

Encroachment #2025-00001 ***400 Carlisle Drive***

Application	General Data	
Request: Public Hearing and consideration of a request for an Encroachment of a retaining wall (50' in length and 4.67' in width) on King Street near the intersection of Carlisle Drive.	Planning Commission Hearing:	June 4, 2025
	City Council Hearing:	June 14, 2025
Address: 400 Carlisle Drive	Zone:	R5/Residential
Applicant: Square One Development Group	Small Area Plan:	Taylor Run / Duke Street
Staff Recommendation: DENIAL of the encroachment request by the Applicant. APPROVAL of a limited encroachment to accommodate a connection to an adjacent retaining wall.		
Staff Reviewers: - Brian Dofflemyer, P.E., Division Chief, Development & Engineering Division, Department of Planning & Zoning, brian.dofflemyer@alexandriava.gov - David Sharon, P.E., Development Review Manager, Development & Engineering Division, Department of Planning & Zoning, david.sharon@alexandriava.gov - Carson Lucarelli, Urban Planner III, Transportation Planning, Department of Transportation & Environmental Services, carson.lucarelli@alexandriava.gov		

PLANNING COMMISSION ACTION, JUNE 4, 2025:

On a motion by Commissioner Brown, seconded by Vice Chair Koenig, the Planning Commission voted to deny the encroachment the Applicant and recommend approval of a modified, limited encroachment as recommended by City Staff as noted in this report. The motion carried on a vote of 7-0.

Reason: The Planning Commission generally agreed with the staff analysis.

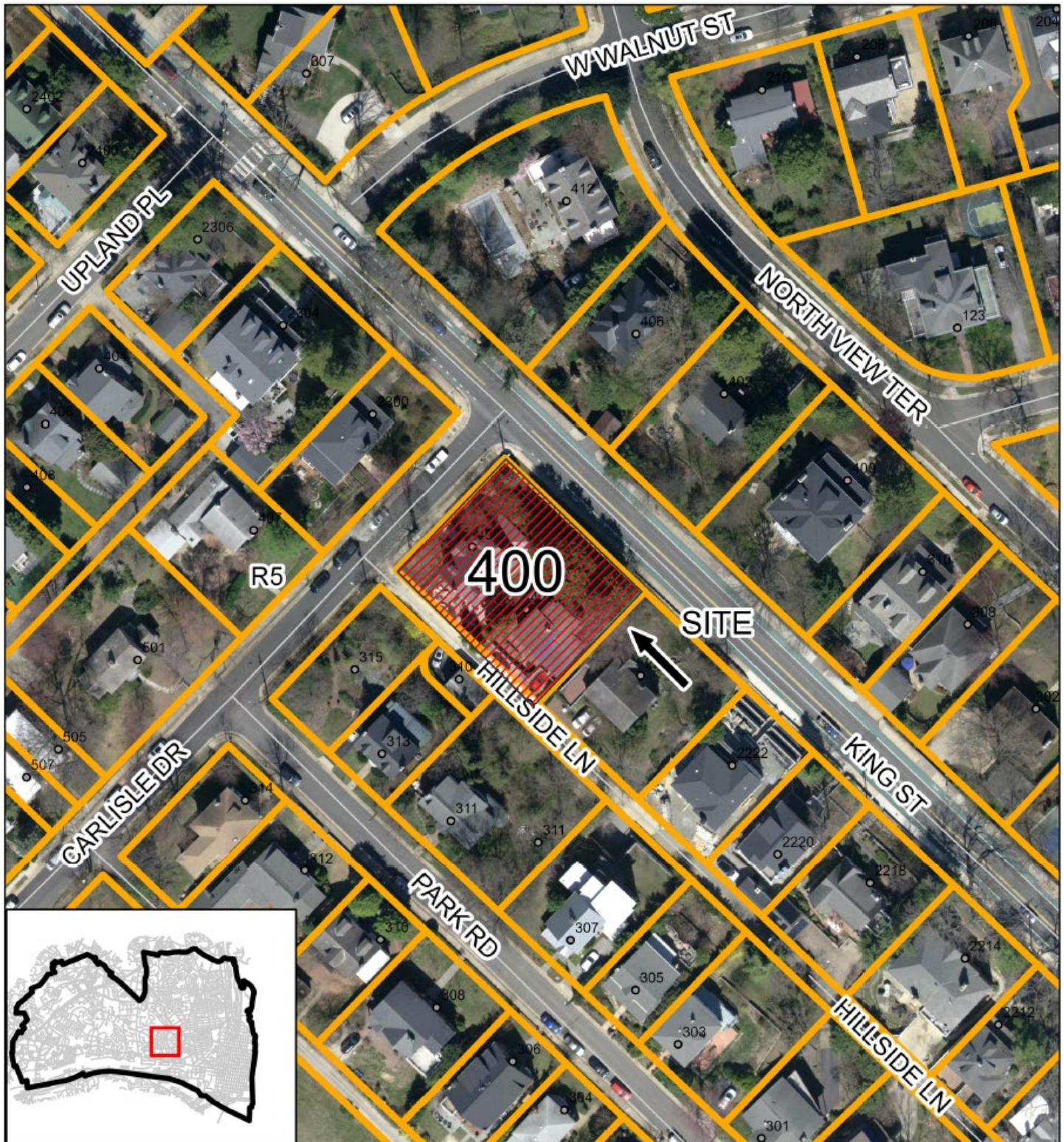
Discussion: Chair McMahon spoke about how the staff proposal makes sense and incremental changes make a difference. It would set a good precedent for the way property owners along this stretch of roadway can think about and plan in a similar fashion when considering future site improvements.

Speakers:

Ms. Margerie Leon-Greenberg who lives at 2400 King Street, is opposed to the modified encroachment proposed by staff and supports the Applicant's encroachment request, due to this area along King Street having steep slopes, existing overhead utility lines, etc. and she also pointed out the stringent encroachment conditions listed in the staff report may discourage fellow homeowners in future when it is time for wall maintenance.

Mr. Spike Meatyard, the Applicant, spoke against the alternative encroachment proposed by staff. Mr. Meatyard pointed out that the existing wall is currently failing and mentioned the city encroachment criteria was recently established in 2023 and his wall and many other existing walls

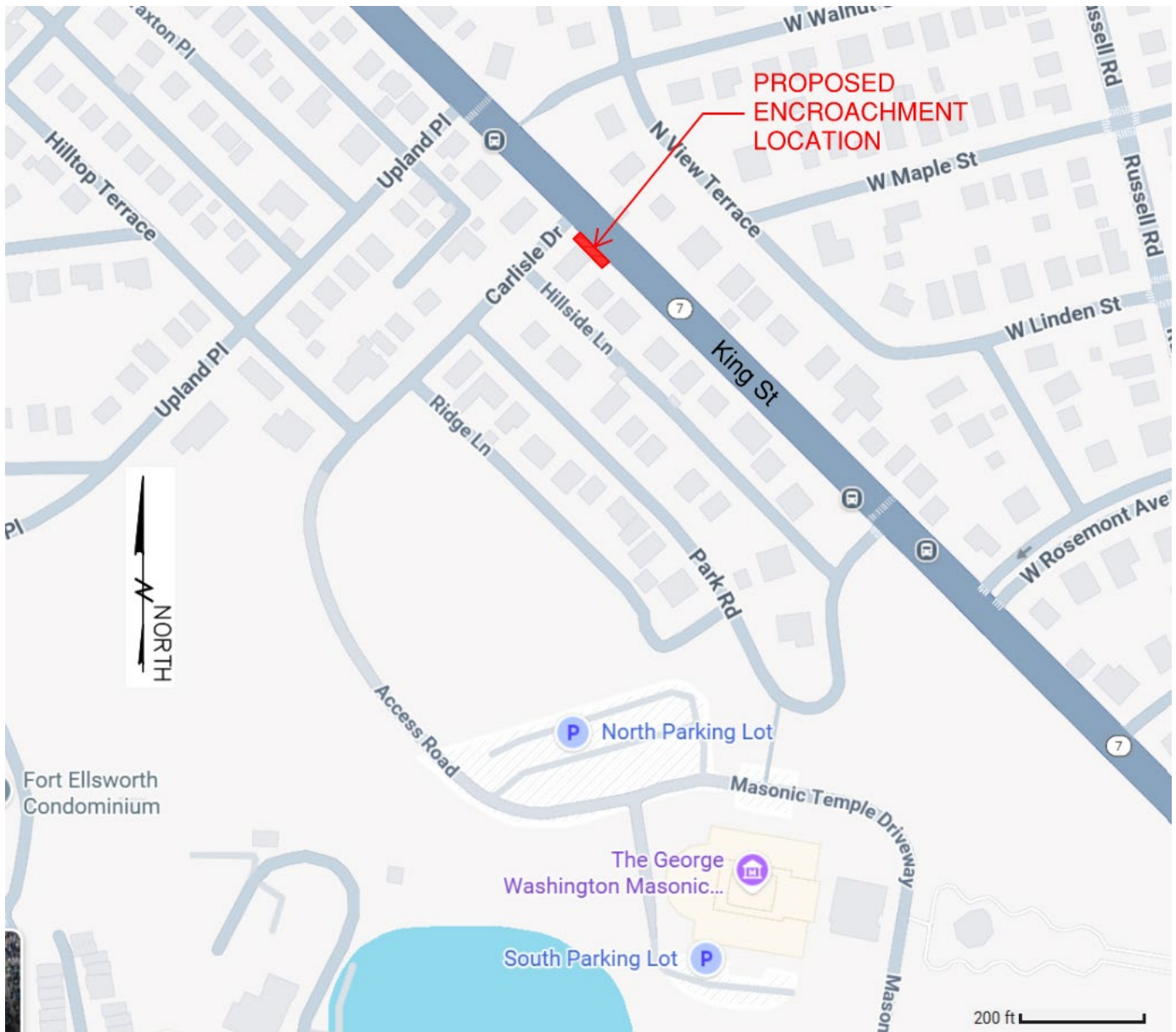
along this block, which are also located in the public ROW, pre-date these regulations. He suggested he would prefer to push the wall back 8" rather than all the way to property line to be more in line with the existing walls on the block and it would still provide the minimum space to construct a city standard minimum 5' wide sidewalk in the future.



ENC#2025-00001
400 Carlisle Drive



A number line is shown with tick marks at 0, 40, 80, and 160. The number 3 is written below the tick mark at 80.



Scale: 1" = 200'

I. DISCUSSION

The applicant, Square One Development Group, requests approval for a 50-foot by 4.67-foot encroachment on King Street to construct a new retaining wall. There is an existing retaining wall in the public right-of-way currently and the applicant would like to remove the existing wall and construct a new wall. The height of the proposed wall would match the existing wall height.

SITE DESCRIPTION

The proposed encroachment is adjacent to the existing sidewalk along King Street near the Carlisle Drive intersection and adjacent to the 400 Carlisle Drive property. This wall is at the back of a less than five-foot-wide sidewalk and this sidewalk is situated directly adjacent to the curb. See Figure 1.

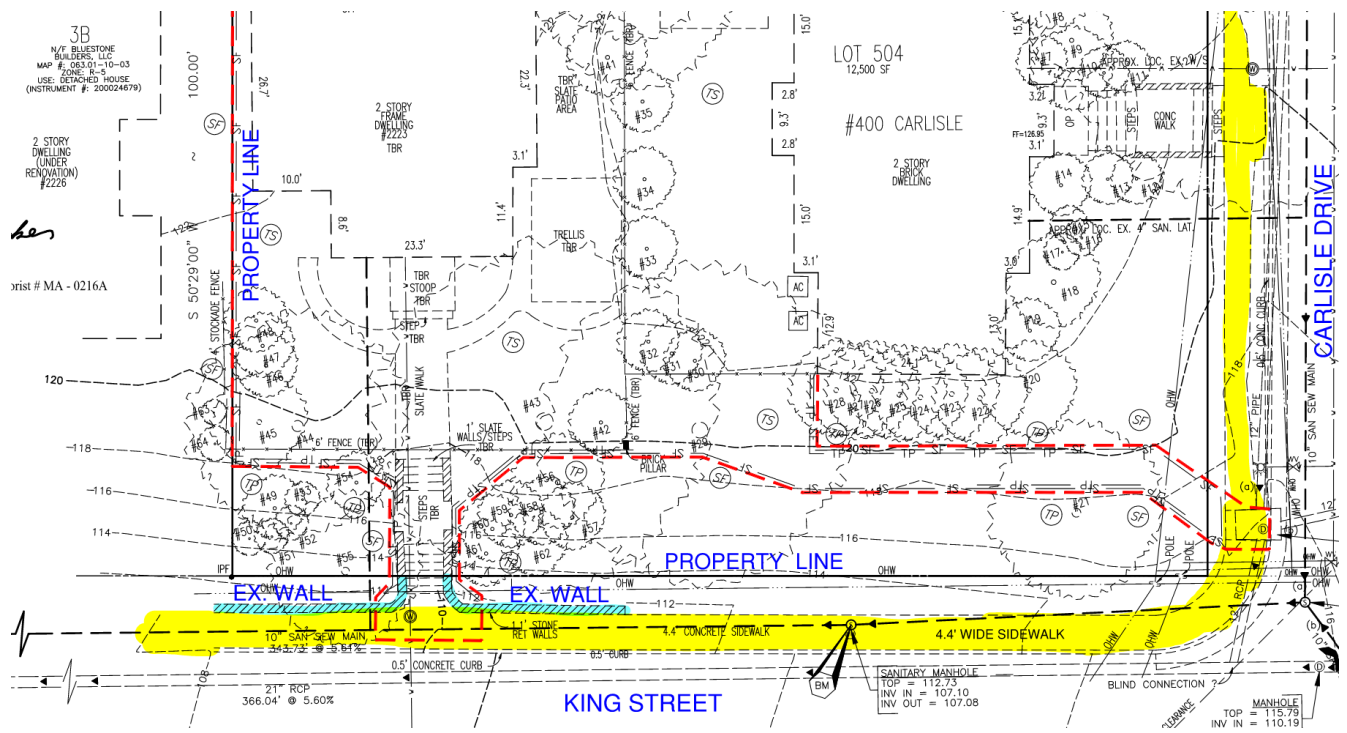


Figure 1: Existing Conditions (Not to scale)

BACKGROUND

A grading plan (GRD2023-00011) was approved on the subject property on August 31, 2023 for the construction of a new accessory dwelling unit and a pool. The existing house has a retaining wall with steps encroaching upon the right-of-way. See Figures 2A and 2B. When the referenced grading plan was approved, it did not include any proposed work to the retaining wall.



Figure 2A: Street view of existing wall

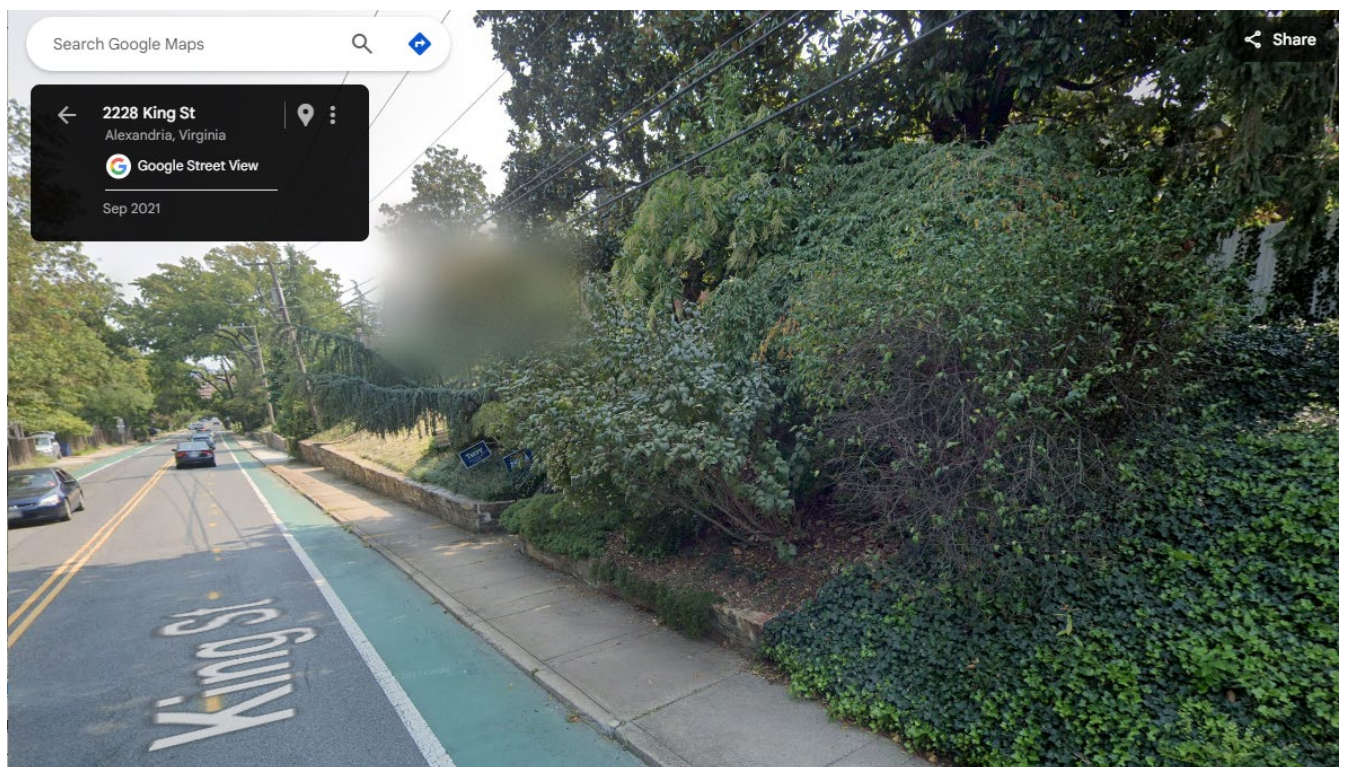


Figure 2B: Street view of existing wall

PROPOSAL

A revision to the grading plan was submitted on August 28, 2024, which proposed updates to the accessory dwelling, the removal of an existing retaining wall in the public right-of-way, and the construction of a new retaining wall in the public right-of-way. The request to rebuild the retaining wall in the public right-of-way triggered this encroachment application. See Figure 3. The request is for an encroachment that is 50 feet in length and 4.67 feet in width for a total area of 233.5 square feet. See Figure 4.

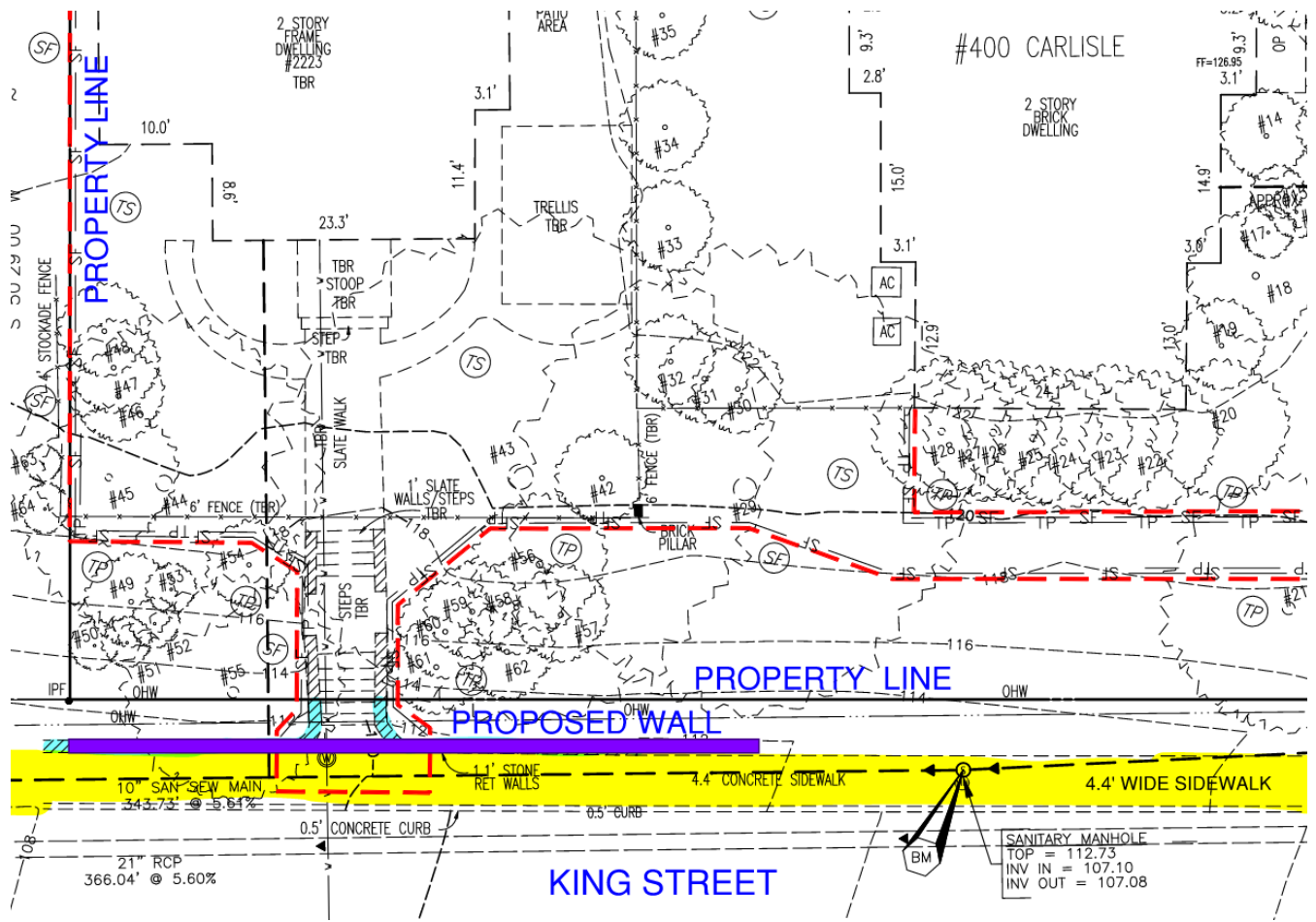


Figure 3: Proposed Conditions (Not to scale)

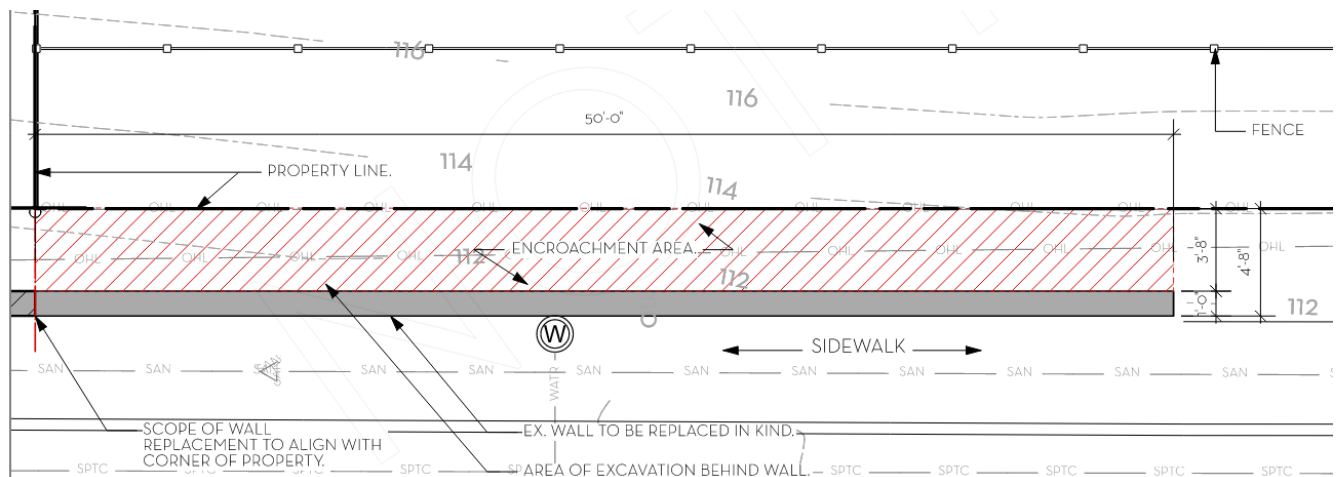


Figure 4: Proposed Encroachment (Not to scale)

ZONING/MASTER PLAN DESIGNATION/CITY CODE

The subject site is located within Taylor Run/Duke Street Small Area Plan (SAP). The existing single family dwelling use is consistent with the SAP.

Section 5-2-29 of the City Code states that any encroachment into the right-of-way must receive City Council approval unless it qualifies as a permitted encroachment. In this district, walls are not considered permitted encroachments in Section 5-2-29.

II. STAFF ANALYSIS

Encroachment requests are reviewed using City-standard criteria. These criteria were established July 01, 2023, and balance the public interest in maintaining a functioning public right-of-way while allowing for a limited number of encroachments on a case by case basis. The table below summarizes staff's analysis of the applicant's request to rebuild the wall in its current location.

Criteria	Analysis
A. The encroachment may not be on the list of allowed encroachments and can only be allowed with City Council's approval. In developing recommendations for City Council for such applications, staff must consider the scope and nature of the proposed encroachment. For a favorable recommendation, at a minimum, the proposed encroachment must be minor and comparable in scope, to list of allowed encroachments.	A. The proposed encroachment is <i>not</i> comparable in scope to the list of encroachments allowed. Fences and walls appear to privatize areas of the public right-of-way and are generally not supported.
B. Th encroachment is part of a site plan and the encroachment results from a fully designed and reconstructed street front improvement to solve a unique or site constrained issue.	B. The proposed encroachment is <i>not</i> part of a fully designed and reconstructed street frontage.
C. The encroachment is similar to the allowable list in 5-2-29, but for one reason or another, it is not able to fit into the allowable list due to its size or nature.	C. The proposed encroachment is <i>not</i> comparable in scope to the list of encroachments allowed since walls are not a listed encroachment.
D. The encroachment is the result of a construction or historical error that has no other practical remedy.	D. The encroachment is <i>not</i> the result of a construction or historical error as the proposed wall can be constructed within the property limits.
E. Encroachments that appear to privatize large areas of the right-of-way shall not be supported.	E. Fences and walls appear to privatize areas of the public right-of-way and are generally not supported.
F. Regardless of the criteria above, as part of providing a favorable recommendation, staff must ensure that the proposed encroachment does not limit the intended function and reasonable use of the public right-of-way including the sidewalk, bike paths/trails, recreational facilities, open space, or utilities.	F. The existing sidewalk width is 4.4' and does not meet current City standards, which is a 5' walk with a 6' landscaping buffer.

III. STAFF RECOMMENDATION AND CONDITIONS

Staff recommends **disapproval** of the encroachment as requested. Instead, staff recommends **approval** of a more limited alternative encroachment to allow the applicant to rebuild the wall outside the public right-of-way and then connect to the existing wall for the neighboring property. The area of encroachment will be 4.67 feet in width and 3 feet in width for a 14.01 square foot encroachment to encompass the perpendicular connection between the existing wall and the proposed wall. See Figures 5 and 6. Staff recommends this alternative based on the following:

1. The applicant already proposes to demolish the existing wall.
2. The site area allows for the reconstruction of the retaining wall with limited changes in cost and layout.
3. Per the City of Alexandria Complete Streets Design Guidelines, King Street is classified as a Neighborhood Connector in this area, and the preferred streetscape layout calls for space to construct a future amenity zone or landscape buffer adjacent to the curb and a minimum 5-foot-wide sidewalk (6-foot preferred) adjacent to the landscape buffer area.

In addition to compliance with applicable codes and ordinances, staff recommends the following conditions of approval:

1. Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way or any public facility or utility in the area of encroachment.
2. The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
3. In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. The owner shall bear all costs associated with any future removal of the encroachment.
4. The owner shall obtain and maintain an encroachment permit and policy of general liability insurance in compliance with the permit requirements in Sec. 5-2-29(a)(3). See <https://www.alexandriava.gov/permits/right-of-way-administrative-encroachment-permit> for details.

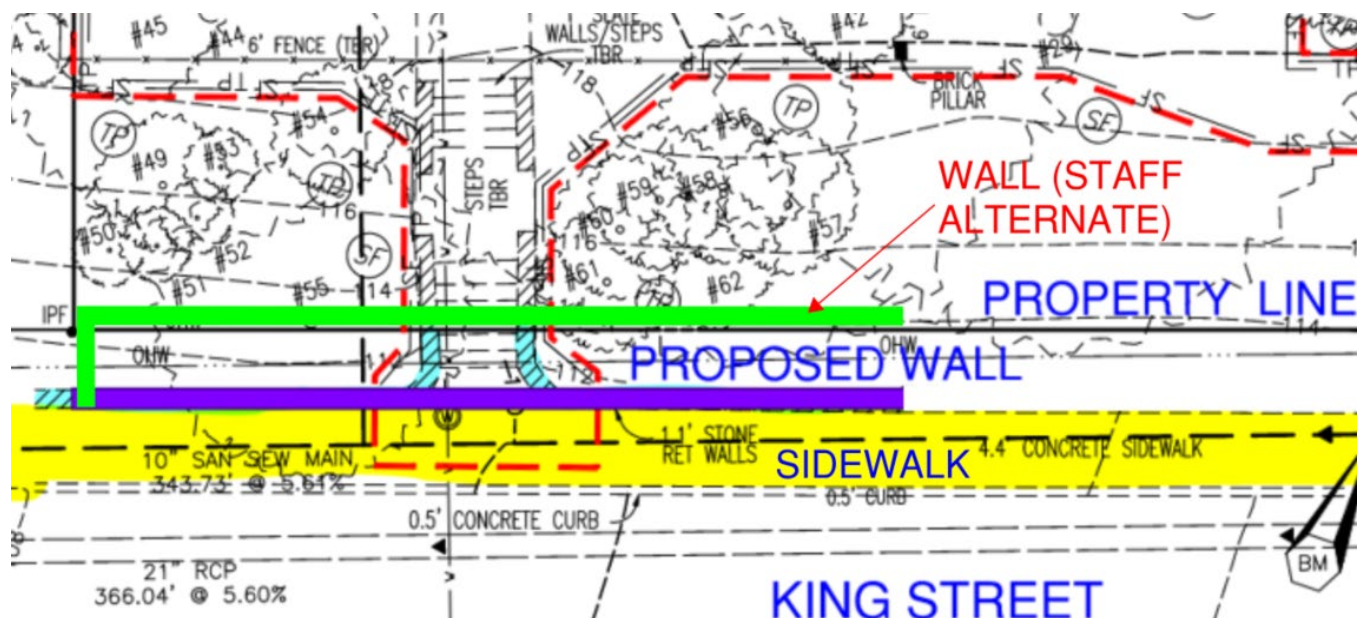


Figure 5: Alternative wall layout (Not to scale)

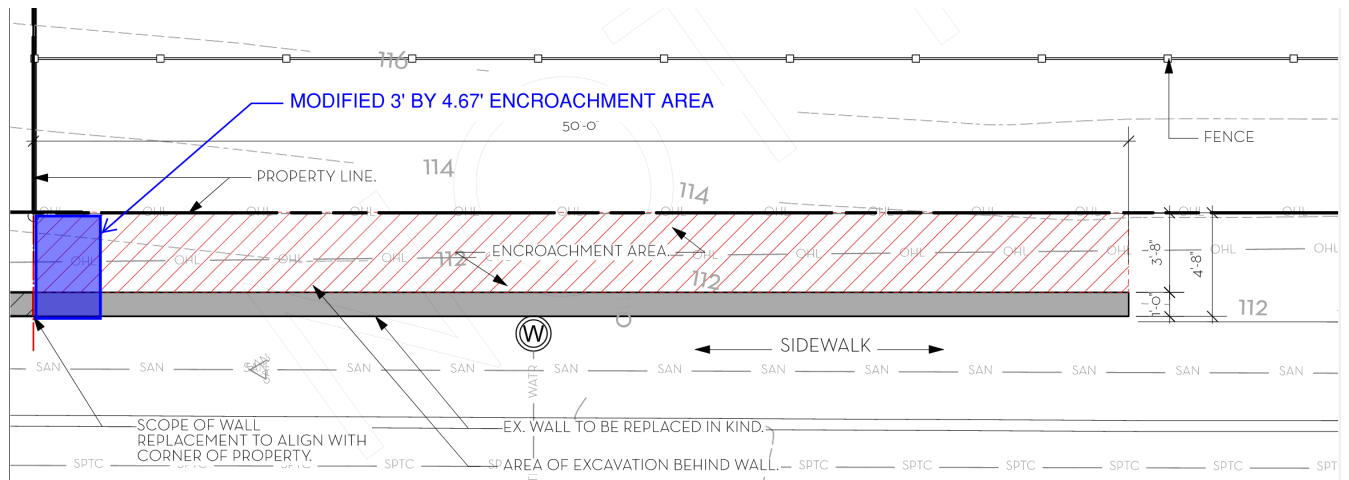


Figure 6: Modified Encroachment Area (Not to scale)

IV. CITY DEPARTMENT COMMENTS

1. Staff does not support the encroachment. Place the wall within the property limits and tie into the existing wall off-site at 90-degrees. (Transportation Planning)
2. The preference is for the Applicant to place the wall along the property line so that the City or others can improve (at a later date) the streetscape from the back of curb with a typical streetscape. (Transportation Planning)
3. The proposed retaining wall will comply with zoning if the encroachment is granted. (Zoning)



APPLICATION

ENCROACHMENT


PROPERTY LOCATION: 400 Carlisle Drive
TAX MAP REFERENCE: 063.01-10-14 **ZONE:** R5
APPLICANT
Name: Square One Development Group
Address: [REDACTED]
PROPERTY OWNER
Name: Brendan Torrance
Address: 400 Carlisle Drive, Alexandria
PROPOSED USE: 50' by 4.67' encroachment on King Street

INSURANCE CARRIER (copy attached) Erie Insurance **POLICY #** Q61-0333900

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

- ☒ THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Steve Howard
Print Name of Applicant or Agent
[REDACTED]
Mailing/Street Address
[REDACTED]
City and State Zip Code


Signature
[REDACTED]
Telephone # Fax #
[REDACTED]
Email address
2.21.2025
Date

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 three 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.} Steve and Linda Howard		50
^{2.} Steve and Linda Howard		50
^{3.} Steve and Linda Howard		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 400 Carlisle Dr Alexandria VA (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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.} Steve and Linda Howard		0
^{2.} Steve and Linda Howard		
^{3.} Steve and Linda Howard		

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 the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

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.} Steve and Linda Howard	0	0
^{2.} Steve and Linda Howard		
^{3.} Steve and Linda Howard		

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

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

2.21.2025

Date

Steve Howard

Printed Name

Steven Howard Digitally signed by Steven Howard
Date: 2025.02.21 09:52:44 -0500

Signature



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/20/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McArdle Insurance Agency, Inc. 7061 Deepage Drive, Ste. 102 Columbia MD 21045	CONTACT NAME: Kristen McArdle PHONE (A/C. No. Ext): (410)381-9200 E-MAIL ADDRESS: agent@mcardleins.com INSURER(S) AFFORDING COVERAGE INSURER A : Erie Insurance Exchange INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	FAX (A/C. No): (410)381-7131 NAIC # 26271
INSURED Square One Development Group LLC 10305 Easterday Ct Hagerstown, MD 21742		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC OTHER:			Q61-0333900	10/31/2024	10/31/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			Q08-2430905	08/24/2024	08/24/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			Q34-3170546	10/31/2024	10/31/2025	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N Y	N/A	Q94-3100807	10/31/2024	10/31/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH- ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Installation Coverage			Q61-0333900	10/31/2024	10/31/2025	Installation Coverage \$100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Alexandria, Virginia, 301 King Street, Alexandria, VA 22314 is named as additional insured with respect to General Liability regarding all work performed by the named insured using form EPP1802. Umbrella Liability follows form.

CERTIFICATE HOLDER**CANCELLATION**

City of Alexandria, Virginia 301 King Street Alexandria VA 22314	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Fax:

Email:

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ACORD 25 (2016/03)

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