

1301 Wertland Street BAR Denial Appeal

Draft BAR Meeting Minutes - Excerpts 1301 Wertland Street

City of Charlottesville

Board Of Architectural Review

Regular Meeting

May 20, 2025 – 5:00 PM

Hybrid Meeting (In person at City Council Chambers & virtual via Zoom)

Members Present: Carl Schwarz, Roger Birle, Cheri Lewis, James Zehmer (chair), David Timmerman, Kate Tabony, Jerry Rosenthal (Absent: Ron Bailey. One seat vacant.)

Staff Present: Patrick Cory, Kate Richardson, Jeff Werner, Remy Trail

Certificate of Appropriateness Application

BAR # 25-0068

1301 Wertland Street, TMP 040303000

Wertland Street ADC District

Owner: 1301 Wertland LLC JSB

Applicant: Edward Carrington

Project: Demolition of contributing structure

Jeff Werner (Staff Presentation) – A CoA request before you for demolition of the structure at 1301 Wertland Street. Given the circumstances, I appreciate your patience while I go through and cover what I need to. This is the Wertenbaker House, and Ben Ford, from his research for the phase one archaeological [investigation], which was done at the site a couple years ago, was able to determine from Chancery records that the house was built in 1843. There had been some question about when, so we finally have a solid date. This is the Wertenbaker House, a two-story, three-bay, brick house with a rear ell. Constructed by William Wertenbaker, who was the second librarian of the University. He was hired in February 1826 by Thomas Jefferson, and was there for 54 years. The house was built in a Greek Revival / Federal style, but in the late 1800s you see the addition of the porch and the ornate cornice. The original house [is] still intact, but those changes reflect what was done in the late 1800s.

This [demo CoA] request came in—and I know we had had a prior COA request to construct a new building on that site that project, I don't know the status of that, but it's not relevant here. [See BAR CoA #'s 22-09-03 and 24-10-01.] The request before you is for the demolition. A lot of folks asked should the BAR do this or that, and [they offer me] recommendations, so I want to be clear that, per Charlottesville City code Chapter 34, Division 5.2.7 [etc.], when you are reviewing a demolition request--and, per our code, a contributing structure within an ADC district, and this is within the Wertland Street ADC District--the demolition of a contributing structure requires a COA. And whether that CoA is approved by the BAR or by Council on appeal, the COA is required.

Then, per code [the BAR's] review is limited to [a] finite list to work from, and it's in our code. So, I will quickly refer to that. (Note: Staff reviewed the summary in the May 20, 2025 BAR

staff report.) [Per the code] the “review is limited to the following factors in determining whether or not to permit the moving, removing, encapsulation, or demolition in whole or in part of contributing structure.” The first [factor], the architectural, historical, and cultural significance, if any, of the specific structure property, including without limitation, and the first question is “the age of the structure.” We know that it was constructed in 1843. Next question is whether it has been designated on the Virginia Landmarks Register or the National Register of Historic Places. Yes, it is a contributing structure within the Wertland Street Historic District, which is listed on the state and national registers. [BAR] purview over this project is determined by a local ordinance--so it's not because of the National Register designation that you have purview—however, in your consideration of the demolition of a structure, [it] is appropriate given that we use the Secretary of the Interior’s Standards when evaluating [a CoA request], so the fact that it is on the state and national registers is an important fact to consider. It’s worth noting that in 1974, the Charlottesville Landmarks Commission, in response to requests from Council, identified the Wertenbaker House as one of the city’s historically and architecturally significant structures. In 1984, the Wertland Street Historic District was listed on the Virginia Landmarks Register and the following year it was listed on the National Register of Historic Places. For both [designations], 1301 Wertland is identified as a *contributing resource*. In 1999, City Council formally established by ordinance Wertland Street ADC District and 1301 Wertland was designated a *contributing structure*.

The next question is whether and to what extent the building or structure is associated with an historic person, architect, craftsman, or event. As I noted, the house was constructed in 1843 by William Wertenbaker, who served as the second librarian for the University, and serving until 1880. This was the residence for Mr. Wertenbaker and his family during that time. The next question is whether the building or structure or any of its features represent an infrequent or first or last remaining example within the city of a particular architectural style or feature. I wrote [in the staff report], within the city the Wertenbaker Houses is one of approximately 20 extent buildings constructed prior to 1850. Maybe one or two others, the numbers are a little odd in GIS. But, yes, this is one of the few houses in the city built prior to 1850. Certainly, it's significant due to its association with the early University; it's association as the oldest structure within the Wertland Street Historic District; and when the state and national register districts were established, 25 primary structures dating from 1843 to 1930 were identified as contributing, and of these 23 still remain, so only two of those 25 primary structures have been razed. This district is relatively intact.

The next question is whether the building is of such old or distinct design, texture, material that it could not be reproduced or could be reproduced only with great difficulty. I think you could argue that, but I would say that it could certainly be reproduced physically, but I think an accurate reproduction would require period materials and construction methods, so would not just be going to Lowes and rebuilding it. The next question is the degree to which distinguishing characteristics, qualities, features, and more materials remain. From best I can the house was constructed in 1843, and we know it was remodeled in the late 19th century. We know it has had a lot of repairs. Some of those are documented by the work that was done in 1983, working with the Virginia Department of Historic Resources. I'm not certain what exact year the work was done, but overall the house remains, in its current form, very close to what you would have seen--and you could see that the old photographs--in the 19 century.

The next question is whether to what extent the structure is linked historically or aesthetically to other buildings within [the ADC District]. Wertland Street is individually unique in its architecture and its association with the university. It's additionally significant as part of what is described in the National Register nomination as a cohesive district of 19th century dwellings associated with the University. [The guidelines] ask if the overall condition and structural integrity of the building has been evaluated by professional engineer. The applicant submitted a structural report prepared by Dunbar, dated April 28 2025, and the comments were that the building--I don't have the exact words--but they recommended some repairs were necessary. The next question is whether and to what extent the applicant proposes means, methods, or plans for moving or removing the demolishing the structure. Essentially, are they planning to save anything? No, my understanding is to raze the building entirely. Furthermore, per code, [the BAR is] asked to review any applicable information from the city's [ADC District] design guidelines. Those are very similar to what we just went through from the code. There is an additional question: Is there a public necessity for the proposed demolition? Not that I am aware of. [The guidelines then ask] the public purpose or interest in land or buildings [being] protected. [From the staff report], the Wertland Street ADC District was established by City code, adopted by the City of Charlottesville, so locally its historic significance has been acknowledged and this is not the question before you. That is a fact. And the fact that it's listed on the state and national registers certainly attest to that importance. [From the staff report], I said of the existing character of the setting of [1301 Wertland Street] and its surroundings, I mentioned that of the 25 primary structures listed as contributing, 23 still remain. [1301 Wertland Street] being one of them. [In the guidelines, the BAR is asked to consider] whether or not relocation is structurally practical or a preferable alternative to demolition. I not qualified to comment on the practicality of moving this structure, but you can certainly raise that with the applicant. The next question is whether or not the proposed demolition would affect--adversely or positively--other historic buildings in the historic district. The response to that is, while unique and one of the oldest buildings there, a historic district is the *sum of its parts*. That's the intent of the historic district, and you can't just keep removing *panels from the quilt* and hope that the quilt will remain. The last question is whether or not a professional economic and structural feasibility study for rehabilitating or reusing the structure [has been prepared] and whether or not it's finding support the proposed demolition. As I noted. the April 28 2025 report from Dunbar concluded the structure overall is considered adequate and recommended a list of repairs being considered. That is my review of what's required of the BAR to consider. In reviewing those, as I state in the staff report, applying that review criteria and the design guidelines, staff recommends against approving the requested demolition COA to raze the structure at 1301 Wertland Street. Should you all deny the request, I recommend that the motion include the specific reasons for the decision. You don't have to get into precision, but [if] this is appealed to Council, that that advice is communicated to Council in your motion. Should the BAR consider approval of the requested COA, staff recommends a condition requiring that prior to approval of the demolition permit--similar to what you did to 218 West Market [earlier on the agenda]--the structure would be documented thoroughly with photographs and measured drawings according to the Historical American Building Standards, with the documents submitted for the BAR archives. Finally, per City code Chapter 34 Section 5.2.7 E., within 10 business days of the date of this meeting, should you make a decision tonight, that action can be appealed to City Council, and that action can be appealed either the applicant or any aggrieved party that disagrees with the BAR's action. Because next Monday is a holiday, Wednesday June 4 would be the deadline for those 10 days to

submit an appeal. An awful lot there. I appreciate your patience. D/o you have any questions for me?

Mr. Zehmer - Thank you very much. [Is] the applicant here or online?

Staff - No. [The applicant, Edward Carrington, was not present to make a presentation or answer questions from members of the BAR.]

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

No Questions from the Board

COMMENTS FROM THE PUBLIC

Genevieve Keller (504 North 1st Street) – I am representing Preservation Piedmont tonight. The Preservation Piedmont Board met on site on May 8th to acquaint ourselves with Wertland Street and the Wertenbaker House and the environments. We are concerned and shocked that anybody would seriously consider removing the Wertenbaker House from Wertland Street. At this moment, the Wertenbaker House is Charlottesville's most significant endangered historic place. Its demolition would, not only erase a piece of local history, but also disrupt a place tied to our community and the University of Virginia's historic, urban development. William Wertenbaker was among the early staff and faculty members to establish a neighborhood near and outside the boundaries of the Academical Village. He was selected by Jefferson as UVAs librarian. Wertenbaker worked in the nearby Rotunda and served in that capacity as librarian from 1826 to 1891. He was, at one time, secretary of the Board of Visitors. He served the community as sheriff and postmaster. This is not the first time that this house has been threatened. We have a file of clippings, letters, and notes documenting the other times. This house has endured. In the 1980s and 1990s, the City Council made decisions to support his house as part of our important Wertland Street District. It designated the house locally as an Individually Protected Property and denied developers approval to have it demolished. Instead of being demolished, the Wertenbaker House became one of the first local buildings to be approved for a federal tax credit rehabilitation, signifying both state and national acknowledgement of its architectural and historic significance to our community. Instead of being demolished to provide more housing and revenue, apartments were developed behind it. In 2023, the BAR again approved new infill construction immediately adjacent and east of the house. It has not been built. Apparently, this was not enough concession because they are back again to propose destroying it entirely. Instead of destruction, this important place in our history warrants another updated federal tax reducing certified rehabilitation. As staff said, this is a rare surviving example of Charlottesville's early 19th century domestic brick architecture. Its 2-story porches are unique architectural features. The house spans our collective history as a residence established by one of the University's first students, its longtime librarian, the unforced workplace of at least 3 enslaved individuals, and later home to generations of students who have lived, studied, partied, and played music. It has witnessed desegregation and coeducation. Please vote tonight to deny this application for demolition.

Jody Lahendro (1335 Stonegate Court) – I am a preservation architect with my office here in Charlottesville. Thank you for the opportunity to comment. I wish to go on record in opposition to the demolition request for this house. The staff report and staff's introduction did a great job of talking about and indicate documenting the importance of William Wertenbaker and his role in creating the University of Virginia. The report highlights the 1842 house and Wertenbaker Subdivision of Property that created today's Victorian Era Wertland Street residential community. Compared to the shiny new apartment buildings, the Wertenbaker House and historic district are portrayed as shabby, worn-out artifacts that no longer serve a useful purpose. In fact, Dunbar's recent structural report found the house to be in sound condition with minor repairs due to the current lack of maintenance. Only a lack of imagination keeps the historic house from being revitalized to serve much needed modern uses. For over 50 years, since 1974, the city has identified the Wertenbaker House as one of its most historically and architecturally significant structures. It has enforced its preservation along with the Wertland Street Historic District for 26 years. After recent years of developers and the city eroding the historic district with large apartment complexes, a developer feels confident enough to seek destruction of the Wertenbaker House, the lynchpin upon which the district hangs. In evaluating this request, I urge you (BAR) to consider what it would mean to destroy the Wertenbaker House with its memory of our community in the 19th century, and even more impactful, to replace it with a large, transient housing complex.

Breck Gastinger (612 Wine Cellar Circle) – I wanted to call in today in opposition to the demolition. Knowing this project from multiple applications over the years and learning more about its history and its impact on the Wertland Street landscape made me understand how critical it is to our civic infrastructure. I love Ms. Keller's description of this as a witness tree. In a way, it is very much that. I think reasonable application of our Guidelines would recommend swift denial of this application. The thing that made me want to call in and register my thoughts on this was that, more than any other project in the last year, I have gotten more comments from the public to me thinking that I was still on the Board, in opposition to the removal of this house. Public members have some distress over potential removal of this structure.

Kevin Blair – This building, unlike 144 Chancellor Street, is a beautiful example of historic history. It is wonderful structure that should be preserved.

Mr. Zehmer – We received eight letters, two from the same person, in opposition to the demolition request. We will add those letters to the record, but for tonight I will read the names of the people who wrote the letters. [See notes on Appendix.] Virginia Doherty, a former mayor of Charlottesville; Bill Emory; Christine Sweeter; Katherine Slaughter, also a former mayor; Bitsy Waters, a former mayor; Mary Wiley; and Robert Yule. Thank you for submitting those letters in opposition of the demolition of the Wertenbaker House.

COMMENTS FROM THE BOARD

Mr. Zehmer – I think it is pretty clear in my mind that we cannot allow the demolition of this house. It is extraordinarily significant to the history of the city of Charlottesville. Having been intimately familiar with the Rotunda at the University, Thomas Jefferson called it his temple of knowledge. He built that in a time where most universities and colleges in the nation had a chapel as their central building. He called it the temple of knowledge because he championed the

separation of church and state. It housed the library in his temple. That means this particular house [1301 Wertland Street] is the house of his first and chief priest. That reinforces the importance of education, the importance of a library, the importance of a librarian. This house is historic in its own right, and historic in the neighborhood that is built around it. I cannot support demolition approval.

Ms. Lewis – I am disappointed that the applicant is not here and has not bothered to call in. For such an important application, taking down a building this old in the city that I think they bear the burden of addressing our guidelines. That is what we are driven by. We are not just people that are randomly making a decision here. We are only charged with enforcing guidelines. There are specific guidelines that staff read out in their entirety that address demolitions. I have never seen a demolition where every single criteria is met against demolition. This is an important, historic figure associated with the building who built the building. He created this entire district. The quality of the craftsmanship and the beauty of this building. It certainly has been encroached upon by a lot of multifamily housing. It is too bad that it does not have a little more space around it. In my opinion, the applicant has the burden of showing us why it should be demolished and why it does not meet the criteria for keeping it. We are lacking hearing anything from the applicant tonight. I am disappointed in that considering how much that people have called in, written in. We have heard from people. Three of the letters that we received are from former mayors. Those mayors individually are businesspeople. They are advocates. They are not preservation people. They are mayors that advocated for the development of the Downtown Mall, who advocated for The Omni to come to downtown. They are economic development inclined mayors. They are falling on this in the same position that everyone on this dais thinks. This building should not be demolished. I am disappointed. I also want to note that this building does need maintenance. Demolition by neglect is not an avenue for this applicant. I would encourage the city to do its own inspection, make sure this building is stable, and cite the owner if there are things that need to be addressed. You can't let something like this fall apart. That is essentially what they have done.

Mr. Schwarz – This is probably going to go to Council. While many applicants will use the argument that the new zoning ordinance and Comprehensive Plan call for more housing and denser development. Our Comprehensive Plan talks a lot about historic preservation. Chapter 4 of the Comprehensive Plan, the Land Use Chapter, some of the goals that are at the front of chapter are 'systematically inventorying and evaluate all historical, cultural, natural resources, landscapes, and open spaces as critical elements that make Charlottesville special.' This building has been inventoried and evaluated. It has been declared an IPP. It is on the National Register. It is a contributing structure. It has been declared important. 'Communicate about historic resources, educate current and potential property owners of historic resources and the community in general about the significance of historic properties. Provide effective protection of Charlottesville's historic resources, including through recognition, incentives.' The Comprehensive Plan is not just about more density, more housing. It is also about protecting our cultural and historic resources.

Mr. Werner – Mr. Schwarz, you are correct. In 1973, the city established the Landmarks Commission to look at historic properties throughout the city. At that time, it was only the small district that existed downtown that was established in 1959. It took a while for the city to get to

where it was establishing local districts. I checked that to see if it had been individually listed. I couldn't find it.

Mr. Timmerman – Based on the changing landscape that is happening, because of the new Comp Plan and the new zoning, it is important for us as a community to come together and start thinking about where we draw these lines in the sand. This is a great place to start. There is no one point on here that anybody can really dispute. The fact that a structural report that tells us that the house is in stable condition only reasserts that. In some ways, it is a bit disrespectful in my opinion, as is the inability for the applicant to come and state their case. I hope that Council hears us and all these points.

Ms. Tabony – There is something special about Charlottesville. New developments can sit adjacent to old, very unique properties that are very much contributing to the history and the story of this place. The conversation between those two conditions is what I think will keep Charlottesville a unique city and continue to keep it a destination city and something that we can be proud of and love. I cannot support the demolition of this building.

Mr. Birle – It was Mr. Lahendro that said it is really a lack of imagination. Clearly, as Ms. Lewis said, it checks every box. There is no reason this should be demolished unless there were some structural reasons. Their submission of a structural report that says it is adequate structurally. Rather than thinking of it as a hindrance, this should be celebrated as an opportunity to do something neat for the community and restore it.

Mr. Zehmer – In the landmark survey, there is a handwritten note when they interviewed Ms. Alicia W. Flynn, who is the great granddaughter of the builder, William Wertenbaker, in 1971. It says, 'offers have been made to buy the property; rumors, apartment building on site.' We have been fighting this for 54 years. This is not something new. It is probably not the last time. Quite frankly, not on my watch.

Motion to deny CoA [See BAR action memo for formal correspondence to applicant]

Ms. Lewis – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition of 1301 Wertland Street does not satisfy the BAR's criteria and guidelines and is not compatible with this property for the following reasons: I would note all of Mr. Werner's comments and guidelines cited [from staff report]. Specifically:

- There is no public necessity to proposed demolition. There is no reason this has to happen. It's just private greed.
- There is public purpose and interest in the building being protected. We've been trying to protect this for a long time, for half a century, against threats.
- No demonstration if relocation or other alternative might be available. The applicant is not here to address that.
- The proposed demolition would adversely affect all other buildings, 23 buildings in particular, in this historic district, because [the Wertenbaker House] is the anchor in the Wertland ADC District.
- There is no reason for demolition that has been stated, that is one of the guidelines for [the BAR] to consider to applicant's reason. We don't have that here because [the

applicant] didn't bother to appear tonight. The application doesn't tell me the reason, except for redevelopment, I would guess.

- There has not been an economic feasibility study for rehabbing or reusing the structure. We have a structural report.
- The applicant has not demonstrated they have exhausted all other alternatives before the application to demolish.
- The applicant has not offered that if they demolish the building, they would document the building thoroughly with measured drawings [and etc.]. None of us want this demolished anyway, but there has been no offer of that. (I'll accept any friendly amendments.) [Staff noted applicant had provided a 3D Point Cloud scan of the building as well as a Phase I archeological survey. Not certain if that satisfies documentation criteria. Don't have technical capability to share tonight.]
- Mr. Zehmer - This property is extraordinarily significant to the history of the University and to City of Charlottesville and as the principal residence of the University's first, technically second, but longest serving librarian who was selected by Thomas Jefferson.

Ms. Lewis - I'll accept that additional amendment, citing the reason why do not support demolition.

Mr. Zehmer - Do I hear a second?

Mr. Rosenthal - I second the motion. [Staff noted the draft motion in the Staff Report inadvertently referred to the Downtown ADC District. Ms. Lewis noted she omitted that in her motion.]

Mr. Zehmer - We will vote.

Mr Schwarz - Yes, for denial.

M. Birle - For denial.

Ms. Lewis - For denial.

Mr. Timmerman - Yes, for denial.

Mr. Tabony - Yes, for denial.

Mr. Rosenthal - Yes, for denial.

Mr. Zehmer - Yes, for denial.

Motion passes 7-0.

Appendix

E-mail received by BAR staff.

Wednesday, May 14, 2025 2:24 PM

From: Christine Sweeter.

I urge you to deny the demolition of the Wertenbaker house. We need to save history and the history of Charlottesville. Surely, a house that sheltered an important figure of UVA and was appointed by Mr. Jefferson should not be torn down. Please don't destroy history.

Thank you.

Thursday, May 15, 2025 8:51:44 PM

From: Mary Wiley

Please do not allow 1301 Wertland St to be demolished. It is a beautiful and historic home with links to the University and to the community. Much of the original land around it is already used for housing. Don't allow more to be built in place of this lovely house.

Thank you

Friday, May 16, 2025 9:38:02 AM

From : Kay Slaughter

I oppose the demolition permit for the Wertenbaker House at 1301 Wertland St., the centerpiece of the Wertland Street Architectural Design Control District. The house, built around 1830, may be the oldest remaining house in Charlottesville. It is a handsome period structure, close to the home where Georgia O'Keefe and her family lived in the early 20th Century. While the Wertenbaker House deserves protection for its own sake, clearly this demolition request is preliminary to destroying the entire Wertland National and State Historic District. Other Virginia cities, like Richmond and Staunton, have done a much better job than Charlottesville in protecting its historic fabric. We have the opportunity in this case to preserve an important historic building in our beautiful and historic town. Please do not approve this demolition, and require appropriate enforcement of the law so that demolition by neglect of the Wertenbaker House, a designated National Historic Building, will not continue. Please vote no.

Sincerely,
Kay Slaughter

Sunday, May 18, 2025 4:48:02 PM

From: Virginia Dauherty

Dear Mayor Wade and City Council members, Please do not allow the Wertenbaker house to be torn down. It is simply too charming and unusual architecturally and one of the many interesting structures that make Charlottesville and not just Any Town, USA. We have to work to preserve the special flavor of our city, especially with so much new construction going on. The historic

significance of the house makes it even more important, because the forces against true history are strong right now.

Thank you,
Virginia Daugherty

Monday, May 19, 2025 4:33:11 PM

From: Bitsy Waters

Dear BAR and City Council, I'm writing to strongly encourage you to deny the Certificate of Appropriateness for demolition of the Wertenbaker House on Wertland St. This is one of the oldest remaining houses in the city. It has very important historical significance and despite many changes in parts of the area, this house is still the main contributor to its namesake historic district. If we don't protect a property like this, we should question whether we are serious about protecting any of what remains of Charlottesville's historical fabric and character.

I realize this house needs reinvestment, but the current owners bought it very recently. They had to know it had historical protection. Often owners have allowed these significant properties to deteriorate so they or future owners have an excuse to demolish them. Demolition by neglect should not be an acceptable rationale for destroying properties with the significance of the Wertland property.

The City has many competing priorities. We have lost many of our historic buildings and areas to these competing interests. We have to draw the line somewhere or the U VA lawn and the Downtown Mall will be the only built history we have left. Great cities of all sizes preserve their history and character, otherwise they can become anyplace USA. Please save the Wertenbaker House and other historic houses on Wertland so we can continue to be a special great city.

Monday, May 19, 2025 9:27:36 PM

From: Robert Yule

I read with dismay about the application to demolish 1301 Wertland Street. As a former historian of the University Guide Service (1996-1997), I knew well the history of William Wertenbaker, the second librarian of UVA and appointed by Thomas Jefferson. While many might not know his name beyond Wertland Street, he is an important part of UVA history, and is even more famous for his connection to Edgar Allan Poe. He had befriended Poe when he was a student in 1826, and is one of our best sources of Poe's life at the University. It is Wertenbaker's words you'll hear when you listen to the recording at Poe's room at 13 West Range The house is an iconic and beloved part of the Wertland neighborhood, and one of the last vestiges of that historical time period. We're so lucky to still have it - please don't destroy this piece of history.

Sincerely,
Robert Yule

Tuesday, May 20, 2025 10:52:42 AM

From: Bill Emory

Dear Board of Architectural Review, Please do vote to retain the Wertenbaker House for another 200 years. I deeply appreciate your collective knowledge and selfless service to our City.

Bill Emory

(I recognize that the protective power of an ADC is set by state government. But I do hope you will oversee the rewriting of the guidelines generally. The continued destruction of the fabric of Charlottesville is disheartening in the extreme.)