

EXHIBIT NO. 1

20
9-15-07

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

Date Appeal Filed With City Clerk: June 14, 2007

B.A.R. Case #: BAR2007-0085

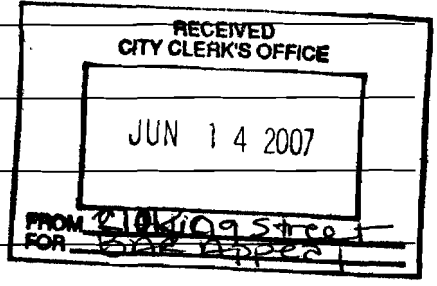
Address of Project: 210 King Street, Alexandria, VA 22314

Appellant is: (Check One)
 B.A.R. Applicant
 Other party. State Relationship _____

Address of Appellant: Michael W. Zarlenga
210 King Street, Alexandria, VA 22314

Telephone Number: 703-837-8215

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.

Michael W. Zarlenga
Signature of the Appellant (Michael W. Zarlenga)



RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

State Basis of Appeal:

The Old and Historic District's Board of Architectural Review erred in denying Michael Zarlenga's application for a Permit to Demolish portions of the rear ell of his building at 210 King Street by finding that the limited scope of the requested partial demolition of the rear ell reached such a level as to be detrimental to the public interest of the City (§10-103(B) of the Alexandria Zoning Ordinance, 1992, as amended) ("Ordinance"), or that the scope of the request of the limited partial demolition reached the level as justifying denial based on the criteria of §10-104(B) of the Ordinance.

Additionally, the City Charter confers the authority to regulate the demolition and capsulation of buildings. The Charter does not confer the authority to regulate partial demolitions and capsulations; as such activities are within the scope of the Board of Architectural Review, or Council on appeal, as alterations governed by §10-105 of the Ordinance.

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9-15-07

C. RICHARD BIERCE, AIA

Historical Architect and Preservation Consultant
121 S. Royal St. Alexandria, Virginia 22314
703-836-9085 crbierce@aol.com

September 14, 2007

Mr. Michael Zarlenga
210 King Street
Alexandria, VA 22314

Re: Appeal of Denial for Selective Demolition:
BAR CASE # 2007-0085

Dear Mr. Zarlenga:

At your request I have examined interior and exterior surfaces of the rear wing of the historic building at 210 King St. The purpose of this examination was to identify as completely as possible what remains of the original historic fabric and what is clearly of a later origin, with particular focus on the exterior shell. I have prepared a report which summarizes my findings.

I have read the BAR Staff report and must take issue with a critical assumption which undergirds the rationale for denying the application for selective demolition. As written in several locations in the Staff Report:

“...the proposed demolition or portions of the building represented a loss of portions of a historic building that was significant in the historic district.”

“The Board denied the application for demolition of portions of the rear of the building because it believed that the amount of demolition presented was an unacceptable loss of historic fabric....”

Examination of the physical document of the building fabric reveals facts which belie the assumption that there will be loss of historic fabric.

To the best of my knowledge, as documented in my assessment report on the historic fabric, *none* of the items specifically requested to be demolished in the previous application are pertinent to the discussion about historic fabric. In my opinion, *all* of the requested items, including 20th c. door and window openings, 20th c. canopies and railings, a multitude of electrical and mechanical equipment and conduit, are inappropriate and disfiguring alterations to the original historic structure.

Again, to the best of my knowledge, *none* of the actual historic fabric which remains in place to this date will be adversely affected by the proposed demolition and will in fact be preserved *in situ*.

Sincerely,

C. Richard Bierce, AIA



LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

Attorneys & Counsellors at Law

524 KING STREET
ALEXANDRIA, VA 22314

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9-15-07

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

.....
(703) 836-1000

FACSIMILE
(703) 549-3335
September 15, 2007

MAILING ADDRESS:
P.O. Box 19888
ALEXANDRIA, VIRGINIA 22320-0888

The Honorable William D. Euille, Mayor
Member of Alexandria City Council
City of Alexandria
301 King Street
City Hall, Room 2300
Alexandria, Virginia 22314

DELIVERED BY HAND

**In re: BAR Case No. 2007-0085
210 King Street, Alexandria, Virginia**

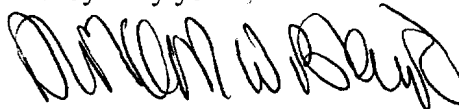
Dear Mayor Euille and Members of Council:

I am writing on behalf of our client, Michael Zarlenga, to state on the record his position that pursuant to the provisions of Section 10-107(1) of the Alexandria Zoning Ordinance, 1992, as amended (the "Ordinance"), which provides in part that after notice of an appeal has been filed with the City Clerk that: "Upon written receipt of such notice, the Clerk of the City Council shall schedule a public hearing before the City Council to be heard within seven-five days after receipt of the Clerk of such notice.", the Saturday, September 15, 2007, hearing is more than seventy-five (75) days beyond the date of which the Ordinance requires an appeal to be heard. As such, it is Michael Zarlenga's belief that the failure to timely hear his appeal results in relief which he has petitioned for, is granted and the decision of the Board of Architectural Review being reversed.

Participation in the Saturday, September 15, 2007 hearing shall not be construed as and shall not constitute a waiver of his rights to assert his due process rights pursuant to Section 10-107(1) of the Ordinance.

If you have any questions concerning this matter, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

DWB:k\EuilleMayor-Zarlenga 0907

cc: Michael Zarlenga

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9-15-07



<mdelaney@mfa.gwu.edu>

09/14/2007 12:31 PM

Please respond to
<mdelaney@mfa.gwu.edu>

To <jackie.henderson@alexandriava.gov>

cc

bcc

Subject COA Contact Us: Docket Item #20, Sept 15, 2007 City Council Meeting



Time: [Fri Sep 14, 2007 12:31:26] IP Address: [128.164.75.240]

directory id: 586

First Name: Morgan D.

Last Name: Delaney, M.D.

Street Address: 202 King Street

City: Alexandria

State: Virginia

Zip: 22314

Phone: 703.887.3901

Email Address: mdelaney@mfa.gwu.edu

Subject: Docket Item #20, Sept 15, 2007 City Council Meeting

Comments: Attached is a copy of my letter to the Mayor and City Council regarding this Docket Item

Attachment: <http://alexandriava.gov/contactus/uploads/711da08c3a289558526fb64aba89b758.doc>

**Morgan D. Delaney, M.D.
202 King Street
Alexandria, Virginia 22314**

September 14, 2007

**The Honorable William D. Euille, mayor, and members of the City Council
City of Alexandria, Virginia
City Hall
300 King Street
Alexandria, Virginia 22314**

***Re: City Council Docket Item #20, Public Hearing Meeting, September 15, 2007.
Public Hearing and Consideration of an Appeal of the Board of Architectural Review's
decision denying a request for approval of demolition/encapsulation for Case
BAR2007-0085, at 210 King Street, zoned KR Retail.***

Dear Mayor Euille and Members of the City Council:

I am writing to urge you to sustain the decision of the BAR denying a request from Michael W. Zarlenga to demolish/encapsulate the 18th century rear wing of the building at 210 King Street. I own and occupy, as my principal residence, the neighboring building at 202-204 King Street (Ghequiere House).

The Old & Historic District BAR acted properly and correctly under its given legal authority to deny the demolition/encapsulation of this unique piece of early architecture. The ruling by the BAR was unanimous, following a public hearing at which testimony, including my own, was heard. The City Council must support the considered ruling of the BAR regarding preservation of unique early structures.

The written record, consisting of tax records and deeds, supports a construction date of 1799 for the "brick shed" on the lot of 210 King Street. This shed, which was intended as the back wing or ell of a future structure to be constructed on the King Street lot line, was built by merchant John Ramsey, soon after he purchased the lot from Bernard Ghequiere. The tax records support a construction date of 1804 for the 2-story main building fronting on King Street, since in 1805 taxes were assessed for the first time on a two story building in addition to the lot and brick shed.

These records thus suggest that the back ell of 210 King Street was constructed at the end of the 18th century as a freestanding shed or "flounder" as they have become known in modern times. It is highly likely that the existing rear ell is the original structure built in 1799, based upon its form and architectural detailing. I also believe that this particular 1 and ½ story "flounder" is unique in the Old and

Historic District. I personally know of no other 1 and ½ story “flounders,” built for commercial use, that have survived.

The exterior of this rear ell is nearly intact and unchanged since its original construction—although not well-maintained—except for the addition of a new door and two windows on the south façade (for which a building permit exists, issued on 12/16/1959). The preservation of the structure really is essential.

In May of this year, the City of Alexandria sponsored our first Preservation Conference and Town Meeting. That conference highlighted the necessity of preserving intact, the key structures that define the historic districts in this city. 210 King Street is one of the “class A” buildings, for which no alteration should be permitted to its exterior.

The cobblestoned Swifts Alley which runs behind the 200 block of King, and upon which this rear ell fronts, is regularly traversed by tourists seeking a bit of authentic local color. 18th century architecture lines both sides of the alley—some very significant structures, including the unique and distinctive rear wing of 210 King Street.

I urge the City Council to sustain the decision of the BAR and reject the appeal of the applicant.

Sincerely yours,

Morgan D. Delaney, M.D.

**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 BLAIR
2. ADDRESS: 544 King St
TELEPHONE NO. 936-1000 E-MAIL ADDRESS: dblair@landlord
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? no one
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
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 NO _____

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.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; 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 during the public discussion period 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.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.