

Encroachment #2018-0009

815 Green Street

Application	General Data	
Request: Public hearing and consideration of a request for an encroachment adjacent to 815 Green Street into the public right-of-way for a fence and existing steps	Planning Commission Hearing:	September 4, 2018
	City Council Hearing:	September 15, 2018
Address: 815 Green Street	Zone:	RM / Townhouse
Applicant: Cecily Crandall	Small Area Plan:	Southwest Quadrant

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

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

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2018: On a motion made by Vice Chairman Macek and seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Encroachment #2018-0009 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 5-1, with Commissioner McMahon absent.

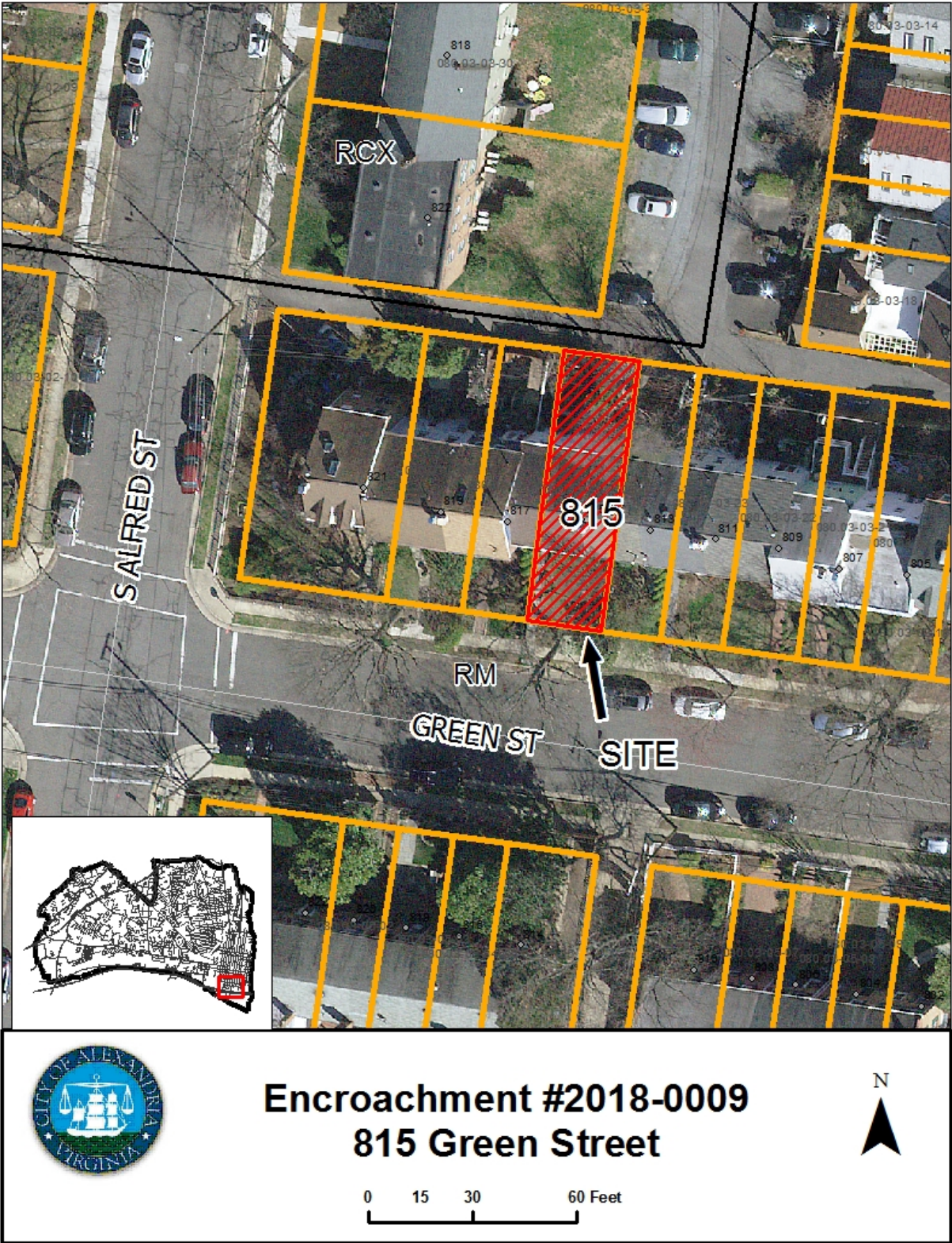
Reason: The Planning Commission generally agreed with staff analysis.

The case was removed from the consent calendar. Commissioner Brown expressed that he was inclined to deny the encroachment for the fence extension as the front yard of the applicant's property is already clearly defined. Commissioner Koenig stated that the existing fence, terminating at the property line, creates a sense of open space in the public right of way which contributes to the public realm. The commissioners identified that the residences along the 800 block of Green Street have absorbed the public right of way as part of their front yards over the years without requesting encroachments and asked how the City considers this use of the public right of way. Mr. Moritz, Planning Director, replied that enforcement is not taken unless

complaints are registered with the City. He added that the department would explore the possibility of blanket encroachments for areas such as Green Street. Chairwoman Lyman, Vice Chairman Macek, and Commissioners Wasowski and Lyle expressed support for the encroachment request for a proposed fence extension and for the existing steps as it is compatible with the natural development of the areas in front residents' homes on this block.

Speakers:

Cecily Crandall, applicant, requested that the commission support her proposal as the termination of her fence at the property line appears incomplete and many properties on the 800 block of Green Street have installed fences extending to the sidewalk over the years.



I. DISCUSSION

The applicant and property owner, Cecily Crandall, requests an encroachment adjacent to 815 Green Street into the public right-of-way for a fence and existing steps that lead to the applicant's front door.

SITE DESCRIPTION

The subject site is one lot of record, with approximately 22 feet of frontage along Green Street, and 77 feet of depth for a total lot area of 1,687 square feet. The site is developed with a two-story townhouse setback approximately 28 feet from the front property line, and 35 feet from the sidewalk. The site shares a party wall with townhomes to the east and west, in the Hunting Creek subdivision. The subject site is across the street from townhomes to the south and apartment complexes to the north. The subject site is located one block to the west of the Claybourne apartments.



Figure 1: The subject property.

BACKGROUND

Lots on the 800 block of Green Street in the Hunting Creek subdivision were developed in the mid-20th Century with front property lines set back approximately seven feet from the sidewalk. Over time, homeowners have added and maintained landscaping, steps, fences, and walls in this right-of-way area.

The Board of Architectural Review recently approved BAR#2017-00387, a request to install a wood fence in the front yard at the subject property, along the western property line to the southern property line, ending approximately seven feet from the sidewalk.

PROPOSAL

The applicant proposes an encroachment of 161 square feet to construct the continuation of an existing fence approximately seven feet from the southern property line perpendicular to the sidewalk. An after-the-fact encroachment approval for steps that were constructed several years ago and are used to access the home is also requested.



Figure 2: The existing wooden fence proposed for extension into the public right of way.

GROUND.

FRAME UNLESS NOTED.

PIPE SET.

FOUND ON LINE.

PIPE FOUND.

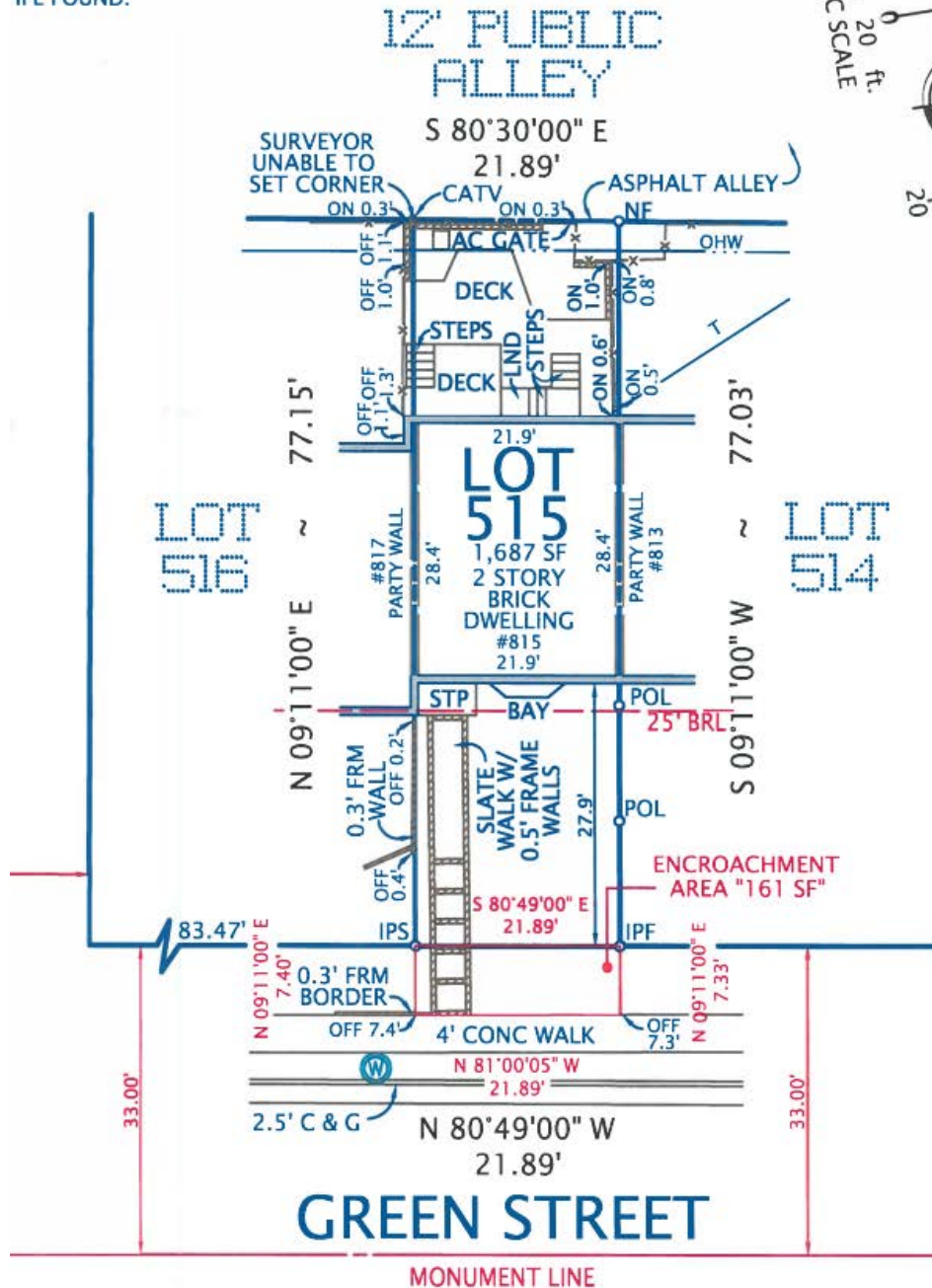


Figure 1: The plat of the lot and proposed encroachment of 161 square feet is located adjacent to the southernmost property line. The fence, currently runs from the east property line to the southern property line.

ZONING/MASTER PLAN/CODE COMPLIANCE

The subject site is zoned RM / Townhouse and is designated for residential uses. Section 8-of the Zoning Ordinance permits townhouse dwellings in the RM zone. The site is within the Southwest Quadrant Small Area Plan which designates the site for residential uses.

The subject property is located in the Old & Historic Alexandria District and the proposed fence extension requires BAR Staff Administrative Approval, if the applicant receives approval of an encroachment. The proposed alteration must also comply with the BAR Policies for Administrative Approval.

II. STAFF ANALYSIS

Staff supports the applicant's request for an encroachment for a fence perpendicular to the sidewalk and for the steps. The encroachment for the steps is a reasonable request as they provide the primary means of egress into the applicant's home and would not affect pedestrian movement. The fence proposal is reasonable and found in many areas throughout the city, and would help delineate the applicant's property from their neighbor's.

Staff has included conditions requiring the applicant to maintain an insurance policy (Condition #1), informing the applicant that the City is not responsible for damage to the fence or steps should work need to be pursued in the encroached area (Condition #2), and requiring the applicant to remove the structures within 60 days if the City needs to complete work in the encroachment area (Condition #3).

Staff has also included Condition #4 which prohibits the installation of a fence within one foot of the paved sidewalk. The prohibition of installing a fence within one-foot of the sidewalk would promote efficient pedestrian movement and curtail instances where a fence would have to be removed to repair the sidewalk. A one-foot buffer is typically needed for City staff to make repairs to adjacent paved sidewalks.

III. RECOMMENDED CONDITIONS

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

1. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting off this encroachment. (T&ES)
2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
3. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
4. The applicant shall bear all the costs associated with the removal of the encroachments. (T&ES)
5. The applicant shall not install a fence within one foot of a city-owned paved surface. (P&Z)

STAFF: Anthony LaColla, Division Chief, Land Use Regulatory Services,
Department of Planning and Zoning;
Ann Horowitz, Principal Planner, Planning and Zoning;
Madeleine Sims, Urban Planner, Planning and Zoning.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1. Survey and Traffic Engineering have no comments.

F-2. No comments received from Transportation Planning.

R-1 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.

R-2 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

R-3 The applicant shall bear all the costs associated with the removal of the encroachments. (T&ES)

R-4 The applicant shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest); and the City as an Additional Insured, against claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. (Sec. 5-29 (h)(1)) (T&ES)

Code Enforcement:

No comment.

Fire Department:

No comments or concerns.

Police Department:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.



APPLICATION

ENCROACHMENT

ENC# _____

PROPERTY LOCATION: 815 GREEN ST., ALEXANDRIA, VA 22314

TAX MAP REFERENCE: 080.03-03-25 ZONE: RM

APPLICANT

Name: CELILY GRANDALL

Address: 815 GREEN ST., ALEXANDRIA, VA 22314

PROPERTY OWNER

Name: CELILY GRANDALL

Address: 815 GREEN ST., ALEXANDRIA, VA 22314

PROPOSED USE: FENCE - EXTEND EXISTING FENCE THROUGH CITY RIGHT-OF-WAY TO SIDEWALK.

INSURANCE CARRIER (copy attached) USAA POLICY # 003415105 92A

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

☐ **THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **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.

CELILY GRANDALL

Print Name of Applicant or Agent

815 GREEN ST.

Mailing/Street Address

ALEXANDRIA, VA 22314

City and State

Zip Code

Cg C

Signature

703-519-5696

Telephone #

Fax #

calvan@comcast.net

Email address

6-4-18

Date

Application Received: _____

Date and Fee Paid: \$ _____

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. <u>CECILY CRANDALL</u>	<u>815 GREEN ST.</u> <u>ALEXANDRIA VA 22314</u>	<u>100%</u>
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 815 GREEN ST, ALEXANDRIA, VA 22314 (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. <u>CECILY CRANDALL</u>	<u>815 GREEN ST.</u> <u>ALEXANDRIA, VA 22314</u>	<u>100%</u>
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. CECILY CRANDALL <u>CECILY CRANDALL</u>	<u>N/A</u>	<u>N/A</u>
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.

6-4-18
Date

CECILY CRANDALL
Printed Name


Signature



9800 Fredericksburg Road
San Antonio, Texas 78288

PAGE 1
00341 51 05 92A

**HOMEOWNERS
CERTIFICATE OF INSURANCE**

USAA CASUALTY INSURANCE COMPANY

06/06/18

CITY OF ALEXANDRIA

301 KING ST
ALEXANDRIA VA 22314-2110

POLICY INFORMATION

AMENDED EFFECTIVE 07/30/18

Named Insured: CECILY ANNE CRANDALL		
Policy Number: 00341 51 05 92A	Loan Number:	
Policy Form: HO 9	Effective Date: 07/30/18	Expiration Date: 07/30/19

ADDITIONAL INTEREST

Interest: CITY/MUNICIPALITY

Name: CITY OF ALEXANDRIA
Address: 301 KING ST ALEXANDRIA VA 22314-2110

PROPERTY INFORMATION

Location: 815 GREEN ST ALEXANDRIA, VA 22314-4212
Legal Description:

COVERAGE INFORMATION*

Coverage applies only if a limit is shown.

Coverage	Limit	Coverage	Limit
Dwelling:		Personal Liability:	\$1,000,000
Other Structures:		Medical Payments:	\$5,000
Personal Property:			
Deductible:		Annual Premium:	

PREFERRED PROTECTION PLAN

See back of form for an important disclosure.

* Copy of contract available upon request.

DWGCOI 08-12

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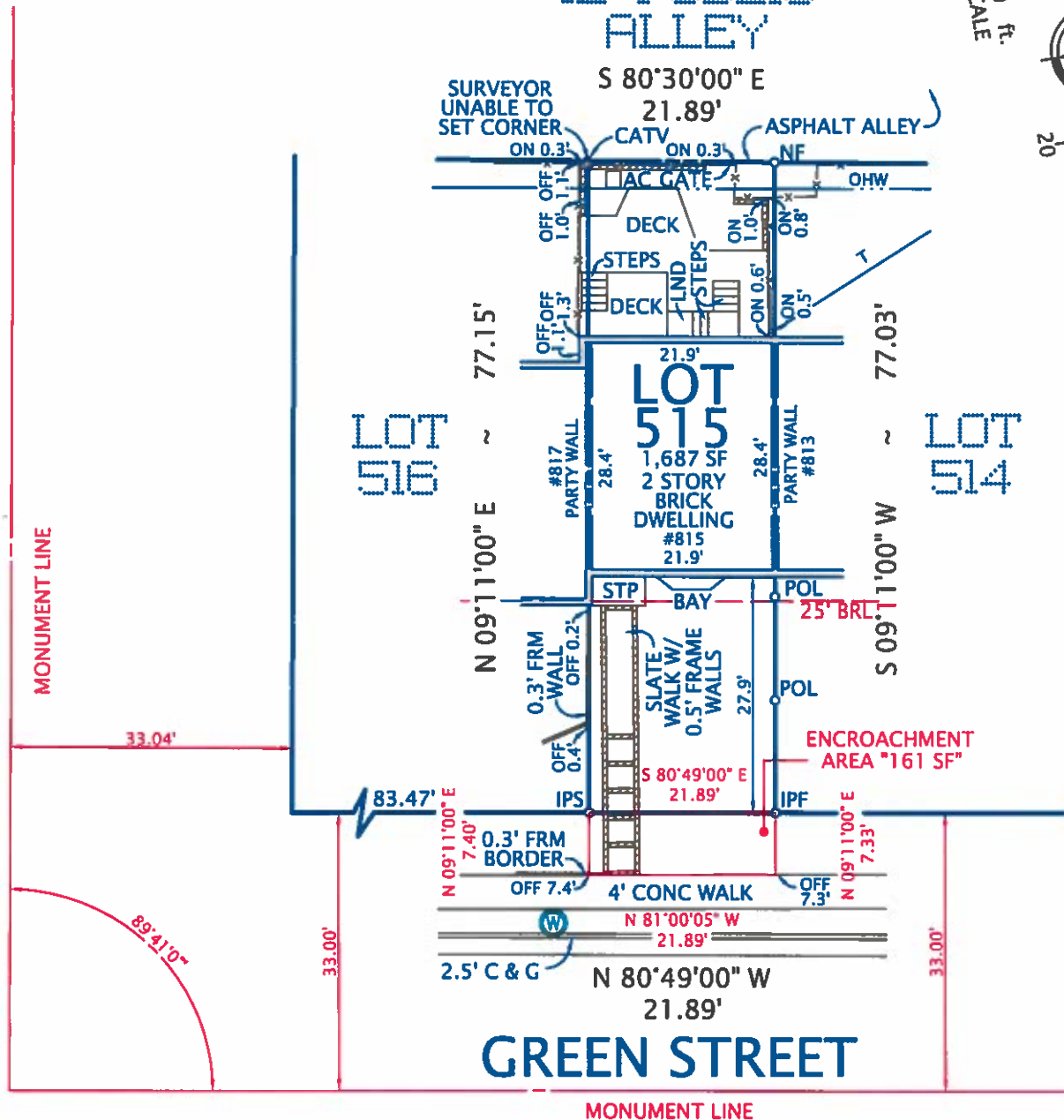
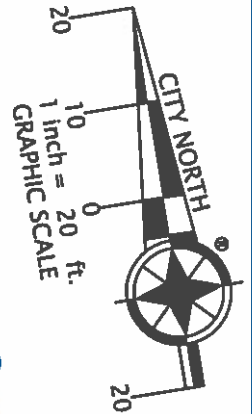
This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate of insurance does not affirmatively or negatively amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policy or policies referenced herein. This is not an insurance policy. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of the policies.

REVISED

DESCRIPTION
Encroachment Area
815 Green Street
City of Alexandria, Virginia

Beginning at a point in the northerly line of Green Street, a corner common to 813 Green Street; thence through Green Street S 09° 11' 00" W 7.33' to a point, N 81° 00' 05" W 21.89' to a point and N 09° 11' 00" E 7.40' to a point in the northerly line of Green Street; a corner common to 817 Green Street; thence with Green Street S 80° 49' 00" E 21.89' to the point of beginning containing 161 square feet of land.

REVISÉD



SHOWING HOUSE LOCATION ON
LOT 515, BLOCK 2
OF A RESUBDIVISION OF LOTS 9 THRU 12
HUNTING CREEK HOMES

JULY 09, 2018 (ADD ENCROACHMENT AREA)

07/15/2009
 GEORGE M. O'QUINN
 LICENSE NO.
 2069
 LAND SURVEYOR
 George M. O'Quinn

**8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412**