

25
6-21-05

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 13, 2005
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
THROUGH: JAMES K. HARTMANN, CITY MANAGER *J*
FROM: EILEEN FOGARTY, DIRECTOR, PLANNING AND ZONING *EF MHS*
SUBJECT: 227 NORTH LATHAM STREET - APPEAL OF PLANNING
COMMISSION DENIAL OF SUBDIVISION, CASE NUMBER 2005-0002

I. Appeal:

M. Catharine Puskar, representing the applicant for the subdivision, is appealing the May 3, 2005 decision of the Planning Commission to deny the proposed subdivision located at 227 North Latham Street.



The applicant is proposing to subdivide the existing lot into two lots for the purpose of constructing two new dwellings on the property. The property comprises 18,801 square feet and is zoned R-8, residential. The R-8 zone allows single family dwellings on lots of at least 8,000 square feet in area.

Section 11-1708 (D)(2) of the Zoning Ordinance states that an appeal from an approval of disapproval by the Planning Commission shall be made in writing and filed with the City Clerk within 15 days from the decision of the Commission.

When an appeal is filed, the City Council shall schedule at Least one de novo public hearing on the matter and may affirm, reverse or modify the decision of the Commission or return the matter to the Commission for further consideration. On appeal the same standards shall be applied by the Council as are established for the Commission.

Planning Commission Action:

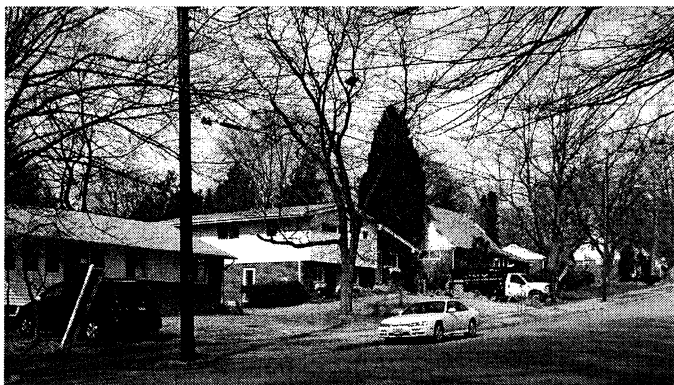
The Planning Commission voted to deny the request. The Planning Commission determined that the provisions of Section 11-1710(B) of the zoning ordinance were not being met, that the subdivision would not be compatible with surrounding properties. They also had concerns that the subdivision represented property speculation that would result in detrimental changes to the character of the surrounding neighborhood.

II. Background

Section 11-1710(B) of the Zoning Ordinance requires a subdivision to meet the following standard:

No lot shall be resubdivided in such a manner as to detract from the value of the adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.

At the Planning Commission hearing of May 3, 2005, staff recommended approval of the proposed subdivision with 10 conditions. Staff found that the proposed lots were consistent in size with other lots in the neighborhood. However, staff was concerned that development of the lots, created by the proposed subdivision, could be inconsistent with the character of the neighborhood and could detract from the value of adjacent property.



The neighborhood is characterized by somewhat modest single story and split level homes. Some homes have carports and others have driveways. The applicant indicated that the homes he would build on the property would be large multistory dwellings with two car garages. From the graphic representations of the dwellings proposed on these lots, the houses would appear to be inconsistent with the neighborhood.

Possible House Designs



Therefore, staff recommended three conditions to address these concerns. The conditions requested that materials used for the exterior of the homes be masonry; that the pitch of roofs be consistent with the character of the neighborhood; and that any garage attached to the home be set behind the main facade of the home.

At the Planning Commission hearing, there were several residents of the neighborhood who spoke in opposition to the request. These residents indicated that the proposed subdivision would, in their opinion, result in homes that would be incompatible with others in the neighborhood. They specifically cited the height and size of the proposed homes, and the material to be used in their construction.

The conditions recommended by staff would address some of these concerns.

III. **Recommendation**

Staff recommends approval of the proposed subdivision with the conditions set forth at the Planning Commission hearing on May 3, 2005.

ATTACHMENT: Staff Report from May 3, 2005 Planning Commission meeting

STAFF:

Eileen Fogarty, Director, Planning and Zoning
Rich Josephson, Deputy Director, Planning and Zoning
David Sundland, Urban Planner, Planning and Zoning

Docket Item #7
SUBDIVISION #2005-0002

Planning Commission Meeting
May 3, 2005

This subdivision would have been automatically approved if not acted on by March 4, 2005, except that the applicant has waived the right to automatic approval.

ISSUE: Consideration of a request for subdivision to divide the subject property into two lots.

APPLICANT: Barry Seymour

LOCATION: 227 N. Latham Street

ZONE: R-8/Residential

PLANNING COMMISSION ACTION, MAY 3, 2005: On a motion by Mr. Dunn, seconded by Mr. Leibach, the Planning Commission voted to deny the request. The motion carried by a vote of 6 to 1, with Mr. Jennings voting against.

Reason: The Planning Commission determined that the provisions of Section 11-1710(B) of the zoning ordinance were not being met, that the subdivision would not be compatible with surrounding properties. They also had concerns that the subdivision represented property speculation that would result in detrimental changes to the character of the surrounding neighborhood.

Speakers:

Catharine Puskar, applicant's attorney, spoke in support of the application, stating that the proposed subdivision meets all zoning and subdivision requirements, and indicating that the applicant does not agree with staff's recommended Conditions 2, 3, or 4. She stated that the applicant will build high quality homes on the site, but does not want to be tied to specific design requirements. She noted that staff and the applicant had agreed to change Condition 8 to specify a bond amount of \$20,000 and a time period of 2 years.

Mary White, 486 North Latham Street, spoke in opposition to the application and submitted a prepared statement, stating that any homes built on the site need to be compatible with surrounding properties, that neighboring property owners should be allowed to have input on the design of the homes, and that the protection of the nearby Homes Run was not adequately considered.

Steve Johnson, 327 North Latham Street, spoke in opposition to the application, stating that he lives next door and would not have bought his house if he had known that a two to three story house could be built next door. He said that he believes that the proposed development will be incompatible with the surrounding properties and will detract from the neighborhood.

Ernie York, 4701 Surrey Place, spoke in opposition to the application, stating that he was happy to see the trees protected but does not want to see new houses built in an established neighborhood. He also stated that he does not want to see homes that are entirely clad in siding.

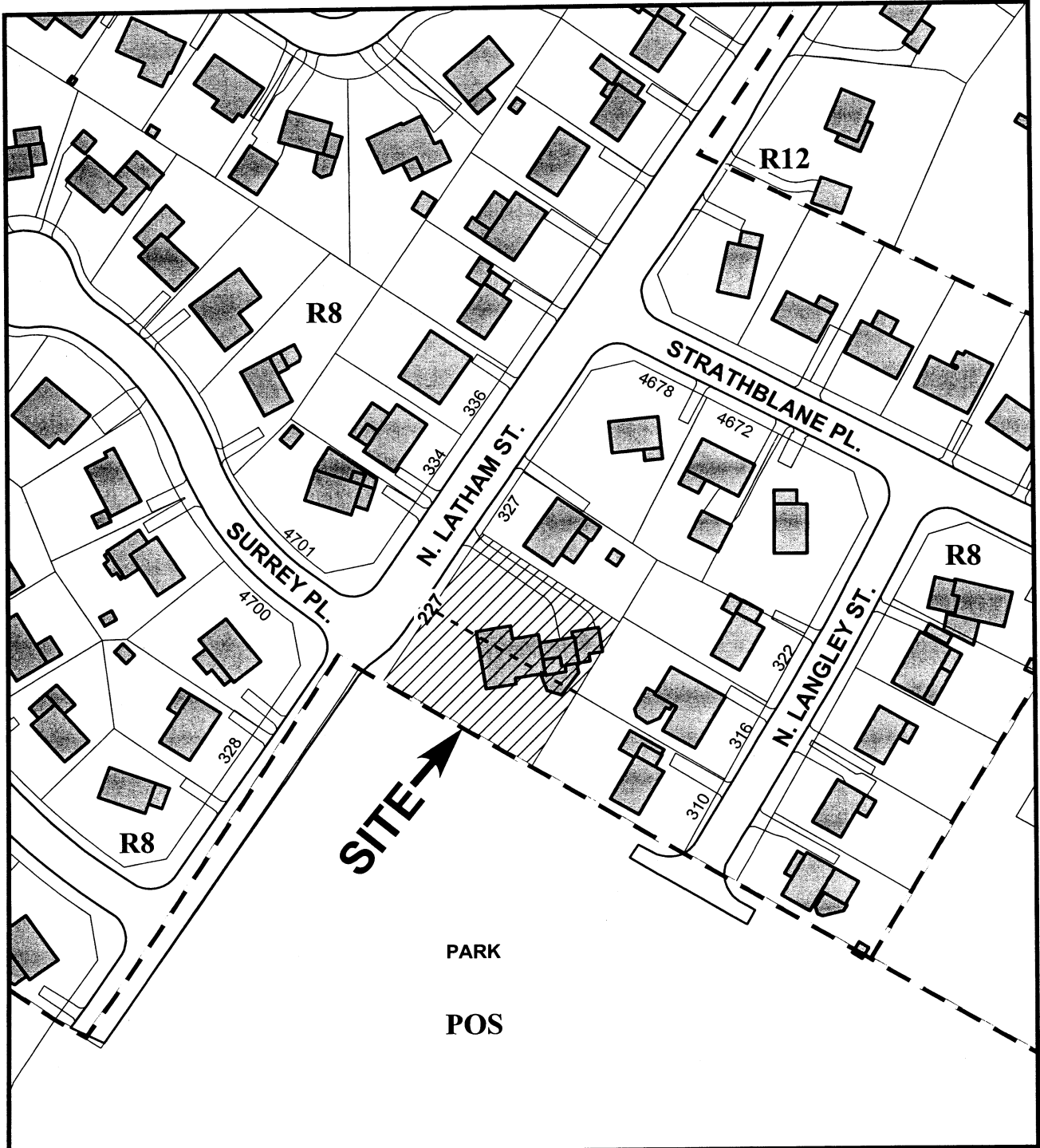
Barry Cox, 334 North Latham Street, spoke in opposition to the application, stating that staff's recommended Conditions 2, 3, and 4 are necessary if the houses are to be compatible with surrounding properties.

Mark Dowling, 336 North Latham Street, spoke in opposition to the application, stating that he does not want to endure a long period of construction with the end result being oversized homes in the neighborhood, and that if the subdivision cannot be denied, then it should be delayed until an acceptable design can be found.

PLANNING COMMISSION ACTION, APRIL 5, 2005: The Planning Commission noted the deferral.

Reason: The applicant requested a deferral.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions found in this report.



SUB #2005-0002

05/03/05



*2.00
6*

I. DISCUSSION:

REQUEST

The applicant, Barry Seymour, requests approval for a subdivision of one lot at 227 North Latham Street into two lots.

SITE DESCRIPTION

The subject property is one lot of record with 144 feet of frontage on Latham Street and a total lot area of 18,801 square feet. The property is occupied by a one-story single-family residence, with an existing driveway along the north property line.

SURROUNDING USES

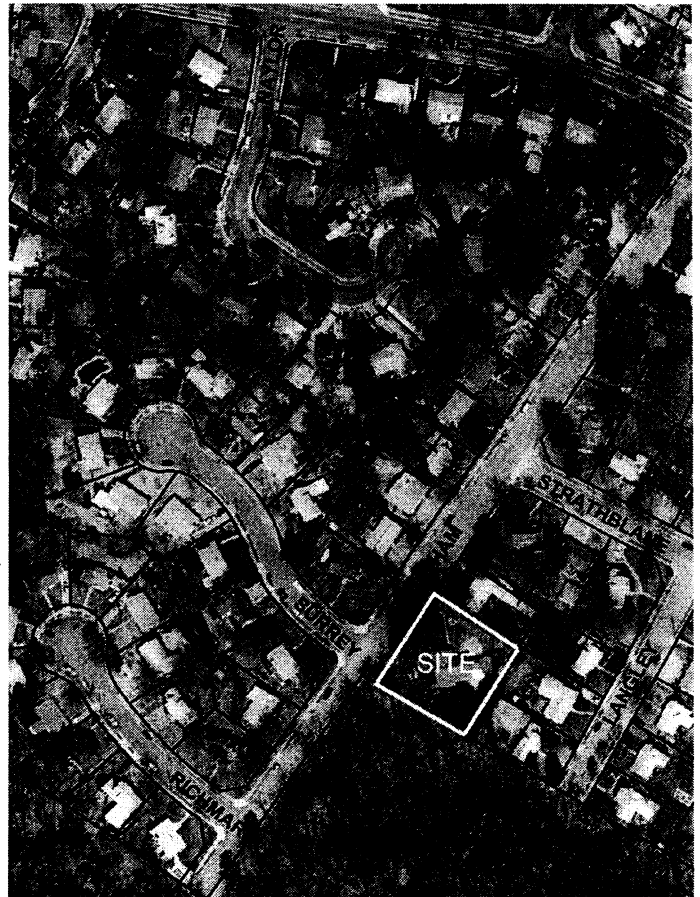
The subject property abuts Raleigh Park, a part of Holmes Run Park, to the south. The other properties in the area are developed with detached single-family residences.

PROJECT DESCRIPTION

The applicant is proposing to subdivide the existing lot into two separate lots. The existing house would be demolished and two new two-story houses would be constructed.

COMPLIANCE WITH R8 ZONE REGULATIONS

The proposed lots will be 9,323 square feet and 9,478 square feet in area, exceeding the minimum lot area of 8,000 square feet. Both lots will be 72 feet wide, exceeding the minimum lot width of 65 feet. The two new houses will both need to be constructed with a front yard of at least 30 feet, a rear yard of at least 8 feet and a setback ratio of at least 1:1, and side yards of at least 8 feet and a setback ratio of 1:2. The houses will be limited to a floor area ratio of 0.35 (resulting in maximum floor areas of 3,263 square feet and 3,317 square feet).



Aerial Photo



Subject Property

R8 MINIMUM LOT STANDARDS			
	Required	Lot 500	Lot 501
Lot Size	8,000 square feet	9,323 square feet	9,478 square feet
Lot Width	65 feet	72 feet	72 feet
Lot Frontage	40 feet	72 feet	72 feet

SUBDIVISION STANDARDS

Section 11-1710(B) of the Zoning Ordinance requires a subdivision to meet the following standard:

No lot shall be resubdivided in such a manner as to detract from the value of the adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.

MASTER PLAN DESIGNATION

The subject property is located in the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan and is designated as Residential Low, with a maximum building height of 35 feet.

II. STAFF ANALYSIS:

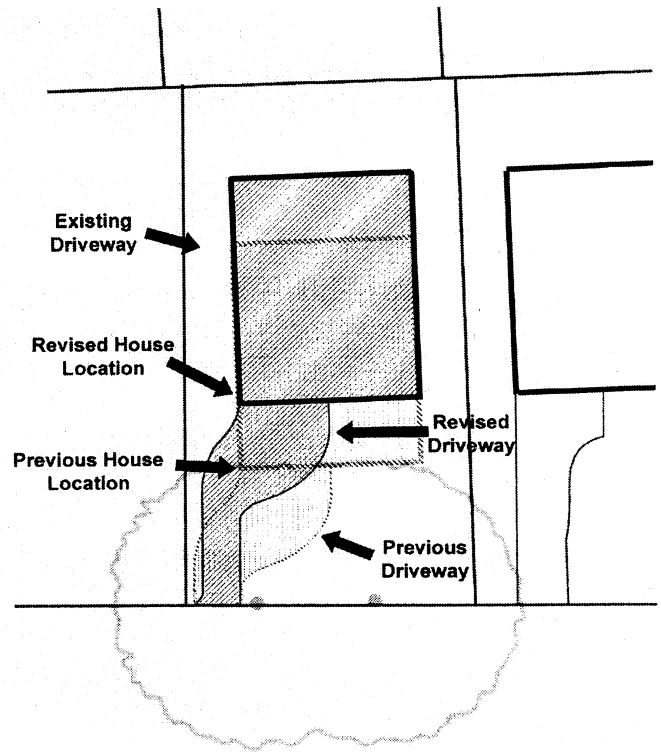
Staff recommends approval of the proposed subdivision. The proposed lots meet the requirements of the R8 District, and houses on the property will follow all setback and FAR standards. The existing lot is more than twice the size of most other lots in the area, and the proposed lots will be slightly larger than most other lots in the area.

The proposed lots will be consistent with other lots in the neighborhood in terms of lot area, width, and configuration. Residential lot sizes in the area range from 8,000 square feet to over 40,000 square feet, though most lots are in the 8,000 to 9,700 square foot range. The average size of interior residential lots on Latham Street (south of Taney Avenue) is 9,977 square feet, and the median size of interior residential lots is 8,086 square feet. Lot widths for houses which front on Latham Street range from 65 feet to 127 feet (not including the subject property), with two-thirds of the lots having lot widths of 65 feet. The proposed lot areas of 9,323 and 9,478 square feet and the proposed lot widths of 72 feet are consistent with the sizes of other lots in the area. The proposed lots are also rectangular in shape, which is consistent with most of the lots facing Latham Street.

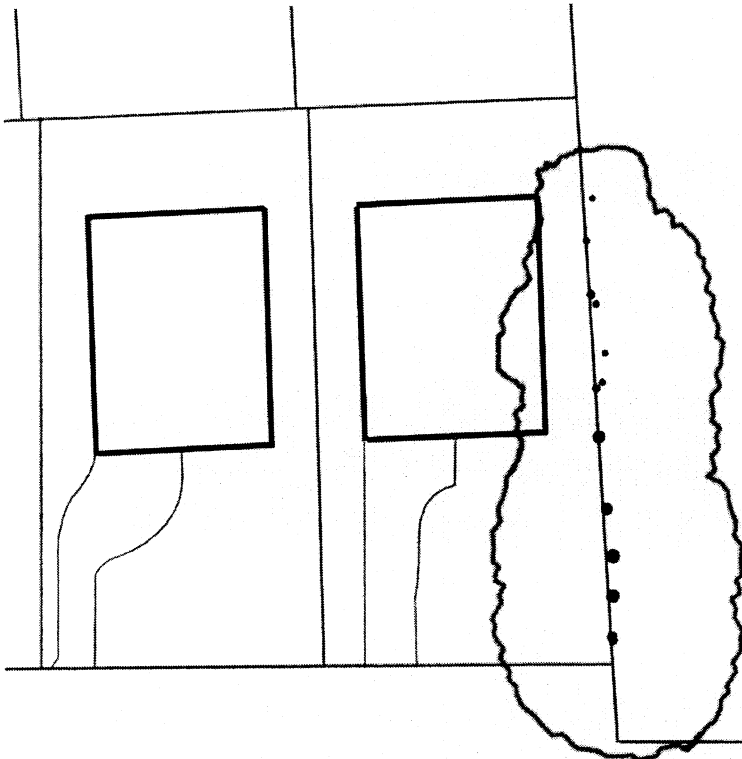
Staff's primary concern is that the existing mature trees on and adjoining the site be preserved. Houses in this area of the City were constructed in the late 1950s and early 1960s. The subject property, as well as the surrounding properties, are improved with many mature trees. This has a positive impact on and contributes to the character of the neighborhood. Additionally, §6-2-34.e of

the City Code calls for the Planning Commission to “give due consideration to the preservation and replacement of trees” when reviewing subdivisions. In order to preserve the existing 28" and 30" oak trees that straddle the Latham Street property line, the applicant has agreed not to reconstruct the existing driveway, leaving it in its present condition or limiting improvements to top-coating. Some new driveway will need to be constructed to access the new garage, but the applicant is proposing to shift the house back so that the driveway encroachment into the tree canopy is minimized. Tree protection fencing will be placed around these two street trees, as well as around a 46" maple and a collection of locusts on the park property to the south.

With the preservation of trees, staff agrees that the proposed subdivision will be in keeping with the character of the surrounding neighborhood and recommends approval of the subdivision.



Tree Save Measures



**Approximate Canopy
of Locust Trees on Park Property**

III. STAFF RECOMMENDATION:

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

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
2. Materials used for the exterior of the homes shall be masonry (brick, stone, or cementitious siding), to the satisfaction of the Director of Planning and Zoning. (P&Z)
3. The pitch of the roofs of the homes shall be consistent with the character of the neighborhood, to the satisfaction of the Director of Planning and Zoning. (P&Z)
4. Each garage shall be set behind the main facade of the house. (P&Z)
5. In order to preserve the 28" and 30" oaks that are partially located in the Latham Street ROW, the existing driveway shall not be removed, and any new driveway placed within the tree canopy on Lot 500 shall be kept to a minimum, to the satisfaction of the Director of Planning and Zoning. (RP&CA) (P&Z)
6. A note shall be placed on the plat and a restriction placed on the deed requiring the property owner to receive approval from the City Arborist to remove either of the oak trees along the Latham Street R.O.W. or for any driveway repairs or improvements within the front yard of the proposed northern lot. (P&Z)
7. Tree protection for all on-site and off-site trees to be saved shall be expanded to the maximum extent possible, to the satisfaction of the Director of RP&CA. The maximum limits of disturbance shall be shown on the plat of subdivision and shall be to the satisfaction of the directors of P&Z and RP&CA. (RP&CA) (P&Z)
8. A bond shall be posted, in an amount and for a period to be approved by the City Arborist, for protection of the 28" and 30" oak trees. (P&Z)
9. Prior to the recording of the final plat, submit a tree protection plan per the City Landscape Guidelines, December 1997, to the satisfaction of the Director of RP&CA. (RP&CA)
10. A plot plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
David Sundland, Urban Planner III.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 A plot plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit.

Code Enforcement:

No comments.

Police Department:

No comments.

Historic Alexandria Commission (Archaeology):

No comments.

Recreation, Parks & Cultural Activities (Arborist):

- R-1 In order preserve the 28" and 30" oaks that are partially located in the Latham Street ROW, the two new lots shall share a common curb cut.
- R-2 Tree protection for all trees to be saved shall be expanded to the maximum extent possible, to the satisfaction of the Director of RP&CA.
- R-3 Prior to the recording of the final plat, submit a tree protection plan per the City Landscape Guidelines, December 1997, to the satisfaction of the Director of RP&CA.

Staff Note: This plat will expire 18 months from the date of approval, or on October 5, 2006, unless recorded sooner.

APPLICATION for SUBDIVISION

APR

SUB # 20050002

[must use black ink or type]

PROPERTY LOCATION: 227 N. LATHAM ST.

TAX MAP REFERENCE: 049.1-02-38 ZONE: R8

APPLICANT'S NAME: BARRY E. SEYMOUR

ADDRESS: 10235 VAN Thompson Rd, Fairfax Station, VA 22039

PROPERTY OWNER NAME: BARRY E. SEYMOUR

ADDRESS: 10235 VAN Thompson Rd, Fairfax Station, VA 22039

SUBDIVISION DESCRIPTION: LATHAM Street Subdivision, 1 lot of 18,801 sq. ft to be subdivided into (2) lots.

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the Zoning Ordinance of the City of Alexandria, Virginia.

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

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

BARRY E. SEYMOUR
Print Name of Applicant or Agent

[Signature]
Signature

10235 VAN Thompson Rd.
Mailing/Street Address

(703) 690-8800 (703) 690-7975
Telephone # Fax #

Fairfax Station, VA 22039
City and State Zip Code

1/18/05
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

All applicants must complete this form.

1. The applicant is the (check one):

Owner Contract Purchaser

Lessee Other: _____

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.

BARRY E. SEYMOUR — 100% OWNER
10235 VAN THOMPSON Rd.
FAIRFAX STATION, VA 22039

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

Yes. Provide proof of current City business license

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

2. Please describe the existing and proposed use of the property(ies). Include a description of any structures, trees and landscaping, or other elements that occupy the property(ies).

Existing use of property is (1) Single family Detached home. Proposed use of property is (2) Single family homes. Existing structure is A one story brick + siding Rambler with Numerous additions, carports, porch + master bedroom + bath addition. The property has A 46" Maple tree which we are going to save. The front of the property Along the road has some trees. The subject property is bordered by city parkland.

Subdivision # 2005-0002

WAIVER OF RIGHT TO AUTOMATIC APPROVAL

SUBMITTED TO
THE DEPARTMENT OF PLANNING AND ZONING
CITY OF ALEXANDRIA, VIRGINIA

SUBDIVISION # 2005-0002

Project Name: Latham Street Subdivision

Project Address: 227 N. Latham St

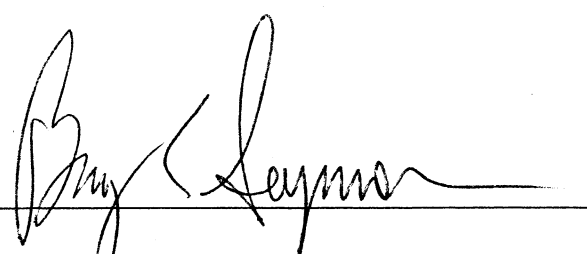
Description of Request: subdivide lot into (2) Lots

The undersigned hereby waives the right to the 45 day automatic approval provision of Section 11-1708 (B)(2) of the Zoning Ordinance of the City of Alexandria, Virginia, for the application stated above.

Date: 1/18/05

Applicant

Agent

Signature: 

Printed Name: BARRY E. SEYMOUR



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

M. Catharine Puskar
(703) 528-4700 Ext. 13
cpuskar@arl.thelandlawyers.com

May 2, 2005

Via Email

Eric Wagner, Chairman, and Members
of the Planning Commission
301 King Street, Room 2100
Alexandria, VA 22314

*Docket Item # 7
SUB 2005-0002*

Re: Subdivision #2005-0002 (the "Application")
Barry Seymour (the "Applicant")
227 N. Latham Street (the "Property")

Dear Mr. Chairman and Members of the Planning Commission:

On behalf of the applicant, I am writing to request revisions to the conditions accompanying the above-referenced Application. The Applicant is committed to preserving the 28 inch and 30 inch oak trees that straddle the Latham Street property line. In addition, the Applicant fully intends to construct quality homes that will enhance the value of surrounding properties in the neighborhood. However, as there is no basis for controlling the architectural design of the homes under the subdivision ordinance, the Applicant respectfully requests that the Planning Commission delete conditions #2, #3, and #4.

In addition, the Applicant would like to revise condition #8 to read as follows: "A bond shall be posted, in ~~an~~ the amount of \$20,000 and for a period of two (2) years, ~~to be approved by the City Arborist,~~ for protection of the 28 inch and 30 inch oak trees." We have discussed the revision to condition #8 with Staff, and they have agreed to this change.

Thank you for your consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

M. Catharine Puskar / RMC

M. Catharine Puskar

MCP/rmc

cc: Eileen Fogarty (via facsimile) Paul Wilder (via facsimile)
Rich Josephson (via facsimile) Nan E. Terpak
Barry Seymour (via facsimile) Martin D. Walsh

J:\ADVANTAGE PROPERTIES\5310.2 Latham Street\PC ltr 5.2.05.doc

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM
COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW



"Derek & Sissy Walker"
<dwalkers@comcast.net>
05/02/2005 09:56 PM

To <pcccomments@alexandriava.gov>
cc "Rob Krupicka" <Rob@Krupicka.com>
bcc
Subject Planning Commission Comments

PC Docket Item #7
SUB 2005-0002

Dear Members of the Planning Commission:

Re: Docket Item 7 for tomorrow night's meeting, the plan for 227 N. Latham Street.

I am a resident of N. Latham St. (498) and am unable to be present at the meeting tomorrow night, which was brought to my attention by an alert neighbor, Mary White, of 486 N. Latham. However I would like to share my concerns over the proposal of the developer, Barry Seymour, to tear down the existing residence and construct two single family residences on the dual lots. I feel that there are still too many unknowns and unanswered questions about the building plan, and ask you to deny approval to proceed with building, or at the very least defer consideration until these questions are more fully answered.

1. Environmental Impact, both during the construction and as a result of the construction. The bottom of Latham Street is a watershed into Holmes Run Creek, itself a watershed to larger waters.

a. There are underground streams to the right and left of Latham Street, emptying directly into Holmes Run. It would not be surprising if one or more existed at the bottom of Latham Street as well, but no one seems to have investigated this possibility. Please do.

b. What about the impact of the building materials themselves on the watershed as well as animal life?

c. Will there be one driveway or two? It is unclear from the documents provided by the developer. Two driveways will increase runoff.

d. Impact of building 2 houses in that *specific location*, abutting a thriving wildlife habitat supporting numerous birds including goldfinches, woodpeckers, flickers, rufous-sided towhees, hawks, and animals including foxes, beavers and turtles to mention a few.

e. The current property contains not only two mature trees, which we understand will be saved, but a plethora of mature plantings throughout the yard which offer habitat and sanctuary to wildlife as well as aesthetic attraction. What is the plan for all of this gorgeous and functional vegetation?

2. The proposed height of the two houses, their size, and their situation on their respective lots. What *exactly* will the roofline look like? Two thirty foot high homes sitting side by side will create a visual mass that is TOTALLY out of character with our street and the surrounding neighborhood. Also, as you can notice by driving through the Seminary Valley neighborhood on either side of Taney Avenue, houses are nicely situated at differing angles, and do not overwhelm the lots they are placed on. Those homes with additions or renovations still fit in with the modesty of the neighborhood. These proposed residences (from what we can tell from the builders vague description) do not.

3. Lack of communication with neighbors. Only those neighbors whose homes directly abutted or opposed the lots in question were notified of community meetings about the proposed development of the property, yet the construction of these two homes will impact our entire neighborhood. How are we to be kept apprised of the builder's plans as they firm up, so that we can monitor them on a timely basis? It seems as though once Planning Commission grants approval, any leverage the neighbors might be able to exert on final plans will be moot. The plans are still too vague, and we have not been kept well-enough informed about the proposal.

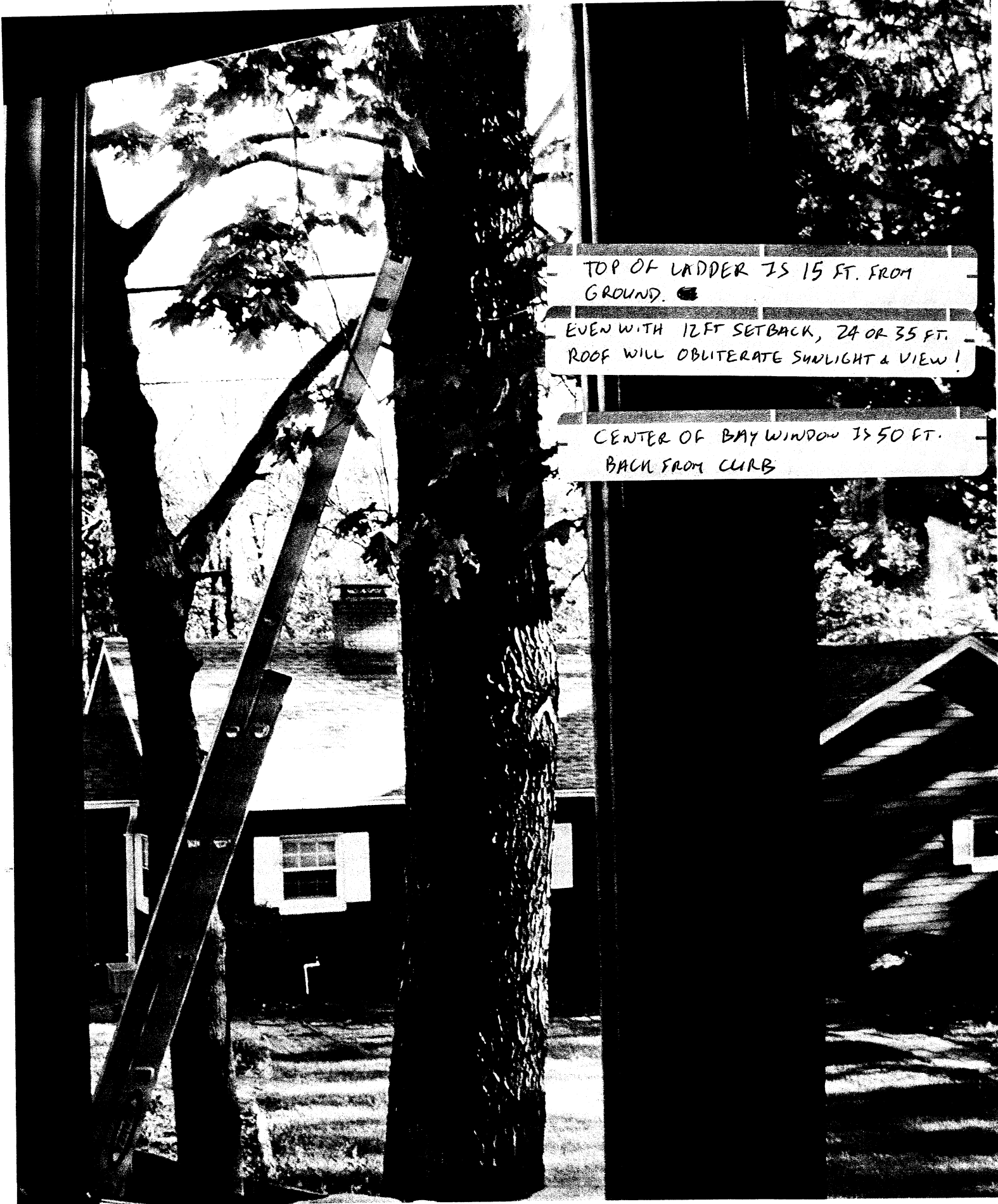
4. Mansionization. With housing values increasing at over 20% this past year in the Seminary Valley area, the addition of two "high end" homes on our already hyper-inflated neighborhood will only encourage future "mcmansioning" of our community. It's already impossible for people of moderate means to purchase property in our city. Please think about, and model, the long-term implications of approving even

one more of these so-called upgrades. Is the increased tax revenue in the short term worth the long-term trade-offs?

5. Aesthetics. I realize this is a "soft" issue, but it affects our quality of life. All over town the evidence of your warmth towards mega-house development is obvious. On Russell Road, Seminary Road, King Street and Maury Lane to name just a few of the more recent or planned mcmanions we see our lovely city with its restorative green spaces turning into an Ashburn. Please, think carefully about the city of the future these trends portend, before you approve any more.

Thank you for hearing my concerns. I assure you they are shared by all my neighbors on N. Latham St. and the surrounding streets as well.

Sissy Walker

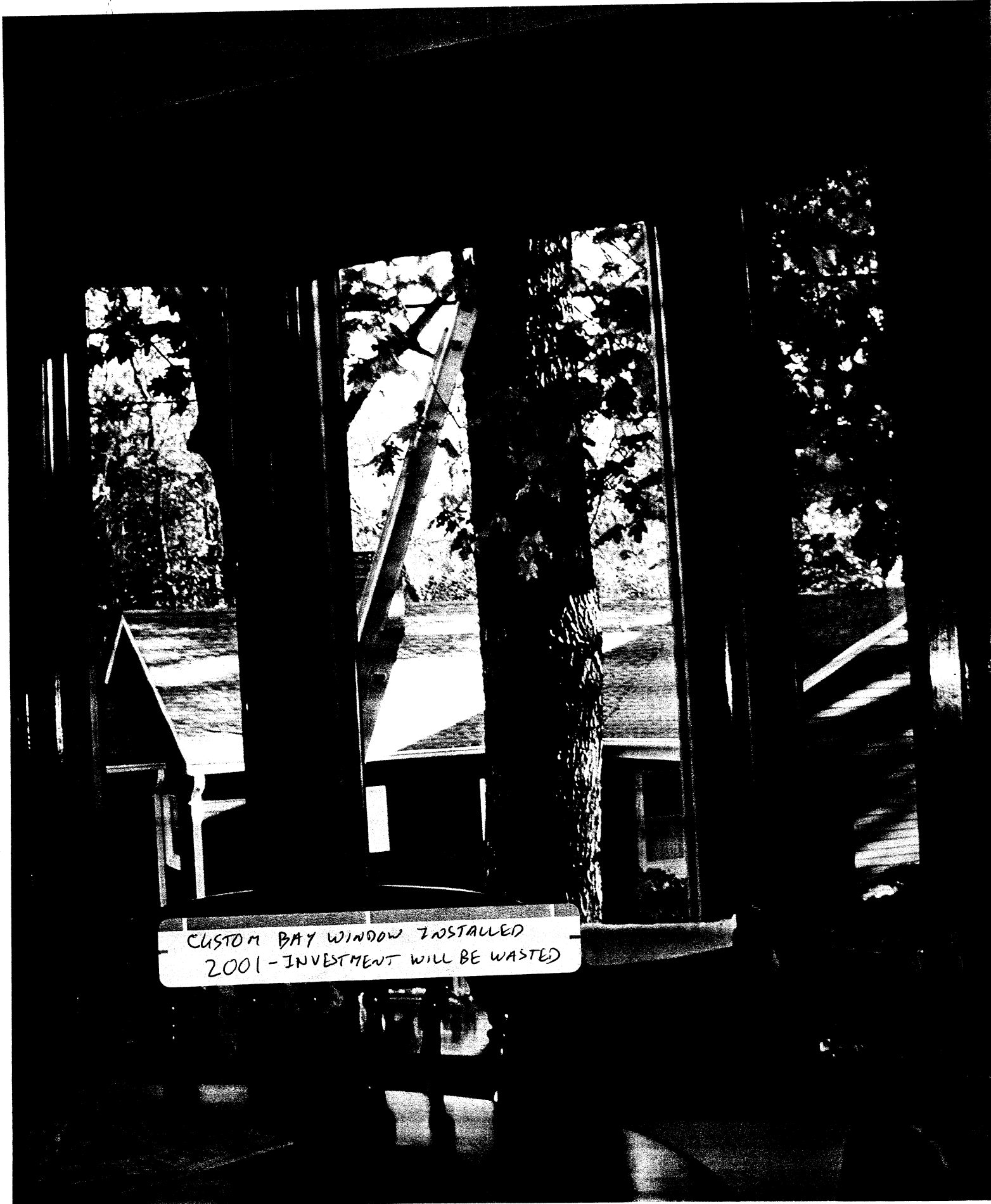


TOP OF LADDER IS 15 FT. FROM
GROUND. ●

EVEN WITH 12 FT SETBACK, 24 OR 35 FT.
ROOF WILL OBLITERATE SUNLIGHT & VIEW!

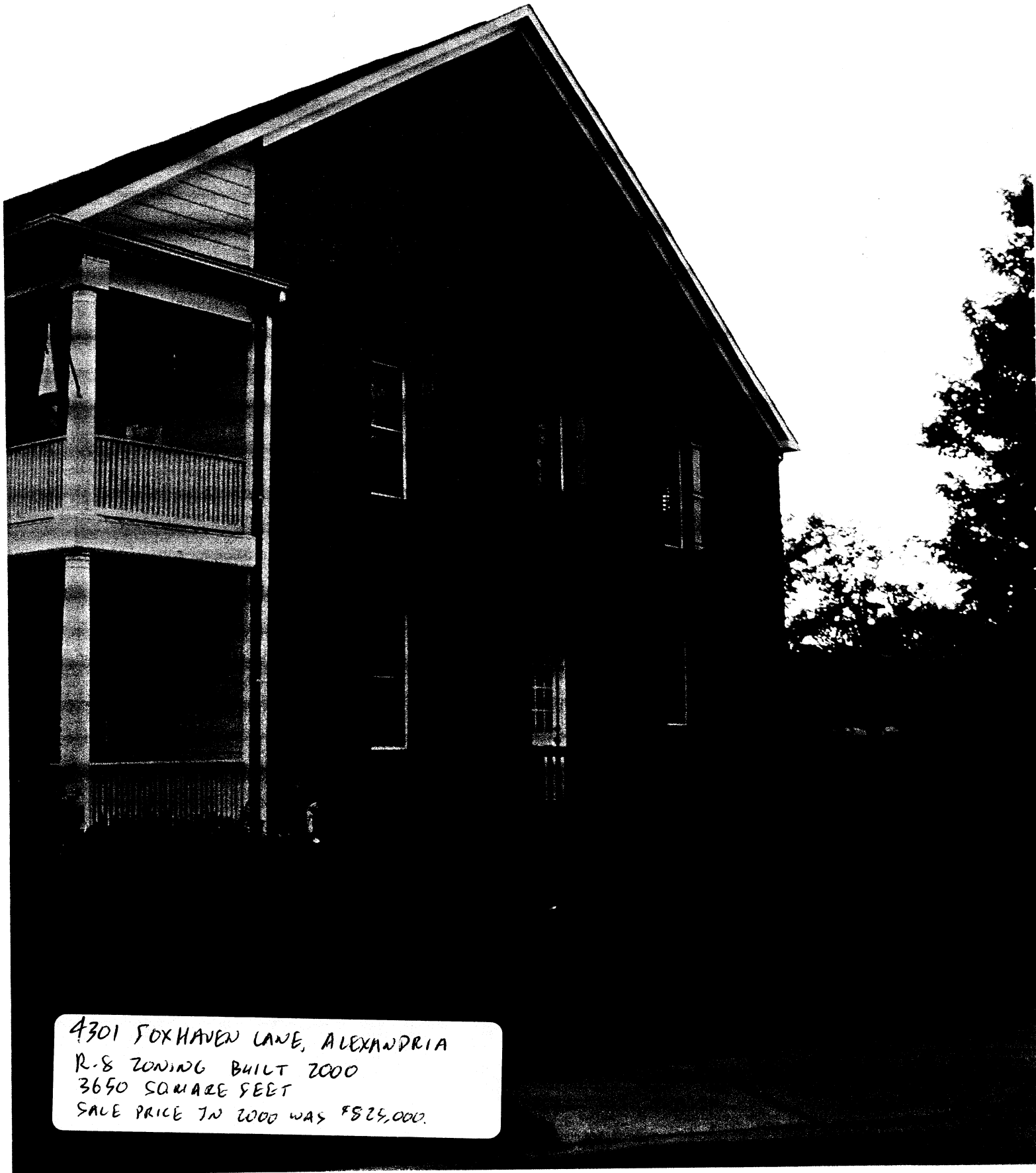
CENTER OF BAY WINDOW IS 50 FT.
BACK FROM CURB

227 N. LATHAM VIEWED FROM DINING ROOM OF 327 N. LATHAM ST.



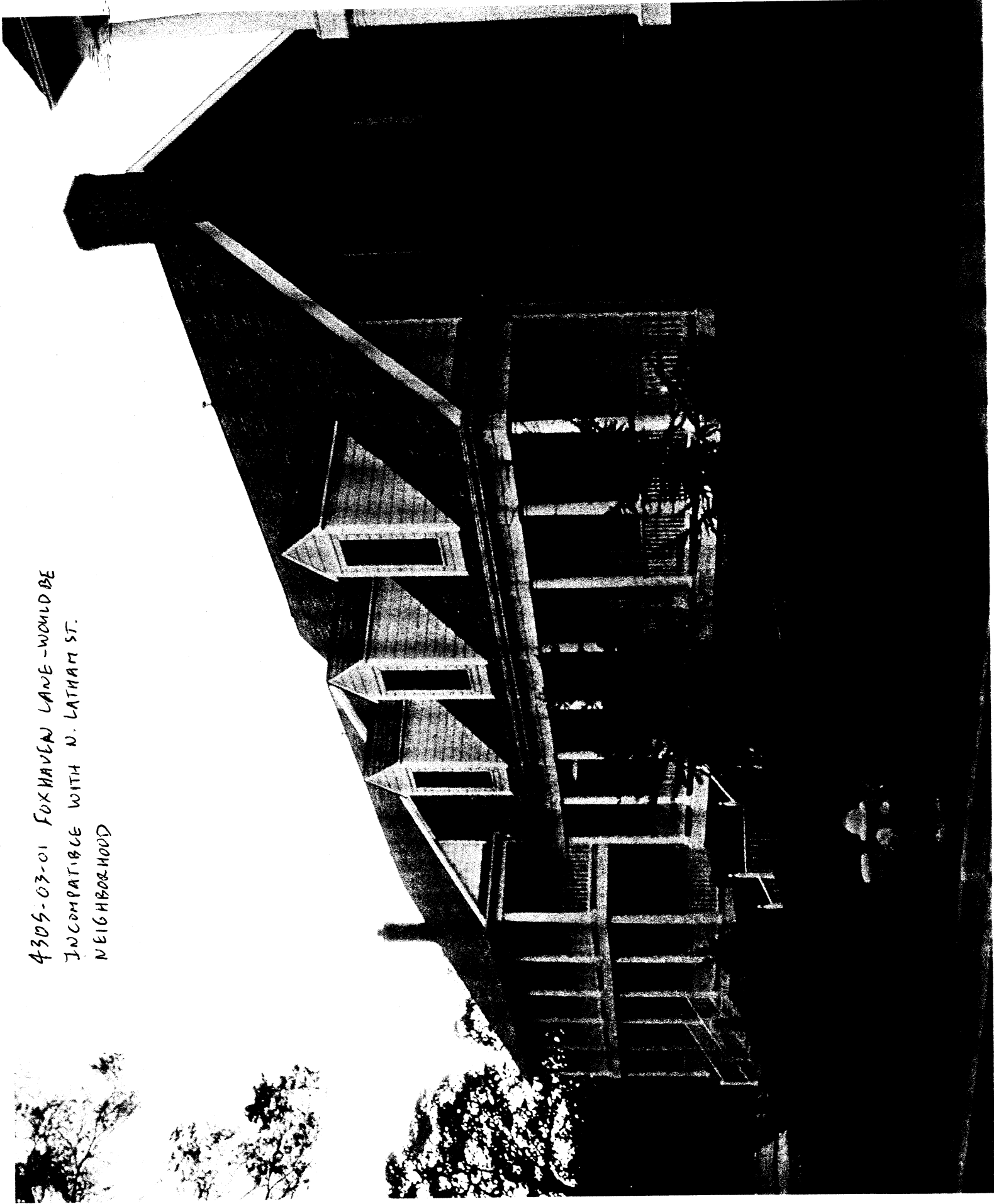
CUSTOM BAY WINDOW INSTALLED
2001 - INVESTMENT WILL BE WASTED

227 N. LATHAM ST. VIEWED FROM DINING ROOM OF 327 N. LATHAM ST.



4301 FOXHAVEN LANE, ALEXANDRIA
R-8 ZONING BUILT 2000
3650 SQUARE FEET
SALE PRICE IN 2000 WAS \$525,000.

4305-03-01 FOX HAVEN LANE - WOULD BE
INCOMPATIBLE WITH N. LATHAM ST.
NEIGHBORHOOD



4305 & 4303 FOXHAVEN LANE,
ALEXANDRIA. BUILT 2000
HOUSES ARE APPROX. 24 FT. APART
(12 FT. SETBACKS)



STATEMENT OF MARY B. WHITE

Public Hearing
Before the Planning Commission,
City of Alexandria, Virginia
May 3, 2005

I oppose the subdivision of the property at 227 N. Latham Street. I have a petition signed by 47 other residents of Seminary Valley who oppose the subdivision. We do not want this subdivision, and we do not want any McMansions.

I request that the subdivision proposal be denied. If you do not vote to deny, I ask that action on the proposal be deferred. Here are my reasons.

First, no effective community meeting has been held to inform and educate the neighborhood about the proposal. This violates the City's stated policy concerning the Development Process, which provides for a community meeting to be held for a project of significant impact on a neighborhood. The March 30th meeting was very hastily called, and many people did not get the word. Notice was given to only a few houses in the N. Latham Street area, and the current proposal affects the entire neighborhood of Seminary Valley, particularly since it affects Holmes Run Park. At the time of that meeting, we did not have available the report of the Planning Commission staff recommending approval. Now that the report has been issued, the Planning Commission should hold a meeting at which the report is discussed with residents and explained to us. In this regard, I note the stated Objectives of the Department of Planning and Zoning for 2004-05, which include: to create consensus with residential communities by providing opportunities for education and participation; to provide clarity and certainty for participants; to protect environmental resources; and to provide high quality service to the public. The residents of N. Latham, Surry, Richmarr, Strathblane, and N. Langley Streets now have the report, because I have distributed it to them. Now that the staff report is out, it raises a number of complex issues on which we should have input, including those involving the preservation of trees. A second community meeting is appropriate, in view of the complexity of the project. See the City's "Staff Guide to the Development Process," page 11.

By the way, I have NOT received high quality service on this matter so far. Yesterday, in preparing for this hearing, I made two trips from my office to City Hall. In the morning, my attorney work colleague, who is also a neighbor, and I went to obtain copies of the staff report. We had tried calling the Planning Commission for several days, but our calls were never returned. In the afternoon, I returned to City Hall to examine the Zoning Ordinance, because the city website would not allow me to access it online.

In the staff report, it is stated that "[s]taff's primary concern is that the existing mature trees on and adjoining the site be preserved." (page 4). We agree with and appreciate the concern over the trees. However, our people should be the predominant concern. Although we are barely mentioned in the report, we are the ones who stand to face inconvenience and damage to our property during new construction as well as higher property taxes as a result of any new construction.

If the City does not satisfy its residents prior to approval, this project likely will be tied up in litigation. I have advised the adjoining property owners of their standing to challenge in court your decision if you approve this subdivision, and I am ready to assist them in retaining an expert land use attorney. I also have encouraged our neighborhood to pursue such measures as overlay zoning, tear down ordinances, and tear down easements, to control future development attempts.

Secondly, no full evaluation of the impact of the project on environmental resources has been conducted. Again, this violates a stated departmental Objective. The property at 227 N. Latham Street abuts an undeveloped lot and Holmes Run Park and the stream, which is a Resource Protection Area. The staff report addresses tree preservation. But, there are many more natural resources to be considered concerning the adjoining park, which includes the stream, wildlife and their habitats, and foliage, both during and after any construction. Even concerning the trees, there remain additional issues, such as what the bond amount will be, whether the bond will be high enough to cover replacement value, and how long the bond will stay in place.

The staff report indicates that the City Department of Transportation and Environmental Service is reserving its input until the building permit stage. This is too late! Prior to approval of any subdivision, the applicant, as well as the neighborhood, should know up front what to expect, as to the total impact on our natural resources, the necessary protective measures, and the attendant costs. The staff report fails to address the major concern of the effect of sediment run-off to the woodlands and stream during storm drainage due to the use of impervious building materials in any new construction. The applicant can take measures to increase infiltration of water on the property itself so that it does not run off, including an on-site storm water facility, storm chambers, a rain garden, and sand filters. He can afford to do so, since he acquired the property for such a low price. He already has shown his disregard for the environment by allowing yard waste to be dumped near the park. He told us on March 30th that profit is his sole motive.

Third, the community should have the opportunity for input as to the design of any new houses to be built at 227 N. Latham so that we avoid McMansions, including written specifics as to height, mass, bulk, lot coverage, and value. We could be given the opportunity to attend meetings with staff and the builder to work out details of a written agreement on these points. Regarding design, low houses are preferable aesthetically, in order to preserve air, light, and view both from the adjacent house at 327 N. Latham and from the park. However, low houses may have a large impervious surface area and require increased storm drainage protective measures. Regarding value, the new houses should not be worth \$1 million each but should be more consistent with the assessments of the surrounding houses. The applicant still would receive a hefty return on his \$520,000 investment if each house were in the range of \$600,000 to \$750,000. It is positive that the staff report does recommend masonry construction, the placement of garages at the rear, and roof pitch restrictions. I point out that the report is ambiguous as to whether there will be a single curb cut (page 7) or two curb cuts (illustration on page 5).

Statement of Mary B. White

Lastly, the property at 227 N. Latham may have historical and archaeological significance, since it is described as having belonged to the estate of Selden Washington, who may have been a relative of our first President, although the house was not constructed until 1958.

In closing, I note that in calculating comparable lot sizes, the staff report used all of the interior lots on N. Latham Street between the park and Taney Avenue. However, the specific notices regarding this hearing were sent to only a few houses along N. Latham. As you can see from the petition I gave you, most of us oppose this proposal. Please consider our wishes.

Again, I ask you to deny the subdivision proposal; in the alternative, I ask you to defer the request once again, pending additional community meetings and pending full evaluation and study of the impact of the proposal on the community's residents and natural resources.

Statement of Mary B. White

Brookville-Seminary Valley

Opposition to the subdivision at 227 N. Latham Street.

	Name	Address	Contact Information
①	W. J. Jorga	4706 Richmond Pl	AL 703 461 9497
②	J. J. Buntoby	4708 RICHMARR Pl	703-823-6050
③	Ernie Harris	4705 Sunny Pl	703-754-6994
④	Ernie York	4701 Scurry Pl	703 370 3191
⑤	George W. BARRY COX	334 N. Latham St.	703-461-8505
⑥	M. J. [unclear]	336 N. Latham	703-751-7384
⑦	Lana Gonoda	484 N. Latham St.	703-823-0838
⑧	Mary B. White	486 N. Latham St.	703-306-3256
⑨	Beth Porey	488 N. Latham St	703-751-0533
⑩	Elizabeth Brennan	492 N. Latham St	703-751-0271
⑪	Frankly Brennan	492 N. Latham St	"
⑫	Walter Kidd	4707 Sunny Pl	703-751-0059
⑬	Clendon S. Kidd	"	703 751-0059
⑭	Bea Braxx	4709 Sunny Pl	703-751-0553
⑮	Robert E. O'neil	4706 Sunny Pl	703-751-0097
⑯	J. N. [unclear]	4706 Richmond Pl	703 751 2290
⑰	Joyce Pugh	328 N. Latham	703-751-0361
⑱	Gene H. [unclear]	4703 Richmond Pl	703 370 7148

Brookville-Seminary Valley

Opposition to the subdivision at 227 N. Latham St.

<u>Name</u>	<u>Address</u>	<u>Phone/Contact Info.</u>
(19) Helen Baerman	4705 Richman Pl.	
(20) Lesley Sedehi	4702 Richman Pl	703-370-0590
(21) Catherine B. Lacey	310 N. Langley St.	703-751-0244
(22) Barbara Phillips	327 N. Langley	
(23) Sissy Walker	498 N. Latham St.	703.370.4161
(24) Patricia Dupont Land in family since 1905	- Long time resident	
(25) STEPHEN C. JOHNSON	327 N. LATHAM ST.	703.370.3590
(26) George R. Harrison	327 N LATHAM ST	703 370 3590

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

(27)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Arben Mayo My Address: 490 N. Latham St.

My Signature: [Signature]

-----Please cut here and return to 486 N. Latham St.-----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

(28)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Mrs. Belia L. Stratton My Address: 330 N. Langley St.

My Signature: Belia L. Stratton Alexandria, Va, 22304

-----Please cut here and return to 486 N. Latham St.-----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

(29)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: WILLADENE SCOTT My Address: 4665 STRATHBLANE PL.

My Signature: Willadene Scott

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^{→ at least} I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

(30)

~~XXXX~~ I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Jane L Harper My Address: 4703 Richmond Place

My Signature: Jane L Harper

→ over

Brookville-Seminary Valley

Opposition to the subdivision at 227 N. Latham Street.

	Name	Address	Contact Information
31.	Elizabeth Yeary	5317 Truman Ave.	703-757-6350
32.	John C. Mearns	5317 Truman Ave.	703-751-6350
33.	Rick Padgett	5311 TRUMAN AVE	703-823-9116
34.	Rick Padgett	5311 Truman Ave	703-823-9116
35.	Antonia C. Zeller	5337 TRUMAN AVE	703-751-2762
36.	Patricia A. Moller	5344 Truman Ave	703-757-4182
37.	Robert T. Klein	5332 TRUMAN AVE.	703-370-9251
38.	Mary E. Klein	5332 Truman Ave	703-370-9957
39.	FERDINAND V. PEREZ	5336 Truman Ave.	703-370-3011
40.	John J. Rabiel	5321 Truman Ave	703-370-3418
41.	Rose E. Kung'u	501 N. Latham Street Alex. Va.	703-376-3676
42.	Gertrude Moore	604 Naylor St Alex, Va	703-376-3676

-----Please cut here and return to 486 N. Latham St.-----

43

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots. *Also oppose a Mc Mansion on the existing one lot.*

My Name: Robert Tomczyk Alfred Tomczyk My Address: 4657 Strathblaine Place

My Signature: Robert Tomczyk

-----Please cut here and return to 486 N. Latham St.-----

44

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: William S. Lyon My Address: 7710 SURREY PLACE

My Signature: William S. Lyon

-----Please cut here and return to 486 N. Latham St.-----

45

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Allen Carlson My Address: 4703 SURREY PLACE

My Signature: Allen Carlson

What is Guy's existing? 32634 3317 54 FT

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Keith Kruse + Ledie Kruse My Address: 309 N. Langley St.

My Signature: Keith + Ledie Kruse

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Mary & Marlo Lewis My Address: 4700 Surrey Place

My Signature: Mary & Marlo Lewis 31 Alex VA 22304

47

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

48.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: JOHN KINZER My Address: 4612 Strathblane Rd

My Signature: John C Kinzer

3 May 2005

Ms. Mary B. White
486 N. Latham Street
Alexandria VA 22304

PC Docket Item # 7
SUB 2005-0002

Dear Ms. White:

I am in receipt of your letter dated April 30, 2005, concerning the property at 227 N. Latham Street. While I am appreciative of your efforts concerning this issue, I do not agree with the premise of your conclusions.

We already have two million-dollar homes in the neighborhood (4630 Strathblane Place and 4646 Strathblane Place) and are projected to get another one this summer (4640? Strathblane Place). They are well within the boundaries of compatibility in the surroundings. Regarding property taxes, rather than new construction being the primary factor in these costs, it's the old adage—location, location, location. If we can't afford to pay for the convenience of living where we do, then it's time to leave. We should not condemn someone else for improvements made to his property.

Adding one more home to the existing infrastructure (sewer, water, etc.) should not cause a strain in any one or all of these systems. This is not a multi-fold increase in the number of people using these systems, so the impact will be negligible.

There are stringent requirements for construction sites to prevent the contamination of adjacent natural environments. The impact on the Holmes Run Park and stream should be none existent. As for tree removal, this is a valid argument but hopefully the developer will work with the neighbors and City to minimize this change. I would encourage the developer to site the houses on the property to compliment the existing landscape and provide a community atmosphere to the development.

Finally, I hope you take these comments as constructive. I see by the format of your letter you do not want opposing views (the bottom coupon only requests negative responses), but I'm sure others may also not agree with your stand. Thank you for your time.



Bill Kehoe
4611 Strathblane Place
Alexandria VA 22304

cc: Alexandria City Planning Commission

April 30, 2005

Dear Neighbors,

As many of you know, the property at 227 N. Latham Street has been bought by a broker who plans to subdivide the double lot, demolish the existing house, and put up two larger homes valued at \$1 million each. This looks to be Seminary Valley's first major exposure to the construction of "McMansions." The phenomenon is known as "Mansionization" or "Bash and Build." There have been several relevant articles recently in the *Washington Post*.

Some of the problems with McMansions are that they may: 1) tower over neighboring houses and be out of character with the neighborhood; 2) result in higher property tax assessments and property values due to forces that are beyond the normal market forces, which may be a benefit, if you plan to sell your property but is a detriment due to the higher property taxes you will have to pay, if you plan to keep your property; 3) place a strain on existing utilities and storm drainage systems, which may result in such problems as increased basement flooding; and 4) damage natural resources including tree destruction and sediment run-off from the impervious building materials used in new construction, which may harm adjacent streams and wildlife and which is a particular concern at 227 N. Latham, since it adjoins Holmes Run Park. By the way, the park is already designated as a Resource Conservation Zone.

On Tuesday, May 3, 2005, the City Planning Commission will hold a public hearing, and the proposed subdivision of the 227 N. Latham Street property will be addressed. The hearing will be at 7:30 p.m. in City Council Chambers, City Hall, 301 King Street, Alexandria.

I plan to speak at the hearing. I will say that I oppose the proposed subdivision of 227 N. Latham, and I will ask the Planning Commission to defer action on the request to subdivide until it can study and evaluate fully the impact of any new construction at 227 N. Latham on the community and, particularly, the environmental impact on the nearby area including Holmes Run Park and Stream. Please come to the hearing, if you can.

I am interested in knowing your opinion. I would like to give the Planning Commission a count of how many neighbors share my views. I am doing this on my own, and I am not acting on behalf of any group or organization.

I would greatly appreciate it if you could fill out the section below and return it to me by 5 p.m. on Tuesday, May 3rd. You may leave it in the manila envelope that I will have taped inside my storm door at 486 N. Latham Street. Please check either or both boxes, as appropriate. Thanks for your time and attention.

Sincerely, *Mary*

Mary B. White

-----Please cut here and return to 486 N. Latham St.-----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: _____ My Address: _____

My Signature: _____ *34*

PC Docket Item # 7
SUB# 2005-0002

486 N. Latham Street
Alexandria, Virginia 22304-2206
April 28, 2005

Eileen Fogarty
Director of Planning and Zoning
P.O. Box 178
Alexandria, Virginia 22313

Dear Ms. Fogarty:

This will express my opposition to the proposal to subdivide the property at 227 N. Latham Street in Seminary Valley in Alexandria. I understand that the property has been bought by a broker, Barry Seymour, who plans to subdivide the double lot, demolish the existing house, and put up two larger homes valued at \$1 million each. This looks to be Seminary Valley's first major exposure to the construction of "McMansions." The subdivision proposal is to be considered at the Planning Commission's Public Hearing on May 3, 2005. I am a member of the Brookville-Seminary Valley Civic Association. I am also a federal government immigration attorney. I write on my own behalf as a single property owner.

On April 9, 2005, I attended a seminar on "Mansionization" that was held in Montgomery County, Maryland. That county is in the forefront nationally of dealing with the phenomenon of "Mansionization," also known as "Bash and Build." That seminar was the source of much information set forth herein. I also have read with interest several relevant articles that have appeared recently in the *Washington Post*.¹

Based on what I have learned from the aforementioned sources, some of the problems presented by McMansions are that they may: 1) tower over neighboring houses and be out of character with the neighborhood; 2) inflate our tax assessments and property values due to forces that are beyond the normal market forces, which may be a benefit for owners who plan to sell their property but is a detriment due to the higher property taxes for those of us who plan to keep our property; 3) place a strain on existing utilities and storm drainage systems, which may result in such problems as increased basement flooding; and 4) damage natural resources including by tree destruction and sediment run-off from the impervious building materials used in new construction, which may harm adjacent streams and wildlife. The potential damage to natural resources is a particular concern for 227 N. Latham, since it adjoins Holmes Run Park. By the way, the park is already a Resource Conservation Zone for 100 feet beyond the stream.

¹ See, e.g., "Subdivide and Conquer: Push to Replace Houses on Multiple Lots Shifts to Close-In Neighborhoods," page F1, April 2, 2005; "A Large-Scale Disagreement: As Massive Houses Prompt Protests, Arlington Proposes Limits," page A1, March 31, 2005; "Prince William Charges Builder Over Muddy Pond," page B1, April 8, 2005.

While the City of Alexandria may welcome the added revenue to the tax base from the million dollar homes, the City also may incur increased costs due to some of the issues just mentioned. In addition, the City may have to deal with some very unhappy residents, if Mansionization is allowed. I am aware that the City's Strategic Plan counts among its goals the strengthening of community ties and the fostering of positive neighborhood feelings.

I discern several reasons why Seminary Valley has become attractive to brokers and developers: 1) we are an established inside-the-beltway community with existing infrastructure including sewers, lighting systems, and other utilities; 2) we apparently lack a system of written restrictions or covenants; 3) we have lots large enough to hold potentially two houses where one now exists; 4) we have some elderly original owners, including widows and widowers, who are at an age where they are interested in selling or passing on their property; and 5) these original owners, who bought in the 1950's, may be inclined to sell for a lower price than they should since they do not realize how high the current fair market price really is.

For now, I ask that the Planning Commission defer action on the request to subdivide the 227 N. Latham property, pending further study and full evaluation of the impact of any new construction on the community and, particularly, the environmental impact on the area including Holmes Run Park and Stream.

If the Planning Commission were to approve the subdivision, I would favor community involvement in implementing measures to control the details of any new construction at 227 N. Latham, so that we do not end up with huge structures that overwhelm the existing houses in the vicinity. Included would be control of height, bulk, mass, design, materials, and value of the new houses. A new home valued at \$1 million will be vastly disproportionate with the typical value of other homes on the street, which is now below \$500,000, and likely will result in more increases in property tax bills, which is already a hotly contested issue. Of primary importance is the conservation of trees and natural resources, both at 227 N. Latham and the adjoining Holmes Run Park and Stream.

For the future, I would like to see the community explore the options of such measures as overlay zoning, designation as a historic district, "tear down" ordinances, and "tear down" easements by individual owners.

We face the question of whether Alexandria is to become a haven for developers whose interests are big profits, not the preservation and welfare of our community, and who have encountered obstacles to their tactics in other local jurisdictions. For example, the Arlington County Board now is considering "tear down" ordinances called "lot coverage proposals," and Fairfax County is considering overlay zoning measures. Thus, the developers have come to Alexandria.

Unfortunately, there are few disclosure laws governing brokers and developers, and they may masquerade as ordinary buyers. For example, there have been instances where developers have sent letters pretending to be parents looking to move into a particular neighborhood due to its good schools. Property owners who plan to sell their property and who would like to avoid selling it to a developer might be left with the responsibility of questioning and investigating prospective buyers. Disclosure laws are a measure that the General Assembly might want to consider.

Thank you for your time and attention. I plan to attend the May 3rd public hearing and to voice my opposition at that time.

Sincerely,

A handwritten signature in cursive script that reads "Mary B. White".

Mary B. White

Mbwesq2000@aol.com

703-306-3256 (direct office line)

EXHIBIT NO. 2

25
6-21-05
RECEIVED
MAY 17 2005

**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

May 17, 2005

Jackie M. Henderson
City Clerk & Clerk of Council
City Hall
301 King Street, Room 2300
Alexandria, VA 22314

Re: Appeal of Planning Commission denial of preliminary subdivision plat
Subdivision #2005-0002 (the "Application")
Mr. Barry Seymour (the "Applicant")
227 N. Latham Street (the "Property")

Dear Ms. Henderson:

On behalf of the Applicant, Barry Seymour, we hereby appeal the May 3, 2005 denial by the Planning Commission of subdivision #2005-0002.

The Property is zoned R-8, consists of 18,801 square feet and is currently improved with a single family dwelling. The Property is owned by Barry Seymour who applied for a preliminary subdivision plat to divide the Property into two lots in accordance with the subdivision requirements set forth in section 11-1700 of the Zoning Ordinance. After subdivision, the existing single-family dwelling will be demolished and one single-family dwelling will be constructed on each new lot, in accordance with the applicable R-8 District Zoning Ordinance regulations.

The Application complied with all applicable and valid City ordinance criteria for a preliminary subdivision plat. The Staff report acknowledges that the proposed subdivision meets the requirements set forth in the Zoning Ordinance and recommends approval of the subdivision.

Associated with the subdivision, Staff proposed ten conditions. The Applicant agreed to conditions #1,5-7, 9 and 10. The Applicant requested a revision to condition #8, with which the Staff agreed, and requested the deletion of conditions #2, 3 and 4 which would have required all materials to be masonry or cementitious siding, the pitch of the roofs to be consistent with the neighborhood, and the garages to be located behind the main façade of the houses. The Applicant contends that the City does not have the authority to impose conditions regulating architecture on a by-right preliminary subdivision application. (Conditions 2, 3 and 4). A copy of the staff conditions is attached as Exhibit A.

Jill Applebaum, Senior Assistant City Attorney, was present at the Planning Commission hearing, and was asked by a Planning Commissioner if the Planning Commission had the authority to impose conditions #2, 3, and 4. She responded that while Staff could make recommendations to an Applicant, "there is some concern that there is not authority under subdivision review to dictate issues concerning architecture, site layout, and design." The Planning Commission did not heed this advice. There is not only "concern" about the authority to impose these conditions; the authority does not exist. In addition, any subdivision ordinance provision that is asserted to authorize consideration of these items is invalid, because the City lacks the necessary enabling legislation to adopt such provisions.

A motion to deny the Application was based, apparently, on the Applicant's refusal to agree to the three conditions or recommended substitute conditions that were designed to control the architecture of the buildings to be constructed on the subdivided lots. The motion was adopted on a vote of 6-1, thus denying the Application for approval of a preliminary subdivision plat for the Property.

In making the motion to deny, one Commissioner stated that the basis of his motion was that the proposed architectural conditions were not agreed to by the Applicant, that he believed the subdivision would change the character of the neighborhood, and that he believed that it would encourage future speculation by developers such as the Applicant. The basis of his motion is clearly erroneous, arbitrary, and invalid according to the Zoning Ordinance provisions regulating subdivisions.

During discussion of the Application, Commissioners also mentioned two subdivision code sections that they erroneously believed justified their denial. The first, Section 11-1708 (3), provides the Planning Commission has "the power to agree with the Applicant on restrictions or requirements governing buildings and land within the subdivision, provided those restrictions do not authorize a violation of any ordinance of the City." This provision does not permit the Planning Commission to impose conditions on the Applicant; nor does it permit the Planning Commission to exact conditions through suggestions to the Applicant that they should "voluntarily proffer" them in order to obtain approval. Instead, it allows the Commission to accept restrictions that the Applicant may choose, of its own volition, to apply to its subdivision of Property so long as those restrictions do not violate City ordinances.

The second, Section 11-1710 B, provides that "no lot shall be subdivided in such a manner as to detract from the value of the adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment to streets and restrictions as other land within the subdivision particularly with respect to similarly situated lots within the adjoining portions of the original subdivision." When asked whether requiring the buildings to be consistent with adjacent property was consistent with this provision, the assistant City Attorney advised the Commission that "the use of the term 'lot' in subsection 11-1710(B)

refers to really the use of the land and not so much the design of the structures that are built on the property.” Once again, the Planning Commission did not heed the Assistant City Attorney’s advice. In addition, even if the Assistant City Attorney found that the provision was applicable to the buildings, it would be invalid due to a lack of enabling legislation.

Based on the discussion at the hearing, it appears that many, if not all, of the Commissioners knew that there was no valid basis for denying the subdivision, but decided to do so anyway to make a point about not wanting infill development of homes larger than the existing homes in the surrounding neighborhood. One Commissioner stated “we have seen again and again and again throughout this City, that property is purchased and huge homes are built....And the reality is that we are, before our very eyes, seeing the character of this city being changed...it’s changing not for the better.” Another stated “Regardless of what our grounds are, I think that this is a massive change to the character of the neighborhood and I think these pictures [of larger new homes nearby] are pretty persuasive....the fact is, the zoning allows huge houses to go in where small houses are now.” Another “seriously suggest[ed] that we take a look at what kind of nightmare we could generate if everybody did what the zoning allowed them.” It is clear that the Commissioners’ concern is not with the subdivision and the subdivision ordinance, but, instead, with the provisions of the Zoning Ordinance governing what any property owner in the City of Alexandria has the right to build on his or her property. The Commissioner who voted against the motion to deny stated appropriately, “As far as the legal side of this is concerned, it just seems to me that we’re getting ready to push ourselves into a legal hassle here because of the applicant’s quotation of the zoning laws.”

For the above-referenced reasons, the City Council should reverse the denial of the preliminary subdivision application and approve it, subject to the staff conditions with the deletion of conditions #2, 3 and 4 and revision of condition #8 to “A bond shall be posted, in the amount of \$20,000 and for a period of two years, for protection of the 28 inch and 30 inch oak trees.” (See Exhibit B).

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.



M. Catharine Puskar

MCP/rmc

Enclosure

SUB #2005-0002
227 N. Latham Street

III. STAFF RECOMMENDATION:

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

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
2. Materials used for the exterior of the homes shall be masonry (brick, stone, or cementitious siding), to the satisfaction of the Director of Planning and Zoning. (P&Z)
3. The pitch of the roofs of the homes shall be consistent with the character of the neighborhood, to the satisfaction of the Director of Planning and Zoning. (P&Z)
4. Each garage shall be set behind the main facade of the house. (P&Z)
5. In order to preserve the 28" and 30" oaks that are partially located in the Latham Street ROW, the existing driveway shall not be removed, and any new driveway placed within the tree canopy on Lot 500 shall be kept to a minimum, to the satisfaction of the Director of Planning and Zoning. (RP&CA) (P&Z)
6. A note shall be placed on the plat and a restriction placed on the deed requiring the property owner to receive approval from the City Arborist to remove either of the oak trees along the Latham Street R.O.W. or for any driveway repairs or improvements within the front yard of the proposed northern lot. (P&Z)
7. Tree protection for all on-site and off-site trees to be saved shall be expanded to the maximum extent possible, to the satisfaction of the Director of RP&CA. The maximum limits of disturbance shall be shown on the plat of subdivision and shall be to the satisfaction of the directors of P&Z and RP&CA. (RP&CA) (P&Z)
8. A bond shall be posted, in an amount and for a period to be approved by the City Arborist, for protection of the 28" and 30" oak trees. (P&Z)
9. Prior to the recording of the final plat, submit a tree protection plan per the City Landscape Guidelines, December 1997, to the satisfaction of the Director of RP&CA. (RP&CA)
10. A plot plan showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
David Sundland, Urban Planner III.



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

M. Catharine Puskar
(703) 528-4700 Ext. 13
cpuskar@arl.thelandlawyers.com

May 2, 2005

Via Email

Eric Wagner, Chairman, and Members
of the Planning Commission
301 King Street, Room 2100
Alexandria, VA 22314

Re: Subdivision #2005-0002 (the "Application")
Barry Seymour (the "Applicant")
227 N. Latham Street (the "Property")

Dear Mr. Chairman and Members of the Planning Commission:

On behalf of the applicant, I am writing to request revisions to the conditions accompanying the above-referenced Application. The Applicant is committed to preserving the 28 inch and 30 inch oak trees that straddle the Latham Street property line. In addition, the Applicant fully intends to construct quality homes that will enhance the value of surrounding properties in the neighborhood. However, as there is no basis for controlling the architectural design of the homes under the subdivision ordinance, the Applicant respectfully requests that the Planning Commission delete conditions #2, #3, and #4.

In addition, the Applicant would like to revise condition #8 to read as follows: "A bond shall be posted, in an the amount of \$20,000 and for a period of two (2) years, ~~to be approved by the City Arborist~~, for protection of the 28 inch and 30 inch oak trees." We have discussed the revision to condition #8 with Staff, and they have agreed to this change.

Thank you for your consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

M. Catharine Puskar /rnc

M. Catharine Puskar

MCP/rnc

cc: Eileen Fogarty (via facsimile) Paul Wilder (via facsimile)
Rich Josephson (via facsimile) Nan E. Terpak
Barry Seymour (via facsimile) Martin D. Walsh

J:\ADVANTAGE PROPERTIES\5310.2 Latham Street\PC ltr 5.2.05.doc

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
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ATTORNEYS AT LAW

5



"Kathleen Burns"
<burnskathy@earthlink.net>

06/17/2005 11:45 PM

Please respond to
<burnskathy@earthlink.net>

25
6-21-05

"paul smedberg" <smedbergpc@aol.com>, "andrew macdonald"
To <Ahmacdonald@his.com>, "rob krupicka" <rob@krupicka.com>,
"joyce woodson" <council@joycewoodson.net>, "del pepper"
cc "jackie.henderson" <jackie.henderson@alexandriava.gov>

bcc

Subject June 18 hearing

Dear Mayor Euille and members of the Alexandria City Council,

We only learned late Friday (June 17) that the City Council is planning a hearing for June 18 on one of the three proposed residential developments in the Polk/Pegram area and we would respectfully request that this be postponed. This is not an isolated parcel, but part of a 3-pronged development effort under consideration, and thus should not be considered alone because of the impact on traffic and development on the other two projects. We would respectfully request that the Council delay a decision until a meeting with all 3 developers can be held on June 28, and the comments of those attending would then be forwarded to the Council and Planning staff. The June 28 meeting will be co-sponsored by the Brookville-Seminary Valley Civic Association and the Seminary Hills Civic Association, who share jurisdiction over this particular intersection.

On April 26, members of the Executive Board of the Brookville-Seminary Valley Civic Association met with Darrell Trent, owner of the parcels at 1325 N. Pegram St. and 5079 Polk Ave. to discuss various aspects of the proposed development of that property to include two new homes. City Planning Commission staff member Katrina Newton also did a presentation on some of the concerns of the City. The major one was that 61% of the site, as proposed, fell into the Resources Protection Area, as designated by the State of Virginia, and they were seeking a revision in the location of the proposed homes so that they would not come within the "critical 50-ft. stream buffer," as noted by Ms. Newton. We had thought a consensus still had not been reached. This is an important issue, and one based on statewide regulations, not just local ones.

There was enough interest generated at our April 26 program that we decide to sponsor a neighborhood informational forum on all three proposed residential developments adjoining that area and we had hoped to hold such a meeting on June 16, but no room of adequate size was available until June 28. At that time, Brookville Seminary Valley Civic Association and the Seminary Hills Civic Association will hold a forum with representatives of all three developments and their attorneys as well as the City staffers working on these projects. (A copy of the flyer is attached to this email.)

We would also note that this specific intersection has been the focus of extensive discussions over the past two years, seeking remedies for various Traffic Calming problems, and we have held several meetings on this with Paul DeMaio, the Traffic Calming coordinator, since the BSVCA won a grant from the Traffic and Parking Board to explore solutions to traffic problems.

These 3 developments cannot be dealt with in isolation since they will all have an impact on each other. We thought we had finally reached a solution for Traffic Calming with chicanes (devices recommended by DeMaio) but with the proposed driving ways now entering and exiting on Polk and Pelham, that option has disappeared. The intersection itself is one of the most unusual in the City, since it does not conform to the usual right angles. Neither Polk nor Pelham have sidewalks on the Symes property and this has created problems with many children walking to and from Polk School as well as Hammond School. Polk is also on a slant, with no drainage, so cold weather immediately ices up the street, causing even more problems with pedestrians. Because Pegram descends from Pickett in a sharp decline, there has also been excessive speeding and accidents, with no stop sign at the Polk/Pegram intersection as cars cruise through.

David Sundlun of the City Planning Staff told me today that the City Council has recommended that urban infill and redevelopment areas be considered high priorities, and we would agree. It is difficult, however, for all sides since the City lacks significant regulations to deal with these new problems. He noted that there are requirements for lots, but none for the buildings, many of which may be totally out of synch with the character, scope and scale of an established neighborhood. Without a watchful eye being exerted by our elected officials, already bad problems of traffic, congestion, pollution and parking will be exacerbated.

We had also sponsored an informational forum on June 12 to discuss what Montgomery County and Arlington County are doing to confront similar problems that Alexandria is facing, with urban infill, and we appreciate the interest shown at that meeting and afterward by Councilwoman Joyce Woodson. This is not a problem that is going to disappear; instead it will proliferate as each tiny parcel is gobbled up.

We are very concerned that one of the 3 proposed developments for the Polk/Pegram area (owned by Dwight Dutton) lacks adequate on-site parking and proposes waivers for shifting their residents on to Polk Street, to compete with townhouse owners who have neither garages nor driveways for their current cars. Jamestowne Village is also expanding into more than 1,300 condominium units, with no assigned parking for their residents, and they have urged their tenants to also park on Polk.

We are very concerned that a lack of foresight on all sides could create a disaster for this tiny area which already has very high density, and lots of traffic from two nearby schools.

The Council will be discussing on June 21 a similar development matter that has also involved our Civic Association. On March 30, we hosted a well-attended forum on the issues surrounding 227 Latham. At the Council's June 21 meeting, you will be hearing an appeal filed by the

developer after the Planning Commission voted 6-1 against his request. Several residents of the Brookville-Seminary Valley area surrounding this site will present a petition signed by 82 nearby neighbors, questioning the current configuration of the two houses and site plan. None of these people is opposed to the concept of "development" but that want it to be appropriate to smaller, established neighborhoods, where "McMansions" are a visual distraction.

We are concerned at the scheduling of this appeal, since this item will be number 25 of 43, and no one has any idea at what time that might occur. I remember only too well have had to wait from 7:30 p.m. til almost 1 a.m. to testify before the Council on another Planning Commission appeal. Many of these residents near 227 Latham are older people, and I doubt they can stay for the night. Similarly, if things unexpectedly move quickly, others cannot get home from work in time for the items slated from 4 p.m. on.

In a similar scheduling conflict, we also regret that one of the Polk/Pegram hearings is slated for July 5, in the midst of what will be a major holiday week for many Alexandrians, who will be out of town. This corner has lots of interest among our residents and it shouldn't be deliberately scheduled when many people will be on vacation.

I regret that previous plans make it impossible to present these comments in person.

Sincerely,

Kathleen Burns
burnskathy@earthlink.net
1036 N. Pelham St.
Alexandria, VA 22304
PH 703-824-1799

NEIGHBORHOOD MEETING

_____ Please join us for an informational forum on Tuesday, June 28, for an update on 3 proposed residential developments adjacent to the **Polk/Pegram intersection**. Members of the Alexandria Planning Commission staff will do a briefing on the various concepts and timetable for hearings before the Planning Commission and City Council. Developers and their attorneys will also be on hand to answer questions.

The program will be from 7 to 8:30 p.m. at the Burke Branch Library, 4701 Seminary Rd. It is co-sponsored by the Brookville-Seminary Valley Civic Association and the Seminary Hills Civic Association.

Issues to be aired include: density, height and scale; parking; removal of old growth trees; traffic management plans in conjunction with Traffic Calming for this corner; zoning requirements; Special Use Permit requirements; city regulations regarding "character of the neighborhood"; square footage estimates for living units; lot configurations; drainage; safety; environmental impact; and requirements of city and state Resource Protection Areas. The area has also been under discussion for various Traffic Calming measures for the past two years.

The proposals include:

A. The 2.4 acre parcel adjoining Jamestowne Village, with Bowman Consulting (Dwight Dutton) requesting 16-20 townhouses built on a 1.5 acre site. (Half of parcel is zoned for single family and half for multiple family). Homes would be 40 ft. high, with one of the steepest grades in the city, according to Alex. Planning Comm. staffer, Rebeccah Ballo. Developer is seeking to use off-street parking on Polk since onl

B. The 3-acre parcel on Polk/Pegram. Owner Darrell Trent seeks to remove the pool & tennis courts to subdivide lots for 3 houses, with existing dwelling to remain. Approximately 61% of site is within the state's Resource Protection Area and City Planning staff is requesting a realignment of site plan. Staff person is Katrina Newton

C. The 3.24 acre plot, submitted by RC Fields Jr. and Assoc., is requesting approvals for 4 single-family homes of 5,000 sq. ft, with drive ways into Polk and Pegram. Steeply sloped, heavily wooded site. Existing house would also be retained. Staff person is Matt LeGrant.

All Alexandria Planning staff can be reached at 703-838-4666, for questions. You can also visit the City's website at www.alexandriava.gov for more detailed plans.

STATEMENT OF SISSY (ELLEN) WALKER
Alexandria City Council Meeting
June 21st, 2005

I continue to oppose the potential subdivision and redevelopment of 227 North Latham Street. This application was denied by the Planning Commission last month based on the developer Barry Seymour's refusal to conform his development plans to the stipulations of the Planning Commission. These were wisely promulgated in order to protect the integrity and property values of the neighborhood and ensure that any new building would be consistent with the character of the neighborhood. I highly support the correct decision that was taken at that time and ask Council to support it as well.

While the negative impact on neighborhood property values is due to the type of construction being planned (effectively placing huge side by side "beach houses" in the midst of a modest, sylvan environment), there are also a number of environmental concerns that have not adequately been assessed. Between the construction process itself, the loss of valuable shade with its oxygen-giving foliage, and the specter of increased sediment run-off into the Holmes Run watershed caused by loss of ground cover, there are many issues at play that could result in unacceptable degradation of the environment.

Although the applicant has agreed to take measures to preserve several large trees belonging to the City, there is a beautiful and large silver maple tree that will be lost should a new house be built on the lot closest to Holmes Run Park. There are also rare and mature azaleas and other plantings that would be lost. I understand that the redevelopers of Fox Chase Center have agreed to do landscaping to ease the transition between the shopping center and the park. Considering the proposed height and size of the planned houses at 227 N. Latham, and especially the view in wintertime without tree cover, I believe at the very least we should expect significant concessions and protection in this area from the applicant. To the contrary, he has stated in a meeting with the neighbors that his sole motive is profit, so I certainly doubt his sense of civic responsibility in this matter.

The area at the bottom of North Latham Street is a watershed into Holmes Run, a Conservation Resource Protection Area. The park provides essential habitat to a host of wildlife and natural resources. Recently I was made acutely aware of how little it takes to disturb and destroy this amazing habitat. I noticed that construction crews at 4600 Duke Street had dumped debris onto the banks of the creek, and also released some kind of oily chemical into the waterstream itself. It was several days before a boom was placed in Holmes Run to contain whatever the spill was. Whether or not it is related, at the same time I also noticed that a section of cattail reeds and all the waterlilies in the pond at Cameron Station had died off. The reality of construction is that crews will be careless and it is impossible to closely monitor the construction - and deconstruction - process. My concern is that construction in *this specific location* poses too great a risk to the quality of our environment. An environmental impact statement that addresses the impact of the proposed redevelopment on the entirety of the construction process and the

surrounding environment, not just the trees, should be prepared in advance of any decision on this matter.

This statement should include a consideration of potential impacts of increased sediment run-off due to impermeable construction materials and decreased ability of trees and ground cover to cool and purify the air. It should also include an assessment of impact on stream life, woodland flora and fauna. If this application is approved without such an assessment, we can look forward to a surge in interest from other developers who will try to buy up properties of unsuspecting owners, for the same purposes as Mr. Seymour. At the very least Council should lobby the State Legislature to pass a disclosure law requiring developers and speculators to declare themselves as such when placing contracts on local properties.

As far as what to do with the property, if possible I would prefer the city take it for open space. It is arguably one of the more beautiful and unusual properties in the city and we should all be invested in preserving it as close to its present state as possible. Preserving this property as open space would also provide a green transition as the park approaches the Fox Chase Shopping Center, and unify the whole area as a protected environmental easement. Even building two smaller masonry homes on the double lot will have environmental consequences. I urge Council not to approve ANY development of the site without a full assessment of the environmental trade-offs that would be required.

Based on the many unresolved environmental issues involved with this application, I ask you to deny or at least defer a decision on the matter. The decision should be approached with extreme caution and respect for the position of the Planning Commission, because of what it may portend for all areas of the city not currently zoned to preclude tear-down and mansionization.

Statement of Sissy Walker

STATEMENT OF STEVE JOHNSON
Alexandria City Council Public Hearing
June 21, 2005
Regarding application to subdivide lot at 227 N. Latham Street

At its May 3, 2005, meeting, the City of Alexandria Planning Commission denied a request by Mr. Barry Seymour to subdivide his lot at 227 North Latham Street in Alexandria. As one of the owners of a property immediately adjoining Mr. Seymour's – and the one that will be most affected by this proposal - I ask that the City Council affirm the Planning Commission's denial of the subdivision request.

Mr. Seymour's request violates the requirements of Section 11-1710(B) of the City's Zoning Ordinance. This section states:
No lot shall be subdivided in such a manner as to detract from the value of adjacent property. Lots covered by a subdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.

It is impossible to separate Mr. Seymour's subdivision request from the redevelopment of this parcel that will follow. At the May 3 Planning Commission hearing and at a March 30 Neighborhood Association-sponsored meeting, Mr. Seymour made his intent clear: the subdivision request is sought for the purpose of demolishing the existing house at 227 North Latham Street, and constructing two new large houses on the two new lots.

I oppose this subdivision application on the grounds that it fails two key provisions of Section 11-1710(B). The subdivision and construction of two large new houses will negatively affect the character of the existing neighborhood, and will detract from the value of adjacent.

The existing house at 227 North Latham Street is a distinctive landmark within the neighborhood, but hardly out of character with its surroundings. The house is not undersized compared to other houses, is not in worse physical condition, and is one of the higher-valued properties. The house and yard are widely viewed by the neighbors as one of the most attractive properties in the neighborhood. It is an asset that improves the attractiveness and desirability –and thus the values - of the entire neighborhood by association. The houses Mr. Seymour

proposes to replace it with will be so large as to be out of character and will detract from the attractiveness and values of the neighborhood.

Mr. Seymour acknowledges that economics dictate that any houses he builds on this/these lots would necessarily be much larger and more expensive than those that currently dominate Seminary Valley. On this point, we agree; a developer would not today build the styles and sizes of houses that were built in the 1950s. To make his redevelopment scheme pay off, Mr. Seymour would need to build the maximum size house allowed by R-8 zoning; he stated in the March 31 neighborhood meeting that he intends to build houses in the \$900,000 price range.

The immediate neighborhood within Seminary Valley that is affected by this proposal can be considered to be Latham Street south of Taney Avenue, plus the cul-de-sac streets which lead off of it: Langley, Richmarr, Strathblane, and Surrey. All are dead-end streets. According to City records, all but 3 of the 68 houses on these streets were built between 1955 and 1960, and are of four or five standard designs. The three exceptions are a small 1918 house on North Latham, the original large 1860 farmstead house on Strathblane, and a large 1984 house next door to the farmhouse. Excluding those houses, the average house size is 1890 square feet and the average 2005 assessed valuation is \$423,190.

Therein lies the one of the conflicts with Section 11-1710(b) of the City Zoning Ordinance. A pair of 3000+ square foot, \$900,000 houses on this/these parcels will be nearly twice the average size and more than twice the assessed value of those in the surrounding neighborhood. They will be of a totally different style and mass, and will be utterly out of place with the neighborhood. The existence of two oversized, incongruous houses will be visually jarring and will negatively affect the visual character of the neighborhood – to say nothing of the negative effects on the City Parkland which immediately adjoins the subject property to the south.

It is claimed that presence of a more expensive house will raise the property values of the surrounding neighborhood. My analysis of property values on Latham, Strathblane, Langley, Richmarr and Surrey streets does not bear this out. The historic 1860 farmhouse and the modern house next door are much larger (3200 square feet) than the surrounding houses and are on much larger lots (37000-40000 square feet – four times the average lot size in the neighborhood). I examined City tax records for the houses that adjoin those two houses, compared to all other houses in the immediate neighborhood. The average lot size and average house size (in square feet) for the houses adjoining those two “big” houses vary from the averages for the rest of the neighborhood by no more than 7%; the

average assessed value is only \$600 different. If the presence of a historic house and a modern custom-built house on huge shaded lots does not raise the value of the surrounding houses, then how could two "McMansions" crammed onto average-sized lots, cheek-by-jowl with adjacent houses, increase surrounding property values? They will not!

I bought my house (327 North Latham) largely because of the view out my dining room window onto the subject property and the City parkland beyond. It's the view that makes the house. I have a picturesque view, direct sunlight and shade. If there had been a large modern house next door, I wouldn't have bought my house, and I certainly would not have spent several thousand dollars on a custom bay window just to look at a neighbor's bathroom window or vinyl siding!

I have worked to make my backyard a bird-friendly habitat. From personal observations, we know that many of our backyard avian visitors nest in the trees at 227 North Latham and in the park. The construction disruption plus the loss of nesting habitat will negate our efforts. Extra-large houses will create a barrier between the birds and my yard, and will obstruct my view of the resident Cooper's Hawk and Barred Owl as they circle above the neighborhood.

I have submitted several photos to illustrate my objections. The first two show the view out my dining room window onto 227 N. Latham. In these photos, the center of my bay window is 50' back from the curb (compared to a proposed 35' setback from the street for the proposed new houses). The top of the ladder in the photos is 15' high; the tree against which it leans is only a couple feet in from property line (denoted by the fence). The zoning ordinance would allow a maximum roof peak height of 35 feet and, with a 12-foot setback, a maximum roof height (measured at the midpoint) of 24 feet. Whether you measure the roof height of a new house at 24' or 35', even with a 12' setback, you can see that I will lose almost all solar access, and any view out this window will be obliterated. This would substantially reduce my enjoyment of my house and the resale value of it as well.

The next three photos are of housing similar to what we can expect would be built here. These houses are located in the 4300 block of Foxhaven Lane, south of Ft. Ward Park just off North Howard St. These lots are similarly zoned R-8. From my estimated measurements, they have 12' setbacks from the property lines and the maximum roof heights and floor area ratios. These houses were built in a neighborhood of larger, newer, two-story, more expensive houses to begin with. They are about 3000-3500 square feet, on 9000-10000 square foot lots. They were built in 1999

and sold for \$775,000 - \$825,000 - twice the current assessed value of houses in my immediate neighborhood. These houses would be totally out of place and oversized in Seminary Valley, and would be right next to city parkland. Imagine a sidewall like one of these right outside my dining room window!

The two last photos are of a house at 5013 Washington Boulevard in Arlington. Mr. Seymour built this house in 2004, as an infill development on a subdivided lot. It is approximately 3000 square feet, and sold in 2004 for \$812,000. Given the similarities of lot size, house size (other than the lack of a garage), price, existing neighborhood, etc., there is no reason to believe that Mr. Seymour would build anything substantially different at 227 North Latham.

At the May 3 Planning Commission hearing, Mr. Seymour explicitly rejected a Planning staff request that his new houses be of all-masonry construction. Despite his claims to use "quality materials", he clearly wishes to build a house similar to that on Washington Boulevard, replete with vinyl siding on three sides. A 24' or 35' wall of vinyl siding right outside my dining room window and back yard will negatively affect the value of my property as well as my enjoyment of my property.

At the March 30th neighborhood association meeting, Mr. Seymour asked us to respect his right to earn a return on his investment. With all due respect, he hasn't offered to compensate me for diminishing my investment or my property enjoyment. And, he won't have to live with it, since he indicated that he has no plans to live in either house. (He also said then that he had no specific present plans to tear down the existing house; his subdivision proposal belies that claim.)

The end result of this subdivision request absolutely WILL detract from the value of adjacent property –especially mine. A 3000-square-foot, two-and-a-half-story house, no matter the price, will obliterate my view and solar access, and chase the birds out of my back yard. Such incongruous houses will literally stick out like a sore thumb, degrading the character and harming the property values of the entire neighborhood.

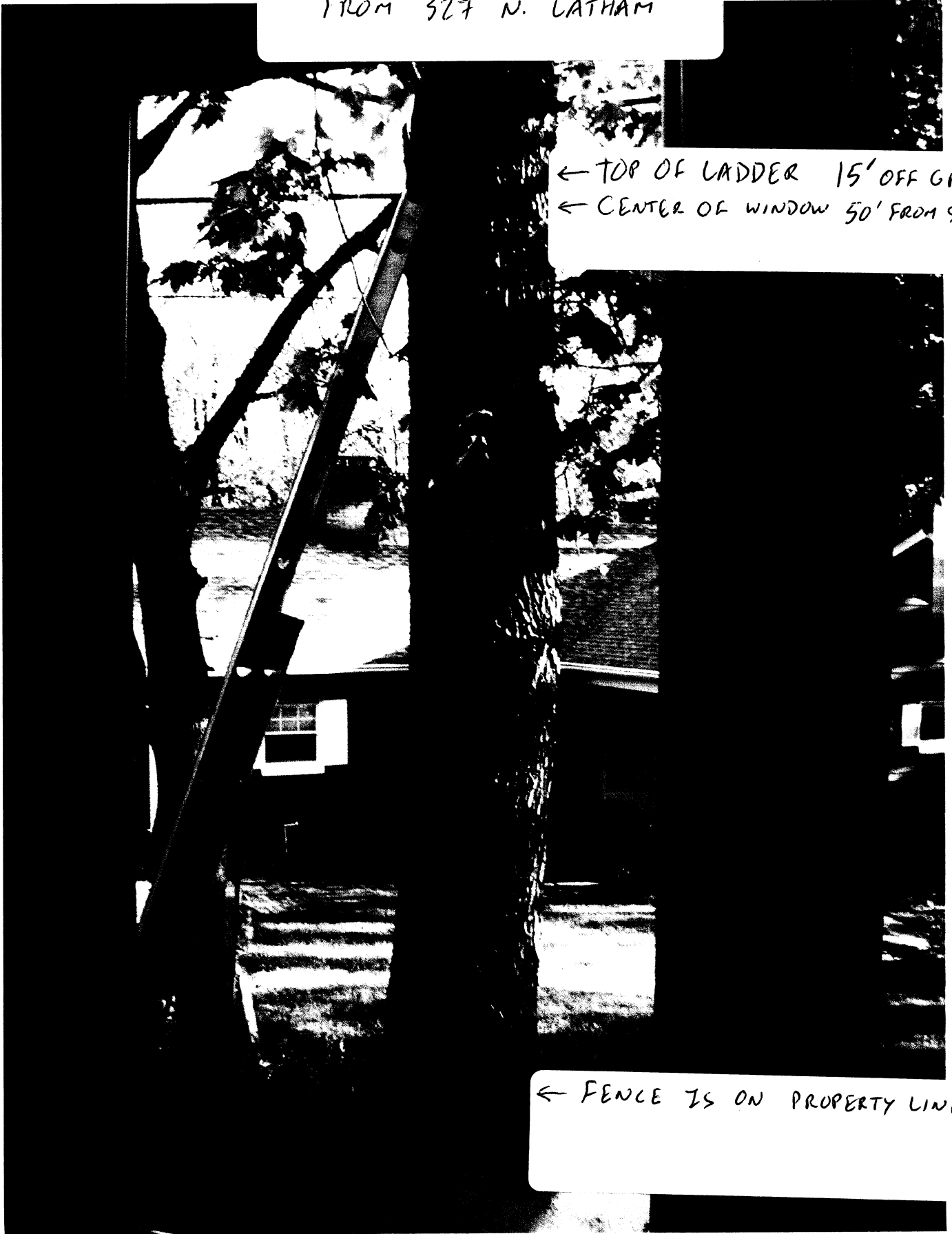
The Planning Commission acted correctly in rejecting Mr. Seymour's application. I request that the City Council affirm the their decision.

Steve Johnson
327 North Latham Street
Alexandria, VA 22304

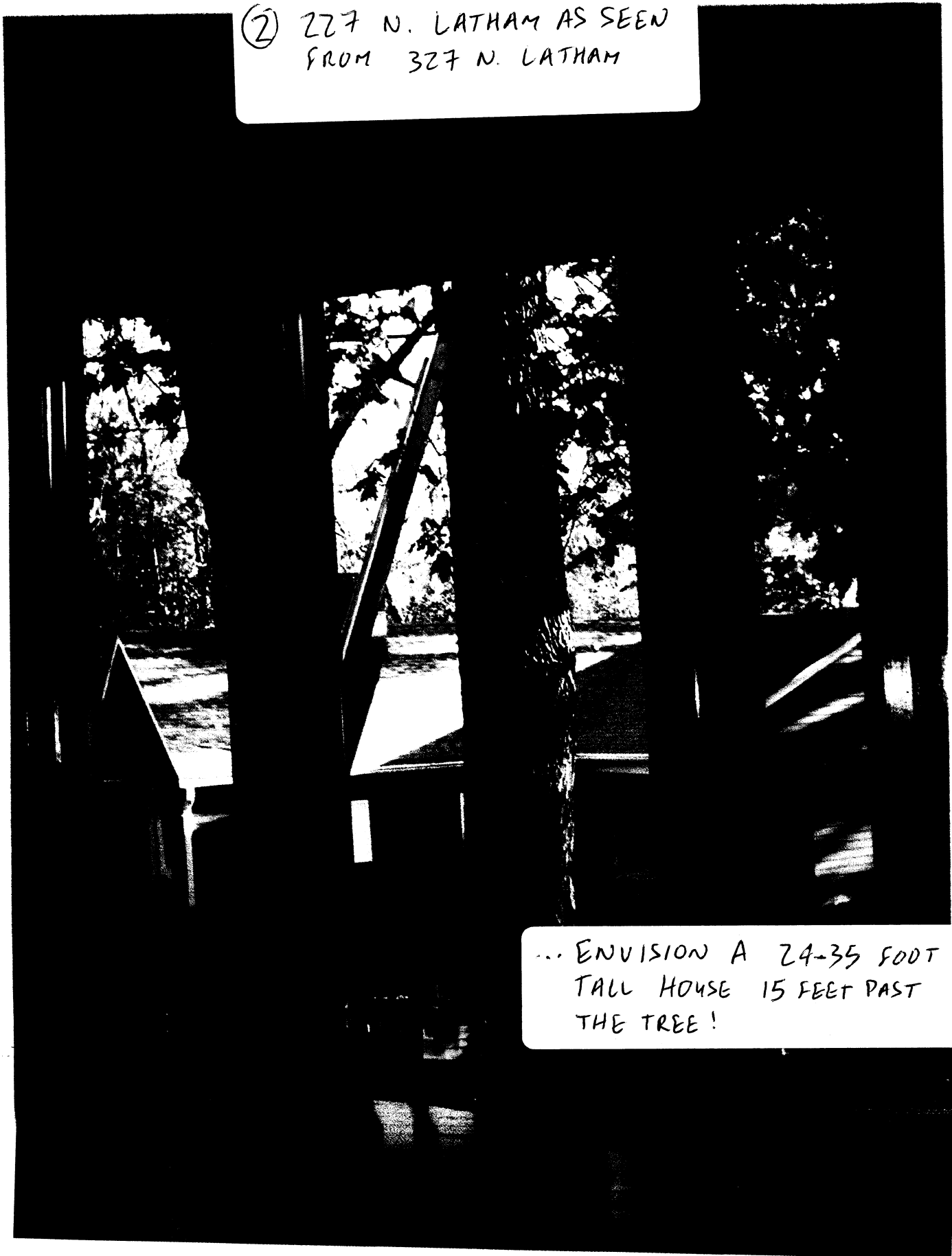
① 227 N. LATHAM AS SEEN
FROM 327 N. LATHAM

← TOP OF LADDER 15' OFF GROUND
← CENTER OF WINDOW 50' FROM STREET

← FENCE IS ON PROPERTY LINE



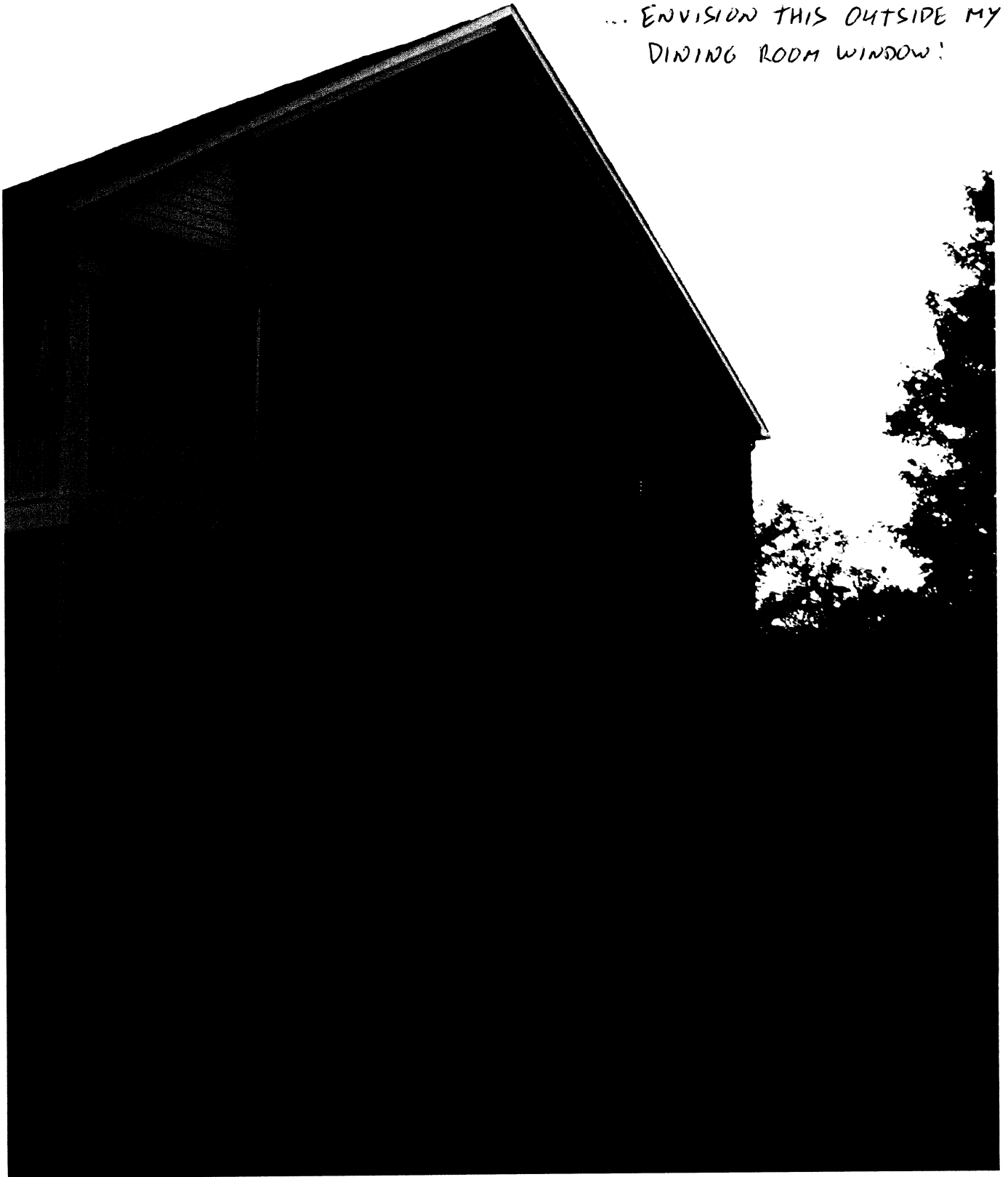
② 227 N. LATHAM AS SEEN
FROM 327 N. LATHAM



... ENVISION A 24-35 FOOT
TALL HOUSE 15 FEET PAST
THE TREE!

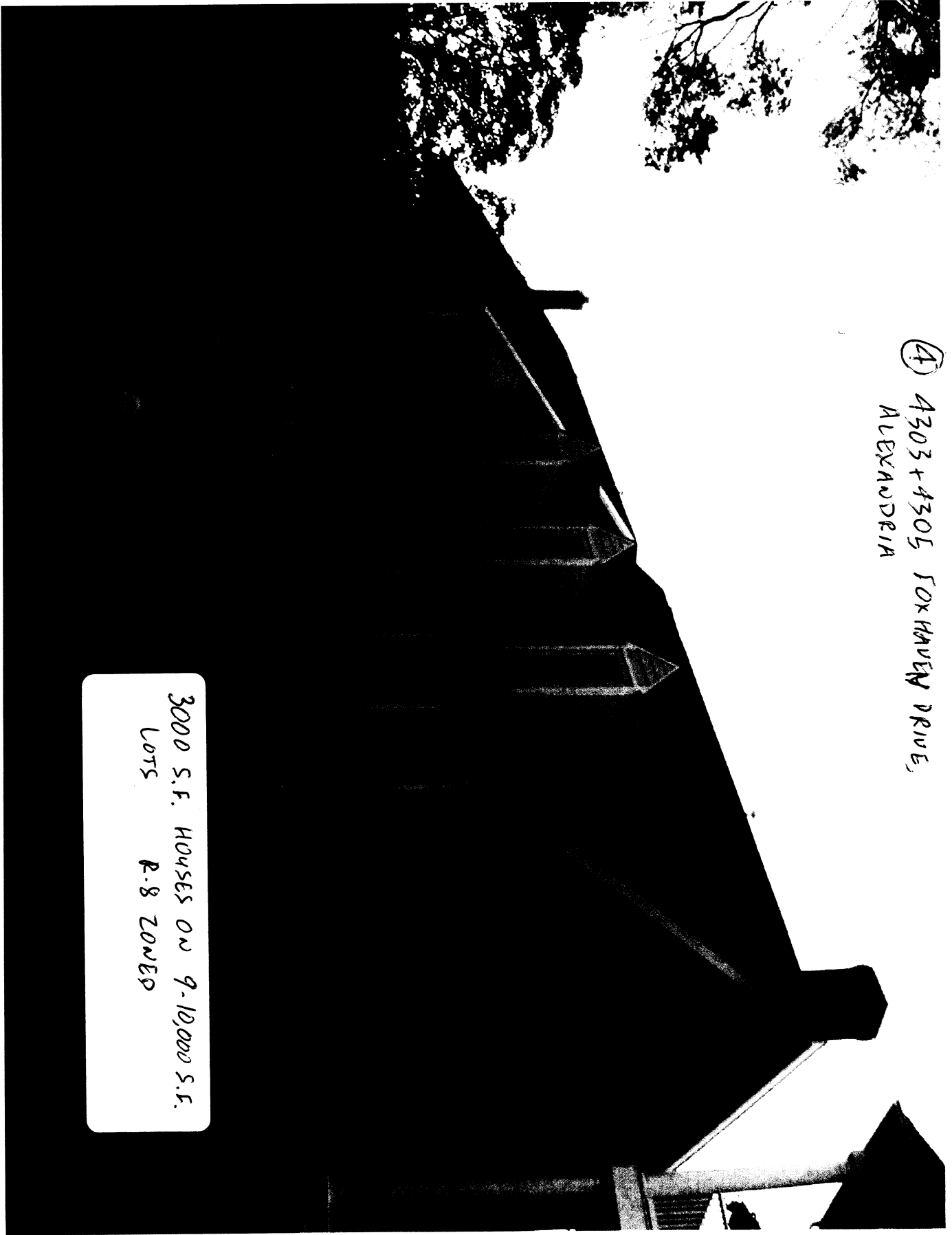
③ SIDE VIEW OF 4301 FOX-
HAVEN DRIVE, ALEXANDRIA

... ENVISION THIS OUTSIDE MY
DINING ROOM WINDOW!



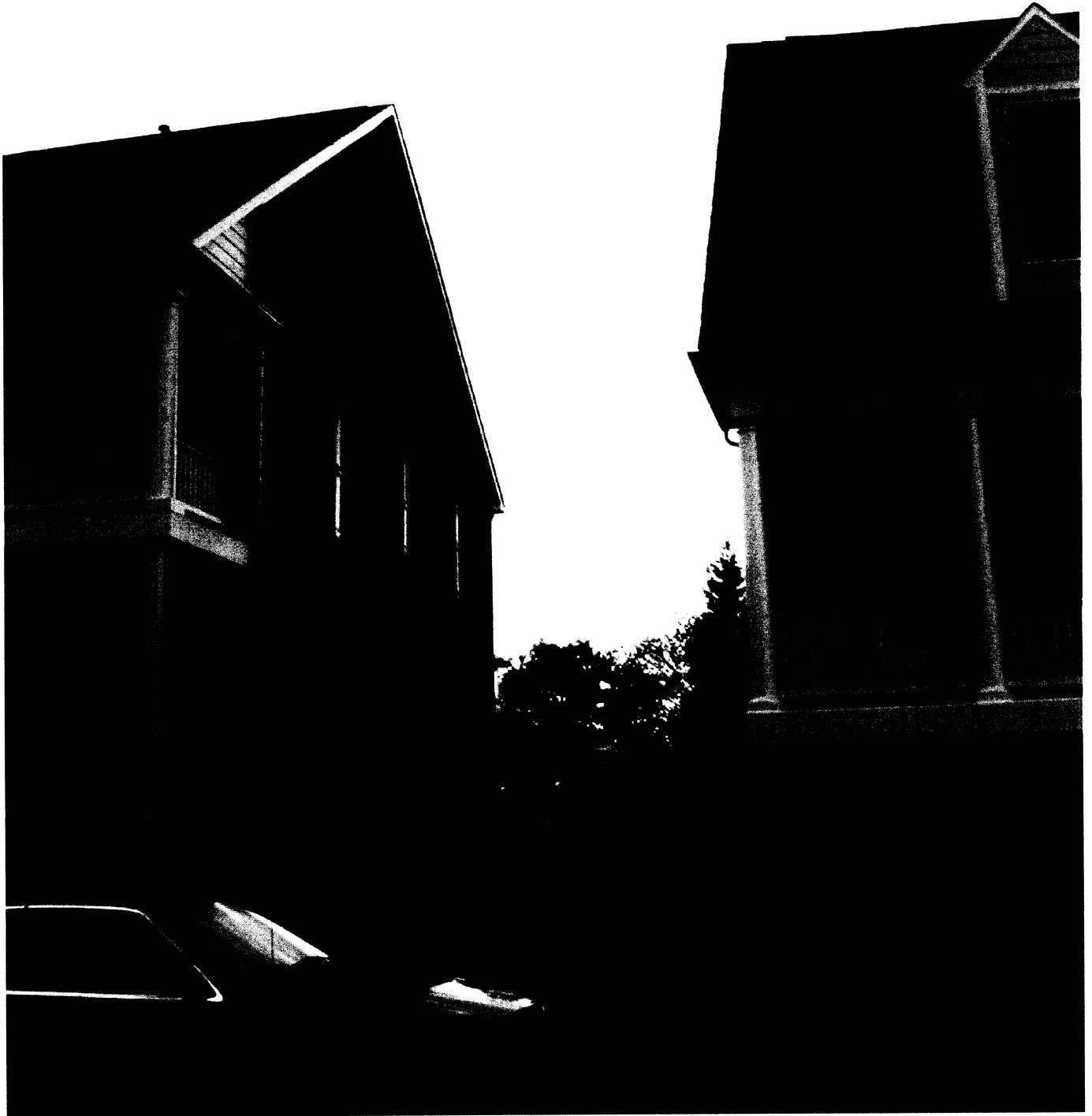
④ 4303 + 4305 FOX HAVEN DRIVE,
ALEXANDRIA

3000 S.F. HOUSES ON 9-10,000 S.F.
LOTS R-8 ZONED



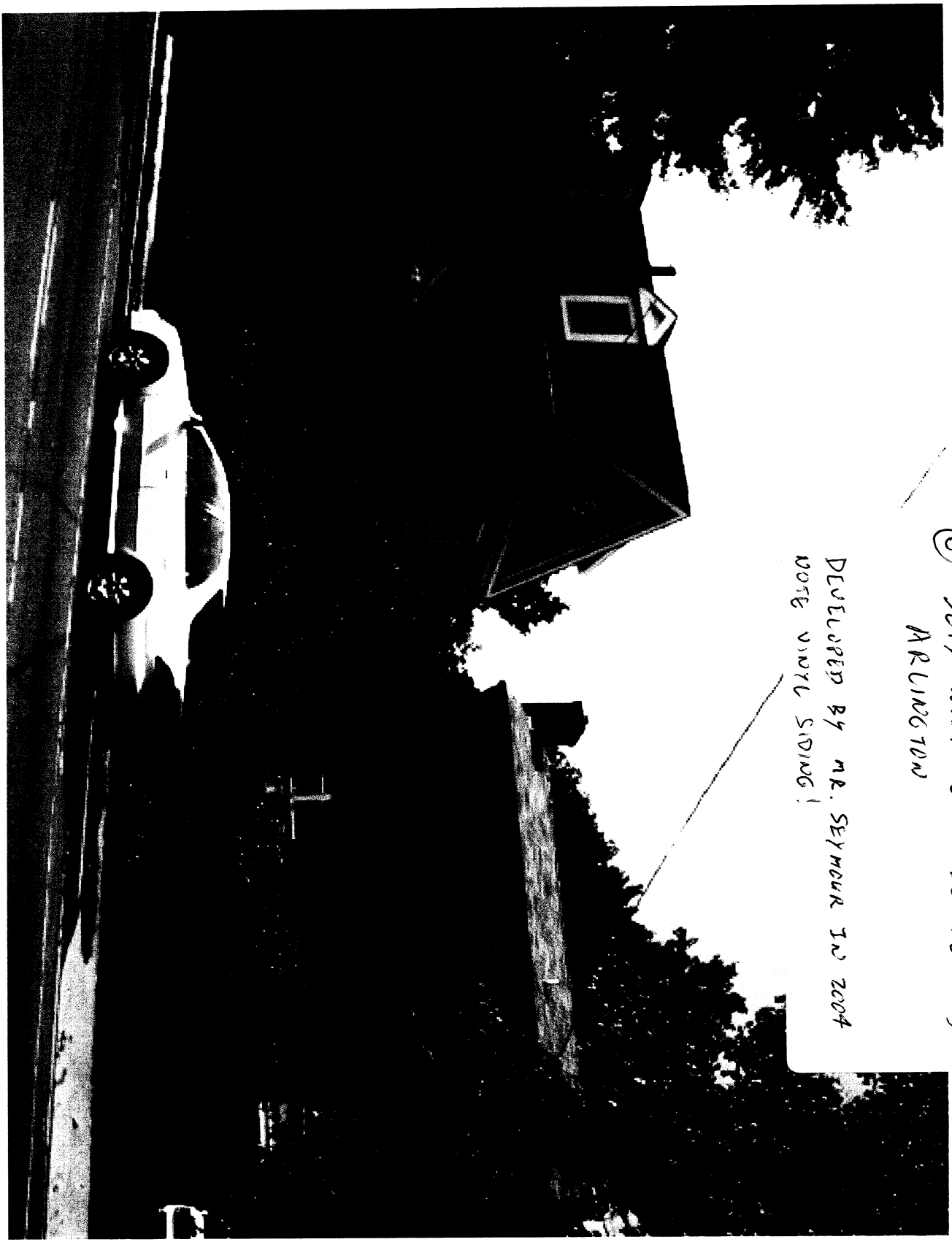
⑤ 4303 + 4305 FOXHAVEN DR.

12' SIDEYARD SETBACKS & MAXIMUM
ALLOWED HEIGHT



⑥ 5013 WASHINGTON BOULEVARD,
ARLINGTON

DEVELOPED BY MR. SEYMOUR IN 2004
NOTE VINYL SIDING!



① 5013 WASHINGTON BULEVARD
ARLINGTON

3000 S.F. HOUSE ON SUBDIVIDED LOT





WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

M. Catharine Puskar
(703) 528-4700 Ext. 13
cpuskar@wrl.thelandlawyers.com

June 20, 2005

Via Email and Facsimile

Mr. Mayor and Members of City Council
Room 2300, City Hall
301 King Street
Alexandria, VA 22314

Re: **Subdivision #2005-0002 (the "Application")**
Mr. Barry Seymour (the "Applicant")
227 N. Latham Street (the "Property")

Dear Mr. Mayor and Members of City Council:

On behalf of the Applicant, I am writing in response to concerns that have been raised regarding the architecture of the homes to be constructed on the lots created by the proposed subdivision. As represented by the Applicant at the Planning Commission hearing and confirmed on the record by the Assistant City Attorney, there is no basis for controlling the architecture of the homes under the subdivision ordinance. That being said, in an attempt to be responsive to concerns and in a spirit of compromise, the Applicant has considered revised conditions which would place limitations on what could legally be built on the Property according to the applicable Zoning Ordinance regulations. Subject to the City Council's overturning the Planning Commission and approving the subdivision, the Applicant is willing to agree to the following revised conditions:

#2. Materials used for the exterior of the homes shall be masonry (brick, stone, or cementitious siding), ~~to the satisfaction of the Director of Planning & Zoning.~~

#3. The front to back pitch of the main roofs of the homes shall not exceed 8/12. If the proposed homes have reverse gable roofs on the front, they shall not exceed a 10/12 pitch. ~~be consistent with the character of the neighborhood, to the satisfaction of the Director of Planning and Zoning.~~

#4. Each garage shall protrude no more than 5 feet beyond ~~be set behind~~ the main façade of the house.

In addition, consistent with our request at the Planning Commission, the Applicant would like to revise condition #8 to read as follows: "A bond shall be posted, in an amount of \$20,000 and for a period of two (2) years, ~~to be approved by the City Arborist,~~ for protection of the 28 inch and 30 inch oak trees."

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM
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LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

25
6-21-05

June 20, 2005

Page 2

Thank you for your thoughtful consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

M Catharine Puskar

M. Catharine Puskar

MCP/rmc

cc: Eileen Fogarty
Rich Josephson
Barry E. Seymour
Paul Wilder
Jerry K. Emrich
Nan E. Terpak
Martin D. Walsh

J:\ADVANTAGE PROPERTIES\5310.2 Latham Street\City Council ltr.doc



<dwalkers@comcast.net>

06/24/2005 04:36 PM

Please respond to
<dwalkers@comcast.net>

25
6-21-05

To <alexvamayor@aol.com>, <delpepper@aol.com>, <council@joycewoodson.net>, <councilmangaines@aol.com>, <council@krupicka.com>, <macdonaldcouncil@msn.com>

cc

bcc

City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, tom.raycroft@alexandriava.gov)

City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, tom.raycroft@alexandriava.gov)

Time: [Fri Jun 24, 2005 16:36:35] IP Address: [69.143.34.200]

Response requested:

First Name: Sissy
Last Name: Walker
Street Address: 498 N. Latham St.
City: Alexandria
State: VA
Zip: 22304
Phone: 703.370.4161
Email Address: dwalkers@comcast.net

Thank you from the bottom of my heart for affirming the denial of Barry Seymour's application to subdivide 227 N. Latham St., which, thanks to Councilwoman Woodson's sharp questioning, I now know is a property, not a lot, since a house currently sits on it. Following this line of reasoning, it would appear that Mr. Seymour actually proposes to subdivide a property. Do we have a statute about subdividing properties or only lots? I think all of us especially appreciated Councilmembers McDonald and Woodson's "jump" out of the starting gate in presenting a motion to affirm at the outset of discussion. This was a strong message,

supported by an equally strong message from Mr. Dunn. Again, thank you.

Comments:

As I mentioned last week, my dream would be for the property to revert to open space. However, I think most of us on the street would be pleased to work with a developer such as Mr. Cromley, as it appears he has a genuine interest in preserving the integrity of the spaces with which he works. Perhaps someone could ask him to make Mr. Seymour an offer, thus sparing him the necessity of taking the case to court and paying all those pesky legal fees.

All of us hope to hear soon about your work in creating ordinances to protect our neighborhoods from pure speculation and its resulting upheaval. We would also be pleased to host a visit from council members to tour our lovely street and neighborhood, where the homes just nestle in to the surrounding woodlands.

Sincerely,

Sissy Walker

25

6-21-05

PETITION WITH NAMES OF 82 RESIDENTS
OPPOSING THE SUBDIVISION REQUEST
AT 227 N. LATHAM STREET –
PRESENTED TO THE CITY COUNCIL OF
ALEXANDRIA, VIRGINIA,
AT PUBLIC HEARING
JUNE 21, 2005

(The original 48 names were presented to the Planning Commission at the Public Hearing on May 3, 2005. Among the original 48, both members of a couple were counted as only one vote in opposition. Some residents also have signed in opposition to the request to subdivide at Polk and Pegram Avenues, which is scheduled to be considered by the Planning Commission as a separate matter on July 5, 2005.)

Brookville-Seminary Valley

Opposition to the subdivision at 227 N. Latham Street.

Name	Address	Contact Information
① TV Darga	4706 Richmond Pl	AL 703 461 9497
② JJ Buntz	4708 RICHMARR PL	703-823-6050
③ Harry Harris	4205 Scurry Pl.	704-254-6994
④ Ernie York	4701 Scurry Pl	703 370 3191
⑤ Frank W	BARRY COX 334 N. Latham St.	703-461-8505
⑥ [Redacted]	Mickie Downing	336 N. Latham 703-751-7384
⑦ Lana Sonoda	484 N. Latham St.	703-823-0838
⑧ Mary B. White	486 N. Latham St.	703-306-3256
⑨ Beth Posey	488 N. Latham St	703-751-0533
⑩ Elizabeth Brennan	492 N. Latham St.	703-751-0271
⑪ Timothy Brennan	492 N. Latham St	"
⑫ Walter Kidd	4707 Scurry Pl.	703-751-0059
⑬ Clendon Kidd	" " "	703-751-0059
⑭ Bea Draz	4709 Scurry Pl	703-751-0553
⑮ Robert E Ouley	4706 Scurry Pl	703-751- 0097 ⁰⁰⁹⁷
⑯ Jan Myer	4700 Richmond Pl	703 751 2290
⑰ Joyce Pugh	328 N. LATHAM	703-751-0361
⑱ Janet H. Ayers	4703 Richmond Pl	703 370 7168

Brookville-Seminary Valley

Opposition to the subdivision at 227 N. Latham St.

<u>Name</u>	<u>Address</u>	<u>Phone/Contact Info.</u>
(19) Helen Bauman	4705 Richman St.	
(20) Lesley Sedehi	4702 Richman Pl	703-370-0540
(21) Catherine B. Lacey	310 N. Langley St.	703-757-0244
(22) Barbara Phillips	327 N. Langley	
(23) Sissy Walker	498 N. Latham St.	703.370.4161
(24) Patricia Dupkin Lived in family since 1905	- Long time resident	
(25) STEPHEN C. JOHNSON	327 N. LATHAM ST.	703.370.3590
(26) Arcege R. Harrison	327 N LATHAM ST	703 370 3590

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park. (27)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Arben Hago My Address: 490 N. Latham St.

My Signature: [Signature]

-----Please cut here and return to 486 N. Latham St.-----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park. (28)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Mrs Lelia S. Stratton My Address: 330 N. Langley St.

My Signature: Lelia S. Stratton Alexandria, Va 22304

-----Please cut here and return to 486 N. Latham St.-----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park. (29)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: WILLADENE SCOTT My Address: 4665 STRATHBLANE PL.

My Signature: Willadene Scott

-----Please cut here and return to 486 N. Latham St.-----

^{at least} I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park. (30)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Jane L Harper My Address: 4703 Richmond Place

My Signature: Jane L Harper

→ over

(43)

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St. into two lots. *Also oppose a Mansion on the existing one lot.*

My Name: Roberta TOMCZYK Alfred TOMCZYK My Address: 4657 Strathblane Place

My Signature: Roberta Tomczyk

-----Please cut here and return to 486 N. Latham St.-----

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I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: William S. Lyons Evelyn Lyons My Address: 4710 SURREY PLACE

My Signature: William S. Lyons

-----Please cut here and return to 486 N. Latham St.-----

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I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Allen CARLSON My Address: 4703 SURREY PLACE

My Signature: Allen Carlson

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I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Keith Kruse + Leslie Kruse My Address: 309 N. Langley St.

My Signature: Keith & Leslie Kruse

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I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: Mary & Marlo Lewis My Address: 4700 Surrey Place

My Signature: Mary Lewis Alex VA 22304

(44)

(45)

32634 3317541
27
What is this of existing?
Platino?

(46)

(47)

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

(48)

I oppose subdivision of the property at 227 N. Latham St. into two lots.

My Name: JOHN KINZER My Address: 4612 Strathblane Rd

My Signature: John O. Kinzer

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

491

I oppose subdivision of the property at 227 N. Latham St.

Update: There are plans to develop both sides of Polk Avenue at Pegram Street, with new homes.

I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-823-6081 W 202-512-2674

Email: dunnm@gao.gov maple_knoll@msn.com

My Name: Marianna T. Dunn My Address: 907 Peele Place
Alex., VA 22304
My Signature: M. J. Dunn

-----Please return to 486 N. Latham St. -----

~~XXXX~~ I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St.

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-212-0187 ~~w~~ (cell) 703-862-1931

Email: betsywong@comcast.net

My Name: BETSY WONG My Address: 4819 POLK AVENUE

My Signature: Betsy Wong

-----Please return to 486 N. Latham St. -----

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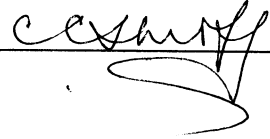
I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H (703) 823-2024 W (703) 625-1999.

Email: parpatinc@aol.com.

My Name: Chandrakant Shroff My Address: 600 No Pickett St
Alexandria, VA, 22304

My Signature: 

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703/751-0676 W same

Email: whitepine411@hotmail.com (I only check it once or twice a month, so please

call if you want me to take a look at something you've sent) Thanks!

My Name: Chris DeJoy

My Address: 5359 Holmes Run Parkway

My Signature: Christian A DeJoy

5/21/05

Thanks for all your hard work, in any!

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 461-3196 W _____

Email: pshks@aol.com

My Name: Perre Shostal My Address: 601 N. Owen St.

My Signature: Perre Shostal

54, & 55,

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H (703) 370-1497 W N/A

Email: N/A

My Name: PHILIP & ROMA MURRAY

My Address: 518 N. FAXTON STR. ALEXANDRIA, VA 22304

My Signature: *Philip Murray*
Roma Murray

Please call in codes. Jm

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-9143 W 703-550-3600

Email: SWSCPA @ COMCAST.NET

My Name: Susan Schildknecht My Address: 616 N PEGRAM ST.

My Signature: Susan Schildknecht

57

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-7519141 W _____

Email: _____

My Name: Teresa Reilly My Address: 486 Naylor Pl
Alex Va - 22304
My Signature: TERESA REILLY

58

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703/751-4919 W N/A

Email: N/A

My Name: Frances Fromm My Address: 510 N. Owen St.
Alexandria, VA 22304

My Signature: Frances S. Fromm

59.4 60.

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street. *→ (i.e. MULTIPLE subdivision, inondenic home size) or townhouse/apartments*

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703 212 8834 W _____

Email: DThompson@Tiaonline.org

My Name: David & Amy Thompson My Address: 741 N. Pegram St.

My Signature: *David S. Thompson*
Amy J. Thompson

61.
d
62.

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-0787 W 703-739-0880 (R. Hersch)

Email: HFrank9073@aol.com

My Name: Howard Frank My Address: 701 N. Pickett Street

My Signature: Howard Frank

Rebekah Hersch 701 N. Pickett Street
Rebekah Hersch

63

-----Please return to 486 N. Latham St. -----

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Phone: H 703-751-1122 W 703-246-8366

Email: Christin.nolan@pec.com

My Name: Christin Nolan My Address: 5327 Holmes Run Pkwy

My Signature: Christin R Nolan

64 + 65

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 903 370 2727 W _____

Email: _____

Nancy W Lyons

My Name: Charles E Lyons My Address: 5115 Holmes Rd Pkwy

My Signature: *Nancy W Lyons*

Charles E Lyons Sr.

661

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H _____ W _____

Email: SEALIONS53@YMAIL.COM

My Name: C. LYONS

My Address: 604 N. OLIVER ST
ALEXANDRIA, VA
22304

My Signature: 

-----Please return to 486 N. Latham St. -----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-4028 W 703-370-4028

Email: _____

My Name: Sam Atkinson My Address: 904 Peele Place

My Signature: 

**SAMUEL T. ATKINSON
904 Peele Place
Alexandria, VA 22304**

68.

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703/751-4366 W _____

Email: lgsmithers@aol.com

My Name: Lois Smithers

My Address: 5344 Jersey Ave
ALEX VA 22304

My Signature: _____

69.

-----Please return to 486 N. Latham St. -----

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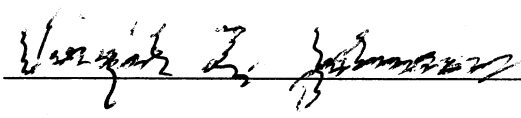
I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-3154 W N/A

Email: _____

My Name: VIRGIL L. JOHNSON My Address: 5329 TRUMAN AVE. 22304

My Signature: 

-----Please return to 486 N. Latham St. -----

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I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-461-3283 W _____

Email: anmlntwk@erols.com

My Name: Mary Zoeter My Address: 523 N. Paxton St.

My Signature: Mary Zoeter

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-751-3401 W _____

Email: Wood518@msn.com

My Name: Mary Wood My Address: 611 N. Pickett St. Alexandria

My Signature: Mary Wood

72 & 73

-----Please return to 486 N. Latham St. -----

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I oppose the development plans at Polk Avenue and Pegram Street.

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Phone: H 703 823-3705 W (703) 823-7980

Email: davos @comcast.net

My Name: David & Yasmin Vosseler My Address: 5320 Truman Av. Alexandria, 22304

My Signature: Yasmin & David Vosseler

74.
+
75.

-----Please return to 486 N. Latham St. -----

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Phone: H 703-370-9383 W

Email:

My Name: Charles & Frances Gallagher My Address: 701 N. Dapton St
Alt No 22304

My Signature: Charles & Frances Gallagher

76.

-----Please return to 486 N. Latham St. -----

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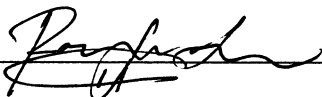
I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H (703) 212-7461 W _____

Email: ron_san_luis@yahoo.com

My Name: Ronald San Luis My Address: 5312 Taney Ave.
Alexandria, VA 22304

My Signature: 

77 +
78.

-----Please return to 486 N. Latham St. -----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

I oppose subdivision of the property at 227 N. Latham St.

Update: There are plans to develop both sides of Polk Avenue at Pegram Street, with new homes.

I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-1035 W _____

Email: t.galanti@verizon.net

My Name: Pat + Tom Galanti My Address: 1068 N. Paxton St.

My Signature: Patricia Galanti

-----Please return to 486 N. Latham St. -----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-370-243 W None

Email: None

My Name: Margaret A. Holien My Address: 4808 Taney Ave

My Signature: Margaret A. Holien

801

-----Please return to 486 N. Latham St. -----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

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I oppose the development plans at Polk Avenue and Pegram Street.

I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703-823-1150 W _____

Email: _____

1107 N. PEGRAM STREET ALEX VA 22304

My Name: M B Hollinger My Address: _____

My Signature: M B Hollinger

81.

-----Please return to 486 N. Latham St. -----

I agree that the City Planning Commission should defer action and should not approve the request to subdivide the property at 227 N. Latham St., until further study has been done regarding the impact of new construction on the community and on the natural resources in Holmes Run Park.

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I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H 703 370 7122 W _____

Email: _____

My Name: SHARMA, M. My Address: 701 N. NAYLOR ST.

My Signature: Maya Sharma
5/23/05

821

-----Please return to 486 N. Latham St. -----

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I would like to be notified of any new developments in or around the Brookville-Seminary Valley area. (Please fill out the requested information below to be notified)

Phone: H(703) 370-2025 W _____

Email: gradyj.m@acl.com

My Name: Sue Ann Saunders My Address: 4903 Tancy Ave.
Alex., VA 22304

My Signature: Sue Ann Saunders

25
6-21-05



<alan.yamamoto@verizon.net>

06/23/2005 10:21 AM

Please respond to
<alan.yamamoto@verizon.net>

<alexvamayor@aol.com>, <delpepper@aol.com>,
To <council@joycewoodson.net>, <councilmangaines@aol.com>,
<council@krupicka.com>, <macdonaldcouncil@msn.com>,
cc

bcc

City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
Subject councilmangaines@aol.com, council@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,
tom.raycroft@alexandriava.gov)

**City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
delpepper@aol.com, council@joycewoodson.net,
councilmangaines@aol.com, council@krupicka.com,
macdonaldcouncil@msn.com, paulcsmedberg@aol.com,
rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov,
tom.raycroft@alexandriava.gov)**

Time: [Thu Jun 23, 2005 10:21:28] IP Address: [70.21.0.138]

Response requested:

First Name: Sandra
Last Name: Yamamoto
Street Address: 502 North Naylor Street
City: Alexandria
State: VA
Zip: 22304
Phone: 703-915-0229
Email Address: alan.yamamoto@verizon.net

Mr. Mayor, Ms. Vice Mayor and Council Members, As a nearly 25 year resident of Seminary Valley, I wanted to thank you for your support in upholding the denial of the appeal to subdivide the property at 227 Latham Street. As you know, the owner intends to develop the property by building two gigantic \$1 million homes, which would absolutely negatively affect the immediate neighbors. The location sits next to an entrance to Holmes Run Park and one can only woefully imagine the disruption and destruction of the current park like setting. We are hopeful that the Parks & Recreation Department will be aggressive in its input into any

Comments:

plans to affect that area. While I agree with private enterprise, Alexandrians should be very wary of following in neighboring Arlington's footsteps and not allow the "McMansion-ization" of its older, established neighborhoods. Thank you again for your support - I attended the public hearing and was gratified to hear that some of you changed your initial leanings after listening to testimony from the residents, who are your constituents, and in the case of Ms. Pepper, your neighbors. It is truly good government in action and makes me proud to be an Alexandrian. Thank you once again. Sincerely, Sandra Yamamoto

25
6-21-05



<Mbwesq2000@aol.com>

06/24/2005 09:03 AM

Please respond to
<Mbwesq2000@aol.com>

To <alexvamayor@aol.com>, <delpepper@aol.com>, <council@joycewoodson.net>, <councilmangaines@aol.com>, <council@krupicka.com>, <macdonaldcouncil@msn.com>

cc

bcc

City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, tom.raycroft@alexandriava.gov)

City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@alexandriava.gov, jackie.henderson@alexandriava.gov, tom.raycroft@alexandriava.gov)

Time: [Fri Jun 24, 2005 09:03:09] IP Address: [149.101.1.128]

Response requested:

First Name: Mary B
Last Name: White
Street Address: 486 N. Latham St.
City: Alexandria
State: VA
Zip: 22304
Phone: 7033063256

Email Address: Mbwesq2000@aol.com

Comments: All of the neighbors have been expressing to me their gratitude for your decision upholding the Latham subdivision denial on Tuesday, 6/21. I have told them that none of them could have spoken any better. Thanks again, and thanks for your continuing exploration of approaches to addressing tear-downs and mansionization in Alexandria.

SPEAKER'S FORM

6/21/05 (7)

DOCKET ITEM NO. 25

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: M Catharine Puskas
- 2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201
TELEPHONE NO. 703-528-4780 E-MAIL ADDRESS: cpuskas@arl.thelandlawyers.com
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
Barry Seymour
- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
- 5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
- 6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.