

Docket Item #7
BAR CASE # 2006-0288

BAR Meeting
July 18, 2007

ISSUE: After-the-fact approval of alterations to previously approved plans
APPLICANT: James Warbasse by Wayne Neale
LOCATION: 700 South Royal Street
ZONE: RM/Residential

STAFF RECOMMENDATION, JULY 18, 2007: Staff recommends:

- 1) Approval of the use of downspouts to distinguish the original house from the addition, with the downspout on the original to be copper;
- 2) Approval of the additional detailing on columns and cornice of the new gabled entrance facing Franklin Street;
- 3) Approval of the new steel picket gate on South Royal Street;
- 4) Approval of the new window flower boxes on South Royal Street elevation;
- 5) Approval of the garden wall to be reconstructed as approved in 2005 or the applicant file for an encroachment;
- 6) Denial of the new inset wood louvered shutters above second floor windows facing South Royal Street;
- 7) That the arbor/rafters on the rear second floor balcony be rebuilt as approved so as not to project beyond the face of the building;
- 8) Approval of the HVAC units with the condition that the applicant completes the HVAC unit waiver form with the adjacent property owner's signature prior to approval of the building permit.

BOARD ACTION, JUNE 20, 2007: Deferred prior to the hearing at the request of the applicant.

STAFF RECOMMENDATION, JUNE 20, 2007: Staff recommends:

- 1) Approval of the use of downspouts to distinguish the original house from the addition, with the downspout on the original to be copper;
- 2) Approval of the additional detailing on columns and cornice of the new gabled entrance facing Franklin Street;
- 3) Approval of the new steel picket gate on South Royal Street;
- 4) Approval of the new window flower boxes on South Royal Street elevation;

- 5) Approval of the garden wall to be reconstructed as approved in 2005 or the applicant file for an encroachment;
- 6) Denial of the new inset wood louvered shutters above second floor windows facing South Royal Street;
- 7) That the arbor/rafters on the rear second floor balcony be rebuilt as approved so as not to project beyond the face of the building;
- 8) Approval of the HVAC units with the condition that the applicant completes the HVAC unit waiver form with the adjacent property owner's signature prior to approval of the building permit.

(Insert sketch here)

I. ISSUE:

The applicant is requesting after-the-fact approval of a Certificate of Appropriateness for alterations made to the addition under construction at the residential rowhouse at 700 South Royal Street.

The as-constructed addition does not conform to the plans approved by the Board in 2005. Specifically, the footprint of the addition is significantly different than that previously approved. As approved by the Board the addition had a six inch (6") setback from the plane of the existing to create a differentiation between the old and the new. As built by the applicant, this differentiation has been eliminated and the front plane is the same for both the old and the new. The architect for the applicant is requesting that the facades remain flush as constructed but will be distinguished by the use of double downspouts, to indicate where the addition and the original meet.

An additional change identified by staff is that the new arbor/rafter element on the rear second floor balcony of the new addition project past the face of the building. As approved by the Board, the rafter elements would not have extended beyond the face of the building.

A new garden wall was also constructed in such a way that does not conform with the approval of the Board in 2005. As constructed, the pillars of the wall are encroaching on the right-of-way, with the recessed wall sections constructed on the property line. As approved, the wall should have been set further back from the property line, with the outer face of the pillars sitting on the property line. Also, flagstone was to be used on the top of the garden wall and the pillars of the wall. Instead, as constructed, the wall has a rowlock of brick on the wall and brick finials on the wall pillars.

In addition, the applicant requests other changes to the project that were not previously considered by the Board. These changes include:

- 1) a new steel picket gate on the South Royal Street frontage to match one previously approved for Franklin Street frontage;
- 2) locating the ground level HVAC condenser units in the rear yard of the property;
- 3) additional detailing on the cornice and columns of the new gabled side entrance on the north elevation, along Franklin Street,
- 4) installing flower boxes on the second floor windows of the addition facing South Royal Street; and
- 5) inserting fixed louvered wood shutters in wood frames above the second floor windows of the addition facing South Royal Street.

Staff previously approved under a minor amendment the deletion of a transom over the new front door facing Franklin Street and the changing of the addition's roof material from slate to standing seam metal.

II. HISTORY:

700 South Royal Street is an end unit two story rowhouse that was constructed as part of the Yates Garden subdivision in the mid-20th century.

The addition to the north of the house was approved by the Board in 2005 (BAR Case #2005-0143, 9/21/05).

III. ANALYSIS:

New wall facing South Royal Street, flush with existing wall, complies with Zoning Ordinance requirements.

Pillars for wall facing Franklin Street encroach into the right-of-way. Applicant shall reconstruct pillars to be flush with wall or file for encroachment.

Section 3-1106(4) states an exterior townhouse shall comply with the rear yard setback requirement of 16 feet. The proposed location of the HVAC units at 13 feet from the property line does not meet rear yard set back requirement. Alternatively, applicant can request a waiver of the setback location. The applicant shall complete the HVAC unit waiver form with the adjacent property owner's signature prior to approval of the building permit approval.

In respect to the after-the-fact items constructed that vary from what was Board approved, it is extremely regrettable that they occurred without any involvement by the Board or staff. It is staff's opinion that the failure to build a structure not only to the plans approved by the Board, but to the approval of the Bureau of Code Enforcement is not merely a "small discrepancy," but, in fact, a violation of all semblance of governmental approvals.

Staff cannot support merely approving the revised plans for this would constitute condoning a practice of approving after-the-fact construction in the face of previously requested approvals and thus is a clear mockery of governmental regulation of aesthetics and safety. In situations such as this, staff seeks to work with the applicant to resolve the situation in a manner that best reflects what was approved by the Board, then submit to the Board a recommendation for a course of action.

In respect to the façade construction, philosophically, the intent to have the façades of the original and the addition on different planes was in order to provide a means to distinguish the old from the new. Certainly the preferred approach was what the Board approved in 2005 with the approximate 6" change in plane. The applicant's proposal of using double downspouts at the joint separating the old and new as a means to distinguish is a reluctantly acceptable approach. However, staff would recommend that the downspout on the original section of the house be a superior quality material, such a copper.

The applicant should also correct the arbor/rafters to what was approved so that they do not project beyond the face of the building.

Regarding the new garden wall along Franklin Street, the wall should be rebuilt as approved, without any components of the wall encroaching on the public right-of-way or file for an encroachment from the City Council.

To address the new items requested by the applicant, staff supports the new gate on South Royal Street, the additional detailing on the cornice and columns of the new gabled entrance, but does not support the installation of the fixed louvered wood shutters above the second floor windows facing South Royal Street.

IV. STAFF RECOMMENDATION:

Staff recommends:

- 1) Approval of the use of downspouts to distinguish the original house from the addition, with the downspout on the original to be copper;
- 2) Approval of the additional detailing on columns and cornice of the new gabled entrance facing Franklin Street;
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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 be 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 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-9 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:

No comments were received.