

ISSUE: Certificate of Appropriateness for Alterations and Waiver of Fence Height

APPLICANT: Kathleen & Joseph Kenny

LOCATION: 100-Year-Old Building
114 North Payne Street

ZONE: CD/Commercial Downtown Zone

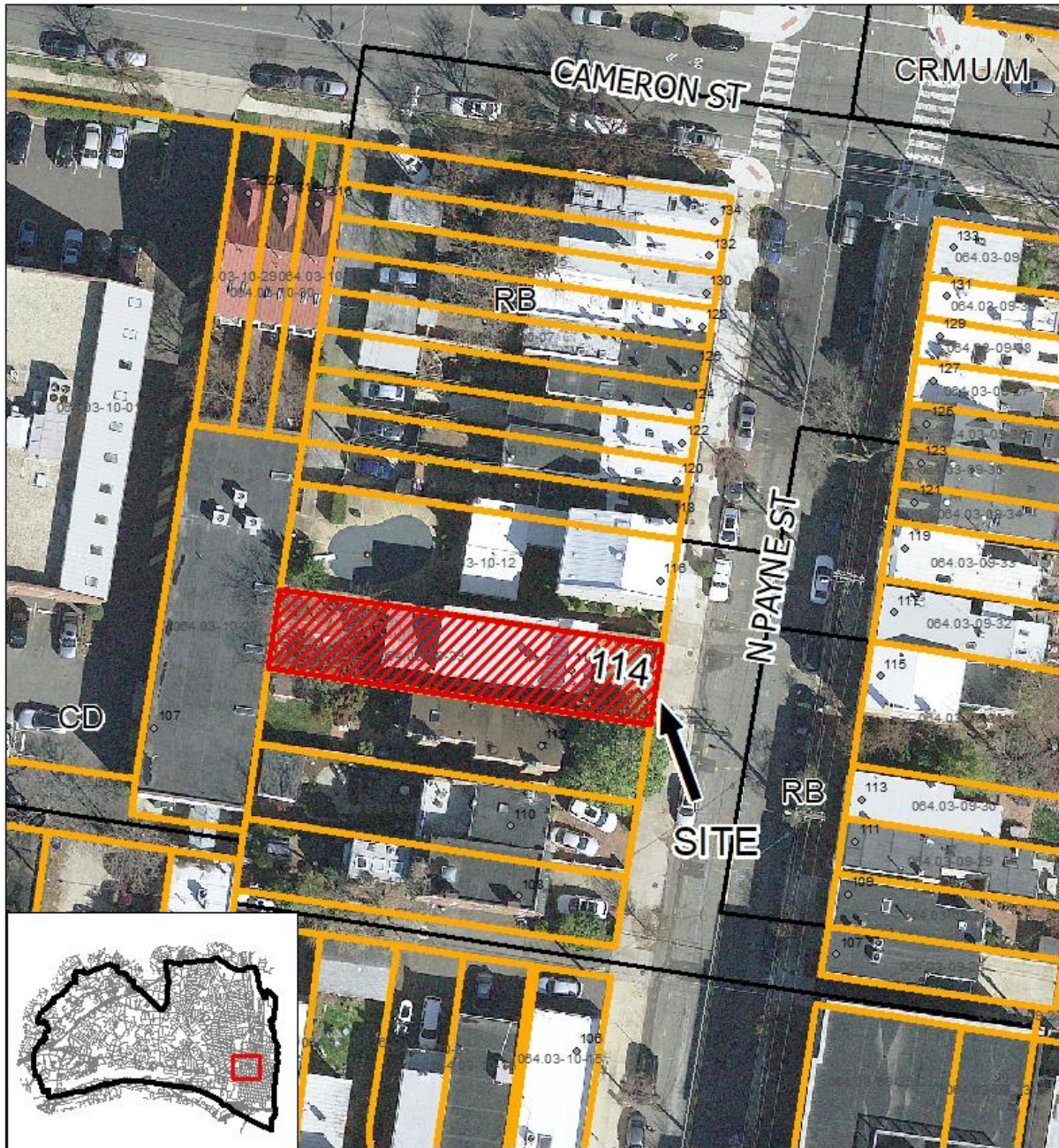
STAFF RECOMMENDATION

Staff recommends approval of the Certificate of Appropriateness with the condition that the masonry wall portion be limited to eight inches in height and that the overall fence be 50% open.

Staff recommends approval of the Waiver of Fence Height to permit a fifty-two inch tall fence.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a 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 Department of 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, 703-746-4200 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.



BAR #2019-00369
114 North Payne Street

0 20 40 80 Feet



I. APPLICANT'S PROPOSAL

The applicant is requesting a Certificate of Appropriateness to install a masonry wall topped with an iron picket fence and finials, at 114 North Payne Street. The applicant is also requesting a Waiver of Fence Height.

Certificate of Appropriateness

The project proposes to remove an existing fifty-four-inch-high wood picket fence at the front property line and a wood fence on the east and south property lines to build an approximately thirty foot long, twenty-two inch high masonry wall topped by a twenty-six inch high iron picket fence with four inch tall finials. The total height of the fence will be fifty-two inches.

Waiver of Fence Height

The proposed fence at the front property line will require a waiver of fence height, since it will be approximately ten inches above the maximum height allowed in a front yard.

II. HISTORY

The three-bay, two-story, side gable roof, wood frame building, when surveyed in 1978 for listing on the 100-Year-Old Buildings list, was described as a rare example of a Victorian, Gothic Revival style cottage (Figure 1). John House built the dwelling in **1875** as fulfillment of a condition to purchase the property. A court ruling of September 1874 awarded part of the Thomas estate (property at 116 North Payne Street) to John R. House provided that he build a house within six months of the agreement.¹ The house has been substantially altered since its original construction date in a Colonial Revival style by removal of the central front gable and 2/2 windows (Figure 2).



Figure 1: 114 N Payne, 1978



Figure 2: 114 N Payne, 2019

Previous BAR Approvals

BAR#2005-00187-00188 – Board approval for a Permit for Demolition/Capsulation and Certificate of Appropriateness for alterations and addition

¹ Bierce, Richard. 100-Year-Old Building nomination, 9/20/1978.

BAR#2013-00443 – Administrative approval for window replacement

BAR#2018-00255 – Administrative approval for the installation of an exterior outlet to charge electric cars.

III. ANALYSIS

Certificate of Appropriateness

The BAR's *Design Guidelines* require that "fences, garden walls and gates to be appropriate in materials, design and scale to the period and character of the structure they surround. In addition, the Alexandria zoning ordinance states that fences in required front yards must be 50% open and cannot exceed 3' - 6" in height. The proposed fence with a tall masonry base does not comply with these requirements. Fences in required rear and side yards can be open or closed but cannot exceed 6' in height.

Staff was unable to locate any approvals for the existing fences. The existing fence in the front yard is approximately fifty-three inches high. It was likely constructed before this structure was included on the City's 100 Year Old Building list in 1978 and before the present fence height regulations were adopted in 1992.

Staff finds that the architectural character of the iron picket fence with finials proposed along the front lot line is historically appropriate for this late 19th-century, frame vernacular house, but finds that the proposed masonry base is too tall for fences common to the period in Old Town. Cast iron fences on a tall masonry base were found on high-style masonry homes in Old Town during the Greek Revival period in the mid-19th century but it is very rare for even these brick bases to be taller than necessary to act as a retaining wall for the yard behind (Figure 3).

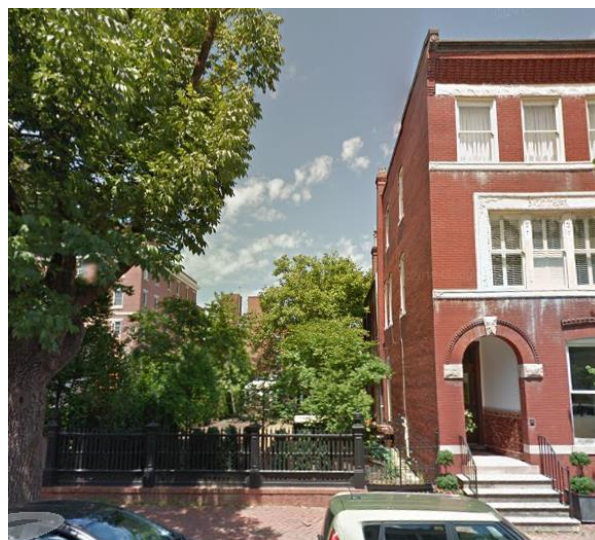


Figure 3: 805 Prince cast iron fence with masonry base

Late-19th century fences were typically either wood pickets or were mass produced vertical iron pickets or "wicket and spear" style fences that were approximately 36" to 48" tall with no masonry base (Figures 4 & 5).



Figure 4: 517 S Washington: iron picket fence



Figure 5: 412 S Fairfax: 4' tall iron picket fence

Therefore, based on compatibility typical historic iron fences found in Old Town, staff supports a low brick curb of approximately 8" in height with the remainder of the fence being an open iron picket fence.

Waiver of Fence Height

Staff does not object to the proposed fifty-two inch overall height of the new fence. While 10" taller than now permitted in the zoning ordinance, it is similar in height to other fences in the immediate area (Figure 6). Other properties on North Payne Street also have fences with tall masonry bases and iron pickets, but they are neither within a historic district nor included on the 100-Year-Old Building list. However, they do contribute to the streetscape and the visual effect and feeling of the block. The property is not located on a corner lot, so the fence will not interfere with the vision clearance requirement of the zoning ordinance. Thus, staff recommends approval of the Waiver of Fence Height.



Figure 6: similar fence heights on the 100 block of North Payne

STAFF

Marina Novaes, 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

- F-1 Applicant proposes to construct a 50" tall fence with 22" as a solid wall and 28" as an open iron fence system within the front yard.
- F-2 Zoning Ordinance requires any fence forward of the front building wall to be no higher than 3 feet 6 inches and shall be 50% transparent.
- C-1 The Board of Architectural review has the ability to waive the fence height and transparency requirements of Section 7-202(A)(1) to allow for an increased fence height and one with opacity less than 50%.

Code Administration

- F-1 No building permit required for new fence.

Transportation and Environmental Services

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (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 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)
- F-2 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:
For a Public Alley - The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.
For a Private Alley - The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (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 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 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)

- C-7 An encroachment request will be required for projections into the public right of way. (T&ES)
- C-8 The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an Additional Insured, against claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. (Sec. 5-29 (h)(1)) (T&ES)

Please submit Insurance Certificate:

City of Alexandria

T&ES

Attn: Heather Diez

301 King Street, Room 4130

Alexandria, VA 22314

Alexandria Archaeology

- F-1 No archaeological oversight necessary for this project.

V. ATTACHMENTS

1 – Supplemental Materials

2 – Application for BAR 2019-00369: 114 North Payne Street

ADDRESS OF PROJECT: 114 N. Payne St. Alexandria VA 22314DISTRICT: ☒ Old & Historic Alexandria ☐ Parker - Gray ☒ 100 Year Old BuildingTAX MAP AND PARCEL: See Plat: Attachment One + One B ZONING: Commercial/Residential

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
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: Kathleen and Joseph KennyAddress: 114 N. Payne St.City: Alexandria State: VA Zip: 22314Phone: 7036263040 E-mail: jkennyprk@gmail.comAuthorized Agent (if applicable): ☐ Attorney ☐ Architect ☐ _____

Name: _____

Phone: _____

E-mail: _____

Legal Property Owner:

Name: Kathleen and Joseph KennyAddress: 114 N. Payne St.City: Alexandria State: VA Zip: 22314Phone: 7036263040 E-mail: jkennyprk@gmail.com

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

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

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

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

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

Replace Front white wood fence and dying bushes (on East and South boundary) with similar scale low brick wall and solid iron fence system.

See Attachment A

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.

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.

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 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: _____

Printed Name: _____

Date: _____

Joseph William Kenny
August 19, 2019

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 three 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. Kathleen and Joseph Kenny	114 N. Payne St. Alexandria VA	100 %
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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. Kathleen and Joseph Kenny	114 N. Payne St. Alexandria VA	100 %
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. NA		
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.

Aug. 19/2019 Joseph William Kenny [Signature]
 Date Printed Name Signature

ATTACHMENT : A

**114 N. Payne St.
Alexandria, VA 22314**

Request for BAR ~~Administrative~~ Approval : To replace 1970s white fence and dying bushes with low masonry wall and solid iron fence system to be located completely on 114 N. Payne St. property.

Masonry wall will be about 22 inches high and approx. 8 inches wide running about 30' in combined length. A solid iron fence system will be installed on top of the masonry (22" masonry + 26" fence equals about 48" - 52" total height).

Material for solid iron fence system will be sourced from King Metals. The pickets will be 1/2" solid rounds with finials 45-s07-12 (see attachment B). We will have four end posts ,one turn post which will be solid one inch rounds #25 (plus one mid- support post on 15' run on south property border). Topping these posts will be King Metals post cap 45-657-XS (to be one inch higher than finials - pineapple, see attachment C). Pickets will be about 4" apart.

After BAR approval and Ms Utilities survey, two separate footers will be installed:

the first one running south and being approx. 9 feet long, 2 feet wide, and 2 feet deep reinforced with #2 rebar. The second being approx. 6 feet 2 inches long, 2 feet wide, and 2 feet deep, and will have an approx. 90 degree turn and will continue for 15 feet reinforced with #2 rebar for new brick wall.

After construction of low masonry wall, fence system will be installed. Final metal fabrication and install of iron fence system can be done after measuring off completed masonry wall. And then holes are drilled in masonry for install of iron fence system.

SPEARS, FINIALS & POST CAPS



FITS OVER

1/2"

45-20-F12
 4-13/16" - 3-1/16"
 Base - 1-1/8"
 .70 lbs
 60 per box/42 lbs



FITS OVER

1/2"

45-S07-12
 4-3/4" - 1-3/8"
 Base - 1-1/4"
 .45 lbs
 80 Per Box / 36 lbs



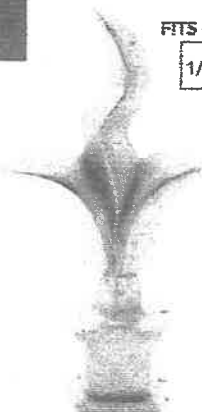
FITS OVER

1/2"

45-832
 4-3/8" - 1-9/16"
 Base - 1" .3 lbs
 80 per box/24 lbs



45-848
 17-7/8" - 4-1/2"
 Base - 1-1/2"
 2 lbs 20 per

FITS
1"

45-865
 4-3/4" - 2-5/8"
 Base - 1-1/8" .5 lbs
 40 per box/20 lbs



45-245-12
 4-3/4" - 2"
 Base - 1" .40 lbs
 100 per box/40 lbs



45-265-12
 4-1/4" - 1"
 Base - 1-3/16" .45 lbs
 100 per box/45 lbs

ALSO IN
ALUMINUM!

45-655-A
 6" - 3-3/8"
 Base - 1" 1.85 lbs
 15 per box/27.75 lbs

114 NORTH PAYNE ST. Alexandria VA

ATTACHMENT B



SOLID BASE



FITS OVER



FITS OVER



KÖENIG
EISEN



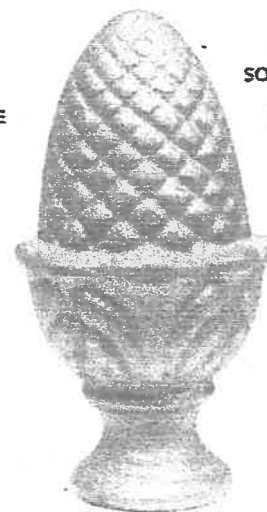
SOLID BASE

45-657-XS
12-1/4" x 1-1/4"
Base \varnothing 1-1/8" * .45 lbs
100 per box/45 lbs



SOLID BASE

45-657-X
13-1/2" \varnothing 1-7/8"
Base \varnothing 1-3/4" * 1.5 lbs
20 per box/30 lbs



SOLID BASE

45-657-S
15-1/4" x 2-1/2"
Base \varnothing 1-3/4" * 3 lbs
15 per box/45 lbs



45-657-L
Solid 4" rel. cap
Base \varnothing 4" * 15 lbs

114 NORTH PAYNE ST. Alexandria VA

ATTACHMENT C



45-657
14-1/4" x 2-1/4"
Base \varnothing 1-3/4" * 1.6 lbs
16 per box/25.6 lbs



45-248
13-3/8" \varnothing 1-7/8"
Base \varnothing 1-5/8" * 1.38 lbs
10 per box/13.8 lbs

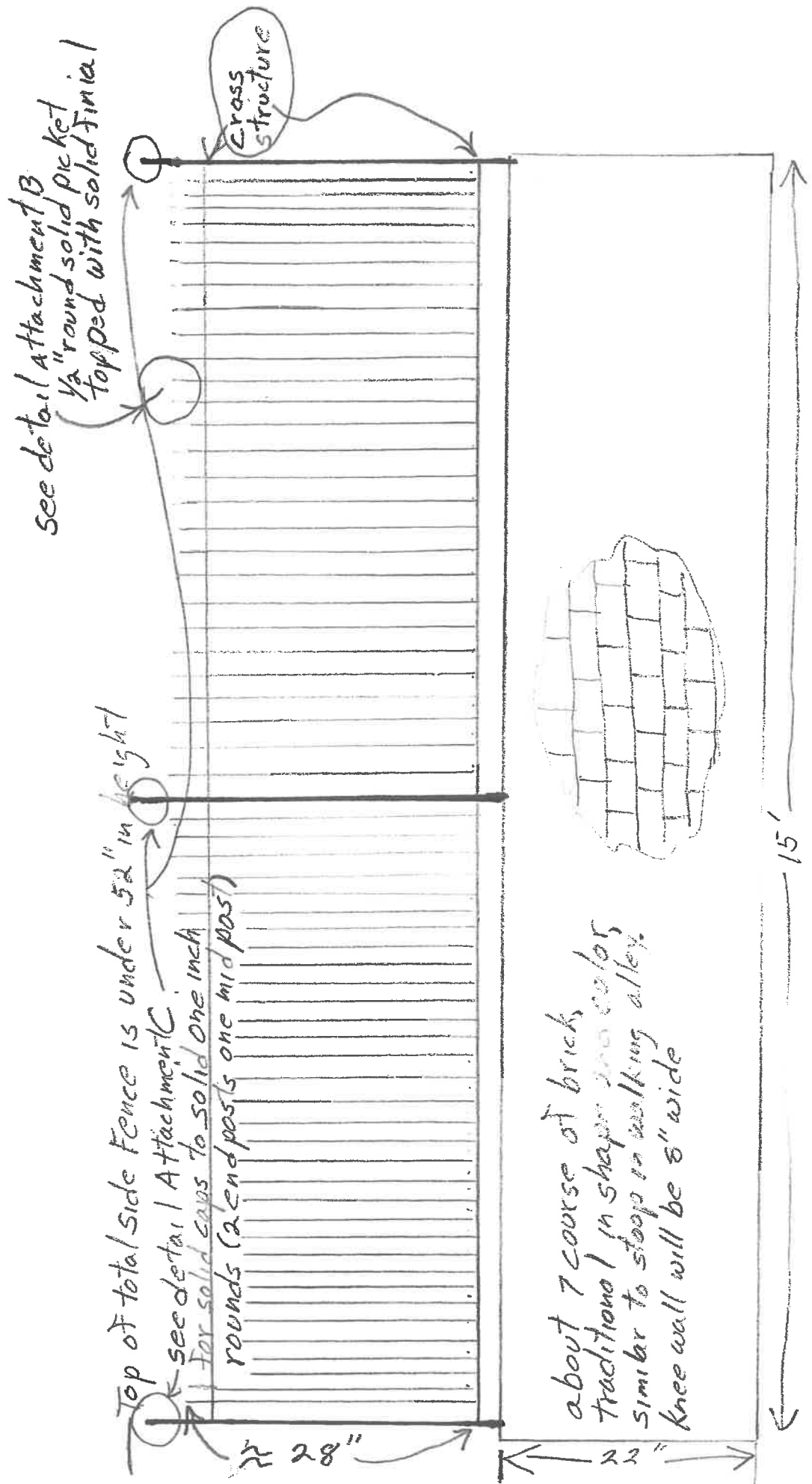


SOLID BASE

2-1/8"

114 N. Payne St.

Sketch of Side Fence, starts at SE corner (see Attachment One & One B+), and proceeds 15' along Southern boundary line (all within 114 N. Payne plot), then turns North to replace existing 1970s white picket fence.





114 N. Payne St.

West view of project (replace 1970s white fence with low masonry wall and solid iron fence system).



114 N. Payne St.

South view from project (replace dying bushes with low masonry wall and solid iron fence system). Runs west less than 15' from sidewalk next to property line located by R. C. Fields 07/2019. All located on 114 N. Payne St property.

