

EXHIBIT NO. 1

36  
6-15-02

Docket Item #  
BAR CASE #2002-0049

City Council  
June 15, 2002

**ISSUE:** Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, denying permission to demolish portions of a building at 209 South Lee Street

**APPLICANT AND APPELLANT:** Moore & Poe Architects

**LOCATION:** 209 South Lee Street

**ZONE:** RM/Residential

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Summary:

On May 1, 2002, the Board had before it two applications concerning 209 South Lee Street. The first was for the consideration of the capsulation and demolition of portions of the north wall of the house in order to construct an addition. The second application was for the design of the addition itself. The Board denied the application for capsulation and demolition using the criteria set forth at §10-105(B) of the Zoning Ordinance. (Attachment 3) Having denied the first application and the demolition being necessary to construct the addition, the Board did not consider the actual merits of the design of the addition.

Background

209 South Lee Street is a three story freestanding brick townhouse dating from ca. 1815. It was later restyled with Victorian decoration ca. 1884. (Ethelyn Cox, *Historic Alexandria Street by Street*, p.78). It appears that the entire length of the house was all built at the same time because there does not appear to be a brick seam joint on the north side of the house that would indicate a later addition. In addition, the brick coursing on the north side is entirely consistent east to west.

In the dense urban setting of the Old and Historic District, 209 South Lee Street is highly unusual as freestanding historic house that can be easily viewed on the sides as well as the front. It retains its original grounds, with generous gardens on both the north and south sides making the house prominent and visible. The view of the on the north side, where the addition is proposed, is particularly open. Thus, unlike most houses, the rear ell, not just the main block, has been on public view throughout its existence.

Earlier this year, on March 6, 2002, the Board considered, as a conceptual matter, the design of an addition on the north side of the house, extending from the rear ell. The Board reviews some applications at a conceptual stage to judge whether a proposed design is appropriate to the historic district. The Board deferred the case for further study, but made comments regarding the fact that the design was generally appropriate with respect to mass and scale. The Board also indicated that it was concerned about the loss of open space in the north side yard and about the amount of demolition that would be required to construct an addition. While Staff was supportive of the concept of the addition, Staff too noted that the capsulation and demolition that would be required for the construction of the addition was very problematic.

B.A.R. Decision

The Board denied the application for a permit to demolish because it believed that (1) the extent of the loss of historic fabric was unacceptable and (2) that the character of the freestanding house would be inappropriately altered if the addition were allowed to be constructed. The Board indicated that it concurred with the Staff analysis that the proposed demolition/capsulation met four out of six criteria set forth in the Zoning Ordinance to be considered when reviewing proposals for demolition and capsulation. The applicable criteria are as follows:

- 1) (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) Would retention of the building or structure 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?

The proposed project entails substantial removal of historic fabric, for door openings into the new addition, but more importantly, entails nearly complete capsulation, or covering, of the rear section of the highly visible north wall. This historic fabric appears to date to the early 19<sup>th</sup> century and as such is older than most building fabric in the historic district, which despite public perception, has a preponderance of buildings dating to the mid- to late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Thus, at its most basic, the proposed capsulation and demolition will entail loss of rare early fabric, constructed nearly 200 years ago using the methods and materials of that period. The loss of this section of the building is elevated in significance by its highly visible nature and its place in the unique ensemble of house and grounds that is 209 South Lee Street. The retention of the north wall and open north garden would undoubtedly preserve a special place in the historic district.

The demolition proposal changed between the conceptual review by the Board in March and the May Board action to deny the demolition. The applicant's drawings had originally implied that a large area of the north wall (approximately 626 square feet) was to be removed and covered with an addition. When the application for demolition was considered in May, however, the amount of wall area being removed was reduced (to approximately 200 square feet). The amount of wall being covered with the proposed addition – the amount being encapsulated – however, remained the same. The amount of capsulation and thus the removal of historic fabric from public purview is the same in both applications and includes the entire two story section at the rear ell of approximately 626 square feet.

Although the applicant made much of the distinction between the amount of area being demolished and encapsulated before the B.A.R., arguing that the amount of fabric being demolished had been reduced, the extent of actual demolition versus capsulation has no distinction in the Zoning Ordinance. The criteria set forth in the Zoning Ordinance for capsulation and demolition are the same. Under B.A.R. jurisdiction encapsulation is tantamount to actual demolition because once an exterior wall is encapsulated by an addition it becomes an interior wall which is no longer an exterior

architectural feature perceived by the public as part of the historic district and subject to review and approval by any public body. Thus, when an historic wall is encapsulated it becomes an interior wall and can be actually demolished by a current or subsequent owner of the building.

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 was opposed to the encapsulation and demolition of a two story section of the historic north elevation of the house and recommended denial of the application. (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 to be considered to determine whether or not to grant a permit to encapsulate or demolish in whole or in part set out in §10-105(B) of the 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 Report, May 1, 2002
- Attachment 2: Zoning Ordinance, §10-105(B): Criteria to be considered to determine whether or not to grant a permit to encapsulate or demolish in whole or in part.
- Attachment 3: Photographs and drawings of 209 South Lee Street illustrating the portion of the building to be encapsulated and demolished

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

REPORT ATTACHMENTS

BAR STAFF REPORT, MAY 1, 2002

Docket Item #8  
BAR Case #2002-0049

BAR Meeting  
May 1, 2002

**ISSUE:** Permit to Demolish and Capsulate  
**APPLICANT:** Amy Bayer  
**LOCATION:** 209 South Lee Street  
**ZONE:** RM residential

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**BOARD ACTION, MAY 1, 2002:** On a motion by Dr. Fitzgerald, seconded by Mr. Smeallie, the Board voted to approve the Staff recommendation which was denial of the Permit to Demolish and Capsulate. The roll call vote on the motion was 4-2 (Chairman Hulfish and Mr. Wheeler were opposed).

**REASON:** The Board believed that the demolition and capsulation represented an unacceptable loss of historic fabric and that an addition would change the character of the freestanding house.

**SPEAKERS:** Amy Bayer, homeowner, spoke in support  
Matt Poe, project architect, spoke in support  
Lawrence O'Connor, 207 South Lee Street, spoke in opposition  
Mark Feldheim, representing the Old Town Civic Association, spoke in opposition  
Charles Trozzo, Chairman, Alexandria Restoration and Historic Preservation Commission, spoke in opposition  
Charles Ablard, representing the Historic Alexandria Foundation, spoke in opposition  
Poul Hertel, spoke in opposition  
Ashley O'Connor, 207 South Lee Street, spoke in opposition

Penny Jones, spoke in opposition  
Robert Weinhagen, 211 Cameron Street, spoke in opposition  
Richard Klingenmaier, 505 Cameron Street, spoke in opposition

**BOARD ACTION, APRIL 17, 2002:** Deferred for lack of public notice.

**BOARD ACTION, MARCH 6, 2002:** The Chairman called the question based upon the Staff recommendation which was: deferral for restudy of the associated proposed demolition and the details of the design. The vote on the question was 7-0.

**REASON:** The Board believed that the design was generally appropriate with respect to mass and scale, but was concerned about the loss of open space in the north side yard and about the amount of demolition that would be required along the north wall of the house. The Board also believed that there should be further refinements to the design of the addition.

**SPEAKERS:** Matt Poe, project architect, spoke in support  
Amy Bayer, homeowner, spoke in support  
Charles Ablard, representing the Historic Alexandria Foundation, spoke in opposition  
Ashley O'Connor, 207 South Lee Street, spoke in opposition  
Deborah Smulyan, 212 South Lee Street, spoke in support  
Stephanie Mansfield, 217 South Lee Street, spoke in support  
Martina Hofman, 218 South Lee Street, spoke in support

STAFF RECOMMENDATION:

Staff recommends denial of the Permit to Demolish and Capsulate.

In the alternative, if the Board determines to approve the Permit to Demolish and Capsulate, Staff recommends the following conditions:

1. Photographic documentation of the north wall to the standards of the Historic American Buildings Survey with negatives and prints to be deposited at the Alexandria City Archives and Special Collections, Alexandria Library; and,
2. The owner to offer to the Historical Restoration and Preservation Commission an easement on the north wall and that the building permit not be approved until the Commission either accepts or declines the easement.

NOTE: This docket item requires a roll call vote.

DISCUSSION:

Because there have been no changes to the application, Staff here repeats the Staff report from April 17, 2002.

Applicant's Description of the Undertaking:

"To construct a two story, 1300 s.f. masonry addition on the north side of 20 South Lee Street."

Issue:

The applicant is requesting approval of a Permit to Demolish and Capsulate portions of the north wall of the two story rear section of the house at 209 South Lee Street.

History and Analysis:

209 South Lee Street is a three story freestanding brick townhouse dates from ca. 1815 and was later restyled with Victorian decoration ca. 1884. It appears to Staff that the entire length of the house was all built at the same time because there does not appear to be a brick seam joint on the north side of the house that would indicate a later addition. In addition, the brick coursing on the north side is entirely consistent east to west.

In considering a Permit to Demolish, the Board must consider the following criteria set forth in the Zoning Ordinance, Sec. 10-105(B):

- (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into a historic house?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve the memorial character of



the George Washington Memorial Parkway?

(5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

(6) Would retention of the building or structure 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?

Staff finds problematic the associated demolition and capsulation that would be necessary to allow construction of the proposed addition. The necessary demolition would involve removal of a section of the north wall 20' in height and over 33' length. Thus, an intact section of an early 19<sup>th</sup> century brick wall will be removed and/or encapsulated as a result. A central tenet of historic preservation is that as much original historic building fabric should be retained as possible. In the opinion of Staff criteria #'s 1, 3, 5 & 6 are met in this instance and, therefore, Staff does not support the demolition necessary to go forward with the addition.

The applicant has limited that amount of actual demolition to the minimum necessary to provide access on each of the two level from the existing house to the new addition. Nevertheless, once capsulated the north wall will be an interior wall that could potentially be demolished without further review.

If the Board believes that, on balance, the north wall could be well documented prior to demolition and that removal of the wall would not lessen understanding of early 19<sup>th</sup> masonry construction methods, the Board could approve the wall. If the Board approves the demolition and capsulation of the north wall, Staff recommends that the following condition: The owner to offer to the Historical Restoration and Preservation Commission an easement on the north wall and that the building permit not be approved until the Commission either accepts or declines the easement.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

C-1 Prior to the issuance of an construction permit, demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

Historic Alexandria:

Regrettable proposed loss of significant open space.

Alexandria Archaeology:

F-1 Historical documents indicate that a house was present on this lot by 1817. The property therefore has the potential to yield archaeological resources which could provide insight into residential life in 19<sup>th</sup>-century Alexandria.

R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

R-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

ATTACHMENT 2

**Zoning Ordinance, §10-105(B): Criteria to be considered to determine whether or not to grant a permit to capsule or demolish in whole or in part.**

- (1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into a historic house?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) Would retention of the building or structure 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?



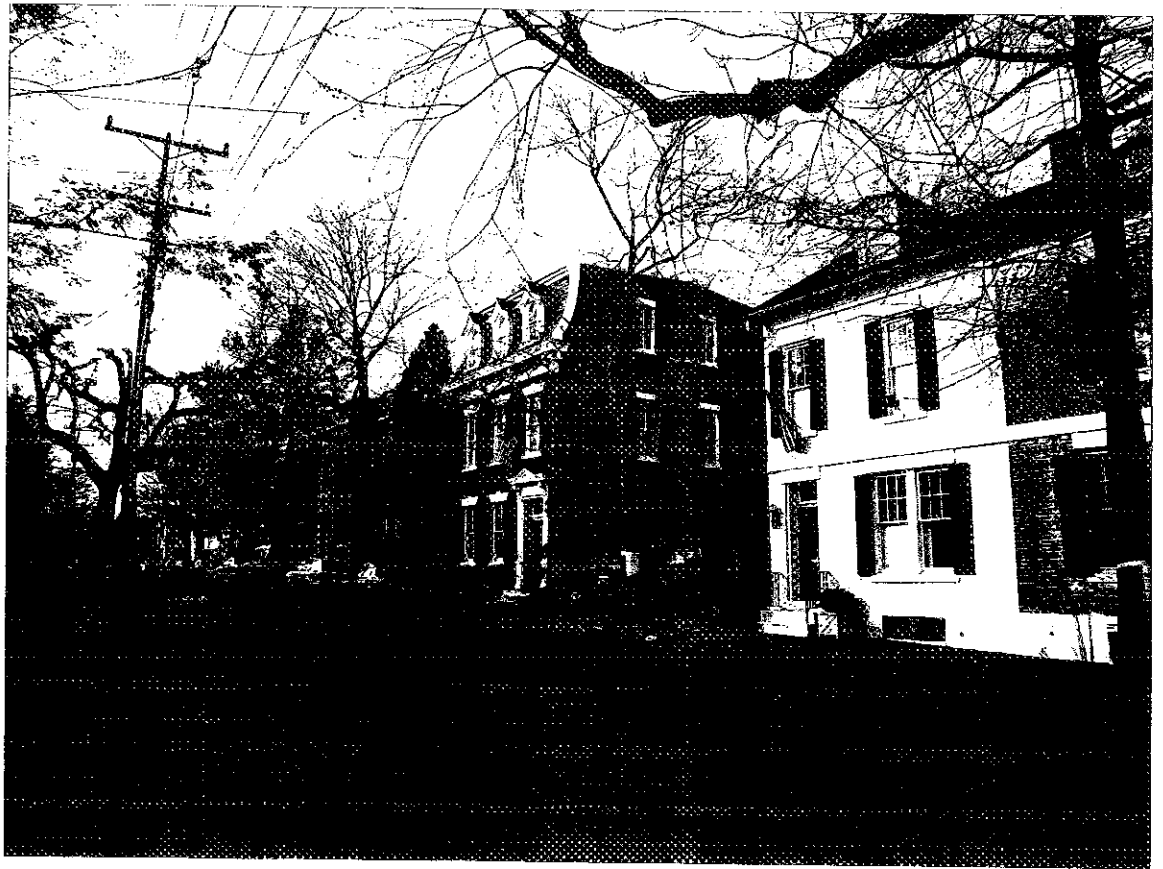
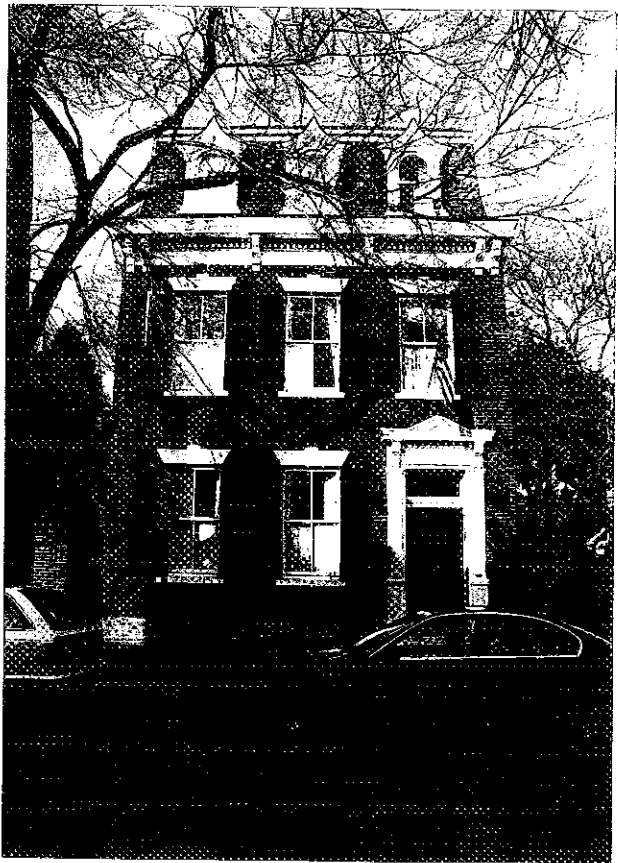
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BAYER RESIDENCE  
ADDITION AND RENOVATION  
200 SOUTH LEE STREET  
ALEXANDRIA, VIRGINIA 22314

EXISTING  
STREET VIEW  
SCALE: N.T.S.  
FEBRUARY 4, 2003

ATTACHMENT 3

2



**MOORE-POE**  
**ARCHITECTS**  
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301 King Street, Suite 200  
Alexandria, Virginia 22304  
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**BAYER RESIDENCE**  
**ADDITION AND RENOVATION**

219 SOUTH LEE STREET  
 ALEXANDRIA, VIRGINIA 22314

EXISTING  
 STREET VIEWS

SCALE: N.T.S.  
 FEBRUARY 4, 2002

13



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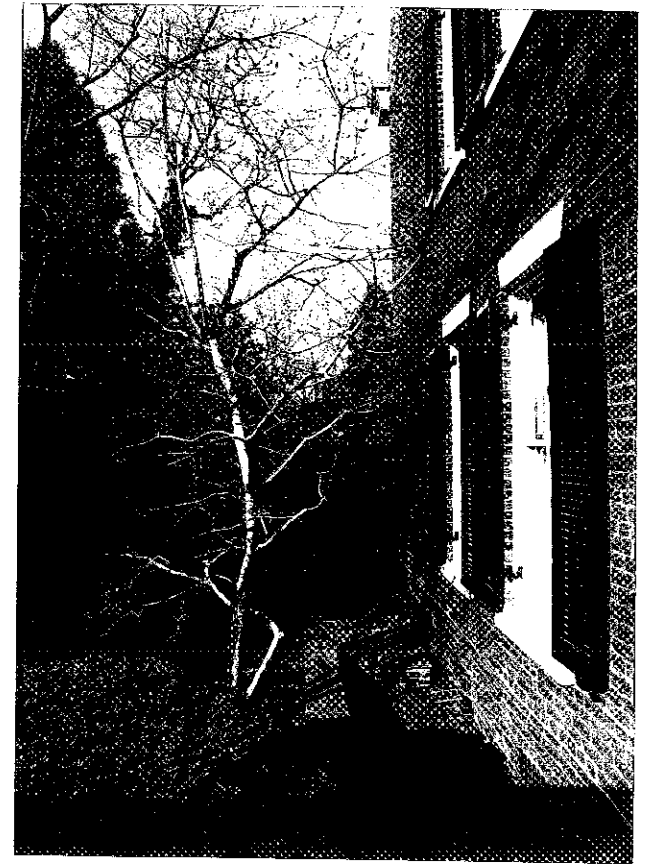


MOORE-POE  
ARCHITECTS  
1000 SOUTH 10TH STREET  
ALEXANDRIA, VIRGINIA 22304  
703.836.1234

BAYER RESIDENCE  
ADDITION AND RENOVATION  
210 SOUTH LIFE STREET  
ALEXANDRIA, VIRGINIA 22314

EXISTING  
STREET VIEWS

SCALE: N.T.S.  
FEBRUARY 4, 2002



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BAYER RESIDENCE  
ADDITION AND RENOVATION  
209 SOUTH LEE STREET  
ALEXANDRIA, VIRGINIA 22314

LEFT SIDE  
YARD VIEWS

SCALE: N.T.S.  
FEBRUARY 4, 2002

9



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**BAYER RESIDENCE**  
**ADDITION AND RENOVATION**  
200 SOUTH LEE STREET  
ALEXANDRIA, VIRGINIA 22314

**RIGHT SIDE  
YARD VIEW**  
SCALE: N.T.S.  
FEBRUARY 4, 2002

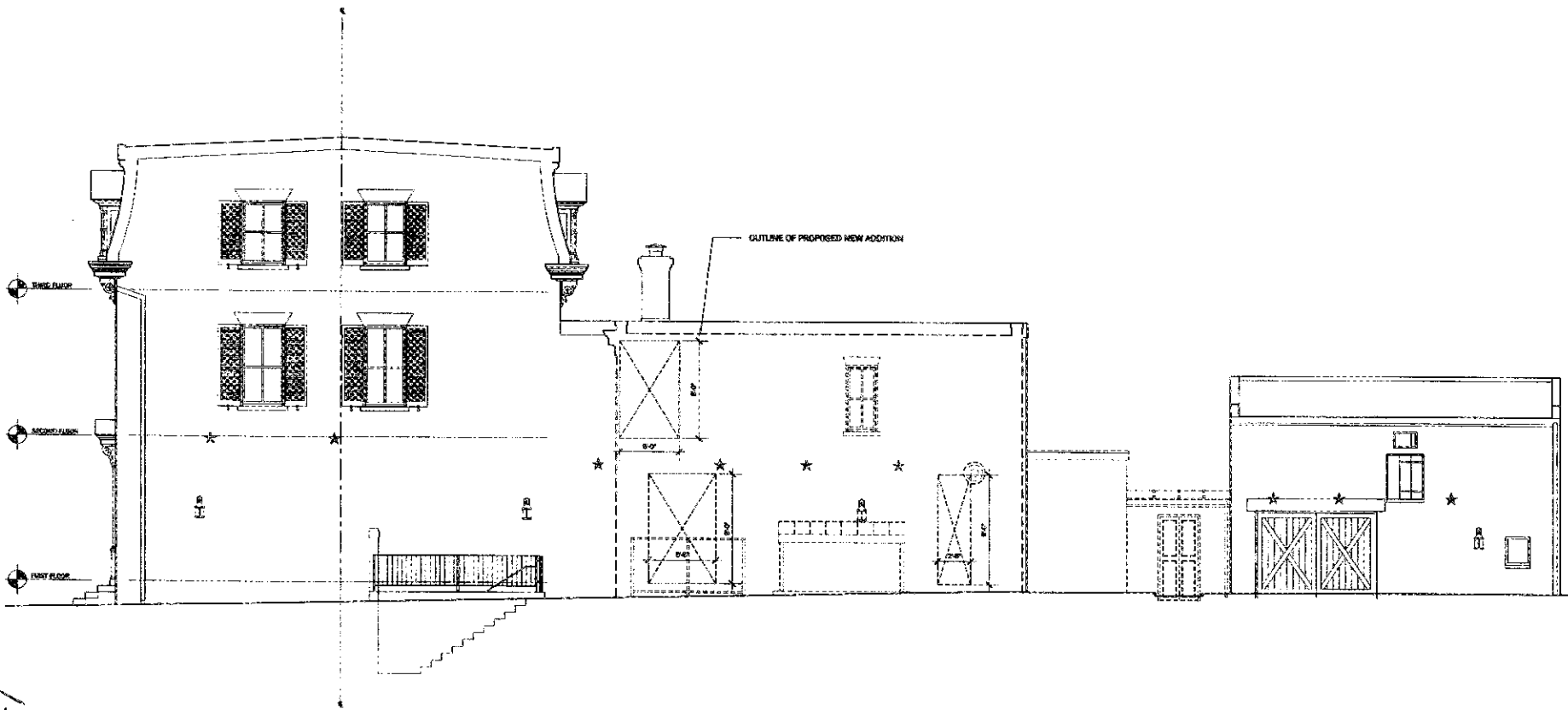




MOORE-POE ARCHITECTS

A Professional Organization  
4201 King Street  
3rd Floor  
Alexandria, Virginia 22314  
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Issued \_\_\_\_\_  
B.A.R. 3.10.02



LEGEND  
WALL TO BE REMOVED  
TO BE RECONSTRUCTED

EXISTING NORTH ELEVATION - DEMO

BAYER RESIDENCE RENOVATION - ADDITION

2002.03.16 USE SHEET ALEXANDRIA, VA 22314

BAR-4

EXHIBIT NO. 2

36  
6-15-02

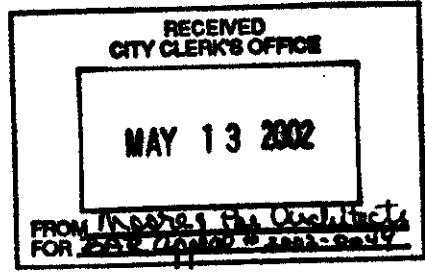
Sent to CC, CM, Michele, CA, Fogarty  
Peter Smith



RECORD OF APPEAL

6/15/02 PH

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW



Date Appeal Filed With City Clerk: MAY 13, 2002

B.A.R. Case # 2002-0049

Address of Project: 209 SOUTH LEE STREET

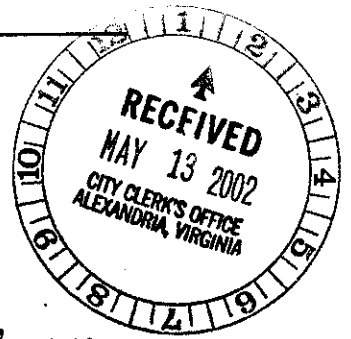
Appellant is: (Check One)

B.A.R. Applicant

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

Address of Appellant: 209 SOUTH LEE STREET

Telephone Number: 703 548 5520



State Basis of Appeal: The decisions and findings of the Board are inconsistent with precedent, and with the Zoning Ordinance, Section 10-105 (B). Additionally, the Board received a staff report that contained a significant error.

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.

[Signature]  
Signature of the Appellant

36  
6-15-02

AMY BAYER  
209 SOUTH LEE STREET  
ALEXANDRIA, VIRGINIA 22314

8 June 2002

Mayor Kerry Donley  
City of Alexandria

Dear Mayor Donley:

I am writing to express my sincere dismay and disappointment following a recent experience with the Board of Architectural Review.

By way of introduction, I am a single mother raising two children who has lived in Old Town for 13 years. I started a business here, my children attend school here, we attend church here, and are active in numerous community organizations. In other words, I am deeply committed to this city.

Unfortunately, I'm not sure that the city is as deeply committed to me.

After many years of saving, I was this year finally able to begin plans for an addition to my home, adding a family room I desperately need as I drown in a deluge of Fisher Price toys. It is nothing out of keeping with those on dozens of homes in the area – homes that add to the value of community life in Old Town.

As a resident of the historic district, I take seriously my obligations and special responsibilities. So I tried to do it right. I hired an architect with a reputation for historic preservation, asked him to follow BAR guidelines to the letter, sought BAR staff guidance and counsel, and involved my neighbors in every step of the planning process.

Apparently, it wasn't enough.

As I appeal the BAR decision to City Council, I think it is important to understand the chronology of this case:

During our first hearing before the BAR, we outlined the plan and showed preliminary designs. There was not a single member who opposed the general concept or scope of the project. Indeed, to a one, they encouraged us to go forward with architectural plans.

Said BAR chairman Tom Hulfish: *"Good project!"*



Said Lynn Neihardt: *"I am generally in favor of the mass and scale of this project."*

Said Michael Wheeler: *"It is definitely headed in the right direction. To my way of thinking, you couldn't have found a better place for the addition, it is set back, it does all the things"* the BAR asks of additions.

Said Lori Quill: *"We have approved some things somewhat similar. I have no problem with it. I think it is definitely a secondary element to the main structure, I understand how they've pulled it off the main block of the building to a back wing, left garden space open. So the general mass and scale are in the right direction."*

Said Arthur Keleher: *"I also have no real problem with the mass and scale of this addition; I think it is tastefully done."*

Said Peter Smeallie: *"I like the design; I think it's appropriate for this building."*

The only stated concern of the BAR members was the amount of wall we would be demolishing with the initial plan in which we proposed to extend the kitchen out two feet.

So, we redid the plans at considerable expense, and came back to the BAR with a new plan that reduced the required demolition by **80 percent**. In total, with the new plan, we would demolish only the surface of three doorways, or **less than 1 percent** of the "historic fabric" of the house. Further, we would encapsulate a portion of the wall on a section 40 feet back from the street and gated from public view.

Therefore, we were stunned when we returned for our second hearing, after working closely with BAR staff and responding to their guidance, to be denied -- *not* on the architectural merits of our plans, but because of a minor amount of "demolition" and "encapsulation."

If, with this ruling, the BAR has determined that it will deny any renovation that requires demolition, then no one in Old Town will be able to make any improvements or changes to the exterior of their homes.

In fact, I think you'd see an uproar among taxpayers if it becomes clear that the BAR, without the benefit of public hearing or approval, has established a standard that effectively denies homeowners the right to make alterations to their homes that affect any more than 1 percent of "historic fabric."

Also at issue, as I see it, is the definition of "encapsulation." In my case, the opponents characterized as "significant" an amount of less than 10 percent of the wall face that would be encapsulated with this request.

Certainly, this isn't a standard set by precedent, in which almost every addition approved in Old Town has necessitated the demolition or capsulation of some wall. Indeed, the

BAR has approved dozens of additions that either demolished or encapsulated the entire back wall of a house, as well as many, many additions on the side.

Perhaps we need to take a careful look at the concerns about encapsulation. If the goal, as stated by some, is to preserve public view of historic fabric and workmanship, then that clearly does not apply in my case. There is nothing unique about the section of the wall I propose to encapsulate in terms of material or technique that is not readily visible on any other section of the house. Indeed, this section of the wall already has been altered by prior owners and is more than 40 feet back from the street, in a private yard, which has been enclosed behind a 5-foot gate for more than 25 years.

It is also important to consider the original intent of guidelines that prohibit demolition and encapsulation on historic structures – guidelines clearly intended to prevent property owners from demolishing entire buildings.

The zoning ordinance, Sec. 10-105(B), established criteria governing buildings and structures *“of such architectural or historical interest that moving, removing, capsulating or razing would be to the detriment of the public interest.”*

I believe there was never any intention to deny a moderate amount of partial encapsulation and would be hard pressed to argue that, as such, it would be detrimental to the “public interest.”

I was told anecdotally, and given my situation believe it to be the case, that there is a new campaign among a small minority of activists in city government to oppose *any* future additions in Old Town. If this is indeed policy, I believe it should be of great concern to you as Mayor, particularly in that such a policy is counter to all precedent and is neither published nor publicly known.

I don't know how else to explain what happened in my case then to assume that proponents of this policy looked for any hook, no matter how tenuous, on which to hang their opposition so to prohibit a renovation project that was designed within every standard and parameter established by the BAR.

I also think it is important to consider the process by which these decisions are made. I have the support and endorsement of nearly every one of my neighbors, both on my block and the block that adjoins it. Several came and spoke to the BAR on my behalf, while many others have written letters supporting the project, its overall aesthetic design and its contribution to property values in the area.

As you know, it's easy to round up opposition, but much tougher to get people to leave their children and their dinner table for an evening to speak out in support of a neighbor.

What has happened for too long in this town is that you see the same handful of people who routinely oppose any renovation project. You know them -- most of them show up at every City Council hearing as well.

None of these career critics are my immediate neighbors, nor anyone personally affected by the plans I have for my home. By and large, they aren't the people raising young families or endorsing the widely held view that this town is not a museum but rather a dynamic community that benefits from the many homeowners who work hard to maintain and improve their properties.

I am a member of the Historic Alexandria Foundation because I believe in the principle of a citizens organization formed to promote historical preservation and help establish guidelines and parameters for change. I am saddened that, too often, this organization and others like it end up fighting any effort a homeowner makes to improve his property, fighting renovations as a means of fighting change – and adding an exorbitant expense to the cost of owning a home here.

I hope that City Council will consider this case with careful thought as to the precedent it sets and the very real prospect that this kind of ruling, left unchecked, could adversely affect property values and the sense of community we have long enjoyed in Old Town.

Thank you for your kind attention,



Amy Bayer

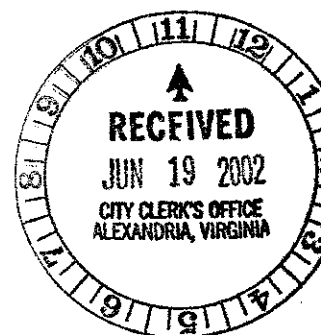
36,615/02

**EDWARD HILL CARTER**

June 13, 2002

The Hon. Kerry Donley and members of the City Council  
City of Alexandria  
Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

Re: BAR case nos. 2002-049 and -050



Dear Mr. Mayor and members of the City Council:

I would like to express my support for Ms. Amy Bayer in her appeal of the above referenced BAR cases. To review, after considerable time, effort and expense, Amy and her architect had developed plans for an addition to her residence located at 209 South Lee Street that were endorsed by the BAR staff, but were denied by the Board.

As background, I have lived in Old Town for fifteen years and have renovated and restored four houses. My wife, Meg, and I are members of Historic Alexandria and the National Trust for Historic Preservation. (Meg has also submitted a letter in support of Amy's appeal to the City Council). My family owns a two hundred-year-old house in Albemarle County that is a National Historic Landmark. Members of my family have demonstrated an active involvement in historic preservation throughout the Commonwealth of Virginia with service ranging from board membership on the APVA and Piedmont Environmental Council to the chairmanship of the Thomas Jefferson Memorial Foundation (Monticello).

In addition to our demonstrated interest in old houses and our favorable opinion of the appropriateness of her addition, we also support Amy's effort because she is a friend, a good neighbor and good citizen of Alexandria (on several occasions she has made her house available for charitable organizations of our city to have events).

The basis for the Board's rejection of Amy's application centered on their concern about the proposed fenestration of two openings in the existing house's exterior wall in order to connect with the proposed addition. In addition, some members of the Board expressed their opinions on the desirability of preserving "open space" in Old Town.

I have great concerns with both points. In regard to the fenestration of the exterior wall, I do not understand how an addition can be constructed without some penetration of the existing exterior wall. Working with the BAR staff, Amy and her architect redrafted their original plans in order to reduce the demolition required by 85%. You can either have an

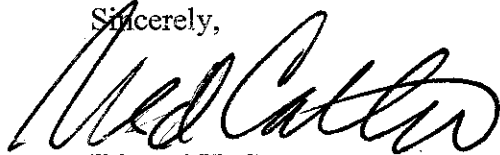
addition or not. If the BAR is saying that, despite having the zoning right to expand a property that you cannot, then why bother having zoning regulations at all and save everyone the aggravation and declare a moratorium on new construction altogether.

Which leads to the second point. The proposed addition is to be constructed on a subdividable lot on the side of her house. In other words, Amy, legally, could sell the lot for the construction of a new residence. Clearly, from an aesthetic and practical point of view (parking), an addition that conforms to BAR requirements in materials, design and scale and to city zoning, is far more preferable than the rightful alternative of the construction of an entirely new residence. Surely, the desire to preserve open space in Old Town by members of a non-elective body (the BAR Board) does not supersede the property rights of our citizenry. At the risk of making this point on a personal level, I find it particularly ironic that the most outspoken member of the BAR Board on this point, does not live in Old Town and recently constructed a large addition on his own residence. I wonder how he would feel if told after he bought his property, that despite conforming to zoning ordinances he could not do so.

I have watched with great interest the actions of the BAR over the last fifteen years. As one who lives and works in Old Town, I appreciate everyday the contribution that the BAR has made over the years to the preservation of the overall character of this place I call home. Having said that, I feel that cities and houses should be dynamic and living entities that are not frozen in time. If they are, at what era do we choose to freeze them? In the case of South Lee Street, do we reestablish the taverns (bars) at the corner of Lee and Duke Streets? Thomas Jefferson, probably one the greatest American architects, redesigned, renovated and reconstructed his house, Monticello, until his death.

In recent years, I have found the actions of the BAR Board increasingly capricious, confiscatory and conflicting with the legal rights of our citizens. Specifically in the case of Amy Bayer's appeal, I urge the City Council to recognize this trend and overturn the ruling of the BAR and approve her application. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Carter", written in a cursive style.

Edward H. Carter



Council,

36  
6-15-02

My wife and I are here to oppose this demolition, and support the BAR in its decision to deny a permit to demolish such a large portion of this plaqued historic home. In consideration of the Council's time and the long docket, I'll be brief, however, as this case comes before you, there are several things we would urge you consider.

- The Board of Architectural Review exists for a reason, and has been established to oversee exactly this kind of real estate issue. While it is the right of the citizens of Alexandria to appeal decisions to the elected City Council, undermining the decisions of the planning staff and the BAR only makes it harder for each group to accomplish what they have been chartered to do. This ensures an increasing number of appeals to council of BAR decisions, instead of encouraging homeowners to work with the BAR.
- The addition proposed at 209 S. Lee St is of significant size, as large as homes in Old Town. The associated demolition is highly visible and significant, and the effects of this decision are irreversible. An addition of this size, on one of the largest houses in Old Town, creates a permanent entity that cannot be undone. In considering the public interest, demolition and encapsulation (which is essentially paving it over) are the same. The demolition and encapsulation associated with the current design was deemed extremely negative to the neighborhood by the BAR, and was supported in this decision by the Historic Alexandria Foundation, the Old Town Civic Association, and the Alexandria Historical Restoration and Preservation Commission.
- The demolition permit denied by the BAR addressed only the plan before them. Many design options continue to exist, and should be explored in the proper venue, before the BAR. The demolition associated with the current design was deemed by the BAR to be extremely negative to the historic character of the neighborhood, and was denied for that reason.
- The space that would be occupied by this addition is in what was, until adversely possessed in recent decades, a public alley. There has never been any sort of structure in this space, and to demolish such a significant portion of this unique freestanding house to add such a large and visible addition would permanently alter the streetscape. While this lot is listed as 209A, in actuality, independent development of this space would not be feasible. Required setbacks would leave only 15 feet width for development, and the four off-street parking spaces now associated with 209 S. Lee would be lost.
- The question before the Council is whether the BAR's decision to deny a demolition permit should be overturned. As adjacent neighbors we are obviously directly impacted. We, like others, know Ms. Bayer personally, and wish her well. However, at issue here are not personal attributes, but the decision made by the BAR, and a consideration of the ordinance and design guidelines that govern its actions.

Owning a home in such a lovely, historic neighborhood is a privilege requiring an understanding of the unique considerations of the Old and Historic District that make it special. Many homeowners in Alexandria come here because of its historic character, and few come with the intention of making such dramatic exterior modifications to their homes. Tourists who come to Alexandria are attracted in the large part because the city retains the historical integrity lacking in other local areas. I appreciate your time this morning and urge you to uphold the BAR, and support this nationally recognized historic district.

36  
6-15-02

213 S. Fairfax St  
Alexandria 22314

City Council  
City Hall  
Alexandria, VA 22314

RE: Case BAR 2002-049 BAR 2002-050

Dear Members,

As a resident of Alexandria for about 42 years and as a practicing artist with profound concerns for matters of visual good taste, I most enthusiastically support Amy Bayer's plans for her adjacent property. I think her proposal is both attractive and becoming to the neighborhood; I'm sure you feel to deny it would be unreasonable and short-sighted. Consider. What if the lot were sold and yet another phony new colonial brick house were to go up?

I urge you to approve Ms Bayer's plan.

Sincerely,

Frances Suggan

#1

LEONARD CALVERT III

36  
6-15-02

13 June 2002

Mayor Kerry Donley and  
The City Council of Alexandria

Dear Mayor and Council members:

These neighbors of Amy Bayer's were extremely surprised and disappointed when the BAR withdrew its initial approval of the proposed addition to 209 South Lee Street. This improvement of space behind an existing parking space will only enhance the livability of the home and the esthetics of the property. We consider this to be a sympathetic kitchen expansion that has been well designed and is most unobtrusive.

We were so pleased to welcome Amy and her husband to the neighborhood especially after learning that they had agreed to preserve the lovely garden which occupies their lot to the south of their handsome brick home. Over the years Amy has generously shared her home and their delightful garden with the Alexandria community for fund raising and neighborhood gatherings. Their proposed addition is a modest modification and certainly less ambitious than those of Mark and Lisa Warner, Bobby and Hillary Brandt and Maria and Harry Hopper.

Perhaps the Board could take a more proactive role in preservation and protection of our precious heritage in more productive ways. Possibly a worthy project would be taking on VEPCO and under grounding the shameful and disgraceful overhead utility lines that mar the nation's premier historic district. This would surely be a far more important and welcome use of their oversight powers.

Sincerely,

the following concerned and supportive neighbors and property owners:

Skipp and Mary Calvert  
217 Wolfe Street

Derek and Ellen Van Bever,  
319 South Fairfax Street

Matt and Jamie Smith  
400 South Lee Street

Fil and Suki Agusti  
213 South Lee Street

cc: Bill and Carol Anderson



**Cynthia S. Hudson and James H. Lake**  
**702 Kahn Place**  
**Alexandria, VA 22314**

36  
6-15-02

June 12, 2002

City Council  
Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

Dear Council Members:

As Alexandria residents, we are writing to support Amy Bayer in her appeal of BAR case no. 2002-049 and -050.

We are relatively new to Alexandria, having been here only three years. During that time, we've purchased two properties and established a business. We are here to stay and we are activists who take pride in our community.

Having followed Amy's progression through the mysterious BAR system, we are deeply troubled. We see a flawed process – at its worst hypocritical and without compass, at its best negligent and capricious.

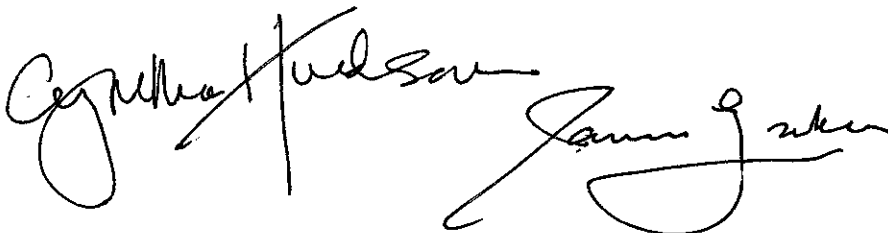
Frankly, we are perplexed and angry. There is no consistency in policy (as evidenced by other projects the BAR has approved), and there is no consistency in the signals the board sends through its charade of a process.

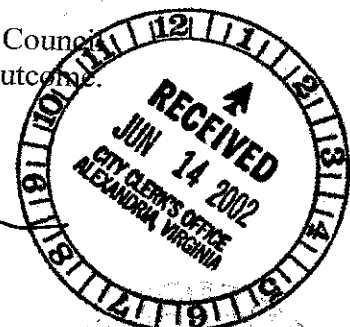
She seeks to build a modest addition on a developable lot. She pays taxes on it. Her plan is within your guidelines. Her immediate neighborhood and her "neighbors at large" support it. The plan had been developed with input from BAR staff. Other projects, far more aggressive in their scope and intrusion on public space, have been approved. The board provided encouraging statements about her ability to proceed (we've seen the transcripts). Given this, she proceeded to incur significant costs to further refine plans and meet board requirements and deadlines. To deny her given these facts is without reason and without precedent.

We do not want to discourage investment in Alexandria. We *do* want to encourage historic preservation and improvements. We believe the two are mutually reinforcing and we believe that by supporting Amy the city accomplishes both beautifully. We urge you to do what's right, for Amy and for Alexandria.

We will continue to follow this case and communicate our concerns to the City Council and to the media as it progresses. In the meantime, we hope for a satisfactory outcome.

Sincerely,





Dear Mayor Donley,

36  
6-15-02

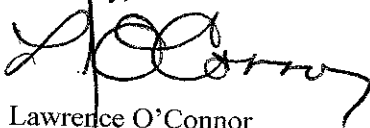
My wife and I want to express our concern about an appeal of a Board of Architectural Review decision that will come before you June 15, 2002. The case in questions involves demolition for an addition proposed by Amy Bayer at 209 S. Lee St, BAR Case #2002-0049.

As neighbors immediately adjacent to this property, we are **extremely opposed** to this demolition, and support the BAR in its decision to deny a permit to demolish such a large portion of this plagued historic home. As this case comes before you, there are several things we would urge you consider.

- The Board of Architectural Review exists for a reason, and has been established to oversee exactly this kind of real estate issue. While it is the right of the citizens of Alexandria to appeal decision to the elected City Council, undermining the decisions of the BAR only makes it harder for each group to accomplish what they have been chartered to do.
- The addition proposed at 209 S. Lee St is of significant size, as large as homes in Old Town. The associated demolition is significant, and the effects of this decision are irreversible. An addition of this size, on one of the largest houses in Old Town, creates a permanent entity that cannot be undone. The demolition associated with the current design was deemed extremely negative to the neighborhood by the BAR, and was supported in this decision by the Historic Alexandria Foundation, the Old Town Civic Association, and the Alexandria Historical Restoration and Preservation Commission.
- The demolition permit denied by the BAR addressed only the plan before them. Many design options continue to exist, and should be explored in the proper venue, before the BAR. The demolition associated with the current design was deemed by the BAR to be extremely negative to the historic character of the neighborhood, and was denied for that reason.
- The space that would be occupied by this addition is in what was, until adversely possessed in recent decades, a public alley. There has never been any sort of structure in this space, and to demolish such a significant portion of this unique freestanding house to add such a large and visible addition would permanently alter the streetscape. While this lot is listed as 209A, in actuality, independent development of this space would not be feasible. Required setbacks would leave only 15 feet width for development, and the four off-street parking spaces now associated with 209 S. Lee would be lost.
- The question before the Council is whether the BAR's decision to deny a demolition permit should be overturned. As adjacent neighbors we are obviously directly impacted. We, like others, know Ms. Bayer personally, and wish her well. However, at issue here are not personal attributes, but the decision made by the BAR, and a consideration of the ordinance and design guidelines that govern its actions.

Owning a home in such a lovely, historic neighborhood is a privilege requiring an understanding of the unique considerations of the Old and Historic District that make it special. We appreciate your deliberations of these issues as this case comes before you on Saturday, June 15.

Sincerely,



Lawrence O'Connor  
207 S. Lee St.  
Alexandria, VA 22314



36  
6-15-02

**City of Alexandria Website Contact Us - EMail for Phil Sunderland  
(phil.sunderland@ci.alexandria.va.us)**

Time: [Wed Jun 12, 2002 09:47:15] IP Address: [68.49.218.198]

**First Name:** Robert and Sabine  
**Last Name:** Bisson  
**Street Address:** 206 South Lee Street  
**City:** Alexandria  
**State:** VA  
**Zip:** 22314  
**Email Address:** bisson@watermap.com  
**Comments:** June 12, 2002

Ref: Case BAR2002-049 and BAR2002-050:  
Proposed Addition at Bayer Residence at 209  
South Lee St.

Dear Mr. Sunderland,

We are writing in support of Ms. Amy Bayer's proposed addition to her home, which we understand has been appealed to the City Council for reversal of an earlier BAR decision. Our house is located across the street at 206 South Lee Street and has a clear view of the front and north side of the Bayer residence at 209 South Lee Street.

In March, Ms. Bayer invited her neighbors to her home to review the construction plans and discuss the project. She spent the evening answering any and all questions and provided perspective drawings of the home addition, permitting us to visualize the finished product as seen from our home across the street. We very much liked what we saw and wrote the BAR to enthusiastically endorse Amy Bayer's proposed improvement to her 209 South Lee Street residence. We noted that the proposed construction was consistent with the architecture of the original house and added to the esthetic appeal of the neighborhood.

We surely expected the BAR to enthusiastically endorse this excellent project, but have since learned that it actually denied Amy Bayer's building proposal. We cannot understand the BAR's rationale in denying the application for what basically amounts to demolition of two doorways' worth of brick and "encapsulating" less than a third of the north wall. We sincerely hope that the City is not taking a "no-build" position in the historic district because of objections posed by some individuals or groups.

We observe that ample evidence was presented to

with the tenants of our beloved historical district, the City must, in all fairness, approve Amy Bayer's proposed improvement to her 209 South Lee Street residence.

Sincerely,

Roberty and Sabine Bisson

DEBORAH SMULYAN  
212 SOUTH LEE STREET  
ALEXANDRIA, VA 22314

36  
6-15-02

June 6, 2002

Alexandria City Council  
Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

Dear City Council Members:

I am writing in reference to BAR case no. 2002-049 and -050, concerning a proposal by Ms. Amy Bayer of 209 South Lee Street. We write to you in strong support of Ms. Bayer's proposed plans and sincerely hope that City Council will grant Ms. Bayer permission to proceed with her project.

My husband, Armando Servin and I live at 212 South Lee Street, directly across the street from Amy and her family. We are completely comfortable with the approach Amy is taking to expand her home in order to accommodate her family's needs. The design is in keeping with the architectural integrity of Old Town, compatible with the existing structure and the surrounding homes, and in compliance with the guidelines set forth by the Board of Architectural Review (BAR).

We are sympathetic to the challenges the BAR and City Council face in finding the proper balance between preservation and any modification of historic buildings. As homeowners and taxpayers, we fully support all efforts to preserve the charm, ambience, and historic architecture of Old Town.

However, the virtue of Old Town goes beyond bricks and mortar. We choose to live here not just for aesthetic reasons but even more importantly, for quality of life, a sense of community, and an appreciation for the special nature of living in a historic area. Real people live in these homes; the City should support and work with homeowners to ensure that we can continue to live here, and if necessary, modify our homes within clear guidelines, which protect the past but allow for change within reason. In order to maintain a diverse and dynamic population within Old Town, the City Council should also appreciate the special challenges families face and support reasonable, appropriate efforts made by homeowners to accommodate children in these historic homes.

We believe Amy has proceeded with great sensitivity and responsiveness to these issues. She herself embodies the best of Old Town -- she is an exemplary citizen and neighbor - active in her church, her children's schools the community at large and right here on our block. She maintains her home meticulously and shares her home and gardens with civic and school groups on a regular basis, and sets a standard for community involvement we all try to meet.

It is our hope you will give Amy's case every consideration and act favorably upon her request. We believe it is in the best interests of our community. Thank you for your consideration.

Sincerely,

*Deb Smulyan* *Armando Servin*  
Deb Smulyan and Armando Servin





125 Duke Street  
Alexandria, Virginia 22314

36  
6-15-02

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 are writing to express our support for the renovation proposal submitted by Ms. Amy Bayer for her home at 209 South Lee Street. Neighbors of Ms. Bayer, we own a house on the other side of the 200 block of South Lee Street at the corner of Duke Street.

After having reviewed Ms. Bayer's plans and looked at what she is seeking to accomplish, we cannot fathom the reasons why the Board of Architectural Review rejected her proposal. As we understand the requirements that the BAR has established, Ms. Bayer's plans are fully in conformity with these norms in terms of architectural and preservation standards and the requirements for "open space" on her lot. We are concerned that, in acting as it has, the BAR is not only ignoring its own standards, but is establishing a new standard so restrictive that in the future no one will be able to make any changes to their homes--even ones that fully preserve the historical heritage of Old Town.

Quite apart from these important issues, we believe that Ms. Bayer's plans are attractive and will enhance our neighborhood while fully maintaining its historic character. We strongly urge the City Council to reverse the unwise and unfair decision of the BAR.

Sincerely yours,

  
Dennis and Marie Kux



36  
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 6-15-02

June 14, 2002

To: Mr. Mayor and Members of City Council

From: Ashley and Peter Spencer *per SAS*  
 121 Harvard Street, Alexandria

**Re: Docket item: 36: Appeal of decision of BAR (Historic) re: 209 South Lee Street**

We write in support of the applicant, Amy Bayer, and to request that you overturn the decision of the B.A.R. to deny the application.

We believe the case made by City Staff against this demolition does not stand up to the letter or spirit of the ordinance. Furthermore, we believe the situation by which this application was denied was unfair and, if unresolved, signals a troubling precedent that could cause problems for other conscientious homeowners who seek to make their homes more livable for growing families.

First, it's essential to consider the building proposal in context. At the first BAR meeting, the city staff recommended approval of a Certificate of Appropriateness for the addition – noting that: “the addition is clearly subservient to the historic house. It is set well back on the lot... [and] will largely be obscured by the surrounding houses.” As Ms. Bayer has pointed out, even the BAR was unanimously positive about the design. Clearly, putting an addition on this building did not violate conditions 1, 3, 5 & 6, which staff now “finds problematic.” In context, the building takes nothing away from the historic character, loses nothing of historic interest, and indeed – to the extent it allows a young family to grow and live in this part of town – will enhance the vitality of the area for years to come.

Second, removal of 1% of “obscured” wall surface for two doorways and covering of 10% of the “obscured” wall surface by a building appropriate for the historic district seems by any objective look to be entirely reasonable. We disagree that this minor amount of disruption to a brick wall, set back out of sight in any way effects historic interest, denies historic understanding, or is a detriment to the public interest. (Portions of a wall nobody has noticed till now surely can be photographed for posterity, as staff has suggested as an alternative, and not stand in the way of livable space of appropriate design and of good purpose for a family.)

Indeed, we believe using the staff's arguments regarding #1,3,5 & 6 of the referenced ordinance in this case diminishes the validity of these standards. They certainly cannot serve as a guide if used so loosely. If the standard can be applied so subjectively, then it can be applied arbitrarily. If this represents new restrictions or policy City planners want to impose, those restrictions or policy should be announced publicly and understandably in advance, so applicants have a fair understanding the rules.

We respectfully urge you to consider the strong merits of Ms. Bayer's case. We don't believe she should be denied. Thank you.

JAMES DALE DAVIDSON  
321 SOUTH SAINT ASAPH STREET  
ALEXANDRIA, VIRGINIA 22314

36  
6-15-02

June 10, 2002

City Council  
Suite 2300, City Hall  
301 King Street  
Alexandria, Virginia 22314

Ladies and Gentlemen,

I write in support of Amy Bayer's petition for relief from what seems an arbitrary prohibition against adding a modest, well designed addition to the north side of her house. In doing so, I have a prejudice to indicate. I was formerly married to Ms. Bayer. I am the father of the children whom she seeks to better house. And I lived for a number of years at 209 South Lee Street, so I am intimately familiar with that handsome property, including its shortcomings.

By way of further background, I should indicate that I am in my second decade as a resident of Old Town, and I am a preservationist. My credentials in this respect were attained rather dearly. I spent more than a million dollars restoring a 17th century plantation house in Calvert County, Maryland. Amy participated in that project, to good effect. We took great pains and shouldered significant expense to properly restore a very old house using trained craftsmen and high quality materials. At the same time, we updated the house in crucial ways to make it more livable. We added a bathroom, a wine cellar and a modern kitchen. I believe the results would stand to any scrutiny. Indeed, Richard Moe, President of the National Trust for Historic Preservation was particularly lavish in congratulating us on the results. He said, "This is one of the great houses of Southern Maryland and indeed of the entire region."

I cite Dick Moe as a particular expert because he understands that "Preservation is not about buildings, it's about lives." This is a point that appears to have been lost on the Board of Architectural Review. It should go without saying that Alexandria would not be the vital community it is today, and would have many fewer lovely properties if the city in years past had attempted to prohibit all alterations to existing structures. In all probability, nothing short of a Pompeii-style eruption burying the city in many feet of volcanic ash could achieve a total preservation standstill in any event. But more to the point, it is precisely many of the alterations from years past which are now taken to be inviolate. Indeed, it is worth mentioning that the house at 209 South Lee was originally identical to its sister house at 619 South Lee, formerly home to the late Supreme Court Justice Hugo Black. That house still sports its original roof line, but the city permitted a side kitchen addition. I can see no architectural principle or community value that is enhanced by permitting a side addition to one historic house, while denying it in the case of a sister house.

Dick Moe's point that "preservation is not about building, it's about lives," has another

dimension. When Amy and I moved to Old Town we met many couples who no longer live here. Typically, they stayed through the birth of their first child, but when their family expanded, they headed off to Belle Haven or another suburb to find adequate housing. As you are well aware, most Old Town houses, charming as they may be, are decidedly cramped by contemporary standards. Note that Governor Warner encountered this limitation, and overcame it through an addition to the house at 505 South Lee. All Ms. Bayer is requesting is the same option that the city granted to the Commonwealth's current governor.

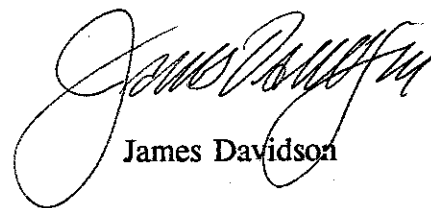
A decision to prevent additions which alter the "fabric" of a structure would severely limit the attractiveness of Old Town for families with children. The long-run viability of Old Town depends upon home owners being able to put down roots and raise a family here. Where there is sufficient space available to permit an architecturally sensitive addition, I should think it would be in the interest of the community to encourage it. And not just because an updated housing stock will help prevent Old Town from becoming a retirement village.

If it becomes a de facto policy of Alexandria to prohibit alterations of homes in Old Town, the value of property in Old Town will fall, with adverse effect on tax revenues.

Finally, it seems to me, that the purpose of the Board of Architectural Review is to affirm that building plans are architecturally appropriate and do not clash with the aesthetic character of the neighborhood. But that is very different from the BAR taking it upon itself to prohibit any and all additions. If it is the intention of the City Council to permit no additions whatever, then the BAR is a waste of time and money.

If I may close on a selfish note, I hope the City Council will see fit to permit Ms. Bayer to complete her planned addition of a family room. I would like for my children to enjoy it. More particularly, I would like for them to remain in the neighborhood. I appreciate your attention and consideration.

Sincerely,



James Davidson

36  
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6-15-02

11 June 2002

**Via FedEx**

City Council  
Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

Subject:

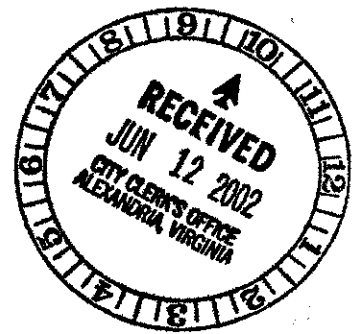
**Case No. BAR 2002-049**  
**BAR 2002-050**

Dear Sirs and Madams:

This letter is in support of Amy Bayer's appeal of the above referenced cases. I am a fourteen year resident of Old Town and, like most residents of Old Town, a supporter of historic preservation. The issues raised by her appeal unfortunately have progressed past the acceptability of her addition from both an aesthetic and conformity to preservation standards to the correct and sane interpretation of historic preservation and to the constitutional issue of taking property rights.

Ms. Bayer is in the midst of a Kafkaesque journey. Such journey is illustrated as follows:

- A personal decision is made that additional living space is needed for her family
- The lot size is of ample proportions to support an addition to her house
- A well-known architect is retained to formulate a design that accommodates her family's needs and (in theory) the known dictates of the BAR
- The BAR members endorse the project during conceptual review.
- And then, demolition of a portion of a brick wall that is not visible to the public stops the project.



Page 2  
11 June 2002  
City Council

An addition by definition results in an appendage to an original structure and must involve some demolition. In this instance, if the BAR's stance is taken to its logical conclusion, any addition to an original structure would no longer be possible. Does that make sense?

Suddenly, the BAR has decided to draw a line in the sand. Given the fact that so many other additions are ultimately approved, the BAR's sudden objection to any demolition whatsoever, has the appearance of abuse of discretion by a public body. The BAR was created for a laudable purpose – historic preservation. Historic preservation should mean that individuals can exercise reasonable property rights and build additions to their homes within guidelines that are rational.

Ultimately, if Ms. Bayer is willing to invest sufficient time and legal fees to take her position to the next higher authority, your legal counsel will tell you, given the current published guidance, Ms. Bayer will most likely prevail. Why expend her resources and taxpayer money denying an acceptable and worthwhile project?

I ask that you do the right thing and approve her addition.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger A. Grayson". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Roger Grayson  
315 Wolfe Street  
Alexandria, VA 22314

36  
6-15-02

218 South Lee Street  
Alexandria, VA 22314

June 15<sup>th</sup>, 2002

To City Council

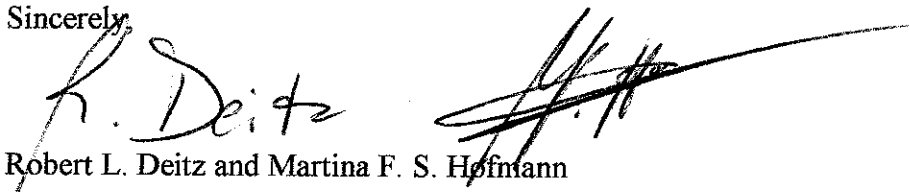
Re: BAR case number 2002-049 and -050

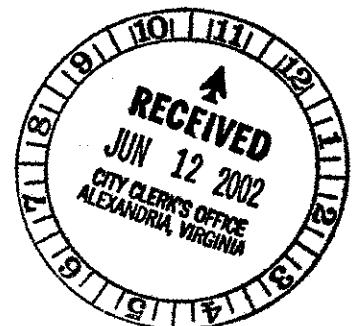
We are the residents and owners of 218 South Lee Street, the property directly across the street from 209 South Lee Street. We are writing to express our support for the proposed addition of Amy Bayer. Her plans do not appear to detract from the historic character of her residence in a meaningful way, nor do they interfere with or reduce the size of her formal gardens, which are on the other side of the existing structure.

We are grateful for the BAR's efforts to preserve and protect the historic character and open space of Old Town. We also recognize, however, that in order for historic material to be preserved through the efforts of private owners, the property rights of these owners to make changes, within the bounds of reasonable regulations, must be respected. Old Town is a living testament to its history, not a museum.

We hope that you will support Ms. Bayer's project.

Sincerely,

  
Robert L. Deitz and Martina F. S. Hofmann



June 9, 2002

36  
6-15-02

City Council  
Suite 2300  
City Hall  
301 King Street  
Alexandria, VA 22314

SUBJECT: CASES BAR 2002-049 AND 2002-050I

Dear Members of the City Council:

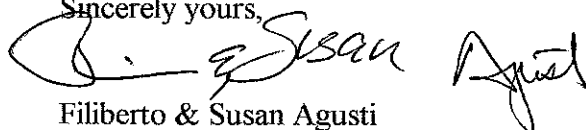
We write in support of the application of our neighbor Amy Bayer to build a carefully designed addition to her home at 209 South Lee Street. While we are very supportive of the efforts of the Historic Alexandria Foundation and others to preserve Old Town's distinctive character, we feel that the BAR's denial of Ms. Bayer's renovation project goes too far.

There is no question about the architectural merit of the proposed addition. At a conceptual review of the addition earlier this year, the BAR was very positive and no architectural issues were raised at the final BAR meeting. Ms. Bayer's design complies in every architectural and preservation standard previously established by the BAR.

Instead, the asserted basis of the denial was that to create the addition, one third of the north brick wall of the house would be encapsulated by the addition and two doorway's worth of the wall would be demolished. The argument cannot be that the wall is beautiful – *a brick fence makes the affected portion of the north wall invisible from the street*. Thus, the only basis can be that the addition will take up space, and no more space should be occupied by additional improvements in the historic district. Such a rule would, of course, effectively outlaw any further additions in Old Town. We strongly oppose such an unwarranted intrusion on private property rights and we think that few citizens in Old Town would support it.

Ms. Bayer's proposed addition seems tasteful and fully consistent with the character of our block. We ask that you permit our neighbor to proceed with her plans.

Sincerely yours,

  
Filiberto & Susan Agusti

213 SOUTH LEE STREET  
ALEXANDRIA, VA 22314





36  
6-15-02

Margaret Garretson Carter  
207 South Fairfax Street  
Alexandria, VA 22314

June 9, 2002

The Hon. Kerry Donley and members of the City Council  
City of Alexandria  
Suite 2300, City Hall  
301 King Street  
Alexandria, VA 22314

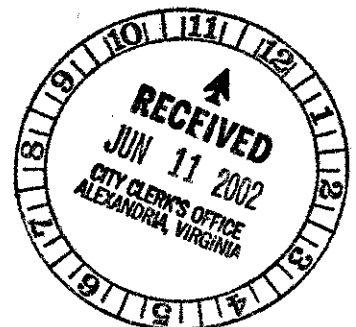
Dear Mr. Mayor and City Council members:

This letter was initially prompted by my desire to support Amy Bayer in her appeal of BAR case nos. 2002-049 and -050. However, I feel compelled to express a serious and growing concern that the BAR has lost sight of its mission, and has repeatedly moved outside of the boundaries of what is fair and reasonable.

To help put my concerns in context, I am an eleven year resident of Old Town, and a member of Historic Alexandria. I am also a neighbor of Amy Bayer. I consider myself an advocate of historic preservation. I interned at the National Trust for Historic Preservation many years ago. I give both time and money to numerous preservation-related charities.

Having followed a number of cases, I am repeatedly shocked and dismayed by BAR board member comments. For example, during a hearing on the Presbyterian Meeting House, the Meeting House's representative was told: "If the needs of your congregation have grown beyond your current facilities, perhaps it is time to consider a move out of Old Town". How can a Board member possibly see this as responsible or constructive (or even acceptable) behavior? Old Town is a community of people and institutions, not of buildings.

Several years ago, a neighbor applied for a permit for a minor roof repair (in the range of a few hundred dollars). The BAR rejected the application, ruling that the owner would have to install a new copper roof, at a cost of several thousand dollars. Like many including myself, the City Council found this highly unreasonable, and overturned the BAR's decision.



I am very concerned that the BAR's well meaning exuberance repeatedly infringes on basic property rights. The system needs to be fixed *before* it gets to the City Council appeal. Further, the BAR has ignored legal precedents, leaving us with a system where applicants must spend large sums of time and money without any reasonable guidelines to judge their prospects for a successful application.

In Amy's case, she has been victim to both arbitrary historic fervor and an inept and unpredictable system. Board members again made highly unreasonable comments. Witness the statement by Peter Smeallie:

"I have from the outset believed that this building is a hugely contributing building to that block and to the old and historic district, and it is not just because the building is representative of a very well put together building itself – because of the atypical and envious open space on both sides of the building – that having gone down and looked at the property tonight with the setting sun streaming through those open spaces and on the buildings across the street, that is exactly what we try to preserve in Old Town. ... This is a case in point where that lot itself that I don't think the demolition of historic material aside, which I think is a whole other issue, I would draw my decision not to support this demolition application based on the loss of open space."

Amy's property is a developable lot, not a public park. Of course open space has a public benefit, but it cannot take precedence over a citizen's basic property rights. The proposed addition is much smaller than an additional residence would be. A total freeze on new construction in order to maintain sunlight is clearly out of the BAR's mandate. I find Mr. Smeallie's remarks outrageous. I am embarrassed that this sort of arbitrary and highly personal value system, harbored by a few individuals, is allowed to dictate the future of our community.

Despite the BAR staff's endorsement of the proposed addition, the application was denied on the grounds of two holes in a historic wall. I am deeply troubled that our system puts greater value on two holes in a wall *which cannot be seen by the public*, than it does on a property owner's right to improve her residence in a scale and aesthetic manner consistent with city guidelines.

Further, I am outraged that our system encourages an applicant to invest tens of thousands of dollars into architectural design work, all with the ongoing input and approval of BAR staff, only to be denied months later. With the encouragement of BAR staff, Amy completed redrafted the architectural plans at significant expense, and proposed demolition was reduced by 85 percent.

The denial in question is highly arbitrary and without precedent. I am very concerned that the BAR, in its fervent pursuit of purist preservation, has lost sight of its mission. Alexandria is not frozen in time, where no one can ever have a new kitchen, but rather a living, dynamic community, where the historically significant and publicly seen architecture should be carefully managed. Past lapses in architectural oversight cannot be righted by slamming the door on all future improvements in the neighborhood. A system that condones actions such as those enumerated, is long overdue in its need for an overhaul. I ask the City Council to send a clear message to the BAR, on both their arbitrary rulings and their flawed system. Perhaps that message needs to be even stronger than an individual case ruling.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret G. Carter", with a long horizontal flourish extending to the right.

Margaret G. Carter

Lee and Don Walter  
214 Prince St.  
Alexandria, VA 22314

36  
6-15-02

June 7, 2002

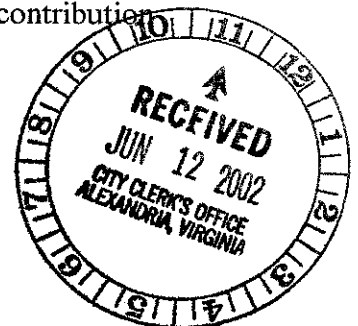
Alexandria City Council  
Suite 2300  
City Hall  
301 King Street  
Alexandria, VA 22314

Dear Members of the City Council:

We are writing with regard to the proposed remodel project at 209 S. Lee St. under review by the City Council. Our home on the 200 block of Prince Street backs up to the 209 S. Lee St. property owned by Amy Bayer. We are directly affected by the proposed remodel. There are many reasons why we support the project and urge the City Council to approve the project as presented.

These reasons are as follows:


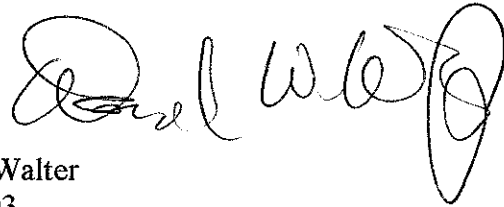
1. The arbitrary decision of the BAR to deny the project oversteps the role of the review board and impinges on the rights of a homeowner to improve his/her property within the legal and design parameters established for our neighborhood.
2. Ms. Bayer's design is a perfect addition to the home which she frequently opens to the public to support local charities. Review of the plans will demonstrate that "demolition of historic brick" is minimal and inconsequential to the integrity of the home.
3. It is a fact that many Old Town homes need improvements to accommodate growing families. The investment Ms. Bayer is willing to make to improve the property will contribute significantly to the home's value. If 214 Prince Street had not been allowed an addition prior to us buying the property, our family would not have considered buying the home. The value and subsequent tax revenue generated by our home value is no small contribution to the health of the City. The same applies to 209 S. Lee Street.



4. This addition is certainly more appealing than the possible alternative of developing the site as a separate home. The City should jump at the chance to preserve this property in its current configuration.
5. Denying this proposal sends the message that growing families need not apply in Old Town, Alexandria. The vitality of this City and its appeal to young couples, families and business owners who wish to become residents depends upon a family-friendly attitude by policy and lawmakers. Why renovate the schools, work diligently to create viable recreation and work opportunities, but then deny families the ability to live long, productive lives in their homes?

We hope that you will approve the project and look forward to a positive outcome.

Sincerely,

Lee and Don Walter  
(703) 519-1803

ROBERT and SABINE BISSON  
206 SOUTH LEE STREET  
ALEXANDRIA VA 22314  
703-683-8469

36  
6-15-02

Mayor Kerry J. Donley  
City Council of Alexandria  
City Hall, Suite 2300  
Alexandria, Virginia 22314

June 12, 2002

Ref: Case BAR2002-049 and BAR2002-050: Proposed Addition at Bayer  
Residence at 209 South Lee Street

Dear Mayor Donley,

We are writing in support of Ms. Amy Bayer's proposed addition to her home. Our house is located across the street at 206 South Lee Street and has a clear view of the front and north side of the Bayer residence at 209 South Lee Street.

In March, Ms. Bayer invited her neighbors to her home to review the construction plans and discuss the project. She spent the evening answering any and all questions and provided perspective drawings of the home addition, permitting us to visualize the finished product as seen from our home across the street. We very much liked what we saw and wrote the BAR to enthusiastically endorse Amy Bayer's proposed improvement to her 209 South Lee Street residence. We noted that the proposed construction was consistent with the architecture of the original house and added to the esthetic appeal of the neighborhood.

We surely expected the BAR to enthusiastically endorse this excellent project, but have since learned that it actually denied Amy Bayer's building proposal. We cannot understand the BAR's rationale in denying the application for what basically amounts to demolition of two doorways' worth of brick and "encapsulating" less than a third of the north wall. We sincerely hope that the City is not taking a "no-build" position in the historic district because of objections posed by some individuals or groups.

We observe that ample evidence was presented to the BAR to support the clear and unambiguous fact that Amy Bayer's plans would both improve the functionality of her home and at the same time add balance and value to a large property that already has a high brick wall flanking its south lawn. The currently empty and eminently buildable lot on its north side would be much improved by the proposed addition, which is set back from the street to retain open space and parking. The architectural design appears a natural part of the main house.

Since Ms. Bayer's private home renovation is most tasteful, with no expense spared to be in concert with the tenants of our beloved historical district, the City must, in all fairness, approve Amy Bayer's proposed improvement to her 209 South Lee Street residence.

Sincerely,

*Robert and Sabine Bisson*



*Stephanie Mansfield*  
217 South Lee Street  
Alexandria, Virginia 22314

36  

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6-15-02

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Alexandria City Council  
Suite 2300  
City Hall  
Alexandria, Virginia

RE: BAR #2002049  
#2002050

Dear Council Members,

This is a brief letter in support of Ms. Amy Bayer's BAR application to erect an addition onto her property at 209 Lee Street, four doors away from us. We have reviewed the plans and find the scale and design in keeping with the historic district.

My husband and I attended Ms. Bayer's first hearing before the Board of Architectural Review. The only opposition to her plans came from her neighbor, who expressed dismay that she would no longer be able to have a view of Ms. Bayer's rose bush from her second story window. She indicated that this was her right. Naturally, the board did not agree. At the end of the hearing, we were under the impression that while a few details needed to be ironed out for final approval, Ms. Bayer and her architect were given direction to proceed.

We were then shocked to learn that the question of "demolition" was raised weeks later. This objection was never mentioned by anyone at the first hearing, and certainly was never an issue.

I have lived in Old Town since 1978. My husband and I have renovated several houses, one at 211 Duke Street. At our BAR hearing, an attorney representing our neighbors tried to stop us, first by claiming loss of air and light, then by marshalling forces to say our clapboard interior wall was "historic."

Finally, in desperation, the attorney told the BAR that if people wanted larger spaces to accommodate families with children "they should move to Fairfax."

Those words still ring in my ears as I watch the neighborhood children slide down the hills at Lee Street Park, set up a lemonade stand or stroll to King Street

for an ice cream conc.

The ones leading the charge against Ms. Bayer are threatening to make her case "an example". Their goal, in the name of preservation, is to make Old Town a museum. A petrified tableau of what they imagine was not a vital and bustling seaport city, but a stilted facade of brick and mortar where proper people sipped tea, did needlepoint and polished their plaques. This small posse of vigilantes-none of whom actually live on the 200 block of S. Lee Street-have made a sport of going before various boards and airing their opposition to anything and everything.

They scurry about with petitions, threaten lawsuits and play the historic card when open space issues, design or scope fail. In this case, the neighbor's wish to have a scenic view was not valid. Suddenly, the issue of Ms. Bayer's wall was seized on as a last resort.

I find this objection without merit. The house at 209 South Lee has been worked on throughout the years. As with most houses, it has been altered, added onto and changed. Ms. Bayer has the desire to maintain the historic flavor and nature of the house, and her addition will only enhance her property.

Her home is old, but it is not Mount Vernon.

I urge you to follow the direction given to Ms. Bayer at her first BAR hearing and approve the plans.

Sincerely,

  
Stephanie Mansfield



*Stephanie Mansfield*  
217 South Lee Street  
Alexandria, Virginia 22314

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Alexandria City Council  
Suite 2300  
City Hall  
Alexandria, Virginia

RE: BAR #2002049  
#2002050

Dear Council Members,

This is a brief letter in support of Ms. Amy Bayer's BAR application to erect an addition onto her property at 209 Lee Street, four doors away from us. We have reviewed the plans and find the scale and design in keeping with the historic district.

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Her home is old, but it is not Mount Vernon.

I urge you to follow the direction given to Ms. Bayer at her first BAR hearing and approve the plans.

Sincerely,

  
Stephanie Mansfield

ALEXANDRIA HISTORICAL RESTORATION  
AND PRESERVATION COMMISSION

36, 37, 38  
6-15-02



OFFICE OF HISTORIC ALEXANDRIA  
BOX 178, ALEXANDRIA, VIRGINIA 22313

June 14, 2002

Honorable Mayor Kerry J. Donley and Members of City Council  
City Hall  
301 King Street  
Alexandria, VA 22324

Dear Mr. Mayor and Members of City Council:

**I write to urge you as strenuously as possible to support the decisions of the Board of Architectural Review in items 36, 37, and 38 before you this coming Saturday, June 15.** Unfortunately, I will be out of town and not able to testify at the Council meeting when these items are called.

Having attended the Board meeting at which these cases were heard, I am convinced that in all three, the Staff and the Board Members have done their homework very well and given quite thorough and serious consideration to the issues involved. They deserve your unqualified support for such a job well done.

Item 36, 209 South Lee Street, is among the most momentous of the cases that have been appealed to the Council in recent memory. This came to the attention of the Historical Restoration and Preservation Commission because consideration was being given to whether the applicant should grant the Commission an historical easement covering the wall that would be partially demolished and wholly encapsulated after the demolition and encapsulation were completed.

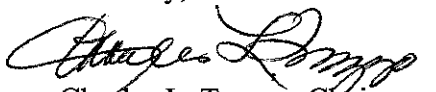
After very extensive discussion at the meeting when we took up the issue, the Commission members present voted unanimously on two matters. First, that the Commission could not accept an historical easement on the wall after its demolition and encapsulation because of the extent of the damage that would be done to its integrity as a result of the proposed demolition, the lack of public interest that would remain in such an important architectural feature because it would be so damaged and taken out of view completely, and the impossibility of monitoring reasonably the condition of the wall once it was encapsulated. I conveyed this message to the Board at its May 1 meeting. The Commission's reasons conform closely to Staff and Board's independently reached reasons for denying the permit to demolish.

The second matter that the Commission considered was a motion to oppose the project as proposed in the application submitted for the Board's May 1 public hearing. The Commission voted to oppose the application not only for the reasons for rejecting an easement, but also because the purpose of the demolition was to accommodate a substantial addition into what has been traditionally open space.

As you know, open space is an extremely critical issue to the Historical Restoration and Preservation Commission. We expend a substantial effort attempting to obtain easements on privately held open space, another of the critical defining characteristics of the Old and Historic District. As a result of new construction, and additions and modifications to existing structures, this resource is being depleted at a rate that is alarming to many of us. Each individual case may be considered by its applicant to be an insignificant scratch on the surface of the historic district. But the cumulative effect of continuing to consent to these individual applications is to condemn the character and quality of the Old Town ultimately to a "death by a thousand cuts."

I, therefore, respectfully and doubly urge you to uphold the Board of Architectural Review's decision in the matter of BAR Case # 2002-0049, relating to 209 South Lee Street.

Sincerely,



Charles L. Trozzo, Chairman

36  
6-15-02



*City of Alexandria, Virginia*  
301 King Street, Suite 2300  
Alexandria, Virginia 22314



Kerry J. Donley  
Mayor

William C. Cleveland  
Vice Mayor

Members of Council  
Claire M. Eberwein  
William D. Euille  
Redella S. Pepper  
David G. Speck  
Joyce Woodson

Beverly I. Jett, CMC  
City Clerk and  
Clerk of Council  
beverly.jett@ci.alexandria.va.us

(703) 838-4550  
Fax: (703) 838-6433

**May 23, 2002**

**Ms. Amy Bayer**  
209 South Lee Street  
Alexandria, VA 22314

**RE: BOARD OF ARCHITECTURAL REVIEW APPEAL, CASE BAR 2002-0049 -- 209 SOUTH LEE STREET**

**Dear Ms. Bayer:**

The above appeal will be scheduled for public hearing before City Council at its Public Hearing Meeting to be held on Saturday, June 15, 2002, at 9:30 a.m. in Room 2400, Council Chamber, City Hall, 301 King Street, Alexandria, Virginia.

You may call my office on Tuesday, June 11, 2002, to see where it is placed on the docket.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

**Beverly I. Jett, CMC**  
City Clerk and Clerk of Council

**cc: Eileen Fogarty, Planning and Zoning Director**  
**Peter Smith, Board of Architectural Review Staff**  
**Matthew Poe, AIA, Moore and Poe Architects, 603 King Street, Third Floor,**  
**Alexandria, VA 22314**

*"Home Town of George Washington and Robert E. Lee"*

36  
6-15-02

- CITY SEAL -

NOTICE OF PUBLIC HEARING ON AN APPEAL OF A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW, OLD AND HISTORIC ALEXANDRIA DISTRICT, DENYING A REQUEST FOR A PERMIT TO DEMOLISH PORTIONS OF A DWELLING LOCATED AT 209 SOUTH LEE STREET, ZONED RM RESIDENTIAL. [CASE BAR-2002-0049]

A Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber of the City of Alexandria, on Saturday, June 15, 2002, at 9:30 a.m., or an adjournment thereof, at which time an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, denying a request for a permit to demolish portions of a dwelling located at 209 South Lee Street, zoned RM Residential, will be heard. APPLICANT: Amy Bayer, APPELLANT: Moore and Poe Architects.

This appeal is being heard pursuant to Section 10-107 of the Zoning Ordinance for the Old and Historic Alexandria District of the City of Alexandria.

Beverly I. Jett, CMC, City Clerk

To be published in the:

Northern Virginia Journal on Thursday, May 30, 2002; and  
Alexandria Gazette-Packet on Thursday, May 30, 2002

# 36  
6-15-02

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA  
Public Hearing Meeting — June 15, 2002  
Partial Verbatim  
DOCKET ITEM 36**

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**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**Board of Architectural Review  
Old and Historic Alexandria District**

36. [CASE BAR-2002-0049] -- 209 SOUTH LEE STREET -- Public Hearing on and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on May 1, 2002, denying a request for a permit to demolish portions of a dwelling located at 209 South Lee Street, zoned RM Residential. APPLICANT: Amy Bayer, APPELLANT: Moore and Poe Architects.

The City Clerk read the docket item.

Clerk: The first speaker is Duncan W. Blair to be followed by Bob Weinhausen.

Cleveland: Mr. Blair.

Ross: Mr. Vice Chairman. We have a brief introduction to the case.

Cleveland: OK. Uh. We have an introduction from staff.

Smith: Mr. Uh Vice Mayor, this is, uh, 209 South Lee Street. It was originally constructed in uh 1815, and the Victorian decoration you see on it was added uh about 1884. And this is uh a fairly unusual house in the historic district in that it is a free-standing uh house with uh lots on either side uh of the of the building. Go to the next one. What we're talking about is the encapsulation and demolition of the rear portion of the building. Uh, the entire uh north side of the building uh was constructed as one contiguous uh wall, uh, and when the building was originally constructed in 1815. Go to the next one. So, what we are talking about is the demolition/encapsulation of the rear port of the structure here. What's outlined in blue is what would be encapsulated. And by being encapsulated, what we mean is that the exterior wall will actually be covered over with a new wall at which point it becomes an interior wall, at which point it falls outside the purview of any public body. The areas outlined in red there are actually what the applicant, uh, proposes to, uh, demolish under the guise of the current application. And, I should

also tell you that, uh, this this application originally became before the Board, uh, as a conceptual matter in March of this year to ask whether the design of an addition here would be appropriate. And the Board at that time reviewed uh that application for a conceptual review, and said, yes, we thought the design was probably okay, but expressed uh serious concern about the amount of demolition that would be required in order to construct the addition as well as the loss of open space on the north side of uh, the house. Also, at that time, the, uh, staff report on the proposed, uh, uh, conceptual review of the addition, uh, found that the proposed extent of demolition would be extremely problematic. The Board at that time did not have before it an application for demolition. So, this, so when the application then became forward in May, with the two applications, the Board denied the application for the demolition and did not reach the merits of the design case before it because they had denied the application for the demolition that was necessary to construct the addition; therefore, it couldn't be constructed, and what's before you right now and for Council to decide is merely on the merits of demolition/encapsulation case.

Speck: Mr. Mayor, or Mr. Vice Mayor. Let me

Cleveland: Councilman Speck.

Speck: go back to staff for just a minute uh and kind of walk through this process of a conceptual review and then, obviously, a decision that was contrary to the to at least to the original concept. If someone comes to you with a project like this asking for some indication of how it's going to be viewed, and you give them generally a favorable comment about in some broad terms what it is, uh, how you feel about it, and and indicate some that, as you said, the demolition uh was problematic. Uh, what do you, how do you think that the the applicant is supposed to then, what is your expectation for what the applicant is going to do at that point? Uh, if they've gotten some general, I use the word blessing, and I don't mean that in a in a legal sense that you've really said go forth, but you've given some indication of your favorable opinion, and then it's turned down. Uh, is there, is there some break down in sort of those two steps between concept and uh actual submission?

Smith: Uh, Mr. Vice Mayor, in this case I don't think so because both the Board and staff had indicated that they questioned the amount of demolition that was necessary. I think that while they felt that the overall design was appropriate, I think what they expected from the applicant was to come back and look at some way that an addition could be designed that would have a less significant impact on the amount of demolition/encapsulation that would



be required.

Speck: Uh, I mean was it was it in general, uh, you know, this is more than we would like, or was there some specific direction that the applicant could then take back and say, because uh it seems to me, that's one of the purposes of coming forward with a concept review is that you get some general leanings as to how this is going to be perceived before you go further so that you don't get into the position that they're in now.

Smith: Well, Mr. Vice Mayor, I certainly agree, but I think in this case the Board was really quite specific with the applicant that they felt that if you came forward with the amount of demolition that you proposed in the original encap, I mean the original concept review, they would have considerable uh problems with it.

Speck: Well that that'll be, I guess a subject of some discussion right about now.

Cleveland: Now, we'll get onto the public hearing, uh.

Blair: Good afternoon, Vice Mayor Cleveland and Members of Council, I'm Duncan Blair, Land, Clark, Carroll, Mendelson and Blair, representing the owner of the property and the applicant, Amy Bayer. Amy, in fact, uh, 209 Lee Street is fairly unusual. It's, in fact, three parcels of land. Uh, it constitutes two tax parcels. Uh, at the outset, let me say, it's unfortunate that this is coming at this hour in that with two members of Council moving. It's an important case, and we hope that as this matures in this discussion that that's considered uh as the public hearing comes to a close. Matt Poe, the project architect, is going to walk you through the details of the appeal, and which staff says, it's not like most of the appeals you get. This is not about design details. This is about the denial of a request partially capsulate and minimally demolish, and the demolition is really doorways, a portion of a building wall that sets on a property line. And, the staff gave you the reasons for doing this the loss of historic fabric and that this building is a free-standing building and should be maintained. Matt Poe is going to show you that neither of those are diminished to the level of the detriment to the public interest, uh, required by your finding of the ordinance. To answer Mr. Speck's question, and Matt will go more into it, between the conceptual review and the project moving forward, the amount of demolition which is what was stated in the minutes was decreased from about 800 square feet of demolition to about 106 square feet. So, there was a substantial change in the amount of demolition. Encapsulation stayed about the same, but what's encapsulated, the building wall, like basically every addition you have, uh, is enclosed, it's maintained, uh and that is so the question before

you is, what is being encapsulated of such significance that the public interest is is suffered by doing this. What Amy is proposing is clearly within the zoning ordinance and that's also somewhat unusual and potentially, uh, is an issue in the open space in this case. Uh, this lot will and always will have the substantial amount of open space. What she is doing is compliant with zoning, and, as Matt will show you, does not rise to the level of denial that amounts to a significant public interest. I'll be glad to answer questions at the end or any questions now.

Cleveland: We'll reserve uh, uh, a spot for you for rebuttal at the end. Next speaker

Clerk: Bob Weinhagen.

Blair: More for the applicant. I think Matt did sign up.

Poe: Absolutely.

Clerk: Yes.

Cleveland: We'll give you a little more time.

Clerk: Matthew Poe.

Poe: Thank you, Vice Mayor Cleveland and Members of Council. My name is Matt Poe. I'm partnered with Moore and Poe Architects. Our offices are down at 603 King Street, and we are the architects on the project. And, uh, as Duncan has outlined, uh, the issue today is a very simple one. It is not about open space. It's not about the design that we've even put forth, uh, which incidently did receive staff support. It's not even about demolition. It's about encapsulation. And, I have, I have two points I'd like to make about that. First is that contrary to the staff's assertion, the historic fabric that's being encapsulated is not rare. And second, the amount of fabric being encapsulated is not substantial. What's, what's important to realize here is the fabric, what is the fabric that's being encapsulated. And, I know that many of you visited this property, but the brick work here is brick work that's called common bond masonry. Now, I know some of you in the construction industry or familiar with the construction industry are familiar with this type of construction, but essentially, excuse me just a second, you have several rows of the stretcher, or the long side of the brick that's then punctuated by the header cores. The header cores is actually a brick that's turned sideways and serves to bond or tie the two masonry pieces together. What you see in this sketch is a four-course masonry header or that the header occurs every four courses. Common to this era is also a six-course or an

eight-course. What you see often in Old Town is that the front of the house has a very nice brick pattern, nicer bricks. The sides and the rears of the houses are common bond masonry. Less quality brick, wider joints, different than the front of the house. Now the issue is when, when staff says that this is a rare material, how do you determine what rare is? In a six-block walk, from King Street down South Lee Street to Franklin, there are sixty-six brick houses. Sixty-six brick houses. Forty-seven of them are listed in the wonderful book, "Historic Alexandria, Virginia Street By Street." Out of those forty-seven, forty of them are built within twenty-five years of Amy's house. Out of those forty, all but a few have common bond masonry, either four-, six- or eight-course headers that were used. But you don't need to wonder down Lee Street, you don't need to go on private property to see common bond masonry of this era. You can go to the Old Presbyterian Meeting House. It was reconstructed in 1935, of the same era. You can go to uh 118 South Fairfax. The north wall of that fronts on the parking lot of Burke and Herbert Bank. That's from the early 1800's. You can go, you can wander down Ramsay Alley, just after 1800. You can go to the old Alexandria building on the corner of North Fairfax and Cameron, built around 1803. You can go to the courtyard and have lunch at Gadsby's Tavern. And if you want to see a very good example of common bond masonry that's been encapsulated, we can get up and walk down the hall and see it in this building.

Poe: Again,

Cleveland: Can I get you

Poe: the first point I want to make is that the historic fabric for Amy's house is not rare, but rather common to the period. In fact, it would have been rare not to have common bond on the side or rear of Amy's house. Old, yes – rare, no. The second issue is encapsulation, and Duncan mentioned this briefly is that this is not about demolition. The request for demolition that was denied included three doorways in that wall, 116 square feet. When we first came to the concept design review, it was almost 800.

Cleveland: Could I get you to sum up?

Poe: Yes. All told, there is 7,771 square feet of historic fabric on Amy's house. Our proposal is for the encapsulation of approximately 626 square feet or 8% of historic fabric. It's on the north wall. It's on the old alley wall, and I would be available for questions.

Cleveland: Thank you, sir.

Pepper: Mr. Cleveland, I guess I've missed a sentence in there. Ah, the whole point of the bond, of the common bond, though, isn't that, ah, making it distinctive from an older age? We don't do that now.

Poe: Yeah. Around the 1940s or the 1950s, you've got a type of construction that was called masonry veneer. In other words, we didn't tie the two sides of brick together. We used concrete block or wood frame backup or steel stud backup, and we tied it entirely differently. If you

Pepper: Well, I'm not sure that's a step up. But this tells us that, this tells us that, ah

Cleveland: It's working.

Pepper: that the house is a special house. Even if there are 47 other very special houses, or 66 very special houses in a very special district.

Poe: That's absolutely true. The issue here is though we're only encapsulating 8% of it. We are not demolishing 8%, we are encapsulating. Very similar to the treatment that you see here.

Cleveland: Thank you.

Poe: Encapsulating, not demolishing. We are not tearing down that wall.

Pepper: And will you be keeping your where, your inner wall bare as we do so the whole world gets to see it?

Poe: Yes. As long as we get an invitation from Amy to come in for dinner.

Pepper: I don't mean, literally, uh open house here. I gottcha.

Poe: It's the same.

Cleveland: Thank you.

Pepper: Is that a part of a, an agreement or an easement or something?

Poe: Do you want to address the easement issue, Duncan?

Cleveland: Ms. Ross, well Ms. Ross wanted to

Smith: Mr. Vice Mayor, if I might just, ah, clarify a little a bit about the brick construction, ah, what Matt says is true up to a point. Early 19<sup>th</sup> Century

construction is three- and four- and five-course uh American bond like this. It becomes, in the late 19<sup>th</sup> Century when we changed the type of mortar. The reason these are interlaced like, you know, so closely, is because the mortar is not real strong at that point so you need less, you need more interlacing. As the mortar changes, then we get Portland cement the latter part of the late 19<sup>th</sup> or early 20<sup>th</sup> Century, we don't need so much interlacing, and we go to seven-, eight-, nine-course American bond but then that changes again completely as Matt noted in the 1940s and 50s. But what you see here is this very early interlacing because that's the only way that they could make it strong, ah, with, ah, ah, lime putty mortar that was used.

Pepper: Well, the question is, is that what makes it distinctive of that area worthy of being saved?

Smith: Yes. It does, and for the Historic District as a whole because it really shows its early, ah, brick construction.

Pepper: O.K.

Cleveland: O.k, thank you. We have, we have quite a few speakers.

Clerk: Amy Bayer to be followed by Meg Carter.

Bayer: Hi. I'm Amy Bayer. I am the property owner and I thank you all for being here. I've got to tell you that this whole process has been the most discouraging, disheartening thing I have ever been through in this town. I listen to this talk of the mortar and the brick and the historic fabric. This is my home. This is the house I brought my babies home to and I hoped to raise them in. And, I tried to do it right. Ah, I'm a nester. I have two young children. When I started this process I took it very seriously. I take living in Old Town very seriously. I am a member of the Historic Alexandria Foundation. I didn't want to fight with the BAR. I support the BAR. I support what they do. So, I hired a local architect who had a reputation for historic preservation, as does his firm. He's worked closely with the city on many projects in the past, and when we talked from the very get go, now eight months ago, I said do everything within the guidelines established by the BAR. I involved my neighbors. I invited them all over. I made copies, 45 copies of the plans at Kinko's and spread em around town. I, again, I tried to do it right. I went before the BAR for a conceptual review to, one, they were generally positive about the plans, so I sunk a whole lot of money into developing the rest of the plans and, by my presence here, you know what happened there. I was stunned when I was denied. They didn't even look at the plans, ah, I was denied for wanting to create three doorways and a

wall, and for encapsulating less than one-third of one wall of my house. From that picture you cannot see it.

Pepper: But you can if..... [unintelligible]

I

Bayer: I can't help but feel that I am being judged by standards not applied to any body else. And I don't know why. You can't do an addition in Old Town without demolishing or encapsulating some historic fabric by very definition an addition attaches to a piece of wall. There are dozens and dozens of additions in Old Town. All of which are approved by the BAR, including at least eight, I know of, on my very block. Even casual inspection will show that nearly every house on my block has been modified or expanded in some way. I don't get it. I don't think it's right, and I don't think it's fair. But here's the good part. And here's why I continue to think it's worth investing in this community. When word of this BAR ruling got out, a lot of people stood up for me. Nearly every one of my neighbors, people who own homes throughout the Historic District, people with a stake in this community came forward. So far, I have received 28 letters. Councilwoman Pepper you said this morning that if you can measure something by inches or pounds, then it means you have a problem. I have a stack of letters that high supporting me. As you know, that's rare. It's pretty easy to drum up opposition in this town. You know the same people come before your Council all the time.

[Laughter]

Bayer: It's much harder to get people to leave their families and their dinner tables and sit down in front of a computer and write support of 28 letters. I'm grateful for that. I am encouraged that there are so many people committed to this city that care enough to stand up for something. That's got to count for something. Obviously, I'm here pleading my own case and for my own self-interest. But I encourage you all to look at the letters. I have excerpts available if you'd like to see them, and I thank you for your careful consideration to this case.

Cleveland: Thank you very much.

Clerk: Meg Carter.

Carter: Hi. I'm Meg Carter. I live at 207 South Fairfax Street. I am an eleven-year resident of Old Town, a member of Historic Alexandria. I've worked at the National Trust for Historic Preservation, and I too submitted one of those letters. I've, ah, thank you all for hearing us. I've been watching these proceedings on TV, on and off all day, and frankly it makes my head spin.

So, I thank you all for trying to keep it all straight. I know it takes a lot of effort. I found that over the course of the day and through the years, the City Council has worked hard to provide a voice of reason and often in evaluating legitimate, yet conflicting concerns. In my letter to you all, I cited several cases where the City Council did just that and overruled a BAR decision that was beyond the course of reason. However, you all see only the cases where the applicants have the financial and the emotional resources to continue pursuing their case. What you don't see are the many more who throw their hands up in the air and walk away. Often, these families leave Old Town, and that's a shame. I've been a, as I said I've been an eleven-year resident of Old Town. But I moved from the 200 block of Wolfe Street to the 200 block of South Fairfax Street three years ago. Our number one reason for choosing our new home is that we could improve it, with a kitchen, without going through the BAR process. To me that shows that there's something wrong with this system.

Pepper: How could she do that?

Carter: If you allow this ruling to stand, you'll be setting a precedent that the BAR does not have to consider legal precedence and is free to rule based on personal preference. I would venture to guess that at that point only the very wealthy or the very foolish would choose to pursue an improvement to their home that required BAR approval. I love Alexandria, and that would be a very sad day. Thank you.

Cleveland: Thank you very much.

Clerk: Oscar Fitzgerald.

Pepper: [Unintelligible]

Fitzgerald: My name is Oscar Fitzgerald. I'm representing the Board of Architectural Review for the Old and Historic District. Ah, we're being characterized as a bit arbitrary here today in this presentation of the applicant. And, in fact, when we con, consider a demolition, we look at criteria. There are six criteria that are considered when we, we, ah, consider a demolition. And in this case, four of the six criteria were met to not permit a demolition. So it's not actually that arbitrary. Ah, that's number one. Number two, the applicant is trying to say that this is not a rare thing in Alexandria. There are 40 other houses that have the same, ah, brick work. Ah, I don't know how many houses there are in Alexandria, but I dare say there are several thousands. So, ah out of, out of, ah, several thousands, 40 is pretty rare. Ah, the other

issue is that yeah, o.k., so they, they, there are other examples of this brick work down the street, ah, in this building, ah, but if you continue to let bits and pieces of this fabric disappear, over ten years, this one, that one, pretty soon you're down to maybe two, three, one or two, none. Ah, so I wanted to make that point. Ah, I think that, ah, the, one of the big problems with this application was a, a misunderstanding on the applicant's part about the difference between encapsulation and demolition. Ah, many members on the board look at it as the same thing. Once you've encapsulated a piece of historic fabric, it is essentially gone from public view. So its not available to be seen by anybody. What's more, after it's encapsulated, ah, the applicant can, can do whatever they want. Ah, it's not visible from the public right away, so it can be tear, torn down. Ah, it was a great discussion, ah, for granting an easement on this, ah, on this wall which would prevent that, and the. ah, the ah, ah, ah organization which has easements, and you have a letter from Charles Trazzo to that effect. Ah, did not want to accept an easement which would be tantamount to supporting the encapsulation and, and, ah, basic demolition of that wall. So, ah I, I think the applicant did, in fact, yes, came back to us, ah, with a new application that, ah, resulted in less demolition but exactly the same amount of encapsulation, and basically if you can't see it, it's gone. It's, and it could be gone in the future. Maybe the applicant ah, herself would not do it, but a future owner of the property could tear it down and it would be, it would be totally gone. And, ah, so anyway, ah, this is a very significant house. It's one of the few freestanding houses in Alexandria. You can see it from four sides, ah, there's a pretty significant amount of an, an encapsulation. One final point, ah, the applicant is trying to say that the Board of Architectural Review, ah, is opposed to additions. We're not opposed to additions. Ah, we're just opposed to additions that result in significant destruction of historic fabric. And many of the additions that she has cited are additions that are on the backs of houses that are on, on parts of the house that are not historic fabric. This is right on the side of the house and lots of historic fabric would be gone. So please don't let her do it.

Pepper: Mr. Mayor.

Speck: Mr. Vice Mayor.

Cleveland: Uh, Councilman Speck, and then uh Councilwoman Pepper.

Speck: Ah, Dr. Fitzgerald, I, I actually have a number of questions, uh, and, ah, could Mr. Vice Mayor just have a little bit of dialogue on this?

Cleveland: Sure.



Speck: We've, we've had some uh discussions that are sort of comparable to this issue over the years and, uh, it's actually been kind of interesting because I've learned a lot more than I probably started with, uh, ten years ago, uh, when the first, uh, appeal came up like this. And, we had one relatively recently that with, ah, in the 200 block of Duke Street that had some similar discussion about encapsulation and demolition. And I, uh, I, I certainly don't, uh, have a level of understanding that I think that, that you do, but I, I have begun to learn a little bit more and I understand more of the issues that you're raising. Ah, one of them that I keep coming back to is that the, the purpose of the BAR is to preserve the historical architectural and style and appearance of, of the buildings as they once were. But, the, a, a difficult part of that for me is knowing that as you go back over a couple of hundred years, that a lot of the buildings that we're trying to preserve went through many of the things that now we're going through at a modern time of, of adding, uh, additions or making changes, uh, either on the fabric or, uh, to expand the footprint of the building. So, uh, where other than this building in its current form has a certain history to it, uh, how does that relate to the, uh, fact that buildings often were altered and expanded historically and that, if, in fact, you add something to this building that maintains a similar fabric as the existing building with brick and, and style and detail that you're really, uh, doing something that historically is incorrect or improper.

Fitzgerald: Well, I, as I, as I tried to elude to, if you look at the majority of additions, uh the house is built and then it's added on to as it goes back. That's, that's the traditional way to do it. And so, you're, you're encapsulating much less fabric. You're destroying much less fabric. Many of the additions that, ah, we're very happy to, to allow are on additions that were added in the 40s and 50s, and sometimes those additions are totally torn down. We almost never have a problem with that. But in this case, the addition is on the side and it's on the side of the building that is part of the historic structure. Ah, actually when the applicant came to us in the first place, ah, one of the suggestions that I had is think about trying to add instead of adding onto the side, add onto the back, you know.

Speck: But if you're, but if, if you're adding, if you're encapsulating whether it's the back or the side, or putting another story on the top, you're still, you're still doing something that alters the original building, uh, and, uh, doesn't it? Well, I, I think I know the answer. I was going to say, doesn't it seem to you that sometimes that we're sort of stretching this preservation issue by saying, well, encapsulation one part of the building is o.k., but if it's on the side, it's not? It's still encapsulation and demolition.

Fitzgerald: Well, that's, that's true. But there are several things to think about. Number one, if it's on the back, then it's less visible. I mean, ah, in many, in some cases, you have a private alley. It's not visible at all. So if it's on the back, you can't see it. Even if it's a public alley it's less visible. So, we're more likely to allow that. Plus, if it's on the back, many of these houses have already been added onto. So, when you're adding onto additions that are already there, those are later additions. They're 50s, 40s, 50s, 60s additions. As I say in this case, it's on the side. It's on the historic fabric of the house. And I should make another point, too. Ah, if this addition were to go forward, it would change the character of the house. The house is basically a sort of squarish house, and if you

Speck: Right.

Fitzgerald: have this sort of bump-out on the side it changes the whole mass and scale of it as well.

Speck: But,

Fitzgerald: We didn't really get into that. We're just looking at how much that's gonna be lost.

Speck: again, I mean there are houses all over Old Town, Town that have those kinds of footprints that have expanded on the side and the back that have sort of odd shapes because of either the land that was available, or what was particularly needed. I mean, that's one of the things that, that I think people find somewhat charming about Old Town is that it's not cookie cutter. Uh, the, uh, couple of other points that I wanted to try to get to, uh, one of the things that, that sort of struck me as ironic is uh, I, I went over to visit the site as I was sort of standing in the spot where the proposed addition would be, and looked to the west, and I'm looking at the back of Greensteam and where I'm looking at is a kind of late 20<sup>th</sup> Century kind of contemporary facade and I, you know, I'm

Fitzgerald: That's right, and I think if I had been on the board, I wouldn't have, ah, really approved something like that. That's one of the things that we would sort of

Speck: That's got to be sort of frustrating for people to say, look I'm trying to put up a quality addition, uh, that's gonna maintain a sort of preservation and historical style and detail and then I can, but I can look right behind me and see a building that doesn't even fit. The other thing, and this is, this is, uh, 210 Duke Street, Riducks, is this issue of the, uh, whether you encapsulate

or not and, and you have the land that allows you to put up a larger addition so you can fill up more of the space, take away more open space, but as long as you don't connect it directly to the original building, it's o.k. So, and, and, I'm not, this is not the issue of, uh, we'll build another house there. But that if you have either a freestanding addition or an addition that connects with a hyphen, put a bigger one up, as long as it doesn't connect to the facade of the building and so, uh, I don't think that's what the applicant is proposing, but that is something that's possible which

Fitzgerald: Right.

Speck: almost defeats one of the other issues which is preserve land and not build on every piece of open space as much as you possibly can.

Fitzgerald: Uh, Well, the board's charge is to primarily preserve the historic architecture of Alexandria, and open space is an issue but it's not the prime issue and I think that it's true, ah, we would probably look more favorable on an addition that attached to the house in a more minimal manner than the one that they're proposing now. Even if it may be a little larger.

Speck: And my final point, uh, for the moment, uh, is, uh, uh, that on , I, I, know, uh, you probably don't like coming to these things and getting beat up on. But, I've said this before and, and I'll say it again that I don't think that BAR has not done it's job. Uh, I think that, that you're asked to take a relatively strict approach to a lot of this work and, and then try to interpret it as fairly as you can and occasionally the issues that come before us, uh, involve us looking at this not only in the context of what you're doing but more broadly, uh, uh, the issues, the financial issues or the issues of of the general development and preservation of property that we want to see in Old Town. So, uh, uh, you know, I for one, thank you for, for all of the work that you do to try to keep this preservation issue so dominant in our thinking, and I don't know what we're going to do but if we decide to make a decision contrary to your ruling, it's not because we think you did a bad job. We just looked at it in a slightly broader context.

Cleveland: Thank you very much. Council, Councilwoman, ah, Pepper, and then Councilman Euille.

Pepper: Ah, I really agree with you that this is a house of historical and very significant interest. And as you see that side, ah, you just don't, at least I just don't see that everywhere and I think it's very distinctive and I think it is worth preserving. Although there are some other values. Anyway, ah, I

wanted to get back to what uh you had said about advising, that one of the things that you could advise somebody, ah, was not to put it on the side but to put it on the back. But, there's no place on the back here to put it. Is there?

Fitzgerald: Well, I don't know that the applicant ever considered that. Ah, we never saw any plans or any, any approved proposals to that effect, so I don't know.

Pepper: Well, I'm looking at the picture,

Fitzgerald: In this particular case it may not.

Pepper: and I'm not just seeing where you put it, when I look here I can understand that there's no real logical place for her to add. Here's what our problem is. Ah, I really hate to lose that open space in that yard. That, I, I think, is really important. But on the other hand, ah, I think one of the things we have to remember is that you know there are many times I don't know what she's building here. It was kind of vague. She wants some kind of a room where, ah, she's not going to be stumbling over all the, ah, toys.

Fitzgerald: That's a big house for a lot of toys. It seems to me.

Pepper: But, but, no. But, but there are other cases like this. It's a broader issue. I mean nowadays there's a whole different concept for what a woman needs and wants in a kitchen, and needs and wants in extra bathrooms. And if you don't let people, ah, expand, don't you eventually narrow as, as fashion changes, don't you eventually narrow the pool of people who can own these homes? It's not as easy as saying, oh well, just find a bigger home in Old Town if you really want one.

Fitzgerald: That's one of the biggest, I think, in Old Town, actually. I mean, that's, that's what we're looking at. Ah, we, the board is

Pepper: It leaves us in a difficult spot.

Fitzgerald: I understand. The board is not opposed to, to additions. Neither is the Historical Alexandria Foundation either. All we're saying is try, try to do it so that you don't destroy so much of the historic fabric.

Pepper: Well,

Fitzgerald: And, in a house like this, one reason that you can't put it on the back is that it's been added onto a lot. So, it's a pretty big house to start with.

Pepper: Well, let me ask you then another question. Ah, what, what did you say when you were talking to David Speck about the inner easements? Did no one want to accept that? If you actually commit your house and sign all the contracts or forms or whatever, you can't just come along and put plywood in front of it. And, incidentally, how did City Hall get away with, ah, ah, ah,

Fitzgerald: That was before my time.

Cleveland: It's City Hall.

Pepper: What an easy out!

Fitzgerald: [Laughter] I, I really don't know. But, for one thing, you know, that, it is a public, you can see that wall. I mean, ah, when, when it goes into a private house you can't just walk in.

Pepper: But, did we sign an easement? You don't know that we're not gonna to come along and decide well, we're tired of looking at that brick.

Fitzgerald: Well, there was a time when the, ah, city, ah, city government didn't think that they had to come before the board either, and, ah, we've come a long ways since then.

Pepper: Thanks. Are you saying we're not fair?

Speck: Uh, Mr. Vice Mayor, can you proffer that? Can you, you can proffer that you retained, uh, the, the brick exterior, uh, without covering. Can't you?

Fitzgerald: The Council could.

Pepper: Inside, it's an inner easement, and that's what I'm trying to say. Why didn't we do that?

Fitzgerald: Well, that, that issue did come up, and, ah, it's the, ah, as Charles Trazzo, you have a letter from Charles Trazzo that lays out that issue of the easement. Ah, but basically they, the, ah, his, ah, commission which holds a lot of these easements

Pepper: probably didn't want to do that.

Fitzgerald: did not want to do that because it would be tantamount to endorsing a large encapsulation of a large part of the building and they didn't want to, ah, essentially facilitate the loss of historic fabric.

Pepper: Well, if that was made a proffer here and it was acceptable to the owner, ah, would they be willing then? Cause then it would be a done deed.

Fitzgerald: No. The issue, it, that was exactly what happened. The owner, the owner, as I recall it, maybe you can correct me if I'm wrong, but the, ah, Charles Trazzo, who chairs that commission was at the meeting and the applicant said that they would be willing to offer an easement, but Charles Trazzo said that, ah, his commission would not ah accept that ah, that, ah, easement because they didn't think that that was in the interest of of historic preservation, basically. That's in the letter, I think, it's

Pepper: You might remind him that a half of loaf is better than nothing.

Fitzgerald: In addition

Pepper: You can get hungry.

Fitzgerald: Well, ah, anyway.

Cleveland: Thank, thank you. Councilman Euille.

Euille: Mr. Vice Mayor.

Cleveland: I want to let you folks know that we've got a lot of people, we've got a lot of people here. But I, I understand where, what you've got to, what you're doing here. But we still have a lot of people that are signed up to speak.

Fitzgerald: There are only two more docket items. I think this issue and the next issue relates to the same. And you know, it's the same issue.

Cleveland: O.k., ah, ah, Councilman Euille.

Euille: Yes. Ah, I just wanted to note and if Mr. Oscar Fitzgerald wanted to respond. I mean I, I certainly accept the premise that this is a historical piece of property, and we want to maintain that and I respect that. However, ah, and I accept your premise that, that this existing house has been, has had several different additions built on the back and obviously there is no room to build.

Poe: Actually, there is a clarification, ah, Councilman. There has not been any additions done to this house. The flounder addition that you read as a back addition was done at the same time.

Euille: Oh, o.k.

Poe: And the Carriage House also dates from the same time.

Bayer: [Unintelligible]

Euille: Alright, I stand corrected there.

Poe: That's a clarification. The view that you see.

Euille: But because there is no room to build an addition on the back and that's why the owner proposes to build off to the side, I don't see a problem with it simply because: (1) there's a 40, at least a 40 more than 40 feet setback, ah, and, ah, there's already a retaining wall that, that extends out uh where the two cars are parked in the driveway. That's not gonna be removed. That will remain and, ah, you quite frankly you won't be able to see it from the street just passing by. I mean, you'd almost have to, you know, purposely look over and, and, and almost go up the driveway to, to, to, to acknowledge it. So, ah, does, does, does the BAR take things like that into consideration?

Fitzgerald: Like what?

Euille: The setback and the fact that it's not visible, and, and they're not tearing down the wall, demolishing that wall.

Fitzgerald: Well, but, they're not, they're not but the next owner could. That's the point. And we have no control over it, and once you can't see it, it might as well be torn down. That's the point. Ah, and we, the board felt that it was quite visible and, and, and actually sort of unique in this city in being very visible in that, ah, usually you just have a rowhouse and the additions are on the back. So, that's that's the way we looked at it.

Pessoa: Mr. Vice Mayor, if I could just interject real quick here.

Cleveland: Mr. Pessoa.

Pessoa: Uh, even if the uh Historical Alexandria Restoration and Preservation Commission doesn't want an easement, in the past there have been some that have been given to the city to preserve interior walls once

they have been encapsulated. So, that's one alternative. Most of them do go to the commission. But a couple of them have gone directly to the city.

Pepper: Is, is, can I just ask if, ah, the owner is willing to do that?

Blair : At the Public Hearing, ah, in May, Amy, when asked that question, she said she would. And the Sugar House encapsulation which was approved a year and a half ago, a covenant was put on by the owner that runs with the land that that wall would remain, you know, exposed inside the house.

Cleveland: Thank you.

Pepper: O.k.

Clerk: Denise Dunbard followed by Stephanie Mansfield.

Dunbard: Hello. I was thinking of the irony as I was walking over here. I also live in an historic house in Old Town. It's the Lambert House, ah, at 407 Duke Street, and I have an addition that's very similar to what Amy is wanting to put up. It's behind two parking places. It's off to the side of the house, and my house is, was built in uh 1872, and this addition was done within ten years of the original house being built. So it's interesting as Councilman Speck said earlier, these kind of changes have been happening, ah, throughout the years, ah, to these houses. I would just like to say that I lived uh two houses down from Amy for a number of years before moving to this house and, ah, Amy was a wonderful neighbor and friend, and I think that that counts for something in this. That she's not just, ah, someone who is seeking to renovate a property to enhance its value and then flip it for quick profit. Amy wants to enhance her property to make it a better place to raise her two beautiful children. She wants to stay in Old Town. She wants to be, ah, vested in our community and, ah, you know she's not just, ah, ah, someone who's seeking profit from this. Ms. Bayer has complied with all of the rules and regulations pertaining to improving one's property. The proposed addition is tasteful and, in short, there is no logical reason to deny the improvement. The, the, all this discussion about encapsulation and demolition, she's talking about 8%. You know this is not, she's not tearing down the house. She's not covering up the house. It's 8% of, of what's being talked about. I think that's really a



pretty small, small amount. I would argue that the underlying principle is that of private property. Once residents comply with the various rules and regulations, and there are many in Alexandria, that we have to comply with, and they're here for reasons and they do protect historic property. But once we comply with those, then I think people should be able to improve their properties in a tasteful manner. That is all Ms. Bayer is requesting. I believe that to deny Ms. Bayer's request would be unreasonable and a violation of the principle of private property. I urge you to approve her renovation petition.

Cleveland: Thank you very much.

Clerk: Stephanie.

Stephanie: Hi. This is my first time before the City Council, and I'd just like to say that Amy's house is actually not that big on the inside. I have seen it. Ah, I thought we were finished with this. I think this is a colossal waste of time. I testified at Amy's first hearing before the BAR. No one raised the issue of the wall. Not Peter Smith, not the staff, not the BAR, not Chuck Trazzo, who wasn't there, not the neighbor. No one mentioned the wall. If this is so important and so historic, you would think that someone would have brought this issue up before now. She was given direction to proceed at her first hearing. She went back at the second hearing and was sandbagged. I don't know why we're sitting here today. You have many more important issues before you, and I have watched the hearing all day, and I feel that we should just make this very brief and approve it. Thank you.

Cleveland: Thank you very much.

Clerk: Carolyn Merck to be followed by Lawrence O'Connor.

Merck: Good afternoon, or almost good evening. I'm Carolyn Merck. I live at 324 North Royal Street, and I am speaking today on behalf of the Old Town Civic Association. The OTCA will generally support the Board of Architectural Review on appeals when alterations to the exterior of historic structures are at issue. We understand the arguments that modern families want modern lifestyle conveniences, such as master bedroom/bathroom suites, and family rooms. But Old Town is unique in the richness of its architectural heritage. We believe that the original architecture and fabric of the historic district must be protected and

preserved not to satisfy a few history buffs, or aficionados of historic architecture, but for the benefit of all Alexandrians for whom Old Town is a valuable asset and for the benefit of all who visit here to see our historic town and its really architectural, architecture as it actually was – not sort of, as it actually was. By allowing on a case-by-case basis, significant changes, additions or modernizations to historic homes and buildings, the city risks the gradual erosion of the unique value of Old Town. It undermines the very rationale for designation of Old Town as an Historic District. We do not want the day to come when our tour guides going into the city pointing out historic homes say “this house was originally designed as thus and such, but that’s not as you see it today.” 209 South Lee Street, originally built in about 1815, is a particularly important historic home. We cannot support the proposed demolition and addition to the north side of the house which I understand is to provide a family room. We agreed with the staff report that the special character of this house would be inappropriately altered if the demolition and addition were allowed and that retention of the north wall and open north garden would undoubtedly preserve a special place in this historic district. Please support the BAR and deny the request.

Cleveland: Thank you very much.

Clerk: Lawrence O’Conner to be followed by Charles Ablard.

O’Conner: Good evening Vice Mayor and Council.

Cleveland: Good evening.

O’Conner: My wife and I are here to oppose this demolition and support the BAR in it’s decision to deny a permit to demolish such a large portion of this plaqued historic home. In consideration of the council’s time and the long docket, I’ll be brief; however, as this case comes before you, there are several things we’d like you to urge and consider. (1) The Board of Architectural Review exists for a reason. It has been established to oversee exactly this kind of real estate issue. While it is the right of the citizens of Alexandria to appeal decisions to the elected city council, undermining the decisions of the planning staff and the BAR only make it harder for each group to accomplish what they have been chartered to do. This ensures an increasing number of appeals to the council of BAR decisions instead of encouraging homeowners to work with the

BAR. (2) The addition proposed at 209 South Lee Street is of significant size, as large as homes in Old Town. The associated demolition is highly visible and significant and the effects of this decision are irreversible. An addition of this size on one side of the largest house in Old Town creates a permanent entity that cannot be undone. In considering the public interest, demolition and encapsulation, which means basically paving over are the same. The demolition and encapsulation associated with the current design was deemed extremely negative to the neighborhood by the BAR and was supported in this decision by the Historic Alexandria Foundation, the Old Town Civic Association, and the Alexandria Historical Restoration and Preservation Commission. (3) The demolition permit denied by the BAR addressed only the plan before them. Many design options continue to exist and, and should be explored in the proper venue before the BAR. The demolition associated with the current design was deemed by the BAR to be extremely negative to the historic character of the neighborhood, and was denied for that reason. (4) The space would be occupied by this addition is in what was until adversely possessed in recent decades a public alley. There has never been any sort of structure in this space and to demolish such a significant portion of this unique freestanding house to add such a large and visible addition would permanently alter the streetscape. While this lot is not listed, while this lot is listed as 209A, in actuality independent development of this space would not be feasible. Required setbacks would leave only 15 feet width for development and the four off-street parking spaces now, now associated with 209 South Lee would be lost. (5) And my final point. The question before the council is whether the BAR's decision to deny a demolition permit should be overturned. As adjacent neighbors, we are obviously directly impacted. We like others know Ms. Bayer, personally, and wish her well. However, at issue here are not personal attributes, but the decision made by the BAR and a consideration of the ordinance and design guidelines that govern its actions. I'll summarize real quickly here. Owning a home is such, in such lovely, historic neighborhood is a privilege requiring an understanding of the unique considerations of the Old Historic District that make it special. Many homeowners in Alexandria come here because of its historic character and few come with the intention of making such large, ah, such dramatic exterior modifications to their homes. Tourists who come to Alexandria are attracted in a large part because the city remains of the historical integrity lacking in other local areas. I appreciate your time, ah, this evening and urge you to uphold

the BAR and support the nationally recognized historic district. Thank you.

Cleveland: Thank you very much.

Clerk: Charles Ablard.

Ablard: Good afternoon Mr. Vice Mayor, members of the Council.

Cleveland: Good evening.

Ablard: My name is Charles Ablard and I'm speaking on behalf of the Historic Alexandria Foundation. Ah, we have several of our members here who have appeared on the opposite side tonight, including the applicant. Ah, we never like to get into disputes with our members. We have a membership, ah, ah, of, of this foundation, as well the board of directors. We try to take reasonable positions on issues such as this, and we come to ah decisions and, ah, hopefully ah democratic, we are not career critics as Ms. Bayer, ah, ah, seems to think in her, ah, letter to us. Ah, we, ah, try to make, ah, the best of bad situations and, ah, this is one that is an unfortunate one. Ah, I can sympathize with her for some of the comments that she got at the first hearing before the BAR. I was there, and this was a concept review. Which I frankly think is a mistake for the BAR to do. I opposed their approval of a con, of the concept because I said we don't have any good diagrams, no designs of this. Ah, and, but then later on, of course, it came up. And, but, but the only issue before you today is not what this design is going to look like, it's strictly the demolition of the wall. And I think the staff has submitted an excellent report on it. Peter Smith has put in a lot of work on it. It is a rare and early wall, and it should not be demolished. Now, this is a large house. No matter what, ah, one of the former speakers said about it. And there is a, a carriage house at the back of it which I understand is occupied by staff of Ms. Bayer. Ah, why something like that couldn't later be designed to go out the back and expand the house. Ah, I don't know. But the BAR has not been presented with any, nor have they been presented with any final plan, ah, for the design of it. Because the only thing that they decided was, as Dr. Fitzgerald indicate, indicated, the demolition issue. Ah, it is a unique and valuable asset for the city. It's one of the few homes in Alexandria that has a U-shaped garden that goes all away around it. Ah, and this is unique for the city, and as Ms. Pepper indicated, ah, when people

take tours of Alexandria those are the kinds of things that they are interested in seeing. Ah, the easement issue that has come to issue, ah, I think Chuck Trazzo's letter does explain it, and one of the issues was before us was the question of, of how it could be enforced. And if something is encapsulated, there's no way you can enforce what is done on the inside of it. Ah, whereas, most of the easements that the commission takes are for open space where you can actually, from the wall, look and see what is behind the wall. Ah, I think that's, that's all I have to say at a late hour of the evening.

Speck: Mr. Vice Mayor.

Pepper: Mr. Vice Mayor.

Ablard: I urge you to support the BAR and uphold their decision on the encapsulation. Ah, I hope that they will come back with an additional proposal, some new proposal which can make Ms. Bayer happy for the kids. And, ah, everybody will go away laughing.

Speck: Mr. Mayor, Vice Mayor

Cleveland: Councilman Speck, then Councilwoman Pepper

Speck: Mr. Ablard. A couple of things. I, I don't think it has a U-shaped yard. I think it has two side yards. Ah, but ah

Ablard: But I think there is an open space at the back, I don't think

Speck: No, no, not to my, I, I don't think so, but I don't know with that

Speck: But,

Ablard: I could be wrong, I'm sorry.

Speck: O.k.

Ablard: I thought it went all the way around.

Speck: Uh, I could be too. That's happened once or twice. Uh, uh, with, with all due respects to your comments, I don't think it's, it's anyone's purview in this room or the BAR as to what, uh, the applicant wants to

do, uh, in terms of the use of her house whether, you know, she decides that the, the room is adequate for something or not. I mean the whole issue here is how this house appears. And one of the things that continues to puzzle me, and always has, uh, when we get into these issues and you have disagreements among people who, who, obviously have background expertise in this issue. The purpose of the BAR is the preservation of the property, the appearance of the property, and by inference, the value. Uh, nothing that we are talking about here is going to in any way jeopardize uh, uh, the value of the property or, or frankly of adjacent property, although I certainly understand the next door neighbor wanting, not wanting to have a building built there. But when you are in situations like this, and this is a good example of where you have, uh, obviously people with, with a strong interest in historic preservation and with a financial stake in these issues. Ah, on both sides of the issue people with uh, historic expertise, uh, and architectural expertise on both sides of the issue, uh, it really is never quite as black and white as sometimes, uh, frankly, some of the historic preservationists try to make it. And that's one of the things that I think makes it hard for us. It's, it's not as crystal clear as, as, as, I think sometimes it's represented so, um

Ablard: Well, I don't mean to indicate that it's totally crystal clear. I think that you've got a wall there that she's proposing to take part of it down and, ah, encapsulate another considerable part of it and it's, you know, it's your decision as to what to do. I'm just saying that the BAR's staff report and their decision on a 4 to 2 vote, was I think, a substantial, ah, decision of supporting the positions

Speck: Well, in, in this case

Ablard: of the city

Speck: I, mean, you know obviously the people that we designate to, to make these decisions were divided. I mean they were one vote away from, from being uh, uh, undecided and, uh, so it wasn't, I mean they were probably struggling with some of this as well.

Ablard: It wasn't a slam dump.

Speck: Ah, but when, um, um, but sometimes when it's the, the characterization of the demolition and, and, uh, is that there is, there is going to be the

buildings coming down or the walls coming down. I mean demolition in this case refers to the fact that they're cutting an opening in the brick to, uh, put in a doorway and, and I guess what, two windows, two windows and a doorway? Uh, and, and still preserve, I mean, the interesting, one of the interesting things about this whole encapsulation issue is that it's not that it's suddenly gonna be covered. It's that it's no longer going to be exposed to the public.

Ablard: This report indicates that their rules say that encapsulation is tantamount to demolition.

Speck: Uh, and, and

Ablard: That's a rule which I think is City has had.....

Speck: Is that a correct representation Dr. Smith?

Smith: Ah, Mr. Vice Mayor. No, I don't think it's quite an, an accurate representation. What I said was in, in the report that the Zoning Ordinance doesn't treat encapsulation or demolition any differently in terms of the criteria that is set out in the ordinance for approval. So, to say that a wall is encapsulated is always going to demolish. It's not, it's not the same as saying encapsulation is tantamount to demolition because the encapsulated wall, in fact, could stay there, you know, for hundreds of years.

Speck: Well, in this case encapsulation means it's no longer gonna be something the public can see basically if they go into that yard because you're not really going to see it from the street.

Ablard: I stand corrected.

Speck: Uh, but, but, but it is going to be covered. Uh, and if the issue is that you never want to have this facade, uh, removed from the public eye. I mean if that's, if that's the argument, uh, whether I agree with it or not, I at least understand the argument. But it's not like it's gonna go away. It's just not, it's gonna be an interior wall as opposed to an exterior. And the new exterior, by the way, could be just as historically accurate as the old one. Uh, but it's now a 21<sup>st</sup> Century wall. It's just designed I guess to look like an old wall. So it's, you know, that's, I'm sort of talking out loud as I'm trying to sort of work through all of the arguments,

uh, and think about this cause it's always kind of interesting when you have people that have expertise on both sides of this issue fundamentally disagreeing.

Cleveland: Thank, thank you very much. Ah, ah, the City Manager, ah, the City Attorney has something to say

Pessoa: Yes, just, just to clarify. I think what the people are trying to say is the legal standards for demolition and encapsulation are the same. And the reason for that, in part, is that once it's encapsulated it ceases to be an exterior feature, and it can be demolished without coming through the permit process. To remedy that, as I said earlier, in some cases we have taken a preservation easement on the now interior wall to require that that historic fabric be preserved because part of the concern with the demolition process is not just how it looks, but that historic fabric itself be preserved. And so to address that part of the concern we have taken interior easements, and as far as an enforcement mechanism is concerned we just say, "you have to let us in once a year on reasonable notice to check the status of the uh, the interior."

Cleveland: Thank, thank you very much. Uh, Someone I have overlooked. Uh, Councilwoman Woodson you've been trying for a long time. I'm sorry..

Woodson: Well, at this point all of my questions have been asked. Ah, with the exception of, ah, asking the applicant. In the letter that the applicant sent to us and should I address Mr., ah, Blair or the applicant?

Woodson: In the letter that you sent, you've made mention of, ah, a family space. And as I first read through the letter I hadn't read the document, the, ah, docket item and I didn't realize it was a two-story space. How much of this space is absolutely required, and a question then to staff. How much of this space that is going to be encapsulated is a problem to you? Is half of that space encapsulated a problem? A quarter of it? None of it? I mean, I guess if we're suppose to be making some kind of value decision here, it's really subjective from what I can gather. Personally, I don't have a problem with this addition being added. But I'm not the one writing these rules and ordinances are already there in place. And presumably, the applicant, ah, and everyone else who lives in Old Town knows that. But if it's setback 40 feet, and I'm not exactly sure how far back it's set, but if it's setback 40 feet, I don't know that people on the street are really going to have that great of an eye view



of this anyway. So how much of the space is a problem?

Smith: Ah,

Woodson: I guess I should say that the opposite. How much would you allow?

Smith: I don't think it's a question of how much, ah, staff would allow necessarily. The question that I think that we're looking at is the Zoning Ordinance, I think, standards on demolition are fairly objective and the question is, does the fabric, the historic fabric, meet the Zoning Ordinance definitions. And if it does, I think staff's obligation is to say we recommend denial. But having said that, then there have been a number of incidents in which the board has said, yes, staff, that's good, I'm glad you've made that determination that it meets the requirements in the Zoning Ordinance, but we don't agree with you and we aren't going to approve the demolition and the new addition.

Woodson: O.k. Well, you just lost me there. I asked a question. How much space is allowed, and I don't think you answered that yet.

Smith: No., I, I think, I don't think there's a, ah, a cut-off rule necessarily. Does is the question, does it meet the, ah, demolition criteria in the ordinance. I mean, I think that's a pretty straight forward answer and I think staff's obligation is to say either yes, it does, or no, it doesn't.

Woodson: O.k. well, as I read this thing, it is a little nebulous to me because it seems that you are suggesting that something could be allowed but what's being proposed now isn't that something. So that's why I'm asking this question. What is the something that could be allowed? Because what I'm hearing, ah, now is that nothing could be allowed. So, what, what is it?

Ross: Ah, Mr. Vice Mayor.

Cleveland: Ms. Ross.

Ross: If, if you interpret the Zoning Ordinance strictly, and you have an important piece of history in front of you, then it's correct that we would have to recommend denial in all cases involving that feature. But you have seen, or we have seen, repeatedly, efforts to preserve historic fabric and keep them, ah, so that the public can experience them. I'm

thinking of the building – help me out Peter – at the Seaport Inn

Smith: Right, the Seaport Inn, where

Ross: where you, ok, where you glass in a portion of the wall

Woodson: Well, that's, that's where I was going because you now have glass there.

Ross: O.k., where you glass in a

Woodson: Exactly

Ross: portion of the wall where you can still see it. You can still experience it. Of course, there would be a modest addition that did take away some fabric that might be, ah, something we can rec

Woodson: What would that be?

Ross: Well, it's very hard in the abstract to hypothesize something.

Woodson: Well, that's, yeah, and see that's the problem for this applicant, or any applicant. This abstract thing would make me crazy. I mean you have to be a little more specific than, well, it's, you know, it's, it's an abstract. Because it cost money, it cost time. We've been listening to this for 45 minutes, and I don't know any more than I started off and I read this whole thing and I appreciate that your hands are tied by an ordinance that doesn't seem to be terribly clear. And I find that very frustrating and, and that's no news to anybody who listens to this because I find most of the BAR stuff to be very frustrating. It's not clear. And when you tell people well, ah, we don't like what you proposed, but we really can't tell you what you could do. Go figure something else out, come back and we'll decide if we like that – is the way I interpret it. And I don't know that that's really fair. I mean, it's not fair to staff, it's not fair to the applicant. It certainly is not fair to BAR and it's not fair to Council that now have to play Solomon and figure this out. So, how is it that we figure this out? I mean, I've asked, I've asked, ah, ah, Mr. Pessoa here, what would be the potential in, in this situation, and I don't know that it would affect other situations, but in this situation, to have some, ah, amendment to this ordinance that said at a certain setback these kind of conditions relative to the preservation of a piece of this building would not apply. I mean, I, 40 feet is a long, long way.

Pepper: Mmmm

Woodson: Whether it's 40 feet or 50 feet, if you would say 60 feet, then they've got a 20-foot addition, or I don't know how long their, their extension is there. I just think we need to say something. And in the absence of having something, they go back to the drawing board, they come back, you say no. They go back to the drawing board, and we had this with Dr. Meyer. Was that not his name? Wasn't that his name, Dr. Meyer, Dr. somebody who was here

Speck: Over on Cameron?

Woodson: 10 times, 2 times, anyway, a lot?

Speck: It seemed 10.

Woodson: It seemed like 10 times. It was two times. But the point is that, there needs to be greater guidance, and I'm not sure that the guidance is there. And so I'm confused. I have to think that the applicant is also confused, and I would find it very difficult to vote, yea or nay in this level of confusion.

Pepper: Mr. Mayor.

Cleveland: Councilwoman, Councilwoman Pepper.

Pepper: Could I add to that confusion?

Woodson: Please don't!

[Laughter]

Pepper: Ah, she's sure right. You have to have the wisdom of Solomon here. And, whenever we get these BAR approvals, ah, they are really, really tough to, ah, to decide on. The sun is in my eyes here and I'm having a little trouble. O.k., ah, I guess what I need to know, I mean for me it's make a difference what the use is, and is that not something we are able to factor in? And the reason it makes a difference is because if people are adding something, as I said, that truly allows their house to be more functional and useful in terms of the modern day concept, I mean women, ah, do have bigger kitchens. They like to have the great room,

you know, where, where they have their family with them in their kitchen cause then they can watch the kids and see to it the homework gets done while they are busy with the kitchen. It is a lifestyle and it's not, as I can see, changing any time. So, that, that extends the usefulness of a given house and that makes a difference to me. And nowadays when everybody wants their own bathroom, if a woman says we just can't manage without this extra bathroom, well I understand that, too. But, so for me, ah, I, I like to know. And the other thing is, I want to know, ah, you know it's not just enough to me to know where she's going to put this little extension. I want to know is she gonna use brick that's going to be painted brick? Is this going to be brick that's bright red and doesn't match the brick that's here? Ah, I'm not seen any of that, and I don't even know what other questions I have. Oh, but, I do want to say that even though there is a setback of 40 feet when you go there when the mind's eye that 40 feet doesn't look so, so big.

Speck: Mr. Vice Mayor.

Cleveland: Councilman Speck.

Bayer: Can I answer your questions, Councilmen?

Pepper: Oh I'd love - any one, any of the above.

Bayer: O.k.

Cleveland: We've still got more people to

Speck: Are there more speakers?

Pessoa: Two more speakers.

Clerk: Two more speakers.

Pessoa: Mr. Vice Mayor.

Pepper: 10, oophs!

Pessoa: Two, two on this item.

Clerk: On this item

Bayer: If you're asking about use of the house, and I will be the first to

Pepper: Oh, first I have to know if I'm even allowed to ask that.

Pessoa: Well, Mr. Vice Mayor, technically the, the interior program uses of the house are not relevant to the BAR standards either before the BAR or on appeal.

Pepper: But how about to us?

Bayer: But I would prefer to

Pessoa: or on appeal to city council

Bayer: speak to your co-council

Pessoa: ah

Bayer: members who have seen it, because several of your co-council members have seen the house, and if you would

Pepper: Well, I left my card and I rang my bell, the, your bell.

Poe: Am I allowed to respond to the character of the addition? Even though we're talking about the encapsulation?

Pessoa: The, the, I mean Mr. Vice Mayor that what we have here is the demolition permit alone, not the, ah, appropriateness of a potential addition. And the reason the ordinance really bifurcates those two things is so that, you know, in terms of preserving historic fabric, the board or the council on appeal and the public discourse doesn't get seduced by the attractiveness of the addition when deciding the separate question of whether or not the demolition or encapsulation is appropriate. So, you know, ah

Pepper: Do we get to talk about the ah, ah, the, what, she, what it's going to look like on the outside?

Ignacio: The, the, the idea, the way the process is suppose to work is that you make the decision on the demolition. If that is approved, then you go to the second step and talk about the replacement.

Pepper: I don't think I could go through it twice.

Ignacio: But you don't get there, you don't get there until you have made the initial determination, ah, whether you're gonna permit the demolition. That's why the board, when they heard this, ah, denied the demolition. They did not pass on the second part of it which is the ah, ah, appearance of the replacement or addition.

Cleveland: Thank you. Ah, we have

Clerk: Bob Weinhagen to be followed by Donald Walter.

Cleveland: He's not here. Mr. Weinhagen.

Wein-  
hagen:

Yep. My name is Bob Weinhagen and, ah, I live in, my and wife and I live in the 200 block of Cameron Street and, ah, I'm here as a private citizen and resident of the Historic District. And I kind of listened to the debate and what I really think is what, God, years ago my tennis coach said. Keep your eye on the ball. And what's the ball here, as far as I am concerned, the ball is that property. It's a beautiful house. It's one of the, it's probably the best house on Lee Street. It's in the center of the Historic District. It hasn't, you know, evidently, everything other than the Victorian decoration is original to the house, even the carriage house. And what we're talking about is property that hasn't been changed probably for ten generations. I mean it's almost been like this for 200 years. And there aren't that many properties like that in Old Town. And we can go through and, one by one, just knock um down. We can change them, we can put big additions on the side. We can change the nature of the property. But then, Old Town isn't Old Town. And not doing that is certainly not hurt property values in Old Town. Old Town property values are high. And they have gone up really fast. For the whole Washington area, which also has gone up very quickly. And the reason they've done that, I think, is because Old Town isn't Falls Church. Old Town isn't Annandale. Old Town isn't Springfield. Old Town is a National Historic District. And in Old Town, we are trying really hard to keep what we have. This is a huge house. It probably is at least 4,000 square feet.

?? You've been there?

Wein-  
hagen:

I've looked at the house. I've seen it. It's, it's one of the grand houses, and if people can't understand that, then they simply can't understand that. But I think that is really the issue that you face here today. And you can talk about what the guidelines should be or what the guidelines aren't and, you know, add nausea. But, the point is, it's an incredibly nice structure. It's beautiful. It has a garden on both sides. It has open space. The State Legislature pushes hard for open state, space. The local government pushes for open space. We have an easement program where we're trying to get people to make sure things like this don't happen. And when they do happen, you have one person in a chain of title who changes it forever. I mean someone whose gonna live there for five years, ten, fifteen and then it's done. And what has been, [sigh], worked for 200 years that we can work into the future is gonna be changed here today. That's the problem I have with it. That's number one. Number two, is you have a BAR that is trying to do its job, and they get discouraged at their May meeting, after it all ended, that they were on television and they were saying, gee, we have four appeals to city council or whatever it was. What are we doing wrong? And I don't think they're doing anything wrong. Because most people, they let them have what they want. They compromise. And the appeals are rare. And you, you, I mean you have appeals on this, you have appeals on window wells on a street. I mean you have to support the BAR and make their job easier. And you have to give them the backbone to be able to say no

Cleveland: Can I get you to sum up?

Wein-  
hagen: to preserve the historic district.

Cleveland: Can I get you to sum up?

Wein-  
hagen: That's what I have to say. Thank you.

Cleveland: Thank you. We have one more speaker.

Clerk: Donald Walter.

[Applause]

Walter: I don't know if you're applauding me or the.....

Pepper: No, it's just the fact that you're the last speaker.

Walter: I appreciate that, and I'm sorry I'm not, ah, dressed for the, ah, occasion. I saw you all on TV, and I don't want to miss a chance to be on TV myself. I live right behind those cars, straight back. I live at 214 Prince. I own a business uh property and a parking lot on Washington, so I'll be back in a couple of months to talk about something else. But I have three kids and it's, ah, my fear, not that she, and I'm here as a friend of Amy Bayer. I'm a supporter of Amy Bayer, and I'm here to tell you a couple of other things about Amy Bayer. One, that if you've ever been around that house at Halloween, it's beautiful because Amy and her nanny, uh, Mel, who lives in the, uh, staff quarters. For those of you who don't know Mel, she's a nanny who takes care of Amy's two children. She's a single mom and has two beautiful kids. But, the reason there's this beautiful garden here is because Amy pays for it, and uh the Garden Tour loves to go through it. But if it wasn't for Amy's benevolence and love for the garden, there wouldn't be a garden there. But that makes my point on what could be there. It's not her beautiful addition I'm worried about. It's what the next owner could do. Those cars could be pulled up in front of a new house. As I understand it, she could sell her triple lot. She's got land on both sides, and there could be a home right there which would have a significant impact. And we don't know what the next owner will do. You're right 5, 10, 15 years from now. And, yes, it would have to go through, through Peter and the Board. But we don't know. It's her land. She can do what she wants within taste, within the, the parameters of what we're talking about here. But she's very respectful, very mindful. Ah, it's going to be a wonderful addition to the neighborhood. How do I know? Because I live in the neighborhood. So it's, it's just one more point to make. That it's not what's going to be there if you grant her this, but what could be there if she doesn't. If she moves down to Fairfax County and a new person moves in, they can sell it, make a real mess of it. Thanks.

Speck: Mr., Mr. Vice Mayor.

Cleveland: Thank you very much. Ah, we come to –

Duncan: I'm just standing here.



Cleveland: You want to sum up?

Duncan: In two seconds, a lot has been said tonight. Ah, I know you'll take into consideration everything that's said. You know, Alexandria and Old Town has evolved since its inception. This house has been owned by, believe it or not, the Hill family, little old ladies when we grew up. Finally, a family is in it. They're making the change, and the change is not inappropriate. The historic fabric, plenty of history fabric left on the building and the design of the building will be subject to the BAR, and Matt will do an excellent job because Amy will make him.

Speck: Mr. Vice Mayor.

Cleveland: Thank you very much. Ah, Mr., Mr. Speck.

Speck: As much as I hate to rap this up, uh,

Cleveland: You gonna make a motion?

Speck: I'm gonna make a motion. Uh, it, uh, again on these BAR appeals, I mean they are very conflicted because of the information that we get from people we respect on both sides. But, uh, I really am not persuaded that the addition would in any way, uh, harm either our desire to preserve the architectural appearance of Old Town or that house, or that block or damage property values. And, I am gonna to move to uphold the appeal.

Euille: Second.

Pepper: Mr. Mayor. Ah, I would like, Mr. Vice Mayor, I, ah, feel very uncomfortable about this and I'd like us to defer the vote until Tuesday the 25<sup>th</sup> at our legislative meeting, to close the public hearing for today, but to, ah, allow me time. I'm not even sure I've sorted out in my mind all of the questions and answers that, ah, I need to, to be fair. This is a really house, a really important house, I think, ah, of, of historic value. And, ah, I don't want to make a decision quickly. So, I would like to ask my colleagues if we could wait until Tuesday, ah, June 25<sup>th</sup>.

Cleveland: Ah, we, we have a motion and a second, ah

Pepper: We don't have a second to mine yet.

Cleveland: Yes, and I can't give you one because I'm

Pepper: Yes you can.

Cleveland: I'm on the chair.

[Unintelligible]

Cleveland: I'll, I'll give you a

Pepper: You can't make a motion but you can give a second.

Cleveland: O.k., I, I will, ah, I'll give a second to that because I'll, I'll tell you. Ah, I have, the Mayor said that if we have a split decision here, and if it really came down to his vote, ah, ah, we should, ah, we should at least delay this until the next, ah, the, the, ah, the next, ah, ah, ah, hearing. Not public hearing because we won't have one until the fall. But until the next legislative session, and close the, ah, the public hearing. So, I'll, I'll make that second.

Pepper: You've got to vote on that.

Cleveland: O.k., o.k., now we have a motion to, ah, ah, to have a, a, a delay. We have a motion and a second. All in favor.

Cleveland: Aye

Pepper: Aye

Cleveland: Any opposed, all opposed?

Speck: No.

Euille: No.

Woodson: No.

Cleveland: O.k., ah, the, the motion dies. Now the original motion comes to the floor to over, overturn, ah, the, ah, the, ah, ah, I'm sorry not to overturn but to ah,

Pepper: uphold the first motion

Speck: Uphold the appeal.

Cleveland: To uphold appeal. All in favor?

Speck: Aye.

Euille: Aye.

Woodson: Aye

Cleveland: All opposed?

Pepper: I'm going to abstain.

Speck: 4-0

Cleveland: Well, I didn't vote.

Speck: I thought you voted "aye."

Cleveland: No, I did not vote "aye." So, it still, it still does not pass.

Pessoa: The, the, the motion was to uphold the appeal to overturn the BAR decision. As I heard the vote, it was 3 in favor and 2 abstentions, so it passes.

Cleveland: O.k., the motion passes.

Duncan: Thank you very much.

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6-15-02

## SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 36

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** Duncan W. Blair
2. **ADDRESS:** 524 King Street, Alexandria, VA 22314
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
Amy Bayer
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,  
LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE  
COUNCIL?**  
Yes

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. **If you have a prepared statement, please leave a copy with the City Clerk.**

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public