

BZA Case # 2012-0011



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

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

§ 702(B)(3)

**PART A**

1. Applicant:  Owner  Contract Purchaser  Agent

Name Alexis Stackhouse & Ramon McMillan

Address 1104 W. Braddock Road  
Alexandria, VA 22302

Daytime Phone 703.683.1449

Email Address mcmillco@verizon.net

2. Property Location 1104 W. Braddock Road

3. Assessment Map # 033.0 Block 14 Lot 22 Zone 08

4. Legal Property Owner Name Ramon McMillan or Alexis Stackhouse

Address 1104 W. Braddock Rd  
Alexandria, VA 22302

5. Describe request briefly:

Allow constructed fence to remain & approve  
Variance

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:

*Alex Stackhouse*  
Print Name  
*Ramon McMillan*

*[Signature]* / *RDMcL*  
Signature

Telephone *703.683.1449*

Date *1/8 June 12*

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.

**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. Alexis Stackhouse	1104 W. Bradlock Road	50%
2. Ramon McMiller	1104 W. Bradlock Road	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 1104 W. Bradlock Rd (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. Alexis Stackhouse	1104 W. Bradlock Road	50%
2. Ramon McMiller	1104 W. Bradlock Road	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 the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

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

1 Jan 12 Date Alexis Stackhouse Printed Name Ramon McMiller Signature [Signature]

**Part B (Section 11-1102)**

Neighbor 1 – Amy Krafft (Complainant)

Neighbor 2 – Kym Burke

Neighbor 3 – Thad and Caryn Carithers

**1. Does strict application of the zoning ordinance to the subject property result in a hardship to the owner? 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.**

A. and B.

The homeowners request a variance based on the fact that **(1)** that the strict application of the zoning ordinance would produce undue hardship that is not shared generally by other properties in the same zoning district and vicinity, and that authorization of a variance will not be of substantial detriment to adjacent properties and the character of the zoning district will not be changed by its grant.

A variance is appropriate here because the application of the zoning ordinance to this particular piece of property is adversely affected by reason of the exceptional narrowness and size or shape of this specific parcel, and the application of the zoning ordinance would effectively prohibit or unreasonably restrict the use of the property and cause a clearly demonstrable hardship approaching confiscation. The problem is further exacerbated by a neighbor who does not find strict application of property lines and the use of the property therein by the owners appropriate when it comes to nature.

In the instant case, a strict application of the zoning ordinance as to height and openness of fencing will result in a hardship to the property owner. A new fence was built to allow the property adjacent to the fence to be reasonably used for the purposes permitted in the zoning district such as parking and planting. Prior to the new fence installation, that area of property was not able to be used for that purpose and was effectively confiscated by Neighbor 1 because of the inability to use the property. The old fence structure was chain link and over time, had allowed limbs, plants, vines and trees to protrude through the fence which the adjacent Neighbor 1 would not allow to be cut as she stated that they were her property and the property of all the residents of Alexandria, Va. When asked about trimming the trees, limbs and vines, the adjacent property owner, Neighbor 1, indicated that "trees and cats" do not respect property lines and humans cannot make them do so. On two occasions, the property owners offered to pay for professional tree trimming and gardening, but the offer was declined. Consequently, the problem continued to get out of hand and the property was not able to be used. As the trees and vines continued to grow, so did the tension between the neighbors as to how the homeowners slim portion of property could be effectively used in an area where property and footage was a premium.

The property owners wanted a neat and clean lawn and fence line and the adjacent property owner felt that nature should be allowed to take its course. The new fence does not allow for this to occur and at the completion of the fence, the property area immediately adjacent to the fence was able to be used and planted by the homeowners. The fence is high enough and closed enough to allow the homeowners property to be used in a manner consistent with a neat and clean lawn and allow a small adjacent parking area and the hardship is no longer imposed with the creation of the new fencing.

**2. Is this hardship unique to the property?**

Yes

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

This plight of the property owner was due to unique circumstances peculiar to this property and its location on steep hilly terrain. Allowing a variance will not alter the essential character of the area, but instead enhances it and supplants it with fencing more appropriate to the nature of the houses in the neighborhood. There is a substantial variation in the elevation of the fenceowners home and the adjacent neighbors home. A normal 36" fence would be tall enough for houses on flat land, however, due to the hilly terrain and elevation, a 36" fence in this location does not provide the privacy normally expected nor does it account for the steep terrain that the property is situated on.

**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.**

This condition does not generally apply to other properties in the same zone. Along Braddock Road from Cameron Mills to Scroggins Road, no other home is located with the elevation variant at the same degree or greater than 1104 W. Braddock is from its two neighbors. 1104 W. Braddock lies at the crest of the hill going up Braddock Road towards King Street.

**3. Was the hardship caused by the applicant?**

No

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

Yes, however, the condition was accounted for by the old chain link fence. The previous chain link fence was higher than 36". It was 48"- 56" tall as it followed the hilly terrain of the yard. The new fence is the same height as the old chain link fence, however, it was an open metal chain link fence, not a partially closed wooden fence. As time went on, the old fence became clogged with tree limbs, vines and such and the narrow passage to the backyard of the owners was made impassable.

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

No, the applicant did not purchase the property knowing the hardship existed. The homeowners purchased the property with the intent of putting in a new fence, however, they were not aware that they could not put in a new fence that was outside of zoning code, without having to ask special permission to replace the old fence that was outside of code. The property owners thought they could replace the old fence with a new one of at least the same height.

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

The hardship occurred over time since 2005 (when the property was purchased), but accelerated in 2007 after home renovations allowed more access to the side of the yard that is under review by the Board. The old fence began to sag and rust due to the weight of trees, vines and shifting soil conditions underneath it and the vegetation on and through the fence began to grow larger and more out of control until the property adjacent to the fence began to be totally unusable in 2011-2012 and the neighbor did not want it to be cut, pruned or in any manner changed. Because it was on a steep hill, the area was not easily accessible.

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

The applicant did not create the hardship.

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

No

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

The variance will not be detrimental to the adjacent properties or the neighborhood in general. The homes in this neighborhood typify Georgian and post-Georgian style-architecture. Generally, the homes in this area are simple 1-2 story box, 2 rooms deep, using strict symmetry arrangements with panel front doors centered and topped with rectangular capped with an elaborate crown/entablature supported by decorative pilasters including dentilwork. The homes may also have a portico in the middle of the roof with a window in the middle. The fence is compatible with this style of architecture and other fences in the neighborhood in design and character. The fence is wooden, with 8'x8' posts which provide substantial anchoring and which are capped with detailed dentilwork to match that of the decorative pilasters on the front of the home.

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

The fence will not negatively affect the value of the adjacent and nearby properties. In fact, in a recent home assessment for refinancing, the assessor stated that if 1104 W. Braddock Road had a better fence (referring to the old chain link fence), it would enhance the curb appeal of the home and be positively reflected in the home value and as such, have a positive affect on neighborhood values. Additionally, both sides of the fence, for all portions of the fence, have been fully completed and finished such that the neighbors have enjoyment of a completely new fence at no cost to them.

**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? Is so, please attach the letter or submit at the time of the hearing. (Support letters attached)**

Neighbor 1 – Amy Krafft (Complainant)

Neighbor 2 – Kym Burke (Support Letter)

Neighbor 3 – Thad and Caryn Carithers (Support Letter)

Neighbors 1, 2 & 3, who had adjoining or abutting properties, were shown the plans for the fence prior to the fence being built and asked for any input or proposed changes. No input or changes were provided by any neighbor other than the request for white paint if possible. Again, immediately prior to beginning the fence, each neighbor was met, face to face, by the owners along with the fence contractor to show the proposed fence plans and no neighbor had any requests, inputs or proposed changes, including the complainant neighbor. Essentially, it is the belief of the applicant that when the old fence was removed and the new fence installed, it was not the fence that prompted the compliance complaint, but the fact that it was installed on the correct property line. The correct property line was approximately 2 feet into what was previously the neighbor 1's yard. After being told by the City and being shown on official city property maps that the old fence was not on the property line and the new fence was in fact, where it was supposed to be, a fence that was previously fine with the neighbor began to be "not fine" with the neighbor. Neighbor 1 began to want to change the fence (after it was 95% complete) and threatening to have the city come and make the homeowners take the fence down regardless of the costs.

The fence does not affect the light or air to any adjacent property. In fact, Neighbor 1 specifically determined the height and openness of the fence. She came out and showed the workers and the owners exactly what she wanted done. And in an effort to keep the peace, the homeowners complied and subsequently, ended up with a non-compliant fence that was principally designed by the complainant neighbor.

The fence does not impact traffic congestion or public safety or create any vision or clearance problems.

## Addendum Listing

1. Longshot View of Fence through neighbor's yard looking West
2. Shortshot View of Fence though neighbor's yard looking West
3. View of Fence from sidewalk to opposite neighbor's yard looking West  
Portion of Fence requiring variance marked
4. View of Braddock Road from backyard on hillof (steep incline)
5. View of Fence from sidewalk looking East
6. Measurement of Sidewalk to fence (12 Feet)
7. View of unfinished Fence with first changes requested by neighbor
8. View of Fence from both sides of home from sidewalk looking East
9. View of Fence through neighbor's yard looking East
10. View of Fence from sidewalk in front (Entrance to now accessible and clear of  
vegetation, brush, branches and usable)
11. Longshot view of Fence from sidewalk in front
12. Plans with additional notations requested by Zoning and Planning
13. Plat with Old and New Fence marked with area needing variance shown
14. Part C



- View through Neighbors Yard  
(Long View)



- View of fence from across Neighbors yard
- Note Bushes, Vines & Limbs
- Note Neighbor has painted fence



- View of fence W. on Braddock Road



View towards street from Backyard  
Neighbor is removing her fence because she  
likes new one better.



View of Fence East on Braddock

12 feet from Sidewalk to fence



# Fence

1st Time Neighbor made Changes

- All slats completely Removed

- Width of gap widened per request & fence lowered and angle changed.

angle changed

height decreased

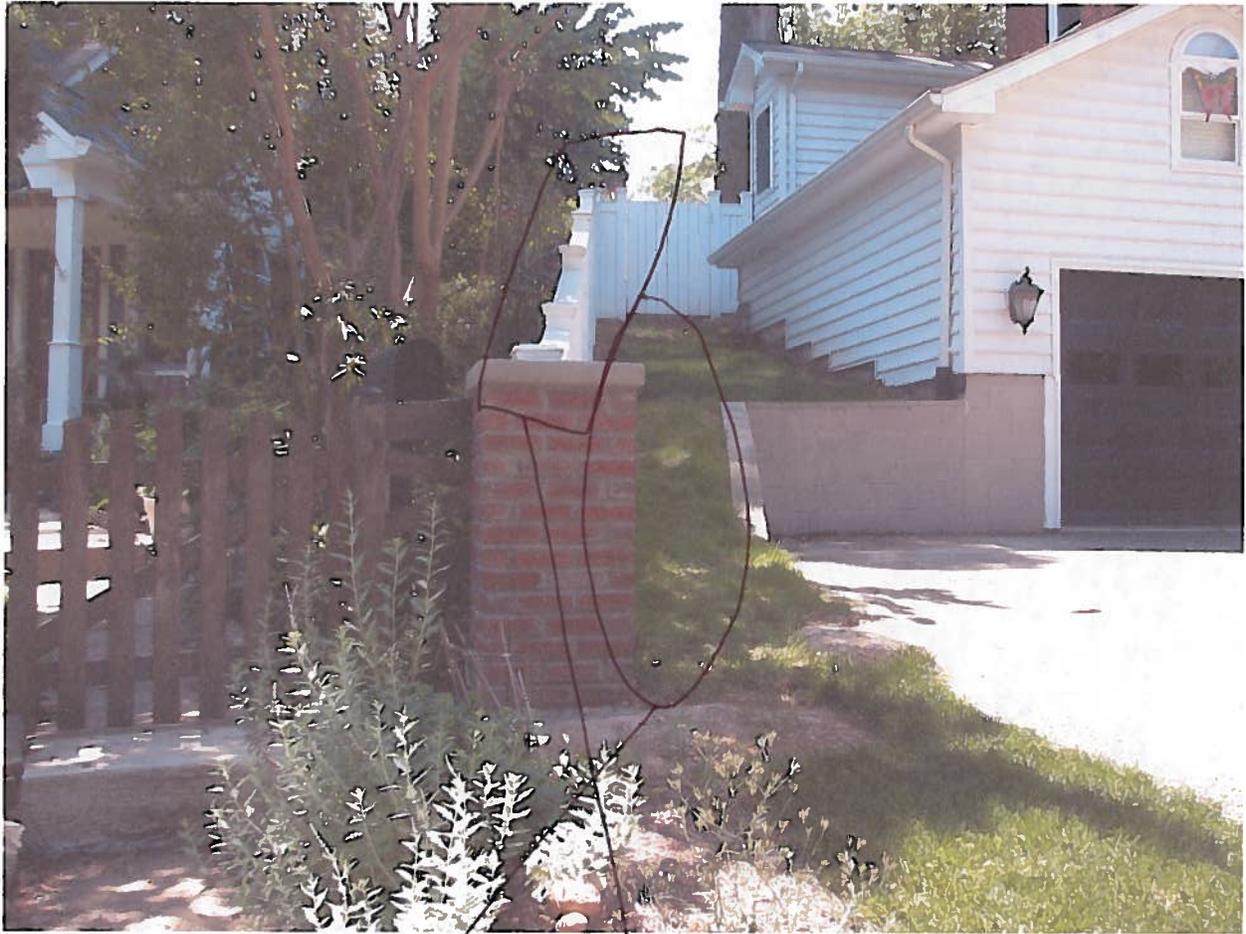


View of fence  
East on Braddock



View of fence further back  
headed East on Baddock

Completely  
furnished on  
both sides for  
all neighbors



- View of fence from front
- Division between two yards now distinguishable w/difference in yard/lawn/tree maintenance between properties visible
- Side Area now accessible to back yard & clear/able to be used (Previously unusable) due to intrusive tree limbs, vines, flowers, roots coming through and under old fence

Neighbor has portion of old chain link fence that was repaired & reposted to connect to new fence for support

Addendum  
11



- View of fence from front

- Fence Division/keeping trees, shrubs, timbs out of area allowing property use

- Beginning Erosion Control (currently halted)

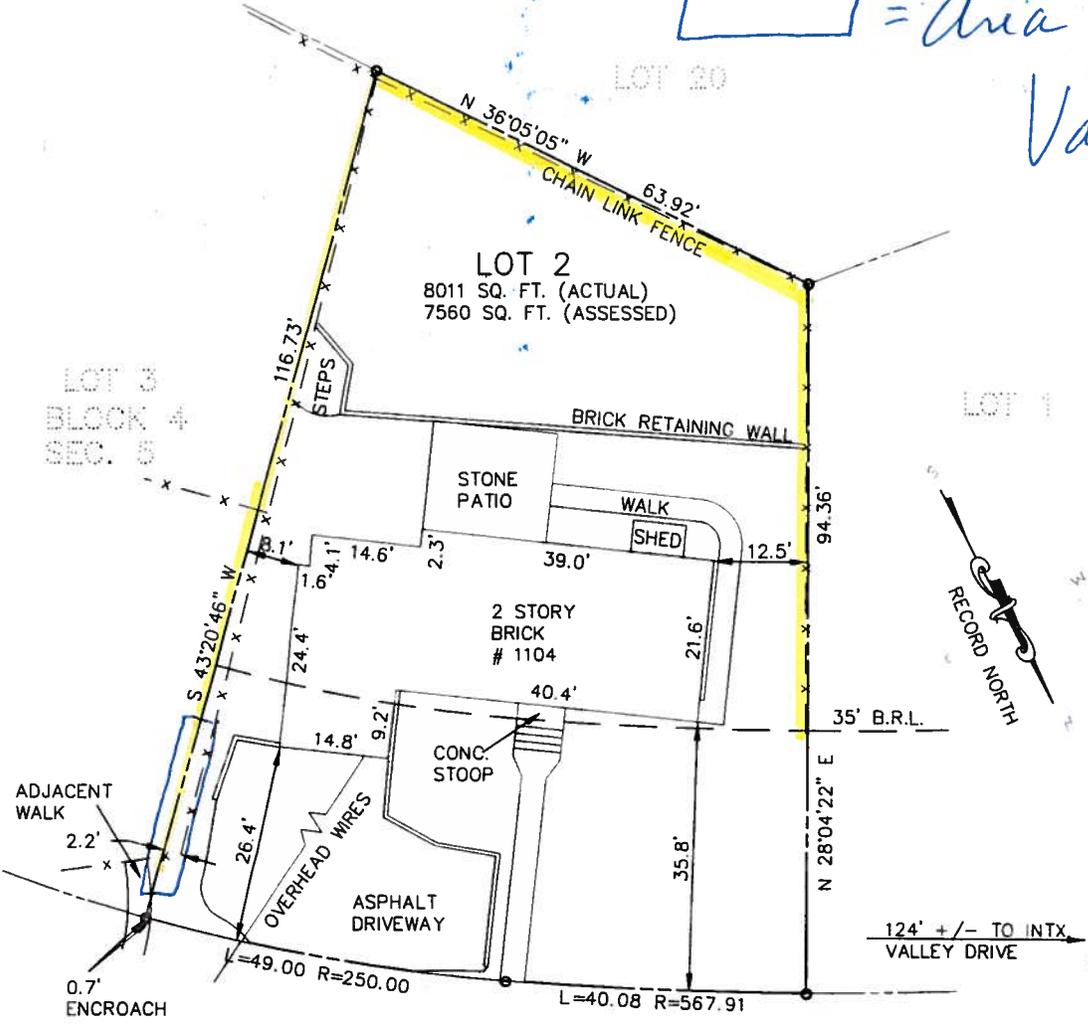
- Lumber added & repairs made to neighbors fence to connect both fences properly & seamlessly

Steep Incline on Hill

(Only home on Braddock Road w/this configuration, & degree of terrain incline from front to back



Yellow = New Fence  
[ ] = Area Requiring Variance



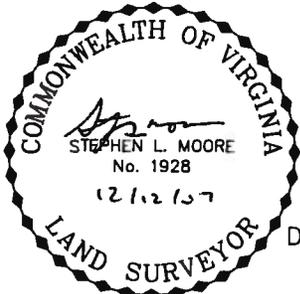
Note: On Left New fence was moved to actual property line to allow more access to backyard area

WALL CHECK APPROVED

PLANNING & ZONING

*F. Hanna* by *my* 12/11/07  
DIRECTOR OF P&Z DATE  
Approved per released building permit in R-8 zone.

W. BRADDOCK ROAD  
R/W VARIES



HOUSE LOCATION SURVEY  
LOT 2 SECTION 3 BLOCK 4  
TEMPLE TERRACE  
DEED BOOK 244 PAGE 386  
CITY OF ALEXANDRIA, VIRGINIA  
DATE: DECEMBER 12, 2007 SCALE: 1" = 20'

LOCATION OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAS BEEN ESTABLISHED BY TRANSIT AND TAPE SURVEY AND UNLESS OTHERWISE NOTED THERE ARE NO ENCROACHMENTS EITHER WAY. THIS SURVEY HAS BEEN PREPARED WITHOUT A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN. FENCE LOCATIONS ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP. LOT CORNERS HAVE NOT BEEN STAKED UNLESS REQUESTED. IPF DENOTES IRON PIPE FOUND.

FLOOD NOTE: THIS PROPERTY LIES IN FLOOD ZONE X, AN AREA OUTSIDE THE 500 YEAR FLOODPLAIN, AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515519 0005 D DATED MAY 15, 1991.

STEPHEN L. MOORE LAND SURVEYING, INC.  
13554 MINNIEVILLE ROAD WOODBRIDGE, VA. 22192  
(703) 878-6515 FAX: (703) 878-4594

WORK#2007-0706

Part C

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

Yes. Alternatives have been considered.

1. Different type of fencing

There was a chain link fence in place prior to the installation of this fence. It was taller than 36", but was with the property when it was purchased. It was not satisfactory in that it allowed tree branches, limbs and vegetation to come through the fence along its entirety and made one side of the property unusable for its intended purpose. Also, the chain link fence postings were deteriorated and allowed erosion along the steep terrain at a more accelerated rate as there was nothing to stop it. The new fencing is lower to the ground and is specially treated for use in damp, dark areas near the ground.

2. Alternate Changes in Current Fence Design

We worked with the neighbors to try and ensure that the fence would serve our needs due to the location of our home on a steep incline and also to serve theirs as our neighbors. In doing so, we went to each neighbor that had abutting property by email and personally to ask about any changes or problems with our proposed design. We received a request for white paint, which we complied with and nothing else from anyone. It was only after fence construction began on the left side (as you are facing the property), did we began to have problems.

The fence has been taken down in its entirety two times on that side with modifications and changes at significant cost to us. Within this package, there are two photos. One is of the fence before it was cut to its current height and one of the complainant neighbor showing exactly where she would be satisfied with the fence and how she wanted it. We did not take a photo of the significant pile of lumber that was thrown away because it could not be used again, except a very few pieces. Through two modifications, there was still a complaint by that neighbor although she was the one who determined what the modifications would be both times. An approved variance brings a close to this situation and allows the fence owners to continue with the fence project and planting. At this time, there is still more dirt that needs to be brought in to fill in eroded spots, but there is no sense in making a nice fence if it has to be torn down. This is relevant to the variance because this interference continues to create issues regarding usability of the

property located along the fence. The neighbor now claims that she cannot see us through the fence and would like to be able to see us. We are not sure what that means, but in the past, anytime we came outside or even come close to the old fence, despite the fact that it is was our fence and we were on our side, she came out to tell us how she would like for us to allow more vegetation to grow, ect. Now that the fence slats are closer together, we no longer have that problem because she can't see us. If we have to cut the fence down more or open it more, we will be back to where we started regarding usability. (Please note that we realize that the Zoning Board is not the arbitrator of neighborhood disputes. However, we feel that it may be important in considering the totality of the circumstances regarding the variance and the fence. Also, please note that the complainant neighbor and the property owners are still cordial and pleasant despite the fence problem, probably because good fences make good neighbors.) Further, the new fence properly establishes the recorded property lines which increase our property around 2 feet wider than it was before allowing us much more access to the back of our property through the side area, which was previously pretty slim with overhanging trees and limbs that did not allow access. Also, this fence is tall enough and with enough coverage to keep the neighboring vegetation on its side without having it come onto our property and impede access.

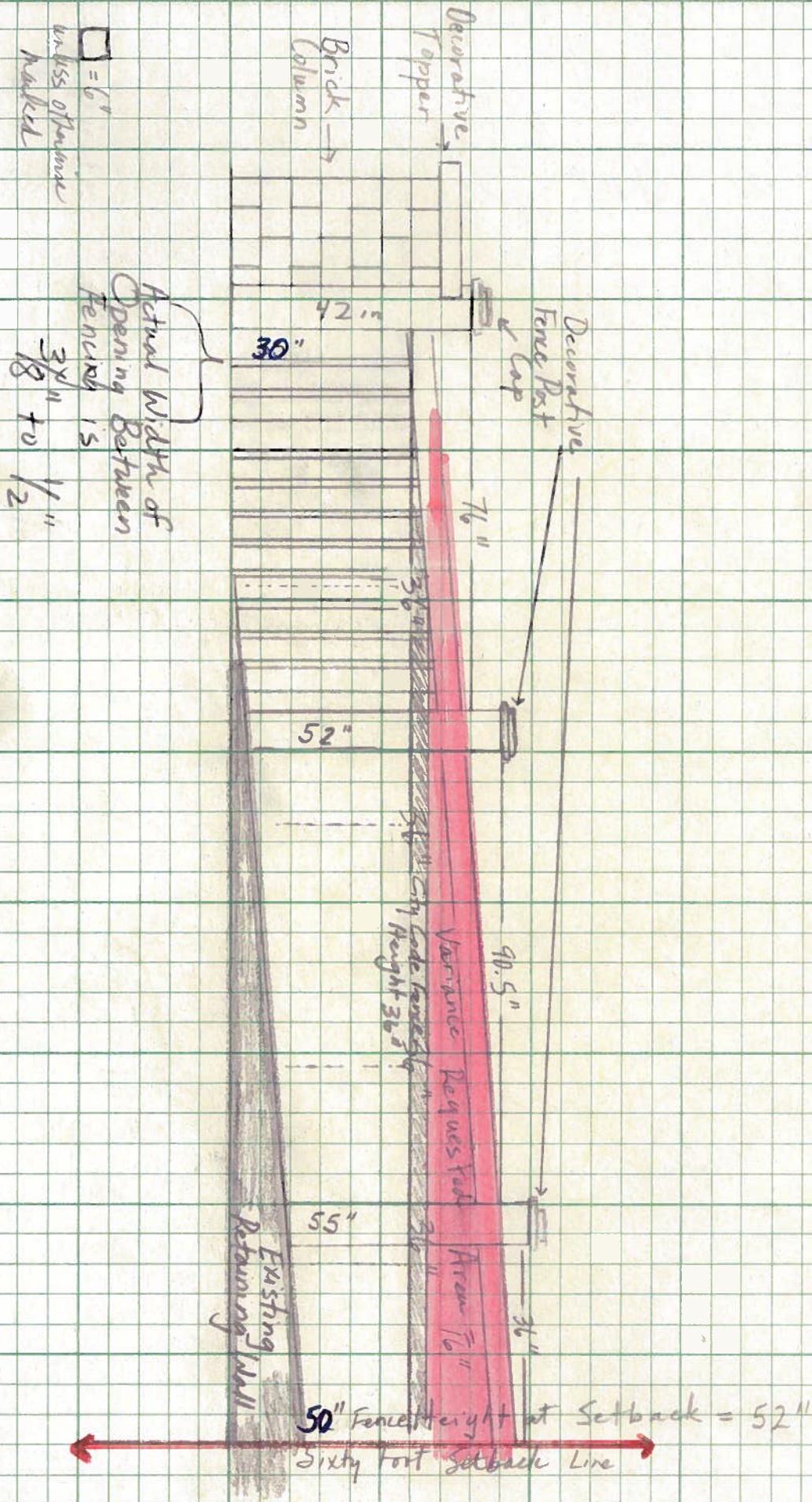
## Listing of Attachments

1. Design Plan of Fence showing current fence and requested variance amount of 16"
2. Timeline of Events Regarding Fence at 1104 W. Braddock Road
3. Email from 1104 W. Braddock Road homeowners notifying Neighbors 1,2,3 of new fence and soliciting opinions/input on the fence design; Email included photos of proposed fence
4. Photo of Old Fence and Terrain
5. Photo of New Fence and Terrain
6. Photo of Neighbor 1's painting of new fence
- 6a. Closeup
7. Photo of workers removing old fence in rear yard showing growth of tree limbs and ivy and vines
8. Photo of neighborhood fence on Timberbranch Pwy (completely closed, no gap in fencing at all)
9. Photo of 1104 W. Braddock Road with completed fence and terrain and elevation
10. Support Letter from Neighbor 2 (Kym Burke)
11. Support Letter from Neighbor 3 (Carithers Family)
12. Support Letter from Neighbor
13. Letter from fence contractor



# PLANS

## 1104 W. Braddock Road Alexandria, VA 22302



## **Timeline for Construction of New Fence at 1104 W. Braddock Road**

Neighbor 1 – Amy Krafft

Neighbor 2 – Kym Burke

Neighbor 3 – Thad and Caryn Carithers

Background – Chain link fence surrounding 1104 W. Braddock Road is old and rusty; tree limbs are growing through fence making passage beside fence impossible and use of property negligible for its intended purpose; Neighbor 1 is a self-described “naturalist” and does not want trees or limbs cut along property line even if they extend onto other persons property; property owners unable to use their own property

\*17 March 2012 – All neighbors notified of building of new fence; all neighbors provided copy of proposed new fence photos, Proposed fence is within code; all neighbors spoken to “in-person” regarding fence and to determine if there were any objections within previous two weeks; no objections

18-25 March 2012 – Removal and disposal of old chain link fence begun and completed  
Additional verbal discussion with all three neighbors regarding proposed fence; Neighbor 2 asked for white paint if possible; Neighbor 1 instructs homeowners of 1104 in how to remove fence; stops fence removal to detangle vines link by link; has workers and homeowner help her move plants and trellis; property lines re-marked

22-25 March 2012 – Site survey for new fence (laser sighting) at Neighbor 1’s request; property lines re-marked; lumber and supplies delivered, Construction of new fence begun

25-30 March 2012 - Two sides of fence completed; last 60 feet of adjoining fence in front yard with Neighbor 1 begun

30 March - 1 April 2012 - Workers stopped by Neighbor 1 and instructed to dismantle fence and replace it according to her specifications; fence as originally planned created a “micro-climate” detrimental to plants and trees; Neighbor 1 wants additional light and air and gives specifics as to the spacing between boards; workers comply (cost \$1000)

3-4 April 2012 – City Code Enforcement notifies homeowners of complaint regarding fence; Homeowners visit Neighbor 1 to determine what she would like done; fence owners make changes to fence, including height and angle (cost \$500) according to Neighbor 1’s specifications; fence is completed to match on both sides

7-14 April 2012 - Workers stopped by Neighbor 1 and instructed to change height of fence again; she cannot see her Uncles’ house in case of an emergency; 60 feet of fencing removed and trashed; workers comply and begin to change fence on opposite to match what Neighbor 1 requests (cost \$1000 not including lumber)

6-7 May 2012 - Neighbor 1 “re-paints” newly painted fence Adobe Sunset Brown (color of her choice) stating that White is too bright; plants along fence, arranges flowers along fence

11 May 2012 – Fence completed; including latches, gates and hardware

14 May 2012 – City Code Enforcement returns indicating additional complaints regarding fence openness and height/Discussions with Code Enforcement on how to request variance

-----Original Message-----

**From:** McMillco

**Date:** 3/17/2012 12:27:06 PM

**To:** Carithers, Carin C.; amykrafft@comcast.net; Kym Burke

Dear Neighbors –

Finally spring has arrived and we will begin doing work outside in our yard. Beginning this weekend (hopefully) we will be getting a new fence. I have attached a picture of what it will generally look like. The fence will be within city height regulations so it does not need a permit and can be worked on anytime. It will be waterproofed/stained prior to installation. We have had the property lines surveyed and the installation will occur using laser spotting and sighting which ensures the most accuracy.

Generally, the fence line remains the same with the exception of the line between our property and 1102 W Braddock Road, which will shift slightly to come in line with the recorded property lines. First the old fence will be removed and then installation of the new fence will begin. The entire fence, with the exception of the portion that I have discussed with Amy earlier today, belonged to the former homeowners of this house and consequently, we are responsible for having it removed and disposed of, which we will do. We will be removing any vegetation or fencing that falls within our property lines. We have given instructions to the fence company to remain on our side of the fencing as much as is possible during removal and installation. Any undue damage that we create to your plants or vegetation will be recompensed or replaced, just please let us know.

The fence company estimates that it will take 3-4 weeks for installation. This is because the type of fence we are getting is a graded and stepped and leveled generally takes more time and money for completion. We hope to minimize any interruption this may cause by being as expeditious as possible.

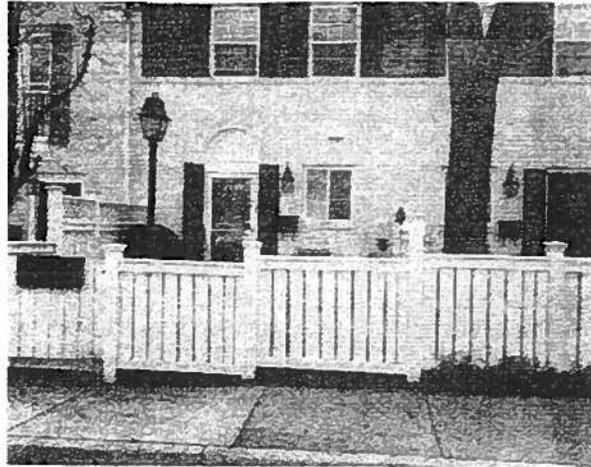
We may be reached at 703.683.1449.

Ramon and Alexis

any interruption this may cause by  
being as expeditious as possible.

We may be reached at 703.683.1449.

Ramon and Alexis



Old Fence @ 1104 W. Braddock

BZA 2012-0011  
(Side View)



BZA 2012-0011

New  
Fence



Neighbor<sup>7</sup> has painted Fence  
(After it was newly painted w/ White Paint)



BZA 2012-0811  
Neighbor 1  
has replanted  
along new  
fence



BZA 2012-0011

House w/ Completely Closed Fence

Timber Branch Pwy (Behind Braddock Rd)



BZA 2012-0011

# Old Fence in Rear of Home



#9



View of House + Both sides of  
fence + portion of fence in back-  
yard  
view from across the street

May 22, 2012

TO: THE MEMBERS OF THE CITY OF ALEXANDRIA'S BOARD OF ZONING APPEALS

Regarding the fence in question:

The owners of 1104 West Braddock Road asked for my input in the design stage, which I supported, and kept me informed of its execution.

When the fence was completed, I told the owners how beautiful it was. It absolutely is compatible with the structural character of the surrounding area and, in my view, would definitely not affect property values in any negative way.

On the contrary, their fence enhances my property and I am considering having my own fence removed, as theirs is superior to mine.

I urge the Board to do the right thing and allow the fence to remain, as is.

Sincerely,



Kathleen M. Burke  
2317 Valley Drive  
Alexandria, VA 22302-3223  
Phone: 571-527-0315

May 30, 2012

Dear Board of Zoning Appeals,

I share the adjoining fence line with 1104 W. Braddock Road. In building the fence, the owners of 1104 W. Braddock Road, solicited my input on the fence, incorporated my feedback in the design and have tried to ensure that our shared fence was acceptable to those along the fence line, including the color and structure of the fence.

I am aware that the original design, which was in compliance with city code and provided to us via email and in-person discussions, was modified to incorporate changes requested from others who share the fence line on at least one occasion and those requested changes caused the fence to be over-budget and non-compliant at its completion. It seems to be fundamentally unfair to have requested changes in the fence and then be able to file a complaint to ask that the fence be removed or changed when the changes are incorporated.

I believe that the new white fence is in character with the neighborhood, is not detrimental to property values and is a vast improvement to the former chain link fence. I support the owners request for exception or variance to allow the fence to remain as it is currently built.

Please feel free to contact us if you have any questions.

Sincerely,



Carin Carithers

703-838-6250

2315 Valley Drive

Alexandria, Virginia 22302

To Whom It May Concern:

My name is Jorge Polio and I was the foreperson on the fence project at 1104 W. Braddock Road. My family have done all of the construction and remodeling at this address and have worked with this family for the past 6 years on various projects. I have been doing construction for over twenty five years and I have never seen anything like this situation with the fence before. This is what happened while the fence was being built.

I was with the homeowners when they showed the pictures of the new fence to all the neighbors. Nobody disagreed with the fence and it would have met the city code as it was planned and drawn out. The approximate cost of the fence was over \$10K. The homeowners paid extra money to have both sides of the fence look nice and be painted with two coats of waterproof stain and paint. Although most people don't, they also paid extra to have us re-place the worn through posts on the left neighbors side so that it would be seamless with their new fence and to build a special gate in the back fence to allow the children from the back fence neighbor to play in their backyard with their son.

We built two sides of the fence with no problems and on schedule. The neighbors on the right and in the back came out and complimented us on how neat and quickly we were working. Then, when we got to the left side, we began to have trouble.

The neighbor on the left kept coming outside and telling us how she felt the fence should be built. This didn't really start until after we had already poured the concrete footers and installed the fence posts for the original fence design.

She came outside one day while we were working and physically tried to stop one of my workers while he was trying to install fence boards. He got so angry that he left the jobsite and refused to come back and I had to find someone else. She always came outside to yell at us, but when we would call the homeowners and they would come, she did not yell at them or say the same things to them. She told us to get off her property and then would come back later and say that she was just upset and that we could be on her property to make the fence. I specifically heard the homeowners ask her in front of me at the beginning if we could be on her property enough to install the fence and she said yes.

On two occasions she asked us to change the fence design and we told her we would have to check with the homeowners. She said that she would call the city and have them make us take the whole thing down.

We called the homeowners and they came home and went over to talk to her. I do not know what was said, but when they came back, they said she wanted us to change the design from a step design to an angle one and to make some changes on the side of the fence that was facing her property that would allow more light and air to circulate and not create a micro-climate.

Because the footers had already been poured and the 6"x6" structure posts had been placed, changing from a step down design to a angle one made the height higher than 36". If we had made the step design with her new requirements, the fence would not have looked right and

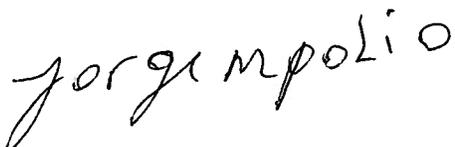
would have been a complete waste of money and lumber because we would have been cutting the tops off the 6"x6" way too short.

We did the best we could to put her changes in and still make a nice fence. Because of her changes and interference, we spent an additional week and a weekend more than we should have. At the end, she apologized to me for her behavior and said that we did a good job.

I was surprised to be asked to write a letter and find out that she still called the city to complain after all the extra work we did to make her happy.

I think you should know that the only reason the fence is not compliant is because we continued to try and make the left neighbor happy and did not stick with the original plan.

Jorge Polio

A handwritten signature in black ink that reads "jorge polio". The signature is written in a cursive, lowercase style.

**From:** Amy Krafft [mailto:amykrafft@comcast.net]  
**Sent:** Wednesday, April 04, 2012 4:04 PM  
**To:** McMillco  
**Subject:** care of trees

Thanks for coming over last night. I am sorry you have to deal with the city about fences. I was told by several people early this week that the city was coming out to inspect your fence. I have been through numerous inspections for construction and know how unbelievably thorough they can be. FYI, The Care of Trees company came by today to look at one of the oaks that has an awkwardly growing branch (will be removed) and the tree will be cabled (while they are up there). They also are going to install a bamboo abatement system to keep the bamboo from one of the backyards from advancing into my yard. This is the same system the Zoo has and it really works.

Alexandria City Council,

We are neighbors of the McMillans and live at 1102 Quincy Street about a block and a half away. Over the past couple months we have been aware of their building a fence. It looks great - even nicer than most of the fences in the neighborhood, though similar height and material (wood) to the other fences. We hope you can support their fence - there is nothing out of the ordinary about it and it is quite a nice looking fence.

Sincerely,

Brad + Stacy Pantuk  
1102 Quincy St.  
(703) 578-0045



Showing Neighbor New Fence Line  
While She tells how she wants it done

-----Original Message-----

From: "Amy Krafft"  
Date: May 21, 2012 5:01:18 PM  
Subject: fence variance  
To: "McMillco" <[mcmillco@verizon.net](mailto:mcmillco@verizon.net)>

Hello Ramon and Alexis, I read your note and was quite surprised that the fence code is for 36 inches and 50% open and your fencing contractor did not know that!! I think your fence would be more neighborly if it was closer to 36 inches in height so that we could see each other in our front yards however the openness of the boards is not a concern. I hope you understand that I don't care for the fence design in the front yard but won't get involved in your zoning appeal. Best wishes, Amy