



Vacation #2015-0003
418 West Braddock Road

Application	General Data	
Public hearing and consideration of a request for a vacation of public right-of-way	Planning Commission Hearing:	January 5, 2016
	City Council Hearing:	January 23, 2016
Address: 418 West Braddock Road	Zone:	R-8/Residential Single-Family
Applicant: Brian Thomas	Small Area Plan:	North Ridge/Rosemont

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: Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, JANUARY 5, 2016: By unanimous consent, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with staff analysis.



Vacation #2015-0003
418 West Braddock Road



I. DISCUSSION

The applicant, Brian Thomas, requests approval to vacate public right-of-way adjacent to his property at 418 West Braddock Road. This vacation request had been previously approved in 2005.

SITE DESCRIPTION

The subject site is a portion of City right-of-way with 85.7 feet of frontage on West Braddock Road,

approximately 25 feet of frontage on Ruffner Road, and a total lot area of 1,455 square feet. The site is on a corner and has been improved with a fence that coordinates with fencing at the center front of the property it abuts.



The applicant owns the abutting property at 418 West Braddock Road, which was recently approved as a subdivision into Lots 620 and 621. The subject lot, Lot 620, abuts the proposed vacation and measures 18,956 square feet with lot frontage of 98.1 feet on West Braddock Road and 121.5 feet on Ruffner Road. It is developed with a two and a half-story single-family dwelling with accessory structures. Single-family residences surround the site.

VACATION HISTORY

Planning Commission approved VAC #2005-0003 on September 8, 2005 to vacate the public right-of-way for the same site proposed in this vacation. Condition 4 of VAC #2005-0003 permitted fencing of the vacated area. The applicants, Richard and Elizabeth Tonner, submitted payment to the City for \$7,300 and City Council approved Ordinance #4466 for the transfer of the land. The ordinance contained a condition stating that the deed had to be recorded within 18 months of ordinance approval or the vacation would be void. They did not record the deed within 18 months, the vacation was voided, and the subject lot remained public right-of-way. The vacation request, therefore, was resubmitted as VAC #2015-0003.

BACKGROUND

An early subdivision indicated that the subject right-of-way had been originally planned as a portion of curved road at the intersection of West Braddock Road and Ruffner Road. This proposed road was intended to connect Ruffner Road and Orchard Street, however, it was never constructed in this manner. It remains a cul-de-sac, unconnected to Ruffner Road. In 1969, Ordinance #1597 vacated portions of the proposed Orchard Street extension, and consolidated the land with the lots at 406, 410, and 414 West Braddock Road. (Figure 1)

In July 2015, the Planning Commission approved SUB #2015-0002 for a subdivision to create the two new existing lots, 620 and 621, at 418 West Braddock Road. The subdivision was recorded with the Land Records Division on August 15, 2015.

PROPOSAL

The applicant requests that the City vacate the 1,455 square foot public right of way at the southwest corner of West Braddock Road and Ruffner Road (Figure 2). The subject portion of land would be consolidated with Lot 620 of the 418 West Braddock Road subdivision. The applicant would use the site for passive use, such as the planting and maintenance of landscaping, if the land is vacated.

VACATION POLICY

City Council approved a policy regarding the vacation of public rights-of-way in 2004. The policy established that preservation of open space should be considered in the review of vacation proposals. The valuation process was clarified and it was determined that proceeds from vacated land should be directed to the City's Open Space Fund. Further, the following criteria for evaluating vacation requests were acknowledged:

1. There is no public use of the right-of-way at the time that the application is submitted;
2. No reasonable use of the right-of-way could exist in the future, either for its original purpose or for some other public purpose. Reasonable use includes but is not limited to future roads, bike paths/trails, recreational facilities, open space, utilities, or environmental protection;
3. No portion of public right-of-way shall become landlocked;
4. No abutting property owners shall be become landlocked or have access substantially impaired; and
5. The vacation shall provide a public benefit.

ZONING/MASTER PLAN DESIGNATION

The property is zoned R-8 / Single-Family Residential. The request to vacate the 1,455 square foot parcel of land is consistent with the North Ridge/Rosemont Small Area Plan as it supports the residential character of the area. The preservation of open space is identified in the Plan, however, public uses have not been identified for the subject right-of-way.

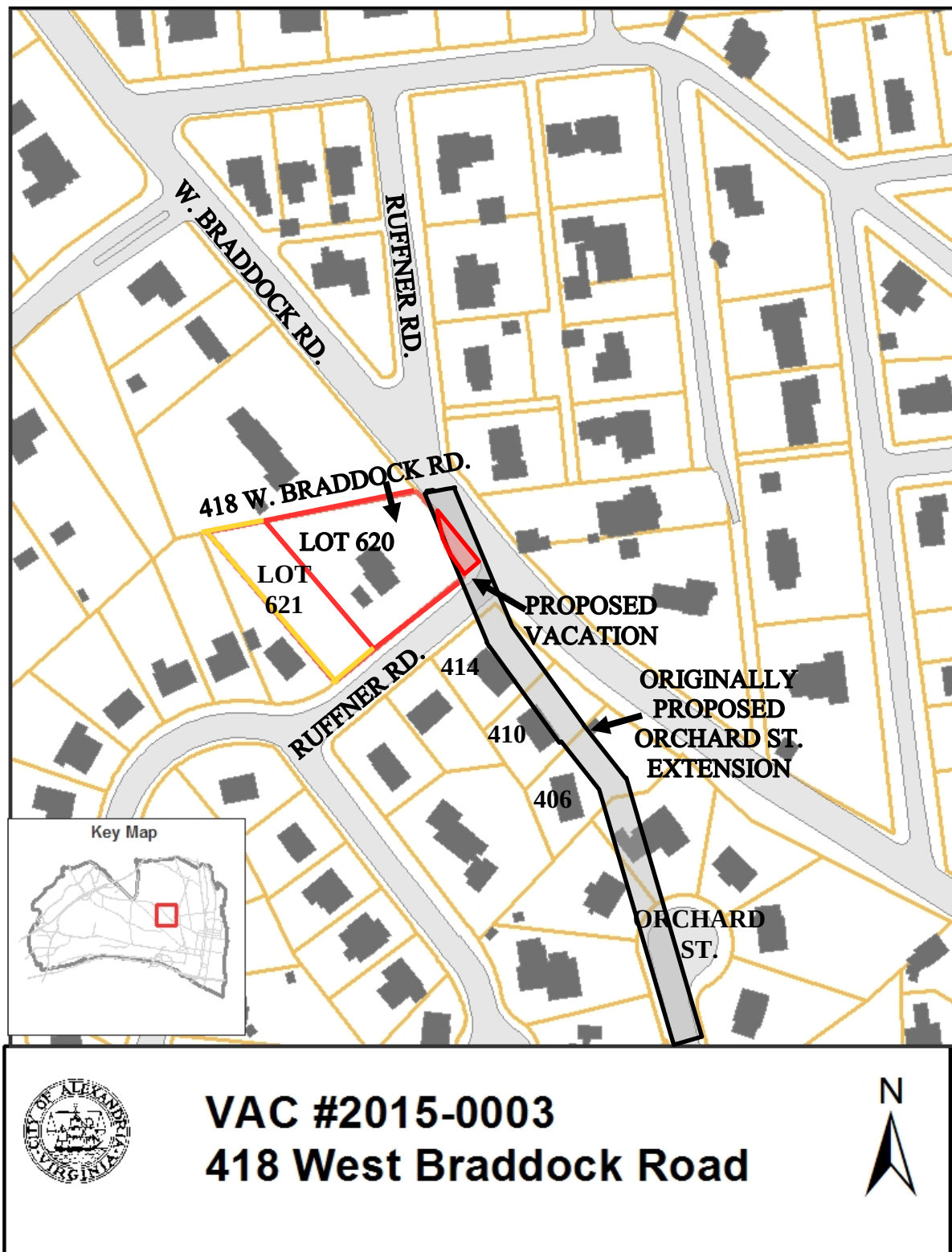


Figure 1:
Proposed Orchard Street extension that had not been developed.

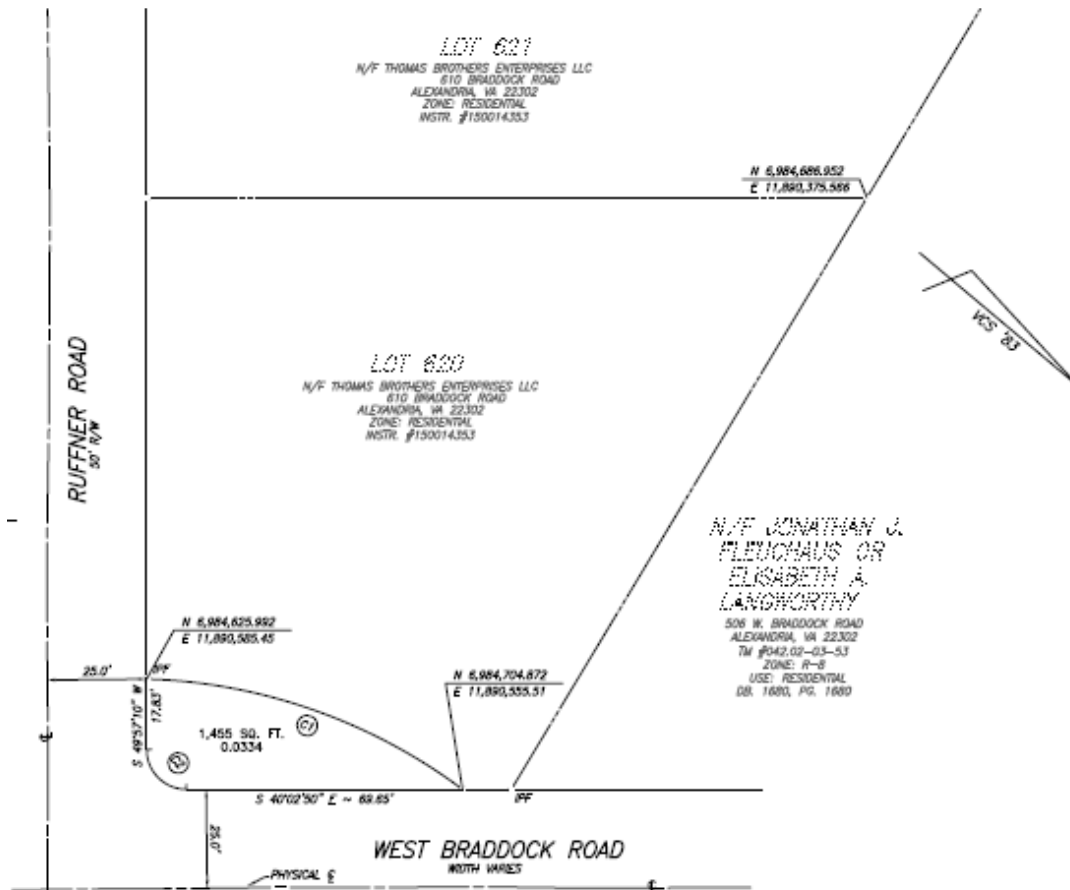


Figure 2
Plat with proposed vacation.

VALUE OF VACATED RIGHT-OF-WAY

The Department of Real Estate Assessments has valued the 1,455 square feet of land in question at \$10,750. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this value. The value of the property has been significantly discounted from fair market value because the development rights for the area proposed to be vacated have been extinguished pursuant to Condition 5.

II. STAFF ANALYSIS

Staff supports the requested vacation of public right-of-way as the site has not been identified for present or future public use. Visually, the right-of-way in question naturally “reads” as a part of the front yard at 418 West Braddock Road (Lot 620) given that the corner location logically completes expectations for a standard lot shape.

The site was originally demarcated as public right-of-way to extend Orchard Street. Because the Orchard Street extension was not carried forward, vacations of public-right-of way associated with the planned road construction have been granted at 406, 410, and 414 West Braddock Road.

The subject site is the last remaining area of right-of-way to have been platted for the proposed, but not developed, Orchard Street extension.

Further review of the proposal resulted in staff findings that the application meets all five approval criteria established by City Council:

1. Existing Public Use

City storm sewer lines do not cross the subject right-of-way and an easement to the City for underground public utilities is not necessary. The applicant would be required to provide easements to private utilities, if any exist, in the vacated area as specified in Condition 1.

2. Reasonable Future Use

A public use of the right-of-way would not accommodate reasonable recreational use as open space given its relatively small size, narrow configuration, and location on a relatively major vehicular route. Additionally, pedestrian access is already provided as a sidewalk exists along the right-of-way.

3. Landlocked Public Property

4. Landlocked Private Property/Impaired Access

Approval of the vacation would not create a situation where public or private property would be landlocked. As a corner location, access to streets, sidewalks, and personal property would remain unaffected.

5. Public Benefit

Vacation request approval would require the applicant to submit payment of \$10,750 to the City's Open Space Fund for the purchase of an area of open space more conducive to public passive and active use.

Condition language

Five conditions of approval, standard to vacation requests, have been included in this report. Condition 2 requires the consolidation of the vacated land to the subdivided Lot 620 and the recordation of the final plat in the Land Records of the City of Alexandria. The fair market value of \$10,750 shall be provided to the City of Alexandria as required in Condition 3 and property development rights are extinguished in Condition 5.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Easements must be reserved for all existing public and private utilities within the area to be vacated. The applicant shall show all public and private easements on the final plat of

consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements. (T&ES)

2. The vacated area shall be consolidated into the adjoining property at Lot 620, established by SUB #2015-0002. The final plat shall be recorded in the Land Records of the City of Alexandria. (P&Z)(T&ES)
3. The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (P&Z)(T&ES)
4. The applicant shall be responsible for perpetual ownership and maintenance of the vacated right of way. (T&ES)
5. The property owner shall not construct any new buildings or improvements, including driveways or parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning & Zoning prior to recordation. (P&Z)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services,
Department of Planning and Zoning;
Ann Horowitz, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Easements must be reserved for all existing public and private utilities within the area to be vacated. The applicant shall show all public and private easements on the final plat of consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements. (T&ES)
- R-2 The vacated area shall be consolidated into the adjoining property. The final plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
- R-3 The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES)
- R-4 The applicant shall be responsible for perpetual ownership and maintenance of the vacated right of way. (T&ES)

Archaeology:

No comments

Code Enforcement:

No comments received

Fire:

No comments received

Health:

No comments received

Parks and Recreation:

No comments received

Police Department:

No comments received

REVISED

[must use black ink or type]

PROPERTY LOCATION: 418 W. Braddock RoadTAX MAP REFERENCE: 042.04-05-12ZONE: R8APPLICANT'S NAME: Elizabeth and Richard TonnerBrian ThomasADDRESS: 418 W. Braddock Rd.610 W. Braddock RdPROPERTY OWNER NAME: City of Alexandria202-225-1847

(Owner of abutting area to be vacated)

ADDRESS: 301 King Street, Alexandria, VA 22314VACATION DESCRIPTION: Application for reapproval of previously approved vacation application for which a vacation plat was never recorded.Vac. No. 2005-0003, see copy of Ordinance passed in 2006 attached.2006

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia, the Alexandria City Charter and City Code, and the Alexandria Zoning Ordinance.

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.

Elizabeth Tonner

Print Name of Applicant or Agent

418 W. Braddock Rd.

Mailing/Street Address

Alexandria, VA 22302

City and State Zip Code

Signature703/981-3709

Telephone #

Fax #

8/25/15

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

REVISED

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. Brian Thomas	610 W. Braddock Rd	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (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. Brian Thomas	610 W. Braddock Rd	100%
2.		
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. Brian Thomas	None	N/A
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.

11/11/15
Date

Brian Thomas
Printed Name


Signature

August 24, 2015

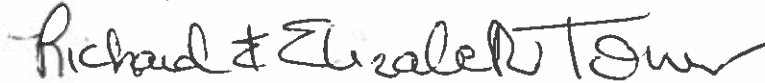
Mr. and Mrs. Richard C. Tonner, Jr.
418 West Braddock Road
Alexandria, Virginia 22302

Dear Members of the Alexandria City Planning Commission

We respectfully submit for your consideration and approval the attached application for re-approval of a previously approved vacation application for which a vacation plat (attached) was never recorded. Vac. No 2005-003, see ordinance passed in 2006 attachment. We unknowingly did not meet the filing deadline to record the ordinance and plat, and apologize for not reading the original information correctly.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Richard & Elizabeth Tonner".

Richard and Elizabeth Tonner

Exhibits A
 B
 C

Exhibit A

EXHIBIT NO. 1

11
10-10-06

Introduction and first reading:
Public hearing:
Second reading and enactment:

10/10/06
10/14/06
10/14/06

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to vacate a portion of the public right-of-way adjacent to 418 West Braddock Road (VAC No. 2005-0003).

Summary

The proposed ordinance vacates a portion of the right-of-way at the northwest corner of West Braddock and Ruffner Roads, on the west side of West Braddock Road, adjacent to 418 W. Braddock Road, subject to payment to the City of \$7,300.00, and restrictions on the use and development of the vacated land and adjacent lot.

Sponsor

Staff

Richard Josephson, Acting Director, Planning and Zoning
Jill A. Schaub, Senior Assistant City Attorney

Authority

§ 2.03, Alexandria City Charter
§15.2-2008, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

EXHIBIT NO. 2

ORDINANCE NO. _____

AN ORDINANCE to vacate a portion of the public right-of-way adjacent to 418 West Braddock Road (VAC No. 2005-0003).

WHEREAS, Richard and Elizabeth Tonner (Owners) have applied for the vacation of a portion of the public right-of-way at the northwest corner of West Braddock and Ruffner Roads, on the west side of West Braddock Road, adjacent to 418 West Braddock Road, in the City of Alexandria, Virginia; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation of such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, V. Rodger Digilio, chair, Bill Brandon and Kellie Meehan, have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owners, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

1. Owners shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. Owners shall show all easements on the plat of consolidation.

3. Owners may not construct any buildings, or improvements, including driveways, parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the director of planning and zoning prior to recordation.

4. Owners shall pay the sum of \$7,300.00 to the City for the vacated land.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owners. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at their own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

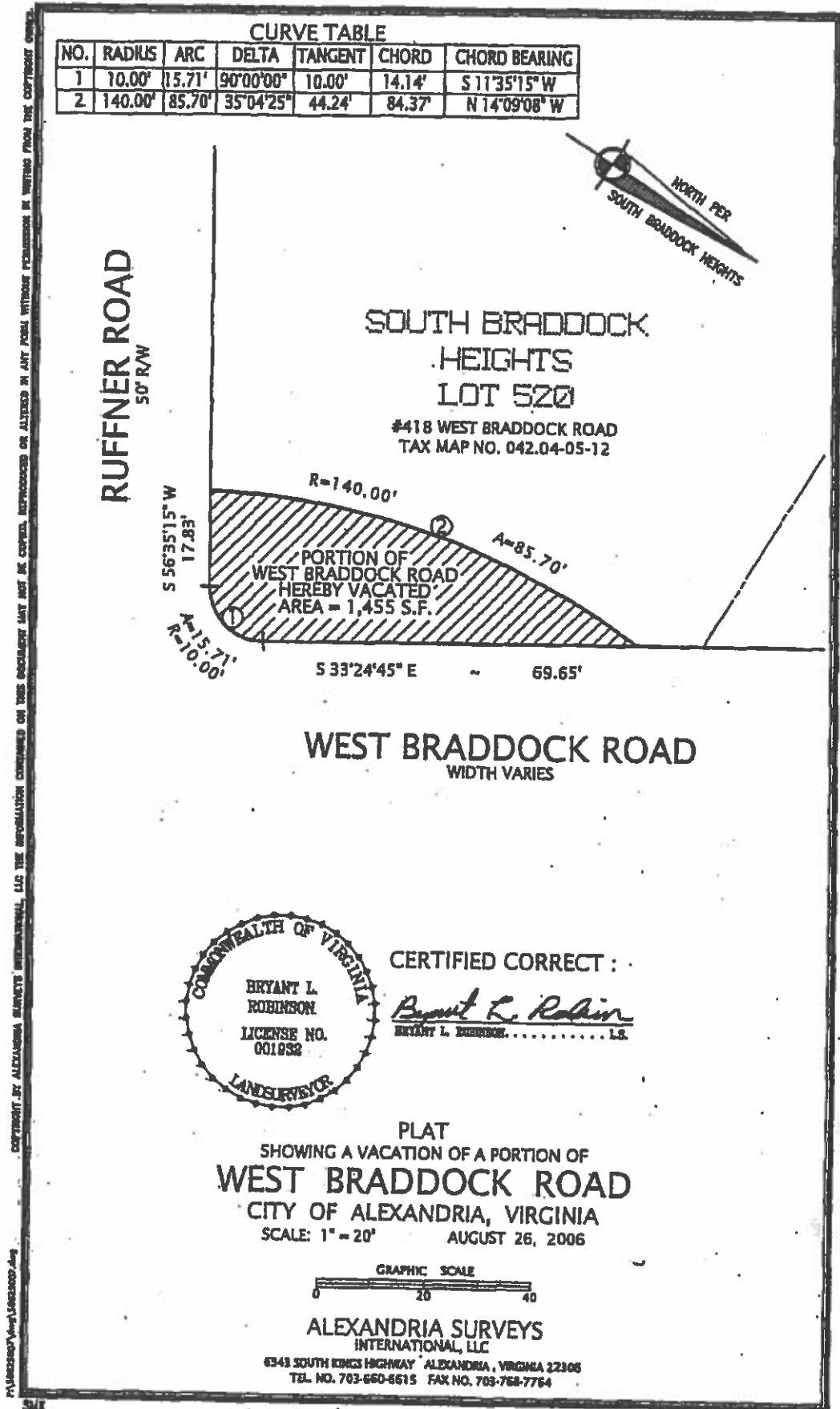
WILLIAM D. EUILLE
Mayor

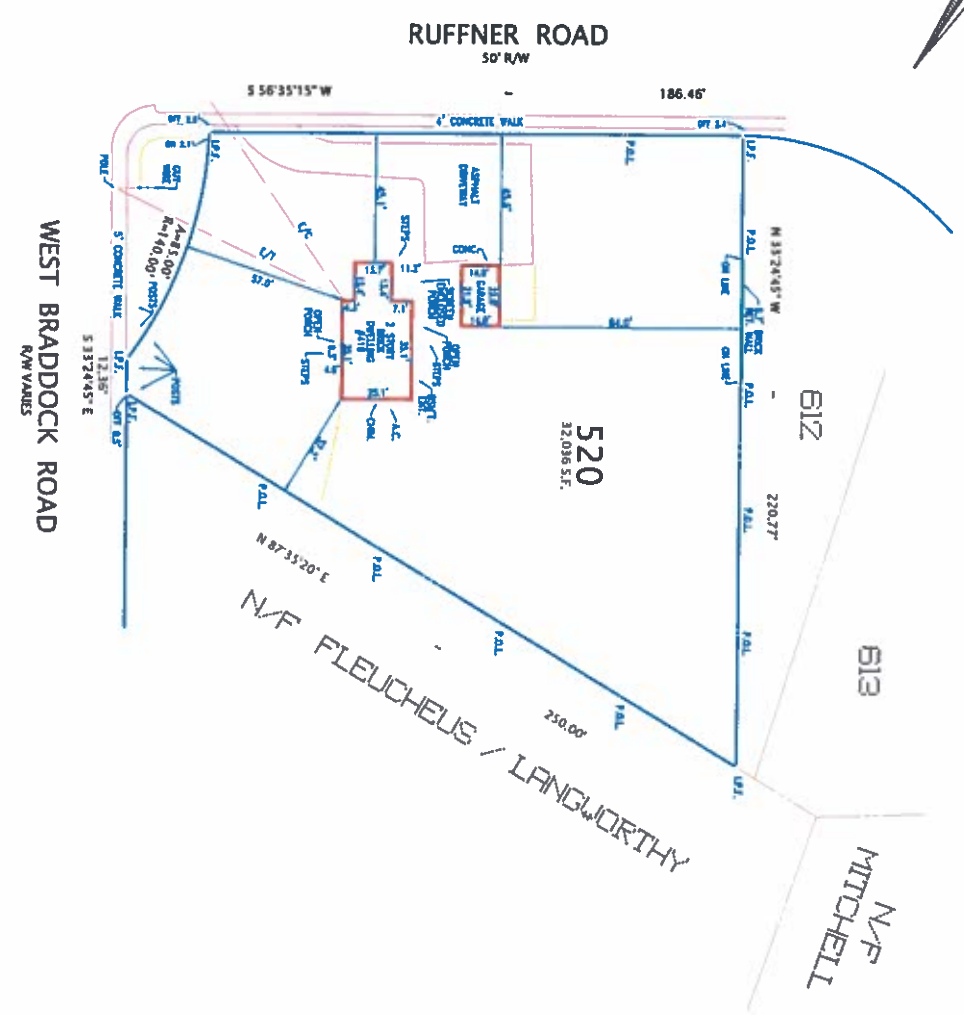
Attachment

Introduction: 10/10/06
First Reading: 10/10/06
Publication:
Public Hearing:
Second Hearing:
Final Passage:

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Exhibit C





NOTES: 1. DIMENSIONS ARE TRUE.
2. LOT 520, DIMENSIONS FROM PIVOT POINT.
3. P.O.L. DIMENSIONS FROM ON LINE.

CASE NAME: ELIZABETH TONNER	
BY PERMISSION OF THE VIRGINIA BOARD OF SURVEYORS AND MAPPING, THE FOLLOWING IS A PRELIMINARY PLAT FOR THE PURPOSES OF RECORDING AND FOR THE PURPOSES OF THE CITY OF ALEXANDRIA, VIRGINIA.	
1. I, ELIZABETH TONNER, SURVEYOR, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
2. I, ELIZABETH TONNER, SURVEYOR, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
3. I, ELIZABETH TONNER, SURVEYOR, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
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10. I, ELIZABETH TONNER, SURVEYOR, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.	

PLAT
SHOWING HOUSE LOCATION ON
LOT 520
RESURVEYING OF VILLA SITES 19, 20 & 21
SOUTH BRADDOCK HEIGHTS
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 30'
APRIL 13, 2006

STATE OF VIRGINIA
COMMONWEALTH OF VIRGINIA
LAND SURVEYOR
ELIZABETH TONNER
ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
4445 SOUTH LAKES HOSPITAL ALEXANDRIA, VIRGINIA 22304
TEL. NO. 703-460-6415 FAX NO. 703-782-7764

GRAPHIC SCALE
0 10 20 30 40 50 60 70 80 90 100
FEET

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 17, 2015

TO: KARL MORITZ, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE, SRA, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS *WBP*

SUBJECT: VACATION OF RIGHT-OF-WAY WITH NO ADDITIONAL
DEVELOPMENT RIGHTS (VAC#: 2015-0003)
WESTERN QUADRANT OF THE INTERSECTION OF BRADDOCK ROAD
AND RUFFNER ROAD

PROJECT: THOMAS BROTHERS ENTERPRISES LLC (c/o BRIAN THOMAS)

Based on my review of the current assessment data and subject to the limiting conditions stated in this memorandum, it is my opinion that the right-of-way to be vacated has an assemblage value to the adjacent property owner as of December 17, 2015, of:

Ten Thousand Seven Hundred Fifty Thousand Dollars (\$10,750)

Per your request, we have reviewed the proposed vacation of an uninstalled City owned right-of-way located at the western quadrant of the intersection of Braddock Road and Ruffner Road in an area known as South Braddock Heights. The land area in question contains 1,455 square feet that is triangular in shape and level with concrete, curb, gutter and sidewalk installed along both street frontages. The area is landscaped, partially fenced, and is being maintained by the adjacent property owner at 418 West Braddock Road. A copy of the vacation plat, dated August 26, 2006, is included as an attachment to this memorandum.

The right-of-way is being purchased for assemblage with the previously referenced adjacent property, and will result in an adjusted lot area of 20,411 square feet (18,956 SF + 1,455 SF) zoned R-8, Single-Family Zone. I have estimated the value of the right-of-way to be vacated using the latest published real estate assessments (CY 2015) of nearby properties of similar size and zoning, and have also considered the preclusion of any additional development density beyond that which currently exists on the main property at 418 West Braddock Road.

The January 1, 2015 land assessment of 418 West Braddock Road was \$840,708 based on an erroneous land area of 27,500 square feet. This equates to \$30.57 per square-foot. In August of 2015, the previous property owners (Richard C. and Elizabeth A. Tonner) subdivided the site

into two legal building lots by virtue of a lot line adjustment, and the area associated with 418 West Braddock Road was reduced to 18,956 square feet. A copy of this most recent subdivision plat is also included as an attachment to this memorandum. Based on CY 2015 assessment data, lots ranging in size from 18,000 to 20,000 square feet were assessed between \$680,000 and \$725,000. This equates to a per square-foot of dirt value ranging from \$36.25 to \$37.50. Based on the foregoing, I have estimated the undiscounted value of the vacated parcel to be \$37.00 per square-foot, which for 1,455 square feet equals \$53,835.

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent ($\$53,835 \times 0.2$), which results in an indicated value of **\$10,750 (rounded)**.

The discounted value above is contingent upon the recordation of the restrictions placed by the City that there will be no development on the vacated area and that no additional density will be permitted on the consolidated parcel commensurate with the additional square footage gained as a result of this vacation.

Attachments

1. Plat Showing Vacation of West Braddock Road, dated August 26, 2006.
2. Plat Showing Subdivision of Lot 520, Resubdivision of Villa Sites 19, 20 & 21 South Braddock Heights.

