

Docket Item # 2  
BZA CASE #2013-0006

Board of Zoning Appeals  
June 13, 2013

**ADDRESS:** 915 VICAR LANE  
**ZONE:** R-20, RESIDENTIAL  
**APPLICANT:** DONNAN WINTERMUTE, OWNER, BY SCOTT MCBROOM, ARCHITECT

**ISSUE:** Variance to construct an attached side loaded garage with a second floor in the required north side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-106(A) (2) (a)	Side Yard (North)	12.00 ft*	5.00 ft	7.00 ft

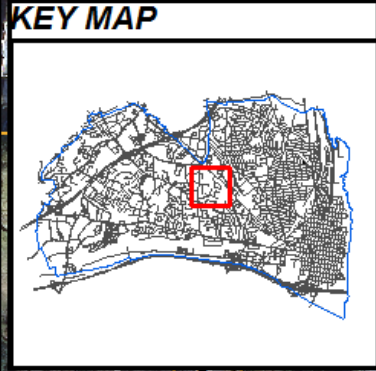
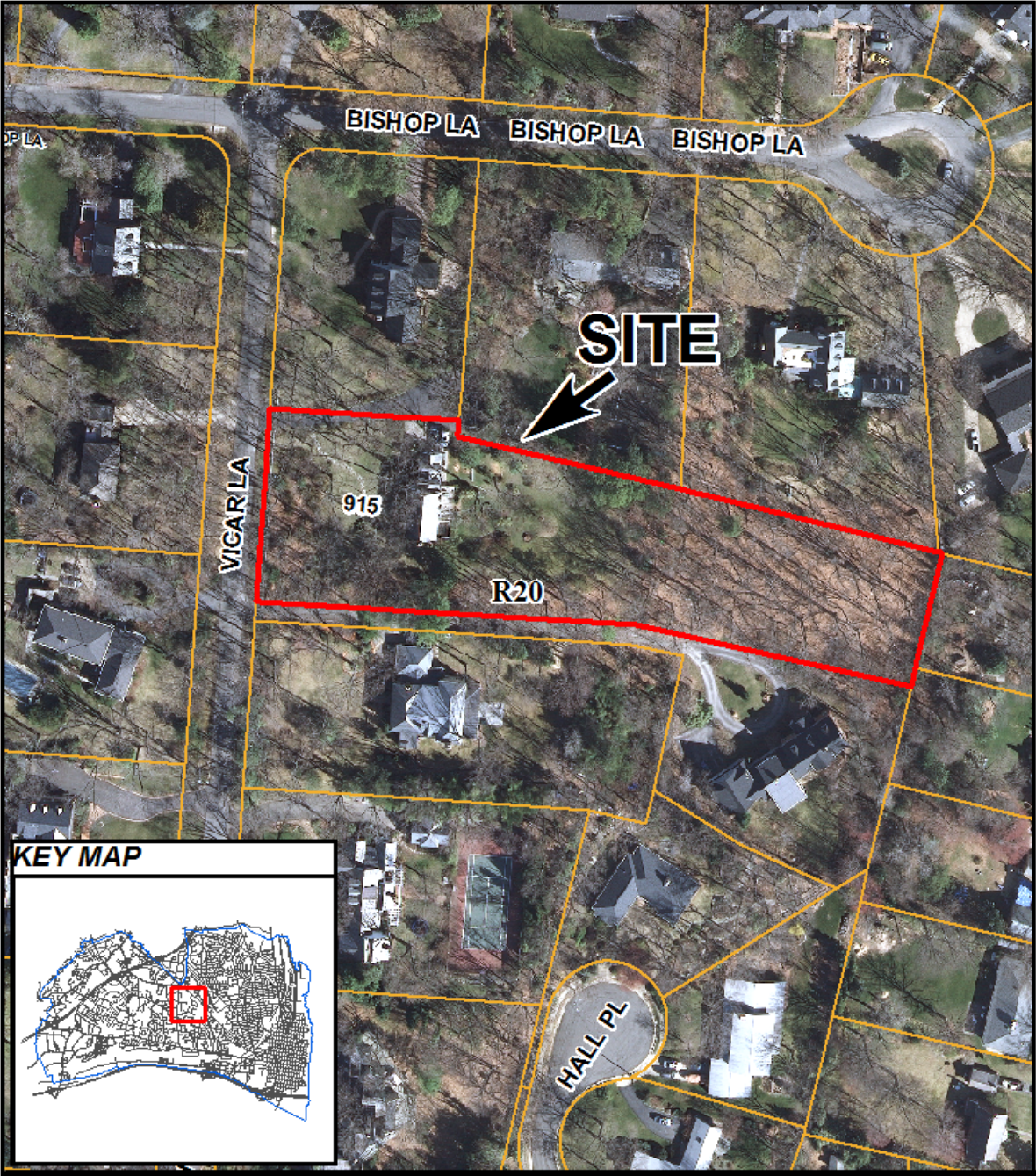
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The setback is based on a building height of 17.00 feet to the midpoint of the dormer roof and the minimum setback of 12.00 ft.


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**STAFF RECOMMENDATION:** Staff **recommends denial** of the requested variance because the applicant has not demonstrated a hardship.

If the Board decides to grant the requested variance, the development must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The variance must also be recorded with the deed of the property in the City's Land Records Office prior to the release of the building permit.



 **BZA #2013-0006**  
**915 Vicar Lane**



**I. Issue**

The applicant requests a side yard variance to build an attached side loaded garage with a second floor used for storage located in the required north side yard at 915 Vicar Lane.

**II. Background**

The subject property is one lot of record with 164.87 feet of lot width facing Vicar Lane and a depth of 557.89 feet along the south side property line, 569.26 feet along the north side property line and a lot area of 1.72 acres (approximately 75,326 square feet). The zoning ordinance requires a minimum of 20,000 square feet of land area for an R-20 zone lot.

A two-story detached brick and frame dwelling occupies the subject property and is located approximately 15.80 feet from the north side property line, 114.80 feet from the front property line facing Vicar Lane and 64.00 feet from the south side property line. Real estate assessment records indicate the house was built in 1940.

A private circular driveway is located along the north side of the property and straddles two adjoining properties. Historically the driveway was shared by one owner on Bishop Lane and the adjoining neighbor on Vicar Lane. The two adjoining property owners no longer use the driveway to serve their properties. As shown on the submitted photos, a fence is located at the end of the driveway preventing access to the Bishop Lane home.

The applicant maintains the driveway, landscaping and contracts for snow removal. The driveway provides access to surface parking located on the north side of the applicant's home and to the existing one car garage. Tall mature trees occupy the property providing an attractive landscape canopy.

**III. Description**

The applicant seeks a variance to construct a two car side loaded garage with a second floor for storage on the north side of the subject house. The property currently has an attached one-story one car garage on the north side of the house. The applicant states that the existing garage is too narrow to accommodate today's larger vehicles. The existing garage will be renovated as interior floor space and lowered in height from two-story to one-story. The proposed new garage will be constructed outward of the old garage space facing the existing driveway. The garage addition will be connected by a one-story side addition to the renovated existing garage.

The proposed garage addition measures 32.00 feet by 24.00 feet (8.00 feet of addition is a one-story connector to the existing garage renovation) and totals approximately 1,218 gross square feet. Upon completion of the garage addition, the height from grade to the midpoint of the dormer roof facing the driveway is 17.00 feet; and 20.66 feet to the roof ridge.

The garage addition is proposed to be located 5.00 feet from the north side property line. The applicant states that if the existing driveway were consolidated with the subject lot, the new garage would be 24.00 feet to 39.00 feet from the new north side yard property line thus forgoing the requirement of the variance. The applicant believes the existing driveway acts like her property and that her request to build within 5.00 feet of her north property line will not impact or detract from adjoining properties. The applicant has explored applying for a subdivision with the adjoining properties that had at one time used the driveway, but has opted to apply for a variance. As shown on the submitted plat, the house is not centered on the lot. If the house were centered on the lot, the proposed garage addition could be constructed without a variance. The applicant believes the zoning regulations impose a hardship to construct a garage consistent with the house placement, scale of the lot and tree location.

The applicant proposes to avoid any removal of existing mature trees to construct the new garage addition.

Upon completion of the proposed addition, the property will continue to comply with required floor area.

**IV. Master Plan/Zoning**

The subject property is zoned R-20, residential and has been so zoned since 1952 and is identified in the Seminary/Strawberry Hill Small Area Plan for residential low density land use.

**V. Requested Variances**

**Section 3-106(A) (2) (a) Side Yard (North)**

The R-20 zone requirements state that each single-family residential use must provide two side yards of a minimum 12.00 feet or one-half the building height whichever is greater. The proposed garage addition will be located 5.00 feet from the north side property line. The applicant requests a variance of 7.00 feet.

**VI. Staff analysis under criteria of section 11-1103**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.

- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce undue hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VII. Applicant's Justification for Hardship**

The applicant states that the hardship is unique to the subject property. Other properties in the neighborhood have the main house more centered on the lot, thus allowing for garages and additions to be built to the side of the houses rather than to the back. The zoning ordinance prevents a reasonable use of the property. The subject property is 164.87 feet wide compared to the requirement of 100.00 feet at the building line. The imposition of a 12.00 foot side yard on a wide lot where the house was built not centered on the lot creates a hardship.

**VIII. Staff Analysis**

While staff acknowledges that the home is not centered on the lot, the homeowner has several options to accommodate an addition and expanded side loaded garage without the need for a variance. Namely the existing garage can be renovated and expanded to allow for two or more vehicles or the new garage can be built behind the house in compliance with the side yard requirement without hardship on the homeowner. Alternative construction is available without the need of a variance.

Staff agrees that the neighborhood consists of large lots with large homes, many of which are centered on the lot. While staff agrees that the adjoining driveway appears as though it is on the applicant's property, the driveway occupies land on the adjacent parcels to the

**BZA CASE #2013-0006**

north. In this case, strict application of the zoning ordinance as applied to the subject property will not create a hardship.

Reasonable alternatives exist, including construction in compliance with the R-20 zone or resubdivision and consolidation, which would allow for the driveway to be completely on the homeowner's lot resulting in the new garage constructed without the need of a variance. The exceptional size of the lot and the lack of adverse public impact to the adjacent properties do not unfortunately qualify for a hardship to support the variance.

Staff **recommends denial** of the variance.

**DEPARTMENTAL COMMENTS**

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

Transportation and Environmental Services:

- R1. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R2. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R3. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R4. The building permits must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- F1. After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)
- C-3 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-4 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-5 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-6 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, Code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Services Division Chief at [ken.granata@alexandriava.gov](mailto:ken.granata@alexandriava.gov) or 703-746-4193.
- C-1 Building and trades permits are required for this project. Five sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s)
- C-2 New construction and proposed alterations to the existing structure must comply with the current edition of the Virginia Uniform Statewide Building Code (VUSBC).
- C-3 A Soils Investigation must be submitted with the building permit application.
- C-4 Prior to the issuance of a permit, a rodent abatement plan shall be submitted to Code Administration that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-5 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-6 A wall location plat prepared by a land surveyor is required to be submitted to the Code Administration office prior to requesting a framing inspection.

Recreation (Arborist):

No comments received

Historic Alexandria (Archaeology):

- F-1 This property is in the vicinity of possible Union encampments. The property therefore has the potential to yield archaeological resources that could provide insight into military activities during the Civil War.
- C-1\* The applicant/contractor shall call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- C-2\* The applicant/contractor shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

- C-3 The statements in Conditions 1 and 2 above shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

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

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



**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

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

Section 3-106 (A) (2)

**PART A**

1. Applicant:  Owner  Contract Purchaser  Agent

Name Robert Bentley Adams & Associates (Scot McBroom)

Address 405 S. Washington St.  
Alexandria, VA 22314

Daytime Phone 703-549-0650

Email Address scot@adamsarchitects.com

2. Property Location 915 Vicar Lane

3. Assessment Map # 041.01 Block 01 Lot 01 Zone R-20

4. Legal Property Owner Name Donnan Wintermute

Address 915 Vicar Lane

Alexandria, VA 22302

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Donnan Wintermute	915 Vicar Lane	100%
2.			
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 915 Vicar Lane (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Donnan Wintermute	915 Vicar Lane	100%
2.			
3.			

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.	none	N/A	N/A
2.			
3.			

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

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

3/25/13  
Date

Scot McBroom  
Printed Name

Scot McBroom  
Signature

5. Describe request briefly:

Request approval for a Variance - for a side yard setback  
of 5.00 feet to allow for the construction of a side-loaded  
garage that will accommodate today's larger vehicles.  
Height at 5.00' setback to be no higher than 24' (same height  
as allowed by 12' setback, 2:1 height ratio)

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

Yes — Provide proof of current City business license.

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

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**

Scot McBroom

Print Name

703-549-0650

Telephone

Scot McBroom

Signature

3/25/13

Date

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

**PART B (SECTION 11-1102)**

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

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

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(Please print clearly and use additional pages where necessary.)

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

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

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

*See attached sheet 2a.*

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2. Is this hardship unique to the property?

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

*This hardship is unique to this property. Other properties in the neighborhood have their main house situated closer to the middle of the lot, thus allowing for wings and garages to be built to the sides of the main house. None of the other properties have a driveway straddling lots.*

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# Supplement to IB.

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

The owner would like to replace a small one-car garage (8' x 19') with a two-car garage with room for modern vehicles and storage. The garage will be connected to a new mudroom, kitchen, and breakfast area. The wing at the second floor will be altered. The design complies with the infill regulations' preference for a side-loaded garage. The lot is unique with many mature trees and a driveway that straddles the owner's lot and two neighboring lots to the north. The drive is provided for by easement - and is solely used and maintained by the owner of 915 Vicar Lane (see attached easement).

The ordinance places unreasonable restriction on a unique property where the main house is not centered between the side property lines. The uncentered house and driveway by easement is the result of the subdivision of the property before the present owner purchased the lot.

The proposed design removes no healthy mature trees. If the driveway were part of the owner's property, no variance would be needed. The driveway effectively functions as the owner's property.

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

This situation rarely applies to houses in the R-20 zone. This unique situation arose from the property's subdivision.

3. Was the hardship caused by the applicant?

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

Yes.

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

Yes.

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

The condition was created when the lot, once a "family compound", was subdivided. The existing driveway was legally provided for in an easement dated 6 May 1991 (see attached easement).

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

No.

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

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

The proposed variance allows for a new garage to be built in a manner similar to adjacent and neighboring properties (i.e. to the side of, and not forward of, the main house). Also mature trees will be saved.

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

The proposed variance will likely enhance the value of adjacent and neighboring properties. The new garage will be side-loaded and appear subsidiary to the main block, thus adding aesthetic value. The enlargement of the house will be in keeping with most of the other properties in the neighborhood.

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

The applicant will show the proposed plans to the most affected property owners before the BZA hearing. Letters of support or objection will be attached, if forthcoming.

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

The proposed variance will not change the character of the neighborhood.

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

No.

PART C

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

We have explored other garage placement options that would not require a variance:

- A. A side-loaded garage - as encouraged by the infill regulations - would require that the garage be placed far-forward of the main house.
- B. A front-loaded garage would also need to be placed forward of the main house and require reworking the driveway.
- C. Placing the garage to the south of the main house would require radical reorganization of the house rooms and a new driveway. This option would be unreasonably expensive.

All three of these options would result in the loss of many mature trees. Placing the garage far-forward of the main house is not in character with the neighborhood.



**B**

# DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

## A. Property Information

A1. Street Address 915 Vicar Lane Zone R-20

A2.  $\frac{1.7226 \text{ acres (75,036 sq ft)}}{\text{Total Lot Area}} \times \frac{0.25}{\text{Floor Area Ratio Allowed by Zone}} = \frac{18,759 \text{ sq ft}}{\text{Maximum Allowable Floor Area}}$

## B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	184	Basement**	184
First Floor	1667	Stairways**	168
Second Floor	1462	Mechanical**	-
Third Floor	-		-
Porch	90	Total Exclusions	352
Total Gross *	3403		

B1. Existing Gross Floor Area \*  
3403 Sq. Ft.  
B2. Allowable Floor Exclusions\*\*  
352 Sq. Ft.  
B3. Existing Floor Area minus Exclusions  
3051 Sq. Ft.  
(subtract B2 from B1)

## C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	0	Basement**	0
First Floor	775	Stairways**	60
Second Floor	444	Mechanical**	-
Third Floor	-	Other**	-
Porches/ Other	63	Total Exclusions	60
Total Gross *	1282		

C1. Proposed Gross Floor Area \*  
1282 Sq. Ft.  
C2. Allowable Floor Exclusions\*\*  
60 Sq. Ft.  
C3. Proposed Floor Area minus Exclusions  
1222 Sq. Ft.  
(subtract C2 from C1)

## D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 4273 Sq. Ft.  
D2. Total Floor Area Allowed by Zone (A2) 18,759 Sq. Ft.

\*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

\*\* Refer to the zoning ordinance (Section 2-145(B)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.

## E. Open Space Calculations

Existing Open Space	
Required Open Space	
Proposed Open Space	

N.A.

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: Scott M. Brown

Date: 3/25/13

EASEMENT AND  
MAINTENANCE AGREEMENT

THIS EASEMENT AND MAINTENANCE AGREEMENT dated the 6  
day of May, 1991, by and between ELEANOR B. SMITH and JOHN M.  
SMITH, husband and wife, Grantors and Grantees; and DONNAN  
CHANCELLOR WINTERMUTE, Grantee and Grantor.

WHEREAS, Eleanor B. Smith and John M. Smith are the owners of  
Lot 6, Block 2, Chapel hill, as dedicated, platted and recorded in  
Deed Book 165, page 187, known as 921 Vicar Lane, Alexandria,  
Virginia; and

WHEREAS, Donnan Chancellor Wintermute is the owner of a  
certain parcel of land known as Lot 505 of the resubdivision of  
Lots 4 and 5, Block 2, Chapel Hill and Lot 1, Section 2, J. R.  
Howard Subdivision, as dedicated, platted and recorded in the City  
of Alexandria, Virginia, in Deed Book 238, page 54 now known as 915  
Vicar Lane, Alexandria, Virginia; and

WHEREAS, Armistead L. Boothe and Elizabeth P. Boothe, his  
wife, in Deed of Bargain and Sale recorded in Deed Book 643, page  
255 among the land records of the City of Alexandria, Virginia, and  
Deed Book 643, page 260 among the land records of the City of  
Alexandria, Virginia, established and created a "Perpetual Right-  
of-Way and Easement" over Lot 7, Block 2, Chapel Hill as shown on  
plats attached to said deeds; and

WHEREAS, the parties hereto desire to formally establish an  
easement for ingress and egress each for the other over the  
driveway shown on the plat referenced above said easement to run  
with the land; and

WHEREAS, the parties hereto also desire to establish a maintenance agreement and understanding for said driveway, said agreement to also run with the land.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: The parties declare and covenant as follows:

1. Eleanor B. Smith and John M. Smith as owners of Lot 6, Block 2, Chapel Hill do hereby grant to Donnan Chancellor Wintermute as owner of Lot 505 of the resubdivision of Lots 4 and 5, Block 2, Chapel Hill, and Lot 1, Section 2, J. R. Howard Subdivision, her successors and assigns, a non exclusive easement for ingress and egress over that part of the driveway located on Lot 6, Block 2, Chapel Hill as set forth on plat attached to Deed recorded in Deed Book 643 at page 255 among the land records of Alexandria, Virginia. This easement shall run with the land.

2. Donnan Chancellor Wintermute as owner of Lot 505 of the resubdivision of Lots 4 and 5, Block 2, Chapel Hill, and Lot 1, Section 2, J. R. Howard Subdivision, do hereby grant to Eleanor B. Smith and John M. Smith as owners of Lot 6, Block 2, Chapel Hill, their successors and assigns, a non exclusive easement for ingress and egress over that part of the driveway located on Lot 505 of the resubdivision of Lots 4 and 5, Block 2, Chapel Hill, and Lot 1, Section 2, J. R. Howard Subdivision as set forth on plat attached to Deed recorded in Deed Book 643 at page 255 among the land records of Alexandria, Virginia. This easement shall run with the land.

3. The owners of each individual lot shall pay one-half of the cost of repair and maintenance of the joint driveway for the

removal of snow as necessary and for the clearing of debris from the joint driveway.

4. The repairs and maintenance will be performed when owners shall so agree in writing, but either party shall have the right to require the resurfacing of the driveway easement every ten years from the anniversary date of this agreement, by giving a written notice to the other at a time within six months from said anniversary.

5. The repairs, maintenance, snow removal and debris removal shall be contracted by the owners or by one owner or the other, if the parties so agree by separate writing to designate one owner for this purpose.

6. At the time such agreed snow and debris removal, repair or maintenance is completed and upon resurfacing as described above, the owner of each lot shall pay the person or corporation performing such repair, maintenance or resurfacing that owner's share of the costs thereof within thirty days after the bill for said services has been submitted by the person or corporation performing said services. If the amounts so due are not paid within said time period, then the owner of either lot paying her share shall bring an action at law against the defaulting lot owner and may record in the Clerk's Office of the Circuit Court of the City of Alexandria, a notice against the defaulting lot owner for that owner's share of said costs. Any such lien shall be subordinate to the lien or liens of any previous recorded deeds of trust. Costs, interest at the judgment rate and reasonable

attorney's fees shall be added to the amount of such charge for such defaulting owner is liable.

In the event either party hereto shall choose to abandon their respective right to the use of the easement set forth herein, such abandonment shall be recorded by appropriate documentation in the land records of the City of Alexandria, whereupon, such abandoning party shall no longer be obligated to maintain the driveway.

This Easement and Maintenance Agreement shall be by and between the parties hereto, their heirs, assigns or other successors in interest.

WITNESS the following signatures and seals.

Eleanor B. Smith [SEAL]  
Eleanor B. Smith

John M. Smith [SEAL]  
John M. Smith

Donnan Chancellor Wintermute [SEAL]  
Donnan Chancellor Wintermute

STATE OF VIRGINIA  
COUNTY OF LOUDOUN: to-wit


The foregoing document was acknowledged before the undersigned Notary Public by Eleanor B. Smith, this 14th day of May, 1991.

[Signature]  
Notary Public

My commission expires: 2/28/95

STATE OF VIRGINIA  
COUNTY OF LOUDOUN: to-wit

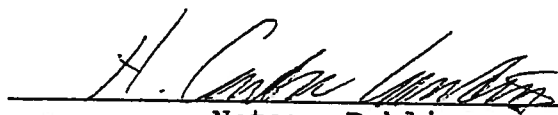
The foregoing document was acknowledged before the undersigned  
Notary Public by John M. Smith, this 19<sup>th</sup> day of May, 1991.

  
\_\_\_\_\_  
Notary Public

My commission expires: 2/28/95

STATE OF VIRGINIA  
CITY OF ALEXANDRIA: to-wit

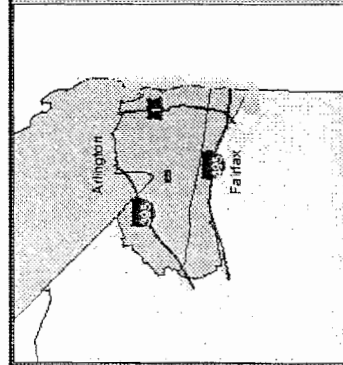
The foregoing document was acknowledged before the undersigned  
Notary Public by Donnan Chancellor Wintermute, this 6 day of  
May, 1991.

  
\_\_\_\_\_  
Notary Public


My commission expires: 5/30/92

City of Alexandria

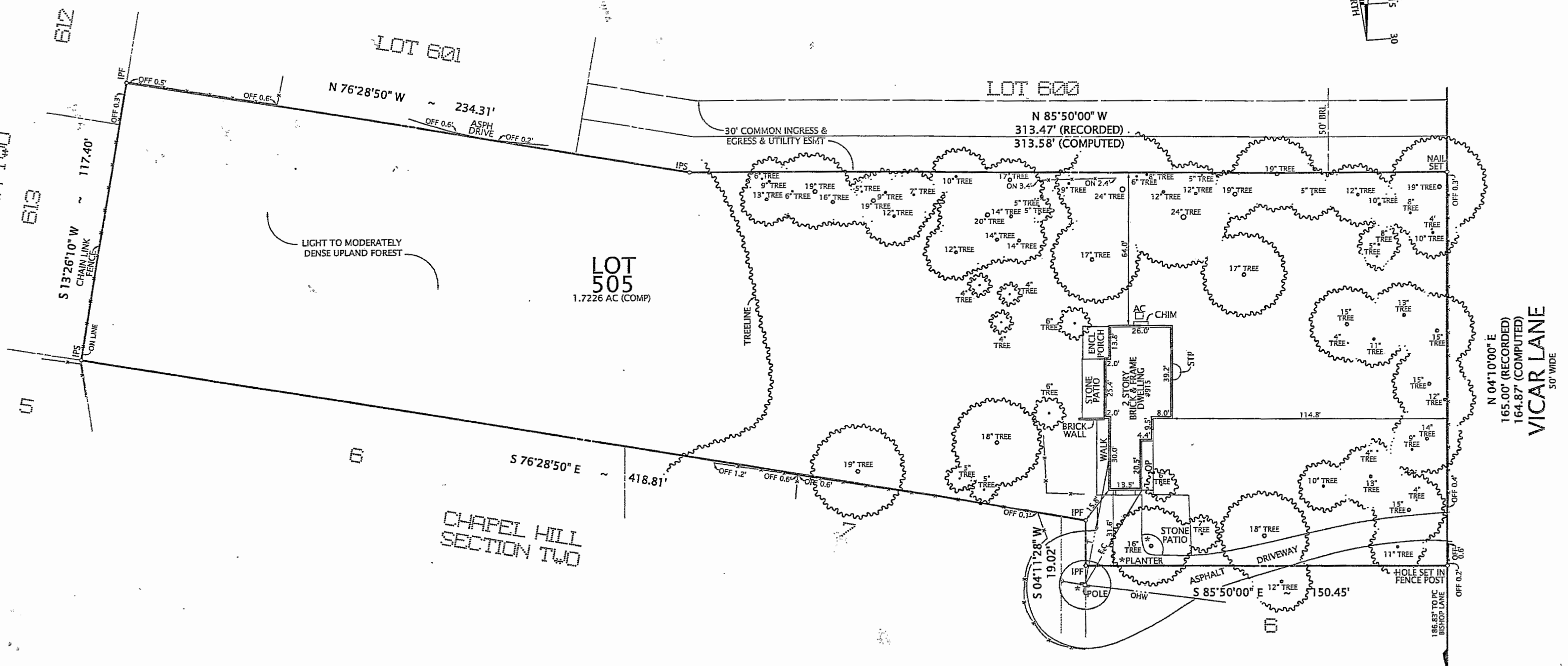
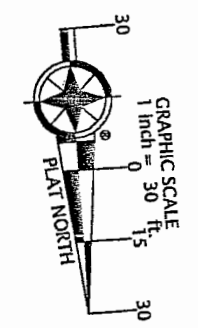
Date Created: 3/19/2013



Neighborhood ~ Figure/Ground Plan  
approx. scale 1" = 160'


**ROBERT BENTLEY ADAMS & ASSOCIATES P.C.**  
 405 South Washington Street Alexandria Virginia 22314  
 Tel. 703 549 0650 © Fax. 703 549 3125  
**ADAMS ARCHITECTURE PLANNING INTERIORS**

- 1. FENCES ARE FRAME UNLESS NOTED.
- 2. IPF DENOTES IRON PIPE FOUND.
- 3. IPS DENOTES IRON PIPE SET.



CHAPEL HILL  
SECTION TWO

LOT  
505  
1.7226 AC (COMP)

EXISTING SITE PLAN

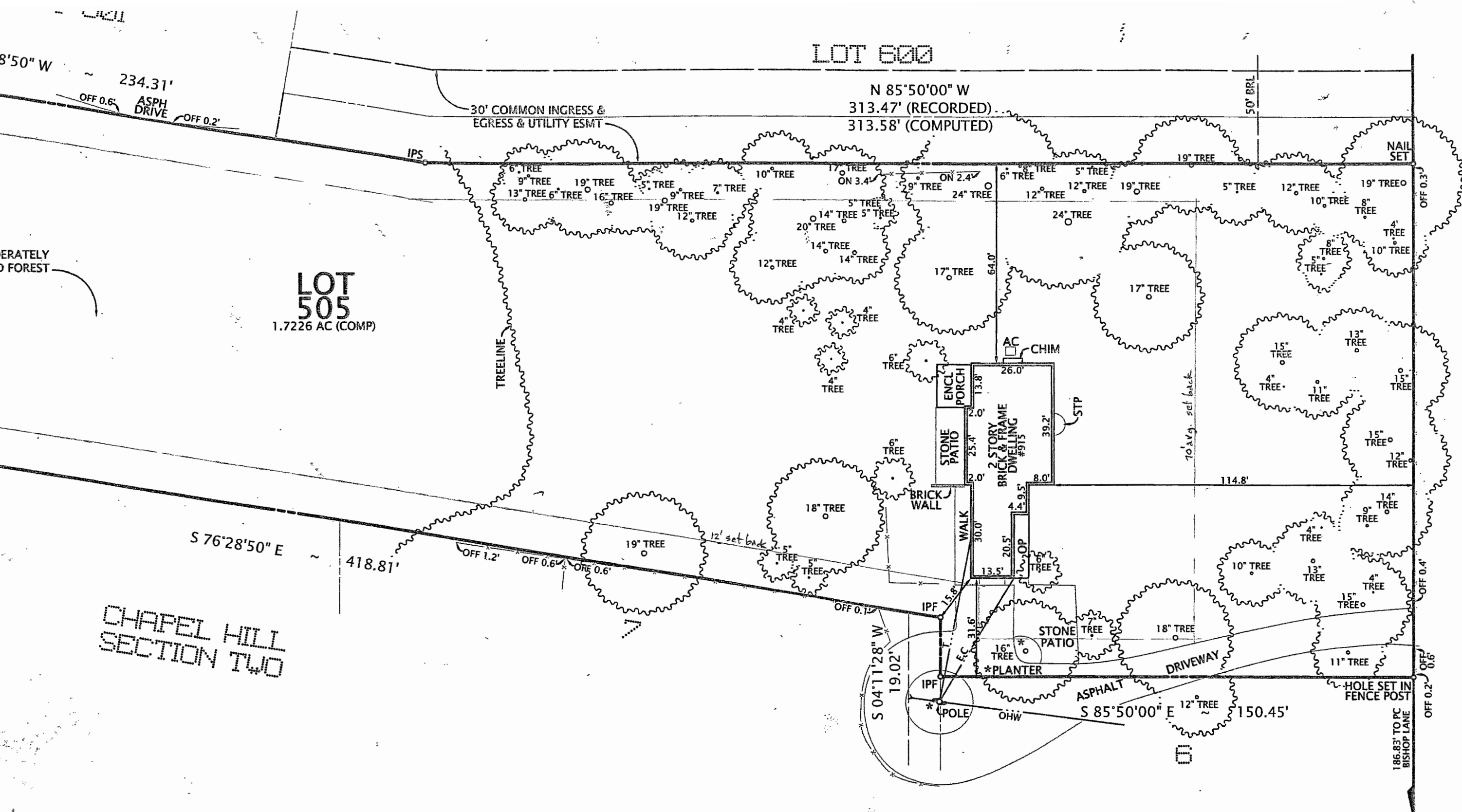
1" = 40'

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 505, BLOCK 2  
OF A REDIVISION OF LOTS 4 & 5  
CHAPEL HILL

(DEED BOOK 238, PAGE 54)  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 30'  
JANUARY 23, 2013  
1" = 40'  
FEBRUARY 4, 2013 (STAKED LOT)  
FEBRUARY 25, 2013 (REVISED)

by Dominion Surveyors  
I HEREBY CERTIFY THAT THE POSITIONS OF  
ORDERED BY:

**ROBERT BENTLEY ADAMS & ASSOCIATES P.C.**  
405 South Washington Street Alexandria Virginia 22314  
Tel. 703 549 0650 © Fax. 703 549 3125  
ADAMS ARCHITECTURE PLANNING INTERIORS



**LOT 505**  
1.7226 AC (COMP)

LOT 600

N 85°50'00" W  
313.47' (RECORDED)  
313.58' (COMPUTED)

N 04°10'00" E  
165.00' (RECORDED)  
164.87' (COMPUTED)  
**VICAR LANE**  
50' WIDE

CHAPEL HILL  
SECTION TWO

EXISTING SITE PLAN  
1" = 30'

**PLAT**  
SHOWING HOUSE LOCATION ON  
LOT 505, BLOCK 2  
OF A REDIVISION OF LOTS 4 & 5

**CHAPEL HILL**  
(DEED BOOK 238, PAGE 54)  
**CITY OF ALEXANDRIA, VIRGINIA**  
SCALE: 1" = 30'  
JANUARY 23, 2013  
FEBRUARY 4, 2013 (STAKED LOT)  
FEBRUARY 25, 2013 (REVISED)

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**ADAMS ARCHITECTURE PLANNING INTERIORS**



**915 Vicar Lane**  
Existing Driveway Entrance and Front of House



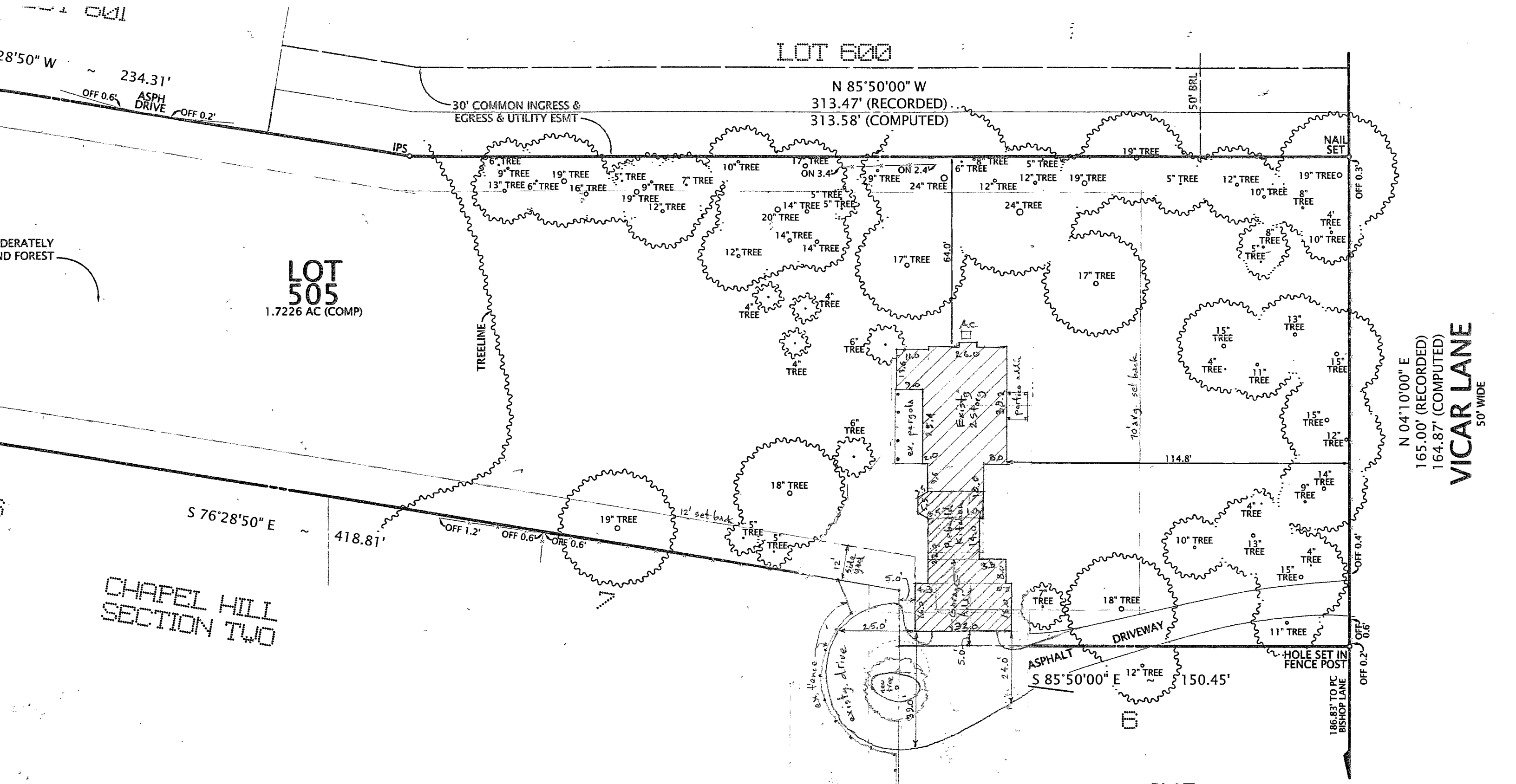
**915 Vicar Lane**  
Existing Garage Wing



**915 Vicar Lane**  
Driveway Abutting Lot 7



**915 Vicar Lane**  
Driveway abutting Lot 6



CHAPEL HILL  
SECTION TWO


Proposed Site Plan  
1" = 30'

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 505, BLOCK 2  
OF A REDIVISION OF LOTS 4 & 5

**CHAPEL HILL**  
(DEED BOOK 238, PAGE 54)

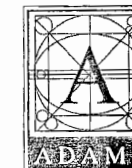
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 30'

JANUARY 23, 2013  
FEBRUARY 4, 2013 (STAKED LOT)  
FEBRUARY 25, 2013 (REVISED)


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	<b>A D A M S</b>	<b>ARCHITECTURE</b>	<b>PLANNING</b>



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