

EXHIBIT NO. 1

10  
3-15-08

Docket Item #  
BAR CASE # 2007-0265

City Council  
March 15, 2008

**ISSUE:** Appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, approving a Permit to Demolish and Capsulate

**APPLICANT:** William Cromley

**AND APPELLANT:** Townsend Van Fleet on behalf of petitioners

**LOCATION:** 214 A North Pitt Street

**ZONE:** RM/Residential

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## **I. EXECUTIVE SUMMARY**

### **Issue:**

- The appellants are appealing a Board of Architectural Review decision approving a Permit to Demolish and Capsulate portions of the freestanding stable or carriage house at 214 A North Pitt Street. The decision of the Old & Historic Alexandria District Board of Architectural Review was appealed on January 28, 2008 by a petition of 54 owners of real property in the Old and Historic Alexandria District, in accordance with Section 10-107 of the Zoning Ordinance. The appellants believe that the Permit to Demolish and Capsulate should be denied by City Council to reconsider the size, style and extent of proposed addition and alterations to the building.
- The decision before the Council is whether the approval of the proposed demolition and encapsulation is consistent with the Criteria for Demolition and Capsulation as set forth in the Zoning Ordinance.
- The Old and Historic Alexandria Board of Architectural Review approved the application on January 16, 2008 by a roll call vote of 5-1.
- The Board of Architectural Review found the proposed demolition and encapsulation of portions of the building met the zoning ordinance criteria for demolition and capsulation.

**Recommendation:** That the Council support the decision of the BAR and approve the Permit to Demolish and Capsulate.

## **II. BACKGROUND**

The proposal before the Board in January consisted of two applications, one to allow demolition and encapsulation and the other, for construction of an addition and alterations to the freestanding stable/carriage house at 214A North Pitt Street. The first application involved a request for approval of demolition and encapsulation of portions of the building to construct the addition along the entire north wall and alterations to the east elevation. The second application was for the approval of the design of the addition and other alterations to the structure. The Board considered the applications together.

The Board approved the application for demolition and encapsulation of portions of the stable/carriage house because it believed that the demolition and encapsulation was acceptable. The Board found the staff conclusion that it “does not believe that the amount of demolition/encapsulation proposed in this application rises to the level that meets any of the [demolition] criteria” persuasive.

At the January 16<sup>th</sup> public hearing, the Board heard public testimony that indicated that the stable/carriage house clearly dated from the mid-19<sup>th</sup> century and that it may be

associated with the ownership of Moses Hepburn, one of the most prominent African-Americans in Alexandria in the early and mid-19<sup>th</sup> century. Subsequent research confirmed the fact that Hepburn did, at one time, own the land on which the stable/carriage house is constructed. However, it appears unlikely that Hepburn constructed the building. Thus, while the stable/carriage house that is the subject of the appeal was clearly constructed in the mid-19<sup>th</sup> century, evidence indicates that the extant structure was not constructed by Hepburn.

The Board was provided this additional information regarding the Hepburn association with the property at the public hearing of March 5, 2008. The Board did not take public testimony but heard clarifying comments from the attorney for the applicant. The Board did not re-consider its previous action with respect to the application.



Mid-19<sup>th</sup> century stable/carriage house with later eastside additions  
at 214 A North Pitt Street

### **The Decision on the Permit to Demolish/Capsulate**

In considering a Permit to Demolish/Capsulate, the Council must consider the following criteria set forth in the Zoning Ordinance, Section 10-105(B):

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

- (4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?

The decision of the Board and the City Council must be based on a finding that these criteria have been met. It was the conclusion of the Board of Architectural Review that none of the criteria applied to this request given the amount of demolition and encapsulation proposed. Therefore, the Board approved the Permit to Demolish and Capsulate.

In conjunction with its approval of the Permit to Demolish and Capsulate, the Board found that the addition and alterations proposed for the freestanding stable/carriage house were appropriate in the Old and Historic Alexandria District.

In considering the appeal, City Council must base its decision on the criteria set forth in Zoning Ordinance Section 10-105(B). Based on the findings, City Council may:

1. Uphold the Board's approval of the Permit to Demolish and Capsulate;
2. Approve the appellant's petition with modifications or amendments
3. Remand the application to the Board; or
4. Deny the Permit to Demolish and Capsulate.

#### **IV. RECOMMENDATION**

Staff recommends that the Council support the decision of the Board of Architectural Review and approve the Permit to Demolish and Capsulate.

Attachment 1: BAR Staff report, January 16, 2008

Attachment 2: BAR application plan set and associated materials for the public hearing of January 16, 2008

STAFF: Faroll Hamer, Director, Department of Planning and Zoning  
Stephen Milone, Division Chief, Zoning and Land Use Services  
Lee A. Webb, Manager, Boards of Architectural Review Staff  
Peter H. Smith, Preservation Planner, Boards of Architectural Review Staff

ATTACHMENT 1

Docket Item # 11  
BAR CASE # 2007-0264

BAR Meeting  
January 16, 2008

**ISSUE:** Demolition/Encapsulation  
**APPLICANT:** Bill Cromley  
**LOCATION:** 214 A North Pitt Street  
**ZONE:** RM/Residential

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**BOARD ACTION, JANUARY 16, 2008:** The Board combined the discussion of docket item #'s 11 & 12. Mr. Smith noted that the design as presented in the application did not meet the requirements for open space in the RM zone and that if the Board approved the design that it would be re-worked so that the project met the zoning ordinance requirements for open space. On a motion by Dr. Fitzgerald, seconded by Mr. Neale the Board approved the applications with the conditions that:

1. The proposed addition comply with the open space requirements of the zoning ordinance;
2. The dormers on the addition are eliminated;
3. Staff is to be provided the chain of title for the building;
4. If it can be shown that Moses Hepburn owned the property, the proposal is to return to the Board for further consideration;
5. The applicant/developer shall 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;
6. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology; and,
7. The statements in 1 and 2 above shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

The roll call vote on the motion was 5-1 (Mr. Spencer was opposed).

**REASON:** The Board agreed with the staff analysis regarding the size of the addition and believed that an addition was necessary as a means of preserving the building. The Board did not believe that Moses Hepburn was associated with the carriage house. However, in the event that it is shown that Hepburn did, in fact, own the building, the Board believed that the proposal should be re-considered by the Board.

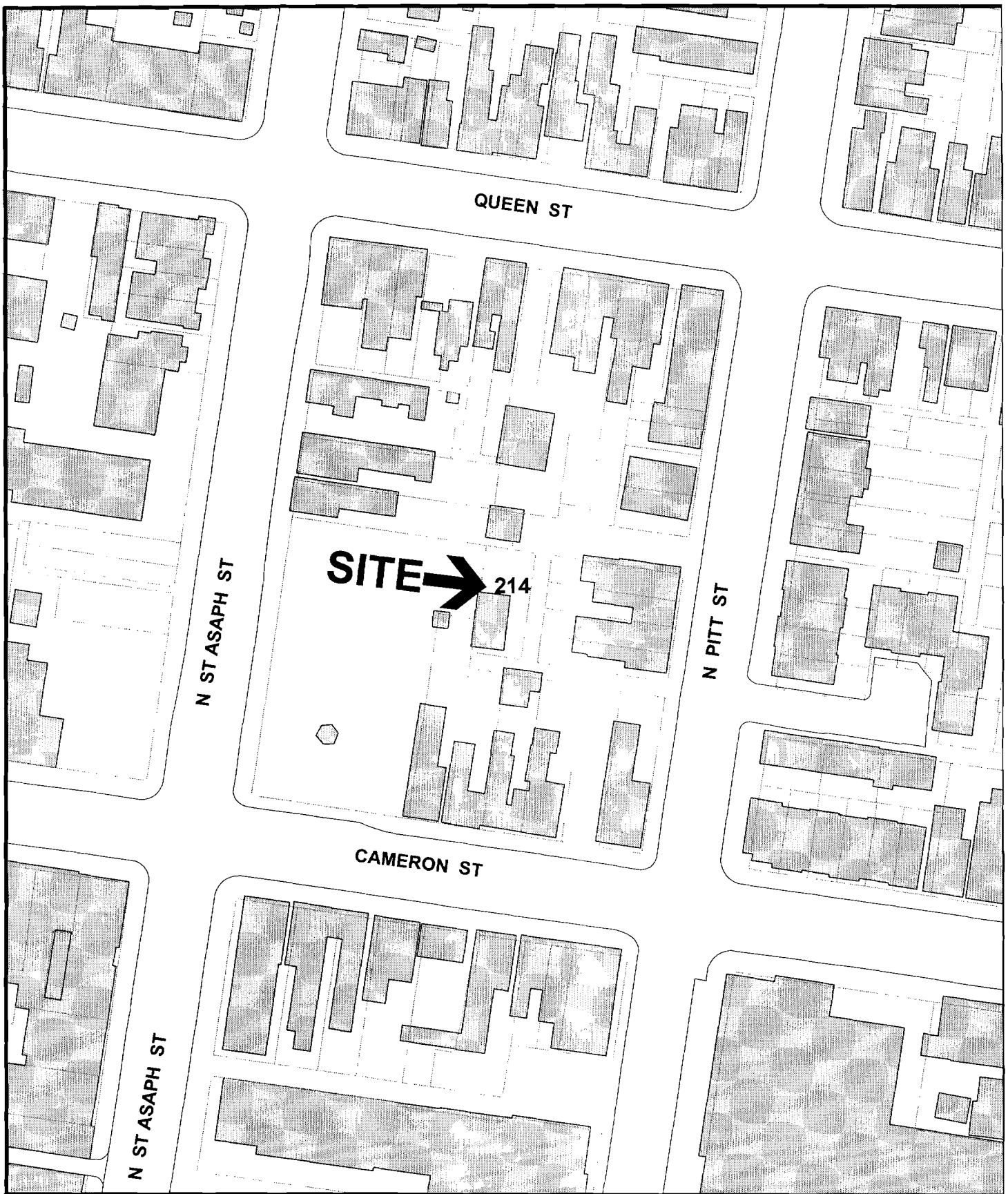
**SPEAKERS:** Bill Cromley, applicant, spoke in support  
Townsend Van Fleet, President, Old Town Civic Association, spoke in opposition  
John Johansen, Chair, Historic Preservation Committee, Town Civic Association, spoke in opposition  
John Hynan, representing the Historic Alexandria Foundation, spoke in opposition  
Randy Stevens, representing the Society for the Preservation of Black Heritage, spoke in opposition  
Lillie Finklea, 1210 Franklin Street, Director, Friends of Freedmen Cemetery, spoke in opposition  
Linda Wolf, Realtor, spoke in support  
Trudy Pierson, member, Old Town Civic Association and member, Historic Preservation Trust Task Force, spoke in opposition  
Julie Crenshaw Van Fleet, Wolfe Street, spoke in opposition

**STAFF RECOMMENDATION:** Staff recommends approval as submitted.

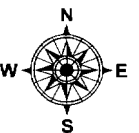
**BOARD ACTION, DECEMBER 19, 2007:** On a motion by Mr. Smeallie, seconded by Ms. Neihardt, the Board deferred the application for restudy by a vote of 5-0.

**REASON:** The Board deferred the application for restudy to give the applicant the opportunity to return to the Board with colored drawings and a scale model of the proposed construction. The Board felt that these visual aides are necessary to determine the appropriateness of the proposal.

**SPEAKERS:** Bill Cromley, applicant, spoke in support;  
John Hynan, representing the Historic Alexandria Foundation spoke in opposition;  
John Johansen, OTCA Board of Directors and OTCA Historic Preservation committee chair, spoke in opposition;  
Ken Hutchinson, 509 Cameron, expressed concern regarding continued alley access to his rear parking



**BAR CASE #2007-0264, 0265 1/16/2008**



NOTE: This docket item requires a roll call vote.

UPDATE: Since the December 19, 2007 Old and Historic Board of Architectural Review meeting, the applicant has made some revisions to the materials on the proposed addition to the existing building, but no changes to the amount of proposed demolition and encapsulation. Therefore, the prior Staff recommendation of approval of the Permit to Demolish/Encapsulate is repeated.

**I. ISSUE:**

The applicant is requesting approval of a Permit to Demolish/Encapsulate in order to make alterations to the existing two-story building and construct a two-story addition at 214 A North Pitt Street. The building is located on an interior lot within the block bounded by N. St. Asaph



Street to the west, Queen Street to the north, North Pitt Street to the east, and Cameron Street to the south. It is accessed from North Pitt Street.

Currently, the east elevation consists of three bays, with a shallow shed roof, that are enclosed with wood doors and siding. This wall will be replaced with a new garage door on the southern most bay and a bay of wood French-style doors with side lights. It also appears that a new window will be installed on the second level, with removal of brick 4' x 5' or 20 square feet between the two existing openings.

The entire north elevation of the existing building will be encapsulated by the proposed addition with a foot print of 19.5' x 20.4'. An area of approximately 16' x 17' or 272 square feet will be encapsulated by the addition on the north elevation.

## **II. HISTORY:**

214 A North Pitt Street is a two-story brick building that appears to have been constructed to serve as a secondary/carriage house/garage structure for adjacent buildings in the area. Historically, the building and lot were associated with 509 Cameron Street and probably served as a stable for that residence. The 1877 Hopkins maps shows a structure with a small addition on the lot. A two story structure with what appears as a one-story addition is shown on the 1891 Sanborn Fire Insurance map. The 1907 map shows just a two-story structure without the one-story addition. The 1921 Sanborn map shows a two-story structure with two, one-story additions, with the northern most addition projecting slightly further to the west. The map also indicates the structure was used for "autos". The 1941 and 1958 Sanborn maps show just a two-story structure that appears to be the footprint of the current building.

Staff did not locate any prior Board approval for this property.

The applicant recently received approval of a special exception from the Board of Zoning Appeals to construct a two-story addition on the rear property line (BZA Case #2007-00029).

## **III. ANALYSIS:**

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

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

5. Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
6. Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live?

Staff does not believe the amount of demolition/encapsulation proposed in this application rises to the level that meets any of the above criteria. The proposed areas to be altered by demolition and encapsulation appear to be more recent areas of the structure. The north wall of the building that will be encapsulated by the addition has been subject in some degree to previous encapsulation and alterations.

Therefore, Staff supports the application for a Permit to Demolish/Encapsulate.

**IV. STAFF RECOMMENDATION:**

Staff recommends approval as submitted.

## CITY DEPARTMENT COMMENTS

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

### Code Enforcement:

- C-1 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 be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 110.3).
- C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-7 The new handrails must comply with USBC for a minimum/maximum height of 30 to 34 inches. The ends must extend 12" beyond the top and bottom risers. The handgrip position must not be more than 2-1/4" in cross-sectional dimension, or the shape must provide an equivalent gripping surface. The handgrip portion must have a smooth surface with no sharp corners. The space between the wall and handrail must not be less than 1-1/2".
- C-8 Guardrail height and openings must comply with USBC 1012.2 and 1012.3.
- C-9 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-10 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-11 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-12 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-13 A soils report must be submitted with the building permit application.
- C-14 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:  
Comments Pending

Alexandria Archaeology:

Tax records from 1810 indicate that a portion of this block may have been a garden plot for the Marsteller estate, but the exact location is not known. By 1850, the documents indicate that there were structures facing the alley adjacent to this property. Some of these were occupied by African Americans, but the precise locations of these free black households are unknown. The property therefore has the potential to contain archaeological resources that could provide insight into residential life in 19<sup>th</sup>-century Alexandria, perhaps relating to free African Americans.

Recommendations:

1. The applicant/developer shall 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.
2. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
3. The statements in 1 and 2 above shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.