



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: _____

B.A.R. Case # BAR 2004 - 0153

Address of Project: 407 South Washington St.

Appellant is: (Check One)



B.A.R. Applicant

Other Party. State Relationship _____

Address of Appellant: 407 South Washington St.
Alexandria, VA 22314

Telephone Number: 703 683-4321

State Basis of Appeal: EXISTING DOOR IS A HAZARD TO
CUSTOMERS BECAUSE OF SUBSTANDARD
HEIGHT, MANY CUSTOMERS HIT THEIR
HEAD AT TOP. NEW DOOR PROPOSED WILL
REPLACE EXISTING DOOR & TRANSOM.

EXISTING OVERALL OPENING REMAINS THE SAME.
Attach additional sheets, if necessary.

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$150.00 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

[Signature]
Signature of the Appellant

Case No:
2004-0154

EXHIBIT NO. 2

9
10-16-04

Docket Item #
BAR CASE #2004-0154

City Council
October 16, 2004

ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District denying a Certificate of Appropriateness for alterations

**APPLICANT &
APPELLANT:** Pari Pazradi

LOCATION: 407 South Washington Street

ZONE: CL/Commercial

Purpose

This appeal by the applicant asks whether the Board of Architectural Review should have denied the removal of a door transom to permit the installation of new exterior door on the commercial building.

Background:

On August 18, 2004, the Board of Architectural Review (BAR) heard an application for a Certificate of Appropriateness that proposed the removal of an existing transom and the substitution of a new door at 407 South Washington Street. The proposed new wood door would incorporate a faux multi-light transom to replace the existing recessed multi-light transom. The proposed new door will be approximately 10" higher than the existing doorway. According to the applicant, the increased size of the doorway is needed for increased head height so that patrons do not bump their heads on the existing transom.

407 South Washington Street is a two story wood frame commercial building with a two wood frame addition on the rear. It is part of a group of seven similar wood frame rowhouses. Numbers 401 through 409 were built by Charles Smoot in 1846-1847 according to Ethelyn Cox in *Alexandria Street by Street* (p. 185). Today, the exteriors of these rowhouses remain remarkably homogeneous. They are all basically simple, vernacular two story, three bay rowhouses with little surface modulation. The most notable exception are the recessed transoms above each of the entry doors which provide relief from the planar surfaces of the rowhouses. Thus, these recessed transoms are character defining features of this group of frame rowhouses.

The Zoning Ordinance provides standards that are to be used to determine if approval of a Certificate of Appropriateness is warranted. In this appeal, the most important standard concerns architectural detail. Section 10-105(A)(2)(b) of the Zoning Ordinance set forth that standard. It provides that the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

- (b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

The Board denied the removal of the existing transom and substitution of a new door with a faux transom because they believed that (1) it will substantially change the appearance of the building; (2) that it will destroy a character defining feature of the house; (3) that it will disrupt the unity of the row; and, (4) that the change will destroy the historic architectural integrity of the building and the row which have survived remarkably unchanged on the exterior for nearly a century and a half.

Figure 1 below shows the existing door and recessed transom. The Figure 2 drawing for the new door is misleading. Superficially it appears as if the new door will replicate the existing pattern of the transom. However, the new door and faux transom will all be on the same plane. Thus, there will be a significant difference between the existing door and recessed transom with the new door with the faux transom.

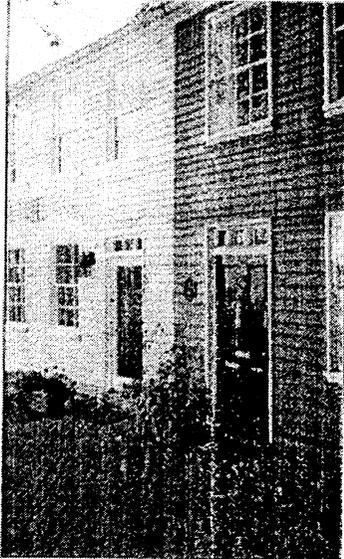


Figure 1 400 block of South Washington Street

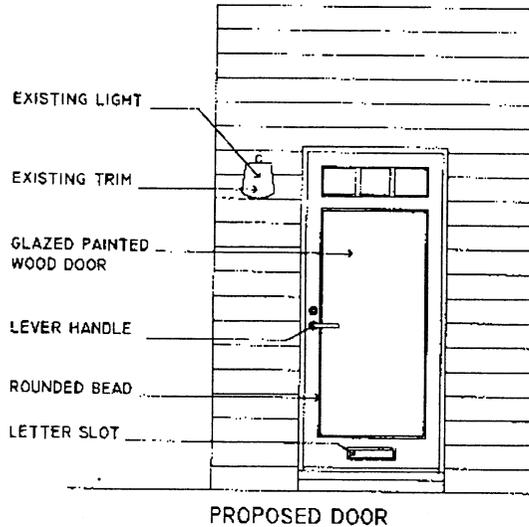


Figure 2 Proposed replacement door with faux transom

BAR Staff Position Before the Board:

BAR Staff recommended denial of the application. (See BAR Staff report, Attachment 1)

Appeal of the Denial

The Zoning Ordinance permits an approval of demolition by the Board of Architectural Review to be appealed to the City Council by the applicant. The applicant filed an appeal on September 1, 2004.

City Council Action Alternatives:

Council may uphold or overturn the decision of the Board of Architectural Review, using the criteria for approval of a Certificate of Appropriateness in §10-105(A)(2) Zoning Ordinance (Attachment 2). City Council may also remand the project to the Board with instructions to consider alternatives.

Attachments:

Attachment 1: B.A.R. Staff Report, August 18, 2004

Attachment 2: §10-105(A)(2): Criteria to be considered for a Certificate of Appropriateness

STAFF:

Eileen Fogarty, Director, Department of Planning and Zoning; Hal Phipps, Division Chief, Zoning and Land Use Services; Peter H. Smith, Principal Staff, Boards of Architectural Review.

REPORT ATTACHMENTS

ATTACHMENT 1

Docket Item #23
BAR CASE #2004-0154

BAR Meeting
August 18, 2004

ISSUE: Alterations
APPLICANT: Pari Payravi
LOCATION: 407 South Washington Street
ZONE: CL/Commercial

BOARD ACTION, AUGUST 18, 2004: On a motion by Ms. Quill, seconded by Mr. Keleher the Board approved the Staff recommendation which was: denial of the application. The vote on the motion was 4-1 (Mr. Smeallie was opposed).

REASON: The Board agreed with the Staff analysis.

SPEAKERS: Ray Lewis, project architect, spoke in support
Pari Payravi, applicant, spoke in support
Nezan Alireza, property owner, spoke in support

STAFF RECOMMENDATION:

Staff recommends denial of the application.

I. Issue:

The applicant is requesting approval of a Certificate of Appropriateness for the installation of a new front door at the commercial property at 407 South Washington Street. The proposed new wood door would incorporate a faux multi-light transom to replace the existing recessed multi-light transom. The proposed new door will be approximately 10" higher than the existing doorway.

According to the applicant, the increased size of the doorway is needed for increased head height so that patrons do not bump their heads on the existing transom.

II. History:

407 South Washington Street is a two story wood frame commercial building with a two wood frame addition on the rear. It is part of a group of seven similar wood frame rowhouses. Numbers 401 through 409 were built by Charles Smoot in 1846-1847 according to Ethelyn Cox in *Alexandria Street by Street* (p. 185). Today, the exteriors of these rowhouses remain remarkably homogeneous. They are all basically simple, vernacular two story, three bay rowhouses with little surface modulation. The most notable exception are the recessed transoms above each of the entry doors which provide relief from the planar surfaces of the rowhouses. Thus, these recessed transoms are character defining features of this group of frame rowhouses.

In 2001, the Board approved signage for the existing hair salon (BAR Case #2001-0181, 7/18/01).

III. Analysis:

Proposed door alterations complies with the zoning regulations

The drawings are somewhat misleading because they show no shadow lines indicating the change of plan of the existing transom. Therefore, the door appears to be almost identical in both drawings when, in fact, there is a significant difference.

Staff is strongly opposed to changing out the door and transom to a single plane door that has lights at the top. First, it will substantially change the appearance of the building. Second, it will destroy a character defining feature of the house and, third, it will disrupt the unity of the row. Fourth, the change will destroy the historic architectural integrity of the building and the row which have survived remarkably unchanged on the exterior for nearly a century and a half. For these reasons, Staff recommends denial of the application.

IV. Staff Recommendation:

Staff recommends denial of the application.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Code Enforcement:

C-1 If alterations to the structural frame are required for installation of the new door, a building permit will be required.

Historic Alexandria:

No comment.

National Park Service:

No comment.

10-105 Matters to be considered in approving certificates and permits.

(A) Certificate of appropriateness

(1) **Scope of review.** The Old and Historic Alexandria District board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in sections 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in sections 10-105(A)(2)(e) through (2)(j) below; shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Parkway, including the Washington Street portion thereof, if the building or structure faces such highway; and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such existing building or structure, area surroundings or memorial character, as the case may be.

(2) **Standards.** Subject to the provisions of section 10-105(A)(1) above, the Old and Historic Alexandria district board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

- (a) Overall architectural design, form, style and structure including, but not limited to, the height, mass and scale of buildings and structures;
- (b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;
- (c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

- (d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;
- (e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;
- (f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;
- (g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;
- (h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;
- (i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and
- (j) The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.

(3) Additional Standards - Washington Street.

- (a) In addition to the standards set forth in section 10-105(A)(2), the following standards shall apply to the construction of new building and structures and to construction of additions to buildings or structures on lots fronting on both sides of Washington Street from the southern city limit line to the northern city limit line.

(1) Construction shall be compatible with and similar to traditional building character, particularly including mass, scale, design and style found on Washington Street on commercial or residential buildings of historic architectural merit....

(3) Building materials characteristic of buildings having historic architectural merit within the district shall be utilized. The texture, tone and color of such materials shall display a level of variety, quality and richness at least equal to that found abundantly in the historic setting....

(5) Construction shall display a level of ornamentation, detail and use of quality materials consistent with buildings having historic architectural merit found within the district....

SPEAKER'S FORM

DOCKET ITEM NO. 9

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: Ray Lewis
- 2. ADDRESS: 1007 King St. Alex. 22314
TELEPHONE NO. 703-836-0950 E-MAIL ADDRESS: _____
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____

- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
- 5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST,
CIVIC INTEREST, ETC.):
Attorney Designer
- 6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.