



Vacation #2017-0010
4905 Maury Lane

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

PLANNING COMMISSION ACTION, JANUARY 4, 2018:

On a motion made by Commissioner Brown, and seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Vacation #2017-0010, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

Vice Chairman Nate Macek supported the proposal and inquired as to the history of the paved area that reads as the applicants' driveway and to the standards that the driveway was built. Staff responded that the driveway maintains the same width of the road as it descends into the applicant's property. Vice Chairman Macek added that a portion of the proposed vacation area serves as a private driveway, and that there is a lack of a public need for any parking at this area, in response to the 4875 Maury Lane neighbor's presentation of current use.

Commissioner Wasowski inquired as to the previous and current use of the area. Staff explained that the area was fenced with natural vegetation. Commissioner Wasowski offered that a deferral may be reasonable to provide the applicants and neighbor at 4875 Maury Lane with the opportunity to reach a compromise.

Commissioner Brown supported the applicant's request. He questioned the future public need for the land to vacate and the usability of the area at the end of a dead-end street.

Commissioner Brown also stated that any parking that could occur on this portion of the public right of way would be a private use due to the lack of need for public off-street parking on Maury Lane.

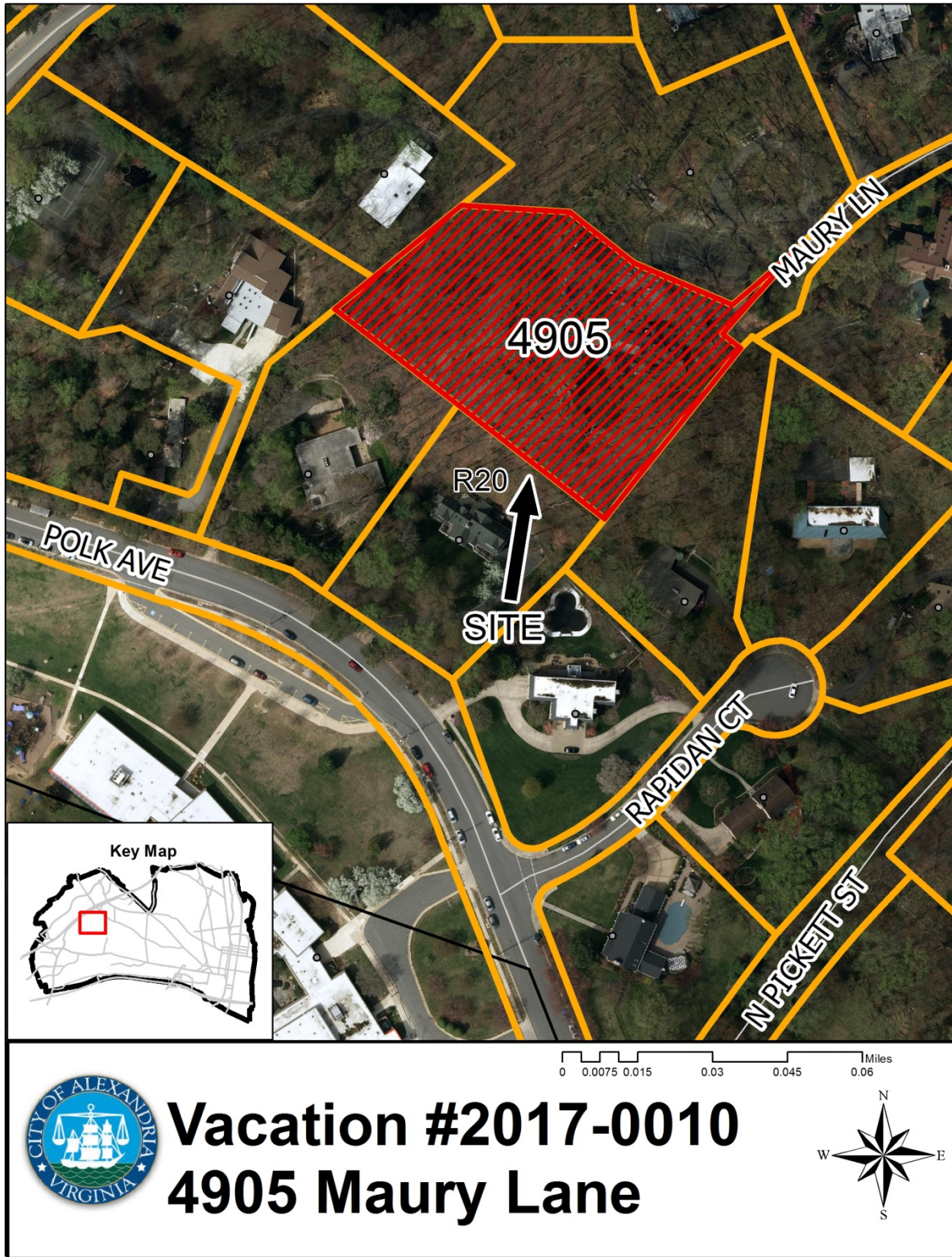
Commissioner McMahon supported the proposal citing Commissioner Brown's rationale. Commissioner McMahon added that she questioned the suitability for the land for parking, particularly, for parking over an existing private storm water drain. She also stated that there is diminished need for public parking in this area.

Commissioner Koenig concurred with Commissioner Brown's and Commissioner McMahon's reasoning for supporting the vacation request as proposed.

Speakers:

Elise M. Fulstone, applicant, presented her plans for landscaping the area and responded to concerns brought up by her neighbor at 4875 Maury Lane. The applicant provided a history of how people turn around at the end of the street and how Maury Lane has been occasionally used for street parking.

M. Catharine Puskar, attorney for the residents at 4875 Maury Lane, requested that the Planning Commission defer the case to provide the opportunity for her client and the applicant to revise the application request. She discussed the current public use of the area.



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 primarily 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.

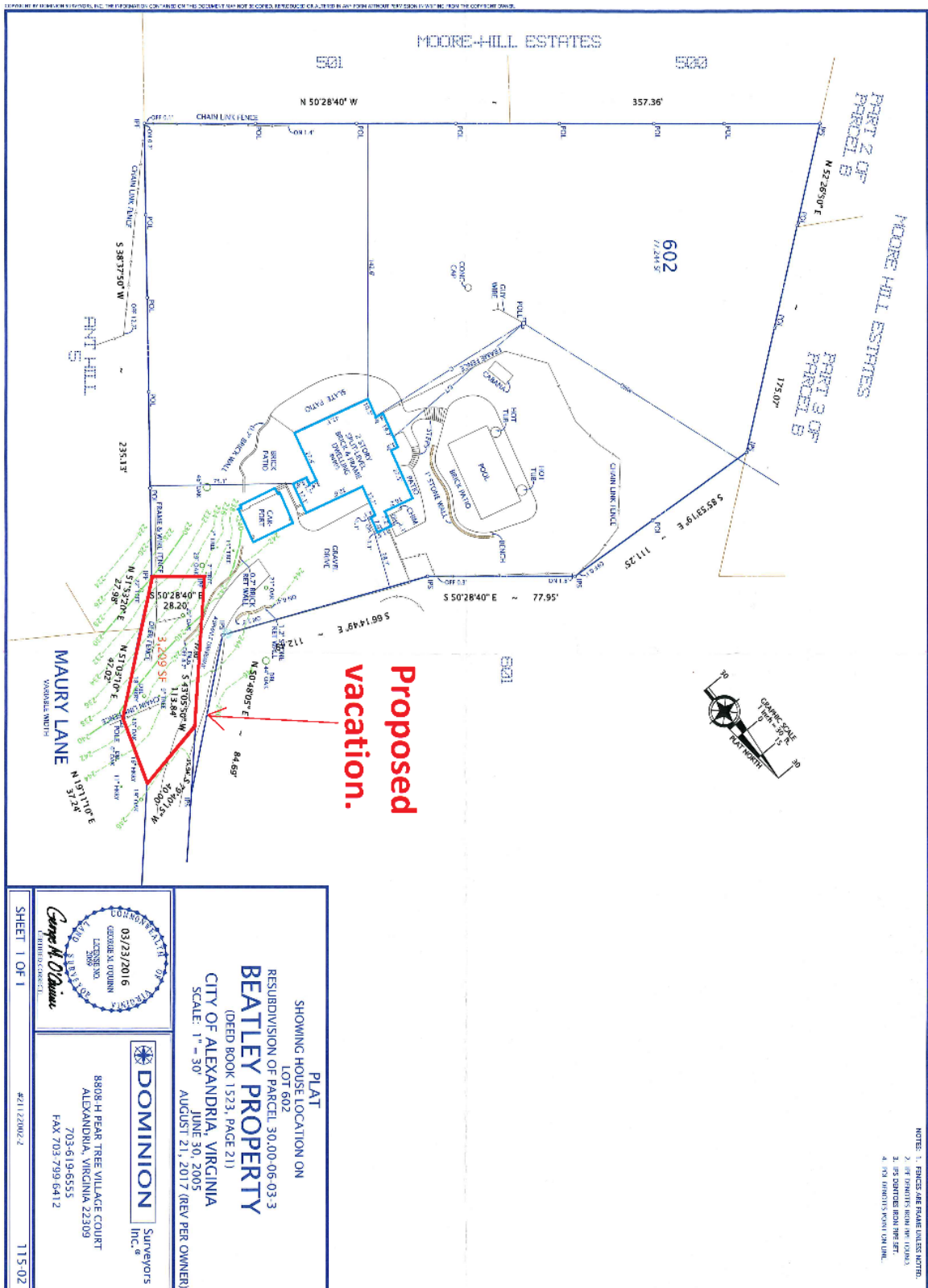


Figure 3: The plat showing the proposed vacation in red, and buildings in light blue.

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 \$8,908 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).

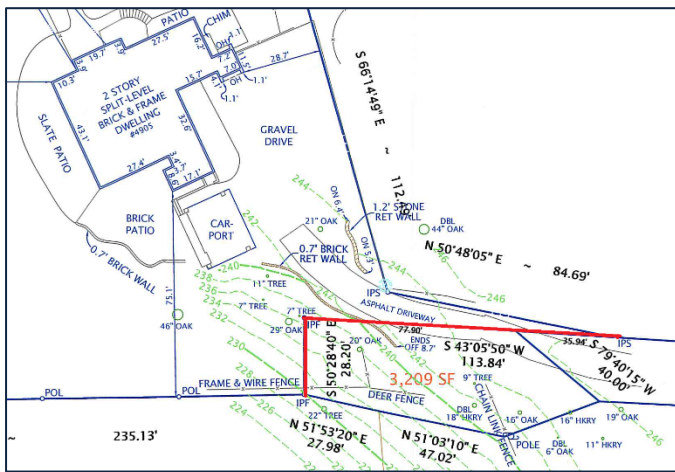


Figure 4: The current frontage of 142 feet in red.

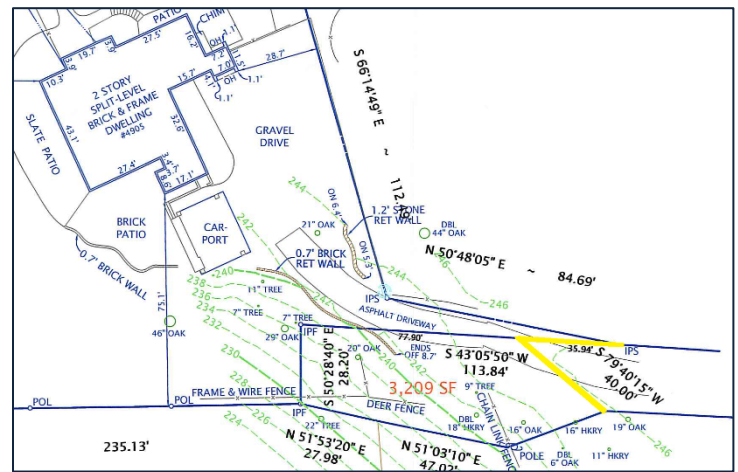


Figure 5: The proposed frontage of 75 feet in yellow.

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 \$8,908 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.

Staff received a letter of support for the application from the neighbor at 4848 Maury Lane who directly abuts the area proposed to be vacated. This neighbor supported the request due to the stormwater runoff and landscape improvements that the applicant would install with vacation approval. She also mentioned concerns with permitting parking, as suggested by the resident at 4875 Maury Lane, to occur over a buried, private storm water drain pipe. A deferral request originated from the attorney M. Catherine Puskar, representing residents at 4875 Maury Lane, to allow for the neighbors to confer with the applicants regarding application revisions in an effort to address on-street parking and turning around ability at the end of the street. The applicant preferred that the vacation request remain on the January Planning Commission docket.

Staff considered the issues raised by the neighbor at 4875 Maury Lane and found that the area is not sufficient to function as a turnaround for vehicles. For residents who live on dead end streets and are concerned with vehicles turning around in their private driveways, the City permits the installation of gates or signs to restrict this activity. Additionally, a demonstrated need does not exist for a parking area on Maury Lane given that it is signed as "Not a through street," significantly limiting the number of vehicles continuing down the lane unless they are residents or visitors to a home. Further, all homes on Maury Lane provide parking on their properties in excess of the parking requirement for residential properties.

Subject to the conditions contained in Section III of this report, staff recommends approval of the applicants' request.

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 *WBP*

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 \$13.88 per square-foot, which for 3,209 square feet equals \$44,541 (3,209 SF x \$13.88/SF).

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent (\$44,541 x 0.20), which results in an indicated value of **\$8,908 (rounded)**.

Eight Thousand Nine Hundred and Eight 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

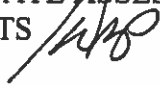
Plat: August 21, 2017
Legal: Metes and Bound Description of Proposed Vacation
GIS: Aerial View
cc: Madeleine Sims, Urban Planner

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 

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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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TO BE VACATED
CITY OF ALEXANDRIA, VIRGINIA**

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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

To: Madeleine Sims
Subject: RE: Vacation #2017-0010

From: Anne Marie Shuyler <anne.marie@shuyler.com>
Sent: Tuesday, January 2, 2018 8:06:48 PM
To: Madeleine Sims; Ann Horowitz
Subject: Vacation #2017-0010

Anne Marie Shuyler
January 2, 2018
William Shuyler
4848 Maury Lane
Alexandria, VA 22304

RE: Vacation #2017-0010 (4905 Maury Lane)

Dear Ms. Sims,

We are writing in support of the Tabor/Fulstone request to vacate #2017-0010.

Our neighbors Bill Tabor and Elise Fulstone have applied to buy a parcel of City right-of-way at the end of Maury Lane. This parcel is contiguous to our property at 4848 Maury Lane.

I, Anne Marie, met with Elise Fulstone at the site and discussed with her their plans for protecting the undeveloped, wooded area that currently exists within and beyond the City's right-of-way. We understand and agree with the Tabor/Fulstones' wish to (1) manage storm water run-off from Maury Lane which runs down their driveway, (2) move the driveway about 3 feet to the east and straighten out the crooked curve in their driveway and (3) landscape each side of their driveway. Their plan does not destroy any existing trees or disturb the character of the existing wooded area and surrounding natural environment, which is very important to us. They also intend to remove asphalt and replace their driveway with gravel, slowing down storm water run-off, which will be even more "tree friendly."

To mitigate past storm water run-off and flooding problems that affected our neighbors on Maury Lane, we installed, with City approval, a drainage system that we buried alongside Maury Lane in 1991. This underground drainage pipe was laid along the edge of our property between our fence line and the pavement of Maury Lane. As discussed in detail below, prior to the 2016/2017 construction that occurred at 4875 Maury Lane, that drainage system helped to successfully mitigate storm water run-off, at no cost to the City. Due to those construction activities at 4875 Maury Lane, however, that drainage system has been compromised, and water is no longer draining away from the road as it has in the past, and it is now running off into the Tabor/Fulstone's property at 4905 Maury Lane, and flooding along Maury Lane on the edge of our property at 4848.

The potential to further damage the buried drainage pipe, and increase the problems caused by storm water run-off, has increased with the removal of the split-rail fences that bordered the end of Maury Lane in the summer of 2017. We removed that fence — a split-rail fence along our property line installed by the previous owners (who owned the property for 30+ years) — in order to accommodate the needs of Dominion Power to excavate and bury electrical lines. In the past, the closeness of that split-rail fence to the pavement of Maury Lane helped to prevent vehicles from driving directly over the buried drain pipe. With the fence gone, the buried drain pipe is now subject to pressure from the increased traffic of heavy vehicles driving directly above it. **The Tabor/Fulstone's plan to plant trees and ground cover on the**

east side of the entrance to their driveway, an area which is now City right-of-way, will serve to protect the buried drainage pipe from further damage, prevent further flooding and run-off, and protect the surrounding woods from disturbance.

In contrast to our support of the proposal by the Tabor/Fulstones, we are opposed to the proposal offered by Mr. and Mrs. Hirschmann to buy this piece of land to use as additional parking for their property across the street.

Since their construction began on the former Beatley property at 4875 Maury Lane in 2016, Mr. and Mrs. Hirschmann have removed all of the mature trees on the portion of their property that faces Maury Lane — a loss of nearly an acre of mature trees, decimating the forest canopy that has shaded and sheltered Maury Lane for decades, and destroying a well-established network of trees and roots that historically helped absorb storm water falling on the crest of the hill where Maury Lane is found.

After removing the existing mature trees on their property along Maury Lane, Mr. and Mrs. Hirschmann were then able to pave over a considerable portion of the front of their property, making it possible to accommodate multiple vehicles for parking.

With our concerns for drainage, run-off and flooding in mind, we let our new neighbors at 4875 Maury Lane know about the existing drainage pipe across the street from them, and asked Mr. and Mrs. Hirschmann several times, before they began construction, to make sure their contractors did not park above the drainage pipe buried on the side of Maury Lane across the street from their construction site. As we informed them, the drainage system we installed has been vital to drainage on Maury Lane, and it had worked perfectly for 26 years.

Unfortunately, the existing drainage pipe has been compromised this year by the large trucks and other construction-related vehicles that have been frequently parked on it during the construction at 4875 Maury Lane.

It is clear that the damage caused this year to the previously existing pipe is now causing storm water to run down from the end of Maury Lane and into the Tabor/Fulstone property. **We have seen very similar run-off problems — caused by removal of trees, regrading of land, and construction completed without concern for its effect on neighboring properties — elsewhere on Maury Lane in years past, in the wake of construction which created storm water run-off problems and damage to our neighbors' homes, and which resulted in significant expense to the City and to our neighbors.** We sincerely hope to prevent any situation that will bring storm water run-off, flooding and water damage to our neighbors' property — and prevent any unnecessary expense to the City undertaken to remediate problems similar to those we have seen in the past.

For these reasons, we cannot support the Hirschmanns' proposal to acquire this parcel it and dedicate to parking, as it will only further damage the existing drainage system, and expose our neighbors to potential flooding, while detracting from the existing wooded character of the area. Instead, we fully support the Tabor/Fulstone proposal to buy the City-owned right-of-way, protect its existing wooded character and preserve its capacity to absorb storm water run-off.

We had hoped to be able to attend the Planning Commission meeting about this matter on Thursday, January 4th, but we unfortunately have a conflict and are unable to attend.

Sincerely,

Anne Marie Shuyler and William Shuyler
4848 Maury Lane
Alexandria, VA 22304
703-461-3116

From: Ann Horowitz
Sent: Wednesday, January 03, 2018 9:15 PM
To: Kristen Walentisch
Cc: Madeleine Sims
Subject: Fwd: 4905 Maury lane VAC2017-0010

For Docket 5 materials:

Begin forwarded message:

From: "Puskar, M. Catharine" <cpuskar@thelandlawyers.com>
Date: January 3, 2018 at 8:17:54 PM EST
To: Mary Lyman <mslyman@verizon.net>, "mariawasowski@comcast.net" <mariawasowski@comcast.net>, Stephen Koenig <swkoenig@icloud.com>, "Melissa E. B. McMahon" <mmcmahonpc@gmail.com>, "natemacek@hotmail.com" <natemacek@hotmail.com>, "mindylyle@comcast.net" <mindylyle@comcast.net>, "David W. Brown" <dwbapc@gmail.com>
Cc: Karl Moritz <karl.moritz@alexandriava.gov>, "ann.horowitz@alexandriava.gov" <ann.horowitz@alexandriava.gov>, "madeleine.sims@alexandriava.gov" <madeleine.sims@alexandriava.gov>, "yon.lambert@alexandriava.gov" <yon.lambert@alexandriava.gov>, "joanna.anderson@alexandriava.gov" <joanna.anderson@alexandriava.gov>
Subject: Fwd: 4905 Maury lane VAC2017-0010

Dear Chair Lyman and Member of the Planning Commission,

I am writing on behalf of my clients, Susan and David Hirschmann, owners of 4875 Maury Lane<x-apple-data-detectors://2>, regarding their next door neighbor's request for the vacation of public right-of-way. I apologize for the timing of this outreach, but my client was first notified of the vacation request via a December 20th email from the neighbors, which informed them that they would be receiving a certified notice in a few days while also letting them know that they would be able to discuss their application when they were back in town on December 30th. My clients took the opportunity to meet with the neighbors on December 30th but the neighbors were unwilling to make any adjustments to their proposal to address my client's concerns.

My clients support the vacation of much of the area reflected in the application, but believe that the area to be vacated should be reduced to maintain some right of way at the end of the street to continue to facilitate cars turning around and occasional on street parking by visitors. Contrary to the conclusions in the staff report, that is the existing use of the public right-of-way now and such reasonable use of that portion of the right of way will continue to exist in the future. Maury Lane is a dead end street - as such, cars often drive down the road and then realize that they are at a dead end and need to turn around. This is also true for trash trucks and delivery trucks on Maury Lane. To vacate the entire area requested by the neighbors would remove the area currently used by vehicles to turn around and also eliminate right of way that is currently used for vehicles to park on occasion.

The client and I spoke earlier today. I then contacted staff to let them know that I had been retained by the Hirschmann's, to explain that my client had outstanding concerns regarding the proposed vacation, and to ask if the Applicant would be willing to defer the Application for a month to allow us time to sit down with them, and staff, to arrive at a mutually agreeable solution. Per staff's email below, the neighbors have indicated that they are unwilling to defer.

As a result, I wanted to let you know that I will be appearing before you tomorrow night<x-apple-data-detectors://7> to request that you defer Docket item #5 and provide direction for the applicant to meet with us and staff to discuss my clients' concerns and explore potential solutions in more detail. The existing right of way has been in its existing condition for years. There is no exigent circumstance requiring action by you tomorrow night<x-apple-data-detectors://8>, nor is there any detriment to anyone by not acting on the Application tomorrow night<x-apple-data-detectors://9>.

Thanks, as always, for your thoughtful consideration of this matter.

Cathy

Begin forwarded message:

From: Madeleine Sims
<Madeleine.Sims@alexandriava.gov<<mailto:Madeleine.Sims@alexandriava.gov>>>
Date: January 3, 2018 at 4:56:26 PM EST
To: "Puskar, M. Catharine"
<cpuskar@thelandlawyers.com<<mailto:cpuskar@thelandlawyers.com>>>
Cc: Ann Horowitz <ann.horowitz@alexandriava.gov<<mailto:ann.horowitz@alexandriava.gov>>>
Subject: 4905 Maury lane VAC2017-0010

Cathy,

We spoke with the applicant about your request to defer, she informed us that she will not defer.

Kind regards,

Madeleine

Madeleine Sims | Urban Planner

City of Alexandria, Virginia

Planning & Zoning / Land Use Services

301 King Street Room 2100 Alexandria, VA 22314

To: Ann Horowitz
Subject: RE: 4905 Maury lane VAC2017-0010

Begin forwarded message:

From: "Elise Fulstone" <efulstone@fulstonelaw.com>
Date: January 4, 2018 at 12:40:11 AM EST
To: "'Ann Horowitz'" <ann.horowitz@alexandriava.gov>, "Madeleine Sims" <Madeleine.Sims@alexandriava.gov>
Cc: "Bill Tabor" <whtva@comcast.net>
Subject: RE: 4905 Maury lane VAC2017-0010

Ann and Madeleine,

There are some inaccuracies in the representations of Ms. Puskar:

- On December 22, we offered to meet with the Hirschmanns before we left town on December 24. In response, David Hirschmann offered to meet with us on Saturday December 23 or the following weekend. We thanked him for his flexibility and took his offer to meet on December 30 after we had returned from our trip at midnight on December 29. I have an email chain documenting this exchange.
- Cars will not be prevented from turning around at the end of Maury Lane. This is a non-issue. Nothing regarding cars using our driveway or the Hirschmann's driveway will change. On December 30, we told the Hirschmanns that we expect cars to continue to use our driveway and their driveway to turn around. We expressly stated to them that it did not matter whether we owned the property or the City owned the property, people would continue to use the property to pull in or back in to turn around. Further, there continues to be a City right-of-way area for backing into which is the V-shape of our 75 foot set back.
- I have never witnessed a trash truck trying to turn around on Maury Lane. They either back in or back out the entire length of the lane.
- Ms. Puskar states "[t]he existing right of way has been in its existing condition for years." This is not correct. The "existing condition" of the right-of-way has changed just in recent times. For instance, the Shuyler's split rail fence which crossed a portion of the City's right-of-way and restricted parking was removed just last summer.

Allowing occasional parking at the entrance to our driveway would (1) impair our ability to landscape that area which serves the dual purpose of managing storm water run-off and sending a strong visual clue to drivers that the public lane ends and a private residence begins and (2) impair our plan for the new location of the driveway which we plan to move about 3 feet to the east. These are key reasons for us to purchase the entire City right-of-way. We do not see any value in a month of negotiating on these issues.

So, we are prepared to proceed at the Planning Commission hearing Thursday night (1/4/2017) unless there is anything in the arguments presented by Ms. Puskar that changes the City staff's position in support of our application.

Thank you,
Elise Fulstone