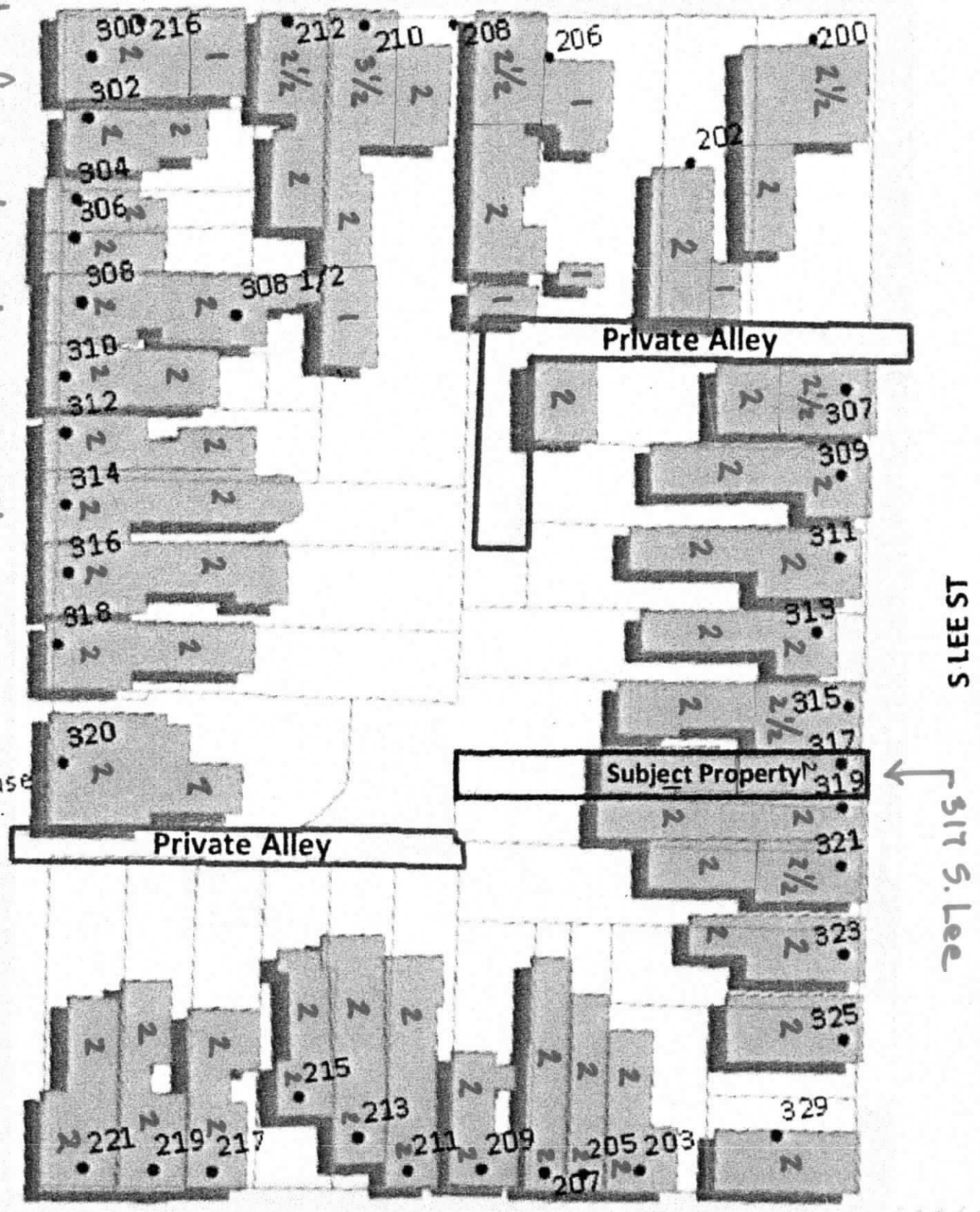


Scott McBurn  
13  
1-28-17

DUKE ST

Study of Existing Houses on the Block - Showing Number of Stories  
15 FAIRFAX ST



WOLFE ST

**From:** Maria Hopper via Call.Click.Connect. <CallClickConnect@alexandriava.gov>  
**Sent:** Tuesday, January 24, 2017 12:38 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #112928: Mayor, Vice Mayor, City Council Maria Hopper206 Duke StreetAlexandri

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 112928.

**Request Details:**

This is a "private" request. Information should only be provided to the original customer or those who know the full Call.Click.Connect. request number for this, which is "112928-GD5DC4".

- Name: Maria Hopper
- Approximate Address: No Address Specified
- Phone Number: 703-606-0242
- Email: mariaandjanehopper@yahoo.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Maria Hopper  
206 Duke Street  
Alexandria, Virginia 22314

January 24, 2017

Dear Mayor Silberberg, Vice Mayor Wilson and City Council Members,

As you may know, there are several renovation projects in Alexandria's designated Old and Historic District currently going through the City approval process. It is apparent that a new strategy (to oppose historic property renovation using a citizen petition and appeal of BAR decisions to City Council as a rote mandatory and costly gauntlet for historic district projects) is underway. To quote an ad that is currently being run:

"We either preserve Old Town house by house or we lose Old Town house by house."

I believe that the standing of Alexandria's Board of Architectural Review as the forum for maintaining historical and architectural fabric in our city is at risk of being weakened by the organized exploitation of the appeal process.

Unfortunately, I have found myself the target of this new effort, and I would like to call your attention to this emerging situation that may result in setting a precedent for undermining more than half a century of good work by Alexandria's well-respected Board of Architectural Review.

As history, my mother, sister and I have owned the property at 317 S. Lee Street for 6 years. We recently proposed a small renovation to the property (in fitting with, and similar to, other renovations in this block) and went through the clear, established and appropriate City requirements of preparing architectural drawings and presenting this submission to the BAR on 11/2/16 and 11/16/16. The BAR unanimously approved the proposed renovation. Shortly after this approval, I was surprised to learn that 25 signatures from Alexandria homeowners were gathered to appeal this unanimous BAR decision, basically rendering it moot. Confusingly, I have since learned that these petitioners do not need to have a valid reason or threshold to meet in order to appeal the BAR decision other than their disagreement and 25 signatures.

An appeal process is needed for egregious process errors by a commission, however, in this situation, this is not the case. It appears that a well-intentioned appeal process has been commandeered as a tactic to circumvent

both the informed decision of BAR members and the well thought out process, guidelines and standards of the commission. In this case, and likely in future cases, the BAR's decisions can be meaningless because 25 homeowners disagree with the finding.

What happens now? You, the City Council, will be re-hearing the case as if it is being presented for the first time. The architect will be presenting his proposal just as he presented to the BAR. At the upcoming City Council meeting, organized groups of citizens who have had the opportunity to speak before the BAR previously, will once again speak for and against the renovation. By doing this, people unhappy with the informed BAR decision will have succeeded in effect to turn you, the City Council, into a "new" BAR taking up valuable Council time and resources at a time when there are many more high level decision to be made for our city.

I appreciate the care and hard work that you do for Alexandria as well as the depth of knowledge that you all have in many areas, however, I trust that you agree that you have appointed citizens to be the members of the BAR because of their expertise in architecture and historic preservation. You have delegated the important historic standards review to this commission.

The petitioners have until the day of the council hearing to bring forth their "charges". I have no idea what the complaint is, and they are under no obligation to inform me. My attorney does not believe that there were any process errors committed by me, as the homeowner, or by the BAR. How is my architect to prepare for what feels like a defense of a project when we have no idea what the concern is and what the petitioners are going to say?

Through this process I have learned that the homeowner is left with no recourse to the automatic, unstoppable, 90-day plus freeze on a project that has already gone through and been approved by the system putting Alexandrian tradesman out of the work that they were scheduled to complete in the slow winter months.

As you know, home renovation in Alexandria's Old and Historic District governed by the BAR is an expensive labor of love to start with. The BAR is no way a "push-over" approval, as many projects are rejected or refined through the commission's approval process. The uncertainty of going through the established process and expense of obtaining appropriate approvals only to have them appealed for no discernable reason is an incredible incremental burden on any homeowner that wants to do any project of any kind in the historic district. I can tell you that as a homeowner that understands and has followed the rules, adhered to the standards of the BAR, gone through the process with the BAR, and then is issued an automatic stop work ruling for no reason, it feels like an abuse of the system is happening.

For my project, I hope that you will agree with the BAR's unanimous decision that the renovation is appropriate and meets the City's thresholds. Organized groups will easily find 25 members (and likely the same 25 people) to sign petitions, again and again, which will guarantee delays, additional costs, and the hiring of attorneys for work in the Old and Historic District of Old Town. This may have the effect of creating an environment where Old Town becomes a less desirable place to purchase a home if it cannot be renovated. I also believe that it will be very difficult to find qualified BAR commissioners if their decisions are routinely ignored.

As always, thank you for the work that you do for Alexandria. I know that the commitment of time and energy is substantial, and really appreciate it.

Best,  
Maria Hopper

cc: Roy Shannon, Minturn White, Christina Kelley, Robert Adams, Slade Elkins, John Goebel, John von Senden, Margaret Miller, Christine Roberts, Scot McBroom, James L. Banks

- Expected Response Date: Tuesday, January 31

Please take the necessary actions in responding, handling and/or updating this request at [the \*\*Call.Click.Connect.\*\* staff interface.](#)

If you need assistance with handling this request, please contact [CallClickConnect@alexandriava.gov](mailto:CallClickConnect@alexandriava.gov) or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

## I. AT-A-GLANCE: ELEMENTS OF THIS APPEAL

1. **317 S Lee St** The property in question is, originally owned by Maria Hopper until recently when ownership was transferred to an eponymous family LLC (317 S Lee St, LLC). In question now is a proposal to build a second level onto a recent one-level addition.
2. **315 S. Lee St.** The petition and appeal are submitted by owners of **315 S. Lee St.**, Mary Emery Palmer MD & Edwin Prugh Brown, Esq. with support from other concerned OAHD adjacent or nearby property owners.
3. In **2012 a large addition** was added at 317, but because the addition was not visible from the street, only the demolition was reviewed from an historical preservation perspective and only a permit and not a certificate of appropriateness (COA) was required (Figure 1); however, while the demolition was said to be minimal, the footprint of the addition to follow is bulky and inappropriate in mass, scale and height with the older front section of the house, the surrounding structures (our home) and its environs (water hazard). The mass effects primarily result from the loss of the ell\*. Now the second floor and new roof line that slightly exceeds 27 feet will dramatically and disproportionately increase the height.
4. **Reason for Appeal:** Problems, we think errors, in Staff reports BAR Docket #s 2016-00342 & 00343; approved after deferral on November 16<sup>th</sup>, 2016; and BAR 2011-0125 & 2011-0126, June 15, 2011, in addition to a number of procedural snags.
5. **Larger Issue at Stake:** Old and Historic district center block in-fill policy and practices, in particular, the value of structural ells among both small and large houses. Through review of practical application of Article X that describe the value of historic compatibility (10-105(A)(1) and the standards for approval (10-105(A)(2)(a-j) we conclude that there is a mismatch regarding exclusive applicability to the exterior structures visible to the public (which is made explicit) versus inclusion of "compatibility" (10-105(A)(1) inclusive of an entire historic structure with itself and in context with other structures, and as inferred to be the larger set of rules from the conjunction "AND" in the code (Figure 1 ).
6. **Relation of this Case to the above Larger Issue:** The larger issue is raised by what otherwise appears to be one of many residential approvals, in this case for an addition at 317 S. Lee, that bear on the historic blocks, their in-fill, set-backs and porosity. Much could be remedied by preservation of the historic ell. Are any such cases turned down for preservation reasons?
7. **A "double jeopardy" situation** was set up by building of the incompatible footprint t in 2012 which **removed the Ell** and was then followed by approval of a second story addition that will further increase its mass, scale and height, making it essentially irreversible. Its looming 3-dimensional will negatively impact our property values not only by blocking meaningful upstairs light as the first story has done to parts of our first story but also by negatively impacting the environs as has a water drainage problem brought before code. Together with a long-ago addition at 319, also lacking an ell, will produce a wide monolith without set-back requirements since each singly is narrow enough but together produce the width of a large property where 3 feet space is required. While the negative impact may seem to be shouldered only by near neighbors, the resulting serial additions set a precedent to disrupt ell\* structures, particularly of more narrow homes exempted from set-back requirements, and thereby accelerates a trend toward preferential preservation of visible exteriors or façades (partial demolition) over whole-structure and whole block historic compatibility and porosity. Whether or not this is the intent, the policy-code mismatch as reflected in Staff Reports should be clarified by amendments correcting and clarifying the pertinent standards in Article X and XI as is the purview of City Council set forth in the City Council Charter (section 9.09).



## II. PERTINENT HISTORY

1. **HISTORY OF TWO HOUSES:** Based on detailed research by Ruth Lincoln Kaye, now sadly deceased, we know that 315 and 317 S Lee St were built by the same person, Ebenezer Bacon, a ship chandler with his warehouse/office near the wharf. The property lot was inherited by his wife, Susan Byrne, from her father. Hence, the two houses, 317 and 315 S Lee Street are near twins or "Irish twins", if you will. The smaller more diminutive and delicately proportioned of the two, 317, became a rental property after 315 was built, because Ebenezer, Susan and children took residence in the newer house with more substantial proportions: 3 stories and wider frame. At one point it appears that 317 was rented by Ebenezer's relative, a sailor and who like Ebenezer was born in Maine. The two houses continued to share the lot for about 100 years until separated by an investor only a few years before purchased by Mary's parents. Mary was born in the old Alexandria Hospital on Duke and Washington Sts where her father directed the pathology laboratory. We, Mary and Ed, purchased the house from Mary's mother, Mary Lou Palmer (96) , in 1999 and have raised our 2 sons here.
2. **Historic Uniqueness:** Is this pattern of shared history of a big and little home in Alexandria historically unique? it would take a herculean research effort to prove otherwise unless other examples are already known. Although clearly there are other wood-frame houses large and small in OAHD, it would be interesting to research whether there are architectural features and patterns shared by these two that are not seen in similarly sized wood-framed historic homes. This also depends on the amount of interior changes, particularly in 317. Historic interest and is among the standards weighed in certificates of approval.

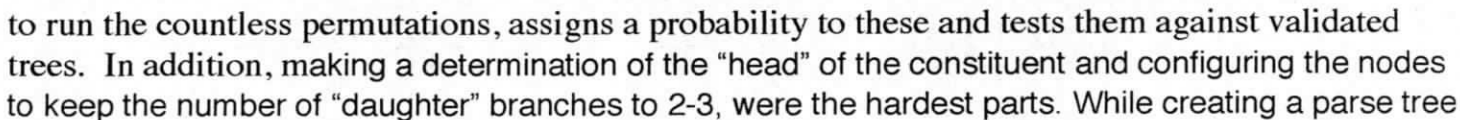
**III. Our Goal.** Our Goal with this Appeal is the best possible positive outcome for all concerned. We can explore what we see as win-win options and will be served by the higher interest in historic preservation that we hold very dear. We look forward to a fair review of this particular appeal, but also for clarification of the Ordinance standards, as is its purview of City Council under City Charter, section 9.09. Clarification will lead to greater transparency and trust for the public that in at least our case with the BAR was at least procedurally disappointing (November 2016).

---

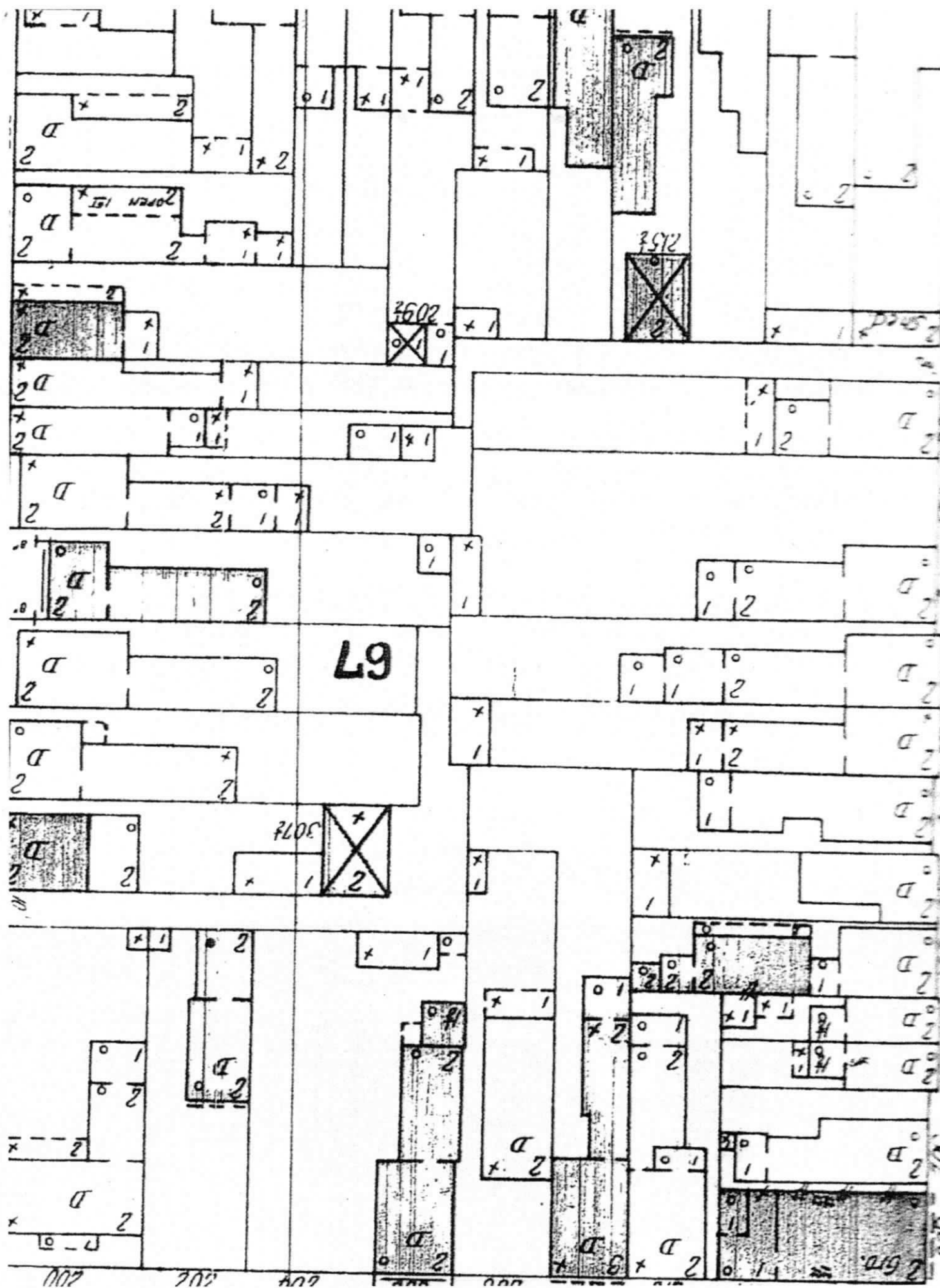
41 NODES 40 BRANCHES

## 49 NODES      45 BRANCHES

qualifiers. Standards (f) and (h) are excluded because these focus on buildings along the George Washington Memorial Parkway and do not apply. The full text versions of the Standards are in section X-105(A)(2).







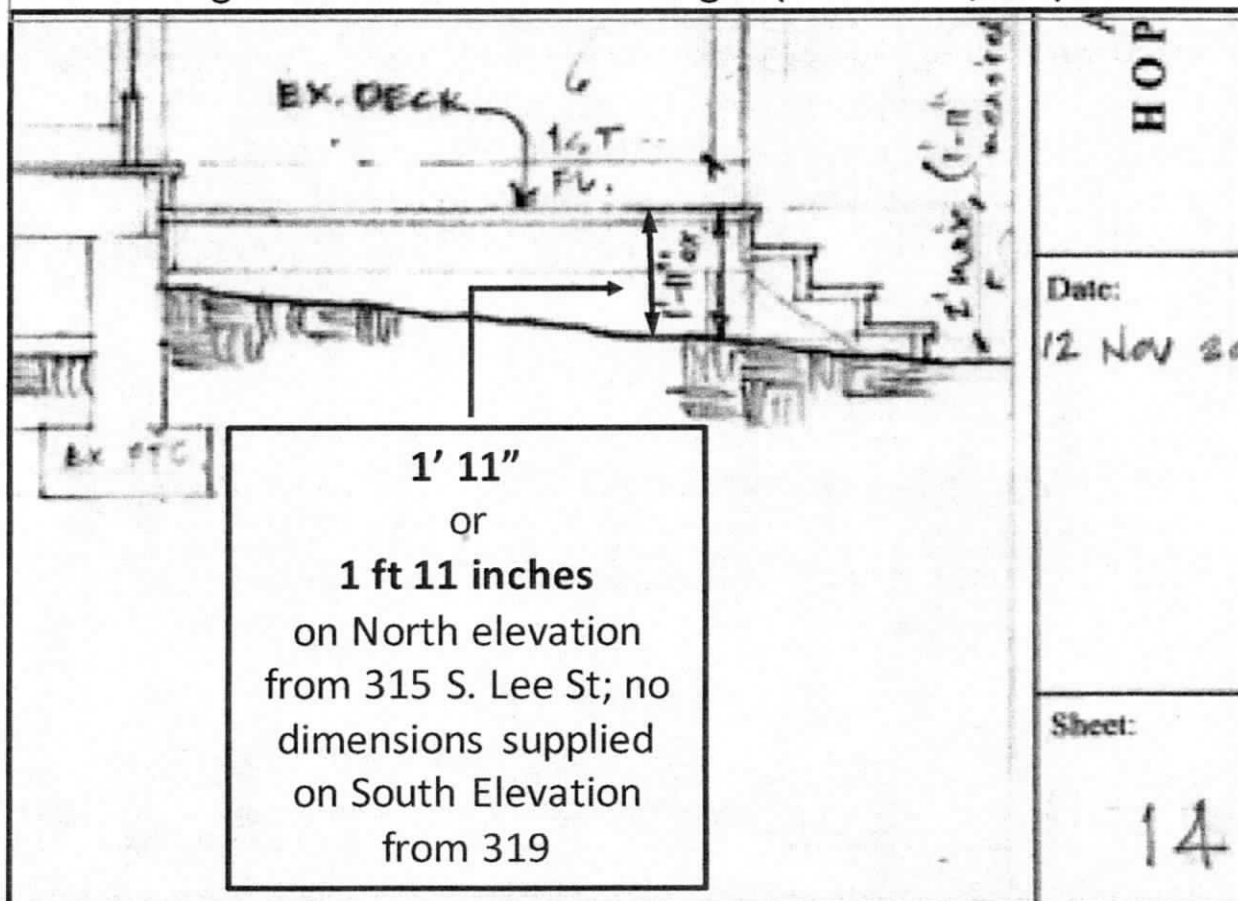


**APPELLANT TABLE 1 . OPEN SPACE CALCULATION -->**

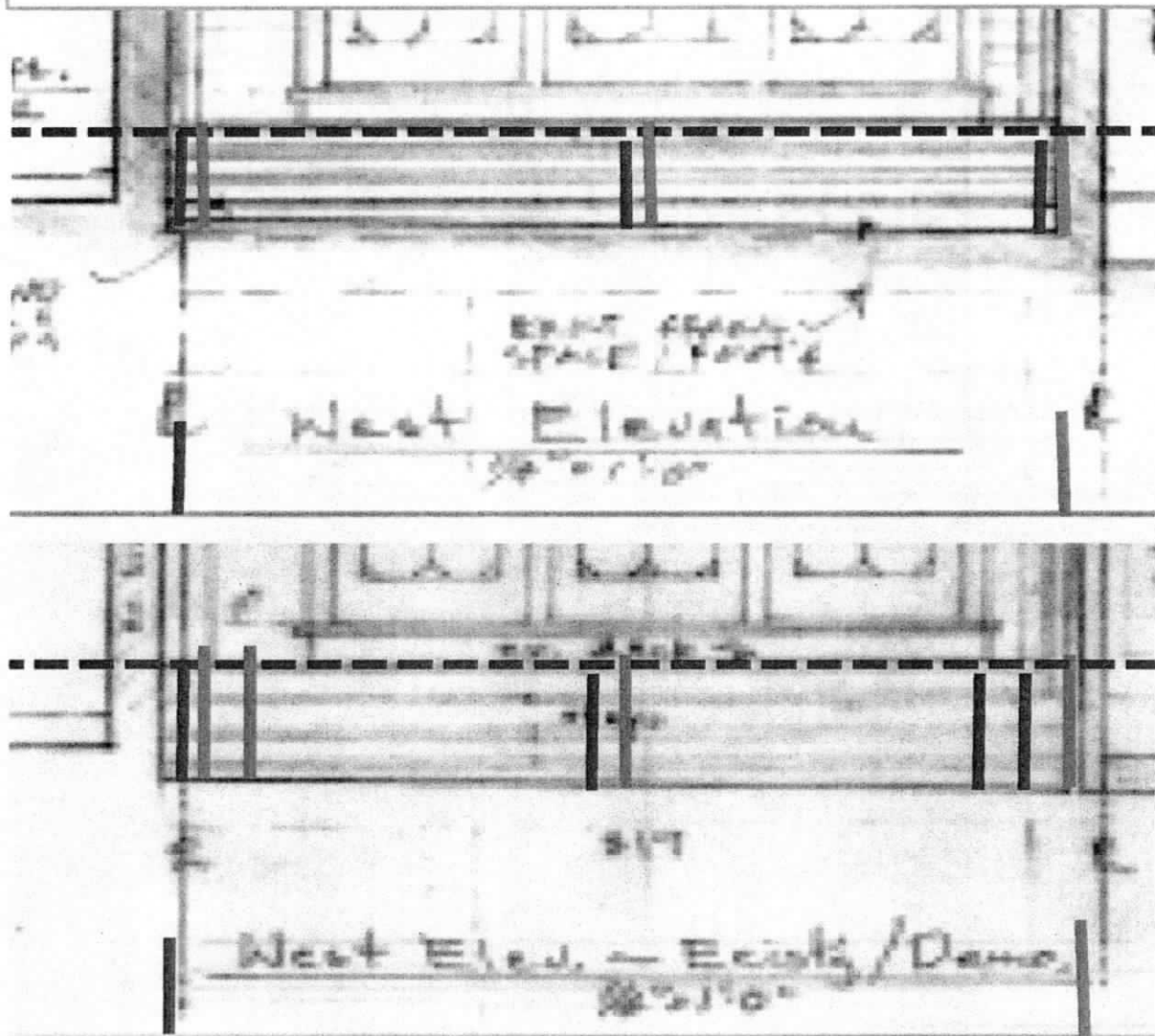
**7 sq ft DEFICIT.** Calculation of open space from surveyed plat (see Sheet 1 in Attachments for source of dimensions; miniature supplied only for search image). Although these calculations share the same starting assumption as the Applicants' that the square footage of the lot at 317 is 1512 sq feet as reported in the City real estate database, we conclude that open sp. is less than 35% minimum. Deck proportion of open space is based on line formula  $y=0.034x + 23$ , width 147 inches, and 28" height on southern projection. Area beneath the deck however is a wedge given east-west incline (see Appeal Fig 1.A. as well as visible north south incline.

<b>LOT LENGTH</b>	123.42
<b>LOT WIDTH</b>	12.25
<b>TOTAL LOT SQ FT</b>	1512
<b>ALLOWABLE OPEN SPACE</b>	35%
<b>MINIMUM (MIN) ALLOWABLE OPEN SP 35%</b>	<b>529.2</b>
<b>REAL BLDG LENGTH*</b>	80.8
<b>REAL BLDG WIDTH</b>	12.25
<b>REAL BUILDING SQ FT</b>	989.80
<b>REAL LOT OPEN SP (1512-989.8)</b>	<b>522.2</b>
<b>% REAL OPEN SP (522.2/1512, "ROUND TO EVEN" 3</b>	34.5%
<b>OPEN SP DEFICIT SQ FT (522.2-529.2)</b>	<b>-7</b>
<b>* BLDG LENGTH based on Sheet 1 dimensions</b>	
<b>FRONT MAIN LENGTH</b>	42.5
<b>COURTYARD LENGTH</b>	10.1
<b>ADDITION LENGTH</b>	28.2
<b>TOTAL</b>	<b>80.8</b>
<b>BASED ON EMPIRIC ASSUMPTIONS, LACK DIMENSIONS</b>	
<b>DECK BUILDING SQ FT est. 7.5 x 12.25 using scale</b>	91.88
<b>DECK DISALLOWED for OPEN SP (60% of 91.88)*</b>	55.13
<b>Use 1/3 given unknown east - west factors (wedge)</b>	18.37
<b>OPEN SP TOTAL DECK + REAL (522.2-18.37)</b>	503.83
<b>% DECK + REAL OPEN SP</b>	33%
<b>DEFICIT W/ DECK OPEN SP</b>	<b>-25.37</b>

**Appeal Figure 1. A.** Incomplete dimensions make it difficult to “ground truth” a number of measurement-based factors. For instance, herein the height of the deck on the north, beside the brick wall as seen in Report Fig. 1, is 1 ft, 11 inches, but no height is provided for the south elevation. This matters because there is a grade that affects deck height (see below, 1.B.)

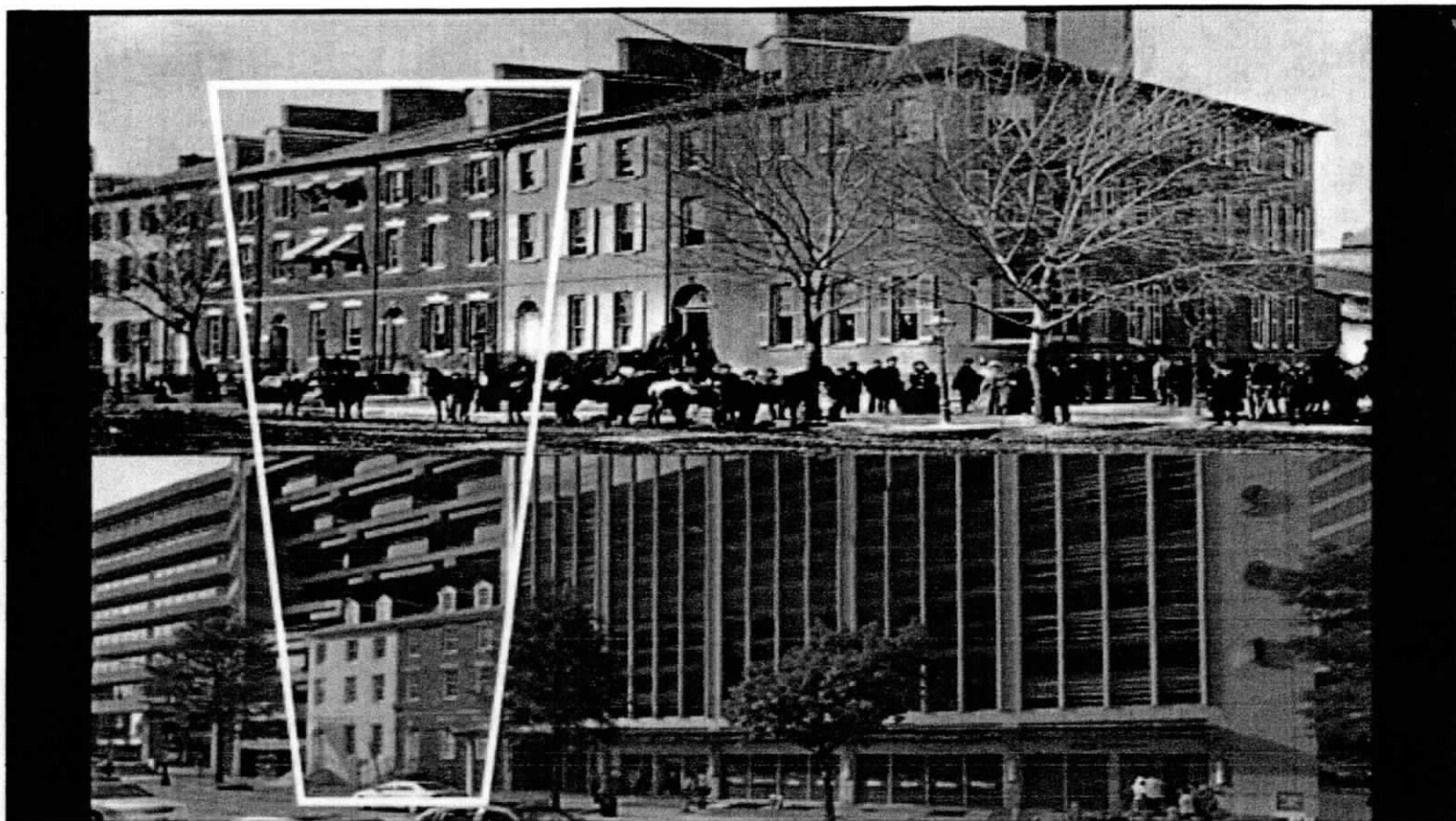


**Appeal Figure 1. B.** Deck height from west. Deck height is pertinent because a deck  $> 2$  feet does not count as open space. Two renditions of the deck from west are cut from Sheet 7 in the first Supplemental Attachment. The grade increases from north to south and by more than an inch (red bar at north, green bar at south; these are copied and transplanted to show that the red is short when moved south and the green, tall when moved north. We estimate 28 inches on the south end (rightmost green bar), and if true, open space drops to 33% or less. This pertains to Staff recommendation of approval of the Bridge as discussed below. Although the picture (Report Figure 1) taken by staff indicates that the deck is 2 feet in height, we can see a height difference with the naked eye while recognizing that the space beneath the deck forms a wedge on the east-west axis (see above 1.A); therefore, clarification would be helpful but either way, open space appears to be only 34.5% as seen in Table 1.









## Gloria Sitton

---

**From:** website <webmaster@alexandriava.gov>  
**Sent:** Friday, January 27, 2017 11:39 AM  
**To:** Jackie Henderson; Gloria Sitton  
**Subject:** City Council speaker's form submission received

Meeting Date: 01/28/2017  
Docket Item# 13

Speaker's Name: Scot McBroom  
Phone #: 703-549-0650  
Email: scot@adamsarchitects.com  
Address: 405 S. Washington St.

Representing self? No  
If representing other: 317 South Lee Street, LLC (Applicant to BAR)

Position on the item: For

Nature of interest: Agent - Architect

Are you being compensated? Yes

## SPEAKER'S FORM

DOCKET ITEM NO. 13

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Roy Shannon
2. ADDRESS: 201 N. Union St., Suite 230, Alexandria, VA, 22314
- TELEPHONE NO. 703-299-3440 E-MAIL ADDRESS: rs Shannon@rrbmdk.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? 317 South Lee Street, LLC
4. WHAT IS YOUR POSITION ON THE ITEM?  
 FOR: \_\_\_\_\_ AGAINST: ✓ OTHER: Against Appeal, For BTR's decision
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?  
 YES ✓ NO \_\_\_\_\_

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

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

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

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

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

## Guidelines for the Public Discussion Period

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

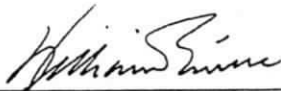
# CITY OF ALEXANDRIA, VIRGINIA

## Guidelines for Honest Civic Discourse for those Participating in Meetings in the Council Chamber

Members of the Alexandria community, its elected officials and City staff place a high value on constructive and thoughtful debate on public issues. To this end, all who participate in meetings in the Chamber, including public officials, staff and members of the community, are expected to observe the following guidelines.

1. Treat Everyone with Respect and Courtesy
2. Do Your Homework – Be Prepared and Be Familiar with the Docket
3. Express Your Ideas and Opinions in an Open and Helpful Manner
4. Be Respectful of Others' Time by Being Clear and Concise in Your Comments and/or Questions
5. Demonstrate Honesty and Integrity in Your Comments and Actions
6. Focus on the Issues Before the Decision Making Body – Avoid Personalizing Issues
7. Listen and Let Others Express their Ideas and Opinions
8. If a Decision is Made with which You Do Not Concur, Agree to Disagree and/or Use Appropriate Means of Civil and Civic Recourse, and Move On

Adopted by the Alexandria City Council on October 12, 2004.



---

William D. Euille, Mayor