



EXHIBIT NO. 1

Received 1/20/10
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RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: January 19, 2010

B.A.R. Case #: 2009-0295

Address of Project: 211 North Patrick Street

Appellant is: (Check One)

B.A.R. Applicant

Other party. State Relationship _____

Address of Appellant: Patrick Street Associates, LLC
915 Cameron Street, Alexandria, VA 22314

Telephone Number: 703 299-3416

State Basis of Appeal: See Attached.

Attach additional sheets, if necessary

A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the affected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

All appeals must be filed with the City Clerk on or before 14 days after the decision of the B.A.R.

All appeals require a \$200.00 filing fee.

If an appeal is filed, the decision of the Board of Architectural Review is stayed pending the City Council decision on the matter. The decision of City Council is final subject to the provisions of Sections 10-107, 10-207 or 10-309 of the Zoning Ordinance.

Patrick Street Associates, LLC
By: [Signature] Manager
Signature of the Appellant

RECORD OF APPEAL
FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

BAR CASE #2009-0295

State Basis of Appeal:

Patrick Street Associates, LLC submits that the Old and Historic Alexandria District's Board of Architectural Review (the "BAR") erred in denying its application for a Certificate of Appropriateness to install a standing seam metal roof on the building at 211 North Patrick Street to replace the existing deteriorated slate roof that is beyond its useful life, is beyond repair and must be replaced with an appropriate roofing material. After completing an analysis of the existing roof structure, due diligence and investigation of various options and materials Patrick Street Associates, LLC, decided that it was going to install a standing seam metal roof.

Standing seam metal is an appropriate and compatible roofing material for replacement roofs for buildings located in the Old and Historic Alexandria District. As noted on page 5 of the Staff Report, standing seam metal roofs were available and widely used during the late 19th century when the building at 211 North Patrick was constructed. There is no determination in the BAR's record that the use of standing seam is a historically or architecturally inappropriate roofing material for the building. Patrick Street Associates, LLC acknowledges that the slate roof appears to be original to the building and that it would, as is standing seam metal, be an appropriate replacement roofing material.

The owner of 211 North Patrick Street duly filed an application requesting approval of a historically and architecturally appropriate roofing material, the fact that there are other appropriate materials should not, absent a showing a compelling and substantial public benefit derived from the use of one appropriate material over another appropriate material, be the basis on which the property owner's request is denied. In this instance, no such showing of such a substantial and compelling public benefit has been shown and the BAR's decision mandating that the roof material be slate rather than the standing seam metal should be reversed and the application for the standing seam metal roof should be approved as requested by Patrick Street, LLC.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Craig S. Miller, Jr.	915 Cameron Street Alexandria, VA 22314	16.5%
2. Lisa S. Brock	915 Cameron Street Alexandria, VA 22314	16.5%
3. Suzanne S. Brock	314 S. St. Asaph Street Alexandria, VA 22314	67%

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 211 North Patrick Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Craig S. Miller, Jr.	915 Cameron Street Alexandria, VA 22314	16.5%
2. Lisa S. Brock	915 Cameron Street Alexandria, VA 22314	16.5%
3. Suzanne S. Brock	314 S. St. Asaph Street Alexandria, VA 22314	67%

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Craig S. Miller, Jr.	4/2009 - campaign donation Frank Fannon - \$250.00	City Council
2. Lisa S. Brock	None	City Council
3. Suzanne S. Brock	4/2009 - campaign donation Frank Fannon - \$500.00	City Council

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

1/20/2010
Date

Craig S. Miller, Jr.
Printed Name

Patrick Street Associates LLC
By: [Signature] Manager
Signature

SPEAKER'S FORM

DOCKET ITEM NO. 7

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. **NAME:** Duncan W. Blair, Esquire
- 2. **ADDRESS:** 524 King Street, Alexandria, VA 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
Patrick Street Associates, LLC
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.