

Encroachment #2016-0009
119 King Street – The Wharf Restaurant

Application	General Data	
Request: Public hearing and consideration of a request for an encroachment into the public right-of-way.	Planning Commission Hearing:	January 5, 2017
	City Council Hearing:	January 28, 2017
Address: 119 King Street	Zone:	KR/King Street Retail
Applicant: Potomac Restaurants, LLC	Small Area Plan:	Old Town

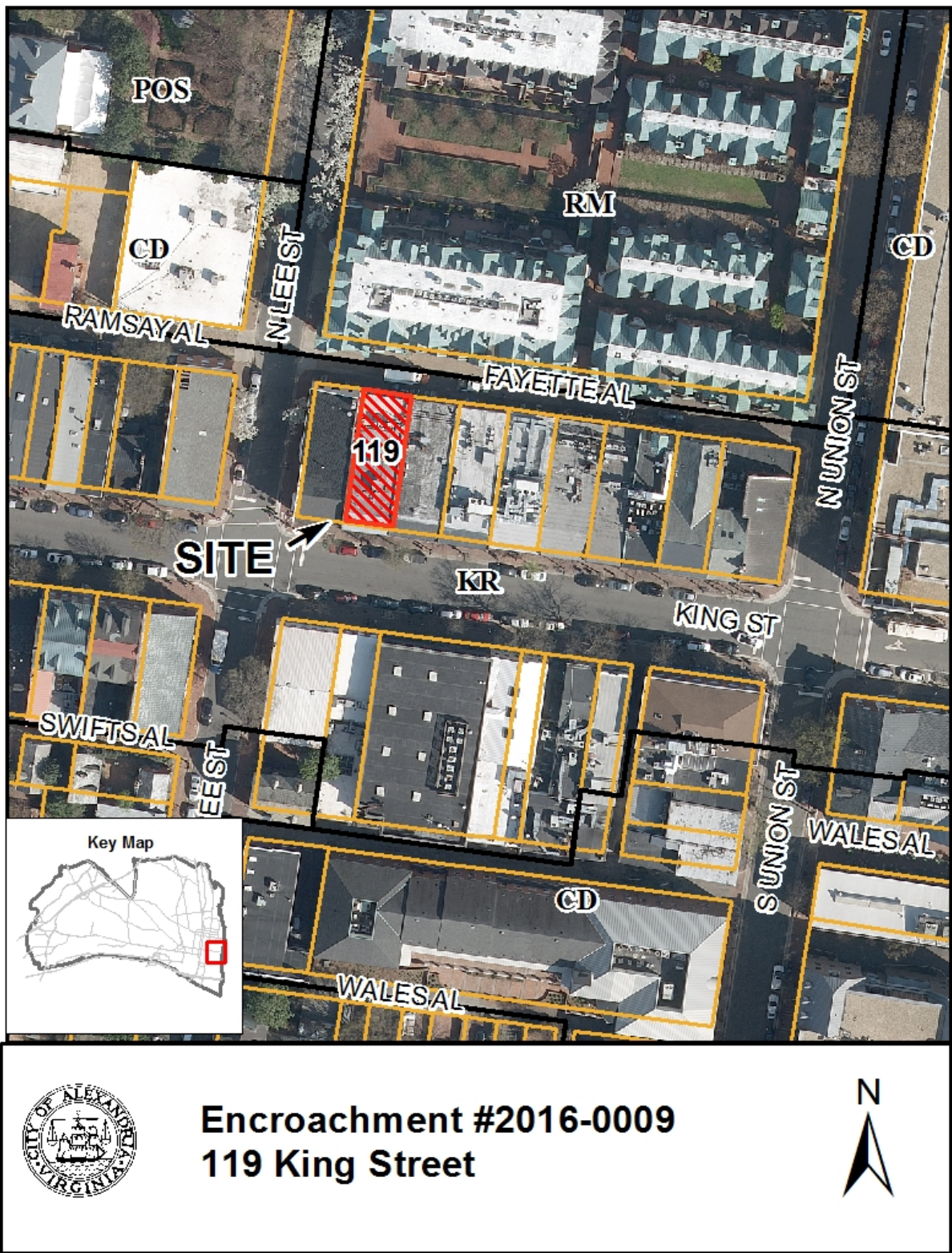
Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, JANUARY 5, 2017: On a motion made Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission recommended approval of the request with the addition of Conditions 1-3 from the January 3, 2017 staff memorandum, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6 to 0, with Commissioner Wasowski absent.

Reason:

The Planning Commission agreed with the staff recommendation.



I. DISCUSSION

The applicant, Potomac Restaurants, LLC, requests approval for an encroachment into the public right-of-way at 119 King Street to allow for a new retractable awning.

SITE DESCRIPTION

The subject site is the public right-of-way located in front of 119 King Street, a three story commercial building that contains The Wharf Restaurant (Figure 1)

Several retail and restaurant uses are located on the 100 block of King Street. The Torpedo Factory Condominium is sited north of the subject property.

BACKGROUND

The building was constructed in 1800 and has housed a 178-seat restaurant since 1972. The restaurant has participated in the King Street Outdoor Dining Program since 2005 and provides 15 seasonal seats in front of the restaurant.



Figure 1: 119 King Street

On September 7, 2016, the Board of Architectural Review approved BAR #2016-0265 for the addition of a retractable awning in front of the Wharf Restaurant with a projection of 5.5 feet and a height clearance of 8 feet.

City Council approved ENC #2014-0002 at 115-117 King Street for awnings at Landini's Restaurant, which is next door to The Wharf Restaurant. The approved awnings extend 5.5 feet from the front building wall and measure 60.83 feet in length.

PROPOSAL

The applicant requests approval of an encroachment into the public right-of-way for the installation of a retractable awning on the façade of The Wharf Restaurant at 119 King Street. The awning would project 5.5 feet from the building into the public right-of-way with a total length of 29 feet. The total area of the requested encroachment is approximately 159.5 square feet.

The applicant proposes to install an awning to shield outdoor diners from direct sun exposure as the façade faces south. The proposed awning would project to the outer edge of the outdoor dining area.

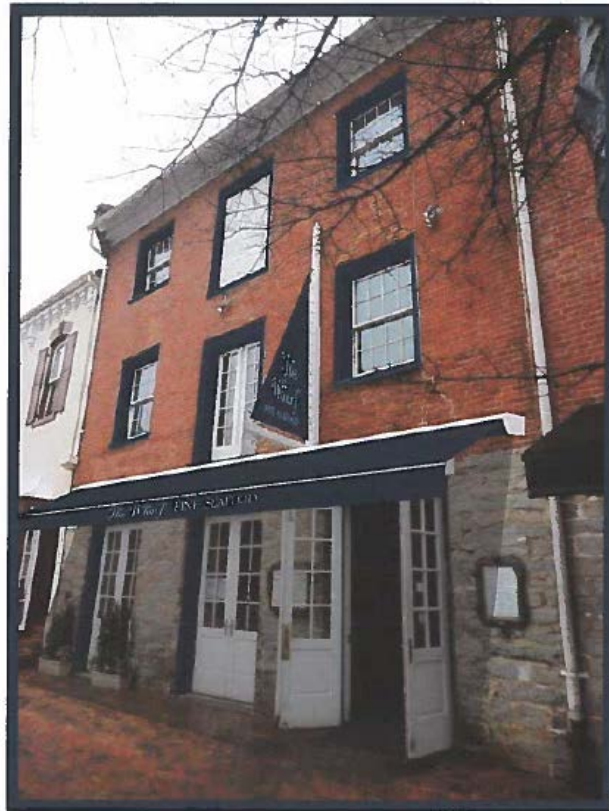


Figure 2: Proposed awning

CITY CODE/ZONING/MASTER PLAN COMPLIANCE

City Code Section 5-2-29(d) allows awnings to extend up to four feet into the public right-of-way without a specific need for an encroachment. Given that the proposed awnings extend an additional 1.5 feet into the public right-of-way, approval of an encroachment ordinance is required to install the proposed awning.

The subject property is located in the KR/King Street Retail Zone. The grandfathered restaurant use is consistent with the Old Town Small Area Plan which designates the property for commercial use.

VALUE OF ENCROACHMENT

Section 3-2-85 of the City Code defines the annual charge for commercial encroachments to be the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner of the encroaching property. The Department of Real Estate Assessments has valued the land and air-rights area in question at a rate of \$1.073 per \$100 of assessed value for an annual encroachment fee of \$465.

II. STAFF ANALYSIS

Staff supports the applicant's request for an encroachment into the public right-of-way for the installation of an awning. An awning would enhance the outdoor dining experience for restaurant patrons given that the restaurant faces direct sun for the majority of the day.

The proposed encroachment area is reasonable as it is only 1.5 feet beyond what is permitted through Section 5-2-29(d) of the City Code. In addition, the awning projection of 5.5 feet would be visually compatible with the awnings that extend the same distance at Landini's Restaurant. Pedestrian access would not be impacted since the outside edge of the awning would not extend further than the fence that separates the outdoor dining area from the sidewalk.

Subject to the conditions contained in Section III of this report, staff recommends approval of the encroachment request.

III. STAFF RECOMMENDATION

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES) (PC)
2. **CONDITION ADDED BY PLANNING COMMISSION:** Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES) (PC)
3. **CONDITION ADDED BY PLANNING COMMISSION:** In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES) (PC)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services,
Department of Planning and Zoning;
Ann Horowitz, Urban Planner, Planning and Zoning.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
- R-2 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- R-3 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

Code Enforcement:

- C-1 A building permit, plan review and inspections are required to construct a retractable awning at the Wharf.

Fire Department:

No comments or concerns

Health Department

No comments

Police Department:

No comments received

Parks and Recreation:

No comments received

Real Estate Department:

See attached Memorandum dated November 10, 2016

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 10, 2016

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS

SUBJECT: RETRACTABLE AWNING ENCROACHMENT, 119 KING STREET,
ALEXANDRIA, VIRGINIA

PROJECT: ENCROACHMENT #2016-0009

Per your request, we have reviewed the proposed retractable awning encroachment covering the outdoor dining section within the public right-of-way titled to the City of Alexandria located along a 30-foot segment of King Street between that artery's intersection with North Lee Street and North Union Street in the Old Town area. The proposed encroachment encumbers 165 square feet of air rights for the sole and exclusive use of The Wharf Restaurant located at 119 King Street and would not negatively impact pedestrian access. The servient estate is zoned KR, King Street Urban Retail Zone. The existing use is permitted by-right.

Because this is not a vacation on the part of the City, the value of the encroachment can be determined by the application of **Section 3-2-85** of the City Code which defines the annual charge for commercial encroachments to be the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner or owners of the encroaching property. Based on a land value of \$262.98 per square-foot, an air rights area of 165 square feet and the 2016 tax rate of 1.073 per \$100 of assessed value, the indicated fee of the encroachment is **\$465 (rounded)**.

Four Hundred and Sixty-Five Dollars

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on the current 2016 per square-foot assessed values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines.

Attachments:

Encroachment Plat (dated October 22, 2016)

cc: Ann Horowitz, Urban Planner II



APPLICATION

ENCROACHMENT

ENC# 2016-0009

PROPERTY LOCATION: 119 King St., Alexandria, VA 22314
TAX MAP REFERENCE: 075.61-03-03 **ZONE:** Old & Historic District

APPLICANT

Name: Potomac Restaurants, LLC, by Mike Brumagin - owner
Address: 4013 Huntsteed Way, Richmond, VA, 23233

PROPERTY OWNER

Name: Gary & Sally Hatch
Address: 2465 Forest Grove Ave.

PROPOSED USE: An awning (retractable) that will cover our allowed outdoor seating area - 5'6" depth.

INSURANCE CARRIER (copy attached) Penn National **POLICY #** CL9-0727049

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

☐ **THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** I so attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Mike Brumagin
Print Name of Applicant or Agent
4013 Huntsteed Way
Mailing/Street Address
Richmond, VA 23233
City and State Zip Code

Mike Brumagin
Signature
804-319-7321
Telephone # Fax #
mikebrum89@gmail.com
Email address
10/20/16
Date

Application Received: _____
ACTION - PLANNING COMMISSION: _____

Date and Fee Paid: \$ _____
ACTION - CITY COUNCIL: _____

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 three 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. Mike Brumagin	4013 Huntstead Way Richmond, VA 23233	50%
2. Robert Fetkin	29538 Georgetown Ln Temecula, CA 92591	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 119 King St., Alexandria, VA (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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. 119 King St. LLC	2465 Forest Grove Rd. Villas, NC 28692	Gary & Sally Hatch - 100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are 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. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

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. Mike Brumagin	NA	N/A
2. Robert Fetkin	N/A	N/A
3. 119 King St. LLC (Gary & Sally Hatch)	N/A	N/A

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.

10/20/16
Date

Mike Brumagin
Printed Name

Mike Brumagin
Signature

Sara B Hatch
119 King LLC
2465 Forest Grove Road Vilas, NC 28692
forkridge@hotmail.com
828-297-1740

To: Mike Brumagin
re: Proposed awning for 119 King Street.

As owner of 119 King Street for over 30 years and one of the original owner/operators of the The Wharf Restaurant, I wholeheartedly support and authorize the design of the retractable awning as approved by the BAR, the installation of said awning, and approve the encroachment of 5'6".

Sincerely,


Sara B Hatch

11 October.2016



CERTIFICATE OF LIABILITY INSURANCE

POTOM-1

OP ID: LT

DATE (MM/DD/YYYY)

10/06/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Byars Wright P.O. Box 1309 1700 Fourth Avenue Jasper, AL 35502 Haig Wright		CONTACT NAME: Haig Wright PHONE (A/C No. Ext.): 205-221-3621 E-MAIL ADDRESS: hwright@byarswright.com FAX (A/C No.):	
INSURED Potomac Restaurants, LLC 1509 Rainbow Drive Gadsden, AL 35901		INSURER(S) AFFORDING COVERAGE INSURER A: Penn National A-X INSURER B: Hartford Insurance Co A+XV INSURER C: American Bankers Ins Co AXIII INSURER D: INSURER E: INSURER F:	
		NAIC # 14990 22357	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		CL9 0727049 CL9 0727049	02/10/2016 02/10/2016	02/10/2017 02/10/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Emp Ben. \$ 1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			AU9 0727049	02/10/2016	02/10/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
T	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			UL9 0727049	02/10/2016	02/10/2017	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	21WECA01982	02/10/2016	02/10/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Flood See remarks			AB00220276	02/10/2016	02/10/2017	Contents 250,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is an additional insured per attached form, CG 2013 0413.
The Wharf - 119 King Street, Alexandria VA 22314-3207

Flood \$250,000 Contents Limit @ 119 King Street, Alexandria VA 22314-3207

CERTIFICATE HOLDER

CANCELLATION

City of Alexandria
301 King Street
Alexandria, VA 22314

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Haig Wright

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Retractable awning has an 8' clearance when fully extended to 5'-6" out

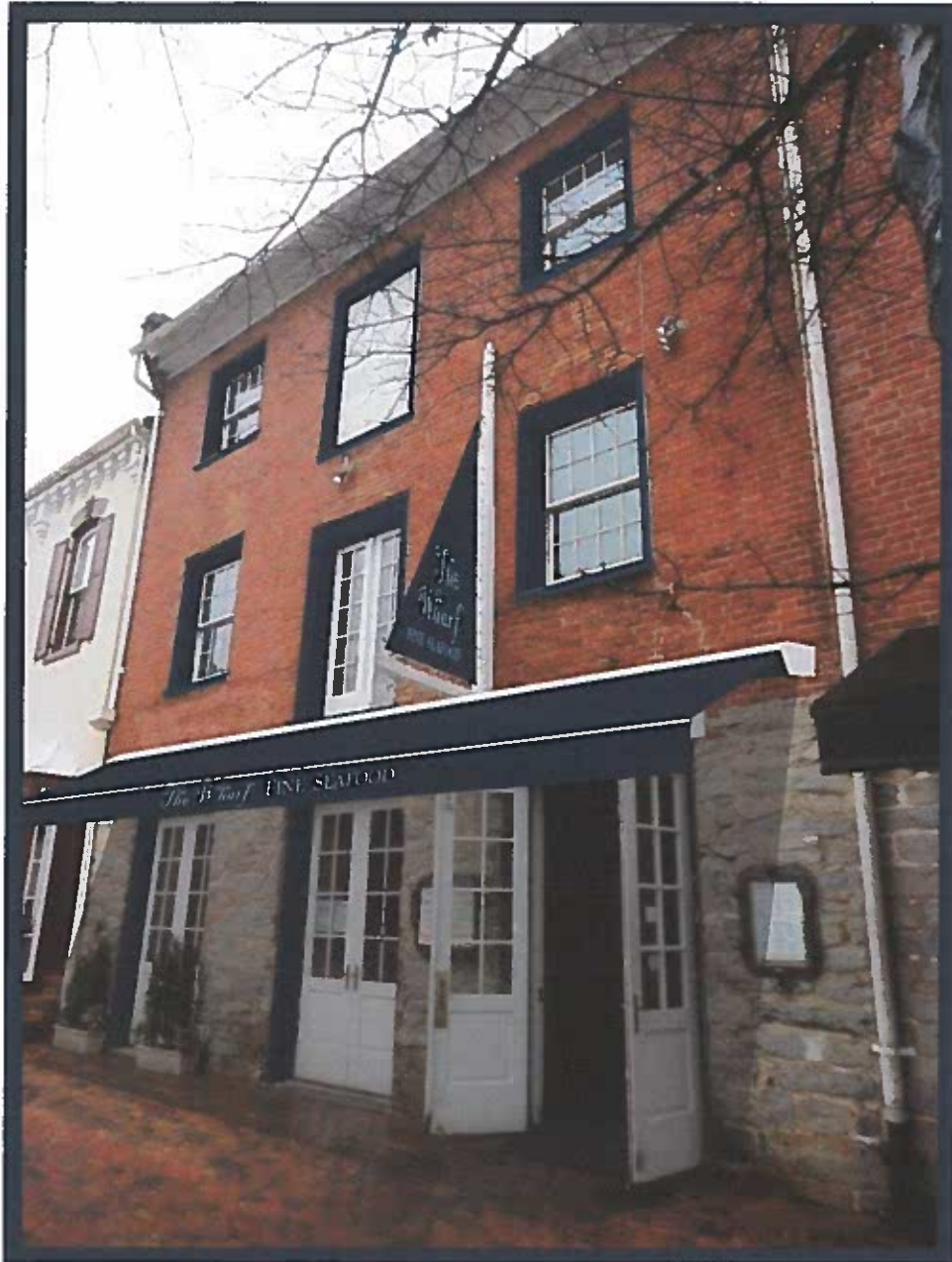
CANOPY PROPOSAL



PHONE: 301-680-2500 FAX: 301-680-0851
ADDRESS: 12067 TECH RD. SILVER SPRING MD. 20904

THIS IS AN ORIGINAL, UNPUBLISHED DRAWING, SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY THOMAS SHADE, INC. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN PERMISSION FROM THOMAS SHADE, INC. FABRIC COLORS OR PRINTS FROM THIS COMPUTER GENERATED RENDERING ARE NOT EXACT AND WILL VARY FROM ORIGINAL FABRIC SAMPLES.

B.A.R. App/Review



Changed
to retractable
post B.A.R.
review & approval

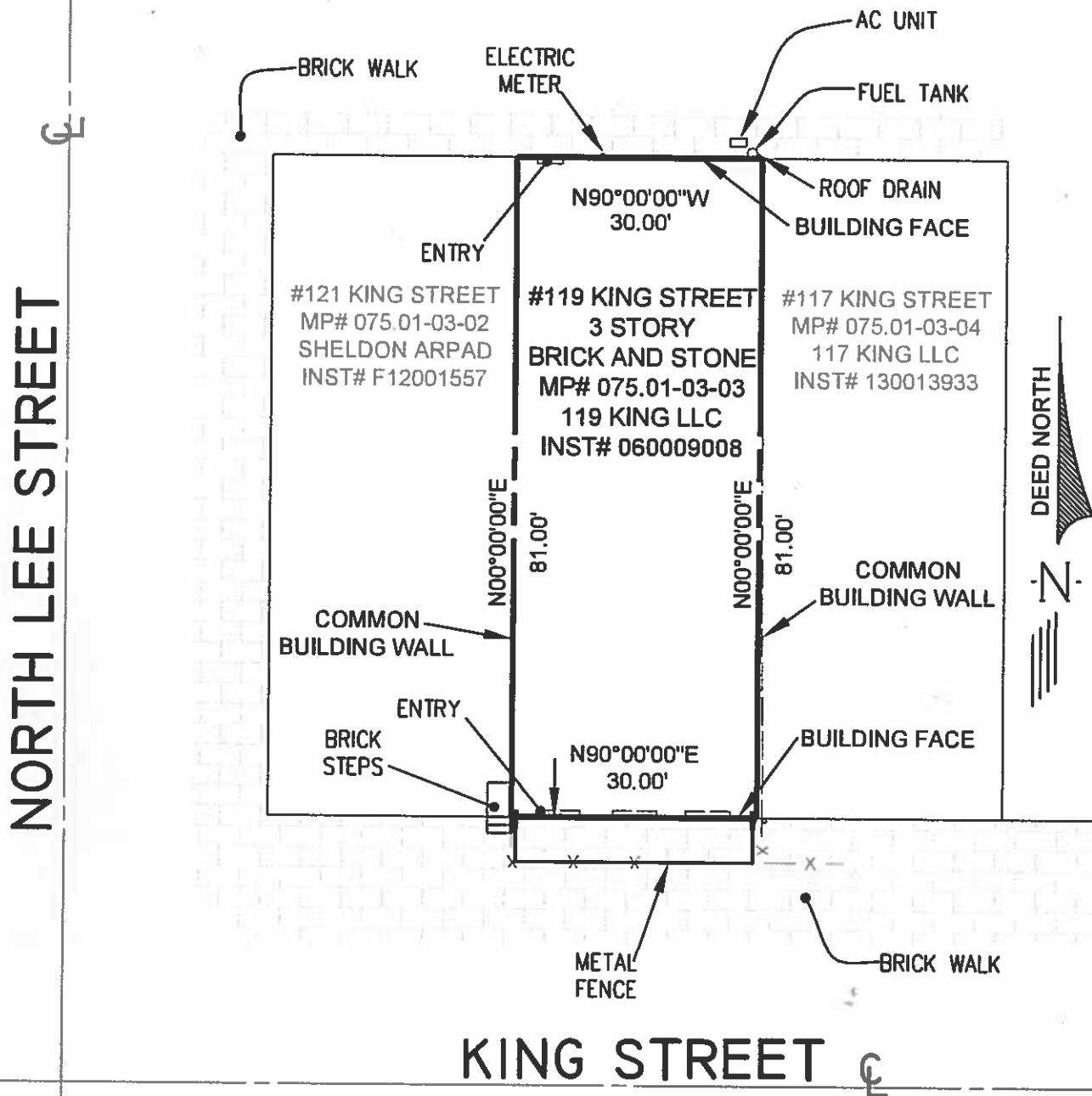
CANOPY PROPOSAL



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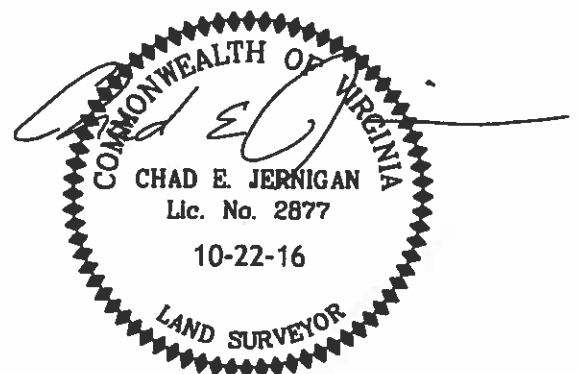
FAYETTE ALLEY



BUILDING LOCATION SURVEY #119 KING STREET CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCE AFFECTING THE TITLE TO THIS PROPERTY.

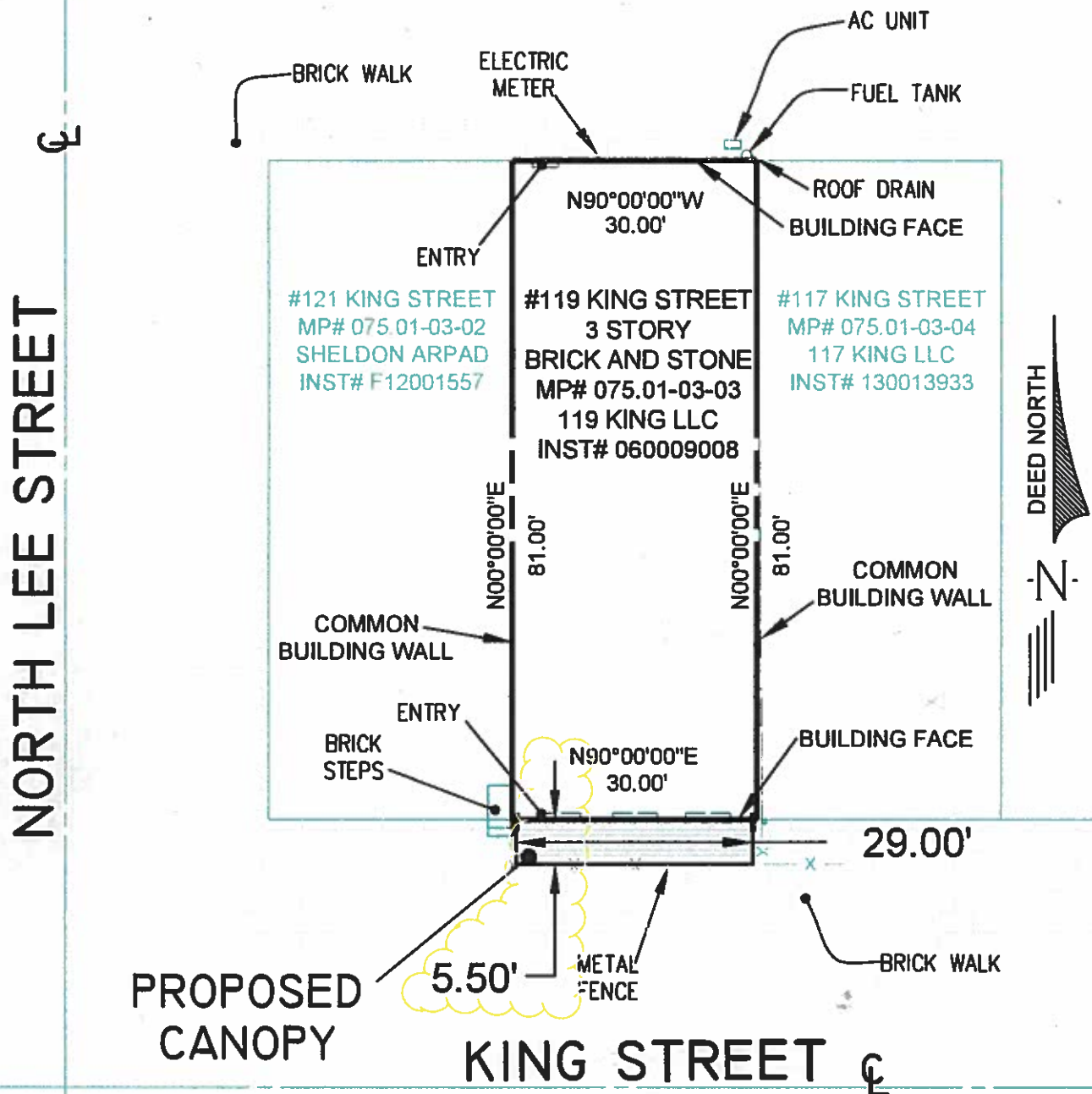


urban

Planners · Engineers · Landscape Architects · Land Surveyors

Urban, Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003
Tel. 703.642.8080
www.urban-ltd.com

FAYETTE ALLEY



BUILDING LOCATION SURVEY #119 KING STREET CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

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Urban, Ltd.
7712 Little River Turnpike
Annandale, Virginia 22003
Tel. 703.642.8080
www.urban-ltd.com

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 3, 2017

TO: CHAIRWOMAN LYMAN AND MEMBERS OF PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR OF PLANNING AND ZONING

SUBJECT: ENC #2016-0009, 119 KING STREET (DOCKET ITEM #7)

This memorandum contains two additional items of information for ENC #2016-0009:

- A. The Board of Architectural Review approval, BAR #2016-0265, has been attached to provide Planning Commissioners with further background information on the case.
- B. Conditions for encroachment approval were inadvertently omitted from the staff report. These should appear in Section III of the staff report as:
 - 1. The applicant (and his successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
 - 2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
 - 3. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

Staff recommends approval of ENC #2016-0009 with the addition of Conditions 1-3.

BAR Meeting
September 7, 2016

ISSUE: Certificate of Appropriateness
APPLICANT: Potomac Restaurants, LLC
LOCATION: 119 King Street
ZONE: CD/Commercial Downtown

BOARD ACTION: Approved. 5-1.

On a motion by Ms. Finnigan, seconded by Ms. Kelley, the OHAD Board of Architectural Review voted to approve BAR Case #2016-00265. The motion carried on a vote of 5-1. Ms. Miller was opposed.

CONDITIONS OF APPROVAL

1. Approval of the proposed signs, awning fabric and color.
2. The use of a retractable rather than a fixed frame awning. The awnings must be retracted when the outdoor dining area is not open for use by customers.
3. If the BAR approves a rigid, fixed frame awning, staff recommends that the awning have a loose valance and open ends and that the frame be painted black.
4. The awning may project no farther than five feet, six inches (5'-6") from the face of the building, subject to approval of an encroachment ordinance by City Council.
5. The awning must have an eight foot (8') clearance from the sidewalk to the bottom of awning fabric/material at any point. The upper portion should be mounted no lower than ten feet (10') from ground level to stay below the sill of the loading door at the second floor.
6. All care must be taken not to damage the exterior fabric of the building when installing the awning frame. The awning frame may not be installed directly into masonry but shall be mounted through mortar joints.
7. The current wall sign must be removed prior to installation of the awning.

REASON

The Board found the proposal with the above conditions to be appropriate and compatible with the Design Guidelines.

BOARD DISCUSSION

The Board generally agreed with the staff recommendation that a retractable awning was preferable here to not obscure this late 18th century warehouse, despite there being a fixed awning at Landini's next door.

SPEAKERS

A representative of Potomac Restaurants, LLC responded to questions.

Phillip Matyas, 219 North Pitt Street, expressed concerns about the proliferation of awnings.

STAFF RECOMMENDATION

1. Approval of the proposed signs, awning fabric and color.
2. The use of a retractable rather than a fixed frame awning. The awnings must be retracted when the outdoor dining area is not open for use by customers.
3. If the BAR approves a rigid, fixed frame awning, staff recommends that the awning have a loose valance and open ends and that the frame be painted black.
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6. All care must be taken not to damage the exterior fabric of the building when installing the awning frame. The awning frame may not be installed directly into masonry but shall be mounted through mortar joints.
7. The current wall sign must be removed prior to installation of the awning.

GENERAL NOTES TO THE APPLICANT

1. **ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND PERMITS TO DEMOLISH:** Applicants must obtain a stamped copy of the Certificate of Appropriateness or Permit to Demolish PRIOR to applying for a building permit. Contact BAR Staff, Room 2100, City Hall, 703-746-3833, or preservation@alexandriava.gov for further information.
2. **APPEAL OF DECISION:** In accordance with the Zoning Ordinance, if the Board of Architectural Review denies or approves an application in whole or in part, the applicant or opponent may appeal the Board's decision to City Council on or before 14 days after the decision of the Board.
3. **COMPLIANCE WITH BAR POLICIES:** All materials must comply with the BAR's adopted policies unless otherwise specifically approved.
4. **BUILDING PERMITS:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by Building and Fire Code Administration (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Administration, Room 4200, City Hall, 703-838-4360 for further information.
5. **EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.
6. **HISTORIC PROPERTY TAX CREDITS:** Applicants performing extensive, certified rehabilitations of historic properties may separately be eligible for state and/or federal tax credits. Consult with the Virginia Department of Historic Resources (VDHR) prior to initiating any work to determine whether the proposed project may qualify for such credits.



BAR2016-00265



I. ISSUE

The applicant is requesting approval of a Certificate of Appropriateness for installing a single new awning at 119 King Street, *The Wharf Restaurant*. Currently, the building has no awning, although the neighboring properties (115 and 117 King Street), occupied by the *Landini Brothers Restaurant*, are shaded by canopies similar to what the applicant is proposing here.

A welded aluminum frame, comprised of 1" square aluminum tubing, will anchor the shed-style canopy to the building. The proposed 12-bay frame will span 29 feet across the façade and project five feet, six inches (5'-6") from the face of the building. The trapezoidal frame will measure one foot, ten inches (1'-10") high against the building and eight inches (8") high at the projected end. The applicant proposes that the frame be mounted so that an eight-foot (8') clearance is maintained from the ground level to the bottom of the frame. The proposed fabric for the new awning is Sunbrella® Marine Blue fabric, which matches the existing "sail" sign installed on the building façade, above the entry. The method of affixing the frame to the building involves drilling holes into the existing structure, applying masonry shields, then screwing 3/8" x 4" lag screws into steel Z brackets which will be affixed to the aluminum frame by #10 tech screws. The awnings will have a 19.5 square-foot valence (or drop) on which white commercial script font – measuring 7.25" x 73.5" (totaling 3.7 square feet) and consisting of "*The Wharf* FINE SEAFOOD" – will be printed.

II. HISTORY

The three-story, three-bay masonry structure at 119 King Street is a **late 18th-century**, vernacular warehouse which has been in continuous use for 220 years. Situated between North Lee (formerly Water Street) and North Union streets on the north side of King Street, the warehouse was erected on infill created by William Ramsay circa 1780.¹ Between 1750 and 1790, enterprising riverfront lot owners began infilling the bay, first with wharves constructed from wooden cribs or the hulls of purposefully sunken boats, and then with earth graded from the inland streets or cut from the bluffs mixed with abandoned ship ballast and household detritus.² Upon his death in 1785, Ramsay bequeathed the lot at 119 King to his daughter and son-in-law, Ann Ramsay and Robert Allison. The Allisons sold the undeveloped parcel to Irish merchant James Patton in 1795. Patton erected the two brick warehouses (with stone first-floor walls) at 117 and 119 King Street before 1796, at which time the two buildings were insured for \$11,300. The warehouses lining lower King Street facilitated the seaport's bustling trade and typically stored dry goods, groceries, and gun powder. Patton merchandized wines, sherries, tea, salt and sugar which he kept in his King Street storehouses. In 1800, both of Patton's warehouses were purchased by Anthony Charles Cazenove, a Frenchman who acquired the holdings on behalf of Victor du Pont de Nemours so that the New York gunpowder supplier could gain a foothold in Virginian markets. Du Pont's venture was abandoned by 1807.³

¹ Ethelyn Cox, *Historic Alexandria, Virginia Street by Street: A Survey of Existing Early Buildings* (McLean, VA: EPM Publications, 1976) p. 64.

² Steven J. Shephard, "Reaching for the Channel: Some Documentary and Archaeological Evidence of Extending Alexandria's Waterfront," *The Alexandria Chronicle* (Spring 2006): 2.

³ Diane Riker, "The Warehouses of Lower King Street," (2009), Office of Historic Alexandria, *Studies of the Old Waterfront* [web document]. Accessed August 18, 2016: <https://www.alexandriava.gov/uploadedfiles/historic/info/history/WaterfrontHistoryLowerKing.pdf>

Surviving a fire during the Civil War, the warehouse continued to operate commercially through the late 19th and early 20th centuries. Between 1870 and 1896, the building (then numbered 27 King Street) was occupied a series of “general commission merchants,” including George H. Robinson and by J.T. Beckham.⁴ By 1902, it was numbered 119 King Street and was listed as a wholesale grocery, but by 1907 it was labeled a “jobbing house,” a wholesale shop of “china, glass and tinware.”⁵ Dry goods continued to be sold in the building through 1912, when it housed the Alexandria Coffee Co., purveyors of coffee and tea. Circa World War I, its function shifted to light industry, as it was labeled a bottling works in the 1921 Sanborn and as an ice cream factory in the 1931 Sanborn.⁶ By the 1941 Sanborn mapping, it was vacant; in 1958, it was listed as a feed warehouse; and since 1971, the building has served primarily as a restaurant, the Wharf.

The building’s footprint remained unchanged through the present time, although interior partitions shifted according to Sanborn depictions. Few alteration/repair permits were issued to the various owners throughout the 20th century for 119 King Street. In August 1971, Clifford Cline requested an alteration permit (#28501) and BAR approved, with conditions, alterations to a door and window at the restaurant as well as signage in the autumnal months. BAR also approved the replacement of doors and windows in 2000 and signage in 2012.

III. ANALYSIS

The allowable square footage of signage for this building’s frontage, which measures 30.5 linear feet on King Street, totals 22.88 square feet. The current usage, with the “sail” sign and the rectangular wall sign, meets the limit at 22.49 square feet. The applicant proposes eliminating the wall sign with the erection of the awning, and while the white lettering on the awning valence will act as signage, the applicant has calculated the lettering dimensions will total 3.7 square feet, bringing the total signage to 20.3 square feet – *less* than the current sign area. Staff supports the signage aspect of the proposal.

However, staff is concerned that the proposed canopy (which is the word used by the Thomas Shade, Inc. contractors to describe this awning) will diminish the pedestrian’s view of the architectural details of this historic building, namely the transition from rough-hewn building stone on the first floor to brick on the upper floors. The BARs’ *Design Guidelines* state that awnings should “play a secondary role and augment, not compete, with the architecture of a historic building.” The *Landini Brothers Restaurant* canopy already obscures the similar masonry transition on 115 and 117 King Street, thereby affecting the pedestrian’s view of these unique and historic structures which match 119 in appearance. To continue this affect would not only obscure the last openly-visible of the triumvirate buildings but would create a solid line of shade structures projecting out into the public right-of-way for the span of approximately 90 feet. Furthermore, the use of a rigid rather than hanging (drop) valence and enclosed ends gives the canopy an appearance of permanence that suggests it is an architectural element – a shade *structure* – and less an awning, or an ephemeral accoutrement. The *Oxford English Dictionary* defines an awning in terms of its materiality, namely, fabric, which connotes flexibility and lightness (Figure 1).



⁴ James T. Beckham served as Mayor from 1881-1885.

⁵ Sanborn (1902) plate 9 and (1907) plate 9.

⁶ Sanborn (1912) plate 9, (1921) plate 6, (1931) plate 6.

Definition of *awning* in English:

awning

Pronunciation: /ˈɒniŋɡ/  



NOUN

A sheet of [canvas](#) or other material stretched on a frame and used to keep the sun or rain off a [storefront](#), window, [doorway](#), or [deck](#).

+ Example sentences

+ Synonyms



Figure 1: The OED defines an awning and depicts it as a lighter, less rigid structure.

The method of affixing the shed frame to the wall (bolting) also suggests a high level of permanence. Staff recommends the alternative of a retractable awning in order to keep the historic building visible. The applicant's contractor, Thomas Shade Inc., has supplied Chadwick's Restaurant at 203 South Strand Street with such retractable awnings (Figure 2).



Figure 2: retractable awnings at Chadwick's in Old Town, Alexandria, provided by Thomas Shade Inc.

Recently, retractable awnings have also been used successfully at restaurants and businesses in the OHAD, such as at Virtue Feed & Grain (Figures 3 and 4) on South Union Street; Bittersweet Café and Bakery (Figure 5) at the intersection of North Alfred and King streets; and the Pauline Books & Media store (Figure 6) at King and Henry streets. Note that the business signs are typically visible on the valance whether the awning is extended or not.



Figure 3, above: example of retractable awnings at Virtue Feed & Grain, South Union Street.



Figure 4, right: example of retractable awnings at Virtue Feed & Grain, South Union Street.



Figure 5, below: example of retractable awnings at Bittersweet Café & Bakery, Alfred and King streets.

Figure 6, left: retractable awnings at Pauline Books & Media Store, Henry and King streets.



In regard to the applicant's proposal, within the last four years, the Board has approved fixed shed awnings at nearby businesses, including *Landini's* (BAR2013-00429) and *Carluccio's* (BAR2014-00124). In the case of *Landini's*, the Board asked that the fabric ends of the awning be deleted to expose more of the building wall to pedestrians and that the awning be broken into three segments to minimize the appearance of its width. The BAR required all three awnings to have open ends and a loose valance. Because the *Landini's* awning was primarily intended to control sun and rain on the outdoor dining tables, the BAR supported the applicant's request for a 5'-6" projection from the building face – equal to the depth of their outdoor dining – subject to City Council approval of an encroachment.

In this case, staff recommends that the proposed awning for the Wharf also project no more than five feet, six inches (5'-6") from the face of the building. This will require the applicant to apply for an encroachment, as four feet (4') of projection into the public right-of-way is the maximum allowed in the City Code by right. Staff reminds the applicant that the City Code also requires awnings to have a minimum eight foot (8') clearance from the sidewalk to the bottom of the awning *fabric/material*, not just to the bottom of the rigid frame.

Finally, care must be taken not to damage the historic exterior materials of the building when installing the awning frame. The awning frame may not be installed directly into masonry but must be mounted through mortar joints. Staff supports the choice of Sunbrella® brand Marine Blue color fabric with white lettering, which is consistent with the restaurant's current "sail" sign and window-trim color scheme, and which is differentiated from the neighboring black awning. A sample of the fabric will be available at the hearing.

In summary, in the past decade the BAR has expressed concern that awnings were proliferating and were simply being used as billboard-sized signs rather than for their original purpose of sun control. In addition, these large awnings were obscuring the historic architectural details that the BAR is charged with protecting and enhancing. Therefore, staff supports the proposed signs and awning fabric and color but recommends the use of a retractable awning(s) that extend a maximum of 5'-6" into the public right of way, subject to approval of an encroachment ordinance by City Council. Alternatively, if the BAR approves a rigid, fixed frame awning, staff recommends that the awning have a loose valance and open ends and that the frame be painted black and affixed to the wall through the mortar joints only.

STAFF

Heather McMahon, Historic Preservation Planner, Planning & Zoning
Al Cox, FAIA, Historic Preservation Manager, Planning & Zoning

IV. CITY DEPARTMENT COMMENTS

Legend: C- code requirement R- recommendation S- suggestion F- finding

Zoning Comments

C-1 Proposed removal of wall sign and installation of awning with sign will comply with zoning.

Code Administration

No comments received.

Transportation and Environmental Services

- C-1 Any work from or within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-2 Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line and extending to no more than one foot from the established curb line, may be erected. (Sec. 5-2-29(d)) (As the proposed awning extends more than 4 feet from the property line, an encroachment ordinance is required.) (T&ES)
- C-3 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-4 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-5 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)
- C-6 All other conditions apply. Section 6-307 Other Conditions, (B): "All uses, activities and development occurring within any floodplain district shall only be undertaken in strict compliance with the Virginia Uniform Statewide Building Code (VA USBC)." (T&ES)
- C-7 As part of the Encroachment approval, the owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an Additional Insured, against claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. (Sec. 5-29 (h)(1)) (T&ES)

**Please submit Insurance Certificate:
City of Alexandria**

T&ES / Site Plans
Attn: Shanna Austin
301 King Street, Room 4130
Alexandria, VA 22314

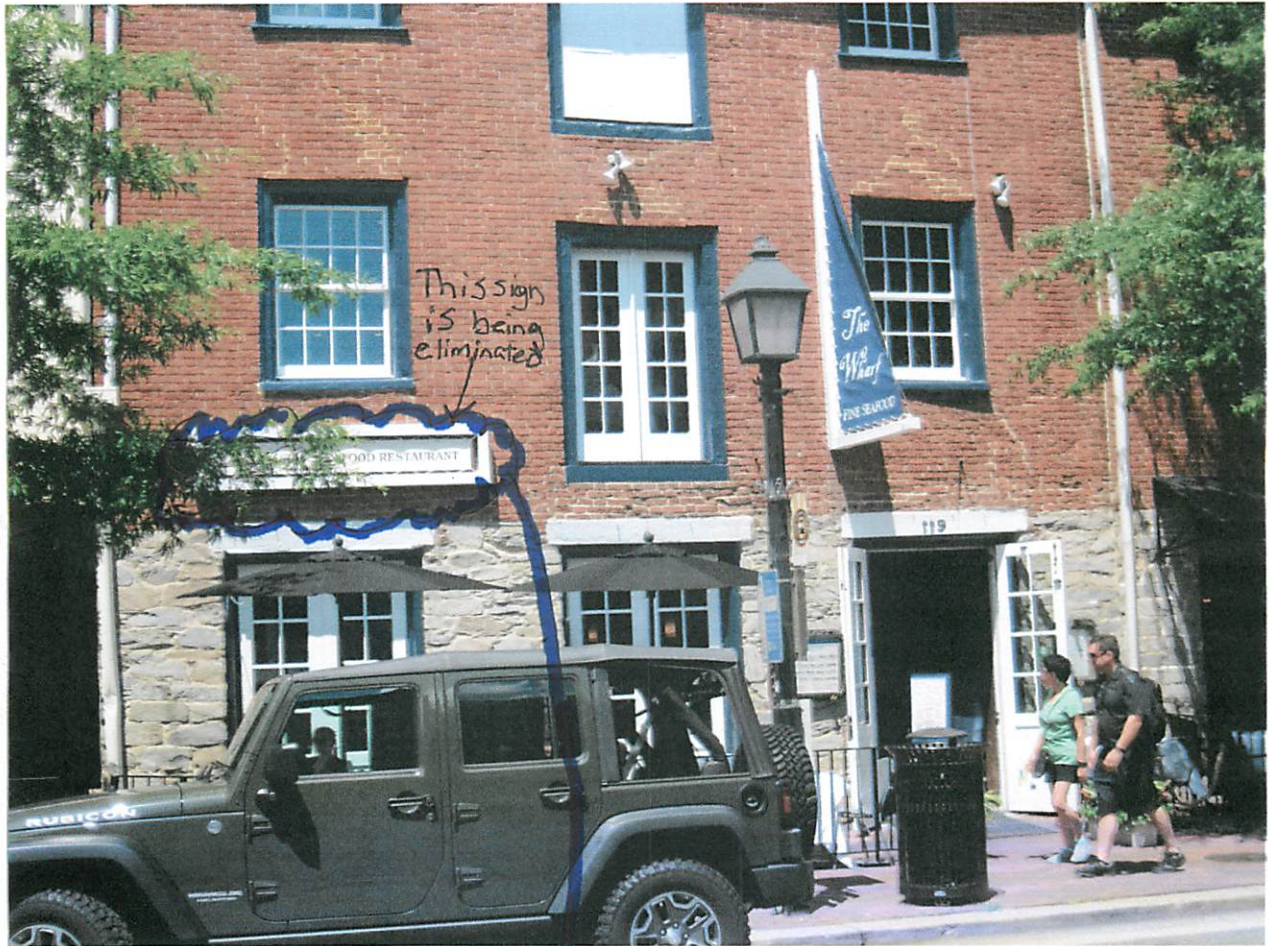
- R-1 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-2 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on all plans submitted for approvals. (T&ES)
- R-3 Approval of an Encroachment Ordinance is required prior to approval of any permit to install the awnings. (T&ES)
- F-1 This property and building are located within the 100-yr floodplain. Due to the fact that these improvements do not amount to a "Substantial Improvement" as defined by City ordinance, this project is not subject to the Floodplain District regulations provided in Section 6-300 (FLOODPLAIN DISTRICT) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance. However, the owner(s) of this property should be advised that flooding can and does occur at this location up to elevation 10.2' (City Datum). All other conditions apply. Section 6-307 Other Conditions, (B): "All uses, activities and development occurring within any floodplain district shall only be undertaken in strict compliance with the Virginia Uniform Statewide Building Code (VA USBC)."

Alexandria Archaeology

No comments received.

V. ATTACHMENTS

- 1 – Supplemental Materials*
- 2 – Application for BAR2016-00265: 119 King Street*



This sign will be completely eliminated

Applications & Materials
BAR2016-00265
119 King Street
9/7/2016

Rendering 1



CANOPY PROPOSAL

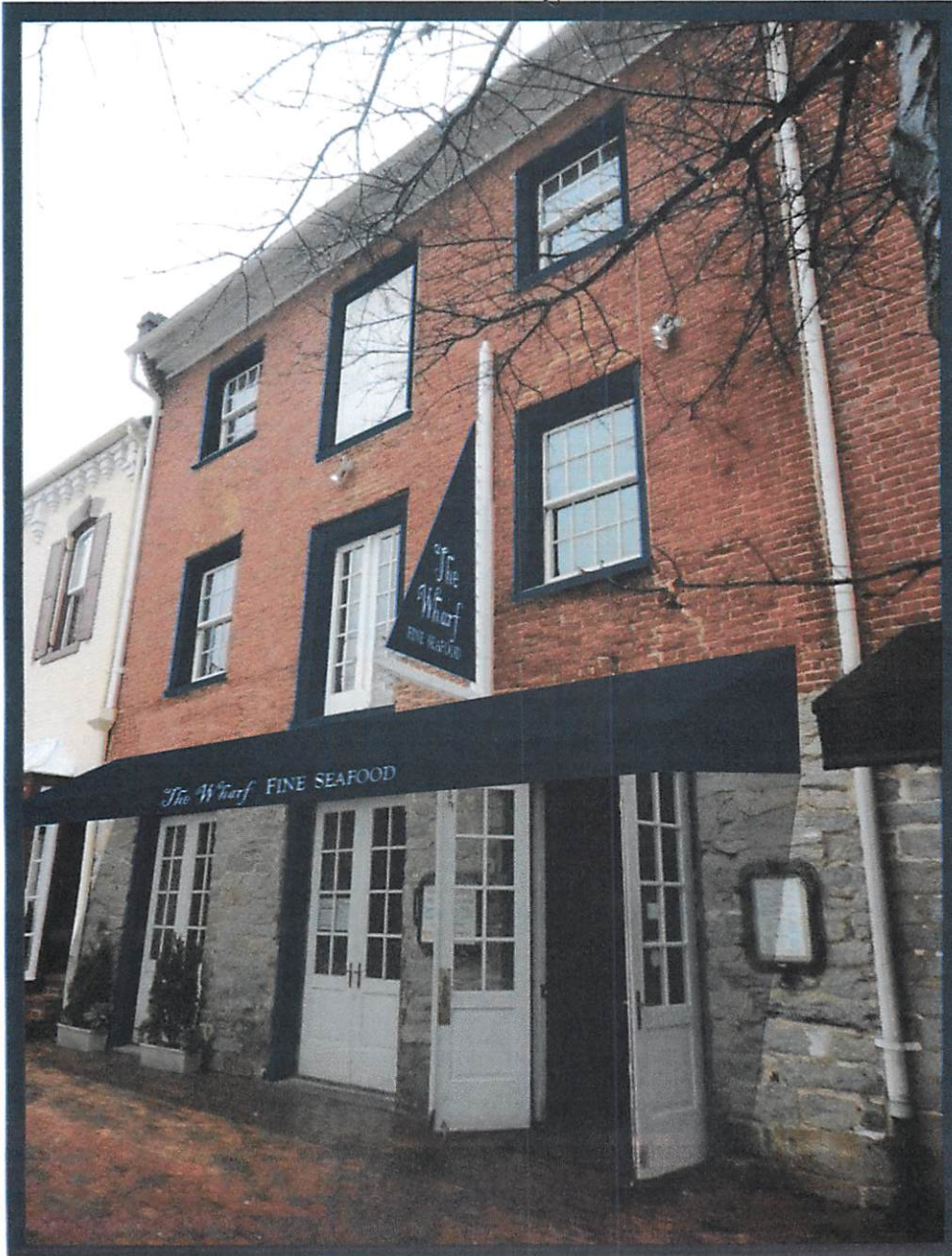


PHONE: 301-680-2500 FAX: 301-680-0851
ADDRESS: 12067 TECH RD. SILVER SPRING MD. 20904

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Applications & Materials
BAR2016-00265
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Rendering 2

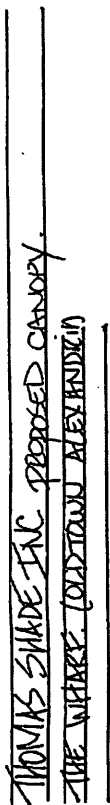


CANOPY PROPOSAL



PHONE: 301-680-2500 FAX: 301-680-0851
ADDRESS: 12067 TECH RD. SILVER SPRING MD. 20904

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The Wharf FINE SEAFOOD

Canopy Valance is 19.5 square feet
Lettering is 73.5" x 7.25" = 3.7 square feet
White painted lettering

Art Layout File: _____ Wharf canopy

Job Name: _____ **The Wharf**

Signature of Approval: _____

Thomas Shade, Inc.
12067 Tech Road
Silver Spring, MD 20904
301-680-2500 fax 301-680-0851
www.thomasawning.com
mail@thomasawning.com

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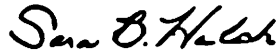
Sara B Hatch
119 King LLC
2465 Forest Grove Road
Vilas, NC 28692
828-297-1740

To: Mike Brumagin

re: Proposed awning for 119 King Street.

As owner of 119 King Street for over 30 years and one of the original owner/operators of the The Wharf Restaurant, I whole-heartily approve of the design of the canopy as shown in your rendering by Thomas Shade Inc., and look forward to your success with the BAR application.

Sincerely,



28 June, 2016

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ADDRESS OF PROJECT: 119 King St. Alexandria, VA 22314TAX MAP AND PARCEL: 075.01-03-03 ZONING: Old & Historic District

APPLICATION FOR: (Please check all that apply)

☒ CERTIFICATE OF APPROPRIATENESS☐ PERMIT TO MOVE, REMOVE, ENCAPSULATE OR DEMOLISH
(Required if more than 25 square feet of a structure is to be demolished/impacted)☐ WAIVER OF VISION CLEARANCE REQUIREMENT and/or YARD REQUIREMENTS IN A VISION
CLEARANCE AREA (Section 7-802, Alexandria 1992 Zoning Ordinance)☐ WAIVER OF ROOFTOP HVAC SCREENING REQUIREMENT
(Section 6-403(B)(3), Alexandria 1992 Zoning Ordinance)Applicant: ☐ Property Owner ☒ Business (Please provide business name & contact person)Name: Potomac Restaurants, LLCAddress: 119 King St.City: Alexandria State: VA Zip: 22314Phone: 804-319-7321 E-mail: mikebrum89@gmail.comAuthorized Agent (if applicable): ☐ Attorney ☐ Architect ☐ _____

Name: _____

Phone: _____

E-mail: _____

Legal Property Owner:

Name: Gary & Sally HatchAddress: 2465 Forest Grove Ave.City: Villas State: NC Zip: 28692Phone: 828-773-8604 E-mail: forkridge@hotmail.com

- ☐ Yes ☒ No Is there an historic preservation easement on this property?
- ☐ Yes ☐ No If yes, has the easement holder agreed to the proposed alterations?
- ☐ Yes ☒ No Is there a homeowner's association for this property?
- ☐ Yes ☐ No If yes, has the homeowner's association approved the proposed alterations?

If you answered yes to any of the above, please attach a copy of the letter approving the project.

NATURE OF PROPOSED WORK: *Please check all that apply*

- ☐ NEW CONSTRUCTION
☒ EXTERIOR ALTERATION: *Please check all that apply.*
 ☒ awning ☐ fence, gate or garden wall ☐ HVAC equipment ☐ shutters
 ☐ doors ☐ windows ☐ siding ☐ shed
 ☐ lighting ☐ pergola/trellis ☐ painting unpainted masonry
 ☐ other _____
☐ ADDITION
☐ DEMOLITION/ENCAPSULATION
☐ SIGNAGE

DESCRIPTION OF PROPOSED WORK: *Please describe the proposed work in detail (Additional pages may be attached).*

Installation of an awning almost identical to awning of immediately adjacent tenant (Landini Brothers). The dimensions for this proposed awning are detailed on the attached engineer's schematic.

The "look" of the awning is captured in the attached renderings and included fabric sample. The fabric type & color are an identical match to the existing "Sail" sign.

SUBMITTAL REQUIREMENTS:

Items listed below comprise the **minimum supporting materials** for BAR applications. Staff may request additional information during application review. Please refer to the relevant section of the *Design Guidelines* for further information on appropriate treatments.

Applicants must use the checklist below to ensure the application is complete. Include all information and material that are necessary to thoroughly describe the project. Incomplete applications will delay the docketing of the application for review. Pre-application meetings are required for all proposed additions. All applicants are encouraged to meet with staff prior to submission of a completed application.

Electronic copies of submission materials should be submitted whenever possible.

Demolition/Encapsulation : *All applicants requesting 25 square feet or more of demolition/encapsulation must complete this section. Check N/A if an item in this section does not apply to your project.*

- ☐ N/A
☐ ☒ Survey plat showing the extent of the proposed demolition/encapsulation.
☐ ☒ Existing elevation drawings clearly showing all elements proposed for demolition/encapsulation.
☐ ☒ Clear and labeled photographs of all elevations of the building if the entire structure is proposed to be demolished.
☐ ☒ Description of the reason for demolition/encapsulation.
☐ ☒ Description of the alternatives to demolition/encapsulation and why such alternatives are not considered feasible.

Additions & New Construction: Drawings must be to scale and should not exceed 11" x 17" unless approved by staff. All plans must be folded and collated into 3 complete 8 1/2" x 11" sets. Additional copies may be requested by staff for large-scale development projects or projects fronting Washington Street. Check N/A if an item in this section does not apply to your project.

- N/A
- ☐ ☒ Scaled survey plat showing dimensions of lot and location of existing building and other structures on the lot, location of proposed structure or addition, dimensions of existing structure(s), proposed addition or new construction, and all exterior, ground and roof mounted equipment.
- ☐ ☒ FAR & Open Space calculation form.
- ☐ ☒ Clear and labeled photographs of the site, surrounding properties and existing structures, if applicable.
- ☐ ☒ Existing elevations must be scaled and include dimensions.
- ☐ ☒ Proposed elevations must be scaled and include dimensions. Include the relationship to adjacent structures in plan and elevations.
- ☐ ☒ Materials and colors to be used must be specified and delineated on the drawings. Actual samples may be provided or required.
- ☐ ☒ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☐ ☒ For development site plan projects, a model showing mass relationships to adjacent properties and structures.

Signs & Awnings: One sign per building under one square foot does not require BAR approval unless illuminated. All other signs including window signs require BAR approval. Check N/A if an item in this section does not apply to your project.

- N/A
- * ☐ ☐ Linear feet of building: Front: 30.5' Secondary front (if corner lot): N/A
- * ☒ ☐ Square feet of existing signs to remain: 16.6 s.f. (existing Sail sign)
- ☐ ☐ Photograph of building showing existing conditions.
- ☒ ☐ Dimensioned drawings of proposed sign identifying materials, color, lettering style and text.
- ☒ ☐ Location of sign (show exact location on building including the height above sidewalk).
- ☒ ☐ Means of attachment (drawing or manufacturer's cut sheet of bracket if applicable).
- ☐ ☒ Description of lighting (if applicable). Include manufacturer's cut sheet for any new lighting fixtures and information detailing how it will be attached to the building's facade.

Alterations: Check N/A if an item in this section does not apply to your project.

- N/A
- ☒ ☐ Clear and labeled photographs of the site, especially the area being impacted by the alterations, all sides of the building and any pertinent details.
- ☒ ☐ Manufacturer's specifications for materials to include, but not limited to: roofing, siding, windows, doors, lighting, fencing, HVAC equipment and walls.
- ☒ ☐ Drawings accurately representing the changes to the proposed structure, including materials and overall dimensions. Drawings must be to scale.
- ☐ ☒ An official survey plat showing the proposed locations of HVAC units, fences, and sheds.
- ☐ ☒ Historic elevations or photographs should accompany any request to return a structure to an earlier appearance.

* The current, allowable signage sq. ft. is 22.88 s.f. The sail sign (16.6 s.f.) & wall sign (5.8 s.f.) currently make-up 22.49 s.f.

- We propose to eliminate the wall sign ≈ 5.8 s.f.
- We propose the white lettering depicted on the valance of the awning in the exhibit. The lettering is "high by" wide, so a total of 3.7 s.f.

Applications & Materials

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This lowers the total signage s.f. from the current 22.49 to 20.3 s.f.
Sail sign at 16.6 s.f. + valance lettering at 3.7 s.f. = 20.3 s.f.

ALL APPLICATIONS: *Please read and check that you have read and understand the following items:*

- ☒ I have submitted a filing fee with this application. (Checks should be made payable to the City of Alexandria. Please contact staff for assistance in determining the appropriate fee.)
- ☒ I understand the notice requirements and will return a copy of the three respective notice forms to BAR staff at least five days prior to the hearing. If I am unsure to whom I should send notice I will contact Planning and Zoning staff for assistance in identifying adjacent parcels.
- ☒ I, the applicant, or an authorized representative will be present at the public hearing.
- ☒ I understand that any revisions to this initial application submission (including applications deferred for restudy) must be accompanied by the BAR Supplemental form and 3 sets of revised materials.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The undersigned also hereby authorizes the City staff and members of the BAR to inspect this site as necessary in the course of research and evaluating the application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

Signature: Mike Brumagin
Printed Name: Mike Brumagin
Date: Aug 8, 2016

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BAR2016-00265
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9/7/2016

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. Mike Brumagin	4013 Huntsteed Way Richmond, VA 23233	50
2. Bob Fetkin	29538 Georgetown Ln. Temecula, CA 92591	50
3.		

2. **Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 119 King St. (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. 119 King St., LLC		100%
2. Sara Brewster Hatten	2465 Forest Grove Rd. Villas, NC 28692	100%
3.		

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.		
2.		
3.		

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.

Aug 8, 2016 Mike Brumagin Mike Brumagin
 Date Printed Name Signature