

EXHIBIT NO. 1

13
2-24-07 ~~10~~
~~1-20-07~~

Docket Item #
BAR CASE # 2006-0227

City Council
January 20, 2007

ISSUE: Appeal of a decision of the Board of Architectural Review, Parker-Gray District, denying an After-the-fact Certificate of Appropriateness for an Installation of an Awning

APPLICANT: C. Cameron Purpus and Shaun Shephard

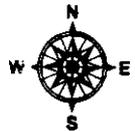
APPELLANT: C. Cameron Purpus

LOCATION: 515 North Alfred Street

ZONE: RB/Residential



BAR CASE #2006-0227



I. EXECUTIVE SUMMARY

Issue:

- The property owners have appealed a BAR decision to deny an after-the-fact Certificate of Appropriateness for the installation of an awning on the front of their residential property at 515 North Alfred Street. The appellants feel the existing awning is appropriate to their structure and would like to maintain it.
- The decision before the Council is whether the new bullnosed shaped awning is visually compatible to the structure and appropriate on a historic residential property in the Parker-Gray Historic District.
- The Parker-Gray Board of Architectural Review denied the application on November 29, 2006.
- The Board of Architectural Review found the awning installed without approval of a Certificate of Appropriateness incompatible to the residential structure and neighborhood and not in-keeping with the requirements of the Design Guidelines.
- The appellant had installed the awning prior to receiving approval for a Certificate of Appropriateness from the Parker-Gray Board of Architectural Review. Planning and Zoning staff was informed by a member of the public that the awning had been installed without approval. Staff sent a letter to the appellant on September 6, 2006 requesting that they file an application for review and approval.
- On November 29, 2006, the Parker-Gray Board of Architectural Review voted to deny the application for the after-the-fact approval of the awning, with a vote of 6-0.

Recommendation: Council should support the decision of the BAR and deny the Certificate of Appropriateness for the new awning.

II. BACKGROUND

In August of 2006, Planning and Zoning staff was informed by a member of the public that an awning had been installed on the front of the residential property at 515 North Alfred Street. Staff determined that the awning was installed without the necessary approval from the Parker-Gray Board of Architectural Review, which should have issued a Certificate of Appropriateness. A letter was sent to the property owners, C. Cameron Purpus and Shaun Shephard, of 515 North Alfred Street, requesting that they make application to the Board of Architectural review for the required Certificate of Appropriateness. The owners filed an application to appear before the Parker-Gray Board of Architectural Review on the October 25, 2006 meeting docket. However, due to lack of public notice by the applicants, the item was deferred until the November 29, 2006 meeting. At the November 29, 2006 Parker-Gray BAR meeting, the Board voted to deny the after-the-fact approval for a Certificate of Appropriateness, with a vote of 6-0. An appeal of this decision was filed by the property owners.

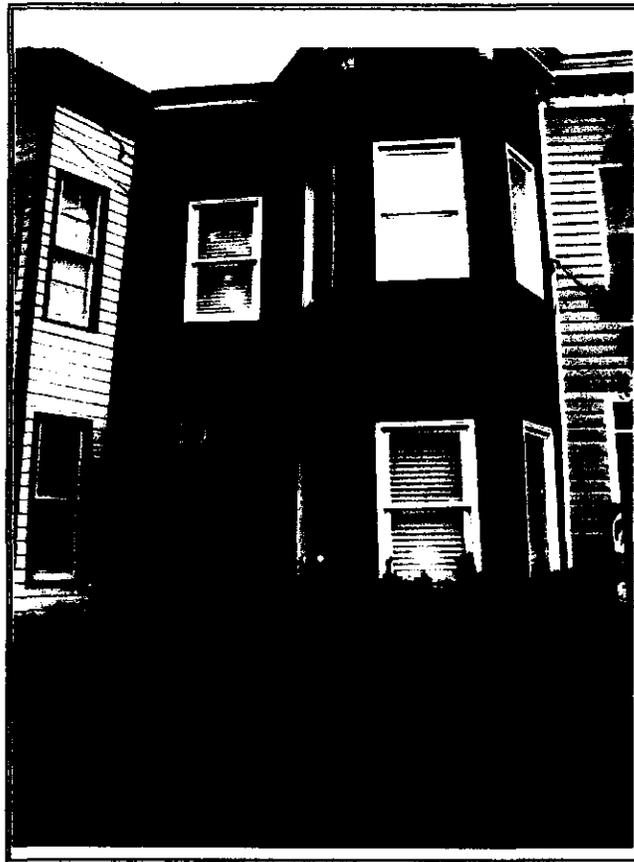


Figure 1: Front view of 515 North Alfred Street

III. DISCUSSION AND ANALYSIS

The Decision on the Denial of the Certificate of Appropriateness

The purview of the Board and the Council on appeal for the Certificate of Appropriateness is the compatibility of the new awning in terms of design and materials with the residential structure on which the awning is installed and its relationship with adjacent buildings located in the Parker-Gray Historic District.

Section 10-203(A) states that “no building or structure shall be erected, reconstructed, altered or restored within the Parker-Gray District unless and until an application for a certificate of appropriateness shall have been approved by the Parker-Gray District board of architectural review or the city council on appeal as to exterior architectural features, including signs, which are subject to view from a public street, way, or place.”

In reviewing the design of the new awning, the Board used the standards set forth in the Zoning Ordinance regarding a Certificate of Appropriateness and the Design Guidelines to determine if approval of the Certificate of Appropriateness was warranted. In this appeal, the most important guidelines applicable include:

- (a) Awnings should be appropriate and sympathetic to the historical style of the building to which they are attached. For example, rigid frame bullnose awnings are not appropriate on buildings which pre-date the mid 20th century.
- (b) Shed or sloped awnings are more appropriate than other awning forms in the historic districts.
- (c) Awnings should be made of a canvas type fabric. Awnings made from plastic fabric are strongly discouraged.
- (d) In the Old and Historic Alexandria District, awnings of rigid materials such as plastic or metal are strongly discouraged. In the Parker-Gray District, awning materials are evaluated on a case-by-case basis.
- (e) The color should be appropriate to the building. Single color awnings are usually appropriate for buildings with extensive façade ornamentation. Striped awnings are generally only appropriate on buildings with simple and unadorned facades.
- (f) Awnings should not overwhelm or obscure the architecture and decorative features of historic buildings.

The Board found that the new awning did not comply with several of the important guidelines, namely (a) and (b) listed. The installed awning is a bullnose shaped awning, which the Guidelines state is inappropriate for 515 North Alfred Street, a building constructed prior to 1902. Furthermore, the Board felt that the style and shape of the awning was more appropriate for a commercial building, not a residential building of this era in the Parker-Gray historic district. The Board also found the awning too large and out of scale, overwhelming the façade of the building. For these reasons, the Board voted to deny the after-the-fact application for a Certificate of Appropriateness.

Two adjacent residents to 515 North Alfred Street attended the public hearing of November 29, 2006, and spoke in opposition to the awning. The Board also received several letters from other concerned neighbors that opposed the new awning.

IV. RECOMMENDATION

Staff recommends that Council support the decision of the BAR and deny the request for an after-the-fact Certificate of Appropriateness for the installation of a new awning.

Attachment 1: BAR Staff Report, November 29, 2006

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning
Stephen Milone, Division Chief, Zoning and Land Use Services
Lee Webb, Preservation Planner, Boards of Architectural Review

Docket Item # 2
BAR CASE # 2006-0227

BAR Meeting
November 29, 2006

ISSUE: After-the-fact Awning
APPLICANT: C. Cameron Purpose & Shaun Shephard
LOCATION: 515 North Alfred Street
ZONE: RB/Residential

BOARD ACTION, NOVEMBER 29, 2006: On a motion by Ms. Kelley, seconded by Mr. Lloyd, the Board denied the application for after-the-fact approval of an awning with the condition that the awning be removed by the end of the year. The vote was 6-0.

REASON: The Board agreed with the staff analysis and believed that while the awning was attractive it was more appropriate for a commercial building and not in keeping with the Design Guidelines.

SPEAKERS: Casey Purpos, applicant, spoke in support
Deborah Cressman, 519 N. Alfred Street, spoke in opposition.
Jeff Franco, 519 North Alfred Street, spoke in opposition

STAFF RECOMMENDATION, NOVEMBER 29, 2006: Staff recommends denial of the after-the-fact installation of the awning with the condition that the awning be removed within 15 days.

BOARD ACTION, OCTOBER 25, 2006: Deferred prior to the public hearing for lack of public notice.

STAFF RECOMMENDATION: Staff recommends denial of the after-the-fact installation of the awning with the condition that the awning be removed within 15 days.

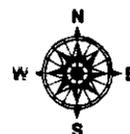
BAR CASE #2006-0227
November 29, 2006

****EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

****BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by the Code Enforcement Bureau (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Enforcement, Room 4200, City Hall, 703-838-4360 for further information.



BAR CASE #2006-0227



I. ISSUE:

The applicant is requesting approval of a Certificate of Appropriateness for the after-the-fact installation of a new awning over the front door of 515 North Alfred Street.

As installed, the awning is a bull nose awning with metal framing. The awning appears to be a canvas awning in a black color, with the street number, 515, prominently displayed on the drop. The awning has been installed above the front door and appears to meet the necessary clearance from the sidewalk.

II. HISTORY:

The two story frame house at 515 North Alfred Street is one of a row of 11 houses (509 through 529 North Alfred Street) which were constructed prior to 1902, the first year the area was included in Sanborn mapping, and may date to the last decade of the 19th century. Although one of the houses on the south end of the row (511 North Alfred Street) was no longer extant by 1907, the row represents one of the largest single developments of the Victorian period in the Parker-Gray District.

The Board approved an after-the-fact garden shed on June 22, 2005 (BAR Case #2005-0110).

III. ANALYSIS:

Canopy complies with zoning ordinance requirements.

According to the Design Guidelines, “awnings should be appropriate and sympathetic to the historical style of the building to which they are attached. Shed or sloped awnings are more appropriate than other awning forms in the historic district. Awnings should not overwhelm or obscure the architecture and decorative features of historic buildings. Rigid frame bull nose awnings are only appropriate for buildings dating from the late 20th-century. “

While staff could support an awning for this property, in staff’s opinion, the current bull nose awning is not appropriate or visually compatible, nor meets the Design Guidelines. As stated in the history section, this property was constructed in 1902. A compatibly scaled shed or sloped awning would be more appropriate for this property. The bull nose awning installed is also too large and overwhelms the façade of the building. The size of the street numbers is also a concern of staff.

Therefore, staff recommends denial of the after-the-fact installation of the awning at 515 North Alfred Street.

IV. STAFF RECOMMENDATION:

Staff recommends denial of the after-the-fact installation of the awning at 515 North Alfred Street with the condition that the awning be removed within 15 days.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

- C-1 A construction permit is required for this project.
- C-2 Awnings must comply with all applicable requirements of the USBC 3105 and 3202. Retractable and fixed awnings must have a minimum 7 foot clearance from a sidewalk to the lowest part of the framework or any fixed portion of any retractable awning is required.
- C-3 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.2).

Historic Alexandria:

Awning does not look compatible with design of residence and adjacent homes and the street number is too large—it's visually distracting.

EXHIBIT NO. 1

~~10~~
~~1-20-07~~

RECEIVED 13
2-24-07



RECORD OF APPEAL

DEC 01 2006

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 12-1-06

B.A.R. Case # 2006-0227

Address of Project: 515 NORTH ALFRED STREET

Appellant is: (Check One)

B.A.R. Applicant

Other Party. State Relationship _____

Address of Appellant: 515 NORTH ALFRED STREET
ALEXANDRIA, VIRGINIA 22314

Telephone Number: 703 838-3618

State Basis of Appeal: TO SEEK APPROVAL OF AN
AWNING, AFTER THE FACT.

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 of the Appellant

13
2-24-07

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

ASSOCIATE
DAVID L. CHAMOWITZ

OF COUNSEL
CONSTANCE H. PIERCE

RETIRED
ROBERT L. MURPHY, 2001
CYRIL D. CALLEY, 2005

LURAY OFFICE:

170 KIBLER DRIVE
LURAY, VA 22835

TELEPHONE: 540-743-2922
FAX: 540-743-2422

February 21, 2007

Ms. Jackie Henderson, City Clerk
and Clerk of Council
City Hall, Room 2300
Alexandria, VA 22314

Re: BAR Case # 2006-0227
515 N. Alfred Sreet

Dear Ms. Henderson:

This office represents C. Cameron Purpus, the appellant in the above-referenced appeal to the City Council. By this letter, the appellant hereby withdraws his appeal of the denial of the after-the-fact certificate of appropriateness for an installation of an awning.

Please feel free to contact us with any questions.

Very truly yours,



Harry P. Hart

cc: Mr. C. Cameron Purpus
Mr. Steve Milone, Department of Planning & Zoning