

BAR Meeting
February 6, 2013

ISSUE: After-the-Fact Certificate of Appropriateness &
Waiver of Section 7-202(C) (Fence Height Requirement)

APPLICANT: Charles Kohler by Doug Bibb

LOCATION: 516 North Columbus Street

ZONE: RB / Residential

STAFF RECOMMENDATION, February 6, 2013: Staff recommends approval of the after-the-fact Certificate of Appropriateness application and Waiver of Fence Height Requirement with the conditions:

- That the existing transom above the front door is replaced with a painted wood, two-light transom whose details comply with the BAR's *Window Policy* and that this work will be complete by May 1, 2013.
- That the wood fence is painted or stained.

BOARD ACTION, January 16, 2013: Deferred due to lack of representation by owner, 6-0.

SPEAKERS

Doug Bibb, landscape contractor for the applicant, spoke in support of the application by responding to questions.

BOARD DISCUSSION

The Board had questions regarding replacement of the inappropriate transom above the front door that was a condition of BAR approval associated with a previous violation. Mr. Bibb was unable to answer the questions, as the scope of his contract was only the rear fence, deck, paving and landscaping.

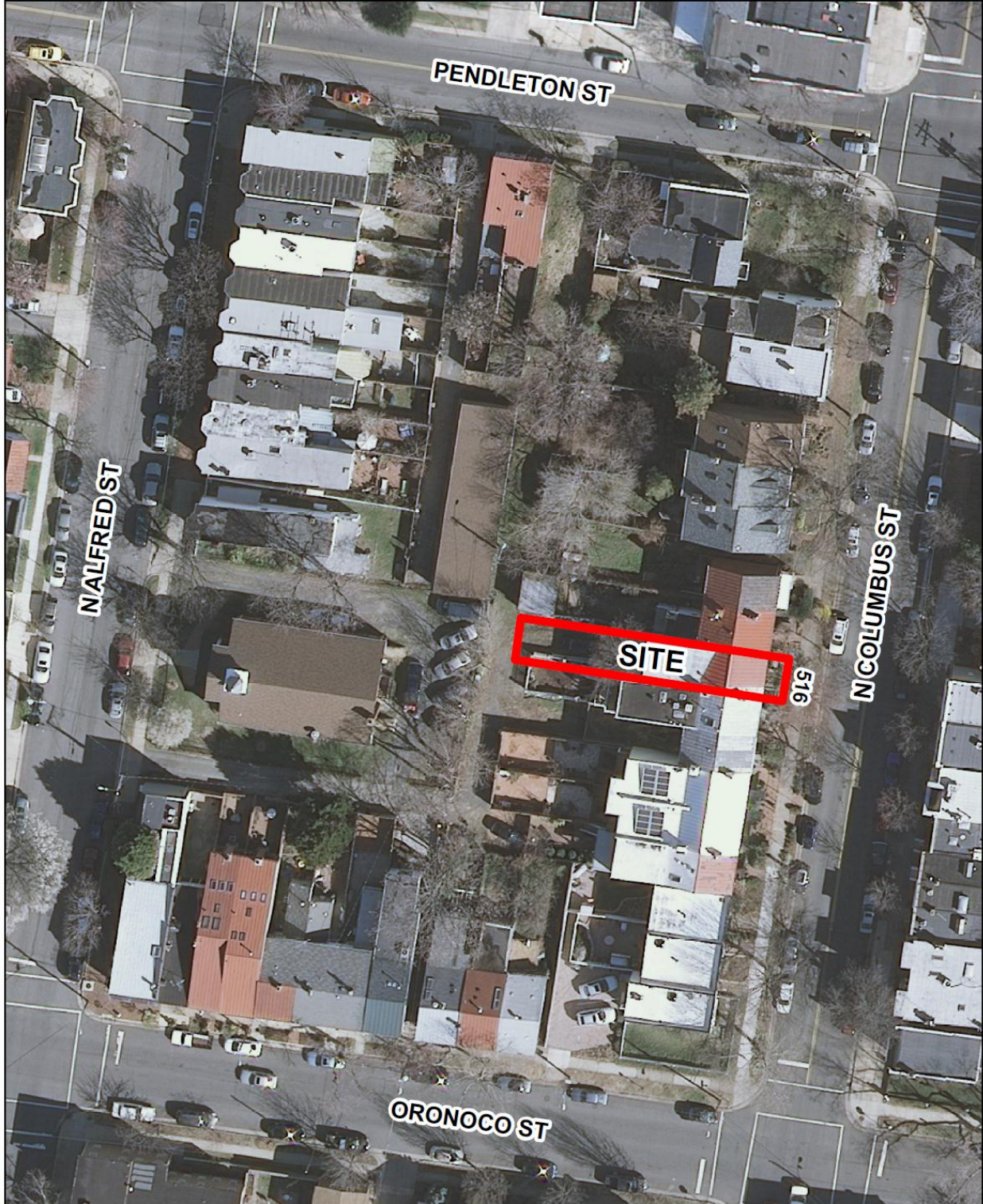
On a motion by Dr. Fitzgerald, seconded by Mr. Smeallie, the Board deferred the application in order to allow the applicant to appear before the Board to respond to questions about when the transom will be replaced, 6-0.

REASON

The Board declined to review a second application for after-the-fact construction at this property when the applicant's representative for the present case was unable to respond to questions about the previous, still unresolved transom violation. Therefore, the Board voted unanimously to defer action until the applicant or his representative could address the Board's questions regarding compliance with the previous condition to replace the transom.

***EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

****BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.



BAR2012-00364

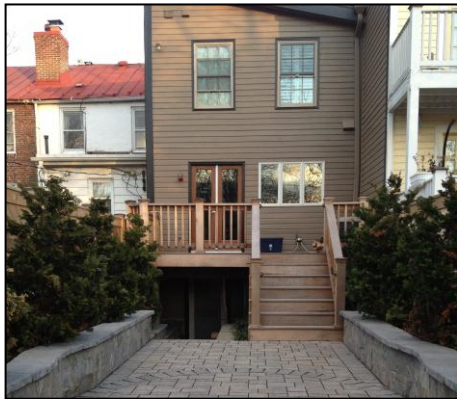
Update: At the January 16, 2013 hearing, the BAR deferred action on the proposed fence construction and the waiver of its height requirement, due to outstanding violations which have not been addressed by the owner. Since the BAR's public meeting, the owner has given his contractor permission to order a custom transom for the front door to resolve the outstanding violation. Due to the length of time required for custom orders to be manufactured and received, the owner has requested that the project completion date be extended to May 1, 2013.

After the BAR meeting, BAR and zoning Staff have met with the owner's contractor to address the outstanding zoning issues on the property. During this meeting, the contractor expressed a desire to revise the current BAR application to reflect construction performed since the initial application. The revisions to the application are shown below in ***bold italics***. The zoning issues are still outstanding, however, and will be addressed during the building permit process and through the BAR's administrative approval process.

I. ISSUE

The applicant is requesting approval of an after-the-fact Certificate of Appropriateness to:

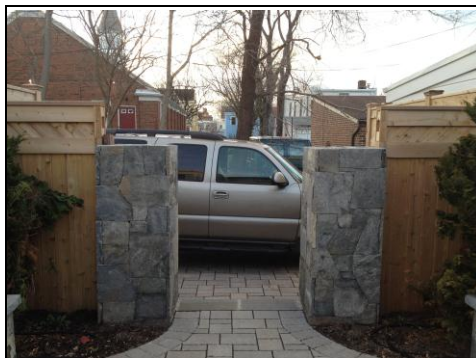
- Replace an existing 6' high wood fence along north and south (side) property lines with a new, ***6'-4" to 7'-10"*** high wood fence;
- Install a new ***7'-7"*** high wood fence ***offset ten feet from the rear property line*** and detailed with ***6'-4" high stone piers and a 6'-4" tongue and groove cedar gate***; and
- Demolish an existing rear deck and stairs (16'-6" x 9') and reconstruct a slightly larger deck and stairs (16'-6" x 10').



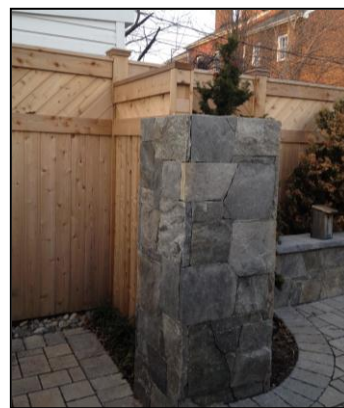
Deck



Fencing



Piers and Future Gate Location



Piers and Fencing

BACKGROUND

The subject case was docketed for the December 19, 2012 BAR public hearing. However, due to incomplete noticing by the applicant, the case was deferred.

On May 7, 2012, the applicant's contractor contacted BAR staff about replacement of the existing six foot high wood fences on the side lot lines with new six foot tall tongue and groove cedar fences, the installation of a new patio, new landscaping, LED landscape lighting and the resurfacing of the existing deck utilizing hardwood decking and a cedar railing. Following a site visit, BAR Staff provided our findings to the applicant's contractor in an email dated May 9, 2012:

Based on the information provided, the BAR considers this fence replacement a "repair" under Section 10-209 of the Zoning Ordinance. This is conditioned that the repair fence is in-kind replacement, to be located in the same location, and does not exceed 6 feet in height. We would also consider the resurfacing of the porch a repair, as long as the design and materials do not change. In regards to the fence and porch, and based on the previously mentioned conditions, you will not need any further review by this office. Please utilize this e-mail as your formal notice to proceed with your project...As far as the other aspects of your project; we would not review the patio as long as it is at grade. Landscaping that does not encroach within a public right-of-way does not require BAR review. If your project proposes to change in any way from the original scope, please contact us to discuss before implementing the changes. Please let me know if you have any further questions about this or future projects!

The BAR staff received a complaint from a neighbor regarding the fence on September 21, 2012. Staff conducted a site visit and determined that the fence was not built as represented and a violation warning notice was issued.¹ The subject application is an after-the-fact approval for revisions to the original scope-of-work.

II. HISTORY

This brick, two-story dwelling is located on the west side of North Columbus Street and is part of a collection of eight townhouses constructed **prior to 1902** when the Sanborn Fire Insurance maps first show this block.

The boundary of the Old and Historic and Parker-Gray Historic Districts lies between the subject property at 516 North Columbus Street and 518 North Columbus Street.

Previous Approvals:

On September 7, 2011, the present property owner received an after-the-fact approval to replace the windows and front door on the subject property (BAR#2011-0179.) The condition of approval was that the transom window be replaced with a one-light, or two-light simulated-divided light, 5/8" width putty profile muntin, with stiles and rails to match the original transom sash widths as closely as possible, as determined by staff in the field. The transom was to meet the Alexandria Window Performance Specifications. The Board also required the brick lintel above the door and window sashes to be painted but allowed the applicant to defer painting the existing inappropriately stained wood windows until the next time they needed to be refinished, which is expected to be within 3-5 years. In the 15 months since the public hearing, the transom window has not been replaced. Staff recently discovered a photograph of the original two light transom (see below) and recommends that this be used as the guide for replacement.

¹ Warning Notice #1151 was issued for fences constructed higher than 6'.



1990 Photo of Original Windows and Transom

III. ANALYSIS

The present case before the BAR is for after-the-fact approval of new fence and stone piers on the west side of the property, a waiver of fence height and design approval for fences *exceeding 6' in height, with the maximum height of 7'-10"* on the north and south lot lines, approval of a

revised deck, and re-approval of a condition to address the previous violation for the front door's transom. Staff reminds the applicant that any fence taller than six feet also requires approval of a building permit from Code Administration. The subject project is currently not in compliance with the Zoning Ordinance requirements for open space and parking and the applicant must work with Zoning Staff to address these issues prior to applying for the building permit from Code Administration. Zoning and Code Staff needs to know whether the BAR supports the waiver of fence height and the deck design as guidance, in part, to provide corrective actions for the other violations. Zoning Section comments may be found in Section IV of this report.



Parking in rear yard of this parcel is not permitted under the Open Space Requirements in Alexandria Zoning Ordinance

The BAR's *Design Guidelines* state that "Fences, in the historic districts are made of a number of materials including wood, masonry and brick." "New fences should be sympathetic to the existing built environment and appropriate in materials, design and scale." Staff finds that the installed wood fences comply with the requirements of the *Design Guidelines*. The fence design is consistent with other existing fences within this portion of the district and has no negative impact on historic features, as it is completely detached from the historic structure and contained in the rear yard, visible only from the public alley and, of course, the adjoining neighbor's yards. If the Board approves the new rear fence and the taller side fences, the reconstructed rear deck will be minimally visible and staff recommends approval of the new design, which is far more attractive and architecturally appropriate than the previous utilitarian deck. Staff notes again that the open space issues must be resolved and this recommendation relates only to the architectural character of the visible portions of the railing, which may have to be relocated to the original deck rail location.

However, during investigation of the present construction, Staff observed that the owner had not resolved his previous 2011 BAR violation. At that time, the Board required replacement of the inappropriate front transom design but this one year approval period expired on September 7, 2012. Staff, therefore, recommends that the Board require that a two-light transom matching the original be installed as part of the present application and that this work be completed within six weeks of this approval. If the transom has not been replaced by **May 1, 2013**, then the owner will not be in compliance with their Certificate of Appropriateness and fines may be assessed, as defined in the zoning ordinance.

Waiver of Height Requirement - Section 7-202(C)

The Zoning Ordinance prevents fences taller than six feet in height anywhere in the City but allows the BAR to waive or modify this height "where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district." [Section 7-202(C)]

Staff notes that the Board has, on occasion, approved fences which are seven feet above the adjacent grade, including the most recent fences at 909 and 911 South Saint Asaph Street (BAR 2012-0259 & 260) 9/5/12). Staff recommends that the Board find that the proposed wood fence with masonry piers architecturally appropriate and consistent with the character of the district and supports the waiver of Section 7-202(C) ***to the waiver of the height requirement to a maximum of 7'-10", in conformance with the submitted plat.***

STAFF

Michele Oaks, Urban Planner, Historic Preservation Section, Planning & Zoning
Al Cox, FAIA, Manager, Historic Preservation Section, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

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

Zoning Section

C-1 In 1990, a two-story addition was approved on the property. At that time the applicant proposed parking at the rear of the property. In order to comply with the required 800 square feet of open space staff determined that rear of the property could **not** be used for parking. According to the submitted survey, the property provided approximately 707

square feet of open space (staff must determine if any of the area in the front of the building can be included in the open space). The open space cannot be reduced below the amount that exists on the submitted plat, dated August 14, 2002. The rear of the property may **not** be used for parking. A barrier between the alley and the rear of the lot must be erected.

C-2 On June 15, 2012, a permit to replace the deck rails and steps was issued. The applicant appears to have enlarged the deck and stairs, further reducing the open space. The applicant must reduce the deck and stairs so that no open space is lost.

C-3 Applicant must receive waiver of height of fence from the BAR.

Code Administration

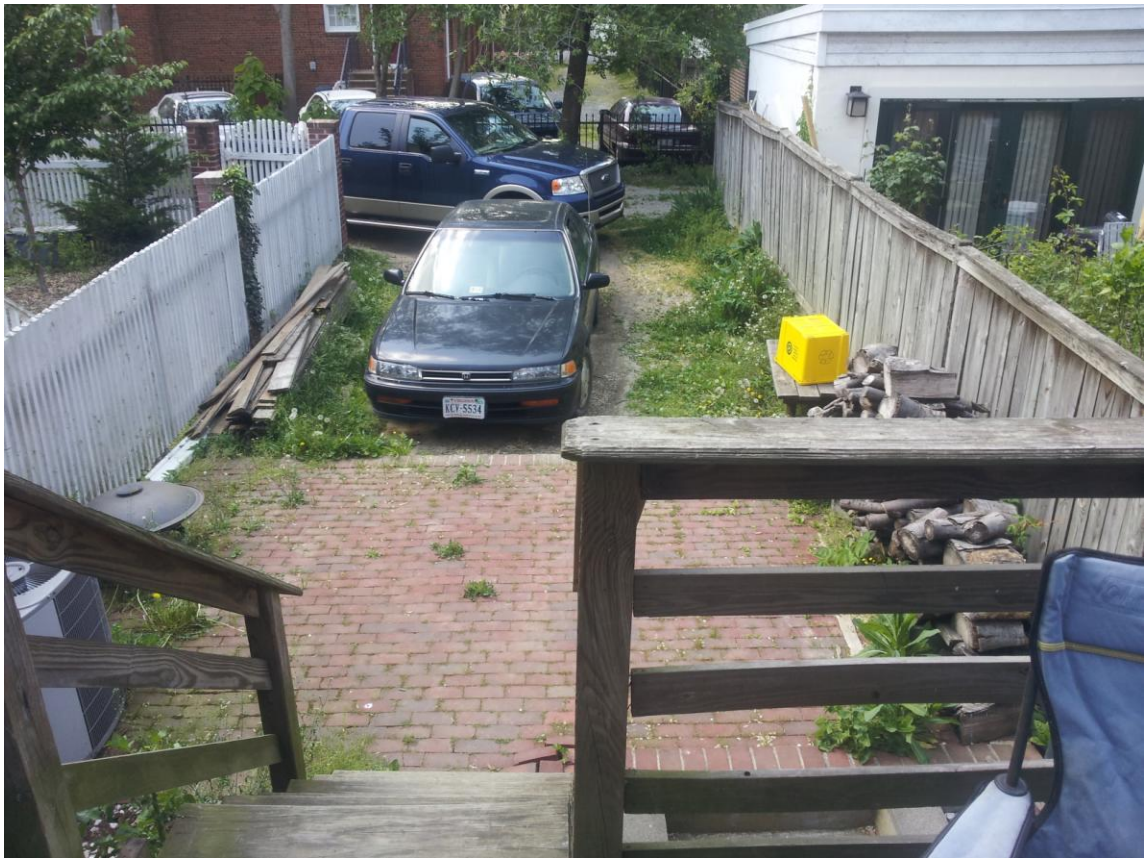
F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief, at ken.granata@alexandriava.gov or 703.746.4193.

C-1 A building permit is required for fences exceeding 6ft in height. Five sets of *construction documents* that fully detail the construction as well as framing schematics shall accompany the permit application(s). If a Virginia licensed design professional prepares drawings, the plans shall bear the signature and seal of the Virginia licensed design professional in accordance with the Code of Virginia Section 54.1-410B.

V. ATTACHMENTS

1 – Supporting Materials

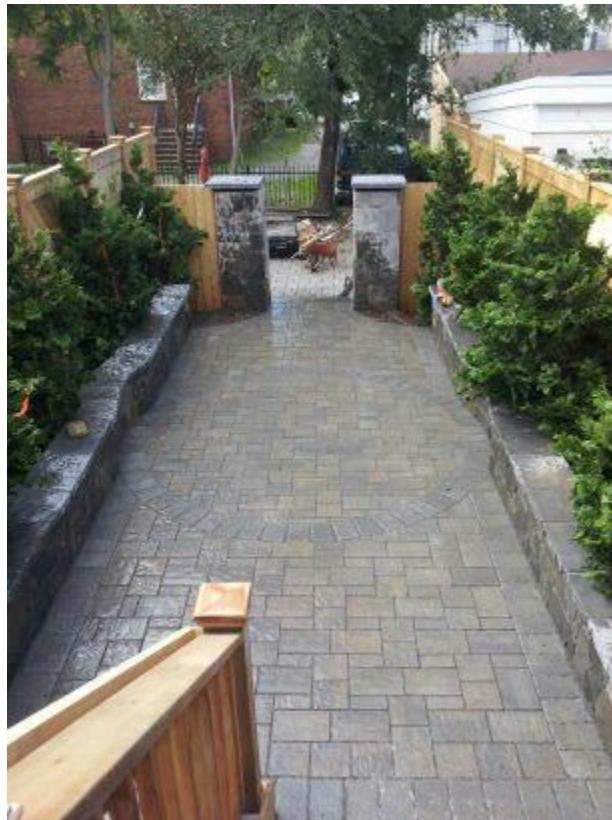
2 – Application BAR2012-0364 for 516 North Columbus Street



516 N Columbus St backyard; **BEFORE**



516 N Columbus St backyard; **BEFORE**



516 N Columbus St backyard; **AFTER**

ADDRESS OF PROJECT: 516 North Columbus Street

TAX MAP AND PARCEL: 064-02-02-22 ZONING: RB

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: Charles Kohler

Address: 516 North Columbus Street

City: Alexandria State: VA Zip: 22314

Phone: (703) ~~930-2183~~ 869-3905 E-mail: cmkohler@aol.com

Authorized Agent *(if applicable)*: Attorney Architect Contractor

Name: Doug Bibb

Phone: (703) 930-2183

E-mail: dougbibb@cox.net

Legal Property Owner:

Name: Charles Kohler

Address: 516 North Columbus Street

City: Alexandria State: VA Zip: 22314

Phone: (703) 869-3905 E-mail: Cmkohler@aol.com

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

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

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

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

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

Would like to receive permission to allow the backyard fence to exceed the height of six feet

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.

Please allow this email to serve as my formal request to the BAR meeting scheduled for February 6, 2013 for the Kohler Residence located at 516 North Columbus Street:

We would like approval from the BAR for the following items:

- For the back yard cedar tongue and groove fence to exceed a finished height of 6' per the dimensions provided in the attached plat.
- To allow the two back yard stone columns (currently 5' 1 1/2" tall) to match the height of the existing fence (inside finished height of 6' 4").
- To install a tongue and groove cedar gate to match the existing fence in style and height (inside finished height of 6' 4").

Thank you,

Doug Bibb, *President*
Doug Bibb's Landscape Company

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

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

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

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

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


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

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

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

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

APPLICANT OR AUTHORIZED AGENT:

Signature:  _____
Printed Name: Doug Bibb
Date: 11/05/2012

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

| Name | Address | Percent of Ownership |
|-------------------|--------------------|----------------------|
| 1. Charles Kohler | 516 N. Columbus St | 100% |
| 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 516 N. Columbus Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|-------------------|-----------------|----------------------|
| 1. Charles Kohler | 516 N. Columbus | 100% |
| 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. | | |
| 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.

11/05/2012

Doug Bibb

Date

Printed Name



Signature