

Docket Item # 10  
BAR CASE # 2007-0119

BAR Meeting  
July 18, 2007

**ISSUE:** After-the-fact Demolition  
**APPLICANT:** Roger Fons  
**LOCATION:** 815 ½ King Street  
**ZONE:** KR/King Street Urban Retail

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**STAFF RECOMMENDATION:** Staff recommends denial of the application for after-the-fact approval of a Permit to Demolish.

(Insert sketch here)

**I. ISSUE:**

The applicant is requesting after-the-fact approval of a Permit to Demolish for the removal of a section of brick on the front façade of the Old Town Theater, located at 815 ½ King Street. The area that was demolished is approximately 1½' x 3 ½' above the marquee, on the eastern side of the facade.

The original brick removed during this demolition is no longer in the possession of the owner/applicant.

**II. HISTORY:**

While previous research had indicated that 815 ½ King Street, the Old Town Theater, was constructed in 1922, the applicant provided a condition assessment document from December 14, 2006, that includes a history section that states that the building opened in 1914 as a theater for live performances. In the 1940's, the building began operating as a movie theater.

Whether constructed in 1914 or 1922, this early 20<sup>th</sup>-century building is a good example of a building constructed for entertainment uses. With a red brick exterior, classical inspired brick arches over the second floor windows, and a large marquee, the building also demonstrates some design elements that borrow from Art Deco or Art Moderne, such as the detailing under the second floor window sills and the linear feel of the building. The Old Town Theater may be viewed as a transitional building from the more classically inspired Federal and Colonial Revival building to the clearly Art Deco influenced buildings found in the Old and Historic District, such as the building immediately adjacent to the east.

In July of 2006, the current owner made alterations to the building without Board approval, including removing the material on the underside of the marquee and installing water misters. A building permit was rejected by BAR staff, who informed the owner that the underside of the marquee needed to be repaired in-kind.

Subsequent to these discussions, the applicant demolished a portion of the front façade, above the marquee, on the eastern section, of an area roughly 1½' x 3 ½', without approvals. Currently, that area is covered by a piece of plywood. Due to a number of Code violations, the building was closed by the City for safety concerns in November of 2006. The owner/applicant was instructed that the outstanding Code violations had to be addressed, including any BAR issues.

**III. ANALYSIS:**

In considering a Permit to Demolish/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 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 the memorial character of the George Washington Parkway?

(5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

Staff believes that the Old Town Theater itself meets criteria #'s 1 and 5, and could possibly meet criteria # 3. As stated previously, the Old Town Theater is representative of a smaller scale commercial buildings from the first half of the 20<sup>th</sup>-century, constructed for entertainment purposes. In the opinion of staff, the demolition and removal of brick on the front façade diminishes the architectural and historic integrity of the building. The area is highly visible from the public rights-of-way.

Staff recommends denial of the after-the-fact demolition. The area demolished must be repaired in such a manner that the integrity of the building is restored. While the preferred and ideal approach would be to use the original brick to repair the demolished area, if that brick is not available, the applicant must locate and use a brick that closely matches the original brick in size, color, and texture. Brick samples must be provided to Staff for approval prior to their use to repair the hole. The applicant must make exceptional effort to restore the façade and its design elements and features to their appearance prior to the unapproved demolition.

**IV. STAFF RECOMMENDATION:**

Staff recommends denial of the application for after-the-fact approval of a Permit to Demolish.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

F-1 Upon approval by BAR the applicant shall obtain a building permit due to the brick removed having come from a bearing wall. An inspection will be required as part of the building permit and work so stated in the application.

Historic Alexandria:

No comments received.