

Phil and Lisa Herget
322 South Lee St
phil@avonleacapital.com
lisaherget@me.com
703-403-3360 (Phil)
703-447-9848 (Lisa)

February 14, 2022

Hello Neighbor,

We are new to Old Town having recently bought the quaint and beautiful house at 322 South Lee Street and the adjoining lot at 324 South Lee. We are very excited to be here and look forward to getting to know you better.

322/324 have not been occupied for many years and are in need of substantial investment. We plan to restore and renovate the house while landscaping and improving the open space of the 324 lot. Please reach out if you want to discuss our plans which are focused on preserving and restoring the historic aspects of the house. We are not adding on to home other than extending the side porch a bit. Our plans for restoring the house have been approved by the BAR. We will enhance the 324 open space with tasteful landscaping.

We hope to make one significant improvement to the 324 lot – add a two-car parking area that is fenced, gated and landscaped in a manner that is in keeping with the current aesthetics of the property. The pad and sidewalk access will be thoughtfully and visually designed to also be in keeping with the existing nature of the property. Attached is a drawing to show what we have in mind (note that the sidewalk tree stays).

Of course, we need the City of Alexandria's approval. We are in the process of applying for a curb cut and a variance to provide access to the parking area from the curb cut. We hope to have your support. The rationale for this includes the following:

- Several properties in the 300 block of South Lee and in the broader neighborhood have parking areas. In the case of 324 and unlike any other property on the 300 South Lee block (and very few other properties in the broader neighborhood), there is an open lot that can be improved or otherwise developed. We believe the best way to improve 324 is with a landscaped and tastefully done two-car parking area. We will then maintain the open space of 324 and enhance it with additional landscaping.
- Very important, there is no on-street parking on the east side of the 300 block of South Lee Street where 322/324 are located. So, we can add 2 new parking spaces without eliminating any existing on street parking. With the recent increase in nearby restaurants and businesses, the demand for on-street parking is at an all-time high and getting worse.

- We will design, fence, gate and landscape the parking area such that it will be in keeping with current aesthetics, veil the vehicles so as to maintain the pedestrian experience and protect the adjoining neighbors' experience.
- And, we will maintain the open space that currently exists on 324 and enhance with tasteful landscaping and fencing.

cut and our plans to add a 2-car parking area. This will be included as part of our application. You can email this to us at lisaherget@me.com or to Duncan Blair at dblair@landcarroll.com. Alternatively, you can mail signed/completed form to one of the following addresses:

Phil and Lisa Herget
322 S Lee St
Alexandria, VA 22314

Duncan Blair – Land Carroll and Blair PC
524 King St
Alexandria, VA 22314

Please let us know if you have any questions. We are happy to provide more information.

Thanks so much for your support. We are super excited to be in Old Town with you.

Phil and Lisa

Phil Herget

Lisa Herget

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DocuSigned by:

Signature E9F6D588DCDC456...

Lauren Bishop
Name

410 S. Fairfax Street Alexandria, VA 22314
Address

2/18/2022
Date

Phil and Lisa Herget
322 South Lee St
phil@avonleacapital.com
lisaherget@me.com
703-403-3360 (Phil)
703-447-9848 (Lisa)

February 14, 2022

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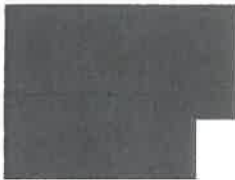
Phil and Lisa Herget
322 S Lee St
Alexandria, VA 22314

Duncan Blair – Land Carroll and Blair PC
524 King St
Alexandria, VA 22314


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Thanks so much for your support. We are super excited to be in Old Town with you.

Phil and Lisa

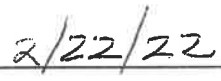


I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.


Signature


Name


Address


Date

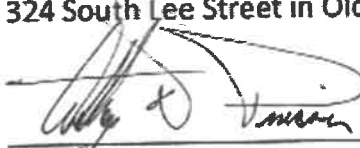
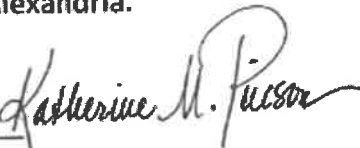
Ching Biondi
Signature

Amy Biondi
Name

833 S. Lee St. Alex, Va 22314
Address

Feb. 20, 2022
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

 AND 
Signature

Anthony D. Pinson, 119 Wolfe Street, Alexandria, VA - 22314
Name

KATHERINE M. Pinson, 119 Wolfe Street, Alexandria, VA - 22314
Address

2/26/2022
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at
324 South Lee Street in Old Town Alexandria.



Signature

WIN SHERIDAN

Name

310 STRAND ST., APT 2-502, Alexandria, VA 22314

Address

2/28/22

Date

Phil and Lisa Herget
322 South Lee St
phil@avonleacapital.com
lisaherget@me.com
703-403-3360 (Phil)
703-447-9848 (Lisa)

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Phil and Lisa Herget
322 S Lee St
Alexandria, VA 22314

Duncan Blair – Land Carroll and Blair PC
524 King St
Alexandria, VA 22314

Please let us know if you have any questions. We are happy to provide more information.

Thanks so much for your support. We are super excited to be in Old Town with you.

Phil and Lisa

Phil Herget
Lisa Herget

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Julie Conley
Signature

Julie Conley
Name

2125 Lee Street
Address

February 23, 2022
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Lauren Stack

Signature

Lauren Stack

Name

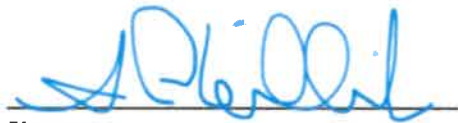
220 S. Lee Street

Address Alexandria, VA 22314

2/24/21

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.



Signature



Name





Address



Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Signature

Ann Scully

Name

300 S lee St

Address

2/23/22

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.



Signature

Gayla Reed

Name

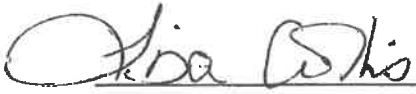
54 Wolfe Street
Alexandria, VA 22314


Address

02/24/2022

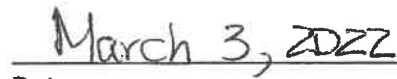
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.


Signature


Name


Address


Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.


Signature

Jeffrey Nuechterlein
Name

304 S. St. Asaph St., Alexandria, VA 22314
Address

March 4, 2022
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Jeff White

Signature

Jeff White

Name

307 S Lee St, Alexandria, VA 22314

Address

03/04/22

Date



Letter to Neighbors - Curb Cut signed PH LH (2) (4)

PDF - 287 KB



DocuSign Envelope ID: 339C9292-B6D0-4D73-A302-0C8D082AA789

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DocuSigned by:

SF741E88BA1848C

Signature

Ashley Chamberlain

Name

320 S. Fairfax Street

Address

3/3/2022

Date





Letter to Neighbors - Curb Cut signed PH LH (2) (3)

PDF - 291 KB



DocuSign Envelope ID: 97D8CAFB-8C15-491B-BB86-54F6FD6C54B3

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DocuSigned by:

Laura Bennett

Signature

DocuSigned by:

Laura Bennett

Name

511 S Lee Street

Address

3/3/2022

Date





Letter to Neighbors - Curb Cut signed PH LH (2) (5)

PDF - 293 KB



DocuSign Envelope ID: 3B0C25E4-BE55-4897-A899-AC81B96692A9

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DocuSigned by:

Signature CW 39F45E19C4C5

DocuSigned by:

Name CW 39F45E19C4C5

405 S. Fairfax Street
Address

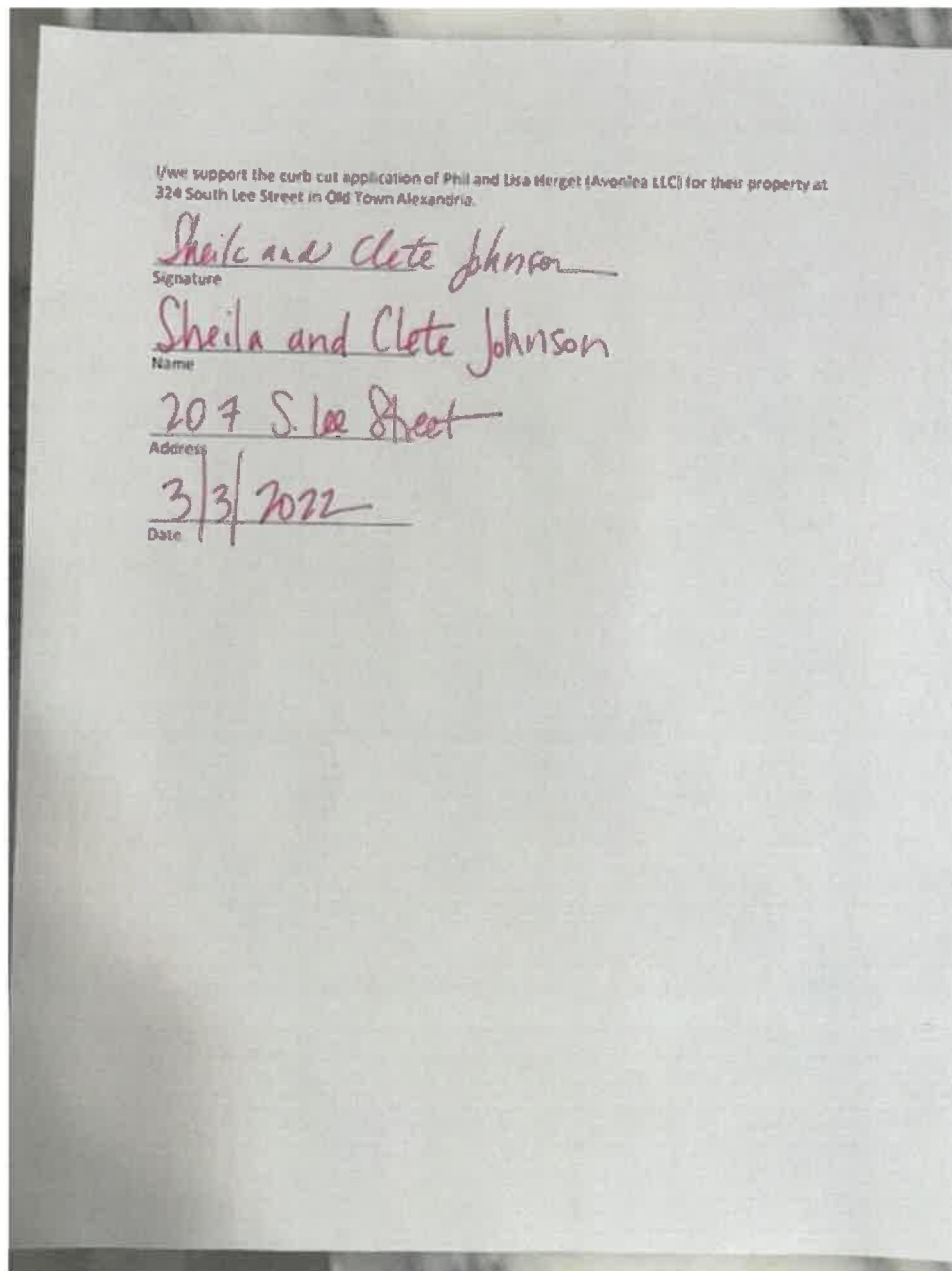
3/3/2022
Date



Duncan Blair

From: Phil Herget <phil@avonleacapital.com>
Sent: Friday, March 4, 2022 9:12 AM
To: Duncan Blair
Cc: Lisa Herget; PHIL@AVONLEACAPITAL.COM
Subject: Sheila and Clete Johnson Suppor Signature - 207 S Lee

Here is pic of signature page for Sheila and Clete Johnson at 207 S Lee.





Letter to Neighbors - Curb Cut signed PH LH (2) (6)

PDF - 288 KB



DocuSign Envelope ID: 1754D529-59C0-4EB1-9836-3D339005425F

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DocuSigned by:

Signature E4AE8A0C225C41F

DocuSigned by:

Name E4AE8A0C225C41F

2 Potomac Court

Address

3/3/2022

Date





I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.



Signature

Susan Oswald

Name

832 S Lee St

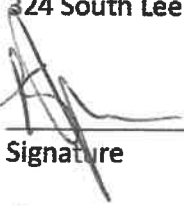
Address

03/03/22

Date



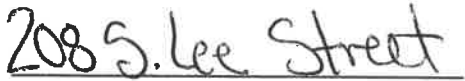
I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

A handwritten signature in dark ink, appearing to be "K. J. Moore", written over a horizontal line.

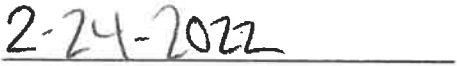
Signature

A handwritten name "Kirsten J. Moore" in dark ink, written over a horizontal line.

Name

A handwritten address "208 S. Lee Street" in dark ink, written over a horizontal line.

Address

A handwritten date "2-24-2022" in dark ink, written over a horizontal line.

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Jennifer Little
Signature

Jennifer Little
Name

709 S. Lee St, Alex 22314
Address

3/3/2022
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.



Signature

CHRISTOPHER O'X

Name

111 PRINCE STREET

Address

3-4-22

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.


Signature

HEATHER M. COX
Name

111 PRINCE STREET
Address

3-4-22
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

mark davis

Signature

Mark Davis

Name

334 N Pitt St. Alexandria, VA 22314

Address

3/3/22

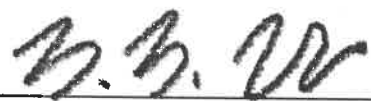
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.


Signature


Name


Address


Date

unkei

Signature

M + Kaiman

Name

702 S Lee

Address

3.3.22

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Mr. & Mrs. Frank M. Conner III

Signature

Mrs Frank M. Conner

Name

412 Prince Street, Alexandria

Address

3/2/22

Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

A handwritten signature in dark ink, appearing to read "P. Herget", written over a horizontal line.

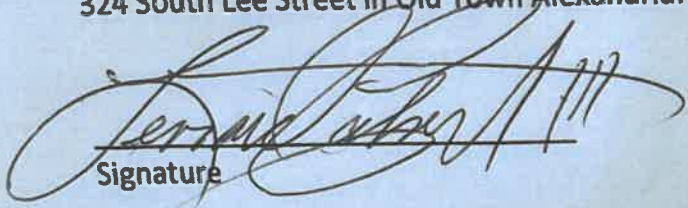
Signature

Name

Address

Date


I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at
324 South Lee Street in Old Town Alexandria.


Signature

LEONARD CALVERT III
Name

217 Wolfe St
Address

10 March 2022
Date

Welcome!
Thank you for taking
Stewardship of derille 322
and for taking 2 cars off of Lee
Street parking.
Will be there at the BAR
to support your new neighbors.


I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

(Signature)

Signature

ROBERT & REBECCA CODY

Name

324 S. LEE STREET

Address

11 MARCH 2022

Date

If we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

MMJ my
Signature

Elizabeth Todd
Name

129 S Fairfax St
Address

3-4-22
Date

April 4, 2022

Board of Zoning Appeals
City of Alexandria

Re: Case BZA 2022-00006

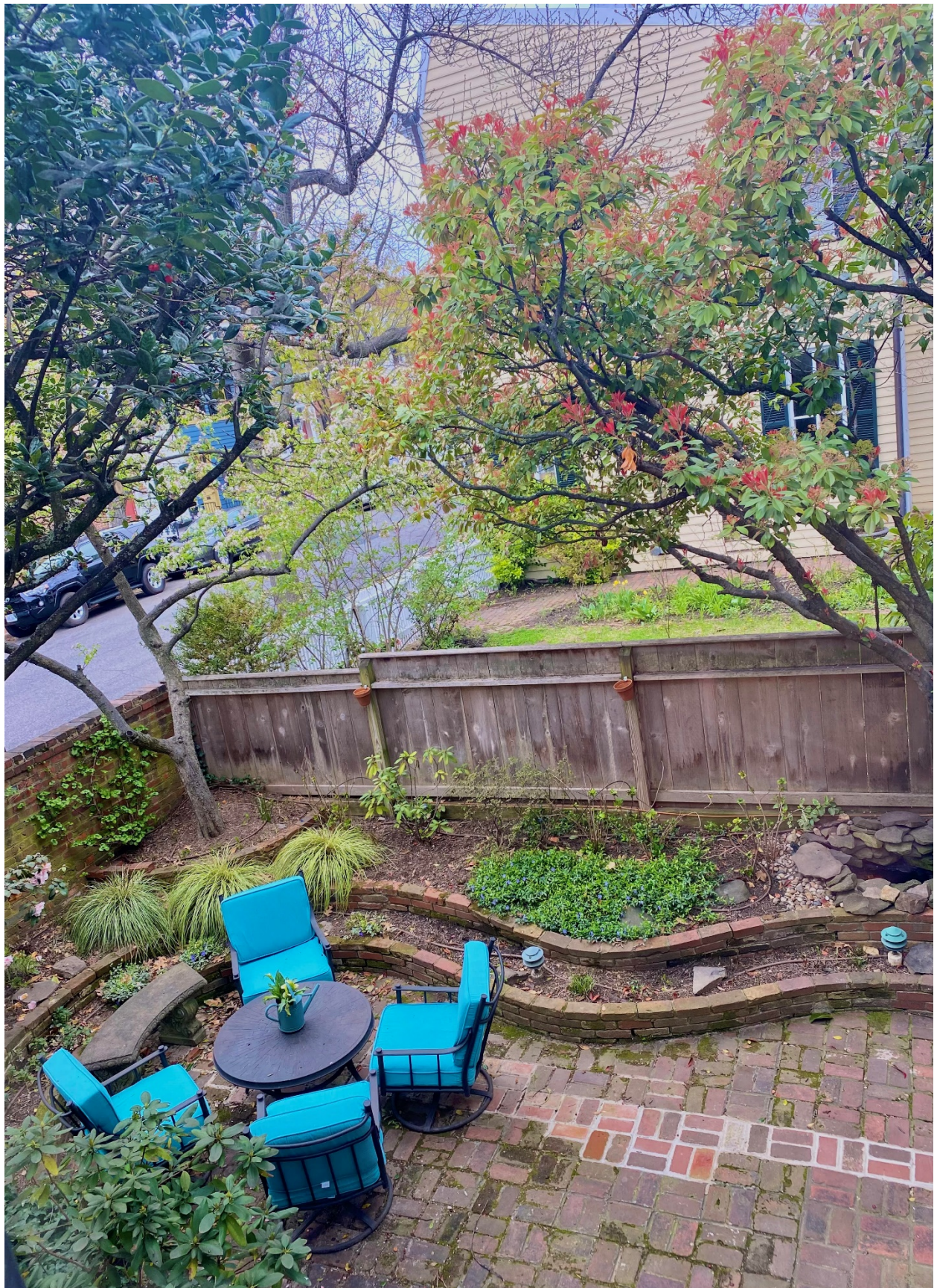
To Whom It May Concern:

I write to express my strong opposition to the application of Avonlea LLC for a variance at 322/324 South Lee Street (Case number: 2022-0006). My husband and I are the owners of the adjoining property at 328 South Lee Street and we have been residents of Old Town since 2015. Like so many of our neighbors, we moved to this community for its historic charm. We were drawn to our home specifically based on its lush gardens and views of green space at the adjoining property at 324 South Lee (see attached photos). Together, these properties are home to an array of beautiful trees and abundant wildlife, a unique oasis in a city with dwindling green space.

The new owners of 322/324 South Lee Street are now seeking a variance to allow for a curb cut and parking for two cars on the property's south lawn. For 30 years, the City has prohibited curb cuts in the historic district and upholding this prohibition is essential to preserving the character of the neighborhood and the value of adjoining properties. To be approved for a variance, Section 11-1103 of the zoning ordinance requires the applicants to demonstrate a "unique hardship" not shared by other properties in the vicinity. The only hardship demonstrated in the application is one of the applicants' own creation – an unwillingness to adapt to the norms of the community in which they have invested. Lack of off-street parking is a small price that so many of us willingly pay for the benefits of living in this charming, walkable, and beautifully preserved community.

As the City considers this application, thousands of Alexandrians are facing very real hardships with respect to housing and transportation. The applicants are not among them. I urge the Board to reject this application and ensure the preservation of our streetscape.

Sincerely,
Charlene MacDonald





Owen Albrecht

From: Hattie Barker <hattie.barker@gmail.com>
Sent: Monday, April 4, 2022 8:29 PM
To: Owen Albrecht
Cc: Lia Niebauer
Subject: [EXTERNAL]Case BZA 2022-00006

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA

[Some people who received this message don't often get email from hattie.barker@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Dear Members of the Board of Zoning Appeals,

I have lived at 321 South Lee Street since 2002. I am concerned about the requested variance to construct a curb cut at 322-324 South Lee Street to provide vehicular access and accommodation to the yard directly across the street from my home.

In the Historic District there are restrictions in place to maintain and respect the historic and aesthetic nature of the area, in this case the 300 block of South Lee Street. Residents live here because they appreciate the sensibilities of the area with the understanding and awareness of these restrictions.

Staff reminded us, in its recommendations, generations have lived in 322 S Lee since the 19th Century without being able to park their cars in the yard. Denying this request does not "...unreasonably restrict the use of the property." (Article A Sec. 5-2-14)

The aesthetic of the block will be marred by the visibility of parked cars on a hard surface where there is now a green garden space.

The pedestrian activity will be negatively affected by the comings and goings of vehicles throughout the day.

Rejecting the variance is warranted on aesthetic, safety, legal and historical grounds.
I strongly support the Staff's recommendation that the Board deny the request for a variance.

Thank you for your time and consideration.

Sincerely,

Hattie Barker

DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.

April 3, 2022

Board of Zoning Appeals
City of Alexandria

Re: Case BZA 2022-00006
322 & 324 South Lee Street (Request for curb cut)

Dear Board of Zoning Appeals:

I write in opposition to the request for a variance to be able to place curb cut and build a parking area at 322-324 South Lee Street. (Case number: 2022-0006)

I have lived at 321 South Lee Street, directly across the street from 322-324 South Lee Street, since 1981.

The previous owners of 322-324 Joan and William Pryce had floated the idea of placing a curb cut; they decided not to go forward with the curb cut in deference to their neighbor's opposition.

There is an aesthetic to South Lee Street which has been stable since I have lived on it.

I am sympathetic to people wanting the convenience of off-street parking, but not at the expense of changing for the worse the current feel and character of their new neighborhood. I understand the sensibility of some people about private property rights, but those rights are not without limits, particularly in a neighborhood that is designated as historic. We live in an environment in which our decisions effect our neighbors.

Curb cuts are not without controversy. I understand that the dispute with the City about the curb cut and parking on the east side of the 400 block of South Lee is continuing through the courts. In recent years the owners of 329 South Lee Street were prohibited from taking down a garden wall to use the curb cut already in place.

If a variance is granted it is reasonable to assume that every side yard with enough frontage will be turned into a parking area. If this curb cut is allowed there is no basis on which future applications for curb cuts could be denied.

There is no indication or threat that doing without the curb cut "will prohibit or unreasonably restrict the use of the property". [Code of ordinances 5-2-14 Sidewalk Crossovers and curb cuts generally]

Sincerely,


Beal Lowen

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Bridget Weaver
Signature

John M Weaver

Bridget M. Weaver
Name

John M. Weaver

210 Wilkes Street
Address

210 Wilkes Street

3-25-22
Date

3-25-22

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Blair M. Blake
Signature

Blair M. Blake
Name

213 Wolf St. 22314
Address

3-26-22
Date

David J. Cleary

DAVID J. CLEARY

511 Prince St 22314

3-26-22

Drann Hicks

Drann Hicks Carlson

721 S. Union St. 22314

4-3-22

Jim Carlson

Jim Carlson

721 S. Union St. 22314

4-3-22

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

DMTP
Signature

David M. Phillips
Name

523 W. St Asaph St
Address

3/24/22
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Nancy Phillips
Signature

Nancy M. Phillips
Name

523 North St. Asaph
Address

3/25/2022
Date

Phil and Lisa Herget
322 South Lee St
phil@avonleacapital.com
lisaherget@me.com
703-403-3360 (Phil)
703-447-9848 (Lisa)

February 14, 2022

Hello Neighbor,

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322/324 have not been occupied for many years and are in need of substantial investment. We plan to restore and renovate the house while landscaping and improving the open space of the 324 lot. Please reach out if you want to discuss our plans which are focused on preserving and restoring the historic aspects of the house. We are not adding on to home other than extending the side porch a bit. Our plans for restoring the house have been approved by the BAR. We will enhance the 324 open space with tasteful landscaping.

We hope to make one significant improvement to the 324 lot – add a two-car parking area that is fenced, gated and landscaped in a manner that is in keeping with the current aesthetics of the property. The pad and sidewalk access will be thoughtfully and visually designed to also be in keeping with the existing nature of the property. Attached is a drawing to show what we have in mind (note that the sidewalk tree stays).

Of course, we need the City of Alexandria's approval. We are in the process of applying for a curb cut and variance to provide access to the parking area from the curb cut. We hope to have your support. The rationale for this includes the following:

- Several properties in the 300 block of South Lee and in the broader neighborhood have parking areas. In the case of 324 and unlike any other property on the 300 South Lee block (and very few other properties in the broader neighborhood), there is an open lot that can be improved or otherwise developed. We believe the best way to improve 324 is with a landscaped and tastefully done two-car parking area. We will then maintain the open space of 324 and enhance it with additional landscaping.
- Very important, there is no on-street parking on the east side of the 300 block of South Lee Street where 322/324 are located. So, we can add 2 new parking spaces without eliminating any existing on street parking. With the recent increase in nearby restaurants and businesses, the demand for on-street parking is at an all-time high and getting worse.

- We will design, fence, gate and landscape the parking area such that it will be in keeping with current aesthetics, veil the vehicles so as to maintain the pedestrian experience and protect the adjoining neighbors' experience.
- And, we will maintain the open space that currently exists on 324 and enhance with tasteful landscaping and fencing.

We ask that you sign the attached form that indicates your support for the curb cut and our plans to add a 2-car parking area. This will be included as part of our application. You can email this to us at lisaherget@me.com or to Duncan Blair at dblair@landcarroll.com. Alternatively, you can mail signed/completed form to one of the following addresses:

Phil and Lisa Herget
322 S Lee St
Alexandria, VA 22314

Duncan Blair – Land Carroll and Blair PC
524 King St
Alexandria, VA 22314

Please let us know if you have any questions. We are happy to provide more information.

Thanks so much for your support. We are super excited to be in Old Town with you.

Phil and Lisa

Phil Herget
Lisa Herget

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Susan Ginsburg
Signature

Susan Ginsburg
Name

429 S. Lee Street, Alexandria, VA 22314
Address

April 5, 2022
Date

Phil and Lisa Herget
322 South Lee St
phil@avonleacapital.com
lisaherget@me.com
703-403-3360 (Phil)
703-447-9848 (Lisa)

February 14, 2022

Hello Neighbor,

We are new to Old Town having recently bought the quaint and beautiful house at 322 South Lee Street and the adjoining lot at 324 South Lee. We are very excited to be here and look forward to getting to know you better.

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Alexandria, VA 22314

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524 King St
Alexandria, VA 22314

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Phil and Lisa

Phil Herget
Lisa Herget

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Mario Velasquez

Signature

Mario Velasquez

Name

429 S. Lee Street, Alexandria, VA 22314

Address

April 5, 2022

Date



218 North Lee Street, Suite 310
Alexandria, Virginia 22314
(703) 549-5811
www.HistoricAlexandriaFoundation.org
HistoricAlexandriaFoundation@gmail.com

April 6, 2022

Board of Zoning Appeals
City of Alexandria
301 King Street
Alexandria, Virginia 22314

**Re: BZA Case #2022-00006, April 11, 2022, Docket #3
322 & 324 SOUTH LEE STREET (Request for Variance)**

Dear Chair Perna and Members of the Board:

Historic Alexandria Foundation (“HAF”) opposes the application for a variance at the property designated as 322 & 324 South Lee Street. We agree with your staff’s report that the application does not meet the applicable standards for a variance.

As you know, Historic Alexandria Foundation (“HAF”) was formed in 1954 “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria, Virginia, to preserve antiquities, and generally to foster and promote interest in Alexandria’s historic heritage.” In furtherance of this mission, we are vitally concerned with the proper administration of the Zoning Ordinance in the Old and Historic District, and the preservation of the dwindling resource of historic open space in Old Town. Particularly in light of the recent amendments to the Code and Zoning Ordinance pertaining to variance requests, we believe it is important for the Board to adhere to the high standards that are required before an applicant is relieved of the general parking regulations applicable throughout the Old and Historic Alexandria District and are designed to protect our historic streetscape from additional curb cuts.

HAF is both an owner of real estate in the Old and Historic District of Alexandria (410 South Washington Street), and the holder of preservation easements on a number of properties in close proximity to the property under review. These include Landmark properties at 210 Duke Street (Craik House) and 418 South Lee Street (Roberdeau House) among others. We provide tens of thousands of dollars in grants each year to support worthy and important restoration work on historic properties in the Old and

Historic District and elsewhere in the City. Moreover, our membership includes property owners throughout the City of Alexandria including many who live in close proximity to the property that is subject to the application for a variance.

The property that is subject to this variance request is located in the heart of Old and Historic District. The Old and Historic District, the third oldest historic district in the United States, is a Landmark of statewide and national importance that is listed on both the Virginia Landmarks Register and the National Register of Historic Places. It is therefore important that you give due consideration to the Landmark status of the Historic District and the effect this proposal will have upon the district when evaluating any proposal affecting the property and the neighborhood. Va. Code § 10.1-2204(B).

We note that the house located at 322 S. Lee Street is a prominent feature of the 300 Block of South Lee Street and an important contributing resource to the Landmark Historic District. The side gardens and picket fence on the property are a character-defining feature of the east side of the 300 block. The House received a Historic Alexandria Foundation Plaque 14-W-322 in 1973.

I. Legal Standards for a Variance

In submitting our comments, HAF is fully conscious that the Zoning Ordinance was recently amended by the City Council on May 13, 2017 to conform with the 2015 amendments to Va. Code § 15.2-2201 (2017) and Va. Code § 15.2-2309 (2017). But while these amendments were designed, in part, to somewhat reduce the showing necessary to obtain a variance, an applicant still faces a very high burden to justify a variance. This was confirmed by the testimony of the City's Zoning Staff and Legal Counsel during the public hearing on May 13, 2017. Statement of Alex Dambach, Division Chief ("[I]t's not substantially easier, it's just a moderate adjustment in the way the language is written."); Statement of Joanna Anderson: "***But Alex is right that it is further loosening it but it is still a very high standard to get a variance as it should be.***"(emphasis added).

Under the new ordinance the applicant must still show (1) that "the strict application of the ordinance would unreasonably restrict the utilization of the property," (2) that the "need for a variance would not be shared generally by other properties," and (3) that the "variance is not contrary to the purpose of the ordinance." Alex. Zon. Ord. §§ 2-201.1 & 11-1103(A); see also Alex. City Charter § 9.18. We suggest that the application fails to make a showing under any of these three requirements.

In addition, Section 11-1103 of the revised ordinance requires, among other things, that the applicant prove that:

(B) The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance....;

(D) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(E) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance....

As we will discuss below, we do not believe the applicant has or can make any of these required showings.

II. The Application Does Not Meet the Requirements for a Variance from the General Parking Regulations.

The prohibitions against curb-cuts in the Old and Historic District has been successfully litigated by the City all the way to the Supreme Court of Virginia. *City of Alexandria v. Byrne*, Case No. CL-18002042 (Cir. Alex., Dec. 14, 2018), *appeal denied* Record No. 190328 (Va. Oct. 23, 2019)(affirming civil fine for violation). In that litigation, the City summarized the history of Section 8-200(C)(5)(a) as follows:

In 1994, the City adopted an ordinance that limited parking in the Historic District. Specifically, Section 8-200(C)(5)(a) of the Zoning Ordinance provides that, "[w]ithin the Old and Historic Alexandria District, access to all parking shall be provided from an alley or interior court." ALEX. ZONING ORD. § 8-200(C)(5)(a). Importantly, the Zoning Ordinance expressly provides that any parking within the Historic District — required or otherwise — may only be accessed by an alley or interior court. ALEX. ZONING ORD. § 8-200(C)(5)(a) (emphasis added).

Mem. in Supp. of Pl. City of Alexandria's Mot. for Sum. Judgment at 5, *Byrne*, CL18002042 (Cir. Alex., Aug. 29, 2018). The strong policy reasons supporting the ordinance have not changed.

A. The Application does not meet the requirement that “the strict application of the ordinance would unreasonably restrict the utilization of the property,” Alex. Zon. Ord. § 2-201.1.

Like many houses in the Old and Historic District, the house located at 322-324 South Lee Street has been utilized without a curb cut or dedicated parking since it was constructed in the 19th century. There is no basis to believe that the lack of a curb cut unreasonably restricts the use of the property. Allowing a variance under these circumstances would result in “the granting of variances piecemeal that would ultimately nullify the zoning ordinance ... thereby conflicting with the intended spirit and purpose of the ordinance.” *Martin v. City of Alexandria*, 286 Va. 61, 73, 743 S.E.2d 139, 145 (2013). Quite simply, there is no unreasonable restriction on the utilization of the property by complying with the same requirements that are applicable to other properties in the Old and Historic District. See *Martin*, 286 Va. at 73, 743 S.E.2d at 145. For the same reasons, the applicant has not shown that “the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property” as required by Zoning Ordinance § 11-1103(B). See also Va. Code § 15.2-2309(2).

B. The Applicant has not shown that the “need for a variance would not be shared generally by other properties,” Alex. Zon. Ord. § 2-201.1, and that a “variance is not contrary to the purpose of the ordinance.” Alex. Zon. Ord. § 2-201.1.

The clear purpose of the variance request is to allow the applicants to make a curb cut when preventing such changes in the streetscape is precisely the purpose of the Regulation. The same reasons could be claimed by any landowner who wants relief from the General Parking Regulations applicable to the Old and Historic District.

C. The Applicants have not shown “the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance” as required by Alex. Zon. Ord. § 11-1103(B).

There is no “hardship” being experienced by the owners of this property. The owners have full enjoyment of the property they bought subject to the restrictions of the Zoning Ordinance. While all zoning restrictions place limitations on the use and development of real estate, complying with those restrictions that have been put in place for the common good is not the type of “hardship” contemplated by the Code. Being subject to these restrictions “is a condition shared by every other property holder in the same zone.” *Martin*, 286 Va. at 74, 743 S.E.2d at 146. Moreover, at the time the applicable zoning ordinance was enacted — and for at least 100 years before then — the subject property has been productively and profitably used while providing its owners and the

community an open space garden that defines the streetscape on this central block of the Landmark Historic District.

D. The Applicants have not shown that the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area as required by Alex. Zon. Ord. § 11-1103(D).

One of the purposes of the General Parking Regulation is to preserve the on-street parking available to all, which would otherwise be removed by a curb cut to provide purely private parking. But another important purpose is to protect against the disruption of the sidewalk and streetscape inherent in multiple curb cuts. HAF therefore does not agree that proposals for curb cuts are not detrimental to the adjacent properties and the neighborhood in general. Approval of this curb cut would be detrimental to the streetscape viewshed and to the sidewalk of the adjacent properties and the neighborhood in general.

E. The Applicants have not shown that “the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance” as required by Alex. Zon. Ord. § 11-1103(E).

The City Council has plainly determined that curb cuts for the purpose of serving a single property is contrary to public policy. Alex. Zon. Ord. § 8-200(C)(5)(a). And the Virginia Supreme Court has been clear about how demanding the standard is to show that the condition cannot be addressed by a general regulation. See *Martin*, 286 Va. at 74, 743 S.E.2d at 146 (“this condition was of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance”). HAF submits that, like similar requests for individual curb cuts, this application does not satisfy the prerequisites for a variance.

* * *

For all of these reasons, HAF respectfully opposes the grant of the requested variance for 322-324 South Lee Street. The application does not satisfy any of the criteria for a variance set forth in the Alex. City Charter § 9.18, Va. Code § 15.2-2309(2), and Alex. Zon. Ord. § 2-201.1, as well as the specific requirements of Alex. Zon. Ord. §§ 11-1103(B), (D) and (E).

Thank you for your consideration of our statement.

Sincerely,

/s/ John Thorpe Richards, Jr.

John Thorpe Richards, Jr.
Board and Advocacy Committee Member
Historic Alexandria Foundation

cc. Duncan Blair

Received via email

From: Susan Horne <susanhq@aol.com>

Sent: Wednesday, April 6, 2022 2:00 PM

To: Margaret O. Cooper <Margaret.Cooper@alexandriava.gov>

Subject: [EXTERNAL]Variance Request for 322 South Lee Street

Dear Ms. Cooper,

I'm unable to attend the hearing on April 11, 2022 but do want to register my support for the staff report denying the request for a curb cut. My husband and I are long time residents of the Old Town. We have restored several houses and live at 311 South Lee Street. We have made every effort to be good preservationist in terms of both our house and the grounds around it. We view ourselves as not only homeowners but as caretakers of a historic property. We would hope anyone buyer in a historic district would share that sense of obligation.

The new owners of 322/324 South Lee Street have some ambitious plans for the house. Evidently those plans have been approved. The curb cut, creating a parking pad and taking down plantings including a curb side tree is a step too far. Granted parking is a problem in this area however this is not the way to address the problem. We treasure open space and the city scape that exists on Lee Street. So much of our garden area is being lost to over development.

Susan Horne

Robert Sennewald

BZA Case 2022-00006

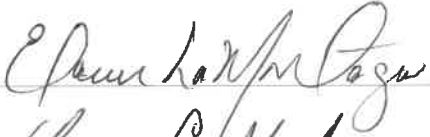
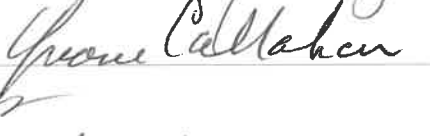
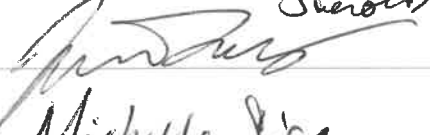



The purchasers of 322-324 S. Lee Street are seeking permission for a curb cut onto their property so that they can build a parking area for two cars in their side yard.

New curb cuts have been illegal since 1992 when the City Council passed an ordinance prohibiting their construction in the Old & Historic District. The city has upheld the ordinance consistently since its enactment.

The applicants are seeking a variance from the Board of Zoning Appeals (BZA) to permit this curb cut.

We believe that the thirty-year prohibition on new curb cuts from the streets of Old Town has helped to preserve the historic character of our neighborhood.

Please sign this petition in opposition to this curb cut and make your voice heard.

NAME	SIGNATURE	ADDRESS
ELAINE LAMONTAGNE		Alexandria, VA 407 S. Fairfax St.
Yvonne Callahan		735 S. Lee St.
		802 S Lee St
Michelle Liron		736 S. Lee St.
E. Kay Gowan	E. Kay Gowan	209 Jefferson St.
Christopher Wilson	Christopher C. Wilson	711 S. Lee St.
Bob O'Herr	BOB O'HERR	726 S Lee St
Karen O'Herr	Karen O'Herr	726 S Lee St
Elizabeth McCall		537 S. Fairfax St
Allison Hall		719 S. Lee St.

Re BZA Case, 2022-00006

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NAME	SIGNATURE	ADDRESS
ELEN RADIGAN	Elen Radigan	304 S. FAIRFAX ST. 22314
Ruth Ann Storey	Ruth Ann Storey	529 S. Fairfax St. 22314
JACOB HOOGLAND	Jacob Hoogland	529 S. Fairfax St. 22314
Anita Br. 21106	Anita Br. 21106	803 Jannings Ln 22302
Winifrede Ottinger	Winifrede Ottinger	2728 Annie Rose Ave 22301
Catherine Mary Cote II	Catherine M. Cote	607 South Fairfax St 22314
Kelly A. Moore	Kelly A. Moore	600 South Fairfax St. 22314
TRAVIS LUDWIG	Travis Ludwig	731 S. LEE ST 22314

RE BZA Case # 2022-00006

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NAME	SIGNATURE	ADDRESS
Claire Heffernan	Claire Heffernan	824 S. Fairfax St.
HENRY S. BROOKS	H. Brooks	122 GIBBON
David S. Olinger	David Olinger	100 Prince
Ellen McEllicie	Ellen McEllicie	603 S. Lee St.

One applicant does not seem to meet variance requirements

RE BZA Case 2022-00006

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NAME	SIGNATURE	ADDRESS
Shirley Gustafson	Shirley Gustafson	539 S. Fairfax St.
Anne Fogle	Anne Fogle	306 Gibbon Street
Russ Koenig	Russ Koenig	535 S Fairfax St.
Lillian Siegel	Lillian Siegel	311 Gibbon St.
John Mooney	John Mooney	533 S Fairfax St.
Cynthia Koenig	Cynthia Koenig	535 S. Fairfax St.

Re BZA Case 2022-00006

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Please sign this petition in opposition to this curb cut and make your voice heard.

NAME

ADDRESS

Patricia S. Clausen	323 S Lee St, Alexandria VA
Jan Clausen	416 S Fairfax St. Alexandria, VA
Pat Clapper	420 S Fairfax 22314
Beal Fowen	321 South Lee Street
Bruce Schaffer	801 S. Pitt St 22314
Caroline Rahrbeck	313 Shee St 22314
Stanley Boris	414 S. Fairfax St. 22314

Re: BZA Case 2027-00006





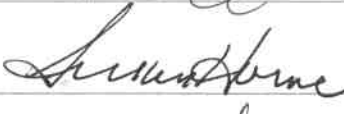
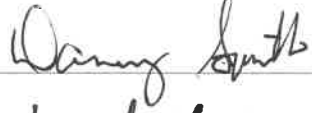
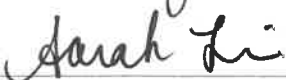
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NAME	SIGNATURE	ADDRESS
Charlene MacDonald		328 S. Lee St, Alexandria
RShm		328 S. Lee St. Alex, VA
Regina Kline		416 S. Lee St. Alex VA
ATTIE BARKER		321 S. Lee St Alex VA
SUSAN HORNE		311 So Lee St Alex VA
Danny Smith		401 S. Lee St.
Sarah Levin		51 E Rosemont Ave

Re: BZA case 2022-00006

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NAME	SIGNATURE	ADDRESS
LINDA CONTURE	Linda Conture	505 Duke St
Dale Gribb	Dale Gribb	211 Wolfe St
Trish Klingemeyer	Trish Klingemeyer	505 Cameron St
Richard Klingemeyer	Richard Klingemeyer	505 Cameron St
Christine Murray	Christine Murray	321 Duke St
CHARLES K. MURRAY	Charles K. Murray	321 DUKE ST.
Mary Heiden	Mary Heiden	318 S. Lee St
MORGAN D. DELANEY	Morgan D. Delaney	202 KING STREET
Osborne P. Mackie	Osborne P. Mackie	202 King Street
Michael DeBe	Michael DeBe	478 Cameron

Re: BZA Case # 2022-00006


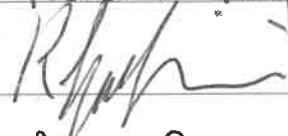

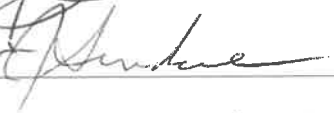
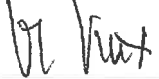
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NAME	SIGNATURE	ADDRESS
VIN JORDAN		212 Duke St
Charles O'Davis	Charles TRAVIS	220 So Fairfax
Susan Davis		220 S Fairfax
Robert Ray	Robert Ray	400 Prince St.
 K. Guinness		404 Prince St.
Rebecca Dalessandro	Rebecca Dalessandro	207 Duke St
Donald G Sundae		314 S. Fairfax St.
Judith L. Sundae		314 S. Fairfax St.
Robert Weinbaum, Jr.	Robert Weinbaum	211 CAMERON ST.
Maria KUX		125 Duke ST

Re BZA Case 2022-00006

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The applicants are seeking a variance from the Board of Zoning Appeals (BZA) to permit this curb cut.

We believe that the thirty-year prohibition on new curb cuts from the streets of Old Town has helped to preserve the historic character of our neighborhood.

Please sign this petition in opposition to this curb cut and make your voice heard.

NAME	SIGNATURE	ADDRESS
Gail C Rothrock	Gail C Rothrock	209 Duke Street
Ann Davey	Ann Davey	201 Cameron St.
CHARLES L. TREZZO	Charles L. Trezzo	209 DUKE STREET
JAYE Smith	Jaye C. Smith	200 Duke St.
CARL A SMITH	Carl C. Smith	200 Duke St.
LESUE S. ARIAIL	LSA	608 ORONOCO ST
Cosmo D. Santarelli	Cosmo D. Santarelli	504 Duke St.
Du Santarelli	Du Santarelli	504 Duke St.

To BZA

Re BZA # 2022-00006

The purchasers of 322-324 S. Lee Street are seeking permission for a curb cut onto their property so that they can build a parking area for two cars in their side yard.

New curb cuts have been illegal since 1992 when the City Council passed an ordinance prohibiting their construction in the Old & Historic District. The city has upheld the ordinance consistently since its enactment.

The applicants are seeking a variance from the Board of Zoning Appeals (BZA) to permit this curb cut. The BZA hearing will be on April 11 (BZA 2022-00006)

We believe that the thirty-year prohibition on new curb cuts from the streets of Old Town has helped to preserve the historic character of our neighborhood.

Please sign this petition in opposition to this curb cut and make your voice heard.

NAME

SIGNATURE

ADDRESS

Deanis Hensley

[Signature]

314 Prince St, Alexandria, VA 22314

Adrienne Hensley *[Signature]*

314 Prince St, Alexandria, VA 22314

Owen Albrecht

From: Gayla Reed <gaylagreed@gmail.com>
Sent: Friday, April 8, 2022 5:00 PM
To: Owen Albrecht
Subject: [EXTERNAL]Support of variance/ Herget curb cut 324 South Lee Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: BZA

You don't often get email from gaylagreed@gmail.com. [Learn why this is important](#)

Hello,

I am writing in regard to Lisa and Phil Herget's plans for a curb cut at 322/324 South Lee Street. I am an Old Town Alexandria resident and fully aware of the increasing difficult parking issues, particularly in the Southeast quadrant. I understand there will be a BZA meeting April 11 at 7 PM. While I will be out of town and unable to attend, I am sending this email to enthusiastically support the Herget request for a curb cut variance.

Lisa and Phil Herget have developed plans for the beautiful exterior preservation/interior renovation of their home at 322 S Lee Street and the adjoining open space of lot 324 S Lee Street. I have seen their previous home and I can vouch for the fact they will only enhance the existing home and lot on Lee Street. They will stay in keeping with current aesthetics and create a parking space that is screened by gate, fence and landscape. This will only be a positive for their neighbors.

Much has happened since the ordinance restricting curb cuts was put into place – especially development of the waterfront with hotels, restaurants, retail, condos, and offices. Consequently, existing parking options in waterfront area and on King street have significantly diminished. Residents are now forced into the adjacent neighborhood for parking. South Lee Street in the 100-400 blocks is significantly impacted.

The primary reason for the ordinance was to preserve streetscape. It was an aesthetics based ordinance. The Herget's plan takes this into full consideration by creating a much better aesthetic than what is current.

The ordinance seems to be unreasonably restrictive for the Herget's situation. The ordinance allows parking when there is an alley to access the parking. There is no alley to access parking on the 322/324 properties so there is need for a variance.

Their house and lot are on the east side of S Lee so there is no existing parking. No parking will be eliminated and two (2) net new parking spots will be created.

Once again, I am in full support of the variance for a curb cut that the Herget's have requested. The Old Town Alexandria community will be the beneficiaries of the enhancements the Herget's will make. Their improvements will only boost Old Town curb appeal. And isn't that what we are all working towards?

Thank you for your consideration.

Gayla and Rick Reed
54 Wolfe Street
Alexandria, VA 22314

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Alexandria, Virginia

Historic Alexandria Resources Commission

*220 North Washington Street
Alexandria, Virginia 22314-2521
(703) 746-4554*



April 7, 2022

Board of Zoning Appeals
City of Alexandria

Re: Case BZA 2022-00006
322 & 324 South Lee Street (Request for Curb Cut)

Dear Chair Purna and Members of the Board:

The Historic Alexandria Resources Commission (HARC) is the city commission charged with advising the City on “responsible stewardship of this unique, historic city” through the protection and preservation of Alexandria’s historic resources throughout the city and within the Old and Historic Alexandria District.

Given that mission as our guideline, HARC opposes the application for a curb cut at the property designated as 322-324 South Lee Street, now on your April 11, 2022 docket. We agree with your staff’s very strong report that the application does not meet the relevant standards for a variance.

Similar to many houses in the Old and Historic District, the house located at 322-324 South Lee Street has been utilized without a curb cut or dedicated parking for decades and there is no basis for arguing that the lack of a curb cut renders the property unusable. Complying with the same requirements that are applicable to other properties in the Old and Historic District does not impose an unreasonable restriction on the utilization of the property. (Zoning Ordinance, Section 11-1103(B) Board of Zoning Appeals, Standards for Variances)

The clear purpose of the variance request is to allow the applicants to make a curb cut--though preventing such changes in the streetscape is precisely the purpose of the regulation. The same rationale could be asserted by any landowner who sought relief from the General Parking Regulations applicable within the Old and Historic District. (Zoning Ordinance, Section 8-200(C)(5)(a))

Application of the Ordinance as intended imposes no “hardship” on the owners of this property. The owner has full enjoyment of the property which was purchased subject to the restrictions of the Zoning Ordinance. (Section 11-1103(B) Board of Zoning Appeals, Standards for Variances) Any zoning regulation, by its nature, may restrict or constrain a use of real estate that might otherwise be permitted. Such regulations have been established for the common good, however, and the mere fact that a provision constrains the use of a particular property in some way does not in and of itself constitute a “hardship” under the Code. Compliance with such regulations is a responsibility shared equally by every other property owner in the same zone, and the Code

acknowledges the interests of neighboring property owners. (City Code, Section 5-2-14, Sidewalk Crossovers and Curb Cuts Generally)

One of the central purposes of the General Parking Regulations is to protect against the disruption of the sidewalk and streetscape that would be inherent in multiple curb cuts. The public policy purpose of the limitation is further illumined in the Design Guidelines of your sister Board of Architectural Review, which observe that “automobiles parked in the front yards create a visual intrusion and disrupt the scale, rhythm and unity of the architecture,” and in your staff’s comment that “the creation of the proposed access to parking and the parking of [automobiles] in historic open space will both disrupt the streetscape of South Lee Street and adversely affect the visual open space of the lot.” HARC agrees, and submits that this proposal for a curb cut would be detrimental to the streetscape and to the sidewalk of the adjacent properties and the neighborhood in general. (Zoning Ordinance, Section 11-1103(D) Board of Zoning Appeals, Standards for Variances)

By enacting § 8-200(C)(5)(a) in 1994, the City Council has plainly determined that a curb cut for the purpose of serving a single property is contrary to public policy. If the current application were to be approved, consistent application of the Code might require that any other property owner in the Old and Historic Alexandria District with similar open space be granted approval of a curb cut upon application, and the City might also lose its ability to enforce cases against other property owners who have been in violation of the provisions of the zoning ordinance for years.

Many of the city’s most important historic resources are structures and sites within the Old and Historic Alexandria District which are listed on the National Register of Historic Places—as is the Historic District itself. HARC does not ordinarily assert a specific interest in individual applications to the Board of Zoning Appeals, and does not routinely participate in proceedings before the Board. In the present case, however, approval of the application could be a precedent for the proliferation of curb cuts throughout the Historic District, the cumulative effect of which would be grievous damage to the integrity of one of Alexandria’s most important historic resources.

HARC, therefore, respectfully urges that you not approve the requested variance for 322-324 South Lee Street.

Thank you for your consideration of our statement.

Sincerely,



Danny Smith, Chairman
Historic Alexandria Resources Commission

cc: Gretchen Bulova, Director
Office of Historic Alexandria

Owen Albrecht

From: Ann Scully <ascully6@gmail.com>
Sent: Sunday, April 10, 2022 9:35 AM
To: Owen Albrecht
Subject: [EXTERNAL]BZA Hearing April 11, 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA

You don't often get email from ascully6@gmail.com. [Learn why this is important](#)

Dear Mr. Albrecht,

I am writing a letter on behalf of Lisa and Phil Herget, owners of 322 and 324 S Lee Street in Old Town, Alexandria. I am a resident of 300 S Lee Street and longtime friends and neighbors of the Hergets. Over the course of 30 some years we have been neighbors in Beverly Hills VA, Belle Haven, Easton, MD and now Old Town. The Hergets have beautifully renovated and maintained all of their houses in these neighborhoods. Relying on professional help from architects, landscape designers etc. they have elevated the properties within the parameters of the local vernacular. So I can adamantly say that they will respect the historic streetscape of Old Town and preserve the beauty of our block with the proposed addition of a curb cut and parking gate/garden.

As everyone is aware, the parking in our specific area has been challenging following the development of the waterfront. Especially on our block of S Lee because there is only one side of the street parking available. Providing them with a curb cut will take two more cars off of the street. The Herget's are proposing a curb cut and landscaped gate much like ours at 300 S Lee which also allows us to take a car off the street without changing the streetscape.

I can't emphasize enough the Herget's appreciation for a beautiful garden landscape.

I hope that you will consider their request for a curb cut. It would benefit all of us in the neighborhood.

Thank you so much for your consideration,

Ann Scully

--

Ann Scully
Artful Living
artful-living.org
703-966-5734

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Owen Albrecht

From: Tom Scully <TScully@wcas.com>
Sent: Sunday, April 10, 2022 10:51 AM
To: Owen Albrecht
Subject: [EXTERNAL]April 11 the Board of Zoning Appeals Hearing-- Comments from Thomas A Scully 330 South Lee Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA

You don't often get email from tscully@wcas.com. [Learn why this is important](#)

Dear Mr. Albrecht:

I am writing to comment on BZA # 202200006, the application for a variance by Avonlea LLC (the Hergets) for a curb cut at 322 and 324 South Lee Street.

I am totally supportive of the curb cut on South Lee Street for the Hergets. I own the at home 300 South Lee Street, on the same block of Lee, and on the same side of the street. I have lived in the City of Alexandria for most of the last 43 years, that only being broken by a period where I lived one block from the city limits. So I truly appreciate and understand the preservation of Old Town's character. However, I also believe the City should make rational accommodations to make housing and parking more workable—and I believe that this application presents one of these cases.

My home at 300 South Lee has a curb cut and a driveway on Duke Street, behind my house. The prior owners built a beautiful gate and a well-designed driveway and entrance that makes it impossible to see our car when it is parked off the street. It also frees up another parking space for the neighborhood. I know the Hergets have the same approach in mind for 322 and 324 South Lee. And I am certain that they will make the gating beautiful and make the street even prettier.

I have known the Hergets for 35 years. They were excellent neighbors when we lived near them in the Bellehaven neighborhood, where they had the nicest and best manicured house in that neighborhood. I also own a home in Easton Maryland, directly across the Tred Avon River from the Hergets second home—and they are excellent neighbors there as well. Their home on the Eastern Shore is amazing, and I have no doubt that they will make the same efforts in Old Town to make their home beautiful and attractive.

We were so excited to learn that the Hergets has purchased the home at 322 South Lee. They are great and thoughtful neighbors, and terrific people. I know that the curb cut and the driveway and gate will be perfectly done—as all their work is – and will enhance the street. I also know that since there is no parking on that side of Lee Street, their parking will take 2 cars off the street, and again free up more parking for other neighbors.

What I really worry about is that the Hergets may move on --and sell the house and look elsewhere. The house is a project- a wonderful old home that needs lots of work, and nobody will do it more tastefully and thoroughly than Phil and Lisa Herget. But I am not sure they will make all those investments without parking? They will be a great addition to our neighborhood, and their long record of beautifully restoring homes assures me that they will make their neighbors quite happy with all the results.

I should also note that Phil and Lisa have been community leaders in Alexandria for decades. Phil has long been the Chairman of St Stephens and St Agnes School, where my 3 daughters attended for decades, and he has worked in Old Town for 30+ years. Lisa also has many major community engagements, including a very active roll on the Board of the Child and Family Network—helping many of our lower income preschoolers.

They are great people, and would be a great addition to our block, and I really believe that their request is quite reasonable and will enhance the beauty of our street. Thanks for considering my views.

Tom Scully
Cell 202- 841-0456

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I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

John O. Woods, Jr.

Signature

John O. Woods, Jr.

Name

212 Wilkes St.

Address

4/4/22

Date

NOTES: NOT TAKING PARKING SPACES AS NO PARKING ON EAST SIDE. 310 S. LEE SET PRECEDENT MANY YEARS AGO W/ GARAGE ADDITION. 200 BLOCK OF WILKES ST HAS ADDED CURB CUTS WITH PARKING ON BOTH SIDES. ARCHITECTURAL AESTHETICS ARE NOT DAMAGED BY ADDITION OF SECURITY GATES. NO ALLEY IS AVAILABLE.

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Donna J Cramer

Signature

DONNA J. CRAMER

Name

212 Wilkes St

Address

4/4/22

Date

Owen Albrecht

From: Gretchen Moss <gretchen@gretchenmoss.com>
Sent: Sunday, April 10, 2022 10:32 PM
To: Owen Albrecht
Subject: [EXTERNAL]Support of 322 & 324 South Lee St Application

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA

You don't often get email from gretchen@gretchenmoss.com. [Learn why this is important](#)

Dear Mr. Albrecht-

As a concerned neighbor, please pass along my support of the application by the Herget family for 322 & 324 South Lee Street. The area by the waterfront is in a parking crisis and the City continues to take parking spaces away. I hope you will support the Herget application which will add two badly needed parking spaces in our area.

Thank you.

Gretchen Moss Negrón

Gretchen Moss Negrón
703-201-7776

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Owen Albrecht

From: Amy Biondi <amybiondi@hotmail.com>
Sent: Monday, April 11, 2022 9:43 AM
To: Owen Albrecht
Subject: [EXTERNAL]In Support of Lisa and Phil Herget curb cut 322 and 324 S. Lee St

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Hello

I wanted to be sure to add my support for the curb cut that the Hergets have requested. I have lived in Old Town for 25 years and my husband has lived here for 35 years. We have a great appreciation for the BAR and Zoning board and know that what they suggest is in the best interest of the city.

However, I think this is a case that needs to be closely considered and not just dismissed because of a few disgruntled neighbors who do not want it because there is a rule. Rules are there for a reason but should not always be followed.

I think what the Hergets have proposed is a great improvement over what is currently there. They have proposed a very tasteful design that will only improve the aesthetics of the block and further help the current parking problem.

This is one exception that I think needs to be made. If they do not get this approved, potentially they could sell the property and someone will more than likely build on that lot, just adding to the overall density of Old Town and thus more cars on the street as there will be more residents.

Please be sure to enter my comments in favor of the curb cut.

Best,

Amy and Brien Biondi
833 S Lee St
Alexandria

Amy Biondi
571-242-3345



BIONDI
TRUST

Owen Albrecht

From: Catie Meyer <catiemeyer5@gmail.com>
Sent: Monday, April 11, 2022 11:09 AM
To: Owen Albrecht
Subject: [EXTERNAL]BZA #2022-00006 : 322 & 324 South Lee Street

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Dear Board of Zoning Appeals,

I am a home owner at 52 Wolfe Street and within the boundaries of the OHAD. I am writing in support of the application for a variance to access parking from the street rather than from an alley or interior court for 322 & 324 South Lee Street. I have read all the documents filed for and against this variance.

The legislative intent of Zoning Ordinance 8-200(c)(5)(a) was to prevent new townhouse construction from constructing parking pads in front yards of townhomes that were set back from the property. This is the basis for the language in the ordinance stating that all parking for properties located within the boundaries of OHAD must be from an alley or interior court, thus precluding parking in front of a townhome. The goal and purpose of 8-200(c)(5)(a) was and still is important for the historic preservation of old town. I believe all interested parties would agree to this fact. The issue at hand is that the set of facts presented for this variance do not apply to the purpose of the zoning ordinance. In fact, the denial of this variance would be outside the scope of the ordinance's intent. The staff states in Roman Numeral I, Issue that "the proposed parking would be in the front yard." This is inaccurate. The parking would be in the side yard for lot 322. There is no parking being requested in the front yard of a townhouse. Finally, according to the ordinance, the standard to be applied to a variance request is a "reasonable" standard.

The intent of all laws, rules and ordinances should always be taken into consideration when applying them to the facts. In this fact scenario, the homeowners request for a variance is aligned with the goals of the ordinance; which is to maintain the historic nature of the property. Based on the rendering submitted by the homeowners, they have shown through good faith that they will use fencing, landscaping, high quality historic products to maintain the streetscape and pedestrian experience. They are not removing any parking spots from the street as there is no parking allowed on the east side of S. Lee Street. The request not only is aligned with the goals of the ordinance but the purpose of the ordinance, to prevent new construction from building parking pads in front of their homes. None of those facts exist in this scenario. One could argue, they are in fact improving the experience by not constructing a townhouse or other structure on the property, which is their right or any future owners right.

The variance request is reasonable. As a homeowner, I am very concerned about the application of the zoning ordinance outside its intent when enacted. I am very concerned about denying this variance when the facts clearly demonstrate the desire to keep the streetscape and pedestrian experience intact. I am very concerned about not partnering with homeowners whose goals align with preserving the historic nature of old town. This is not a front parking pad, they are not removing parking spaces from the street, and they are not building new construction. What they are requesting is reasonable.

As a community we need to partner with our homeowners who are willing to and want to preserve the historic nature of our wonderful neighborhood.

Thank you,

Catie Meyer

catiemeyer5@gmail.com

202-431-9206
52 Wolfe Street
Alexandria, VA 22314

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Owen Albrecht

From: Laura Morton <lasm172@gmail.com>
Sent: Wednesday, April 13, 2022 11:36 AM
To: Margaret O. Cooper <Margaret.Cooper@alexandriava.gov>
Subject: [EXTERNAL]Corrected letter for BZA 2022-00006

Hello: Please substitute the following corrected letter from Jayte and Carl Smith for the record.Thank you.

Dear Ms. Cooper,

My husband and I are residents at 200 Duke Street, less than one block from the property at risk. We moved to this historic home in 2004 recognizing the importance of maintaining the integrity of this important property and the responsibility of adhering to the rules and regulations established in the Old and Historic District. We soon realized that our true neighborhood is the 300 block of South Lee Street.

Our garden and kitchen face Lee and our daily vista is South Lee. We watch as tourists, photographers, children with teachers and nannies enjoy the sidewalks and beautiful homes on both sides of this memorable part of Old Town.

As the years pass, we have grown to appreciate the significance of this section of South Lee. It is a close-knit community with friendly, interesting people both past and present. Diplomats, military, physicians and scientists have merged as stewards of this beautiful avenue. We strongly agree with staff that the previous zoning decisions are correct and should not be waived.

CURB CUTS WILL DESTROY the beauty and exceptional appeal of 322 S. Lee St and our neighborhood.

Respectfully,

Jaye Smith
Carl@dcsmiths.com

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Please let us know if you have any questions. We are happy to provide more information.

Thanks so much for your support. We are super excited to be in Old Town with you.

Phil and Lisa

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

Thomas Schultz
Signature MEMBER - Old Town Civic Assoc

Name

806 S FAIRFAX ST, ALEXANDRIA, VA 22314
Address

5/10/22
Date

I/we support the curb cut application of Phil and Lisa Herget (Avonlea LLC) for their property at 324 South Lee Street in Old Town Alexandria.

 Maria U. Hopper
Signature

Harry F. Hopper III + Maria V. Hopper
Name

206 Duke Street, Alexandria, VA 22314
Address

5/14/2022
Date

Owen Albrecht

From: Beal Lowen <lowenbusiness@hotmail.com>
Sent: Monday, June 6, 2022 7:59 PM
To: Owen Albrecht
Subject: [EXTERNAL]Opposition to Curb Cut at 322-324 S. Lee Street

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: BZA

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Sent from [Mail](#) for Windows
Board of Zoning Appeals
City of Alexandria

June 6,2022

Dear Board of Zoning Appeal,

I live at 321 South Lee Street, directly across from 322-324 South Lee Street.
I have lived there since 1981.

I write in strong opposition to a curb cut being permitted at 322- 324 South Lee Street.

There is no unique need or pressing circumstance that would argue for allowing the curb cut.
If a people contemplating buying in Old Town feel a need for a parking area on their property, they should buy a residence that has parking.

If a curb cut is allowed at 322-324 South Lee Street a precedent will be set that will allow a curb cut to be placed at any property in Old Town that has a strip of land that will accommodate a car. There are many residences with side yards, others with strips of land that are wide enough to park a car.

Please follow the recommendations of the Staff and do not allow a curb cut.

Respectfully Yours:

Beal Lowen

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