

Docket Item # 6  
BAR CASE # 2006-0288

BAR Meeting  
October 3, 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

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**STAFF RECOMMENDATION, OCTOBER 3, 2007:** Staff recommends:

- 1) Approval of the use of the brick reveal to distinguish the original house from the addition;
- 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 approval of an encroachment by Planning Commission and City Council;
- 6) Approval of the new recessed brick panels 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.

**BOARD ACTION, JULY 18, 2007:** On a motion by Mr. Keleher, seconded by Ms. Neihardt, the Board voted to defer the application for restudy, with a vote of 4-0.

**REASON:** The Board was extremely concerned about the work that has occurred that varied from what had been approved by the Board under the Certificate of Appropriateness and on the permit drawings. The Board expressed concerns that no penalties or fines had been levied on the applicant and encouraged staff to discuss with the city attorney this issue. The Board encouraged the applicant to explore either inserting a 6" offset to distinguish the original building from the addition or correct the façade to reflect the originally approved 6" recess. The Board also expressed concern that the garden wall along Franklin Street encroached on city property and needed to be corrected.

**SPEAKERS:** Duncan Blair, attorney representing the applicant, spoke in support.  
James Warbasse, applicant, spoke in support.  
Wayne Neale, architect representing applicant, spoke in support.

John Savage, local architect, spoke in opposition.  
John Hynan, Historic Alexandria Foundation, spoke in opposition.  
Muerney Keleher, 208 N. Royal Street, spoke in opposition.  
Charles Trozzo, 209 Duke Street, spoke in opposition.

**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)

UPDATE: Since the July 18, 2007 meeting, the applicant has revised the project to address concerns of the Board. Those revisions include:

1. Showing a 4" wide, 6" deep brick reveal, cut into the new brick wall to show a visual separation of the new brick of the original house and the new brick of the addition; and
2. Recessed brick panels above the second floor windows on the new addition;
3. Remove and replace or re-work metal roof on the new entrance portico to accommodate changes to the cornice.

The adjacent property owner has also signed the HVAC waiver.

**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. In response to comments by the Board, the architect for the applicant is now showing a 4" wide, 6" deep brick reveal, cut into the new brick wall to show a visual separation of the new brick of the original house and the new brick of the addition.

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, which may require removing and replacing or re-working the metal roof to accommodate changes to the cornice;

- 4) installing flower boxes on the second floor windows of the addition facing South Royal Street; and
- 5) inserting recessed brick panels 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-20<sup>th</sup> 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 obtain an encroachment ordinance.

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. This form has been signed by the adjacent property owner and received by Staff.

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. 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 the brick reveal as a means to distinguish is a reluctantly acceptable approach.

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, an encroachment should be approved by Planning Commission and City Council or the wall should be rebuilt as approved, without any

components of the wall encroaching on the public right-of-way. The encroachment application (ENC#2007-0007) is scheduled to be heard by the Planning Commission on October 2, 2007.

Staff does commend the applicant for proposing additional refinements to the project that add architectural detailing and refinement to the project. Staff supports these items including the new gate on South Royal Street, the additional detailing on the cornice and columns of the new gabled entrance, and the new recessed brick panels above the second floor windows facing South Royal Street.

**IV. STAFF RECOMMENDATION:**

Staff recommends:

- 1) Approval of the use of the brick reveal to distinguish the original house from the addition,
- 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 approval of an encroachment by Planning Commission and City Council;
- 6) Approval of the new recessed brick panels 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.



Figure 1: proposed west elevation



Figure 2: proposed east elevation



Figure 3: proposed north elevation

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.