

Docket Item # 8
BAR CASE # 2012-0259

BAR Meeting
September 5, 2012

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

APPLICANT: Alex R. Kelly & Brooke English

LOCATION: 909 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 BAR2012-0259



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, parged masonry wall which sits on a two-foot high (2') retaining wall, and the replacement of a shared wood gate located in the rear public alley at 909 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 909 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 August 27, 2010, the present applicant received administrative approval to replace in-kind an existing slate roof on the subject property (BAR#2010-00251.)

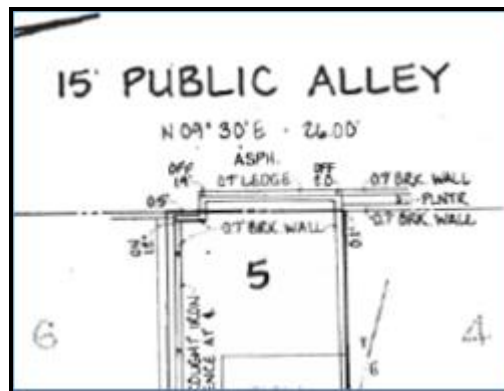
Other brick/lattice fences similar in height and construction to what the applicant is proposing are located on this same block. However, there is no BAR or Code Administration record of approval for the construction of any of these fences and it is recommended that these not be

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.”

Prior to the recent installation of the four-foot (4') high lattice panel, the site contained a five-foot (5') high, parged masonry wall on a two foot (2') tall retaining wall (11' total, measured from grade on the alley side) however, staff finds no record of either building or BAR permits for the construction of this wall. In addition, it should be noted that the subject portion of the applicant's wall is not constructed on the applicant's property but encroaches into the public right-of-way (ROW), as shown below. T&ES will, therefore, require documentation from the property owner to confirm liability and access for future public work in the ROW.



Applicant's survey

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 six-feet (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 BAR2012-0259 for 909 South St Asaph Street*

909 South Saint Asaph Street
 Lot 5, Sec 2, Colonial Properties
 Re: WO 1084 dated July 3, 2012

August 3, 2012

We moved into our home, 909 South Saint Asaph Street, at the time of purchase, in the spring of 1991. At that time, a privacy screen (similar in size to the screen presently in place) stood atop the brick wall at the back of our property at the alley. This screen consisted of four studs vertically mounted to the outside (alley-side) of the wall. These studs supported horizontal 2"-by-4" pieces of wood that ran the entire length of the wall section, and upon those planks grew an opaque overgrowth of vines and ivy. We purchased our home from V. Floyd Williams, then the attorney for the city of Alexandria. We find it hard to believe that Mr. Williams, given his position on the city staff, would erect a structure in violation of city code.

Also at that time and for an undetermined time prior, the privacy screen at 913 South Saint Asaph Street (two doors south of us) was in place in its present configuration (4' tall above the fence). [See Photos 1 and 6.] In October 1991, the house next to us (911 South Saint Asaph Street) was sold by the estate of the previous owner and new neighbors moved in and replaced a virtually identical screen to ours, also already in place when they purchased the property, atop their wall. That pre-existing 4' structure too was in place for an indeterminate amount of time. [See Photos 2, 3, and 4.]

Approximately fourteen months ago, we enlisted our neighbors' (911) contractor to replace our screen while he was replacing theirs and logically to connect them through the common area of the shared courtyard between our properties in order to create a more aesthetically pleasing continuity between the houses. We also saw to it that the concrete wall facing the alley was resurfaced in order to make it more aesthetically pleasing. [See Photo 5.]

In the approval of construction of an addition to 911 dated May 6, 2009, (BAR Case # 2009-0054) the Board noted as a suggestion that there be a revision to the proposed construction "to include wood materials or brick and multi-paned windows to better reflect [the] style of the existing residence and surrounding homes." Why were the Bearings condominiums, from which we are trying to screen our property, not held to this standard and not cited? As can be seen from the included photos [see Photos 7, 8, and 9], the windows, protruding air conditioning units, exterior wiring, piping, exposed utilities, and general appearance bear no relation whatsoever to the "style of surrounding homes." No effort was made at the time of remodeling the Bearings to conform to any kind of appropriate aesthetic vis à vis the viewscape from our back yard. A blinding bright wall fixture was even added to the rear entrance of the building that shines directly and disturbingly into our home. Finally, as can be seen in Photo 10, the replacement screening is the only means available to provide ourselves with some measure of privacy, an ability to enjoy our porch and yard, and to mitigate the glaring light coming from the Bearings at night.

Also in that approval of construction was mention of the after-the-fact approval given in 1997 to a 6' x 24' fence running east-west adjacent to the property line with us (BAR Case # 97-0164). At the time of that approval, no mention was made of the screening already in place along the back wall of the property.

On the basis of the foregoing, we ask that a waiver be granted because the present structure is in no way detrimental to the viewscape of the apartment buildings and does not exceed the height of the structure pre-existing at the time of our purchase of the property, and likewise conforms to the even longer-pre-existing structures on neighboring properties.


 Alex Kelly III


 Brooke English

Photo 1 (from the BAR application approval in Case No. 2009-0054 for demolition/encapsulation at 911 South Saint Asaph Street dated May 6, 2009)

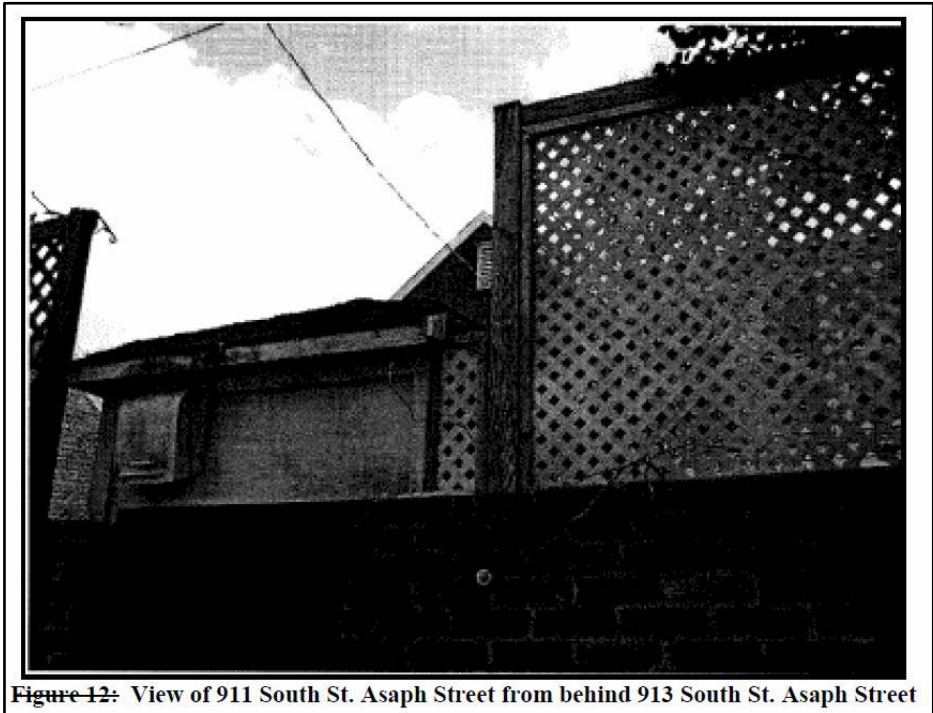


Figure 12: View of 911 South St. Asaph Street from behind 913 South St. Asaph Street

Photo 2 (Ibid.)

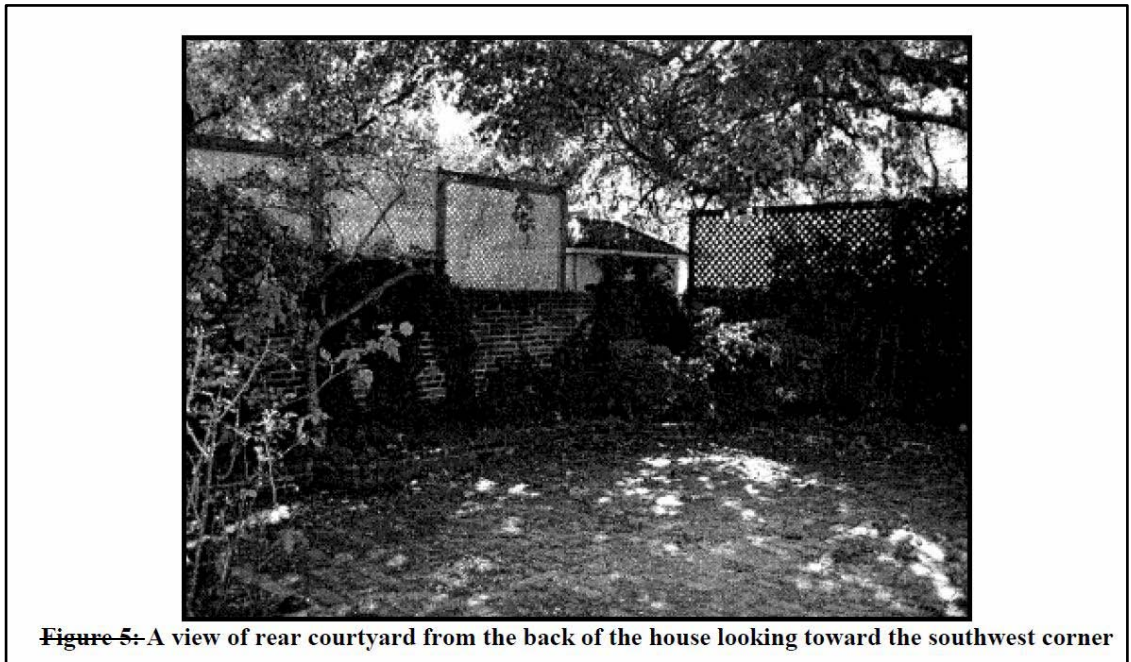


Figure 5: A view of rear courtyard from the back of the house looking toward the southwest corner

Photo 3 (Ibid.)



Figure 11: View from the property line shared by 911 and 913 South St. Asaph Street

Photo 4 (Ibid.)

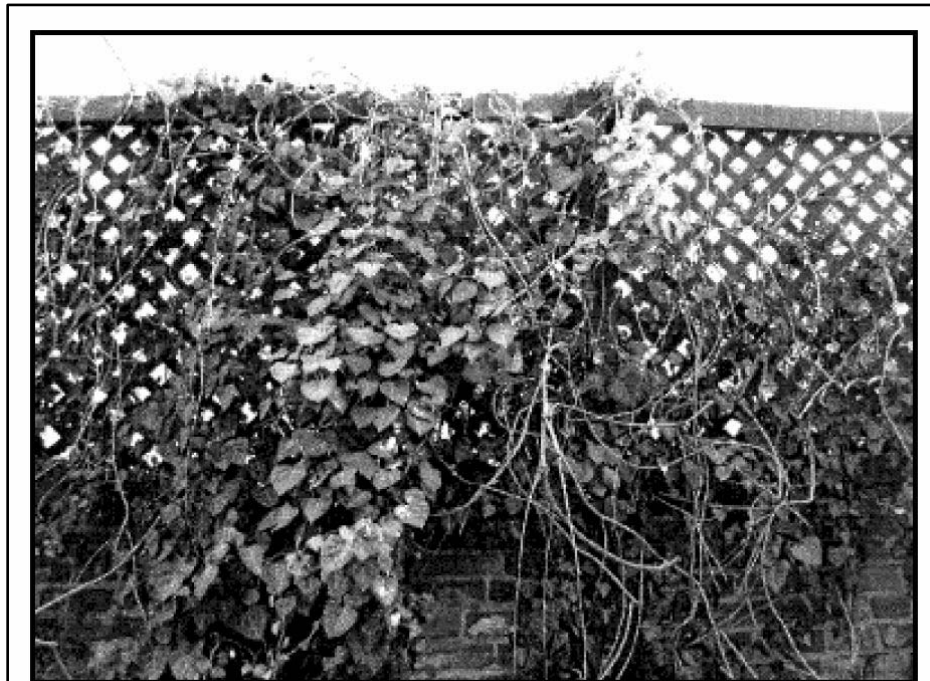


Figure 10: View from directly behind 911 South St. Asaph Street

Photo 5 (back of property at 909 South Saint Asaph Street showing resurfaced wall and screening)



Photo 6 (showing previously existing (pre-1991) screening at 913 South Saint Asaph Street on right, and replacement screening at 911 South Saint Asaph Street on left)



Photo 7 (showing rear entrance to the Bearings condominiums, spotlight above door, non-conforming windows, overhanging air conditioning units, unsightly exposed electrical conduits and wiring)



Photo 8 (showing non-conforming windows, unsightly electrical conduits, uncovered air conditioning unit, unscreened utilities)



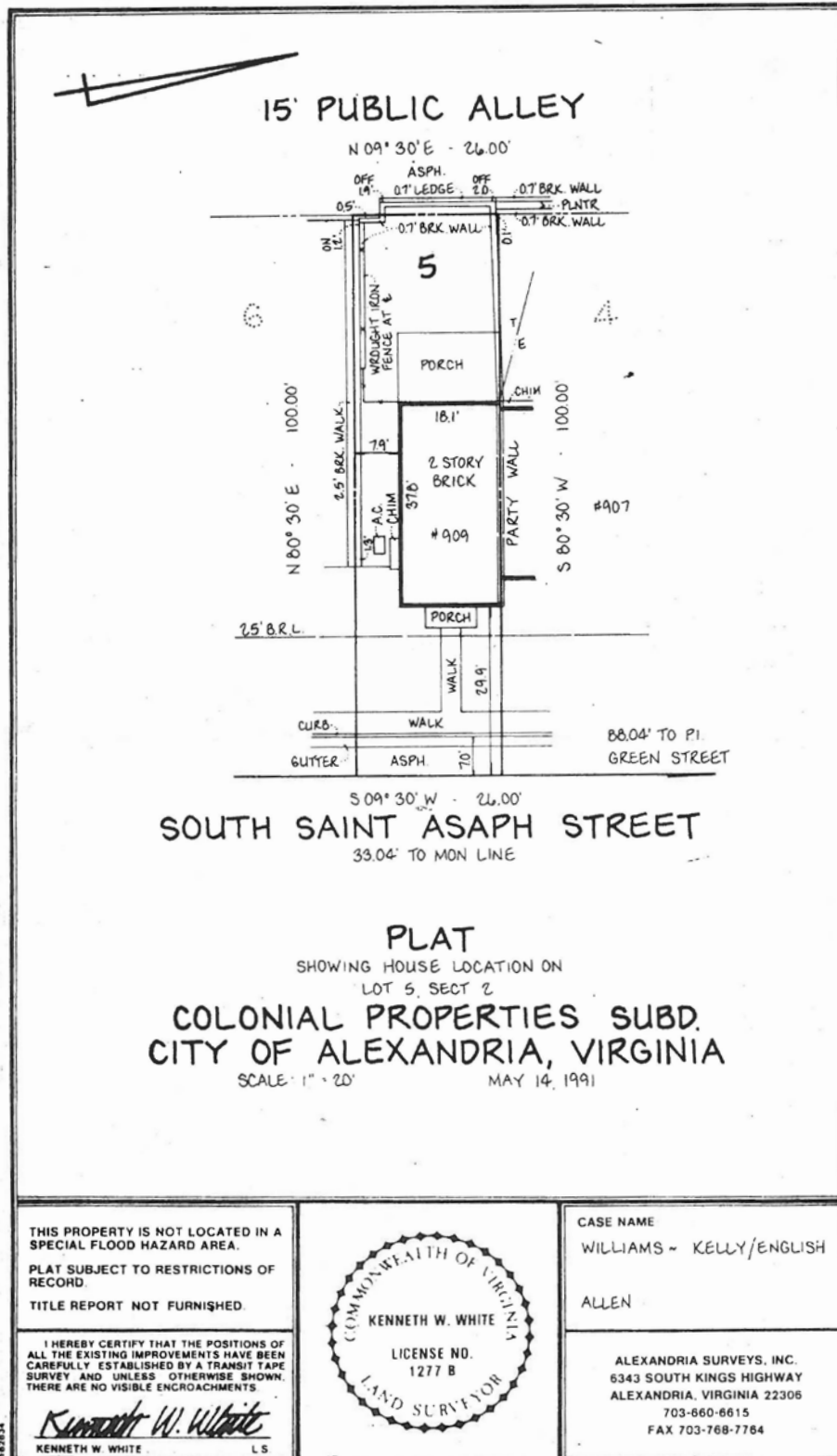
Photo 9 (showing trash pick-up in the alley and how unsheltered and exposed our viewscape is without screening)



Photo 10 (showing view of Bearings from our home, measurements of wall and screening, and the need for screening for privacy and enjoyment of our home and yard)



Figure 1 (house location plat for 909 South Saint Asaph Street)



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ADDRESS OF PROJECT: _____

TAX MAP AND PARCEL: _____ ZONING: _____

Lot 5, Sec. 2 Colonial Properties

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: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

Authorized Agent *(if applicable)*: Attorney Architect _____

Name: _____ Phone: _____

E-mail: _____

Legal Property Owner:

Name: _____

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.

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

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

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

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.

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:  _____
Printed Name: Alex R. Kelly III
Date: 08/03/2012