

Docket Item #7
BAR CASE #2004-0197

BAR Meeting
April 20, 2005

ISSUE: After-the-fact review of shed, trellis and fencing

APPLICANT: Gary Smith

LOCATION: 321 Queen Street

ZONE: RM/Residential

BOARD ACTION, NOVEMBER 17, 2004: On a motion by Ms. Neihardt, seconded by Mr. Keleher the Board deferred the application for restudy. The vote on the motion was 7-0.

REASON: The Board agreed with the neighbors that all elements of the application - the trellis, the shed and the fencing – were too tall and needed to be reduced in size. The Board believed that the project should be rethought and accommodations with the neighbors reached regarding the various elements of the project.

SPEAKERS: John Cole, project architect, spoke in support
Mary Jean Smith, homeowner, spoke in support
Gebe Johnson, 309 North Royal Street, spoke in opposition
Becky Squires, 313 Queen Street, spoke in opposition
Francois Duret, 317 Queen Street, spoke in opposition
Keith Hudkins, 302 N. Royal Street, spoke in opposition
Michael Hobbs, President, Old Town Civic Association, spoke in opposition
Daniel Horowitz, 313 N. Royal Street, spoke in opposition
Dennis Jamison, 311 North Royal Street, spoke in opposition
Mary Lois Conley, 319 Queen Street, spoke in opposition

BOARD ACTION, SEPTEMBER 23, 2004: On a motion by Ms. Neihardt, seconded by Mr. Smeallie the Board deferred the application for restudy for a redesign of the trellis, shed and fencing that were not as tall as the existing.
The vote on the motion was 5-0.

REASON: The Board agreed with the neighbors that all elements of the application - the trellis, the shed and the fencing – were too tall and needed to be reduced in size. The Board believed that the project should be rethought and accommodations with the neighbors reached regarding the various elements of the project.

SPEAKERS: Mary Jean Smith, homeowner, spoke in support
Gary Smith, homeowner, spoke in support
Michael Myback, 325 Queen Street, spoke in opposition
Gebe Johnson, 309 North Royal Street, spoke in opposition
Kevin Johnson, 309 North Royal Street, spoke in opposition
Becky Squires, 313 Queen Street, spoke in opposition
Dennis Jamison, 311 North Royal Street, spoke in opposition
Lawrence O'Connor, 207 South Lee Street, spoke in opposition
Michael Hobbs, President, Old Town Civic Association, spoke in opposition

UPDATE: Based upon the attached letter from the applicant, it is now the request to the Board that action be taken on the application as originally submitted and not on the possible revisions which were proposed at the November public hearing. Based upon this request, Staff continues to recommend approval and here repeats the Staff report from the first hearing regarding this application in September 2004. Staff also notes that the fence and shed have been painted within the last 10 days. Several citizens have complained concerning this action. However, Staff has taken no action on these complaints for two reasons. First, as a general rule the Board does not regulate paint color and second, the *Design Guidelines* recommend that fences and outbuildings be painted.

STAFF RECOMMENDATION:

Staff recommends approval of the application as submitted.

I. Issue:

The applicant is requesting approval of a Certificate of Appropriateness for after-the-fact construction of a wood shed, trellis and fencing at the rear of the residential property at 321 Queen Street.

Shed

The wood shed that has been constructed is one story in height and measures 10.25' x 6.25' with an overall height of 10.25' and has a standing seam metal roof. The shed has multi-light wood windows and a board on board wood door. The shed siding will be stained a gray color.

Trellis

The wood trellis is 18' long and 3' wide with the tails of the rafters overhanging the structure by 12". The trellis is constructed of 2x6 cedar rafters on 6x6 wood columns. The trellis will be stained a gray color.

Fencing

The new wood board on board fencing replaced deteriorated stockade fencing. The fence is constructed of 8' sections of 1x6 cedar boards between 6x6 wood posts. The fence varies in height between 5.5' and 6'. The fence is proposed to be stained with an opaque white stain.

II. History

321 Queen Street is one of four attached two story, three bay townhouses (along with 325, 323 and 319) built in 1818 by Presley Barker and James McGuire (Ethelyn Cox, *Alexandria Street by Street*, p. 142).

III. Analysis

Proposed alterations comply with Zoning Ordinance requirements.

Staff has not located any records of previous Board actions with respect to this property.

Staff believes that the shed, trellis and fencing are appropriate and meet the recommendations of the *Design Guidelines*. Having said that, Staff is well aware of the concerns of the surrounding

neighbors. Staff readily acknowledges the fact that the construction of the shed and fencing substantially alters the visual space within the interior of the blockface. Staff also acknowledges the fact that the fencing that has been installed appears to the neighbors as higher than 6' because the grade of the rear yard at 321 Queen Street has been raised approximately one foot thus, creating a 7' high fence as viewed from the adjacent yards. The primary charge to the Board is the protection of the exteriors of properties in the historic district that are visible from the public right-of-way. In fact, if exterior work is undertaken on a property and it is not visible from a public right-of-way, the Board has no jurisdiction over the property and the work can be undertaken without further review. While the shed and fencing are visible from North Royal Street, the view from the public right-of-way is relatively minimal. Therefore, in the opinion of Staff, the public perception of the blockface will remain largely unchanged. For these reasons, Staff believes that the work that has been undertaken is appropriate and recommends approval.

IV. Staff Recommendation

Staff recommends approval of the application as submitted.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

F-1 A construction permit is required for the Pergola. Construction shall comply with the current addition of the USBC.

Historic Alexandria:

No comment.