



Encroachment #2015-0001
4825 Maury Lane

Application	General Data	
Request: Public hearing and consideration of a request for encroachments into the public right-of-way.	Planning Commission Hearing:	May 5, 2015
	City Council Hearing:	May 16, 2015
Address: 4825 Maury Lane	Zone:	R-20/Residential Single-Family
Applicant: V.J. and Jane K. Murrell	Small Area Plan:	Seminary Hill

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

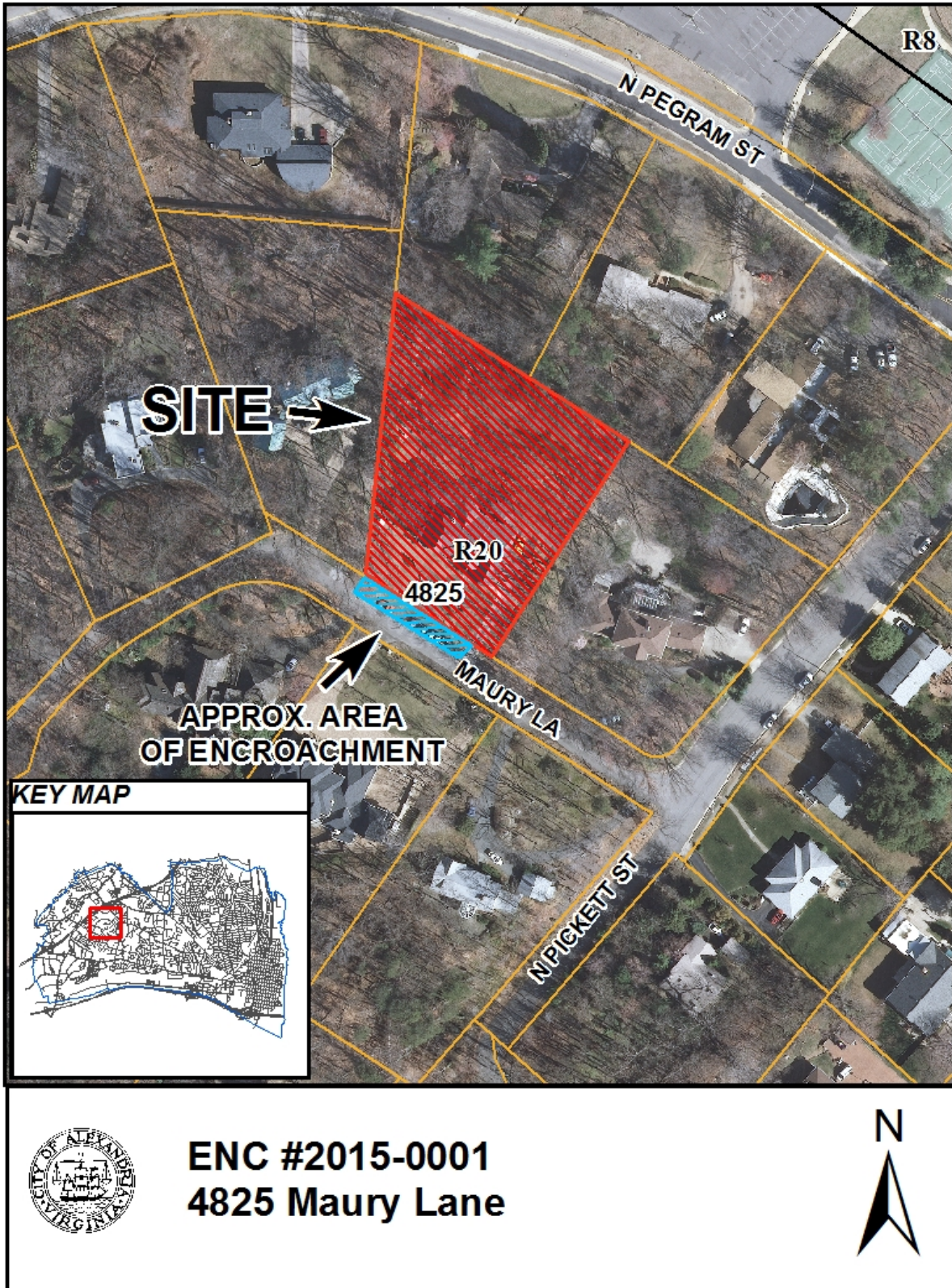
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, MAY 5, 2015: On a motion by Vice Chairman Dunn, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Encroachment #2015-0001 subject to compliance with all applicable codes, ordinances, and other staff recommendations. The motion carried on a vote of 5 to 0, with Commissioners Brown and Lyle absent.

Reason: The Planning Commission agreed with the staff analysis and asked the applicants about their request for after-the-fact approval.

Speakers:

V.J. Murrell, applicant, spoke in favor of the request and answered questions from the Planning Commission.



I. DISCUSSION

The applicants, V.J. and Jane K. Murrell, request approval of an encroachment ordinance to allow existing pervious pavers, fencing and pillars to remain in the public right-of-way adjacent to 4825 Maury Lane.

SITE DESCRIPTION

The property in question is public right-of-way located immediately adjacent to the paved travel lane of Maury Lane and in front of the two-story, single-family residential dwelling located at 4825 Maury Lane. The surrounding area is comprised primarily of other single-family dwellings, although Francis Hammond Middle School is also located a short distance to the north of the site.



BACKGROUND

In February 2015, the City's Department of Transportation and Environmental Services (TES) staff found that the applicants had, without encroachment approval, installed permeable pavers in the public right-of-way in front of the subject property. The pavers in question are located in an area between the paved portion of Maury Lane and an existing split-rail fence that is also located in front of their lot. The area, which was gravel-surfaced until recent months, is used for vehicle parking, particularly given that no curbing has been installed along Maury Lane.



Given the lack of formal encroachment approval, and practical concerns regarding maintenance costs, future removal costs (if needed), and the City's potential for liability, staff required the applicants to apply for the subject encroachment for the permeable pavers. During its review, staff observed that the area of public right-of-way in question also contains the split-rail fence, which is believed to have been constructed years ago, as well as the recently-constructed brick pillars located between sections of fencing. The applicants subsequently added the existing fence (and related pillars) into the encroachment request.

PROPOSAL

The applicants propose to maintain the existing permeable pavers, split-rail fence, and pillars in front of their dwelling, nearly all of which are located within the public right-of-way (except for the two southeastern-most pillars.) The proposed area of encroachment is irregular in shape but is generally between 13 and 15 feet wide and 112 feet long. The total area measures 1,488 square feet. The applicants have indicated to staff that, if the request is approved, they intend to plant grass within the gaps of the permeable paving in order to soften its overall appearance.

ZONING/MASTER PLAN

The subject property is located in the R-20/Single-Family zone. The single-family use at the site and the encroachment request are consistent with the Seminary Hill Small Area Plan chapter of the Master Plan which designates the property for low-density residential use and has not identified specific plans for the area of public right-of-way in question.

II. STAFF ANALYSIS

Staff supports the applicants' request to maintain their existing installations into the public right-of-way. Although the request amounts to after-the-fact approval, the applicants have actively worked with staff to correct the matter. The installation of the permeable pavers here, which well exceeds an amount typically found in public rights-of-way to connect driveways to public streets, is especially reasonable given that the lack of curbing along Maury Lane allows vehicle parking off the regularly-paved portion of the street. The recently-installed pavers may actually improve the appearance of the public right-of-way by preventing gravel from washing away and preventing the area from becoming rutted and muddy after rainstorms. Although the applicants could move the fence and related pillars (by between three and 5.7 feet) back onto their lot, the practical benefit gained by such a move would be negligible given that no public use is anticipated at the present time for the right-of-way in question. Importantly, if the area of right-of-way occupied by either the pavers or the fencing is needed in the future, the applicant would be required under Condition #3 to remove all structures (including the paving) with 60 days' notice.

Staff has also included standard conditions requiring liability insurance (Condition #1) and holding the City and utility companies harmless in the event that the encroaching structures are damaged while any utility repairs occur (Condition #2). The Fire Department also recommends in Condition #4 that adequate clearance exist around a fire hydrant that is located near, but not within, the encroachment area.

Staff believes that encroachment request is acceptable and recommends approval subject to the conditions contained in Section III of this report.

III. STAFF RECOMMENDATION

Staff recommends **approval** 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. (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 or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
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)
4. Unobstructed access to the fire hydrant must be maintained at all times. There must be a least 3 foot clear space circumference maintained around the hydrant at all times. (Fire)

STAFF: Nathan Randall, Urban Planner III, Planning and Zoning
Alex Dambach, Division Chief, Planning and Zoning

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant (and his 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 or 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 Enforcement:

- F-1 No comments received

Fire Department:

- F-1 Unobstructed access to the fire hydrant must be maintained at all times.
- F-2 There must be a least 3 foot clear space circumference maintained around the hydrant at all times.

Police Department:

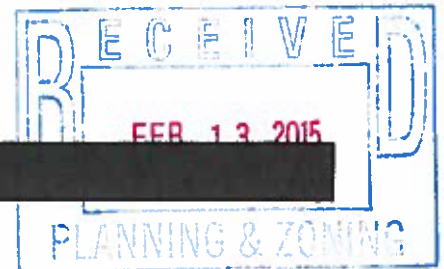
- F-1 No comments received

Health Department:

- F-1 No comments

Parks and Recreation:

- F-1 No comments received

**APPLICATION****ENCROACHMENT**ENC# 2015-0001

PROPERTY LOCATION: 4825 Maury Ln
TAX MAP REFERENCE: 030.03-06-10 **ZONE:** R-20

APPLICANT

Name: V.J. / Jane K. Murrell
Address: 4825 Maury Lane, Alex., VA 22304

PROPERTY OWNER

Name: V.J. / Jane K. Murrell
Address: 4825 Maury Ln., Alex., VA 22304

PROPOSED USE: Encroachment for pavers located on
City right-of-way

INSURANCE CARRIER (copy attached) Fireman's Fund **POLICY #** NZG3537781

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** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☐ **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** I so 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.

Jane K. Murrell
Print Name of Applicant or Agent
4825 Maury Ln
Mailing/Street Address
Alex., VA 22304
City and State Zip Code

Jane K. Murrell
Signature
703-966-0074 703-751-5021
Telephone # Fax #
J.Je fiveguys.com
Email address
2/12/15
Date

Application Received: _____ Date and Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	V.J. Murrell	4825 Maury Ln, Alex, VA 22304	
2.	Jane K. Murrell	4825 Maury Ln, Alex, VA 22304	
3.			

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4825 Maury Ln, Alex, VA 22304 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	V.J. Murrell	4825 Maury Ln, Alex, VA 22304	
2.	Jane K. Murrell	4825 Maury Ln, Alex, VA 22304	
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 required 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 indicate 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.		
2.		
3.		

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

As the 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.

2/9/15 Jane K. Murrell
 Date Printed Name
 V.J. Murrell

Jane K. Murrell
 Signature

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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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. N/A	N/A	N/A
2. N/A	N/A	N/A
3. N/A	N/A	N/A

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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.

Date

Jane K. Murrell
Printed Name

V.J. Murrell

Jane K. Murrell
Signature

From: fighter_p@comcast.net
Sent: Thursday, April 23, 2015 11:17 AM
To: Nathan Randall
Subject: encroachment #2015-0001/VJ and Jane Murrell/4825 Maury Lane

Mr. Randall and other City Officials Involved.

My family resides at 4826 Maury Lane, Alexandria directly across the street from 4825. We support approval of the encroachments requested. The professional work that has been done is both functional and aesthetically pleasing.

We also support the City's excellent supervision of this project. It turned out well and we know of no one who objects.

Please contact us at 703-575-8100/o or 703-370-8544/hm if any additional information is required.

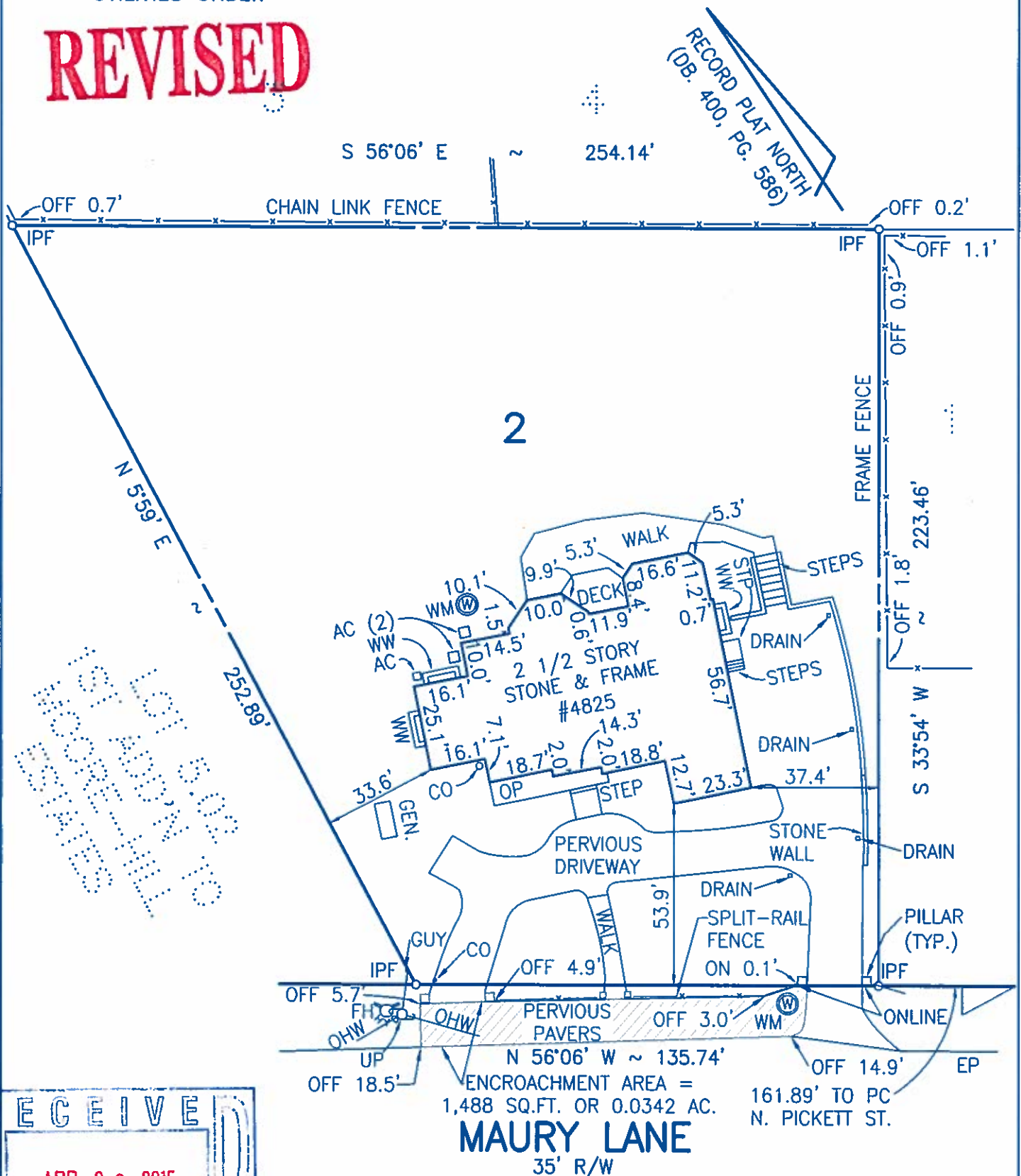
Kind Regards,

Bob and Lucy Harwood
4826 Maury Lane
Alexandria, VA 22304

Robert K. Harwood, L.C.
Private Portfolio Mortgage Lender
Seminary Professional Village
5262 Dawes Avenue
Alexandria, VA 22311
Office: (703) 575-8100
Fax: (703) 575-9206

LOT AREA = 43,560 S.F.

REVISÉ



PLAT

SHOWING ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY
LOT 2

RESUBDIVISION OF PART OF PARCEL A

MOORE-HILL ESTATES

(DB. 400, PG. 586)

CITY OF ALEXANDRIA, VIRGINIA

CASE NAME: JANE K. OR V.J. MURRELL

RCF **IELDS**
 & ASSOCIATES, INC.

ENGINEERING	•	LAND SURVEYING	•	PLANNING
730 S. Washington Street		www.rcfassoc.com		
Alexandria, Virginia 22314		(703) 549-6422		

COMMONWEALTH OF VIRGINIA

TIM W

TIMOTHY GREENWOOD
Lic. No. 3214

5 FEBRUARY 2015

LAND SURVEYOR