



DOCKET ITEM #5
Vacation #2017-0010
4905 Maury Lane

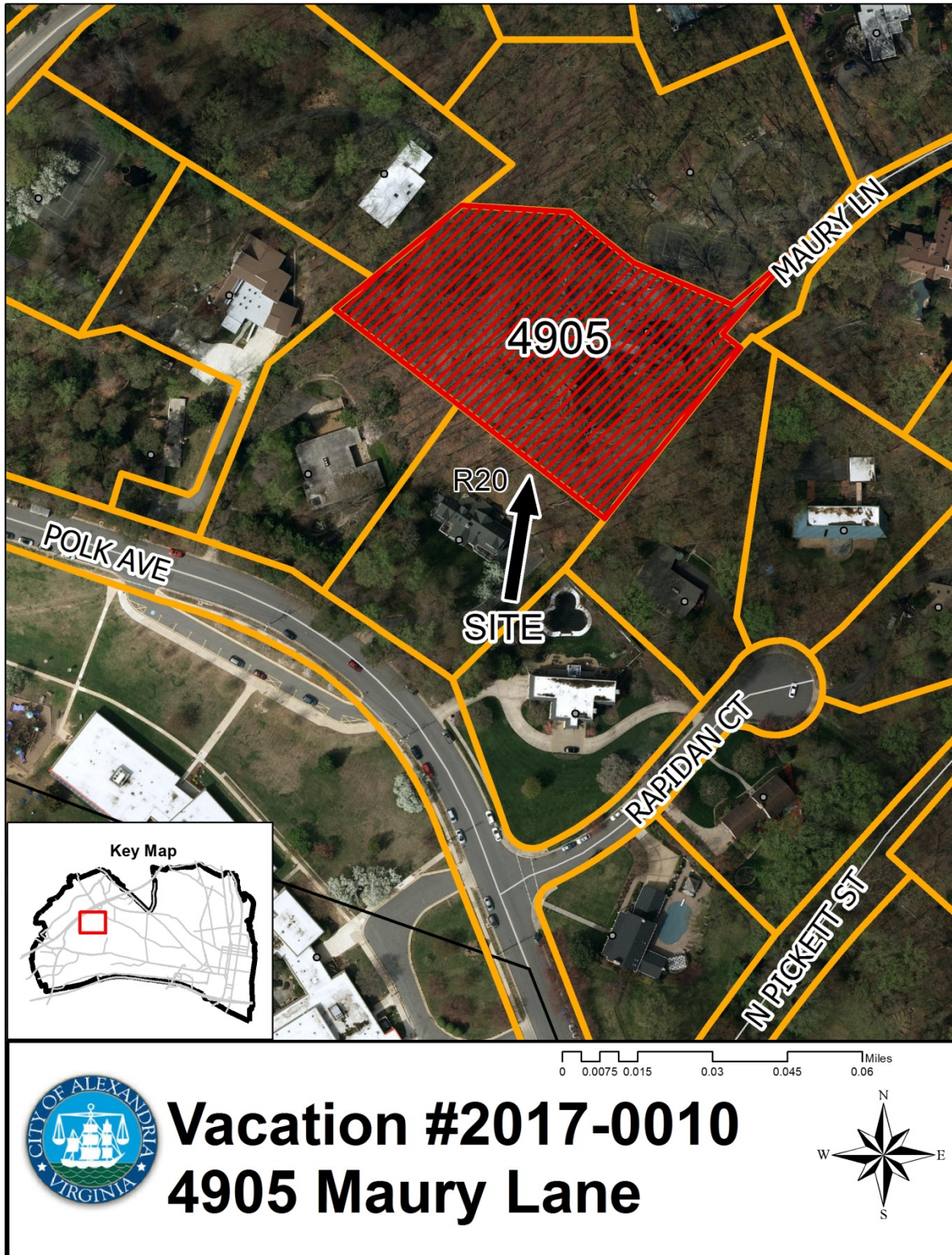
CONSENT AGENDA ITEM

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.

Application	General Data	
Request: Public hearing and consideration of a request to vacate a portion of the public right-of-way of an undeveloped wooded area for a private driveway and for landscaping and storm water runoff improvements.	Planning Commission Hearing:	January 4, 2018
	City Council Hearing:	January 20, 2018
Address: 4905 Maury Lane	Zone:	R-20 / Residential
Applicant: Elise M. Fulstone and William H. Tabor	Small Area Plan:	Seminary Hill / Strawberry 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 Reviewer: Madeleine Sims, madeleine.sims@alexandriava.gov



I. DISCUSSION

The applicants, Elise M. Fulstone and William H. Tabor, request approval of a vacation of the public right-of-way of an undeveloped wooded area for a private driveway and for landscaping and stormwater runoff improvements.

SITE DESCRIPTION

The site to be vacated is a 3,209 square foot trapezoidal shaped area of public right-of-way that abuts the applicants' residential single-family home property at 4905 Maury Lane (Figure 1). The primarily wooded area has been used for several decades as a driveway to access the applicants' property (Figure 2). The proposed vacation area borders the applicants' property to the northeast for 106 feet and has a 40 foot frontage on Maury Lane. It abuts 4848 Maury Lane for 112.24 feet. The applicants' property has an area of 77,244 square feet and a frontage of 142 feet.

The area surrounding the subject property is primary composed of single family dwellings, and sits between the James K. Polk Elementary School and Francis C. Hammond Middle School.

BACKGROUND

The applicants' property, 4905 Maury Lane, underwent a subdivision in 1995 SUB95-0001 that transferred land to the neighboring property at 4875 Maury Lane. This land transfer created the current irregular-shaped frontage of approximately 150 feet.

In 2004, City Council adopted a vacation policy that established criteria for vacation review. The policy clarified the valuation process and established that proceeds from vacations be directed to the City's Open Space Fund.



Figure 1: The applicants' home in yellow.



Figure 2: Area proposed to be vacated.

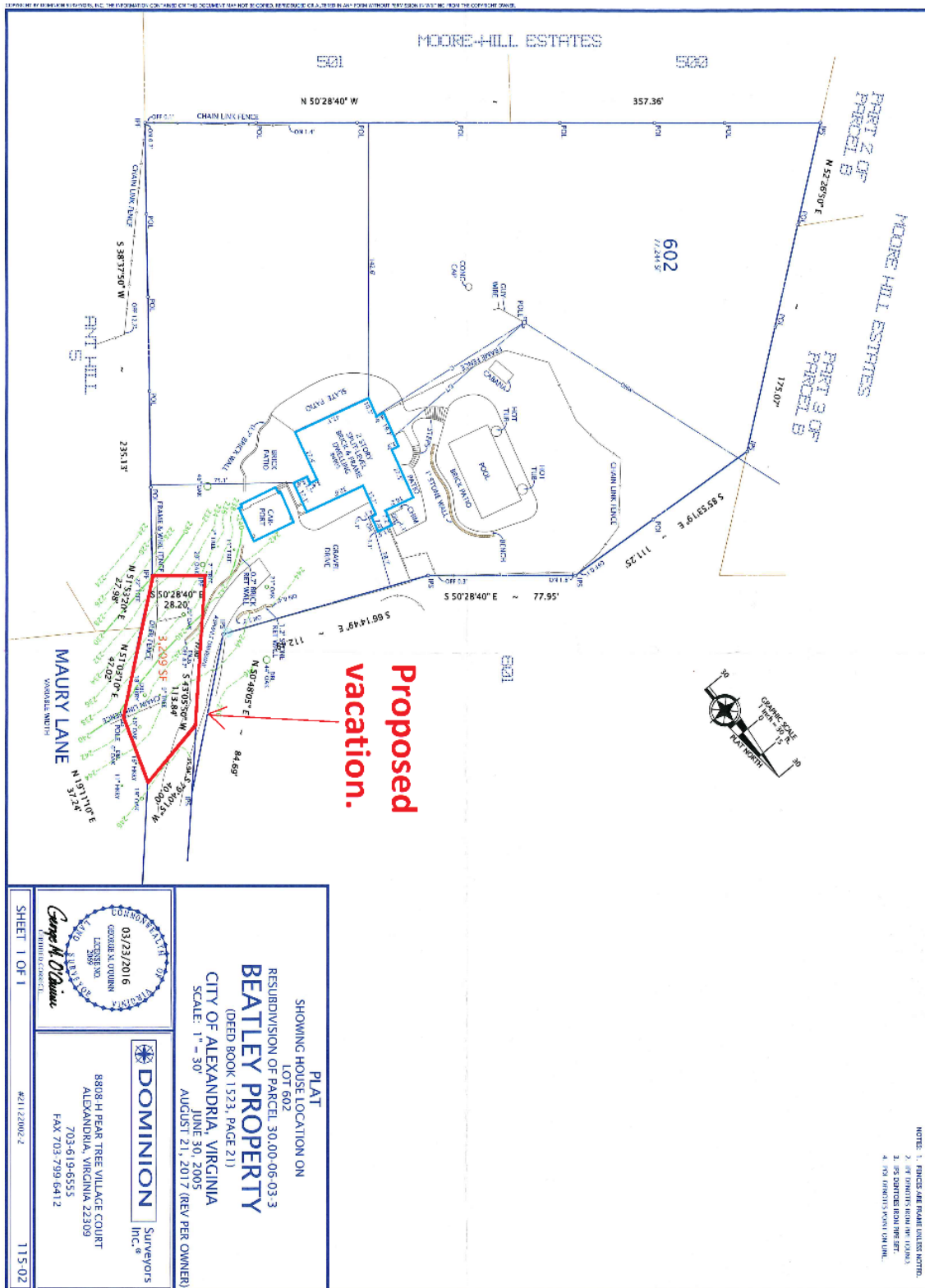


Figure 3: The plat showing the proposed vacation in red, and buildings in light blue.

PROPOSAL

The applicants propose a vacation for 3,209 square feet of the public right-of-way to better maintain the land (Figure 3). The applicants intend to realign their driveway in order to accommodate larger vehicles, implement an attractive landscape plan, and remedy a storm water runoff problem. The applicants have chosen the option to pursue the vacation with non-development rights.

ZONING/MASTER PLAN DESIGNATION

The subject property is in the R-20 / Residential Zone. Section 3-102 of the Zoning Ordinance permits single family dwellings in the R-20 zone. The lot currently complies with Section 3-105 of the Zoning Ordinance regarding bulk and lot requirements. The proposed frontage of 75 feet would also comply with the Zoning Ordinance requirements.

The lot is designated for residential use in the Seminary Hill / Strawberry Hill Small Area Plan.

VACATION POLICY

The City Council policy approved in 2004 established the following criteria for the evaluation of vacation requests:

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.

VALUE OF VACATED RIGHT-OF-WAY

The City Council Vacation Policy establishes the process of valuing vacations stating that “the fair market value of the vacated area will be based upon the value which the vacated area, when combined with the applicants’ existing adjacent land area, causes to be added to the sum of the values of the vacated and existing areas immediately before the vacation.” This process calculates the gross value of the property with development rights and enhanced value should there be any. Because this case was for a vacation with no development rights, the gross value was discounted to reflect the decrease in value. The Department of Real Estate Assessments has

valued the 3,209 square feet of land in question at \$9,000 Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine this valuation.

II. STAFF ANALYSIS

Staff supports the proposed vacation. The proposed vacation area naturally blends in with the lot at 4905 Maury Lane and would provide the applicants with the opportunity to improve access to their property, to improve stormwater runoff, and to add professional landscaping. The applicants would also be able to maintain their driveway. Although irregular, the proposed frontage is required to maintain a lot that complies with the R-20 zone minimum frontage of 75 feet (Figures 4 and 5).

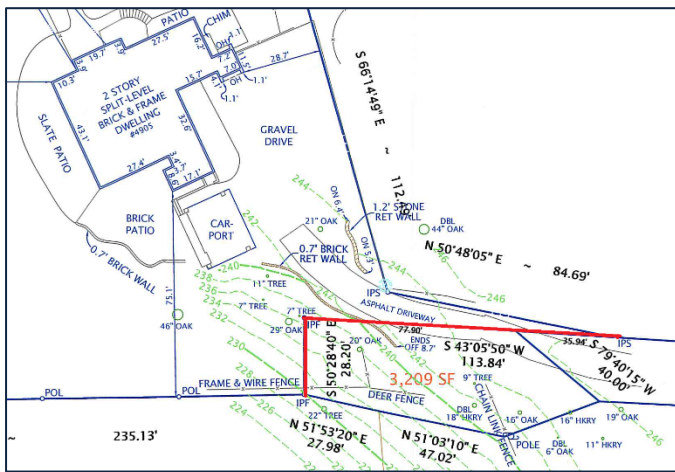


Figure 4: The current frontage of 142 feet in red.

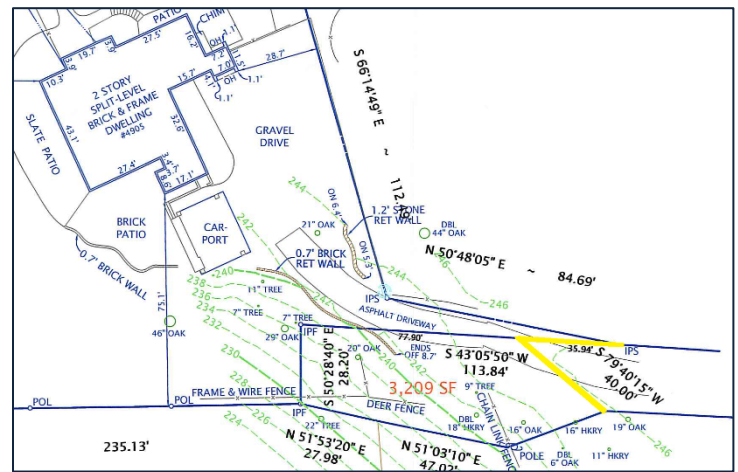


Figure 5: The proposed frontage of 75 feet in yellow.

In addition, staff has analyzed the vacation as required by the City Council policy on vacations and has found that the applicants meet all five approval criteria as follows:

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 applicants would be required to provide easements to private utilities, if any exist, in the vacated area as specified in Condition #2.

2. Reasonable Future Use

There is no foreseeable future public use of this portion of the public right of way. Much of the area proposed to be vacated is a steep slope and would not be conducive to any park, road, or other reasonable use for public benefit. The paved portion of land to be vacated would not serve any public use.

3. Landlocked Public Property

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

4. Landlocked Private Property/Impaired Access

Approval of the vacation would not create a situation where private property would be landlocked or access would be impaired. The applicants and their guests are the only users of the area to be vacated as it serves as their driveway and reads as part of their property. Approval of the request could improve access to their private property by allowing the applicants to install a driveway that is conducive to larger vehicles.

5. Public Benefit

Vacation request approval would require the applicants to submit payment of \$9,000 to the City's Open Space Fund for the purchase of open space more conducive to public active and passive use. The vacation request approval would also allow the applicants to maintain attractive landscaping that could be viewed from the public right-of-way.

Condition Language

Six standard conditions for approval have been included in this report. The fair market value of the vacated property shall be provided to the City of Alexandria as required in Condition #1 and the extinguished property development rights are acknowledged in Condition #6. Condition #3 requires the consolidation of the vacated land to Lot 602 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:

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)
2. Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements. (T&ES)
3. The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to release of the Final Site Plan. The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)

4. The applicant shall be responsible for perpetual ownership and maintenance of the vacated right of way. (T&ES)
5. The vacated land shall not be encumbered by mechanical equipment, or structures other than fences. (P&Z)
6. 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. (P&Z)

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall pay the fair market value, as determined by the Director of Real Estate Assessments. (T&ES)
- R-2 Utility easements for all public and private utilities shall be provided within the vacated right-of-way and such easements are to be shown on the plat of consolidation. No permanent structure may be constructed over any existing or proposed private and/or public utility easements. (T&ES)
- R-3 The vacated right-of-way shall be consolidated with the adjoining lot, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to release of the Final Site Plan. The approved plat shall be recorded in the Land Records of the City of Alexandria. (T&ES)
- R-4 The applicant shall be responsible for perpetual ownership and maintenance of the vacated right-of-way. (T&ES)

Code Enforcement:

No comments received.

Fire:

No comments or concerns.

Health:

No comments received.

Parks and Recreation:

No comments received.

Police Department:


No comments received.

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 17, 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 MAURY LANE, ALEXANDRIA, VA
WITH NO ADDITIONAL DEVELOPMENT RIGHTS

ADDRESS: 4905 MAURY LANE, ALEXANDRIA, VA 22314

PROJECT: VACATION #2017-0010

Per your request, we have reviewed the proposed vacation of City owned property adjacent to 4905 Maury Lane in the City of Alexandria. The parcel is irregular in shape and contains 3,209 square feet, or 0.0737 acres. A copy of the metes and bounds description is included as an attachment to this memorandum. Mostly in its natural state, the parcel has downward sloping topographical features from 246 feet above mean sea level at a point along the installed section of Maury Lane to 230 feet above mean sea level along the southernmost boundary line. This equates to 16-foot drop over a linear distance of approximately 90 feet. The majority of the parcel consists of an uninstalled section of Maury Lane which is a variable width public right-of-way.

The entire area surrounding the subject property is zoned R-20, Single-Family Zone. The maximum floor area ratio (FAR) in this district is 0.25. The receiving parcel has a land area of 77,244 square feet and an existing single-family detached dwelling that contains a 3,269 square feet of above grade finished living area indicating a developed FAR of 0.0423; well below the permitted maximum. The proposed vacated area will result in a total lot size of 80,453 square feet.

The value of the area to be vacated was estimated using the latest real estate assessment (CY 2017) data for the subject and 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 parcel. The January 1, 2017 land assessment of 4905 Maury Lane is \$1,072,293, or \$13.88 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 \$14.00 per square-foot, which for 3,209 square feet equals \$44,926 (3,209 SF x \$14.00/SF). After discounting, the rate per square-foot of land decreases to \$13.44 for 80,453 square feet.

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent ($\$44,926 \times 0.20$), which results in an indicated value of **\$9,000 (rounded)**.

Nine 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 the receiving property and similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines regarding vacations.

Attachments

Plat: August 21, 2017
Legal: Metes and Bound Description of Proposed Vacation
GIS: Aerial View
cc: Madeleine Sims, Urban Planner

August 30, 2017

**DESCRIPTION
OF A PORTION OF MAURY LANE
TO BE VACATED
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point at the westerly terminus of Maury Lane, a common corner with Lot 602, Beatley Property and Lot 5, Ant Hill; thence with the westerly and northerly lines of Maury Lane N 50° 28' 40" W 28.20' to a point and N 43° 05' 50" E 113.84' to a point; thence through Maury Lane N 79° 40' 15" E 40.00' to a point in the southerly line of Maury Lane, a common corner with Lot 501, Section Two, Moore-Hill Estates, thence with the southerly line of Maury Lane and Lot 501 S 19° 11' 10" W 37.24' to a point, S 51° 03' 10" W 47.02' to a point and S 51° 53' 20" W 27.98' to the point of beginning containing 3,209 square feet more or less.

Exhibit A

4905 Maury Lane



04/02/2017

APPLICATION for VACATION # _____

[must use black ink or type]

PROPERTY LOCATION: 4905 Maury Lane

TAX MAP REFERENCE: 030.03-06-16 ZONE: R-20

APPLICANT'S NAME: Elise M Fulstone and William H Tabor

ADDRESS: 4905 Maury Lane

PROPERTY OWNER NAME: Elise M Fulstone or William H Tabor
(Owner of abutting area to be vacated)

ADDRESS: 4905 Maury Lane

VACATION DESCRIPTION: see attached Exhibit A

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.

Elise M Fulstone

Print Name of Applicant or Agent

4905 Maury Lane

Mailing/Street Address

Alexandria, VA 22304

City and State Zip Code

Elise M. Fulstone

Signature

571-214-6662

Telephone # Fax #

10/24/2017
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. Elise M Fulstone	4905 Maury Lane, Alexandria, VA 22304	tenants by entirety 100%
2. William H Tabor	4905 Maury Lane, Alexandria, VA 22304	tenants by entirety undivided
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4905 Maury Lane, Alexandria, VA 22304 (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. Elise M Fulstone	4905 Maury Lane, Alexandria, VA 22304	tenants by entirety -
2. William H Tabor	4905 Maury Lane, Alexandria, VA 22304	together 100% undivided
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. Elise M Fulstone	none	none
2. William H Tabor	none	none
3.		

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

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

10/24/2017
Date

Elise M Fulstone
Printed Name

Elise M. Fulstone
Signature

August 30, 2017

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OF A PORTION OF MAURY LANE
TO BE VACATED
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point at the westerly terminus of Maury Lane, a common corner with Lot 602, Beatley Property and Lot 5, Ant Hill; thence with the westerly and northerly lines of Maury Lane N 50° 28' 40" W 28.20' to a point and N 43° 05' 50" E 113.84' to a point; thence through Maury Lane N 79° 40' 15" E 40.00' to a point in the southerly line of Maury Lane, a common corner with Lot 501, Section Two, Moore-Hill Estates, thence with the southerly line of Maury Lane and Lot 501 S 19° 11' 10" W 37.24' to a point, S 51° 03' 10" W 47.02' to a point and S 51° 53' 20" W 27.98' to the point of beginning containing 3,209 square feet more or less.

Exhibit¹⁷ A

Statement in Support of Application to Vacate

We are applying to vacate a parcel of City property located at the end of a dead end lane which abuts our private property and serves, partially, as our driveway. This parcel slopes downhill from the lane. Our driveway is supported by a 1941 retaining wall located on both the City's and our property. Long ago, the City paved our driveway with an awkward curve which makes it difficult for larger vehicles to enter and exit our driveway—so configured due to a very large tree which died and was removed in 2003/2004.

In the last year, construction activities compacted the earth over an underground drainage system alongside the lane causing an increased flow of storm water runoff down our driveway. As a consequence, land on the City side of our sloping driveway and land below the retaining wall erodes with each storm.

We would like to be good stewards of this parcel of land. We would like to (1) replace our asphalt driveway with gravel and landscape the parcel so the storm water runoff is slowed down and absorbed into the ground avoiding soil erosion; (2) realign a section of the driveway by approximately 3 feet for a more natural curve, and (3) implement and maintain an attractive landscape plan.

Elise M. Fulstone and William H. Tabor
10/24/2017