

Docket Item # 3  
BAR CASE# 2009-0035

BAR Meeting  
April 7, 2010

**ISSUE:** Alterations and Waiver of Screening

**APPLICANT:** Lynn Rogerson Lewis

**LOCATION:** 202 Duke Street

**ZONE:** RM/Residential

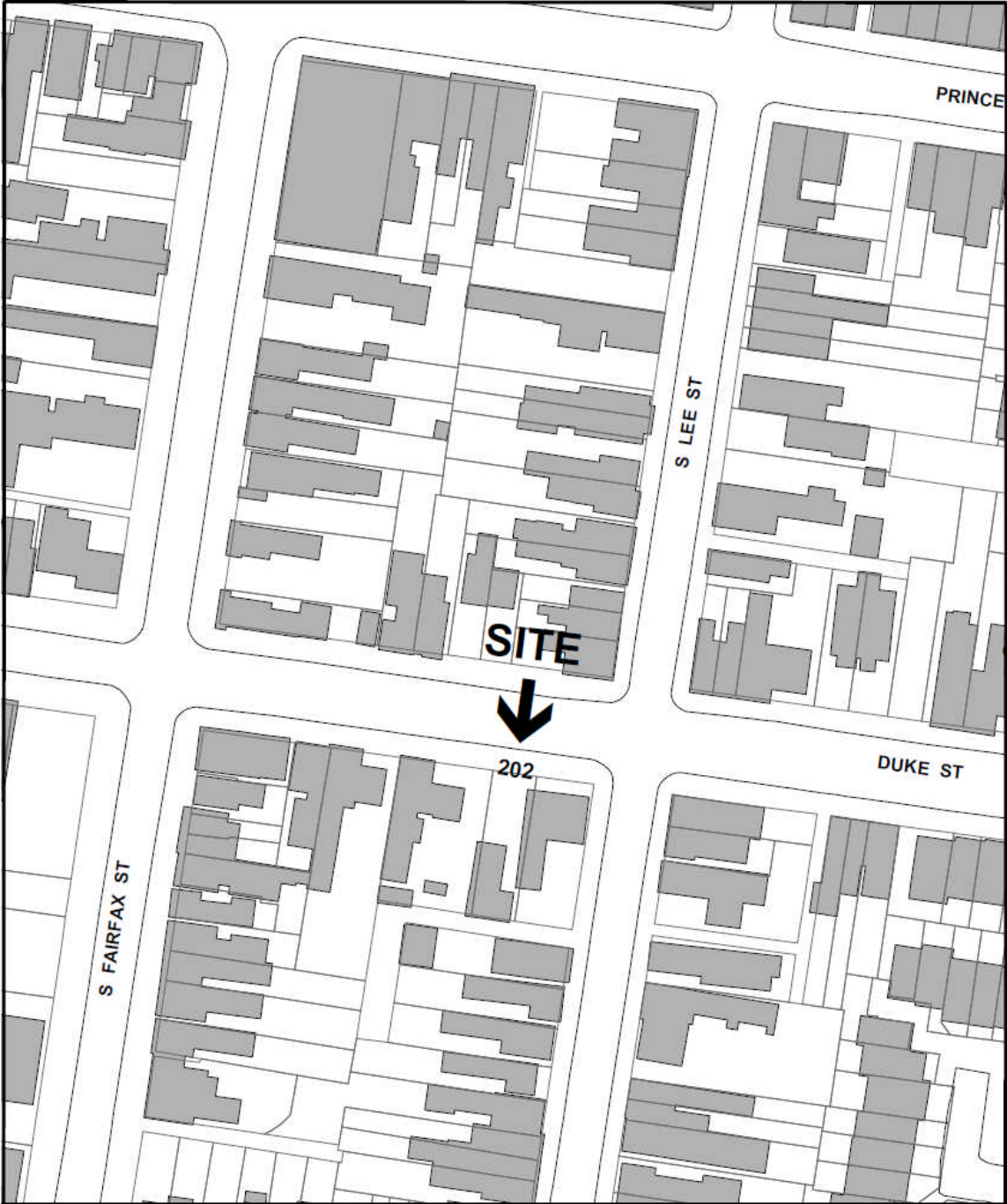
---

**STAFF RECOMMENDATION:** Staff recommends approval of the Certificate of Appropriateness and denial of the Waiver of Screening Requirement with the following conditions:

1. That the condenser units be painted an oxide red color to match the adjacent standing seam roof.
2. If the mechanical screening is not waived by the Board, a mechanical screen should be constructed to match the design of the existing railing at the second floor terrace.
3. That the applicant verify on the plat submitted for building permit that the rooftop HVAC condenser units comply with the rear yard setback of 16 feet to the center line of the alley, in compliance with 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 final approval 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 #2009-0035**

**4/7/2010**



**I. ISSUE:**

The applicant is requesting approval of a Certificate of Appropriateness and waiver of HVAC screening requirement to mount two HVAC condensers on the rooftop of the rear portion of the house at 202 Duke Street. The condensers will be located near the existing chimney on the existing shed roof addition adjacent to the alley in the rear. The dimensions of the two condensers are (1) 23 inches wide x 28 inches deep x 22 inches high, and (2) 29 inches wide by 34 inches deep x 27 inches high. The applicant has requested a waiver of rooftop screening but has agreed to install screening to match the balcony railing on the adjacent second floor terrace, if the waiver is denied by the Board.

**UPDATE:**

This application was first reviewed at the OHAD Board's April 1, 2009 public hearing. At this hearing the Board was provided written and verbal testimony from citizens and civic groups expressing concerns with the potential effects the condenser unit's weight could have on the structural integrity of the roof and the visibility of the units proposed location from the public rights-of-way. The Board deferred this item for further study in order to provide the applicant an opportunity to: (1) Meet with the neighbors and study the property for possible alternative locations for the condenser units; and (2) If the rooftop is determined to be the only viable location for the units, then they were to evaluate the current roof structure for capacity and provide documentation of potential visual impacts to the existing streetscape.

After the April 1, 2009 hearing, Mr. Carpi, the previous owner/applicant, provided the Board a letter responding to the Board's public hearing requests.

Since the April 1, 2009 public hearing, the current owner, Mrs. Lewis has been working with the adjacent neighbors and providing additional information to address their concerns, which included the installation of mock-up condenser units on the subject rear roof and having measured drawings of the proposed elevations drafted.

At the March 3, 2010 public hearing, the Board was provided positive and negative written and verbal testimony from citizens and civic groups regarding the proposed project. The negative concerns focused on the location of the condenser units and their potential noise impacts on adjacent gardens and their overall impact on the historic district's streetscape.

After discussion, the Board deferred this case for further study, directing Staff to:

1. Clarify the conditions of the open space easement and the Historic Alexandria Restoration & Preservation Commission's vote on the subject proposal;
2. Study the possible option for installation of the condensers within the front entry corridor, outside the easement boundary; and
3. Sketch a design for screening the units in their current proposed rooftop location.

Staff has obtained a copy of the Alexandria Historical Restoration & Preservation Commission's March 10, 2010 meeting whereby the Commission revisited the 202 Duke Street case and reaffirmed

their unanimous determination that two AC condenser units in the easement area would conflict with the specified terms of the easement agreement (see attached minutes pages 19-21.) The Alexandria City Attorney's office has confirmed that the BAR does not have the legal authority to intervene in this private easement agreement or to require that the units to be located within in the easement area.

Secondly, upon evaluation of the front entry corridor, Staff has confirmed this is not an appropriate location for the proposed units (see attached drawing). Positioning the condensers in the corridor would impact the current walkway width which is already minimal and this location is discouraged in the letter from the Preservation Commission because of the adverse effect it would have on the view from the open space easement.

Finally, attached is the Board requested sketch for a rooftop screen for the condensers in their current proposed location.

The application before the Board is limited to a request to install two condenser units on the rear addition's roof slope. If the Board finds this rooftop location appropriate, a determination must then be made whether screening is appropriate or should be waived.

## **II. HISTORY:**

According to Ethelyn Cox in *Historic Alexandria Street by Street*, 202 Duke Street was built by William Mitchell between 1795 and 1805. This Alexandria flounder house never acquired an addition fronting the street, hence the large front yard and lack of rear yard.

### **Prior Approvals**

In 1996, the Board approved demolition/capsulation, a rear addition and alterations to this property (BAR Case #95-0012 & 0013, 1/17/1996). *These alterations included raising the height of the shed roof of the subject addition and installing a new roof structure.* The Board subsequently approved alterations to the previously approved plans (BAR Case #96-0197, 9/18/1996).

In September 2007, the BAR approved a five foot six inch by seven foot shed for the subject property. The shed was approved with a sloped roof, with the high side to be constructed against the west brick garden wall and the low side facing east into the yard. The approved materials included a standing seam copper roof and "antique" brick veneer walls.

## **III. ANALYSIS:**

"HVAC equipment is an important contemporary functional element of a structure. At the same time, such equipment can have an important effect on the overall visual composition of a historic building and, if not appropriately located, may be a visual disruption of the skyline and a unified building design. To the extent possible HVAC equipment should be hidden from view." When units cannot be located on the ground "...HVAC equipment can sometimes be located on the roof of a historic structure." (*Design Guidelines, HVAC Equipment - Page 1 & 2*).

### **Ground Installation**

Where possible, Staff's preference is to locate HVAC units on the ground and out of public view. Although noise is not within the BAR's purview, staff also generally encourages applicants to locate units where they will not be a nuisance to neighbors. However, in this instance, there is no space available on the ground. The Alexandria Historical Restoration & Preservation Commission holds an open space easement on the entire yard area north of the building (figure #9). The Commission has confirmed at their recent meeting that HVAC condensers are not permitted within the easement (correspondence attached). The only remaining ground level space is a narrow side yard which leads to the front door and basement stairs. As is evident in the attached photograph taken by staff (figure #5), there is no practical location within this side yard for two HVAC condensers or screening.

### **Roof Installation**

The installation of HVAC condensers on the roof of any historic building is challenging. The Board must insure that installation of the equipment does not damage/alter historic roof materials or create a silhouette against the skyline that visually distracts from the historic architectural roof form.

The revised application includes additional documentation from the applicant confirming that the existing roof form upon which the condensers will be placed was reconstructed and raised approximately four feet in height in a 1996 BAR approval (BAR#1996-0197). As this roof structure is new and the material below the standing seam roof is not historic framing, Staff is not concerned with penetrations, as previously identified in the April 1, 2009 report. Although the structural system is not visible and therefore not within the scope of the Board's review, any structural system contemporary or historic, must be analyzed to determine if it can support the proposed additional weight. As part of the regular building permit application, Code Administration will require a structural engineer to certify that the existing roof structure will support the units or to design additional internal bracing. The applicant must also confirm on the building permit application plat that the HVAC units comply with the rear yard setback of sixteen feet from the center line of the alley per the *Zoning Ordinance*.

### **Rooftop Mechanical Screening**

The revised application provides the Board with additional information on the potential visual effect of the condensers on the architectural character of the existing roof, as seen from the public way on South Lee Street. The attached photos show the applicant's cardboard mock-up, installed on 2/25/10 at the request of Staff (figures #1 & 2).

As previously stated, the *Design Guidelines* encourage HVAC equipment to be "hidden from view." The *Alexandria Zoning Ordinance* also requires that any rooftop HVAC unit in the City be screened from view. However, in general, staff believes that rooftop mechanical screens are visually problematic and rarely well integrated with the architectural character of a historic structure. Therefore, the *Zoning Ordinance* allows the Board to waive this requirement, should they determine that the mass of the screening would be more visually obtrusive than the units themselves.

As in the previous report, Staff continues to believe that the proposed condensing units are minimally visible from the public way, even without taking into account the several trees that effectively screen the rear of this property, and would draw less attention to themselves if they were simply painted oxide red to match the adjacent roof/wall surface. Additionally, there are existing rooftop condensing units located on houses to the rear, immediately adjacent and on each side of the subject property which are minimally visible from the public way.

However, Staff is well aware of the substantial neighborhood concern for the visibility of these units from Lee Street and is recommending installation of a screen designed to match the existing railing of the second floor terrace on this dwelling. The suggested wood railing is translucent enough to obscure the units while the balusters are open enough to allow adequate airflow even if the railing is placed relatively close to the condenser. There is a flat spot on the slope of the roof which creates the logical architectural illusion of a third floor terrace. The applicant has no objection to installation of the railing and has agreed to work with staff on the details of the installation, if the requested waiver of rooftop screening requirement is denied by the Board.

**IV. STAFF RECOMMENDATION:** Staff recommends approval of the Certificate of Appropriateness and denial of the Waiver of Screening Requirement with the following conditions:

1. That the condenser units be painted an oxide red color to match the adjacent standing seam roof.
2. If the mechanical screening is not waived by the Board, a mechanical screen should be constructed to match the design of the existing railing at the second floor terrace.
3. That the applicant verify on the plat submitted for building permit that the rooftop HVAC condenser units comply with the rear yard setback of 16 feet to the center line of the alley, in compliance with the Zoning Ordinance.

**STAFF:**

Michele Oaks, Historic Preservation Planner, Planning & Zoning  
Al Cox, Architect, Historic Preservation Manager, Planning & Zoning

**V. CITY DEPARTMENT COMMENTS:**

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

Code Administration:

- C1. Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C2. A Building / Mechanical / Electrical permit is required for the proposed project.
- C3. Structural calculations are required to verify the ability of the existing roof to support the additional weight of the A/C unit.

Historic Alexandria:

R Approve.

Alexandria Archaeology:

No Comments.

Transportation and Environmental Services:

No Comments.

**VI. IMAGES:**



**Figure 1: View of rooftop condenser mock-up from Lee St. looking west through the private alley**





Figure 2: View of rooftop condenser mock-up from Lee Street ROW looking west

**Approximate Location of  
Proposed Condenser Units**



**Figure 3: View of rear addition showing new brick from previous alteration**



Figure 4: View of Front Yard

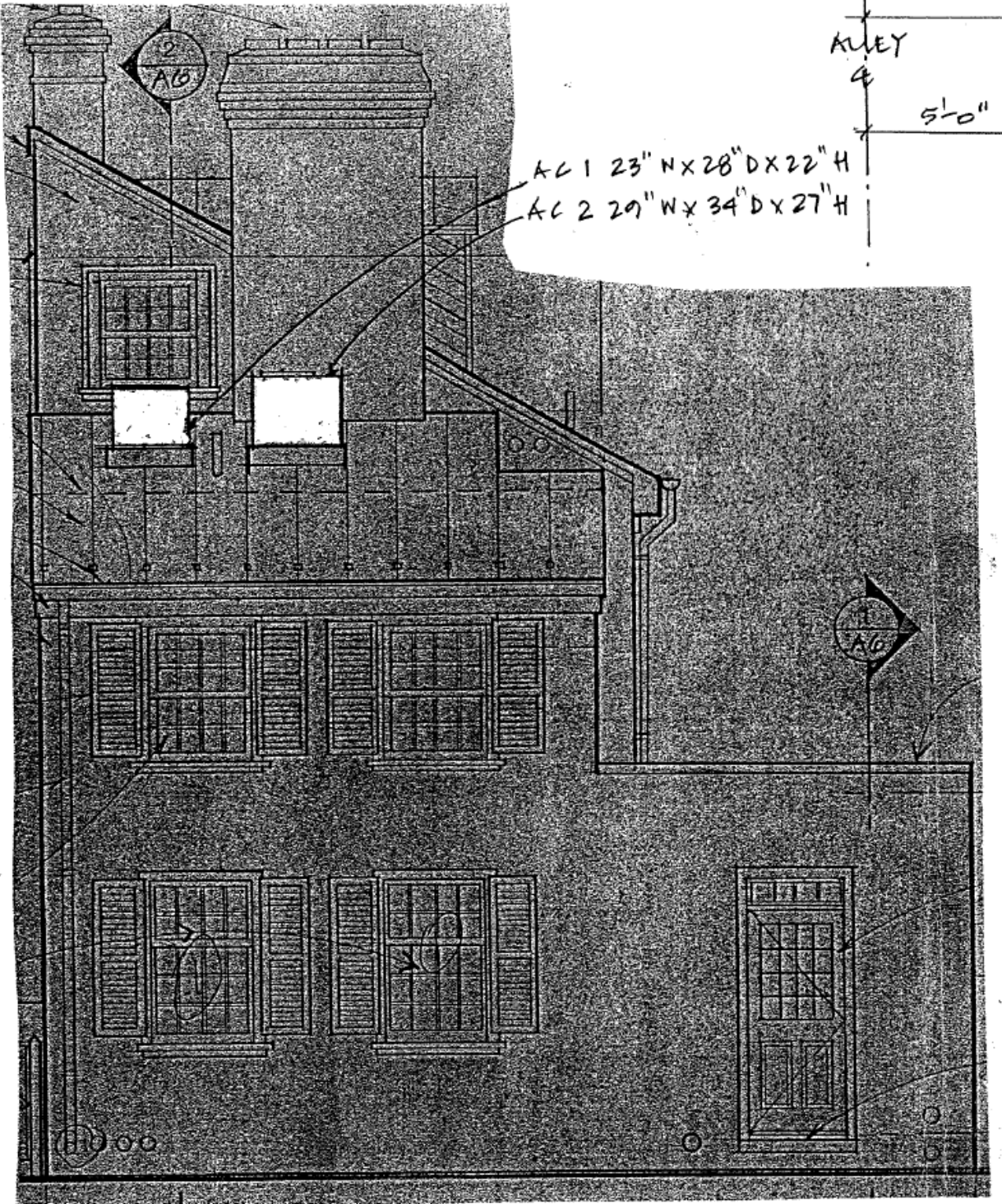


Figure 5: View of side yard at entrance – Portion not within open space easement

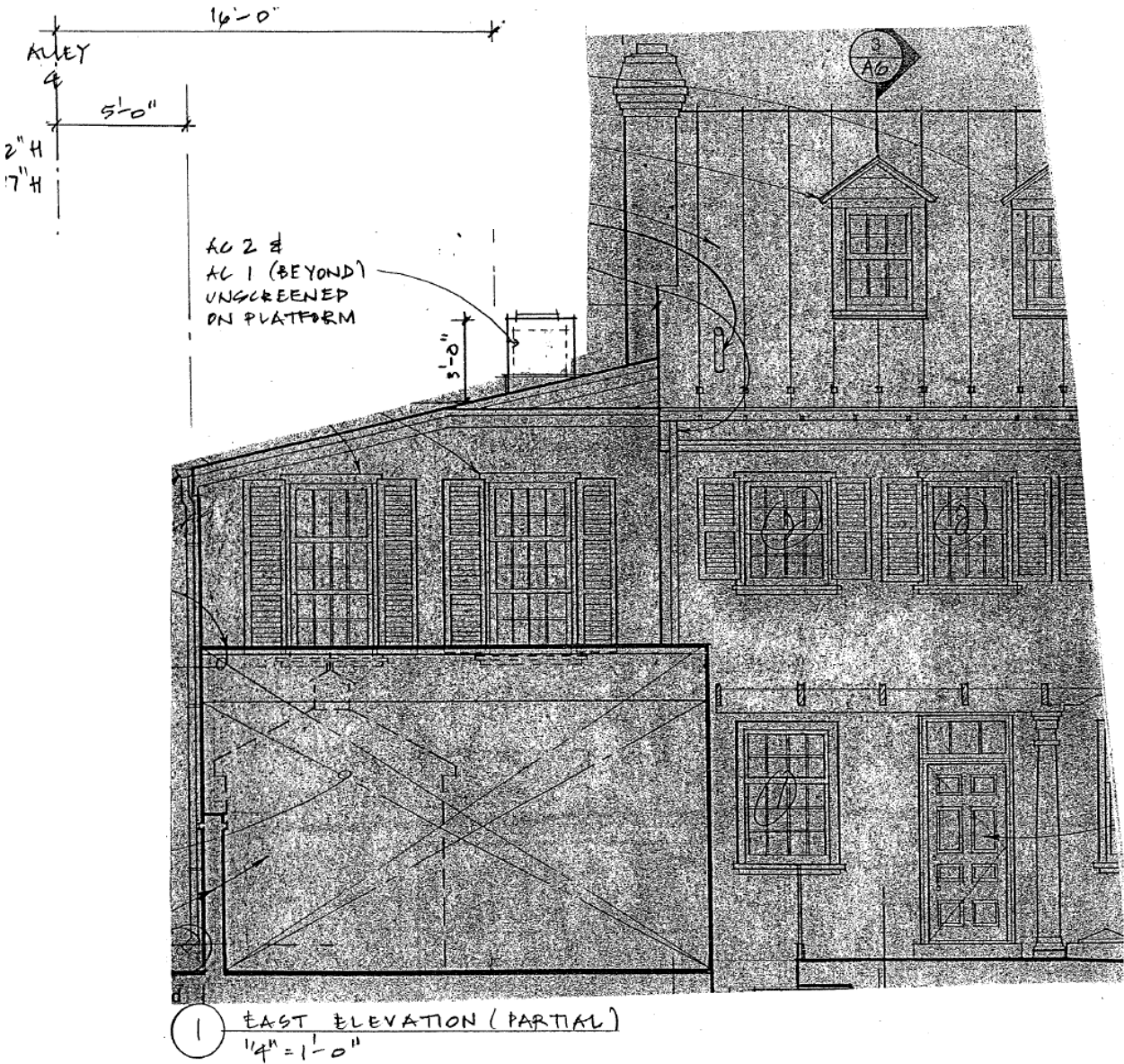
Approximate  
Location of Proposed  
Condenser Units



Figure 6: Ariel Views of Subject Property



2 SOUTH ELEVATION  
1/4" = 1'-0"



202 Duke Street

Dimensions of HVAC Condensers to be relocated:

Unit #1 - 23"W x 28"D x 22"H

Unit #2 - 29"W x 34"D x 27"H

Figure 7: Dimensions of Proposed Condenser Units

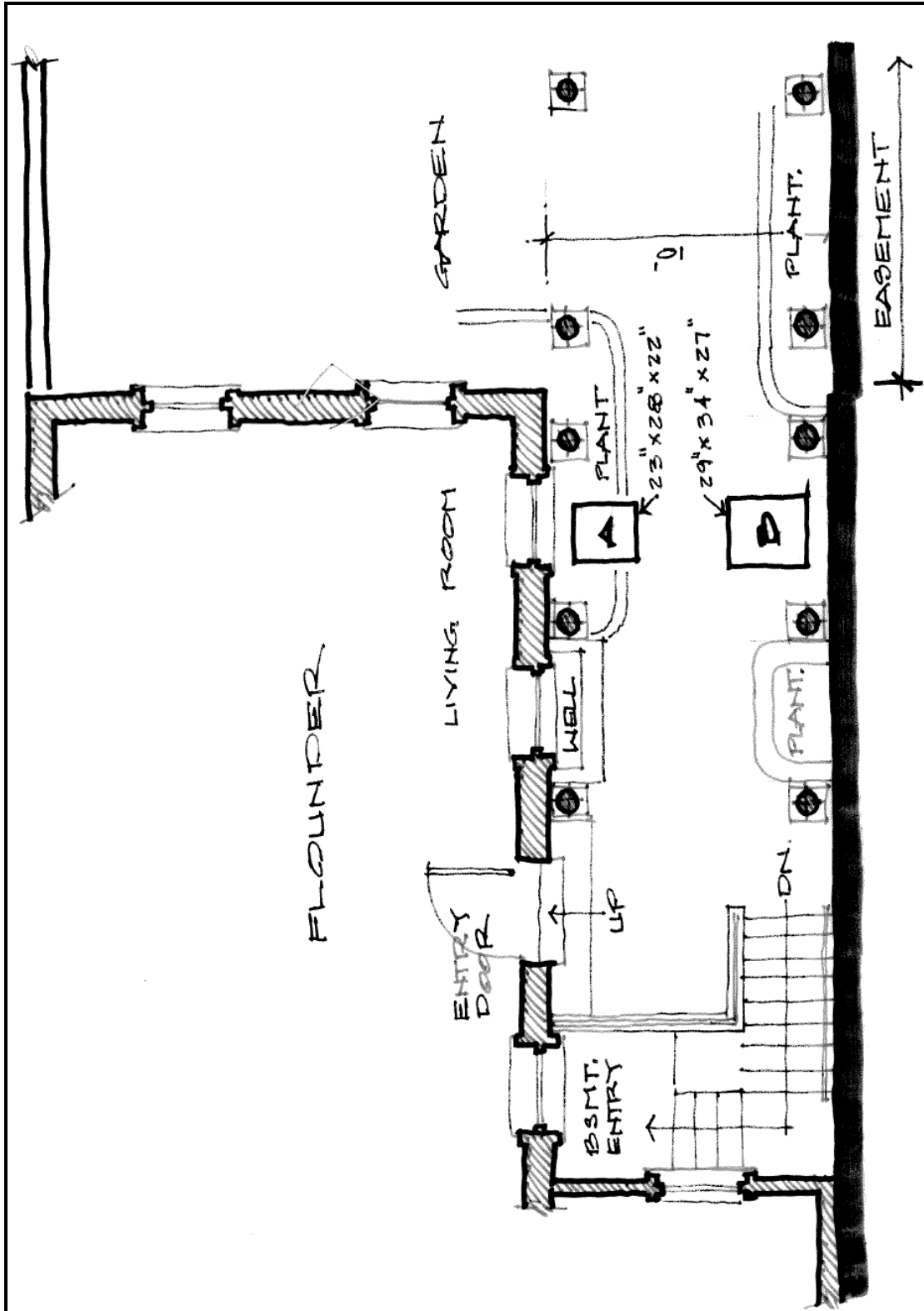


Figure 7: Plan of Front Entry with proposed AC condenser placement  
(Sketch drafted by BAR Staff per the request of the BAR)



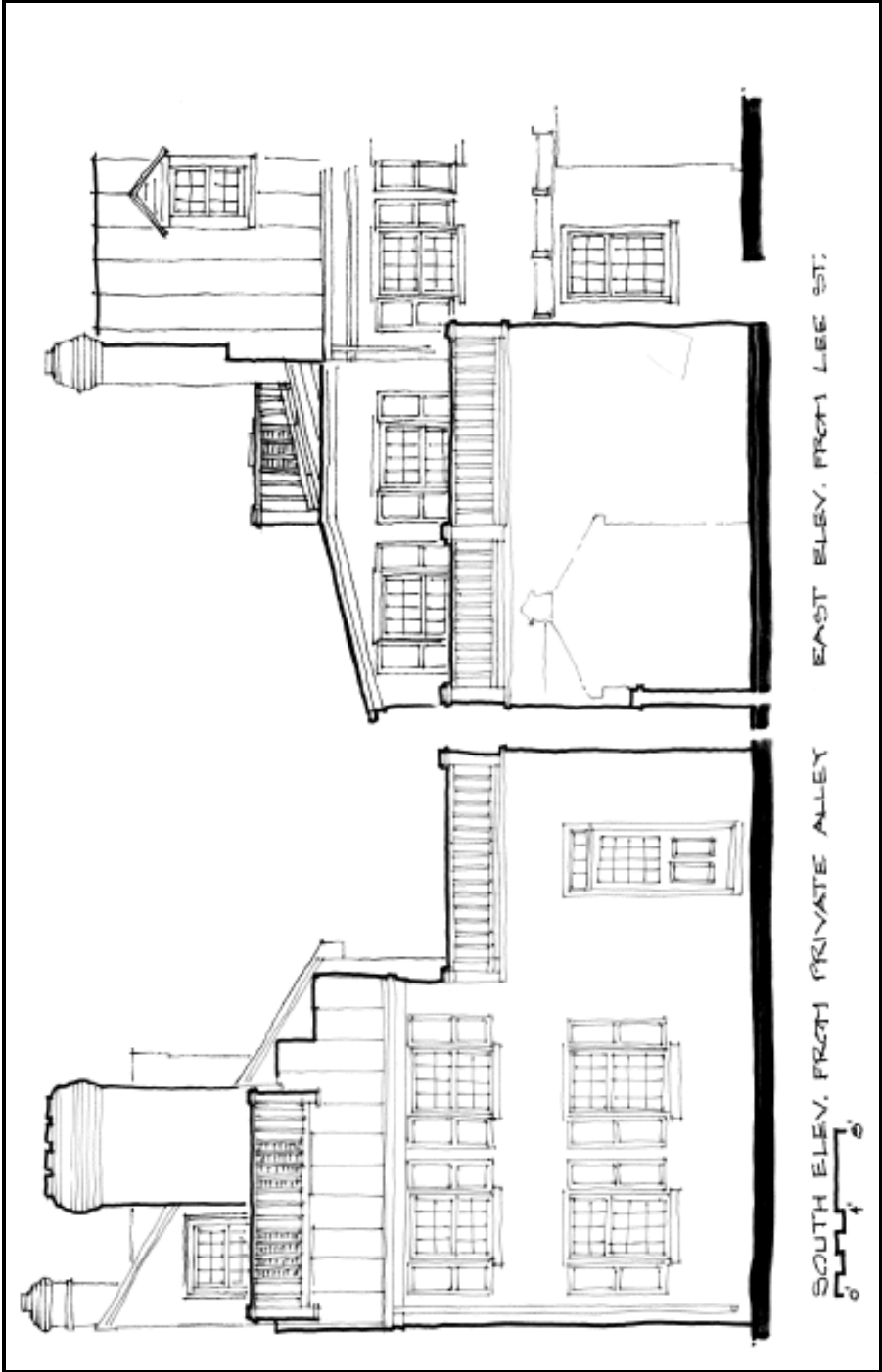


Figure 8: Elevation Sketch with proposed balustrade “Screen”

May 18, 2009

Michele Oaks, Urban Planner  
Historic Preservation Office  
City of Alexandria  
301 King Street, Room 2100  
Alexandria, Virginia 22314

Dear Ms. Oaks:

Following up on our conversations and email, I am requesting that the BAR Case # 2009-0035 be placed on the June 17 Board of Architectural Review Hearing Agenda.

The matter was deferred for further study at the April 1, 2009 hearing. Subsequent to that hearing we have had further discussions with all of our immediate neighbors; placed a mock-up of A/C units on the roof and photographed the mock-up; and we have considered the options and issues raised in the staff report of April 1.

The review and mock-up have illustrated two points:

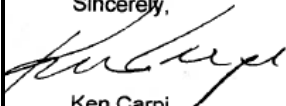
- The units will be minimally visible from the public rights of way and, if painted to match the roof color, will be nearly indistinguishable.
- The options mentioned in the staff report of April 1 in some cases would be more visible from the public right of way, and other alternatives would actually intrude more (primarily noise) upon our neighbors.

Accordingly, after further review and discussion with our neighbors, we are requesting that the application be approved with the following conditions:

- The units are painted to match the color of the roof.
- Certification from a structural engineer that the existing roof can safely support the units. The existing roof was a new structure in 1996. As can be seen from the last photo on the attachment, the structure was raised approximately 4 feet (see change in brick) in 1996 and a complete new roof structure was put in place.

Please let me know if you have questions or need additional information.

Sincerely,



Ken Carpi  
202 Duke Street  
Alexandria, VA 22314

Attachment

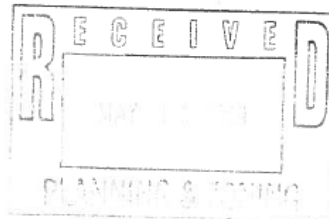


Figure 9: Previous Owner's Summary Letter

ALEXANDRIA HISTORICAL RESTORATION  
AND PRESERVATION COMMISSION



LLOYD HOGER  
OFFICE OF HISTORIC ALEXANDRIA  
220 NORTH WASHINGTON STREET  
ALEXANDRIA, VA 22314-2521  
(703) 838-4554

MEMORANDUM

To: OHAD Board of Architectural Review

From: Charles L. Trozzo, Chairman

Date: October 21, 2009

Subject: 202 Duke Street proposed A/C units

The Alexandria Historical Restoration and Preservation Commission is the grantee of an open space easement on the property at 202 Duke Street.

We have reviewed the proposal to locate the air conditioner units on the sloped roof of the addition to the south wall of the main block of the structure and determined that that location does not conflict with the terms of the easement dated December 15, 2004.

The attached plat indicates that the portion of the property covered by the easement lies between the east and west garden walls, from the north wall of the main block of the house to the north wall of the garden. The leg of open space to the east of the flounder is not included in the easement. However, the Commission believes that placing objects such as being considered in that space would adversely affect the quality of the easement because any such objects would detract from views of the overall garden once one makes entry at the gate or stands at most points in the open space covered by the easement.

000987

WHEREAS, Grantee is authorized to accept and hold easements on open space and historic property;

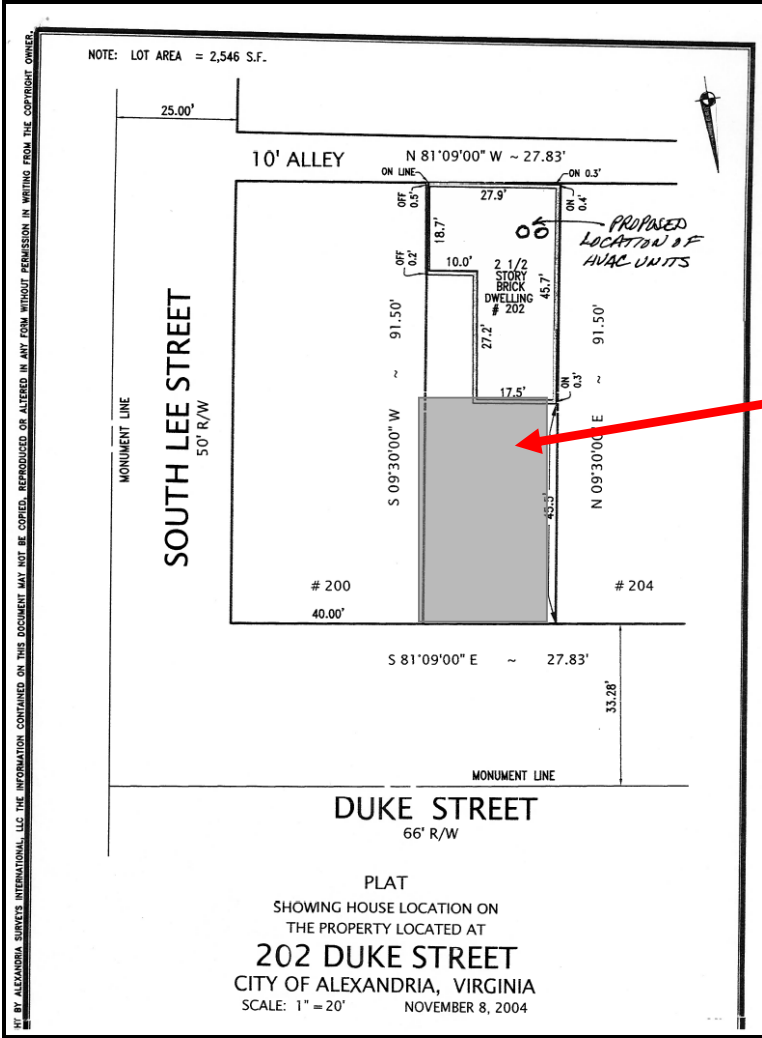
WHEREAS, to this end, Grantors desires to grant to Grantee, and Grantee desires to accept, an open space easement on the Property;

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantors do hereby grant and convey to the Grantee an easement in gross in perpetuity in and over a portion of the Property, identified as 202 Duke Street in the City of Alexandria, Virginia, which Easement is more particularly described on Exhibit A and depicted on Exhibit B.

The Easement shall constitute a binding servitude upon the Property, but not personal to Grantors, and to that end, Grantors and Grantee covenant, on behalf of themselves, their successors and assigns, such covenants being deemed as a binding servitude, in perpetuity, with the land, but not personal to Grantors, to do (and refrain from doing) upon the Property each of the following stipulations, which contribute to the public purpose in that they aid significantly in the preservation of open space land.

1. No extension of the existing structures or erection of additional structures within the Easement shall be permitted except that Grantors shall be permitted to construct accessory garden structures, including but not limited to pergolas, gazebos, maintenance sheds, awnings, and water features within the Easement.
2. Notwithstanding the provisions of paragraph 1 above, the open space land of the Property may be fully used as a residential yard and/or garden, and planted with such plants and trees and otherwise landscaped as Grantors may choose from time to time.
3. Division of the Property in any manner is prohibited.
4. No new overhead utility transmission lines, except those reasonably necessary for the existing structures, may be permitted on the Easement. Utility transmission lines subject to utility easements already recorded may be permitted.
5. Grantors agree to allow public viewing of the open space within the Easement for one day per year from 9:00 a.m. to 5:00 p.m. The scheduling of the date of any such opening shall be by mutual consent of Grantors and Grantee. Any such opening may be subject to restrictions mutually agreed upon as reasonably designed for the protection and maintenance of the Property. Such opening may also be subject to a reasonable fee, if any, as approved by the Grantee.
6. Grantors agree that representatives of Grantee shall be permitted to inspect the open space area annually. Inspection of the Property will be made at a time mutually agreed upon by Grantors and Grantee, and Grantors shall not withhold unreasonably his/her consent in determining a date and time for such inspection.

(Excerpt from Easement)



**Boundaries of Preservation Easement**

Figure 9: Location of Condenser Units

## MINUTES

### ALEXANDRIA HISTORICAL RESTORATION AND PRESERVATION COMMISSION

8:00 a.m.

Wednesday, March 10, 2010

Lloyd House, 220 North Washington Street

---

In Attendance: Blakesley, Feldkamp, Heiden, Manning, Sennewald, Sprinkle, Trozzo  
Excused: Ablard, Dunn  
City Staff: Lance Mallamo, Director, OHA  
Guests: Dr. Carl Smith and Mrs. Jaye Smith  
Amanda Roth (student in John Sprinkle's Introduction to Historic Preservation class at NOVA)

---

Charles Trozzo, Chairman, called the meeting to order at 8:03 a.m.

The Minutes of the January 13, 2010, meeting were reviewed and unanimously approved.

#### **HISTORIC ALEXANDRIA MUSEUM GALA**

The Gala was postponed to June 5, 2010, due to the February 6<sup>th</sup> snowstorm.

#### **B.A.R. MATTERS**

##### 900 PRINCE STREET:

Nothing new to report on the paint removal issue. The City Attorney is negotiating with the owner's attorney.

##### 202 DUKE STREET:

Mr. Trozzo reported on the hearing held by the Old and Historic Alexandria District BAR on March 3 dealing with the placement of two air conditioner units at 202 Duke Street, a property on which the Commission holds an open space easement. As AHRPC Chairman, Mr. Trozzo was requested to attend. He had sent a memorandum to BAR on October 21, 2009, laying out the terms and boundaries of the easement and reporting the Commission determination that placing the two proposed air conditioner units in the easement area would impact the latter's terms. Mr. Trozzo expressed concern that the Board was calling the Commission to account for and possibly change that determination.

Mr. Trozzo related that the BAR Chair asked whether there was a way by which the AHRPC could reconsider its position, but Mr. Trozzo indicated that, under parliamentary procedures, this is no longer possible. The remaining issues, therefore, are whether Mr. Trozzo's memo of October 21, 2009, accurately conveys the position of the AHRPC, as it voted at its August 2009 meeting, whether there were at the August meeting any objections to that position, whether there were any objections stated to the record of the August meeting in the minutes of that meeting

distributed for and reviewed at the September Commission meeting, and whether any Commission members registered objections to the content of the memorandum to the BAR when it was distributed to the Commission along with the materials for the Commission meeting in December 2009.

The easement on 202 Duke Street allows only “garden structures” be built or installed in the garden. A list of garden structures authorized in the easement is not exhaustive, but air conditioning units are not included. HVAC compressors are mechanical/electrical equipment and do not relate to the maintenance or enjoyment of a garden.

Mr. Trozzo asked if any members felt that any of the parts of the AHRPC position had been distorted in the way he reported them. No objections were raised.

Mary Heiden asked whether this was a moot question, as she thought the owner would place units on the east wall. Charles Trozzo said this was not correct. Mary Heiden informed the Commission that she received this information from John Hynan of the Historic Alexandria Foundation, and that is why he was not attending today’s meeting.

John Sprinkle brought up the fact that the units are now on the adjacent Hopper property and must be moved onto the 202 Duke Street property.

A motion made by John Sprinkle that the Commission hear from the members of the public attending today’s meeting was seconded by Mary Heiden and unanimously approved.

Dr. Carl Smith spoke and questioned whether the whole Commission agreed that the correspondence of October 21, 2009, represented the opinion of AHRPC, and spoke of the minimal impact of the units on the garden. He questioned the purpose of the easement – was it to protect the historic fabric of the flounder house or of the garden? Wouldn’t the two condensers impact the historic fabric of the flounder house by being on the roof?

Dr. Smith stressed that he is not concerned with his view, but with the historic character of the neighborhood. Mrs. Smith stated that they had lived on Lee Street for five years and love the neighborhood. The northeast side wall is the Smith’s house. She indicated that they had to maintain appropriate building materials on their house, and had an interest in the historic views of the neighborhood. Even though there have been changes to the flounder, it still is a historic building in the neighborhood.

Mr. Trozzo asked if Commission members agreed with the October 21<sup>st</sup> memo to the Old and Historic Alexandria District BAR. [copy attached to Minutes] All agreed.

Mr. Trozzo indicated that the BAR can reject the current application for 202 Duke Street, and the applicant can appeal to City Council. If the BAR decides to permit placing the units on the roof, neighbors opposing that can petition the City Council to reverse the BAR decision. It is

AHRPC's role to maintain the integrity of the easement program. Easements are a two-party contract, and are only negotiable between the two parties. Previously, the AHRPC approved the application of Kenneth Carpi for a shed at 202 Duke, as that was a garden structure associated with garden maintenance expressly provided for in the easement.

John Sprinkle described the intent of the 202 Duke Street easement. Mr. Trozzo stressed that AHRPC does not have a façade easement on the property. Open space includes the historic setting and area around the house only, not the structure itself.

The Smith's asked why other properties covered by an open space easement include AC units. Mr. Trozzo indicated that these may have been in place before the easement was negotiated and the area covered excluded from the easement.

Mr. Lance Mallamo repeated a conversation he had with Al Cox, Architect, Historic Preservation Manager in Planning & Zoning, asking AHRPC members to confirm their position about this issue.

All members of AHRPC agreed that they had no objection to the October 21, 2009, memo to OHAD BAR, and that it contained no distortion of their position. They agreed that no further action was necessary.

Respectfully submitted,  
J. Lance Mallamo, Staff to the Commission  
Charles L. Trozzo, Chair, AHRPC