

***Special Use Permit #2019-0066***  
***417 North Washington Street***  
***Parking Reduction for a Single-Family Dwelling***

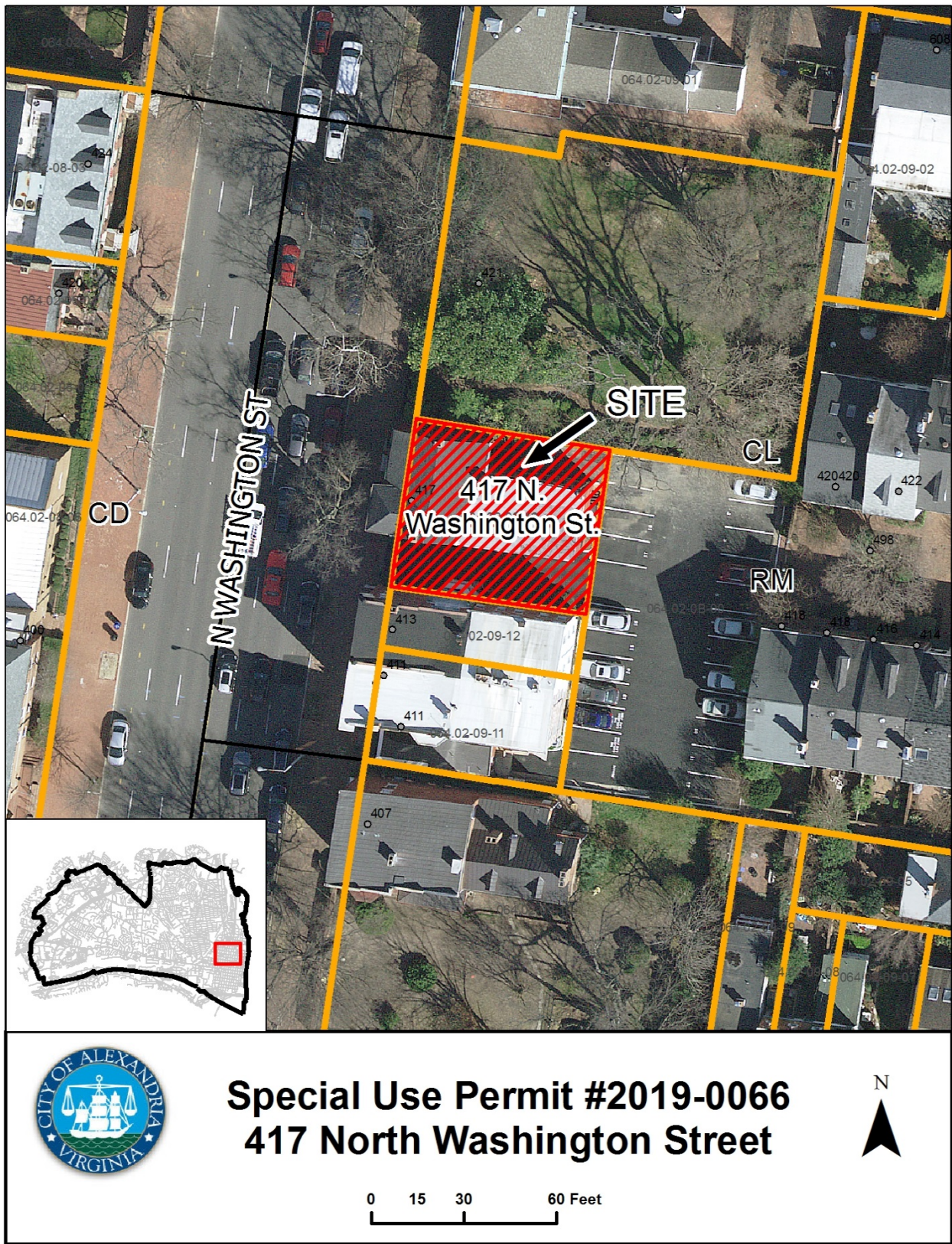
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<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request for a special use permit for a parking reduction.	<b>Planning Commission Hearing:</b>	October 3, 2019
	<b>City Council Hearing:</b>	October 19, 2019
<b>Address:</b> 417 North Washington Street	<b>Zone:</b>	CL/Commercial Low
<b>Applicant:</b> Brian Fowler, represented by James Palmer, agent.	<b>Small Area Plan:</b>	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:** Shaun Smith, [shaun.smith@alexandriava.gov](mailto:shaun.smith@alexandriava.gov)  
Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)

**PLANNING COMMISSION ACTION, OCTOBER 3, 2019:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2019-0066, as submitted. The motion carried on a vote of 7-0.



PROJECT LOCATION MAP



## **I. DISCUSSION**

The applicant, Brian Fowler, requests special use permit (SUP) approval for a two-space parking reduction per Section 8(100(A)(1), requiring that two standard parking spaces are located on-site.

### SITE DESCRIPTION

The subject property is one lot of record with 53.28 feet of lot frontage and width and 63.72 feet of lot depth. The property contains 3,395.00 square feet of lot area and is developed with a two-story building, currently used as an office.

The subject property is surrounded by a mixture of office buildings and residential uses. To the south is one single-family detached dwelling and an office building and to the north is the Lee-Fendall House Museum. East of the property is the Lee Mews condominium development.

### BACKGROUND

The lot first appeared on the 1891 Sanborn maps as developed with a two-story building that was used as a residence prior to the city's first zoning ordinance. The building was expanded and altered and took its current form in 1907. In 1973, the property was subdivided as part of a site plan for the Lee Mews condominium development to its east. As a result, the lot area was reduced. At the time of this subdivision, the property in question was used as an office. With the subdivision of the property to accommodate the condominium development to its east, a perpetual easement was granted across the subject property with a driveway easement to provide access to the new townhouse development. As part of this agreement, a perpetual easement was granted to the owners of the subject property for two dedicated parking spaces — one standard and one compact — within the Lee Mews condominium development.

Although the subject property was originally constructed as a residential structure, whenever a property owner converts from commercial use to residential use, the residential use must come into compliance with the current zoning ordinance regulations. If the original lot or property have been altered since it became a commercial use, the request for a conversion may require approval of a variance through the Board of Zoning Appeals or Special Use Permit (SUP) approval through City Council, which ever hearing process applies to the specific request.

At the September 9, 2019 public hearing of the Board of Zoning Appeals, the property received approval for variances from lot size, front yard setback, rear yard setback, north side yard setback, and open space requirements for residential uses within the CL zone in order to convert the property from an office to a residential use. Because there had been changes to the lot of record since the property was last used as a residential use, the property was ineligible to administratively convert back to a residential use per Section 12-101(B)(3). The property was ineligible for a special use permit review to convert the property from commercial to residential use as lot size requirements are not eligible for a modification through SUP.

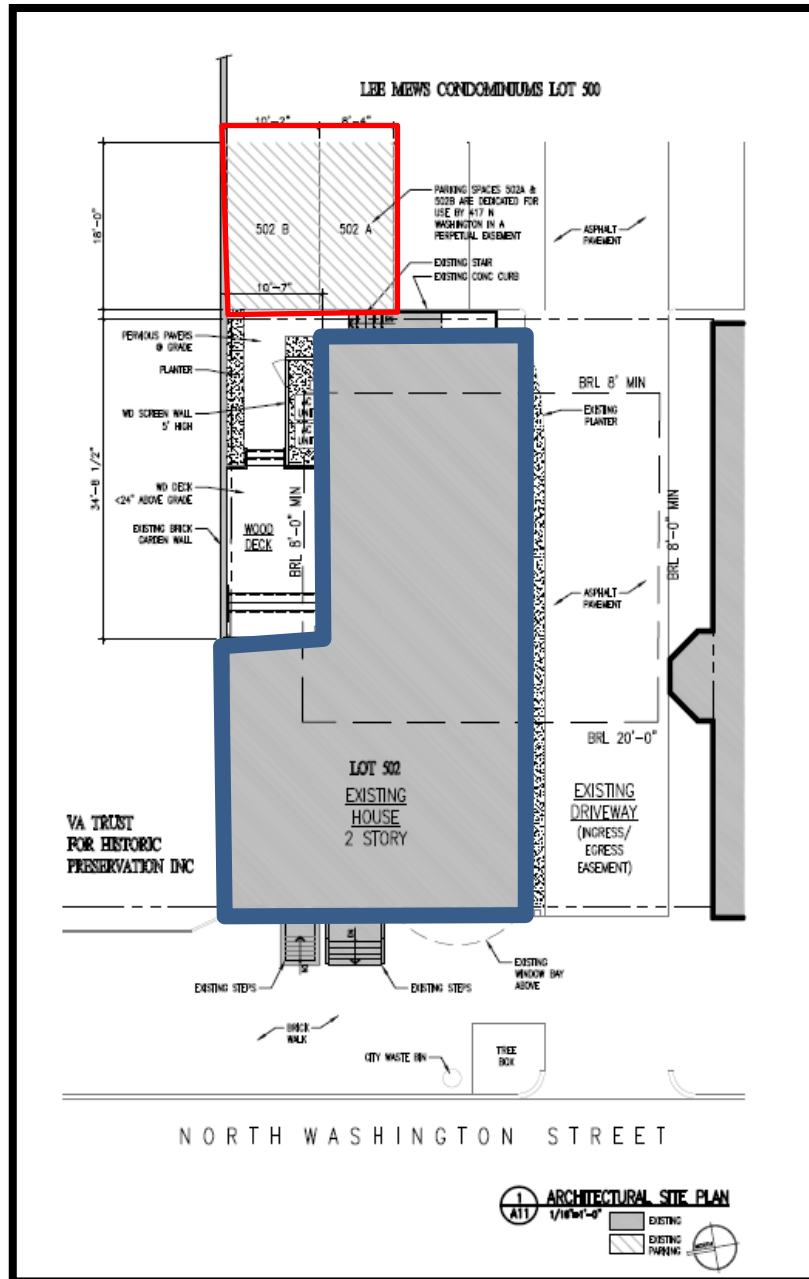
**Table 1: Compliance with the CL Zone requirements**

<b>Table 1</b>	<b>Required</b>	<b>417 N Washington St</b>	<b>Complies</b>
Lot Area	5,000 sq. ft.	3,395 sq. ft.	yes*
Frontage	50	53.28	yes
Front Yard	20 ft.	0 ft.	yes*
Side Yard Setback (north side)	8.30 ft.	0 ft.	yes*
Side Yard Setback (south side)	9.83 ft.	0 ft.	20.58 ft.
Rear Yard Setback	1:1 and 8 ft. min.	1.83 ft.	yes*
Open Space	40% = 598.4 sq. ft.	4.40% = 150 sq. ft.	Yes*

*\*Board of Zoning Appeals granted variances providing relief from the zoning regulations of Sections 4-105 and 4-106 as it relates to lot area, front yard setback, north side yard setback, rear yard setback, and open space requirements of the CL zone.*

## PROPOSAL

The applicant requests a two-space parking reduction because the two dedicated parking spaces are not located on the property and one of the spaces is a compact space. The two parking spaces, located immediately to the east of the 417 N. Washington Street rear property line, are dedicated to the property owner of 417 North Washington Street through a perpetual easement on the adjacent parcel.



*Figure 1: Parking spaces outlined in red and located over the property line for 417 N. Washington Street*

## ZONING

According to Section 8-200(A)(1) of the Zoning Ordinance, a single-family detached home is required to provide two standard-sized parking spaces on the property. Section 8-100(A)(4) allows reductions of the parking requirement by Special Use Permit approval.

The property is located in the CL, Commercial Low Zone, which allows for a mix of residential and commercial uses. The subject property is also located in the Old and Historic Alexandria District and is regulated by the Board of Architectural Review, and any new construction, exterior alterations visible from a public way, or exterior demolition, regardless of visibility, require approval by the Board of Architectural Review (BAR).

## MASTER PLAN DESIGNATION

The properties are located within the Old Town Small Area Plan that designates the property for commercial use.

## **II. STAFF ANALYSIS**

Staff recommends approval of a two-space parking reduction. The request is technical in nature as the property has a perpetual easement agreement within the Lee Mews Condominium development that provides the property with convenient access to one standard and one compact parking space directly abutting the rear entrance to the building on the subject property. Although two parking spaces are available for the property owner's use, the site also has easy access to several mass transit options, such as the Braddock Road metro station, bus routes, and BikeShare, providing ample multi-modal transportation options for the residents of the property.

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

## **III. RECOMMENDED CONDITIONS**

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

1. Off-site parking for two parking spaces shall be maintained at all times. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services  
Ann Horowitz, Principal Planner  
Chrishaun Smith, Urban Planner

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### **IV. CITY DEPARTMENT COMMENTS**

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

Transportation & Environmental Services:

F-1 A perpetual use easement for two (2) parking spaces currently exists for the benefit of the subject property but located on the adjacent parcel. (T&ES)

Code Enforcement:

C-1 A building permit, plan review and inspections are required prior to the start of construction.

Fire:

No comments

Parks and Recreation:

No comments

Real Estate Assessments:

No comments received

Police Department:

No comments



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** \_\_\_\_\_

**PROPERTY LOCATION:** 417 N Washington St

**TAX MAP REFERENCE:** 064.02-09-13 **ZONE:** CL

**APPLICANT:**

Name: BRIAN FOWLER

Address: 417 N WASHINGTON STREET ALEXANDRIA, VA 22314

**PROPOSED USE:** SINGLE FAMILY DWELLING

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **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 IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**JAMES PALMER (AGENT)**

Print Name of Applicant or Agent

911 KING ST, 2ND FLOOR

Mailing/Street Address

ALEXANDRIA, VA 22314

City and State

Zip Code

James Palmer Signature

7/10/19 Date

703-549-4033

Telephone #

Fax #

jpalmer@sanchezpalmerarchitects.com

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

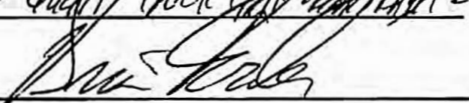
**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



SUP # \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 417 N Washington St, Alexandria, VA, I hereby  
(Property Address)  
grant the applicant authorization to apply for the SINGLE FAMILY DWELLING use as  
(use)  
described in this application.

Name: Brian Fowler Phone: 703-967-1161  
Please Print  
Address: 17090 Quail Creek Circle, Fairfax, VA 22158 Email: bfowler@ffcproperties.com  
Signature:  Date: 7/8/2019

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☐ Lessee or

☒ Other: ARCHITECT of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Brian Fowler 100%

# 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. JAMES PALMER (AGENT)		0%
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 417 N Washington St Alexandria, VA 22314 (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. BRIAN FOWLER	17090 QUAIL CREEK CIRCLE HAMILTON VA 20158	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 indicate 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. JAMES PALMER	NONE	
2. BRIAN FOWLER	NONE	
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.

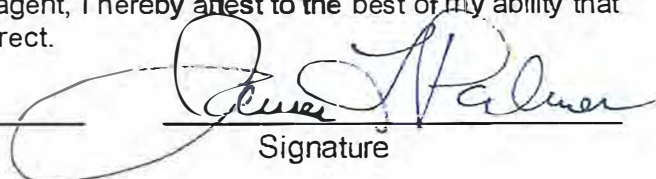
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

07/10/2019

Date

JAMES PALMER

Printed Name



Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☒ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

## NARRATIVE DESCRIPTION

**3.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The building at 417 N Washington St. was built in 1907 as a single family dwelling. It was later converted to a commercial use for professional office space. The current owner is proposing to return the building to a single family dwelling use. The existing house occupies the majority of the lot and there is no proposed change to the footprint of the house. There are no on-site parking spaces available and a 20 foot wide drive aisle has been dedicated as an ingress/egress easement to access a parking lot of the adjacent parcel (Lee Mews Condominiums Lot 500). Two parking spaces (space 502A & 502B) in the lot at Lee Mews Condominiums Lot 500 have been dedicated in a perpetual easement for use by 417 N Washington St. (see plat). A parking reduction is necessary to accommodate the zoning requirements of the residential use.

**USE CHARACTERISTICS**

**4.** The proposed special use permit request is for (*check one*):

☐ a new use requiring a special use permit,

☐ an expansion or change to an existing use without a special use permit,

☐ an expansion or change to an existing use with a special use permit,

☒ other. Please describe: THE USE ITSELF DOES NOT REQUIRE AN SUP, BUT THE PARKING REQUIREMENT DOES.

**5.** Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

SINGLE FAMILY DWELLING

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

N/A

**6.** Please describe the proposed hours and days of operation of the proposed use:

Day:

N/A

Hours:

N/A

**7.** Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

TYPICAL OF SINGLE FAMILY USE

B. How will the noise be controlled?

MECHANICAL EQUIPMENT AT GRADE IS SHEILDED BY EXISTING  
BRICK GARDEN WALL.

- 8.** Describe any potential odors emanating from the proposed use and plans to control them:

N/A

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- 9.** Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

TYPICAL OF SINGLE FAMILY USE

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- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

TYPICAL OF SINGLE FAMILY USE

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- C. How often will trash be collected?

TYPICAL OF SINGLE FAMILY USE

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- D. How will you prevent littering on the property, streets and nearby properties?

TRASH BINS WILL BE KEPT INSIDE PROPERTY IN BACK UNTIL TIME OF  
PICK UP.

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- 10.** Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes.

[✓] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes.      ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?  
N/A

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## ALCOHOL SALES

- 13.** A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes      ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

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**PARKING AND ACCESS REQUIREMENTS**

- 14.** A. How many parking spaces of each type are provided for the proposed use:

2 Standard spaces  
 \_\_\_\_\_ Compact spaces  
 \_\_\_\_\_ Handicapped accessible spaces.  
 \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (*check one*)

☐ on-site

☒ off-site

If the required parking will be located off-site, where will it be located?

LEE MEWS CONDOS LOT 500 (directly behind 417 N Washington)

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

**☒ Parking reduction requested; see attached supplemental form**

- 15.** Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? N/A

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? N/A
- C. During what hours of the day do you expect loading/unloading operations to occur?  
N/A
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
N/A

- 16.** Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

EXISTING ACCESS IS ADEQUATE

## SITE CHARACTERISTICS

- 17.** Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? \_\_\_\_\_ square feet.

- 18.** What will the total area occupied by the proposed use be?

3616 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3616 sq. ft. (total)

- 19.** The proposed use is located in: (*check one*)

- ☐ a stand alone building
- ☐ a house located in a residential zone
- ☐ a warehouse
- ☐ a shopping center. Please provide name of the center: \_\_\_\_\_
- ☐ an office building. Please provide name of the building: \_\_\_\_\_
- ☒ other. Please describe: A HOUSE LOCATED IN CL ZONE (LOW-RISE COMMERCIAL/RESIDENTIAL)

**End of Application**



# APPLICATION - SUPPLEMENTAL

## PARKING REDUCTION

*Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).*

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

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2. Provide a statement of justification for the proposed parking reduction.

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3. Why is it not feasible to provide the required parking?

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4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

\_\_\_\_\_ Yes. \_\_\_\_\_ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a *Parking Management Plan* which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

**THERE IS NO CHANGE IN PARKING PROPOSED. THE TWO PARKING SPACES DEDICATED FOR USE BY 417 N WASHINGTON IN A PERPETUAL EASEMENT WILL REMAIN.**

*Keep this letter for your records.*

## City of Alexandria Business License

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314



**This license has been issued by the Revenue Administration Division of the City of Alexandria and is granted to:**

SANCHEZ PALMER ARCHITECTS, PC  
911 KING ST  
Alexandria, VA 22314

**License Number:** 114812-2019  
**Account Number:** 114812  
**Tax Period:** 2019  
**Business Name:** SANCHEZ PALMER ARCHITECTS, PC  
**Trade Name:** SANCHEZ PALMER ARCHITECTS,PC  
**Business Location:** 911 KING ST  
Alexandria, VA 22314  
  
**License Classification(s):** Professional Occupations/Businesses  
9-071-004  
Architect

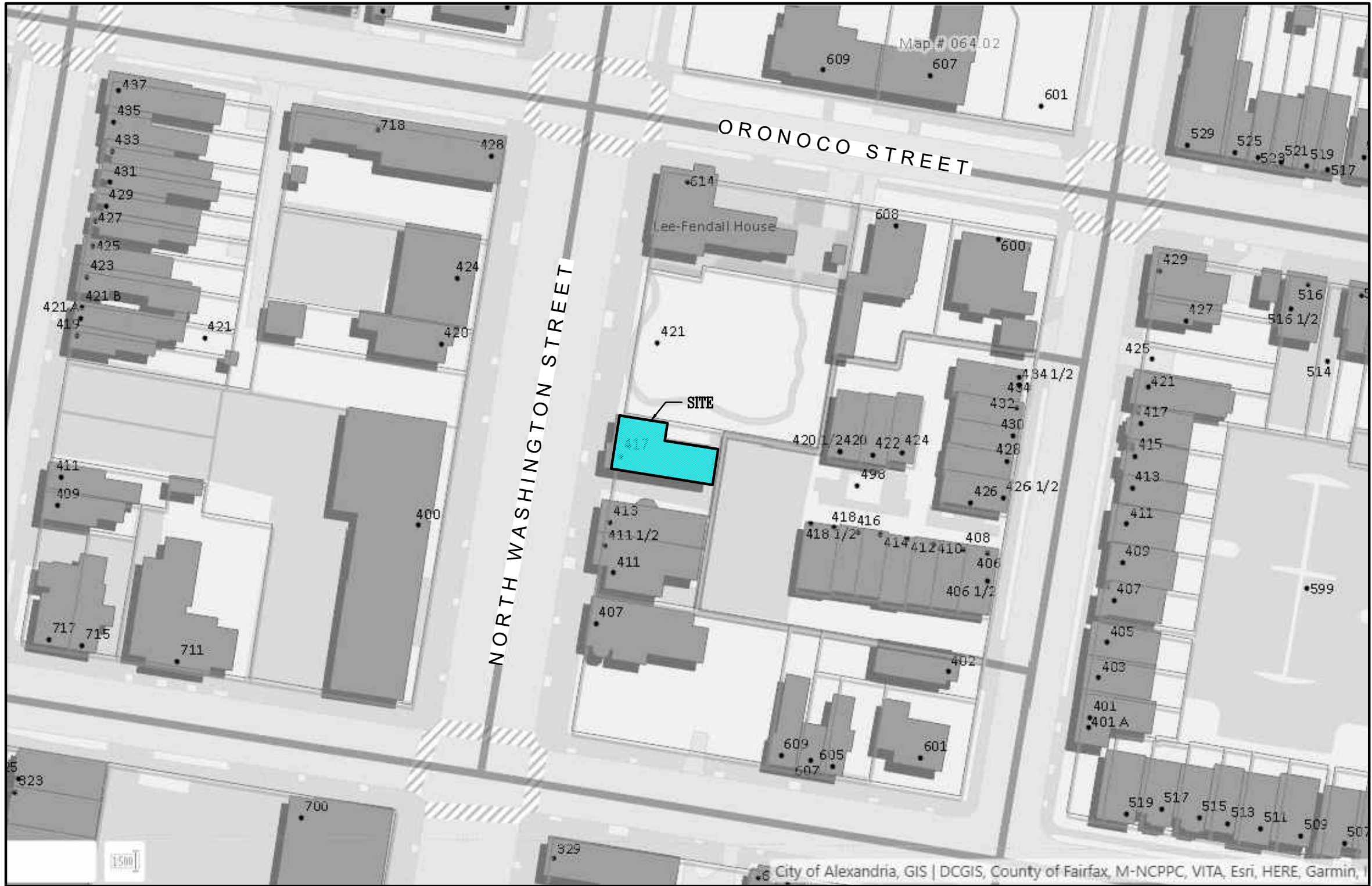


**FFC Properties LLC  
Renovation**

417 N Washington Street  
Alexandria, VA 22314

**SANCHEZ PALMER  
ARCHITECTS, PC**

911 King Street  
Alexandria, Virginia 22314  
703 549 4033  
FAX 703 548 4305



No.: Revision: Date:

Sheet Title:

**Location Plan**

Project No.: 19-195 Date: July 09, 2019

SHEET NO.

**A01**

**1**  
**A01** **LOCATION PLAN**  
SCALE: NTS



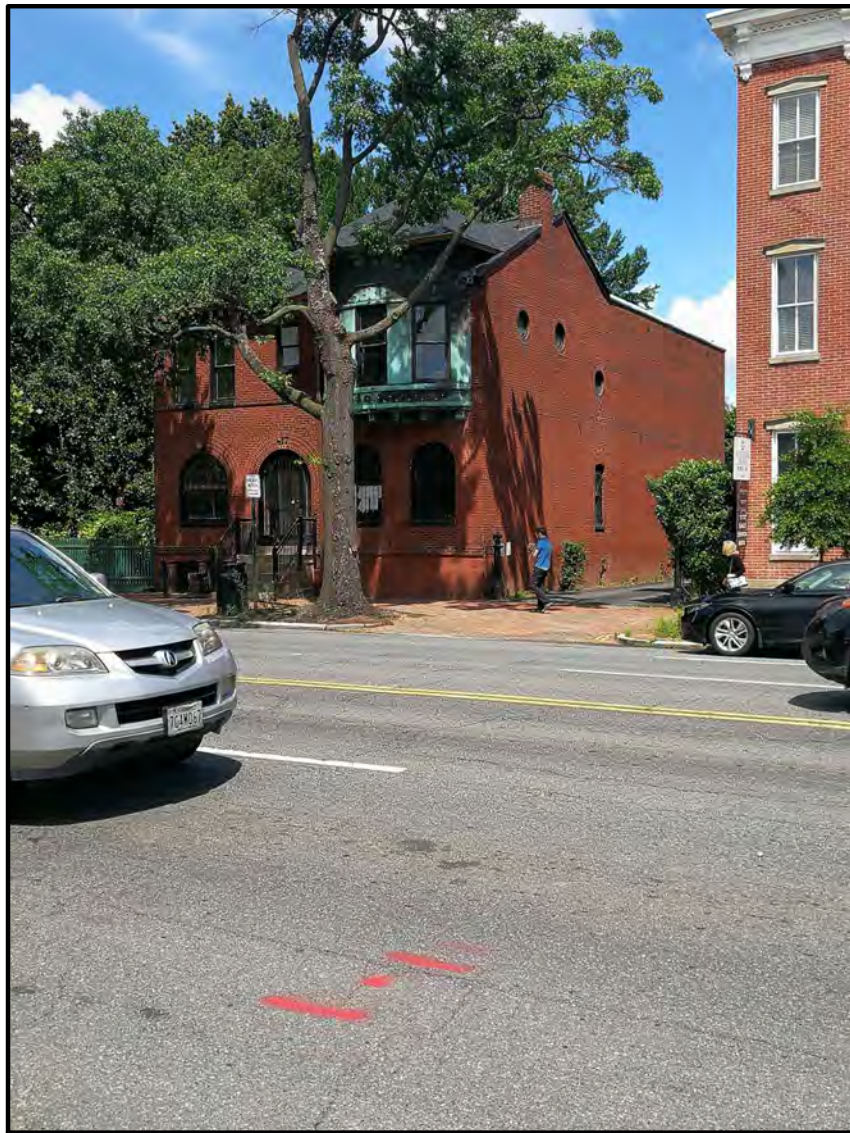


**FFC Properties LLC  
Renovation**

417 N Washington Street  
Alexandria, VA 22314

**SANCHEZ PALMER  
ARCHITECTS, PC**

911 King Street  
Alexandria, Virginia 22314  
703 549 4033  
FAX 703 548 4305



**1**  
**A02** **VIEW FROM WASHINGTON ST**  
SCALE: N/A



**2**  
**A02** **WEST ELEVATION**  
SCALE: N/A



**3**  
**A02** **OPEN AREA @ NORTH-EAST**  
SCALE: N/A

No.: Revision: Date:

Sheet Title:

**Photos of  
Existing  
Conditions**

Project No.: Date:  
19-195 July 09, 2019

SHEET NO.

**A02**



EXISTING LOT ADDRESS –  
417 N WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314

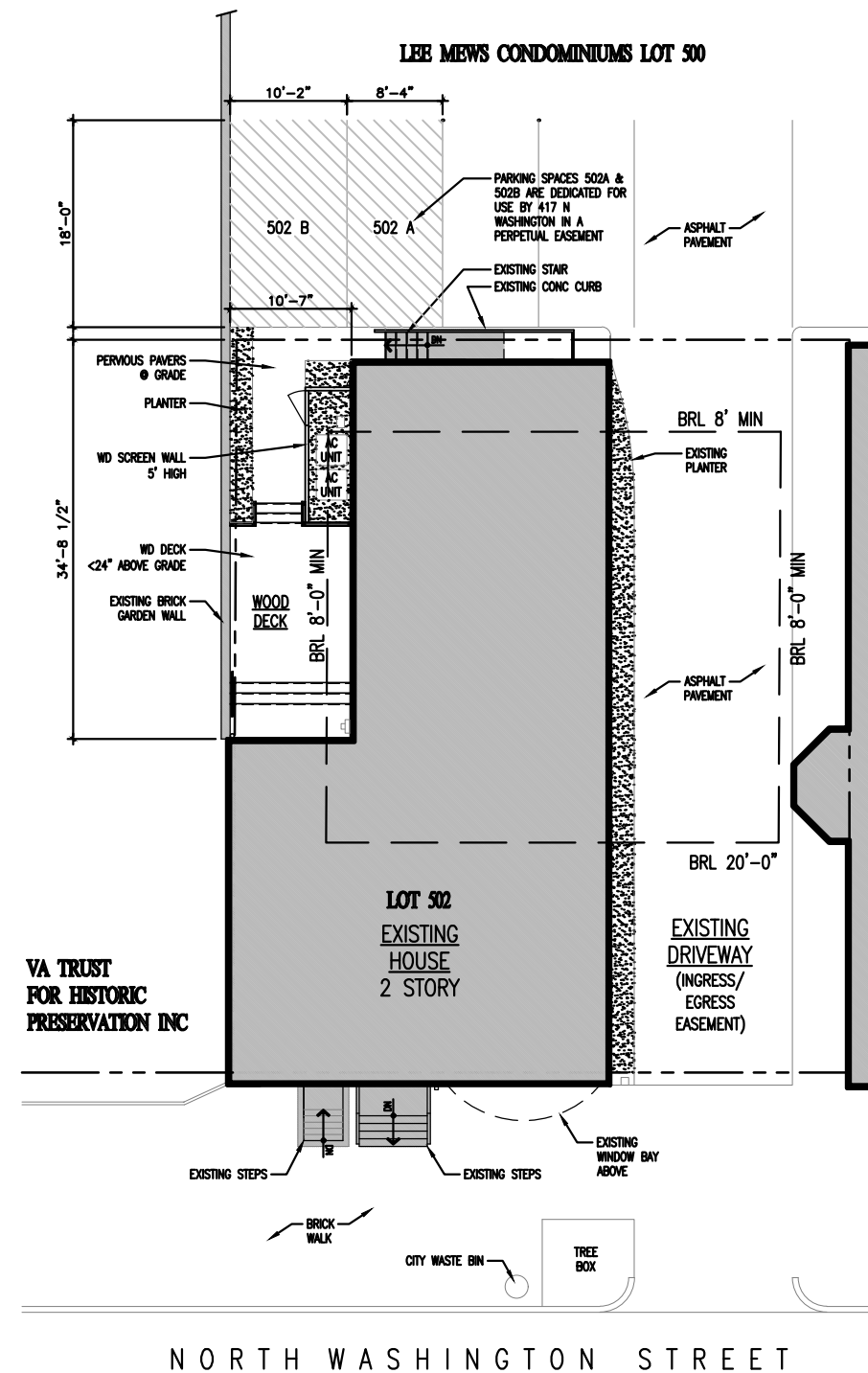
PLAT  
LOTS 502  
LANDS OF LEEWAY DEVELOPMENT CO  
ALBERT A. & NORA W. WOOLF & ROBERTA HOY BUSSARD, ET AL  
DEED BOOK 766 – PAGE 707  
CITY OF ALEXANDRIA, VIRGINIA

NOTE – SURVEY INFORMATION IS BASED ON PLAT PROVIDED BY  
THE OWNER DATED FEBRUARY 08, 2018

GEORGE M. O'QUINN  
REGISTERED LAND SURVEYOR  
VA LICENSE NO. 2069

SITE BOUNDARY LINES SHOWN ON A11 ARE FOR DESIGN INTENT  
ONLY.

SANCHEZ PALMER ARCHITECTS IS NOT RESPONSIBLE FOR THE  
ACCURACY OF THE SITE SURVEY INFORMATION.



## FFC Properties LLC Renovation

417 N Washington Street  
Alexandria, VA 22314

## SANCHEZ PALMER ARCHITECTS, PC

911 King Street  
Alexandria, Virginia 22314  
703 549 4033  
FAX 703 548 4305

No.: Revision: Date:

Sheet Title:

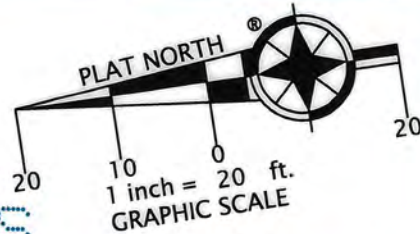
## Architectural Site Plan

Project No.: 19-195  
Date: July 09, 2019

SHEET NO.

# A11

NOTES: 1. UTILITIES ARE UNDERGROUND.



LEE MEWS  
CONDOMINIUMS  
LOT 500

DENOTED AS  
"RESIDENTS ONLY"

16 15 14 13

S 09°30'00" W ~ 53.28'

4 PARKING SPACES

ASPHALT PAVEMENT

STEPS

OFF 0.5'

ON 1.9'

22.2'

ON 1.9'

0.4' CONC CURB

OFF 0.5'

OFF 0.6'

0.75' CURB

ASPHALT

TELE

OFF 0.5'

OFF 0.6'

30.1'

11.0'

63.72'

S 80°48'00" E ~

154.50'

OFF 1.2'

CONC BE WALLS

STP

STEPS

BRICK WALK

0.5' CONC CURB

SIGN

TREE BOX

N 09°30'00" E ~ 53.28'

OFF 1.1'

OFF 1.1'

33.3'

OFF 1.1'

OFF 0.8'

BOLLARD

OFF 1.3'

ON 1.3'

2 STY BAY

OFF 5.3'

ASPHALT PAVEMENT

INGRESS/EGRESS EASEMENT

STEEP

COVID WIN WELL

ON 0.7'

2.5' CURB & GUTTER

OFF 0.7'

0.4' CONC CURB

ASPHALT

STEPS

OFF 0.5'

OFF 0.6'

0.75' CURB

ASPHALT

TELE

OFF 0.5'

OFF 0.6'

30.1'

11.0'

63.72'

S 80°48'00" E ~

154.50'

OFF 1.2'

CONC BE WALLS

STP

STEPS

BRICK WALK

0.5' CONC CURB

SIGN

TREE BOX

N 09°30'00" E ~ 53.28'

OFF 1.1'

OFF 1.1'

33.3'

OFF 1.1'

OFF 0.8'

BOLLARD

OFF 1.3'

ON 1.3'

2 STY BAY

OFF 5.3'

ASPHALT PAVEMENT

INGRESS/EGRESS EASEMENT

STEEP

COVID WIN WELL

ON 0.7'

2.5' CURB & GUTTER

OFF 0.7'

0.4' CONC CURB

ASPHALT

STEPS

OFF 0.5'

OFF 0.6'

0.75' CURB

ASPHALT

TELE

OFF 0.5'

OFF 0.6'

30.1'

11.0'

63.72'

S 80°48'00" E ~

154.50'

OFF 1.2'

CONC BE WALLS

STP

STEPS

BRICK WALK

0.5' CONC CURB

SIGN

TREE BOX

N 09°30'00" E ~ 53.28'

OFF 1.1'

OFF 1.1'

33.3'

OFF 1.1'

OFF 0.8'

BOLLARD

OFF 1.3'

ON 1.3'

2 STY BAY

OFF 5.3'

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30.1'

11.0'

63.72'



## **ASSIGNMENT OF MEMORANDUM OF SALE**

**THIS ASSIGNMENT OF MEMORANDUM OF SALE** (the "Assignment") is dated as of the 31st day of October, 2017, by and between FFC PROPERTIES, LLC (the "Assignor"), and BRIAN FOWLER (the "Assignee"), provides as follows:

### **RECITALS**

WHEREAS, pursuant to a certain Deed of Trust dated April 18, 2014 and recorded among the Land Records of the Clerk's Office of the City of Alexandria, Virginia at Instrument No. 140004759 (the "Deed of Trust"), Azer & Azer, LLC conveyed to certain Trustees, as designated in the Deed of Trust for the benefit of John Marshall Bank, certain real property more particularly described below; and

All that certain lot or parcel of land situate, lying and being in the City of Alexandria, Virginia, and more particularly described as follows:

Lot 502, of the subdivision of the Lands of Leeway Development Company, Albert A. and Nora W. Woolf and Roberts Hoy Bussard, et al. as the same appears duly dedicated, platted and recorded among the land records of the City of Alexandria, Virginia in Deed Book 766, Page 707.

TOGETHER WITH the perpetual easement to parking spaces 502A and 502B as shown on plat attached to Amendment to Master Deed of Lee Mews recorded in Deed Book 787, Page 781 and provided for in the Master Deed recorded in Deed Book 776, Page 495, of said land records

ALSO TOGETHER WITH the right of ingress and egress to and from said parking spaces over the General Common Element of Lee Mews as established in Master Deed recorded in Deed Book 776, Page 495, City of Alexandria, Virginia, Land Records.

AND BEING the same property conveyed to Azer & Azer, LLC, a Virginia limited liability company, by Deed from Rida N. Azer and Valerie A. Azer, dated August 27, 2010, recorded September 1, 2010, at Instrument No. 100015063, among the land records of City of Alexandria, Virginia.

WHEREAS, the Bank, as the noteholder secured by the Deed of Trust and as evidenced by an Appointment of Substitute dated August 30, 2017 and recorded September 5, 2017 among the land records of the City of Alexandria as Instrument No. 2017054715 001, requested that Joseph F. Jackson, Substitute Trustee ("Substitute Trustee") offer the Property for sale at a Trustee's Sale pursuant to the terms of the Deed of Trust; and



WHEREAS, at the request of the Bank, the Substitute Trustee offered the Property for sale at public auction on September 21 at 11:00 a.m.; and

WHEREAS, the Assignor was the highest bidder at the Trustee's Sale and agreed to purchase the Property for the sum One Million One Hundred Eighty-Five Thousand and No/100 Dollars (\$1,185,000.00) (the "Purchase Price") pursuant to the terms of a Memorandum of Sale dated September 21, 2017 (the "Memorandum of Sale"), copy of which is attached hereto as **Exhibit A** and made a part hereof; and

WHEREAS, the Assignor now desires to assign and grant all of its duties, rights and obligations under the Memorandum of Sale to the Assignee pursuant to the terms set forth herein and Assignee agrees to purchase the Property, including, without limitation, the improvements situated thereon, and has agreed to accept the assignment and assume all obligations of the Assignor pursuant to the Memorandum of Sale.

**NOW, THEREFORE**, in consideration of the recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

1. Recitals. The recitals set forth above are incorporated into this Assignment by reference as if fully set forth herein.
2. Assignment. The Assignor hereby assigns, transfers and grants all of its duties, rights, obligations, title and interest, in and to the Memorandum of Sale, including the deposit in the amount of One Hundred Thousand and No/100 Dollars (\$100,000.00), to Assignee, and Assignee hereby accepts the same. Assignor shall be credited for said \$100,000.00 deposit directly by Assignee pursuant to a separate agreement between the Assignor and Assignee.
3. Assignee's Responsibilities. Assignee hereby assumes and agrees to be responsible for all the obligations of the Assignor under the Memorandum of Sale.
4. Counterparts. This Assignment may be executed in any number of counterparts. Each of the counterparts will be considered an original, and all counterparts constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the parties hereto have executed this Assignment, or caused this Assignment to be duly executed by their proper officers or agents pursuant to due authorization, as of the date first above written.

ASSIGNOR:  
FFC PROPERTIES, LLC

By:  (SEAL)

Title: Member

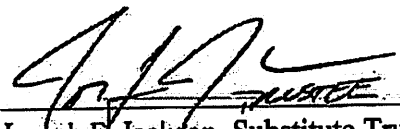
Printed Name: Brian Fowler

ASSIGNEE:

 (SEAL)  
BRIAN FOWLER

**SUBSTITUTE TRUSTEE ACKNOWLEDGMENT**

The undersigned Substitute Trustee joins in this Assignment solely to acknowledge his consent to the terms and conditions hereof, and the deposit of \$100,000.00 will be transferred to the credit of Assignee upon full execution of this Assignment.

  
Joseph F. Jackson, Substitute Trustee

**Exhibit "A"**

All that certain lot or parcel of land situate, lying and being in the City of Alexandria, Virginia, and more particularly described as follows: Lot 502, of the subdivision of the Lands of Leeway Development Company, Albert A. and Nora W. Woolf and Roberta Hoy Bussard, et al, as the same appears duly dedicated, platted and recorded among the land records of the City of Alexandria, Virginia, in Deed Book 766, Page 707.

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Property Address:     417 N. Washington Street  
                                 Alexandria, VA 22314

*Thomas, Haddock & Sewell*  
*11-14-74*

5907

BOOK 787 PAGE 781

AMENDMENT OF MASTER DEED

of

LEE MEWS

*See DB*  
*792-535*  
*2-26-75*

WHEREAS, ROGER MACHANIC and LEEWAY DEVELOPMENT COMPANY, a Virginia Partnership, Joint Venturers, doing business as LEE MEWS JOINT VENTURE, has caused to be recorded the Master Deed with By-Laws and Exhibits attached thereto for the Horizontal Property Regime known as "LEE MEWS, Alexandria, Virginia", among the land records of the City of Alexandria, Virginia in Deed Book 776, page 495; and

WHEREAS, the provisions for amendment of the Master Deed of LEE MEWS, Alexandria, Virginia require a written instrument duly executed by at least seventy-five per cent (75%) of the total percentage of ownership of the condominium project; and

WHEREAS, by Deed dated September 23, 1974, recorded among the land records of the City of Alexandria, Virginia in Deed Book 786, page 332, one unit representing six per cent (6%) of ownership of the condominium project was conveyed to WILLIAM E. STEGER and MAZZIE L. STEGER, his wife; and

WHEREAS, the unit conveyed to WILLIAM E. STEGER and MAZZIE L. STEGER is encumbered by the lien of a Deed of Trust recorded among the land records of the City of Alexandria, Virginia in Deed Book 786,

page 334 wherein the said WILLIAM E. STEGER and MAZZIE L. STEGER conveyed said unit to THE S & L SERVICE CORPORATION of VIRGINIA, a Virginia Corporation, Trustee, to secure WASHINGTON-LEE SAVINGS & LOAN, Beneficiary; and

WHEREAS, ROGER MACHANIC and LEEWAY DEVELOPMENT COMPANY, a Virginia Partnership, Joint Venturers, doing business as LEE MEWS JOINT VENTURE, own the remaining ninety-four per cent (94%) ownership of the condominium project; and

WHEREAS, it is the desire of WILLIAM E. STEGER and MAZZIE L. STEGER and ROGER MACHANIC and LEEWAY DEVELOPMENT COMPANY, doing business as LEE MEWS JOINT VENTURE, to amend the Master Deed and Exhibits thereto.

NOW, THEREFORE, the said WILLIAM E. STEGER and MAZZIE L. STEGER and ROGER MACHANIC and LEEWAY DEVELOPMENT COMPANY, pursuant to the provisions of the Master Deed and By-Laws and in compliance with the Horizontal Property Act of Virginia, as amended, hereby make the following amendments to the Master Deed and Exhibits:

1. Amend Exhibit "A" to Master Deed by adding thereto as supplemental plats those plats made by Holland Engineering signed by John V. Berberich, III, Certified Land Surveyor, dated 10/15/74 which are attached hereto and expressly made a part hereof.

2. Amend Article I, 2 (c) to read as follows:

- (c) Exclusions from Ownership: Said "Condominium Unit" owner shall be deemed to own an undivided interest in any pipes,



wires, conduits, or other public utility lines, or structural portions of the buildings not included in the enclosed "Condominium Unit", which items are by these presents hereby made a part of the "General Common Elements". Where there is attached to the Condominium Project a patio and/or garden area, such boundaries shall not include the patio and/or garden area serving such "Condominium Units", which patio or garden area shall be a "Limited Common Element".

3. Amend the third and fourth paragraphs of Article VI to read as follows:

No percentage of ownership as set forth in Article I 4 (b) and Exhibit B, hereof may be changed except by unanimous vote of all of the Co-Owners and all the parties having a security interest in any units at a duly called meeting; except that such percentage of ownership may be proportionally changed where amendment of the Master Deed occurs pursuant to Article VI (c) hereof if such proportional change of percentage only affects the two adjoining units subject to the amendment.

The provisions of this Article in no way restrict the powers specifically granted to the Developer in Article XII hereof.

WITNESS our hand and seals this 29th day of October, 1974 and IN WITNESS WHEREOF William B. Swift and Herbert N. Morgan, Vice President and Secretary, respectively, have caused this amendment to be signed, pursuant to due and proper authority duly heretofore had.

ROGER MACHANIC and LEEWAY DEVELOPMENT COMPANY, a Virginia Partnership, Joint Venturers, doing business as LEE MEWS JOINT VENTURE

  
ROGER MACHANIC, Partner

LEEWAY DEVELOPMENT COMPANY

BY: *James W. Coldsmith*  
JAMES W. COLD SMITH

*William E. Steger*  
WILLIAM E. STEGER

*Mazzie L. Steger*  
MAZZIE L. STEGER



ATTEST:

*Herbert N. Morgan*  
Secretary

ATTEST:

*Venita S. Franzella*  
Assistant Secretary

THE S & L SERVICE CORPORATION  
of Virginia, a Virginia Corporation

BY: *William P. Smith*  
Vice President

WASHINGTON-LEE SAVINGS &  
LOAN ASSOCIATION

BY: *Clark D. R.*  
Vice President

STATE OF VIRGINIA

CITY OF ALEXANDRIA, to-wit:

I, the undersigned, a Notary Public in and for the State and City aforesaid do hereby certify that ROGER MACHANIC, Partner, LEE MEWS JOINT VENTURE, and JAMES W. COLDSMITH, LEEWAY DEVELOPMENT COMPANY, WILLIAM E. STEGER and MAZZIE L. STEGER, whose names are signed to the above writing bearing date on the 29th day of October, 1974, have acknowledged the same before me in my State and City aforesaid.

Given under my hand and seal this 29th day of October, 1974.

My Commission expires: June 6, 1976

Barbara R. Lipp  
Notary Public



STATE OF VIRGINIA

CITY OF ALEXANDRIA, to-wit:

I, the undersigned, a Notary Public in and for the State and City aforesaid, do hereby certify that William B. Swift and Herbert N. Morgan, Vice President and Secretary respectively of THE S & L SERVICE CORPORATION of Virginia, a Virginia Corporation, whose names are signed to the above writing, bearing date on the 29th day of October, 1974, have acknowledged the same before me in my State and City aforesaid, and that their signatures and the



BOOK 787 PAGE 786

seal of the said corporation affixed hereto are pursuant to due and property authority duly heretofore had.

Given under my hand this 29th day of October, 1974.

My Commission expires: June 6, 1976

**VIRGINIA:**

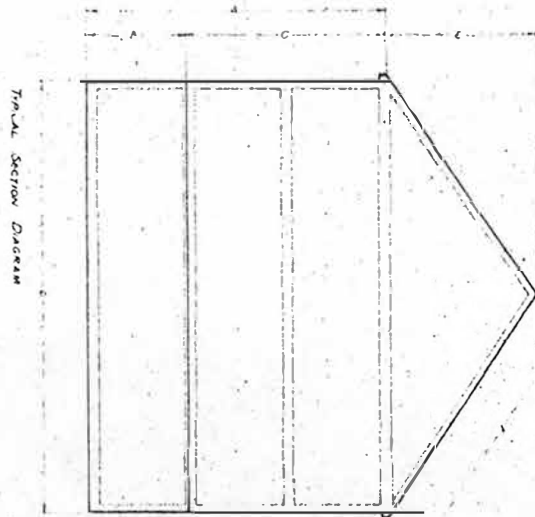
In the Clerk's office of the Circuit Court-City of Alexandria this deed was received and the taxes imposed by Sec. 59-54.1 in the amount of \$ have been paid & with the Annexed certificate admitted to record on

10-30-74 10:35 a.m.

*Alvin W. Links* CLERK

*Barbara R. Fields*  
Notary Public





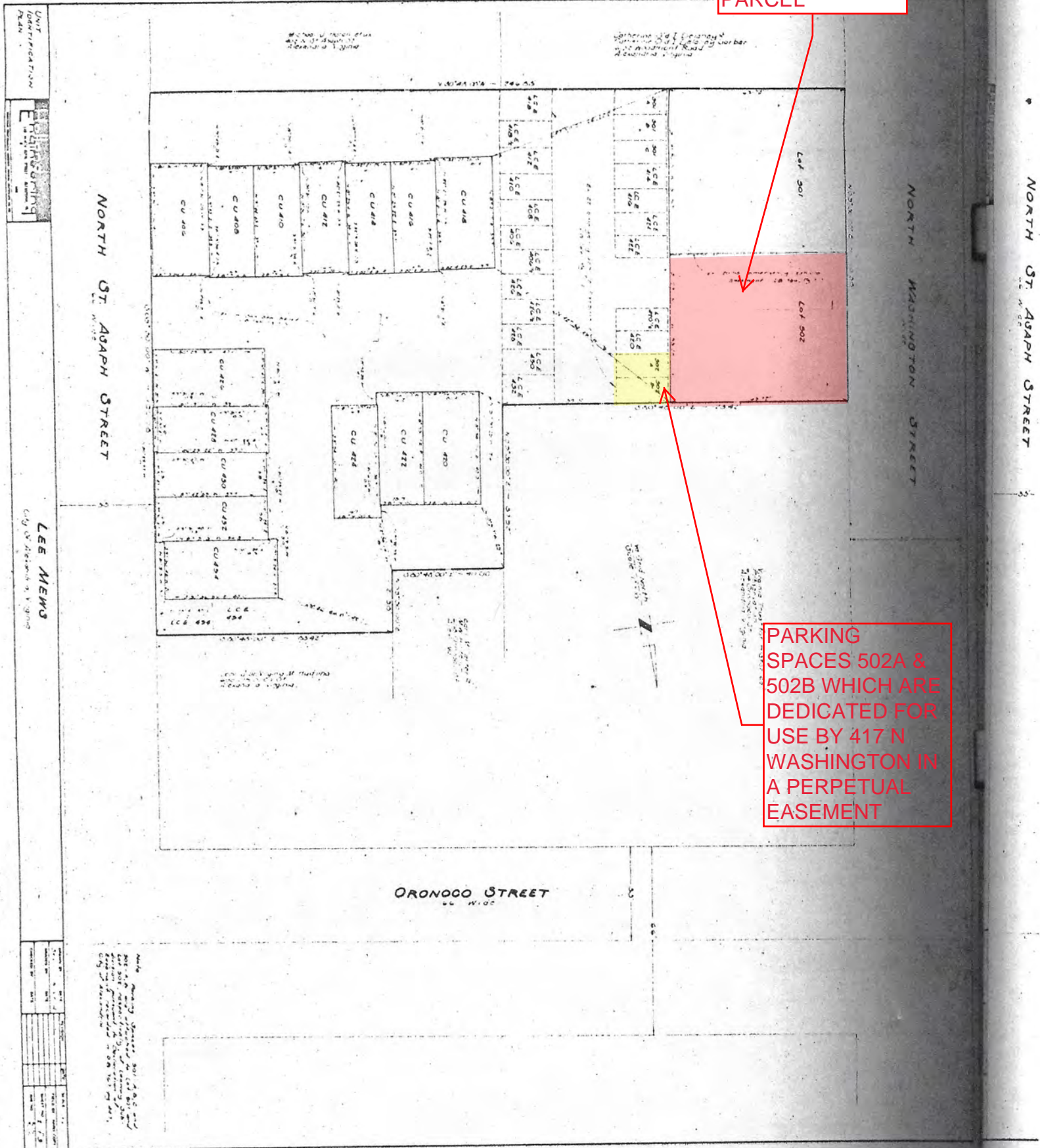
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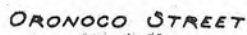
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