

BAR Meeting
December 19, 2018

ISSUE: Request for partial Demolition/ Capsulation and a Certificate of Appropriateness for additions and alterations

APPLICANT: Vowell LLC c/o Michael Harrington

LOCATION: 619 South Lee Street

ZONE: RM/Townhouse zone

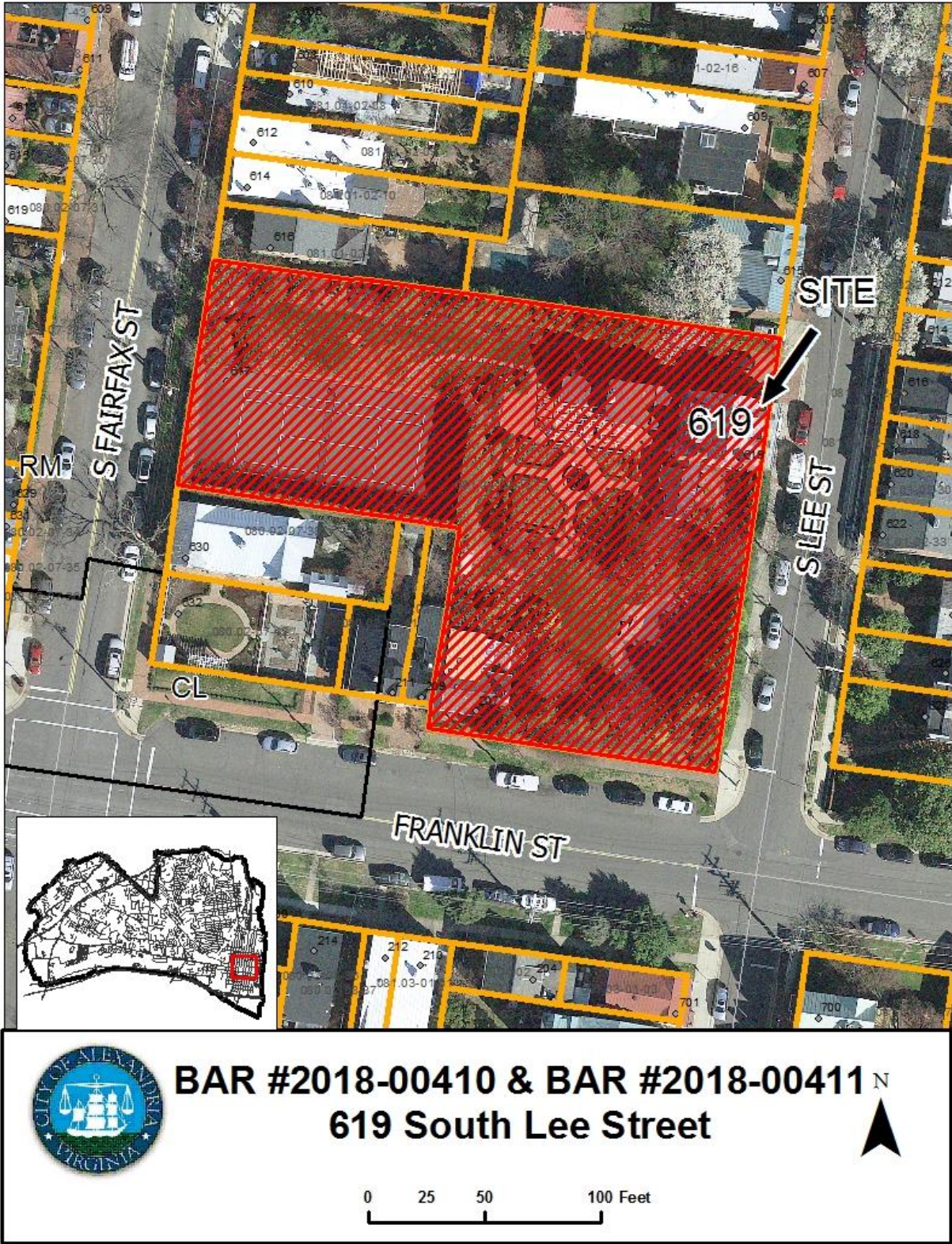
STAFF RECOMMENDATION

Staff recommends approval of the application for a Permit to Demolish for partial demolition/ capsulation and a Certificate of Appropriateness for additions and alterations with the following conditions:

1. Denial of the demolition of the two-story curved portion of hyphen connecting the main block to rear ell;
2. All counterflashing in the brick of historic portions of the house and carriage house for additions and roofing should be hand cut only through mortar joints and not the brick;
3. All materials must comply with the BAR's adopted policies unless otherwise specifically approved; and
4. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped copy of the Certificate of Appropriateness or Permit to Demolish PRIOR to applying for a building permit. Contact BAR Staff, Room 2100, City Hall, 703-746-3833, or preservation@alexandriava.gov for further information.
2. **APPEAL OF DECISION:** In accordance with the Zoning Ordinance, if the Board of Architectural Review denies or approves an application in whole or in part, the applicant or opponent may appeal the Board's decision to City Council on or before 14 days after the decision of the Board.
3. **COMPLIANCE WITH BAR POLICIES:** All materials must comply with the BAR's adopted policies unless otherwise specifically approved.
4. **BUILDING PERMITS:** 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.
5. **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.
6. **HISTORIC PROPERTY TAX CREDITS:** Applicants performing extensive, certified rehabilitations of historic properties may separately be eligible for state and/or federal tax credits. Consult with the Virginia Department of Historic Resources (VDHR) prior to initiating any work to determine whether the proposed project may qualify for such credits.



I. ISSUE

The applicant is requesting a Permit to Demolish/Capsulate and a Certificate of Appropriateness for additions and alterations as follows.

Permit to Demolish

1. Demolish one-story kitchen structure at the southern end of the main dwelling, refer to attached Building Elements - Removals diagram, area 1. (313 square feet.)
2. Demolish one-story structure to the north of the flounders, refer to attached Building Elements - Removals diagram, area 2. (324 square feet.)
3. Demolish inside corner portion and curved wall of the existing two-story flounder west of the main dwelling, refer to attached Building Elements - Removals diagram, area 3. (126 square feet.)
4. Remove pre-fabricated wooden garden shed, refer to attached Building Elements - Removals diagram, area 4. (80 square feet.)
5. Remove portion of exterior wall at the west side of the one-story flounder, refer to West Elevation Removal, key note 1. (22.75 square feet.)
6. Remove (2) basement window areaways at east side of main house, refer to Site, Basement and First Floor Removal Plans, key note 3.
7. Remove curb at basement access at west side of main house, refer to Site and First Floor Removal Plans, key note 4.
8. Remove skylight at carriage house, refer to Carriage House Removal Plan and Elevations, key note 2. (68.75 square feet.)
9. Remove portion of exterior wall at the north side of the carriage house 1975 addition, refer to Carriage House Removal Plan, key note 1. (70.3 square feet.)

Certificate of Appropriateness

1. Two-story brick addition at the west end of the one-story flounder, refer to attached Building Elements - Additions diagram, area 1.
2. Two-story brick addition with one-story stucco hyphen connection to the south side of the main dwelling and one-story stucco addition to the south with second floor clerestory windows at stair, refer to attached Building Elements - Additions diagram, areas 2 and 3.
3. One-story brick addition connected to two-story south addition by painted wood trellis, refer to attached Building Elements - Additions diagram, areas 4 and 5.
4. Two wood garden structures at the west end of the site, refer to attached Building Elements - Additions diagram, area 6.
5. Installation of wood windows and doors at the south, east, and north elevations of the carriage house, refer to Proposed Carriage House Elevations.
6. Installation of new paving at existing parking pad north of main dwelling and brick piers and garden wall with wood gate at west end of parking pad, refer to Proposed Landscape Elements.
7. Replacements wood gates in existing openings in garden walls at S. Lee and Franklin streets, refer to Proposed Landscape Elements.

The applicant is also proposing a number of historically appropriate repairs that have been approved by staff administratively or will be approved as part of the permitting process in accordance with the adopted *BAR Policies for Administrative Approval*. The applicant has included this information in order to provide context and clarity for the overall project scope. Key notes refer to the Building Elements – Removals plan, page 1.

1. Restore historic windows, key note 1R.
2. Replace non-historic windows and doors in existing masonry openings, key note 2R.
3. Replace painted metal roof & gutters at two-story flounder to match existing, key note 3R.
4. Remove existing chimney at the two-story flounder to roofline and rebuild using original bricks, key note 4R.
5. Install new copper gutters and downspouts at one-story flounder, key note 5R.
6. Remove existing paint and parging at the two-story flounder on the south and west sides, point brick as required and apply painted finish to match existing, key note 6R.
7. Repoint brick as required to match existing at one-story and two-story flounders, key note 7R.
8. Infill masonry opening at basement with brick set back 1" from face of building, key note 8R.
9. Replace wood shingle roof at carriage house with vented wood shingles to match existing and install new copper gutters, downspouts and copper coping at brick wall, key note 9R.

II. HISTORY

The two-and-a-half story, three-bay, side-gable brick residence with a slate roof and shed roofed rear ell is an excellent example of the Federal architectural style in Alexandria, though it is not the most high-style of its type in the city. The dwelling is a side-hall, urban townhouse form on a relatively large lot, rather than a detached building form like 711 Prince or Carlyle House. It is notably intact on the interior.

The house has been located within the Old and Historic Alexandria District since its creation in 1946. It is also included within the National Register's Alexandria Historic District, created in 1966 and updated in 1984. The period of significance of the National Register district is 1749-1934. The property is not individually listed on the Virginia Landmarks Register or the National Register of Historic Places.

Built ca. 1800, the building was documented as the *Vowell-Snowden-Black House* by the Historic American Building Survey (HABS) in 1966 by Worth Bailey and edited by Antoinette J. Lee in 1975 (<https://www.loc.gov/item/va0223/>).

The building is also listed in the *Historic Homes and Landmarks of Alexandria, Virginia* by Mary Lindsey with the title *The Snowden House*; and is mentioned briefly in the 1946 book *Alexandria Houses, 1750-1830* by Deering Davis, Stephen P. Dorsey & Ralph Cole Hall.

The *Historic Alexandria Virginia Street by Street* guide by Ethelyn Cox states that the residence was:

“Built around **1800** by Thomas Vowell, Jr., a prominent Alexandria merchant. Advertised for sale in September **1817**, the house was “28 feet front and 40 feet deep, with covered way, pantry, a large kitchen, a smoke house, and... a brick stable, carriage house, etc.” Edgar Snowden, who succeeded his father Samuel as editor and owner of the *Alexandria Gazette*, bought the house in **1842**. It remained in the Snowden family for seventy years. In **1939** the late Hugo Black, Justice of the Supreme court of the United States, bought the house and lived here until his death.”

Alterations to the Building and Site Over Time

The house at 619 South Lee Street has not changed a great deal since it was first shown on the Sanborn Fire Insurance Maps of Alexandria in 1902 but the lot and surrounding buildings have changed a great deal, as described in *The History of 619 South Lee Street* by Ruth Lincoln Kaye in 1987. Her deed research confirms many of the changing lot lines and structures shown on the maps that are described below.

The **1877 GM Hopkins City Atlas of Alexandria** shows the existing lot subdivided north/south at mid-block, exhibiting half its present depth, with a separate structure to the south fronting on South Lee Street. The footprint of the structure is the same as today and there is a detached outbuilding near the house. On that lot fronting South Fairfax Street were four dwellings owned by Wales and Harper and a second lot with another two-story structure. The brick carriage house is shown at the southwest corner of the site and the lot extends to the north its present distance. (See the Hopkins Map on page 6 of the applicant’s Building History Report)

The portion of the city showing the block containing 619 South Lee Street does not appear on the Sanborn Fire Insurance maps until **1902** (Figure 1). The four dwellings on the lot of Wales and Harper fronting South Fairfax Street are now gone but the dwelling on the lot to the north remains. The carriage house on Franklin Street is by this time shown as a two-story dwelling on a separate lot addressed as 207 Franklin Street with a one-story structure, likely a stable, the full width of the north end of the lot, abutting the west end of 619 South Lee Street. The two-story house at the corner of South Lee and Franklin streets is addressed as 627 South Lee Street, though it is shown on the same lot as 619 South Lee Street. The footprint of the house at 619 South Lee Street is unchanged and the detached accessory structure is shown more clearly as a pair of one story units. The **1907** and **1912** Sanborn maps are unchanged from 1902.

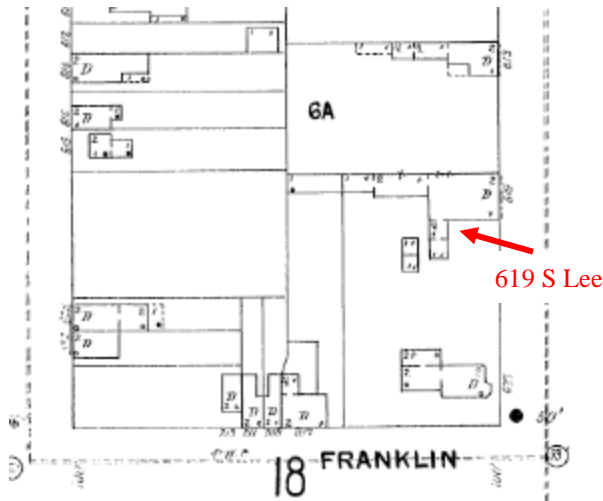


Figure 1: 1902 Sanborn Insurance Map

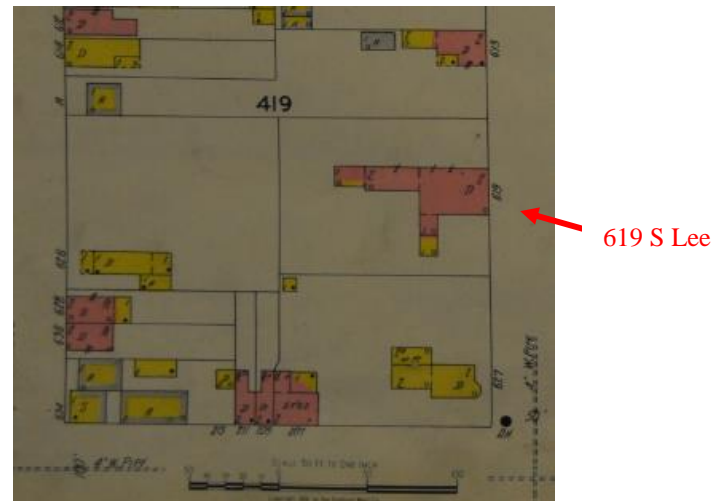


Figure 2: 1931 Sanborn Insurance Map

The **1921 Sanborn Map** shows the lot at its present size and the only outbuilding on the site is a small structure near South Fairfax Street.

The **1931 Sanborn Map** (Figure 2) shows a slight reconfiguration of lot lines with a small addition infilling the rear of the carriage house at 207 Franklin and a new small outbuilding at the rear of that lot. The stables and accessory dwelling near the house are gone. There is a new, freestanding, two-story house in the former Wales lot at 628 South Fairfax Street.

In 1939 Josephine F. Black, wife of the Justice, purchased the property and two months later, purchased the house on the corner at 627 South Lee Street. By the **1941 Sanborn Map**, the two houses at 628 South Fairfax and 627 South Lee were removed and the present configuration of the lot was created.

Prior BAR Approvals

Staff was unable to locate any BAR records for the house prior to 1970 when the Board approved the garden wall and parking space on the north side of the house (August 5, 1970). A cluster of BAR cases from 1974 relates to alterations to window and door openings on the rear ell. According to the BAR minutes, the architect for these alterations was Hugh Newell Jacobson. Another cluster of Board approvals from 1981 relates to the reworking of the existing kitchen wing with an addition and change to the roof (confirmed on site from ghost marks which show the earlier shed-roofed form remaining on the south wall of the main block). According to the BAR minutes dated August 5, 1981, the architect for that work was Chris Lethbridge. While the current kitchen wing to the south generally retains the footprint shown on the historic maps, the 1981 alterations and rebuilding were so extensive that little, if any, historic fabric remains.

On September 19, 2007, BAR approved a Permit to Demolish/Capsulate and a Certificate of Appropriateness for two additions and a breezeway, as well as other alterations to the house and grounds (BAR Case #2007-0157 & 158). That project was never undertaken, and the property was sold.

In 2008, the BAR approved a Permit to Demolish/Capsulate for the construction of a small mudroom addition along a portion of the north elevation of the rear ell. The application also included partial demolition of the north wall to accommodate a new entrance to the house and a door accessing a bedroom and bathroom from inside the house. The project also included the extension of the driveway and the installation of a sliding gate. BAR Case #2008-00214, 00215, and 00218 for Demolition/Capsulation and Addition/Alterations.

In 2018, BAR staff administratively approved chimney and roof repair, masonry repointing and window restoration (BAR Case #2018-00198). The restoration work is in process.

There is an easement on this property prepared under previous owners that is administered by the Virginia Department of Historic Resources (VDHR). The BAR's review is limited to Section 10 of the Alexandria Zoning Ordinance, the BAR does not have the authority to interpret or enforce an easement. While the BAR application does ask whether there is an easement on a property and whether the easement holder has agreed to the proposed alterations, this is a procedural courtesy to avoid wasting the BAR's time reviewing and approving a proposal that could later be rejected by the easement holder but it is not a binding requirement for BAR approval. In the present case, staff strongly recommended that the applicant obtain confirmation that the proposals complied with the easement prior to a hearing by the BAR. The applicant has done so and has provided the City with a copy of that letter from VDHR.

III. ANALYSIS

The BAR's charge is first to identify and "protect historic and cultural resources" and second to ensure that additions, alterations and new construction are compatible with nearby buildings of historic merit. The first charge is discussed in the Permit to Move, Remove, Capsulate or Demolish analysis. The second charge is discussed in the Certificate of Appropriateness analysis and recognizes that what may be appropriate in one block may not be appropriate in another block, or even in different locations on the same block. The BAR's *Standards* and criteria in the Zoning Ordinance, as well as the BAR's adopted policies and *Design Guidelines*, have been used through the years as the basis for recognizing that the historic fabric of Old Town is not frozen in time but may be appropriately modified, altered and expanded to allow the historic buildings to continue to be used and cherished. The BAR's role has always been to strike a balance between preservation of the identified historic fabric and urban character while managing appropriate growth and change in a living city.

Permit to Demolish/Capsulate

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-105(B), which relate only to the subject property and not to neighboring properties. The Board has purview of the proposed demolition/capsulation of more than 25 square feet of exterior wall or roof area regardless of visibility.

Demolition refers to the permanent destruction and removal of the exterior wall or roof area, whereas, capsulation refers to the enclosure but not demolition of a specified exterior portion of the wall or roof. While that wall area may be shown to remain on the present proposal, once it is enclosed and becomes an interior feature, it is no longer within the BAR's purview. Typically, most additions involve some combination of both partial demolition and capsulation. In this case there is no demolition proposed on the 19th century portions of the building or carriage house. The

applicant describes six areas proposed for demolition/capsulation on pages 7 thru 19 of the application drawings.

1. The existing kitchen on the south side of the primary building mass is a late 20th century (1981) frame structure that was constructed sometime after the HABS photographs of the one-story brick and frame structure in this location were taken in 1965. The existing structure capsulates an 11' wide portion of the south wall. The proposed one-story hyphen to the new kitchen will be pulled from the southwest corner of the primary building mass by 1'-7", giving the brick corner more definition, and the roof peak will be approximately 2' taller but use the same entrance to the dining room as the present addition, so there is no demolition of the historic structure requested for this kitchen addition. (see page 7 of the application drawings)
2. The second feature to be demolished is the late 20th century (2008) shed roofed brick addition on the north side of the original kitchen. It is an undistinguished, utilitarian mud-room. Removal of this lean-to will permit a significant portion of the original north wall to be restored and exposed to South Lee Street. (see page 7 of the application drawings)
3. The third feature proposed for removal is a convex curved corner hyphen between the original kitchen and the main house. Based on the 1817 real estate advertisement and site inspection of the masonry bonding in the north wall and capsulated stone lintel on a second floor window in the attic, the kitchen was always connected to the main house by a one story covered passage, though the material and dimensions are not known and cannot be determined from the limited access presently allowed in the crawl space below. At some point later, a curved brick one-story hyphen was constructed and by the mid-19th century, based on the machine saw marks and cut nails found in the rafters, a second floor was added to the hyphen.

The curve of the hyphen is constructed of pie shaped header brick and the form is very unusual in Alexandria because it abuts the west wall of the primary house in an acute angle that made future maintenance extremely difficult. The purpose of the curve was to allow light and ventilation to the windows in the middle bay of the rear of the three-bay wide house. However, on the majority of Alexandria houses the curve is either convex or has a short section of wall perpendicular to the main house from the curve so that the window can be maintained. (Figure 4) Why the curve met the plane of the wall on a tangent is impossible to say but most architects and contractors would strongly recommend an alternative today. (Figure 3)

The applicant has proposed removal of the south wall of this curved hyphen and reconstruction of a straight wall section between the original kitchen and house, as is more commonly seen on Alexandria homes. This is a great deal of work that actually reduces the floor area and is only being proposed to gain future access to this window to keep it properly painted, to repoint the masonry walls and to repair the window heads and sills. However, staff believes that this early feature can be maintained, albeit with some difficulty, and that it is such a unique and character defining historic form that it should not be removed. Staff acknowledges that some dismantling of portions of the curve may be necessary to gain access to the stone lintel and sill. (see page 7 of the application drawings)



Figure 3: Curved ell intersection with main house at 619 South Lee Street



Figure 4: Typical hyphen forms in Alexandria: concave, convex with offset and straight

4. The fourth feature to be demolished/capsulated is the west wall of the ca. 1974 west addition to the original kitchen. The proposed two-story pavilion will capsulate 100% of this late 20th century wall. A small portion of the wall will be demolished for a single pedestrian door.
5. A small wood frame garden shed ca. 1931 will be demolished near the northwest corner of the property.
6. There are several alterations proposed in the northeast corner of the carriage house, which is the portion that was filled-in between 1921 and 1931. However, the present construction in this area appears to be late 20th century. The applicant proposes to remove two pair of sliding glass doors on the east wall and a continuous ridge skylight on the roof of this infill.

In addition, a 9' wide portion of the masonry wall on the north elevation of this infill will be removed for a new door. (see page 8 of the application drawings)

While the BAR does not review paving not used for parking, removal of chain link fences or features below grade, the existing swimming pool and tennis court will be removed and a new swimming pool will be constructed on the west portion of the site. A summary of the Standards in §10-105(B) for the Boards consideration is below.

Standard	Description and Evaluation of the Standard
(1)	<p>Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?</p> <p>Demolition of the two-story curved hyphen would result in the loss of a unique feature, albeit one whose design relative to the intersection with the main house was not well considered when originally constructed and the second floor was added.</p> <p>Staff recommends <i>denial</i> of demolition of the curved wall of the hyphen.</p> <p>However, the remaining portions of the house or carriage house proposed for demolition/capsulation are very minor and on secondary elevations that have already been altered or were constructed in the late 20th century.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria for the remainder of the application with the exception of the curved hyphen wall.</p>
(2)	<p>Is the building or structure of such interest that it could be made into a historic shrine?</p> <p>Justice Hugo Black was a nationally significant figure who lived in the house for 32 years and ensured its preservation after his death. However, nothing proposed in this application would preclude future interpretation Justice Black or the structure itself in the future.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>
(3)	<p>Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?</p> <p>With the exception of the curved hyphen wall, no portions of the dwelling or carriage house proposed for demolition/capsulation are of unusual or uncommon design, texture or material. As discussed above, the curved wall represents an old and unusual design to allow a rear ell to intersect with the main block while retaining the entire middle bay window openings to continue to provide light and air prior to electricity.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria with the exception of the curved hyphen wall.</p>
(4)	<p>Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?</p> <p>Not applicable.</p>

(5)	<p>Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?</p> <p>The house is within the architectural period of significance of the Old and Historic Alexandria District and is an important resource to interpret architectural design and urban planning in the late 18th/early 19th century. However, nothing proposed in this application would preclude future interpretation of the structure or this portion of the historic district in the future.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>
(6)	<p>Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?</p> <p>The age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. However, the proposed alterations will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>

In summary, staff recommends approval of the proposed areas of demolition/capsulation with the exception of the curved hyphen wall.

Certificate of Appropriateness

The BAR's determination for a Certificate of Appropriateness must consider the *Standards* listed in Section 10-105(A) of the Zoning Ordinance. For reference, staff has included the *Standards* with a brief discussion with respect to this case. It should be noted that the BAR must "consider" the elements and features identified below but that there is not a "yes" or "no" response, as the BAR typically finds with the criteria for a Permit to Demolish. In the past six years alone, the two BARs have approved over 100 additions, finding them appropriate and compatible, though the approved designs are often very different than the initial submission as a result of the iterative design review process.

Review of a Certificate of Appropriateness for this case is broken into three separate but related components for discussion purposes:

1. Restoration, alterations and additions to the existing historic structures;
2. Preservation of the open space and setting of those structures on the parcel; and
3. Association with a significant person.

1. Restoration, alterations and additions to the existing historic structures.

Restoration of the exterior of the existing structure is proceeding under the BAR's administrative approval policy using very high-quality materials and craftsmanship. There have been numerous site visits by staff to review the progress of roofing, masonry and window restoration. City staff recently inspected the saw marks and nails in the attic framing to date portions of the ell.

2. Preservation of the open space and setting of those structures on the parcel.

The minimum amount of open space required for each zone is set forth in the zoning ordinance. The existing lot area is 35,502 square feet. The required open space in the RM zone for this lot is 35% of the lot area which is 18,638 square feet. The existing open space is 32,012 square feet. The proposed open space is 30,141 square feet, or 85% of the total lot area and a 6% reduction in open space from the existing. Staff notes that throughout much of the 19th century and into the 20th century, there was a considerable sized dwelling at the corner of Franklin and South Lee Street and several others on the South Fairfax Street frontage, so the current proposal may include as much or more contiguous open space than what historically existed for much of the period of the subject house.

The BAR's standards for review of open space are subjective and standard 10-105(A)(2)(d) requires the BAR to find that the "Design and arrangement of buildings and structures on the site; and the impact upon the historic setting or environs." is appropriate. The question before the BAR is whether removal of the existing additions and construction of the new additions have an adverse impact on the overall historic setting or environs. As an example, the open space in front of an Alexandria "Flounder" house is an essential character defining feature. To fill in the open front yard would destroy the very thing that makes these incomplete dwellings a unique response to the 1752 requirement to build on one's lot within two years of purchase. A large back and side yard do not convey the same type of specific connotations and the lot configuration and the number of other structures on that lot have changed significantly over time.

3. Association with a significant person.

While the previous owners of this property were prominent businessmen in early Alexandria, the most notable owner is Hugo Black. Justice Black acquired the property in 1939 two years after his appointment to the United States Supreme Court and lived there until his death in 1971. His widow sold the property in 1973. His residence at this property would theoretically extend the period of significance of this property through the third quarter of the 20th century if applying for an individual National Register listing.

Matters to be considered by the BAR in approving certificates and permits

In order to determine whether a proposed addition or alteration is appropriate, Section 10-105(A) of the Alexandria Zoning Ordinance states that the BAR "shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings..." :

- a. *Overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures;*

The BAR routinely approves appropriate additions to historic structures. The *Design Guidelines* state the Board's preference for "contextual background buildings which allow historic structures to maintain the primary visual importance," and for "designs that are respectful of the existing structure and...which echo the design elements of the existing structure." The Guidelines also note that "It is not the intention of the Boards to dilute design creativity in residential additions. Rather, the Boards seek to promote compatible development that is, at once, both responsive to the needs and tastes of [modern times] while being compatible with the historic character of the districts." (New Residential Construction – Page 2)

The applicant's design approach has been to recall and expand upon key elements of the historic vernacular design, such as the footprint radiating to the south and west of the main block, load-bearing masonry construction and a slightly later window style showing the evolution of the property over time. The differentiation between the new and the old will primarily occur with the change in materials and the pyramidal hipped roof form which is visually smaller in scale and historically appropriate but differentiated from the primary historic gable roof form. The mass of the pavilions are all smaller and subservient to the historic structure.

While the Secretary of the Interior's Standards for Rehabilitation are not legally binding on the BAR, they have occasionally been used as a reference for nationally accepted preservation best practices. The Secretary's Standards "acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character" and that "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." Staff believes this is the case with the present application.

b. Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

All of the existing features of the historic portions of the existing building and carriage house are being retained and restored, except for the hyphen as discussed in the demolition section of this report. As noted above, staff's support of the project is contingent upon retaining the historic two-story curved hyphen wall. The applicant's design includes high quality materials (red brick, painted wood windows and standing seam roof) and details comparable in quality to that found at the historic house without being overly stylized or introducing a higher style.

c. Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

The two-story brick kitchen at 619 South Lee Street was originally connected to the main house by a one story "covered way pantry," according to Thomas Vowell's September 1, 1817 advertisement for sale of the property. Historically, a kitchen was often detached from the

primary structure to minimize the risk of fire and, particularly in the south, to separate the heat of cooking and washing in the summer. In addition, there were separate brick pavilions on this site including “the coach house, stable, smoke house, etc.” according to an advertisement for sale in 1829. Only the coach house remains today.

As noted in the History section of this report, there have been numerous freestanding domestic outbuildings, garden trellises, a tennis court fence and a number of two story houses in various locations on this lot since 1877.



Figure 5: Garden view of 619 South Lee Street looking northeast, HABS photo ca. 1966

The proposed additions to the primary structure are designed as separate, hip-roofed brick pavilions connected by one-story breezeways and hyphens in order break down the overall mass and to have the least visual and physical impact on the historic dwelling. The architectural tradition of hyphens connecting dependent pavilions to the main structure goes back to ancient times but was first documented as a formal architectural conceit by the 16th century Venetian architect Andrea Palladio in the *Quattro Libri*, a publication that was referenced by architects throughout the Renaissance in Europe and in the American colonies through pattern-books. These were referenced by Thomas Jefferson for Monticello and by George Washington at Mt. Vernon, and John Carlyle in Alexandria, among many others. The proposed site layout of hyphens and telescoping ells has a long tradition in both local and classical building traditions.

Hyphens are often used to distinguish new work from the historic building mass and pavilions, or garden structures like trellises, have been approved in several cases by the BAR. Another advantage of the hyphen approach is that an addition may be more easily removed in the future without extensive damage to the historic resource.

Most recently, the BAR has approved a very similar two-story stucco freestanding pavilion with a contemporary design and a two-story brick addition to the rear ell for the ca. 1810 house at 211 South Saint Asaph Street (BAR Case #2017-00456/457, 12/20/2017). The project was praised by the BAR and had no public speakers in opposition. (Figure 6)

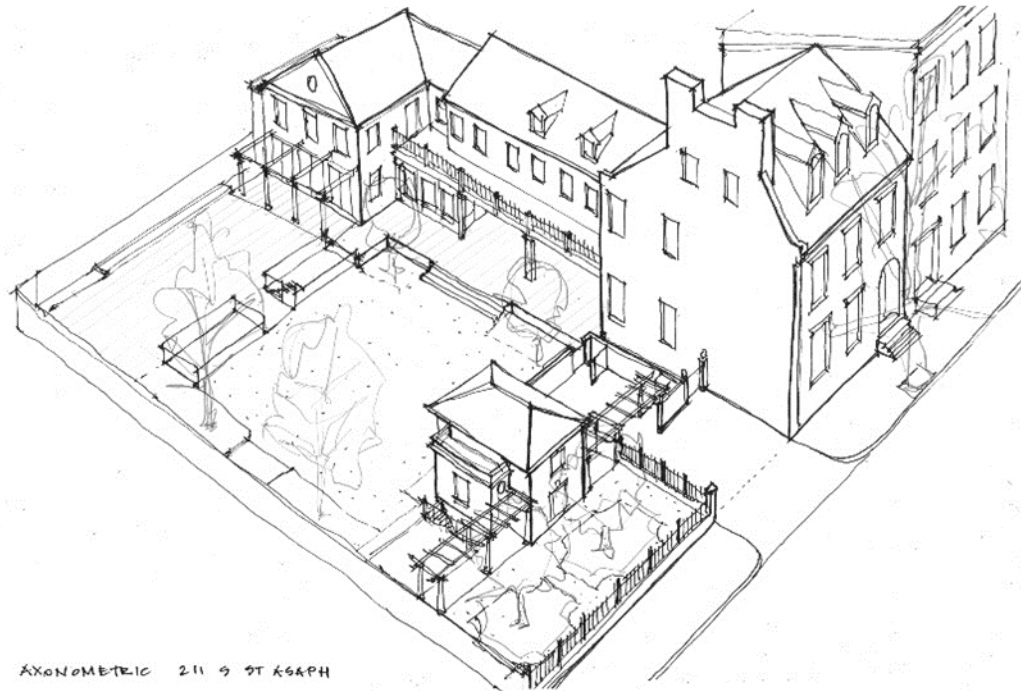


Figure 6: Two story pavilion and addition to the rear of the ell at 211 S Saint Asaph Street approved by the BAR in 2017.

- d. Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;*

The use of red brick, standing seam metal roofing, multi-pane painted wood windows and painted trim are all historically appropriate for additions to this Federal-style townhouse and adjacent building of historic merit.

- e. The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;*

As discussed, the form and arrangement of the additions on the site are based on historic building traditions and also allow the historic townhouse to remain visually and physically separate and prominent. The design approach is vernacular in style which is appropriate for this vernacular Federal townhouse and other nearby historic buildings.

- f. The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;*

Not applicable.

- g. The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;*

The applicant has undertaken a complete restoration of the exterior of the building and it will continue to preserve and protect historic places and areas of historic interest. The siting and design of the proposed additions will physically and visually distinguish themselves from the original structure, thereby allowing the historic dwelling to continue to interpret the architecture and town plan of early Alexandria and Justice Black's tenure here.

h. The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;

Not applicable.

i. The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and

Any time that an owner undertakes a historically appropriate restoration and rehabilitation of a historic building, residents and visitors alike benefit by such thoughtful preservation which ensures that the building will continue to be enjoyed for another two hundred years.

j. The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.

The age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. The proposed alterations and additions will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes. The clear differentiation between the historic townhouse and later additions will allow visitors to "read" the building and understand what is historic and what is a more recent addition.

STAFF

Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

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

Zoning

- C-1 Section 8-200(C)(5) requires all access to parking in the Old and Historic District to be provided from an alley or interior court. Until recently the double gate was blocked with trees and shrubbery. Until recently only a walkway from the sidewalk to the gate was present. There is no evidence that access to parking has been provide from Franklin in recent years. Any access to parking that may have existed in the past has been abandoned.
- C-2 Complies. Page 22 of revised drawings confirms only one kitchen is proposed.
- C-3 The west yard facing South Fairfax Street is a third front yard on the property, not a rear yard. (previously not labeled, but now labeled incorrectly as Franklin Street.) Please label with Fairfax Street on all site plans. Section 7-103(A) does not permit accessory structures to be located forward of the front building line, except those listed in 7-202(A). The pool and sheds are not permitted to be located forward of the front building line/wall and do not comply with zoning.
- C-4 Preliminary Review of FAR and open space complies. Final review will be done at time of the building permit review.

Code Administration

- C-1 A building permit, plan review and inspections are required prior to the start of construction.

Transportation and Environmental Services

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- F-1 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property

line. (T&ES)

- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Alexandria Archaeology

- F-1 According to *Historic Alexandria, Virginia, Street by Street* by Ethelyn Cox, the house on this lot was constructed around 1800 by Thomas Vowell, Jr., a prominent merchant. When it was advertised for sale in 1817, the lot included a covered way, pantry, large kitchen, smoke house, brick stable and carriage house. Edgar Snowden, editor and owner of the *Alexandria Gazette*, purchased the property in 1842. In the 20th century, it served as the residence of Hugo Black, Justice of the U.S. Supreme Court. The property has the potential to yield archaeological resources into residential life in Alexandria during the late 18th and 19th centuries.
- F-2 Because of the historical significance of the property, the applicant has agreed to hire a professional historical/archaeological consultant to conduct a Documentary Study and provide guidance for any potential archaeological investigations that might follow. Alexandria Archaeology will be assisting the consultant as the project moves forward.
- R*1 The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R*2 The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
- R*3 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-4 The statements in archaeology conditions above marked with an asterisk “*” shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:0

V. ATTACHMENTS

1 – Supplemental Materials

2 – Application for BAR #2018-00410 & BAR #2018-00411 – 619 S. Lee St

3 – Letters Received

ADDRESS OF PROJECT: 619 S. Lee Street
 TAX MAP AND PARCEL: 081.01-02-13 ZONING: RM

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: Vowell LLC c/o Michael Harrington

Address: 311 Cameron Street

City: Alexandria State: VA Zip: 22314

Phone: 703.549.4491 E-mail: mharrington@311cameron.com

Authorized Agent *(if applicable)*: ☐ Attorney ☒ Architect ☐ _____

Name: Lee Quill Phone: 202.337.0090

E-mail: lquill@cunninghamquill.com

Legal Property Owner:

Name: Vowell LLC c/o Michael Harrington

Address: 311 Cameron Street

City: Alexandria State: VA Zip: 22314

Phone: 703.549.4491 E-mail: mharrington@311cameron.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? pending
☐ 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 ☒ fence, gate or garden wall ☒ HVAC equipment ☐ shutters
 ☒ doors ☒ windows ☐ siding ☒ shed
 ☒ lighting ☒ pergola/trellis ☐ painting unpainted masonry
 ☐ other _____
☒ ADDITION
☒ DEMOLITION/ENCAPSULATION
☐ SIGNAGE

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

Restoration of existing historic structures; demolition of portions of existing structures noted in submission; construction of additions. Refer also to description and drawings and photographs in submission.

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 3 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 3 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: LEE QUILL, FRIADate: 9/11/18

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 three 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. NIGEL MORRIS	405 CAMERON ST	100% - VOWELL LLC
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 619 S. LEE STREET (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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. NIGEL MORRIS	405 CAMERON ST	100% - VOWELL LLC
2.		
3.		

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. NIGEL MORRIS	NO RELATIONSHIP	NO RELATIONSHIP
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.

9/5/18 MICHAEL HARRINGTON 
Date Printed Name Signature

WRITTEN LIST OF PROPOSED WORK
BAR SUBMISSION 11.19.18

619 S LEE STREET, ALEXANDRIA, VA

Permit to Demolish

1. Remove 1-story kitchen structure at the southern end of the main dwelling, refer to attached Building Elements - Removals diagram, area 1. (313 square feet.)
2. Remove 1-story structure to the north of the founders, refer to attached Building Elements - Removals diagram, area 2. (324 square feet.)
3. Remove inside corner portion of the existing 2-story flounder west of the main dwelling, refer to attached Building Elements - Removals diagram, area 3. (126 square feet.)
4. Remove pre-fabricated wooden garden shed, refer to attached Building Elements - Removals diagram, area 4. (80 square feet.)
5. Remove portion of exterior wall at the west side of the 1-story flounder, refer to West Elevation Removal, key note 1. (22.75 square feet.)
6. Remove (2) basement window areaways at east side of main house, refer to Site, Basement and First Floor Removal Plans, key note 3.
7. Remove curb at basement access at west side of main house, refer to Site and First Floor Removal Plans, key note 4.
8. Remove skylight at carriage house, refer to Carriage House Removal Plan and Elevations, key note 2. (68.75 square feet.)
9. Remove portion of exterior wall at the north side of the carriage house 1975 addition, refer to Carriage House Removal Plan, key note 1. (70.3 square feet.)

Certificate of Appropriateness

1. Proposed 2-story brick addition at the west end of the 1-story flounder, refer to attached Building Elements - Additions diagram, area 1.
2. Proposed 2-story brick addition with 1-story stucco hyphen connection to the south side of the main dwelling and 1-story stucco addition to the south with second floor clerestory windows at stair, refer to attached Building Elements - Additions diagram, areas 2 and 3.
3. Proposed 1-story brick addition connected to 2-story south addition by painted wood trellis, refer to attached Building Elements - Additions diagram, areas 4 and 5.
4. Proposed (2) wood garden structures at the west end of the site, refer to attached Building Elements - Additions diagram, area 6.
5. Proposed wood windows and doors at the south, east, and north elevations of the carriage house, refer to Proposed Carriage House Elevations.
6. Proposed new paving at existing parking pad at north of main dwelling, refer to Proposed Landscape Elements.
7. Proposed brick piers and wall with wood gate at west end of existing parking at north of main house, refer to Proposed Landscape Elements
8. Proposed wood gates in existing openings in walls at S. Lee and Franklin Streets, refer to Proposed Landscape Elements.

Repairs (included for informational purposes, refer to repairs notes on plans and elevations)

1. Restore historic windows, key note 1R.
2. Replace non-historic windows and doors in existing masonry openings, key note 2R.
3. Replace painted metal roof & gutters at 2-story flounder to match existing, key note 3R.
4. Remove existing chimney at the 2-story flounder to roofline and rebuild using original bricks, key note 4R.
5. New copper gutters and downspouts at 1-story flounder, key note 5R.
6. Remove existing paint and parging at the 2-story flounder on the south and west sides, point brick as required and apply painted finish to match existing, key note 6R.
7. Repoint brick as required to match existing at 1-story and 2-story flounders, key note 7R
8. Infill masonry opening at basement with brick set back 1" from face of building, key note 8R.
9. Replace wood shingle roof at carriage house with vented wood shingles to match existing and new copper gutters, downspouts and copper coping at brick wall, key note 9R.

BUILDING HISTORY REPORT



BOARD OF ARCHITECTURAL REVIEW OLD AND HISTORIC ALEXANDRIA DISTRICT

APPLICATION FOR RESTORATION AND ADDITIONS FOR THE VOWELL-SNOWDEN-BLACK HOUSE

SEPTEMBER 21, 2018: FINAL
NOVEMBER 19, 2018; REVISED

619 S. LEE ST.
ALEXANDRIA, VA

HISTORIC BUILDINGS

619 S LEE STREET | ALEXANDRIA, VA

The Vowell-Snowden-Black House is an exceptional example of a Federal 'Row' style house and was constructed between 1798 and 1800 by property owner Thomas Vowell, Jr. (Baily & Lee, 1975) Located at 619 South Lee Street, the property also featured a large kitchen, a smoke house, a brick stable and a carriage house. The property originally delivered a sweeping view of the Potomac.

The structure is built of brick with various Aquia Creek sandstone decorative elements, including an Aquia Stone stoop and front steps. (Baily & Lee, 1975) "This quaint doorway of excellent proportions presents very original details with its wide projecting, yet thin cornice, the deep frieze, and stunted architrave. The arrangement and shape of the panels on the door are both unique and pleasing." (Rogers and Manson Co, 1916)



Main House From S Lee Street

(Photo: Vowell Snowden Black House, Alexandria Library Special Collections)



Main Entry From S Lee Street

(Photo: Vowell Snowden Black House, HABS Report VA #709)

HISTORIC BUILDINGS

619 S LEE STREET | ALEXANDRIA, VA

The house is a 2 1/2 story structure plus a cellar. The cellar was modernized but is accessed in the same interior location as the original access, below the main entry hall staircase. There were two exterior hatches to access the cellar, the hatch at the front sidewalk was removed after 1936. There are two chimneys located at the south end of the house that are original to the 1798 - 1800 main house. The roof of the main house is a gable with front and rear dormers. There is an arched and coved cornice with dental molding at the front of the house.

The rear (west) side of the main house features three ells (flounder structures), two of which were likely constructed at the time of the main house, and altered at numerous times subsequently. Based on an 1817 advertisement listing the house for sale, the larger 2-story and 1-story ells seem to have been built as dependant structures separated from the main house by a porch which was filled in at a later date. This advertisement also mentions a carriage house, likely the structure on Franklin Street which is assumed to have been built between 1800 and 1817.

Based on available data, the south kitchen addition to the main house appears to be circa 1970. A fourth ell, added to the north of the two older flounders, is circa 2000.



West Elevation showing Ell/Flounder Structures

(Photo: Vowell Snowden Black House, HABS Report VA #709)

PROPERTY

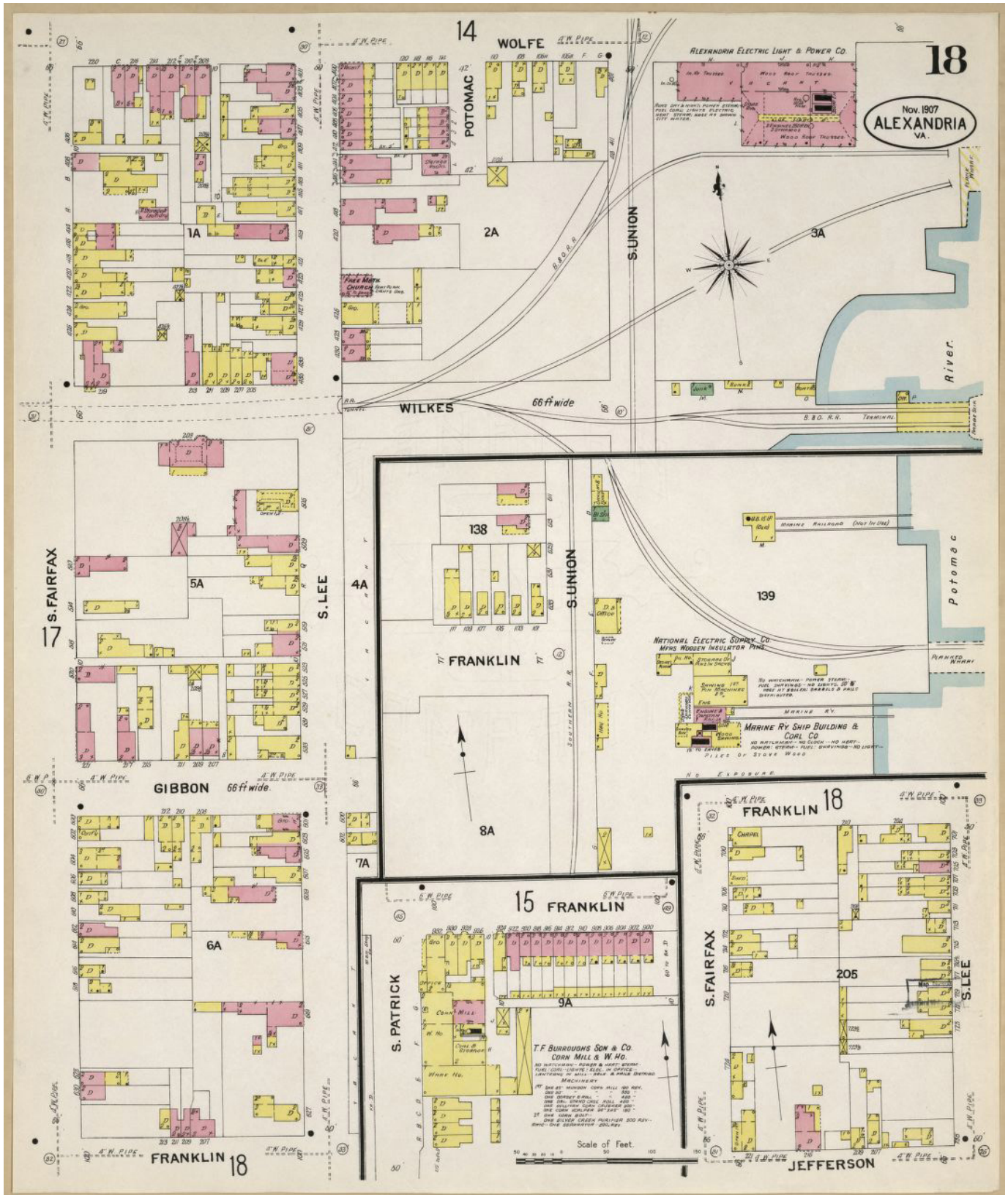
619 S LEE STREET | ALEXANDRIA, VA

Along with the three story Georgian home which faces eastward on South Lee Street, the half-acre grounds feature a pool, a tennis court, a small pond, and a flagstone terrace.

“A feature of this town estate is an open enclosure along Lee Street consisting of brick piers filled between with low brick and wrought iron panels. A high brick wall along Franklin Street affords absolute privacy.” (Baily & Lee, 1975)

PROPERTY

619 S LEE STREET | ALEXANDRIA, VA



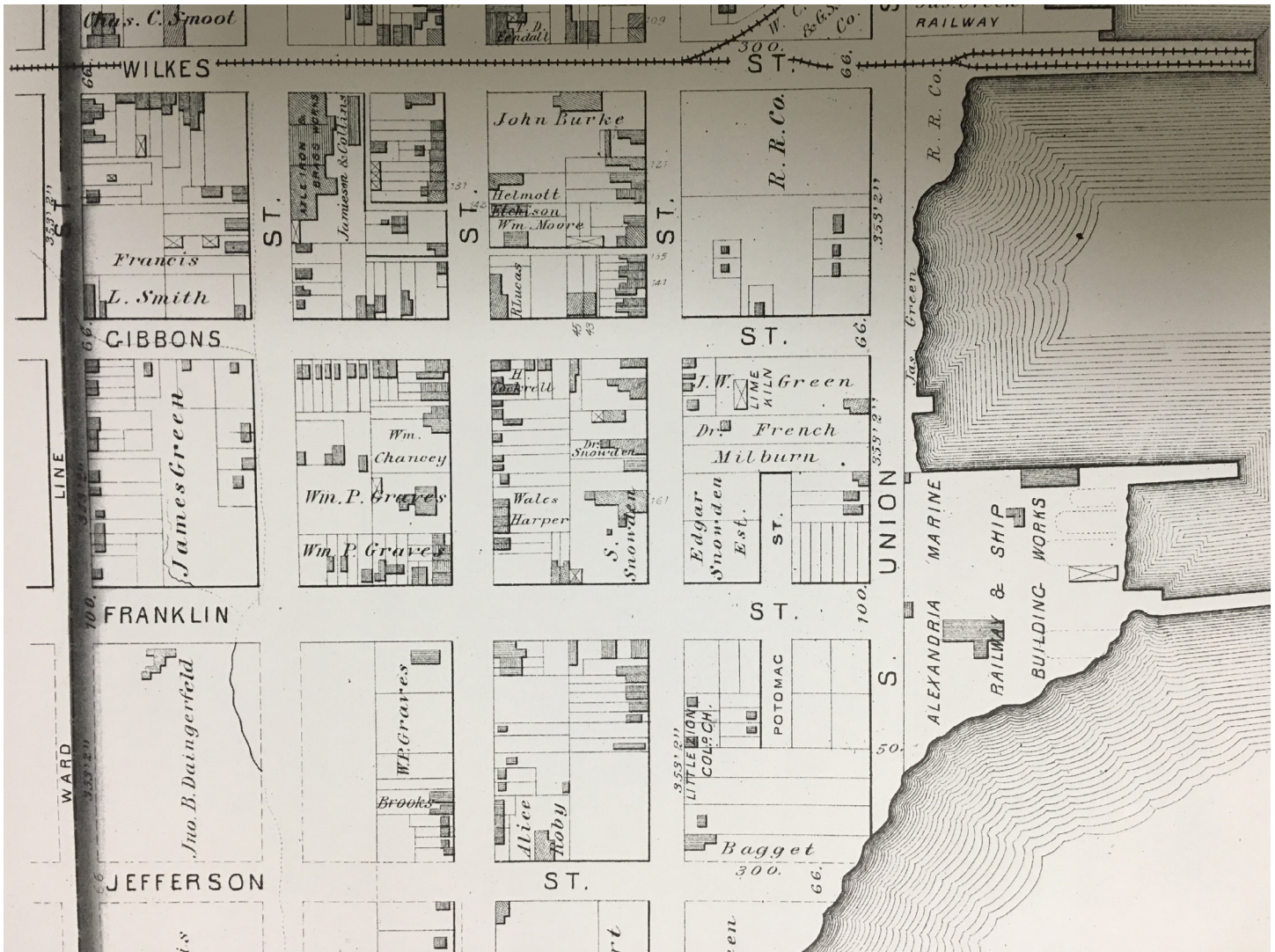
1907 Sanborn Map

HISTORIC OWNERSHIP

619 S LEE STREET | ALEXANDRIA, VA

The home at 619 South Lee Street has been well-maintained, perhaps due to the fact that it has had relatively few owners over the past 2 centuries.

Thomas Vowell Jr. acquired the property from William Thornton Alexander and his wife Lucy in 1798. (Baily & Lee, 1975) Construction appears to have commenced on the home around that time and was completed in early 1800. Vowell operated a merchant trade venture with his brother John. Together, they owned a large wharf on Union Street between King and Prince Streets which accommodated ships that traveled the world over. Thomas Vowell, Jr eventually had to sell his business and his home to make up for losses he incurred. (BAR Case 2008-0215, 2008).



(Map: Alexandria Library Special Collections)

HISTORIC OWNERSHIP

619 S LEE STREET | ALEXANDRIA, VA

Edgar Snowden, Sr. and Lawrence B. Taylor acquired the property from Vowell in 1842 and it remained in the Snowden family until 1912. (Baily & Lee, 1975) The Snowdens were a prominent family in Northern Virginia throughout the 19th century. Edgar's father, Samuel Snowden, became owner and editor of the Alexandria Gazette (formerly the Virginia Journal) in 1800 before Edgar succeeded him in those roles.

According to various articles from the Alexandria Gazette, 619 South Lee Street also served as a hotel for a period of time. (Alexandria Gazette, 1920) One could rent rooms "overlooking the Potomac, comfortably furnished or unfurnished."

In 1939, the property was purchased by Justice Hugo Black. Black served as a US Senator from Alabama and was appointed Justice of the Supreme Court by President Franklin Delano Roosevelt in 1937. The home stored his nearly 600 green-covered loose-leaf binders that contained years' worth of bench-notes he took while serving on the Supreme Court. (Schweid, 1971) Justice Black lived in the house until his death in 1971.

Much of this history was noted from the Historical American Buildings Survey and Historic Alexandria Foundation Study of 1966 as well as from the Alexandria Gazette.



Vowell Snowden House is visible in the top left corner (Photo: Construction Corps of the US Military Railroad, National Archives)

WORKS CITED

619 S LEE STREET | ALEXANDRIA, VA

2001-0013, S. (2004). Consideration of a Request to Subdivide One Lot into Two Lots- 619 South Lee St. Alexandria, VA.

2008-0215, B. C. (2008). Demolition/Encapsulation of 617/619 South Lee Street. Alexandria, VA.

Baily, W., & Lee, A. J. (1975). Vowell-Snowden-Black House - Historic American Buildings Survey No. VA-709. Alexandria, VA: Historic Alexandria Foundation.

Classified Advertisements. (1920, May 14). Alexandria Gazette, p. 7.

Photo: Construction Corps of the US Military Railroad . National Archives , Alexandria, VA.

Photo: Vowell Snowden Black House . Alexandria Library Special Collections , Alexandria, VA.

Photo: Vowell Snowden Black House . HAB Report VA #709. Alexandria, VA.

Rogers and Manson Co. (1916). Measured Drawings of Early American Architectural Details. The Brickbuilder Collection of Early American Architectural Details, p. 68.

Schweid, B. (1971, December 1). Justice Black Home for Sale. Associated Press.



BOARD OF ARCHITECTURAL REVIEW OLD AND HISTORIC ALEXANDRIA DISTRICT

APPLICATION FOR RESTORATION AND ADDITIONS
FOR THE VOWELL-SNOWDEN-BLACK HOUSE

SEPTEMBER 4, 2018: INITIAL COMPLETENESS

SEPTEMBER 21, 2018: FINAL

NOVEMBER 19, 2018: REVISIONS

619 S. LEE ST.
ALEXANDRIA, VA

PROJECT DESCRIPTION + CONTENTS

619 S LEE STREET | ALEXANDRIA, VA

PROJECT BACKGROUND

The Vowell-Snowden-Black House (Virginia Department of Historic Resources Easement File No. 100-0111) is located at 619 South Lee Street in Alexandria, Virginia. Constructed circa 1798-1800, the three-story Federal style dwelling retains much of its historic plan, features, and finishes. The property contains a number of historic and modern additions, as shown on the Site Plan included in this package; these include a historic flounder addition and carriage house, and two modern one-story brick additions. All resources on the L-shaped property are enclosed within a fence, wall and heavy vegetation, obscuring much of the site from public view.

PROJECT PROGRAM

Since 2014, the current owners have been planning a major rehabilitation of the primary residence; the renovation design seeks to preserve the historic structure and allow the owners to live in the original house. In order to accommodate modern needs, the applicant is proposing to construct several additions that will be secondary to the primary dwelling. The proposed restoration scope and design of the additions are detailed in this submission to the Alexandria Board of Architectural Review (BAR).

DEMOLITION / ENCAPSULATION

This application proposes the demolition of several limited portions of the existing buildings. The one-story brick addition, circa 2000, at the north side of the site is proposed to be removed. As discussed with BAR staff, this will be a preservation gain, allowing the restoration of the original north elevation of the historic flounders. In order to accommodate the proposed addition at the southeast end of the site, the existing one-story brick and frame structures, circa 1970, are proposed to be removed. A portion of the two-story brick flounder at the inside northwest corner where the historic main house and flounder connect is proposed to be removed. This curved brick wall does not appear in the historic photos included in the HABS report on the property. The Virginia Department of Historic Resources (VDHR), which holds the historic easement for this property, has approved removal of this element which will rectify the current condition which inhibits air flow, thus allowing moisture damage and limits maintenance access to the portion of masonry wall and the 2 adjacent windows.

Three new openings in exterior walls are proposed as part of the proposed addtions and renovations: an opening at the end of the one story flounder at the west of the site to connect the proposed west additon; enlarging the opening in the basement of the main house to connect the proposed basement at the south addition; and a new opening at the non-historic addition of the carriage house on the north elevation to provide access to the garden.

CONTENTS

Cover.....1

Project Description and Contents.....2

Photographs3-8

Existing Survey.....9

Site Removals Plan.....10

Removals Plans.....11-14

Removals Elevations.....15-18

Carriage House Removals Plan & Elevations.....19

Proposed Site Plan.....20

Proposed Plans.....21-24

Proposed Elevations.....25-31

Proposed Workshop / Bike Garage Elevations & Plans.....32

Proposed Carriage House Plan & Elevations.....33

Proposed Accessory Structures.....34-35

Window and Exterior Door Types.....36-37

Street Elevations.....38-39

Materials and Color Elevation.....40-41

Proposed Landscape Elements.....42-43

PHOTORAPHS - SURROUNDING PROPERTIES

619 S LEE STREET | ALEXANDRIA, VA



A 615 S. LEE STREET



B 618 TO 622 S. LEE STREET



KEY PLAN



C 701 S. LEE STREET TO 204 FRANKLIN STREET



D 209 TO 211 FRANKLIN STREET



E 630 S. FAIRFAX ST.



F 616 S. FAIRFAX ST.

PHOTORAPHS - SITE

619 S LEE STREET | ALEXANDRIA, VA



A NORTH ELEVATION & DRIVEWAY FROM S. LEE STREET



B EAST ELEVATION FROM S. LEE STREET



C SOUTHEAST CORNER AT FRANKLIN AND S. LEE STREETS



KEY PLAN



D SOUTH ELEVATION OF PROPERTY FROM FRANKLIN STREET AT THE CORNER OF S. LEE STREET



E SOUTH ELEVATION OF GATE & LANDSCAPING FROM FRANKLIN STREET



F WEST ELEVATION OF PROPERTY AT S. FAIRFAX STREET

PHOTORAPHS - EXISTING STRUCTURES

619 S LEE STREET | ALEXANDRIA, VA



A SOUTH & EAST ELEVATIONS OF EXISTING STRUCTURE



B EAST ELEVATION OF EXISTING STRUCTURE



C EAST & NORTH ELEVATION OF EXISTING STRUCTURE



KEY PLAN



D WEST ELEVATION OF EXISTING STRUCTURE



E SOUTHWEST ELEVATION OF EXISTING STRUCTURE



F PARTIAL SOUTH ELEVATION OF EXISTING STRUCTURE

PHOTORAPHS - EXISTING STRUCTURES, CARRIAGE HOUSE

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A SOUTH ELEVATION OF CARRIAGE HOUSE



B EAST ELEVATION OF CARRIAGE HOUSE



KEY PLAN



C EAST ELEVATION OF CARRIAGE HOUSE



D EAST ELEVATION OF CARRIAGE HOUSE



E PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



F PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



G NORTH ELEVATION OF CARRIAGE HOUSE

PHOTORAPHS - STRUCTURES TO BE REMOVED

619 S LEE STREET | ALEXANDRIA, VA



A EAST ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



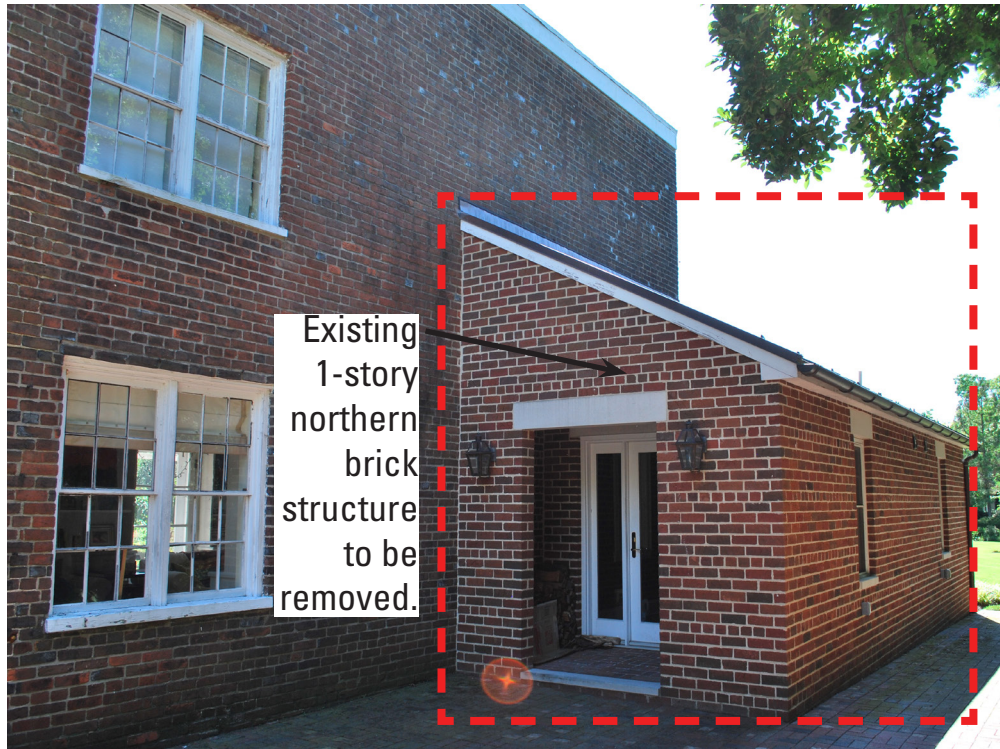
B SOUTH ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



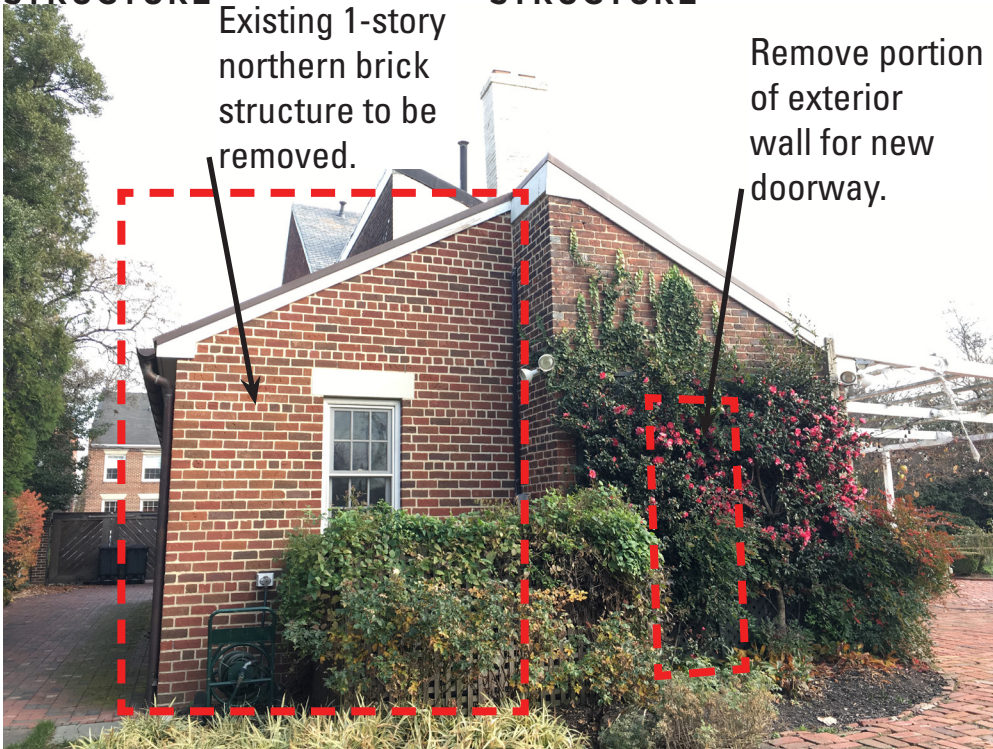
C WEST ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



KEY PLAN



D NORTH & EAST ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE



E WEST ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE



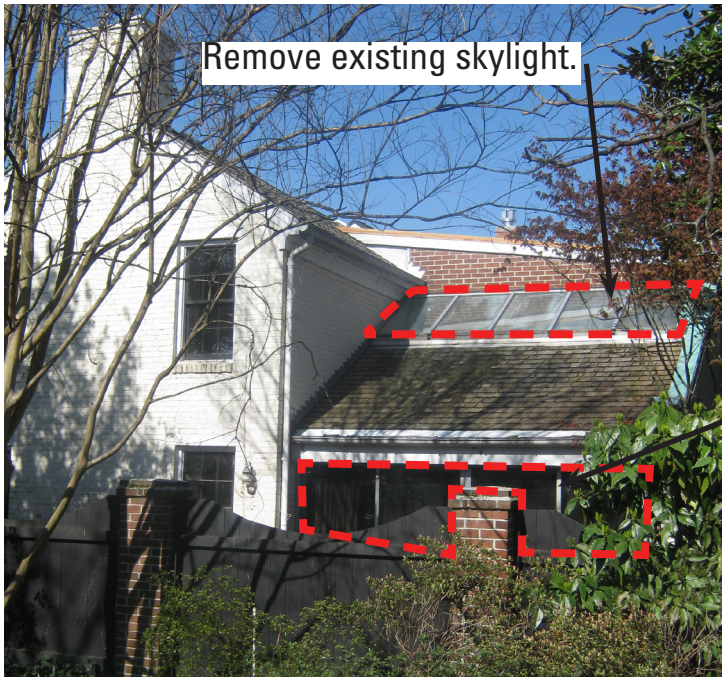
F SOUTH ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE

PHOTOS OF EXISTING CARRIAGE HOUSE PORTIONS TO BE REMOVED

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A SOUTH ELEVATION OF CARRIAGE HOUSE



B SOUTH ELEVATION OF CARRIAGE HOUSE



KEY PLAN



C EAST ELEVATION OF CARRIAGE HOUSE



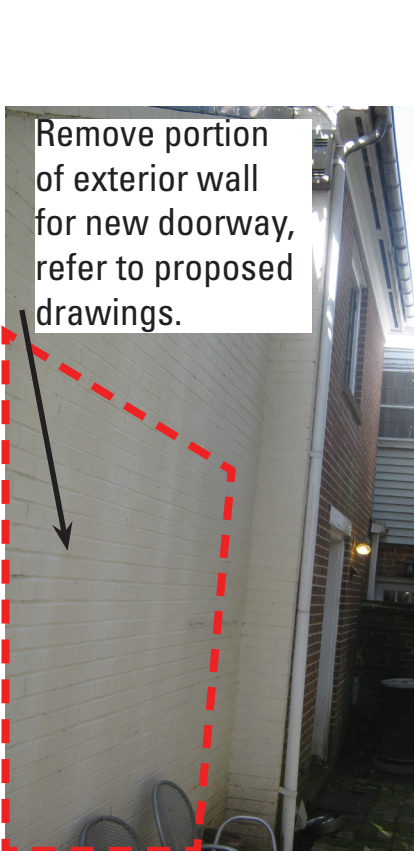
D EAST ELEVATION OF CARRIAGE HOUSE



E PARTIAL EAST ELEVATION OF CARRIAGE HOUSE

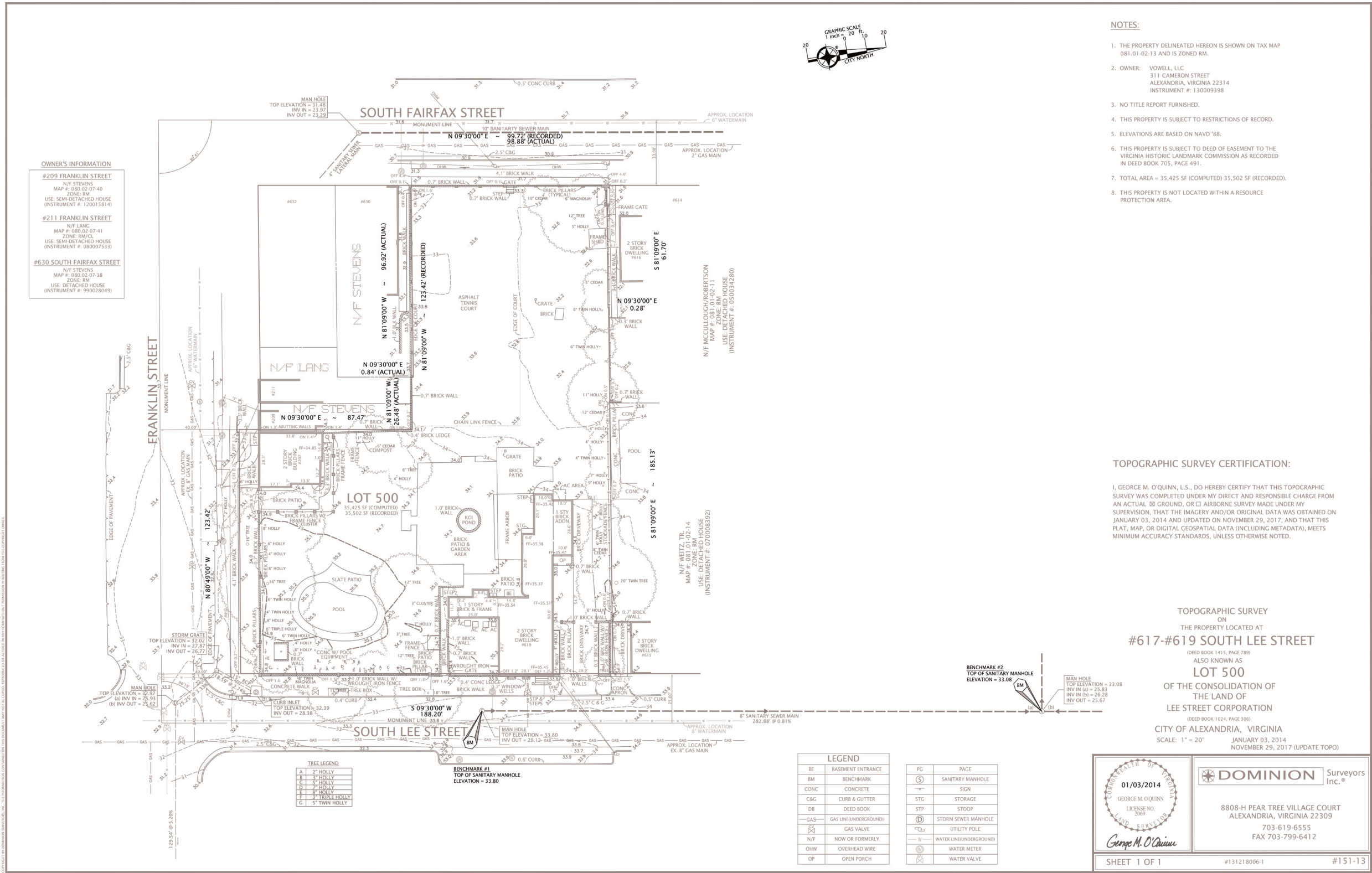


F PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



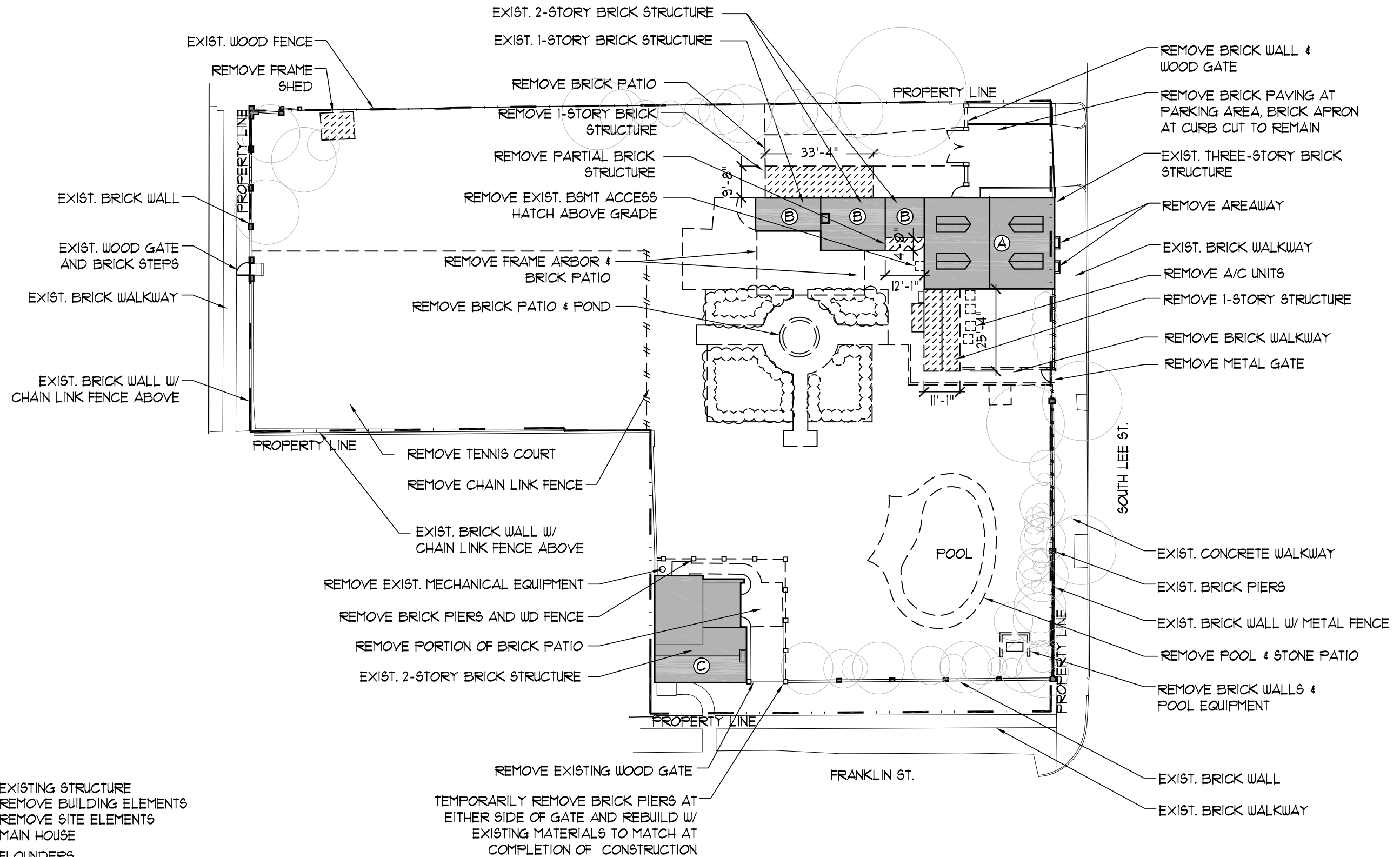
G NORTH ELEVATION OF CARRIAGE HOUSE

EXISTING SURVEY
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SITE REMOVALS PLAN

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KEY

- EXISTING STRUCTURE
- ▨ REMOVE BUILDING ELEMENTS
- - - REMOVE SITE ELEMENTS
- (A) MAIN HOUSE
- (B) FLOUNDERS
- (C) CARRIAGE HOUSE

1 REMOVALS SITE PLAN
SCALE: 1/32" = 1'-0"



BASEMENT REMOVALS PLAN

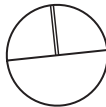
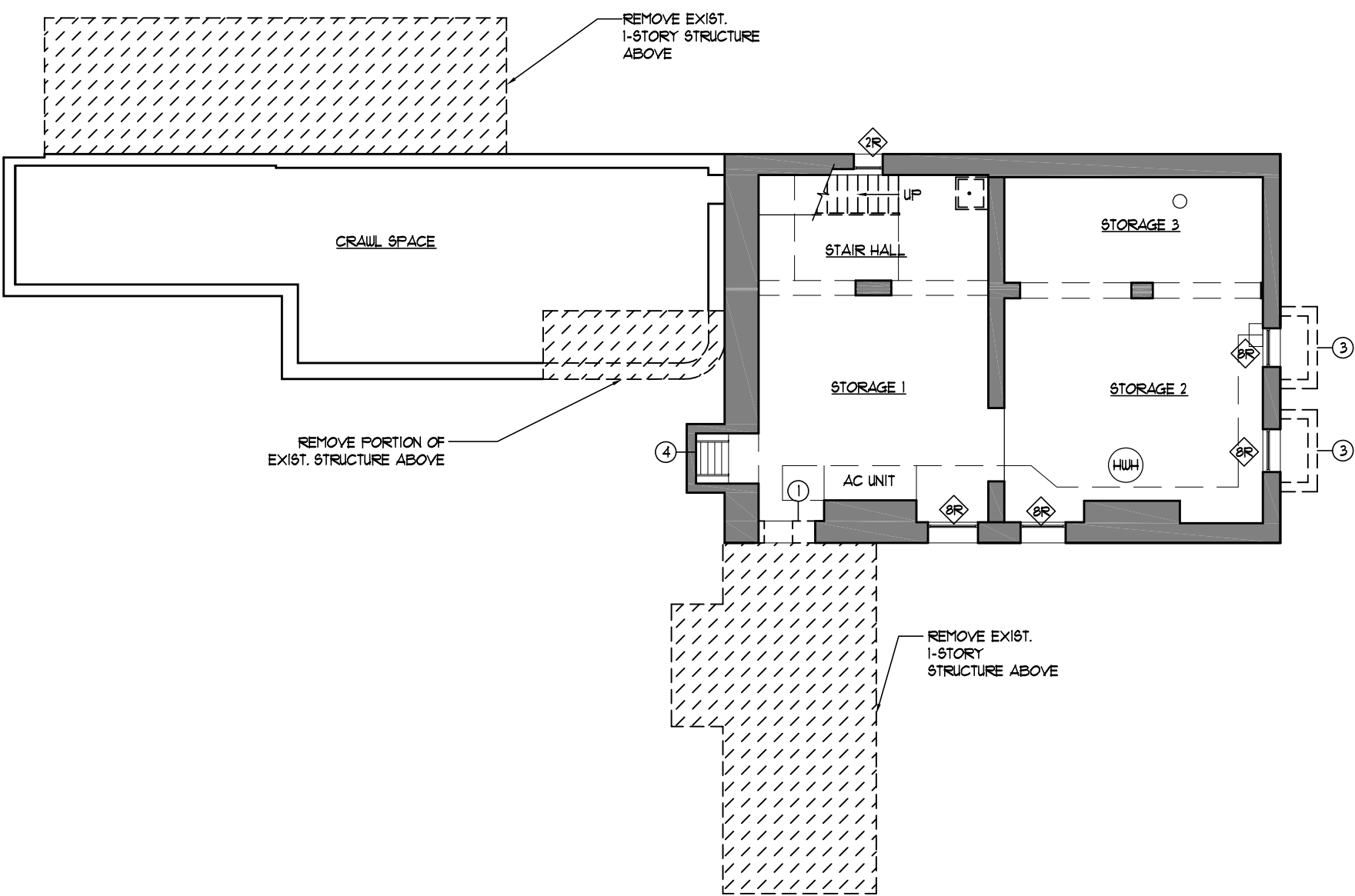
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- REMOVALS KEY NOTES:

 - 1 REMOVE PORTION OF EXTERIOR WALL FOR NEW DOORWAY, REFER TO PROPOSED DWGS.
 - 2 REMOVE SKYLIGHT (CARRIAGE HOUSE)
 - 3 REMOVE CONCRETE AREAWAY AT BASEMENT WINDOWS
 - 4 REMOVE CURB AT BASEMENT ACCESS HATCH
- DRAWING KEY

 - EXIST, WALLS TO REMAIN
 - REMOVE
- REPAIRS WORK:

 - 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
 - 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
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FIRST FLOOR REMOVALS PLAN

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REMOVALS KEY NOTES:

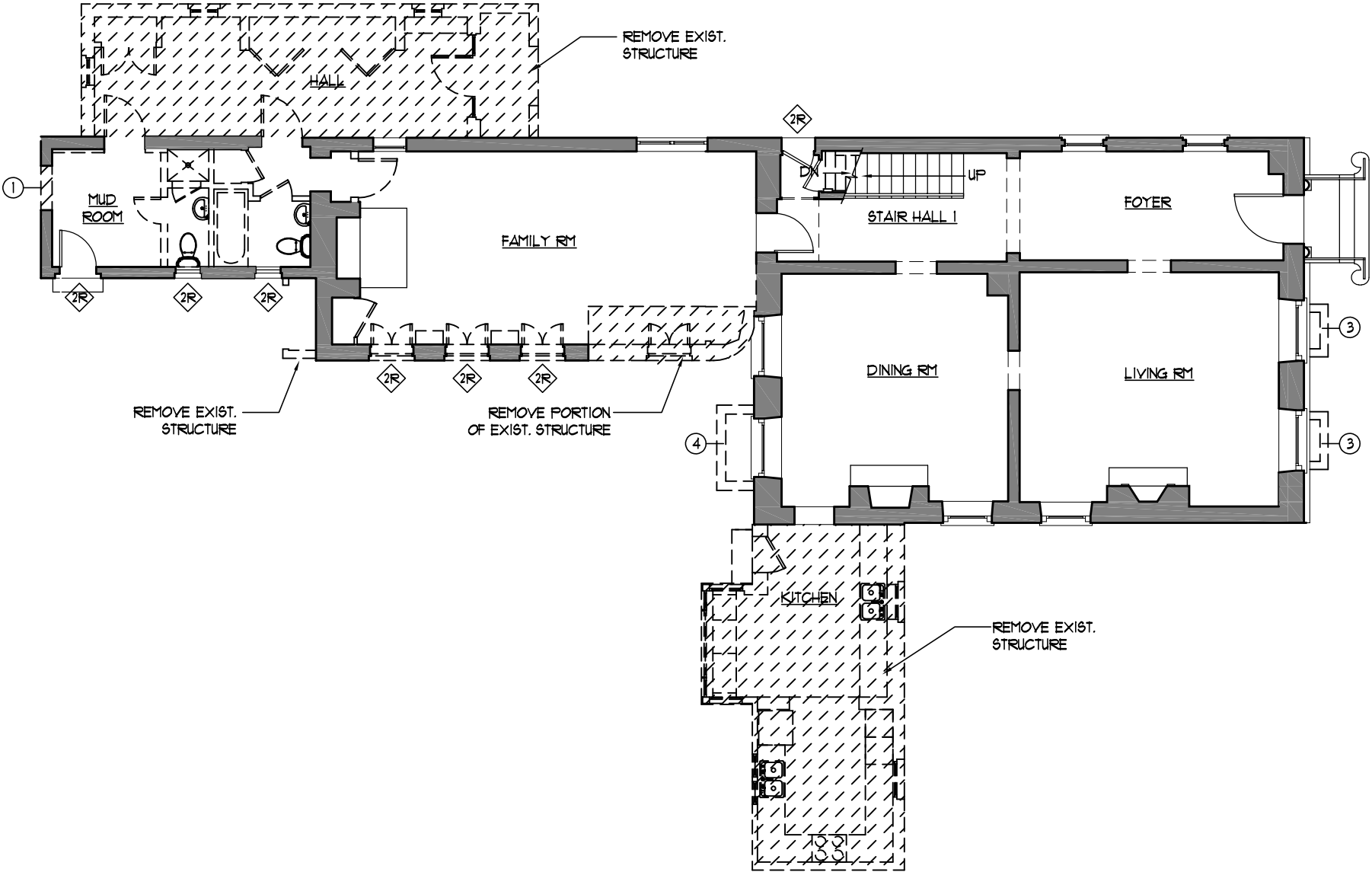
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DRAWING KEY

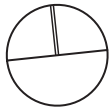
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1 FIRST FLOOR REMOVALS PLAN
SCALE: 3/32" = 1'-0"



SECOND FLOOR REMOVALS PLAN

619 S LEE STREET | ALEXANDRIA, VA

REMOVALS KEY NOTES:

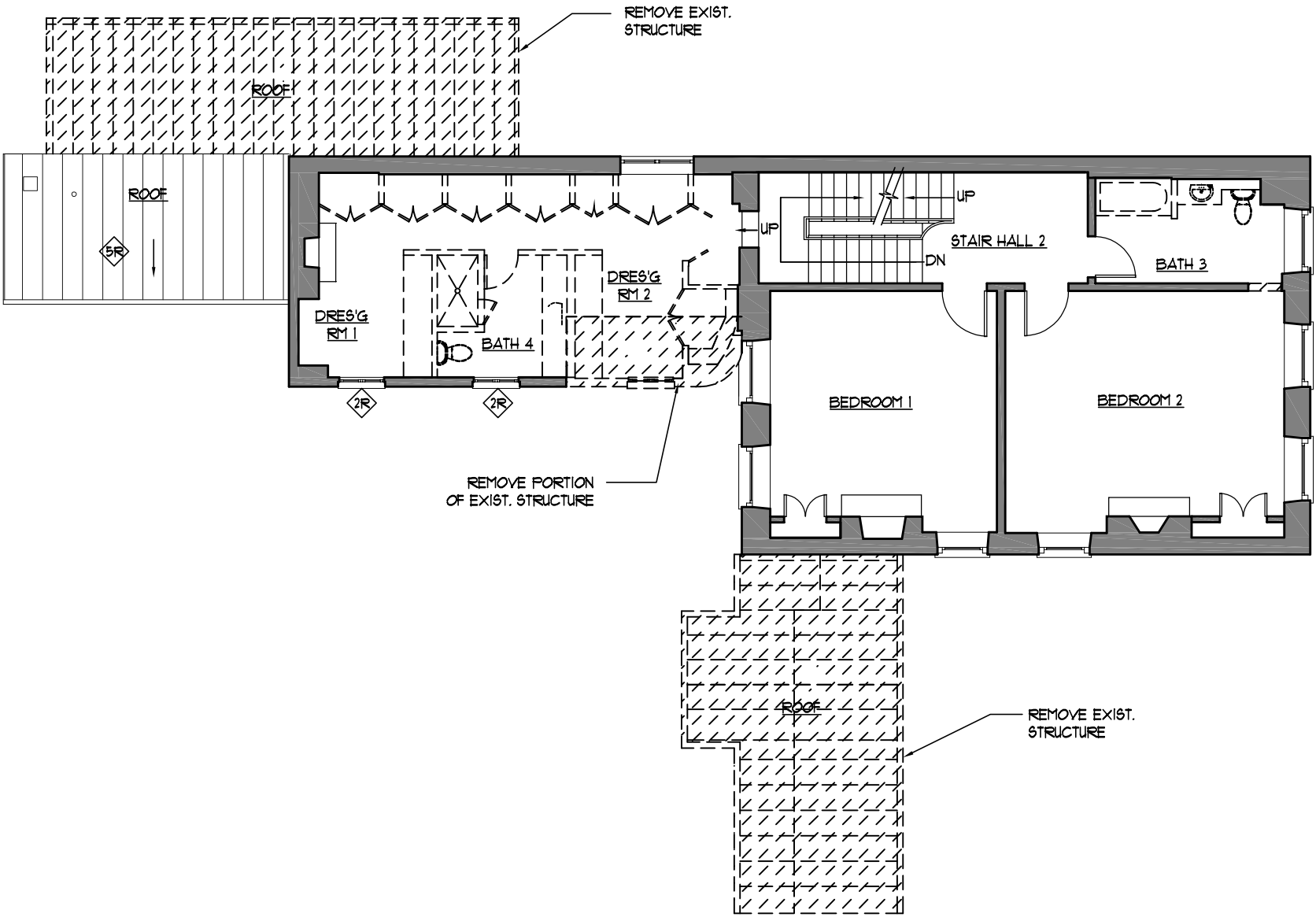
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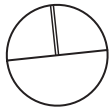
- EXIST, WALLS TO REMAIN
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1 SECOND FLOOR REMOVAL PLAN
SCALE: 3/32" = 1'-0"



ROOF REMOVALS PLAN

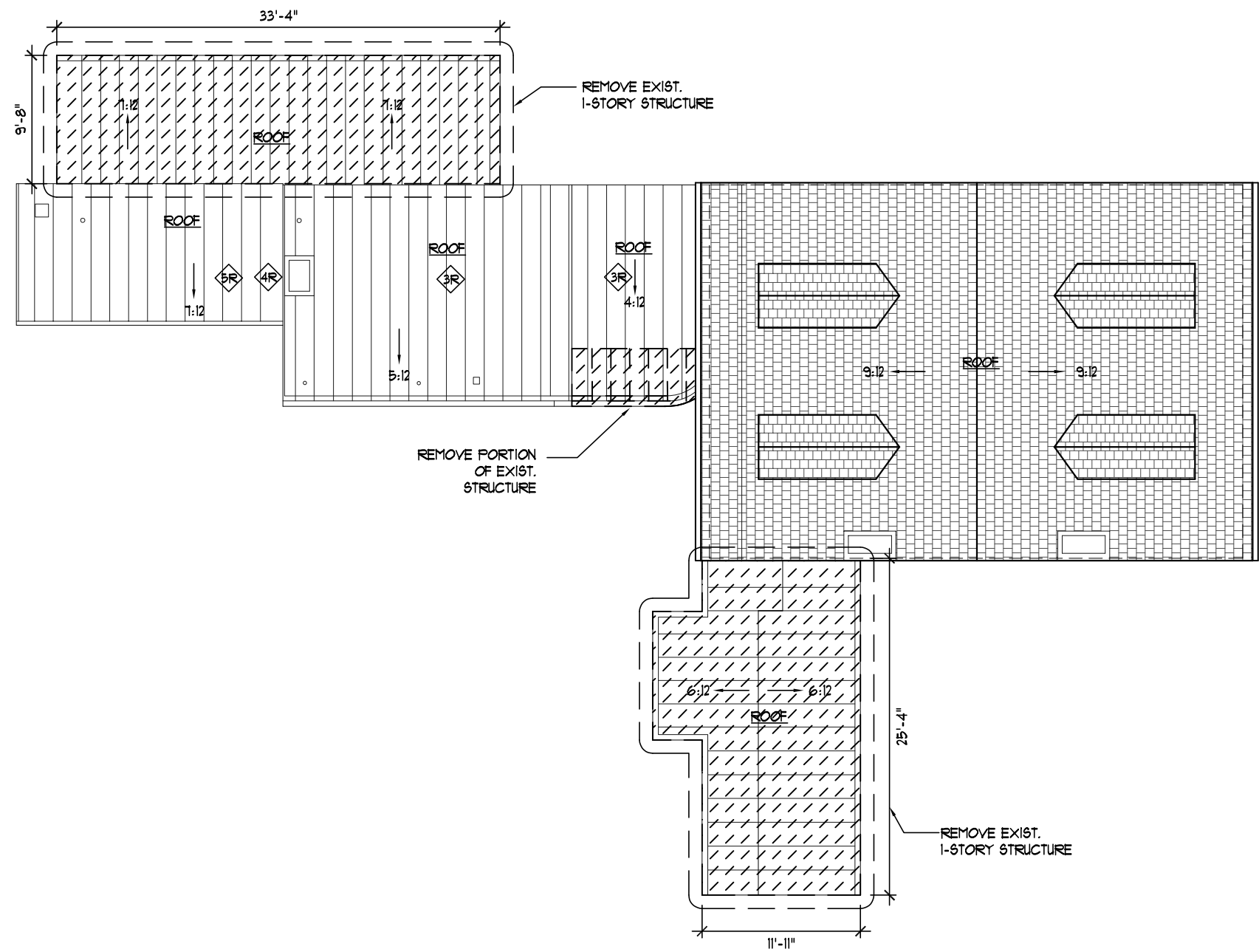
619 S LEE STREET | ALEXANDRIA, VA

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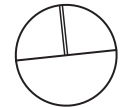
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1 ROOF REMOVAL PLAN
SCALE: 3/32" = 1'-0"



EAST ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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DRAWING KEY

- EXIST, WALLS TO REMAIN
- REMOVE

NOTE: ELEMENTS OF MAIN HOUSE EXTERIOR ENVELOPE HAVE BEEN RESTORED UNDER REPAIRS APPROVALS DATED APRIL 24, 2018 (BAR 2018-00198) AND MAY 2, 2018 (EASEMENT FILE 100-011-ep) UNLESS NOTED OTHERWISE



1 EAST ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

SOUTH ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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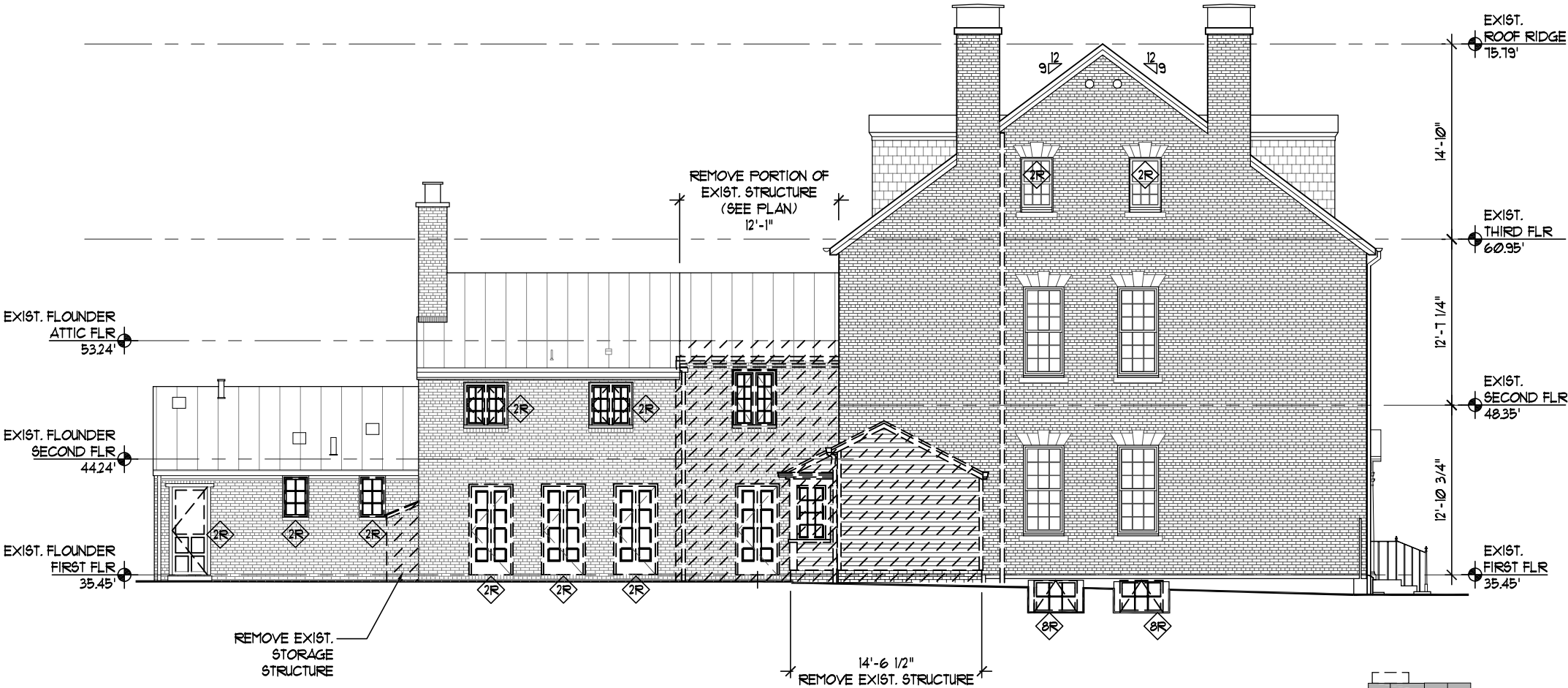
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DRAWING KEY

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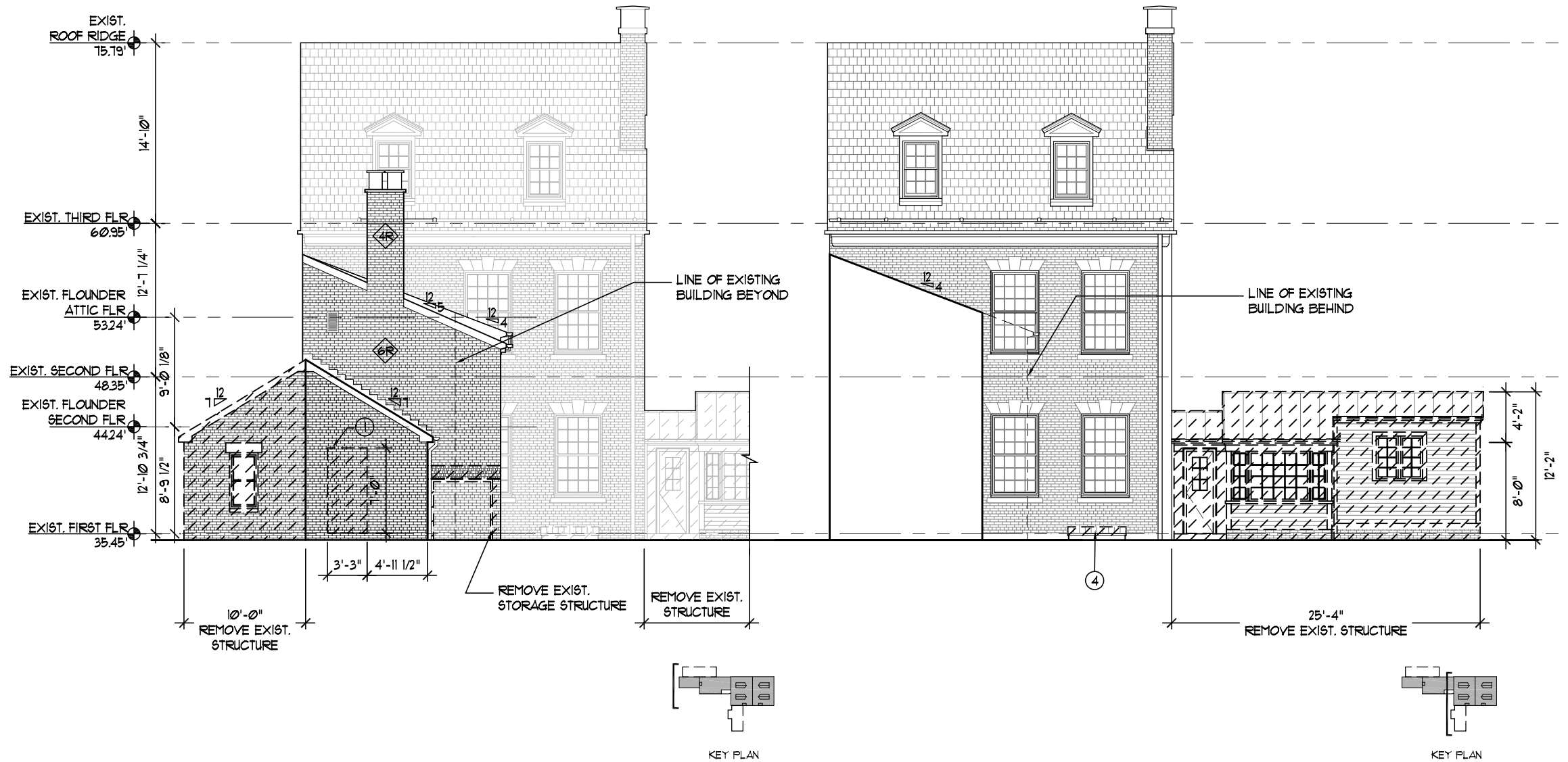


1 SOUTH ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

WEST ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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- DRAWING KEY**
- EXIST, WALLS TO REMAIN
 - ▨ REMOVE



1 WEST ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

2 WEST PARTIAL ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

NORTH ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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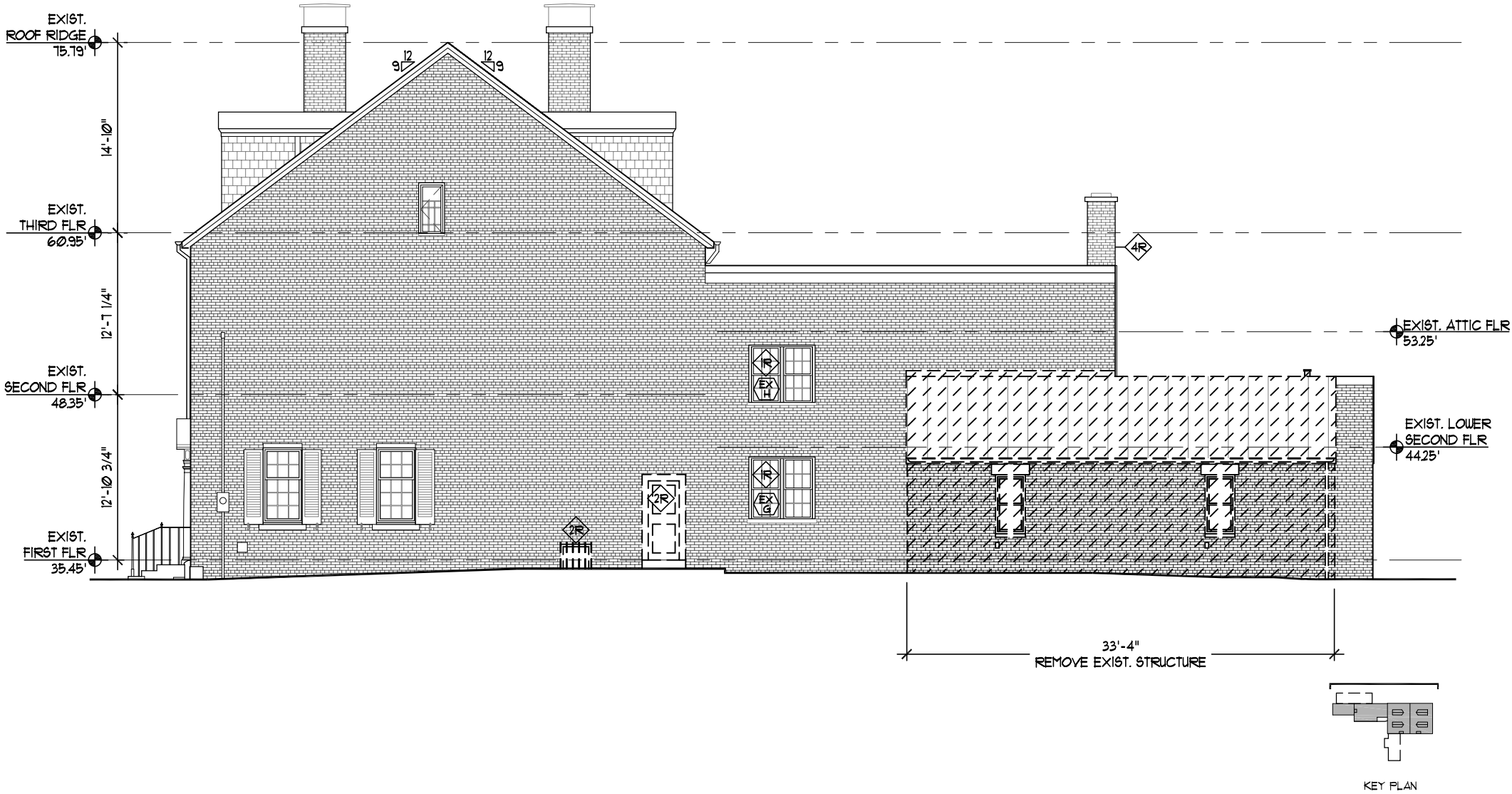
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DRAWING KEY

- EXIST, WALLS TO REMAIN
- REMOVE

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1 NORTH ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

CARRIAGE HOUSE PLANS & ELEVATIONS REMOVALS

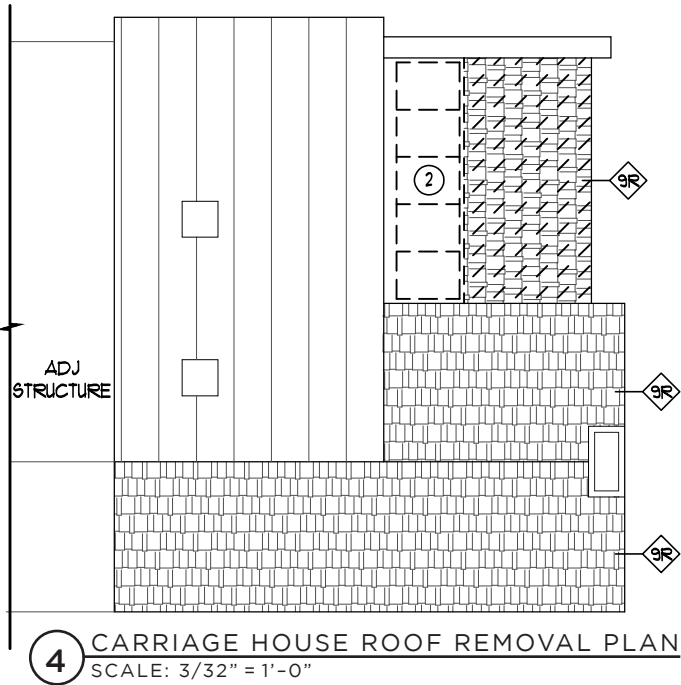
619 S LEE STREET | ALEXANDRIA, VA

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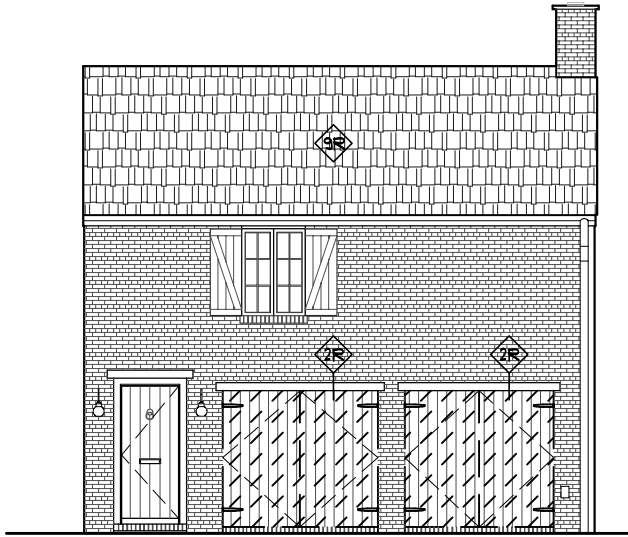
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 - 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)
- DRAWING KEY

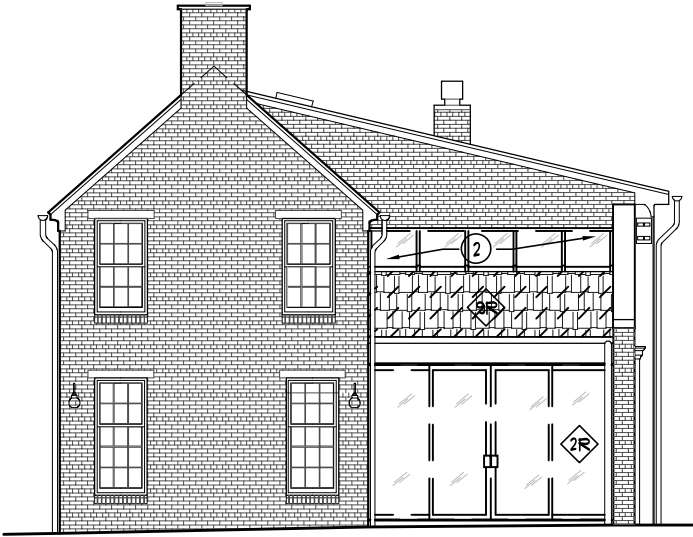
 - EXIST, WALLS TO REMAIN
 - REMOVE



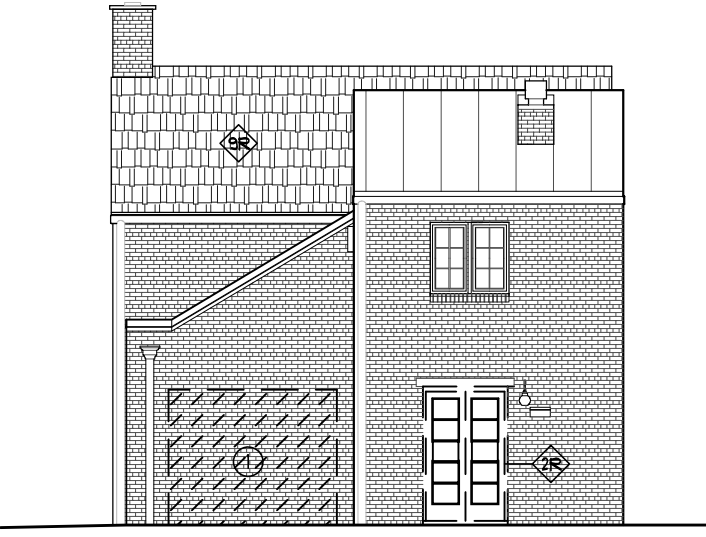
4 CARRIAGE HOUSE ROOF REMOVAL PLAN
SCALE: 3/32" = 1'-0"



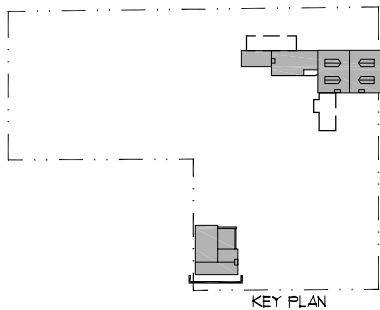
1 REMOVAL CARRIAGE HOUSE SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



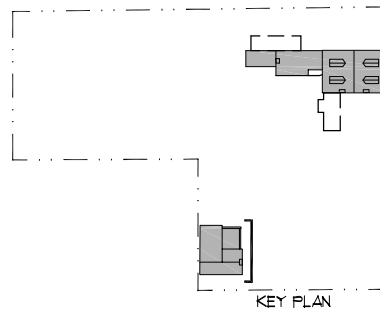
2 REMOVAL CARRIAGE HOUSE EAST ELEVATION
SCALE: 3/32" = 1'-0"



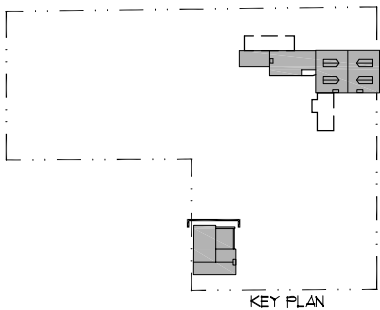
3 REMOVAL CARRIAGE HOUSE NORTH ELEVATION
SCALE: 3/32" = 1'-0"



KEY PLAN



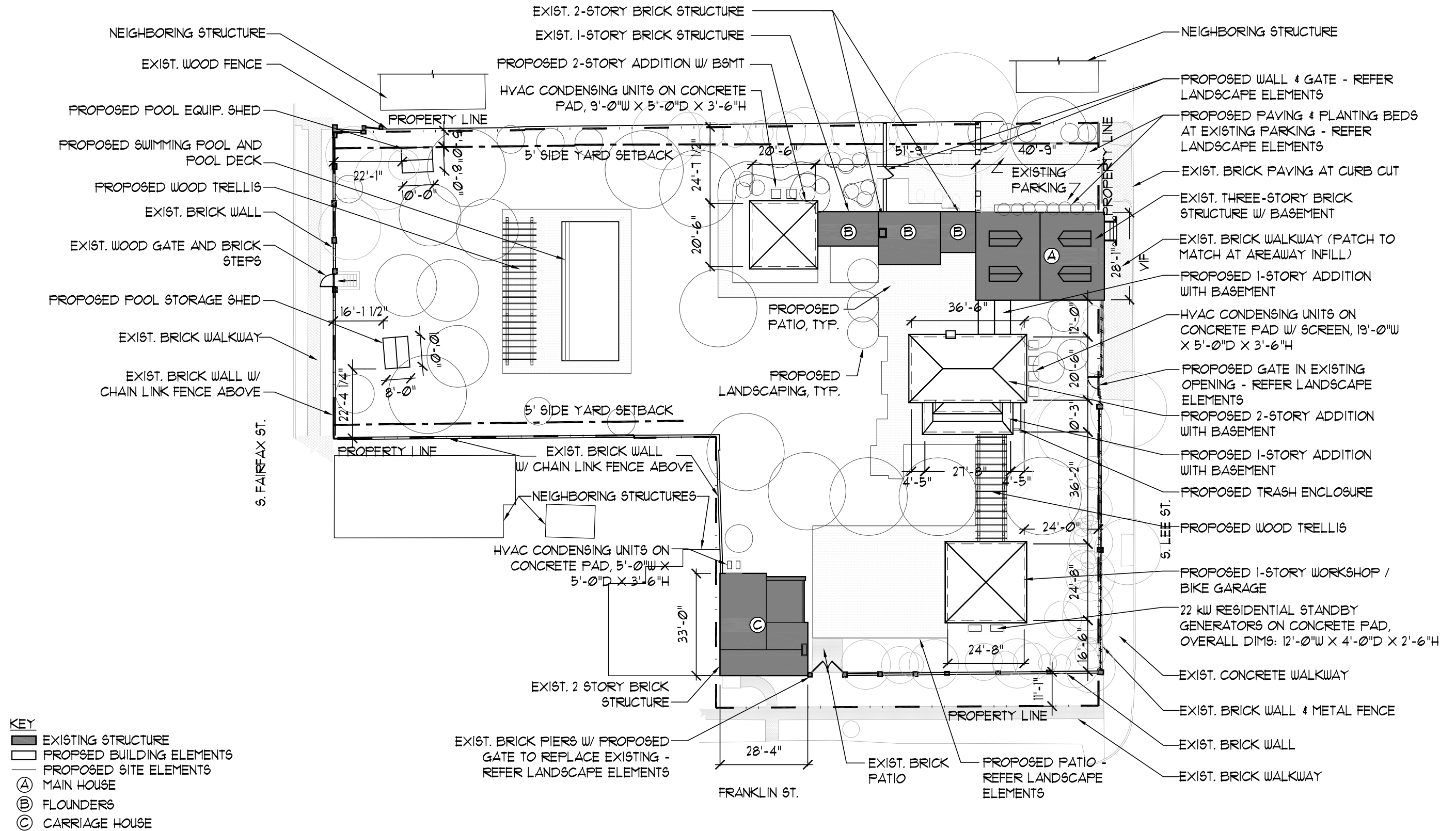
KEY PLAN



KEY PLAN

PROPOSED SITE PLAN

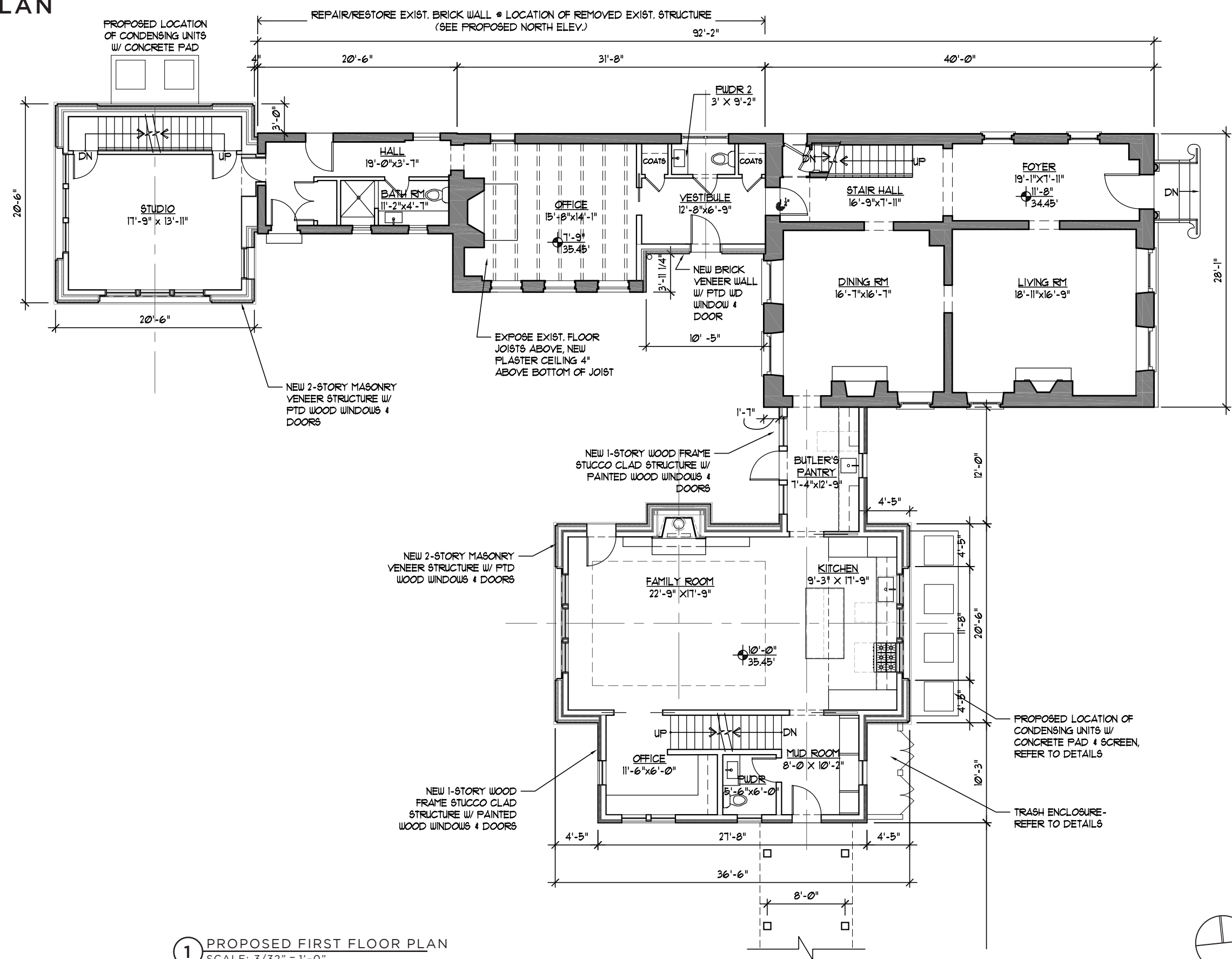
619 S LEE STREET | ALEXANDRIA, VA





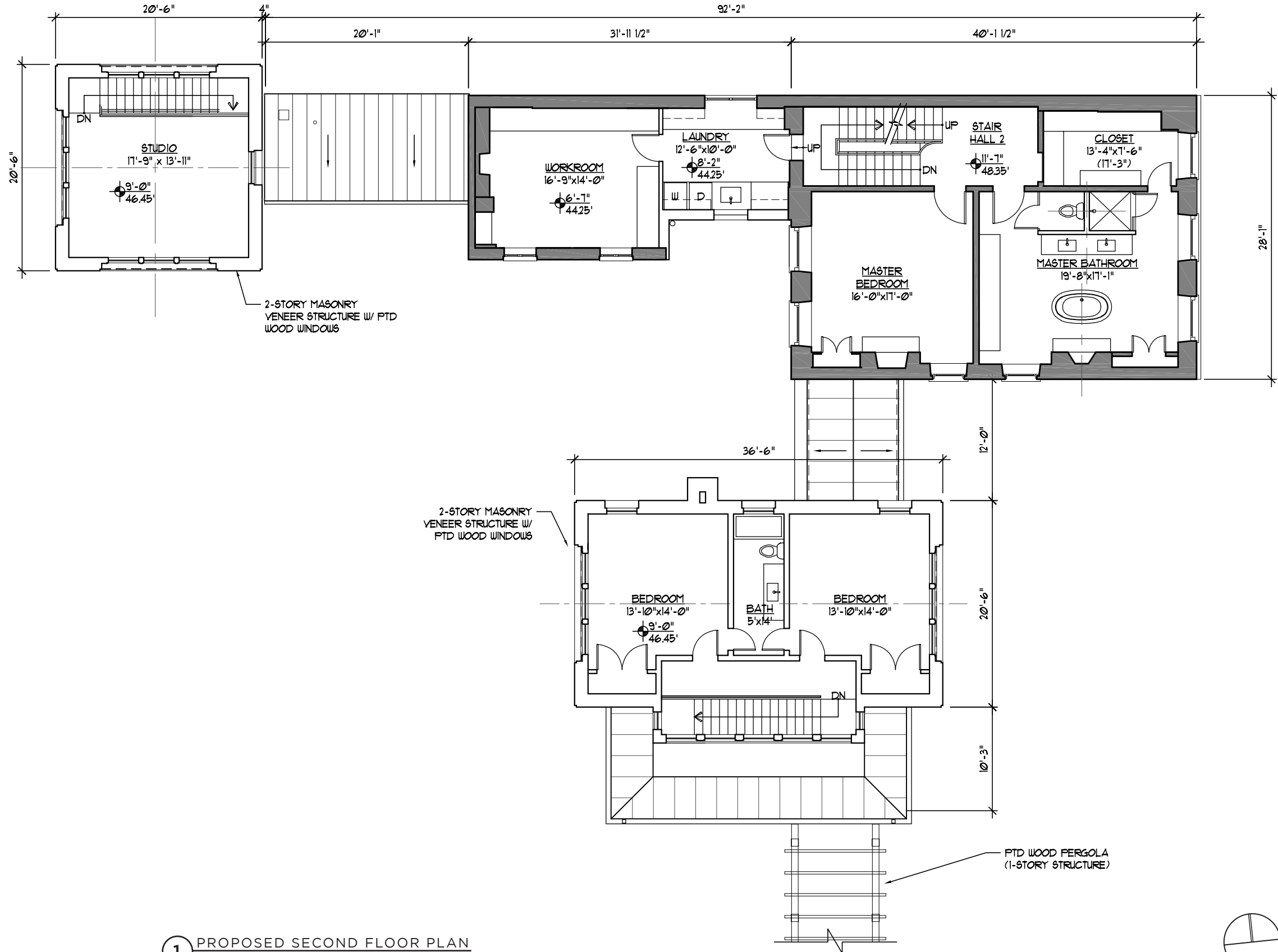
PROPOSED FIRST FLOOR PLAN

619 S LEE STREET | ALEXANDRIA, VA



PROPOSED SECOND FLOOR PLAN

619 S LEE STREET | ALEXANDRIA, VA



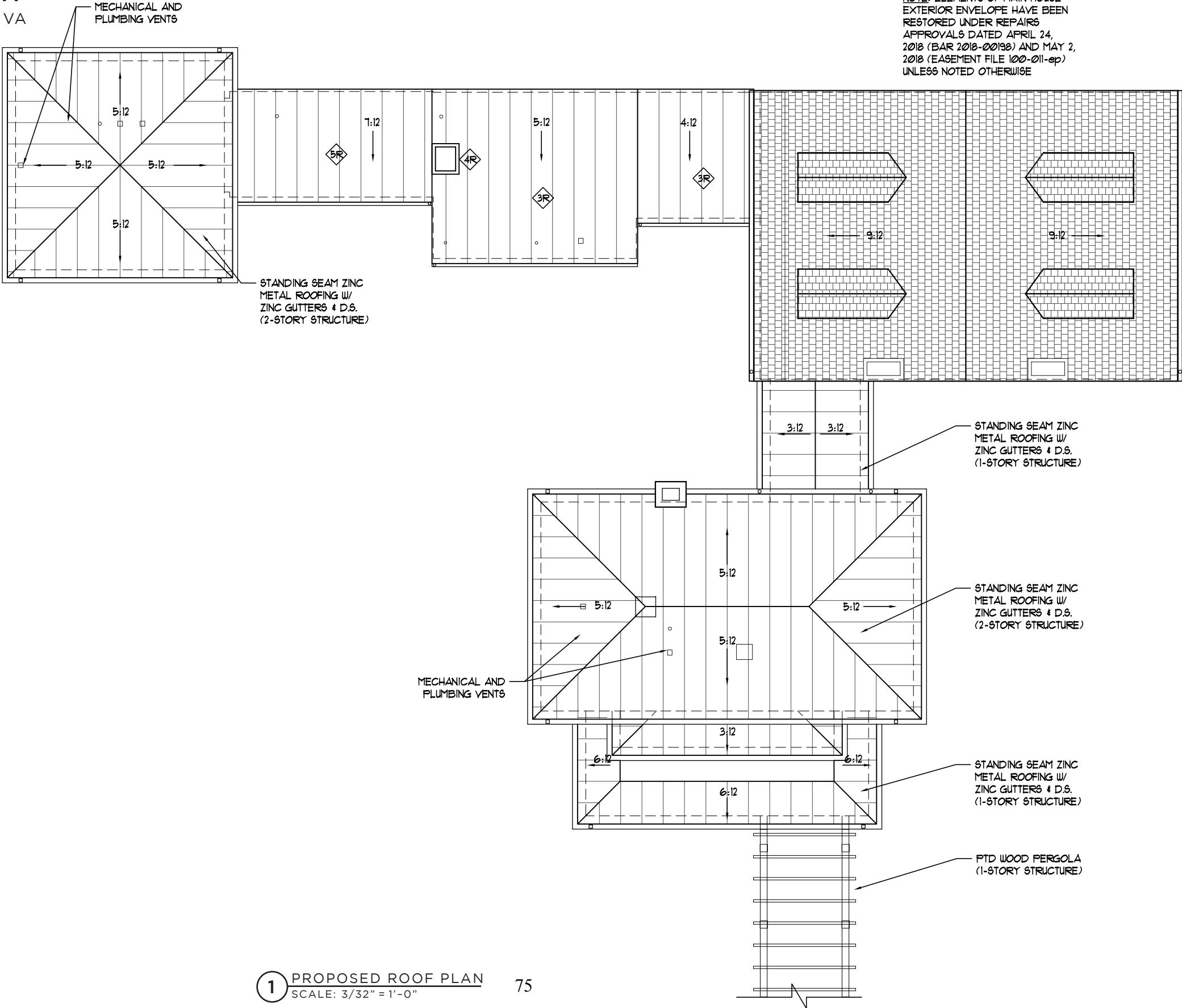
1 PROPOSED SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

PROPOSED ROOF PLAN

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NOTE: ELEMENTS OF MAIN HOUSE
EXTERIOR ENVELOPE HAVE BEEN
RESTORED UNDER REPAIRS
APPROVALS DATED APRIL 24,
2018 (BAR 2018-00198) AND MAY 2,
2018 (EASEMENT FILE 100-011-ep)
UNLESS NOTED OTHERWISE

- REPAIRS WORK:
- 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
 - 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
 - 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
 - 4R REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
 - 5R NEW COPPER GUTTERS & D.S.
 - 6R REMOVE PAINT & PARING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
 - 7R POINT BRICK AS REQ'D.
 - 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
 - 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)



1 PROPOSED ROOF PLAN
SCALE: 3/32" = 1'-0"

PROPOSED EAST ELEVATION

619 S LEE STREET | ALEXANDRIA, VA

REPAIRS WORK:

- 1R

HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
- 2R

NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
- 3R

REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
- 4R

REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
- 5R

NEW COPPER GUTTERS & D.S.
- 6R

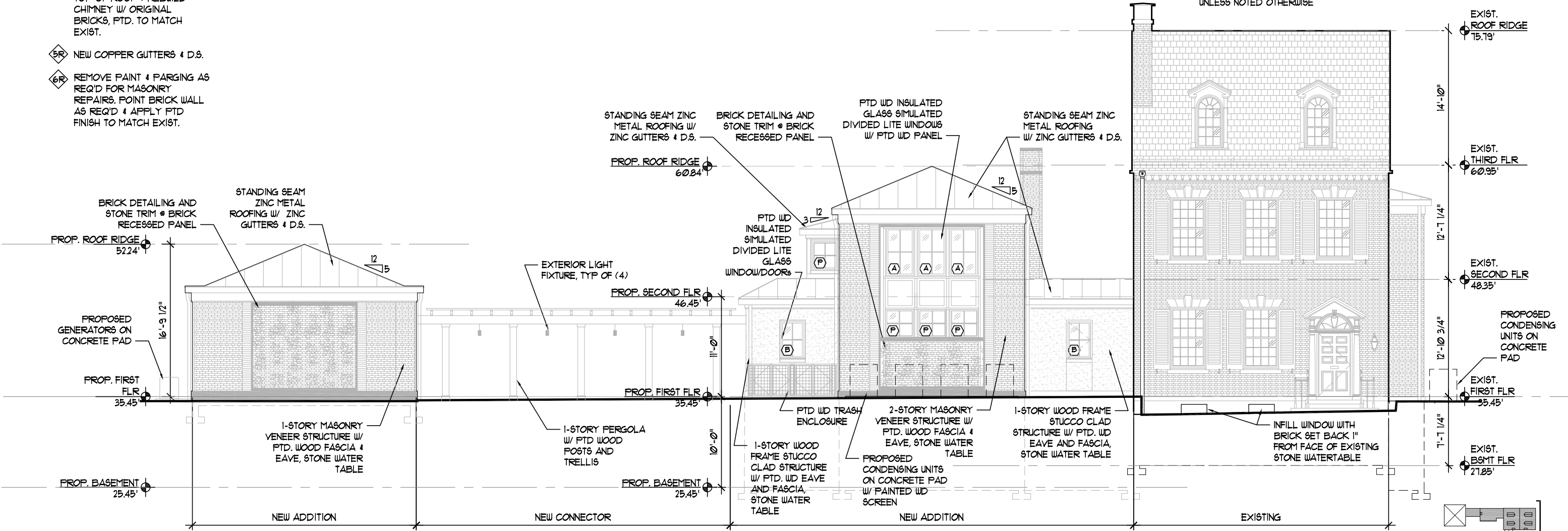
REMOVE PAINT & PARING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
- 1R

POINT BRICK AS REQ'D.
- 2R

INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
- 3R

REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER CORING AT BRICK WALL (CARRIAGE HOUSE)

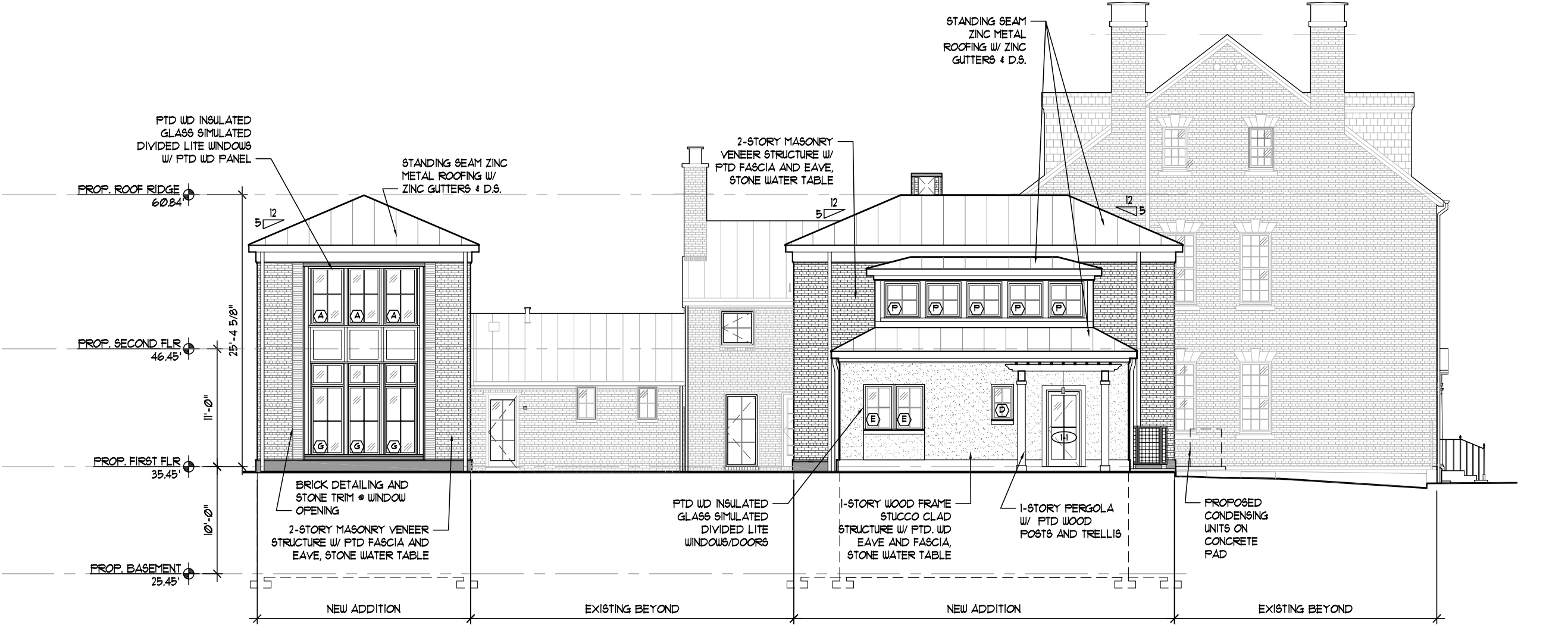
NOTE: ELEMENTS OF MAIN HOUSE EXTERIOR ENVELOPE HAVE BEEN RESTORED UNDER REPAIRS APPROVALS DATED APRIL 24, 2018 (BAR 2018-00138) AND MAY 2, 2018 (EASEMENT FILE 100-011-sp) UNLESS NOTED OTHERWISE



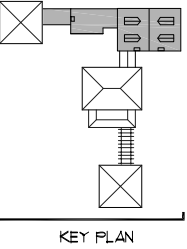
1 PROPOSED EAST ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED SOUTH ELEVATION

619 S LEE STREET | ALEXANDRIA, VA



1 PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

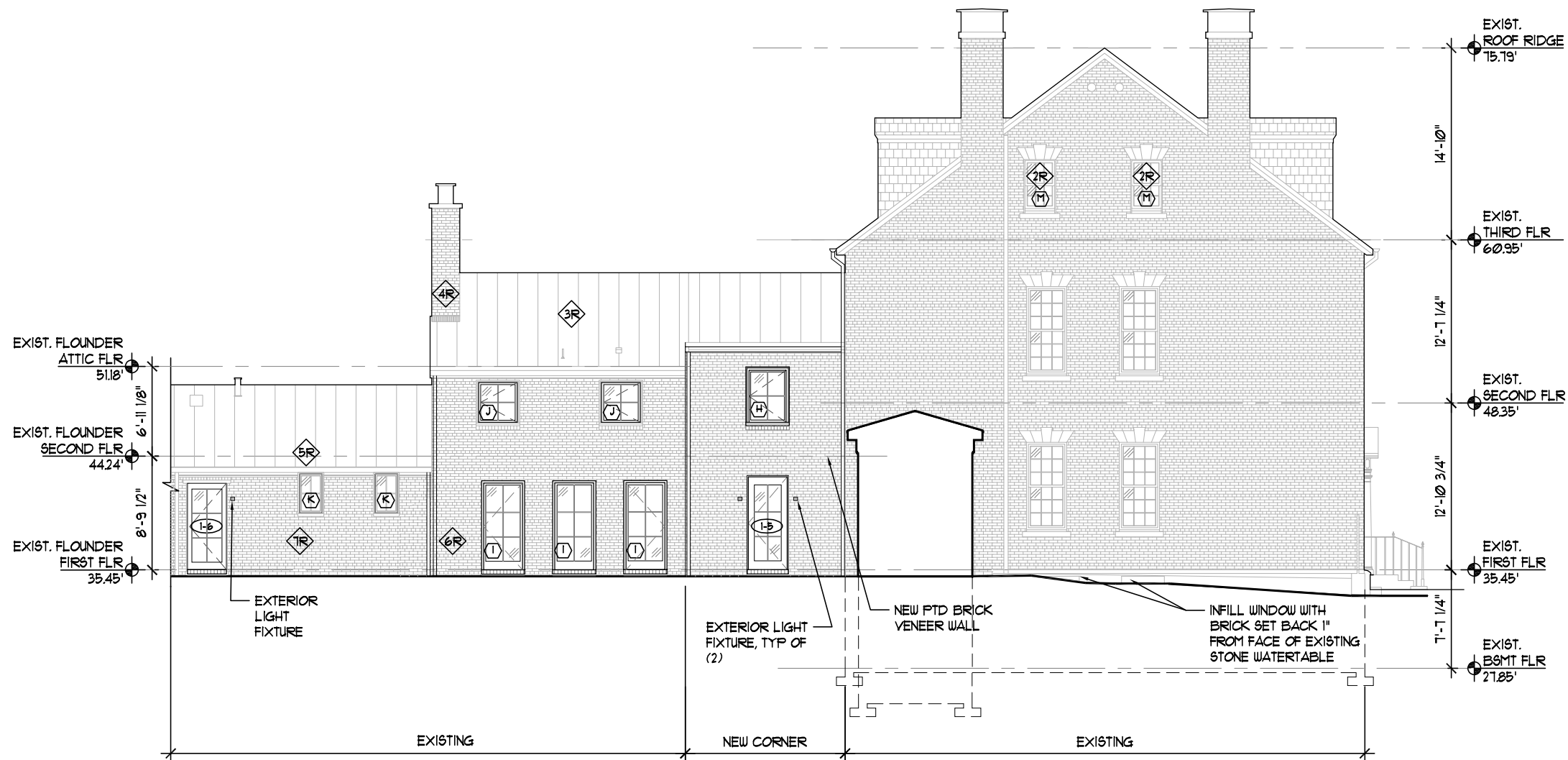


PROPOSED PARTIAL SOUTH ELEVATION

619 S LEE STREET | ALEXANDRIA, VA

REPAIRS WORK:

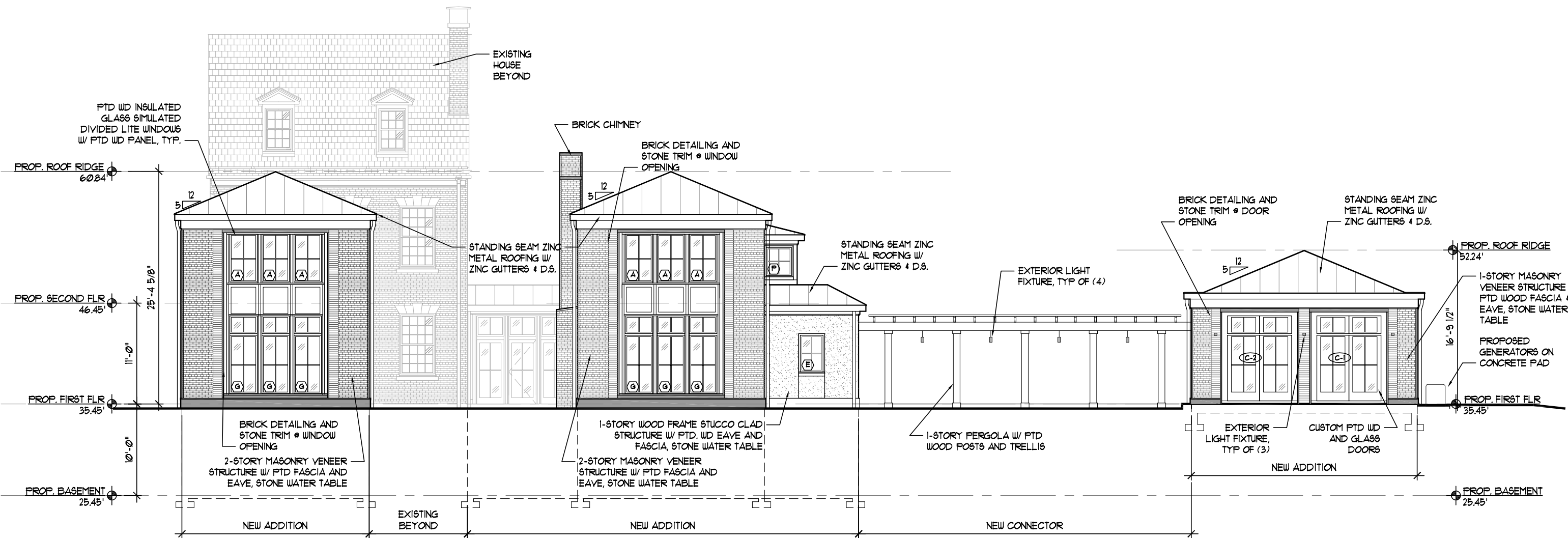
- 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
- 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
- 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
- 4R REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
- 5R NEW COPPER GUTTERS & D.S.
- 6R REMOVE PAINT & PARGING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
- 7R POINT BRICK AS REQ'D.
- 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
- 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)



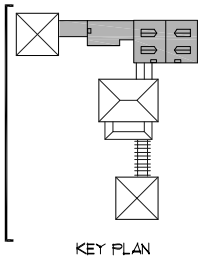
1 PROPOSED PARTIAL SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED WEST ELEVATION

619 S LEE STREET | ALEXANDRIA, VA

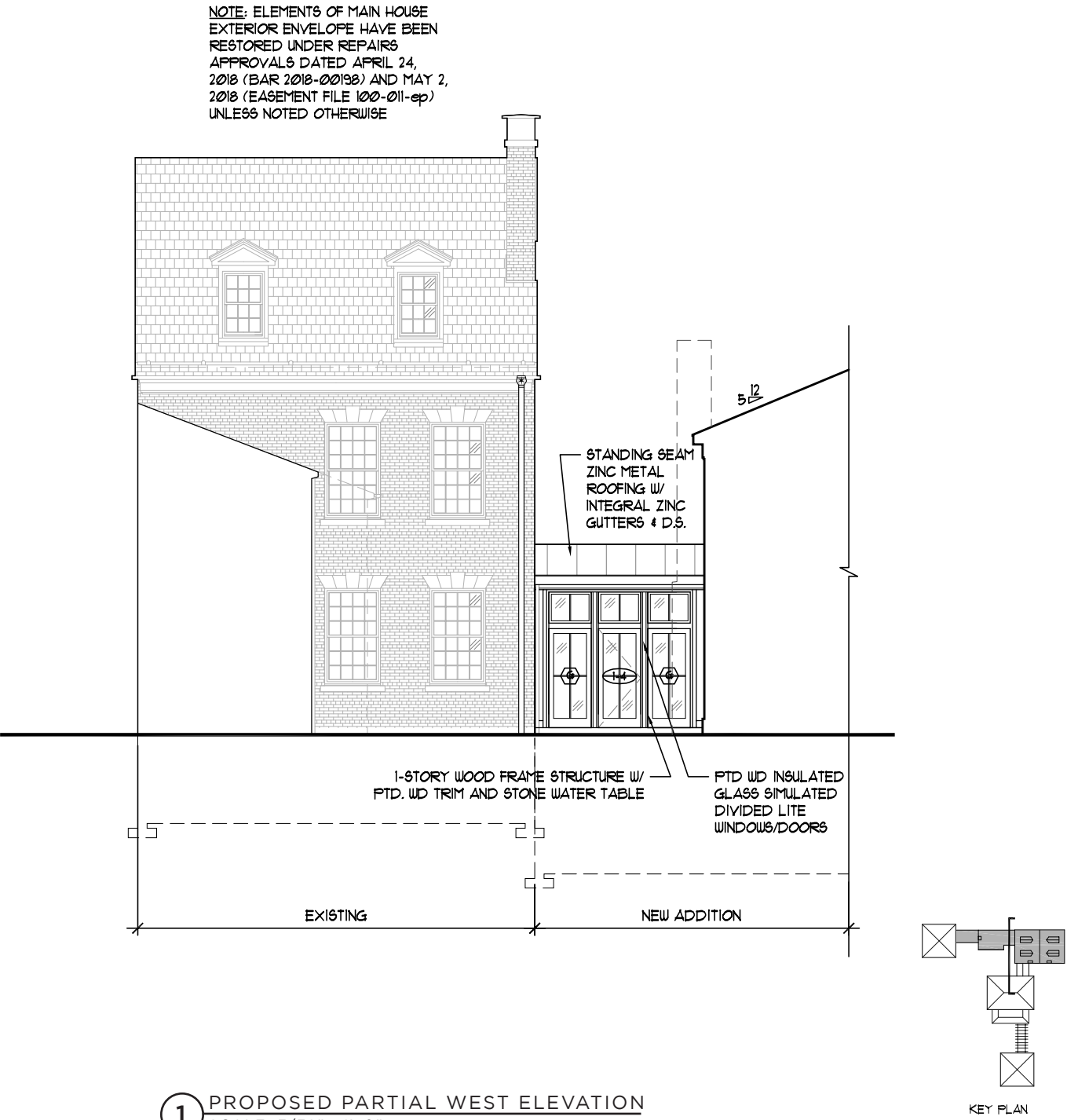


1 PROPOSED WEST ELEVATION
SCALE: 3/32" = 1'-0"



PROPOSED PARTIAL WEST ELEVATION

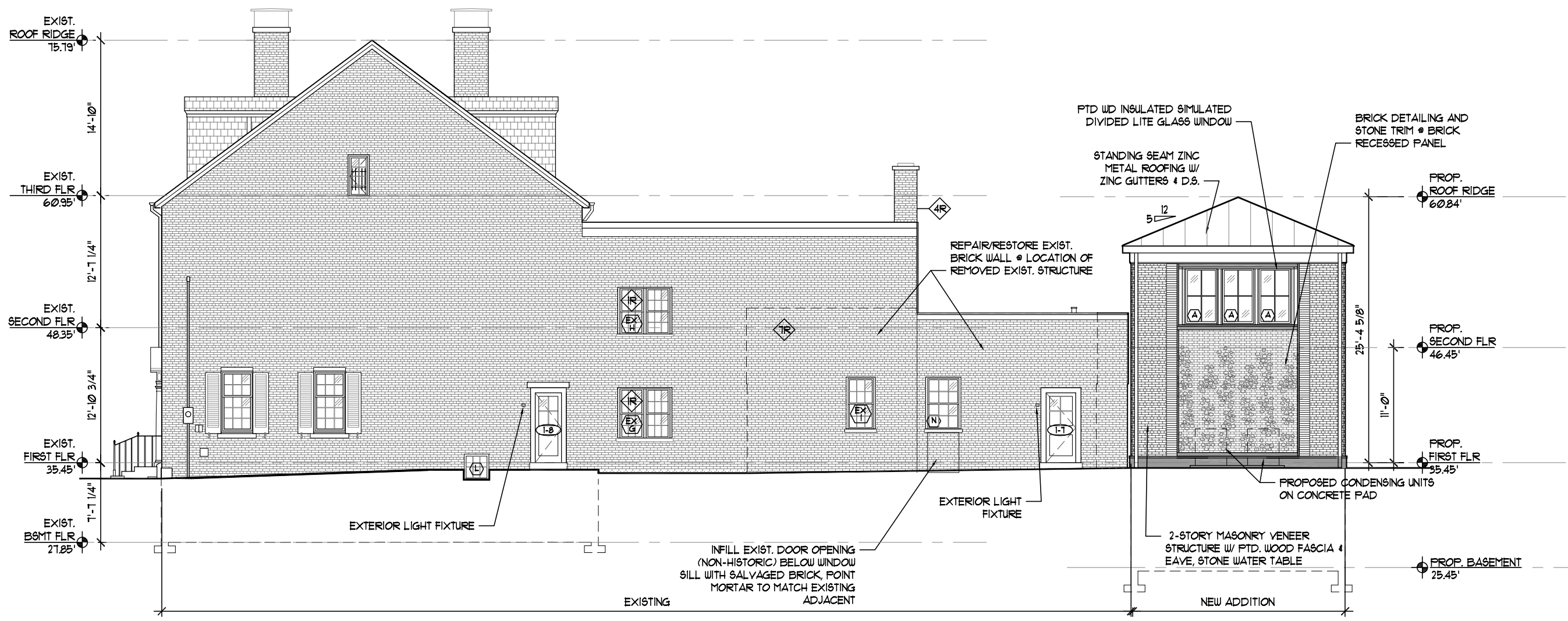
619 S LEE STREET | ALEXANDRIA, VA



PROPOSED NORTH ELEVATION

619 S LEE STREET | ALEXANDRIA, VA

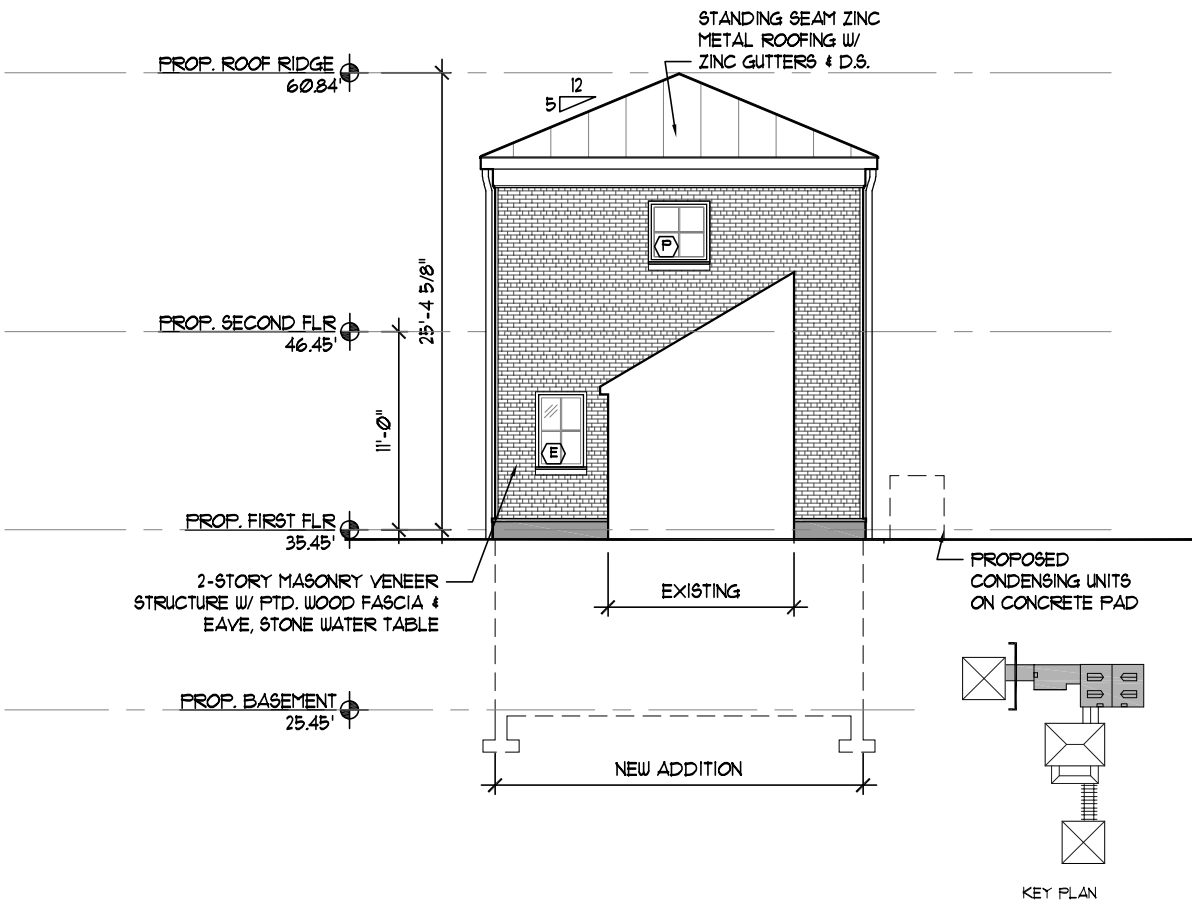
- REPAIRS WORK:
- 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
 - 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
 - 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
 - 4R REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
 - 5R NEW COPPER GUTTERS & D.S.
 - 6R REMOVE PAINT & PARING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
 - 7R POINT BRICK AS REQ'D.
 - 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
 - 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)



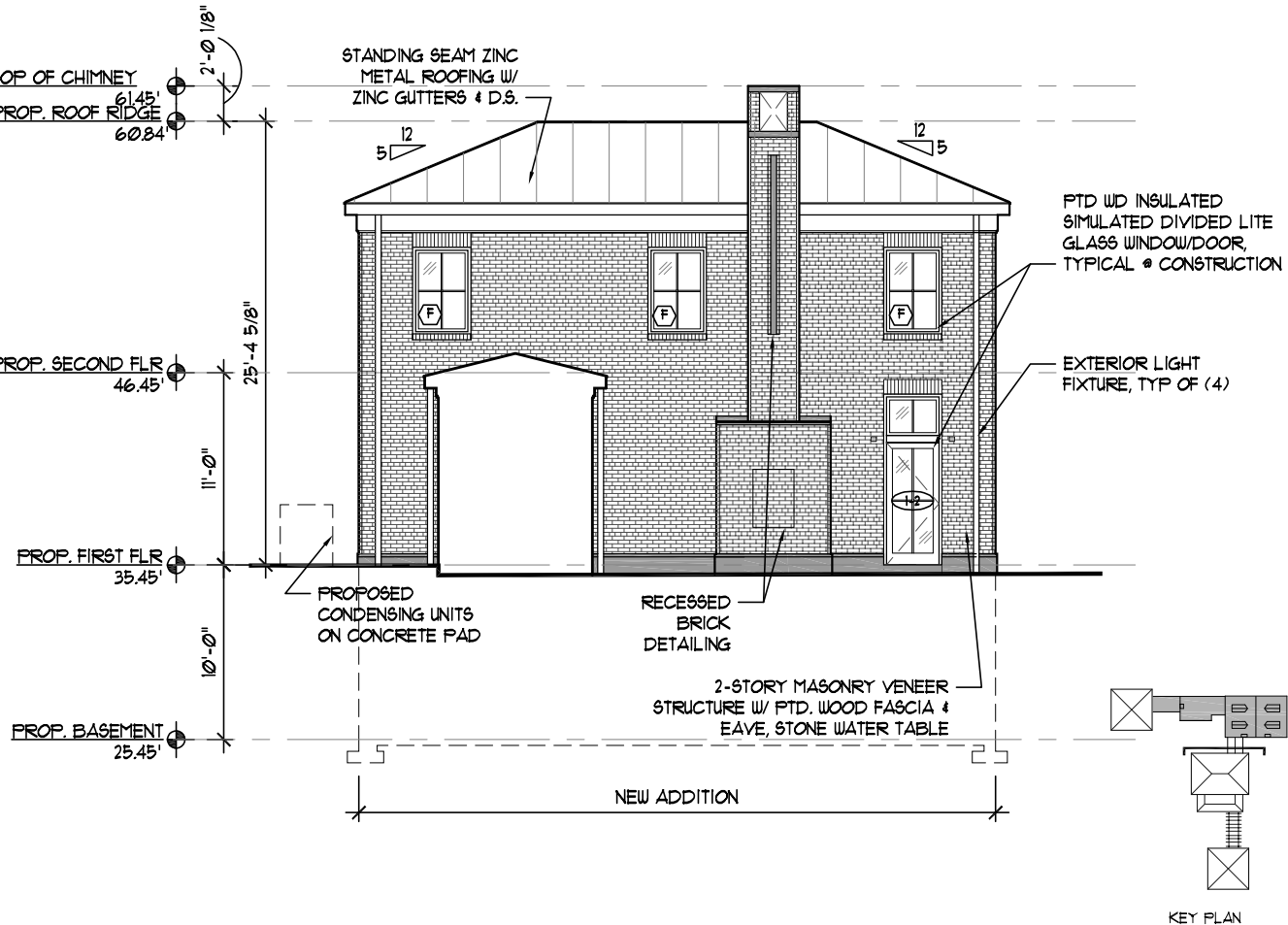
1 PROPOSED NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED EAST ELEVATION (NORTH PAVILLION) & NORTH ELEVATION (SOUTH PAVILLION)

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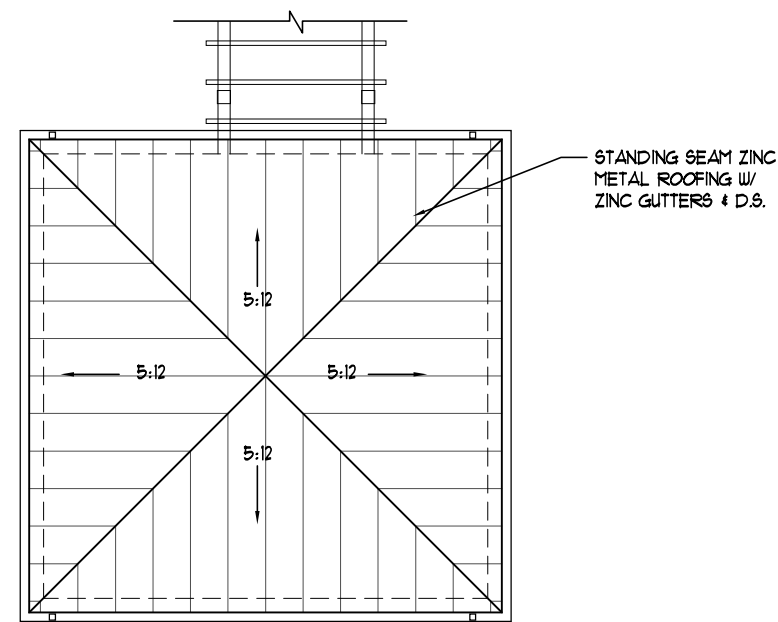
1 PROPOSED EAST ELEVATION - NORTH PAVILLION
SCALE: 3/32" = 1'-0"



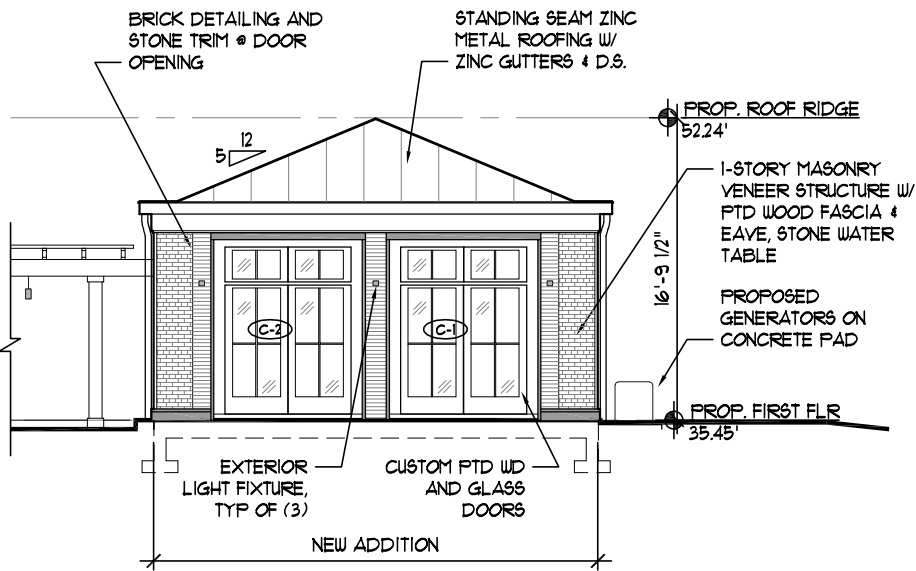
2 PROPOSED NORTH ELEVATION - SOUTH PAVILLION
SCALE: 3/32" = 1'-0"

PROPOSED WORKSHOP / BIKE GARAGE ELEVATIONS & PLANS

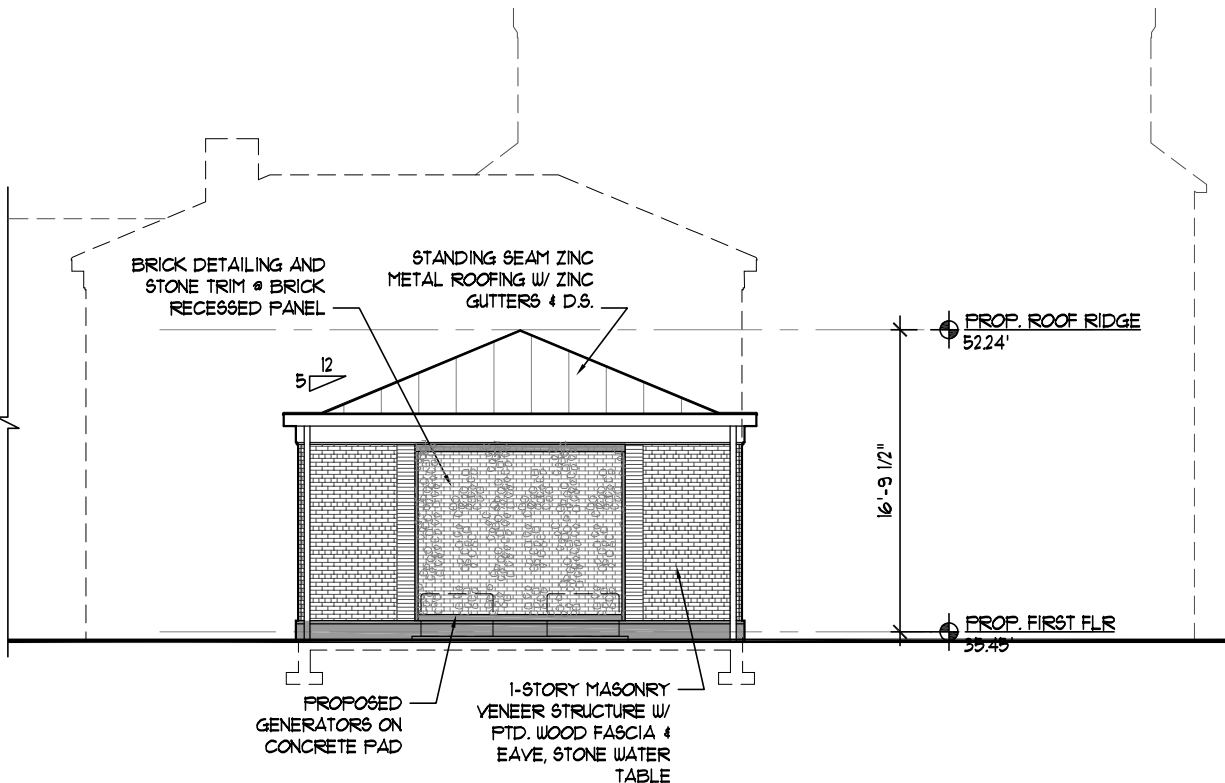
619 S LEE STREET | ALEXANDRIA, VA



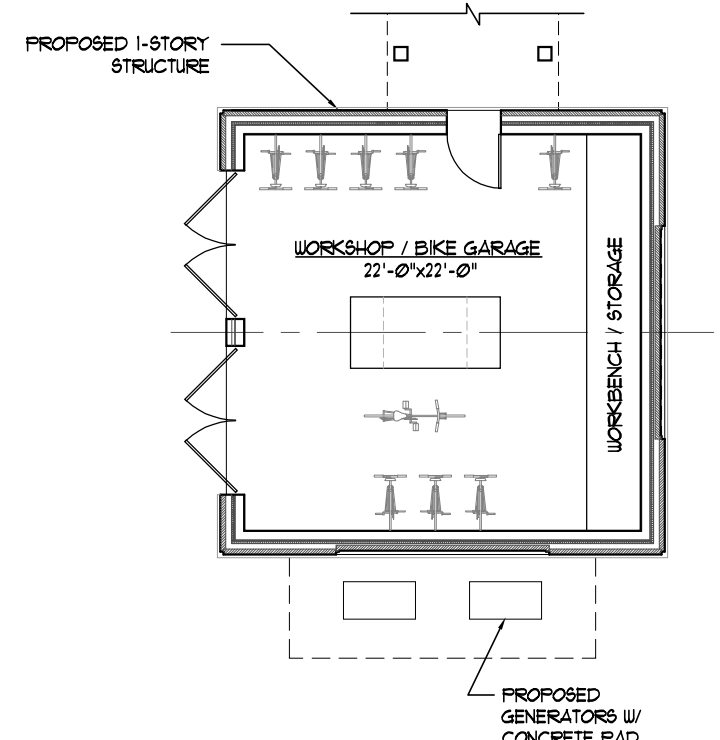
6 PROPOSED ROOF PLAN
SCALE: 3/32" = 1'-0"



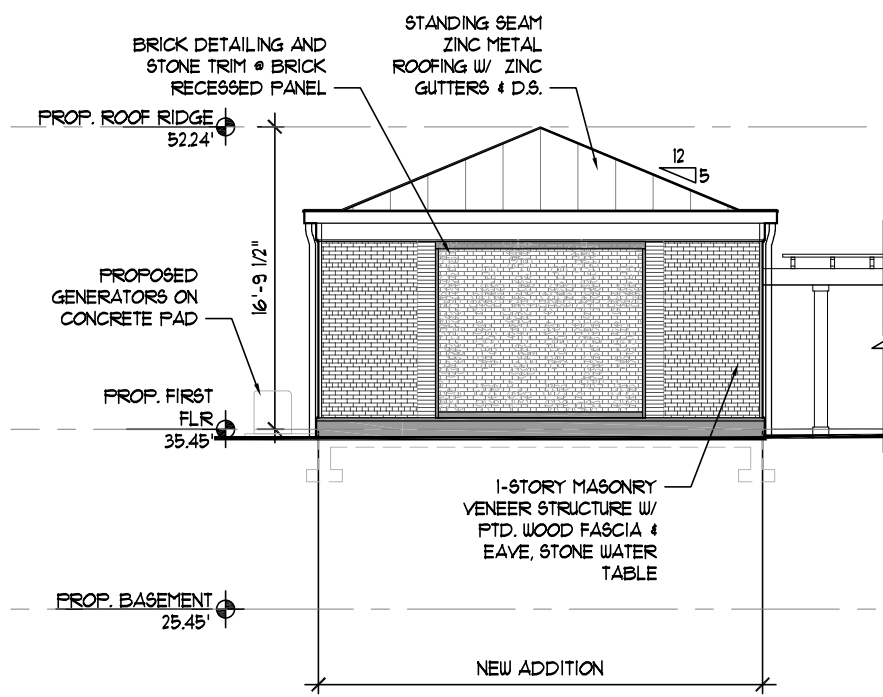
3 PROPOSED WEST ELEVATION
SCALE: 3/32" = 1'-0"



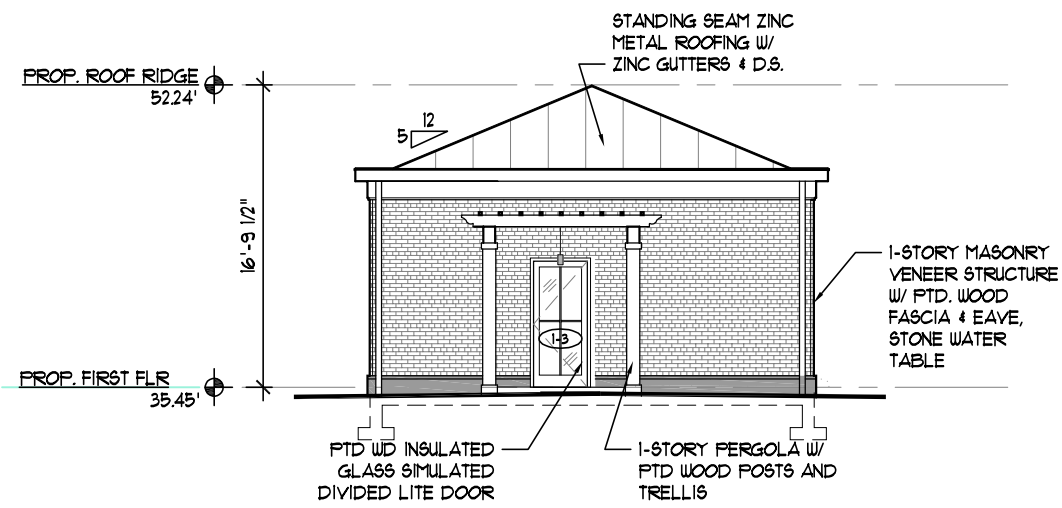
4 PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



5 PROPOSED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"



1 PROPOSED EAST ELEVATION
SCALE: 3/32" = 1'-0"



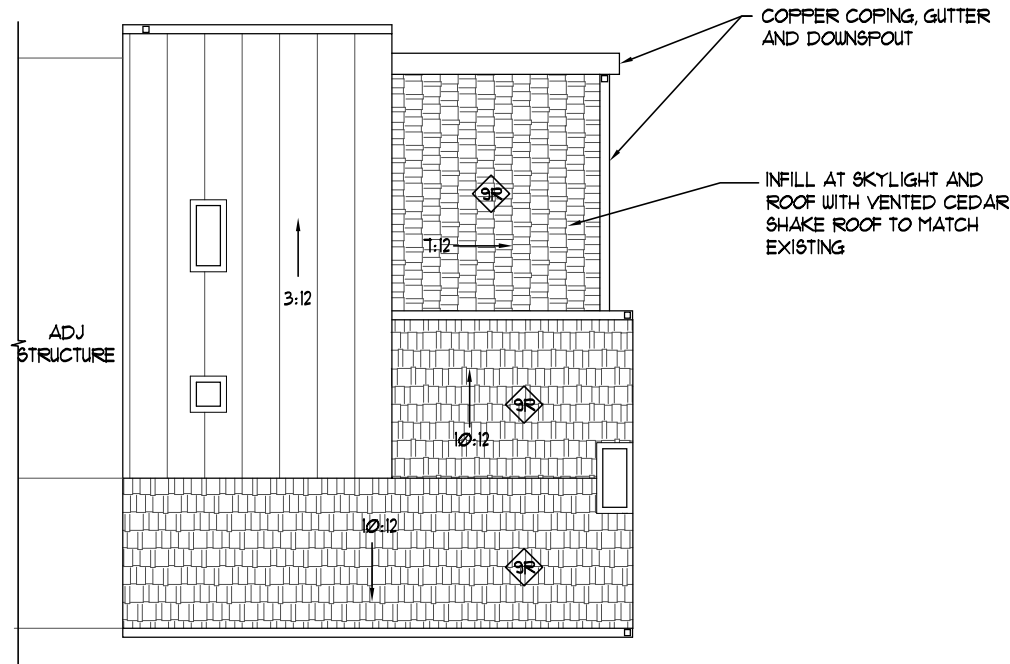
2 PROPOSED NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED CARRIAGE HOUSE ELEVATIONS & ROOF PLAN

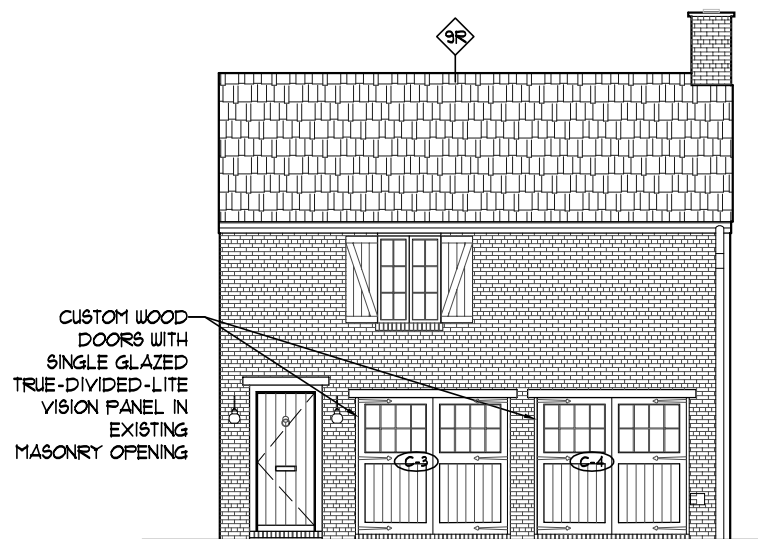
619 S LEE STREET | ALEXANDRIA, VA

REPAIRS WORK:

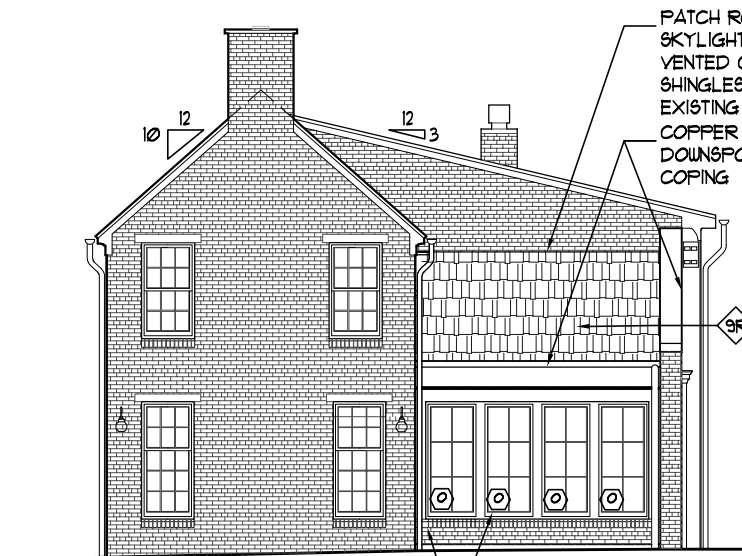
- 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
- 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
- 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
- 4R REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
- 5R NEW COPPER GUTTERS & D.S.
- 6R REMOVE PAINT & PARING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
- 7R POINT BRICK AS REQ'D.
- 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
- 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)



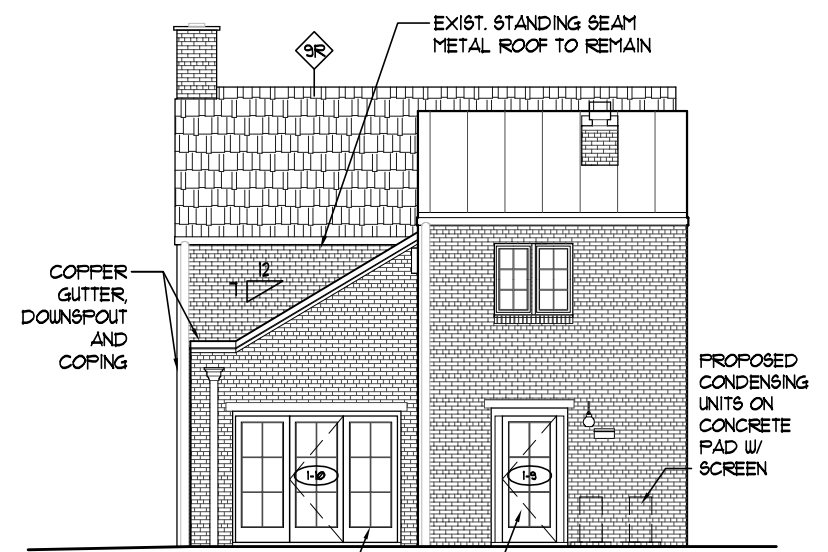
4 PROPOSED CARRIAGE HOUSE ROOF PLAN
SCALE: 3/32" = 1'-0"



1 PROPOSED CARRIAGE HOUSE SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



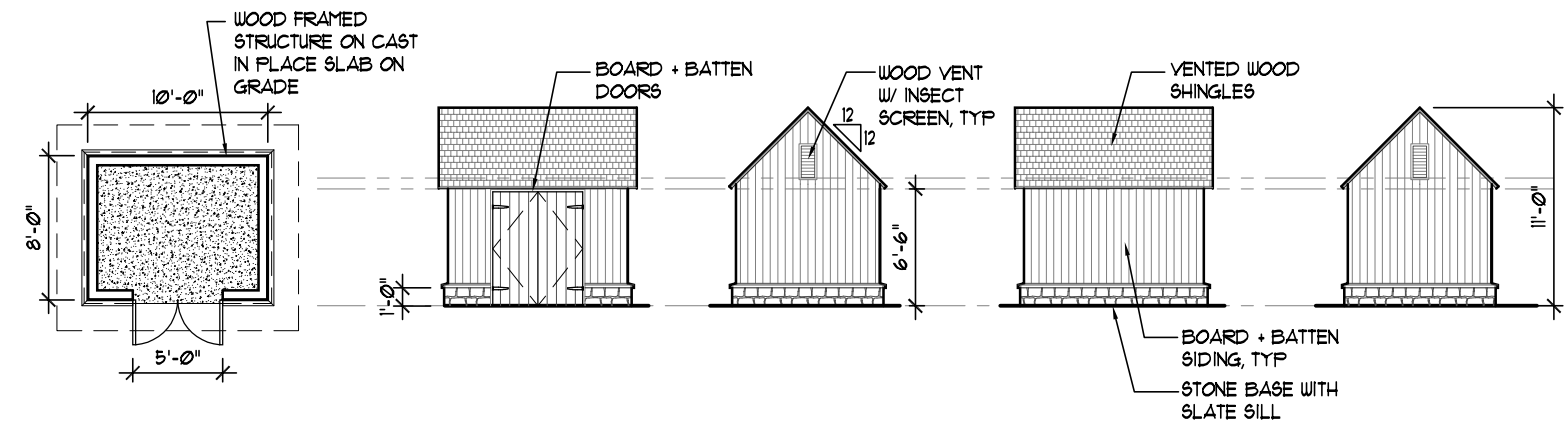
2 PROPOSED CARRIAGE HOUSE EAST ELEVATION
SCALE: 3/32" = 1'-0"



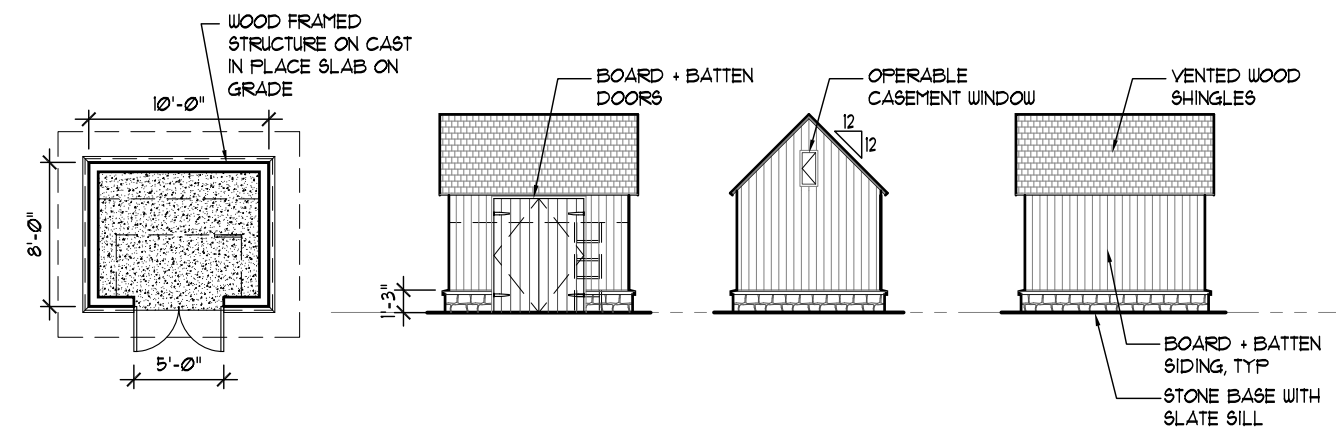
3 PROPOSED CARRIAGE HOUSE NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED GARDEN SHEDS

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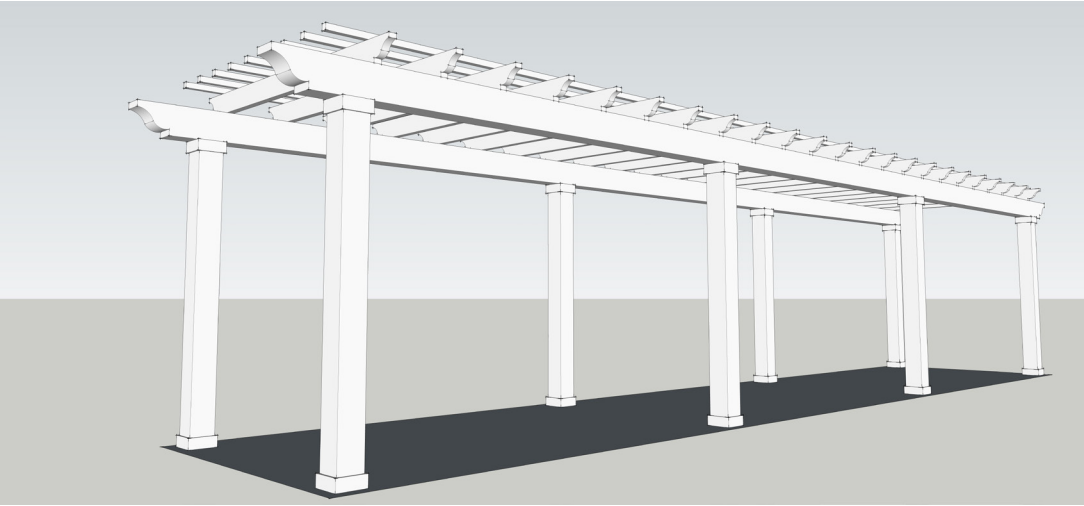
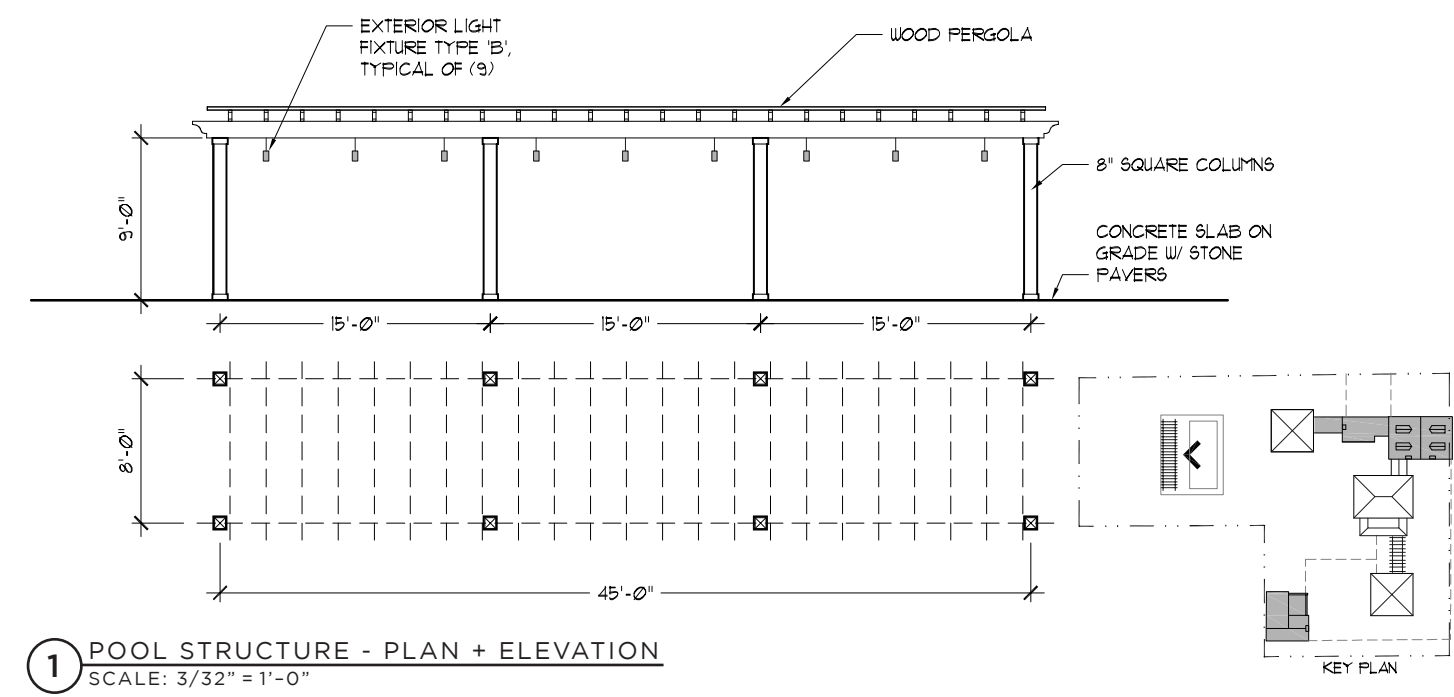
1 PROPOSED POOL EQUIPMENT SHED
SCALE: 3/32" = 1'-0"



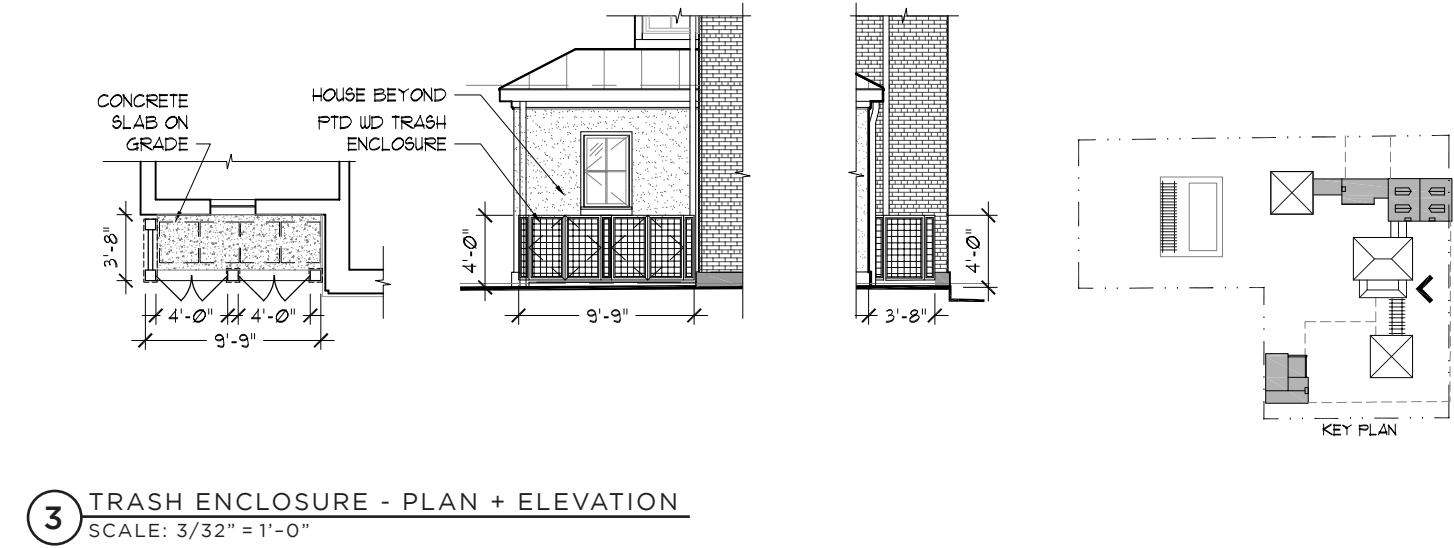
2 PROPOSED POOL STORAGE SHED
SCALE: 3/32" = 1'-0"

PROPOSED POOL STRUCTURE & TRASH ENCLOSURE

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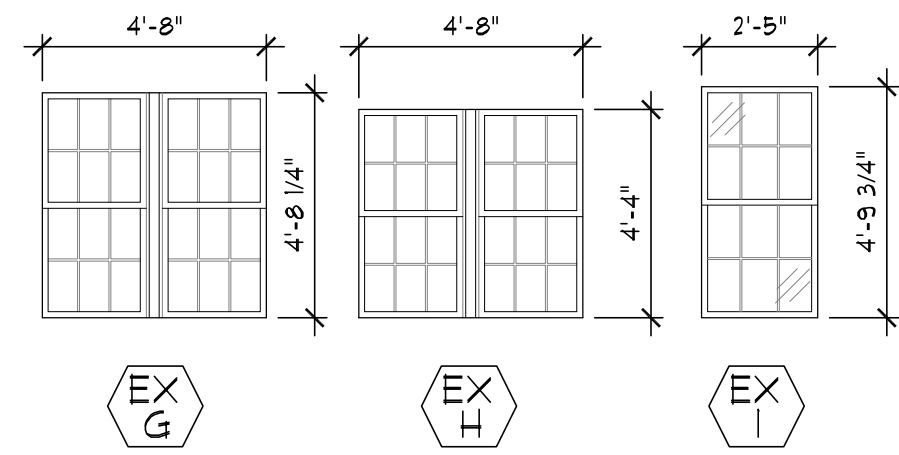


2 POOL STRUCTURE
NTS

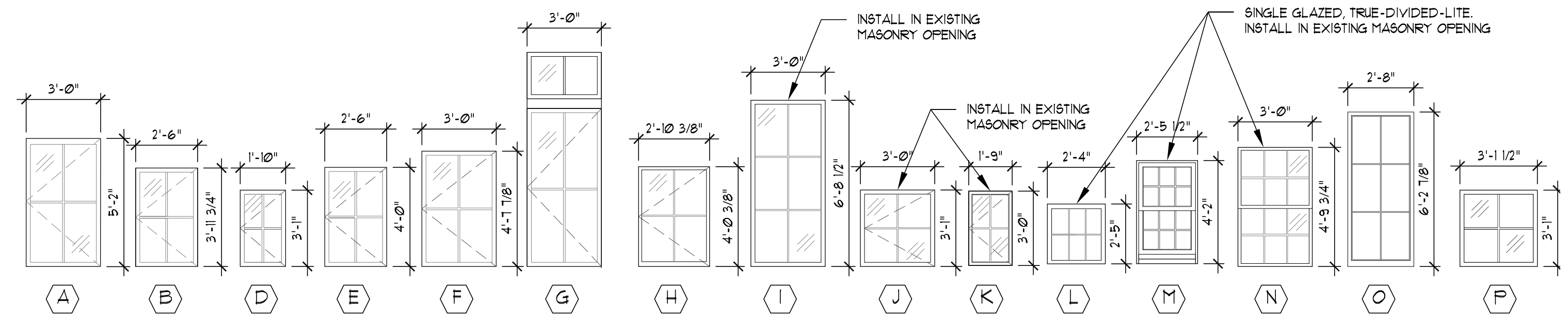


WINDOW TYPES

619 S LEE STREET | ALEXANDRIA, VA



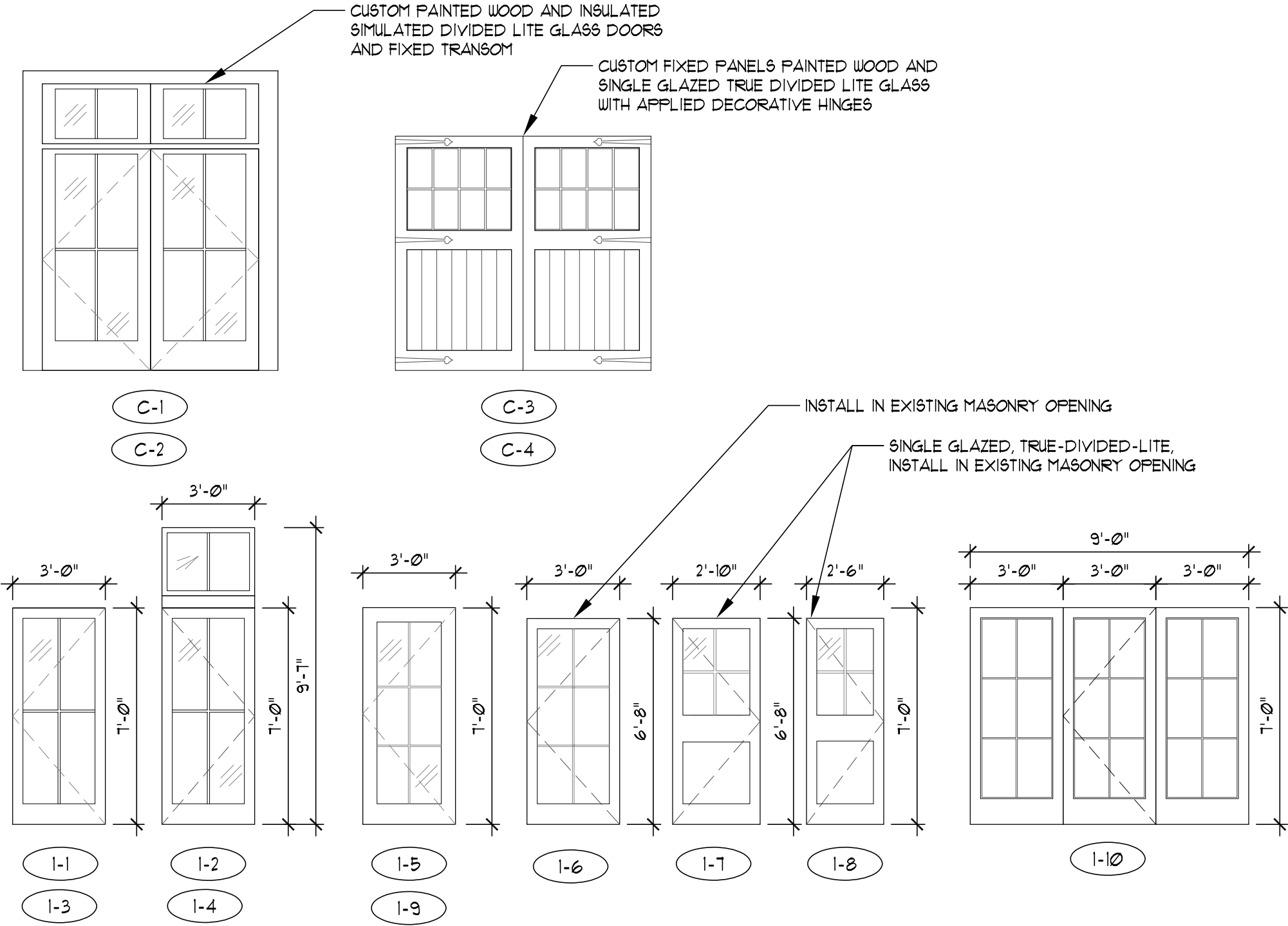
EXISTING WOOD WINDOWS, PAINTED (SINGLE-GLAZED, TRUE-DIVIDED-LITE) - RESTORE PER NOTES



PROPOSED WOOD WINDOWS, PAINTED (INSULATED GLASS, SIMULATED-DIVIDED-LITE, UNO)

EXTERIOR DOOR TYPES

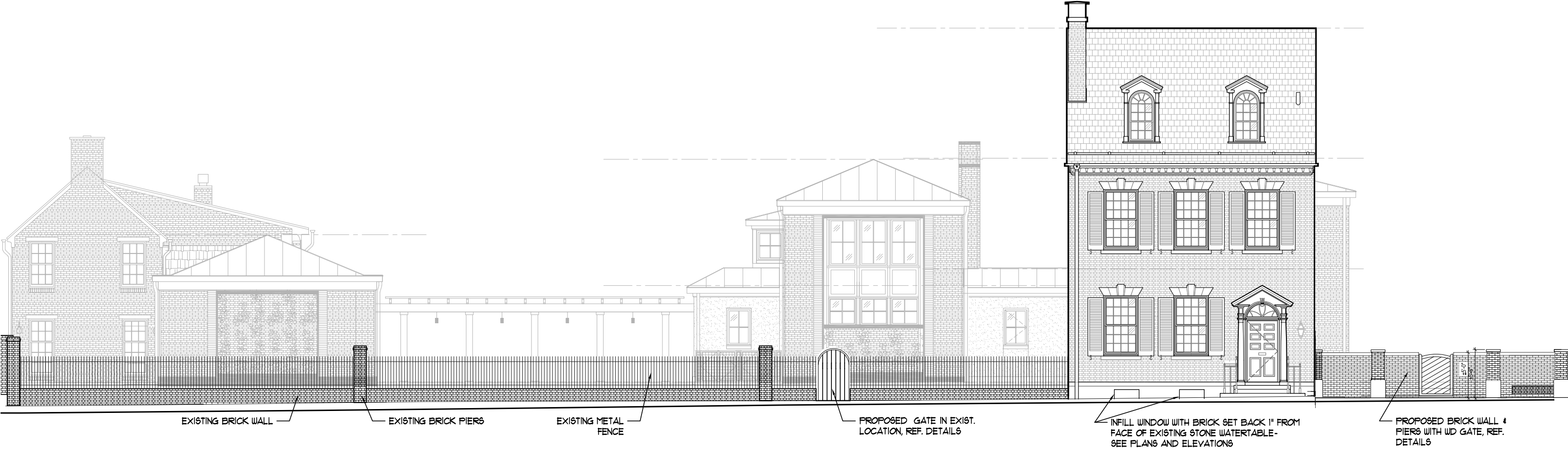
619 S LEE STREET | ALEXANDRIA, VA



PROPOSED WOOD DOORS, PAINTED (INSULATED GLASS, SIMULATED-DIVIDED-LITE, UNO)

STREET ELEVATIONS

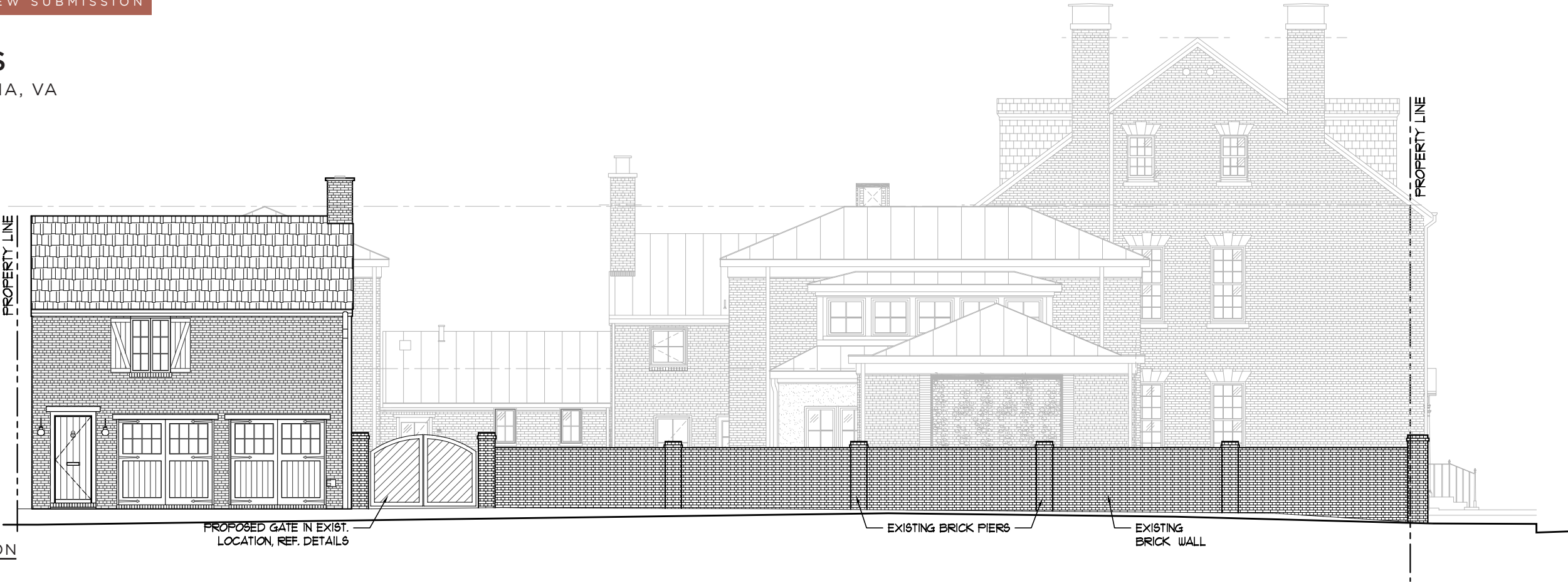
619 S LEE STREET | ALEXANDRIA, VA



1 S. LEE STREET ELEVATION
SCALE: 3/32" = 1'-0"

STREET ELEVATIONS

619 S LEE STREET | ALEXANDRIA, VA



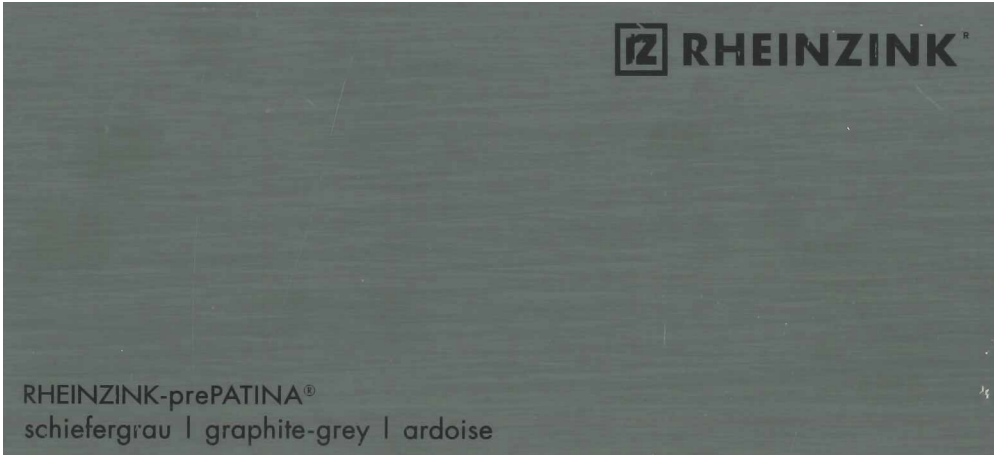
1 FRANKLIN STREET ELEVATION
SCALE: 3/32" = 1'-0"



2 S. FAIRFAX STREET ELEVATION
SCALE: 3/32" = 1'-0"

MATERIALS (REFER ALSO MATERIALS SAMPLE BOARD)

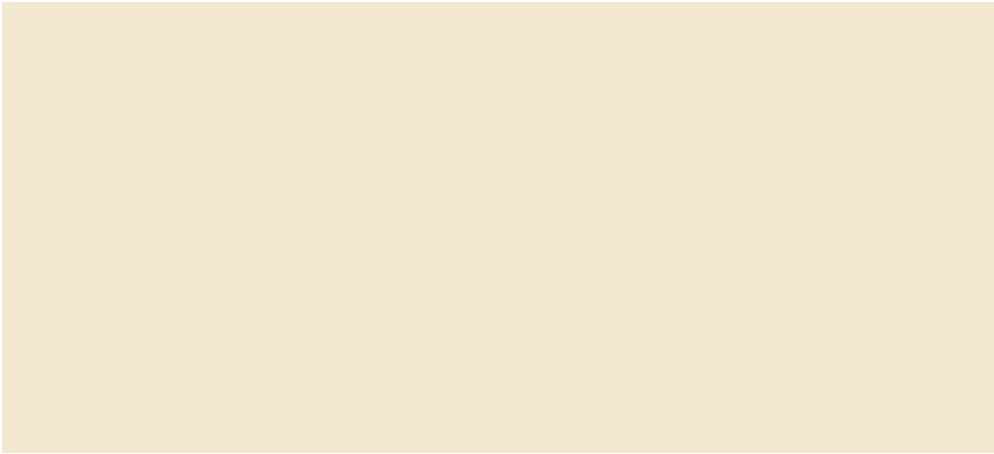
619 S LEE STREET | ALEXANDRIA, VA



1 ROOFING: RHEINZINK-prePATINA: GRAPHITE-GREY



4 BRICK: PVD-55686 REDLAND ROCKY RIDGE KING WILLIAM (410) RED BRICKS



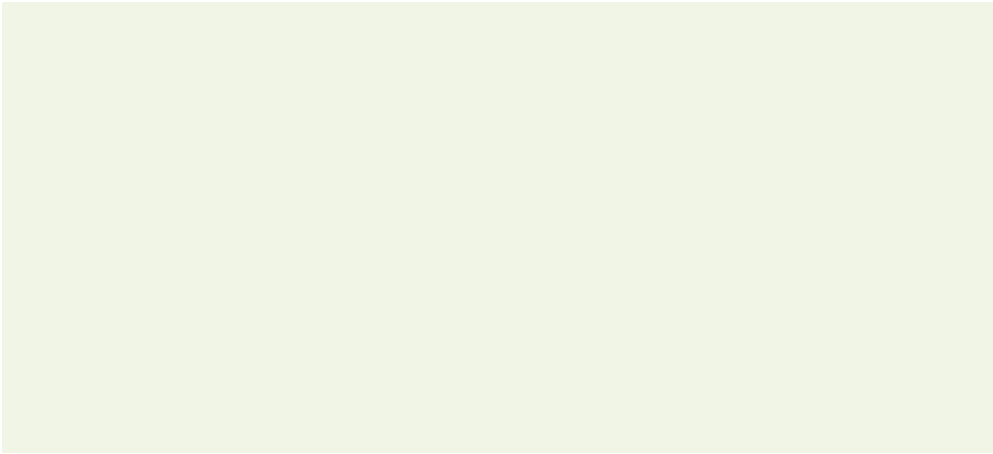
7 MORTAR: OFF WHITE (MATCH STUCCO COLOR)



2 STONE TRIM (AT BRICK): DARK GREY STONE



5 STONE SILL & WATERTABLE (AT BRICK): DARK GREY STONE



8 WOOD WINDOW & TRIM PAINT (AT STUCCO STRUCTURE): OFF WHITE BENJAMIN MOORE PAINT



3 STUCCO: STO FINE SAND FINISH STUCCO: OFF WHITE



6 STONE TRIM (AT STUCCO): WARM



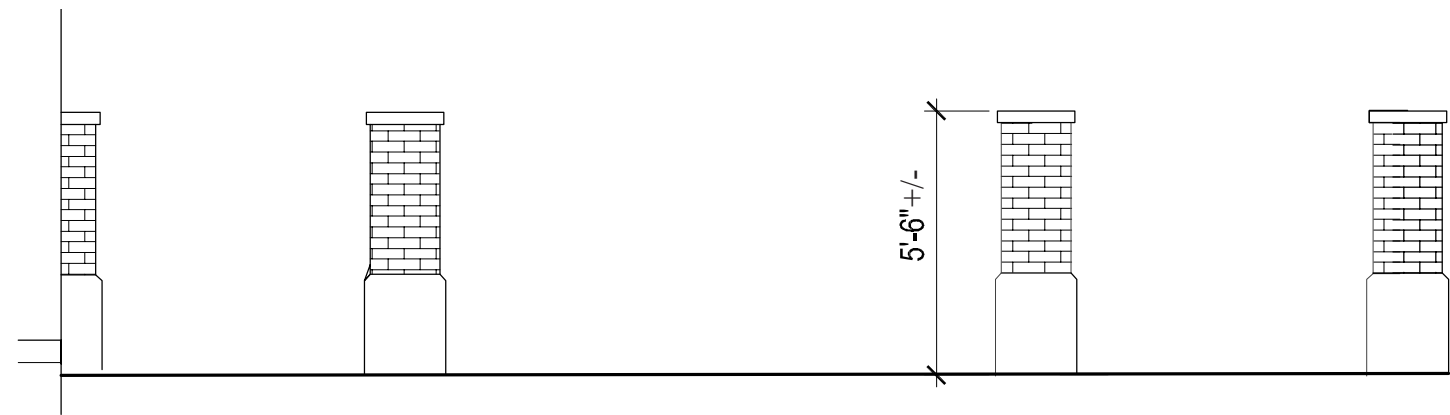
9 WOOD WINDOW & TRIM PAINT (AT BRICK STRUCTURE): DARK GREEN BENJAMIN MOORE PAINT

COLOR ELEVATION
619 S LEE STREET | ALEXANDRIA, VA

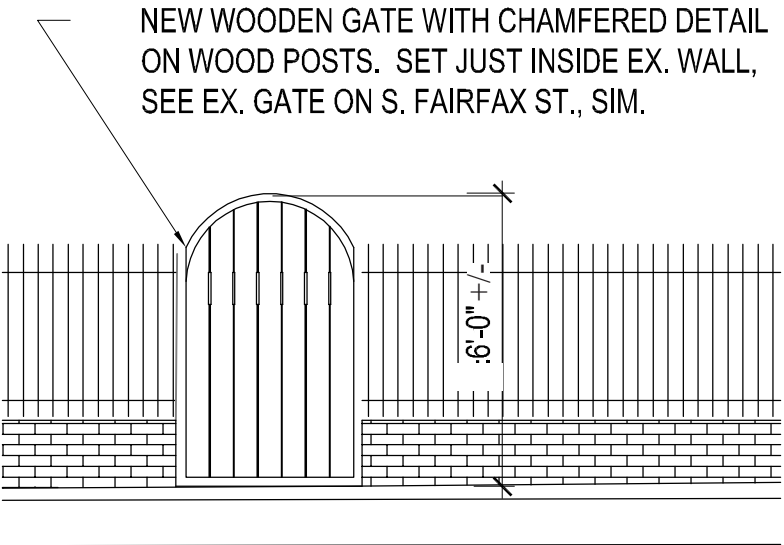
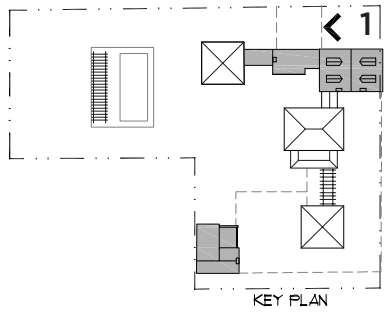


PROPOSED GATES, FENCE & WALLS

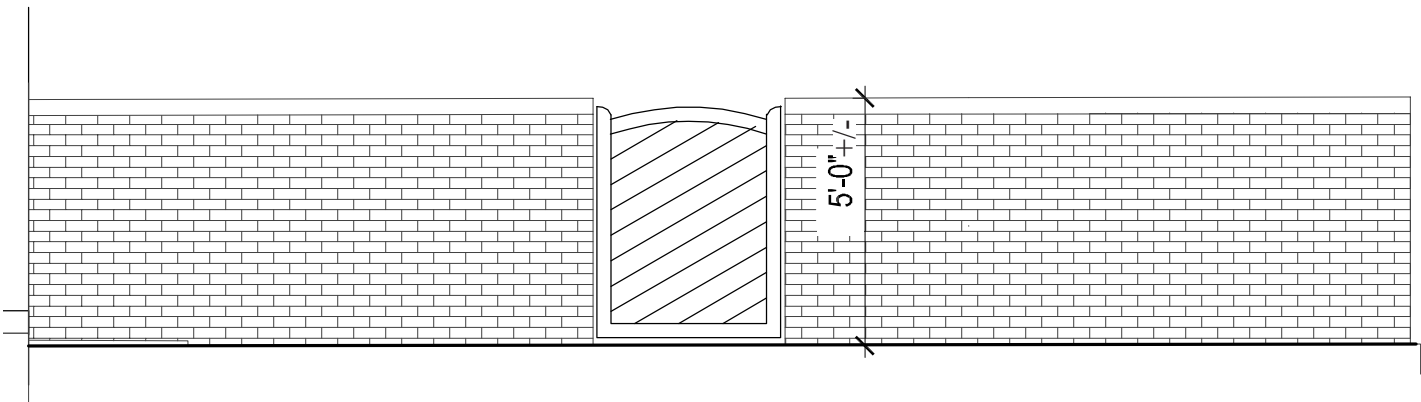
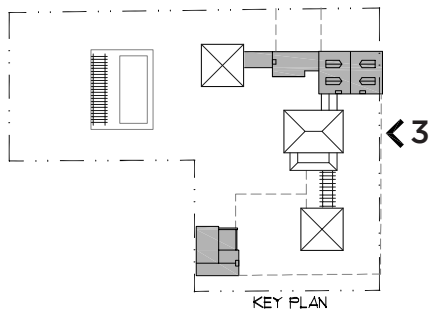
619 S LEE STREET | ALEXANDRIA, VA



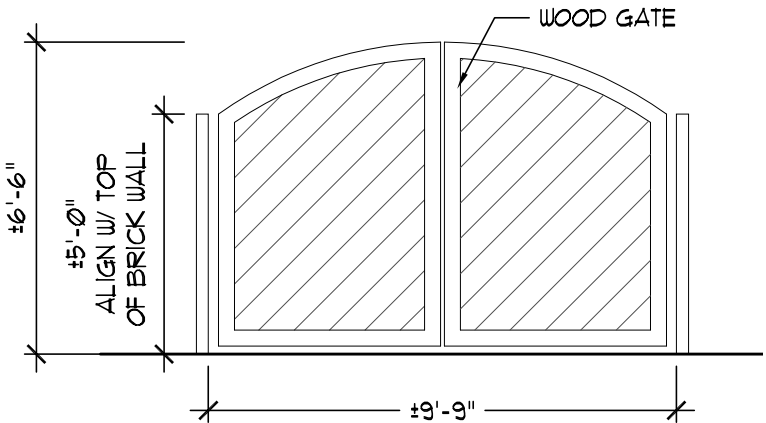
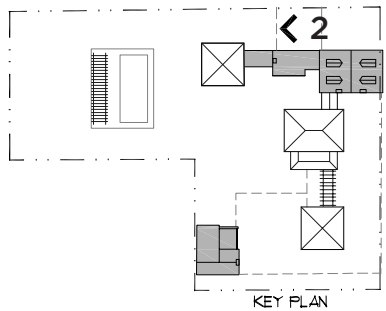
1 BRICK PIERS W/ STONE BASE (S. LEE STREET)
SCALE: 1/4" = 1'-0"



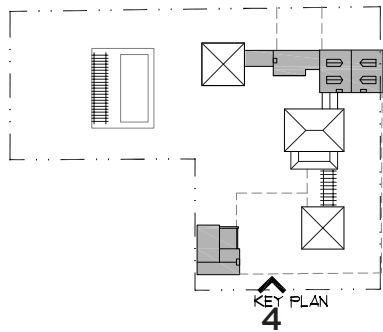
3 WOOD GATE (S. LEE STREET)
SCALE: 1/4" = 1'-0"



2 BRICK GARDEN WALL & WOODEN GATE (S. LEE STREET)
SCALE: 1/4" = 1'-0"

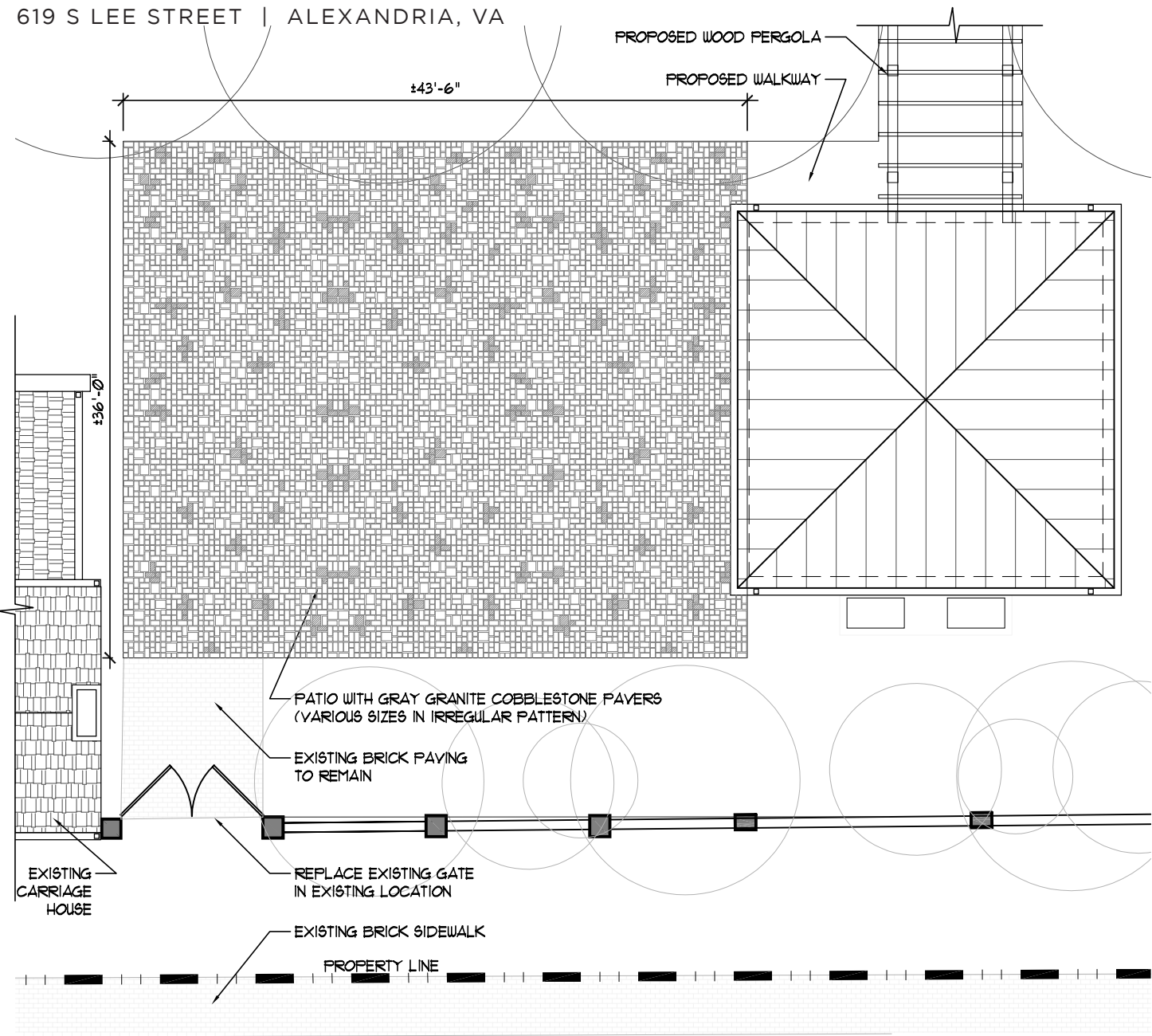


4 GATE (FRANKLIN STREET)
SCALE: 1/4" = 1'-0"

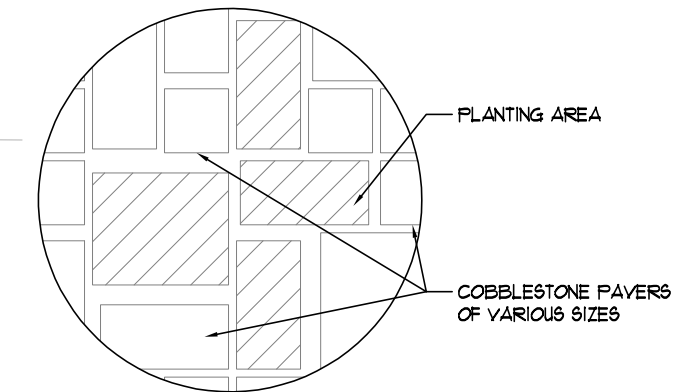


PROPOSED PAVING PLANS

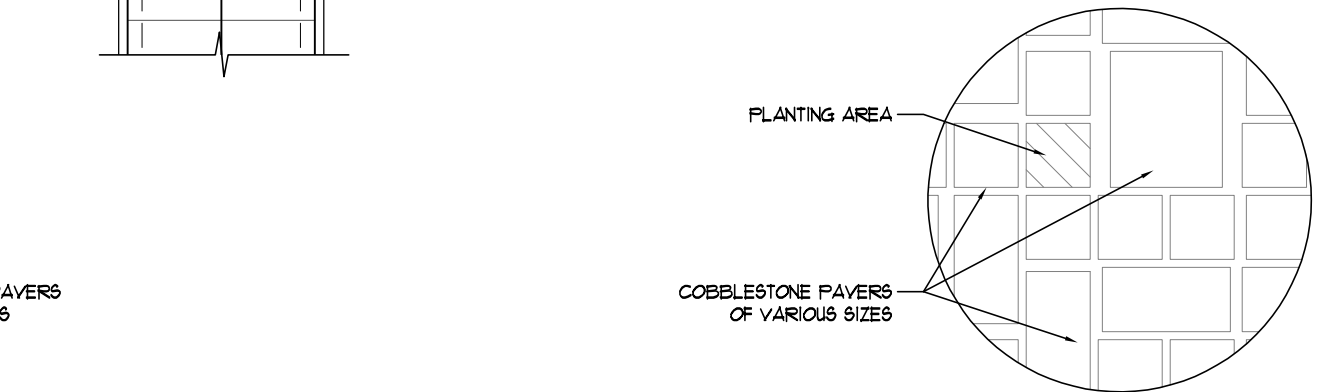
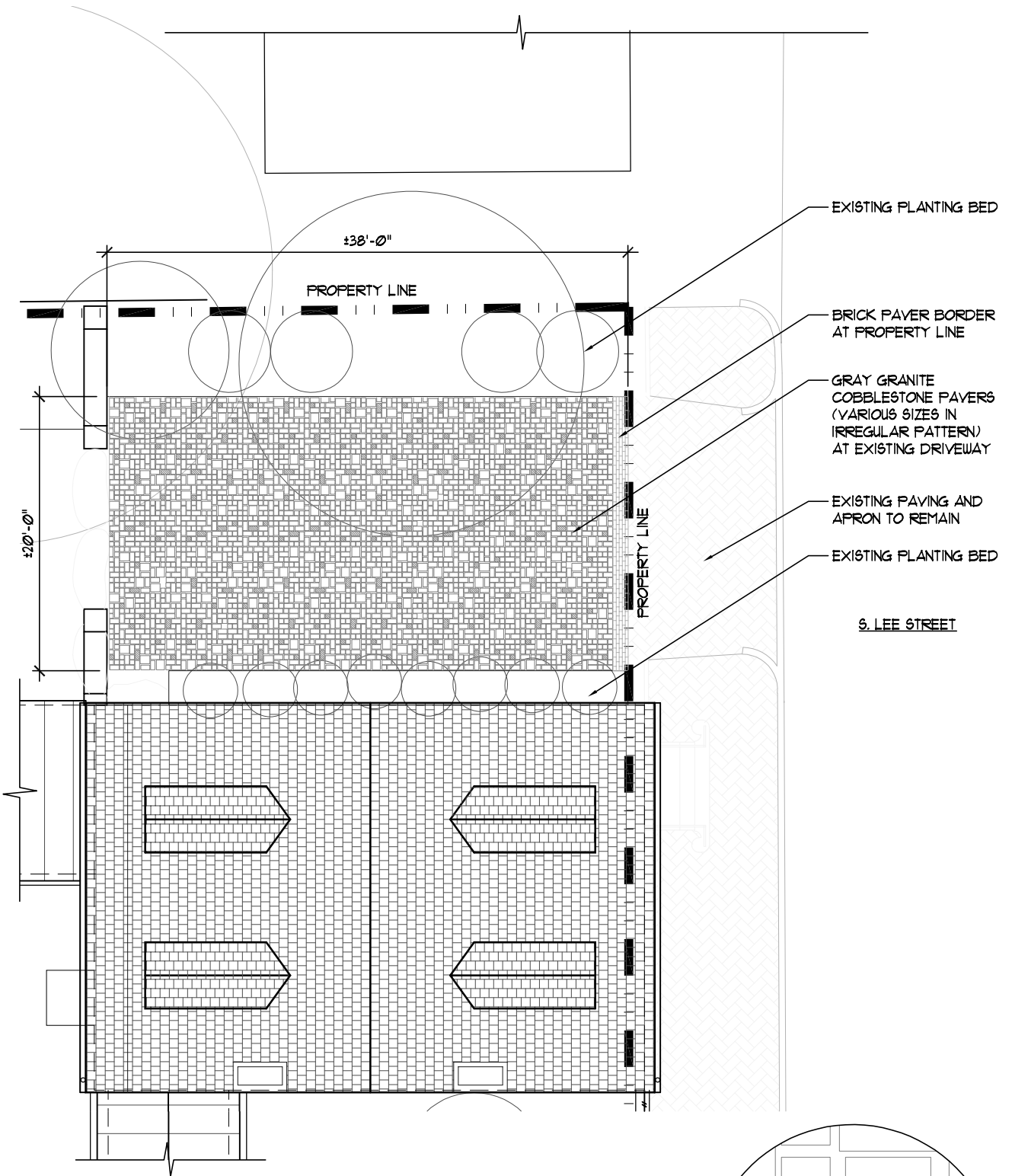
619 S LEE STREET | ALEXANDRIA, VA



1 PATIO PAVING (FRANKLIN STREET)
SCALE: 3/32" = 1'-0"



2 PATIO PAVING DETAIL
SCALE: 1" = 1'-0"



3 EXISTING DRIVEWAY PAVING (S. LEE STREET)
SCALE: 3/32" = 1'-0"

4 DRIVEWAY PAVING DETAIL
SCALE: 1" = 1'-0"

Wall luminaires with directed light in one direction

Housing: One Piece, die cast aluminum housing with a one piece, die cast aluminum mounting plate. The mounting plate is supplied with a flat plate that mounts directly to a standard, recessed 4" octagonal wiring box. Die castings are marine grade, copper free ($\leq 0.3\%$ copper content) A360.0 aluminum alloy.

Enclosure: Clear tempered glass diffuser. Provided reflector made of pure anodized aluminum. Housing is secured to the mounting plate with two (2) mechanically captive, stainless steel set screws.

Electrical: 6.5W LED luminaire, 8.6 total system watts, -30°C start temperature. Integral 120V through 277V electronic LED driver, 0-10V dimming. LED module(s) are available from factory for easy replacement. Standard LED color temperature is 3000K with an 85 CRI. Available in 4000K (85 CRI); add suffix K4 to order.

Note: Due to the dynamic nature of LED technology, LED luminaire data on this sheet is subject to change at the discretion of BEGA-US. For the most current technical data, please refer to www.bega-us.com.

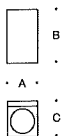
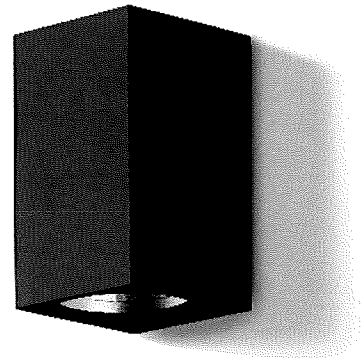
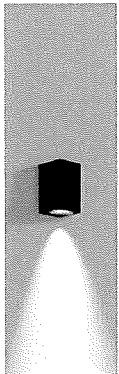
Finish: All BEGA standard finishes are polyester powder coat with minimum 3 mil thickness. Available in four standard BEGA colors: Black (BLK); White (WHT); Bronze (BRZ); Silver (SLV). To specify, add appropriate suffix to catalog number. Custom colors supplied on special order.

CSA certified to U.S. and Canadian standards, suitable for wet locations. Protection class IP64

Weight: 3.5 lbs.

Luminaire Lumens: 173
Tested in accordance with LM-79-08

Type:
BEGA Product:
Project:
Voltage:
Color:
Options:
Modified:



One-sided light distribution

Lamp	A	B	C
33580 6.5W LED	4 3/8	7 1/2	5

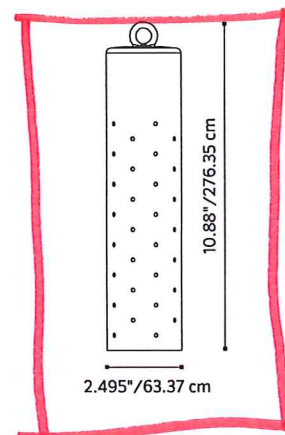
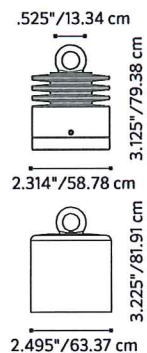


The VE softly illuminates areas from above when hung from trees or architectural elements. Perfect for producing a moonlighting effect for seating areas, focal points, or landscaping features in 1 or 3 LED. An optional perforated sleeve can be used to create a special twilight ambiance.

VE: Down Light

NUMBER OF LEDS:	1	3	ZDC
HALOGEN LUMEN EQUIVALENT:	10 Watt	20 Watt	10 Watt
USEFUL LED LIFE (L70):	50,000 hrs avg	50,000 hrs avg	50,000 hrs avg
INPUT VOLTAGE:	10 to 15V	10 to 15V	11 to 15V
VA TOTAL*:	2.4	4.5	7.2
WATTS USED:	2.0	4.2	6.0
LUMENS PER WATT (EFFICACY):	45	50	39
TOTAL LUMENS:	90	209	130
CRI (Ra):	73	82	82
CBCP (CENTER BEAM CANDLE POWER):	152	414	128
CCT:			
AMBER FILTER	2700K	2700K	N/A
FROSTED FILTER	3900K	3900K	N/A
GREEN FILTER	4500K	4500K	N/A
BLUE FILTER	5200K	5200K	N/A

* (Use this number to size the transformer)





VE: Down Light

< PERFORATED SLEEVE

FACTORY INSTALLED OPTIONS: Order 1 + 2 (optional) + 3 + 4 (optional) + 5

Step	Description	Code
1	FIXTURE	VE
2	LUXOR OPTION	ZD, ZDC [†] (Color)
3	LAMP	1LED, 3LED, ____ [†]
4	SLEEVE OPTION	PS (Perforated Sleeve)
5	FINISH	AB*, AT*, CU+, NP*, WG, FW, AL, BZ, DG, WI, SB, FB

EXAMPLE: **VE-ZD-1LED-RD-BZ** = JB - ZD Option - 1LED Board - Round Faceplate - Bronze Metallic Finish

[†] Fixtures specified with ZDC Technology™ are available only in one circuit board configuration.

Do not specify a number of LEDs when ordering

METALS



AB = Antique Bronze*
(On Copper)



AT = Antique Tumbled*
(On Copper)



CU = Copper⁺



NP = Nickel Plate*

POWDER COAT



SV = Silver



WG = White Gloss



FW = Flat White



AL = Almond



BZ = Bronze Metallic



DG = Desert Granite



WI = Weathered Iron



SB = Sedona Brown



FB = Flat Black

The VE includes an LED board, choice of finish, a stainless steel hanging cable and 23 ft. lead wire.



All VE down lights come standard with amber, green, blue and frosted filters

* May require longer lead time



⁺ Fixture is covered by a copper sleeve



PHOTOMETRICS:

VE 1LED ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
4.0 ft	9.51 fc	2.5 ft
8.0 ft	2.38 fc	4.9 ft
12.0 ft	1.06 fc	7.4 ft
16.0 ft	0.59 fc	9.9 ft
20.0 ft	0.38 fc	12.3 ft

Beam Spread: 34.3°

VE 3LED ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
4.0 ft	25.9 fc	2.3 ft
8.0 ft	6.5 fc	4.5 ft
12.0 ft	2.9 fc	6.8 ft
16.0 ft	1.6 fc	9.1 ft
20.0 ft	1.0 fc	11.3 ft

Beam Spread: 31.6°

VE-ZDC ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
3.3 ft	11.7 fc	3.4 ft
6.7 ft	2.85 fc	6.8 ft
10.0 ft	1.28 fc	10.2 ft
13.3 ft	0.72 fc	13.5 ft
16.7 ft	0.46 fc	17.0 ft
20.0 ft	0.32 fc	20.4 ft

Beam Spread: 54.0°

Beam angle is calculated using LM-79 method for SSL Luminaires:

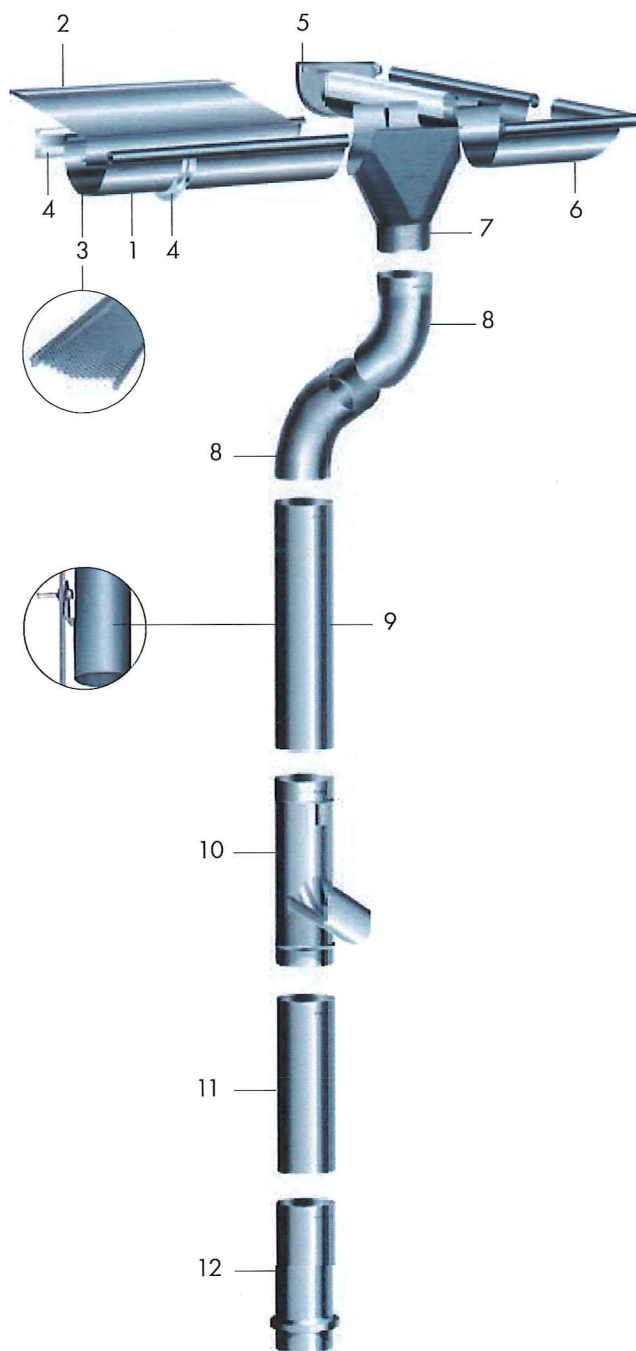
"Beam angle is defined as two times the vertical angle at which the intensity is 50% of the maximum."



STANDING SEAM

System Technology for Roofing

DESIGN AND APPLICATION



Example

- 1 Half Round Gutter *
- 2 Drip Edge
- 3 Leaf Guard
- 4 Snap-Lock Bracket System
- 5 End Cap
- 6 Miter
- 7 Plug in Outlet
- 8 Elbow
- 9 Hidden Downspout Hanger
with concealed lightning rod clip
- 10 Leaf Collector and
Rainwater Diverter
with removeable leaf screen
- 11 Downspout
- 12 DRAINTILE Extension

* Not all accessories are available in
box gutters and square downspouts.

Technical Guide B

Casement Windows



Technical Guide H

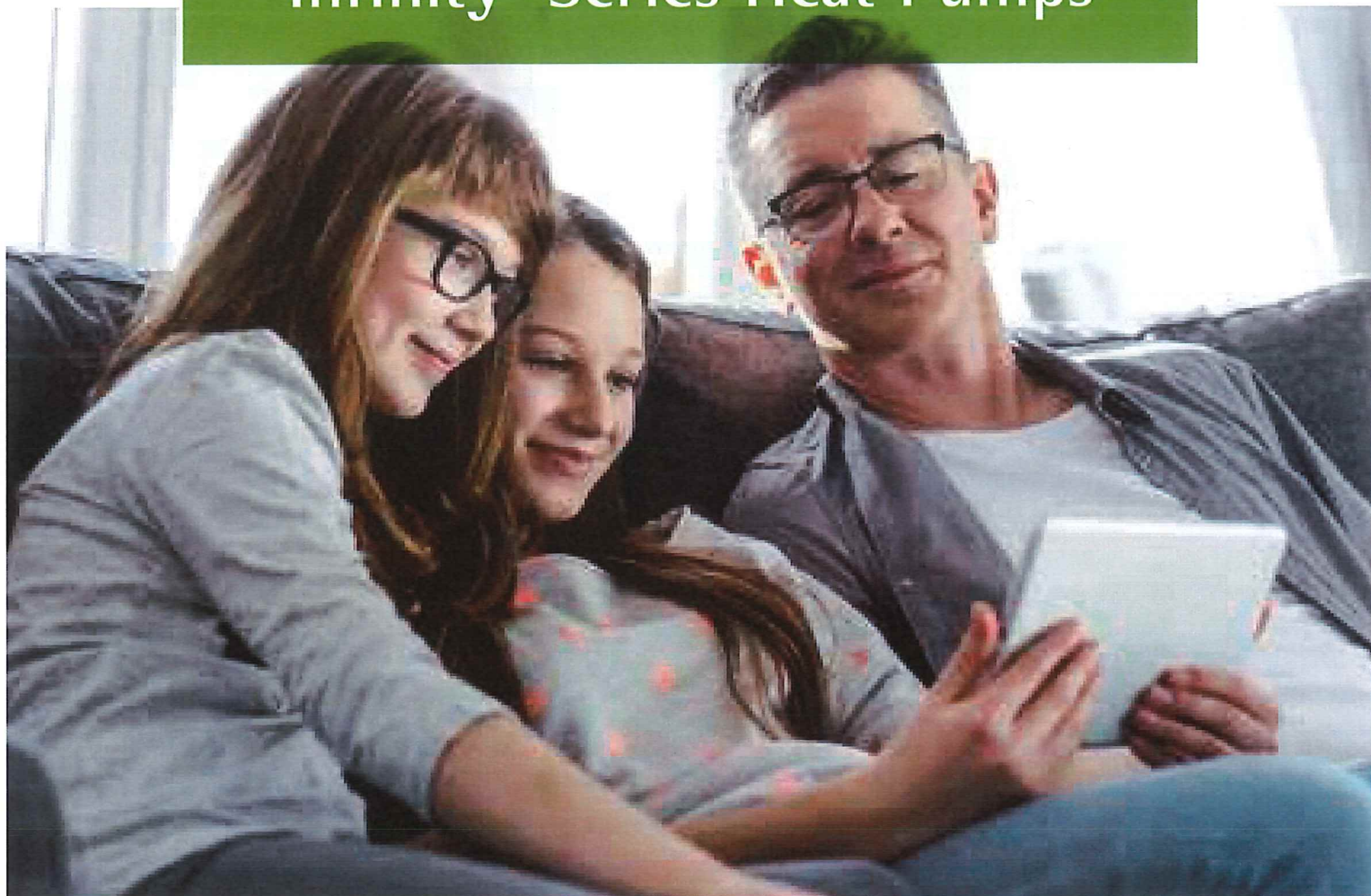
Swinging Terrace & French Terrace Doors

101





Infinity® Series Heat Pumps



Superior comfort, up to 20.5 SEER/up to 13.0 HSPF ratings



Qualifying
Models Only

102

25VNA0, 25VNA8, 25HNB9, 25HNB6, 25HNB6**C, 25HNB5, 25HNH5

GENERAC®

GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

16/20/22 kW

1 of 6

16/20/22 kW

INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available:
100 Amp, 16 Circuit Switch or
200 Amp Service Rated Smart Switch.
See Page 5 for Details.
- Electronic Governor
- Standard Wi-Fi™ Remote Monitoring
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Listed and Labeled by the Southwest Research Institute allowing installation as close as 18" (457 mm) to a structure.*
**Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*
https://assets.swri.org/library/DirectoryOfListedProducts/ConstructionIndustry/973_DoC_204_13204-01-01_Rev9.pdf

Standby Power Rating

Models G007036-1, G007037-1 (Aluminum - Bisque) - 16 kW 60 Hz
Model G007035-1 (Aluminum - Bisque) - 16 kW 60 Hz
Models G007039-1, G007038-1 (Aluminum - Bisque) - 20 kW 60 Hz
Models G007043-2, G007042-2 (Aluminum - Bisque) - 22 kW 60 Hz



QUIET-TEST™



Note: CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are UL certified in the USA only.

FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when you need it the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
 - ✓ **PROTOTYPE TESTED** ✓ **NEMA MG1-22 EVALUATION**
 - ✓ **SYSTEM TORSIONAL TESTED** ✓ **MOTOR STARTING ABILITY**
- **MOBILE LINK™ REMOTE MONITORING:** FREE with every Guardian Series Home standby generator. Allows you to monitor the status of your generator from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Connect your account to your authorized service dealer for fast, friendly and proactive service. With Mobile Link, you are taken care of before the next power outage.
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Digital voltage regulation at $\pm 1\%$.
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line includes its own transfer systems and controls for total system compatibility.

THE GENERAC
PROMISE



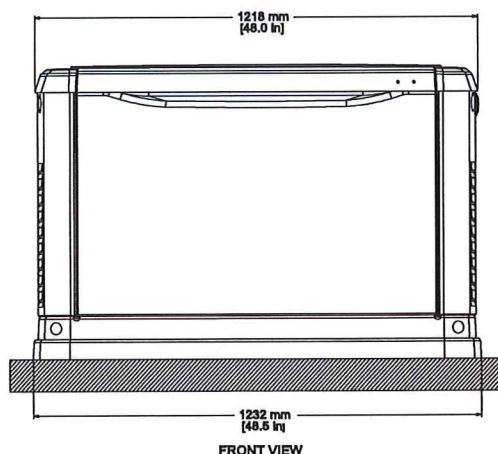
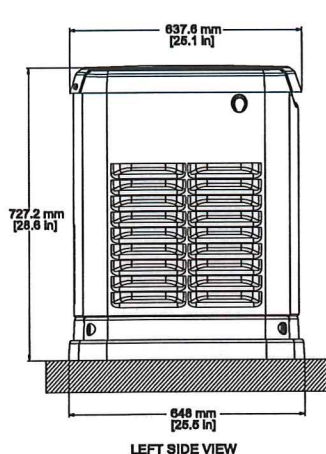
* Assembled in the USA using domestic and foreign parts.

16/20/22 kW**available accessories**

Model #	Product	Description
G007005-0	Wi-Fi LP Fuel Level Monitor	The Wi-Fi enabled LP fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in making sure your generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify when your LP tank is in need of a refill.
G005819-0	26R Wet Cell Battery	Every standby generator requires a battery to start the system. Generac offers the recommended 26R wet cell battery for use with all air-cooled standby product (excluding PowerPact®).
G007101-0	Battery Pad Warmer	The pad warmer rests under the battery. Recommended for use if the temperature regularly falls below 0 °F (-18 °C). (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if the temperature regularly falls below 0 °F (-18 °C).
G007103-1	Breather Warmer	The breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load you may not need. Not compatible with 50 amp pre-wired switches.
G007027-0 - Bisque	Fascia Base Wrap Kit (Standard on 22 kW)	The fascia base wrap snaps together around the bottom of the new air cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch up the paint to protect from future corrosion. The paint kit includes the necessary paint to properly maintain or touch up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kits provide all the hardware necessary to perform complete routine maintenance on a Generac automatic standby generator.
G006873-0	Smart Management Module (50 Amps)	Smart Management Modules are used in conjunction with the Automatic Transfer Switch to increase its power management capabilities. It provides additional power management flexibility not found in any other power management system.

dimensions & UPCs

Dimensions shown are approximate. Refer to installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.



Model	UPC
G007035-1	696471074161
G007036-1	696471074154
G007037-1	696471074178
G007038-1	696471074185
G007039-1	696471074192
G007042-2	696471074208
G007043-2	696471074215



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

December 12, 2018

By Email

Al Cox, FAIA
Historic Preservation Manager
Department of Planning & Zoning
City of Alexandria

Re: BAR Case Number 2108-00410 –619 S. Lee Street (Vowell-Snowden-Black House)

Dear Al:

As you know, the Historic Alexandria Foundation (“HAF”) was formed “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria’s historic heritage.” As such, we are vitally concerned with the preservation of the historic character of the Old and Historic District in Alexandria, Virginia and the dwindling amount of open space remaining in Old Town. We have been particularly alarmed to learn of the very extensive development plans to the historic property located at 619 S. Lee Street in Alexandria (the Vowell-Snowden-Black House).

I. Introduction

The property at 619 S. Lee Street enjoys an especially prominent place in the history of Alexandria. The period of its greatest historical significance, however, was undoubtedly the property’s long association with Justice Hugo L. Black, one of the most significant figures in the history of the United States Supreme Court and of the United

States. Describing Justice Black's place in American History, Justice William Brennan wrote:

The place of Hugo Lafayette Black in the pantheon of great Justices of the Supreme Court grows more and more secure with each passing year. His contributions to constitutional jurisprudence, particularly in the construction and application of the Bill of Rights, probably were as influential in shaping our freedoms as any.

William J. Brennan, Jr., *Forward to Mr. Justice and Mrs. Justice Black* (1986). It is therefore a matter of vital public interest to preserve 619 S. Lee Street as closely as possible to the way it was during Justice Black's lengthy residence here in Alexandria.

In October of 1965, while still owned by Justice and Mrs. Black, the property at 619 South Lee Street was awarded plaque 35-E-619 as part of the Historic Alexandria Foundation's Early Building Survey plaque program. It was one of the first houses to receive that important designation. The property has long been held out as a preeminent example of Federal architecture in Alexandria. See, e.g., D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946)(see attached); Gay Montague Moore, *Seaport in Virginia, George Washington's Alexandria*, Chapter 22 (1949)("The Vowell-Snowden House"). It was included in the Historic American Buildings Survey (HABS No. VA-709), first through photographic documentation and later in written form in 1966 based on work that was funded, in part, by the HAF. The HABS Report succinctly summarized the unique importance of the property in its "Statement of Significance" as follows:

The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal 'row' type buildings in Alexandria, ***has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.***

HABS No. VA-709 (emphasis added). The adjoining Carriage House that fronts on Franklin Street is of such historic significance that it has its own listing as HABS No. Va-711, which was also based on work partly funded by HAF.

On December 30, 1969 the Hugo Black House was designated by the Virginia Historic Landmarks Commission ("VHLC") as a certified landmark. Deed Book 704, Page 494-95 (attached). The VHLC designation was in furtherance of its mandate to "***designate as an historic landmark, the buildings, structures and sites*** which constitute ***the principal historical, architectural*** and archaeological sites ***which are of***

State-wide or national significance.” 1966 Va. Acts Ch. 632, § 4(a)(emphasis added); accord Va. Code § 10.1-2204(A)(1).

The designation of 619 S. Lee Street as a certified landmark property accompanied the gift to the people of Virginia by Justice Black and his wife of a perpetual Open Space Land Act and Conservation easement covering the property which prohibits its subdivision and restricts the future development of the property. Justice Black imposed that easement on the property to protect it from precisely the type of development proposed today. Indeed, Justice Black was a vocal and ardent preservationist who was especially concerned about ensuring that Alexandria gardens be preserved from the destruction of its precious open space:

Alexandria, I have always thought, is one of the nicest and most desirable residential areas in the vicinity of Washington. I regret to see those in charge of permitting the erection of buildings to follow a course which is bound, in the long run, to take away a lot of the Charm of living in Alexandria.

* * *

One of the main charms about Alexandria homes is that nearly all of them, like most continental homes, have gardens, even if small, in which the occupants can enjoy flowers, shrubs and green grass. A city without homes of this kind, one of blank walls that must rely on electric lights only, should not be the goal of Alexandria.

Letter from Hugo Black to Charles B. Moore, Chief of Current Planning, Alexandria, Va dated Feb. 25, 1969 (Lib. of Congress MS.).

Without any consultation or notice to the public, on October 12, 2017 the Virginia Department of Historic Resources (“VDHR”) gave its conceptual approval of a proposed rehabilitation plan for the Hugo Black House property. We were surprised that VDHR would give conceptual approval for the proposed project which shares many of the defects that led VDHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 (“Harrington Letter” attached). When we learned of that conceptual approval, we wrote to the VDHR to bring to their attention some of the numerous errors in the review they had undertaken without the benefit of public comment. See Letter to VDHR from HAF dated October 1, 2018 (attached). Unfortunately, the VDHR has refused to consider the information we provided. It has done so even though their “conceptual approval” was given based upon inaccurate information provided to it by the applicant’s consultants (see, e.g., the discussion of the distinctive “Curve”) below.

HAF believes that the City of Alexandria has both the right and the duty to enforce the Open Space Land and Conservation easement placed on the property by Justice Black and has called upon the City to do so. See attached letter to the City Manager dated December 12, 2018 (attached). The City's authority to do so is specifically set forth as a matter of positive statutory law. Va. Code § 10.1-1013 ("An action affecting a conservation easement may be brought by ... [t]he local government in which the real property is located."). Nearly five decades of real estate tax relief have been provided by the citizens of Alexandria and the Commonwealth based on the promise that the open space would not be built upon absent a need "essential to the orderly development and growth" of the City and the provision of replacement open space in any event. Va. Code § 10.1-1704.

The Alexandria Zoning Ordinance specifically requires the Board to consider "***the impact upon the historic setting,***" "***the height, mass and scale of buildings or structures,***" the "extent to which the building or structure ***will preserve or protect historic places and areas of historic interest in the city,***" before approving any planned construction like that proposed for the Hugo Black House. Zoning Ordinance § 10-105(a)(2)(emphasis added). We submit that the proposed construction will destroy the most noted distinguishing characteristic of this certified Landmark property: "***its extensive grounds and breathing space preserved to this day.***" HABS No. Va-709 (emphasis added).

Viewed from the street, the property would appear to have two large new buildings on Lee Street, totally changing the view shed of the property. Like the rejected proposal from 2014, the current development plan proposes demolition of the distinctive curve joining the ell to the main house, and an overall increase of the gross floor area of the structures on the property from 8,156 to 13,635 square feet. That increase in size is indistinguishable from the "increase in total square footage ... [that] nearly doubles that of the historic resource," and led the VDHR to deny a similar application for construction in August of 2014. Harrington Letter at 2 ("The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property."). Moreover, the starkly modern additions proposed will result in construction that is "***incongruous to [the] existing building or structure, [and] area surroundings***" contrary to the requirements of the Zoning Ordinance. Zoning Ordinance § 10-105(A)(1)(emphasis added).

II. HAF Recognizes and Applauds Record of Important Conservation Work Performed by the Applicants on the Hugo Black House and Other Properties in Alexandria which Is in Stark Contrast to the Proposed Construction.

HAF wishes to acknowledge the beneficial work the applicants have performed to conserve both the existing structure at the Hugo Black House and other historic properties in Old Town. In our view the recently approved restoration work on the roof and repointing the bricks at the property demonstrates exemplary stewardship on the part of the owners. Bar Case #2018-00198. And in June of this year HAF awarded the applicants a 2018 Preservation Award for their conservation work at 405 Cameron Street.

It is with regret, therefore, that HAF must oppose the applicants' plans for development at 619 S. Lee Street which in this instance are so contrary to the principles of historic preservation, the precedent-setting gift of Hugo Black to the citizens of the Commonwealth and Alexandria, and the long-established guidelines for development in the Old and Historic District. Unfortunately, it appears that in their effort to secure approval for their development plans from the VDHR the applicant has agreed with that agency to impose upon the property three modern "Pavilions" that disregard the design imperatives for this Old Town property and misapply the basic principles of preservation necessary for this important Landmark property.

III. The Proposed Development of the Property is Contrary to the Requirements of the Zoning Ordinance and This Board's Published Guidelines

A. The Applicant Proposes to Demolish a Noted Historic Feature of the Hugo Black House.

HAF does not oppose the removal of the 1970 Kitchen addition (Removal Item 1); the flounder addition made in 2000 (Removal Item 2), the prefabricated garden shed (Removal Item 4), the skylight (Removal Item 8), or the portion of the 1975 addition to the Carriage House (Removal Item 9). The applicant's desire to remove these items serves to illustrate how often such non-historic additions do not withstand the test of time.

We do oppose Removal Item 3. We trust that before the scheduled hearing of December 19, 2018, the applicant will have corrected the mistaken representation contained in its application materials concerning the distinctive "Curve" which it has proposed to demolish. See HAF email to Cox and Blair dated December 7, 2018. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove that distinctive curved treatment. Application at 2.

This highly distinctive and historic treatment of connecting the original kitchen outbuilding to the main block of the house is a well-documented and noted feature of this property. See, HABS No. VA-709 at 6 ("The hyphen where it was joined to the main house

was rounded so as not to interfere with the windows upstairs and down.”); D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 114 (1946)(“The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.”). The feature was photographically documented as part of the original Historic American Buildings Survey.¹

The Board’s guidelines governing applications for demolition require that the “application must clearly spell out the reason for the demolition and describe alternatives to demolition and why such alternatives ***are not considered feasible***.” Design Guidelines, Demolition of Existing Structures - Page 4 (emphasis added). The application before the Board makes little effort to comply with this requirement. The sole justification for removing this noted feature of the house is as follows:

A portion of the two-story brick flounder at the inside northwest corner where the historic main house and flounder connect is proposed to be removed. This curved brick wall does not appear in the historic photos included in the HABS report on the property. The Virginia Department of Historic Resources (VDHR), which holds the historic easement for this property, has approved removal of this element which will rectify the current condition which inhibits air flow, thus allowing moisture damage and limits maintenance access to the portion of masonry wall and the 2 adjacent windows.

Application at 2. The main justification for the demolition is the applicant’s mistaken assertion that the feature is not historic, and the VDHR’s approval of its removal based on the same mistaken representation by the applicant. See HAF letter to VDHR dated October 1, 2018 at 7-8. The Application does not explain what alternatives to demolition were explored or why alternatives are not “feasible” as required by the published Guidelines. For this reason alone, the application to demolish this feature should be denied.

The balance of the proposed demolition (Removal Items 5-7) appear contingent upon the approval of the overall plan, which we oppose for the reasons stated below.

B. The Three Modern “Pavilions” Impose an Architectural Style That Is Incongruous to the Existing Building and the Area Surroundings.

The BAR is charged with preventing any construction that is “incongruous to [the] existing building or structure, [and] area surroundings.” Zoning Ordinance § 10-105(A)(1). The “***the impact upon the historic setting***,” *id.* at 105(A)(2)(c), the “extent to which the building or structure ***will preserve or protect historic places and areas of historic***

¹ Copies available at <https://www.loc.gov/resource/hhh.va0223.photos/?sp=2> and <https://www.loc.gov/resource/hhh.va0223.photos/?sp=8>. See also Davis, *Alexandria Houses at 114* (crediting Library of Congress for photograph in book published in 1946).

*interest in the city,” id. at 105(A)(2)(g), the height, mass and scale of buildings or structures, id. at 105(A)(2)(a), the extent to which **any new architectural features are historically appropriate to the existing structure and adjacent existing structures,** id. at 105(A)(2)(d), “the relation of the features in sections 10-105(A)(2)(a) through (d) **to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings**” id. at 105(A)(2)(e), all compel the conclusion that the proposed three new “Pavilions” are impermissibly incongruous at this location.*

By evident intention the three proposed “Pavilions” are modern and distinct from the architectural style of both the Hugo Black House and the neighborhood. While the VDHR may consider such starkly contrasting architecture to be in keeping with the Department of the Interior guidelines as a means of differentiating the additions from the original structure,² such jarringly incongruous additions are completely inconsistent with the Board’s published guidelines. See Design Guidelines, Residential Additions - Page 2. (“Singular buildings in the latest architectural vocabulary are generally discouraged.”); *id.* (“Additions must be designed so that they are compatible with both the architectural character of the existing house and the immediate neighborhood.”); *id.* at 5 (“Respectful additions make use of the design vocabulary of the existing historic structure.”).

The design of an addition should respect the heritage of the historic building to which it is attached as well as adjacent buildings. The Boards generally prefer addition designs that are respectful of the existing structure and **which seek to be background statements or which echo the design elements of the existing structure.**

Design Guidelines, Residential Additions - Page 5 (“Style”)(emphasis added). HAF respectfully submits that in seeking to secure approval from the VDHR through “differentiation” the applicant’s plans have violated the basic precept of the Zoning Ordinance and proposed construction that is incongruous by design.

C. The “Bike Garage” is Neither Necessary Nor an Appropriate Incursion on the Landmark Open Space.

The applicant originally proposed to add off-street parking and a multi-car garage as part of its plans, to which the VDHR gave its conceptual approval. Presumably the VDHR gave that conceptual approval based on its reading of the easement which includes the following language:

² We submit that the VDHR has incorrectly interpreted and applied the Department of the Interior guidelines. See HAF letter to VDHR dated October 1, 2018.

No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servant's quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool **and garage**.

Deed Book 757 Page 868 (emphasis added). Recognizing that the Zoning Ordinance prohibits this use, the applicant has renamed the third structure on the property a "WORKSHOP/BIKE GARAGE" — in an apparent effort to justify the structure as a "garage" when it will be no such thing. A "garage" is "[a] place in which motor vehicles are stored and cared for." Black's Law Dictionary (4th ed. 1968); see *also* Zoning Ordinance § 2-149 ("Garage, private. A building designed for the storage of not more than three motor-driven vehicles."). The Board should not countenance the relabeling of this structure to assist the applicant in avoiding the restrictions of the easement.

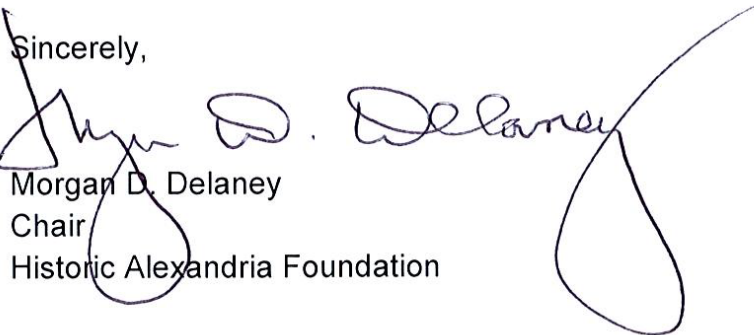
Nor should the Board approve this third "pavilion" to be constructed in the Landmark open space on the property for the reasons stated above. See Zoning Ordinance ¶ 10-105(A)(1), (2)(a)-(g), (i)-(j). The Board must preserve and protect this important historic resource.

The applicant has included a Sanborn Insurance map in its materials showing a that a frame house was located at the southeast corner of the lot in 1907. That structure, was demolished by Justice Black when he purchased the property in 1939 to restore the open space garden. See Ruth Lincoln Kaye, *The History of 619 S. Lee Street at 26* (May 1987). Thus, "by precept and example" HABS Report at 1, the southeast corner of the property has been open space throughout the most important period of its historical significance. Indeed, to the extent the Sanborn Insurance Map provides any support for the third proposed addition, it would be as a frame structure as depicted on the 1907 map.

D. The Applicant Could Add Additional Living Space to the Property Without Consuming Protected Open Space Or Destroying the Noted Historical Feature of the Property.

HAF can only applaud the applicant's desire to remove the flounder addition that was added in 2000. And given the applicant's desire to remove the 1970 kitchen addition, it appears that the applicant could properly utilize the freed up open space in a manner that would be far more in keeping with traditional additions in Old Town. Such an addition would continue west from the original ell toward Fairfax Street, preserving and enhancing the two side yards and preserving the open side-yard frontage on South Lee Street. We believe that the applicant could – without utilizing additional open space in contravention

to the easement – create an architecturally appropriate addition and satisfy their desire to expand their residence.

Sincerely,

Morgan D. Delaney
Chair
Historic Alexandria Foundation

Enclosures

- (1) D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946)
- (2) Deed Book 704 Page 491-95
- (3) 2014 Harrington Letter
- (4) Letter to VDHR from HAF dated October 1, 2018
- (5) Letter to City Manager dated December 12, 2018.
- (6) Deed Book 757 Page 867-71
- (7) Black's Law Dictionary, *Garage*, (4th Ed. 1969)

cc. Duncan Blair

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

HENRY CAMPBELL BLACK, M. A.

Author of Treatises on Judgments, Tax Titles, Intoxicating Liquors,
Bankruptcy, Mortgages, Constitutional Law, Interpretation
of Laws, Rescission and Cancellation of Contracts, Etc.

REVISED FOURTH EDITION

By

THE PUBLISHER'S EDITORIAL STAFF

ST. PAUL, MINN.
WEST PUBLISHING CO.
1968

"Gaming" is properly the act or engagement of the players. If by-standers or other third persons put up a stake or wager among themselves, to go to one or the other according to the result of the game, this is more correctly termed "betting."

GAMING CONTRACTS. See Wager.

GAMING HOUSE. A building, place, or room kept for use as a place to gamble, or to keep or exhibit for the purpose of gaming, any bank, table, alley, machine, wheel, or device, *Davis v. State, Tex.Civ. App.*, 165 S.W.2d 757, 758; as the business of the occupants. 1 *Russ.Crimes*, 299; *Rosc.Crim.Ev.* 663; *People v. Jackson*, 3 *Denio, N.Y.*, 101, 45 *Am. Dec.* 449.

GAMING TABLE. Any table that may be used for playing games of chance for money or property. *State v. Leaver*, 171 *Mo.App.* 371, 157 S.W. 821, 822; *Everhart v. People*, 54 *Colo.* 272, 130 P. 1076, 1080.

GANANCIAL PROPERTY. In Spanish law, a species of community in property enjoyed by husband and wife, the property being divisible between them equally on a dissolution of the marriage. 1 *Burge, Confl.Law*, 418. *Cartwright v. Cartwright*, 18 *Tex.* 634; *Cutter v. Waddingham*, 22 *Mo.* 254. See Community.

GANANCIALES. A Spanish term, used as either a noun or adjective, and applied to property acquired during marriage. Discussed in *Sanchez v. Bowers, C.C.A.N.Y.*, 70 *F.2d* 715, 716. See Ganancial Property, *supra*.

GANANCIAS. In Spanish law, gains or profits.

GANG. Any company of persons who go about together or act in concert, in modern use mainly for criminal purposes. *State v. Gaynor*, 119 *N.J.L.* 582, 197 A. 360, 362.

GANG-WEEK. The time when the bounds of the parish are lustrated or gone over by the parish officers,—rogation week. *Enc.Lond.*

GANGIATORI. Officers in ancient times whose business it was to examine weights and measures. *Skene*.

GANGSTER. A member of a gang of roughs, hireling criminals, thieves, or the like. *State v. Gaynor*, 119 *N.J.L.* 582, 197 A. 360, 362.

GANSER SYNDROME. A state in which questions are given nonsensical answers from which a hidden relevancy may be inferred. This is observed in prisoners who wish to gain leniency by simulating mental clouding.

GANTELOPE (pronounced "gauntlett.") A military punishment, in which the criminal running between the ranks receives a lash from each man. *Enc.Lond.* This was called "running the gauntlett."

GAOL. A prison for temporary confinement; a jail; a place for the confinement of offenders against the law.

As distinguished from "prison," it is said to be a place for temporary or provisional confinement, or for the punishment of the lighter offenses and misdemeanors. See, also, Jail.

GAOL DELIVERY. In criminal law, the delivery or clearing of a gaol of the prisoners confined therein, by trying them.

In popular speech, the clearing of a gaol by the escape of the prisoners.

General Gaol Delivery. In English law, at the assizes (*q. v.*) the judges sit by virtue of five several authorities, one of which is the commission of "general gaol delivery." This empowers them to try and deliverance make of every prisoner who shall be in the gaol when the judges arrive at the circuit town, whether an indictment has been preferred at any previous assize or not. 4 *Bl.Comm.* 270. This is also a part of the title of some American criminal courts, as, in Pennsylvania, the "court of oyer and terminer and general jail delivery."

GAOL LIBERTIES, GAOL LIMITS. A district around a gaol, defined by limits, within which prisoners are allowed to go at large on giving security to return. It is considered a part of the gaol. *Singer v. Knott*, 237 *N.Y.* 110, 142 *N.E.* 435, 436.

GAOLER. A variant of "jailer" (*q. v.*).

GARAGE. A place in which motor vehicles are stored and cared for. *Legum v. Carlin*, 168 *Md.* 191, 177 A. 287, 290, 99 *A.L.R.* 536.

GARANDIA, or GARANTIA. A warranty. *Spelman*.

GARANTIE. In French law, this word corresponds to warranty or covenants for title in English law. In the case of a sale this *garantie* extends to two things: (1) Peaceful possession of the thing sold; and (2) absence of undisclosed defects, (*défauts cachés.*) *Brown*.

GARATHINX. In old Lombardic law, a gift; a free or absolute gift; a gift of the whole of a thing. *Spelman*.

GARAUNTOR. L. Fr. In old English law, a warrantor of land; a vouchee; one bound by a warranty to defend the title and seisin of his alienee, or, on default thereof, and on eviction of the tenant, to give him other lands of equal value. *Britt. c.* 75.

GARBA. In old English law, a bundle or sheaf. *Blada in garbis*, corn or grain in sheaves. *Reg. Orig.* 96; *Bract. fol.* 209.

GARBA SAGITTARUM. A sheaf of arrows, containing twenty-four. Otherwise called "*schaffa sagittarum.*" *Skene*.

GARBALES DECIMÆ. In Scotch law, tithes of corn, (grain.) *Bell*.

GARBLE. In English statutes, to sort or cull out the good from the bad in spices, drugs, etc. *Cowell*.

GARBLER OF SPICES. An ancient officer in the city of London, who might enter into any shop, warehouse, etc., to view and search drugs and spices, and garble and make clean the same, or see that it be done. *Mozley & Whiteley*.

2/13

7-5-03

THIS DEED OF CORRECTION, made this 23rd day of April, 1973, between ELIZABETH S. BLACK and HUGO L. BLACK, JR., as Co-Executors under the Last Will and Testament of Hugo L. Black, deceased, and his heirs and devisees, Elizabeth S. Black, Widow, and HUGO L. BLACK, JR., BESSIE GRAHAM HOBSON BLACK, STERLING FOSTER BLACK, NANCY LEE BLACK, MARTHA JOSEPHINE BLACK PESARESI and MARIO PESARESI, herein called Grantors; and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee.

W I T N E S S E T H :

WHEREAS, Hugo L. Black and Elizabeth S. Black, granted to Grantee an easement in gross on that parcel of ground in the City of Alexandria upon which is erected No. 619 South Lee Street for the preservation of the historic landmark and its environs through Deed dated December 26, 1969, recorded on December 31, 1969, in Deed Book 705, page 491, in the Clerk's Office of the Corporation Court of the City of Alexandria (the "Deed of Easement"); and

WHEREAS, through oversight the Deed of Easement did not include provision therein for continued maintenance of the existing tennis court and did not permit the erection and maintenance of certain other facilities; and

WHEREAS, Hugo L. Black died on September 25, 1971, leaving Elizabeth S. Black, Widow, and Hugo L. Black, Jr., Sterling Foster Black and Martha Josephine Black Pesaresi as his heirs and devisees of the above-described real property under a will duly probated and recorded among the land records of the Clerk's Office of the Corporation Court of the City of Alexandria in Will Book 91 at page 736; and

BOOTHE, PRICHARD & DUDLEY
4085 UNIVERSITY DRIVE
FAIRFAX, VIRGINIA 22030

WHEREAS, Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi are the spouses respectively of Hugo L. Black, Jr., Sterling Foster Black and Martha Josephone Black Pesaresi; and

WHEREAS, Hugo L. Black, Jr. and Elizabeth S. Black have qualified in the Corporation Court of the City of Alexandria as Co-Executors of the Estate of Hugo L. Black, deceased; and

WHEREAS, Grantors and Grantee wish to correct the Deed of Easement to make such provision and to reflect the original intent with regard thereto;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the premises and the sum of \$1.00, receipt of which is hereby acknowledged, the parties agree that the Deed of Easement is hereby corrected by deleting paragraph Number 2 in its entirety and substituting the following paragraph Number 2 therefore:

2. No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servants' quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool and garage; provided, however, that after the date of this Deed of Easement, no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed except at such place and in such a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

With the exception of the foregoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.

Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi join in this deed for the purpose only of releasing their dower and curtesy interests respectively with respect to this Deed of Correction.

WITNESS the following signatures and seals:

Elizabeth S. Black (SEAL)
Elizabeth S. Black, Co-Executor
under the Last Will and Testament
of Hugo L. Black, deceased

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr., Co-Executor under
the Last Will and Testament of Hugo L.
Black, deceased

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr.

Bessie Graham Hobson Black (SEAL)
Bessie Graham Hobson Black

Sterling Foster Black (SEAL)
Sterling Foster Black

Nancy Lee Black (SEAL)
Nancy Lee Black

Martha Josephine Black Pesaresi (SEAL)
Martha Josephine Black Pesaresi

Mario Pesaresi (SEAL)
Mario Pesaresi

VIRGINIA HISTORIC LANDMARKS COMMISSION

By Junius R. Fishburne, Jr.
Junius R. Fishburne, Jr.
Executive Director

STATE OF Virginia
City
COUNTY OF Alleghenian, to-wit:

The foregoing instrument was acknowledged before me
this 30 day of April, 1973, by Elizabeth S. Black, as
Co-Executor and individually.

Annaly G. Kendrick
Notary Public

My commission expires: 2/2/77

STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
this 23 day of April, 1973, by Hugo L. Black, Jr.,
as Co-Executor and individually.

Donna L. Cline
Notary Public

SEAL

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 12, 1974
BONDED FROM FRED W. DIESTELHORST

STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
this 23 day of April, 1973, by Bessie Graham-Hobson
Black.

Donna L. Cline
Notary Public

Seal

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 12, 1974
BONDED FROM FRED W. DIESTELHORST

STATE OF ~~ARIZONA~~ *New Mexico*County of *Valencia*, to-wit:

The foregoing instrument was acknowledged before me
this 27th day of April, 1973, by Sterling Foster Black
and Nancy Lee Black, his wife.

Ray S. Arriaga
Notary Public

SEAL

My commission expires: 3.2.77

STATE OF NEW JERSEY

County of *Bergen*, to-wit:

The foregoing instrument was acknowledged before me
this 10th day of May, 1973, by Martha Josephine
Black Pesaresi and Mario Pesaresi, her husband.

Ronald J. Jarama
Notary Public

SEAL

My commission expires:

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Nov. 12, 1973

STATE OF VIRGINIA

City of *Richmond*, to-wit:

The foregoing instrument was acknowledged before me
this 25th day of May, 1973, by Junius R. Fishburne,
Jr.

William D. Deen
Notary Public

My commission expires: 2-3-76

SEAL

VIRGINIA

In the Clerk's office of the Corporation
Court of the City of Alexandria, Va. this
instrument was received and the taxes
imposed by Sec. 50-54 1 of the Code in
the amount of \$ have been paid
and with the annexed certificate admitted
to record on 5/27/73 at 12:00 PM

3919

✓✓

BOOK 705 PAGE 491

THIS DEED OF EASEMENT, MADE this 26th day of December, 1969, between Hugo L. Black and his wife, Elizabeth S. Black, herein called Grantors, and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee,

W I T N E S S E T H:

WHEREAS, Chapter 11 of Title 10 of the Code of Virginia entitled "Virginia Historic Landmarks Commission" (1966 c. 632) Sections 10-135 to 10-145 was enacted to preserve historical landmarks in the Commonwealth of Virginia, and created the Virginia Historic Landmarks Commission to receive properties and interests in properties for the purpose, among other things, of the preservation of such landmarks and their settings; and

WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled "Open Space Land Act" (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands; and

WHEREAS, the Grantors are the owners of a tract of land hereinafter described, in the historic section of the City of Alexandria, Virginia, on which there is situated a house constructed in the late Eighteenth Century and of architectural significance and historic value;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10) and other valuable considerations, the receipt of which are hereby acknowledged, the Grantors do hereby grant and convey to the Grantee an open-space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate located in the City of Alexandria, Virginia, (herein called the property):

Horton
Williams
Gay
Powell
J. L. Loo

1819 H82
NW
Wash &
1-19-76

See DB73
Pg 86
7-16-76

All of that parcel of ground, with its improvements and appurtenances, located in the City of Alexandria, Virginia, upon which is erected No. 619 South Lee Street, and other improvements, being more particularly bounded and described as follows, to-wit:-

BEGINNING at a point on the west side of Lee Street at the middle of the square between Gibbon and Franklin Streets, said point being 176 feet 7 inches north of Franklin Street; and running thence south on Lee Street 176 feet 7 inches to the intersection of Lee and Franklin Streets; thence west along Franklin Street 124 feet 2 inches; thence north parallel to Lee Street 76 feet 7 inches; thence west parallel to Franklin Street to a point on the east side of Fairfax Street; thence north to Fairfax Street 100 feet, more or less, to a point equidistant from Gibbon and Franklin Streets; thence east in a direct line 246 feet 10 inches to the point of beginning. Being the same properties which were acquired by Josephine F. Black by deeds duly of record among the Alexandria City land records, from B. B. Cain, Jr., and wife, and from Julia A. Devine, widow, et al., and by Hugo L. Black under the will of Josephine F. Black duly probated in the Circuit Court of the City of Alexandria, and in which Hugo L. Black has by deed of record duly conveyed a one-fifth undivided interest to Elizabeth S. Black.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c.632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c.461, §2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the

acts which the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. The manor house will be maintained and preserved in its present state as nearly as practicable, though structural changes, alterations, additions or improvements as would not in the opinion of Grantee fundamentally alter the historic character of the house may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained.

2. No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage house and adjoining servants' quarters and (iii) a garage; provided, however, that after the date of this Deed of Easement, no building or structure described in (ii) shall be altered, restored, renovated or extended and no structure described in (iii) constructed except in a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above without alteration of their external appearance.

4. The property shall not be subdivided.

5. No sign, billboards or outdoor advertising structure shall be displayed on the property other than one sign not exceeding two feet by three feet for each of the following purposes: (i) to state the name of the property and the name and address of the occupant, (ii) to advertise an activity permitted

BOOK 705 ~~725~~ 494

under paragraph 3 above, and (iii) to advertise the property for sale or rental; provided, however, that this paragraph 5 shall not limit the Grantee's right, hereinafter described, to display on the property, at its discretion, a small marker or sign evidencing its ownership of the easement granted herein.

6. No dump of ashes, sawdust, bark, trash, rubbish or any other unsightly or offensive material shall be permitted on the property visible from the streets.

The Grantee and its representatives may enter the property (i) from time to time for the purpose only of inspection and enforcement of the terms of the easement granted herein, and (ii) in its discretion to erect a single marker or sign, not exceeding two feet by two feet, which states the name of the Grantee and advises that the Grantee owns the easement granted herein.

Although this open-space easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access or use of the property, and the Grantors, their heirs, successors and assigns shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Acceptance by the Virginia Historic Landmarks Commission of this conveyance is authorized by Sections 10-138 and 10-142 of the Code of Virginia, and by such acceptance below the Commission designates the property described above as a certified landmark.

WITNESS the following signatures and seals:

BOOK 705 PAGE 495

Hugo L. Black (SEAL)
Hugo L. Black

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Accepted:

VIRGINIA HISTORIC LANDMARKS COMMISSION

By

[Signature]
Executive Director 12/30/69

[SEAL]

STATE OF FLORIDA

COUNTY OF DADE

To-wit:

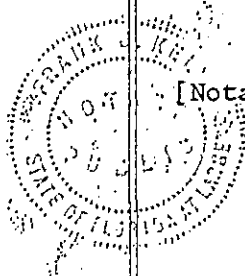
I, Frank J. Kelly, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Hugo L. Black and Elizabeth S. Black, whose names are signed to the foregoing easement bearing date this 26th day of December, 1969, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 26th day of December, 1969.

My commission expires September 21, 1972.

[Signature]
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Sept. 21, 1972
Bonded by American Fire & Casualty Co.



VIRGINIA:
[Notarial Seal] Clerk's Office of the Corporation Court of the City of Alexandria, this instrument was received and the Taxes imposed by Sec. 52-54, (a) and (b), of the Code have been paid and with the annexed certificate, admitted to record on Dec 31, 1969 at 2:07 o'clock P. M.
Teste:

Alvin W. Smith



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

October 1, 2018

By Email and Mail

julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111) — Objection to Continued Approval of Construction Plans

Dear Ms. Langan:

Historic Alexandria Foundation (“HAF”) was formed “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria’s historic heritage.” As such, we are vitally concerned with the preservation of the historic character of the Old and Historic District in Alexandria, Virginia and the dwindling amount of open space remaining in Old Town. We have been particularly alarmed to learn of the very extensive development plans to the historic property located at 619 S. Lee Street in Alexandria (the Vowell-Snowden-Black House) which is the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

In October of 1965, while still owned by Justice and Mrs. Black, the property at 619 South Lee Street was awarded plaque 35-E-619 as part of the Historic Alexandria

Foundation's Early Building Survey. It was one of the first houses to receive that important designation. The property has long been held out as a preeminent example of Federal architecture in Alexandria. See, e.g., D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946); Gay Montague Moore, *Seaport in Virginia, George Washington's Alexandria*, Chapter 22 (1949) ("The Vowell-Snowden House"). It was included in the Historic American Buildings Survey (HABS No. VA-709) in 1966 based on work that was funded, in part, by the HAF. The HABS succinctly summarized the unique importance of the property in its "Statement of Significance" as follows:

The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal 'row' type buildings in Alexandria, ***has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.***

HABS No. VA-709 (emphasis added). The adjoining Carriage House that fronts on Franklin Street is of such historic significance that it has its own listing as HABS No. Va-711, which was also based on work partly funded by HAF.

We have recently become aware that by letter dated October 12, 2017 the Department of Historic Resources gave its conceptual approval of a proposed rehabilitation plan for the property which by its own terms is "valid for a year from" October 12, 2017. That sunset provision is expressly required by DHR Policy No. 5:

All written letters or correspondence approving proposed work on an easement property will include a sunset clause, or a timeframe within which the work must be completed. If the work is not done within the specified timeframe, the property owner must request re-approval of the work or seek new approvals if the project has changed in any way from the previously approved proposal.

DHR Policy No. 5. We were surprised that DHR would give conceptual approval for the proposed project which shares many of the defects that led DHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 ("Harrington Letter").

The proposed construction would destroy the character of the open space on this property. Viewed from the street, the property would appear to have two large new buildings on Lee Street, totally changing the view shed of the property. Like the rejected proposal from 2014, the current development plan proposes demolition of the "McVeigh Curve," alteration of the fabric and streetscape view of the historically significant carriage

house facing Franklin Street, and an overall increase of the gross floor area of the structures on the property from 8,156 to 14,371 square feet. That increase in size is indistinguishable from the “increase in total square footage ... [that] nearly doubles that of the historic resource,” and led to the denial of the application in August of 2014. Harrington Letter at 2. As succinctly stated in DHR’s denial of the similar proposal in 2014, “The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property.” *Id.*

Because we believe this approval to have been improvidently given in the first instance, and contrary to the requirements of the Open Space Land Act, VA. Code §§ 10.1-1700, *et seq.*, as well as the Department’s published policies, we write to request that the approval be withdrawn, or at any rate not renewed. Fortunately, the proposed project has not yet begun and there is still time to withdraw the approval. Significantly, the City of Alexandria has not yet provided the local approvals that would be necessary to commence the construction that has been proposed.

A. The Easement on 619 S. Lee Street is Governed by the Open Space Land Act Which Precludes the Approval of the Proposed Construction Project.

We assume that the Department’s approval process overlooked the fact that the easement in question in this case was put in place under the Open Space Land Act, because the letter does not reflect any consideration of the requirements of that law. Perhaps during the review process the Department looked only to certain amendments to the original easement and overlooked that the easement created by Justice Black expressly invoked the Open Space Land Act.¹

We draw your attention to the following language of the Deed of Easement dated December 26, 1969, which is recorded at Deed Book 705, Page 491 in the Land Records of Alexandria. “WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled “Open Space Land Act” (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands.” See *also id.* (“the Grantors do hereby grant and convey to the Grantee an open space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate”); *id.* at 492 (“The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia’s

¹ In April of 1973 a Deed of Correction to the easement was agreed to and recorded at Deed Book 757 Page 867, and that document does not repeat the express invocation of the Open Space Land Act. So it might be understandable that if one looked only at the language of the Deed of Correction the application of the Act could be overlooked. But the Deed of Correction specifically states that “With the exception of the forgoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.” Deed Book 705 Page 868.

policy, as set forth in ... Acts., 1966, c. 461, § 2 [Open Space Land Act], to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land”).

Because the easement on 619 S. Lee Street is an on open space easement governed by the Act, it is not sufficient for the Department to grant waivers of the easement based on its interpretation of the easement language and the *Standards for Rehabilitation* as described in the October 12th letter. The open space easement is also governed by VA. Code Ann. § 10.1-1704, which provides that:

No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, ***shall be converted or diverted from open-space land use unless*** (i) the conversion or diversion is determined by the public body to be (a) ***essential to the orderly development and growth of the locality and*** (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion ***and*** (ii) ***there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.***

Va. Code Ann. § 10.1-1704 (emphasis added).

It is clear from the October 12, 2017 letter of approval that the required analysis was not performed, and the proposed additional construction on the 619 S. Lee Street property could not possibly satisfy the requirement of being “***essential to the orderly development and growth of the locality.***” *Id.* To the contrary, the construction project runs directly contrary to the avowed legislative purpose “to preserve ... historic and scenic areas.” 1966 Va. Acts. Ch. 461, Section 2. For this reason alone we urge the Department to withdraw its approval as having been extended contrary to the positive commands of the Open Space Land Act which the Department of Historic Resources is charged with administering.

B. The Proposed Project Is Contrary to the Express Provisions of the Easement.

The Department's October 12, 2017 letter expresses the opinion that "the proposed rehabilitative scope of work ... appears consistent with the easement provisions...." We do not believe this assessment is correct, and respectfully draw your attention to the following provisions of the Deed of Easement.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c. 632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c. 461, § 2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the acts with the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. ***The manor house will be maintained and preserved in its present state as nearly as practicable***, though structural changes, alternations, additions or improvements ***as would not*** in the opinion of the Grantee ***fundamentally alter the historic character of the house*** may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained. [Deed Book 705 Page 493](emphasis added)
2. ***No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servant's quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool and garage; provided; however,*** that after the date of this Deed of Easement, ***no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed*** except at such place and in such a way that would in opinion of Grantee ***be in keeping with the historic character of the house***, and provided that the prior written approval of Grantee to such action shall have been obtained. [Deed Book 757 Page 868](emphasis added)

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above ***without alteration of their external appearance***.... [Deed Book 705 Page 493](emphasis added).

The Virginia Supreme Court has recently stressed that “construing a deed [of conservation easement] is to give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands Am. Trust, Inc. v. White Cloud Nine Ventures, L.P.*, 291 Va. 153, 160, 782 S.E.2d 131, 135 (2016). “[E]ffect should be given to every part of [a conservation easement], if possible, and no part thereof should be discarded as superfluous or meaningless.” *Id.* at 161, 782 S.E.2d at 136.

We do not believe that any fair reading of the Deeds creating the conservation and open space easements governing 619 S. Lee Street could be consistent with the expansive additions that are being planned for the property. They do not “maintain[] and preserve [the Manor House] in its [1969] present state as nearly as practicable.” Deed Book 705 Page 493. The dramatic expansion of the dwelling “fundamentally alter[s] the historic character of the house.” *Id.* The proposal will remove features of the property expressly set forth in the easement for protection (e.g., the tennis court). Instead of honoring the injunction that “no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed” the proposal relies upon the limited grant of discretion to allow approval of changes “in keeping with the historic character of the house” to justify a wholesale redevelopment of the property.

The purpose of the easement given to the Commonwealth by Justice Black can only be read in context of the grantor’s desire to ensure for posterity the home that he lived in and treasured throughout his lengthy public career as an Associate Justice of the Supreme Court. The manifest purpose of the easement was to ensure that future generations would be able to see the property as the Justice lived and worked in it — gardens, tennis court, outbuildings and all. While the 1973 amendment was agreed to in order to allow for the “maintenance of the existing tennis court” and permit the “erection and maintenance of certain other facilities,” Deed Book Page 757 Page 867, the additional authority granted was intentionally quite limited. It certainly did not authorize the removal of the tennis court that was expressly called out in the easement as something requiring “maintenance.”

In short, if the DHR is to “give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands*, 291 Va. at 160, 782 S.E.2d at 135, the objective should be to maintain the property as closely as possible in its condition in 1973. We

respectfully submit that the current plans for development of the site run contrary to the express intent of the easement.

C. The Proposed Project Is Contrary to the Department's Published Standards for Implementing the Historic Preservation Easement Program.

1) DHR Policy No. 6 Should Properly be Applied to Such an Extensive Alteration in the Open Space of the Property Under Easement.

Given the dramatic encroachment on and use of the existing open space proposed for the 619 S. Lee Street property, it is apparent the applicant's request for permission to engage in this extensive building project should properly be considered as tantamount to a full-blown amendment to the existing easement. As such it should be considered under the standards set forth in the Department's Historic Preservation Easement Program Policy No. 6, which requires that "An amendment should strengthen the protection afforded by the original easement to the resource(s) on the property.... An amendment should not compromise the historic, architectural, archaeological, open space, cultural, or other environmental resources which the easement was intended to protect." Far from complying with this policy, the proposed construction project will dramatically encroach upon the existing open space and significantly alter the historic landscape of the property. The proposed additions are purely matters of convenience and personal taste of the current owners seeking to dramatically increase the size of this historic urban residence.

2) The Planned Construction Is Incompatible with DHR Policy No. 5

Moreover, the details of the proposed construction do not comply with the relevant *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended) which the Easement Program Staff are charged to employ when reviewing applications for work on easement properties under the DHR Policy No. 5.

One example of the failure to comply with Policy No. 5 is found in the proposed treatment of one of the noted historical features of the house at 619 S. Lee Street. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove the distinctive curved treatment. The Pollard Memorandum dated Sept. 21, 2017 at 2 suggests, incorrectly, that this is not part of the historic fabric of the property. *Id.* ("The curved treatment does not appear in the historic photos included in the HABS report on the property."). But this highly distinctive and historic treatment of connecting the original kitchen outbuilding to the main block of the house is a well-

documented and noted feature of this property. See, HABS No. VA-709 at 6 (“The hyphen where it was joined to the main house was rounded so as not to interfere with the windows upstairs and down.”); D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 114 (1946)(“The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.”). Whether this was original to the 1798 structure is not the question. “Changes to a property that have acquired historic significance in their own right will be retained and preserved.” 36 C.F.R. § 68.3(b)(4). We submit it is not consistent the Department of Interior *Standards for Preservation* 3-6 to destroy this distinctive historical feature. 36 C.F.R. § 68.3(a)(3)-(6), (b)(4)(2017). When DHR reviewed a similar proposal to demolish this feature in 2014, the request was properly denied.

Similarly, the current construction plans seek to alter the historically significant Carriage House. HABS No. Va-711. A similar plan to alter the exterior facing Franklin Street with the addition of windows was properly rejected in 2014 as being inconsistent with *Standards* 1, 2, 3. Harrington Letter at 3 (“New window openings are not permitted on the façade (south elevation) of the structure.”); see 36 C.F.R. § 68.3(b)(1)-(3). The same ruling should be enforced under the present construction plan. The fact that the proposed new windows are smaller than proposed in prior plans does nothing to address the principles set forth in *Standards* 1, 2 & 3.

The new opening at the rear end of the existing one-story flounder wing, and the basement is similarly contrary to *Standards* 1-3, 9 and the prior treatment of similar requests. Harrington Letter at 2 (“no new openings are permitted on the historic house”).

Unfortunately, the proposed extensive additions to the 619 S. Lee Street property, which include the three separate and substantial additional structures does not comply with the policies set forth in 36 C.F.R. § 68.3(b)(9)(“requiring that “New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property.”). In this case, the extensive in-fill of the open space, which will dominate every portion and view-point of the property will dramatically change what has appropriately been noted as the properties defining characteristic: “***its extensive grounds and breathing space preserved to this day.***” HABS No. Va-709 (emphasis added).


* * *

Julie V. Langan
October 1, 2018
Page 9

For the forgoing reasons, we respectfully submit that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, Virginia, that the Department will deny the application. The proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully submitted,

Historic Alexandria Foundation

By: 
John Thorpe Richards, Jr.
(Member of the Board)

cc. Megan Melinat (Megan.Melinat@dhr.virginia.gov)
Lori & Nigel Morris (lmorris@311cameron.com)



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Molly Joseph Ward
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Acting Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

August 5, 2014

Michael Harrington
Vowell LLC
311 Cameron Street
Alexandria, Virginia 22314

Re: Vowell Snowden Black House (Justice Black House)
619 S. Lee Street, City of Alexandria
DHR #2014-115 and 100-0111_ep

Dear Mr. Harrington,

Thank you for submitting the State Rehabilitation Tax Credit Application, Part 2, "Description of Rehabilitation," for the Justice Black House located at 619 S. Lee Street in Alexandria. As you know, the property is also protected by a historic preservation easement held by the Virginia Board of Historic Resources. This letter responds to the proposed scope of work on behalf of both the historic rehabilitation tax credit and easement programs.

The deed of easement requires that changes, alterations, additions or improvements should not alter the historic character of the house. So too, regulations for the state tax credit program stipulate that all aspects of a project must be consistent with the Secretary of the Interior's *Standards for Rehabilitation (Standards)*. This set of nationally accepted and applied standards require retention of historic fabric and character. Unfortunately, the majority of the work proposed for the Justice Black House is inconsistent with the terms of the easement and the *Standards*, specifically *Standards 2, 3 and 9*:

Standard 2 ~ The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided

Standard 3~ Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 9 ~ New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way
2nd Floor
Newport News, VA 23608
Tel: (757) 886-2818
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

In our review, we have determined that the proposed work is not consistent with the *Standards* for the following reasons and therefore cannot be approved.

The Proposed Addition ~ The new additions to the historic property are not sufficiently subordinate in size, scale, massing and design. The increase in total square footage from 5194 square feet to 9836 square feet nearly doubles that of the historic resource. The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property. In addition, the individual elements are too similar to the existing characteristics and must be clearly differentiated as modern alterations. (*Standards 2, 3 and 9*) Specific items that require modification include:

- The kitchen addition cannot be two stories without documentation to substantiate this precedent.
- The flounder addition should not attach to the historic main portion of the house, and must be shifted west to avoid this condition.
- The turret element is not compatible with the character of this historic property and cannot be approved.
- The secondary glass bay at the kitchen is overly formal and not consistent with the character of this historic property and cannot be approved.
- The pergola and glass office on the east elevation detract from the historic façade and are not consistent with the character of the historic property and cannot be approved.
- The design of the porch columns must be simplified.
- New window designs cannot include stone sills and brick jack arches.
- The entablature surround on the flounder entry door must be simplified.
- All new woodwork, including trim, must be clearly differentiated from the existing historic woodwork.

Flounder Roof ~ The roof material on the addition must be differentiated from that of the historic flounder. (*Standard 9*)

McVeigh Curve ~ This element cannot be removed without documentation to substantiate it as a non-historic feature. (*Standard 4*)

Doors ~ The existing historic doors and door openings (interior and exterior) are character-defining features of the house and thus cannot be altered or removed. (*Standard 2*) In addition, all new doors should be clearly differentiated from the historic doors. (*Standards 3 and 9*)

Windows ~ The existing windows and window openings are character-defining features of the house and thus cannot be altered or removed. Similarly, no new openings are permitted on the historic house. All new windows must be clearly differentiated from the historic windows. (*Standards 2, 3 and 9*) Specifically:

- The addition of keystones and sills to the two historic windows on the north elevation is not approved.
- No new windows may be added on the south elevation of the main historic block of the house.
- A tripartite window may not be added at the second floor of the north elevation.
- The third floor window on the north elevation may not be modified.

- The existing openings on the flounder may not be realigned or widened.
- A window may not be added at the rear of the existing flounder.
- The divided light pattern in all new windows should be simplified to clearly differentiate these windows from the historic windows.
- The southeast window in the dining room cannot be modified into a second kitchen door.

Basement ~ The existing basement and foundation cannot be irreversibly altered. (*Standard 10*) Thus, neither lowering the floor under the historic main block of the house nor expanding the existing basement under the existing flounder can be approved. Basements are allowed only under newly constructed additions.

Floor Plan ~ The interior arrangement of spaces is indicative of the historic purpose and use of the building. (*Standards 2 and 3*) Significant modifications to this arrangement are not consistent with the *Standards*. This includes:

- The existing door opening between the dining room and living room cannot be widened.
- New openings are not permitted in the north wall of the existing flounder.
- A new opening cannot be created between the master bedroom and adjacent master bathroom. Further, all existing finishes in the existing second floor southwest bedroom must remain in its conversion to the master bathroom.
- Revision is necessary to simplify the design of the vestibule space immediately west of the main stair hall in order to avoid a false sense of historicism.

Flooring ~ All floors in the new additions must be clearly differentiated from the historic floors. (*Standards 3 and 9*)

Carriage House ~ This structure is also an historically significant; thus, all proposed work must meet the *Standards*. As presented, several aspects of the scope of work are inconsistent with these guidelines, specifically *Standards 1, 2 and 3*:

- New window openings are not permitted on the façade (south elevation) of the structure.
- Alteration of the roofing material from wood shingle to slate is not approved without supporting documentation that this material is historically accurate.
- Reconfiguration of the roof from a shed roof to a gable substantially impacts the overall historic character of the structure and cannot be approved.

Proposed Garage ~ This new structure is an allowed structure under the provisions of the easement agreement. However, modifications to the proposed design are necessary to ensure the building is consistent with the *Standards*. This includes:

- The placement of the building shall not substantially impact the existing brick perimeter wall on the property. Therefore, the proposed cutting of the wall along S. Lee Street is not approved. (*Standard 1 and 2*)
- The proposed roofing material must be clearly differentiated from the existing historic roofing on the main resources. Traditional slate roofing cannot be approved. (*Standard 3*)
- The design of the overhead garage doors must be simplified. (*Standard 3*)
- The window design and light pattern cannot match the existing historic windows and must be modified such that they are clearly differentiated. (*Standard 9*)

It is unfortunate that the work described in the Part 2 application, “Description of Rehabilitation,” is not consistent with the guidance provided by DHR staff on the appropriate treatment of the property. However, as proposed, the work would not be consistent with the terms of the easement and

Standards and therefore cannot be approved for the purposes of the rehabilitation tax credit or easement program. In order to proceed with rehabilitation work on this property, please substantially revise the proposed work as noted and resubmit at your convenience.

You have the right to an appeal of this decision for the purposes of the rehabilitation tax credit program under the Virginia Administrative Code (17 VAC 10-30-70). A request for an appeal shall be made in writing to the Director of the Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221, within 60 days of the receipt of the decision which is the subject of the appeal. For your information, the regulations for the appeal are as follows:

17 VAC 10-30-70. Appeals.

A. A project applicant may appeal any denial of certification. A request for an appeal shall be made in writing to the Director of the Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221, within 60 days of receipt of the decision that is the subject of the appeal. It is not necessary for the applicant to present arguments for overturning a decision within this 60-day period. The applicant may request an opportunity to meet with the director, but all information that the applicant wishes the director to consider shall be in writing. The director shall consider the record of the decision in question, any further written submissions by the applicant, and other available information, and may consult with experts or others as appropriate. The director shall provide the applicant a written decision as promptly as circumstances permit. The appeal process is an administrative review of decisions made by the department; it is not an adjudicative proceeding.

B. In considering appeals, the director may take into account new information not previously available or submitted; alleged errors in professional judgment; or alleged prejudicial procedural errors. The director's decision may:

- 1. Reverse the appealed decision;*
- 2. Affirm the appealed decision; or*
- 3. Resubmit the matter to the department program staff for further consideration.*

C. The decision of the director shall be the final administrative decision on the appeal. No person shall be considered to have exhausted his administrative remedies with respect to the certifications or decisions described in this part until the director has issued a final administrative decision in response to this section.

If you have any questions please feel free to contact me at megan.melinat@dhr.virginia.gov.

Sincerely,

Megan Melinat
Historical Architect
Division of Preservation Incentives

Elizabeth Tune
Director
Division of Preservation Incentives



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399

Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

December 12, 2018

By Email

Mr. Mark B. Jinks
City Manager
Alexandria, VA 22314

Re: 619 S. Lee Street (Vowell-Snowden-Black House)
Enforcement of Open Space and Conservation Easement

Dear Mr. Jinks:

Historic Alexandria Foundation ("HAF") was formed "to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria's historic heritage." As such, we are vitally concerned with the preservation of the historic character of the Old and Historic District and the dwindling amount of open space remaining in Old Town.

We have been particularly alarmed to learn of the very extensive development plans to the historic property located at 619 S. Lee Street in Alexandria (the Vowell-Snowden-Black House) which is one of the most significant historic resources in private ownership in the City and the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

We are writing to request that the City of Alexandria exercise its authority under the Virginia Conservation Easement Act (VCEA), VA. CODE ANN. Sec. 10.1-1009 – 10.1-1016, and the Virginia Open Space Land Act (OSLA), VA. CODE ANN. Sec. 10.1-1700-10.1-1705, to seek enforcement of the open space and conservation easement applicable to the referenced property. Preservation of the historic character of the house, and in particular the open space that is a character-defining feature of the property, is endangered by the development proposal currently under consideration by

the Alexandria Old and Historic Board of Architectural Review and the Virginia Department of Historic Resources (VDHR), which holds the open space and conservation easements.

According to the terms of the easement any proposed alterations, additions, or changes to the property must be determined to be in keeping with its historic character and approved by the VDHR (see attached Deed of Easement dated 12/26/69 and Deed of Correction dated 4/23/73). Without any consultation or notice to the public, on October 12, 2017 the Virginia Department of Historic Resources ("VDHR") gave its conceptual approval of a proposed rehabilitation plan for the property. HAF learned of this action earlier this year and after reviewing the information provided to us by VDHR we concluded that its approval of the plans was not consistent with the terms of the easement or applicable Virginia law. We submitted a detailed explanation of our position to VDHR on October 1, 2018 (see attached). Several other Alexandria organizations concerned with historic preservation have also written to VDHR objecting to their conclusion that the proposed additions and alterations to the property are allowable under the easement (see attached).

VDHR has not directly responded to our letter. Rather, it has indicated to us that it is unable to consider our objections or engage in any discussions with HAF about our concerns as we are not a party to the easement. On October 3, 2018, VDHR renewed its conceptual approval of the proposal. HAF believes that the City of Alexandria has both the right and the duty to enforce the Open Space Land and Conservation easement placed on the property by Justice Black. The City's authority to do so is specifically set forth as a matter of positive statutory law. Va. Code § 10.1-1013 ("An action affecting a conservation easement may be brought by ... [t]he local government in which the real property is located."). Nearly five decades of real estate tax relief have been provided by the citizens of Alexandria and the Commonwealth based on the promise that the open space would not be built upon absent a need "essential to the orderly development and growth" of the City and the provision of replacement open space in any event. Va. Code § 10.1-1704.

Accordingly, we are requesting the City to intervene with the VDHR to seek enforcement of the terms of this easement and compliance with the requirements of the VCEA and OSLA. Such action is necessary to ensure that the public interest in preservation of historic resources and open space as reflected in the VCEA and OSLA is adequately protected and the substantial benefits in the form of tax relief granted to owners of property subject to conservation and open space easements are justified.

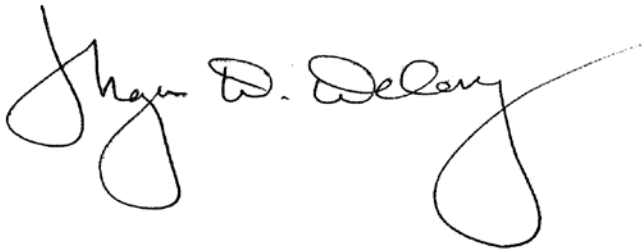
The property owners' request for approval of partial demolition/capsulation and a certificate of appropriateness for additions and alterations is scheduled to be considered by the Old and Historic BAR on December 19, 2018. According to the current practices of the BAR, we anticipate that the BAR may not consider the terms or requirements of the easement as part of its review, and limit its consideration to the powers and conditions set forth in the Zoning Ordinance. (See attached correspondence between HAF and the Office of the City Attorney.) HAF will, of course, present our views to the

Mr. Mark B. Jinks
December 12, 2018
Page 3

BAR on whether the proposal satisfies the requirements of Alexandria's preservation law. The objections we have raised concerning the terms of the easement and the conditions for approval of the project by VDHR should be considered separate and apart from the BAR review and brought directly to the VDHR or, if necessary, through appropriate enforcement action under the applicable state laws.

Thank you for your consideration of our request. We would be happy to discuss our concerns further with you or your staff at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan D. Delaney". The signature is fluid and cursive, with a large loop at the end.

Morgan D. Delaney
Chair
Historic Alexandria Foundation

3919

✓✓

BOOK 705 PAGE 491

THIS DEED OF EASEMENT, MADE this 26th day of December, 1969, between Hugo L. Black and his wife, Elizabeth S. Black, herein called Grantors, and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee,

W I T N E S S E T H:

WHEREAS, Chapter 11 of Title 10 of the Code of Virginia entitled "Virginia Historic Landmarks Commission" (1966 c. 632) Sections 10-135 to 10-145 was enacted to preserve historical landmarks in the Commonwealth of Virginia, and created the Virginia Historic Landmarks Commission to receive properties and interests in properties for the purpose, among other things, of the preservation of such landmarks and their settings; and

WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled "Open Space Land Act" (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands; and

WHEREAS, the Grantors are the owners of a tract of land hereinafter described, in the historic section of the City of Alexandria, Virginia, on which there is situated a house constructed in the late Eighteenth Century and of architectural significance and historic value;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10) and other valuable considerations, the receipt of which are hereby acknowledged, the Grantors do hereby grant and convey to the Grantee an open-space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate located in the City of Alexandria, Virginia, (herein called the property):

Horton
Williams
Gay
Powell
J. L. Loo

1819 H82

NW

Wash &

1-19-76

Sec. DB73

Pg 86

7-16-76

All of that parcel of ground, with its improvements and appurtenances, located in the City of Alexandria, Virginia, upon which is erected No. 619 South Lee Street, and other improvements, being more particularly bounded and described as follows, to-wit:-

BEGINNING at a point on the west side of Lee Street at the middle of the square between Gibbon and Franklin Streets, said point being 176 feet 7 inches north of Franklin Street; and running thence south on Lee Street 176 feet 7 inches to the intersection of Lee and Franklin Streets; thence west along Franklin Street 124 feet 2 inches; thence north parallel to Lee Street 76 feet 7 inches; thence west parallel to Franklin Street to a point on the east side of Fairfax Street; thence north to Fairfax Street 100 feet, more or less, to a point equidistant from Gibbon and Franklin Streets; thence east in a direct line 246 feet 10 inches to the point of beginning. Being the same properties which were acquired by Josephine F. Black by deeds duly of record among the Alexandria City land records, from B. B. Cain, Jr., and wife, and from Julia A. Devine, widow, et al., and by Hugo L. Black under the will of Josephine F. Black duly probated in the Circuit Court of the City of Alexandria, and in which Hugo L. Black has by deed of record duly conveyed a one-fifth undivided interest to Elizabeth S. Black.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c.632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c.461, §2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the

acts which the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. The manor house will be maintained and preserved in its present state as nearly as practicable, though structural changes, alterations, additions or improvements as would not in the opinion of Grantee fundamentally alter the historic character of the house may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained.

2. No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage house and adjoining servants' quarters and (iii) a garage; provided, however, that after the date of this Deed of Easement, no building or structure described in (ii) shall be altered, restored, renovated or extended and no structure described in (iii) constructed except in a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above without alteration of their external appearance.

4. The property shall not be subdivided.

5. No sign, billboards or outdoor advertising structure shall be displayed on the property other than one sign not exceeding two feet by three feet for each of the following purposes: (i) to state the name of the property and the name and address of the occupant, (ii) to advertise an activity permitted

BOOK 705 PAGE 494

under paragraph 3 above, and (iii) to advertise the property for sale or rental; provided, however, that this paragraph 5 shall not limit the Grantee's right, hereinafter described, to display on the property, at its discretion, a small marker or sign evidencing its ownership of the easement granted herein.

6. No dump of ashes, sawdust, bark, trash, rubbish or any other unsightly or offensive material shall be permitted on the property visible from the streets.

The Grantee and its representatives may enter the property (i) from time to time for the purpose only of inspection and enforcement of the terms of the easement granted herein, and (ii) in its discretion to erect a single marker or sign, not exceeding two feet by two feet, which states the name of the Grantee and advises that the Grantee owns the easement granted herein.

Although this open-space easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access or use of the property, and the Grantors, their heirs, successors and assigns shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Acceptance by the Virginia Historic Landmarks Commission of this conveyance is authorized by Sections 10-138 and 10-142 of the Code of Virginia, and by such acceptance below the Commission designates the property described above as a certified landmark.

WITNESS the following signatures and seals:

BOOK 705 PAGE 495

Hugo L. Black (SEAL)
Hugo L. Black

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Accepted:

VIRGINIA HISTORIC LANDMARKS COMMISSION

By [Signature]
Executive Director 12/30/69
[SEAL]

STATE OF FLORIDA

COUNTY OF DADE

To-wit:

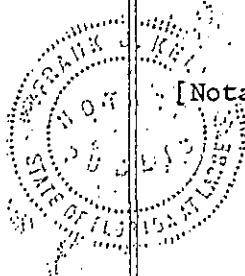
I, Frank J. Kelly, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Hugo L. Black and Elizabeth S. Black, whose names are signed to the foregoing easement bearing date this 26th day of December, 1969, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 26th day of December, 1969.

My commission expires September 21, 1972.

[Signature]
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Sept. 21, 1972
Bonded by American Fire & Casualty Co.



VIRGINIA:
[Notarial Seal] Clerk's Office of the Corporation Court of the City of Alexandria, this instrument was received and the Taxes imposed by Sec. 52-54, (a) and (b), of the Code have been paid and with the annexed certificate, admitted to record on Dec 31, 1969 at 2:07 o'clock P. M.
Teste:

Alvin W. Smith

2/13

7-5-03

THIS DEED OF CORRECTION, made this 23rd day of April, 1973, between ELIZABETH S. BLACK and HUGO L. BLACK, JR., as Co-Executors under the Last Will and Testament of Hugo L. Black, deceased, and his heirs and devisees, Elizabeth S. Black, Widow, and HUGO L. BLACK, JR., BESSIE GRAHAM HOBSON BLACK, STERLING FOSTER BLACK, NANCY LEE BLACK, MARTHA JOSEPHINE BLACK PESARESI and MARIO PESARESI, herein called Grantors; and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee.

W I T N E S S E T H :

WHEREAS, Hugo L. Black and Elizabeth S. Black, granted to Grantee an easement in gross on that parcel of ground in the City of Alexandria upon which is erected No. 619 South Lee Street for the preservation of the historic landmark and its environs through Deed dated December 26, 1969, recorded on December 31, 1969, in Deed Book 705, page 491, in the Clerk's Office of the Corporation Court of the City of Alexandria (the "Deed of Easement"); and

WHEREAS, through oversight the Deed of Easement did not include provision therein for continued maintenance of the existing tennis court and did not permit the erection and maintenance of certain other facilities; and

WHEREAS, Hugo L. Black died on September 25, 1971, leaving Elizabeth S. Black, Widow, and Hugo L. Black, Jr., Sterling Foster Black and Martha Josephine Black Pesaresi as his heirs and devisees of the above-described real property under a will duly probated and recorded among the land records of the Clerk's Office of the Corporation Court of the City of Alexandria in Will Book 91 at page 736; and

BOOTHE, PRICHARD & DUDLEY
4085 UNIVERSITY DRIVE
FAIRFAX, VIRGINIA 22030

WHEREAS, Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi are the spouses respectively of Hugo L. Black, Jr., Sterling Foster Black and Martha Josephone Black Pesaresi; and

WHEREAS, Hugo L. Black, Jr. and Elizabeth S. Black have qualified in the Corporation Court of the City of Alexandria as Co-Executors of the Estate of Hugo L. Black, deceased; and

WHEREAS, Grantors and Grantee wish to correct the Deed of Easement to make such provision and to reflect the original intent with regard thereto;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the premises and the sum of \$1.00, receipt of which is hereby acknowledged, the parties agree that the Deed of Easement is hereby corrected by deleting paragraph Number 2 in its entirety and substituting the following paragraph Number 2 therefore:

2. No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servants' quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool and garage; provided, however, that after the date of this Deed of Easement, no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed except at such place and in such a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

With the exception of the foregoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.

Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi join in this deed for the purpose only of releasing their dower and curtesy interests respectively with respect to this Deed of Correction.

WITNESS the following signatures and seals:

Elizabeth S. Black (SEAL)
Elizabeth S. Black, Co-Executor
under the Last Will and Testament
of Hugo L. Black, deceased

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr., Co-Executor under
the Last Will and Testament of Hugo L.
Black, deceased

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr.

Bessie Graham Hobson Black (SEAL)
Bessie Graham Hobson Black

Sterling Foster Black (SEAL)
Sterling Foster Black

Nancy Lee Black (SEAL)
Nancy Lee Black

Martha Josephine Black Pesaresi (SEAL)
Martha Josephine Black Pesaresi

Mario Pesaresi (SEAL)
Mario Pesaresi

VIRGINIA HISTORIC LANDMARKS COMMISSION

By Junius R. Fishburne, Jr.
Junius R. Fishburne, Jr.
Executive Director

STATE OF Virginia
City
 COUNTY OF Albemarle, to-wit:

The foregoing instrument was acknowledged before me
 this 30 day of April, 1973, by Elizabeth S. Black, as
 Co-Executor and individually.

Annaly G. Kendrick
 Notary Public

My commission expires: 2/2/77

STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
 this 23 day of April, 1973, by Hugo L. Black, Jr.,
 as Co-Executor and individually.

Donna L. Cline
 Notary Public

SEAL

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
 MY COMMISSION EXPIRES FEB. 12, 1974
 BONDED FROM FRED W. DIESELHORST

STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
 this 23 day of April, 1973, by Bessie Graham-Hobson
 Black.

Donna L. Cline
 Notary Public

Seal

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
 MY COMMISSION EXPIRES FEB. 12, 1974
 BONDED FROM FRED W. DIESELHORST

STATE OF ~~ARIZONA~~ *New Mexico*County of *Valencia*, to-wit:

The foregoing instrument was acknowledged before me
this 27th day of April, 1973, by Sterling Foster Black
and Nancy Lee Black, his wife.

Ray S. Arriaga
Notary Public

SEAL

My commission expires: 3.2.77

STATE OF NEW JERSEY

County of *Bergen*, to-wit:

The foregoing instrument was acknowledged before me
this 10th day of May, 1973, by Martha Josephine
Black Pesaresi and Mario Pesaresi, her husband.

Ronald J. Jarama
Notary Public

SEAL

My commission expires:

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Nov. 12, 1973

STATE OF VIRGINIA

City of *Quincy*, to-wit:

The foregoing instrument was acknowledged before me
this 25th day of May, 1973, by Junius R. Fishburne,
Jr.

William D. Deen
Notary Public

My commission expires: 2-3-76

SEAL

VIRGINIA

In the Clerk's office of the Corporation
Court of the City of Alexandria, Va. this
instrument was received and the taxes
imposed by Sec. 50-54 1 of the Code in
the amount of \$ have been paid
and with the annexed certificate admitted
to record on 5/27/73 at 12:00 PM



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

October 1, 2018

By Email and Mail

julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111) — Objection to Continued Approval of Construction Plans

Dear Ms. Langan:

Historic Alexandria Foundation (“HAF”) was formed “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria’s historic heritage.” As such, we are vitally concerned with the preservation of the historic character of the Old and Historic District in Alexandria, Virginia and the dwindling amount of open space remaining in Old Town. We have been particularly alarmed to learn of the very extensive development plans to the historic property located at 619 S. Lee Street in Alexandria (the Vowell-Snowden-Black House) which is the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

In October of 1965, while still owned by Justice and Mrs. Black, the property at 619 South Lee Street was awarded plaque 35-E-619 as part of the Historic Alexandria

Foundation's Early Building Survey. It was one of the first houses to receive that important designation. The property has long been held out as a preeminent example of Federal architecture in Alexandria. See, e.g., D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946); Gay Montague Moore, *Seaport in Virginia, George Washington's Alexandria*, Chapter 22 (1949) ("The Vowell-Snowden House"). It was included in the Historic American Buildings Survey (HABS No. VA-709) in 1966 based on work that was funded, in part, by the HAF. The HABS succinctly summarized the unique importance of the property in its "Statement of Significance" as follows:

The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal 'row' type buildings in Alexandria, ***has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.***

HABS No. VA-709 (emphasis added). The adjoining Carriage House that fronts on Franklin Street is of such historic significance that it has its own listing as HABS No. Va-711, which was also based on work partly funded by HAF.

We have recently become aware that by letter dated October 12, 2017 the Department of Historic Resources gave its conceptual approval of a proposed rehabilitation plan for the property which by its own terms is "valid for a year from" October 12, 2017. That sunset provision is expressly required by DHR Policy No. 5:

All written letters or correspondence approving proposed work on an easement property will include a sunset clause, or a timeframe within which the work must be completed. If the work is not done within the specified timeframe, the property owner must request re-approval of the work or seek new approvals if the project has changed in any way from the previously approved proposal.

DHR Policy No. 5. We were surprised that DHR would give conceptual approval for the proposed project which shares many of the defects that led DHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 ("Harrington Letter").

The proposed construction would destroy the character of the open space on this property. Viewed from the street, the property would appear to have two large new buildings on Lee Street, totally changing the view shed of the property. Like the rejected proposal from 2014, the current development plan proposes demolition of the "McVeigh Curve," alteration of the fabric and streetscape view of the historically significant carriage

house facing Franklin Street, and an overall increase of the gross floor area of the structures on the property from 8,156 to 14,371 square feet. That increase in size is indistinguishable from the “increase in total square footage ... [that] nearly doubles that of the historic resource,” and led to the denial of the application in August of 2014. Harrington Letter at 2. As succinctly stated in DHR’s denial of the similar proposal in 2014, “The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property.” *Id.*

Because we believe this approval to have been improvidently given in the first instance, and contrary to the requirements of the Open Space Land Act, VA. Code §§ 10.1-1700, *et seq.*, as well as the Department’s published policies, we write to request that the approval be withdrawn, or at any rate not renewed. Fortunately, the proposed project has not yet begun and there is still time to withdraw the approval. Significantly, the City of Alexandria has not yet provided the local approvals that would be necessary to commence the construction that has been proposed.

A. The Easement on 619 S. Lee Street is Governed by the Open Space Land Act Which Precludes the Approval of the Proposed Construction Project.

We assume that the Department’s approval process overlooked the fact that the easement in question in this case was put in place under the Open Space Land Act, because the letter does not reflect any consideration of the requirements of that law. Perhaps during the review process the Department looked only to certain amendments to the original easement and overlooked that the easement created by Justice Black expressly invoked the Open Space Land Act.¹

We draw your attention to the following language of the Deed of Easement dated December 26, 1969, which is recorded at Deed Book 705, Page 491 in the Land Records of Alexandria. “WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled “Open Space Land Act” (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands.” See *also id.* (“the Grantors do hereby grant and convey to the Grantee an open space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate”); *id.* at 492 (“The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia’s

¹ In April of 1973 a Deed of Correction to the easement was agreed to and recorded at Deed Book 757 Page 867, and that document does not repeat the express invocation of the Open Space Land Act. So it might be understandable that if one looked only at the language of the Deed of Correction the application of the Act could be overlooked. But the Deed of Correction specifically states that “With the exception of the forgoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.” Deed Book 705 Page 868.

policy, as set forth in ... Acts., 1966, c. 461, § 2 [Open Space Land Act], to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land”).

Because the easement on 619 S. Lee Street is an on open space easement governed by the Act, it is not sufficient for the Department to grant waivers of the easement based on its interpretation of the easement language and the *Standards for Rehabilitation* as described in the October 12th letter. The open space easement is also governed by VA. Code Ann. § 10.1-1704, which provides that:

No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, ***shall be converted or diverted from open-space land use unless*** (i) the conversion or diversion is determined by the public body to be (a) ***essential to the orderly development and growth of the locality and*** (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion ***and*** (ii) ***there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.***

Va. Code Ann. § 10.1-1704 (emphasis added).

It is clear from the October 12, 2017 letter of approval that the required analysis was not performed, and the proposed additional construction on the 619 S. Lee Street property could not possibly satisfy the requirement of being “***essential to the orderly development and growth of the locality.***” *Id.* To the contrary, the construction project runs directly contrary to the avowed legislative purpose “to preserve ... historic and scenic areas.” 1966 Va. Acts. Ch. 461, Section 2. For this reason alone we urge the Department to withdraw its approval as having been extended contrary to the positive commands of the Open Space Land Act which the Department of Historic Resources is charged with administering.

B. The Proposed Project Is Contrary to the Express Provisions of the Easement.

The Department's October 12, 2017 letter expresses the opinion that "the proposed rehabilitative scope of work ... appears consistent with the easement provisions...." We do not believe this assessment is correct, and respectfully draw your attention to the following provisions of the Deed of Easement.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c. 632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c. 461, § 2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the acts with the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. ***The manor house will be maintained and preserved in its present state as nearly as practicable***, though structural changes, alternations, additions or improvements ***as would not*** in the opinion of the Grantee ***fundamentally alter the historic character of the house*** may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained. [Deed Book 705 Page 493](emphasis added)
2. ***No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servant's quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool and garage; provided; however,*** that after the date of this Deed of Easement, ***no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed*** except at such place and in such a way that would in opinion of Grantee ***be in keeping with the historic character of the house***, and provided that the prior written approval of Grantee to such action shall have been obtained. [Deed Book 757 Page 868](emphasis added)

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above **without alteration of their external appearance**.... [Deed Book 705 Page 493](emphasis added).

The Virginia Supreme Court has recently stressed that “construing a deed [of conservation easement] is to give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands Am. Trust, Inc. v. White Cloud Nine Ventures, L.P.*, 291 Va. 153, 160, 782 S.E.2d 131, 135 (2016). “[E]ffect should be given to every part of [a conservation easement], if possible, and no part thereof should be discarded as superfluous or meaningless.” *Id.* at 161, 782 S.E.2d at 136.

We do not believe that any fair reading of the Deeds creating the conservation and open space easements governing 619 S. Lee Street could be consistent with the expansive additions that are being planned for the property. They do not “maintain[] and preserve [the Manor House] in its [1969] present state as nearly as practicable.” Deed Book 705 Page 493. The dramatic expansion of the dwelling “fundamentally alter[s] the historic character of the house.” *Id.* The proposal will remove features of the property expressly set forth in the easement for protection (e.g., the tennis court). Instead of honoring the injunction that “no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed” the proposal relies upon the limited grant of discretion to allow approval of changes “in keeping with the historic character of the house” to justify a wholesale redevelopment of the property.

The purpose of the easement given to the Commonwealth by Justice Black can only be read in context of the grantor’s desire to ensure for posterity the home that he lived in and treasured throughout his lengthy public career as an Associate Justice of the Supreme Court. The manifest purpose of the easement was to ensure that future generations would be able to see the property as the Justice lived and worked in it — gardens, tennis court, outbuildings and all. While the 1973 amendment was agreed to in order to allow for the “maintenance of the existing tennis court” and permit the “erection and maintenance of certain other facilities,” Deed Book Page 757 Page 867, the additional authority granted was intentionally quite limited. It certainly did not authorize the removal of the tennis court that was expressly called out in the easement as something requiring “maintenance.”

In short, if the DHR is to “give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands*, 291 Va. at 160, 782 S.E.2d at 135, the objective should be to maintain the property as closely as possible in its condition in 1973. We

respectfully submit that the current plans for development of the site run contrary to the express intent of the easement.

C. The Proposed Project Is Contrary to the Department's Published Standards for Implementing the Historic Preservation Easement Program.

1) DHR Policy No. 6 Should Properly be Applied to Such an Extensive Alteration in the Open Space of the Property Under Easement.

Given the dramatic encroachment on and use of the existing open space proposed for the 619 S. Lee Street property, it is apparent the applicant's request for permission to engage in this extensive building project should properly be considered as tantamount to a full-blown amendment to the existing easement. As such it should be considered under the standards set forth in the Department's Historic Preservation Easement Program Policy No. 6, which requires that "An amendment should strengthen the protection afforded by the original easement to the resource(s) on the property.... An amendment should not compromise the historic, architectural, archaeological, open space, cultural, or other environmental resources which the easement was intended to protect." Far from complying with this policy, the proposed construction project will dramatically encroach upon the existing open space and significantly alter the historic landscape of the property. The proposed additions are purely matters of convenience and personal taste of the current owners seeking to dramatically increase the size of this historic urban residence.

2) The Planned Construction Is Incompatible with DHR Policy No. 5

Moreover, the details of the proposed construction do not comply with the relevant *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended) which the Easement Program Staff are charged to employ when reviewing applications for work on easement properties under the DHR Policy No. 5.

One example of the failure to comply with Policy No. 5 is found in the proposed treatment of one of the noted historical features of the house at 619 S. Lee Street. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove the distinctive curved treatment. The Pollard Memorandum dated Sept. 21, 2017 at 2 suggests, incorrectly, that this is not part of the historic fabric of the property. *Id.* ("The curved treatment does not appear in the historic photos included in the HABS report on the property."). But this highly distinctive and historic treatment of connecting the original kitchen outbuilding to the main block of the house is a well-

documented and noted feature of this property. See, HABS No. VA-709 at 6 (“The hyphen where it was joined to the main house was rounded so as not to interfere with the windows upstairs and down.”); D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 114 (1946)(“The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.”). Whether this was original to the 1798 structure is not the question. “Changes to a property that have acquired historic significance in their own right will be retained and preserved.” 36 C.F.R. § 68.3(b)(4). We submit it is not consistent the Department of Interior *Standards for Preservation* 3-6 to destroy this distinctive historical feature. 36 C.F.R. § 68.3(a)(3)-(6), (b)(4)(2017). When DHR reviewed a similar proposal to demolish this feature in 2014, the request was properly denied.

Similarly, the current construction plans seek to alter the historically significant Carriage House. HABS No. Va-711. A similar plan to alter the exterior facing Franklin Street with the addition of windows was properly rejected in 2014 as being inconsistent with *Standards* 1, 2, 3. Harrington Letter at 3 (“New window openings are not permitted on the façade (south elevation) of the structure.”); see 36 C.F.R. § 68.3(b)(1)-(3). The same ruling should be enforced under the present construction plan. The fact that the proposed new windows are smaller than proposed in prior plans does nothing to address the principles set forth in *Standards* 1, 2 & 3.

The new opening at the rear end of the existing one-story flounder wing, and the basement is similarly contrary to *Standards* 1-3, 9 and the prior treatment of similar requests. Harrington Letter at 2 (“no new openings are permitted on the historic house”).

Unfortunately, the proposed extensive additions to the 619 S. Lee Street property, which include the three separate and substantial additional structures does not comply with the policies set forth in 36 C.F.R. § 68.3(b)(9)(“requiring that “New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property.”). In this case, the extensive in-fill of the open space, which will dominate every portion and view-point of the property will dramatically change what has appropriately been noted as the properties defining characteristic: “***its extensive grounds and breathing space preserved to this day.***” HABS No. Va-709 (emphasis added).


* * *

Julie V. Langan
October 1, 2018
Page 9

For the forgoing reasons, we respectfully submit that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, Virginia, that the Department will deny the application. The proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully submitted,

Historic Alexandria Foundation

By: 
John Thorpe Richards, Jr.
(Member of the Board)

cc. Megan Melinat (Megan.Melinat@dhr.virginia.gov)
Lori & Nigel Morris (lmorris@311cameron.com)

From: "Paul, Karen (Secretary)" <Karen_Paul@sec.senate.gov>
Subject: DHR Easement File No. 100-0111
Date: October 10, 2018 at 9:46:12 AM EDT
To: "julie.langan@dhr.virginia.gov" <julie.langan@dhr.virginia.gov>



October 5, 2018

By email to: julie.langan@dhr.virginia.gov

Julie. V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111)
— Objection to Continued Approval of Construction Plans

Dear Ms. Langan,

This letter is written to support the Historic Alexandria Foundation's letter of objection to continued approval of construction plans for the Vowell-Snowden-Black property at 619 South Lee Street, Alexandria, VA 22314. As spelled out in the HAF carefully researched and reasoned presentation of all facts relevant to the request, it appears that current plans for development do indeed run contrary to the express intent of the original easement. As easements are an important vehicle for Alexandria to maintain its historic houses and streetscapes, it is vital that the Department of Historic Resources perform all due diligence when granting any divergence from the requirements of an easement. Further, as all of

Alexandria's open spaces seem to be either under development or protected by easements or Open Space Act, it is crucial that all decisions to bend or interpret these legal protective vehicles to other purposes not be undertaken lightly.

We therefore respectfully request that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, that the application be denied. We agree with John Thorpe Richards's conclusion that "the proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully,

Karen D. Paul, President
The Alexandria Association
P.O. Box 320711
Alexandria, VA 22320-4711
Alexandriaassociation.org



Alexandria, Virginia

Historic Alexandria Resources Commission

*220 North Washington Street
Alexandria, Virginia 22314-2521
(703) 746-4554*



October 31, 2018

By Email and U.S. Mail

Julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

**Re: Vowell-Snowden-Black House (DHR Easement File No. 100-0111)
Objection to Continued Approval of Construction Plans**

Dear Ms. Langan:

The Historic Alexandria Resources Commission (HARC) was established to advise the City of Alexandria on the preservation of historic sites and buildings, artifacts, and records from loss or deterioration; and promotes citizen and tourist use of historic sites such as the Torpedo Factory Art Center. Commission members are appointed by City Council and must be citizens of Alexandria.

We have recently learned of the extensive development plans to the historic property located at 619 South Lee Street in Alexandria (the Vowell-Snowden-Black House). An open space easement was granted to the Commonwealth of Virginia on the property by prominent Supreme Court Justice Hugo Black and his wife Elizabeth on 26 December 1969 just three years after the Open Space Land Act was created in Virginia. The easement was granted in perpetuity and allowed for no additional building or structures on the site to be built.

The current proposal for 619 South Lee Street would remove modern additions to the house that cover approximately 422 square feet of land and replace them with new additions that cover approximately 3174 square feet of land, or 750 percent more land coverage than the removals. Further, four of the proposed structures (two buildings and two connectors) will extend to the south of the historic house along the entire street front of the property obscuring the open space from public view. This expansive proposal clearly violates the spirit of the original easement granted by Justice Black and his wife, and the requirements of the Virginia Code.

The open space easement is governed by VA. Code Ann. § 10.1-1704, which provides that:

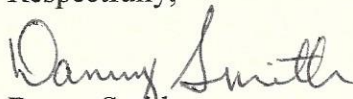
No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion and (ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.

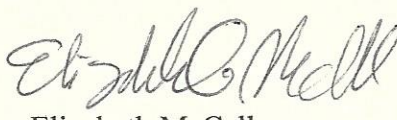
The further development of the property at 619 South Lee Street is not included in any official comprehensive plan for Alexandria, and no other real property of equal or greater market value in nearly equivalent location has been designated as permanent open space.

Open space within Alexandria's Old and Historic District is limited. Your approval of changes to the open space easement on the property at 619 South Lee Street will set a dangerous precedent that opens the way for future development on other properties held in easements throughout Virginia.

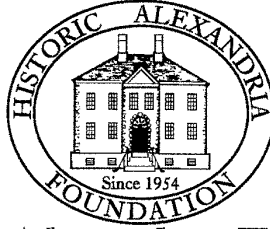
The Commission will advise the City of Alexandria to reject the proposed plans for expansion at 619 South Lee Street, and we respectfully request that you reconsider the decision you made to approve the preliminary plans for development at 619 South Lee Street and reject the final proposal and any future proposals for development of this property that are in clear violation of the easement and Open Space Land Act.

Respectfully,


Danny Smith


Elizabeth McCall

Co-Chairs
Alexandria Historic Resources Commission



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399

Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

August 11, 2016

Joanna Anderson, Esq.
Deputy City Attorney
Alexandria, Virginia

Dear Ms. Anderson,

I am writing on behalf of the Historic Alexandria Foundation (HAF) to express our concern and disagreement with recent staff statements and procedures followed in connection with applications to the Old and Historic District Board of Architectural Review that involve properties subject to preservation easements.

The most recent case that raised these concerns is BAR #2016-00160. The staff statement with which we disagree is found at page 4 of the Staff Report:

Staff notes that the Alexandria Historical Restoration and Preservation Commission (AHRPC) holds a scenic and exterior architectural easement on this property. All alterations to the buildings, new construction and changes to the landscape must separately be reviewed and approved by the AHRPC. However, an easement is a private contract between the property owner and the easement holder and these are not regulated by the City.

In addition, at its meeting on July 6, 2016, the Chair of the BAR read a preliminary statement provided by staff that included similar language regarding the status of a preservation easement as a “private contract”, and further stated that **“in the past the BAR has advised applicants that easement holders should approve any proposal to be reviewed by the BAR as a courtesy. However, the BAR is not able to legally require that.”**

We believe these statements are incorrect, both as a matter of law and policy, for the reasons noted below. We urge the City to continue to require the consent of a preservation easement holder before an application is deemed complete and subject to review by the BAR. We request that you provide us with the legal reasoning that led to the statements quoted above and the proposed change in the existing procedure that requires evidence of the consent of an easement holder before presenting an application to the BAR. We would like to meet with you at your convenience to discuss these issues.

Legal Status of Conservation and Open Space Easements

Under Virginia law a conservation easement is a non-possessory interest in real property. VA. CODE ANN. § 10.1-1009. It is not simply a “contract between the property owner and the easement holder”, as stated in the recent staff reports. Accordingly, the BAR should not take action that could impair the property interests of the easement holder without its consent. The BAR should continue to require evidence that an application has the consent of all parties holding an interest in the property under review, whether that interest is in the fee simple or the interest of an easement holder.

Moreover, historic preservation and open space easements are governed by the Virginia Conservation Easement Act (VCEA), VA. CODE ANN. §§ 10.1-1009 through 10.1-1016 and the Virginia Open Space Land Act (OSLA), VA. CODE ANN. §§ 10.1-1700 through 10.1-1705. These laws “were intended to encourage the acquisition by certain public bodies of fee simple title or ‘easements in gross or such other interests in real estate’ that are designed to maintain the preservation or provision of open-space land.” *United States v. Blackman*, 270 Va. 68, 613 S.E.2d 442 (2005). The public policy in favor of land conservation and preservation of historic sites and buildings is also reflected in Article XI of the Constitution of Virginia.

These laws make clear that, in contrast with conventional private easements, conservation easements serve a public function and such easements are “held and administered by the easement holders not for themselves, but on behalf of the public and in furtherance of state policy”. *See* 2012 Va. Op. Atty. Gen 31. Not only are conservation easements held on behalf of the public, but the owners of property subject to conservation easements are granted substantial benefits in the form of tax relief to reflect the value that preservation provides to the public interest. Accordingly, VCEA expressly provides standing to the local government to take action to enforce conservation and open space easements on real property within their jurisdictions. VA. CODE ANN. § 10.1-1013.

The recent statements in the BAR staff reports that conservation easements “are not regulated by the City” fail to take this Virginia Code provision into account. The City does, indeed, have standing to take action to enforce a conservation easement. It should not abrogate this responsibility by allowing, or requiring, the BAR to take action

without regard to the interests of the holder of a conservation easement or the public interest in favor of preservation easements. As a City body, the BAR should take these interests into account in its decisions. Failure to do so could result in a diminution of the value of the easement, lead to inconsistent requirements for the property owner, and limit the City's ability to ensure compliance with an easement as provided in the VCEA.

The BAR should continue the established policy to require evidence of the consent of the holder of a conservation easement before an application can be heard. We were puzzled by the statement read by the BAR Chair at the recent meeting, as quoted above, that "in the past the BAR has advised applicants that easement holders should approve any proposal to be reviewed by the BAR as a courtesy." In fact, the application procedures clearly state that documentation of an easement holder's consent to an application is **required**, not a "courtesy", before an application will be considered complete. Section 8 of the application instructions provides as follows:

REVIEW BY OTHER AGENCIES: It is the policy of the Boards not to review applications which do not meet other applicable city regulations. This policy ensures that the project approved by the Board can, in fact, be undertaken. In cases where there is an historic preservation easement on the property or the property is under a homeowner's association, a copy of the letter approving the project must accompany the application at the time of submission. Applications without approval letters will not be accepted and will be deferred until the letter is received and the application is complete.

This practice and procedure should be continued as it is the only way to ensure that the easement holder's interest in the property will not be impaired by actions taken by the BAR without its consent. We do not know of any reason why the BAR Chair's statement claimed that "the BAR is not able to legally require that". Section 10-104 (B)(3) of the City Code allows the BAR to adopt administrative procedures, pursuant to which the BAR has set forth numerous requirements for documentation that must be submitted before an application will be considered complete. The existing BAR policy is a reasonable requirement, consistent with its authority under City law, and a best practice to ensure that the BAR time and resources are well spent. It should be continued.

We believe that the apparent change in the BAR procedure for handling applications for properties subject to conservation easements is unwise and not supported by law or policy. If there are other factors we have not considered that you think justify such a change we would be most interested in your thoughts on these issues.

Thank you for considering our views on this matter. We look forward to meeting with you at your earliest convenience to discuss these issues. I can be reached at elj831@gmail.com or 703-615-9529.

Sincerely,

Elaine Johnston
Co-Chair, Advocacy Committee

Cc: Al Cox
Lance Mallamo



OFFICE OF THE CITY ATTORNEY

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JAMES L. BANKS, JR.
CITY ATTORNEY

JOANNA C. ANDERSON
DEPUTY CITY ATTORNEY

JILL A. SCHAUB
SENIOR ASSISTANT CITY ATTORNEY

ASSISTANT CITY ATTORNEYS
CHRISTINA ZECHMAN BROWN
DORI E. MARTIN
TRAVIS S. MacRAE
GEORGE McANDREWS
MARY ELLIOTT O'DONNELL
MEGHAN S. ROBERTS
KAREN S. SNOW

September 1, 2016

Elaine Johnston
Historic Alexandria Foundation
218 North Lee Street, Suite 310
Alexandria, Virginia 22314

Re: Applications to the Old and Historic District Board of Architectural Review

Dear Ms. Johnston:

Thank you for your letter dated August 11, 2016.

It has been and will continue to be the City of Alexandria's practice to request that an applicant to its Boards of Architectural Review ("BAR") obtain the consent of an easement holder before a matter is considered by the BAR. The purpose of doing so is to make the process more efficient, in that the applicant would not have to make two applications to the BAR if the easement holder's consent was not obtained in advance of an application being made.

Although, the City will continue to seek the consent of an easement holder, the BAR cannot refuse to consider an application if it does not include an easement holder's consent. This is because the BAR is not empowered to enforce easements on behalf of easement holders. The BAR's power is limited to those conferred upon it by the City's Zoning Ordinance.

Very truly yours,

A handwritten signature in blue ink, appearing to be "Joanna C. Anderson", is written over a circular blue ink stamp or seal.

Joanna C. Anderson
Deputy City Attorney

cc: Al Cox, Historic Preservation Manager

ALEXANDRIA HOUSES

1750~1830

By • DEERING • DAVIS • A • I • D •
STEPHEN • P • DORSEY • &
RALPH • COLE • HALL

Special article by
NANCY • McCLELLAND • A • I • D •

BONANZA BOOKS • NEW YORK

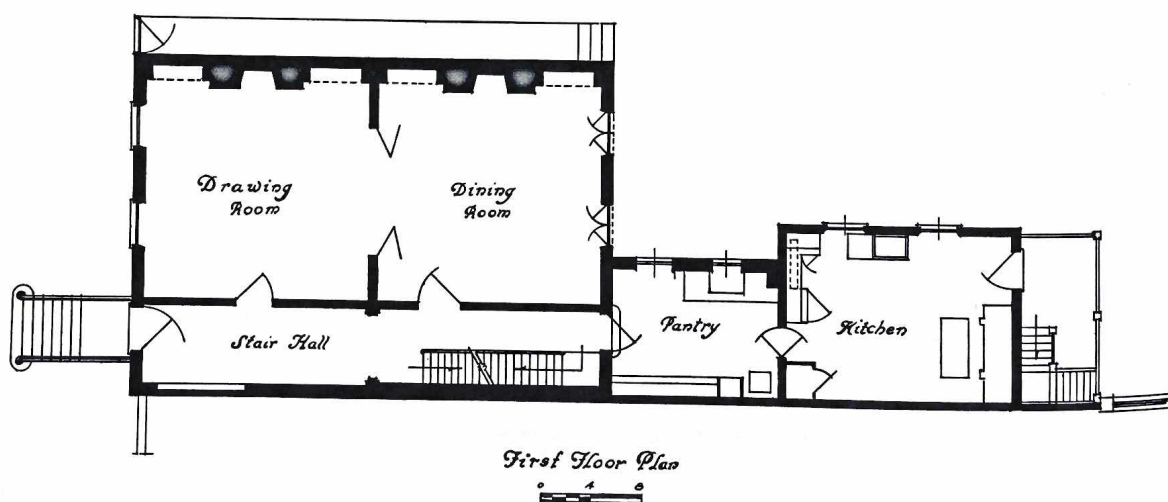
THE SNOWDEN HOUSE

Circa 1790

611 South Lee Street

Known as the Snowden House after the family which occupied it for ninety-seven years of its long existence, this fine Georgian structure was built long before their ownership. It is not known which of the Alexanders built the house, but John Alexander gave the property to his son, William Thornton Alexander, who sold it to Thomas Vowell on August 29, 1798. It later came into the possession of the Snowdens.

The massive and dignified doorway is surmounted by a pediment, and the facade cornice is unusual and of fine workmanship. Although the original mantels have been replaced, the other details of the interior trim attest to the original elegance of the structure. The kitchen was once completely separated from the house and was later joined by a brick "bridge" between the two buildings, as illustrated on page 114. That the kitchens were very frequently separate outbuildings is indicated by the fact that often when this dependency was joined to the main house the ell fell directly behind the dining room or parlor, rather than to the rear of the hall—thus forcing a servant going from the rear of the house to pass through the dining room, or parlor, in order to reach the front door. The garden of the Snowden House is lovely and it once had an unusually fine view up and down the Potomac.



Typical first floor plan of the ell type house



Photograph: Library of Congress

Early builders paid much attention to fenestration and detail as is beautifully indicated in this residence of Justice and Mrs. Hugo Black.



Photograph: Library of Congress

The Garden Side

The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.

**Maria and Harry Hopper
206 Duke Street
Alexandria, VA 22314**

December 16, 2018

Alexandria Board of Architectural Review
Ms. Christine Kelly – Chairperson, and
Board Members:

Mr. Robert Bentley Adams
Mr. Slade Elkins
Mr. John Goebel
Mr. John Sprinkle
Ms. Margaret Miller
Ms. Christine Roberts

Dear Members of the Board of Architectural Review:

It has come to our attention that the thorough and constructive 5-year process focused on the proper restoration and renovation of 619 S. Lee Street, is being challenged by HAF and other self-appointed citizen architectural restoration “experts”. The impossible paradox presented by this gauntlet threatens to undermine the basic tools for historic preservation in Alexandria.

In this case, the Virginia Department of Historic Resources (VDHR) is the historic preservation easement holder of 619 South Lee Street. Our understanding is that: (i) the plans have been studiously worked on in close coordination with the VDHR; (ii) several highly-qualified experts have been retained; and (iii) many changes and accommodations have been made. We point out that multiple prior owners have backed away from this intimidating process once they realized the extreme difficulty and cost of achieving a livable solution within the VDHR constraints. Now, somehow, the HAF and others think they can enter at the 11th hour, claim they are more “qualified”, and basically intimidate-away what is likely the last and best hope for 619 South Lee to be properly preserved for the next centuries.

We respectfully suggest to the Board of Architectural Review that the extensive work done with the VDHR (supported by the expertise of Cunningham/Quill Architects) should supersede the sincere but amateur (and mutually contradictory) opinions orchestrated by the HAF.

Our experience at the tip of the HAF spear is a cautionary tale. Once again, this same group (with the same leader) vehemently opposed our proposed kitchen addition at 206 Duke Street in 1997 (a one-story kitchen addition - 16' x 20' on a full-size adjacent lot) and claimed it was going to ruin Old Town. After a grueling 6-month process where we were bombarded with mutually-exclusive demands and distorted

facts, the addition was approved and now the Virginia Tech architectural school class comes by Duke Street and the professor cites our addition (designed by Robert Adams Architects) as the most appropriate side-yard addition in Old Town.

Based on that experience and other preservation projects we have supported across the country, we are in strong and full support of the proposed 619 South Lee project. The VDHR is a credible body with a legal mandate that deserves reasonable deference. The owners are exactly the type of thoughtful stewards that we should welcome, not scare off. We encourage the BAR to see the 619 South Lee project as the type of proper collaboration that ensures Old Towns living authenticity.

Thank you for your constructive efforts on behalf of a preserved and vibrant and Old Town.

Best regards,

Maria and Harry Hopper

Lauren Stack
220 S. Lee Street
Alexandria, VA 22314

December 15, 2018

TO: Alexandria Board of Architectural Review
Ms. Christina Kelly – Chairperson, and
Board Members

Mr. Robert Bentley Adams
Mr. Slade Elkins
Mr. John Goebel
Mr. John Sprinkle
Ms. Margaret Miller
Ms. Christine Roberts

FROM: Lauren Stack

RE: 619 S. Lee Street – BAR #2018-00410 and 00411

Dear Members of the Alexandria Board of Architectural Review,

First, let me begin by thanking you all for your service to the City of Alexandria. Serving on BAR is not for the faint of heart. As a commission you are frequently at the flashpoint of public passions. I appreciate your ongoing willingness to take the slings and arrows and history of looking at each project based on its individual merits and detractions.

I am writing you in strong support of the above referenced project at 619 South Lee Street.

Lori and Nigel Morris, the owners of this property, are well known to the historic preservation community in Alexandria. They have a track record of undertaking through to completion, appropriate and breathtaking renovations and restorations on prominent Alexandria properties. In fact, this year, the Historic Alexandria Foundation (HAF) awarded Lori and Nigel a 2018 Preservation Award for their work at 405 Cameron Street. We in the City are lucky that this couple with such a strong track record in historic preservation and the ability to execute these projects is willing to take on the significant challenges presented by 619 South Lee Street.

As is typical of Lori and Nigel, they have approached this project thoughtfully and methodically. The property was purchased in 2013 and they have worked very closely with the easement holder, The Virginia Department of Historic Resources (VDHR), for the past five years to come up with a plan that satisfies all easement requirements and widely accepted preservation standards, while still allowing them to bring this property to life as their family home. Working with VDHR has not been an easy process, and the project as proposed in the application before

you is a very long way off from their original ideas. Lori and Nigel, however, have demonstrated appreciation of the fact that the staff of VDHR are preservation experts at the top of their profession and that VDHR staff spent an enormous amount of time reviewing proposals, providing recommendations and figuring out the best way to bring this property back to life. Lori and Nigel have accepted the guidance provided throughout this effort.

Through this time, Lori and Nigel have also kept HAF abreast of the project and plans. They and their architects have shared information and met with HAF. In many cases Lori and Nigel have taken HAF comments back to VDHR and adjusted the plans as such. This past August, in fact, a member of HAF leadership indicated personal support of the project such that Lori and Nigel felt confident enough to begin the restoration work of roof repair and repointing while waiting for the overall restoration/renovation approval.

From the letter that HAF has provided to the City, it is clear that HAF has differences of opinion from VDHR. There will always be differences of opinion on things as subjective as architectural design and historic preservation. However, given the fact that there does need to be an arbiter, and in that VDHR holds the easement on the property and has spent significant time over the past five years working on this project with Lori and Nigel, it would seem to me that it would be prudent and safe for BAR to defer to the Commonwealth of Virginia's work and direction on this project. Neither HAF nor the City staff has spent anywhere near the amount of time researching this project as has VDHR. It is important to note that most of the requests that HAF is making are in direct conflict to what the easement holder, VDHR, will approve. This puts Lori and Nigel in an impossible situation.

As a personal note, I had the privilege of renovating and restoring the property at 210 Duke Street with architect and Board of Architectural Review board member, Bud Adams. This property was held in easement by **BOTH** VDHR and HAF. The amount of work required to obtain the approval of the easement holders was striking. We spent over 90% of the time working with VDHR, and 10% with HAF which at the time was eager to defer to VDHR resources and expertise appreciating the effort that VDHR put into the project. As I have said publicly, I feel that the work with the easement holders led us to a wonderful restoration and renovation which HAF has repeatedly indicated they were very happy with.

I am quite concerned that this situation demonstrates a serious problem in our City. Here, you have:

- *A couple with a track record of awarded historic preservation purchasing a significant property that has fallen into disrepair over the past several decades.*
- *Owners with willingness to commit the time and resources to come up with a plan to renovate and restore the property.*
- *Work over a five year period with a very credible easement holder, the Virginia Department of Historic Resources, to come up with a renovation/restoration plan that addresses all historic preservation concerns with widely accepted solutions.*
- *A couple that has kept both the City staff and local preservationists (HAF) abreast of the project throughout and taken comments back to the easement holder for consideration.*

- *HAF making demands that are in direct conflict to what the Commonwealth of Virginia VDHR will accept as the easement holder.*
- *Property owners that will be placed in an impossible situation that will be unable to be resolved.*

I ask that you vote for approval of this project. You can have no doubt that the owners will do a wonderful job as they have in the past. I know that it will be hard to make this vote, but if you want this property to be restored I believe that you will not find a better proposal than the one provided here by the easement holder and the owners.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read "Lauren Stack". The signature is fluid and cursive, with the first name "Lauren" written in a larger, more prominent script than the last name "Stack".

Lauren Stack
laurentkentstack@gmail.com

W. Brown Morton III
Architectural Conservator
212 Wirt St., Leesburg, Va. 20176

December 16, 2018

Board of Architectural Review, Old and Historic District
City of Alexandria
City Hall
301 King Street
Alexandria, Virginia 22314

RE: BAR Case Number 2108-00410 – 619 S. Lee Street (Hugo Black House)

Dear Chair Kelley and Members of the Board:

I am writing today about a matter of serious concern for the cause of historic preservation in the City of Alexandria. I have reviewed the development plans for the Hugo Black House that you are scheduled to consider on December 19, 2018 and believe those plans should be rejected by you.

By way of background, in 1949 I moved with my family to Old Town Alexandria and knew most of its residents from my days delivering the Alexandria Gazette as a youngster. Growing up in the Old and Historic District, from my earliest youth I have been devoted to the cause of historic preservation. I am intimately familiar with Old Town in general and with the Hugo Black House and its setting.

In 1961, I was the first recipient of a Bachelor of Architectural History, awarded by the School of Architecture at the University of Virginia. I went on to work at the U.S. Department of the Interior where I co-authored The Secretary of the Interior's Standards for Historic Preservation Projects. I am Professor Emeritus, Department of Historic Preservation, University of Mary Washington, Virginia.¹

Having reviewed the plans before you, I would like to clearly state that, in my view, the present project proposal does not reflect or support the goals and intent of the Secretary of the Interior's Standards for Rehabilitation as expressed by me and Gary L. Hume as co-authors of the original version of the Standards. Nor do I believe the plans are compatible with either the Hugo Black House and setting, nor the Old Town neighborhood.

Because the application for work on the Hugo Black House relies in no small degree on the conceptual approval of the Virginia Department of Historic Resources, I believe it is important

¹ My complete CV can be reviewed at:
(https://caine.emich.edu/archives/findingaids/html/Woolridge_Brown_Morton_III_papers.html).

for me to explain why I think that approval arose from a misapplication of the Secretary of the Interior's Standards which the VDHR is supposed to follow.

Any evaluation of a project like the one before you should start with an evaluation of the historic resource at hand.² In this case, the Hugo Black House is one of national importance, not just because it is part of the Old & Historic District, but because of its association with one of the great American jurists during a time that the history of the United States was transformed by the United States Supreme Court. When Justice Black died in 1971 the considered judgment of the country was that

Perhaps no other man in the history of the Court so revered the Constitution as a source of the free and good life. Few articulated so lucidly, simply and forcefully a philosophy of the 18th- century document. Less than a handful had the impact on constitutional law and the quality of the nation as this self-described 'backward country fellow' from Clay County, Alabama.³

In my opinion, therefore, the period of greatest historical significance for 619 South Lee Street was the period when Justice Black owned the House and lived there.

As has been well noted by others,

The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal 'row' type buildings in Alexandria, has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.⁴

Shortly after Worth Bailey completed his study, the Virginia Historic Landmarks Commission certified the Hugo Black House and as an Historic Landmark property in December of 1969. Any assessment of the proper treatment of the property, therefore, has to start from a recognition of its Landmark status and the significant historical character of the property.

² "To best achieve these preservation goals, a two-part evaluation needs to be applied by qualified historic preservation professionals for each project as follows: *first*, a particular properties materials and features which are important in defining its historic character should be identified. Examples may include a building's walls, cornice, window sash and frames and roof; rooms, hallways, stairs, and mantels; *or a site's walkways, fences, and gardens*. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 6 (emphasis added).

³ N.Y. Times (Sep. 26, 1917) at 79 col. 1.

⁴ Worth Bailey, Photographs, Written Historical and Descriptive Data, Vowell-Snowden-Black House, 619 S. Lee Street, Alexandria, Virginia, HABS No. VA-709, p.1.

In the case of the Hugo Black House, that means that one of the preservation priorities is the maintenance of the property as closely as possible to how it was during the life of Hugo Black, including the “extensive grounds and breathing space.” That includes a side yard extending from the house to the corner of South Lee and Franklin Street, and a back yard spanning an entire city block in the heart of Old Town.

The importance of preserving this important feature of the Hugo Black House is set forth in the current version of the Secretary’s Standards, which provide that “A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships.”⁵ Or as originally set forth in 1979, “Every reasonable effort shall be made to provide a compatible use for the property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.”⁶ “The ethical idea here is that ‘less is more’ the smaller the degree of change the greater the level of retained integrity.”⁷

The current Standards also require that “The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.”⁸ In their original form this standard was stated as: “The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.”⁹ And most pointedly, the current Standard 9 for both Preservation and Rehabilitation projects states:

New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.¹⁰

⁵ Code of Federal Regulations, Tit. 36, Section 68.3(a)(1), (b)(2)(2018).

⁶ W. Brown Morton III & Gary L. Hume, *The Secretary of the Interior’s Standards for Historic Preservation with Guidelines for Applying the Standards* (Washington, D.C. 1979), p.3.

⁷ W. Brown Morton III, *The Secretary of the Interior’s Standards for Historic Preservations Projects: Ethics in Action*, Lecture Presented at the Annual Meeting of the National Council for Preservation Education, Indianapolis, Indiana, October 23, 1993, National Park Service, Washington, D.C. 1993.

⁸ Code of Federal Regulations, Tit. 36, Section 68.3(a)(2), (b)(2)(2018)(emphasis added).

⁹ Morton & Hume, *op. cit.* (emphasis added).

¹⁰ Code of Federal Regulations, Tit. 36, Section 68.3(a)(9), (b)(9)(2018)(emphasis added). This has evolved from the original articulation of the standard which said, “Contemporary design for alteration and additions to existing properties shall not be discouraged *when such alterations and additions do not destroy significant historic architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.*” Morton & Hume, *op. cit.* (emphasis added).

In my opinion, the VDHR failed to properly apply these Standards when providing its conceptual review of the proposed project on the Hugo Black House. The proposed plan unnecessarily destroys one of the distinctive and historically significant features of the property: the extensive open space side yard extending to the corner of South Lee and Franklin Streets. By choosing to locate the additional structures along the length of South Lee Street the project electively places those additions where they most conspicuously occupy the “breathing space” that the Historic American Building Survey as identified as one of the properties most significant features.

Since 1983, the interpretive guidelines issued by the Department of the Interior has recommended that,

Constructing a new addition so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.¹¹

By stretching two of its three proposed additions along the South Lee Street portion of the property, the plans proposed for the Hugo Black House appear to do the exact opposite of these recommendations.¹²

I feel certain that with the architectural talent at the applicant’s disposal that they can develop plans to meet any legitimate need of the owners while at the same time minimizing the destruction of the historic resource consistent with recognized preservation principles. Unfortunately, the approach adopted in the current plans do not adequately undertake this important work of preserving this landmark property.

In addition to the overall size, scale, style and placement of the proposed additions, the plans ask you to approve the demolition of a noted architectural feature of the Hugo Black House. I refer to the “curve” where the ell joins the main block of the house. That feature was given particular note in the HABS Report. “The hyphen where it was joined to the main house was rounded so as not to interfere with the windows upstairs and down.”¹³ Rounded corners are an interesting treatment used in some important and historic Alexandria houses.

¹¹ The Secretary of the Interior's Standards for rehabilitation and guidelines for rehabilitating historic buildings. Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 58.

¹² “Not Recommended. ... Attaching a new addition so that the character defining features of the historic building are obscured, damaged or destroyed.” *Ibid*.

¹³ W. Bailey, *op cit.*, p. 6.

For example, 213 South Pitt Street, where I grew up, had a curved corner on its rear wing. The preservation of such adaptive uses is precisely the type of architectural detail that the Secretary's Standards have always argued should be preserved. Originally the Standards said, "Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected."¹⁴ Now the standards are even more explicit. "Changes to a property that have acquired historic significance in their own right will be retained and preserved."¹⁵ A guiding concept of cultural resource management throughout the Western world is that the retention of original or early material is essential to the integrity and significance of the resource.¹⁶

I certainly do not suggest that the Standards Gary Hume and I developed for the Secretary of the Interior 40 years ago are the last word on Historic Preservation. The Standards have been revised several times since 1979 and in some respects these later revisions do not accurately express Gary Hume's or my original meaning or intent. These later revisions have hardened the Standards, in my view, into inflexible "commandements" rather than "recommendations" for thoughtful consideration of right action in the undertaking of any given project. Neither Gary nor I saw ourselves as a modern-day Moses.

In this case I fear that the applicant, in order to satisfy the dictates of the Virginia Department of Historic Resources, has been led to ignore the substance of the Standards in favor of a misguided and rote attempt to apply them. Thus, in the interest of "differentiation," the plan destroys one of the most noted feature of the historic property: placing additions where open space is supposed to be preserved. In the interest of not discouraging contemporary design, the plan ignores the precept that the "design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment."¹⁷ Since these plans were apparently developed without any consultation with, or notice to, the local community, it is perhaps understandable that the result has been so out of keeping with the tradition of preservation in Alexandria. The result is starkly incongruous with both the setting, the existing historic structure, and the community as a whole. It is an example of the misuse of the Standards "where the Standards have been mistaken for rules — where ethical reflection has been replaced by bureaucratic fiat, [and] the Standards have ... failed."¹⁸

¹⁴ Morton & Hume, *op. cit.* (emphasis added).

¹⁵ Code of Federal Regulations Tit. 36, Section 68.3(a)(4), (b)(4)(2018).

¹⁶ Morton, *Ethics in Action*, *op. cit.* p. 20.

¹⁷ Morton & Hume, *op. cit.* (emphasis added).

¹⁸ Morton, *Ethics in Action*, *op. cit.*, p. 22.

In conclusion, I wish to thank you for your service to Alexandria. The BAR stands as the guardians of the historic fabric of this precious place in American History. I am confident that by applying the longstanding practice of the BAR and the fundamental principles of historic preservation, you will agree with me that the current proposal for construction on the Virginia Landmark Hugo Black House property should be denied your approval.

Sincerely,

A handwritten signature in black ink that reads "W. Brown Morton III". The signature is written in a cursive, slightly stylized font.

W. Brown Morton III

cc. Historic Alexandria Foundation