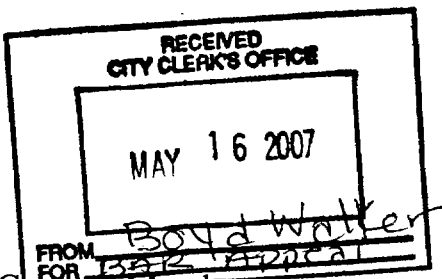


EXHIBIT NO. 1



17th 18
6-16-07

May 16th, 2007

Dear Mayor and City Council Members,

I am appealing the decision of the Old and Historic Board of Architectural Review on 200 Commerce Street, made May 2nd, 2007, Docket item #2 and #3. I was in agreement with the staff recommendation, and was willing to pay a \$10,000 dollar fine, which would have been the largest fine for an after-the-fact demolition, so I could proceed with the restoration of this unique 1931 Icehouse. Unfortunately, a \$25,000 fine payable in 30 days will severely hamper my financial ability to do a complete restoration of the Icehouse, which was my intent on purchasing the building and in my work with an architect, staff and the BAR. As I believe this fine is unjustified in its amount and severity, I am asking that the fine be reduced and be the maximum amount payable only if I am not able to complete restoration of the canopy within six months.

There is a very stiff \$1,500 dollar a day penalty if not paid within thirty days, plus an additional \$1,500 a day if not completed within six months. I would prefer to invest the money in the property, instead of having this disincentive to do the complete restoration. This way I will have the incentive that every property owner has to complete a necessary repair and do it quickly, do it well, and not be fined before a project even gets under way. I can complete the project in six months, which I feel like is in my ability to do, without a fine being imposed.

The canopy was not salvageable, and would need complete replacement. It was a safety hazard and the building was not secure. There was evidence that individuals had been in the enclosed canopy area. In November I hired Harry Frazier, Jr. a licensed roofer to remove some of the rotten plywood off the front of the building, and he assumed without my knowledge, although I acknowledge that it is my ultimate responsibility, to remove the rotten material in the canopy as well, not aware that it was of historic value, and that the city, specifically BAR staff, should be consulted first. When staff did take a look at the material that was part of the canopy, and inspected the building, it was clear that the wood was rotten and would have had to be replaced, and because of the configuration of the pockets that it would have been impossible to sister supporting boards next to the existing members.

Code enforcement asked us to remove the dumpster after this visit by city staff, and there had been no mention that we should keep the dumpster

full of rotting material on the site. I made the application for after-the-fact demolition within 10 days of the stop work order, and I have been working with staff and through the BAR to revise plans, and produce an architectural plan that was suitable to this historic structure.

The city staff was very helpful, and produced a copy of 1931 drawings that had been submitted as a building permit. I also did research at the city archives, the library, and consulted with OHA, and was never able to find any period photograph of the original structure, so even though there was no evidence that the building was built as proposed, the 1931 drawings were what we had to go by. The drawings are a Xerox copy of what was the original, and some of the details are sketchy, and it is unlikely that someone would build every detail today exactly as one would in 1931.

The important part was the appearance, and in extensive research of the only other extant building built for the Mutual Ice Company, at 110 S. Lee, we tried and succeeded, I believe, in matching the details of the canopy, putting a tin ceiling on the underneath, and matching the icehouse door below. The canopy that was on 200 Commerce St., as can be seen in the submission, did not match in many ways the details of 110 S. Lee St. or the 1931 drawings, but was sagging with a plain flat band of metal around it, no gutter, a built up roof of asphalt, which had been leaking for many years prior to my ownership of the property, damaging the wood below. The Board of Architectural Review agrees with the architectural improvements, and any delays in the process were because we were working out between my architect and staff a complete restoration of the building, not just the replacement of the Canopy.

The new Canopy will in many ways be a substantial improvement and restoration of the original, and with the coupled with the restoration of the entire building, will make a great contribution to the streetscape and restore an interesting artifact of Alexandria's commercial history. Please help me reverse the exorbitant fine imposed by the BAR, that could cripple my ability to complete all aspects of this project, impose an unnecessary burden on my family, and my ability to make a contribution to the vitality and history of Alexandria.

Boyd Walker
220 E. Bellefonte Ave.
Alexandria VA 22301

Cc: Old and Historic Board of Architectural Review and Staff
Ignacio Pessoa, City Attorney



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: May 16, 2007

B.A.R. Case #: 2006-0281-0282

Address of Project: 200 Commerce St.

Appellant is: (Check One)

B.A.R. Applicant

Other party. State Relationship _____

Address of Appellant: 220 E. Bellefonte Ave.

Telephone Number: 703-732-7269

State Basis of Appeal: see attached

Attach additional sheets , if necessary

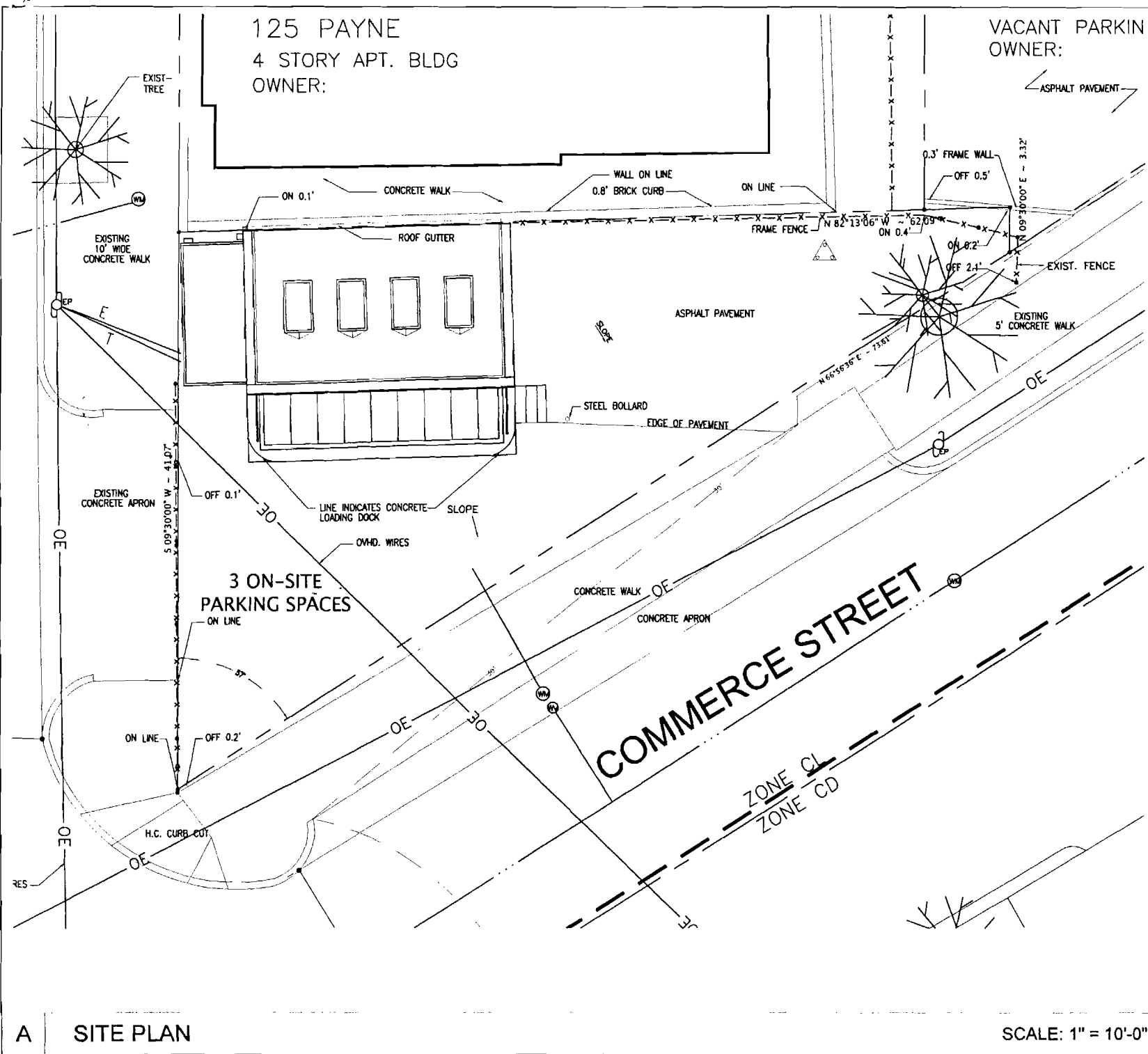
A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

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 \$150.00 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.

Boyd W. Wain
Signature of the Appellant



125 PAYNE
4 STORY APT. BLDG
OWNER:

VACANT PARKIN
OWNER:

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

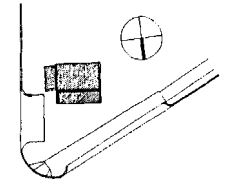
Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

A

**LAVIGNE ASSOCIATES
ARCHITECTS**

1121 King St, Suite 201, Alexandria, VA 22314
Tel: 703-730-3208 Fax: 703-730-3209
E-Mail: box@lavigne.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A101

A SITE PLAN

SCALE: 1" = 10'-0"

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

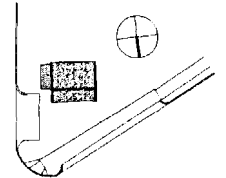
Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

S

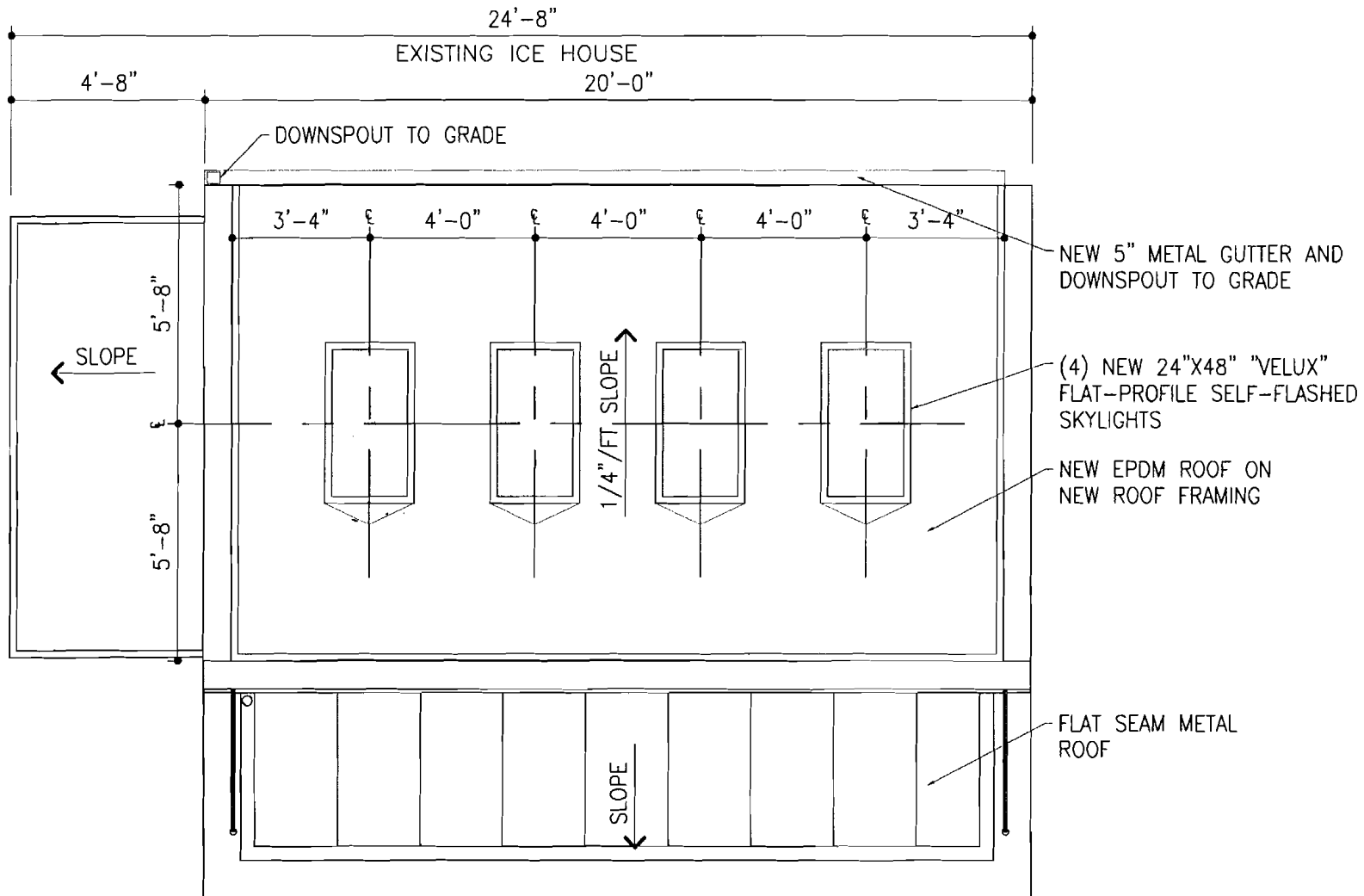
**LAVIGNE ASSOCIATES
ARCHITECTS**

1121 King St, Suite 201, Alexandria, VA 22314
Tel: 703-798-3206 Fax: 703-798-3209
E-Mail: box@lavarchitects.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007

A102



A ROOF PLAN

SCALE: 1/4" = 1'-0"

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

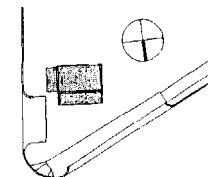
Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

6

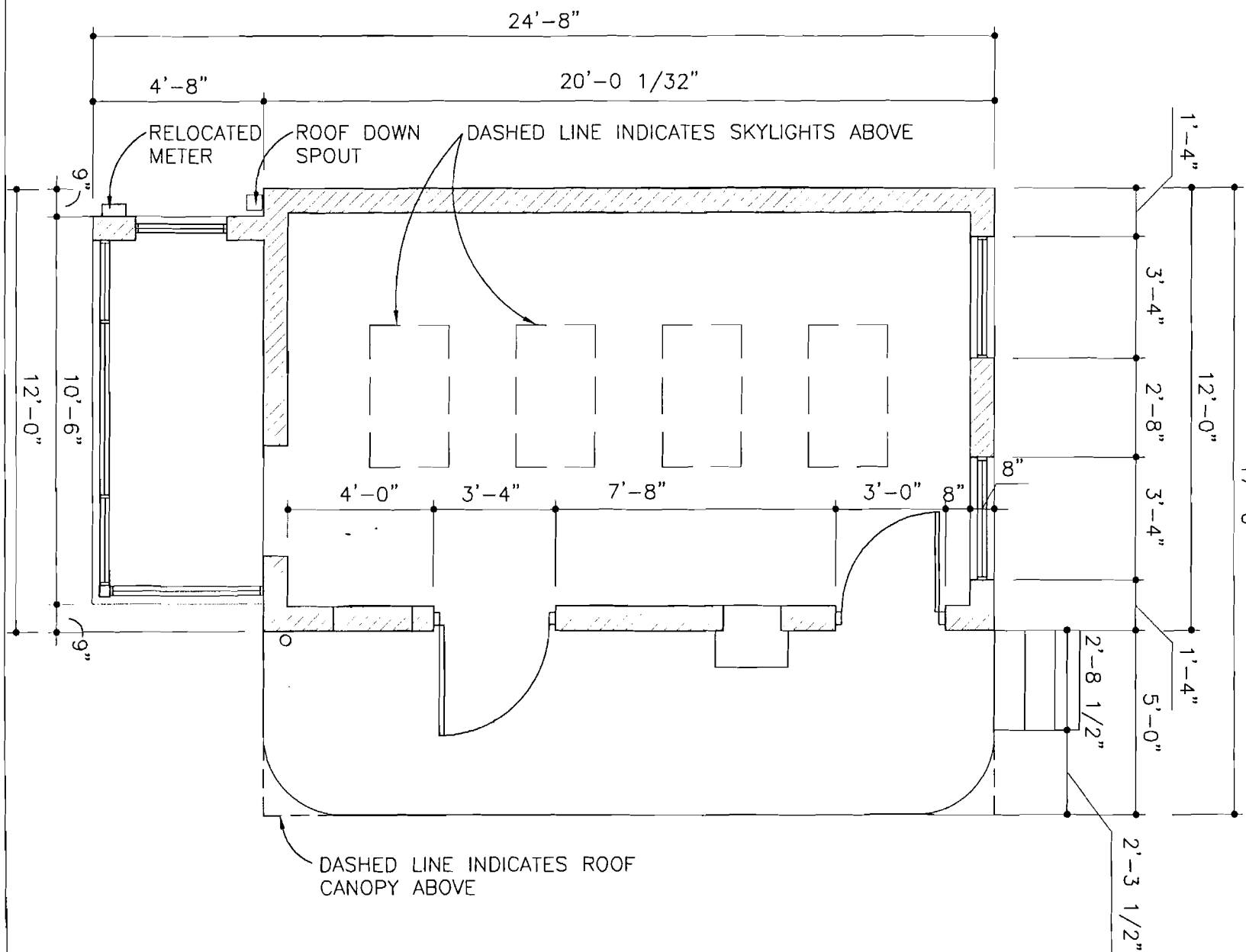
**LAVIGNE ASSOCIATES
ARCHITECTS**

1121 King St, Suite 201, Alexandria, VA 22314
Tel: 703-739-3208 Fax: 703-739-3209
E-Mail: box@lavignearchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A103



A FLOOR PLAN

SCALE: 1/4" = 1'-0"

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

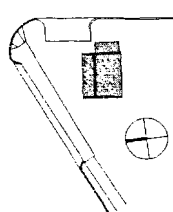
Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

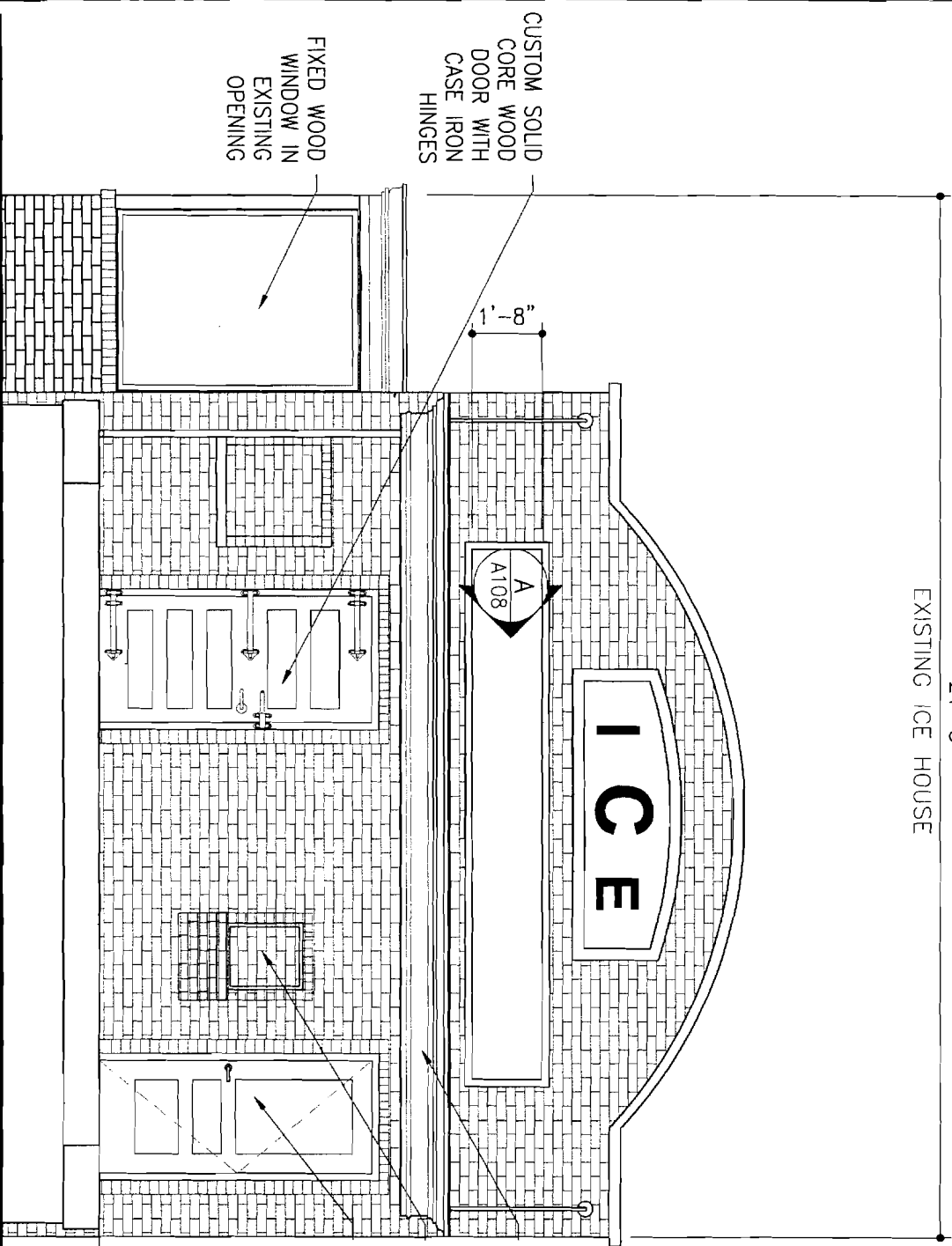
Key Plan:



Professional Seal:

L

EXISTING ICE HOUSE
24'-8"



A NORTH ELEVATION

SCALE: 1/4" = 1'-0"

L
ARCHITECTS
1171 King St, Suite 201, Alexandria, VA 22314
Tel: 703-738-3208 Fax: 703-738-3209
E-Mail: box@larchitects.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007

A104

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

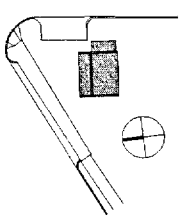
Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

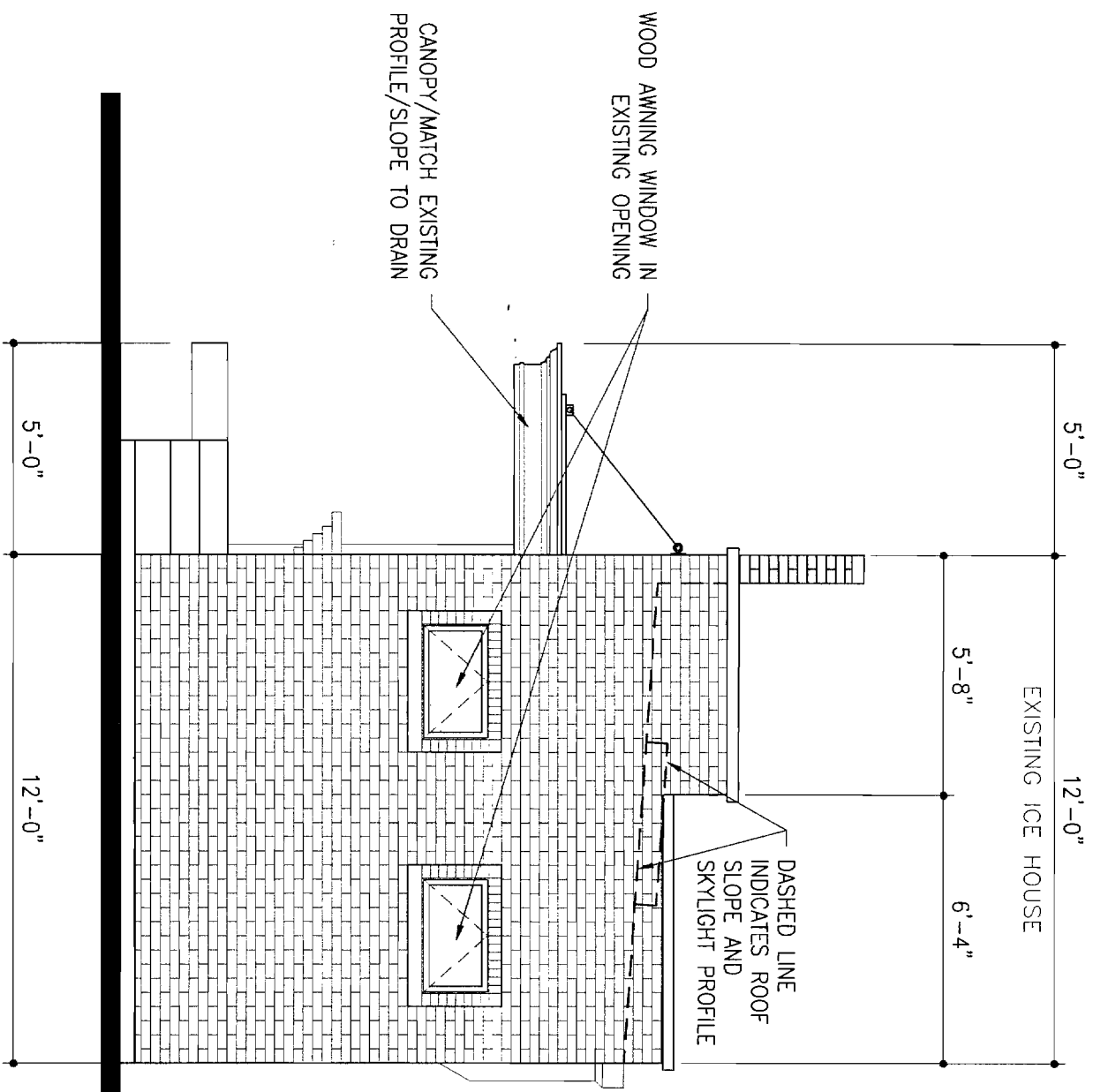
Tel: 703 549 4696

Key Plan:



Professional Seal:

8



A WEST ELEVATION

SCALE: 1/4" = 1'-0"

LAVIGNE ASSOCIATES ARCHITECTS
1121 KING ST, Suite 201, Alexandria, VA 22314
Tel: 703-728-3206 Fax: 703-728-3209
E-Mail: box@lvaarchitects.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007

A105

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

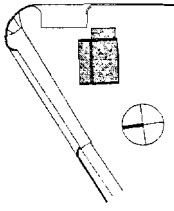
Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314

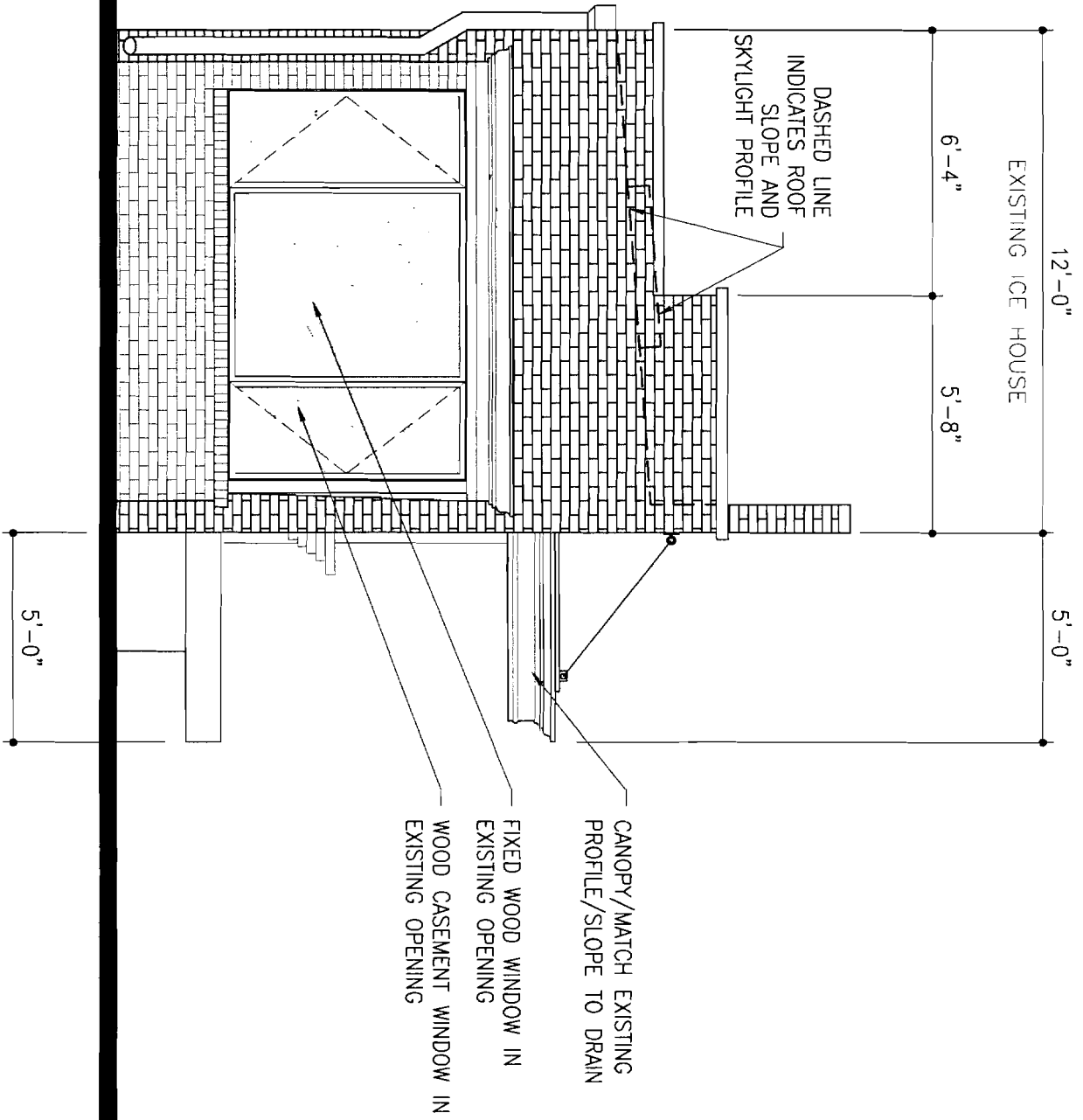
Tel: 703 549 4696

Key Plan:



Professional Seal:

6



A EAST ELEVATION

SCALE: 1/4" = 1'-0"

LAVIGNE ASSOCIATES ARCHITECTS
1121 King St. Suite 201, Alexandria, VA 22314
Tel: 703-78-3286 Fax: 703-78-3286
E-Mail: info@larchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A106

**MUTUAL ICE CO.
RESTAURANT**

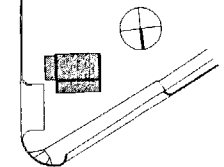
200 Commerce St.
Alexandria, Virginia

Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314
Tel: 703 549 4696

Key Plan:



Professional Seal:

10

LAVIGNE ASSOCIATES ARCHITECTS

1121 King St. Suite 201, Alexandria, VA 22314
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E-Mail: box@lavarhitects.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007

A107

24'-8"
EXISTING ICE HOUSE

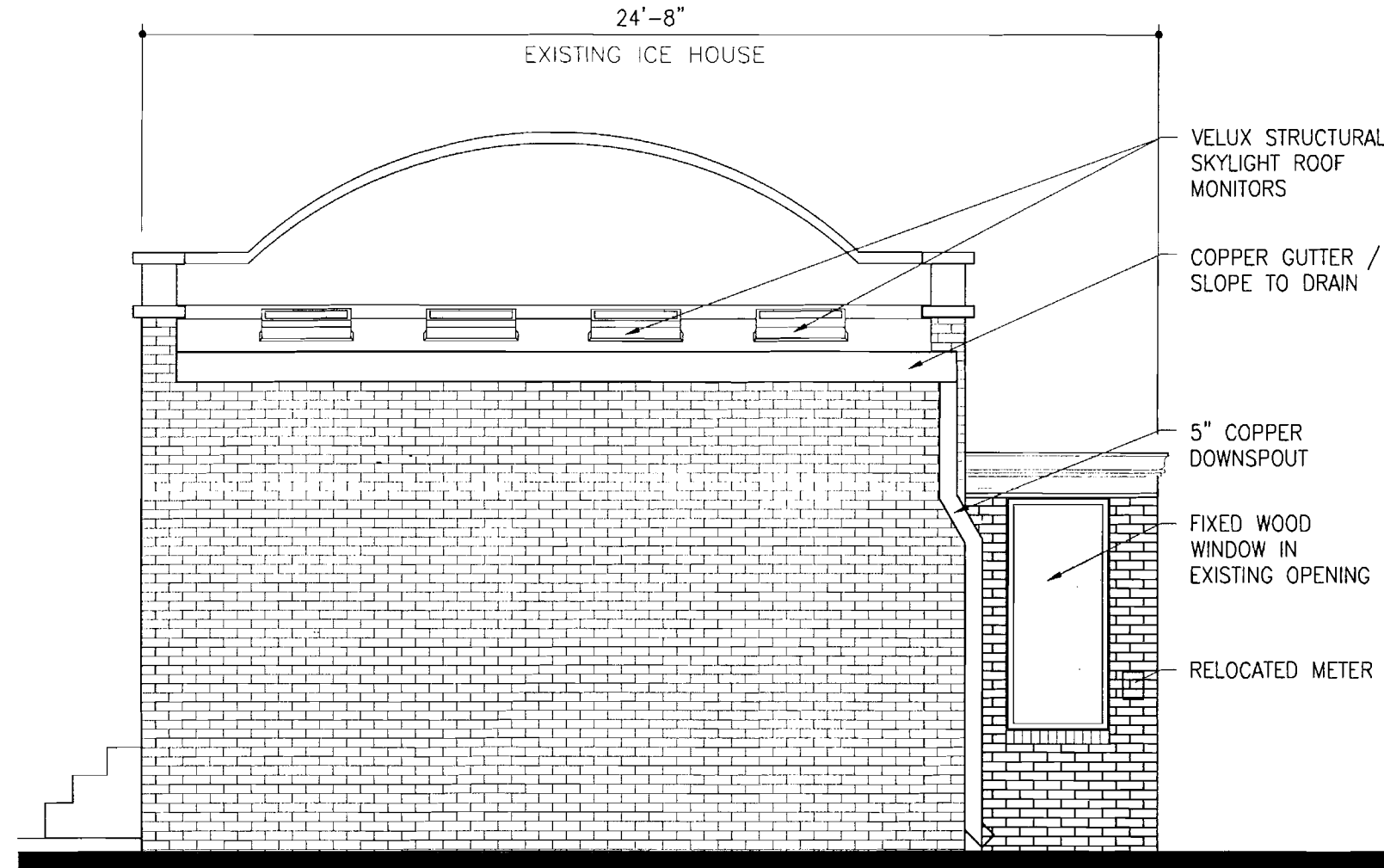
VELUX STRUCTURAL
SKYLIGHT ROOF
MONITORS

COPPER GUTTER /
SLOPE TO DRAIN

5" COPPER
DOWNSPOUT

FIXED WOOD
WINDOW IN
EXISTING OPENING

RELOCATED METER



A SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

**MUTUAL ICE CO.
RESTAURANT**

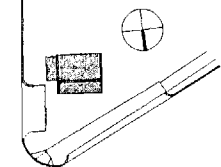
200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314
Tel: 703 549 4696

Key Plan:



Professional Seal:

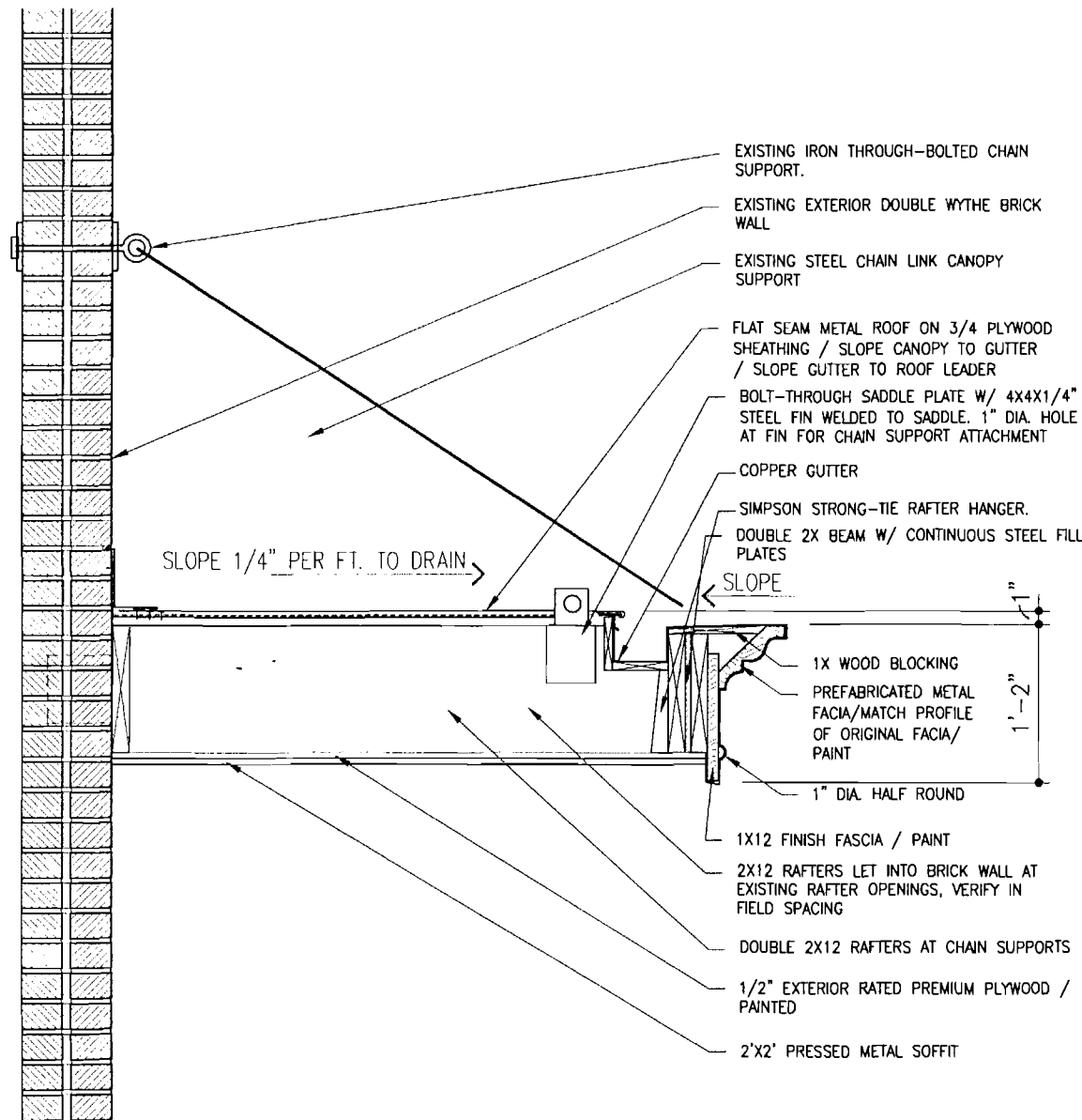
11

**LAVIGNE ASSOCIATES
ARCHITECTS**
1121 King St. Suite 201, Alexandria, VA 22314
Tel. 703-739-3208 Fax: 703-739-3209
E-Mail: box@lavignearchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A108



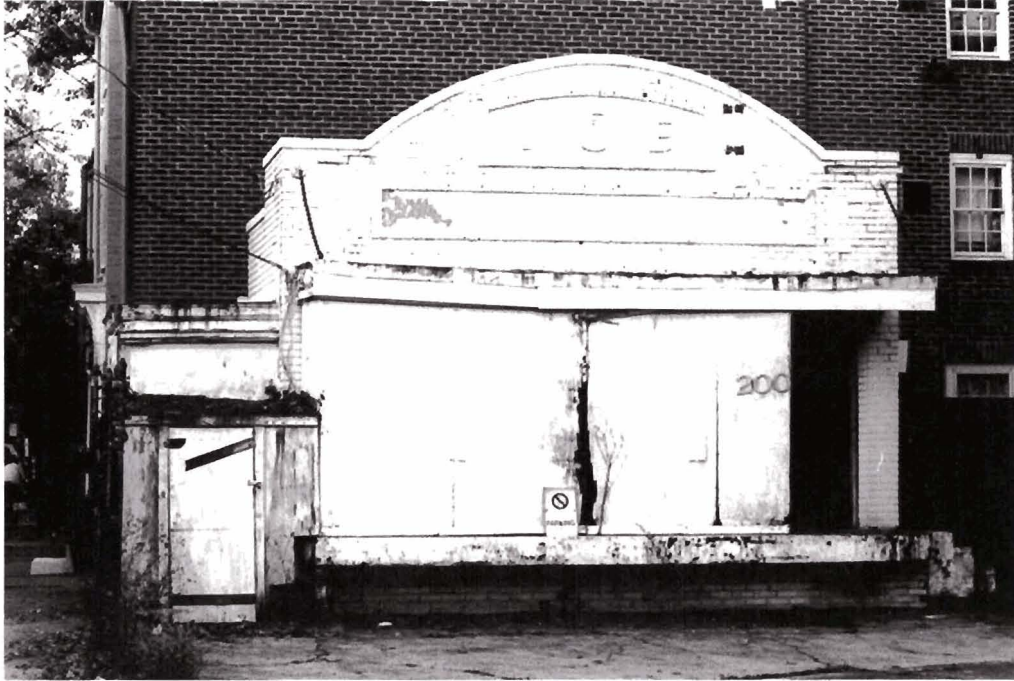
- EXISTING IRON THROUGH-BOLTED CHAIN SUPPORT.
- EXISTING EXTERIOR DOUBLE WYTHE BRICK WALL
- EXISTING STEEL CHAIN LINK CANOPY SUPPORT
- FLAT SEAM METAL ROOF ON 3/4 PLYWOOD SHEATHING / SLOPE CANOPY TO GUTTER / SLOPE GUTTER TO ROOF LEADER
- BOLT-THROUGH SADDLE PLATE W/ 4X4X1/4" STEEL FIN WELDED TO SADDLE. 1" DIA. HOLE AT FIN FOR CHAIN SUPPORT ATTACHMENT
- COPPER GUTTER
- SIMPSON STRONG-TIE RAFTER HANGER.
- DOUBLE 2X BEAM W/ CONTINUOUS STEEL FILL PLATES
- 1X WOOD BLOCKING
- PREFABRICATED METAL FACIA/MATCH PROFILE OF ORIGINAL FACIA/PAINT
- 1" DIA. HALF ROUND
- 1X12 FINISH FASCIA / PAINT
- 2X12 RAFTERS LET INTO BRICK WALL AT EXISTING RAFTER OPENINGS, VERIFY IN FIELD SPACING
- DOUBLE 2X12 RAFTERS AT CHAIN SUPPORTS
- 1/2" EXTERIOR RATED PREMIUM PLYWOOD / PAINTED
- 2'X2' PRESSED METAL SOFFIT

SLOPE 1/4" PER FT. TO DRAIN

SLOPE

1"

1"-2"



MUTUAL ICE CO. RESTAURANT

200 Commerce St.
Alexandria, Virginia

Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314
Tel: 703 549 4696

Key Plan:



Professional Seal:

L • A
LAVIGNE ASSOCIATES
ARCHITECTS

1121, King St., Suite 201, Alexandria, VA 22314
Tel: 703-739-3206 Fax: 703-739-3209
E-Mail: box@laarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A109



**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

**L • A
LAVIGNE ASSOCIATES
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1121 King St. Suite 201, Alexandria, VA 22314
Tel: 703-739-3206 Fax: 703-739-3209
E-Mail: box@lavarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A110



MUTUAL ICE CO. RESTAURANT

200 Commerce St.
Alexandria, Virginia

Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

L A
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ARCHITECTS

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E-Mail: box@lavarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A111

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

**L • A
LAVIGNE ASSOCIATES
ARCHITECTS**

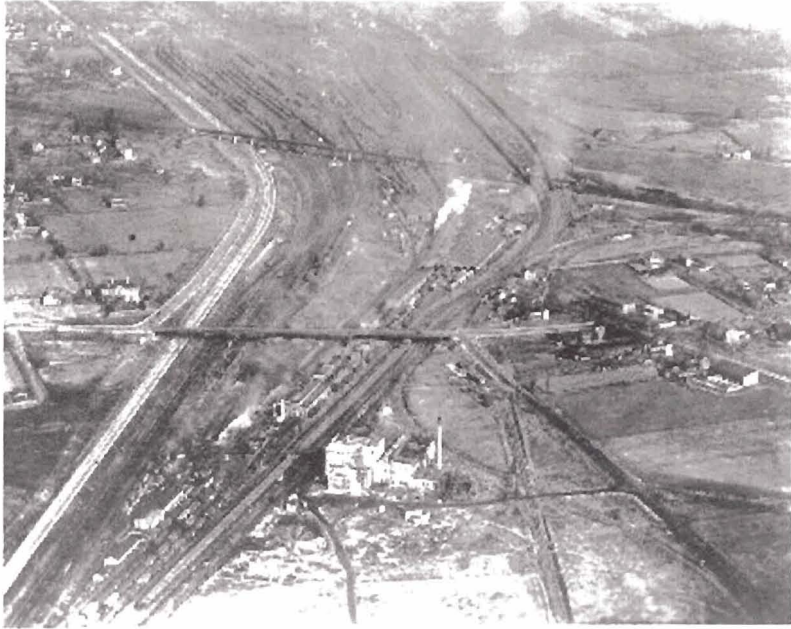
1121 King St. Suite 201, Alexandria, VA 22314
Tel: 703-739-3206 Fax: 703-739-3209
E-Mail: box@lavarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A112





**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:



**L • A
LAVIGNE ASSOCIATES
ARCHITECTS**

1121 King St., Suite 201, Alexandria, VA 22314
Tel : 703-730-3206 Fax : 703-730-3209
E Mail : box@lavarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A113

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:

Professional Seal:

17

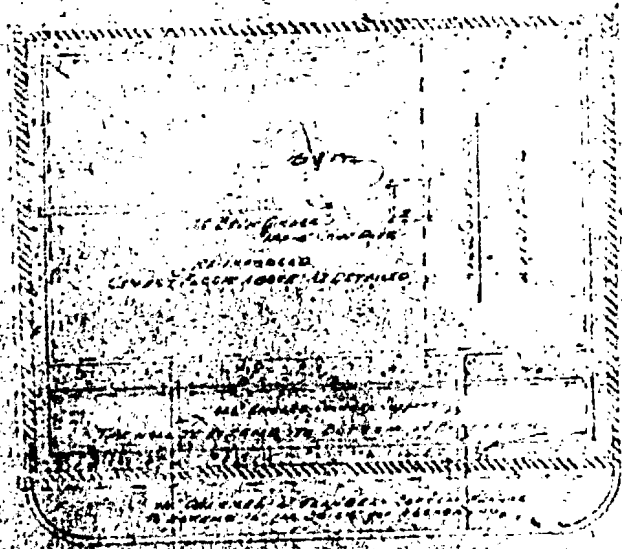
L • A
LAVIGNE ASSOCIATES
ARCHITECTS

1121 King St. Suite 201, Alexandria, VA 22314
Tel: 703-738-3208 Fax: 703-738-3209
E-Mail: box@lavagearchitects.com

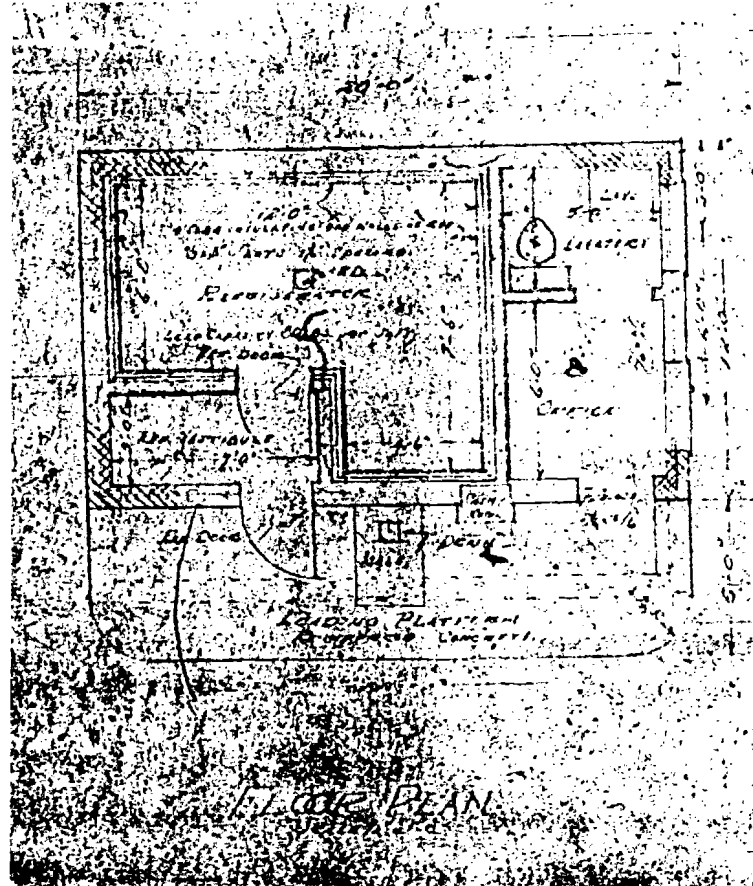
Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A114



FOUNDATION PLAN



FLOOR PLAN

**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

**Boyd Walker,
Walker Real Estate**

115 S Payne Street
Alexandria, VA
22314
Tel: 703 549 4696

Key Plan:



Professional Seal:

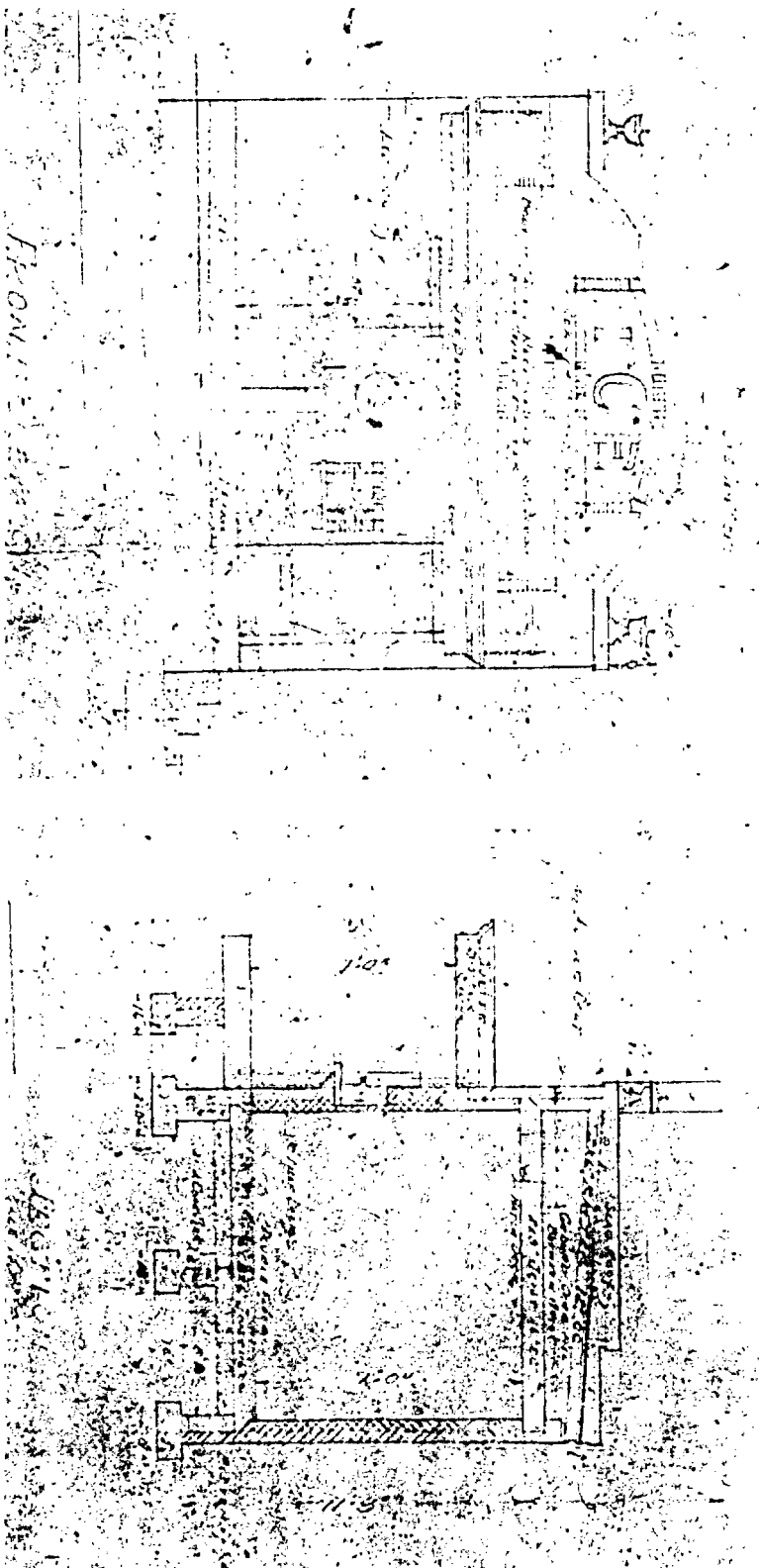
81

**LAVIGNE ASSOCIATES
ARCHITECTS**
1121 KING ST. SUITE 201, ALEXANDRIA, VA 22314
TEL: 703.798-9296 FAX: 703.798-9298
E-MAIL: boyl@lva.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007

A115



**MUTUAL ICE CO.
RESTAURANT**

200 Commerce St.
Alexandria, Virginia

Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314
Tel: 703 549 4696

Key Plan:



Professional Seal:

19

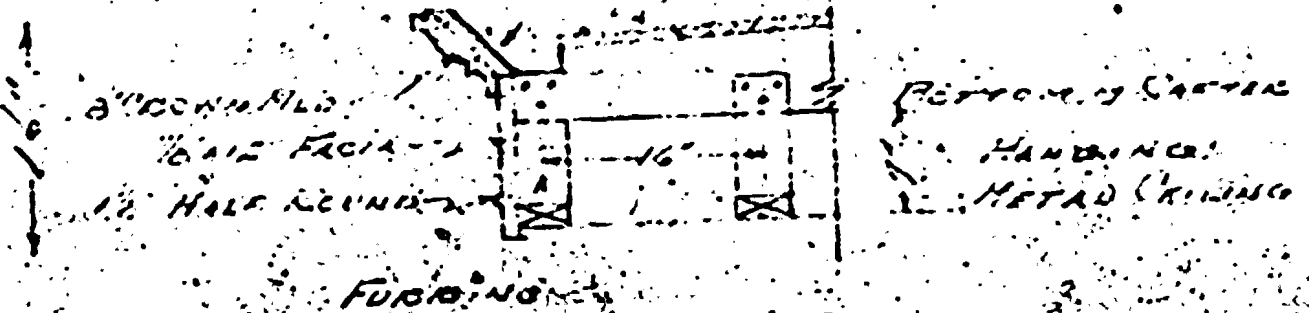
L A
LAVIGNE ASSOCIATES
ARCHITECTS
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Tel: 703-739-3208 Fax: 703-739-3209
E-Mail: hox@lavarchitects.com

Phase and Date

**ALEXANDRIA
BAR PLAN
SUBMITTAL
13 APRIL 2007**

A116

2" GALV. TIN GUTTER & ROOF



GUTTER & CANOPY DETAIL

17818

6-16-07

Dear Mayor and Members of City Council,

I have appealed the ruling of the BAR with hopes that this city council will reduce the fine to \$1500, or the penalty for a single class one violation, as there was only one action for which I am at fault. I also ask that if the fine the fine is determined to be more than that amount, it only be enforced if I am not able to complete the restoration of the canopy in 6 months, as requested by the Board of Architectural Review.

The Board of Architectural Review and I are in agreement on all the architectural details, and I am not appealing the certificate of appropriateness, just the appropriateness of a \$25,000 dollar fine. My appeal is for the following reasons:

1. The amount of the fine is exorbitant. This is the largest fine ever assessed by the BAR. In the past there have been numerous instances of "After-the-fact" cases, and there has never been such a large fine, even when the demolition was intentional, and the property owner was attempting to permanently remove historic material. I worked hard with both staff and chair of the BAR, and I thought that both agreed to recommend a fine of \$10,000. I was very surprised when they both recommended the higher fine.

2. The Unfairness of the fine is made clear by the staff report. The report states "\$10,000 did not adequately reflect a punitive measure for the unauthorized demolition of the canopy and that a higher fine was warranted and appropriate to serve in this case and to serve as a deterrent to others from proceeding with work without proper permits and approvals from the board." In other words, my particular crime does not fit the punishment, but the BAR chose to use it to deter others, instead of working with city council to set a standard policy for fines for "after-the fact" approvals.

3. An excessive fine could prevent me from restoring the building. Adding \$25,000 to the cost of renovating the building, which I recently had appraised at \$200,000 (short of the 285,915 city assessment). The building is only 355 square feet so this adds over 70 dollars a foot to renovate the building. I have been working with staff on this project for four years, and have now scaled back my plans to focus solely on renovation of the existing building, as opposed to building an addition that would expand the building to over 1000 square feet and put a breakfast restaurant in this location. It will now be much more difficult to do this project, because of this fine. A restored building without a use does not make an economic contribution.

4. This fine will further discourage businesses from locating in Alexandria. Alexandria already has a reputation as a difficult jurisdiction in which to open a business, especially a restaurant, and the news of such a fine will only enhance this reputation.

5. This fine is in retribution for my appeal and is clearly designed to discourage people from appealing or disagreeing with the BAR. This appeal is not meant to discourage "after-the-fact" approvals but is meant to discourage the right of citizens to appeal. As this council knows I led an appeal of the demolition of buildings on the 1500 block

of King Street, and this case was brought up very inappropriately at the first BAR meeting on this project. Disagreement with a prior case should have no bearing on the present case, and every case carries with it the right of appeal to the city council, and the circuit court. The remarks made at this first meeting demonstrate the inappropriate bias that has over overshadowed this case from the beginning.

There are also a number of incentives to removing the fine and letting the restoration proceed unhampered:

1. The existing canopy was rotten and termite damaged. When three staff members visited the property and inspected the material in the canopy, it was clear that the material was not reusable, and would have to be replaced.

2. The restoration will restore the original appearance of the canopy. The appearance of the new canopy, which may actually cost up to \$30,000, will be built to match the original 1931 drawings, thereby bringing back an original feature that was lost.

3. The BAR approval includes the restoration of the entire Icehouse building. The entire building can be renovated to its original appearance. Working with staff, every other detail of the building has been approved and will match the original.

4. The building will restore a bit of Commercial History to Alexandria. The building has been transferred to my wife and I under the ownership of Mutual Ice Company, the original name of the company that owned the building, and we hope to restore the sign on the building, and have a way to tell the history of the company on the site.

5. The building will bring vibrancy and life to this forgotten corner near King St. Commerce street is suspected by some to be Rolling Road, where hogsheads were rolled to the waterfront, and as it's name implies was designed to support business. The Ice company closed over thirty years ago, and it has been used only for storage since.

Thank you for your time in hearing this matter, and I appreciate your supporting the reduction of this fine.

Boyd Walker



<jjohansen@pointsoflight.org>

06/15/2007 03:36 PM

Please respond to
<jjohansen@pointsoflight.org>

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Subject COA Contact Us: Boyd Walker

17-18
6-16-07

Time: [Fri Jun 15, 2007 15:36:31] IP Address: [64.241.17.67]

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Subject: Boyd Walker

I'm writing about the Boyd Walker appeal of the \$25,000 fine levied by the BAR. Clearly, Boyd should not have removed historic fabric from the Ice House. Doing so was an egregious insult to an important historic structure and was insensitive to the preservation ethic Boyd has championed in the past. He should be fined.

However, a \$25,000 fine is, in my opinion, an indefensible decision. While the rules for levying fines may permit a substantial fine, there is no precedent for this. No one I've talked with can recall a past case that resulted in such a significant fine. On the one occasion where staff recommended a \$25,000 fine, the BAR reduced it to less than a third of that.

Comments: Of course, the removal of any amount of material without permission is wrong. However, the amount of material Boyd removed was not alot. In fact, I doubt he knows this, but there is a provision in the city's standards for historic rehabilitation that allows 25 sq. ft. of material to be removed without the BAR's permission. Were he to invoke that provision, he might not owe anything.

A fine is appropriate but it should be much less

than \$25,000. Further, it would make sense to create a more defensible system for assigning fines in the future and I hope Council will look to citizens groups to participate in that process.

Sincerely,

John Johansen