

Docket Item # 2  
BAR CASE # 2009-0043

BAR Meeting  
April 15, 2009

**ISSUE:** After-the-fact Alterations

**APPLICANT:** Ray W. Lotto

**LOCATION:** 113 King Street

**ZONE:** KR/King Street Retail

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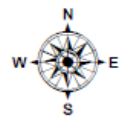
**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the applicant pay a \$600 fine per Article 10 and 11-207 of the zoning ordinance.
2. That the applicant be allowed to replace the six windows on the second and third story of the front façade with appropriate all wood, single glaze, true-divided light replacement windows that exactly mimic the glazing pattern of the original windows that were removed, with specification sheets to be submitted and approved by Staff prior to purchase and installation.

**\*\*EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

**\*\*BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.



**I. ISSUE:**

The applicant is requesting after-the-fact approval of a Certificate of Appropriateness for replacement windows on the second and third floors of 113 King Street. All of the second and third floor windows on the front façade facing King Street were removed, discarded, and replaced without BAR or Staff approval and replaced with MW Jefferson cellular PVC, double hung, Simulated Divided Light windows. Due to the fact that the replacement of the windows came to the attention of City Staff after the existing windows had already been removed there is no way to definitively determine either the age or type of window that was removed. City Staff notified Mr. Lotto of the violation in a letter dated February 11, 2009 indicating that he would need to apply to the Old and Historic Alexandria Board of Architectural Review for after-the-fact approval for window replacement.

**II. HISTORY:**

The property located at 113 King Street is one in a row of ten attached brick warehouse structures built in the late 18th or early 19th century; William Yeaton was an early owner. [Ethelyn Cox Historic Alexandria, p.64]. The upper levels of this three story facade are identical to the adjacent 111 King Street.

The Board approved a hanging sign for the America! store in 2007 (BAR Case #2007-206, 10/17/2007).

The Board approved a hanging sign for the Silver Parrot in 1992 (BAR Case #92-1, 1/2/1992).

**III. ANALYSIS:**

Proposed alterations comply with Zoning Ordinance requirements.

Per Article 10 and 11-207 of the Zoning Ordinance, removal of exterior windows is categorized as a class three civil violation for an exterior alteration that does not require a building permit. The first offense of a class three civil violation is subject to a \$100 fine per each occurrence. In this case, staff recommends that the applicant be fined \$100 per window unit removed. The applicant had indicated that the windows that were removed were in a time sensitive state of disrepair; however the zoning ordinance states that a violation occurs whether by commission or omission and does not address intent. The guidelines state that “a central tenet of the philosophy of historic preservation is that original historic materials should be retained and repaired rather than replaced.” Therefore, Staff is recommending a fine of \$600 be imposed for removal and replacement of the windows, with inappropriate types, without BAR approval.

The Design Guidelines are clear that “windows are principal character defining features of a building and serve both aesthetic and functional purposes.” The guidelines continue to state that, “new and replacement windows should be appropriate to the historic period of the architectural style of the building.” Furthermore the use of plastic or vinyl as a window material is discouraged. In 2008, the Board added language to the window policy that states that no replacement of original windows dating before 1860 should occur.

Due to the highly visible location of the replacement windows and the desire to retain the historic integrity of the building, Staff finds the use of cellular PVC, Simulated Divided Lite windows to be highly inappropriate. Therefore Staff recommends that the applicant be allowed to replace the six windows on the second and third story of the front façade with appropriate all wood, single glaze, true-divided light replacement windows that exactly mimic the glazing pattern of the original windows that were removed, with specification sheets to be submitted and approved by Staff prior to purchase and installation.

**IV. STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

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**V. CITY DEPARTMENT COMMENTS**

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

Code Enforcement:

No comments received.

Office of Historic Alexandria:

R- Deny

S- Replace with wood window sash with full divided lights replicating original.

VI. IMAGES



Figure 1 Photograph of the front facade of 113 King Street depicting the 6 replacement windows.