

Docket Item #5  
BAR CASE #2004-0070

BAR Meeting  
April 28, 2004

**ISSUE:** Alterations to previously approved plans

**APPLICANT:** Nathan Carter

**LOCATION:** 408 North Patrick Street

**ZONE:** RB/Residential

---

**\*\*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 the Code Enforcement Bureau (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Enforcement, Room 4200, City Hall, 703-838-4360 for further information.

STAFF RECOMMENDATION:

Staff recommends approval of the application with the following conditions:

1. That the front cornice on the main block be reconstructed to match the original as closely as possible and that the work be completed within 30 days of the Board's approval;
2. That the back plates for the three exterior light fixtures on the front (east) elevation be changed from plastic to wood within 30 days of the Board's approval; and,
3. That, prior to settlement, Mr. Carter notify the contract purchaser by letter of the above requirements and his commitment to fulfil them and provide Staff with a copy of said letter.

DISCUSSION:

Applicant's Description of Undertaking:

"Alterations to previously approved plans."

Issue:

The applicant is requesting a certificate of appropriateness to approve the renovation of the house at 408 North Patrick Street as completed. This renovation does not comply with the previously approved plans on a number of points.

1. The original front cornice, which was to remain in place, was removed and replaced by an underscaled and completely inadequate facsimile.
  2. The inappropriate exterior light fixtures on the front (east) elevation which were installed by the prior owner have been removed but the plastic back plates remain.
  3. The hooded Italianate door surround shown on the plans at the front door and the simpler Italianate surround shown at the front face of the new addition have been omitted.
  4. The window hoods shown on the plans above the front and side windows on the main block and the front windows on the new addition, eight windows in all, have been omitted.
  5. The shutters, which were to have been on the same eight windows, have been omitted.
  6. The trim on the cornice and base of the bay window on the south side of the main block has been omitted.
  7. The cornice at the top of the new addition at the front has been omitted.
  8. The house has been painted yellow with white trim and a red door without seeking Staff approval as required.
  9. The iron fence enclosing the south side yard at the front of the property been omitted.
- The plans for the renovation of 408 North Patrick Street were originally approved by the Board in 2000. The plans included an addition to the rear and side and restoration of the front of the

main block (BAR Case # 2000-189 & 190, 9/13/2000). In 2001, the Board approved a request for re-approval and minor alterations to the previously approved plans ( BAR Case #2001-242 & 243, 12/19/2001). Prior to initiating the work, the house was sold to a new owner who began the work using the BAR approved plans. The work progressed slowly and with problems. In March 2003, BAR Staff met with the contractor and subsequently sent a letter to the owner listing inconsistencies between the completed work and the BAR approved plans and requesting that these be corrected. All work ceased and in November 2003, the current owner, Nathan Carter, purchased the property. Prior to purchasing 408 North Patrick Street, Mr. Carter met with Staff and was fully advised of the outstanding BAR issues. Subsequently, Mr. Carter applied to BAR for re-approval of the original plans. Mr. Carter assured Staff and Board that he intended to reverse the improper work completed by the previous contractor and to complete the project adhering in all aspects to the previously approved plans. On January 28, 2004, the Board approved Mr. Carter's application with the following conditions (BAR Case #2004-0001):

1. That the exterior appearance conform in all respects to the previously approved plans;
2. That all trim, siding, doors, windows and shutters are to be wood;
3. That the shutters fit the openings and be operable;
4. That the wood fence at the rear be painted or stained as soon as is practicable; and,
5. That Staff approve the final paint color selection prior to its use.

The work proceeded quickly. In this period, Mr. Carter consulted Staff on one issue: the siding to be used. Toward the end of February 2004, Staff was made aware that the original cornice had been removed. Staff immediately informed Mr. Carter via telephone and letter that the cornice must be restored and any additional discrepancies would need to be corrected or approved by the Board. With the exception of the front cornice, which he has agreed to reconstruct, and the plastic back plates for the exterior lamps at the front doors to the main block and the addition, which he has agreed to replace with wood back plates, Mr. Carter is requesting that the Board approve the renovation as is. Mr. Carter has a contract purchaser and expects to close on the sale immediately following the BAR hearing.

#### History and Analysis:

Based on the G.M. Hopkins atlas of Alexandria from 1877 and the 1891 Sanborn Fire Insurance Company map, the 2-story frame residence located at 408 North Patrick Street was erected sometime between 1877 and 1891 in the vernacular Italiante style. The modest 2-story frame building originally had a 1-story frame ell extension off the rear. Circa 1898, the rear ell was raised to two stories and another 1-story frame addition was added at the rear. As discussed above, on September 13, 2000 and December, 19, 2001, the Board approved and then re-approved the demolition of the rear ell and the construction of a new two story addition extending from lot line to lot line. The Board also approved alterations to the historic main block including new wood siding, new wood trim and a new bay window on the south elevation. On January 28, 2004, the Board approved alterations to 408 North Patrick Street, essentially re-approving the original plans.

The proposed alterations to previously approved plans comply with the requirements of the Zoning Ordinance.

Staff finds the present case extremely disappointing and frustrating. The approved plans were of the highest quality and would have resulted in an exceptional renovation. Staff and Board made every effort to ensure that the applicant understood what had been approved. Mr. Carter expressed every intention to follow the plans to the smallest detail. Despite all this, it appears that Mr. Carter did not understand what was expected of him and/or failed to ensure that his contractor understood and complied with the approved plans. The failure of the project to conform to the approved plans is not just a disappointment, but, more importantly, a violation of the zoning ordinance (Section 10-203).

Reluctantly, Staff has become convinced that it would be futile to insist that the previously approved plans be adhered to in all respects. These plans included fairly sophisticated trim details for the front and south side elevations. The skill level required to execute these details appears to be above that of the applicant's contractor. Staff fears that to insist on complete execution of the missing door and window trim and addition cornice would only result in further unsatisfactory work. Furthermore, Staff recognizes that the plans for the "restoration" of the historic main block were conjectural, albeit quite well done and entirely plausible. The original window and door trim had been removed for quite some time, probably when aluminum siding was installed in the mid- to late-20th century. In the absence of direct physical or documentary evidence, preservation philosophy allows two options: conjectural design based on other examples of a similar period and style or a simplified and non-specific design treatment. The present condition of the house could be said to adhere to the second option.

On the other hand, Staff is unable to accept the loss of the original front cornice. The cornice was extant when the current owner began work. It was unusually handsome and the only significant architectural element remaining on the front facade. Therefore, Staff has requested that Mr. Carter reconstruct the front cornice on the main block to replicate the original cornice as closely as possible. With the assistance of Staff and Mr. Cromley, Chair of the Parker-Gray Board, the applicant has ordered replacement brackets and dentils. Staff and Mr. Cromley will work with the applicant's carpenter to ensure that the cornice is constructed correctly.

As noted above, the property is currently in violation of the zoning code. Zoning violations go with the property and not the owner. If the violations are not cured by Mr. Carter, the new purchaser would be required to conduct the work to meet the Board approval. Therefore, Staff recommends approval of the applicant's request with the following conditions:

1. That the front cornice on the main block be reconstructed to match the original as closely as possible and that the work be completed within 30 days of the Board's approval;
2. That the back plates for the three exterior light fixtures on the front (east) elevation be changed from plastic to wood within 30 days of the Board's approval; and,
3. That, prior to settlement, Mr. Carter notify the contract purchaser by letter of the above requirements and his commitment to fulfill them and provide Staff with a copy of said letter.

## CITY DEPARTMENT COMMENTS

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

### Code Enforcement:

- C-1 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance.
- 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 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:

“Every effort should be made to assure that the plans as submitted and as accepted are adhered to.”