

BAR #2018-00410 & 2018-00411

City Council
May 14, 2019

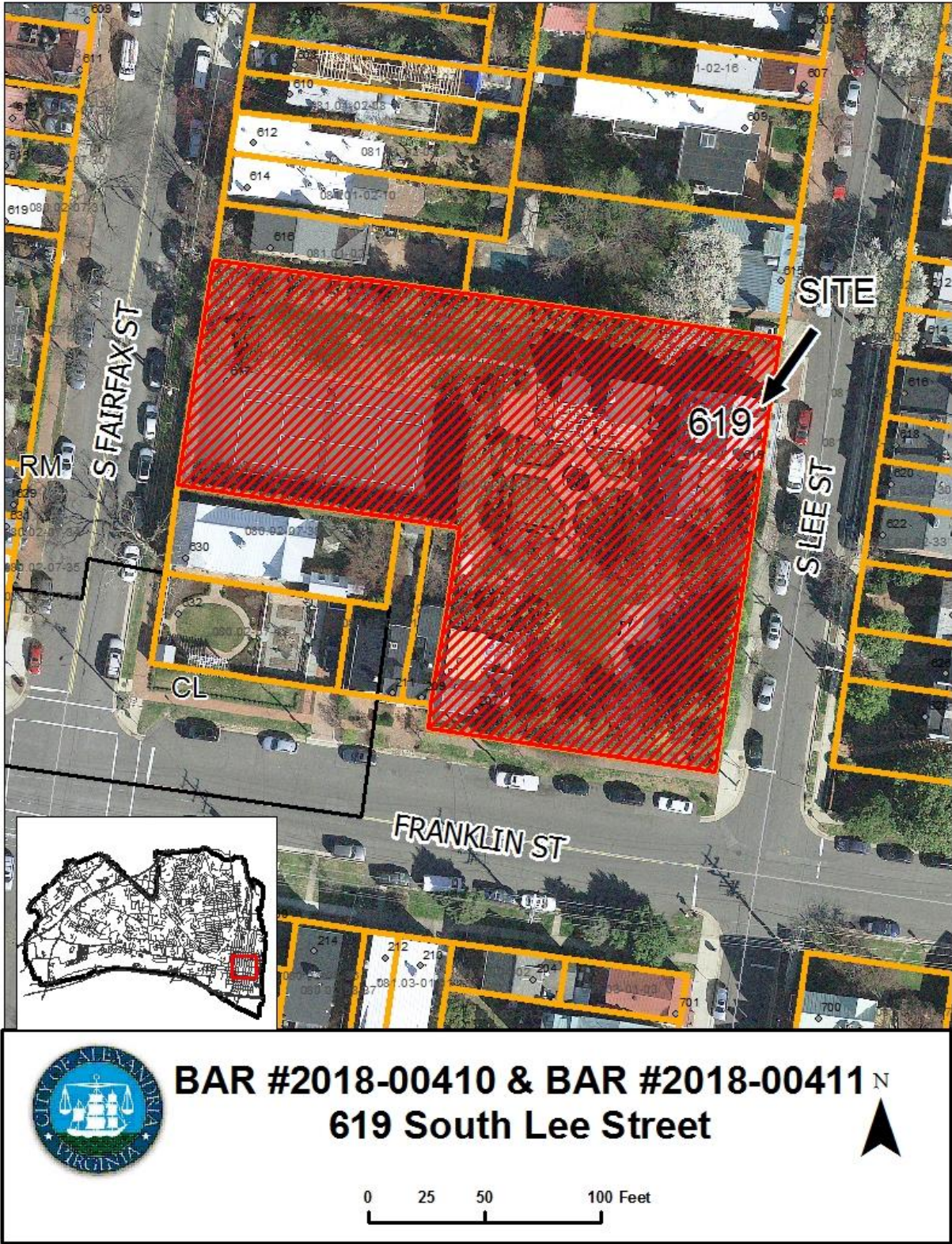
ISSUE: Appeal of a decision of the Board of Architectural Review approving partial Demolition/Capsulation and a Certificate of Appropriateness for additions and alterations in the Old & Historic Alexandria District

APPLICANT: Vowell LLC c/o Michael Harrington

APPELLANT: Historic Alexandria Foundation

LOCATION: 619 South Lee Street

ZONE: RM/Townhouse zone



I. ISSUE

The Historic Alexandria Foundation, Inc. is appealing the February 6, 2019 decision of the Old & Historic Alexandria District Board of Architectural Review (BAR) to approve a Permit to Demolish for partial demolition and capsulation (BAR2018-00410) and for a Certificate of Appropriateness for additions and alterations (BAR2018-00411). The property at 619 South Lee Street is unquestionably an architecturally and culturally significant resource in Alexandria and was discussed at length by the BAR at public hearings on December 19, 2018 and February 6, 2019. A brief overview of the primary issues considered by the BAR is described below while a more complete discussion of the applicant's proposal and the criteria and standards applied by the BAR in making its decision is included in the attached BAR staff reports and is incorporated here by reference.

Separate from the BAR hearing, the exterior of the main house recently underwent a very careful but limited program of restoration and repair to address deferred maintenance of the slate roof, mortar and windows under a BAR administrative approval (BAR #2018-00198) and with the separate oversight of both the Virginia Department of Historic Resources staff and BAR staff.

II. HISTORY

The two-and-a-half story, three-bay, side-gable brick residence with a slate roof and shed roofed rear ell was constructed around **1800** by Thomas Vowell, Jr., a prominent Alexandria merchant and, while by no means unique in its style or quality, is an excellent example of the Federal architectural style in Alexandria. The house was purchased by Edgar Snowden, editor and owner of the Alexandria Gazette, in 1842 and it remained in the Snowden family for 70 years. Justice Hugo Black, of the United States Supreme Court, purchased the property two years after his appointment to the court in 1939 and lived here until his death in 1971. His widow sold the property in 1973. The house has been owned by several families since then and changes were made to the house, carriage house and garden.

Although an urban townhouse form building, the primary structure sits detached from other dwellings on what today may be considered an unusually large corner lot. The present lot reflects the consolidation by the Blacks of several historic lots which historically contained several independent dwellings and service outbuildings. The house has been located within the Old and Historic Alexandria District since creation of the local district in 1946. It is also included within the National Register's Alexandria Historic District, created in 1966 and updated in 1984. A more complete history of the property is described in the History section of the BAR staff report of December 19, 2018.

III. DISCUSSION

The BAR's primary charge in the Zoning Ordinance is to identify and protect historic and cultural resources throughout the city. A second purpose of the BAR is to ensure that new construction, additions and alterations are in harmony with their historical and architectural setting and environs. The BAR's standards and criteria for review listed in the Zoning Ordinance, as well as their adopted policies and *Design Guidelines*, recognize that the historic buildings of Old Town are not museum objects frozen in time but may be appropriately modified, altered and expanded to allow them to continue to be used and cherished, recognizing that what may be appropriate in one block

may not be appropriate in another block, or even in different locations on the same block. The BAR's role has always been to strike a balance between preservation of the identified historic fabric and urban character while managing appropriate growth and change in a vibrant living city. In the past six years alone, the two BARs approved over 100 additions, finding them appropriate and compatible.

The BAR's determination for a Certificate of Appropriateness must consider the Standards listed in Section 10-105(A) of the Zoning Ordinance and these are reviewed in detail in the Analysis section of the attached February 6, 2019 BAR staff report. It should be noted that the BAR must "consider" the elements and features identified in that analysis but that there is not a "yes" or "no" response and each site has its own context and challenges. In addition, as was the case at 619 South Lee Street, the approved design often represents an iterative evolution of an applicant's original scheme based on the community's and the BAR's feedback.

The BAR's discussion and public comments for 619 South Lee Street are noted in the minutes of the two hearings that are included at the beginning of the attached BAR staff reports. While many issues were raised by both the community and BAR, a brief summary of the primary topics of discussion at the two BAR hearings are listed below.

1. The preservation easement
2. Virginia Landmark designation
3. Demolition of the hyphen curve
4. A shrine to Justice Black
5. Open space
6. South Lee Street streetscape

1. The Preservation Easement

The Virginia Department of Historic Resources (VDHR) administers a preservation easement on 619 South Lee Street that was granted by the Black family to the Virginia Historic Landmarks Commission in 1969 and amended by them in 1973 for the preservation of the historic landmark and its environs. Compliance with the easement is the responsibility of the property owner through a separate process established and reviewed solely by VDHR. The scope of the BAR's review of the demolition/capsulation and the new construction is limited to the standards and criteria listed in Section 10 of the Alexandria Zoning Ordinance and the BAR does not have the authority to hold, interpret or enforce an easement.

While the BAR application form does ask whether there is an easement on a property and whether the easement holder has agreed to the proposed alterations, this information is requested as a procedural courtesy and for efficiency in an attempt to avoid a situation in which an easement holder would reject the applicant's proposed changes after the BAR's decision. However, the applicant would be permitted to proceed with his BAR application even without the easement holder's approval since the easement is not relevant to the BAR's decision. In the present case, staff recommended that the applicant obtain confirmation that the proposed scope of work complied with the easement prior to a hearing by the BAR. The applicant did so and provided the City with a courtesy copy of that letter from VDHR.

2. Virginia Landmark designation

According to the Virginia Department of Historic Resources, 619 South Lee Street is not individually listed on the Virginia Landmarks Register and, even if it were, that designation affords no special consideration for BAR review. While the BAR encourages that properties be listed on both the National Register of Historic Places and the Virginia Landmarks Register, and there are 54 Alexandria buildings and sites that are presently listed on these registers, these are honorific designations that have no regulatory bearing on the criteria and standards listed in the Zoning Ordinance that the BAR must consider in acting on the appropriateness of demolition, new construction or alterations to any property in the historic district. The BAR carefully evaluates all applications based on their own merits using the Zoning Ordinance and the BAR's Design Guidelines and policies.

3. Demolition of the hyphen curve

While the BAR's purview of new construction and alterations is limited to what is visible from a public way, the BAR has purview of any demolition/capsulation of more than 25 square feet of exterior wall or roof area, regardless of visibility, in order to prevent the loss of historic fabric. Demolition refers to the permanent destruction and removal of the exterior wall or roof area, whereas, capsulation refers to the enclosure but not demolition of a specified exterior portion of the wall or roof, thereby removing the now interior feature from the BAR's purview. Typically, most additions involve some combination of both partial demolition and capsulation. A complete description of the features to be demolished/capsulated with images and an analysis of the standards considered by the BAR is found in the Permit to Demolish/Capsulate section of the attached February 6, 2019 BAR staff report.

The primary historic feature proposed for demolition that was discussed at the two BAR hearings was the curved wall of the hyphen (the architectural term for the connector between the body of the main house and what was once a detached, or semi-detached, kitchen outbuilding). The present two-story hyphen wall is not original to the first period of construction of the dwelling but expanded upon earlier and smaller one-story hyphens in the mid-19th century, based on staff's field examination of the framing in the basement and attic with the applicant. Because of the acute angle created by the shape and location of the curved wall adjacent to a historic wood window, it is very difficult to repair this section of the masonry wall or the stone sill and lintel of the adjacent window, requiring partial demolition and replacement to perform the repairs.

Staff recommended denial of the request to demolish this curved wall feature because it is over 150 years old and is an example of an unusual wall treatment. However, upon additional consideration, staff now agrees that the present repairs and future maintenance of this odd feature are very problematic, has no constructive solutions to these challenges and supports the BAR's decision. At the February 6, 2019 hearing, the BAR found: 1) that existing curved hyphen was a later feature that was not well considered when it was originally constructed; 2) that it has caused and will continue to create maintenance issues inherent in its design that will harm the primary historic resource; 3) that there are other better examples of curved hyphens in the district; and 4) that removal of this element will not be detrimental to the public interest and removal will, in fact, help preserve the west wall of this important historic house.

4. A Shrine to Justice Black

One of the Permit to Demolish criteria that must be considered by the BAR in Zoning Ordinance section 10-105(B) asks: “Is the building or structure of such interest that it could be made into an historic shrine?” This criterion requires that the property be a place of pilgrimage associated with a person of extraordinary significance, such as George Washington’s Mount Vernon or Thomas Jefferson’s Monticello. While the previous owners of this property were prominent businessmen in early Alexandria, the most notable previous owner was Hugo Lafayette Black. Justice Black acquired the property in 1939 two years after his appointment as an Associate Justice to the United States Supreme Court and lived there until his death in 1971. His widow sold the property in 1973. While the BAR did not make a specific finding as to whether this property qualified as a shrine, the majority of the BAR did not believe that the proposed physical alterations to the property would preclude interpretation of this site as a shrine to Justice Black now or in the future, should this site be determined to be the most appropriate location to do that.

Despite the many changes have taken place on the site since its occupancy by the Blacks, the BAR found that all of the proposed work could similarly be reversed in the future, as had already occurred on this property over time. The BAR nevertheless agreed that complete documentation of the site, including the curved wall and the open space, prior to undertaking any of the proposed alterations would help future historians identify any remaining portions of the private garden created by the Blacks during their tenure and would allow the physical property to be returned to that condition by others in the future, should it be determined that site features such as the swimming pool and tennis court were essential interpreting this landscape as a shrine to the legal career of Justice Black.

Therefore, in order to document the existing landscape before any work is done, the BAR required that the existing site and landscape conditions be documented through a dimensioned, annotated digital site plan and photography to Historic American Landscape Survey (HALS) standards; and that the curved hyphen wall to be demolished be documented with drawings and photographs to the Historic American Building Survey’s (HABS) current standards before and during its careful deconstruction, and that historic material be marked and reused on the site wherever appropriate.

5. Open space

The minimum amount of open space required for each zone is set forth in the Zoning Ordinance and zoning staff reviews all BAR applications to determine zoning compliance prior to a case being docketed for a public hearing. The existing lot area is 35,502 square feet. The required open space in the RM zone for this lot is 35% of the lot area which is 18,638 square feet. The existing open space is 32,012 square feet. The proposed open space is 30,141 square feet, or 85% of the total lot area and only a 6% reduction in open space from the existing. Staff notes that throughout much of the 19th century and into the 20th century, the present, consolidated lot contained a substantial two-story dwelling at the corner of Franklin and South Lee Street and several others on the South Fairfax Street frontage, as shown in Figures 1 & 2 of the December 19, 2018 BAR report, so the current proposal may actually include as much or more contiguous open space than what existed during much of the history of the subject house.

The BAR's standards for review of open space are subjective and standard 10-105(A)(2)(d) requires the BAR to find that the "Design and arrangement of buildings and structures on the site; and the impact upon the historic setting or environs" is appropriate. The question before the BAR was whether removal of the existing additions and construction of the new additions will have an adverse impact on the overall historic setting or environs. The BAR found that the "pavilion" style additions successfully recalled historic service outbuildings and had no concerns with the height, mass, scale or project siting of the additions. The majority of the BAR also found that this site would still retain a significant amount of open space after construction.

6. South Lee Street Streetscape

There was some discussion at the BAR hearings that it is not traditional to construct additions on the side of a townhouse because the majority of additions are constructed on the rear and that to have additions constructed behind the front lot line is disruptive to the historic pattern of development on South Lee Street. While the irregular size, spacing and setback of buildings is what gives Old Town its unique organic character, staff concurs that the majority of the parcels in the historic district are narrow urban townhouse lots and that the only logical place to construct an addition is on the rear of the primary building mass. However, based on a review of historic Sanborn Fire Insurance maps, it was just as common on large lots to construct additions to the side and this area was commonly filled with utilitarian outbuildings.

While the BAR does not consider landscape plant materials as screening because they are subject to change, the open interior of this lot has not been visually accessible to the public for many decades. As the applicant's photos show, the South Fairfax Street frontage has a solid wall of evergreen shrubs and a tall tennis fence that has historically precluded public view of this open space from the west, though nothing is being proposed in this application that would prevent additional visual access in the future.

Another concern was that the proposed pavilions to the south of the townhouse were not being constructed at the front lot line, as buildings were required to be under Alexandria's 1752 ordinance. However, service outbuildings were very seldom constructed at the front lot line and the setbacks of the other townhouses in the 600 block of South Lee Street have a great deal of variety. There is a large historic house at 609 South Lee Street that is set back 30' from the front lot line and the uniformity of the west side of this block is disrupted by three driveways. All but four of the fourteen townhouses on the east side of this block are set back from the front lot line and nine of them have off street parking in front of the house.

At 619 South Lee Street, the architect's design intent was to create the visual impression of related service outbuildings to the south of the main structure in order to allow the historic townhouse to remain independent and visually prominent. The kitchen addition and the garage to the south of the historic townhouse were both set a minimum of 24' behind the front plane of the house on South Lee Street and are subservient to the primary resource with respect to height and massing. A very similar example to the present proposal is shown in Figure 6 of the December 19, 2018 BAR staff report. This L-shaped rear addition and two-story outbuilding with pergolas that are now under construction on the early 19th century townhouse at 211 South Saint Asaph Street were unanimously approved in December 2017 with no public comment.

The BAR, therefore, found the scale, mass, location and design of the proposed additions to be appropriate for the historic setting of this lot and that the streetscape of South Lee Street would retain its historic character.

IV. BOARD ACTION

At the December 19, 2018 hearing, the BAR deferred the case for restudy, with the Chair summarizing the Board's discussion as follows:

1. *The historic house is being beautifully restored and preserved;*
2. *The additions are subservient to the main historic house and easily removable, if anyone should care to do so in the future, without harming the historic property;*
3. *No concerns with the height, mass, scale or project siting of the additions;*
4. *Concerns with the hip roof style;*
5. *Concern with demolition of the curve but generally supported by the Board;*
6. *Concern that the fenestration on the South Lee Street elevation should reflect a more traditional solid void ratio; and*
7. *Concern about the appearance and unclear about the locations of the decorative brick work, including the stack bond framing the windows.*

One Board member also suggested that the Lee Street appearance would be improved if the existing parking pad were screened with plantings and perhaps located behind a garden wall and gate, and the applicant has complied. The applicant returned to the BAR on February 6, 2019 where the BAR made the following determinations.

FEBRUARY 6, 2019 – BAR2018-00410 Demolition/Capsulation: Approved as Amended, 5-1

On a motion by Mr. Elkins and seconded by Ms. Miller, the OHAD Board of Architectural Review voted to approve BAR #2018-00410, as amended. The motion carried on a vote of 5-1 with Mr. Sprinkle voting against.

REASON

The BAR found that the existing curved hyphen was a later feature that was not well considered when it was originally constructed; that it has caused and will continue to create maintenance issues inherent in its design that will harm the primary historic resource; that there are other better examples of curved hyphens in the district; and that removal of this element will not be detrimental to the public interest and removal will, in fact, help preserve the west wall of this important historic house.

FEBRUARY 6, 2019 – BAR2018-00411 Certificate of Appropriateness: Approved as Amended, 4-2

On a motion by Mr. Elkins and seconded by Mr. Adams the OHAD Board of Architectural Review voted to approve BAR #2018-00411, as amended. The motion carried on a vote of 4-2 with Mr. Sprinkle and Ms. Roberts voting against.

REASON

The BAR found the scale, mass, location and design of the proposed additions to be

appropriate for the historic setting and streetscape for the reasons described in the staff report.

CONDITIONS OF APPROVAL

1. ~~Denial of the demolition of the two-story curved portion of hyphen connecting the main block to rear ell; (staff recommendation deleted by the BAR)~~
2. All counterflashing in the brick of historic portions of the house and carriage house for additions and roofing should be hand cut only through mortar joints and not the brick;
3. All materials must comply with the BAR's adopted policies unless otherwise specifically approved;
4. Document the existing site and landscape conditions thru a dimensioned, annotated digital site plan and photography to ~~HABS~~ HALS standards; and
5. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

V. STANDARD OF REVIEW ON APPEAL TO 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 whether the Permit to Demolish/Capsulate and Certificate of Appropriateness should be granted based upon City Council's review of the standards in Zoning Ordinance Sections 10-105(A)(2) and 10-105(B). While City Council may review and consider the BAR's previous actions, City Council must make its own decision based on its evaluation of the material presented. Section 10-107(A)(3) of the Zoning Ordinance requires that the City Council apply the same criteria and standards as are established for the Board of Architectural Review and these are listed in the attached BAR staff report of February 6, 2019.

VI. RECOMMENDATION

Staff recommends that City Council **affirm** the decisions of the Board for approval of the Permit to Demolish/Capsulate and Certificate of Appropriateness.

STAFF

Karl Moritz, Director, Department of Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

VII. ATTACHMENTS

Attachment A: February 6, 2019 BAR staff report and minutes

Attachment B: December 19, 2018 BAR staff report and minutes

Attachment C: April 2, 2019 letter from the Historic Alexandria Foundation

Docket Item #3 & 4
BAR #2018-00410 & 2018-00411

BAR Meeting
February 6, 2019

ISSUE: Request for partial Demolition/ Capsulation and a Certificate of Appropriateness for additions and alterations

APPLICANT: Vowell LLC c/o Michael Harrington

LOCATION: 619 South Lee Street

ZONE: RM/Townhouse zone

BOARD ACTION: February 6, 2019, BAR #2018-00410

Request for partial demolition/ capsulation **Approved as Amended, 5-1**

This item was combined with BAR #2018-00411 for discussion purposes but voting was performed separately.

On a motion by Mr. Elkins and seconded by Ms. Miller, the OHAD Board of Architectural Review voted to approve BAR #2018-00410, as amended. The motion carried on a vote of 5-1 with Mr. Sprinkle voting against.

CONDITIONS OF APPROVAL

1. That the curved hyphen wall to be demolished be documented with drawings and photographs to HABS current standards before and during its careful deconstruction and that historic material be marked and reused on the site wherever appropriate.

REASON

The BAR found that the existing curved hyphen was a later feature that was not well considered when it was originally constructed; that it has caused and will continue to create maintenance issues inherent in its design that will harm the primary historic resource; that there are other better examples of curved hyphens in the district; and that removal of this element will not be detrimental to the public interest and removal will, in fact, help preserve the west wall of this important historic house.

BOARD ACTION: February 6, 2019, BAR #2018-00411

Request for additions and alterations **Approved as Amended, 4-2**

On a motion by Mr. Elkins and seconded by Mr. Adams the OHAD Board of Architectural Review voted to approve BAR #2018-00411, as amended. The motion carried on a vote of 4-2 with Mr. Sprinkle and Ms. Roberts voting against.

CONDITIONS OF APPROVAL

1. ~~Denial of the demolition of the two-story curved portion of hyphen connecting the main block to rear ell; (condition deleted by the BAR)~~

2. All counterflashing in the brick of historic portions of the house and carriage house for additions and roofing should be hand cut only through mortar joints and not the brick;
3. All materials must comply with the BAR's adopted policies unless otherwise specifically approved;
4. Document the existing site and landscape conditions thru a dimensioned, annotated digital site plan and photography to **HABS HALS** standards; and
5. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

REASON

The BAR found that the scale, mass, location and design of the proposed additions to be appropriate for the historic setting and streetscape for the reasons described in the staff report.

SPEAKERS

Lee Quill, Cunningham Quill Architects, presented the application for the owners.

Danny Smith, representing the Historic Alexandria Resources Commission (HARC), read a letter in opposition, citing concerns about the easement provisions and the quantity and character of the proposed additions, particularly the rhythm and scale of the South Lee Street streetscape. He preferred that all additions extend from the west end of the house.

John Richards, representing the Historic Alexandria Foundation (HAF), noted that the house is a Virginia Registered Landmark.

Robert Ray, representing the Alexandria Association, expressed concern about demolition of the curved ell hyphen.

Robert Montague, representing the Northern Virginia Conservation Council, stated that the project is more significant for the amount of open space than for the architecture.

Gail Rothrock stated her opposition. She noted letters from Brown Morton and Preservation Virginia opposed changes to the cultural landscape and architecture from the Justice Black period.

Elaine Johnston stated that the BAR should apply its own standards not rely on VDHR's comments.

Steve Milone, representing the Old Town Civic Association (OTCA), noted that the Blacks had demolished the historic houses described at the last hearing and then created the open space easement. He supported retention of the curved hyphen wall.

Yvonne Callahan asked that the cobblestone gutter on Franklin Street be preserved and not damaged by construction or maintenance vehicles in the future.

DISCUSSION

The Chair reminded speakers that the BAR's purview is limited to Section 10 of the Alexandria Zoning Ordinance and this easement is administered by the Virginia Department of Historic Resources. The BAR does not have the authority to interpret or enforce easements and the BAR is a separate review process.

Mr. Sprinkle questioned the hyphen demolition/reconstruction and asked whether the window originally exposed should not be exposed again. He felt the 20th century cultural landscape of the site was also a significant resource. The applicant responded that the landscape and house are both important but have both been altered over time and that the house was the more significant resource. He felt they had maintained the sense of open space.

Ms. Roberts agreed with Mr. Smith's comments about traditional additions having been constructed on the rear (west) of Alexandria townhouses. She pointed out that "lightly touching the landscape" with multiple small pavilions required these additions to visually occupy more of the landscape. Mr. Quill described the programmatic reasons for the pavilions being located where they are proposed.

Ms. Roberts asked whether wood siding had been considered for the pavilions. Mr. Quill responded that they preferred a subtly different brick and mortar to separate the additions from the historic house rather than siding. Ms. Roberts supported additions to this house but not the specific design, materials and locations proposed. She was torn about demolition of the hyphen curve.

Mr. Adams referenced the historic Sanborn Fire Insurance maps that showed multiple structures that existed in what is now open space on this site. He noted previously approved alterations by the BAR and felt the proposed scheme for the additions was appropriate. He said he was pleased with the response to the BAR's previous comments and agreed the punched kitchen windows and hip roofs were the better alternative. Mr. Adams noted the community's concerns with the easement but restated that this was not within the BAR's purview and stated that the present proposal is reversible.

Ms. Miller agreed with the design of the punched windows on the east wall of the kitchen and preferred the masonry garage wall with the recessed panel and trellis because it will blend better with the landscape. She preferred the hip roofs and supported demolition of the curved hyphen because it was harming the original structure.

Mr. Elkins supported the hip roofs and found the gable roof studies to be less successful. He preferred punched windows on the east wall of the kitchen but preferred the recessed panel on

the garage. He supported demolition of the hyphen because it is incongruous with preservation of the original structure.

Chair Kelley was torn about the curved portion of the hyphen until she saw it in person and does not believe it can be preserved without further harming the main house but she supported documenting the curve before demolition. She supported the hip roofs and present windows. She noted that the BAR was not influenced by VDHR and that the BAR makes its own decision based on the local ordinance. She appreciated the light touch of the additions on the historic structure.

Ms. Roberts moved to defer the Certificate of Appropriateness in order to move the additions behind the main structure to reflect a more traditional massing and to take some of the footprint out of the garden. The motion was seconded by Mr. Sprinkle. The motion failed 2-4.

Mr. Elkins moved to approve the application with staff recommendations, to include the hip roof forms, the bicycle garage with a recessed panel on the east side and with punched windows on the east kitchen elevation, as shown on the drawings dated January 15, 2019. Mr. Adams seconded the motion. The motion passed 4-2.

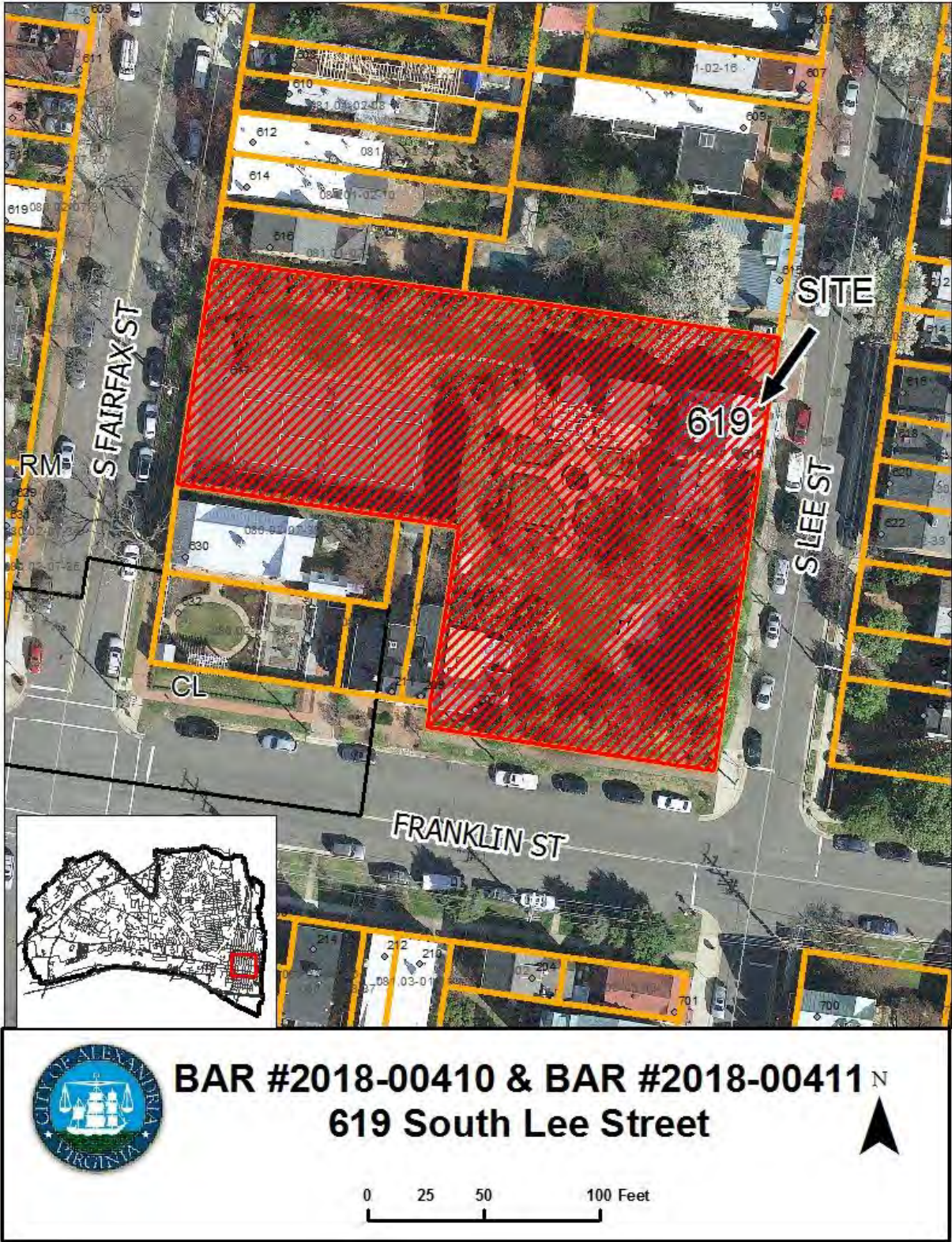
STAFF RECOMMENDATION February 6, 2019

Staff recommends approval of the application for a Permit to Demolish for partial demolition/capsulation and a Certificate of Appropriateness for additions and alterations with the following conditions:

1. Denial of the demolition of the two-story curved portion of hyphen connecting the main block to rear ell;
2. All counterflashing in the brick of historic portions of the house and carriage house for additions and roofing should be hand cut only through mortar joints and not the brick;
3. All materials must comply with the BAR's adopted policies unless otherwise specifically approved;
4. Document the existing site and landscape conditions thru a dimensioned, annotated digital site plan and photography to HABS standards; and
5. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped 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 Building and Fire 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.



UPDATE

At the December 19, 2018 hearing, The BAR deferred the case for restudy, with the Chair summarizing the Board's discussion as follows:

- 1. The historic house is being beautifully restored and preserved;*
- 2. The additions are subservient to the main historic house and easily removable, if anyone should care to do so in the future, without harming the historic property;*
- 3. No concerns with the height, mass, scale or project siting of the additions;*
- 4. Concerns with the hip roof style;*
- 5. Concern with demolition of the curve but generally supported by the Board;*
- 6. Concern that the fenestration on the South Lee Street elevation should reflect a more traditional solid void ratio; and*
- 7. Concern about the appearance and unclear about the locations of the decorative brick work, including the stack bond framing the windows.*

One Board member also suggested that the Lee Street appearance would be improved if the existing parking pad were screened with plantings and perhaps located behind a garden wall and gate.

Portions of the previous report are repeated below in order to respond to the BAR's comments above. The complete December 19, 2018 application materials, staff report and minutes are linked at the end of this report as Attachment #3.

Note: *Staff coupled the applications for a Permit to Demolish (BAR #2018-00410) and Certificate of Appropriateness (BAR #2018-00411) for clarity and brevity. The Permit to Demolish requires a roll call vote.*

I. ISSUE

The applicant is requesting a Permit to Demolish/Capsulate and a Certificate of Appropriateness for additions and alterations as follows.

Permit to Demolish

1. Demolish one-story kitchen structure at the southern end of the main dwelling, refer to attached Building Elements - Removals diagram, area 1. (313 square feet.)
2. Demolish one-story structure to the north of the flounders, refer to attached Building Elements - Removals diagram, area 2. (324 square feet.)
3. Demolish inside corner portion and curved wall of the existing two-story flounder west of the main dwelling, refer to attached Building Elements - Removals diagram, area 3. (126 square feet.)
4. Remove pre-fabricated wooden garden shed, refer to attached Building Elements – Removals diagram, area 4. (80 square feet.)
5. Remove portion of exterior wall at the west side of the one-story flounder, refer to West Elevation Removal, keynote 1. (22.75 square feet.)
6. Remove (2) basement window areaways at east side of main house, refer to Site, Basement and First Floor Removal Plans, key note 3.
7. Remove curb at basement access at west side of main house, refer to Site and First Floor Removal Plans, key note 4.

8. Remove skylight at carriage house, refer to Carriage House Removal Plan and Elevations, key note 2. (68.75 square feet.)
9. Remove portion of exterior wall at the north side of the carriage house 1975 addition, refer to Carriage House Removal Plan, key note 1. (70.3 square feet.)

Certificate of Appropriateness

1. Two-story brick addition at the west end of the one-story flounder, refer to attached Building Elements - Additions diagram, area 1.
2. Two-story brick addition with one-story stucco hyphen connection to the south side of the main dwelling and one-story stucco addition to the south with second floor clerestory windows at stair, refer to attached Building Elements - Additions diagram, areas 2 and 3.
3. One-story brick addition connected to two-story south addition by painted wood trellis, refer to attached Building Elements - Additions diagram, areas 4 and 5.
4. Two wood garden structures at the west end of the site, refer to attached Building Elements - Additions diagram, area 6.
5. Installation of wood windows and doors at the south, east, and north elevations of the carriage house, refer to Proposed Carriage House Elevations.
6. Installation of new paving at existing parking pad north of main dwelling and brick piers and garden wall with wood gate at west end of parking pad, refer to Proposed Landscape Elements.
7. Replacements wood gates in existing openings in garden walls at S. Lee and Franklin streets, refer to Proposed Landscape Elements.

The applicant is also in the process of performing a number of historically appropriate repairs that have been approved by staff administratively or will be approved as part of the permitting process in accordance with the adopted *BAR Policies for Administrative Approval*.

II. HISTORY

The two-and-a-half story, three-bay, side-gable brick residence with a slate roof and shed roofed rear ell is an excellent example of the Federal architectural style in Alexandria. The dwelling is a side-hall, urban townhouse form that is notably intact on the interior. Although a townhouse form building, it sits on a relatively large lot, rather than a detached building form like 711 Prince or Carlyle House. The present lot reflects a consolidation of several historic lots and there were a number of other independent structures and service outbuildings on the present lot at various times in the past. A more complete history of the property is described in the previous staff report.

There is an easement on this property prepared under previous owners that is administered by the Virginia Department of Historic Resources (VDHR). The BAR's review is limited to Section 10 of the Alexandria Zoning Ordinance, the BAR does not have the authority to interpret or enforce an easement. While the BAR application does ask whether there is an easement on a property and whether the easement holder has agreed to the proposed alterations, this is a procedural courtesy to avoid wasting the BAR's time reviewing and approving a proposal that could later be rejected by the easement holder but it is not a binding requirement for BAR approval. In the present case, staff strongly recommended that the applicant obtain confirmation that the proposed scope of work

complied with the easement prior to a hearing by the BAR. While not required by the Alexandria Zoning Ordinance, the applicant has done so and has provided the City with a copy of that letter from VDHR.

Additional research performed by the Historic Alexandria Foundation has determined that this property is listed as a Virginia Landmark. While the Alexandria Zoning Ordinance encourages that properties be listed on the National Register of Historic Places and the Virginia Landmarks Register, these honorific designations have no regulatory bearing on the BAR's consideration of the features and factors listed in the ordinance that must be considered in passing upon the appropriateness of the proposed construction and alterations.

On December 19, 2018, the BAR deferred the project for restudy and this application, staff report and associated minutes are found in Attachment 3.

III. ANALYSIS

The BAR's charge is first to identify and "protect historic and cultural resources" and second to ensure that additions, alterations and new construction are compatible with nearby buildings of historic merit. The first charge is discussed in the Permit to Move, Remove, Capsulate or Demolish analysis. The second charge is discussed in the Certificate of Appropriateness analysis and recognizes that what may be appropriate in one block may not be appropriate in another block, or even in different locations on the same block. The BAR's *Standards* and criteria in the Zoning Ordinance, as well as the BAR's adopted policies and *Design Guidelines*, have been used through the years as the basis for recognizing that the historic fabric of Old Town is not frozen in time but may be appropriately modified, altered and expanded to allow the historic buildings to continue to be used and cherished. The BAR's role has always been to strike a balance between preservation of the identified historic fabric and urban character while managing appropriate growth and change in a living city.

Permit to Demolish/Capsulate

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-105(B), which relate only to the subject property and not to neighboring properties. The Board has purview of the proposed demolition/capsulation of more than 25 square feet of exterior wall or roof area regardless of visibility.

Demolition refers to the permanent destruction and removal of the exterior wall or roof area, whereas, capsulation refers to the enclosure but not demolition of a specified exterior portion of the wall or roof. While that wall area may be shown to remain on the present proposal, once it is enclosed and becomes an interior feature, it is no longer within the BAR's purview. Typically, most additions involve some combination of both partial demolition and capsulation. In this case there is no demolition proposed on the 19th century portions of the building or carriage house. The applicant describes six areas proposed for demolition/capsulation on pages 7 thru 19 of the application drawings.

1. The existing kitchen on the south side of the primary building mass is a late 20th century (1981) frame structure that was constructed sometime after the HABS photographs of the one-story brick and frame structure in this location were taken in 1965. The existing

structure capsulates an 11' wide portion of the south wall. The proposed one-story hyphen to the new kitchen will be pulled from the southwest corner of the primary building mass by 1'-7", giving the brick corner more definition, and the roof peak will be approximately 2' taller but use the same entrance to the dining room as the present addition, so there is no demolition of the historic structure requested for this kitchen addition.

2. The second feature to be demolished is the late 20th century (ca 2008) shed roofed brick addition on the north side of the original kitchen. It is an undistinguished, utilitarian mud-room. Removal of this lean-to will permit a significant portion of the original north wall to be restored and exposed to South Lee Street.
3. The third feature proposed for removal is a convex curved corner hyphen between the original kitchen and the main house. Based on the 1817 real estate advertisement and site inspection of the masonry bonding in the north wall and capsulated stone lintel on a second floor window in the attic, the kitchen was always connected to the main house by a one story covered passage, though the material and dimensions are not known and cannot be determined from the limited access presently allowed in the crawl space below. At some point later, a curved brick one-story hyphen was constructed and by the mid-19th century, based on the machine saw marks and cut nails found in the rafters, a second floor was added to the hyphen.

The curve of the hyphen is constructed of pie shaped header brick and the form is very unusual in Alexandria because it abuts the west wall of the primary house in an acute angle that made future maintenance extremely difficult. The purpose of the curve was to allow light and ventilation to the windows in the middle bay of the rear of the three-bay wide house. However, on the majority of Alexandria houses the curve is either convex or has a short section of wall perpendicular to the main house from the curve so that the window can be maintained. (Figure 2) Why the curve met the plane of the wall on a tangent is impossible to say but most architects and contractors would strongly recommend an alternative today and staff concurs that the present condition of the curve requires repair and it would be very difficult to maintain in the future. (Figure 1)

The applicant has proposed removal of the south wall of this non-original curved hyphen and reconstruction of a straight wall section between the original kitchen and house, as is more commonly seen on Alexandria homes. This is a great deal of work on the part of the applicant that actually reduces the home's floor area and is only being proposed to gain future access to this window to keep it properly painted, to repoint the masonry walls and to repair the window heads and sills. However, staff believes that this early feature can be maintained, albeit with some difficulty, and that it is such a unique and character defining historic form that it should not be removed. Staff acknowledges that some dismantling of portions of the curve may be necessary to gain access to the stone lintel and sill.



Figure 1: Curved ell intersection with main house at 619 South Lee Street



Figure 2: Typical hyphen forms in Alexandria: concave, convex with offset and straight

4. The fourth feature to be demolished/capsulated is the west wall of the ca. 1974 west addition to the original kitchen. The proposed two-story pavilion will capsulate 100% of this late 20th century wall. A small portion of the wall will be demolished for a single pedestrian door.
5. A small wood frame garden shed ca. 1931 will be demolished near the northwest corner of the property.
6. There are several alterations proposed in the northeast corner of the carriage house, which is the portion that was filled-in between 1921 and 1931. However, the present construction in this area appears to be late 20th century. The applicant proposes to remove two pair of sliding glass doors on the east wall and a continuous ridge skylight on the roof of this infill.

In addition, a 9' wide portion of the masonry wall on the north elevation of this infill will be removed for a new door. (see page 8 of the application drawings)

While the BAR does not review paving not used for parking, removal of chain link fences or features below grade, the existing swimming pool and tennis court will be removed and a new swimming pool will be constructed on the west portion of the site. A summary of the Standards in §10-105(B) for the Board's consideration is below.

Standard	Description and Evaluation of the Standard
(1)	<p>Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?</p> <p>Demolition of the two-story curved hyphen would result in the loss of a unique feature, albeit a later element whose design relative to the intersection with the main house was not well considered when originally constructed and the second floor was added.</p> <p>Staff recommends <i>denial</i> of demolition of the curved wall of the hyphen.</p> <p>However, the remaining portions of the house or carriage house proposed for demolition/capsulation are very minor and on secondary elevations that have already been altered or were constructed in the late 20th century.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria for the remainder of the application with the exception of the curved hyphen wall.</p>
(2)	<p>Is the building or structure of such interest that it could be made into a historic shrine?</p> <p>Justice Hugo Black was a nationally significant figure who lived in the house for 32 years and ensured its preservation after his death. However, the proposed alterations are reversible and there is nothing proposed in this application would preclude future interpretation Justice Black or the original structure in the future. As example, there have been several independent dwellings and outbuildings on this site in the past that are now removed and minor garden features such as a tennis court or swimming pool could easily be recreated if these features were necessary to interpret the Justice's tenure in the house. Staff has recommended a condition that the site be surveyed and photographed to document its existing condition to assist future historians.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>
(3)	<p>Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?</p> <p>With the exception of the curved hyphen wall, no portions of the dwelling or carriage house proposed for demolition/capsulation are of unusual or uncommon design, texture or material. As discussed above, the curved wall represents an old and unusual design to allow a rear ell to intersect with the main block while retaining the entire middle bay window openings to continue to provide light and air prior to electricity. However, as also noted, the curved hyphen is not an original feature and a strong case may be made that it is harming or preventing necessary maintenance on the primary resource.</p>

	Staff recommends a finding of <i>compliance</i> with this criteria with the exception of the curved hyphen wall.
(4)	Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway? Not applicable.
(5)	Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city? The house is within the architectural period of significance of the Old and Historic Alexandria District and is an important resource to interpret architectural design and urban planning in the late 18 th /early 19 th century. However, nothing proposed in this application would preclude future interpretation of the structure or this portion of the historic district in the future. The proposed additions are diminutive and respectful of the original house and are set back from the streets, as were the original outbuildings. Staff recommends a finding of <i>compliance</i> with this criteria.
(6)	Would retention of the building or structure 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 age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. However, the proposed alterations will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes. Staff recommends a finding of <i>compliance</i> with this criteria.

In summary, staff recommends approval of the proposed areas of demolition/capsulation with the exception of the curved hyphen wall.

Certificate of Appropriateness

The BAR's determination for a Certificate of Appropriateness must consider the *Standards* listed in Section 10-105(A) 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 the BAR must "consider" the elements and features identified below but that there is not a "yes" or "no" response, as the BAR typically finds with the criteria for a Permit to Demolish. In the past six years alone, the two BARs have approved over 100 additions, finding them appropriate and compatible, though the approved designs are often very different than the initial submission as a result of the iterative design review process.

Review of a Certificate of Appropriateness for this case is broken into three separate but related components for discussion purposes:

1. Restoration, alterations and additions to the existing historic structures;
2. Preservation of the open space and setting of those structures on the parcel; and
3. Association with a significant person.

1. Restoration, alterations and additions to the existing historic structures.

Restoration of the exterior of the existing structure is proceeding under the BAR's administrative approval policy using very high-quality materials and craftsmanship. There have been numerous site visits by staff to review the progress of roofing, masonry and window restoration. City staff recently inspected the saw marks and nails in the attic framing to date portions of the ell.

2. Preservation of the open space and setting of those structures on the parcel.

The minimum amount of open space required for each zone is set forth in the zoning ordinance. The existing lot area is 35,502 square feet. The required open space in the RM zone for this lot is 35% of the lot area which is 18,638 square feet. The existing open space is 32,012 square feet. The proposed open space is 30,141 square feet, or 85% of the total lot area and a 6% reduction in open space from the existing. Staff notes that throughout much of the 19th century and into the 20th century, there was a dwelling of considerable size at the corner of Franklin and South Lee Street and several others on the South Fairfax Street frontage, so the current proposal may include as much or more contiguous open space than what historically existed for much of the period of the subject house.

The BAR's standards for review of open space are subjective and standard 10-105(A)(2)(d) requires the BAR to find that the "Design and arrangement of buildings and structures on the site; and the impact upon the historic setting or environs" is appropriate. The question before the BAR is whether removal of the existing additions and construction of the new additions have an adverse impact on the overall historic setting or environs. As an example, the open space in front of an Alexandria "Flounder" house is an essential character-defining feature. To fill in the open front yard would destroy the very thing that makes these incomplete dwellings a unique response to the 1752 requirement to build on one's lot within two years of purchase. A large back and side yard do not convey the same type of specific connotations and the lot configuration and the number of other structures on that lot have changed significantly over time. In addition, while the BAR does not consider landscape plant materials as screening, this lot has not had an open appearance that was visually accessible to the public for many decades. For instance, South Fairfax has a wall of evergreen shrubs and a tall tennis fence that has historically precluded public view of this open space from the west but nothing is being proposed in this application that would prevent visual access in the future.

3. Association with a significant person.

While the previous owners of this property were prominent businessmen in early Alexandria, the most notable owner in the past was Hugo Lafayette Black. Justice Black acquired the property in 1939 two years after his appointment as an Associate Justice to the United States Supreme Court and lived there until his death in 1971. His widow sold the property in 1973. His residence at this

property would theoretically extend the period of significance of this property through the third quarter of the 20th century if applying for an individual National Register listing but does not affect the status of the structure within the OHAD. Staff did not perform extensive research on the life and work of Justice Black because this already exists elsewhere and, as previously stated, nothing in the proposed application would preclude interpretation of the legal work of the Justice in the future, should this site be determined to be the most appropriate location to do that.
https://en.wikipedia.org/wiki/Hugo_Black

Matters to be considered by the BAR in approving certificates and permits

In order to determine whether a proposed addition or alteration is appropriate, Section 10-105(A) of the Alexandria Zoning Ordinance states that the BAR “shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings...”:

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

The BAR routinely approves appropriate additions to historic structures. The *Design Guidelines* state the Board’s preference for “contextual background buildings which allow historic structures to maintain the primary visual importance,” and for “designs that are respectful of the existing structure and...which echo the design elements of the existing structure.” The *Guidelines* also note that “It is not the intention of the Boards to dilute design creativity in residential additions. Rather, the Boards seek to promote compatible development that is, at once, both responsive to the needs and tastes of [modern times] while being compatible with the historic character of the districts.” (New Residential Construction – Page 2)

The applicant’s design approach has been to recall and expand upon key elements of the historic vernacular design, such as the footprint radiating to the south and west of the main block, load-bearing masonry construction and a slightly later window style showing the evolution of the property over time. The differentiation between the new and the old will primarily occur with the subtle change in materials and the pyramidal hip roof form which is visually smaller in scale and historically appropriate but differentiated from the primary historic gable roof form. The mass of the pavilions are all smaller than and subservient to the historic structure.

While the Secretary of the Interior’s Standards for Rehabilitation are not legally binding on the BAR, they have occasionally been used as a reference for nationally accepted preservation best practices. The Secretary’s Standards “acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building’s historic character” and that “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.” Staff believes this is the case with the present application.

- 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;

All of the existing features of the historic portions of the existing building and carriage house are being retained and restored, except for the hyphen as discussed in the demolition section of this report. As noted above, staff's support of the project is contingent upon retaining the historic two-story curved hyphen wall. The applicant's design includes high quality materials (red brick, painted wood windows and standing seam roof) and details comparable in quality to that found at the historic house without being overly stylized or introducing a higher style.

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

The two-story brick kitchen at 619 South Lee Street was originally connected to the main house by a one story "covered way pantry," according to Thomas Vowell's September 1, 1817 advertisement for sale of the property. Historically, a kitchen was often detached from the primary structure to minimize the risk of fire and, particularly in the south, to separate the heat of cooking and washing in the summer. In addition, there were separate brick pavilions on this site including "the coach house, stable, smoke house, etc." according to an advertisement for sale in 1829. Only the coach house remains today.

As noted in the History section of this report, there have been numerous freestanding domestic outbuildings, garden trellises, a tennis court fence and a number of two-story houses in various locations on this lot since 1877.



Figure 3: Garden view of 619 South Lee Street looking northeast, HABS photo ca. 1966

The proposed additions to the primary structure are designed as separate, hip-roofed brick pavilions connected by one-story breezeways and hyphens in order break down the overall mass and to have the least visual and physical impact on the historic dwelling. The architectural tradition of hyphens connecting dependent pavilions to the main structure goes back to ancient times but was first documented as a formal architectural conceit by the 16th century Venetian architect Andrea Palladio in the *Quattro Libri*, a publication that was referenced by architects throughout the Renaissance in Europe and in the American colonies through pattern books. These books were referenced by Thomas Jefferson for Monticello and by George Washington at Mt. Vernon, and John Carlyle in Alexandria, among many others. The proposed site layout of hyphens and telescoping ell has a long tradition in both local and classical building traditions.

Hyphens are often used to distinguish new work from the historic building mass and pavilions, or garden structures like trellises, have been approved in several cases by the BAR. Another advantage of the hyphen approach is that an addition may be more easily removed in the future without extensive damage to the primary historic resource.

Most recently, the BAR has approved a very similar two-story stucco freestanding pavilion with a contemporary design and a two-story brick addition to the rear ell for the ca. 1810 house at 211 South Saint Asaph Street (BAR Case #2017-00456/457, 12/20/2017). The project was praised by the BAR and had no public speakers in opposition.

- 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 use of red brick, standing seam metal roofing, multi-pane painted wood windows and painted trim are all historically appropriate for additions to this Federal-style townhouse and adjacent buildings of historic merit.

- 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 discussed, the form and arrangement of the additions on the site are based on historic building traditions and also allow the historic townhouse to remain visually and physically separate and prominent. The design approach is vernacular in style which is appropriate for this vernacular Federal townhouse and other nearby historic buildings.

- 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 applicant has undertaken a complete restoration of the exterior of the building and it will continue to preserve and protect historic places and areas of historic interest. The siting and design of the proposed additions will physically and visually distinguish themselves from the original structure, thereby allowing the historic dwelling to continue to interpret the architecture and town plan of early Alexandria and Justice Black's tenure here.

- 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*

Any time that an owner undertakes a historically appropriate restoration and rehabilitation of a historic building, residents and visitors alike benefit by such thoughtful preservation which ensures that the building will continue to be enjoyed for another two hundred years.

- 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 age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. The proposed alterations and additions will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes. The clear differentiation between the historic townhouse and later additions will allow visitors to “read” the building and understand what is historic and what is a more recent addition.

Applicant’s response to the BAR’s comments summarized at the end of the 12/19/19 hearing

1. *The historic house is being beautifully restored and preserved;*

No response required.

2. *The additions are subservient to the main historic house and easily removable, if anyone should care to do so in the future, without harming the historic property;*

No response required.

3. *No concerns with the height, mass, scale or project siting of the additions;*

No response required.

4. *Concerns with the hip roof style;*

The applicant has provided photographic images of hip roofs on historic structures and outbuildings in Northern Virginia on pages 3-5 of the restudy materials and studies of gable roof alternatives on pages 15-22. Staff provides a few additional images of early Alexandria outbuildings for comparison below but these are by no means representative of all early outbuildings, the vast majority of which have since been demolished.



Figure 4: 219 N Royal stable; Harpers Bazaar conjectural rendering of Carlyle House; Kitchen at 213 Ramsey Alley; 601 Duke carriage house.

As shown on the images provided by the applicant and by staff, outbuildings in this period in Alexandria were historically constructed with both hip and gable roof forms. In this case, staff believes the gable roofs in the applicant's studies to be somewhat ponderous, finding that they increase the height and mass of the new structures from South Lee Street and that these visually compete with the side gable roof on the historic house. For that reason, staff strongly prefers the originally proposed hip roofs on all of the additions. The applicant has also eliminated a small flat roof on the south side of the proposed kitchen and simplified the hip roof form, as recommended by the BAR at the previous hearing.

5. *Concern with demolition of the curve but generally supported by the Board;*
Staff concurs with the applicant and the BAR that present and future maintenance of the existing hyphen curve is problematic and potentially harmful to the primary resource. Staff would prefer to retain the curved ell wall in its present location purely as an example of historic construction techniques and materials but agrees with the BAR members that this may not be best for the original structure in the long term.
7. *Concern that the fenestration on the South Lee Street elevation should reflect a more traditional solid void ratio;*
The applicant has provided elevation studies of the South Lee Street façade of the proposed additions that are a more traditional, vertically proportioned openings in the masonry wall. While staff was comfortable with the previous fenestration in order to distinguish these as 21st century additions, the proposed revisions are still subtly distinguished from the windows on the original house by a soldier course brick header in lieu of stone, slightly different proportions for the openings, and by different muntin

patterns with larger panes of glass. The applicant has also proposed an alternative for the east wall of the bicycle workshop garage that eliminates the windows and substitutes a 2 ¾" recess in the masonry wall with a vertical trellis screen. Staff believes that this alternative is softer and relates better to the garden setting than the two punched windows.

8. *Concern about the appearance and unclear about the locations of the decorative brick work, including the stack bond framing the windows.*

The applicant has eliminated all of the previous stack bond masonry at the window openings and shows a simple running bond throughout.

Staff also notes that the applicant has responded to a BAR member suggestion at the previous meeting to move the existing parking pad farther from South Lee Street and to partially screen it from the street with planting, masonry garden walls and sliding gates.

Staff believes that the applicant has been fully responsive to the BAR's comments at the December 19, 2018 hearing. For the reasons discussed above, staff recommends approval of the application with the conditions noted on the first page of the report.

STAFF

Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

Legend: C- code requirement R- recommendation S- suggestion F- finding

The following department comments are carried forward from the previous report:

Zoning

- C-1 Section 8-200(C)(5) requires all access to parking in the Old and Historic District to be provided from an alley or interior court. Until recently the double gate was blocked with trees and shrubbery. Until recently only a walkway from the sidewalk to the gate was present. There is no evidence that access to parking has been provide from Franklin in recent years. Any access to parking that may have existed in the past has been abandoned.
- C-2 Complies. Page 22 of revised drawings confirms only one kitchen is proposed.
- C-3 The west yard facing South Fairfax Street is a third front yard on the property, not a rear yard. (previously not labeled, but now labeled incorrectly as Franklin Street.) Please label with Fairfax Street on all site plans. Section 7-103(A) does not permit accessory structures to be located forward of the front building line, except those listed in 7-202(A). The pool and sheds are not permitted to be located forward of the front building line/wall and do not comply with zoning.
- C-4 Preliminary Review of FAR and open space complies. Final review will be done at time of the building permit review.

Code Administration

- C-1 A building permit, plan review and inspections are required prior to the start of construction.

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)
- 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)

Alexandria Archaeology

- F-1 According to *Historic Alexandria, Virginia, Street by Street* by Ethelyn Cox, the house on this lot was constructed around 1800 by Thomas Vowell, Jr., a prominent merchant. When it was advertised for sale in 1817, the lot included a covered way, pantry, large kitchen, smoke house, brick stable and carriage house. Edgar Snowden, editor and owner of the *Alexandria Gazette*, purchased the property in 1842. In the 20th century, it served as the

residence of Hugo Black, Justice of the U.S. Supreme Court. The property has the potential to yield archaeological resources into residential life in Alexandria during the late 18th and 19th centuries.

- F-2 Because of the historical significance of the property, the applicant has agreed to hire a professional historical/archaeological consultant to conduct a Documentary Study and provide guidance for any potential archaeological investigations that might follow. Alexandria Archaeology will be assisting the consultant as the project moves forward.
- R*1 The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R*2 The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
- R*3 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-4 The statements in archaeology conditions above marked with an asterisk “*” shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

V. ATTACHMENTS

1 – *Supplemental Materials*

2 – *Revised Application for BAR #2018-00410 & BAR #2018-00411 – 619 S. Lee St*

3 – *December 19, 2018 staff report and minutes*



**BOARD OF ARCHITECTURAL REVIEW
OLD AND HISTORIC ALEXANDRIA DISTRICT**

**RESTUDY ITEMS SUBMISSION
FOR THE VOWELL-SNOWDEN-BLACK HOUSE
FROM DECEMBER 19, 2018 BAR MEETING**

**619 S. LEE ST.
ALEXANDRIA, VA**

SUBMISSION: JANUARY 15, 2019

MEMO

619 S LEE STREET | ALEXANDRIA, VA

At the December 19, 2018, Board of Architectural Review meeting, the Board asked the applicant to restudy and review a number of items. Below is an outline of the areas that were reviewed and restudied, the work that was performed and the Applicant / Owner preference requests.

RESTUDY & REVIEW ITEMS & RESPONSES

1. Concern was expressed that the fenestration of the South Lee Street elevations should reflect a more traditional solid -void relationship of punched windows in the facades facing South Lee Street of the kitchen addition and the bike workshop garage addition.

The applicant has restudied the facades along South Lee Street and is proposing a more traditional solid-void punched window condition in the kitchen addition and the bike workshop garage as shown on sheet 9. As an alternate, the applicant requests that the BAR also please consider retaining (approving) the more simplified recessed brick panel with a planted grillage at the bike workshop facade facing South Lee Street.

2. Study the 600 block of South Lee Street to help inform the solid - void facade studies.

The applicant has restudied the 600 block extensively and has included a montage of the 600 block of South Lee Street to illustrate the facades studied. Please see sheet 6.

3. There are some concerns with the appropriateness of the hip roof form on the additions - are there examples of hip roof out buildings and additions in Alexandria and the region?

There are numerous examples of historic hip roof outbuildings and newer additions in Alexandria that illustrate the appropriateness of hip roofs as illustrated on sheets 4 & 5. Additionally, we have included outbuildings from Mount Vernon and the region to further illustrate the use of hip roofs on sheets 3 & 5.

4. Some concerns were expressed about the decorative brick work such as the stacked bond surrounding the central windows on the additions facing South Lee Street.

In response to the concerns raised related to the brick detailing, the applicant has removed the stacked bond on the facades facing South Lee Street and the gardens and we are proposing a simplified running bond brick pattern with no stacked bond. Please see sheets 9 & 10 .

5. There was a request to restudy and revise the sloped roof over the stair at the clerestory windows on the south side of the kitchen addition to remove the flat roof condition.

The sloped roof over the stair at the kitchen addition has been revised as requested and discussed and the flat roof area has been removed. Please see sheets 7 – 10.

6. There was also a request to study the use of a gable roof form on the additions including along and facing South Lee Street.

As requested, we studied the use of gable form roofs on 1) all the additions, 2) the kitchen addition and bike workshop garage addition and 3) the kitchen addition only. These gable roof study drawings are seen on sheets 15 – 22. After the restudy, the applicant requests keeping the hip roof conditions on all of the additions. This is preferred by the applicant (owner) and the architect.

7. There was a request to study a revision of the north driveway two car parking pad at the street to create a single drive aisle with areas of increased planting along the street and locate the two car parking pad further back into the site behind a wall and gate.

The applicant restudied the north driveway layout and agrees that the requested change is an improvement to the house-garden-driveway condition and the South Lee Street streetscape. The proposed new increased planting areas and reduced drive aisle with relocated parking pad are shown on sheets 12-14.

HIPPED ROOF PRECEDENT

619 S LEE STREET | ALEXANDRIA, VA



A CHRIST CHURCH, ALEXANDRIA, VA



B CHRIST CHURCH, ALEXANDRIA, VA



C GEORGE WASHINGTON'S GREENHOUSE, MOUNT VERNON, VA

HIPPED ROOF PRECEDENT - OUTBUILDINGS + ADDITIONS

619 S LEE STREET | ALEXANDRIA, VA



D 515 CAMERON STREET



E NORTH SAINT ASAPH ST & CAMERON ST



F 515 CAMERON STREET



G 311 SOUTH SAINT ASAPH STREET



H 200 DUKE STREET



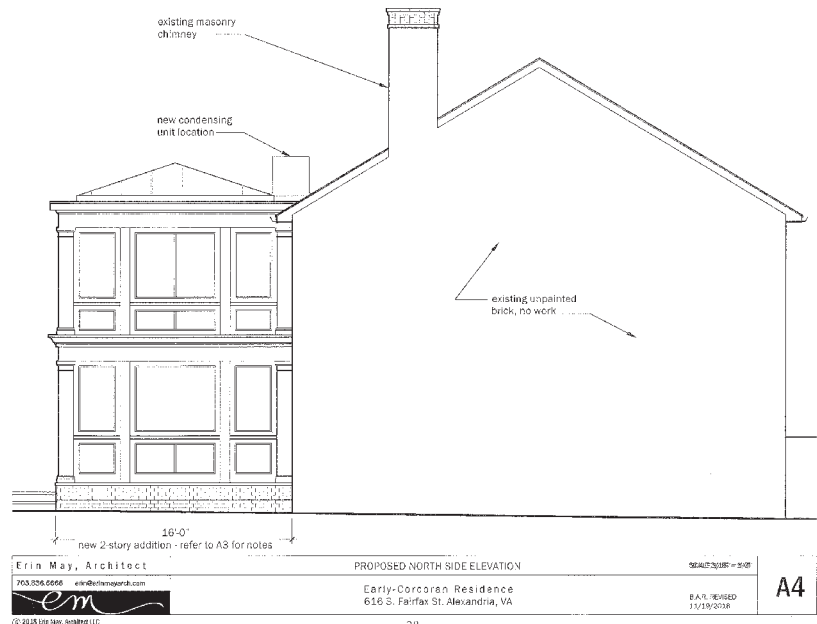
I SWIFTS ALLEY

HIPPED ROOF PRECEDENT - OUTBUILDINGS + ADDITIONS

619 S LEE STREET | ALEXANDRIA, VA



J 207 PRINCE STREET



K 616 SOUTH FAIRFAX STREET



L MOUNT VERNON ESTATE



M WILLIAMSBURG, VIRGINIA



N WILLIAMSBURG, VIRGINIA



P WILLIAMSBURG, VIRGINIA

600 BLOCK SOUTH LEE STREET MONTAGES

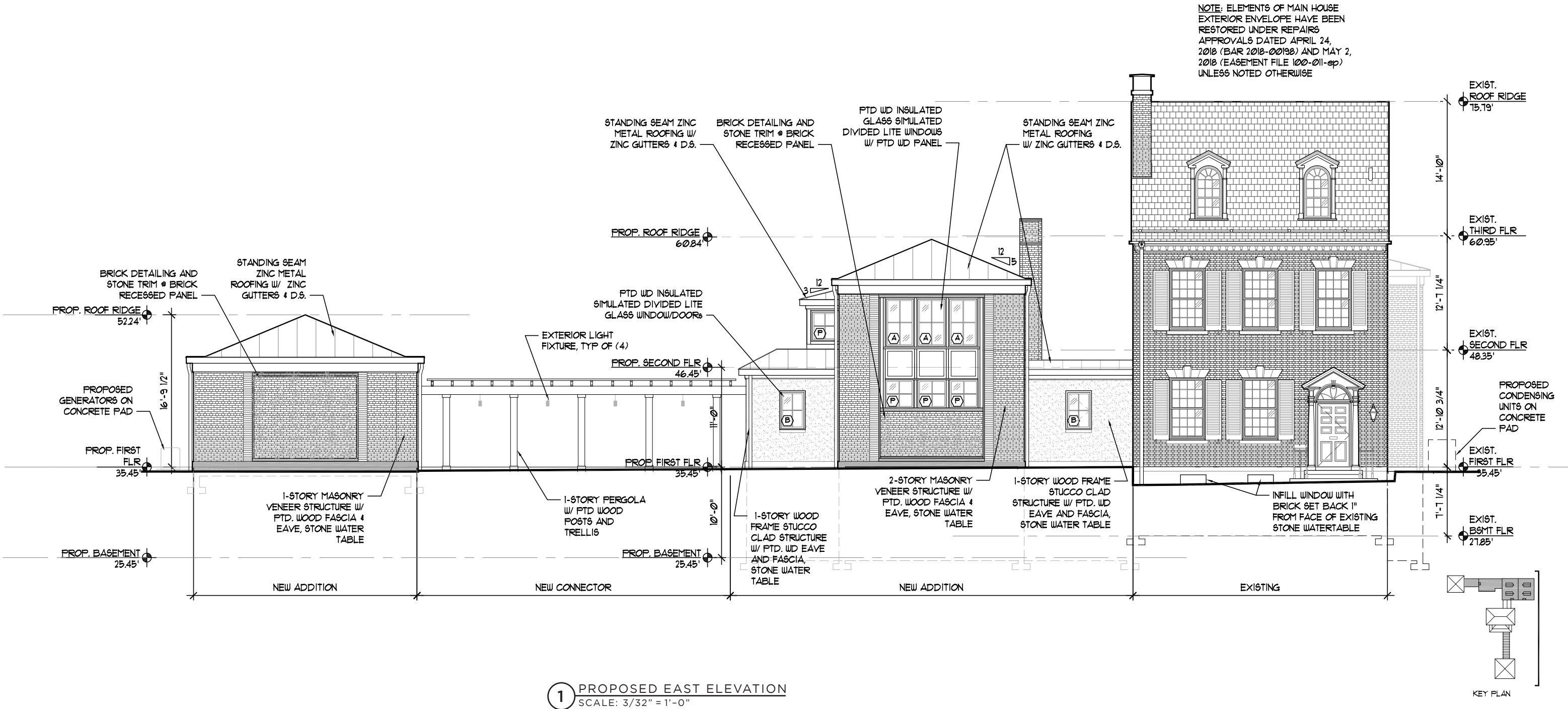
619 S LEE STREET | ALEXANDRIA, VA



STUDY OF TRADITIONAL SOLID/VOID RELATIONSHIPS OF FACADES

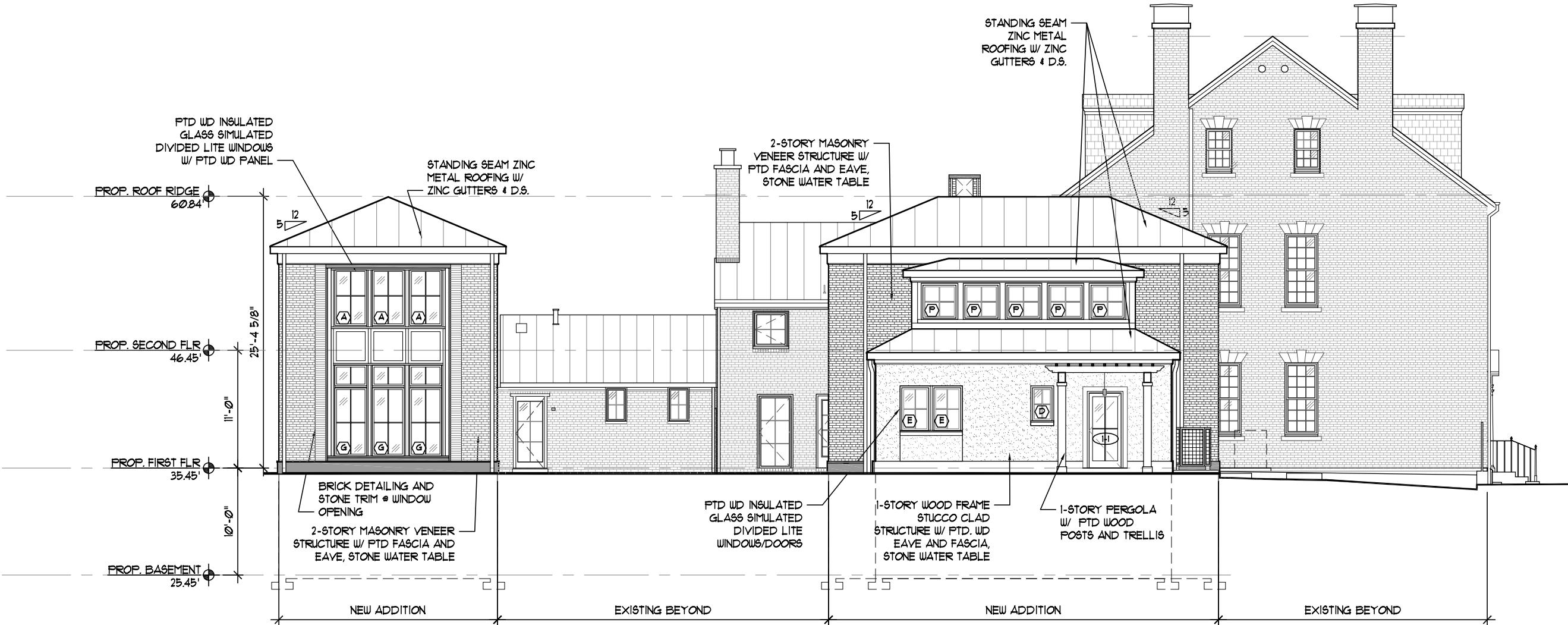
PROPOSED EAST ELEVATION - REVIEWED AT DECEMBER 19, 2018 BAR HEARING

619 S LEE STREET | ALEXANDRIA, VA



PROPOSED SOUTH ELEVATION - REVIEWED AT DECEMBER 19, 2018 BAR HEARING

619 S LEE STREET | ALEXANDRIA, VA

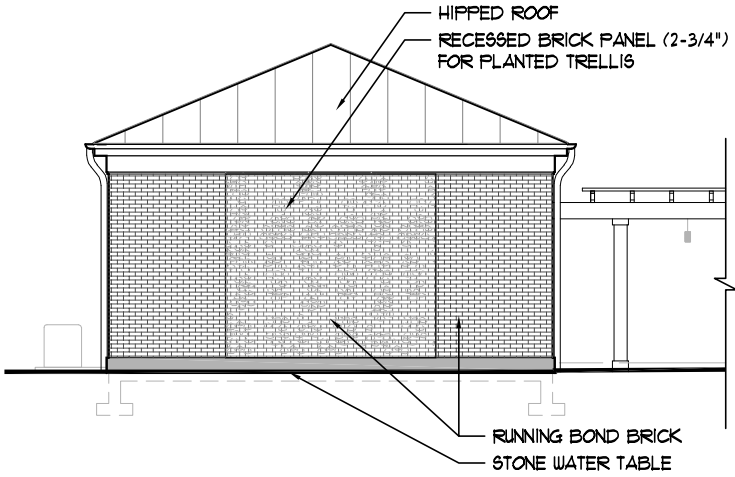


1 PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

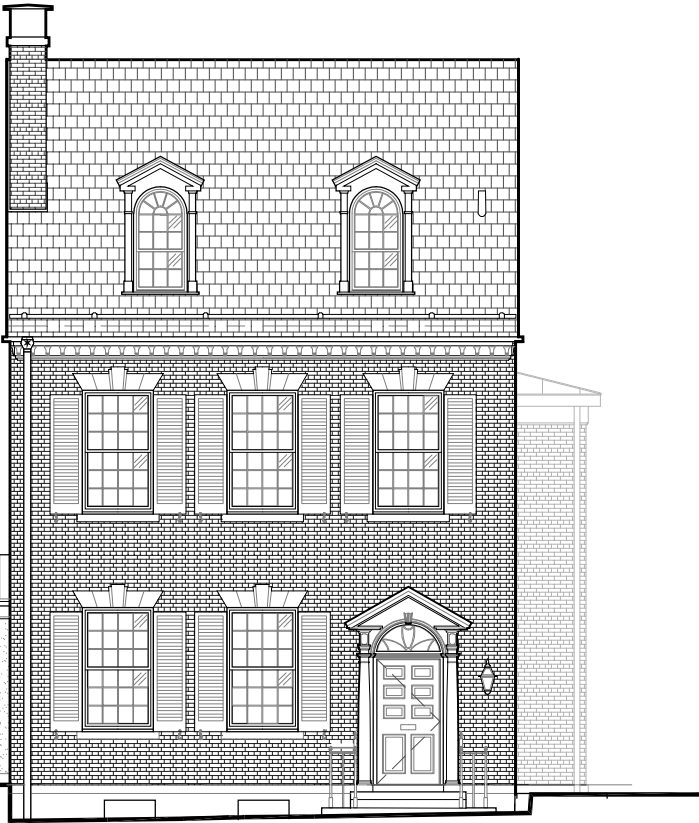
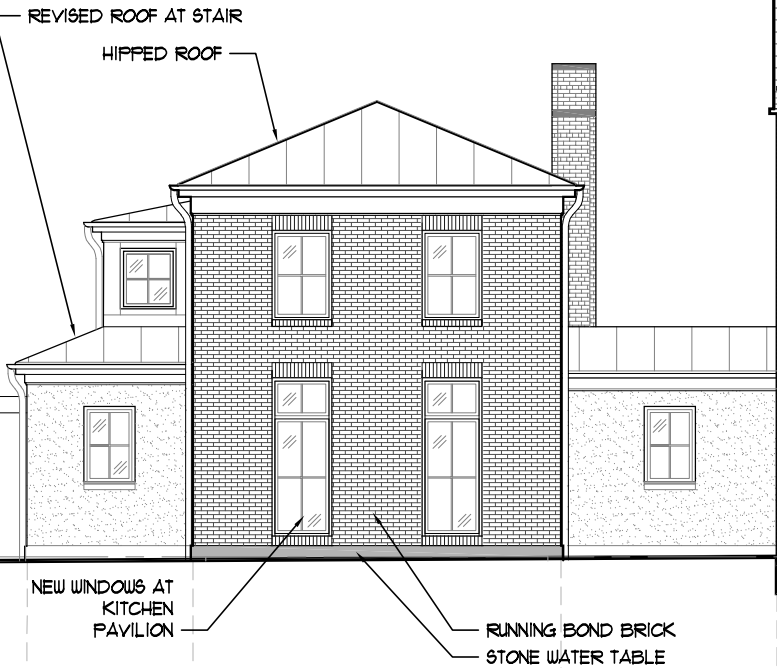
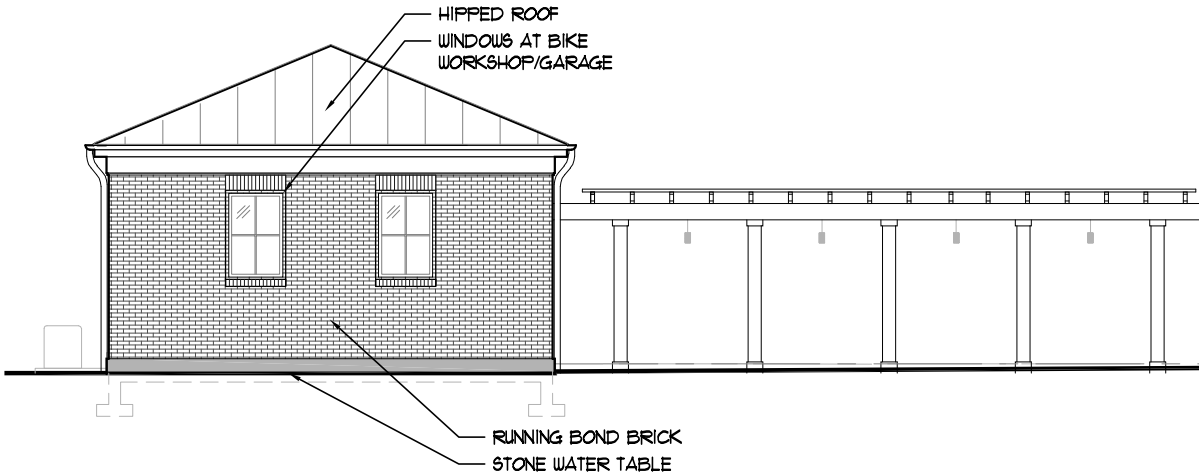
EAST ELEVATION - RESTUDY (HIPPED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

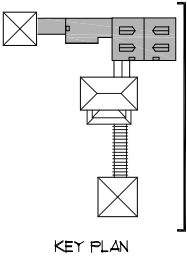
PREFERRED BY OWNER



ALTERNATE BIKE WORKSHOP/GARAGE FACADE



ADDITION REVISION NOTE:
ALL WINDOWS AND TRIM TO BE OFF-WHITE
INSTEAD OF DARK GREEN PAINT



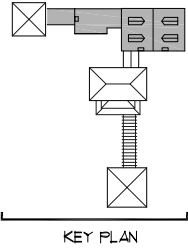
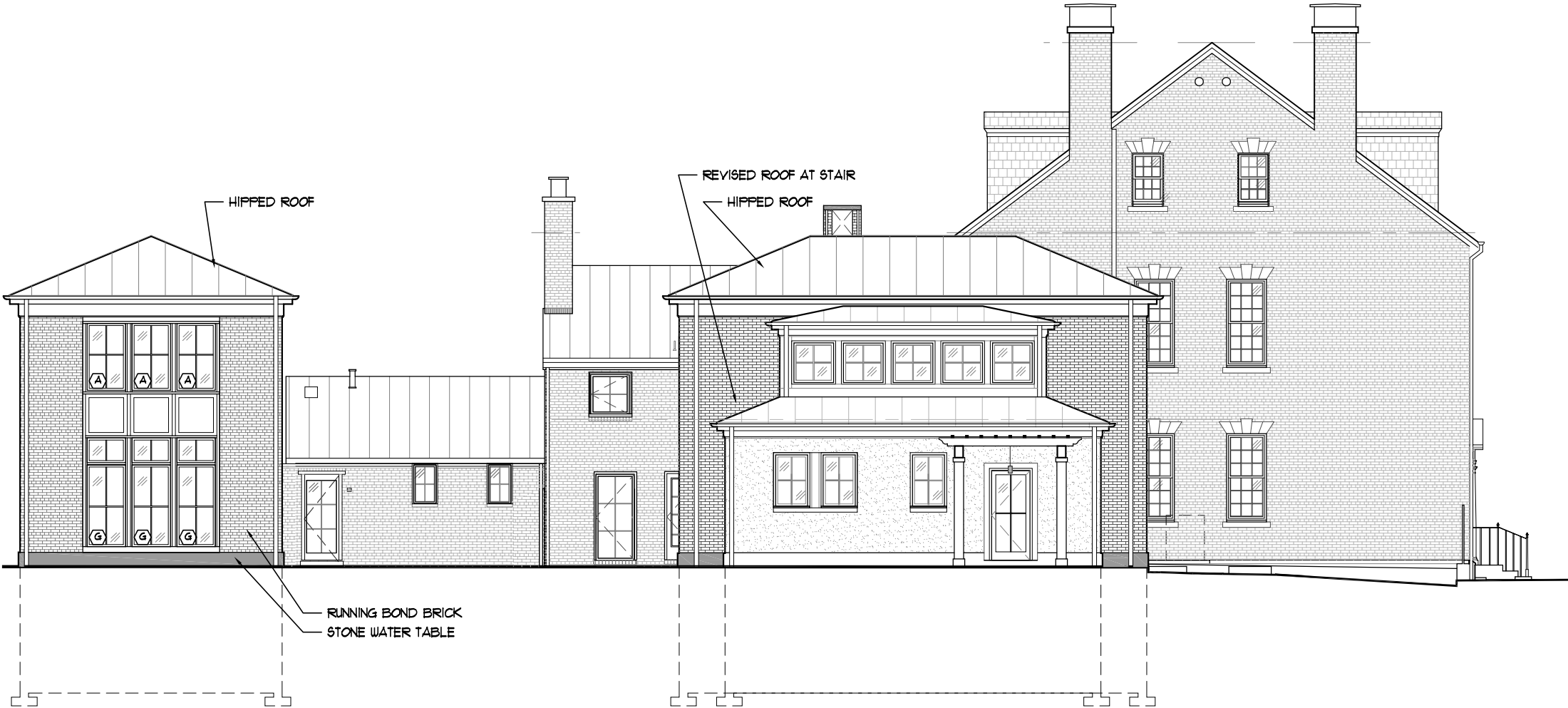
1 PROPOSED EAST ELEVATION
SCALE: 3/32" = 1'-0"

SOUTH ELEVATION - RESTUDY (HIPPED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

PREFERRED BY OWNER

ADDITION REVISION NOTE:
ALL WINDOWS AND TRIM TO BE OFF-WHITE
INSTEAD OF DARK GREEN PAINT

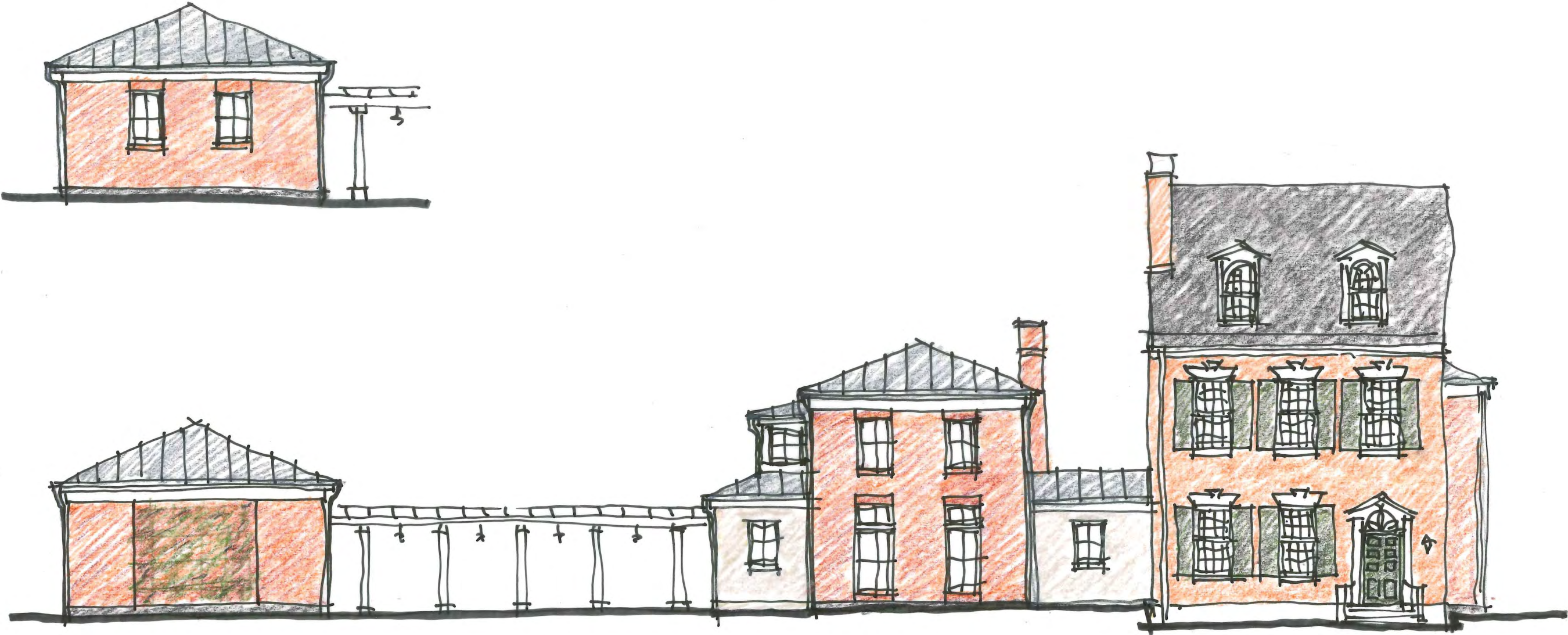


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SCALE: 3/32" = 1'-0"

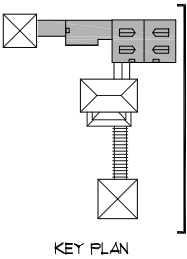
EAST ELEVATION - RESTUDY (HIPPED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

PREFERRED BY OWNER



1 EAST ELEVATION SKETCH
SCALE: 3/32" = 1'-0"

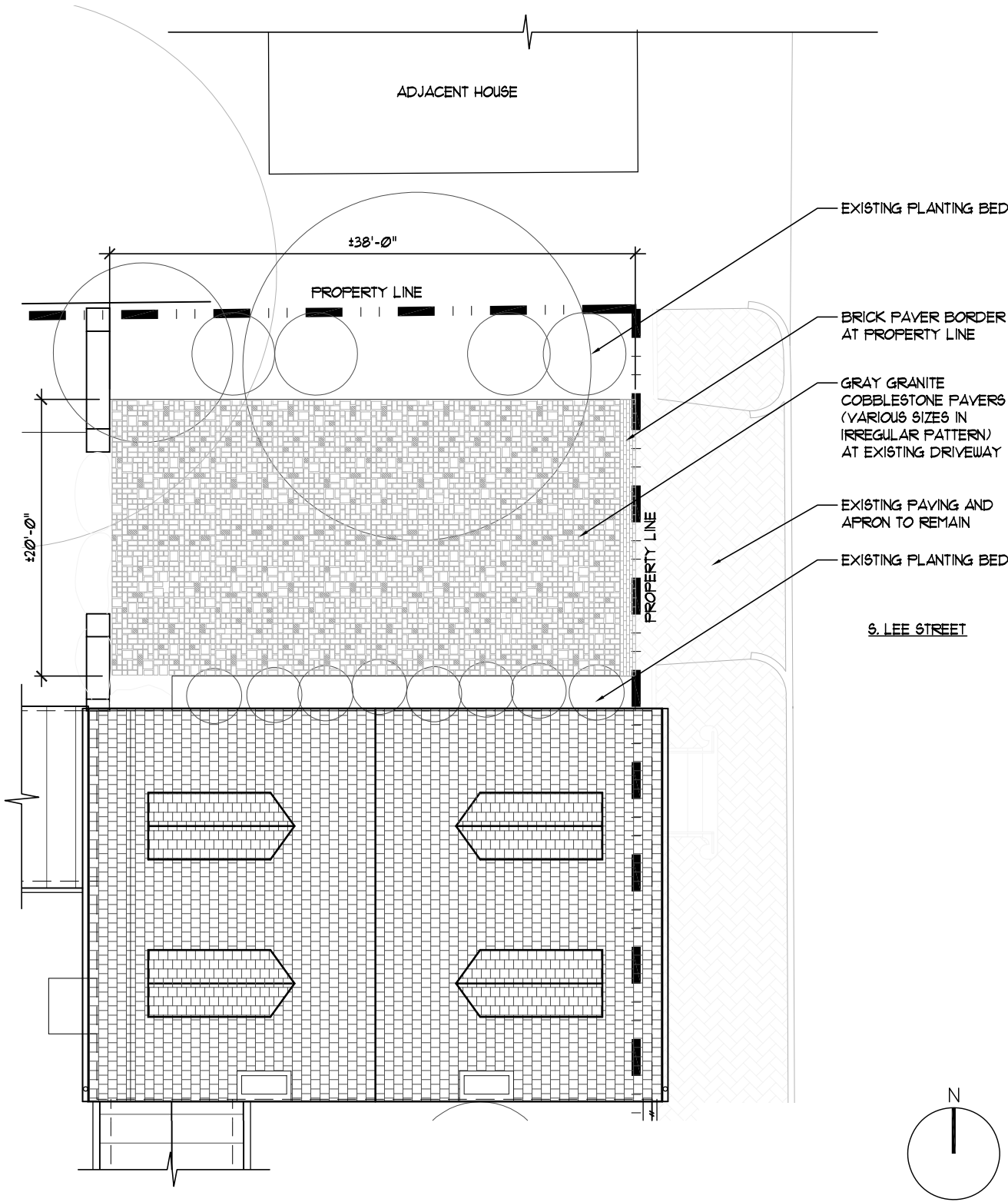


DRIVEWAY PLAN - REVIEWED AT DECEMBER 19, 2018 BAR HEARING

619 S LEE STREET | ALEXANDRIA, VA



1 EXISTING DRIVEWAY PHOTOGRAPHS (S. LEE STREET)

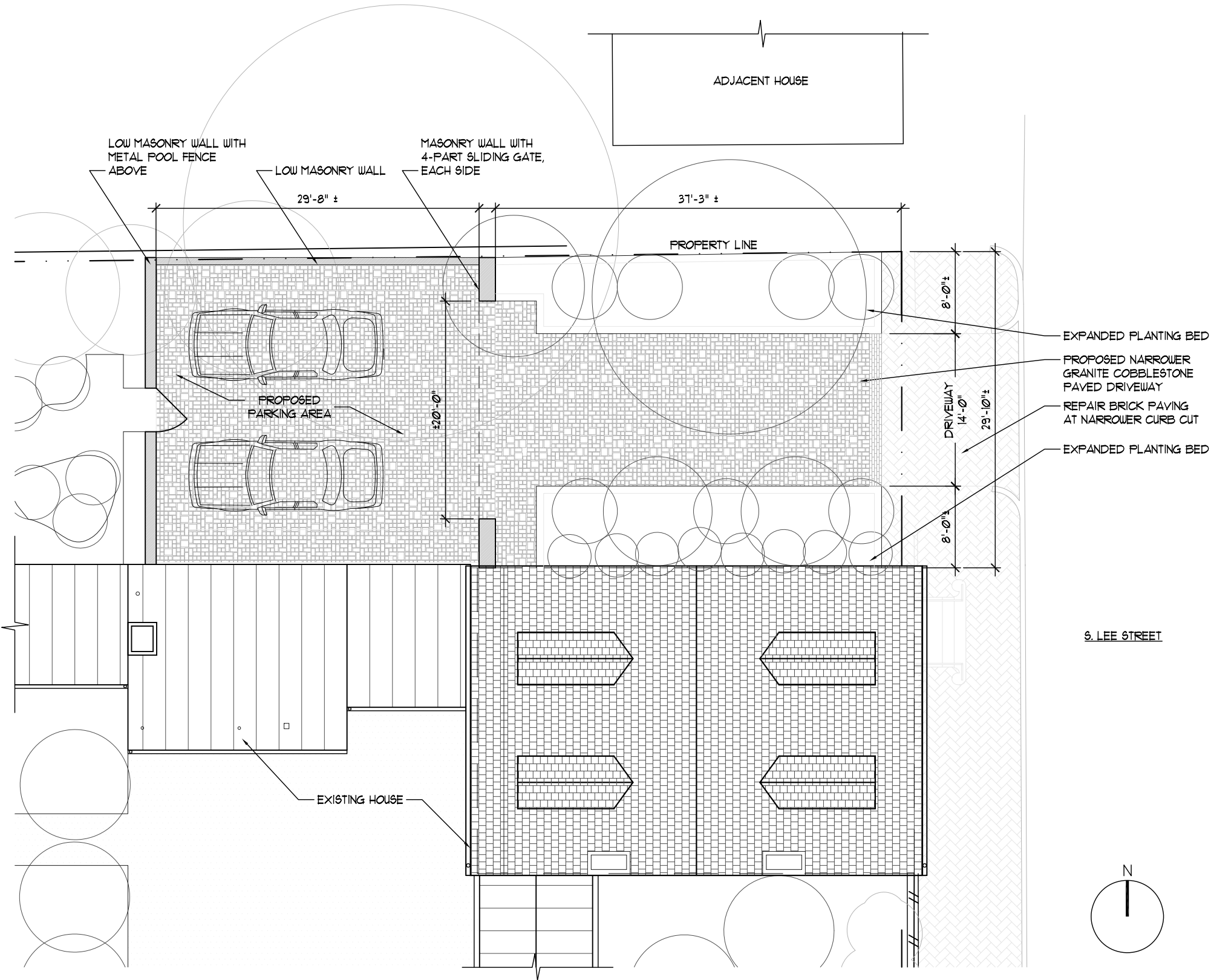


2 PROPOSED DRIVEWAY PAVING (S. LEE STREET) - DECEMBER 19, 2018
SCALE: 3/32" = 1'-0"

DRIVEWAY PLAN - RESTUDY (INCREASED PLANTING AREAS)

619 S LEE STREET | ALEXANDRIA, VA

PREFERRED BY OWNER

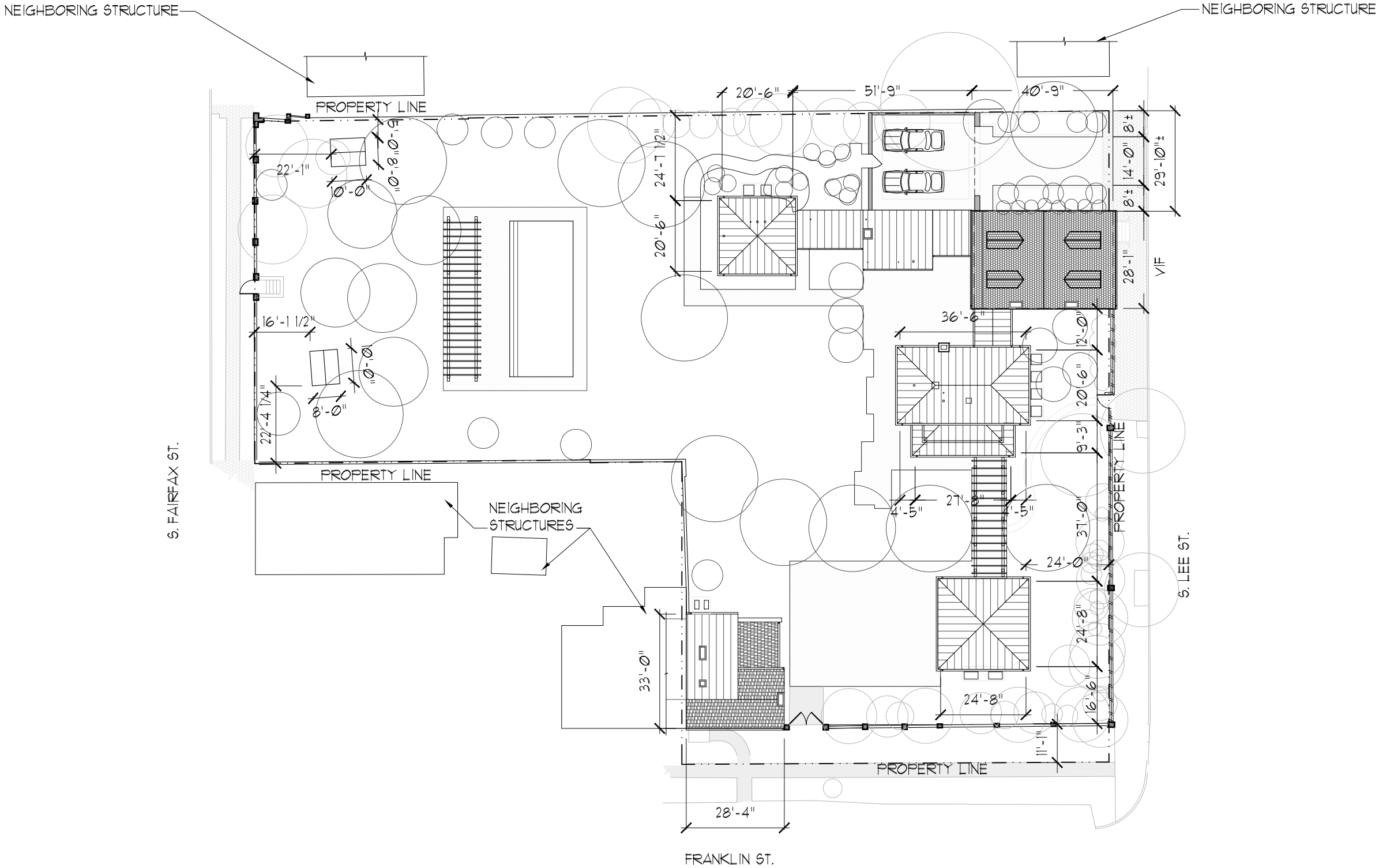


1 PROPOSED DRIVEWAY (S. LEE STREET)
SCALE: 3/32" = 1'-0"

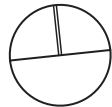
SITE PLAN - RESTUDY (INCREASED PLANTING AT DRIVEWAY)

619 S LEE STREET | ALEXANDRIA, VA

PREFERRED BY OWNER



1 PROPOSED SITE PLAN
SCALE: 1/32" = 1'-0"

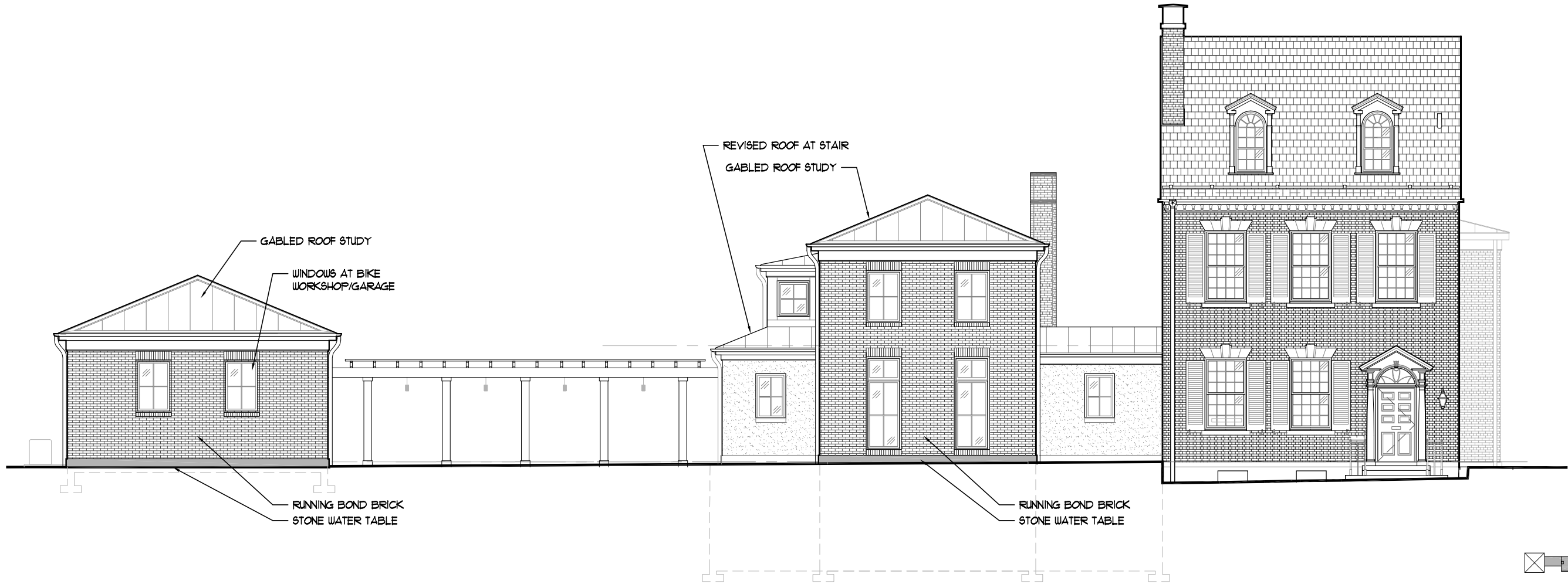


GABLED ROOF STUDIES

EAST ELEVATION - RESTUDY (GABLED ROOF, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY

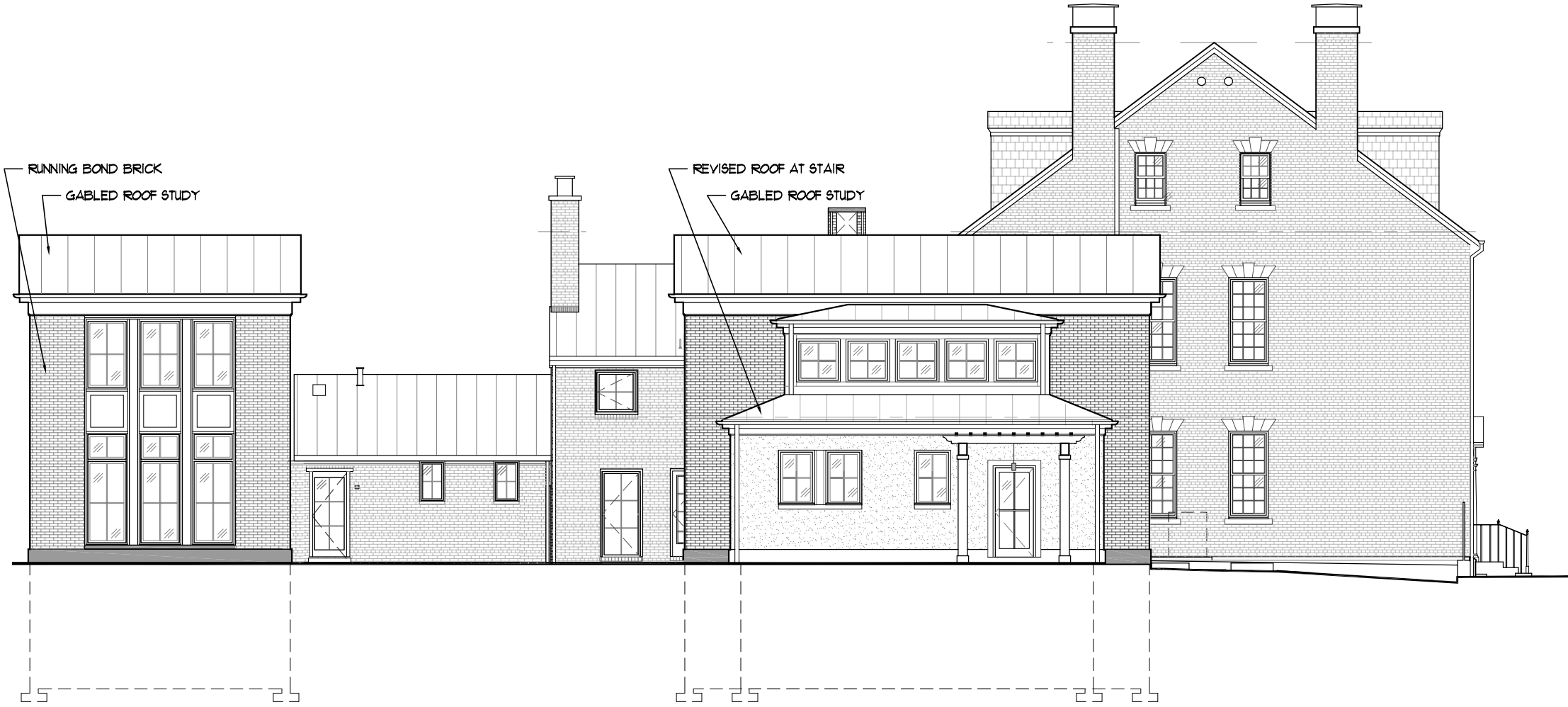


1 EAST ELEVATION - STUDY (GABLED ROOFS AT ALL ADDITIONS)
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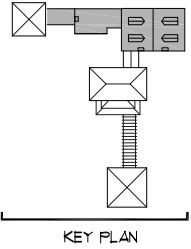
SOUTH ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY



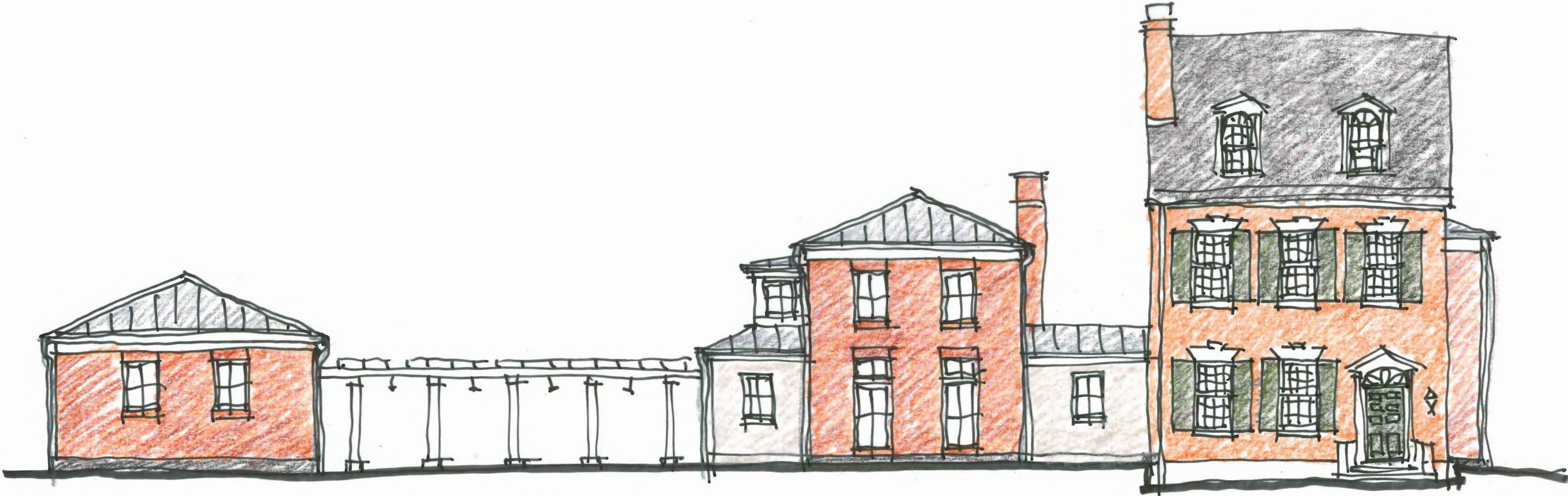
1 SOUTH ELEVATION - STUDY (GABLED ROOFS AT ALL ADDITIONS)
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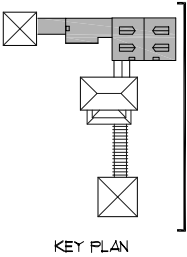
EAST ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY



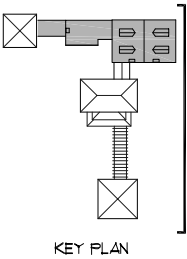
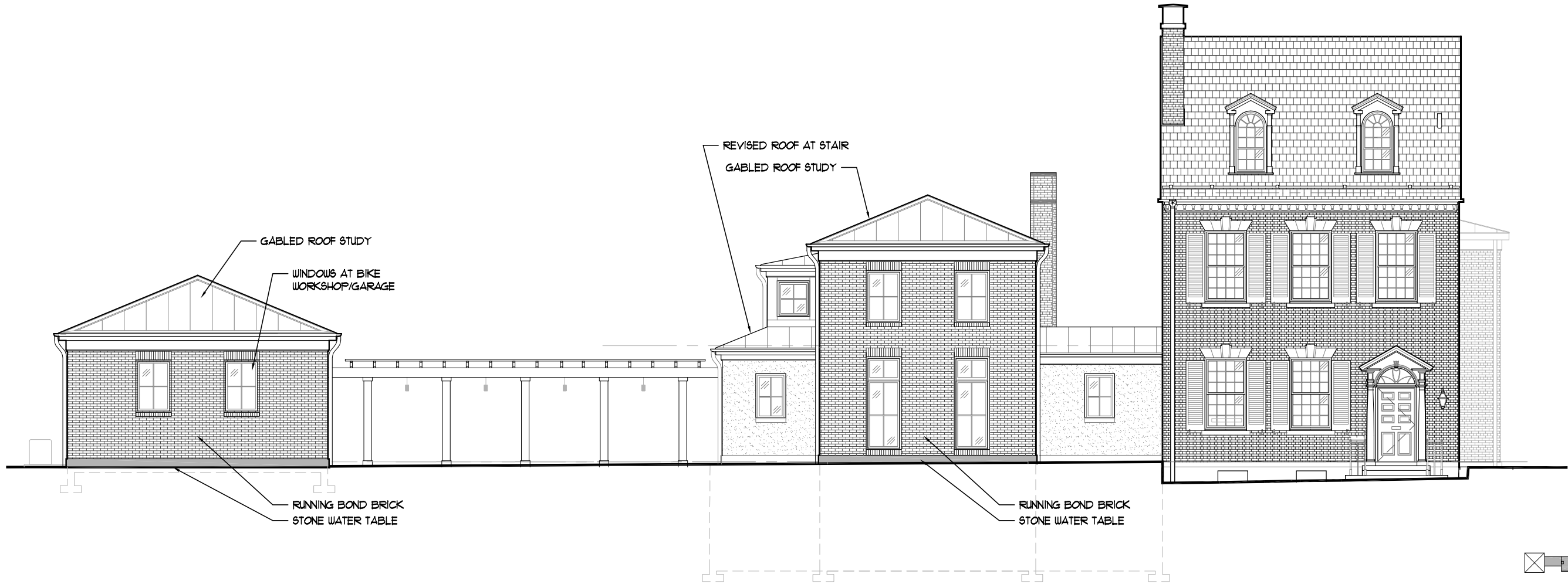
1 EAST ELEVATION SKETCH - STUDY (GABLED ROOFS AT ALL ADDITIONS)
SCALE: 3/32" = 1'-0"



EAST ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY

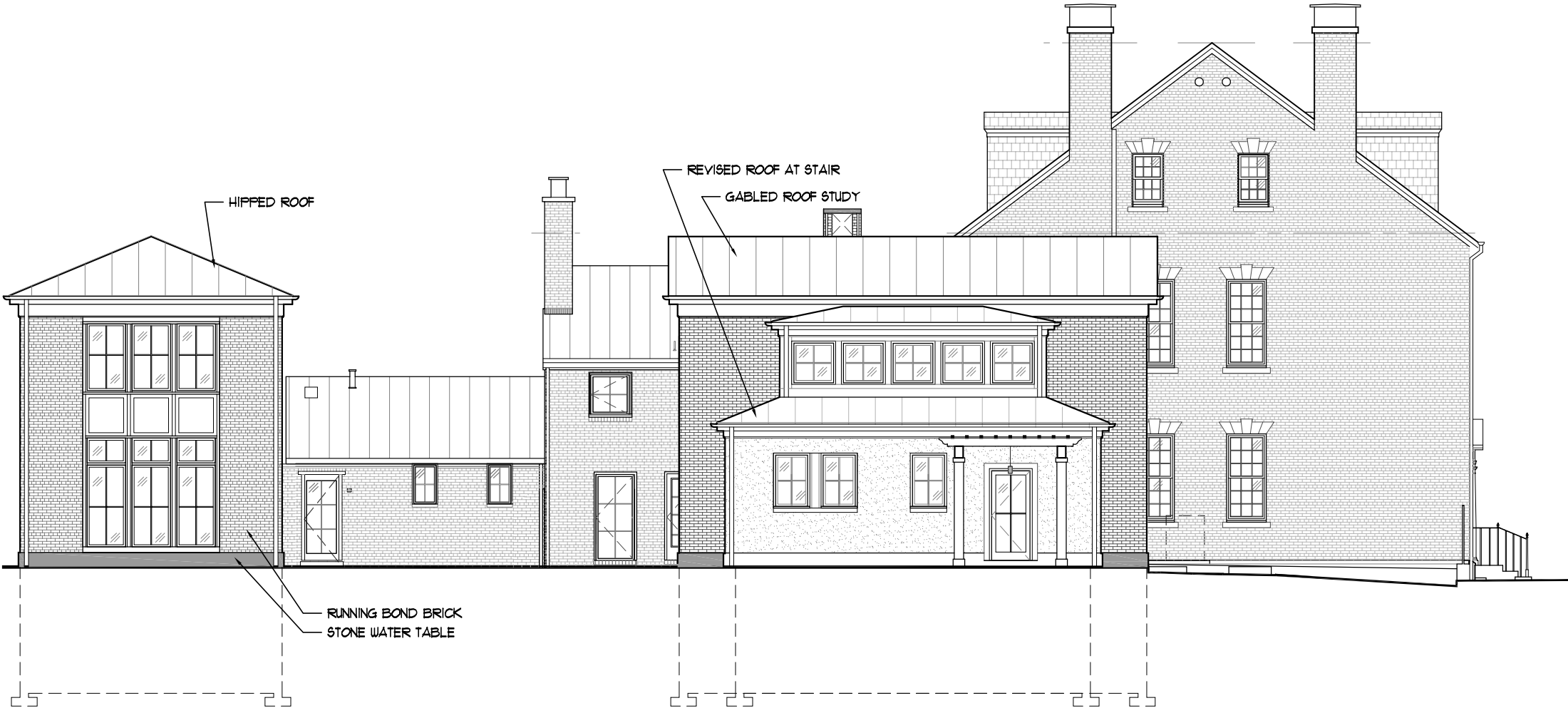


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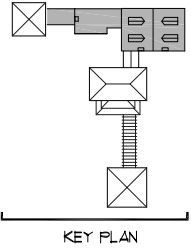
SOUTH ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY



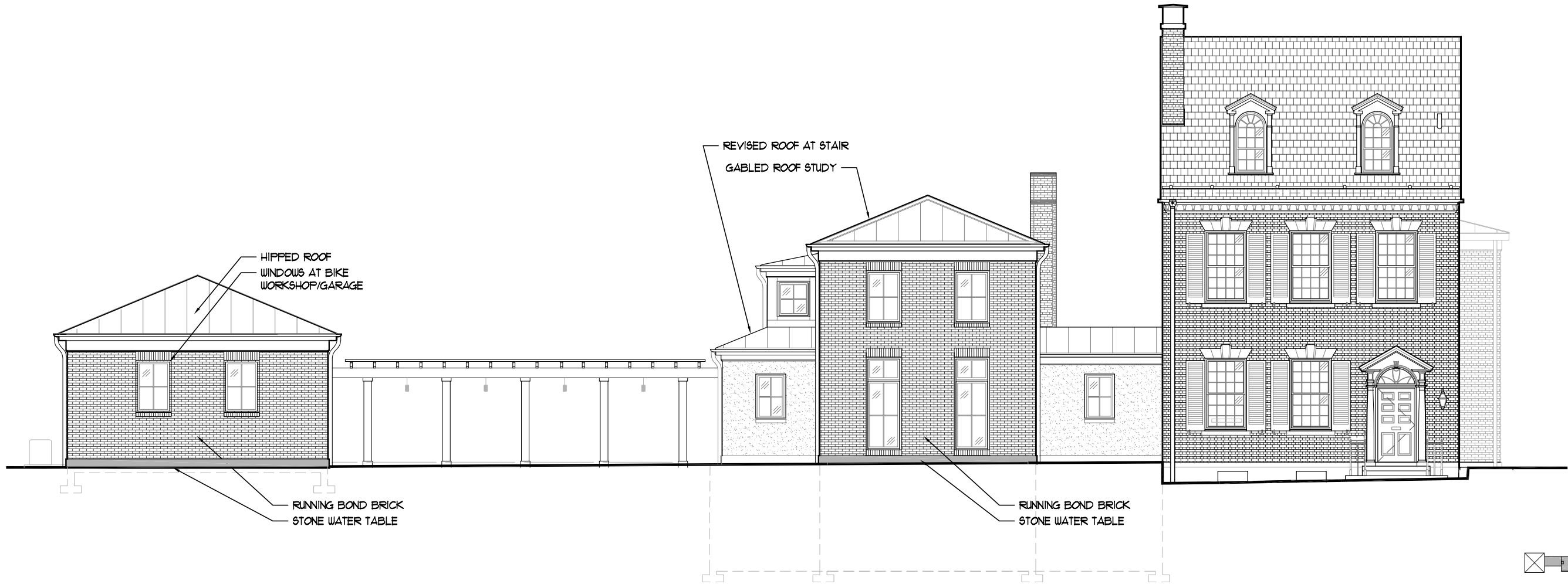
1 SOUTH ELEVATION - STUDY (GABLED ROOFS AT SOUTH LEE STREET ADDITIONS)
SCALE: 3/32" = 1'-0"



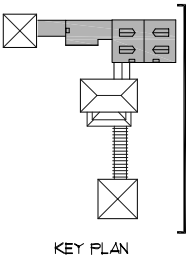
EAST ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY



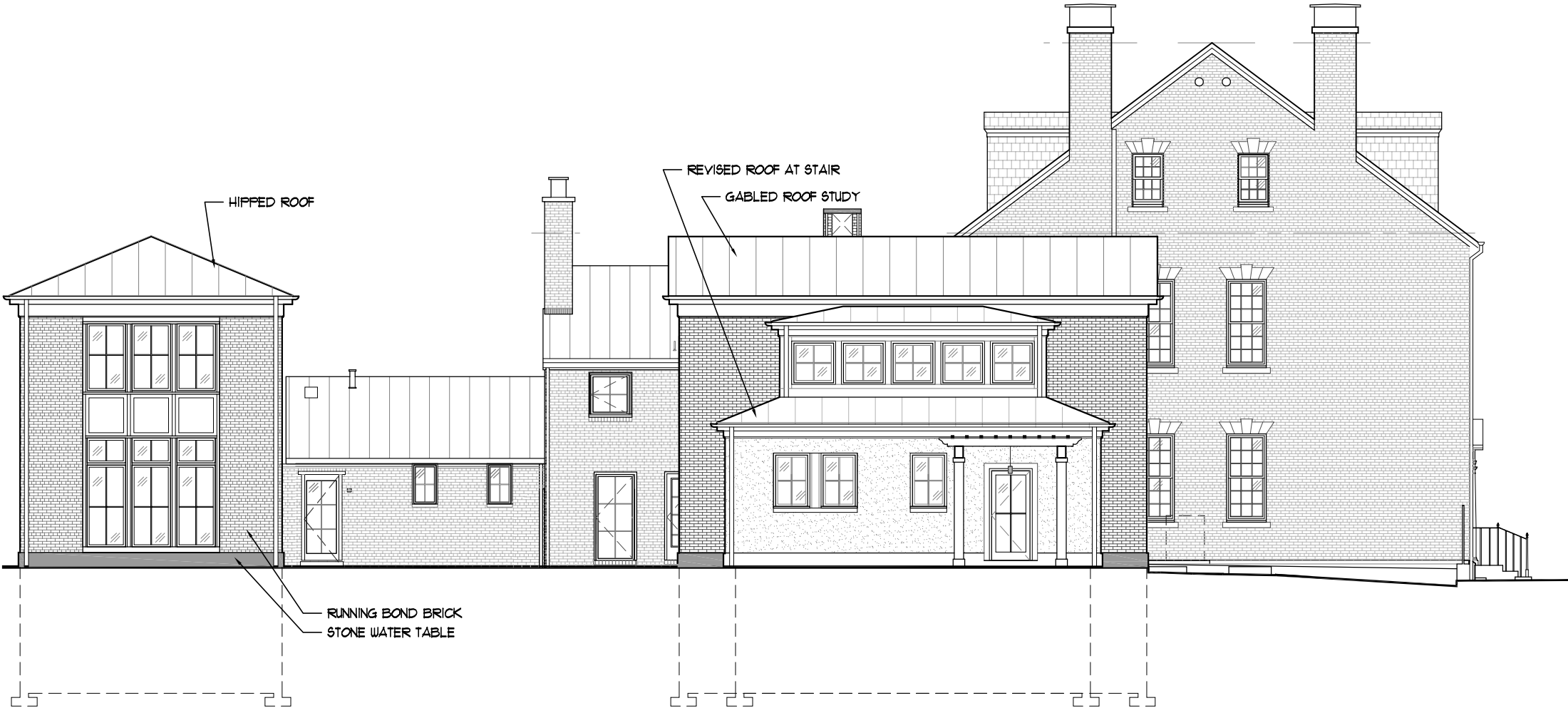
1 EAST ELEVATION - STUDY (GABLED ROOF AT KITCHEN ADDITION ONLY)
SCALE: 3/32" = 1'-0"



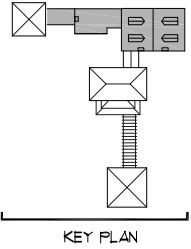
SOUTH ELEVATION - RESTUDY (GABLED ROOFS, WINDOWS, & STAIR ROOF)

619 S LEE STREET | ALEXANDRIA, VA

STUDY



1 SOUTH ELEVATION - STUDY (GABLED ROOF AT KITCHEN ADDITION ONLY)
SCALE: 3/32" = 1'-0"





Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

February 1, 2019

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:

We are writing to follow-up on our prior submissions both to bring additional information to the attention to the Board regarding the Hugo Black House development and to respond to the proposed changes suggested by the applicant.

A. New Information Concerning the Landmark Status of the Property.

It was not until the publication of the Alexandria BAR Staff report on December 17, 2018, that we came to realize that neither the BAR Staff, nor, apparently, the VDHR Staff appreciated that the Hugo Black House is a certified landmark property in its own right, separate and apart from its inclusion in the Old and Historic District of Alexandria. Although we stressed this point at the December 19-20, 2018 hearing, we wish to bring to the Board's attention additional information concerning this important fact, and stress why this separate designation by the Virginia Historic Landmark Commission ("VHLC" now the Department of Historic Resources "VDHR") needs to be recognized and incorporated into the Board's decision. This would include the recognition that the period of Hugo Black's residence is the primary period of historical significance the BAR is charged with preserving.

Under current state law:

B. For the purposes of this chapter, ***designation by the Board of Historic Resources*** shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) ***to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and cultural significance into account in their planning, the local government comprehensive plan, and their decision making.*** Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

Va. Code Ann. § 10.1-2204 (emphasis added). Consistent with the requirements of the Certified Local Government law and regulations, 54 U.S.C. § 3025, et seq.; 36 C.F.R., Part 61, the City of Alexandria requires the BAR to take this designation into account in its decision making. See Alex. Zoning Ord. § 10-105(A)(2)(c) (“the impact on the historic setting”), (g) (“The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city.”).

On December 30, 1969 the Hugo Black House was designated by the VHLC as a certified landmark. Deed Book 704, Page 494-95. The VHLC designation was in furtherance of its statutory 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); see 3 Former Va. Code Ann. § 10-138 (1973 Repl. Vol.); accord Va. Code § 10.1-2204(A)(1). ***That Landmark designation was a necessary predicate for the Commission to obtain the easement on this property.*** 1966 VA. Acts Ch. 632 § 8; Former Va. Code Ann. § 10-142 (1973 Repl. Vol.). Such a designation is separate and apart from the VDHR’s duty to prepare and publish a register of landmark property. 1966 Va. Acts. Ch. 632, § 4(b); Former Va. Code § 10-138(b); Va. Code § 10.1-2202(7) (current).

The Landmark designation was also a necessary predicate for the substantial tax relief the property has enjoyed for nearly 50 years, and its recognition by the tax assessment office confirms the City’s recognition of the landmark status. In 1969 when the Black easement was recorded, the statute provided that

In any case in which the Commission ***designates a structure or site as a certified landmark***, it shall notify the official having the power to make assessments of properties for purposes of taxation within the ... city in which the structure or site is located ***and such designation*** and notification shall be, prima facie, evidence that the value of such property for commercial, residential or other purposes is reduced by reason of its designation.

1966 Va. Acts Ch. 632 § 5 (emphasis added); Former Va. Code § 10-139 (1973 Repl. Vol.); see Va. Code § 10.1-2207 & 58.1-3205 (current Code). Similarly, Section 8 of the statute creating the VHLC provided that:

§ 8. Whenever the Commission, with the consent of the landowner, ***certifies property as being a registered landmark***, it may seek and obtain from such landowner such restrictions upon the use of the property as the Commission finds are reasonable and ***calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark***. All such agreements ... shall be in writing, and when duly signed, shall be recorded in the clerk's office of the ... city wherein deeds are admitted to record and when so recorded shall be notification to tax assessing officials of the restrictions set forth. Such restrictions shall be observed by the tax assessing officials of such ... city in placing a lower valuation upon such property in future assessments or reassessments of real estate.

1966 Va. Acts. Ch. 632, § 8 (emphasis added); Former Va. Code § 10-142 (1973 Repl. Vol.); see Va. Code § 10.1-2207 (current law).

Because of these provisions, the tax accessors office has recognized the Landmark designation since 1970 when the assessment was reduced from a calculation based on 12 buildable lots to a single lot subject to an Open Space Land Act easement. Former Va. Code Ann. § 10-142 (1973 Repl. Vol.); see Va. Code § 10.1-2207 ("Where the Commonwealth has obtained from a landowner an easement ... so as to preserve those features which lead to the designation of that property as an historic landmark" assessments shall reflect change in market value as prescribed by Va. Code § 58.1-3205). The original reduction in the tax assessment for the Hugo Black House and property was nearly 60%. That reduction was expected to increase as the value and scarcity of the vacant land in Old Town has increased.

Lest there be any question whether the recital and the acceptance of the Easement satisfied the requirements for certification of the property as a Landmark (and the commensurate reduction of annual real estate tax assessments that the property has enjoyed as a consequence.), a review of the publicly available records should put this question to rest. It also serves to highlight the clear intent that the landmark designation — and the easement that was taken to protect that landmark resource — included the extensive gardens at the Hugo Black House.

Attached is the December 11, 1969 Memorandum from James W. Moody, Jr., the first Executive Director of the VHLC, seeking approval of the easement transaction from the members of the Commission. Mr. Moody described the genesis of the easement transaction the landmark designation as follows:

The staff has visited the house and has made an assessment of the situation. In this I was assisted by Messrs. Fishburne and Loth of our Staff, and of special help was Mr. Elbert Cox, Director of the Commission of Outdoor Recreation, whom we invited along. George Freeman, the attorney who is so skilled in matters relating to easements, was also with us.

It is the unanimous and unreserved opinion of the group that Justice Black's house has ample historical quality — past, present, and future — as well as architectural distinction. Furthermore, the space around the house is an essential element in a neighborhood where every scrap of available land supports a new townhouse, some only eighteen feet wide, with a garden to match.

Moody to VHLC (12/11/1969)(LOV MSS, Virginia State Library & Archives Office of the State Librarian, Historic Landmark Commission Corresp. & Data Files 1966-1975, Box 1)(copy attached)(emphasis added). When referencing the “present, and future” of the property, Mr. Moody was clearly referencing the significant association with Justice Hugo Black and the prominent place Justice Black already held in the History of the United States. The “future” reference was clearly to the fact that in 1969 Justice Black was still alive and serving as a Justice of the United States Supreme Court.

The record documents that Mr. Moody, provided the full Commission with the draft easement — including the Landmark certification — along with a written ballot for the Commission’s decision. The Easement was drafted by George Freeman of Hunton & Williams (who is still noted in VDHR materials as the author of the Open Space Land Act). The easement was noted as being “similar in all respects to the one the Commission holds on the Old Mansion at Bowling Green ***and its purpose is identical: to help save a fine house in an appropriate setting that contributes much to the environment.***”
Id.

The Minutes of the January 6, 1970 Meeting of the Virginia Historic Landmarks Commission show that:

Mr. Moody reported that the easement from Justice Hugo L. Black on his property at 619 South Lee Street in Alexandria was recorded on December 31, 1969. ***Permission was granted by the State Attorney General's office for Mr. Moody to sign the easement for the Commission and the transaction was approved by the Governor's office.***

VHLC Minutes (1/6/1970) at 2 (emphasis added)(LOV MSS, Virginia Historic Landmarks Commission: Minutes and Records, 1966-1973)(copy attached). As we have already pointed out, the Open Space Land Act only allowed the Virginia Historic Landmarks Commission to take such an easement on property that was a designated landmark, ***and the fact that the easement covered the entire lot — gardens as well as the house — confirms that the landmark designation was not limited to the Vowell-Snowden-***

Black House, but also included the grounds that Justice Black had assembled as open space.

B. Undue Reliance on Supposed Determinations of the VDHR

Based upon the presentations that have been made to date, we are greatly concerned that the members of the Board are under the mistaken view that the VDHR has approved the plans that are currently before the Board — including the proposed “WORKSHOP/BIKE GARAGE.” But in the absence of additional guidance from the VDHR addressing the plans that are under consideration by the BAR, they have done no such thing. That is because the December 3, 2018 letter from VDHR you provided to us before the last hearing only addresses the Cunningham Quill plans dated **October 31, 2018**. Since that predates the plans considered by the BAR, and presumably does not take into account the abandonment of the originally proposed multiple-car garage, we do not believe the BAR should assume that the workshop/bike garage with its connecting structure was necessarily approved as a matter of easement interpretation by the VDHR.

Nor do we believe the Board can or should properly rely upon the easement enforcement decisions by the VDHR to bolster the arguments in favor of the applicant’s plan as was extensively advocated during the prior hearing. The VDHR’s easement considerations are expressly different from the preservation tasks assigned to the BAR by the City Charter and the Zoning Ordinance. Indeed, we believe that the staff of the VDHR would be shocked to learn that their easement decisions formed any basis for an approval of demolition or certificate of appropriateness by the BAR. To the contrary, under the regime established under the National Historic Preservation Act, 54 U.S.C. § 3025, et seq.; 36 C.F.R., Part 61, the BAR is the historic preservation review commission charged with the protection of historic properties. Nowhere in the Zoning Ordinance or the Board’s Design Guidelines is a VDHR easement approval identified as a consideration to be given any weight whatsoever. This is especially so when there is nothing in the record before the BAR to determine what analysis was indeed undertaken by the VDHR and the reasons for their preliminary decisions.

Contrary to the argument that the VDHR easement approval should be taken as that agency’s blessing of the project, the BAR should assume that the VDHR is counting on the local BAR to exercise independent judgment and control in preserving this historic Landmark within the City.

C. Preservation of the Historic Curve.

We recognize that at the December 19-20, 2018 hearing, several Board members indicated that they were leaning toward approval of demolition of the historic curve on the property. But the full Board was not present at that meeting. And in some member’s remarks it appeared that significant weight was being given to the prior approval of the demolition of the curve by VDHR, notwithstanding the new information that was

developed by the BAR staff review of the site, and the additional information provided by HAF.

But in giving deference to the VDHR assessment of the proposed demolition, the Board is losing sight of the fact that VDHR did not have the new information showing that the curve is an historic feature of the property. In fact, the VDHR approval was based on the uncorrected representation that the curve was not historic. Previously VDHR has opined that the curve ***“cannot be removed without documentation to substantiate it as a non-historic feature.”*** Letter from Megan Melinat and Elizabeth Tune to Michael Harrington (8/5/2014)(emphasis added), *citing* Department of the Interior Standard 4. 36 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.”).

Because whatever indications of approval that have been given by VDHR preceded the Alexandria BAR Staff’s documentation in its report — first published on December 17, 2018 based on field work performed on December 13, 2018 — that the curve is indeed a historic feature of the property dating back well into the 19th Century, the Board should not base its own approval of the demolition on the assumption that VDHR staff have given the matter full consideration based on complete information.

In short, the VDHR approvals, such as they are, were provided without the benefit of Mr. Cox’s on-site inspection and verification of the historic nature of the curve. It was provided without the benefit of the Staff recommendation to deny the demolition. And it should provide no basis for justifying the demolition of this distinctive historic feature of the Hugo Black House.

We are, moreover, extremely concerned about the precedent being set by the Board with such a prominent decision to allow the demolition of this historic structure in large part because it has been inadequately maintained or because of the supposed difficulty in maintaining it. Those are neither criteria established in the Zoning Ordinance or your design guidelines and run counter to local, national and international standards for historic preservation. Design Guidelines, Demolition of Existing Structures at 1 (“It is the policy of the Boards that absolute minimum demolition of an existing structure should take place.”); 36 C.F.R. § 68.3(a)(1)-(6), (b)(1)-(6), (9)-(10)(Secretary of the Department of Interior Standards); International Charter for the Conservation and restoration of Monuments, “Venice Charter” Art. 11 (1964)(“The valid contributions of all periods to the building of a monument must be respected”).

It has been noted by some that to a modern architectural eye the curve is an unsuccessful treatment of the problem of attaching the original kitchen dependency to the main house. But architectural “mistakes” are important components of the history of a building. Indeed, many “mistakes” become defining elements of a site.

D. Comments on the Proposed Revisions.

Unfortunately, the proposed revisions do not address any of the overarching concerns with the plans that HAF, HARC, Old Town Civic Association, the Alexandria Association, the Northern Virginia Conservation Council, and others concerning the scale, mass and design of these extensive additions to the property.

We do not regard the examples of hipped roof treatments to be found in old town either representative or helpful to the Board's consideration because the presentation appears to demonstrate more the unusual occurrence of this treatment in Old Town than otherwise. The examples from Williamsburg or the country estate of Mount Vernon are, of course, irrelevant in this context.

While the addition of windows to the east front of the "WORKSHOP/BIKE GARAGE" (no elevation is provided for the southern front of this building) do at least break up the blank wall previously proposed, it does not change the fact that this unnecessary structure, which cannot fulfill the originally conceived function as a "garage" will disrupt the Landmark open space. Nor is there any necessity or architectural desirability for the one story "Pergola" connecting the kitchen "pavilion" to what is no longer a "garage". Retention of this feature only emphasizes the obstruction to the Landmark open space to no purpose.

The montages of the 600 Block of South Lee Street simply reinforce the point that was expressed by some members of the Board that the proposed plans are not in keeping with the street scape and neighborhood of Old Town in general and the 600 Block on South Lee Street in particular. Even the revised window treatments proposed are out of keeping with the neighborhood.

Given the prominence of this proposed project the Board should be careful and conscious of the precedents it will be setting in this approval process. No doubt we will see the extensive additions being made to this landmark property cited over and over again in the future to justify the replication of each feature approved here as being suitable everywhere in the historic district.

* * *

Al Cox
February 1, 2019
Page 8

For the foregoing reasons, we continue to urge the BAR to deny the application to demolish the "curve" and deny the application for the proposed additions to the Landmark Hugo Black House and grounds.

Respectfully submitted,

Historic Alexandria Foundation



By: _____
John Thorpe Richards, Jr.
Member of the Board

cc. Duncan Blair

Enclosures: As Stated

COMMONWEALTH OF VIRGINIA



MEMBERS

STANLEY W. ABBOTT
EDWARD P. ALEXANDER
MRS. BENJAMIN P. ALSOP
RANDOLPH W. CHURCH
FREDERICK HERMAN
JOHN M. JENNINGS
FREDERICK D. NICHOLS
WILLIAM R. SEWARD
MARVIN M. SUTHERLAND

VIRGINIA HISTORIC LANDMARKS
COMMISSION

ROOM 1106
NINTH STREET STATE OFFICE BUILDING
RICHMOND, VIRGINIA 23219
TELEPHONE: 770.3143

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COLONIAL WILLIAMSBURG
WILLIAMSBURG, VIRGINIA 23185

JOHN M. JENNINGS, VICE CHAIRMAN
VIRGINIA HISTORICAL SOCIETY
RICHMOND, VIRGINIA 23221

JAMES W. MOODY, JR.
EXECUTIVE DIRECTOR

December 11, 1969

To: Commission Members

From: James W. Moody, Jr., Executive Director

Subject: Residence of Justice Hugo Black, Alexandria

You will recall that at the December meeting I mentioned the possibility that Supreme Court Justice Hugo Black would offer the Commission an open space/historic easement on his Alexandria home which occupies slightly less than an acre at the corner of Lee and Franklin Streets.

The staff has visited the house and has made an assessment of the situation. In this I was assisted by Messrs. Fishburne and Loth of our staff, and of especial help was Mr. Elbert Cox, Director of the Commission of Outdoor Recreation, whom we invited along. George Freeman, the attorney who is so skilled in matters relating to easements, was also with us.

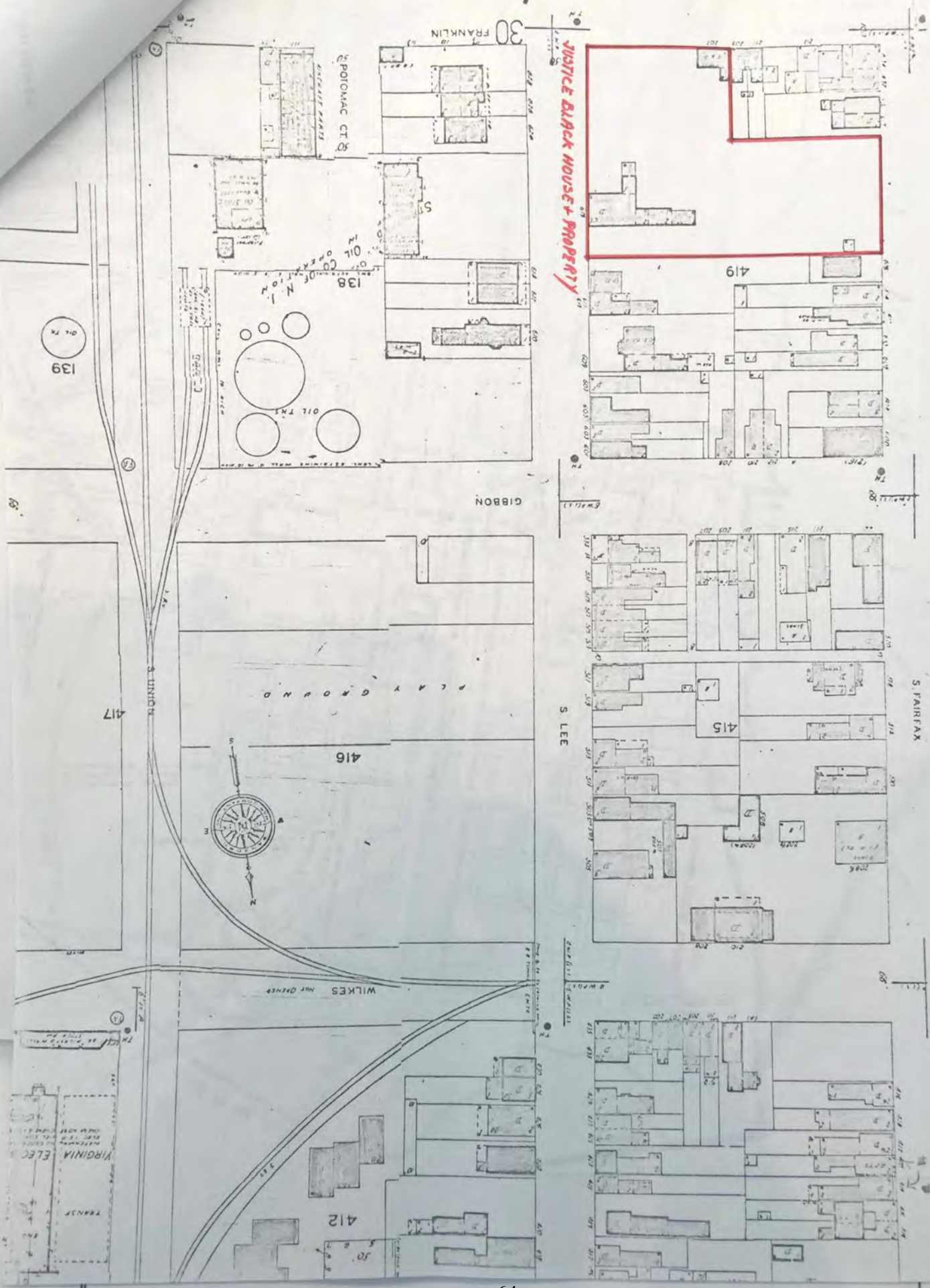
It is the unanimous and unreserved opinion of the group that Justice Black's house has ample historical quality - past, present, and future - as well as architectural distinction. Furthermore, the space around the house is an essential element in a neighborhood where every scrap of available land supports a new townhouse, some only eighteen feet wide, with a garden to match.

I am enclosing some photographs which will help you envision the house and setting, as well as other material you will find useful, including the proposed easement. I do this so that you will be good enough to give me your opinion on the proposed easement. Justice Black would like to consummate the matter before the end of the year and if it should be your pleasure to accommodate him in this regard we will not have the chance to discuss it at a regular meeting.

You will note that the proposed easement is similar in all respects to the one the Commission holds on the Old Mansion at Bowling Green and its purpose is identical: to help save a fine house in an appropriate setting that contributes much to the environment.

I enclose a ballot for your convenience and ask that you return it to me quickly. If you have any questions, please call me.

JWM:aw
Enclosures



JUSTICE BLACK HOUSE + PROPERTY

700 EAST MAIN STREET

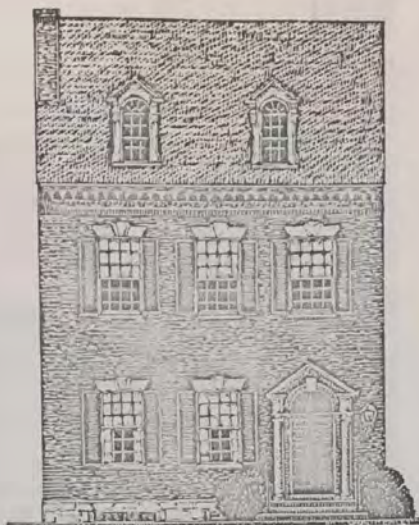
P. O. Box 1535

RICHMOND, VIRGINIA 28212

CITY LIMITS, THE
77' LIMIT FOLLOWS
HEIGHT DISTRICT
NO. 1 BOUNDARY
LINE.



2100



Chapter 22

The Vowell-Snowden House*

Presently the residence of Mr. Justice and Mrs. Hugo L. Black, this house has been known in Alexandria for about a hundred years as the Snowden home; and so it was from 1842 to 1912 when it passed from the hands of that family.

The Snowdens have long been prominent in the old town. Samuel Snowden became sole owner and editor of the *Alexandria Gazette* in 1800, a paper that traces its ancestry back to 1784, and boasts of being the oldest daily newspaper printed continuously, still in circulation in the United States. Edgar Snowden succeeded his father as editor, at the age of twenty-one years. Active in civic affairs, interested in politics, he was the first representative of Alexandria to the Virginia Assembly after the retrocession of Alexandria to Virginia in 1846. He ran for Congress on the Whig ticket when Henry Clay was defeated for the Presidency and went down with his party.

He was mayor of Alexandria in 1841, and Mrs. Powell states in her *History of Old Alexandria* that in a collection of silhouettes in London is one of "Edgar Snowden, Mayor of Alexandria."

Snowden married Louisa Grymes of the prominent family of Grymesby, Brandon, and Marmion on the Rappahannock. From this union there were three sons, Edgar, Jr., Harold and Herbert, "each of whom in turn upheld the traditions and honor of the old paper."¹

*619 South Lee Street.

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The Vowell-Snowden House. The widow's walk is missing

Edgar Snowden purchased the Lee and Franklin Streets property from Lawrence B. Taylor, who had the house from Thomas Vowell Jr. In a deed granted August 29, 1798, William Thornton Alexander and Lucy, his wife, let this property with all houses, buildings, streets, lanes, alleys, and so on, to Thomas Vowell Jr., for the yearly ground rent of \$61.66. The fact is cited that William Thornton Alexander had the property from his father, John Alexander. In 1802 Thomas Vowell was released from this obligation upon payment of £200.

In 1826, in a deed of trust, the house is referred to specifically as a two-story brick dwelling, with other buildings and improvements. There is doubt as to whether the present house was built by Alexander or by Vowell. William Thornton Alexander mentions in the deed of 1798, "all houses, buildings, streets, lanes, alleys, Etc." The front of the house is a typical federal house, hardly earlier than 1790 to 1798, and similar to the New City Hotel, built in 1792. The doorway is almost a replica of the doorway taken from the tavern to the Metropolitan Museum of Art and since restored. The transom above the entrance door, in a deeply recessed arch, is interesting in design. The unusual cornice excites attention.

Thomas Vowell, in partnership with his brother, John, operated for a long while a successful mercantile business. The firm of John & Thomas Vowell owned a large wharf on the east side of Union between Prince and King Streets and sent out its own ships to the far corners of the earth, advertising its wares upon their return. George Washington ran an account with the Vowells and receipts preserved at Mount Vernon tell of purchases made by James Anderson, his manager. One of Anderson's dockets, dating from 1798, reaffirms in the inscription the age-old system of barter, "For Lint seed Sold them & Salt in Exchange." Lean and hard times were Thomas Vowell's lot. He overreached himself in speculation—buying and selling property until "by reasons of losses and misfortunes in trade" we find him mortgaging his warehouse and wharf, even his house; finally he was forced to part with his home.

Thomas Vowell's first wife, Mary Harper, died in 1805, aged twenty-three years, and was buried in the old Presbyterian meetinghouse graveyard. She was the daughter of Captain John Harper; her sister, Margaret, married Thomas Vowell's brother, John. The graves of the two sisters lie near the north wall of the church, while their father's remains rest within.

The Vowell-Snowden house, in splendid condition, stands flush with the street, surrounded by a half-acre of garden, defying the elements as well as the hand of time. Much of the fine woodwork has been removed or destroyed, but the perfect proportion of the rooms is indestructible. The hall arch and stairway remain untouched and convey some idea of the former beauty of the woodwork and elegance of the house.

There are people still living in Alexandria who as children played on the "Widow's" or "Captain's Walk" that formerly topped the old mansion. A magnificent view up and down the Potomac River could be had from that vantage spot, long since disappeared.

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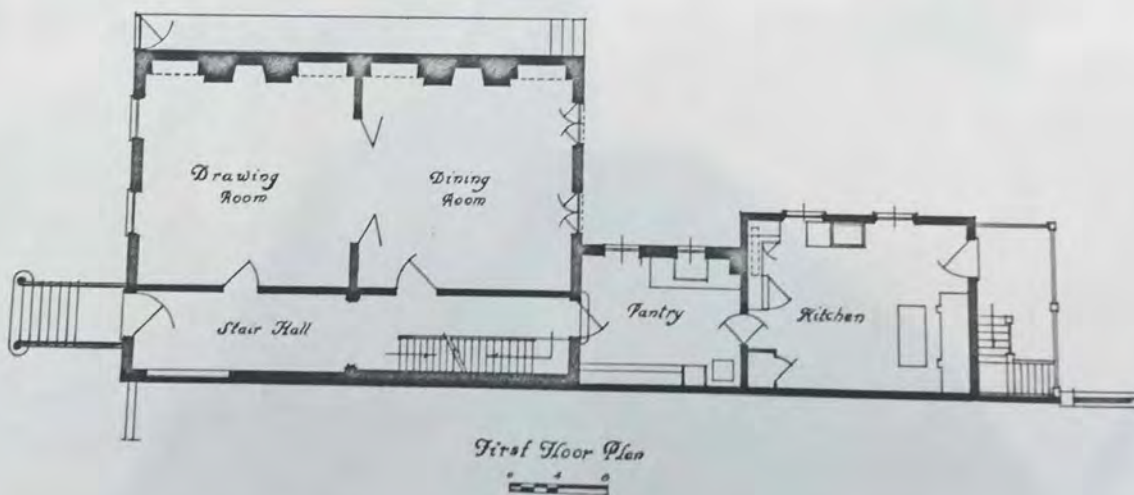
THE SNOWDEN HOUSE

Circa 1790

611 South Lee Street

Known as the Snowden House after the family which occupied it for ninety-seven years of its long existence, this fine Georgian structure was built long before their ownership. It is not known which of the Alexanders built the house, but John Alexander gave the property to his son, William Thornton Alexander, who sold it to Thomas Vowell on August 29, 1798. It later came into the possession of the Snowdens.

The massive and dignified doorway is surmounted by a pediment, and the facade cornice is unusual and of fine workmanship. Although the original mantels have been replaced, the other details of the interior trim attest to the original elegance of the structure. The kitchen was once completely separated from the house and was later joined by a brick "bridge" between the two buildings, as illustrated on page 114. That the kitchens were very frequently separate outbuildings is indicated by the fact that often when this dependency was joined to the main house the ell fell directly behind the dining room or parlor, rather than to the rear of the hall—thus forcing a servant going from the rear of the house to pass through the dining room, or parlor, in order to reach the front door. The garden of the Snowden House is lovely and it once had an unusually fine view up and down the Potomac.



Typical first floor plan of the ell type house



Virginia Historic Landmarks Commission

Minutes and records, 1966-1973

Accession 38625

Box 1 of 1

LIBRARY OF VIRGINIA, RECORDS MANAGEMENT



B1149500

Minutes of Historic Landmarks Commission - January 6, 1970



The Commission met in the Ninth Street State Office Building on Tuesday, January 6, 1970, at 10:30 A. M. The following members were present: Dr. Edward P. Alexander, Chairman, Mrs. Benjamin P. Alsop, Dr. Frederick Herman, Mr. John M. Jennings, Mr. Frederick D. Nichols, and Mr. William R. Seward. Absent: Mr. Stanley W. Abbott, Mr. Randolph W. Church, and Mr. Marvin M. Sutherland. Also present: Mr. James W. Moody, Jr., Executive Director, and Mr. J. R. Fishburne, Assistant Director.

The minutes of the meeting of December 2, 1969 were approved as distributed by mail.

On motion of Mr. Jennings, seconded by Mrs. Alsop, the Commission's balance sheet as of December 31, 1969 was approved and is attached to these minutes as Appendix I.

Mr. Moody reported that the Commission in fiscal 1970 will receive \$49,272.31 from the Federal Government under the National Historic Preservation Act, which is the largest single grant to any state.

Mr. Fishburne reported that publication of the HABS catalog has been delayed because Mr. Brown Morton of the HABS office, who was working in the northern part of the state, was seriously injured in an automobile accident. The Commission staff will complete his portion of the field work, and Mr. Morton plans to do the editorial work while recovering. It is now hoped that the manuscript can be completed by June, 1970.

Mr. Moody referred to the request from Historic Fredericksburg for \$25,000 to assist in the rehabilitation of the Old Stone Warehouse. Mr. Moody, Mr. Fishburne, and Mr. Loth have visited the warehouse and found it in very bad condition. The staff recognizes the need for funds to stabilize and protect the building and hopes that a sufficient sum can be had from the City and HUD. However, the staff sees a greater

need in Fredericksburg for a comprehensive study of the historic potential of the entire historic area of the City, and would support a request for \$25,000 for such a purpose.

Mr. Moody reported that he had received replies from all of the U. S. Senators and Congressmen except one concerning the west front of the U. S. Capitol, and eight of them were in hearty agreement with the Commission's desire to see to it that this part of the Capitol is restored, and three acknowledged receipt of the letter with thanks. (Since the meeting a reply has been received from the other Congressman, who acknowledged with thanks the views of the Commission.)

Mr. Fishburne reported that the staff is working on a rough draft of the Progress Report of the Commission, which will include the 201 sites and structures on the Virginia Landmarks Register, as well as introductory material.

Mr. Moody reported that the easement from Justice Hugo L. Black on his property at 619 South Lee Street in Alexandria was recorded on December 31, 1969. Permission was granted by the State Attorney General's office for Mr. Moody to sign the easement for the Commission and the transaction was approved by the Governor's office.

Mr. Moody presented a map showing Mayfield Cottage and the amount of land requested of the Hospital Board for the cottage, and also the parcel of land granted by the Hospital Board. There was a discussion on whether or not the Commission should endorse efforts on the part of Historic Petersburg to go back to the Hospital Board and again present the original request to provide a better setting for the house. On motion of Dr. Herman, seconded by Mr. Nichols, the Commission agreed to accept the parcel of land for Mayfield Cottage as proposed by the State Hospital Board. However, efforts will be made to try to obtain a twenty-foot access easement from the hospital entrance road to the Mayfield property. Also,

Mr. Moody will investigate whether or not an easement can be granted without the approval of the General Assembly.

Mr. Tucker Hill showed slides of the old post office at Charlotte Court House during its destruction, and the new post office which has replaced it. The Charlotte Court House area had been proposed as a preservation zone by the Register Committee before destruction of the old post office, but it is now believed that the character of the area has been altered to such an extent that it cannot be considered for the Register. Mr. Hill read from copies of correspondence with the U. S. Post Office Department concerning this new building. On motion of Dr. Herman, seconded by Mr. Nichols, Mr. Moody was instructed to write a letter (for Dr. Alexander's signature) to Mr. Blount, Postmaster General of the United States, outlining the hopes of the Commission that the Post Office Department will create a set of criteria which will take into consideration the environmental aesthetics, as well as the physical requirements of new post offices, in conformity with Mr. Blount's statement (which is to be quoted). It was suggested that he state that one of Virginia's outstanding architectural heritages is its court houses. Mrs. Alsop stated that a great deal can be done by planting around the new post office, and suggested that a copy of this letter be sent to the Garden Club of Virginia, asking for their cooperation in rectifying the situation.

Mr. Moody presented a letter from the Fort Henry Branch, A.P.V.A., asking for support of their request to the General Assembly for \$37,500 to complete restoration of the Farmers Bank Building in Petersburg. On motion of Dr. Herman, seconded by Mr. Nichols, the Commission agreed to support a request for \$20,000 from the General Assembly for the A.P.V.A. to complete restoration of the Farmers Bank Building in Petersburg, contingent upon the balance of the necessary funds being raised by the A.P.V.A., and with the understanding that the \$20,000, if approved by the state, be expended

for the exterior masonry work, and that other funds be used for the interior work.

Mr. Moody reported that the Commission is being offered a historic easement on "Rock Castle" in Goochland County by Mr. and Mrs. Igor Moravsky, which includes 145 acres. On motion of Mr. Nichols, seconded by Dr. Herman, the Commission agreed to accept the offer of a historic easement from Mr. and Mrs. Moravsky on "Rock Castle" in Goochland County, subject to concurrence of the Governor's office.

Mr. Moody presented a letter from the Chairman of the Restoration Committee of St. James' Episcopal Church, Accomac, requesting the support of the Commission for an appropriations bill of \$9,000 to assist in restoration of the church. On motion of Mrs. Alsop, seconded by Mr. Nichols, the Commission requested that a letter be written to the proper person stating that the Commission will reconsider the request for funds to help in the restoration of St. James' Episcopal Church at Accomac after the Commission has been informed of who is going to do the work and how the funds will be spent.

Mr. Tucker Hill presented slides of the Longwood College Alumnae House in Farmville and stated that the building is threatened by demolition. He also presented a report describing the interior and exterior of the building which emphasized its aesthetic qualities. On motion of Mr. Nichols, seconded by Dr. Herman, the Commission requested Mr. Moody to write a letter, over Dr. Alexander's signature, to the Chairman of the State Art Commission, with copies to the A.P.V.A., President Willett, and the Garden Club of Virginia, strongly supporting the preservation of the Longwood Alumnae House at Farmville. Dr. Herman suggested that a copy be sent to each member of the Art Commission.

The next meeting is tentatively scheduled for Tuesday, February 3, 1970, at 10:30 A. M.

The meeting adjourned at 12:20 P. M.

Historic Landmarks Commission
Balance Sheet
December 31, 1969

Code	Item	Appropriated	Allotted	Expended or Encumbered*	Balance of Allotment
436					
01	Maintenance and Operation	\$93,720.00	\$46,860.00	\$42,483.59	\$ 4,376.41
	(Agency Service Contracts			(23.11	
	(Other Contractual Services			(73.72	
	(Office Equipment			(56.20	
	(Office Supplies			(785.21	
				(275.00*	
	(Travel			(761.84	
	(Communication			(1,110.05	
	(Photo. Equipment			(130.58	
	(Photo. Supplies			(1,049.76	
	(Lab. Supplies			(45.02	
	(Books & Periodicals			(280.61	
				(12.46*	
	(Insurance			(10.00	
	(Rent (Xerox machine)			(851.51	
	(Dues & Subscriptions			(59.75	
	(General Repairs			(33.25	
	Personal Service				
	(Salaries			(36,725.52	
	(Wages			(200.00	
90	Gifts, Grants, Donations				
	(Federal Funds)	6,164.61	6,164.61	5,434.59	730.02
	(Travel			2,209.34	
	(Wages			3,225.25	
10	Erection of Highway Markers	2,500.00	2,500.00	693.96	1,806.04
91	Collections for Destroyed Markers	659.00	288.55	- 0 -	288.55

	Item	Appropriated	Allotted	Expended	Balance of Appropriation
910	Registered Landmarks, Sites, Easements	\$ 5,000.00	- 0 -	- 0 -	\$5,000.00
911 01	Virginia Historical Society	3,000.00	3,000.00	3,000.00	- 0 -
912 01	Confederate Museum	1,800.00	1,800.00	1,800.00	- 0 -
914 01	Stratford	25,000.00	25,000.00	25,000.00	- 0 -
915 01	Valentine Museum	12,500.00	12,500.00	12,500.00	- 0 -
922 01	Norfolk Naval Museum	50,000.00	50,000.00	50,000.00	- 0 -
924 01	Kenmore Association	10,000.00	10,000.00	10,000.00	- 0 -
936 01	Scotchtown	10,000.00	10,000.00	10,000.00	- 0 -
937 01	Woodrow Wilson Birthplace	8,500.00	8,500.00	8,500.00	- 0 -
938 01	Poe Foundation	3,100.00	3,100.00	3,100.00	- 0 -
939 01	Red Hill	15,000.00	15,000.00	15,000.00	- 0 -

Docket Item #22 & 23
BAR #2018-00410 & 2018-00411

BAR Meeting
December 19, 2018

ISSUE: Request for partial Demolition/ Capsulation and a Certificate of Appropriateness for additions and alterations

APPLICANT: Vowell LLC c/o Michael Harrington

LOCATION: 619 South Lee Street

ZONE: RM/Townhouse zone

BOARD ACTION: Deferred for Restudy, 6-0

On a motion by Mr. Adams and seconded by Mr. Sprinkle the OHAD Board of Architectural Review voted to defer BAR #2018-00410 & BAR #2018-00411, for restudy. The motion carried on a vote of 6-0.

REASON

The Board deferred the item to allow the applicant to respond to comments.

DISCUSSION

Ms. Kelley started by clarifying for the Board members and public that the Board has no jurisdiction to interpret or enforce easements and that the BAR purview is subjected to the criteria and standards in Article 10 of Alexandria's Zoning Ordinance. Ms. Kelley also asked if staff knew why the Virginia Department of Historic Resources (VDHR) did not respond to the speaker's request for a meeting. Mr. Cox explained that he had met with one of the state's representatives at the site to inspect ongoing roofing and masonry restoration work but did not discuss the easement and that this was a question for the VDHR.

Mr. Sprinkle thanked the architect for the presentation, the public speakers for coming forward, and the property owners. He asked the architect whether the VDHR explained their rationale for stating that all proposed alterations and additions that met the Secretary of the Interior Standards. Mr. Quill explained that the VDHR did not individually elaborate on the standards in their correspondence. Mr. Sprinkle noted that Justice Black's ownership of the property was from 1939 to 1971 and that a case can be made that he was an important national figure and that his ownership may be the property's period of significance. He inquired how much integrity the house has in relation to this period and explained that the application does not mention the alterations that occurred through time in comparison with this period of significance. Therefore, he cannot know what resources should be evaluated as important features to be preserved. He also stated that the property must have been very important to Justice Black and his wife who decided to sign an easement in 1964 with the intention to protect it in perpetuity which was, in his opinion, a historic act per se.

From a design perspective, Mr. Sprinkle questioned whether it would be more appropriate in for new additions to significant historic properties to mimic the design, using the same language and mass and connecting them with a hyphen, or the way the applicant is proposing to differentiate the additions from the historic building? Is the garden also considered a historic resource? He said that he does not know what to consider. Mr. Lee said that for an addition to mimic the historic house is discouraged by national preservation practice because it diminishes the historic value of the original property and that their intention was to design an addition sensitive to the main building but secondary to and differentiated from it, so that the additions would not visually compete with the historic building.

Mr. Goebel had minor concerns in regard to the design, for instance the hip roofs being proposed are not typical of the historic district and he does not think it will be appropriate to introduce an alien architectural feature. He had no objection to the height, mass, scale and location of what is been proposed and that create a subordinate additions to the main house. Mr. Goebel agrees that the curved wall, even if it is old, does not have to be preserved if is not functional or practical. He suggested the wall to be rebuilt a couple of inches away from the original house, giving the necessary room for the maintenance of the window. The architect explained that the reason they proposed to eliminate the curved wall was to recall the original hyphen for the kitchen ell that was added to through the years.

Mr. Goebel asked why staff had recommended the preservation of the curved wall. Mr. Cox explained that site investigation had determined the present hyphen was historic but not original and that once historic fabric is moved it is not generally considered historic anymore, so moving it a couple of inches was not a normal preservation approach. However, in this case, he understands the challenges in maintaining the window if the present curve is retained. Mr. Cox suggested that either: 1) Some of the wall is removed to repair the window and a way is found to divert water from that junction and promote air circulation, or 2) take the approach that the architect is suggesting by creating a new functional hyphen with a neutral design.

Mr. Adams said he considered this project very important to the City of Alexandria and recognizes the extraordinary effort of the owners and the team have put into the project. He also admired the public's passion about this property. Overall, he felt that there were more pros than cons in the comments he had heard at the hearing. He understands that the Secretary of the Interior Standards evolved through the years to be more adaptive. He brought up the fact that Lee Street's houses did not have the prestige of Prince Street's and that the properties at Lee Street in the early 1900s were farms or had industrial uses, so the primary concept of the house was the main building and the kitchen ell as the key elements and then little outbuildings such as smokehouses, stables, etc. functionally grew around that. This property, in particular, had several other buildings, such as a row of houses on the Fairfax Street, a freestanding house at the corner of Franklin Street and some other scared buildings. In his opinion, properties change, this property has changed, and the proposed additions are appropriated and even reversible, so there will be no major impact on the historic building. About the design, Mr. Adams agrees with the public and colleagues that some elements, such as the ripped roof and window pattern on the Lee Street addition should be studied further and that the non-functional curved wall should be removed but, overall, he agrees with the concept of the proposal.

Ms. Miller had great respect for everyone who spoke and the VDHR decision. She applauded the approach of restoring the main building and constructing subordinate buildings. She also found the design appropriate but would like to see less glass and more brick on the proposed additions. Ms. Miller asked the architect if the VDHR has approved the architectural elements of the project as well as the easement issues. Mr. Quill explained that the state approved the project as a whole but the review guidelines of the BAR and the VDHR are slightly different and that they must work with both agencies to accommodate any concerns. Ms. Miller finds that the project needs to be more refined and compatible with the other properties on Lee Street and thinks that the curved wall should be removed, but she liked the proposed landscape and the restoration of the main house.

Mr. Elkins complemented the owners and the architect for the refinement of the proposal. He agreed that the curved wall that it is historic but does not believe that it needs to be preserved, since it is not functional and accelerates the deterioration of other original elements. Mr. Elkins asked if staff knew which other buildings were existing on the site during in Justice Black's ownership. Mr. Cox referred to the applicant's package pages 48 and 49 and explained that there was a stable, a row of houses on South Fairfax Street and one time, and two-story Victorian houses in the southwest and south east corners when purchased by the Blacks. Mr. Elkins asked whether the site has been modified since Justice Black lived in the property. Mr. Cox noted the additions on the north and south sides of the house and alterations to the kitchen. To finalize, Mr. Elkins agreed with his colleagues that the pavilions should be softer and a bit more residential. He felt the roof lines were appropriate and suggested that a triangular vent on the addition could reference to the dormers in the main building. He also suggested moving the HVAC equipment or put in an areaway below grade so that the were less visible. The applicant said they were studying a ground source heat pump which would eliminate the HVAC equipment.

Ms. Kelley rephrased the concerns brought up by her colleagues and agreed with what was said.

1. The historic house is being beautifully restored and preserved;
2. The additions are subservient to the main historic house and easily removable, if anyone should care to do so in the future, without harming the historic property;
3. No concerns with the height, mass, scale or project siting of the additions;
4. Concerns with the hip roof style;
5. Concern with demolition of the curve but generally supported by the Board;
6. Concern that the fenestration on the South Lee Street elevation should reflect a more traditional solid void ratio; and
7. Concern about the appearance and unclear about the locations of the decorative brick work, including the stack bond framing the windows.

SPEAKERS

Lee Quill, project architect, and Duncan Blair, attorney, spoke in support and responded to questions.

Danny Smith from the Historic Alexandria Resources Commission, John Thorpe Richards, Jr from the Historic Alexandria Foundation, Gail Rothrock, Robert Montague from Northern Virginia Conservation Council, Yvonne Callahan, Robert Ray from the Alexandria Association, Michael Hobbs, Elaine Johnston, and Stephen Milone from the Old Town Civic Association expressed

concerns about the size of the pavilions and their compatibility with the original house and the Lee Street streetscape.

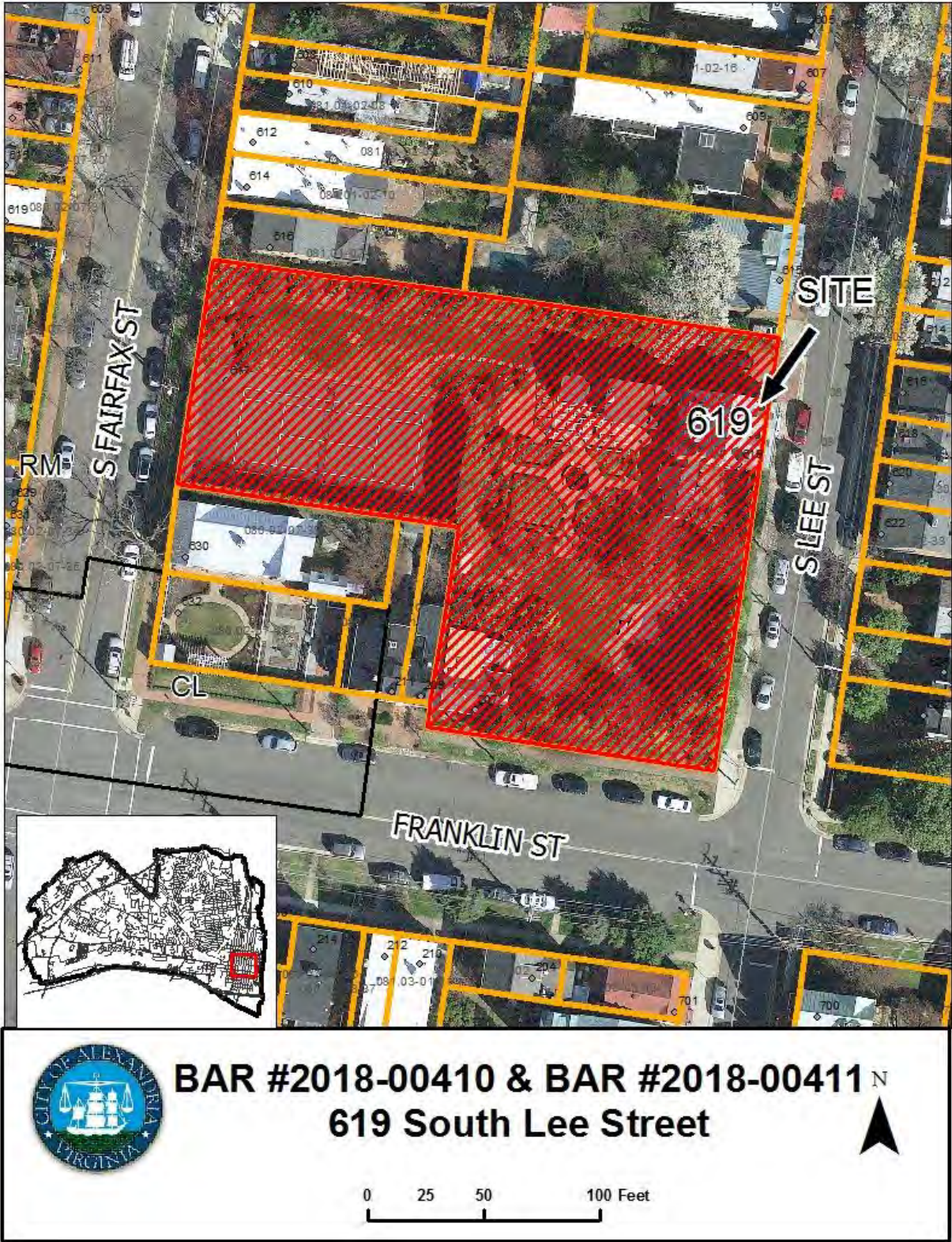
STAFF RECOMMENDATION

Staff recommends approval of the application for a Permit to Demolish for partial demolition/capsulation and a Certificate of Appropriateness for additions and alterations with the following conditions:

1. Denial of the demolition of the two-story curved portion of hyphen connecting the main block to rear ell;
2. All counterflashing in the brick of historic portions of the house and carriage house for additions and roofing should be hand cut only through mortar joints and not the brick;
3. All materials must comply with the BAR's adopted policies unless otherwise specifically approved; and
4. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
 - b. The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped 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 Building and Fire 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.



I. ISSUE

The applicant is requesting a Permit to Demolish/Capsulate and a Certificate of Appropriateness for additions and alterations as follows.

Permit to Demolish

1. Demolish one-story kitchen structure at the southern end of the main dwelling, refer to attached Building Elements - Removals diagram, area 1. (313 square feet.)
2. Demolish one-story structure to the north of the flounders, refer to attached Building Elements - Removals diagram, area 2. (324 square feet.)
3. Demolish inside corner portion and curved wall of the existing two-story flounder west of the main dwelling, refer to attached Building Elements - Removals diagram, area 3. (126 square feet.)
4. Remove pre-fabricated wooden garden shed, refer to attached Building Elements - Removals diagram, area 4. (80 square feet.)
5. Remove portion of exterior wall at the west side of the one-story flounder, refer to West Elevation Removal, key note 1. (22.75 square feet.)
6. Remove (2) basement window areaways at east side of main house, refer to Site, Basement and First Floor Removal Plans, key note 3.
7. Remove curb at basement access at west side of main house, refer to Site and First Floor Removal Plans, key note 4.
8. Remove skylight at carriage house, refer to Carriage House Removal Plan and Elevations, key note 2. (68.75 square feet.)
9. Remove portion of exterior wall at the north side of the carriage house 1975 addition, refer to Carriage House Removal Plan, key note 1. (70.3 square feet.)

Certificate of Appropriateness

1. Two-story brick addition at the west end of the one-story flounder, refer to attached Building Elements - Additions diagram, area 1.
2. Two-story brick addition with one-story stucco hyphen connection to the south side of the main dwelling and one-story stucco addition to the south with second floor clerestory windows at stair, refer to attached Building Elements - Additions diagram, areas 2 and 3.
3. One-story brick addition connected to two-story south addition by painted wood trellis, refer to attached Building Elements - Additions diagram, areas 4 and 5.
4. Two wood garden structures at the west end of the site, refer to attached Building Elements - Additions diagram, area 6.
5. Installation of wood windows and doors at the south, east, and north elevations of the carriage house, refer to Proposed Carriage House Elevations.
6. Installation of new paving at existing parking pad north of main dwelling and brick piers and garden wall with wood gate at west end of parking pad, refer to Proposed Landscape Elements.
7. Replacements wood gates in existing openings in garden walls at S. Lee and Franklin streets, refer to Proposed Landscape Elements.

The applicant is also proposing a number of historically appropriate repairs that have been approved by staff administratively or will be approved as part of the permitting process in accordance with the adopted *BAR Policies for Administrative Approval*. The applicant has included this information in order to provide context and clarity for the overall project scope. Key notes refer to the Building Elements – Removals plan, page 1.

1. Restore historic windows, key note 1R.
2. Replace non-historic windows and doors in existing masonry openings, key note 2R.
3. Replace painted metal roof & gutters at two-story flounder to match existing, key note 3R.
4. Remove existing chimney at the two-story flounder to roofline and rebuild using original bricks, key note 4R.
5. Install new copper gutters and downspouts at one-story flounder, key note 5R.
6. Remove existing paint and parging at the two-story flounder on the south and west sides, point brick as required and apply painted finish to match existing, key note 6R.
7. Repoint brick as required to match existing at one-story and two-story flounders, key note 7R.
8. Infill masonry opening at basement with brick set back 1" from face of building, key note 8R.
9. Replace wood shingle roof at carriage house with vented wood shingles to match existing and install new copper gutters, downspouts and copper coping at brick wall, key note 9R.

II. HISTORY

The two-and-a-half story, three-bay, side-gable brick residence with a slate roof and shed roofed rear ell is an excellent example of the Federal architectural style in Alexandria, though it is not the most high-style of its type in the city. The dwelling is a side-hall, urban townhouse form on a relatively large lot, rather than a detached building form like 711 Prince or Carlyle House. It is notably intact on the interior.

The house has been located within the Old and Historic Alexandria District since its creation in 1946. It is also included within the National Register's Alexandria Historic District, created in 1966 and updated in 1984. The period of significance of the National Register district is 1749-1934. The property is not individually listed on the Virginia Landmarks Register or the National Register of Historic Places.

Built ca. 1800, the building was documented as the *Vowell-Snowden-Black House* by the Historic American Building Survey (HABS) in 1966 by Worth Bailey and edited by Antoinette J. Lee in 1975 (<https://www.loc.gov/item/va0223/>).

The building is also listed in the *Historic Homes and Landmarks of Alexandria, Virginia* by Mary Lindsey with the title *The Snowden House*; and is mentioned briefly in the 1946 book *Alexandria Houses, 1750-1830* by Deering Davis, Stephen P. Dorsey & Ralph Cole Hall.

The *Historic Alexandria Virginia Street by Street* guide by Ethelyn Cox states that the residence was:

“Built around **1800** by Thomas Vowell, Jr., a prominent Alexandria merchant. Advertised for sale in September **1817**, the house was “28 feet front and 40 feet deep, with covered way, pantry, a large kitchen, a smoke house, and... a brick stable, carriage house, etc.” Edgar Snowden, who succeeded his father Samuel as editor and owner of the *Alexandria Gazette*, bought the house in **1842**. It remained in the Snowden family for seventy years. In **1939** the late Hugo Black, Justice of the Supreme court of the United States, bought the house and lived here until his death.”

Alterations to the Building and Site Over Time

The house at 619 South Lee Street has not changed a great deal since it was first shown on the Sanborn Fire Insurance Maps of Alexandria in 1902 but the lot and surrounding buildings have changed a great deal, as described in *The History of 619 South Lee Street* by Ruth Lincoln Kaye in 1987. Her deed research confirms many of the changing lot lines and structures shown on the maps that are described below.

The **1877 GM Hopkins City Atlas of Alexandria** shows the existing lot subdivided north/south at mid-block, exhibiting half its present depth, with a separate structure to the south fronting on South Lee Street. The footprint of the structure is the same as today and there is a detached outbuilding near the house. On that lot fronting South Fairfax Street were four dwellings owned by Wales and Harper and a second lot with another two-story structure. The brick carriage house is shown at the southwest corner of the site and the lot extends to the north its present distance. (See the Hopkins Map on page 6 of the applicant’s Building History Report)

The portion of the city showing the block containing 619 South Lee Street does not appear on the Sanborn Fire Insurance maps until **1902** (Figure 1). The four dwellings on the lot of Wales and Harper fronting South Fairfax Street are now gone but the dwelling on the lot to the north remains. The carriage house on Franklin Street is by this time shown as a two-story dwelling on a separate lot addressed as 207 Franklin Street with a one-story structure, likely a stable, the full width of the north end of the lot, abutting the west end of 619 South Lee Street. The two-story house at the corner of South Lee and Franklin streets is addressed as 627 South Lee Street, though it is shown on the same lot as 619 South Lee Street. The footprint of the house at 619 South Lee Street is unchanged and the detached accessory structure is shown more clearly as a pair of one story units. The **1907** and **1912** Sanborn maps are unchanged from 1902.

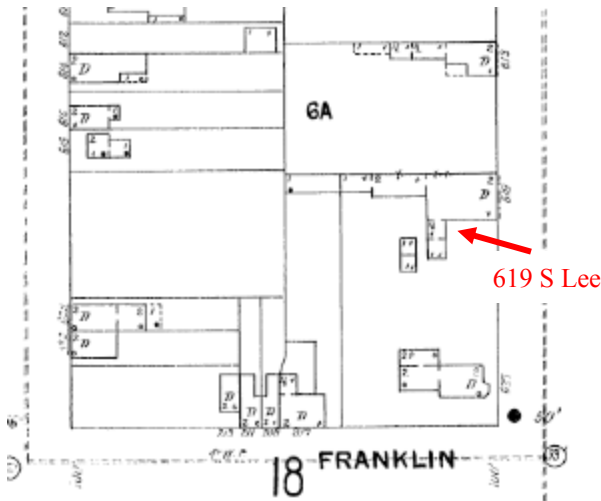


Figure 1: 1902 Sanborn Insurance Map

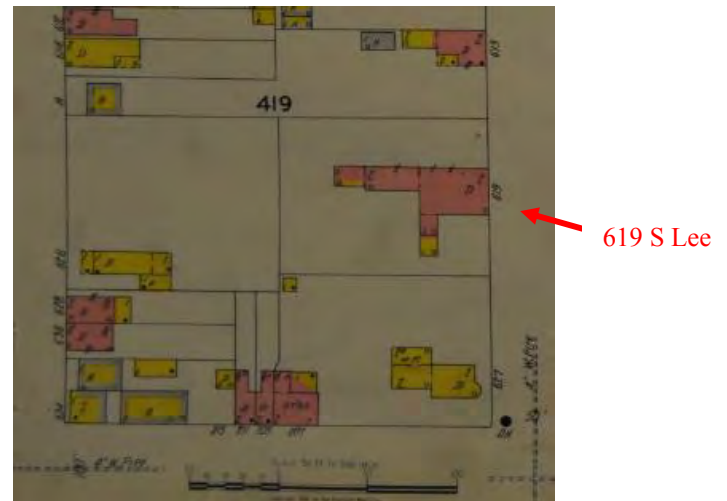


Figure 2: 1931 Sanborn Insurance Map

The **1921 Sanborn Map** shows the lot at its present size and the only outbuilding on the site is a small structure near South Fairfax Street.

The **1931 Sanborn Map** (Figure 2) shows a slight reconfiguration of lot lines with a small addition infilling the rear of the carriage house at 207 Franklin and a new small outbuilding at the rear of that lot. The stables and accessory dwelling near the house are gone. There is a new, freestanding, two-story house in the former Wales lot at 628 South Fairfax Street.

In 1939 Josephine F. Black, wife of the Justice, purchased the property and two months later, purchased the house on the corner at 627 South Lee Street. By the **1941 Sanborn Map**, the two houses at 628 South Fairfax and 627 South Lee were removed and the present configuration of the lot was created.

Prior BAR Approvals

Staff was unable to locate any BAR records for the house prior to 1970 when the Board approved the garden wall and parking space on the north side of the house (August 5, 1970). A cluster of BAR cases from 1974 relates to alterations to window and door openings on the rear ell. According to the BAR minutes, the architect for these alterations was Hugh Newell Jacobson. Another cluster of Board approvals from 1981 relates to the reworking of the existing kitchen wing with an addition and change to the roof (confirmed on site from ghost marks which show the earlier shed-roofed form remaining on the south wall of the main block). According to the BAR minutes dated August 5, 1981, the architect for that work was Chris Lethbridge. While the current kitchen wing to the south generally retains the footprint shown on the historic maps, the 1981 alterations and rebuilding were so extensive that little, if any, historic fabric remains.

On September 19, 2007, BAR approved a Permit to Demolish/Capsulate and a Certificate of Appropriateness for two additions and a breezeway, as well as other alterations to the house and grounds (BAR Case #2007-0157 & 158). That project was never undertaken, and the property was sold.

In 2008, the BAR approved a Permit to Demolish/Capsulate for the construction of a small mudroom addition along a portion of the north elevation of the rear ell. The application also included partial demolition of the north wall to accommodate a new entrance to the house and a door accessing a bedroom and bathroom from inside the house. The project also included the extension of the driveway and the installation of a sliding gate. BAR Case #2008-00214, 00215, and 00218 for Demolition/Capsulation and Addition/Alterations.

In 2018, BAR staff administratively approved chimney and roof repair, masonry repointing and window restoration (BAR Case #2018-00198). The restoration work is in process.

There is an easement on this property prepared under previous owners that is administered by the Virginia Department of Historic Resources (VDHR). The BAR's review is limited to Section 10 of the Alexandria Zoning Ordinance, the BAR does not have the authority to interpret or enforce an easement. While the BAR application does ask whether there is an easement on a property and whether the easement holder has agreed to the proposed alterations, this is a procedural courtesy to avoid wasting the BAR's time reviewing and approving a proposal that could later be rejected by the easement holder but it is not a binding requirement for BAR approval. In the present case, staff strongly recommended that the applicant obtain confirmation that the proposals complied with the easement prior to a hearing by the BAR. The applicant has done so and has provided the City with a copy of that letter from VDHR.

III. ANALYSIS

The BAR's charge is first to identify and "protect historic and cultural resources" and second to ensure that additions, alterations and new construction are compatible with nearby buildings of historic merit. The first charge is discussed in the Permit to Move, Remove, Capsulate or Demolish analysis. The second charge is discussed in the Certificate of Appropriateness analysis and recognizes that what may be appropriate in one block may not be appropriate in another block, or even in different locations on the same block. The BAR's *Standards* and criteria in the Zoning Ordinance, as well as the BAR's adopted policies and *Design Guidelines*, have been used through the years as the basis for recognizing that the historic fabric of Old Town is not frozen in time but may be appropriately modified, altered and expanded to allow the historic buildings to continue to be used and cherished. The BAR's role has always been to strike a balance between preservation of the identified historic fabric and urban character while managing appropriate growth and change in a living city.

Permit to Demolish/Capsulate

In considering a Permit to Demolish/Capsulate, the Board must consider the following criteria set forth in the Zoning Ordinance, §10-105(B), which relate only to the subject property and not to neighboring properties. The Board has purview of the proposed demolition/capsulation of more than 25 square feet of exterior wall or roof area regardless of visibility.

Demolition refers to the permanent destruction and removal of the exterior wall or roof area, whereas, capsulation refers to the enclosure but not demolition of a specified exterior portion of the wall or roof. While that wall area may be shown to remain on the present proposal, once it is enclosed and becomes an interior feature, it is no longer within the BAR's purview. Typically, most additions involve some combination of both partial demolition and capsulation. In this case there is no demolition proposed on the 19th century portions of the building or carriage house. The

applicant describes six areas proposed for demolition/capsulation on pages 7 thru 19 of the application drawings.

1. The existing kitchen on the south side of the primary building mass is a late 20th century (1981) frame structure that was constructed sometime after the HABS photographs of the one-story brick and frame structure in this location were taken in 1965. The existing structure capsulates an 11' wide portion of the south wall. The proposed one-story hyphen to the new kitchen will be pulled from the southwest corner of the primary building mass by 1'-7", giving the brick corner more definition, and the roof peak will be approximately 2' taller but use the same entrance to the dining room as the present addition, so there is no demolition of the historic structure requested for this kitchen addition. (see page 7 of the application drawings)
2. The second feature to be demolished is the late 20th century (2008) shed roofed brick addition on the north side of the original kitchen. It is an undistinguished, utilitarian mud-room. Removal of this lean-to will permit a significant portion of the original north wall to be restored and exposed to South Lee Street. (see page 7 of the application drawings)
3. The third feature proposed for removal is a convex curved corner hyphen between the original kitchen and the main house. Based on the 1817 real estate advertisement and site inspection of the masonry bonding in the north wall and capsulated stone lintel on a second floor window in the attic, the kitchen was always connected to the main house by a one story covered passage, though the material and dimensions are not known and cannot be determined from the limited access presently allowed in the crawl space below. At some point later, a curved brick one-story hyphen was constructed and by the mid-19th century, based on the machine saw marks and cut nails found in the rafters, a second floor was added to the hyphen.

The curve of the hyphen is constructed of pie shaped header brick and the form is very unusual in Alexandria because it abuts the west wall of the primary house in an acute angle that made future maintenance extremely difficult. The purpose of the curve was to allow light and ventilation to the windows in the middle bay of the rear of the three-bay wide house. However, on the majority of Alexandria houses the curve is either convex or has a short section of wall perpendicular to the main house from the curve so that the window can be maintained. (Figure 4) Why the curve met the plane of the wall on a tangent is impossible to say but most architects and contractors would strongly recommend an alternative today. (Figure 3)

The applicant has proposed removal of the south wall of this curved hyphen and reconstruction of a straight wall section between the original kitchen and house, as is more commonly seen on Alexandria homes. This is a great deal of work that actually reduces the floor area and is only being proposed to gain future access to this window to keep it properly painted, to repoint the masonry walls and to repair the window heads and sills. However, staff believes that this early feature can be maintained, albeit with some difficulty, and that it is such a unique and character defining historic form that it should not be removed. Staff acknowledges that some dismantling of portions of the curve may be necessary to gain access to the stone lintel and sill. (see page 7 of the application drawings)



Figure 3: Curved ell intersection with main house at 619 South Lee Street



Figure 4: Typical hyphen forms in Alexandria: concave, convex with offset and straight

4. The fourth feature to be demolished/capsulated is the west wall of the ca. 1974 west addition to the original kitchen. The proposed two-story pavilion will capsulate 100% of this late 20th century wall. A small portion of the wall will be demolished for a single pedestrian door.
5. A small wood frame garden shed ca. 1931 will be demolished near the northwest corner of the property.
6. There are several alterations proposed in the northeast corner of the carriage house, which is the portion that was filled-in between 1921 and 1931. However, the present construction in this area appears to be late 20th century. The applicant proposes to remove two pair of sliding glass doors on the east wall and a continuous ridge skylight on the roof of this infill.

In addition, a 9' wide portion of the masonry wall on the north elevation of this infill will be removed for a new door. (see page 8 of the application drawings)

While the BAR does not review paving not used for parking, removal of chain link fences or features below grade, the existing swimming pool and tennis court will be removed and a new swimming pool will be constructed on the west portion of the site. A summary of the Standards in §10-105(B) for the Boards consideration is below.

Standard	Description and Evaluation of the Standard
(1)	<p>Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?</p> <p>Demolition of the two-story curved hyphen would result in the loss of a unique feature, albeit one whose design relative to the intersection with the main house was not well considered when originally constructed and the second floor was added.</p> <p>Staff recommends <i>denial</i> of demolition of the curved wall of the hyphen.</p> <p>However, the remaining portions of the house or carriage house proposed for demolition/capsulation are very minor and on secondary elevations that have already been altered or were constructed in the late 20th century.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria for the remainder of the application with the exception of the curved hyphen wall.</p>
(2)	<p>Is the building or structure of such interest that it could be made into a historic shrine?</p> <p>Justice Hugo Black was a nationally significant figure who lived in the house for 32 years and ensured its preservation after his death. However, nothing proposed in this application would preclude future interpretation Justice Black or the structure itself in the future.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>
(3)	<p>Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?</p> <p>With the exception of the curved hyphen wall, no portions of the dwelling or carriage house proposed for demolition/capsulation are of unusual or uncommon design, texture or material. As discussed above, the curved wall represents an old and unusual design to allow a rear ell to intersect with the main block while retaining the entire middle bay window openings to continue to provide light and air prior to electricity.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria with the exception of the curved hyphen wall.</p>
(4)	<p>Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?</p> <p>Not applicable.</p>

(5)	<p>Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?</p> <p>The house is within the architectural period of significance of the Old and Historic Alexandria District and is an important resource to interpret architectural design and urban planning in the late 18th/early 19th century. However, nothing proposed in this application would preclude future interpretation of the structure or this portion of the historic district in the future.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>
(6)	<p>Would retention of the building or structure 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?</p> <p>The age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. However, the proposed alterations will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes.</p> <p>Staff recommends a finding of <i>compliance</i> with this criteria.</p>

In summary, staff recommends approval of the proposed areas of demolition/capsulation with the exception of the curved hyphen wall.

Certificate of Appropriateness

The BAR's determination for a Certificate of Appropriateness must consider the *Standards* listed in Section 10-105(A) 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 the BAR must "consider" the elements and features identified below but that there is not a "yes" or "no" response, as the BAR typically finds with the criteria for a Permit to Demolish. In the past six years alone, the two BARs have approved over 100 additions, finding them appropriate and compatible, though the approved designs are often very different than the initial submission as a result of the iterative design review process.

Review of a Certificate of Appropriateness for this case is broken into three separate but related components for discussion purposes:

1. Restoration, alterations and additions to the existing historic structures;
2. Preservation of the open space and setting of those structures on the parcel; and
3. Association with a significant person.

1. Restoration, alterations and additions to the existing historic structures.

Restoration of the exterior of the existing structure is proceeding under the BAR's administrative approval policy using very high-quality materials and craftsmanship. There have been numerous site visits by staff to review the progress of roofing, masonry and window restoration. City staff recently inspected the saw marks and nails in the attic framing to date portions of the ell.

2. Preservation of the open space and setting of those structures on the parcel.

The minimum amount of open space required for each zone is set forth in the zoning ordinance. The existing lot area is 35,502 square feet. The required open space in the RM zone for this lot is 35% of the lot area which is 18,638 square feet. The existing open space is 32,012 square feet. The proposed open space is 30,141 square feet, or 85% of the total lot area and a 6% reduction in open space from the existing. Staff notes that throughout much of the 19th century and into the 20th century, there was a considerable sized dwelling at the corner of Franklin and South Lee Street and several others on the South Fairfax Street frontage, so the current proposal may include as much or more contiguous open space than what historically existed for much of the period of the subject house.

The BAR's standards for review of open space are subjective and standard 10-105(A)(2)(d) requires the BAR to find that the "Design and arrangement of buildings and structures on the site; and the impact upon the historic setting or environs." is appropriate. The question before the BAR is whether removal of the existing additions and construction of the new additions have an adverse impact on the overall historic setting or environs. As an example, the open space in front of an Alexandria "Flounder" house is an essential character defining feature. To fill in the open front yard would destroy the very thing that makes these incomplete dwellings a unique response to the 1752 requirement to build on one's lot within two years of purchase. A large back and side yard do not convey the same type of specific connotations and the lot configuration and the number of other structures on that lot have changed significantly over time.

3. Association with a significant person.

While the previous owners of this property were prominent businessmen in early Alexandria, the most notable owner is Hugo Black. Justice Black acquired the property in 1939 two years after his appointment to the United States Supreme Court and lived there until his death in 1971. His widow sold the property in 1973. His residence at this property would theoretically extend the period of significance of this property through the third quarter of the 20th century if applying for an individual National Register listing.

Matters to be considered by the BAR in approving certificates and permits

In order to determine whether a proposed addition or alteration is appropriate, Section 10-105(A) of the Alexandria Zoning Ordinance states that the BAR "shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings..." :

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

The BAR routinely approves appropriate additions to historic structures. The *Design Guidelines* state the Board's preference for "contextual background buildings which allow historic structures to maintain the primary visual importance," and for "designs that are respectful of the existing structure and...which echo the design elements of the existing structure." The Guidelines also note that "It is not the intention of the Boards to dilute design creativity in residential additions. Rather, the Boards seek to promote compatible development that is, at once, both responsive to the needs and tastes of [modern times] while being compatible with the historic character of the districts." (New Residential Construction – Page 2)

The applicant's design approach has been to recall and expand upon key elements of the historic vernacular design, such as the footprint radiating to the south and west of the main block, load-bearing masonry construction and a slightly later window style showing the evolution of the property over time. The differentiation between the new and the old will primarily occur with the change in materials and the pyramidal hipped roof form which is visually smaller in scale and historically appropriate but differentiated from the primary historic gable roof form. The mass of the pavilions are all smaller and subservient to the historic structure.

While the Secretary of the Interior's Standards for Rehabilitation are not legally binding on the BAR, they have occasionally been used as a reference for nationally accepted preservation best practices. The Secretary's Standards "acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character" and that "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." Staff believes this is the case with the present application.

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;

All of the existing features of the historic portions of the existing building and carriage house are being retained and restored, except for the hyphen as discussed in the demolition section of this report. As noted above, staff's support of the project is contingent upon retaining the historic two-story curved hyphen wall. The applicant's design includes high quality materials (red brick, painted wood windows and standing seam roof) and details comparable in quality to that found at the historic house without being overly stylized or introducing a higher style.

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

The two-story brick kitchen at 619 South Lee Street was originally connected to the main house by a one story "covered way pantry," according to Thomas Vowell's September 1, 1817 advertisement for sale of the property. Historically, a kitchen was often detached from the

primary structure to minimize the risk of fire and, particularly in the south, to separate the heat of cooking and washing in the summer. In addition, there were separate brick pavilions on this site including “the coach house, stable, smoke house, etc.” according to an advertisement for sale in 1829. Only the coach house remains today.

As noted in the History section of this report, there have been numerous freestanding domestic outbuildings, garden trellises, a tennis court fence and a number of two story houses in various locations on this lot since 1877.



Figure 5: Garden view of 619 South Lee Street looking northeast, HABS photo ca. 1966

The proposed additions to the primary structure are designed as separate, hip-roofed brick pavilions connected by one-story breezeways and hyphens in order break down the overall mass and to have the least visual and physical impact on the historic dwelling. The architectural tradition of hyphens connecting dependent pavilions to the main structure goes back to ancient times but was first documented as a formal architectural conceit by the 16th century Venetian architect Andrea Palladio in the *Quattro Libri*, a publication that was referenced by architects throughout the Renaissance in Europe and in the American colonies through pattern-books. These were referenced by Thomas Jefferson for Monticello and by George Washington at Mt. Vernon, and John Carlyle in Alexandria, among many others. The proposed site layout of hyphens and telescoping ells has a long tradition in both local and classical building traditions.

Hyphens are often used to distinguish new work from the historic building mass and pavilions, or garden structures like trellises, have been approved in several cases by the BAR. Another advantage of the hyphen approach is that an addition may be more easily removed in the future without extensive damage to the historic resource.

Most recently, the BAR has approved a very similar two-story stucco freestanding pavilion with a contemporary design and a two-story brick addition to the rear ell for the ca. 1810 house at 211 South Saint Asaph Street (BAR Case #2017-00456/457, 12/20/2017). The project was praised by the BAR and had no public speakers in opposition. (Figure 6)

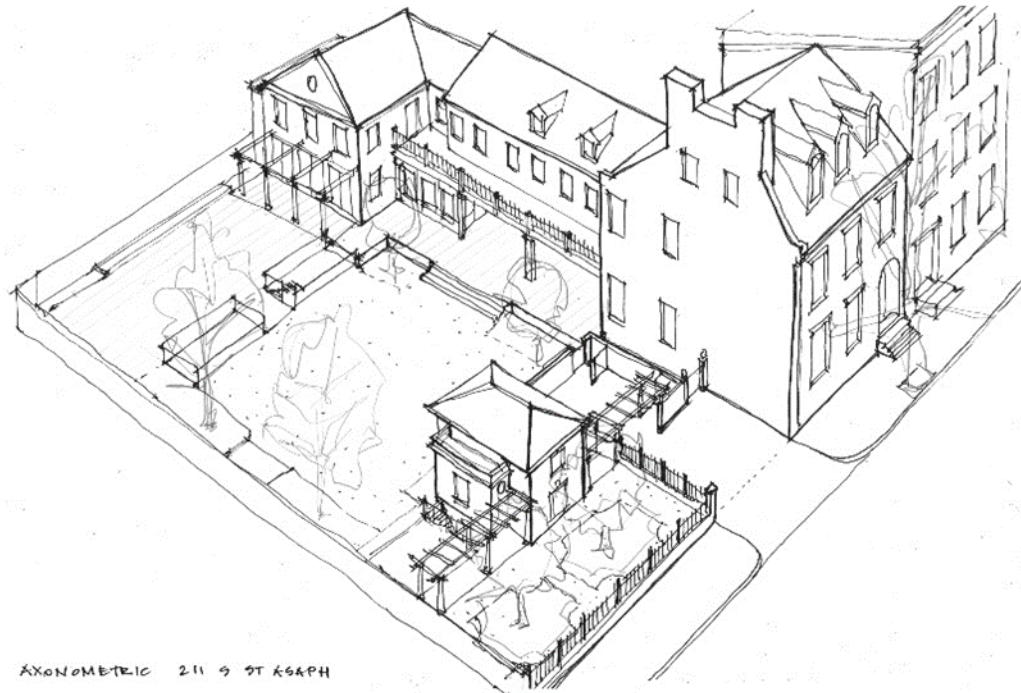


Figure 6: Two story pavilion and addition to the rear of the ell at 211 S Saint Asaph Street approved by the BAR in 2017.

- 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 use of red brick, standing seam metal roofing, multi-pane painted wood windows and painted trim are all historically appropriate for additions to this Federal-style townhouse and adjacent building of historic merit.

- 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 discussed, the form and arrangement of the additions on the site are based on historic building traditions and also allow the historic townhouse to remain visually and physically separate and prominent. The design approach is vernacular in style which is appropriate for this vernacular Federal townhouse and other nearby historic buildings.

- 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 applicant has undertaken a complete restoration of the exterior of the building and it will continue to preserve and protect historic places and areas of historic interest. The siting and design of the proposed additions will physically and visually distinguish themselves from the original structure, thereby allowing the historic dwelling to continue to interpret the architecture and town plan of early Alexandria and Justice Black's tenure here.

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

Any time that an owner undertakes a historically appropriate restoration and rehabilitation of a historic building, residents and visitors alike benefit by such thoughtful preservation which ensures that the building will continue to be enjoyed for another two hundred years.

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 age of the dwelling and carriage house, quality of the architecture and physical presence on the street combine with other historic buildings of the same era combine increase property values and make Alexandria a unique and desirable place to visit and to live. The proposed alterations and additions will not have an adverse effect on the real estate value or ability to stimulate the interest of historians, architects or artists in this particular structure or diminish the desirability and quality of life of neighboring homes. The clear differentiation between the historic townhouse and later additions will allow visitors to "read" the building and understand what is historic and what is a more recent addition.

IV. STAFF

Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

V. CITY DEPARTMENT COMMENTS

Legend: C- code requirement R- recommendation S- suggestion F- finding

Zoning

- C-1 Section 8-200(C)(5) requires all access to parking in the Old and Historic District to be provided from an alley or interior court. Until recently the double gate was blocked with trees and shrubbery. Until recently only a walkway from the sidewalk to the gate was present. There is no evidence that access to parking has been provide from Franklin in recent years. Any access to parking that may have existed in the past has been abandoned.
- C-2 Complies. Page 22 of revised drawings confirms only one kitchen is proposed.
- C-3 The west yard facing South Fairfax Street is a third front yard on the property, not a rear yard. (previously not labeled, but now labeled incorrectly as Franklin Street.) Please label with Fairfax Street on all site plans. Section 7-103(A) does not permit accessory structures to be located forward of the front building line, except those listed in 7-202(A). The pool and sheds are not permitted to be located forward of the front building line/wall and do not comply with zoning.
- C-4 Preliminary Review of FAR and open space complies. Final review will be done at time of the building permit review.

Code Administration

- C-1 A building permit, plan review and inspections are required prior to the start of construction.

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)
- 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)

Alexandria Archaeology

- F-1 According to *Historic Alexandria, Virginia, Street by Street* by Ethelyn Cox, the house on this lot was constructed around 1800 by Thomas Vowell, Jr., a prominent merchant. When it was advertised for sale in 1817, the lot included a covered way, pantry, large kitchen, smoke house, brick stable and carriage house. Edgar Snowden, editor and owner of the *Alexandria Gazette*, purchased the property in 1842. In the 20th century, it served as the residence of Hugo Black, Justice of the U.S. Supreme Court. The property has the potential to yield archaeological resources into residential life in Alexandria during the late 18th and 19th centuries.
- F-2 Because of the historical significance of the property, the applicant has agreed to hire a professional historical/archaeological consultant to conduct a Documentary Study and provide guidance for any potential archaeological investigations that might follow. Alexandria Archaeology will be assisting the consultant as the project moves forward.
- R*1 The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R*2 The applicant/developer shall call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
- R*3 The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-4 The statements in archaeology conditions above marked with an asterisk “*” shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:0

V. ATTACHMENTS

1 – Supplemental Materials

2 – Application for BAR #2018-00410 & BAR #2018-00411 – 619 S. Lee St

3 – Letters Received

ADDRESS OF PROJECT: 619 S. Lee Street
 TAX MAP AND PARCEL: 081.01-02-13 ZONING: RM

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 A VISION
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: Vowell LLC c/o Michael HarringtonAddress: 311 Cameron StreetCity: Alexandria State: VA Zip: 22314Phone: 703.549.4491 E-mail: mharrington@311cameron.comAuthorized Agent *(if applicable)*: ☐ Attorney ☒ Architect ☐ _____Name: Lee Quill Phone: 202.337.0090E-mail: lquill@cunninghamquill.com

Legal Property Owner:

Name: Vowell LLC c/o Michael HarringtonAddress: 311 Cameron StreetCity: Alexandria State: VA Zip: 22314Phone: 703.549.4491 E-mail: mharrington@311cameron.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? pending
☐ 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.*
 ☐ awning ☒ fence, gate or garden wall ☒ HVAC equipment ☐ shutters
 ☒ doors ☒ windows ☐ siding ☒ shed
 ☒ lighting ☒ pergola/trellis ☐ painting unpainted masonry
 ☐ other _____
☒ ADDITION
☒ DEMOLITION/ENCAPSULATION
☐ SIGNAGE

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

Restoration of existing historic structures; demolition of portions of existing structures noted in submission; construction of additions. Refer also to description and drawings and photographs in submission.

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 or 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: LEE QUILL, FARADate: 9/11/18

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. NIGEL MORRIS	405 CAMERON ST	100% - VOWELL LLC
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 619 S. LEE STREET (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.

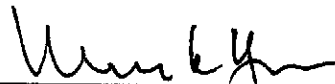
Name	Address	Percent of Ownership
1. NIGEL MORRIS	405 CAMERON ST	100% - VOWELL LLC
2.		
3.		

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. NIGEL MORRIS	NO RELATIONSHIP	NO RELATIONSHIP
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.

9/5/18 MICHAEL HARRINGTON 
 Date Printed Name Signature

Permit to Demolish

1. Remove 1-story kitchen structure at the southern end of the main dwelling, refer to attached Building Elements - Removals diagram, area 1. (313 square feet.)
2. Remove 1-story structure to the north of the founders, refer to attached Building Elements - Removals diagram, area 2. (324 square feet.)
3. Remove inside corner portion of the existing 2-story flounder west of the main dwelling, refer to attached Building Elements - Removals diagram, area 3. (126 square feet.)
4. Remove pre-fabricated wooden garden shed, refer to attached Building Elements – Removals diagram, area 4. (80 square feet.)
5. Remove portion of exterior wall at the west side of the 1-story flounder, refer to West Elevation Removal, key note 1. (22.75 square feet.)
6. Remove (2) basement window areaways at east side of main house, refer to Site, Basement and First Floor Removal Plans, key note 3.
7. Remove curb at basement access at west side of main house, refer to Site and First Floor Removal Plans, key note 4.
8. Remove skylight at carriage house, refer to Carriage House Removal Plan and Elevations, key note 2. (68.75 square feet.)
9. Remove portion of exterior wall at the north side of the carriage house 1975 addition, refer to Carriage House Removal Plan, key note 1. (70.3 square feet.)

Certificate of Appropriateness

1. Proposed 2-story brick addition at the west end of the 1-story flounder, refer to attached Building Elements - Additions diagram, area 1.
2. Proposed 2-story brick addition with 1-story stucco hyphen connection to the south side of the main dwelling and 1-story stucco addition to the south with second floor clerestory windows at stair, refer to attached Building Elements - Additions diagram, areas 2 and 3.
3. Proposed 1-story brick addition connected to 2-story south addition by painted wood trellis, refer to attached Building Elements - Additions diagram, areas 4 and 5.
4. Proposed (2) wood garden structures at the west end of the site, refer to attached Building Elements - Additions diagram, area 6.
5. Proposed wood windows and doors at the south, east, and north elevations of the carriage house, refer to Proposed Carriage House Elevations.
6. Proposed new paving at existing parking pad at north of main dwelling, refer to Proposed Landscape Elements.
7. Proposed brick piers and wall with wood gate at west end of existing parking at north of main house, refer to Proposed Landscape Elements
8. Proposed wood gates in existing openings in walls at S. Lee and Franklin Streets, refer to Proposed Landscape Elements.

Repairs (included for informational purposes, refer to repairs notes on plans and elevations)

1. Restore historic windows, key note 1R.
2. Replace non-historic windows and doors in existing masonry openings, key note 2R.
3. Replace painted metal roof & gutters at 2-story flounder to match existing, key note 3R.
4. Remove existing chimney at the 2-story flounder to roofline and rebuild using original bricks, key note 4R.
5. New copper gutters and downspouts at 1-story flounder, key note 5R.
6. Remove existing paint and parging at the 2-story flounder on the south and west sides, point brick as required and apply painted finish to match existing, key note 6R.
7. Repoint brick as required to match existing at 1-story and 2-story flounders, key note 7R
8. Infill masonry opening at basement with brick set back 1" from face of building, key note 8R.
9. Replace wood shingle roof at carriage house with vented wood shingles to match existing and new copper gutters, downspouts and copper coping at brick wall, key note 9R.

BUILDING HISTORY REPORT



BOARD OF ARCHITECTURAL REVIEW OLD AND HISTORIC ALEXANDRIA DISTRICT

APPLICATION FOR RESTORATION AND ADDITIONS FOR THE VOWELL-SNOWDEN-BLACK HOUSE

SEPTEMBER 21, 2018: FINAL
NOVEMBER 19, 2018; REVISED

619 S. LEE ST.
ALEXANDRIA, VA

HISTORIC BUILDINGS

619 S LEE STREET | ALEXANDRIA, VA

The Vowell-Snowden-Black House is an exceptional example of a Federal 'Row' style house and was constructed between 1798 and 1800 by property owner Thomas Vowell, Jr. (Baily & Lee, 1975) Located at 619 South Lee Street, the property also featured a large kitchen, a smoke house, a brick stable and a carriage house. The property originally delivered a sweeping view of the Potomac.

The structure is built of brick with various Aquia Creek sandstone decorative elements, including an Aquia Stone stoop and front steps. (Baily & Lee, 1975) "This quaint doorway of excellent proportions presents very original details with its wide projecting, yet thin cornice, the deep frieze, and stunted architrave. The arrangement and shape of the panels on the door are both unique and pleasing." (Rogers and Manson Co, 1916)



Main House From S Lee Street

(Photo: Vowell Snowden Black House, Alexandria Library Special Collections)



Main Entry From S Lee Street

(Photo: Vowell Snowden Black House, HABS Report VA #709)

HISTORIC BUILDINGS

619 S LEE STREET | ALEXANDRIA, VA

The house is a 2 1/2 story structure plus a cellar. The cellar was modernized but is accessed in the same interior location as the original access, below the main entry hall staircase. There were two exterior hatches to access the cellar, the hatch at the front sidewalk was removed after 1936. There are two chimneys located at the south end of the house that are original to the 1798 - 1800 main house. The roof of the main house is a gable with front and rear dormers. There is an arched and coved cornice with dental molding at the front of the house.

The rear (west) side of the main house features three ells (flounder structures), two of which were likely constructed at the time of the main house, and altered at numerous times subsequently. Based on an 1817 advertisement listing the house for sale, the larger 2-story and 1-story ells seem to have been built as dependant structures separated from the main house by a porch which was filled in at a later date. This advertisement also mentions a carriage house, likely the structure on Franklin Street which is assumed to have been built between 1800 and 1817.

Based on available data, the south kitchen addition to the main house appears to be circa 1970. A fourth ell, added to the north of the two older flounders, is circa 2000.



West Elevation showing Ell/Flounder Structures

(Photo: Vowell Snowden Black House, HABS Report VA #709)

PROPERTY

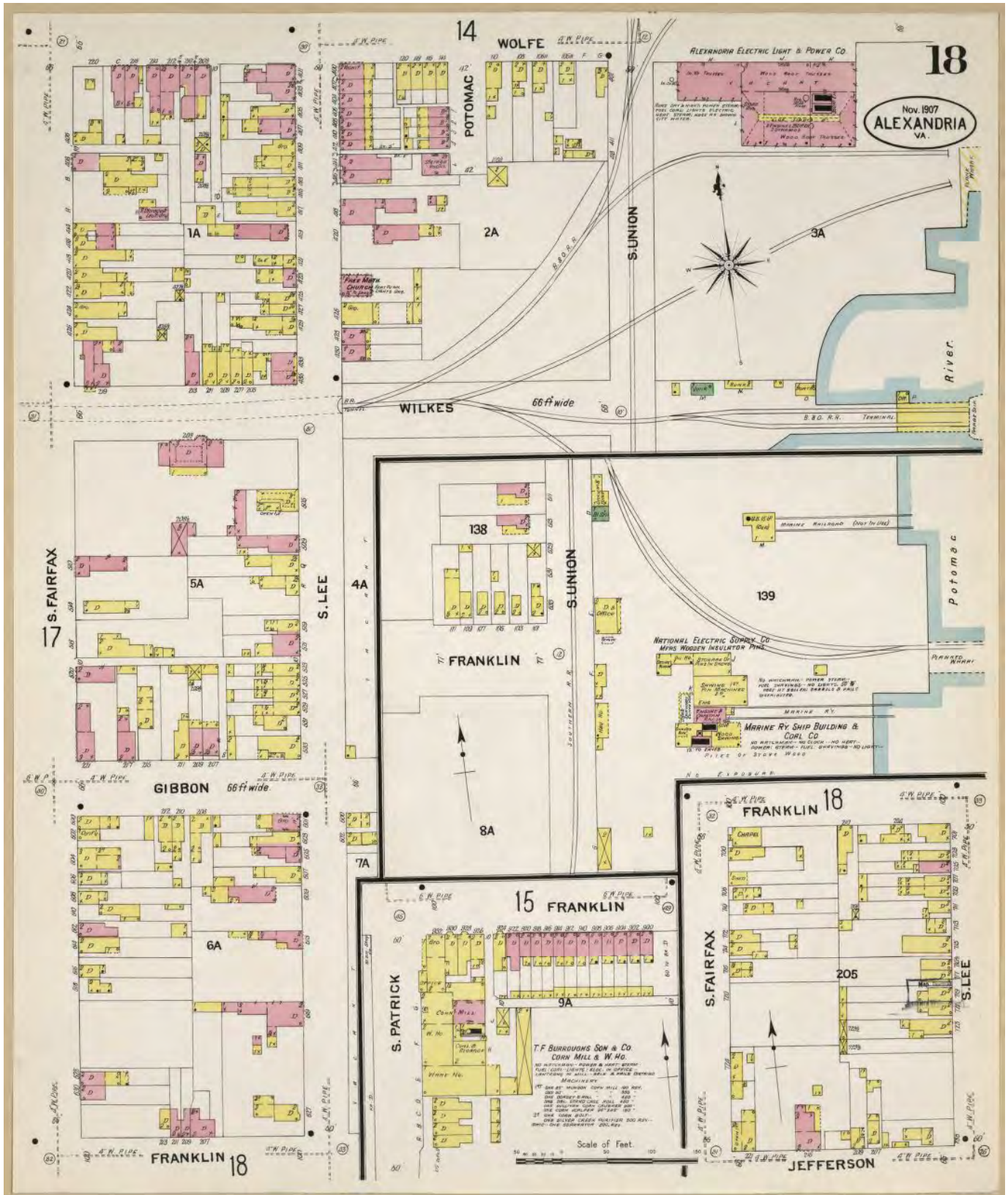
619 S LEE STREET | ALEXANDRIA, VA

Along with the three story Georgian home which faces eastward on South Lee Street, the half-acre grounds feature a pool, a tennis court, a small pond, and a flagstone terrace.

“A feature of this town estate is an open enclosure along Lee Street consisting of brick piers filled between with low brick and wrought iron panels. A high brick wall along Franklin Street affords absolute privacy.” (Baily & Lee, 1975)

PROPERTY

619 S LEE STREET | ALEXANDRIA, VA



1907 Sanborn Map

HISTORIC OWNERSHIP

619 S LEE STREET | ALEXANDRIA, VA

The home at 619 South Lee Street has been well-maintained, perhaps due to the fact that it has had relatively few owners over the past 2 centuries.

Thomas Vowell Jr. acquired the property from William Thornton Alexander and his wife Lucy in 1798. (Baily & Lee, 1975) Construction appears to have commenced on the home around that time and was completed in early 1800. Vowell operated a merchant trade venture with his brother John. Together, they owned a large wharf on Union Street between King and Prince Streets which accommodated ships that traveled the world over. Thomas Vowell, Jr eventually had to sell his business and his home to make up for losses he incurred. (BAR Case 2008-0215, 2008).



(Map: Alexandria Library Special Collections)

HISTORIC OWNERSHIP

619 S LEE STREET | ALEXANDRIA, VA

Edgar Snowden, Sr. and Lawrence B. Taylor acquired the property from Vowell in 1842 and it remained in the Snowden family until 1912. (Baily & Lee, 1975) The Snowdens were a prominent family in Northern Virginia throughout the 19th century. Edgar's father, Samuel Snowden, became owner and editor of the Alexandria Gazette (formerly the Virginia Journal) in 1800 before Edgar succeeded him in those roles.

According to various articles from the Alexandria Gazette, 619 South Lee Street also served as a hotel for a period of time. (Alexandria Gazette, 1920) One could rent rooms "overlooking the Potomac, comfortably furnished or unfurnished."

In 1939, the property was purchased by Justice Hugo Black. Black served as a US Senator from Alabama and was appointed Justice of the Supreme Court by President Franklin Delano Roosevelt in 1937. The home stored his nearly 600 green-covered loose-leaf binders that contained years' worth of bench-notes he took while serving on the Supreme Court. (Schweid, 1971) Justice Black lived in the house until his death in 1971.

Much of this history was noted from the Historical American Buildings Survey and Historic Alexandria Foundation Study of 1966 as well as from the Alexandria Gazette.



Vowell Snowden House is visible in the top left corner (Photo: Construction Corps of the US Military Railroad, National Archives)

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Photo: Vowell Snowden Black House . Alexandria Library Special Collections , Alexandria, VA.

Photo: Vowell Snowden Black House . HAB Report VA #709. Alexandria, VA.

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BOARD OF ARCHITECTURAL REVIEW OLD AND HISTORIC ALEXANDRIA DISTRICT

APPLICATION FOR RESTORATION AND ADDITIONS
FOR THE VOWELL-SNOWDEN-BLACK HOUSE

SEPTEMBER 4, 2018: INITIAL COMPLETENESS

SEPTEMBER 21, 2018: FINAL

NOVEMBER 19, 2018: REVISIONS

619 S. LEE ST.
ALEXANDRIA, VA

PROJECT DESCRIPTION + CONTENTS

619 S LEE STREET | ALEXANDRIA, VA

PROJECT BACKGROUND

The Vowell-Snowden-Black House (Virginia Department of Historic Resources Easement File No. 100-0111) is located at 619 South Lee Street in Alexandria, Virginia. Constructed circa 1798-1800, the three-story Federal style dwelling retains much of its historic plan, features, and finishes. The property contains a number of historic and modern additions, as shown on the Site Plan included in this package; these include a historic flounder addition and carriage house, and two modern one-story brick additions. All resources on the L-shaped property are enclosed within a fence, wall and heavy vegetation, obscuring much of the site from public view.

PROJECT PROGRAM

Since 2014, the current owners have been planning a major rehabilitation of the primary residence; the renovation design seeks to preserve the historic structure and allow the owners to live in the original house. In order to accommodate modern needs, the applicant is proposing to construct several additions that will be secondary to the primary dwelling. The proposed restoration scope and design of the additions are detailed in this submission to the Alexandria Board of Architectural Review (BAR).

DEMOLITION / ENCAPSULATION

This application proposes the demolition of several limited portions of the existing buildings. The one-story brick addition, circa 2000, at the north side of the site is proposed to be removed. As discussed with BAR staff, this will be a preservation gain, allowing the restoration of the original north elevation of the historic flounders. In order to accommodate the proposed addition at the southeast end of the site, the existing one-story brick and frame structures, circa 1970, are proposed to be removed. 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.

Three new openings in exterior walls are proposed as part of the proposed addtions and renovations: an opening at the end of the one story flounder at the west of the site to connect the proposed west additon; enlarging the opening in the basement of the main house to connect the proposed basement at the south addition; and a new opening at the non-historic addition of the carriage house on the north elevation to provide access to the garden.

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PHOTORAPHS - SURROUNDING PROPERTIES

619 S LEE STREET | ALEXANDRIA, VA



A 615 S. LEE STREET



B 618 TO 622 S. LEE STREET



KEY PLAN



C 701 S. LEE STREET TO 204 FRANKLIN STREET



D 209 TO 211 FRANKLIN STREET



E 630 S. FAIRFAX ST.



F 616 S. FAIRFAX ST.

PHOTORAPHS - SITE

619 S LEE STREET | ALEXANDRIA, VA



A NORTH ELEVATION & DRIVEWAY FROM S. LEE STREET



B EAST ELEVATION FROM S. LEE STREET



C SOUTHEAST CORNER AT FRANKLIN AND S. LEE STREETS



KEY PLAN



D SOUTH ELEVATION OF PROPERTY FROM FRANKLIN STREET AT THE CORNER OF S. LEE STREET



E SOUTH ELEVATION OF GATE & LANDSCAPING FROM FRANKLIN STREET



F WEST ELEVATION OF PROPERTY AT S. FAIRFAX STREET

PHOTORAPHS - EXISTING STRUCTURES

619 S LEE STREET | ALEXANDRIA, VA



A SOUTH & EAST ELEVATIONS OF EXISTING STRUCTURE



B EAST ELEVATION OF EXISTING STRUCTURE



C EAST & NORTH ELEVATION OF EXISTING STRUCTURE



KEY PLAN



D WEST ELEVATION OF EXISTING STRUCTURE



E SOUTHWEST ELEVATION OF EXISTING STRUCTURE



F PARTIAL SOUTH ELEVATION OF EXISTING STRUCTURE

PHOTORAPHS - EXISTING STRUCTURES, CARRIAGE HOUSE

619 S LEE STREET | ALEXANDRIA, VA



A SOUTH ELEVATION OF CARRIAGE HOUSE



B EAST ELEVATION OF CARRIAGE HOUSE



KEY PLAN



C EAST ELEVATION OF CARRIAGE HOUSE



D EAST ELEVATION OF CARRIAGE HOUSE



E PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



F PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



G NORTH ELEVATION OF CARRIAGE HOUSE

PHOTORAPHS - STRUCTURES TO BE REMOVED

619 S LEE STREET | ALEXANDRIA, VA



A EAST ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



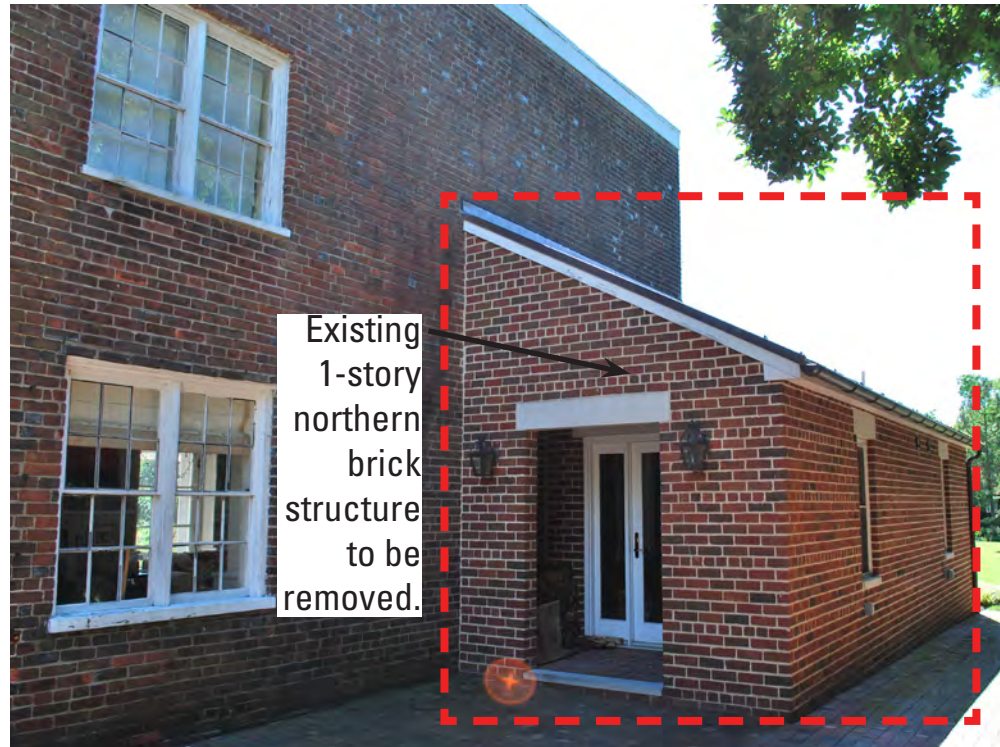
B SOUTH ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



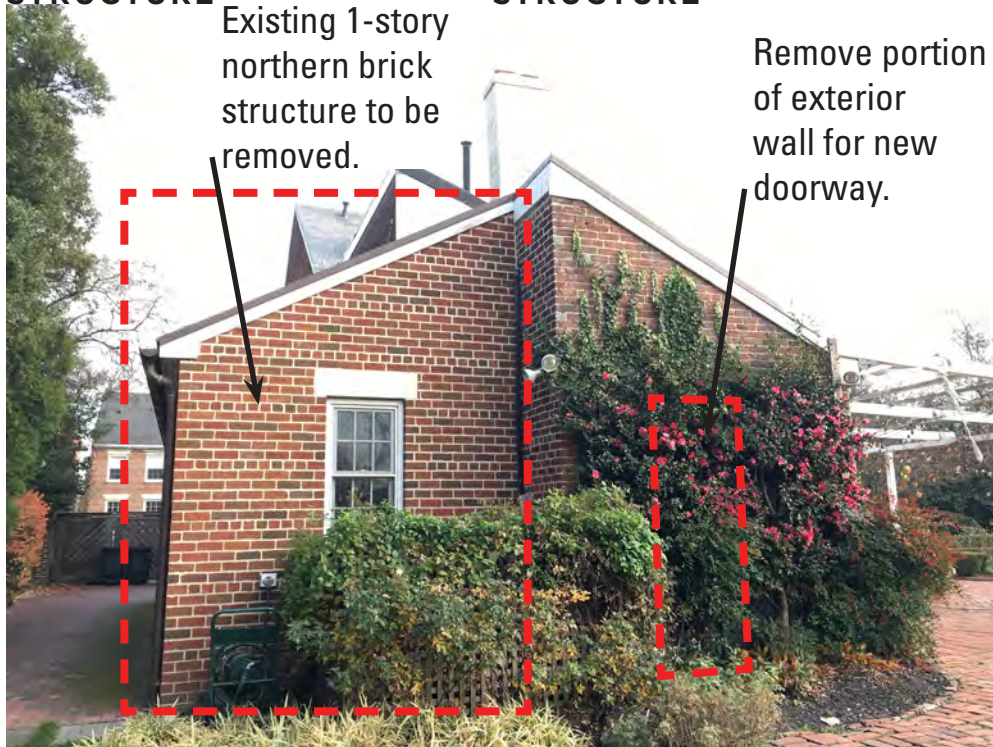
C WEST ELEVATION OF EXISTING SOUTHERN 1-STORY WOOD SIDING STRUCTURE



KEY PLAN



D NORTH & EAST ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE



E WEST ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE



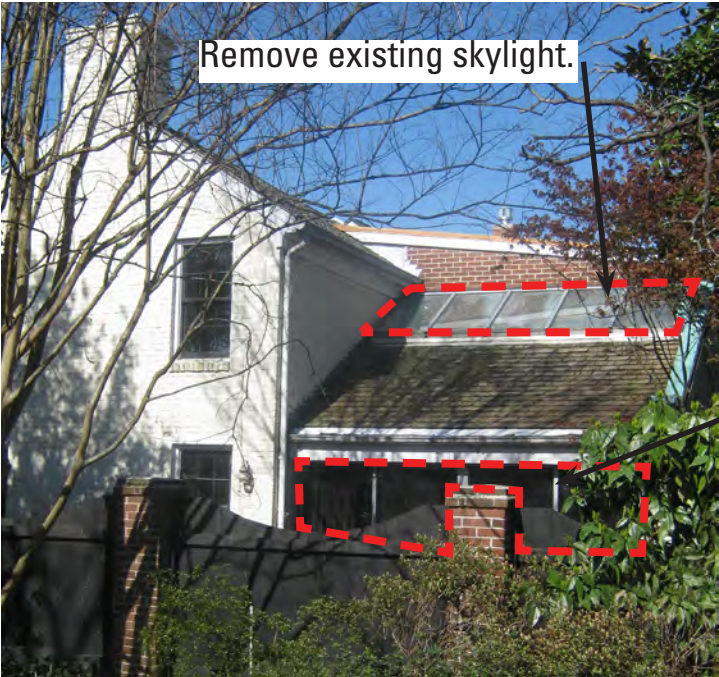
F SOUTH ELEVATION OF EXISTING NORTHERN BRICK STRUCTURE @ MAIN HOUSE

PHOTOS OF EXISTING CARRIAGE HOUSE PORTIONS TO BE REMOVED

619 S LEE STREET | ALEXANDRIA, VA



A SOUTH ELEVATION OF CARRIAGE HOUSE



B SOUTH ELEVATION OF CARRIAGE HOUSE



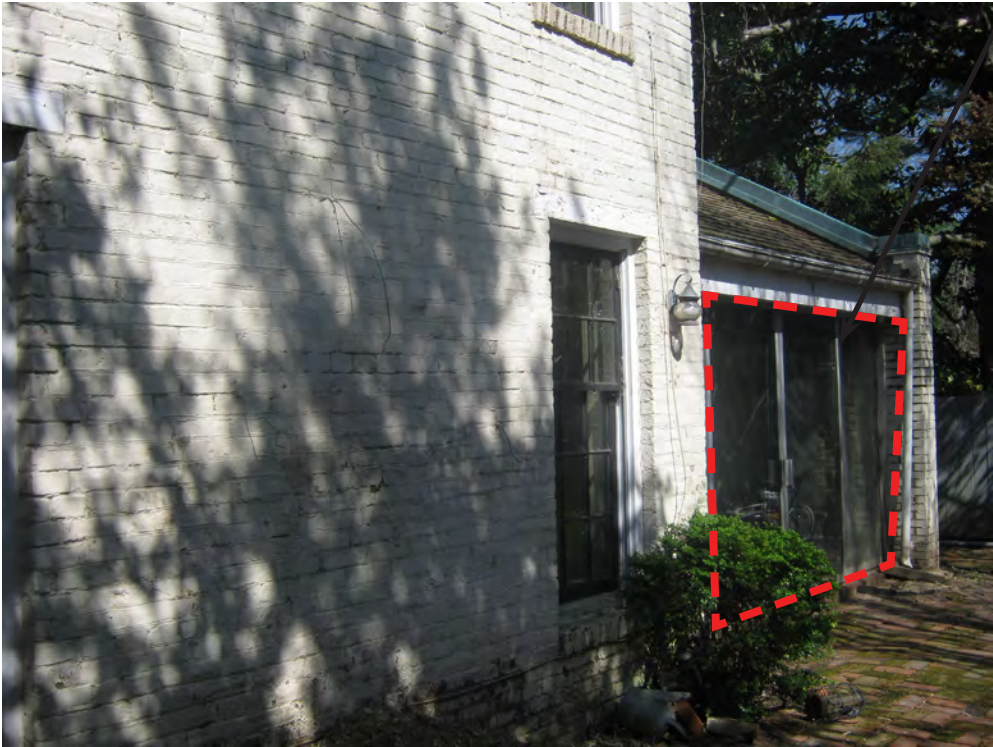
KEY PLAN



C EAST ELEVATION OF CARRIAGE HOUSE



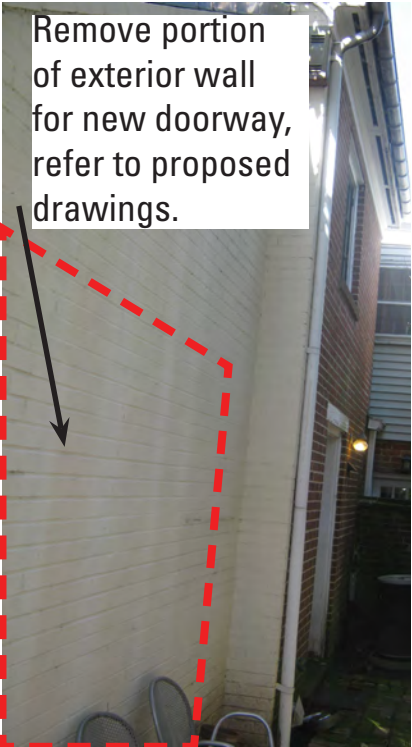
D EAST ELEVATION OF CARRIAGE HOUSE



E PARTIAL EAST ELEVATION OF CARRIAGE HOUSE



F PARTIAL EAST ELEVATION OF CARRIAGE HOUSE

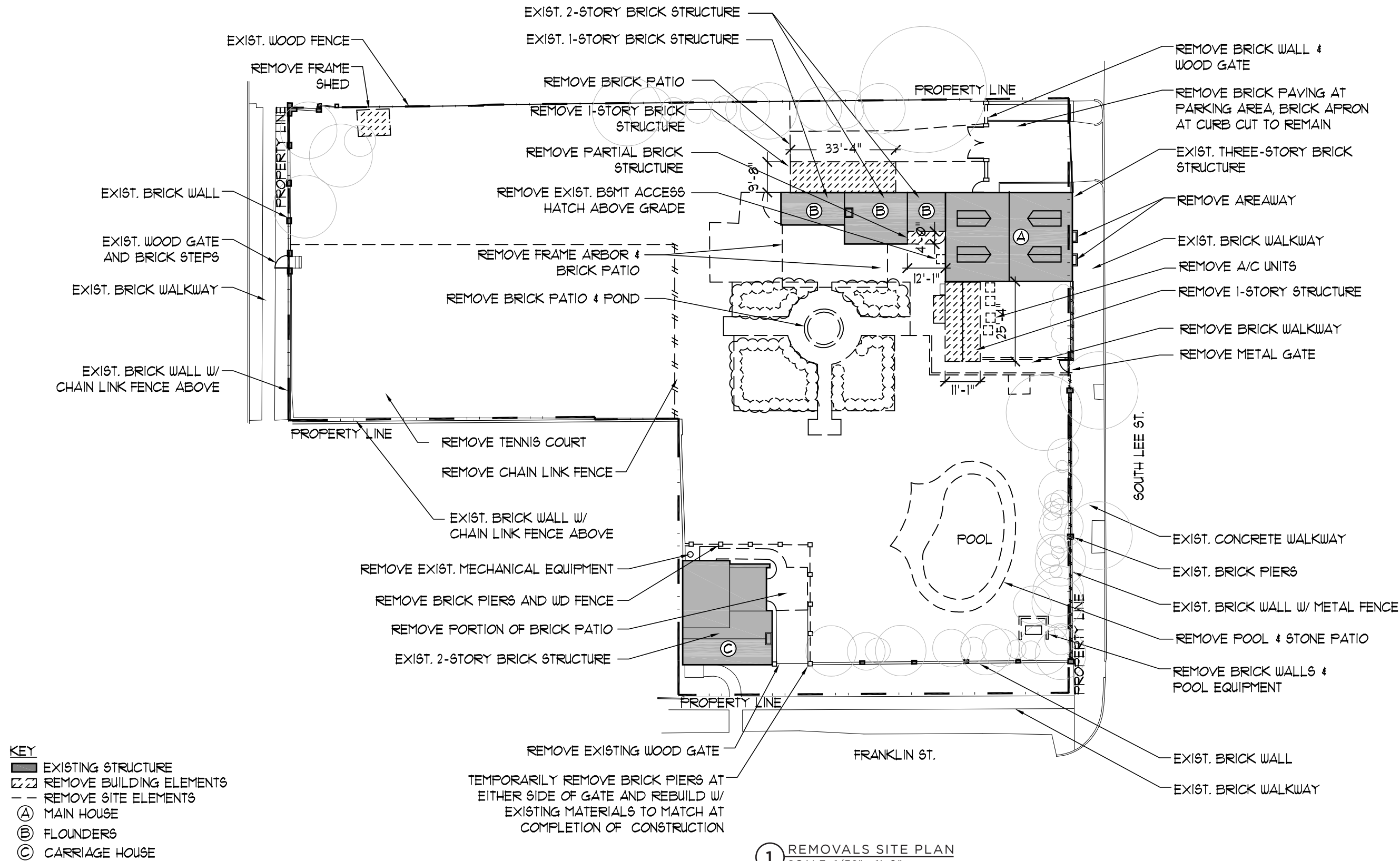


G NORTH ELEVATION OF CARRIAGE HOUSE



SITE REMOVALS PLAN

619 S LEE STREET | ALEXANDRIA, VA



BASEMENT REMOVALS PLAN

619 S LEE STREET | ALEXANDRIA, VA

REMOVALS KEY NOTES:

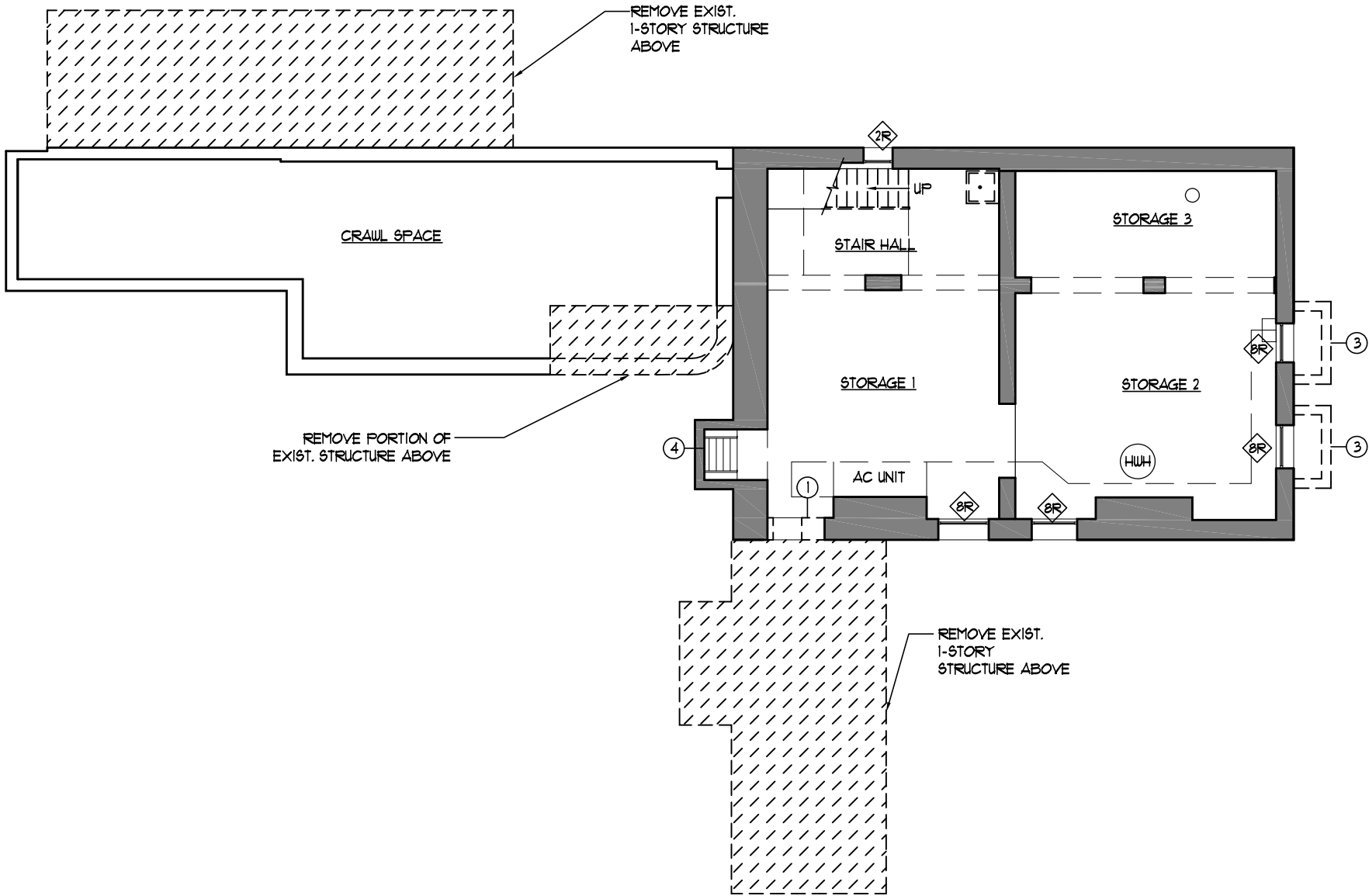
- 1 REMOVE PORTION OF EXTERIOR WALL FOR NEW DOORWAY, REFER TO PROPOSED DWGS.
- 2 REMOVE SKYLIGHT (CARRIAGE HOUSE)
- 3 REMOVE CONCRETE AREAWAY AT BASEMENT WINDOWS
- 4 REMOVE CURB AT BASEMENT ACCESS HATCH

DRAWING KEY

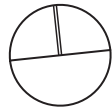
- EXIST, WALLS TO REMAIN
- REMOVE

REPAIRS WORK:

- 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
- 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
- 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
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- 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
- 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)



1 BASEMENT REMOVAL PLAN
SCALE: 3/32" = 1'-0"



FIRST FLOOR REMOVALS PLAN

619 S LEE STREET | ALEXANDRIA, VA

REMOVALS KEY NOTES:

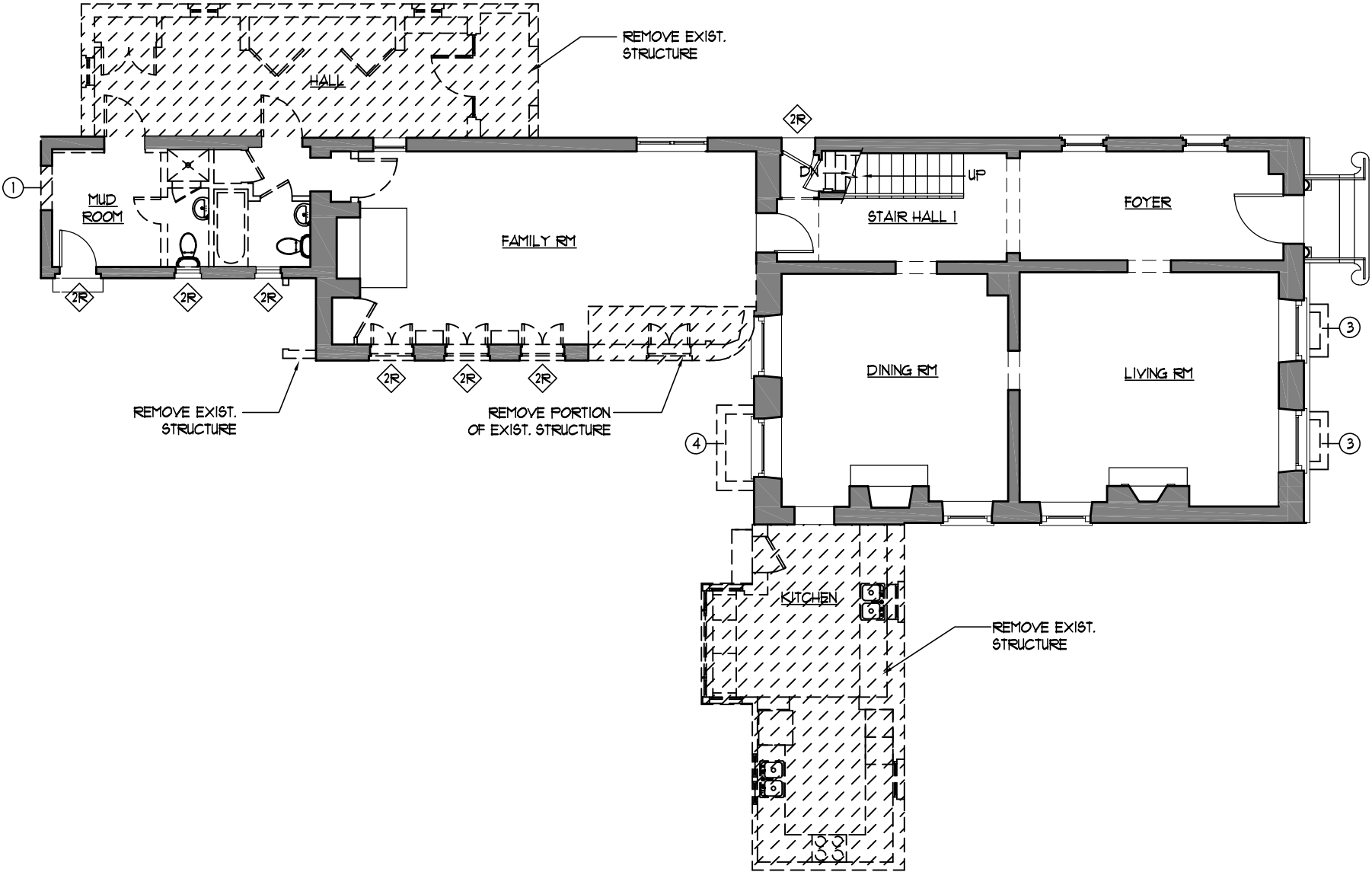
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DRAWING KEY

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- REMOVE

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1 FIRST FLOOR REMOVALS PLAN
SCALE: 3/32" = 1'-0"

SECOND FLOOR REMOVALS PLAN

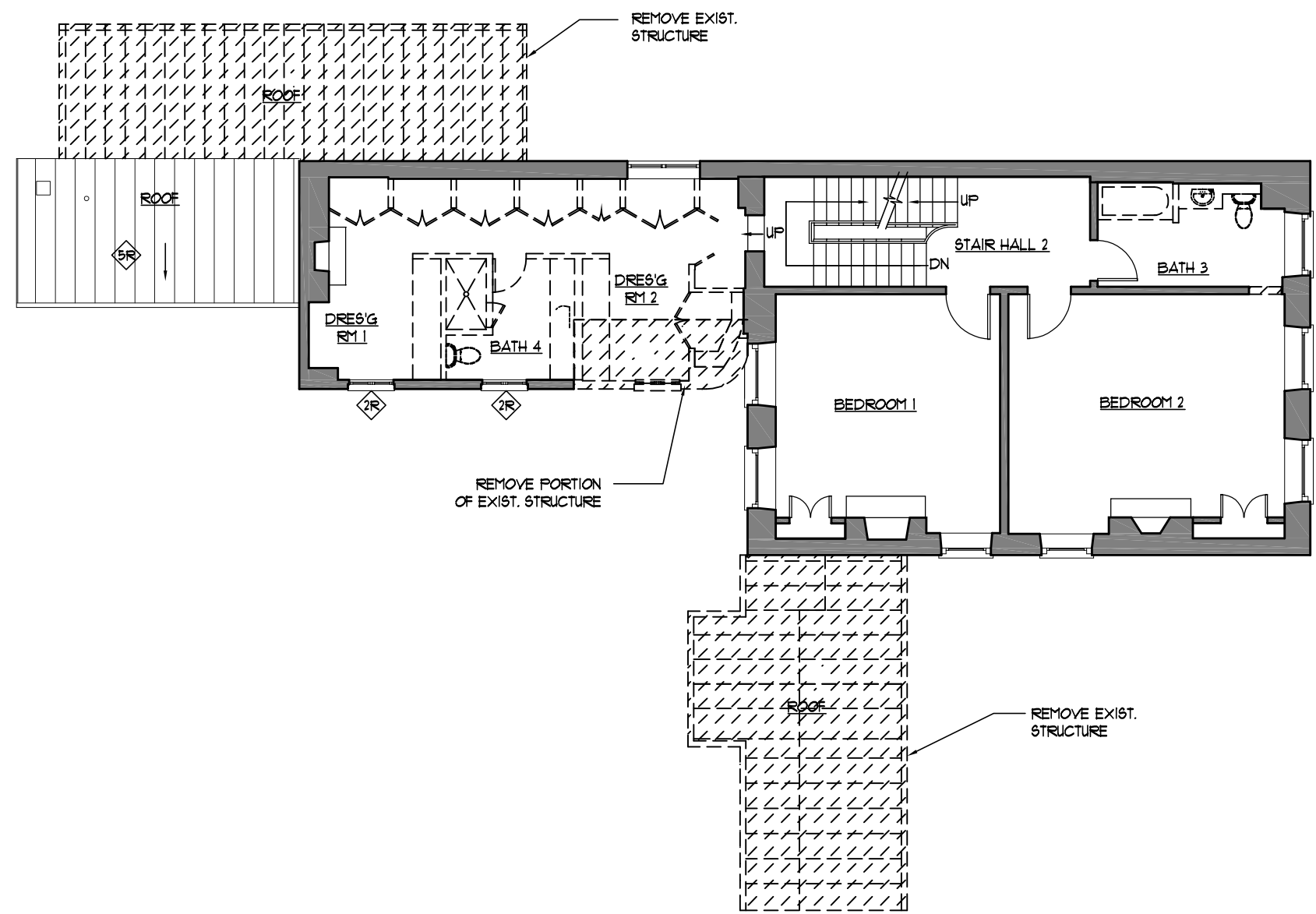
619 S LEE STREET | ALEXANDRIA, VA

- REMOVALS KEY NOTES:

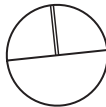
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- DRAWING KEY

 - EXIST, WALLS TO REMAIN
 - REMOVE



1 SECOND FLOOR REMOVAL PLAN
SCALE: 3/32" = 1'-0"



ROOF REMOVALS PLAN

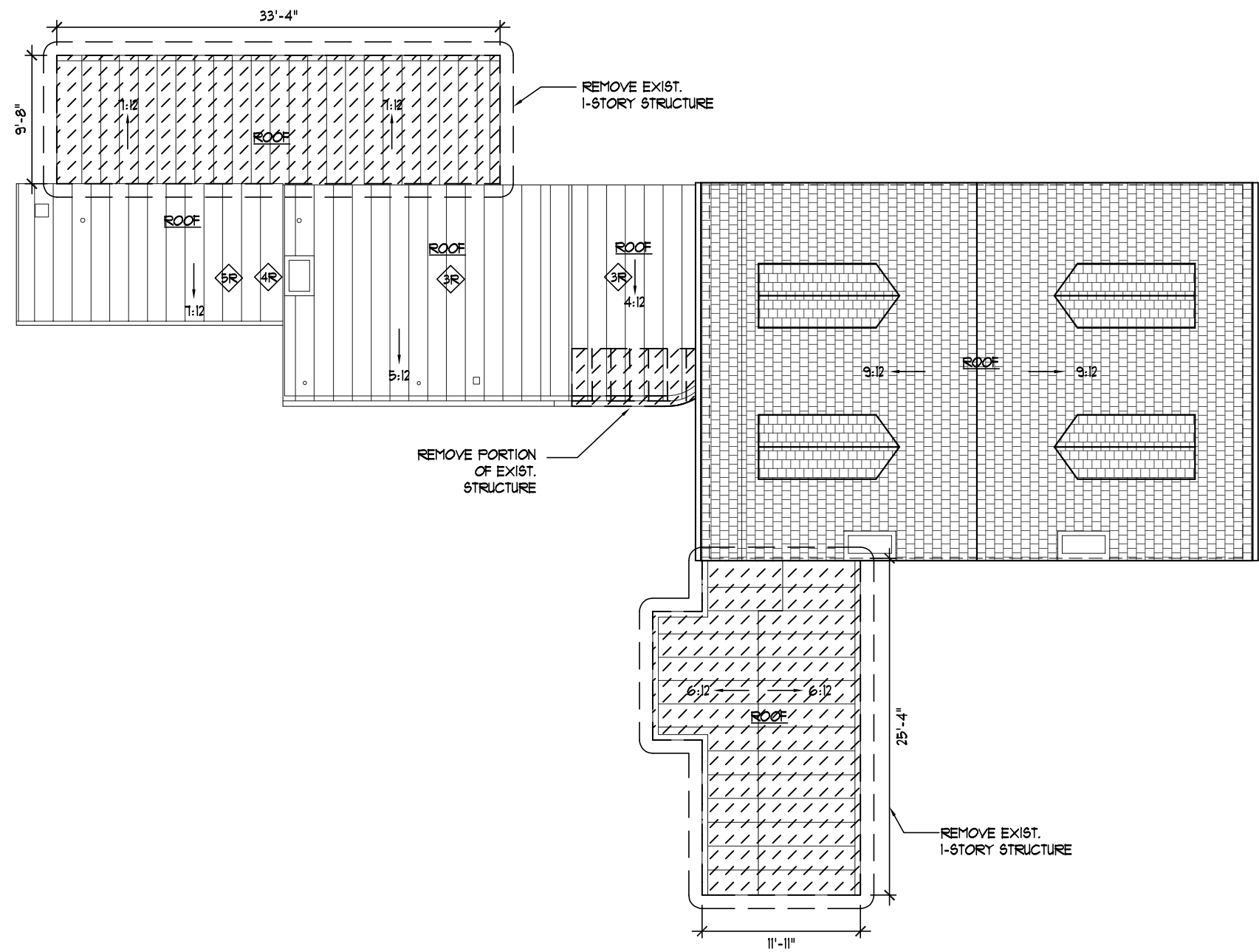
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- REMOVALS KEY NOTES:

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1 ROOF REMOVAL PLAN
SCALE: 3/32" = 1'-0"

EAST ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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DRAWING KEY

- EXIST, WALLS TO REMAIN
- REMOVE

NOTE: ELEMENTS OF MAIN HOUSE EXTERIOR ENVELOPE HAVE BEEN RESTORED UNDER REPAIRS APPROVALS DATED APRIL 24, 2018 (BAR 2018-00198) AND MAY 2, 2018 (EASEMENT FILE 100-011-ep) UNLESS NOTED OTHERWISE



SOUTH ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

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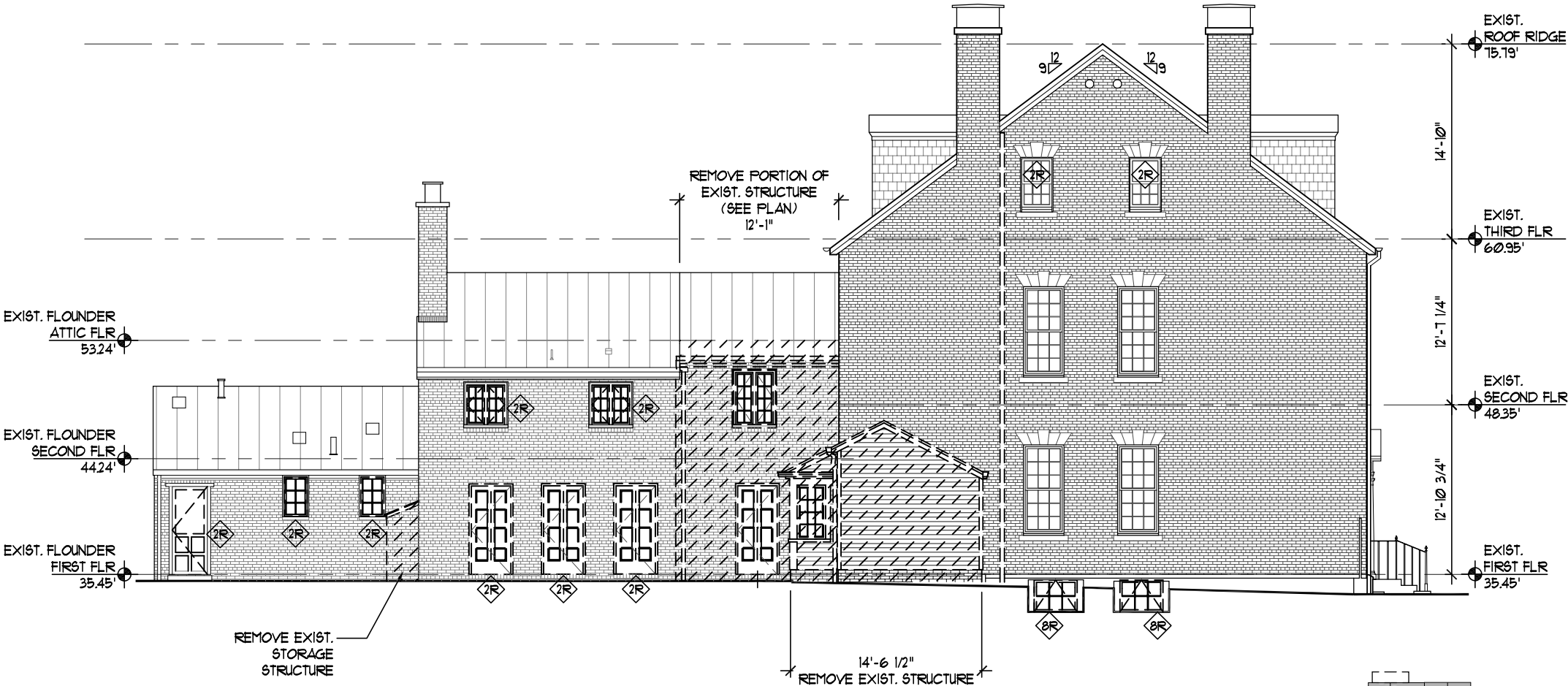
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DRAWING KEY

- EXIST, WALLS TO REMAIN
- REMOVE

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1 SOUTH ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

WEST ELEVATION REMOVALS

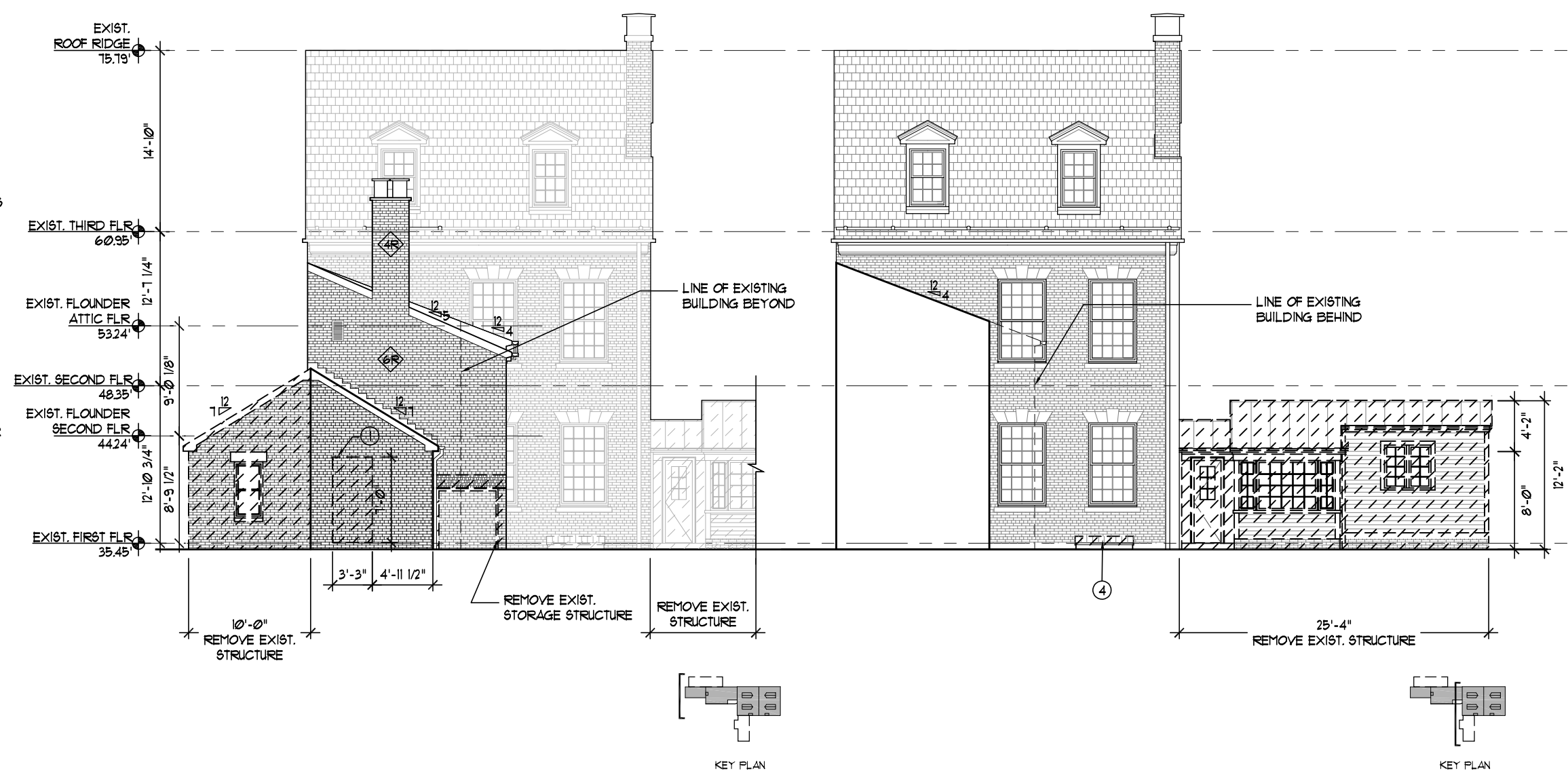
619 S LEE STREET | ALEXANDRIA, VA

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- DRAWING KEY

 - EXIST, WALLS TO REMAIN
 - REMOVE



1 WEST ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

2 WEST PARTIAL ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

NORTH ELEVATION REMOVALS

619 S LEE STREET | ALEXANDRIA, VA

REMOVALS KEY NOTES:

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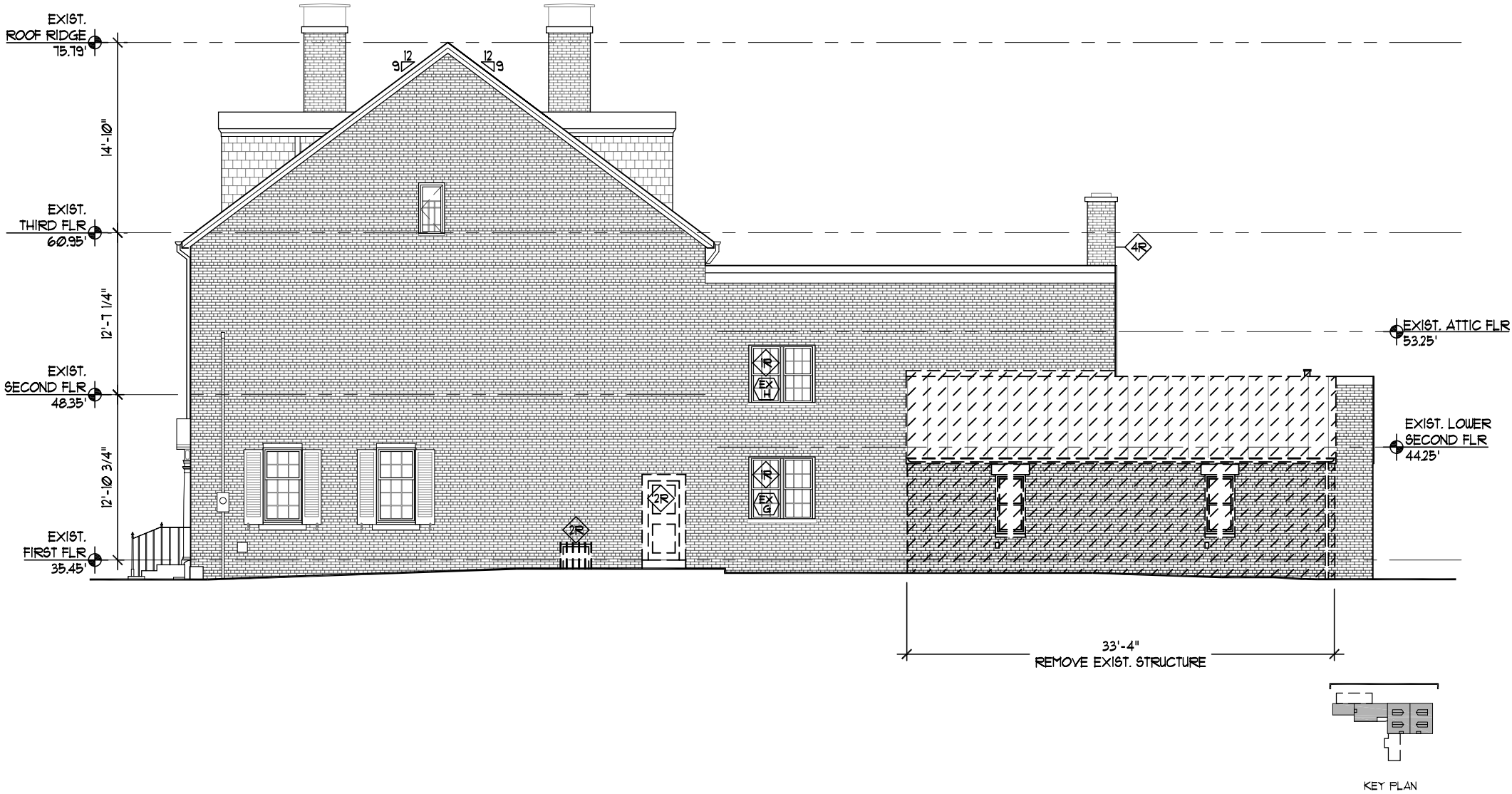
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DRAWING KEY

- EXIST, WALLS TO REMAIN
- REMOVE

NOTE: ELEMENTS OF MAIN HOUSE EXTERIOR ENVELOPE HAVE BEEN RESTORED UNDER REPAIRS APPROVALS DATED APRIL 24, 2018 (BAR 2018-00198) AND MAY 2, 2018 (EASEMENT FILE 100-011-ep) UNLESS NOTED OTHERWISE



1 NORTH ELEVATION REMOVAL
SCALE: 3/32" = 1'-0"

CARRIAGE HOUSE PLANS & ELEVATIONS REMOVALS

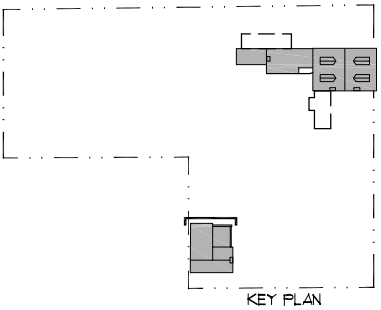
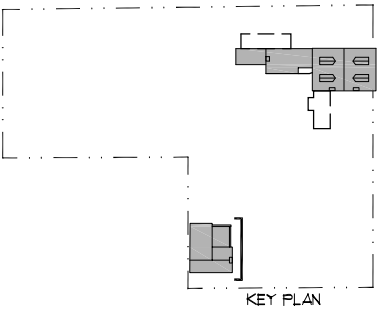
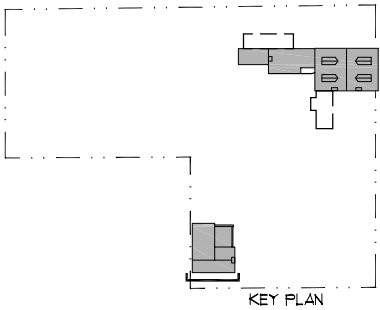
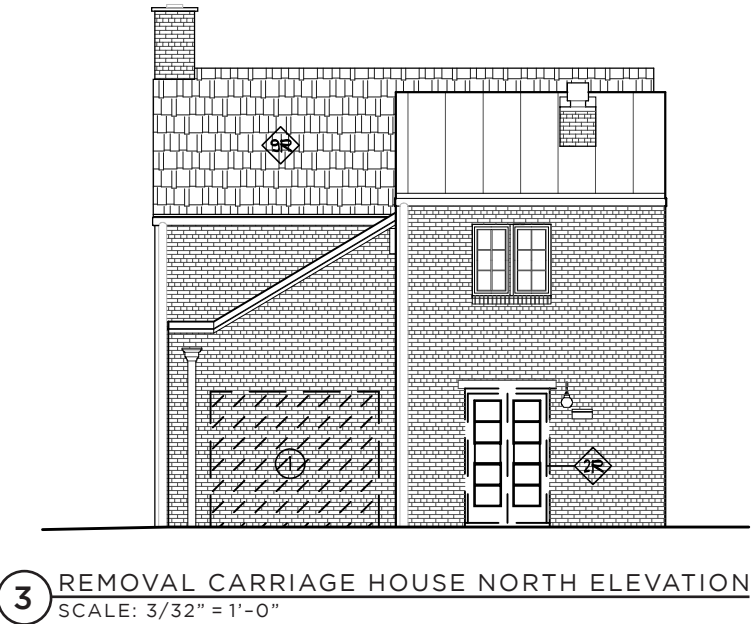
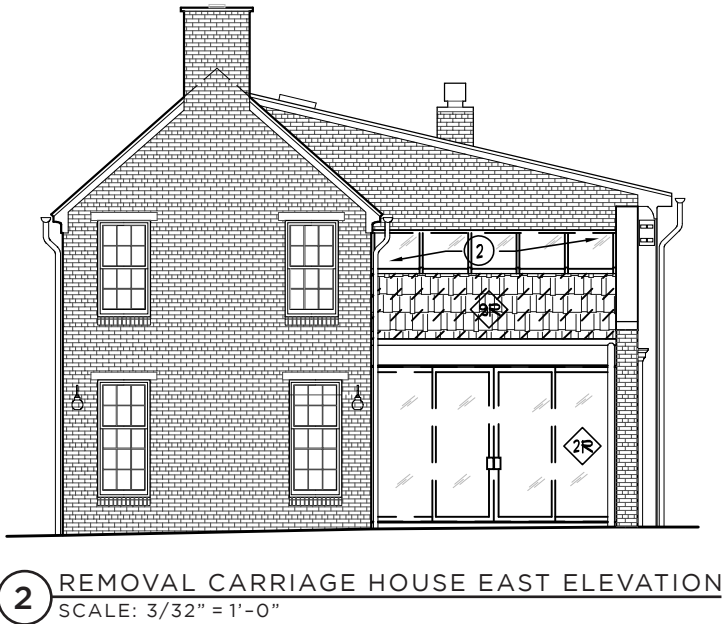
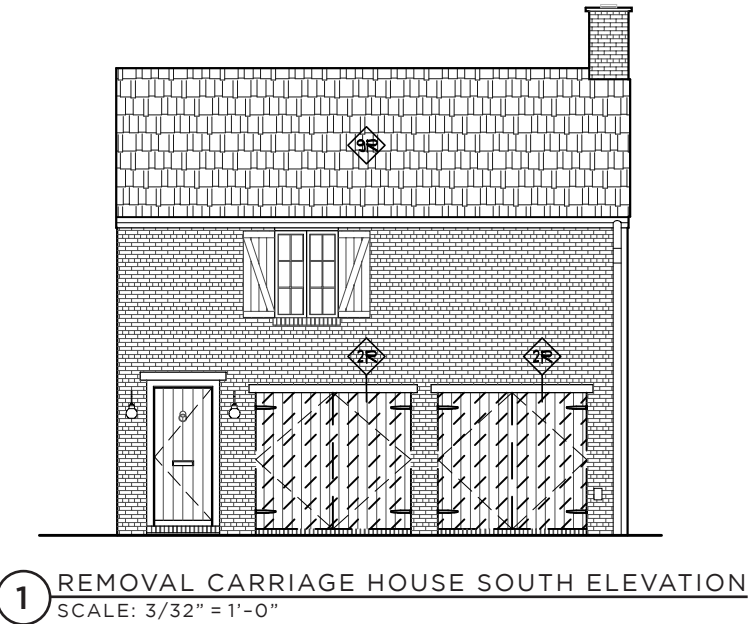
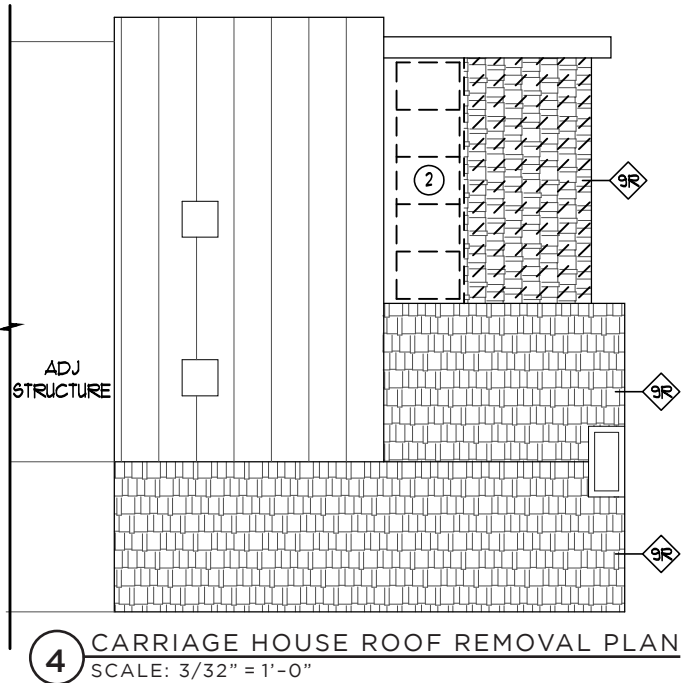
619 S LEE STREET | ALEXANDRIA, VA

- REMOVALS KEY NOTES:

 - 1 REMOVE PORTION OF EXTERIOR WALL FOR NEW DOORWAY, REFER TO PROPOSED DWGS.
 - 2 REMOVE SKYLIGHT (CARRIAGE HOUSE)
 - 3 REMOVE CONCRETE AREAWAY AT BASEMENT WINDOWS
 - 4 REMOVE CURB AT BASEMENT ACCESS HATCH
- REPAIRS WORK:

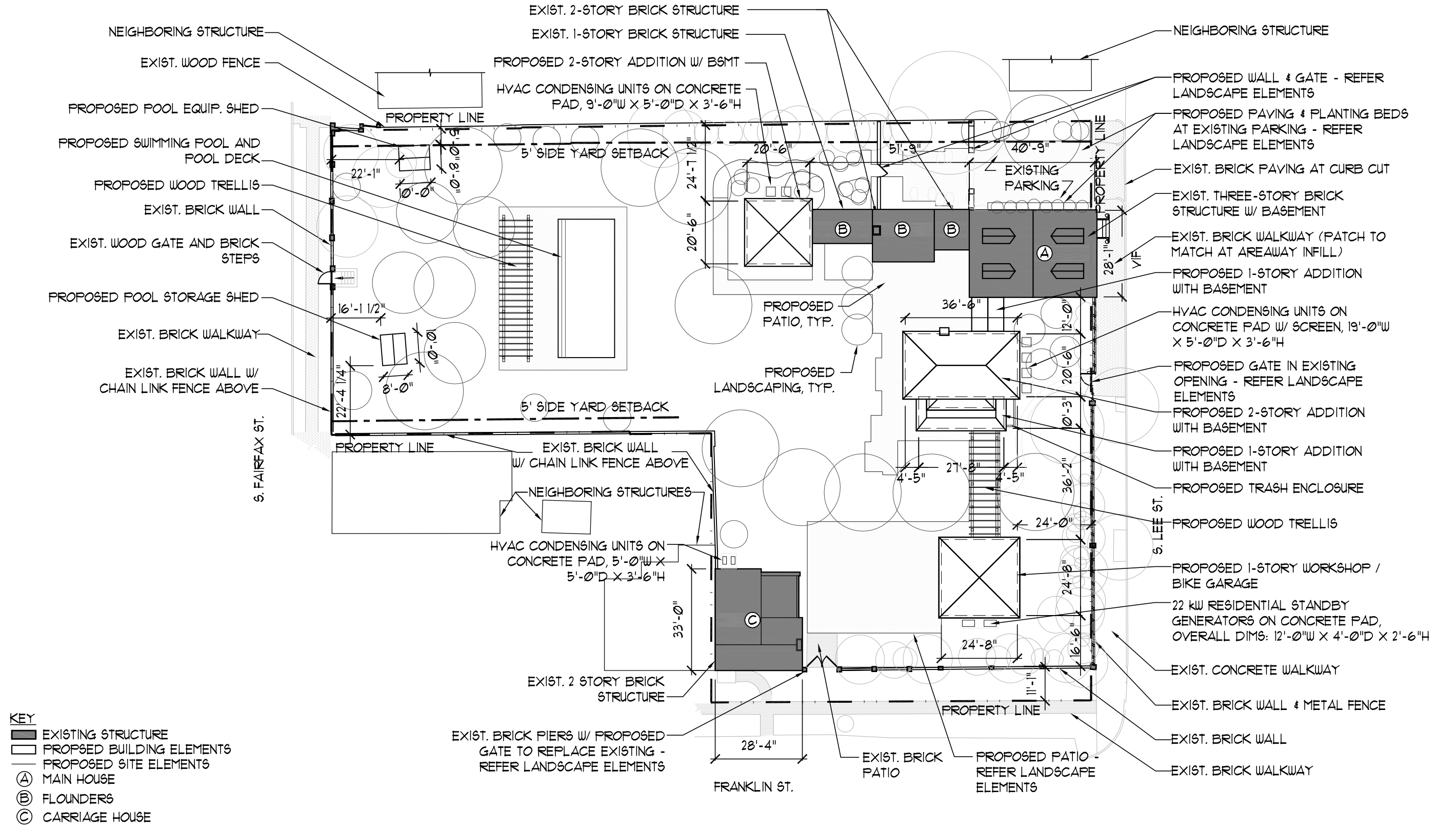
 - 1R HISTORIC WINDOWS TO BE REMOVED & REPAIRED.
 - 2R NON-HISTORIC WINDOW / DOORS TO BE REPLACED IN EXISTING MASONRY OPENINGS
 - 3R REMOVE PTD METAL ROOF & GUTTERS. REPLACE WITH NEW PTD STANDING SEAM METAL ROOF TO MATCH HISTORIC ROOF IN SIZE & SCALE WITH NEW COPPER GUTTERS & D.S.
 - 4R REMOVE EXIST. CHIMNEY TO TOP OF ROOF & REBUILD CHIMNEY W/ ORIGINAL BRICKS, PTD. TO MATCH EXIST.
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 - 6R REMOVE PAINT & PARING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY PTD FINISH TO MATCH EXIST.
 - 7R POINT BRICK AS REQ'D.
 - 8R INFILL MASONRY OPENING WITH BRICK SET BACK 1" FROM FACE OF BUILDING
 - 9R REMOVE WOOD SHINGLE ROOF, REPLACE WITH VENTED WOOD SHINGLES TO MATCH EXIST. W. NEW COPPER GUTTERS, DOWNSPOUTS AND COPPER COPING AT BRICK WALL (CARRIAGE HOUSE)
- DRAWING KEY

 - EXIST, WALLS TO REMAIN
 - REMOVE



PROPOSED SITE PLAN

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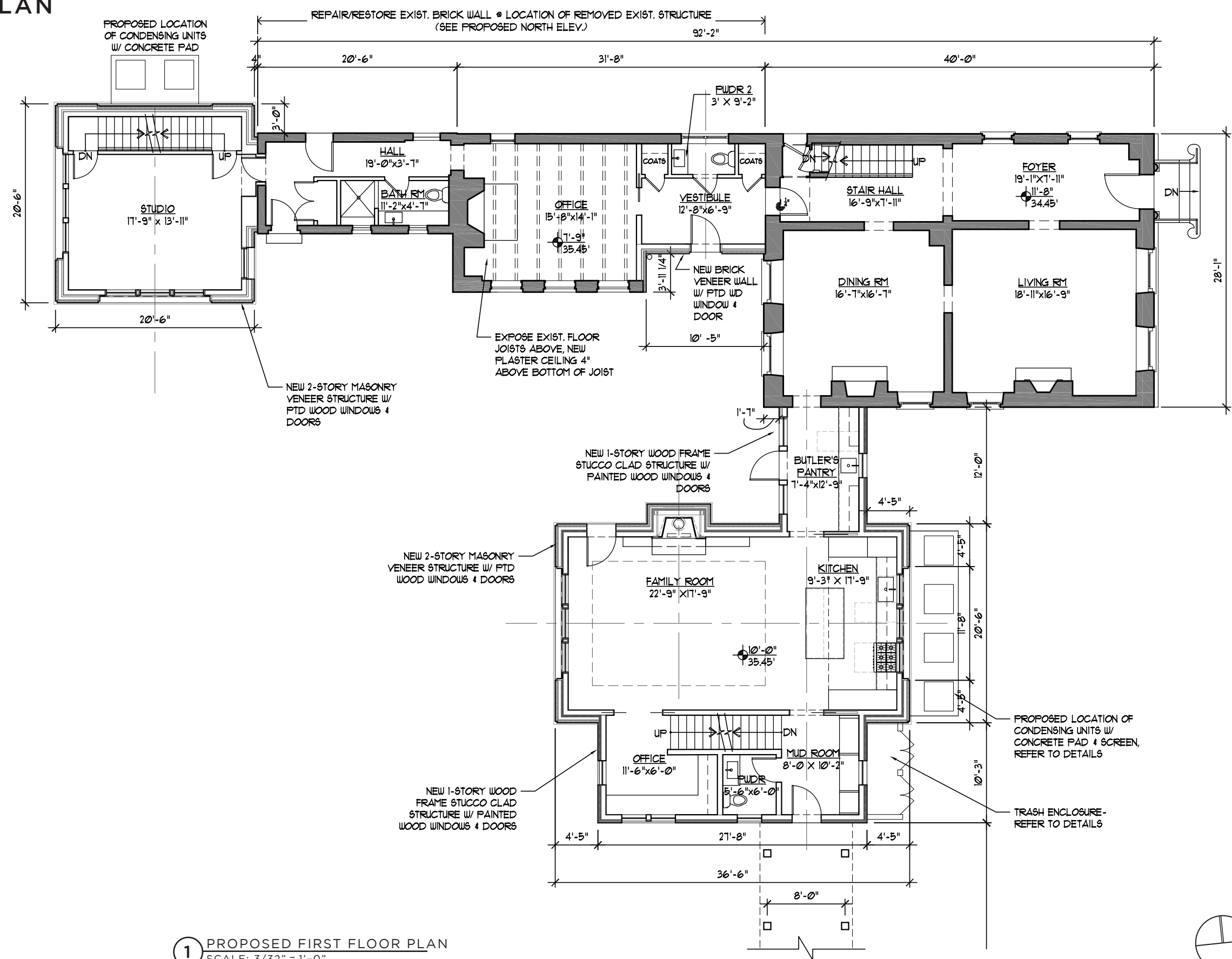


1 PROPOSED SITE PLAN
SCALE: 1/32" = 1'-0"



PROPOSED FIRST FLOOR PLAN

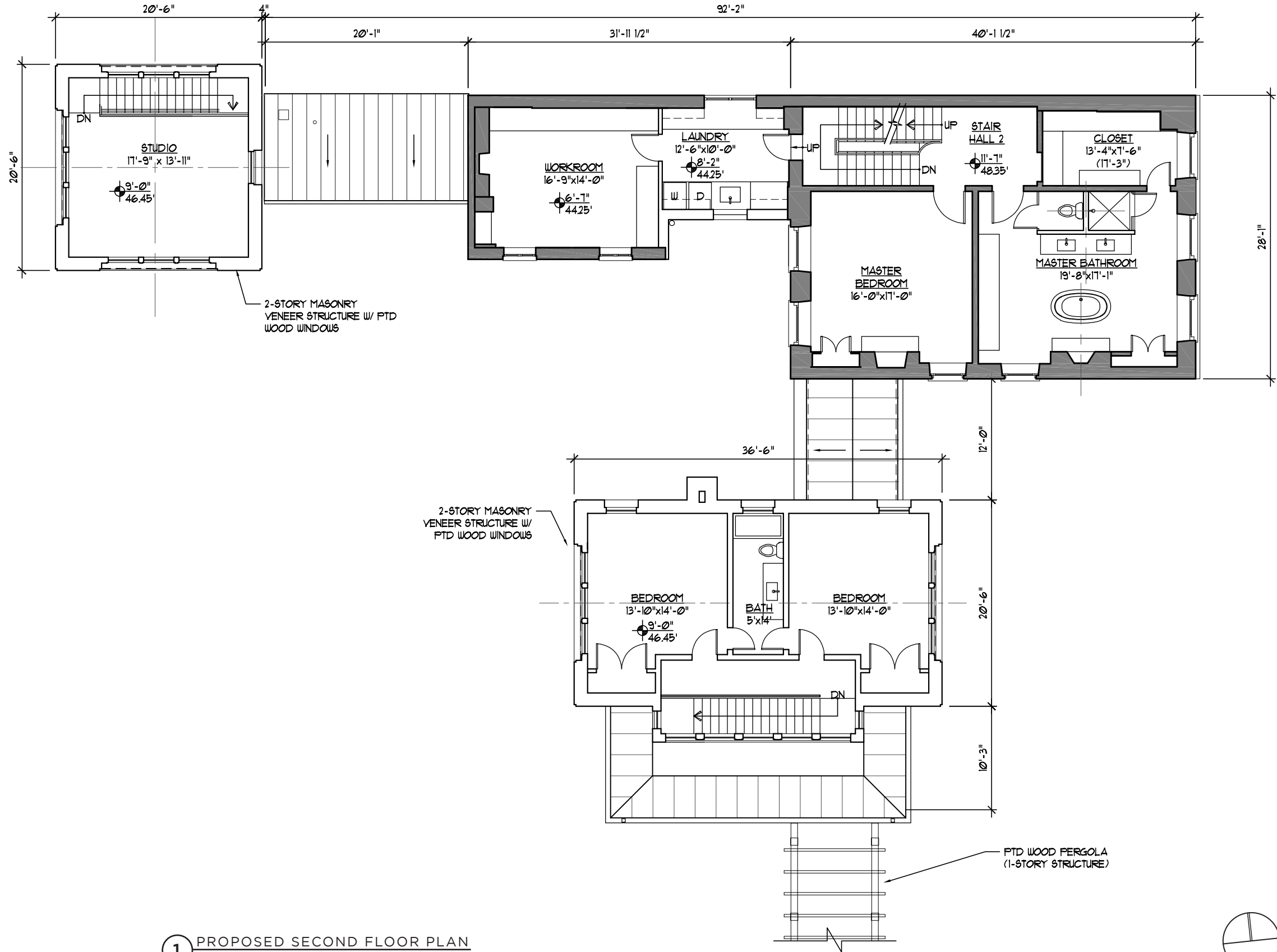
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1 PROPOSED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

PROPOSED SECOND FLOOR PLAN

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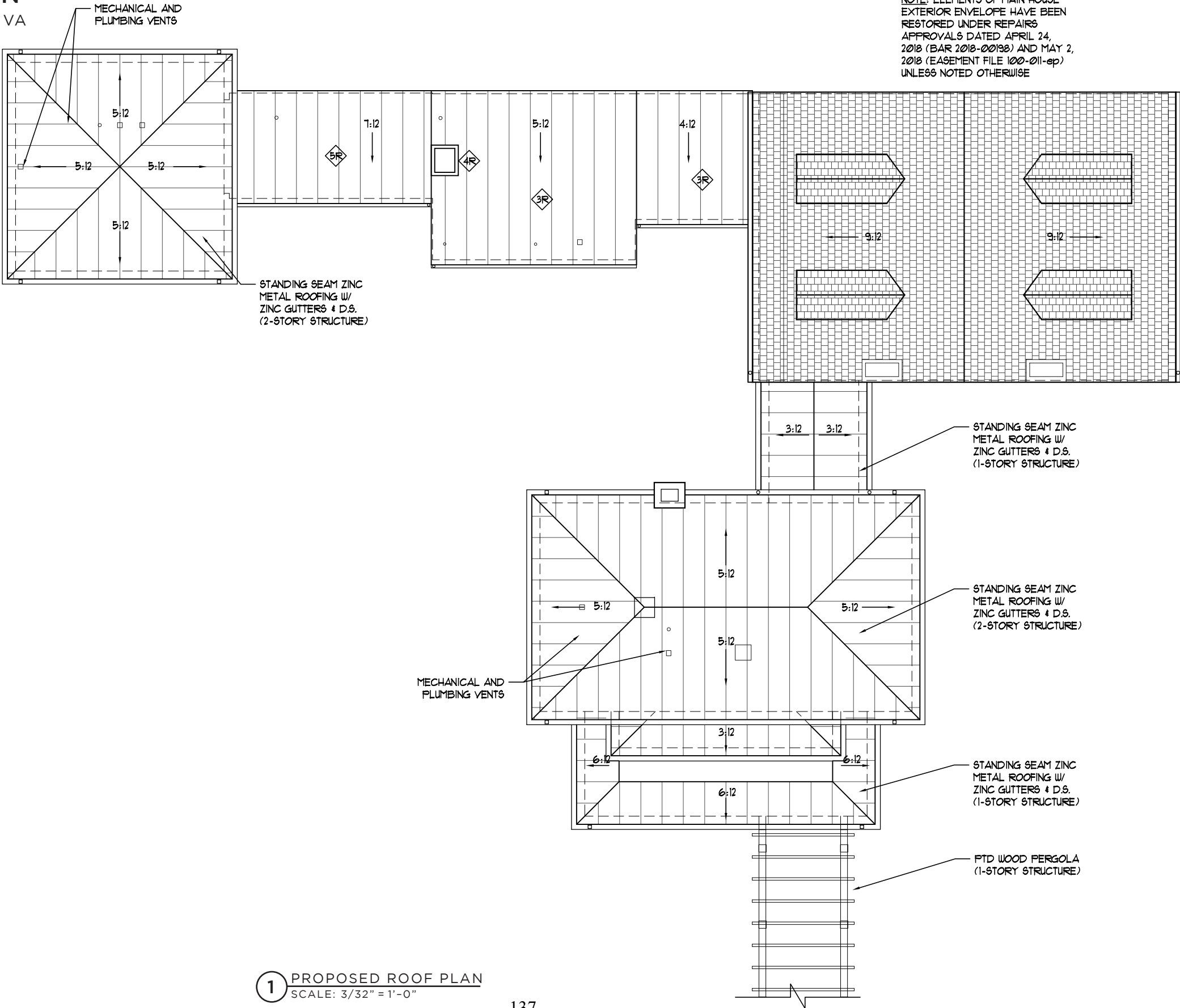
1 PROPOSED SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

PROPOSED ROOF PLAN

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NOTE: ELEMENTS OF MAIN HOUSE
EXTERIOR ENVELOPE HAVE BEEN
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UNLESS NOTED OTHERWISE

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1 PROPOSED ROOF PLAN
SCALE: 3/32" = 1'-0"

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- 1R POINT BRICK AS REQ'D.
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Architectural elevation drawing of a building facade, showing a new addition, new connector, and existing structure. The drawing includes detailed annotations for materials, rooflines, and structural elements.

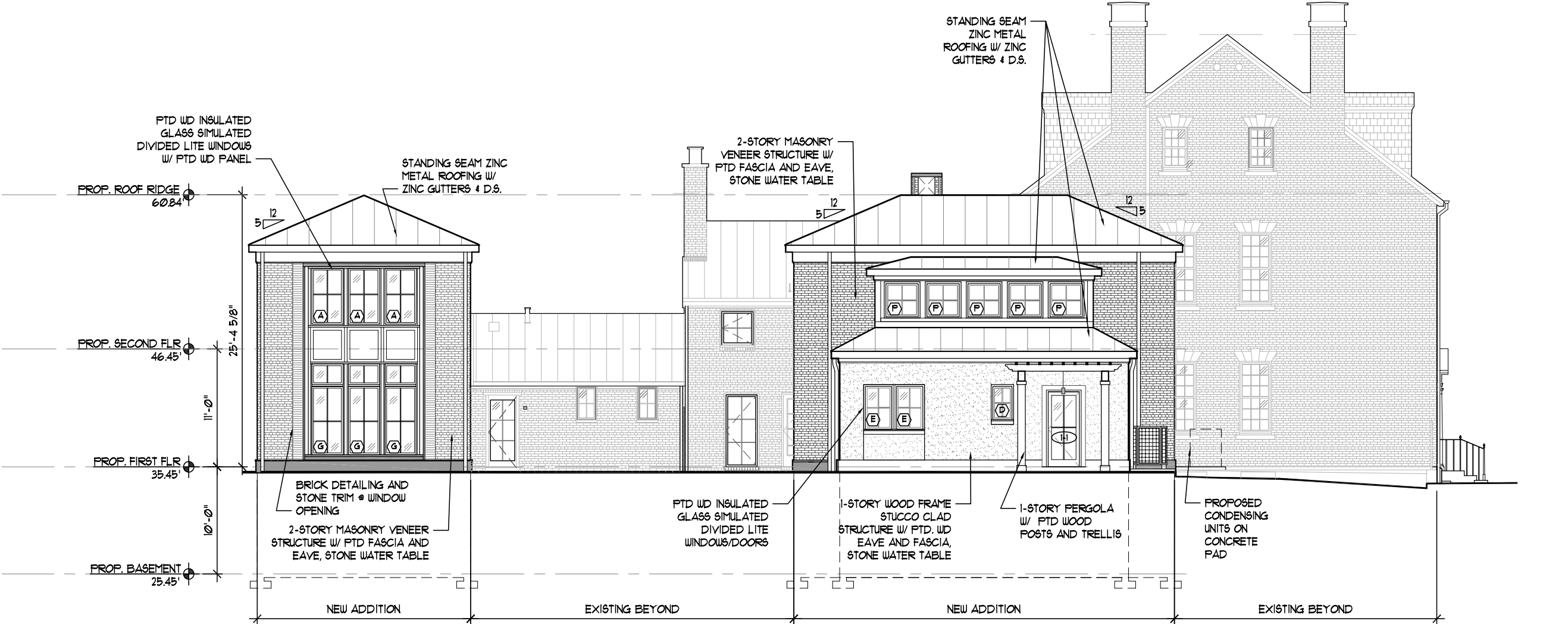
Annotations and Callouts:

- NEW COPPER GUTTERS & D.S.
- REMOVE PAINT & FARGING AS REQ'D FOR MASONRY REPAIRS. POINT BRICK WALL AS REQ'D & APPLY FTD FINISH TO MATCH EXIST.
- BRICK DETAILING AND STONE TRIM @ BRICK RECESSED PANEL
- STANDING SEAM ZINC METAL ROOFING W/ ZINC GUTTERS & D.S.
- PROP. ROOF RIDGE 52.24'
- 16'-9 1/2"
- PROP. FIRST FLR 35.45'
- 1-STORY MASONRY VENEER STRUCTURE W/ PTD. WOOD FASCIA & EAVE, STONE WATER TABLE
- PROP. BASEMENT 25.45'
- NEW ADDITION
- NEW CONNECTOR
- 1-STORY PERGOLA W/ PTD WOOD POSTS AND TRELLIS
- PROP. SECOND FLR 46.45'
- PROP. FIRST FLR 35.45'
- PROP. BASEMENT 25.45'
- 1-STORY WOOD FRAME STUCCO CLAD STRUCTURE W/ PTD. WOOD FASCIA, STONE WATER TABLE
- 1-STORY WOOD FRAME STUCCO CLAD STRUCTURE W/ PTD. WOOD FASCIA & EAVE, STONE WATER TABLE
- 2-STORY MASONRY VENEER STRUCTURE W/ PTD. WOOD FASCIA & EAVE, STONE WATER TABLE
- PROP. CONDENSING UNITS ON CONCRETE PAD W/ PAINTED WD SCREEN
- PTD WD TRASH ENCLOSURE
- PTD WD INSULATED SIMULATED DIVIDED LITE GLASS WINDOW/DOORS
- BRICK DETAILING AND STONE TRIM @ BRICK RECESSED PANEL
- PTD WD INSULATED GLASS SIMULATED DIVIDED LITE WINDOWS W/ PTD WD PANEL
- STANDING SEAM ZINC METAL ROOFING W/ ZINC GUTTERS & D.S.
- PROP. ROOF RIDGE 60.84'
- 12/5
- 12/5
- EXIST. ROOF RIDGE 75.19'
- 14'-10"
- EXIST. THIRD FLR 60.95'
- 12'-7 1/4"
- EXIST. SECOND FLR 48.35'
- 12'-10 3/4"
- PROPOSED CONDENSING UNITS ON CONCRETE PAD
- EXIST. FIRST FLR 35.45'
- 7'-7 1/4"
- EXIST. BSMT FLR 27.85'
- EXISTING
- INFILL WINDOW WITH BRICK SET BACK 1" FROM FACE OF EXISTING STONE WATER TABLE
- 1-STORY WOOD FRAME STUCCO CLAD STRUCTURE W/ PTD. WOOD FASCIA, STONE WATER TABLE

KEY PLAN

PROPOSED SOUTH ELEVATION

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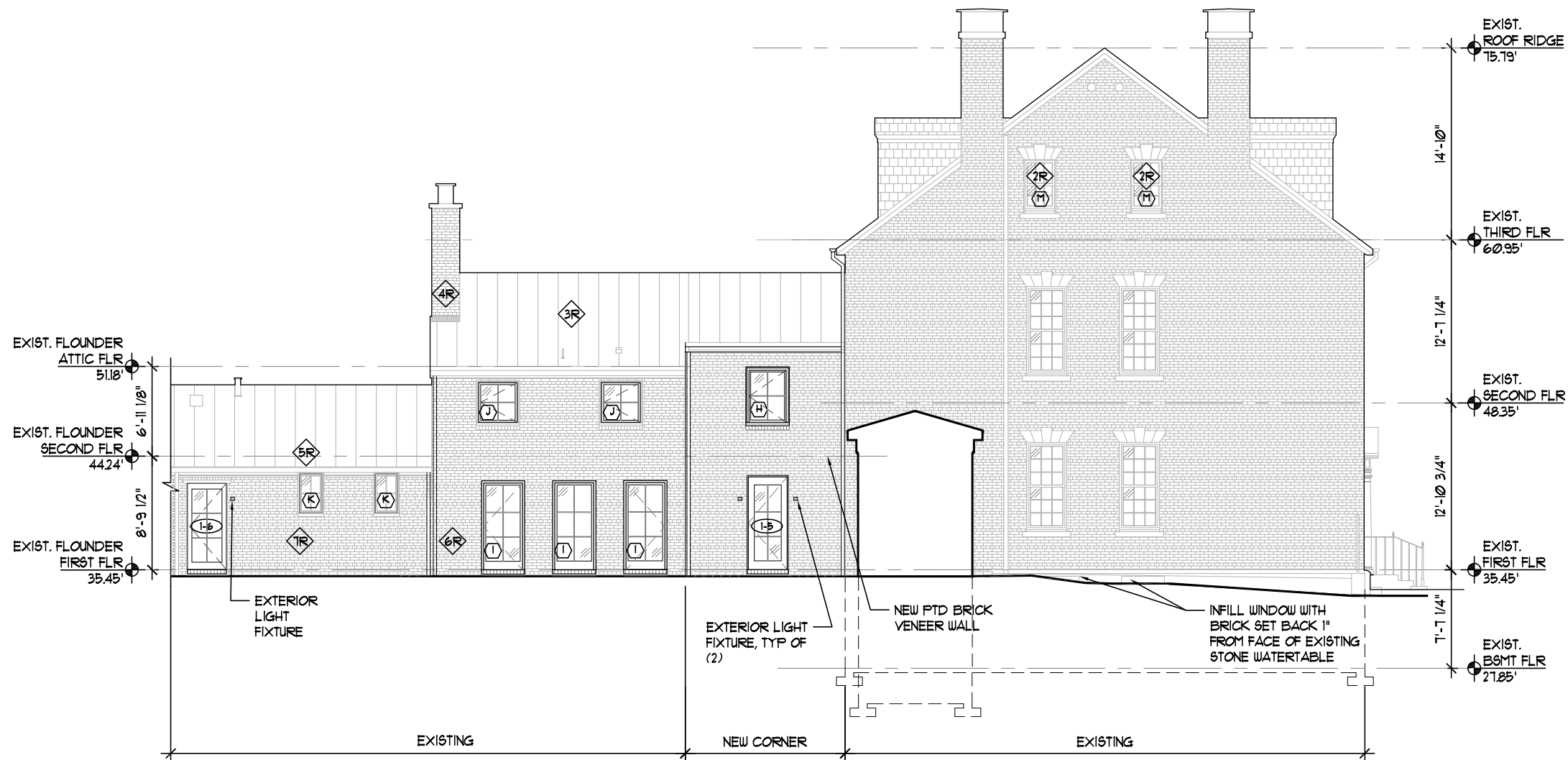
1 PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED PARTIAL SOUTH ELEVATION

619 S LEE STREET | ALEXANDRIA, VA

REPAIRS WORK:

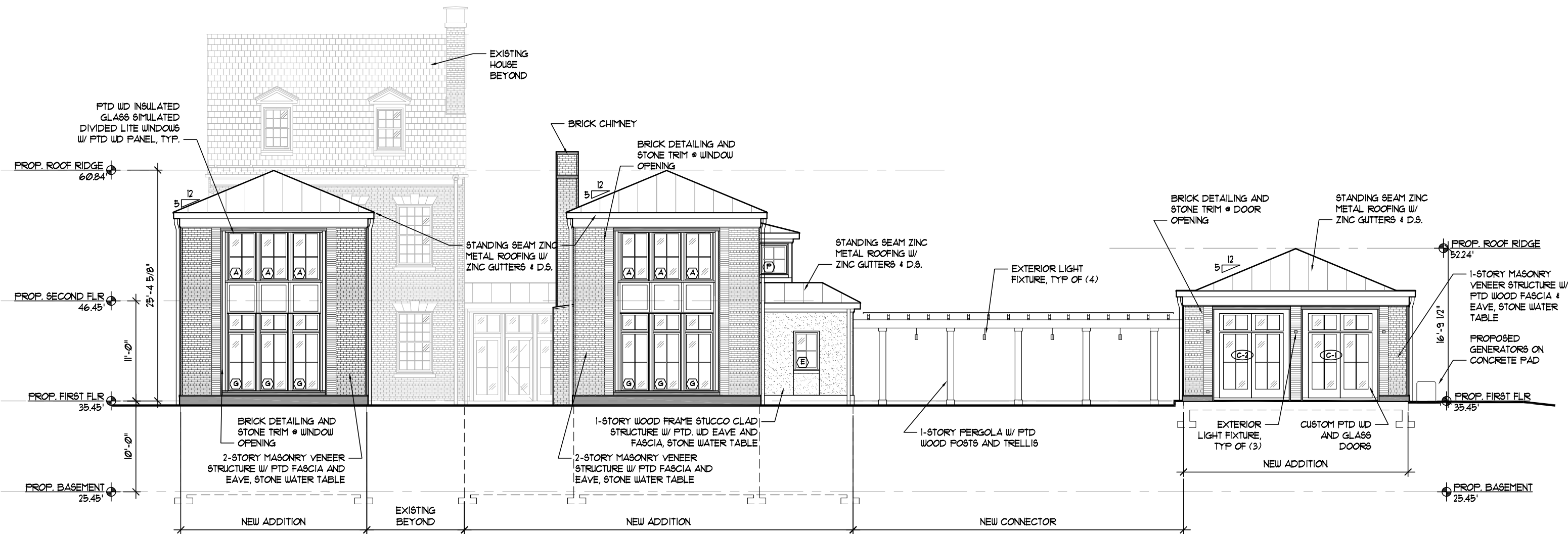
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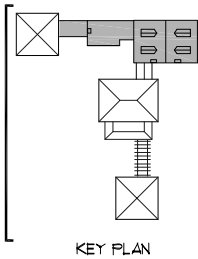
1 PROPOSED PARTIAL SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED WEST ELEVATION

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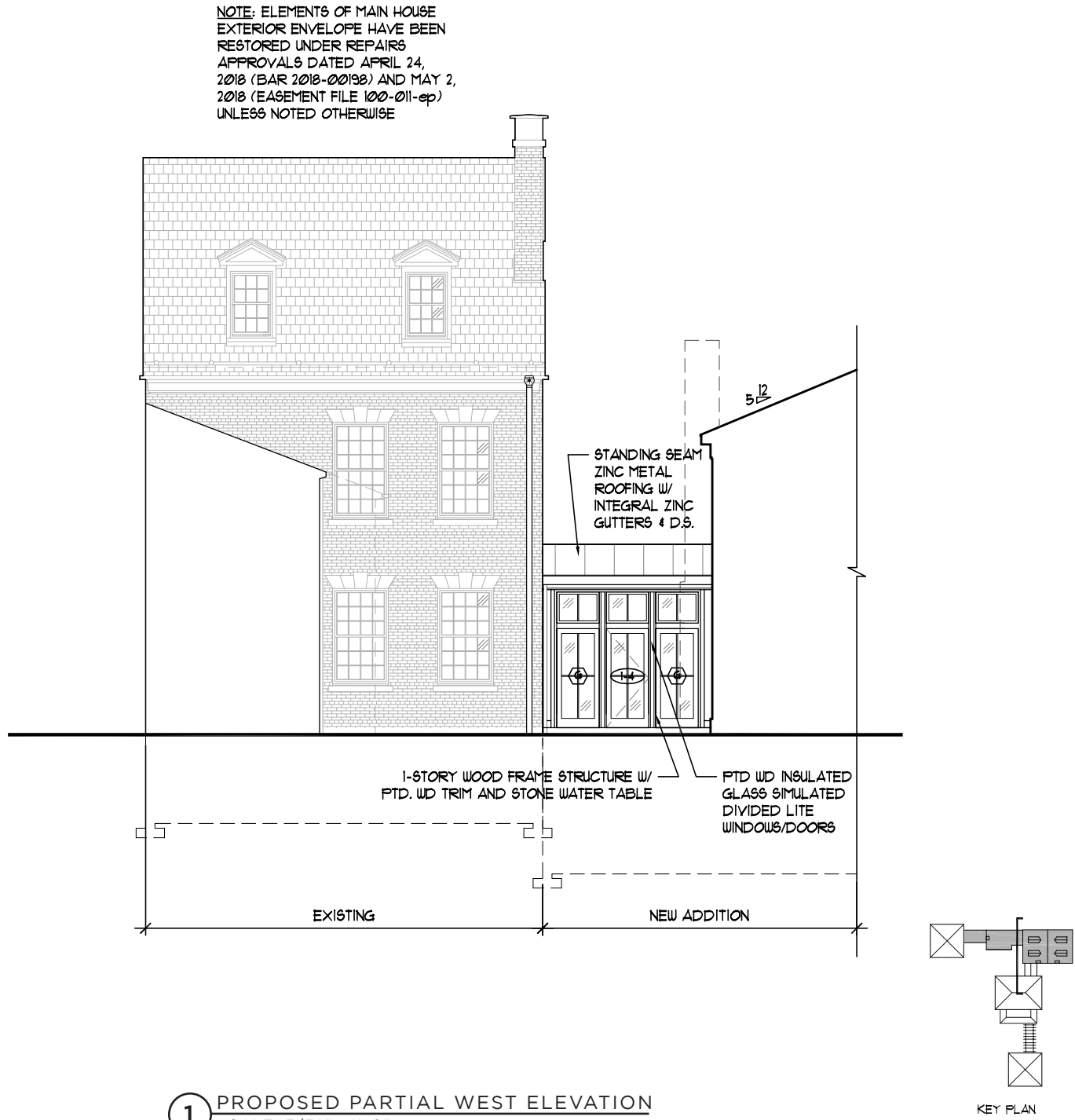


1 PROPOSED WEST ELEVATION
SCALE: 3/32" = 1'-0"



PROPOSED PARTIAL WEST ELEVATION

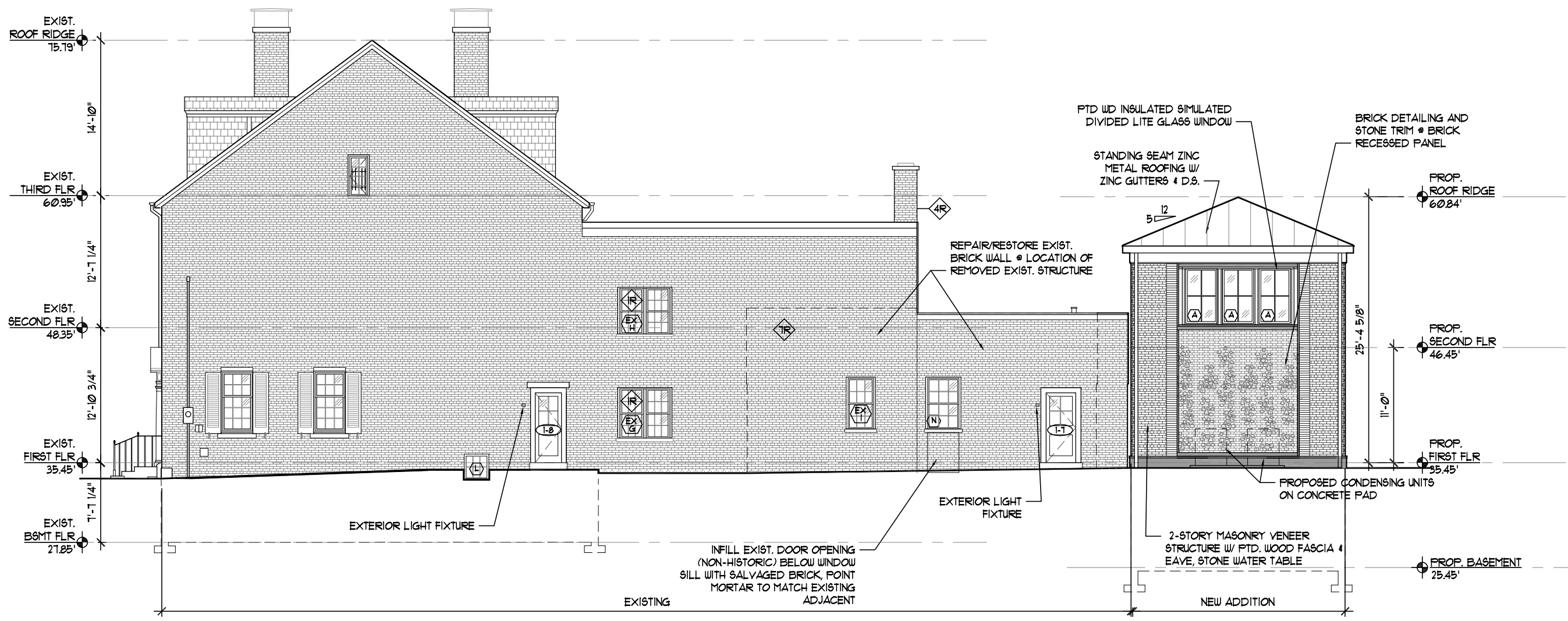
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PROPOSED NORTH ELEVATION

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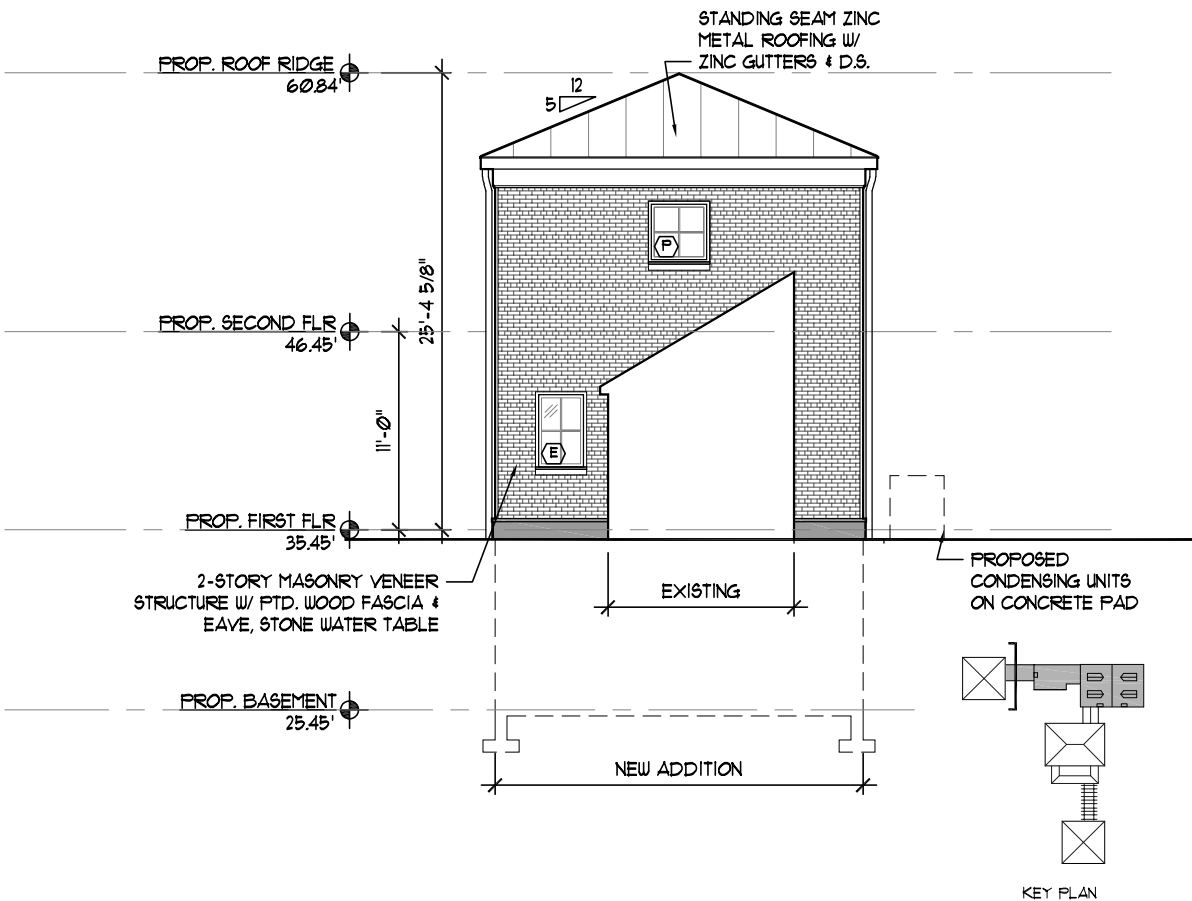
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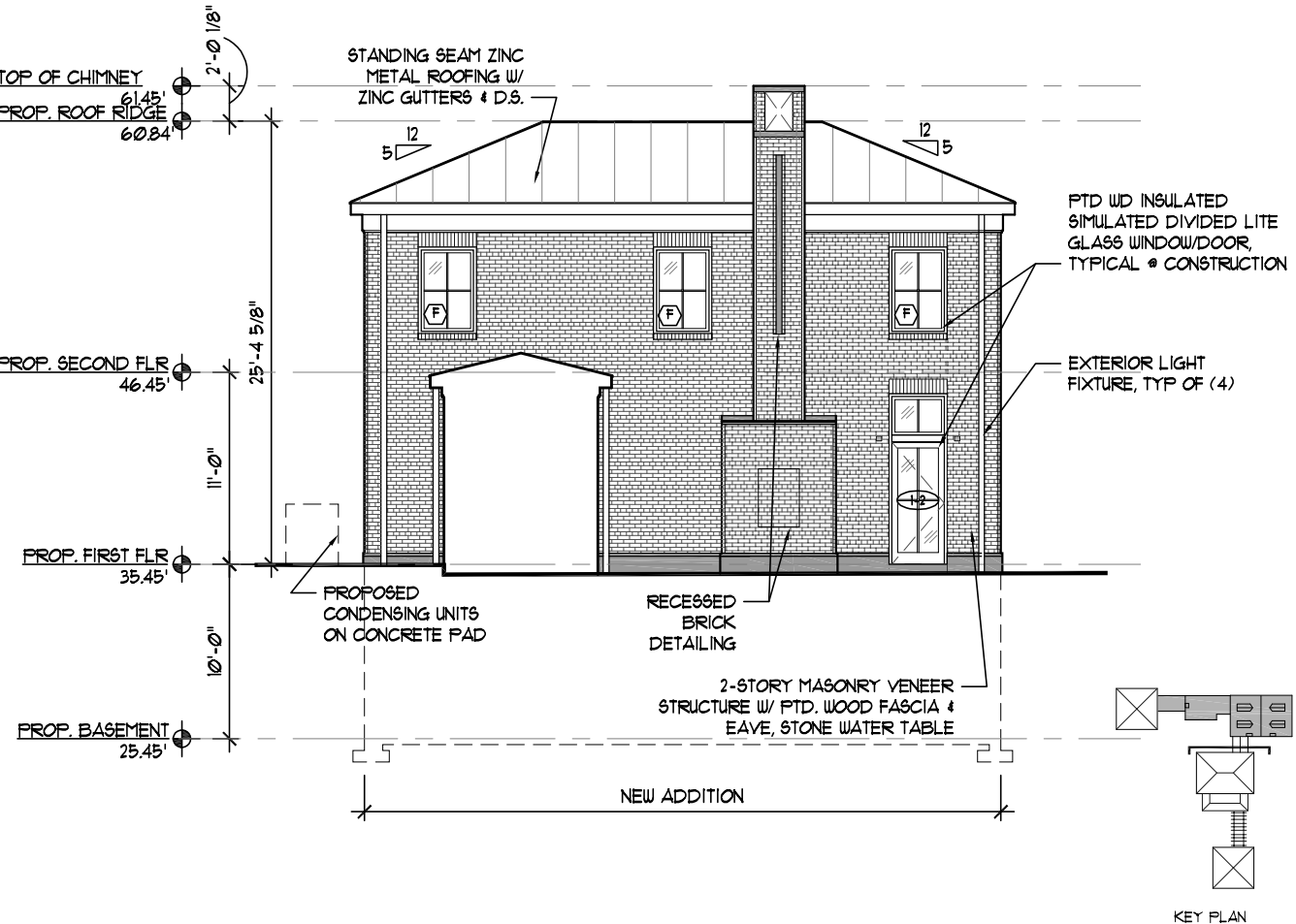
1 PROPOSED NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED EAST ELEVATION (NORTH PAVILLION) & NORTH ELEVATION (SOUTH PAVILLION)

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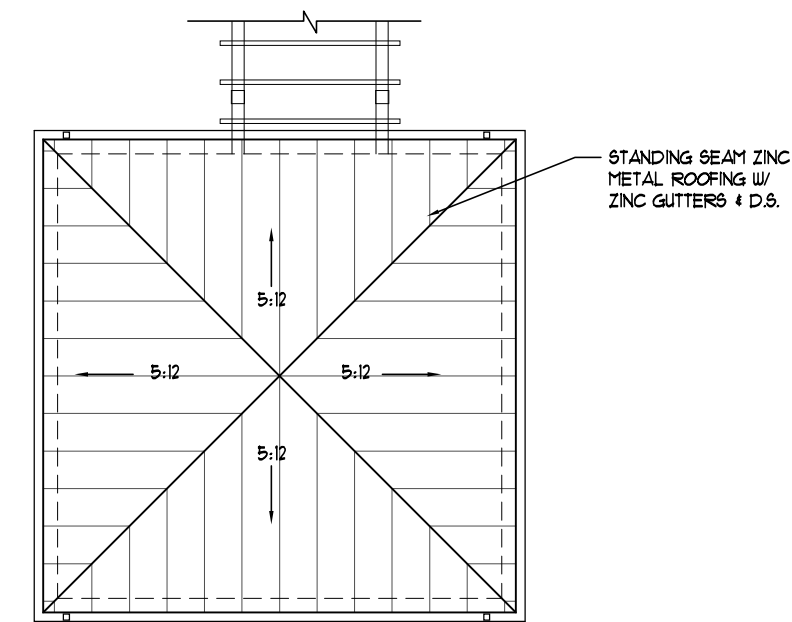
1 PROPOSED EAST ELEVATION - NORTH PAVILLION
SCALE: 3/32" = 1'-0"



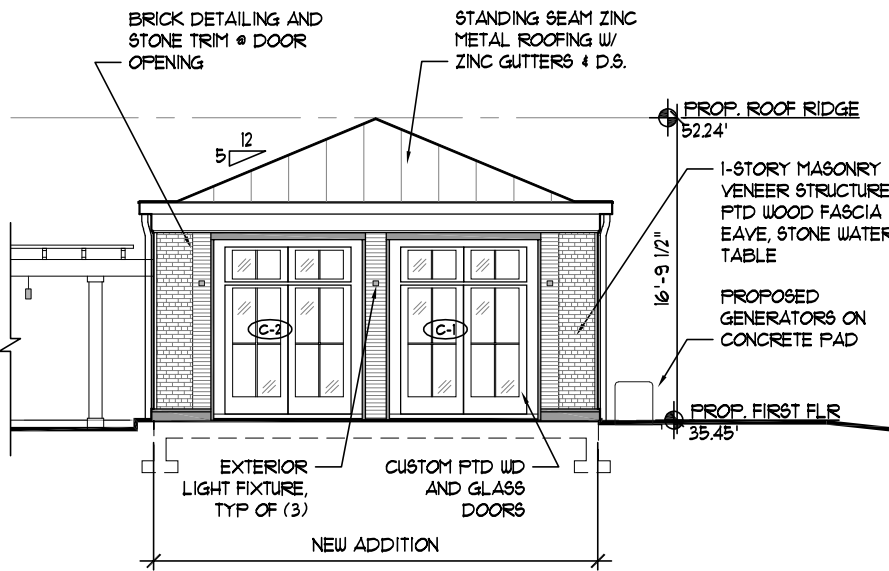
2 PROPOSED NORTH ELEVATION - SOUTH PAVILLION
SCALE: 3/32" = 1'-0"

PROPOSED WORKSHOP / BIKE GARAGE ELEVATIONS & PLANS

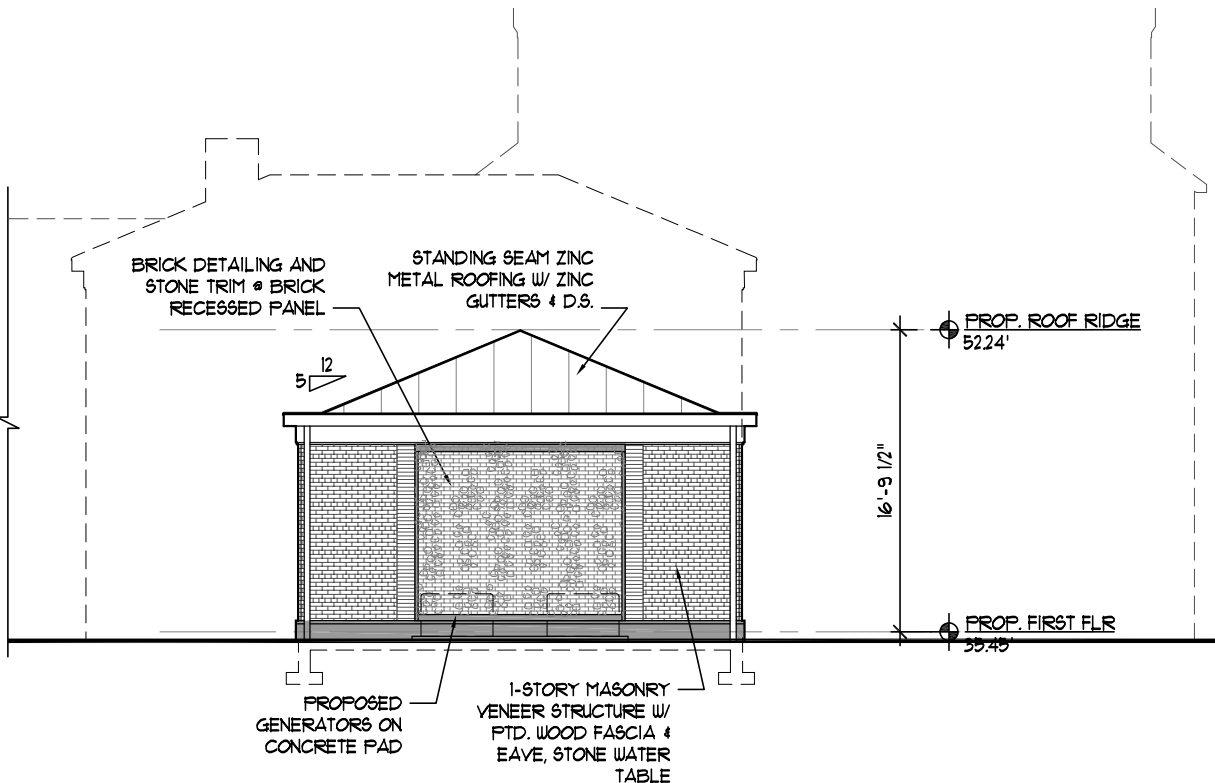
619 S LEE STREET | ALEXANDRIA, VA



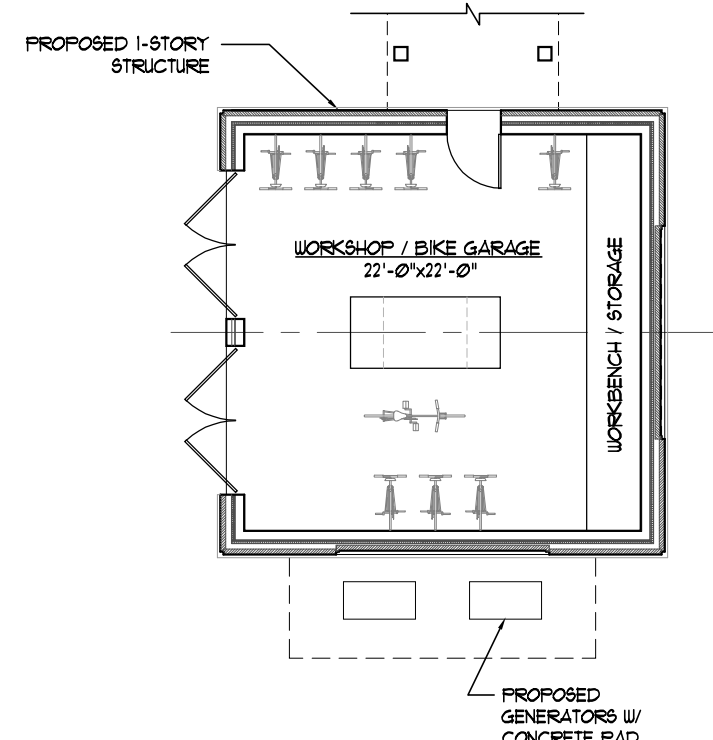
6 PROPOSED ROOF PLAN
SCALE: 3/32" = 1'-0"



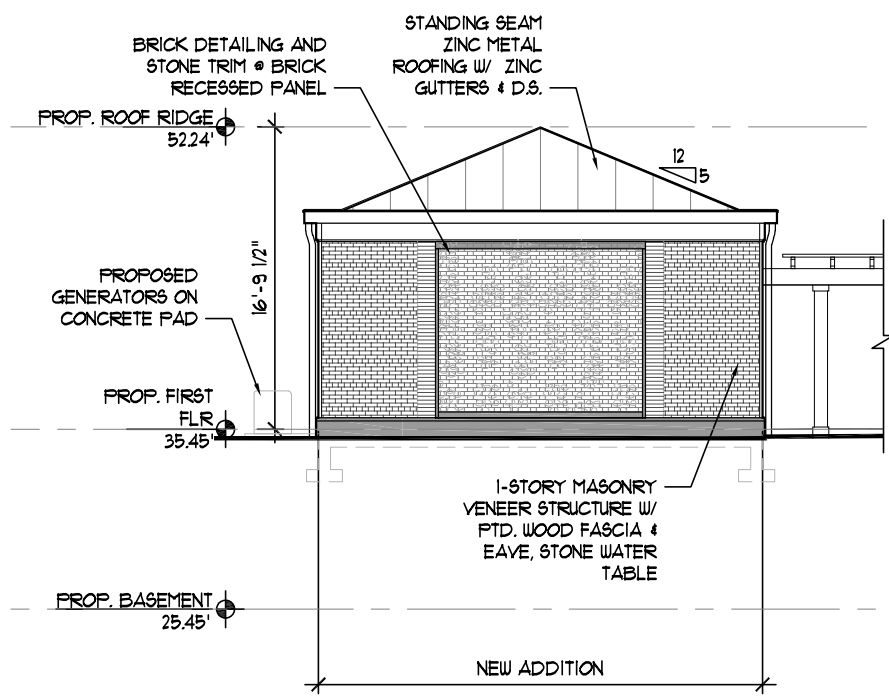
3 PROPOSED WEST ELEVATION
SCALE: 3/32" = 1'-0"



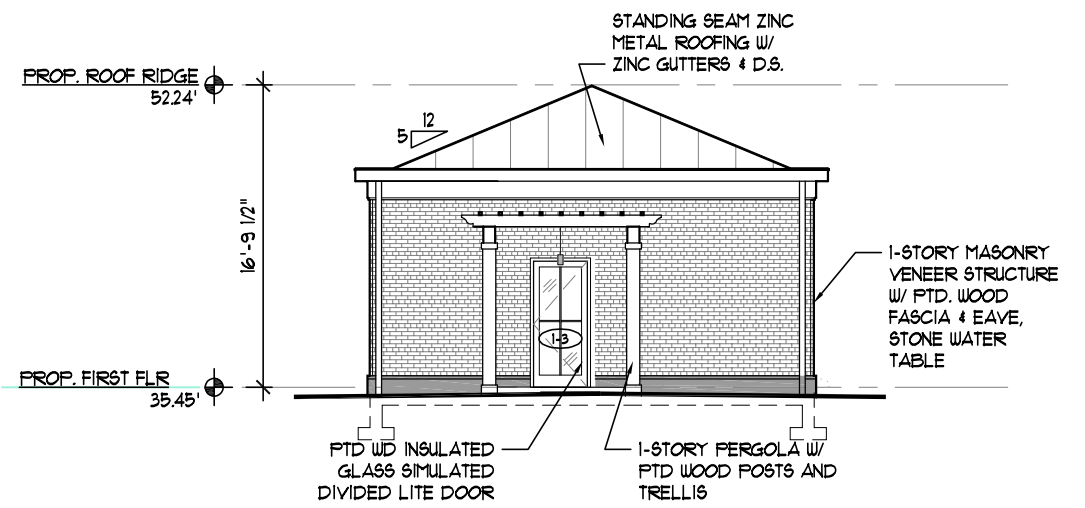
4 PROPOSED SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



5 PROPOSED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"



1 PROPOSED EAST ELEVATION
SCALE: 3/32" = 1'-0"



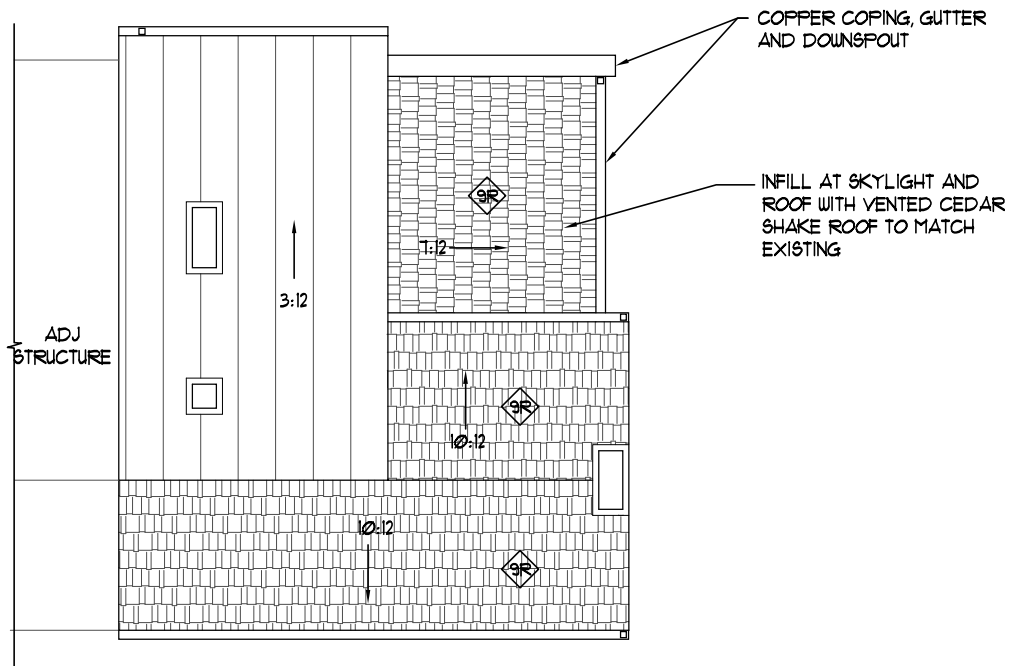
2 PROPOSED NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED CARRIAGE HOUSE ELEVATIONS & ROOF PLAN

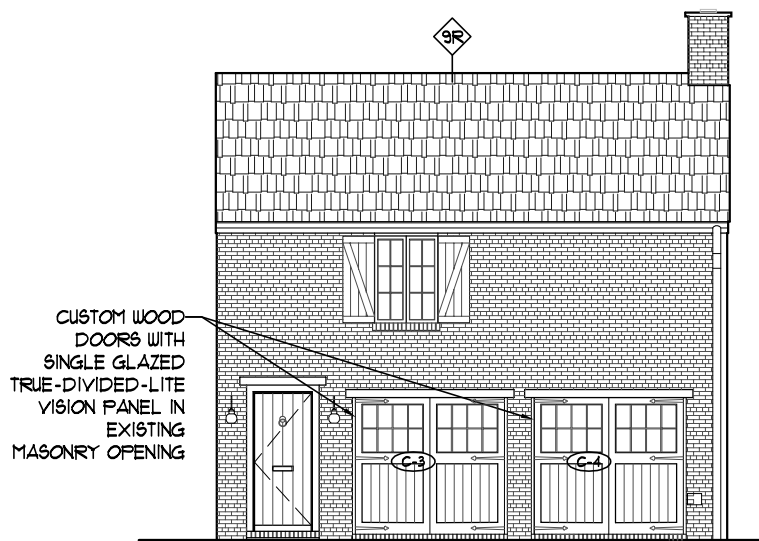
619 S LEE STREET | ALEXANDRIA, VA

REPAIRS WORK:

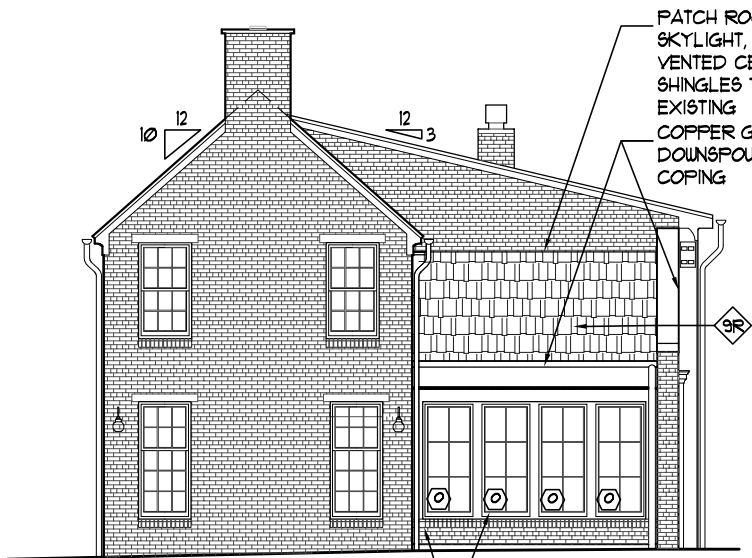
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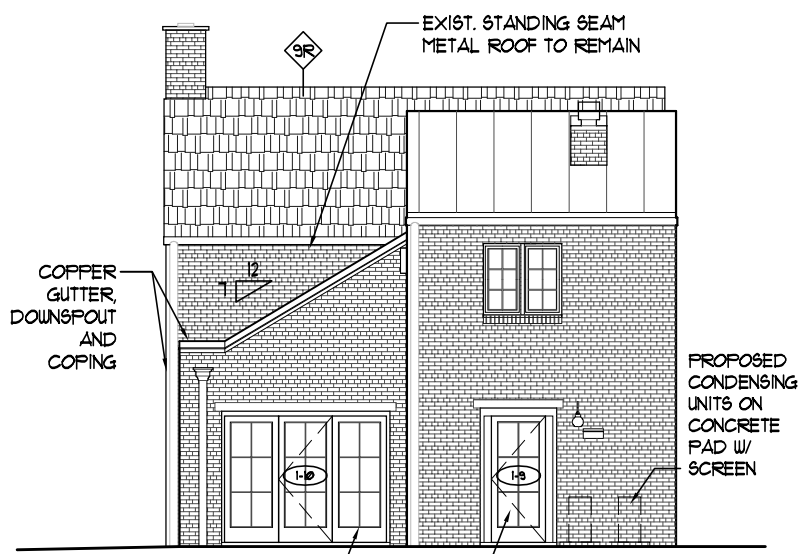
4 PROPOSED CARRIAGE HOUSE ROOF PLAN
SCALE: 3/32" = 1'-0"



1 PROPOSED CARRIAGE HOUSE SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



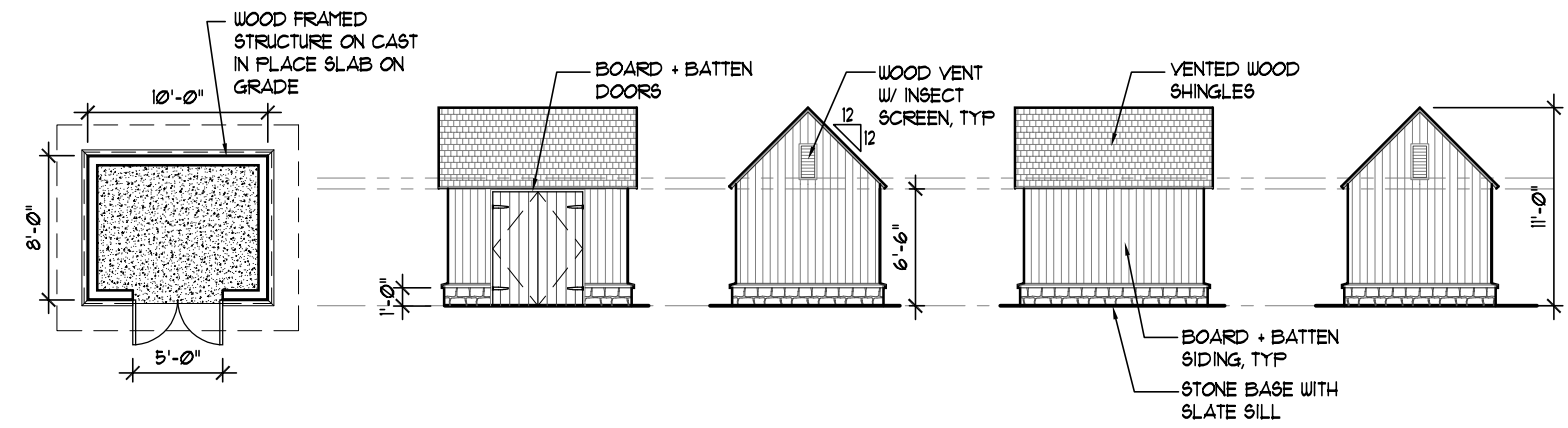
2 PROPOSED CARRIAGE HOUSE EAST ELEVATION
SCALE: 3/32" = 1'-0"



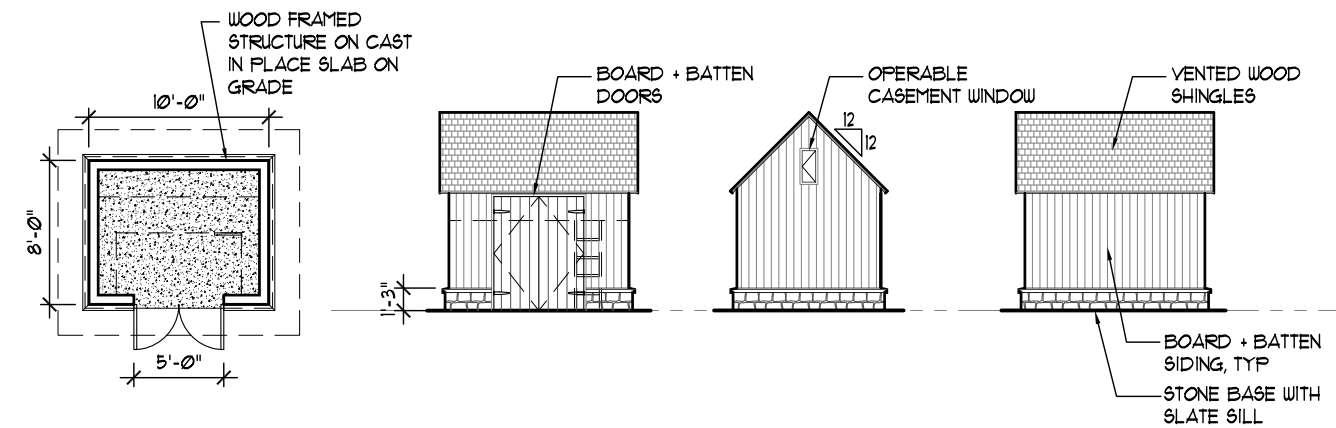
3 PROPOSED CARRIAGE HOUSE NORTH ELEVATION
SCALE: 3/32" = 1'-0"

PROPOSED GARDEN SHEDS

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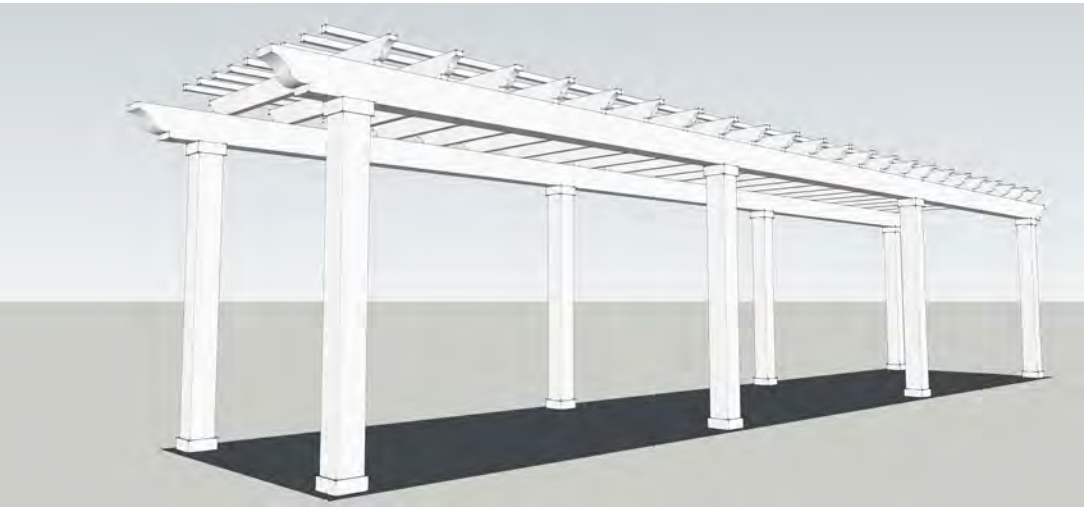
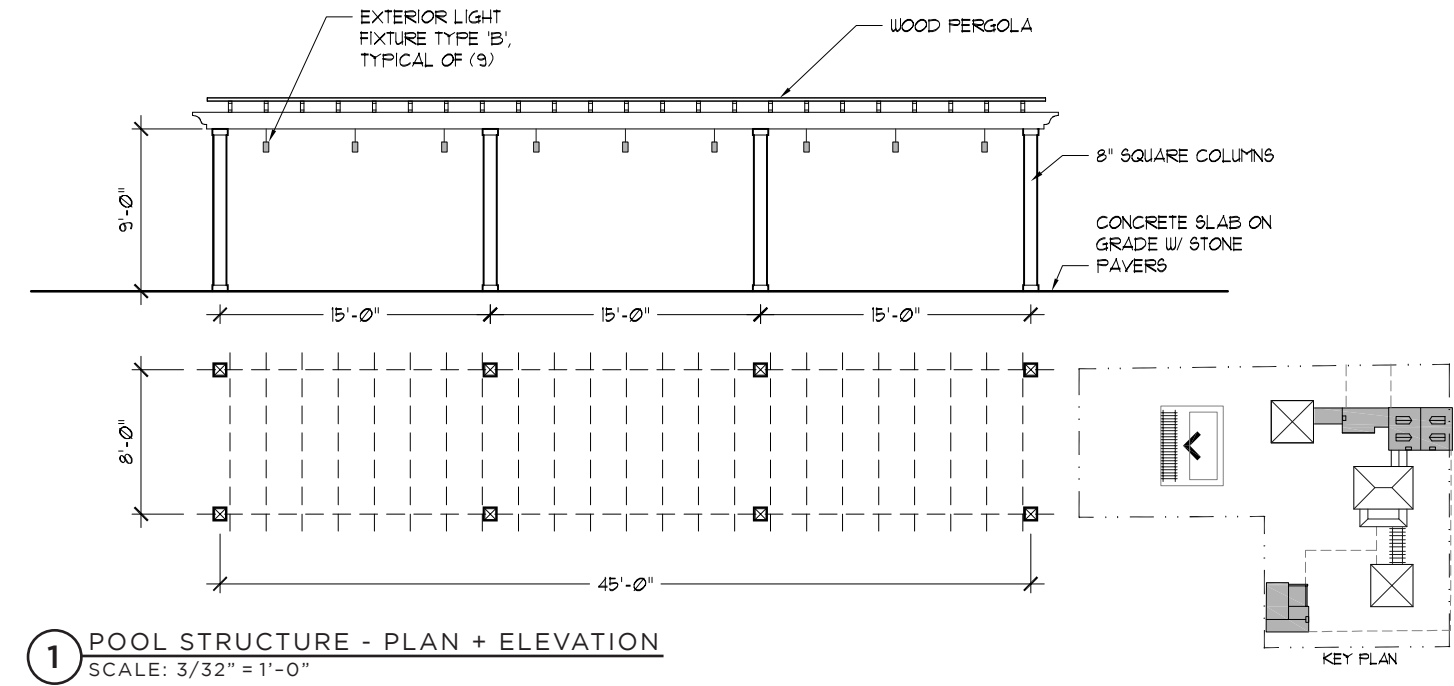
1 PROPOSED POOL EQUIPMENT SHED
SCALE: 3/32" = 1'-0"



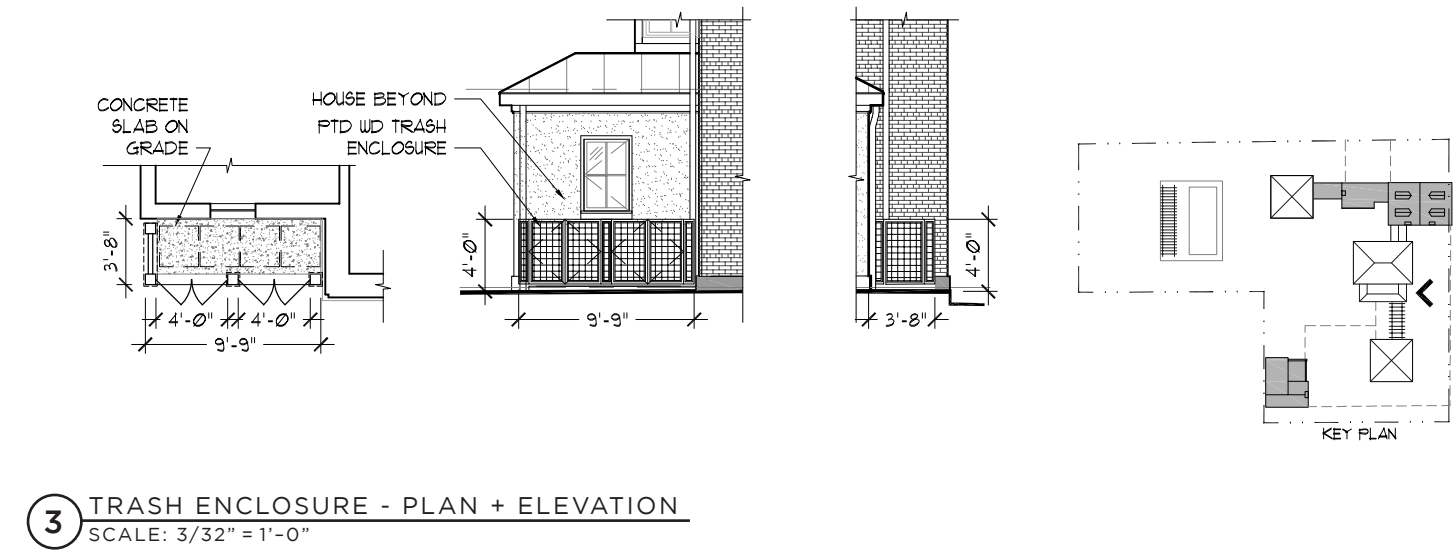
2 PROPOSED POOL STORAGE SHED
SCALE: 3/32" = 1'-0"

PROPOSED POOL STRUCTURE & TRASH ENCLOSURE

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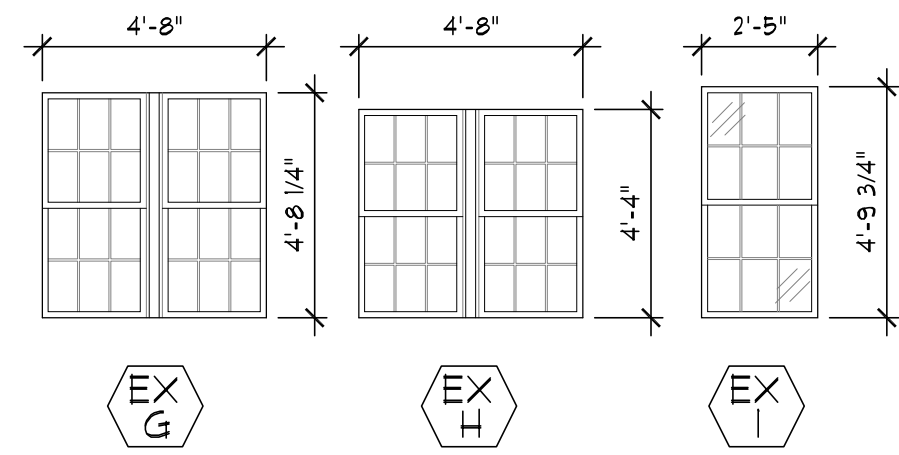


2 POOL STRUCTURE
NTS

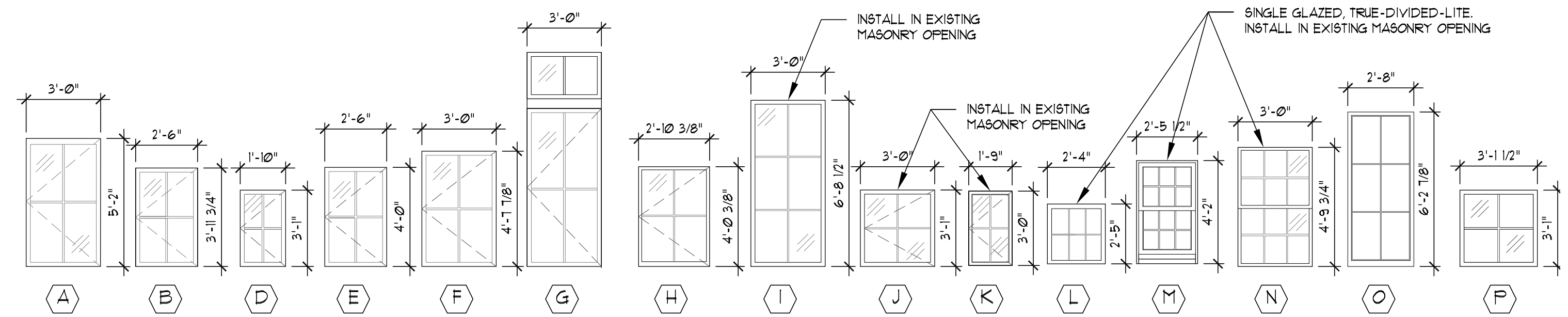


WINDOW TYPES

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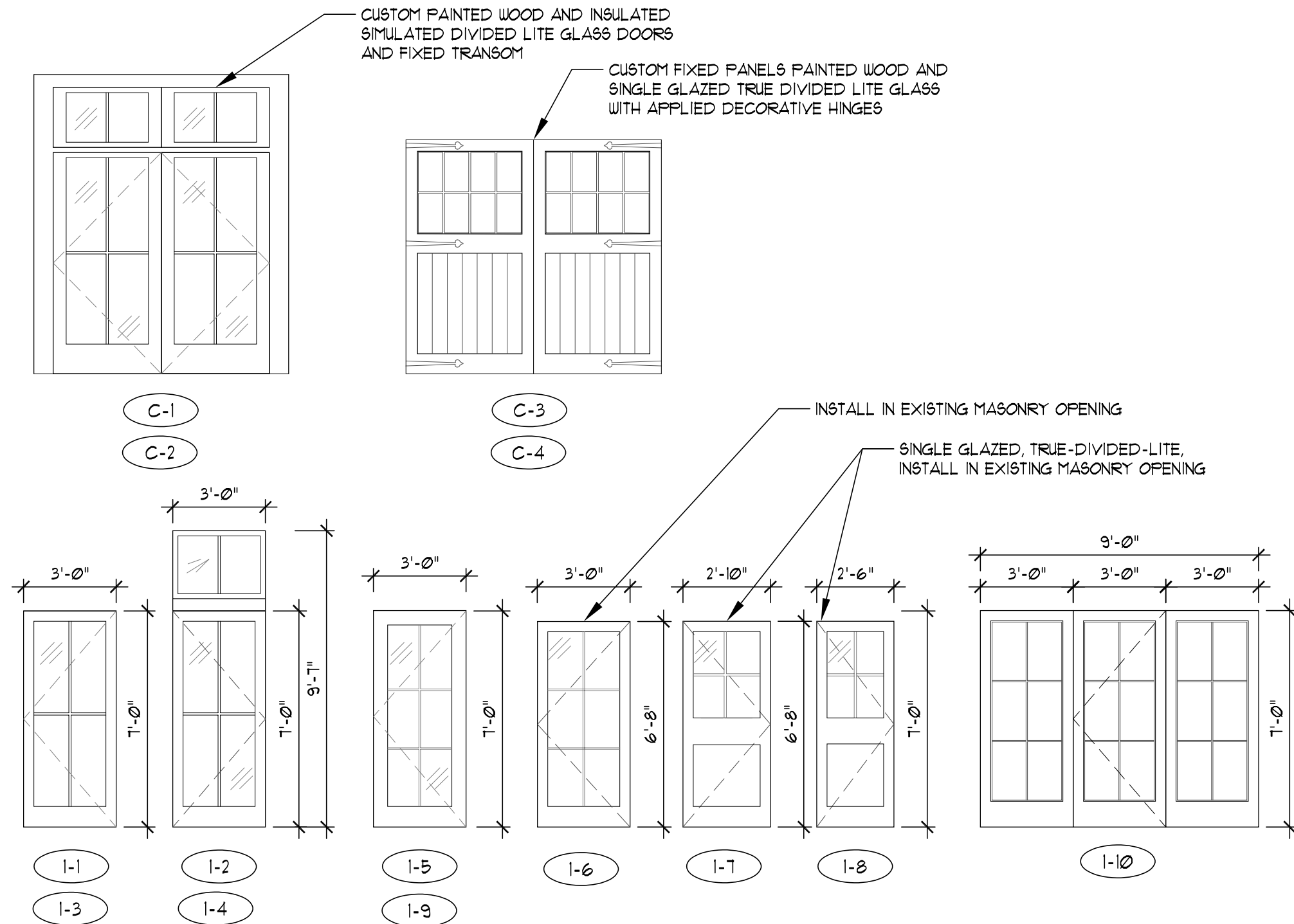
EXISTING WOOD WINDOWS, PAINTED (SINGLE-GLAZED, TRUE-DIVIDED-LITE) - RESTORE PER NOTES



PROPOSED WOOD WINDOWS, PAINTED (INSULATED GLASS, SIMULATED-DIVIDED-LITE, UNO)

EXTERIOR DOOR TYPES

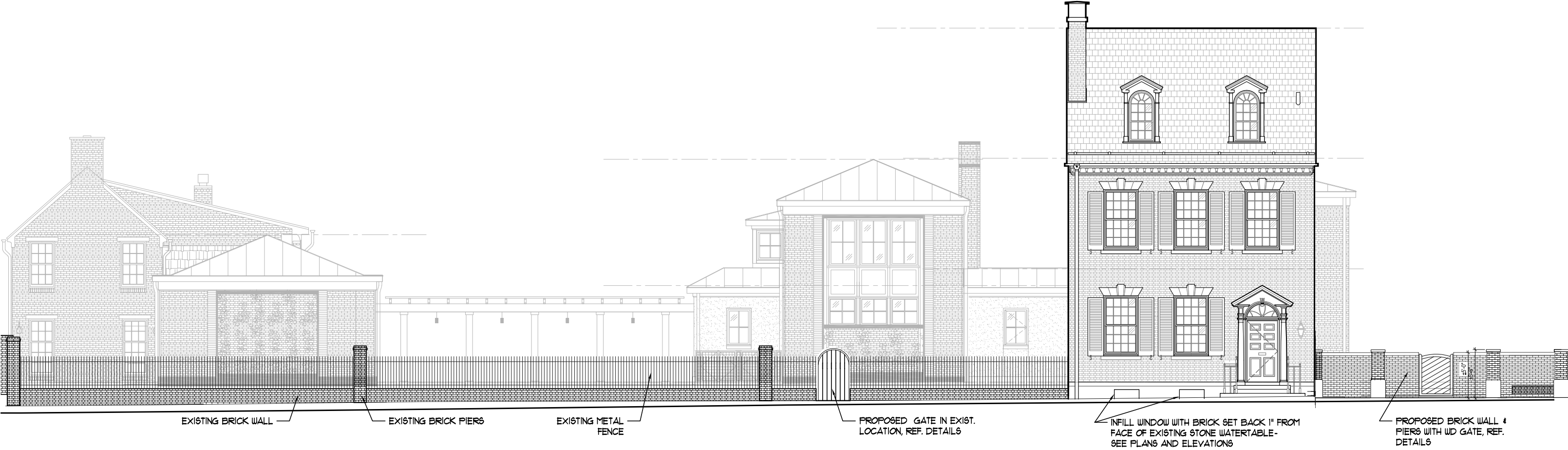
619 S LEE STREET | ALEXANDRIA, VA



PROPOSED WOOD DOORS, PAINTED (INSULATED GLASS, SIMULATED-DIVIDED-LITE, UNO)

STREET ELEVATIONS

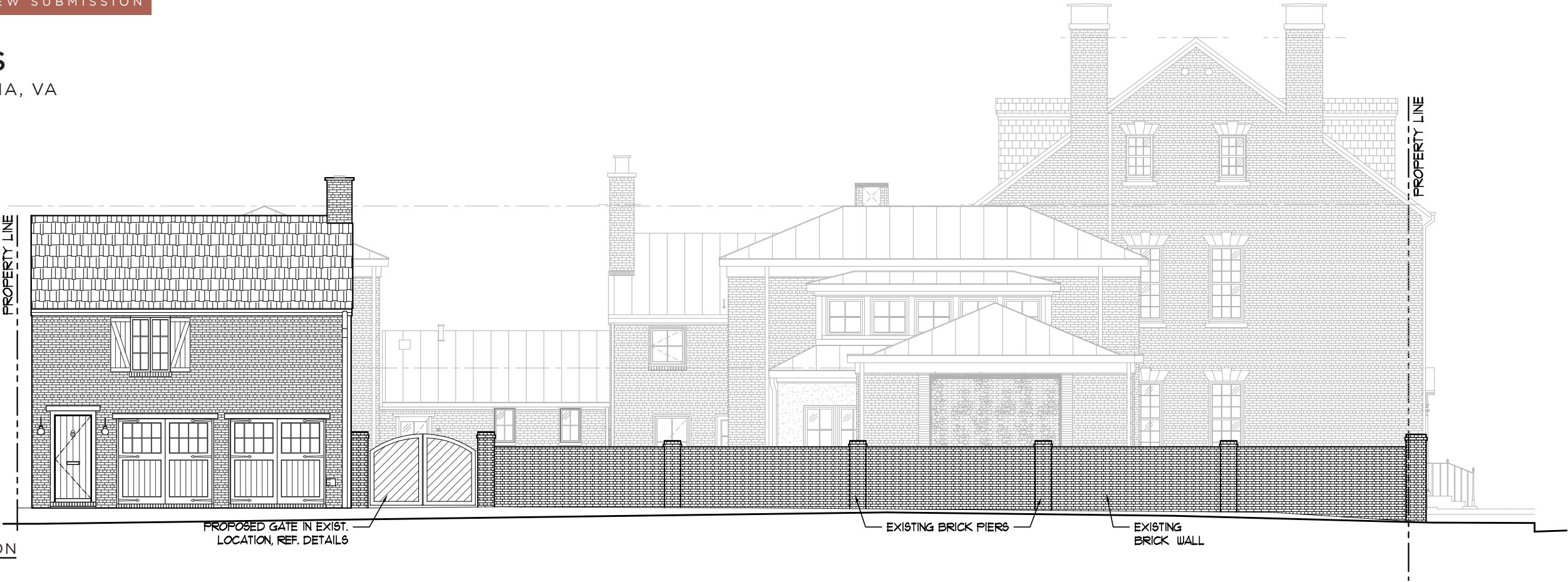
619 S LEE STREET | ALEXANDRIA, VA



1 S. LEE STREET ELEVATION
SCALE: 3/32" = 1'-0"

STREET ELEVATIONS

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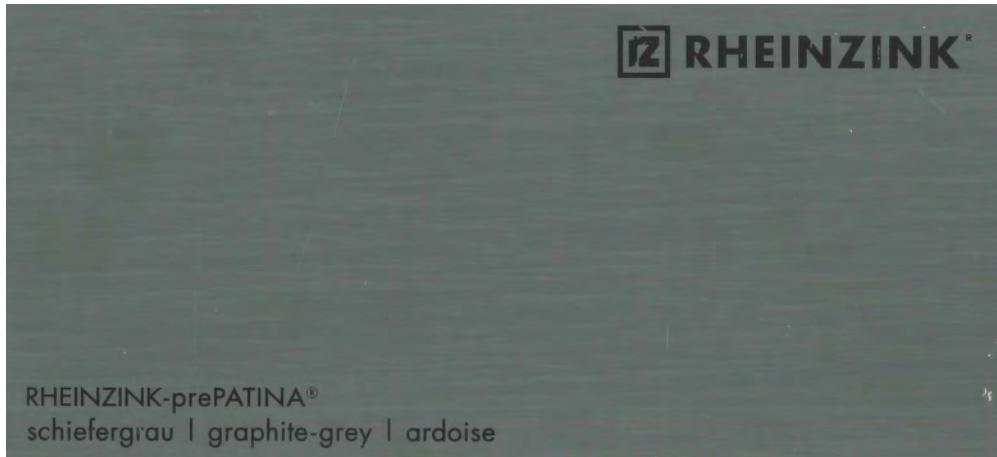
1 FRANKLIN STREET ELEVATION
SCALE: 3/32" = 1'-0"



2 S. FAIRFAX STREET ELEVATION
SCALE: 3/32" = 1'-0"

MATERIALS (REFER ALSO MATERIALS SAMPLE BOARD)

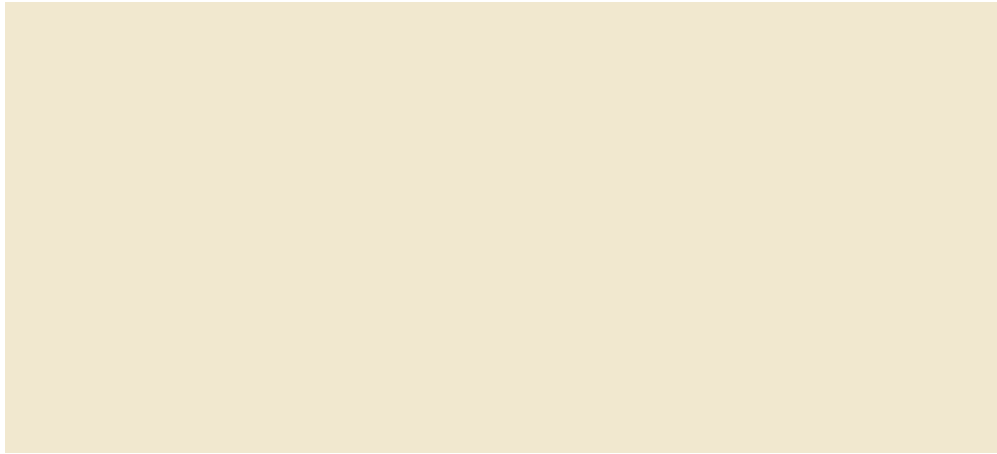
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1 ROOFING: RHEINZINK-prePATINA: GRAPHITE-GREY



4 BRICK: PVD-55686 REDLAND ROCKY RIDGE KING WILLIAM (410) RED BRICKS



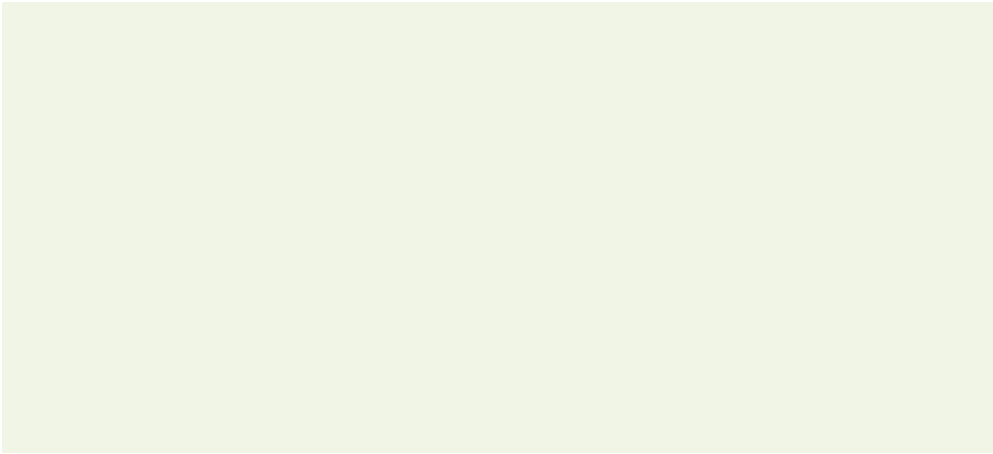
7 MORTAR: OFF WHITE (MATCH STUCCO COLOR)



2 STONE TRIM (AT BRICK): DARK GREY STONE



5 STONE SILL & WATERTABLE (AT BRICK): DARK GREY STONE



8 WOOD WINDOW & TRIM PAINT (AT STUCCO STRUCTURE): OFF WHITE BENJAMIN MOORE PAINT



3 STUCCO: STO FINE SAND FINISH STUCCO: OFF WHITE



6 STONE TRIM (AT STUCCO): WARM



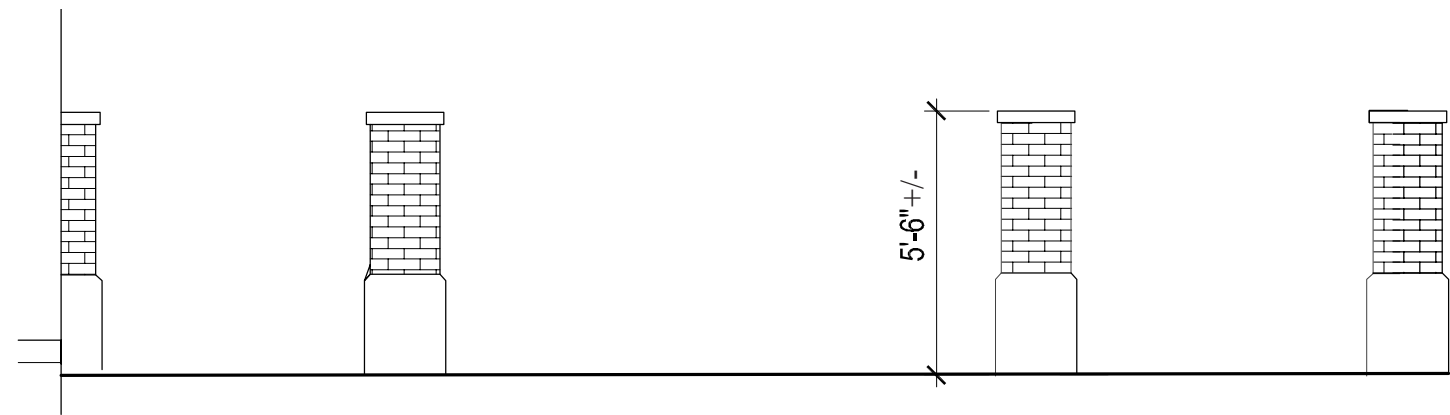
9 WOOD WINDOW & TRIM PAINT (AT BRICK STRUCTURE): DARK GREEN BENJAMIN MOORE PAINT

COLOR ELEVATION
619 S LEE STREET | ALEXANDRIA, VA

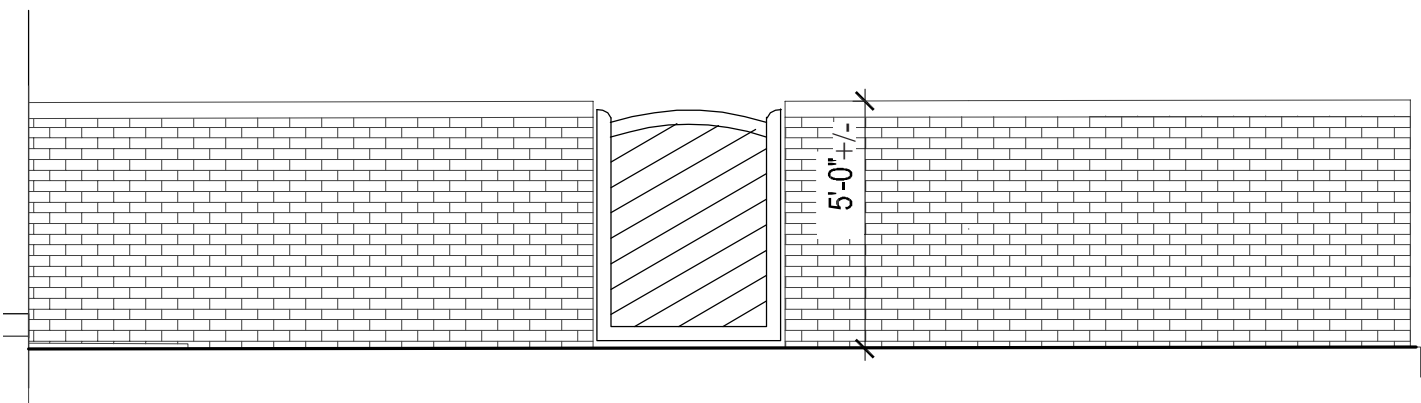
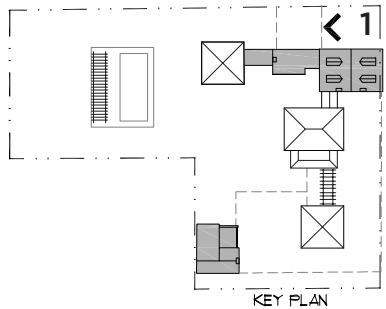


PROPOSED GATES, FENCE & WALLS

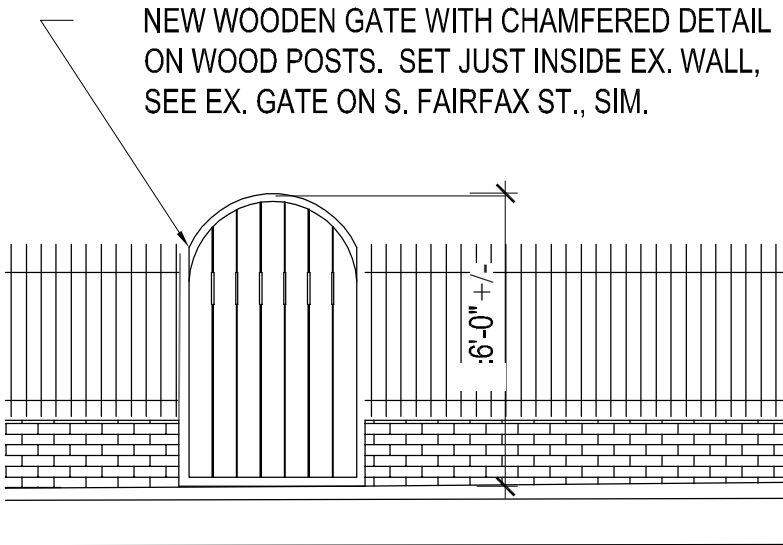
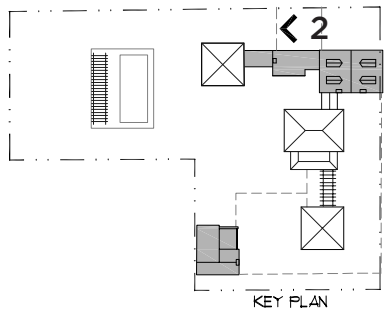
619 S LEE STREET | ALEXANDRIA, VA



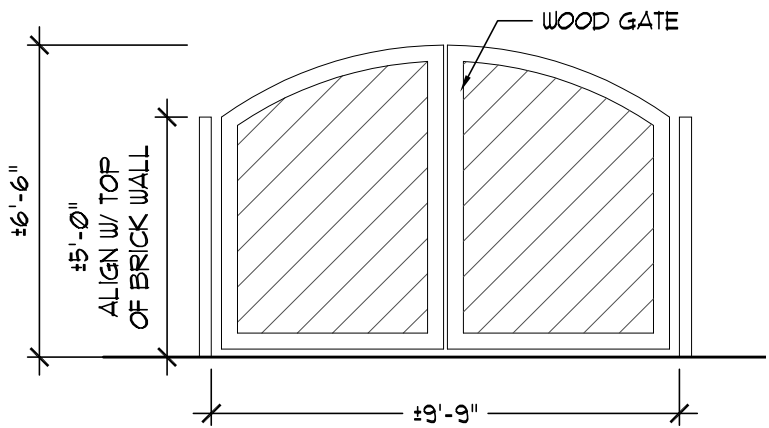
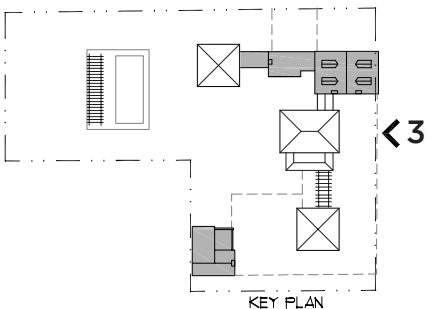
1 BRICK PIERS W/ STONE BASE (S. LEE STREET)
SCALE: 1/4" = 1'-0"



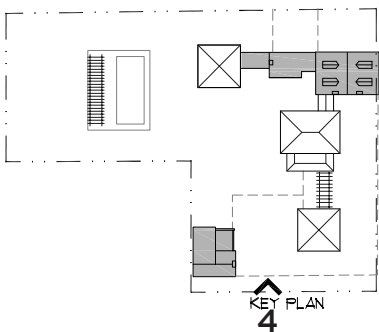
2 BRICK GARDEN WALL & WOODEN GATE (S. LEE STREET)
SCALE: 1/4" = 1'-0"



3 WOOD GATE (S. LEE STREET)
SCALE: 1/4" = 1'-0"

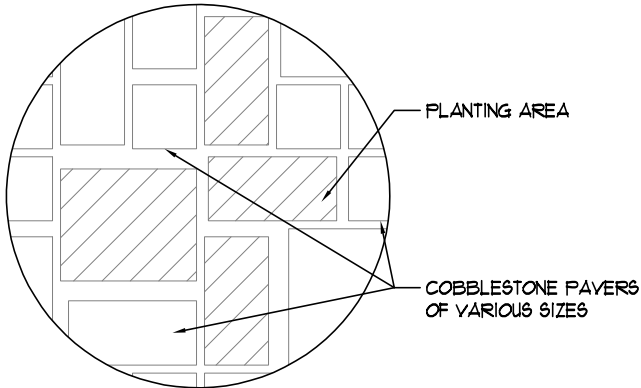
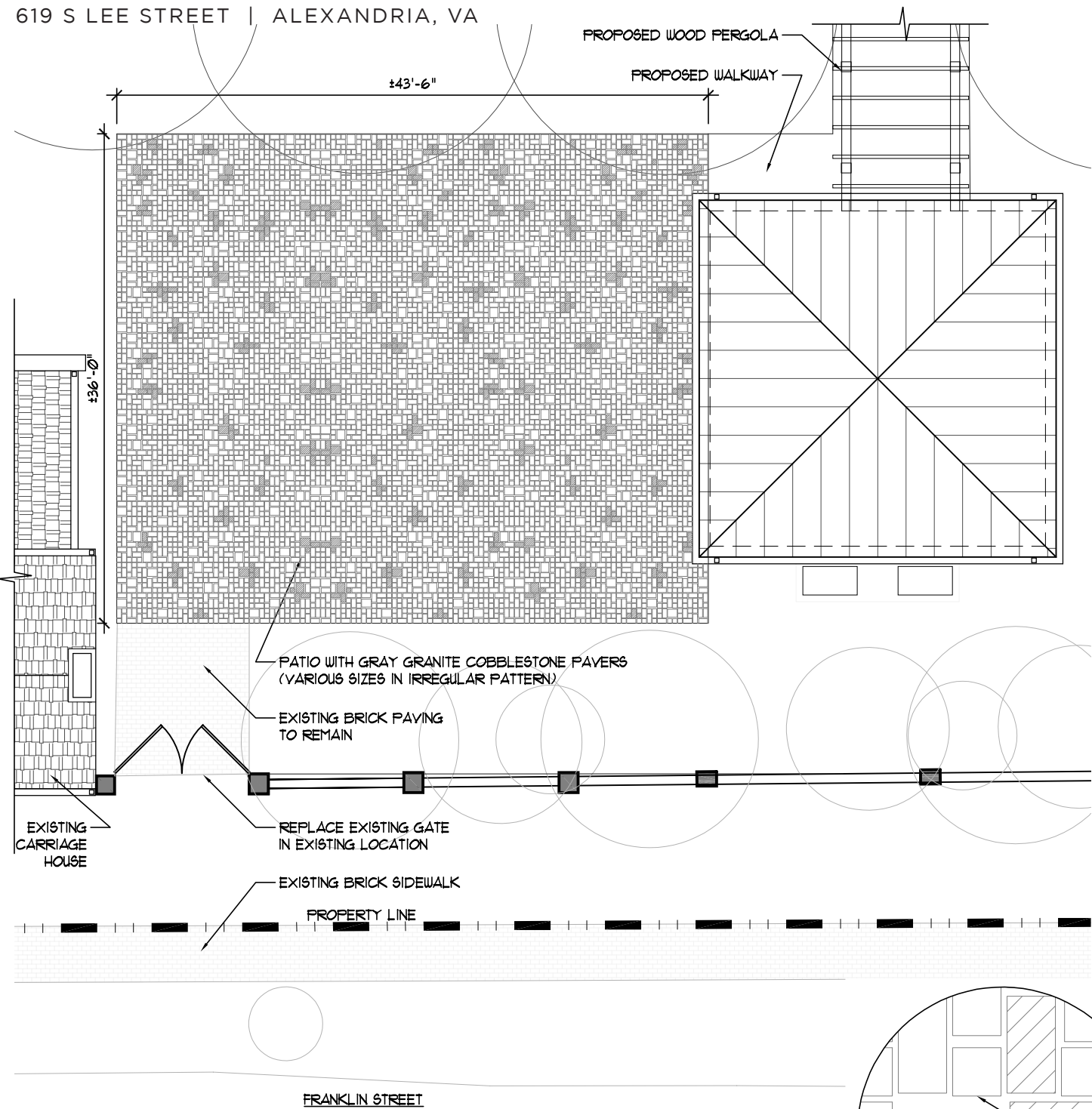


4 GATE (FRANKLIN STREET)
SCALE: 1/4" = 1'-0"



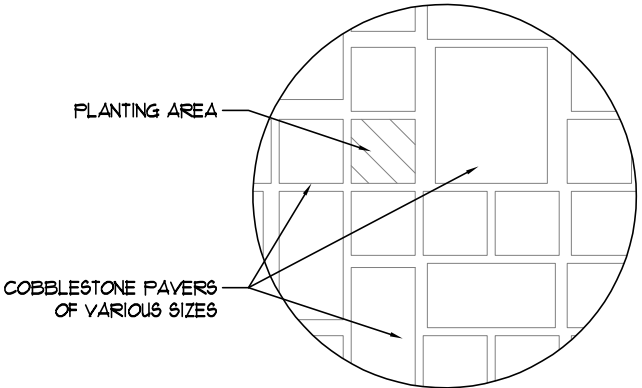
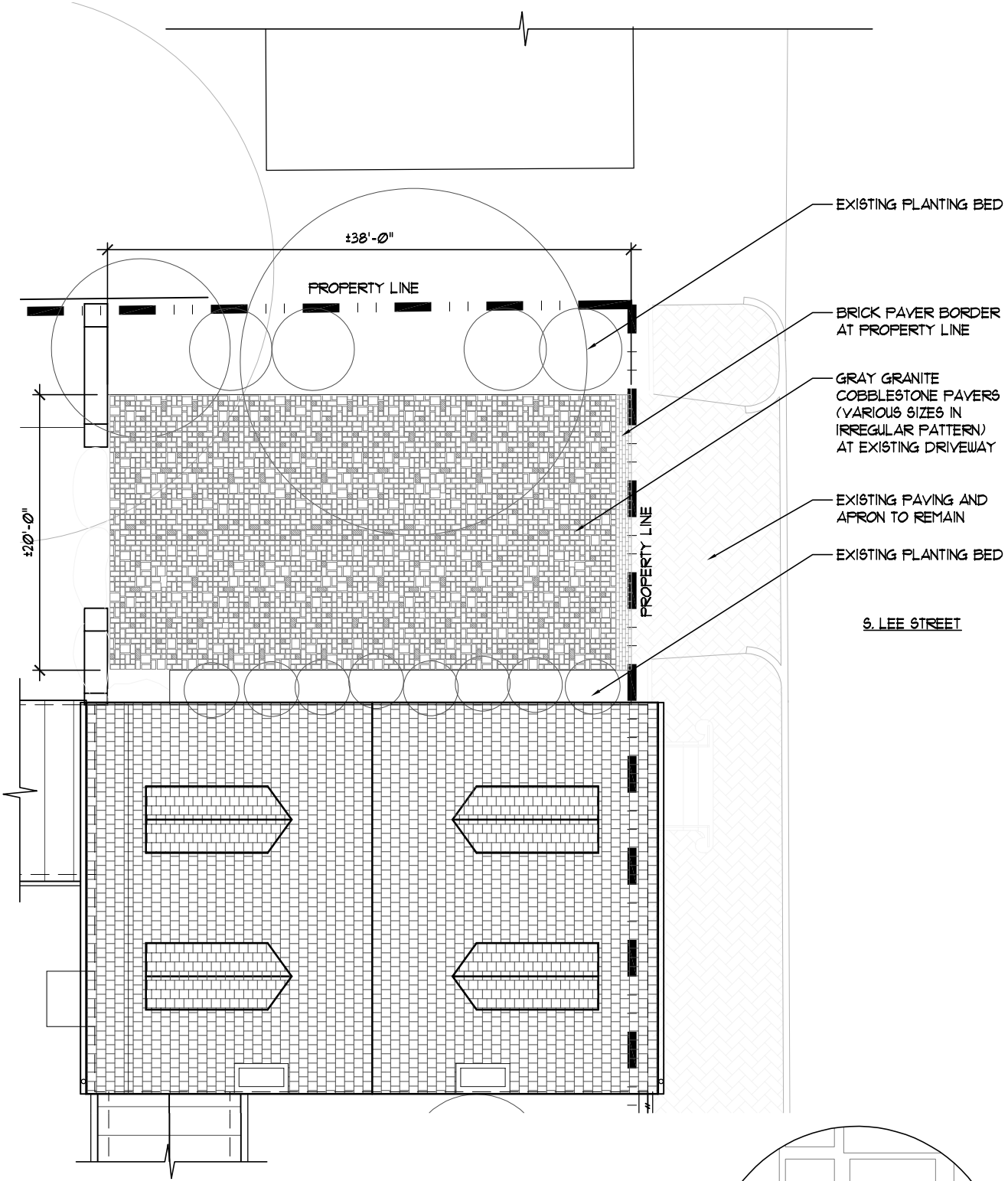
PROPOSED PAVING PLANS

619 S LEE STREET | ALEXANDRIA, VA



1 PATIO PAVING (FRANKLIN STREET)
SCALE: 3/32" = 1'-0"

2 PATIO PAVING DETAIL
SCALE: 1" = 1'-0"



3 EXISTING DRIVEWAY PAVING (S. LEE STREET)
SCALE: 3/32" = 1'-0"

4 DRIVEWAY PAVING DETAIL
SCALE: 1" = 1'-0"

Wall luminaires with directed light in one direction

Housing: One Piece, die cast aluminum housing with a one piece, die cast aluminum mounting plate. The mounting plate is supplied with a flat plate that mounts directly to a standard, recessed 4" octagonal wiring box. Die castings are marine grade, copper free ($\leq 0.3\%$ copper content) A360.0 aluminum alloy.

Enclosure: Clear tempered glass diffuser. Provided reflector made of pure anodized aluminum. Housing is secured to the mounting plate with two (2) mechanically captive, stainless steel set screws.

Electrical: 6.5W LED luminaire, 8.6 total system watts, -30°C start temperature. Integral 120V through 277V electronic LED driver, 0-10V dimming. LED module(s) are available from factory for easy replacement. Standard LED color temperature is 3000K with an 85 CRI. Available in 4000K (85 CRI); add suffix K4 to order.

Note: Due to the dynamic nature of LED technology, LED luminaire data on this sheet is subject to change at the discretion of BEGA-US. For the most current technical data, please refer to www.bega-us.com.

Finish: All BEGA standard finishes are polyester powder coat with minimum 3 mil thickness. Available in four standard BEGA colors: Black (BLK); White (WHT); Bronze (BRZ); Silver (SLV). To specify, add appropriate suffix to catalog number. Custom colors supplied on special order.

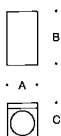
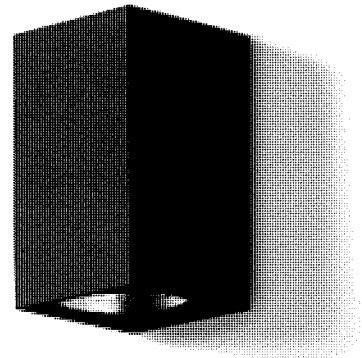
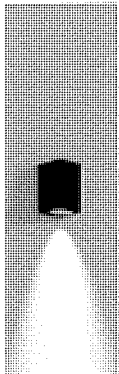
CSA certified to U.S. and Canadian standards, suitable for wet locations. Protection class IP64

Weight: 3.5 lbs.

Luminaire Lumens: 173

Tested in accordance with LM-79-08

Type:
BEGA Product:
Project:
Voltage:
Color:
Options:
Modified:



One-sided light distribution

Lamp	A	B	C
33 580 6.5 W LED	4 3/8	7 1/2	5

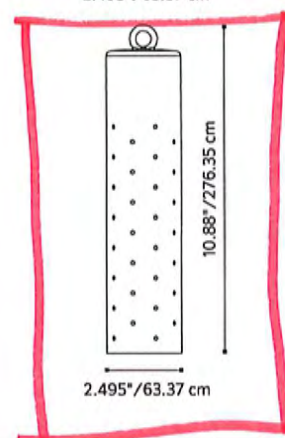
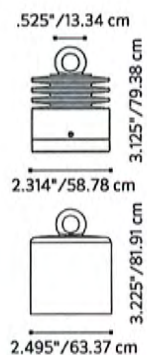


The VE softly illuminates areas from above when hung from trees or architectural elements. Perfect for producing a moonlighting effect for seating areas, focal points, or landscaping features in 1 or 3 LED. An optional perforated sleeve can be used to create a special twilight ambiance.

VE: Down Light

NUMBER OF LEDS:	1	3	ZDC
HALOGEN LUMEN EQUIVALENT:	10 Watt	20 Watt	10 Watt
USEFUL LED LIFE (L70):	50,000 hrs avg	50,000 hrs avg	50,000 hrs avg
INPUT VOLTAGE:	10 to 15V	10 to 15V	11 to 15V
VA TOTAL*:	2.4	4.5	7.2
WATTS USED:	2.0	4.2	6.0
LUMENS PER WATT (EFFICACY):	45	50	39
TOTAL LUMENS:	90	209	130
CRI (Ra):	73	82	82
CBCP (CENTER BEAM CANDLE POWER):	152	414	128
CCT:			
AMBER FILTER	2700K	2700K	N/A
FROSTED FILTER	3900K	3900K	N/A
GREEN FILTER	4500K	4500K	N/A
BLUE FILTER	5200K	5200K	N/A

* (Use this number to size the transformer)





VE: Down Light

< PERFORATED SLEEVE

FACTORY INSTALLED OPTIONS: Order 1 + 2 (optional) + 3 + 4 (optional) + 5

Step	Description	Code
1	FIXTURE	VE
2	LUXOR OPTION	ZD, ZDC [†] (Color)
3	LAMP	1LED, 3LED, ____ [†]
4	SLEEVE OPTION	PS (Perforated Sleeve)
5	FINISH	AB*, AT*, CU*, NP*, WG, FW, AL, BZ, DG, WI, SB, FB

EXAMPLE: VE-ZD-1LED-RD-BZ = JB - ZD Option - 1LED Board - Round Faceplate - Bronze Metallic Finish

[†] Fixtures specified with ZDC Technology™ are available only in one circuit board configuration.

Do not specify a number of LEDs when ordering

METALS



AB = Antique Bronze*
(On Copper)



AT = Antique Tumbled*
(On Copper)



CU = Copper*



NP = Nickel Plate*

POWDER COAT



SV = Silver



WG = White Gloss



FW = Flat White



AL = Almond



BZ = Bronze Metallic



DG = Desert Granite



WI = Weathered Iron



SB = Sedona Brown



FB = Flat Black

The VE includes an LED board, choice of finish, a stainless steel hanging cable and 23 ft. lead wire.



All VE down lights come standard with amber, green, blue and frosted filters

* May require longer lead time



* Fixture is covered by a copper sleeve



PHOTOMETRICS:

VE 1LED ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
4.0 ft	9.51 fc	2.5 ft
8.0 ft	2.38 fc	4.9 ft
12.0 ft	1.06 fc	7.4 ft
16.0 ft	0.59 fc	9.9 ft
20.0 ft	0.38 fc	12.3 ft

Beam Spread: 34.3°

VE 3LED ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
4.0 ft	25.9 fc	2.3 ft
8.0 ft	6.5 fc	4.5 ft
12.0 ft	2.9 fc	6.8 ft
16.0 ft	1.6 fc	9.1 ft
20.0 ft	1.0 fc	11.3 ft

Beam Spread: 31.6°

VE-ZDC ILLUMINANCE AT A DISTANCE

	Center Beam FC	Beam Width
3.3 ft	11.7 fc	3.4 ft
6.7 ft	2.85 fc	6.8 ft
10.0 ft	1.28 fc	10.2 ft
13.3 ft	0.72 fc	13.5 ft
16.7 ft	0.46 fc	17.0 ft
20.0 ft	0.32 fc	20.4 ft

Beam Spread: 54.0°

Beam angle is calculated using LM-79 method for SSL Luminaires:

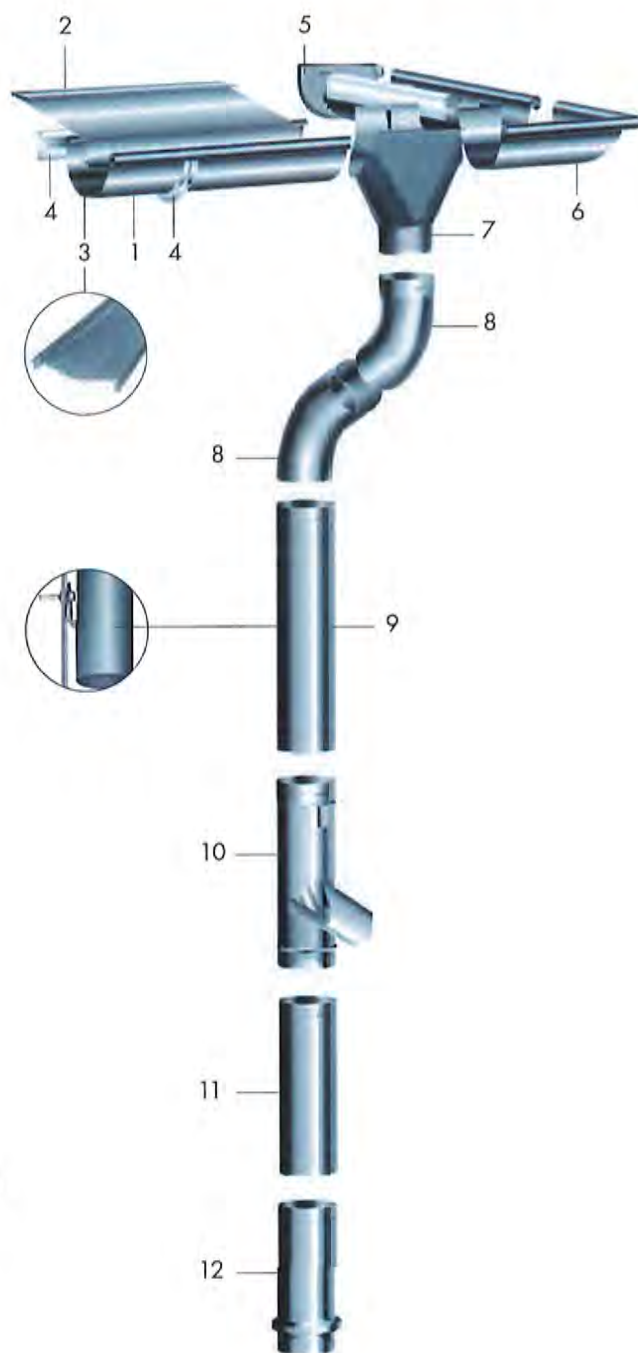
"Beam angle is defined as two times the vertical angle at which the intensity is 50% of the maximum."



STANDING SEAM

System Technology for Roofing

DESIGN AND APPLICATION



Example

- 1 Half Round Gutter *
- 2 Drip Edge
- 3 Leaf Guard
- 4 Snap-Lock Bracket System
- 5 End Cap
- 6 Miter
- 7 Plug in Outlet
- 8 Elbow
- 9 Hidden Downspout Hanger
with concealed lightning rod clip
- 10 Leaf Collector and
Rainwater Diverter
with removeable leaf screen
- 11 Downspout
- 12 Drantile Extension

* Not all accessories are available in
box gutters and square downspouts.

Technical Guide B

Casement Windows



Technical Guide H

Swinging Terrace & French Terrace Doors





Infinity® Series Heat Pumps



Superior comfort, up to 20.5 SEER/up to 13.0 HSPF ratings



Qualifying
Models Only

25VNA0, 25VNA8, 25HNB9, 25HNB6, 25HNB6**C, 25HNB5, 25HNH5

GENERAC®

GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

16/20/22 kW

1 of 6

16/20/22 kW

INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available:
100 Amp, 16 Circuit Switch or
200 Amp Service Rated Smart Switch.
See Page 5 for Details.
- Electronic Governor
- Standard Wi-Fi™ Remote Monitoring
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Listed and Labeled by the Southwest Research Institute allowing installation as close as 18" (457 mm) to a structure.*
**Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*
https://assets.swri.org/library/DirectoryOfListedProducts/ConstructionIndustry/973_DoC_204_13204-01-01_Rev9.pdf

Standby Power Rating

Models G007036-1, G007037-1 (Aluminum - Bisque) - 16 kW 60 Hz
Model G007035-1 (Aluminum - Bisque) - 16 kW 60 Hz
Models G007039-1, G007038-1 (Aluminum - Bisque) - 20 kW 60 Hz
Models G007043-2, G007042-2 (Aluminum - Bisque) - 22 kW 60 Hz



QUIET-TEST™



Note: CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are UL certified in the USA only.

FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when you need it the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
 - ✓ **PROTOTYPE TESTED** ✓ **NEMA MG1-22 EVALUATION**
 - ✓ **SYSTEM TORSIONAL TESTED** ✓ **MOTOR STARTING ABILITY**
- **MOBILE LINK™ REMOTE MONITORING:** FREE with every Guardian Series Home standby generator. Allows you to monitor the status of your generator from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Connect your account to your authorized service dealer for fast, friendly and proactive service. With Mobile Link, you are taken care of before the next power outage.
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Digital voltage regulation at $\pm 1\%$.
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line includes its own transfer systems and controls for total system compatibility.

THE GENERAC
PROMISE



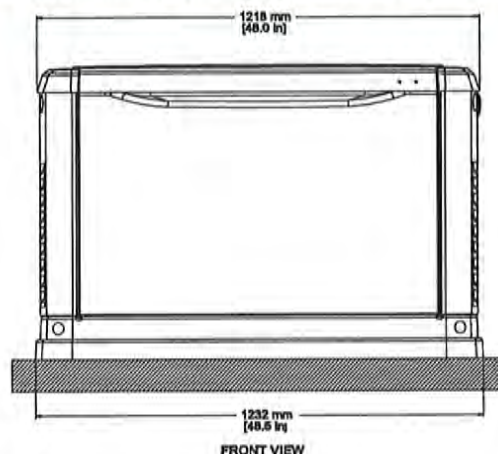
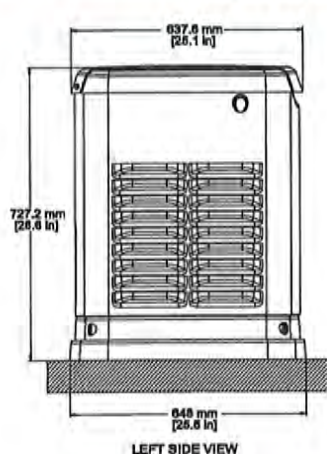
* According to the UL818 comp. domestic and foreign units

16/20/22 kW**available accessories**

Model #	Product	Description
G007005-0	Wi-Fi LP Fuel Level Monitor	The Wi-Fi enabled LP fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in making sure your generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify when your LP tank is in need of a refill.
G005819-0	26R Wet Cell Battery	Every standby generator requires a battery to start the system. Generac offers the recommended 26R wet cell battery for use with all air-cooled standby product (excluding PowerPact®).
G007101-0	Battery Pad Warmer	The pad warmer rests under the battery. Recommended for use if the temperature regularly falls below 0 °F (-18 °C). (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if the temperature regularly falls below 0 °F (-18 °C).
G007103-1	Breather Warmer	The breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load you may not need. Not compatible with 50 amp pre-wired switches.
G007027-0 - Bisque	Fascia Base Wrap Kit (Standard on 22 kW)	The fascia base wrap snaps together around the bottom of the new air cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch up the paint to protect from future corrosion. The paint kit includes the necessary paint to properly maintain or touch up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kits provide all the hardware necessary to perform complete routine maintenance on a Generac automatic standby generator.
G006873-0	Smart Management Module (50 Amps)	Smart Management Modules are used in conjunction with the Automatic Transfer Switch to increase its power management capabilities. It provides additional power management flexibility not found in any other power management system.

dimensions & UPCs

Dimensions shown are approximate. Refer to installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.



Model	UPC
G007035-1	696471074161
G007036-1	696471074154
G007037-1	696471074178
G007038-1	696471074185
G007039-1	696471074192
G007042-2	696471074208
G007043-2	696471074215



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

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.

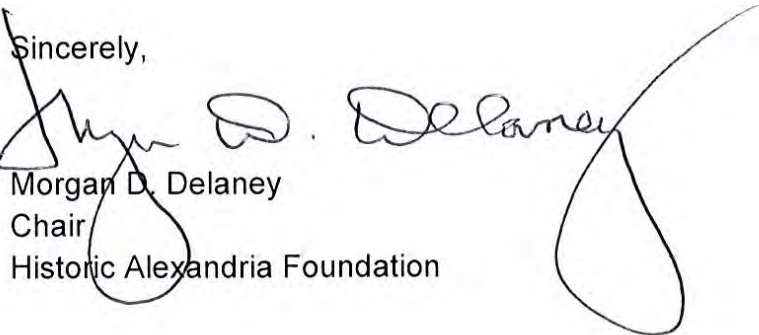
Nor should the Board approve this third "pavilion" to be constructed in the Landmark open space on the property for the reasons stated above. See Zoning Ordinance ¶ 10-105(A)(1), (2)(a)-(g), (i)-(j). The Board must preserve and protect this important historic resource.

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

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

Sincerely,

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

BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

HENRY CAMPBELL BLACK, M. A.

Author of Treatises on Judgments, Tax Titles, Intoxicating Liquors,
Bankruptcy, Mortgages, Constitutional Law, Interpretation
of Laws, Rescission and Cancellation of Contracts, Etc.

REVISED FOURTH EDITION

By

THE PUBLISHER'S EDITORIAL STAFF

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"Gaming" is properly the act or engagement of the players. If by-standers or other third persons put up a stake or wager among themselves, to go to one or the other according to the result of the game, this is more correctly termed "betting."

GAMING CONTRACTS. See Wager.

GAMING HOUSE. A building, place, or room kept for use as a place to gamble, or to keep or exhibit for the purpose of gaming, any bank, table, alley, machine, wheel, or device, *Davis v. State, Tex.Civ. App.*, 165 S.W.2d 757, 758; as the business of the occupants. 1 *Russ.Crimes*, 299; *Rosc.Crim.Ev.* 663; *People v. Jackson*, 3 *Denio, N.Y.*, 101, 45 *Am. Dec.* 449.

GAMING TABLE. Any table that may be used for playing games of chance for money or property. *State v. Leaver*, 171 *Mo.App.* 371, 157 S.W. 821, 822; *Everhart v. People*, 54 *Colo.* 272, 130 P. 1076, 1080.

GANANCIAL PROPERTY. In Spanish law, a species of community in property enjoyed by husband and wife, the property being divisible between them equally on a dissolution of the marriage. 1 *Burge, Confl.Law*, 418. *Cartwright v. Cartwright*, 18 *Tex.* 634; *Cutter v. Waddingham*, 22 *Mo.* 254. See Community.

GANANCIALES. A Spanish term, used as either a noun or adjective, and applied to property acquired during marriage. Discussed in *Sanchez v. Bowers, C.C.A.N.Y.*, 70 *F.2d* 715, 716. See Ganancial Property, *supra*.

GANANCIAS. In Spanish law, gains or profits.

GANG. Any company of persons who go about together or act in concert, in modern use mainly for criminal purposes. *State v. Gaynor*, 119 *N.J.L.* 582, 197 A. 360, 362.

GANG-WEEK. The time when the bounds of the parish are lustrated or gone over by the parish officers,—rogation week. *Enc.Lond.*

GANGIATORI. Officers in ancient times whose business it was to examine weights and measures. *Skene*.

GANGSTER. A member of a gang of roughs, hireling criminals, thieves, or the like. *State v. Gaynor*, 119 *N.J.L.* 582, 197 A. 360, 362.

GANSER SYNDROME. A state in which questions are given nonsensical answers from which a hidden relevancy may be inferred. This is observed in prisoners who wish to gain leniency by simulating mental clouding.

GANTELOPE (pronounced "gauntlett.") A military punishment, in which the criminal running between the ranks receives a lash from each man. *Enc.Lond.* This was called "running the gauntlett."

GAOL. A prison for temporary confinement; a jail; a place for the confinement of offenders against the law.

As distinguished from "prison," it is said to be a place for temporary or provisional confinement, or for the punishment of the lighter offenses and misdemeanors. See, also, Jail.

GAOL DELIVERY. In criminal law, the delivery or clearing of a gaol of the prisoners confined therein, by trying them.

In popular speech, the clearing of a gaol by the escape of the prisoners.

General Gaol Delivery. In English law, at the assizes (*q. v.*) the judges sit by virtue of five several authorities, one of which is the commission of "general gaol delivery." This empowers them to try and deliverance make of every prisoner who shall be in the gaol when the judges arrive at the circuit town, whether an indictment has been preferred at any previous assize or not. 4 *Bl.Comm.* 270. This is also a part of the title of some American criminal courts, as, in Pennsylvania, the "court of oyer and terminer and general jail delivery."

GAOL LIBERTIES, GAOL LIMITS. A district around a gaol, defined by limits, within which prisoners are allowed to go at large on giving security to return. It is considered a part of the gaol. *Singer v. Knott*, 237 *N.Y.* 110, 142 *N.E.* 435, 436.

GAOLER. A variant of "jailer" (*q. v.*).

GARAGE. A place in which motor vehicles are stored and cared for. *Legum v. Carlin*, 168 *Md.* 191, 177 A. 287, 290, 99 *A.L.R.* 536.

GARANDIA, or GARANTIA. A warranty. *Spelman*.

GARANTIE. In French law, this word corresponds to warranty or covenants for title in English law. In the case of a sale this *garantie* extends to two things: (1) Peaceful possession of the thing sold; and (2) absence of undisclosed defects, (*défauts cachés.*) *Brown*.

GARATHINX. In old Lombardic law, a gift; a free or absolute gift; a gift of the whole of a thing. *Spelman*.

GARAUNTOR. L. Fr. In old English law, a warrantor of land; a vouchee; one bound by a warranty to defend the title and seisin of his alienee, or, on default thereof, and on eviction of the tenant, to give him other lands of equal value. *Britt. c.* 75.

GARBA. In old English law, a bundle or sheaf. *Blada in garbis*, corn or grain in sheaves. *Reg. Orig.* 96; *Bract. fol.* 209.

GARBA SAGITTARUM. A sheaf of arrows, containing twenty-four. Otherwise called "*schaffa sagittarum.*" *Skene*.

GARBALES DECIMÆ. In Scotch law, tithes of corn, (grain.) *Bell*.

GARBLE. In English statutes, to sort or cull out the good from the bad in spices, drugs, etc. *Cowell*.

GARBLER OF SPICES. An ancient officer in the city of London, who might enter into any shop, warehouse, etc., to view and search drugs and spices, and garble and make clean the same, or see that it be done. *Mozley & Whiteley*.



Historic Alexandria Foundation

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October 1, 2018

By Email and Mail

julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111) — Objection to Continued Approval of Construction Plans

Dear Ms. Langan:

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) which is the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

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. 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); 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) in 1966 based on work that was funded, in part, by the HAF. The HABS 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.

We have recently become aware that by letter dated October 12, 2017 the Department of Historic Resources gave its conceptual approval of a proposed rehabilitation plan for the property which by its own terms is "valid for a year from" October 12, 2017. That sunset provision is expressly required by DHR Policy No. 5:

All written letters or correspondence approving proposed work on an easement property will include a sunset clause, or a timeframe within which the work must be completed. If the work is not done within the specified timeframe, the property owner must request re-approval of the work or seek new approvals if the project has changed in any way from the previously approved proposal.

DHR Policy No. 5. We were surprised that DHR would give conceptual approval for the proposed project which shares many of the defects that led DHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 ("Harrington Letter").

The proposed construction would destroy the character of the open space on this property. 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 "McVeigh Curve," alteration of the fabric and streetscape view of the historically significant carriage

house facing Franklin Street, and an overall increase of the gross floor area of the structures on the property from 8,156 to 14,371 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 to the denial of the application in August of 2014. Harrington Letter at 2. As succinctly stated in DHR’s denial of the similar proposal in 2014, “The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property.” *Id.*

Because we believe this approval to have been improvidently given in the first instance, and contrary to the requirements of the Open Space Land Act, VA. Code §§ 10.1-1700, *et seq.*, as well as the Department’s published policies, we write to request that the approval be withdrawn, or at any rate not renewed. Fortunately, the proposed project has not yet begun and there is still time to withdraw the approval. Significantly, the City of Alexandria has not yet provided the local approvals that would be necessary to commence the construction that has been proposed.

A. The Easement on 619 S. Lee Street is Governed by the Open Space Land Act Which Precludes the Approval of the Proposed Construction Project.

We assume that the Department’s approval process overlooked the fact that the easement in question in this case was put in place under the Open Space Land Act, because the letter does not reflect any consideration of the requirements of that law. Perhaps during the review process the Department looked only to certain amendments to the original easement and overlooked that the easement created by Justice Black expressly invoked the Open Space Land Act.¹

We draw your attention to the following language of the Deed of Easement dated December 26, 1969, which is recorded at Deed Book 705, Page 491 in the Land Records of Alexandria. “WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled “Open Space Land Act” (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands.” See *also id.* (“the Grantors do hereby grant and convey to the Grantee an open space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate”); *id.* at 492 (“The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia’s

¹ In April of 1973 a Deed of Correction to the easement was agreed to and recorded at Deed Book 757 Page 867, and that document does not repeat the express invocation of the Open Space Land Act. So it might be understandable that if one looked only at the language of the Deed of Correction the application of the Act could be overlooked. But the Deed of Correction specifically states that “With the exception of the forgoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.” Deed Book 705 Page 868.

policy, as set forth in ... Acts., 1966, c. 461, § 2 [Open Space Land Act], to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land”).

Because the easement on 619 S. Lee Street is an on open space easement governed by the Act, it is not sufficient for the Department to grant waivers of the easement based on its interpretation of the easement language and the *Standards for Rehabilitation* as described in the October 12th letter. The open space easement is also governed by VA. Code Ann. § 10.1-1704, which provides that:

No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, ***shall be converted or diverted from open-space land use unless*** (i) the conversion or diversion is determined by the public body to be (a) ***essential to the orderly development and growth of the locality and*** (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion ***and*** (ii) ***there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.***

Va. Code Ann. § 10.1-1704 (emphasis added).

It is clear from the October 12, 2017 letter of approval that the required analysis was not performed, and the proposed additional construction on the 619 S. Lee Street property could not possibly satisfy the requirement of being “***essential to the orderly development and growth of the locality.***” *Id.* To the contrary, the construction project runs directly contrary to the avowed legislative purpose “to preserve ... historic and scenic areas.” 1966 Va. Acts. Ch. 461, Section 2. For this reason alone we urge the Department to withdraw its approval as having been extended contrary to the positive commands of the Open Space Land Act which the Department of Historic Resources is charged with administering.

B. The Proposed Project Is Contrary to the Express Provisions of the Easement.

The Department's October 12, 2017 letter expresses the opinion that "the proposed rehabilitative scope of work ... appears consistent with the easement provisions...." We do not believe this assessment is correct, and respectfully draw your attention to the following provisions of the Deed of Easement.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c. 632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c. 461, § 2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the acts with the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. ***The manor house will be maintained and preserved in its present state as nearly as practicable***, though structural changes, alternations, additions or improvements ***as would not*** in the opinion of the Grantee ***fundamentally alter the historic character of the house*** may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained. [Deed Book 705 Page 493](emphasis added)
2. ***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; provided; however,*** that after the date of this Deed of Easement, ***no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed*** except at such place and in such a way that would in opinion of Grantee ***be in keeping with the historic character of the house***, and provided that the prior written approval of Grantee to such action shall have been obtained. [Deed Book 757 Page 868](emphasis added)

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above **without alteration of their external appearance**.... [Deed Book 705 Page 493](emphasis added).

The Virginia Supreme Court has recently stressed that “construing a deed [of conservation easement] is to give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands Am. Trust, Inc. v. White Cloud Nine Ventures, L.P.*, 291 Va. 153, 160, 782 S.E.2d 131, 135 (2016). “[E]ffect should be given to every part of [a conservation easement], if possible, and no part thereof should be discarded as superfluous or meaningless.” *Id.* at 161, 782 S.E.2d at 136.

We do not believe that any fair reading of the Deeds creating the conservation and open space easements governing 619 S. Lee Street could be consistent with the expansive additions that are being planned for the property. They do not “maintain[] and preserve [the Manor House] in its [1969] present state as nearly as practicable.” Deed Book 705 Page 493. The dramatic expansion of the dwelling “fundamentally alter[s] the historic character of the house.” *Id.* The proposal will remove features of the property expressly set forth in the easement for protection (e.g., the tennis court). Instead of honoring the injunction that “no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed” the proposal relies upon the limited grant of discretion to allow approval of changes “in keeping with the historic character of the house” to justify a wholesale redevelopment of the property.

The purpose of the easement given to the Commonwealth by Justice Black can only be read in context of the grantor’s desire to ensure for posterity the home that he lived in and treasured throughout his lengthy public career as an Associate Justice of the Supreme Court. The manifest purpose of the easement was to ensure that future generations would be able to see the property as the Justice lived and worked in it — gardens, tennis court, outbuildings and all. While the 1973 amendment was agreed to in order to allow for the “maintenance of the existing tennis court” and permit the “erection and maintenance of certain other facilities,” Deed Book Page 757 Page 867, the additional authority granted was intentionally quite limited. It certainly did not authorize the removal of the tennis court that was expressly called out in the easement as something requiring “maintenance.”

In short, if the DHR is to “give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands*, 291 Va. at 160, 782 S.E.2d at 135, the objective should be to maintain the property as closely as possible in its condition in 1973. We

respectfully submit that the current plans for development of the site run contrary to the express intent of the easement.

C. The Proposed Project Is Contrary to the Department's Published Standards for Implementing the Historic Preservation Easement Program.

1) *DHR Policy No. 6 Should Properly be Applied to Such an Extensive Alteration in the Open Space of the Property Under Easement.*

Given the dramatic encroachment on and use of the existing open space proposed for the 619 S. Lee Street property, it is apparent the applicant's request for permission to engage in this extensive building project should properly be considered as tantamount to a full-blown amendment to the existing easement. As such it should be considered under the standards set forth in the Department's Historic Preservation Easement Program Policy No. 6, which requires that "An amendment should strengthen the protection afforded by the original easement to the resource(s) on the property.... An amendment should not compromise the historic, architectural, archaeological, open space, cultural, or other environmental resources which the easement was intended to protect." Far from complying with this policy, the proposed construction project will dramatically encroach upon the existing open space and significantly alter the historic landscape of the property. The proposed additions are purely matters of convenience and personal taste of the current owners seeking to dramatically increase the size of this historic urban residence.

2) *The Planned Construction Is Incompatible with DHR Policy No. 5*

Moreover, the details of the proposed construction do not comply with the relevant *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended) which the Easement Program Staff are charged to employ when reviewing applications for work on easement properties under the DHR Policy No. 5.

One example of the failure to comply with Policy No. 5 is found in the proposed treatment of one of the noted historical features of the house at 619 S. Lee Street. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove the distinctive curved treatment. The Pollard Memorandum dated Sept. 21, 2017 at 2 suggests, incorrectly, that this is not part of the historic fabric of the property. *Id.* ("The curved treatment does not appear in the historic photos included in the HABS report on the property."). But 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.”). Whether this was original to the 1798 structure is not the question. “Changes to a property that have acquired historic significance in their own right will be retained and preserved.” 36 C.F.R. § 68.3(b)(4). We submit it is not consistent the Department of Interior *Standards for Preservation* 3-6 to destroy this distinctive historical feature. 36 C.F.R. § 68.3(a)(3)-(6), (b)(4)(2017). When DHR reviewed a similar proposal to demolish this feature in 2014, the request was properly denied.

Similarly, the current construction plans seek to alter the historically significant Carriage House. HABS No. Va-711. A similar plan to alter the exterior facing Franklin Street with the addition of windows was properly rejected in 2014 as being inconsistent with *Standards* 1, 2, 3. Harrington Letter at 3 (“New window openings are not permitted on the façade (south elevation) of the structure.”); see 36 C.F.R. § 68.3(b)(1)-(3). The same ruling should be enforced under the present construction plan. The fact that the proposed new windows are smaller than proposed in prior plans does nothing to address the principles set forth in *Standards* 1, 2 & 3.

The new opening at the rear end of the existing one-story flounder wing, and the basement is similarly contrary to *Standards* 1-3, 9 and the prior treatment of similar requests. Harrington Letter at 2 (“no new openings are permitted on the historic house”).

Unfortunately, the proposed extensive additions to the 619 S. Lee Street property, which include the three separate and substantial additional structures does not comply with the policies set forth in 36 C.F.R. § 68.3(b)(9)(“requiring that “New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property.”). In this case, the extensive in-fill of the open space, which will dominate every portion and view-point of the property will dramatically change what has appropriately been noted as the properties defining characteristic: “***its extensive grounds and breathing space preserved to this day.***” HABS No. Va-709 (emphasis added).

*

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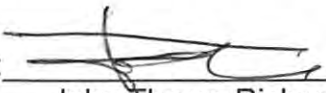
*

Julie V. Langan
October 1, 2018
Page 9

For the forgoing reasons, we respectfully submit that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, Virginia, that the Department will deny the application. The proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully submitted,

Historic Alexandria Foundation

By: 
John Thorpe Richards, Jr.
(Member of the Board)

cc. Megan Melinat (Megan.Melinat@dhr.virginia.gov)
Lori & Nigel Morris (lmorris@311cameron.com)



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Molly Joseph Ward
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Acting Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

August 5, 2014

Michael Harrington
Vowell LLC
311 Cameron Street
Alexandria, Virginia 22314

Re: Vowell Snowden Black House (Justice Black House)
619 S. Lee Street, City of Alexandria
DHR #2014-115 and 100-0111_ep

Dear Mr. Harrington,

Thank you for submitting the State Rehabilitation Tax Credit Application, Part 2, "Description of Rehabilitation," for the Justice Black House located at 619 S. Lee Street in Alexandria. As you know, the property is also protected by a historic preservation easement held by the Virginia Board of Historic Resources. This letter responds to the proposed scope of work on behalf of both the historic rehabilitation tax credit and easement programs.

The deed of easement requires that changes, alterations, additions or improvements should not alter the historic character of the house. So too, regulations for the state tax credit program stipulate that all aspects of a project must be consistent with the Secretary of the Interior's *Standards for Rehabilitation (Standards)*. This set of nationally accepted and applied standards require retention of historic fabric and character. Unfortunately, the majority of the work proposed for the Justice Black House is inconsistent with the terms of the easement and the *Standards*, specifically *Standards 2, 3 and 9*:

Standard 2 ~ The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided

Standard 3~ Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 9 ~ New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the

Administrative Services
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 862-6408
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Office
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way
2nd Floor
Newport News, VA 23608
Tel: (757) 886-2818
Fax: (757) 886-2808

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

In our review, we have determined that the proposed work is not consistent with the *Standards* for the following reasons and therefore cannot be approved.

The Proposed Addition ~ The new additions to the historic property are not sufficiently subordinate in size, scale, massing and design. The increase in total square footage from 5194 square feet to 9836 square feet nearly doubles that of the historic resource. The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property. In addition, the individual elements are too similar to the existing characteristics and must be clearly differentiated as modern alterations. (*Standards 2, 3 and 9*) Specific items that require modification include:

- The kitchen addition cannot be two stories without documentation to substantiate this precedent.
- The flounder addition should not attach to the historic main portion of the house, and must be shifted west to avoid this condition.
- The turret element is not compatible with the character of this historic property and cannot be approved.
- The secondary glass bay at the kitchen is overly formal and not consistent with the character of this historic property and cannot be approved.
- The pergola and glass office on the east elevation detract from the historic façade and are not consistent with the character of the historic property and cannot be approved.
- The design of the porch columns must be simplified.
- New window designs cannot include stone sills and brick jack arches.
- The entablature surround on the flounder entry door must be simplified.
- All new woodwork, including trim, must be clearly differentiated from the existing historic woodwork.

Flounder Roof ~ The roof material on the addition must be differentiated from that of the historic flounder. (*Standard 9*)

McVeigh Curve ~ This element cannot be removed without documentation to substantiate it as a non-historic feature. (*Standard 4*)

Doors ~ The existing historic doors and door openings (interior and exterior) are character-defining features of the house and thus cannot be altered or removed. (*Standard 2*) In addition, all new doors should be clearly differentiated from the historic doors. (*Standards 3 and 9*)

Windows ~ The existing windows and window openings are character-defining features of the house and thus cannot be altered or removed. Similarly, no new openings are permitted on the historic house. All new windows must be clearly differentiated from the historic windows. (*Standards 2, 3 and 9*) Specifically:

- The addition of keystones and sills to the two historic windows on the north elevation is not approved.
- No new windows may be added on the south elevation of the main historic block of the house.
- A tripartite window may not be added at the second floor of the north elevation.
- The third floor window on the north elevation may not be modified.

- The existing openings on the flounder may not be realigned or widened.
- A window may not be added at the rear of the existing flounder.
- The divided light pattern in all new windows should be simplified to clearly differentiate these windows from the historic windows.
- The southeast window in the dining room cannot be modified into a second kitchen door.

Basement ~ The existing basement and foundation cannot be irreversibly altered. (*Standard 10*) Thus, neither lowering the floor under the historic main block of the house nor expanding the existing basement under the existing flounder can be approved. Basements are allowed only under newly constructed additions.

Floor Plan ~ The interior arrangement of spaces is indicative of the historic purpose and use of the building. (*Standards 2 and 3*) Significant modifications to this arrangement are not consistent with the *Standards*. This includes:

- The existing door opening between the dining room and living room cannot be widened.
- New openings are not permitted in the north wall of the existing flounder.
- A new opening cannot be created between the master bedroom and adjacent master bathroom. Further, all existing finishes in the existing second floor southwest bedroom must remain in its conversion to the master bathroom.
- Revision is necessary to simplify the design of the vestibule space immediately west of the main stair hall in order to avoid a false sense of historicism.

Flooring ~ All floors in the new additions must be clearly differentiated from the historic floors. (*Standards 3 and 9*)

Carriage House ~ This structure is also an historically significant; thus, all proposed work must meet the *Standards*. As presented, several aspects of the scope of work are inconsistent with these guidelines, specifically *Standards 1, 2 and 3*:

- New window openings are not permitted on the façade (south elevation) of the structure.
- Alteration of the roofing material from wood shingle to slate is not approved without supporting documentation that this material is historically accurate.
- Reconfiguration of the roof from a shed roof to a gable substantially impacts the overall historic character of the structure and cannot be approved.

Proposed Garage ~ This new structure is an allowed structure under the provisions of the easement agreement. However, modifications to the proposed design are necessary to ensure the building is consistent with the *Standards*. This includes:

- The placement of the building shall not substantially impact the existing brick perimeter wall on the property. Therefore, the proposed cutting of the wall along S. Lee Street is not approved. (*Standard 1 and 2*)
- The proposed roofing material must be clearly differentiated from the existing historic roofing on the main resources. Traditional slate roofing cannot be approved. (*Standard 3*)
- The design of the overhead garage doors must be simplified. (*Standard 3*)
- The window design and light pattern cannot match the existing historic windows and must be modified such that they are clearly differentiated. (*Standard 9*)

It is unfortunate that the work described in the Part 2 application, “Description of Rehabilitation,” is not consistent with the guidance provided by DHR staff on the appropriate treatment of the property. However, as proposed, the work would not be consistent with the terms of the easement and

Standards and therefore cannot be approved for the purposes of the rehabilitation tax credit or easement program. In order to proceed with rehabilitation work on this property, please substantially revise the proposed work as noted and resubmit at your convenience.

You have the right to an appeal of this decision for the purposes of the rehabilitation tax credit program under the Virginia Administrative Code (17 VAC 10-30-70). A request for an appeal shall be made in writing to the Director of the Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221, within 60 days of the receipt of the decision which is the subject of the appeal. For your information, the regulations for the appeal are as follows:

17 VAC 10-30-70. Appeals.

A. A project applicant may appeal any denial of certification. A request for an appeal shall be made in writing to the Director of the Department of Historic Resources, 2801 Kensington Avenue, Richmond, Virginia 23221, within 60 days of receipt of the decision that is the subject of the appeal. It is not necessary for the applicant to present arguments for overturning a decision within this 60-day period. The applicant may request an opportunity to meet with the director, but all information that the applicant wishes the director to consider shall be in writing. The director shall consider the record of the decision in question, any further written submissions by the applicant, and other available information, and may consult with experts or others as appropriate. The director shall provide the applicant a written decision as promptly as circumstances permit. The appeal process is an administrative review of decisions made by the department; it is not an adjudicative proceeding.

B. In considering appeals, the director may take into account new information not previously available or submitted; alleged errors in professional judgment; or alleged prejudicial procedural errors. The director's decision may:

- 1. Reverse the appealed decision;*
- 2. Affirm the appealed decision; or*
- 3. Resubmit the matter to the department program staff for further consideration.*

C. The decision of the director shall be the final administrative decision on the appeal. No person shall be considered to have exhausted his administrative remedies with respect to the certifications or decisions described in this part until the director has issued a final administrative decision in response to this section.

If you have any questions please feel free to contact me at megan.melinat@dhr.virginia.gov.

Sincerely,

Megan Melinat
Historical Architect
Division of Preservation Incentives

Elizabeth Tune
Director
Division of Preservation Incentives



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399

Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

December 12, 2018

By Email

Mr. Mark B. Jinks
City Manager
Alexandria, VA 22314

Re: 619 S. Lee Street (Vowell-Snowden-Black House)
Enforcement of Open Space and Conservation Easement

Dear Mr. Jinks:

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 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) which is one of the most significant historic resources in private ownership in the City and the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

We are writing to request that the City of Alexandria exercise its authority under the Virginia Conservation Easement Act (VCEA), VA. CODE ANN. Sec. 10.1-1009 – 10.1-1016, and the Virginia Open Space Land Act (OSLA), VA. CODE ANN. Sec. 10.1-1700-10.1-1705, to seek enforcement of the open space and conservation easement applicable to the referenced property. Preservation of the historic character of the house, and in particular the open space that is a character-defining feature of the property, is endangered by the development proposal currently under consideration by

the Alexandria Old and Historic Board of Architectural Review and the Virginia Department of Historic Resources (VDHR), which holds the open space and conservation easements.

According to the terms of the easement any proposed alterations, additions, or changes to the property must be determined to be in keeping with its historic character and approved by the VDHR (see attached Deed of Easement dated 12/26/69 and Deed of Correction dated 4/23/73). 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 property. HAF learned of this action earlier this year and after reviewing the information provided to us by VDHR we concluded that its approval of the plans was not consistent with the terms of the easement or applicable Virginia law. We submitted a detailed explanation of our position to VDHR on October 1, 2018 (see attached). Several other Alexandria organizations concerned with historic preservation have also written to VDHR objecting to their conclusion that the proposed additions and alterations to the property are allowable under the easement (see attached).

VDHR has not directly responded to our letter. Rather, it has indicated to us that it is unable to consider our objections or engage in any discussions with HAF about our concerns as we are not a party to the easement. On October 3, 2018, VDHR renewed its conceptual approval of the proposal. 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. 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.

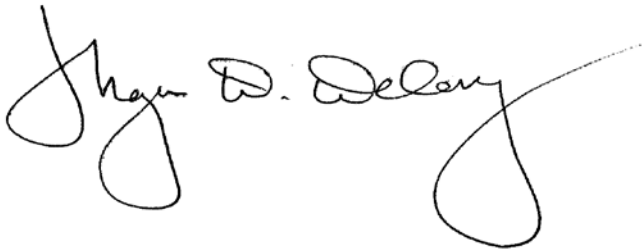
Accordingly, we are requesting the City to intervene with the VDHR to seek enforcement of the terms of this easement and compliance with the requirements of the VCEA and OSLA. Such action is necessary to ensure that the public interest in preservation of historic resources and open space as reflected in the VCEA and OSLA is adequately protected and the substantial benefits in the form of tax relief granted to owners of property subject to conservation and open space easements are justified.

The property owners' request for approval of partial demolition/capsulation and a certificate of appropriateness for additions and alterations is scheduled to be considered by the Old and Historic BAR on December 19, 2018. According to the current practices of the BAR, we anticipate that the BAR may not consider the terms or requirements of the easement as part of its review, and limit its consideration to the powers and conditions set forth in the Zoning Ordinance. (See attached correspondence between HAF and the Office of the City Attorney.) HAF will, of course, present our views to the

BAR on whether the proposal satisfies the requirements of Alexandria's preservation law. The objections we have raised concerning the terms of the easement and the conditions for approval of the project by VDHR should be considered separate and apart from the BAR review and brought directly to the VDHR or, if necessary, through appropriate enforcement action under the applicable state laws.

Thank you for your consideration of our request. We would be happy to discuss our concerns further with you or your staff at your convenience.

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.

Morgan D. Delaney
Chair
Historic Alexandria Foundation

3919

✓✓

BOOK 705 PAGE 491

THIS DEED OF EASEMENT, MADE this 26th day of December, 1969, between Hugo L. Black and his wife, Elizabeth S. Black, herein called Grantors, and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee,

W I T N E S S E T H:

WHEREAS, Chapter 11 of Title 10 of the Code of Virginia entitled "Virginia Historic Landmarks Commission" (1966 c. 632) Sections 10-135 to 10-145 was enacted to preserve historical landmarks in the Commonwealth of Virginia, and created the Virginia Historic Landmarks Commission to receive properties and interests in properties for the purpose, among other things, of the preservation of such landmarks and their settings; and

WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled "Open Space Land Act" (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands; and

WHEREAS, the Grantors are the owners of a tract of land hereinafter described, in the historic section of the City of Alexandria, Virginia, on which there is situated a house constructed in the late Eighteenth Century and of architectural significance and historic value;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10) and other valuable considerations, the receipt of which are hereby acknowledged, the Grantors do hereby grant and convey to the Grantee an open-space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate located in the City of Alexandria, Virginia, (herein called the property):

Horton
Williams
Gay
Powell
Gibson

1819 H&S
NW
Wash &
1-19-76

See DB 75
Pg 86
7-16-76

All of that parcel of ground, with its improvements and appurtenances, located in the City of Alexandria, Virginia, upon which is erected No. 619 South Lee Street, and other improvements, being more particularly bounded and described as follows, to-wit:-

BEGINNING at a point on the west side of Lee Street at the middle of the square between Gibbon and Franklin Streets, said point being 176 feet 7 inches north of Franklin Street; and running thence south on Lee Street 176 feet 7 inches to the intersection of Lee and Franklin Streets; thence west along Franklin Street 124 feet 2 inches; thence north parallel to Lee Street 76 feet 7 inches; thence west parallel to Franklin Street to a point on the east side of Fairfax Street; thence north to Fairfax Street 100 feet, more or less, to a point equidistant from Gibbon and Franklin Streets; thence east in a direct line 246 feet 10 inches to the point of beginning. Being the same properties which were acquired by Josephine F. Black by deeds duly of record among the Alexandria City land records, from B. B. Cain, Jr., and wife, and from Julia A. Devine, widow, et al., and by Hugo L. Black under the will of Josephine F. Black duly probated in the Circuit Court of the City of Alexandria, and in which Hugo L. Black has by deed of record duly conveyed a one-fifth undivided interest to Elizabeth S. Black.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c.632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c.461, §2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the

acts which the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. The manor house will be maintained and preserved in its present state as nearly as practicable, though structural changes, alterations, additions or improvements as would not in the opinion of Grantee fundamentally alter the historic character of the house may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained.

2. No building or structure shall be built or maintained on the property other than (i) the manor house, (ii) the old carriage house and adjoining servants' quarters and (iii) a garage; provided, however, that after the date of this Deed of Easement, no building or structure described in (ii) shall be altered, restored, renovated or extended and no structure described in (iii) constructed except in a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above without alteration of their external appearance.

4. The property shall not be subdivided.

5. No sign, billboards or outdoor advertising structure shall be displayed on the property other than one sign not exceeding two feet by three feet for each of the following purposes: (i) to state the name of the property and the name and address of the occupant, (ii) to advertise an activity permitted

BOOK 705 PAGE 494

under paragraph 3 above, and (iii) to advertise the property for sale or rental; provided, however, that this paragraph 5 shall not limit the Grantee's right, hereinafter described, to display on the property, at its discretion, a small marker or sign evidencing its ownership of the easement granted herein.

6. No dump of ashes, sawdust, bark, trash, rubbish or any other unsightly or offensive material shall be permitted on the property visible from the streets.

The Grantee and its representatives may enter the property (i) from time to time for the purpose only of inspection and enforcement of the terms of the easement granted herein, and (ii) in its discretion to erect a single marker or sign, not exceeding two feet by two feet, which states the name of the Grantee and advises that the Grantee owns the easement granted herein.

Although this open-space easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access or use of the property, and the Grantors, their heirs, successors and assigns shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Acceptance by the Virginia Historic Landmarks Commission of this conveyance is authorized by Sections 10-138 and 10-142 of the Code of Virginia, and by such acceptance below the Commission designates the property described above as a certified landmark.

WITNESS the following signatures and seals:

BOOK 705 PAGE 495

Hugo L. Black (SEAL)
Hugo L. Black

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Accepted:

VIRGINIA HISTORIC LANDMARKS COMMISSION

By [Signature]
Executive Director 12/30/69
[SEAL]

STATE OF FLORIDA

COUNTY OF DADE

To-wit:

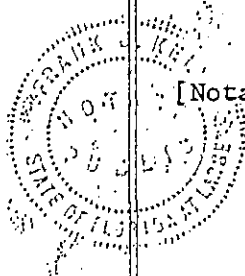
I, Frank J. Kelly, a Notary Public in and for the jurisdiction aforesaid, hereby certify that Hugo L. Black and Elizabeth S. Black, whose names are signed to the foregoing easement bearing date this 26th day of December, 1969, have acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 26th day of December, 1969.

My commission expires September 21, 1972.

[Signature]
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Sept. 21, 1972
Bonded by American Fire & Casualty Co.



VIRGINIA:
[Notarial Seal] Clerk's Office of the Corporation Court of the City of Alexandria, this instrument was received and the Taxes imposed by Sec. 52-54, (a) and (b), of the Code have been paid and with the annexed certificate, admitted to record on Dec 31, 1969 at 2:07 o'clock P.M.
Teste:

Alvin W. Smith 198

2/13

7-5-03

THIS DEED OF CORRECTION, made this 23rd day of April, 1973, between ELIZABETH S. BLACK and HUGO L. BLACK, JR., as Co-Executors under the Last Will and Testament of Hugo L. Black, deceased, and his heirs and devisees, Elizabeth S. Black, Widow, and HUGO L. BLACK, JR., BESSIE GRAHAM HOBSON BLACK, STERLING FOSTER BLACK, NANCY LEE BLACK, MARTHA JOSEPHINE BLACK PESARESI and MARIO PESARESI, herein called Grantors; and VIRGINIA HISTORIC LANDMARKS COMMISSION, an agency of the Commonwealth of Virginia, herein called the Grantee.

W I T N E S S E T H :

WHEREAS, Hugo L. Black and Elizabeth S. Black, granted to Grantee an easement in gross on that parcel of ground in the City of Alexandria upon which is erected No. 619 South Lee Street for the preservation of the historic landmark and its environs through Deed dated December 26, 1969, recorded on December 31, 1969, in Deed Book 705, page 491, in the Clerk's Office of the Corporation Court of the City of Alexandria (the "Deed of Easement"); and

WHEREAS, through oversight the Deed of Easement did not include provision therein for continued maintenance of the existing tennis court and did not permit the erection and maintenance of certain other facilities; and

WHEREAS, Hugo L. Black died on September 25, 1971, leaving Elizabeth S. Black, Widow, and Hugo L. Black, Jr., Sterling Foster Black and Martha Josephine Black Pesaresi as his heirs and devisees of the above-described real property under a will duly probated and recorded among the land records of the Clerk's Office of the Corporation Court of the City of Alexandria in Will Book 91 at page 736; and

BOOTHE, PRICHARD & DUDLEY
4085 UNIVERSITY DRIVE
FAIRFAX, VIRGINIA 22030

WHEREAS, Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi are the spouses respectively of Hugo L. Black, Jr., Sterling Foster Black and Martha Josephine Black Pesaresi; and

WHEREAS, Hugo L. Black, Jr. and Elizabeth S. Black have qualified in the Corporation Court of the City of Alexandria as Co-Executors of the Estate of Hugo L. Black, deceased; and

WHEREAS, Grantors and Grantee wish to correct the Deed of Easement to make such provision and to reflect the original intent with regard thereto;

NOW, THEREFORE, in recognition of the foregoing and in consideration of the premises and the sum of \$1.00, receipt of which is hereby acknowledged, the parties agree that the Deed of Easement is hereby corrected by deleting paragraph Number 2 in its entirety and substituting the following paragraph Number 2 therefore:

2. 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 servants' 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; provided, however, that after the date of this Deed of Easement, no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed except at such place and in such a way that would in opinion of Grantee be in keeping with the historic character of the house, and provided that the prior written approval of Grantee to such action shall have been obtained.

With the exception of the foregoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.

Bessie Graham Hobson Black, Nancy Lee Black and Mario Pesaresi join in this deed for the purpose only of releasing their dower and curtesy interests respectively with respect to this Deed of Correction.

WITNESS the following signatures and seals:

Elizabeth S. Black (SEAL)
Elizabeth S. Black, Co-Executor
under the Last Will and Testament
of Hugo L. Black, deceased

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr., Co-Executor under
the Last Will and Testament of Hugo L.
Black, deceased

Elizabeth S. Black (SEAL)
Elizabeth S. Black

Hugo L. Black, Jr. (SEAL)
Hugo L. Black, Jr.

Bessie Graham Hobson Black (SEAL)
Bessie Graham Hobson Black

Sterling Foster Black (SEAL)
Sterling Foster Black

Nancy Lee Black (SEAL)
Nancy Lee Black

Martha Josephine Black Pesaresi (SEAL)
Martha Josephine Black Pesaresi

Mario Pesaresi (SEAL)
Mario Pesaresi

VIRGINIA HISTORIC LANDMARKS COMMISSION

By Junius R. Fishburne, Jr.
Junius R. Fishburne, Jr.
Executive Director

STATE OF Virginia
 CITY OF Richmond, to-wit:

The foregoing instrument was acknowledged before me
 this 30 day of April, 1973, by Elizabeth S. Black, as
 Co-Executor and individually.

Annaly G. Kendrick
 Notary Public

My commission expires: 2/2/77

STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
 this 23 day of April, 1973, by Hugo L. Black, Jr.,
 as Co-Executor and individually.

Donna L. Cline
 Notary Public

SEAL

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
 MY COMMISSION EXPIRES FEB. 12, 1974
 BONDED FROM FRED W. DIESTELHORST
 STATE OF FLORIDA

County of Dade, to-wit:

The foregoing instrument was acknowledged before me
 this 23 day of April, 1973, by Bessie Graham-Hobson
 Black.

Donna L. Cline
 Notary Public

Seal

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
 MY COMMISSION EXPIRES FEB. 12, 1974
 BONDED FROM FRED W. DIESTELHORST

STATE OF ~~ARIZONA~~ *New Mexico*County of *Valencia*, to-wit:

The foregoing instrument was acknowledged before me
this 27th day of April, 1973, by Sterling Foster Black
and Nancy Lee Black, his wife.

Ray S. Arriaga
Notary Public

SEAL

My commission expires: 3.2.77

STATE OF NEW JERSEY

County of *Bergen*, to-wit:

The foregoing instrument was acknowledged before me
this 10th day of May, 1973, by Martha Josephine
Black Pesaresi and Mario Pesaresi, her husband.

Ronald J. Jarama
Notary Public

SEAL

My commission expires:

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Nov. 12, 1973

STATE OF VIRGINIA

City of *Quincy*, to-wit:

The foregoing instrument was acknowledged before me
this 25th day of May, 1973, by Junius R. Fishburne,
Jr.

William D. Deen
Notary Public

My commission expires: 2-31-76

SEAL

VIRGINIA

In the Clerk's office of the Corporation
Court of the City of Alexandria, Va. this
instrument was received and the taxes
imposed by Sec. 50-54 1 of the Code in
the amount of \$ have been paid
and with the annexed certificate admitted
to record on 5-7-73 224912



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

October 1, 2018

By Email and Mail

julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111) — Objection to Continued Approval of Construction Plans

Dear Ms. Langan:

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) which is the subject of one of the earliest open space easements in our City. The treatment of the easement and its proper enforcement is all the more important because it was created by the Honorable Hugo L. Black when he was a sitting Justice on the United States Supreme Court. He established the easement in 1969, three years after the state initiated the easement program.

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. 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); 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) in 1966 based on work that was funded, in part, by the HAF. The HABS 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.

We have recently become aware that by letter dated October 12, 2017 the Department of Historic Resources gave its conceptual approval of a proposed rehabilitation plan for the property which by its own terms is "valid for a year from" October 12, 2017. That sunset provision is expressly required by DHR Policy No. 5:

All written letters or correspondence approving proposed work on an easement property will include a sunset clause, or a timeframe within which the work must be completed. If the work is not done within the specified timeframe, the property owner must request re-approval of the work or seek new approvals if the project has changed in any way from the previously approved proposal.

DHR Policy No. 5. We were surprised that DHR would give conceptual approval for the proposed project which shares many of the defects that led DHR to properly reject a similar plan in 2014. See Letter to Michael Harrington from M. Melinat & E. Tune dated Sept. 14, 2014 ("Harrington Letter").

The proposed construction would destroy the character of the open space on this property. 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 "McVeigh Curve," alteration of the fabric and streetscape view of the historically significant carriage

house facing Franklin Street, and an overall increase of the gross floor area of the structures on the property from 8,156 to 14,371 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 to the denial of the application in August of 2014. Harrington Letter at 2. As succinctly stated in DHR’s denial of the similar proposal in 2014, “The cumulative effect of the proposed additions would significantly compromise the historic character and integrity of the property.” *Id.*

Because we believe this approval to have been improvidently given in the first instance, and contrary to the requirements of the Open Space Land Act, VA. Code §§ 10.1-1700, *et seq.*, as well as the Department’s published policies, we write to request that the approval be withdrawn, or at any rate not renewed. Fortunately, the proposed project has not yet begun and there is still time to withdraw the approval. Significantly, the City of Alexandria has not yet provided the local approvals that would be necessary to commence the construction that has been proposed.

A. The Easement on 619 S. Lee Street is Governed by the Open Space Land Act Which Precludes the Approval of the Proposed Construction Project.

We assume that the Department’s approval process overlooked the fact that the easement in question in this case was put in place under the Open Space Land Act, because the letter does not reflect any consideration of the requirements of that law. Perhaps during the review process the Department looked only to certain amendments to the original easement and overlooked that the easement created by Justice Black expressly invoked the Open Space Land Act.¹

We draw your attention to the following language of the Deed of Easement dated December 26, 1969, which is recorded at Deed Book 705, Page 491 in the Land Records of Alexandria. “WHEREAS, Chapter 13 of Title 10 of the Code of Virginia entitled “Open Space Land Act” (1966 c. 461) Sections 10-151 to 10-158 was enacted to preserve permanent open-space lands.” See *also id.* (“the Grantors do hereby grant and convey to the Grantee an open space easement in gross over, and right in perpetuity to restrict the use of, the following described real estate”); *id.* at 492 (“The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia’s

¹ In April of 1973 a Deed of Correction to the easement was agreed to and recorded at Deed Book 757 Page 867, and that document does not repeat the express invocation of the Open Space Land Act. So it might be understandable that if one looked only at the language of the Deed of Correction the application of the Act could be overlooked. But the Deed of Correction specifically states that “With the exception of the forgoing correction, all of the other terms and conditions of the Deed of Easement shall remain in full force and effect and are hereby ratified and confirmed.” Deed Book 705 Page 868.

policy, as set forth in ... Acts., 1966, c. 461, § 2 [Open Space Land Act], to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land”).

Because the easement on 619 S. Lee Street is an on open space easement governed by the Act, it is not sufficient for the Department to grant waivers of the easement based on its interpretation of the easement language and the *Standards for Rehabilitation* as described in the October 12th letter. The open space easement is also governed by VA. Code Ann. § 10.1-1704, which provides that:

No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, ***shall be converted or diverted from open-space land use unless*** (i) the conversion or diversion is determined by the public body to be (a) ***essential to the orderly development and growth of the locality and*** (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion ***and*** (ii) ***there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.***

Va. Code Ann. § 10.1-1704 (emphasis added).

It is clear from the October 12, 2017 letter of approval that the required analysis was not performed, and the proposed additional construction on the 619 S. Lee Street property could not possibly satisfy the requirement of being “***essential to the orderly development and growth of the locality.***” *Id.* To the contrary, the construction project runs directly contrary to the avowed legislative purpose “to preserve ... historic and scenic areas.” 1966 Va. Acts. Ch. 461, Section 2. For this reason alone we urge the Department to withdraw its approval as having been extended contrary to the positive commands of the Open Space Land Act which the Department of Historic Resources is charged with administering.

B. The Proposed Project Is Contrary to the Express Provisions of the Easement.

The Department's October 12, 2017 letter expresses the opinion that "the proposed rehabilitative scope of work ... appears consistent with the easement provisions...." We do not believe this assessment is correct, and respectfully draw your attention to the following provisions of the Deed of Easement.

The restrictions hereby imposed on the use of the property are in accord with the Commonwealth of Virginia's policy, as set forth in Acts, 1966, c. 632, to preserve historical properties in the Commonwealth of Virginia, and in Acts., 1966, c. 461, § 2, to preserve scenic areas, to conserve lands and other natural resources and to preserve permanent open-space land, and the acts with the Grantors, their heirs, successors and assigns, so covenant to do and not to do upon the property, and the restrictions which the Grantee is hereby entitled to enforce shall be as follows:

1. ***The manor house will be maintained and preserved in its present state as nearly as practicable***, though structural changes, alternations, additions or improvements ***as would not*** in the opinion of the Grantee ***fundamentally alter the historic character of the house*** may be made thereto by the owner, provided that the prior written approval of Grantee to such change, alteration, addition or improvement shall have been obtained. [Deed Book 705 Page 493](emphasis added)
2. ***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; provided; however,*** that after the date of this Deed of Easement, ***no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed*** except at such place and in such a way that would in opinion of Grantee ***be in keeping with the historic character of the house***, and provided that the prior written approval of Grantee to such action shall have been obtained. [Deed Book 757 Page 868](emphasis added)

3. No industrial or commercial activities shall be carried on on the property except such as can be carried on from the buildings or structures described in 2 above **without alteration of their external appearance**.... [Deed Book 705 Page 493](emphasis added).

The Virginia Supreme Court has recently stressed that “construing a deed [of conservation easement] is to give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands Am. Trust, Inc. v. White Cloud Nine Ventures, L.P.*, 291 Va. 153, 160, 782 S.E.2d 131, 135 (2016). “[E]ffect should be given to every part of [a conservation easement], if possible, and no part thereof should be discarded as superfluous or meaningless.” *Id.* at 161, 782 S.E.2d at 136.

We do not believe that any fair reading of the Deeds creating the conservation and open space easements governing 619 S. Lee Street could be consistent with the expansive additions that are being planned for the property. They do not “maintain[] and preserve [the Manor House] in its [1969] present state as nearly as practicable.” Deed Book 705 Page 493. The dramatic expansion of the dwelling “fundamentally alter[s] the historic character of the house.” *Id.* The proposal will remove features of the property expressly set forth in the easement for protection (e.g., the tennis court). Instead of honoring the injunction that “no building or structure described herein shall be altered, restored, renovated or extended and no structure described herein constructed” the proposal relies upon the limited grant of discretion to allow approval of changes “in keeping with the historic character of the house” to justify a wholesale redevelopment of the property.

The purpose of the easement given to the Commonwealth by Justice Black can only be read in context of the grantor’s desire to ensure for posterity the home that he lived in and treasured throughout his lengthy public career as an Associate Justice of the Supreme Court. The manifest purpose of the easement was to ensure that future generations would be able to see the property as the Justice lived and worked in it — gardens, tennis court, outbuildings and all. While the 1973 amendment was agreed to in order to allow for the “maintenance of the existing tennis court” and permit the “erection and maintenance of certain other facilities,” Deed Book Page 757 Page 867, the additional authority granted was intentionally quite limited. It certainly did not authorize the removal of the tennis court that was expressly called out in the easement as something requiring “maintenance.”

In short, if the DHR is to “give effect to the parties’ intention as expressed by them in the words they have used.” *Wetlands*, 291 Va. at 160, 782 S.E.2d at 135, the objective should be to maintain the property as closely as possible in its condition in 1973. We

respectfully submit that the current plans for development of the site run contrary to the express intent of the easement.

C. The Proposed Project Is Contrary to the Department's Published Standards for Implementing the Historic Preservation Easement Program.

1) DHR Policy No. 6 Should Properly be Applied to Such an Extensive Alteration in the Open Space of the Property Under Easement.

Given the dramatic encroachment on and use of the existing open space proposed for the 619 S. Lee Street property, it is apparent the applicant's request for permission to engage in this extensive building project should properly be considered as tantamount to a full-blown amendment to the existing easement. As such it should be considered under the standards set forth in the Department's Historic Preservation Easement Program Policy No. 6, which requires that "An amendment should strengthen the protection afforded by the original easement to the resource(s) on the property.... An amendment should not compromise the historic, architectural, archaeological, open space, cultural, or other environmental resources which the easement was intended to protect." Far from complying with this policy, the proposed construction project will dramatically encroach upon the existing open space and significantly alter the historic landscape of the property. The proposed additions are purely matters of convenience and personal taste of the current owners seeking to dramatically increase the size of this historic urban residence.

2) The Planned Construction Is Incompatible with DHR Policy No. 5

Moreover, the details of the proposed construction do not comply with the relevant *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended) which the Easement Program Staff are charged to employ when reviewing applications for work on easement properties under the DHR Policy No. 5.

One example of the failure to comply with Policy No. 5 is found in the proposed treatment of one of the noted historical features of the house at 619 S. Lee Street. The planned construction proposes to modify the hyphen joining the ell to the main block of the house to remove the distinctive curved treatment. The Pollard Memorandum dated Sept. 21, 2017 at 2 suggests, incorrectly, that this is not part of the historic fabric of the property. *Id.* ("The curved treatment does not appear in the historic photos included in the HABS report on the property."). But 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.”). Whether this was original to the 1798 structure is not the question. “Changes to a property that have acquired historic significance in their own right will be retained and preserved.” 36 C.F.R. § 68.3(b)(4). We submit it is not consistent the Department of Interior *Standards for Preservation* 3-6 to destroy this distinctive historical feature. 36 C.F.R. § 68.3(a)(3)-(6), (b)(4)(2017). When DHR reviewed a similar proposal to demolish this feature in 2014, the request was properly denied.

Similarly, the current construction plans seek to alter the historically significant Carriage House. HABS No. Va-711. A similar plan to alter the exterior facing Franklin Street with the addition of windows was properly rejected in 2014 as being inconsistent with *Standards* 1, 2, 3. Harrington Letter at 3 (“New window openings are not permitted on the façade (south elevation) of the structure.”); see 36 C.F.R. § 68.3(b)(1)-(3). The same ruling should be enforced under the present construction plan. The fact that the proposed new windows are smaller than proposed in prior plans does nothing to address the principles set forth in *Standards* 1, 2 & 3.

The new opening at the rear end of the existing one-story flounder wing, and the basement is similarly contrary to *Standards* 1-3, 9 and the prior treatment of similar requests. Harrington Letter at 2 (“no new openings are permitted on the historic house”).

Unfortunately, the proposed extensive additions to the 619 S. Lee Street property, which include the three separate and substantial additional structures does not comply with the policies set forth in 36 C.F.R. § 68.3(b)(9)(“requiring that “New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property.”). In this case, the extensive in-fill of the open space, which will dominate every portion and view-point of the property will dramatically change what has appropriately been noted as the properties defining characteristic: “***its extensive grounds and breathing space preserved to this day.***” HABS No. Va-709 (emphasis added).

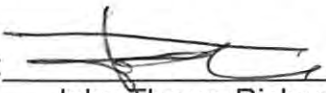
* * *

Julie V. Langan
October 1, 2018
Page 9

For the forgoing reasons, we respectfully submit that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, Virginia, that the Department will deny the application. The proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully submitted,

Historic Alexandria Foundation

By: 
John Thorpe Richards, Jr.
(Member of the Board)

cc. Megan Melinat (Megan.Melinat@dhr.virginia.gov)
Lori & Nigel Morris (lmorris@311cameron.com)

From: "Paul, Karen (Secretary)" <Karen_Paul@sec.senate.gov>
Subject: DHR Easement File No. 100-0111
Date: October 10, 2018 at 9:46:12 AM EDT
To: "julie.langan@dhr.virginia.gov" <julie.langan@dhr.virginia.gov>



October 5, 2018

By email to: julie.langan@dhr.virginia.gov

Julie. V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: *Vowell-Snowden-Black House* (DHR Easement File No. 100-0111)
— Objection to Continued Approval of Construction Plans

Dear Ms. Langan,

This letter is written to support the Historic Alexandria Foundation's letter of objection to continued approval of construction plans for the Vowell-Snowden-Black property at 619 South Lee Street, Alexandria, VA 22314. As spelled out in the HAF carefully researched and reasoned presentation of all facts relevant to the request, it appears that current plans for development do indeed run contrary to the express intent of the original easement. As easements are an important vehicle for Alexandria to maintain its historic houses and streetscapes, it is vital that the Department of Historic Resources perform all due diligence when granting any divergence from the requirements of an easement. Further, as all of

Alexandria's open spaces seem to be either under development or protected by easements or Open Space Act, it is crucial that all decisions to bend or interpret these legal protective vehicles to other purposes not be undertaken lightly.

We therefore respectfully request that upon reconsideration of the applicant's request for work on the Easement Property for 619 S. Lee Street in Alexandria, that the application be denied. We agree with John Thorpe Richards's conclusion that "the proposed project does not satisfy the requirements of the Open Space Act, the express requirements of the easement the Department is entrusted to enforce, or the Department's policies for consideration of such requests.

Respectfully,

Karen D. Paul, President
The Alexandria Association
P.O. Box 320711
Alexandria, VA 22320-4711
Alexandriaassociation.org



Alexandria, Virginia

Historic Alexandria Resources Commission

*220 North Washington Street
Alexandria, Virginia 22314-2521
(703) 746-4554*



October 31, 2018

By Email and U.S. Mail

Julie.langan@dhr.virginia.gov

Julie V. Langan, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

**Re: Vowell-Snowden-Black House (DHR Easement File No. 100-0111)
Objection to Continued Approval of Construction Plans**

Dear Ms. Langan:

The Historic Alexandria Resources Commission (HARC) was established to advise the City of Alexandria on the preservation of historic sites and buildings, artifacts, and records from loss or deterioration; and promotes citizen and tourist use of historic sites such as the Torpedo Factory Art Center. Commission members are appointed by City Council and must be citizens of Alexandria.

We have recently learned of the extensive development plans to the historic property located at 619 South Lee Street in Alexandria (the Vowell-Snowden-Black House). An open space easement was granted to the Commonwealth of Virginia on the property by prominent Supreme Court Justice Hugo Black and his wife Elizabeth on 26 December 1969 just three years after the Open Space Land Act was created in Virginia. The easement was granted in perpetuity and allowed for no additional building or structures on the site to be built.

The current proposal for 619 South Lee Street would remove modern additions to the house that cover approximately 422 square feet of land and replace them with new additions that cover approximately 3174 square feet of land, or 750 percent more land coverage than the removals. Further, four of the proposed structures (two buildings and two connectors) will extend to the south of the historic house along the entire street front of the property obscuring the open space from public view. 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.

The open space easement is governed by VA. Code Ann. § 10.1-1704, which provides that:

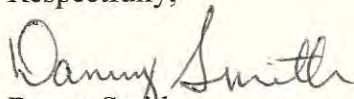
No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion and (ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.


The further development of the property at 619 South Lee Street is not included in any official comprehensive plan for Alexandria, and no other real property of equal or greater market value in nearly equivalent location has been designated as permanent open space.

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.

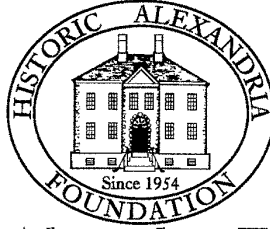
The Commission will advise the City of Alexandria to reject the proposed plans for expansion at 619 South Lee Street, and we respectfully request that you reconsider the decision you made to approve the preliminary plans for development at 619 South Lee Street and reject the final proposal and any future proposals for development of this property that are in clear violation of the easement and Open Space Land Act.

Respectfully,


Danny Smith


Elizabeth McCall

Co-Chairs
Alexandria Historic Resources Commission



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399

Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

August 11, 2016

Joanna Anderson, Esq.
Deputy City Attorney
Alexandria, Virginia

Dear Ms. Anderson,

I am writing on behalf of the Historic Alexandria Foundation (HAF) to express our concern and disagreement with recent staff statements and procedures followed in connection with applications to the Old and Historic District Board of Architectural Review that involve properties subject to preservation easements.

The most recent case that raised these concerns is BAR #2016-00160. The staff statement with which we disagree is found at page 4 of the Staff Report:

Staff notes that the Alexandria Historical Restoration and Preservation Commission (AHRPC) holds a scenic and exterior architectural easement on this property. All alterations to the buildings, new construction and changes to the landscape must separately be reviewed and approved by the AHRPC. However, an easement is a private contract between the property owner and the easement holder and these are not regulated by the City.

In addition, at its meeting on July 6, 2016, the Chair of the BAR read a preliminary statement provided by staff that included similar language regarding the status of a preservation easement as a "private contract", and further stated that **"in the past the BAR has advised applicants that easement holders should approve any proposal to be reviewed by the BAR as a courtesy. However, the BAR is not able to legally require that."**

We believe these statements are incorrect, both as a matter of law and policy, for the reasons noted below. We urge the City to continue to require the consent of a preservation easement holder before an application is deemed complete and subject to review by the BAR. We request that you provide us with the legal reasoning that led to the statements quoted above and the proposed change in the existing procedure that requires evidence of the consent of an easement holder before presenting an application to the BAR. We would like to meet with you at your convenience to discuss these issues.

Legal Status of Conservation and Open Space Easements

Under Virginia law a conservation easement is a non-possessory interest in real property. VA. CODE ANN. § 10.1-1009. It is not simply a “contract between the property owner and the easement holder”, as stated in the recent staff reports. Accordingly, the BAR should not take action that could impair the property interests of the easement holder without its consent. The BAR should continue to require evidence that an application has the consent of all parties holding an interest in the property under review, whether that interest is in the fee simple or the interest of an easement holder.

Moreover, historic preservation and open space easements are governed by the Virginia Conservation Easement Act (VCEA), VA. CODE ANN. §§ 10.1-1009 through 10.1-1016 and the Virginia Open Space Land Act (OSLA), VA. CODE ANN. §§ 10.1-1700 through 10.1-1705. These laws “were intended to encourage the acquisition by certain public bodies of fee simple title or ‘easements in gross or such other interests in real estate’ that are designed to maintain the preservation or provision of open-space land.” *United States v. Blackman*, 270 Va. 68, 613 S.E.2d 442 (2005). The public policy in favor of land conservation and preservation of historic sites and buildings is also reflected in Article XI of the Constitution of Virginia.

These laws make clear that, in contrast with conventional private easements, conservation easements serve a public function and such easements are “held and administered by the easement holders not for themselves, but on behalf of the public and in furtherance of state policy”. See 2012 Va. Op. Atty. Gen 31. Not only are conservation easements held on behalf of the public, but the owners of property subject to conservation easements are granted substantial benefits in the form of tax relief to reflect the value that preservation provides to the public interest. Accordingly, VCEA expressly provides standing to the local government to take action to enforce conservation and open space easements on real property within their jurisdictions. VA. CODE ANN. § 10.1-1013.

The recent statements in the BAR staff reports that conservation easements “are not regulated by the City” fail to take this Virginia Code provision into account. The City does, indeed, have standing to take action to enforce a conservation easement. It should not abrogate this responsibility by allowing, or requiring, the BAR to take action

without regard to the interests of the holder of a conservation easement or the public interest in favor of preservation easements. As a City body, the BAR should take these interests into account in its decisions. Failure to do so could result in a diminution of the value of the easement, lead to inconsistent requirements for the property owner, and limit the City's ability to ensure compliance with an easement as provided in the VCEA.

The BAR should continue the established policy to require evidence of the consent of the holder of a conservation easement before an application can be heard. We were puzzled by the statement read by the BAR Chair at the recent meeting, as quoted above, that "in the past the BAR has advised applicants that easement holders should approve any proposal to be reviewed by the BAR as a courtesy." In fact, the application procedures clearly state that documentation of an easement holder's consent to an application is **required**, not a "courtesy", before an application will be considered complete. Section 8 of the application instructions provides as follows:

REVIEW BY OTHER AGENCIES: It is the policy of the Boards not to review applications which do not meet other applicable city regulations. This policy ensures that the project approved by the Board can, in fact, be undertaken. In cases where there is an historic preservation easement on the property or the property is under a homeowner's association, a copy of the letter approving the project must accompany the application at the time of submission. Applications without approval letters will not be accepted and will be deferred until the letter is received and the application is complete.

This practice and procedure should be continued as it is the only way to ensure that the easement holder's interest in the property will not be impaired by actions taken by the BAR without its consent. We do not know of any reason why the BAR Chair's statement claimed that "the BAR is not able to legally require that". Section 10-104 (B)(3) of the City Code allows the BAR to adopt administrative procedures, pursuant to which the BAR has set forth numerous requirements for documentation that must be submitted before an application will be considered complete. The existing BAR policy is a reasonable requirement, consistent with its authority under City law, and a best practice to ensure that the BAR time and resources are well spent. It should be continued.

We believe that the apparent change in the BAR procedure for handling applications for properties subject to conservation easements is unwise and not supported by law or policy. If there are other factors we have not considered that you think justify such a change we would be most interested in your thoughts on these issues.

Thank you for considering our views on this matter. We look forward to meeting with you at your earliest convenience to discuss these issues. I can be reached at elj831@gmail.com or 703-615-9529.

Sincerely,

Elaine Johnston
Co-Chair, Advocacy Committee

Cc: Al Cox
Lance Mallamo



OFFICE OF THE CITY ATTORNEY

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CITY ATTORNEY

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SENIOR ASSISTANT CITY ATTORNEY

ASSISTANT CITY ATTORNEYS
CHRISTINA ZECHMAN BROWN
DORI E. MARTIN
TRAVIS S. MacRAE
GEORGE McANDREWS
MARY ELLIOTT O'DONNELL
MEGHAN S. ROBERTS
KAREN S. SNOW

September 1, 2016

Elaine Johnston
Historic Alexandria Foundation
218 North Lee Street, Suite 310
Alexandria, Virginia 22314

Re: Applications to the Old and Historic District Board of Architectural Review

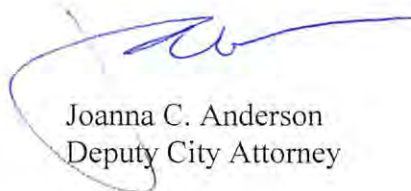
Dear Ms. Johnston:

Thank you for your letter dated August 11, 2016.

It has been and will continue to be the City of Alexandria's practice to request that an applicant to its Boards of Architectural Review ("BAR") obtain the consent of an easement holder before a matter is considered by the BAR. The purpose of doing so is to make the process more efficient, in that the applicant would not have to make two applications to the BAR if the easement holder's consent was not obtained in advance of an application being made.

Although, the City will continue to seek the consent of an easement holder, the BAR cannot refuse to consider an application if it does not include an easement holder's consent. This is because the BAR is not empowered to enforce easements on behalf of easement holders. The BAR's power is limited to those conferred upon it by the City's Zoning Ordinance.

Very truly yours,



Joanna C. Anderson
Deputy City Attorney

cc: Al Cox, Historic Preservation Manager

ALEXANDRIA HOUSES

1750~1830

By • DEERING • DAVIS • A • I • D •
STEPHEN • P • DORSEY • &
RALPH • COLE • HALL

Special article by
NANCY • McCLELLAND • A • I • D •

BONANZA BOOKS • NEW YORK

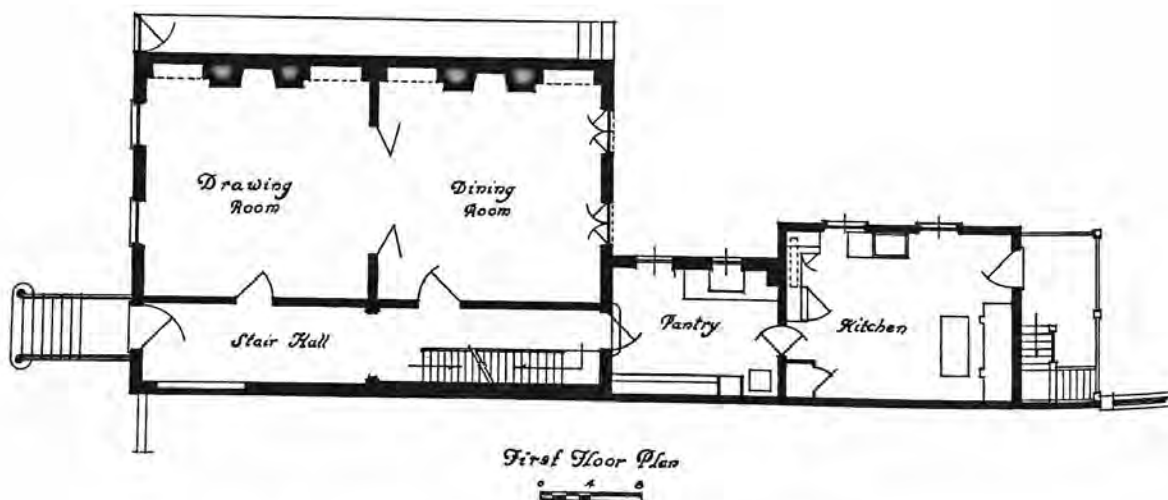
THE SNOWDEN HOUSE

Circa 1790

611 South Lee Street

Known as the Snowden House after the family which occupied it for ninety-seven years of its long existence, this fine Georgian structure was built long before their ownership. It is not known which of the Alexanders built the house, but John Alexander gave the property to his son, William Thornton Alexander, who sold it to Thomas Vowell on August 29, 1798. It later came into the possession of the Snowdens.

The massive and dignified doorway is surmounted by a pediment, and the facade cornice is unusual and of fine workmanship. Although the original mantels have been replaced, the other details of the interior trim attest to the original elegance of the structure. The kitchen was once completely separated from the house and was later joined by a brick "bridge" between the two buildings, as illustrated on page 114. That the kitchens were very frequently separate outbuildings is indicated by the fact that often when this dependency was joined to the main house the ell fell directly behind the dining room or parlor, rather than to the rear of the hall—thus forcing a servant going from the rear of the house to pass through the dining room, or parlor, in order to reach the front door. The garden of the Snowden House is lovely and it once had an unusually fine view up and down the Potomac.



Typical first floor plan of the ell type house



Photograph: Library of Congress

Early builders paid much attention to fenestration and detail as is beautifully indicated in this residence of Justice and Mrs. Hugo Black.



Photograph: Library of Congress

The Garden Side

The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.

**Maria and Harry Hopper
206 Duke Street
Alexandria, VA 22314**

December 16, 2018

Alexandria Board of Architectural Review
Ms. Christine Kelly – Chairperson, and
Board Members:

Mr. Robert Bentley Adams
Mr. Slade Elkins
Mr. John Goebel
Mr. John Sprinkle
Ms. Margaret Miller
Ms. Christine Roberts

Dear Members of the Board of Architectural Review:

It has come to our attention that the thorough and constructive 5-year process focused on the proper restoration and renovation of 619 S. Lee Street, is being challenged by HAF and other self-appointed citizen architectural restoration “experts”. The impossible paradox presented by this gauntlet threatens to undermine the basic tools for historic preservation in Alexandria.

In this case, the Virginia Department of Historic Resources (VDHR) is the historic preservation easement holder of 619 South Lee Street. Our understanding is that: (i) the plans have been studiously worked on in close coordination with the VDHR; (ii) several highly-qualified experts have been retained; and (iii) many changes and accommodations have been made. We point out that multiple prior owners have backed away from this intimidating process once they realized the extreme difficulty and cost of achieving a livable solution within the VDHR constraints. Now, somehow, the HAF and others think they can enter at the 11th hour, claim they are more “qualified”, and basically intimidate-away what is likely the last and best hope for 619 South Lee to be properly preserved for the next centuries.

We respectfully suggest to the Board of Architectural Review that the extensive work done with the VDHR (supported by the expertise of Cunningham/Quill Architects) should supersede the sincere but amateur (and mutually contradictory) opinions orchestrated by the HAF.

Our experience at the tip of the HAF spear is a cautionary tale. Once again, this same group (with the same leader) vehemently opposed our proposed kitchen addition at 206 Duke Street in 1997 (a one-story kitchen addition - 16' x 20' on a full-size adjacent lot) and claimed it was going to ruin Old Town. After a grueling 6-month process where we were bombarded with mutually-exclusive demands and distorted

facts, the addition was approved and now the Virginia Tech architectural school class comes by Duke Street and the professor cites our addition (designed by Robert Adams Architects) as the most appropriate side-yard addition in Old Town.

Based on that experience and other preservation projects we have supported across the country, we are in strong and full support of the proposed 619 South Lee project. The VDHR is a credible body with a legal mandate that deserves reasonable deference. The owners are exactly the type of thoughtful stewards that we should welcome, not scare off. We encourage the BAR to see the 619 South Lee project as the type of proper collaboration that ensures Old Towns living authenticity.

Thank you for your constructive efforts on behalf of a preserved and vibrant and Old Town.

Best regards,

Maria and Harry Hopper

Lauren Stack
220 S. Lee Street
Alexandria, VA 22314

December 15, 2018

TO: Alexandria Board of Architectural Review
Ms. Christina Kelly – Chairperson, and
Board Members

Mr. Robert Bentley Adams
Mr. Slade Elkins
Mr. John Goebel
Mr. John Sprinkle
Ms. Margaret Miller
Ms. Christine Roberts

FROM: Lauren Stack

RE: 619 S. Lee Street – BAR #2018-00410 and 00411

Dear Members of the Alexandria Board of Architectural Review,

First, let me begin by thanking you all for your service to the City of Alexandria. Serving on BAR is not for the faint of heart. As a commission you are frequently at the flashpoint of public passions. I appreciate your ongoing willingness to take the slings and arrows and history of looking at each project based on its individual merits and detractions.

I am writing you in strong support of the above referenced project at 619 South Lee Street.

Lori and Nigel Morris, the owners of this property, are well known to the historic preservation community in Alexandria. They have a track record of undertaking through to completion, appropriate and breathtaking renovations and restorations on prominent Alexandria properties. In fact, this year, the Historic Alexandria Foundation (HAF) awarded Lori and Nigel a 2018 Preservation Award for their work at 405 Cameron Street. We in the City are lucky that this couple with such a strong track record in historic preservation and the ability to execute these projects is willing to take on the significant challenges presented by 619 South Lee Street.

As is typical of Lori and Nigel, they have approached this project thoughtfully and methodically. The property was purchased in 2013 and they have worked very closely with the easement holder, The Virginia Department of Historic Resources (VDHR), for the past five years to come up with a plan that satisfies all easement requirements and widely accepted preservation standards, while still allowing them to bring this property to life as their family home. Working with VDHR has not been an easy process, and the project as proposed in the application before

you is a very long way off from their original ideas. Lori and Nigel, however, have demonstrated appreciation of the fact that the staff of VDHR are preservation experts at the top of their profession and that VDHR staff spent an enormous amount of time reviewing proposals, providing recommendations and figuring out the best way to bring this property back to life. Lori and Nigel have accepted the guidance provided throughout this effort.

Through this time, Lori and Nigel have also kept HAF abreast of the project and plans. They and their architects have shared information and met with HAF. In many cases Lori and Nigel have taken HAF comments back to VDHR and adjusted the plans as such. This past August, in fact, a member of HAF leadership indicated personal support of the project such that Lori and Nigel felt confident enough to begin the restoration work of roof repair and repointing while waiting for the overall restoration/renovation approval.

From the letter that HAF has provided to the City, it is clear that HAF has differences of opinion from VDHR. There will always be differences of opinion on things as subjective as architectural design and historic preservation. However, given the fact that there does need to be an arbiter, and in that VDHR holds the easement on the property and has spent significant time over the past five years working on this project with Lori and Nigel, it would seem to me that it would be prudent and safe for BAR to defer to the Commonwealth of Virginia's work and direction on this project. Neither HAF nor the City staff has spent anywhere near the amount of time researching this project as has VDHR. It is important to note that most of the requests that HAF is making are in direct conflict to what the easement holder, VDHR, will approve. This puts Lori and Nigel in an impossible situation.

As a personal note, I had the privilege of renovating and restoring the property at 210 Duke Street with architect and Board of Architectural Review board member, Bud Adams. This property was held in easement by **BOTH** VDHR and HAF. The amount of work required to obtain the approval of the easement holders was striking. We spent over 90% of the time working with VDHR, and 10% with HAF which at the time was eager to defer to VDHR resources and expertise appreciating the effort that VDHR put into the project. As I have said publicly, I feel that the work with the easement holders led us to a wonderful restoration and renovation which HAF has repeatedly indicated they were very happy with.

I am quite concerned that this situation demonstrates a serious problem in our City. Here, you have:

- *A couple with a track record of awarded historic preservation purchasing a significant property that has fallen into disrepair over the past several decades.*
- *Owners with willingness to commit the time and resources to come up with a plan to renovate and restore the property.*
- *Work over a five year period with a very credible easement holder, the Virginia Department of Historic Resources, to come up with a renovation/restoration plan that addresses all historic preservation concerns with widely accepted solutions.*
- *A couple that has kept both the City staff and local preservationists (HAF) abreast of the project throughout and taken comments back to the easement holder for consideration.*

- *HAF making demands that are in direct conflict to what the Commonwealth of Virginia VDHR will accept as the easement holder.*
- *Property owners that will be placed in an impossible situation that will be unable to be resolved.*

I ask that you vote for approval of this project. You can have no doubt that the owners will do a wonderful job as they have in the past. I know that it will be hard to make this vote, but if you want this property to be restored I believe that you will not find a better proposal than the one provided here by the easement holder and the owners.

Thank you for your consideration,

A handwritten signature in dark ink, reading "Lauren Stack". The signature is fluid and cursive, with the first name "Lauren" and last name "Stack" clearly distinguishable.

Lauren Stack
laurentkentstack@gmail.com

W. Brown Morton III
Architectural Conservator
212 Wirt St., Leesburg, Va. 20176

December 16, 2018

Board of Architectural Review, Old and Historic District
City of Alexandria
City Hall
301 King Street
Alexandria, Virginia 22314

RE: BAR Case Number 2108-00410 – 619 S. Lee Street (Hugo Black House)

Dear Chair Kelley and Members of the Board:

I am writing today about a matter of serious concern for the cause of historic preservation in the City of Alexandria. I have reviewed the development plans for the Hugo Black House that you are scheduled to consider on December 19, 2018 and believe those plans should be rejected by you.

By way of background, in 1949 I moved with my family to Old Town Alexandria and knew most of its residents from my days delivering the Alexandria Gazette as a youngster. Growing up in the Old and Historic District, from my earliest youth I have been devoted to the cause of historic preservation. I am intimately familiar with Old Town in general and with the Hugo Black House and its setting.

In 1961, I was the first recipient of a Bachelor of Architectural History, awarded by the School of Architecture at the University of Virginia. I went on to work at the U.S. Department of the Interior where I co-authored The Secretary of the Interior's Standards for Historic Preservation Projects. I am Professor Emeritus, Department of Historic Preservation, University of Mary Washington, Virginia.¹

Having reviewed the plans before you, I would like to clearly state that, in my view, the present project proposal does not reflect or support the goals and intent of the Secretary of the Interior's Standards for Rehabilitation as expressed by me and Gary L. Hume as co-authors of the original version of the Standards. Nor do I believe the plans are compatible with either the Hugo Black House and setting, nor the Old Town neighborhood.

Because the application for work on the Hugo Black House relies in no small degree on the conceptual approval of the Virginia Department of Historic Resources, I believe it is important

¹ My complete CV can be reviewed at:
(https://caine.emich.edu/archives/findingaids/html/Woolridge_Brown_Morton_III_papers.html).

for me to explain why I think that approval arose from a misapplication of the Secretary of the Interior's Standards which the VDHR is supposed to follow.

Any evaluation of a project like the one before you should start with an evaluation of the historic resource at hand.² In this case, the Hugo Black House is one of national importance, not just because it is part of the Old & Historic District, but because of its association with one of the great American jurists during a time that the history of the United States was transformed by the United States Supreme Court. When Justice Black died in 1971 the considered judgment of the country was that

Perhaps no other man in the history of the Court so revered the Constitution as a source of the free and good life. Few articulated so lucidly, simply and forcefully a philosophy of the 18th- century document. Less than a handful had the impact on constitutional law and the quality of the nation as this self-described 'backward country fellow' from Clay County, Alabama.³

In my opinion, therefore, the period of greatest historical significance for 619 South Lee Street was the period when Justice Black owned the House and lived there.

As has been well noted by others,

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.⁴

Shortly after Worth Bailey completed his study, the Virginia Historic Landmarks Commission certified the Hugo Black House and as an Historic Landmark property in December of 1969. Any assessment of the proper treatment of the property, therefore, has to start from a recognition of its Landmark status and the significant historical character of the property.

² "To best achieve these preservation goals, a two-part evaluation needs to be applied by qualified historic preservation professionals for each project as follows: *first*, a particular properties materials and features which are important in defining its historic character should be identified. Examples may include a building's walls, cornice, window sash and frames and roof; rooms, hallways, stairs, and mantels; *or a site's walkways, fences, and gardens*. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 6 (emphasis added).

³ N.Y. Times (Sep. 26, 1917) at 79 col. 1.

⁴ Worth Bailey, Photographs, Written Historical and Descriptive Data, Vowell-Snowden-Black House, 619 S. Lee Street, Alexandria, Virginia, HABS No. VA-709, p.1.

In the case of the Hugo Black House, that means that one of the preservation priorities is the maintenance of the property as closely as possible to how it was during the life of Hugo Black, including the “extensive grounds and breathing space.” That includes a side yard extending from the house to the corner of South Lee and Franklin Street, and a back yard spanning an entire city block in the heart of Old Town.

The importance of preserving this important feature of the Hugo Black House is set forth in the current version of the Secretary’s Standards, which provide that “A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships.”⁵ Or as originally set forth in 1979, “Every reasonable effort shall be made to provide a compatible use for the property that requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.”⁶ “The ethical idea here is that ‘less is more’ the smaller the degree of change the greater the level of retained integrity.”⁷

The current Standards also require that “The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.”⁸ In their original form this standard was stated as: “The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.”⁹ And most pointedly, the current Standard 9 for both Preservation and Rehabilitation projects states:

New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.¹⁰

⁵ Code of Federal Regulations, Tit. 36, Section 68.3(a)(1), (b)(2)(2018).

⁶ W. Brown Morton III & Gary L. Hume, *The Secretary of the Interior’s Standards for Historic Preservation with Guidelines for Applying the Standards* (Washington, D.C. 1979), p.3.

⁷ W. Brown Morton III, *The Secretary of the Interior’s Standards for Historic Preservations Projects: Ethics in Action*, Lecture Presented at the Annual Meeting of the National Council for Preservation Education, Indianapolis, Indiana, October 23, 1993, National Park Service, Washington, D.C. 1993.

⁸ Code of Federal Regulations, Tit. 36, Section 68.3(a)(2), (b)(2)(2018)(emphasis added).

⁹ Morton & Hume, *op. cit.* (emphasis added).

¹⁰ Code of Federal Regulations, Tit. 36, Section 68.3(a)(9), (b)(9)(2018)(emphasis added). This has evolved from the original articulation of the standard which said, “Contemporary design for alteration and additions to existing properties shall not be discouraged *when such alterations and additions do not destroy significant historic architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.*” Morton & Hume, *op. cit.* (emphasis added).

In my opinion, the VDHR failed to properly apply these Standards when providing its conceptual review of the proposed project on the Hugo Black House. 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 as identified as one of the properties most significant features.

Since 1983, the interpretive guidelines issued by the Department of the Interior has recommended that,

Constructing a new addition so that there is the least possible loss of historic materials and so that the character-defining features are not obscured, damaged, or destroyed.

Locating the attached exterior addition at the rear or on an inconspicuous side of a historic building; and limiting its size and scale in relationship to the historic building.¹¹

By stretching two of its three proposed additions along the South Lee Street portion of the property, the plans proposed for the Hugo Black House appear to do the exact opposite of these recommendations.¹²

I feel certain that with the architectural talent at the applicant’s disposal that they can develop plans to meet any legitimate need of the owners while at the same time minimizing the destruction of the historic resource consistent with recognized preservation principles. Unfortunately, the approach adopted in the current plans do not adequately undertake this important work of preserving this landmark property.

In addition to the overall size, scale, style and placement of the proposed additions, the plans ask you to approve the demolition of a noted architectural feature of the Hugo Black House. I refer to the “curve” where the ell joins the main block of the house. That feature was given particular note in the HABS Report. “The hyphen where it was joined to the main house was rounded so as not to interfere with the windows upstairs and down.”¹³ Rounded corners are an interesting treatment used in some important and historic Alexandria houses.

¹¹ The Secretary of the Interior's Standards for rehabilitation and guidelines for rehabilitating historic buildings. Washington, D.C. : U.S. Dept. of the Interior, National Park Service, Preservation Assistance Division : 1983., p. 58.

¹² “Not Recommended. ... Attaching a new addition so that the character defining features of the historic building are obscured, damaged or destroyed.” *Ibid*.

¹³ W. Bailey, *op cit.*, p. 6.

For example, 213 South Pitt Street, where I grew up, had a curved corner on its rear wing. The preservation of such adaptive uses is precisely the type of architectural detail that the Secretary's Standards have always argued should be preserved. Originally the Standards said, "Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected."¹⁴ Now the standards are even more explicit. "Changes to a property that have acquired historic significance in their own right will be retained and preserved."¹⁵ A guiding concept of cultural resource management throughout the Western world is that the retention of original or early material is essential to the integrity and significance of the resource.¹⁶

I certainly do not suggest that the Standards Gary Hume and I developed for the Secretary of the Interior 40 years ago are the last word on Historic Preservation. The Standards have been revised several times since 1979 and in some respects these later revisions do not accurately express Gary Hume's or my original meaning or intent. These later revisions have hardened the Standards, in my view, into inflexible "commandements" rather than "recommendations" for thoughtful consideration of right action in the undertaking of any given project. Neither Gary nor I saw ourselves as a modern-day Moses.

In this case I fear that the applicant, in order to satisfy the dictates of the Virginia Department of Historic Resources, has been led to ignore the substance of the Standards in favor of a misguided and rote attempt to apply them. Thus, in the interest of "differentiation," the plan destroys one of the most noted feature of the historic property: placing additions where open space is supposed to be preserved. In the interest of not discouraging contemporary design, the plan ignores the precept that the "design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment."¹⁷ Since these plans were apparently developed without any consultation with, or notice to, the local community, it is perhaps understandable that the result has been so out of keeping with the tradition of preservation in Alexandria. The result is starkly incongruous with both the setting, the existing historic structure, and the community as a whole. It is an example of the misuse of the Standards "where the Standards have been mistaken for rules — where ethical reflection has been replaced by bureaucratic fiat, [and] the Standards have ... failed."¹⁸

¹⁴ Morton & Hume, *op. cit.* (emphasis added).

¹⁵ Code of Federal Regulations Tit. 36, Section 68.3(a)(4), (b)(4)(2018).

¹⁶ Morton, *Ethics in Action*, *op. cit.* p. 20.

¹⁷ Morton & Hume, *op. cit.* (emphasis added).

¹⁸ Morton, *Ethics in Action*, *op. cit.*, p. 22.

In conclusion, I wish to thank you for your service to Alexandria. The BAR stands as the guardians of the historic fabric of this precious place in American History. I am confident that by applying the longstanding practice of the BAR and the fundamental principles of historic preservation, you will agree with me that the current proposal for construction on the Virginia Landmark Hugo Black House property should be denied your approval.

Sincerely,

A handwritten signature in black ink that reads "W. Brown Morton III". The signature is written in a cursive, slightly stylized font.

W. Brown Morton III

cc. Historic Alexandria Foundation



Historic Alexandria Foundation

218 North Lee Street, Suite 310 • Alexandria, Virginia 22314
(703) 549-5811 • FAX (703) 548-4399
Email: h.a.f@erols.com • Website: HistoricAlexandriaFoundation.org

April 2, 2019

By Email

The Hon. Justin M. Wilson
The Hon. Elizabeth B. Bennett-Parker
The Hon. Canek Aguirre
The Hon. John Taylor Chapman
The Hon. Amy B. Jackson
The Hon. Redella S. "Del" Pepper
The Hon. Mohamed E. "Mo" Seifeldein
Alexandria City Hall
301 King Street
Alexandria, Virginia 22314

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

Dear Mayor Wilson and Members of the Council:

The Historic Alexandria Foundation (HAF) was formed in 1954 "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.

HAF, along with the Historic Alexandria Resources Commission (HARC), the preservation advisory commission created by City Council, the Alexandria Association, the Old Town Civic Association ("OTCA"), the Northern Virginia Conservation Council, Preservation Virginia, as well as numerous concerned citizens, have been particularly alarmed to learn of the very extensive development plans for the historic property located

at 619 S. Lee Street in Alexandria, known as the Hugo Black House. That property, which is a certified landmark, is unique in the amount of its preserved open space in the City. The open space is the result of an historic act of leadership by United States Supreme Court Justice Hugo Black when, in 1969, he placed the property under the protection of the Open Space Land Act. His gift was the second ever in the history of Virginia, and the first such gift in Alexandria.

Because the property and the grounds are of unique historical and cultural importance to Alexandria, to Virginia, and to the United States, we appeal to the City Council to overturn the recent actions of the former Old and Historic District Board of Architectural Review (“BAR”) for demolition and development on this property.

I. Summary of Reasons to Reject the Applications on Appeal

The former BAR’s approval — on a 4-2 vote — of three extensive new additions and buildings in the protected open space betrays the intent of Justice Black’s gift and is contrary to basic principles of ethical historic preservation. In our opinion, the BAR’s decision would egregiously impair the City’s public policy in favor of preserving the historic landmark and conserving the scarce resource of urban open space. *E.g.*, Alexandria City Council Resolution 1259 (6/24/1987). The approved plans are incongruous with the existing building, structures and area surroundings.

Moreover, contrary to the recommendations of the BAR staff, a divided BAR approved the demolition of a unique and noted architectural feature of the Hugo Black House.

To summarize, the many defects in the BAR’s divided decision are as follows:

- The BAR failed to take into consideration the landmark designation of the property as the home of Justice Hugo Black from 1939 until his death in 1971.
- The BAR failed to preserve the property as it was during its period of national and statewide historical significance (1939-1971).
- The BAR failed to preserve the landmark Open Space.
- The plans approved by the BAR create an urban “campus” contrary to:
 - (i) the historic development patterns of Old Town;

- (ii) the recommendations of the United States Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards); and
- (iii) the BAR's own Design Guidelines.

This results in plans that are incongruous to the existing building, structures and area surroundings and that maximize the adverse impact on the landmark open space.

- The BAR approved the construction of two new "Pavilions" which would double the footprint of the historic house and consume the landmark open space.
- The BAR approved the construction of an unnecessary 26 x 26 brick "Bicycle Workshop" which occupies landmark open space.
- The BAR approved the construction of an unnecessary 46 ½ Foot "Pergola" connecting the second proposed "Pavilion" with the "Bicycle Workshop" which obstructs the landmark open space.
- The BAR failed to preserve a unique architectural feature of the House that has been highlighted in studies of the property published during Hugo Black's lifetime.

For all these reasons, and because allowing construction in the protected open space would violate Va. Code § 10.1-1704 which provides that ***"No open space land [protected by an Open Space Land Act Easement] shall be diverted or converted from open space use"*** without a finding that it is "essential to the orderly development and growth of the community" **and** the provision of replacement open space, we request that the Council deny the application before you.

II. Historical Background

A. Historical Significance of Justice Hugo Black

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

history of the United States Supreme Court and of the United States. When Justice Black died in 1971 his lengthy obituary in the New York Times summarized his career as follows:

Perhaps no other man in the history of the Court so revered the Constitution as a source of the free and good life. Few articulated so lucidly, simply and forcefully a philosophy of the 18th- century document. Less than a handful had the impact on constitutional law and the quality of the nation as this self-described 'backward country fellow' from Clay County, Alabama.

N.Y. Times, Sep. 26, 1971, at 76.

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., *Foreword to Mr. Justice and Mrs. Justice Black* (1986).

Although Justice Black grew up in racially segregated Alabama, and was even a member of the Klu Klux Klan when a young politician, he renounced the Klan and his membership in it and became one of the leading forces in bringing racial equality and desegregation to the country. As a former Senator from Alabama his joinder in the decision of *Brown v. Board of Education* was a critical event in the history of the nation. And in 1964, after ten years of foot-dragging by the exponents of segregation, it was Justice Black who wrote the opinion that finally put an end to the denial of African American school children's right to an equal education in Virginia and the nation with the words:

"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 the other parts of Virginia."

Griffin v. Cty. Sch. Bd. of Prince Edward Cty., 377 U.S. 218, 234 (1964) (Black, J.).

Justice Black was also responsible for the decision of the Supreme Court that declared "the fundamental right of the accused to the aid of counsel in a criminal prosecution," and required court appointed counsel in all criminal cases brought in state court. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

Reviewing his contributions to the country for the *Harvard Law Review* after Justice Black's death, former Chief Justice Earl Warren wrote:

In addition to his long tenure, he sat at a time in our history when the greatest changes in the political, economic and social life of the Nation took place. Most of the great problems of that period reached the Supreme Court, as they invariably do over a period of years, and many of them appeared more than once in recurring cycles. In their solution, the reflection of his mind and the imprint of his hand can in every case be discerned.

His devotion to human rights for all people was the sheet anchor of his legal and political philosophy. In this respect, he believed that a man on the Supreme Court is the same man he was before he became a Justice. His adamant approach to human rights for the weak as well as the strong caused him great distress because he and his family for many years were subjected to much animosity in his home State [Alabama] as a result of that firm stand.

I will simply say that in his retirement and death, "A Titan has passed."

Earl Warren, *A Tribute to Hugo L. Black*, 85 Harv. L. Rev. 1 (1971).

As the fifth longest serving Justice of the Supreme Court, there are bound to be some of his decisions and opinions which remain controversial to this day, but the monumental contribution this resident of Alexandria made to the history of our country, and his championship of civil rights is unquestionable.

B. History of 619 S. Lee Street before Hugo Black's Residence.

In October of 1965, while it was 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"); Collection of Early American Architectural Details, 25 The Brickbuilder at 44-45 (No. 2, Feb. 1916)("Plate 16"); Collection of Early American Architectural Details, 25 The Brickbuilder at 67-68 (No. 3, Mar. 1916)("Plate 16")(each available at <https://archive.org/details/brickbuild25unse/page/n220>).

In 1934, as part of the New Deal, the Congress enacted the Historic Sites Act of 1935 which created the Historic American Buildings Survey (“HABS”) as a permanent program of the National Park Service. HABS was the nation’s first federal preservation program to document America’s architectural heritage. Under the newly created HABS program, on July 7, 1936, John O. Brostrup conducted a photographic survey of what was then known as the Snowden House. Those photographs were included in the Historic American Buildings Survey (HABS VA,7-ALEX, 170-2).

In 1966 based on work that was funded, in part, by HAF, noted architectural historian Worth Bailey updated the HABS materials with a written report that 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).¹ 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 (available at <https://www.loc.gov/item/va0224/>). The HABS survey was subsequently updated with additional photographs in 1972.

While the historic house itself has always had substantial architectural interest in its own right, like many houses in Old Town it has experienced a checkered history from the point of view of its preservation. As the BAR staff report documented, at various points in its history, outbuildings and other structures have been placed on what is currently the open space grounds of the Hugo Black house. In the late 19th Century this even included a wood-frame house located at the corner of S. Lee and Franklin Streets.² This is shown, for example, on the map of the city of Alexandria published in 1912 by the Sandborn Insurance Company. And at some point prior to 1912, as shown on the same map, a “long one story frame addition to the western end of the brick house” had been added, but removed by 1921. Ruth Lincoln Kay, *The History of 619 S. Lee Street* (May 1987)(Alex. Pub. Lib.) at 27.

¹ Available at <https://cdn.loc.gov/master/pnp/habshaer/va/va0200/va0223/data/va0223data.pdf>.

² The frame house was built c. 1877. See Kay at 43, *supra*; Chataigne’s Alexandria City Directory at 141 (1876-77); Chataigne’s Alexandria City Directory at 139 (1881-82); G.M. Hopkins, City Atlas of Alexandria (1877).

By 1919 the house had been converted into a Hotel, known as the Hotel Vowell. Alex. Gazette, Mar. 19, 1919; id. Sep. 20, 1919; see Kay, Preface, *supra* (“619 South Lee became a boarding house for shipyard workers”). It caught fire in January of 1922 and was struck twice by lightning in June 1924. Alex. Gazette, Jun. 9, 1924. Thus, notwithstanding the historic bones of the property, it was not included in the original edition of Mary Lindsey’s *Historic Homes and Landmarks of Alexandria, Virginia* which was published in 1931.

C. Recognition of the Hugo Black House and Property as a Landmark

1) Hugo Black Restored the House and Property and Made It a Landmark

Extensive restoration of the House began in 1932, 2 *Alexandria Chronicle* No. 3/4 at 44 (Fall/Winter 1994), and continued when Justice Black and his wife purchased the property and the neighboring frame house on the corner of S. Lee and Franklin Streets in 1939. “The property then assumed the dimensions which it has today.” Kay, at 42, *supra*. “The old frame house on the corner ... had become so dilapidated that the Blacks immediately had a wrecking crew knock it down. In its place, the Justice planted a vegetable garden, fruit trees, and flowers.” *Id.* at 43. This extensive garden immediately became a defining characteristic of the property as noted in the HABS Report. HABS No. VA-709.

After Justice Black and his wife restored the house and gardens, the property was added to those included in the 1947 revised edition of Mary Lindsey’s *Historic Homes and Landmarks of Alexandria, Virginia*, which was one of the bibliographical references that provided the basis for the designation of the Alexandria Historic District as part of the National Survey of Historic Site and Buildings.

2) Creation of the Virginia Historic Landmarks Commission

In 1966, the Virginia General Assembly enacted into law two pieces of legislation that were intended to have a dramatic effect on conservation and preservation in Commonwealth. The first was the Open Space Land Act, 1966 VA. Acts Ch. 461, which was designed to protect and preserve urban open space. See discussion below.

Second was the Act creating the Virginia Historic Landmarks Commission (“VHLC”), which was charged with, among other things, “mak[ing] a survey of, and designat[ing] 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); see 3 Former Va. Code Ann. § 10-138 (1973 Repl. Vol.); accord Va. Code § 10.1-2204(A)(1). The VHLC

was also authorized to “[a]cquire by ... gift ... and administer registered landmarks, sites and easements and interests therein.” 1966 VA Acts Ch. 632, § 4(e). One of Hugo Black’s former law clerks, George Freeman, who was then a partner at Hunton, Williams, Gay, Powell & Gibson, is widely acknowledged as one of the drafters of this groundbreaking legislation. It is therefore not surprising that Hugo Black became thoroughly familiar with the legislation and the opportunities it provided for preservation.

3) Certification of the Black House and Grounds as a Landmark

On December 30, 1969 the Hugo Black House was designated by the Virginia Historic Landmarks Commission as a certified landmark. Deed Book 704, Page 494-95 (attached). That Landmark designation was a necessary predicate for the Commission to obtain the easement on this property. 1966 VA. Acts Ch. 632 § 8; Former Va. Code Ann. § 10-142 (1973 Repl. Vol.). The certification accompanied the gift to the people of Virginia of a perpetual Open Space Land Act and Conservation easement by Justice Black and his wife. It was the first such easement given to VHLC in Alexandria and only the second in the entire State. The easement prohibits subdivision of the property and restricts its future development. It was an extremely valuable gift which at the time was calculated to represent 60% of the total property value.

Justice Black imposed the Open Space Land Act 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.).

The landmark certification by the VHLC 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); see 3 Former Va. Code Ann. § 10-138 (1973 Repl. Vol.); accord Va. Code § 10.1-2204(A)(1).

4) Records of the VHLC’s Deliberation and Certification of the Landmark Status of the House and Grounds.

The certification of the Hugo Black property as a landmark was made in the Deed of Easement and recorded in the City of Alexandria Land Records. Deed Book 704, Page 494-95. Lest there be any question whether the recital and the acceptance of the Easement satisfied the requirements for certification of the property as a Landmark, a review of the publicly available records should put this question to rest. It also serves to highlight the clear intent that the landmark designation — and the easement that was taken to protect that landmark resource — included the extensive gardens at the Hugo Black House.

In a December 11, 1969 Memorandum, James W. Moody, Jr., the first Executive Director of the VHLC, sought approval of the easement transaction from the members of the Commission. Mr. Moody described the genesis of the easement transaction and the landmark designation as follows:

The staff has visited the house and has made an assessment of the situation. In this I was assisted by Messrs. Fishburne and Loth of our Staff, and of special help was Mr. Elbert Cox, Director of the Commission of Outdoor Recreation, whom we invited along. George Freeman, the attorney who is so skilled in matters relating to easements, was also with us.

It is the unanimous and unreserved opinion of the group that Justice Black's house has ample historical quality — past, present, and future — as well as architectural distinction. Furthermore, the space around the house is an essential element in a neighborhood where every scrap of available land supports a new townhouse, some only eighteen feet wide, with a garden to match.

Moody to VHLC (12/11/1969)(LOV MSS, Virginia State Library & Archives Office of the State Librarian, Historic Landmark Commission Corresp. & Data Files 1966-1975, Box 1)(copy previously filed with the BAR)(emphasis added). When referencing the “present, and future” of the property, Mr. Moody was clearly referencing the significant

association with Justice Hugo Black and the prominent place Justice Black already held in the history of the United States. The “future” reference was clearly to the fact that in 1969 Justice Black was still alive and serving as a Justice of the United States Supreme Court.

Mr. Moody provided the full Commission with the draft easement — including the Landmark certification — along with a written ballot for the Commission’s decision. The Easement was drafted by George Freeman, one of the authors of the Open Space Land Act. The easement was noted as being “similar in all respects to the one the Commission holds on the Old Mansion at Bowling Green **and its purpose is identical: to help save a fine house in an appropriate setting that contributes much to the environment.**” *Id.*

The Minutes of the January 6, 1970 Meeting of the Virginia Historic Landmarks Commission show that:

Mr. Moody reported that the easement from Justice Hugo L. Black on his property at 619 South Lee Street in Alexandria was recorded on December 31, 1969. **Permission was granted by the State Attorney General's office for Mr. Moody to sign the easement for the Commission and the transaction was approved by the Governor's office.**

VHLC Minutes (1/6/1970) at 2 (emphasis added)(LOV MSS, Virginia Historic Landmarks Commission: Minutes and Records, 1966-1973)(copy previously filed with the BAR). As we have already pointed out, the Open Space Land Act only allowed the Virginia Historic Landmarks Commission to take such an easement on property that was a designated landmark, **and the fact that the easement covered the entire lot — gardens as well as the house — confirms that the landmark designation was not limited to the Vowell-Snowden-Black House, but also included the grounds that Justice Black had assembled as open space.**

5) Recognition by the City of Alexandria of the Landmark Designation

The Landmark designation was a necessary predicate for the substantial tax relief the property has enjoyed for nearly 50 years, and its recognition by the tax assessment office confirms the City’s recognition of the landmark status. In 1969 when the Black easement was recorded, the statute provided that

In any case in which the Commission **designates a structure or site as a certified landmark**, it shall notify the official having the power to make assessments of properties for purposes of taxation within the ... city in which the structure or site is located **and such designation** and notification

shall be, prima facie, evidence that the value of such property for commercial, residential or other purposes is reduced by reason of its designation.

1966 Va. Acts Ch. 632 § 5 (emphasis added); Former Va. Code § 10-139 (1973 Repl. Vol.); see Va. Code § 10.1-2207 & 58.1-3205 (current Code). Similarly, Section 8 of the statute creating the VHLC provided that:

§ 8. Whenever the Commission, with the consent of the landowner, ***certifies property as being a registered landmark***, it may seek and obtain from such landowner such restrictions upon the use of the property as the Commission finds are reasonable and ***calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark***. All such agreements ... shall be in writing, and when duly signed, shall be recorded in the clerk's office of the ... city wherein deeds are admitted to record and when so recorded shall be notification to tax assessing officials of the restrictions set forth. Such restrictions shall be observed by the tax assessing officials of such ... city in placing a lower valuation upon such property in future assessments or reassessments of real estate.

1966 Va. Acts. Ch. 632, § 8 (emphasis added); Former Va. Code § 10-142 (1973 Repl. Vol.); see Va. Code § 10.1-2207 (current law).

Because of these provisions, the tax accessors' office has recognized the Landmark designation since 1970 when the assessment was reduced from a calculation based on 12 buildable lots to a single lot subject to an Open Space Land Act easement. Former Va. Code Ann. § 10-142 (1973 Repl. Vol.); see Va. Code § 10.1-2207 ("Where the Commonwealth has obtained from a landowner an easement ... so as to preserve those features which lead to the designation of that property as an historic landmark," assessments shall reflect change in market value as prescribed by Va. Code § 58.1-3205). The original reduction in the tax assessment for the Hugo Black House and property was nearly 60%. That reduction was expected to increase as the value and scarcity of the vacant land in Old Town has increased.

D. History of the “Curve” that the Owners Propose to Demolish

One of the noted features of the Hugo Black House is a distinctive “curve” in the brick wall joining the main block of the house with the rear “ell.” When the house was first built in 1798, the kitchen was a dependency located at the back of the house, which was later joined to the main house in an early addition. Unlike a more typical federal row house, “The ell, originally a separate dependency, has been rounded where it joins the main structure in order not to obstruct a window.” D. Davis, S. Dorsey & R. Hall, *Alexandria Houses 1750-1830* at 114 (1946).

Similar curved treatments are found on other historic Alexandria Houses and are sometimes referred to as “McVeigh Curves” after a noted 19th Century Alexandria Architect and Builder. See R. Kay, *McVeigh Houses Have Unique Features*, 3 The Plaque, No. 1 (Autumn 1988). But according to the BAR Staff Report, the “curve” employed at the Hugo Black House is “very unusual”. Bar Staff Report. at 7 (Feb. 6, 2019).

Based on the 1817 real estate advertisement and site inspection of the masonry bonding in the north wall and capsulated stone lintel on a second floor window in the attic, the kitchen was always connected to the main house by a one story covered passage, though the material and dimensions are not known and cannot be determined from the limited access presently allowed in the crawl space below. At some point later, a curved brick one-story hyphen was constructed and by the mid-19th century, based on the machine saw marks and cut nails found in the rafters, a second floor was added to the hyphen.

BAR Staff Report at 7 (Feb. 6, 2019). The quality and forethought embodied in this “curve” feature is indicated by the fact that the builders employed “pie shaped header brick” to construct the curve. *Id.* In other words, the builders used specialty materials to build that part of the house.

The distinctive feature of the curved ell was noted in the HABS Survey Report, and in publications throughout Justice Black’s tenure at the House. *E.g.*, Davis, *Alexandria Homes* at 114; *Old Homes Tour 1960* (“One of its most unusual features is the rounded ell between the kitchen and the main house. Initially the kitchen was a separate unit, and when the ell was built one corner of it was rounded to avoid the obstruction of an existing window.”); HABS No. VA-709 at 6 (“The hyphen where it was joined to the main house was rounded so as to not interfere with the windows upstairs and down.”).

In 2014 the current owners sought approval from the Virginia Department of Historic Resources (“VDHR”) to demolish what they described in their materials as “a non-original McVeigh Curve which may be causing damage to the rear wall of the main house.” At that time the VDHR properly rejected the request opining that the curve “**cannot be removed without documentation to substantiate it as a non-historic feature.**” Letter from Megan Melinat and Elizabeth Tune to Michael Harrington (8/5/2014)(emphasis added), *citing* Department of the Interior Standard 4. 36 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.”).

In subsequent applications to both the VDHR and the BAR, the applicant sought approval to demolish what they referred to as “the curved treatment similar in style to a McVeigh Curve.” In order to satisfy the VDHR’s requirement that they provide “documentation to substantiate it as a non-historic feature,” the applicant’s consultant incorrectly asserted that “The curved treatment does not appear in the historic photos included in the HABS report on the property.”³ Unfortunately, this mistaken assertion was repeated by the applicant’s architect in its submissions to the BAR.

After HAF proved that the curve was in fact documented in the 1936 HABS photographs, the BAR Staff conducted an on-site inspection of the feature on December 13, 2018. On December 17, 2018, the BAR staff published their finding that the “curve” was indeed an historic feature of the house. They based that conclusion on their examination of the physical evidence proving that the “curve” had been added to the building no later than the mid-19th Century — over 150 years ago. As a result, the BAR Staff recommended denial of the application to demolish the curved portion of the ell.

E. The Open Space Land Act

The Open Space Land Act was enacted in 1966 to “preserve permanent open-space land in urban areas.” 1966 VA Acts Ch. 461, § 1. It is of crucial importance to recognize that the General Assembly in sweeping language provided that “***Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.***” 1966 VA Acts Ch. 461, § 8 (emphasis added); Va. Code § 10.1-1705.

³ HAF repeatedly documented this error, showing that the HABS photos clearly show the curve feature of the house. HAF letter to VDHR dated 10/1/2018; HAF letter to Al Cox dated 12/12/2018, citing copies of photographs 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); HABS VA, 7 Alex 170-2 (Lib. Cong.)(filed with BAR on 12/19/2018).

Based on extensive legislative findings concerning the importance of urban open space, the act authorized “public bodies” to purchase or receive gifts of easements on urban property to protect it as “**permanent open-space**.” 1966 VA Acts Ch. 461, § 3 (emphasis added). The VHLC (now known as the Virginia Department of Historic Resources “VDHR”) was subsequently created as one of the numerous “public bodies” that was authorized to acquire Open Space Land Act easements; but in the case of the VHLC it could only do so on certified landmark property.

Because the Open Space Land Act requires that its easements be “permanent,” the law provides as follows:

No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, ***shall be converted or diverted from open-space land use unless*** (i) the conversion or diversion is determined by the public body to be (a) ***essential to the orderly development and growth of the locality and*** (b) in accordance with the official comprehensive plan for the locality in effect at the time of conversion or diversion ***and*** (ii) ***there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter.***

Va. Code § 10.1-1704 (emphasis added). No one has ever suggested that the applicant’s development plans for 619 South Lee Street are “essential to the orderly development of Alexandria,” and certainly the VDHR has never made that determination. Nor have the applicants offered the replacement open space that would be required by the Statute in the event it had made such a determination.

Since the applicants have never provided the City with any evidence that the provisions of Va. Code § 10.1-1704 have been complied with, and since the statute controls over the provisions of “any other law,” the City should not permit the applicants to build in the open space protected by the easement given to the people of the Commonwealth by Justice Black.

Incorrectly believing that the BAR could not consider the existence or the content of the easement in its deliberations, the Chair of the former BAR instructed its members

to disregard the easement. Hearing Video at 3:56-3:57 (12/19/2018); Hearing Video at 27:41-28:02 (2/6/2019). See also BAR Staff Report at 5 (“The BAR’s review is limited to Section 10 of the Alexandria Zoning Ordinance; the BAR does not have the authority to interpret or enforce an easement.”). In keeping with that pronouncement, the Director of the BAR’s Staff stated on the record that he had not read the easement, Hearing Video at 3:57 (12/19/2018). This may explain why

- (i) the Staff failed to identify the Hugo Black property as a certified Landmark in its first Report published on December 17, 2018,
- (ii) the Staff reported to the BAR that the period of protectable historic significance for the property pre-dated Hugo Black’s residence, and
- (iii) the Staff Report indicated that the Zoning Ordinance permitted the planned construction in the protected open space without considering the easement and the requirements of Va. Code § 10.1-1704. BAR Staff Report (2/6/19) at 11.

Although the former BAR Chair ruled that the Board could not even consider the Open Space Land Act easement, the applicant argued before the BAR that the easement permits the building of the structures they propose. But that argument is based on a misreading of the easement. While the easement does allow for the maintenance, of certain outbuildings and structures (including a garage and tennis court), that is because those structures (the garage and tennis court) already existed. See HABS No. VA-709 at 7; HABS No. 711 at 2 (Justice Black used the carriage house as a garage and had built a tennis court). Properly read, the easement allows for the VDHR to approve historically appropriate structures or additions **that do not convert or divert the permanent open space**. Va. Code § 10.1-1704.

In other words, the VDHR can approve of the modification of, or additions to, the existing structure (if historically appropriate) that replace an existing structure (for example if a garden shed deteriorated and needed replacement, or if part of the building were to suffer a loss due to fire, or storm damage, etc.). If, however unlikely, the VDHR found it to be historically appropriate, it could authorize adding an additional floor to an existing structure. But what they cannot do — without following the requirements of Va. Code § 10.1-1704 — is grant the right to unfettered construction on protected open space. Doing so would defy the purpose of the Open Space Land Act, and rob the taxpayers of Alexandria of the “permanent-open space” they have every right to expect in exchange for the reduced property taxes that have been assessed for the past 49 years.

III. HAF Recognizes and Applauds the 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.

As it has done before, 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 excellent 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. It is also deeply troubling that VDHR has so far ignored its obligations under Va. Code § 10.101704, a failure which renders any purported approval of the new construction *ultra vires*, i.e., beyond the powers conferred on them by law.

IV. Reasons why the Development Plans for the Landmark Hugo Black House Should Be Denied.

A. The Hugo Black Property's Landmark Status Requires Heightened Protection

One of the consequences of the Hugo Black property being a certified landmark separate and apart from its contribution to the Old and Historic District, is that under state law:

B. For the purposes of this chapter, ***designation by the Board of Historic Resources*** shall mean an act of official recognition designed (i) to educate the public to the significance of the designated resource and (ii) ***to encourage local governments and property owners to take the designated property's historic, architectural, archaeological, and***

cultural significance into account in their planning, the local government comprehensive plan, ***and their decision making***. Such designation, itself, shall not regulate the action of local governments or property owners with regard to the designated property.

Va. Code Ann. § 10.1-2204 (emphasis added).

Unfortunately, the former chair of the BAR instructed that body that it was improper to consider the content of the easement containing the landmark certification. Hearing Video at 3:56-3:57 (12/19/2018); Hearing Video at 27:41-28:02 (2/6/2019). Because the BAR staff had never read the easement, Hearing Video at 3:57 (12/19/2018), its initial report prepared in connection with the December 19, 2018 hearing failed to recognize the Landmark designation whatsoever. See BAR Staff Report issued 12/17/18.

Even after the BAR Staff acknowledged that the property was a certified landmark, the Board was erroneously advised that “these honorific designations have no regulatory bearing on the BAR’s consideration of the features and factors listed in the ordinance that must be considered in passing upon the appropriateness of the proposed construction and alterations.” Staff Report (2/6/2019) at 5. This was in error, and invited the members of the BAR to disregard the landmark designation in its decision making.

Consistent with the requirements of the Certified Local Government law and regulations, 54 U.S.C. § 3025, et seq.; 36 C.F.R., Part 61, the Alexandria Zoning Ordinance requires the BAR — and the City Council on review — to take the landmark designation into account in your decision making. See Alex. Zon. Ord. § 10-401(B)(4)(BAR “responsible for making effective the provisions of Article X”); Alex. Zoning Ord. § 10-101(A)(charged with “protecting the unique ... ***familiar landmarks ... of the area***”)(emphasis added); *Id.* § 10-101(C)(charged with “***conservation ... the city’s historic resources in their setting.***”)(emphasis added); *Id.* § 10-101 (G)(“assure that new structures, additions, landscaping, and related elements be in harmony with their historical setting and environs”); *Id.* § 10-105(A)(1)(“assure that new structures, additions, landscaping, and related elements be in harmony with their historical setting and environs”); *Id.* 10-105(A)(2)(a)(“ the height, mass and scale of buildings or structures”); *Id.* § 10-105(A)(2)(b)(“the degree to which the distinguishing original qualities or character of a ... ***site*** ... are retained.”)(emphasis added); *Id.* § 10-105(A)(2)(c)(“the impact on the historic setting”), *Id.* § 10-105(A)(2)(g)(“The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city.”).

In sum, the importance of the Landmark designation evidences itself in a statute that encourages its consideration and an ordinance that mandates its consideration.

The failure to recognize the full significance of the landmark certification of the Hugo Black House and Gardens led the BAR Staff and the Board to misjudge the historic resource they are charged with protecting. This was a fundamental error that pervaded all of the BAR's decision making in this case. Properly understood and applied, the landmark designation requires heightened protection of all of the landmark property. Not just the house, not just the carriage house, but the gardens as well. That is because the Open Space was part and parcel of the landmark designation. Since the unnecessary additions to the property will severely impact the landmark open space and house, the Council should deny the pending applications.

B. The Period of Primary Historical Significance of the Hugo Black House is During the Residence of Justice Black (1939-1971) and Historical Values to Be Given the Highest Preservation Value Are Those Existing During His Residence.

Proper recognition of the period of historic significance is the first step in any determination of appropriateness for preservation, rehabilitation or restoration of historic properties. See, e.g., Letter from W. Brown Morton III to BAR dated Dec. 16, 2018. One of the consequences of its failure to properly recognize the Landmark status of the Hugo Black property was the resulting error by the BAR in failing to properly recognize the period of principal historical significance of the landmark and accurately identify just what history needs protection.

In its Staff Report, the Board was told that the house is located within the National Register's Alexandria Historic District and that, "The period of significance of the Register district is 1749-1934." Staff Report at 76; see *also* Staff Report at 10 (2/6/2019) ("The house is within the architectural period of significance of the Old and Historic Alexandria District and is an important resource to interpret architectural design and urban planning in the late 18th/early 19th century."). In short, the Staff advised the Board that the period of historical significance of the property was when the 18th/early 19th Century house was built — not the period when the property was owned and occupied by Justice Black.

Unfortunately, those members of the BAR who voted in favor of the plans appear to have adopted that assessment of the period of principal historical interest. As a result, the BAR approved demolition of a noted historical feature of the house (discussed below), and failed to utilize its authority to protect the historically significant open space created by Justice Black.

C. The BAR Failed to Protect and Preserve the Landmark Open Space.

The BAR — and City Council on review — clearly has the authority to protect open space if it is of sufficient historical significance. Alex Zon. Ord. § 10-105. The City’s right and duty to protect the historically significant open space is independent of any determination that might be made by the holder of the easement. Once it is recognized that the urban open space created by Justice Black is a landmark of “State wide or National significance” as declared by the VHLC, the application of the Zoning Ordinance to deny the propose construction should be obvious.

D. The Plans for the Hugo Black Property Are Inappropriate and Incongruous for the existing building, structures and area surroundings.

The BAR — and City Council on review — is charged with preventing any construction that is “incongruous to [the] existing building or structure, [and] area surroundings.” Zoning Ordinance § 10-105(A)(1). Thus,

- 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 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),
- “[T]he 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,⁴ such jarringly incongruous additions are completely inconsistent with the City’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.

Moreover, the entire conception of the development of the property seeks to occupy the entire frontage of the property on both South Lee and Franklin Streets. As the current Chair of the reconstituted BAR so aptly observed: “it sort of feels like it’s a campus, it feels like a campus surrounding a Quad.” Hearing Video at 1:21 (2/6/2019). As Ms. Roberts correctly pointed out, the more traditional form of expansion utilized on Old Town homes has been to extend additions off of the rear of the house, much like the frame addition shown on the 1912 Sandborn Insurance Company Map of this property. “Dependencies” of the type proposed by the applicant are not characteristic of Old Town architecture or development.

It is important to note that the development plans proposed for the Hugo Black Property run counter to the most basic advice promulgated by the Secretary of the Interior in both the formal regulatory Standards, 36 C.F.R. Part 68, and the Guidelines issued by the Secretary. Moreover, the “campus” approach put forward by the applicant ignores the nationally accepted advice on how to conduct such a project.

⁴ 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; Letter from W. Brown Morton III dated Dec. 16, 2018.

In the first place, the Secretary of the Interior's Standards provide that "The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided." 36 CFR 68.3(b)(2). In other words,

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. If the existing building cannot accommodate such requirements in this way, then an exterior addition or, in some instances, separate new construction on a site may be acceptable alternatives.

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).⁵ Here, the applicant proposes a major development plan with no showing of necessity to justify the alteration of the historic landmark. After all, the current structure provides 4,498 square feet of above grade living area, with a guest house providing an additional 1,316 square feet of above grade living space for a total of 5,800 square feet of above grade living space. But even those numbers understate the size of the existing improvements of the magnitude of the proposed additions. The structures already on the property provide 8,156 square feet of gross floor area which the applicant seeks to nearly double to 14,371 square feet.

If a new addition is deemed necessary for the continued use of an historic structure, then the Secretary's Guidelines have recommended a number of preferred alternatives for the design of additions. As long-standing recommendation, which is fully in keeping with the historic patterns in Old Town, the guidelines suggest that "Placing an addition on the rear or on another secondary elevation helps to ensure that it will be subordinate to the historic building." Secretary's Guidelines at 26; see Letter from W. Brown Morton III dated 12/16/2018. In short, the Guidelines expressly **discourage** exactly the type of development proposed for the Hugo Black Property.

Numerous items of detail have been criticized by both members of the public, HARC, and members of the former BAR. Those include the use of hipped-roofs in Old Town, the industrial feel of the architecture employed on this residential street, lack of windows on the "Bicycle Workshop," the use of brick on the additions instead of frame

⁵ Available at <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

wood construction, the windows on “Pavillion I” and “Pavilion II,” — all the features suggest that the plans before the Council on review are not appropriate for the property, and the neighborhood, and produce an incongruous development on this landmark property.

E. The Two New “Pavilions” Would Double the Footprint of the Historic House.

The sheer size and extent of the landmark open space has tended to minimize the proposed impact of the development project. Percentages of the overall amount of open space consumed tend to obscure the dramatic increase in the amount of space being built-on relative to the existing structure. In fact, as set forth in the HARC submission to the BAR, the proposed additions will cover approximately 3,174 square feet of land, and virtually double the footprint of the existing House. These are not de minimis incursions of the permanent open space created by Justice Black’s gift of the Open Space Land Act Easement, “especially in a neighborhood where every scrap of available land supports a new townhouse, some only eighteen feet wide, with a garden to match.” Moody to VHLC (12/11/1969).

Significantly, both the BAR Staff Report and the Zoning Department comments conveyed to the Board erroneously suggested that the additional construction on the Open Space was permissible without any consideration of the requirements of Va. Code § 10.1-1704. But the Open Space Land Act is just as much the law in Alexandria as in the rest of Virginia, and it expressly supersedes any law to the contrary. Va. Code § 10.1-1705. It is therefore inappropriate to assume — as did the Staff and the BAR — that building on the permanent open space is permitted by the Zoning Ordinance.

F. The 26 x 26 “Bicycle Workshop” Is an Unnecessary Structure Occupying Landmark Open Space.

The applicant’s development plans 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:

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).⁶ (As previously noted, Justice Black used the existing Carriage House as a Garage. HABS No. VA 711.) But the current development plan no longer includes a “Garage,” because that use is precluded by the Alexandria Zoning Ordinance. Alexandria Zoning Ordinance § 8-200(C)(5)(a); *City of Alexandria v. Byrne*, CL18002042 (Cir Ct. Alexandria, Dec. 14, 2018).

Recognizing that the Alexandria Zoning Ordinance prohibits access to the proposed structure for parking, the applicant sought to rename the third structure on the property, as “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* Alexandria Zoning Ordinance § 2-149 (“Garage, private. A building designed for the storage of not more than three motor-driven vehicles.”).

At the February 6, 2019 BAR hearing, the applicant renamed the structure yet again, calling it a “Bicycle Workshop” in apparent recognition that it is not a “garage.” The development plans still show the extensive paving proposed when this 26 x 26 foot structure was conceived as a “garage.”

This unnecessary structure — which cannot fulfill the originally conceived function as a “garage” — will disrupt the landmark open space. And the Council is clearly empowered by Article X of the Zoning Ordinance to deny the request to build this unnecessary structure in the landmark open space. Alex. Zoning Ord. § 10-101(A)(charged with “protecting the unique ... **familiar landmarks ... of the area**”) (emphasis added); *Id.* § 10-101(C)(charged with “**conservation ... the city’s historic resources in their setting.**”)(emphasis added); *Id.* 10-105(A)(2)(a)(“ the height, mass and scale of buildings or structures”); *Id.* § 10-105(A)(2)(b)(“the degree to which the distinguishing original qualities or character of a ... **site** ... are retained.”)(emphasis added); *Id.* § 10-105(A)(2)(c)(“the impact on the historic setting”), *Id.* § 10-105(A)(2)(g)(“The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city.”).

Moreover, because the Open Space Land Act controls over the provisions of any other law, it would be illegal for the City to authorize construction on the permanent open

⁶ The original Deed of Easement was amended in 1973 and included this language to allow for the “maintenance of the existing tennis court” and permit the “erection and maintenance of certain other facilities,” Deed Book Page 757 Page 867, which was a reference to the swimming pool.

space unless and until the “Public Body,” which in this case is the VDHR, complies with Va. Code § 10.1-1704.

Even if the “non-garage” were legally permissible, there is no reason why it should be located so prominently on the open corner of Franklin and Lee Streets, or why it should be constructed in brick. As the BAR Staff Report documented, to the extent additional structures were ever built on that property, they were constructed of wood-frame, and that is the character of historical development in the southeast quadrant of Old Town. Allowing the relatively industrially designed, windowless brick “non-garage” structure, with an out-of-place “hipped roof” only accentuates the needless impact on the landmark open space, and is incongruous with the site and neighborhood.

G. The 46 ½ Foot “Pergola” Connecting the Second Proposed “Pavilion” with the “Bicycle Workshop” Which Obstructs the Landmark Open Space.

Nor is there any necessity or architectural desirability for the one story “Pergola” connecting the kitchen “pavilion” to what is no longer a “garage”. Retention of this feature only emphasizes the obstruction to the Landmark open space to no purpose.

H. The BAR Failed to Preserve the Unique “Curve.”

Contrary to the BAR Staff recommendation, the former BAR voted 5-1 to approve the demolition of the historic “curve” where the rear ell joins the main block of the house. While the applicant originally sought to justify demolition of this feature on the grounds that it was not an historic feature of the house, the physical evidence demonstrated that it has been a feature of the house for over 150 years.

The curve and the rest of the house has apparently suffered from deferred maintenance for several years, and the photographs submitted by the applicant and included in the Staff report show peeling paint and brickwork in need of repointing. Such ordinary maintenance of an historic building is both required by the Alexandria Zoning Ordinance, Alex. Zon. Ord. § 10-110, and the Easement given to the people of Virginia. Deed Book 705, Page 493 (“The manor house will be maintained and preserved in its present state as nearly as practicable”). While the applicant has complained that “the current condition ... inhibits air flow, thus allowing moisture damage and limits maintenance access to the portion of masonry wall and the 2 adjacent windows” that does not appear to have presented an insurmountable problem for the 150 plus years that the curve has been in place. Nor is this maintenance “problem” substantially different than

most brick structures in the historic districts. Certainly it would not be acceptable to allow demolition of every rear brick addition in town that requires periodic maintenance.

We are extremely concerned about the precedent being set by the Board with such a prominent decision to allow the demolition of this historic structure in large part because it has been inadequately maintained or because of the supposed difficulty in maintaining it. Those are neither criteria established in the Zoning Ordinance or the BAR design guidelines and run counter to local, national and international standards for historic preservation. Design Guidelines, Demolition of Existing Structures at 1 (“It is the policy of the Boards that absolute minimum demolition of an existing structure should take place.”); 36 C.F.R. § 68.3(a)(1)-(6), (b)(1)-(6), (9)-(10)(Secretary of the Interior Standards); International Charter for the Conservation and restoration of Monuments, “Venice Charter” Art. 11 (1964)(“The valid contributions of all periods to the building of a monument must be respected”).

Several members of the BAR expressed their belief that by demolishing the curve they believed they would be protecting the more important historical resource in the form of that portion of the house that was originally built in 1798. That reasoning was flawed for at least three reasons:

- 1) Preservation doctrine seeks to protect historically significant architectural additions that have become important in their own right. See 36 C.F.R. § 68.3(a)(4), (b)(4)(“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”). The curve is just such a feature.

- 2) It violates the principle underlying the entire Historic Zoning Ordinance that historic structures and fabric are to be treasured and preserved. See, e.g., 36 C.F.R. § 68.3 (“The replacement of intact or repairable historic materials or alterations of features, spaces and spatial relationships that characterize a property will be avoided.”); Alex. Zon. Ord. § 10-103(B), 10-105(B).

- 3) It elevates the importance of facilitating supposed ease of maintenance over protecting the historic structure as it was during its period of principal historic significance: i.e., as it was during Justice Black’s residence.

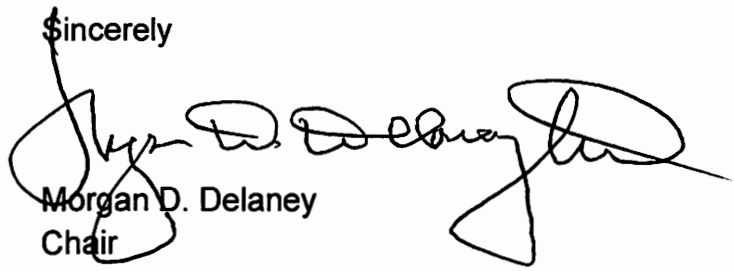
It was noted by some that to a modern architectural eye the curve is an unsuccessful treatment of the problem of attaching the original kitchen dependency to the main house. But architectural “mistakes” are important components of the history of a

building. Indeed, many "mistakes" become defining elements of an historical site, and even if it could rightly be described as a "mistake," the curve at the Black House is one of those signature features of the property.

V. Conclusion

In light of all of the forgoing, we hope you will recognize the seriousness and importance of the preservation case before you. Your decision in this case will determine the fate of one of the principal landmark properties in Alexandria which is of State-wide and national importance. Because of its importance HAF has devoted an unusual amount of time and attention to this case as evidenced by our numerous submissions to the BAR, and this submission to you. We respectfully request that you deny the two applications that are before you on this appeal.

Sincerely



Morgan D. Delaney
Chair
Historic Alexandria Foundation

cc. Duncan Blair
Joanna Anderson
Mark Jinks



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: _____

B.A.R. Case #: 2018-00410 & 2018-00411

Address of Project: 619 S. Lee Street

Appellant is: (Check One)

☐ B.A.R. Applicant

☒ Other party. State Relationship

Property Owners in the Old & Historic District

Address of Appellant: Historic Alexandria Foundation, Inc.

218 North Lee Street, Suite 310, Alexandria, VA 22314

Telephone Number: (703) 549-5811

State Basis of Appeal: On February 6, 2018 the OAHB BAR voted 5-1 to grant a permit to demolish the unique and historically significant

"curved" portion of the building and voted 4-2 to grant a certificate of appropriateness for extensive construction in the certified landmark open space

with construction that is incongruous to the existing building, structures and area surroundings. The signatories below believe that these decisions

were in error based on the criteria set forth in Sections 10-105(A) & (B) of the Zoning Ordinance. The BAR failed to give proper weight to the landmark

designation of the property under Va. Code Ann. § 10.1-2204; the provisions of Article X; Sections 10-101(A), (C),(G); 10-105(A)(2)(a)-(c), (g), 10-105(B)(1)-(3), (5)-(6),

the overall purpose of Ord. § 1-102(g), and the public interest in the open space created by the easement granted by Justice Black. Va. Code § 10.1-1704.

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.

Historic Alexandria Foundation: By [Signature]
Signature of the Appellant

We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
~~XXXXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

- | Name | Signature | Owner of Real Property At: |
|--|-------------|----------------------------|
| 1. EDWIN PRUGH BROWN | [Signature] | 315 S. Lee St, |
| 2. SARA "SALLY" RIDGWAY | [Signature] | 115 N. Lee St #305 |
| 3. Susan Hathcock | [Signature] | 115 N. Lee St #302 |
| 4. Patricia L. Braun | [Signature] | 206 N. Columbus St. |
| 5. Peter Finch | [Signature] | 322 S. P. St |
| 6. Stephen Fitzgerald | [Signature] | 213 Green St. |
| 7. Robert F. Weinbaum, Jr. | [Signature] | 211 CAMERON STREET |
| 8. HISTORIC ALEXANDRIA FOUNDATION, INC | [Signature] | 604 Wolfe St. |
| 9. MAURICEEN COONEY | [Signature] | 1104 W. Abingdon Dr. |
| 10. LESLIE S. ABAIL
TRUSTEE | [Signature] | 608 ORONOCO ST |
| 11. | | |
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
~~XXXXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
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 619 S. Lee Street (The Hugo Black House) (street address)

1.	Name	Signature	Owner of Real Property At:
1.	Elizabeth McCall		537 S. FAIRFAX ST.
2.	Gail C Rothrock		209 Duke Street
3.	JEAN ANTOINE		702 St. Fairbairn St.
4.	ELAINE JOHNSTON		831 S. FAIRFAX ST
5.	JACKIE MAHER		226 S. LEE
6.	John G. Kester		313 N. Saint Asaph
7.	Stephen Milborne		907 Prince St.
8.	FRANK J. BAX		302 S. Columbus St
9.	Mary Morrow Bax	MARY MORROW BAX	302 S. Columbus
10.	Christine Murray	Christy Murray	321 DUKE ST 703-409-2292
11.	CHARLIE MURRAY	Charles K. Murray	321 DUKE ST 703 618-4184
12.	Virginia Razon	Virginia T. Razon	310 Prince St. 703-614
13.	Rick Bax		
14.	Vivonne Weight Callahan	Vivonne W. Callahan	735 S. Lee St.
15.	Jan Rivenburg		606 S. Pitt St.
16.	Jay Whitlatch		1117 Prince St.
17.	Ann R. Hobbs		419 Cammers St
18.	Cecily Grandall		815 Green St.
19.	W. O. Shapiro		117 Harvard St
20.	Jeff Davidson		619 1/2 S. PITT ST
21.	JANET A. CADY	Janet A. Cady	619 1/2 S PITT ST.
22.	Diana Banat	Diana Banat	134 N Union St
23.	Rick Metzger	Richard L. Metzger	728 S Lee St
24.	David Olinger		100 Prince St.
25.	MARY EMERY PALMER		315 S. Lee St.

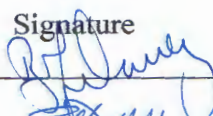

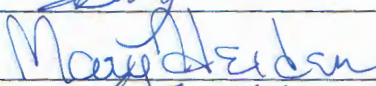
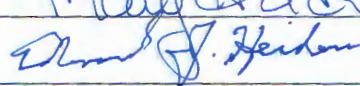
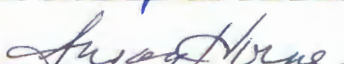
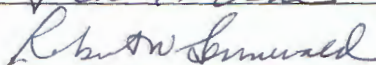

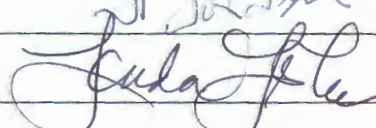
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~~XXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
 Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
 619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1. <u>WILLIAM G ANDERSON</u>	<u>[Signature]</u>	<u>313 WOLFEST 22314</u>
2. <u>CAROL S ANDERSON</u>	<u>[Signature]</u>	<u>313 WOLFEST 22314</u>
3. <u>Joan Uhlenhuth Smith</u>	<u>[Signature]</u>	<u>401 Wilkes St. 22314</u>
4. <u>Joseph J. Smith III</u>	<u>[Signature]</u>	<u>401 Wilkes St 22314</u>
5. <u>Patricia Montague</u>	<u>[Signature]</u>	<u>207 Prince St 22314</u>
6. <u>Peter Montague</u>	<u>[Signature]</u>	<u>207 Prince St.</u>
7. <u>Anne Maria Montague Baur</u>	<u>[Signature]</u>	<u>1101 Prince St</u>
8. <u>Hannah C. Cox</u>	<u>[Signature]</u>	<u>723 S. LEE ST.</u>
9. <u>ESTHER CARPI</u>	<u>[Signature]</u>	<u>117 S. LEE ST</u>
10. <u>ESTHER CARPI</u>	<u>[Signature]</u>	<u>117 S. LEE</u>
11. <u>Susan Joseph</u>	<u>[Signature]</u>	<u>211 Prince</u>
12. <u>Robert Joseph</u>	<u>[Signature]</u>	<u>211 Prince</u>
13. <u>JAMES H. HARDAWAY</u>	<u>[Signature]</u>	<u>311 SOUTH UNION STREET</u>
14. <u>ELIZABETH REID</u>	<u>[Signature]</u>	<u>408 N Union St</u>
15. <u>Ann Morton Vt Habliston</u>	<u>[Signature]</u>	<u>514 S. Fairfax St.</u>
16. <u>Young Family Trust</u>	<u>[Signature]</u>	<u>518 S. Fairfax St.</u>
17. <u>ROBERT L. MONTAGUE</u>	<u>[Signature]</u>	<u>1007 King St</u>
18. <u>Constance Sanford</u>	<u>[Signature]</u>	<u>504 Duke St</u>
19. <u>Donald E. Sanford</u>	<u>[Signature]</u>	<u>504 Duke St.</u>
20. <u>LAURA MACHANIC</u>	<u>[Signature]</u>	<u>430 S. Fairfax St.</u>
21. <u>Tom Dabney</u>	<u>[Signature]</u>	<u>414 Duke St.</u>
22. <u>Ms Fealy</u>	<u>[Signature]</u>	<u>308 Wolfe Street</u>
23. <u>deborah Mackenzie</u>	<u>[Signature]</u>	<u>504 Prince St.</u>
24. <u>Scott Lee Scott</u>	<u>[Signature]</u>	<u>814 Duke St</u>
25. <u>Dr. Nancy Ann Zinkens</u>	<u>[Signature]</u>	<u>801 Rivergate Pl,</u>



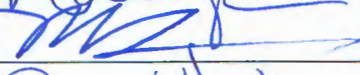
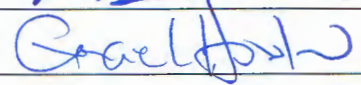
We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
~~XXXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

	Name	Signature	Owner of Real Property At:
1.	CHARLES L. FROSTO	<i>[Signature]</i>	209 DUKE ST.
2.	Robert & Barbara Pringle	<i>[Signature]</i>	216 Wolfe St
3.	JOHN KUPERSMITH	<i>[Signature]</i>	214 S. Royal St.
4.	Elizabeth Kupersmith	<i>[Signature]</i>	214 S. Royal
5.	JANE WEBER	<i>[Signature]</i>	407 South Saint Asaph
6.	CHUCK WERTER	<i>[Signature]</i>	" "
7.	Michael Hertz	<i>[Signature]</i>	419 Cameron Street
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
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 Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
 619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1. BRIAN DAVEY		201 CAMERON STREET
2. ANN DAVEY		" "
3. Mary Heiden		318 S. Lee St.
4. Edward Heiden		318 S. LEE ST
5. SUSAN HORNE		311 So Lee St
6. ROBERT W. SENNEWALD		311 So Lee ST.
7. JIM JORDAN		212 Duke
8. Linda Lesker		211 Duke St.
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
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Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1. BRIDGET SCANLAN		112 DUKE ST.
2. Nancy Ramsey		422 Gibson St.
3. Mary G Fox		305 Gibson St.
4. Grace Hinchins Grael		118 S. Lee St.
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/XXXXXX
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 Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
 619 S. Lee Street (The Hugo Black House) (street address)

	Name	Signature	Owner of Real Property At:
1.	Karen D. Paul	Karen D. Paul	1111 Prince St.
2.	Deborah Stucky	Deborah Stucky	400 Madison St.
3.	P. Klingenstein	P. Klingenstein	375 Cameron St.
4.	Lynn Rogerson	Lynn Rogerson	121 Duke St.
5.	Lynn Lyden	Lynn Lyden	518 Duke St.
6.	JUDGE Mike T. Paul	Mike T. Paul	1111 Prince St.
7.	Susan Kilpatrick	Susan Kilpatrick	604 Wood and Terr.
8.	GEORGE H. WHITE	George H. White	415 Wolfe Street
9.	Mary Ann Way	Mary Ann Way	121 Queen St.
10.	Jane B. Harter	Jane B. Harter	336 N. Pitt
11.	Billie McSeveney	Billie McSeveney	122 N. West St.
12.	Kathleen Waugh	Kathleen Waugh	27 Wilkes St.
13.	Barbara Hayes	Barbara Hayes	802 Duke St.
14.	Barbara Hayes	Barbara Hayes	802 Duke St.
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
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Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1. _____	_____	_____
2. Dorothy Neple	501 Cameron St	22314
3. " "	503 " "	" "
4. Susan Joseph Swison	Josh	117 Prince St
5. Richard Klingerman	Richard Klingerman	505 Cameron St
6. Barbara Van Gersen	Barbara	408 Wilkes
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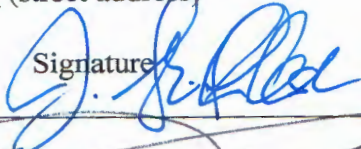
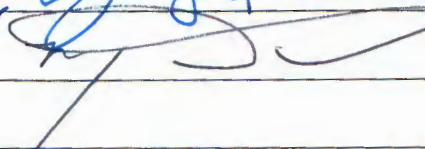
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 Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

- | | Name | Signature | Owner of Real Property At: |
|-----|----------------------|--------------------|----------------------------|
| 1. | Barbara P Beach | <i>[Signature]</i> | 614 S Royal St Alex 22314 |
| 2. | Deane Julie | <i>[Signature]</i> | 931 S. S Asaph St Alex |
| 3. | M. ELAINE LAMONTAGNE | <i>[Signature]</i> | 407 S. FAIRFAX, ALEX 22314 |
| 4. | M. ELAINE LAMONTAGNE | <i>[Signature]</i> | 321 N. ST ASAPH, ALEX |
| 5. | M. ELAINE LAMONTAGNE | <i>[Signature]</i> | 319 N. ST ASAPH, ALEX |
| 6. | Jadith Sunde | <i>[Signature]</i> | 314 S. Fairfax |
| 7. | THOMAS SCHULTZ | <i>[Signature]</i> | 704 S LEE |
| 8. | Donald Sunde | <i>[Signature]</i> | 314 S. Fairfax St. |
| 9. | Karen O'Hern | <i>[Signature]</i> | 726 S. Lee St. |
| 10. | Robert O'Hern | <i>[Signature]</i> | 726 S. Lee St. |
| 11. | Sherry Schiller | <i>[Signature]</i> | 524 S. Pitt St. |
| 12. | Wendy Sheld | <i>[Signature]</i> | 612 S Fairfax |
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/ ~~XXXXXX~~
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 Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
 619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1.		
2. Robert D. Shorter	R. SHORTER	800 S. Royal St.
3. Nancy Smith	Nancy Smith	701 S. Royal St
4. Katherine Reid	[Signature]	734 S. Royal St 209
5. E. Kay Gowan	E. Kay Gowan	508-574-8216 209 Jefferson
6. William A. Potter	[Signature]	508 361 2011 209
7. 209 JEFFERSON		JEFFERSON SON
8. Robert A. Moore	R. A. Moore	600 S. Fairfax St
9. Kelly A. Moore	K. A. Moore	600 S. Fairfax St.
10. Marianne Marzy	Marianne Marzy	623 Commonwealth
11. Denone Sparkman	DENONE SPARKMAN	209 GIBBON ST
12. Jim & Janne Grossmann		805 S. Fairfax St JIM Grossman
13. Steve Wendelke		803 S. Fairfax St.
14. Carolyn M. Merck		324 No. Royal St.
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
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Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

- | Name | Signature | Owner of Real Property At: |
|----------------------|--|----------------------------|
| 1. J. GRIFFIN LESTER |  | 24 DUKE STREET |
| 2. R.J. DALESSANDRO |  | 207 DUKE ST. |
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~XXXXXX~~
~~XXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

Name	Signature	Owner of Real Property At:
1. <u>Sharon Hix</u>	<u>Sharon Hix</u>	<u>323 N. Washington</u>
2. <u>Billie Schaeffer</u>	<u>Billie Schaeffer</u>	<u>327 N. St. Asaph</u>
3. <u>John Williams</u>	<u>John Williams</u>	<u>327 N. St. Asaph</u>
4. <u>LYNNE JAN</u>	<u>Lynne Jan</u>	<u>306 N. St. Asaph St.</u>
5. <u>Courtney Jones</u>	<u>Courtney Jones</u>	<u>607 Princess St</u>
6. <u>William Schuele</u>	<u>William Schuele</u>	<u>428 N St Asaph</u>
7. <u>Hazel Rigby</u>	<u>Hazel Rigby</u>	<u>330 N Pitt St.</u>
8. <u>RONALD K. RIGBY</u>	<u>Ronald K. Rigby</u>	<u>330 N. D. H St.</u>
9. <u>Ellen Mosher</u>	<u>Ellen Mosher</u>	<u>324 N. St. Asaph St.</u>
10. <u>Robert Rowe</u>	<u>Robert Rowe</u>	<u>507 Princess St.</u>
11. <u>Margaret Chiang</u>	<u>Margaret Chiang</u>	<u>424 Queen St</u>
12. <u>ERICK CHIANG</u>	<u>Erick Chiang</u>	<u>424 Queen St</u>
13. <u>Spirley Rettig</u>	<u>Spirley Rettig</u>	<u>604 Princess St.</u>
14. <u>Rosemary A. Tufano</u>	<u>Rosemary A. Tufano</u>	<u>511 Queen St.</u>
15. <u>Elizabeth Gossart</u>	<u>Elizabeth Gossart</u>	<u>525 Queen St</u>
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We, the undersigned owners of real estate within the Old and Historic Alexandria District/~~Parker-Gay~~
~~XXXXX~~ [strike out as appropriate] appeal the decision of the Board of Architectural Review to the
Alexandria City Council in B.A.R. Case # 2018-00410 & 411 regarding the property at
619 S. Lee Street (The Hugo Black House) (street address)

- | | Name | Signature | Owner of Real Property At: |
|-----|---------------------|---------------------|----------------------------|
| 1. | Robert Daniel Smith | Robert Daniel Smith | +01 South Lee St. |
| 2. | Nancy Kegan Smith | Nancy Kegan Smith | 400 S. Lee St. |
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