

BAR Meeting
October 21, 2015

ISSUE: Alterations to previously Approved Plans

APPLICANT: Thomas Byrne, Applicant

LOCATION: 420 South Lee Street

ZONE: RM/ Residential Townhouse Zone

STAFF RECOMMENDATION

Staff recommends approval of the Certificate of Appropriateness with the following conditions:

1. That the fence design be either the previously approved metal with brick base or the metal wicket and spear fence shown in the 1930s photograph; and
2. That the proposed three foot wide pedestrian gate is installed at the existing front entrance walk aligned with the front door.

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@alexandriav.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.



BAR2015-00097



BACKGROUND

At the February 1, 2012 hearing, the Board approved alterations to the existing brick knee wall and wrought iron fence along the front property line, along with other additions and alterations to the house. The changes included lowering the height of the brick wall re-installing the existing wrought iron fence. The overall height of the fence was to be reduced from approximately 80" to approximately 64". The Board approved the case by a roll call vote, 5-0. The applicable minutes from the Board's discussion of the fence and gate at the February 1, 2012 hearing are included below.

Applicable Minutes from the 2/1/12 Board Discussion Regarding the Fence/Gate:

...Mr. Carlin inquired about the height of the gate if the existing iron fence is lowered. The applicant stated that he intends to remove some of the horizontal bars and filigree work from the middle of the gate to make it simpler and match the proposed height of the fence. He intends to reduce the height of the retaining wall by eight courses of brick, re-grade the earth behind, and then reinstall the existing cast iron fence at sidewalk level. While Mr. Carlin felt that the current fence was historically significant in its own right, he felt that the wicket and spear fence shown in the 1930s photo should be copied in order to bring more integrity to the site. He, nevertheless, supported modifying the gate and removing the brick retaining wall, as proposed.

... Mr. Smeallie made a motion to approve the Staff recommendation with the addition of the standard archeological conditions. Mr. Neale seconded the motion. Mr. Carlin offered a friendly amendment requiring Staff to approve construction drawings prior to modification of the fence and gate. Mr. Smeallie and Mr. Neale agreed to amend their motion, which passed by a roll call vote, 5-0.

Previous Condition of Approval for the Fence/Gate:

...Complete construction drawings be submitted to Staff for approval prior to any modifications to the existing design of the front fence and gate.

I. ISSUE

Since the previous BAR hearing in 2012, the applicant has removed the brick wall and wrought iron fence in its entirety. However, the reconstructed low brick wall and rehabilitated wrought iron fence approved by the BAR has not been reinstalled. Furthermore, large rocks have been added along the sidewalk and the applicant has been accessing parking in the front yard from Lee Street. This access for parking was not possible for the approximately 55 year period when the previous wall/fence was in place and is in violation of the present zoning ordinance requirements. However, staff reminds the BAR that parking is not within its purview and this separate action is being pursued by zoning staff.



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

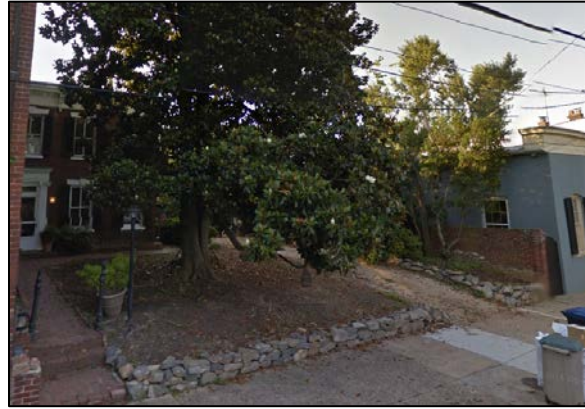


Figure 2: Current Site Conditions

The applicant is currently before the Board because the February 2012 Certificate of Appropriateness expired and staff issued a notice of violation because the revised fence approved by the BAR was not installed. The applicant now requests a revision to the previous Certificate of Appropriateness. The current application eliminates the previous wrought iron fence and proposes a new 3.5' high wood picket fence along the front property line. The new fence design proposes a single three (3') foot wide gate six (6') from the south corner of the property and eliminates the pedestrian gate at the original entrance walkway.

II. HISTORY

This brick and frame dwelling at 420 S Lee Street is an example of the evolution of a prominent Alexandria house. It is believed that the house began as a **c1780s** outbuilding for the adjacent house at 418 S. Lee. The form of this original structure is possibly absorbed into the current main building mass (Period 1).

The two-story, primary mass facing South Lee Street was built in the Federal style by Hugh Smith about **1840** (Period 2).¹ The eight-course American bond, three-bay building mass retains its denticulated cornice and keystones in the arched window heads.

A two-story, masonry addition which extends from the eastern elevation of the main mass is believed to be the third period of construction. Details include double segmental arches above the first floor windows and a projecting brick cornice (Period 3). During this time it is believed that the Italianate style cast iron window hoods and, perhaps, the wicket and spear fence (both now removed, see Figure 3) and bracketed cornice (remaining) were installed on the main block of the house.

A two-story, frame extension was added to the rear of the masonry addition by **1902**. This early 20th century addition is clad with aluminum siding covering its original wood clapboard siding (Period 4). 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 handsome Greek Revival entry architrave, keystone lintels on the façade, and the demolition of the garage were part of a larger renovation project sometime after **1958** (Period 5.) In 1968, the Board approved alterations to windows and a door on the building and in 2012 alterations to the rear addition.

¹ Documentation from Ethelyn Cox's book *Historic Alexandria, Virginia Street by Street*

Easement

Easements are private contracts between the property owner and the easement holder and are not regulated by the City. However, by practice, the BAR only reviews applications for projects that are otherwise legal, or for which staff is recommending a variance or modification, so that the Board and staff's time is most effectively used. BAR applications, therefore, ask whether there are any easements on a property and whether the easement holder has agreed to the present application.

For the BAR's information, the Alexandria Historical Restoration and Preservation Commission (AHRPC) holds a scenic open space and exterior architectural easement on this property. All alterations to the buildings, new construction and changes to the landscape must be reviewed and approved by the AHRPC. This application was reviewed by the Commission at their July 8, 2015 meeting. The Commission noted no objection to either a wood picket or metal fence, provided that the width of the gate did not exceed three feet and that the temporary construction driveway in the yard was removed.

III. ANALYSIS

Although the applicant has provided a Civil War era photo of what appears to be a wood picket fence on this property, the photo is of the property's rear yard and there is no evidence to confirm that a wood picket fence was used along the front yard of this property. Wood picket fences of this simple design were typically used to surround a kitchen garden or around a vernacular house for utilitarian reasons, not as ornamentation for a high style masonry building.

The wicket and spear fence in Figure 3, below, likely dates from the late 19th century, when the Italianate style cast iron window hoods (now removed) and bracketed cornice (remaining) were installed on the main block of the house, though this fence could also date from the construction of the garage in 1920. As mentioned in the previous staff report on this case, it is clear that the recent cast iron Victorian period fence and brick retaining wall are not original to this house and were likely salvaged from elsewhere and installed in the mid-20th century when the former garage was demolished and the Greek Revival style doorway was installed.

Since the applicant now desires a different fence along the front property line than what most recently existed, staff recommends that the new fence be a metal wicket and spear design, based on the only photographic evidence we have of the building's historic front elevation. This recommendation is consistent with accepted preservation practice of a.) preserving whatever existing material has historic significance, and b.) recreating only what can be verified through archival or physical evidence, rather than conjecture. In staff's opinion, as both the previous cast iron and brick fence, and the wicket and spear fence may be physically or photographically verified in this location, and that both were installed here for approximately the same amount of time, both have historic significance in their own right and either are architecturally appropriate.



Figure 3: 1930's photo

In addition, staff does not support the installation of the three foot wide gate along the southern frontage. This eliminates a gate at the front entrance walk, where there has been a prior for over 50 years. Staff recommends the three foot (3') wide pedestrian gate is reinstalled to align with the front entrance walk.

Staff recommends approval of the application with the conditions recommended above.

STAFF

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

IV. CITY DEPARTMENT COMMENTS

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

Zoning Section

- C-1 Existing wall, fence and gate have been demolished and may be replaced in-kind.
- C-2 Zoning Ordinance Section 8-200(C)(5)(a) states that access to all parking within the OHAD shall be provided from an alley or interior court.

Transportation and Environmental Services

- 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)
- F-1 Previously reviewed under BAR2012-00006. (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)

V. ATTACHMENTS

1 – Supporting Materials

2 – Application for BAR2015-00097 at 420 S Lee Street

420 S. Lee St. Fence Proposal

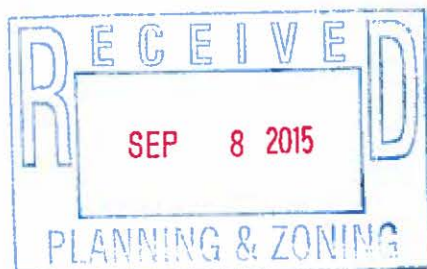
The proposal is for a picket fence with 42 by 3.5 by ¾ inch pickets, with a single 3 foot wide picket gate, about 6 feet from the south end of the front property line.

HISTORY

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 (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 faced south looking over a bluff towards the Potomac River.

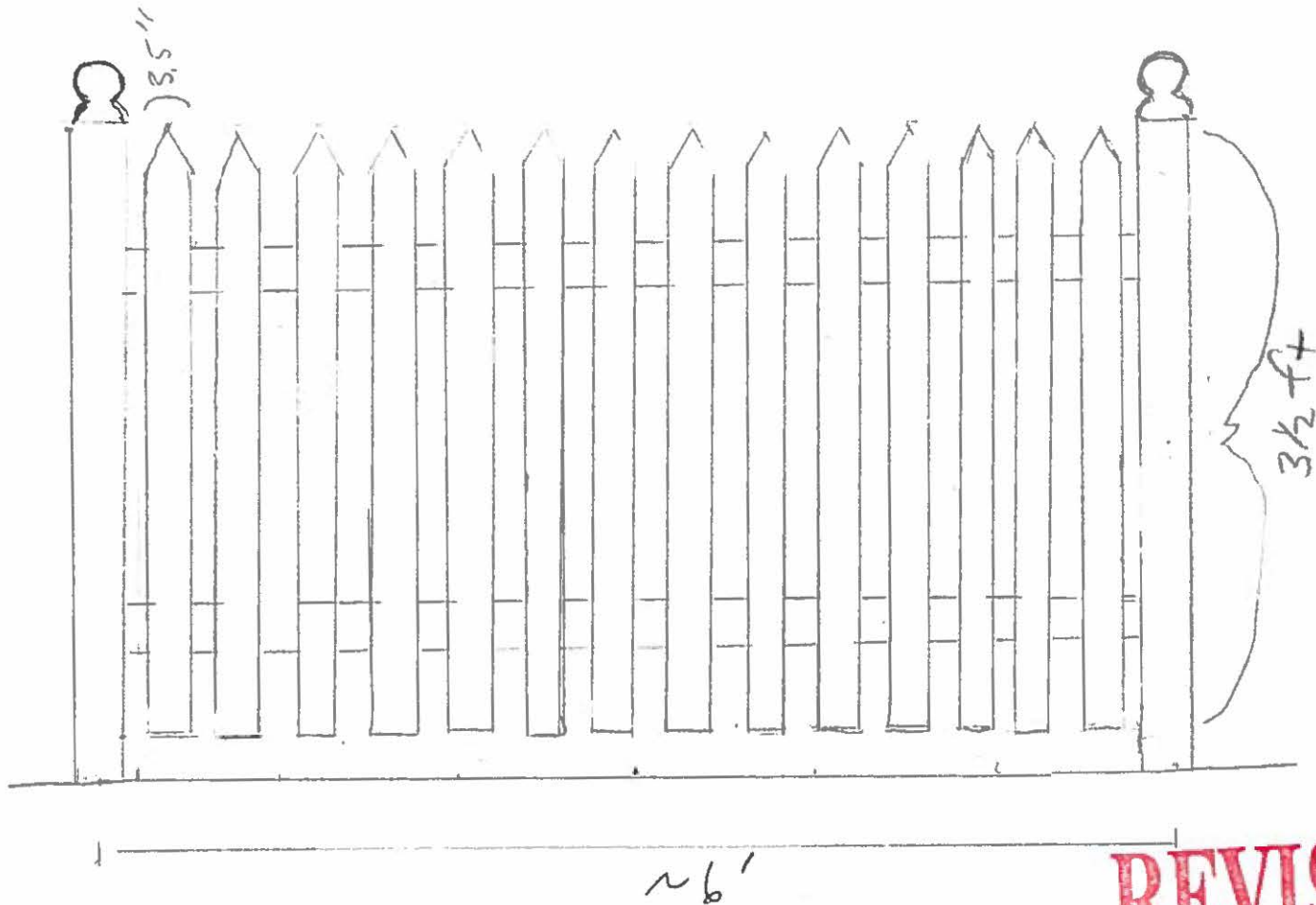
The flounder is now the center section of the house and can be seen from S. Lee Street but only from the south section of the front property line (where the proposed gate would be). It should also be noted that the front section of the house (facing S. Lee St.) was built shortly after the Civil War (John Aitcheson purchased the home in 1871, see the house shape in the 1877 map of Alexandria), and thus it is likely that the fence at that time was the picket fence shown in the upper right of the attached 1863 photo. See also the fences facing S. Lee St. on the other (west) side of S Lee St. in the 1863 photo.

REVISED



APPLICATION MATERIALS
BAR2015-00097
420 S Lee ST.
9/8/2015

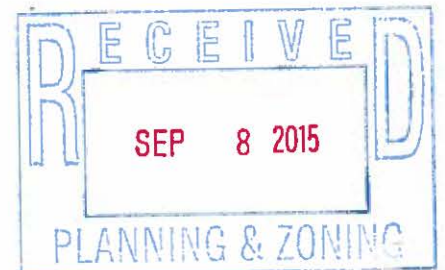
420 S. Lee St.

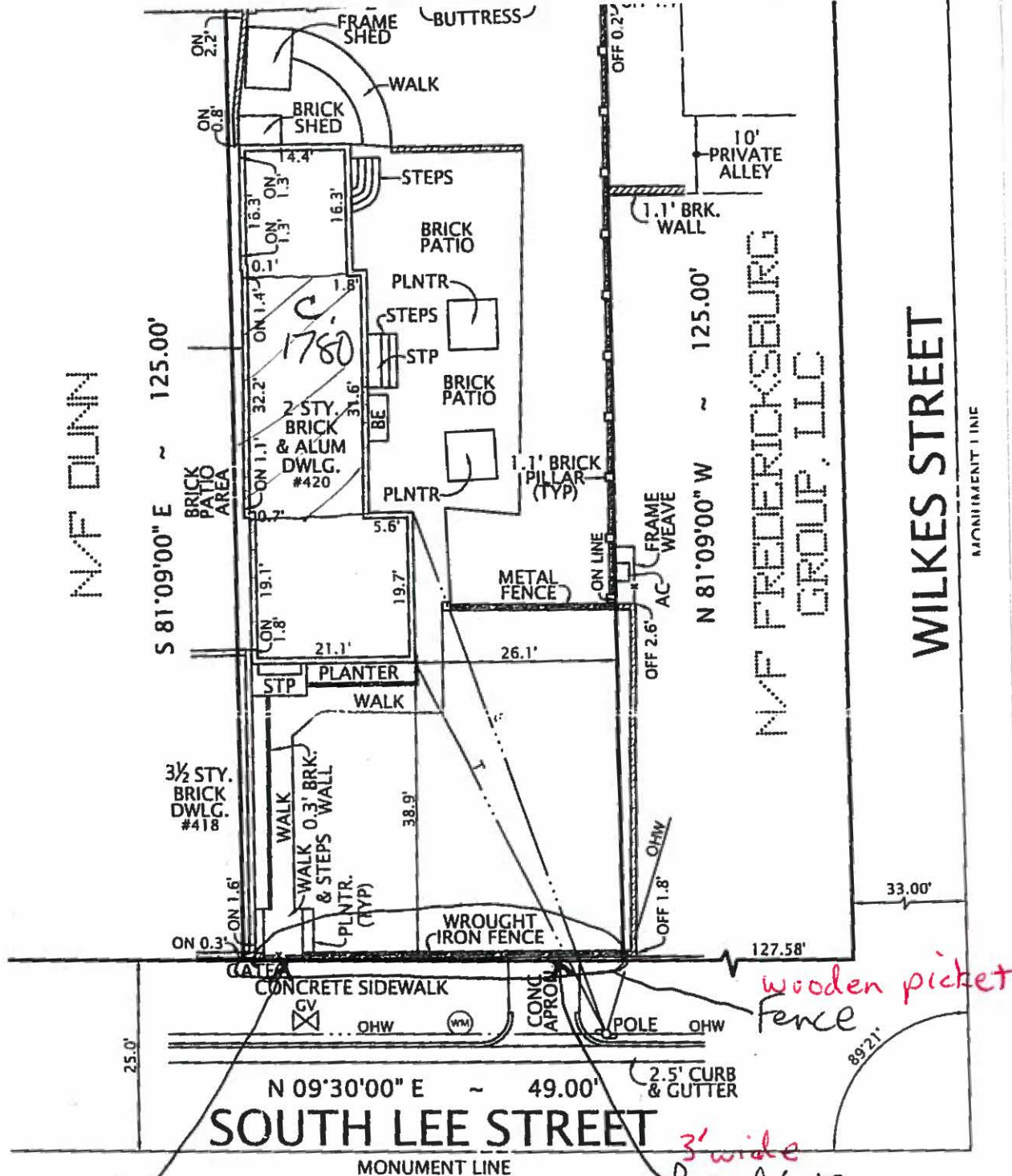


Fence

APPLICATION MATERIALS
BAR2015-00097
420 S Lee ST.
9/8/2015

REVISED





Gate to be removed and replaced with fence

3' wide Proposed Gate wooden picket fence

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



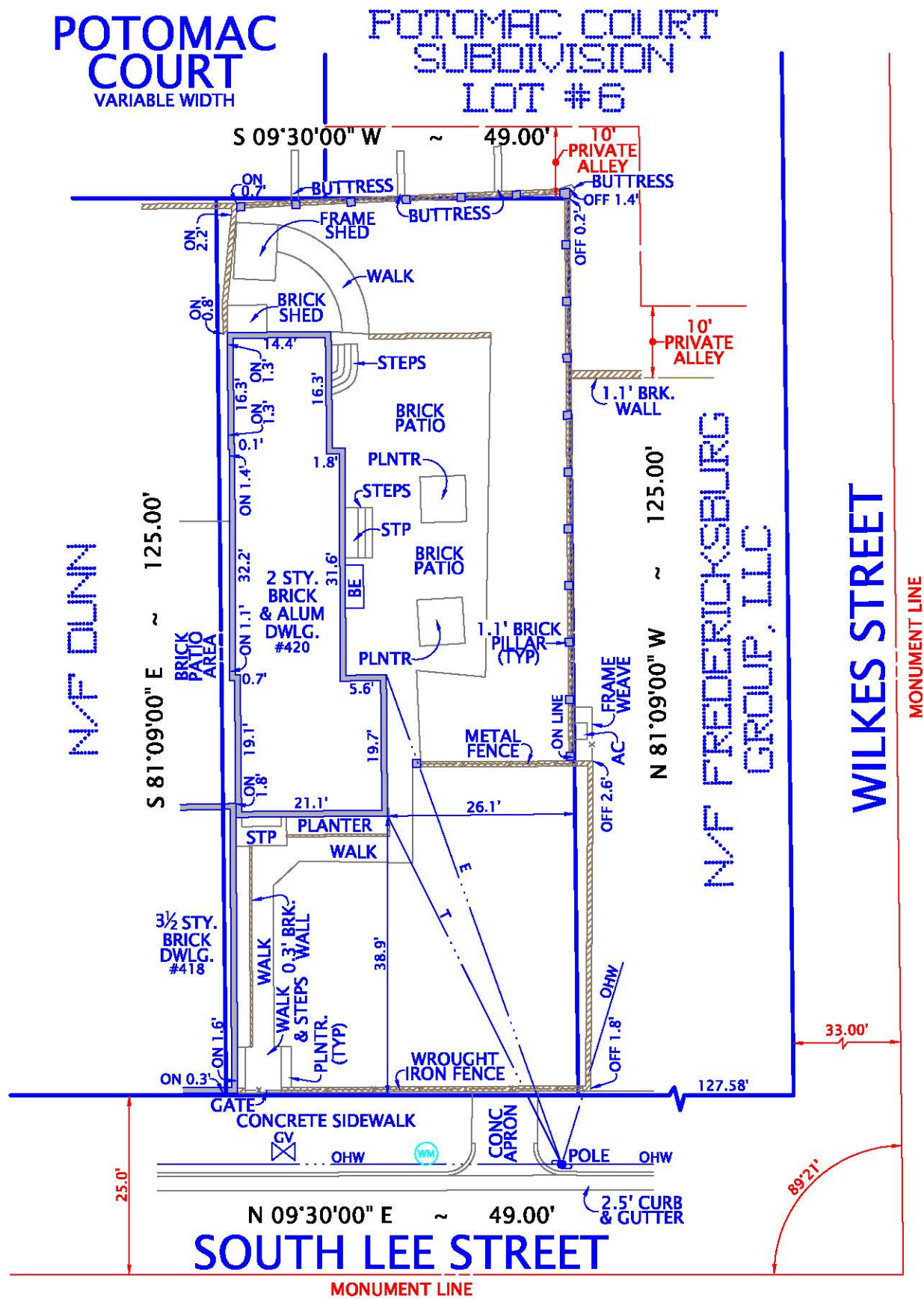
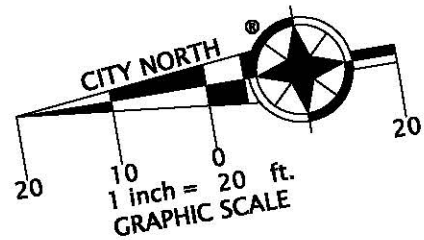
Ordered by
Monarch
675 N. Washington St.

REVISED



APPLICATION MATERIALS
BAR2015-00097
420 S Lee ST.
9/8/2015

- NOTES: 1. FENCES 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

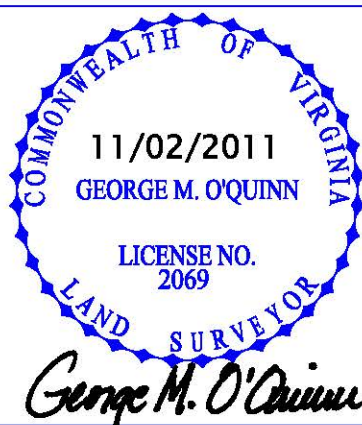
DECEMBER 19, 2011 (REVISED PLAT)

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.



Ordered by:
Monarch
TITLE, INC.

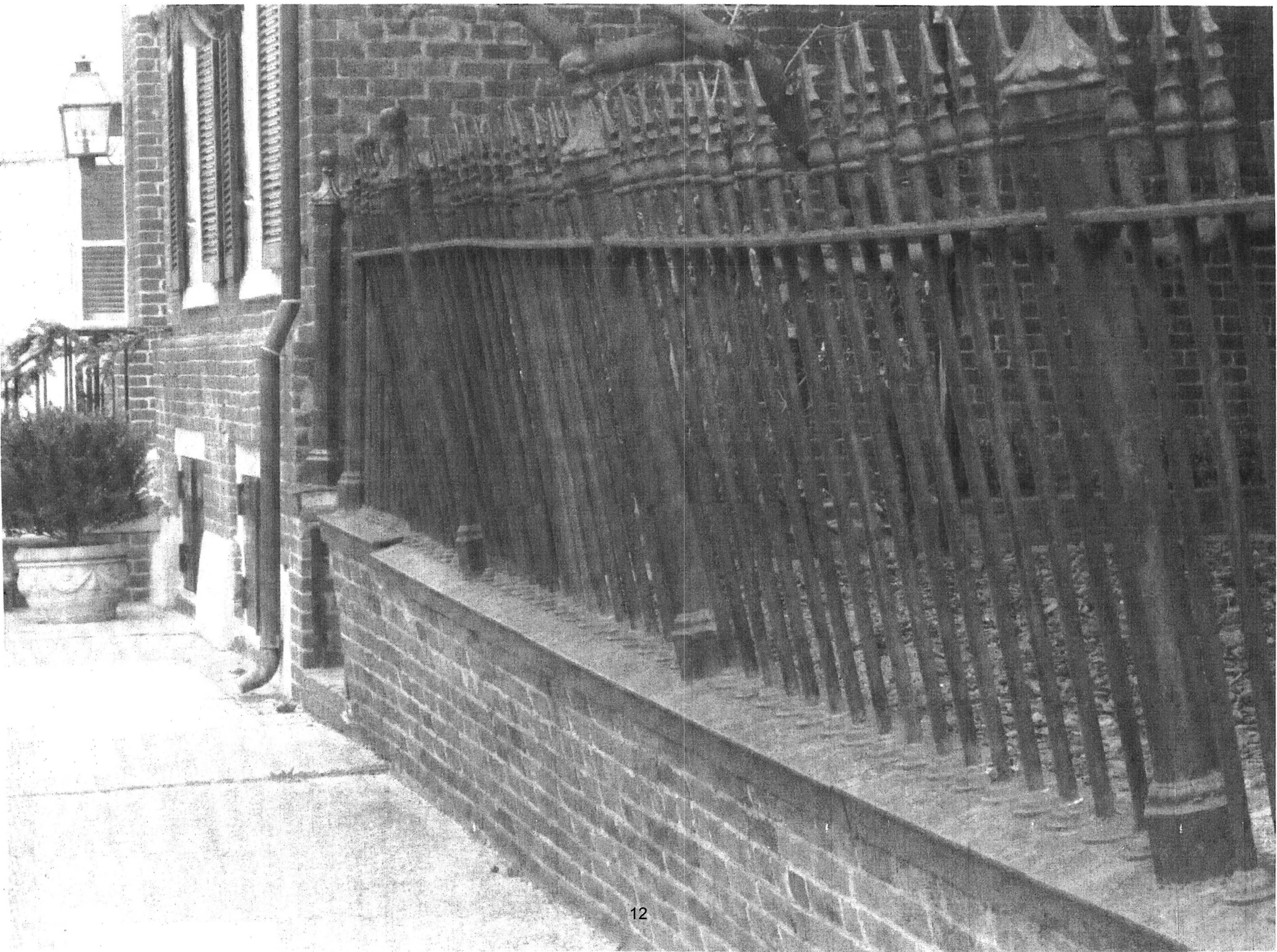
675 N. Washington Street
Suite 435
Alexandria, Virginia 22314
703-852-7700

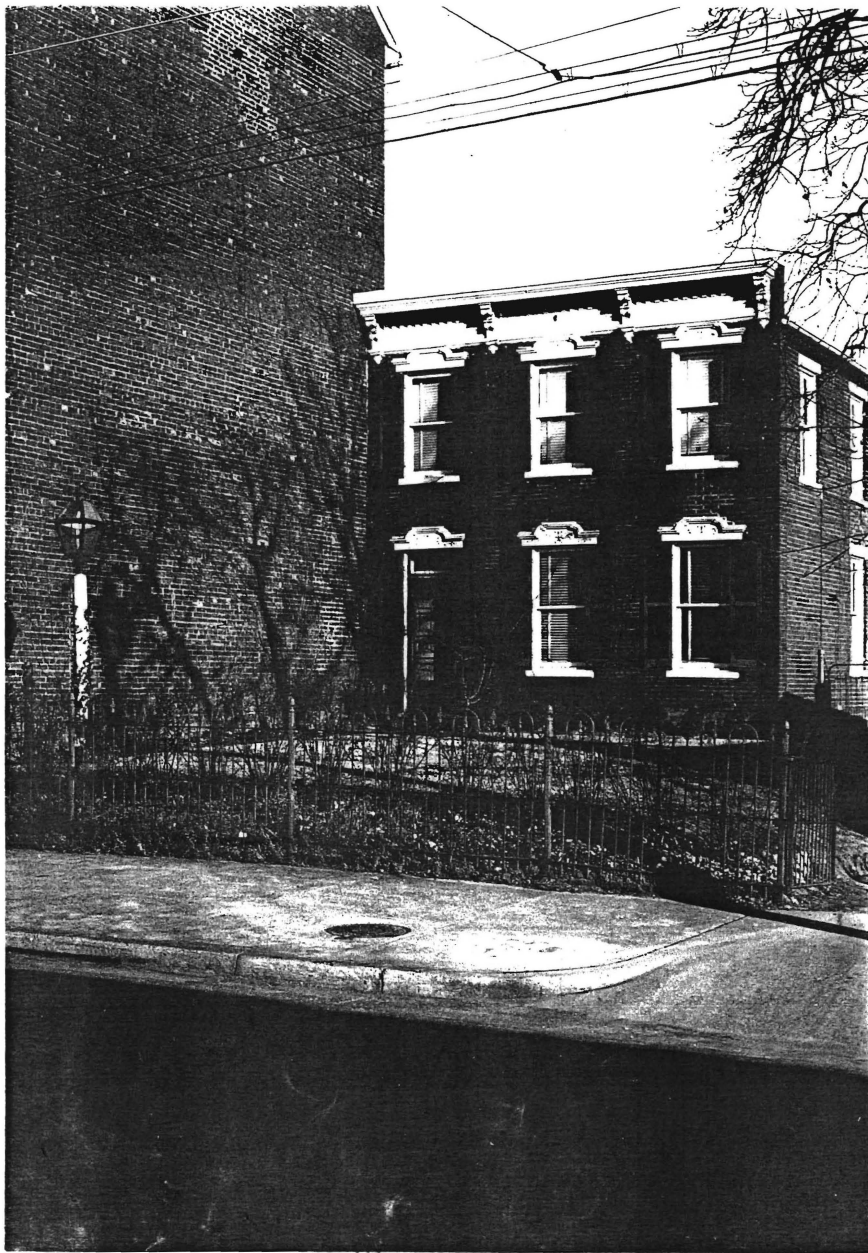


DOMINION

Surveyors
Inc.®

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412





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

February 1, 2012

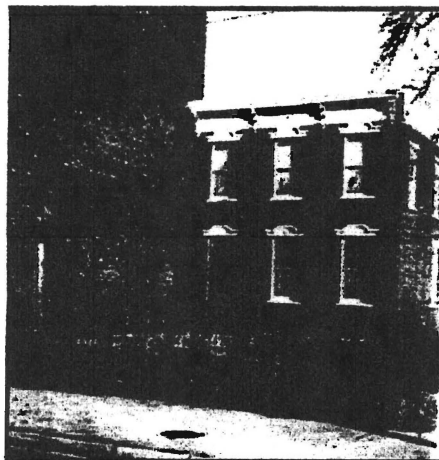
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
- (4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?
- (5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (6) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, and making the city a more attractive and desirable place in which to live?

In the opinion of Staff, this late-19th century townhouse is architecturally significant, contributes to the overall historic district, and is compatible with nearby historic structures and the streetscape. However, the proposed minor changes to the structure are to features that are not historic (fence) or located at the rear of the building on an early 20th century addition with no unusual architectural features, are minimal in scope (porch and window installation) and are designed to be easily reversible in the future.

Certificate of Appropriateness

Fence

The existing mid-19th century cast iron fence and brick retaining wall are not original, based on the 1930s photo below. The 1930s wicket and spear fence in the photo likely dates from the late 19th century, when the Italianate style cast iron window hoods (now removed) and bracketed cornice (remaining) were installed on the main block of the house (see photo below.) As the existing masonry retaining wall is failing, the applicant proposes to reduce the height of the wall by eight courses of brick and then reinstall the existing cast iron fence to recall the more open original relationship between the front yard and the street. Staff supports this alteration.



1930's photo



↑
rear
yard
420
S. LEE
(1863)

Form of the Declarations for Assurance.

I the underwritten William Hubert residing at Albany in the county of Albany do hereby declare for Assurance in the Mutual Assurance Society against Fire on Buildings of the State of Virginia, established the 26th December, 1795, agreeable to the several acts of the General Assembly of this state, to wit:

My own Buildings on Water Street at Albany now occupied by Joseph Roberts situated between the house of Samuel Roberts and that of the late William in the county of Albany. Their dimensions, situation and contiguity to other buildings or wharves, what the walls are built of, and what the buildings are covered with, are specified in the hereunto annexed description of the said Buildings on the plat, signed by me and the appraisers, and each valued by them as appears by their certificate here under, to wit:

The	Building marked A.	at	1200	Dollars, say	Twelve hundred	Dollars
The	do.	B. at	do.	do.	do.	do.
The	do.	C. at	do.	do.	do.	do.
The	do.	D. at	do.	do.	do.	do.
The	do.	E. at	do.	do.	do.	do.
The	do.	F. at	do.	do.	do.	do.
The	do.	G. at	do.	do.	do.	do.

say Twelve hundred Dollars in all.

I do hereby declare and affirm that the above mentioned property is not, nor shall be insured elsewhere, without giving notice thereof, agreeable to the policy that may issue in my name, upon the filing of this declaration, and provided the whole sum do not exceed four-fifths of the verified value, and that I will abide by, observe, and adhere to the Constitution, Rules and Regulations as are already established, or may hereafter be established by a majority of the insured, present in person, or by representatives, at a general Meeting to be agreed upon for the said Assurance Society. Witness my hand and seal at Albany the Twenty day of March 1796 Wm Hubert Seal

WE the underwritten, being each of us House-Owners, declare and affirm that we have examined the above mentioned Property of William Hubert and that we are of opinion that it would cost in cash Twelve hundred Dollars to build the same, and is now actually worth Twelve hundred Dollars in ready money, and will command the same as above specified to the best of our knowledge and belief.

at Albany Sc
The foregoing valuation sworn to in due form before me, a Magistrate for the said Town of Albany Given under my hand this Twentieth day of March in the year 1796

Robert G. Lathrop Residing in Albany
George Byrnes

John Thompson

Witnessed and attested

A Dwelling house built of Brick and covered with wood shingles but a House high on. Roofs and used as a kitchen

On the 20th of March 1796
of Samuel Roberts and family
residing in Albany

Robert Harrison, W^m Sadler, John Allison, Tho^s Hamilton.

Rec^d of John Muir. Five Shillings part of the consideration in the above said Instructions of purchase and Indentures mentioned; May 3. 1775 //

W^m Sadler, John Allison, Tho^s Hamilton.

Witnesses // Rob. H. Harrison, W^m Sadler, John Allison, Tho^s Hamilton.

At a Court held for Fairfax County May the 15th 1775 //

This Dec^r with the Receipt enclosed never acknowledged by Thomas Monroe Party thereto do be his Acts, and Words and Ordained to be Recorded 4. 6. 4. 10. 4. 10. 11. 11. 11. 11.

For Wagoner & Co.

This Indenture made this Twentieth Day of December in the year of our Lord, One thousand seven hundred and seventy four **Between** John Altopanora of Stafford County, in the Colony of Virginia, of the one part, and Andrew Stewart and William Harbort, Joint Merchants and partners, John Fitzgerald and Walonhins Pears, Merchants all of the Town of Alexandria, in the County of Fairfax and, Colony aforesaid, of the other part **Witnesseth** that the said John Altopanora for and in consideration of the Rents, Covenants and Agreements herein after mentioned, on the part and behalf of the said Andrew Stewart, William Harbort, John Fitzgerald and Walonhins Pears and every of them, their and every of their Heirs and Assigns, to be paid, performed and Done; **Math** given and granted and by these presents, **Doth** give and grant unto the said Andrew Stewart, William Harbort, John Fitzgerald and Walonhins Pears their Heirs and Assigns for ever, as Tenants in common and notwithstanding, the following Tract or Lot of Land, Situate on and adjoining the South Side of Two other Lots of Land, Lying in the Town of Alexandria, as represented in the plan of the said Town by the Figures 9A and 9B the West corners of the said hereby granted Lot containing half an acre, the East corner thereof, and one Suburb and Bounded as follows **Beginning** at the South West corner of the said Lot N^o 9B on Water Street, thence running Eastward with the South side of the said Lot N^o 9B and 9A to a post on a mark, river and channeling from thence to the beginning aforesaid, and running from the said **Beginning** Southward by, with a line at right Angles with the said first mentioned line, the same Distance that is contained in the West Side of the said Lot N^o 9B Viz: One Hundred and seventy Six feet, seven Inches, thence Eastward with a line parallel to the first mentioned one to a post on a mark, River aforesaid, thence Northward up the said

1774

River and with the Meadows thereof, to the Formation of the said first mentioned ~~the said first mentioned~~
 pastonmuck as aforesaid, together with all Water and Landing places, and advantages to the said hereby
 granted Lotts belonging and appertaining. **To Have and To Hold** the said hereby granted
 Two Lotts of Land unto the said Andrew Stewart, William Herbert, John Fitzgerald and Valentine
 Peers their Heirs and Assigns for ever as Tenants in common and not otherwise, **yeilding and**
Paying for the same on the Twentieth Day of December next ensuing the sum of Thirty Nine pounds
 Ten Shillings Virginia Currency, and yearly and every year for ever on the same Day the said sum as
 an Annual Rent, to the said John Alexander his Heirs and Assigns for ever, And the said Andrew
 Stewart, William Herbert, John Fitzgerald and Valentine Peers for themselves and every of them
 their and every of their Heirs and Assigns do hereby Covenant and grant to and with the said John
 Alexander, his Heirs and Assigns that they the said Andrew Stewart, William Herbert, John Fitzgerald,
 and Valentine Peers their Heirs and Assigns will well and Truly pay the aforesaid Annual Rent
 of Thirty Nine pounds Ten Shillings unto the said John Alexander his Heirs and Assigns on the
 Day and at the time appointed for payment thereof as aforesaid, **and also** that they the said
 Andrew Stewart, William Herbert, John Fitzgerald and Valentine Peers their Heirs and Assigns
 will within Two years from the Date of these presents, build or cause to be build on each of the said
 hereby granted Lotts a Brick, Stone or Wooden framed House Twenty foot square each or so cover
 Four Hundred square foot with a Brick or Stone chimney to each. **And also** that it shall
 and may be Lawfull for the said John Alexander his Heirs and Assigns at any Time and at all
 Times after the said Rent shall become Due and payable if the same be not paid when De-
 manded, To enter upon both or either of the said hereby granted Lotts or parcels of Land, and
 Distress and Seizure of the Goods and Chattells of the said Andrew Stewart, William Herbert,
 John Fitzgerald and Valentine Peers or either of them, their or either of their Heirs and Assigns
 which may be found upon both or either of the said Lotts or parcels of Land to pay and satisfy the
 said Rent or such part thereof as may remain due and in arrear, **Provided always** and it
 is hereby Conditioned and Agreed, that if the said yearly rent of thirty Nine pounds Ten Shillings

Memorandum I do hereby Authorize and License for my self and my Heirs the said
 named frontiers and their Heirs to cut Down Kill the Trees running to potomack river as mentioned
 in the Indenture until they make an easy road and Division to the said River and to use the said
 which may be dug and cut out of the said Street in Filling up Wharffs or in any other manner that they
 shall think necessary provided always that they shall not cut nor Dig away the said Street so far
 as to injure or hurt any Lot or Lots that may be laid out on the South Side of the said Street, there
 is to say that they Dig till they come within six feet of the South side of the said Street, **M.**
Testimony whereof I have hereunto set my Hand and Seal this 20th day of December: 1772

John Alexander

Witnesses Robert Hanson Harrison, R^d Harrison, John Wilson

At a Court Held for Fairfax County May the 15th 1775

This Deed was proved by the Oaths of the subscribing Witnesses to be the Acts and Deeds of John
 Alexander, Andrew Stewart, William Herbert, John Fitch, George and Valentine Jones, James Stewart
 and the Memorandum thereon endorsed was also proved by the same Witnesses to be the Act and Deed of

John Alexander and to gotten with the said Deed Ordered to be Recorded

Josh. Magness & Co.

This Indenture made this Second Day of February in the year of our Lord One Thousand
 Seven Hundred and Seventy Two Between Hector Rife of the Town of Colchester County of Fairfax
 and Colony of Virginia Merchant of the one part and Charles Tyler of the County of Stafford and Colony aforesaid
 Ordinary Keeper of the other part, **Witnesseth** that the said Hector Rife for and in Consideration of
 the sum of Five Shillings Sterling to him in hand paid by the said Charles Tyler, before the foregoing and
 Delivery of these presents the Receipt whereof is also by acknowledged, He the said Hector Rife
 hath granted Bargained and sold, and by these presents hath granted Bargained and sold unto the said
 Charles Tyler his Executors, Administrators and Assigns three certain Tracts or parcels of Land with their
 Appurtenances situate lying and being in the County of Fairfax and Colony aforesaid, one of which said
 Tracts of Land is known and called by the name of Richard Piggswell's Survey and Begins on

Water, Fairport, Royall, and pills Shrobs in the said Town shall

From the place of their last Emigration, untill they communicate with and Intersect With the Shrobs fair
That Wells, Duke, James and King Shrobs running nearly East and West in the said Town, in like manner
shall be produced and Extended, untill they Intersect Saint Adolph Shrobs running as aforesaid And
That the said Two Shrobs called Withes and Saint Adolph Shrobs, and the same produced and Extended,
points of the said several other Shrobs as aforesaid, shall be for the use and Benefit of the said Andrew
Stewart, William Herbert, John Fitzgerald, and Valentine Peers and every of them, their and every of their
Heirs and Assigns in common with the Inhabitants of the said Town of Algonquin and Ottawa and

Partly that the said John Alexander and his Heirs, the said Andrew Stewart, William Herbert, John
Fitzgerald and Valentine Peers their Heirs and Assigns, performing and keeping the covenants and
Agreements in this Indenture contained on their part and behalf, to be performed and kept) the said the
Sells or parcels of land hereby granted unto the said Andrew Stewart, William Herbert, John Fitzgerald
and Valentine Peers their Heirs and Assigns, against the right, Title, Interest, claim and Demand of him,
the said John Alexander and his Heirs and of every person and persons who have or will have and for
ever beyond by these presents. In Witness

Whereof the said John Alexander Andrew Stewart, William Herbert, John Fitzgerald, and Valentine Peers have
unto Set their respective Hands
and Seals on the Day and year in this Indenture first Written

— // —	— // —	John Alexander (seal)
— // —	— // —	Andrew Stewart (seal)
— // —	— // —	Wm Herbert (seal)
— // —	— // —	John Fitzgerald (seal)
— // —	— // —	Val: Peers (seal)

Signed Sealed and Delivered before us, by John Alexander, William Herbert, John Fitzgerald, and
Valentine Peers, the being first made a party agreeable to the several Intimations aforesaid, and
also by Andrew Stewart //

Robert Harrison, Thomas, Richard Harrison, John Wilson

Virginia Unioning every part thereof, to be him and unpaid at any time for the space of thirty Days after the same shall be due and payable, and sufficient goods and chattels of the said Anderson Merchant, William Herbert, John Fitzgerald and Valentino Lewis their Heirs and Assigns shall not be found upon the said hereby granted Lots or parcels of Land, and of which Duties and Sales may be made by the said John Alexander his Heirs and Assigns to pay and satisfy the debts of the said Rent, or in Default be made by the said the said Anderson Merchant, William Herbert, John Fitzgerald and Valentino Lewis their Heirs and Assigns in Building such a House as aforesaid is described on each of the said hereby granted Lots, and within the Time appointed for Building the same, that upon a breach or Failure in payment of the said Rent and Building the said House as in this proviso and the Conditions in this Indenture mentioned, or in case of Failure in any of the said matters and things, Conditions and Agreements, that it shall and may be Lawful for the said John Alexander, his Heirs and Assigns into and upon the said hereby granted Lots to Reenter and the same with all and every of their Appurtenances to have again, Repossess and Enjoy, as in his and their first and former estate right and Title, and the said Anderson Merchant, William Herbert, John Fitzgerald and Valentino Lewis and every of them, their and every of their Heirs and Assigns, thenceforth to Amend and put out, any thing therein contained to the contrary thereof in anywise notwithstanding. And the said John Alexander for himself and his Heirs doth hereby Covenant and grant, to and with the said Anderson Merchant, William Herbert, John Fitzgerald, and Valentino Lewis and every of them, their and every of their Heirs and Assigns, that a North Sundry Survey made by the name of Wilkes Street, shall be laid out and be for ever the portion on the South Side of the said hereby granted Two Lots or parcels of Land, Beginning at the corner of a River and running from thence to the Westward and parallel to Wilkes Street in the said Town of Alexandria, untill it goeth to the Survey beyond Two Lots or half acres of Land lying to the Westward of Pitt Street in the said Town, that from thence a Street by the name of Saint Alaph Street running Northward and parallel with Pitt Street aforesaid and of the same Width of Wilkes Street, shall be laid out and forever be kept open, till it intersect a Street introduced from Caman Street in the said Town, that

BAR Case # 2015-00097

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 E ByrneAddress: 420 S. Lee StCity: Alexandria State: VA Zip: 22314Phone: 703 387 3008 E-mail: teb@topofthetown.com

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

Name: _____

Phone: _____

E-mail: _____

Legal Property Owner:

Name: Thomas & Amanda ByrneAddress: 420 S. Lee StCity: Alexandria State: VA Zip: 22314Phone: 703 387 3008 E-mail: teb@topofthetown.com

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Is there an historic preservation easement on this property? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, has the easement holder agreed to the proposed alterations? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | Is there a homeowner's association for this property? |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | If yes, has the homeowner's association approved the proposed alterations? |

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

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

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

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

SEE ATTACHED DESCRIPTION

SUBMITTAL REQUIREMENTS: *n/a*

Items listed below comprise the minimum support request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

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

Electronic copies of submission materials should be submitted whenever possible.

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

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

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

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

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

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

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

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

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

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

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

APPLICANT OR AUTHORIZED AGENT:

Signature: _____

Printed Name: _____

Date: _____

Thomas E Byrne
Thomas E Byrne
4/6/15

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 E Byrne	420 S. Lee St	100% <i>owns by entirety</i>
2. Amanda V Byrne	420 S. Lee St	100%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 420 S. Lee St (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. Thomas E Byrne	420 S. Lee St	100%
2. Amanda V Byrne	420 S. Lee St	100%
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. N/A		
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.

4/6/15 Thomas E Byrne [Signature]
Date Printed Name Signature