



# The Lyon Village Bulletin

[www.lyonvillage.org](http://www.lyonvillage.org)

October 2006

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## Candidates Night at the General Meeting on Oct 9 8pm at the Lyon Village Community House

With the elections coming up next month, this is an important opportunity to discuss the issues with the candidates. For our panel discussions, we have County Board incumbent Christopher E. Zimmerman and challengers Michael T. McMenamin and Joshua F. Ruebner. For School Board we have candidates Sally M. Baird and Cecelia M. Espenoza. This promises to be a lively and informative evening. Come with your questions for the candidates.

### Come to the Lyon Village SPAGHETTI DINNER Saturday Oct 14

Mark your calendars for Saturday, October 14th. The annual fund raiser for the Community House is offering the delicious spaghetti dinners at 5:00 and 7:00 on the 14th

Tickets cost \$8.00 per adult and \$4.00 for children two and older. Tickets will be on sale at the door or may be purchased ahead of time from Sharon Snyder (525-2188); Melanie Cummings (841-9671); Fran Gedney (527-4584), or Nancy Gaito (524-3659).

There will be an exciting Silent Auction during each seating. Tickets are limited, so buy in advance if possible.

The spaghetti dinner provides a fun opportunity to enjoy a tasty meal with neighbors. It also plays an important part in our ability to maintain the Community House. Funds recently raised have been used to completely remodel the bathrooms with renovations of the main hall and the kitchen planned for the future. A large part of these costs, as well as the monthly maintenance expenses are covered by rentals of the House. The dinner, however, contributes a significant sum to the budget, so come and have fun!

#### Lyon Village Dues

Please mail or deliver LVCA 2006-2007 dues payments to: Carl Mattick, 1428 N. Fillmore St., 22201. Call 703-525-0819 or email [cmattick@cmattick.com](mailto:cmattick@cmattick.com) with any questions. \$7 Individual, \$10 Household.

#### Bake Sale Items Needed For Spaghetti Dinner

Please call Heidi Morrison at 703-815-0324 or email her at [rvisek@msn.com](mailto:rvisek@msn.com) to let her know the baked goods you can donate for the sale. Thanks so much!

#### Please Donate!

In recent years, the Lyon Village Spaghetti Dinner fund raiser, coming in October has auctioned donated items to help raise funds for the Community House. If you have items of interest you would like to donate, please call Sharon Snyder at 703-525-2188.

**Remember to Vote!**

### Lyon Village Neighbors' Victory in Court Decision

On September 15, the Supreme Court of Virginia held that Mary Renkey and the other neighbors who had opposed the FBCC project from the start, on the basis that it violated the zoning ordinance, had been right all along. The site for the proposed 10-story building is on the Church property facing Clarendon Metro.

The neighbors had argued that the project violated the zoning ordinance in several respects, including that rezoning land directly from R-5 to C-R was improper and that the project exceeded height and density limits. Although the trial court had not decided most of these issues on the merits, it had ruled against the neighbors on the first one. On appeal, however, the Supreme Court reversed that ruling, holding in part: *Here, the County acted in direct violation of [the zoning ordinance]. When the County re-zoned a portion of FBCC's property from "R-5" to "C-R" without complying with the eligibility requirements set out in its own ordinance, its action was arbitrary and capricious, and not fairly debatable, thereby rendering the rezoning void and of no effect.* There seems to be little left to do other than for the trial court to dismiss the site plan as void in accordance with the Supreme Court's opinion.

So, where does this leave us? The County could try to fix this one error and give the project another shot. However, the issue on which the County lost simply happened to be the first violation ruled on by the Supreme Court. The neighbors believe that their other arguments against the project are at least as strong as the one presented to the Supreme Court. The County could also try to rewrite its zoning ordinance in an effort to allow this type of project to proceed. Of course, it hardly seems appropriate for County staff to seek even more authority on zoning matters when it has just been held that the County arbitrarily and capriciously abused the authority it had. One interesting question that has already caused some speculation is why the Supreme Court chose to take this case. The Court was not required to hear it, but rather chose to take the case of its own volition.

Two other matters deserve special mention. First, the neighbors brought their lawsuit reluctantly and only after the community's every effort to engage the Church and County in reaching a compromise solution had failed. The neighbors did not set out to embarrass the County by seeking a ruling that the County acted illegally. Rather, the community wanted from the start to find a way to accommodate affordable housing on the Church site. Had the County listened to the concerns, a reasonably sized building containing affordable housing could already have been built.

Second, the neighbors invested large amounts of their own financial resources in the lawsuit and, as a result, have won a victory that will greatly benefit us all by providing clear precedent in Virginia that a County must comply with its own zoning ordinances and that, if it does not, a rezoning is invalid. It is an unfortunate fact that most of us actually inadvertently supported the County's argument, that it could do whatever it wanted, through our tax dollars. Helping our neighbors who have fought and won this important victory would send a message that we stand together in this sort of matter. Any contributions and ideas as to how to help them raise money would be most appreciated. Please contact Mary Renkey at [mrenkey@verizon.net](mailto:mrenkey@verizon.net) to offer any help you can. Thank you for your support on this important issue. Please see [www.LyonVillage.org](http://www.LyonVillage.org) for an expanded version of this article.

### **Arlington Police Hosting Auto Theft Deterrent Event**

On Saturday, Oct 21, 2006, from 10am to 3pm, the Arlington County Police Department will hold a FREE anti-car theft event, at the Arlington Assembly of God Church, 4501 N. Pershing Drive. At the event, car owners can have their Vehicle Identification Number (VIN) etched into their exterior windows. It's a quick, simple process that can reduce the chances of theft, or in the event of a theft, increase the chance of recovery. Some insurance companies offer discounts to the owners of VIN-etched vehicles.

*Winner International* (makers of *The Club*), *Lojack* and other vendors will be present at the event on to display their theft-deterrent products. Lojack will give away discount coupons for significant savings on their systems. In addition, Arlington Police & Virginia State Police together will give away 20 steering wheel locks to the first 20 vehicle owners at the event.

Although the focus is on auto-theft prevention, this will be a fun event for all. *McGruff* the crime dog is one of the special invited guests. Also, vehicles and equipment used to combat auto theft will be on display, including a Virginia Law Enforcement .

This event is being provided by the Arlington County Police Department and the Virginia State Police HEAT (Help Eliminate Auto Theft) Program.

### **Holiday House Tour**

A Holiday House Tour and Tea will be held on Thursday, December 7, 2006 hosted by the Commonwealth Circle of Northern Virginia. From 1 to 4pm, tour four decorated homes in Arlington's Chain Bridge Forest neighborhood. The proceeds from this event will benefit Vanguard Services of Northern Virginia and the Northern Virginia services of Childhelp USA. Fee \$30. Tickets may be purchased at Prezies Gifts and Degage in McLean and Serendipity Gifts and Lemon Twist in Arlington.

### **Identity Theft Seminar**

Protect yourself and your family from Identity Theft. Attend the Arlington County Police Department's FREE Identity Theft seminar. You will get the tools you need to protect your personal information. The seminar will include information about: How bad the problem is; The costs to victims; The techniques used to get you personal information; How thieves use your information to commit crimes; Indicators that you may be a victim; What you can do to protect your identity; Protecting your computer from invasion; What to do if you are a victim.

Seminar will be at the Arlington County Central Library, 1015 North Quincy Street, 2nd floor meeting room on October 16 and 26 at 6:00PM. Please contact the Arlington Police Department Crime Prevention Unit to sign up for the seminar. Please contact Officer Richard B. St Clair at: (703) 228-4092, [rstcla@arlingtonva.us](mailto:rstcla@arlingtonva.us) for further info.

**Remember To Vote!**

### **County Staff Proposes Removing Neighborhood Protections from Clarendon Sector Plan**

The revisions to the Clarendon Sector Plan have now reached the critical stage where County staff is proposing the zoning amendments that will implement the new Plan. The amendments currently proposed by County Staff will give the County Board virtually unlimited authority to increase both building height on sites nearest to the neighborhoods and building density above the current threshold level. This issue will likely be before the County Board in November.

As we have reported in earlier editions of the Bulletin, the County has been engaged in a multiyear process of updating the Clarendon Sector Plan. Last winter County Board Chairman Chris Zimmerman convened a working group of interested parties in the Clarendon community (including Lyon Village) to try to resolve outstanding issues, mostly about height and density. The working group reached agreement on a framework on heights and densities, and this framework was adopted by the County Board. The process has now moved to the final stage – implementing the framework and Sector Plan through changes to the zoning ordinance. County staff has recently proposed changes to the zoning ordinance. However, the proposed staff changes appear to repudiate the framework that was agreed to last winter.

First and foremost, the amendments delete the absolute 55 foot height limit on buildings that are within 165 feet of a Residential "R" zone. This provision has long existed as an absolute limit on the commercial height a developer may seek under site plan in areas closest to residential neighborhoods. Instead, the amendments limit height by reference to a site-by-site map intended to set out maximum building heights. This change would presumably allow developers to request substantial additional height closest to the neighborhoods by seeking revisions to the reference map. This change could, by itself, open the door to increased pressure by developers to build higher-rise buildings regardless of community concern or residents' objections.

Second, the amendments give the Board authority to modify the taper. The prior ordinance allowed only very limited exceptions to this height limit. The new ordinance would allow unlimited modifications to the taper requirement.

The result of these changes appear designed to allow much greater flexibility to drive high-density high rise development to the very edges of the urban village and up against single-family homes. In addition, the amendments significantly increase the targeted maximum ground coverage for high-rise sites from 65% to 85%, which would further increase the density that would fit on a site. Moreover, the amendments do not set any limits on the types of community benefits that could be eligible for bonus density, nor do they set an overall limit on bonus density or on total building density. The result of this would be potentially much larger buildings adjacent to neighborhoods of single-family homes than currently allowed. Please see [www.LyonVillage.org](http://www.LyonVillage.org) for more detailed information on this important issue.

### **LV Neighborhood Conservation Survey Data**

The Neighborhood Conservation Survey's have been turned in; Thank you! Now we need volunteers to help in the recording of survey answers. In addition, anyone with experience compiling this sort of information, please consider helping out or providing advice. To volunteer or obtain a copy of the Survey to turn in, please contact Puddy Blunden at 703.243.8636 or email: [robertblunden@mac.com](mailto:robertblunden@mac.com).

### **Village Market**