

Encroachment #2022-00001
300 Hume Avenue

Application	General Data	
Request: Public Hearing and consideration of a request for an Encroachment into the public rights-of-way along Hume Avenue and Turner Road for a fence	Planning Commission Hearing:	September 6, 2022
	City Council Hearing:	September 17, 2022
Address: 300 Hume Avenue	Zone:	R-2-5/Single- and two-family
Applicant: Jeffrey W. Howard and Jenafer B. Howard, represented by Duncan W. Blair, attorney	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Patrick Silva, Urban Planner, patrick.silva@alexandriava.gov
Ann Horowitz, Principal Planner, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, JUNE 7, 2022: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to defer Encroachment #2022-00001. The motion carried on a vote of 7-0.

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2022: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Encroachment #2022-00001, as submitted. The motion carried on a vote of 7-0.

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

Discussion:

Chair Macek inquired whether or not the City has a mechanism in place to collect a voluntary contribution associated with encroachment approvals. Staff responded that currently the City only charges for commercial encroachments and there is not a policy or approach in place for collecting fees associated with residential encroachments. Staff also indicated that City staff is currently evaluating the potential for an amended encroachment policy on a City-wide scale. Chair Macek stated his concern about the City's ability to collect, track and enforce a voluntary contribution without a formal policy or mechanism in place. Chair Macek also stated his belief that the Turner Road location was an important site for a future sidewalk and expressed support for the staff recommendation. Chair Macek asked staff to provide additional details regarding the change in staff report recommendation, originally scheduled for the June 7 hearing and deferred by the Planning Commission at the applicants' request. Staff conveyed that the recommendation changed largely due to public input from neighbors of the subject property who expressed the

near-term interest in seeing a sidewalk installed along the Turner Road frontage and an existing improvement in the right-of-way would make it more difficult to receive funding for a sidewalk.

Commissioner Lyle inquired how many streetlights are present along the Turner Road frontage. Staff confirmed one streetlight is present. Commissioner Lyle disagreed with the staff recommendation and voiced her support for encroachments on both Turner Road and Hume Avenue and suggested adding a condition which tied any future sale of the property to a requirement to remove or relocate the fence. Commissioner Lyle also suggested tying the removal of the fence to the timing of the filling for a grant application for sidewalk funding and the removal of the portion of fence which is currently located within the vision clearance triangle at the corner of Hume and Turner.

Vice Chair McMahon asked the applicant whether the outreach that was conducted with neighbors prior to the September 6, 2022 Planning Commission hearing resulted in support from neighbors who previously opposed the proposal. The applicant confirmed at least one party which previously opposed the proposal now supported it. Vice Chair McMahon observed that accommodating the fence to remain in its current location that tie its removal to a property sale or grant application would result in logistical issues and would be difficult to track and enforce. The vice chair noted her support of the staff recommendation.

Commissioner Brown expressed his opposition to the approval of the encroachments on both Hume Avenue and Turner Road and stated his opinion that it is the property owners' responsibility to ensure any fence is installed on their property honors property lines.

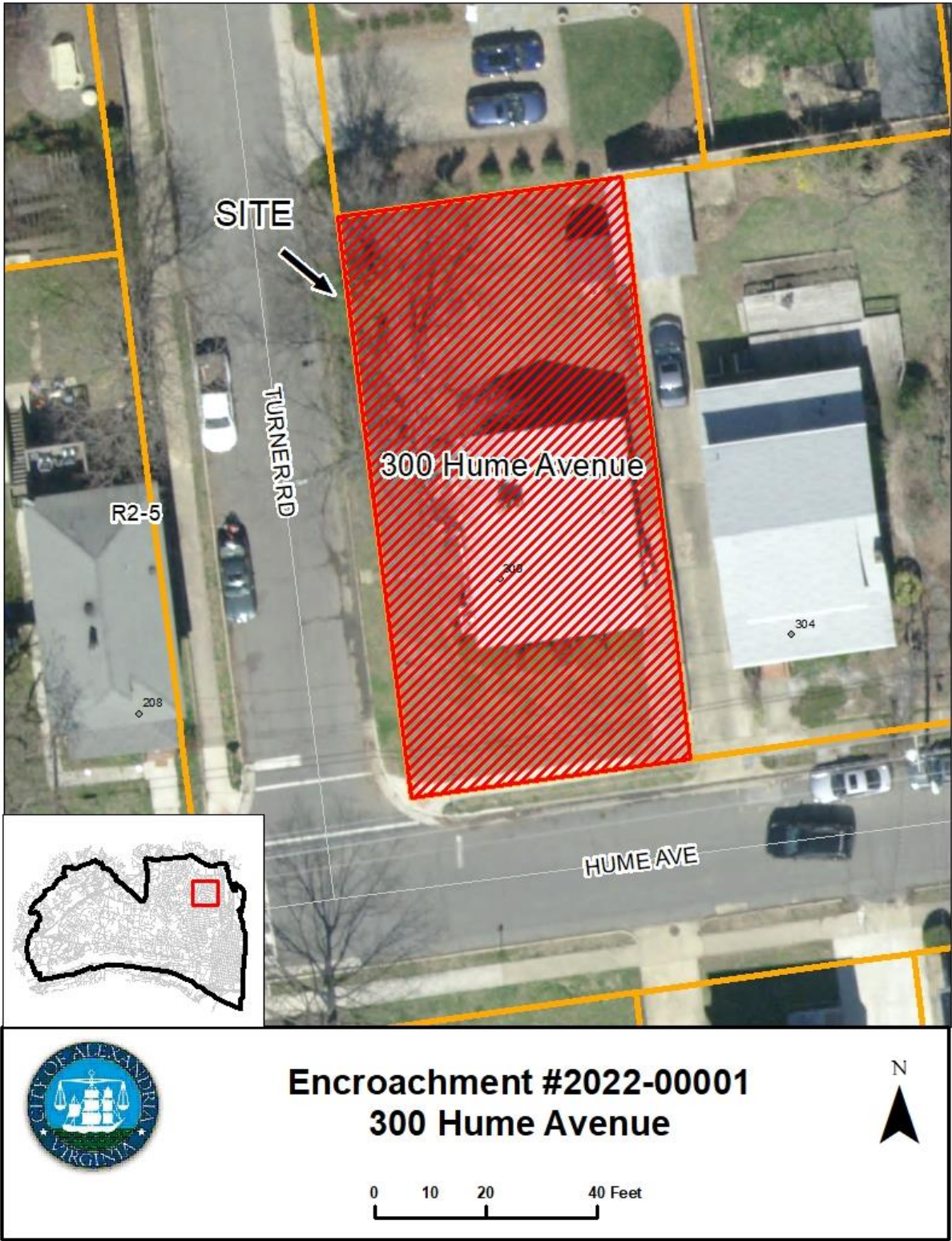
Commissioner Koenig voiced his support of the staff recommendation and the comments made by Commissioner Brown.

Speakers:

Charles Krockner, 301 Clifford Avenue, opposed the applicants' request and supported the staff recommendation.

Jeffery Howard, the applicant, spoke in favor of the request for an encroachment on both Turner Road and Hume Avenue. Mr. Howard indicated his full intention to adhere to the Zoning regulations and requested that the future removal of the fence along Turner Road be timed in line with the future construction of a sidewalk along Turner Road.

Duncan Blair, attorney for the applicant, spoke in favor of the request and noted that additional outreach resulted in support for the project from a number of the neighbors of 300 Hume Avenue. Mr. Blair reiterated his clients' desire to see the timing of the fence removal along Turner Road coincide with the future construction of a sidewalk. Mr. Blair conveyed his client's willingness to provide a voluntary contribution towards the future construction of a sidewalk along Turner Road.



PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicants, Jeffrey W. Howard and Jenafer B. Howard, represented by Duncan W. Blair, attorney, requests approval of an encroachment into the public rights-of-way along Hume Avenue and Turner Road for a fence.

SITE DESCRIPTION

The subject property is developed with a single-family detached dwelling (Figure 1). The corner lot addressed as 300 Hume Avenue is one lot of record with 49.96 feet of primary frontage facing Hume Avenue and 104.79 feet of secondary frontage facing Turner Road. The property has a lot depth of 104.79 feet and a lot width of 49.90 feet. According to the property survey provided with the current encroachment application, the lot size for this parcel is 5,233 square feet



Figure 1: Subject Property

BACKGROUND

City Real Estate records indicate that the subject property has been developed with a single-family detached dwelling since 1951. In February 2021, the subject property underwent construction of a second story addition over the existing structure, a new two-story addition with basement, and a new wrap around, open porch located in the primary and secondary front yards. In addition, in November 2021, the subject property underwent construction of a detached garage.

As part of the addition and alteration work which took place in 2021, the applicant replaced an existing fence along the eastern side yard property line. However, upon installation of the new fence, a Zoning inspection revealed that a portion of the new fence exceeded the maximum permitted height of six feet for a fence located in a required side yard by two feet. Thus, the

property owner was alerted that the portion of the fence which exceeded the six feet maximum height would need to be removed. A subsequent Zoning inspection which took place on April 25, 2022, revealed that the fence height was now in compliance.

In addition to the fence replacement along the eastern side yard property line, a new fence was installed along the primary front yard frontage of Hume Avenue which wraps around the property and extends along the secondary front yard frontage of Turner Road. A Zoning inspection of September 28, 2021 revealed that portions of the new fence along Turner Road and Hume Avenue had been installed within the public rights-of-way. As a result, the property owner was issued a warning notice by the Department of Planning & Zoning and was informed of the need to bring the fence into compliance through the request for an after-the-fact encroachment approval. The application was submitted on March 8, 2022 and the request is the subject of this report.

The applicant requested a deferral of the review on June 7 until the September hearings, which the Planning Commission granted.

PROPOSAL

The applicant requests after-the-fact approval of an encroachment into the public right-of-way to allow for the existing fence located in the primary and secondary fronts yards to remain. An encroachment area of 540 square feet is requested to accommodate the fence which would extend approximately 1.2 feet off the primary front yard property line along Hume Avenue and 4.4 feet off the secondary front yard property line along Turner Road. (Figure 2).

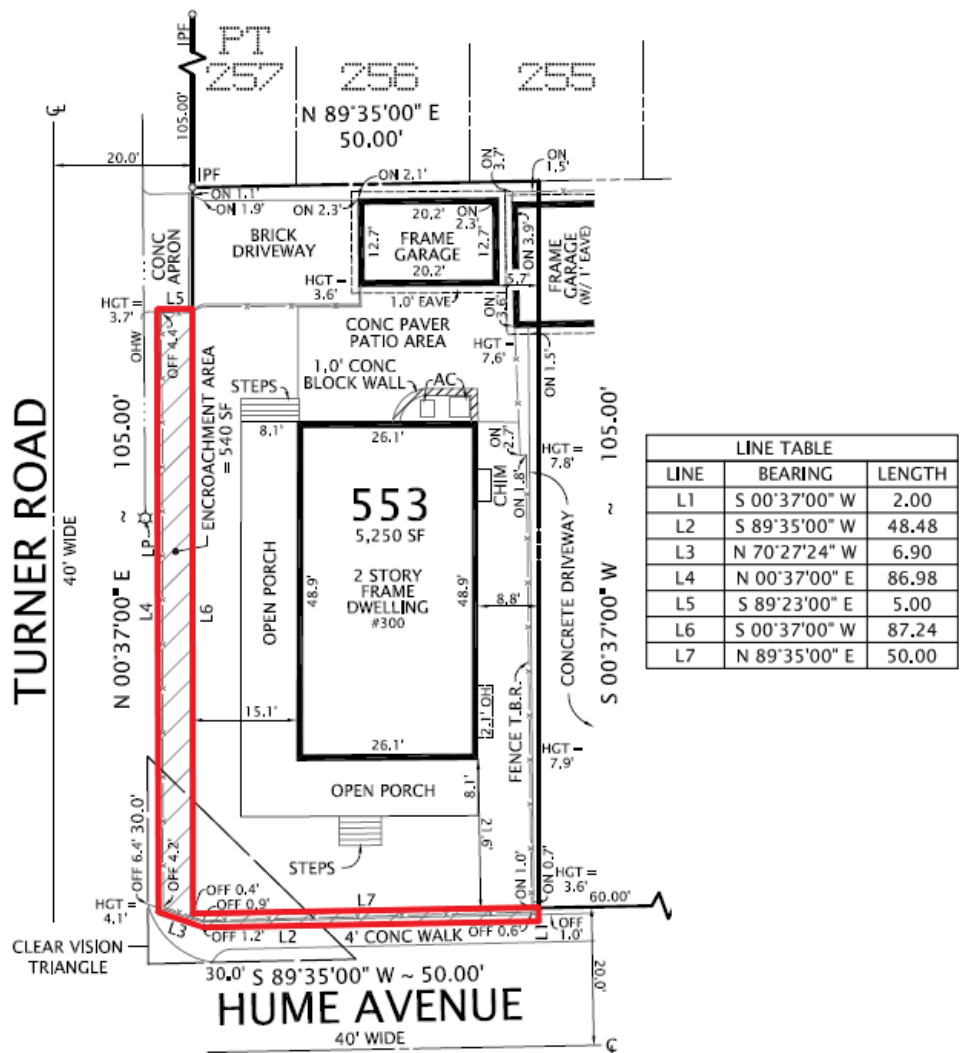


Figure 2: Proposed Area of Encroachment Outlined in Red

ZONING/MASTER PLAN DESIGNATION/CITY CODE

The subject site is located within the Potomac West Small Area Plan (SAP). The existing single-family dwelling use is consistent with the SAP which designates the subject property for residential use.

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. Fences are not considered permitted Encroachments in Section 5-2-29.

II. STAFF ANALYSIS

Staff supports the applicant's request for an Encroachment along Hume Avenue, but not along Turner Road (see Figure 3). Initially, staff was supportive of encroachments along both streets, taking into account that there are no current plans to provide a sidewalk along Turner Road and understanding that if a sidewalk project moved forward in the future, the City could request the private improvements be removed within 60 days. However, prior to the request being considered at the June 7, 2022 Planning Commission public hearing, staff received a number of public comments from neighboring property owners who expressed their desire to see a sidewalk built in the short-term along the portion of Turner Road which fronts the subject property. As having an existing improvement in place along this right of way may impede efforts to provide a sidewalk through the Neighborhood Sidewalk Program, which allows communities to request non-priority sidewalk projects, or potential grants to construct a sidewalk along this portion of Turner Road, staff is no longer recommending approval of the Turner Road Encroachment.



Figure 3: Turner Road Frontage

Although the existing sidewalk is four feet wide and less than recommended by the City's Complete Streets Guidelines along Hume Avenue, the existing fence would not be in the path of any future expansion. Many residences along the 300 block of Hume Avenue also have small landscape walls and fences that are also adjacent to the sidewalk (see Figure 4). Further, the existing sidewalk is one foot from the Hume Avenue right of way line, so it would be unlikely that the City would widen the sidewalk along Hume Avenue due to the existing improvements and the edge of the existing sidewalk already at the preferred one-foot setback from the property line.

Staff does not recommend a vacation of the public rights-of-way equal to the proposed Encroachment as a vacation would create jogs in the right of way and the City's Vacation Policy requires a uniform right of way width to be maintained. In addition, the existing Hume Avenue and Turner Road rights of way are 40 feet wide, which is less than the current City Code 5-2-4 required minimum of 50 feet wide, so any vacation of the right of way would bring the right of way further out of compliance with City standards.

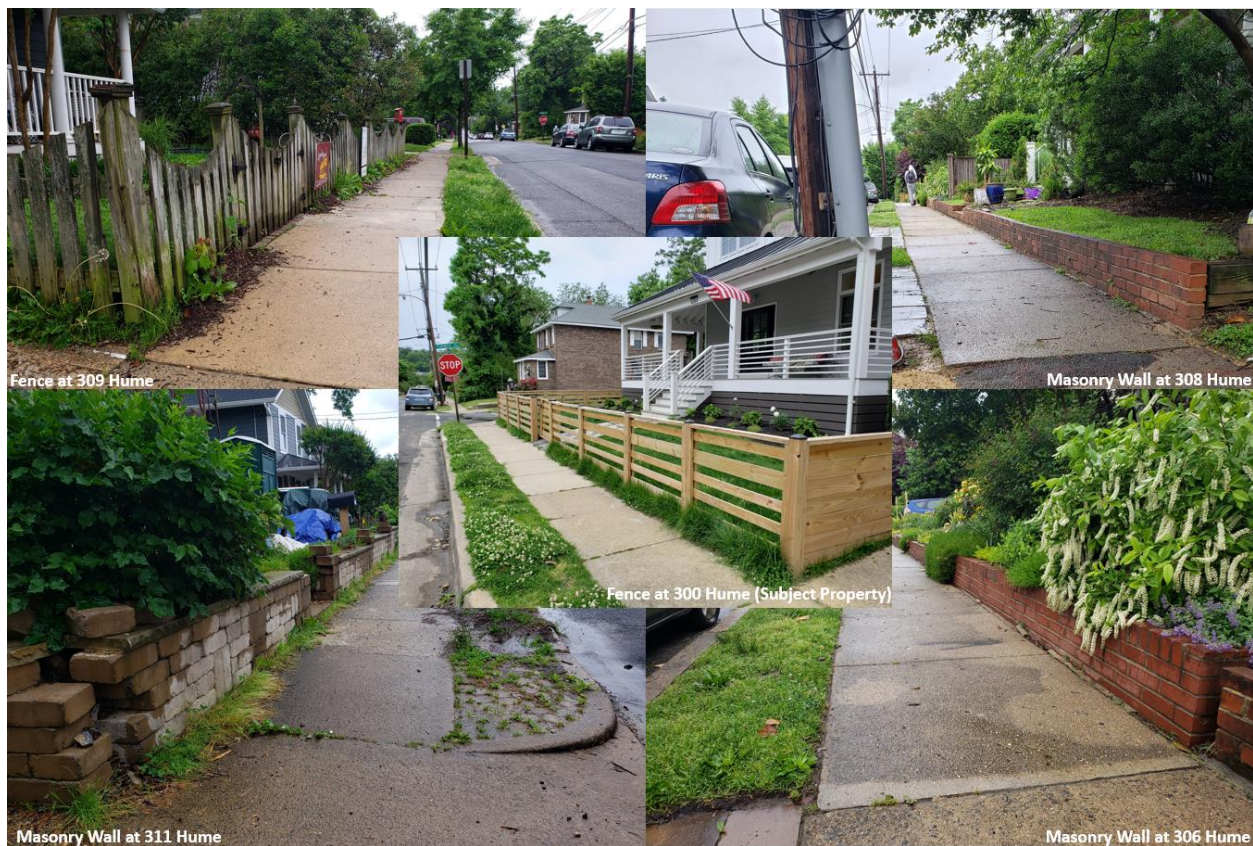


Figure 4: Fences and Masonry Walls Along Sidewalk on 300 Block of Hume Avenue

The recommended conditions illustrate the staff position for approval of the Hume Avenue Encroachment and a lack of support for the Turner Road Encroachment. Subject to the conditions contained in Section III of this report staff recommends approval of an after-the-fact Encroachment into the public right-of-way along Hume Avenue for a fence.

III. RECOMMENDATIONS

Staff recommends approval of an Encroachment along Hume Avenue as requested by the applicant. Encroachment approval shall be subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this Encroachment along Hume Avenue. (T&ES)
2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance replacement of any utilities that may be located within the area of the proposed Encroachment along Hume Avenue. (T&ES)
3. In the event the City shall, in the future, have need for the area of the proposed Encroachment along Hume Avenue, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
4. The applicant shall bear all of the cost associated with maintenance of the improvements within the Encroachment along Hume Avenue and associated with any future removal of the improvements within the Encroachment along Hume Avenue. (T&ES)
5. The fence shall remain 50% open and there shall not be any shrubs, trees, or any other landscape planted or placed within the vision clearance triangle located behind the fence. (T&ES) (P&Z)
6. The fence and any related improvements along Turner Road shall be relocated to the property line or removed within 30 days City Council's approval of Encroachment #2022-00001. (P&Z)

STAFF: Tony LaColla, Division Chief, Land Use Services, Planning and Zoning
Ann Horowitz, Principal Planner, Planning and Zoning
Patrick Silva, Urban Planner, Planning and Zoning

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 Staff supports an Encroachment along Hume Avenue, but does not support the Encroachment along Turner Road.
- F-2 If the City has plans for construction or to widen the sidewalks the applicant may be required to remove the fence. (Transportation Planning)
- F-3 The sight triangle as referred to in the City's Zoning ordinance should be included in the site plan to ensure the sight triangle is not impeded. (Transportation Engineering)
- R-1 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this Encroachment. (T&ES)
- R-2 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance replacement of any utilities that may be located within the area of the proposed Encroachment. (T&ES)
- R-3 In the event the City shall, in the future, have need for the area of the proposed Encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

Code Administration:

No comments. -

Fire:

No comments or concerns.

Police Department:

No comments received.

Archeology:

No comments.

Geographic Information System:

No comments.



APPLICATION

ENCROACHMENT

PROPERTY LOCATION: 300 Hume Avenue, Alexandria, Virginia

TAX MAP REFERENCE: 024.02 08 11 **ZONE:** R-2-5

APPLICANT Jeffrey W. Howard and Jenafer B. Howard

Name: _____

Address: 300 Hume Avenue, Alexandria, Virginia 22301

PROPERTY OWNER Jeffrey W. Howard and Jenafer B. Howard

Name: _____

Address: 300 Hume Avenue, Alexandria, Virginia 22301

PROPOSED USE: Request for the adoption of an encroachment ordinance to permit a
Four (4") open privacy fence to encroach onto the Turner Avenue
Hume Avenue public rights-of-way.

INSURANCE CARRIER (copy attached) The Cincinnati Casualty Company **POLICY #** H01 1043374

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.

Duncan W. Blair, Attorney/Agent

Print Name of Applicant or Agent
524 King St.

Mailing/Street Address
Alexandria, Virginia 22314

City and State Zip Code

Signature
703 836-1000 703 549-3335

Telephone # Fax #
dblair@landcarroll.com

Email address
March 8, 2022

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. Jeffrey W. Howard	300 Hume Ave, Alex., Va. 22301	100%
2. Jenafer B. Howard	300 Hume Ave., Alex. Va. 22301	100%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 300 Hume Ave., Alexandria, Va 22301 (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. Jeffrey W. Howard	300 Hume Ave, Alex., Va. 22301	100%
2. Jenafer B. Howard	300 Hume Ave, Alex., Va. 22301	100%
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 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. Jeffrey W. Howard	NONE	
2. Jenafer B. Howard	NONE	
3.		

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

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

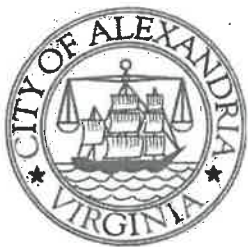
March, 8, 2022 Duncan W. Blair, Attorney Agent

Date

Printed Name

Signature





2022 City of Alexandria Business License

Finance Department, Revenue Administration Division, City of Alexandria
301 King Street, Room 1700, Alexandria, VA 22314
Phone: 703.746.4800 <http://www.alexandriava.gov/>

License Number: 110827-2022
Account Number: 110827
Tax Period: 2022
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314

LAND, CARROLL & BLAIR PC
524 KING ST
Alexandria, VA 22314-3104

License Classification(s):

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

January 19, 2022

Dear Taxpayer:

This is your 2022 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 703.746.4800.

Finance Department, Revenue Administration Division, City of Alexandria

Keep this letter for your records.

City of Alexandria Business License

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



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

Land, Carroll & Blair PC
524 KING ST
Alexandria, VA 22314

License Number: 110827-2022
Account Number: 110827
Tax Period: 2022
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314
License Classification(s): Professional Occupations/Businesses
9-071-007
Attorney-At-Law



The Cincinnati Casualty Company

POLICY NUMBER
H01 1043374
Image 6

EXECUTIVE CAPSTONE™ HOMEOWNER DECLARATIONS

Policy Period: From 02/26/2022 To 02/26/2023
12:01 a.m. Standard Time at the Address of the Named Insured

Endorsement
Effective 04/18/2022

H01 1043374

Named Insured & Address

Jenafer B Howard
Jeffrey W Howard
300 HUME AVE
ALEXANDRIA, VA 22301-1019

Please refer any questions to your agent:

Capital Insurance Partners
5028 WISCONSIN AVE NW STE 103
WASHINGTON, DC 20016-4118
202-362-4500

Agency 08002

County of ALEXANDRIA

In the event of a claim, you may call your
agent or The Cincinnati Casualty Company
at 877-242-2544.

Unless otherwise stated, the residence premises covered by this policy is located at the above address.

PAYOR - Mortgagee

Billing Method:	Direct Bill
Current Pay Plan:	Annual Pay
Total Premium:	\$1,848.00

THIS IS NOT A BILL. You will receive a separate invoice if a premium charge or return is due.

*** DESCRIPTION OF CHANGES ***

update AI



The Cincinnati Casualty Company

POLICY NUMBER
H01 1043374
Image 6

EXECUTIVE CAPSTONE™ HOMEOWNER DECLARATIONS

Policy Period: From 02/26/2022 To 02/26/2023
12:01 a.m. Standard Time at the Address of the Named Insured

Endorsement
Effective 04/18/2022

COVERAGES AND LIMITS OF INSURANCE

SECTION I	A. Dwelling	\$1,694,000
	B. Other Structures	\$52,511
	C. Personal Property	\$847,000
	D. Loss of Use	Actual Loss

DEDUCTIBLE (SECTION I ONLY)

\$2,500 Applies to all causes of loss unless otherwise noted.

SECTION II	E. Personal Liability	
	a. Bodily Injury and Property Damage (per Each Occurrence)	} \$1,000,000
	b. Personal Injury (Aggregate)	
	F. Medical Payments to Others - Each Person	\$25,000

The following credits have been applied to your policy:

Advance Quote Credit
Central Station Burglar Credit
Central Station Fire Credit
Package Credit
Pay Plan Discount
Preferred Loss History Credit

BASIC PREMIUM SUBTOTAL	\$1,823.00
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OTHER COVERAGES, ENDORSEMENTS AND CHARGES

Executive Capstone™ Policy - Virginia	Executive Capstone™AQVA (6/17)	
Important Information To Policyholders Virginia	AP 403 VA 10 14	
Special Provisions Endorsement - Virginia	HR1053QVA (12/20)	
U.S. Treasury Department's Office of Foreign Assets Control ("OFAC") Advisory Notice To Policyholders - Virginia	IP462VA (1/18)	
Notice of Privacy Practices	MI1659 (6/18)	
Your Insurance Score - Virginia	MI1785AVA (4/19)	
Service Line Coverage Endorsement (\$10,000)	HR1149VA (1/18)	\$25.00
Additional Interests - Nonresident Owners - Virginia	HR787AVA (7/17)	
Virginia Earthquake Exclusion Advisory Notice to Policyholders	MI2009VA (12/20)	
Guaranteed Replacement Cost Protection		Included

OTHER COVERAGES, ENDORSEMENTS AND CHARGES PREMIUM	\$25.00
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The Cincinnati Casualty Company

EXECUTIVE CAPSTONE™ HOMEOWNER DECLARATIONS

POLICY NUMBER
H01 1043374
Image 6

Policy Period: From 02/26/2022 To 02/26/2023
12:01 a.m. Standard Time at the Address of the Named Insured

Endorsement
Effective 04/18/2022

TOTAL POLICY PREMIUM	\$1,848.00
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Additional Interests Nonresident Owners

Schedule:

Name of Person or Organization: City of Alexandria, a municipal corporation of the Commonwealth of Virginia
Address: 301 KING ST ALEXANDRIA, VA 22314-3211
Description and Address of Applicable Property: 300 HUME AVE ALEXANDRIA, VA 22301-1019
Interest: Additional Insured

Service Line Coverage Endorsement

Schedule:

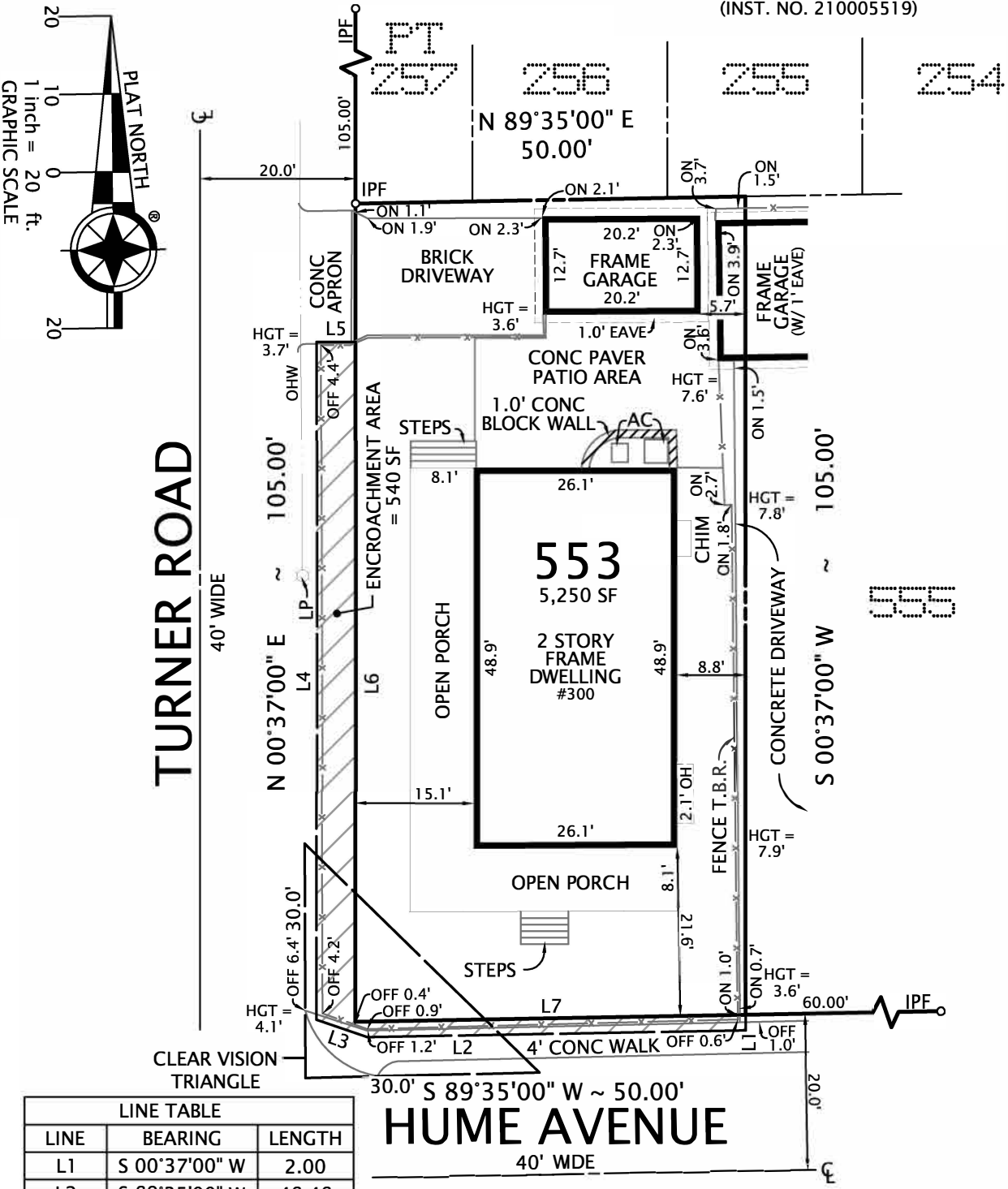
Limit: \$10,000
Deductible: \$500

First Mortgagee:
THE MONEY SOURCE INC
ISAOA/ATIMA
PO BOX 1194
SPRINGFIELD, OH 45501-1194
Loan # 0830327136

NOTES: 1. FENCES ARE FRAME.
2. UTILITIES ARE UNDERGROUND.

3. TM: 024.02-08-11
4. ZONE: R 2-5

5. OWNERS: JEFFREY AND JENAFER HOWARD
300 HUME AVENUE
ALEXANDRIA, VA 22301-1019
(INST. NO. 210005519)



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°37'00" W	2.00
L2	S 89°35'00" W	48.48
L3	N 70°27'24" W	6.90
L4	N 00°37'00" E	86.98
L5	S 89°23'00" E	5.00
L6	S 00°37'00" W	87.24
L7	N 89°35'00" E	50.00

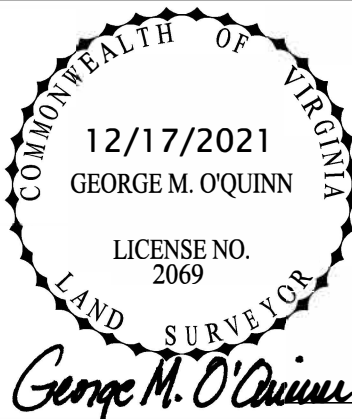
ENCROACHMENT PLAT
SHOWING HOUSE LOCATION ON
LOT 553
OF A RESUBDIVISION OF
LOTS 153, 154, 155, 156 &
PART OF LOT 152
ST. ELMO SUBDIVISION
(DEED BOOK 398, PAGE 36)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DECEMBER 17, 2021

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.



ORDERED BY:

JEFFREY HOWARD



DOMINION

Surveyors Inc.®

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

March 21, 2022

**DESCRIPTION OF
ENCROACHMENT AREA
LOT 553
ST. ELMO SUBDIVISION
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point in the northerly line of Hume Avenue, a corner common to Lot 555; thence through Hume Avenue and Turner Road S 00° 37' 00" W 2.00' to a point, S 89° 35' 00" W 48.48' to a point, N 70° 27' 24" W 6.90' to a point, N 00° 37' 00" E 86.98" to a point and S 89° 23' 00" 5.00' to a point in the easterly line of Turner Road; thence with the easterly line of Turner Road and the northerly line of Hume Avenue S 00° 37" 00" W 87.24' to a point and N 89° 35' 00" E 50.00' to the point of beginning containing 540 square feet of land.





[EXTERNAL]Docket Item 9 September 6, 2022

Duncan Blair <dblair@landcarroll.com>

Mon 9/5/2022 2:54 PM

To:

Cc: Jeffrey.howard27@gmail.com <jeffrey.howard27@gmail.com>; Jenafer Howard <jenh27@gmail.com>; PlanComm <PlanComm@alexandriava.gov>

September 5, 2022

Sent by Email

Nathan Macek, Chairman
and Members of the Planning Commission
City Hall
301 King Street
Alexandria, Virginia 22314

Re: Docket Item 9, September 6, 2022, Public Hearing.
Encroachment Fence on to Hume Ave. and Turner Ave.

Dear Chairman Macek and Members of the Commission:

I am writing on behalf of our clients, Jeffrey and Jenafer Howard, in connection with their application requesting the adoption on an Encroachment Ordinance to allow them to keep the existing fences where currently encroach into the Hume Ave. and Turner Ave. public rights-of way until such time as the City determines the encroachment area are needed for a public purpose; specifically, a sidewalk on the east side of Turner Ave. In order to mitigate the City's concerns that the existence of the Turner Avenue fence as it is constructed today, my clients offer the following conditions to govern the Turner Ave. fence.

1. The Howards will affirmatively acknowledge that the approval of the Turner Ave. fence temporary, and that they agree to remove it at such time as the City is prepared to commence construction of a sidewalk. If requested, the Howard's will execute and record a document among the land records confirming the removal condition.
2. The Howards Will stain the fence and install landscaping inside of the fence.
3. If requested by the City, the Howard's will alter the configuration of the fence at the corner of Hume Ave. and Turner Ave. to address concerns expressed that the fence limits sight lines for vehicles.
4. The Howards agree to make an annual payment to the City's Sidewalk Fund equal to the amount of City Real Estate Taxes attributable to the land area of the encroachment. These funds would be used by the City towards the construction of a sidewalk in the future.

If you have any questions or would like additional information. Please do not hesitate to call me.

Best, Duncan W. Blair

Cc: Clients

City of Alexandria by PlanComm/alexandriava.gov



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ATTORNEYS AT LAW, EST. 1978

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524 KING STREET
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WWW.LANDCARROLL.COM

September 4, 2022

Nathan Macek, Chairman
and Members of the Planning Commission

Re: Encroachment Fence on to Hume Ave. and Turner Ave.

Dear Chairman Macek and Members of the Commission:

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Christi Hart

309 Hume Ave, Alexandria, VA



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Cynthia and Jason Bruno
Clifford Ave, Alexandria, VA



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Dennis Belmont

208 Hume Ave, Alexandria, VA



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Edward and Bridget Wendling
Hume Ave, Alexandria, VA



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Ellen Schoetzau

302 Hume Ave, Alexandria, VA



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Greg and Tara Spizak

317A Hume Ave, Alexandria, VA



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Heather Martin

Hume Ave, Alexandria, VA

To whom it may concern,

My name is Christi Hart, and I live on Hume Ave, next to the Howard's house. I am writing to let you know that neither I have a problem with the location or height of the fence at 300 Hume Ave. I am not concerned that the fence between their home and the home adjacent is over 8 feet tall, and I am not concerned about the placement of the fence along Turner Street. I was told by the Howard's that there was a complaint about these issues, but I have never heard any of my neighbors complain about this issue. Please let me know if you have any questions about this issue.

Sincerely,

Christi Hart
(703) 395-2403

To whom it may concern,

My name is Lyndsey Clouatre, and I am a neighbor to Jeff and Jenafer Howard. My husband, Chris Lyon, and I live across the street from them on Hume Avenue. We have no concerns or complaints with the location of the Howard's fence on Turner Street or the height of the fence with their other neighbor on Hume, nor are we aware of any complaints about it. We are more than happy to discuss this matter further if the city is interested.

Sincerely,
Lyndsey Clouatre
(443) 306-1181

To whom it may concern,

My name is Ellen Schoetzau, and I am a neighbor to Jeff and Jenafer Howard. I recently submitted a letter concerning the height of the fence between their yard and my property. I also wanted to add that my husband and I are not concerned about the location of their fence on Turner Street. I walk by that area regularly, so I would know if there was a problem with that space. I am very good friends with many of the people who live in this area, having been an Alexandria resident for many years, and I can honestly say that I have never heard anyone complain about their fence. Thank you for your time.

Sincerely,

Ellen Schoetzau



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Kathy and John Davis

312 Hume Ave, Alexandria, VA



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Steve and Erin Rauner
Hume Ave, Alexandria, VA