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, Civil Action No. CL FAROLL HAMER, DIRECTOR OF PLANNING AND ZONING FOR THE CITY OF ALEXANDRIA 301 King Street, Suite 2100 Alexandria, Virginia 22314 and

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

CITY COUNCIL FOR

THE CITY OF ALEXANDRIA

Defendants.

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

- 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.
- 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 4.¹
- 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.

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.²
- 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 7³.
- 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,

²A 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.

³ 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 1: PETITION FOR WRIT OF MANDAMUS

- 57. The allegations stated elsewhere in this pleading are incorporated into this Count by reference.
- 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.⁴
- 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

⁴ 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

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

COMMONWEALTH OF VIRGINIA: CITY OF ALEXANDRIA:

Subscribed and sworn to before me, Hilenel. (105), a Notary Public in and for the Commonwealth of Virginia, by Elizabeth Gibney, on 7th day of February 2012.

Notary Public

My Commission expires: November 30, 2015

NOTARY PUBLIC Commonwealth of Virginia



APPLICATION BOARD OF ZONING APPEALS

APPEAL

4350.60	Filing Fee
Jan 25 / Mar 1	Filing Deadline
March 8 / Apr. 112	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



INSTRUCTIONS

- 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.
- 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.
- 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 Clty 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 #	



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: <u>703-299-3440</u>

Email Address: rrshannon@rrbmdk.com

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

3. Assessment Map # <u>075.03</u> Block <u>05</u> Lot <u>40</u>

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: <u>703-299-3440</u>

Email Address: rrshannon@rrbmdk.com

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

3. Assessment Map# <u>075.03</u> Block <u>05</u> Lot <u>01</u>

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: <u>125 Duke Street</u>, Alexandria, VA 22314

3. Assessment Map # <u>075.03</u> Block <u>02</u> Lot <u>26</u>

Zone RM

4. Legal Property Owner Name: Kux Marie Marthe T

Address: 125 Duke Street, Alexandria, VA 22314

BZA	Case #	 	

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

Ħ	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	
Dato	

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.		
~.		
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 Applicatio (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 require 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 the12-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 indicated 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 applican	t or the applicant's authorized agent,	, I hereby aftest to the best of my ability that
the information	provided above is true and correct.	
1-21-2012	Roy R. Shannnon	_
Date	Printed Name	Signatufe

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

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;
- 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;
- 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.

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

BZA	Case #	 	

PART B

 Why do you believe the order, requirement, decision or determination incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages, if necessary. 	is Ig
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 tex amendment 2011-0005, attached hereto as Exhibit A and incorporated by reference.	<u></u>
The Petitioners are all owners of their respective properties.	_
The Director of Planning and Zoning ("Director") improperly decided and/or determine that the protest was not applicable to a text amendment.	<u>d</u>
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, Dz

ubin & Kroeger, LLP

Trade Name:

Rich, Rosenthal, Brincefield, Manitta, Dz

ubin & 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

License Number:

121454-2011

Account Number:

121454

Tax Period:

2011

Business Name:

Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger,

Trade Name:

Rich, Rosenthal, Brincefield, Manitta, Dzubin & Kroeger,

Business Location:

201 N UNION ST, # 140

License Classification(s):

Alexandria, VA 22314 Professional Occupations/Businesses

9-071-007

Attorney-At-Law

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

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

emphasis added)

		والمرابعة والمرا	Man #
Property Address	Owner (Name)	Signature	(if known)
1055 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROS BATARLA, CFB	
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			ble

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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).			Mon #
Property Address	Owner (Name)	Signature	(if known)
1033 North Fairfax St	American Physical Therapy Properties, Inc.	ROB PATHELA, CED	
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Property Address Owner (Name) Signature (if known) 1111 North Fairfax St American Physical Therapy Alexandra, VA 22314 Properties, Inc. Robert Address (if known)	(emphasis added).			Mon #
American Physical Therapy Properties, Inc.	Property Address	Owner (Name)		(if known)
	1111 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROB BATTARLA, CEO	
				•
		-		·

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

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Property Address	Owner (Name)	Signature	(if known)
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		*	

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

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

			14 market
Property Address	Owner (Name)	Signature	(if known)
150 Waterford Place Alexandria, VA 22314	Waterford Place Homeowners Association	Sort d Timble	075.03-05-44
		President Waterfald Place Homowners Assoc.	
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Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 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 (emphasis added)

			M2n#
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(emphasis added).	Orman (Nama)	Signature	Map#
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	James F. Gillis &) as i Mill	081.03-01-71
112 1010M 1180 03	Anne M. Kennor	Arriva Colonia	081.03-01-4
715 POTOMACST	WILLIAM J. LENNUX, JR	Mark Many 1	2 0 0
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Fallons out of town

HAMBARTHER JOE Solis Jorg

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

		121 Dute St. Alexandra, MA 22314 Lynn K. Rogerson	Alexandria VA 22314	123 Duke St	(emphasis added). Property Address
		Lynn K. Rogerson	Devid & Miciam	William A + Carole H	Owner (Name)
		Ham Roguson	OSS	Carlett Schmidt	Signature
					Map # (if known)

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

(emphasis added).			Map #
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(emphasis added).			######################################
Property Address	Owner (Name)	Signature	(if known)
328 S, LEE ST	MAINTAH ANDONEY	J. S.	
119 Wolfe Street	KATHERINE PINSON	Lusan	-
200 Nicke Street	JAVE SMITH	Jano Sneth	

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

3/6. South Let 62.	9/18 5 Must 8/8	310 Journ LER JOK	ACERTAL MORNING CASH	N 80		Property Address Owner (Name)	(emphasis added).
Saralee C. Botelor Javalu C Bothy	C Mary D. Hardan Down To	JONATHAN WILLSON Jone Mr. C.	My Charles Men Second State of M	With the Colon I wassen i was on	Brian Gibrey Bolton	(Name) Signature	
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11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a <u>proposed text or map amendment is filed</u>, the city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 (emphasis added).

Property Address	Owner (Name)	Signature	Map # (if known)
536 S. Lee St.	DEBRA C. PARKER	Boka C Panher	. 681.61-62-35

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

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
3 Potomac Ct	Evans Megan	Migan Crand	075.03-08-08
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	Rideout Bonnie	thouse dideant	075.03-08-23
7 Potomac Ct	Petrov Georgi K	Jean	075.03-08-21
6 Potomac Ct	Moore Patricia E Tr	OCMM, TRUSTEE	-075.03-08-22
2 Potomac Ct	Anderson Lon	1000 MUDERSON	075.03-08-14
116 Wolfe St	Lamoreaux Tina Tr	This Jonnseuf tec	075.03-08-12
106 Wolfe St	Rocchio Monica B	Many Coolin	075.03-08-16

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

(emphasis added).			Map#
Property Address	Owner (Name)	Signature	(if known)
100 Dune Street	Ana Rico	Acereed.	
Alexandran VA	0		
			-
			-
•			

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

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
226 Soulh Lee Sheef Mexandio. VA 22314	marcu + Lisa Hynch	Vall (Lisa P. Lynner).	
Alexandria, VA 22314	Gutchen R. Moss	Hutchen R. Mass	
117 Dute Street	Patricis + Telliey	Patrick Rayn. Wayn	
115 Dive Show	Eller S. Mitchell	The Mille (Staphen Rey Mitchell)	
108 Duke St 22314	- 1	Hospitan Ochlar	
112 DUKE ST	和斯	M. W. (JEFFREY'M CLOSES)	
TII Duke &	Joan W. Di Kon	Gran Altryun	
HIERANDRIA, VI	JORN W. DIXON	Jan William	
Alexandra, VA			

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

(emphasis added).			Man +
Property Address	Owner (Name)	Signature	(if known)
118 Waterford Pe.	118 Waterford Pe. Riker Diana Deb oz	Robert 1. Rober	
Howard John De	Timmer, KennethD	Henrith Janes	
APOXANDUA ST.	Freeman, Lauren 2	Call Market Control	
	·		

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

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
101 Wolfe St.	Bunks, April L.	april 1. Bruke	
Alexandra VA22314 Flynt, Elcholosis	Ciarista Concora.		
10 % 30 FC ST.	HOWAINSTANT 22814 and Person 1815 AND	2 Mod Con	
102 Water Gral Pl.	102 Water Gra Pe, Brown, James T.		
Alexandrea VI 2231	Vesprini, Mary Ellen		٠
ABJORNANA, VA 223/4	14	11 town care out of the	
10 6 Waterford 12	ob waterford to traduces, Jamest	may stantoning	
Alexandrun VAZZZIA	5/4		
10 & Carred of 18	10 & Caractera 12 lovrica, Circiam.	ON MA Plante	
COLONARDIA IN ROUTE	JOHNATIA VECTOR KINDS DEVALLE OF	7 0 1 1 1	
Aloxandria M 22814	11/82	The same	
104 Charlestone 101	104 Cesterford & Cavamen Byron 4 Ir		
4.080 MB 120, 240	5310 or JUNIOU 2000	7	

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

			## II
Property Address	Owner (Name)	Signature	(if known)
126 Water tool PR	Humphreys, Fredericer	Humphreys, Frederices Insland, Mumphrens	,
105 Wolfe St.	Temer, Stayan V	Man on a)
AFRAMAZIA DA DESTA	Alexandria, UA 22314 Leneura Kenniena to	7 70	
ind Wisterford PR	116 Witerford PR Merdon Christine 17	60401	
15-22 th Nonthony in the 25-31			•
WILL S James ST MOZGAZ, TOURT	NOT GAZ, TOBER	thick I Morgan	
1,000 01/1 X7	DIAMISO 10 DONA	0 1	
APARA TANA NONE	Africa Menaber, Ardrew	Sixt V water	
(32 Waterford De Loomis, Am a)	Loomis, Aun w	4/	
Menandrea, UN 2231 or Deter A	in Poter A		
120 Wider (ord R	120 Widerford R Goffrey, Law James JJr	Not of hear	
Alexandre NA 22314	Alexandres NA 22314 or Forman, Betty J	000	
311 S. Umon St.	311 S. Umon St. Hardlevay, James H	Johns H. Horelinen	·
Alexandria VA- 223/4	3.		

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

Property Address	Owner (Name)	Signature	Map #
		And the second s	(II MIJOWII)
IN NORTH IFE	E. MICHAEL PATURIS	E. Mc Chelled Rasa	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Mari And PATIANS	man latin	
425 North Fa	Mark-A. Sellin Shark	Frank J. Sillenen	·
Olamber " /22-214			
He was your SET	Flack & Sellening	Frank J. Sillemen	
Monometha. 1/2 72314	/ /	2	
211 S. WILLOW ST.	Valence K- Tanien	Moderni K. Heneri	
111/20/00/00/00/00/00/00/00/00/00/00/00/00/			

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

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
125 Duke St.	Marie-Marthe T. Kux	Marie Marka T. Mix	
429 S. Lee St	9	Mono Burg	
109 Dake St. Yes Melanie Now	2	Millare Men	
107 Dullo St. 22314 Melanie Now	-	melari non	

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

(emphasis added).			11
Property Address	Owner (Name)	Signature	(if known)
15 m/ 5 c/c	John Modzelewski	PI I	075-03-02-02
218 S. LEE ST	KOSERT DE172		075-03-02-04
DIC SLEE ST ARMOR TIEMENEY	Ammeta liementer	The line was	075-03-01-70
2275/55	Tano. Constant	M. C. Hocherace	075-03-01-25
) ich in hour		075-03-01-23
214 2785 .	To the way of the same of the	Am Dun Kall	075-03-02-0
211A S. Umión	_	12 meres	075-0302-07

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

(emphasis added).			mm L
Property Address	Owner (Name)	Signature	(if known)
525 TOBACCO QUAY	MARIA dol CARMED O. FEDERLE	Monadel Cuerun Car Galle	065,01-02-39
ALEXANDIZIA, VA 27314			

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

(emphasis added).			1 T
Property Address	Owner (Name)	Signature	(if known)
603 d Lee St.	VALOR CLARKBERSON VORD	Jolds Clark andern	81-20-10780
621 Pour Waste St	JahmsCzero	John S Crus	C81,01-02-3

Paul anderson 205 Lorus Lane sent him Alex 22302

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

Property Address (emphasis added) 6105 Lee SO I Or Formar Owner (Name) Wary Koge Hickey Et VIVOUNIA BYZCEMEN John K Scale SugarkKates Sec 3000 KEAL ESTATE, La Signature Map# 081.01-02-17 081-01-02-38 (if known) 180 081.01-02-37 081.01-02-23 081.01-02-27

A she is not in my seit of addresses, but lives next door and wanked to segue

703-548-745Z 371-331-6944

1814 Park due 23220

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

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
212A South Utmain	Statuers, Andrew	Andiea Stowns	80-150301-08
209 S. LEE	AMY BAYER (075-03-01-17
2-11 S LEE	TO#FI O. B. SEWALL	Jh Destard	075-63-01-8
237 5 413	DUSTIN GAMP -WEISS	A	0 3 -03 - 01 - 2)
24 2 MB		Phillips Hotel "	
2235 LIEE	Devix Sen	Co Doos	075-03-01-24
2195, Lec St.	Kenneth L. Wainstein	Hunth & Maint	075-03-01-22
78 37 S 012	RCHADISTAGON	EMANUTES !	075-03-02-01
	ころうご		

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

(emphasis added).			# # C Z
Property Address	Owner (Name)	Signature	(if known)
EDZ South Lee ST,	EDZ Satt Lee ST, EUA M. KENNAHAN	Ena M. Kennahan	
330 S. Lee St	Robert Kompondi	Aghley R. Lowel	
TOB GIBBON ST	JOHN KANN PA	John B. Ramsey h-	·

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

Property Address 820 South Lee Street	Owner (Name) Ena Ross 9	Signature	(if known) 081.03-02-16
		>	
106 Franklin St	Wash + Persel Deares	Carol Beary	081.03-01-47
830 S. Lee ST	Margaest Holgan	Margaret Hodgie	081.03-02-15
8125, Lee St.	James F. Ducker on	The all	081-0322-07
804 S. LeeSt.	Forme Smith	Hemally.	081.03.02-03
M34 S. Lee St	Shamely pulled by the sales	Res Rement Brigar	081.03-01-34
732 5 be	Carrier & Hoff Wood	Harther Hall	081.03-01-25
708 S.Lee	GRACE C. PRINDLE	Harry Budle	081.03-02-3.

100 - 20 MB 100 - 20 MB 106 - 20 cmy

721, 723.

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

			Man #
Property Address	Owner (Name)	Signature	(if known)
200 Oronoco ST Alexandra, VX ZZZIU	Di. Hmer, David and Sibley	July m. Diffmer	06501-03-12
412 N. Lec St	Bondslu, Armur	Jac Dall	065.01.03-42
204 Oversoco St		like John	065.01-03-10
120 N. LEE 27 120 N. LEE 27	CERCORIOS, CHARLES J.		065.01-03-46
215 Over occ St	Long, Cynthia	Existed The Hong	065.01-02-29-
	-		
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 (emphasis added).

	Property Address	Owner (Name)	Signature	Map # (if known)
		Amy 10,1071s	Am Rante	065.03-04-20
				12-40-50.530
	42 N. UNION STREET	Amy Lauris	Amy & cincia	
<u>` </u>		DAUTHEWIA CANDAIL	- Patherin R. Raw R.	
<i></i>	1	ROBERT C. PANDOWN	on Robot along	
		-		

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Property Address	Owner (Name)	Signature	Map # (if known)
6/6 7/	Pour Barrey C/ tracer	William O Paraju Trucidos	065-01-02-34
577 - 1011 oc ca colory	SID IN COUNTY TO THE STATE OF T	Chillian & Roth on the town town	06501-02-35
521 Tabasia Curay	521 Tahari Chica Denise Landons Comme Comme	K.	065.01-07-42
TO TOWNER OWN	TO CORRECT ONLY OF THE RESIDENCE OF THE PROPERTY OF THE PROPER	En Buled	065-01-02-28
アンメーベッパー	THE PAINT AND SOU		065,01-02-38
514 Tobacco Quay Melly Ballard	Melly Ballard	John Man	065,0102-36
The Triback Ann Shack	Ann Shack	13/Shark	065.01-02-27
1000 C	WILL JOSP CON CHOLDYON	O A C	0 65,0102-37
Ç.			

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Property Address Owner (Name) Signature (if known) 533 Tobaco Overy Mary Fancil My Mills Mileson Worlden 665.01-02-30 507 Tobacco Overy Mexister Violation Worlden 665.01-02-30				74.4
May Fancil My My Mulisa Walsen Metssa Waskson & Mulisa Walsen	Property Address	Owner (Name)	-	(if known)
Metisse Hoskson	533 Tobaco Ovey	Way Fancil		065,01-02-43
	507 Tubosco Quey	Melisson Wookson	Ay Mill meliose Wolsen	565.01-02-30

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

			•	217 WOLKEST LA	Property Address Ov
			The Done	LEMBER O CALLERAT III	Owner (Name)
			Man 2 Bu	Lanan Calmil	Signature
•					Map # (if known)

8211

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

(emphasis added).			74 P
Property Address	Owner (Name)	Signature	(if known)
623 Rommande Wack	Marianne Marzo	Mariane Marzo	081.01-02-31
107 Franklin St	fimme Cook	1 immine COOK	081-01-02:39
103 Smothin X	Figurally & Harrion		081-01-02-41
	Contoutous)	Som Cr. M. C. June 1. 1. 1.	081.01-02-32
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Marricles Symonds	Main Celeste Smoods trest	081.01-02-34
6x7 8. acc 11.	Catherine Thompson	note The	081.01-02-36
Codo S. Las St.	The water of the	. 17	081,01-02-30
101 Franklin Il.	JMUNICAL SISMY	istee	081.01-02-42

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

			ANT A
Property Address	Owner (Name)	Signature	(if known)
in Pan Shows Amarant Dinance		MARCIARET A. MILLER	
208 D. H. A.	208 D. H. DA Charles W. Greenleath CW. Preadent	CW. Encordenth.	
とう人にこれ	ろこっかついない	So. 0. 40) Sant	
273 < /, " </td <td>2) 3 < /, " < \ \ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\</td> <td>2 2 2 C</td> <td>٠</td>	2) 3 < /, " < \ \ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	2 2 2 C	٠
100 0 0, CC 01.	Man Architecture		

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

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Property Address	Owner (Name)	Signature	(if known)
20 S S S S S S S S S S S S S S S S S S S	The Cosperac	Charle Conplian	
	では、10mmのでは、1		

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

Property Address 110 Duke 57.	Owner (Name)	Signature Signature	Map # (if known)
4/8	BETTE V. LAVIS	1	
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 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 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the (emphasis added).

				BE
	Property Address	Owner (Name)	Signature	(if known)
	103 PEDIDIAN DER WX.	FLABERT M & NOKONA-E	tout 11 Court	
	ALEX. UA 32314	GAN7S		
	plan VR 22-314	LINDA WINDSOR	John It Window	
	Z &	NIGGLE HAMILSTON	Nicol Hamilton	
	114 Cissan posta Rober Namich	Robert Ham. Ch. 2	Soul Bankton	
	111 BUMBORE WILL	Paziahal Militia	1 January Mana	
	That Y ist see all			
-				·

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

Property Address	Owner (Name)	Signature	Map # (if known)
716 Patoman St	track McCallister	SOM DE	81:03:-01-69
713 Potomin Street Harold Crame	Harald Crame	Jand Crama-	81-03-01-40
1) Congression ()			
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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 property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the (emphasis added).

1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1	11 D - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	705 Patomac St.	711 POTOMAC ST	735 S. Union	4365, UNION	JIS STONON	709 S.Unios	104 Frank I'm 27	Property Address
		Carolyn Wilder	JOHN R. WOOD	Lunt Voisavez-Lunt	HUTCHILLSON	(OCCM)S	\'as\	CARCS	Owner (Name)
	1 Derwilles	10 jullar	The Mahal	Hilas asomes-had.	March Astrony or	1 Jelle	W Jane	Algus	Signature
	081.03-01-70	081.63-01-74	081,0301-52	081.03-01-61	081.03-01-60	081.03-01-54	081.03-01-51	081.03-01-48	Map # (if known)

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			THE PARTY OF THE P
	PROCE FALL	Charles And Land	111 5:(205)
	JAKY .	KATHERNE VIAR	126 PRINCEST
	Golf Burbe (MB)	Rolly Bushe	109 Runce St.
	(Like)	David Olinger	100 Prince Street
Map # (if known)	Signature	Owner (Name)	Property Address

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

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

Property Address	Owner (Name)	Signature	Map # (if known)
III Prince St.	Phyllis G. Sidorsky	Phyllis G. Sudicialy	075,01-26-23
144 Prince St.	Sarita Scholle (Trustee)	Grada Collabor.	
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Property Address	Owner (Name)	Signature	(if known)
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the (emphasis added)

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		er ege ander en er	LEE, BRUCES. AND MARKEMAN.	Owner (Name)
			Show N. Rec	Signature
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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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).			Man H
Property Address	Owner (Name)	Signature	(if known)
414 North Lee Street Janet D. Bourier		Janas Bourson, Trustee (for	
Hlexandria VH 20014		Revocable Trust established September 18, 2001)	
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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 are owners of real Alexandria, 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members. 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

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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." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 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

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(emphasis added)			## LL
Property Address	Owner (Name)		(if known)
430 N. WNION ST.	TAMI, RICHARDG. AND Joyce M. TAMI	Jaya m. Jami	
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 (emphasis added)

		The many of the second	111 PRINCE ST S1008 SKY RX/NG/PD	ALEXANDEIA VA. 22314	Property Address Ov
			SIDORSKY, RUMIND	SmiTH, ELIZABETH	Owner (Name)
		·	N. D. Wark	Elighbert South	Signature
					Map# (if known)

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

(emphasis added).			Mon #
Property Address	Owner (Name)	Signature	(if known)
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7205. Lee St	COGENTS HEADE	21	
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).			***
Property Address	Owner (Name)	Signature	(if known)
106 Prince St. Alexandria 22314	Denise D. Mubrearty	Devise D. MiBrearty	

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

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Property	Owner (Name) Signature	(if known)
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					D W. HOOM	106 DUKE HIRES CUSACK FAMILY TOUST		Property Address	(emphasis added).
						Cusack family Trust	MATHY CUEACK, TTE	Owner (Name)	
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Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section

(emphasis added).			i a Li
Property Address	Owner (Name)	Signature	Map # (if known)
110 S. UNION STREET	110 S. UNION STREET, LLC	Isanother General Partner	
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 (emphasis added)

12 0, 18 J.	170 6 100 St	970 C 100 St	118 Wolfe St	108 Wolfe St	120 Wolfe St	114 Wolfe St	10 Potomac Ct	Property Address
1 22 JOHN 188 JUST ES	1711 Crist 1 of Street 1/1	270 IM 110	Atkin Kathleen A	Buck Karen A	Howcroft Loren S	French M H Tr	Jennings Michael V	Owner (Name)
		President	1 Caldon	KARL	Leun Howard	Morenon Truste	Shir.	Signature
	075.03-02-30.C	075.03-02-29	075.03-08-11	075.03-08-15	075.03-08-10	075.03-08-13	075.03-08-18	Map # (if known)

Landowners' Protest to Proposed Text Amendment 2011-0005 JAN 2 0 2012

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

(emphasis added).			
Property Address	Owner (Name)	Signature	(if known)
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832 S.Lust.	Susun Dswall + Soot Bwald	Sulw Vanet	
828 S. LOR St	CARYN Hollis	Congret Holics	
530 St Lu 55	MARCARET TOOCES Margare	Margaret Golfer	
8125. Lee St	Jim Duda	Jan	
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814 S. Len 87	KARLYN + JIM	My Burn	

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 Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

Property Address	Owner (Name)	Signature	Map # (if known)
1055 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROB BATABLA, CFD	
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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 Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

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Property Address	Owner (Name)	Signature	Map # (if known)
1033 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROB BATHELY, CED	
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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 Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." (emphasis added).

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Property Address	Owner (Name)	Signature	Map # (if known)
1111 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROB BATARLA, OFO	

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Property Address	Owner (Name)	Signature	Map # (if known)
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WATERFORD PLACE HOMEOWNERS ASSOCIATION Alexandria, VA 22314

January 17, 2012

To Whom It May Concern:

At the annual meeting of the Waterford Place Homeowners 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 sufhorized to sign the Petition on behalf of the Association.

Regards,

Scott K. Dinwiddie President

Waterford Place Homeowners Association

			1 Mars #
Property Address	Owner (Name)	Signature	(if known)
150 Waterford Place Alexandria, VA 22314	Waterford Place Homeowners Association	Sex Winhe	075.03-05-44
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Owner (Name)	THE PLUNBERS + PLYEFERTERS NATIONAL PENSION FUND				,		
Property Address	103 OPOLOCO STREET						

Property Address	Owner (Name)	Signature	Map # (if known)
4/8 N. Lee St	Susan Taylor	Sugar Taylor	
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section protest to a <u>proposed text or map amendment is filed</u>, the Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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

11-808(D) of the Zoning Ordinance states: "Effect city council may not approve the proposed ameno	lance states: "Effect of protest. If a the proposed amendment, except	11-808(D) of the Zoning Ordinance states: " Effect of protest. If a protest to a <i>proposed text of final different is members.</i> " city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."	nbers."
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owners of real changes. Section ent is filed, the members."	Map #	(II MIOWA)									
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Property Address	Owner (Name)	Signature	Map # (if known)
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Property Address	Owner (Name)	Signature	(if known)
620 J. Lee St.	DEBRA C. PARKER	Bolia C'I Enter	. 681.01-02-35

Property Address	Owner (Name)	Signature	Map # (if known)
3 Potomac Ct	Evans Megan	Migan Erasa	075.03-08-08
Dotomor Ct	Mapes Ann Louise Tr	Cim Jours Mapes, Tourte	075.03-08-20
7 Dotomor Ct	Rideout Bonnie	Main Library -	075.03-08-23
	Petrov Georgi K	Jan Salar	075.03-08-21
/ Foromac Ct	Moore Patricia E Tr	Born herster	-075.03-08-22
	And an Ion		075.03-08-14
2 Potomac Ct	TOT TOTAL	CON PRINCESON	
116 Wolfe St	Lamoreaux Tina Tr	May Moureaux the	075.03-08-12
106 Wolfe St	Rocchio Monica B	Mr. William Rocelles	075.03-08-16

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Property Address	Owner (Name)	Signature	(if known)
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117 Date Street		Talinia Mayor. It sugar	
Alexandria, UA 22314 115 Dove Sneet	Myers-Mayer Stappen Mitchell	The Milly (Stapen Ry, Milcholl)	
108 Duke St 22314	1	Kathleen Ochler	
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Alexandra, VA			

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Owner (Name) Sign	173	(Immer, Kenneth)	102 Tourse St. Treeman, Lauren E (1)				
Property Address	118 Waterford De.	10 Waterory PR	102 Towns St. St.				

Property Address	Owner (Name)	Signature	Map # (if known)
101 Wolfe St. Burks, April C.	Bushe, April L.	april 1. Brule	
10 5 Wolfe St. Steveton, General M.	Steveton, Genera M.	with Edden	
102 Cetabra Par Brown, Jan	Brown, James 1.	Jany Jan	
124 Costulad R W	124 Waterford R Wasprini, Mary Ellen	madis (ly Verrill	
10 6 Waterford T.	10 6 Waterford Te. Hardaway, Jamest	ming someway	
10 & Waterford De To	10 & Waterford De Torvica, William S.	01/11/07/21/21	
Alexandrica WAZZINI 307 S. Chin'on St.	207 S. Chiran St. Kiefer, Dowald W.	Day Wall	
104 Cooperford P.	104 Claterford R. Cavaney, Byron H. Ir Afendal St. C. C. Ston Bark	Sul Di	
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Property Address	Owner (Name)	Signature	Map # (if known)
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525 TOBACCO QUAY	MARIA del CHAMEN O. PEDERLE	Mariade Caerner Oak Laberte	665,01-39
ALEXANDOIA, VA 23314			

Property Address	Owner (Name)	Signature	Map # (if known)
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330 S. Lee St.	Ashley Combardi	Aghley P. bornel	
	JOHN RAMSEY	John B. Ramsuf M.	
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Property Address	Owner (Name)	Signature	Map # (if known)
820 South Lees treet ARXONDANG, UT	ENCL ROSS & John Wedic	(Max ha)	08.03-02-16
Joe Franklin H	Marid + Casal Chare	glass green	081.03-01-47
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708 S.Lee	GRACE L. PRINDLE FRANK PRINDLE	Haw Handle	081.03-01-

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	Owner (Name)	Signature	Map #
			(If known)
200 Orbnoce ST	Dithmer, David and Sibley	July M. Dithner	
Alexandra, VA 22314			24-80-10:590
412 N. Lee ST	Bondshu, Armur		
204 Orange St		Liles John	065,01-05-10
1912 N. LEE ST	GEGORIGS, CHARLES J.		065.01-03-46
ACCXANORIA, VA 22314		Bestein Karg	-62-20-10.530
Alexandria, 12 22314	Lang, Marine		*

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Property Address	Owner (Name)	Signature	Map # (if known)
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Landowners' Protest to Proposed Text Amendment 2011-0005

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11-808(D) of the Zoning Ordinance states: Enect city council may not approve the proposed amen	nance states: "Enect of process." is a the proposed amendment, except	dment, except by an affirmative vote of three-fourths of its members."	mbers."
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Property Address	Owner (Name)	Signature	Map # (if known)
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ion Franklin St	L'imme BCOOK	I immie & Cock	981-01-02:39
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624 S. Lee M.	Catherine Thompson		081.01-02-36
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Property Address	Owner (Name)	Signature	Map # (if known)
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Property Address	Owner (Name)	Signature	Map #
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Property Address	Owner (Name)	Signature	(if known)
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Owner (Name)		Signature	Map # (if known)
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Property Address	Owner (Name)	Signature	Map # (if known)
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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 are owners of real property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section property within 300 feet of the boundaries of the land affected by the protest to a proposed text or map amendment is filed, the 11-808(D) of the Zoning Ordinance states. "Effect of protest. If a protest to a proposed text or map amendment is filed, the

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Landowners' Protest to Proposed Text Amendment 2011-0005

(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
112 FRINCEST	Smith ELizinGETH	Elight South	
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real. 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members."

(emphasis added).	•		Bass #
Property Address	Owner (Name)	Signature	(if known)
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operty Address	Owner (Name)	Signature	(if known)
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Jan. 17 2012 10:39AM P

FAX NO. :2023331018

FROM : DTKENNEY

Landowners' Protest to Proposed Text Amendment 2011-0005

11-808 of the Zoning Ordinance of the City of Alexandria, the undersigned do 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 owners of real property within 300 feet of the boundaries of the land affected Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section hereby protest proposed text amendment 2011-0005. The undersigned are map amendment is filed, the city council may not approve the proposed ept by an affirmative vote of three-fourths of its

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mendment, except by an affirmative you or	s added).	Owner (Name)	The second section of the section of th	ganid Helen Kennett.	The second secon	Can miller and was a series of the series of	Left map to 1 mm - majorite thing to the majorite things the majorite things the majorite the ma	** ***********************************	The state of the s	to the second se	The state of the s	The second column assessment of the second column and the second column assessment assets assessment assets as
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Owner (Name)	MAFWC						
(emphasis added).	Property Address	106 Doke Street Alexandrik, Medasiy					

(<u>emphasis added</u>).			# 46
Property Address	Owner (Name)		(if known)
110 S. UNION SHREET	110 S. Union Street, LLC	Johns Lunal Partie	
HCCHAOCH, VA 9021		•	

Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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

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Property Address	Owner (Name)	Signature	(if known)
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114 Wolfe St	French M H Tr	Will reviels Trule	075.03-08-13
120 Wolfe St	Howcroft Loren S	Low Howard	075.03-08-10
108 Wolfe St	Buck Karen A	KABU	075.03-08-15
118 Wolfe St	Atkin Kathleen A		075.03-08-11
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		Dresident	075.03-02-29
220 S, Lea St.	777 W 777	President	075.03-02-30.0
224 5, Lee St.	1224 South Lea Treat L		

RECEIVEDS Landowners' Protest to Proposed Text Amendment 2011-0005JAN 20 2012

(emphasis added).			Map#
Property Address	Owner (Name)		(if known)
110 DUKE ST.	BETTE J. JAWIS	Botte Marin	
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Property Address	Owner (Name)	Signature	(if known)
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Property Address	Owner (Name)	Signature	(if known)
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814 S. Le SV KARUNN +		Take Bown	



INSTRUCTIONS

- FILING: Appeals to the Board of Zoning Appeals must be filed within 30 days from the date that 1. the order, requirement, decision or determination was made.
- 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 2. emall address.
- 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 3. 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.
- FILING FEE: Applicants must submit a filing fee with the application. Exact amount may be 4. obtained from the Department of Planning and Zoning.
- 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 5. date.
- 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 6. 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 prematine.
Thiss s
1/20/12



INSTRUCTIONS

- 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.
- 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.
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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 #	<u> </u>



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 Difector tildt does not note the protect
relating to text amendment 2011-0005 valid. See Part B of this Application.
, committee of the control of the co
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: <u>703-299-3440</u>

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# <u>075.03</u> Block <u>05</u> Lot <u>01</u>

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: <u>703-299-3440</u>

Email Address: rrshannon@rrbmdk.com

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

3. Assessment Map # <u>075.03</u> Block <u>02</u> Lot <u>26</u>

Zone RM

4. Legal Property Owner Name: Kux Marie Marthe T

Address: 125 Duke Street, Alexandria, VA 22314

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

Roy R. Shannon

Print Name

January 20, 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.		
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 require 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 the12-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 indicated 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:

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 Cit<u>y Council</u>

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

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;
- 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;
- 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;
- 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.

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

PART	<u>B</u>
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.
Racie	for Appeal for April Burke, Elizabeth Gibney, and Marie Kux ("Petitioners")
The F	Petitioners were signatories to a protest pursuant to § 9.13 of the City Charter and
~ 7.7	noo tile. Teeler Ordinanca filed with the City Clerk relating to the proposod toxt
amor	dment 2011-0005, attached hereto as Exhibit A and incorporated by reference.
The F	Petitioners are all owners of their respective properties.
Petiti	oners have asked the Director of Planning and Zoning ("Director") for her
decis	ions and/or determinations regarding the protest that was submitted relating to the osed text amendment 2011-0005; however, the Director has not provided the
prop	oners with her decisions and/or determinations. Because of a recent decision by
	74 't' - nanagery for the Detitioners to make their appeal to the DZA at this time
-	to the Director apparating her decisions and/or determinations. Especially of the
	to the matter action until tomorrow list belove the city course modeling
une L	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
votir	ng on the proposed text amendment 2011-0005 with a tillee-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
P	that action and will slipplement this application once the
Dire	ctor provides her decisions and determinations in writing, as is the practice before
the E	BZA.
 -	
-	

BZA Case # _____

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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the 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

EXHIBIT			
	Rad GATABLA, CFD	American Physical Therapy Properties, Inc.	1055 North Fairfax St Alexandra, VA 22314
(if known)	Signature	Owner (Name)	Property Address
# # # #			(emphasis added).

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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

			1033 North Fairfax St Alexandra, VA 22314	Property Address	(emphasis added).
			American Physical Therapy Properties, Inc.	Owner (Name)	
			ROS SATTILLA, CED		Sionature
			2	(if known)	Map#

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(emphasis added).			man #
Property Address	Owner (Name)	Signature	(if known)
1111 North Fairfax St Alexandra, VA 22314	American Physical Therapy Properties, Inc.	ROB BATTARLA, CEO	
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).		14 A.
Property Address	Owner (Name) Signature	(if known)
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(emphasis addea).		Common of the Co	
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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

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

(emphasis addea).			# acM
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Alexandria, VA 22314	Association	Sitt a sentence	-
		President	
		Westerford Place Homownes Assoc.	
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1061 5 131 Me	414 S. Lee S. Rich	4205, L205t, 1	408 S. Los Steel Muchine	407 S Union St Dun	405 à UNION GEUM		404 S.LEE St. AME	Property Address Owner (Name)	(emphasis added).
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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 property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

Property Address 4/8/24/10/64/14 28/4 804 2. CBB 5/2 (emphasis added)-中へなないののは、ルキンスるイヤ 301 5, 050 5 320 South Lee 3/6.500T# Let ن 6 ~ ق לשטחוו לבה CONDITION OF THE STERL Owner (Name) Brian Gibren の大きのであるからいるのと Saralee (. Botelex JONATHAN WILLBUR ESMALK. GRAISS Signature 15500 Jorden Chotele 87 20-50,03-05-63 075.03-05-01 Map# 075:03-05-03 (if known) 075.03-06-53 07,J.03-01,03 075.03-05.5 075.03-05-5

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106 Wolfe St	116 Wolfe St	2 Potomac Ct	6 Potomac Ct	7 Potomac Ct	5 Potomac Ct	8 Potomac Ct		3 Potomac Ct	Property Address	(emphasis added).
Rocchio Monica B	Lamoreaux Tina Tr	Anderson Lon	Moore Patricia E Tr	Petrov Georgi K	Rideout Bonnie	Mapes Ann Lourse **	ASS TOSSES TH	Evans Megan	Owner (Name)	
Mary Cools	Min Jomineson tec	1000 MUDERSON	OS May Trasse		Course Colores	- Change	Jam Lawie Marses, Trustee	Migran Crand	Signature	
075.03-08-16	075,03-08-12	0/5.03-08-14		070000000000000000000000000000000000000	075 03-08-21	075.03-08-23	075.03-08-20	075.03-08-08	(if known)	Map#

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(emphasis added).			Map#
Property Address	Owner (Name)	Signature	(if known)
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100 Duke Street			
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property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

Mexandria, VA 22314 **Property Address** 226 South Lee Sireat Alexandria, VA 22314 114 DURG ST Alexandria UA 22314 108 Duke St ,, 314 (emphasis added) Alexandria VA 22314 Kathleen + Bruce 17 Dube Street 12, and 114, WA 22314 ALEXANDRIA 1/2 22314 113 Dullest Alexandria, VA Till Duke & 12 DUKE ST Alexandria, VI Exaposation Mitchell Statement Mitchell Gritchen R. Moss Androw + Lisa Lynch Owner (Name) JEFFREY + MARY K. Patricia + Telliey Joan W. Di Kon JORN W. DIXON MEEN Signature CaMes Donasank Particle Mayor Mayor formen Ochler Mille (Stapher Pay Milchell) (Lisa P. Lynch) (JEFFREYIM CHEEN) Map# (if known)

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Property Address 118 Waterford De. Riker Dieme Deb oz Alexandria, VA 223 4 Robert J 110 Wajerford Ple TIMmer, Kenneth emphasis added)-Owner (Name) Freeman, Lawren E 1 mmer, KennethD Signature Map# (if known)

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

Property Address 102 Water ford Pl. Brown, James T. Alexandria VA22314 Flynt, Eichma A (emphasis added). 307 S. Union St. Kieger, Donald W. Alexandria, UA 22316 or Shen Bango 24 Watertard K 106 Waterford To Hawaway, Jamest 10 & waterford De Morrica, William S. Heyandrus M-22314 and Robert CO WOLFE St. Bunka, April 1 Owner (Name) Vesprini, Mary Ellen Signature pril 1. Formere Map # if known)

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

(emphasis added).	•		1 to
Property Address	Owner (Name)	Signature	(if known)
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Alexandria, M 22314		Service Company	
105 walfe St.	Town Stayen >	COLX SOME	1
Alexandria, VA 22314	Alexandria, VA 22312 Jeneva Koming to		(
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311 S. Rugust	311 S. Ulmon St. Hardensay, James H	Ame H. Hackapen	_
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).			7A #
Property Address	Owner (Name)	Signature	(if known)
431 NORTH DEE	E. MICHAEL PATURES	E. Mc Chellas	
ALEXANDRIA, VA. 323/	BYG MARY AWN PATURIS	manchin today	
425 Noch Fa	Frank-F. Sellin Hodork	Ardon ha A. Sulliamen	
Ochanelia 1 V2 2-214		7 17 7.11 .	
The year of the Me	Alank F. Sillerian	Marky Sillemen	
211 S. Major St	1,	Alan Ellenon	-
41840 Allowards Allo	< < = < = < = < = < = < = < = < = < = <		
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St. Marie-Marthe T. Kux e St Susan Ginsburg T. Kux Melanie Now
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107 Dullott, 72314 Mellinie New / Mollinie 1805

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

(emphasis added).			# 25 #
Property Address	Owner (Name)	Signature	(if known)
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2255/22	Jane Coughran	Charch. How perace	075-05-01-6
			075-03-01-2
Jan See	(M.S. Now Major		7975-03-07
2145182 .		And my Kall	010-00
	Jan Ma Kollan		075-03-02-1
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city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section 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 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

(emphasis added).			Mad #
Property Address	Owner (Name)	Signature	(if known)
525 TOBACCO QUAY	MARIA dol CARMED O. PEDERLE	Marsacel Coursen Dix Lalie	065,01-02-
ALEXANDRIA, VA 22314			
			-

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

(amphasis added)		
Property Address	Owner (Name) Signature (Map # (if known)
	VALOR CLARKED EKSON VORDA Clark Corderan.	-20-10-180
603 D. Lee Dt.	261. S C300	081,01-02-
621 Fam Walk St		The state of the s

Paul anderson 205 Lours Lane sent him Alex 22302

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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 property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 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."

	city council may not approve		
	(emphasis added)	Signature	Map #
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	in a faith		
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	159 Tradulación		081.01-02-17
		Mary Rose Hickory & Tr Mosephage Lene Keap for est	
-		MINISTER BUTCHER	
·	1 Ce Fortilla	1 CE LOUINEUR NINGHOUSE	76-20-10120
		Co. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7.	
	12 LOWWWWAGE	1.	081.01-02-
	110 N /00 NT	Sugar Kates Man Jalu-	
	Circ di .		08/.01-02-3
	101,	Mr. M. D. L. Levers III Mohan	
	111 PRANTIN TE	10/11/2012/2012/11/2010 11/201	
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1814 Park Club. 2322

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

Property Address 213A Solid Utracin 209 S. LEE (emphasis added). 2175, C22 4 2195, Lee St. 2235 LIEE 1821. SOIL (V) ゆるこ Owner (Name) DUSTIN GAMB -WEISY ANY BAYER TOTAL O. B. SEWALL Diteriers, Andrew DOU'S SON Kennett L. Woinstein Signature Show Child Map# 075-03-01-17 075-03-01-2 (if known) 0750302 075-63-01-8 075-03-01-2 075-03-01-2 075-03-02-

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	106 OIBBON ST	Lee ST	(emphasis added) Property Address Owner (Name)
	Robert Koepson Ham B. Ramsey h.	EUR M.KENNAHAN	Owner (Name) Signature (if known)

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708 Silee Ga	732 5 be Con	934 S. Lee St Shu		S. Lee St. C	SAO S. Lee SA Ma	Joe Franklin H Wall	820 South Lees treet Enca AKEXONDIA, VII	Property Address Owner	(emphasis added).
GRAVE L. PRINDLE CHEWY SWIND	ann Kill Lather	Thomas But dates them of I	Eusene Smith Small	Suzzanz Suda ore Shew all	Margaret Holgan Margaret X	wavid + Casal Cleaver Garal Good	Enca Ross & Chack to	Owner (Name) Signature	
Le 081.03-0	cs1.03-61-	Will 081.03-01-2	081.03-02-	081.0322-0	Jolque : 081.03-02-1	CS1.03-01-9	OS1.13-02-16	(if known)	Мар #

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Property Address (emphasis added) 200 Oronoco ST 412 N. Lec ST 215 Crem ucu 5+ ALExandra, Vx 22314 15 N. LEE ST 704 Oronoco St Mlexandria, Va 22314 Alexandria 1/A22314 ALEXANDRIA, V/A 22314 Owner (Name) Bondsha, Armur Dithmer, David and Sibley Long, Chatteran CRECORIOS, CHARLES > HOLTEMAN, MILES Signature July M. Diffmer Exited The 065.01.03-42 06501-03-12 065.01-03-10 065.01-03-46 Map# 065.01-02-29-(if known)

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City couldning in the service of the
Owner (Name) (if known)
CAN, CO MINTS
1. 10 N MN 10 N STREET HAMY LUIGIS / 11 M O O . +-
AMY LOURTS HAWK CLUBE
PANTHEWIA CANDAIL Catherina 16 Condo
POBERT C. PANDOWN (LOOK CLOWEN)

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 property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the rove the proposed amendment, except by an affirmative vote of three-fourths of its members."

1000 C. 1000 C	JOH TONACCO SUM ANN STUCK	519 Tobacco Qua	523 Tobacca Cary	525 TORANGO CAME	531 Tobacca auxy Denise Landers	517 Tobacco Chay	515 Thoras Chax	Property Address	approve
	CHOISCONDENT ONTO	Tid Tobacco Quay MR My Destrict	523 Tobaccolory Front Russon Comment	SES TORMUN COMU RENCEE BONDAPORT RENCE! WHEELD	Denise Lardens Reme Jan	c trust là	515 Thouse Cities Pager BORTON So trust William Kilmanin la wister	OWING CO.	Owner (Name) Signature
	0 65, 01.02	065,0102-	065, 01-02	065,01-02-	065-01-07-28	065.010243	06501-02-35	065701-02-3	Map # (if known)

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Property Address (emphasis added). 533 Tobaco Oney | Mary Famel 507 Toboxeo Quay Owner (Name) Melssin Was bon Signature MM Mehoon Wolsen oasonos-3 Map # 065,01-02-4 (if known)

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(emphasis added).			74 T
Property Address	Owner (Name)	Signature	(if known)
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(emphasis added).			Man #
Property Address	Owner (Name)	Signature	(if known)
1. 23 Pommander Wack	Marianne Marzo	Mariane Marzo	081.01-02-51
107 Franklin St	timme Cook) immie BCOCK	081-01-02:3
	C. A. Harrison		081-01-02-
103 Transcit of	103 11 maple 1 3 1 Continued	Sidmed (1-2)	081.01-02-3
15 15 Tovamoude wood	Mars Celest Smonds	Main Class Simond for the	081.01-02-3
624 S. dec M.	Catherine Thompson	Mithur Would had con	081.01-02-
628 D. Nee St.	Minor loss of		081,01-02-3
1. I tranklar M.	AMUSICA Sisman	to	081.01-02-
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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 property within 300 feet of the boundaries of the land affected by the proposed amendment and proposed changes. Section Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

600 S. Lee Street margaret W. Mille **Property Address** \$33 5, Ce 5/: (emphasis added) 208 D. H. A 119 South los St. Therles W. Grasn/Goty Owner (Name) Signature MARCARCET Ļ Map# (if known)

Alexandria, the undersigned do hereby protest proposed text amendment 2011-0005. The undersigned are owners of real Pursuant to Section 9.13 of the Charter of the City of Alexandria and Section 17-808 of the Zoning Ordinance of the City of

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 roposed amendment, except by an affirmative vote of three-fourths of its members.

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		no Coaplan	Owner (Name)
		16)	
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		I.C	
			(if known)
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BETTE V. DAVIS BUILTE
Owner (Name) Signature

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	(emphasis added).			7 A A
	Property Address	Owner (Name)	Signature	(if known)
	103 FORMORNEOUT	HORERT ME HOLDINE	todat 1 Wants	
	HOLEN NA WARD TOIL	LINDA WINDSOR	Like It Window	
	Newmans VA, 235/4 NIBOLE HAMILTON	NIBOLE HAMILLON	Micol Hamillon	
	MCXNUDRIA NI POSTA RECEY Hamich	Robert Home of a	Bell Bankton	
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	AND YIND DAZIN	Canal Market Control of the Control		
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	TIG POLONIC UP 22/34	713 Notomin Stret Harold Crame			-
Owner (Name)	trank Notallister	Harold Crame			
) Ture	SO MCOO	Hard Craw-			
(if known)	09-10-80-18	81-03-01-40			

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Property Address (emphasis added). JOS Sichion なるの、いよって 735 S. Union 104 Franklin Ct TV SO YOU 11 Kotomac ST Horchalson Owner (Name) Voisauez-SOUN R. WOOD Capalyou Wilder SMYOO Signature 1081,03-01-6 Map# 981.03-01-5 *081.03-01-*5 1081,03-01-62 1061.03-01-6 (if known) 081,03-01-5 181.63-01-081.03-01-

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Property Address 100 Prince Street (emphasis added). 126 PRINCEST MY Sile St 109 Rence & Owner (Name) David Ollnyger かんけんし KATHERNE VIAR Signature Burbe CANB, Map# (if known)

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 city council may not approve the proposed amendment, except by an affirmative vote of three-fourths of its members." 11-808(D) of the Zoning Ordinance states: "Effect of protest. If a protest to a proposed text or map amendment is filed, the

Property Address 213 5. Lee St. SUSAN Agusti (emphasis added). 2175LEE Bridget Warss Owner (Name) Signature Map# (if known)

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	(emphasis added)		Signature Map #	Map #
	Property Address	OWARCA CARROLL	7540	075,01-26-25
	III Prince St.	Phyllis G. Sidorsky	Phyllis G. Sudicially	
	144 Prince St.	Sarita Scholle (Trustee)	Gorla Shalls	
	1	Arther Dibinition	Car. Car.	
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Landowners' Protest to Proposed Text Amendment 2011-0005

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

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Landowners' Protest to Proposed Text Amendment 2011-0005 JAN 2.0 2012

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Landowners' Protest to Proposed Text Amendment 2011-0005

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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 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

website: 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.

From:

James Banks < James.Banks@alexandriava.gov>

Sent:

Friday, January 20, 2012 8:49 PM

To:

Roy Shannon

Cc: Subject: mallen@markallenlaw.com 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> wrote:



> 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.

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> 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.
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> Sincerely,
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> Roy
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>
> 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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> NOTICE: Unless otherwise specified, the contents of this transmission are strictly confidential. They may involve
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- > <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

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.

Faroll Hamer Director

Farole Homes / Son

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)

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

website: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

website: 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.

EXHIBIT

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 Rass Deputy Director

Planning and Zoning (703)746-3802



From:

Roy Shannon Jr. <rrshannon@rrbmdk.com>

Sent:

Saturday, January 21, 2012 5:04 PM

To: Cc: Jim Banks 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

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From: "Roy Shannon" <rrshannon@rrbmdk.com>

Date: Sat, 21 Jan 2012 09:19:08 -0500

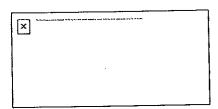
To: <rrshannon@rrbmdk.com>
Subject: BZA Appeal Stay

Dear Mr. Banks,

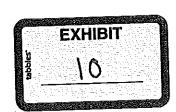
Please see the attached letter to the City Council for its immediate consideration. Again, I am sending all communications through you as you requested.

Sincerely,

Rov



Roy R. Shannon, Jr. Attorney at Law



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