

EXHIBIT NO. 1

37
6-15-02

Docket Item #
BAR CASE #2002-0079

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 610 South St. Asaph Street

APPLICANT AND APPELLANT: Katherine Philip

LOCATION: 610 South St. Asaph Street

ZONE: RM/Residential

This case involves a proposed third floor addition that would require the demolition of the roof of the historic house at 610 South St. Asaph Street. The Board considered the demolition application at the May 1, 2002 public hearing and denied the application. Therefore, it did not consider the design of the addition itself.

Background:

610 South St. Asaph Street is a two story, two bay frame rowhouse the nucleus of which dates to the early 19th century. At some point, likely in the late 19th century the original front gable roof was modified and a short Mansard style metal roof with a bracketed wood cornice was installed. This work effectively updates the appearance of the house to more contemporary taste. The rear two story frame addition was added in 1921.

B.A.R. Decision:

The Board denied the application because it believed that (1) the extent of the loss of historic fabric was unacceptable and (2) the proposed addition would overwhelm the house if constructed.

The Board agreed with Staff that the demolition would remove a central defining element of the historic building, namely the entire roof and structural system from the rear ridge line of the gable slope of the roof to the rear of the house. Thus, an intact section of an early 19th century roof will be removed. A central tenet of historic preservation is that as much original historic building fabric should be retained as possible.

The Board indicated that they concurred with the Staff analysis that the proposed demolition met four out of six criteria set forth in the Zoning Ordinance to be considered when reviewing proposals for capsulation and demolition at §10-105(B) of the Zoning Ordinance. (Attachment 3)

The Board believed that maintaining the historic roof form was in the public interest because it represented a good example of early 19th century vernacular architecture in Alexandria. (Criteria #1) The Board also believed that the historic roof form and structural system represented historic construction techniques which would be very difficult to replicate in the 21st century. (Criteria #3) Likewise, the Board believed that the preservation of the house in its present form would protect a historic building and that the demolition would not promote the goal of the historic district of historic preservation as part of the general welfare of the City. (Criteria #'s 5 & 6)

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 the roof 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 capsule 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 capsule or demolish in whole or in part.
Attachment 3: Photographs and drawings of 610 South St. Asaph Street illustrating the portion of the building to be capsule 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 #17
BAR Case #2002-0079

BAR Meeting
May 1, 2002

ISSUE: Permit to Demolish
APPLICANT: Philip VanderMyde
LOCATION: 610 South St Asaph Street
ZONE: RM/Residential

BOARD ACTION, MAY 1, 2002: On a motion by Mr. Wheeler, 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. Keleher were opposed).

REASON: A majority of the Board agreed with the Staff analysis and believed that the demolition and capsulation represented an unacceptable loss of historic fabric. Two members were opposed to the motion because they believed that the proposed addition was acceptable.

SPEAKERS: Philip VanderMyde, project architect, spoke in support
Catherine Philips, homeowner, spoke in support

STAFF RECOMMENDATION:

Staff recommends denial of the Permit to Demolish.

NOTE: This docket item requires a roll call vote.

DISCUSSION:

Applicant's Description of the Undertaking:

“Remove back half of attic roof to permit master bedroom and bath addition.”

Issue:

The applicant is requesting approval of a Permit to Demolish the rear (east) roof of the two story rear section of the house at 610 South St. Asaph Street.

History and Analysis:

610 South St. Asaph Street is a two story, two bay frame rowhouse the nucleus of which dates to the early 19th century. At some point, likely in the late 19th century the original front gable roof was modified and a short Mansard style metal roof with a bracketed wood cornice was installed. This work effectively updates the appearance of the house to more contemporary taste. The rear two story frame addition was added in 1921 (Building Permit #553, 3/1/1921).

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 demolition that would be necessary to allow construction of the

proposed addition. The demolition would involve removal of the entire roof and structural system from the rear ridge line of the gable slope of the roof to the rear of the house. Thus, an intact section of an early 19th century roof will be removed. 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.

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.

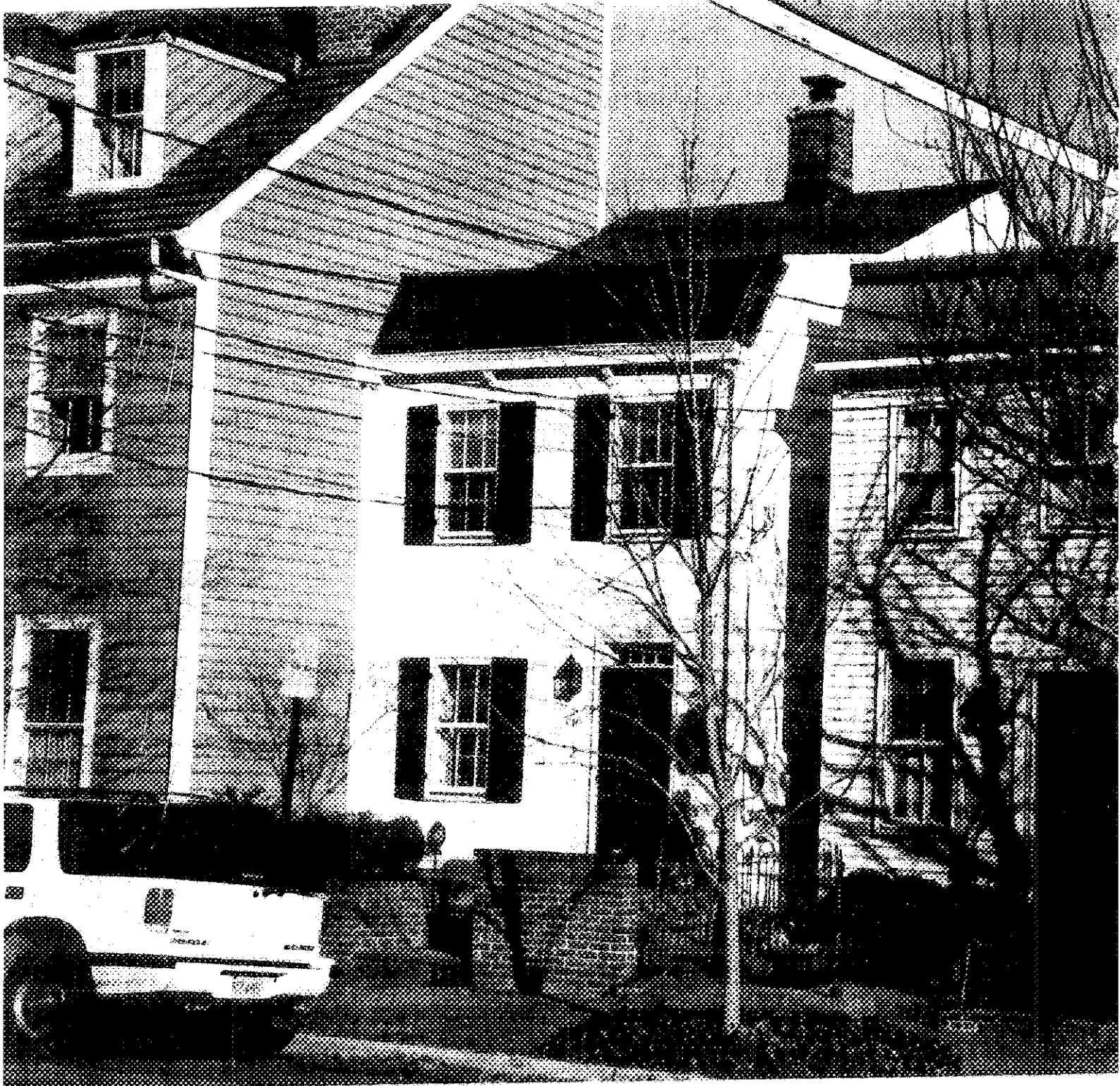
Historic Alexandria:

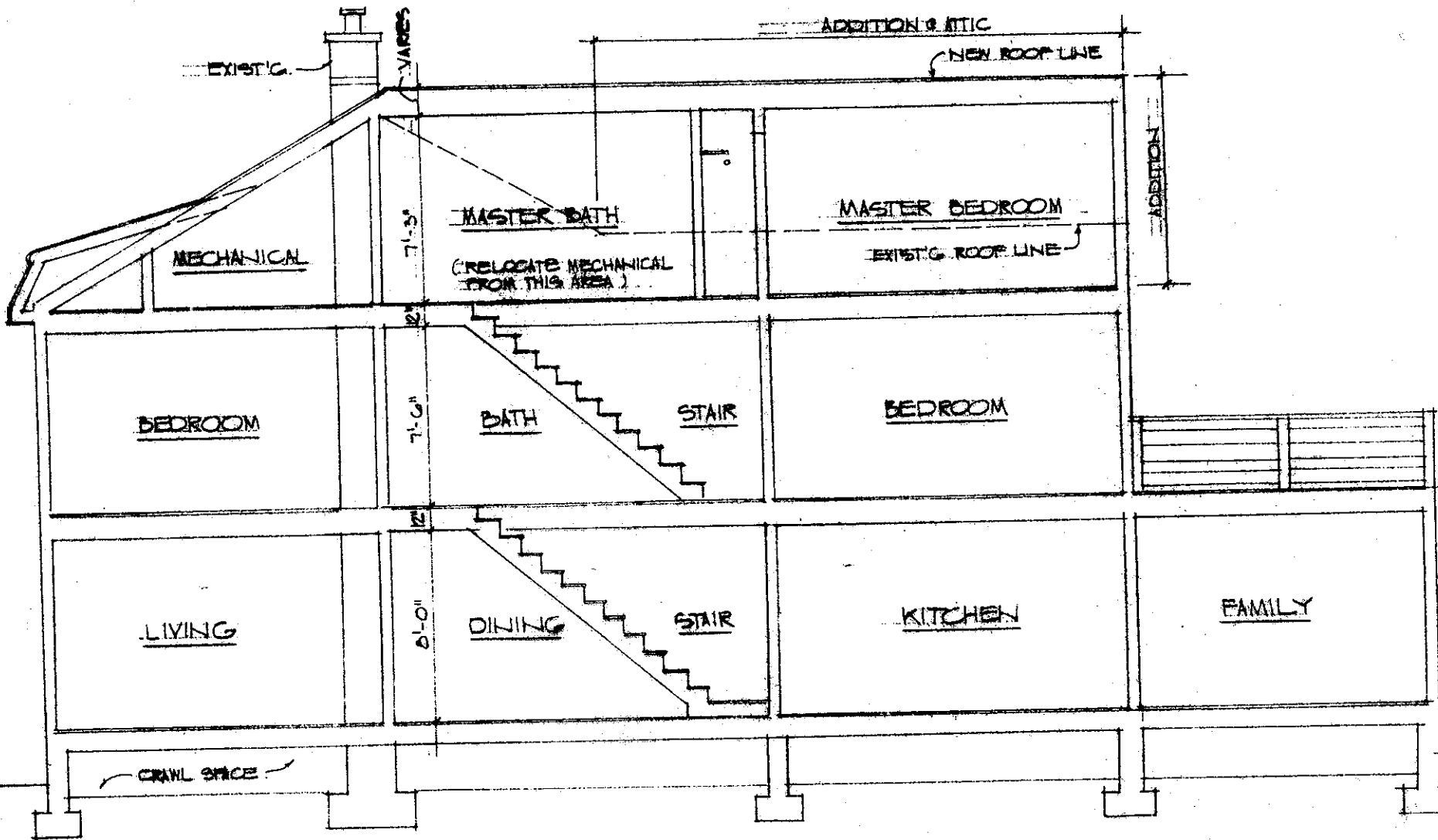
No comment.

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?





BUILDING SECTION

TT

EXHIBIT NO. 2

37
6-15-02

*Sent To CC, CA,
CM, Michele, Eileen
& P. Smith*



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: May 10, 2002

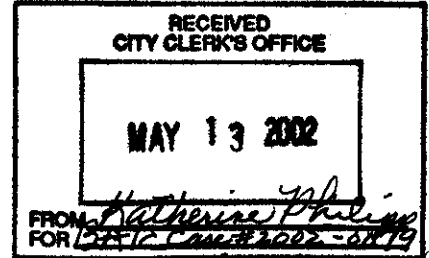
B.A.R. Case # 2002-0079

Address of Project: 610 S. St. Asaph St.

Appellant is: (Check One)

B.A.R. Applicant

Other Party. State Relationship homeowner



610 S. St. Asaph St.

Address of Appellant: 610 S. St. Asaph St.
Alexandria VA 22314

Telephone Number: 703-683-6949

State Basis of Appeal: We don't feel like we had a fair hearing - the opportunity to discuss options - or make any changes in our plan to suit the board requirements. It appeared they had made a decision before the May 1 meeting without any input from us, the homeowners.

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.

Katherine Philipp
Signature of the Appellant

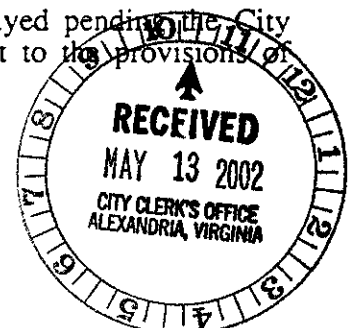


EXHIBIT NO. 3

37
6-15-02



wphilipp@earthlink.net

06/13/02 10:41 PM

To: billclev@home.com @ INTERNET, mayoralx@aol.com @ INTERNET,
delpepper@aol.com @ INTERNET, council@joycewoodson.net @
INTERNET, eberweincouncil@comcast.net @ INTERNET,
wmeuille@wdeuille.com @ INTERNET, dspeck@aol.com @
INTERNET, Beverly I Jett@Alex

Subject: June 15 hearing, docket item #37

We don't want to take a lot of your time at the Council meeting on Saturday. Attached is our statement for your review. If you have any questions before Saturday, please call 703-506-3580 or 703-683-6949.

Thank you for your consideration.

Katherine and Will Philipp

-Appellant

37
6-15-02

Date: June 13, 2002

To: Alexandria City Council

From: Katherine and Will Philipp
610 S. St. Asaph St.
Alexandria, VA 22314

We are appealing the decision of the Board of Architectural Review to deny our request to "demolish" a portion of the rear roof in order to increase the size of the attic of our home. We don't feel like we had a fair hearing, the opportunity to discuss options, or make any changes in our plan to suit their requirements. It appeared that the board had made a decision before the May 1 meeting without any input from us, the homeowners.

Some of the factors that support our belief that we did not receive a fair hearing:

At the May 1 meeting:

- There was no discussion of the staff report. The chairman quickly called for a vote, within 2-3 minutes, when many minutes were devoted to discussing other requests. It was obvious that the board did not want to discuss the addition request.
- The first time we saw the staff report that recommended a denial of the permit to "demolish" was at the meeting at 7:30 p.m. Doesn't the homeowner have a chance to work with the staff to alter the proposal? Other requests on the docket were discussed or deferred on May 1. At the following BAR meeting, on May 15, ALL of the items on the docket were either "deferred for restudy" or "approved as submitted." Why were we not given this opportunity?
- One board member called the proposal "egregious," - an extreme over-reaction to what we view as a simple, one-room addition to our small home.
- Another member described the "large addition, out of scale," when the addition is basically only one 14x14 room in the attic at the rear of the home, approximately 13% of the square footage of the existing home - going from 6 rooms to seven.
- The staff report contains some errors, misleading statements and inconsistencies that we were never given the opportunity to correct or explain.

We don't want to hire an attorney, we don't want to take a lot of time at the council hearing, but we do want BAR to work with us to find a suitable plan for preserving the character and improving the function of our modest working-class family home.

My great-great-great-grandfather, my great-great grandfather and several uncles were house carpenters in Alexandria during the 1800's and their homes have been demolished, so I am particularly sensitive to BAR's mission to preserve the historic character and value of Old Town. We believe that our plans are consistent with that mission and are hopeful that we will be able to adjust the size of our home from 2 bedrooms to 3 bedrooms to keep it a suitable home for a working class family.

Thank you for your time, and for considering our request.

FAX

37
6-15-02

June 14, 2002
Page 1 of 3

To: Beverly Jett
City Clerk and Clerk of Council
703-838-6433

From: Katherine and Will Philipp
610 S. St. Asaph St.

Re: June 15 Hearing - Docket # 37

Enclosed are statements from our two next-door neighbors in support of our appeal of BAR case #2002-0079 and our plans to enlarge the attic of our home.

Please forward these to the council members for their review. Thank you for your consideration.

Date: June 13, 2002

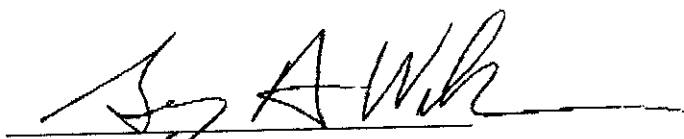
To: Members of the Alexandria City Council

From: Greg Williams
610 1/2 S. St. Asaph St.
Alexandria, VA 22314

Re: Appeal of BAR case # 2002-0079

This letter is in support of my neighbors, Katherine and Will Philipp and their plans to enlarge the attic of their home, next-door to mine. I have seen their plans and support their decision to improve the value of their home, and thereby improve the value of the neighborhood.

Signed:



Date:



Date: June 13, 2002

To: Members of the Alexandria City Council

From: Bob and Claire Wiles
608 S. St. Asaph St.
Alexandria, VA 22314

Re: Appeal of BAR case # 2002-0079

This letter is in support of our neighbors, Katherine and Will Philipp, and their plans to enlarge the attic of their home, next-door to mine. I have seen their plans and support their decision to improve the value of their home, and thereby improve the value of the neighborhood.

Signed:

Bob and Claire H. Wiles

Date:

June 13, 2002

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.

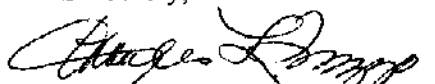
After very extensive discussion at the meeting when we took up the issue, the Commission members present voted unanimously on two matters. First, that the Commission could not accept an historical easement on the wall after its demolition and encapsulation because of the extent of the damage that would 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



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

City of Alexandria, Virginia

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

37
6-15-02



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. Katherine Philipp
610 South St. Asaph Street
Alexandria, VA 22314**

**RE: BOARD OF ARCHITECTURAL REVIEW APPEAL, CASE BAR 2002-0079 -610
SOUTH ST. ASAPH STREET**

Dear Ms. Philipp:

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**

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

37
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 APPROVAL OF A PERMIT TO DEMOLISH PORTIONS OF THE DWELLING LOCATED AT 610 SOUTH ST. ASAPH STREET, ZONED RM RESIDENTIAL. [CASE BAR-2002-0079]

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 approval of a permit to demolish portions of the dwelling located at 610 South St. Asaph Street, zoned RM Residential, will be heard. APPLICANT: Philip L. VanderMyde, APPELLANT: Katherine Philipp, Owner.

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