

Docket Item # 6  
BAR CASE # 2009-0096

BAR Meeting  
June 3, 2009

**ISSUE:** Alterations  
**APPLICANT:** Alexander St. Clair and Julia Egy  
**LOCATION:** 404 Jefferson Street  
**ZONE:** RM/Residential

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**STAFF RECOMMENDATION:** Staff recommends approval of the application with the following conditions:

1. That the top floor rear window also be replaced with the same window specifications as proposed for the front elevation.
2. That the applicant pay a \$600 fine per Article 10 and 11-207 of the zoning ordinance.

**\*\*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.



**BAR CASE #2009-0096**

**6/3/2009**



**I. ISSUE:**

The applicant is requesting approval of a Certificate of Appropriateness for replacement windows on the front elevation of 404 Jefferson Street. The existing windows are non-historic double-glazed vinyl windows with sandwich muntins. The proposed replacement windows are Pella Architect Series double-glazed, simulated divided light wood windows to match the existing in light configuration. Four windows will be double-hung and the window at the basement will be an awning style. The proposed windows will have a 7/8 inch muntin with an interior spacer bar and exterior applied muntins.

**II. HISTORY:**

404 Jefferson Street is a two-story brick interior rowhouse that was constructed in 1941 as part of the Yates Garden subdivision in a Colonial Revival design vocabulary. Yates Garden was developed by Edward Carr beginning in 1939. However, complete build out of the subdivision was not completed until the early 1960s.

Staff could not locate any prior approvals by the Board.

**III. ANALYSIS:**

The proposed alterations comply with zoning ordinance requirements.

It was brought to Staff's attention that the windows at 404 Jefferson Street were inappropriate (vinyl with sandwich muntins). Staff confirmed that these windows were not approved by the Board and sent the property owner a violation letter. The owners promptly contacted Staff to discuss how to correct the violation. The owners made the decision to pursue an application for window replacement with more appropriate windows rather than an after-the-fact approval for the existing vinyl windows. Unfortunately, there is no documentation regarding the condition of the original windows. All of the windows on the front and rear were removed for a total of seven windows (five on front and two on rear elevation). However, only one on the rear elevation is visible from the public right-of-way and therefore under the Board's purview.

The *Guidelines* also state that single-glazed, true divided light wood windows with interior storm sash are the preferred replacement window type and double-glazed, true divided light wood windows are considered acceptable. In addition, the *Guidelines* note that "windows with fixed or applied muntins have been approved for the rear elevation of a structure which has minimal visibility from a public right of way." Staff notes that the Board has previously approved simulated divided light, double-glazed wood windows for all elevations of similar townhouses of this style and period in various circumstances. While it is most unfortunate that the original windows are no longer intact for consideration of retention and repair, Staff finds that the proposed replacement windows are appropriate and consistent with the *Design Guidelines*, and will correct an existing violation.

Staff notes that the majority of the rear elevation is not visible from the public right-of-way. However, a site visit indicates that the top floor rear elevation window is visible from South Royal Street. Staff recommends that this one window on the rear elevation also be replaced with the same windows as proposed for the front elevation due to its visibility.

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, consistent with zoning ordinance regulations and recent cases. The applicant had indicated that the windows that were removed were in a state of disrepair; however the zoning ordinance states that a violation occurs whether by commission or omission and does not address intent. Therefore, Staff is recommending a fine of \$600 be imposed for removal and replacement of the six windows, with inappropriate types, without BAR approval. Staff will note that the property owners have been extremely compliant in seeking to correct the violation and making this application to the Board.

**IV. STAFF RECOMMENDATION:** Staff recommends approval of the application with the following conditions:

1. That the top floor rear window also be replaced with the same window specifications as proposed for the front elevation.
2. That the applicant pay a \$600 fine per Article 10 and 11-207 of the zoning ordinance.

**V. CITY DEPARTMENT COMMENTS**

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

Code Administration:

No comment.

Historic Alexandria:

No comments received.

**VI.IMAGES**



**Figure 1. Front (north) elevation of 404 Jefferson Street.**



Figure 2. Rear (south) elevation of 404 Jefferson Street. Top window is visible from public right-of-way.

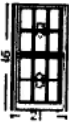
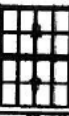

Line # Location:		Attributes		Quote Number: 402150							
15	Up Bath	<b>Architect, Double Hung, 21 X 46, 4-3/16"</b>									
 <p>Viewed From Exterior Rough Opening: 21-3/4" X 47-7/8" Final Wall Depth: 4-3/16"</p>				<p>1: Non-Standard Size Double Hung, Equal Split Frame Size: 21 X 46 General Information: Standard, Luxury Edition, Wood, Pine Exterior Color / Finish: Primed Interior Color / Finish: Unfinished Interior Glass: Insulated Low E Argon Gas Hardware Options: Spoon Lock, White, Order Sash Lift Screen: Half Screen, White, Standard Fiberglass Grille: ILT, No, 7/8", Traditional (3W2H / 3W2H) Wrapping Information: Wood Brickmould, 1-7/8" Standard, 1-1/8" Wood Sub sill, 4-3/16" Factory Applied (DVA), Perimeter Length = 134", Glazing Pressure = 170.</p>	<table border="1"> <thead> <tr> <th>Item Price</th> <th>Qty</th> <th>Ext'd Price</th> </tr> </thead> <tbody> <tr> <td>\$958.75</td> <td>1</td> <td>\$958.75</td> </tr> </tbody> </table>	Item Price	Qty	Ext'd Price	\$958.75	1	\$958.75
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\$958.75	1	\$958.75									
PSPAINTRR01 - PAINTRR01 Window w/muntin & trim <96 UI											
20	Nursery	<b>Architect, Double Hung, 35 X 52, 4-3/16"</b>									
 <p>Viewed From Exterior Rough Opening: 35-3/4" X 53-7/8" Final Wall Depth: 4-3/16"</p>				<p>1: Non-Standard Size Double Hung, Equal Split Frame Size: 35 X 52 General Information: Standard, Luxury Edition, Wood, Pine Exterior Color / Finish: Primed Interior Color / Finish: Unfinished Interior Glass: Insulated Low E Argon Gas Hardware Options: Spoon Lock, White, Order Sash Lift Screen: Half Screen, White, Standard Fiberglass Grille: ILT, No, 7/8", Traditional (4W2H / 4W2H) Wrapping Information: Wood Brickmould, 1-7/8" Standard, 1-1/8" Wood Sub sill, 4-3/16" Factory Applied (DVA), Perimeter Length = 174", Glazing Pressure = 90.</p>	<table border="1"> <thead> <tr> <th>Item Price</th> <th>Qty</th> <th>Ext'd Price</th> </tr> </thead> <tbody> <tr> <td>\$1,166.24</td> <td>1</td> <td>\$1,166.24</td> </tr> </tbody> </table>	Item Price	Qty	Ext'd Price	\$1,166.24	1	\$1,166.24
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25	Kitchen	<b>Architect, Double Hung, 28 X 45, 4-3/16"</b>									
 <p>Viewed From Exterior Rough Opening: 28-3/4" X 46-7/8" Final Wall Depth: 4-3/16"</p>				<p>1: Non-Standard Size Double Hung, Equal Split Frame Size: 28 X 45 General Information: Standard, Luxury Edition, Wood, Pine Exterior Color / Finish: Primed Interior Color / Finish: Unfinished Interior Glass: Insulated Low E Argon Gas Hardware Options: Spoon Lock, White, Order Sash Lift Screen: Half Screen, White, Standard Fiberglass Grille: ILT, No, 7/8", Traditional (3W2H / 3W2H) Wrapping Information: Wood Brickmould, 1-7/8" Standard, 1-1/8" Wood Sub sill, 4-3/16" Factory Applied (DVA), Perimeter Length = 146", Glazing Pressure = 135.</p>	<table border="1"> <thead> <tr> <th>Item Price</th> <th>Qty</th> <th>Ext'd Price</th> </tr> </thead> <tbody> <tr> <td>\$958.00</td> <td>1</td> <td>\$958.00</td> </tr> </tbody> </table>	Item Price	Qty	Ext'd Price	\$958.00	1	\$958.00
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\$958.00	1	\$958.00									

Figure 3. Proposed window specifications for double-hung windows.

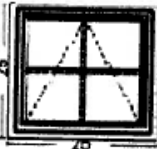
Line # Location:		Attributes	
30	Half Bath	<b>Architect, Awning Right, 25 X 25, 4-3/16"</b>	
 <p>Viewed From Exterior Rough Opening: 25-3/4" X 26-7/8" Final Wall Depth: 4-3/16"</p>			
<p>1: Non-Standard Size Non-Standard Size Right Awning Frame Size: 25 X 25 General Information: Standard, Wood, Pine Exterior Color / Finish: Primed Interior Color / Finish: Unfinished Interior Glass: Insulated Low E Argon Gas Hardware Options: Standard Roto Operator, None, White Screen: Full Screen, White, Standard Fiberglass Grille: ILT, No, 7/8", Traditional (2W2H) Wrapping Information: Wood Brickmould, 1-7/8" Standard, 1-1/8" Wood Sub sill, 4-3/16" Factory Applied (DVA), P = 145.</p>			

Figure 4. Proposed window specifications for awning window.

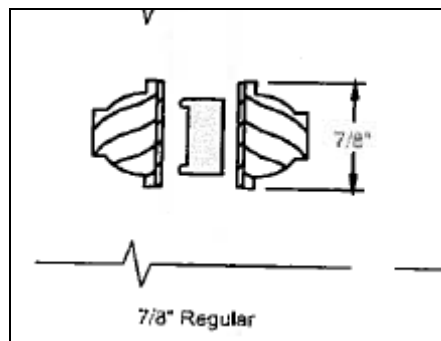


Figure 5. Detail of proposed simulated divided light (7/8 inch muntin).