

BAR CASE # 2017-00289

City Council Public Hearing
November 18, 2017

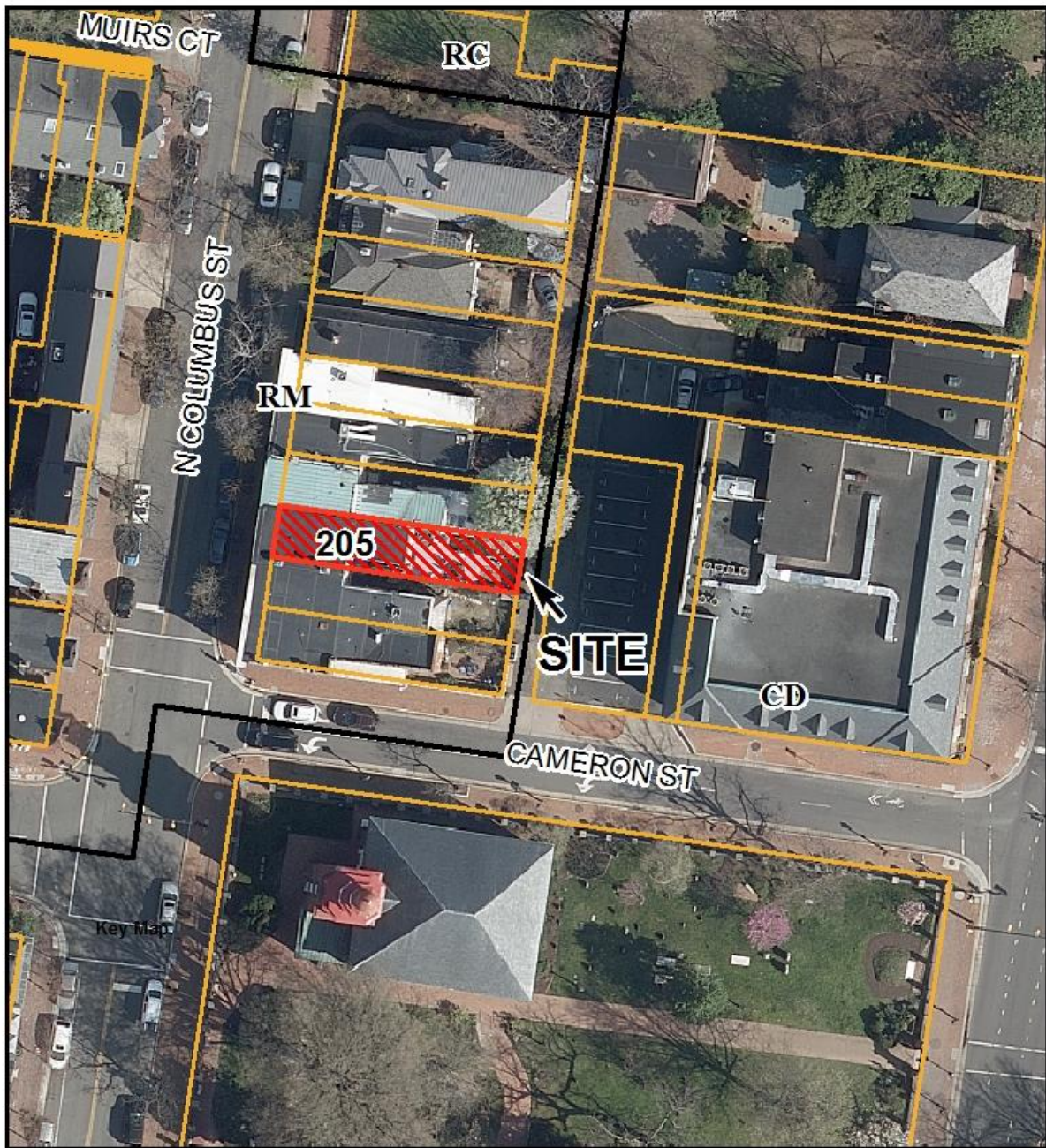
ISSUE: Appeal of a decision of the Board of Architectural Review, Old & Historic Alexandria District, approving a Certificate of Appropriateness, as amended, and Request for a Waiver of Maximum Fence Height requirement.

APPLICANT: Robert Agnor and Kathy Agnor

APPELLANT: Robert Agnor and Kathy Agnor

LOCATION: 205 North Columbus Street

ZONE: RM / Residential



BAR #2017-00289
205 North Columbus Street



I. ISSUE

The applicants are appealing a decision of the Old & Historic Alexandria District Board of Architectural Review (BAR) for approval of a Certificate of Appropriateness, as amended, for the design of the vertical extension of an existing garden wall/fence and request for a waiver of the maximum fence height requirement, on September 6, 2017. The applicants in this case are Robert and Kathy Agnor on behalf of themselves. The applicants disagree with the amendment the BAR included as part of the Certificate of Appropriateness, which reduced the overall height of the proposed fence from nine feet tall to eight feet tall.

The applicants' basis for appeal is the following: "The requested 48 inches of privacy lattice was needed for privacy, after careful measurements and design. The staff recommendation was to approve the design. The BAR reduction of 12 inches of lattice height was a compromise that will not permit visual privacy."

The request to alter the garden wall/fence to increase visual privacy in the side yard between the applicant's property and the abutting property to the south (203 North Columbus Street) originally came to staff's attention in response to a neighbor complaint because the lattice portion was in violation of the maximum fence height permitted in the Alexandria zoning ordinance and the fence was installed without BAR approval. Upon being notified by City zoning enforcement staff, the property owner immediately took down the lattice portion of the fence and filed an application for BAR approval.

As stated in section 7-202(B)(3) of the zoning ordinance, fences in required rear and side yards cannot exceed six feet in height anywhere in the City of Alexandria. However, section 7-202(C) gives the BAR the authority to waive or modify this requirement "...where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district."

II. DISCUSSION

Project History

The two-story Italianate brick townhouse at 205 North Columbus Street was constructed by **1885**, according to Sanborn Fire Insurance Maps. The townhouse was constructed as one in a row of six identical homes, all of which are extant and retain a high level of historic integrity. They are collectively known as Church Row.

Staff recommended that the Board approve the waiver of fence height as submitted, because the fence would be only minimally visible over the private alley and parking lot behind 200 North Washington Street and its construction did not impact any historic material. The height and scale of the fence as viewed from Cameron Street meets the standards for a Certificate of Appropriateness. This request essentially affects only two historic properties and their relationship to each other (see Figure 2), rather than the historic district as a whole, due to the limited visibility

of the lattice from a public way. The limited visibility of the fence from the public right-of-way is captured in Figure 1, below.



Figure 1: View of fence (prior to removal) from Cameron Street across the private parking lot.

The existing masonry garden wall/fence which forms the base for the proposed lattice is six inches wide and made of concrete block. Based on the applicant's survey plat, the masonry wall is located three inches inside the property line of the 205 North Columbus Street parcel and is approximately six feet from the wall of the townhouse at 203 North Columbus Street. The proposed lattice is made of a vinyl composite material and was also a subject of discussion at the hearing. Noting the limited visibility from a public way, the propensity for moisture damage because of the limited sunlight and air movement between the historic rear ells, and that the fact that the proposed composite material was solid-through-the-core, paintable and millable, the BAR found the material to be acceptable for this use in this location.



Figure 2. View from the rear yard of 203 North Columbus looking west into the side yard between the two townhouses. The metal posts on top of the vine covered wall are the structural supports for the proposed lattice.

III. BOARD ACTION

On September 6, 2017, the BAR *approved the Certificate of Appropriateness for the materials and design of the fence and the request to waive the City's maximum fence height, but amended the applicant's 9 foot request, limiting the overall fence height to 8 feet. The BAR's vote was 5-1-1, with Ms. Roberts voting in opposition and Mr. Sprinkle abstaining.* The Board appreciated the desire of both neighbors to seek additional privacy and recognized that this lattice would be minimally visible from Cameron Street. Some thought that the nine foot tall fence was acceptable, though the majority supported a slightly lower height of eight feet in response to the affected neighbors' concerns. This compromise was also based on an understanding of the relative window height between the two properties. The Board found the composite lattice material to be acceptable, though some members stated a preference for natural wood.

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 rather: (1) whether the Waiver of Fence Height requirements should be granted based upon City Council's review of Zoning Ordinance Section 7-202(B)(3) and (2) 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 and Waiver of Fence Height

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 proposed design, form and style of the lattice fencing is architecturally appropriate for this period house and recalls the lattice used on the historic rear porch at 203 North Columbus Street. The height and scale of a fence structure above six feet in height is appropriate between the two-story tall masonry ells when viewed from a public way.

(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;

The applicant proposes a lattice fencing that is similar in style to the decorative lattice located on the historic porch at the rear of 203 North Columbus Street next door. The lattice provides some light and air movement but veils the view through the fence to provide some privacy.

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

The proposed lattice will be located on the top of an existing five foot tall masonry garden wall/fence located in the area between the two story rear ells of the townhomes, which are separated by approximately ten feet. The lattice portion of the fence will have minimal impact

on the historic setting, streetscape or environs as it is minimally visible from the public right-of-way and can only be viewed from Cameron Street looking over a parking lot, a private alley and a seven foot tall brick garden wall at the rear of 205 North Columbus.

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

The proposed design and material for the lattice, posts and trim and found the composite material to be acceptable in this particular location. The BAR's policy on Minor Architectural Elements permits high quality composite materials in areas subject to continuous high moisture, as the proposed location would be.

(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 style of the lattice is similar in appearance to the lattice work located on the historic rear porch on the adjacent townhouse at 203 North Columbus Street.

(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 lattice fence will not have a negative impact on the character of this historic block. The North Columbus Street block-face and the building forms will remain unchanged and will retain their historic visual and physical integrity. The proposed lattice fence will sit on an existing concrete block garden wall and only a small portion of the lattice will be visible from Cameron Street and will likely not be visible from the Christ Church yard. The lattice is not a permanent alteration, being easily removable in the future.

(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 fence in and of itself does not attract visitors; further, the fence will not compromise the historic integrity of this area for students and historians. Visitors and residents will continue to view and enjoy nearby buildings and places of historic merit.

In summary, the proposed fence is architecturally appropriate and consistent with the character of the district, is minimally visible and meets the standards for a Certificate of Appropriateness and Waiver of Fence Height.

V. RECOMMENDATION

Staff recommends that City Council **affirm** the decision of the Board. Based on the discussion with the applicant at the hearing the Board believed that the applicant agreed that an eight foot tall fence, rather than a nine foot tall fence, provided the desired privacy and still addressed the neighbors' concerns for preserving the maximum amount of light and air between the houses. The BAR found that an eight foot tall fence was the appropriate height and scale in this historic context.

STAFF

Karl Moritz, Director, Department of Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning
Amirah Lane, Historic Preservation Planner, Planning & Zoning

VI. ATTACHMENTS

Attachment 1: BAR staff report with BAR actions from the September 6, 2017 meeting.
Attachment 2: Submission Materials



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: 09/19/2017

B.A.R. Case #: 2017-00287

Address of Project: 205 North Columbus Street

Appellant is: (Check One)

☒ B.A.R. Applicant

☐ Other party. State Relationship _____

Address of Appellant: 205 North Columbus Street
Alexandria, Virginia

Telephone Number: (703) 739-6788

State Basis of Appeal: Please see attached. Thank you,

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.

Kathy Y. Agor Robert Agnor
Signature of the Appellant

September 18, 2017

From: Robert J. Agnor and Kathy Agnor, 205 North Columbus Street, Alexandria, Virginia 22314

To: Alexandria, Virginia City Council

Subject: Basis of appeal for BAR Case 2017-00289

Nature of Appeal

We request Alexandria City Council approve restoration of 12 inches of privacy lattice that was reduced by the Board of Architectural Review from the requested 48 inches to 36 inches.

Reason for Appeal

The requested 48 inches of privacy lattice was needed for privacy, after careful measurements and design. The staff recommendation was to approve the design. The BAR reduction of 12 inches of lattice height was a compromise that will not permit visual privacy.

Background

We filed a request for BAR approval to reinstall a 48 inch high lattice on top of an existing concrete wall. We needed that to provide for privacy, which doesn't exist today between the two residences. See attached pictures. This was a carefully planned section of lattice that

- a. Was consistent with the neighbor's lattice, to blend in naturally
- b. Was designed to not extend past the neighbor's recent addition nor be visible from the public right of way.
- c. Was designed to be white in color to better reflect lighting in a fairly dark alley between two residences.
- d. Was designed to be the minimum height necessary to provide facial screening for both residences, the most important aspect of privacy.
- e. Was within heights for other privacy structures approved by within the city.

The staff recommended approval. The neighbors at 203 North Columbus Street said at the BAR hearing that they supported privacy lattice, but it should be 2.5 feet in height.

You can see in the following photos the total absence of any decent measure of privacy:



The above show the kitchens of 203 and 205 North Columbus Street facing each other.

The below picture is the family room projection of a large screen television upon my back door and porch. The lattice, when it was up, did provide relief from that. This recently added window is well below the level of other windows at 203 and 205 North Columbus Street, bottom floor.



Why 4 feet is needed

We own the existing concrete block wall on our property that stands 5 feet above the alley floor. Because the rooms that face each other from 203 and 205 North Columbus sit on top of substantial crawl space, the top of the concrete block wall does not even rise to the bottom of the windows of both residences. The existing wall provides no privacy.

We wanted lattice to provide some privacy. We needed 48 inches of lattice for privacy. Less than that does not give facial privacy, with a 36 inch lattice hitting current residents at 205 North Columbus Street at the nose level of both people, with no visual screening.

What was installed- Very High Quality Lattice



Below, the lattice did not extend past the neighbor's recent addition. We purposely constructed it to not be visible to the public. It sits entirely in the alley between the two houses.



Below picture

The lattice was not visible to the Public. The lattice faces a private parking lot of 201 North Washington Street. It has a low end view profile. This is the view of the lattice from the Parking lot. It has a 3 inch profile that is virtually invisible. The end of the lattice is the white post to the left of the bird house. ➡



The lattice was consistent with the neighbor's porch lattice. We wanted it to blend in with that theme.



In June, City staff advised I needed to remove the lattice until approved by BAR. We complied and below is the current state of the lattice. It took one hour to remove. We requested BAR permission to reinstall the lattice.



Action of BAR

The BAR discussed this relative to height. One member asked that if we had called this trellis instead of lattice, would it be subject to any height restrictions, to which the City's leader at Zoning, Mr. Cox, replied "no."

The BAR asked if there were other screening structures between houses that were higher than the proposed total height, and Mr. Cox replied that there was one 11 foot separation fence approved for privacy in the past, as well as others approved beyond 6 feet.

Result: The BAR, in wanting to compromise, approved a 36 inch lattice. In measuring what a 36 inch lattice would do for privacy, after the BAR hearing, we found that it would not screen the residences from seeing each other performing daily chores in the kitchen, or in our back yard.

Basis of Appeal

- a. The lattice height is not beyond what other privacy solutions have been approved within Alexandria.
- b. This is just lattice. It's not a permanent structure. It was dismantled in one hour when staff advised we needed to comply. It could qualify as trellis, with the addition of vines and would not be subject to any height restrictions.

- c. It is not seen by the public
- d. It is consistent with the lattice of the neighbor's addition at 203 North Columbus
- e. It is white, reflecting more light than is currently in the fairly dark alley.
- f. It is high quality, of no less quality than the Hardiplank addition at 203 North Columbus Street.
- g. The compromise does not provide privacy. Neither the neighbors got their 2.5 feet nor did either of the residences get privacy.

Summary

We are asking for the restoration of 12 inches of lattice height, the amount reduced by the BAR. Less than that would render the lattice unusable from a privacy perspective, and would be unworthy of installation.

We ask Council to overrule the compromise reduction of requested lattice by 12 inches, as not supportive of lattice consistent with other additions in the city, and denying our residence of privacy.

Thank you.

Robert J. and Kathy Y. Agnor