

TO: Mayor and Town Council
FROM: Andy Conlon, Senior Planner
RE: Appeal of CDA21-03 Bia Kitchen @ 21st St N
DATE: November 9, 2021

CDA21-03 Bia Kitchen @ 21st St N was considered by the Board of Architectural Review (BAR) at a special meeting conducted on October 28, 2021. The application was approved by the BAR by a vote of 4-0-1, subject to seven adopted conditions of approval. The applicant, Mr. Shane O'Connor, in a letter dated October 30, 2021, filed an appeal to Conditions of Approval No. 7.

The complete set of the adopted conditions of approval for CDA21-03 is attached to this report. Condition #7 reads as follows:

“The applicant shall demonstrate they have sufficiently investigated options to remove all the existing white paint on their brick building. If the paint cannot be removed from the brick, the applicant shall return to the BAR to approve the proposed paint color to the building, as no exterior paint color to the building is approved at this time. It is not the intention of the BAR to withhold occupancy of the building prior to resolving this issue.”

Mr. O'Connor's objection to Condition of Approval No. 7 is based on economics. He asserts that he has made a substantial financial investment in the property and cannot justify further costs associated with the removal of the paint.

The front façade of Mr. O'Connor's building was partially painted approximately a month ago. Mr. O'Connor's contractor began painting the building without Mr. O'Connor being aware that it requires BAR approval. Therefore, Mr. O'Connor was asked to stop painting the building the same day the work commenced and to remove the paint from the building. Although Mr. O'Connor has attempted to remove the white, latex, paint from his brick building, he has indicated that he has been unsuccessful in doing so.

The BAR believes Condition of Approval No. 7 is reasonable and appropriate. The BAR has taken this action in an ongoing effort to protect original building facades within the historic downtown. Both staff and the BAR are aware of products and techniques available to remove paint from masonry. The BAR has expressed that if these products or techniques prove to be unreasonably expensive or ineffective, they will consider approving an appropriate color to paint the building.

Attachments:

1. Front elevation sketch submitted prior to the BAR meeting
2. Front elevation sketch submitted in response to the BAR conditional approval
3. Adopted conditions of approval for CDA21-03

CDA21-03 Bia Kitchen @ N 21st St

Adopted Conditions of Approval

The October 26, 2021 Special Meeting of the Board of Architectural Review adopted the following conditions of approval for CDA21-03 Bia Kitchen at 108 N 21st Street:

1. The front door may be relocated +/- 12"- inches forward from its existing location towards the street. The door shall have a solid panel transom above it with painted text that reads: "Euro Inspired Locally Grown".
2. The applicant may replace the existing front door with a new one that is aesthetically consistent with the original door. The new door shall be approximately 42"- inches wide.
3. Two (architectural salvage) divided-lite, steel windows that are dimensioned approximately 55" x 52"- inches shall be installed along the front façade of the building as shown on the approved building elevations.
4. Two (architectural salvage) divided-lite, steel windows that are dimensioned approximately 14" x 52"- inches and painted black shall be installed within the bay inset leading to the front door as shown on the approved plans.
5. Four retro wood pilasters shall frame the entire opening and be proportionately laid out with period trims to frame in the windows with the header being at the top of the steel windows.
6. The windows above the primary window units described in Condition Nos. 3 and 4 (above) and in line with the door transom, shall be newly built steel windows, painted black.
7. The applicant shall demonstrate they have sufficiently investigated options to remove all the existing white paint on their brick building. If the paint cannot be removed from the brick, the applicant shall return to the BAR to approve the proposed paint color to the building, as no exterior paint color to the building is approved at this time. It is not the intention of the BAR to withhold occupancy of the building prior to resolving this issue.

End of Conditions