

EXHIBIT NO. 1

30  
6-25-02

~~38~~  
~~6-15-02~~

Docket Item #  
BAR CASE #2002-0071

City Council  
June 15, 2002

**ISSUE:** Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying permission to install window wells at 300 South Lee Street

**APPLICANT AND  
APPELLANT:** Beth Gibney

**LOCATION:** 300 South Lee Street

**ZONE:** RM/Residential

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This appeal asks whether the B.A.R. should have approved changes to the facade of a 19<sup>th</sup> century townhouse at 300 South Lee Street. The changes involve the creation of window wells at the sidewalk level in order that the owner can bring light to a renovated basement space. The B.A.R. denied the request.

Background:

300 South Lee Street is a flat roof, two story wood frame residential townhouse. It is one of a group of five similar Italianate style townhouses (302, 304 South Lee Street and 112, 114 Duke Street) probably constructed ca. 1870. A rear and side addition for the house were approved in 1996

In the current case, the applicant requested approval of a series of changes to the house which the B.A.R. approved including: new stone steps with a brick stoop and new iron railing; replacng the multi-light windows on the front facade and north elevation with new two-over-two double hung wood windows with true divided lights; new German lap wood siding to replace the existing lap siding; and, replacing the front door and surround to match that existing next door at 302 South Lee Street. The applicant also proposed to install two new window wells and two enlarged windows on the front facade of the house in order to allow natural light into an expanded basement. The proposed window wells expand the existing basement windows approximately three feet below grade, to a width of 4'3" each and extend the window well into the public right-of-way approximately 18".

The Board approved each of the alterations proposed as part of the application, except for the installation of the proposed window wells because it believed that the proposed window wells were inserting a 20<sup>th</sup> century solution into a 19<sup>th</sup> century residence and that the window wells represented an unacceptable level of alteration to the principal facade of the house.

The Board's denial of the application was appealed to Council by the applicant. The appeal was filed in a timely manner.

B.A.R. Staff Position Before the Board:

B.A.R. Staff supported both the proposed alterations to the property as well as the window wells. Staff believed that the alterations to the facade of the house such as the changes in the siding, doorway and surround, windows and new front stoop were appropriate and helped restore the historic appearance of the exterior of the house. Staff believed that the window wells would be minimally visible and that the proposed windows were compatible with the house and district in terms of design and material. (See B.A.R. Staff report, Attachment 1)

City Council Action Alternatives:

Council may uphold or overturn the decision of the B.A.R., using the criteria for approval of a Certificate of Appropriateness in §10-105(A)(2) Zoning Ordinance (Attachment 3). City Council

may also remand the project to the Board with instructions to consider alternatives.

Attachments:

Attachment 1: B.A.R. Staff Reports, May 1, 2002

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

Attachment 3 Drawings of the proposed window wells at 300 South Lee Street

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning; Peter H. Smith, Principal Staff, Boards of Architectural Review.

BAR CASE #2002-0071

## REPORT ATTACHMENTS

ATTACHMENT 1

BAR STAFF REPORT, MAY 1, 2002

Docket Item #4  
BAR Case #2002-0071

BAR Meeting  
May 1, 2002

**ISSUE:** New window wells and alterations  
**APPLICANT:** Stephanie Dimond  
**LOCATION:** 300 South Lee Street  
**ZONE:** RM/Residential

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**BOARD ACTION, MAY 1, 2002:** On a motion by Mr. Wheeler, seconded by Ms. Neihardt the board denied the window wells and approved all other aspects of the application. The vote on the motion was 4-2 (Chairman Hulfish and Dr. Fitzgerald were opposed). A substitute motion by Dr. Fitzgerald, seconded by Mr. Keleher to approve the application with the condition that an encroachment ordinance be approved by the Planning Commission and City Council failed on a tie vote of 3-3 (Mr. Wheeler, Mr. Smeallie and Ms. Neihardt were opposed).

**REASON:** A majority of the Board believed that the changes to the fenestration and the door were appropriate, but that proposed window wells were inserting a 20<sup>th</sup> century solution into a 19<sup>th</sup> century residence and that the window wells represented an unacceptable level of alteration to the property. Other members believed that the window wells would not detract from the building.

**SPEAKERS:** Stephanie Dimond, project architect, spoke in support  
Robert B. Adams, architect, spoke in support  
Jon Wilbor, 310 South Lee Street, spoke in opposition  
John Kennahan, 302 South Lee Street, spoke in opposition  
Charles Ablard, representing the Historic Alexandria Foundation, spoke in opposition

STAFF RECOMMENDATION:

Staff recommends approval of the application with the condition that the Planning Commission and City Council approve the encroachment ordinance for the construction of the new basement windows in the public right-of-way.

DISCUSSION:

Applicant's Description of the Undertaking:

"Applicant is requesting approval for two window wells at the front of the house (for the existing basement) and approval for reconfiguring the existing front stoop/steps."

Issue:

The applicant is requesting approval of a Certificate of Appropriateness for a number of alterations to the residential rowhouse at 300 South Lee Street. These alterations include:

- replace the existing small basement windows with new 52" high two-over-two double hung wood windows with true divided lights. The new windows will be the same width as the existing, but will be substantially longer. The windows will light a new family room in the basement. The window wells will be flush with the sidewalk in an existing planting bed with a brick edge;
- new stone steps with a brick stoop and new iron railing;
- replace the multi-light windows on the front facade and north elevation with new two-over-two double hung wood windows with true divided lights;
- new German lap wood siding to replace the existing lap siding; and,
- replace the front door and surround to match that existing next door at 302 South Lee Street.

History and Analysis:

300 South Lee Street is a flat roof, two story wood frame residential townhouse. It is one of a group of five similar Italianate style townhouses (302, 304 South Lee Street and 112, 114 Duke Street) probably constructed ca. 1870.

The Board approved an addition at 300 South Lee Street in 1996 (BAR Case #96-0005, 1/3/96). Subsequently, the Board approved a number of alterations to the approved plans including: addition of windows with a railing on the center section of the second floor of the addition; change in the style of the railings; change in the placement of the two rear windows flanking the french doors on the second floor rear elevation; addition of a transom over the second floor rear french doors; and, the screening of the two HVAC condensers on the roof of the addition (BAR Case #96-0174, 2/19/97). Most recently, the Board approved fences and a gate in 1998 (BAR Case #98-0122, 9/2/1998).

Proposed reconfigured front entry stoop alterations and proposed window wells comply with zoning ordinance requirements conditional upon City Council approval of an encroachment ordinance allowing the new window wells to project into the public right-of-way.

The applicant must obtain encroachment approval from the City Council to permit the new window wells to project into the public right-of-way. The case, ENC#2002-0002, will be heard at the June 4, 2002 meeting of the Planning Commission.

Staff has no objection to the change out of the windows on the front and north elevations; steps and railings; siding and change out to the door and surround. In the opinion of Staff, these changes will bring the house closer to its historical form when it looked like the other similar houses that were constructed immediately adjacent on South Lee and Duke Streets.

Staff also has no objection to the proposed basement window alterations. The alterations will be minimally visible and the proposed windows are compatible with the house and district in terms of design and material. These windows are similar to proposed basement windows at 307 Wolfe Street which were approved by the Board last year (BAR Case #2001-00192, 9/15/01). However, these windows have not been installed.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

C-1 A construction permit is required for the proposed alterations.

Historic Alexandria:

No comment.



ATTACHMENT 2

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

**(A) Certificate of appropriateness**

(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

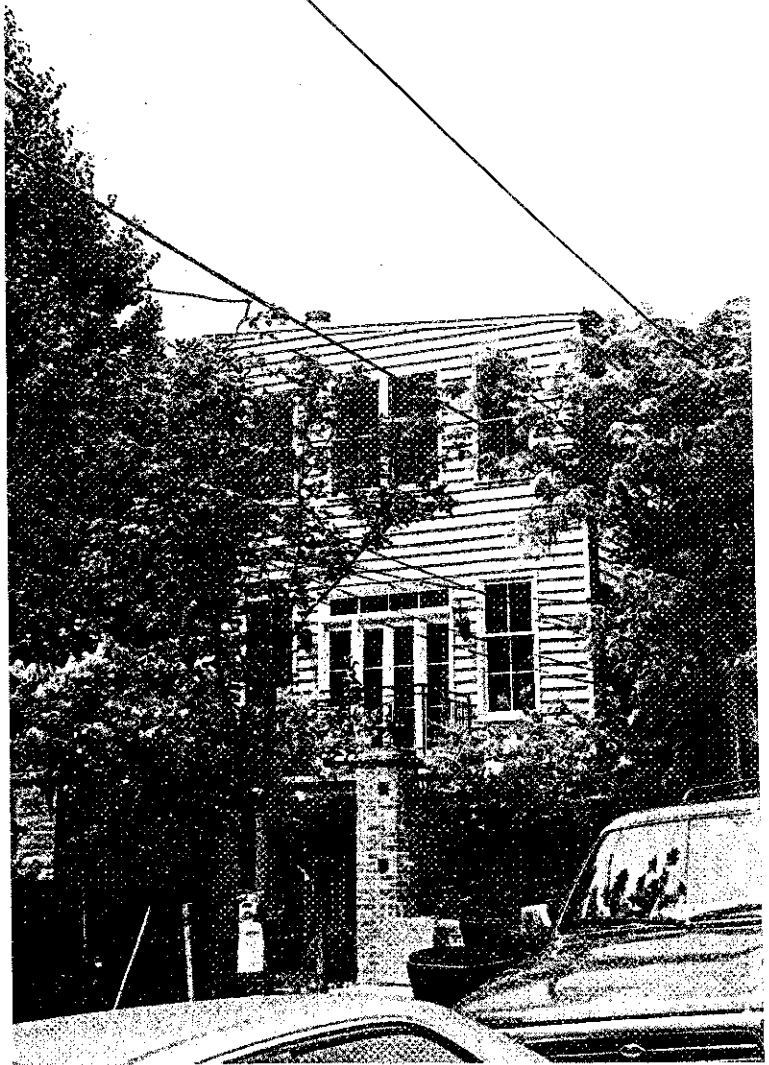
memorial character of the George Washington Memorial Parkway;

(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.



EXIST. FRONT ELEVATION



EXIST. REAR ELEVATION



EXIST. SIDE ELEVATION  
200 S LEE ST //



• EX. SIDING  
TO REMAIN

• NEW GERMAN  
SIDING

• NEW 2/2  
WINDOWS

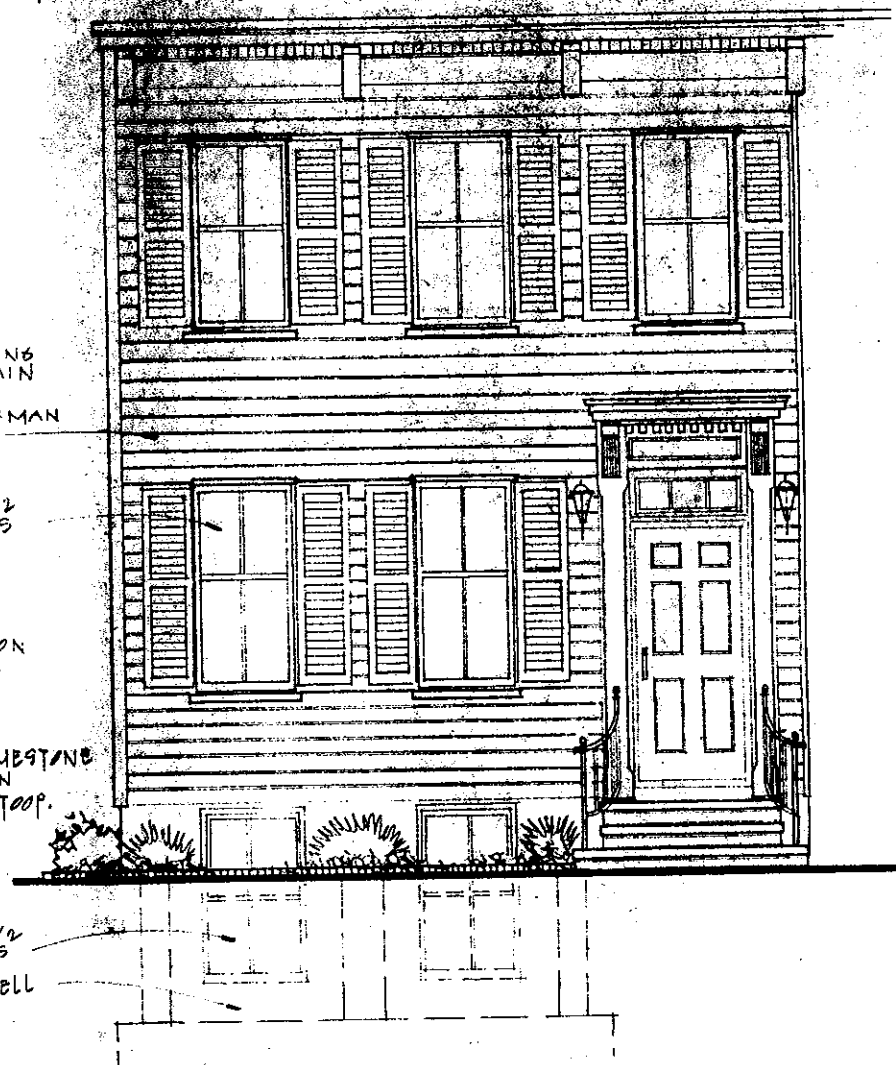
• NEW IRON  
RAILING

• NEW LIMESTONE  
STEPS ON  
BRICK STOOP.

• EDGING

• NEW 2/2  
WINDOWS

• LIGHTWELL

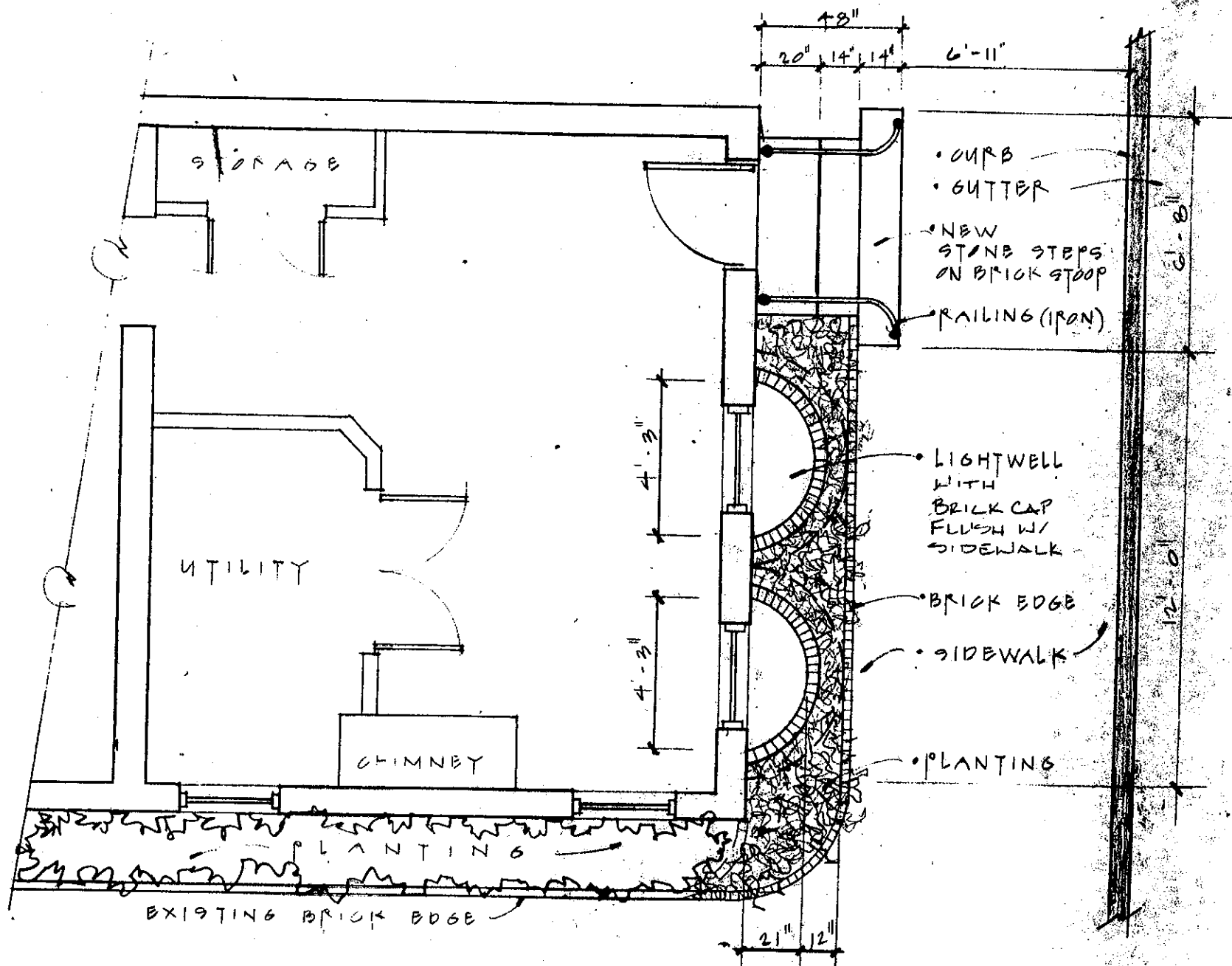


# SIDE ELEVATION

SCALE =

1/4" = 1' - 0"

FRONT SCALE



# SITE PLAN

SCALE =

1/4" = 1' - 0"



30  
6-25-02  
38  
6-15-02  
EXHIBIT NO. 2

sent to CC, CA,  
CM, Michelle,  
Eileen & P. Smith

# RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 5/7/02

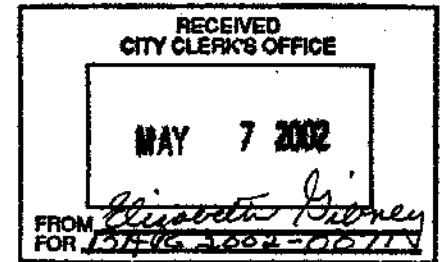
B.A.R. Case # 2002-0071

Address of Project: 300 S. LEE ST

Appellant is: (Check One)

☒ B.A.R. Applicant

☐ Other Party. State Relationship \_\_\_\_\_



Address of Appellant: 300 S. LEE ST

ALEXANDRIA, VA 22314

Telephone Number: 703 836 8048



State Basis of Appeal: Appealing denial of window walls.

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 \$50 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.

Elizabeth Gibney  
Signature of the Appellant



**LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.***Attorneys & Counsellors at Law***524 KING STREET  
ALEXANDRIA, VA 22314**30  
6-25-02~~38~~  
~~6-15-02~~

H. CARTER LAND, III  
JAMES C. CLARK  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN W. BLAIR

(703) 836-1000

FACSIMILE  
(703) 549-3333MAILING ADDRESS:  
P.O. BOX 19888  
ALEXANDRIA, VIRGINIA 22320-0888

June 12, 2002

The Honorable Kerry J. Donley, Mayor  
Members of the Alexandria City Council  
City of Alexandria  
301 King Street  
City Hall, Room 2300  
Alexandria, Virginia 22314

**DELIVERED BY HAND**

**In re: June 15, 2002 Public Hearing - Docket Item # 38 - Appeal of the Decision of the Board  
of Architectural Review - 300 South Lee Street**

Dear Mayor Donley and Members of Council:

I am writing on behalf of our client, Brian and Elizabeth Gibney, the owners of the property at 300 South Lee Street to provide you with material in support of their appeal of the May 1, 2002 decision of the Board of Architectural Review denying permission to install window wells on the Lee Street elevation of their home in advance of Saturday's public hearing.

The staff report prepared for the Board of Architectural Review's May 1, 2002 public hearing recommended approval of the requested modifications to the front facade and stated:

"Staff has no objection to the proposed basement window alterations. The alterations will be minimally visible and the proposed windows are compatible with the house and district in terms of design and material. The windows are similar to the proposed basement windows at 307 Wolfe Street which were approved by the Board last year (BAR Case #2001-00192, 9/15/01). However, these windows have not been installed."

The staff position is restated in the staff report prepared for Saturday's public hearing.

In support of their application, I am enclosing:

1. Copies of letters of support from immediate neighbors.

Mayor Kerry J. Donley  
Members of City Council  
June 12, 2002  
Page -2-

2. Copies of photographs of historic houses on the 300 block of South Lee Street with window wells similar to those being requested.
3. A photograph of existing front elevation and a copy of the Architect's rendering of the elevation with the requested window wells.
4. Copy of a letter dated June, 2001 from Jennifer Hollings, Awards Coordinator of the Alexandria Beautification Commission advising the Gibneys of the Beautification Award for "your good work in designing and maintaining your property in such a way that it is a pleasure for the passer-by and an asset to the City."

The approval of the window wells will require the granting of an encroachment from the Alexandria Planning Commission and City Council. The Gibneys' request for the encroachment was scheduled to be heard at the June Planning Commission and City Council public hearings but was deferred by Staff pending the outcome of this appeal. While there has been no Staff Report prepared, review of the Interdepartmental comments, especially the comments of the Department of Transportation and Environmental Services, indicate there was no objection to the Gibneys' request.

On behalf of the Gibneys, I submit that the requested modifications including the window wells are consistent and compatible with the Gibneys' house on the 300 block of South Lee Street and with the character of the Old and Historic Alexandria District.

If you have any questions concerning this matter, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

DWB:ejf

Enclosures

cc: Mr. and Mrs. Brian Gibney  
Ms. Stephanie Dimond



LOWELL WEICKER, JR.

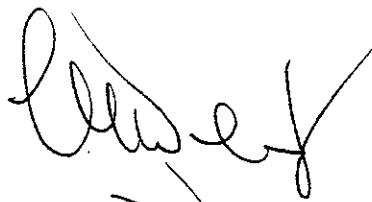
June 10, 2002

Dear Mayor Donley and City Council Members—

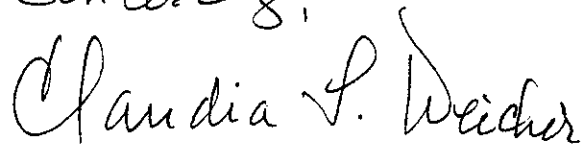
We are writing in support of the request of our neighbors, Brian and Beth Gibney. We believe that this proposed modification is appropriate and compatible within both the architectural guidelines and with the character of the Historic District. Furthermore we strongly believe that the welfare of the entire community is enhanced when public

policies are flexible enough to encourage families to meet their housing needs by remaining within Old Town. In this particular instance, we see no harm to the architectural integrity of the neighborhood posed by their desire to expand within their existing space.

Sincerely,



LOWELL P. WEICKER, JR.



CLAUDIA T. WEICKER  
200 DUKE ST. ALEX. VA.

*125 Duke Street  
Alexandria, Virginia 22314*

June 10, 2002

Mayor Kerry J. Donley and Members  
of the Alexandria City Council  
City Hall, Room 2300  
301 King Street  
Alexandria, Virginia 22314

Dear Mayor Donley and Council members:

We live just across Duke Street from Mr. and Mrs. Gibney and are writing to ask that the City Council reverse the decision of the Board of Architectural Review to deny their application for window wells in the basement of their home at 300 South Lee Street.

After reviewing the Gibney's plans, we strongly believe that the proposed window wells will fit in well with the historic character of the neighborhood. There are, in fact, numerous window wells in period homes in Old Town and it is unclear to us why the BAR acted as it has. Not only, in our view, is the proposal that the Gibneys have submitted architecturally appropriate, but it will complete the landscaping design that they have already implemented on Lee Street across from our house.

The Gibneys received the Mayor's 2001 Alexandria Beautification Award for the landscaping that they have already done on Duke Street. We feel certain that if the Council approves the Gibney's plans, the window wells and landscaping will further enhance our neighborhood.

We urge you to approve their request.

Sincerely yours,

  
Dennis and Marie Kux

115 Duke Street  
Alexandria, VA 22314  
June 10, 2002

The Honorable Kerry J. Donley,  
Mayor, City of Alexandria  
Members of the Alexandria City Council  
Alexandria City Hall  
301 King Street, Room 2300  
Alexandria, Virginia 22314

Dear Mayor Donley and City Council Members:

I am writing to request that the City Council review the decision by the Board of Architectural Review ("BAR") to deny an application filed by our neighbors Beth and Brian Gibney. The application requested BAR approval for window wells and windows in the basement level of the Gibney home located at 300 South Lee Street. We have reviewed the proposed modifications to the house and we believe that the changes are attractive, architecturally appropriate, and comparable to the basement windows of several neighboring homes.

On a personal note, I would add that we have been neighbors of the Gibney family for over fifteen years and during that period we have seen a transformation of their home from an ordinary, neglected Victorian house to a gracious, beautifully-maintained home. Over the years, additions and alterations to the Gibneys' home have been tasteful and cognizant of the history and architectural character of our Old Town neighborhood. The current application is consistent with the tenor of the Gibneys' earlier efforts to enhance their home while adhering to the Historic District's guidelines.

We would appreciate it if the Council would review and support the Gibneys' application.

Sincerely,



Ellen Mitchell

June 10, 2002

The Honorable Kerry J. Donley, Mayor  
Members of the Alexandria City Council  
301 King Street  
City Hall, Room 2300  
Alexandria, Virginia 22314

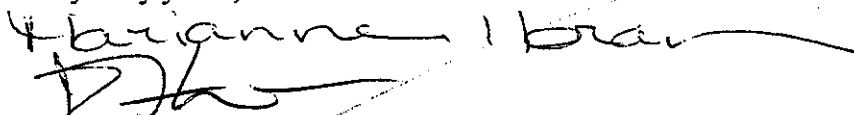
Dear Mayor Donley and Members of the City Council,

It is with great pleasure that we write on behalf of our neighbors, Beth and Brian Gibney. We would respectfully request that you reverse the Board of Architectural Review's decision regarding the desire of the Gibney's to make an attractive addition of the window wells and windows to the basement of their home at 300 South Lee Street, one that is in keeping with the many lovely homes in the historic district. I have had the pleasure to review the planned changes and find them to be extremely attractive and will add to their lovely home.

We know what exquisite tastes the Gibneys have and we know they would NEVER make alterations to their home that would not be in keeping with the entire spirit of all things that comprise Old Town. Quite frankly, we wonder what all the hub-bub is about.....the Gibneys would make this kind of alteration only if they had gone above and beyond the call of duty in terms of research. We believe that similar examples of what the Gibneys would like to do can be found on Lee Street.

We urge our City Council and our Mayor to approve the Gibney's request.

Very truly yours,

The block contains two handwritten signatures. The first signature is 'Marianne' in a cursive script, followed by a horizontal line. The second signature is 'Jay' in a cursive script, also followed by a horizontal line.

Marianne and Jay Horan  
S. Lee Street residents

June 10, 2002

The Honorable Kerry J. Donley, Mayor and the Members of the Alexandria City Council  
301 King Street  
City Hall, Room 22314

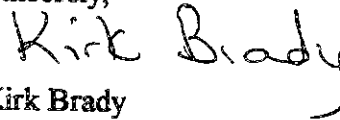
Dear Mayor Donley and the Members of the City Council:

I am writing for my lovely neighbors Beth and Brian Gibney who are at 300 South Lee Street. Apparently they have been denied an application to add window wells in the basement of their beautiful home.

I have seen the design and think that they actually enhance the appearance of the house and are in keeping with the others in Old Town. Also, the added light is so very important for her children and those using the area.

Please reconsider their proposal. The Gibney's always do things discretely and with the best of taste.

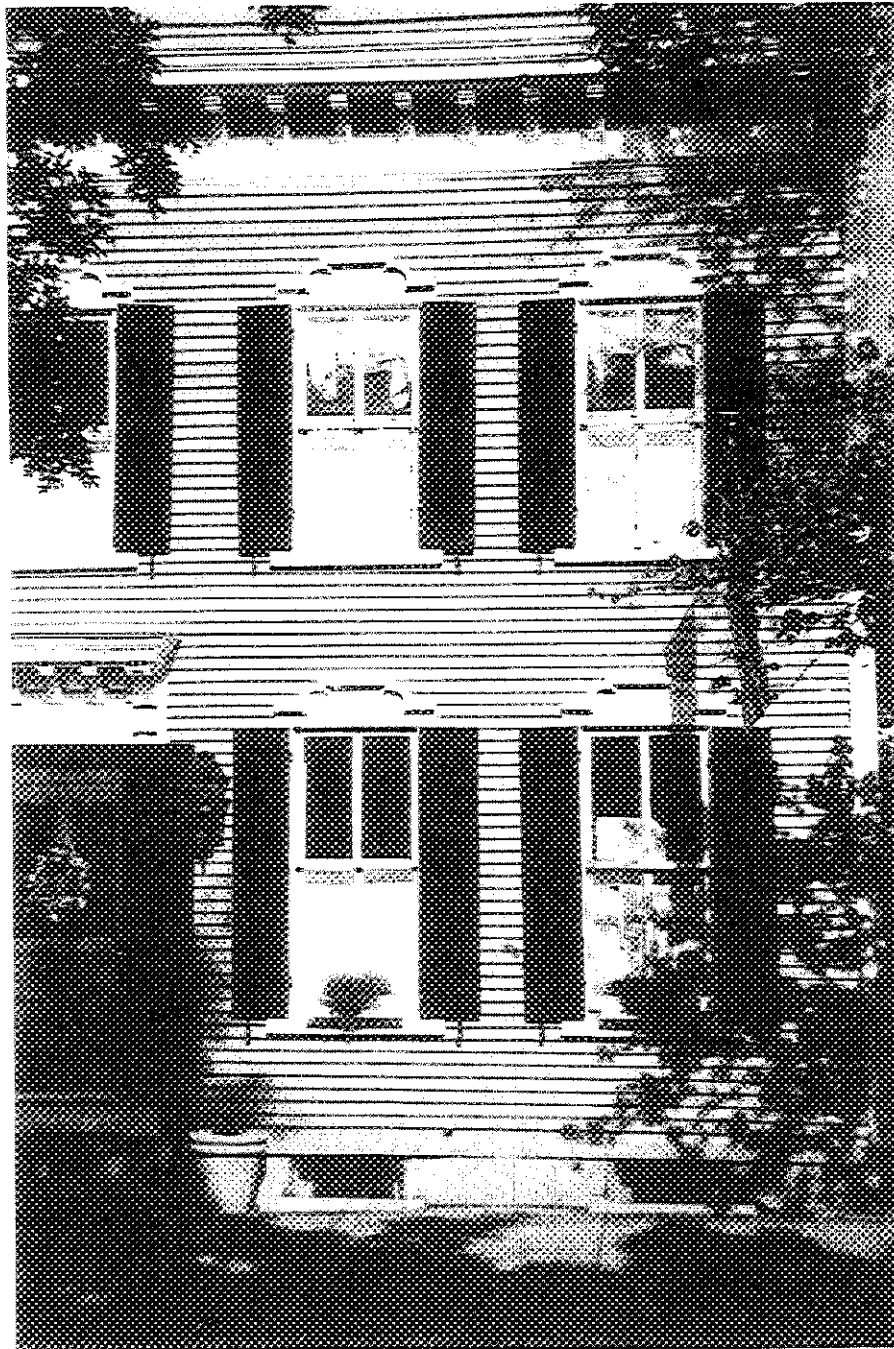
Sincerely,

A handwritten signature in cursive script that reads "Kirk Brady".

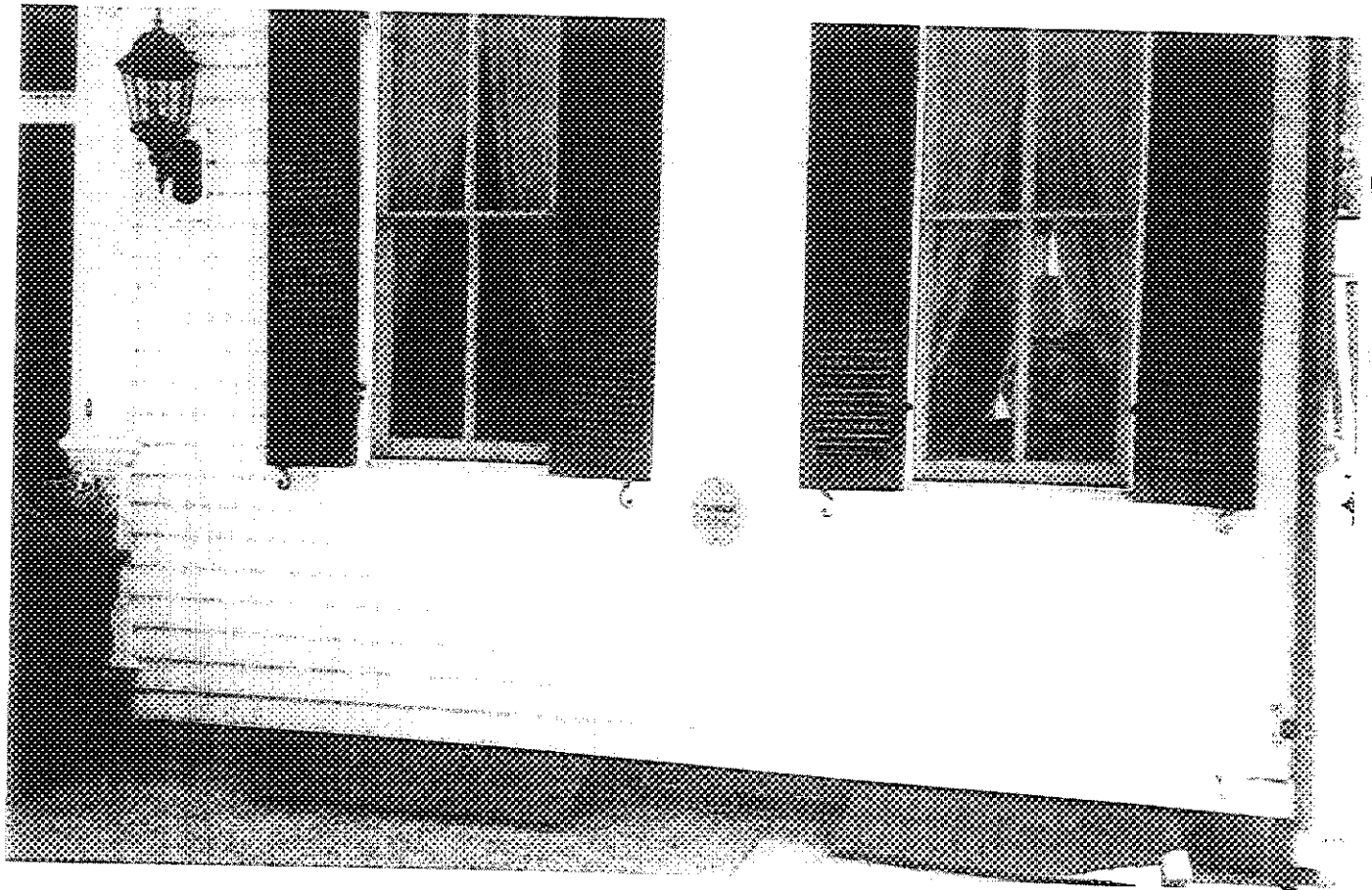
Kirk Brady  
609 South Lee Street  
Alexandria, Virginia

# Historic Houses on the 300 Blocks of South Lee Street with Window Wells

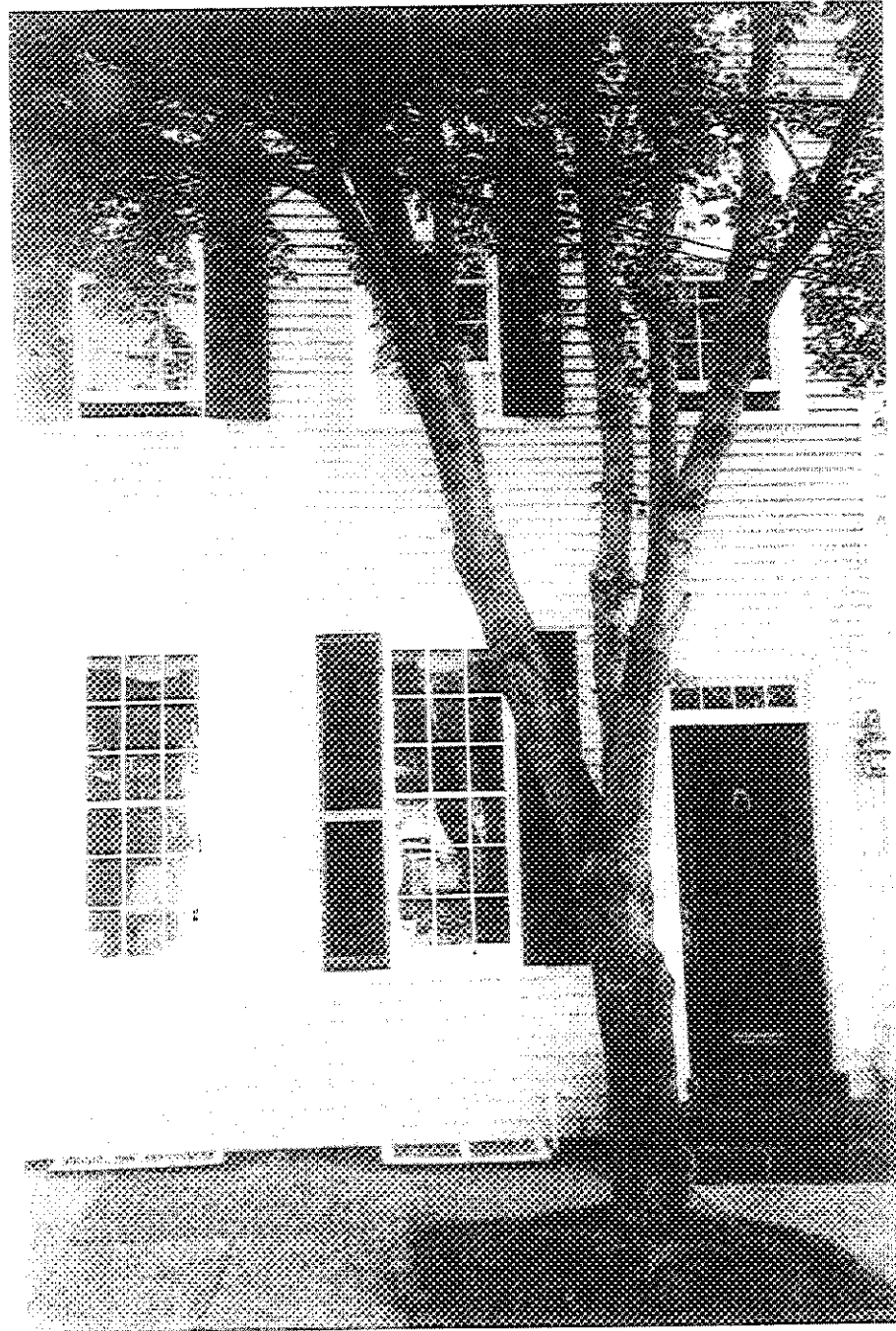
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# Historic Houses on the 300 Blocks of South Lee Street with Window Wells

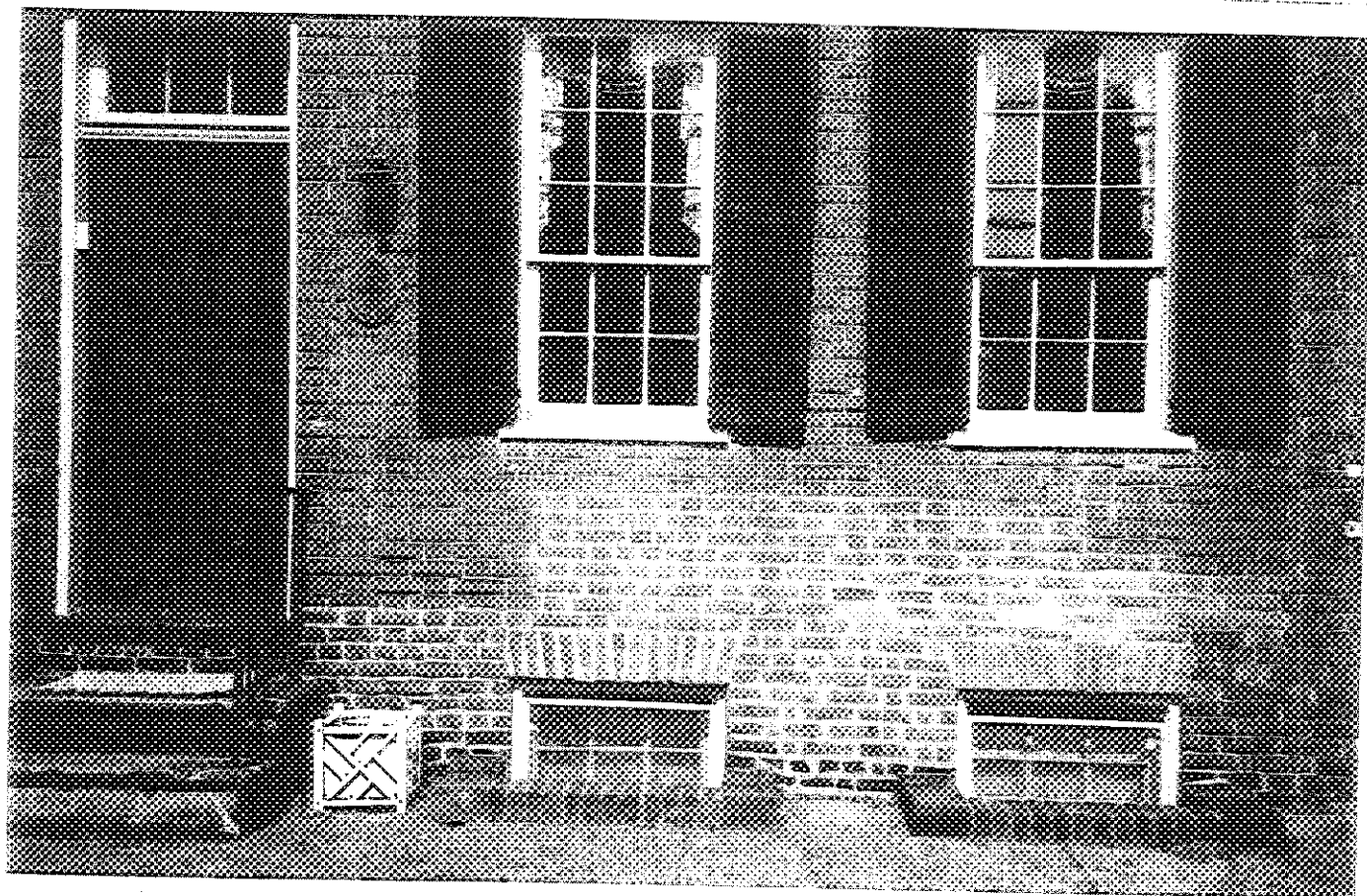


# Historic Houses on the 300 Blocks of South Lee Street with Window Wells

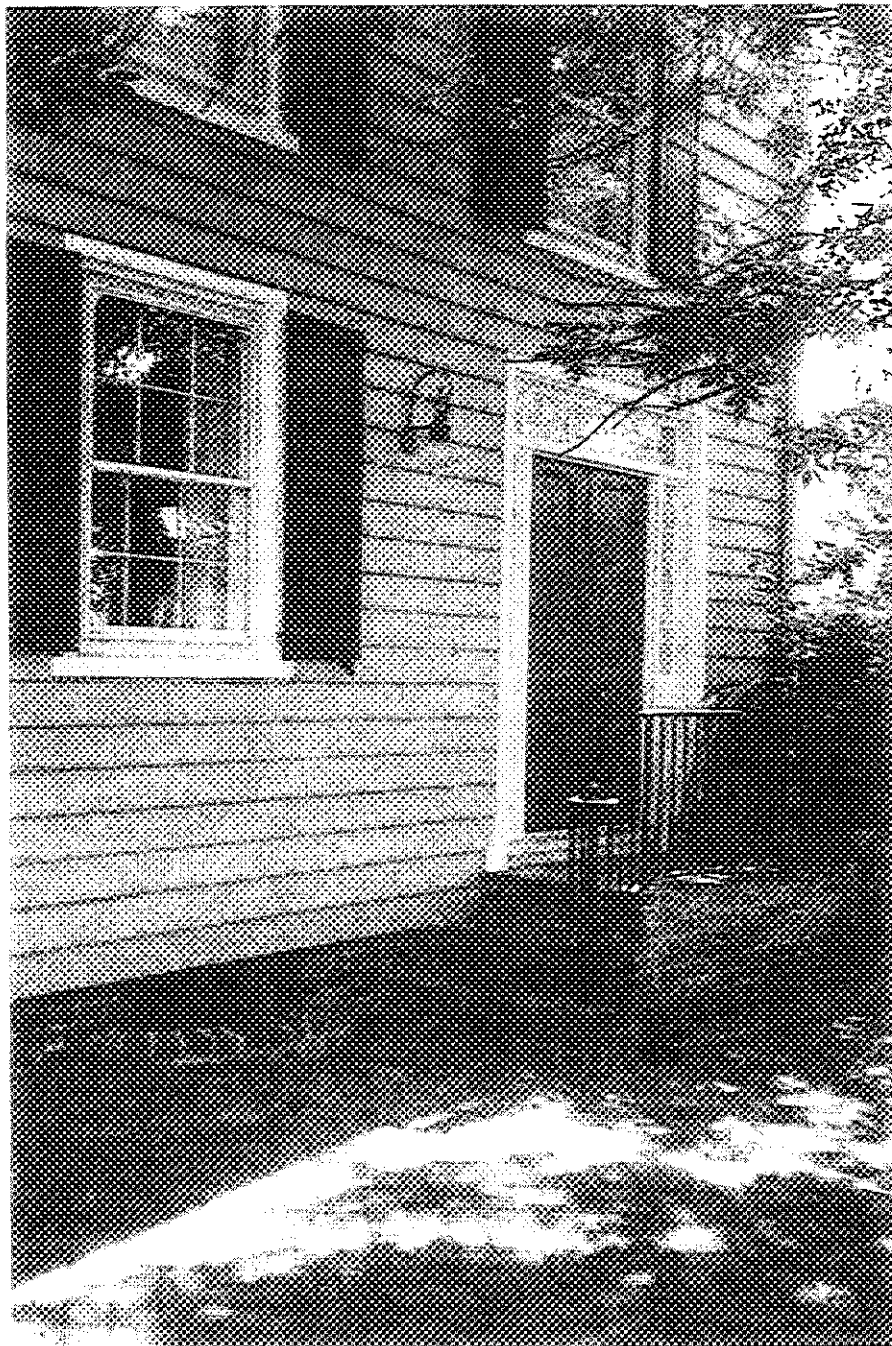




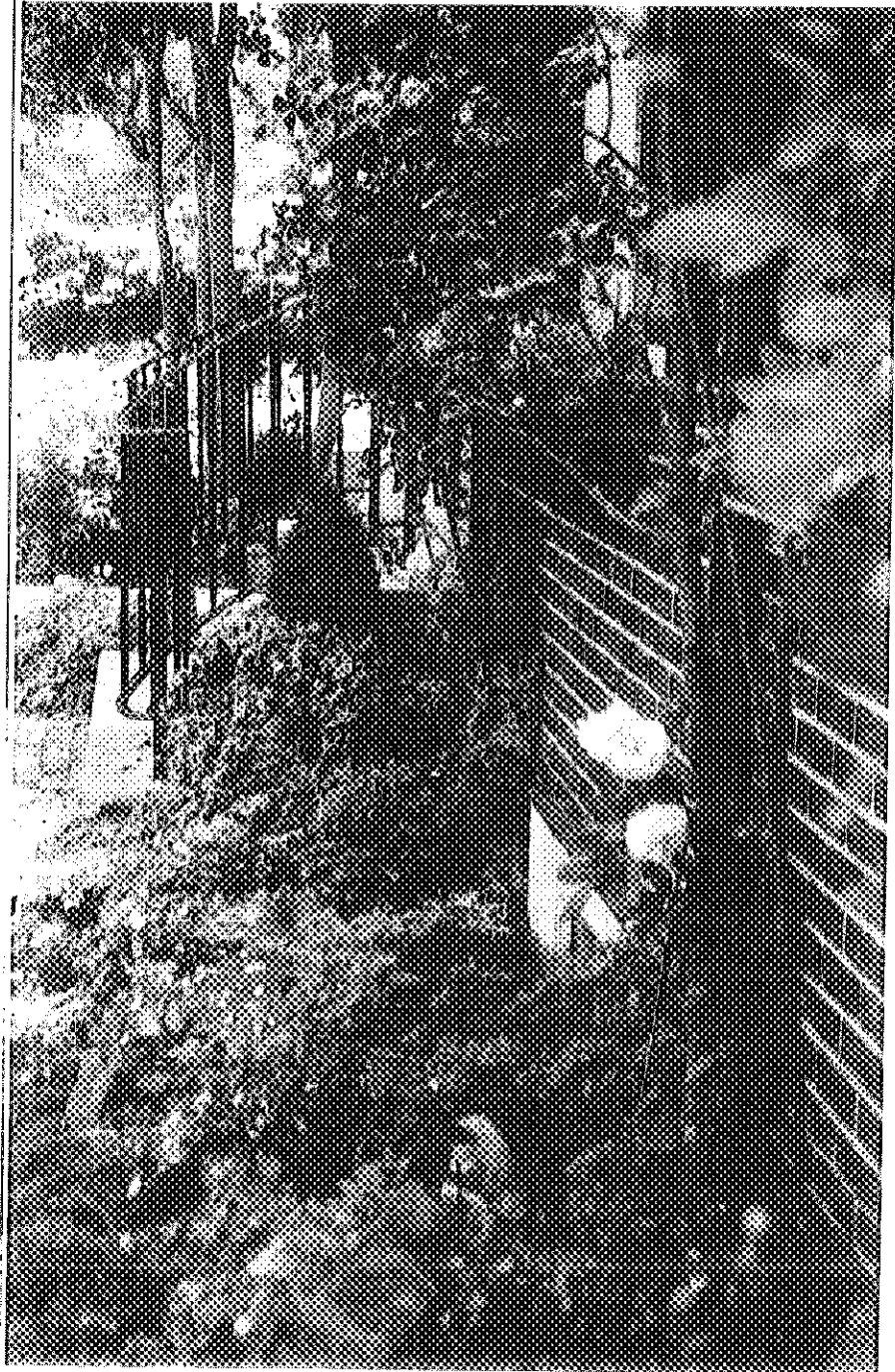
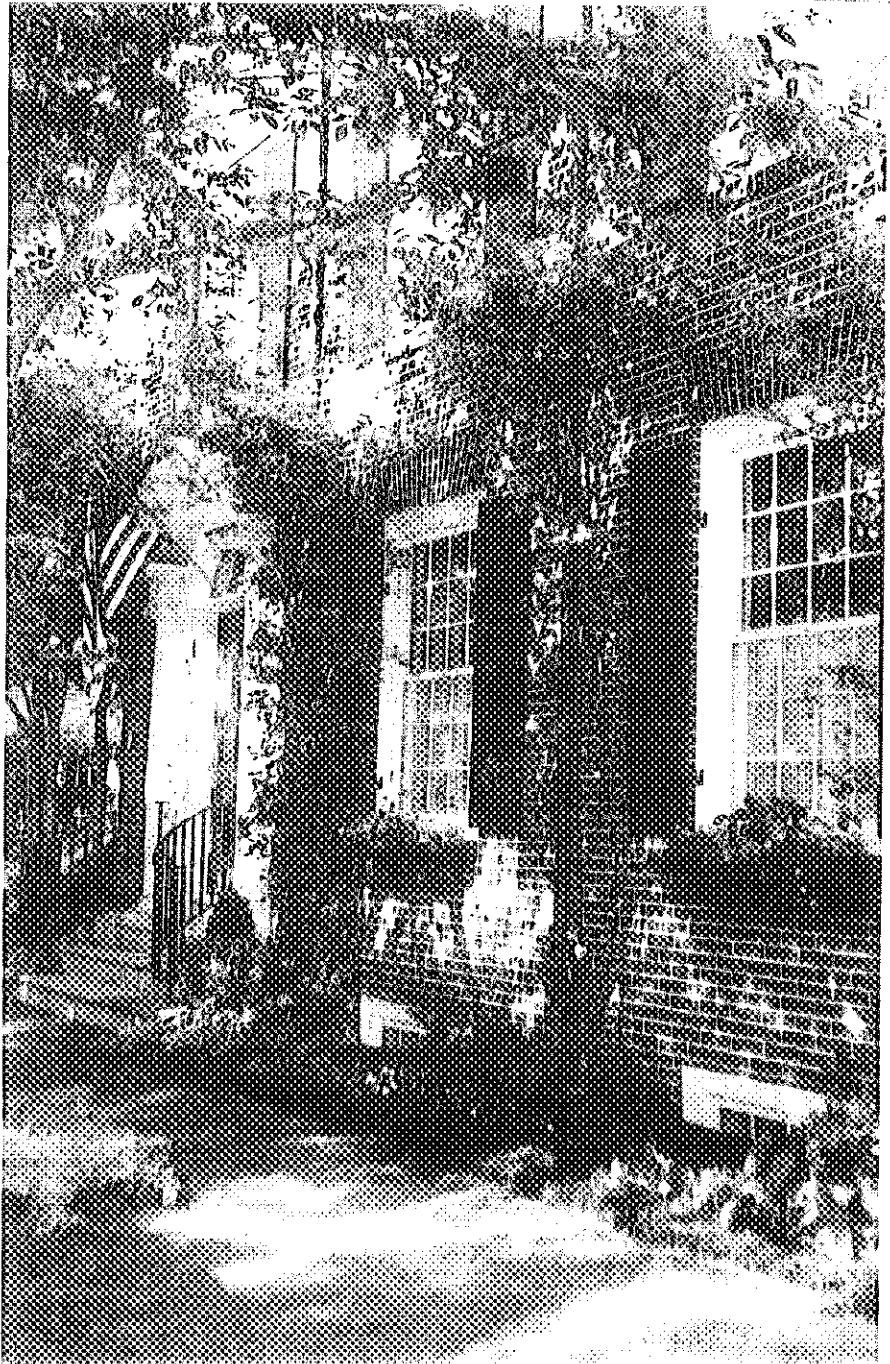
# Historic Houses on the 300 Blocks of South Lee Street with Window Wells



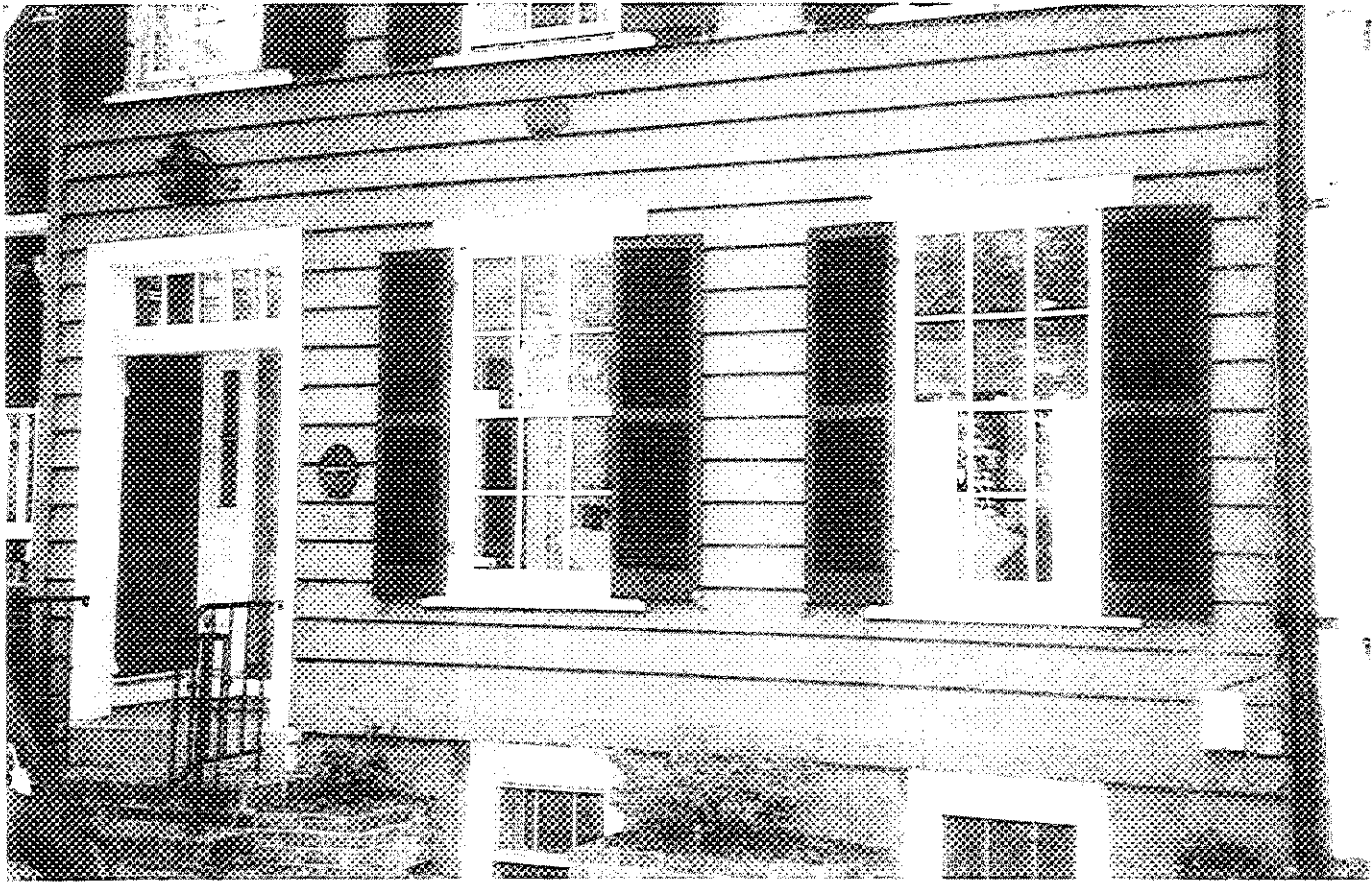
# Historic Houses on the 300 Blocks of South Lee Street with Window Wells



# 370 N. St. Asaph Street



# 515 Duke Street

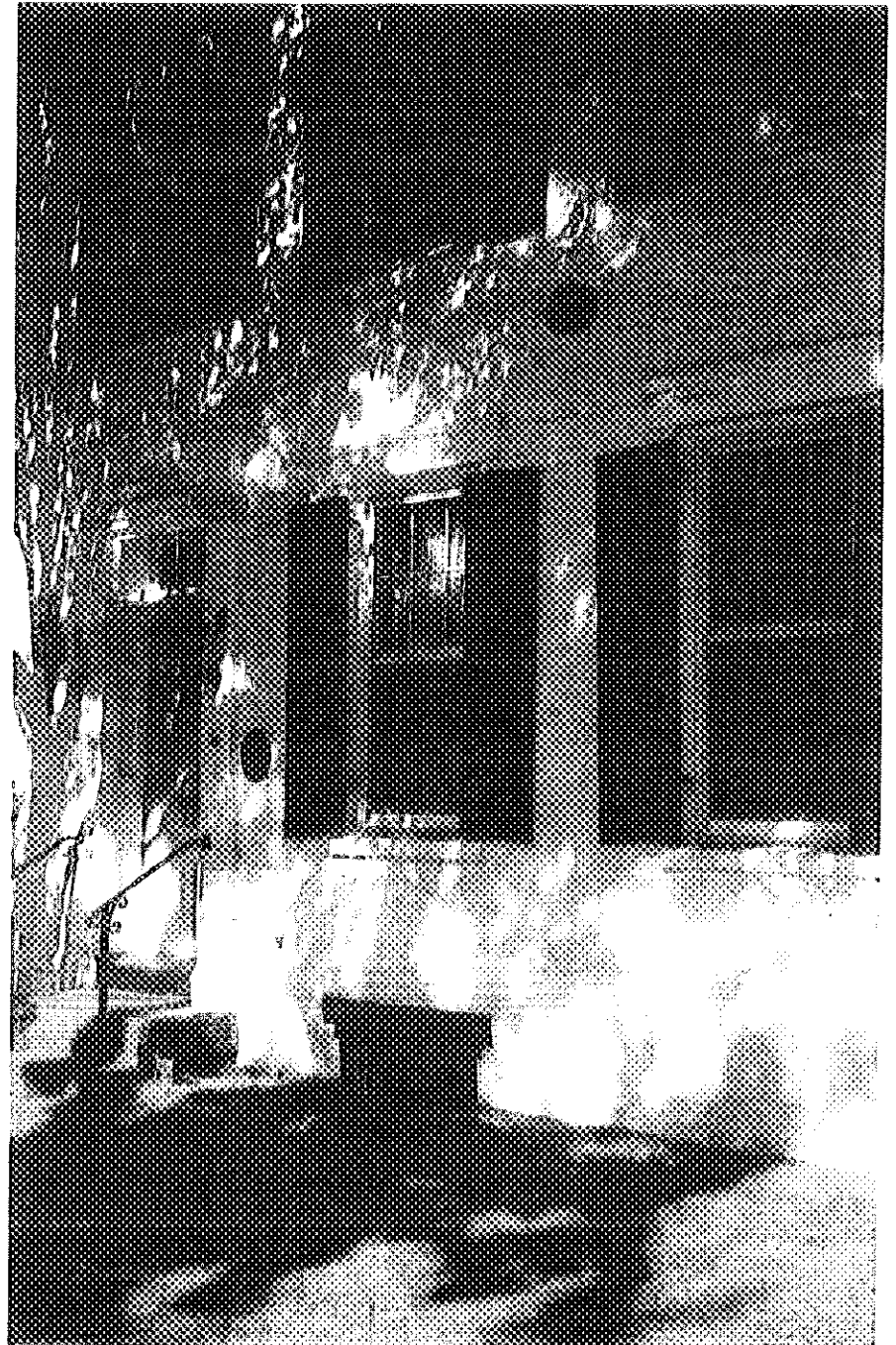




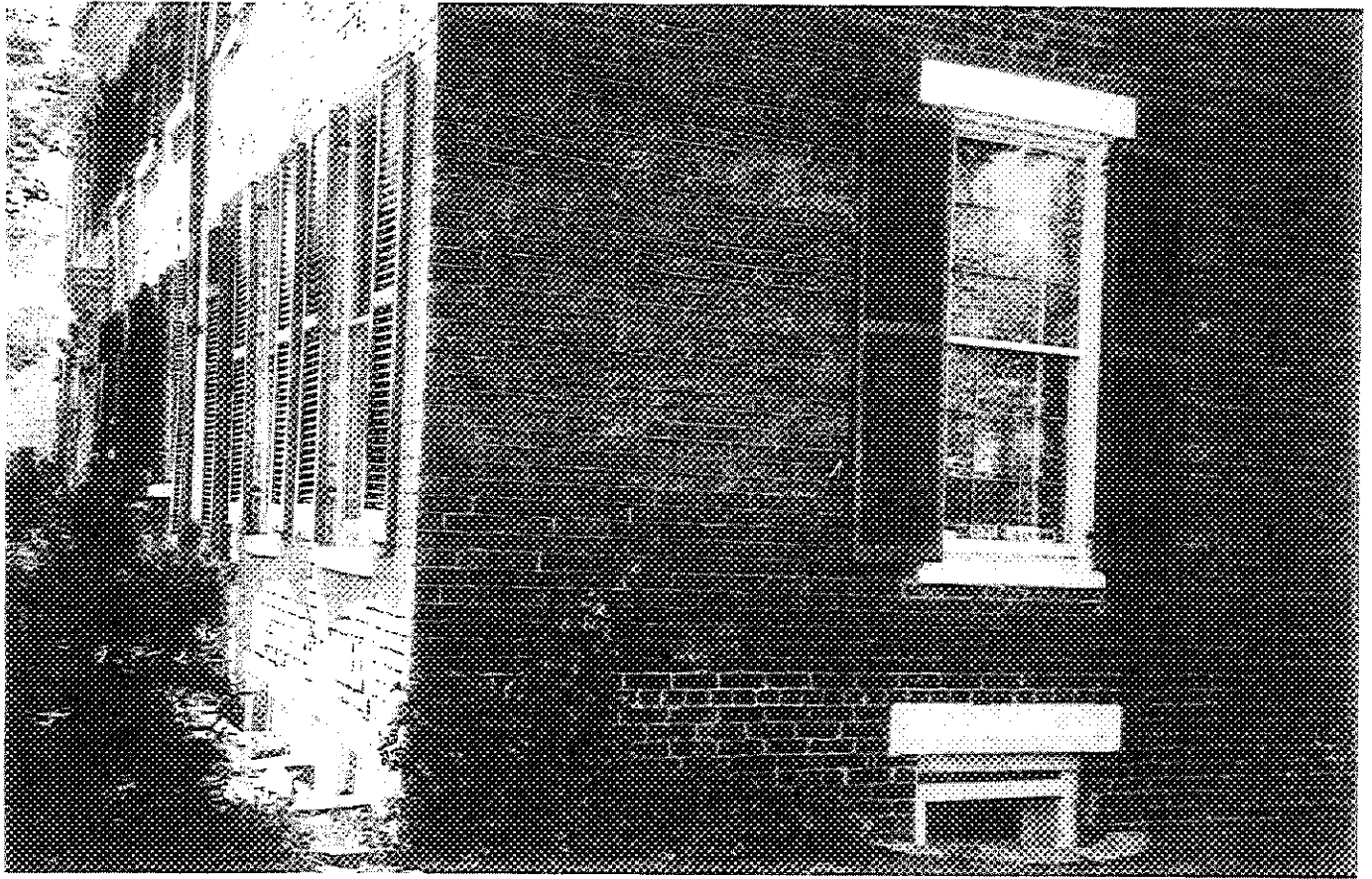
308 Wolfe Street



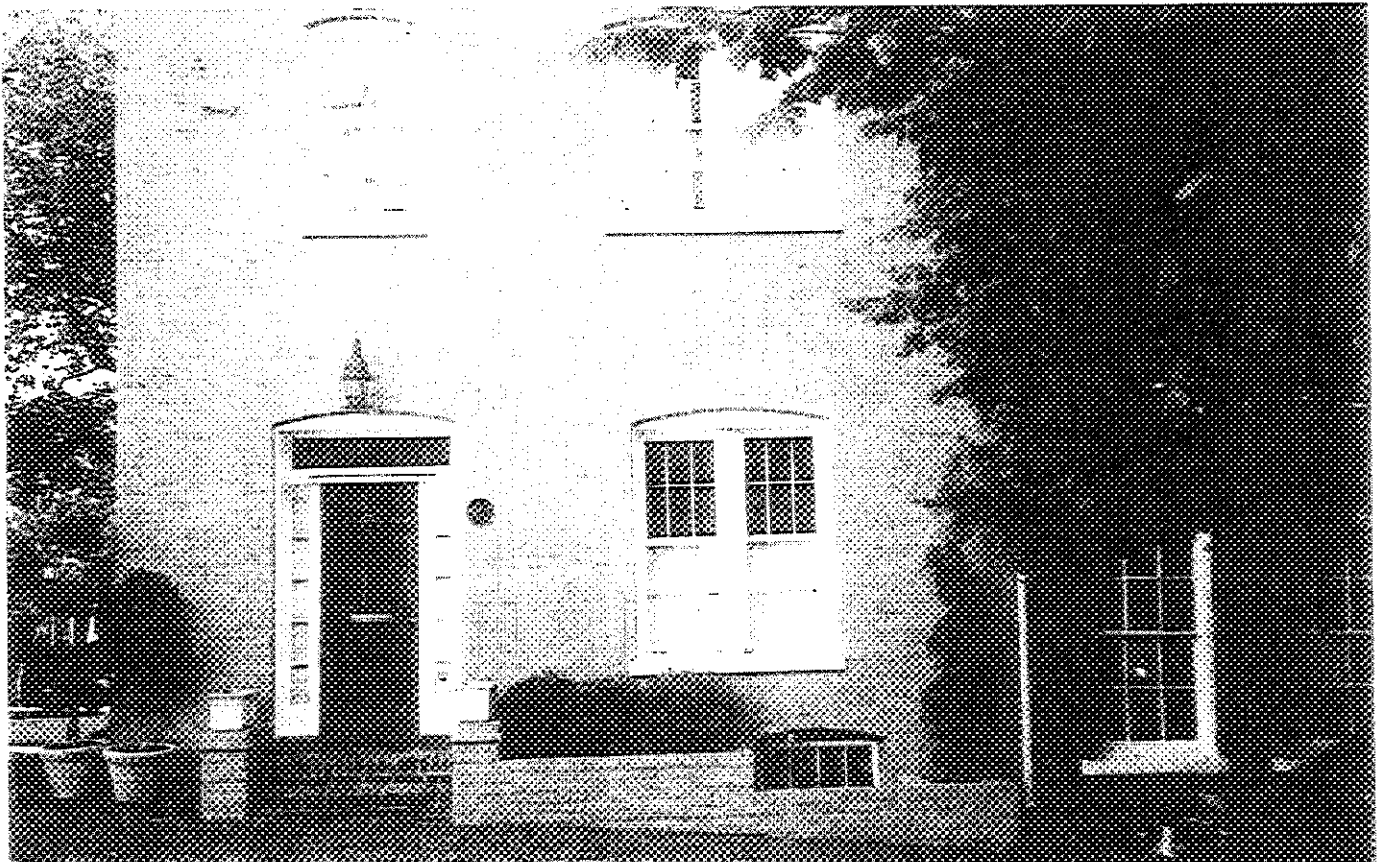
213 South Royal Street



# 318 Duke Street



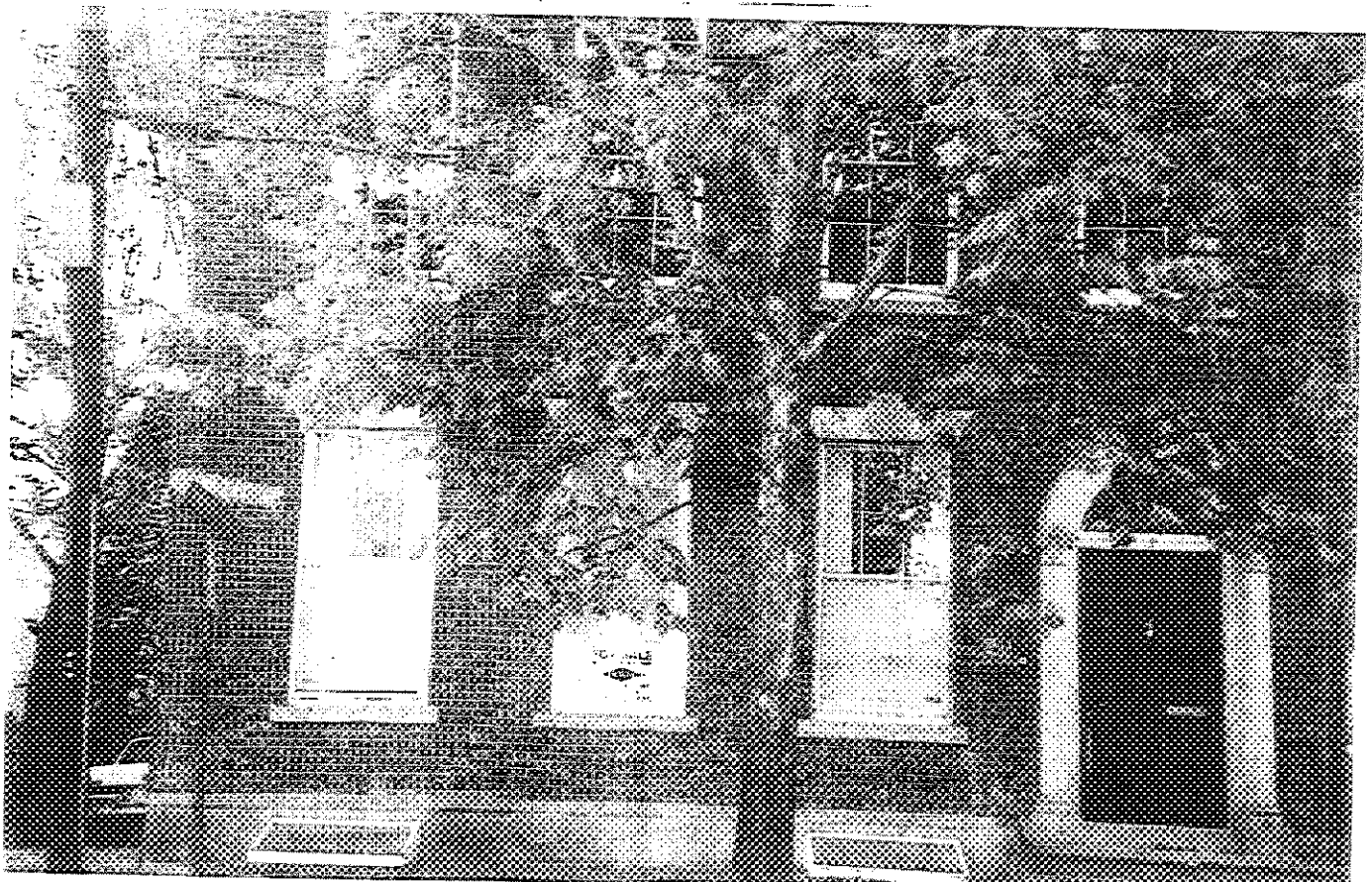
# 129 Prince Street



## 116 South Lee Street



## 211 N. Fairfax Street

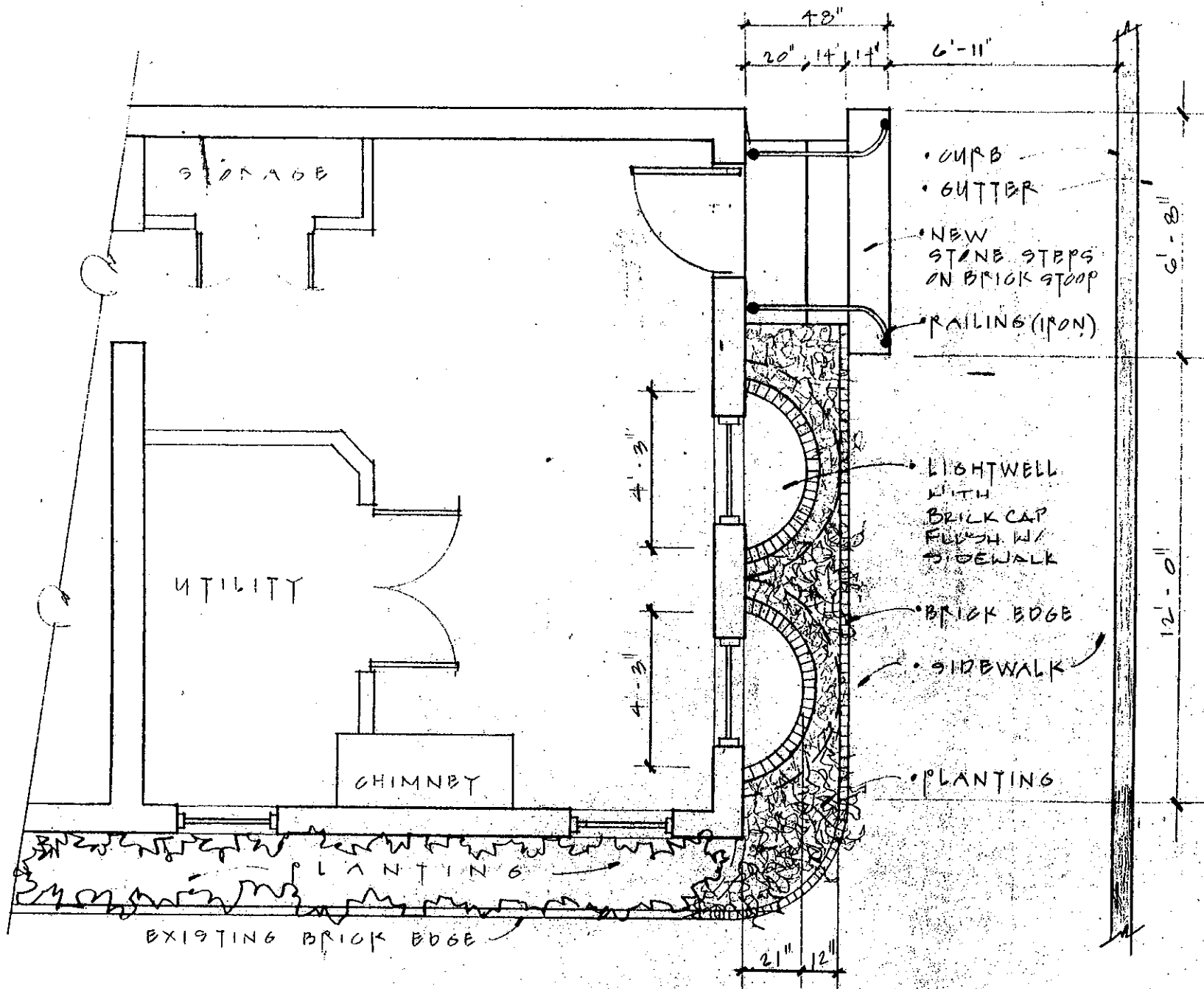












SITE PLAN

SCALE:

1/4" = 1'



## *City of Alexandria, Virginia*

*Alexandria Beautification Commission*

*P. O. Box 178*

*Alexandria, Virginia 22313*



*June, 2001*

*Congratulations,*

*The Alexandria Beautification Commission is pleased to tell you that you have been selected for a Beautification Award for your good work in designing and maintaining your property in such a way that it is a pleasure for the passer-by and an asset to the City. Our criteria for making this award include visibility from the public right of way; plant colors, textures and forms; maintenance; proportion; landscaping accents and elements; and relationship to the neighborhood.*

*We hope that you will be able to attend our Awards Ceremony at 7:30 P.M. on Monday, October 1, 2001, at the Lyceum, 201 S. Washington Street. Mayor Kerry J. Donley will present the Award Certificates during the course of a slide show of the winning properties. The program will be followed by light refreshments.*

*Please complete the form below, whether or not you plan to attend, and return it to me by August 15 so that we may be sure to get your name(s) right on the certificates and in the printed program. We would also be interested in any anecdote you may wish to share about your winning scheme. Feel free to call me at (703) 683-2439 if you have any questions. We look forward to seeing you.*

*Sincerely,*

*Jennifer Hollings*  
Jennifer Hollings  
Awards Coordinator

EXHIBIT NO. 4

JOHN E. KENNAHAN  
*Attorney at Law (Ret'd)*  
302 SOUTH LEE STREET  
ALEXANDRIA, VIRGINIA 22314  
TELEPHONE (703) 548-0621

30  
6-25-02

June 17, 2002

Kerry J. Donley, Mayor  
Room 2300, City Hall  
301 King Street  
Alexandria, Virginia 22314

Re: June 15, 2002 Public Hearing  
Docket Item #38 – Appeal of  
Decision of the Board of  
Architectural Review

Dear Mayor Donley:

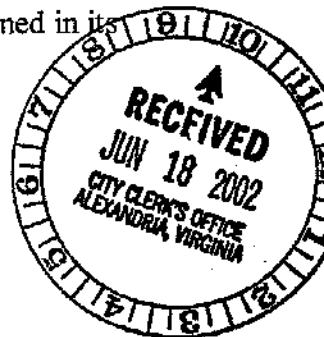
I refer to the captioned matter which came on for hearing at the end of the Docket, after you left the Council Chamber.

Specifically, the issue dealt with the construction of window wells at 300 S. Lee Street. The Board of Architectural Review denied the window wells as an unacceptable level of alteration. An appeal was filed to Council.

I came before Council, along with others, to urge Council to affirm the decision of BAR. Council reached no decision and the matter was deferred until June 25. It was my understanding that the members of Council present were tied; hence the deferment.

I had hoped for your continued presence which would have assured a more orderly proceeding and, I think your vote would have decided the issue in favor of our position: to affirm the decision of BAR denying the window wells. I believe we presented a convincing case for Council to uphold and affirm the BAR's denial of the window wells:

- (1) The motion to deny the window wells was made by the architect member of the BAR;
- (2) the remarks concerning the window wells as an "unacceptable alteration" are a matter of record (Confer Videotape and Minutes of BAR Hearing of May 1);
- (3) the 2001 Statement of Staff that 300 S. Lee Street should be retained in its present appearance;
- (4) the support of the denial by the Alexandria Historic Foundation;



- (5) the support of the denial by the most immediate neighbors at 302, 304 and 310.

Questioning was lively but no decision was reached. Further, while not yet in the record, there is a potential for serious damage to my property in appellant's comprehensive plans.

I ask for your support in this matter by your vote to affirm the decision of the Board of Architectural Review denying the window wells.

I would be pleased to meet with you for further discussion of the issue or to answer any questions which you may have.

Very truly yours,

*John E. Kennahan*

*I hope we may count  
upon your support.*  
*JK*