

EXHIBIT NO. 1

7  
10-16-04

Docket Item #9  
SBA Case #2004-0001  
SPOT BLIGHT ABATEMENT

Planning Commission Meeting  
October 5, 2004

**ISSUE:** Consideration of designation of property as blighted and consideration of proposed work plan to abate blighted conditions.

**APPLICANT:** City of Alexandria, Code Enforcement Bureau  
by Art D. Dahlberg, Director

**LOCATION:** 325 Duke Street

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**PLANNING COMMISSION ACTION, OCTOBER 5, 2004:** On a motion by Mr. Dunn, seconded by Mr. Leibach, the Planning Commission voted to recommend approval of the proposed blight designation and the corrective work plan. The motion carried on a vote of 7 to 0.

Reason: The Commission agreed with the staff analysis.

Speakers:

Fred Morhart, 318 Duke Street, spoke in favor of the staff recommendation.

Scott Sinclair, 321 Duke Street, spoke in favor of the staff recommendation.

Nancy Hoy, the property owner of 325 Duke Street, described the actions she was taking to fix the property and spoke against the staff recommendation.



**SPOT BLIGHT ABATEMENT  
CASE #2004-0001**

**10/05/04**



**STAFF RECOMMENDATION:**

Staff recommends **approval** of the following findings and recommendation:

1. The property at 325 Duke Street is blighted under section §8-1-141 et seq. of the City Code.
2. The owner of the blighted property has failed to present or implement an acceptable blight elimination work plan.
3. The work plan presented by staff for correcting the blighted conditions is consistent with city laws, reasonably designed to eliminate blighting conditions, and should be implemented.
4. The City's proposed work plan should be implemented as follows:
  - (a) The owner of the blighted property, within thirty (30) days of the date of City Council's designation of the property as blighted and approval of the City's proposed work plan (the "Designation Date"), shall complete items 1 through 17, inclusive, to the satisfaction of the Director of Planning and Zoning and the Director of the Code Enforcement Bureau.
  - (b) In the event the owner of the blighted property fails to implement the City's proposed work plan in accordance with subparagraph (a) above, the City may notify the owner of the blighted property of the city's intention to implement all or a portion of the City's proposed work plan and direct the owner of the blighted property to discontinue their implementation of all or a portion of the City's proposed work plan. In such event, the cost of any work performed by the City may be billed to the property owner and, if necessary, assessed against the owner as a lien on the property.
  - (c) Nothing in subparagraphs (a) and (b) above shall be construed to affect the "Note" in the City's proposed work plan, including, without limitation, that portion of the Note which expresses the reservation of the City's right, consistent with and pursuant to City Code § 8-1-141 et seq., to acquire the property in order to perform the work in the City's proposed work plan and to remove the blighted conditions from the property.

## DISCUSSION

### **I. Spot Blight Abatement Program**

The Spot Blight Abatement Program, adopted by City Council in 1999, is designed to deal with individual properties that become a problem for a neighborhood. Under the program, the City is authorized, pursuant to a plan approved by Council following a public hearing, to repair, or to acquire and repair, a property designated as blighted under the program. The City may recover its costs in repairing the property either from the owner or from the proceeds from the sale of the property. The program allows an owner of a blighted property to avoid any repair or other action by the City if an acceptable work plan for the elimination of the conditions that created the blighted condition is prepared and implemented.

The Spot Blight Abatement Program contains the following elements:

- designation of a property as “blighted”;
- attempts to work with the property owner to correct the blight conditions;
- notice to the owner that official action will be taken unless an acceptable corrective plan is submitted;
- notice to adjoining property owners and the civic association;
- consideration by the Planning Commission;
- action by City Council; and
- implementation of a work plan by the City which corrects the blighted condition.

In this case, staff has made a determination that the property at 325 Duke Street is blighted. Because attempts to work with the owner and/or occupants to correct the problem have failed, staff is now requesting that the Commission find that the blighted designation is appropriate, and recommend to City Council that the proposed work plan be approved.

### **II. The Blighted Property at 325 Duke Street**

The property at 325 Duke Street is a residential structure located on the northeast corner of Duke and South Royal Streets. It is located in the Old and Historic Alexandria District. The residential building is a two story, two bay frame duplex house with a standing seam metal gable roof. According to the City’s historical records, the lots at 321, 323 and 325 Duke Street sold in 1832 for \$200.00 each. These same records indicate that the house at 325 Duke Street was connected to the City’s water system in 1850.



325 Duke Street is at the corner of  
Duke and South Royal Streets.  
Photo was taken in 1960.

**A. The condition of the property violates city laws.**

The City has dealt with the owner of this property for the last five years regarding this property. During this period, Ms. Nancy Hoy, the owner of record, has been cited numerous times for several exterior code violations. Finally, on August 12, 2002, sufficient information was received from neighbors and witnesses who provided information regarding the interior condition of the property to establish probable cause for Code Enforcement staff to obtain a forcible entry inspection warrant. This type of entry is permitted under the City Code (§4.2.12) and the Virginia Statewide Fire Prevention Code (§ F-106.3.)

After gaining entry into the dwelling, it was immediately apparent that the structure was severely fire loaded with combustible material, furniture and trash of such quantities to warrant immediately declaring the property unfit for human habitation. Code Enforcement staff also felt that the property in its condition was a severe fire hazard and removed all utilities to minimize the risk of fire in this, as well as the adjoining structures. Photographs of the interior of the structure taken on August 12, 2002 are attached to this report.

As indicated by the clutter in the photographs, staff was unable to complete a thorough inspection of the interior. However, the following is a general summary of the violations noted at the property.

- 1) The interior of the structure is unsanitary, cluttered and has been deemed to be uninhabitable under the applicable provisions of the Uniform Statewide Building Code (USBC), the Property Maintenance Code and the Virginia Statewide Fire Prevention Code.
  
- 2) The structure appears to be leaning which may be indicative of failure of some of the structural members. Accordingly, staff is recommending that the structure, once emptied of its contents, be fully evaluated by a Virginia Registered Professional Engineer to determine its structural integrity.

3) Likewise, a Mechanical Engineer will have to evaluate the status and operability of all mechanical equipment ( e.g. water heater, furnace and all plumbing fixtures). It should be noted that the dwelling was without power or water for nearly two years which may have resulted in the freezing or other damage to the equipment and fixtures.

**B. The property is blighted.**

The standard for designating a property under the new program as “blighted” is found in the City Code at Sec. 8-1-142(a). That provision states that a “blighted” designation may be made if a property exhibits “dilapidation, obsolescence, overcrowding, lack of ventilation, light or sanitary facilities, or excessive land coverage,” and, as a result, is “detrimental to the health, safety and welfare of the community.” The descriptive terms, “dilapidation,” “excessive land coverage,” and “lack of ventilation,” are further defined. For example, “dilapidation” is “the condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.” Sec. 8-1-142 (c).

In this case, several of the conditions required for a finding of “blighted” are present. First, the property is so cluttered which makes it impossible for someone to safely reside in the dwelling. The blighted definition, however, requires only that the condition of the property give the “appearance of unsafe site or building conditions.” This property meets that test. Second, it is apparent that the structure is being used as storage of material which represents an illegal change of use under the applicable provisions of the USBC. Additionally, due to the lack of climate control and adequate ventilation, there is considerable amount of mold and mildew throughout the dwelling which, in addition to being a code violation, would present a significant health hazard to occupants of the structure.

This is a historical structure and an integral part of the historical fabric of the City. The total lack of care and maintenance by the owner has clearly had a deleterious effect on the surrounding community not to mention a decline in property values.

The combination of these characteristics creates an unsightly appearance in an area of the City which is an embarrassment to the citizens who live nearby and to the City as a whole. It suggests that the City does not have requirements for proper construction or maintenance and that it does not enforce the requirements it does have. The conditions appear precarious and therefore dangerous to personal safety. They also create an optimal condition for rodent harborage and infestation. It is therefore detrimental to the health, safety and welfare of the City to allow the conditions of the property to remain. Those conditions led staff to designate the property as blighted. The Citywide Code Compliance Committee, the staff group responsible for identifying potential blighted properties under the program, agreed and nominated the site for the spot blight designation. The City Manager

agreed with the Committee's designation. Staff recommends that the Planning Commission agree, making a finding that the site meets the definition of "blighted."

### **III. Chronology of contacts and notice to Ms. Nancy Hoy**

Following is a chronology of contacts and events that have occurred surrounding the property at 325 Duke Street. Official City notification letters are included in Attachment 2.

10/27/98 - Complaint received from neighbor regarding house in disrepair - Exterior inspection conducted and seven violations cited (Exterior paint in disrepair, gutter and down spouts fail to meet code, window shutters in disrepair, window and door frames need painting, fence in disrepair, front door needs painting, no house numbers). Notice posted on the door.

11/10/98 - Inspection reveals notice still on the door - Official case letter mailed to owner notifying her of the violations with a compliance date of November 27, 1998.

11/17/98 - Mrs. Hoy called stating she would begin requesting bids to have the violations corrected. She requested an extension for exterior painting until weather permits. Advised by inspector reinspection of other violations will be Jan. 1999.

1/6/99 - Ms. Hoy called Inspector and stated repairs have been contracted out except for painting and will be corrected by February 1999.

2/3/99 - Reinspection of property - no corrections made. Neighbor complains about rat infestation and feels they are coming from 325 Duke Street. Separate citation issued for that violation.

2/6/99 - Ms. Hoy called inspector. She is advised another reinspection will be made on 2/26/99 and inspector must see evidence that work has started and a receipt from an exterminator that rat extermination has been completed.

2/24/99 - Ms. Hoy left message that no work had been started due to weather. Also, she requested explanation for extermination request.

2/26/99 - Ms. Hoy was sent certified letter for pre-prosecution hearing to show cause why violations cited on 10/27/98 had not been corrected. Hearing set for 3/15/99

3/15/99 - Show cause hearing - Ms. Hoy failed to appear or call.

3/16/99 - Civil Penalty Tickets issued for six violations - window shutters in disrepair; fence in disrepair; gutters and down spouts in disrepair; front door in disrepair and damaged; house numbers; windows in disrepair.

3/26/99 - Letter received from Ms. Hoy requesting an extension until 4/30/99 - Extension granted

3/30/99 - Exterminator faxed receipt for rat extermination

4/30/99 - No violations corrected

5/26/99 - Exterior painting begins - Old Town Painting Company - (later, Inspector Zuidema was subpoenaed into court as a witness by Old Town Painting Company due to nonpayment from Ms. Hoy).

1/23/02 - Property cited for exterior violations - house numbers not being displayed (again), fence needs repair (again), unlawful accumulation of trash in rear yard (yard debris, doors & paint cans); illegal storage (shutters & windows in rear yard), chimney needs repair for loose bricks, replace/repair rotted work on hatchway leading to cellar. Compliance date 2/4/02.

2/18/02 - Reinspection - no violations corrected.

3/2/02 - Letter received from a former owner (1980-1986) stating he was inside the property in 1997 and at that time he was appalled at the condition of the house. "There was a mattress on the floor and trash bags throughout the downstairs. Plastic bags covered the windows and the place was void of furniture except for the mattress." He stated he "left dismayed that the house was so run down and dirty."

3/20/02 - No corrections - No response from Ms. Hoy - all correspondence returned unclaimed from post office. All notices posted on property remain. Attempting to locate address or telephone number for Ms. Hoy.

4/02, 5/02, 6/02 - No contact with owner - no evidence of anyone having property violations corrected.

7/9/02 - Certified letter sent to Ms. Hoy scheduling pre-prosecution hearing for July 16, 2002 for violation notice issued 1/24/02.

7/16/02 - No appearance at hearing and no telephone call.

8/12/02 - Inspection Warrant obtained and property entered by Deputy Fire Marshal Ed Schomp. Fire Marshal Schomp reported rotting wood around the basement hatchway, fence in disrepair, no water or electric service to property. Interior revealed trash and debris piled up on the interior of the unit (2 to 3 feet tall in some areas), access to the upper levels was difficult because of the large amount of trash and debris on the stairwell and landing. He noted missing or damaged floor boards on the third level. Cracked and peeling paint throughout the interior and deteriorating surface conditions around window and door areas was noted. The interior conditions with the excessive fire loading of combustible items (newspapers, boxes, bags, papers, etc.) deemed the property unfit for human habitation and the property was condemned by the Fire Marshal. The building was secured from entry and posted for fire fighting purposes with a number 4 indicating that no entry should be made by fire fighting personnel due to hazardous conditions inside.

8/14/02 - Written notice was sent by certified mail to Ms. Hoy advising of the condemnation of the property.

8/30/02 - Ms. Hoy called requesting information as to why her property had been condemned. A copy of the notice was faxed to her in New York (FAX # 212-956-5811).

10/21/02 (that week) - Director Dahlberg met with Steven M. Garver, (Ms. Hoy's Attorney). Scheduled for Ms. Hoy to enter property on 11/4, 5 and 6/ 2002 to enter and clean property.

11/4/02 - Ms. Hoy given access to property at 9:00 a.m. Agreed to lock and leave property no later than 5:00 p.m. each day. Deputy Fire Marshal Furr checked the property at 7:53 p.m. and found the front door unlocked. He noticed the hasp had been removed and no padlock or hasp was on the property (although it had been on there at 9:00 that morning when Ms. Hoy entered.) He contacted Deputy Fire Marshal Perry and they made a search of the building for occupants. None were found. APD was also notified. While waiting for the board-up contractor to resecure the building, Ms. Hoy arrived, denied removing the locks. She locked the front door with her key. New locks and hasps were installed on the front and rear doors.

11/5/02 - Property unlocked at 9:00 a.m. for Ms. Hoy. She entered the property, stayed about 15 minutes, left, locked the door and Code Enforcement had no further calls or requests from Ms. Hoy for access to the property.

Code Enforcement continued to monitor the property on a monthly basis to ensure that it remained vacant, secured and placarded.

7/21/03 - Letter sent to Ms. Hoy from Barbara Ross in Planning and Zoning advising that due to lack of response in correcting violations the City will be taking further action to bring property into compliance by either instituting legal proceedings to acquire the property or take action to repair the property with a lien for the City's work.

9/25/03 - Letter received by Barbara Ross from Attorney Ryan Mattson advising Ms. Hoy will submit a work plan within a week.

10/21/03 - FAX received by Art Dahlberg from Ms. Hoy stating she wants access to house on Nov. 3 & 4<sup>th</sup>. She advises that a walk-thru can be done the afternoon of Nov. 18<sup>th</sup> or 19<sup>th</sup>.

10/27/03 - Letter sent to Ms. Hoy from Art Dahlberg advising property will be opened per her request and walk through scheduled for Nov. 17, 2003 at 1:00 p.m. Ms. Hoy advised that if all violations are not corrected by that time the City will immediately institute the statutory "Spot Blight" proceedings.

11/02/03 - FAX received from Ms. Hoy cancelling property opening scheduled for Nov., 3 & 4 and requesting Nov. 12 & 18<sup>th</sup>. Also requests that walk through inspection be deferred.

11/11/03 - Letter sent to Ms. Hoy from Director Dahlberg stating walk-through inspection will be held on Nov. 17<sup>th</sup> at 1:00 as scheduled with Director Dahlberg, Peter Smith and Barbara Ross.

11/17/03 - Ms. Hoy denies access to property to Ms. Ross, Mr. Smith and Director Dahlberg.

12/8/03 - First letter sent to Ms. Hoy starting "Spot Blight" process. Returned Unclaimed.

12/29/03 - Letter received from Harry Hart, Attorney for Ms. Hoy enclosing copy of a proposed schedule to correct all violations by Jan. 18, 2004.

1/8/04 - Second "Spot Blight" letter sent to Ms. Hoy.

1/9/04 - Letter sent to Mr. Hart advising City will continue the Spot Blight process until code compliance is achieved based on past experiences with Ms. Hoy.

2/19/04 - Letter sent to Ms. Hoy from City Manager giving "Notice of Preliminary Determination that Property is Blighted and a Request for Submission of a Plan to Cure Blight.

3/17/04 - Letter from Ms. Hoy to City Manager advising termination of Harry Hart as her representative and advising she will have all work completed by May 8, 2004.

3/18/03 - Letter sent to Ms. Hoy advising that Director Dahlberg will inspect property on 3/24/04 with her to determine if suspension of Spot Blight process is warranted.

3/31/04 - Letter received from Ms. Hoy requesting a temporary suspension of the Spot Blight process to allow more time to complete necessary work. Ms. Hoy advised that all work would be completed on or before May 8, 2004. Temporary suspension granted by City Manager.

4/14/04 - Letter sent to Ms. Hoy from Director Dahlberg advising that reinspection will be held on May 8, 2004 at 11:00 a.m. to determine if work has been completed.

5/7/04 - Ms. Hoy called to advise that electricity and water are back on and she is interviewing painters and hiring a mason today.

5/8/04 - Ms. Hoy did not meet with Director Dahlberg at property.

5/26/04 - FAX received from Ms. Hoy to Director Dahlberg advising that work is not finished.

6/25/04 - Letter sent to Ms. Hoy from City Manager advising that since the May 8<sup>th</sup> compliance date was not met, the City was re-instituting the Spot Blight Abatement process. Ms. Hoy advised that no further delays in the Spot Blight Abatement process would be granted.

#### **IV. Work plan**

Ms. Hoy has failed to correct the conditions of the property which led to the blighted designation. She has also failed to comply with all previous notices and failed to carry out all previously submitted corrective plans. Pursuant to the applicable provisions of the City's Spot Blight program, the Planning Commission and the City Council may vote to either: 1) make the necessary repairs at the City's expense and place those charges as a lien against the property; or, 2) acquire and dispose of the property.

To assist in this decision making process, Code Enforcement staff has developed a work plan to complete all work necessary to return the property to a code compliant condition. An alternative, consistent with the spot blight program, is for the City to purchase the property if it determines that the purchase is necessary to abate the blighted conditions, with the cost of abatement to be recovered from the sale of the property.

- 1) Inventory, document, pack and remove all personal belongings in the property and remove to local storage facility.
- 2) Rent one or more 10' x 30' storage lockers to store personal items for a period not to exceed six months at which time Ms. Hoy would resume responsibility for the payments.
- 3) Have Structural Engineer evaluate structure members for integrity and provide written report.
- 4) Have Mechanical Engineer evaluate all plumbing and mechanical fixtures to determine code compliance and operability.
- 5) Treat all interior surfaces for the presence of mold and mildew.
- 6) Clean and sanitize interior of the structure.
- 7) Have masonry contractor point up, repair and/or replace damaged brickwork in foundation and exterior chimney.
- 8) Restore interior flooring.
- 9) Patch, repair and paint all interior surfaces, woodwork and trim.
- 10) Replace all rotted wood siding.
- 11) Replace missing wood shutters.
- 12) Clear gutters and down spouts of leaves and debris.
- 13) Replace all windows and re-install original glazing.

14) Scrape and paint exteriors surfaces.

15) Paint metal standing seam roof.

16) Replace all exterior doors

17) Exterminate entire structure

#### **V. Consultation with the Old and Historic Alexandria BAR**

For properties in an historic district, Section 8-1-144(c) requires that the Planning Commission consult with the Board of Architectural Review about the activities described for the property in the work plan.

Mr. Dahlberg briefed the Old and Historic Alexandria Board of Architectural Review at its regular meeting on September 1, 2004. He also distributed a written status report and a preliminary work plan (Attachment 5). He said that the City had been unsuccessful in attempting to work with the homeowner over a period of several years to have the property brought up to proper building code status. He outlined the two options open to the City: fix up the property and place a lien against it for recovery of expenses when the building is sold or acquiring the property and then reselling it. The Board reviewed the work plan. Chairman Hulfish asked if the shutters could also be replaced, since the house had always had shutters. Mr. Dahlberg said that it could be added to the work plan.

The Board members concurred that the inclusion of the property in the Spot Blight Abatement Program was appropriate. On a motion by Dr. Fitzgerald, seconded by Mr. Keleher the Board endorsed the proposed work program. The vote on the motion was 4-0.

#### **VI. Required Actions by Planning Commission and City Council**

Under the Spot Blight Abatement Program, the Planning Commission must determine: (1) whether the owner of the blighted property has failed to present or implement a blight-elimination plan; (2) whether the property is blighted under the definition in the ordinance; and (3) whether the City plan for correcting the deficiencies is consistent with the City's zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented. In addition, for properties located within the Old and Historic Alexandria District such as this one, the Planning Commission must consult with the Board of Architectural Review regarding the activities described for the property in the work plan. City Code, Sec. 8-1-144(c).

City Council may then act to affirm, modify or reject the Planning Commission findings and recommendations. If City Council determines that the property is blighted and the work plan is appropriate, then the City may act to carry out the plan in accordance with City Code, Sec. §8-1-145

### **Conclusion**

The Spot Blight Abatement Program attempts to close a gap in the enforcement tools of the City by defining “blight” in general terms, but laying out an onerous procedural route prior to allowing the City to take any action to correct the problem. Staff has found the property at 325 Duke Street meets the requirements of the blight definition and has painstakingly followed each of the required procedural hurdles before bringing this case forward for official action. Staff has repeatedly attempted to work with the property owner in order to convince her to clean up the property and bring it into compliance with Federal, state and city laws. None of staff’s efforts at citation, discussion or official notification has brought resolution to this case. Staff therefore requests that the Planning Commission and City Council act to allow staff to correct the problems at the site itself, or take the property and offer it for sale consistent with the intent of the City’s Spot Blight Abatement Program.

STAFF: Arthur Dahlberg, Director, Code Enforcement;  
Hal Phipps, Division Chief, Zoning & Land Use Services, Planning and Zoning.

### Attachments:

1. Spot Blight Abatement Law
2. Notice Letters
3. Work Plan
4. Photographs of 325 Duke Street
5. Status Report Submitted to Old & Historic BAR

**SPOT BLIGHT ABATEMENT CASE  
#2004-0001**

**ATTACHMENTS**

## ARTICLE I

## Spot Blight Abatement

**Sec. 8-1-141 Purpose.**

The purpose of this article is to provide for the repair or other disposal, or the acquisition and repair or other disposal, by the city of blighted property. (Ord. No. 4074, 10/16/99, Sec. 1; Ord. No. 4209, 6/16/01, Sec. 1)

**Sec. 8-1-142 Definitions.**

For purposes of this article, the following words and phrases shall have the meanings given below, except in those instances when the context clearly indicates a different meaning.

(a) *Blighted property.* A building or buildings which, by reason of dilapidation, obsolescence, overcrowding, lack of ventilation, light or sanitary facilities, or excessive land coverage, or any combination of these or other factors, is detrimental to the health, safety and welfare of the community.

(b) *City manager.* The city manager, or a person designated by the manager to perform the duties and responsibilities that this article places on the manager.

(c) *Dilapidation.* The condition of property resulting from inadequate maintenance that contributes to unsafe site or building conditions, or that gives the appearance of unsafe site or building conditions.

(d) *Excessive land coverage.* A land development that overly restricts the access of adjacent properties to light and air, or that has extensive impervious surfaces which create stormwater runoff that regularly and adversely impacts adjacent properties.

(e) *Lack of ventilation, light and sanitary facilities.* The absence from a building of one or more systems that provide ventilation, light and sanitary facilities, as required by the Virginia Uniform Statewide Building Code (see article A of this chapter). (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-143 Procedure—preliminary determination of blight by city manager.**

(a) The city manager shall make a preliminary determination that a property is a blighted property under this article. The manager shall provide

written notice to the owner of such property that the property has been determined to be blighted. The notice shall describe the conditions of the property, and shall provide any other reasons, which form the basis for this determination.

(b) The owner of property that has been preliminarily determined to be blighted shall have 30 days from the date of the notice in which to present to the city manager a plan to eliminate or otherwise cure, within a reasonable period of time, the conditions and other reasons that form the basis for the determination that the property is blighted. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-144 Same—hearing before planning commission; commission findings.**

(a) If the owner of a property that has been preliminarily determined to be blighted fails to timely present the plan required by section 8-1-143(c), which is acceptable to the city manager, or fails to implement a plan found to be acceptable, the manager may request that the planning commission conduct a public hearing and make findings and recommendations regarding the property. If a public hearing is scheduled before the planning commission, the city shall prepare and present to the commission a plan for the repair or other disposal, or for the acquisition and repair or other disposal, of the property.

(b) Notice of public hearing.

(i) Not less than three weeks prior to the date of the public hearing before the planning commission, the city manager shall cause a notice of the date, time, place and purpose of the hearing to be sent, by regular and certified mail, to the owner of the blighted property or the agent designated by him for receipt of service of notices concerning the payment of real estate taxes, to the owners of all properties abutting the blighted property (including the properties located immediately across the street or road from the blighted property), and to the citizens or neighborhood association, if any, for the immediate area. The notice shall include the plan that the city has prepared for the repair or other disposal, or for the acquisition and repair or other disposal, of the property. Any persons affected by the condition of the property or by the acquisition and/or repair or other disposal of the property, as proposed in the city's plan, may present their views at the hearing.

(ii) The city manager shall also cause notice of the date, time, place and purpose of the public hearing to be published at least twice, with not

less than six days elapsing between the first and second publication, in a newspaper having general circulation in the city. The public hearing shall be held not less than six, nor more than 21, days after the second publication of this notice.

(iii) The city manager shall further cause notice of the date, time, place and purpose of the public hearing to be posted on the property.

(c) Following the public hearing, the planning commission shall determine:

(i) whether the owner of the property has failed to eliminate or otherwise cure the property's blighting conditions and to present a reasonable plan to do so;

(ii) whether the property is blighted; and

(iii) whether the plan submitted by the city for the repair or other disposal, or for the acquisition and repair or other disposal, of the property is in accordance with the city's zoning ordinance and other applicable land use laws and regulations, and should, in whole or part, be implemented.

If the property is located within the old and historic Alexandria district or the Parker-Gray district, as defined, respectively, in section 10-100 and section 10-200 of the city's Zoning Ordinance, or includes a building that is on the list of 100-year-old buildings compiled pursuant to section 10-300 of the Zoning Ordinance, the planning commission, in determining the appropriateness of the city plan, shall consult with the board of architectural review regarding the activities described for the property in the plan. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-145 Same—review of planning commission findings and recommendations by city council.**

The planning commission shall report its findings and recommendations concerning the property to city council. Following its receipt of these findings and recommendations, council shall schedule a public hearing on the property. Notice of this hearing shall be provided as described in section 8-1-144(b). Following the hearing, council shall affirm, modify or reject the planning commission's findings and recommendations. If council determines the property to be blighted and the city's plan for the property, in whole or in part, to be appropriate, the city may then carry out the approved plan. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-146 Displacement of residents at blighted property.**

City council shall not approve, under this article, any plan for the acquisition of property that is occupied for personal residential purposes if the plan will result in the displacement of any persons residing in the property, unless the acquisition is authorized by Title 36 of the Code of Virginia (1950), as amended; provided, that this subsection shall not apply to the acquisition of property that has been condemned for human habitation for more than one year. (Ord. No. 4074, 10/16/99, Sec. 1)

real property. The provisions of this article shall be in addition to any other remedies for blight abatement set out in state law or this code. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-147 Recovery of city's costs; lien.**

(a) The city may assess and recover the costs that it incurs in repairing or otherwise disposing of blighted property under a plan approved by city council pursuant to this article. Such costs may be assessed against and recovered from the person who owns the blighted property at the time the property is repaired or other disposed of by the city. If such costs have not been paid by such owner prior to the owner's sale of the property, the city shall recover the costs from the proceeds of the owner's sale. In the event the city has acquired the property, it shall recover such costs from the proceeds of its sale of the property.

(b) The city also shall have a lien on any blighted property that it repairs or otherwise disposes of under a plan approved by city council pursuant to this article, in an amount equal to the costs it has incurred in so repairing or disposing of the property. Such lien shall be recorded in the circuit court among the city's land records, and shall be subordinate to any prior liens of record. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-148 Promulgation of rules and regulations.**

The city manager may issue regulations consistent with this article and section 36-49.1:1 of the Code of Virginia (1950), as amended; provided, that such regulations are reviewed and approved by city council. (Ord. No. 4074, 10/16/99, Sec. 1)

**Sec. 8-1-149 Other laws and ordinances.**

Nothing in this article shall be construed to relieve an owner of blighted property, or any other person or entity from complying with other applicable laws relating to the development, use, rehabilitation, condition, maintenance or taxation of



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

Arthur D. Dahlberg  
Director

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

August 14, 2002

Ms. Nancy Hoy  
325 Duke Street  
Alexandria, Virginia 22314

Dear Ms. Hoy:

**ORDER OF THE CODE OFFICIAL**

I hereby declare that the structure located at 325 Duke Street in the City of Alexandria, Virginia, is unfit for human habitation. This dwelling constitutes an immediate serious danger and hazard to the life, health, and safety of the occupants, and it does not meet the requirements of the City Code of Alexandria in the following respects:

**CODE SECTIONS:**

**ADDRESS/VIOLATIONS:**

- PM-305.1 - The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- PM-305.2 - All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
- PM-305.3 - **Interior surfaces:** All interior surfaces including windows and doors shall be maintained in good, clean and a sanitary condition. Peeling paint, cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.
- PM-505.1 - All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Ltr. to Ms. Hoy, fm. A.D. Dahlberg  
Page 2

- PM-506.1 - All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.
  
- PM-603.1 - All mechanical equipment shall be properly installed and maintained in a safe working condition and capable of performing the intended function.
  
- PM-604.3 -  
PM-605.2 -  
PM-605.3 - Electrical system hazards shall be abated. All electrical equipment including lighting fixtures shall be in good working order and maintained in a safe working condition.
  
- PM-703.1 - **Accumulation:** Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, doors, windows or other means of egress.
  
- PM-703.2 - Combustible rubbish, such as waste-paper, boxes and rags shall not be accumulated or stored.
  
- 5-1-82 -  
(City Code) - Remove all trash and debris from the premises.
  
- 5-9-3 -  
(City Code) - Tall grass and weeds in the rear of the property shall be cut.
  
- USBC-115.0 - A certificate of occupancy indicating that the dwelling is in compliance with the Uniform Statewide Building Code shall be obtained prior to occupancy.

PM = Uniform Statewide Building Code, Volume II, Property Maintenance Code

F = Statewide Fire Prevention Code

\* = Repair or replacement may require a building permit.

**IT IS THEREFORE** ordered that the above described premises be placarded. Said premises shall be maintained in a safe, clean,

Ltr. to Ms. Hoy, fm. A.D. Dahlberg  
Page 3

sanitary and rodent proof condition and secured against the entry of unauthorized persons. The property shall remain vacant until such time as repairs are made that will bring the structure into compliance with the applicable codes and ordinances and render it fit for human habitation.

**A WORK PLAN must be submitted within thirty (30) days of receipt of this letter.** This work plan must describe, in detail, what steps and methods you intend to take to restore this property to a code compliant condition and in what time frame. This work plan must also include the names of contractors you have retained to perform repair work to bring this property into code compliant status. You are to immediately contact a rodent control contractor to insure that the property remains rodent and vermin free. A copy of your rodent control contract must be submitted with your work plan.

**UNTIL YOUR WORK PLAN IS SUBMITTED AND APPROVED BY THIS OFFICE** you will not be allowed entry into the property except under emergency conditions.

Failure to comply with this notice may result in this property being added to the City's Blighting Influences List. Any person violating this order may be fined up to \$2,500 and/or enjoined by appropriate proceedings. Virginia Uniform Statewide Building Code (VUSBC) PM-106.2 and 106.3). It is the responsibility of each property owner to comply with the Uniform Statewide Building Code and all applicable ordinances of the City of Alexandria, Virginia. The list of defects includes, but may not be limited to, those defects listed above, and the City reserves the right to note additional defects and to require their correction whenever such defects are observed.

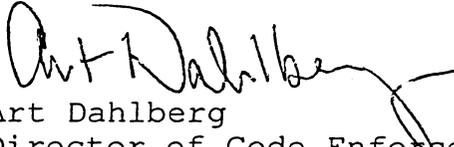
Under Section PM-111.1 of the Uniform Statewide Building Code (USBC), the owner of a building or his agent may appeal from a decision of the Code Official to the Local Building Code Board of Appeals as established by the USBC when it is claimed that:

1. The Code Official has refused to grant a modification of the provisions of this code;
2. The true intent of this code has been incorrectly interpreted;
3. The provisions of this code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

Ltr. to Ms. Hoy, fm. A.D. Dahlberg  
Page 4

All appeals shall be made in writing, on the appropriate completed form, and be filed with the Code Official within 21 calendar days after this notice has been served.

Sincerely,



Art Dahlberg  
Director of Code Enforcement Bureau

cc: Cynthia Smith-Page, Real Estate Assessments  
Rose Boyd, Director, Citizen Assistance  
Mildrilyn Davis, Director, Office of Housing  
Debbie Kidd, Division Chief, Revenue  
Michael Conner, Chief Fire Marshal  
Robert Luckett, Chief Deputy Fire Marshal  
Mary Bryant, Supervisor, Existing Structures  
Quentin Tabscott, Inspector, Existing Structures

Edward A. Schomp  
(Deputy Fire Marshal)  
838-5022

CERTIFIED MAIL # 7117634453906503



*City of Alexandria, Virginia*

DEPARTMENT OF PLANNING AND ZONING  
301 King Street, Room 2100  
P. O. Box 178  
Alexandria, Virginia 22313  
(703) 838-4666  
FAX (703) 838-6393



July 21, 2003

BY CERTIFIED MAIL

Ms. Nansi Hoy  
134 West 58<sup>th</sup> Street Apt. 1101  
New York, New York 10019

Re: 325 Duke Street, Alexandria Va.

Dear Ms. Hoy,

Over the past five years, the City of Alexandria has communicated with you repeatedly regarding code violations and maintenance issues at your property at 325 Duke Street. The attached chronology from the Code Enforcement Bureau outlines the serious and repeated problems that office has encountered in its effort to have you correct outstanding structural, maintenance and other building issues at the property. For example, within the last year, you have been cited for a series of code violations including structural integrity from overloading and structural damage and cracking due to a lack of maintenance. The building was declared unfit in 2002, and remains sealed and placarded. Your failure to respond to the City's prior efforts to have you take action to correct the violations gives the City no choice but to take such further action as is necessary to bring the building into compliance.

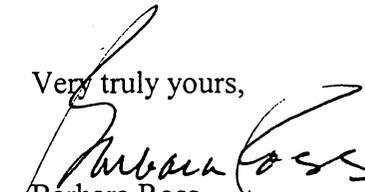
Because your property is within the Old and Historic Alexandria District, the City has a heightened interest in ensuring the stability of the structure and its maintenance, and this office has the legal enforcement authority to take steps to require necessary maintenance. The loss or damage to a building in the historic district is a serious matter that the City and its property owners must take steps to avoid. Therefore, within the historic district, building code violations are also violations of the zoning ordinance and the historic district regulations. Under section 10-110 of the zoning ordinance, the city may institute legal proceedings to acquire the property in order to protect it from further deterioration. You are hereby notified of the City's intent to take such steps if you fail to respond to this letter by bringing the building into compliance with the building code.

The City has further authority under the city code to remove blighted properties and will also proceed under that process if necessary. The city's authority under the blighting influences program and the spot blight abatement program allow it to either take action itself to repair the

property, with a lien on it for the City's work, or to acquire the property in order to repair the blight.

Although we prefer not to take any of the radical steps outlined above, we will not hesitate to do so if required by your continued inaction. Therefore, if you fail to respond to this notice with a plan to correct the property communicated to both myself and Arthur Dahlberg, Chief, Code Enforcement Bureau, within thirty days, we will proceed with one or more of the above procedures.

Very truly yours,



Barbara Ross  
Deputy Director

cc: Arthur Dahlberg, Code Enforcement  
Tom Hulfish, Chair, Board Of Architectural Review - Old and Historic Alexandria  
District

24



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

Arthur D. Dahlberg  
Director

December 8, 2003

**Via Certified Mail**

Ms. Nancy Hoy  
134 West 58<sup>TH</sup> Street, Apartment #101  
New York, New York 10019

RE: 325 Duke Street  
Alexandria, Virginia

Dear Ms. Hoy:

The City of Alexandria has embarked on a program to encourage and assist property owners in effectively maintaining their real property and to eliminate blighting influences in the community. The Citywide Code Compliance Committee, has been charged with coordinating this program. As part of this program, this committee has compiled a list of properties that may exhibit signs of deterioration or that have been subject of several zoning, building, health, fire or police complaints. We are contacting owners of identified properties to bring our concerns to your attention.

The property listed above appears to need improvement because of the following conditions:

**The property is currently unfit for human habitation.**

**The property has been condemned and placarded.**

**The current Certificate of Occupancy is revoked.**

**The property has numerous interior and exterior code violations.**

**The property interior is severely fire loaded with a variety of combustibles (e.g. furniture, boxes, papers etc.) to a point that a complete inspection has not been conducted. Re-entry for inspection purposes following the condemnation has been denied.**

**The property has no utilities.**

In order to avoid further deterioration of your property, the City requests that you take action to remedy the situation. Failure to address the above mentioned conditions will result in further action

being taken on the part of the City. Compliance now will ensure that further action by the City on this issue will not be necessary.

Once you have developed a work plan on how to upgrade the referenced property, please provide a written copy to Art Dahlberg, Director of Code Enforcement, 301 King Street, Alexandria, Virginia 22314. If you have any questions, or would like assistance in developing a work plan, please contact the Code Enforcement Bureau at (703) 838-4360

Sincerely,



Art D. Dahlberg, Chairman  
Citywide Code Compliance Committee

cc: Gary Mesaris, Fire Chief  
Barbara Ross, Deputy Director, Planning and Zoning  
Peter Smith, Board of Architectural Review

Certified Mail # 71176344539000010890



CODE ENFORCEMENT  
P. O. Box 178  
Alexandria, Virginia 22313

Phone (703) 838-4360  
Fax (703) 838-3880  
ci.alexandria.va.us

Arthur D. Dahlberg  
Director

January 8, 2004

**Via Certified Mail**

Ms. Nancy Hoy  
134 West 58<sup>th</sup> Street, Apartment #101  
New York, New York 10019

RE:325 Duke Street  
Alexandria, Virginia

Dear Ms Hoy:

As stated in my December 8, 2003, letter concerning the referenced property, the City has embarked on a program to ensure proper maintenance of properties and to eliminate blighting influences in the community. The property listed above still appears to need improvement because of the following conditions:

- The property is currently unfit for human habitation.**
- The property has been condemned and placarded.**
- The current Certificate of Occupancy is revoked.**
- The property has numerous interior and exterior code violations.**
- The property interior is severely fire loaded with a variety of combustibles (e.g. furniture, boxes, papers etc.) to a point that a complete inspection has not been conducted. Re-entry for inspection purposes following the condemnation has been denied.**
- The property has no utilities.**

In order to avoid further deterioration of your property, the City requests that you take action to remedy this situation. Please let us know within thirty days how you plan to accomplish the repairs to the referenced property. Your plan should be submitted in writing to Art Dahlberg, Director, Code Enforcement Bureau, 301 King Street, Room 4200, Alexandria, Virginia 22314.

Letter to Ms. Hoy  
RE: 325 Duke Street, Alexandria, Virginia  
January 8, 2004 - PAGE TWO

Failure to submit a plan may result in the following actions:

**The referenced property may be declared a blighting influence by the City.  
Repairs may be made to the property by the City, for which you will be  
financially responsible.  
A lien may be placed on the property by the City for the cost of the repairs.**

If you have questions, or would like further assistance in your proposed plan, please contact me at  
(703) 838-4360.

Sincerely,



Art Dahlberg, Director  
Chairman, Citywide Code Compliance Committee

cc: Gary Mesaris, Fire Chief  
Harry P. Hart, Esquire

Certified Mail # 71176344539000011279



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

Arthur D. Dahlberg  
Director

January 9, 2004

Mr. Harry P. Hart, Esquire  
307 N. Washington Street  
Alexandria, Virginia 22314-2557

Re: 325 Duke Street  
Alexandria, Virginia

Dear Mr. Hart:

Enclosed herewith please find a copy of the second "Spot Blight" letter forwarded to Ms. Hoy regarding the above referenced address. It should be noted that the first letter of December 8, was returned as "unclaimed". Her continued refusal to accept correspondence from the City makes it difficult to effectively communicate with your client regarding the status of her property and the actions taken by our office.

Pursuant to your conversation of January 7, with Chief Fire Marshal Michael Conner, the City will continue with the Spot Blight process until such time as your client submits a work plan to bring the property into full compliance with all applicable code provisions. Until the work plan has been submitted, approved and the requisite permits for the necessary repairs have been obtained, access to the property will remain under control of the City.

As explained by Chief Conner, it will be the City's responsibility to determine the full extent of the code violations once the property has been cleared of debris and full code compliance once all of the work has been completed. This is not intended to prohibit your code consultant or other representatives in your firm from assisting the property owner in developing a work plan to achieve code compliance. However, based on past experiences with your client, the Spot Blight process will continue until code compliance is achieved.

If you have additional questions, please contact me at your earliest convenience. I can be reached at (703) 838-4644 ext. 110.

Sincerely,

  
Art Dahlberg, Director

Enclosure: January 8, 2004 letter to Ms. Nancy Hoy

cc: Gary Mesaris, Fire Chief  
Barbara Ross, Deputy Director, Planning and Zoning  
Chief Fire Marshal Michael Conner  
Code Enforcement Supervisor Mary Bryant



OFFICE OF THE CITY MANAGER

301 King Street, Suite 3500  
Alexandria, Virginia 22314-3211

Philip Sunderland  
City Manager

February 19 2004

(703) 838-4300  
Fax: (703) 838-6343

Via Certified Mail

Ms. Nancy Hoy  
134 West 58<sup>TH</sup> Street, Apartment #101  
New York, New York 10019

Re: Notice of Preliminary Determination that a Property is Blighted and Request for Submission of a Plan to Cure Blight at Property Located at 325 Duke St. (Map 074.04, Block 06, Lot 6)

Dear Ms. Hoy:

City of Alexandria land records indicate that you are the owner of the property described above, and a recent inspection of the property indicates that it appears to be blighted. The term "blighted property" includes, among other things, areas with buildings or improvements which are detrimental to the safety, health, morals or welfare of the community because they are dilapidated, obsolete, overcrowded or lack ventilation, light and sanitary facilities. The specific reasons why the property is considered blighted are set forth in the attachment to this notification.

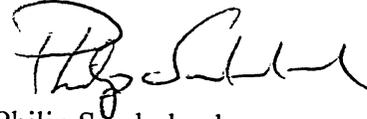
I have made a preliminary determination that the property referenced is blighted. According to City Code, you shall have thirty days within which to respond with a plan to cure the blight within a reasonable time. If you fail to respond within thirty days with a plan that is acceptable, then the City may initiate steps that may result in the preparation of a plan for the repair, acquisition, or disposition of the property. Public hearings will then be advertised and scheduled before the Planning Commission and the City Council concerning the course of action that the City will take to correct the problem.

I encourage you to submit, within thirty days, a plan to cure the blight on this property. The plan should be submitted to the City Manager, 301 King Street, Alexandria, Virginia 22314. I also encourage you to work cooperatively with the Code Enforcement Bureau, the Office of Housing, and the Planning and Zoning offices, which may be able to provide you with assistance to help improve your property.

Ms. Nancy Hoy  
February 19, 2004  
Page 2

If you have any questions, please contact Art Dahlberg, Director of the Code Enforcement Bureau, at (703) 838-4360.

Sincerely,



Philip Sunderland  
City Manager

Attachment: Specifications of Blight at 325 Duke St. (Map 074.04, Block 06, Lot 6)

cc: Art Dahlberg, Director, Code Enforcement  
Ignacio Pessoa, City Attorney  
Harry P. Hart, Esquire  
Mildrilyn Davis, Director, Office of Housing  
Eileen Fogarty, Director, Department of Planning and Zoning  
Rose Boyd, Director, Office of Citizen Assistance

Certified Mail # 71074853250000000309



OFFICE OF THE CITY MANAGER

301 King Street, Suite 3500  
Alexandria, Virginia 22314-3211

Sunderland  
Manager

March 18, 2004

(703) 838-4300  
Fax: (703) 838-6343



Ms. Nancy Hoy  
134 West 58<sup>th</sup> Street, Apartment #101  
New York, New York 10019

Dear Ms. Hoy:

This is in response to your letter of March 17, 2004, hand delivered to my office regarding your property located at 325 Duke Street. I have noted that you have formally discharged Mr. Harry Hart as your legal representative and are again representing yourself in this matter.

As indicated in my letter of February 19, the City's primary goal throughout this process has been to bring the property into full compliance with all State and local code provisions. As you will recall, this property has been condemned since August 12, 2002. It would appear that nearly two years is more than ample time to accomplish the work needed to correct the code deficiencies in your residence.

Enclosed with your March 17, letter was a proposed work plan to correct the code violations at your residence. I understand that Mr. Art Dahlberg, Director of Code Enforcement, will accompany you on an inspection of your property on March 24, at 11:00 a.m. in an attempt to ensure the list is complete. If Mr. Dahlberg is able to verify that your work plan is sufficient to bring the property into compliance then I will temporary suspend the Spot Blight process until your desired extension date of May 8, 2004.

Should you fail to meet with Mr. Dahlberg or if, at any time, your work ceases or is not completed by May 8, 2004, I will immediately re-institute the Spot Blight proceedings. If you have any additional questions, please contact Mr. Dahlberg at (703) 838-4360.

Sincerely,

Philip Sunderland  
City Manager

cc: The Honorable Mayor and Members of City Council  
Ignacio Pessoa, City Attorney  
Gary Mesaris, Fire Chief  
Art Dahlberg, Director, Code Enforcement



CODE ENFORCEMENT

P. O. Box 178

Alexandria, Virginia 22313

April 14, 2004

Arthur D. Dahlberg  
Director

Phone (703) 838-4360

Fax (703) 838-3880

ci.alexandria.va.us

Ms. Nancy Hoy  
134 West 58<sup>th</sup> Street Apt. #101  
New York, New York 10019

Re: 325 Duke Street, Alexandria, Va.

Dear Ms. Hoy:

This is in response to your letter dated March 31, regarding the above referenced property. The work plan you have submitted is accepted conditioned upon the following additions noted during our walk through inspection of March 24, 2004.

In addition to the items listed in your work plan, the following items must also be completed by the May 8, 2004 deadline:

- Water table repair needed around masonry foundation wall.
- Replace all rotted exterior siding.
- Repair/replace deteriorating brick and mortar joints in basement walls.
- Repair collapsed ceiling in back parlor.
- Repair collapsed ceiling in living room.
- Replace rotting studs and repair walls in rear bedroom on second floor.
- Replace front door.

In addition to these items, the exterior must be scrapped and painted as most of the exterior paint is not properly adhering to the structure. The compliance date for this provision only is **October 1, 2004.**

With regard to the questions you have raised regarding records from our office I can provide the following information.

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Letter to Ms. Hoy from A. Dahlberg  
Re: 325 Duke Street - April 14, 2004

Q) The names of the carpenters who worked on your property.

A) Other than to replace a piece of the missing front door to eliminate the rodent problem, the City has not provided any carpenter services on your property.

Q) Who put board on front door?

A) The City's board-up contractor placed a piece of wood on the front door after neighbors complained of rodents coming in and out of the house. The name of that firm is Tito Contractors, Inc.

Q) January 12, 13 or 14<sup>th</sup> - What City official came to the house and found the cellar door open and said it must be closed?

A) We do not have record of any such inspection or visit to the property.

Q) Were you handed on December 3, 2003 a plan submitted by my attorney?

A) Yes. There is indication on the correspondence that you were also provided a copy. That work plan only pertained to the work on the outside of the house and did not include all of the exterior work that needs to be completed to bring the house into compliance with applicable code provisions, thus, Staff has added the above conditions and painting provisions that must be included in your plan.

Q) On January 5, 6 or 7<sup>th</sup> supposedly you personally met with my someone from my attorney's office and their repairman, Tony Gee, about my root cellar. They say that you wanted to brick it over but finally consented to allow me to restore it to code. What do you know about this?

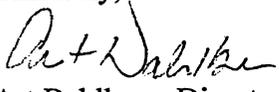
A) I never met with Mr. Gee personally while he was working at your house. When Mr. Gee informed other staff members that he was intending to repair/replace the cellar hatch, staff instructed him to check with the Department of Planning and Zoning, Board of Architectural Review, to ensure they would allow you to restore the cellar hatch despite the fact it not on your property but rather located in the public right-of-way. As you have noted, the Department of Planning and Zoning allowed Mr. Gee to restore the cellar hatch. Our inquiry was merely intended to seek clarification of this issue before you went to the expense of the repair.

Now that we have agreed on your proposed completion date of May 8, 2004, I have set my schedule to meet you at the property at 11:00 a.m. on that date. **Failure to allow entry into the property for inspection or lack of full compliance with the aforementioned provisions will result in this matter being immediately forwarded to the appropriate bodies for consideration**

Letter to Ms. Hoy from A. Dahlberg  
Re: 325 Duke Street - April 14, 2004

**under the City's Spot Blight Abatement program.** If you have additional questions, please contact me at (703) 838-4360.

Sincerely,

  
Art Dahlberg, Director

cc: Michael Conner, Chief Fire Marshal  
Mary Bryant, Existing Structures Supervisor



OFFICE OF THE CITY MANAGER

301 King Street, Suite 3500  
Alexandria, Virginia 22314-3211

Philip Sunderland  
City Manager

(703) 838-4300  
Fax: (703) 838-6343

June 25, 2004

**VIA Certified Mail**

Ms. Nancy Hoy  
134 West 58<sup>th</sup> Street, Apt. 101  
New York, New York 10019

Re: 325 Duke Street - Spot Blight Abatement

Dear Ms. Hoy:

In a letter dated April 14, 2004, you were advised of the temporary suspension of the Spot Blight Abatement process regarding your property at 325 Duke St. This suspension was granted at your request to allow you more time to complete the work necessary to bring this property into full compliance with the applicable provision of the Uniform Statewide Building Code (USBC). Your March 31, 2004, letter indicated that all work would be completed on or before May 8, 2004 with the exception of the exterior painting.

Since you have failed to meet the May 8, compliance date and provide for the requisite inspection, this letter is to inform you that the City is re-instituting the Spot Blight Abatement process. This action will result in a series of recommendations to the Board of Architectural Review, the Planning Commission and ultimately the City Council to eliminate the blighted conditions at your property. These recommendations may include, but are not limited to: 1) the City making all necessary repairs and placing all costs and fees associated with those repairs as a lien against the property, or 2) acquisition and disposal of the property by the City.

I believe the City has been very patient in working with you to resolve the conditions at 325 Duke Street. Unfortunately, our efforts, including providing you the most recent temporary suspension of the abatement process has not been successful. At this point, please understand that the City will not consent to any further delay in the Spot Blight Abatement process. I do hope that in the very near future, you will take the steps necessary to bring this property into full compliance with the USBC.

As required by the City Code, you will be informed when the Spot Blight public proceedings will occur. If you have any questions regarding this matter, please contact Art Dahlberg, Director, Code Enforcement at your earliest convenience. He can be reached at (703) 838-4360.

Sincerely,

  
Philip Sunderland  
City Manager

cc: Gary Mesaris, Fire Chief  
Art Dahlberg, Director, Code Enforcement  
Eileen Fogarty, Director, Planning and Zoning

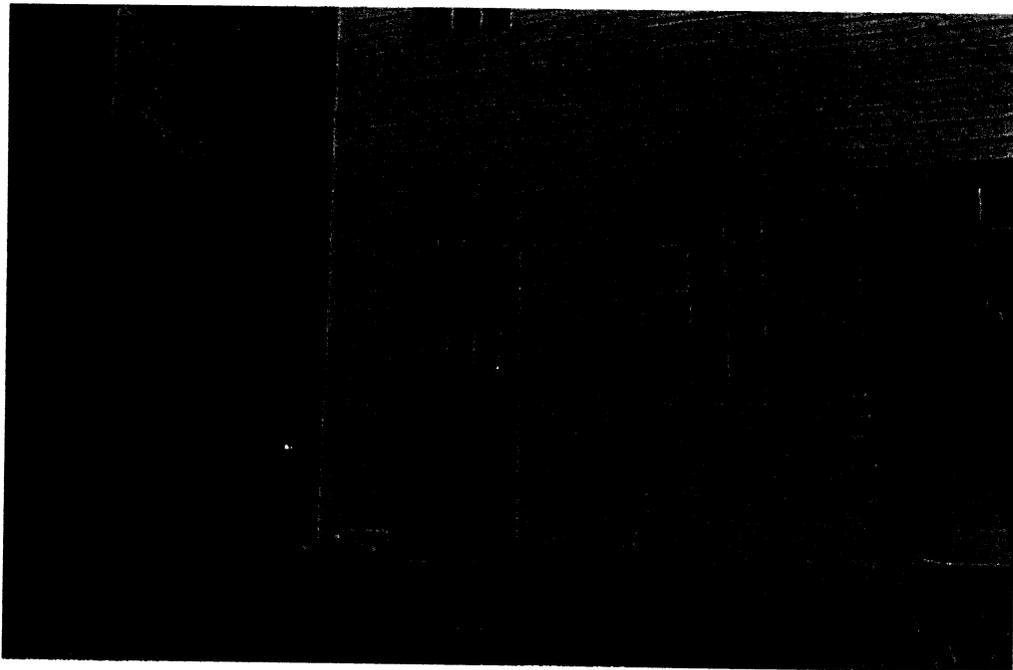
**PROPOSED WORK PLAN FOR SPOT BLIGHT PROPERTY  
325 DUKE STREET**

The following work must be performed to remove the blighted condition of the above property. If the owner of the property fails to submit a work plan acceptable to the City, then the City intends to undertake the work itself.

1. Inventory, document, pack and remove all personal belongings in the property and remove to local storage facility.
2. Rent one or more 10' x 30' storage lockers to store personal items for a period not to exceed six months at which time Ms. Hoy would resume responsibility for the payments.
3. Have Structural Engineer evaluate structure members for integrity and provide written report.
4. Have Mechanical Engineer evaluate all plumbing and mechanical fixtures to determine code compliance and operability.
5. Treat all interior surfaces for the presence of mold and mildew.
6. Clean and sanitize interior of the structure.
7. Have masonry contractor point up, repair and/or replace damaged brickwork in foundation and exterior chimney.
8. Restore interior flooring.
9. Patch, repair and paint all interior surfaces, woodwork and trim.
10. Replace all rotted wood siding.
11. Replace missing wood shutters.
12. Clear gutters and down spouts of leaves and debris.
13. Replace all windows and re-install original glazing.
14. Scrape and paint exterior surfaces.

15. Paint metal standing seam roof.
16. Replace all exterior doors
17. Exterminate entire structure

Note: The City reserves the right, consistent with and pursuant to City Code Section 8-1-141 et seq., to undertake the above work and recover all costs from the property owner or, in the alternative, at its discretion, to acquire the property in order to perform the above work and to remove the blighted conditions from the property.

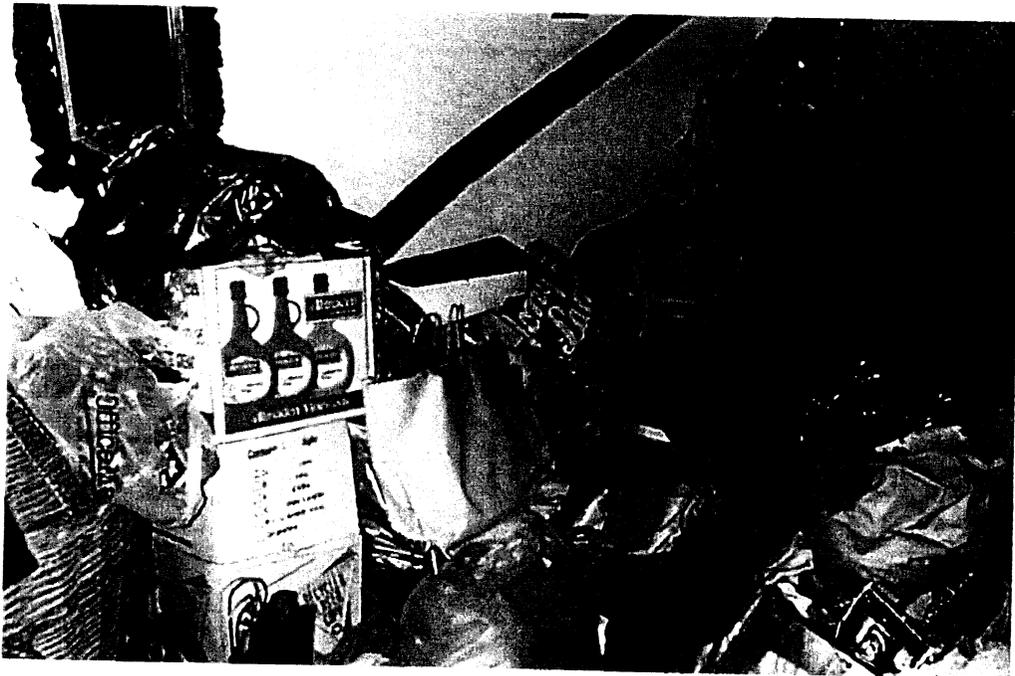


325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
HOUSE SECURED 14:26:42

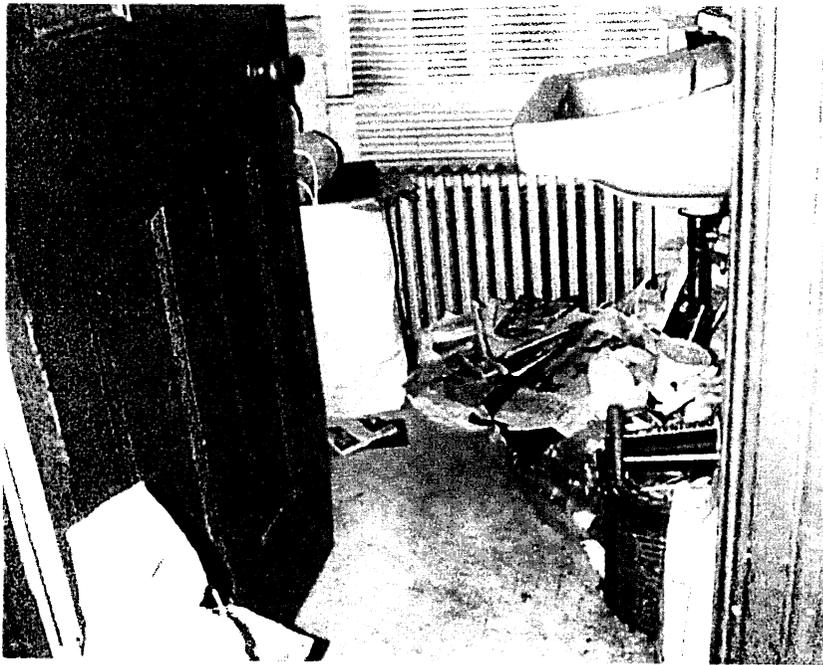


325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING DOWN HALLWAY TO STAIRS 14:12:52

42



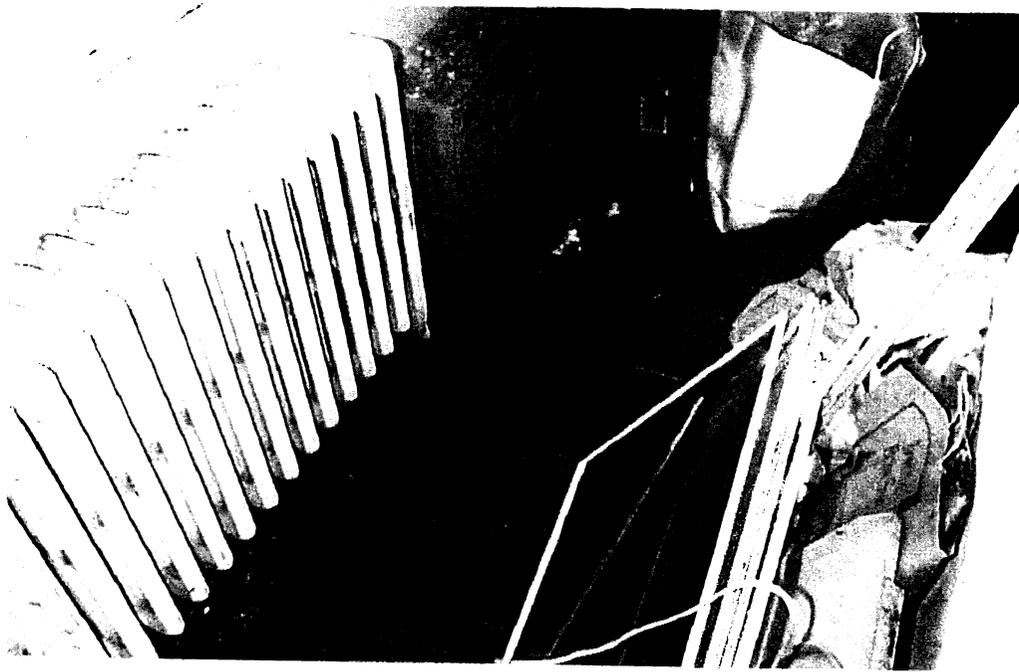
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
AREA IN FRONT OF STAIRS 14:13:52



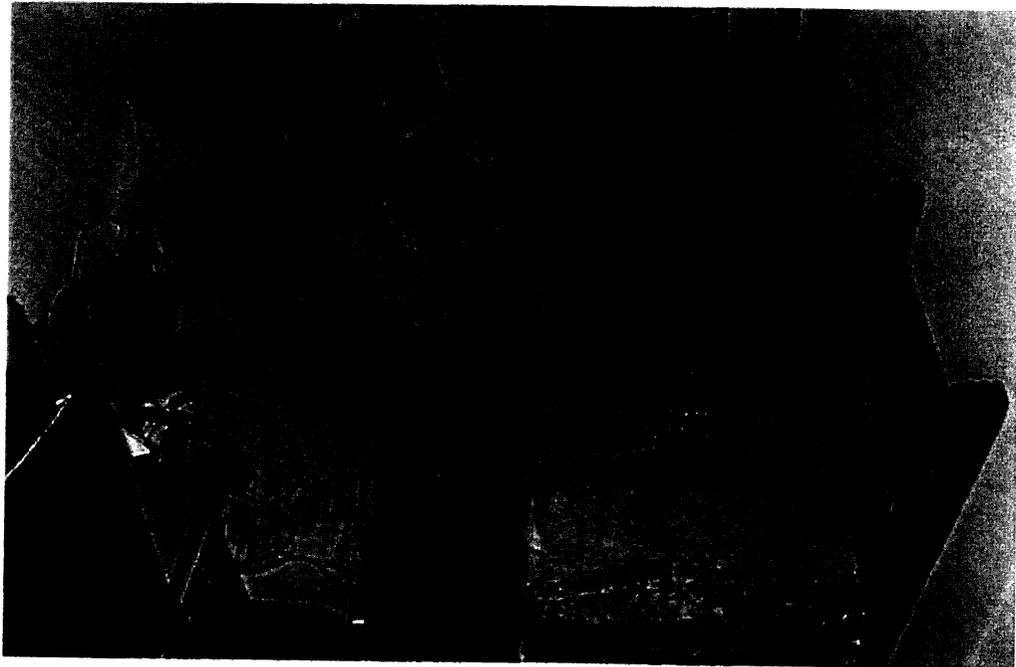
325 DUKE ST. AUGUST 12, 2002 14:00  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
2<sup>ND</sup> LEVEL BATH 14:18:38



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING DOWN STAIRWELL TO 2<sup>ND</sup> LEVEL 14:17:54



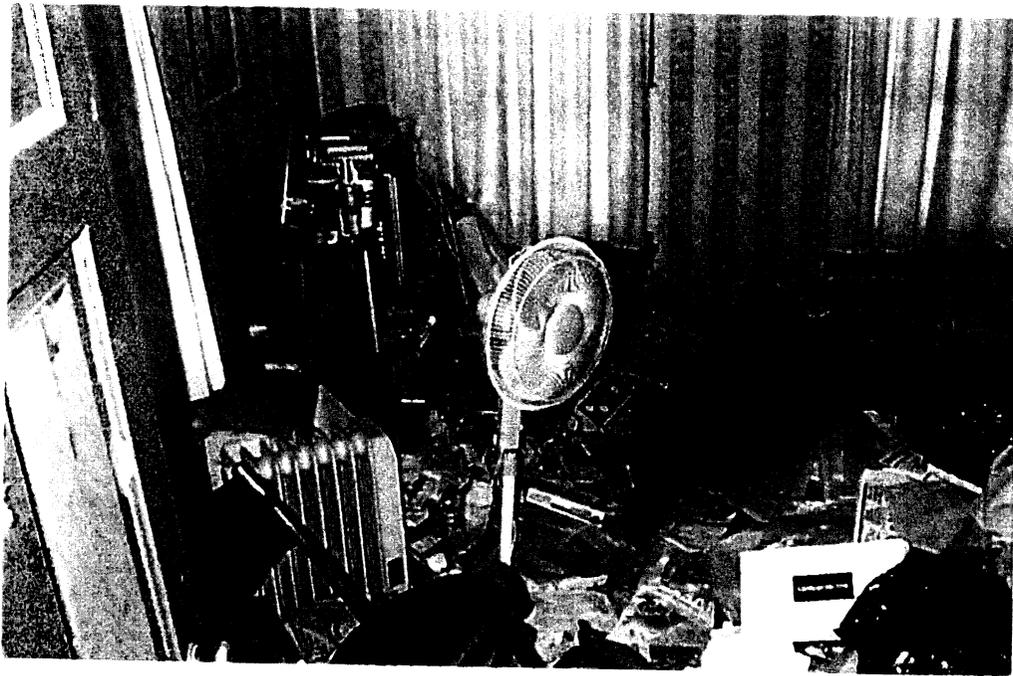
325 DUKE ST. AUGUST 12, 2002 14:00 HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
FLOOR DAMAGE 3<sup>RD</sup> LEVEL 14:17:24



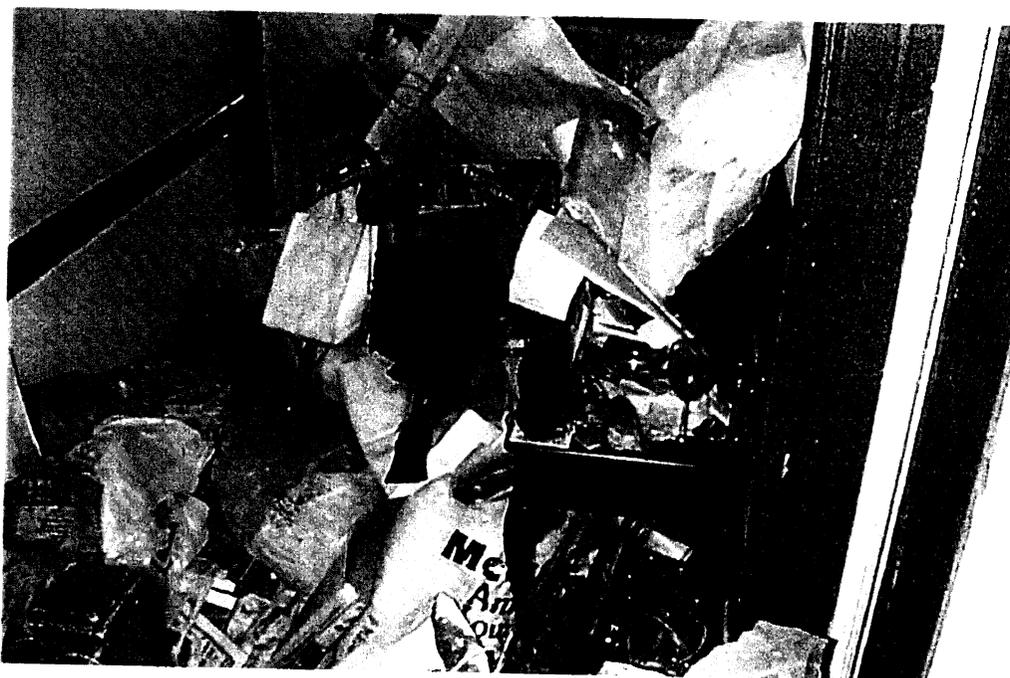
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING SOUTH 3<sup>RD</sup> LEVEL 14:17:10



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING NORTHWEST 3<sup>RD</sup> LEVEL 14:17:02



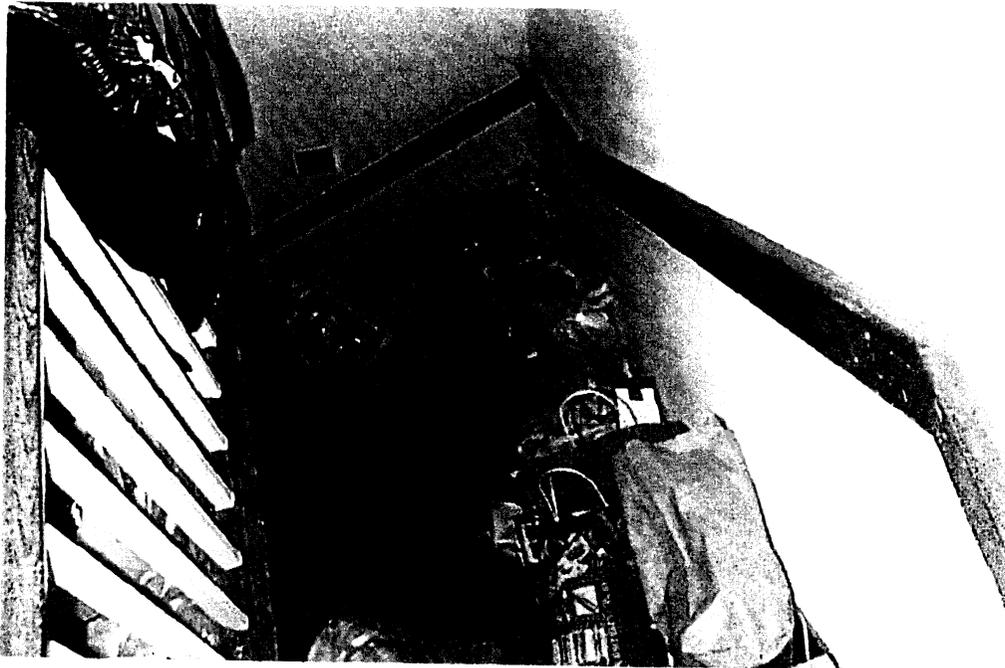
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING STRAIGHT INTO REAR BEDROOM 14:15:36



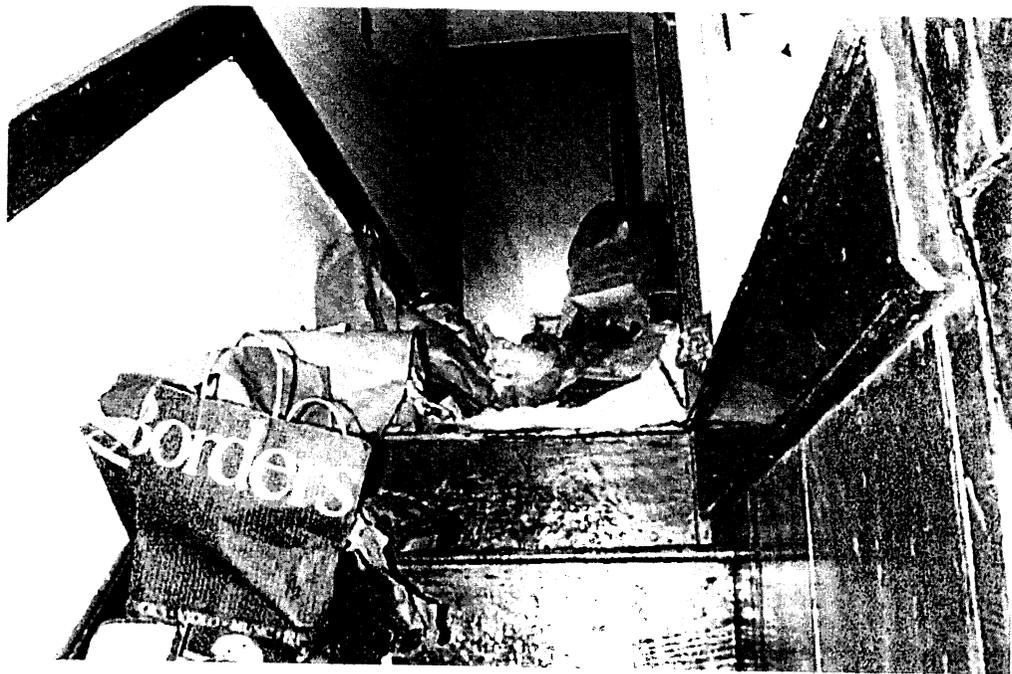
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING TOWARDS FRONT FROM 2<sup>ND</sup> FLOOR LANDING  
14:15:06



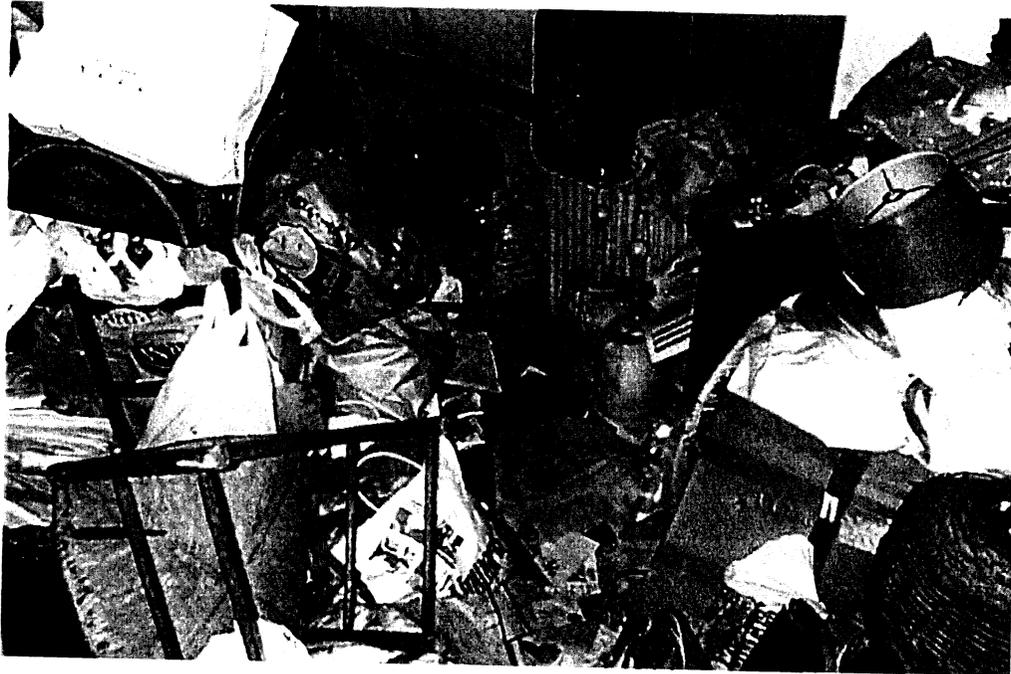
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING TOWARDS REAR BEDROOM 2<sup>ND</sup> FLOOR 14:14:56



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING DOWN FROM 2<sup>ND</sup> LEVEL 14:14:46



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING UP TO 2<sup>ND</sup> LEVEL 14:14:30



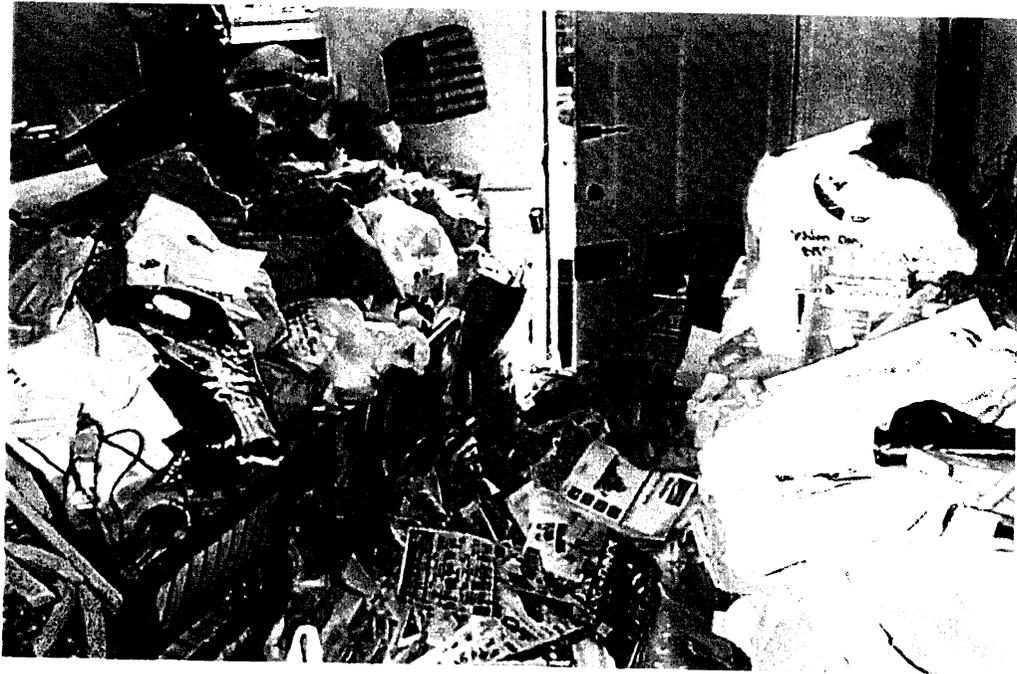
325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOK BACK FROM BASE OF STAIRS 14:14:20



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING STRAIGHT AHEAD IN HALLWAY CLOSE UP  
14:14:02



325 DUKE ST. AUGUST 12, 2002 14:00 HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING BACK TO FRONT DOOR 14:12:42



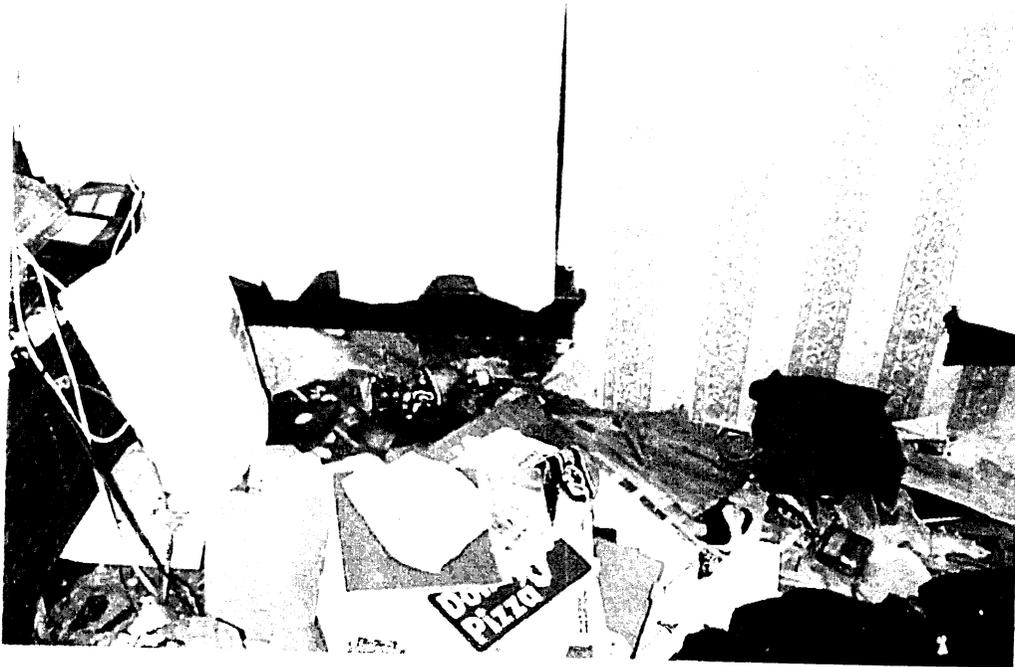
325 DUKE ST. AUGUST 12, 2002 14:00 HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
LOOKING BACK TO FRONT DOOR 14:12:32



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
INSIDE FRONT DOOR TO LEFT 14:12:16



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
STAIRWELL TO 3<sup>RD</sup> LEVEL 14:16:26



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
WALL DAMAGE REAR BEDROOM 14:16:02



325 DUKE ST. AUGUST 12, 2002 14:00HOURS  
FIRE INSPECTION WARRANT EDWARD SCHOMP  
DEPUTY FIRE MARSHAL  
CLOSEUP OF BED 14:15:54

## City of Alexandria, Virginia

## MEMORANDUM

**DATE:** AUGUST 31, 2004

**TO:** THE CHAIRMAN AND MEMBERS OF THE BOARD OF ARCHITECTURAL REVIEW

**FROM:** ART D. DAHLBERG, <sup>AD</sup>DIRECTOR, CODE ENFORCEMENT

**SUBJECT:** STATUS REPORT OF THE CITY'S SPOT BLIGHT ABATEMENT CASE AT 325 DUKE STREET

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The purpose of this memorandum is to provide you with an update on the City's Spot Blight Abatement Case at 325 Duke St. This property is owned by Ms. Nancy Hoy who resides in New York City. According to City historical records, the lots at 321, 323 and 325 Duke Street sold in 1832 for \$200.00 each. Those same records indicate that the property at 325 Duke Street was hooked to the City's water system in 1850.

The City has been dealing with Ms. Hoy for the last five years regarding this property. Ms. Hoy has been cited repeatedly for numerous exterior code violations over this period. Finally, on August 12, 2002, sufficient information was obtained from neighbors and witnesses which provided sufficient information regarding the interior condition of the property to establish probable cause for Code Enforcement staff to obtain a search warrant to enter the property for inspection purposes.

Staff's immediate observations were that the property was severely fire loaded with combustible material that constituted an immediate fire hazard. It was also immediately apparent that the overloading was causing structural weakening as evidenced by cracks in the walls and ceilings. As a result of this inspection, the property was declared unfit for human habitation. The property has been placarded and secured against unlawful entry. To minimize the fire hazard risk, all utilities were removed from the structure.

Ms. Hoy was notified on the condemnation via certified mail and advised of her appeal rights. Since that time, Ms. Hoy has retained and terminated the services of numerous attorneys to represent her regarding this property.

On July 21, 2003, Ms. Hoy was sent a letter by the Department of Planning and Zoning reminding her of the historic nature of the property and directed her to make the necessary repairs to restore the property to a code complaint condition. Once again, she retained the service of an attorney to represent her and, once again, she terminated him a few weeks later.

On October 20, 2003, Ms. Hoy faxed a letter to Code Enforcement requesting several dates in November for the house to be opened so that she can facilitate the needed repairs. Staff favorably responded to her request; however, she was advised that, in the event she fails to make the repairs or show up for the requested openings of the property, the City will immediately institute the legal proceedings under the City's Spot Blight program.

On December 8, 2003, the City instituted the Spot Blight Abatement process by forwarding the required notices pursuant to the applicable provisions of City Code §8-1-141 et. seq. On December 29, 2003, Ms. Hoy once again retained the services of a local attorney to represent her who submitted a work plan to correct the violations at the property. Minimal work resumed on the property for the next several months.

On March 17, 2004, Ms Hoy once again informed the City that she had fired the attorney representing her, submitted a new work plan of corrective action and once again submitted a request for additional time in which to correct the violations at her property. In her request, Ms. Hoy indicated that all work would be completed by May 8, 2004. Ms. Hoy was granted that request and informed that if the work was not complete and if she failed to open the premises for inspection, the City would immediately re-institute the Spot Blight Abatement process.

Neither of the aforementioned dates were complied with by Ms. Hoy. Thus, on June 24, 2004, the City Manager informed Ms. Hoy that the City was re-instituting the Spot Blight Abatement process and that no further request for extensions would be granted. Accordingly, City staff is preparing a work plan which will be presented to the Planning Commission and City Council to either: 1) make the necessary repairs at the City's expense and place those charges as a lien against the property; or, 2) acquire and dispose of the property.

A local reputable painting contractor viewed the property on August 31, 2004, and has estimated that to scrape and paint the exterior surfaces would cost approximately \$20,000. This bid does not include the discovery or replacement of any rotted or termite damaged wood. Code Enforcement staff is currently attempting to gather bids to perform all necessary work to restore this property to a code compliant condition. The major components of the work plan are set forth in the attached outline.

If you have any additional questions, please contact me at 838-4644 ext. 110.

Attachment: 1) Major Components of a Proposed Work Plan for 325 Duke Street

cc: Philip Sunderland, City Manager  
Gary Mesaris, Fire Chief  
Eileen Fogarty, Director, Planning & Zoning  
Peter Smith, Urban Planner III

**Major components of the proposed work plan  
to abate the blighted conditions at 325 Duke Street**

- Inventory, document and pack all personal belongings on the interior of the property and move them to a rented storage space;
- Have Structural Engineer evaluate structural members for integrity;
- Have Mechanical Engineer evaluate all plumbing and mechanical equipment for code compliance and operability;
- Treat all interior surfaces for the presence of mold and mildew;
- Clean and sanitize interior of the structure;
- Have masonry contractor point up all brick work in basement and exterior chimney;
- Restore interior flooring;
- Patch, repair and paint all interior surfaces woodwork and trim;  
and paint all interior surfaces;
- Replace all rotted wood siding;
- Clear gutters and downspouts of leaves and debris;
- Re-glaze all windows;
- Scrape and paint all exterior surfaces;
- Replace broken front door;
- Exterminate entire structure.

All fees associated with providing these services if approved by City Council will either be paid in full by the property owner or placed as a tax lien against the property.

W. B. HURD  
219 SOUTH ROYAL STREET  
ALEXANDRIA, VIRGINIA 22314

September 20, 2004

Chairman and Members of the Planning Commission.

Re: SBA Case #2004-0001  
325 Duke Street

Due to a recent injury, I cannot come to your meeting on the 5th of October regarding the designation of 325 Duke Street as a blighted property under the Spot Blight Abatement Program.

The staff report describes the physical factors involved; but it cannot express the frustration we have felt over the years because the City has been unable to bring this long-standing situation to an end.

I am sure you are familiar with the problem. Please now take the action needed to abate this nuisance .

Sincerely yours,

  
W. B. Hurd

Statement of Michael E. Hobbs  
before the  
City Council  
on behalf of the  
Old Town Civic Association  
October 16, 2004

7  

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10-16-04

325 Duke Street

THANK YOU, MAYOR EUILLE AND MEMBERS OF COUNCIL. I AM MICHAEL HOBBS, PRESIDENT OF THE OLD TOWN CIVIC ASSOCIATION, AND I THANK YOU FOR THIS OPPORTUNITY TO SHARE OUR VIEWS ON 325 DUKE STREET.

WE SUPPORT THE RECOMMENDATION OF STAFF AND THE PLANNING COMMISSION THAT YOU DÉSIGNATE THIS PROPERTY AS BLIGHTED AND APPROVE THE PROPOSED WORK PLAN TO ABATE THE BLIGHTED CONDITIONS.

NONE OF US CAN DERIVE ANY PLEASURE OR SATISFACTION FROM THIS CONCLUSION. IT IS A SAD STATE OF AFFAIRS WHEN IT BECOMES NECESSARY FOR THE CITY TO INTERVENE TO PROTECT AN HISTORIC PROPERTY AND THE PUBLIC HEALTH AND SAFETY, INTERPOSING ITS ACTION FOR WHAT OUGHT TO BE A FUNDAMENTAL RESPONSIBILITY OF EVERY HOMEOWNER IN OUR HISTORIC DISTRICT. BUT THERE CAN BE NO DOUBT THAT THIS PROPERTY HAS BEEN ALLOWED TO DETERIORATE TO A DESPERATE CONDITION, AND THAT THE CITY'S APPEALS FOR CORRECTIVE ACTION BY THE OWNER OVER ALMOST SIX YEARS NOW HAVE BEEN TO NO AVAIL.

AT ANY RATE, WE UNDERSTAND THAT THE PROPOSED ACTION PROVIDES THE OWNER WITH ONE FURTHER, AND FINAL, OPPORTUNITY HERSELF TO CORRECT THE BLIGHTED CONDITIONS AT THIS SITE WITHIN A REASONABLE—BUT PROMPT—PERIOD OF TIME, AND THAT THE CITY ITSELF WILL UNDERTAKE THE REPAIRS ONLY IF THAT DOES NOT HAPPEN. UNDER ALL THE CIRCUMSTANCES, AND GIVEN THE SAD AND PROLONGED HISTORY OF THIS CASE, THAT SEEMS TO US A MORE THAN REASONABLE RESPONSE—BUT IT ASSURES THAT THESE TERRIBLE CONDITIONS WILL BE CORRECTED, ONE WAY OR THE OTHER, BEFORE ALL OF US ARE AS OLD AS THIS HISTORIC HOUSE.

WE URGE YOUR APPROVAL.

10-16-04

# 7

WILLIAM K. REILLY

10-16-04

316 Duke St.

Alexandria, VA 22314

October 13, 2004

City Council of Alexandria

To Members of the City Council:

I write in reference to the Council's consideration of the Planning Commission's decision to compel repairs and safety improvements be taken by the City at 325 Duke Street. I strongly urge that you ratify the Planning Commission's decision. The property has been a firetrap, an eyesore and a nuisance for years. Action is long overdue. We neighbors' patience has run out.

Sincerely,  
William and Elizabeth Reilly