



## ***Docket Item #8***

***Encroachment #2022-00001***

***300 Hume Avenue***

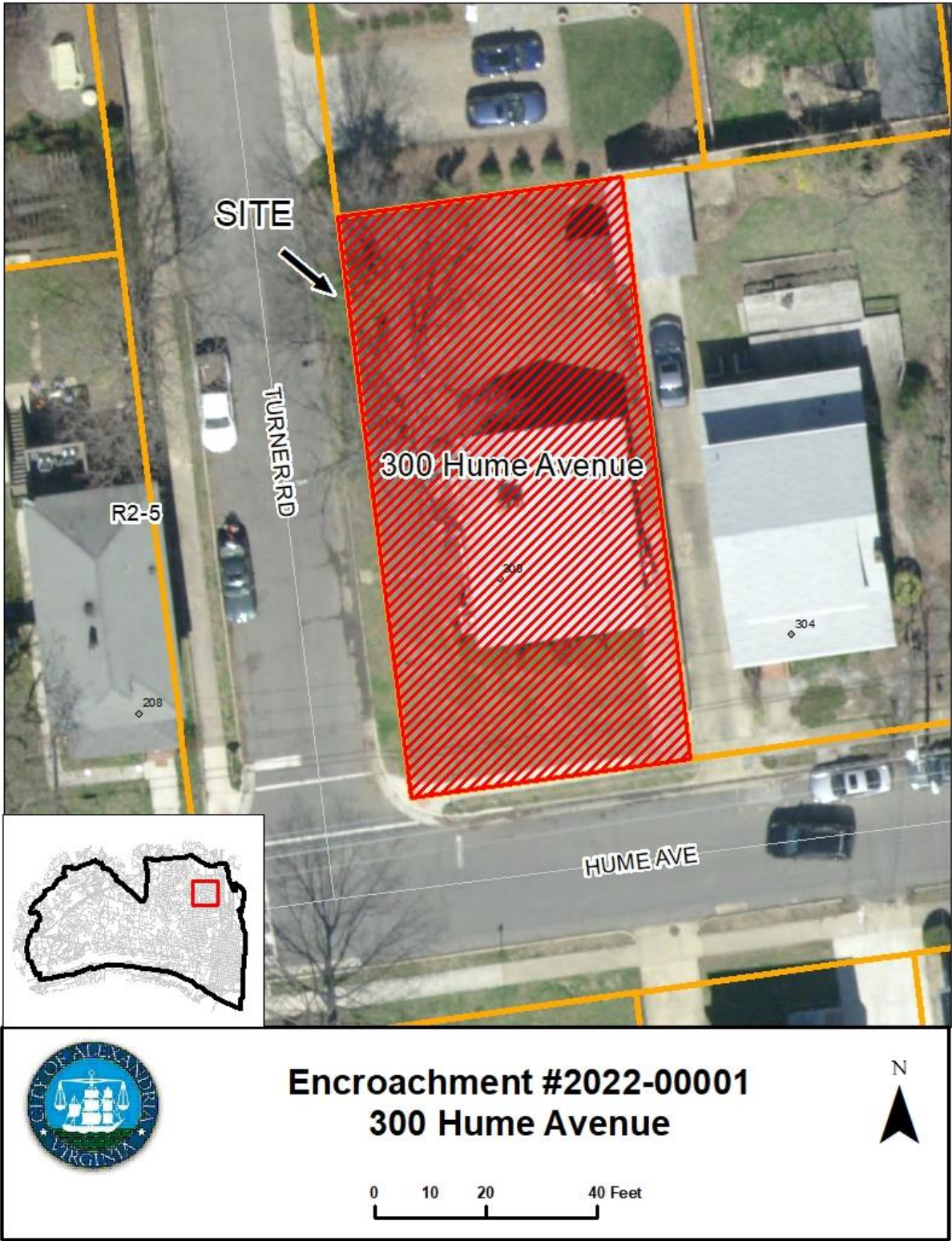
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Application	General Data	
<b>Request:</b> Public Hearing and consideration of a request for an Encroachment into the public rights-of-way along Hume Avenue and Turner Road for a fence	<b>Planning Commission Hearing:</b>	September 6, 2022
	<b>City Council Hearing:</b>	September 17, 2022
<b>Address:</b> 300 Hume Avenue	<b>Zone:</b>	R-2-5/Single- and two-family
<b>Applicant:</b> Jeffrey W. Howard and Jenafer B. Howard, represented by Duncan W. Blair, attorney	<b>Small Area Plan:</b>	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](mailto:patrick.silva@alexandriava.gov)  
Ann Horowitz, Principal Planner, [ann.horowitz@alexandriava.gov](mailto: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.



**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 one foot off the primary front yard property line along Hume Avenue and 4.2 feet off the secondary front yard property line along Turner Road. (Figure 2).

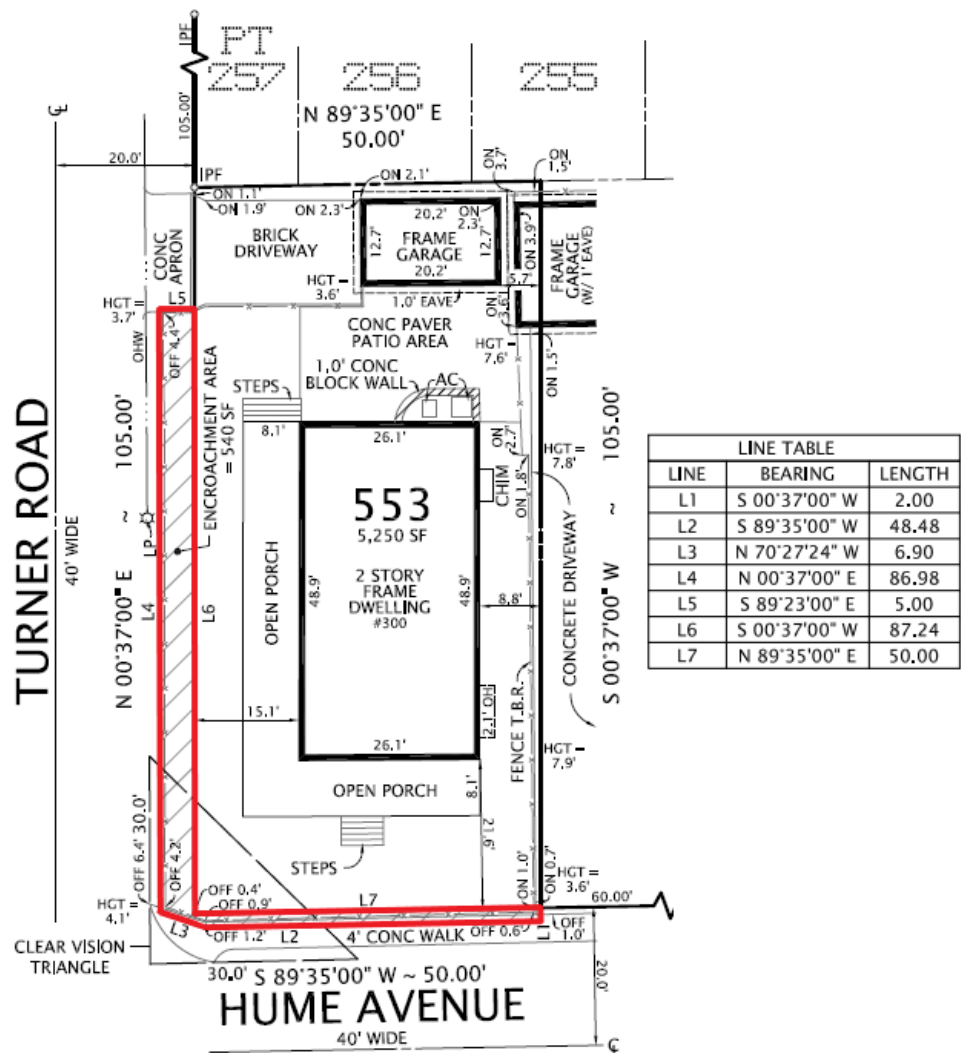


Figure 2: Proposed Area of Encroachment Outlined in Red

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.

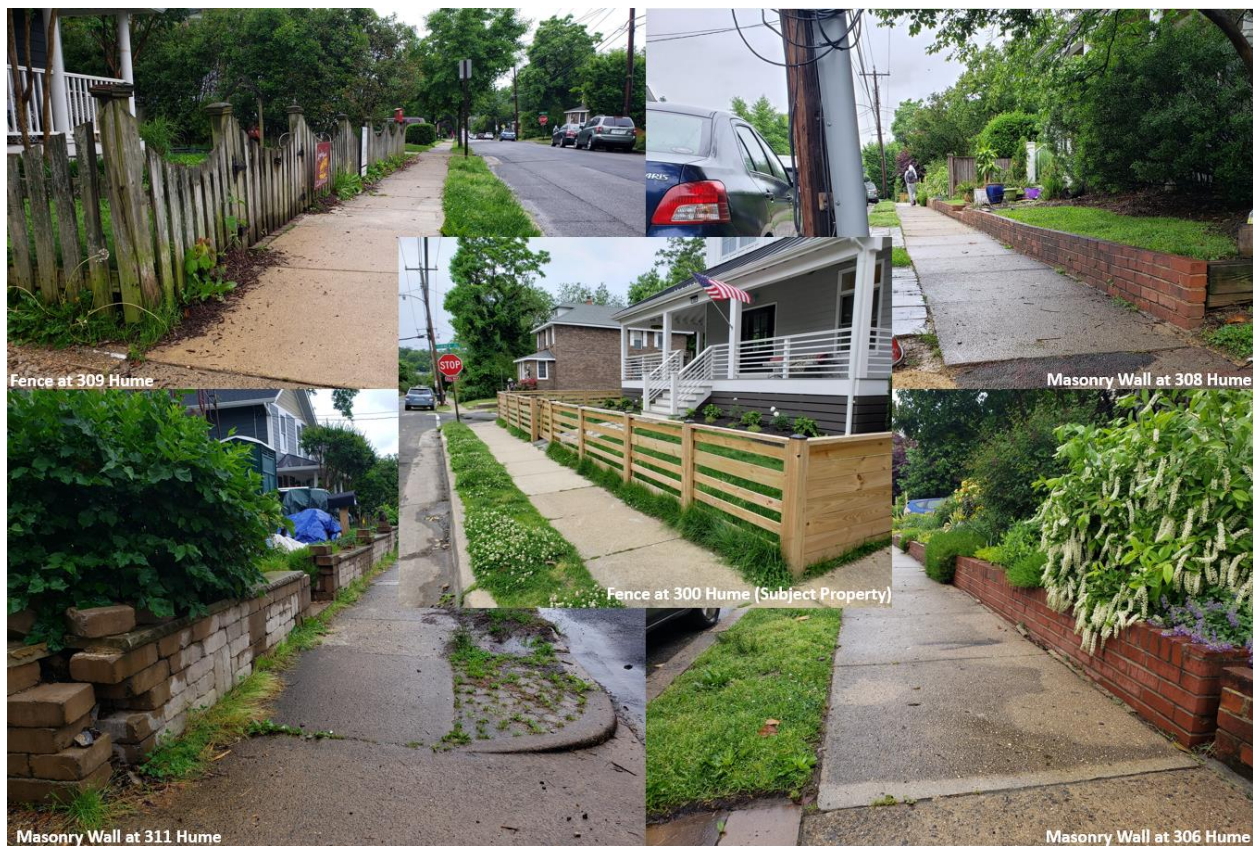


*Figure 3: Turner Road Frontage*



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.

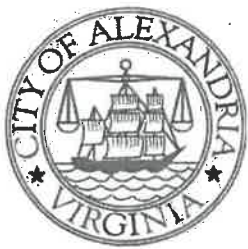
March, 8, 2022 Duncan W. Blair, Attorney Agent

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.

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

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PAYOR - Mortgagee

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

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

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\*\*\* DESCRIPTION OF CHANGES \*\*\*

update AI

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# 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

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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

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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

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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

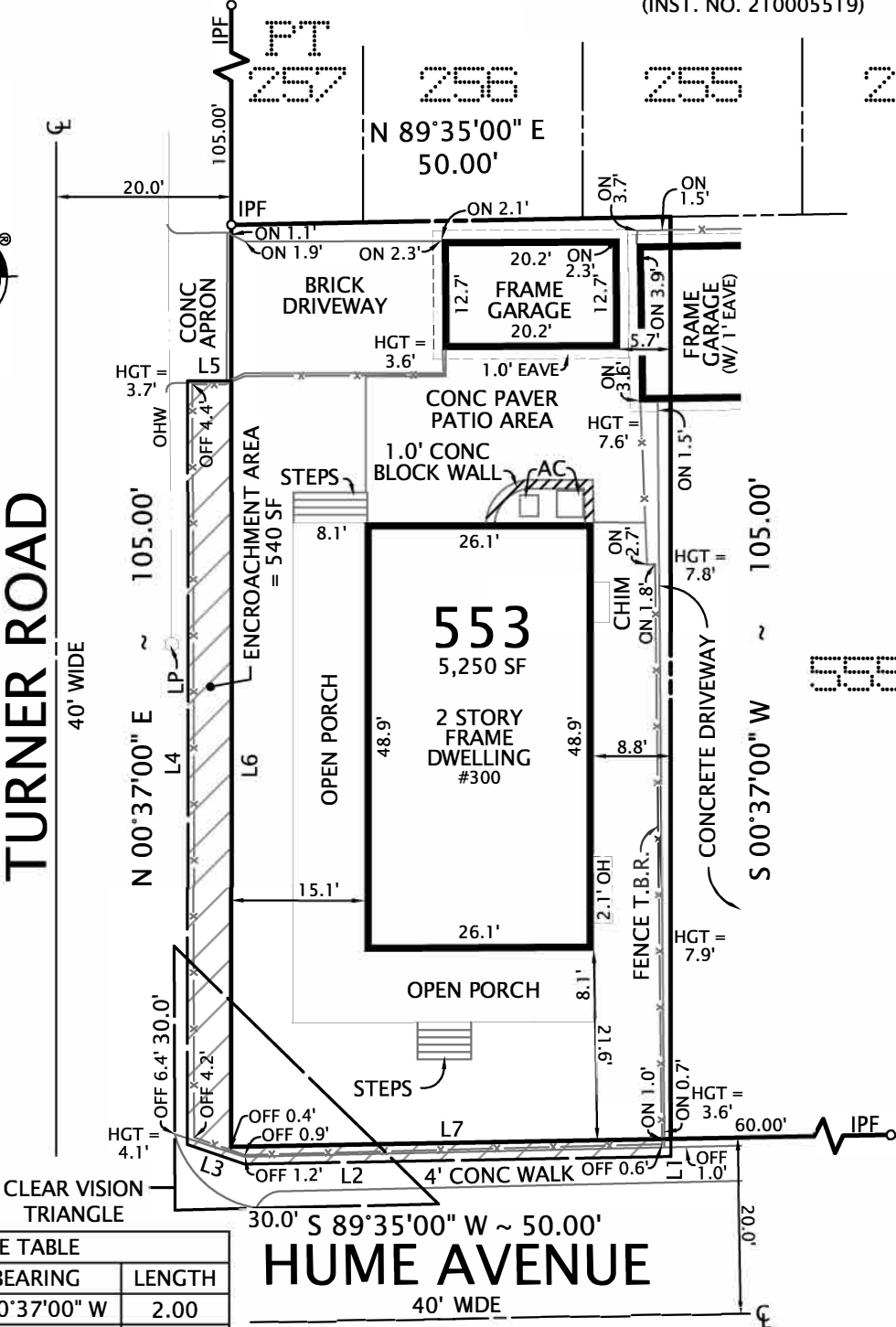
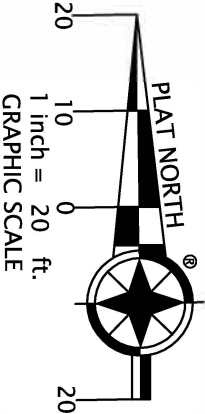
#### Schedule:

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

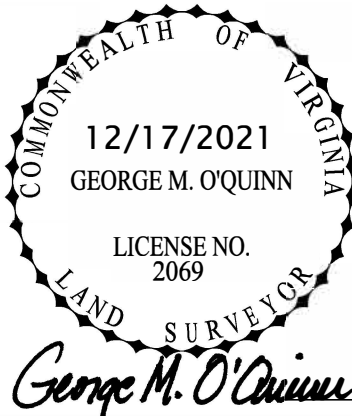
(DEED BOOK 398, PAGE 36)  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' DECEMBER 17, 2021

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.





