

Docket Item # 4
BAR CASE # 2007-0181

BAR Meeting
April 23, 2008

ISSUE: After-the-fact Alterations
APPLICANT: Dean and Brooks Armandoff
LOCATION: 902 Oronoco Street
ZONE: RB/Residential

STAFF RECOMMENDATION: Staff recommends denial of the after-the-fact construction of a retaining wall and recommends that the wall be removed within 30 days of the Board's decision. However, if the Board approves the retaining wall, the applicant should paint or stain the wall a dark color and must re-apply for an encroachment to be approved by City Council.

BOARD ACTION, FEBRUARY 27, 2008: On a motion by Mr. Lloyd, seconded by Mr. Meick the Board deferred the application for restudy and that no enforcement action is to be taken against the applicant pending Board action on the application. The vote on the motion was 5-0.

REASON: The Board asked staff to investigate whether the Board had previously approved garden walls or retaining walls constructed of pressure treated timbers. The Board asked staff to also investigate the approvals that may have been granted by the Board for the examples provided by the applicant. The Board felt that consistency of Board actions was important.

SPEAKER: Brooks Armandoff, homeowner, spoke in support

STAFF RECOMMENDATION: Staff recommends denial of the after-the-fact construction of a retaining wall and recommends that the wall be removed within 30 days of the Board's decision. However, if the Board approves the retaining wall, the applicant should paint or stain the wall a dark color and must re-apply for an encroachment to be approved by City Council.

****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.

(Insert sketch map here)

Update: Since the February 27, 2008 hearing, at the request of the Board, Staff has investigated whether the Board previously approved similar retaining walls as proposed by the applicant. The following addresses listed by the applicant that have similar retaining walls are not located within the Parker-Gray District nor the Old and Historic Alexandria District: Madison & N. Fairfax Streets, 117 N. Peyton Street, 119 North Peyton Street, 106 Harvard Street, 108 Harvard Street, 117 Harvard Street, 523 N. Payne Street, 528 N. Payne Street, and 523 S. Columbus Street. These properties are not under the purview of the Boards. In addition, the other examples sited by the applicant did not receive approvals from either Board for a similar retaining wall— 800 Devon Place, 700 Devon Place, 417 N. Fayette Street, 401 N. West Street, and 412 N. Alfred Street. Staff did not locate any approvals by the Parker-Gray Board of Architectural Review for requests to erect similar retaining walls. Staff repeats the prior recommendation of denial of the after-the-fact construction of a retaining wall and recommends that the wall be removed within 30 days of the Board's decision. However, if the Board approves the retaining wall, the applicant should paint or stain the wall a dark color and must re-apply for an encroachment to be approved by City Council.

I. ISSUE:

The applicant is requesting after-the-fact approval of a Certificate of Appropriateness for the construction of a retaining wall on the public right-of-way adjacent to 902 Oronoco Street. The retaining wall as constructed runs the length of the building, approximately 42' 11" along Oronoco Street and projects into the public right-of-way 5' 7" on the west and 6' 5" on the east side. At its tallest point, the wall is approximately 22" tall. The retaining wall is constructed of what appears to be pressure-treated wood, horizontal square timber beams that have a similar appearance of rail type fences.

II. HISTORY:

According to Real Estate property records, 902 Oronoco Street was constructed in 1978.

Staff did not locate any prior Board approvals for this property.

III. ANALYSIS:

After-the-fact retaining wall is classified as a permanent planter; it encroaches into the public right-of-way and must be approved by the Planning Commission and City Council in order to remain. The retaining wall does not meet Zoning Ordinance requirements and must obtain a City Council encroachment approval in order to comply with the Zoning Ordinance.

In July of 2007, BAR Staff became aware that a retaining wall had been erected at 902 Oronoco Street without approval by the Board and that it appeared to be encroaching into the public right-of-way. A letter was sent to the owners informing them the retaining wall needed Board approval. Subsequent conversations with the owners also informed them that the retaining wall did indeed encroach into the public right-of-way. In September of 2007, the applicant filed an application for an encroachment as requested by Staff. However, after Staff advised the applicant that the Staff would recommend denial of the encroachment request, the applicant withdrew the application and indicated to Staff that the retaining wall would be removed. The applicant has since reconsidered their decision to remove the retaining wall and would like to keep it, understanding that it encroaches into the public right-of-way. While it is extremely rare to bring an application before the Board that would require a variance or an encroachment, Staff discussed the situation with the Board chairman, noting that the retaining wall has already been

constructed, and the decision was made to bring the item before the Board for their review and decision on the appropriateness of the retaining wall within the Parker-Gray Historic District.

Staff believes that the retaining wall is not appropriate and is incompatible to the character of the Parker-Gray Historic District. The Design Guidelines state in respect to fences and garden walls “split rail type fences, horizontal board fences, and other types of fences associated with the rural countryside are not appropriate in the historic districts.” In Staff’s opinion, the wall as erected at 902 Oronoco Street would fall into this category and cannot be supported by Staff.

Staff recommends that the retaining wall be removed within 30-days of the Board’s decision. However, if the Board decides to approve the retaining wall, to ameliorate the wall’s appearance Staff would recommend that it be painted or stained a solid dark color and that the applicant must re-apply for an encroachment from the City Council.

IV. STAFF RECOMMENDATION:

Staff recommends denial of the after-the-fact construction of a retaining wall and recommends that the wall be removed within 30 days of the Board’s decision. However, if the Board approves the retaining wall, the applicant should paint or stain the wall a dark color and must re-apply for an encroachment to be approved by City Council.

CITY DEPARTMENT COMMENTS

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

Code Enforcement:

Comments pending.

Historic Alexandria:

Recommend denial. If approved require walls to be coated with dark color solid stain.