

BAR CASE # 2017-00287

City Council Public Hearing  
November 18, 2017

**ISSUE:** Appeal of a decision of the Board of Architectural Review, Old & Historic Alexandria District, denying a Certificate of Appropriateness

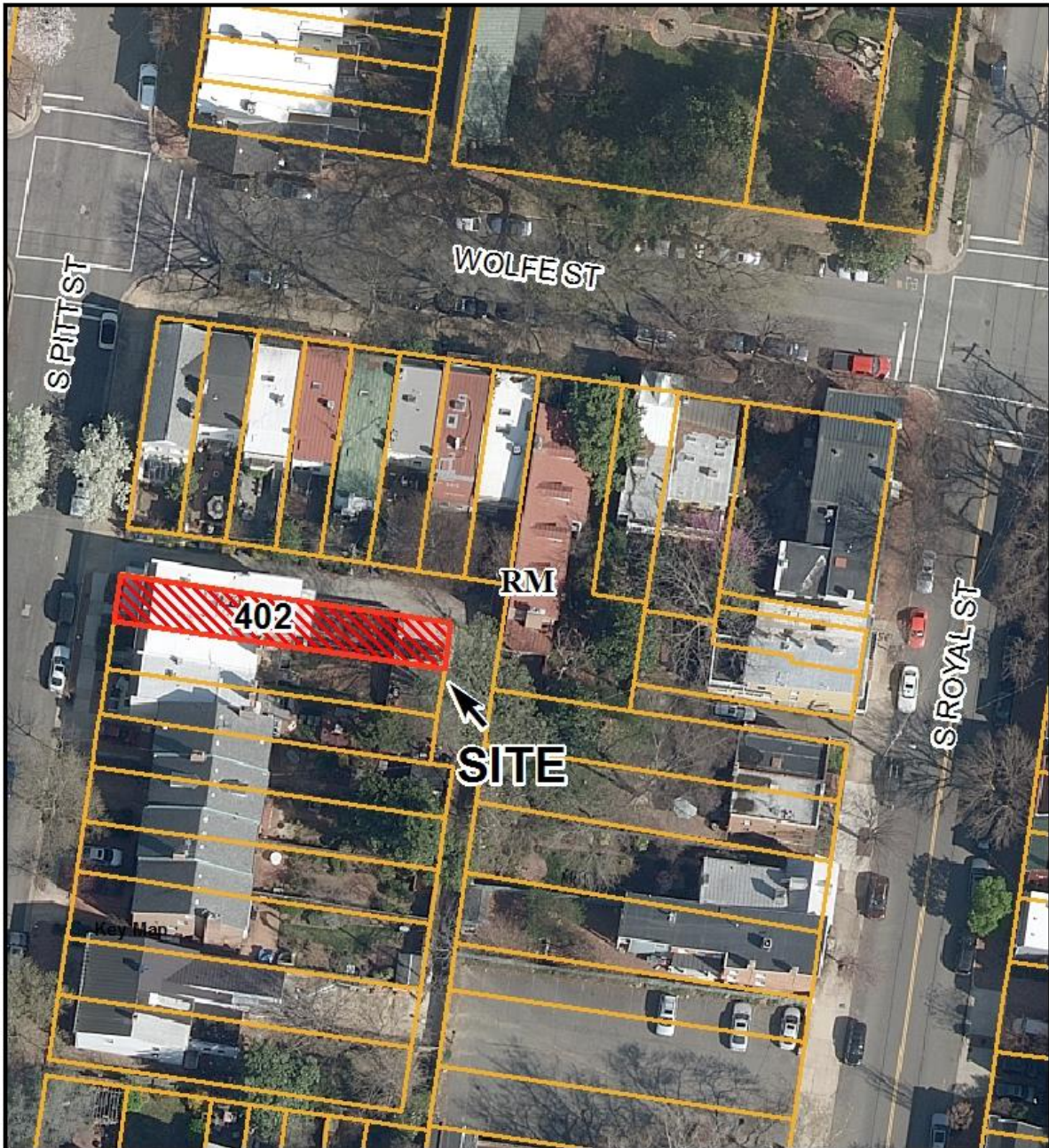
**APPLICANT:** Amy and Paul Reed

**APPELLANT:** Amy and Paul Reed

**LOCATION:** 402 South Pitt Street

**ZONE:** RM / Residential

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**BAR #2017-00287**  
**402 South Pitt Street**



## **I. ISSUE**

The applicants are appealing a decision of the Old & Historic Alexandria District Board of Architectural Review (BAR) that denied a Certificate of Appropriateness, on September 6, 2017 for painting the previously unpainted brick dwelling located at 402 South Pitt Street.

The appellants' basis for appeal is the following: "The BAR erroneously denied Applicants' request for certificate of appropriateness for after-the-fact approval for the painting of unpainted masonry on the front (west) elevation at 402 S. Pitt St."

## **II. DISCUSSION**

The Alexandria zoning ordinance section 10-109(B)(4) on permitted maintenance of exterior architectural features states: "The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness." This section was added to the ordinance in 1992 to clarify that unpainted masonry is a character defining architectural feature and changing the color of the masonry is not considered ordinary maintenance because it can have an adverse effect on the public's understanding of the authentic style and original period of construction of the building.

The two-story, two-bay brick townhouse with a one-story open front porch located at 402 South Pitt Street was constructed as one of three abutting townhouses by 1931, according to Sanborn Fire Insurance Maps from that year. The townhouses were likely constructed in the **1920s**, and this type of two-story solidly-constructed brick townhouse with a one-story front porch is often referred to as a Wardman-style rowhouse because, Harry Wardman, a real estate developer during the early 20th century, constructed a large number of this style rowhouse throughout Washington, D.C., with a few found in Alexandria. While all three originally had the characteristic one-story front porch, the porches of the two adjacent townhouses at 404 and 406 South Pitt were removed sometime between 1958 and 1977 in an effort to make them look more "colonial." Staff was unable to determine whether the BAR approved the painting of these units during this same period but it was almost certainly before the 1992 change in the zoning ordinance requiring a certificate of appropriateness to do this work.

In 1964 the Board approved a fence at 402-404-406 South Pitt Street.

In June 2012, the Board approved a Permit to Demolish for partial demolition and capsulation and a Certificate of Appropriateness for an addition and alterations, including the reopening of an enclosed front porch (BAR Case #2012-0156 & -1157) for 402 South Pitt Street. In November 2012, the BAR denied the painting of the façade at this property, finding it historically inappropriate and inconsistent with the adopted *Design Guidelines* and policies, by a vote of 6-1 (BAR Case #2012-0317).

In July 2017, the painting of unpainted masonry on the front elevation of this tan brick townhouse was brought to BAR staff's attention by a citizen complaint while the work was underway. A Zoning Inspector immediately went to the site and informed the contractor and owner of the

violation and issued a Stop Work Order. At that time, the owner indicated that no further work would continue and a small portion was left unpainted. The owner soon applied to the BAR for after-the-fact approval of the painting of unpainted masonry. However, between the issuance of the Stop Work Order and the BAR hearing, the work was completed despite being informed of the zoning ordinance violation and agreeing to stop work, thus preventing the BAR from seeing a portion of the unpainted brick for themselves.

On September 6, 2017, on a motion by Ms. Roberts, and seconded by Mr. Adams, the OHAD Board of Architectural Review voted to approve the staff recommendation to deny BAR Case #2017-00287 as amended. The motion carried on a vote of 6-0-1, with Ms. Miller abstaining. As a part of the BAR's denial, the BAR provided six months to complete the paint removal and waived the \$100 penalty for performing work without a Certificate of Appropriateness.

Citing the zoning ordinance and Design Guidelines, the Board noted that the unusual tan brick was a character-defining feature of this 1920s rowhouse and found that there was no justification for the after-the-fact approval of painting the unpainted brick façade. It was noted that if the Board approved the application, then the Board would be going against both decades of BAR policy and nationally accepted preservation guidance. They also noted that moisture can become trapped behind the paint and potentially cause damage to the brick.

The Board explained that the brick at 402 South Pitt Street was unique both in texture and color and that contributed to its significance within the district. It was suggested that the applicants embrace the unique qualities of the unpainted brick and select complementary colors for trim, shutters and the door to enhance the townhouse. It was noted that this brick was more expensive and actually conveyed a higher level of quality than the typical red brick of the time. Staff noted that a reputable masonry contractor confirmed that removal of the paint in this case was technically feasible and relatively easy. The Board stressed the importance of preserving the unpainted tan brick because there are relatively few examples in the historic district.

#### 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 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.

#### Certificate of Appropriateness and Standards

The BAR's and City Council's determination for a Certificate of Appropriateness must consider the *Standards* listed in Section 10-105 of the Zoning Ordinance. For reference, staff has included the *Standards* with a brief discussion with respect to this case. It should be noted that City Council must "consider" the elements and features identified below but that there is not a "yes" or "no" response.



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

The original architectural design of the building featured a signature textured tan brick used on the façade and porch piers. This type of brick, a unique and more costly brick, was used as a character-defining element in early 20<sup>th</sup>-century architecture and local examples include the Burke and Herbert Bank headquarters on South Fairfax Street as well as the former Capitol Theater at the corner of Queen and Henry streets. There is also a Beaux Arts townhouse on Cameron and North Alfred streets that features a similar style of brick (Figure 1). The painting of the façade significantly alters the original design intent and obscures the unique qualities of this building.



**Figure 1. Example of tan brick on a townhouse at the corner of Cameron and North Alfred streets.**

*(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 textured tan brick is the original construction material and is characteristic of an early 20<sup>th</sup>-century building. As noted above, examples in Old Town exist at a few dwellings and commercial buildings. For this simple rowhouse, the use of a specific and unusual brick contributes very much to the rowhouse's architectural and historic integrity. Removing the paint will allow the original materials and design intent to retain prominence.

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

Inappropriate alterations have a negative impact not only on the subject property but also the adjacent area and the overall historic district.

*(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 material of the brick with its uncommon tan color and its texture is a signature element of this 1920s rowhouse. This building is one of a small number that were not painted in the middle of the 20<sup>th</sup>-century, raising its significance. Painting the brick will diminish the public's understanding of the townhouse as well as obscure the high-quality and unique brick that defined the character of this townhouse for nearly 90 years. This building was never intended to be painted brick on the façade.

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

As stated above, this rowhouse was one of only a few in the historic district that was not painted in the middle of the 20<sup>th</sup> century. Some neighboring buildings of a similar design may have been painted in the middle of the 20<sup>th</sup> century before these townhouses were considered historic. However, as our understanding of early 20<sup>th</sup>-century buildings as contributing resources to our historic district has developed, it remains important to retain character-defining features and materials for these structures. The building has acquired significance in its own right as a 90-year-old building representing the evolution of Alexandria building over time.

*(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 overall townhouse form of the present building will continue to exist. However, as a painted building it will not accurately or appropriately tell its history.

*(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*

Allowing inappropriate alterations done without BAR approval to remain does a disservice to the general welfare of the city and threatens to erode tourist interest and property values in Alexandria's signature neighborhood. Property owners are stewards of the historic buildings which they occupy. It is unfair for one group to follow the rules established by the community for everyone's benefit while others ignore them. The concept of being a steward of the historic resources helps to protect and preserve the built environment and its historic interests for the future.

*(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. While the subject building itself may not attract visitors, it contributes to the overall character of the historic district. The integrity of the historic districts stems from the accumulated integrity of all the historic resources rather than just one individual building. Alexandria prides itself on being an authentic place and preventing inappropriate alterations without approval is at the heart of maintaining its authenticity.

#### Painting of Unpainted Masonry

In addition to the *Standards* discussed above which apply to all requests for a Certificate of Appropriateness, the zoning ordinance specifically addresses the painting of unpainted masonry. Section 10-109(B)(4) notes the following:

*The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.*

Calling out the painting of unpainted masonry as a specific item requiring a certificate of appropriateness conveys the significance of this type of alteration and the BAR's concern about the effects of doing such work. The *Design Guidelines*, adopted in 1993, further state that "painting a previously unpainted masonry surface, no matter what color, requires review and approval of a certificate of appropriateness by the Boards. Additionally, the Boards strongly discourage the painting of a previously unpainted masonry surface." Due to the abundance of previously painted masonry structures in Old Town, and the fact that most brick masonry buildings were not originally painted, the Boards do not normally support such requests. Historically, most property owners avoided painting brick because the use of brick was a clear sign that the building was higher quality and built of a more expensive material than frame construction with wood siding. Painting brick also results in an added unnecessary maintenance cost for the future of the building as well as can prevent the brick and mortar assembly from properly breathing. Additionally, nationally-accepted preservation thought from the National Park Service also strongly discourages the painting or coating to historically unpainted or uncoated masonry buildings to create a new appearance.<sup>1</sup>

In this case, the subject property is one of three townhouses constructed at the same time and in the same style, with only subtle differentiation between them. The subject townhouse has retained the most historic integrity, as it is the only one with its front porch intact (enclosed in the past and then restored in 2012) and, until recently, clearly expressing the unique early 20<sup>th</sup>-century brick. Until this summer, the subject property was the only one that remained unpainted on the front elevation (the side elevation, with a common brick, had previously been painted). The brick on the front elevation is a highly-textured tan brick, often used as a decorative element on early twentieth-century buildings but here used for the entire façade and porch piers. As red brick is most common in Alexandria, this is a type of brick not commonly found throughout the historic districts, adding to its significance. The surface texture and the tan color of the brick places this townhouse in a specific architectural period and results in a character-defining expression for the façade.

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<sup>1</sup> See page 31 and page 80 of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (from [www.nps.gov](http://www.nps.gov)).





**Figure 2. Streetscape view of 402 South Pitt unpainted.**

The BAR and City Council on appeal have consistently denied requests to paint unpainted masonry for the reasons stated above. Staff reviewed the BAR's actions over the past fifteen years to provide background on recent past practices. Since 2002, the BAR has reviewed nineteen (19) requests to paint unpainted masonry. Of those requests, the BAR denied ten (10) applications or

the portion of the application relating to the painting of unpainted masonry; two (2) requests were withdrawn by the applicant due to lack of staff support; five (5) were approved by the BAR; and two (2) were approved by BAR inaction. On the few occasions where the BAR approved the painting of unpainted masonry, the BAR found specific circumstances that made such requests appropriate in isolated incidents. For example, one approval was to paint new brick townhouses at Old Town Village located at the edge of the historic district. The Board also approved painting a 1948 mass-produced and architecturally undistinguished rowhouse at 731 Bernard Street. The Board approved two instances of painting unpainted masonry at discreet locations on historic houses such as at a significantly altered side elevation at 408 Duke Street and at the rear elevation of 715 Princess Street where the other elevations had historically been painted. The BAR also approved a limewash application to a small area of late 20<sup>th</sup>-century brick storefront at 726 King Street. Additionally, during that period, two requests resulted in approval as submitted by a technicality because the BAR did not take action on the application in the required time frame due to tie votes.<sup>2</sup> These two cases were located at 101 Princess Street, a 1970s townhouse, and at 900 Prince Street, where the applicant painted unpainted masonry without approval and the BAR reviewed it as an after-the-fact request.

Of the requests over the past fifteen years, three (3) were appealed to City Council. The appealed cases included: 727 South Pitt Street, 900 Prince Street and 402 South Pitt Street (current subject of appeal). City Council upheld the BAR's decision to deny the after-the-fact painting of 727 South Pitt Street, a 1940s Yates Garden townhouse, and required the applicant to remove the paint since it was originally designed as an unpainted building. City Council denied after-the-fact approval of the painting of masonry at 900 Prince Street on appeal from the BAR and remanded the study of paint removal back to the Director of Planning & Zoning and the City Attorney's Office. Because of technical issues associated with removing 100% of the paint from the heavily textured brick at 900 Prince Street, this case was resolved through a settlement agreement that resulted in a \$5,000 fine and direction to work with staff on appropriate accent colors.

Staff finds that this particular townhouse at 402 South Pitt Street, now 90 years old and with a high level of architectural integrity, is an example of a significant and widely recognized historic residential building type from the early 20<sup>th</sup> century. This building is located in the Alexandria National Register Historic District and is considered a contributing resource, as that period of significance ends in 1934. The tan brick is a character-defining element of this townhouse and was also used on high style buildings such as the Burke & Herbert Bank on King Street. Although many contemporary townhouses were painted in the middle of the early 20<sup>th</sup> century when there was little historic value associated with those buildings at the time, today we understand this townhouse to be a historic building and representative of the evolution of the historic district. Our understanding is analogous to the Virginia Public Service Building at 119 South Washington Street and the George Mason Hotel at 126 South Washington Street, both of which were less than 20 years old when the Old and Historic Alexandria District was created in 1946, but are now widely appreciated and acknowledged as historic buildings in their own right that contribute to the character of the historic district.

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<sup>2</sup> For a period, the BAR's practice was that if the board was split and repeated motions failed due to tie votes, no action was taken on an application. After 40 days of inaction on a complete application, an application would be automatically approved as submitted, according to the zoning ordinance. This is no longer the BAR's practice.

In summary, staff finds that the BAR's denial of a Certificate of Appropriateness for after-the-fact approval of the painting of unpainted masonry was not made in error and the decision was based on the BAR's Standards and Design Guidelines.

### **III. BOARD ACTION**

On September 6, 2017, the BAR *approved the staff recommendation to deny the Certificate of Appropriateness, as amended, by a vote of 6-0-1*. The Board agreed with the staff analysis, finding that after-the-fact approval of painting of unpainted masonry would be in conflict with the *Standards and Design Guidelines*. In an effort of good will, the BAR waived the fine for doing work without approval and provided the applicant six months to remove the paint and resolve the violation.

### **IV. STANDARD OF REVIEW ON APPEAL**

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. The City Council "may affirm, reverse or modify the decision of the board, in whole or in part."

### **V. RECOMMENDATION**

Staff therefore recommends that City Council **affirm** the decision of the BAR made on September 6, 2017, to deny the request for after-the-fact approval of painting unpainted masonry, finding that the painting of unpainted masonry is inappropriate and inconsistent with the standards for a Certificate of Appropriateness outlined in Section 10-105(A)(2) of the Alexandria Zoning Ordinance, for the reasons as stated in the staff report, and for any additional reasons stated by City Council at the hearing.

### **STAFF**

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

### **VI. ATTACHMENTS**

*Attachment A:* Submission Materials (subject of appeal, denied by BAR on 9/6/17)

*Attachment B:* BAR staff report with BAR actions from the September 6, 2017 meeting



# **RECORD OF APPEAL**

## **FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW**

Date Appeal Filed With City Clerk: Sept. 18, 2017

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

Address of Project: 402 S. Pitt St.

Appellant is: (Check One)

☒ B.A.R. Applicant (Amy & Paul Reed)

☐ Other party. State Relationship \_\_\_\_\_

Address of Appellant: 402 S. Pitt St.  
Alexandria VA 22314

Telephone Number: 312-451-6353

State Basis of Appeal: BAR erroneously denied Applicants'  
request for certificate of appropriateness for  
after-the-fact approval for the painting of  
unpainted masonry on the front (west) elevation  
at 402 S. Pitt St.

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.

Amy P. Reed  
Signature of the Appellant  
MP