

Impact on City revenues is unknown. (See Background.)

Attachment/s Yes No

Richmond City Council Decision/Resolution Request Form (updated 10/5/2012) /m



City Of Richmond, Virginia
City Council

Candice D. Reid
Deputy City Clerk

DATE: October 7, 2014

TO: **Richmond City Council**
Jim Hill, Acting CAR Secretary

FROM: Candice D. Reid
Deputy City Clerk 

SUBJECT: **Commission of Architectural Review Appeal**
Re: Daniel M. McCormack – 407 N. Allen Avenue – Application #14-099

In accordance with Section 114-930.8 (a) of the 2004 *Richmond City Code*, attached is a petition appealing a August 26, 2014 decision made by the Commission of Architectural Review, concerning a certificate of appropriateness for the property at 407 N. Allen Avenue (Application No. 14-099).

As required by Section 114-930.8 of the *Richmond City Code*, the applicant has submitted a check for one hundred and fifty dollars (\$150.00) to process the appeal.

Please call me, if additional information is needed.

cdr/fls

Attachments



City Of Richmond, Virginia

City Council

Candice D. Reid
Deputy City Clerk

CERTIFIED MAIL

October 7, 2014

Mr. Daniel M. McCormack
485 Oak Hill Road
Lancaster, Virginia 22503-4030

Re: Commission of Architectural Review Appeal
(407 N. Allen Avenue – Application #14-099)

Dear Mr. McCormack:

This letter is to acknowledge receipt of your petition appealing a decision made by the Commission of Architectural Review (CAR) on August 26, 2014 concerning your application to paint the brick portion of the exterior of 407 N. Allen Avenue. This letter also acknowledges receipt of your check #644, dated October 6, 2014 for one hundred fifty dollars (\$150.00) to process the appeal, as required by Section 114.930.8 of the Code of the City of Richmond (2004).

Pursuant to Section 114-930.8 of the City Code, a copy of your appeal petition has been forwarded to members of City Council and Jim Hill, Acting CAR Secretary. The Code requires CAR to file certified or sworn copies of the record of its action and documents considered by CAR in making the decision being appealed to this office within fifteen (15) days. This information, along with any affidavit providing supplemental information, will be forwarded to all members of Council.

Upon receipt of this communication, you are encouraged to contact your Council representative or any City Council member directly to discuss your appeal or share information related to the appeal process. Contact information for all members of the City Council is enclosed with this letter.

Either the mayor or a member of Council may introduce a resolution to modify or reverse CAR's decision in light of your appeal. If the Council has not adopted such a resolution within 75 days of the date on which you filed your petition with my office, then CAR's decision is deemed to have been affirmed, unless both you and CAR agree in writing by **December 21, 2014** to extend this 75-day period.

If you need additional information, I may be reached at 646-7955.

Sincerely,

A handwritten signature in cursive script that reads "Candice D. Reid".

Candice D. Reid
Deputy City Clerk

cdr/fls

Encl.

**c: The Honorable Richmond City Council
Jim Hill, Acting Secretary, Commission of Architectural Review
Michael Kronander, President Acadia Condominium Association**



City Of Richmond, Virginia

City Council

January 2013 – December 2016

District 2

Charles R. Samuels, President

646-6531 (City Hall Office)

646-5468 (Fax)

charles.samuels@richmondgov.com (E-mail)

District 1

Jonathan T. Baliles

646-5349 (City Hall Office)

646-5468 (Fax)

jonathan.baliles@richmondgov.com (E-mail)

District 4

Kathy C. Graziano

320-2454 (Forest Hill Office)

320-6030 (Fax)

kathy.graziano@richmondgov.com (E-mail)

District 7

Cynthia I. Newbille

646-5429 (City Hall Office)

646-5468 (Fax)

cynthia.newbille@richmondgov.com (E-mail)

District 9

Michelle R. Mosby

646-5497 (City Hall Office)

646-5468 (Fax)

michelle.mosby@richmondgov.com (E-mail)

District 6

Ellen F. Robertson, Vice President

646-5348 (City Hall Office)

646-5468 (Fax)

ellen.robertson@richmondgov.com (E-mail)

District 3

Christopher A. Hilbert

646-0070 (City Hall Office)

646-5468 (Fax)

chris.hilbert@richmondgov.com (E-mail)

District 5

Parker C. Agelasto

646-6050 (City Hall Office)

646-5468 (Fax)

parker.agelasto@richmondgov.com (E-mail)

District 8

Reva M. Trammell

646-6592 (City Hall Office)

646-5468 (Fax)

reva.trammell@richmondgov.com (E-mail)

Addressing mail to City Council

The Honorable (Councilmember's Name)
Representative, District (Councilmember's District)
900 East Broad Street, Suite 200
Richmond, Virginia 23219



RECEIVED
OCT 06 2014
OFFICE OF THE
RICHMOND CITY CLERK

Statement of Basis for Appeal

Name: ARCADIA CONDOMINIUM ASSOCIATION

Date: OCT 6, 2014

Commission of Architectural Review decision being appealed:

Property Address: 407 NORTH ALLEN AVENUE RICHMOND VA

CAR Application Number: 14-099

City Ordinance No. 2010-186-199 states that an appellant must set forth in writing the alleged errors or illegality of the Commission's action and the grounds thereof, specifically including any and all procedures, standards, or guidelines alleged to have been violated or misapplied by the Commission.

I allege error or illegality on the part of the Commission of Architectural Review on the basis of the Commission's violation or misapplication of the following section(s) of the City Code and/or the *Richmond Old and Historic Districts Handbook and Design Review Guidelines*:

PLEASE SEE ATTACHED LETTER DATED
10/6/14 FROM MICHAEL KRUMHOLTZ, PRESIDENT,
ARCADIA CONDOMINIUM ASSOCIATION

ARCADIA CONDOMINIUM ASSOCIATION
by Daniel B. [Signature]
Signature of Appellant
Member

Please attach additional pages, if necessary.

October 6, 2014

Richmond City Council
City Clerk
Richmond City Hall
900 E. Broad Street, Suite 200
Richmond, VA 23219

Re: Appeal From Decision of Commission of Architectural Review

Dear Sir or Madam:

1. This "letter" appeals the decision of the Commission of Architectural Review (CAR) with respect to a request by Arcadia Condominium Association (Owner) for a certificate of appropriateness so Owner could protect by painting the brick portion of the exterior of 407 North Allen Avenue (Home).
2. The Home is in the Monument Avenue Historic District and was constructed in 1924 as a three unit apartment building. The Home is three stories and is in the Mediterranean style with stucco walls that sit above a brick wall below the front first floor windows and above the first floor on the north exterior side wall. The Home was converted from apartments to a condominium in 2005.
3. The Home's front and southern side were damaged last year when a storm broke off the top of a city tree which crashed against the Home. The damage included destruction of stucco and brick.
4. The brick of the Home had a distressed or neglected look since at least the last few decades. This appearance could be misinterpreted as an intentional whitewashing.
5. There are no records or photographs that show the original treatment of the brick (left natural, fully painted or whitewashed) when the Home was constructed in 1924.
6. The Owner as well as the contractor and painter engaged by the Owner believed the distressed appearance of the brick was the result of a former owner having fully painted the brick decades ago, possibly to protect it from damage to the mortar and finish of the brick facing. They also noticed there was wear and water damage to the brick.
7. The contractor and painter recommended sealing the brick with a primer and then re-painting. Again, they believed that the distressed appearance of the brick was the result of the brick having been fully painted in the past followed by years of neglect after such painting. They recommended against sand blasting or high power washing of the brick prior to painting.
8. The Owner filed an application with CAR for approval of the painting of the stucco and brick. In the application process, the Owner explained the need to paint the brick to preserve and maintain the structure and that it believed the brick had been painted in the past. CAR's staff approved the color and painting of the stucco and that work proceeded and is completed.
9. The staff referred the issue of painting the brick to CAR and a hearing was held on September 23, 2014 at 3:30.
10. The purpose of the hearing was to consider the Owner's request to paint the brick. Documented communications between CAR and owner shows intent to comply.
11. By mistake and confusion, the Owner's painter primed approximately 80% of the brick on the day before the CAR hearing. The primer had been tinted the color approved by staff for the stucco. The Owner stopped the painting before it was completed.
12. CAR said at the hearing that CAR would not have approved painting of the brick and naturally was upset with the premature painting. At the hearing, CAR said that the Owner had to remove all paint on brick except paint on the brick on the southern side of the Home.
13. The Owner regrets the premature painting of the brick. The Owner was attempting to improve and preserve the Home and thereby contribute to the historic district and communities of Allen and Monument Avenues. The Owner respects the work of preservation from CAR and its staff.

14. The Owner believes that CAR denied its rights to maintain, repair and preserve the Home and to re-paint structures previously painted as reserved in historic district regulations and in light of the unfortunate painting, is now requiring the Owner to undertake a course of action that could further damage the brick of the Home.
15. Since the brick had been painted one or more times in the past, the Owner should have been entitled to paint the brick subject to using an approved color.
16. The Owner has gone to great lengths to repair and preserve the Home which was both neglected for decades and damaged by the storm last year. What CAR determined to be "appropriate" treatment of the brick has no basis. No one knows what Boscom Rowlett, the architect, intended or did (whitewashed, fully painted or left natural) with the brick in completing the Home in 1924. These facts are lost in history. However, it is clear that the brick was subsequently painted and then neglected, resulting in a neglected or distressed appearance.
17. Architect Rowlett's other Mediterranean works in Richmond include Rixey Court 2235 Monument Avenue (designed in 1924) and Tuscan Villa on Boulevard Avenue (designed in 1928) have stucco exteriors but do not have exposed brick either natural or with a whitewashed look. However, a Rowlett designed Mediterranean apartment house on the north side of Grove Avenue, near Harrison, looks similar in design to the Home and in this project, Rowlett neither painted nor whitewashed the brick but left the brick natural. Natural brick often accents stucco in the Mediterranean style.
18. CAR's denial has no basis other than its preference for a whitewashed appearance or assumption that the Home was whitewashed in 1924. In light of Rowlett's other structures, such a "look" is no more historic or right than the brick being painted.
19. Also, the Home's brick should not be put at risk of additional damage by stripping the paint. The Owner's rights to maintain, preserve and re-paint the home should have been given greater consideration by CAR in reaching its decision.
20. CAR is required to state clearly the reason behind its decision. This did not happen. CAR sent a letter (Letter), dated September 24, 2014, to the Owner in which it said that CAR reached its decision at a meeting on August 26, 2014. The Owner was not invited to and therefore did not attend that meeting.
21. Moreover, in the Letter, CAR did not state the reason for its decision at the hearing held September 23, 2014. Instead, the Letter referenced a staff report that was not provided to the Owner or was still in draft during the appeal period.
22. The Owner is currently working with CAR and the staff to remedy this matter and while the Owner disagrees with the decision of CAR, it has the greatest respect for both CAR and the staff and the professional manner in which they have performed their duties.

Respectfully,



Michael Kronander
President
Acadia Condominium Association

Owners:
Carol Baird Unit 3
Michael Kronander Unit 2
Carolyn and Dan McCormack Unit 1

cc James Hill
Acting Secretary
Commission of Architectural Review









Kronander, Michael A

Subject: FW: 407 N. Allen Paint project

On Aug 17, 2014, at 12:06 PM, "Kronander, Michael A" <MKRONAND@travelers.com> wrote:

All attach are e-mails between the city (I have others but this about sums it up) This is just FYI i will work on the application and see if I can attend the meeting its late September so this throws a twist in our current schedule for getting the building completed.

Michael Kronander | 2nd VP Enterprise Operations | Business Insurance Billing
Work: 804-835-8012
BB: 804-458-3014
mkronand@travelers.com

<image001.png>

From: Palmquist, William D. - PDR [<mailto:William.Palmquist@Richmondgov.com>]
Sent: Friday, August 15, 2014 2:54 PM
To: Kronander, Michael A
Cc: Hill, James C. - PDR
Subject: RE: 407 N. Allen Paint project

Mr. Kronander,

Thank you for the follow-up. Jim and I have discussed this in more detail but are still uncomfortable approving the painting of the white washed brick, as we feel that the intent of the brick is to have a weathered look to it. Your best option is to submit an application for a Certificate of Appropriateness for the September CAR meeting. In the meantime you are free to explore other options that may preserve or protect the brick, though I understand you're aware of some drawbacks with that.

Let us know if you have any questions or need any assistance with the application.

Thank you,

Will Palmquist, ACIP
Department of Planning & Development Review
Planning & Preservation Division
900 East Broad St, Room 510
Richmond, Virginia 23219
Phone: 804-646-6307 | Fax: 804-646-5789
Email: William.Palmquist@richmondgov.com

From: Kronander, Michael A [<mailto:MKRONAND@travelers.com>]
Sent: Thursday, August 14, 2014 2:17 PM
To: Palmquist, William D. - PDR
Subject: FW: 407 N. Allen Paint project

William thank you for your time and help. I fully respect the process but I'm taking a 3rd time at bat. I'm sending you a few photos of the area in question with hopes you consider reviewing with Mr. Hill again for a staff approval.

I discussed with the homeowners, our concern is leaving the “whitewash” brick (do nothing) would not be conducive to the structural integrity of the brick. As we discussed any brick not previously painted will not be painted, and we are choosing a very like color. I have been sharing our plans with ALL neighbors, including neighbors on Monument, and have been met with no objections (it has been well received with enthusiasm).

- The masonry has already been painted I’m aware the proper process is to not remove all paint completely. Waterproofing or water repellent coatings to stop moisture problems is highly not recommended. I believe our only option is to use primer and paints specially made for masonry. We need to prevent additional moisture from seeping in causing additional structure damage. The chosen color is a like color and different from the building to highlight the a.
- The brick work that was required due to the damage a city tree did to the building on April 15th needs to be painted (photos).
- Discoloration and mold that has built up over the years from downspouts that haven’t been working correctly causing structural damage to the brick and mortar.

Michael Kronander
President of Arcadia Homeowners Association locate at 407 N Allen
804-357-1038

Michael Kronander | 2nd VP Enterprise Operations | Business Insurance Billing
Work: 804-935-9012
BB: 804-458-3014
mkronand@travelers.com

<image001.png>

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
COMMISSION OF ARCHITECTURAL REVIEW

October 21, 2014

To the Honorable Council of the
City of Richmond, Virginia:

OCT 21 2014

Ladies and Gentlemen:

Attached please find a summary of the appeal, the statement of the Commission of Architectural Review, and all pertinent records regarding the appeal of Michael Kronander (President, Arcadia Condominium Association) for CAR Application No. 14-099.

The application was for the proposed painting of the exterior brick portions of a building at 407 North Allen Avenue within the Monument Avenue Old and Historic District. The Commission of Architectural Review denied the application on a 5-0-0 vote at the September 23, 2014, meeting of the Commission.

Please note that City Code Section 114-930.8. (c) states: "The failure of the city council to modify or reverse the decision of the commission within 75 days from the date the petition is filed shall be deemed to constitute affirmation of the commission's decision, unless all parties to the appeal agree in writing to extend such period of time."

Please call me at 646-7552 or e-mail me at James.Hill@richmondgov.com if you have any questions regarding this appeal.

Yours truly,

A handwritten signature in blue ink that reads "James Hill".

James Hill
Acting Secretary to the Commission of Architectural Review

Enclosures

COMMISSION APPEAL SUMMARY
Application No. 14-099 for 407 North Allen Avenue

The subject action of this appeal is the denial of the Commission of Architectural Review of painting exterior brick at 407 North Allen Avenue. The appeal was received by the City Clerk October 6, 2014.

Appellants

Carolyn and Dan McCormack
Michael Kronander
Carol Baird
(Arcadia Condominium Association)
407 North Allen Avenue
Richmond, Virginia 23220

Commission Action

The Commission voted to **deny Certificate of Appropriateness Application No. 14-099 on September 23, 2014, by a vote of 5-0-0.**

Aggrieved Party

Carolyn and Dan McCormack
Michael Kronander
Carol Baird
Arcadia Condominium Association
407 North Allen Avenue
Richmond, Virginia 23220

Sworn and attested that this is a copy of the record of the Commission of Architectural Review's action and documents considered by it in making the decision being appealed.

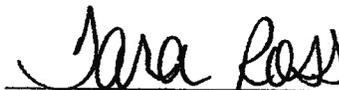


Bryan Green,
Chair, CAR
Date: October 21, 2014



James Hill,
Acting CAR Secretary
Date: October 21, 2014

City of Richmond, Commonwealth of Virginia. Sworn to and subscribed before me this 21st day of October. Witness my hand and official seal.



Notary Public
My commission expires
on August 31, 2018

Tara Ross
Notary Public
Commonwealth of Virginia
My Commission Expires
August 31, 2018
Registration No. 7342401

COMMISSION APPEAL RESPONSE
407 North Allen Avenue
APPLICATION No. 14-099
October 21, 2014

Introduction

The Arcadia Condominium Association (Carolyn and Dan McCormack, Michael Kronander, and Carol Baird) filed an appeal on the above-referenced application on October 6, 2014. This appeal was forwarded to the Commission of Architectural Review (Commission) Acting Secretary on October 7, 2014. The petition (see attached) objects to the decision of the Commission of Architectural Review to deny the application for a Certificate of Appropriateness (No. 14-099) for painting the brick portions of the building's exterior. The Commission's appeal response addresses the basis for the Commission's decision that the work described in the application comprised an alteration not compatible with the property and the Monument Avenue Old and Historic District.

Response to the Specific Items of the Appeal

In regard to the appeal of Certificate of Appropriateness Application No.14-099 for 407 North Allen Avenue, there are several pertinent aspects for City Council to consider:

- The Commission maintains that the appearance of the brick portions of the building was not the result of neglect, but originated as an intentional design feature of this rare example of Spanish Eclectic architecture.
- The Commission maintains that if the brick portions of the building were rendered monochromatic through priming and painting a solid color, an important character-defining feature of the building would be lost.
- The Commission recommends that the applicants seek to replicate the distressed and mottled appearance of the brick portions or to find the method for treating the areas that had to be cleaned and repaired and to blend that work in with the larger areas.
- The Commission acknowledges that to return the brick portions to their previous condition, the recently applied primer needs to be removed by the gentlest effective means.

The Commission's Responsibility

The Commission of Architectural Review, under Chapter 114, Article IX, Division 4, Section 114-930 of the City Code, is charged with the responsibility of promoting and preserving the historic and architectural resources of the City of Richmond. This is accomplished by a design review process set up to review any exterior changes proposed in City-Council-created Old and Historic Districts. The Commission either issues (approves or approves in a modified form) or denies a Certificate of Appropriateness by this process. In this review process, the Commission must determine whether the proposed changes to a building are compatible with the property and with the Old and Historic District of which it is a part.

In making its decision, the Commission was governed by 114-930.7 (a) *General standards* and (b) *Standards for rehabilitation* of the City Code, which states "The commission of architectural review shall issue a certificate of appropriateness for the rehabilitation of a property, if it determines that a proposed change is compatible with the property and with the old and historic district of which it is a part. **The historic design, features, materials, finishes and craftsmanship of a property shall be preserved whenever possible. Significant historic features of a property shall be treated with care.** The commission may require that existing materials, decorative elements, and structural elements be repaired rather than replaced." Section 114-930.1 defines exterior architectural features to mean "the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color; **the kind and texture of the building material;** the type and style of all windows, doors, light fixtures, signs, decorative features; and other appurtenances that are subject to public view." The Commission cannot issue a certificate for appropriateness for a project that does not meet these standards.

The Commission has adopted the *The Richmond Old and Historic Handbook and Design Review Guidelines* in accordance with City Code Section 114-930.7 (g) *Adoption of architectural guidelines*, which states: The commission of architectural review may adopt architectural guidelines for any old and historic district to assist the public and the commission in planning for and reviewing exterior modifications..."

Application History

Commission staff had been working with the applicant on approval of exterior painting. Staff have the authority to authorize exterior paint colors, but that authority does not extend to applying paint to unpainted brick. Staff approved the colors for the stucco areas of the building and requested an application for review by the Commission of the applicants' proposed treatment of the brick portions of the building.

Commission staff received the application for a Certificate of Appropriateness on August 28, 2014, and scheduled its review at the September 23, 2014, Commission meeting.

On Friday, September 19, 2014, Commission staff sent the staff report (attached) to the applicant at the e-mail address provided on the application.

Staff recommended denial of the application and recommended an alternate treatment. Staff found that the work covered in the application was in conflict with the *Richmond Old and Historic Districts Handbook and Design Review Guidelines* for painting historic masonry, noting that "painting previously unpainted masonry is historically inaccurate and is not permitted. The brick portions of the building appeared to have been treated with a multi-step process of one or more colors of paint that were then distressed or partially removed and then coated with a wash to allow variation in weathering to yield the overall current appearance. Staff recommended that the applicant seek to replicate that process for the brick portions or to find the method for feathering in that treatment on the portions that had to be cleaned or repaired and that the brick that had clearly never been painted should remain unpainted.

It was the assessment of staff that, if the applicant agreed to the alternate treatment, to be reviewed for approval by Commission staff, that treatment would be consistent with Richmond City Code Section 114-930.7 (b) Standards for Rehabilitation, as well as the Richmond Old and Historic Districts Handbook and Design Review Guidelines, specifically the page cited above, adopted by the Commission in accordance with Section 114-930.7 (g) of the Code.

On September 23, 2014, the Commission heard a staff presentation that included slide views of the building and a summary of the staff report. The Commission received comments from the applicant encouraging support for the application for Certificate of Appropriateness (see attached minutes). The Commission voted 5-0-0 to deny the application. In denying the painting of the brick portions of the building the Commission concurred with the staff recommendation and reasons for denial in the staff report. As the application described an exterior alteration that was not compatible with the property and the old and historic district of which it is a part, the work was inconsistent with the standards for rehabilitation in Section 114-930.7. (b) of the Richmond City Code.

Conclusion

The Commission denied the applicants' request to paint the brick portions of the exterior and recommended an alternate treatment that would preserve the distressed and weathered appearance of the brick as an important character-defining feature of the building. The Commission's review and approval were compatible with the Standards for rehabilitation in Chapter 114, Article IX, Division 4, Section 114-930.7(b) of the City Code and the *Richmond Old and Historic Handbook and Design Review Guidelines* adopted under Section 114-930 (g) of the City Code. The Commission stands by its decision as being in the best interests of the City and the Monument Avenue Old and Historic District, reached in a manner consistent with its responsibilities as set forth in the City Code.

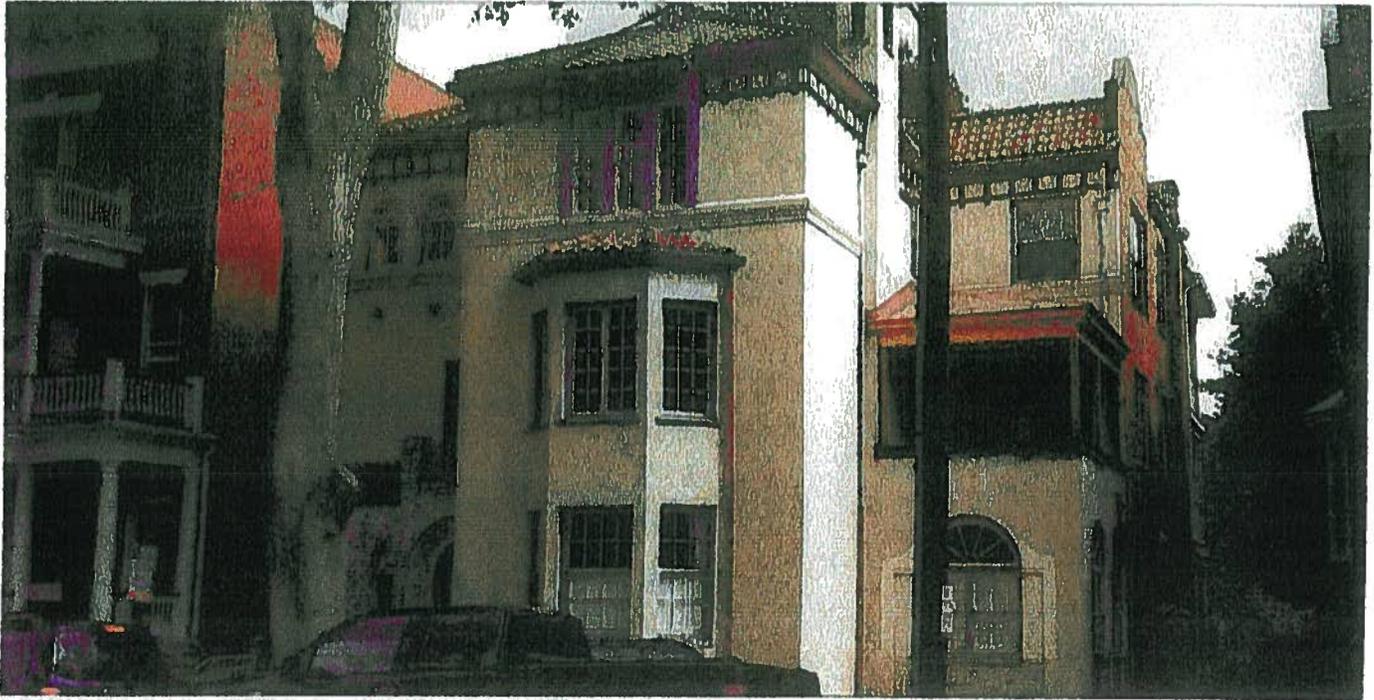


Bryan Green
Chair, Commission of Architectural Review
October 21, 2014

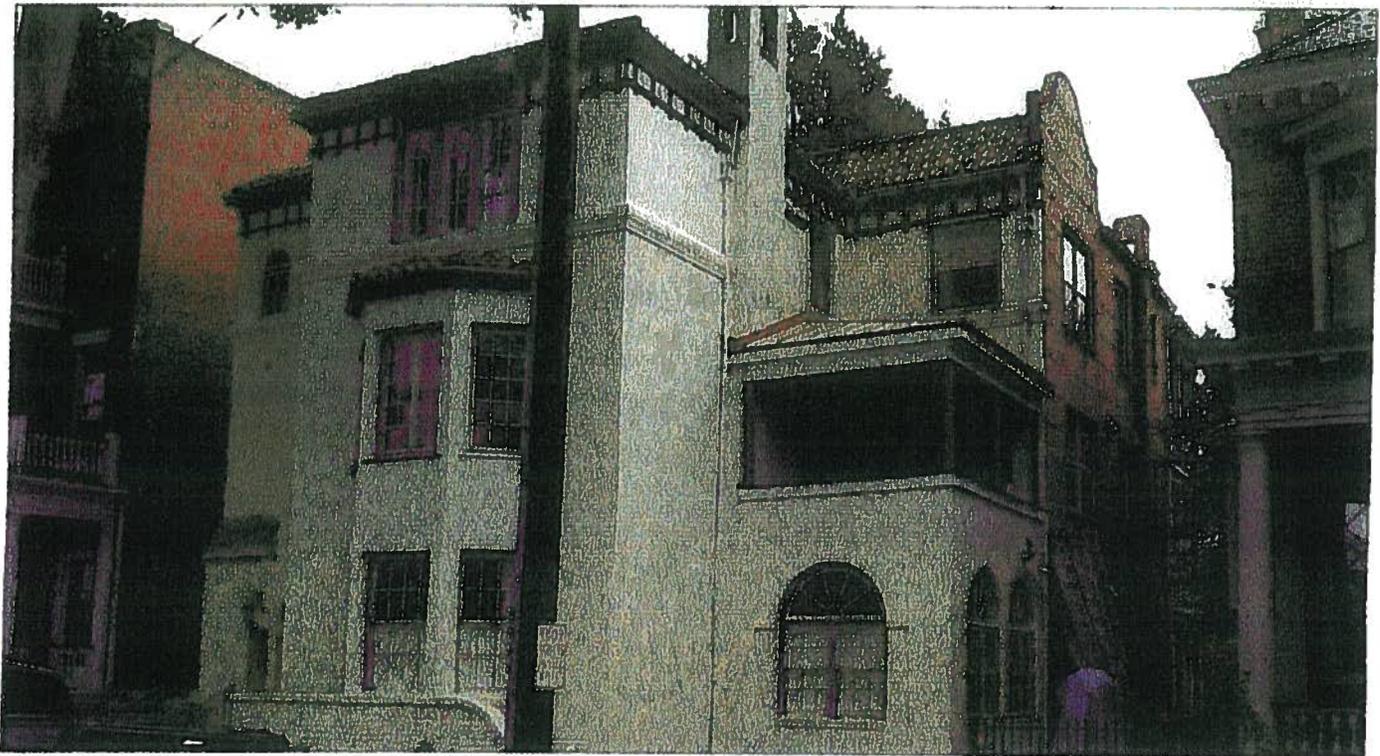


James Hill
Acting Secretary to the Commission of Architectural Review
October 21, 2014

407 N. Allen Avenue - Before & After

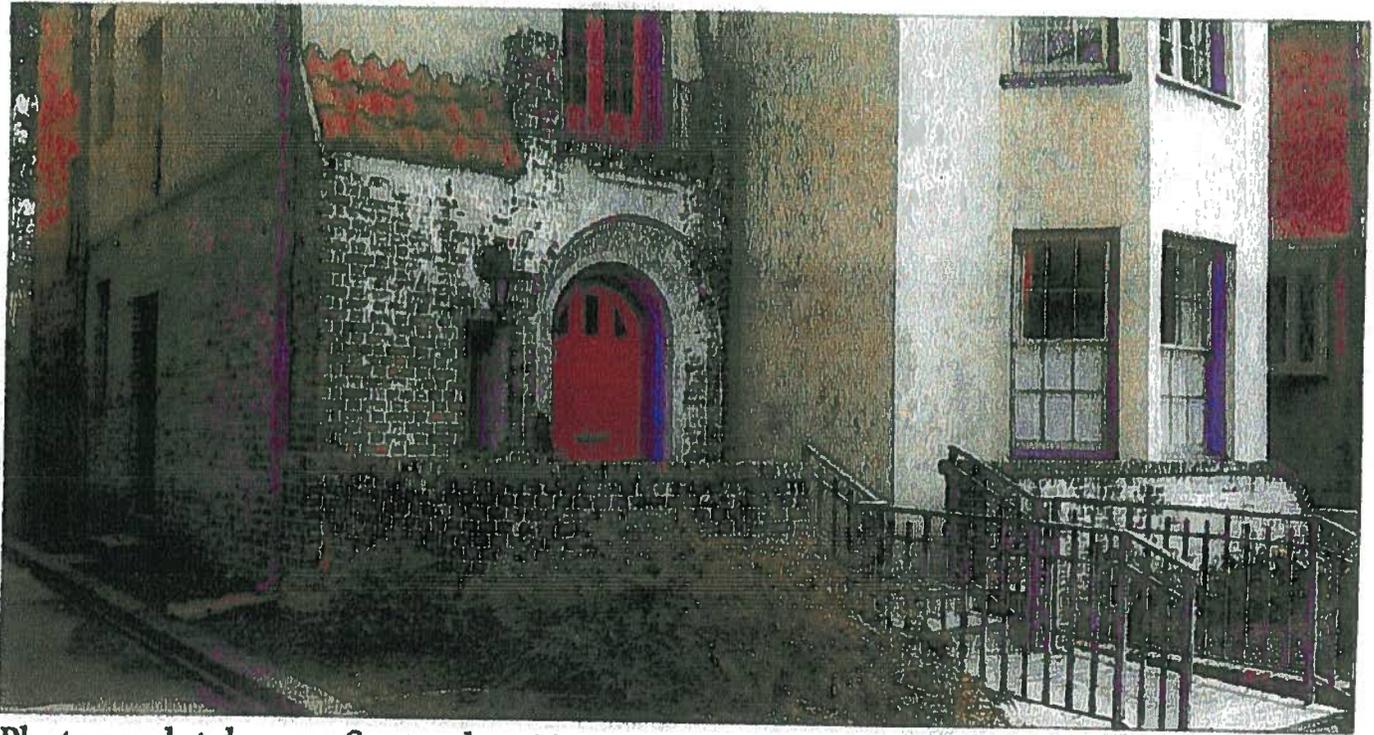


Photograph taken on September 10, 2014



Photograph taken on September 23, 2014

407 N. Allen Avenue - Before & After



Photograph taken on September 10, 2014

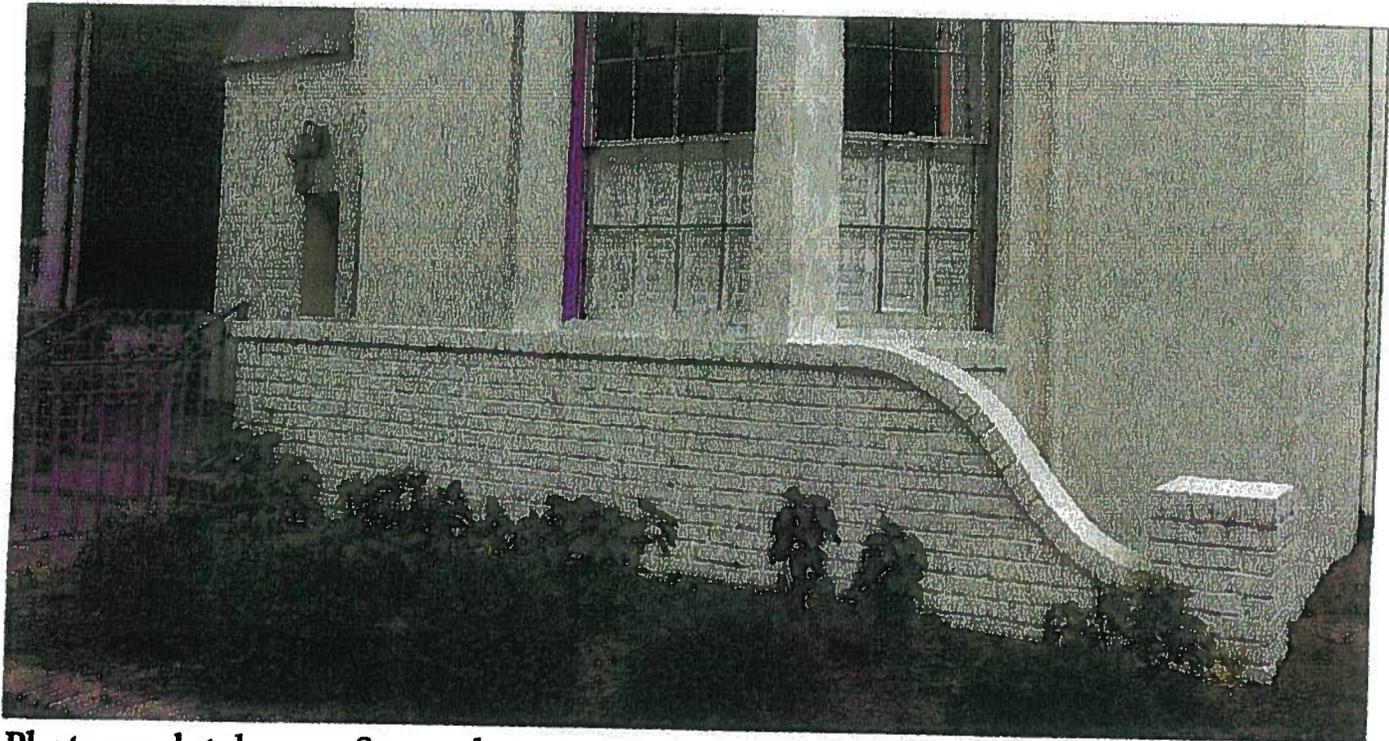


Photograph taken on September 23, 2014

407 N. Allen Avenue - Before & After



Photograph taken on September 10, 2014



Photograph taken on September 23, 2014

October 6, 2014

Richmond City Council
City Clerk
Richmond City Hall
900 E. Broad Street, Suite 200
Richmond, VA 23219

RECEIVED
OCT 06 2014

Re: Appeal From Decision of Commission of Architectural Review

Dear Sir or Madam:

1. This "letter" appeals the decision of the Commission of Architectural Review (CAR) with respect to a request by Arcadia Condominium Association (Owner) for a certificate of appropriateness so Owner could protect by painting the brick portion of the exterior of 407 North Allen Avenue (Home).
2. The Home is in the Monument Avenue Historic District and was constructed in 1924 as a three unit apartment building. The Home is three stories and is in the Mediterranean style with stucco walls that sit above a brick wall below the front first floor windows and above the first floor on the north exterior side wall. The Home was converted from apartments to a condominium in 2005.
3. The Home's front and southern side were damaged last year when a storm broke off the top of a city tree which crashed against the Home. The damage included destruction of stucco and brick.
4. The brick of the Home had a distressed or neglected look since at least the last few decades. This appearance could be misinterpreted as an intentional whitewashing.
5. There are no records or photographs that show the original treatment of the brick (left natural, fully painted or whitewashed) when the Home was constructed in 1924.
6. The Owner as well as the contractor and painter engaged by the Owner believed the distressed appearance of the brick was the result of a former owner having fully painted the brick decades ago, possibly to protect it from damage to the mortar and finish of the brick facing, They also noticed there was wear and water damage to the brick.
7. The contractor and painter recommended sealing the brick with a primer and then re-painting. Again, they believed that the distressed appearance of the brick was the result of the brick having been fully painted in the past followed by years of neglect after such painting. They recommended against sand blasting or hash power washing of the brick prior to painting.
8. The Owner filed an application with CAR for approval of the painting of the stucco and brick. In the application process, the Owner explained the need to paint the brick to preserve and maintain the structure and that it believed the brick had been painted in the past. CAR's staff approved the color and painting of the stucco and that work proceeded and is completed.
9. The staff referred the issue of painting the brick to CAR and a hearing was held on September 23, 2014 at 3:30.
10. The purpose of the hearing was to consider the Owner's request to paint the brick. Documented communications between CAR and owner shows intent to comply.
11. By mistake and confusion, the Owner's painter primed approximately 80% of the brick on the day before the CAR hearing. The primer had been tinted the color approved by staff for the stucco. The Owner stopped the painting before it was completed.
12. CAR said at the hearing that CAR would not have approved painting of the brick and naturally was upset with the premature painting. At the hearing, CAR said that the Owner had to remove all paint on brick except paint on the brick on the southern side of the Home.
13. The Owner regrets the premature painting of the brick. The Owner was attempting to improve and preserve the Home and thereby contribute to the historic district and communities of Allen and Monument Avenues. The Owner respects the work of preservation from CAR and its staff.

14. The Owner believes that CAR denied its rights to maintain, repair and preserve the Home and to re-paint structures previously painted as reserved in historic district regulations and in light of the unfortunate painting, is now requiring the Owner to undertake a course of action that could further damage the brick of the Home.
15. Since the brick had been painted one or more times in the past, the Owner should have been entitled to paint the brick subject to using an approved color.
16. The Owner has gone to great lengths to repair and preserve the Home which was both neglected for decades and damaged by the storm last year. What CAR determined to be "appropriate" treatment of the brick has no basis. No one knows what Boscom Rowlett, the architect, intended or did (whitewashed, fully painted or left natural) with the brick in completing the Home in 1924. These facts are lost in history. However, it is clear that the brick was subsequently painted and then neglected, resulting in a neglected or distressed appearance.
17. Architect Rowlett's other Mediterranean works in Richmond include Rixey Court 2235 Monument Avenue (designed in 1924) and Tuscan Villa on Boulevard Avenue (designed in 1928) have stucco exteriors but do not have exposed brick either natural or with a whitewashed look. However, a Rowlett designed Mediterranean apartment house on the north side of Grove Avenue, near Harrison, looks similar in design to the Home and in this project, Rowlett neither painted nor whitewashed the brick but left the brick natural. Natural brick often accents stucco in the Mediterranean style.
18. CAR's denial has no basis other than its preference for a whitewashed appearance or assumption that the Home was whitewashed in 1924. In light of Rowlett's other structures, such a "look" is no more historic or right than the brick being painted.
19. Also, the Home's brick should not be put at risk of additional damage by stripping the paint. The Owner's rights to maintain, preserve and re-paint the home should have been given greater consideration by CAR in reaching its decision.
20. CAR is required to state clearly the reason behind its decision. This did not happen. CAR sent a letter (Letter), dated September 24, 2014, to the Owner in which it said that CAR reached its decision at a meeting on August 26, 2014. The Owner was not invited to and therefore did not attend that meeting.
21. Moreover, in the Letter, CAR did not state the reason for its decision at the hearing held September 23, 2014. Instead, the Letter referenced a staff report that was not provided to the Owner or was still in draft during the appeal period.
22. The Owner is currently working with CAR and the staff to remedy this matter and while the Owner disagrees with the decision of CAR, it has the greatest respect for both CAR and the staff and the professional manner in which they have performed their duties.

Respectfully,

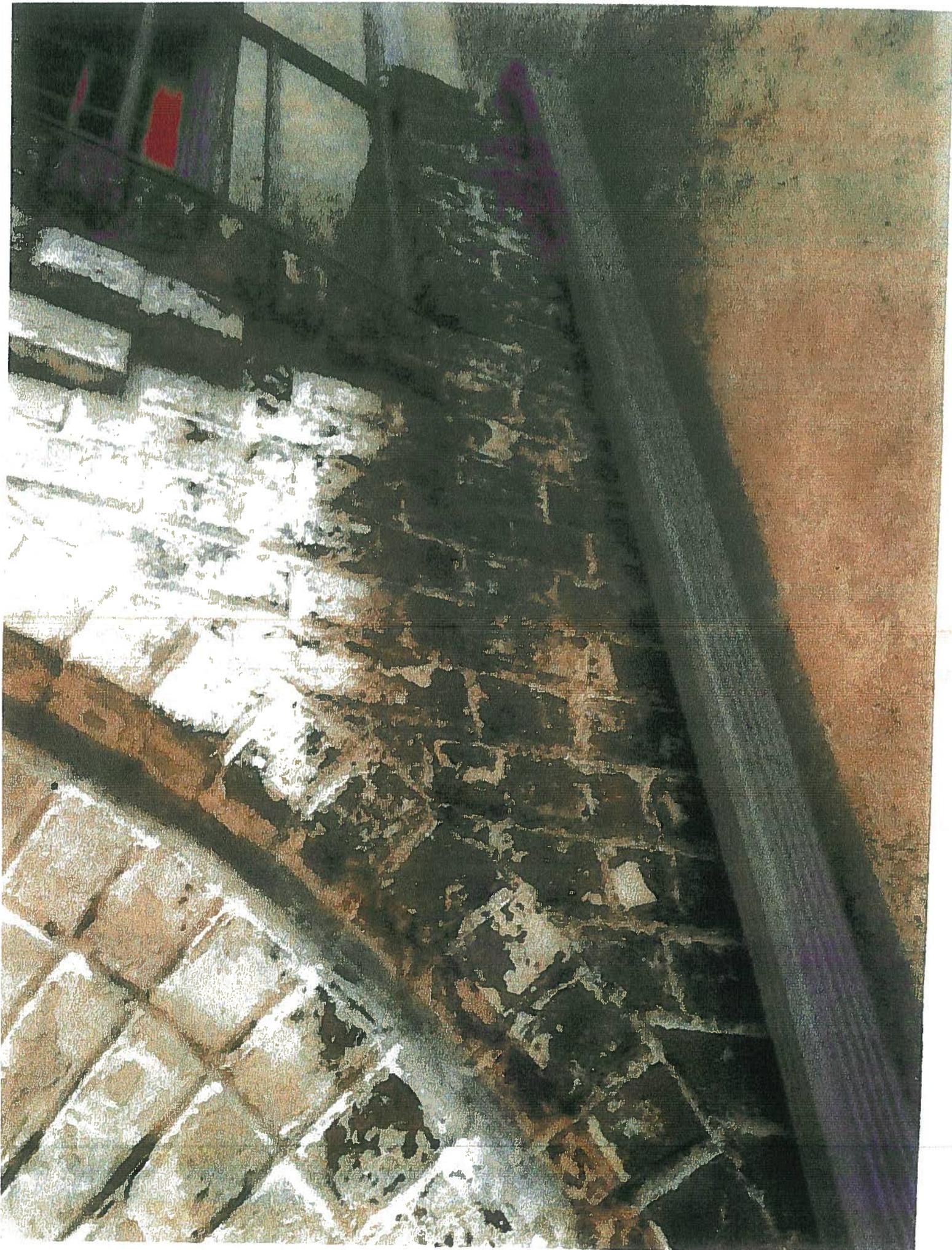


Michael Kronander
President
Acadia Condominium Association

Owners:

Carol Baird Unit 3
Michael Kronander Unit 2
Carolyn and Dan McCormack Unit 1

cc James Hill
Acting Secretary
Commission of Architectural Review









Kronander, Michael A

Subject: FW: 407 N. Allen Paint project

On Aug 17, 2014, at 12:06 PM, "Kronander, Michael A" <MKRONAND@travelers.com> wrote:

All attach are e-mails between the city (I have others but this about sums it up) This is just FYI I will work on the application and see if I can attend the meeting its late September so this throws a twist in our current schedule for getting the building completed.

Michael Kronander | 2nd VP Enterprise Operations | Business Insurance Billing
Work: 804-935-9012
BB: 804-456-3014
mkronand@travelers.com

<image001.png>

From: Palmquist, William D. - PDR [<mailto:William.Palmquist@Richmondgov.com>]
Sent: Friday, August 15, 2014 2:54 PM
To: Kronander, Michael A
Cc: Hill, James C. - PDR
Subject: RE: 407 N. Allen Paint project

Mr. Kronander,

Thank you for the follow-up. Jim and I have discussed this in more detail but are still uncomfortable approving the painting of the white washed brick, as we feel that the intent of the brick is to have a weathered look to it. Your best option is to submit an application for a Certificate of Appropriateness for the September CAR meeting. In the meantime you are free to explore other options that may preserve or protect the brick, though I understand you're aware of some drawbacks with that.

Let us know if you have any questions or need any assistance with the application.

Thank you,

Will Palmquist, ACIP
Department of Planning & Development Review
Planning & Preservation Division
900 East Broad St, Room 510
Richmond, Virginia 23219
Phone: 804-646-6307 | Fax: 804-646-5789
Email: William.Palmquist@richmondgov.com

From: Kronander, Michael A [<mailto:MKRONAND@travelers.com>]
Sent: Thursday, August 14, 2014 2:17 PM
To: Palmquist, William D. - PDR
Subject: FW: 407 N. Allen Paint project

William thank you for your time and help. I fully respect the process but I'm taking a 3rd time at bat. I'm sending you a few photos of the area in question with hopes you consider reviewing with Mr. Hill again for a staff approval.

I discussed with the homeowners, our concern is leaving the "whitewash" brick (do nothing) would not be conducive to the structural integrity of the brick. As we discussed any brick not previously painted will not be painted, and we are choosing a very like color. I have been sharing our plans with ALL neighbors, including neighbors on Monument, and have been met with no objections (it has been well received with enthusiasm).

- The masonry has already been painted I'm aware the proper process is to not remove all paint completely. Waterproofing or water repellent coatings to stop moisture problems is highly not recommended. I believe our only option is to use primer and paints specially made for masonry. We need to prevent additional moisture from seeping in causing additional structure damage. The chosen color is a like color and different from the building to highlight the a.
- The brick work that was required due to the damage a city tree did to the building on April 15th needs to be painted (photos).
- Discoloration and mold that has built up over the years from downspouts that haven't been working correctly causing structural damage to the brick and mortar.

Michael Kronander
President of Arcadia Homeowners Association locate at 407 N Allen
804-357-1038

Michael Kronander | 2nd VP Enterprise Operations | Business Insurance Billing
Work: 804-935-9012
BB: 804-456-3014
mkronand@travelers.com

<image001.png>

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

**COMMISSION APPEAL RESPONSE
APPLICATION No. 14-099
407 North Allen Avenue
Supporting Documentation**

1. Application No. 14-099
2. Staff report for Application No. 14-099
3. Staff report transmission e-mail
4. September 23, 2014, meeting sign-in sheets
5. September 23, 2014, draft meeting minutes (excerpt)
6. E-mail from applicant
7. Decision letter for Application 14-099
8. Corrected decision letter



Commission of Architectural Review SUBMISSION APPLICATION

City of Richmond, Room 510 - City Hall
900 East Broad Street, Richmond, Virginia 23219
PHONE: (804) 646 6335 FAX: (804) 646-5789

12 COPIES OF SUPPORTING DOCUMENTATION ARE REQUIRED FOR PROCESSING YOUR SUBMISSION

LOCATION OF WORK: 407 N Allen Ave

DATE: 8/25/14

OWNER'S NAME: Arcadia Condo Association

TEL NO.: 804-357-1038

AND ADDRESS: 407 N Allen Ave

EMAIL: Mkronander@aol.com

CITY, STATE AND ZIP CODE Richmond, VA 23220

ARCHITECT/CONTRACTOR'S NAME: Dave Grant

TEL. NO. 904-901-1763

AND ADDRESS: 311 Hyatt Lane

EMAIL: _____

CITY, STATE AND ZIP CODE Goodland, VA 23063

Would you like to receive your staff report via email? Yes No

REQUEST FOR CONCEPTUAL REVIEW

I hereby request Conceptual Review under the provisions of Chapter 114, Article IX, Division 4, Section 114-930.6(d) of the Richmond City Code for the proposal outlined below in accordance with materials accompanying this application. I understand that conceptual review is advisory only.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

I hereby make application for the issuance of a certificate under the provisions of Chapter 114, Article IX, Division 4 (Old and Historic Districts) of the Richmond City Code for the proposal outlined below in accordance with plans and specifications accompanying this application.

DETAILED DESCRIPTION OF PROPOSED WORK (Required):
STATE HOW THE DESIGN REVIEW GUIDELINES INFORM THE DESIGN OF THE WORK PROPOSED. (Include additional sheets of description if necessary, and 12 copies of artwork helpful in describing the project. The 12 copies are not required if the project is being reviewed for an administrative approval. See instruction sheet for requirements.)

Please see attached.

Signature of Owner or Authorized Agent: X *M Kronander*
Name of Owner or Authorized Agent (please print legibly): Michael Kronander

(Space below for staff use only)

Received by Commission Secretary

APPLICATION NO. _____

DATE _____

SCHEDULED FOR _____

Note: CAR reviews all applications on a case-by-case basis.

407 North Allen Avenue, Arcadia Condominium Association

Paint Project

Owners: Carol Baird unit 3, Michael Kronander unit 2, Dan and Carolyn McCormack unit 3.

On April 15th of this year a city tree fell on the building located at 407 North Allen Avenue. Repairs to roof and building have been repaired restoring the building. Painting the building will be the final phase of the restoration. The plan involves in-kind replacement to repaint very close to same color. The color scheme was socialized with Department of Planning & Development. Administrative approval was granted with exception of the white washed brick area of the building.

This submission of application to CAR is requesting approval to move forward with painting the current white-wash brick.

Color: Barely beige #1066 Benjamin Moore

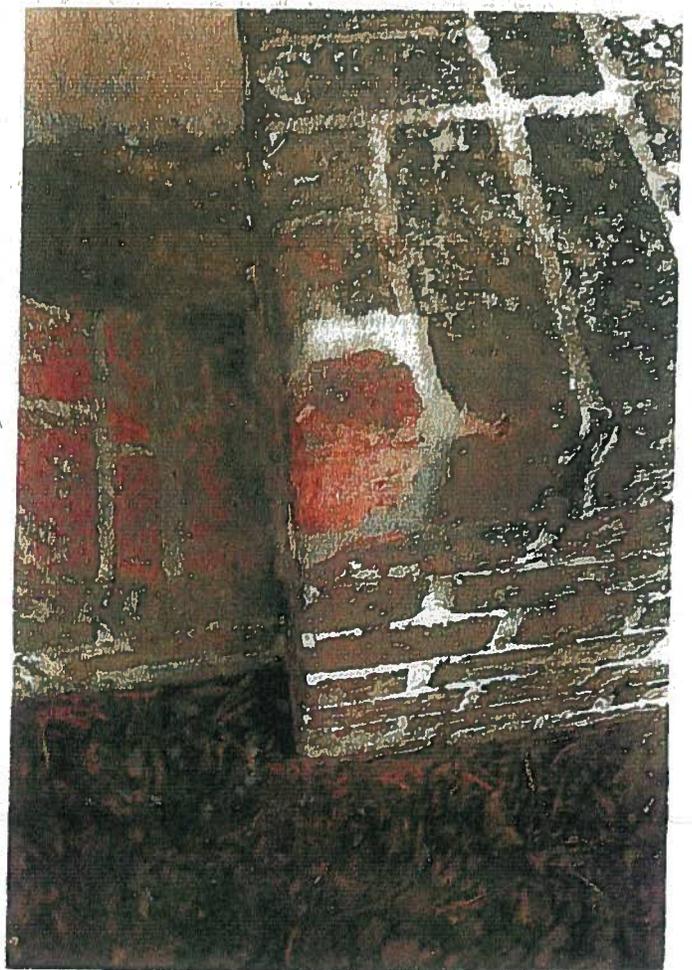
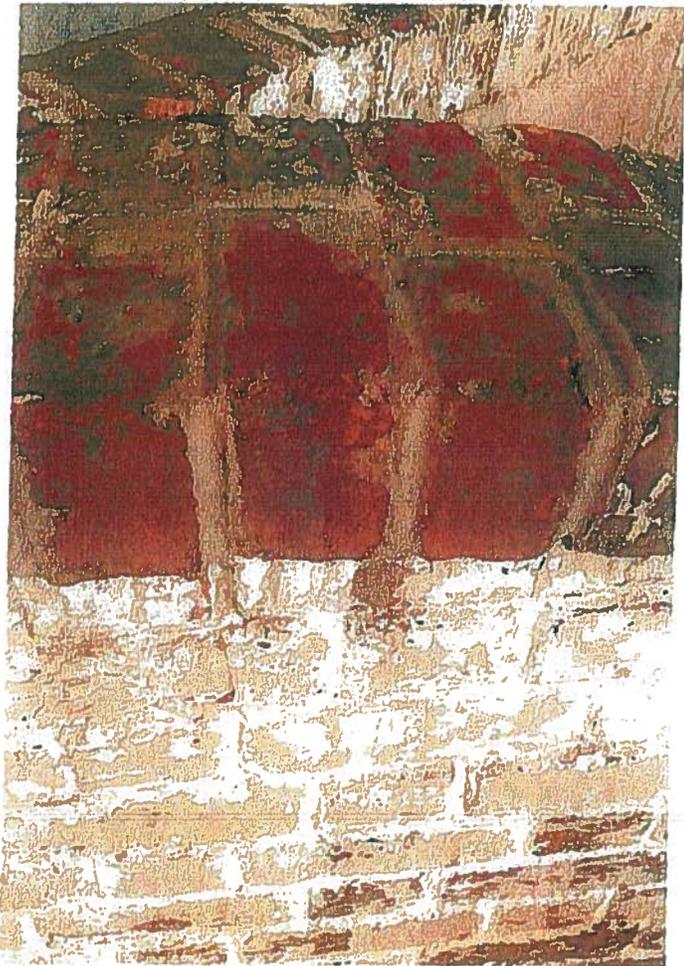
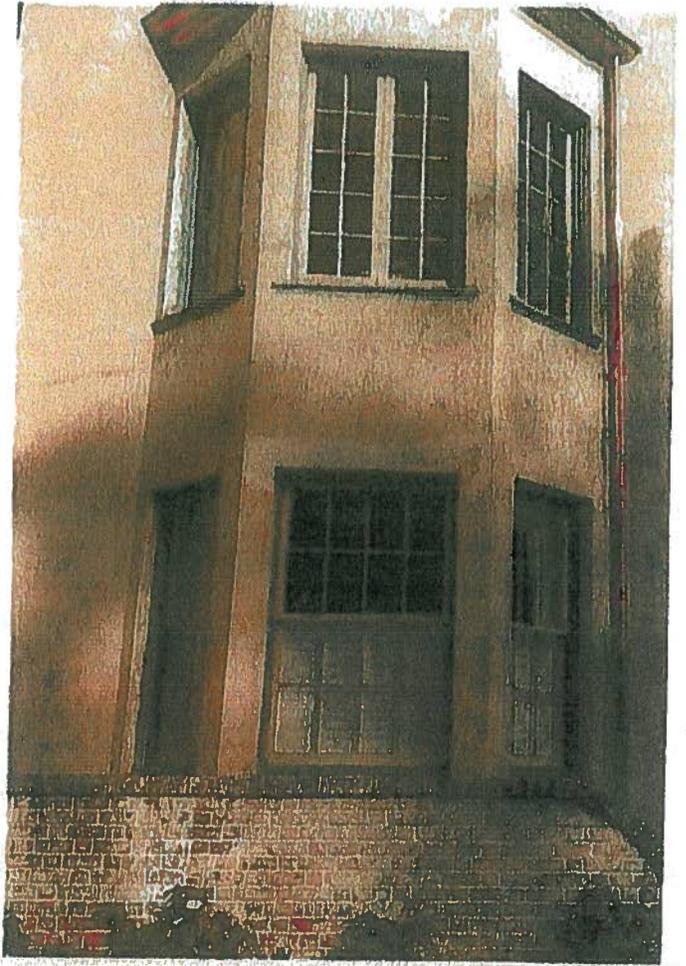
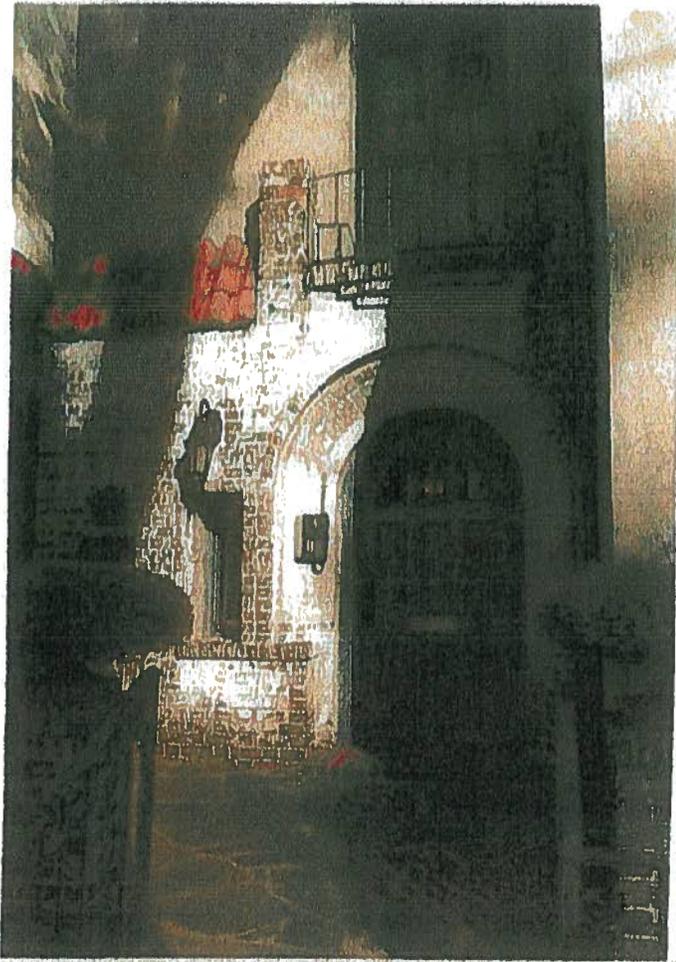
Supporting points:

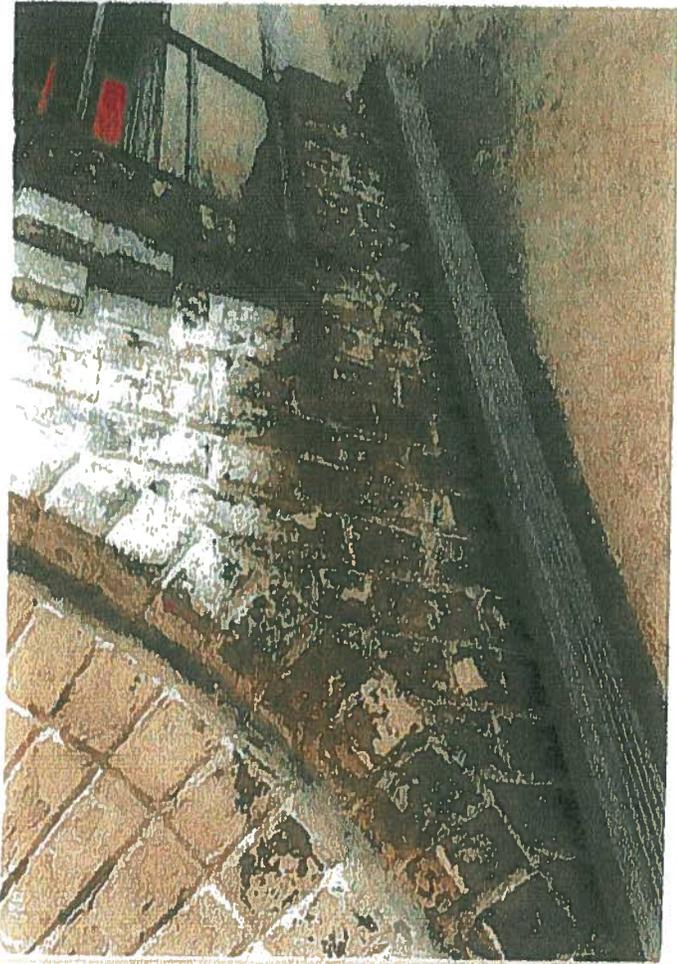
- The plan has been socialized with neighbors
- The masonry has already been painted, the best option is to use primer and paints specially made for masonry to prevent additional moisture damage
- Any brick that is not currently painted on the building will not be, this includes the accent bricks along the top of the building
- Brick that was damaged and replaced from the tree needs to be painted
- Current paint is flaking and peeling.
- Discoloration and mold that has built up over the years

Attachments:

Photos of the building indicating specific area of proposed work

Color requesting approval





407 North Allen (Arcidia) 2014 paint project

Benjamin Moore

Color # 1065

House Color: This color would be used as the main color of the house.



Color # 1066

White-wash Brick Color: This color would be used for most the brick portion of the house.



Color # 1067

Accent Color: This color would be used to highlight the architectural features of the house.

Examples would be the diamond shapes at the top, the frame of the 2nd floor front porch, etc...



COMMISSION OF ARCHITECTURAL REVIEW
STAFF REPORT
September 23, 2014, Meeting

8. CAR No. 14-099 (Arcadia Condo Assoc.) 407 N. Allen Avenue
Monument Avenue Old and Historic District

Project Description: Exterior paint treatment

Staff Contact: J. Hill

The applicant requests approval to paint the brick portions of an eclectic Mediterranean-style multifamily residence in the Monument Avenue Old and Historic District. The exterior painting is the final phase of a repair and maintenance campaign precipitated by the damage caused when a tree fell onto the building in April. Other phases of the campaign have been reviewed and approved by the Commission or have received administrative approval by Commission staff. Staff wanted to bring the request for painting the brick portions of the exterior before the Commission because of the apparent specific treatment and appearance of the brick.

The brick portions have clearly been treated with some combination of paint, wash or other coating that has resulted in a weathered, partially exposed brick appearance. This appears to be an intentional design feature and staff believed that if the brick portions of the building were primed and painted and thus rendered monochromatic, an important character-defining feature of the property would be lost.

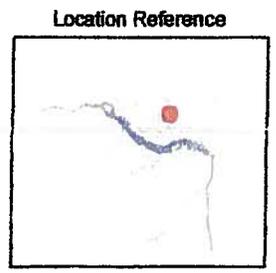
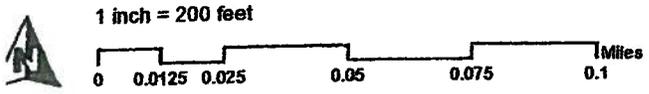
Staff recommends denial of the project and recommend an alternate treatment. The *Richmond Old and Historic Districts Handbook and Design Review Guidelines* notes that "painting previously unpainted masonry is historically inaccurate and is not permitted. The brick portions of the building appear to have been treated with a multi-step process of one or more colors of paint that were then distressed or partially removed and then coated with a wash to allow variation in weathering to yield the overall current appearance. Staff recommend that the applicant seek to replicate that process for the brick portions or to find the method for feathering in that treatment on the portions that had to be cleaned or repaired. The brick that has clearly never been painted should remain unpainted, as the applicant has indicated.

It is the assessment of staff that, if the applicant agrees to the alternate treatment, to be reviewed for approval by Commission staff, the application is consistent with Richmond City Code Section 114-930.7 (b) Standards for Rehabilitation, as well as the *Richmond Old and Historic Districts Handbook and Design Review Guidelines*, specifically the page cited above, adopted by the Commission in accordance with Section 114-930.7 (g) of the Code.

407 N. Allen Street

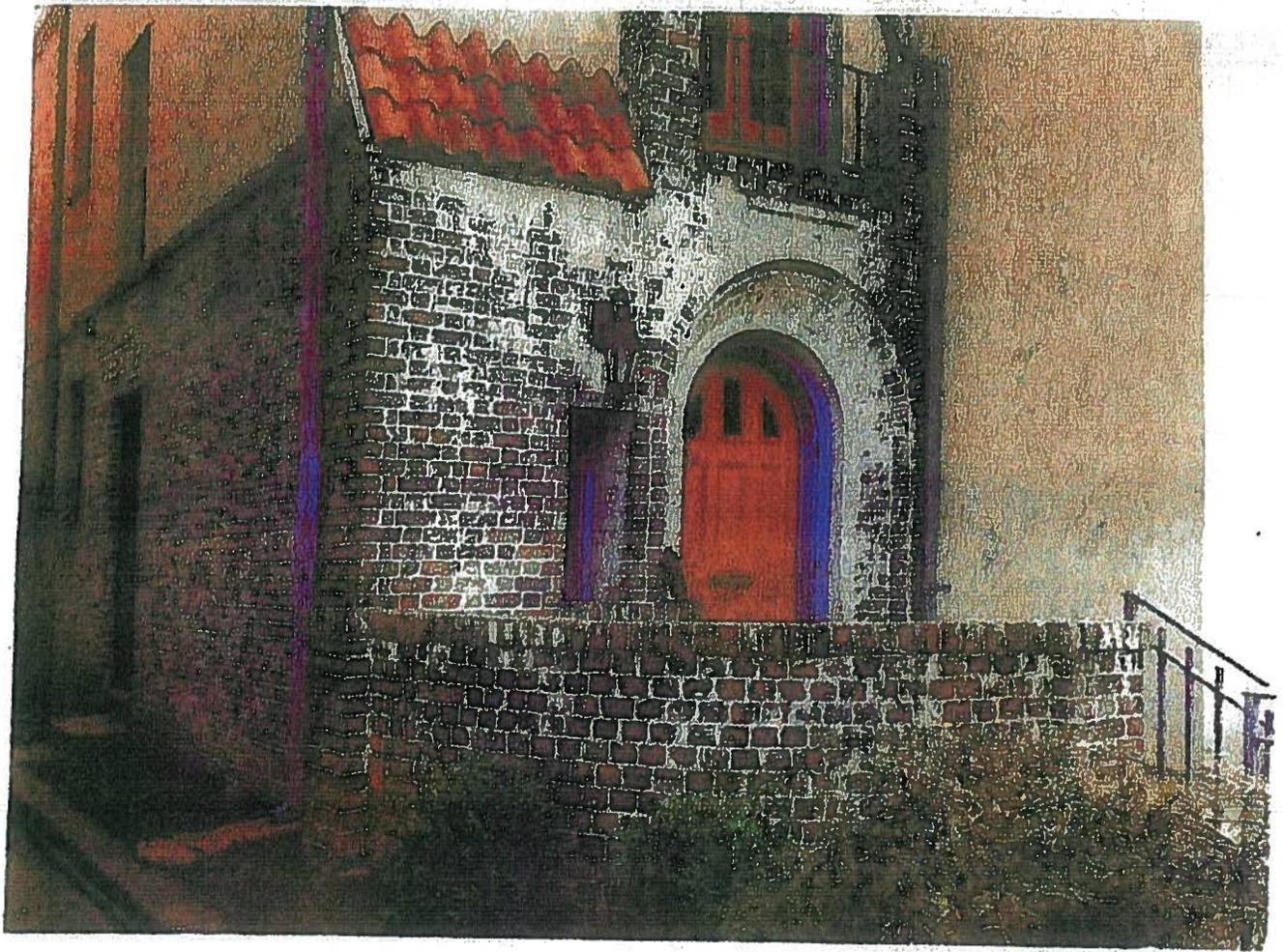
City of Richmond, VA

Geographic Information System

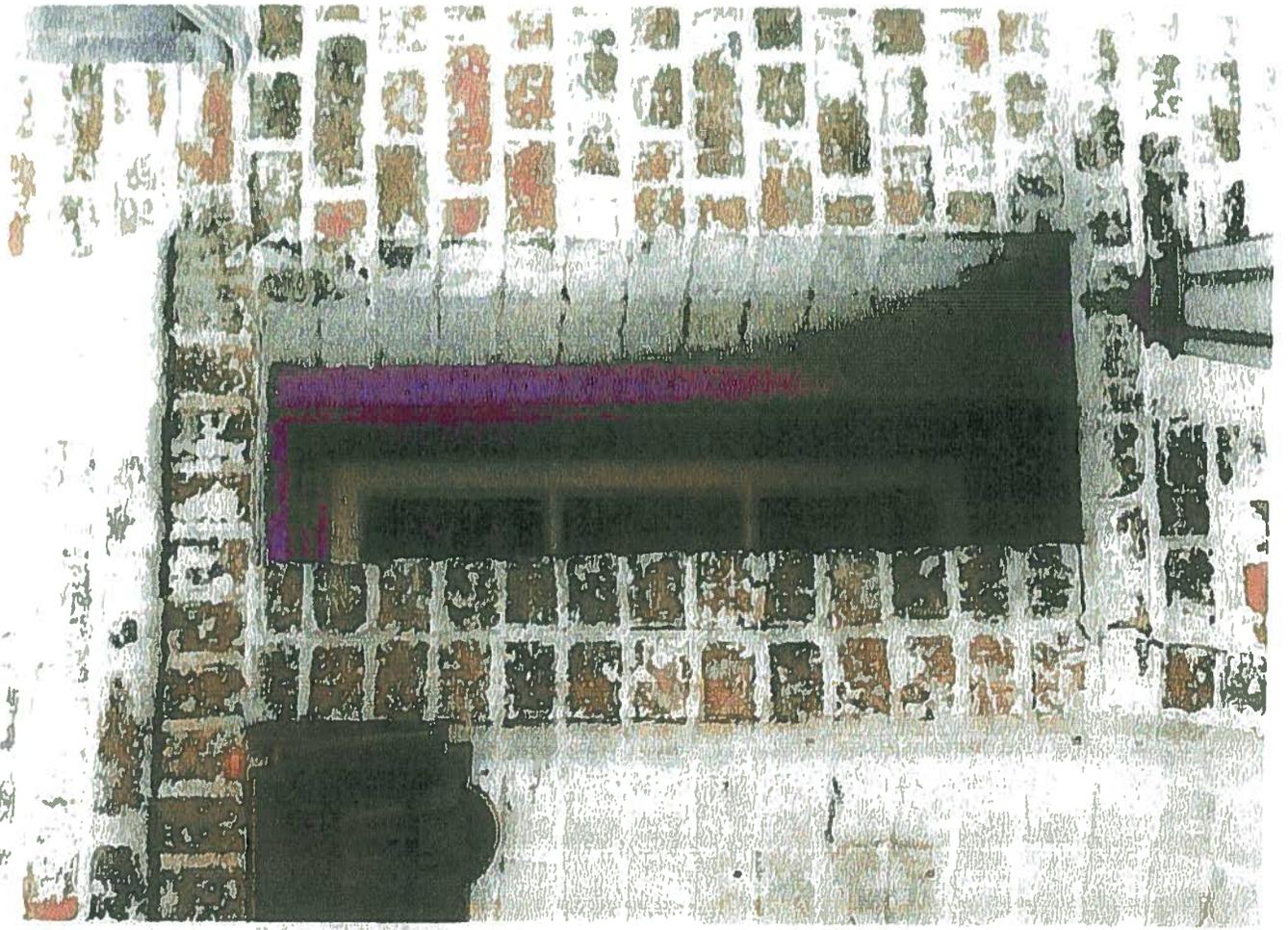
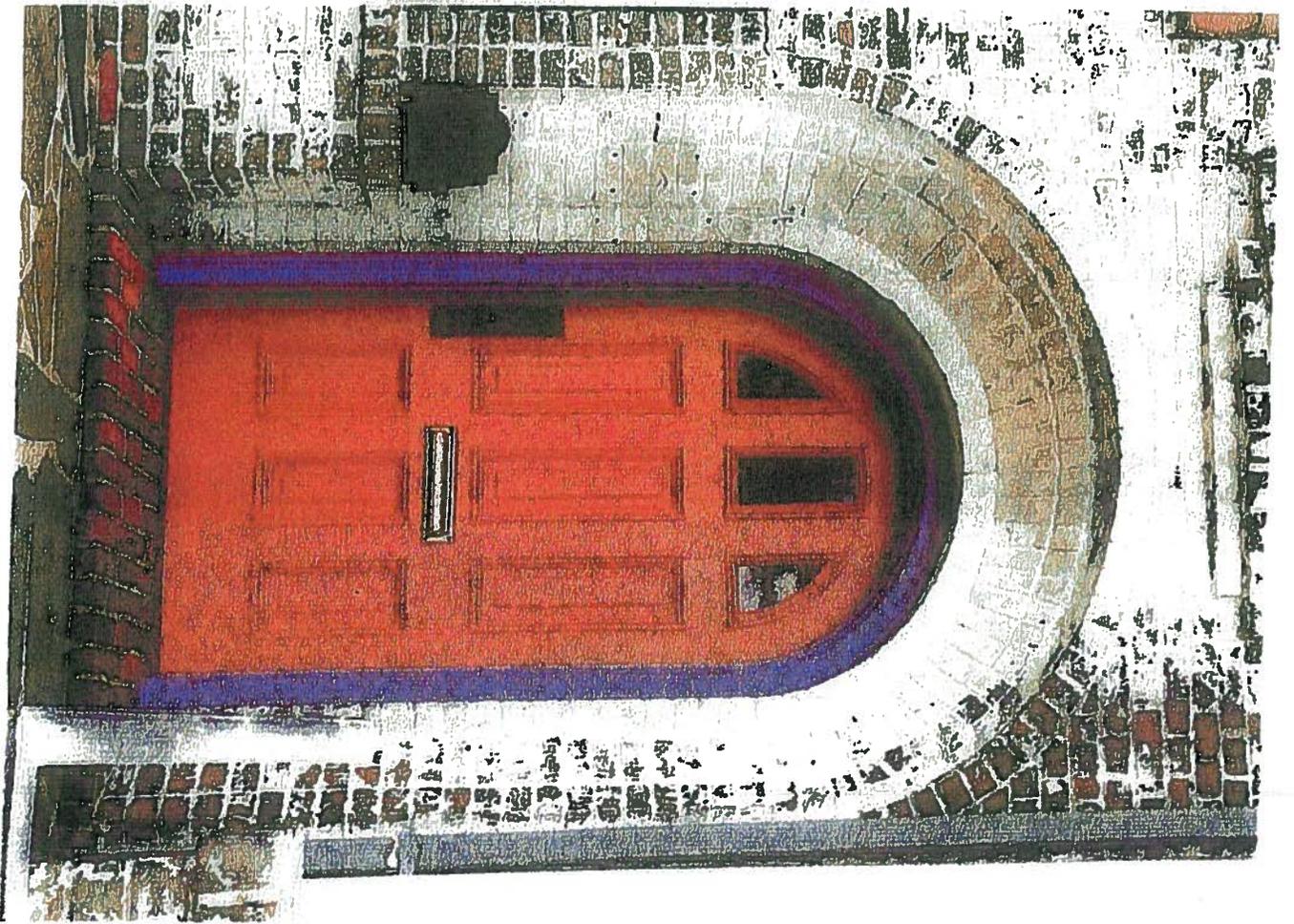


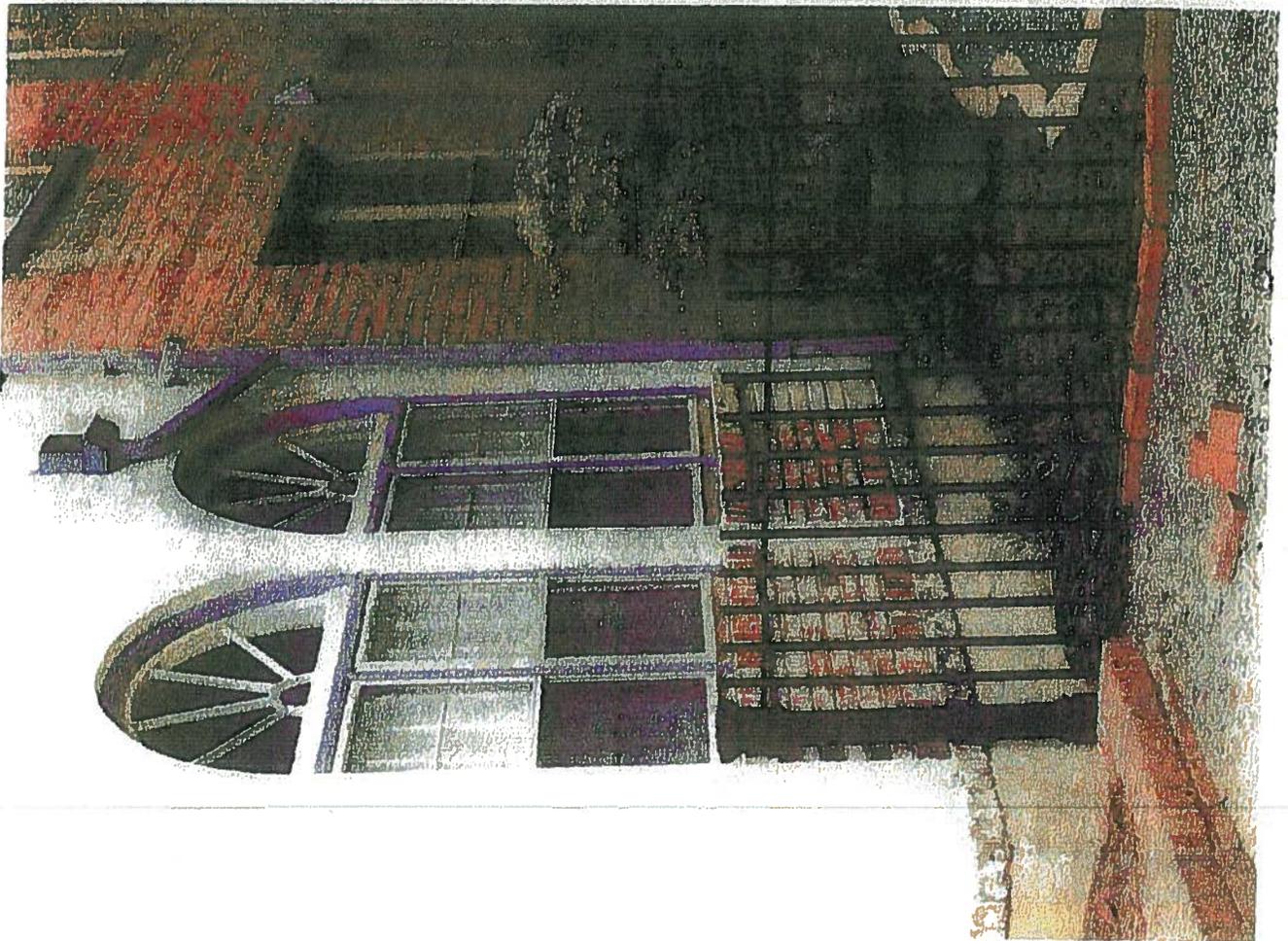
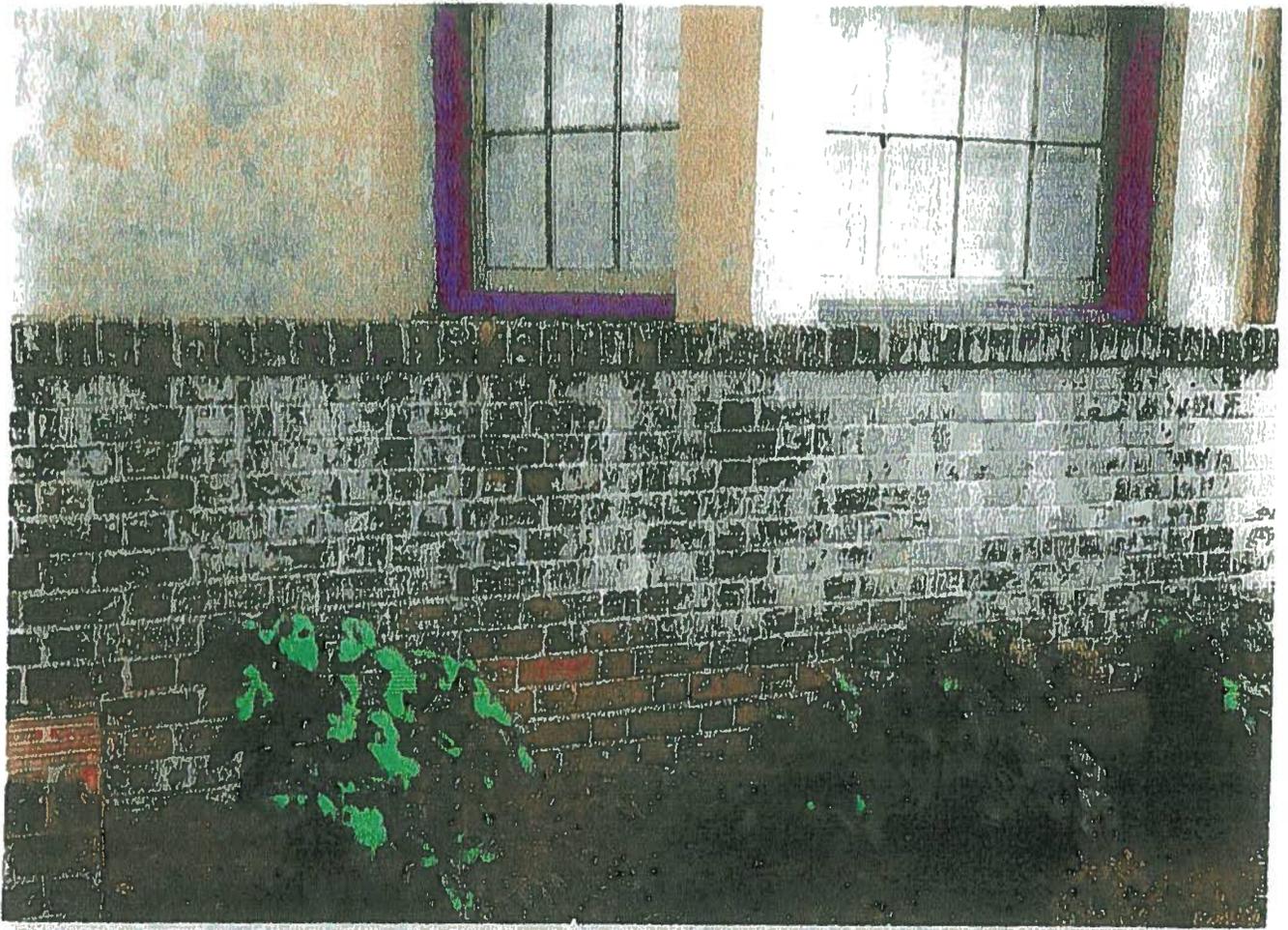
Map printed by palmquwd on 2014.09.03.
Document Path: G:\PDR\Planning & Preservation CAR\Applications\Base Maps Base Map.mxd

Disclaimer
The City of Richmond assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein.











Palmquist, William D. - PDR

From: Palmquist, William D. - PDR
Sent: Friday, September 19, 2014 10:58 AM
To: 'mkronander@aol.com'
Subject: Upcoming Commission of Architectural Review Meeting
Attachments: R14-099 407 N Allen.pdf

TO: APPLICANTS TO THE COMMISSION OF ARCHITECTURAL REVIEW

The next meeting of the Commission of Architectural Review will be at 3:30 P.M. **Tuesday, September 23, 2014**, in the **5th Floor Conference Room** in City Hall. **The application portion of the meeting will start at 4:00 P.M.**

Although you are not required to attend the meeting, **I strongly recommend** you to be present to answer any questions the Commission may have. I have attached a copy of the staff recommendation for your project. **Please note:** The Staff Report is only a **recommendation** to the Commission to help them in their review of your application. The Staff Recommendation should **not** be construed as **permission to proceed** with your project. **The final decision rests with the Commission.** At the meeting, after reviewing your application, the Commission will approve, approve with conditions or changes, deny, or defer your application. If you have requested conceptual review, the Commission will discuss your project and offer comments based on the *Design Review Guidelines*.

If you have any questions, please contact me at (804) 646-6307 or William.Palmquist@richmondgov.com. I look forward to seeing you at the meeting.

Thank you,

Will Palmquist, ACIP
Department of Planning & Development Review
Planning & Preservation Division
900 East Broad St, Room 510
Richmond, Virginia 23219
Phone: 804-646-6307 | Fax: 804-646-5789
Email: William.Palmquist@richmondgov.com

City of Richmond
 Department of Planning and Development Review
COMMISSION OF ARCHITECTURAL REVIEW
 5th Floor Conference Room - City Hall
 September 23, 2014
SIGN IN SHEET

NAME	APPLICATION NO.	PROPERTY ADDRESS	YOUR ADDRESS OR ORGANIZATION
John Moon	14-099	407 N. Allen Ave	Arcadia
Russ FORNER	14.104	2611 E BROAD ST	SANE-MANN WETHERWOOD HOA
Richard Cross	—	1806 Rainier Ave Ave	Hollyport Ventures LLC
Carolyn McCormack	14-099	407 N. ALLEN AVE	Arcadia
Dan McCormack	14-099	407 N. ALLEN AVE	Arcadia
Sarah Cox		2706 Venable St	Envision Real Estate
Amy Swartz	14-098	2401 E BROAD	ST JOHN'S CHURCH FOUNDATION
BRYAN TRAFLET	14-094	868 JESSAMINE ST.	UMotel Renovations
BRYAN TOWNES	14-101	2305 VENABLE ST.	BETTER HOUSING COALITION
Jung Sam / Jessica Selway		21. W. Clay St.	

PLEASE PRINT

Draft Minutes (Excerpt) from the Commission of Architectural Review Meeting of September 23, 2014

Application No. 14-099 (Arcadia Condo Assoc.)
407 N. Allen Avenue

Mr. Hill presented the staff report and summarized the applicant's request to paint the brick portions of a Mediterranean-style multi-family residence in the Monument Avenue Old and Historic District. Mr. Hill stated that they received some e-mails and calls this morning letting staff know that the building was painted on Monday. Mr. Hill stated that they had some Commission members that did site visits on Sunday and depicted what was shown in the photos. Mr. Hill stated that they have some photos that were taken today as the house appears now. Mr. Hill stated that staff has worked with some members of the Condo Association on this application and looked at the colors they submitted for the stucco body of the house and the trim and stated that staff didn't feel comfortable administratively approving paint colors for portions of the building that have exposed brick. Mr. Hill stated that the issue is not clear cut and that the *Guidelines* states that unpainted masonry should not be painted.

Mr. Hill stated that the building is in a Mediterranean revival-style and the finish that was chosen for the exterior work was intentionally selected to convey a weathered appearance or a mottled patina of age and that he believes the same was true of the unpainted brick portion. Mr. Hill stated that you can see that there were a couple of different treatments within the door arch and the steep set windows next to the entrance. He stated that there was more paint covering these elements where they were somewhat protected from the elements. Mr. Hill stated that staff felt that using paint and giving a monochromatic appearance meant that this property would lose what was a very intentional design characteristic. Mr. Hill stated that they did have problems with the downspout and some moss was growing on the brick below it.

Mr. Hill stated that Mr. Palmquist took photos today of the current condition of the building which show that the patina character and the layering have been smoothed over, and the brick areas have been painted and there is far less distinction between the different portions of the building. Mr. Hill stated that because of the concerns about the loss of the character-defining features and intentional design element, staff has recommended denial of the project with the monochromatic painting of these portions of the building with previously unpainted brick. Mr. Hill stated that they are advising an alternate treatment to replicate that appearance for the entire brick portion, or the areas where they had to do repairs or maintenance.

Mr. Green opened the floor for applicant and public comment.

Mr. John Moon on behalf of Arcadia stated that some of things that he wants to point out that the "before" pictures were taken before Sunday. Mr. Hill stated that they were taken in the last 20 or 25 days.

Mr. Green stated that some of the Commission members visited the site on Sunday.

Mr. Moon stated that some of it was already rubbed off and they treated the brick and they took some of the mold, mildew and moss off and a lot of the paint that was originally there came off so that is why it seems that there is more exposed brick there now.

Mr. Green inquired where the exposed brick was and Mr. Moon stated that a lot of the paint came off when they were cleaning it and that it was whiter than it is now. A lot of the paint got chipped off and a lot of the mortaring got fixed. Mr. Moon stated that in his application he noted that in April a tree fell on the property on the corner brick which had to have some masonry work done and that they had some new bricks installed so it doesn't look like the existing brick. Mr. Moon stated that white washing is really a technique that is lime and water that will fade over time, and that it is recommended that they do it every year. Mr. Green stated that is not a professional recommendation that he has been aware of and stated that he does this for a living and that he believes that is an incorrect statement. Mr. Moon stated that the paint on there was not applied correctly, that it was old paint, and that there were probably about three shades of paint on there: blue, gray and white. Mr. Moon stated that he doesn't believe it was intentionally supposed to have that whitewash look.

Mr. Green stated that there are photographs that show this mottled appearance in place on that building for a very long time and that it is a very common technique on Mediterranean Revival-styled buildings built in that period. Mr. Moon inquired how they accomplish that finish and Mr. Green stated that there are many different ways and that it is not a symptom of wear, but an intentional design choice. Mr. Moon inquired if it is done with paint and Mr. Green stated that it can be done with paint and lime wash and that there are multiple ways to get the same appearance. Mr. Moon stated that the brick has been exposed and there are issues with the brick leaking and the mortaring needed to be re-fixed which again took away from the weathered look. Mr. Moon stated that they also sent an e-mail to the residents in the area explaining exactly what was going to happen and didn't receive any objections to the proposed work. He has that email if the members wanted to see it.

Mr. Hill inquired if it was their misunderstanding that sending the email to neighbors was the same as taking it to the Commission. Ms. Moon stated no, and that they were notifying the neighbors if they wanted to come to them and talk about the work before they came to the Commission.

Mr. Green inquired if they were aware that they had an appointment to be on the agenda today and Mr. Moon stated yes, and that you can see where they stopped because he wasn't there and they weren't supposed to paint the whitewashed brick. He stated that he doesn't know where the disconnect was, but that one of the residents was there and did tell them to stop after they realized that the brick had been painted. Mr. Moon stated that it wasn't their intention to go ahead and do it before they came and got approval from the Commission, that there was a miscommunication, and that they were

only supposed to paint the house and not the unpainted brick portion. Mr. Moon stated that any brick that wasn't previously painted isn't going to get painted, it's just the whitewashed. He stated that it is not going to be the actual color of the house, but that it is just the primer right now.

Mr. Bilder inquired if the other members of the Condo Association agree to the painting and Mr. Moon stated, yes.

Mr. Green asked if they were aware that they didn't have a Certificate of Appropriateness to paint the brick portions and Mr. Moon stated yes, and that when they realized it was being painted, one of the neighbors immediately came out there and told them to stop. Mr. Green inquired if they communicated with the painter that they have not received a Certificate of Appropriateness for any painting and Mr. Moon stated that they did receive an Administrative approval for the building.

Ms. Carolyn McCormack stated that she owns the first floor unit and stated that a lot of damage was done to this unit because of a tree falling on it and that the residence has gone through great expense to repair the building to its original condition. Ms. McCormack stated that they replaced the terra cotta tiles, put in copper gutters and repaired the stucco and that there was a lot of damage done to the stucco during the tree episode. Ms. McCormack stated that with the colors they tried to be very in line with the Historical Association in selecting the new colors and that this was a primer coat. She went on to state that they were not painting the whole building a muted one toned. Ms. McCormack stated that they all really like this building, that they really want to maintain the historical value of the building, and that they were not trying to overstep anybody's authority.

There were no additional comments from members of the public. Commission discussion began.

Mr. Yates inquired of the administrative approval given for the stucco and Mr. Hill stated yes, that the paint colors were administratively approved for the main portion of the building. Mr. Yates stated that he has lived in this neighborhood since 2000 and that the building has looked pretty much the same until Sunday night or Monday morning. Mr. Yates stated that as Mr. Green has pointed out, distressing the brick is a very typical Colonial revival treatment that you see on houses all over town. Mr. Yates stated that the paint on the stucco has worn but that it appears that the last important color was gray. Mr. Yates stated that the painting of the brick was completely inappropriate and that he hopes that the Condo Association will go back to the painter and see if he can correct what he has done.

Mr. Bilder stated that the entire character of the building has been changed and that the stucco was an essential element of the building. Mr. Bilder stated that it was significant to the building, that he is glad that they want to protect the structure by making it safe and clean, but that this building is unique and that what was done has completely altered the character of the building.

Mr. Green inquired what will be the chances of getting that paint off and Mr. Elmes stated that it should come off.

Mr. Green stated that when he looked at the property Sunday that his recommendation would have been to leave the paint alone and suggest some ways to infill the areas where the damage was. Mr. Green stated that he had less concern over the southern projecting bay because it looked to him as though it might have been a later infill and that he would have been prepared to allow them to paint that bay. Mr. Green stated that they could ask them to remove the paint on the previous whitewashed portion that had not been painted on the brick. Mr. Green inquired if the primer had been on there briefly enough and if there is some way to get it off.

Mr. Elmes stated that the particular primer is designed specifically to work on a variety of substrates and it is very sticky but that being said, it hasn't been fully cured and will be fairly easy to remove with a mild lye-based chemical. Mr. Elmes stated that you wouldn't want to try and use a pressure wash or something like that because then you are further damage the mortar joints and the masonry. Mr. Elmes stated that speaking to the waterproofing concerns, there are a wide variety of water proofers that are approved for use. Mr. Elmes stated that having gone through tax credit projects himself, there are very good waterproofings that aren't solid paint films and actually work better than paint films.

Mr. Hendricks made a motion to deny the application for the reasons cited in the staff report. Mr. Hendricks inquired if they need to make a recommendation that they remove the paint that had been applied and restore the finish.

Mr. Green asked Mr. Hill about the procedures for the denial. Mr. Hill stated that it was beyond staff's ability to tell them what the process was for recreating this finish and that bringing it before the Commission there would be someone present that would know where to go for those resources. Mr. Hill stated that unless this is approved today they are in violation because they changed the appearance without the Certificate of Appropriateness. Mr. Hill stated that it would be helpful to advise them on the recommended next steps which would appear to be to remove the primer from those areas and that they are not trying to get it back to a pristine, uniform surface because of the [prior] variation in the appearance. Mr. Hill stated that typically when something like this happens, if it is approved then they're not in violation, and if it was denied they [staff] would give them [applicants] the opportunity to address the violation and stated that giving them the means to adequately address that would be helpful to staff.

Mr. Green inquired if the motion gives adequate direction for mediation. Mr. Hill stated that staff recommended denial of the project and recommended that the alternate treatment be supplied and be available to the applicant.

Mr. Elmes stated that [National Park Service] Preservation Briefs speak to it.

Mr. Yates stated that in this situation he doesn't believe that it is necessary for them to recommend a remedial type of treatment other than that they return the wall to its condition prior to the most recent painting. Mr. Yates stated that the Commission will assist Commission staff, and that staff will assist the owners in reaching that appearance.

Mr. Elmes stated that there is a scope concern as well.

Mr. Green made an amendment that they allow the paint to remain on the south bay and stated that he thinks the south bay has been repaired overtime and that he would rather see the attention be focused on the front and north side.

Mr. Elmes stated that this project has come to the Commission before because they approved the portico roof on the south bay and part of the talk was that the south bay had been added or modified and that at one time it was an open porch. Mr. Elmes stated that the windows were open and so the infill brick on that section wasn't original to the façade structure to begin with and that Mr. Green's suggestion is a perfectly valid one and agreed that he would like to try to focus their attention on what's already a difficult situation on the primary façade of the structure. Mr. Hendricks accepted the amendment.

After further discussion Mr. Yates seconded the motion and passed 5-0-0.

Mr. Hendricks reread the motion to deny the application for the reasons cited in the staff report requesting that the owner return the brick finish back to the pre-painted condition with the exception for the south bay which can remain painted.

Hill, James C. - PDR

From: John Moon [jmoon@dominionvoiceanddata.com]
Sent: Tuesday, September 23, 2014 8:55 PM
To: Hill, James C. - PDR
Subject: Re: 407 North Allen Ave

James, first let me apologize for the pre painting of the brick. That was not our intention to paint the brick that day. As soon as the home owners knew we stopped it. And I want to assure you that the building isn't going to look as flat as it does now, we wouldn't want it to look like that. There is still painting that needs to be done. We absolutely want to work with CARR to make sure that this works. I think that we can all agree that the building has been neglected for sometime now and that neglect needs to be addressed. We are currently working with our painter to see what we need to do to remove the paint. We do value and respect your cooperation, input, and guidance with this. With that being said could you please send me any documents/pictures you all have on colonial revival for this area and any pictures of the whitewashing that was spoken of during that period. I really want to get the aesthetic nature of that period so that we can make the right decisions. Your help is greatly appreciated and hope that you all understand that our intentions are all good. Much thanks.

Sent from my iPad

> On Sep 13, 2014, at 12:16 PM, "Hill, James C. - PDR" <James.Hill@richmondgov.com> wrote:

>
> Mr. Moon--
> Thank you for your message. We have revised the agenda to describe the
> work as "Exterior paint treatment".
> --Jim Hill
>
> James Hill, Principal Planner
> Planning and Preservation Division
> Department of Planning and Development Review City Hall, Room 510 900
> East Broad Street Richmond, Virginia 23219-1907
>
> 804-646-7552
> james.hill@richmondgov.com

> -----Original Message-----

> From: John Moon [mailto:jmoon@dominionvoiceanddata.com]
> Sent: Friday, September 12, 2014 8:47 PM
> To: Hill, James C. - PDR
> Subject: 407 North Allen Ave

>> Good afternoon James, I wanted to reach out to you in regards to 407
> North Allen Ave painting approval. I just looked at the agenda and
> noticed that it states "white-wash unpainted brick on structure and
> site". The request is to paint only the portions that are currently
> white-washed and to leave non-painted brick alone. If you could please
> let the committee members know. If you have any questions please don't
> hesitate to call. My cell is 540-226-4858. Much thanks John Moon

>> Sent from my iPad
> <09 Sep 2014.pdf>



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
COMMISSION OF ARCHITECTURAL REVIEW

September 24, 2014

Arcadia Condo Association
407 North Allen Avenue
Richmond, VA 23220

RE: 407 N ALLEN AVE
Application No. 14-099

Dear Applicant:

At the August 26, 2014, meeting of the Commission of Architectural Review, the review of your application for a Certificate of Appropriateness resulted in the following action: **Denied**. Specifically, the Commission denied the application for the reasons cited in the staff report, with exception to the south bay addition which can remain painted.

You, or any aggrieved party, have the right to appeal a decision of the Commission of Architectural Review to City Council as specified in Section 114.930 of the Richmond City Code. A petition stating reasons for the appeal must be filed with the City Clerk within 15 days of this meeting.

If you have any questions, please contact me at (804) 646-7552 or by e-mail at James.Hill@richmondgov.com.

Yours truly,

A handwritten signature in black ink that reads "James Hill". The signature is written in a cursive, somewhat stylized font.

James Hill, Acting Secretary
Commission of Architectural Review



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
COMMISSION OF ARCHITECTURAL REVIEW

October 14, 2014

Dear Applicant:

The letter I sent you, dated September 24, 2014, reporting the Commission of Architectural Review's decision when they considered your application at their September 23, 2014, meeting contained an error. I incorrectly referenced the date of their previous meeting, August 26, 2014, as the date of their review and action.

No consideration or action of your referenced application took place at the August meeting. The review, discussion and decision occurred at the September 23, 2014, meeting and I have enclosed a replacement letter that corrects the error.

I apologize for my error and any confusion I caused.

Yours truly,

A handwritten signature in cursive script that reads "James Hill".

James Hill

Acting Secretary to the Commission of Architectural Review



CITY OF RICHMOND

DEPARTMENT OF

PLANNING AND DEVELOPMENT REVIEW

COMMISSION OF ARCHITECTURAL REVIEW

October 14, 2014

Arcadia Condo Association
407 North Allen Avenue
Richmond, VA 23220

RE: 407 N ALLEN AVE
Application No. 14-099

Dear Applicant:

At the September 23, 2014, meeting of the Commission of Architectural Review, the review of your application for a Certificate of Appropriateness resulted in the following action: **Denied**. Specifically, the Commission denied the application for the reasons cited in the staff report, with exception to the south bay addition which can remain painted.

You, or any aggrieved party, have the right to appeal a decision of the Commission of Architectural Review to City Council as specified in Section 114.930 of the Richmond City Code. A petition stating reasons for the appeal must be filed with the City Clerk within 15 days of this meeting.

If you have any questions, please contact me at (804) 646-7552 or by e-mail at James.Hill@richmondgov.com.

Yours truly,

A handwritten signature in black ink that reads "James Hill".

James Hill, Acting Secretary
Commission of Architectural Review



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
COMMISSION OF ARCHITECTURAL REVIEW

RECEIVED
DEC 03 2014

OFFICE OF THE
RICHMOND CITY CLERK

December 3, 2014

Ms. Jean Capel, City Clerk
City Hall, Suite 200
900 East Broad Street
Richmond VA 23219-1907

RE: Extension of Appeal of CAR Decision for 407 North Allen Avenue

Dear Ms. Capel:

The City's Commission of Architectural Review (CAR) received a written request from the owners of the property at 407 North Allen Avenue for an extension of the appeal period for the consideration of the CAR's decision concerning exterior painting (Application 14-099).

The CAR considered the request at their November 25, 2014 meeting and voted 6-0-0 to extend the appeal period of CAR Application 14-099 for an additional 75 days. I have attached a copy of the owners' written request for an extension, along with this documentation of the CAR's agreement to an extension, pursuant to City Code Section 114-930.8 (c), in order to afford both parties additional time to work together on the matters covered in the Application and Appeal.

Yours truly,


James Hill
Acting CAR Secretary



Parties:)	
James Hill)	Application No.: 14-099
Acting Secretary to the Commission of)	
Architectural Review)	
Bryan Green)	REQUEST TO THE COMMISSION OF
Chair to the Commission of)	ARCHITECTURAL REVIEW TO ALLOW
Architectural Review)	EXTENDING BEYOND THE 75 DAY
And)	LIMIT
Arcadia Condominium Association)	
Michael Kronander)	
Dan McCormack)	
Carol Baird)	
*Nick and Ellen Cooke)	
Power of Attorney for Carol Baird)	

EXTENSION REQUEST

The Homeowners of 407 N Allen Ave are willing and committed to exploring and collaborating with CAR to attain an appropriate solution that suites the homeowners and the association. The Homeowners are asking CAR to agree to extend the 75 day review time limit so the homeowners can holistically work with experts and CAR on an appropriate resolution. The homeowners have and will continue to engage with experts / professionals in the field to provide options and guidance. We in addition invite CAR to share any thoughts on how to move forward including contacts or any professional opinions that might have been obtained during their research. Meanwhile the homeowners are committed to no additional work on the questioned area until a resolution has been obtained.

In reviewing the Commissions opinion we would like to offer Arcadia Association's response to the Specific Items regarding the appeal of Certificate of Appropriateness Application No.14-099 for 407.

A) The Commission maintains that the appearance of the brick portions of the building was not the result of neglect, but originated as an intentional design feature of this rare example of Spanish Eclectic architecture.

Further research is needed to obtain how the condition/look of the brick came to be, whether it was painted and has years of "wear and tear" or if the current look was intentionally executed and when that occurred.

B) The Commission maintains that if the brick portions of the building were rendered monochromatic through priming and painting a solid color, an important character-defining feature of the building would be lost.

The final look is not intended to have what is stated as a monochromic look.

The current look is a result of priming the brick which allows protection and base so additional techniques can be used to highlight the unique architectural details. Currently the brick area remains in limbo resulting in what is describes as a monochromic look.

C) The Commission recommends that the applicants seek to replicate the distressed and mottled appearance of the brick portions or to find the method for treating the areas that had to be cleaned and repaired and to blend that work in with the larger areas.

Homeowners are willing and committed to exploring and collaborating with CAR to achieve an appropriate appearance that suites the homeowners and the association. It is the intention of the homeowners to highlight any design features.

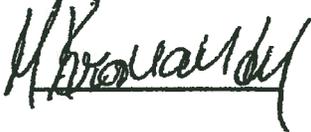
D) The Commission acknowledges that to return the brick portions to their previous condition, the recently applied primer needs to be removed by the gentlest effective means.

Any move-forward techniques should address the poor condition of the brick and mortar and not further damage the structure.

To extend the 75 day period would be very beneficial to all parties with the intent to work together on a solution.

Sincerely,

Michael Kronander



Dan McCormack



~~Carol Baird~~
(Carol Baird)

