

GUIDE TO THE BOARD OF ARCHITECTURAL REVIEW PROCESS

THE BOARDS OF ARCHITECTURAL REVIEW

There are two locally designated and regulated historic districts in Alexandria: the Old and Historic Alexandria District and the Parker-Gray District. There is a Board of Architectural Review for each district. The Boards are composed of seven members each, two of whom must be architects. Members are appointed for three year terms by City Council. The Boards must approve a Certificate of Appropriateness for all new construction and exterior alterations in the historic districts which are visible from a public street, way, place, or the Potomac River. In addition, the Boards must approve a Permit to Demolish for demolition of more than 25 square feet of a building or structure in the historic districts regardless of visibility from a public way.

THE BOARDS OF ARCHITECTURAL REVIEW WEBSITE

The B.A.R. Staff has developed a website for the Boards of Architectural Review containing valuable information for completing the application process. The site may be accessed through the City of Alexandria website and following the links for Citizen Government and Architectural Review Boards or by the following link:

<http://alexandriava.gov/preservation>

The following information can be found on the Board of Architectural Review website:

- Historic Districts Map
- Addresses in the Historic Districts

- Design Guidelines
- Schedule of Hearings
- Application Form
- Filing Fees
- Dockets and Staff Reports
- Contact Information

BOUNDARIES OF THE HISTORIC DISTRICTS

The exact boundaries of the historic districts are set forth on the City zoning maps. In addition for ease of reference there is a list of buildings in the historic districts by street address.

100 YEAR OLD BUILDINGS

In addition to the historic districts, there are a number of individual building and structures outside of the boundaries of the districts which have been designated as historically or architecturally important by City Council and listed as 100 year old buildings. These designated buildings are subject to the same regulations as those buildings in the historic districts. Review of projects affecting 100 year old buildings is carried out by the Old and Historic Alexandria District Board. A listing of designated 100 year old buildings is maintained by the Department of Planning and Zoning.

B.A.R. STAFF

Each Board has a staff member of the Department of Planning and Zoning assigned to it. It is the responsibility of the staff member to carry out the administrative functions of the Board which range from helping an applicant fill out the necessary forms to ensuring sufficient legal notice is published to preparing recommendations for Board action. One of the primary duties of the Staff is to assist the applicants in the process. The staff is generally available from 9:00 am to 5:00 pm Monday through Friday. It is recommended that applicants call Staff to set up an appoint-

ment. The telephone number of B.A.R. Staff is 703-838-4666.

PRELIMINARY STAFF REVIEW

Applicants are strongly urged to contact the Staff of the B.A.R. as early in the design process as possible to discuss courses of action, design alternatives and application procedures. The purpose of early consultation is to develop a proposal that is as sensitive to the importance of the historic and architectural resources of the historic districts as possible while trying to achieve the programmatic needs of the applicant. The B.A.R. Staff is often able to convey previous Board actions on similar issues and save the applicant time, money and frustration.

APPLICATION

The application for a Certificate of Appropriateness and/or a Permit to Move, Remove, Capsulate or Demolish must be filled out and filed with the Staff of the Board by 5:00 pm on the day of the application deadline. Twelve copies of the required supporting material must accompany the application. Required supporting information and materials vary depending upon the type of the application. The specific requirements are set forth in each section of the Design Guidelines. Applications which are not complete will not be processed.

FILING DATES

Generally applications are due 30 days prior to a public hearing before the Old and Historic Alexandria District Board and the Parker-Gray District Board. Yearly schedules are available from the Department of Planning & Zoning.

FILING FEE

Applicants must submit a filing fee with each Board of Architectural Review application by 5:00 p.m. on the day of the application filing deadline. Checks should be made payable to the City of Alexandria.

NOTICE REQUIREMENTS

Applicants must notify adjacent and abutting property owners of the public hearing on the application. This normally involves notification of at least four property owners, those on either side of the property and to the front and rear. However, it is not unusual that notification may involve a dozen or more property owners. It is important to remember that only the property owners need to be notified and not the tenants of a property. In the case of a condominium with multiple owners, notice to the President of the condominium association will meet the requirements. Numbers of the parcels to be notified can be obtained from the Tax Maps for the City. Names and addresses for property owners can then be obtained from the Real Estate Assessments Office (Room 2600, City Hall) or online at <http://www.ci.alexandria.va.us/city/reasearch/>.

A form letter for notification is provided as a part of the application package. Applicants can use this letter or one of their own choosing so long as the relevant information is set forth. The notice letter for the public hearing must prominently display the street address of the affected property. Adjacent and abutting property owners must be notified at least ten days prior to the public hearing on the application. Notice letters must be mailed. They may be sent by regular mail so long as they are postmarked between thirty and ten days prior to the public hearing.

Following notification, the Board must be provided a Certificate of Notice which certifies notice to the adjacent and abutting property owners. The Certificate of Notice form is included in the application packet. This notice and a copy of the letter of notice that was sent along with the listing of property owners notified must be returned to the B.A.R. Staff at least five days prior to the public hearing.

Failure to notify the adjacent and abutting property owners or failure to file the Certificate of Notice will prevent the application from being considered by the Board until proper notification has taken place.

Applications which are deferred for more than 30 days require that the adjacent and abutting property owners be re-notified.

PLACARDS

As another form of public notice, the property will have a cardboard placard affixed to it prior to the public hearing. The placard provides information about the application and the date of the public hearing. By signing the application form, the applicant agrees to the placement of the placard on the property.

Placards are put up by the Staff of the Department of Planning and Zoning. They must be left in place until the public hearing. Following the public hearing on the application, they may be removed by the applicant.

ADVERTISEMENT

A legal notice of applications to be heard by the Boards of Architectural Review is published in the *Alexandria Gazette* and in the *Alexandria Journal*. In addition, *The Washington Post* normally carries notice of the Boards public hearings.

REVIEW BY OTHER CITY AGENCIES

It is the policy of the Boards of Architectural Review not to review applications for projects which do not meet all other applicable city regulations. This policy ensures that the project approved by the Board can, in fact, be constructed. Therefore, applications are routinely referred to other relevant city agencies, for their comment. These agencies include the Office of Archaeology, the Department of Transportation and Environmental Services, Code Enforcement and the Zoning Office. In

addition, all applications are also reviewed by the Office of Historic Alexandria. If the project does not meet the regulations of these departments, the applicant will be contacted either by the Staff of the affected agency or B.A.R. Staff concerning problems that have been identified. In many cases the project can be modified so that it meets applicable city regulations. However, if additional city approvals are needed, for example a zoning variance, processing of the application for a certificate of appropriateness will be delayed until the other required approvals have been received.

B.A.R. STAFF REPORTS

Each application is reviewed by the B.A.R. Staff which makes a recommendation for proposed action to the Board. The Staff report sets out the relevant facts about the applicant's proposal, background information on the historic or architectural resource involved, past B.A.R. actions involving the property and other information that the Staff is aware of, including comments from all relevant city agencies who have an interest in the project. The Staff recommendation is formulated from an historic preservation point of view in order to ensure that the resource is fully considered in the process.

Staff reports will reference the relevant *Design Guideline* for a specific project. Generally, Board action on a project will be predicated on compliance with the *Guidelines*.

Staff reports are made available to the applicant and the general public on the Friday before the Wednesday hearing.

THE PUBLIC HEARING

The applicant or representative must attend the public hearing on the application. While the Board can take action on the application without the applicant being present, it is the

policy of the Board to defer consideration of applications when the applicant is not present.

The Old and Historic Alexandria District Board of Architectural Review meets the first and third Wednesday of every month. The Parker-Gray District Board meets the fourth Wednesday of every month. During the months of July and August, the Boards usually meet only once per month. Unless otherwise announced, the public hearings take place at 7:30 pm in City Council Chambers on the second floor of City Hall.

Applicants are encouraged to attend a B.A.R. public hearing prior to submitting an application to gain an understanding of what to expect. Applicants may also choose to watch the B.A.R. public hearings, generally televised live, on local access Channel 70. A Cablecast schedule is available from the Citizens Assistance Office.

At the beginning of the meeting, the Board takes action on a Consent Calendar of docket items to be approved without discussion. Following approval of the Consent Calendar, the Board hears each application in turn. While the Board reserves the right to alter the order of the hearing, this is done only rarely.

Each application is introduced by the Staff of the Board. The Chairman then asks the applicant to make a presentation about the request. Following the applicant's presentation, members of the public and representatives of civic organizations are given an opportunity to testify in support or opposition to the project. The applicant then will have a second opportunity to respond to the comments made by the public.

The Board uses *Roberts Rules of Order* in the conduct of the hearing, but tries to maintain a level of informality. B.A.R. hearings are tape

recorded and televised.

Following these presentations, the Board will discuss the application and may ask additional questions. When the Board finishes the discussion, they will pass a motion to approve the application as submitted, approve the application with conditions, defer the application for restudy or deny the application.

The Board rarely denies an application, but rather seeks to work with the applicant to achieve a compromise that preserves the historic resource while meeting the goals of the applicant. Applications which are denied can be appealed to City Council. Applications which are denied cannot be brought back before the Board for a period of one year unless the Board agrees to waive this requirement.

In deferring an application for restudy, the Board usually provides guidance to the applicant on the specific items or issues that the Board finds problematic or which deserve further consideration or refinement. Though the Board will not design the project for the applicant, it will elaborate on preservation principles or contextual design issues.

CONSENT CALENDAR

The consent calendar is made up of docket items recommended by staff to be approved by the Board without discussion. Generally speaking, items recommended for inclusion on the consent calendar are those which are non-controversial and which conform to past board practices and policies. In order for an item to be considered for inclusion on the consent calendar it must meet the criteria set forth in the *Design Guidelines*.

Any item proposed for the Consent Calendar may be removed by a member of the Board or a member of the public and a full hearing will be held on the application.

THE CERTIFICATE OF APPROPRIATENESS

The evidence of Board approval of a project is the Certificate of Appropriateness. Applications which are approved are physically stamped with the Certificate of Appropriateness and signed by the Secretary to the Board.

APPEAL OF B.A.R. DECISIONS

Any final decision of the Board can be appealed to City Council. Appeals can be made by 1) the applicant or 2) citizens through a petition signed by at least 25 property owners in the District. Appeals must be filed with the City Clerk (Room 2300, City Hall) **within 14 days of the Board's decision**. There is a \$150 filing fee for the appeal process.

Failure to file an appeal within this time period means that the decision of the Board is final.

Once an appeal is filed, it is then scheduled for consideration by City Council at a public hearing. These public hearings are normally held once a month on the Saturday following the second Tuesday. City Council hearings on appeals are similar to the format at the Board hearing.

City Council members are provided a summary of the B.A.R. action, copies of the application and a copy of the minutes or a transcript of the B.A.R. public hearing.

Legal notice of the City Council hearing on the appeal is published by the Department of Planning & Zoning in the *Alexandria Gazette* and *Alexandria Journal*. Notice of an appeal hearing will be mailed to the appellant, the applicant, the adjacent and abutting property owners, and the subscribers to the B.A.R. docket by the Department of Planning and Zoning. B.A.R. Staff will also post a placard on the property.

APPEAL OF CITY COUNCIL DECISIONS

City Council decision on B.A.R. appeals can be appealed to Circuit Court by the applicant or citizens through a petition signed by at least 25 property owners in the District.

THE BUILDING PERMIT PROCESS

After the public hearing, the Staff of the Board will stamp two copies of all approved applications with the Certificate of Appropriateness. One set of the application drawings will be returned to the applicant. The second copy is retained in the B.A.R. files for reference.

Most projects approved by the Board require the issuance of a building permit. Application for a building permit is made to Code Enforcement, Room 4200, City Hall. The stamped plans with the Certificate of Appropriateness will be required by Code Enforcement prior to the issuance of a building permit as evidence of compliance with the historic district ordinances.

Further information on the building permit process can be found in *When is a Permit Required?* Which is available from the Code Enforcement. Office or online at <http://www.ci.alexandria.va.us/city/codeenforcement>

Once the building permit is obtained actual construction work can commence.

EXPIRATION DATE OF B.A.R. APPROVALS

B.A.R. approval of Certificates of Appropriateness or Permits to Demolish expire at the end of a 12 month period, unless work on the project has been "commenced and substantially pursued" during that period. However, any period of time during which the project was on appeal to City Council or Circuit Court

is excluded from this 12 month period.

For any number of reasons, project initiation may be delayed. Although re-approval is not automatic, the Board will often re-approve projects which have not commenced construction within the 12 month period.

AMENDMENTS TO APPROVED PROJECTS

For any number of reasons, the design of projects may change as the construction process is undertaken. Changes to projects are treated as an amendment to previously approved plans and are reviewed in the same manner as the initial application for a Certificate of Appropriateness. A new application is required along with supporting materials and notification of adjacent and abutting property owners and construction of these new elements may not proceed until the Board has approved the changes. If a project or portions of a project are constructed without Board approval, the applicant may be required to remove the changes at their own expense.

CERTIFICATES OF OCCUPANCY

Following completion of a construction project which involves changes to the footprint of a structure or a new building, a Certificate of Occupancy and Use must be approved by the authorizing city agencies which range from Code Enforcement to the Zoning Office to the Health Department and include the Board of Architectural Review. The Certificate of Occupancy must be approved prior to the occupation of the building.

B.A.R. approval of a Certificate of Occupancy is based on the actual construction conforming to the approved design. If the design deviates from that approved by the Board, the Certificate of Occupancy will not be approved. The applicant may then file a new application for a Certificate of Appropriateness for approval

of the project as built or modify the project so that it conforms to the plans approved by the Board.

ADOPTED BY THE BOARDS OF
ARCHITECTURAL REVIEW, 4/23/03