

Docket Item # 5
BAR CASE # 2006-0281

BAR Meeting
February 21, 2007

ISSUE: After-the-fact approval of Demolition and Permit to Demolish
APPLICANT: Boyd Walker
LOCATION: 200 Commerce Street
ZONE: CL/Commercial

STAFF RECOMMENDATION, FEBRUARY 21, 2007: Staff recommends approval of the after-the-fact Permit to Demolish and the Permit to Demolish with the following conditions:

1. That the applicant replace the demolished canopy within six months, to match the original canopy in respect to size and proportions, structure, and materials,
2. That any remaining features such as the support chains and rings/bolts be retained, and
3. That the applicant must obtain a building permit from Code Enforcement.

BOARD ACTION, JANUARY 17, 2007: On a motion by Mr. Wheeler, seconded by Mr. Smeallie, the Board deferred the application for restudy. The vote on the motion was 7-0.

REASON: The Board believed that the drawings needed to be revised to include more information such as the original 1931 drawings. The Board also felt that the \$1,500 fine proposed by staff was too low for this after-the-fact case.

SPEAKERS: Boyd Walker, applicant, spoke in support

STAFF RECOMMENDATION, JANUARY 17, 2007: Staff recommends approval of the after-the-fact Permit to Demolish and the Permit to Demolish with the following conditions:

1. That the applicant replace the demolished canopy to match the original canopy in respect to size and proportions, structure, and materials,
2. That any remaining features such as the support chains and rings/bolts be retained, and
3. That the applicant must obtain a building permit from Code Enforcement.

BOARD ACTION, JANUARY 3, 2007: Deferred prior to the public hearing due to lack of public notice.

STAFF RECOMMENDATION, JANUARY 3, 2007: Staff recommends approval of the after-the-fact Permit to Demolish and the Permit to Demolish with the following conditions:

1. That the applicant replace the demolished canopy to match the original canopy in respect to size and proportions, structure, and materials,
2. That any remaining features such as the support chains and rings/bolts be retained, and
3. That the applicant must obtain a building permit from Code Enforcement.

BOARD ACTION, DECEMBER 20, 2006: Deferred prior to the public hearing due to lack of public notice.

STAFF RECOMMENDATION, DECEMBER 20, 2006: Staff recommends approval of the after-the-fact Permit to Demolish with the following conditions:

1. That the applicant replace the demolished canopy to match the original canopy in respect to size and proportions, structure, and materials,
2. That any remaining features such as the support chains and rings/bolts be retained, and
3. That the applicant must obtain a building permit from Code Enforcement.

(Insert sketch here)

NOTE: This docket item requires a roll call vote

UPDATE: At the January 17, 2007 meeting, the Board voted to defer the application. The Board believed that the drawings needed to be revised to include more information such as the original 1931 drawings. The Board also felt that the \$1,500 fine proposed by staff was too low for this after-the-fact case. In response to the Board's comments, the applicant has incorporated the revisions requested by the Board. The amount of after-the-fact and new demolition has not been altered since the January 17 meeting, so staff repeats the recommendation with addition that the new canopy be installed within 6 months.

I. ISSUE:

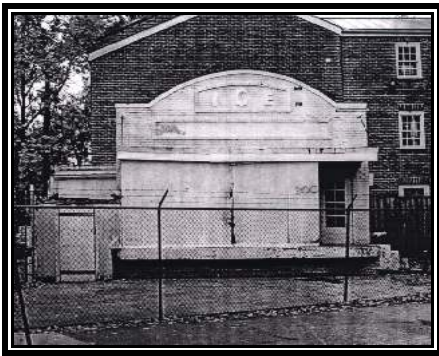


Figure 1 - Before demolition



Figure 2 - After Demolition

The applicant is requesting after-the-fact approval of a Permit to Demolish portions of the Ice House building at 200 Commerce Street. Prior to making application, the applicant removed a framed enclosure on the front loading dock of the Ice House and removed the projecting canopy over the front loading dock.

The applicant is also requesting a Permit to Demolish to remove the existing roofing, including the support beams and roof material, and replace the existing roof with new framing, new EPDM material and four new skylights. The roof of the Ice House is relatively flat, with a slope to the rear. The roof parapet obscures views of the roof from the public right-of-ways. Staff inspected the condition of the existing roof and supports its replacement.

The Ice House building is an excellent representative of a small scale industrial building from the first half of the 20th-century.

The applicant did not contact BAR Staff or Code Enforcement regarding the decision to remove the enclosure on the front loading dock and the canopy. Therefore, staff was unable to make any professional determination of the historic integrity of these features of the building.

Staff became aware of the unapproved demolition on November 8, 2006 and Code issued a stop work order on November 9, 2006. Staff met with the applicant on site and requested to inspect any remaining fabric from the demolished canopy. Only a few pieces of material were pulled

from the dumpster and shown to staff, none of which could be reused in a replacement canopy. The dumpster was then removed from the site, without consultation with Planning and Zoning/BAR staff.

Staff worked with the applicant to determine how to proceed with the case and to obtain the necessary materials to appear before the Board for the December 20, 2006 Board meeting.

The unapproved demolition constitutes a class one violation of section 10-203(B) of the zoning ordinance which carries a civil penalty of \$1,500 (section 11-6 (C)1)). Each day that the violation exists may constitute a separate individual offense (section 11-207 (C)6). Staff is recommending applying a penalty to be used exclusively for the purpose of promoting historic preservation within the city, and to require that the character-defining canopy be replaced in-kind.

II. HISTORY:

The one story brick building at 200 Commerce Street was constructed as a retail ice station for the Mutual Ice Company around 1931. According to the City Real Estate Records, the building was originally 344 square feet, on a 1377 square foot lot.

Staff could not locate any record of prior BAR reviews for this property.

III. ANALYSIS:

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, Sec. 10-205(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 house?
- (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 and protect an historic place or area of historic interest in the city?
- (5) 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?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

Staff believes that the Ice House itself meets criteria #'s 4 and 6. As stated previously, the Ice House is representative of a small scale industrial building from the first half of the 20th-century. In the opinion of staff, the canopy was an original character-defining feature of the building and its loss has diminished the integrity of the building. It is unclear from available records when the front loading dock was partially enclosed with the framed enclosure.

Staff is left with no option but to recommend approval of the after-the-fact demolition. Staff does believe the demolition can be somewhat mitigated by the proposed conditions for the Permit to Demolish and Certificate of Appropriateness which should ensure that the front facade is carefully restored to its original appearance. Staff has shared with the applicant drawings of the Ice House from 1931 that show the original gutter and canopy design. Also, as stated under Issue, staff is recommending a penalty to be used exclusively for the purpose of promoting historic preservation within the city.

In respect to the additional request for a Permit to Demolish the existing roof and replacement, staff recommends approval.

IV. STAFF RECOMMENDATION: Staff recommends approval of the after-the-fact Permit to Demolish and the Permit to Demolish with the following conditions:

1. That the applicant replace the demolished canopy within six months, to match the original canopy in respect to size and proportions, structure, and materials,
2. That any remaining features such as the support chains and rings/bolts be retained, and
3. That the applicant must obtain a building permit from Code Enforcement.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-3 Construction permits are required for this project.

Historic Alexandria:

No comments received.