

EXHIBIT NO. 1

13
1-21-06

Docket Item #
BAR CASE #2005-0130

City Council
January 21, 2006

ISSUE: Appeal of a decision of the Board of Architectural Review, Old & Historic Alexandria District denying an after-the-fact Certificate of Appropriateness for painting previously unpainted masonry

APPELLANT: Linda Cole, owner

LOCATION: 727 South Pitt Street

ZONE: RM/Residential



727 SOUTH PITT STREET



I. EXECUTIVE SUMMARY

- The appellant is requesting after-the-fact approval to paint previously unpainted brick masonry on her house. The appellant has recently painted the front elevation of the house and is proposing to paint the rear elevation.
- The two story brick dwelling at 727 S. Pitt Street was constructed around 1941 as part of the Yates Gardens development.
- As part of the original development scheme of Yates Gardens, some of the brick buildings were painted. However, in a large number of instances, the brick houses were meant to remain unpainted. The house at 727 S. Pitt Street was one of these and remained unpainted until this year.
- Section 10-109 of the zoning ordinance permits maintenance of architectural features of properties in the historic district. However, subsection (B)(4) says that “the painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.”
- The Design Guidelines adopted by the Boards of Architectural Review in 1993, state: “the Boards strongly discourage the painting of a previously unpainted masonry surface.”
- In the review of this case, the staff recommended and the Board agreed to deny the application to paint the previously unpainted brick masonry at 727 S. Pitt Street.
- Staff recommends that City Council support the decision of the Board of Architectural Review and deny the after-the-fact Certificate of Appropriateness for painting previously unpainted masonry. Further, it is recommended that the appellant be directed to remove the paint that has been applied to the front of the house within 90 days.

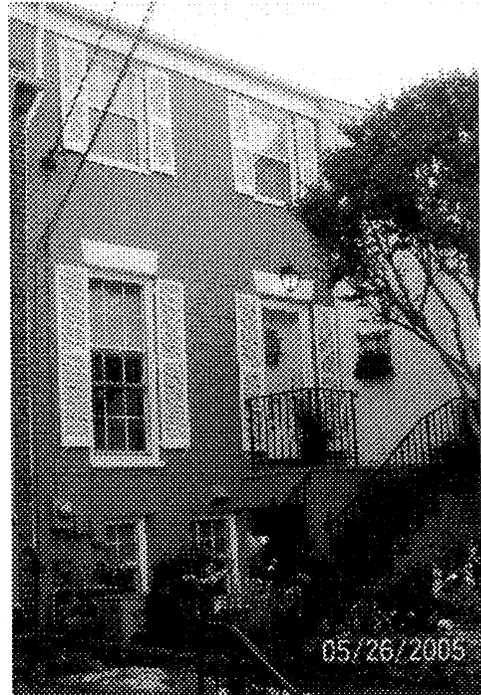


Figure 2 - Painted Front of 727 S. Pitt St

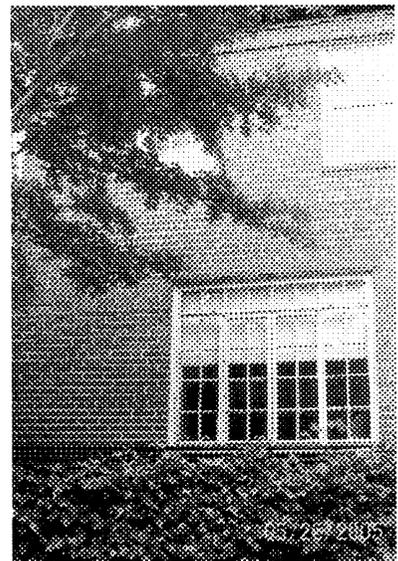


Figure 3 - Rear of 727 S. Pitt St.

II. BACKGROUND

The two story brick dwelling at 727 South Pitt Street was constructed around 1941 as part of the Yates Gardens development. Since it was built, the house had an exterior of unpainted brick. Sometime this year the appellant painted the front of the house.

As a result of a complaint, the staff sent a letter to the appellant on May 6, 2005 citing Section 10-109(B)(4) of the zoning ordinance that states:

The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

The appellant says that she did not know that she needed approval to paint her house. An historic district brochure that is mailed with an annual letter to all residents of the historic districts makes it clear that previously unpainted masonry surfaces require Board review before painting.

The appellant submitted an after-the-fact request for a certificate of appropriateness on May 31, 2005 to the Old & Historic Board of Architectural Review for approval to paint the previously unpainted brick masonry on the front of her house. In addition, the appellant asked to be allowed to paint the rear elevation.

At a public hearing on September 7, 2005, the Board denied the application for an after-the-fact Certificate of Appropriateness. In addition, the Board directed the appellant to remove the paint that has been applied to the front of the building within 90 days. The vote was 5-0.

III. DISCUSSION AND ANALYSIS

The *Design Guidelines*, adopted by the Boards of Architectural Review in 1993, are explicit on the issue of painting unpainted masonry. They state that "as a general rule, brick and masonry buildings should not be painted" and that "the Boards strongly discourage the painting of a previously unpainted masonry surface." Underlying this principle is the belief that red brick buildings are one of the chief distinguishing characteristics of the historic district.

The Board has reviewed several after-the-fact requests for painting previously unpainted masonry. Most recently, the Board reviewed a case for 715 Princess Street where all but one side of the building had been previously painted at least twenty years earlier. The Board approved the after-the-fact painting of the remaining wall (BAR Case #2005-0100, 5/18/05). In this case, not knowing how long the rest of the building had been painted and for what reason, there was concern that removing the paint on 90% of the building could result in harm to the brick.

In several other cases, the Board has denied the painting and ordered that the paint be removed. Examples of this include 305 Duke Street. (BAR Case #2002-0140, 6/19/02), 428 S Washington Street (BAR Case # 2001-00312, 1/16/02), and 629 South Fairfax Street (BAR Case #98-0093,

6/17/98).

In a similar case on painting masonry in 1996, just a few doors away at 733 South Pitt Street, on appeal the City Council agreed with the Board and denied an application for a Certificate of Appropriateness for painting unpainted brick masonry.

Generally in cases where Staff supports and the Board has agreed about the painting of masonry, there have either been substantial alterations to the building or the brick is mismatched or of poor quality. The majority of the houses on this block face are unpainted. Staff notes that at the time of construction, select houses within the Yates Gardens development were painted white. In this case, the building at 727 South Pitt Street was not one of the original painted buildings and was not intended to be painted.

IV. RECOMMENDATION

Staff recommends that the Council support the decision of the Board of Architectural Review and deny an after-the-fact Certificate of Appropriateness for painting previously unpainted masonry.

ATTACHMENTS

September 7, 2005 staff report for BAR Case #2005-00130

Docket Item #8
BAR CASE #2005-00130

BAR Meeting
September 7, 2005

ISSUE: After-the-fact painting previously unpainted masonry
APPLICANT: Linda Cole
LOCATION: 727 South Pitt Street
ZONE: RM/Residential

BOARD ACTION, SEPTEMBER 7, 2005: On a motion by Ms. Neihardt, seconded by Mr. Wheeler the Board approved the Staff recommendation which was: Denial of the application with the additional direction to the applicant to remove the paint that has been applied to the front of the building within 90 days. The vote on the motion was 5-0.

REASON: The Board agreed with the Staff analysis. The members cited a previous case at 733 South Pitt Street where the Board had denied painting previously unpainted masonry. The denial was appealed to City Council who upheld the decision.

SPEAKER: Linda Cole, homeowner spoke in support

BOARD ACTION, JULY 6, 2005: Deferred prior to the public hearing for lack of public notice.

STAFF RECOMMENDATION:

Staff recommends denial of the application with the additional direction to the applicant to

remove the paint that has been applied to the front of the building within 90 days.

I. ISSUE:

The applicant is requesting after-the-fact approval of a Certificate of Appropriateness for painting previously unpainted masonry at 727 South Pitt Street. The applicant has recently painted the front elevation of the house and is also proposing to paint the rear elevation.

II. HISTORY:

The two story brick dwelling at 727 South Pitt Street was constructed around 1941 as part of the Yates Gardens development.

III. ANALYSIS:

The alterations comply with zoning ordinance requirements.

This application is before the Board as a result of a citation issued by Staff for painting the unpainted brick on the building.

The *Design Guidelines* are explicit on the issue of painting unpainted masonry. They state that “as a general rule, brick and masonry buildings should not be painted” and that “the Boards strongly discourage the painting of a previously unpainted masonry surface.” Underlying this principle is the belief that red brick buildings are one of the chief distinguishing characteristics of the historic district.

The Board has reviewed several after-the-fact requests for painting previously unpainted masonry. Most recently, the Board reviewed a case for 715 Princess Street where all but one side of the building had been previously painted. The Board approved the after-the-fact painting of the remaining wall (BAR Case #2005-0100, 5/18/05). In several other cases, the Board has denied the painting and ordered that the paint be removed. Examples of this include 305 Duke Street. (BAR Case #2002-0140, 6/19/02), 428 S Washington Street (BAR Case # 2001-00312, 1/16/02), and 629 South Fairfax Street (BAR Case #98-0093, 6/17/8).

Generally in cases where Staff supports the painting of masonry, there have either been substantial alterations to the building or the brick is mismatched or of poor quality. The majority of the houses on this block face are unpainted. Staff notes that at the time of construction, select houses within the Yates Gardens development were painted white. In this case, the building at 727 South Pitt Street was not one of the original painted buildings and was not intended to be painted.

IV. STAFF RECOMMENDATION:

Therefore, Staff recommends denial of the application with the additional direction to the applicant to remove the paint that has been applied to the building within 90 days.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

No comment

Historic Alexandria:

"No comment"

EXHIBIT NO. 2

13
1-21-06
RECEIVED
SEP 20 2005
~~10-15-05~~



RECORD OF APPEAL
FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 9/20/2005

B.A.R. Case # 2005-00130

Address of Project: 727 S. Pitt St., Alex., Va. 22314

Appellant is: (Check One)

B.A.R. Applicant

Other Party. State Relationship _____

Address of Appellant: 727 S. Pitt St., Alex., Va 22314

Telephone Number: 703-836-6679

State Basis of Appeal: Appealing decision of BAR ruling.

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.

Linda Cole
Signature of the Appellant

We, the undersigned owners of real estate within the Old and Historic Alexandria District/ ~~Parker-Gray~~ District [strike out as appropriate] appeal the decision of the Board of Architectural Review to the Alexandria City Council in B.A.R. Case # 2005-00130 regarding the property at _____ (street address).

	Name	Signature	Owner of Real Property At:
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
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23.	_____	_____	_____
24.	_____	_____	_____
25.	_____	_____	_____

TO: The Honorable Bill Euille, Vice Mayor Pepper and Members of the Alexandria City Council

FROM: Linda Cole, Appellant

RE: Request to withdraw appeal of the decision of the Alexandria Board of Architectural Review

In consideration of docket matter 13. Public Hearing and Consideration of an Appeal of the Board of Architectural Review for Case No. 2005-0130, a decision denying after-the-fact approval of painting previously unpainted masonry at 727 S. Pitt Street, zoned RM/Residential. APPELLANT: Linda Cole. (Deferred from the October 15, 2005 meeting at the request of the applicant.)

Appellant, Linda Cole, residing at 727 S. Pitt Street, requests the withdrawal of the appeal set forth in docket #13, scheduled for consideration by the Council at the January 21, 2006 City Council meeting.

After careful review of the Council's 1993 stated policy governing the painting of unpainted masonry in the historic district of Old Town and the enforcement of that policy since 1993, I have concluded that an appeal to the Council would consume the Council's time to no satisfactory outcome to myself. I would observe, and ask the Council's indulgence, that the justification, in part, for denial of my appeal as set forth by staff does not appear to be sustained by any material evidence. Staff's memorandum to Council regarding my appeal asserts that the Yates Garden development never contemplated the painting of more than a few select houses in the development. Yet having made that claim as a basis for denial of my appeal no one in City Government, including specifically the Office of Zoning and Planning, could/would provide me with copies or other evidence that the developer of Yates Garden ever contemplated such a plan. Specifically, although I requested such documentation none has been provided. Indeed, I am led to believe that prior to 1993, painting did occur in Yates Garden and is now allowed under certain unique circumstances.

If there is no basis (i.e. original evidence) that the Yates Garden area would be developed with the prohibition against painting, as is stated in staff's memorandum regarding this appeal, then it is patently unfair to predicate advice to the Council to deny my appeal based upon such an assertion.

Homeowners are better served by a simple declaration that the City will not, under normal circumstances approve painting over masonry.

Respectfully submitted,

Linda Cole