



Vacation #2017-0005
116 West Alexandria Avenue

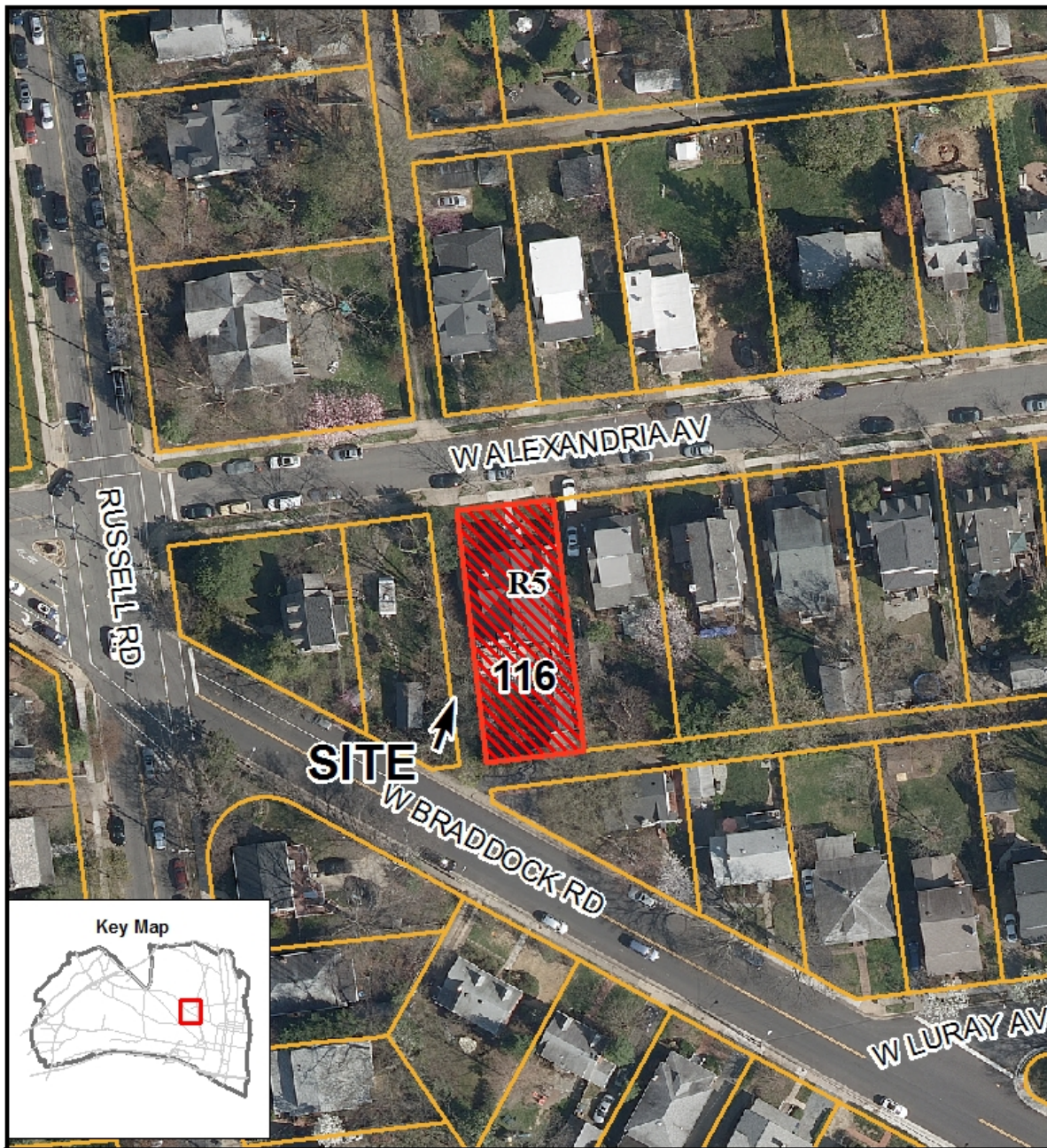
Application	General Data	
Request: Public hearing and consideration of a request to vacate public right-of-way of an alley to add side yard area to an adjacent lot.	Planning Commission Hearing:	October 3, 2017
	City Council Hearing:	October 14, 2017
Address: 116 West Alexandria Avenue	Zone:	R-5 / Residential
Applicant: Robert C. Hargis, represented by, Alexandria Avenue LLC (James Michael Dameron)	Small Area Plan:	Potomac West

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

Staff Reviewer: Madeleine Sims, madeleine.sims@alexandriava.gov

PLANNING COMMISSION ACTION, OCTOBER 3, 2017: By unanimous consent, the Planning Commission voted to recommend approval for Vacation #2017-0005.

Reason: The Planning Commission agreed with the staff analysis.



Vacation #2017-0005
116 West Alexandria Avenue



I. DISCUSSION

The applicant, Robert Hargis, represented by James Michael Dameron of Alexandria Avenue LLC, requests approval of a vacation of the public right-of-way of a portion of an alley to add side yard area to the dwelling at 116 West Alexandria Avenue.

SITE DESCRIPTION

The applicant's property is developed with a two-story residential dwelling on a lot with 50 feet of frontage along West Alexandria Avenue with 130 feet of depth.

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

The surrounding area is comprised of other single-family homes and churches. 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 252 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.

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."



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

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.

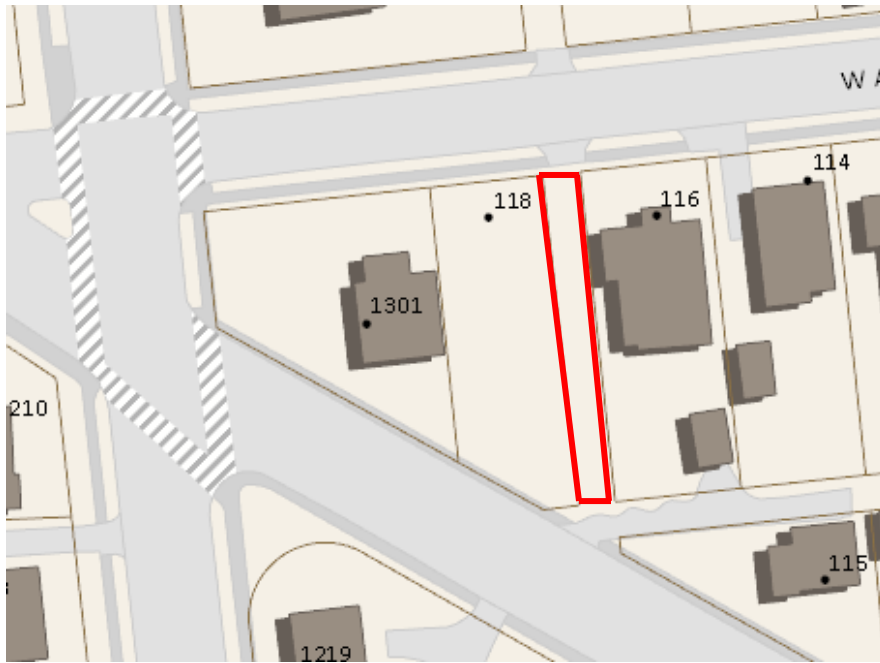


Figure 2: The subject alley, in red, and two properties proposing to absorb the vacated land.

PROPOSAL

The applicant, Robert Hargis, of 116 West Alexandria Avenue, proposes a vacation of a 1,300-square foot, 10 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 land with Lot 16 to enlarge their existing side yard green space with the vacated land for passive uses and landscaping. The applicant does not propose to purchase the vacated land with development rights as he does not plan to redevelop the property. The remaining five foot wide portion of the alley would be vacated and transferred to the lot at 118 W. Alexandria Avenue through another application (VAC #2017-0006).

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 1,300 square feet of land in question at \$11,000 without development rights. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this valuation. The value of this land is significantly discounted from fair market value because development rights for the area proposed to be vacated would be extinguished pursuant to Condition #5.



118 W Alexandria

116 W Alexandria

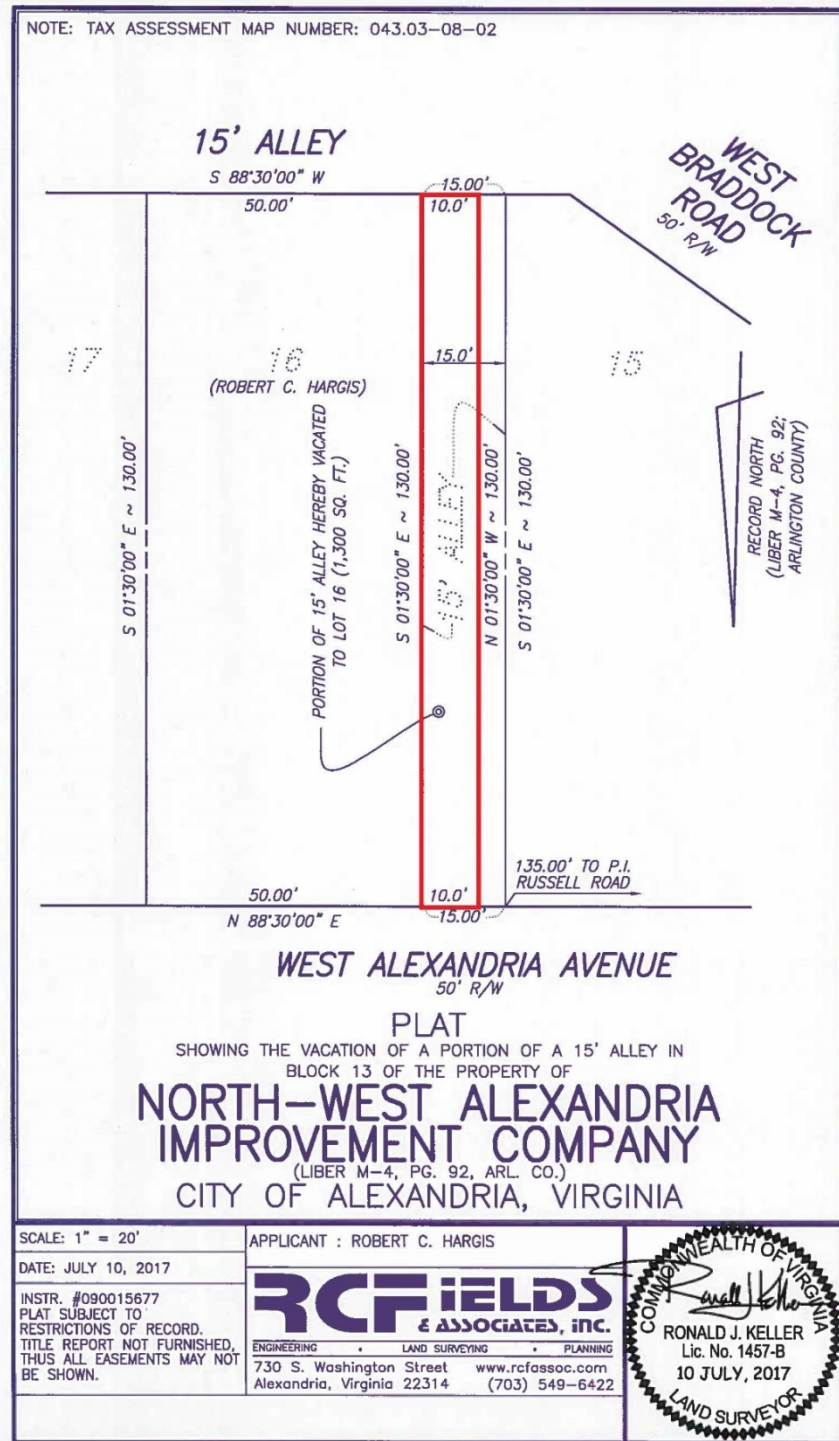


Figure 3: The proposed area of vacation for 116 West Alexandria Avenue is shown here in red.

II. STAFF ANALYSIS

Staff supports the applicant's request for a vacation of 1300 square feet of the alley. The alley was never installed, nor would it be installed in the future. The alley currently reads as part of the applicant's side yard, and this applicant currently maintains it. 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.

The previous requests to vacate the unimproved alley occurred before the City adopted its policy on vacations, and the establishment of infill standards. 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. This portion of the unimproved alley however, was never 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

There is no reasonable future use of this public right-of-way as it would not serve as a connector between West Alexandria Avenue and West Braddock Road. Transportation and Environmental Services staff has confirmed that an alley would not be installed in the future.

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, sidewalks, and personal property would not be affected.

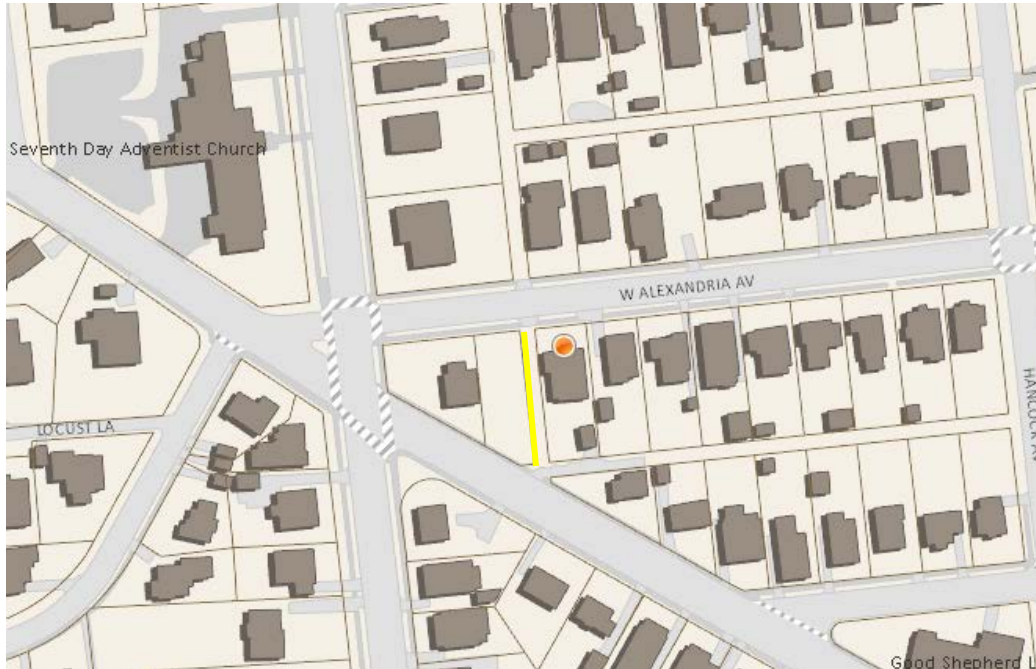


Figure 4: The yellow area represents the unimproved alley, proposed to be vacated by 116 and 118 West Alexandria Avenue. 116 West Alexandria Avenue is represented by the orange dot.

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 does not hinder access to streets, sidewalks, and personal property would not be affected.

5. Public Benefit

This vacation request approval would require the applicant to submit payment of \$11,000 to the City's Open Space Fund for the purchase of open space more conducive to public active and passive use at appropriate sites.

Six conditions of approval, five of which are standard to vacation requests, have been included in this report. Condition #3 requires the consolidation of the vacated land with Lot 16 (116 West Alexandria Avenue) and the recordation of the final plat in the Land Records of the City of Alexandria. The fair market value of \$11,000 shall be provided to the City of Alexandria as required in Condition #1 and the property development rights are extinguished in Condition #5. In addition to waiving development rights, staff has added a condition to ensure that the vacated land area remain free of by mechanical equipment and remains open green space.

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 shall not use the vacated land area to derive any increased above grade development rights for the vacated area, including increased floor area, subdivision rights or additional dwelling units. (T&ES) (P&Z)
6. The vacated land shall not be encumbered by mechanical equipment, or structure other than fences. (P&Z)

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

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 not 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. The above and below grade restrictions 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 Directors of P&Z and T&ES. (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

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: 116 WEST ALEXANDRIA AVENUE, ALEXANDRIA, VA 22301

PROJECT: VACATION #2017-0005

Per your request, we have reviewed the proposed vacation of City owned property adjacent to 116 West Alexandria Avenue. According to a plat submitted with the application the proposed vacation is a 10-foot portion of a 15-foot uninstalled public alley that contains a land area of 1,300 square feet that extends south from West Alexandria Avenue a distance of 130 feet to a point approximately 17 feet east of West Braddock Road.

The proposed area to be vacated has 10 feet of frontage on the south side of West Alexandria Avenue and a depth of 130 feet. The receiving parcel (Lot 16, Block 13, North-West Alexandria Improvement Company) contains 6,500 square feet, and is zoned R-5, Single-Family Zone. If the proposed vacated area were incorporated, the total lot area would increase to 7,800 square feet (6,500 SF + 1,300 SF).

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 additional development rights will be precluded beyond that which currently exists on the recipient property at 116 West Alexandria Avenue.

The January 1, 2017 land assessment of 116 West Alexandria Avenue is \$459,000, or \$70.62 per square-foot. Under traditional economic theory, unit prices tend to decrease as the agents of production increase. Therefore, we have estimated an assemblage value of \$42.50 per square-foot, which for 1,300 square feet equals \$55,250 (1,300 SF x \$42.50/SF).

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent ($\$55,250 \times 0.20$), which results in an indicated value of **\$11,000 (rounded)**.

Eleven 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

APPLICATION for VACATION # _____

[must use black ink or type]

PROPERTY LOCATION: Portion of a 15' Alley adjacent to 116 West Alexandria Avenue

TAX MAP REFERENCE: 43.03-08-02

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: Robert C. Hargis

(Owner of abutting area to be vacated)

ADDRESS: 116 West Alexandria Avenue, Alexandria, VA 22301

VACATION DESCRIPTION: A 10' wide portion of a fifteen (15) foot alley (area = 1,300 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

210 N. Lee Street, Suite 206

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature

703-989-7399

Telephone #

Fax #

July 10, 2017

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. Robert C. Hargis	116 W. Alexandria Ave. 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

Date

James Michael Dameron

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, 150.00 feet to the Easterly edge of a 15' wide Alley, said point also being the Northwesterly corner of Lot 16, Block 13 of the aforementioned subdivision and the point of beginning of the alley vacation to be described. Thence departing the Southerly Right-of-Way line of West Alexandria Avenue and running with the Westerly line of Lot 16

- 1) South 01 degrees, 30 minutes 00 seconds East, 130.00 feet to a point, said point being the Southwesterly corner of Lot 16, thence departing Lot 16 and running through the aforementioned 15' Alley
- 2) South 88 degrees 30 minutes 00 seconds West, 10.00 feet to a point, thence running through the 15' Alley
- 3) North 01 degrees, 30 minutes 00 seconds West, 130.00 feet to a point on the Southerly Right-of-way line of West Alexandria Avenue, thence
- 3) North 88 degrees 30 minutes 00 seconds East, 10.00 feet to the place and point of beginning and containing an area of 1,300 square feet or 0.0298 Acres of Land.

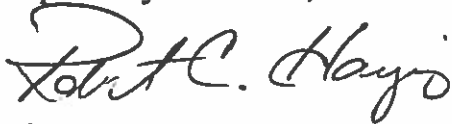
July 8, 2017

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

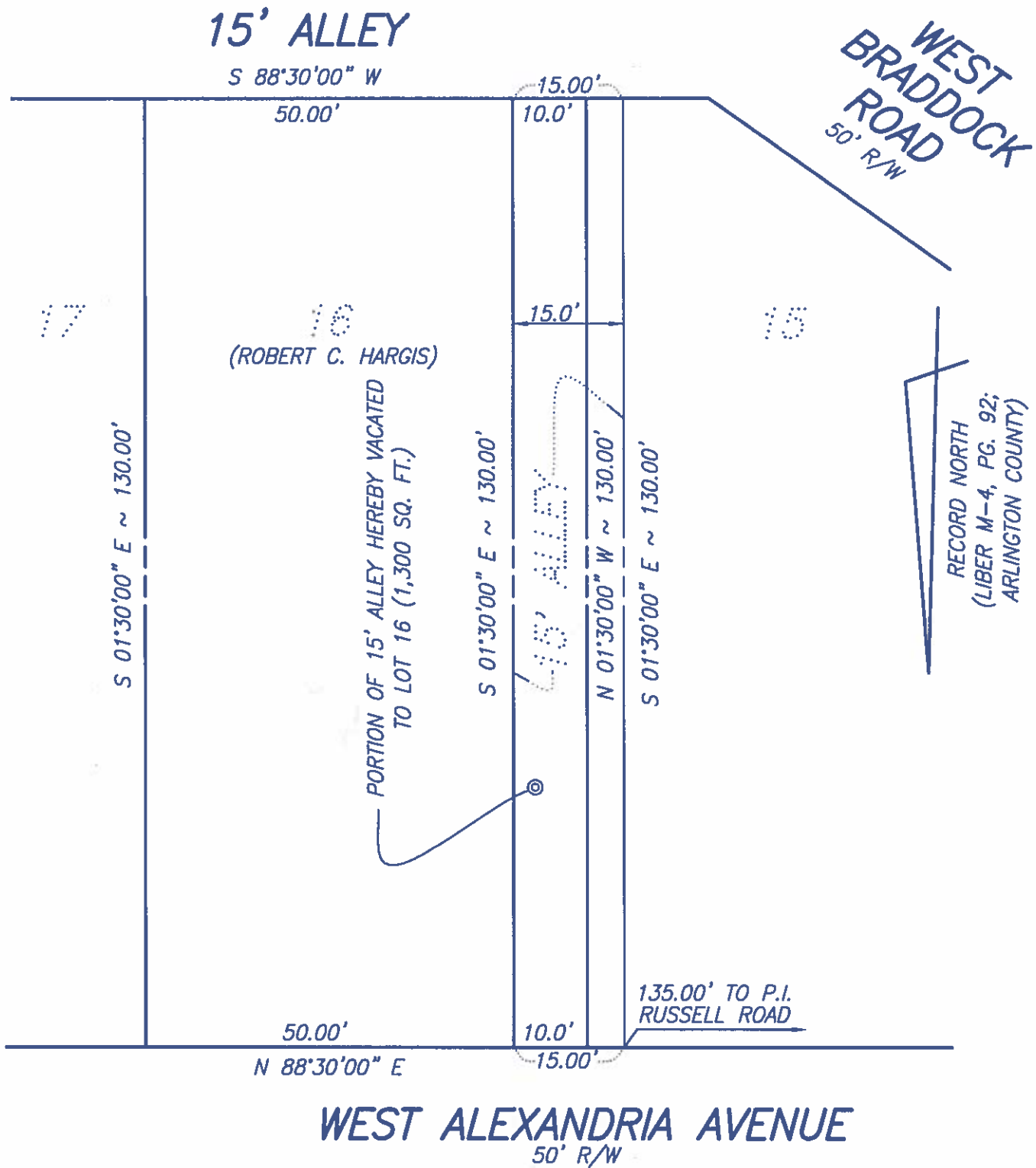
Dear Mr. Moritz;

I, Robert C. Hargis, owner of the property located at 116 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,

A handwritten signature in black ink that reads "Robert C. Hargis". The signature is written in a cursive, flowing style.

Robert C. Hargis
116 W. Alexandria Avenue
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'

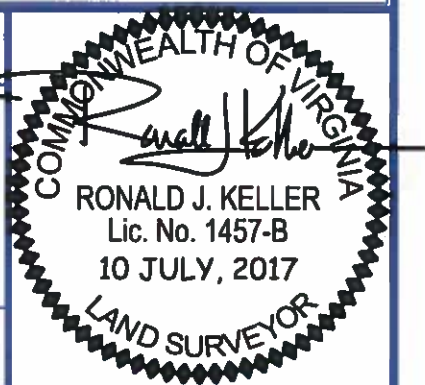
DATE: JULY 10, 2017

INSTR. #090015677
PLAT SUBJECT TO
RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED,
THUS ALL EASEMENTS MAY NOT
BE SHOWN.

APPLICANT : ROBERT C. HARGIS

RCF **IELDS**
& ASSOCIATES, INC.

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



Gina M. DiNicolo
1301 Russell Rd.
Alexandria, VA 22301

29 September 2017

I have owned 1301 Russell Road since 1992. I have owned 118 West Alexandria Ave. since 1994. Over the years I have hired landscape architects, landscapers (to include Merrifield), stone masons, as well as tree experts to cultivate Lots 13, 14, 15.

The current configuration has proved unmanageable. As one who has spent thousands on this property, I strongly recommend that lots 13, 14, and 15 be redeveloped. Lot 15, or 118 West Alexandria, IS its own buildable lot and a poor backyard for Lot 14. I strongly recommend adding five feet to 118's Alexandria Ave. frontage to achieve what the city and most residents want – an ideal reorganization to a challenging pie-shaped corner. There should be at least two homes on Lots 13, 14, and 15, and it seems they should face West Alexandria as 118 and 120. This will bring order to the crucial anchor of the street and enhance values for all.

I now own an early Greek Revival (on another pie-shaped corner!) on more than an acre. The home as well as the large stone outbuildings face the correct way and are much more attractive than Alexandria Ave.'s 13, 14, 15 lay out. (Point: It can be done correctly.) I have been here a long time and have done my best. I urge the Planning Commission as well as the City Council to grant Mike Dameron's small request in partnership with the residents at 116 West Alexandria. And Mr. Dameron's company has the proven track record in local development. I have lived this for 25 years. Reorganization with 118 with a 50-foot frontage on West Alexandria (the lot has a large Braddock Road frontage in excess of 50 feet) to me is the only solution to a challenging yet prominent group of lots that has plagued the owners before me, the owners preceding them, as well as surrounding residents. (Personally, I find the 45-foot frontage ample.)

(Note, as the owner, yes, I am the seller. But it makes little difference to me monetarily who purchases my lots. Thus, as a resident and published historian, I am advocating what from a quarter-century of experience is the right thing to do for the neighborhood.

Briefly on green space: Mr. Dameron has plenty of room for green space – more than we are seeing in most recent local development

This note is for both the Planning Commission and City Council. I'd appreciate my name kept private.

Thank you,

Owner

To: Madeleine Sims
Subject: RE: FYI for October PC the vacations Fw: 120 W. Alexandria Avenue

On 9/24/17, 10:44 AM, "Dana Lawhorne" <danalawhorne@verizon.net> wrote:

>To whom it may concern:

>

>Myself and Linda Lawhorne support the request by Windmill Hill Homes to
>build two homes on the lot located at 120 W. Alexandria Avenue. We
>support their request and the request of the Hargis family for the city
>to vacate the alley. We understand the city's commitment to green space
>but we believe the proposed plan enhances that endeavor. It's current
>condition does not lend itself to a green and open space appearance. Mr.
>Dameron has assured us that the space will remain green and open. This
>proposal will improve the looks of that corner. We have lived in the same
>block since 1986 and welcome the change.

>

>Mr. Dameron has an excellent reputation for working with neighbors and
>being sensitive to their wishes. His company did a major remodel to the
>home next to us and he was always on site supervising the work and
>interacting with the neighbors. I found him to be responsible and
>trustworthy.

>

>As you probably already know, Mike and his company performed the labor
>pro bono for the Gary Sinise foundation. They constructed a beautiful
>home for an Iraq veteran who lost both legs and an arm. Mike and his wife
>have also donated many hours to help others and have been actively
>involved in the Delray neighborhood events.

>

>I hope you support his project. We do.

>

>Sincerely,

>

>Dana and Linda Lawhorne

>

>