

VIRGINIA :

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

APRIL BURKE  
101 Wolfe Street  
Alexandria, Virginia 22314

and

ELIZABETH GIBNEY  
300 South Lee Street  
Alexandria, Virginia 22314

and

MARIE KUX  
125 Duke Street  
Alexandria, Virginia 22314

Plaintiffs,

v.

FAROLL HAMER, DIRECTOR OF  
PLANNING AND ZONING  
FOR THE CITY OF ALEXANDRIA  
301 King Street, Suite 2100  
Alexandria, Virginia 22314

and

CITY COUNCIL FOR  
THE CITY OF ALEXANDRIA

Serve: JAMES BANKS, City Attorney  
301 King Street, Suite 1300  
Alexandria, Virginia 22314

Defendants.

Civil Action No. CL

FILED  
CLERK OF COURTS  
CITY OF ALEXANDRIA  
2017 FEB - 9 A 11:05  
EDWARD SEMONIAN, JR.  
BY  
DEPUTY CLERK

APPLICATION / PETITION FOR WRIT OF MANDAMUS  
AND  
COMPLAINT FOR DECLARATORY JUDGMENT

COME NOW THE PLAINTIFFS, April Burke, Elizabeth Gibney, and Marie Kux ("Plaintiffs"), by counsel, and for their application / petition for writ of mandamus and complaint for declaratory judgment against the Defendant Faroll Hamer, in her official capacity, as the Director of Planning and Zoning for the City of Alexandria ("Director") and the Defendant City Council for the City of Alexandria ("City Council"), state as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff April Burke has an ownership interest in the property located at 101 Wolfe Street, Alexandria VA 22314 and is a resident of the City of Alexandria.
2. Plaintiff Elizabeth Gibney has an ownership interest in the property located at 300 South Lee Street, Alexandria, VA 22314 and is a resident of the City of Alexandria.
3. Plaintiff Marie Kux has an ownership interest in the property located at 125 Duke Street, Alexandria VA 22314 and is a resident of the City of Alexandria.
4. Defendant Faroll Hamer, in her official capacity, as the Director of Planning and Zoning for the City of Alexandria, is responsible for the administration of the City of Alexandria Zoning Ordinance ("Zoning Ordinance").
5. Defendant City Council is the governing body of the City of Alexandria and presides at 301 King Street, City Hall, Alexandria, Virginia 22314.
6. The Court has jurisdiction, and the Plaintiffs bring these actions, pursuant to Va. Code Ann. §§ 8.01-644, 8.01-184, 17.1-513, and 15.2-2285(f).
7. Venue is appropriate in this Court in accordance with Va. Code Ann. § 8.01-261(5).

## INTRODUCTION

8. The goal of this action is to remedy an abuse of procedure carried out by City officials and staff. Delegations of legislative authority from the General Assembly and the actions of the Alexandria City Council over many years have resulted in a series of prescriptive rules and procedures designed to balance and protect the competing interests of individual landowners in the unfettered use of their land with the interests of neighboring landowners and the citizenry as a whole in providing for the common good.

9. The rules governing the City's exercise of the power to play the sovereign in the process of allocating land use rights are critically important. Indeed, it is when the citizens of the City Council propose to act and restrict the property rights of certain of the City's citizens for the benefit of others -- including themselves -- in pursuit of the "common good," that our needs as affected citizens to petition our courts to ensure these important rules are followed is at its greatest. And seemingly insignificant differences on such questions as whether a City official or employee must receive an appeal petition when a citizen tenders it during a public hearing on zoning matters can be seen for the important issues they actually represent.

10. In this case, City officials and unelected administrative employees within the City government have unfairly and improperly violated the rules. They have gone to surprising lengths to prevent citizens negatively affected by a particular zoning action from exercising a fundamental right under the system of procedural safeguards designed to police zoning decisions and avoid abuses.

11. More particularly, City officials and staff -- duty-bound to *facilitate* citizen access to the planning and zoning process and to protect its integrity -- actually went out of their way to prevent Plaintiffs from filing an appeal to the Board of Zoning Appeals ("BZA") challenging a

determination of the Director. Such obvious partiality on the part of administrators undermines public confidence in the fair and impartial administration of the City's affairs.

12. To remedy these violations, Plaintiffs petition this Court to issue a writ of mandamus directing the Director to perform her non-discretionary, ministerial duties of transmitting Plaintiffs' appeal to the BZA, which was tendered for filing on January 21, 2012 ("Second Appeal"), attached hereto as Exhibit 1, and all documents related to the issue being appealed, as well as coordinating with Plaintiffs to schedule a BZA hearing on their appeal.

13. Plaintiffs further ask this Court to declare that the Second Appeal was filed for all purposes, as of January 21, 2012. Plaintiffs further request the Court to declare the City Council's vote approving Master Plan Amendment # 2011-0001 ("Waterfront Plan") and Text Amendment # 2011-0005 ("W-1 Text Amendment") *void ab initio* for having been acted on before the disposition in due course of matters raised by Plaintiffs in their Second Appeal. Finally, Plaintiffs seek an order staying all further proceedings relating to the W-1 Text Amendment until Plaintiffs' appeal is heard and decided by the BZA, and that the stay be considered effective as of the time of their filing of the Second Appeal.

### **BACKGROUND**

14. The City of Alexandria Planning Commission ("Planning Commission") held a meeting on May 3, 2011. During that meeting, the Planning Commission through various motions and affirmative votes initiated, made certain amendments to, and recommended approval of the Waterfront Plan. The Planning Commission also initiated and recommended approval of the W-1 Text Amendment.

15. During the City Council Public Hearing Meeting on Saturday, January 21, 2012 ("Public Hearing"), the City Council on a single motion, seconded, and with friendly



amendments to said motion, affirmatively voted 5-2 to approve the Waterfront Plan and the W-1 Text Amendment.

16. Prior to the Public Hearing, the Plaintiffs, along with over 200 landowners immediately surrounding those sites in the City zoned W-1, signed and caused to be filed with the City Clerk a protest ("Protest"), attached hereto as Exhibit 2, pursuant to § 9.13 of the Charter and § 11-808 of the Zoning Ordinance.

17. The overwhelming majority of signatures to the Protest were filed with the City Clerk on the morning of Thursday, January 19, 2012. A few additional signatures were filed with the City Clerk the next day.

18. The merits of the applicability of § 11-808 of the Zoning Ordinance and the ability of landowners to file a protest to the W-1 Text Amendment are not before the Court; however, the language of the Zoning Ordinance is critical to understanding the importance of the process that now needs to be protected by this Court.

19. Section 11-808 of the Zoning Ordinance is titled "Protest of zoning map amendment by landowner." § 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of the three-fourths of its members." (emphasis in the original) (emphasis added).

20. This section of the Zoning Ordinance provides a safeguard for landowners wishing to protest a "proposed text or map amendment."

21. The W-1 Text Amendment is a text amendment; accordingly, § 11-808(D) is applicable.

22. Moreover, the W-1 Text Amendment is also a map amendment, because the new added text now incorporates part of the Zoning Map not previously identified or incorporated for the zone W-1.

23. Prior to the Protest being filed and the Public Hearing, the City, through the City Attorney, conveyed to the public, in particular through the media, that any protest petition would be denied on the ground that a protest petition was not applicable for a text amendment.

24. The City Attorney's office made it clear that it was advising the Director to determine that any protest filed regarding the W-1 Text Amendment was not valid or applicable.

25. After the Protest was filed on January 19, but before the Public Hearing on January 21, Plaintiffs inquired multiple times whether the Director had made a determination regarding the Protest.

26. The City Attorney's office refused to respond to Plaintiffs' inquiries, claiming that the Director was considering the information, that she would make her decision accordingly, and that Plaintiffs would receive their determination in "due course."

27. Plaintiffs, having not heard back from the Director regarding her determination, filed an appeal with the BZA ("First Appeal") on Friday, January 20, 2012, attached hereto as Exhibit 3.

28. Plaintiffs went to City Hall to the office of Planning and Zoning located on the second floor, with the First Appeal in hand, along with copies, and a check for the filing fee.

29. Upon attempting to file the First Appeal at approximately 4:50 p.m., Plaintiffs were told that they would have to wait for a supervisor.

30. The Director's Deputy of Planning and Zoning, Barbara Ross, ("Deputy Director") came to the office counter and asked what was being appealed, and it was indicated that the appeal was for the hearing the next day. The Deputy Director said that there has not

been a determination yet. Plaintiffs explained that because the public hearing was on a Saturday they were filing today. The Deputy Director, without ever turning a page to see what was being appealed or on whose behalf it was being submitted, immediately told them that an appeal cannot be filed until the Director makes a determination. The Deputy Director then said she had to leave for a meeting. Plaintiffs asked if they could have a letter indicating the appeal was not being accepted. The Deputy Director said that it was 5:00 p.m. indicating that the office was closed. After being made aware that the office clock showed 4:55 p.m., the Deputy Director, stated the office was getting ready to close, that she had to go to a meeting, and if she wrote a letter she would be there until midnight. Plaintiffs offered a copy of the appeal to the Deputy Director and she declined. Plaintiffs asked for something to show that the office was rejecting the appeal. The Deputy Director agreed and wrote on the top page of the First Appeal, "Rejected. Appeal is premature. [Signed] B. Ross 1/20/12." See Exhibit 3, pg. 1.

31. Because the Deputy Director had refused to accept the First Appeal, Plaintiffs filed the First Appeal with the Chairman of the BZA ("BZA Chairman").

32. Plaintiffs sent an email, with the First Appeal as an attachment, to the BZA Chairman on Friday, January 20, 2012, copying the City Attorney on that email ("Plaintiffs' Friday Email"), attached hereto as Exhibit 4.<sup>1</sup>

33. Plaintiffs' Friday Email explained the refusal by the Director's Deputy that occurred at the Director's office counter earlier that day, and the authority for filing the First Appeal with the BZA Chairman.

34. The City Attorney responded by email to Plaintiffs' Friday Email addressing the BZA Chairman explaining, that his "preliminary review of the matter indicates that the appeal is premature and was properly rejected," attached hereto as Exhibit 5.

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<sup>1</sup> Exhibit 4 is only the email and does not include the First Appeal; however, the First Appeal was attached to that email.

35. Whether an appeal of the Director's determination to the BZA should be rejected as "premature" is a decision for the BZA to make, not the Director, Deputy Director, or the City Attorney.

36. During the Public Hearing on Saturday, January 21, 2012, after the City Clerk called Docket Item Number 4 (consideration of the Waterfront Plan and W-1 Text Amendment), the Director stated with regards to the Protest that was filed with the City, that it was the "Director's obligation to provide a determination as to the validity of the petition."

37. The Director, acting in her official capacity, then read her determination to the City Council and the general public, including the Plaintiffs ("Determination").

38. On Tuesday, January 24, 2012, following the Public Hearing that occurred on Saturday, January 21, 2012, the Director sent a letter to the Plaintiffs ("Director's Determination Letter") attached hereto as Exhibit 6.

39. In the Director's Determination Letter, she stated that, **"My determination was made verbally** to City Council at its hearing on January 21. **At that time I stated the following:" (emphasis added)**, whereby the Director provided the Determination that she read during the Public Meeting. See Exhibit 6.

40. In pertinent part,

By the terms of section 11-808(A) as well as the Protest Petition itself, the proposed zoning change before Council today is a text amendment and not a rezoning or a map amendment. Because Council is considering a text amendment, and not a map amendment, Section 11-808 does not apply. Consequently, the petition does not require a three-quarter, supermajority vote for today's zoning text amendment.

The protest does not apply in any way to the plan before Council. It applies only to the text amendment.

41. During the Public Hearing, Plaintiffs asked the City Attorney for a copy of the Determination that the Director made earlier in the day, whereby the City Attorney responded that Plaintiffs would get it in "due course."

42. After the Director provided her Determination at the Public Hearing to the City Council and the general public, the City Attorney explained to the City Council how he advised the Director to interpret a protest filed pursuant to § 11-808 of the Zoning Ordinance.

43. When asked by City Council to explain any "path of redress" from the Determination, the City Attorney explained that the Determination could be appealed to the BZA and that the appeal could be filed on Monday. The City Attorney explained that any ruling of the BZA could then be appealed to the Circuit Court.

44. During the Public Hearing after the Director made her determination, but before the City Council took action on the W-1 Text Amendment, Plaintiffs, in the presence of City Council, filed their Second Appeal to the Director, along with copies of the same, and tendered a check in the proper amount for the filing fee.

45. The Plaintiffs had no choice but to file their appeal on Saturday to preserve their appellate rights and ensure that their appeal was heard by the BZA.<sup>2</sup>

46. Plaintiffs informed the City Council that Plaintiffs had also filed their Second Appeal with the Director and with the BZA, by sending an email to a majority of the BZA members, including the BZA Chairman, and the City Attorney, attached hereto as Exhibit 7<sup>3</sup>.

47. During the Public Hearing, Plaintiffs informed the City Council verbally and by letter ("Stay Letter"), attached hereto as Exhibit 8, that they had filed an appeal with the BZA,

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<sup>2</sup>A recent decision by the Alexandria BZA, held that it is possible for a person to be aggrieved by a decision of the zoning director, and subsequently lose the status as an aggrieved party, depending on how the City Council voted. Not knowing how the City Council was going to vote, it was necessary for the Plaintiffs to file the appeal on Saturday before City Council voted, in order to be considered aggrieved and have standing to have their matter heard before the BZA.

<sup>3</sup>Exhibit 7 is only the email and does not include the Second Appeal; however, the Second Appeal was attached to that email.

and that in accordance with § 15.2-2311 of the Code, § 9.17 of the Charter, and § 11-1204 of the Zoning Ordinance, all further consideration of the W-1 Text Amendment should be stayed.

48. The email sent to the BZA, which included the Second Appeal as an attachment to the email, outlined the incident that occurred the day before at the Director's office counter, the basis for filing the appeal to the BZA, and explained that the office counter was unmanned on Saturday.

49. The Director, the Deputy Director, and most of the Director's senior staff were at the Public Hearing and working in their official capacity. The Public Hearing was held in City Council Chambers which is located in City Hall on the second floor, the same floor as the Director's office counter.

50. The email to the BZA Chairman and other BZA members asked the recipients of the email to let Plaintiffs know if they received the email.

51. On the afternoon of Sunday, January 22, the BZA Chairman replied by email to the Plaintiffs that he had received their emails.

52. The Chairman's email is an acknowledgement that the Chairman received the emails, along with the corresponding attachments of the First Appeal and the Second Appeal.

53. On Monday, January 23, the Director's Deputy sent an email to Plaintiffs, attached hereto as Exhibit 9, stating:

...I wanted to reiterate that we have not officially received the appeal that you indicated you would be filing on behalf of your clients pertaining to the decision made by the Director of Planning and Zoning on Saturday, January 21, 2012 about the protest petition on the text amendment to the W-1 zone. The copies that you brought to City Hall on Saturday were not officially filed and were removed by someone other than City staff. In order to have a properly filed appeal, you must bring 12 copies of your appeal application and the filing fee to the office of planning and Zoning, City Hall, Suite 2100 during the regular business hours.

54. On Tuesday, January 24, the Director forwarded a letter to Plaintiffs with her written Determination that she read aloud during the Public Hearing. See Exhibit 6.

55. The City Attorney's office told Plaintiffs that the Director is not going to schedule the Second Appeal for a hearing before the BZA.

56. The Second Appeal has not been scheduled for a hearing with the BZA, and on information and belief, no documents relating to the Protest or the Determination have been forwarded to the BZA by the Director.

### **COUNT I: PETITION FOR WRIT OF MANDAMUS**

57. The allegations stated elsewhere in this pleading are incorporated into this Count by reference.

58. Plaintiffs petition this Court to issue a writ of mandamus directing Faroll Hamer, in her official capacity as the Director of Planning and Zoning, to comply with her ministerial duty as stated in § 15.2-2311 of the Code, § 9.17 of the Charter, and § 11-1203 of the Zoning Ordinance, to wit: to "forthwith transmit" to the BZA all the papers constituting the record from her Determination that the Plaintiffs are appealing, including the Second Appeal (Exhibit 1), and coordinate the scheduling of a BZA hearing relating to the same.

59. Section 15.2-2311 of the Code requires that:

**The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator [Director], and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator [Director] shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.**

(emphasis added).

60. Section 9.17 of the Charter requires that:

Appeals to the board may be taken by any person aggrieved...by any decision of the director of planning, who shall enforce the ordinance.... Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule **by filing with the said director of planning and with the board** a notice of appeal specifying the grounds thereof. **The director of planning shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.** An appeal stays all proceedings in furtherance of the action appealed from unless.....

(emphasis added).

61. Section 11-1203 of the Zoning Ordinance requires that:

Appeals to the board may be taken by any person aggrieved...affected by a decision of the director. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule **by filing with the director and with the board** a notice of appeal specifying the grounds of the appeal. **The director shall forthwith forward to the board all the papers constituting the record upon which the action appealed from was taken.** The board may prescribe a fee to be paid to the city whenever an appeal is taken.

(emphasis added).

62. The Director's Determination that the Protest was not applicable to the W-1 Text Amendment and City Council's proceedings denied the Plaintiffs their due process rights.

63. The Director's Determination was read aloud at the Public Hearing from a preprinted text, indicating that it had already been made prior to the hearing.

64. Whether the Director's Determination was made prior to the hearing and simply read aloud to the City Council, or simply made on the spot, Plaintiffs were entitled to appeal that Determination immediately.



65. After the Determination was provided, the City Attorney later explained that those impacted by the Determination could appeal it to the BZA.<sup>4</sup>

66. The Plaintiffs filed their Second Appeal within 30 days of the Director's Determination, and provided the Director with a sufficient number of copies and a check for the filing fee.

67. The Director refused to accept and process the appeal, the copies of the same, and the check.

68. While the merits of the Second Appeal are not before the Court, it is clear on its face that it is a colorable appeal and it should not have been refused by the Director. Nothing in the Code, the Charter, or the Zoning Ordinance permits the Director to refuse to accept an appeal that is presented to her with the required fee while she is conducting City business – particularly where her refusal to do so (A) has no basis in law and (B) substantively deprives citizens of their right to file an appeal and obtain a stay of proceedings.

69. Plaintiffs are aggrieved in that (1) they signed the Protest that was improperly refused to the W-1 Text Amendment and was not given its effect under § 11-808(D) of the Zoning Ordinance requiring a three-fourths affirmative vote to approve it, (2) their properties are in close proximity to a development site zoned W-1 and will be impacted by the change to the W-1 zone as approved in the W-1 Text Amendment, and (3) their due process rights were violated by (a) the Deputy Director's refusal to accept the First Appeal based on an improper ruling on the merits, as to the ripeness of the appeal, (b) the Director's refusal to accept the Second Appeal filed with her during the Public Hearing and forthwith transmit it with all other documents relating to the Determination to the BZA, and (c) the City Council's refusal to stay all

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<sup>4</sup> In *Lilly, et al. v. Caroline County, et al.*, 259 Va. 291 (2000), the Virginia Supreme Court held that a verbal determination that made the basis of the determination clear was sufficient for purposes of an appeal to the BZA, especially if it was reinforced with a statement that the determination could be appealed to the BZA. *Id.* at 295.

proceedings relating to the Protest to the W-1 Text Amendment, after the City Council was notified that an appeal to the BZA had been filed and was pending.

70. There is no rule or procedure that imposes any requirements governing how an appeal to the BZA has to be filed, other than ensuring that the appeal is filed within 30 days of the determination and the appropriate filing fee is provided.

71. The City of Alexandria's website for Planning and Zoning and the BZA does not have any established rules as to the time of day or what days of the week an appeal can be filed. Specifically, no rule, regulation, or policy prohibits the filing of an appeal while the Director is conducting City business on the very subject related to the appeal.

72. The BZA acts in its judicial capacity when it hears an appeal of a determination by the Director. Accordingly, the Director acts as a clerk of court when tasked with simply forwarding to the BZA all of the documents relating to her determination. After the Director performs her administrative duty, the Director then essentially becomes a party to the appeal and takes an adversarial role in that she defends her determination.

73. An appeal of the Director's determination is different than a BZA hearing involving variances and special exceptions. In variance and special exception cases, the BZA is acting in a legislative capacity and the Director is tasked with reviewing the application on its merits, checking for completeness, conducting research, preparing a report, and then forwarding it to the BZA with her recommendation, as outlined in the Zoning Ordinance.

74. The Director is not afforded any such discretion when it concerns an appeal of her own determination; it is counterintuitive to allow such discretion.

75. The Director overstepped her authority and deprived Plaintiffs of their due process rights by refusing to accept an appeal of her Determination. It is a violation of the Code,

the Charter, and the Zoning Ordinance for the Director to act on the merits of her own Determination.

76. Plaintiffs filed their Second Appeal with the Director and the BZA, within 30 days of the Determination and while the Director was conducting City business related to the subject matter of the appeal itself. Plaintiffs provided the Director with copies of their appeal and tendered the filing fee. Plaintiffs complied with § 15.2-2311 of the Code, § 9.17 of the Charter, and § 11-1203 of the Zoning Ordinance.

77. The Director is improperly refusing to treat the Second Appeal as having been “officially filed,” and, on information and belief, has not forwarded anything to the BZA. See Exhibit 9.

78. The Director’s refusal to perform her ministerial duties in this matter, is wrong, lacks any authority, is contrary to law, and improperly deprived Plaintiffs of their due process rights. Accordingly, Plaintiffs must petition this Court to issue a writ of mandamus to the Director requiring her to perform her ministerial duties and herewith transmit the Second Appeal (attached as Exhibit 1), the record relating to the Second Appeal and her Determination, as well as to coordinate the scheduling of a BZA hearing.

79. Upon the issuance of the writ of mandamus by the Court, the Plaintiffs will issue a check for the filing fee and tender the filing fee to the Director for a third time.

WHEREFORE, the Plaintiffs respectfully petition and ask this Honorable Court to issue a writ of mandamus to Faroll Hamer, as the Director of Planning and Zoning, to perform her ministerial duties as stated in § 15.2-2311 of the Code, § 9.17 of the Charter, and § 11-1203 of the Zoning Ordinance, and forthwith transmit the record relating to her Determination, including the Second Appeal (attached hereto as Exhibit 1), the record relating to the Second Appeal and her Determination, as well as to coordinate the scheduling of a BZA hearing, and grant such

other and further relief to Plaintiffs, including but not limited to the costs of this action, as this Court may deem appropriate, pursuant to Va. Code Ann. 801-644.

## **COUNT II: DECLARATORY JUDGMENT**

80. The allegations stated elsewhere in this pleading are incorporated into this Count by reference.

81. The City Council improperly approved the Waterfront Plan and W-1 Text Amendment on Saturday, January 21, by proceeding to take action on the W-1 Text Amendment after the City Council was notified that an appeal to the BZA had been filed and was pending.

82. Prior to the City Council's vote on the W-1 Text Amendment, the councilmembers, the City Attorney, and the Director were told that an appeal to the BZA had been filed with the BZA Chairman, and the City Council and City Attorney witnessed the filing of the appeal with the Director during the Public Hearing.

83. Plaintiffs notified City Council that an appeal had been filed with the BZA, that all proceedings related to the W-1 Text Amendment should be stayed, and then asked the City Council to stay the proceedings related to the W-1 Text Amendment.

84. Applicable law provides an automatic stay of all proceedings following the filing of an appeal to the BZA:

§ 815.2-2311(B) of the Code, "An appeal shall stay all proceedings in furtherance of the action appealed from unless...";

§ 9.17 of the Charter, "An appeal stays all proceedings in furtherance of the action appealed from unless..."; and

§ 11-1204 of the Zoning Ordinance, "A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless...".

85. Plaintiffs told City Council during the Public Hearing about the improper acts the Deputy Director had taken the day before in refusing an appeal to the BZA.

86. Plaintiffs sent an email to the City Attorney, attached hereto as Exhibit 10, along with the Stay Letter, see Exhibit 8.

87. The Stay Letter was sent after the Director made her Determination, but before the City Council voted on the Waterfront Plan and the W-1 Text Amendment.

88. The Stay Letter explained that an appeal to the BZA had been filed, and in accordance with § 15.2-2311(B) of the Code, § 9.17 of the Charter, and § 11-1204 of the Zoning Ordinance, the City Council could not consider the W-1 Text Amendment and that all proceedings related to the W-1 Text Amendment had been stayed.

89. The City Council refused to honor the stay of all proceedings, including the consideration of the W-1 Text Amendment.

90. As a result of the City Council's improper refusal to honor the stay of all proceedings as it related to the W-1 Text Amendment, the Plaintiffs have been prejudiced.

91. Plaintiffs now have to take this legal action in order to have this Court declare the vote and approval of the W-1 Text Amendment *void ab initio*.

92. Any failure to file this action (hoping to rely instead on a simple appeal to the BZA) could create a situation where no meaningful relief may be afforded to Plaintiffs, given the limited powers of the BZA and the resulting restriction on the relief the Circuit Court could grant when hearing an appeal from the BZA. Accordingly, this action is necessary to preserve Plaintiffs' rights.

93. If City Council had honored the stay of all proceedings relating to the W-1 Text Amendment, then the Plaintiffs would have had their appeal to the BZA, and that process would

naturally have concluded. Thereafter, the City Council could have then acted accordingly and commenced the process with regards to the W-1 Text Amendment.

94. Instead, the City Council improperly disobeyed the stay of proceedings, in violation of the Code, the Charter, and the rules and requirements it established in its own Zoning Ordinance.

95. Plaintiffs have now been prejudiced, because they had to file this lawsuit, just to protect their interests that would have been protected had the City Council honored the stay of all proceedings.

96. The City Council's action of taking the vote has now caused the Plaintiffs to take this additional step and file suit in order to preserve their position to seek adequate relief from the City Council's actions.

97. Failure to file suit could have resulted in the Plaintiffs being time barred from seeking any meaningful relief at the conclusion of any appeal to the BZA. It is for this reason, that all proceedings are to be stayed, so that unnecessary lawsuits are not clogging the court's docket.

98. There is a genuine and material dispute as to the legality and effect of the Determination made by the Director, and the BZA should hear it.

99. Had the Protest been deemed to be applicable to the W-1 Text Amendment, then a requirement for a three-fourths majority vote for the approval of the W-1 Text Amendment would have been in effect at the time of the City Council vote, and the requirement could have impacted the City Council vote.

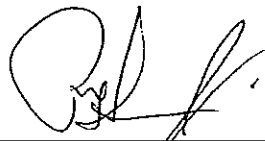
100. The Director's Determination and the resolution of the Second Appeal are too important for the City Council to have ignored the process.

WHEREFORE, the Plaintiffs ask this Honorable Court to enter judgment (1) declaring that the Second Appeal was filed as of January 21, 2012, (2) declaring that all proceedings had been stayed automatically by the filing of the appeal on Saturday, January 21, 2012, (3) declaring the vote approving the Waterfront Plan and the W-1 Text Amendment *void ab initio*, and (4) declaring that the proceedings relating to the W-1 Text Amendment shall be stayed until the Second Appeal is heard and ruled on by the BZA, and grant such other and further relief to Plaintiffs, as this Court may deem appropriate.

APRIL BURKE, BETH GIBNEY,  
and MARIE KUX  
By Counsel

RICH ROSENTHAL BRINCEFIELD MANITTA DZUBIN & KROEGER, LLP

By:



Roy R. Shannon, Jr., VSB No. 66724  
201 North Union Street, Suite 140  
Alexandria, Virginia 22314  
Telephone: (703) 299-3440  
Facsimile: (703) 299-3441  
rrshannon@rrbmdk.com  
Counsel for Plaintiffs

**CERTIFICATION**

I hereby certify I will cause the Defendants to receive an exact and true copy of the foregoing pleading, including the Petition for Writ of Mandamus, at 300 King Street, Alexandria, Virginia 22314 via private process server, this 7th day of February, 2012.

Elizabeth Gibney  
Elizabeth Gibney

**AFFIDAVIT**

I, ELIZABETH GIBNEY, being duly sworn, do hereby swear, to the best of my knowledge and belief and based upon information supplied to me, that the statements made in the foregoing pleading, including the Petition for Writ of Mandamus are true.

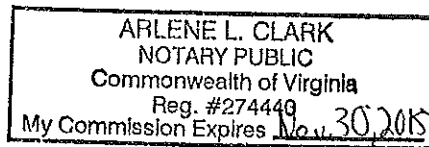
Elizabeth Gibney  
Elizabeth Gibney

COMMONWEALTH OF VIRGINIA:  
CITY OF ALEXANDRIA:

Subscribed and sworn to before me, Arlene L. Clark, a Notary Public  
in and for the Commonwealth of Virginia, by Elizabeth Gibney, on 7th day of February 2012.

Arlene L. Clark  
Notary Public

My Commission expires: November 30, 2015







**APPLICATION  
BOARD OF ZONING APPEALS**

**APPEAL**

\$350.00 Filing Fee

Jan 25 / Mar 1 Filing Deadline

March 8 / April 12 Board of Zoning Appeals Hearing

The City will send written notice of public hearings by certified or registered mail to all adjoining and facing property owners at least 10 days prior to the Board of Zoning Appeals hearing, and not more than 30 days prior to the hearing.

Board of Zoning Appeals hearing \_\_\_\_\_

Send notices by certified or registered mail between the dates of

\_\_\_\_\_ and \_\_\_\_\_

**EXHIBIT**

**1**



## APPEAL APPLICATION BOARD OF ZONING APPEALS

### INSTRUCTIONS

1. **FILING:** Appeals to the Board of Zoning Appeals must be filed within **30 days from the date that the order, requirement, decision or determination was made.**
2. **APPLICATION FORMS:** Complete the form titled "Application for Appeal, Board of Zoning Appeals." Please use blue or black ink. Sign the form and include a daytime phone number and email address.
3. **PLANS:** Twelve (12) copies of supporting materials are to be submitted with each application. Plans, drawings, photos, or other materials should not exceed 11" x 17" and should not be smaller than 8.5" x 11". All plan sets must be to scale. In addition, applicants should submit all images, photographs, and drawings in digital format. Larger or additional copies may be requested by staff for large scale projects. Applications without the required supporting materials will be deemed incomplete and will not be scheduled for hearing by the BZA.
4. **FILING FEE:** Applicants must submit a filing fee with the application. Exact amount may be obtained from the Department of Planning and Zoning.
5. **HEARING DATE:** Once staff has reviewed the application for completeness and validity, a hearing date will be scheduled. The appellant shall be notified by staff of the scheduled hearing date.
6. **PROPERTY OWNER NOTIFICATION:** In the case of an appeal to the Board of Zoning Appeals, the City shall send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. In the event the application is deferred, notification shall be given again.

## **BOARD OF ZONING APPEALS PROCESS**

### **PUBLIC HEARINGS – BOARD OF ZONING APPEALS**

The Board of Zoning Appeals meets on the second Thursday of each month in the City Council Chambers, City Hall, at 7:30 P.M. Meeting dates should be verified by the applicant prior to the hearing as they are subject to change. **The applicant or a representative must attend the meeting.**

### **DEFINITION OF APPEAL**

The Board of Zoning Appeals is authorized to hear appeals where it is alleged there is error from any order, requirement, decision or determination made by the Director in the administration or enforcement of the Zoning Ordinance of the City of Alexandria, Virginia and jurisdiction is not given to another body. The appeal must be filed within 30 days of such order, requirement, decision or determination made by the Director.

### **APPEAL POWERS – BOARD OF ZONING APPEALS**

The Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from.

### **STAY OF PROCEEDINGS**

A properly filed appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director certifies to the Board after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order which may be granted by the Board or by a proper court on notice to the Director and on due cause shown.

### **DECISIONS ON APPEAL**

Within a reasonable time after the appeal has been filed, the Board shall hold a public hearing, giving public notice thereof as well as due notice to parties of interest, decide the appeal and file with the Director written findings of fact and conclusions regarding the appeal. The concurring vote of four members is needed to reverse a decision. The Director will provide a copy of the decision to the applicant and to each other person who was a party of record at the hearing.

### **APPEAL OF THE BOARD OF ZONING APPEALS DECISION**

Any person jointly or severally aggrieved or affected by a decision of the Board of Zoning Appeals may appeal such decision by filing a petition in the Circuit Court of the City. The petition shall set forth the alleged illegality of the Board's action, and shall be filed within 30 days from the date of the decision of the Board.

**For assistance with any of these procedures or processes, please call the  
Department of Planning and Zoning at 703-746-4333.**



## APPEAL APPLICATION BOARD OF ZONING APPEALS

Identify the order, requirement, decision or determination that is the subject of the appeal. Attach one copy to the application.

The Director's determination that the protest that was filed relating to text amendment 2011-0005 was not valid and/or applicable. I have requested a copy of the written determination that she read today, but she has not provided it. See Exhibit B

On what date was the order, requirement, decision or determination made?  
Or or about January 21, 2012

\*The appeal must be filed within 30 days from the date that the order, requirement, decision or determination was made.

### PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name See attached

Address c/o Roy R. Shannon, Jr., at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

Daytime Phone 703-299-3440

Email Address rrshannon@rrbmdk.com

2. Property Location See attached

3. Assessment Map # See Attached Block See Attached Lot See Attached

Zone See Attached

4. Legal Property Owner Name See attached

Address See attached

**PART A**

1. **Applicant:** Owner

**Name:** (1) April L. Burke

**Address:** c/o Roy R. Shannon, Jr. at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

**Daytime Phone:** 703-299-3440

**Email Address:** rrshannon@rrbmdk.com

2. **Property Location:** 101 Wolfe Street, Alexandria, VA 22314

3. **Assessment Map #** 075.03 **Block** 05 **Lot** 40

**Zone** RM

4. **Legal Property Owner Name:** Burke April L. and Flynt Richard A.

**Address:** 101 Wolfe Street, Alexandria, VA 22314

**PART A**

1. **Applicant:** Owner

**Name:** (2) Elizabeth Gibney

**Address:** c/o Roy R. Shannon, Jr., RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

**Daytime Phone:** 703-299-3440

**Email Address:** rrshannon@rrbmdk.com

2. **Property Location:** 300 S. Lee Street, Alexandria, VA 22314

3. **Assessment Map#** 075.03 **Block** 05 **Lot** 01

**Zone** RM

4. **Legal Property Owner Name:** Gibney, Elizabeth B. and Brian B.

**Address:** 300 S. Lee Street, Alexandria, VA 22314

**PART A**

1. Applicant: Owner

Name: (3) Marie Kux

Address: c/o Roy R. Shannon, Jr., at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

Daytime Phone: 703-299-3440

Email Address: rrshannon@rrbmdk.com

2. Property Location: 125 Duke Street, Alexandria, VA 22314

3. Assessment Map # 075.03 Block 02 Lot 26

Zone RM

4. Legal Property Owner Name: Kux Marie Marthe T

Address: 125 Duke Street, Alexandria, VA 22314

BZA Case # \_\_\_\_\_

5. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ Yes, Provide proof of current City business license.  
☐ No, Said agent shall be required to obtain a business license prior to filing application.

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

**APPLICANT OR AUTHORIZED AGENT:**

Roy R. Shannon

\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signature

January 21, 2012

\_\_\_\_\_  
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at See Part B of this Application (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. April L. Burke	101 Wolfe St., Alexandria	100%
2. Elizabeth Gibney	200 S. Lee St., Alexandria	100%
3. Marie Kux	125 Duke St., Alexandria	100%

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application, with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity below and "None" in the corresponding fields)

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

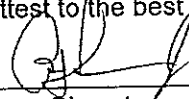
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

1-21-2012

Date

Roy R. Shannon

Printed Name

  
Signature

**Alexandria City Council**

William Euille  
Kerry Donley  
Frank Fannon IV  
Alicia Hughes  
Redella "Del" Pepper  
Paul Smedberg  
Rob Krupicka

**Board of Zoning Appeals**

Mark Allen  
Geoffrey Goodale  
John Keegan  
Stephen Koenig  
David Lantzy  
Jennifer Lewis  
Eric Zander

**Board of Architectural Review****Parker-Gray District**

William Conkey  
Theresa del Ninno  
Robert Duffy  
Christina Kelley  
Douglas Meick  
Philip Moffat

**Planning Commission**

John Komoroske  
H. Stewart Dunn, Jr.  
Jesse Jennings  
Mary Lyman  
J. Lawrence Robinson  
Eric Wagner  
Donna Fossum

**Board of Architectural Review  
Old and Historic District**

Chip Carlin  
Oscar Fitzgerald  
Thomas Hulfish  
Arthur Keleher  
Wayne Neale  
Peter Smeallie  
John Von Senden

Updated 8/2/2011

**Definition of business and financial relationship.**

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

BZA Case # \_\_\_\_\_

**PART B**

1. Why do you believe the order, requirement, decision or determination is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages, if necessary.

Basis for Appeal for April Burke, Elizabeth Gibney, and Marie Kux ("Petitioners")

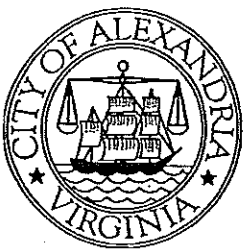
The Petitioners were signatories to a protest pursuant to § 9.13 of the City Charter and § 11-808 of the Zoning Ordinance filed with the City Clerk relating to the proposed text amendment 2011-0005, attached hereto as Exhibit A and incorporated by reference.  
The Petitioners are all owners of their respective properties.

The Director of Planning and Zoning ("Director") improperly decided and/or determined that the protest was not applicable to a text amendment.

The Director improperly decided and/or determined that the protest was not valid.

The Director read her written determination at the hearing; however, she has not provided a copy of it, as requested. At this point, the transcript of today's public hearing can be referenced for the determination.

The Petitioners will supplement this application as is the practice before the Board of Zoning Appeals.



# 2011 City of Alexandria Business License

Finance Department, Revenue Administration Division, City of Alexandria  
301 King Street, Room 1700, Alexandria, VA 22314  
Phone: 703.746.3903 <http://www.alexandriava.gov/>

**License Number:** 121454-2011  
**Account Number:** 121454  
**Tax Period:** 2011  
**Business Name:** Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
**Trade Name:** Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
**Business Location:** 201 N UNION ST, # 140  
Alexandria, VA 22314

Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
201 N Union St #140  
Alexandria, VA 22314

**License Classification(s):**

Professional Occupations/Businesses  
9-071-007  
Attorney-At-Law

April 27, 2011

Dear Taxpayer:

This is your 2011 City of Alexandria Business License. The bottom portion of this page is perforated to allow you to tear off and post the business license in your establishment.

If you paid for your business license via check, please be aware that if your check is not honored by your financial institution, this business license shall be invalid.

As with all taxes, our goal is to administer Business License taxes fairly and in accordance with Commonwealth and Locality code. Our staff strives to provide professional assistance and quality customer service. Your satisfaction is important to us and your comments are always welcome.

If you have any questions regarding this letter, please visit <http://www.alexandriava.gov/> or contact my office via phone at 703.746.3903.

Finance Department, Revenue Administration Division, City of Alexandria

*Keep this letter for your records.*

## City of Alexandria Business License

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314



This license has been issued by the Revenue Administration Division of the City of Alexandria and is granted to:

Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
201 N UNION ST, # 140  
Alexandria, VA 22314

**License Number:** 121454-2011  
**Account Number:** 121454  
**Tax Period:** 2011  
**Business Name:** Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
**Trade Name:** Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger, LLP  
**Business Location:** 201 N UNION ST, # 140  
Alexandria, VA 22314  
**License Classification(s):** Professional Occupations/Businesses  
9-071-007  
Attorney-At-Law

JAN 19 2012

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." *(emphasis added)*.

A small, rectangular card with a dark border. The word "tabbies" is printed in a small, sans-serif font at the top. Below it, the word "EXHIBIT" is printed in a large, bold, sans-serif font. At the bottom, the letter "A" is printed in a large, bold, sans-serif font. The card is placed on a light-colored surface.

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (*emphasis added*).

[illegible]

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[illegible]

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*(emphasis added).*

[illegible]



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*(emphasis added).*

[illegible]

WATERFORD PLACE HOMEOWNERS ASSOCIATION  
318 S. Union Street  
Alexandria, VA 22314

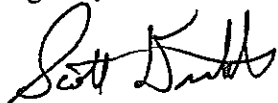
January 17, 2012

To Whom It May Concern:

At the annual meeting of the Waterford Place Homeowners Association ("Association") held on January 11, 2012 and in accord with the bylaws of the Association, a majority of the members of the Association properly passed a resolution providing that the Association, as owner of the common property of the Association, sign the Landowners' Protest to Proposed Text Amendment 2011-0005 ("Petition").

As a duly elected director of the Association and the current President, I am authorized to sign the Petition on behalf of the Association.


Regards,

A handwritten signature in black ink, appearing to read "Scott K. Dinwiddie".

Scott K. Dinwiddie  
President  
Waterford Place Homeowners Association

## Landowners' Protest to Proposed Text Amendment 2011-0005

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." *(emphasis added)*.

Property Address	Owner (Name)	Signature	Map # (if known)
150 Waterford Place Alexandria, VA 22314	Waterford Place Homeowners Association	 President Waterford Place Homeowners Assoc.	075.03-05-44

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (*emphasis added*).

[illegible]

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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
404 S. Lee St. ALEXANDRIA, VA	ANNE D. MANAHAN <sup>TRUSTEE</sup>	Anne D. Manahan, Trustee	
400 S Lee St	William J. Lyman	WJ Lyman	
403 S Union	Geoffrey Caldwell	Geoffrey Caldwell	
407 S Union St	Dana C. Strubbs	Dana C. Strubbs	
408 S. Lee Street	Michael Gene Freedman	Michael Gene Freedman	
420 S. Lee St.	Thomas E. Byrne	Thomas E. Byrne	
414 S. Lee St	Richard H. Keiser	Richard H. Keiser	
414A S. Lee	Megan Evans	Megan Evans	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct.	MEGAN EVANS.	Megan Evans	
4112 S LEE.	Sylvester G. March	Sylvester G. March	
406 S. Lee	DAVID B. MARCUS	David B. Marcus	
4226 S. LEE	WALTER VANCE HALL <sup>Trustee</sup>	Walter Vance Hall, Trustee	
4026 S. LEE St	Margaret M. Deane	Margaret M. Deane	
4130 S. Lee	Kira L. Brooks	Kira L. Brooks	
402 S. Lee	Joyce METERS.	Joyce Meters	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
709 Potomac St	Michael Deane	Michael Deane	081.03-01-75
708 Potomac St	Kenneth Henkel	Kenneth Henkel	081.03-01-73
710 Potomac St	Joey Seis	Joey Seis	081.03-01-72
712 Potomac St	James P. Gillis & Alison B. Harker	James P. Gillis & Alison B. Harker	081.03-01-71
715 Potomac St	Anne Hennox	Anne Hennox	081.03-01-41
717 Potomac St	Jane & Joe Piccolo	Jane & Joe Piccolo	081.03-01-42
703 Potomac St	Therese G. Epstein	Therese G. Epstein	081.03-01-38
703 Potomac St	Steve Epstein	Steve Epstein	081.03-01-38
720 Potomac St	Trustees for Goetzl family trust	Edward J. Goetzl	081.03-01-68

Goetzl Edward & Judith H 11/15



Margaret -

Lisa } signed  
Pilar } "tall man"

Fallons out of town

AL KALVAITIS  
703-299-9234

Margaret Joe  
Sulis Joe

717  
715  
707  
710  
708  
709

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."


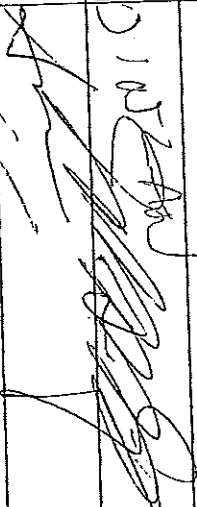
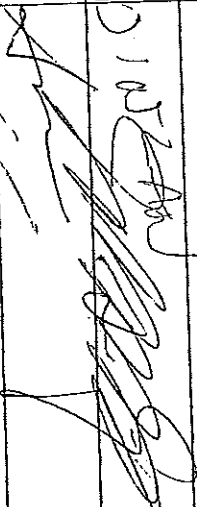



(emphasis added).

Map #

[illegible]

# Landowners' Protest to Proposed Text Amendment 2011-0005

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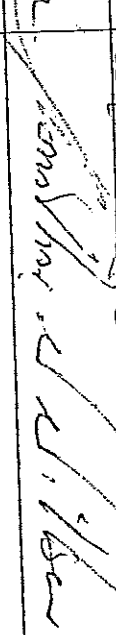



Property Address	Owner (Name)	Signature	Map # (if known)
117 PRINCE ST <del>117 PRINCE ST</del>	JAMES GARALL		
117 Prince St	John D. Garall		
123 PRINCE	SUZANNE		
218 S. Lee St	McGEE L. DEITZ		
330 S Lee St	Robert D Koeppe		
105 WOLFEST	STOYAN TEVER		

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." *(emphasis added)*.

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
300 S. Lee ST.	Brian Gibney		015.03-05-01
Alexandria, VA 22314			
304 S. Lee ST	Robert J. Webster		075.03-05-03
Alexandria, VA 22314			
304 S. Lee ST	Catherine Webster		075.03-05-03
Alexandria, VA 22314			
			075.03-05-03
310 South Lee	Jonathan Wilson		
318 South Lee	Mary D. Hadden		015.03-05-53
316 South Lee	Samuel R. Griggs		015.03-05-51
320 South Lee	Barbara C. Betelger		015.03-05-52

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*(emphasis added).*

[illegible]

# Landowners' Protest to Proposed Text Amendment 2011-0005

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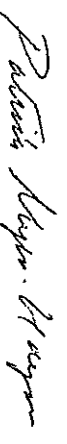




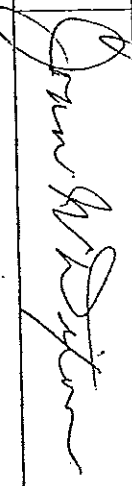
Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct	Evans Megan	Megan Evans	075.03-08-08
8 Potomac Ct	Mapes Ann Louise Tr	Ann Louise Mapes, Trustee	075.03-08-20
5 Potomac Ct	Rideout Bonnie	Bonnie Rideout	075.03-08-23
7 Potomac Ct	Petrov Georgi K	Georgi Petrov	075.03-08-21
6 Potomac Ct	Moore Patricia E Tr	Patricia Moore, Trustee	075.03-08-22
2 Potomac Ct	Anderson Lon	Lon Anderson	075.03-08-14
116 Wolfe St	Lamoreaux Tina Tr	Tina Lamoreaux, Trustee	075.03-08-12
106 Wolfe St	Rocchio Monica B	Monica Rocchio	075.03-08-16





# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
2206 South Lee Street Alexandria, VA 22314	Andrew + Lisa Lynch	 (Lisa R. Lynch)	
114 Duke St Alexandria, VA 22314	Gretchen R. Moss	 Gretchen R. Moss	
117 Duke Street Alexandria, VA 22314	Patricia + Jeffrey Myers-Hayes	 Patricia Hayes	
315 Duke Street Alexandria, VA 22314	Stephen Ray Mitchell Ellen S. Mitchell	 Stephen Ray Mitchell	
108 Duke St Alexandria, VA 22314	Kathleen + Bruce Oehler	 Kathleen Oehler	
112 DUKE ST ALEXANDRIA VA 22314	JEFFREY + MARY K. CUREN	 Jeffrey M. Curen	
111 Duke St Alexandria, VA	Joan W. Dixon	 Joan W. Dixon	
113 Duke St Alexandria, VA	Joan W. Dixon	 Joan W. Dixon	

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Property Address	Owner (Name)	Signature	Map # (if known)
118 Waterford Pl. Alexandria, VA 22314	Riker Diana Deb or Robert J	Riker J. Riker	
110 Waterford Pl Alexandria, VA 22314	Timmer, Kenneth D	Kenneth D. Timmer	
102 Duke St. Alexandria VA 22314	Freeman, Lauren E	Lauren E. Freeman	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
101 Wolfe St. Alexandria VA 22314	Burke, April L. Flynt, Richard A.	April L. Burke	
103 Wolfe St. Alexandria VA 22314	Stevenson, Geneva M and Robert C	Geneva M. Stevenson	
102 Waterford Pl. Alexandria VA 22314	Brown, James T.	James T. Brown	
124 Waterford Pl Alexandria VA 22314	Vesprini, Mary Ellen	Mary Ellen Vesprini	
106 Waterford Pl. Alexandria VA 22314	Hudson, James T.	James T. Hudson	
108 Waterford Pl Alexandria VA 22314	Torrice, William S.	William S. Torrice	
307 S. Union St. Alexandria VA 22314	Kieba, Donald W.	Donald W. Kieba	
104 Waterford Pl Alexandria VA 22314 or Shen Range	Cavaney, Byron H Jr	Byron H. Cavaney	

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Property Address	Owner (Name)	Signature	Map # (if known)
126 Waterford Pl Alexandria, VA 22314	Humphreys, Frederick	Frederick Humphreys	
105 Wolfe St. Alexandria, VA 22314	Tenev, Stefan V Ivana Kamenova E	Stefan Tenev	
116 Waterford Pl Alexandria, VA 22314	Meredon, Catherine A Michael J	Catherine Meredith	
319 S. Union St Alexandria VA 22314	Morgan, Ruth L on Timothy G	Ruth Morgan	
317 S. Union St Alexandria VA 22314	Dinwiddie, Scott or Meredith, Andrea	Scott Dinwiddie	
132 Westford Pl Alexandria, VA 22314	Lewis, Ann W or Peter A	Ann Lewis	
120 Waterford Pl Alexandria VA 22314	Goffman, Leonard J Jr or Thomas, Betty J	Leonard Goffman	
311 S. Union St. Alexandria VA 22314	Hardaway, Janet H	Janet Hardaway	

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Property Address	Owner (Name)	Signature	Map # (if known)
431 NORTH LEE ALEXANDRIA VA. 22314	E. MICHAEL PATRICKS	E. Michael Patrick	
425 North Lee Alexandria, VA 22314	MARY ANN PATRICKS Frank T. Sullivan	MaryAnn Patrick Frank T. Sullivan	
423 North Lee St. Alexandria, VA 22314	Frank T. Sullivan	Frank T. Sullivan	
211 S. Union St Alexandria, VA 22314	Valerie R. Taniere	Valerie R. Taniere	



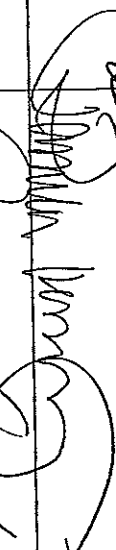




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Property Address	Owner (Name)	Signature	Map # (if known)
125 Duke St.	Marie-Marthe T. Kox	Marie-Marthe T. Kox	
429 S. Lee St	Susan Ginsburg	Susan Ginsburg	
109 Duke St. <sup>Alex Va</sup> 22314	Melanie New	Melanie New	
157 Duke St. <sup>Alex Va</sup> 22314	Melanie New	Melanie New	

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Property Address	Owner (Name)	Signature	Map # (if known)
212 S Lee St	John Modelewski		075-03-02-02
218 S. Lee St	Kosciuszko DEITZ		075-03-02-04
215 S Lee St	Anneta Niemeyer		075-03-01-20
225 S Lee St	Jane Coughran		075-03-01-25
229 S Lee St	Cristina Nguyen		075-03-01-23
214 S Lee St	Barbara Kelly		075-03-02-01
211A S. Union	Kim Nguyen		075-03-02-07

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*(emphasis added).*

[illegible]

Paul Anderson  
205 Locust Lane sent him  
Alex 22302

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
603 S. Lee St.			081
109 Franklin St.	Deborah Taylor	Deborah Taylor	081-01-02-38
605 S. Lee St.	Mary Lee Hickey Sr.	Mary Lee Hickey Sr.	081.01-02-17
100 Pommeroy Walk	Virginia Brzeczny	Virginia Brzeczny	
1919 Pommeroy Walk	Steve Brown	Steve Brown	081.01-02-27
610 S Lee St	Suzanne Hates	Suzanne Hates	081.01-02-23
111 Franklin St.	MEM RENT ESTATES LLC	MEM RENT ESTATES LLC	081.01-02-37
102 Pommeroy Walk	John K. Scaler	John K. Scaler	

\* There is not on my list of addresses, but lives next door and wants to sign.

Toscani

703-548-7452

571-331-6944

(c)

Debbie Parker

1814 Park Ave. 23220  
Richmond, Va.

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
213A Solid Union St.	Stevens, Andrew	Andrew Stevens	075-0307-08
209 S. Lee	Amy Barker	[Signature]	075-03-01-17
2-11 S. Lee	THOMAS O.B. SEWALL	[Signature]	075-03-01-18
217 S. Lee	DUSTIN BARN-WEISS	[Signature]	075-03-01-21
<del>214 S. Lee</del>	<del>X</del>	<del>Philip Barker</del>	/
223 S. Lee	Devis Bell	[Signature]	075-03-01-24
219 S. Lee St.	Kenneth L. Weinstein	Kenneth L. Weinstein	075-03-01-22
210 S. Lee St.	RICHARD STATION Cooper	[Signature]	075-03-02-01


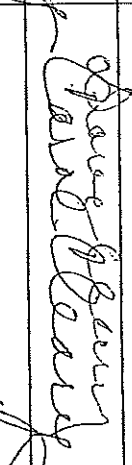

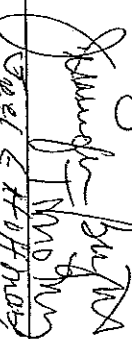

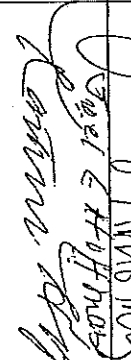

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Property Address	Owner (Name)	Signature	Map # (if known)
302 South Lee St.	EVA M. KENNEDY	Eva M. Kennedy	
330 S. Lee St.	Ashley Lombardi Robert Keppen JOHN RAMSEY	Ashley R. Lombardi	
106 GIBSON ST.	J.	John B. Ramsey, Jr.	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
820 South Lee Street Alexandria, VA	ENCA ROSS? John Medic		081-03-02-16
<del>106 Franklin St</del> <del>106 Franklin St</del>	David + Carol O'Leary		081-03-01-47
830 S. Lee St	Margaret Hodges Suzanne Buda or	Margaret Hodges	081-03-02-15
812 S. Lee St.	James Duda	James Duda	081-03-02-07
484 S. Lee St.	Laura Doyle Eugene Smith		081-03-02-03
134 S. Lee St	 Jennifer Smith		081-03-01-34
132 S Lee	 Karen Smith		081-03-01-25

708 S. Lee  
Grace L. Prindle  
Frank Prindle  
081-03-01-35

100-  
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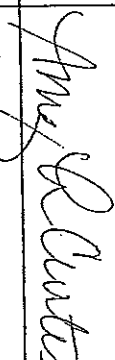


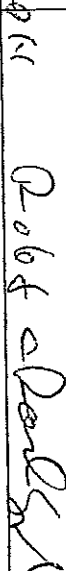
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Property Address	Owner (Name)	Signature	Map # (if known)
200 Oronoco St Alexandria, VA 22314	Dittmer, David and S. bley		065.01-03-12
412 N. Lee St Alexandria, VA 22314	Bondslie, Arthur		065.01-03-42
204 Oronoco St Alexandria, VA 22314	Holtzman, Miles		065.01-03-10
420 N. Lee St Alexandria, VA 22314	GREGORIOS, CHARLES J.		065.01-03-46
215 Oronoco St Alexandria, Va 22314	Long, Cynthia		065.01-02-24

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Property Address	Owner (Name)	Signature	Map # (if known)
1-10 N UNION STREET	AMY L CURTIS		065.03-04-20
412 N. UNION STREET	AMY L CURTIS		065.03-04-21
424 N. UNION ST.	PAULINEA RANDALL		
424 N. UNION ST	ROBERT C. RANDALL		

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
515 Tobacco Alley	Papa Barton & Trust	William R. Barton Trustee	065-01-02-34
517 Tobacco Alley	William R. Barton Trust	William R. Barton Trustee	065-01-02-35
531 Tobacco Alley	Denise Leanders	Denise Leanders	065-01-02-42
525 Tobacco Alley	KELEE BORDLIFT	Kelee Bordlift	065-01-02-28
523 Tobacco Alley	Paul Fussen	Paul Fussen	065-01-02-38
514 Tobacco Alley	Heidi Ballard	Heidi Ballard	065-01-02-36
531 Tobacco Alley	Ann Shack	Ann Shack	065-01-02-27
521 Tobacco Alley	CHARLES FORD FLYNN	CF	065-01-02-37



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(emphasis added).

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
217 WLORE ST.	LEONARD GALLER III		
60 WLORE ST.	Teri Bone		

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Property Address	Owner (Name)	Signature	Map # (if known)
623 Remondelle Well St	Marianne Marzo	Marianne Marzo	081.01-02-31
107 Franklin St	Jimmie B Cook	Jimmie B Cook	081.01-02-39
103 Franklin St	Timothy B Hannon <i>(John Cooks)</i>	<i>[Signature]</i> Sitting for	081.01-02-41
1125 Remondelle Well St	Jessie McCollough <i>(John Cooks)</i>	<i>[Signature]</i> John Cooks	081.01-02-32
624 S. Lee St.	Maria Celeste Smonds Trust	Maria Celeste Smonds (for the Maria Celeste Smonds trust established 2011)	081.01-02-34
628 S. Lee St.	Catherine Thompson Arthur Thompson	Arthur Thompson	081.01-02-36
630 S. Lee St.	Timothy B Hannon	Timothy B Hannon	081.01-02-30
101 Franklin St.	Maria Celeste Smonds Angela P. P.	Angela P. P. Sitting for Maria Celeste Smonds Trust	081.01-02-42

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
600 S. Lee Street	Margaret D. Miller	MARGARET A. MILLER	
208 S. Lee St.	Charles W. Greenleaf	Ch. Greenleaf	
219 South Lee St.	Elizabeth Weinstein	Elizabeth Weinstein	
303 S. Lee St.	Denise Bell	Denise Bell	





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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
103 PENNINGTON DR WY. ALEX. VA 22314	ROBERT M & MARGARET CHANTS	Robert M Chants	
107 Pennington Wale Alex. VA 22314	LINDA WINDSOR	Linda Windsor	
114 Jackson St. Alexandria VA, 22314	NIOLE HAMILTON	Niole Hamilton	
714 Cass St Alexandria VA 22314	Robert Hamilton	Robert Hamilton	
111 Robinson Dr WY ALEX. VA 22314	Robert Hamilton	Robert Hamilton	

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Property Address	Owner (Name)	Signature	Map # (if known)
104 Franklin St.	Cyrus	Alexus	081.03-01-48
709 S. Union	Nash	Myra	081.03-01-51
1153 S. Union	Coumbs	Chad	081.03-01-54
#33 S. Union	Hutchins	Carol Hutchins	081.03-01-60
735 S. Union	Lunt Vasquez-Lunt	Anna Vasquez-Lunt	081.03-01-61
711 Potomac St	John R. Wood	John Wood	081.03-01-52
705 Potomac St	Carolyn Wilder	Carolyn Wilder	081.03-01-74
714 Potomac St	Carol Terwilliger	Carol Terwilliger	081.03-01-70

# Landowners' Protest to Proposed Text Amendment 2011-0005

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (*emphasis added*).

Property Address	Owner (Name)	Signature	Map # (if known)
100 Prince Street	David Dinger		
109 Prince St.	Bobby Burke		
126 PRINCE ST	KATHERINE VIVAR		
118 SILVER ST.	GARETH HALL		


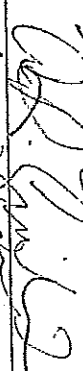

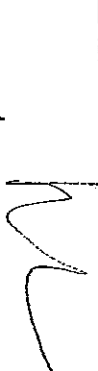

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*(emphasis added).*

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
111 Prince St.	Phyllis G. Sidorovsky	Phyllis G. Sidorovsky	OTS, 01-26-23
144 Prince St.	Serita Scholte (Trustee)		
117 Prince St.	Andrea Dittuliano		
1223 Prince St.	SUZANNE T. DONAHUE		
1205 Prince St.	Kauren Karch	Kauren Karch	
113 Prince St.	JAMES BARDAL		
189 Prince St.	Anne HAMBLY		

Mark Mueller 703-627-8374



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Property Address	Owner (Name)	Signature	Map # (if known)
4138 N. Union St. Alexandria VA 22314	BEZ, JASON H. JR. LANDS S.	<i>[Signature]</i>	065. 03-05-23
416 N Union St Alex, VA 22314	Brewer Fred L TR	<i>[Signature]</i> Fred L Brewer, Trustee for Fred L Brewer Trust	065. 03-04-23
414 N. Union St Alex, VA 22314	DAVID CHANEY	<i>[Signature]</i> David Chaney	065.03- 03-22
428 N. Union St ALEXANDRIA VA 22314	ELIZABETH P. BRADWIN TRUST	<i>[Signature]</i> Elizabeth P. Bradwin Trust	065.01- 05-18
422 N. Union St. Alexandria, Va. 22314	Cynthia L. Fox	<i>[Signature]</i> Cynthia L. Fox	
420 N. Union St. Alexandria VA 22314	Michael A. Pear	<i>[Signature]</i> Michael A. Pear	065.01- 05-22
408 N. Union Street	Wichitich/Pear Family Trust	<i>[Signature]</i> Wichitich/Pear Family Trust	065.03- 04-19

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(emphasis added).

[illegible]

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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
414 North Lee Street Alexandria, VA 22314	Janet D. Bouvier Revocable Trust	Janet D. Bouvier, Trustee (for the Janet D. Bouvier Revocable Trust established September 18, 2001)	







523



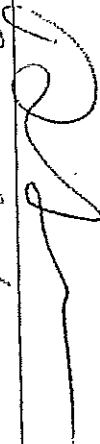


(emphasis added).

[illegible]



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Property Address	Owner (Name)	Signature	Map # (if known)
KELLY LAUDER	109 PRIMAVERA LANE ALEX, VA 22314		
704 S. COAST	ELLEN SMITH		
720 S. Lee St	ROBERT S. HARRIS PATRICIA A. HARRIS		
728 S Lee St	NICHOLAS L. METZGER		
115 Commander	C. Anne B. Rector		

Commander U. Kelly

~~115 come back in an hour~~

113 ~~111~~ Renter in favor of our position

111 ~~111~~ (already signed about a week ago)

~~104~~ signed

107 n/h.

105 n/h.

103 signed about a week ago

101 ~~101~~ will not sign

~~100~~

700 Baby sister - come back on Monday

702 come back - on Monday or Tuesday

704 signed

~~706~~ no 706. (house)

708 - coming back on Sat. night.

710 ~~710~~ no 710 (house)

712 no 712, no 714, no 716, no 718 (houses)

712

~~720~~ signed

722, would be back in a week

724 n/h

726 come back in a few days

728 signed

730 n/h

732 n/h

734 - no  
736 - n/h

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*(emphasis added).*

[illegible]

FROM : DTKENNEY

FAX NO.: 2023331018

Jan. 17 2012 10:39AM P1

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*(emphasis added).*

Man # \_\_\_\_\_


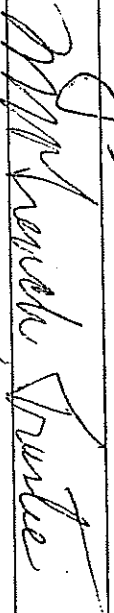
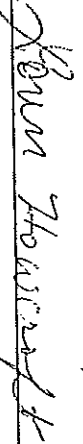


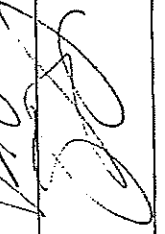
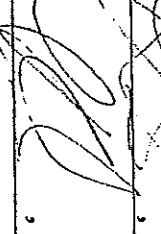
[illegible]

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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
10 Potomac Ct	Jennings Michael V		075.03-08-18
114 Wolfe St	French M H Tr		075.03-08-13
120 Wolfe St	Howcroft Loren S		075.03-08-10
108 Wolfe St	Buck Karen A		075.03-08-15
118 Wolfe St	Atkin Kathleen A		075.03-08-11
220 S. Lee St.	220 WA LLC	 , President	075.03-02-29
224 S. Lee St.	224 South Lee Street LLC	 , President	075.03-02-30.C

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JAN 20 2012

04/22/2010 05:20 FAX




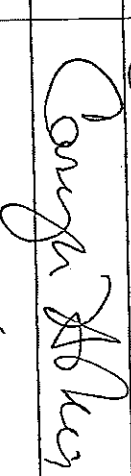
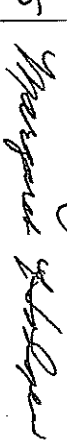


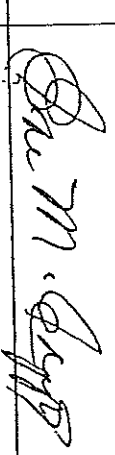

2002



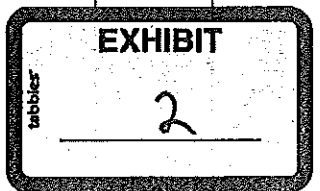


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Property Address	Owner (Name)	Signature	Map # (if known)
808 SOUTH LEE ST.	RICHARD AND TERESA MILLER		
810 S. Lee St.	Bessy Kong & John Wladyslawski		
832 S. Lee St.	Susan D'Salut + Scott D'Salut		
828 S. Lee St	Careyn Hollis		
830 S. Lee St	MARGARET THOMAS		
812 S. Lee St.	SUZANNE DUDA Jim Duda		
824 S. Lee St			
814 S. Lee St	KAREN + TIM BOWMAN		

# Landowners' Protest to Proposed Text Amendment 2011-0005

[illegible]







Landowners' Protest to Proposed Text Amendment 2011-0005

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[illegible]

WATERFORD PLACE HOMEOWNERS ASSOCIATION

318 S. Union Street  
Alexandria, VA 22314

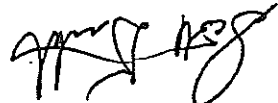
January 17, 2012

To Whom It May Concern:

At the annual meeting of the Waterford Place Homeowners Association ("Association") held on January 11, 2012 and in accord with the bylaws of the Association, a majority of the members of the Association properly passed a resolution providing that the Association, as owner of the common property of the Association, sign the Landowners' Protest to Proposed Text Amendment 2011-0005 ("Petition").

As a duly elected director of the Association and the current President, I am authorized to sign the Petition on behalf of the Association.

Regards,



Scott K. Dinwiddie

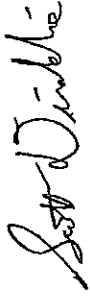
President

Waterford Place Homeowners Association



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Property Address	Owner (Name)	Signature	Map # (if known)
150 Waterford Place Alexandria, VA 22314	Waterford Place Homeowners Association	 President Waterford Place Homeowners Assoc.	075.03-05-44





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Property Address	Owner (Name)	Signature	Map # (if known)
404 S. Lee St. ALEXANDRIA, VA	ANNE D. MONAHAN <small>TRUSTEE</small>	Anne D. Monahan, Trustee	
400 S Lee St	William J. Ingham	[Signature]	
403 S Union	GEOFFREY CALDWELL	Geoffrey Caldwell	
407 S Union St	Donna C Krebs	[Signature]	
408 S. Lee Street	Michael Gene Freedman	Michael Gene Freedman	
420 S. Lee St.	Thomas E. Byrne	Thomas E. Byrne	
414 S. Lee St	Richard H. Keiser	[Signature]	
414 A S. Lee	Megan Evans	Megan Evans	

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Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct.	MEGAN EVANS	Megan Evans	
412 S LEE.	Sylvester G. March	Sylvester G. March	
406 S. Lee	DAVID B. MARCUS	David B. Marcus	
426 S. LEE	WALTER VANCE HALL TRUSTEE	Walter Vance Hall, Trustee	
426 S. LEE	Margaret M. DeLine	Margaret M. DeLine	
430 S. Lee	Lisa L. Brooks	Lisa L. Brooks	
402 S. Lee	Joyce METEER.	Joyce D. Meteer (Joyce Meteer)	

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(emphasis added).

Property Address	Owner (Name)	Signature	Map # (if known)
709 Potomac St	Michael Deane	Michael Deane	081.03-01-75
708 Potomac St	Kandora Hingwa	Kandora Hingwa	081.03-01-73
710 Potomac St	Joey Solis	Joey Solis	081.03-01-72
712 Potomac St	James P. Gillis & Alison B. Harker	James P. Gillis & Alison B. Harker	081.03-01-71
715 Potomac St	Anne M. Hennox William J. Hennox, Jr	Anne M. Hennox William J. Hennox, Jr	081.03-01-41
717 Potomac St	Jane & Joe Piccolo	Jane & Joe Piccolo	081.03-01-42
717 Potomac St	Jane & Joe Piccolo	Jane & Joe Piccolo	081.03-01-42
703 Potomac St	Inaury G. Epstein Steve Epstein	Inaury G. Epstein Steve Epstein	081.03-01-38
720 Potomac St	Trustees for Goetzl family trust Goetzl Edward & Judith H. HKS	Edward G. Goetzl	081.03-01-68

717  
 715  
 707  
 710  
 708  
 709  
 Margaret's Joe  
 Suis Jers

AL KALVAITIS  
 703-299-9234


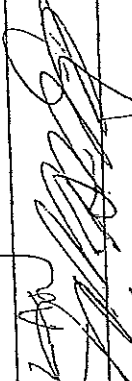




Margaret  
 Lisa  
 Pilar  
 "tall man"  
 "tall man"  
 Falls cut of town





# Landowners' Protest to Proposed Text Amendment 2011-0005



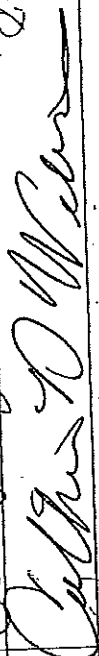

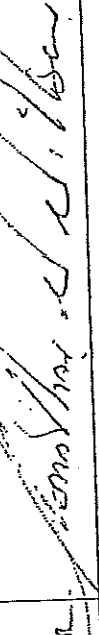


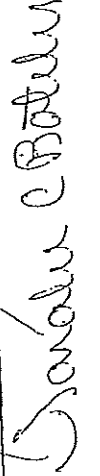
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Property Address	Owner (Name)	Signature	Map # (if known)
117 PRINCE ST ALEXANDRIA VA	JAMES GARALL		
117 PRINCE ST	John D. Garall		
117 PRINCE ST	SU ZHANG		
218 S. LEE ST	ROBERT L. DEITZ		
330 S Lee St	Robert D Koeppe		
105 WOLFEST	STOYAN TENEN		



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Property Address	Owner (Name)	Signature	Map # (if known)
300 S. Lee ST. Alexandria, VA 22314	Brian Gibney		075.03-05-01
301 S. Lee ST ALEXANDRIA, VA 22314	ROBERT J. WEBSTER		075.03-05-03
301 S. Lee ST ALEXANDRIA, VA 22314	CHARLENE WEBSTER		075.03-05-03
			075.03-05-03
310 South Lee	JONATHAN W. WILSON		
318 South Lee	Mary D. Hayden		075.03-05-53
316 South Lee	GAMAL K. GRAISS		075.03-05-51
320 South Lee	SARALEE C. BOTLER		075.03-05-52



# Landowners' Protest to Proposed Text Amendment 2011-0005








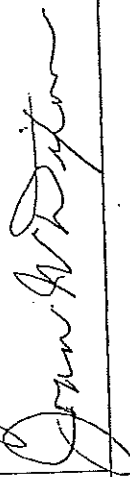
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Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct	Evans Megan	Megan Evans	075.03-08-08
8 Potomac Ct	Mapes Ann Louise Tr	Ann Louise Mapes, Trustee	075.03-08-20
5 Potomac Ct	Rideout Bonnie	Bonnie Rideout	075.03-08-23
7 Potomac Ct	Petrov Georgi K	Georgi Petrov	075.03-08-21
6 Potomac Ct	Moore Patricia E Tr	Patricia Moore, Trustee	075.03-08-22
2 Potomac Ct	Anderson Lon	Lon Anderson	075.03-08-14
116 Wolfe St	Lamoreaux Tina Tr	Tina Lamoreaux, Trustee	075.03-08-12
106 Wolfe St	Rocchio Monica B	Monica Rocchio	075.03-08-16



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Property Address	Owner (Name)	Signature	Map # (if known)
226 South Lee Street Alexandria, VA 22314	Andrew + Lisa Lynch		(Lisa R. Lynch)
114 Duke St Alexandria, VA 22314	Gretchen R. Moss		
117 Duke Street Alexandria, VA 22314	Patricia + Jeffrey Myers-Hayes		
115 Duke Street Alexandria, VA 22314	Stephen Ray Mitchell Ellen S. Mitchell		(Stephen Ray Mitchell)
108 Duke St Alexandria, VA 22314	Kathleen + Bruce Oehler		
112 DUKE ST ALEXANDRIA VA 22314	JEFFREY + MARY K. QUEEN		(JEFFREY M. QUEEN)
111 Duke St Alexandria, VA	Joan W. Dixon		
113 Duke St Alexandria, VA	Joan W. Dixon		





# Landowners' Protest to Proposed Text Amendment 2011-0005

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (*emphasis added*).

Property Address	Owner (Name)	Signature	Map # (if known)
101 Wolfe St. Alexandria VA 22314	Burke, April L. Flynt, Richard A.	April L. Burke	
103 Wolfe St. Alexandria, VA 22314	Steveton, Geneva M and Robert W	Genevieve Steveton	
102 Waterford Pl. Alexandria, VA 22314	Brown, James T.	James T. Brown	
124 Waterford Pl Alexandria, VA 22314	Vesprini, Mary Ellen	Mary Ellen Vesprini	
106 Waterford Pl. Alexandria VA 22314	Hardaway, James H	James H. Hardaway	
108 Waterford Pl Alexandria, VA 22314	Torrice, William S.	William S. Torrice	
307 S. Union St. Alexandria, VA 22314	Rieker, Donald W.	Donald W. Rieker	
104 Waterford Pl Alexandria, VA 22314 or Shenandoah	Cavaney, Byron M Jr	Byron M. Cavaney	

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Property Address	Owner (Name)	Signature	Map # (if known)
126 Waterford Pl Alexandria, VA 22314	Humphreys, Frederick	Frederick Humphreys	
105 Wolfe St. Alexandria, VA 22314	Tenev, Stayan V Teneva Kemiola E	Stayan Tenev	
116 Waterford Pl Alexandria, VA 22314	Murdon, Christine A or Michael J	Christine Murdon	
319 S. Union St Alexandria, VA 22314	Morgan, Ruth L or Timothy G	Ruth Morgan	
317 S. Union St Alexandria, VA 22314	Dinwiddie, Scott or Menaker, Andrea	Scott Dinwiddie	
132 Waterford Pl Alexandria, VA 22314	Leonis, Ann W or Peter A	Ann Leonis	
120 Waterford Pl Alexandria, VA 22314	Goffman, Lawrence J Jr or Forman, Betty J	Larry Goffman	
311 S. Union St. Alexandria, VA 22314	Haddaway, James H	James H. Haddaway	

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Property Address	Owner (Name)	Signature	Map # (if known)
1431 NORTH LEE ALEXANDRIA, VA 22314	E. MICHAEL PATRICKS	E. Michael Patrick	
425 North Lee Alexandria, VA 22314	MARY ANN PATRICKS Frank J. Sullivan	Mary Ann Patrick Frank J. Sullivan	
423 North Lee St. Alexandria, VA 22314	Frank J. Sullivan	Frank J. Sullivan	
211 S. Union St Alexandria, VA 22314	Valerie R. Taniere	Valerie R. Taniere	



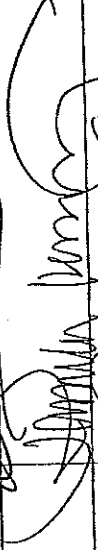
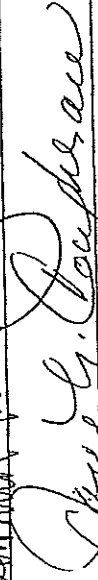

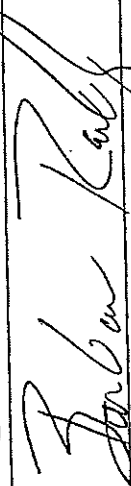

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Property Address	Owner (Name)	Signature	Map # (if known)
125 Duke St.	Marie-Marthe T. Kux	Marie-Marthe T. Kux	
429 S. Lee St	Susan Ginsburg	Susan Ginsburg	
109 Duke St. Alex Va 22314	Melanie New	Melanie New	
107 Duke St. Alex Va 22314	Melanie New	Melanie New	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
212 S Lee St	John Modzelewski		075-03-02-02
218 S. Lee St	KOSIET DE 172		075-03-02-04
215 S Lee St	Anneta Tiemeyer		075-03-01-70
225 S Lee	Jane Coughran		075-03-01-25
229 S Lee	Cristina Nagara		075-03-01-23
214 S Lee	Darlene Kelly		075-03-02-00
211A S. Union	Kim Meyer		075-03-02-07





Paul Andersen  
205 Forest Lane  
Alb 22302  
sent him



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Property Address	Owner (Name)	Signature	Map # (if known)
603 S. Lee St.			081
159 Franklin St.	Dorothy Hickey	[Signature]	081-01-02-38
605 S. Lee St.	Mary Page Hickey Sr.	[Signature]	081-01-02-17
1002 Pommery Village	Virginia Bracken	[Signature]	
1019 Pommery Village	Steve Brown	[Signature]	081-01-02-27
610 S Lee St	Suzanne Kates	[Signature]	081-01-02-23
1111 Franklin St.	MEEM Real Estate, LLC	[Signature]	081-01-02-37
1002 Pommery Village	John K. Scale	[Signature]	

\* She is not on my list of addressees, but lives next door and wanted to sign.

Texas

703-548-7452

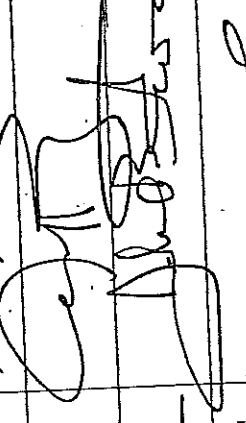




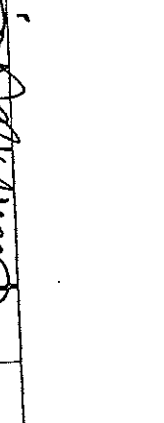
(2) 571-331-6944

Debrae Poiras

1814 Park Ave  
Richmond, Va. 23220

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Property Address	Owner (Name)	Signature	Map # (if known)
213A South Union St.	Stewers, Andrew	Andrew Stewers	075-0302-08
209 S. Lee	AMY BAYER		075-03-01-17
211 S. Lee	JOHN O.B. SEWALL		075-03-01-18
217 S. Lee	DUSTIN GARD-WELLS		075-03-01-23
<del>214 S. Lee</del>	<del>X</del>	<del>Philip A. Lee</del>	/
223 S. Lee	Devis Beu		075-03-01-24
219 S. Lee St.	Kenneth L. Weinstein		075-03-01-22
210 S. Lee St.	RICHARD STARR COOPER		075-03-02-01



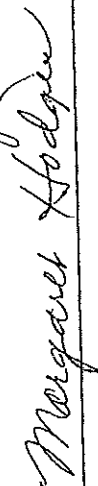


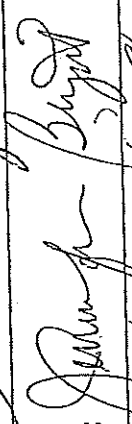

100

(emphasis added).

106 GIBSON ST.

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Property Address	Owner (Name)	Signature	Map # (if known)
820 South Leesheet Alexandria, VA	ERICA ROSSI & John Medic		081-03-02-16
<del>100 Franklin St</del> <del>100 S. Lee St</del>	David + Carol Cleary		081-03-01-47
830 S. Lee St	Margaret Hodgson		081-03-02-15
812 S. Lee St.	Suzanne Budka or James F. Ducka		081-0302-07
804 S. Lee St.	Laura Doyle or Eugene Smith		081-03-02-03
734 S. Lee St.	James F. Budka or James F. Ducka		081-03-01-24
732 S. Lee	Laura Doyle or Eugene Smith		081-03-01-23

708 S. Lee GRACE L. PRINDLE  
FRANK PRINDLE  081-03-01-23

100-  
 102- ~~2x~~ 110  
 104-  
 106- ~~clearly~~ 711  
 108- 713  
 110 714  
 737, \*

721, 723

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Property Address	Owner (Name)	Signature	Map # (if known)
200 Oronoco St Alexandria, VA 22314	Artimer, David and Sibley	David M. Artimer	065.01-03-12
412 N. Lee St Alexandria, VA 22314	Bondslie, Arthur	[Signature]	065.01-03-42
204 Oronoco St Alexandria, VA 22314	Holtzman, Miles	[Signature]	065.01-03-10
4120 N. Lee St Alexandria, VA 22314	Georgios, Charles J.	[Signature]	065.01-03-46
215 Oronoco St Alexandria, VA 22314	Long, Cynthia	[Signature]	065.01-02-24

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Property Address	Owner (Name)	Signature	Map # (if known)
410 N UNION STREET	AMY L CURTIS	Amy L Curtis	065.03-04-20
412 N. UNION STREET	AMY L CURTIS	Amy L Curtis	065.03-04-21
424 N. UNION ST.	PATHEMIA RANDALL	PatheMia Randall	
424 N. UNION ST	ROBERT C. RANDALL	Robert Randall	



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Property Address	Owner (Name)	Signature	Map # (if known)
515 Tobacco Alley	Peggy Barton & Trust	William R. Barton Trustee	065.01-02-34
517 Tobacco Alley	William R. Barton Revoc. Trust	William R. Barton Executor	065.01-02-35
531 Tobacco Alley	Denise Landers	Denise Landers	065.01-02-42
525 Tobacco Alley	RENEE BONDAROFF	Renee Bondaroff	065.01-02-38
523 Tobacco Alley	Paul Fusser	Paul Fusser	065.01-02-36
514 Tobacco Alley	Kelly Ballard	Kelly Ballard	065.01-02-27
561 Tobacco Alley	Ann Shack	Ann Shack	065.01-02-37
521 Tobacco Alley	CHRISTOPHER FLYNN	CHRISTOPHER FLYNN	



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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
623 Commander Wall St	Marianne Marzo	Marianne Marzo	081.01-02-31
107 Franklin St	Jimmie Cook	Jimmie Cook	081.01-02-39
103 Franklin St	Timothy B. Huron	Timothy B. Huron	081.01-02-41
1215 Potomac Drive NE	Janice McCullough	Janice McCullough	081.01-02-32
624 S. Lee St.	Marie Celeste Spmonds Trust	Marie Celeste Spmonds (for the Marie Celeste Spmonds trust established 2011)	081.01-02-34
628 S. Lee St.	Catherine Thompson	Catherine Thompson	081.01-02-36
630 S. Lee St.	T. W. Waverly	T. W. Waverly	081.01-02-30
101 Franklin St.	Amy R. Fries	Amy R. Fries	081.01-02-42

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Property Address	Owner (Name)	Signature	Map # (if known)
600 S. Lee Street	Margaret A. Miller	MARGARET A. MILLER	
208 S. Lee St.	Charles W. Greenleaf	Charles W. Greenleaf	
219 South Lee St.	Elizabeth Weinstein	Elizabeth Weinstein	
223 S. Lee St.	Denise Bell	Denise Bell	





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Property Address	Owner (Name)	Signature	Map # (if known)
105 PENNINGTON DR. W. ALEX. VA 22314	ROBERT M & NORMA E GANTS	<i>Robert M Gants</i>	
107 Pennington Walk Alex VA 22314	LINDA WINDSOR	<i>Linda Windsor</i>	
114 Jackson St. Alexandria VA, 22314	NIOLE HAMILTON	<i>Nicole Hamilton</i>	
714 Gibson Dr Alexandria VA 22314	Robert Hamilton	<i>Robert Hamilton</i>	
111 Pennington Dr Alex VA 22314	<i>Pennington Dr</i>	<i>Pennington Dr</i>	



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Property Address	Owner (Name)	Signature	Map # (if known)
716 Potomac St Alexandria VA 22314	Frank McCallister		81-03-01-69
713 Potomac Street Alexandria, VA 22314	Harold Cramer		81-03-01-40



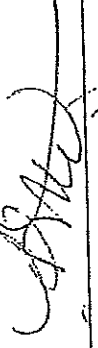

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Property Address	Owner (Name)	Signature	Map # (if known)
104 Franklin St.	Cyrus	[Signature]	081.03-01-48
709 S. Union	Nash	[Signature]	081.03-01-51
115 S. Union	Cowles	[Signature]	081.03-01-54
433 S. Union	Hutchinson	[Signature]	081.03-01-60
735 S. Union	Lunt Vasquez-Lunt	[Signature]	081.03-01-61
711 Potomac St.	John R. Wood	[Signature]	081.03-01-52
705 Potomac St.	Carolyn Wilder	[Signature]	081.03-01-74
714 Potomac St.	Carol Terwilliger	[Signature]	081.03-01-70

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Property Address	Owner (Name)	Signature	Map # (if known)
100 Prince Street	David Olinger		
109 Prince St.	Polly Burke		
126 PRINCE ST	KATHERINE VIAR		
118 Silver St.	Gaelitha W		

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Property Address	Owner (Name)	Signature	Map # (if known)
111 Prince St.	Phyllis G. Sidorisky	Phyllis G. Sidorisky	075, 01-06-23
144 Prince St.	Savita Scholte (Trustee)	<i>[Signature]</i>	
117 Prince St.	Andrea Dibiulian	<i>[Signature]</i>	
123 Prince St.	SUZANNE T. GONZA	<i>[Signature]</i>	
120 S. Lee St.	Karen Karch	Karen Karch	
113 Prince St.	JAMES BARDU	<i>[Signature]</i>	
129 Prince St.	Anne Hambley	Anne Hambley	

Frank Mueller 703-627-8374

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Property Address	Owner (Name)	Signature	Map # (if known)
418 N. Union St. Alexandria VA 22314	BZY, John A. or Lawrence S.	<i>[Signature]</i>	055. 03-05-23
416 N Union St Alex, VA 22314	Brewer Fred L TR	Fred L. Brewer, Trustee for Fred L Brewer Trust	065. 03-04-23
414 N. Union St Alex, VA 22314	DAVID CHANLEY	<i>[Signature]</i>	055.03- 03-22
428 N. UNION ST ALEXANDRIA VA 22314	ELIZABETH P. BALDWIN, TRUST	<i>[Signature]</i> ELIZABETH P. BALDWIN TRUST	065.01- 05-18
422 N. Union St. Alexandria, Va. 22314	CYNTHIA L. FOX	<i>[Signature]</i>	
420 N. Union St. Alexandria, VA 22314	Michael A. Pedr	<i>[Signature]</i>	065.01- 05-22
408 N. Union Street	Wanchitcha/Rena Famously Trust	<i>[Signature]</i>	065.03- 04-19





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[illegible]

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[illegible]













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Property Address	Owner (Name)	Signature	Map # (if known)
KELLY LOWDER	109 POMMUNDER WALK ALEX, VA 22314		
704 S. Lee St.	Eileen Smith		
720 S. Lee St	ROBERT S. SHAW		
725 S. Lee St	PATRICIA A. TRACEY		
728 S Lee ST	Richard L. Metzger		
115 Pommunder	C. Anne B. Rector		

1) Transmittal likely

115 ~~is not with me as a house~~

113 ~~with~~ Kenen in favor of our position

111 ~~with~~ (already argued about a week ago)

~~109~~ argued

107 n/f.

105 n/f.

103 argued about a week ago

101 ~~with~~ will not argue

~~100~~ 700 Daring matter - in the book on Monday

702 some book - on Thursday or Friday

704 ~~argued~~

~~706~~ no n/f. (house)

708 - coming from in Sat. night.

710 ~~with~~ me 710 (house)

712, me 712, me 714, me 716, me 718 (house)

~~720~~ ~~argued~~ he has in in a circle

722 n/f

724 n/f

726 come back in the morning

728 argued

730 n/f

732 n/f

734 - no

736 - n/f



rsuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a *proposed text or map amendment is filed*, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." *(emphasis added)*.

[illegible]

**Landowners' Protest to Proposed Text  
Amendment 2011-0005**

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (*emphasis added*).



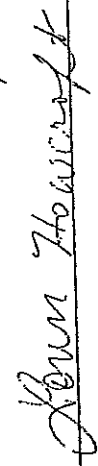

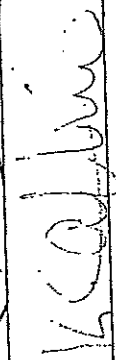


ment, except by an adm members." (emphasis added).			Map #
Property	Owner (Name)	Signature	(if known)
Address	116 Prince Street	David + Helen Kennedy	075.01.11.07





# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
10 Potomac Ct	Jennings Michael V		075.03-08-18
114 Wolfe St	French M H Tr		075.03-08-13
120 Wolfe St	Howcroft Loren S		075.03-08-10
108 Wolfe St	Buck Karen A		075.03-08-15
118 Wolfe St	Atkin Kathleen A		075.03-08-11
220 S. Lee St.	220 VA LLC	 , President	075.03-02-29
224 S. Lee St.	224 South Lee Street LLC	 , President	075.03-02-30.C

Landowners' Protest to Proposed Text Amendment 2011-0005


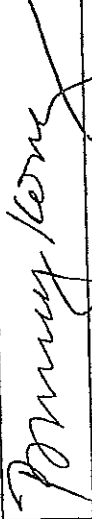


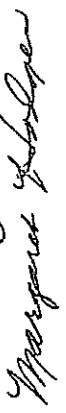

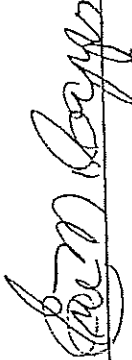
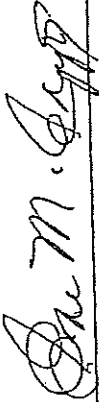

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[illegible]



# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
808 SOUTH LEE ST.	RICHARD AND TERESA MILLER		
810 S. Lee St.	Bessy Kong & John Wasielewski		
832 S. Lee St.	Susan Oswald + Scott Oswald		
838 S. Lee St.	Caryn Hollis		
830 S. Lee St.	MARGARET HOSCHES		
812 S. Lee St.	SUZANNE DUDON Jim Duke		
824 S. Lee St.			
814 S. Lee St.	KARLYN + JIM BOWMAN		





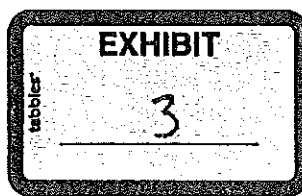
## APPEAL APPLICATION BOARD OF ZONING APPEALS

### INSTRUCTIONS

1. **FILING:** Appeals to the Board of Zoning Appeals must be filed within **30 days** from the date that the order, requirement, decision or determination was made.
2. **APPLICATION FORMS:** Complete the form titled "Application for Appeal, Board of Zoning Appeals." Please use blue or black ink. Sign the form and include a daytime phone number and email address.
3. **PLANS:** Twelve (12) copies of supporting materials are to be submitted with each application. Plans, drawings, photos, or other materials should not exceed 11" x 17" and should not be smaller than 8.5" x 11". All plan sets must be to scale. In addition, applicants should submit all images, photographs, and drawings in digital format. Larger or additional copies may be requested by staff for large scale projects. Applications without the required supporting materials will be deemed incomplete and will not be scheduled for hearing by the BZA.
4. **FILING FEE:** Applicants must submit a filing fee with the application. Exact amount may be obtained from the Department of Planning and Zoning.
5. **HEARING DATE:** Once staff has reviewed the application for completeness and validity, a hearing date will be scheduled. The appellant shall be notified by staff of the scheduled hearing date.
6. **PROPERTY OWNER NOTIFICATION:** In the case of an appeal to the Board of Zoning Appeals, the City shall send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. In the event the application is deferred, notification shall be given again.

*Rejected.  
Appeal is premature.*

*Thos S  
1/20/12*





## APPEAL APPLICATION BOARD OF ZONING APPEALS

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## **BOARD OF ZONING APPEALS PROCESS**

### **PUBLIC HEARINGS – BOARD OF ZONING APPEALS**

The Board of Zoning Appeals meets on the second Thursday of each month in the City Council Chambers, City Hall, at 7:30 P.M. Meeting dates should be verified by the applicant prior to the hearing as they are subject to change. **The applicant or a representative must attend the meeting.**

### **DEFINITION OF APPEAL**

The Board of Zoning Appeals is authorized to hear appeals where it is alleged there is error from any order, requirement, decision or determination made by the Director in the administration or enforcement of the Zoning Ordinance of the City of Alexandria, Virginia and jurisdiction is not given to another body. The appeal must be filed within 30 days of such order, requirement, decision or determination made by the Director.

### **APPEAL POWERS – BOARD OF ZONING APPEALS**

The Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from.

### **STAY OF PROCEEDINGS**

A properly filed appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director certifies to the Board after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order which may be granted by the Board or by a proper court on notice to the Director and on due cause shown.

### **DECISIONS ON APPEAL**

Within a reasonable time after the appeal has been filed, the Board shall hold a public hearing, giving public notice thereof as well as due notice to parties of interest, decide the appeal and file with the Director written findings of fact and conclusions regarding the appeal. The concurring vote of four members is needed to reverse a decision. The Director will provide a copy of the decision to the applicant and to each other person who was a party of record at the hearing.

### **APPEAL OF THE BOARD OF ZONING APPEALS DECISION**

Any person jointly or severally aggrieved or affected by a decision of the Board of Zoning Appeals may appeal such decision by filing a petition in the Circuit Court of the City. The petition shall set forth the alleged illegality of the Board's action, and shall be filed within 30 days from the date of the decision of the Board.

**For assistance with any of these procedures or processes, please call the  
Department of Planning and Zoning at 703-746-4333.**

BZA Case # \_\_\_\_\_



## APPEAL APPLICATION BOARD OF ZONING APPEALS

Identify the order, requirement, decision or determination that is the subject of the appeal. Attach one copy to the application.

Any decision or determination of the Director that does not hold the protest relating to text amendment 2011-0005 valid. See Part B of this Application.

On what date was the order, requirement, decision or determination made?  
See Part B of this Application - Presumably, on or around January 20-21, 2012.

\*The appeal must be filed within 30 days from the date that the order, requirement, decision or determination was made.

### PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name See attached

Address c/o Roy R. Shannon, Jr., at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

Daytime Phone 703-299-3440

Email Address rrshannon@rrbmdk.com

2. Property Location See attached

3. Assessment Map # See Attached Block See Attached Lot See Attached

Zone See Attached

4. Legal Property Owner Name See attached

Address See attached

**PART A**

1. **Applicant:** Owner

**Name:** (1) April L. Burke

**Address:** c/o Roy R. Shannon, Jr. at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

**Daytime Phone:** 703-299-3440

**Email Address:** rrshannon@rrbmdk.com

2. **Property Location:** 101 Wolfe Street, Alexandria, VA 22314

3. **Assessment Map #** 075.03 **Block** 05 **Lot** 40

**Zone** RM

4. **Legal Property Owner Name:** Burke April L. and Flynt Richard A.

**Address:** 101 Wolfe Street, Alexandria, VA 22314

**PART A**

1. **Applicant:** Owner

**Name:** (2) Elizabeth Gibney

**Address:** c/o Roy R. Shannon, Jr., RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

**Daytime Phone:** 703-299-3440

**Email Address:** rrshannon@rrbmdk.com

2. **Property Location:** 300 S. Lee Street, Alexandria, VA 22314

3. **Assessment Map#** 075.03 **Block** 05 **Lot** 01

**Zone** RM

4. **Legal Property Owner Name:** Gibney, Elizabeth B. and Brian B.

**Address:** 300 S. Lee Street, Alexandria, VA 22314

**PART A**

1. **Applicant:** Owner

**Name:** (3) Marie Kux

**Address:** c/o Roy R. Shannon, Jr., at RRBMDK, LLP

201 North Union Street, Suite 140, Alexandria, VA 22314

**Daytime Phone:** 703-299-3440

**Email Address:** rrshannon@rrbmdk.com

2. **Property Location:** 125 Duke Street, Alexandria, VA 22314

3. **Assessment Map #** 075.03 **Block** 02 **Lot** 26

**Zone** RM

4. **Legal Property Owner Name:** Kux Marie Marthe T

**Address:** 125 Duke Street, Alexandria, VA 22314

BZA Case # \_\_\_\_\_

5. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ Yes, Provide proof of current City business license.  
☐ No, Said agent shall be required to obtain a business license prior to filing application.

**THE UNDERSIGNED HEREBY ATTESTS** that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

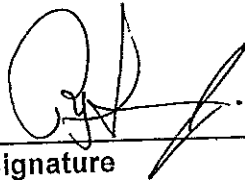
**APPLICANT OR AUTHORIZED AGENT:**

Roy R. Shannon

Print Name

January 20, 2012

Date

  
Signature

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at See attached (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. See attached	See attached	See attached
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity below and "None" in the corresponding fields)

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings:

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

1-20-2012

Date

Roy R. Shannnon

Printed Name

  
Signature

## OWNERSHIP AND DISCLOSURE STATEMENT

### 2. Property.

Name	Address	Percent of Ownership
1. April L. Burke	101 Wolfe Street Alexandria, VA 22314	100%
2. Elizabeth Gibney	200 S. Lee Street Alexandria, VA 22314	100%
3. Marie Kux	125 Duke Street Alexandria, VA 22314	100%

**Alexandria City Council**

William Euille  
Kerry Donley  
Frank Fannon IV  
Alicia Hughes  
Redella "Del" Pepper  
Paul Smedberg  
Rob Krupicka

**Board of Zoning Appeals**

Mark Allen  
Geoffrey Goodale  
John Keegan  
Stephen Koenig  
David Lantzy  
Jennifer Lewis  
Eric Zander

**Board of Architectural Review**

**Parker-Gray District**

William Conkey  
Theresa del Ninno  
Robert Duffy  
Christina Kelley  
Douglas Meick  
Philip Moffat

**Planning Commission**

John Komoroske  
H. Stewart Dunn, Jr.  
Jesse Jennings  
Mary Lyman  
J. Lawrence Robinson  
Eric Wagner  
Donna Fossum

**Board of Architectural Review**

**Old and Historic District**

Chip Carlin  
Oscar Fitzgerald  
Thomas Hulfish  
Arthur Keleher  
Wayne Neale  
Peter Smeallie  
John Von Senden

Updated 8/2/2011

**Definition of business and financial relationship.**

Section 11-305 of the Zoning Ordinance defines a business or financial relationship as any of the following:

- (1) a direct one;
- (2) by way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;
- (3) through a partner of the member or a member of his immediate household;
- (4) through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 10 percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold shall apply only if the applicant is the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium;
- (5) not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship;
- (6) created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than \$100, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

**PART B**

1. Why do you believe the order, requirement, decision or determination is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages, if necessary.

Basis for Appeal for April Burke, Elizabeth Gibney, and Marie Kux ("Petitioners")

The Petitioners were signatories to a protest pursuant to § 9.13 of the City Charter and § 11-808 of the Zoning Ordinance filed with the City Clerk relating to the proposed text amendment 2011-0005, attached hereto as Exhibit A and incorporated by reference.  
The Petitioners are all owners of their respective properties.

Petitioners have asked the Director of Planning and Zoning ("Director") for her decisions and/or determinations regarding the protest that was submitted relating to the proposed text amendment 2011-0005; however, the Director has not provided the Petitioners with her decisions and/or determinations. Because of a recent decision by the BZA, it is necessary for the Petitioners to make their appeal to the BZA at this time prior to the Director announcing her decisions and/or determinations. Especially since the Director might not take action until tomorrow just before the City Council meeting, while the City offices are closed and making it difficult to make an Appeal to the BZA.

If the Director decides and/or determines that the protest is valid and the City Council is voting on the proposed text amendment 2011-0005 with a three-fourths requirement, then the Petitioners will withdraw this appeal.

If the Director takes any action that does not give the protest its effect, then the Petitioners are appealing that action and will supplement this application once the Director provides her decisions and determinations in writing, as is the practice before the BZA.

JAN 19 2012

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

*(emphasis added).*

Man #

**tables**

2

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(emphasis added).

Map #

[illegible]

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[illegible]







WATERFORD PLACE HOMEOWNERS ASSOCIATION  
318 S. Union Street  
Alexandria, VA 22314

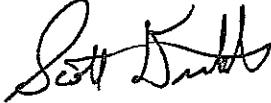
January 17, 2012

To Whom It May Concern:

At the annual meeting of the Waterford Place Homeowners Association ("Association") held on January 11, 2012 and in accord with the bylaws of the Association, a majority of the members of the Association properly passed a resolution providing that the Association, as owner of the common property of the Association, sign the Landowners' Protest to Proposed Text Amendment 2011-0005 ("Petition").

As a duly elected director of the Association and the current President, I am authorized to sign the Petition on behalf of the Association.


Regards,

A handwritten signature in black ink, appearing to read "Scott K. Dinwiddie". The signature is stylized with a large initial "S" and a cursive "Dinwiddie".

Scott K. Dinwiddie  
President  
Waterford Place Homeowners Association

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Property Address	Owner (Name)	Signature	Map # (if known)
150 Waterford Place Alexandria, VA 22314	Waterford Place Homeowners Association	 President Waterford Place Homeowners Assoc.	075.03-05-44

Handowners' Protest to Proposed Text Amendment 2011-0005

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(emphasis added).

[illegible]

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*(emphasis added).*

Map #

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
404 S. Lee St. ALEXANDRIA, VA	ANNE D. MANDAHAN <sup>TRUSTEE</sup>	Anne D. Mandahan, Trustee	
400 S Lee St	William J. Bryan	WJB	
405 S Union	Geoffrey Caldwell	Geoffrey Caldwell	
407 S Union St	Danna C. Stenks	Danna C. Stenks	
408 S. Lee Street	Michael Gene Freedman	Michael Gene Freedman	
420 S. Lee St.	Thomas E. Byrne	Thomas E. Byrne	
414 S. Lee St	Richard H. Keiser	RH Keiser	
414A S. Lee	Megan Evans	Megan Evans	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct.	MEGAN EVANS.	Megan Evans	
4112 S LEE.	Sylvester G. March	Sylvester G. March	
406 S. Lee	David B. Marcus	David B. Marcus	
426 S. LEE	WALTER VANCE HALL	Walter Vance Hall	
406 S. LEE	Margaret M. Deane	Margaret M. Deane	
430 S. Lee	Kira L. Brooks	Kira L. Brooks	
402 S. Lee	Joyce METCAL.	Joyce Metcal	

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
709 Potomac St	Michael Deane	Michael Deane	081.03-01-75
708 Potomac St	Kenneth Hinshaw	Kenneth Hinshaw	081.03-01-
710 Potomac St	Joey Solis	Joey Solis	081.03-01-72
712 Potomac St	James P. Gillis & Alison B. Hooker	James P. Gillis & Alison B. Hooker	081.03-01-71
715 Potomac St	Anne M. Hennox	Anne M. Hennox	081.03-01-41
717 Potomac St	Janet Joe Piccolo	Janet Joe Piccolo	081.03-01-41
703 Potomac St	Jack & Joe Piccolo	Jack & Joe Piccolo	081.03-01-36
703 Potomac St	Sharyn Epstein	Sharyn Epstein	081.03-01-
720 Potomac St	Steve Epstein	Steve Epstein	081.03-01-
	Trustees for Goetzl family trust	Edward J. Goetzl	081.03-01-

Goetzl Edward's Judith H 1165



Margaret -

Lisa } signed  
Pilar } "tall man"

Fallons out of town

AL KALVAITIS  
703-299-9234

Margaret Joe  
Sulis Joe

117  
115  
107  
110  
109

**ADDITIONAL COMMENTS:**

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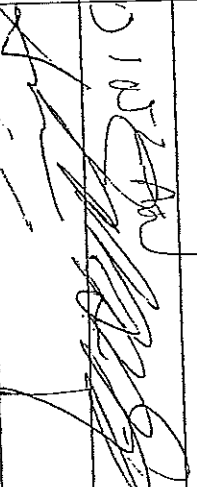
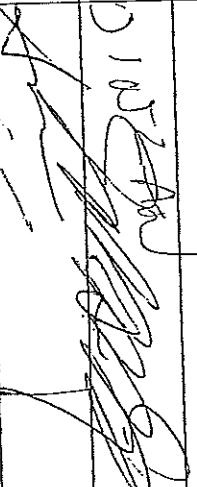



*(emphasis added).*

Map #
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[illegible]



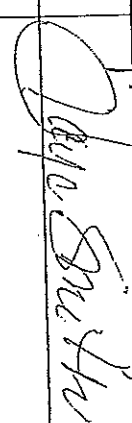
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Property Address	Owner (Name)	Signature	Map # (if known)
113 PAINLE ST	JAMES GARALL		
117 Tanager	John D. Garall		
129 PAINLE	SV Ziff		
218 S. Lee St	HELEN L. DEITZ		
330 S Lee St	Robert D Koeppe		
105 WOLFEST	STOYAN TEVER		





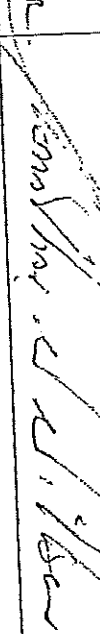
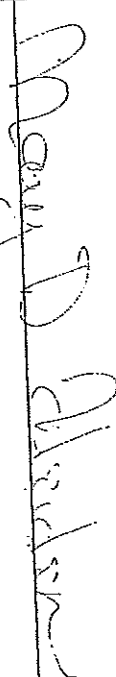

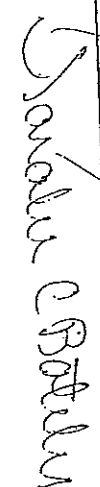
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Property Address	Owner (Name)	Signature	Map # (if known)
328 S. Lee St.	TAQUINE HOLLISTER		
119 Wolfe Street	KATHERINE PINSON		
200 Duke Street	JAYLE SMITH		

# Landowners' Protest to Proposed Text Amendment 2011-0005

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Property Address	Owner (Name)	Signature	Map # (if known)
300 S. Lee ST.	Brian Gibney		075.03-05-01
Alexandria, VA 22314			
304 S. Lee ST	Robert J. Webster		075.03-05-03
Alexandria, VA 22314			
304 S. Lee ST	<del>CHRISTINE WEBSTER</del>		075.03-05-03
Alexandria, VA 22314			
			
310 South Lee	JONATHAN WILCOX		
318 South Lee	Mary D. Heister		075.03-05-53
316 South Lee	Samuel K. Griggs		075.03-05-54
320 South Lee	Samuel C. Beteler		075.03-05-55



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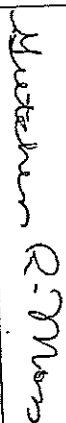
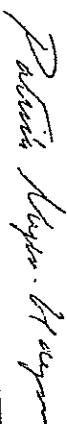

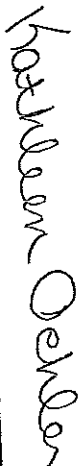


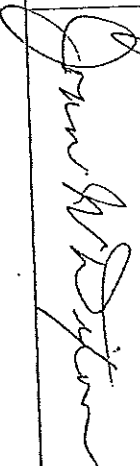
Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct	Evans Megan	Megan Evans	075.03-08-08
8 Potomac Ct	Mapes Ann Louise Tr	Ann Louise Mapes, Trustee	075.03-08-20
5 Potomac Ct	Rideout Bonnie	Bonnie Rideout	075.03-08-23
7 Potomac Ct	Petrov Georgi K	Georgi Petrov	075.03-08-21
6 Potomac Ct	Moore Patricia E Tr	Patricia Moore, Trustee	075.03-08-22
2 Potomac Ct	Anderson Lon	Lon Anderson	075.03-08-14
116 Wolfe St	Lamoreaux Tina Tr	Tina Lamoreaux, Trustee	075.03-08-12
106 Wolfe St	Rocchio Monica B	Monica Rocchio	075.03-08-16





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Property Address	Owner (Name)	Signature	Map # (if known)
226 South Lee Street Alexandria, VA 22314	Andrew + Lisa Lynch	 (Lisa R. Lynch)	
114 Duke St Alexandria, VA 22314	Gretchen R. Moss	 Gretchen R. Moss	
117 Duke Street Alexandria, VA 22314	Patricia + Jeffrey Myers-Hayes	 Patricia Hayes-Hayes	
115 Duke Street Alexandria, VA 22314	Stephen Ray Mitchell Ellen S. Mitchell	 Stephen Ray Mitchell	
108 Duke St Alexandria, VA 22314	Kathleen + Bruce Oehler	 Kathleen Oehler	
112 DUKE ST ALEXANDRIA VA 22314	JEFFREY + MARY K. QUINN	 Jeffrey M. Quinn	
111 Duke St Alexandria, VA	Joan W. Dixon	 Joan W. Dixon	
113 Duke St Alexandria, VA	Joan W. Dixon	 Joan W. Dixon	

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Map #

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
101 Wolfe St. Alexandria VA 22314	Burke, April L. Flynt, Richard A.	April L. Burke	
103 Wolfe St. Alexandria VA 22314	Severson, Geneva M and Robert W	Genevieve Severson	
102 Waterford Pl. Alexandria VA 22314	Brown, James T.	James T. Brown	
124 Waterford Pl Alexandria VA 22314	Vesprini, Mary Ellen	Mary Ellen Vesprini	
106 Waterford Pl Alexandria VA 22314	Hendricks, James T.	James T. Hendricks	
103 Waterford Pl Alexandria VA 22314	Torrice, William S.	William S. Torrice	
307 S. Union St. Alexandria VA 22314	Riebel, Donald W.	Donald W. Riebel	
104 Waterford Pl Alexandria VA 22314 or Shenandoah	Cavanaugh, Bryan H Jr	Bryan H. Cavanaugh	

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Property Address	Owner (Name)	Signature	Map # (if known)
126 Waterford Rd Alexandria, VA 22314	Humphreys, Frederick	Frederick Humphreys	
105 Wolfe St., Alexandria, VA 22314	Teeve, Stefan V Leona Kefuora E	Stefan Teeve	
116 Westford Rd Alexandria, VA 22314	Mardon, Christine A. or Michael J	Christine Mardon	
319 S. Union St. Alexandria VA 22314	Morgan, Ruth L or Timothy G	Ruth Morgan	
317 S. Union St. Alexandria VA 22314	Dinwiddie, Scott or Mercedes Andrea	Scott Dinwiddie	
132 Westford Rd Alexandria, VA 22314	Leomis, Ann W or Peter A	Ann Leomis	
120 Westford Rd Alexandria VA 22314	Goffman, Laurence J Jr or Thomas, Betty J	Laurence Goffman	
311 S. Union St. Alexandria VA 22314	Haddaway, James H	James Haddaway	

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Property Address	Owner (Name)	Signature	Map # (if known)
431 NORTH LEE ALEXANDRIA VA. 22314	E. MICHAEL PATRICKS	E. Michael Patrick	
425 North Lee Alexandria, VA 22314	MARY ANN PATRICKS	MaryAnn Patrick	
423 North Lee St. Alexandria, VA 22314	Frank J. Sullivan	Frank J. Sullivan	
211 S. Union St Alexandria, VA 22314	Valerie R. Fenieri	Valerie R. Fenieri	



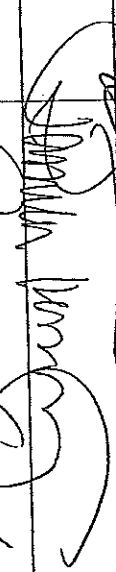
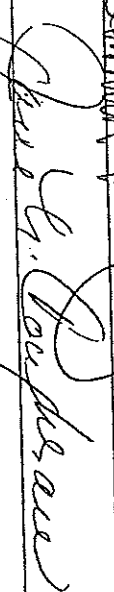



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Property Address	Owner (Name)	Signature	Map # (if known)
125 Duke St.	Marie-Marthe T. Kux	Marie-Marthe T. Kux	
429 S. Lee St.	Susan Ginsburg	Susan Ginsburg	
109 Duke St. <sup>AKA</sup> <sub>Ver. 22314</sub>	Melanie New	Melanie New	
107 Duke St. <sup>AKA</sup> <sub>Ver. 22314</sub>	Melanie New	Melanie New	

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Property Address	Owner (Name)	Signature	Map # (if known)
212 S Lee St	John Modelewski		075-03-02-02
218 S. Lee St	KOSKOT DEITZ		075-03-02-01
215 S Lee St	Anneta Niemeyer		075-03-01-02
225 S Lee St	Jane Coughran		075-03-01-02
229 S Lee St	Christina Nguyen		075-03-01-02
214 S Lee St	Barbara Kelly		075-03-02-01
211A S. Union	Kim Nguyen		075-03-02-01

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[illegible]



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[illegible]

Paul Anderson  
205 Locust Lane sent him  
Alex 22302

11

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Property Address	Owner (Name)	Signature	Map # (if known)
603 S. Lee St.			081
159 Franklin St.	Doro and Thomas	Michael A. K...	081-01-02-3
605 S. Lee St.	Mary Jane Hickey Sr.	Mary Jane Hickey Sr.	081-01-02-17
100 Pommery Walk	Virginia Brzeczniak	Virginia Brzeczniak	081-01-02-27
1919 Dominion	Steve Brown	Steve Brown	081-01-02-
610 S Lee St	Sugark Hates	Sugark Hates	081-01-02-3
111 Franklin St	Wm M Kent Estate, LLC	Wm M Kent Estate, LLC	
102 Pommery	John K. Scale	John K. Scale	

\* He is not on my list of addressees, but lives next door and would be aggrieved.

Tosca

703-548-7452

571-331-6944

(2)

Debbie Parker

1814 Park Ave.  
Richmond, Va. 23220

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Property Address	Owner (Name)	Signature	Map # (if known)
213A Solid Street	Stevens, Andrew	Andrew Stevens	075-0302-01
209 S. Lee	Amy Bayer	Amy Bayer	075-03-01-17
211 S Lee	Sam O.R. Sewall	Sam O.R. Sewall	075-03-01-18
217 S. Lee	Dustin Band - Weiss	Dustin Band - Weiss	075-03-01-20
<del>214 S Lee</del>	<del>X</del>	<del>Philip H. Lee</del>	/
223 S Lee	Devis Bell	Devis Bell	075-03-01-22
219 S. Lee St.	Kenneth L. Weinstein	Kenneth L. Weinstein	075-03-01-23
210 S. Lee St.	Richard + Stephen Cooper	Richard + Stephen Cooper	075-03-02



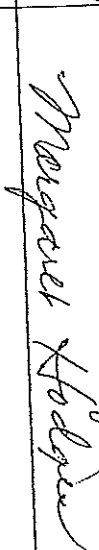






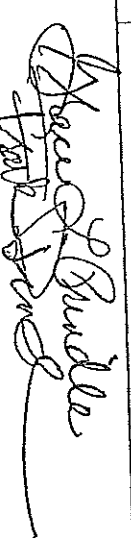
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(emphasis added).

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
820 South Lee Street Alexandria, VA	Erica Rossi & John Medic		081-03-02-11
<del>100 Franklin St</del>	David & Carol O'Leary		081-03-01-11
830 S. Lee St	Margaret Holgren Suzanne Bude or		081-03-02-11
812 S. Lee St	James Duda		081-03-02-11
804 S. Lee St.	Laura Doyle or Eugene Smith		081-03-02-11
734 S. Lee St	 James Duda		081-03-01-11
732 S Lee	 Laura Doyle		081-03-01-11
708 S. Lee	Grace L. Prindle Frank Prindle		081-03-01-11

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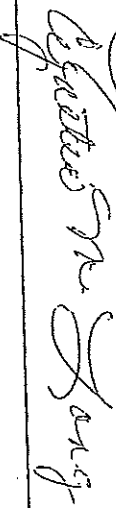
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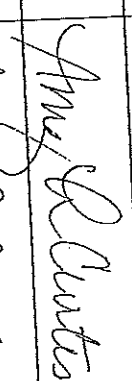


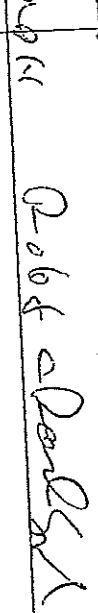
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Property Address	Owner (Name)	Signature	Map # (if known)
200 Oronoco St Alexandria, VA 22314	Bittner, David and Sibley		065.01-03-12
412 N. Lee St Alexandria, VA 22314	Bondilla, Arthur		065.01-03-42
204 Oronoco St Alexandria, VA 22314	Holtzman, Miles		065.01-03-10
420 N. Lee St Alexandria, VA 22314	Garcia, Charles J.		065.01-03-46
215 Oronoco St Alexandria, VA 22314	Long, Cynthia		065.01-02-24

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Property Address	Owner (Name)	Signature	Map # (if known)
4110 N UNION STREET	AMY L CURTIS		065.03-04-25
412 N. UNION STREET	AMY L CURTIS		
424 N. UNION ST.	PAULHEENA RANDALL		
424 N. UNION ST	ROBERT C. RANDALL		

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Property Address	Owner (Name)	Signature	Map # (if known)
515 Tobacco Alley	Barry BARTON & S Trust	William R. Barton Trustee	065.01-02-38
517 Tobacco Alley	William R. Barton Trust	William R. Barton Trustee	065.01-02-43
531 Tobacco Alley	Denise Landers	Denise Landers	065.01-02-38
523 Tobacco Alley	KEUEE BONDART	Kenell Bondart	065.01-02-38
523 Tobacco Alley	Paul Fussen	Paul Fussen	065.01-02-38
514 Tobacco Alley	Mell, Ballard	John Mell	065.01-02-38
561 Tobacco Alley	Ann Shack	Ann Shack	065.01-02-38
521 Tobacco Alley	CHRISTOPHER FLYNN	CF	065.01-02-38

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*(emphasis added).*

Map #

[illegible]

# Handowners' Protest to Proposed Text Amendment 2011-0005

Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

*(emphasis added).*

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
623 Pennantwell St	Marianne Marzo	Marianne Marzo	081.01-02-31
107 Franklin St	Jimmie B Cook	Jimmie B Cook	081.01-02-33
103 Franklin St	Timothy B Huron (John Cook)	John Cook Signature for	081.01-02-33
1515 Pennantwell St	Jessie McCallister	Jessie McCallister	081.01-02-33
624 S. Lee St.	Mari Celeste Smonds Trust	Mari Celeste Smonds (for the Mari Celeste Smonds Trust established 2011)	081.01-02-33
628 S. Lee St.	Catherine Thompson	Catherine Thompson	081.01-02-33
630 S. Lee St.	Timothy B Huron	Timothy B Huron	081.01-02-33
101 Franklin St.	Mark Simonian Amy R. Piro	Mark Simonian Amy R. Piro	081.01-02-33

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Property Address	Owner (Name)	Signature	Map # (if known)
600 S. Lee Street	Margaret A. Miller	MARGARET A. MILLER	
208 S. Lee St.	Charles W. Greenleaf	Ch. Greenleaf	
319 South Lee St.	Elizabeth Weinstein	Elizabeth Weinstein	
303 S. Lee St.	Dennis Bell	D. Bell	





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*[emphasis added]*.

Map #

[illegible]

# Landowners' Protest to Proposed Text Amendment 2011-0005

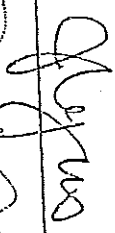




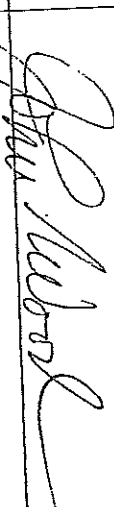
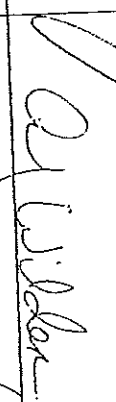
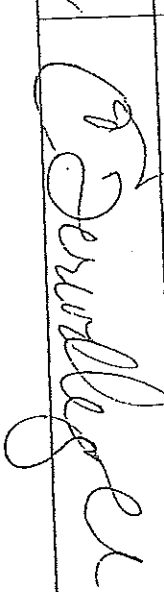
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Property Address	Owner (Name)	Signature	Map # (if known)
103 PENNINGTON DR WLT. ALEX. VA 22314	HERBERT M & YOLANDE CHANTS	Herbert M Chants	
107 Pennington Wale ALEX. VA 22314	LINDA WINDSOR	Linda Windsor	
114 Jackson St. Alexandria VA, 22314	NICOLE HAMILTON	Nicole Hamilton	
714 Gessard Alexandria VA 22314	Robert Williams, Jr	Robert Williams, Jr	
111 BURNING DORE WLT ALEX. VA 22314	Yolande Chants	Yolande Chants	




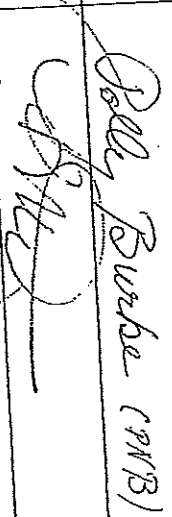


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Property Address	Owner (Name)	Signature	Map # (if known)
104 Franklin St.	Cyrus		081.03-01-4
709 S. Union	Nash		081.03-01-5
115 S. Union	Cowles		081.03-01-5
433 S. Union	Hutchins, Son		081.03-01-6
735 S. Union	Lunt Vasquez-Lunt		081.03-01-6
711 Potomac St.	John R. Wood		081.03-01-5
705 Potomac St.	Carolyn Wilber		081.03-01-5
714 Potomac St.	Carol Terwilliger		081.03-01-5

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Property Address	Owner (Name)	Signature	Map # (if known)
100 Prince Street	David Dlinger		
109 Prince St.	Bobby Burke	 (PMB)	
126 PRINCE ST	KATHERINE VINE		
118 SILVER ST	Garrett		






Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 11-808(D) of the Zoning Ordinance states: "**Effect of protest.** If a protest to a proposed text or map amendment is filed, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

*(emphasis added).*

[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
111 Prince St.	Phyllis G. Sidorovsky	Phyllis G. Sidorovsky	075, 01-26-22
144 Prince St.	Sarita Scholte (Trustee)		
117 Prince St.	Andrea Divilian		
1223 Prince St.	SUZANNE T. QUINN		
1200 Prince St.	Karen Karch	Karen Karch	
113 Prince St.	JAMES BARDAL		
129 Prince St.	Anne HAMBLY		

Mark Mueller 703-627-8374



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Property Address	Owner (Name)	Signature	Map # (if known)
4135 N. Union St. Alexandria, VA 22304	QZY, John H. or Laura S.		065. 03-05-23
416 N. Union St. Alex., VA 22314	Brewer Fred L TR	Fred L Brewer, Trustee for Fred L Brewer Trust	065. 03-04-23
414 N. Union St. Alex., VA 22314	David Channing		065.03- 03-22
428 N. Union St. ALEXANDRIA VA 22314	ELIZABETH P. BARDWIN, TRUST	Elizabeth P. Bardwin Trust	065.01- 05-18
422 N. Union St. Alexandria, VA 22314	Cynthia L. Fox	Cynthia L. Fox	
420 N. Union St. Alexandria, VA 22314	Michael A. Peters	Michael A. Peters	065.01- 05-22
408 N. Union Street	Wendy Peters / Ben Fennelly Trust	Wendy & Michael Peters Trust	065.03- 04-19

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[illegible]

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[illegible]

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Property Address	Owner (Name)	Signature	Map # (if known)
414 North Lee Street Alexandria, VA 22314	Janet D. Bouvier Revocable Trust	Janet D. Bouvier, Trustee (for the Janet D. Bouvier Revocable Trust established September 18, 2001)	





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(emphasis added).

Map #
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X  
430 N. UNION ST.  
ALEX. VA 22309

...



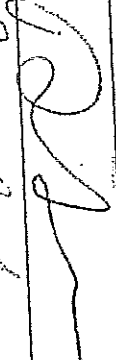



(emphasis added).

[illegible]



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Property Address	Owner (Name)	Signature	Map # (if known)
KELLY LANDER	109 PRINCEWILLIAM AVE, VA 22314		
704 S. COAST	ELLEN SIMONE		
730 S. Lee St	ROBERT S. HENNING		
733 Lee St	PHILIP A. TRACY		
728 S Lee ST	Richard L. Metzger		
115 Remondel	C. Anne B. Rector		

Commander D. L. H.

~~115 came back in and hour~~

113 ~~111~~ Renter in favor of our pockets

111 ~~111~~ (already signed about a week ago)

~~111~~ signed

107 n/r.

105 n/r.

103 signed about a week ago

101 ~~101~~ will not sign

~~100~~ Baby nether - came back on Monday

702 come back - on Monday or Tuesday

704 signed

706 - no 706. (house)

708 - coming back on Sat. night

710 ~~710~~ no 710 (house)

712 no 712, no 714, no 716 (houses)

712

~~720~~ signed

722, will be back in a week

724 n/r.

726 come back in a few days

728 signed

730 n/r

732 n/r

734 - no

736 - n/r



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Map #

[illegible]

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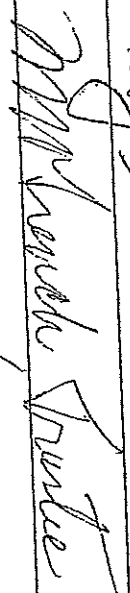
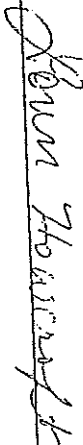
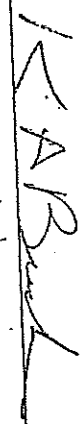

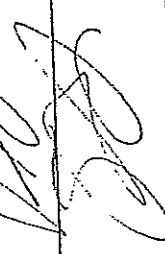

Map #

[illegible]



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Property Address	Owner (Name)	Signature	Map # (if known)
10 Potomac Ct	Jennings Michael V		075.03-08-18
114 Wolfe St	French M H Tr		075.03-08-13
120 Wolfe St	Howcroft Loren S		075.03-08-10
108 Wolfe St	Buck Karen A		075.03-08-15
118 Wolfe St	Atkin Kathleen A		075.03-08-11
220 S. Lee St	220 WA LLC	 , President	075.03-02-29
224 S. Lee St	224 Smith Lee Street LLC	 , President	075.03-02-30

RECEIVED  
JAN 20 2012

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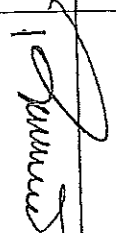
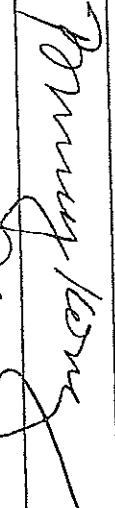



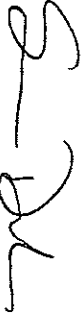
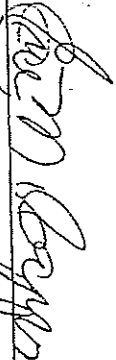
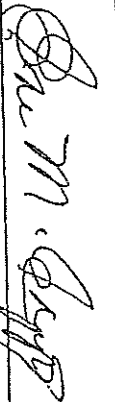

Property Address	Owner (Name)	Signature	Map # (if known)
110 DUKE ST. ALEXANDRIA, VA 22314	BETTE N. DAVIS	Bette Davis	





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Property Address	Owner (Name)	Signature	Map # (if known)
808 SOUTH LEE ST.	RICHARD AND TERESA MILLER		
810 S. Lee St.	Bessy Kong & John Wacziarghi		
832 S. Lee St.	Susan Dswald + Scott Dswald		
828 S. Lee St.	Caryn Hollis		
830 S. Lee St.	MARGARET THODES		
812 S. Lee St.	SUZANNE DUKA Tim Duka		
824 S. Lee St.			
814 S. Lee St.	KARLYN + TIM POWMAN		

## Roy Shannon

**From:** Roy Shannon <rrshannon@rrbmdk.com>  
**Sent:** Friday, January 20, 2012 8:41 PM  
**To:** 'mallen@markallenlaw.com'  
**Cc:** James.Banks@alexandriava.gov  
**Subject:** Urgent Matter - Appeal to the Board of Zoning Appeals  
**Attachments:** BZA Appeal Jan. 20, 2012.pdf; Check and Business License.pdf

Good evening Mr. Chairman,

My name is Roy Shannon and I represent a number of landowners here in Alexandria. Attached is the appeal to the Board of Zoning Appeals (BZA) that I tried to file today; however, the planning director's staff improperly refused to accept my appeal to the BZA. I also included a copy of the filing fee check and the firm's business license.

Today at 4:50pm, during normal business hours, I went to the office where appeals to the BZA are supposed to be filed with one of the paralegals from our office. I attempted to file the appeal and was told to wait. On or about 4:55 pm, the Deputy Director, Barbara Ross, told me that they would not accept my submission. I indicated it dealt with a protest and she indicated that they were not going to accept it. She indicated that it was premature and that the office was "closed" whereby I try to explain it was only 4:55pm and she indicated that they were preparing to close. I offered the Deputy Director a copy of the appeal and she refused it. I asked for a letter or receipt indicating that I submitted it but that it was being refused. She said no and indicated she had to go to a meeting. I said I needed something from them, at least her writing rejection on it, to show I attempted to file. The Deputy Director wrote on the first page of the submission "Rejected. Appeal is premature." She signed it (B Ross) and dated it 1/20/12. At no point, did she or any other member of the planning department even attempt to review the submission – it was flatly rejected. The planning department does not even know on whose behalf I was filing. The refusal was predetermined, inappropriate, and a violation of my clients rights.

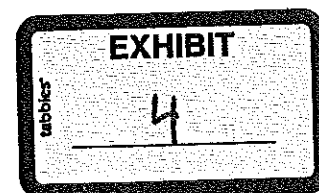
As you know, the Virginia Code, the City Charter, and the Zoning Ordinance all require that an appeal be filed with the zoning administrator, director of planning, and director, respectively, and **the board**. See Va. Code Ann. 15.2-2311, City Charter 9.17, and the Zoning Ordinance 11-1203 (emphasis added). The director has inappropriately refused to accept my clients appeal to the BZA. As a result of the improper action of the director, I am submitting the appeal to you as the Chair of the Board.

I have copied the City Attorney on this email.

I wanted to let you know before you made the procedural decision on whether to accept my clients' appeal that I will submit, in hard copy, an amended ownership and disclosure statement from one of my clients. It came to my attention after the City refused to accept my appeal package, that one of my clients for this appeal, April Burke, needed to update her ownership and disclosure statement. She indicated that your firm conducted four real estate closings for her in 2011. I wanted you to know this information before you made the procedural decision on whether the Board would accept the appeal, if you are not able to make the procedural decision on whether to accept my clients appeal, than I ask that you forward this email with attachments to another Board member. I ask the you have that Board member get back to me as soon as possible on whether the Board will take the appeal.

Thank you for your consideration and I look forward to hearing from you soon. If you have any questions, you can reach me on my cell phone 703-328-8285.

Sincerely,



Roy



RICH  
ROSENTHAL  
BRINCEFIELD  
MANITTA  
DZUBIN &  
KROEGER, LLP

**Roy R. Shannon, Jr.**

**Attorney at Law**

**RICH ROSENTHAL BRINCEFIELD MANITTA DZUBIN & KROEGER, LLP**

**201 North Union Street, Suite 140**

**Alexandria, VA 22314**

**Phone: (703) 299-3440 ext. 217**

**Fax: (703) 299-3441**

**Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)**

**website: [www.RRBMDK.com](http://www.RRBMDK.com)**

NOTICE: Unless otherwise specified, the contents of this transmission are strictly confidential. They may involve privileged attorney-client communications or work product and are intended to be received by the recipient(s) specified above, and no one else. The receipt, appropriation, or use of the information transmitted above by anyone other than the designated recipient(s) is unintended and strictly forbidden. If this message reaches anyone other than the intended recipient(s), or his/her/their authorized representative(s), we request that you notify us of the error immediately and ask for instructions concerning its proper disposition.

## Roy Shannon

---

**From:** James Banks <James.Banks@alexandriava.gov>  
**Sent:** Friday, January 20, 2012 8:49 PM  
**To:** Roy Shannon  
**Cc:** mallen@markallenlaw.com  
**Subject:** Re: Urgent Matter - Appeal to the Board of Zoning Appeals  
**Attachments:** image001.gif

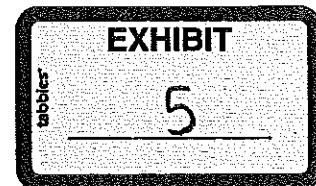
Mr. Chairman,

My preliminary review of the matter indicates that the appeal is premature and was properly rejected.

James L. Banks, Jr.  
City Attorney.

Sent from my iPhone

On Jan 20, 2012, at 8:41 PM, "Roy Shannon" <[rrshannon@rrbmdk.com](mailto:rrshannon@rrbmdk.com)> wrote:



> Good evening Mr. Chairman,

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> My name is Roy Shannon and I represent a number of landowners here in Alexandria. Attached is the appeal to the Board of Zoning Appeals (BZA) that I tried to file today; however, the planning director's staff improperly refused to accept my appeal to the BZA. I also included a copy of the filing fee check and the firm's business license.

>

> Today at 4:50pm, during normal business hours, I went to the office where appeals to the BZA are supposed to be filed with one of the paralegals from our office. I attempted to file the appeal and was told to wait. On or about 4:55 pm, the Deputy Director, Barbara Ross, told me that they would not accept my submission. I indicated it dealt with a protest and she indicated that they were not going to accept it. She indicated that it was premature and that the office was "closed" whereby I try to explain it was only 4:55pm and she indicated that they were preparing to close. I offered the Deputy Director a copy of the appeal and she refused it. I asked for a letter or receipt indicating that I submitted it but that it was being refused. She said no and indicated she had to go to a meeting. I said I needed something from them, at least her writing rejection on it, to show I attempted to file. The Deputy Director wrote on the first page of the submission "Rejected. Appeal is premature." She signed it (B Ross) and dated it 1/20/12. At no point, did she or any other member of the planning department even attempt to review the submission – it was flatly rejected. The planning department does not even know on whose behalf I was filing. The refusal was predetermined, inappropriate, and a violation of my clients rights.

>

> As you know, the Virginia Code, the City Charter, and the Zoning Ordinance all require that an appeal be filed with the zoning administrator, director of planning, and director, respectively, and the board. See Va. Code Ann. 15.2-2311, City Charter 9.17, and the Zoning Ordinance 11-1203 (emphasis added). The director has inappropriately refused to accept my clients appeal to the BZA. As a result of the improper action of the director, I am submitting the appeal to you as the Chair of the Board.

>

> I have copied the City Attorney on this email.

>

> I wanted to let you know before you made the procedural decision on whether to accept my clients' appeal that I will submit, in hard copy, an amended ownership and disclosure statement from one of my clients. It came to my attention after the City refused to accept my appeal package, that one of my clients for this appeal, April Burke, needed to update

her ownership and disclosure statement. She indicated that your firm conducted four real estate closings for her in 2011. I wanted you to know this information before you made the procedural decision on whether the Board would accept the appeal, if you are not able to make the procedural decision on whether to accept my clients appeal, than I ask that you forward this email with attachments to another Board member. I ask the you have that Board member get back to me as soon as possible on whether the Board will take the appeal.

>

> Thank you for your consideration and I look forward to hearing from you soon. If you have any questions, you can reach me on my cell phone 703-328-8285.

>

> Sincerely,

>

> Roy

>

>

> [Description: [cid:image001.gif@01CBE58A.C7798AB0](#)]

>

>

> Roy R. Shannon, Jr.

> Attorney at Law

> RICH ROSENTHAL BRINCEFIELD MANITTA DZUBIN & KROEGER, LLP

> 201 North Union Street, Suite 140

> Alexandria, VA 22314

> Phone: (703) 299-3440 ext. 217

> Fax: (703) 299-3441

> Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)<<mailto:RRShannon@RRBMDK.com>>

> website: [www.RRBMDK.com](http://www.RRBMDK.com)<<http://www.RRBMDK.com>>

>

>

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>

> <image001.gif>

> <BZA Appeal Jan. 20, 2012.pdf>

> <Check and Business License.pdf>



**DEPARTMENT OF PLANNING AND ZONING**

301 King Street  
Room 2100  
Alexandria, Virginia 22314

Phone 703-746-4666  
Fax 703-838-6393

[www.alexandriava.gov](http://www.alexandriava.gov)

January 24, 2012

**Via US Mail and Electronic Mail**

Roy R. Shannon, Jr., Esquire  
Rich, Rosenthal, Brincefield, Manitta, Dzubin and Kroeger, LLP  
201 North Union Street, #140  
Alexandria, VA 22314

Dear Mr. Shannon:

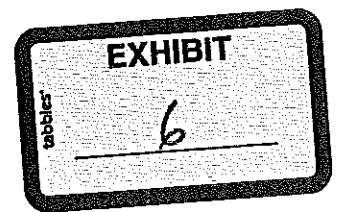
You have requested a determination with regard to the protest petition filed by you on January 19, 2012. My determination was made verbally to City Council at its hearing on January 21. At that time I stated the following:

The City received a protest petition, filed Thursday, January 19, 2012. Additional signatures were filed yesterday. The filing is called, "Landowners' Protest to Proposed Text Amendment 2011-0005," and it refers to the proposed changes to the W-1 zone recommended to make it consistent with the Waterfront Plan. Both the W-1 text amendment and the Waterfront Plan on Council's docket today, January 21, 2012, (Item #4).

Section 11-808 of the City of Alexandria Zoning Ordinance provides a mechanism to require a three-fourths majority vote (6-1) for City Council to approve an application for a zoning map amendment if a valid protest petition meeting the requirements of the ordinance is filed with the city clerk. Section 11-808(A) indicates who may successfully protest and states specifically,

A protest shall be signed by the owners of at least 20 percent of: (1) The land proposed to be rezoned by the map amendment; or (2) All land within 300 feet of the boundaries of the land proposed to be changed by the map amendment.

Section 11-800 of the Zoning Ordinance addresses zoning amendments generally and distinguishes between "map amendments" and "text amendments." A map amendment is a change to the official Zoning Map of the city to change the zoning of a particular property, and sometimes known as a rezoning, and it is specific to that property. A text amendment is an amendment of the official Zoning Ordinance text to change the language of a zone, or other



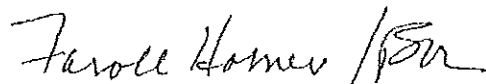
Roy R. Shannon, Jr., Esquire  
Rich, Rosenthal, Brincefield, Manitta, Dzubin and Kroeger, LLP  
January 24, 2012  
Page 2

section of the ordinance, with more general application within the zoning districts. The text amendment to be considered by Council today is an amendment revising the W-1 zone text to apply generally to applicable properties within that zone.

By the terms of section 11-808(A) as well as the Protest Petition itself, the proposed zoning change before Council today is a text amendment and not a rezoning or map amendment. Because Council is considering a text amendment, and not a map amendment, Section 11-808 does not apply. Consequently, the petition does not require a three-quarter, supermajority vote for today's zoning text amendment.

The protest does not apply in any way to the Plan before Council. It applies only to the text amendment.

Sincerely,

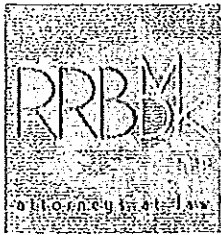
A handwritten signature in dark ink, appearing to read "Faroll Hamer" followed by a stylized flourish or initial.

Faroll Hamer  
Director

Attachment: Determination request letter dated January 19, 2012

cc: James Banks, City Attorney  
Joanna Anderson, Assistant City Attorney





RICH  
ROSENTHAL  
BRINCEFIELD  
MANITTA  
DZUBIN &  
KROEGER, LLP

January 19, 2012

Via Hand Delivery and Electronic Mail (Joanna.Frizzell@alexandriava.gov)

Faroll Hamer, Director  
Department of Planning and Zoning  
c/o Joanna Anderson  
301 King Street, Suite 1300  
Alexandria, VA 22314

Re: Protest Filed Today - January 19, 2012

Dear Ms. Hamer:

I am submitting this letter to you, care of the City Attorney's office as requested by the City Attorney's office. I represent clients relating to the protest that was filed earlier today.

I requesting that you provide me with your determination regarding this protest, as soon as possible. I would prefer a written determination; however, in the interest of expediency I would accept a verbal determination now, followed by a written determination shortly thereafter.

If you have any questions or would like to discuss this matter, please feel free to contact me, through the City Attorney's office. I am available for telephone conference or a meeting at your office.

Sincerely,

Roy R. Shannon, Jr.

Copy: City Attorney, James Banks (e-mail only)

## **Roy Shannon**

---

**From:** Roy Shannon Jr. <rrshannon@rrbmdk.com>  
**Sent:** Saturday, January 21, 2012 5:04 PM  
**To:** Mark Allen; Geoffrey; Stephen; John; Jim Banks  
**Cc:** Roy Shannon  
**Subject:** Fw: Urgent Matter - BZA Appeal  
**Attachments:** BZA Appeal Jan. 21, 2012 - Determination.pdf

Please see the email below and attached document.

Roy R. Shannon, Jr.  
Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP  
201 North Union Street, Suite 140  
Alexandria, Virginia 22314  
Phone: (703) 299-3440 ext. 217  
Fax: (703) 299-3441  
Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)  
website: [www.RRBMDK.com](http://www.RRBMDK.com)

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**From:** "Roy Shannon" <rrshannon@rrbmdk.com>  
**Date:** Sat, 21 Jan 2012 14:23:43 -0500  
**To:** 'roy' <rshannon@rrbmdk.com>  
**Subject:** Urgent Matter - BZA Appeal

Dear Chairman and Members of the Board of Zoning Appeals,

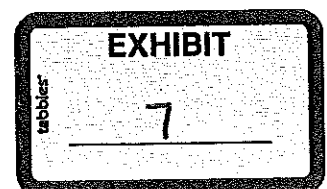
Attached hereto is an Appeal to the BZA I am filing on behalf of my clients. I have copied the City Attorney on this email.

Yesterday, I attempted to file a similar appeal and the Deputy Director refused to accept the submission. The Deputy Director simply refused to take it, not having turned a single page. The planning department did not even know on whose behalf I was appealing. Because, I was improperly denied the ability to file the appeal, I sent it to the Chair of the BZA last night. I would be happy to provide each of the members a copy, if requested.

As you know, the Virginia Code, the City Charter, and the Zoning Ordinance all require that an appeal be filed with the zoning administrator, director of planning, and director, respectively, and the board. See Va. Code Ann. 15.2-2311, City Charter 9.17, and the Zoning Ordinance 11-1203 (emphasis added).

Because the City offices are closed today and, as a result of the improper refusal by the planning department to accept my appeal yesterday, I am submitting the appeal to you as the Board. Please forward this email to all of those members, for whom I do not have email addresses for.

Please let me know you received my email. Thank you.

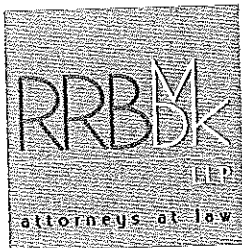


Sincerely,  
Roy



**Roy R. Shannon, Jr.**  
**Attorney at Law**  
**RICH ROSENTHAL BRINCEFIELD MANITTA DZUBIN & KROEGER, LLP**  
**201 North Union Street, Suite 140**  
**Alexandria, VA 22314**  
**Phone: (703) 299-3440 ext. 217**  
**Fax: (703) 299-3441**  
**Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)**  
**website: [www.RRBMDK.com](http://www.RRBMDK.com)**

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RICH  
ROSENTHAL  
BRINCEFIELD  
MANITTA  
DZUBIN &  
KROEGER, LLP

January 21, 2012

Mayor Euille and Honorable Councilmembers  
c/o James Banks, City Attorney  
301 King Street, Suite 1300  
Alexandria, VA 22314

Re: BZA Appeal

Dear Mayor Euille and Members of the City Council,

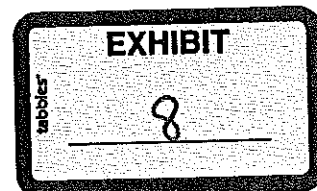
I am submitting this letter to you, care of the City Attorney's office as requested by Mr. Banks. I represent petitioners that have filed an appeal to the BZA regarding the protest that was submitted to the City Clerk's office relating to text amendment 2011-0005.

Pursuant to the City Charter Sec. 9.17, the Zoning Ordinance of the City of Alexandria Sec. 11-1204, and Va. Code § 15.2-2311. I am requesting that the City Council not consider text amendment 2011-0005 today and that the proceeding be stayed as it relates to the proposed text amendment 2011-0005.

If you have any questions or would like to discuss this matter, please feel free to contact me, through the City Attorney's office.

Sincerely,

Roy R. Shannon, Jr.



## Roy Shannon

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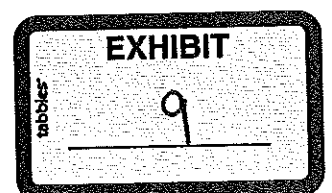
**From:** Barbara Ross <Barbara.Ross@alexandriava.gov>  
**Sent:** Monday, January 23, 2012 1:31 PM  
**To:** rrshannon@rrbmdk.com  
**Cc:** Faroll Hamer; Joanna Anderson  
**Subject:** Waterfront Text Amendment Appeal

Dear Roy:

In follow up to the discussions between you and various members of the City Staff and BZA late on Friday and on Saturday, I wanted to reiterate that we have not officially received the appeal that you indicated you would be filing on behalf of your clients pertaining to the decision made by the Director of Planning and Zoning on Saturday, January 21, 2012 about the protest petition on the text amendment to the W-1 zone. The copies that you brought to City Hall on Saturday were not officially filed and were removed by someone other than City staff. In order to have a properly filed appeal, you must bring 12 copies of your appeal application and the filing fee to the office of Planning and Zoning, City Hall, Suite 2100 during regular business hours.

In regard to your request for a determination letter regarding the protest petition, you should be receiving your response in the next few days.

*Barbara Ross*  
Deputy Director  
Planning and Zoning  
(703)746-3802



## Roy Shannon

---

**From:** Roy Shannon Jr. <rrshannon@rrbmdk.com>  
**Sent:** Saturday, January 21, 2012 5:04 PM  
**To:** Jim Banks  
**Cc:** Roy Shannon  
**Subject:** Fw: BZA Appeal Stay  
**Attachments:** Letter to City Council Jan. 21, 2012.pdf

Please see the email and attached letter.

Roy R. Shannon, Jr.  
Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP  
201 North Union Street, Suite 140  
Alexandria, Virginia 22314  
Phone: (703) 299-3440 ext. 217  
Fax: (703) 299-3441  
Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)  
website: [www.RRBMDK.com](http://www.RRBMDK.com)

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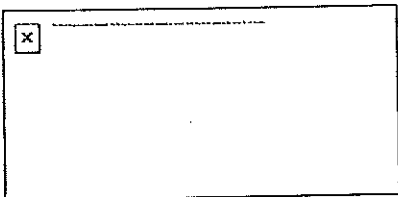
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**From:** "Roy Shannon" <rrshannon@rrbmdk.com>  
**Date:** Sat, 21 Jan 2012 09:19:08 -0500  
**To:** <rrshannon@rrbmdk.com>  
**Subject:** BZA Appeal Stay

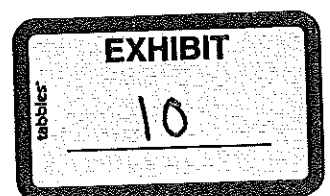
Dear Mr. Banks,

Please see the attached letter to the City Council for its immediate consideration. Again, I am sending all communications through you as you requested.

Sincerely,  
Roy



Roy R. Shannon, Jr.  
Attorney at Law



**RICH ROSENTHAL BRINCEFIELD MANITTA DZUBIN & KROEGER, LLP**  
201 North Union Street, Suite 140  
Alexandria, VA 22314  
Phone: (703) 299-3440 ext. 217  
Fax: (703) 299-3441  
Email: [RRShannon@RRBMDK.com](mailto:RRShannon@RRBMDK.com)  
website: [www.RRBMDK.com](http://www.RRBMDK.com)

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