

**DOCKET ITEM #9**  
**Vacation #2017-0006**  
**118 West Alexandria Avenue**

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

<b>Application</b>	<b>General Data</b>	
<b>Request:</b> Public hearing and consideration of a request to vacate public right-of-way of an alley to add land area to an adjacent lot.	<b>Planning Commission Hearing:</b>	October 3, 2017
	<b>City Council Hearing:</b>	October 14, 2017
<b>Address:</b> 118 West Alexandria Avenue	<b>Zone:</b>	R-5 / Residential
<b>Applicant:</b> Gina Maria Dinicolo, represented by Alexandria Avenue, LLC (James Michael Dameron), agent	<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 Reviewer:** Madeleine Sims, [madeleine.sims@alexandriava.gov](mailto:madeleine.sims@alexandriava.gov)



**Vacation #2017-0006**  
**118 West Alexandria Avenue**



## I. DISCUSSION

The applicant, Gina Maria Dinicolo, represented by Alexandria Avenue LLC (James Michael Dameron), contract purchaser of 118 W Alexandria Avenue, requests approval of a vacation of the public right-of-way for the expansion of an area that currently appears as an extension of the applicants rear yard.

### SITE DESCRIPTION

The applicant's property is a substandard, undeveloped lot with 45 feet of frontage along West Alexandria Avenue, 130 feet of depth, 41.08 feet of frontage along West Braddock Road, and 11.65 feet of frontage along a city owned alley.

A city owned alley separates 116 West Alexandria Avenue from 118 West Alexandria Avenue. The subject alley is 15 feet wide along West Alexandria Avenue, and 15 feet wide where it meets the east west alley running parallel to West Alexandria Avenue and where it meets West Braddock Road. The alley has 130 feet of depth.



Figure 1: On the left, 116 West Alexandria Avenue (in blue), the subject alley (represented in red), the undeveloped lot at 118 West Alexandria (represented in yellow), and 1301 Russell Road (far right).

The surrounding area is comprised primarily of other single-family homes though there are two churches nearby. The Good Shepard Lutheran Church is located three blocks to the south and the Seventh Day Adventist Church is located at the intersection of West Alexandria Avenue and Russel Road, approximately 163 feet away from the subject property.

### BACKGROUND

The unimproved alley separating 116 and 118 West Alexandria has been the subject of several attempts to vacate the alley, or construct a dwelling at 118 West Alexandria Avenue, a substandard lot. The lot at 118 West Alexandria is substandard because of the width at what would be the front building line is 45 feet instead of the required 50 feet. The lot cannot be developed through a Special Use Permit for substandard lot development as it under common ownership with 1301 Russel Road. Therefore, to develop this lot it must come into compliance with lot standards for the R-5 zone. This can be accomplished through the vacation of the

uninstalled alley. The previous attempts to vacate the alley or develop at 118 West Alexandria Avenue were unsuccessful for various reasons.

In 1984 (item #6 at the September 1984 City Council meeting), a vacation request of the alley was filed. Planning Commission recommended approval of the request after it was determined that no existing or future use existed for the alley. City Council denied the request after Council appointed viewers determined that “an inconvenience would result from discontinuing and vacating the alley.”

Another vacation request of the subject alley was filed in 1985 (Item #7 at the 1985 September City Council meeting) in order to construct a single-family dwelling at 118 West Alexandria. The Planning Commission and Staff recommended approval as the land was never used for vehicular traffic and that the City had no use for such alley. The request was denied by City Council.

Special Use Permit #1848 was a request to develop the substandard lot at 118 West Alexandria Avenue in 1985. The Planning Commission recommended approval of the request. The report acknowledged that the City had no past, present or future use in the alley, and that the five-foot deficiency was not noticeable as the area to be vacated visually read as part of the lot. City Council denied the request.

BZA #6289 in 1992, was a request to vacate the City owned alley. The application was withdrawn by the applicant of 118 West Alexandria Avenue before the hearing. In 1992, City Council denied VAC #92-0004, citing public policy concerns.

In 2003, VAC #2003-0004 was filed requesting the vacation of the alley. The owner of 116 West Alexandria Avenue requested a vacation of the alley to pave a driveway. Staff recommended denial of this request over concerns with infill development, with Planning Commission also recommending denial. City Council deferred the request, and the application was put on hold indefinitely per the applicant’s instructions.

In 2006, City Council approved amendments to the City’s infill standards to maintain the neighborhood compatibility of new construction. In 2004, City Council adopted a vacation policy. The valuation process was clarified and established that proceeds from vacations be directed to the City’s Open Space Fund, and include the following criteria:

:

1. There is no public use of the right-of-way at the time the application is filed.
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 uses include, but is not limited to future roads, bike paths/trails, recreational facilities, open space, utilities or other environmental protection.
3. No portion of the public right-of-way shall become landlocked.

4. No abutting property owners shall become landlocked or have access substantially impaired.
5. The vacation shall provide a public benefit.

All prior efforts to vacate the alley or build on this lot were made before the City established current street vacation and infill development policies.

#### PROPOSAL

The applicant, Gina Maria Dinicolo, of 118 West Alexandria and 1301 Russell Road, proposes a vacation of 650 square feet, 5 foot wide portion of an unimproved public alley with a width of fifteen feet along West Alexandria Avenue and a depth of 130 feet. The applicant proposes to consolidate the vacated area with lot 15 (118 West Alexandria Avenue) to create a standard lot that is eligible to be developed. The remaining 10 foot wide section of the alley would be vacated and sold to the property owner at 116 W. Alexandria Avenue.

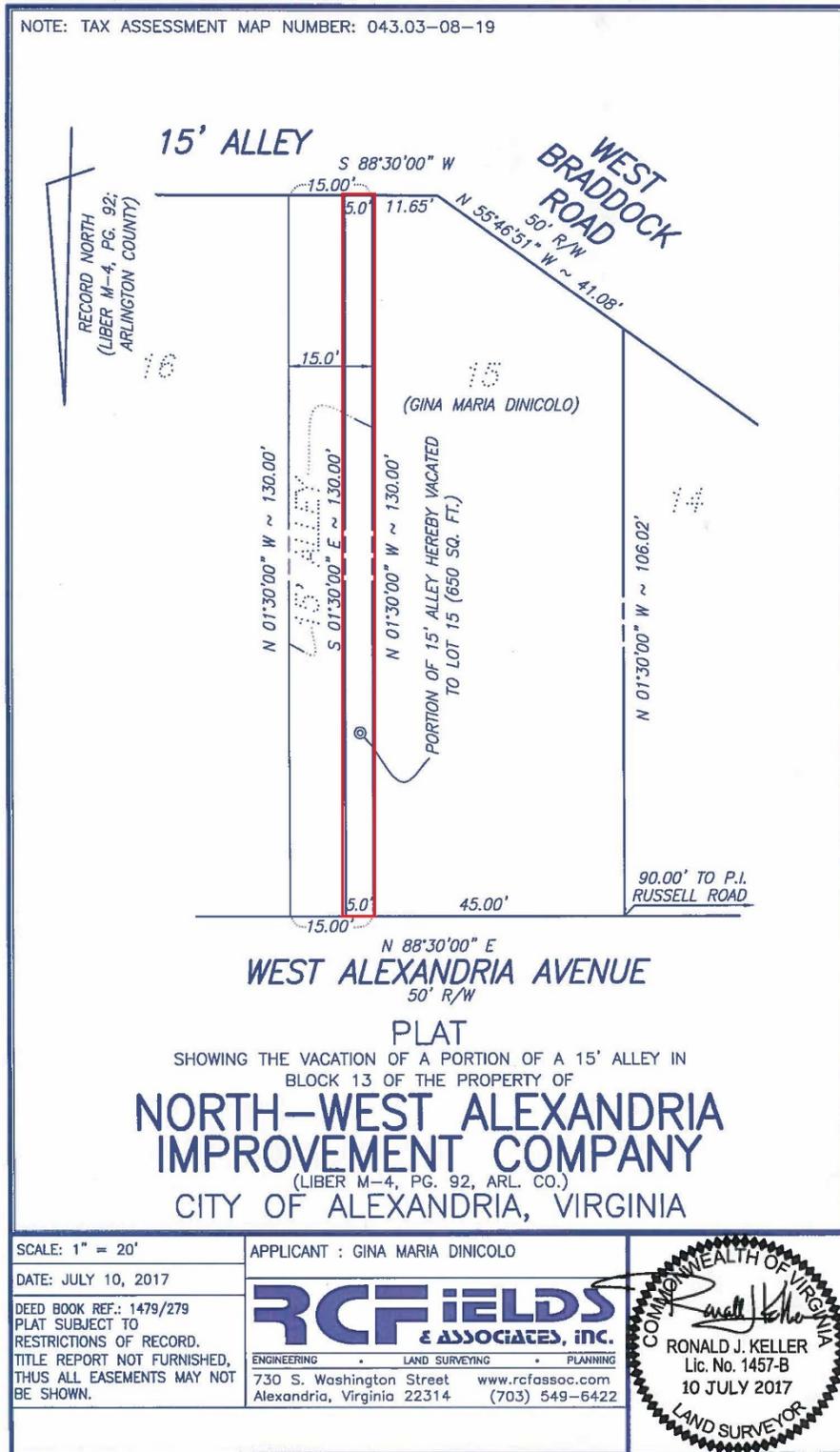
The contract purchaser intends to construct a single-family dwelling at 118 West Alexandria Avenue if the vacation is approved. The applicant intends to purchase the vacated portion with development rights, which would be required to develop this lot for it to be sold to the contract purchaser.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is in the R-5 / Residential zone. Section 3-402 of the Zoning ordinance permits single family dwellings in the R-5 zone. The lot is designated for residential use in the Potomac West Small Area Plan.

#### VALUE OF VACATED RIGHT-OF-WAY

The Department of Real Estate Assessments has valued the 650 square feet of land in question at \$47,000. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this valuation.

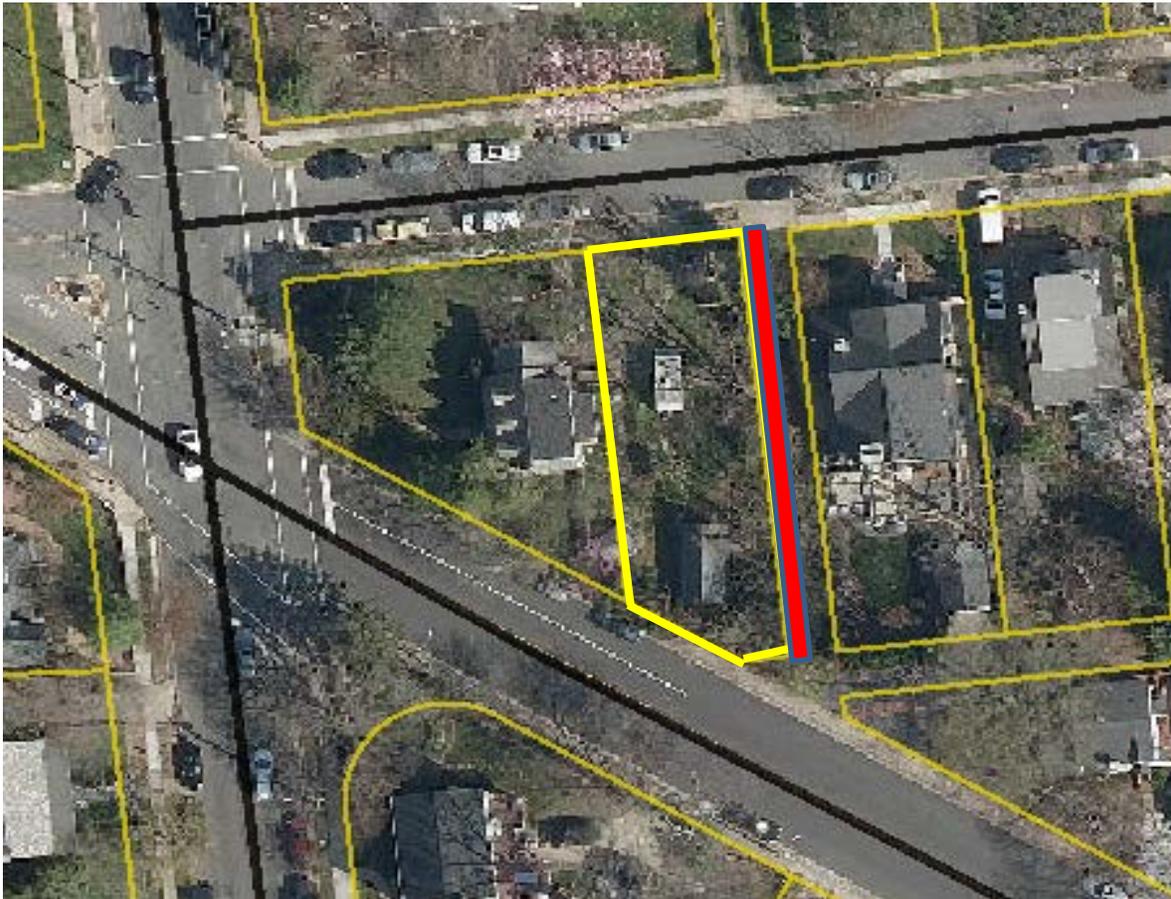


17-146

Figure 2: The proposed area of vacation for 118 West Alexandria Avenue is shown here in red.

## II. STAFF ANALYSIS

Staff supports the request for a vacation of the unimproved alley, and the consolidation of this piece (650 square feet) with the lot at 118 West Alexandria Avenue. Alley improvements were never installed, nor would they be installed in the future. The unimproved alley currently reads as the side yards of both properties, and is maintained as such. The portion of the alley to be consolidated with the lot at 118 West Alexandria Avenue, is largely overgrown and unused. Staff supports the request as the applicant would be responsible for maintaining this land, and the alley has never been, nor will be used for public purposes.



*Figure 3: The subject property in yellow, the area of the alley to be vacated, in red.*

The previous attempts to vacate this alley were all before the City adopted its policy on vacations, and the establishment of infill standards in the Zoning Ordinance. Infill standards were created in 2006, and subsequently updated, to control the mass and bulk of buildings on property; these included standards on setbacks, threshold height, and buildable area. The policy on vacations was established in 2004, and provided a basis of analysis for vacation requests which staff has analyzed for this case:

### **1. Existing Public Use**

The proposed vacation area is part of a city owned alley. The alley however, was never installed, nor intended to be installed. The orientation of the lots along the Alexandria Avenue is not conducive to a north-south alley, and are already served by an east-west alley at the rear of the properties along the south side of West Alexandria Avenue.

### **2. Reasonable Future Use**

The only potential use of this public right of way would be to serve as a continuation of the north-south alley, connecting West Alexandria Avenue to West Braddock Road (and the alley that runs parallel to the south side of West Alexandria Avenue). Transportation and Environmental Services staff has confirmed that an alley would not be installed, and that there is no future use for this property.

### **3. Landlocked Public Property**

Approval of the vacation would not create a situation where public or private property would be landlocked. The requested vacation would not hinder access to streets or sidewalks, and personal property would not be affected.

### **4. Landlocked Private Property/Impaired Access**

Approval of the vacation would not create a situation where public or private property would be landlocked. The requested vacation would not hinder access to streets or sidewalks, and personal property would not be affected.

### **5. Public Benefit**

Vacation request approval would require the applicant to submit payment of \$47,000 to the City's Open Space Fund for the purchase of open space more conducive to public active and passive use.

Five standard conditions for approval have been included in this report. The fair market value of \$47,000 shall be provided to the City of Alexandria as required in Condition #1 and the property development rights are acknowledged in Condition #5. Condition #3 requires the consolidation of the vacated land to Lot 15 and the recordation of the final plat in the Land Records of the City of Alexandria.

### III. RECOMMENDED CONDITIONS

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

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral by the Director to public hearing by the Planning Commission and City Council.

1. 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) (P&Z)
2. The applicant shall show all public and private easements on the plat of consolidation. (T&ES)
3. The vacated right-of-way shall be consolidated with the adjoining lot. The approved final deed and plat shall be recorded in the Land Records of the City of Alexandria. (T&ES) (P&Z)
4. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right of way. (T&ES) (P&Z)
5. The property owners may use the vacated land area to derive any increased above and below grade development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. (T&ES) (P&Z)

STAFF: Alex Dambach, Division Chief, Land Use Regulatory Services, Department of Planning and Zoning  
Madeleine Sims, Urban Planner

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**Staff Note:** In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

F-1 Transportation Planning, Traffic Engineering, Resource Recovery, Public Works Services and Storm have no comments.

- R-1 The applicant shall pay \$XX (the fair market value, as determined by the Director of Real Estate Assessment) for the requested vacation of a portion of the existing alley. Approval of this vacation shall be subject to the following: (I-ROW)
- a. Utility easements for all public and private utilities shall be provided within the vacated alley and such easements are to be shown on the plat of consolidation.
  - b. The vacated alley shall be consolidated with the adjoining lot, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to the recordation of the plat in the Land Records of the City of Alexandria.
  - c. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated alley.
  - d. The property owners may use the vacated land area to derive any increased above and below grade development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. (T&ES) (P&Z)

##### Code Enforcement:

No comments.

##### Fire:

No comments or concerns.

##### Health:

No comments received.

##### Parks and Recreation:

No comments received.

##### Police Department:

No comments received.

##### RPCA

No comments.

# City of Alexandria, Virginia

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## MEMORANDUM

**DATE:** SEPTEMBER 5, 2017

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

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

**SUBJECT:** VACATION OF AN UNINSTALLED PUBLIC ALLEY ON THE SOUTH SIDE  
OF WEST ALEXANDRIA AVENUE, EAST OF RUSSELL ROAD

**ADDRESS:** 118 WEST ALEXANDRIA AVENUE, ALEXANDRIA, VA 22301

**PROJECT:** VACATION #2017-0006

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Per your request, we have reviewed the proposed vacation of City owned property adjacent to 118 West Alexandria Avenue. According to a plat submitted with the application the proposed vacation is a five-foot portion of an uninstalled 15-foot public alley that contains a land area of 650 square feet that extends south from West Alexandria Avenue a distance of 130 feet to a point approximately 12 feet east of West Braddock Road.

The proposed area to be vacated has five feet of frontage on the south side of West Alexandria Avenue and a depth of 130 feet. The receiving parcel (Lot 15, Block 13, North-West Alexandria Improvement Company) contains 5,555 square feet, and is zoned R-5, Single-Family Zone. If the proposed vacated area is added to the receiving parcel, the total lot area would increase to 6,205 square feet (5,555 SF + 650 SF). With 45 feet of frontage, the receiving parcel currently does do comply with zoning which requires a minimum lot width of 50 feet and/or conformance with the block face. Lots on the 100 block of West Alexandria Avenue are 50 feet to 75 feet in width. The additional five feet that are the subject this vacation will create a conforming building lot.

The value of the uninstalled alleyway to be vacated was estimated using the latest real estate assessment (CY 2017) data for nearby properties of similar size and zoning. It is also assumed that development rights will be created. Based on zoning, the maximum FAR within the district shall not exceed 0.45, which equates to an above grade gross living area of 2,792 square feet (6,205 SF x 0.45).

The January 1, 2017 land assessment of 116 West Alexandria Avenue is \$459,000, or \$70.62 per square-foot for 6,500 square feet. Under traditional economic theory, unit prices tend to increase as the agents of production decrease. Therefore, we have estimated an assemblage value of \$72.50 per square-foot, which for 650 square feet equals \$47,125 (650 SF x \$72.50/SF).

In accordance with current City policy involving street vacations with development rights, we have not discounted the total value. Based on the foregoing, the estimated value of the vacation is **\$47,000 (rounded)**.

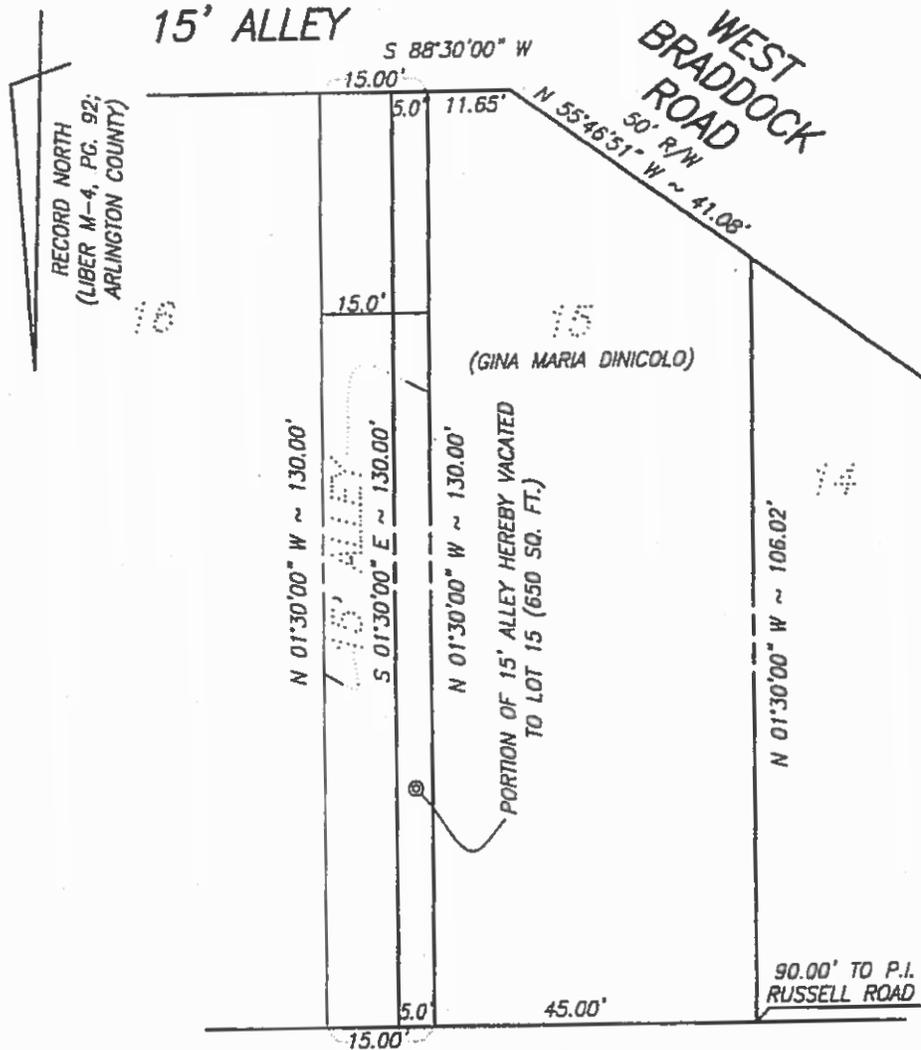
**Forty-Seven Thousand Dollars**

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on 2017 assessed land values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines regarding vacations.

**Attachments**

Plat: July 10, 2017

cc: Madeleine Sims, Urban Planner



PLAT  
SHOWING THE VACATION OF A PORTION OF A 15' ALLEY IN  
BLOCK 13 OF THE PROPERTY OF  
**NORTH-WEST ALEXANDRIA  
IMPROVEMENT COMPANY**  
(LIBER M-4, PG. 92, ARL. CO.)  
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'  
DATE: JULY 10, 2017  
DEED BOOK REF.: 1479/279  
PLAT SUBJECT TO  
RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED,  
THUS ALL EASEMENTS MAY NOT  
BE SHOWN.

APPLICANT : GINA MARIA DINICOLO

**RC FIELDS**  
& ASSOCIATES, INC.

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

COMMONWEALTH OF VIRGINIA

*Ronald J. Keller*

RONALD J. KELLER  
Lic. No. 1457-B  
10 JULY 2017  
LAND SURVEYOR

APPLICATION for VACATION # \_\_\_\_\_

[must use black ink or type]

PROPERTY LOCATION: Portion of a 15' Alley adjacent to 118 West Alexandria Avenue

TAX MAP REFERENCE: 43.03-08-19 ZONE: R5

APPLICANT'S NAME: Alexandria Avenue, LC (Agent: James Michael Dameron)

ADDRESS: 210 N. Lee Street, Suite 206, Alexandria, VA 22314

PROPERTY OWNER NAME: Gina Maria Dinicola  
(Owner of abutting area to be vacated)

ADDRESS: 118 West Alexandria Avenue, Alexandria, VA 22301

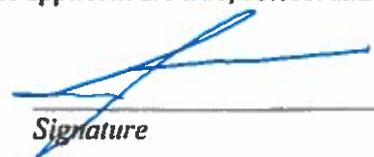
VACATION DESCRIPTION: A 5' wide portion of a fifteen (15) foot alley (area = 650 sq. ft.) in Block 13 of the Property of the North-West Alexandria Improvement Co. Subdivision. The alley is located approximately 135' East of the Intersection of Russell Road and W. Alexandria Avenue. The alley is 130' feet in length (1,950 sq. ft.) running between W. Alexandria Avenue and W. Braddock Road.

**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.

James Michael Dameron (Agent)  
Alexandria Avenue, LC



\_\_\_\_\_  
*Print Name of Applicant or Agent*

\_\_\_\_\_  
*Signature*

210 N. Lee Street, Suite 206

703-989-7399

\_\_\_\_\_  
*Mailing/Street Address*

\_\_\_\_\_  
*Telephone #*      *Fax #*

Alexandria, VA 22314

July 10, 2017

\_\_\_\_\_  
*City and State*      *Zip Code*

\_\_\_\_\_  
*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

**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. James Michael Dameron Alexandria Avenue, LC	210 N. Lee Street, Suite 206, Alexandria, VA 22314	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 118 W. Alexandria Avenue, 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. Gina Maria Dinicola	1301 Russell Rd. Alexandria, VA 22301	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.		
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.

July 10, 2017

James Michael Dameron

Date

Printed Name

Signature

**METES AND BOUNDS DESCRIPTION  
A PORTION OF A 15 FOOT WIDE ALLEY TO BE VACATED  
LOCATED IN BLOCK 13 OF THE PROPERTY OF  
NORTH-WEST ALEXANDRIA IMPROVEMENT COMPANY  
AS RECORDED IN LIBER M-4, PAGE 92 (ARLINGTON COUNTY)  
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point being the Southeasterly intersection corner of Russell Road and West Alexandria Avenue, said point also being the Northwesterly corner of Lot 13, Block 13 of the Property of the North-West Alexandria Improvement Company Subdivision. Thence running in an Easterly direction with the Southerly Right-of-Way line of West Alexandria Avenue, North 88 degrees 30 minutes 00 seconds East, 135.00 feet to the edge of a 15' wide Alley, said point also being the Northeasterly corner of Lot 15, Block 13 of the aforementioned subdivision and the point of beginning of the alley vacation to be described. Thence with the Southerly Right-of-Way line of West Alexandria Avenue

- 1) North 88 degrees 30 minutes 00 seconds East, 5.00 feet to a point, thence departing the West Alexandria Avenue Right-of-Way line and running through the 15' Alley
- 2) South 01 degrees, 30 minutes 00 seconds East, 130.00 feet to a point, thence running through the Alley
- 3) South 88 degrees 30 minutes 00 seconds West, 5.00 feet to a point that is also the Southeasterly corner of Lot 15, Block 13 of the North-West Alexandria Improvement Company Subdivision, thence running with the Easterly line of Lot 15
- 4) North 01 degrees, 30 minutes 00 seconds West, 130.00 feet to the place and point of beginning and containing an area of 650 square feet or 0.0149 Acres of Land.

July 8, 2017

Mr. Karl W. Moritz, Director  
The Department of Planning and Zoning  
301 King Street, Room 2100, City Hall  
Alexandria, VA 22314

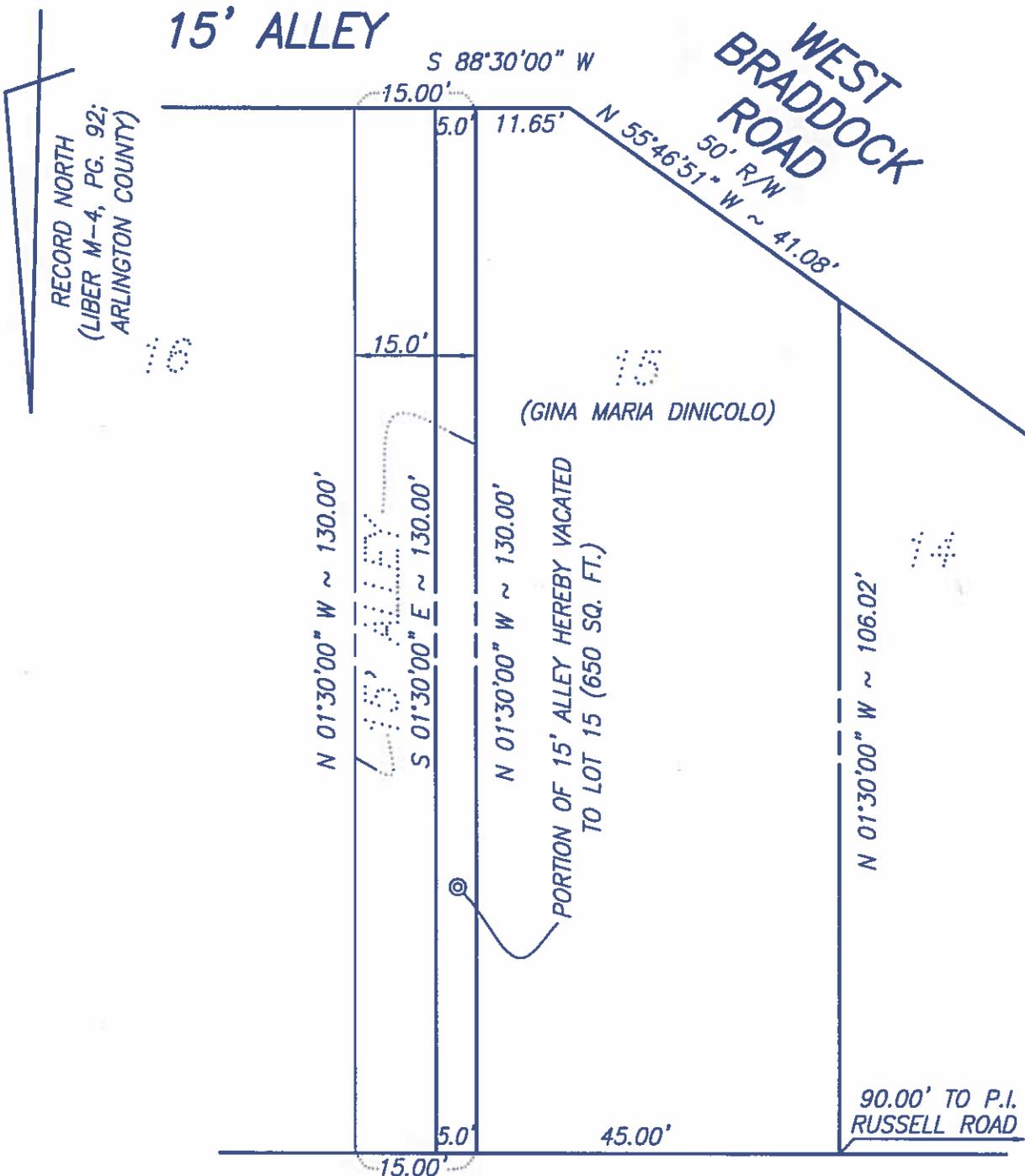
Dear Mr. Moritz;

I, Gina Maria Dinicolo, owner of the property located at 118 W. Alexandria Avenue, give James Michael Dameron, Alexandria Avenue, LLC, the authority to act as agent on my behalf for the Alley Vacation adjacent to my property.

Respectfully Submitted,

*Gina Maria DiNicolo*

Gina Maria Dinicolo  
1301 Russell Road  
Alexandria, VA 22301



PLAT

SHOWING THE VACATION OF A PORTION OF A 15' ALLEY IN  
BLOCK 13 OF THE PROPERTY OF

**NORTH-WEST ALEXANDRIA  
IMPROVEMENT COMPANY**  
(LIBER M-4, PG. 92, ARL. CO.)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'	APPLICANT : GINA MARIA DINICOLO	
DATE: JULY 10, 2017		
DEED BOOK REF.: 1479/279 PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.		