

EXHIBIT NO. 1

9
1 - 20 - 07

Docket Item #
BAR CASE # 2006-0161

City Council
January 20, 2007

ISSUE: Appeal of a decision of the Board of Architectural Review, Parker-Gray District, approving a Certificate of Appropriateness for the Construction of a Single-family Residential Structure

APPLICANT: Anna Maria and Michael Dechert

APPELLANT: Mary Noel McMillian, on behalf of petitioners

LOCATION: 804 Pendleton Street

ZONE: RB/Residential

I. EXECUTIVE SUMMARY

- **Issue:** Neighboring property owners have appealed a BAR decision to approve a Certificate of Appropriateness for the construction of a new single-family residential structure on a vacant lot at 804 Pendleton Street. The appellants feel the height, mass, and scale of the proposed new house is incompatible with the neighborhood and could diminish the historic integrity of the block, particularly the views from North Columbus Street.



Figure 1 – View from corner of Pendleton and North Columbus Street

- The decision before the Council is whether the proposed new construction is compatible in terms of height, mass, scale, and architectural design, and is appropriate as an infill project on a vacant lot in the Parker-Gray Historic District.
- The Parker-Gray Board of Architectural Review initially approved the application on July 27, 2005.



Figure 2 - View from Pendleton Street

- The Board of Architectural Review found the proposed architectural design and the height, mass, and scale compatible to the neighborhood and in-keeping with the requirements of the Zoning Ordinance and the Design Guidelines.
- While the applicant proceeded with additional City review processes that had to be completed prior to commencement of construction, the one-year approval expired and the applicant filed for a re-approval by the BAR.
- On July 26, 2006, the Parker-Gray Board of Architectural Review voted to re-approve the Certificate of Appropriateness for the project, with a vote of 5-0.
- Planning and Zoning staff coordinated a meeting between the applicant/owner of 804 Pendleton Street and the appellants on Friday, November 3, 2006, to discuss the issues of the appeal. However, resolution of the issues was not able to be achieved at that meeting.
- **Recommendation:** Council should support the decision of the BAR and approve the Certificate of Appropriateness for the new construction.

II. BACKGROUND

In November 2004, the owners of the vacant lot at 804 Pendleton Street, Anna Maria and Michael Dechert, applied to the Parker-Gray District Board of Architectural Review for approval of a Permit to Demolish and a Certificate of Appropriateness for the new construction of a single family residence. An existing shed was located on the lot which required a Permit to Demolish. Upon receipt of the initial application, staff was concerned that the scale, mass, and design of the proposed structure were problematic and not in keeping with the character of the Parker-Gray Historic District. Staff requested that the applicant defer the project going before the Board to revise the project.

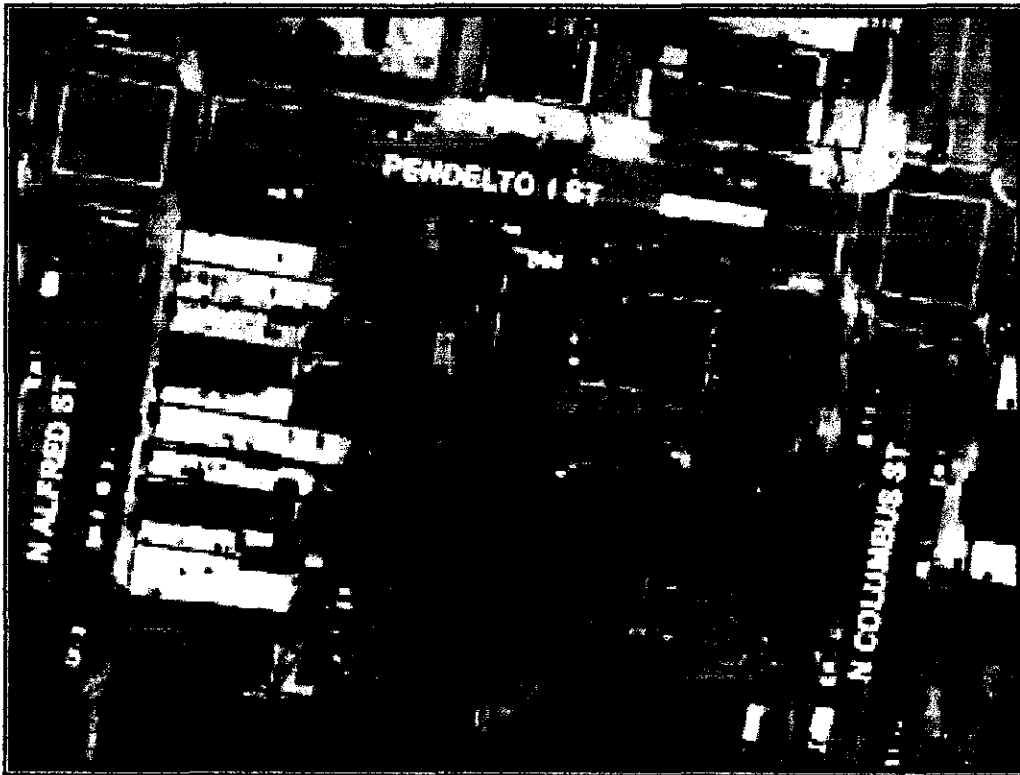
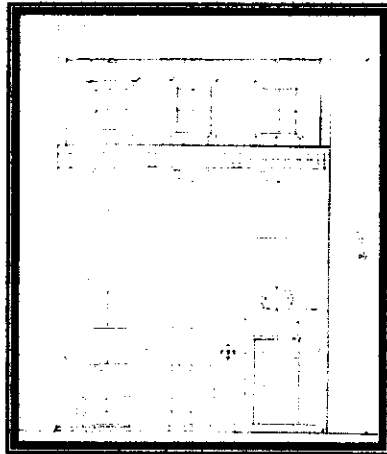


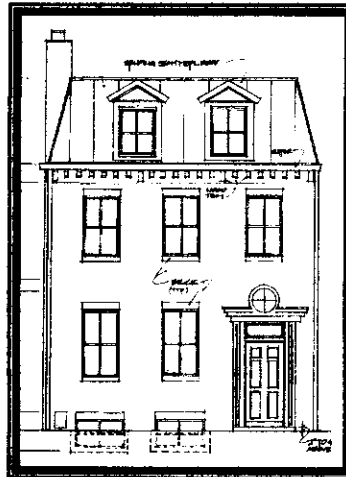
Figure 3 - Aerial view of 804 Pendleton Street

The Board held three hearings in 2005 regarding the design of the new construction. The first was held on February 23, 2005 at which time the Board approved the Permit to Demolish the existing shed but deferred the application for the Certificate of Appropriateness for restudy because the Board was concerned about the proposed scale and mass of the new house. The overall height shown for this version of the project was 32'4", and the building reached the property lines on both the east and west sides. The Board encouraged the applicant to address ways to reduce the overall height and mass of the proposal to make it more compatible to the scale of the neighborhood. Several of the adjacent neighbors spoke at this hearing and expressed their concerns over the height, mass, and scale of the proposed new structure. The demolition permit was approved and the shed has been demolished.

The applicant resubmitted the proposal and appeared before the April 27, 2005 BAR hearing. While the applicant had made some changes to the proposal, the Board still felt that the overall height and mass needed further reductions in order to achieve compatibility with the historic character of the neighborhood. Neighbors to the project still expressed concerns regarding height and mass with the revised proposal.



**Figure 4 - February 23, 2005
proposed north elevation**



**Figure 5 - July 26, 2006
approved north elevation**

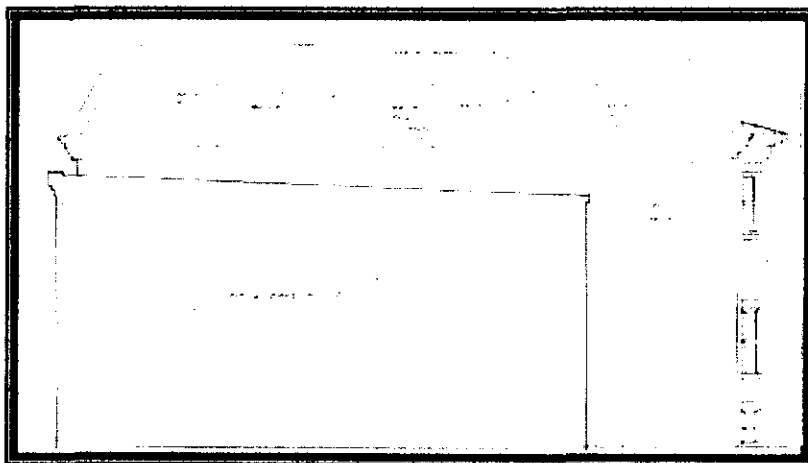


Figure 6 - February 23, 2005 proposed west elevation

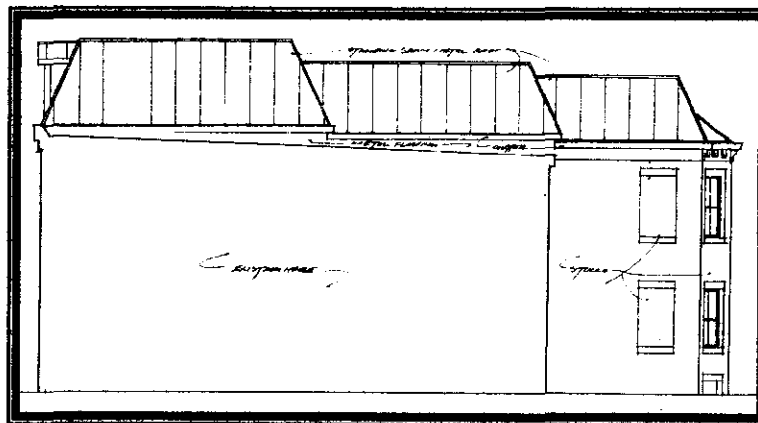


Figure 7 - July 26, 2006 approved west elevation

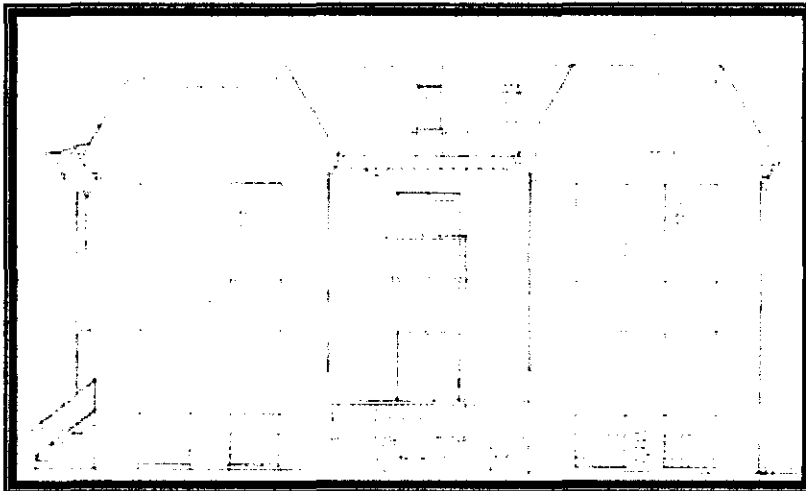


Figure 8 - February 23, 2005 proposed east elevation



Figure 9 - July 26, 2006 approved east elevation

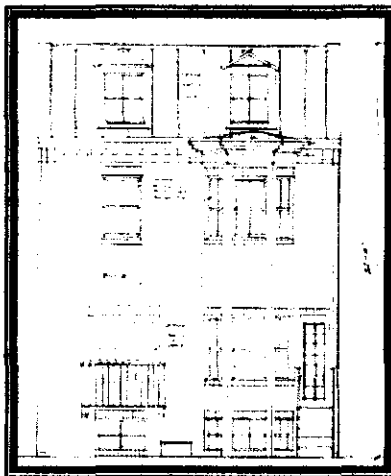


Figure 10 - February 23, 2005 proposed south elevation

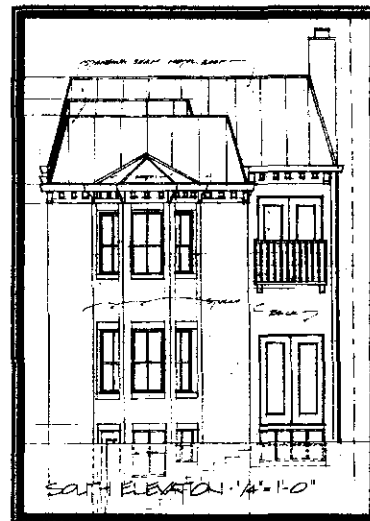


Figure 11 - July 26, 2006 approved south elevation

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The applicant revised the project's scheme and re-appeared before the July 27, 2005 BAR hearing. In this version, the height was revised to be 28'10" high at the front block, stepped down in the middle section to 27'1", and 25'10" on the rear block. The rear section of the house was also set back 8' from the east property line. At this hearing, the Board approved a Certificate of Appropriateness for the construction of the new residential structure, with a vote of 7-0. The Board found that the applicant had been sufficiently responsive to the comments and concerns expressed by the Board and the neighbors. There was no appeal of this decision.

Following the BAR approval, the applicant began the building permit and plot plan review process. The applicant's plot plan review was delayed while the applicant worked to provide an accurate plan for review. The applicant was aware that the Certificate of Appropriateness' one-year approval would expire at the end of July. At that time the applicant applied for a re-approval of the Certificate of Appropriateness.

On July 26, 2006, the Parker-Gray Board of Architectural Review re-approved the Certificate of Appropriateness for the construction of a new single-family structure on the vacant lot at 804 Pendleton Street, by a vote of 5-0. An appeal of this decision was filed by neighbors to the project.

III. DISCUSSION AND ANALYSIS

The Decision on the Certificate of Appropriateness

The purview of the Board and the Council on appeal for the Certificate of Appropriateness is the compatibility of the new residential structure in terms of scale, height, mass and overall architectural design and materials to the Parker-Gray Historic District.

Section 10-203(A) states that "no building or structure shall be erected, reconstructed, altered or restored within the Parker-Gray District unless and until an application for a certificate of appropriateness shall have been approved by the Parker-Gray District board of architectural review or the city council on appeal as to exterior architectural features, including signs, which are subject to view from a public street, way, or place."

In reviewing the design of the new construction, the Board used the standards set forth in the Zoning Ordinance regarding a Certificate of Appropriateness as well as the Design Guidelines to determine if approval of the Certificate of Appropriateness was warranted. In this appeal, the most important standards applicable include the following:

- (a) Overall architectural design, form, style, and structure, including but not limited to, the height, mass and scale, of buildings or structures;
- (c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

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Regarding these standards, the Board found that the project met these standards and was compatible in terms of height, mass, and scale and architectural design with the Parker-Gray historic district. The Board also found that the siting of the project was appropriate and resulted in the least negative impact on the existing adjacent structures on both Pendleton Street and North Columbus Street.

Due to the location of the lot at 804 Pendleton, staff and the Board had been concerned with the through the block views, particularly from North Columbus Street. However, as the design evolved and was modified, the Board found that the approach of stepping the roof heights down from 28'10" on the front section, to 25'10" on the rear section, successfully mitigated their concerns of height and obstruction of views from North Columbus Street. The applicant also reduced the floor-to-floor heights, which transformed the third floor contained in the mansard roof into a storage area.

In addition, at the staff and Board's suggestion, the applicant had changed the roof form from a gable to a mansard style to further mitigate the appearance of height. The mansard roof form is traditionally found on historic buildings in the Parker-Gray neighborhood and can reduce the perception of height and mass. A challenge to this site has been its location next to very small scale two-story structures on Pendleton Street, with heights of approximately 20'. However, the overall height of the building proposed at 804 Pendleton Street is not inconsistent with height of historic buildings found in the neighborhood.

The Neighbors Concerns

During the review and public hearing process, the neighbors had voiced their concerns about the overall height of the new residential structure, as well as the scale and mass, and its impact on the existing historic structures. A consistent concern was the height of the building as viewed from North Columbus Street. The applicant listened to the Board's and neighbors comments and attempted to revise the project to address the neighbors concerns over the height and mass, including shifting the arrangement of the structure away from the rear of lots fronting North Columbus Street. In respect to height, the applicant reduced the overall height of the building, changed the roof form from gable to mansard, and used a stepping down approach to decrease roof heights from the front to the back.

However, the appellants found the final overall height approved by the BAR to still be of concern. Furthermore, the appellants feel that the project will have negative impact on the historic integrity of the block and the neighborhood.

IV. RECOMMENDATION

Staff recommends that Council support the decision of the BAR and approve the Certificate of Appropriateness.

Attachment 1: BAR Staff Report, July 26, 2006

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning
Stephen Milone, Division Chief, Zoning and Land Use Services
Lee Webb, Preservation Planner, Boards of Architectural Review
Elizabeth Hannold, Preservation Planner, Boards of Architectural Review

Docket Item # 5
BAR CASE #2006-0161

BAR Meeting
July 26, 2006

ISSUE: New residential building
APPLICANT: Anna Maria & Michael Dechert
LOCATION: 804 Pendleton Street
ZONE: RB Residential

BOARD ACTION, JULY 26, 2006: On a motion by Mr. Lloyd, seconded by Ms. Kelley, the Board voted to re-approve the application for a new residential building, with the following conditions:

1. That the encroachment for the window wells be approved by the Planning Commission and the City Council;
2. That the following statements must appear in the General Notes of the site plan so that on-site contractors are aware of the requirements:

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

The applicant should not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

The vote was 5-0, with Mr. Moffat recusing himself from discussion and voting.

REASON: The Board agreed with the staff analysis.

SPEAKERS: Michael Dechert, applicant, spoke in support
Mary Noel McMillian, 530 N. Columbus Street, spoke in opposition
Sandra Fitzgerald, N. Columbus Street, spoke in opposition
Jeff Frankel, 509 N. Alfred Street, spoke in opposition

STAFF RECOMMENDATION: Approval of the application with the following conditions:

1. That the encroachment for the window wells are approved by Planning Commission and City Council;
2. That the following statements must appear in the General Notes of the site plan so that on-site contractors are aware of the requirements:

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

The applicant should not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

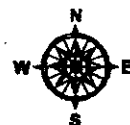
****EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

****BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by the Code Enforcement Bureau (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Enforcement, Room 4200, City Hall, 703-838-4360 for further information.



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UPDATE: The Board approved the new house with conditions at the July 27, 2005 hearing (BAR Case #2004-0280). The applicant was unable to start the project. As the Board approval expires after one year, the applicant is seeking re-approval. The plans are identical to those previously approved except that the width of the front block has been reduced from 22'6" to 22'2", the threshold at the front door has been lowered by several inches and the front window wells have been shown in plan.

I. ISSUE:

The applicant is requesting approval of a Certificate of Appropriateness for a new single family house to be constructed on the 23.42' wide by 100' long lot at 804 Pendleton Street. The lot is the only undeveloped parcel on the blockface. To the left of the lot is the two story frame house at 802 Pendleton Street. Although rather diminutive in size, 802 Pendleton Street has an usually wide street elevation of 5 bays. To the right of the lot is a pair of very small two story frame houses, 806 and 808 Pendleton Street, each only two bays wide. The house at 806 Pendleton Street encroaches on the west side of the lot at 804 Pendleton Street by approximately .3'.



Figure 1 - 800 block of Pendleton St

The proposed new house will be visible from Pendleton Street and the public alleys to the west and south of the property. In addition, the house will likely be visible in through-block views from Columbus and Alfred Streets.

The proposed house will be composed of three sections. The front block is square in plan. It will abut the house at 806 Pendleton Street on the west side and extend across nearly the entire width of the lot and leaving 11" between the wall and the property line on the east side. The narrower middle section will be rectangular in plan. It will also abut the house at 806 Pendleton Street on the west side and will be set back 11' from the east property line. The rear section is wider than the middle section and square in plan. It will be set back 8' from the east property line and will extend beyond the house at 806 Pendleton Street on the west side. The house will be 56' long. It will be 28'10" high at the front block and will step down in height twice with the middle section being 27'1" and the rear section 25'10". The house will be two stories with a raised basement and a mansard roof. It will be constructed of CMU. The main block of the house will be clad in brick on the north (front), east (side) and south (rear) facades. (A brick

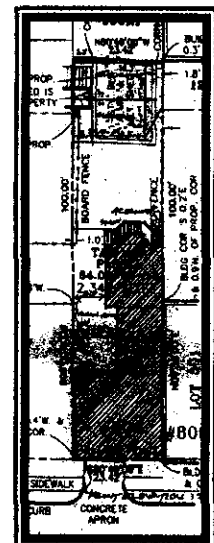


Figure 2 - Proposed plan

sample will be made available to the Board at the hearing.) All other facades will be stucco. The roof will be clad in standing seam metal to be painted. There will be wood trim, wood windows, wood doors and round metal down spouts and half round metal gutters. The windows will be simulated divided light windows by Pella, Kolbe and Kolbe or equivalent. The window sills and lintels in the brick clad block will be brick soldier courses. The sills and lintels in the stuccoed portions will be projecting masonry with stucco finish.

The front (north) elevation will appear as a two story house with a full height mansard roof and raised basement. The front door will be on the right side of the elevation at street level. The door will be a four-panel door as shown on the detail sheet, rather than six panel. It will be set within a heavy door surround with a rectangular transom and an oculus window above. A globe shaped, surface mounted light fixture will be located to the left of the door. A single step brick stoop will lead to the door. There will be two, four-light windows to the left of the door lighting the basement level, which will be partially below grade. The basement windows will have window wells which will project 1.5' into the public right of way and which will be covered with metal grates. The first story will have two, two-over-two windows to the left of the door. These windows will be approximately 5.5' in height. The window height will be slightly less in the second story where there will be three evenly spaced two-over-two windows. There will be a wood cornice with brackets and dentils at the base of the metal roof. The cornice will extend around all but the west elevation. The attic story will have two, gabled dormers. Each dormer will have a two-over-two window. The dormers will have standing seam metal roofs and sidewalls clad in metal. There will be a gutter across the front and downspouts at either corner. The electrical meter will be located just above grade at the left side of the front elevation.

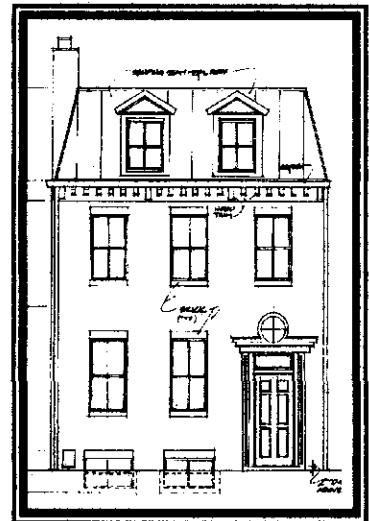


Figure 3 - Proposed front (north) elevation

The 56' long west elevation will be partially obscured by the adjacent houses at 806 and 808 Pendleton Street. The attic level and the rear 15' of the proposed house will extend beyond the neighboring houses at 806 and 808 Pendleton Street and will be visible in oblique views from Pendleton Street and the alley. It may also be partially visible from Alfred Street. The narrow sliver of wall visible above 806 Pendleton Street will be clad in metal flashing to

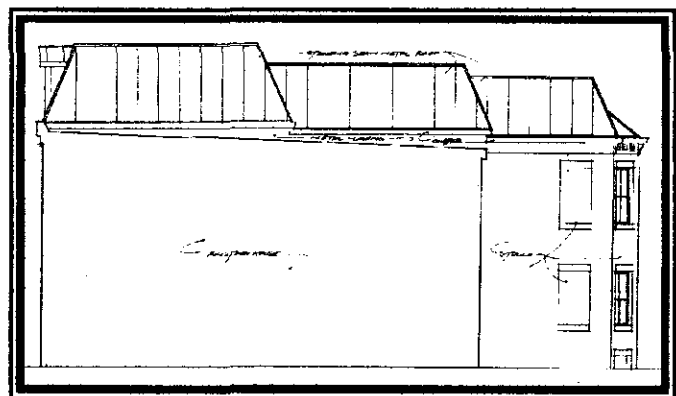


Figure 4 - Proposed side (west) elevation

ensure that the joint between the new and existing house is watertight. The back section of the proposed house that extends beyond 806 and 808 Pendleton Street will be covered in stucco. There will be two rectangular areas inset approximately 1" to suggest blind windows at the south end of this section on the first and second stories. The inset areas will have sills and headers and will be stuccoed. The most prominent feature of the west elevation will be the three mansard roof sections clad in metal roofing. The side of the attic story dormer at the front will be visible, with metal clad walls and a standing seam metal roof.

The east elevation is divided into a front, middle and rear block, each with a metal clad mansard roof of descending height. The east elevation will be visible in oblique views from Pendleton Street and may be visible in through-block views from Columbus Street. The 22'6" long front block will be located 11" off the east property line. The east wall of the front block will be clad in brick. A brick chimney will be located in the center of the east wall and will project approximately 3" from the wall. There will be no openings on the east elevation of the front block. Rectangular brick inset areas suggesting blind windows will be located on either side of the chimney at the basement, first and second story levels.



Figure 5 - Proposed side (east) elevation

The side of the attic story dormer at the front will be visible, with metal clad walls and a standing seam metal roof. The east elevation of the middle and rear blocks will be clad in stucco. The middle block will be set back 11' from the east property line and will be 15'6" long. It will have two, four-light basement windows which will be partially below grade. There will be a pair of fully glazed doors in the center of the first story and two, two-over-two windows in the second story. According to the applicant, there will be a circular surface mounted light fixture similar to that shown for the front at this door. The mansard roof over the middle section will be 1'9" lower than the front section. The rear block will be set back 8' from the east property line and will also be 15'6" long. It will have a single, four-light basement window partially below grade. There will be a fully glazed door on the south end of the elevation and a two-over-two window on the north end in the first story. According to the applicant, there will be a circular surface mounted light fixture similar to that shown for the front at this door. In the second story there will be two, two-over-two windows.

The south (rear) elevation will be visible from the alleys to the south and west and may be visible in through block views. The south elevation of the front block will have a pair of fully glazed doors in the first and second stories. There will be a simple metal railing across the doors on the second story. The south elevation of the rear block will be 15'5" wide. There will be a two story, angled bay centered in the rear elevation. There will be a two-over-two window in each face of the bay on the first and second stories. There will also be window in the center and east faces of the bay in the basement level. These two-over-two windows will only be partially above grade. There will be a door in the west face of the bay in the basement level. Steps and an areaway will wrap the bay on the south facade and will provide access to the basement level. The HVAC units will be located in the areaway and thus will be screened from view. The bay will have a wood cornice and metal roof. The metal clad mansard roof of the rear block will terminate in a wood cornice with brackets. The rear block will be 25'10" high.

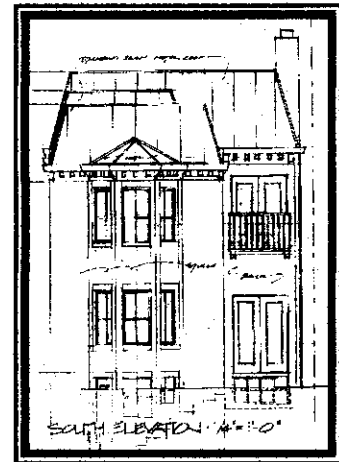


Figure 6 - Proposed rear (south) elevation

The curb cut and concrete apron that currently exist at the front of 804 Pendleton Street will be removed and the sidewalk will be continued across the face of the property. The existing chain link fence will be removed. There will be a parking pad with two spaces provided in the rear of the lot which will be accessed by the alley alongside 808 Pendleton Street. The applicant expects to return to the Board at another time with a request for fencing and a vehicular gate.

II. HISTORY:

The lot was subdivided in the early twentieth century but never developed, except for the construction of a metal clad frame shed at the rear of the lot between 1921 and 1931. The Board approved the demolition of the shed on February 23, 2005 (BAR Case #2004-0279). The shed has been removed. The Board first approved the prior owner's proposal to build a house on this lot at the hearing of September 23, 1998 (BAR Case #98-0144). The proposed dwelling was re-approved by the Board at the hearing of March 22, 2000 but was never constructed (BAR Case #2000-0033). As explained above in the update section, the Board approved the proposed new house for the current owners on July 27, 2005 (BAR Case #2004-0280). Except for a few minor alterations described above, the current plans are the same as those approved on July 27, 2005.

III. ANALYSIS:

The proposed house complies with the zoning ordinance requirements.

Staff believes the proposed house complies with the Design Guidelines for new residential construction within the historic district. The design complements the historic architecture of the Parker Gray district without slavishly copying a particular building or style. Design elements such

as the use of a mansard, bracketed cornice, angled bay and two over two windows will relate it to the late 19th and early 20th century dwellings that predominate in the district. The proposed materials are compatible with the district. Finally, staff believes that, after much work and several revisions, the size and massing of the proposed house is now appropriate for the surrounding neighborhood. Staff notes that the design submitted for re-approval is essentially identical to that approved by the Board one year ago. The only changes, the reduction of the width of the front block by 4" and the lowering of the threshold by a similar amount, are so insignificant as to be virtually unnoticeable. The current plans make clear that the basement level windows on the front facade, which are no different from those previously approved, will require window wells. The window wells will encroach into the public right-of-way by 1.5' and will thus require approval by the Planning Commission and City Council before they can be constructed. Staff notes the comments of Alexandria Archaeology and recommends that they be included as conditions to the approval.

IV. STAFF RECOMMENDATION:

Staff recommends approval of the application with the following conditions:

1. That the encroachment for the window wells are approved by Planning Commission and City Council;
2. That the following statements must appear in the General Notes of the site plan so that on-site contractors are aware of the requirements:

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

The applicant should not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Historic Alexandria:

The proposal is appropriate. This is a nice design for this historic district.

Alexandria Archaeology:

- F-1 Tax records indicate the presence of a free African American household in the vicinity of this property in 1830. The property therefore has the potential to yield archaeological resources that could provide insight into domestic life, perhaps relating to African Americans, during the 19th century.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The applicant should not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3 The above statements must appear in the General Notes of the site plan so that on-site contractors are aware of the requirements.

Transportation & Environmental Services

- R-1 A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-4 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-5 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-6 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)

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- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit. (Sec. 5-6-25.1)
- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-4 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-5 Per City Ordinance No. 3176, requests for new driveway aprons, unless approved at public hearing as part of a related item, must be accompanied by an adjacent **Property Owners Acknowledgment** form.
- C-6 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)
- F-1 The applicant has submitted a plot plan which is currently under review by Staff. (T&ES)



EXHIBIT NO. 1

9
1-20-07

RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: August 9, 2004

B.A.R. Case # 2004-0161

Address of Project: 804 Pendleton

Appellant is: (Check One)

RECEIVED
AUG 09 2006

B.A.R. Applicant

Other Party. State Relationship adj on my property owners
530 N. Columbus St
532 N. Columbus St

Address of Appellant: 534 N. Columbus St.

Telephone Number: 703 694-8449
703 582-3489
703 548-5121

State Basis of Appeal: please see attached

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.

[Signature]
Signature of the Appellant

[Signature]
[Signature]

We, the undersigned owners of real estate within the Old and Historic Alexandria District/ Parker- Gray District [strike out as appropriate] appeal the decision of the Board of Architectural Review to the Alexandria City Council in B.A.R. Case #2006-0161 regarding the property at 804 Pendleton Street (street address).

- | | Name | Signature | Owner of Real Property At: |
|-----|------------------------|------------------------|----------------------------|
| 1. | Mary Noel McMillan | Mary Noel McMillan | 530 N. Columbus St. |
| 2. | Sandy Grace Fitzgerald | Sandra Jane Fitzgerald | 532 N. Columbus St. |
| 3. | Rich Ferrante - | Richard J. Ferrante | 909 Pendleton St. |
| 4. | William Crowley | Will Crowley | 423 N. Alfred St. |
| 5. | Erik Petersen | [Signature] | 622 N. Columbus St. |
| 6. | Xion Ward | Xion Ward | 311 N. West |
| 7. | Joris Hendershot | Joris Hendershot | 526 N. Columbus St. |
| 8. | Andrea Orandella | [Signature] | 324 N. Patrick St. |
| 9. | John Merlino | John Merlino | 518 N. Columbus St. |
| 10. | Saskia Janou | Saskia Janou | 421 N. Alfred Street |
| 11. | JOSEPH FITZGERALD | [Signature] | 532 N. Columbus St. |
| 12. | Deborah Plunkett | DEBORAH PLUNKETT | 534 N. Columbus St. |
| 13. | Barbara A. Levy | Barbara Levy | 522 N. Alfred St. |
| 14. | John Williams | John Williams | 516 N. Alfred St. |
| 15. | John Williams | John Williams | 514 N. Alfred St. |
| 16. | REMEDIATION | PIER | 512 N ALFRED ST |
| 17. | ROBERT RMER | [Signature] | 412 N ALFRED ST |
| 18. | CHARLES KOHLER | [Signature] | 316 N. Columbus |
| 19. | CASEY PURDUS | [Signature] | 515 NORTH ALFRED ST. |
| 20. | Jeff Franko | [Signature] | 519 N. Alfred St. |
| 21. | SHAUN SHEPARD | [Signature] | 515 No. ALFRED ST. |
| 22. | L'LOUN GLESSNER | [Signature] | 519 N. Alfred St. |
| 23. | Roger Mershauler | [Signature] | 510 N. Alfred St. |
| 24. | Eric R Hendershot | [Signature] | 526 N Columbus St |
| 25. | Philip Moffat | [Signature] | 534 N. Columbus St. |

We, the undersigned owners of real estate within the Old and Historic Alexandria District/ Parker- Gray District [strike out as appropriate] appeal the decision of the Board of Architectural Review to the Alexandria City Council in B.A.R. Case # 2006-0161 regarding the property at 807 Pendleton Street (street address).

- | | Name | Signature | Owner of Real Property At: |
|-----|-----------------------------------|--------------------|----------------------------|
| 1. | <u>M. Patricia Schubert</u> | <u>[Signature]</u> | <u>907 Oronoco St.</u> |
| 2. | <u>Randa W Schubert</u> | <u>[Signature]</u> | <u>907 Oronoco St.</u> |
| 3. | <u>Melissa Zimmerman Petersen</u> | <u>[Signature]</u> | <u>622 N. Columbus St.</u> |
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/ Parker- Gray District [strike out as appropriate] appeal the decision of the Board of Architectural Review to the Alexandria City Council in B.A.R. Case # 0026-061 regarding the property at 804 Pendleton Street (street address).

	Name	Signature	Owner of Real Property At:
1.	<u>Amy Peltro</u>	<u>[Signature]</u>	<u>431 N. Strick</u>
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Attachment to Appeal of BAR Case 2006-0161

The applicant's development proposal is part of an alarming trend in the City Alexandria - the development of large homes on very small lots. The proposal is particularly egregious given that it is being proposed in the historic Parker-Gray neighborhood. The mass, scale and height of this structure ensure that it is incompatible with the adjacent historic homes. Not only will it tower over all of the neighboring properties, it will be visible over the historic homes along the Columbus Street blockface thereby destroying their historic facade.

The City of Alexandria created the Parker-Gray Historic District in 1984 "[t]o assure that new structures . . . and related elements [are] in harmony with their historical and architectural setting and environs" Alexandria, Virginia Code Section 10-201(F). For new structures, the governing ordinance mandates that the Parker-Gray Board of Architectural Review consider the "height of the roofline along the street or the public way [and] the scale and mass of the building on the site" Id. at 10-205(A)(2)(a)(1)-(2). The Design Guidelines, which implement this ordinance, suggest that new residential structures should have massing that is consistent with the buildings along the blockface, and heights that are consistent with the existing historic buildings in the vicinity. See Design Guidelines for New Residential Construction at 2 - 4.

The Parker-Gray Board of Architectural Review approved the applicant's proposal despite the proposal's failure to abide by these fundamental requirements. The BAR's approval therefore threatens the architectural harmony of the surrounding properties and violates one of the fundamental purposes for the City's creation of the Parker-Gray District. The Alexandria City Council therefore should require the applicant to decrease the height and mass of the proposed structure before irretrievably committing our historic resources to this development.

9

1-20-07



Fromthelaunch@aol.com
01/18/2007 03:58 PM

To jackie.henderson@alexandriava.gov
cc pmoffat@bdlaw.com, joe@avenity.com, sand_grace@yahoo.com
bcc
Subject Saturday meeting Appeal 804 pendleton

Dear Ms Henderson,

My uncle is holding his own, so in an effort to keep the business of our city moving along, I plan to speak on Saturday as planned. The neighbors and I wondered if your office resent to the Mayor and the members of council the attached letter which we prepared for the first date of our appeal. If not, may I request that you reroute the letter so that the Mayor and Council has our position fresh in their minds come Saturday?
We also wondered if we might have a copy of what Dr Dechert filed with City Hall in preparation for the hearing.

Many thanks for your help.

Sincerely,



Mary Noël McMillian CityCouncilre804Pendleton.pdf

Ms. Mary Noël McMillian
530 North Columbus Street
Alexandria, Virginia 22314

November 6, 2006

VIA E-MAIL

The Honorable Mayor William D. Euille, and
Distinguished Members of the Alexandria City Council
301 King Street
Alexandria, Virginia 22314

Re: Construction at 804 Pendleton Street

Dear Mayor Euille and Distinguished Members of the Alexandria City Council:

My name is Mary Noël McMillian and I live at 530 North Columbus Street, a residence in the Parker-Gray Historic District. I moved into my home in 1987, only three years after the City Council established the Parker-Gray Historic District in 1984. Over the years, I have personally witnessed and photographed the redevelopment that has occurred in my neighborhood. In 1999, I received a grant from the City of Alexandria to mount an exhibition for the City's 250th Birthday Celebration. The exhibition consists of portraits of my neighbors, entitled On North Columbus Street: Looking for Home. Through our Sister Cities Program, this exhibition toured parts of the world and our country. It also appeared as a solo exhibition in 2000 at the Alexandria Black History Museum. I am committed to honoring the history and character of the Parker-Gray neighborhood.

With increasing property values and the push for ever-greater density in the neighborhood, I have been grateful for the Design Guidelines and the Parker-Gray Board of Architectural Review (BAR). Over the years, they have guided development in a manner that has helped to preserve the diminutive and historic character of the neighborhood. However, I have grown increasingly concerned over a proposal for new construction in Parker-Gray that threatens this character. The proposal calls for the construction of a grand, new residential structure at 804 Pendleton Street. It is part of an alarming trend in the City of Alexandria – i.e., the development of large houses on very small lots. If built as currently designed, the proposed structure would tower over the adjacent homes, destroying the historic façade along Columbus Street and distorting the blockface along Pendleton Street.

The BAR approved this proposal initially in 2005 after several deferrals in which the applicant purportedly “comprised” by re-designing the proposal to incorporate the recommendations of the BAR and the neighbors, who merely memorialized their understanding of the BAR’s recommendations in a letter to the applicant. However, the package of materials the applicant submitted to the Historic Preservation staff and the BAR failed to provide sufficient information to enable them to properly consider the project and reach a well-informed decision.

Alexandria City Council
November 6, 2006

At the time of the BAR's approval in 2005, the applicant never included a drawing, also known as a "perspective," showing the effect of his proposed structure on the Columbus Street façade. The only perspective the applicant did include was an illustration of the Pendleton Street blockface. And this was inaccurate. For example, it showed the proposed 28' 10" structure at an elevation lower than the 27' 6" home immediately adjacent to it. It also failed to denote the heights of the proposed structure or the immediately adjacent homes.

These inaccuracies and omissions might have been understandable if the applicant did not -- as we have been told -- hold a Ph.D. in architecture and draw the illustration himself. The affect of these inaccuracies and omissions on the Historic Preservation Staff should not be underestimated. In their July 2005 report to the BAR, Staff concluded that the proposed structure "may be visible in through-block views from Columbus Street." The applicant never corrected this impression by informing the Preservation Staff and the BAR that the proposed structure would also be visible above the homes along Columbus Street and not just through the spaces between them.

The neighbors and I voiced concern over the height of the proposed structure at the July 2005 hearing where it was initially approved. We noted that the illustration appeared inaccurate and might have underestimated the effect on the Pendleton Street blockface. The applicant acknowledged the potential inaccuracy, but never explained its full import. As a result, the BAR approved the proposal, never knowing of the impacts on the Columbus Street façade, and arguably under-appreciating the potential effect on the Pendleton Street blockface. We never appealed the BAR's decision either, having missed the effects on Columbus Street ourselves.

The applicant then allowed his Certificate of Appropriateness to expire without having initiated construction. He returned to the BAR again in 2006, seeking re-approval of his proposal. With only minor changes -- affecting the width of the proposed structure and requesting an incursion into a public right-of-way -- the proposal remained the same as it was in 2005. The applicant even relied on the same application materials, including the distorted drawing of the Pendleton Street blockface. Having recommended approval of the proposal in 2005, the Historic Preservation staff understandably recommended approval again in 2006. Having approved the proposal in 2005, the same BAR members also were predisposed to approving the proposal again in 2006.

Fatigued, but undeterred, my neighbors and I again expressed our concerns about the height at the 2006 BAR hearing. The BAR, apparently convinced of the correctness of its 2005 approval, accepted public comments, but noted frequently that it had already approved the proposal once. And so the BAR voted to approve the proposal again, notwithstanding having never received sufficient information to fully consider the impacts of the project on the historic façade of Columbus Street.

Convinced that the height issue had never received proper consideration, one of my neighbors commissioned an architect to draw perspectives of the applicant's proposed structure from Columbus and Pendleton Streets. The Columbus Street perspective clearly shows the visual impact of the proposal on the Columbus Street façade -- the roofline thrusts itself above the neighboring homes. The Pendleton Street perspective corrects the inaccuracies in the applicant's illustration and depicts the distorting effect that the applicant's structure will have on the Pendleton Street blockface -- it towers above the adjacent homes.

Alexandria City Council
November 6, 2006

Armed with this new information, we decided to appeal the latest BAR's decision. We contend that the BAR lacked the necessary illustrations to consider the impacts along Columbus Street, and was informed by inaccurate depictions of Pendleton Street. Setting aside whether the applicant -- who spent many weekends outside our homes surveying the buildings and property lines -- knew of the impacts on the Columbus Street facade or the Pendleton Street blockface, the new drawings warrant the City Council's review. They show that the applicant's proposal will negatively impact the diminutive character of the neighborhood. These impacts should not be ignored, and we implore the City Council to require the applicant to mitigate these impacts by lowering the overall height of his proposal by 2' - 2.5'. The convenience the applicant would receive from constructing a 5.5' attic space simply cannot justify the external costs that the neighborhood and the City will incur as a result of the destruction of its historic assets.

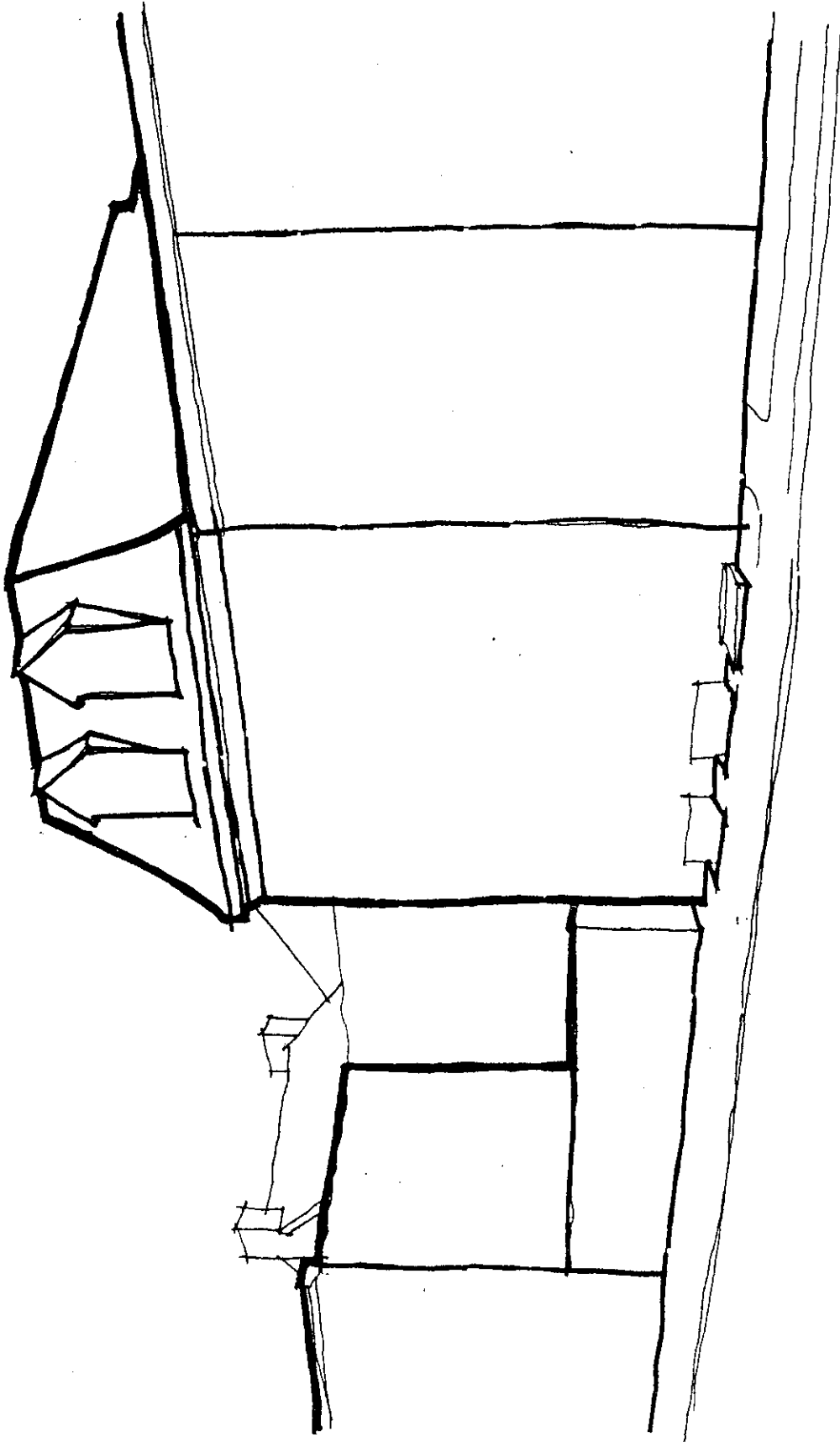
I hope that you will exercise your considerable discretion and require the applicant to mitigate the impacts of his proposal. The Parker-Gray Historic District is one of the City's most significant historic neighborhoods. As a community, we must stand together to prevent its erosion through incremental changes that will forever alter its character.

Very Truly Yours,

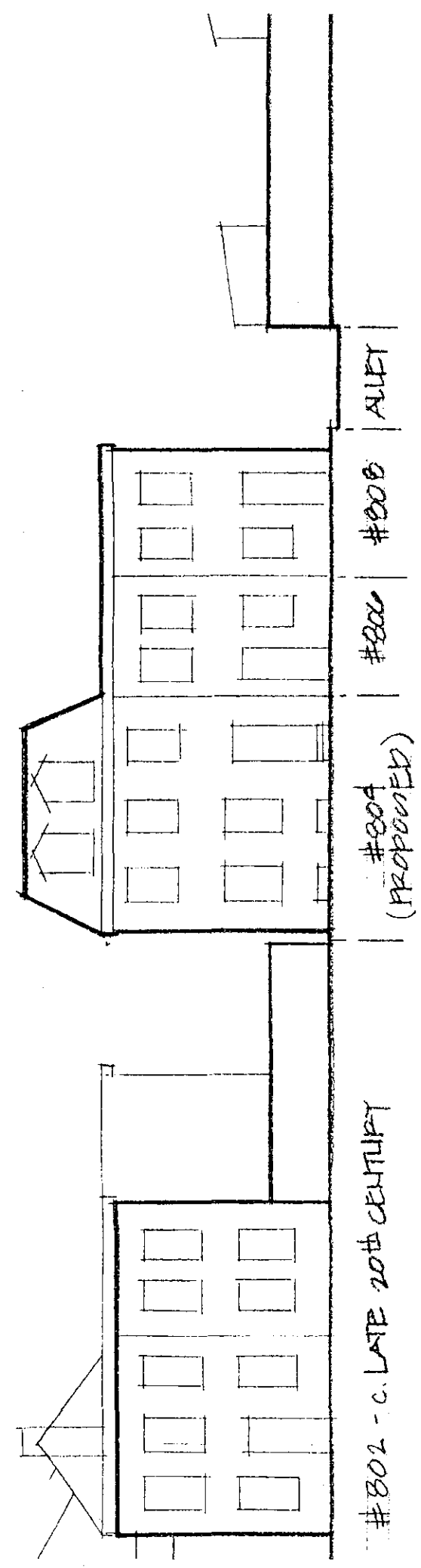
s/ Mary Noël McMillian

cc: Lee Webb, Department of Planning & Zoning
Sandi Grace-Fitzgerald, 532 N. Columbus Street
Joseph Fitzgerald, 532 N. Columbus Street
Deborah Plunkett, 534 N. Columbus Street

9
1-20-07
- submitted by
Philip Maffei



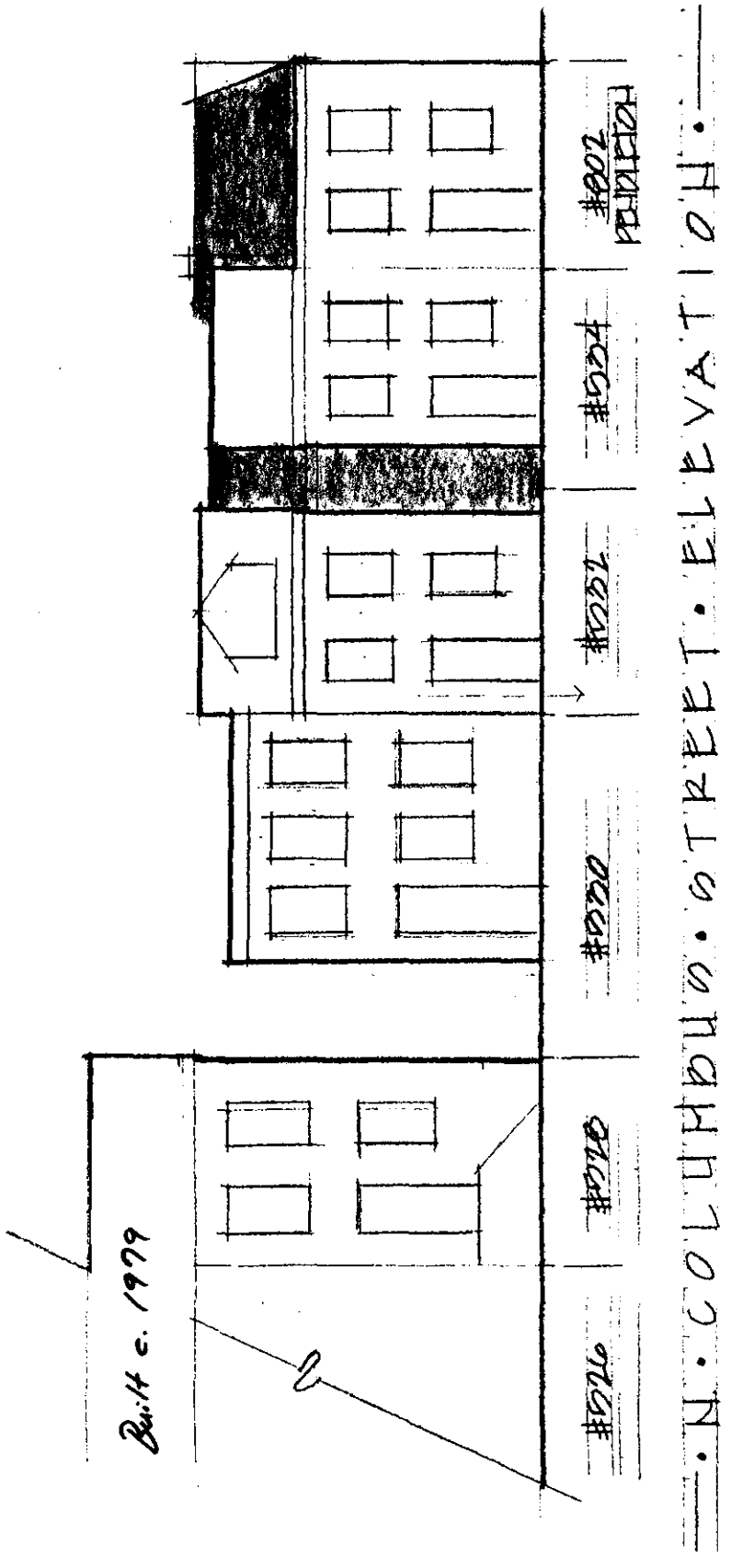
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1-20-07
submitted by
Philip Muffet



• P E N D L E T O N • S T R E E T • E L E V A T I O N •

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1-20-07

- submitted by
Philip Moffat



Submission to Alexandria City Council regarding review of Parker-Gray BAR approval of the Dechert House at 804 Pendleton Street, scheduled for Saturday, October 14, 2006.

- The 804 Pendleton Street property was bought by Michael and AnnaMaria Dechert from Mr. Ravi Garg in October 2004. Mr Garg never built on the lot but had a house design that was done by Mr. William Crumley that had been approved by the Parker-Gray BAR.

Seeing that the lot was not being developed, Mr. Crumley had asked Mr. Garg to alert him should the lot become available. Mr. did not alert Mr. Crumley. Mr. Crumley was the president of the Parker-Gray BAR during the first two presentations of the Dechert House.

-The first proposal for the Dechert House was submitted by Dr. Michael Dechert, A.I.A. in January of 2005. This was the first of four designs of which three were reviewed by the Parker-Gray BAR. The final design was approved on July 27, 2005.

-All the designs complied with the Alexandria Zoning and Planning regulations. The 804 Pendleton lot is 23.4 feet wide at the street and 100 feet deep (i.e. 2340 sq. ft.). The lot requires 800 square feet of open space, two parking spaces, an FAR of 0.75, and a maximum building height of 35 feet.

-The Dechert House program is to provide for: a) the needs of a family composed of a mother and father with two daughters and a son, with provision for the extended stay of an elderly grandfather; b) studio space for Michael Dechert, a professional architect; c) storage space for approximately 7000 volumes of professional books of the family; d) two parking spaces without seeking variances. In practice this led to a series of designs that include a basement, two living floors, and an attic space for storage and mechanical equipment in a house under 1,755 square feet on the two main floors.

All the designs share a common 3 part organizational pattern: 1) a street facing forward block with entry area and living room; 2) a rear block containing a kitchen (and dining room in the earlier versions); and 3) a relatively thin connecting block between the front and rear (approved design shows a dining room) adjacent to an exterior open sided courtyard.

-Comments from the BAR on the first two presented designs addressed materials (specifically the use of brick and stucco), the desire to reduce the height of the building physically and visually which was done by reducing the height from 32.33 feet with mansard roof only on the east west facades in the first design to a roof that stepped down from front to rear from 28.83 feet, 27.08 feet, and 25.83 feet and with the mansard all around the attic of the house. In the final design the rear block of the house was set 8 feet back from the east property line, the courtyard façade was 11 feet back from the east property line, the front façade was 7' back from the east property line. The design responses were based primarily upon BAR comments and recommendations, but also a letter of May 24, 2005 from Mr. Phillip Moffat who established his own neighborhood committee including himself, Esq., Ms. Deborah Plunkett, Esq., Ms. Mary McMillian,

Esq., Mr. Joe Fitzgerald, Ms. Sandra Grace; Lt. and Mrs. Robert Griffin but excluding Mr. Schefer and Mr. Mabudian. This ad hoc committee set demands that were more restrictive than the BAR. The finally approved Dechert House design incorporated all these comments except for the demand to cut down the "legacy tree" on the site and having a house no taller than 25 feet high though many of my neighbors have taller roofs.

The July 27, 2005 BAR unanimously approved the Dechert House design incorporating and responding to all the comments and recommendations made. Several members commended the design for its responsiveness and quality.

-As building documents were being submitted and reviewed, a new Director of Transportation and Environment, Mr. Tate, radically altered the rules regarding site plans. He provided no checklists or guidelines to myself, my civil engineers, or surveyors until the first plot plan submission was reviewed. The delay caused by a lack of requirements meant that the permit documentation could not be completed within a time limit that allowed for foundations to be started. Therefore, the request for a BAR renewal based upon Transportation and Environmental's delay was essential. This renewal was unanimously granted but it gave Ms. McMillian and Ms. Sandra Grace the opportunity to attempt a complete reopening of the process. It should be noted that in the Spring of 2006, Mr. Moffat, Esq. was appointed on the Parker-Gray BAR. And though he "recused himself" during the reapproval vote, his wife Ms. Debora Plunkett, Esq. joined Ms. McMillian and Ms. Sandra Grace (with some 20 plus owners of Parker-Gray properties including the signatures of former and active BAR members Mr. Crumley and Mr. Moffat, Esq.) in an appeal to the City Council of Alexandria stating that the Parker-Gray BAR failed in its duty to uphold the residential design guidelines for Parker-Gray and that the approved Dechert house design violates the guidelines. The Guidelines are presented as proscriptive rather than advisory and methodological which is what they are. In effect the bureaucratic delay exposes the Dechert House design to possibly a new review. The question which may be asked is; why did not the neighbors appeal in July/August of 2005 when the design was approved by the BAR.

-For more in depth history and analysis of the BAR process regarding the Dechert House design for 804 Pendleton St. refer to attached brief appended with illustrations.

The Dechert House, 804 Pendleton Street – Design History and Administrative Review: October 2004 –October 2006

Introduction

Michael and AnnaMaria Dechert purchased a lot at 804 Pendleton Street from Mr. Ravi Garg in October of 2004. The program of the design is to provide for: a) the needs of a family composed of a mother and father with two daughters and a son, with provision for the extended stay of an elderly grandfather; b) studio space for Michael Dechert, a professional architect; c) storage space for approximately 7000 volumes of professional books of the family; d) two parking spaces without seeking variances; d) working within the City of Alexandria's clearly defined and restrictive zoning rules. All the submitted designs strictly fulfilled all existing height limitations, open space requirements (minimum 800 square feet), Floor Area Ratio/F.A.R (and onsite parking requirements (two spaces accessed from alley(s). The maximum permitted square footage for a two story house given a lot 23.4 feet wide by 100 feet deep is 1755 square feet.

Drawings were prepared for a single family townhouse, design by Michael Dechert, for submission to the Parker Grey Board of Architectural Review (BAR) in January of 2006. After four designs and three formal submittals to the Parker Grey BAR a design was approved on July 27, 2005. The project came up for reapproval in July 2006 because the construction document set could not be completed owing to the new requirements by the Director of Transportation and Planning. A full set of surveys and site engineering drawings were required without initially providing a checklist of the new requirements. This checklist was provided to me, my two engineers and surveyors only after the first submission had been reviewed. This included a full hydrological rain runoff study and a count trace phosphorous in rain runoff from the site which measures 23.4 feet by 100 feet. These administrative requirements meant that a permit could not be issued and construction could not be started. BAR permit renewal was requested and granted in July 2006. The Parker-Grey BAR in both July of 2005 and July 2006 had praised the final design for sensitivity to the neighbors and to responding to their demands. All the designs submitted fulfilled all zoning requirements with no need for variances regarding parking or any major issues. (Please see attached designs, including the final approved design.)

History of Design Proposals and Approvals

Prior to Michael and AnnaMaria Dechert buying the 804 Pendleton Street property from Mr Ravi Garg, Mr Garg had a design made by Mr. William Crumley for a two story frame house with a recessed front entry (which required special approval since there is a zero lot line provision for construction on the site). This design was approved by the BAR. This house was never built by Mr. Garg. Mr. Crumley seeing that the site was not being developed had asked Mr. Garg to alert him if the site was ever to be up for sale. Apparently Mr. Garg did not alert him. As a member of the BAR, Mr. Crumley took part in the decisions rejecting the first and second design proposals.

The 804 Pendleton location is unusual for the diversity of building types and uses in the immediate vicinity (within 100 feet). Immediately west of 804 Pendleton are two 12 foot wide two story 20.5 feet high frame townhouses from the late 1940's owned by Mr. Anton Schefer; 806 Pendleton House will be directly adjacent to the proposed house. Further west across the alley is the end townhouse made clapboard over wood frame with a maximum height of 29.5 feet. To the east of 804 Pendleton is 802 Pendleton and a series of houses both old and recent with numerous additions. The backyards of these Columbus Street houses are adjacent to our 804 Pendleton lot. 802 Pendleton was actually an 20.6 feet high addition and porch of 534 North Columbus St. A previous owner, Ms. Carr, a real estate agent, enclosed the porch and created a separate housing unit which was separated from its Civil War era masonry house (27'-6" high gable roof) because the 19th century maps showed that 534 Columbus was actually set on a double lot. 534 North Columbus itself has a relatively recent two story brick addition projecting into its back yard. 532 Columbus St. is a townhouse with a pair of additions. The original part of 532 North Columbus Street has 28 foot 6 inch gable roof; the rearmost addition is only one story high. 530 North Columbus is a two story wood frame house with Victorian scroolwork detailing and cornices. 528, 526, and 524 North Columbus are a set of modern minimally detailed brick townhouses with simple gable roofs that extend upwards of 37 feet six inches. All these above mentioned North Columbus Street houses are physically separated from the proposed 804 Pendleton house.

The properties across the Pendleton Street from 804 Pendleton Street include 1950's story and a half bungalow by the northeast corner of North Alfred and Pendleton Streets, a one story former catering operation presently occupied by a fish market and a small store, and a Pentecostal Church in a converted townhouse at the northwest corner of the intersection of North Columbus and Pendleton Streets. The Church is some 28.33 feet high at Pendleton Street. Lot widths in the area vary from approximately 12 feet to 24 feet.

The first design submittal was made by Dr. Michael Dechert, A.I.A., an architect and architectural historian was made in January 2005. The first review by the Parker-Grey BAR was delayed a month and set for the March 2005 meeting. The original design was a brick townhouse with a basement, two floors and an attic with dormers set in a mansard. The plan consists of a front block with living room at first floor connected via a corridor with a staircase to a dining room/kitchen block at the rear. Between the front and rear blocks is a courtyard 16 feet square meant to provide an outdoor living space and to provide more light for my neighbors. The overall dimensions of this first project are 23 feet 4 inches wide by 54 feet 4 inches long including the projecting kitchen bay window, and 32 feet 4 inches high.

The BAR sent the project for "restudy" and the comments were to reduce the height of the exposed basement, reduce the mass of the attic by sloping or stepping the roof to the rear and reducing or eliminating dormers, and using gabled roofs.

The second submitted design responded to issues by: a) lowering the height of the exposed basement and the attic; b) using only one semi-circular dormer; c) employing the

mansard on all sides of the roof in order to reduce the perceived height from eye level and allow more light to the neighbors. The courtyard was retained but the rear kitchen/dining block was moved three feet away from the property line. It should be noted that the president of the council in the first two reviews was Mr. William Crumley.

I specifically tried to meet all my neighbors in the course of the project development and redesigns in order to get their input. Initially, a couple of neighbors were very positive including Mr. Schefer and Mr. Mabudian. Mr. Hendershot was pleased that the lot would become occupied in order to keep nefarious activities (drug dealing and prostitution) from taking place. Ms. McMillian initially wanted to make sure she could see across the back yard to view the rear facades of the houses facing North Alfred. The other neighbors seemed either indifferent or made no judgement. Eventually after the second BAR presentation, I sought to meet individually with all the neighbors and I did meet with several. However, Mr Moffat communicated to me that he had established his own neighborhood ad hoc committee for a meeting in the Public Library. I expressed my desire to meet the individually to understand their individual concerns. Mr. Philip Moffat, Esq. and Ms. Deborah Plunkett, Esq. (534 North Columbus), Ms. Mary McMillian (530 North Columbus, Esq., Lt. Robert Griffin and Casey Griffin (804 Pendleton) and Mr. Joe Fitzgerald and Sandra Grace (532 North Columbus) set their demands in writing. The committee did not invite Mr. Schefer, Mr. Mabudian or others who did not agree with them. The demands presented in the May 24, 2005 letter are: a) reduce the overall height of your building to 25 feet to ensure consistency with the height of the neighboring houses; b) step down the height twice at the rear of the building to reduce apparent size: c) establish set-backs from the property lines to preserve privacy and to allow for the inclusion of modest windows on the eastern side of the building; d) include other features (such as a courtyard) that will vary the eastern side of your building, thereby preventing the eastern wall from having a monolithic appearance to the neighboring houses; e) reduce the length of the building by three to five feet from the length of your most recent proposal and remove the tree at the southern end of the lot to avoid casting a permanent shadow and destroying the historic Victorian garden at 530 N. Columbus Street; f) establish the definitive property lines to ensure that all interested parties, including the BAR, will understand the magnitude of your building in relation to the size of your lot.

The third and final proposal of the Dechert House presented in July 2006 responded to the above remarks by:

- a) reducing the overall building height with three different roof height stepping down to the rear (28'-10", 27'-1" and 25'-10" respectively);
- b) narrowing the front façade by 11 inches;
- c) retaining the courtyard and setting it back 11'-0" from the property line and setting the rear elevation/kitchen block 8'-0" away from the property line;
- d) the east façade is in fact composed of three distinct compositional blocks rather like what is found throughout the historic district(s) of Alexandria;
- e) the length of the building was reduced about three feet compared to the second BAR submission;
- f) the demand to remove the "legacy" tree was discussed and rejected.

g) with respect to the first design the approved third design submittal has volume 20% less volume, i.e. approximately 24,200 cubic feet, and a square footage of 1740 square feet. The BAR approved Dechert House compares favorably with 526 and 528 N. Columbus townhouses with 28,000 cubic feet with 1440 square feet each, the 801 Pendleton Pentecostal Church has 31,000 cubic feet. Note that until about 8 years ago 534 N. Columbus and 802 Pendleton were one house and one property that has since been subdivided, however prior to subdivision the house had approximately 28,000 cubic feet and a square footage of 2,700 square feet. With respect to the lot size and width, the approved Dechert House is in proportion.

The Parker-Grey BAR commended the design for its respect and response to the neighbors concerns and unanimously approved the design. Mr. Meick was pleased that all designs I submitted were respectful of zoning and the Parker-Grey area. His comments were seconded by other members of the Board.

Since the approval of the Dechert House design in July 27, 2006, two major developments took place:

- 1) There was a new director of Transportation and Planning who radically changed the site plan and engineering requirements without providing the new guidelines to: myself, a registered architect; my first surveyor Mr. Bergeron; my civil engineer Keith Elders; and to my last civil engineer-surveyor, Mr. Bill Fry of Alexandria Surveys. The first review which was returned in April 2006 was the first time I or the professionals had seen a checklist they could work from though they had requested such a checklist for as many as six months before. Clearly the new site plan needed to be worked on by Mr. Fry and Alexandria Surveys. This created a delay in the paperwork that required the approved Dechert house design to come up for renewal.
- 2) Apparently Mr. Moffat, Esq. and Ms. McMillian, Esq. approached Mr. Leiberg of Zoning and Planning stating that I had made a commitment to put my east wall nearest the property line 11 inches back. I never made this statement and neither did Mr. Leiberg or BAR staff find any evidence that I had from transcripts of the BAR proceedings. Ms McMillian objected to my two car parking pad being so close to the property line. In both cases to show my cooperation with my neighbors, I agreed to further narrow my front façade to provide a full 11" from my main wall to the property line and to move my parking pad back from the existing fence.

The July 2006 Parker-Grey BAR reapproved the Dechert house design, but Ms. McMillian, Ms. Sandra Grace, and a Mr. Franko attempted to reopen the discussion on the building design. Ms. McMillian stated among other things that she wanted to see the preservation of the tree at 804 Pendleton, the same tree she had earlier demanded be cut down because it cast a permanent shadow and was destroying her Victorian garden at 530 N. Columbus St. as expressed in the May

24, 2005 letter she signed. Mr. Philip Moffat, Esq. has since late spring or early summer had himself assigned to the Parker-Grey BAR. He, "recused himself" during the Board voting. The Board unanimously reapproved the design.

Immediately after the meeting, Ms. McMillian in the presence of Mr. Tom Thomas, AnnaMaria Dechert, and Mr. Franko approached me saying that she did not want the fence separating our properties removed and that any land that originally belonged to my lot belongs to her through adverse possession. Ms. McMillian wanted an immediate commitment that the land was hers or she would make sure that I and my family would encounter grave difficulties in getting our house if we did not agree to cede it to her.

Subsequently, Ms. McMillian, Esq., Ms. Sandra Grace, and Ms. Deborah Plunkett, Esq. (the wife of Mr. Philip Moffat) have made the appeal for the City Council of Alexandria to review the BAR approval on the basis that:

"The applicant's (i.e. Michael and AnnaMaria Dechert) development is part of an alarming trend in the City of Alexandria – the development of large homes on very small plots. The proposal is particularly egregious given that it is being proposed in the Historic Parker-Gray neighborhood. The mass, scale and height of this structure ensure that it is incompatible with the adjacent historic homes. Not only will it tower over all the neighboring properties, it will be visible over the historic homes along the Columbus Street blockface thereby destroying the historic façade.

...The Design Guidelines...suggest that new residential structures should have massing consistent with the existing historic buildings in the vicinity.

...The Parker-Grey Board of Architectural Review approved the applicant's proposal despite the proposal's failure to abide by these fundamental requirements. The BAR's approval therefore threatens the architectural harmony of the surrounding properties and violates one of the fundamental purposes for the City's creation of the Parker-Gray District. Alexandria City Council therefore should require the applicant to decrease the height and mass of the proposed structure before irretrievably committing our historic resources in this development."

In reviewing the above statements one must first look at the City of Alexandria Guidelines for New Residential Construction. The Guidelines states:

The guidelines should not be viewed as a device that dictates a specific design response nor should the guidelines be viewed as prohibiting a particular design approach. There may be better ways to meet some design objectives that have not been reviewed by Boards in the past. New and untried approaches to common design problems are encouraged and should not be rejected out of hand simply because they appear to be outside the common practices outlined in the guidelines.

...It is not the intention of the Boards to dilute design creativity in residential buildings. Rather, Boards seek to promote compatible development

that is, at once, both responsive to the needs and tastes of the late 20th century while compatible with the historic character of the districts. This balancing act will clearly be different in different sections of the historic districts.

Under the broad and constructive recommendations of the Guidelines the Board of Architectural Review are given broad discretion in order to judge, comment and approve building designs. The allegation that the Parker-Gray BAR failed to abide by the Guidelines is false. The Guidelines are not prescriptive but advisory; they are directions and a methodology for designers and an aid to the BAR members who will judge proposed projects.

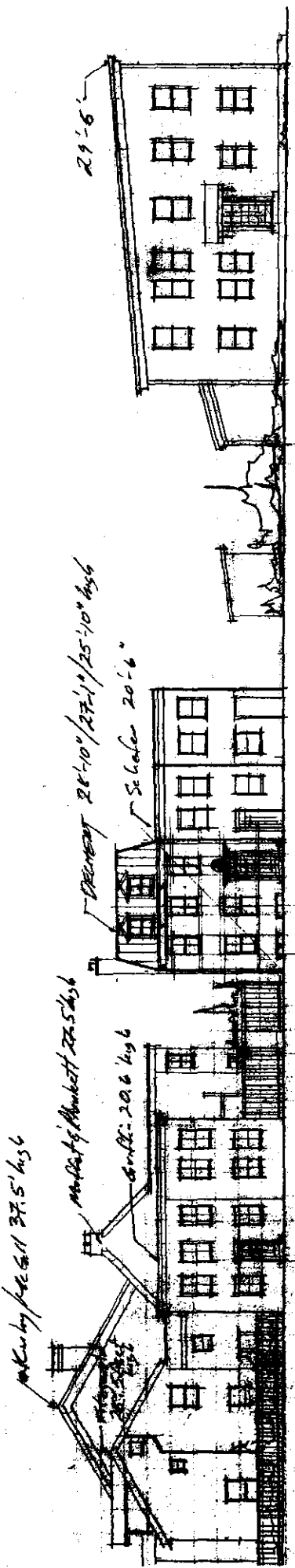
The comments specifically directed at the approved Dechert House at 804 Pendleton St. claim incompatibility with adjacent historic homes. Actually the houses at 806 and 808 Pendleton that are directly adjacent to 804 Pendleton are 12 foot wide frame houses built in the late 1940's. 802 Pendleton was apparently a 1920's addition to the 534 N. Columbus House onto which a porch was added. The porch and addition were then unified and separated into a separate residence about 8 years ago. The fish market and shop across the street from 804 Pendleton was built as a one story catering operation in the 1950's, the adjacent brick bungalow has its origin in the late 1940's or early 1950's. The Evangelical Church is apparently from around 1920. The 524, 525, and 528 N. Columbus townhouses were built in the last 30 years. 530 N. Columbus has Victorian detailing. 534 N. Columbus has a Civil War era house with a large brick addition to the rear built within the last twenty or thirty years. In other words the ages, building styles, residential building types (single family, detached and townhouse), garages, commercial and religious structures are all present within about of 100 feet of the 804 Pendleton Dechert House site.

Finally the claim is made that the approved building will "...tower over all the neighboring properties, it will be visible over the historical homes along the Columbus Street blockface thereby destroying their historic façade." Actually the approved Dechert House design has mansard roofs that rise 5.5 feet, 6.75 feet and 8.5 feet above the masonry walls whose cornice lines are approximately 20.5 feet off the ground. A spectator looking at the houses along N. Columbus Street from N. Columbus Street will not see the roof of the Dechert House because the house is about 90 feet from N. Columbus on an elevation 1.5 to 2 feet lower than the street and with the intervening houses varying in height from 20.5 feet to 37.5 feet.

Conclusion

The appeal to the City Council is based on a series of misperceptions and tendentious characterizations of Pendleton Street and its environs made by Ms. McMillian, Esq., Ms. Plunkett, Esq., and Ms. Sandra Grace. The declaration that the BAR's "failure to abide" to the Guidelines is clearly false because the Guidelines are not laws but rather principles to aid the BAR in its judgements. The Dechert House designs have always been respectful of the zoning codes and


requirements, the historic vernacular context where it exists, attentive to scale and massing, and consistently obliging toward the neighbors with respect to their demands while remaining faithful to the idea of building a house for a family with three generations living together.



ELEVATION OF DECHERT HOUSE ON PENNINGTON STREET, ALEXANDRIA, VIRGINIA

BOARD OF ARCHITECTURAL REVIEW

"Home Town of George Washington and Robert E. Lee"
 CITY OF ALEXANDRIA
 VIRGINIA

2006-0161  *See Conditions

BOARD OF ARCHITECTURAL REVIEW
 CERTIFICATE OF APPROPRIATENESS

D. 7/10/06 SIGNED: *E. F. ...* ARCHITECT

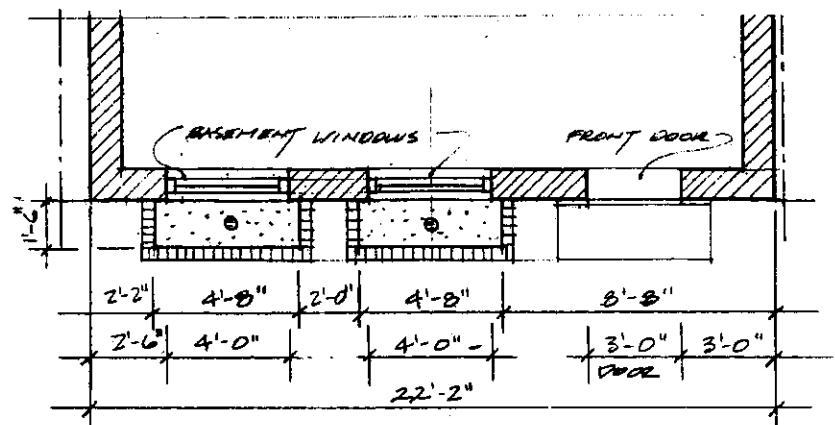
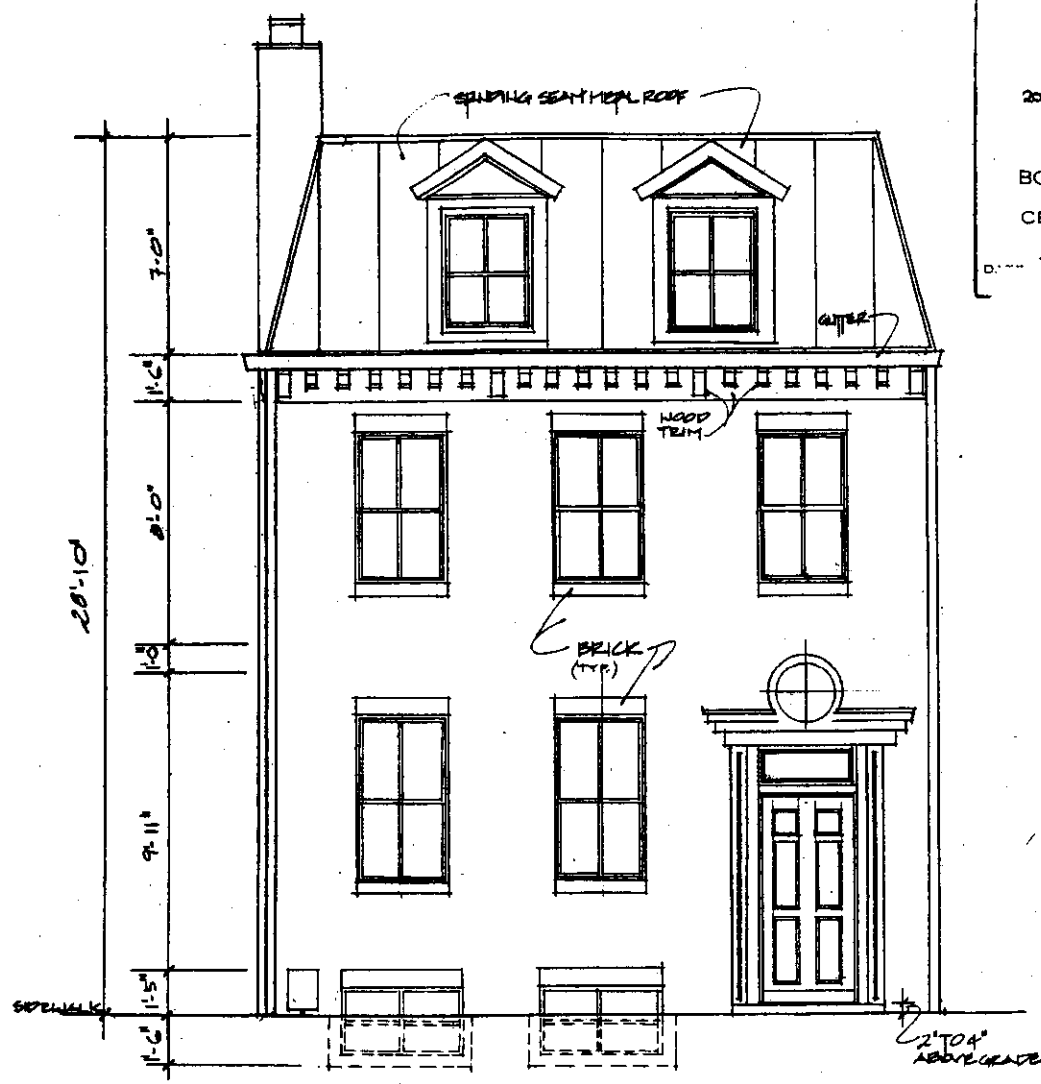
RECEIVED
 JUL 11
 P&CD B.A.R.

WARNING:
 ALL CONSTRUCTION WORK MUST CONFORM STRICTLY TO THESE PLANS. SHOULD ANY CONSTRUCTION WORK FAIL TO CONFORM, THE CITY MAY STOP WORK ON THE ENTIRE PROJECT. THE COSTS OF CORRECTIVE WORK, AND ANY LOSS OR EXPENSE DUE TO DELAY, ARE THE RESPONSIBILITY OF THE OWNER, DEVELOPER, ARCHITECT, AND/OR CONTRACTORS. AND NOT THE CITY OF ALEXANDRIA.

1. That the encroachment for the window wells be approved by the Planning Commission and the City Council;
2. That the following statements must appear in the General Notes of the site plan so that on-site contractors are aware of the requirements:

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

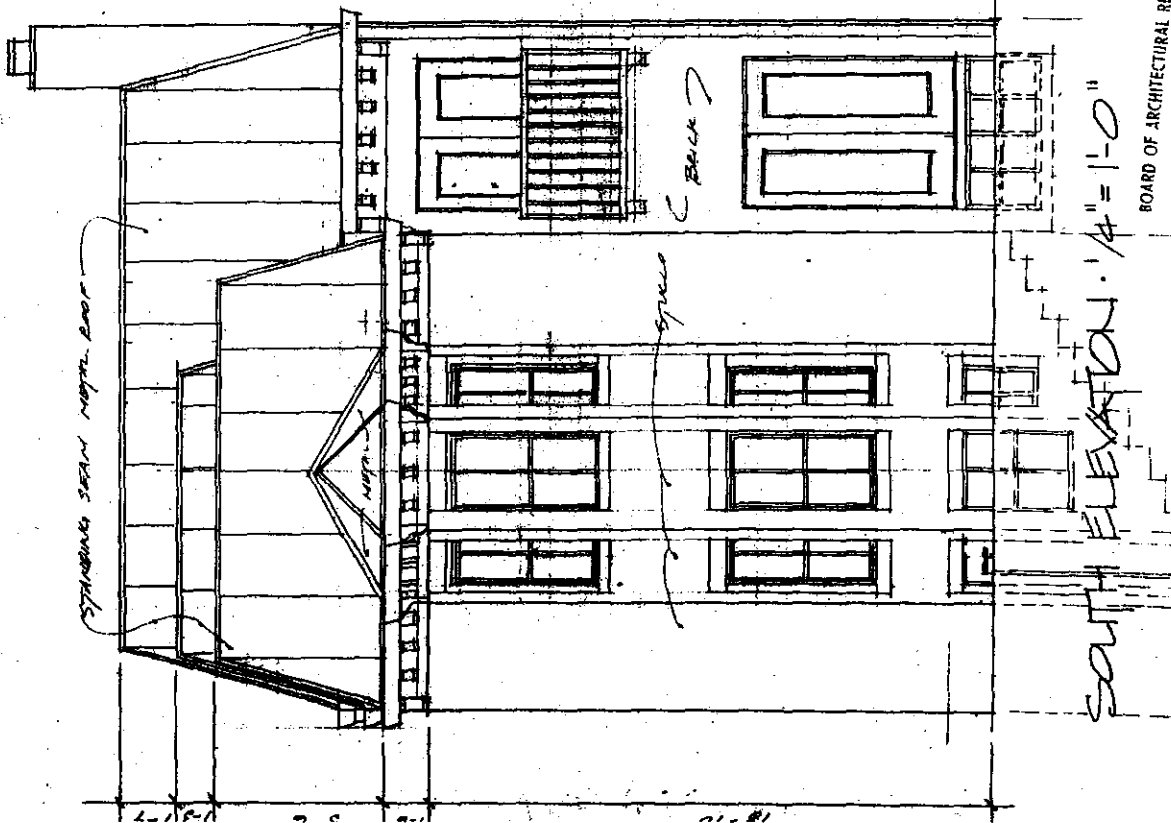
The applicant should not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.



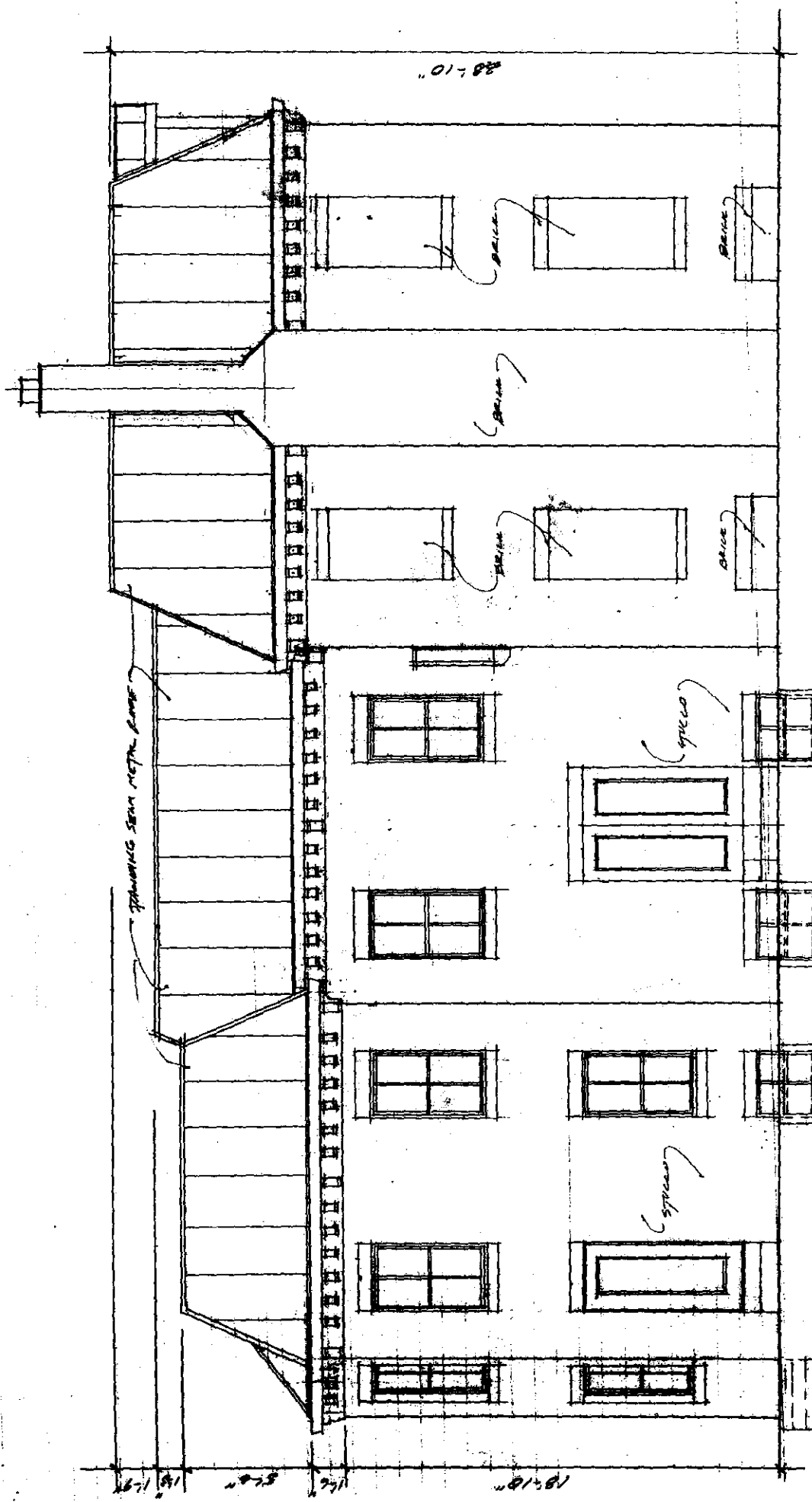
DECHERT HOUSE • 804 FENDELTON ST.
 ALEXANDRIA, VIRGINIA • REVISION 7/10/06

411-11-11-11

APPROVED

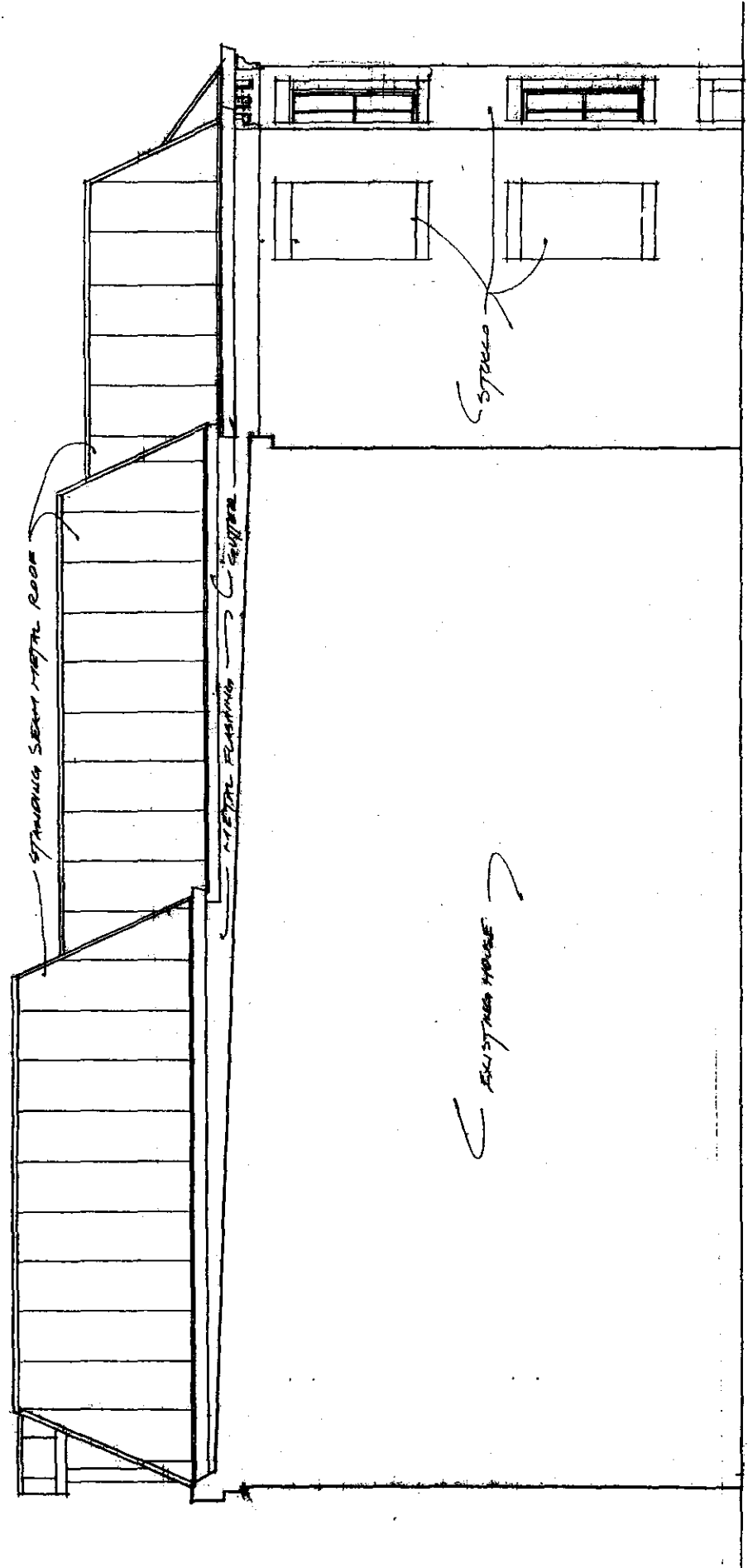


BOARD OF ARCHITECTURAL REVIEW



EAST ELEVATION. 1/4" = 1'-0"

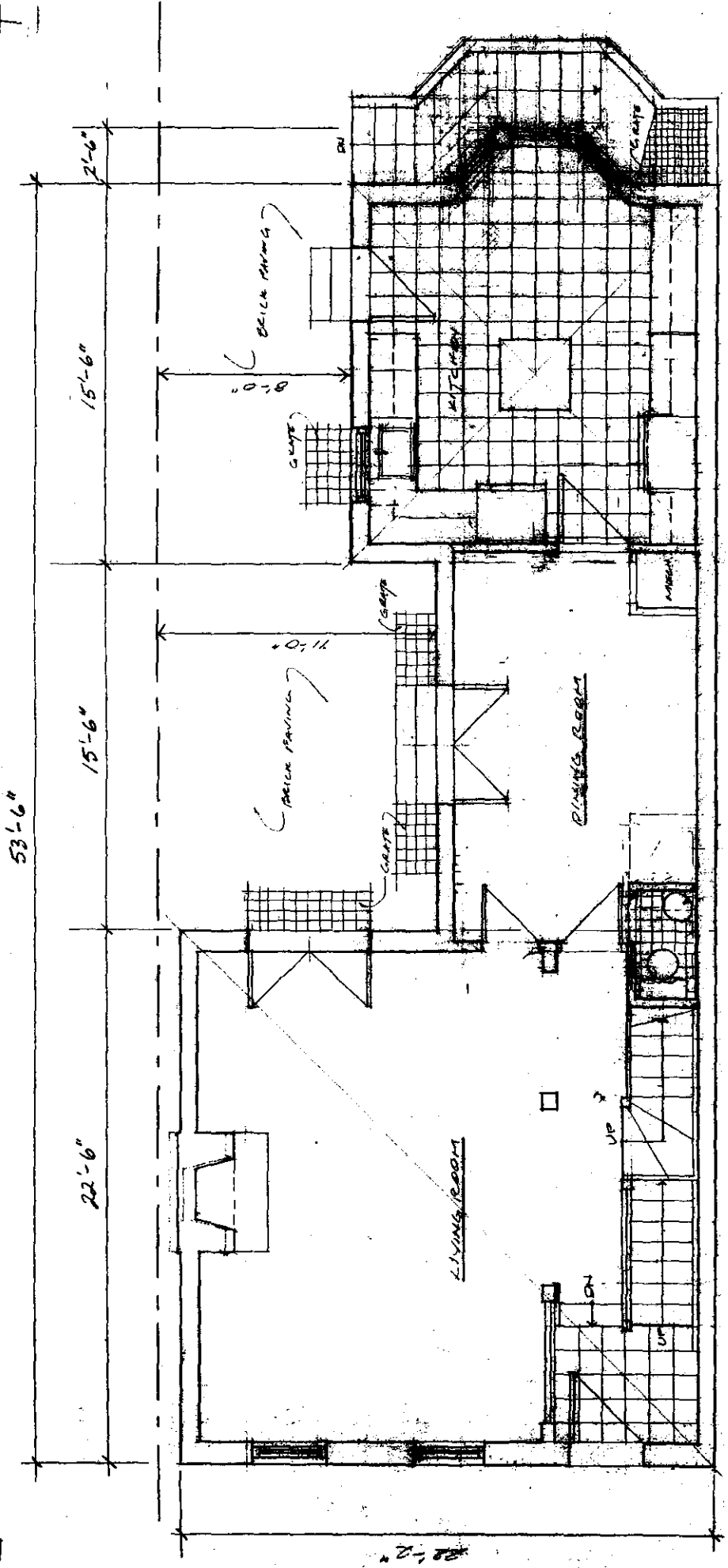
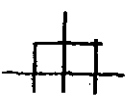
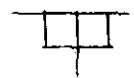
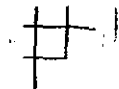
DECHERT HOUSE



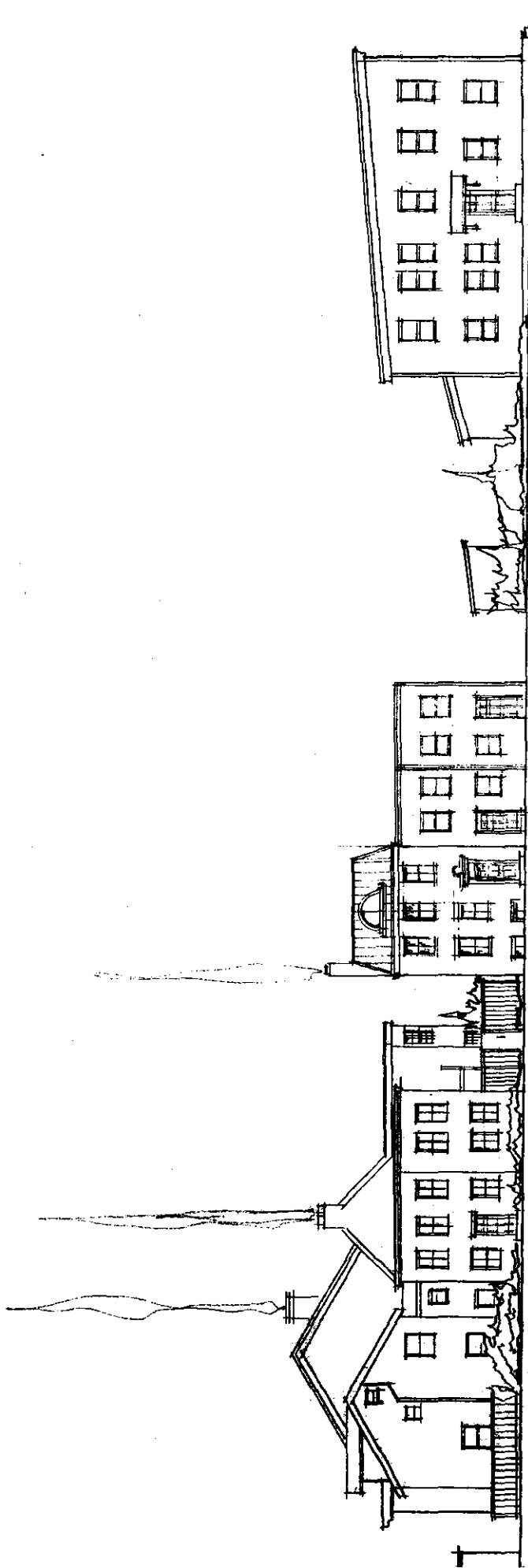
DECHERT HOUSE . 1/4" = 1'-0" . WEST ELEVATION

BOARD OF ARCHITECTURAL REVIEW

BOARD OF ARCHITECTURAL REVIEW

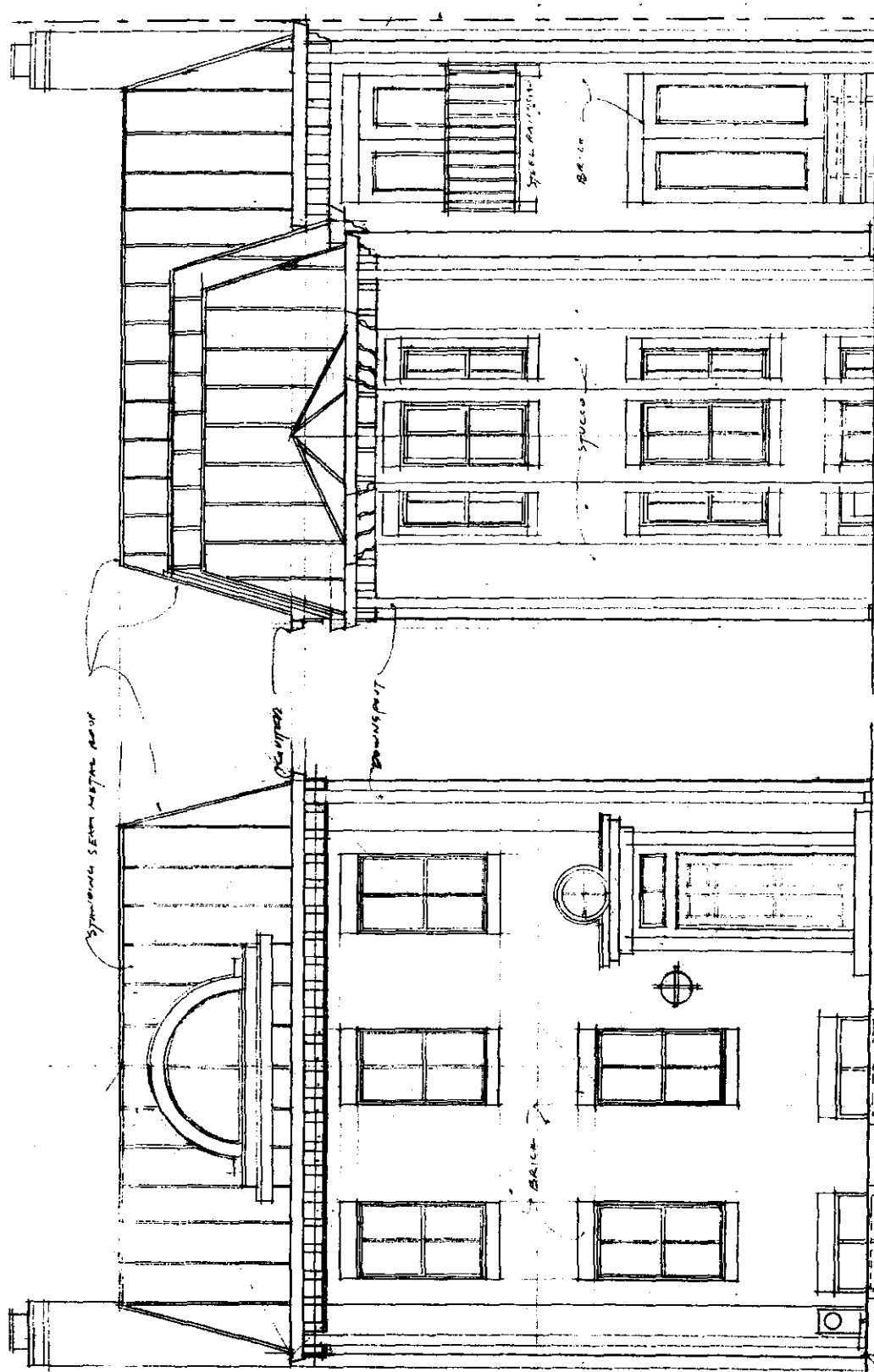


1ST FLOOR PLAN. 1/4" = 1'-0"
DECHERT HOUSE.



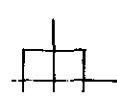
ELEVATION OF PENNINGTON ST. SOUTHSIDE BETWEEN COLUMBUS & ALFRED

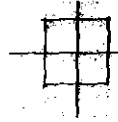
2011 2011



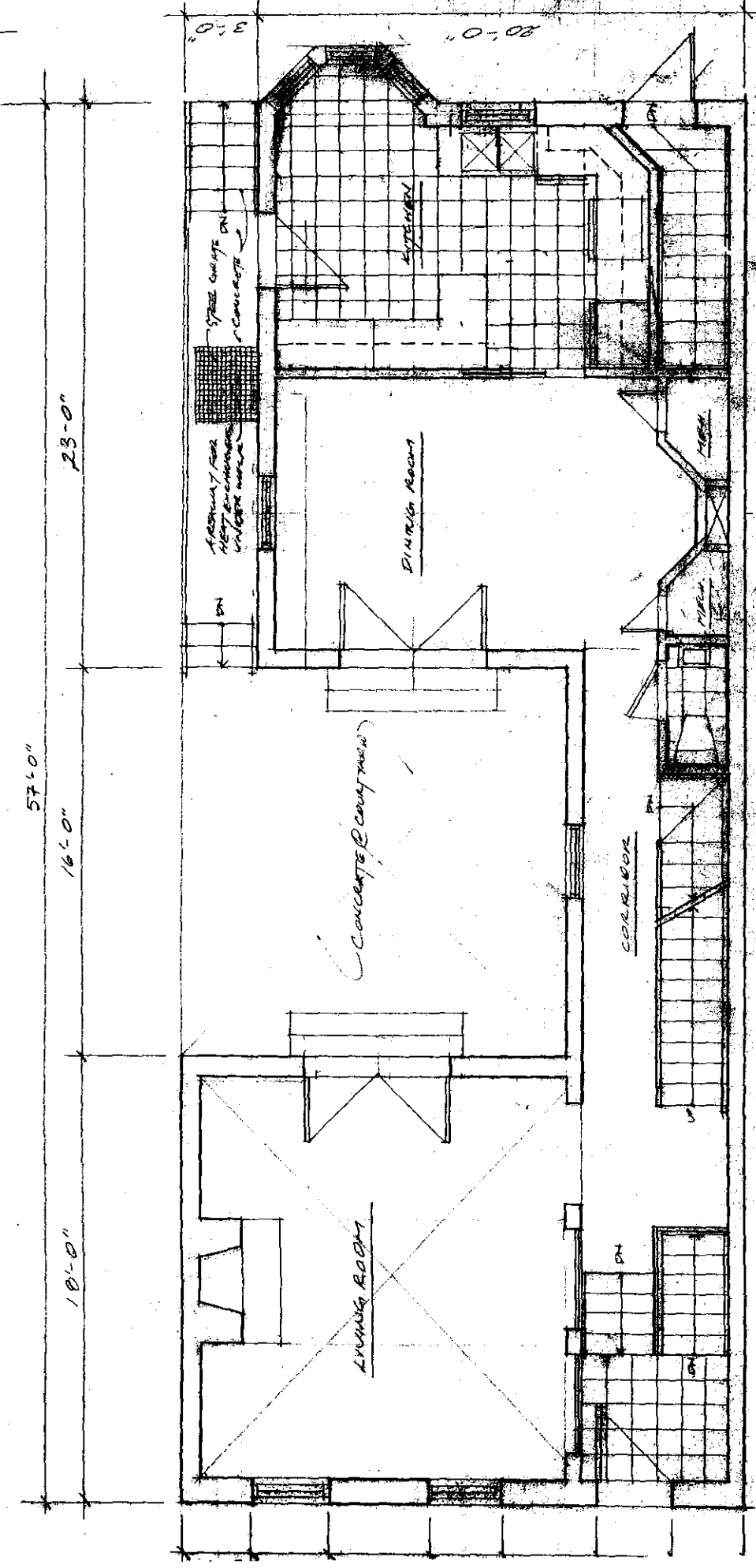
NORTH ELEVATION · 1/4" = 1'-0"
DECHERT HOUSE · VERSION 3

SOUTH ELEVATION
1/4" = 1'-0"

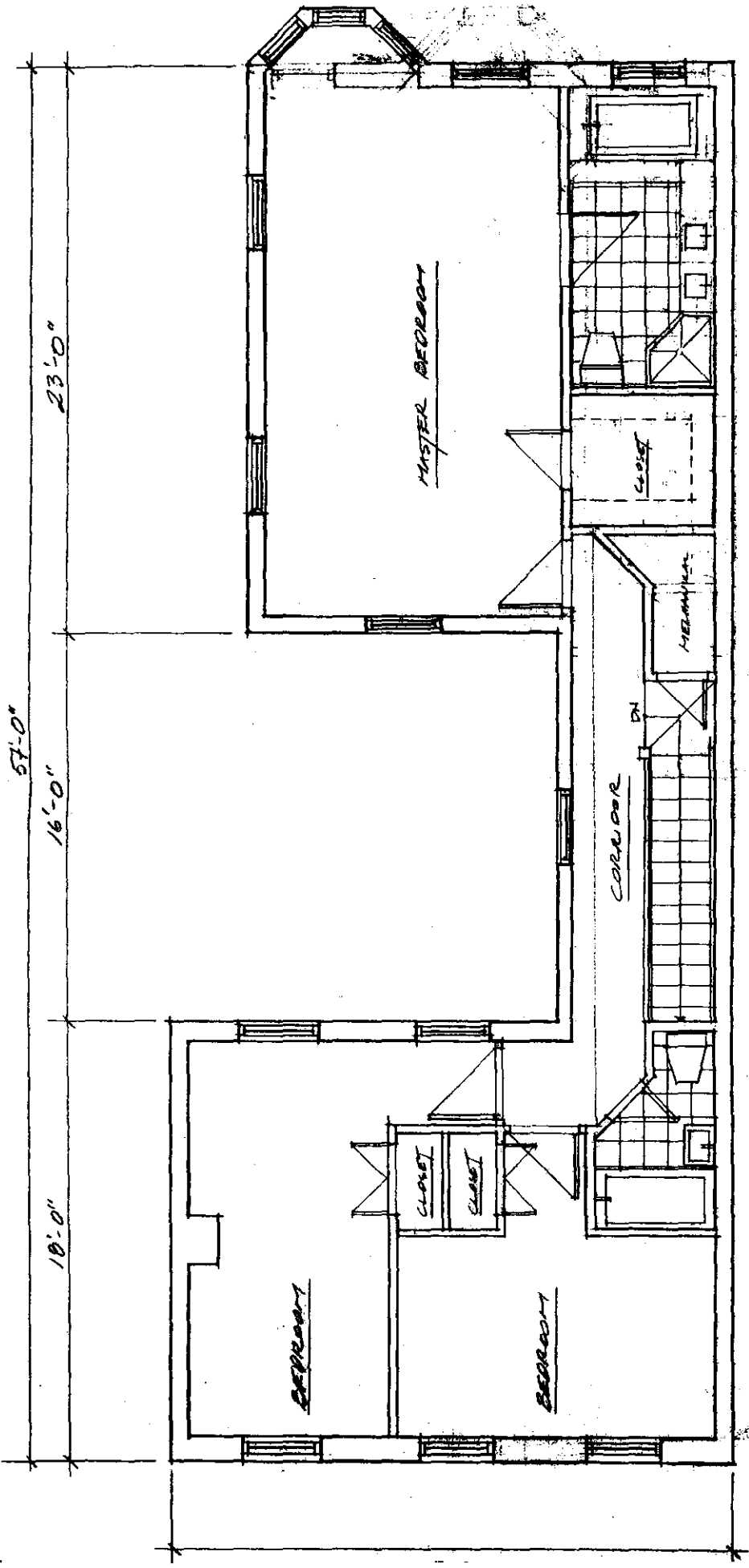




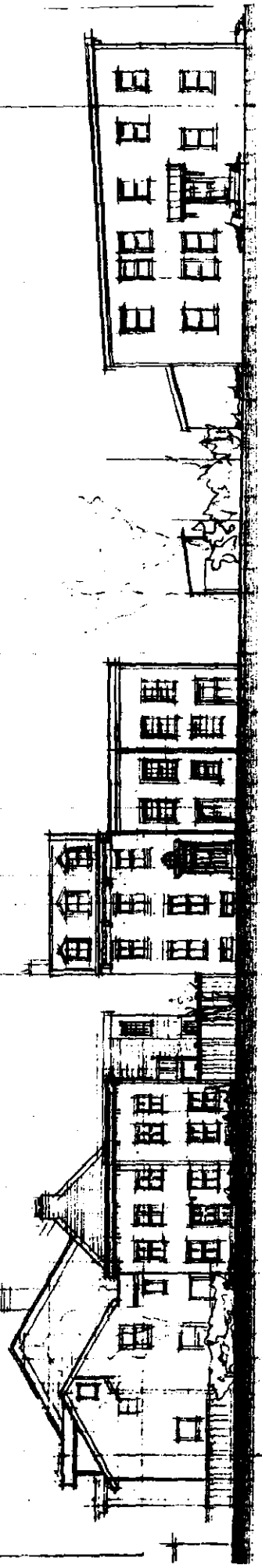
2ND SUBMISSION



1ST FLOOR PLAN. 1/4" = 1'-0"
 804 PENTLETON STREET, ALEXANDRIA, VIRGINIA
 DECHERT HOUSE. DR. MICHAEL DECHERT, A.I.A., ARCHITECT © 2004



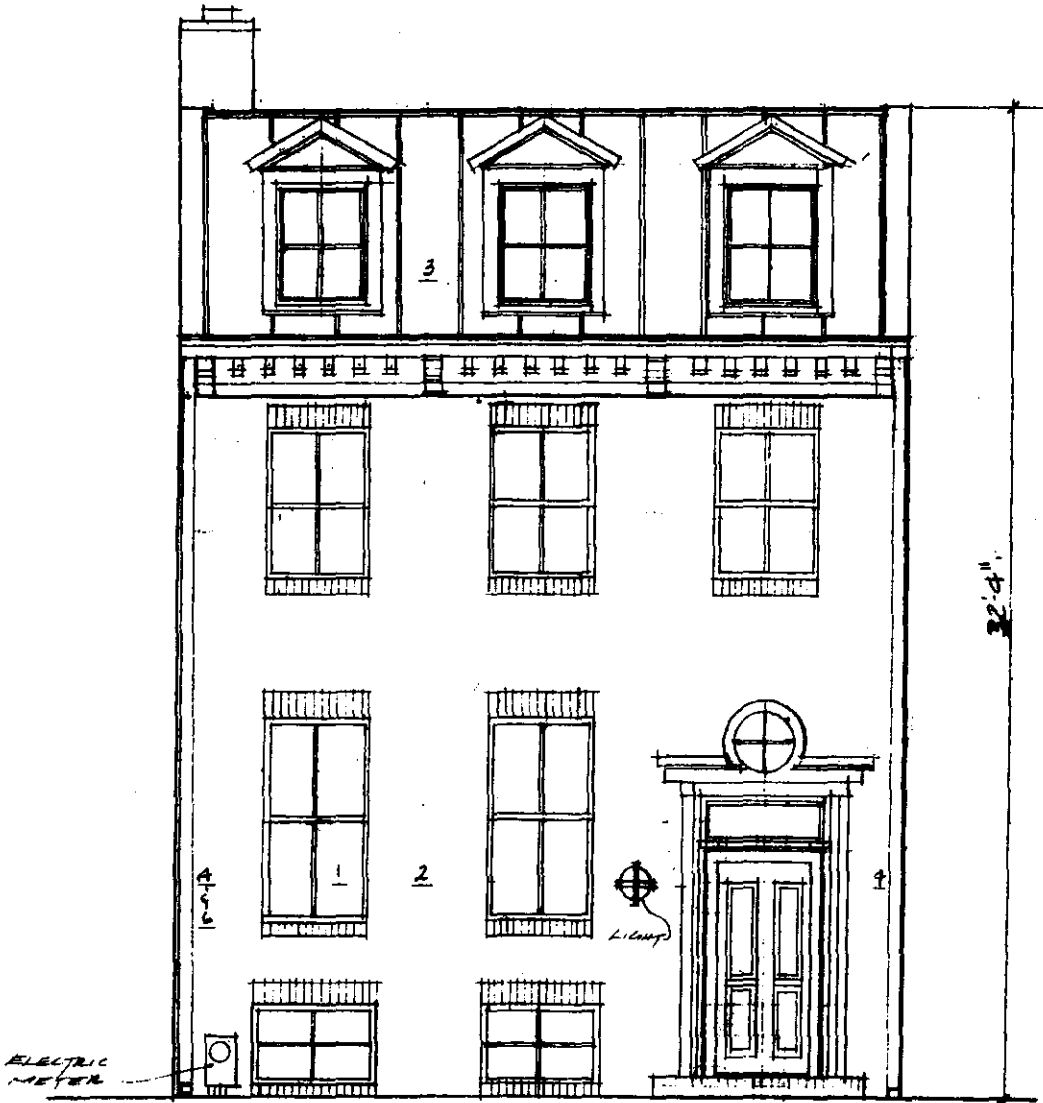
2ND FLOOR PLAN. 1/4" = 1'-0"
804 PENNINGTON STREET, ALEXANDRIA, VIRGINIA
DECHERT HOUSE. DR. MICHAEL DECHERT, AIA, ARCHITECT. 2004



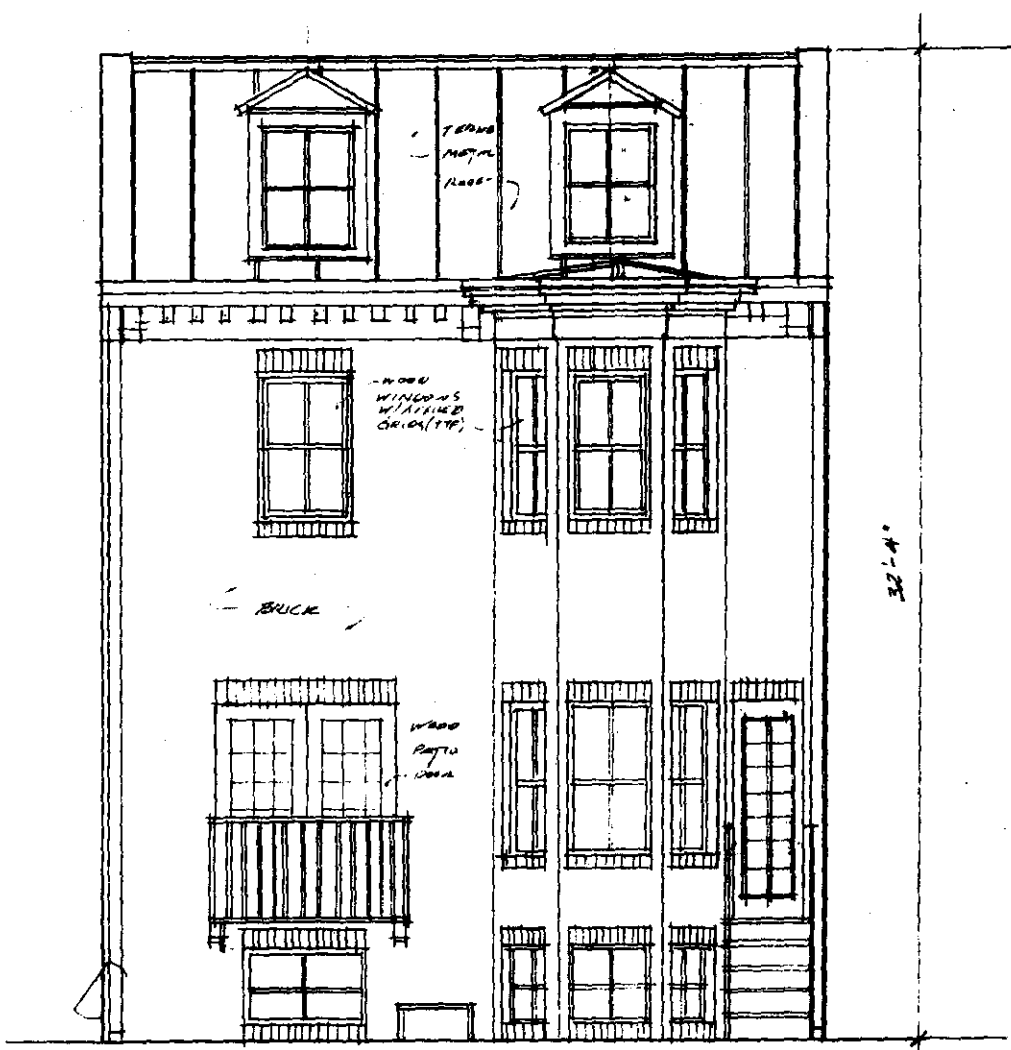
PENDLETON STREET ELEVATIONS. ALEXANDRIA, VA.
PECHERT HOUSE



- Notes:
- 1) Windows @ Front Elevation are wood true divided light.
 - 2) Facade and elevations are brick/solid masonry.
 - 3) Roof is standing seam metal (terne).
 - 4) Downspouts (2) @ front corners of Front Elevation
 - 5) Wood frame and woodwork incorporating wood Panel Front Door with transom and decorative oculus window above.
 - 6) Downspouts are 4" Ø round metal painted.

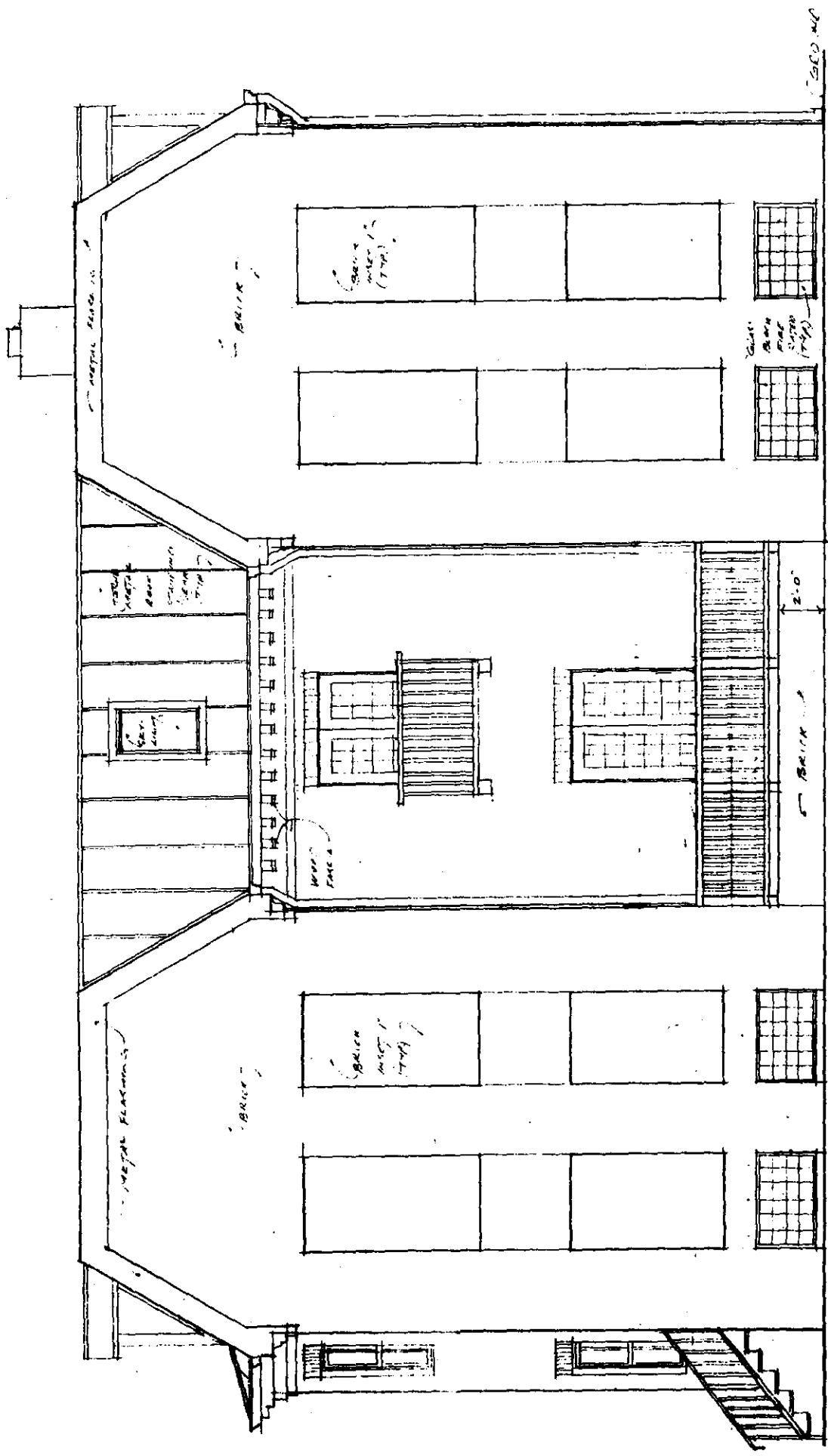


NORTH ELEVATION
DECHERT HOUSE 804 PENDELTON
ALEXANDRIA, VA.
 Dr. Michael Dechert, A.I.A., Architect



SOUTH ELEVATION
DECHERT HOUSE • 804 PENDELTON
ALEXANDRIA, VA.
Dr. Michael Dechert, A.I.A. Architect

E



EAST ELEVATION · DECHERT HOUSE · DR MICHAEL DECHERT, A.I.A.

2000 100

2'-0"

BRICK
WOOD FINISH
(7'4")

GLASS
WOOD FINISH
WOOD FINISH
(7'4")

BRICK
WOOD FINISH
(7'4")

METAL FLASHING

BRICK

METAL FLASHING

BRICK

METAL FLASHING

GLASS

WOOD FINISH

BRICK

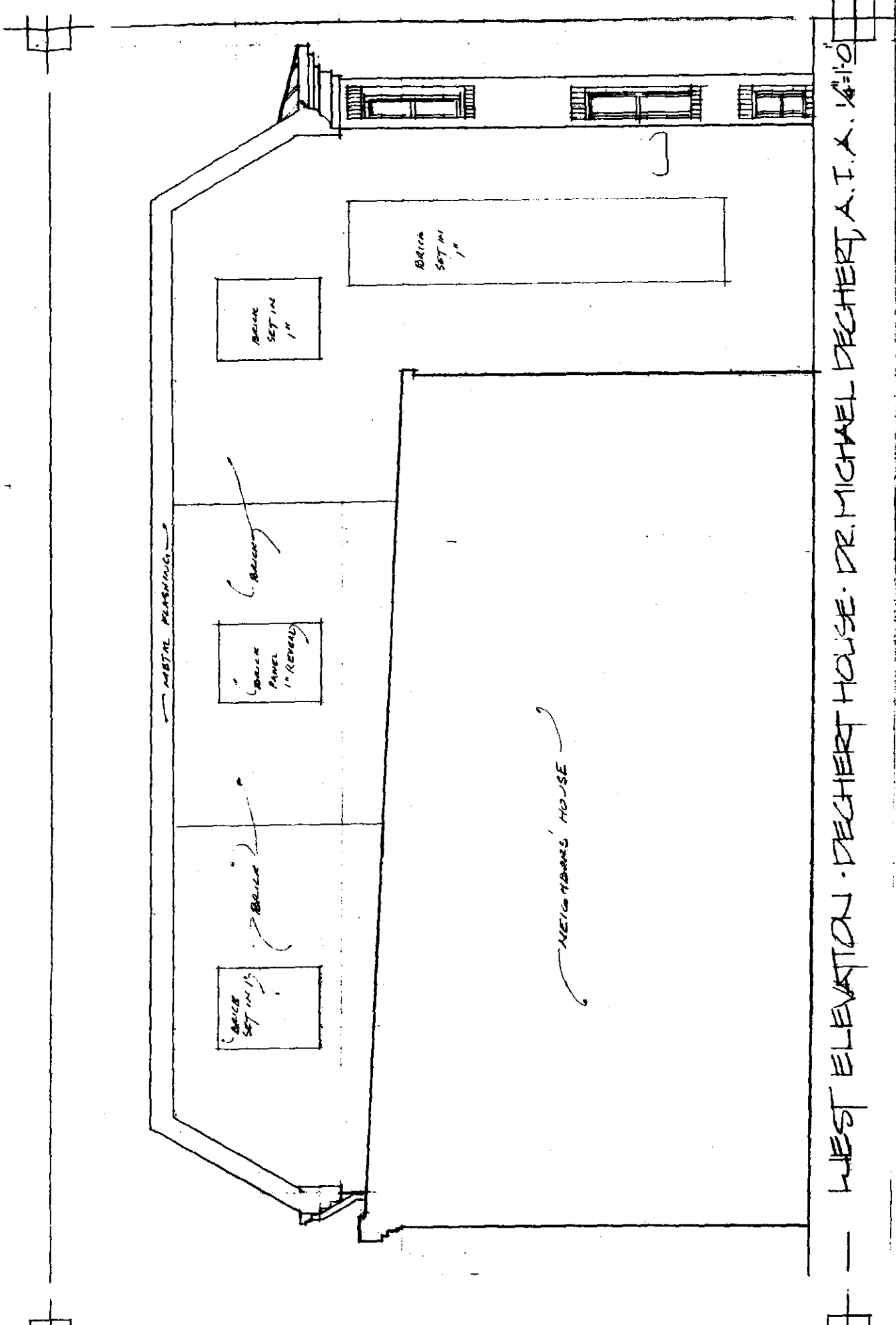
METAL FLASHING

BRICK

METAL FLASHING

BRICK

E



WEST ELEVATION · DECHERT HOUSE · DR. MICHAEL DECHERT, A.T.A. 4-1-0

BRICK SET IN 1"

BRICK SET IN 1"

BRICK PAPER 1" REVEAL

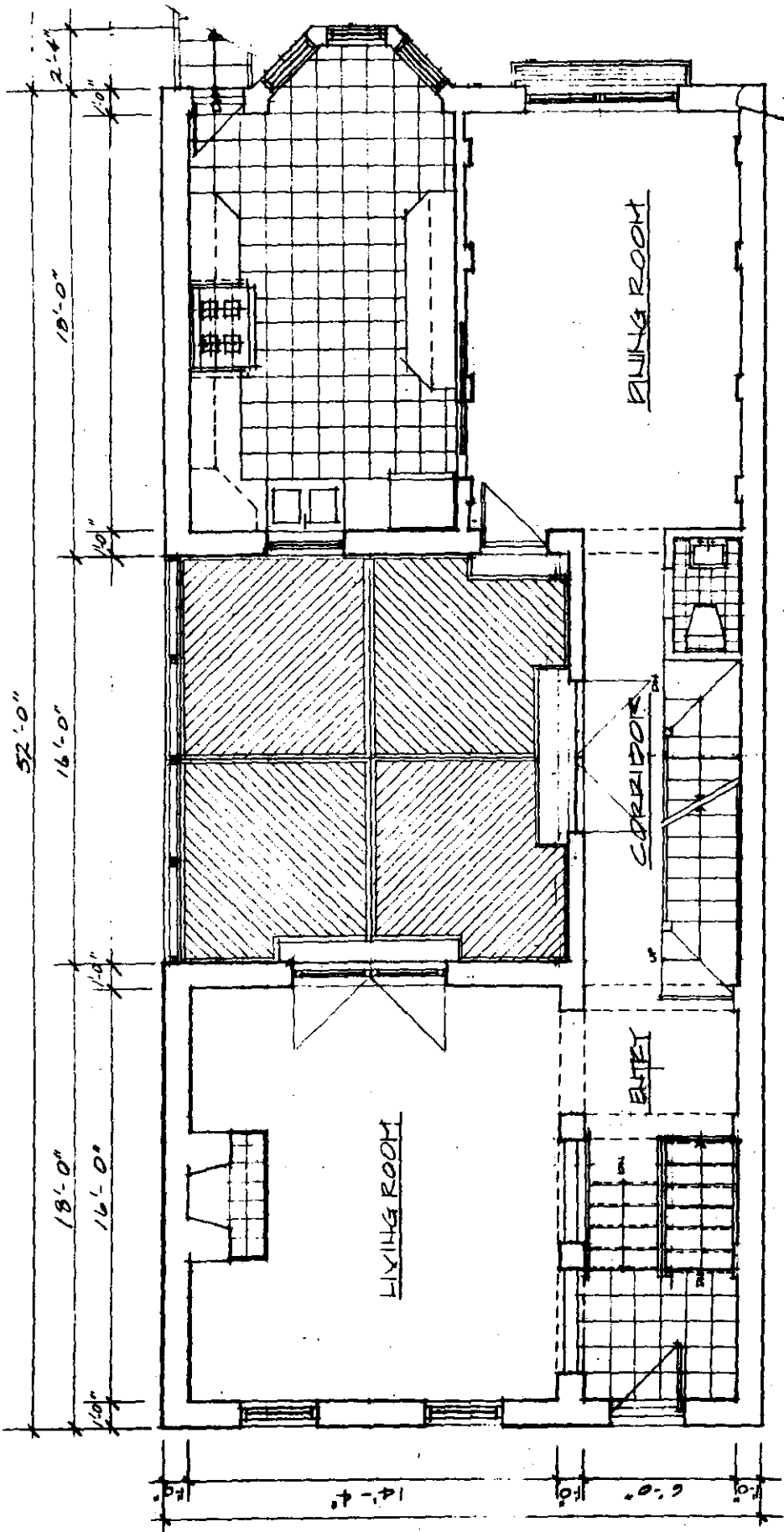
BRICK SET IN 1"

NEIGHBORS' HOUSE

METAL FLASHING

RECORD

BRICK



1ST FLOOR PLAN • SCALE: 1/4" = 1'-0"

804 PENPLETON STREET, ALEXANDRIA, VIRGINIA

DECHERT HOUSE • DR. MICHAEL DECHERT, A.I.A., ARCHITECT © 2004



SPEAKER'S FORM

DOCKET ITEM NO. 9

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: W. (Tom) Thomas
2. ADDRESS: 11320 RANDOM Hills # 325
 TELEPHONE NO. 3858282 E-MAIL ADDRESS: wthomas@fspd.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Michael & Anna Marie Dechert
4. WHAT IS YOUR POSITION ON THE ITEM?
 FOR: _____ AGAINST: OTHER: _____
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 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 three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided 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 legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting 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. If an item is docketed for *public hearing* at a regular legislative meeting, the public may speak to that item, and 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 discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative 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

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) 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 allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) 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 on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) 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.