

November 17, 2021

City of Alexandria  
Board of Architectural Review  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

RE: BAR #2021-00593

Dear Board Members:

I wish to lodge an objection to the consideration and approval of a Certificate of Appropriateness for after-the fact work performed on 1012 and 1014 Queen Street at the November 17<sup>th</sup> meeting. If the Board of Architectural Review (“BAR”) decides to proceed with this docket item, I would request at minimum deferral until the next meeting to resolve several issues which are apparent from the information placed in the docket and contained in this letter.

**I. Approval is Being Recommended Despite Documentation of Prior Notice of Requirements**

As is apparent from the chronology contained in the staff report, the registered agent for Historic VA Holdings, the commercial owner of the properties involved in this matter was informed somewhere between August 8 and August 10, 2021 that: (a) an original application filed with the BAR was missing information; and (b) a site visit was required in order to proceed through the BAR process. Despite being informed of applicable requirements and procedures, as well as being supplied with the applicable reference guide and BAR Policies,<sup>1</sup> over two weeks later, on August 27, 2021, site work continued at the involved properties without complying with a site visit or apparently, applicable guidance and policies.<sup>2</sup> Three weeks later, by September 17, 2021, work was apparently completed at the site without prior BAR review or approval of the construction activity or the materials involved.<sup>3</sup>

The recommendation is to now summarily approve non-conforming materials on a 130-year-old building that would not be approved if this matter proceeded through the required BAR process. This is not only contrary to multiple BAR policies, but effectively rewards non-compliance. In addition to consideration of the application itself, the BAR should consider what precedent is set when fact-patterns such as those outlined in the staff report occur and consider what other actions might be appropriate in similar cases.

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<sup>1</sup> Staff report at 4.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

## II. The BAR Should Disapprove/Defer Consideration of Approving Non-Conforming Materials

### A. Information in Docket is Insufficient for Approval

As a general matter, applicable guidelines posted on the BAR's website,<sup>4</sup> indicate that "incremental actions can result in the loss of the historic architectural appearance of the surviving fabric of the historic districts."<sup>5</sup> Siding is considered "one of the principal character defining elements of a building" and that "[a]n informed and careful analysis of the existing condition should be made before any decision to replace historic materials is made."<sup>6</sup> From the staff report, that apparently did not occur here. Whatever historic material that was in place at the rear of 1012 and 1014 was apparently either removed or covered up by cement siding.

The staff report notes that a test patch was removed to evaluate whether or not historic material still remained. But that test patch was done on the side/east elevation of Queen Street.<sup>7</sup> The issue for after-the-fact approval does not involve this side of the building – but rather – work for which approval is sought involves the rear, south elevation of the buildings at 1012 and 1014 Queen Street.<sup>8</sup> Thus, whether or not historic material remains on the side of one building that is subject to the proposed approval is essentially meaningless. The issue for which the BAR should investigate was whether historic material at the rear of each building was either removed after notice of applicable requirements or still remains and is effectively "covered up" by new siding. There is nothing in the staff report that affords the BAR a basis to consider this issue.

### B. The Proposed Approval Is Inappropriate and Sets an Arbitrary Standard

Wood grain finish siding cannot be approved administratively, and for good reason. In the present case, fiber cement or other siding is not allowed on early buildings, even on the sides of the building or in the rear of a building "*where historic siding no longer exists*."<sup>9</sup> In the case of 1012 and 1014 the use of wood grain finish cement board is particularly troublesome given that: (1) other siding material is wood of a potentially historic nature exists on the buildings and an adjacently owned building (see Exhibits A and B); (2) all other siding material is of flat finish on adjacent property, also owned by the applicant;<sup>10</sup> (Exhibit C) and (3) both properties are directly visible from a public alley and exist on the same block as other historic properties (see Exhibit D). These factors alone should disallow use of a clearly incompatible siding.

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<sup>4</sup> Design Guidelines for the Old and Historic District and the Parker-Gray District, May 1993.

<sup>5</sup> *Id.* at Replacement Materials

<sup>6</sup> *Id.* at Siding and Wall Materials

<sup>7</sup> Staff report at 5.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> Siding and Trim, Parker-Gray District, Required Approvals (emphasis added). "A central tenant of historic preservation is that original historic materials should be retained and repaired, rather than replaced. Therefore, ***the BAR requires retention of historic siding, if present, on buildings or additions constructed prior to 1932 ("early buildings").*** For "later" buildings or for the side ***and rear elevations of early buildings where historic siding no longer exists***, high quality composite siding such as fiber cement or fly ash composite can be used, provided that it has a smooth finish and is paintable." *Id.*

<sup>10</sup> Real Estate Assessment Search

In addition, however, the sole rationale offered for approval of wood grain siding is that it supposedly cannot be perceived in the alley by a passerby. I would argue first, that this is not objectively true; the siding is apparent, both walking up to, across-from and by the properties (Exhibit D). But second, and perhaps more troublesome for the BAR, is that approval would create a standard of “perceptibility” versus historic preservation. Taken to its logical conclusion, if non-original materials can be painted or presented in a manner in which they cannot be casually perceived, then such materials would be after-the-fact approvable in all cases if used. I do not believe the BAR would want to – or should – establish such precedent.

It is also unclear where the BAR would set the standard for perceptibility. Is it at 50 feet for wood grained siding, or 40 feet, 30 feet, 20 feet, 10 feet? Does perception depend on the eyesight or aesthetic sensibilities of the beholder or time-of-day? These are issues that could plague the BAR in a host of different, but analogous situations. The BAR should instead maintain a clear posture on guidance which disfavors non-historic, manufactured siding with certain appearance characteristics – rather than have every decision on siding depend on subjective context.

### C. The Proposed Approval is Unclear Regarding the Existence any Conditions of Approval

The staff does not object to the wood grain siding, however, “recommends that the siding on the side, east elevation of 1012 Queen Street be HardiePlank with smooth finish.”<sup>11</sup> It is unclear first whether this is an actual, *binding condition* of approval for the use of wood grain siding at the rear or merely a suggestion to the applicant and practicably unenforceable. In this regard, it should be noted that from Figure 1 that the side wall in question is clearly visible from Queen Street. Thus, although on the side of the building, it clearly affects the historic character of the block.

In addition to other matters considered, the BAR should review whether the current siding should be replaced in-kind with other similar wood siding since the siding now currently matches the siding on the front of 1012 Queen Street (see Exhibit A) and because the siding is of potentially historic character. Second, the proposed approval does not appear to impose any conditions regarding further work at the other subject property 1014 Queen Street. Again, it is not apparent from the staff report the reasons why only one building was mentioned for potential requirements when both have been altered. Given the past history of compliance,<sup>12</sup> BAR should consider whether it should engage with the joint owners of this commercial property concerning any future plans for alterations at any of the building owned.

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<sup>11</sup> *Id.* at 5.

<sup>12</sup> It is noted that no previous BAR approvals were found in the system

### **III. Conclusion**

The BAR should not issue an approval at its November 17<sup>th</sup> meeting but should either disapprove or further investigate issues presented in this letter.

Sincerely,

/sig/

Robert J. Meyers  
Owner  
222 North Patrick Street  
Alexandria, VA 22314

Exhibit A



East Side of 1012 Queen Street (view from Queen Street)



Exhibit B



East side of 1012 Queen (Close Up) from Queen Street

Exhibit C



West side of 1010 Queen from Queen Street



Exhibit D



Rear of 1012 and 1014 Queen Street from alley.