

**[EXTERNAL]Planning Commission: Encroachment #2022-00001**

John Grills <john.grills@gmail.com>

Fri 5/27/2022 1:38 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Ann Marie Grills <amgrills@gmail.com>

[You don't often get email from john.grills@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

To Whom It May Concern,

We are the homeowners at 323 Hume Ave 22031. I also used to run a remodeling and construction Business in Del Ray. I write due to my concern for preserving the public right-of-way on my street as referenced in the above mentioned complaint.

There are many issues I have with the tear-down construction of the current house at 300 Hume Ave.

How could the plans been approved when clearly there are right of way infractions?

Was it never inspected?

How can that lot be 90% developed in the first place? My initial impression was, how are they able to build a hotel in a residential neighborhood?

The homeowner is very vocal about his ability to 'get what he wants'. A real boor. I'm sad for him. He's clearly a bully who has perceived or otherwise, undue influence.

Aesthetically speaking, it looks like a barn or some kind of warehouse, but I realize that's not what the complaint is about, as that ship sailed long ago.

This is a continuing problem in our historical neighborhood. Tear downs and consequent McMansions. It's terrible and we are losing the charm of Del Ray.

I hope you will correct this mistake.

Highest Regards,  
John & Ann Marie Grills  
323 Hume Ave  
Alexandria VA 22301

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## Re: Planning Commission: Encroachment #2022-00001

John Grills <john.grills@gmail.com>

Fri 5/27/2022 2:17 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Ann Marie Grills <amgrills@gmail.com>

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We've owned own house since Feb 2001

> On May 27, 2022, at 1:38 PM, John Grills <john.grills@gmail.com> wrote:

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> To Whom It May Concern,

>

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> Highest Regards,

> John & Ann Marie Grills

> 323 Hume Ave

> Alexandria VA 22301

**[EXTERNAL]Comment and photos on Item #8 for the June 7, 2022 PC meeting**

M Krock <michellekrock@gmail.com>

Sun 5/29/2022 4:11 PM

To: PlanComm <PlanComm@alexandriava.gov>

 3 attachments (6 MB)

Docket Item # 8 – Encroachment #2022-00001 – 300 Hume Avenue (1).pdf; IMG-2171.jpg; IMG-2172.jpg;

Planning Commissioners,

We are submitting comments and photos regarding item #8 Encroachment #2022-0001 for the June 7 meeting.

Thank you for hearing our concerns and considering our request,

Chuck and Michelle Krock

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Re: Docket Item # 8 – Encroachment #2022-00001 – 300 Hume Avenue

Dear Planning Commissioners,

My name is Charles Krockner, and my wife Michelle and I live at 301 Clifford Avenue, directly North of (behind) Jeffrey and Jenafer Howard, the “Applicants.” Collectively we share the entire frontage of Turner Avenue from Hume Avenue to Clifford Avenue.

Our comments are in response to a certified letter that we received from Duncan Blair, Esq who is representing the Applicants’ request for a vacation/variance for a fence referenced above.

We strongly oppose the request for a vacation/variance for the following reasons:

- 1) The Applicants’ fence was constructed more than 4’ into the right-of-way (ROW) of Turner Avenue. We and others have raised the fence issue, as well as numerous other issues related to the construction at 300 Hume with city officials in the past. The applicants and their contractors should have known the location of the property line/ROW on Turner Avenue, as our common rear property corner on the Turner ROW is in place and was clearly marked. We also have occupation lines both on our property line with the Turner ROW (a stacked stone wall and our driveway apron) and their own driveway apron which was added by Applicants after they occupied their home. All clearly terminate on the ROW line of Turner (see attached photos). The fence was constructed by an independent contractor, who I assume is proficient in fence construction and appropriate placement of fences, and yet this fence was constructed more than 4’ onto the Turner ROW. With all the evidence of the ROW location, it’s hard to believe that the placement of the fence in the current location within the Turner ROW was an accident.
- 2) This area of Alexandria is clearly changing with the approval of the Oakville Triangle project, the construction of the Glebe Road Metro stop, the extension/reconstruction of the Mount Jefferson Park & Greenway along the old Bluemont rail line terminating at the Mount Jefferson Park Playground directly in front of the Applicants home on Hume Avenue. There is the expansion of the Virginia Tech Graduate Program campus, as well as the proposed redevelopment of 2525 Mount Vernon Avenue. The ROW areas behind the curb & gutter are reserved for utilities, sidewalks, and other “Public Improvements” not to the benefit of individuals in their home improvements. If this vacation/variance were to be granted, these traditional uses for public improvements (underground and overhead utilities, sidewalk, road widening, bike racks, and any other “Public” uses) would be difficult if not impossible to be constructed.
- 3) The grading that is done in the public ROW behind the curb is typically set between ¼” per foot (2%) and ½” per foot (4%). This is done to allow for easy ingress/egress for pedestrians getting into or out of vehicles, or the construction of sidewalks with gentle cross slopes. The grades that are currently in place beside the Applicants’ home on Turner are more than 25%, making it difficult to exit/enter vehicles. Also, with the proximity of the fence 3.5 feet (Constructed 4’+ into the ROW) to the curb, this pedestrian to vehicular maneuver is anything but ideal and becomes even more difficult for parents getting children out of the back seat of vehicles to go to Mount Jefferson Park across Hume Avenue.

Staff indicated in their report that:

***“Along Turner Road, there is no existing sidewalk, likely due to the topography of the grassy area between the back of curb and the right-of-way line (see Figure 4).”***

The topography of the grassy area was graded to 25% + slope by the developer during the construction of the improvements. Again, this is a self-made condition by the lot owner, not a condition that existed prior to the improvements associated with 300 Hume Avenue.

- 4) While we as homeowners maintain and enjoy the benefits of the public right-of-way areas adjacent to our properties, we are not allowed to have exclusive rights to these areas, much less to expand the limits of our property by more than 10% and not pay taxes on that area.

In summation, while we are pleased staff is recommending the rejection of a vacation of the area, we feel it is still inappropriate to allow this fence to remain in place and estop the public use of this area, both now and in the future. If the request by Applicants had been to have a variance just along Hume Avenue for the fence, we might likely have supported that request, however, in totality, we must oppose the entire request.

As Alexandria residents, we all pay for the “public” areas and the enjoyment of such, and if granted, this variance will be to the benefit of a single party. We are strongly opposed to granting a variance for the fence. We rely on you, our Planning Commissioners and elected public officials, to keep the public interest at the forefront of your decisions.

Respectfully,

Charles & Michelle Krockner











## [EXTERNAL]Encroachment #2022-00001

Michael Turner <themichaeltturner@proton.me>

Tue 5/31/2022 4:56 PM

To: PlanComm <PlanComm@alexandriava.gov>

You don't often get email from themichaeltturner@proton.me. [Learn why this is important](#)

Dear Members of the Planning Commission,

I'm writing to oppose Encroachment #2022-00001 at 300 Hume Avenue for the following reasons:

1) The applicant knew or should have known their property boundaries as they had several surveys completed as part of the redevelopment process over the past 2 years. The 4.4-foot encroachment along Turner Road is an egregious amount and not comparable with other neighborhood fence encroachments measured in inches. The encroachment along Hume Ave is typical of the neighborhood and I would support that encroachment if it were a stand-alone application. The Turner Road encroachment at over 500sq ft is a substantial amount of land that should be reserved for public use.

2) The fence presents a hazard to pedestrians as motorists traveling east on Hume Ave have their line of sight blocked by the fence's 4-foot encroachment. The applicant and staff photos do not clearly show the obstruction from the troublesome perspective. A Clear Vision Triangle is required by City code: [https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTVIISUZORE\\_7-801VICLRE](https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTVIISUZORE_7-801VICLRE). Any parent who has spent time at the Jefferson Park Playground across the street from this location will tell you about 10% of motorists do not stop at the stop sign - this got worse after the fence was built, which obscures the intersection. As I'm writing this letter, APD is conducting enforcement at this intersection, which is a known trouble spot. Safety would be improved if the applicant relocated their fence to their property. The 1 million dollar insurance policy is insufficient to protect the City's taxpayers from the hazards this encroachment has introduced.

3) Tuner Rd is a pedestrian feeder from Del Ray to cross Richmond Hwy to access retail and transit. The site is directly across from the busy Jefferson Park Playground. The existing Turner Rd sidewalk is crowded during peak times and pedestrians have to walk in the street. The Alexandria Mobility Plan (passed by Council in 2021) states that the City seeks to maximize walking and safety. This space should be reserved for a sidewalk.

4) The applicant's property was redeveloped in 2020 more than doubling its value. City code section Sec. 5-2-30 requires that the developer of the property install a sidewalk if the redevelopment will increase the value of the property by more than 50%. I would like an explanation as to why that is not being enforced in this case. City Code: [https://library.municode.com/va/alexandria/codes/code\\_of\\_ordinances?nodeId=PTIITHCOGEOR\\_TIT5TRENSE\\_CH2STSI\\_ARTAGEPR\\_S5-2-30CUGUSICORE](https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT5TRENSE_CH2STSI_ARTAGEPR_S5-2-30CUGUSICORE)

In conclusion, the planning commission should deny Encroachment #2022-00001. The applicant should move their fence to their property and the City Attorney should compel the applicant to construct a sidewalk along Tuner Rd at their expense as required by City Code Sec. 5-2-30.



Thank you,

Michael Turner  
Hume Ave

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[EXTERNAL]Docket Item #8 - Encroachment #2022-00001

Steve Walz <steve.walz@verizon.net>

Wed 6/1/2022 10:33 AM

To: PlanComm <PlanComm@alexandriava.gov>

You don't often get email from steve.walz@verizon.net. [Learn why this is important](#)

Dear Planning Commission members

I am writing to request you do not approve the encroachment request for a fence in the public right of way along Turner Avenue in the case at hand. Approval of this encroachment would not be in the public interest.

Turner Avenue is a direct route to the playground and traffic garden at Mt. Jefferson Park. There should be a sidewalk on both sides of Turner Avenue to provide safe access to this playground. While maintaining the public right of way as City staff propose does not preclude a future sidewalk construction, the Neighborhood Sidewalk Program page it says that a new sidewalk might not be feasible if an impediment like a fence exists.

If space exists in the public right of way, there also should be space for street trees along this stretch of street, consistent with the City's policy to expand its tree canopy.

Additionally, allowing the encroachment, essentially vacating the property, would not be a fair outcome, or good policy. It's not hard to know where the property line and right of way are, especially with clear delineations along Turner to the north including the driveway apron and stone wall at 301 Clifford Ave. By allowing the encroachment, the city is creating an incentive for property owners to ignore the rules. In this case, the property was recently redeveloped requiring building permits, and probably financing, so the owner should have been aware of the property boundaries. Additionally, the property owner already violated fence rules regarding the fence height along another property edge. Why should multiple violations of the City rules be rewarded? It would not be fair to those who follow the rules.

Allowing the encroachment along Hume Ave would be more in the public interest. There already is a sidewalk and the fence is in line with other borders along the Hume Ave sidewalk.

Thank you for your consideration of this matter.

Steve Walz  
304 East Glebe Road  
steve.walz@verizon.net

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[EXTERNAL]Docket Item #8 - Encroachment #2022-00001

Praveen H. Kathpal <praveen@kathpal.name>

Tue 5/31/2022 11:35 PM

To: PlanComm <PlanComm@alexandriava.gov>

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Hi Planning Commissioners! I'm writing about Encroachment #2022-00001 which is Docket Item #8 on your June 7, 2022 meeting. I live at 207 Clifford Ave, which is across Turner Ave from the applicants.

I am opposed to the encroachment on the Turner Ave side of the street because I would like there to be a sidewalk and street trees on that side of the street eventually (preferably sooner, rather than later!) I know that staff recommended condition #3 would require the applicant to move the fence if the city decides to build a sidewalk. But you might be aware that the mere existence of the fence makes it less likely that the city will build a sidewalk and reduces the space available for street trees. On the Neighborhood Sidewalk Program page it says that a new sidewalk might not be feasible if an impediment like a fence exists:

<https://www.alexandriava.gov/transportation-planning/neighborhood-sidewalk-program>

Allowing the encroachment would be counter to Alexandria's goals of more walkable neighborhoods and increasing tree canopy.

I also don't think allowing the encroachment, or vacating the property, would be a fair outcome, or good policy. It's just not that hard to know where the property line and right of way are, especially with clear delineations along Turner to the north including the driveway apron and stone wall at 301 Clifford Ave. By allowing the encroachment, or by vacating the property, the city is creating an incentive for property owners to ignore the rules. Why should that be rewarded? It would not be fair to those who follow the rules.

Thank you,

Praveen Kathpal  
207 Clifford

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## Samantha Lockwood

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**From:** Nancy Williams  
**Sent:** Monday, June 6, 2022 4:39 PM  
**To:** Samantha Lockwood  
**Subject:** Samantha - Correspondence re Hume Avenue Below - FW: [EXTERNAL]Fwd: Encroachment#2022-00001

**Importance:** High

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**From:** RENEE ALTMAN <[theclayqueen@aol.com](mailto:theclayqueen@aol.com)>  
**Sent:** Monday, June 6, 2022 4:18 PM  
**To:** Nancy Williams <[Nancy.Williams@alexandriava.gov](mailto:Nancy.Williams@alexandriava.gov)>  
**Subject:** [EXTERNAL]Fwd: Encroachment#2022-00001

You don't often get email from [theclayqueen@aol.com](mailto:theclayqueen@aol.com). [Learn why this is important](#)

Sent from my iPhone

Begin forwarded message:

**From:** RENEE ALTMAN <[theclayqueen@aol.com](mailto:theclayqueen@aol.com)>  
**Date:** June 6, 2022 at 3:51:21 PM EDT  
**To:** [plancomm@alexandria.gov](mailto:plancomm@alexandria.gov)  
**Subject:** Encroachment#2022-00001

I am against the owners of 300 Hume Avenue getting approval for the 4.4 foot encroachment on the Turner Avenue side of their house.

They had to knowingly install the fence with the hopes that the city powers would throw up their hands and allow it because it is just easier and seemingly harmless. Well it is not.

People cannot claim ignorance of the rules and regulations when they are clear and available to both the owners and the non compliant contractors. Surely they had to have a survey done and a plat drawn up. And above all, they must not be rewarded for flaunting the regulations by enlarging their property and its value. Also, since they don't own this encroached upon land there is no property tax liability.

Their installation of an 8 foot fence on the east side of their house shows the same disregard for rules and regulations. They need to live by the same rules as the rest of us.

If, at a later date, the city installs a much needed sidewalk on that side of Turner Ave. no one will remember the city's stipulations to approve the fence encroachment.

You cannot build a house that pushes the FAR limits and then want a larger side yard. Perhaps this should have been consider when they continued the front porch around to the side of the house. Porch or yard? You can't have both.



Thank you for your time  
Renee Altman  
300A Clifford Ave  
Alexandria, 22305

Sent from my iPhone

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City of Alexandria Planning Commissioners  
301 King Street  
City Council Chambers -2<sup>nd</sup> Floor  
Alexandria, VA 22314

Re: Docket Item # 8: Encroachment #2022-0001–300 Hume Avenue

Dear Planning Commissioners,

My name is Sharon Guthrie and I live at 307 Clifford Ave, which is around the block from Turner Ave and the subject property. This letter is in response to the request for Encroachment listed above which is your Docket #8.

I strongly oppose the request for a vacation/variance for the following reasons:

1. The homeowners of 300 Hume Street, the property in question (hereafter “Homeowners”) knew the size of their property prior to purchasing the property and should not be granted an increase of approximately 10% of the size of their property **for free** while the City decides on what the proper use for the property is.
2. Allowing an encroachment which was requested “**after the fact**” reinforces for other property owners in the City that it is “easier to beg for forgiveness than it is to ask for permission.” If this encroachment is granted, it will, no doubt, result in a flood of future encroachment request from, not just Del Ray, but all over the City.
3. The Homeowners remedy, if they have one<sup>1</sup> is against the subcontractor that they hired to perform the work.
4. A sidewalk needs to be, and should be, installed on the City’s land on Turner Ave as soon as it can be done.
  - a. Del Ray is proud of its well-deserved reputation for being dog-friendly, and, as such, it should understand the importance of having a sidewalk on EACH SIDE of the street. Many dogs (especially those which are rescues) are not socialized with other dogs/people and need the time and space to learn how to be good citizens. Having only a sidewalk on one side of the street requires the owners and their dogs to step out into the street to avoid an aggressive encounter (or even the potential thereof) thereby causing danger to the owner and the dog of being

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<sup>1</sup> The Homeowners are charged with knowing and understanding the relevant ordinances and codes which apply to their property and cannot (should not) be allowed to plead ignorance and get any benefit therefrom.



struck by passing vehicles.<sup>2</sup>

- b. Given all that we've been through over the past 3 years with COVID, I would think that the City would, itself, be moving expeditiously to provide sidewalks on each side of all streets in the City in order to allow its residents to maintain a healthy distance.
  - c. Another part of Del Ray's reputation that it is and should be very proud of is the accessibility of the neighborhood to children. In fact, Turner Ave serves as a parking area for the nearby playground. The Mount Jefferson Playground is one, if not **the** busiest playgrounds in the City. Parents visiting the playground with their children park on both sides of Turner Ave and must unload toys and kids for all sides of vehicles. Because of the Homeowners' encroachment, Parents must park further from the curb than is normal in order to be able to swing open their doors all the way to accommodate extraction of their kids and their toys. Alternatively, they must park at an angle to accommodate swinging out their doors (see picture attached hereto). In any event, the encroachment causes one more unnecessary impediment and potential danger for Parents in the use of Mount Jefferson Park.
5. Residents of the City of Alexandria as taxpayers are the real "owners" of the property upon which the encroachment was built and to allow it to continue without recompense in some respects amount to a "taking" by the City. Residents and their families should be able to enjoy City property without having a physical barrier preventing them from doing so. In order to respect their neighbor's property, owners have their dogs use the curtilage for their business. The Homeowners encroachment renders this impossible on East side of Turner.
6. In addition to the reasons for the denial of Homeowners requested encroachment, I'd like to point out that these Homeowners have already had to perform various remedial actions in relation to actions they have taken which have infringed upon the property interests of their neighbors. These include:
- a. They had to take down the part of the fence between themselves and their neighbors on Hume to allow it to come into conformance with the 6' height requirement. Initially, the fence was approximately 9' tall.
  - b. They had to redo the eaves of their garage which were encroaching into the property of their backdoor neighbors.
  - c. In constructing their garage, the Homeowners cut into the roots of the "living hedge" their backdoor neighbors had placed on their property in years past. Whether the hedge will survive this is still to be determined. While this may be technically within the bounds of

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<sup>2</sup> The mention of this issue should constitute notification of this danger to the City and, thus, requiring them to take immediate action in order to avoid any future liability.

property ownership, it is not the way that Del Ray neighbors respect each other and their property.

7. Perhaps what this most illustrates is the disregard (intentional or not is unknown at this juncture) of the Homeowner for Del Ray's "claim to fame" of being respectful of others' rights in the community. I would hate to see the City Council provide a foothold for actions in opposition to Del Ray's, well-earned, reputation as a neighborhood that respects the rights of others.<sup>3</sup>

Thank you for your consideration in this matter.

Sharon Guthrie

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<sup>3</sup> All you have to do to see this is to look around and see all of the yard flags for encouraging kindness and respect for the rights of others.