BAR CASE # 2016-00160

City Council
February 24, 2018

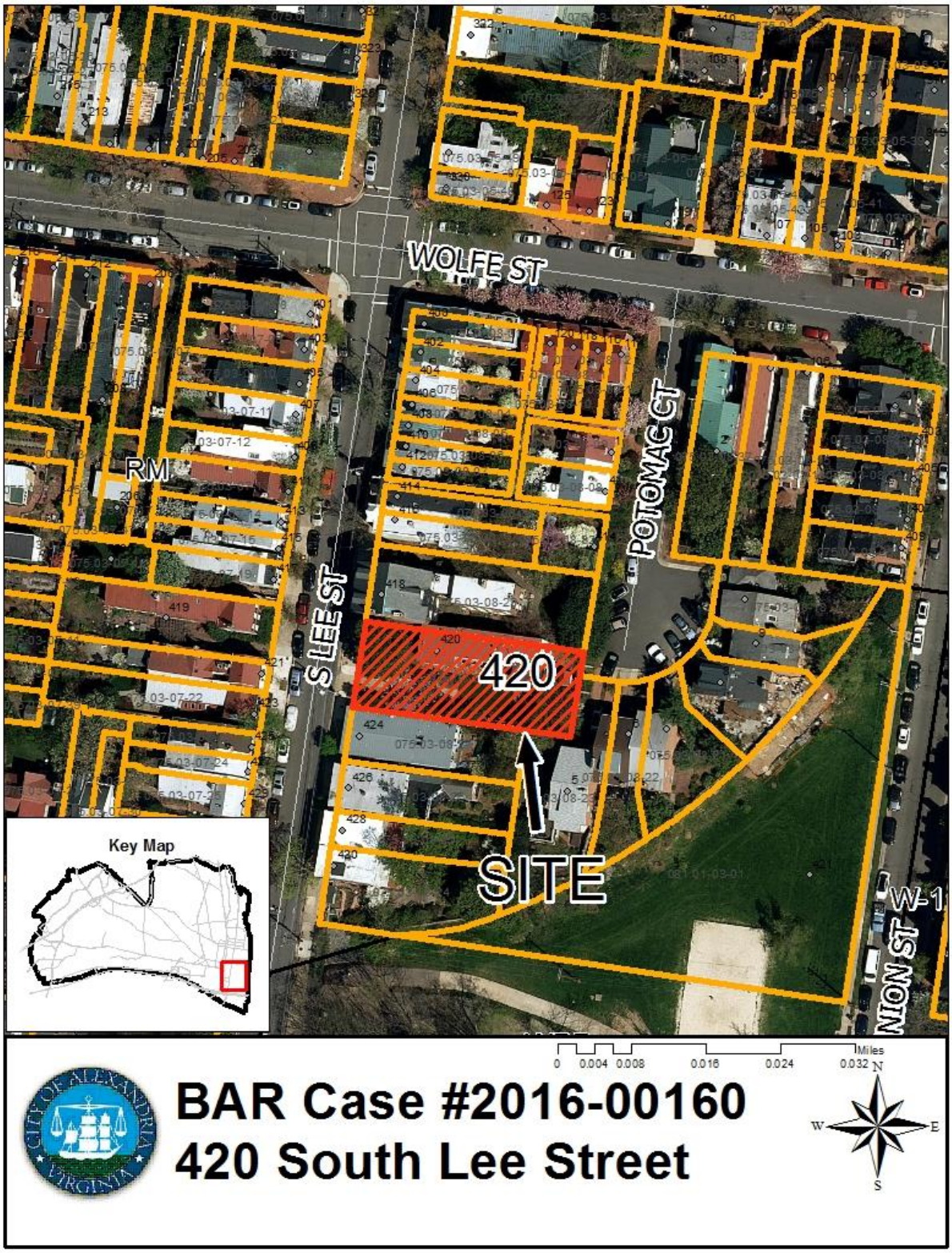
ISSUE: Appeal of a decision of the Board of Architectural Review, Old & Historic Alexandria District, approving a Certificate of Appropriateness for a fence with a condition regarding the width of the double gate.

APPLICANT: Thomas Byrne

APPELLANT: Thomas Byrne

LOCATION: 420 South Lee Street

ZONE: RM / Residential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BAR Case #2016-00160
420 South Lee Street

I. ISSUE

The applicant is appealing a December 20, 2017, decision of the Old & Historic Alexandria District Board of Architectural Review (BAR) approving a Certificate of Appropriateness for a front fence with a condition regarding the width of the proposed double gates. The applicant in this case is Thomas Byrne on behalf of himself. The applicant disagrees with a condition the BAR included as part of the Certificate of Appropriateness, which reduced the width of the proposed double gate from 10 feet to 6 feet.

The applicant submitted an application to the BAR for a fence along the front of the property. The request included a double gate that measured approximately 10 feet in width and led into the front yard of the property. On December 20, 2017, the BAR approved the Certificate of Appropriateness for the materials and design of the fence with a condition that the width of the double gate be reduced to no wider than 6 feet in total. The BAR also conditioned that the reduced width double gate align with the existing street-facing front door **or** that a second single gate be added that would align with the front door. The applicant's representative agreed to the addition of a single gate aligned with the walkway leading to the front door. The Board noted that a double gate was only appropriate if it were appropriately scaled and observed that historic examples of double gates were no wider than 6 feet. They stated that a double gate any wider than 6 feet would be out of scale with this historic Victorian house as well as the character of the block face. The final amended approval was therefore for a wicket and spear metal fence with a single gate aligned with the front door and a double gate no greater than 6 feet in width. The BAR's vote was 5-0.

The applicants' basis for appeal is the following: "Issue appealed is width of double gate (6' total) approved by BAR and recommended by staff. Basis of appeal is evidence of larger gate, which staff did not have when it wrote its recommendation but which will be presented to City Council."

The BAR found the applicant's proposed fence design – a wicket and spear metal fence – to be historically appropriate. **Therefore, the subject of the appeal is only the width of the double gate.**

II. DISCUSSION

Building History

The brick and frame dwelling at 420 South Lee Street is an example of the evolution of a prominent Alexandria house with numerous alterations over time and a broad span of cultural and architectural significance. What follows is a brief overview of the property history.

1787 - "House at 420 dates from an early outbuilding of 418 [which was completed in **1787**]. In 1840, Hugh Smith purchased the lot [at 418], of which the lot at 420 was a part. In April **1871**, Smith's executors conveyed 420 to John Aitcheson for $530…" (According to Ethelyn Cox in her book, *Historic Alexandria, Virginia Street by Street, p.91*)

1871 - Italianate brick two-story addition constructed fronting onto South Lee Street and likely incorporating portions of the 18th-century flounder.

1902 - A two-story, frame extension was added to the rear of the masonry addition according to Sanborn Fire Insurance maps.

ca1920-1960 – One-story garage built on southern property line.

1968 – BAR approved alterations to windows and door, removing the Victorian trim and replacing with Greek Revival style architectural details.

2012 - BAR approved a Certificate of Appropriateness (BAR Case #2012-00005/6, 2/1/12) for alterations to the structurally unstable brick knee wall and cast-iron fence along the front property line, along with other additions and alterations to the side and rear of the house, including a screened porch. The changes to the fence included lowering the height of the brick wall by eight courses of brick and re-installation of the existing mid-19th century cast iron fence on top. The overall height of the fence and brick base was to be reduced from approximately 80" to approximately 64" tall. Following significant discussion, the Board approved the certificate of appropriateness with conditions, by a roll call vote, 5-0 (BAR2012-0006). Condition #5, related to the fence/gate required that: *Complete construction drawings be submitted to Staff for approval prior to any modifications to the existing design of the front fence and gate.*

On March 28, 2012, building permit BLD2012-0506 was issued for work that included the brick wall and fence. The work on the brick wall and fence was not undertaken and all building permits and BAR approvals for the 2012 project expired, causing removal of the cast iron fence to become a BAR violation unless the Certificate of Appropriateness was reapproved by the BAR.

<u>Fence History</u>
A wicket and spear fence was located along the front property line in the first half of the 20th century and most likely dates to the late 19th-century because the style and design are appropriate to the Italianate Victorian 1871 front addition (Figure 1). Sometime after 1960, after the garage was demolished, a cast iron, mid-19th century Greek Revival style picket fence and brick retaining wall base were added along the front property line (Figure 2). This most likely occurred in the late 1960s as part of the addition of the Greek Revival style door surround and jack-arch lintels with keystones above the windows. While the Greek Revival fence was an antique, it was likely salvaged from another property as part of a broader effort to "early up" the architectural style of this house.

Figure 1: Undated photo with wicket and spear fence

Figure 2: 2012 photo with previous fence

On October 21, 2015, staff issued a notice of violation because the brick wall and fence were removed in their entirety and not replaced as required by the approvals granted in the 2012 certificate of appropriateness and building permit.

Subsequently, on April 20, 2016, the BAR denied the applicant's request for an after-the-fact Permit to Demolish the cast-iron fence and brick knee wall that was previously located along the front property line. The BAR found that an open metal fence, either a wicket and spear fence, which likely was in place from 1871 to the 1960s and modified between approximately 1920-1960 to provide automobile access, or the cast-iron picket fence atop a brick knee wall from 1960 to 2012, was a character-defining landscape element that had gained historic significance in its own right. The BAR requested that the applicant return to the BAR with a Certificate of Appropriateness application for either the recreation of the wicket and spear fence documented in the 1930s photo, or the reinstallation of the cast iron fence on a lower brick base previously approved by the BAR in 2012.

<u>BAR Discussion</u>

On July 6, 2016, the BAR unanimously deferred an application, finding that the proposal was not appropriate because of a lack of clear submission materials and because the proposal was for a gate that was not pedestrian in scale and did not relate to the architectural front entrance to the townhouse. Although the application itself did not substantively change between the July 2016 and December 20, 2017 hearings, the staff found that the application had sufficient additional information to make a decision as to the appropriateness of the proposal and to resolve the outstanding violation.

At the December 20, 2017 hearing, the applicant presented a written list of neighbors in support of the fence request. Three speakers, representing the Historic Alexandria Resources Commission, the Historic Alexandria Foundation and the Old Town Civic Association, spoke in opposition to the submitted request, specifically identifying concerns about the scale and width of the double gate. At the hearing, the applicant's representative provided additional historic photographs to

support the request for the 10 foot wide double gates (Figures 3 and 4). Figure 3, whose primary subject is 418 South Lee Street, shows the northern portion of the fence on the south side and confirms the location of a single pedestrian gate aligned with the front entrance. The applicant agreed to reinstall a single gate in that location.

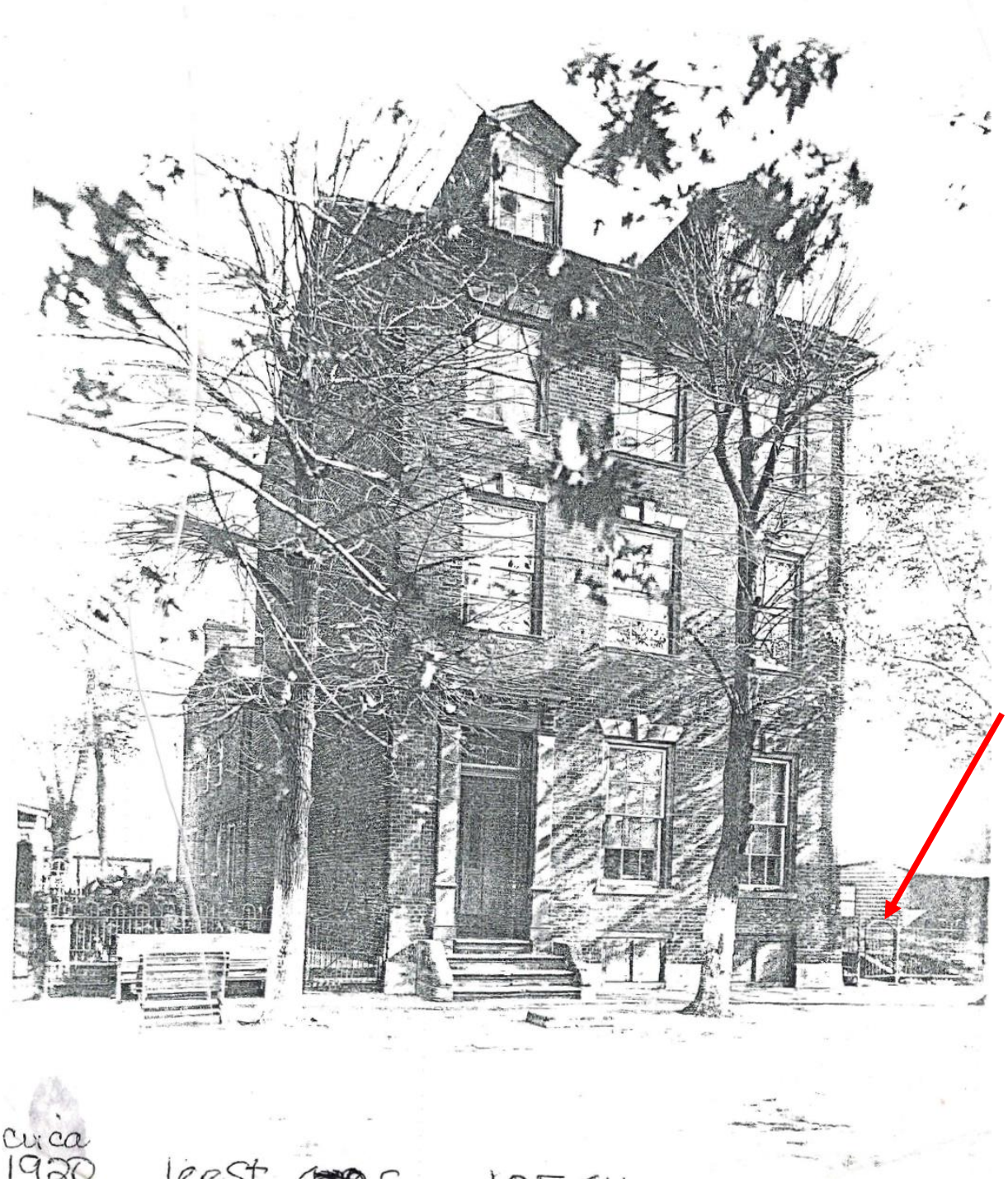


Figure 3. Front elevation of 418 South Lee Street with the fence and pedestrian gate of 420 South Lee Street to the right, circa 1920. (Provided by applicant's representative at the hearing).

Figure 4. Undated photograph of 420 South Lee Street showing "wicket and spear" fence with automobile in driveway and half of a pair of gates. Based on the design of the car, the photograph likely dates to the 1940s. (Provided by applicant's representative at the hearing).

The BAR was appreciative of the additional historic photographs provided by the applicant but the photographs did not affect their determination that a narrower width gate was more appropriate. The BAR noted that because of the angle of the photograph (Figure 4), it was difficult to determine the width of the gate in the image with the vehicle though no one believed it to be two five foot wide gates, creating a ten foot wide pair of gates. Historic map and aerial research also confirms that the one-car garage, presumably in front of the car in this photo but out of the viewing frame, only existed for forty years, from 1920 to 1960. The garage and driveway were removed and the cast iron fence with brick knee wall base were installed circa 1960. While there is evidence of a double gate to accommodate a car and driveway that existed for a few decades of the middle of the 20th century, it is not historically appropriate to the architectural period of significance of this building. Finally, the Alexandria Zoning Ordinance was changed in 1994 to require that parking either be accessed from an alley or interior court.

However, there are historic examples of double gates in this style fence to access both front entrances and garden spaces so the BAR was supportive of the double gate concept so long as it was appropriately scaled for the house and streetscape. Similar examples of double gates, used appropriately in a historic context, are found in the historic district (Figure 5).

Figure 5: (L) 5' wide, 4' tall double gate entrance at 412 South Fairfax Street (image previously provided by the applicant) and (R) historic double gate at 210 North Alfred Street that is typical of that block.

III. <u>BOARD ACTION</u>

On December 20, 2017, the BAR ***approved the Certificate of Appropriateness for the materials and design of the fence with a condition that the width of the double gate be reduced to no wider than 6 feet in total. The BAR also conditioned that the reduced width double gate align with the street-facing front door or that a second gate be added that would align with the front door. The applicant's representative agreed to the second condition. The BAR's vote was 5-0.*** The Board noted that a double gate was only appropriate if it were appropriately scaled and observed that

historic examples of double gates were no wider than 6 feet. They stated that a double gate any wider than 6 feet would be out of scale with this historic Victorian house as well as the character of the block face.

IV. STANDARD OF REVIEW ON APPEAL

Review by City Council

Upon appeal City Council must determine whether to affirm, reverse or modify, in whole or in part, the decision of the BAR. The City Council's review is not a determination regarding whether the BAR's decision was correct or incorrect but whether the Certificate of Appropriateness should be granted based upon City Council's review of the standards in Zoning Ordinance Section 10-105(A)(2). While City Council may review and consider the BAR's previous actions, City Council will make its own decision based on its evaluation of the material presented. Section 10-107(A)(3) of the Zoning Ordinance requires that the City Council apply the same standards as are established for the Board of Architectural Review.

Standards for Review of a Certificate of Appropriateness

Section 10-105(A)(2) discusses the standards for a Certificate of Appropriateness and states that the BAR, and City Council on appeal, "shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures":

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

The BAR's Design Guidelines chapter on Fences, Garden Walls & Gates states that "Fences, garden walls and gates should be appropriate in materials, design and scale to the period and character of the structure they surround." The proposed design, form and style of the fence style (wicket and spear) is architecturally appropriate for the period of this house with its 1871 façade. However, a 10 foot wide opening for a double gate into the front yard is not compatible with the historic house nor the pedestrian scale of the historic block face on South Lee Street.

> *(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;*

A 10 foot wide double gate is not appropriate or consistent with the 1871 façade of the house.

> *(c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;*

The location of the house has remained the same on this parcel and historic photos show that there was a single front gate aligned with the front entrance. The addition of an oversized double

gate leading to open space will change one's understanding of the 19th century site design which is the period of significance for this property. The double gate shown in Figure 4 only existed for a few decades in the middle of the 20th century and did not relate to the house itself but rather to a garage demolished in 1960.

(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;

A wicket and spear metal fence is historically appropriate and compatible with the adjacent existing structures. However, the addition of a 10 foot wide double gate is not compatible with the historic house nor nearby historic houses due to its oversized scale.

(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;

The 18th-century flounder with an 1871 façade addition exist at a scale that is not compatible with a 10 foot wide double gate. The concern is not the double gate but the overall width of the proposed gates. The BAR found pedestrian scaled double gates to be acceptable. Appropriately scaled double gates in the historic district range from 4-6 feet in width. Although the applicant found a photograph that shows there was a double gate with a width to accommodate a vehicle for a few decades of the middle of the 20th century, that does not justify a 10 foot wide double gate at this time. This is because the significance of the front of this building dates to the late 19th century and the double gate was eliminated in the mid-20th century. Further, the gates and pathways found in the 400 block of South Lee Street are single gates and scaled for pedestrians leading to walkways.

(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 proposed 10 foot wide double gate along the front property line would have a negative impact on the character of this historic block by introducing an out-of-scale element to the public realm. The South Lee Street block-face and its buildings generally have a high degree of historic integrity and the gates and pathways found in the 400 block of South Lee Street are single gates and scaled for pedestrians. It would be incompatible to not only the historic house but also to all the nearby historic buildings to permit an over-scaled element such as 10 foot wide double gate.

(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

Not applicable.

(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 historic district is multi-faceted and attracts a range of people for different reasons. The proposed gate in and of itself will not attract visitors; however, it is part of the streetscape and built environment which visitors, students and residents view, study and experience. The BAR approves items that are compatible with the overall historic district but not ones that detract from the preservation and protection of the district.

V. RECOMMENDATION

Staff recommends that City Council **affirm** the decision of the Board for approval of a new wicket and spear metal fence with a single gate aligned with the front door and a double gate measuring no more than 6 feet in width at the southern portion of the lot.

STAFF

Karl Moritz, Director, Department of Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning
Catherine Miliaras, Principal Planner, Planning & Zoning

VI. ATTACHMENTS

Attachment A: BAR staff report with BAR actions from the December 20, 2017 meeting.
Attachment B: BAR staff report with BAR actions from the July 6, 2016 meeting.
Attachment C: Submission Materials

Docket Items # 3
BAR CASE # 2016-0160

BAR Meeting
December 20, 2017

ISSUE: Certificate of Appropriateness - Alterations

APPLICANT: Thomas Byrne, Applicant

LOCATION: 420 South Lee Street

ZONE: RM/ Residential Townhouse Zone

BOARD ACTION: Approved as Submitted, 5-0
On the motion by Mr. Goebel, and seconded by Ms. Roberts, the OHAD Board of Architectural Review voted to approve BAR Case #2016-00160 as submitted.
The motion carried on a vote of 5 - 0.

CONDITIONS OF APPROVAL

1. The double gate may be no wider than 6' in total;
2. Either relocate the reduced width double gate to align with street facing front door or add a second gate that aligns with the front door;
3. Per City regulations, gates cannot swing into the public right-of-way;
4. Call Alexandria Archaeology immediately (703-838-4399) 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.
5. The applicant shall not allow any metal detection or other artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

REASON
The Board agreed with the analysis and findings in the staff report regarding the proposed fence, gate and overall design. The Board noted that a double gate was appropriate only if it were the appropriate scale and noted that six feet was the greatest width opening that would be appropriate for such a feature at this site, citing historic examples for double gates found in the historic district. They stated that any double gate larger than that would be out of scale with this historic Victorian house as well as the character of the block face.

DISCUSSION
The Chair reminded the Board that the only issue being reviewed in this application was the design of the fence, and that issues such as parking and use were not within their purview. The Board appreciated that the applicant provided recently discovered historic photographs which confirmed an original pedestrian gate at the north end of the fence, opening to a path leading directly to the front entrance of the house. The Board also noted the historic use of double pedestrian gates on this style fence in the historic district but found that the other 1930s period photo did not definitively show whether there was an eight or ten foot opening at the south end of the fence. They again confirmed that the period of significance of the fence should be the Victorian period, consistent with the Italianate style of the ca 1871 portion of the house fronting on South Lee Street.

SPEAKERS
Duncan Blair, representing the applicant, spoke in support of the submission, provided new historic photographs and responded to questions. He also noted a petition of support from the neighbors had been submitted for the record. Mr. Blair agreed to the condition to install a second gate aligned with the entrance to the dwelling. Mr. Blair also offered the previously removed fence to anyone seeking a historic mid-19th century cast iron fence on a more appropriate site.

Danny Smith, representing the Historic Alexandria Resources Commission, spoke in support of the staff recommendation and expressed concern about the scale of the applicant's proposed 10' wide double gate.

Gail Rothrock, representing the Historic Alexandria Foundation, spoke in support of the staff recommendations and expressed concern with the length of time taken to resolve the fencing on this property.

Yvonne Callahan, representing the Old Town Civic Association, spoke in support of the staff recommendations.

<u>STAFF RECOMMENDATION</u>
Staff recommends approval of the Certificate of Appropriateness application and Waiver of Fence Height Requirement with the following conditions:

6. The double gate may be no wider than 6' in total;
7. Either relocate the reduced width double gate to align with street facing front door or add a second gate that aligns with the front door;
8. Per City regulations, gates cannot swing into the public right-of-way;
9. Call Alexandria Archaeology immediately (703-838-4399) 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.
10. The applicant shall not allow any metal detection or other artifact collection 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.

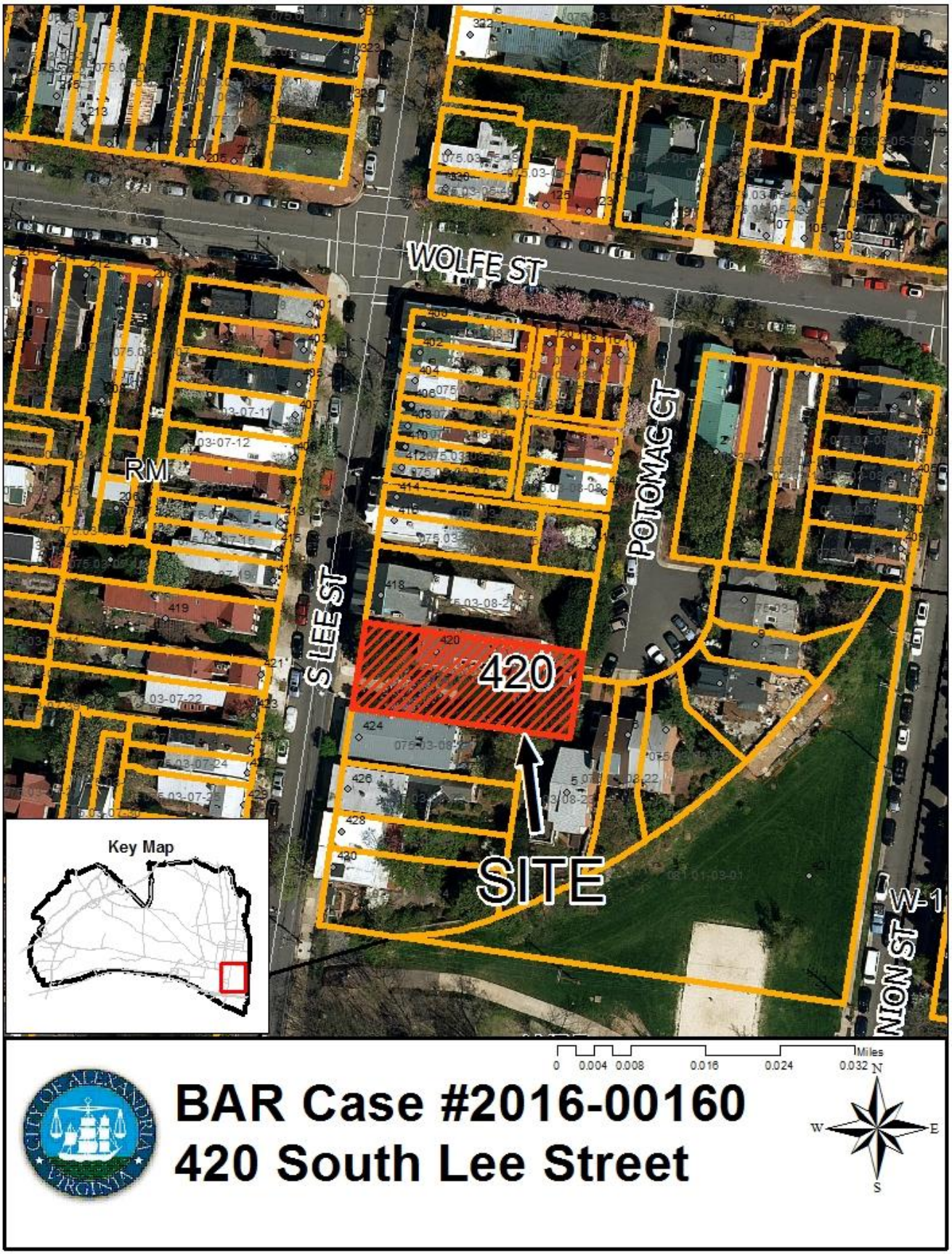
3. COMPLIANCE WITH BAR POLICIES: All materials must comply with the BAR's adopted policies unless otherwise specifically approved.

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, 703-838-4360 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.

Attachment A



Update: *The BAR last reviewed and deferred this case on July 6, 2016. The following proposal includes updated materials. The use, the curb cut, parking and the preservation and scenic space easement are not within the purview of the BAR and are not discussed in this report.*

I. BACKGROUND

On February 1, 2012, the BAR approved a Certificate of Appropriateness for alterations to the structurally unstable brick knee wall and antique cast iron fence along the front property line, along with other additions and alterations to the side and rear of the house. The changes to the fence included lowering the height of the brick wall by eight courses of brick and re-installation of the existing mid-19th century cast iron fence on top. The overall height of the fence and brick base was to be reduced from approximately 80" to approximately 64" tall. Following significant discussion, the Board approved the case, with conditions, by a roll call vote, 5-0 (BAR2012-0006). Condition #5, related to the fence/gate required that: *Complete construction drawings be submitted to Staff for approval prior to any modifications to the existing design of the front fence and gate.*

On March 28, 2012, building permit BLD2012-0506 was issued for work on main house and the fence was included in the overall scope of work. The work on the house was completed but the fence was not reconstructed and all building permits and BAR approvals for the 2012 project have now expired. On October 21, 2015, staff issued a notice of violation because the fence reconstruction project approved by the BAR was not completed and failure to replace the previous fence was, effectively, an unapproved demolition requiring a separate Permit to Demolish from the BAR.

On April 20, 2016 the BAR denied the applicant's request for an after-the-fact Permit to Demolish the cast iron fence and brick knee wall which was previously located along the front property line. The Board found that at least two different fences, including an iron wicket and spear style fence, were present in front of this house for approximately 50 years and possibly almost 140 years, long enough for this landscape feature to have gained historic significance in its own right. The Board requested that the applicant return to the Board with a Certificate of Appropriateness application for either recreation of the wicket and spear fence documented in the 1930s photo, or the reinstallation of the cast iron fence on a lower brick base, as previously approved by the BAR in 2012.

On July 6, 2016, the BAR unanimously deferred an application very similar to the one now before the BAR. The BAR found that the proposal was not appropriate because of a lack of clear submission materials and the proposal of a gate that was not pedestrian in scale and did not relate to the entrance to the townhouse. The BAR's deferral listed specific items to be included in the subsequent proposal:

1. a full site plan clearly showing the location of the wall, fence and gates, including section showing the topography;
2. details of the gate;
3. a detailed elevation of the fence; and a design with some portion of the brick knee wall, a pedestrian-scaled gate, and
4. the gate aligned with the entrance of the townhouse.

Staff notes that the state-chartered 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, the potential ability to access parking on a parcel in the historic district from other than an alley or interior court, as required by the zoning ordinance, is a separate zoning issue and is not within the purview of the BAR. Approval of the design of a fence by the BAR is not endorsement of a use on the property.

II. ISSUE

The applicant's current submission is, essentially, the same one that the BAR previously deferred with only minor updates. However, this is simply an application to replace a fence to match the design of one shown in a historic photograph of this property and staff finds that the submitted materials, supplemented by staff and BAR recommendations at the hearing, may result in an acceptable and appropriate design. There has been an extensive history with this property related to the BAR. The previous staff report from July 6, 2016 outlines many of these and can be found as Attachment 3.

The applicant is requesting approval of a Certificate of Appropriateness for an alteration to replace the previous cast iron fence and brick knee wall located along the front property line with a 4' tall reproduction of the Victorian period wicket and spear fence shown in the 1930s era photograph of the property. The new fence will contain a pair of 5' wide gates (10' wide total opening) located six feet north of the southwest corner of the property. No gate is shown aligning with the front door of the Victorian period portion of the house facing Lee Street, as previously directed by the BAR.

III. HISTORY

The brick and frame dwelling at 420 S Lee Street is an example of the evolution of a prominent Alexandria house with numerous alterations over time and potentially different periods of cultural and architectural significance. According to Ethelyn Cox in her book, *Historic Alexandria, Virginia Street by Street, p.91*:

> "House at 420 dates from an early outbuilding of 418 [which was completed in **1787**]. In 1840, Hugh Smith purchased the lot [at 418], of which the lot at 420 was a part. In April **1871**, Smith's executors conveyed 420 to John Aitcheson for $530…"

The original structure is possibly absorbed into the central ell of the current building, though the brick on the south elevation shows many alterations, including a bold Greek Revival style architrave around the door and late 19th century segmental arches over the openings. The two-story portion of the house facing South Lee Street was built **ca1871**.

A wicket and spear fence was installed along the front property line some time prior to the **1930s** (Figure 2). Sometime after **1958**, an antique cast iron mid-19th century fence was added along the front property line and a Greek Revival style front door surround was installed (Figure 3). As noted in the October 21, 2015 Staff Recommendation at page 5 " ... the recent cast iron Victorian

period fence and brick retaining wall are not original to this house and were likely salvaged from somewhere else and installed in the mid- 20th century ... "

Figure 2: 1930's photo

Figure 3: 2012 photo with previous fence

A two-story, frame extension was added to the rear of the masonry addition by **1902,** according to Sanborn Fire Insurance maps. This early 20th century addition is clad with wood clapboard siding. A two-car garage was erected on the property **c1920**.

It is believed that the addition of the recent brick and salvaged cast iron Victorian fence, the Greek Revival entry architrave, keystoned lintels on the façade, and the demolition of the garage were part of a larger renovation project sometime after **1958** to make the building look older. In 1968, the Board approved alterations to windows and a door on the building and in 2012 minor alterations to the rear addition, including a screened side porch.

IV. ANALYSIS

Fences are commonly installed at the front lot line of any property with a side garden, or where a structure is set back from the front lot line. The BAR's *Design Guidelines* state that "Fences, garden walls and gates should be appropriate in materials, design and scale to the period and character of the structure they surround." (Fences - Page 2) In this particular case, where a house has evolved over time, the most appropriate period and style for the front yard fence adjacent to the 1871 façade is a fence appropriate to that late 19th-c. Victorian period, so the applicant's proposal to reinstall a metal wicket (or hoop) and spear fence that is photographically documented at this site in the past, is historically and architecturally appropriate.

The applicant has indicated that they will match the size, design, materials and location of the fence shown at this site in the 1930s photo (Figure 2). Some, or all, of the fence could also be salvaged antique pieces but the applicant is having the solid iron fence and gates made by this company: www.arusticgarden.com. The applicant's request also includes a pair of 5' wide (each) gates that will align with the existing curb cut shown on the right side of the historic photo. The applicant has indicated that these will provide the sole pedestrian entrance to the property from

Lee Street, although they are not aligned in any way with the building or its entrance. Staff has found historic examples of paired gates matching this same design throughout the historic district and has no objection to the installation of paired gates, so long as they are pedestrian in scale and consistent with historic examples. However, based on historic examples, an appropriate gate size would be 2.5' or 3' wide for each gate, for a total opening of no more than six feet. Staff finds that the proposed gate opening width of nearly 10 feet would be entirely out of scale with the pedestrian sidewalk, the historic house and the historic streetscape. As the front yard slopes up slightly inside the sidewalk, swinging large gates into the property would also require additional grading.

Figure 5: (L) 5' wide, 4' tall double gate entrance at 412 South Fairfax Street (image previously provided by the applicant) and (R) historic double gate at 210 North Alfred Street that is typical of that block.

The former pedestrian gate that aligned with the walk and the front door of the dwelling is to the left and outside of the image in the 1930s photo and the applicant does not propose to install another gate in that location. While staff can support a double gate that is appropriately scaled (no greater than six feet in total width for both gates), staff strongly recommends that a single gate also be installed that is aligned with the main entrance to the building on the north side of the property and does not support the applicant's request to remove the existing walkway. It is unusual and disruptive to the historic streetscape for an entry gate to not visually relate to the historic entry to the property. The entrance to the property has been located on the north side of the lot since 1871. As the property frontage is nearly 49 feet in width, staff finds that a single gate aligned with the house entrance and a small pair of gates at the southern part of the property is appropriate. Any fence or gate must be installed entirely on the subject property and gates may not swing over the public right-of-way, in accordance with City regulations.

Waiver of Front Yard Fence Height

Staff finds that the proposed fence meets the recommendations contained in the *Design Guidelines* as they pertain to materials and design but the Alexandria Zoning Ordinance limits the height of a fence and gate in the front yard to 3.5' in height. However, Per Section 7-202 (C) of the Zoning Ordinance, "In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of

sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the Board of Architectural Review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district." Based on the measurement of several fences in the district, staff finds that the 4' high fence is consistent with their height. The visually open historic design allows visibility into the front yard and meets the requirements for appropriateness and character for this period house.

With the Waiver of the Fence Height Requirement, staff finds that the 4' wicket and spear metal fence is compatible with the period of significance of the late 19th century portion of the house fronting on South Lee Street and with the surrounding neighborhood and recommends approval of the Certificate of Appropriateness with the recommendations above as conditions of approval.

STAFF
Catherine K. Miliaras, Principal Planner, Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

V. CITY DEPARTMENT COMMENTS

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

Zoning Section

C-1 Proposed fence with gate height cannot exceed 3.50 feet and must be at least 50% open or a waiver from the board of architectural review shall be required. The proposed fence with gate must be located completely on the subject property (section 7-202(C)).

Transportation and Environmental Services
CONDITIONS

R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (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)

R-4 The fence must be completely contained on private property. (T&ES)

F-1 Previously reviewed under [BAR2012-00006, 00005, BAR2015-000097, BAR2016-00081, 00082] (T&ES)

F-2 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 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

C-5 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)

Code Administration

No comment for fence alteration.

Alexandria Archaeology

F-1. According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot may have been built originally as an outbuilding of Daniel Roberdeau's home at 418 S. Lee. Roberdeau served as a member of the Pennsylvania Committee of Safety during the Revolution and was a delegate to the Continental Congress. When his house was advertised for rent in 1792, outbuildings listed included a kitchen, smoke-house, stables, and carriage house. The property at 420 S. Lee therefore has the potential to yield archaeological resources that could provide insight into domestic activities in 18th and 19th – century Alexandria. However, given the relatively limited impact the proposed project is likely to have on the archaeological record, Alexandria Archaeology will not need to monitor it.

R-1. 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 (703-838-4399) 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 not allow any metal detection or other artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

V. ATTACHMENTS

1 – Application for BAR2016-00160 at 420 South Lee Street
2 – Supporting Materials
3 – Staff Report for BAR2016-00160 at 420 South Lee Street from July 6, 2016

Attachment A

RECEIVED
NOV 20 2017
PLANNING & ZONING

420 S. Lee St. Fence Proposal

The proposal is requesting a Certificate of Appropriateness to erect a new historically accurate wicket and spear fence and gate along the front (west) property line replicating wick and spear fence and gate shown in the attached c1930 photo. The proposed fence will replace a salvage fence installed on the property about 1960 (the salvage fence was dismantled to allow for the renovation of our home and has been stored on site).

The proposed wick and spear fence with gate is part of the reorientation of the entrance to our home with the new gate and lead walk at the south end of the front property line. The proposal:

1) Is historically accurate unlike the current salvage fence;
2) Orients the visitor towards the largest and most historically most important part of the house which is the center flounder section;
3) Allows for plantings at the north end of the front yard to soften the 40 foot wide by 50-60 foot tall brick wall (south wall of the front section of 418 S Lee) running along the north property line.

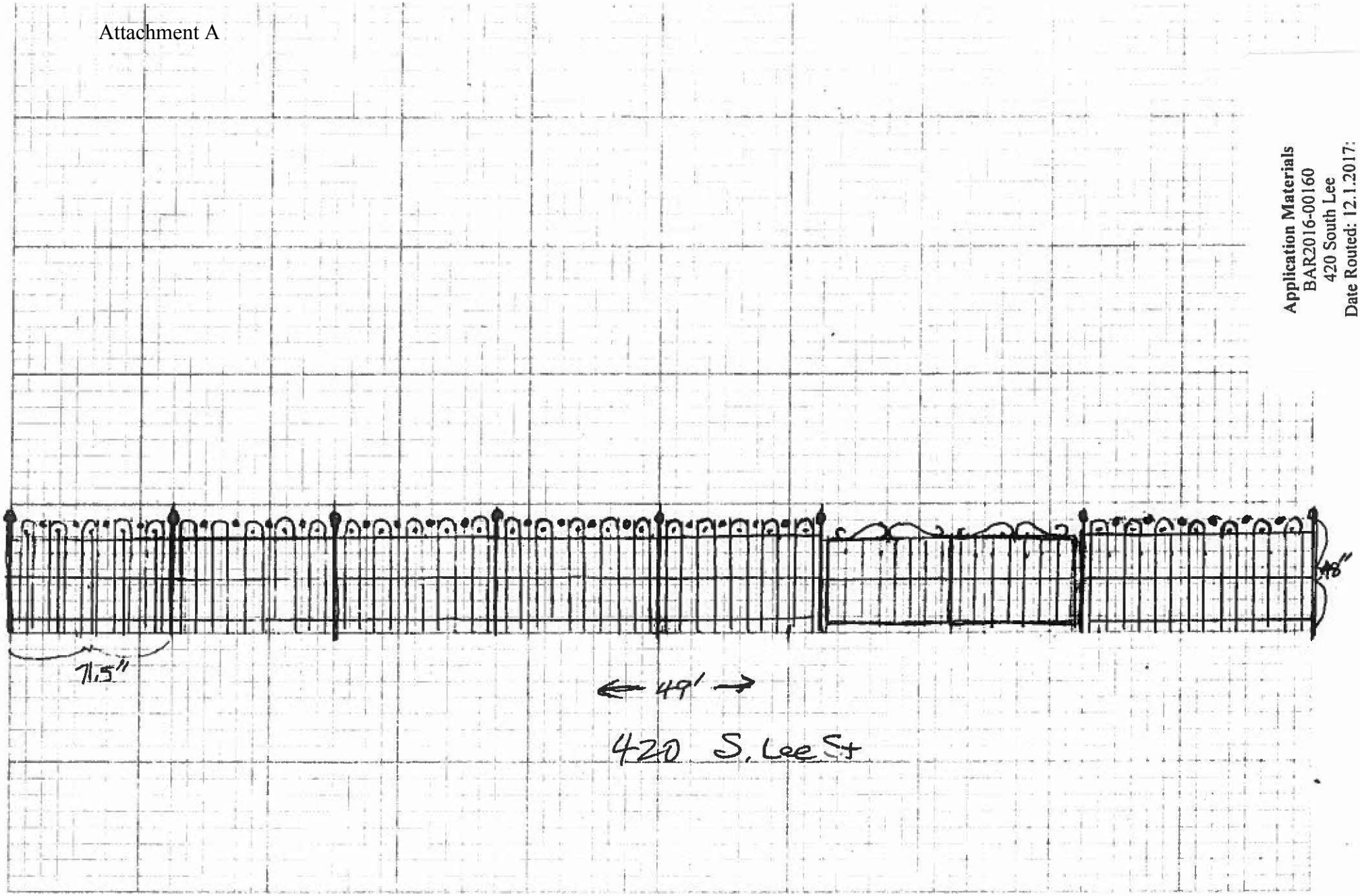
HISTORY

It was determined (during the recent construction) that the center and largest part of the home was a stand-alone brick flounder built about 1780 by John Fitzgerald (George Washington's trusted aide de camp and subsequently Mayor of Alexandria), William Herbert (Mayor of Alexandria), Valentine Peers (Fitzgerald's partner in the construction of the warehouses at Union and King Sts.), and Andrew Stewart (the 1774 deed naming the 4 men, and the 1796 insurance policy taken out by William Herbert have been previously submitted). The Roberdeau flounder (behind the front section at 418 S. Lee St.) was built on the lot which was the northern half block of the east side of S. Lee, and the subject flounder was built on the southern half block. The subject flounder (420 S. Lee) faced south looking over a bluff towards the Potomac River.

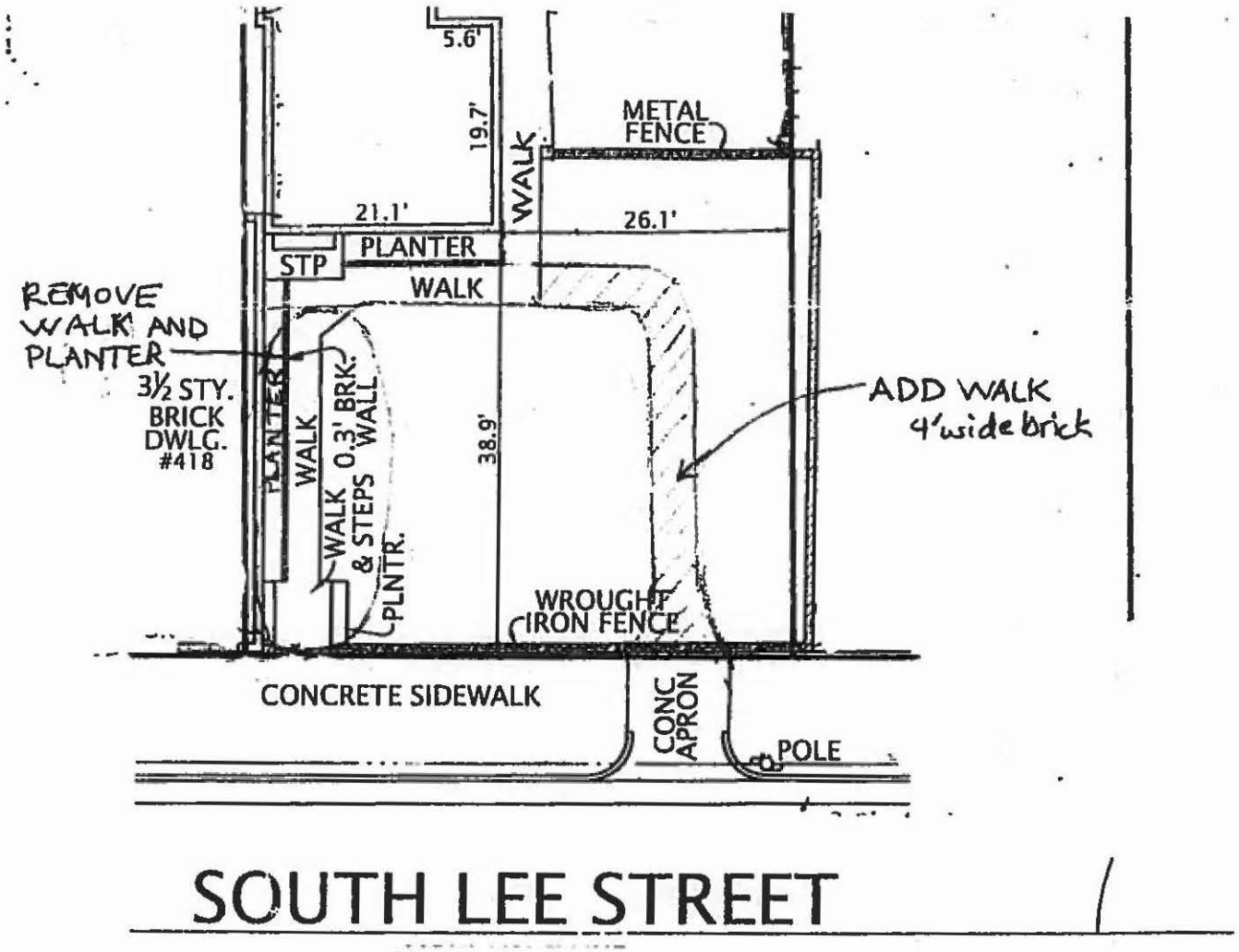
The flounder is now the center section of the house and can be seen from S. Lee Street but only from the south section of the front property line (where the proposed gate would be). It should also be noted that the front section of the house (facing S. Lee St.) was built after the Civil War (John Aitcheson purchased the home in 1871, see the house shape in the 1877 map of Alexandria). The wicket and spear fence of the c1930 photo was likely added to the property shortly after the front section of the house was constructed in the last quarter of the 19th century.

Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

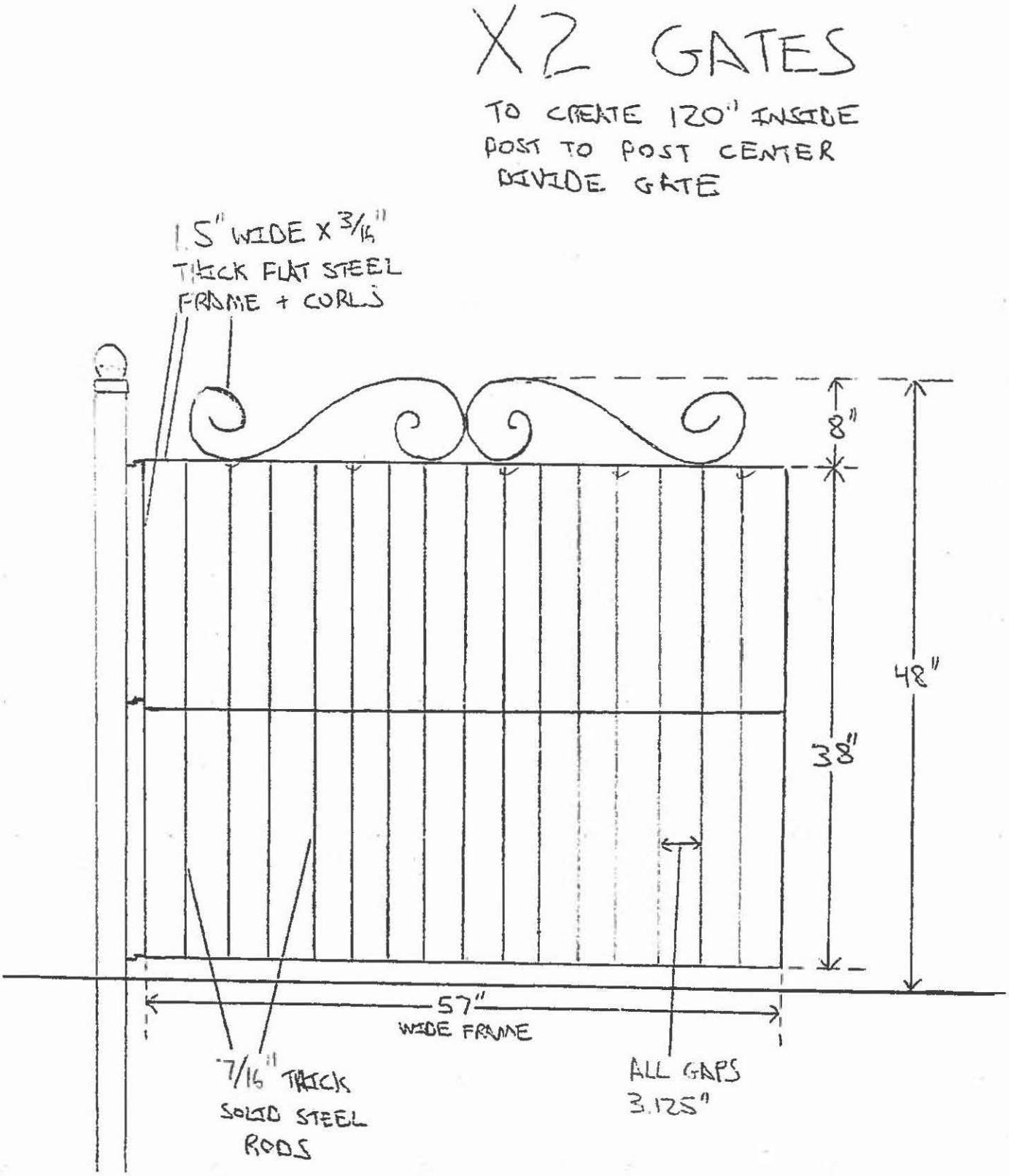
Attachment A



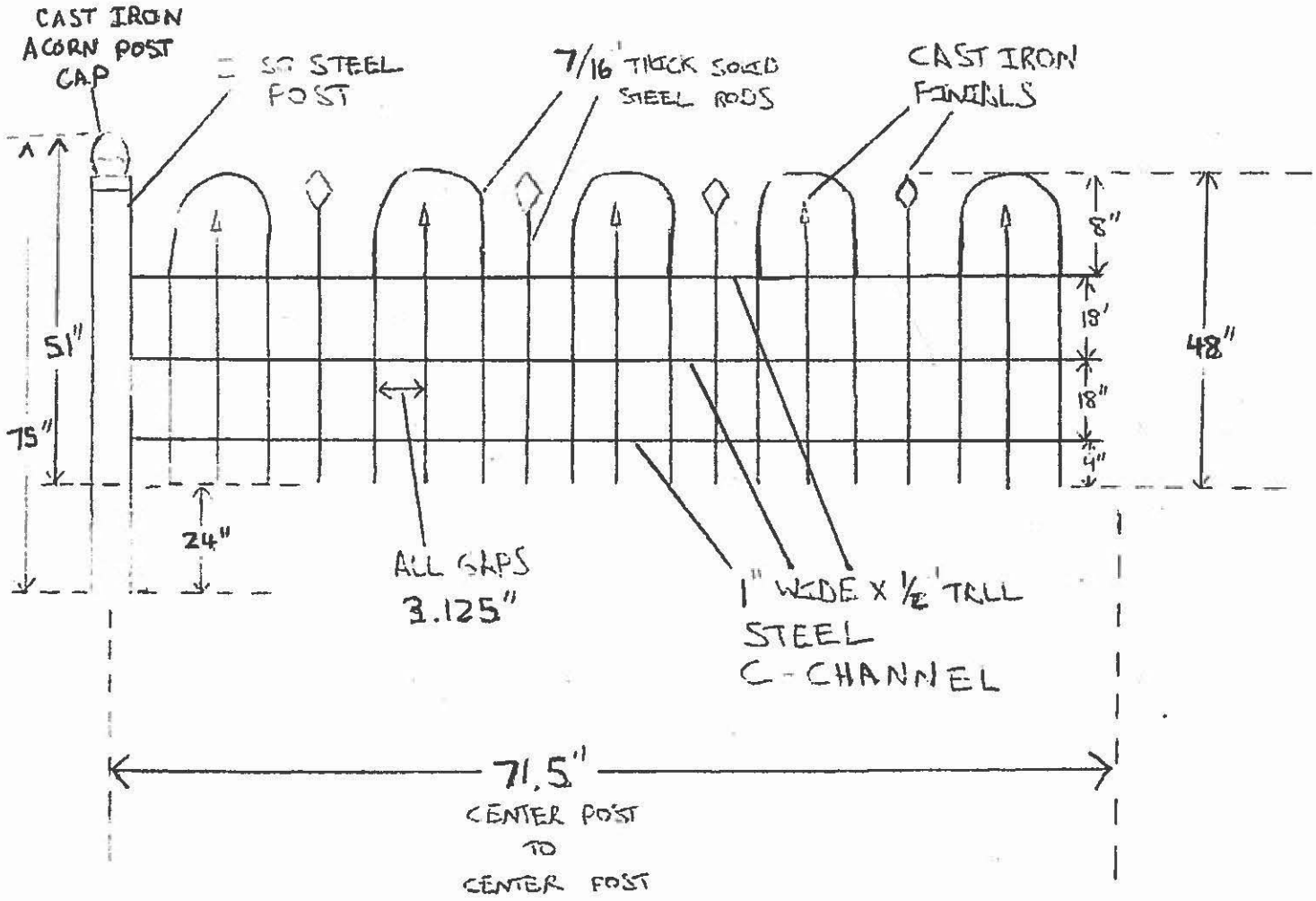
Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017



Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

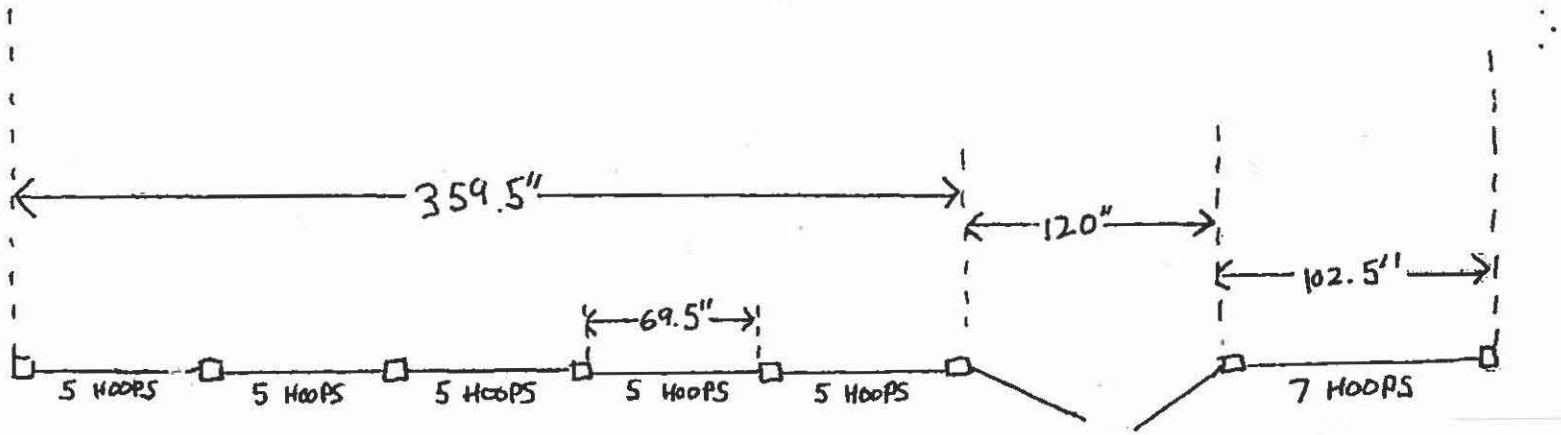

X2 GATES
TO CREATE 120" INSIDE
POST TO POST CENTER
DIVIDE GATE
1.5" WIDE X 3/16"
THICK FLAT STEEL
FRAME + CORLS
8"
48"
38"
57"
WIDE FRAME
7/16" THICK
SOLID STEEL
RODS
ALL GAPS
3.125"

Attachment A



Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

Attachment A

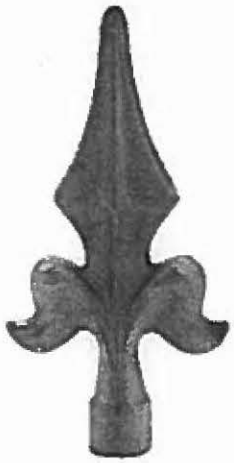


Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

Attachment A

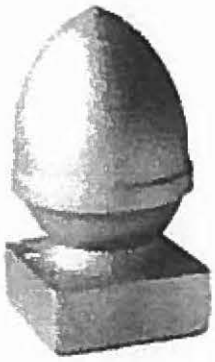
Thomas E Byrne

From: A Rustic Garden <info@arusticgarden.com>
Sent: Tuesday, June 14, 2016 4:22 PM
To: Thomas E Byrne
Subject: Re: 420 S Lee St. Alexandria VA: application materials



4.75" tall

3.875" tall



5" tall

Application Materials
BAR2016-00160
420 South Lee
Date Routed: 12.1.2017:

Docket Items # 4
BAR CASE # 2016-0160

BAR Meeting
July 6, 2016

ISSUE: Certificate of Appropriateness - Alterations

APPLICANT: Thomas Byrne, Applicant

LOCATION: 420 South Lee Street

ZONE: RM/ Residential Townhouse Zone

BOARD ACTION: Deferred 6-0.
On a motion by Mr. Carlin, seconded by Ms. Roberts, the OHAD Board of Architectural Review voted to defer BAR Case #2016-00160. The motion carried on a vote of 6 to 0.

REASON
The BAR found that the proposal was not appropriate because of a lack of clear submission materials and the proposal of an out-of-scale gate that did not relate to the entrance to the townhouse. The BAR's deferral included specific items to be included in the subsequent proposal: a full site plan clearly showing the location of the wall, fence and gates, including section showing the topography; details of the gate; a detailed elevation of the fence; and a design with some portion of the brick knee wall, a pedestrian-scaled gate, and the gate aligned with the entrance of the townhouse.

BOARD DISCUSSION
Chairman von Senden began this item by reading the following statement:
It has come to our attention that many members of the community are very interested in the case at 420 South Lee Street and seeking a resolution to the ongoing zoning ordinance violations that currently exist at this property. We understand the community's concern and value such interest in preservation matters. BAR staff has been working to bring this case forward to resolve the related outstanding BAR issues. As a reminder, the only issue before the BAR tonight is the ***design of the fence****.*

The parking, the use, the curb cut and the preservation and open space easement are not within the purview of the BAR. In the past, the BAR has advised applicants that easement holders should approve any proposal to be reviewed by the BAR prior to going to the BAR as a courtesy. However, the BAR is not able to legally require that. A preservation or open space easement is a private agreement between a property owner and the easement holding organization. While the BAR and many easement holding organizations generally share common preservation beliefs, the BAR cannot consider, interpret or enforce the terms of a preservation or open space easement. It is the property owner's responsibility to make sure that his or her project is consistent with the BAR's regulations as well as the terms of his or her

easement and to acquire all necessary approvals. The current proposal tonight relates only to the design of the proposed fence and the BAR's discussion should focus exclusively on the design and approval of an appropriate fence that will be installed in a timely manner. The applicant will be responsible for separately obtaining the necessary approvals from the easement holder.

Some of the BAR members thought that application needed additional information and they were dissatisfied with the current proposal. The BAR also requested more information regarding the BAR's regulatory responsibilities with regard to open space and preservation easements. They understood the position with respect to this particular case but requested additional information from the City Attorney's office. The BAR expects the next submission to address the specific items outlined above in the Reason section.

SPEAKERS
Tom Byrne, applicant, agreed with the staff report and then agreed to the deferral to work with staff.

Lance Mallamo, Director of the Office of Historic Alexandria, explained that he, as staff representative to the Alexandria Historical Restoration and Preservation Commission (AHRPC), was working with AHRPC and the applicant to resolve a number of enforcement issues. He noted that the AHRPC had previously approved an iron or wood fence with a gate width not to exceed 3 feet.

Elaine Johnston, representing the Historic Alexandria Foundation, submitted a letter on behalf of HAF and recommending denial of the proposal.

Charles Trozzo, 209 Duke Street, expressed concerns regarding the interpretation of the BAR's ability to regulate or enforce easements.

Katy Cannady, 20 East Oak Street, spoke in opposition.

Yvonne Waight Callahan, president of the Old Town Civic Association, noted that there were broader issues to be dealt with beyond the BAR's scope of review. She also questioned the BAR's role in regulating preservation and open space easements.

Stephen Milone, 907 Prince Street, advocated for the reinstallation of the brick and iron fence installed in the 1950s and to require a pedestrian width gate in place of the larger gate proposed.

Bert Ely, 200 South Pitt Street, had concerns about the easement.

<u>STAFF RECOMMENDATION</u>
Staff recommends approval of the Certificate of Appropriateness application and Waiver of Fence Height Requirement with the following conditions:

1. Call Alexandria Archaeology immediately (703-838-4399) 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.

2. The applicant shall not allow any metal detection or other artifact collection 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, 703-838-4360 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.

Attachment B

BAR2016-00082

N

I. BACKGROUND

On February 1, 2012, the BAR approved alterations to the structurally unstable brick knee wall and antique cast iron fence along the front property line, along with other additions and alterations to the side and rear of the house. The changes to the fence included lowering the height of the brick wall by eight courses of brick and re-installation of the existing cast iron fence on top. The overall height of the fence and brick base was to be reduced from approximately 80" to approximately 64" tall. Following significant discussion, the Board approved the case, with conditions, by a roll call vote, 5-0 (BAR2012-0006). Condition #5, related to the fence/gate required that: *Complete construction drawings be submitted to Staff for approval prior to any modifications to the existing design of the front fence and gate.*

On March 28, 2012, building permit BLD2012-0506 was issued for work on main house and the fence was included in the overall scope of work. The work on the house was completed but the fence was not reconstructed and all building permits and BAR approvals for the 2012 project have now expired. On October 21, 2015, staff issued a notice of violation because the fence reconstruction project approved by the BAR was not completed and failure to replace the previous fence was, effectively, an unapproved demolition requiring a separate Permit to Demolish from the BAR.

On April 20, 2016 the BAR denied the applicant's request for an after-the-fact Permit to Demolish the cast iron fence and brick knee wall which was previously located along the front property line. The Board found that at least two different fences, including an iron wicket and spear style fence, were present in front of this house for approximately 50 years and possibly almost 140 years, long enough for this landscape feature to have gained historic significance in its own right. The Board requested that the applicant return to the Board with a Certificate of Appropriateness application for either recreation of the wicket and spear fence documented in the 1930s photo, or the reinstallation of the cast iron fence on a lower brick base, as previously approved by the BAR in 2012.

II. ISSUE

The applicant is requesting approval of a Certificate of Appropriateness for an alteration to replace the previous cast iron fence and brick knee wall located along the front property line with a 4' tall reproduction of the Victorian period wicket and spear fence shown in the 1930s era photograph of the property. The new fence will contain a pair of 4.5' wide gates located six feet north of the southwest corner of the property.

The survey plat from 2011 provided with the application, also shows a metal fence located in the side yard just behind the façade the façade of the house. The gate and a brick pier of this fence remain but this fence, too, was temporarily removed to provide previous construction access. The applicant told staff that this fence would be replaced as part of the present scope of work.

Figure 1: 2/1/12 Fence reviewed by BAR

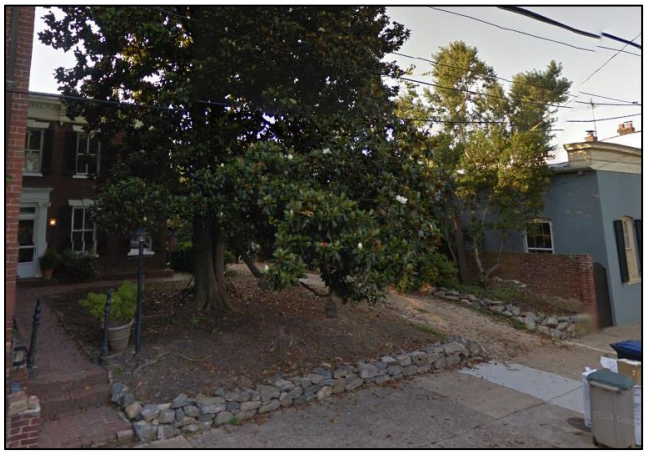


Figure 2: Site Conditions October 2014

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, the potential ability to access parking on a parcel in the historic district from other than an alley or interior court, as required by the zoning ordinance, is a separate zoning issue and is not within the purview of the BAR. Approval of the design of a fence by the BAR is not endorsement of a use on the property.

III. HISTORY

The brick and frame dwelling at 420 S Lee Street is an example of the evolution of a prominent Alexandria house with numerous alterations over time and potentially different periods of cultural and architectural significance. The applicant's historic research is quite helpful to understand the periods of construction and, although not verified by staff, is included in its entirety below for convenience:

> It has been discovered that the center and largest part of the home was a stand-alone brick flounder built about **1780** by John Fitzgerald (George Washington's trusted aide de camp and subsequently Mayor of Alexandria), William Herbert (Mayor of Alexandria), Valentine Peers (Fitzgerald's partner in the construction of the warehouses at Union and King Sts.), and Andrew Stewart (see the attached 1774 deed naming the 4 men, and the 1796 insurance policy taken out by William Herbert). The Roberdeau flounder (behind the front section at 418 S. Lee St.) was built on the lot which was the northern half block of the east side of S. Lee, and the subject flounder was built on the southern half block. The subject flounder faced south looking over a bluff towards the Potomac River. See the unusual common bond (header course every 4th course), and the wide floor joists and floor board in the attached photos.
>
> In 1863 (see upper right corner of attached 1863 photo), there was a picket fence running along the east and south sides of the property. It should also be noted that the front section of the house (facing S. Lee St.) was built shortly after the Civil War (John Aitcheson purchased the home in **1871**, see the house shape showing the front section in

> the 1877 map of Alexandria). The much narrower floor joists of this front section of the house are shown in the attached photo. [see the applicant's materials, attached]
>
> The flounder is now the center section of the house (a rear wing was added around **1900**), and can be seen from S. Lee Street but only from the south section of the front property line.
>
> A wicket and spear fence was installed along the front property line some time prior to the **1930s** (see 1930s photo).
>
> Sometime after **1958**, an antique cast iron Victorian fence was added along the front property line. As noted in the October 21, 2015 Staff Recommendation at page 5 " ... the recent cast iron Victorian period fence and brick retaining wall are not original to this house and were likely salvaged from somewhere else and installed in the mid- 20th century ... "

This is generally consistent with documentation in Ethelyn Cox's book, *Historic Alexandria, Virginia Street by Street, p.91*:

> "House at 420 dates from an early outbuilding of 418 [which was completed in **1787**]. In 1840, Hugh Smith purchased the lot [at 418], of which the lot at 420 was a part. In April **1871**, Smith's executors conveyed 420 to John Aitcheson for $530…"

The original structure is possibly absorbed into the central ell of the current building, though the brick on the south elevation shows many alterations, including a bold Greek Revival style architrave around the door and late 19th century segmental arches over the openings.

The two-story portion of the house facing South Lee Street was built **ca1871**. Staff's observation of the construction materials on the front of the three-bay brick dwelling confirm this. The brick is laid in a running bond with narrow mortar joints and the sides are common brick laid in eight-course American bond. The roof has a very low slope. The 1930s photo in Figure 3 shows 1/1 windows with cast iron hoods and a cornice in an Italianate style. The window hoods were removed and replaced by Colonial Revival jack arches with prominent keystones. A Greek Revival style door architrave was also installed at a later date but the façade retains its bracketed Italianate cornice and 1/1 window sash.

Figure 3: 1930's photo

Figure 4: 2012 photo with previous fence

A two-story, frame extension was added to the rear of the masonry addition by **1902,** according to Sanborn Fire Insurance maps. This early 20th century addition is clad with wood clapboard siding. A two-car garage was erected on the property **c1920**.

It is believed that the addition of the recent brick and salvaged cast iron Victorian fence, the Greek Revival entry architrave, keystoned lintels on the façade, and the demolition of the garage were part of a larger renovation project sometime after **1958** to make the building look older. In 1968, the Board approved alterations to windows and a door on the building and in 2012 minor alterations to the rear addition, including a screened side porch.

IV. ANALYSIS

Fences are commonly installed at the front lot line of any property with a side garden, or where a structure is set back from the front lot line, in order to socially define one's property and keep animals in or out and staff believes that one should be installed here as well. Staff further believes that the style of the fence should reflect the architectural style of the primary façade facing the public street during the period of significance of that portion of the structure.

Period of Significance

Based on the applicant's research, the flounder or outbuilding that formed the nucleus at 420 S Lee Street is, without question, culturally significant based on the social importance of the original owners of the property. However, that original "flounder" ell has been significantly altered over time and both the east and west facades have been capsulated. It is obscured from the street by what is now the primary façade of the house constructed in an Italianate Victorian style ca1871. Therefore, the wood picket fence suggested at one time by the applicant to reflect the period of the flounder is no longer proposed.

Staff also concurs with the applicant that the previous cast iron fence salvaged from another location, while quite attractive and historic in its own right because of the length of its tenure, is likely a mid-19th century design and reflects the Greek Revival style of the architraves that were added around the entry doors in the late 20th century.

Therefore, the applicant proposes to recreate the more authentic Victorian period wicket and spear iron fence design shown at the front property line in a 1930s photo of this property (Figure 3) provided by the applicant. Wicket and spear style fences were mass produced in various sizes and installed from the late Victorian period through the early 20th century in Alexandria. The fence in the photo may date from construction of the Italianate style front portion of the building in 1871. Installation of this fence could possibly date as late as construction of the garage in 1920 or the earlier fence may have been modified at that time to accommodate the driveway. It is, nevertheless, reasonable to assume that the wicket and spear fence was located in the front yard of this house for at least **40** (1920-1958) and possibly almost **90 years** (1871-1958.) The applicant has provided a photo of a similar existing fence nearby (Figure 5) and there are numerous other examples nearby.

Despite the subsequent mid-20th century Colonial Revival alterations to the window heads and entry door surround, the front portion of the house retains a high degree of architectural integrity and is well within the period of significance of the Alexandria National Historic Landmark district. Staff believes the Victorian period of the street façade of the present house is the architectural period of significance for this property and the proposed wicket fence would reinforce that period.

Figure 5: fence at 412 S Fairfax provided by the applicant

Figure 6: similar fence at 416 S Lee

The applicant has indicated that they will match the size, design, materials and location of the fence shown at this site in the 1930s photo (Figure 3). Some, or all, of the fence could also be salvaged antique pieces. The applicant proposes a pair of 4.5' wide gates that will align with the existing curb cut shown on the right side of the historic photo and has indicated that these will provide the sole pedestrian entrance to the property from Lee Street. The former pedestrian gate that aligned with the walk and the front door of the dwelling is to the left and outside of the image in the 1930s photo and the applicant does not propose to install another gate in that location. The fence must, of course, be installed entirely on the applicant's property and gates may not swing over the right-of-way. Staff reminds the BAR that their discussion is limited to the historic and architectural appropriateness of the fence and not the proposed use of the gates.

Waiver of Front Yard Fence Height

Staff finds that the proposed fence meets the recommendations contained in the *Design Guidelines* as they pertain to materials and design. However, per the Zoning Ordinance, the

fence/gate cannot exceed 3.5' in height, as it is located forward of the front building wall. However, Per Section 7-202 (C) of the Zoning Ordinance, "In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the Board of Architectural Review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district." Staff finds that the 4' high fence is more consistent with the intent of the front yard fence height requirement than the previous 6'- 6" high fence in this location and meets the requirements for appropriateness and character.

With the Waiver of the Fence Height Requirement, staff finds that the fence is compatible with the period of significance of the house at 420 S Lee Street and the surrounding neighborhood and recommends approval of the Certificate of Appropriateness, as amended, noting that the design of the new fence is to be based closely on photo documentation of the Victorian era wicket and spear fence at this site and from the materials and details of similar historic fences nearby.

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

V. CITY DEPARTMENT COMMENTS

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

Zoning Section

C-1 Proposed fence/gate height cannot exceed 3.5' and must be at least 50% open, or request a waiver from the BAR.

C-2 No parking was reviewed or approved with this application. Section 8-200(C)(5) of the zoning ordinance requires access to parking, required or otherwise, to be provided from an alley or interior court.

Transportation and Environmental Services
No comments received.

Code Administration
No comments received.

Alexandria Archaeology

F-1. According to Ethelyn Cox's *Historic Alexandria, Street by Street, A Survey of Existing Early Buildings*, the house on this lot may have been built originally as an outbuilding of Daniel Roberdeau's home at 418 S. Lee. Roberdeau served as a member of the Pennsylvania Committee of Safety during the Revolution and was a delegate to the Continental Congress. When his house was advertised for rent in 1792, outbuildings listed included a kitchen, smoke-house, stables, and carriage house. The property at 420 S. Lee therefore has the potential to yield archaeological resources that could provide insight into domestic activities in 18th and 19th – century Alexandria. However, given the relatively limited impact the proposed project is likely to have on the archaeological record, Alexandria Archaeology will not need to monitor it.

R-1. 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 (703-838-4399) 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.

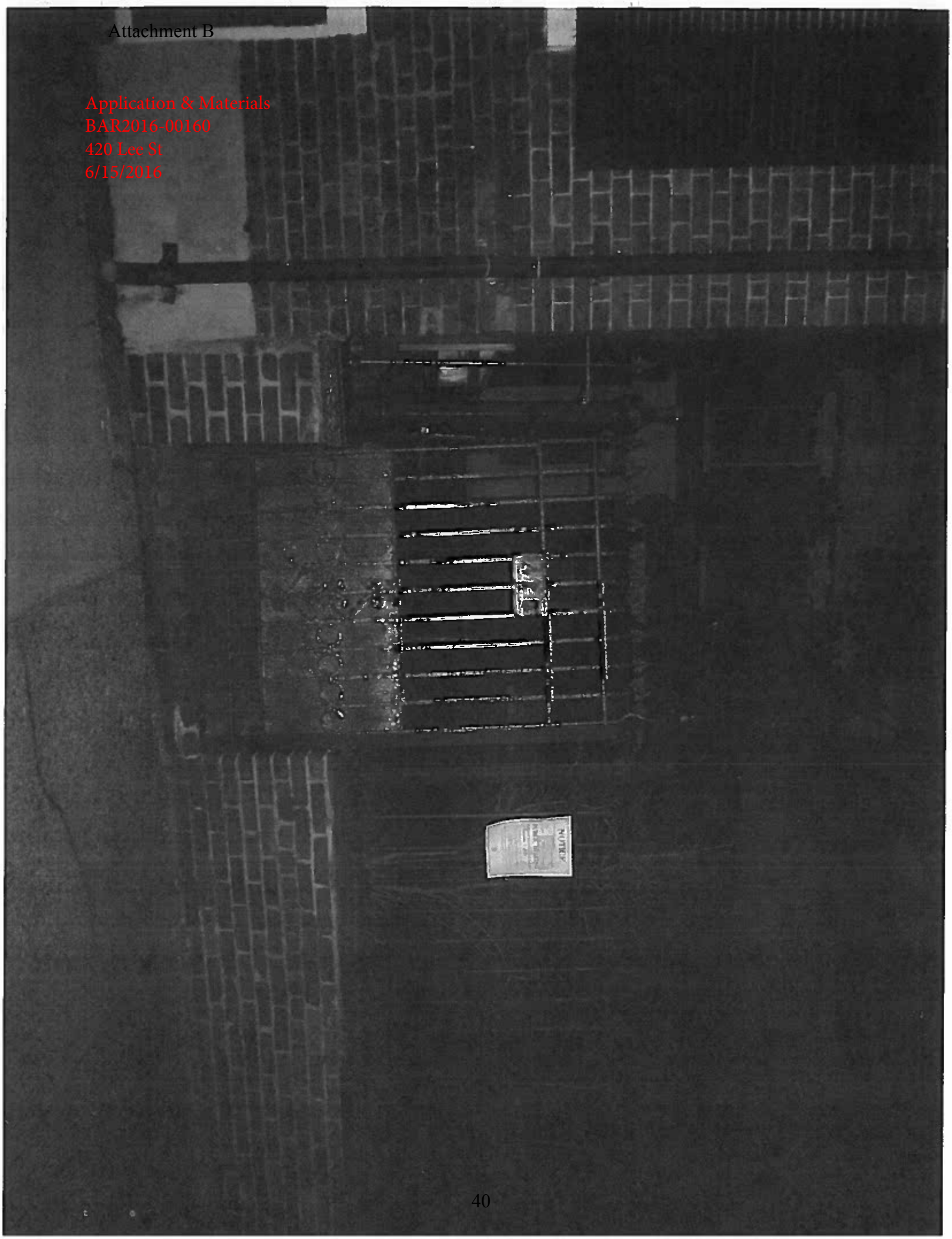
b. The applicant/developer shall not allow any metal detection or other artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

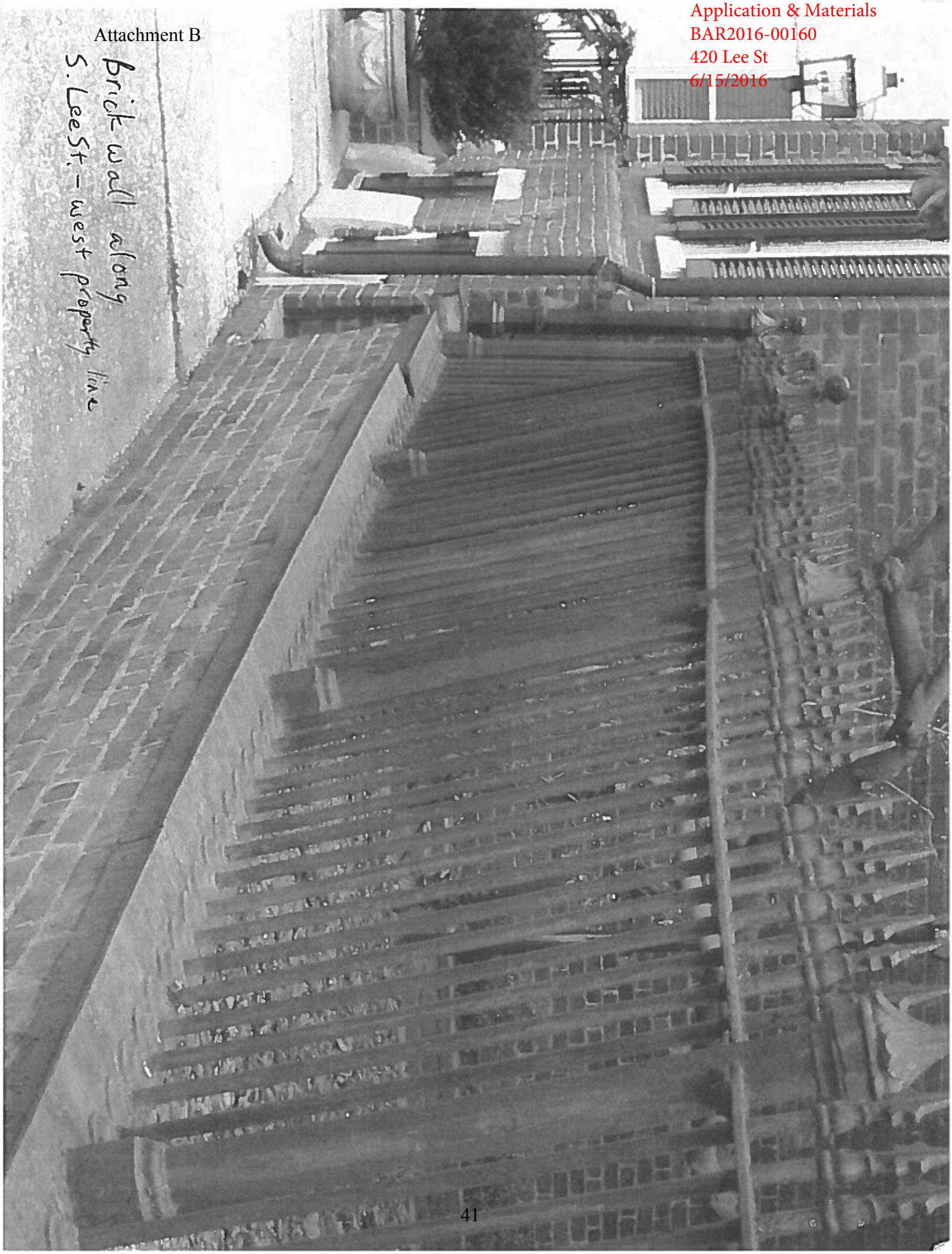
V. ATTACHMENTS

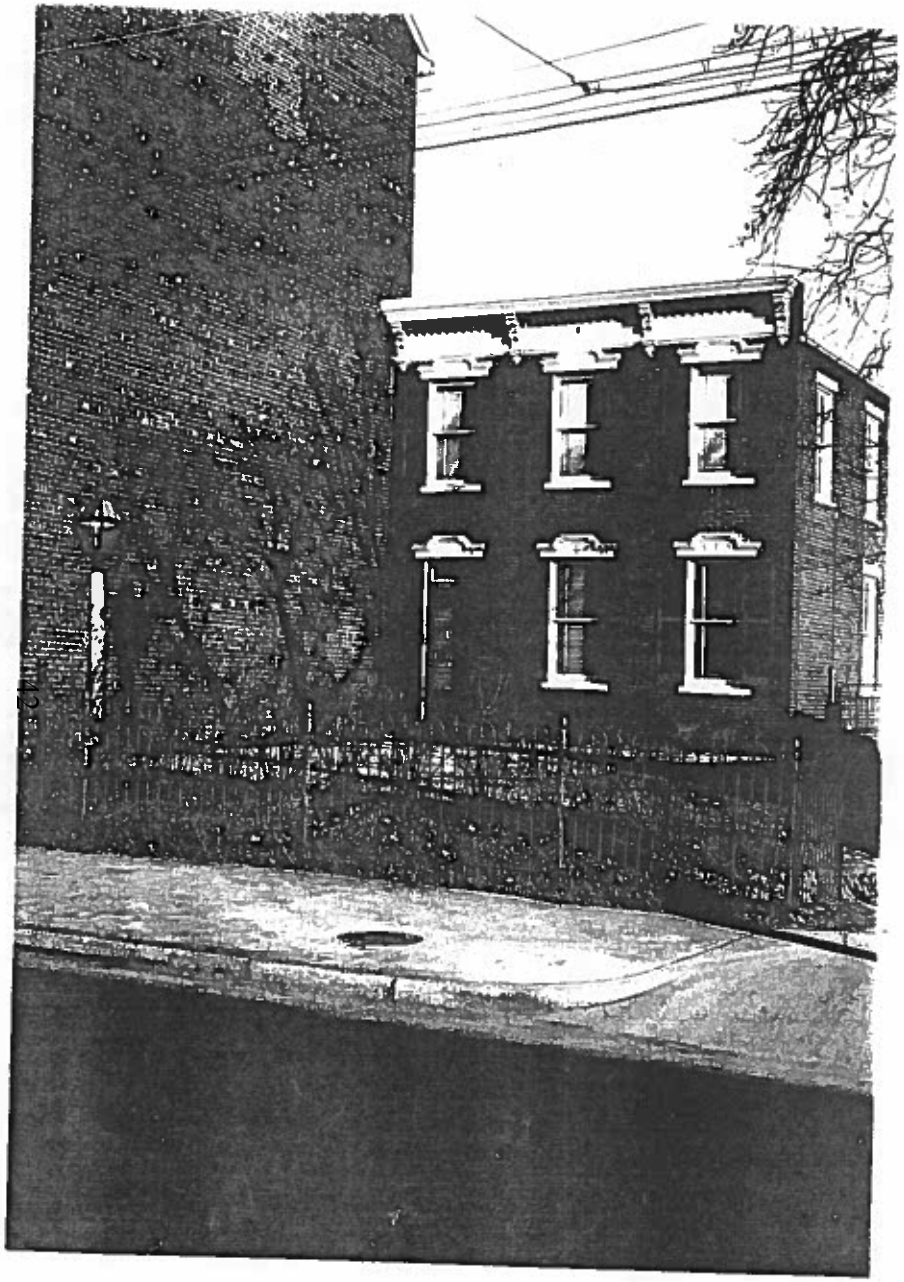
1 – Supporting Materials
2 – Application for BAR2016-00160 at 420 S Lee Street

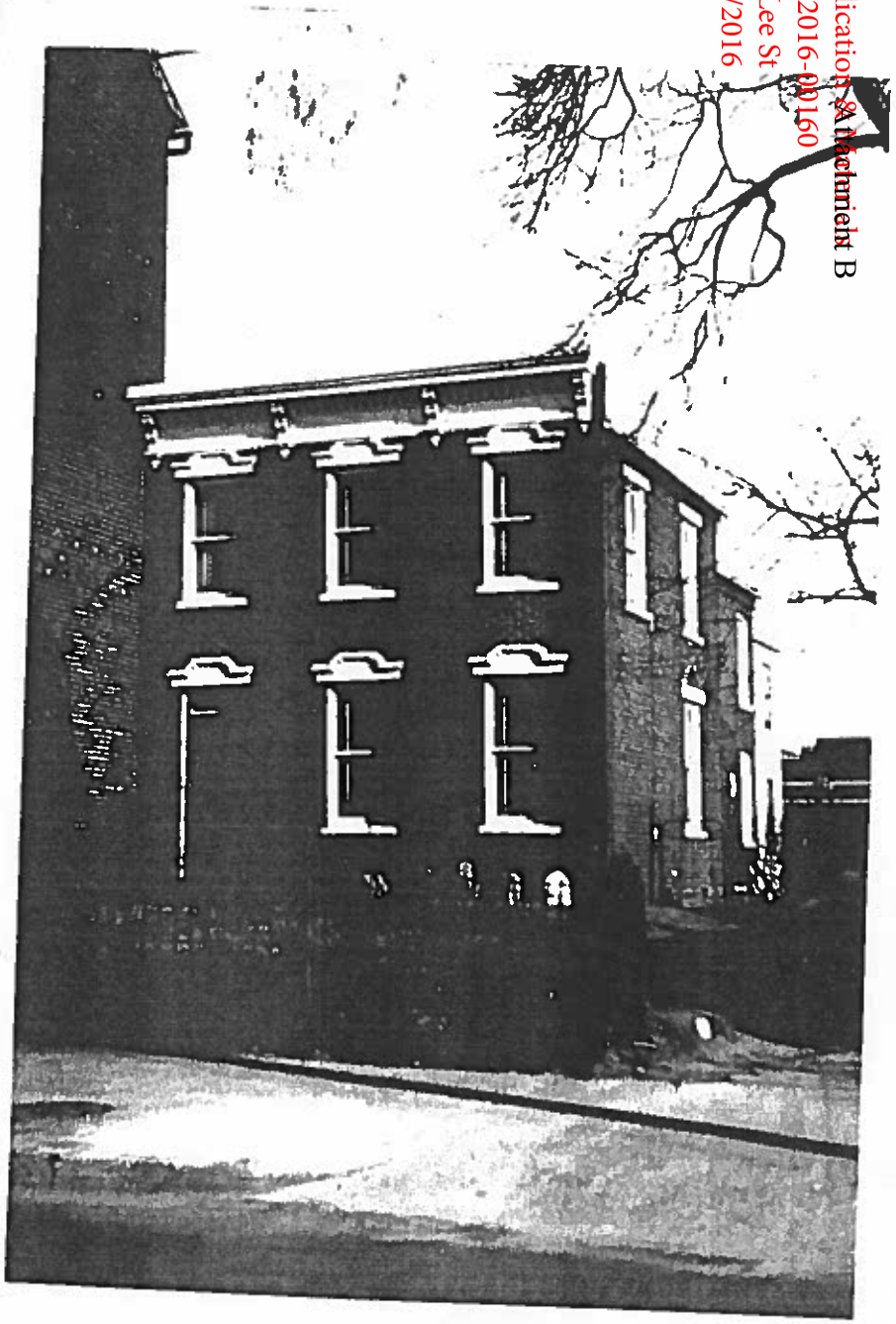
Attachment B

Application & Materials
BAR2016-00160
420 Lee St
6/15/2016




Brick wall along
S. Lee St. - west property line





Historic photos (c 1930) showing no brick wall along S. Lee St

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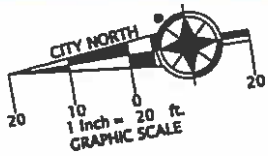
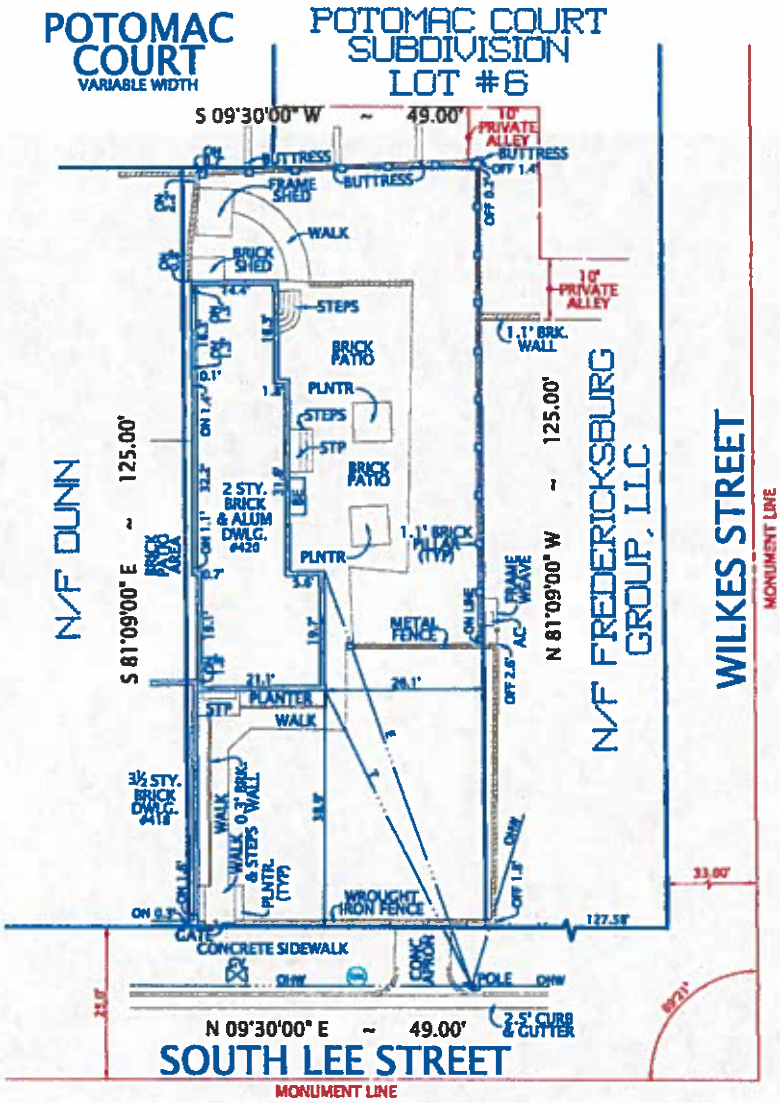
BAR2016-00160
420 Lee St
6/15/2016

1. [illegible] ARE METAL UNLESS NOTED.
2. RETAINING WALLS ARE 0.7' BRICK UNLESS NOTED.





PLAT

SHOWING HOUSE LOCATION ON
ON THE PROPERTY LOCATED AT

#420 SOUTH LEE STREET

(DEED BOOK 1513, PAGE 1846)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

NOVEMBER 2, 2011
DECEMBER 19, 2011 (REVISED PLAT)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
11/02/2011
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR

George M. O'Quinn

Ordered by:
Monarch TITLE, INC.
675 N. Washington Street
Suite 435
Alexandria, Virginia 22314
703-832-7700

DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: MACDONALD ~ BYRNE
CASE NO: OT-11-4037V
#111101003

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Attachment B

NOTES: 1. FENCES ARE METAL UNLESS NOTED.
2. RETAINING WALLS ARE 0.7' BRICK UNLESS NOTED.

Application & Materials
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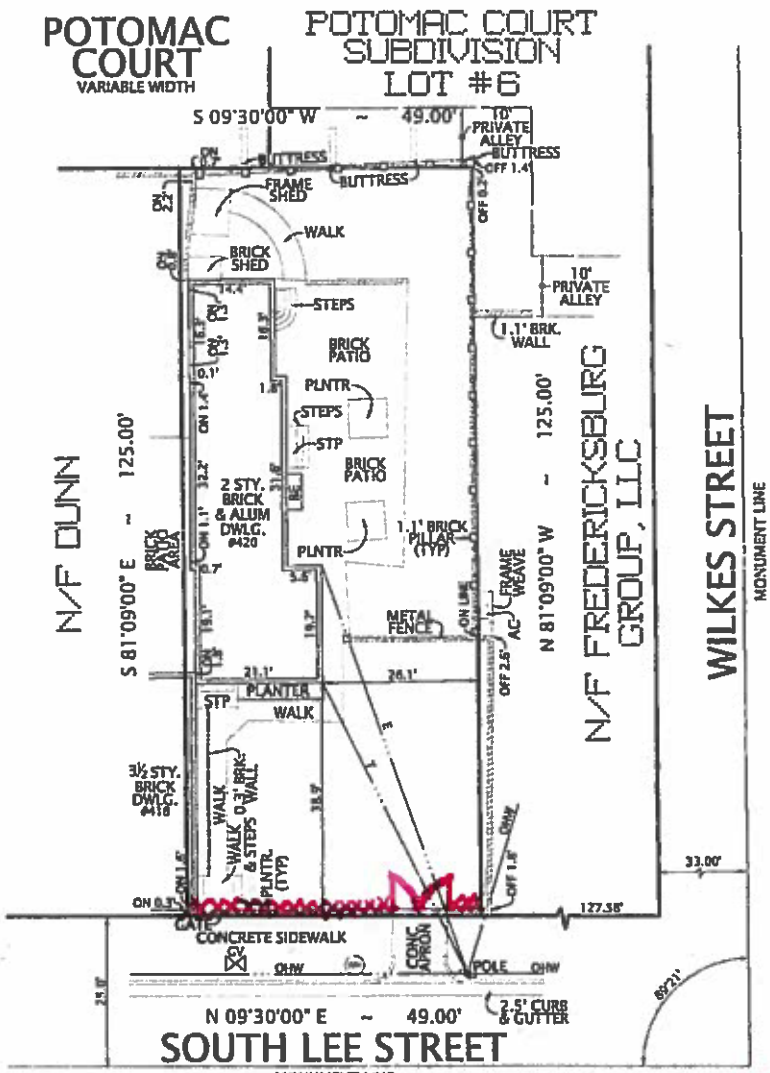

BAR STAFF'S INTERPRETATION OF APPLICANT'S PROPOSAL BASED ON WRITTEN DESCRIPTION

PLAT
SHOWING HOUSE LOCATION ON
ON THE PROPERTY LOCATED AT

#420 SOUTH LEE STREET

(DEED BOOK 1513, PAGE 1846)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20' NOVEMBER 2, 2011
DECEMBER 19, 2011 (REVISED PLAT)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
11/02/2011
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR
George M. O'Quinn

Ordered by:
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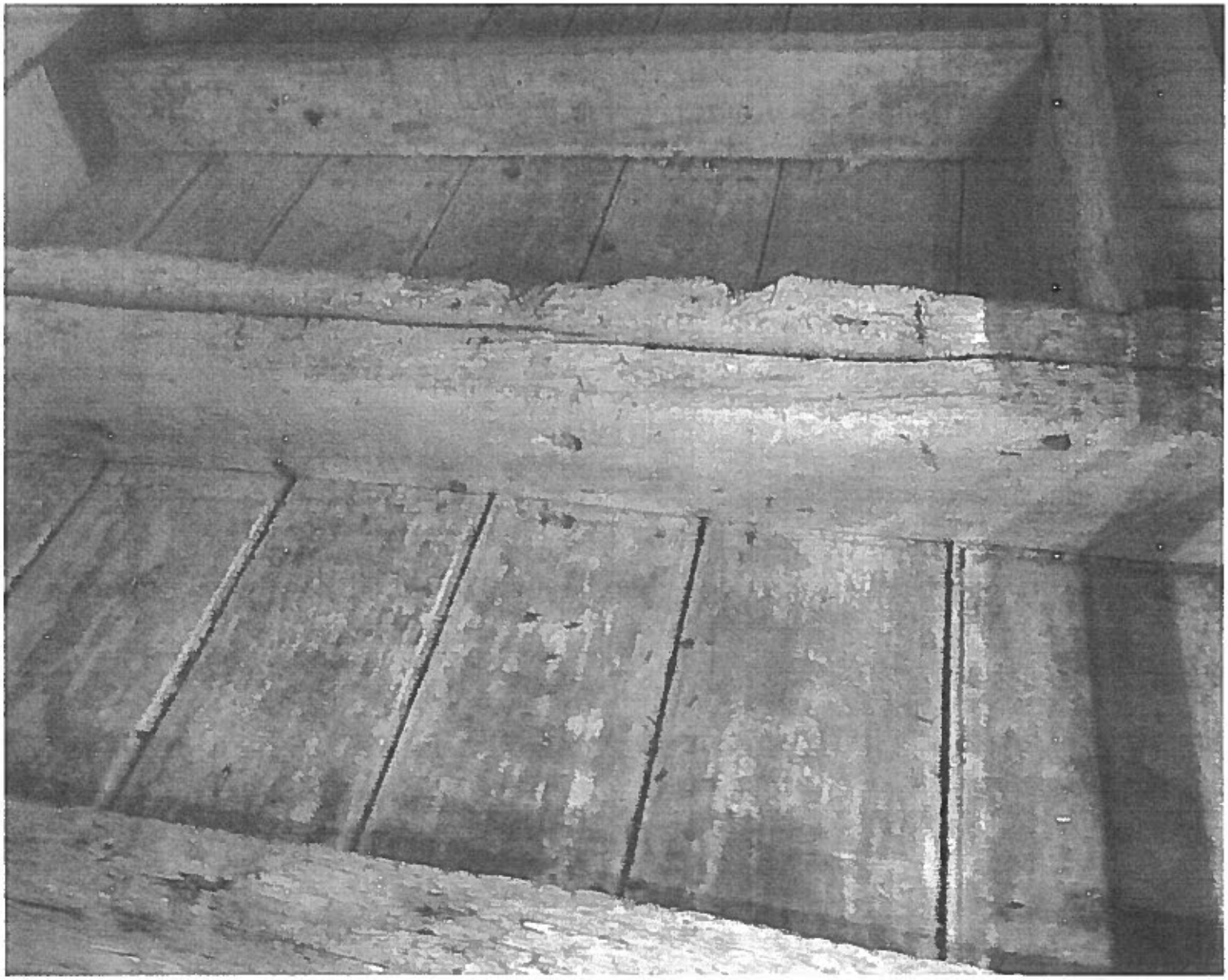
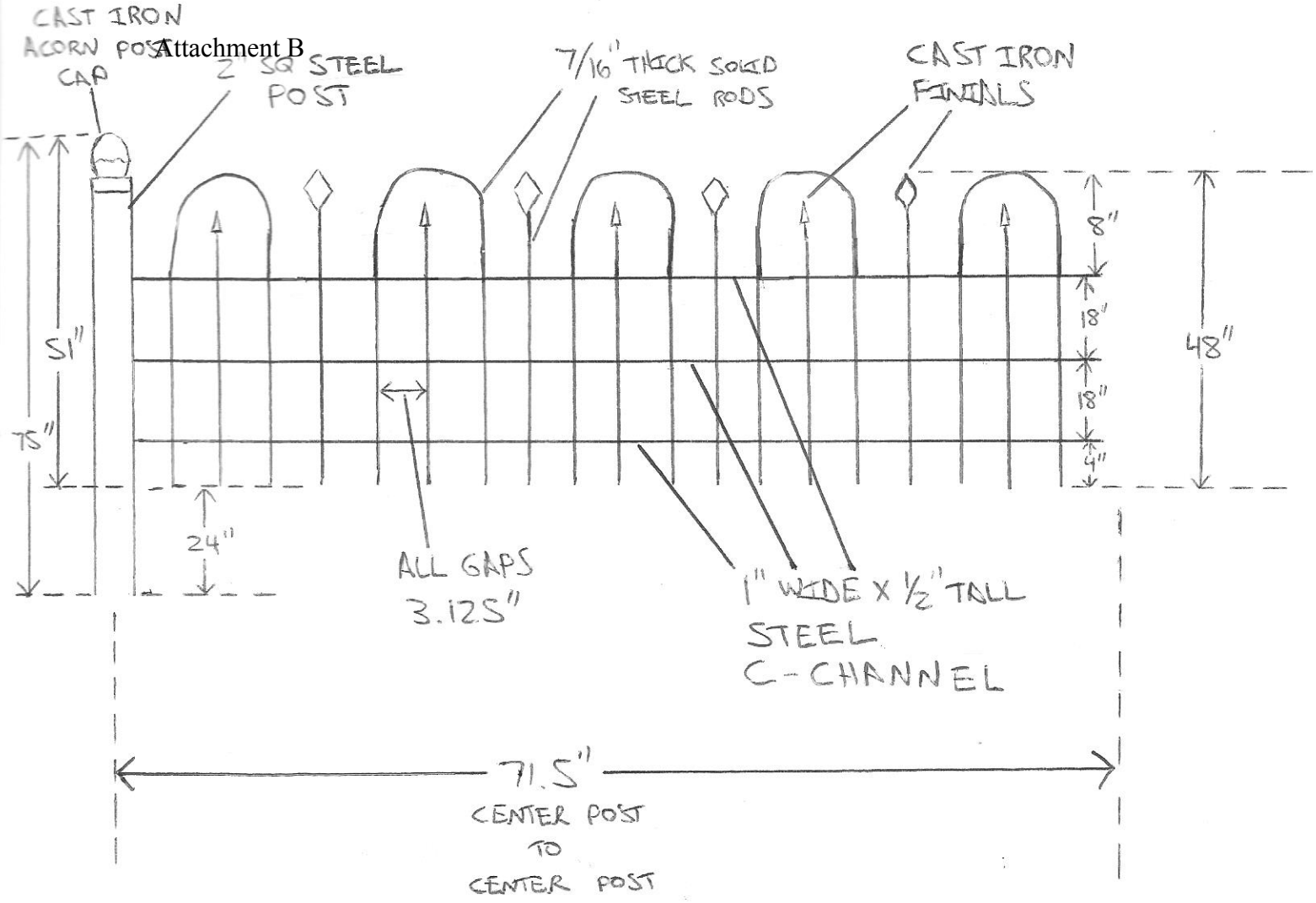
CASE NAME: MACDONALD – BYRNE CASE NO: OT-11-4037V #1





Application & Materials
BAR2016-00160
420 Lee St
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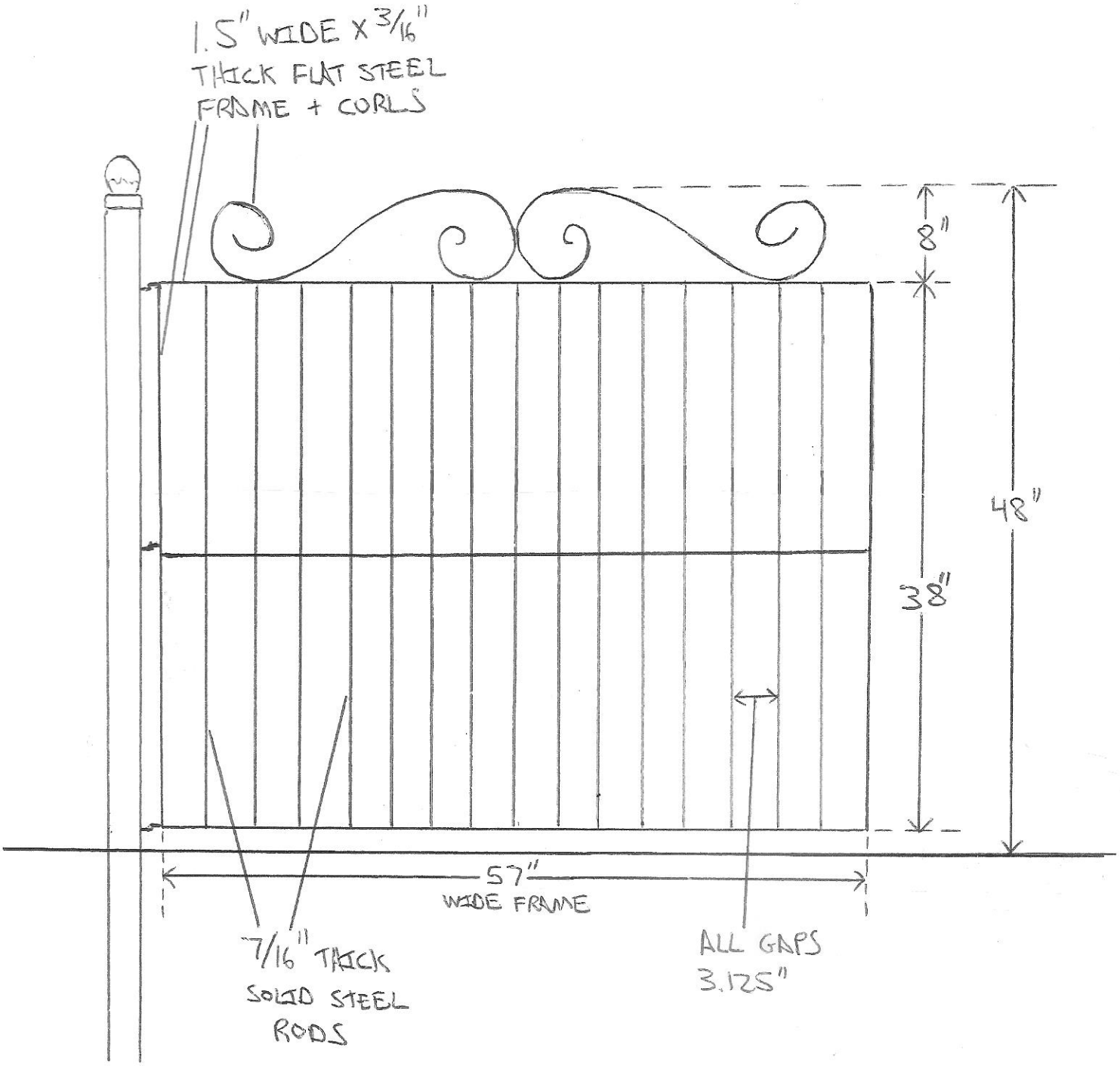
X2 GATES

TO CREATE 120" INSIDE POST TO POST CENTER DIVIDE GATE



Attachment B

Application & Materials
BAR2016-00160
420 Lee St
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Attachment B
412
Application & Materials
BAR2016-00160
420 Lee St
6/15/2016
51

Attachment B

BAR Case # 2016-00160

ADDRESS OF PROJECT: 420 S. Lee St

TAX MAP AND PARCEL: 075.03-08-28 **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: Thomas Byrne

Address: 420 S. Lee St

City: Alexandria State: VA Zip: 22314

Phone: _____ E-mail: teb@topofthetown.com

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

Name: _____ Phone: _____

E-mail: _____

Legal Property Owner:

Name: Thomas and Amanda Byrne

Address: 420 S. Lee St

City: Alexandria State: VA Zip: 22314

Phone: 703 3873008 E-mail: teb@topofthetown.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? Not yet
☐ 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.

Application & Materials
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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).*

Removal of 1960 installed fence and replacement with fence (hoop and spear - 4 ft tall) as shown in attached c 1930 photo with double gate (2 4.5 ft doors) 6 feet from SW corner of property.

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.

Application & Materials
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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.

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

- [x] 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.)
- [x] 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.
- [x] I, the applicant, or an authorized representative will be present at the public hearing.
- [x] 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: [signature]

Printed Name: Thomas E Byrne

Date: 5/16/16

Application & Materials
BAR2016-00160
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6/15/2016

Attachment B

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. Thomas Byrne	420 S. Lee	50
2. Amanda Byrne	420 S. Lee	50
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(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. Same		
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 the12-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.)
~~Thomas Byrne~~ 1. Amanda Byrne	NA	NA
2. Thomas Byrne	NA	NA
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.

5/16/16 Thomas E. Byrne _____
Date Printed Name Signature

Application & Materials
BAR2016-00160
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6/15/2016

Attachment C

Received
1/3/2018
12:30 p
JS

RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 1/3/18

B.A.R. Case #: 2016-0160

Address of Project: 420 S. Lee St.

Appellant is: (Check One)

X B.A.R. Applicant

__ Other party. State Relationship _____

Address of Appellant: 420 S. Lee St

Telephone Number: (703) 387 3008

State Basis of Appeal: Issue appealed is width of double gate (6' total) approved by B.A.R. and recommended by staff. Basis of appeal is evidence of larger gate, which staff did not have when it wrote its recommendation, but which will be presented to City Council.

Attach additional sheets, if necessary

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the affected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a $200.00 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

Signature of the Appellant