

FACT SHEET: #SAVEOURHISTORY #SAVEJUSTICEBLACKPROPERTY

(Formally known as the Vowell-Snowden-Black House - 619 S. Lee St, Alexandria, VA)

“The proposed plan unnecessarily destroys one of the distinctive and historically significant features of the property: the extensive open space side yard extending to the corner of South Lee and Franklin Streets. By choosing to locate the additional structures along the length of South Lee Street the project electively places those additions where they most conspicuously occupy the ‘breathing space’ that the Historic American Building Survey has identified as one of the property’s most significant features.” ...W. Brown Morton III, Architectural Conservator; Prof. Emeritus, Department of Historic Preservation, University of Mary Washington, Virginia; co-author of “The Secretary of the Interior’s Standards for Historic Preservation Projects,” and was reared in Alexandria.

1. The Justice Black property, constructed circa 1800, is a Certified Historic Landmark. The Virginia Historic Landmarks Commission certified the **Black house and gardens** as a “principal historic site — of state-wide and national significance,” largely because, for decades, it was the home of renowned U.S. Supreme Court Justice Hugo L. Black.
2. The National Park Service’s Historic American Buildings Survey celebrates the house as an “outstanding example of the Federal ‘row’-type buildings in Alexandria” that “has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.”
3. Upon the 50th anniversary of Justice Black’s death, September 25, 2021, the property would become eligible for designation as a National Historic Landmark, the highest preservation listing, but not if its historic integrity were lost by approval of the proposed additions and demolitions.



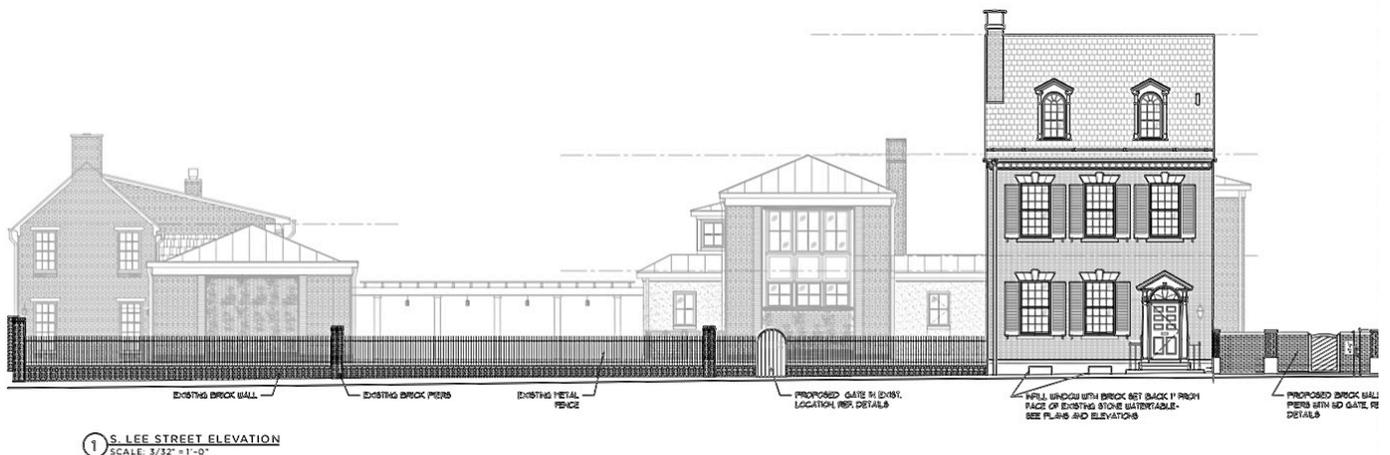
4. Justice Black purchased the property in 1939, two years after President Franklin D. Roosevelt appointed him to the U.S. Supreme Court. He lived there until his death in 1971.
5. Justice Black is regarded as one of the most influential Supreme Court justices in American history. Highlights:
 - (a) He believed the First Amendment is the cornerstone of liberty, and Freedom of Speech as the core of the First Amendment.
 - (b) In 1964, after 10 years of foot-dragging by the exponents of segregation, Justice Black wrote an opinion that put an end to the denial of African American school children’s right to an equal education in Virginia and the nation: “The time for mere ‘deliberate speed’ has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in other parts of Virginia.”
 - (c) Following Black’s death, then U.S. Supreme Court Justice Earl Warren stated: “...the monumental contribution this

resident of Alexandria made to the history of our country, and his championship of civil rights is unquestionable.”

6. Justice Black and Mrs. Elizabeth Black **EXECUTED AN EASEMENT ON THE PROPERTY TO PRESERVE IN PERPETUITY THE OPEN SPACE, INCLUDING THE HOUSE AND GROUNDS**, under the Virginia Open Space Land Act of 1966.

- (a) Justice Black's gift was the second ever in the history of Virginia, and the first in Alexandria.
 - (b) In 1973, Black's widow and heirs reiterated the easement.
7. **The Virginia Open Space Land Act of 1966 PROHIBITS the diversion of open space protected by the Act unless five specific conditions are met. NONE OF THOSE FIVE CONDITIONS HAS BEEN SATISFIED** in this case, nor has there been any attempt to do so.
8. **The CITY COUNCIL must rule against the project, based on state law and local standards.** The Virginia Department of Historic Resources (VDHR) has failed in its duty to preserve the easements. Also, **Alexandria Zoning Ordinance, Sec. 10-105, (A) (2), includes more stringent standards** for appropriateness in the Old and Historic Alexandria District, such as:
- (a) Overall architectural design, form, style and structure, including, but not limited to, the **height, mass and scale of buildings or structures;**
 - (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;**
 - (c) Design and arrangement of buildings and structures on the site; and **the impact on the historic setting, streetscape or environs;**
 - (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;**
 - (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;
 - (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;
 - (g) The extent to which **the building or structure will preserve or protect historic places and areas of historic interest in the city;**

PROPOSED ELIMINATION OF OPEN SPACE AS VIEWED FROM SOUTH LEE



- (h) Not applicable; relates to GW Parkway);

- (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
 - (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.**
9. “The VDHR failed to properly apply recognized preservation standards in its preliminary review of the proposed project on the Black property, proceeding as if this were a private matter between owner and the state. For a matter of significant public law and public policy implications for Virginia and Alexandria, that is not a proper assumption.
10. The proposed modifications and additions would further erode the historic character of the property and of the city and should be denied. Justice Black’s property is subject both to applicable state and local laws. **The city has a responsibility to consider the easement granted under the Virginia Open Space Land Act, as well as the Alexandria Historic Preservation Ordinance; the Historic Preservation and Open Space Citywide Chapters of the Alexandria Master Plan; and other applicable ordinances.** If the City Council were to approve this project, **the impact would be long-term and extensive damage to historic preservation in Alexandria and throughout Virginia.**

KEY OBJECTIONS TO PROPOSAL:

1. A major historic feature of this property is the **two-story curved portion of hyphen connecting the main block to rear ell. THE CITY STAFF RECOMMENDED DENIAL OF THE PROPOSED DEMOLITION OF THIS WALL** in its report to the BAR.
- A) The city’s Board of Architectural Review erroneously approved the demolition. The applicants had incorrectly argued the “curve” section was not historic, but further review of historic records proved the addition was **placed on the House in the MID-19th Century.**
- B) A majority of the BAR members approved it over staff recommendations based on owner’s claim that the demolition is needed to better maintain the main block of the house. That is unsupportable and contrary to basic principles of historic preservation. C.F.R. § 68.3(b)(4)(“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”).
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2. **A proposed “GARAGE” will disrupt the landmark open space.**
- A) Throughout the planning process, as the applicant learned that a 26’ X 26’ multi-car garage is not permitted under the city zoning ordinance, the proposal became a “Workshop/Bike Garage,” and then was simply renamed a “Bike Workshop.”
- B) Approval of an unnecessary addition goes against the most basic of preservation principles. E.g., 36 CFR 68.3(b)(2); Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (2017) at 162 (Recommended) (“**A new exterior addition to a historic building should be considered in a rehabilitation**

project only after determining that requirements for a new or continuing use cannot be successfully met by altering non-significant interior spaces.”)

- C) Call it a workshop, call it an orange. This proposed space remains a “garage,” and there is no reasonable argument for the City Council to allow the construction of this proposed building on landmark open space.

SAMPLE QUOTES:

Historic Alexandria Foundation:

“The Alexandria Zoning Ordinance specifically requires the Board to consider ‘the impact upon the historic setting,’ ‘the height, mass and scale of buildings or structures,’ the ‘extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city,’ before approving any planned construction like that proposed for the Hugo Black House. Zoning Ordinance § 10-105(a)(2)(emphasis added).”

Historic Alexandria Resources Commission:

*“This Expansive proposal clearly violates the spirit of the original easement granted by Justice Black and his wife, and the requirements of the Virginia Code.” Also, “Open space within Alexandria’s Old and Historic District is limited. Your **approval of changes to the open space easement on the property at 619 South Lee Street will set a dangerous precedent that opens the way for future development on other properties held in easements throughout Virginia.**”*

Preservation Virginia, (Virginia’s statewide historic preservation organization):

“We believe that the proposed alterations represent irrevocable changes to significant architectural and landscape features and are likely to result in an adverse effect to the integrity of the property and the historic district in which it is located.”

Historic American Buildings Survey (National Park Service):

“The Vowell-Snowden-Black House, certainly one of the outstanding examples of the Federal ‘row’ type buildings in Alexandria, has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.”

A.E. Dick Howard, Warner-Booker Distinguished Professor of Law at the University of Virginia, primary draftsman of revised Virginia Constitution, and former law clerk for U.S. Supreme Court Associate Justice Hugo L. Black:

The Justice Black house “important in its own right. But it is important, above all, because of the Justice who lived there. ..He stands with figures like John Marshall, Oliver Wendell Holmes, Louis Brandeis, and William Brennan who have genuinely shaped the Court’s jurisprudence.”

Ann Black Nash, granddaughter of Justice Black, letter to City Council Mar. 31, 2019:

“Please do not destroy such a wonderland. New gardens seldom come close to the old established gardens in beauty and history. His spirit and continued presence live on in his beloved gardens. It would be a shame to lose all sense of him with its destruction. He, and it, cannot be replaced.”

Robert Latane Montague III, past president of the Historic Alexandria Foundation, the Old Town Civic Association, the Northern Virginia Conservation Council, the Conservation Council of Virginia, and 12-year Chairman of the Alexandria Historical Restoration and Preservation Commission:

*“...Virginia law gives the city legal standing to intervene in the matter and seek enforcement of the terms of the easement as specified by Virginia law. **The failure to do so will seriously damage the ability to preserve open space through use of easements in the city of Alexandria and in the entire state of Virginia.**”*

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