[EXTERNAL] proposal to divide 506 N Overlook

David Shewchuk <dmshewchuk@gmail.com>

Mon 2/22/2021 3:02 PM

To: PlanComm < PlanComm@alexandriava.gov>

Good afternoon -

I live at 609 N Overlook Drive, and write to you regarding Docket Item #11 on your March 2 Planning Commission calendar, regarding the proposed subdivision of 506 N Overlook Dr.

I SUPPORT the property owner's request. The lots would be consistent with the character of our neighborhood, and I generally favor a property owner's ability to do as they wish with their property.

I am aware of a petition currently circulating asking the Commission to delay, deny, or otherwise frustrate the owner's request in the interest of preserving a link to city history. This seems to me a poor reason to use the force of bureaucracy to interfere with an individual's property. If the signers were concerned with the fate of the parcel, there are plenty of free and fair solutions (such as forming a collective trust to acquire the lot) available to them - instead, they seek to use the power of government to advance their personal interests at the expense of the property owner, which I cannot support.

Consistent with your staff's recommendation, please vote in favor of the owner's request.

Thank you,

David Shewchuk 609 N Overlook Dr Alexandria, VA 22305

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RE: 506 N Overlook subdivision

Williams, Zachary G. <ZGWilliams@Venable.com>

Wed 2/24/2021 4:09 PM

To: Sam Shelby <sam.shelby@alexandriava.gov>

Cc: Patrick Silva <Patrick.Silva@alexandriava.gov>; Ikharo, Maura L. <MLlkharo@Venable.com>

Sam and Patrick:

We would like to defer the public hearing on our application scheduled for next week. Please let me know our options for deferral. I appreciate your assistance with this.

Thank you,

Zach

Zachary G. Williams, Esq. | Venable LLP

t 703.905.1497 | f 703.821.8949

8010 Towers Crescent Drive, Suite 300, Tysons, VA 22182

ZGWilliams@Venable.com | www.Venable.com

[EXTERNAL]North Ridge Citizens' Association comments on Proposed Subdivision #2020-00009

Charles Kent <chuckent@comcast.net>

Wed 2/24/2021 10:06 PM

To: Karl Moritz < Karl. Moritz@alexandriava.gov>

Cc: Sam Shelby <sam.shelby@alexandriava.gov>; Ann Horowitz <ann.horowitz@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>; Elizabeth Bennett-Parker <elizabeth.bennettparker@alexandriava.gov>; John Chapman

<john.taylor.chapman@alexandriava.gov>; Garrett Fesler <Garrett.Fesler@alexandriava.gov>; Gretchen Bulova

<Gretchen.Bulova@alexandriava.gov>; Zachary Williams <ZGWilliams@Venable.com>; PlanComm

<PlanComm@alexandriava.gov>



3 attachments (16 MB)

NRCA letter to Karl Moritz on 506 N Overlook - 23 Feb FINAL.pdf; Appendix to NRCA Letter.docx; Petition - 506 N Overlook Dr 02242021.pdf;

Dear Mr. Moritz,

We have just learned that the applicant for Subdivision #2020-00009 at 506 N. Overlook Drive has requested a deferral. We hope that this delay will allow for a constructive conversation between the owner and the community. We are reaching out to him for that purpose.

We are transmitting this letter expressing our concerns, realizing that though some elements of the proposal may change, the historical information we have found and the points that we raise are relevant going forward.

Thank you and your staff for your attention to this matter.

Best regards,

Chuck Kent President, NRCA

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February 24, 2021

Karl Moritz, Director Office of Planning and Zoning City of Alexandria, Virginia

Subject: Proposed Subdivision #2020-00009 at 506 North Overlook Drive

Dear Mr. Moritz:

The North Ridge Citizens' Association (NRCA) has been looking into the history of the property at 506 North Overlook Drive and the proposal to resubdivide the lots. For the reasons provided below, we believe Planning and Zoning should reconsider its conclusion that historical oversight is not needed and its recommendation that the Planning Commission approve the subdivision.

The property at 506 North Overlook Drive has historical significance

The historical record of 506 North Overlook should be fully investigated before the property is disturbed. The existing house, known in the North Ridge community as "The Civil War House," has long been celebrated as a unique and important symbol of the neighborhood's history. It has been featured as a historic property on the NRCA website for many years. It is also featured in both the 1981 and 2000 editions of "North Ridge Lore," a publication documenting the history and the best-known narratives about our neighborhood.

Your report states that, "No archaeological oversight will be necessary for this subdivision." We challenge that interpretation. While there are conflicting records as to the precise date this house was built—property records say 1850, others say 1840, 1878 and 1894—the owner and his family are listed in our neighborhood in the U.S. Census of 1870 and 1880. Thus, the house appears to be well over 100 years old. Moreover, the property is listed in the 1992 Small Area Plan for Historic Preservation in North Ridge as the first of 37 properties designated as being a "Documented Historic Site." This designation alone should trigger further investigation into the history of the house.

The 1992 document shows 506 N. Overlook Drive (1878) under the name of H. Fractious estate (1894). That refers to Hampshire Fractious, a free African-American man who owned this and other properties in Alexandria shortly after the Civil War and who appears to have been one the highest African-American taxpayers in the City. In an appendix to this letter, we offer a host of supporting documentation that should invoke further research and evaluation by the City's historic preservation experts.

As the 1992 Small Area Plan for Historic Preservation states, "The unique identity of any locality derives from its geographical setting, its early development pattern, its familiar architecture and settings and its people, all

of which combine to provide a city with its special sense of place. The preservation and conservation of early buildings, streetscapes, vistas, landscapes and neighborhoods serves to maintain and enhance the unique character of a city...." We fear that, project by project, the unique character of Alexandria is being lost.

This is not just a subdivision request.

The applicant asserts that this request is solely to re-subdivide two existing lots into two lots of more equal size, proposed as Lots 500 and 501. According to the application, "The demolition of the existing dwelling is not the subject of this subdivision request." Yet, at the same time, the applicant acknowledges his intent "to demolish the existing dwelling and construct a single-family dwelling on each new lot."

The proposed subdivision is inconsistent with the requirements of Section 11-411 of the zoning code pertaining to Historic and Archaeological Preservation which provides that "A preliminary site plan which includes land designated as a potential resource area on the City of Alexandria Archaeological Resource Map must require, as part of preliminary site plan, reasonable archaeological evaluation reports and resource management plans." This section applies to all applications for preliminary or combined site plan or other development approval (emphasis added) subject to 11-411.

If the City allows the subdivision and demolition, any required evaluation reports and resource management plans that are part of a site plan will be too late to save this historic structure. At a minimum, the proposed demolition is a "ground-disturbing activity" that qualifies for an archaeological evaluation report prior to any action by the owner/applicant.

In addition, we respectfully disagree with conclusions in the Lot Analysis (Staff Report pp. 9-10). First, the Lot Analysis incorrectly states the requirements of Section 11-1710(B). While the Analysis states that that Section requires that subdivided lots "shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision," that is only part of the relevant test. The critical omitted language requires more—it requires that "No lot shall be resubdivided in such a manner as to detract from the value of adjacent property." The Lot Analysis fails to address this requirement; as a result, the Staff Report and recommendations therein are fatally flawed.

The Lot Analysis ignores the fact the subject property and the existing historical structure thereon are a significant part of the existing character of neighboring properties. The planned subdivision and demolition would change the character of the neighborhood permanently. Section 11-1710 (C) requires that "The plat shall conform as near as possible to the master plan and its amendments, a copy of which is on file in the office of the director." We refer you again to the 1992 Master Plan for Historic Preservation which lists this property as a Documented Historic Site.

Finally, we note that the topography, including the step gradient downhill towards the adjoining preschool property, are not addressed in the Staff Report. These and other safety concerns need to be evaluated under Section 11-1710(B) as part of the "suitability for residential use," and under Section 11-1708(A)(2), which requires that "The subdivision will not adversely affect the public health, safety and welfare."

The tree canopy is also significant

In addition to the historic significance of the property to North Ridge, we would reinforce the points in your report about the importance of these lots to the tree canopy of North Ridge. The loss of mature trees on this

property due to demolition and construction would be measurable. Just as approval of the subdivision would be a death knell for the historic house, it also would largely destroy the trees since two houses would be constructed on the property leaving little likelihood of saving them. This request should be reviewed by the City Arborist.

Petition from the adjacent neighbors

One hundred and four (104) neighbors on the streets surrounding 506 N. Overlook Drive have signed a petition to the Planning Commission requesting deferral of the subdivision request and asking for further research and evaluation on the history of this property and its significance to Alexandria's heritage before the house or property is disturbed. That petition is submitted as an attachment to this letter.

Requested actions

For the reasons cited above, which are supported by the factual evidence presented in the appendix to this letter, we request the following actions:

- The Office of Planning and Zoning should modify the staff report to recognize the unique historical attributes of this house and recommend a full historical and archeological assessment of the property, as well as a review by the City Arborist;
- The applicant should be required to enter into discussions with the Office of Historic Alexandria to arrange for the appropriate evaluation reports and resource management plans;
- The Planning Commission should defer any action on the applicant's request, including subdivision, until the historical significance of this property has been properly assessed and the community is afforded an opportunity to explore more appropriate uses for this important part of Alexandria's heritage.

Sincerely

Chuck Kent

President, NRCA

Cc: Alexandria Planning Commission

Mayor Justin Wilson

Vice Mayor Elizabeth Bennett-Parker

Councilman John Chapman

Garrett Fesler, City Archeologist

Gretchen Bulova, Office of Historic Alexandria

Ann Horowitz, Office of Planning and Zoning

Sam Shelby, Office of Planning and Zoning

Zachary Williams, Attorney

Appendix

Appendix to NRCA Letter of February 23, 2021

available for viewing in a shared Dropbox Folder at the following link: https://www.dropbox.com/sh/u0k1l3ohwnz0un6/AAB8Y693s0xFjT_7lUsdk3TWa?dl=0

1. Petitions

- a. Original petition signed by 104 Neighbors of 506 N. Overlook Drive (with original signatures and addresses)
- b. Online petition to Planning Commission and Mayor (with 820 signatures as of 6:30 pm Feb 24)
 - i. List of signatures on the online petition to further study the history of the building
 - ii. Comments submitted to the online petition
- 2. Information on the History of 506 N. Overlook Drive
 - a. Pictures of the house in 2021
 - i. East Side
 - ii. West Side
 - b. Picture of the house in 1999 (as used on the NRCA website history page)
 - c. Historical maps of the area from 1878 to 1945
 - d. The 1900 map of Alexandria County for Virginia Title Co. redrawn for the 1981 North Ridge Lore on page 37 shows Hampshire Fractious owning a parcel of land in the approximate vicinity of the location of 506 N. Overlook.
 - e. House listed as number 1 of 37 "Documented Historic Site(s)" on Page 61 of the North Ridge Small Area Plan for Historic Preservation of 1992. It shows 506 Overlook Drive (1878) under the name of H. Fractious Est. (1894), https://www.alexandriava.gov/uploadedFiles/planning/info/masterplan_historic_preservation.pdf
 - f. Archaeology Preservation Code section 3413 (in 1989 amendments to Section 5-5-1 of City Code) on page 29 shows the house as having been owned by Hampshire Fractious, a free African-American
 - g. A 1962 article, "The Map of Arlington in 1878- Places and People" by C. B. Rose, Jr. also shows the name "H. Fractious" in a location approximate to the location of 506 N. Overlook Dr. The map in question is the 1878 "Map of Alexandria (Arlington) County VA, reproduced from the "Atlas of Fifteen Miles Around Washington Including the Counties of Fairfax and Alexandria, Virginia."
 - h. What makes Alexandria Alexandria? Language from the Master Plan for Historic Preservation of 1992.
 - i. Excerpts on 506 N. Overlook Drive from "North Ridge Lore," by North Ridge Citizens' Association, 1981

- j. Excerpts on 506 N. Overlook Drive from "North Ridge Lore Revisited," by North Ridge Citizens' Association, 2000.
- 3. Information on Hampshire Fractious, owner from 1876-1894?
 - a. <u>Taxes</u>: He paid \$2,100 in real estate taxes on a house he owned on Queen St. in 1865. (Source: Website of The Friends of Freemen's Cemetery, "*Alexandria Real and Personal Property Taxes Paid by African Americans, 1865*".) This amount is the second highest amount listed in this record of 37 pages of names.
 - b. <u>Caring for an Invalid Mother</u>: In 1867 a list of blind Freedmen the Alexandria Superintendent of the Freedmen's Bureau, included Page Fractious, a 90-year-old blind woman who lived at corner of West and Cameron St, whose condition was "very feeble" and "helpless" and "under charge and support of son, whose name is Hampshire Fractious".
 - c. <u>Legal</u>: In 1868 there was court ruling reported in the Alexandria Gazette of September 17th in which "Dr. Davis, colored, for swindling a colored man named Hampshire Fractious, out of a watch, was discharged, his identity with the swindler not being established."
 - d. <u>Census</u>: Hampshire Fractious and family in US Census from 1870, Year: 1870;
 Census Place: Jefferson, Alexandria (Independent City), Virginia; Roll:
 M593_1632; Page: 206A; Family History Library Film: 553131
 - e. <u>Taxes</u>: In 1872 there was a public listing in the June 6th Alexandria Gazette of the auction/sale of numerous properties for the non-payment of taxes. On that list was Hampshire Fractious, and the property for sale was at the corner of West and Cameron.
 - f. Purchase of Property: Deed recorded June 18, 1878 regarding sale at auction of 12 acres of land previously part of Roach's Mill, sold for \$22/acre totaling \$264 paid by Hampshire Fractious to S. Ferguson Beach, commissioner of sale. There is no mention of a structure on the property in this deed. (Reference to a Plat and Survey by Thomas N. Carter done April, 26, 1869.)
 - g. <u>Map of Arlington</u> in 1878 taken from the *Atlas of Fifteen Miles Around Washington Including the Counties of Fairfax and Alexandria, Virginia*, compiled by G.M. Hopkins, published in Philadelphia, 1879 Hampshire Fractious and his daughter Sylvia are mentioned on page 28 in the article "The Map of Arlington in 1878- Places and People" by C. B. Rose, Jr.
 - h. <u>Census</u>: Hampshire Fractious and family in US Census from 1880, Year: 1880; Census Place: Jefferson, Alexandria (Independent City), Virginia; Roll: 1351; Page: 438C; Enumeration District: 007.
 - i. The Black History Museum of the Office of Historic Alexandria may have additional information on Mr. Fractious given the above history that might contribute to the historical importance of the property/structure at 506 N. Overlook Dr.

Petition Requesting Deferral of the Application to Subdivide the Property at 506 North Overlook Drive

To the Alexandria Planning Commission:

You have before you a request to subdivide the property at 506 North Overlook Drive which will require demolition of a house of great significance to our community. This vertical plank wooden house is known among North Ridge neighbors as the "Civil War House," and is situated in a prominent hillside location overlooking the intersection of North Overlook Drive, Tennessee Avenue, and Old Dominion Boulevard.

Given the fact that this house was:

- built prior to the Civil War (1850 according to property records)
- owned by a free African American man named Hampshire Fractious in the years immediately after the war (spelled Fractius in the 1880 census record)
- listed as a Documented Historic Site in the 1992 Alexandria Master Plan for Historic Preservation
- cherished by residents of North Ridge community as an historic structure since the 1930's
- featured as a symbol of the historic character of the neighborhood in publications and neighborhood websites for many years

Given the longstanding neighborhood lore that this house:

- may have served as a hospital during the Civil War
- may be the site where Walt Whitman served as a nurse during the war
- is said to be a site where bones from amputated limbs have been found

We, the undersigned, request that the Planning Commission defer any action on this application, and require the owner to consult with City authorities and local residents on alternate uses of the property consistent with its historic importance.

At a minimum, any action on this property that could result in damage to the existing structure or the mature vegetation present should be prohibited until these questions involving the history of the property are resolved. The City should require the applicant, JS Investment, LLC, to meet with the Office of Historic Alexandria so that OHA can make an assessment of whether an Archeological Evaluation Report and Resource Management Plan need to be developed before the City takes action on JS Investments, LLC's subdivision application. Specific

preservation measures may be necessary to safeguard and preserve the special qualities of this unique house and its story as an important part of Alexandria's history.

Signed,

The immediate neighbors of 506 N. Overlook Drive (original signatures):

Name	Street Address	Signature
Dan Melchior	506 Tennessee Ave	La Melchin
Sarah Howard Schana	511 hort Ovarlock Dr.	David Hound Dehran
Campbell Vogel		Carlell Vigel
Dan Vogel	SIY N. Overlook Dr.	auf
Isabel Saldaniaga	519 N Over LOOK Dr	180
Sebastion Acevedo	519 N Overlook Dr	Sabastión t.
David Poly	5+17 Harry De	DAVID PEABLOT
Ellen Parkhout	601 N. Overlook Dr.	Eller L. Parkhint
Linda Durand	603 N. Overlook Dr.	Sudaha hlurack
Earl Burand dr	603 N. Overlock Br.	kaltonrady.
Scott B. McLesd	605N. Overlook Dr	Sur R. W.
Dora Hughes	605 N. overlook Dr	Don of Hughes
John Baler	607 N. Overlook Or	John Balon

Signature

603 OUAL Dr. 407/V. Over/10/K Cell NOVIVIOSA COLL NOVARIOUK 610 V. Overlook Mary Esmit 609 H. OVERLAOK 606 N. Overlook 515 N. Overbook 515 N. Dverlook 515 N. Overlook Hate Arnold 572 N. OWN 001C John Lowon Larry/London 512 N. Overlook 600 M. aprod AMYHams 600 M. werun millin White 3603 Old Dovinion U-1 A. B.

PETER VOGEL 3408 OLD Dominion Blud Tale 2005) Pon ald Clagott 3321 Old Dominion Blud the don chagett Cyahoo Com. Sarah Martinez 3319 Old Borninan Blud Symman Sarah z martinez @gmail.com
Alberto Martinez org 3319 00 Blvd Agrandinez org
Niver Berrios 3717 Old Don. Blud. Niver
Tom TYLER 3404 Old Dominion Blud
Larry & Lindy Spruill 3402 Old Dominion Blvd Los Spill Michael McBride 3400 Old Dominion Blvd Sill Clayton Teddye & Bill Clayton Byoz Hakeyon Dr. Teddye & Bill Clayton Hugh Vassar & Eric Wagner 3408 Hakeyon or Hugh Wassar & Gmail. Com Hugh Vassar & Gmail. Com
Scan A Shedoch 3414 Italicyon Drive 8145747476) Scanashedoch & ASMM scanashedoch & gmail.com
Vingrain Pentody 3411 Haleyan Dr. gingerpeabody & grand. Steve Colongelo 518 N. Overlook Dr. steve colongelo Ggmail. Ge Rachel Colongelo 518 N. Overlook Dr. raehel. y. Colongelo @gmail. con

3503 HARERONDR. Sella S'am Henderson 3508 Halagon Dr. Bum Mohum Bruce Johnson Libby Eife-Johnson 3508 Haleyon Dr Lebby Eff-Johnson Bridget Koury 3506 Haleyandr Bugt Kreing Joseph Koury 3506 Haleyandr. Johnson 3502 Halcyon Dr. Sullet Welligs Millie Yollinger Seth Polinger 3503 Halcym Dr. C 517 North Overlook or Granue meliapp Ken Henderson Duce Ingy Eloune Interior Jeanne Snapp 517 N. Overlook Dr. Bruce R. Snapp 3411 Haleyon Dr. Swege of Socher Elani arlenon 341 Haleyon Dr. Many Andrew

Juit May Jul 720 South Overlook Dr. 720 South Overlook Dr.

615 N. Overlook Drive Min

Russell Sailey 705 N. OVERLOOK DR.

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705 N. OVERLOOK DR.

722 N. Overlock Dr.

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Many Marin Know 800 M. OVER100K Dr Omgs M. Missrutte

Benjamin Frank Mary Frank

V.B. Richardson III RUSCELL BANEY

ANNE L. BAILEY

Charles W. Kent Mary M. Kent Brian W. Mistretto

Angula M. Mistretta

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Signed,

The immediate neighbors of 506 N. Overlook Drive (original signatures):

Name	Street Address	Signature .
michael W Kelly	513 Tenn.	mil Elly
SANDRA BYRNE 2	512 TENN. AVE.	Signature. Mil elly Suder he. Byre
Amy Reed	514 Tenn Ave.	ann Al Byed
Dale R. Killinger	S10 Tenn Ave	Dollary Chilly
Rhea G. Killingel	510 Tenn Are	RANG
mitchall Clark	509 TOUN AVG	A
Robin Clark	509 Tennessee Ave	Rofi Clark
Meredith Taylor	507 Tennesse Are	Men Fr
GARY FALWELL	411 TENNESSEE	Hay Talwell
		Morgaret M. Falivell
Margaret Falwell SNighplas Mazur	408 Tennessee Ave.	mn
Elizabeth Stock	410 Tennessee	Clip with Stack
Tossa Supper	405 Tenn Ave	Jesse Syn