

EXHIBIT NO. 1

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~~2-12-05~~ ~~1-22-05~~ ~~12-18-04~~ 45.1

Docket Item #
BAR CASE #2004-0013

City Council
December 18, 2004

ISSUE: Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District denying a Certificate of Appropriateness for after-the-fact replacement of a front door

APPLICANT & APPELLANT: David and Heather Bowser

LOCATION: 1302 Michigan Avenue

ZONE: RB/Residential

Purpose

This appeal by the applicant asks whether the Board of Architectural Review should have denied the approval of an after-the-fact replacement door as inappropriate on the residential rowhouse at 1302 Michigan Avenue.

Background:

On October 20, 2004, the Board of Architectural Review (BAR) heard an application for after-the-fact approval of a Certificate of Appropriateness for the replacement of the front door at 1302 Michigan Avenue. The Board denied the application because it believed that the door was inappropriate to the architectural style of the house. The new decorative wood and glass door is dissimilar to many of the other front doors in this development and contrasts significantly with the Cotswoldian architectural style of the development. The majority of front doors in the neighborhood are simple wood doors.

The Board had heard this case earlier in the year on February 18, 2004. At that time, the Board had deferred the application for restudy when the homeowner had indicated a willingness to install a door that was more compatible with the architectural character of the house and the neighborhood.

1302 Michigan Avenue is a stone and brick residential rowhouse dating from circa 1939. This area of Michigan Avenue was included within the original boundaries of the 1946 historic district.

The Zoning Ordinance provides standards that are to be used to determine if approval of a Certificate of Appropriateness is warranted. In this appeal, the most important standard concerns architectural detail. Section 10-105(A)(2)(b) of the Zoning Ordinance sets forth that standard. It provides that 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:

- (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;

The Board denied approval of the after-the-fact installation of the new front door because it believed that (1) it was architecturally incompatible with the style of the house; (2) that it alters a character defining feature of the house; and, (3) that it will disrupt the unity found of the rowhouses in this the row.

Figure 1 below shows the existing door. Figure 2 illustrates the relatively uniform nature of the front doors within this row of townhouses.



Figure 1 The new front door as installed at 1302 Michigan Avenue



Figure 2 Appropriate front doors as installed in the development

BAR Staff Position Before the Board:

BAR Staff recommended deferral of the application for restudy for an appropriate replacement door. (See BAR Staff report, Attachment 1)

Appeal of the Denial

The Zoning Ordinance permits an appeal of the decision by the Board of Architectural Review to the City Council by the applicant. The applicant filed an appeal on November 3, 2004.

City Council Action Alternatives:

Council may uphold or overturn the decision of the Board of Architectural Review, using the criteria for approval of a Certificate of Appropriateness in §10-105(A)(2) Zoning Ordinance (Attachment 2). City Council may also remand the project to the Board with instructions to consider alternatives.

Attachments:

Attachment 1: B.A.R. Staff Report, October 20, 2004

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

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning; Hal Phipps, Division Chief, Zoning and Land Use Services; Peter H. Smith, Principal Staff, Boards of Architectural Review.

REPORT ATTACHMENTS

ATTACHMENT 1

Docket Item #7
BAR CASE #2004-0013

BAR Meeting
October 20, 2004

ISSUE: After-the-fact replacement door
APPLICANT: David & Heather Bowser
LOCATION: 1302 Michigan Avenue
ZONE: RB/Residential

BOARD ACTION, OCTOBER 20, 2004: On a motion by Mr. Wheeler, seconded by Ms. Neihardt the Board denied the replacement door. The vote on the motion was 3-2 (Chairman Hulfish and Mr. Keleher were opposed).

REASON: The Board agreed with the Staff analysis and believed that the same standards that apply to regular applications should be applied to after-the-fact applications. The Board believed that the door was inappropriate to the architectural style of the house.

SPEAKERS: Heather Bowser, homeowner, spoke in support
David Bowser, homeowner, spoke in support

BOARD ACTION, FEBRUARY 18, 2004: On a motion by Dr. Fitzgerald, seconded by Mr. Smeallie the Board deferred the application for restudy. The vote on the motion was 5-1 (Mr. Keleher was opposed).

REASON: The Board agreed with the Staff analysis. Members believed that the door was attractive but that it was not appropriate for this style of house. The Board noted that most of the houses in the subdivision had retained their original doors.

SPEAKER: David Bowser, homeowner, spoke in support

UPDATE:

No changes have been made to this application since the February 18, 2004 hearing.

STAFF RECOMMENDATION:

Staff recommends deferral of the application for restudy.

I. ISSUE:

The applicant is requesting approval of a Certificate of Appropriateness for the after-the-fact installation of a replacement door at 1302 Michigan Avenue. The replacement door has a single pane of decorative glass.

II. HISTORY:

1302 Michigan Avenue is a stone and brick residential rowhouse dating from circa 1939. This area of Michigan Avenue was included within the original boundaries of the 1946 historic district in order to protect the George Washington Memorial Parkway. However, this row of houses is currently visually screened from the Parkway by the Mason Hall Apartments on West Abingdon Drive which were constructed in 1951.

III. ANALYSIS:

Exterior doors and storm doors are prominent features of a building. The majority of the houses in this development have retained their original doors. Staff does not believe that the proposed decorative door is an appropriate style for the neighborhood or the historic district.

The applicant has indicated that a new stained glass storm door is also proposed to be installed. The *Design Guidelines* state that storm doors should be plain and not obscure historic doors (Doors -Page 1). A stained glass storm door is clearly inappropriate in the historic district and will obscure views to the door beyond.

IV. STAFF RECOMMENDATION:

Staff recommends deferral of the application for restudy.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

No comments.

Office of Historic Alexandria:

No comment.

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

(A) Certificate of appropriateness

(1) Scope of review. The Old and Historic Alexandria District board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in sections 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in sections 10-105(A)(2)(e) through (2)(j) below; shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Parkway, including the Washington Street portion thereof, if the building or structure faces such highway; and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such existing building or structure, area surroundings or memorial character, as the case may be.

(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.

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RECORD OF APPEAL
FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 11/3/04

B.A.R. Case # 2004 - 0013

Address of Project: 1302 Michigan Ave.

Appellant is: (Check One)

B.A.R. Applicant

Other Party. State Relationship _____

Address of Appellant: 1302 Michigan Ave.
Alexandria, VA 22314

Telephone Number: (202) 486-0681

State Basis of Appeal: The Board of Architectural Review rejected our front door in a completely inconsistent, arbitrary and subjective manner. Our home was built in the late 1930s, in the style of the time. There are currently no guidelines for Alexandria that apply to doors for our style of home nor for the time period during which it was built.

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 \$150.00 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.

A. Giles-Cowser
Signature of the Appellant