
To: Madeleine Sims
Subject: RE: Vacation #2017-0010

From: Anne Marie Shuyler <anne.marie@shuyler.com>
Sent: Tuesday, January 2, 2018 8:06:48 PM
To: Madeleine Sims; Ann Horowitz
Subject: Vacation #2017-0010

Anne Marie Shuyler
January 2, 2018
William Shuyler
4848 Maury Lane
Alexandria, VA 22304

RE: Vacation #2017-0010 (4905 Maury Lane)

Dear Ms. Sims,

We are writing in support of the Tabor/Fulstone request to vacate #2017-0010.

Our neighbors Bill Tabor and Elise Fulstone have applied to buy a parcel of City right-of-way at the end of Maury Lane. This parcel is contiguous to our property at 4848 Maury Lane.

I, Anne Marie, met with Elise Fulstone at the site and discussed with her their plans for protecting the undeveloped, wooded area that currently exists within and beyond the City's right-of-way. We understand and agree with the Tabor/Fulstones' wish to (1) manage storm water run-off from Maury Lane which runs down their driveway, (2) move the driveway about 3 feet to the east and straighten out the crooked curve in their driveway and (3) landscape each side of their driveway. Their plan does not destroy any existing trees or disturb the character of the existing wooded area and surrounding natural environment, which is very important to us. They also intend to remove asphalt and replace their driveway with gravel, slowing down storm water run-off, which will be even more "tree friendly."

To mitigate past storm water run-off and flooding problems that affected our neighbors on Maury Lane, we installed, with City approval, a drainage system that we buried alongside Maury Lane in 1991. This underground drainage pipe was laid along the edge of our property between our fence line and the pavement of Maury Lane. As discussed in detail below, prior to the 2016/2017 construction that occurred at 4875 Maury Lane, that drainage system helped to successfully mitigate storm water run-off, at no cost to the City. Due to those construction activities at 4875 Maury Lane, however, that drainage system has been compromised, and water is no longer draining away from the road as it has in the past, and it is now running off into the Tabor/Fulstone's property at 4905 Maury Lane, and flooding along Maury Lane on the edge of our property at 4848.

The potential to further damage the buried drainage pipe, and increase the problems caused by storm water run-off, has increased with the removal of the split-rail fences that bordered the end of Maury Lane in the summer of 2017. We removed that fence — a split-rail fence along our property line installed by the previous owners (who owned the property for 30+ years) — in order to accommodate the needs of Dominion Power to excavate and bury electrical lines. In the past, the closeness of that split-rail fence to the pavement of Maury Lane helped to prevent vehicles from driving directly over the buried drain pipe. With the fence gone, the buried drain pipe is now subject to pressure from the increased traffic of heavy vehicles driving directly above it. **The Tabor/Fulstone's plan to plant trees and ground cover on the**

east side of the entrance to their driveway, an area which is now City right-of-way, will serve to protect the buried drainage pipe from further damage, prevent further flooding and run-off, and protect the surrounding woods from disturbance.

In contrast to our support of the proposal by the Tabor/Fulstones, we are opposed to the proposal offered by Mr. and Mrs. Hirschmann to buy this piece of land to use as additional parking for their property across the street.

Since their construction began on the former Beatley property at 4875 Maury Lane in 2016, Mr. and Mrs. Hirschmann have removed all of the mature trees on the portion of their property that faces Maury Lane — a loss of nearly an acre of mature trees, decimating the forest canopy that has shaded and sheltered Maury Lane for decades, and destroying a well-established network of trees and roots that historically helped absorb storm water falling on the crest of the hill where Maury Lane is found.

After removing the existing mature trees on their property along Maury Lane, Mr. and Mrs. Hirschmann were then able to pave over a considerable portion of the front of their property, making it possible to accommodate multiple vehicles for parking.

With our concerns for drainage, run-off and flooding in mind, we let our new neighbors at 4875 Maury Lane know about the existing drainage pipe across the street from them, and asked Mr. and Mrs. Hirschmann several times, before they began construction, to make sure their contractors did not park above the drainage pipe buried on the side of Maury Lane across the street from their construction site. As we informed them, the drainage system we installed has been vital to drainage on Maury Lane, and it had worked perfectly for 26 years.

Unfortunately, the existing drainage pipe has been compromised this year by the large trucks and other construction-related vehicles that have been frequently parked on it during the construction at 4875 Maury Lane.

It is clear that the damage caused this year to the previously existing pipe is now causing storm water to run down from the end of Maury Lane and into the Tabor/Fulstone property. **We have seen very similar run-off problems — caused by removal of trees, regrading of land, and construction completed without concern for its effect on neighboring properties — elsewhere on Maury Lane in years past, in the wake of construction which created storm water run-off problems and damage to our neighbors' homes, and which resulted in significant expense to the City and to our neighbors.** We sincerely hope to prevent any situation that will bring storm water run-off, flooding and water damage to our neighbors' property — and prevent any unnecessary expense to the City undertaken to remediate problems similar to those we have seen in the past.

For these reasons, we cannot support the Hirschmanns' proposal to acquire this parcel it and dedicate to parking, as it will only further damage the existing drainage system, and expose our neighbors to potential flooding, while detracting from the existing wooded character of the area. Instead, we fully support the Tabor/Fulstone proposal to buy the City-owned right-of-way, protect its existing wooded character and preserve its capacity to absorb storm water run-off.

We had hoped to be able to attend the Planning Commission meeting about this matter on Thursday, January 4th, but we unfortunately have a conflict and are unable to attend.

Sincerely,

Anne Marie Shuyler and William Shuyler
4848 Maury Lane
Alexandria, VA 22304
703-461-3116

From: Ann Horowitz
Sent: Wednesday, January 03, 2018 9:15 PM
To: Kristen Walentisch
Cc: Madeleine Sims
Subject: Fwd: 4905 Maury lane VAC2017-0010

For Docket 5 materials:

Begin forwarded message:

From: "Puskar, M. Catharine" <cpuskar@thelandlawyers.com>
Date: January 3, 2018 at 8:17:54 PM EST
To: Mary Lyman <mslyman@verizon.net>, "mariawasowski@comcast.net" <mariawasowski@comcast.net>, Stephen Koenig <swkoenig@icloud.com>, "Melissa E. B. McMahon" <mmcmahonpc@gmail.com>, "natemacek@hotmail.com" <natemacek@hotmail.com>, "mindylyle@comcast.net" <mindylyle@comcast.net>, "David W. Brown" <dwbapc@gmail.com>
Cc: Karl Moritz <karl.moritz@alexandriava.gov>, "ann.horowitz@alexandriava.gov" <ann.horowitz@alexandriava.gov>, "madeleine.sims@alexandriava.gov" <madeleine.sims@alexandriava.gov>, "yon.lambert@alexandriava.gov" <yon.lambert@alexandriava.gov>, "joanna.anderson@alexandriava.gov" <joanna.anderson@alexandriava.gov>
Subject: Fwd: 4905 Maury lane VAC2017-0010

Dear Chair Lyman and Member of the Planning Commission,

I am writing on behalf of my clients, Susan and David Hirschmann, owners of 4875 Maury Lane<x-apple-data-detectors://2>, regarding their next door neighbor's request for the vacation of public right-of-way. I apologize for the timing of this outreach, but my client was first notified of the vacation request via a December 20th email from the neighbors, which informed them that they would be receiving a certified notice in a few days while also letting them know that they would be able to discuss their application when they were back in town on December 30th. My clients took the opportunity to meet with the neighbors on December 30th but the neighbors were unwilling to make any adjustments to their proposal to address my client's concerns.

My clients support the vacation of much of the area reflected in the application, but believe that the area to be vacated should be reduced to maintain some right of way at the end of the street to continue to facilitate cars turning around and occasional on street parking by visitors. Contrary to the conclusions in the staff report, that is the existing use of the public right-of-way now and such reasonable use of that portion of the right of way will continue to exist in the future. Maury Lane is a dead end street - as such, cars often drive down the road and then realize that they are at a dead end and need to turn around. This is also true for trash trucks and delivery trucks on Maury Lane. To vacate the entire area requested by the neighbors would remove the area currently used by vehicles to turn around and also eliminate right of way that is currently used for vehicles to park on occasion.

The client and I spoke earlier today. I then contacted staff to let them know that I had been retained by the Hirschmann's, to explain that my client had outstanding concerns regarding the proposed vacation, and to ask if the Applicant would be willing to defer the Application for a month to allow us time to sit down with them, and staff, to arrive at a mutually agreeable solution. Per staff's email below, the neighbors have indicated that they are unwilling to defer.

As a result, I wanted to let you know that I will be appearing before you tomorrow night<x-apple-data-detectors://7> to request that you defer Docket item #5 and provide direction for the applicant to meet with us and staff to discuss my clients' concerns and explore potential solutions in more detail. The existing right of way has been in its existing condition for years. There is no exigent circumstance requiring action by you tomorrow night<x-apple-data-detectors://8>, nor is there any detriment to anyone by not acting on the Application tomorrow night<x-apple-data-detectors://9>.

Thanks, as always, for your thoughtful consideration of this matter.

Cathy

Begin forwarded message:

From: Madeleine Sims
<Madeleine.Sims@alexandriava.gov<<mailto:Madeleine.Sims@alexandriava.gov>>>
Date: January 3, 2018 at 4:56:26 PM EST
To: "Puskar, M. Catharine"
<cpuskar@thelandlawyers.com<<mailto:cpuskar@thelandlawyers.com>>>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov<<mailto:ann.horowitz@alexandriava.gov>>>
Subject: 4905 Maury lane VAC2017-0010

Cathy,

We spoke with the applicant about your request to defer, she informed us that she will not defer.

Kind regards,

Madeleine

Madeleine Sims | Urban Planner

City of Alexandria, Virginia

Planning & Zoning / Land Use Services

301 King Street Room 2100 Alexandria, VA 22314

To: Ann Horowitz
Subject: RE: 4905 Maury lane VAC2017-0010

Begin forwarded message:

From: "Elise Fulstone" <efulstone@fulstonelaw.com>
Date: January 4, 2018 at 12:40:11 AM EST
To: "'Ann Horowitz'" <ann.horowitz@alexandriava.gov>, "Madeleine Sims" <Madeleine.Sims@alexandriava.gov>
Cc: "Bill Tabor" <whtva@comcast.net>
Subject: RE: 4905 Maury lane VAC2017-0010

Ann and Madeleine,

There are some inaccuracies in the representations of Ms. Puskar:

- On December 22, we offered to meet with the Hirschmanns before we left town on December 24. In response, David Hirschmann offered to meet with us on Saturday December 23 or the following weekend. We thanked him for his flexibility and took his offer to meet on December 30 after we had returned from our trip at midnight on December 29. I have an email chain documenting this exchange.
- Cars will not be prevented from turning around at the end of Maury Lane. This is a non-issue. Nothing regarding cars using our driveway or the Hirschmann's driveway will change. On December 30, we told the Hirschmanns that we expect cars to continue to use our driveway and their driveway to turn around. We expressly stated to them that it did not matter whether we owned the property or the City owned the property, people would continue to use the property to pull in or back in to turn around. Further, there continues to be a City right-of-way area for backing into which is the V-shape of our 75 foot set back.
- I have never witnessed a trash truck trying to turn around on Maury Lane. They either back in or back out the entire length of the lane.
- Ms. Puskar states "[t]he existing right of way has been in its existing condition for years." This is not correct. The "existing condition" of the right-of-way has changed just in recent times. For instance, the Shuyler's split rail fence which crossed a portion of the City's right-of-way and restricted parking was removed just last summer.

Allowing occasional parking at the entrance to our driveway would (1) impair our ability to landscape that area which serves the dual purpose of managing storm water run-off and sending a strong visual clue to drivers that the public lane ends and a private residence begins and (2) impair our plan for the new location of the driveway which we plan to move about 3 feet to the east. These are key reasons for us to purchase the entire City right-of-way. We do not see any value in a month of negotiating on these issues.

So, we are prepared to proceed at the Planning Commission hearing Thursday night (1/4/2017) unless there is anything in the arguments presented by Ms. Puskar that changes the City staff's position in support of our application.

Thank you,
Elise Fulstone