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11-10-17

Appeal for BAR Case 2017-00289

Robert J. and Kathy Y. Agnor
205 North Columbus Street
Alexandria, Virginia

Introduction

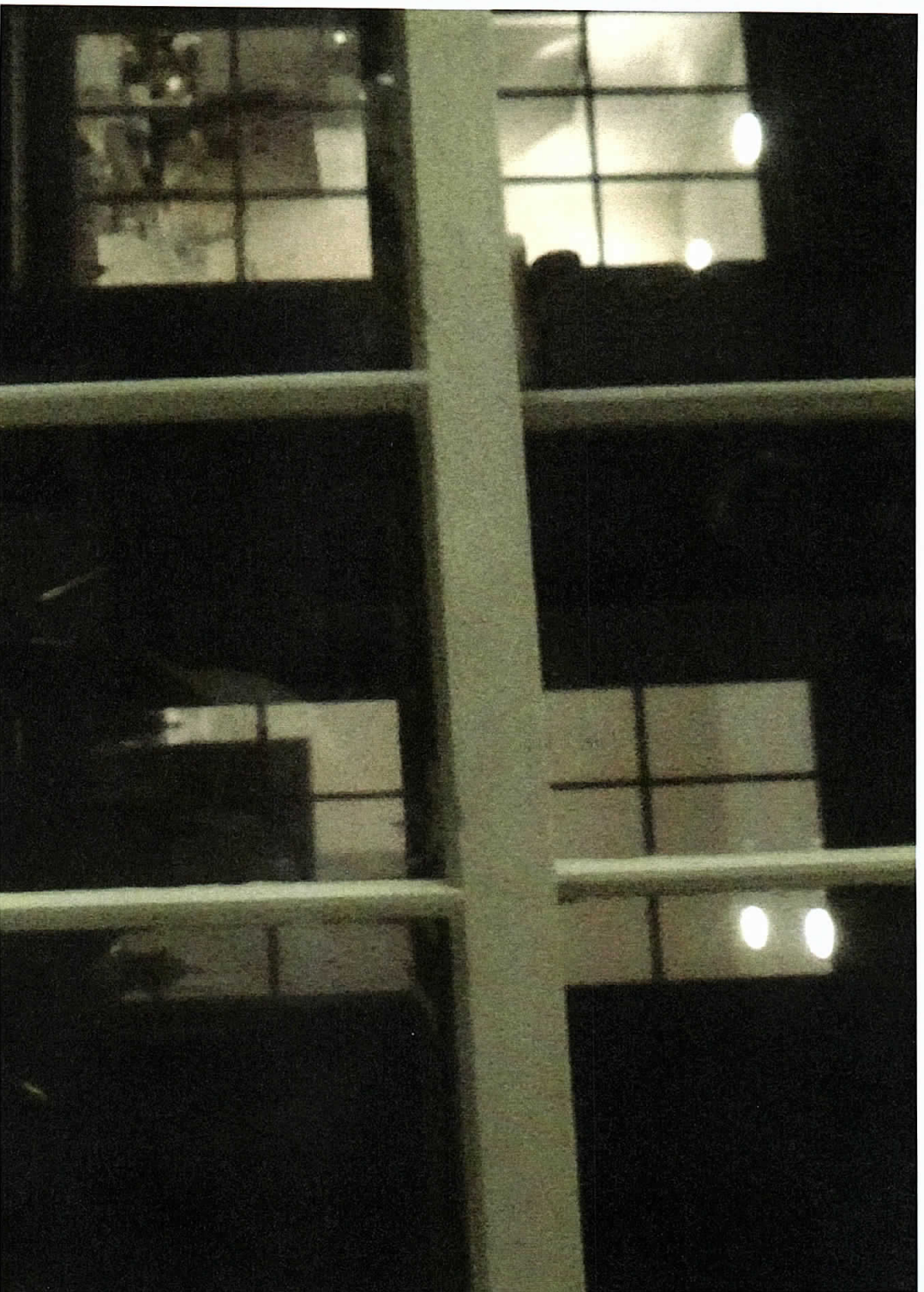
Purpose

- To ask for Council's Help for Us to restore additional 12 inches lattice height needed for Privacy (48 inches vs 36 inches directed by BAR)
- To Ask for Council's Help for Our Citizens to Restore Public Confidence in the Process

Appreciation - Mr. Al Cox and Staff. They provided an honest and thorough assessment and recommendation and we have new found respect for them, for their knowledge and research skills.

Where is the Issue- Layout of adjoining properties

- Alley exists between two properties, 203 and 205 N. Columbus
- Concrete Block wall owned by 205 North Columbus Street
- Wall provides no privacy, is below window level due to significant crawl space under both houses



The above show the kitchens of 203 and 205 North Columbus Street facing each other.
5 FOOT CONCRETE WALL IS BELOW THE LEVEL OF ALL WINDOWS.



View from Dining Room





The above picture is the family room projection of a large screen television upon our deck, leaving no privacy for outdoor activities.

What was designed

Lattice which

Was consistent with the neighbor's lattice, to blend in naturally

Was designed to not extend past the neighbor's recent addition

Was designed to be white in color to better reflect lighting in the alley.

Was designed to be of height necessary to provide visual screening for both residences (48 inches)

Was within heights for other privacy structures approved within the city, confirmed by Staff

Sequence of Events

- Lattice installed under the impression it was allowed.
- Staff notified us we were non-compliant
- We removed the lattice –removal time one hour
- We submitted a BAR Request
- The staff recommended approval.
- The neighbors at 203 North Columbus Street objected to design and height
- The BAR gave deference to neighbors desires
- BAR arbitrarily lowered height needed, rendering the project useless, incapable of giving visual privacy
- November 2017- We discovered letter with incorrect information that had been delivered to the BAR. BAR did not divulge its existence to applicants nor attempt to validate incorrect contents. Letter is officially part of docket posting online

What was installed prior to BAR Review



NOTE: Lattice was removed in one hour when staff notified us it was not in compliance

What was installed



Lattice, only within the alley between the properties

What was installed



What was installed



Lattice is to the left of the bird house. Arrow points to minimal profile view from Private Alley, Private Parking Lot

What was installed



Lattice, consistent with the neighbor's lattice, and not extending past the neighbor's porch, addition

What was Installed and Removed prior to BAR



In the alley only

Actions of BAR

- The BAR discussed this relative to height. One member asked that if we had called this trellis instead of lattice, would it be subject to any height restrictions, to which the City's leader at Zoning, Mr. Cox, replied "no."
- The BAR asked if there were other screening structures between houses that were higher than the proposed total height, and Mr. Cox replied that there was one 11 foot separation fence approved for privacy in the past, as well as others approved beyond 6 feet.
- Result: The BAR showed preference to objecting neighbors and reduced the necessary height by 12 inches, leaving insufficient height for privacy. The arbitrary reduction leaves the project useless, incapable of providing privacy.

Basis of Appeal

- The lattice height is not beyond other approved privacy solutions
- This is just lattice, not a permanent structure. It could qualify as trellis with the addition of plants, not subject to height rules
- It is entirely within the alley between the two houses
- It is consistent with the lattice of the neighbor's addition at 203 North Columbus
- It is white, reflecting more light than is currently in the fairly dark alley.
- It is high quality, of no less quality than the Hardiplank addition at 203 North Columbus Street.
- The BAR lowered height does not provide privacy.

And

- **THE BAR CONSIDERED INCORRECT INFORMATION NOT DISCLOSED TO THE APPLICANT**

FAILURE OF OUR JUST PROCESSES

A Private Letter To BAR now Posted Online and Part of the Official Record
We request that Council invalidate the BAR's decision because it was made with incorrect information.

The information delivered to the BAR by the residents of 203 North Columbus Street was significant, incorrect, and was adverse to our request for lattice.

The existence of the letter, now part of the official record and posted on the City's BAR site, was unknown to us until after we filed our appeal to you, and found only by a later review of the BAR record of the proceeding.

THE BAR DID NOT REVEAL THE PRESENCE OF THIS LETTER TO THE APPLICANTS NOR ATTEMPT TO VERIFY INCORRECT INFORMATION IN THE LETTER, A SIGNIFICANT FAIRNESS ISSUE.

Impact of Private Letter

**Secret-(adjective). not known or seen or not meant to be known
or seen by others**

**Created a negative image of the applicants. Not
itself bad, but was coupled with unsavory acts.
(Read Letter Description of Applicants)**

**Incorrectly Claimed Ownership of the Wall to
refute any right to install Lattice on top of the Wall.
Applicants depicted as intruders.**

**Claimed the Applicants were Deceptive, not
supported by photographs, and incorrectly
conveyed the height of the neighboring windows
obviated the need for any privacy.**

Private Letter incorrectly Claimed of Ownership of the Alley

- **“In June of this year, men started drilling holes in the top of our garden wall...we had no idea what was going on. We then saw large metal pipes being inserted, followed by a man pouring cement into the holes to stabilize the metal pipes.”**

Possessive “Our” is incorrect. Wall has always been and is now solely owned solely by us, not residents of 203 North Columbus

Incorrect Information conveyed that we had no business doing anything with that wall, much less drilling, cementing, and installing lattice.

Incorrect Information conveyed that 203 North Columbus Street owned the wall, rightfully have total control of the wall, and determine what goes on it.

INCORRECT CLAIM OF OWNERSHIP OF THE WALL BY RESIDENTS ON THE LEFT
Property Demarcation is defined by Paint line
Wall is entirely on the property of and owned by 205 North Columbus Street residents



Incorrect Claim of Ownership by Residents of 203 North Columbus Street

**(Wall is Entirely owned by Appellant, Right Side Property, on right side
of Property Demarcation (see Paint Line))**



Right side: 1.5 Bricks to the right window, Left side 2.5 Bricks to left window

Private, Undisclosed Letter Charges of Deception

“For the record, Mr. Agnor’s letter and accompanying pictures are misleading.” (and) .. With regard to the family room, the TV is not visible from outside unless one is standing on a table or a chair.”

Impact of the statement

The TV and all activities in the family room project to our deck, but the statement that it is not visible unless one stands on a chair or table, led the BAR to conclude we don’t really need lattice.

The visual, but incorrect, image, of me standing on a table or chair to take a misleading picture is a pretty compelling reason for the BAR to deny our application for lattice. The statement that the picture is misleading is incorrect.

Private, Undisclosed Letter Deception Charges

**“For the record, Mr. Agnor’s letter and accompanying pictures are misleading.” (and) ..
With regard to the family room, the TV is not visible from outside unless one is standing on
a table or a chair.”**



NO CHAIR OR TABLE ELEVATION IS NEEDED TO ELIMINATE PRIVACY

Private, Undisclosed Letter Deception Charges

“For the record, Mr. Agnor’s letter and accompanying pictures are misleading.” (and) .. With regard to the family room, the TV is not visible from outside unless one is standing on a table or a chair.”

Arrow points to TV Room



NO CHAIR OR TABLE ELEVATION IS NEEDED TO BE IMPACTED BY FAMILY ROOM ACTIVITIES

Private, Undisclosed Letter Deception Charges

“For the record, Mr. Agnor’s letter and accompanying pictures are misleading.” (and) ..

With regard to the family room, the TV is not visible from outside unless one is standing on a table or a chair.”



Picture taken at eye level, unshuttered in this picture

Threat of Public Loss of Confidence in BAR process

This process

- **Permits private communications to Alexandria Boards without the knowledge of the applicant**
- **Permits no opportunity to address the validity of its contents**
- **Permits no opportunity to challenge incorrect or deliberately false statements**
- **Takes away all integrity of the BAR process.**

Addressing letters to an entire board or committee constitutes an official submission of documentation that in an open government, should be revealed to all parties.

Such action that doesn't provide defendants or parties in a trial the same information available to juries in the Judicial process results in a Mistrial. BAR process should be at least as rigorous as our judicial system for protections.

Answers Council Deserves

- Do our current rules permit private/secret documents ?
- Do our current rules permit open last minute documents with no opportunity for applicants to review?
- Is there required ethics training for boards and committees?
- Is there required training on the statutes applicable to these boards?
- What is the criteria for adding “Additional Materials” to the online record of the board?
- How many adverse rulings or denial of requests have been made where the applicant was unaware of “Additional Material?”
- What should be done to publicly announce a “grandfathering” of applicants who may have had adverse rulings based on unknown “Additional Material?”
- Is there accountability for people who submit material which is deliberately false?
- If so, how many times have charges been filed against individuals in the last 5 years?

The Citizens need the Help of Council

Direct City Attorney to draft rules to prevent secret submissions for your approval

Board and Committees be provided Ethics training

Grandfather Applicants with adverse rulings to enable appeal

If undisclosed documents are found by them on file

Enforce Chapter 3, Sec. 13-3-2 when individuals submit False statements to Alexandria Boards and Committees

Declare the BAR findings in this case to be invalid based upon decision made with incorrect information conveyed in a letter, and that Council accept the recommendation of Staff, to permit the installation of simple lattice to 48 inches, for needed privacy.

Reference

City Code Reference

CHAPTER 3 - Offenses Against the Administration of City Government

Cross Reference: General government, Tit. 2.

Sec. 13-3-2 - incorrect statements or entries in city proceeding.

(a) Whoever, in any matter within the jurisdiction of any officer, department or agency of the City of Alexandria, knowingly falsifies, conceals or covers up by trick, scheme or device, a material fact, or knowingly makes any incorrect, fictitious or fraudulent statements or representations, or makes or uses any writing or document knowing the same to contain a incorrect, fictitious or fraudulent statement or entry, shall be guilty of a class 1 misdemeanor.

City Council Public Hearing – Docket #18-7045

November 18, 2017

ISSUE: Appeal of BAR Decision to City Council approving a Certificate of Appropriateness, as amended, and Request for a Waiver of Maximum Fence Height requirement.

From: Erin Pierce and Shawn Vasell, 203 N. Columbus Street, Alexandria, Virginia 22314

Recommendation: Affirm BAR decision, as amended.

For the record, the request to the BAR to waive the fence height requirement failed to meet the two primary requirements to grant a waiver:

- 1.) The proposed fence is not architecturally appropriate – it is excessive in height compared to similar fences between row houses on the 200 N. Columbus Street block specifically and the Historic District generally.
- 2.) It is not consistent with the character of the district – the synthetic, plastic fencing material (regardless of its so-called “quality”) is out of character with the adjacent historic lattice on our porch at 203 N. Columbus Street as well as every other fence on the block specifically and throughout the Historic District generally.

Despite the applicant’s failure to meet these requirements (and the fact that our neighbor erected the fence without prior approval and has never communicated with us at any time), we took the approach of “good fences make good neighbors” during the BAR hearing in September 2017 and supported the applicant’s request for a fence waiver above 6 feet. We recommended 7.5 feet to the BAR, and also requested that high-quality, natural materials be required rather than the plastic lattice – which is appropriate for the historic district.

A reasonable compromise was reached to allow a height of 8 feet. This is 3 feet higher than the existing cinder block wall between the homes. We also reluctantly dropped our request that natural materials be required to bring this matter to conclusion.

Simply put, the BAR waived their requirements by 2 feet, and that is quite fair. This is a two foot increase over what is generally considered to be the appropriate height of such fences in Old Town. The tallest fence between houses on our block is 6.5 feet.

It sets a bad precedent to increase the height beyond this in the historic district. Moreover, a 9 foot fence is neither attractive nor necessary nor right for the neighborhood.

The applicant is asking in effect for a *4 foot increase* in height on just one side of a yard, *not just 12 additional inches*.

From a search of the city’s database of past fence height waiver approvals, the highest fence approved was 8 feet in 2010 on Green Street (this was not between houses; it was a yard enclosure). A 7 foot fence between homes was approved earlier this year on Cameron Street. In all cases, materials are either wood or masonry, not plastic.



Photo demonstrates moisture issues and lack of exposure to sunlight. Four additional feet atop of the existing 5 foot cinder block wall will exacerbate the situation. Three additional feet, for a total of eight feet is more than adequate for privacy. Nine feet extends above tops of windows, blocking light.



Photo shows aerial view of fence. Applicant's 3 foot high deck can be seen to the left. The impact of a 9 foot high fence is significantly greater on our property.



View from inside 203 N Columbus. Demonstrates that there is only one window from 205 N. Columbus directly facing the home.



View from inside 203 N Columbus.



Photo shows impact on neighboring property. A fence height of 9 feet would be excessive and far exceeds what is necessary to provide privacy. Current wall is above window sills, as you can see, despite applicant's claim otherwise. Photo also shows moisture problems which would be exacerbated. Photo also shows there is only one window that faces one of the applicant's windows (kitchen window). Window locations have not changed since construction in 19th century. Note that true height of 9 foot fence is 8-9 inches taller than metal supports show in photo.



Photo demonstrates view from outside side window on home addition. This is an accurate representation of the view into the family room. TV cannot be seen. Even with the elevated deck at 205, one would have to stand on a chair to have taken the misleading photo included in the applicant's submission.



Photo demonstrates true impact of 9 foot fence. Measurement shows 9 feet is 8-9 inches higher than supports.

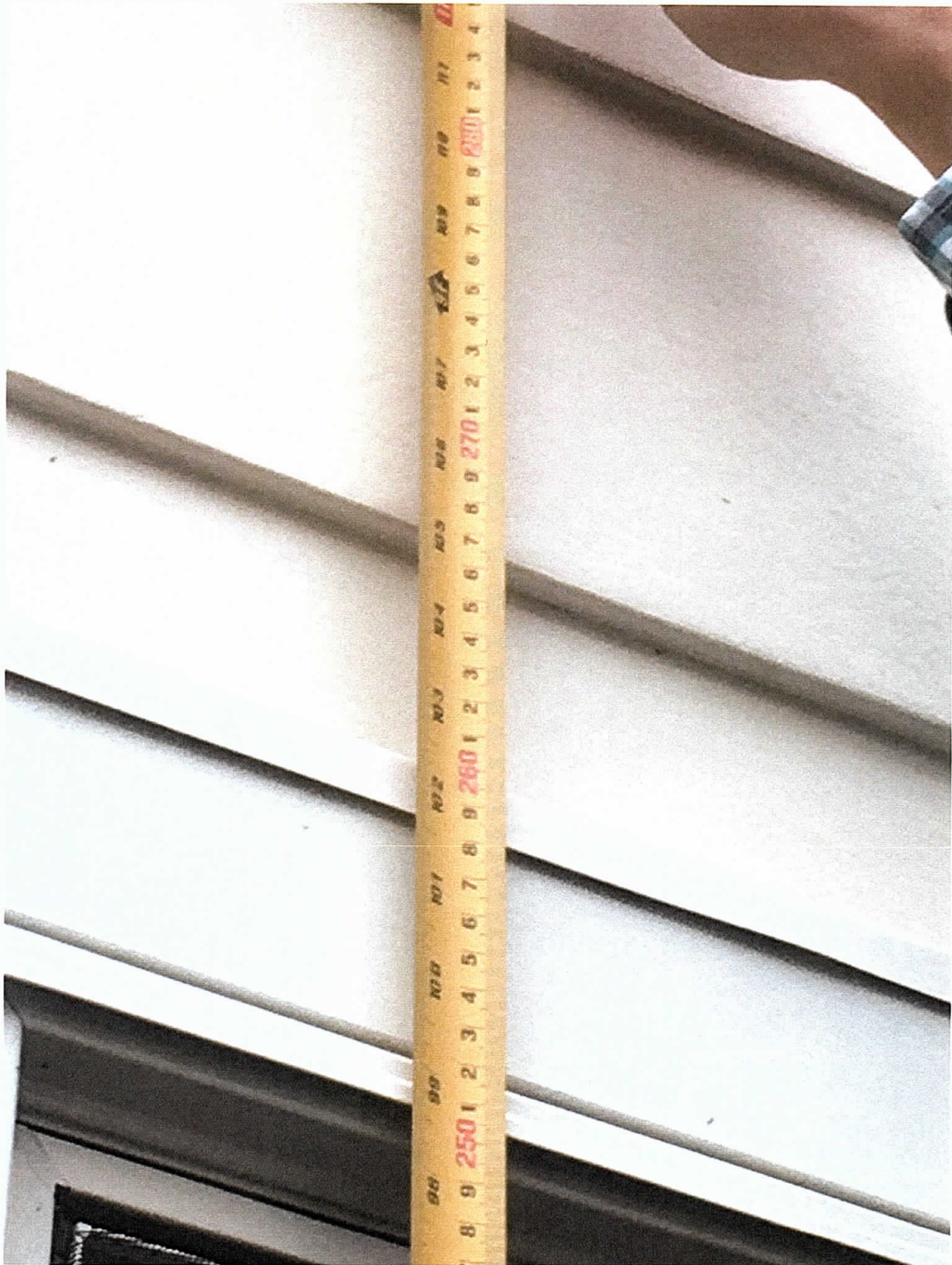


Photo demonstrates that 9 feet is 9-10 above the top of the window. 9 feet is excessive and is 2-3 feet above the $\frac{3}{4}$ point of the window.



Photo show 9 foot measurement against impacted home.



Photo (taken at eye level) from inside 203 N Columbus looking at support pole. Note that 9 feet is actually 8-9 inches higher than pole shown in this photo as shown in prior photo. This demonstrates the impact to our home.

8
11-18-17

Robert J. and Kathy Y. Agnor
205 North Columbus Street
Alexandria, Virginia 22314

To: Mayor and Members of Council

Subj: Addendum to Appeal of BAR Case 2017-00289: Request to invalidate BAR decision based on incorrect information considered by the BAR

Attachment: BAR Case 2017-00289 Additional Materials Letter from Residents of 203 North Columbus posted on BAR website

(Text of salient points emboldened for easier reading)

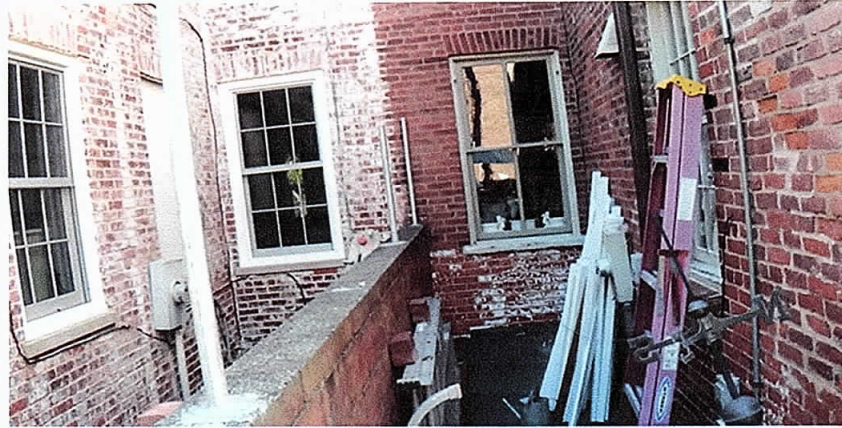
We request that **Council invalidate the BAR's decision because it was made with incorrect information**, delivered to the BAR without the knowledge of these applicants, and that you accept the recommendation of the staff to permit our lattice installation as originally requested.

The information delivered to the BAR by the residents of 203 North Columbus Street was significant, seriously incorrect, and was adverse to our request for lattice. The BAR overruled the staff recommendation to approve our lattice installation to the dimensions we required. Now part of the official record posted on the BAR website, is posted a letter addressed to the BAR by the residents of 203 North Columbus Street, the property that adjoins ours.

The existence of the letter, now part of the official record and posted on the City's BAR site, was unknown to us until after we filed our appeal to you, and found only by a later review of the BAR record of the proceeding. The letter, attached, contained the following incorrect statements that were considered in the BAR's decision.

1. **The letter states the wall in the alley between our houses belongs to 203 North Columbus ("our garden wall").**
Specifically the letter stated the following:
"In June of this year, men started drilling holes in the top of our garden wall...we had no idea what was going on. We then saw large metal pipes being inserted, followed by a man pouring cement into the holes to stabilize the metal pipes."

Why the statement is incorrect. The wall ("our garden wall") has never been the property of the residents 203 North Columbus Street, but is on our property. Its construction is mirrored on the north side of our property. The accompanying picture shows white paint, up to the dividing line of the properties, on 203 North Columbus Street and **shows the wall entirely on our side of that demarcation.** The number of bricks separating the right side of the wall from our window on the right is 1.5, while the number of bricks separating the left side of the wall from the 203 North Columbus Street left window, is 2.5. The wall is one brick wide. The wall is entirely on our side and belongs exclusively to us. The full width of the alley between the houses is 10 feet. The distance between our house at 205 North Columbus and the south edge of the wall is 52.5 inches. **Owners of 203 North Columbus, contrary to that claimed, have no ownership of the wall, and they don't have any control of the wall and their claim of ownership is incorrect.**



Impact of the Statement: The information given to the BAR as “our garden wall,” was incorrect. **Members of the BAR were given information that conveyed that we had no business doing anything with that wall, much less drilling, cementing, and installing lattice.** The incorrect statement conveyed that those residents owned the wall, and thus should have total control of the wall, determine what goes on it, and the height of any lattice. The BAR made a decision with incorrect information.

2. The letter stated that my pictures were misleading. Here is what the letter stated:

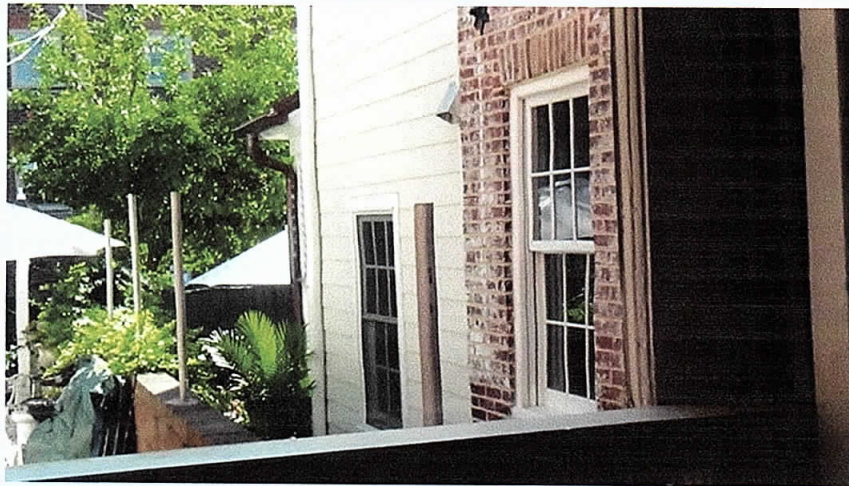
“For the record, Mr. Agnor’s letter and accompanying pictures are misleading.” (and) .. With regard to the family room, the TV is not visible from outside unless one is standing on a table or a chair.”

Why this statement is incorrect

Below is a photo of me, head to foot, relative to the family room window at 203 North Columbus Street. I am shown to be nearly as tall as the window is high.



The family/television room window is significantly lower than the main house windows, below the level of our wall, and television has no need for ourselves or guests to stand on tables or chairs to experience the intrusion into our outdoor activities, as seen in the below picture. **The issue is not just the television, but basic privacy, where a window was installed directly facing our property, and needs screening.**





The TV is often an intrusive factor for our outside activities, and though there are shutters they are not always closed, nor would we expect them to be, as seen in the above photograph, the same view provided the BAR of a nighttime television view. Lattice would allow us privacy without depending upon our neighbors to close the shutters. **Even without a TV, there is no privacy for us or them.**

Impact of the statement

The TV is visible, but the statement that it is not visible unless one stands on a chair or table, led the BAR to conclude we don't really need lattice. The visual, but incorrect, image, of me standing on a table or chair to take a misleading picture is a pretty compelling reason for the BAR to deny our application for lattice. **The statement that the picture is misleading is incorrect.**

The remainder of the letter has a great deal of narrative, and stated that other neighbors had complained about the lattice.

However, we personally were given compliments by **two immediate** neighbors regarding the quality and appearance of the lattice

Threat of Public Loss of Confidence in BAR process

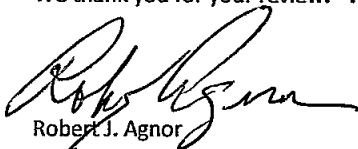
This process that allows a document to be addressed and delivered to the entire BAR, and become part of the official record of the BAR proceedings, without the knowledge of the applicant or the opportunity to address the validity of its contents, nor to challenge incorrect statements, takes away all integrity of the BAR process. We have no issue with citizens communicating with each BAR, BZA, or Council member individually in private communications. However, addressing letters to the entire government body constitutes an official submission of documentation that really, in an open government, should be revealed to all parties. To prevent loss of public confidence, Council should direct that letters addressed to the entire BAR, BZA, or Council be considered an official part of the proceeding and prohibited unless the applicant has been provided a copy in advance of the BAR, BZA, or Council review.

The letter with incorrect information referenced in this case, not provided to us, compromised the integrity of the process, and in a jury process such action would result in a mistrial. In this case, the BAR decision should be invalidated because the findings were based on incorrect information.

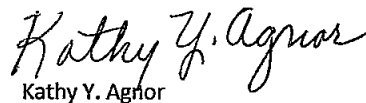
REQUEST

1. That our Citizen Representatives on Council direct the City Attorney to draft for Council approval rules that prevent the conveyance of correspondence to boards and committees without the review of applicants appearing for those boards.
2. That City of Alexandria Boards and Committees be provided Ethics training, focused on transparency and full disclosure to all parties appearing before them.
3. That applicants who have had adverse rulings by these boards prior to new rules, be allowed to appeal adverse decisions made in the last 5 years, if board and committee records contain documents that were not revealed to applicants, and that appropriate public notices be posted to inform the public of the extension of appeals.
4. That Chapter 3, Sec. 13-3-2 - False statements or entries in city proceeding, be enforced when individuals submit false statements to Alexandria Boards and Committees.
5. That our Citizen Representatives on Council declare the BAR findings in this case to be invalid based upon decision made with incorrect information conveyed in a letter, and that Council accept the recommendation of Staff, to permit the installation of simple lattice to 48 inches, for needed privacy.

We thank you for your review. We want no conflict, just privacy, and honesty.


Robert J. Agnor

Sincerely,


Kathy Y. Agnor

Important Questions for Council Discussion

1. Do our current rules permit documents to be provided to boards addressing requests or appeals without disclosing to the applicant?
2. Is there a minimum period before a scheduled board required for any new documentation review, after which no new documentation can be submitted?
3. Is there required ethics training for boards and committees, to include transparency, full disclosure of information held by the board or committee, that may not be available to applicants?
4. Is there required training on the statutes applicable to these boards?
5. What are the criteria for adding "Additional Materials" to the online record of the board?
6. How many adverse rulings or denial of requests have been made where the applicant was unaware of "Additional Material."
7. What should be done to publicly announce a "grandfathering" of applicants who may have had adverse rulings based on "Additional Material" which was unknown to the applicant, and permit an appeal to Council?
Consider cases decided in the last 5 years for eligibility for appeal.
8. Is there accountability for people who submit material which is false?
9. If so, how many times have charges been filed against individuals in the last 5 years?

City Code Reference

CHAPTER 3 - Offenses Against the Administration of City Government

Cross Reference: General government, Tit. 2.

Sec. 13-3-2 - False statements or entries in city proceeding.

(a) Whoever, in any matter within the jurisdiction of any officer, department or agency of the City of Alexandria, knowingly falsifies, conceals or covers up by trick, scheme or device, a material fact, or knowingly makes any false, fictitious or fraudulent statements or representations, or makes or uses any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry, shall be guilty of a class 1 misdemeanor.

**Letter submitted to the BAR from Residents of 203
North Columbus Street, dated September 6, 2017**

September 6, 2017

Submission to the Alexandria Board of Architectural Review Regarding BAR Case #2017-00289

We respectfully submit the following in opposition to BAR Case #2017-00289 requesting approval for a Waiver of Fence Height. From our perspective, the request fails to meet the two primary requirements for the BAR to grant a waiver under section 7-202(C):

- 1) The proposed fence is not architecturally appropriate – it is excessive in height compared to similar fences between the row houses on the 200 block of N. Columbus Street.
- 2) It is not consistent with the character of the district – the synthetic, plastic fencing material is out of character with the adjacent historic wood lattice on our porch at 203 N. Columbus Street, as well as other fences on the block.

Background and Context

In 2014, Planning and Zoning and BAR approved a very modest addition to our property at 203 N. Columbus Street, which had the unanimous support of our neighbors as well as the Alexandria Historical Society. The sole exception was the Agnors at 205 N. Columbus who appealed the Planning and Zoning decision in Virginia Circuit Court. The Agnors remain extremely upset to this day about the city's decision, the dismissal of their case in Circuit Court, and the completion of our addition and renovation.

We have attempted to talk with the Agnors about the fence, but they refuse to speak and do not answer their door to us or others. We also tried talking with their contractor as he was erecting the fence, requesting that the Agnors communicate their plans, but this was not met with success either.

In June of this year, men started drilling holes in the top of our existing garden wall...we had no idea what was going on. We then saw large metal pipes being inserted, followed by a man pouring cement into the holes to stabilize the metal pipes. We asked the man what was going on and they informed us that the Agnors were building a fence. Then man was surprised and apologetic that we had not been informed. We tried to reach the Agnors without success to discuss the construction. We told the builders that they needed a permit to build the tall fence. They continued anyway. A number of neighbors on the 200 block of N. Columbus came to our house and called us about the fence the Agnors had constructed, mentioning the excessive height (nine feet).

For the record, Mr. Agnor's letter and accompanying pictures are misleading. While we did do a small renovation and addition in 2015, the location of our kitchen windows did not change – those windows are existing. That footprint has not changed since the house was built in 1871. With regard to the family room, the TV it is not visible from outside unless one is standing on a table or chair. We have shutters in that room. You can see from the footprint of our addition, as well, that our family room area and the window he photographed extends well beyond the back of their house. Finally, the nine foot fence was quite visible from public spaces. (this is why neighbors noticed it and came to us initially) Unfortunately, the one picture in the materials does not accurately portray this. Despite this, we want to be good neighbors and allow the Agnors to construct their fence.

Our strong preference would have been communication and a mutually acceptable resolution without having to go through this process. As an example, our neighbors at 201 N. Columbus recently came before the BAR, requesting a new fence. They communicated with us and we worked together to find a mutually agreeable fence which pleases everyone and is appropriate for the historic district.

Proposed Compromise

We would be fine with the Agnors proceeding with a fence, however, it is of great import to us that the fence is architecturally appropriate, to scale, and constructed of materials consistent with the character of the Historic District. Therefore, we propose the following:

- 1) The fence height be no taller than 7.5 feet and no longer than the structure of the home at 203 N. Columbus Street. This height would be one foot taller than the tallest fence/wall between the houses on our block (the tallest being 6.5 feet between 207 and 209 N. Columbus). We believe this is a fair compromise which would provide the Agnors with the privacy they feel they need and would continue to allow adequate sunlight into the narrow walkway between the fence and our home, helping to reduce moisture problems in that area.
- 2) The fence be constructed of high quality natural materials consistent with the restored historically significant porch at 203 N. Columbus Street as well as the Historic District. In terms of materials used, we would like to see wood lattice instead of plastic. This would be consistent with what we were required to do on our rear, historical porch. We went to great expense and worked closely with the BAR to use existing materials and high quality wood replacement materials on that porch, to include wood lattice. We were not allowed to use a synthetic product. Aesthetically, wood, instead of plastic, would look nicer and not contrast with what we did with our lattice porch. The proposed plastic lattice would diminish the integrity of the porch. Further, all other fences on the 200 block are constructed of high quality natural materials. Recently, the fence at 201 was restored with high quality cedar, and the fence at 207 is currently being restored with high quality wood.

We have great respect for the BAR, its mission and the excellent BAR staff. We were and remain particularly grateful to the BAR and BAR staff for the constructive working relationship and positive experience we had during our renovation and small addition. We contacted the BAR office via phone on Thursday, August 24, at 10:30:47 a.m., and left a message regarding this case. We also left two messages last Friday, after seeing the docket. We received notice from the Agnors August 26. We have been out of town since August 27, so we went to the BAR offices yesterday to talk with staff. We had a nice discussion with Catherine and let her know of our proposed compromise. It was our intention to make the above recommendations with the hope of reaching a compromise before the hearing. Again, we want to be good neighbors and allow the Agnors to move forward with the construction of their fence. We sincerely hope they will be amenable to our proposed compromise.

We are happy to answer any questions and or concerns you may have before or during the hearing this evening.

Thank you for consideration of our views and position.

Sincerely,

Erin Pierce and Shawn Vasell

203 N. Columbus Street

Alexandria, VA 22314