Docket Item #1
BZA CASE #2011-0008

Board of Zoning Appeals
September 8, 2011

ADDRESS: 108 QUAY STREET
ZONE: RM, RESIDENTIAL
APPLICANT: KENNETH AND MARTHA GABRIEL, OWNERS

ISSUE: Variance to allow a covered screened porch to remain, at a reduced size, reducing the required open space from 461.65 square feet to 432.48 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(B)(1)(a)	Open Space	461.65 sq ft	432.48 sq ft	29.17 sq ft

Staff **recommends approval** of the request because the applicants have demonstrated a hardship including the **following condition:**

That no enclosed walls or windows will be installed in the screen porch that would make it a year round structure.

If the Board decides to grant the requested variance it must comply with the code requirements under the department comments. The applicant must submit a survey plat prepared by a licensed surveyor confirming building footprint, setbacks prior to a framing inspection. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.


PRINCESS ST
RM
SITE
QUAY ST
108
N LEE ST
N UNION ST
WPR
QUEEN ST
CD
BZA CASE #2011-0008 CONTEXT MAP
N
W
E
S

I. Issue

The applicants request a variance to allow a one-story rear screen porch to be completed at 108 Quay Street. The screen porch that is under construction reduces the required open space below what is required by the zoning ordinance. .After the variance application was filed, and after meeting with their neighbors, the applicants propose to reduce the size of the screen porch that is now partially built.. With the reduced size of the porch, the variance requested is one from 461.65 square feet of required open space to 432.28 square feet

II. Background

The subject property is one lot of record with 18.00 feet of frontage facing Quay Street and a depth of 73.26 feet and contains 1,319 square feet of lot area. The property complies with the required 18.00 foot minimum lot frontage and width for an RM zoned townhouse lot.

The three-story, interior unit townhouse at 108 Quay Street is one of a group of 86 three-story brick townhouses constructed in 1971 and bounded by North Union, North Lee, Queen and Oronoco Streets. On June 25, 1968 the Board of Zoning Appeals approved several variances to allow construction of the townhouse development (BZA#1084 attached). The variances granted for the development included relief from the requirement to provide a 16.00 foot wide alley at the rear of the townhouses,, vision clearance, lot area reductions for some lots, side yard setbacks and increases to the allowable .75 FAR. The FAR variances range from .98 to 1.75. The variances applied to the subject property include a lot area reduction, an FAR increase to 1.48 and the allowance of a 6.00 foot wide "walkway easement" at the rear of the property. .On July 9, 1968, Ordinance 1494 rezoned the property from I-2 to its current zoning, RM, Residential townhouse zone (Ord. No. 1494 attached). In 1992, the RM zone was amended to change the open space requirement from 300 square feet to 35% of each residential lot and to increase the FAR to 1.50.

The townhouses are designed in a simple Colonial Revival style with front load garages on the street. This area was not included in the Old and Historic Alexandria District until June of 1984.

The subject property is one of fourteen townhouses that face Quay Street between North Lee Street and North Union Street. A recent inspection revealed several structures have been built in the back yards of neighboring homes. There is an enclosed storage area and trellis built at the rear property line at 110 Quay Street, another trellis at 116 Quay Street, a storage shed at 100 Quay Street and a roofed pergola with interior fans at the rear property line at 112 Quay Street.

On April 26, 2011, the applicants were issued a building permit (BLD#2010-02150) to construct a one-story rear screened porch, based on a submission showing adequate FAR

and open space existed on site to accommodate the new construction. BAR staff made an initial determination that the porch would not be visible from the public right-of-way due to its proposed location in the rear yard behind a rear brick garden wall. However, staff was not aware that the grade in the rear yards of the townhomes along Quay Street is artificially raised. In the case of the subject property, the grade of the rear yard is raised approximately 9-10 feet above street level. After construction began, staff was notified about the visibility of the porch, issued a stop work order, and the applicants applied to the Board of Architectural Review. During the review process for BAR, an open space deficiency was found, resulting in the applicants' current request for a variance as described below.

III. Description

The applicants originally proposed to complete construction of a one-story rear screened porch approximately 2.00 feet from the east and west side property lines and 20.36 feet from the rear property line. The screened porch originally permitted measures 10.00 feet by 14.00 feet, totaling 140 square feet and will be 11.33 feet in height measured from grade to the midpoint of the gabled roof.

The applicants have revised their plans since the construction started and the variance application was filed. After meeting with their neighbors, the applicants have modified the variance request consistent with revised plans that (1) reduce the depth of the screen porch from 10.00 feet to 8.00 feet and (2) replace the existing gable roof with a shed roof with four flat skylights evenly spaced on top of the shed roof The new roof design will reduce the roof pitch away from the immediate neighbors and reduce the visibility of the porch and porch roof from the public right-of-way. The height of the revised screen porch is approximately 10.00 feet from the ground to the top of the shed roof's highest point. The applicants plan to circulate their revised drawings to the most immediate neighbors prior to the BZA hearing, hoping to dispel the original concerns that the screen porch roof was too heavy in appearance and blocked light and air to their property.

The required open space for the subject property is 461.65 square feet. By reducing the depth of the partially constructed one-story screen porch, the amount of open space provided has been reduced from 546.48 square feet to 432.48 square feet

The screen porch now partially constructed has reduced required open space from 546.48 square feet to 366.48 square feet (a deficit of 95.17 square feet) Based on the applicants' revised plan to reduce the depth of the screen porch by 2.00 feet will increase the amount of open space in the backyard. If the variance is granted open space provided will increase to 432.48 square feet resulting in a smaller open space variance (29.17 square feet).

IV. Master Plan/Zoning

The subject property is zoned RM, Residential Townhouse and is identified in the Old Town Small Area Plan for residential land use.

V. Requested Variances

Section 3-1106(B)(1)(a) Open Space

The applicants request an open space variance of 29.17 square feet to reduce the required open space from 461.65 to 432.48 square feet.

VI. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

a. The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
b. The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;
c. The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;
d. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;
e. The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;
f. The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;
g. The strict application of this ordinance would produce undue hardship;
h. Such undue hardship is not shared generally by other properties in the same zone and vicinity; and
i. No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site plan or other development application.

VII. Applicant's Justification for Hardship

The application states that the current zoning regulations require a greater amount of open space than was required when the townhouse was approved in 1968. With the construction of the screened porch, the property will continue to provide more than the 300 square feet of open space, the amount required at the time that the townhouse was approved and constructed. The applicants state that the application of today's open space requirement, 35% of the total property area or 461.65 square feet, creates an unreasonable restriction on the property.

VIII. Staff Analysis

The applicants proceeded with construction based on a permit issued by the City, which was later voided. The permit was based on information supplied by the applicants' contractor which was later found to be in error because it relied on the area at the front of the house being counted towards required open space. That area cannot be counted because it includes a driveway and walkway, leaving areas of open space smaller than 8.00 feet in width, thus not permitted to be included in the calculation of open space.

Staff commends the applicants for reaching out to their neighbors to understand their concerns and agreeing to reduce the size of the screen porch by 2.00 feet. that reduces the open space variance rfrom 95 square feet to 29 square feet, and minimizes the structure's appearance.

The applicants' screen porch is not the first construction into the back yard. Over the years a number of structures have been built in the back yards of the neighboring townhouses.

Given the fact of the voided permit, the partial construction, and the fact that there are other accessory structures within the development, Staff believes it would be an unreasonable restriction not to allow some rear porch structure at 108 Quay Street. Staff finds that the smaller porch with a different roof is a good compromise. The revised plan results in a modest open space variance of 29 square feet. BAR staff supports the roof design change, which is more architecturally appropriate and would further limit the visibility of the porch from the right-of-way and to the neighbors. Strict application of the zoning ordinance will produce a hardship for the applicants.

For the above reasons, staff **recommends approval** of the requested variance and with the condition that no walls or windows be installed in the screen porch t that would make it a year round structure.

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)

R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

R-4 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 the plan. (T&ES)

R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)

R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for storm water quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

R-7 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)

F-1 Parcel is not located within a Resource Protection area. (T&ES)

F-2 Parcel is shown in the current Floodplain; after review of the new 2011 Floodplain Maps this parcel has been removed from within the floodplain area.

F-3 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)

C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5,

and Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

C-2 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-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of storm water drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)

C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

C-1 Any change in previously approved height, area, or framing details as a result of this hearing will need to be submitted for revised plan review on building permit BLD2010-02150.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 During the Civil War, this property was the site of a lumber yard. By 1877, according the GM Hopkins Insurance Atlas, the lot spanned properties that included the Potomac Foundry, a soap and candle factory, and a blacksmith shop. While construction of the existing house may have disturbed archaeological resources relating to these uses, there may be buried remnants that could provide insight into industrial and military activities of the 19th century.

R-1 The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

R-2 The applicant/developer shall not allow any metal detection or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

R-3 The statements in archaeology conditions above marked with an asterisk "*" shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control,

Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

Other Requirements Brought to the Applicants' Attention (Planning and Zoning):

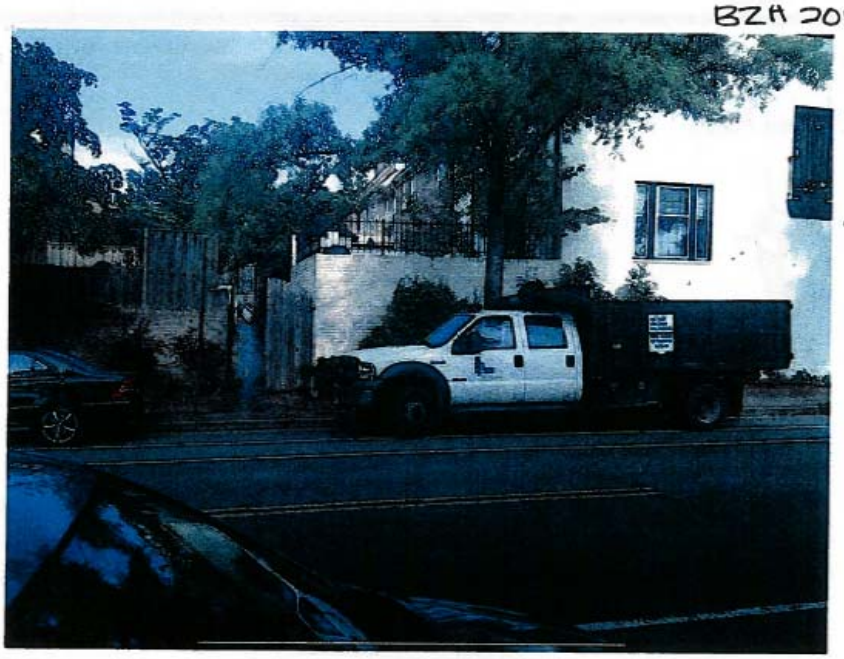
C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.

IX. Images

Staff photo taken 5/5/11 from sidewalk on Union Street
Showing the roof of the screened porch.

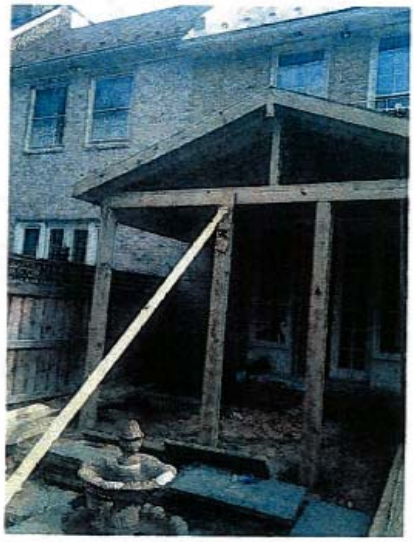
View from a neighbor on Queen Street.

BZA 2011-0008
File copy
current condition

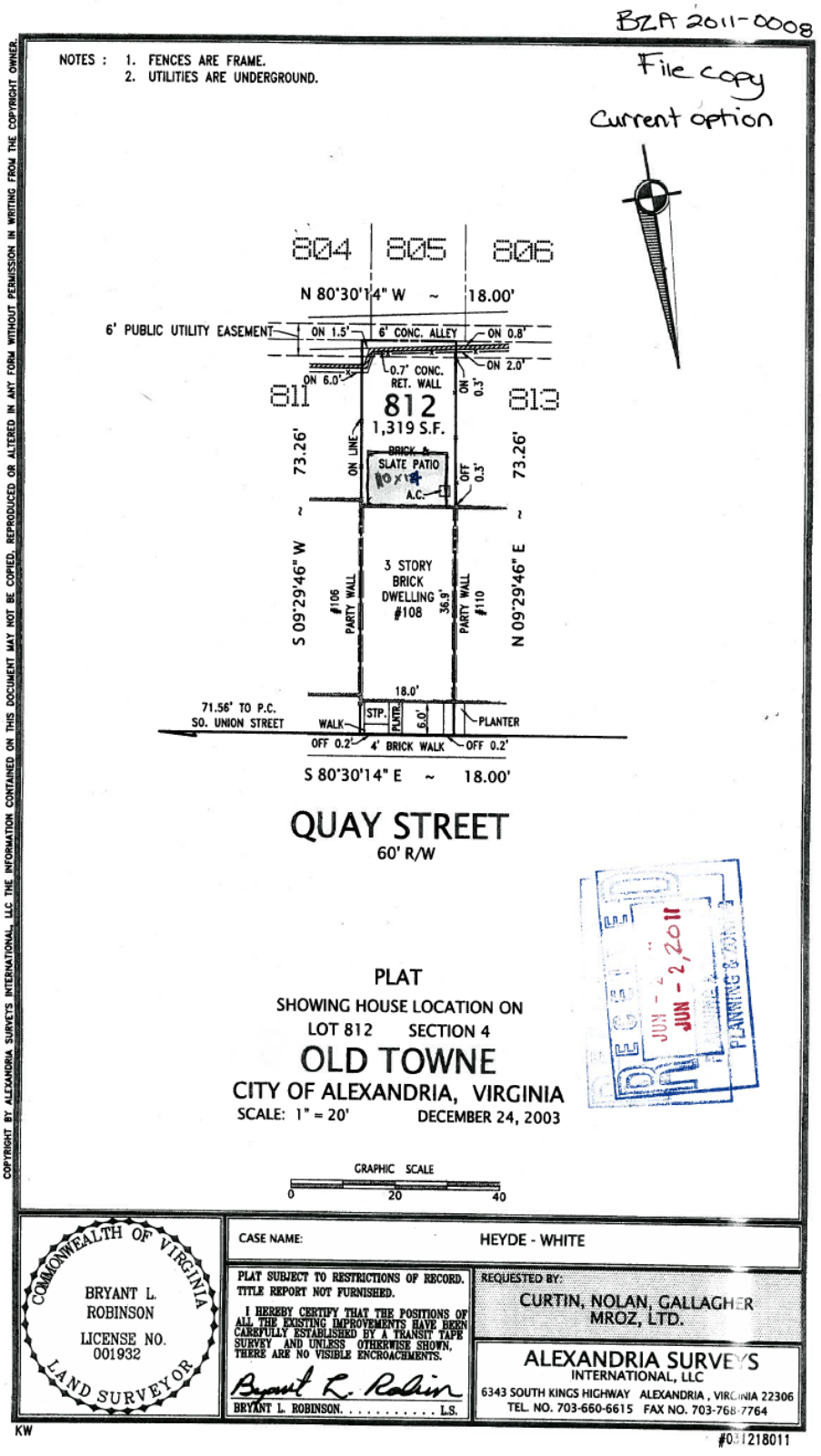


View from Union Street, River Side

View of Back Yard from Porch



Overall View


BZA 2011-0008
File copy
Current option
NOTES : 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.
804
805
806
N 80°30'14" W ~ 18.00'
6' PUBLIC UTILITY EASEMENT
ON 1.5'
6' CONC. ALLEY
ON 0.8'
ON 2.0'
ON 6.0'
0.7' CONC. RET. WALL
ON 0.3'
811
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1,319 S.F.
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71.56' TO P.C. SO. UNION STREET
WALK
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PLNTR.
6.0'
PLANTER
OFF 0.2'
4' BRICK WALK
OFF 0.2'
S 80°30'14" E ~ 18.00'
QUAY STREET
60' R/W
RECEIVED
JUN - 2, 2011
PLANNING & ZONING
PLAT
SHOWING HOUSE LOCATION ON
LOT 812 SECTION 4
OLD TOWNE
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DECEMBER 24, 2003
GRAPHIC SCALE
0 20 40
COMMONWEALTH OF VIRGINIA
BRYANT L. ROBINSON
LICENSE NO. 001932
LAND SURVEYOR
CASE NAME: HEYDE - WHITE
PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
BRYANT L. ROBINSON. . . . . L.S.
REQUESTED BY:
CURTIN, NOLAN, GALLAGHER MROZ, LTD.
ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764
KW
#031218011
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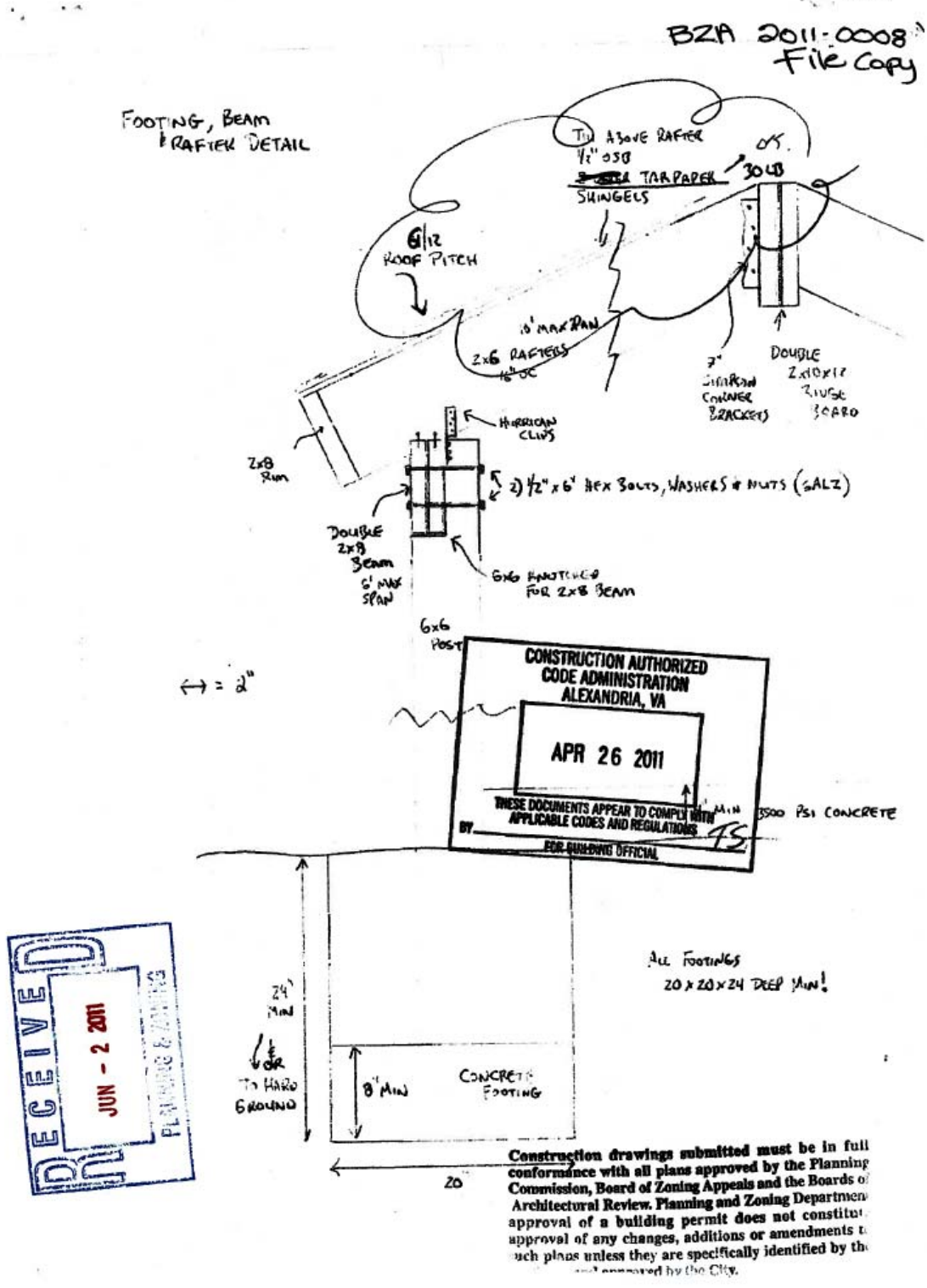
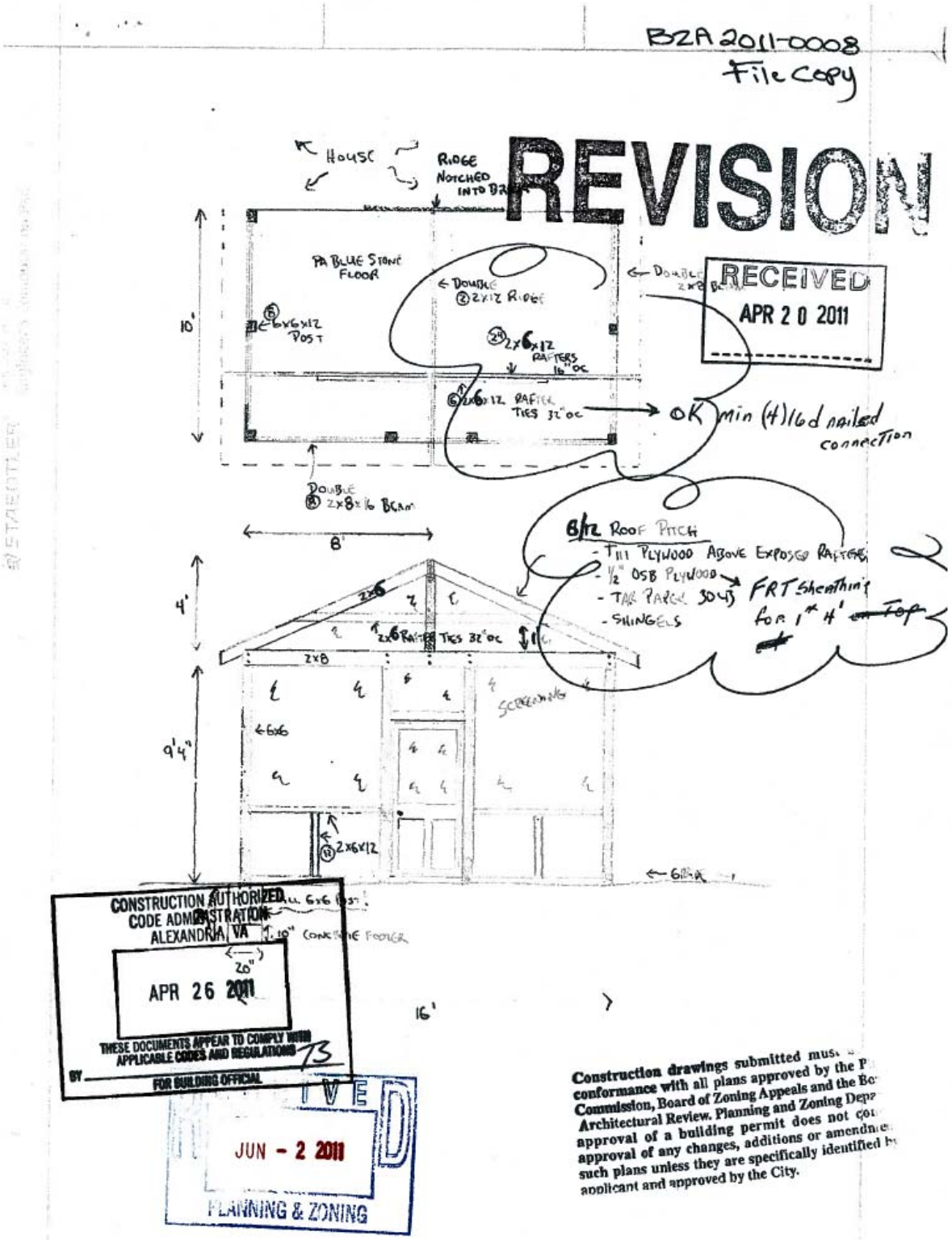


Construction drawings submitted must be in full conformance with all plans approved by the Planning Commission, Board of Zoning Appeals and the Boards of Architectural Review. Planning and Zoning Departmen approval of a building permit does not constitu approval of any changes, additions or amendments t uch plans unless they are specifically identified by th


BZA 2011-0008
File Copy
REVISION
House
Ridge Notched into BZ
PA Blue Stone Floor
Double 2x12 Ridge
6x6x12 Post
2x6x12 Rafters 16" oc
2x6x12 Rafter Ties 32" oc
RECEIVED
APR 2 0 2011
OK min (4)16d nailed connection
Double 2x8x16 Beam
8'
10'
4'
9'4"
6/12 Roof Pitch
- Till Plywood Above Exposed Rafters
- 1/2" OSB Plywood
- Tar Paper 30#
- Shingles
FRT Sheathing for 1st 4' from Top
2x6 Rafter Ties 32" oc
2x8
6x6
2x6x12
16'
CONSTRUCTION AUTHORIZED
CODE ADMINISTRATION
ALEXANDRIA VA
APR 26 2011
THESE DOCUMENTS APPEAR TO COMPLY WITH APPLICABLE CODES AND REGULATIONS
BY
FOR BUILDING OFFICIAL
RECEIVED
JUN - 2 2011
PLANNING & ZONING
Construction drawings submitted must
conformance with all plans approved by the P
Commission, Board of Zoning Appeals and the Bo
Architectural Review. Planning and Zoning Depa
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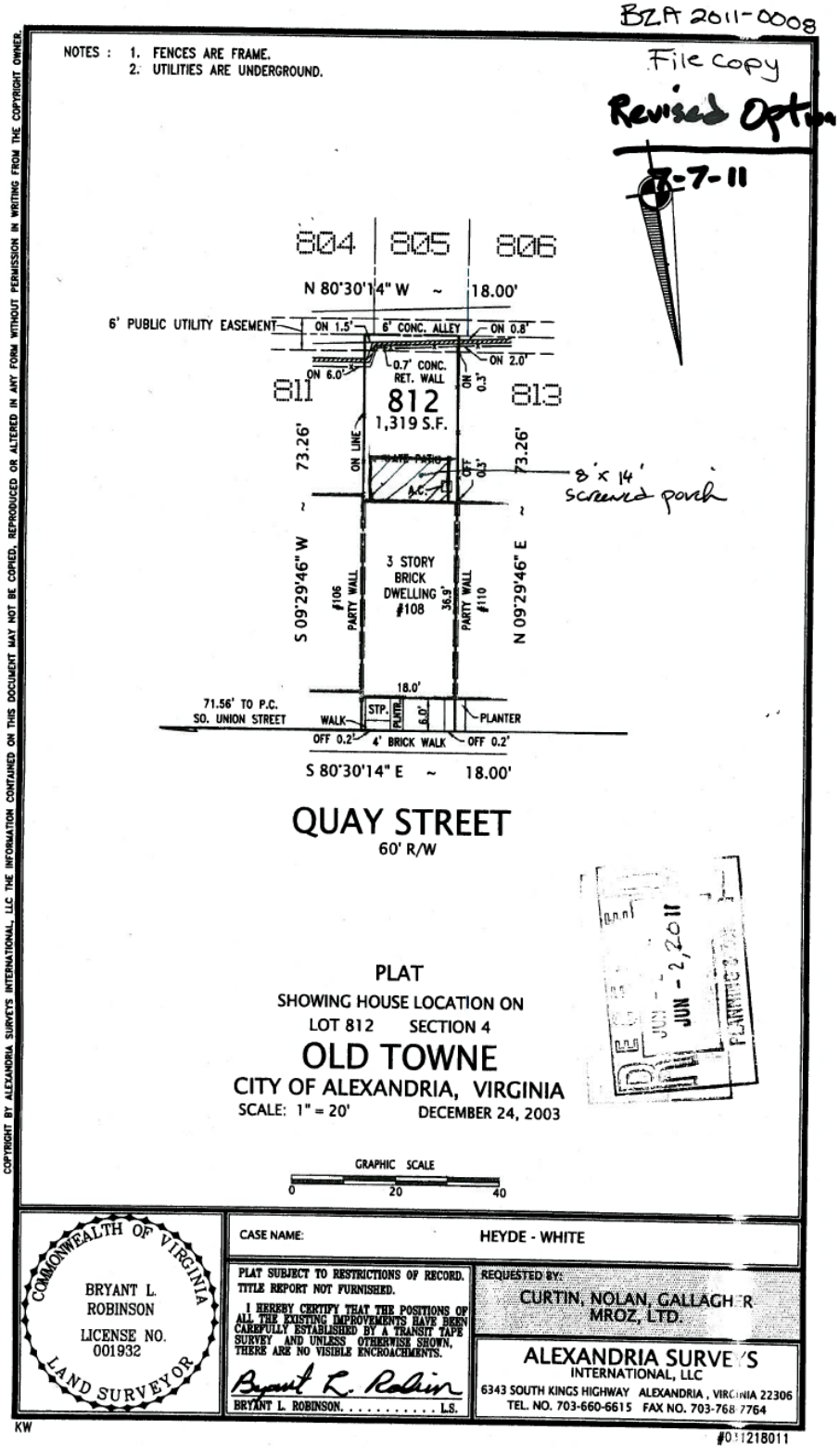
applicant and approved by the City.


BZA 2011-0008
File copy
Revised Option
8-7-11
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7-7-11

Revised option

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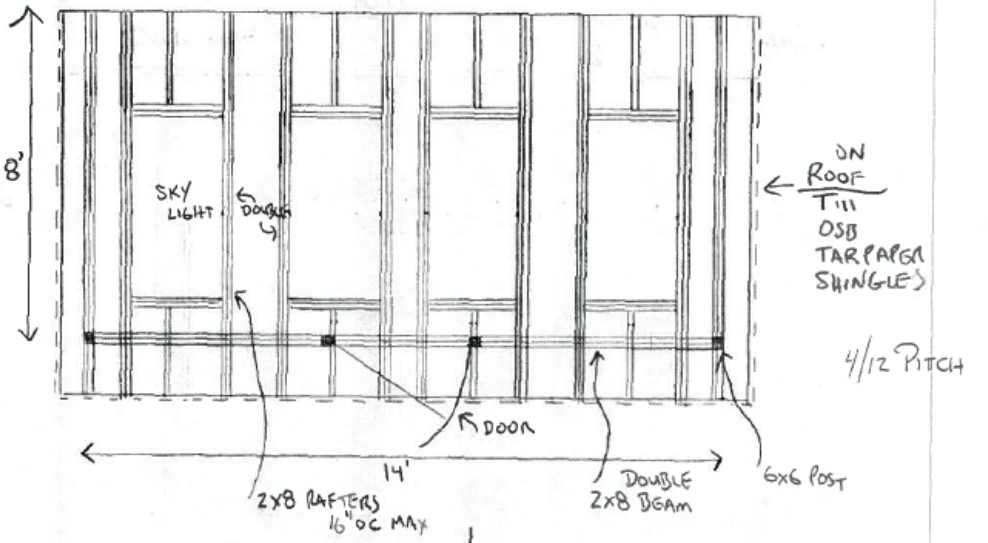
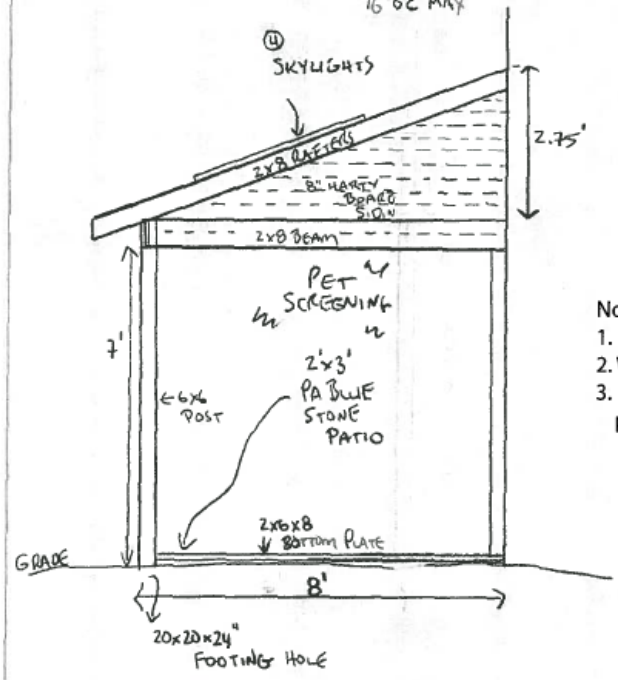
STAEDTLER® No. 937 81TE Engineer's Computation Pad





Notes:
1. Architectural shingles on roof
2. Wood structure painted white (glossy)
3. Slate floor inside and outside of screened porch

File copy

BZA Case # 2011-0008

APPLICATION
BOARD OF ZONING APPEALS

VARIANCE

Section of zoning ordinance from which request for variance is made:

_____

_____

_____

PART A

1. **Applicant:** [✓] **Owner** [ ] **Contract Purchaser** [ ] **Agent**

   Name Kenneth + Martha Gabriel

   Address 108 Quay St
   Alexandria, VA 22314

   Daytime Phone 703.597.4002 (Ken) 703.597.4095 (Martha)

   Email Address marthagabriel1@yahoo.com

2. **Property Location** same

3. **Assessment Map #** 65.03 **Block** 5 **Lot** 38 **Zone** RM

4. **Legal Property Owner Name** Kenneth + Martha Gabriel

   Address 108 Quay Street
   Alexandria, VA 22314

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5. **Describe request briefly:**

Construct screened porch in required open space of 95.17 sq. ft. (porch measures 10 x 14 ft) Homeowners are exploring using a shed roof, rather than a gabled roof, to reduce visual impact.

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

[ ] Yes — Provide proof of current City business license.

[ ] No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., 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 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:

Martha Gabriel
Print Name

Martha Gabriel
Signature

703.597.4095
Telephone

May 31, 2011
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or $2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

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PART B (SECTION 11-1102)

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can clearly demonstrate a hardship. A demonstrated hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A demonstrated hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a hardship having to do with specific conditions of the land.)

APPLICANT MUST EXPLAIN THE FOLLOWING:
(Please **print clearly** and use additional pages where necessary.)

1. **Does strict application of the zoning ordinance to the subject property result in a hardship to the owner?** (Answer A or B).

   A. **Explain how enforcement of the zoning ordinance will amount to a clearly demonstrable hardship.**

   B. **Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.**

The zoning ordinance sets a higher standard for open space for a lot that was constructed in 1970, the current 1992 rule places an unreasonable restriction on the use of our property. The zoning ordinance makes it difficult to construct even a modest screened porch.

2. **Is this hardship unique to the property?** yes, to our development

   A. **Explain if the hardship shared by other properties in the neighborhood.**

In ~~1970~~ 1965, when this development of 86 townhomes was built, the required open space was 300 sq ft per lot. Now the requirement is 440 sq feet for our lot. Under the ~~R~~ 1963 code, ~~we~~ the screened porch would be in compliance with open space requirements

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B. **Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.**

Our property, as our neighbors', pre dates the current open space requirement. The new rule has a higher requirement.

3. **Was the hardship caused by the applicant?** No

A. **Did the condition exist when the property was purchased?**

yes

B. **Did the applicant purchase the property without knowing of this hardship?**

yes

C. **How and when did the condition, which created the hardship, first occur?**

1992 - the new open space requirements were adopted

D. **Did the applicant create the hardship and, if so, how was it created?**

No

10

BZA Case # 2011-0008

4. **Will the variance, if granted, be harmful to others?**

   A. **Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.**

Our screened porch is intended to be of a low profile, with screens to minimize the loss of light and air.

   B. **Explain how the proposed variance will affect the value of the adjacent and nearby properties.**

We expect it will enhance the value of our property and others. There are similar backyard structures in the development.

   C. **Has the applicant shown the proposed plans to the most affected property owners? Has that neighbor objected to the proposed variance, or has the neighbor written a letter of support of the proposed variance? If so, please attach the letter or submit at the time of the hearing.**

If I were beginning this project today, I would indeed share our plans with our neighbors.

   D. **Explain how the proposed variance will change the character of the neighborhood.**

No, it will not change the character of the neighborhood.

11

BZA Case # 2011-0008

5. **Is there any other administrative or procedural remedy to relieve the hardship?**

None

PART C

1. **Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

If the city requires us to comply with the current open space requirement our screened porch would be less than 5 feet deep which is not practical.

We are exploring a shed roof rather than a gable to reduce the visual impact.

12

BZA 2011-0008

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. Kenneth A Gabriel	108 Quay St	50%
2. Martha E Gabriel	108 Quay St	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 108 Quay 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. Kenneth A. Gabriel	108 Quay St.	50%
2. Martha E. Gabriel	108 Quay St.	50%
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 the12-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. Kenneth A. Gabriel	None	
2. Martha E Gabriel	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.

May 21, 2011 — Date
Kenneth A. Gabriel / Martha E Gabriel — Printed Name
Martha Gabriel — Signature

10

Irene and Michael Morris
106 Quay Street
Alexandria, Virginia 22314

June 29, 2011

Board of Zoning Appeals &
City of Alexandria Staff
City Hall
301 King Street
Alexandria, Virginia 22313

RE: Rear Addition at 108 Quay Street, Alexandria 22314
Docket BZA2011-008

Dear Representatives,

I am writing to express my deep concern regarding the application by the owners of 108 Quay Street for a variance to build a significant structure at the rear of their property. My wife and I live next door at 106 Quay Street and will, along with others be especially affected if this appeal succeeds.

Preamble and Background: Earlier in the year the Authorities incorrectly approved the construction of a structure that violates B.A.R. regulations in that it can be clearly seen from public areas. This became obvious after the framing was erected when a stop construction injunction was issued by the City. This error was further compounded by an incorrect calculation made and approved whereby the structure exceeds the City regulations regarding open spaces.

The variance being sought is to change the regulations so that a larger structure can be constructed than present regulations allow. This partially built structure erected in the spring of 2011 is an eyesore and the yard is full of building materials, overgrown weeds and vegetation as well as an unused fountain with stagnant water which allows mosquitoes to breed profusely.

We respectfully ask that you visit their backyard to see for yourselves the impact that this structure is having on the neighborhood Ed and Judy Hildebrand, Jim and Megan Sipes and John Malin will be pleased to show board members the impact of this proposed development from their properties. Unfortunately, I'm leaving on overseas travel and I will not be available to attend the July 14th hearing. Access to my property while I'm away can also be obtained, Judy Hildebrand has the key.

Our response to their application is as follows:

Part A. Q5. The size of the structure 10′-0″ x 14′-0″, approximately, significantly exceeds current regulations and impacts our views, light and breezes. It is constructed close to the party fence, towers over and partially blocks our westerly views.

Part B. Q1B. There is no hardship unique to their property. Open space restrictions apply to all of us in the area and the current zoning rules to restrict unbridled expansion in an already congested area are not unreasonable. Prudent owners of property carry out due diligence before purchasing and the owners at 108 Quay know or should have known these restrictions were in place.

Part B. Q2A. As stated above there is no unique hardship this restriction applies to the neighborhood.

Part B. Q4A. Their screened porch is *not* low profile as evidenced by the B.A.R. Our views to the west are significantly impacted. We are now partially in shade with light and through breezes being negatively affected.

Part B. Q4B. Contrary to the applicant's statement this variance, if approved, will have a substantial and negative impact on property values. Donnan Wintermute, a well-known realtor and expert in Old Town property values has indicated our property will be negatively impacted by approximately $50,000.

Part B. Q4C. I asked the owners of 108 Quay when they initially moved in and were talking about changes to discuss with neighbors any potential changes before they took any action. We received no prior information. They also did not comment when we provided a copy of our June 12, 2011 letter of complaints. It is only as a result of Peter Leiberg's urging that a meeting was held between Mr. Gabriel and myself on Saturday, June 25, 2011, several months after the framing for the extension was erected.

Part B. Q4D. This development will have a major impact on the character of the neighborhood. The variance, if passed, will open the door to unbridled developments over former patio and garden areas to the detriment of all of us. After 35 to 40 years, the original architectural effect and rhythm will be disturbed by having structures projecting out over former patio areas.

Part C.1. The whole idea of restrictions is to place some control on developments. We all bought into the development when we purchased. We should all live by them and any amendments thereto.

Part E.1. Nobody in Quay Street or our neighbors across the alley in Queen Street have screened porches or any projecting structures over patios. Standard mosquito abatement measures will largely eliminate the mosquito problem claimed by the applicant. We and our neighbors do not have any major problems.

Summary. We believe this variance request fails to rise to the level of hardship. There are no unusual conditions (A11-1103). The conditions apply generally in the area (B-11-1103). Property values will be affected (D) 11-1103. We are now partially in shade and breezes are impacted (E) 11-1103. No undue hardship is evident (G) 11-1103. The restrictions are shared generally by all others in the area (H) 11-1103.

Please do not approve this variance. It will negatively affect our lifestyles and interrupt our quiet enjoyment of our patios. Old Town is a high density area and allowing additional structures to be placed on our patios will only make matters worse. The effect will reduce open space and the ability to provide more plantings, vegetation, bushes, etc. We need more green space, not more structures.

Respectfully submitted,

Irene and Michael Morris
106 Quay Street
703-684-6060

BZA 2011-0008
File copy

Julie Fuerth

From:	Peter Leiberg
Sent:	Friday, July 08, 2011 10:32 AM
To:	hildes66@aol.com
Cc:	Julie Fuerth; Mary Christesen
Subject:	RE: Board of Zoning Appeals Docket BZA 2011-0008 (Re: Variance for 108 Quay Street)

Hi Mr. and Ms. Hildebrand – Thank you for your e-mail and attachments. We will provide the document to the BZA members. Sincerely, Peter Leiberg

Peter Leiberg
Zoning Manager
Department of Planning and Zoning
703-746-3837

From: hildes66@aol.com [mailto:hildes66@aol.com]
Sent: Thursday, July 07, 2011 9:53 PM
To: Peter Leiberg
Subject: Fwd: Board of Zoning Appeals Docket BZA 2011-0008 (Re: Variance for 108 Quay Street)

Dear Mr. Leiberg,

We are resending this message, originally sent last night but returned to us due to an error in entering your e-mail address. Please let us know if you have any questions regarding our input.

Also, we are wondering whether there will be an opportunity for public comment at the BZA meeting next Thursday, July 14. If so, what is required for us to request a few minutes on the agenda?

Thank you for your assistance.

Very respectfully,
Ed and Judy Hildebrand
110 Quay Street
Alexandria, VA
703-299-1176

-----Original Message-----
From: hildes66 <hildes66@aol.com>
To: peter.leiberg <peter.leiberg@aledandriava.gov>; mallen <mallen@markallenlaw.com>; geoff.goodale <geoff.goodale@gmail.com>; johnrkeegan <johnrkeegan@verizon.net>; SWK <SWK@lkarchitects.com>; david.lantzy <david.lantzy@comcast.net>; jennnifer.lewis <jennnifer.lewis@fcc.gov>; ez <ez@ericzander.com>
Cc: morrismma <morrismma@aol.com>; johndmalin <johndmalin@yahoo.com>; jsipes1 <jsipes1@verizon.net>; megieb <megieb@earthlink.net>; hildes66 <hildes66@aol.com>
Sent: Wed, Jul 6, 2011 6:38 pm
Subject: Board of Zoning Appeals Docket BZA 2011-0008 (Re: Variance for 108 Quay Street)

Date: 6 July 2011

Dear Members of the Board of Zoning Appeals and Staff:

1

We are writing to urge the Board to reject the request for open space variance to accommodate the built screened porch at 108 Quay Street, Alexandria, VA (BZA Case #2011-0008). This request for a variance does not meet the open space requirement, nor does it qualify under the "Standards for variances" (Ordinance No. 4711) adopted by the City of Alexandria, VA, on March 12, 2011.

In a separate letter, nineteen residents of the 100 block of Queen and Quay Streets have expressed concern over the appropriateness and acceptability of the construction at 108 under existing ordinances and policies for exterior construction and modifications to residences in historic Old Town. A copy of that letter is attached along with a map that highlights the residences of the signatories.

We thank the Board of Zoning Appeals for considering our views, and we commend your efforts to preserve the unique character and ambience of historic Old Town.

Feel free to contact us if you have any questions regarding our input.

Respectfully,
Ed and Judy Hildebrand
110 Quay Street
Alexandria, VA 22314

Attachments:

Letter dated June 12, 2011 (previously submitted to the Board of Architectural Review): Rear addition construction at 108 Quay Street, Alexandria, VA, 22314, provided as four separate scanned pages.

Map highlighting residences of the signatories to the June 12, 2011 letter referenced above.

BZA 2011-0008
File copy

To the Board of Architectural Review and Planning and Zoning Staff,

City of Alexandria, Virginia.

June 12th 2011

Rear addition construction at 108 Quay Street, Alexandria, VA 22134.

Dear Members,

Firstly, we wish to express our appreciation of those officers in the various boards and City Departments who quickly and effectively stopped the construction at 108 Quay Street pending a review of the critical factors relating to the planning application, approval and future impact of this project.

We believe that there are several important factors that need to be considered in relation to this construction project including *communication to residents, planning application methodology and legal precedence.*

***Communication.**

We find it unacceptable that none of the immediate residents adjacent to 108 Queen street either those directly attached to the property at 106 and 110 Quay Street or those properties overlooking the rear of 108 Quay Street i.e., 107, 109 and 111 Queen Street were given any advance notice that there was a pending planning application for the construction project at 108 Quay Street. Irrespective of whether the planning process was within the required legal process for this scope of this addition, we believe that this was a fundamental error of judgment when looking objectively at the impact that this project has on these immediate properties.

We wish to respectfully request that any subsequent City agreements and policy decisions on the future of this project be communicated to the residents of Quay

and Queen Street such that the residents have some notice to have a reasonable right of reply and or appeal before those decisions are enacted.

***Planning Application Methodology.**

We fail to understand how this construction project can have been reviewed and approved with the minimal amount of information supplied by the applicant.

It is our understanding that the application consisted of poorly dimensioned line drawings with a lack of key architectural details including finish, materials, roof pitch, roof height, floor level, and drainage. In addition, there was no drawing showing the size relationship of the addition to the existing building and garden.

Again, irrespective of the legality of the application process, with hindsight we hope that you can understand how this structure makes a serious impact on the rear aspect of the properties in Quay and Queen Street. It appears that the planning process puts a great focus on the front elevation of these properties to preserve the aesthetic and architectural features but fails to take a similar approach to the rear elevations.

As an example, in 2009, one of the immediate neighbors in Queen Street wanted to install an environmentally superior tankless water heater in their garage but was declined approval for a 3 inch diameter exhaust vent into the front street. The 108 Quay Street application approved a rear addition structure of some (16 feet by 12 feet?) apparently without any finished architectural drawings.

***Legal and Practical Precedent.**

We are very concerned that if this project were to be completed it could provide a precedent for any homeowner to add significant rear additions to their property.

We strongly believe that the open, natural garden environment of these back- to-back gardens would be destroyed and be totally counter to the original architectural vision of the planners of these traditional style town houses.

We also believe that this project should be a learning event for all those involved in the zoning, permitting and the planning process such that some of the existing

rules, guidelines and practices should be modified to prevent the re-occurrence of a situation like this.

Summary:

When this issue has been discussed with both residents of Quay and Queen Street and indeed other Alexandria residents there has been a unanimous view that this construction project is seriously flawed and needs a very careful review by the city before any proposals are communicated to the owners of 108 Quay Street and their immediate neighbors.

We wish to thank you in advance for your consideration of this matter.

Name.	**Address**
Carl E. Hildebrand Carl E. Hildebrand	110 Quay St., Alexandria, VA 22314
JUDITH H. HILDEBRAND	110 Quay St., Alexandria, VA. 22314
Michael R. Morris MICHAEL R. MORRIS	106 Quay St. Alexandria VA 22314
Irene Morris IRENE MORRIS	106 QUAY ST. ALEXANDRIA VA 22314
MALIN	111 QUEEN St. Alexandria.
JOHN MALIN	111 QUEEN ST. ALEXANDRIA.
Annette Hinaman R.T. Hinaman Robert T. Hinaman	113 Quay St. Alexandria.
R. Sobel	104 Quay Alexandria VA 22314 ( )

Name.	Address
George N. C. Berger GEORGE N C BERGER	105 QUEEN STREET, ALEX VA 22314-2611
Diane M. Abruzzo DIANNE M. ABRUZZO	107 QUEENSE ALEX. VA 22314-2610
ALLAN JENSEN	122 QUAY ST, ALEXANDRIA,
Charles Williams Charles Williams	113 Queen St. Alexandria
Yvonne A. Williams YVONNE A. WILLIAMS	113 QUEEN ST. ALEXANDRIA

OTHERS WHO HAVE PREVIOUSLY OBJECTED
CON VACATION)

PR AND MRS SIPES	112 QUAY STREET ALEXANDRIA
VUKO AND NEDA MASTILIVOIC	102 QUAY STREET ALEXANDRIA.

Map attachment for June 12, 2011 petition

Julie Fuerth

From: Megan Sipes <megieb@earthlink.net>
Sent: Thursday, July 07, 2011 4:28 PM
To: Julie Fuerth; mallen@markallenlaw.com; geoff.goodale@gmail.com; johnrkeegan@verizon.net; swk@lkarchitects.com; david.lantzy@comcast.net; jennifer.lewis@fcc.gov; ez@ericzander.com; Peter Leiberg; Stephanie Sample; Courtney Lankford
Subject: BZA Case # 2011-0008

Importance: High

City of Alexandria
Board of Zoning Appeals
City Staff, Department of Planning & Zoning

RE: Rear addition, 108 Quay Street
BZA Case # 2011-0008

Dear Sirs:

Thank you for rescinding the mistakenly issued permit for the addition at 108 Quay Street. As you well know, it became obvious when the framing went up that the structure violated the open space requirement and you appropriately stopped work on the project.

The upcoming application for a variance meets no criteria for "hardship"--everyone else has made reasonable use of their properties with the ordinances in place since 1992 and there is nothing unique about this property; the owners should have known or found out about existing ordinances. In addition, the structure will most certainly be detrimental to adjacent properties (reduced airflow, light, sight lines) as well as the neighborhood in general with the oversized structure being unsightly as well as setting a precedent for future additions, all of which would drastically change the character of our current courtyard neighborhood. Any real estate professional agrees that there will be a negative impact on property values. Also ALL of the neighbors affected by this addition object to it and are opposed to it.

We wonder why the Board of Architectural Review has not been involved as the addition is clearly visible from Union Street.

We strongly urge you to deny this variance.

Thank you for your time and consideration.

Sincerely,

James & Megan Sipes
112 Quay Street
Alexandria, VA
703-739-0133

Julie Fuerth

From: Peter Leiberg
Sent: Friday, July 08, 2011 5:29 PM
To: Julie Fuerth
Subject: FW: 108 Quay Screened Porch

Hi Julie – please make copies for the file and BZA. Peter

From: Kenneth Gabriel [mailto:kenneth.gabriel@gmail.com]
Sent: Friday, July 08, 2011 5:10 PM
To: hildes66@aol.com; morrismma@aol.com; johndmalin@yahoo.com; jsipes1@verizon.net
Cc: Peter Leiberg; marthagabriel1; kenneth.gabriel@gmail.com
Subject: 108 Quay Screened Porch

Dear Neighbors:

Following through the meeting between Kenneth Gabriel, 108 Quay, and Michael

Morris, 110 Quay last week and front yard discussions between Martha Gabriel and Judy Hildebrand earlier this week, we considered your concerns

regarding our ongoing project to construct a screened porch on the back of our 108 Quay residence. As you are all aware by now, our plan for constructing the porch was approved, and a work permit for construction was issued, by the City of Alexandria. Work was then halted to address concerns by neighbors and the matter has been under review for the past several months.

In an effort to address your concerns regarding the size of the porch, the elevation of the gable roof, and the present state of disarray of our backyard, we have revised our plans for the project as outlined in the attached drawing. The revised structure's depth into the backyard has been scaled back from 10 to 8 feet, the gable roof is replaced with a much lower profile shed roof, and the entire wood structure will be covered with high quality exterior white glossy paint. Further, we plan to eliminate the fountain and resurface the yard with tasteful slate stones.

We hope that you can support the revised plan. Thank you for expressing your views on this matter.

Sincerely,

Ken and Martha Gabriel

1

BZA 2011-0008

May 3, 2011

Board of Architectural Review
City of Alexandria
Department of Planning and Zoning
301 King Street, Room 2100
Alexandria, VA 22314

Dear Board Members:

I write in support of Kenneth and Martha Gabriel's request for certificate of appropriateness for the construction of a screened porch in the back of their house, located at 108 Quay Street. Our support for their request is based on our view that the proposed project is reasonable and the screened porch fits in our neighborhood.

Sincerely,

Daniel and Karen Shenal
124 Quay Street
Alexandria, VA 22314

BZA 2011-0008

August 16, 2011

Dear Board of Zoning Appeals Members and Staff:

We are writing to comment on and to propose revisions to the description of our property in the July 14, 2011, BZA Staff Report on the request for variance, BZA Case 2011-008, to construct a screened-in porch at 108 Quay Street.

Section II. Background (p.2) states that:

"The subject property is one of fourteen townhouses that face Quay Street between North Lee Street and North Union Street. A recent inspection revealed several structures have been built in the back yards of neighboring homes. There is an enclosed storage area and trellis built at the rear property line at 110 Quay Street, another trellis at 116 Quay Street, a storage shed at 100 Quay Street and a roofed pergola with interior fans at the rear property line at 112 Quay Street."

We request that this be revised to correct the third sentence. There is no enclosed storage area in our garden area at rear of 110 Quay. The pergola over the rear door to 112 Quay is not covered by a roof but is an open structure adorned with a vining plant.

Also, in Section VIII. Staff Analysis states: "Staff commends the applicants for reaching out to their neighbors to understand their concerns and agreeing to reduce the size of the screen porch by 2.00 feet and roof style change the revised plan reduces the open space variance request from 95 square feet to 29 square feet, and minimizes the structure's appearance."

Prior to the beginning of construction of the existing porch frame and gabled roof at the rear of 108 Quay St. on April 27, none of the impacted neighbors was aware of the plans for adding the screened porch. The Gabriels provided a sketch of a revised plan with no detailed explanation the same day that the Staff Report describing the revised plan was posted on the BZA website. We do not consider this "reaching out" to us, or our other neighbors, to understand our concerns, especially since the proposed structure still exceeds the open space requirement and places hardship on neighboring properties.

Based on all of the evidence provided in our previous communications and by our other neighbors who oppose the variance request, we urge the Board to reject the request for a variance for the construction at 108 Quay Street.

We appreciate the efforts of the BZA Members and Staff to provide fair and open adjudication of this request. We welcome members of the Board or the Staff to visit our property to corroborate our requested revisions to the July 14 report.

Very respectfully,
Judy and Ed Hildebrand
110 Quay Street
Alexandria. VA
Phone: 703-299-1176

BVA Case # 2011-0008

Dr. Sipes [jsipes1@verizon.net]

Sent: Friday, August 26, 2011 10:12 AM

To: Peter Leiberg

Cc: Julie Fuerth

City of Alexandria
Board of Zoning Appeals
Department of Planning and Zoning

Re: rear addition at 108 Quay Street
BZA Case #2011-0008

Dear Sirs:

This is in folllowup to our letter dated July 7. 2011 expressing our opposition to the proposed variance for the addition at 108 Quay.

As we stated before, there are no criteria that meet the defintions for hardship and many characteristics that will be detrimental to the neighbors and neighborhood.

Also the application states that there is a roofed pergola in my courtyard at 112 Quay. This in incorrect. It is an open non-roofed trellis with vines.

In additon, the application states that reducing the propsed depth of the additon from 10 to 8 feet [28 sq.feet] would reduce the variance requested from 95.17 to 29.17 [66sq. feet]. I don't understand the math.

Aside from this, there is only a rudimentary sketch of the proposed addition that shows no architectural details.

All in all, this is an ill conceived structure that does not fit the neighborhood nor comply with existing ordinances and the variance should be denied.

Thank you again for you time and consideration; we anticipate speaking to you at the hearing on Sept. 8.

Sincerely
James & Megan Sipes
112 Quay Street
703-739-0133

Irene and Michael Morris
106 Quay Street
Alexandria, Virginia 22314

August 26, 2011

Board of Zoning Appeals &
City of Alexandria Staff
City Hall
301 King Street
Alexandria, Virginia 22313

RE: Docket BZA 2011-008: Board of Zoning Appeals July 14, 2001
delayed until September 8, 2011

Dear Chairman and Representatives,

My wife and I are writing to express our continuing and deep concern by the owners if 108 Quay Street seeking a variance to build a significant structure on their backyard patio. Please refer to our previous correspondence on the subject dated June 29, 2011. We are disappointed and mystified how the City staff still believes the applicants have demonstrated a hardship. This is contrary to all the facts available and presented to them.

Over twenty residences in the Quay, Queen and Princess Street area along with Old Town Civic Association and adjacent property owners all have objected to this variance. We urge the City and Committee to carefully consider this application which if granted will set a dangerous precedent and has the potential to radically and demonstrably change our lifestyles and that of Old Town.

Background

The original project was incorrectly approved and violates B.A.R. regulations in that it can be seen from public areas. The stop work order has been in place since the spring of this year. The City also issued a permit based on incorrect calculations since the structure exceeds City regulations regarding open spaces. Staff also failed to comply with City regulations resulting in the July 14 meeting being delayed until September 8, 2011. There is also some question on the validity of the current announcement regarding the latest meeting since it appears to infer acceptance of the structure as is. Peter Leiberg assured me this is not the case. With so many errors and delays it is not surprising we are very cautious and feel it essential we are given the time and information to carefully review everything being submitted.

The Screened Porch

Since it violated B.A.R. regulations the owners are now proposing a different concept and a reduced size. What assurances do we have that this new proposal will not violate B.A.R. regulations and be a prelude for further activities in the future? In supporting the construction of this porch, the City has stated that "No enclosed walls or windows will be installed." Yet the City has seemingly approved the owners' revised sketches that show enclosing triangular walls visible above our fence line that will block our view and affect light, breezes, etc. (see page 18 of the report).

I have been assured by the city that rainwater discharges will be routed into the existing storm water drains. No mention however is made on any restrictions to provide ceiling or exhaust fans, install sinks, fireplaces, lighting and the like. Given the past history of this project we do not wish to see the "Arlington Syndrome" take place next door to us.

We have requested details of the variance area calculations from the City so we can check their calculations. For example there is a fountain construction approximately 4′ x 4′ and roof overhangs to consider. City of Alexandria Design Guidelines Chapter 5 states the following:

> "As a general rule land under a covering such as a canopy, roof, eve or deck may not be counted as part of the required open space."

Have these areas been considered?

The architecture for this porch is inappropriate and not sympathetic to the block we live on where no similar construction has taken place for 35 to 40 years. This projection onto the back patio destroys the existing architectural rhythm, increases the already high density of development, is detrimental to flora and fauna will affect our lifestyle.

The Alleged Hardship

In our letter of June 29, 2011 we detailed why no hardship has occurred. We should perhaps add that hardship to the neighbors of 108 Quay has been ongoing for six months. We did not choose to live in Old Town to sit and look at building sites next door.

Page six of the docket refers to City regulations no longer in force that somehow supports this application. It seems a little unusual for the City to use 1968 outdated regulations as a reason for hardship in 2011.

Staff Analysis

We are very surprised to see City staff commending the applicants for "reaching out to their neighbors" as this is simply not the case. The first time the neighbors learned about this project was when the contractor arrived on site. Subsequently, City staff members pressured the applicants to meet with neighbors to seek a compromise. A meeting did take place. Some progress was made but not to our satisfaction.

Despite what the City report infers there are no screened porches in our block on Quay Street. We find it hard to believe that existing "accessory structures" can now be construed as a hardship (page six of the report). We need more details. Certainly nothing is visible above the fence lines except open trellis, trees and bushes. The concept that structures built without City permission somehow rise to the level of hardship for a new project is one that we find difficult to understand.

Summary

No variance, even a small area variance, should be granted. The owners have failed to demonstrate hardship on all nine reasons cited. Two examples are clause IV (b) since approval will be definitely detrimental to our property value as indicated (see attached letter from Donnan Wintermute of Coldwell Banker) and clause IV (f) as it will definitely alter the character of the area to the detriment of us all.

I cite Chapter 2 of the Building Regulation:

> "When considered individually many of these items may seem relatively minor in nature; however, the cumulative effect of inappropriate small changes to buildings in the historic districts will erode the overall historic and architectural cohesiveness that makes the district significant."

We plan to speak at the September 8 hearing and present our case in more detail. In the meantime, we urge the Committee to visit the construction site before the hearing to gain a better understanding of how this proposal is impacting our neighborhood.

The Future

We believe that any breach of the current regulations will set the precedence for bigger structures thereby reducing the open space currently protected by existing regulations.

Respectfully submitted,

Irene and Michael Morris, F.R.I.C.S. (Ret.)
Residents of 106 Quay Street
T: 703.684.6060

COLDWELL BANKER
RESIDENTIAL BROKERAGE

310 King Street
Alexandria, VA 22314
Business (703) 518-8300
Fax (703) 518-8314
www.cbmove.com

July 21, 2011

Mr. and Mrs. Michael R. Morris
106 Quay Street
Alexandria, Virginia 22314

Dear Mr. and Mrs. Morris,

I have looked at the extension to the home located at 108 Quay Street. I feel that it would have a significant detrimental impact on your property located at 106 Quay Street Alexandria, Virginia.

I would estimate that the extension of the adjacent home would result in a devaluation of your property at 106 Quay Street in the amount of approximately $50,000.

Sincerely,

Donnan C. Wintermute

Vice President

Attachment to 8-23-11 Morris Letter

Julie Fuerth

From: Peter Leiberg
Sent: Tuesday, August 30, 2011 5:30 PM
To: Julie Fuerth
Cc: Stephen Milone; Al Cox; Mary Christesen; Stephanie Sample
Subject: FW: Porch planning application....108 Quay Street, Alexandria, VA 22314

fyi

From: John Malin [mailto:johndmalin@yahoo.com]
Sent: Thursday, August 25, 2011 10:20 PM
To: Peter Leiberg
Subject: Porch planning application....108 Quay Street, Alexandria, VA 22314

Dear Sir,
This note is to advise you that I strongly object to the granting of a variance to the 1995 ordinance relating to rear yard free space for this application on the basis of hardship.

I will be presenting my case to you on the 8th September and I hope to show quite clearly that none of the City planner's own criteria for hardship are met in any way and as such any staff recommendation to grant this variance will create a legal precedent that will effectively render the 1995 Ordinance powerless.

Yours sincerely,
Dr John Malin,
111 Queen Street, Alexandria 22314.