

EXHIBIT NO. 1

18
12-15-07



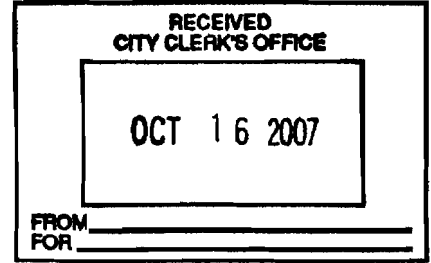
RECORD OF APPEAL

FROM A DECISION OF THE BOARD OF ARCHITECTURAL REVIEW

Date Appeal Filed With City Clerk: October 15, 2007

B.A.R. Case #: BAR Case #2007-0097

Address of Project: 323 North St. Asaph Street



Appellant is: (Check One)

B.A.R. Applicant

Other party. State Relationship _____

Address of Appellant: 323 North St. Asaph Street

Alexandria, Virginia 22314

Telephone Number: 703 836-4616

State Basis of Appeal: See Attached.

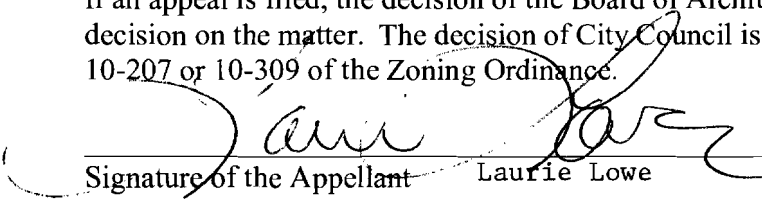
Attach additional sheets , if necessary

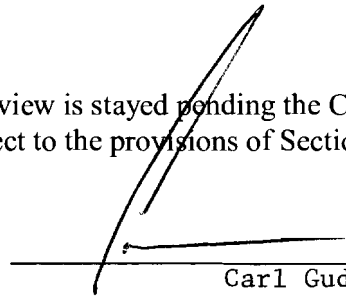
A Board of Architectural Review decision may be appealed to City Council either by the B.A.R. applicant or by 25 or more owners of real estate within the effected district who oppose the decision of the Board of Architectural Review. Sample petition on rear.

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.


Signature of the Appellant Laurie Lowe


Carl Gudenius

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 (the "BAR") erred in denying Laurie Lowe and Carl Gudenius' application for a Permit to Demolish and Capsulate portions of the rear of their home at 323 North St. Asaph Street by finding that the limited scope of the requested partial demolition and capsulation is so extensive as to be detrimental to the public interest of the City (§10-103(B) of the Alexandria Zoning Ordinance, 1992, as amended) (the "Ordinance"), and determining the scope of their application for the limited partial demolition and capsulation, given the substantial 1960's alterations to their home, was of such historical importance as to justify a denial based on any of the specific criteria requested to exist with regard to the historic structure under §10-104(B) of the Ordinance.

The BAR denied the demolition despite acknowledging that the amount of demolition was less than twenty-nine square feet of non-historic building material and the scope of capsulation of the existing rear façade was the minimum necessary to accommodate access to the proposed addition (BAR Case #2007-0097). Note: BAR #2007-0097 was not heard by the BAR as a procedural matter since the Permit to Demolish was denied; however, the staff report prepared by the Department of Planning and Zoning recommended approval of the design, size and massing of the proposed addition finding:

"In the opinion of staff, the design of the addition is appropriate and generally meets the recommendations of the Design Guidelines. The addition is at the rear of the existing house and is not visible from the principal street front and thus does not appear to visually overwhelm the main historic block. It uses historic forms generally found throughout the historic district along with modern materials which are appropriate for 21st century additions."

In denying the request for partial demolition and capsulation, the BAR did not base its decision on the character, design or fabric of the building at 323 North St. Asaph Street, instead on a finding made by the staff that the "essential volumetric configuration of these houses (319, 321, 325 & 327 North St. Asaph Street) are such they provide a direct and tangible link to the immediate post civil war period of the City." In essence, the BAR determined that this house and the adjacent houses as a matter of public policy should not be allowed to expand and evolve as has been the policy of the BAR, as stated in the Design Guidelines; Chapter Four; Demolition of Exhibiting Structures: "The Boards are extremely conscious of the need to preserve the existing building resources of the historic districts. At the same time, the Boards are also sympathetic to the needs of building owners to make contemporary 20th century use of the Property." The BAR's denial of this application is inconsistent with prior established practices and hundreds of prior decisions authorizing demolition and capsulation to accommodate rear additions. Zoning laws are to be applied uniformly, in this case the BAR's decision ignores years of policy and precedence and applies a much higher standard to the Lowe and Gudenius property than has been applied to other similarly situated properties. The BAR' decision effectively denies their right to alter their home to allow "contemporary 20th century use," and to have the benefit of the reasonable use of their property.

Additionally, the City Charter and State enabling legislation confers the City with the authority to regulate the demolition and capsulation of buildings. The Charter and State enabling legislation do not confer the authority to regulate partial demolitions and partial capsulations; as such activities are within the scope of the BAR's, or Council's on appeal, as alterations governed by the criteria of §10-105 of the Ordinance.

LoweLaurie-BAR appeal 1007