



Historic Alexandria Foundation

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December 12, 2018

By Email

Al Cox, FAIA
Historic Preservation Manager
Department of Planning & Zoning
City of Alexandria

Re: BAR Case Number 2108-00410 –619 S. Lee Street (Vowell-Snowden-Black House)

Dear Al:

As you know, the Historic Alexandria Foundation (“HAF”) was formed “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria’s historic heritage.” As such, we are vitally concerned with the preservation of the historic character of the Old and Historic District in Alexandria, Virginia and the dwindling amount of open space remaining in Old Town. We have been particularly alarmed to learn of the very extensive development plans to the historic property located at 619 S. Lee Street in Alexandria (the Vowell-Snowden-Black House).

I. Introduction

The property at 619 S. Lee Street enjoys an especially prominent place in the history of Alexandria. The period of its greatest historical significance, however, was undoubtedly the property’s long association with Justice Hugo L. Black, one of the most significant figures in the history of the United States Supreme Court and of the United

States. Describing Justice Black's place in American History, Justice William Brennan wrote:

The place of Hugo Lafayette Black in the pantheon of great Justices of the Supreme Court grows more and more secure with each passing year. His contributions to constitutional jurisprudence, particularly in the construction and application of the Bill of Rights, probably were as influential in shaping our freedoms as any.

William J. Brennan, Jr., *Forward to Mr. Justice and Mrs. Justice Black* (1986). It is therefore a matter of vital public interest to preserve 619 S. Lee Street as closely as possible to the way it was during Justice Black's lengthy residence here in Alexandria.

In October of 1965, while still owned by Justice and Mrs. Black, the property at 619 South Lee Street was awarded plaque 35-E-619 as part of the Historic Alexandria Foundation's Early Building Survey plaque program. It was one of the first houses to receive that important designation. The property has long been held out as a preeminent example of Federal architecture in Alexandria. See, e.g., D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946)(see attached); Gay Montague Moore, *Seaport in Virginia, George Washington's Alexandria*, Chapter 22 (1949)("The Vowell-Snowden House"). It was included in the Historic American Buildings Survey (HABS No. VA-709), first through photographic documentation and later in written form in 1966 based on work that was funded, in part, by the HAF. The HABS Report succinctly summarized the unique importance of the property in its "Statement of Significance" as follows:

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.***

HABS No. VA-709 (emphasis added). The adjoining Carriage House that fronts on Franklin Street is of such historic significance that it has its own listing as HABS No. Va-711, which was also based on work partly funded by HAF.

On December 30, 1969 the Hugo Black House was designated by the Virginia Historic Landmarks Commission ("VHLC") as a certified landmark. Deed Book 704, Page 494-95 (attached). The VHLC designation was in furtherance of its mandate to "***designate as an historic landmark, the buildings, structures and sites*** which constitute ***the principal historical, architectural*** and archaeological sites ***which are of***

State-wide or national significance.” 1966 Va. Acts Ch. 632, § 4(a)(emphasis added); accord Va. Code § 10.1-2204(A)(1).

The designation of 619 S. Lee Street as a certified landmark property accompanied the gift to the people of Virginia by Justice Black and his wife of a perpetual Open Space Land Act and Conservation easement covering the property which prohibits its subdivision and restricts the future development of the property. Justice Black imposed that easement on the property to protect it from precisely the type of development proposed today. Indeed, Justice Black was a vocal and ardent preservationist who was especially concerned about ensuring that Alexandria gardens be preserved from the destruction of its precious open space:

Alexandria, I have always thought, is one of the nicest and most desirable residential areas in the vicinity of Washington. I regret to see those in charge of permitting the erection of buildings to follow a course which is bound, in the long run, to take away a lot of the Charm of living in Alexandria.

* * *

One of the main charms about Alexandria homes is that nearly all of them, like most continental homes, have gardens, even if small, in which the occupants can enjoy flowers, shrubs and green grass. A city without homes of this kind, one of blank walls that must rely on electric lights only, should not be the goal of Alexandria.

Letter from Hugo Black to Charles B. Moore, Chief of Current Planning, Alexandria, Va dated Feb. 25, 1969 (Lib. of Congress MS.).

Without any consultation or notice to the public, on October 12, 2017 the Virginia Department of Historic Resources (“VDHR”) gave its conceptual approval of a proposed rehabilitation plan for the Hugo Black House property. We were surprised that VDHR would give conceptual approval for the proposed project which shares many of the defects that led VDHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 (“Harrington Letter” attached). When we learned of that conceptual approval, we wrote to the VDHR to bring to their attention some of the numerous errors in the review they had undertaken without the benefit of public comment. See Letter to VDHR from HAF dated October 1, 2018 (attached). Unfortunately, the VDHR has refused to consider the information we provided. It has done so even though their “conceptual approval” was given based upon inaccurate information provided to it by the applicant’s consultants (see, e.g., the discussion of the distinctive “Curve”) below.

HAF believes that the City of Alexandria has both the right and the duty to enforce the Open Space Land and Conservation easement placed on the property by Justice Black and has called upon the City to do so. See attached letter to the City Manager dated December 12, 2018 (attached). The City's authority to do so is specifically set forth as a matter of positive statutory law. Va. Code § 10.1-1013 ("An action affecting a conservation easement may be brought by ... [t]he local government in which the real property is located."). Nearly five decades of real estate tax relief have been provided by the citizens of Alexandria and the Commonwealth based on the promise that the open space would not be built upon absent a need "essential to the orderly development and growth" of the City and the provision of replacement open space in any event. Va. Code § 10.1-1704.

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). We submit that the proposed construction will destroy the most noted distinguishing characteristic of this certified Landmark property: "***its extensive grounds and breathing space preserved to this day.***" HABS No. Va-709 (emphasis added).

Viewed from the street, the property would appear to have two large new buildings on Lee Street, totally changing the view shed of the property. Like the rejected proposal from 2014, the current development plan proposes demolition of the distinctive curve joining the ell to the main house, and an overall increase of the gross floor area of the structures on the property from 8,156 to 13,635 square feet. That increase in size is indistinguishable from the "increase in total square footage ... [that] nearly doubles that of the historic resource," and led the VDHR to deny a similar application for construction in August of 2014. Harrington Letter at 2 ("The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property."). Moreover, the starkly modern additions proposed will result in construction that is "***incongruous to [the] existing building or structure, [and] area surroundings***" contrary to the requirements of the Zoning Ordinance. Zoning Ordinance § 10-105(A)(1)(emphasis added).

II. HAF Recognizes and Applauds Record of Important Conservation Work Performed by the Applicants on the Hugo Black House and Other Properties in Alexandria which Is in Stark Contrast to the Proposed Construction.

HAF wishes to acknowledge the beneficial work the applicants have performed to conserve both the existing structure at the Hugo Black House and other historic properties in Old Town. In our view the recently approved restoration work on the roof and repointing the bricks at the property demonstrates exemplary stewardship on the part of the owners. Bar Case #2018-00198. And in June of this year HAF awarded the applicants a 2018 Preservation Award for their conservation work at 405 Cameron Street.

It is with regret, therefore, that HAF must oppose the applicants' plans for development at 619 S. Lee Street which in this instance are so contrary to the principles of historic preservation, the precedent-setting gift of Hugo Black to the citizens of the Commonwealth and Alexandria, and the long-established guidelines for development in the Old and Historic District. Unfortunately, it appears that in their effort to secure approval for their development plans from the VDHR the applicant has agreed with that agency to impose upon the property three modern "Pavilions" that disregard the design imperatives for this Old Town property and misapply the basic principles of preservation necessary for this important Landmark property.

III. The Proposed Development of the Property is Contrary to the Requirements of the Zoning Ordinance and This Board's Published Guidelines

A. The Applicant Proposes to Demolish a Noted Historic Feature of the Hugo Black House.

HAF does not oppose the removal of the 1970 Kitchen addition (Removal Item 1); the flounder addition made in 2000 (Removal Item 2), the prefabricated garden shed (Removal Item 4), the skylight (Removal Item 8), or the portion of the 1975 addition to the Carriage House (Removal Item 9). The applicant's desire to remove these items serves to illustrate how often such non-historic additions do not withstand the test of time.

We do oppose Removal Item 3. We trust that before the scheduled hearing of December 19, 2018, the applicant will have corrected the mistaken representation contained in its application materials concerning the distinctive "Curve" which it has proposed to demolish. See HAF email to Cox and Blair dated December 7, 2018. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove that distinctive curved treatment. Application at 2.

This highly distinctive and historic treatment of connecting the original kitchen outbuilding to the main block of the house is a well-documented and noted feature of this property. See, HABS No. VA-709 at 6 ("The hyphen where it was joined to the main house

was rounded so as not to interfere with the windows upstairs and down.”); D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 114 (1946)(“The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.”). The feature was photographically documented as part of the original Historic American Buildings Survey.¹

The Board’s guidelines governing applications for demolition require that the “application must clearly spell out the reason for the demolition and describe alternatives to demolition and why such alternatives **are not considered feasible.**” Design Guidelines, Demolition of Existing Structures - Page 4 (emphasis added). The application before the Board makes little effort to comply with this requirement. The sole justification for removing this noted feature of the house is as follows:

A portion of the two-story brick flounder at the inside northwest corner where the historic main house and flounder connect is proposed to be removed. This curved brick wall does not appear in the historic photos included in the HABS report on the property. The Virginia Department of Historic Resources (VDHR), which holds the historic easement for this property, has approved removal of this element which will rectify the current condition which inhibits air flow, thus allowing moisture damage and limits maintenance access to the portion of masonry wall and the 2 adjacent windows.

Application at 2. The main justification for the demolition is the applicant’s mistaken assertion that the feature is not historic, and the VDHR’s approval of its removal based on the same mistaken representation by the applicant. See HAF letter to VDHR dated October 1, 2018 at 7-8. The Application does not explain what alternatives to demolition were explored or why alternatives are not “feasible” as required by the published Guidelines. For this reason alone, the application to demolish this feature should be denied.

The balance of the proposed demolition (Removal Items 5-7) appear contingent upon the approval of the overall plan, which we oppose for the reasons stated below.

B. The Three Modern “Pavilions” Impose an Architectural Style That Is Incongruous to the Existing Building and the Area Surroundings.

The BAR is charged with preventing any construction that is “incongruous to [the] existing building or structure, [and] area surroundings.” Zoning Ordinance § 10-105(A)(1). The “**the impact upon the historic setting,**” *id.* at 105(A)(2)(c), the “extent to which the building or structure **will preserve or protect historic places and areas of historic**

¹ Copies available at <https://www.loc.gov/resource/hhh.va0223.photos/?sp=2> and <https://www.loc.gov/resource/hhh.va0223.photos/?sp=8>. See also Davis, *Alexandria Houses at 114* (crediting Library of Congress for photograph in book published in 1946).

interest in the city,” *id.* at 105(A)(2)(g), ***the height, mass and scale of buildings or structures,*** *id.* at 105(A)(2)(a), the extent to which ***any new architectural features are historically appropriate to the existing structure and adjacent existing structures,*** *id.* at 105(A)(2)(d), “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***” *id.* at 105(A)(2)(e), all compel the conclusion that the proposed three new “Pavilions” are impermissibly incongruous at this location.

By evident intention the three proposed “Pavilions” are modern and distinct from the architectural style of both the Hugo Black House and the neighborhood. While the VDHR may consider such starkly contrasting architecture to be in keeping with the Department of the Interior guidelines as a means of differentiating the additions from the original structure,² such jarringly incongruous additions are completely inconsistent with the Board’s published guidelines. See Design Guidelines, Residential Additions - Page 2. (“Singular buildings in the latest architectural vocabulary are generally discouraged.”); *id.* (“Additions must be designed so that they are compatible with both the architectural character of the existing house and the immediate neighborhood.”); *id.* at 5 (“Respectful additions make use of the design vocabulary of the existing historic structure.”).

The design of an addition should respect the heritage of the historic building to which it is attached as well as adjacent buildings. The Boards generally prefer addition designs that are respectful of the existing structure and **which seek to be background statements or which echo the design elements of the existing structure.**

Design Guidelines, Residential Additions - Page 5 (“Style”)(emphasis added). HAF respectfully submits that in seeking to secure approval from the VDHR through “differentiation” the applicant’s plans have violated the basic precept of the Zoning Ordinance and proposed construction that is incongruous by design.

C. The “Bike Garage” is Neither Necessary Nor an Appropriate Incursion on the Landmark Open Space.

The applicant originally proposed to add off-street parking and a multi-car garage as part of its plans, to which the VDHR gave its conceptual approval. Presumably the VDHR gave that conceptual approval based on its reading of the easement which includes the following language:

² We submit that the VDHR has incorrectly interpreted and applied the Department of the Interior guidelines. See HAF letter to VDHR dated October 1, 2018.

No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage houses and adjoining servant's quarters, (iii) a tennis court and other outbuildings and structures which are commonly or appropriately incidental to a single family dwelling including without limitation a swimming pool **and garage**.

Deed Book 757 Page 868 (emphasis added). Recognizing that the Zoning Ordinance prohibits this use, the applicant has renamed the third structure on the property a "WORKSHOP/BIKE GARAGE" — in an apparent effort to justify the structure as a "garage" when it will be no such thing. A "garage" is "[a] place in which motor vehicles are stored and cared for." Black's Law Dictionary (4th ed. 1968); see *also* Zoning Ordinance § 2-149 ("Garage, private. A building designed for the storage of not more than three motor-driven vehicles."). The Board should not countenance the relabeling of this structure to assist the applicant in avoiding the restrictions of the easement.

Nor should the Board approve this third "pavilion" to be constructed in the Landmark open space on the property for the reasons stated above. See Zoning Ordinance ¶ 10-105(A)(1), (2)(a)-(g), (i)-(j). The Board must preserve and protect this important historic resource.

The applicant has included a Sanborn Insurance map in its materials showing a that a frame house was located at the southeast corner of the lot in 1907. That structure, was demolished by Justice Black when he purchased the property in 1939 to restore the open space garden. See Ruth Lincoln Kaye, *The History of 619 S. Lee Street at 26* (May 1987). Thus, "by precept and example" HABS Report at 1, the southeast corner of the property has been open space throughout the most important period of its historical significance. Indeed, to the extent the Sanborn Insurance Map provides any support for the third proposed addition, it would be as a frame structure as depicted on the 1907 map.

D. The Applicant Could Add Additional Living Space to the Property Without Consuming Protected Open Space Or Destroying the Noted Historical Feature of the Property.

HAF can only applaud the applicant's desire to remove the flounder addition that was added in 2000. And given the applicant's desire to remove the 1970 kitchen addition, it appears that the applicant could properly utilize the freed up open space in a manner that would be far more in keeping with traditional additions in Old Town. Such an addition would continue west from the original ell toward Fairfax Street, preserving and enhancing the two side yards and preserving the open side-yard frontage on South Lee Street. We believe that the applicant could — without utilizing additional open space in contravention

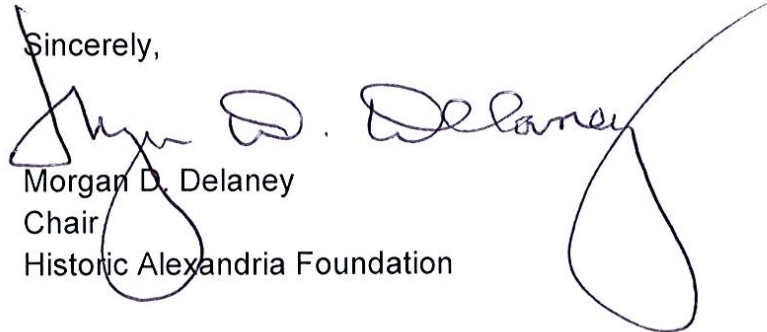
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to the easement – create an architecturally appropriate addition and satisfy their desire to expand their residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan D. Delaney". The signature is fluid and cursive, with a large loop at the end. It is positioned above the typed name and title.

Morgan D. Delaney

Chair

Historic Alexandria Foundation

Enclosures

- (1) D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 112-14 (1946)
- (2) Deed Book 704 Page 491-95
- (3) 2014 Harrington Letter
- (4) Letter to VDHR from HAF dated October 1, 2018
- (5) Letter to City Manager dated December 12, 2018.
- (6) Deed Book 757 Page 867-71
- (7) Black's Law Dictionary, *Garage*, (4th Ed. 1969)

cc. Duncan Blair