

EXHIBIT NO. 1

38
6-15-02

Docket Item #
BAR CASE #2002-0071

City Council
June 15, 2002

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

APPLICANT AND APPELLANT: Beth Gibney

LOCATION: 300 South Lee Street

ZONE: RM/Residential

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

Background:

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

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

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

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

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

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

City Council Action Alternatives:

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

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

Attachments:

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

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

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

STAFF:

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

REPORT ATTACHMENTS

BAR STAFF REPORT, MAY 1, 2002

Docket Item #4
BAR Case #2002-0071

BAR Meeting
May 1, 2002

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

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

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

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

STAFF RECOMMENDATION:

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

DISCUSSION:

Applicant's Description of the Undertaking:

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

Issue:

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

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

History and Analysis:

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

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

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

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

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

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

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

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

Historic Alexandria:

No comment.

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

(A) Certificate of appropriateness

(2) **Standards.** Subject to the provisions of section 10-105(A)(1) above, the Old and Historic Alexandria district board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

(a) Overall architectural design, form, style and structure including, but not limited to, the height, mass and scale of buildings and structures;

(b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

(c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

(d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;

(e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;

(f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;

(g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

(h) The extent to which the building or structure will preserve the

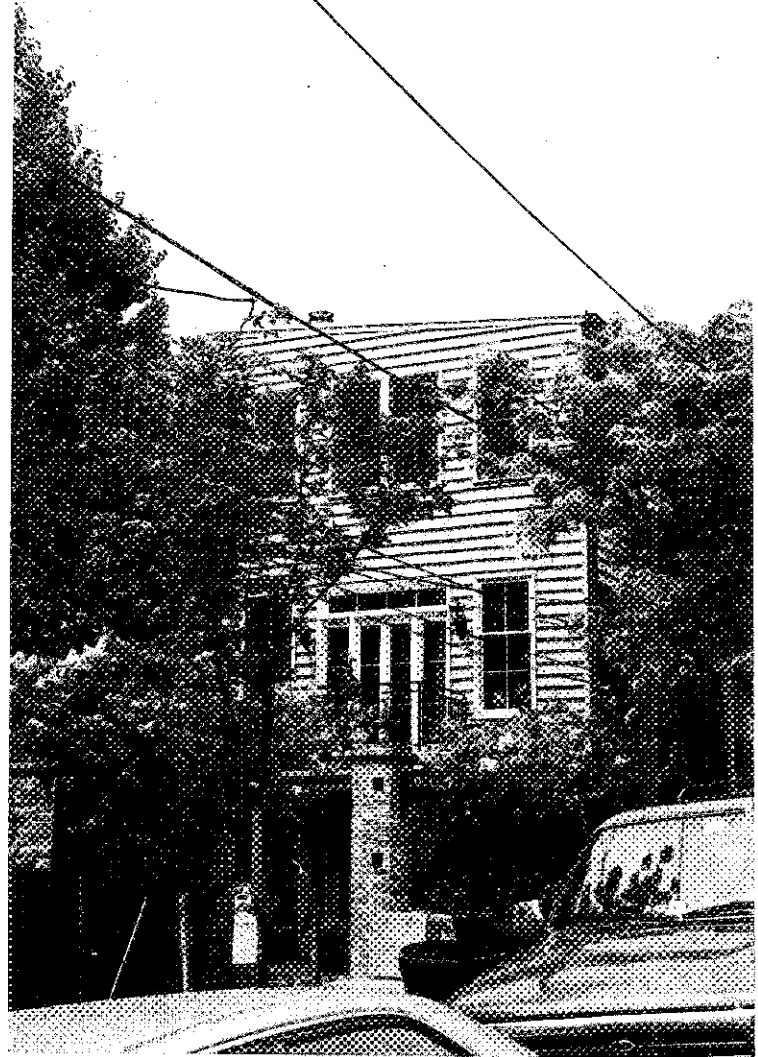
memorial character of the George Washington Memorial Parkway;

(i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and

(j) The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.



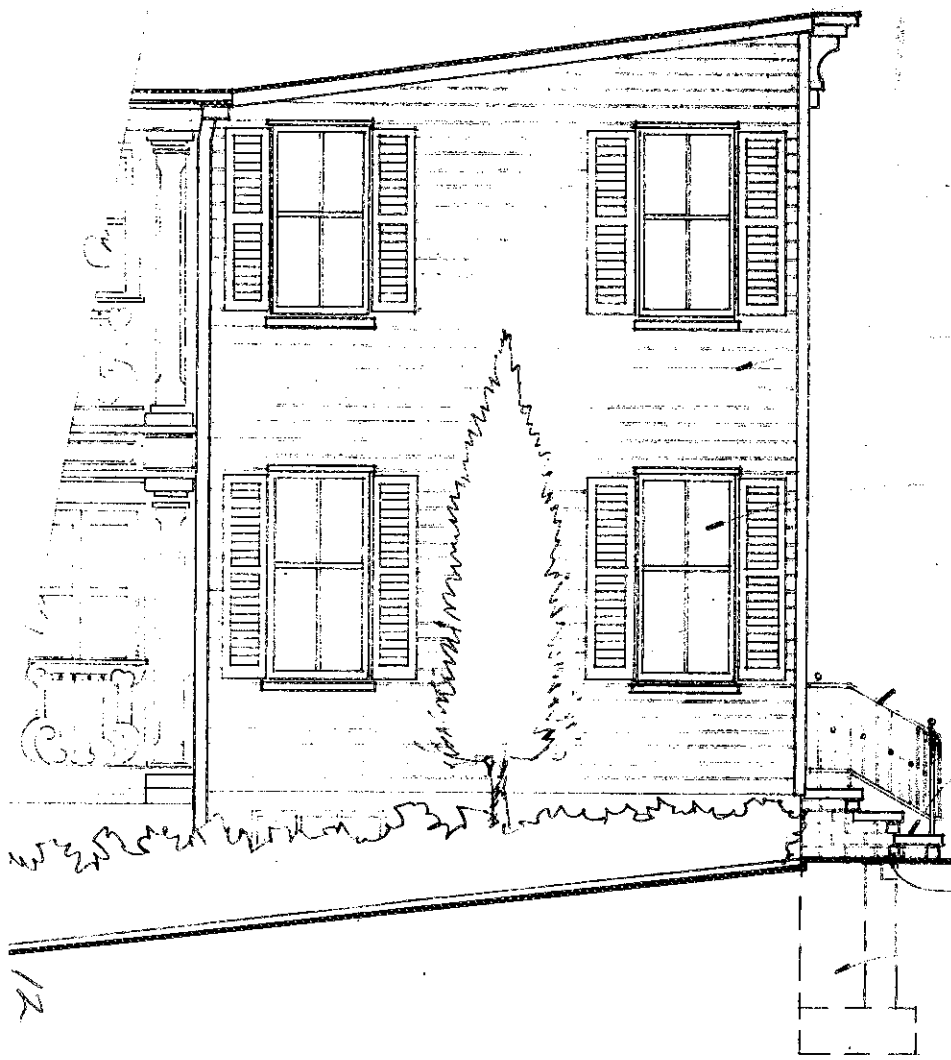
EXIST. FRONT ELEVATION



EXIST. REAR ELEVATION



EXIST. SIDE ELEVATION
300 S. LEE ST. //



• EX. SIDING TO REMAIN

• NEW GERMAN SIDING

• NEW 2 1/2 WINDOWS

• NEW IRON RAILING

• NEW LIMESTONE STEPS ON BRICK STOOP.

• BRICKING

• NEW 2 1/2 WINDOWS

• LIGHTWELL



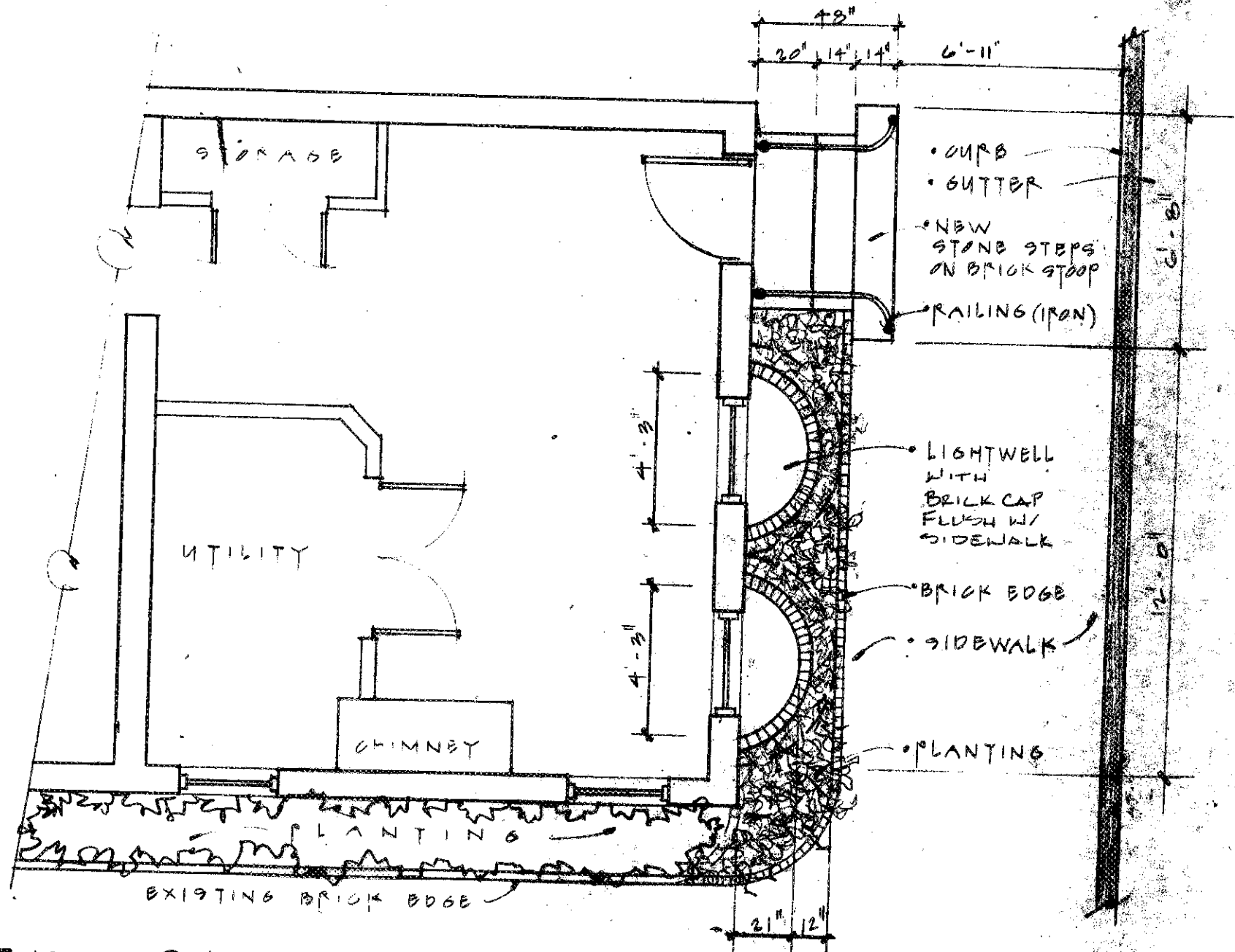
12

SIDE ELEVATION

SCALE =

1/4" = 1' - 0"

F R O
SCALE



SITE PLAN

SCALE =

1/4" = 1' - 0"

EXHIBIT NO. 2

38
6-15-02

*Sent to CC, CA,
CM, Michelle,
Eileen & P. Smith*



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

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

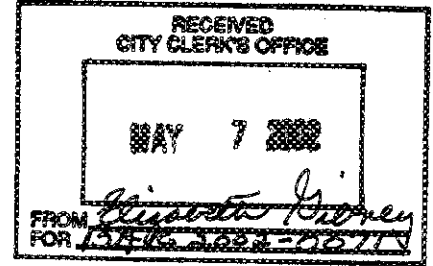
B.A.R. Case # 2002-0071

Address of Project: 300 S. LEE ST

Appellant is: (Check One)

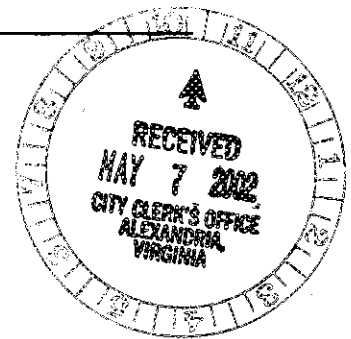
B.A.R. Applicant

Other Party. State Relationship _____



Address of Appellant: 300 S. LEE ST
ALEXANDRIA, VA 22314

Telephone Number: 703.836.8048



State Basis of Appeal: Appealing denial of window walls.

Attach additional sheets, if necessary.

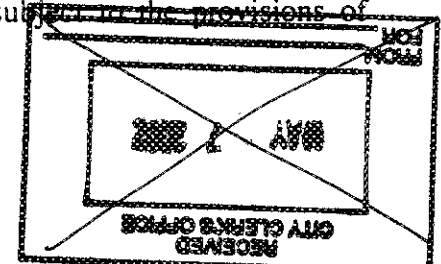
A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$50 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

Elizabeth Gibney
Signature of the Appellant



LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

Attorneys & Counsellors at Law
524 KING STREET
ALEXANDRIA, VA 22314

38
6-15-02

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

.....
(703) 836-1000

FACSIMILE
(703) 549-3335

MAILING ADDRESS:
P.O. BOX 19888
ALEXANDRIA, VIRGINIA 22320-0888

June 12, 2002

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

DELIVERED BY HAND

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

Dear Mayor Donley and Members of Council:

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

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

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

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

In support of their application, I am enclosing:

- 1. Copies of letters of support from immediate neighbors.

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

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

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

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

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

Very truly yours,



Duncan W. Blair

DWB:ejf

Enclosures

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

LOWELL WEICKER, JR.

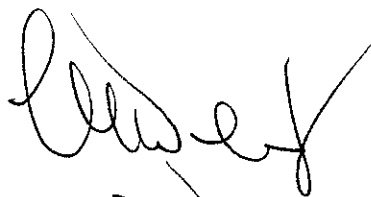
June 10, 2002

Dear Mayor Donley and City Council Members -

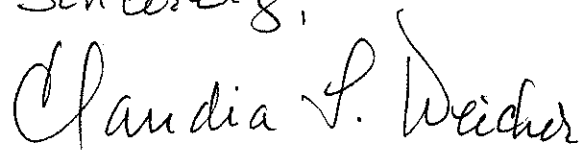
We are writing in support of the request of our neighbors, Brian and Beth Gibney. We believe that their proposed modification is appropriate and compatible within both the architectural guidelines and with the character of the Historic District. Furthermore, we strongly believe that the welfare of the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

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

Sincerely,



LOWELL P. WEICKER, JR.



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

*125 Duke Street
Alexandria, Virginia 22314*

June 10, 2002

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

Dear Mayor Donley and Council members:

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

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

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

We urge you to approve their request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dennis and Marie Kux". The signature is written in a cursive style with a large initial "D" and "M".

Dennis and Marie Kux

115 Duke Street
Alexandria, VA 22314
June 10, 2002

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

Dear Mayor Donley and City Council Members:

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

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

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

Sincerely,



Ellen Mitchell

June 10, 2002

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

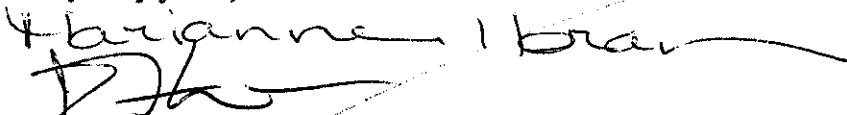
Dear Mayor Donley and Members of the City Council,

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Marianne and Jay Horan". The signature is written in a cursive style and is positioned above the typed names of the signatories.

Marianne and Jay Horan
S. Lee Street residents

June 10, 2002

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

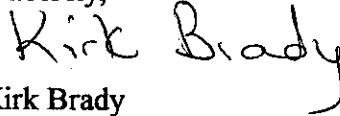
Dear Mayor Donley and the Members of the City Council:

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

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

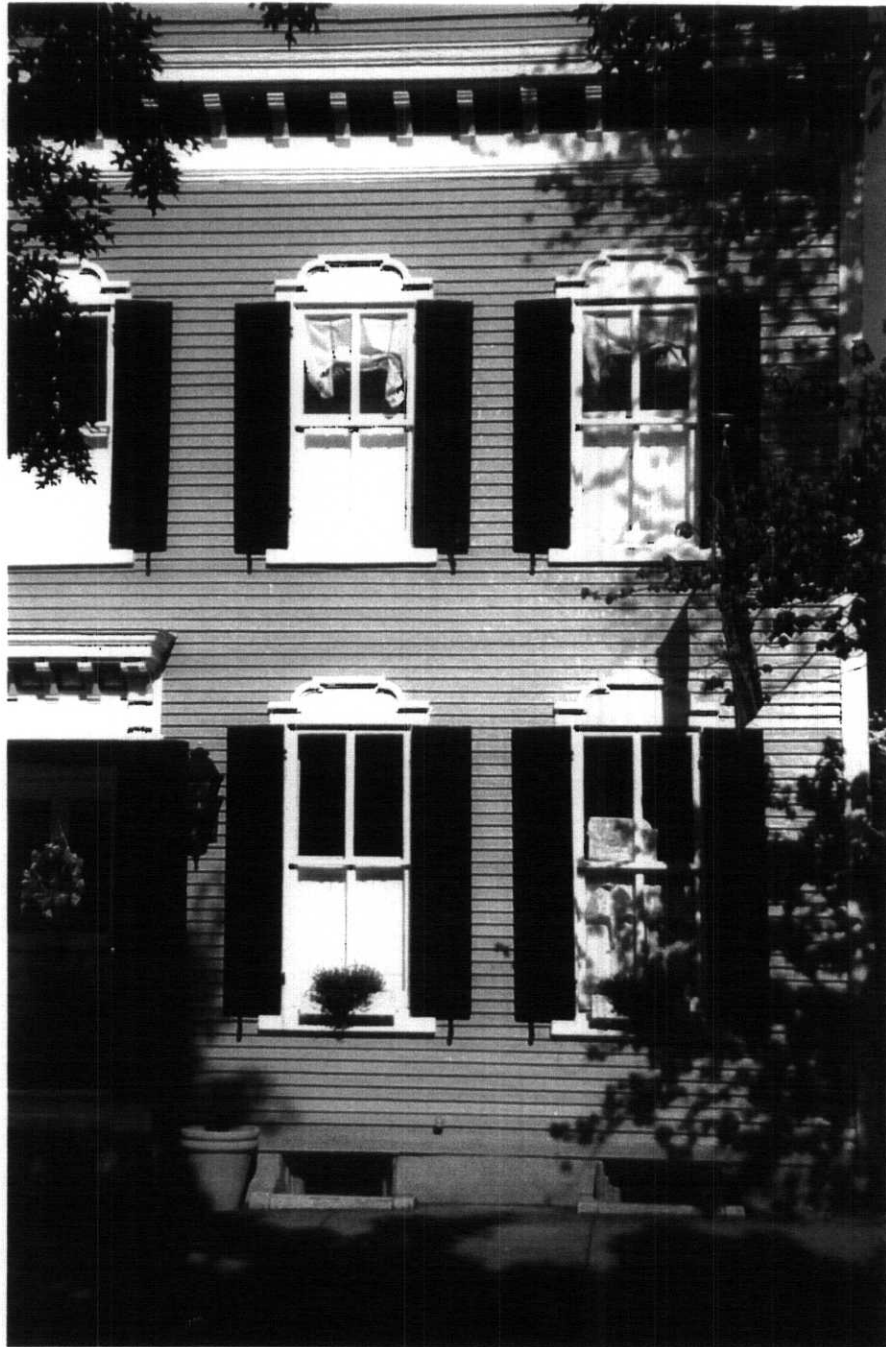
Please reconsider their proposal. The Gibney's always do things discretely and with the best of taste.

Sincerely,

A handwritten signature in black ink that reads "Kirk Brady". The signature is written in a cursive style with a large, sweeping "K" and a long, trailing "y".

Kirk Brady
609 South Lee Street
Alexandria, Virginia

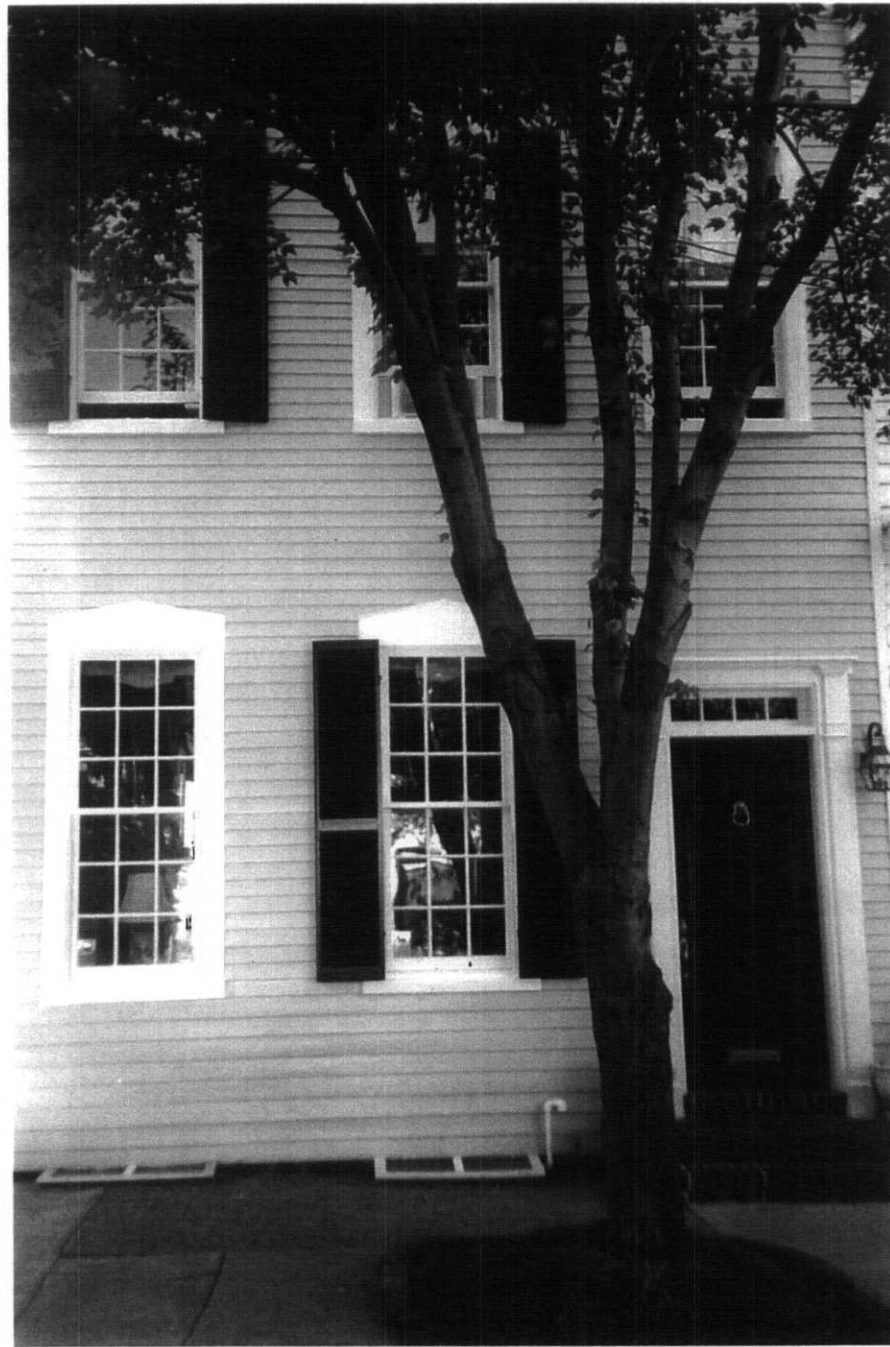
Historic Houses on the 300 Blocks of South Lee Street with Window Wells



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



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



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



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



370 N. St. Asaph Street



515 Duke Street



308 Wolfe Street



151

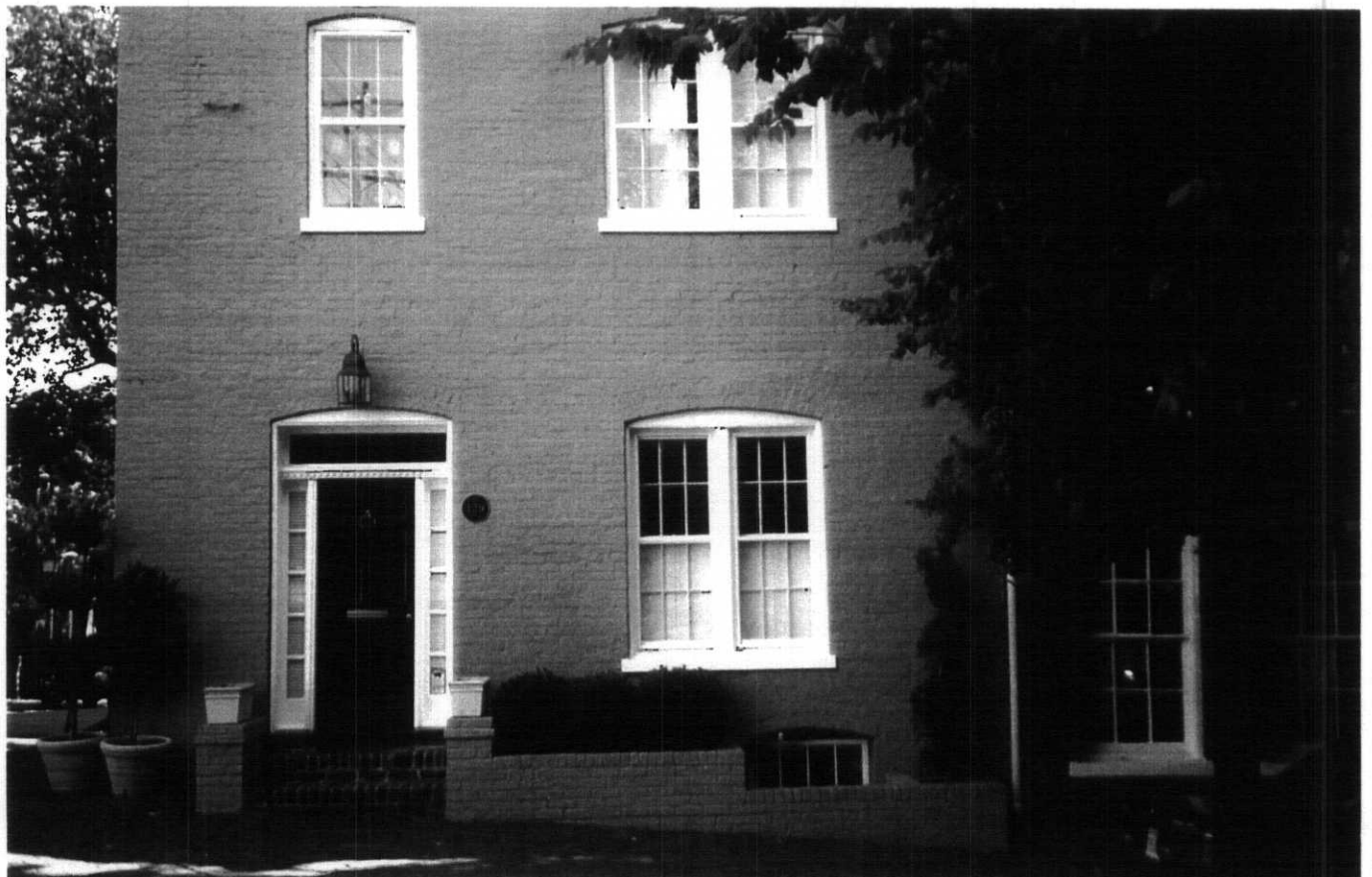
213 South Royal Street



318 Duke Street



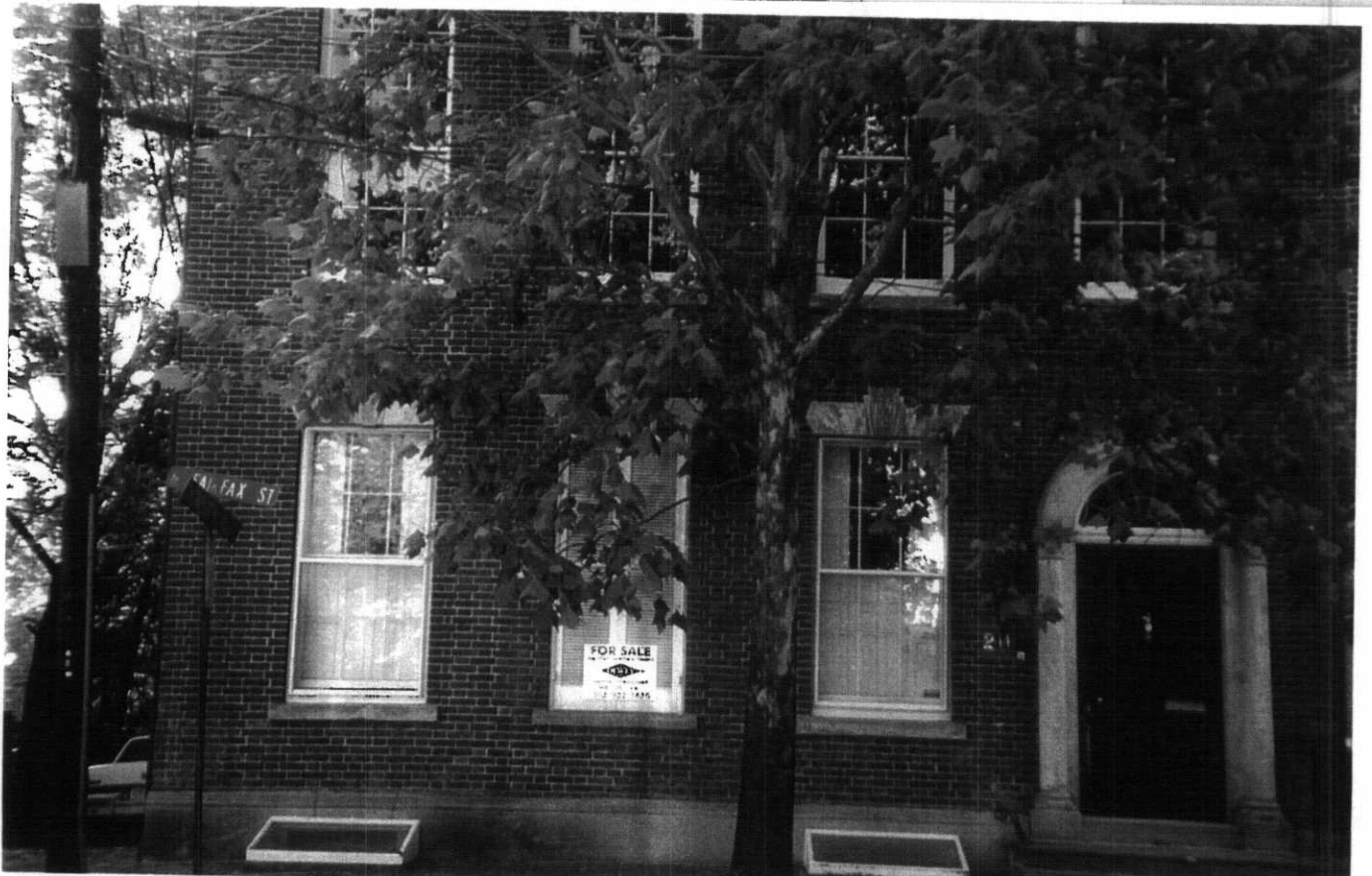
129 Prince Street

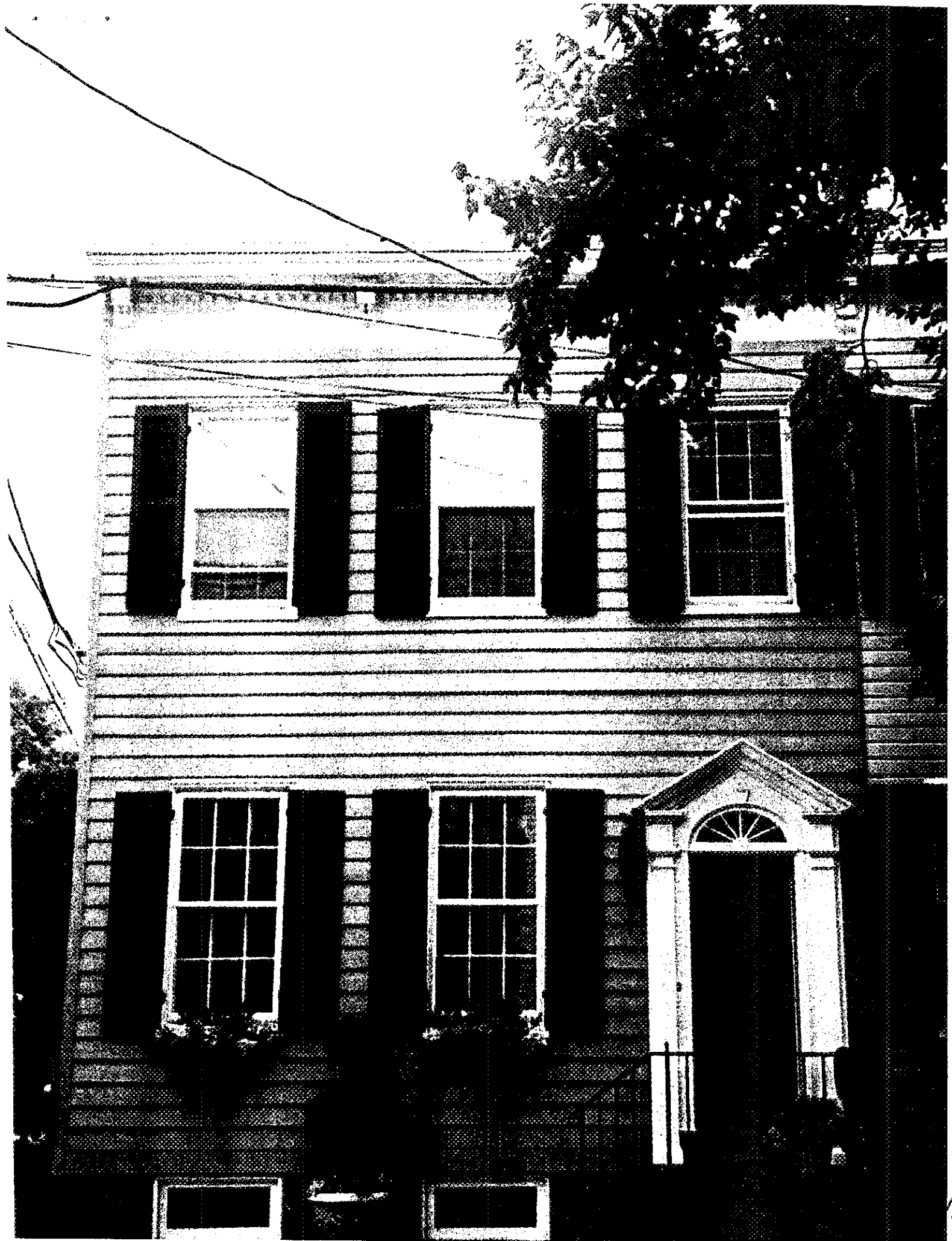


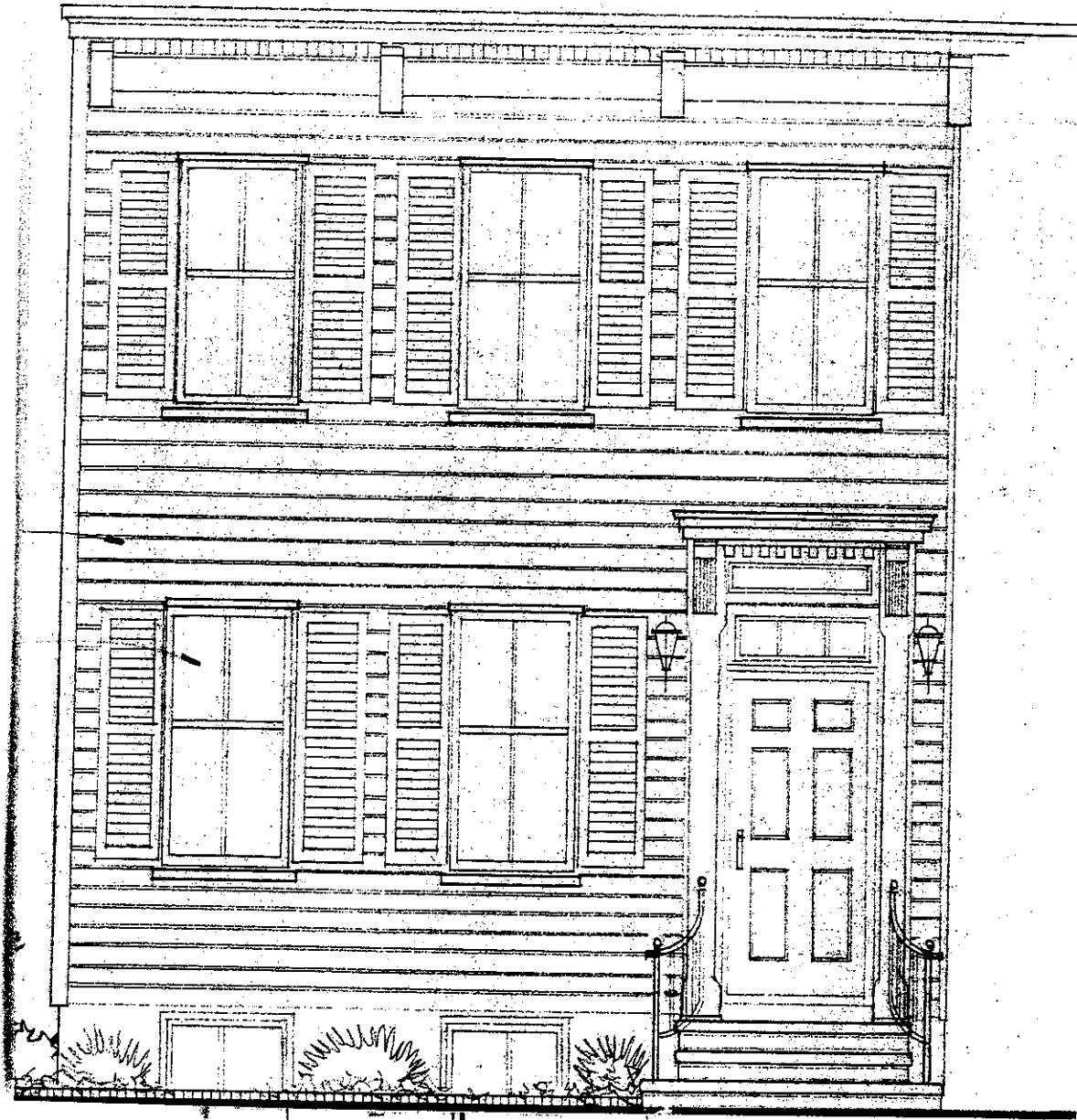
116 South Lee Street

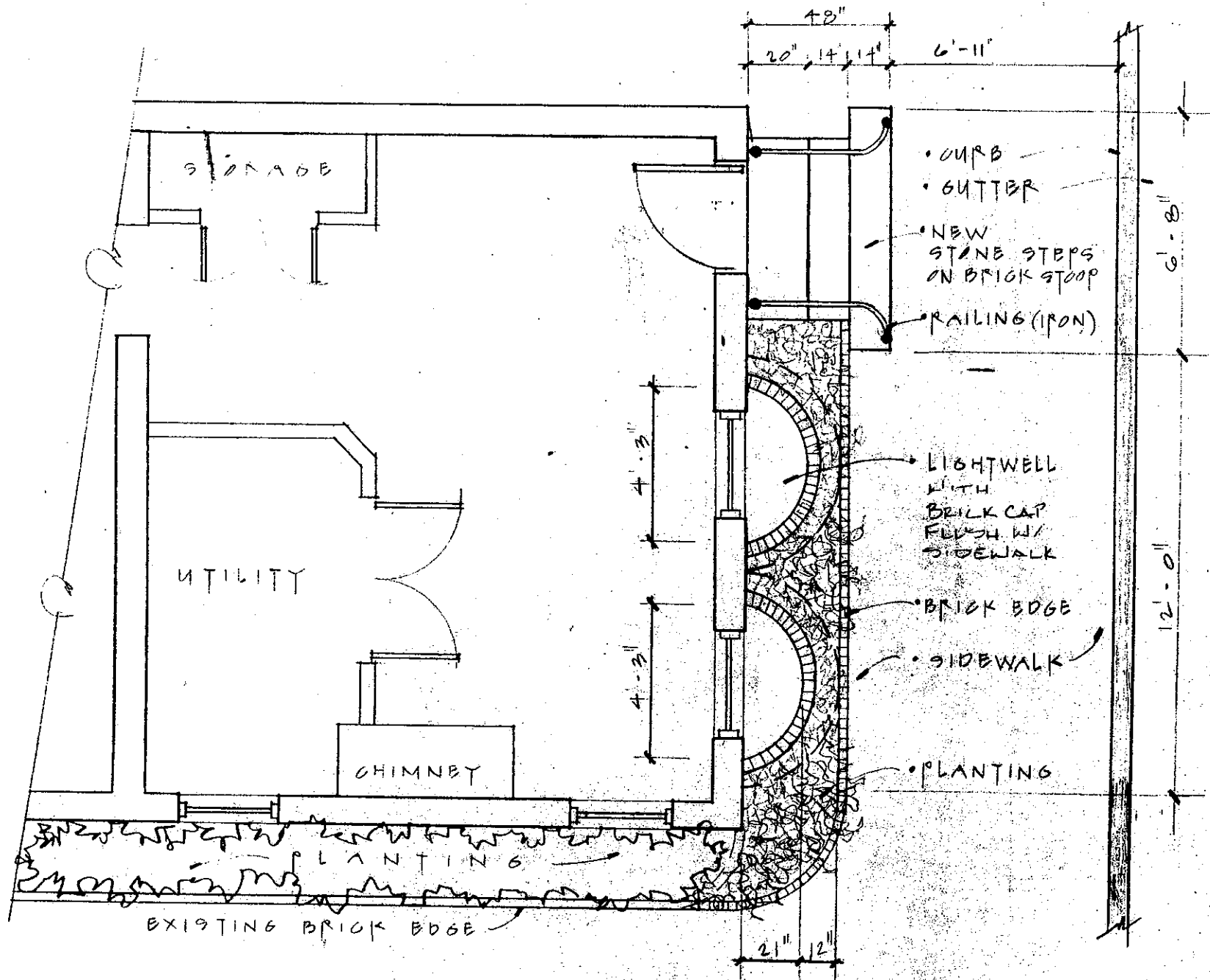


211 N. Fairfax Street









SITE PLAN

SCALE =

1/4" = 1'

30



City of Alexandria, Virginia

Alexandria Beautification Commission

P. O. Box 178

Alexandria, Virginia 22313



June, 2001

Congratulations,

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

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

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

Sincerely,

Jennifer Hollings
Jennifer Hollings
Awards Coordinator

38
6-15-02

115 Duke Street
Alexandria, VA 22314
June 10, 2002

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

Dear Mayor Donley and City Council Members:

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

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

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

Sincerely,



Ellen Mitchell

38
6-15-02

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

June 13, 2002

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

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

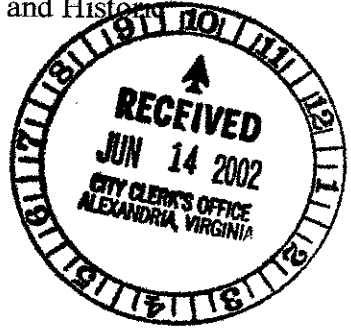
Dear Mayor Donley and Members of Council:

This letter is addressed to Mayor and Council in support of the BAR decision denying window wells at 300 South Lee Street. I write as owner of 302. Denial of window wells is the only issue and the BAR should be affirmed in that decision. It is a tenet of appellate procedure that an appellate body does not reverse unless there has been plain error by the primary decision maker. In the present instance, this means that Council should not reverse unless there be a finding of plain error by the Board of Architectural Review.

Was there such error? The answer is clearly "No". The motion to deny the window wells was made by the architect-member of the Board, Michael Wheeler, a practicing architect with an architectural firm in Alexandria. Mr. Wheeler stated, and a majority of the Board agreed, that the proposed window wells were inserting a 20th century solution into a 19th century residence and that the window wells represented an unacceptable level of alteration to the property. (Confer Tape and Minutes of BAR Meeting, May 1, 2002) Letters in support of appellant are neighborly but are usually one-sided and uninformed.

I would add here the point I argued before the BAR, namely, that in addition to the window wells being an "unacceptable level of alteration" they are incongruous to the facades of 302 and 304 South Lee.

It is to be noted that Staff in a 2001 statement stated:
"The retention of the house at 300 South Lee Street in its present appearance is important to the preservation of the character of this area of the Old and Historic



District This house and 302 South Lee Street appear to have been built as a pair. 304 is nearly identical to the first two These small groups of matching buildings are an important part of the texture of the streetscape of Alexandria's Old and Historic District."


I have received a copy of the letter of June 12, 2002 with attachments addressed to Mayor and Council by attorney Duncan Blair and I agree with all the complimentary statements made about the appellant. But that is not the issue. The sole issue is whether BAR plainly erred in denying the window wells. It should be noted in the appellant's long list of requested alterations, it was only the window wells that were denied.

Further to attorney Blair's letter of June 12 to Council, the photographic attachments purporting to show window wells on Lee Street are almost meaningless: first, there is no window well even remotely resembling appellant's requested alteration; second, there are no functioning window wells as suggested by the photographs and the attorney's letter; and third, the photographic data fails to show the incongruity between the proposed window wells and the almost identical properties at 302 and 304 Lee Street.

Finally, the line of persuasion chosen by attorney Blair, was essentially heard by the BAR on May 1, 2002 when the application for alteration was first presented by appellant and the Board rejected the window well proposal.

For all the foregoing reasons and such others as may be presented orally, I submit that the Board did not err and request Council to affirm the Board's denial of the window wells.

Very truly yours,


John E. Kennahan

36
6-15-02

Sent to CC, CM, Planning

6/15/02 PF

June 4, 2002

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

RE: Case No. BAR 2002-049
BAR 2002-050

Ladies and Gentlemen:

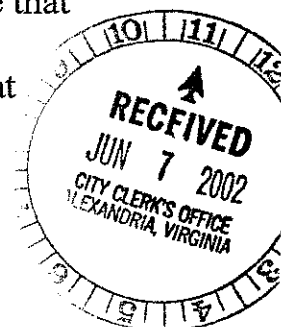
We live at 210 South Lee Street, Alexandria, directly across the street from Amy Bayer's home at 209 South Lee. We wish to support her request for permission to add a modest, architecturally appropriate addition to the north side of her house to better meet the needs of herself and her children.

We have lived at our present address for about 20 years and in the immediate neighborhood for more than 25 years. Our commitment to Alexandria and Old Town are not new or transitory. We respectfully submit that Ms. Bayer's plans deserve favorable consideration because they are consistent with both the historical principles of the area and the values that make Old Town a good place to live, work and raise a family.

First, the Historical District was created to preserve the unique character of Old Town, not to freeze it like a dead insect in a specimen jar. That is why City Council has, quite properly, allowed appropriate modifications and even new construction throughout the area in question--- for commercial establishments along the east end of King Street, for the city's own buildings in the heart of Old Town, and for houses on and adjacent to South Lee Street.

No one has contended Ms. Bayer's plans are architecturally inappropriate or violate the aesthetic character of the neighborhood. On the contrary, she has made a great effort to achieve a design that fits the house and the area.

Second, there are almost no houses in the 200 block of South Lee that do not currently have additions, some new and some very old. That is especially true of the older houses; even casual inspection will show that



nearly every one of them has been modified and expanded—often several times.

You may know, for example, that Ms. Bayer's neighbors to the north have objected to the addition because it would change the view from their own house. But they enjoy that view from a kitchen and sunroom which were added to their house just a few years ago. Similarly, several others who objected to additions as a matter of principle live in houses with modern-day additions, some of them very large.

Third, Ms. Bayer's house has an unusually large amount of open space on each side of it. That open space is precious on a block such as 200 South Lee, especially when it is so beautifully landscaped and maintained. In the long run, the proposed addition is probably the best possible way to assure that this space remains open. Approving Ms. Bayer's addition could do more to preserve the view and other aesthetic qualities than denying it.

Finally and most important, City Council's decision on this case and others like it will have a profound effect on what kind of place Old Town and Alexandria become in the years ahead. The historic nature of Old Town is an enormous asset to the city; it must and will be preserved.

But the old buildings are not more important to Alexandria than the people who live in them. Whether Old Town remains viable as a community, in the full sense of that word, depends in large part on whether people can put down roots and raise families here. Families are critical to almost every institution in Alexandria, from its schools and churches to its civic and cultural organizations.

Our oldest son attends T.C. Williams High School. He benefits enormously from its social and cultural diversity, and he is getting an academic education that is among the best available anywhere in the country; if you doubt that, look at the 10th grade honors English reading list, or the 10th grade algebra-trig syllabus. What does his experience at T.C. have to do with Ms. Bayer's addition?

Simply this: T.C. Williams is an extraordinary high school because hundreds and thousands of families working year after year through City Council and the School Board have made it so. The same is true of dozens of other institutions in Alexandria, from the public library to the city recreational program. The key element is sustained commitment to the community over a period of years.

But such long-term commitment will continue only if City Council and the rest of us make it possible for families to stay here. A vital part of that is permitting people to make historically appropriate modifications to their homes to meet the changing needs of their families. Members of the

City Council know better than most the competitive challenges Alexandria and its tax base face from the surrounding suburbs.

Ms. Bayer's proposed addition will not in any way detract from the Historical District; by locking in a large piece of open space, it may actually enhance it. And approving her project will materially increase the chances that our neighborhood and our city will hold onto one more committed family.

City Council has approved several similarly family-oriented additions in this neighborhood, and the families have stayed. We hope you will continue to show that same farsighted concern for the city and the community this time.

Respectfully,

A handwritten signature in cursive script that reads "Dick and Sharon Cooper". The signature is written in black ink and is positioned above the printed name.

Dick and Sharon Cooper

210 South Lee Street
Alexandria, VA
22314

sent to CC, CM, Planning

6/5/02 PF

David C. Kiernan
Constance ("Mandy") Locke
203 South Lee Street
Alexandria, Virginia 22314

May 31, 2002

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

Re: Case BAR2002-049 & 050 / Ms. Amy Bayer

Dear Council Members:

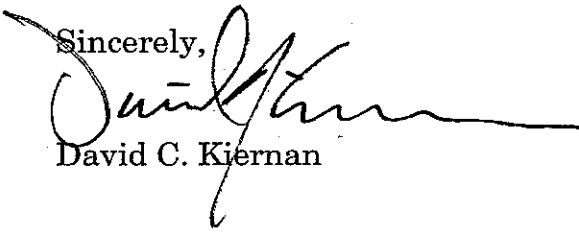
We are writing in support of the modifications proposed by Amy Bayer to her home at 209 South Lee Street and strongly urge the Council to approve those plans.

My wife, Mandy Locke, and I live two houses down at 203 South Lee Street. We have reviewed Ms. Bayer's plans in detail and feel strongly that they should be approved. The proposed extension will leave ample open lot space, compliment the existing architecture, and be a benefit to the neighborhood and street. We strongly endorse her proposal.

I have been an Alexandria resident for more than fifteen years and, like most, greatly appreciate the work of the Board of Architectural Review and the efforts of the City Council to preserve the character of Old Town. The proposal offered by Ms. Bayer exceeds our expectations in this regard. It was carefully planned to maintain the character of the neighborhood.

We were, quite frankly, dismayed to here that the plans had not been approved. We encourage the council to look closely at this matter and to approve the proposal. Please feel free to call us (703/836-3265) if you have any questions.

Sincerely,


David C. Kiernan

cc: Ms. Amy Bayer



Sent to CC, CM, Planning



6/15/02 PF

May 27 2002

City Council

Re Case BAR 2002-049 and BAR 2002-050

As a neighbor of Amy Bayer, 209 S. Lee St. Alexandria, I wish to ask that you approve her renovation project at the hearing on June 15th 2002. I will not be in Alexandria at that time.

I do not see any reasonable objection to the proposed renovation. Please give it your approval.

Sincerely,

Dean M. Coth

207 Duke St.

Alexandria VA.



Sent to CC, CM, Planning

6/15/02 PF

28 May 02

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

References: Case BAR2002-049
Case BAR2002-050

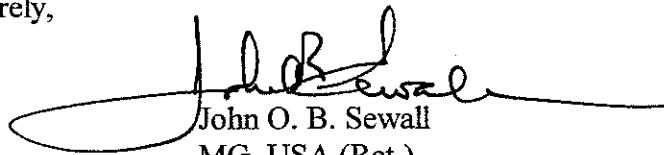
To Whom It May Concern:

I am writing in support of the renovation project proposed by Ms. Amy Bayer of 209 South Lee Street. As I understand the situation as of the present, Ms. Bayer's proposal complied with all architectural and preservation standards established by the BAR but was denied because a small number of the BAR apparently do not want to approve any more additions in Old Town. Hence, Ms. Bayer's appeal to the City Council scheduled for 15 June.

It seems odd that a BAR has been established with appropriate guidelines for approval or disapproval, but that the ultimate denial derived from the arbitrary personal preferences of a small number. One wonders why there are any standards at all if they are arbitrarily ignored, and projects denied on other grounds. Standards should be a guide to ensure additions meet architectural requirements and are consistent with preserving the historical style of Old Town. They should not be a means to deny an owner his or her property rights by ultra-restrictive standards or worse yet, constantly moving goal posts designed to deny any additions at all.

It is clear that balance is needed on the part of the BAR. Guided by reasonable standards the mission of the BAR should be to facilitate, not deny, reasonable requests for renovation projects. I hope the Council supports the merits of Ms. Bayer's case.

Sincerely,



John O. B. Sewall
MG, USA (Ret.)
211 South Lee Street
Alexandria, VA 22314



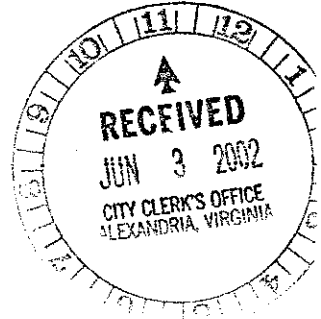
MRS. WILLIAM VON RAAB
508 SOUTH FAIRFAX STREET
ALEXANDRIA, VIRGINIA 22314

May 28, 02

Sent to CC, CM, Planning

The Mayor and
Members of City Council
City Hall Suite 2300
301 King Street
Alexandria

6/15/02 PF



Dear Ladies and Gentlemen

It appears that the Board of Architectural Review has been allowed to arbitrarily run amuck again in order to cater to the vocal minority of a few self appointed members of a 'watchdog' committee at the expense of established guidelines and its own integrity. Case in point - The project at 209 South Lee Street, Case BAR 2002-049 and BAR 2002-050. Despite the fact the project meets the established

guidelines and falls well within the minimum requirements for "open space" on a lot, the project has been denied, not on architectural merits but petty concerns. Given the city's current position of ~~granting~~ ^{allowing} developers' to build whatever every inch of this town, I think it highly inconsistent and unfair to deny the taxpayers of this city some basic property rights when within their legal limits. It is time all parties play by the rules, those guidelines established rather than the unspoken old boy network. I request that the project at 209 South Lee be approved.

Sincerely,

Wayne D. Lane

Sent to CC, CM, Planning

6/15/02 PF

Barbara Reilly
214 South Lee Street
Alexandria, Virginia
22314

June 4, 2002

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

RE: BAR 2002-049
BAR 2002-050

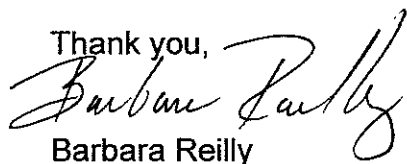
I'm writing in regard to the recent Board of Architectural Review's decision to disapprove a renovation project at 209 South Lee Street (case numbers cited above).

Several months ago Amy Bayer, the owner of 209 South Lee, contacted each and every neighbor whose property was within sight range of her home. She showed all of us a complete set of architectural drawings of her proposed renovation, and tirelessly answered questions regarding façade, elevation, landscaping and floor plans. Further, she invited all of us into her home where she explained how the proposed addition would connect from the interior.

As I live directly across the street from 209 South Lee this project is of considerable interest to me. I was and I remain very supportive of Amy's plan. She and her architects have gone to great lengths to preserve historic features and materials while adding not only additional dwelling space but visual interest as well. Her proposed addition is well-proportioned to the scale of the existing structure, non-intrusive, and leaves considerable green space.

All of us who own and occupy older residences in Old Town do so with a reverence for their value as components of a continuum in a living, historic city. Unlike Colonial Williamsburg, Old Town is a functioning monument where residents live, work and play. Amy's plans embrace and enhance the feel of the neighborhood. I hope you will reconsider her petition.

Thank you,


Barbara Reilly



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. Eulle
Redella S. Pepper
David G. Speck
Joyce Woodson

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

38
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. Elizabeth Gibney
300 South Lee Street
Alexandria, VA 22314

RE: BOARD OF ARCHITECTURAL REVIEW APPEAL, CASE BAR 2002-0071 – 300
SOUTH LEE STREET

Dear Ms. Gibney:

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
Stephanie Dimond, Architect, 6 West Maple Street, Alexandria, VA

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

38
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, APPROVING PORTIONS AND DENYING A PORTION [WINDOW WELLS] OF A REQUEST FOR APPROVAL OF ALTERATIONS TO THE DWELLING LOCATED AT 300 SOUTH LEE STREET, ZONED RM RESIDENTIAL. [CASE BAR-2002-0071]

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, approving portions and denying a portion [window wells] of a request for approval of alterations to the dwelling located at 300 South Lee Street, zoned RM Residential, will be heard. APPLICANT: Stephanie Dimond, Architect, APPELLANT: Elizabeth Gibney, 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

38
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. 38

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?**
B. & E. Gibney
- 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

SPEAKER'S FORM

38
6-15-02

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

DOCKET ITEM NO. 38

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: STEPHANIE DIMOND

2. ADDRESS: 6 W. MAPLE ST.

TELEPHONE NO. 703 836 8437 E-MAIL ADDRESS: _____

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____

ELIZABETH + BRIAN GIBNEY

4. WHAT IS YOUR POSITION ON THE ITEM?

FOR: TWK APPEAL AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

ARCHITECT

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO

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.

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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 discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.