

Policy Briefing Summary

City Council



Regarding:	Appeal of Board of Architectural Review (BAR) denial of a Certificate of Appropriateness for demolition of a Contributing Structure (BAR #HST 25-0068) at 1301 Wertland Street
Staff Contact(s):	Kellie Brown, Director of NDS, Jeffrey Werner, Historic Preservation and Design Planner
Presenter:	Jeffrey Werner, Historic Preservation and Design Planner
Date of Proposed Action:	September 2, 2025

Issue

Consideration of an Appeal of BAR's May 20, 2025, denial of a requested Certificate of Appropriateness ("CoA") to allow demolition of 1301 Wertland Street, a contributing structure within the Wertland Street ADC District.

Background / Rule

The property owner of 1301 Wertland Street ("Appellant") has appealed the Board of Architectural Review's ("BAR") May 20, 2025, denial of a certificate of appropriateness ("CoA") to allow demolition of the *Wertebaker House*. This appeal was within the ten (10)-day period following the BAR's action, as proscribed by City Code Chapter 34, Div. 5.2.7.E. This structure was designated by City Council a *contributing structure* within *The Wertland Street Architectural Design Control District*. Per City Code Chapter 34, Div. 5.2.7.A.1.c., the demolition of a contributing structure requires approval of a CoA.

Analysis

On May 20, 2025, the BAR, by a vote of 7-0, denied a CoA to allow demolition of the structure at 1301 Wertland Street, known as the *Wertebaker House*. Constructed circa 1842, the two (2)-story brick house was built and occupied by William Wertebaker, who served as the University of Virginia's librarian from 1826 until 1880.

Relevant links and attachments from the May 20, 2025, BAR Meeting are as follows:

- CoA Application, Staff Report (including background and the historical survey), and BAR action: [1301 Wertland St Demo CoA - BAR review May 20, 2025](#) (Staff Report also attached. Attachment 7);
- May 20, 2025, BAR meeting video: [BAR meeting video: May 20 2025](#) (1301 Wertland Street begins at approximately 01:44:00); and
- May 20, 2025, BAR Meeting Minutes, including Motion (Attachment 6).

The BAR's review criteria for considering a demolition CoA are specifically limited to the City Code provisions under Chapter 34, Div. 5.2.7. D.1.b. However, on an appeal, City Council may consider "any other information, factors, or opinions it deems relevant to the application."

For the BAR's May 20, 2025, review, the Applicant provided Dunbar Structural's Condition Assessment of 1301 Wertland Street, dated April 28, 2025; measured (interior) floor plans of the house; and the Phase I Archeological Investigation of the site completed by Rivanna Archeological Services in August 2023, accessible at: [Wertebaker House Ph I – RAS Aug 2023](#).

In appealing the BAR's action, the Appellant claims the BAR failed to consider that demolition would allow development of high-density housing on the site. The Appellant refers to "design concepts" for developing new housing; however, no related information was included in the submittal, nor presented to the BAR during the May 20, 2025, Meeting. In fact, the Applicant did not attend or participate in that Meeting.

In appealing the BAR's action, the Appellant acknowledges the Comprehensive Plan generally supports historic preservation; however, Appellant states the BAR did not balance this with City Council's specific policy objective to promote more housing. The Appellant states that by adopting a policy of higher density for the Wertland Street neighborhood, City Council established it was not the City's intent to "forever preserve all existing structures within the Wertland ADC District."

In response, City Staff notes that in Chapter 4 of the Comprehensive Plan (*Land Use, Urban Form, and Historic & Cultural Preservation*) eight (8) of the eleven (11) goals refer to the importance of the City's historic and cultural fabric, including: *Protect and enhance the existing distinct identities of the city's neighborhoods; continue Charlottesville's history of architectural and design excellence by maintaining traditional urban design features and valuing historic resources; and provide effective protection of Charlottesville's historic resources.*

Additionally, in establishing the City's ADC Districts, City Council included the intent "to preserve and protect buildings, structures and properties which serve as important visible reminders of the historic, cultural, and architectural or archaeological heritage of the City, the Commonwealth of Virginia, or this nation." (Ch. 34, Div. 2.9.2.A.1.) In establishing the BAR, City Council charged the BAR "to administer the provisions of Architectural Design Control Districts" (Ch. 34, Div. 5.1.5.C.1.) For administering that charge, City Council established specific review criteria for reviewing demolition requests. (Ch. 34, Div. 5.2.7.D.1.b.) In applying and considering those criteria, on May 20, 2025, the BAR denied the requested CoA for the demolition of the Wertland House at 1301 Wertland Street.

The Appellant's Appeal Letter is Attachment 1. City Staff's response is Attachment 2.

Should City Council deny a CoA for demolition, that action may be appealed to the Charlottesville Circuit Court (Ch. 34, Div. 5.2.7.E.1.e.). In addition to the right of further appeal, following a denial by City Council, the owner will, as a matter of right, be entitled to demolish the structure if, for a period of twelve (12) months the property is offered for sale at a fair market price to a party that will preserve and restore it, and no *bona fide* contract is executed within that twelve (12)-month sale period. (Ch. 34, Div. 5.2.7.E.1.f.) The full text of the relevant City Code provisions is found in the Appendix of Attachment 3.

Alignment with City Council's Vision and Comprehensive Plan:

Upholding the BAR's decision aligns with Goal eleven (11) of the 2021 Comprehensive Plan, to *provide effective protection of Charlottesville's historic resources, including through recognition and incentives.*

Community Engagement:

Chapter 34, Div. 5.2.1.D. requires Public Notice prior to the BAR's review of a CoA request. The May 20, 2025, BAR Meeting was publicly posted at the site. During the Meeting, no comments were offered by the Applicant or in support of the demolition. Ten (10) individuals, including a representative from Preservation Piedmont, urged the BAR to deny the requested CoA. Prior to the Meeting, the BAR received e-mails from seven (7) individuals. During the Meeting, three (3) other individuals spoke.

Financial Impact

None.

Recommendation

City Staff recommends City Council render a final decision, by Resolution, to deny a CoA to allow demolition of the structure at 1301 Wertland Street, as provided in Attachment 4: Resolution of Denial of a Certificate of Appropriateness for Demolition of the structure at 1301 Wertland Street.

Alternative:

If City Council agrees with the Appellant, then City Council should approve, by Resolution, a CoA to allow demolition of the structure, as provided in Attachment 5: Resolution of Approval of a Certificate of Appropriateness for Demolition of the structure at 1301 Wertland Street.

Recommended Motion (if Applicable)

For City Council's consideration.

Attachments

1. Attachment 1 – 1301 Wertland St CoA Appeal – Applicant Letter June 2-2025
2. Attachment 2 - 1301 Wertland St CoA Appeal - Staff Response (7-30)
3. Attachment 3 - 1301 Wertland St CoA Appeal - Legal Supplement to Staff Memo (7-30)
4. Attachment 4 - 1301 Wertland St CoA Appeal - Draft resolution - DENY CoA (7-30)
5. Attachment 5 - 1301 Wertland St CoA Appeal - Draft resolution - APPROVE CoA (7-30)
6. Attachment 6 - 1301 Wertland St CoA Appeal – BAR Mtg Minutes May 20-2025
7. Attachment 7 - 1301 Wertland St CoA Appeal – BAR Staff Report May 20-2025
8. Attachment 8 - 1301 Wertland_demolition - BAR action memo - denied CoA_