

Docket Item # 2
BAR CASE # 2013-0036
BAR Meeting
May 22, 2013

ISSUE: Alterations
APPLICANT: Brian Thomas for Evan Allen & Alison Glowacki
LOCATION: 1015 Princess Street
ZONE: CL/Commercial Low

STAFF RECOMMENDATION: Staff recommends denial of the after-the-fact installation of replacement windows with interior sandwich muntins and approval of wood windows with exterior muntins, consistent with the *Alexandria Replacement Window Performance Specifications*.

BOARD ACTION, April 24, 2013: Deferred for restudy, 5-1.

SPEAKERS

Brian Thomas, contractor representing the property owners, spoke in support of the project. Mr. Thomas acknowledged installing the vinyl windows when he renovated the property but asserted that he should have been notified that he was located in a historic district and the replacement windows needed BAR approval. Mr. Thomas proposed replacing the existing vinyl, sandwich muntin windows with new vinyl windows with exterior muntins. He brought a sample of the proposed vinyl window to the meeting.

BOARD DISCUSSION:

Mr. Owens said that the proposed new window was not consistent with the recently adopted Parker-Gray Residential Reference Guide. He said that the Board's strategy should be to bring the building into compliance. He apologized to the home owners who unknowingly purchased a house with windows which are not in compliance with BAR policy.

Ms. Irwin said that the new windows proposed by Mr. Thomas only address the sandwich muntin issue and not the issue of the vinyl window material. She said that windows are an important issue for the BAR.

Ms. del Ninno said that she did not generally like pocket windows but that the Board has recently approved fiberglass insert windows, which she said she might be able to support in this case.

Mr. Moffat said that he thought that the applicant should have been aware of the BAR requirements since he was present at the BAR hearing for the Permit to Demolish. He said that the Board and the work group had lengthy discussions about appropriate windows and that they felt that vinyl windows were not appropriate for Early buildings. He said that it was not fair to blame a Code Administration inspector for not noticing the window replacements because they were never included in the building permit.

Mr. Slowick said he could support fiberglass windows instead of vinyl windows.

Mr. Conkey said that he did not think a deferral would accomplish anything because the facts of the case would not change. He said he could not support vinyl windows.

On a motion by Mr. Slowick, seconded by Ms. del Ninno, the Board voted to defer the application for further study.

REASON:

Most members of the Board felt that vinyl windows, including the vinyl windows with exterior muntins proposed by the applicant, were not appropriate for an Early building. They noted that the discussions of the work group over the past year made it clear that inappropriate replacement windows were not acceptable for Early buildings. The potential for using fiberglass windows instead of wood windows on the front façade was discussed by some of the Board members, although the fiberglass windows that were recently approved by the BAR were on the sides of an Early building, not the front façade. The Board deferred the application in order to give the builder time to research the Marvin Infinity fiberglass windows discussed at the meeting.

BOARD ACTION, March 13, 2013: Deferred for restudy, 4-0.

SPEAKERS

Brian Thomas, contractor representing the applicant, spoke in support of the project. Mr. Thomas had purchased the property in 2010 and renovated the property prior to selling it to the current owners, which included going to the BAR in June 2011 for approval of a Permit to Demolish/Capsulate for a rear addition. Mr. Thomas stated several times that he had hired Steve Kulinski as his architect and was not aware that there was a BAR hearing for the proposed work, nor that the property was even in the historic district. He acknowledged installing new windows without a building permit. He expressed concern that the current homeowners were responsible for a violation that they did not create. Mr. Thomas proposed adding an exterior muntin to try to remedy the situation, if, after working with the window manufacturer, it was feasible.

BOARD DISCUSSION

Mr. Owens stated that he himself had been the subject of a violation and was very familiar with how the BAR violation process works. He questioned how the contractor did not know that he was paying his architect to prepare and present a BAR application. He also asked who obtained the building permits for the rear addition. Mr. Thomas responded that a permit runner obtained

the building permits. Mr. Owens was very concerned about the precedent that would be set for approving these inappropriate windows.

Ms. Irwin had no questions for the applicant.

Mr. Slowik stated he was a fan of easing the Design Guidelines but agreed in this case that the existing sandwich muntin vinyl windows looked very poor. He stated he was open to exploring ways to resolve the window violation without replacing the windows, if possible.

Chairman Conkey noted that this townhouse was an Early structure and that approving vinyl windows would set a very bad precedent after the Board and the work group had spent a year discussing these windows and had reaffirmed that they were inappropriate on this period building. He advocated a change in the city inspection process to prevent this type of violation from occurring again. He emphasized the need for continued public outreach and to educate homeowners that there are better options than just replacing windows. However, he stated that he could not support vinyl windows after the past year of meetings with the work group and noted that the policies were now very clear.

Mr. Slowik asked how other Board members felt about adding a wood exterior muntin.

Ms. Irwin stated that wood muntins glued to the face of the glass would not last and would affect the operation of the windows.

Mr. Owens stated that the existing vinyl windows have an aesthetically and functionally different character than wood windows. He also noted that the prohibition of vinyl replacement windows on an Early building was a clear, bright line for the work group. He also noted that if an alternate solution exists, he was willing to consider alternatives or to view a mock-up, though he was skeptical of the outcome.

Chairman Conkey advised that a deferral would allow the applicant to explore options for the Board to consider.

On a motion by Mr. Slowik, seconded by Mr. Owens, the Board voted to defer the application for further study.

REASON

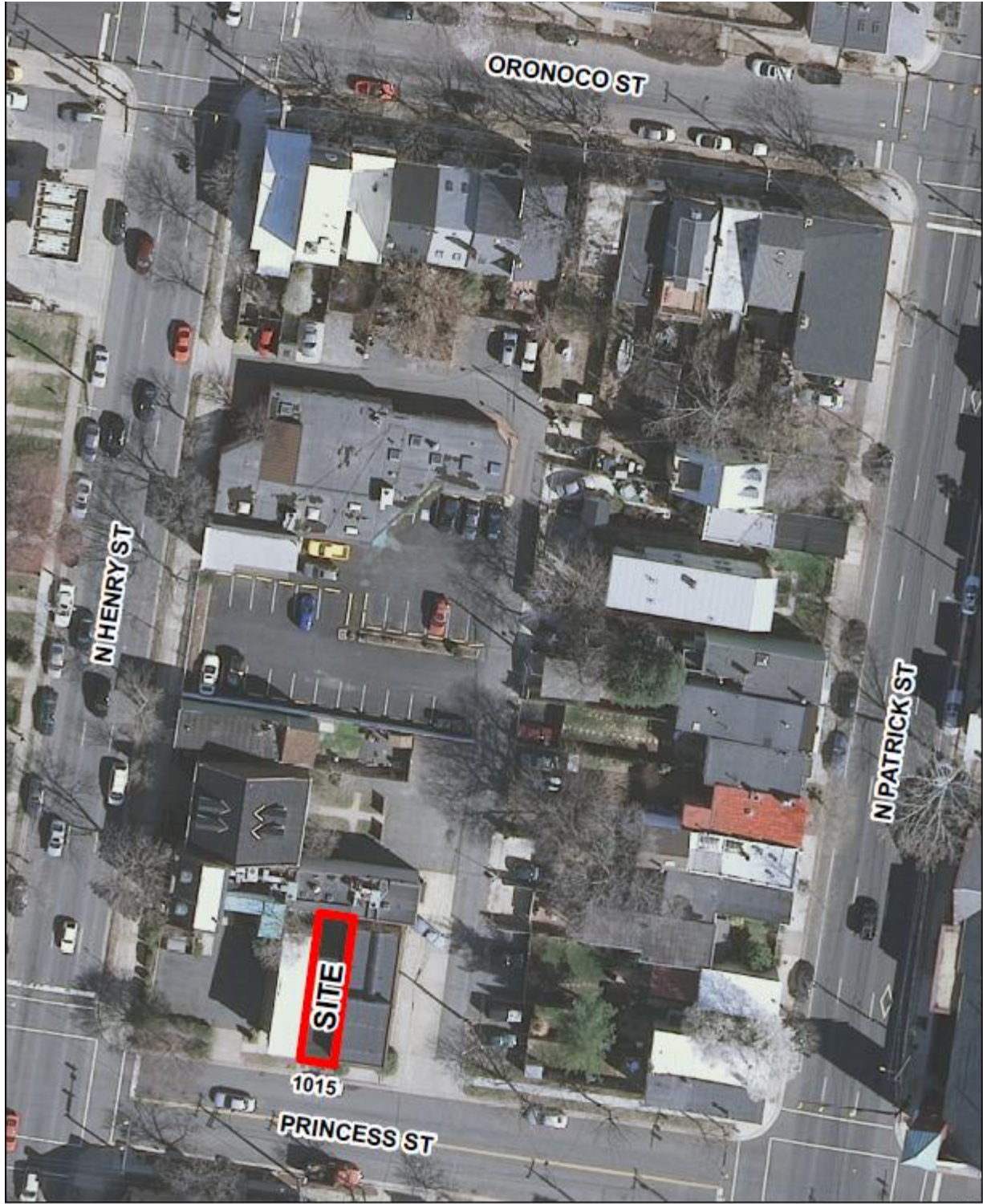
The Board strongly felt that vinyl windows with sandwich muntins were not appropriate for an Early building, such as this townhouse. They noted that the discussions of the work group over the past year made it clear that inappropriate replacement windows were not acceptable for Early buildings. The Board stated that they were open to alternative solutions and would consider whatever the applicant brought before them.

STAFF RECOMMENDATION, March 13, 2013: Staff recommends denial of the after-the-fact installation of replacement windows with interior sandwich muntins and approval of wood

windows with exterior muntins, consistent with the *Alexandria Replacement Window Performance Specifications*.

*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, 703-746-4200 for further information.



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UPDATE, May 22, 2013:

Following the last BAR meeting, Staff emailed the applicant and the home owners and provided information on the Marvin Infinity windows discussed by the Board at the meeting. Staff also provided the applicant with a rough cost estimate of replacing the vinyl windows with appropriate wood windows, as well as the name of replacement window companies.

UPDATE, April 24, 2013:

Since the last BAR meeting the applicant met with a representative from Anderson Windows and will have an update for the Board at the meeting.

In the opinion of Staff, the applicant asserted a number of inaccuracies at the March Board meeting, namely that he was unaware that the property was located in a historic district. Shortly after the applicant purchased the property in March 2011, the standard BAR welcome letter was sent stating that the property was located in a historic district and that there are special architectural protections for building exteriors. In May 2011, a permit was submitted to Code Administration for a first floor addition. BAR staff put that permit on hold pending BAR approval of the demolition in the rear which required a Permit to Demolish. After the June 22, 2011 hearing, at which the applicant and his architect were present, Staff signed off on the original addition permit and subsequently approved another building permit for interior renovations. In October 2012, the applicant requested approval of an occupancy permit, but the house was sold before the permit was issued (it cannot be issued until the BAR issue is resolved).

If the violation is not corrected both the homeowner and the applicant, as the former owner who performed the work, can be held liable.

I. ISSUE

The former developer of 1015 Princess Street, acting on behalf of the current property owners, is requesting after-the-fact approval of alterations to the front façade. The alterations consist of the addition of dentils and brackets at the cornice, a new light fixture and vinyl replacement windows with interior (sandwich) muntins. From the pre-renovation photo provided by the applicant, Staff believes that the previous windows were two-over-two, simulated divided light wood windows with exterior muntins matching 1017 Princess Street. Due to the similarity in their appearance in the early photo, Staff believes that both 1015 and 1017 Princess Street were renovated at the same time, likely before the Parker-Gray Historic District was established in 1984. Staff noted the alterations when performing a Certificate of Occupancy (CO) inspection in March 2012 for the rear addition (which the BAR approved in June 2011). The current property owners were subsequently notified in writing that a BAR violation existed, with alternatives for correcting the violation. Ultimately, a BAR application was filed by the former owner who made the changes to the front facade.

II. HISTORY

Although the City's real estate records indicate that the two-story, two-bay frame townhouse at 1015 Princess Street was constructed in 1920, it most likely dates from the **late 19th century**, when a two-story duplex is shown on the 1891 Sanborn Fire Insurance Map. This structure, therefore, is considered an *Early* building under the Board's new Residential Reference Guide (RRG).

On June 22, 2011, the BAR approved a Permit to Demolish/Capsulate in order to capsulate the first floor rear wall of the townhouse prior to the construction of an addition (BAR Case #2011-0136). Because the rear of the property is not visible from the public right-of-way, the addition did not require BAR review.

III. ANALYSIS

This project complies with Zoning Ordinance requirements.

The applicant has provided a timeline as part of his justification for retaining the replacement windows. While Staff understands the applicant's frustration that a number of the City's Code Administration staff visited the property during its renovation without alerting him to the fact that BAR approval was required for exterior alteration, BAR Staff asserts that the jurisdiction of the BAR should have been clear to the applicant given his 2011 hearing before the Board.

As the Board is aware, the recent changes to the guidelines and policies in the Parker-Gray Historic District provide for a broader pallet of materials for replacement windows on the sides and rear of Early buildings. However, the Work Group recommended and the BAR affirmed that windows on the street facing façade of Early buildings should be wood. The Board's reasoning was that the quality and authenticity of materials was important for those Early street-facing façades where someone could easily touch and feel the materials. Therefore, the subject vinyl windows are inappropriate and inconsistent with the Board's new guidelines. The only instance in which the proposed windows would only be appropriate, would be for a *Later* (post-1931) building which was set back at least 15' from the public right-of-way. Staff recommends removal of the sandwich muntin windows and the installation of double-glazed, simulated divided light wood windows or sash kits consistent with the *Alexandria Replacement Windows Performance Standards*.



Figure 1: Replacement window

Staff has no objection to the replacement light fixture, which, with the passage of the RRG, no longer requires BAR approval. Furthermore, the addition of the cornice details are not only historically appropriate, but compatible with the cornice on the adjacent twin townhouse.

STAFF

Stephanie Sample, Historic Preservation Planner
Al Cox, FAIA, Historic Preservation Manager

IV. CITY DEPARTMENT COMMENTS

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

Code Administration

No comment.

Transportation and Environmental Services (T&ES)

No comment.

V. ATTACHMENTS

1 – Supporting Materials

2 – Application for BAR20130-00036 at 1015 Princess Street

Appeal of the City of Alexandria Department of Planning and Zoning's finding of a replacement window violation at 1015 Princess Street.

On March 28, 2011 I purchased 1015 Princess Street. At the time 1015 Princess was used as an office and in great need of a major renovation.

I applied for and received building permits for:

Electrical

Plumbing

Mechanical

Building

Permits were issued in July 2011 and work began quickly after. After permits were issued we replaced the old windows (late July – early August 2011). Replacing the windows wasn't necessary to resell the home but I felt it was the right thing to do. I could have put a fresh coat of paint on the old window frames and no one would have been the wiser. However, in an attempt to be a green builder, I replaced the inefficient windows with high quality energy efficient windows that exceeded the Federal Government's requirements for energy efficiency.

The windows I installed met ALL requirements of the Parker Grey Historic District except for the "sandwich muntins".

Seven times (on record at the city website) after the windows were replaced city inspectors visited 1015 Princess Street and found no violation of the windows. The final building inspection was passed by the City of Alexandria on October 18, 2011.

The window violation was never mentioned by any of the city inspectors nor the BAR staff until March 2012 – 8 months after the windows were installed. According to Mary Catherine Collins in the Department of Planning and Zoning all building inspectors within the city of Alexandria are aware of the Parker Grey Historic District's building restrictions.

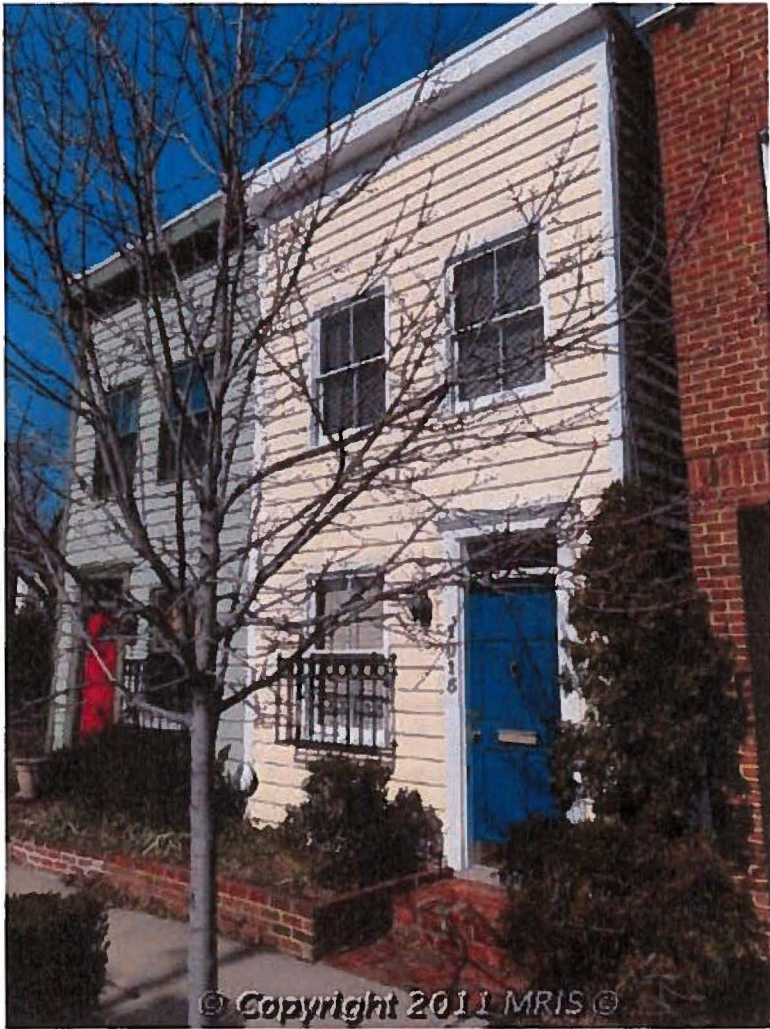
I try my very best to comply with all regulations in the city of Alexandria. On some projects we even request a pre-inspection walk through with city inspectors to make sure we have met or exceeded all code requirements. However, at times even my best subcontractors fail inspections. I do not believe that I am unlike any builder in the city of Alexandria in that we rely and depend on the expertise of the city officials to make sure we are in compliance with all rules and regulations.

I estimate that in close to 98% of Alexandria, no permit is required to change windows. Unfortunately, I wasn't aware of this requirement in the Parker Grey Historic District nor was it ever mentioned to me prior to selling the property in January 2012. Now, I am facing thousands of dollars of fines from the same city that passed the final building inspection on October 8, 2011.

I understand the importance of all historic districts and I assure the Board that my actions were not an attempt to skirt the rules. As I stated, I could have left the old windows in place but I did not. More importantly, it is my belief that all of the work we did at 1015 Princess Street vastly improved the Parker Grey Historic District and Princess Street.

I am not disputing I erred but I do believe a large portion of the responsibility for this mistake should be shared by the City of Alexandria staff and I am humbly requesting that the Board approve my request for a waiver for 1015 Princess Street.





1015 Princess

Before







BAR Case # **2013-0036**

ADDRESS OF PROJECT: 1015 Princess Street Alexandria VA

TAX MAP AND PARCEL: 064-01.05-25 ZONING: Ch

APPLICATION FOR: (Please check all that apply)

CERTIFICATE OF APPROPRIATENESS

PERMIT TO MOVE, REMOVE, ENCAPSULATE OR DEMOLISH
(Required if more than 25 square feet of a structure is to be demolished/impacted)

WAIVER OF VISION CLEARANCE REQUIREMENT and/or YARD REQUIREMENTS IN A VISION CLEARANCE AREA (Section 7-802, Alexandria 1992 Zoning Ordinance)

WAIVER OF ROOFTOP HVAC SCREENING REQUIREMENT
(Section 6-403(B)(3), Alexandria 1992 Zoning Ordinance)

Applicant: Property Owner Business (Please provide business name & contact person)

Name: Brian Thomas

Address: 610 W. Braddock Rd.

City: Alexandria State: VA Zip: 22302

Phone: 702 225-1847 E-mail: _____

Authorized Agent (if applicable): Attorney Architect Developer

Name: Brian Thomas Phone: _____

E-mail: Brian Thomas 03@yahoo.com

Legal Property Owner:

Name: Evan Allen & Alison Slowacki

Address: 1015 Princess Street

City: Alexandria State: VA Zip: _____

Phone: _____ E-mail: Aslowacki85@gmail.com

- Yes No Is there an historic preservation easement on this property?
- Yes No If yes, has the easement holder agreed to the proposed alterations?
- Yes No Is there a homeowner's association for this property?
- Yes No If yes, has the homeowner's association approved the proposed alterations?

If you answered yes to any of the above, please attach a copy of the letter approving the project.

NATURE OF PROPOSED WORK: *Please check all that apply*

- NEW CONSTRUCTION
- EXTERIOR ALTERATION: *Please check all that apply.*
 - awning
 - doors
 - lighting
 - other _____
 - fence, gate or garden wall
 - windows
 - pergola/trellis
 - HVAC equipment
 - siding
 - painting unpainted masonry
 - shutters
 - shed
- ADDITION
- DEMOLITION/ENCAPSULATION
- SIGNAGE

DESCRIPTION OF PROPOSED WORK: *Please describe the proposed work in detail (Additional pages may be attached).*

See attached

SUBMITTAL REQUIREMENTS:

Items listed below comprise the **minimum supporting materials** for BAR applications. Staff may request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

Applicants must use the checklist below to ensure the application is complete. Include all information and material that are necessary to thoroughly describe the project. Incomplete applications will delay the docketing of the application for review. Pre-application meetings are required for all proposed additions. All applicants are encouraged to meet with staff prior to submission of a completed application.

Electronic copies of submission materials should be submitted whenever possible.

Demolition/Encapsulation : *All applicants requesting 25 square feet or more of demolition/encapsulation must complete this section. Check N/A if an item in this section does not apply to your project.*

- ^{N/A} Survey plat showing the extent of the proposed demolition/encapsulation.
- Existing elevation drawings clearly showing all elements proposed for demolition/encapsulation.
- Clear and labeled photographs of all elevations of the building if the entire structure is proposed to be demolished.
- Description of the reason for demolition/encapsulation.
- Description of the alternatives to demolition/encapsulation and why such alternatives are not considered feasible.

Additions & New Construction: Drawings must be to scale and should not exceed 11" x 17" unless approved by staff. All plans must be folded and collated into 12 complete 8 1/2" x 11" sets. Additional copies may be requested by staff for large-scale development projects or projects fronting Washington Street. Check N/A if an item in this section does not apply to your project.

- N/A Scaled survey plat showing dimensions of lot and location of existing building and other structures on the lot, location of proposed structure or addition, dimensions of existing structure(s), proposed addition or new construction, and all exterior, ground and roof mounted equipment.
- FAR & Open Space calculation form.
- Clear and labeled photographs of the site, surrounding properties and existing structures, if applicable.
- Existing elevations must be scaled and include dimensions.
- Proposed elevations must be scaled and include dimensions. Include the relationship to adjacent structures in plan and elevations.
- Materials and colors to be used must be specified and delineated on the drawings. Actual samples may be provided or required.
- Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- For development site plan projects, a model showing mass relationships to adjacent properties and structures.

Signs & Awnings: One sign per building under one square foot does not require BAR approval unless illuminated. All other signs including window signs require BAR approval. Check N/A if an item in this section does not apply to your project.

- N/A Linear feet of building: Front: _____ Secondary front (if corner lot): _____
- Square feet of existing signs to remain: _____
- Photograph of building showing existing conditions.
- Dimensioned drawings of proposed sign identifying materials, color, lettering style and text.
- Location of sign (show exact location on building including the height above sidewalk).
- Means of attachment (drawing or manufacturer's cut sheet of bracket if applicable).
- Description of lighting (if applicable). Include manufacturer's cut sheet for any new lighting fixtures and information detailing how it will be attached to the building's facade.

Alterations: Check N/A if an item in this section does not apply to your project.

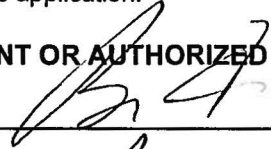
- N/A Clear and labeled photographs of the site, especially the area being impacted by the alterations, all sides of the building and any pertinent details.
- Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- Drawings accurately representing the changes to the proposed structure, including materials and overall dimensions. Drawings must be to scale.
- An official survey plat showing the proposed locations of HVAC units, fences, and sheds.
- Historic elevations or photographs should accompany any request to return a structure to an earlier appearance.

ALL APPLICATIONS: *Please read and check that you have read and understand the following items:*

- I have submitted a filing fee with this application. (Checks should be made payable to the City of Alexandria. Please contact staff for assistance in determining the appropriate fee.)
- I understand the notice requirements and will return a copy of the three respective notice forms to BAR staff at least five days prior to the hearing. If I am unsure to whom I should send notice I will contact Planning and Zoning staff for assistance in identifying adjacent parcels.
- I, the applicant, or an authorized representative will be present at the public hearing.
- I understand that any revisions to this initial application submission (including applications deferred for restudy) must be accompanied by the BAR Supplemental form and 12 sets of revised materials.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The undersigned also hereby authorizes the City staff and members of the BAR to inspect this site as necessary in the course of research and evaluating the application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

Signature: 

Printed Name: Brian Thomas

Date: 2/11/13

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Alison Glowacki	1015 Princess Street	50%
2. Evan Allen	1015 Princess Street	50%
3. Brian Thomas		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1015 Princess Street, Alexandria, VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Alison Glowacki	1015 Princess Street	50%
2. Evan Allen	1015 Princess Street	50%
3. Brian Thomas		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

02/27/2013 Alison Glowacki aglowacki
 Date Printed Name Signature

03/04/2013 Evan Allen Evan Allen