

Docket Item # 7
BAR CASE # 2012-0260

BAR Meeting
September 5, 2012

ISSUE: After-the-Fact Certificate of Appropriateness &
Waiver of Section 7-202(C) (Fence Height Requirement)

APPLICANT: Edward and Joan Niles

LOCATION: 911 South Saint Asaph Street

ZONE: RM / Residential

STAFF RECOMMENDATION:

Staff recommends approval of the Certificate of Appropriateness application and Waiver of Fence Height Requirement with the condition that the lattice panel is reduced in height to two feet above the masonry wall.

*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 Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.



CASE BAR2012-0260



I. ISSUE

The applicant is requesting approval of an after-the-fact Certificate of Appropriateness to install a four foot (4') high wood lattice panel above their existing, five foot (5') high, brick wall which sits on a two-foot high (2') retaining wall, and a new shared wood gate located in the rear public alley at 911 South Saint Asaph Street. The height of the unapproved lattice came to Staff's attention when a similar proposal was requested by a neighbor.



Wall condition in May 2009



Existing Condition



Wall condition in May 2009



Existing Condition

II. HISTORY

The two-story, brick townhouse at 911 South Saint Asaph Street is part of George Washington Gardens developed by Joseph K. Seidle, Inc. constructed in **1940**. The houses are stylistically similar to the Yates Garden subdivision by Edward Carr, which begins directly north across Green Street. 901-931 South Saint Asaph Street abuts a public service alley in the rear which is shared with the adjacent three-story Bearing's South condominium building, also constructed in the 1940s.

Previous Approvals:

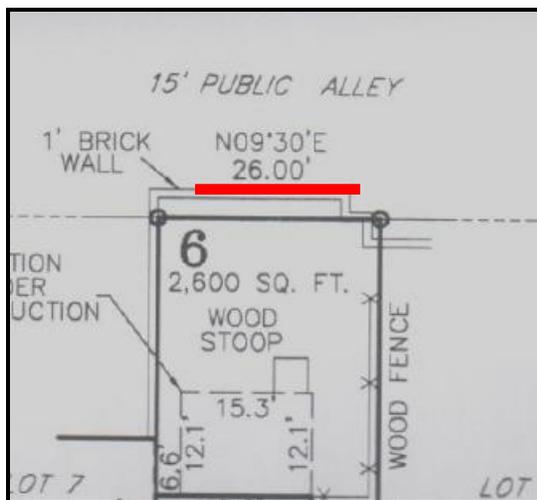
On May 6, 2009, the present applicants received approval from the BAR to construct a rear, one-story enclosed porch on the subject property (BAR#2009-0054 & 0055.)

Other brick/lattice fences similar in height and construction to what the applicant is proposing are located on this same block. However, there is no BAR or Code Administration record of approval for the construction of any of these fences and it is recommended that these not be utilized as a standard to evaluate the current application. Zoning Inspectors have been notified of the adjacent fence violations and are pursuing enforcement action.

III. ANALYSIS

The *Design Guidelines* state that “garden walls within the district were generally constructed of masonry and provide visual barriers. New walls should be sympathetic to the existing built environment and appropriate in materials, design and scale. Furthermore, the walls of brick are generally appropriate throughout the historic districts.”

In the case of the project at 911 South Saint Asaph Street, it should be noted that prior to the current violation the site contained a five-foot (5') high masonry wall on a two foot (2') tall retaining wall (11' total, measured from grade on the alley side). An existing, weather-beaten, four-foot high lattice panel was installed on a portion of the brick wall, as shown in the diagram below in red and illustrated in the photograph below. There is no record of building or BAR permits for the installation of the original lattice panel or for the brick/retaining wall. Additionally, it should be noted that these structures are not constructed on the applicant's property, but encroaches into the public ROW. T&ES will, therefore, require documentation from the property owner to confirm liability and access for future public work in the ROW.



Location of 2009 Lattice



Photo of Wall and Lattice in 2009

Staff finds that the general concept of a lattice topped masonry wall complies with the requirements of the *Design Guidelines*. The proposed materials are consistent with other existing walls within this portion of the district, and have no physical impact on historic features. However, staff believes that the proposed four-foot (4') height of the lattice panel is out of scale and inconsistent with the height of other BAR approved lattice panels. Staff recommends that the lattice panels be reduced to two-feet (2') in height. This design will also reduce the overall height of the fence to a total of seven-feet (7') above the interior grade and will enable the new wall's height and configuration to be consistent with other BAR approved wall/lattice combinations within the district. Additionally, prior to obtaining a building permit to install the lattice, the applicant will need to work with T&ES and the City Attorney's office to document the encroachment of the wall in the public ROW.

Waiver of Height Requirement - Section 7-202(C)

The zoning ordinance prevents fences taller than 6' in height anywhere in the City but allows the BAR to waive or modify this height “where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.” [Section 7-202(C)]

Staff recommends that the Board find that the proposed masonry wall is architecturally appropriate and consistent with the character of the district and supports the waiver of Section 7-

202(C) to permit two additional feet (2') of wood lattice on top, for a total of 7' above the interior grade.

STAFF

Michele Oaks, Urban Planner, Historic Preservation Section, Planning & Zoning
Al Cox, FAIA, Manager, Historic Preservation Section, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

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

Zoning Section:

C-1 The existing brick wall and lattice screening is located in the public right-of-way.

C-2 The lattice exceeds 6' in height, the applicant must apply to the BAR for a waiver of height.

Code Administration

F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief, at ken.granata@alexandriava.gov or 703.746.4193.

C-1 A building and trade permits are required for this project. Five sets of *construction documents* that fully detail the construction as well as framing schematics shall accompany the permit application(s). If a Virginia licensed design professional prepares drawings, the plans shall bear the signature and seal of the Virginia licensed design professional in accordance with the Code of Virginia Section 54.1-410B.

Transportation and Environmental Services (T&ES)

FINDINGS

F1. Requirement for documentation of the existing encroachment will be handled administratively by T&ES in coordination with the City Attorney's Office. (T&ES)

RECOMMENDATIONS

R1. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

CITY CODE REQUIREMENTS

C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

C-2 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

V. ATTACHMENTS

1 – *Supporting Materials*

2 – *Application BAR2012-0260 for 911 South St Asaph Street*

Niles, 911 S. St. Asaph St., Alexandria, VA 22314

Purpose: In this application we are applying to the BAR for a waiver of a charge levied by Inspector Kerry Hall of the City of Alexandria Department of Planning and Zoning that the wooden lattice screen that tops our rear brick wall is inappropriate according to code 7-202(B)(3).

Background: 911 S. St. Asaph St. is a row house located in a one-block development in the southeast quadrant of Alexandria, VA, Figs. 1, 2. There are 32 homes in the community constructed of brick and fronted with brick or stone. The homes are arranged in three sets on the east and west sides of the street. The north and south sets were built in groups of five units, while the center group has six units. The three sets of homes are separated by 15 feet of green space, which is the property of the end unit owners. Houses on the west side were constructed in 1940. Homes on the east side were built in 1941. Parking access roads parallel S. St. Asaph Street, yielding one parking space for each unit. Concrete sidewalks line each side of the street. The homes are elevated three to five feet above the sidewalks and are set back approximately fifteen feet. A public alley exists behind the homes on both the west and east side of the street. On the east side, the alley separates the homes from St. Mary's School. On the west side, the public alley provides access to parking spaces owned by residents of the Bearing's South condominium, 906 S. Washington St, Fig. 3 A,B. Both public alleys and S. St. Asaph St. dead end at the St. Mary's cemetery, south of the community. As a result, neither public alley serves as a public thoroughfare.

911 St. Asaph Street (Lot 6 sec 2 Colonial Properties), Fig 2, is a two story brick home with a full basement. It is the north side end unit in the central row house set, located on the west side of the street. The property is approximately 2200 sq. ft. The home is 18.4 ft. wide by 37.8 ft. long, fronted by a patio. Situated behind the home is a brick courtyard that is 25 feet wide and 34 feet deep. The rear courtyard is enclosed by a 5 ft. (inside dimension) brick wall topped with a 4 ft. wooden lattice screen on the west side. A garden and a common walkway shared with 909 S. St. Asaph Street are positioned on the north side.

On July 3, 2012 a warning notice was taped to our front door. Through this notice, we were informed that an accessory structure (fence), on the west side of our courtyard at 911 South Saint Asaph Street, Alexandria, VA, is not in accordance with Alexandria Code 7-202(B)(3). Upon discussion with Inspector Kerry Hall, we were advised to speak with Ms. Michelle Oaks, a member of the BAR staff. Ms. Oaks informed us that we have the option to seek a waiver to this infraction through application to the BAR, 7-202-C.

The courtyard brick wall was built in 1940 as part of the original construction. The wooden lattice privacy screen was present atop the rear wall when we purchased the home in September, 2008, Fig. 6 A,B. In need of repair, this lattice screen was replaced in 2011, Figs. 4 A,B. The privacy screen that we replaced in 2011 was erected by a prior owner, Mr. David Beck, in 1992 or 1993. This structure replaced a screen of similar size that consisted of vertical wooden supports and horizontal wooden slats. Therefore, a wooden privacy screen of similar size and construction has been present on this alley-side brick wall for perhaps four decades, if not longer. The current lattice screen consists of

pressure treated wood and coated with a clear sealant. The lattice serves two purposes. First, it enhances our privacy by limiting visual access to our courtyard and porch from the alleyway and the condominium building across the alley. Second, the screen enhances our enjoyment of our courtyard by both screening our view of the alley and the back of condominium, and providing a pleasing backdrop for our courtyard garden, Figs. 5 A,B.

We would like to request a waiver for the following reasons:

1. The screen both provides needed privacy and enhances the look of our courtyard.
2. The screen replaces a prior screen that was constructed approximately two decades ago by a previous owner. A privacy screen has been in place on this wall for several decades. To my knowledge, no prior complaint has been filed related to this screen.
3. In 2009 we applied to the Alexandria BAR for permission to construct a sun porch on the back of our home. After inspection by the BAR staff, and consideration of the written application, approval was granted. The porch was constructed in 2009. Our application contained photographs of our rear courtyard that showed the wooden lattice atop the brick wall, Figs. 6 A,B (taken from the 2009 porch application). Importantly, no comments were made by the BAR staff regarding the size or placement of the wooden lattice screen at any time during the lengthy application process. Indeed, our argument for construction of the porch, as we proposed, was based on the fact that the porch would be poorly visible from a public space (the alley). The limited visibility was based largely on the presence of the existing wooden lattice screen, clearly shown in Figs. 6 A,B. We consider the acceptance of our application to build the back porch in 2009 to be tacit approval by the BAR of the wooden lattice screen on our rear brick wall.

Based on facts 2 and 3 cited above, we felt that there was no need to seek BAR approval prior to replacing the wooden lattice screen.

In summary, we believe that the wooden lattice screen atop our courtyard wall fulfills the dual roles of providing privacy and enhancing the look of our property. Based on the absence of comment by the BAR office staff in 2009, we believed that it was not necessary to elicit BAR approval prior to replacing the screen. Finally, we feel that the screen is “architecturally appropriate and consistent with the character of the district.”

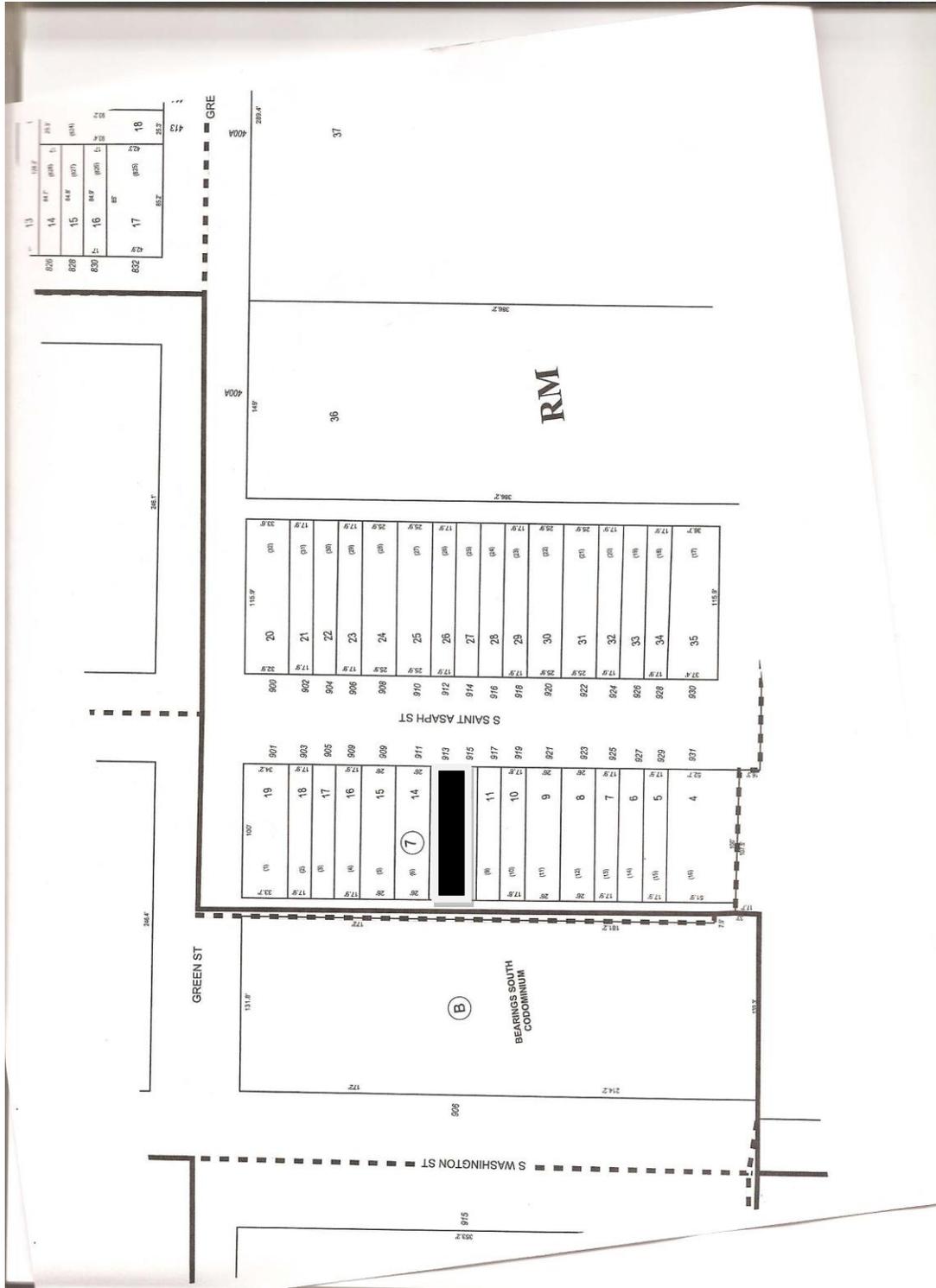


Fig. 1. Tax Map showing Colonial Properties on S. St. Asaph St. The position of 911 is noted by the filled block.

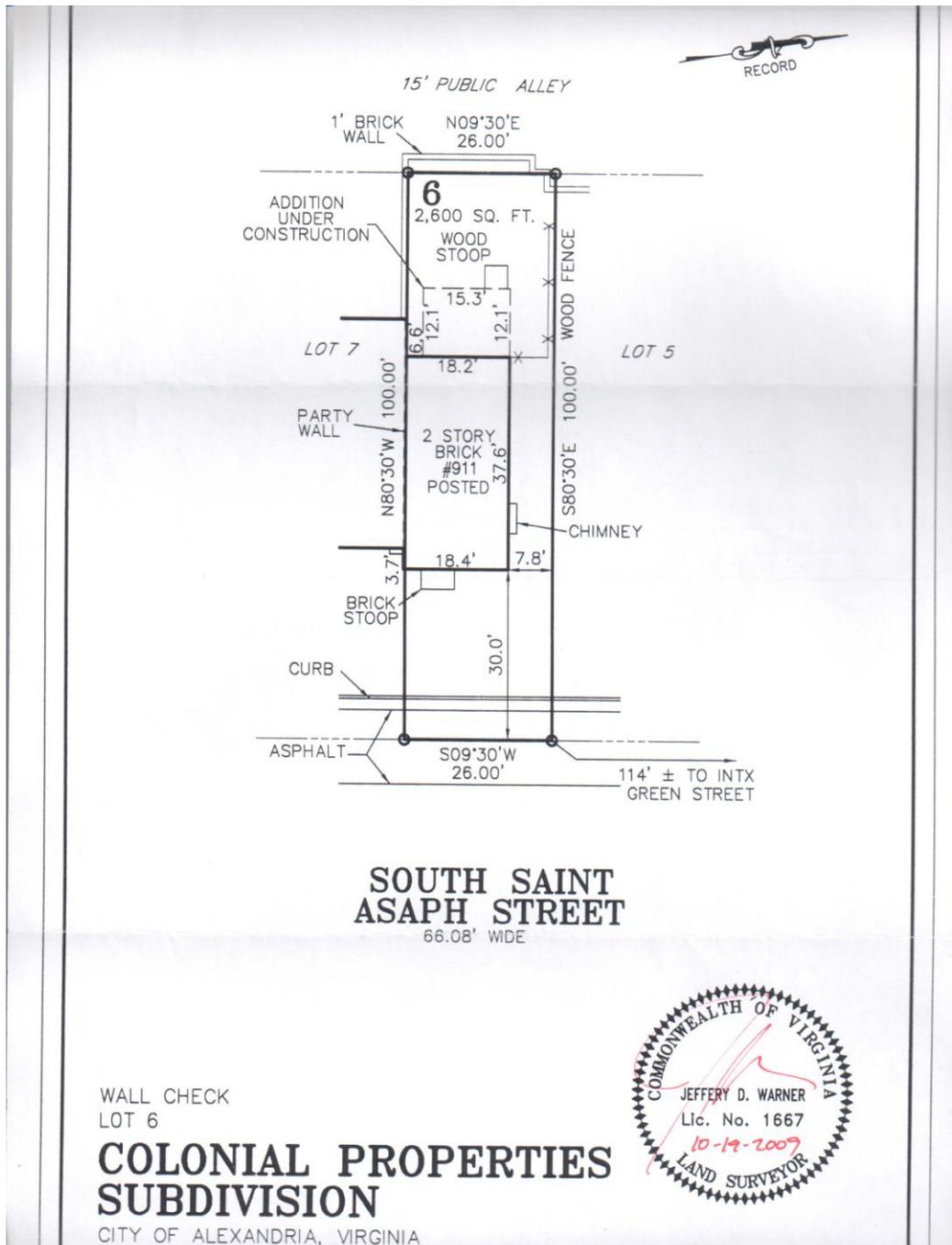


Fig. 2. 2009 Survey of 911 S. St. Asaph St. West is on the top.

Niles, 911 S. St. Asaph St., Alexandria, VA 22314

Figs. 3A,B. Views of the alley behind 911 S. St. Asaph St. Bearings South on the right.



Fig. 3A . View of the alley looking south from behind 907 S. St. Asaph St (2009).

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Fig. 3B. View of the alley looking north from behind 909 S. St. Asaph St (2009).

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Fig. 4A. View from the alley of the wooden lattice screen atop the brick wall on the west side of 911 S. St Asaph St, 2012

Fig. 4B. Expanded view from the alley of the screen and wall on the west side of 911 S. St. Asaph St, 2012.



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Figs. 5A, B. Views looking west from the courtyard behind 911 S. St. Asaph St.





**Figs. 6A, B. Photos were taken from the 2009 application for construction of a sunporch on 911 S. St. Asaph St. A view from the alley is presented.
Fig. 6A. View from the alley directly behind 911 S. St. Asaph St.**



Fig. 6B. View from the alley at the property line shared by 911 and 913 S. St. Asaph St.

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ADDRESS OF PROJECT: 911 South Saint Asaph St.

TAX MAP AND PARCEL: 80.04 ZONING: _____

APPLICATION FOR: (Please check all that apply)

CERTIFICATE OF APPROPRIATENESS

PERMIT TO MOVE, REMOVE, ENCAPSULATE OR DEMOLISH
(Required if more than 25 square feet of a structure is to be demolished/impacted)

WAIVER OF VISION CLEARANCE REQUIREMENT and/or YARD REQUIREMENTS IN A VISION CLEARANCE AREA (Section 7-802, Alexandria 1992 Zoning Ordinance)

WAIVER OF ROOFTOP HVAC SCREENING REQUIREMENT
(Section 6-403(B)(3), Alexandria 1992 Zoning Ordinance)

Applicant: Property Owner Business (Please provide business name & contact person)

Name: Jean and Edward Niles

Address: 911 South Saint Asaph St.

City: Alexandria State: VA Zip: 22314

Phone: 571-970-5948 E-mail: egniles@gmail.com

Authorized Agent (if applicable): Attorney Architect _____

Name: _____

Phone: _____

E-mail: _____

Legal Property Owner:

Name: same as above

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

- Yes No Is there an historic preservation easement on this property?
- Yes No If yes, has the easement holder agreed to the proposed alterations?
- Yes No Is there a homeowner's association for this property?
- Yes No If yes, has the homeowner's association approved the proposed alterations?

If you answered yes to any of the above, please attach a copy of the letter approving the project.

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NATURE OF PROPOSED WORK: *Please check all that apply*

- NEW CONSTRUCTION
- EXTERIOR ALTERATION: *Please check all that apply.*
 - awning
 - doors
 - lighting
 - other _____
 - fence, gate or garden wall
 - windows
 - pergola/trellis
 - HVAC equipment
 - siding
 - painting unpainted masonry
 - shutters
 - shed
- ADDITION
- DEMOLITION/ENCAPSULATION
- SIGNAGE

DESCRIPTION OF PROPOSED WORK: *Please describe the proposed work in detail (Additional pages may be attached).*

See attached pages. Waiver requested for replacement of privacy screen of rear courtyard.

SUBMITTAL REQUIREMENTS:

Items listed below comprise the **minimum supporting materials** for BAR applications. Staff may request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

Applicants must use the checklist below to ensure the application is complete. Include all information and material that are necessary to thoroughly describe the project. Incomplete applications will delay the docketing of the application for review. Pre-application meetings are required for all proposed additions. All applicants are encouraged to meet with staff prior to submission of a completed application.

Electronic copies of submission materials should be submitted whenever possible.

Demolition/Encapsulation : *All applicants requesting 25 square feet or more of demolition/encapsulation must complete this section. Check N/A if an item in this section does not apply to your project.*

- ^{N/A} Survey plat showing the extent of the proposed demolition/encapsulation.
- Existing elevation drawings clearly showing all elements proposed for demolition/encapsulation.
- Clear and labeled photographs of all elevations of the building if the entire structure is proposed to be demolished.
- Description of the reason for demolition/encapsulation.
- Description of the alternatives to demolition/encapsulation and why such alternatives are not considered feasible.

Additions & New Construction: Drawings must be to scale and should not exceed 11" x 17" unless approved by staff. All plans must be folded and collated into 12 complete 8 1/2" x 11" sets. Additional copies may be requested by staff for large-scale development projects or projects fronting Washington Street. Check N/A if an item in this section does not apply to your project.

- N/A Scaled survey plat showing dimensions of lot and location of existing building and other structures on the lot, location of proposed structure or addition, dimensions of existing structure(s), proposed addition or new construction, and all exterior, ground and roof mounted equipment.
- FAR & Open Space calculation form.
- Clear and labeled photographs of the site, surrounding properties and existing structures, if applicable.
- Existing elevations must be scaled and include dimensions.
- Proposed elevations must be scaled and include dimensions. Include the relationship to adjacent structures in plan and elevations.
- Materials and colors to be used must be specified and delineated on the drawings. Actual samples may be provided or required.
- Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- For development site plan projects, a model showing mass relationships to adjacent properties and structures.

Signs & Awnings: One sign per building under one square foot does not require BAR approval unless illuminated. All other signs including window signs require BAR approval. Check N/A if an item in this section does not apply to your project.

- N/A Linear feet of building: Front: _____ Secondary front (if corner lot): _____
- Square feet of existing signs to remain: _____
- Photograph of building showing existing conditions.
- Dimensioned drawings of proposed sign identifying materials, color, lettering style and text.
- Location of sign (show exact location on building including the height above sidewalk).
- Means of attachment (drawing or manufacturer's cut sheet of bracket if applicable).
- Description of lighting (if applicable). Include manufacturer's cut sheet for any new lighting fixtures and information detailing how it will be attached to the building's facade.

Alterations: Check N/A if an item in this section does not apply to your project.

- N/A Clear and labeled photographs of the site, especially the area being impacted by the alterations, all sides of the building and any pertinent details.
- Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- Drawings accurately representing the changes to the proposed structure, including materials and overall dimensions. Drawings must be to scale.
- An official survey plat showing the proposed locations of HVAC units, fences, and sheds.
- Historic elevations or photographs should accompany any request to return a structure to an earlier appearance.

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ALL APPLICATIONS: *Please read and check that you have read and understand the following items:*

- I have submitted a filing fee with this application. (Checks should be made payable to the City of Alexandria. Please contact staff for assistance in determining the appropriate fee.)
- I understand the notice requirements and will return a copy of the three respective notice forms to BAR staff at least five days prior to the hearing. If I am unsure to whom I should send notice I will contact Planning and Zoning staff for assistance in identifying adjacent parcels.
- I, the applicant, or an authorized representative will be present at the public hearing.
- I understand that any revisions to this initial application submission (including applications deferred for restudy) must be accompanied by the BAR Supplemental form and 12 sets of revised materials.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The undersigned also hereby authorizes the City staff and members of the BAR to inspect this site as necessary in the course of research and evaluating the application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

Signature: Edward G. Niles

Printed Name: Edward G. Niles

Date: July 31, 2012

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Edward G Niles	911 S St Asaph St	50
2. Joan C. Niles	same	50
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Edward G. Niles	911 S St Asaph St	50
2. Joan C Niles	same	50
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. none		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

08/08/2012
Date

Edward G. Niles
Printed Name

Edward G. Niles
Joan C. Niles
Signature