



Encroachment #2018-0001
2701 Dewitt Avenue

| Application | General Data | |
|---|-------------------------------------|-------------------------------|
| Request: Public hearing and consideration of a request for an encroachment adjacent to 2701 Dewitt Avenue and East Randolph Avenue into the public right-of-way for an existing fence. | Planning Commission Hearing: | September 4, 2018 |
| | City Council Hearing: | September 15, 2018 |
| Address: 2701 Dewitt Avenue | Zone: | R-2-5 / Single and Two-family |
| Applicant: Jesse L. and Rachel G. Houck | Small Area Plan: | Potomac West |

Staff Recommendation: DENIAL

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

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2018: On a motion made by Commissioner Lyle and seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Encroachment #2018-0001 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 5-0, with Vice Chairman Macek and Commissioner McMahon absent.

Reason: The Planning Commission disagreed with staff analysis.

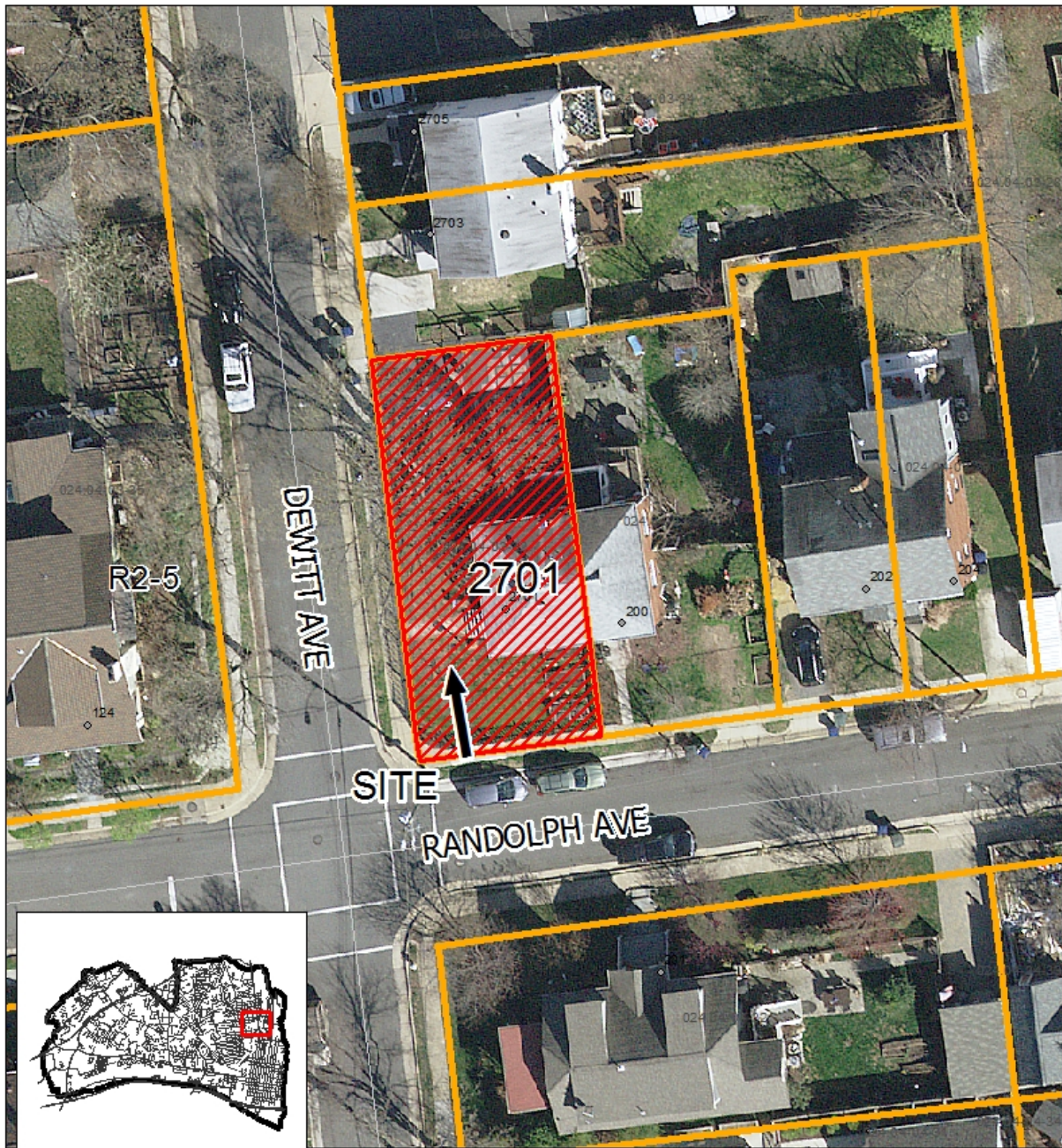
Commissioner Brown asked staff if fences required building permits and staff responded that they did not. He added that that absence of a building permit requirement precludes a confirmation of property lines. He suggested that the City reconsider methods to address existing encroachments other than encroachment applications and expressed support for the encroachment. Commissioner Lyle supported the applicant's proposal as it was logical for a homeowner to install a new fence in the same location as a previous fence and that City maintenance would likely not be frequent. As other fences exist in the neighborhood which are built to the sidewalk edge, Chairwoman Lyman believed that the applicant should not be singled out for installing the fence. She mentioned that report conditions would require the applicant to remove the fence if City maintenance is required. Commissioner Wasowski believed that approval of the encroachment could set a precedent, however, she understood how the homeowner would be faced with a big burden to move it. Commissioner Koenig stated that

although the fence encroached into the public right of way, its location was compatible with the idiosyncratic design nature of the neighborhood. He added that the opaqueness of the fence provided sufficient visual clearance at the corner and stated his support of the request.

Speakers:

Sue Kovalsky, 403 East Curtis Avenue, expressed support for the application, citing that other properties in Del Ray have fences located up to the sidewalk.

Jesse Houck, applicant, requested approval of his application. He explained that he installed the fence in the post holes of previous fence after they moved to their home in November 2017. After a zoning inspector informed him that the fence exceeded the required maximum of 42 inches, he decided to lower the fence rather than explore a special exception from the BZA. He understands that he must adhere to the conditions of the encroachment, including removing the fence if the City needs access to the public right of way. He added that he has spoken to several neighbors who have no concerns about the fence.



Encroachment #2018-0001
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0 12.5 25 50 Feet

I. DISCUSSION

The applicants, Jesse L. Houck and Rachel G. Houck, request approval of an encroachment into the public right-of-way for an existing fence.

SITE DESCRIPTION

The applicant's property is one lot of record, with 86.52' of frontage along Dewitt Avenue, and 40.49' of frontage along East Randolph Avenue, and a total lot area of 3,409 square feet. The site is developed with a two-story semi-detached structure. The subject site is in a residential zone, and abutted by a two-family dwelling to the north, the other half of the duplex to the east, and single-family homes to the west and south. The site is bordered by a four-foot-wide sidewalk.

The site is also in proximity to the Emanuel Temple Seventh Day Church and is one block to the east of the Mt. Vernon Community School.

BACKGROUND

In July 2017, the property owner filed for an after the fact approval for a special exception for a fence that exceeded 42" in height pursuant to Section 7-702(A). During analysis staff discovered that the fence was on public property and informed the applicant of the need for an encroachment approval in order to move forward. The property owner then withdrew their special exception request, reduced their fence height, and filed for an after-the-fact encroachment.

PROPOSAL

The applicants request an encroachment for an existing fence in the public right-of-way (a total of 90 square feet) (Figure 2). The proposed



Figure 1: The subject home in blue.

area of encroachment includes both the Randolph Avenue frontage and the Dewitt Avenue frontage, and varies in width, but does not exceed more than 15 inches into the right of way from the property line. The total area of encroachment is 90 square feet.



Figure 2: The fence along Dewitt Avenue and sidewalk looking south.

ZONING/MASTER PLAN DESIGNATION

The subject property is in the R-2-5 / Residential zone. Section 3-502 of the Zoning Ordinance permits two-family dwellings in the R-2-5 zone. The lot is designated for residential use in the Potomac West Small Area Plan.

Pursuant to Section 7-1702 of the Zoning Ordinance fences that are 50% open, and do not exceed 42” in height are permitted obstructions in the front yard.

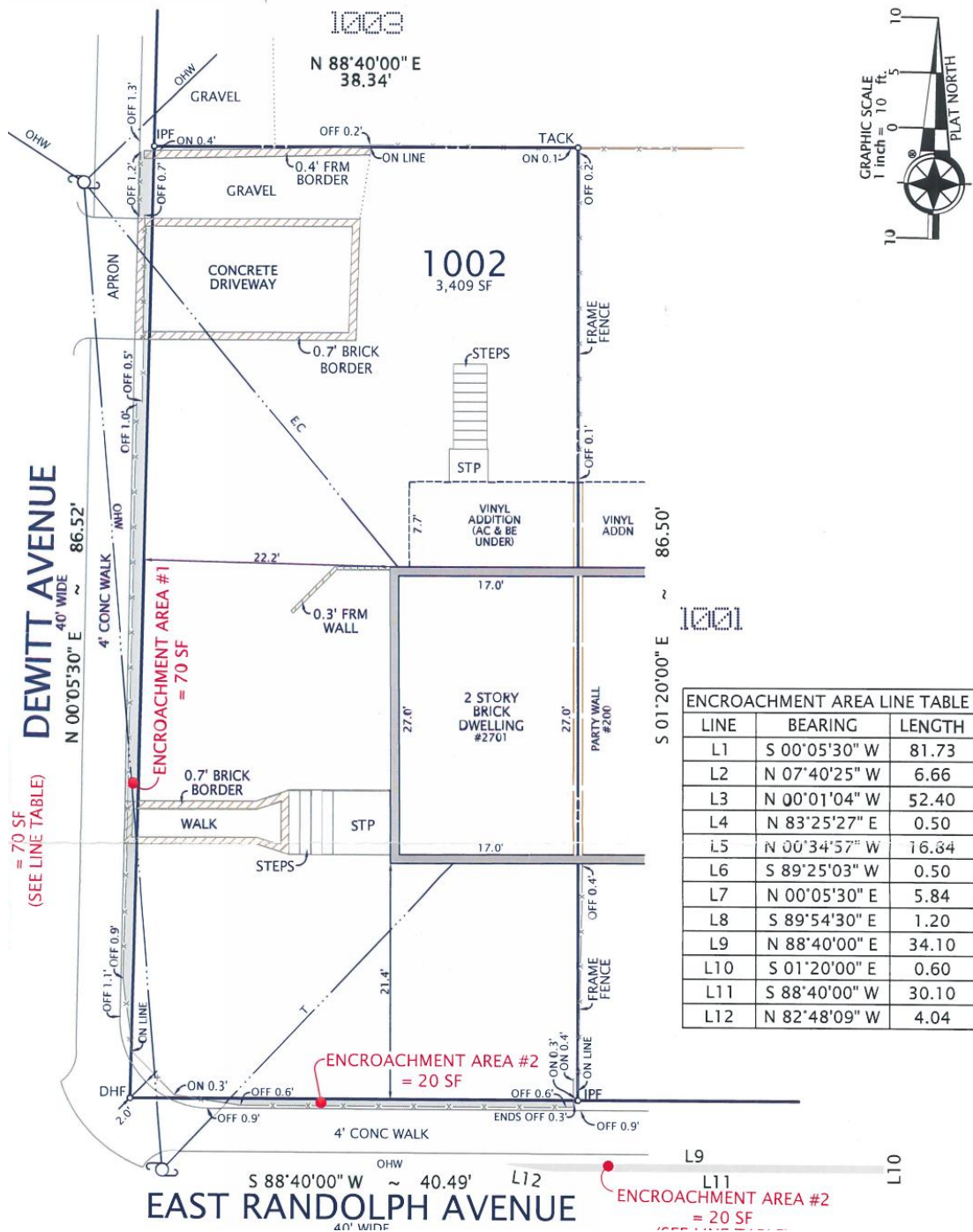


Figure 3: The plat showing the area of encroachment.

II. STAFF ANALYSIS

Staff does not support approval of the encroachment because of the existing narrow sidewalk, pedestrian movement concerns and the lack of area for City right-of-way maintenance.

The Alexandria Complete Streets guidelines delineate right -of-way zones that include the frontage zone, the pedestrian zone, and the amenity zone. The frontage zone is the area of right of way that abuts buildings or private property; the pedestrian zone is also known as the walking zone and used for active travel (the paved sidewalk); and the amenity zone, also known as the landscape zone, which lies between the sidewalk and curb. Typical sidewalks in the City are six feet in width though exceptions are made for residential sidewalks that have difficult site constraints such as the 4-foot sidewalk in this case. Approval of an encroachment for a fence abutting the sidewalk eliminates the frontage zone which would be inconsistent with the rest of the block and is needed in case of sidewalk repair. In addition, staff notes that without the frontage zone of the right of way it becomes difficult to pass other pedestrians or for two people to walk side by side.

Staff recommends denial of the request, and that the applicant remove their fence to comply with their property line within 30 days of the City Council Hearing. Though denial is recommended, staff has included conditions in Section III of the report should the City Council approve the request.

III. RECOMMENDED CONDITIONS

Staff recommends **denial**. If the City Council approves the encroachment, the approval will be subject to compliance with all applicable codes and ordinances and the following conditions:

1. 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. (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 sidewalk maintenance or repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
3. The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)
4. The property owner 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)

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:

- 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 sidewalk maintenance or repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- 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. (T&ES)
- R-3 The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)
- R-4 The property owner 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 comments.

Fire:

No comments or concerns.

Health:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION

ENCROACHMENT

ENC# _____

PROPERTY LOCATION: 2701 Dewitt Ave

TAX MAP REFERENCE: 024.04 Block 03 Lot 32

ZONE: R 2-5

APPLICANT

Name: Jesse Houck

Address: 2701 Dewitt Ave, Alexandria, VA 22301

PROPERTY OWNER

Name: RACHEL OR JESSE HOUCK

Address: 2701 Dewitt Ave, Alexandria, VA 22301

PROPOSED USE: Fence

INSURANCE CARRIER (copy attached) _____ **POLICY #** _____

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** I so 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.

Jesse Houck

Print Name of Applicant or Agent

2701 Dewitt Ave

Mailing/Street Address

Alexandria, VA 22301

City and State Zip Code

Jesse Houck

Signature

4153203604

Telephone #

Fax #

Jesse.I.Houck@gmail.com

Email address

01/17/2018

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. | N/A | N/A | N/A |
| 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 2701 Dewitt Ave, 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. | Jesse Houck | 2701 Dewitt Ave, Alexandria, VA | 50 |
| 2. | Rachel Houck | 2701 Dewitt Ave, Alexandria, VA | 50 |
| 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 require 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 indicated 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. | Jesse Houck | N/A | N/A |
| 2. | Rachel Houck | N/A | N/A |
| 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.

01/17/2018

Date

Jesse Houck

Printed Name

Jesse Houck
Signature



9800 Fredericksburg Road
San Antonio, Texas 78288

02034 20 37 91A

**HOMEOWNERS
CERTIFICATE OF INSURANCE**

UNITED SERVICES AUTOMOBILE ASSOCIATION

04/20/18

CITY OF ALEXANDRIA

301 KING ST
ALEXANDRIA VA 22314-3211

POLICY INFORMATION

AMENDED EFFECTIVE 04/21/18

| | | |
|---|--------------------------|---------------------------|
| Named Insured: JESSE L HOUCK AND RACHEL G HOUCK | | |
| Policy Number: 02034 20 37 91A | Loan Number: | |
| Policy Form: HO 9 | Effective Date: 11/01/17 | Expiration Date: 11/01/18 |

ADDITIONAL INTEREST

Interest: CITY/MUNICIPALITY

| |
|---|
| Name: CITY OF ALEXANDRIA |
| Address: 301 KING ST ALEXANDRIA VA 22314-3211 |

PROPERTY INFORMATION

| |
|--|
| Location: 2701 DEWITT AVE ALEXANDRIA, VA 22301-1107 |
| 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.

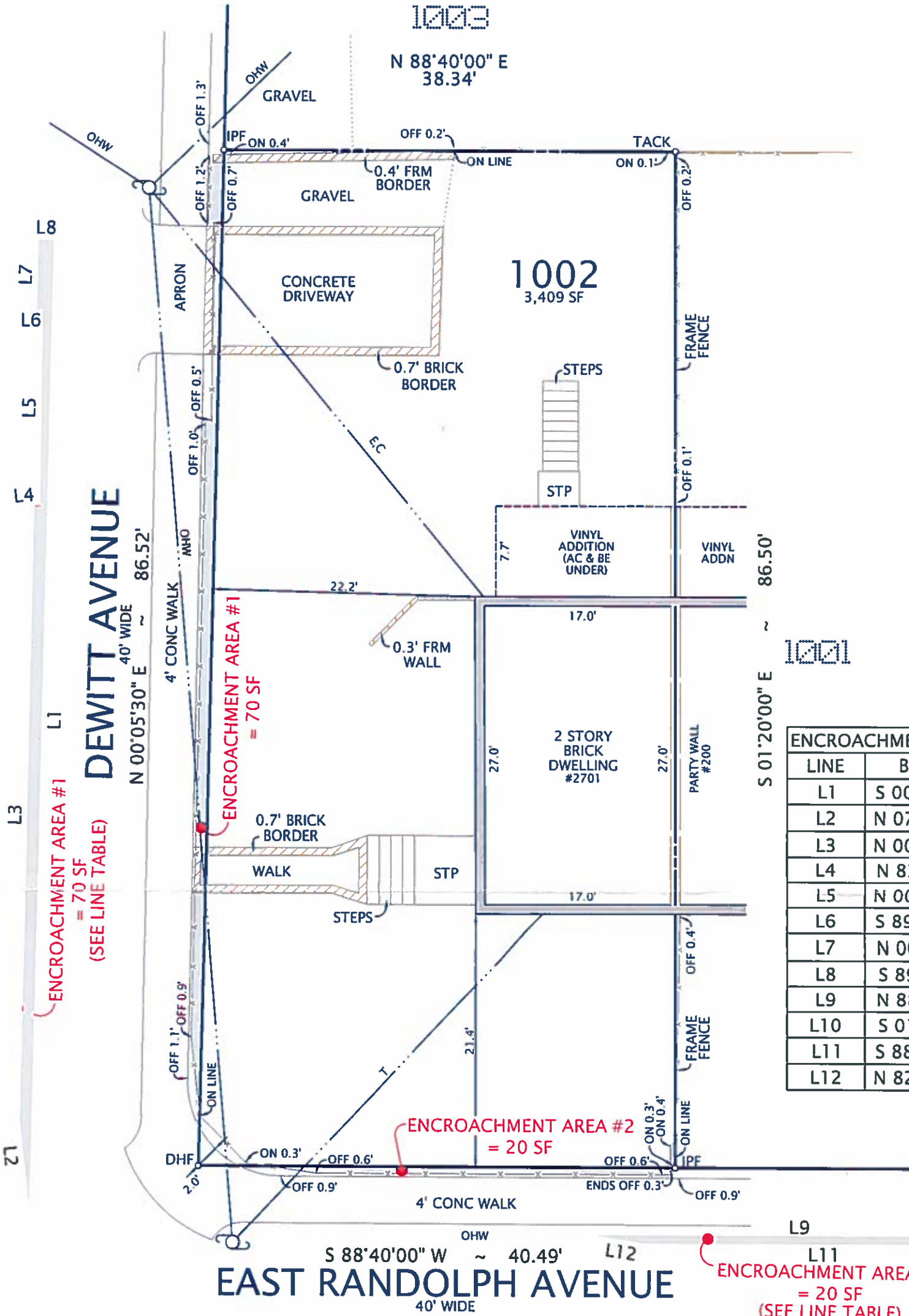
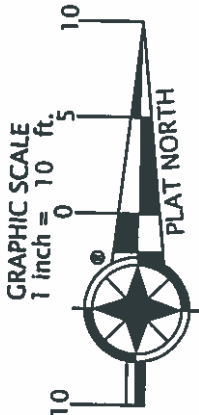
DWGCOI 08-12

126240-0312_03

Page 1 of 2

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.

NOTES: 1. FENCES ARE FRAME WITH WIRE. 2. ENCROACHMENT AREAS ARE SHADED GREY.



| ENCROACHMENT AREA LINE TABLE | | |
|------------------------------|---------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S 00°05'30" W | 81.73 |
| L2 | N 07°40'25" W | 6.66 |
| L3 | N 00°01'04" W | 52.40 |
| L4 | N 83°25'27" E | 0.50 |
| L5 | N 00°34'57" W | 16.84 |
| L6 | S 89°25'03" W | 0.50 |
| L7 | N 00°05'30" E | 5.84 |
| L8 | S 89°54'30" E | 1.20 |
| L9 | N 88°40'00" E | 34.10 |
| L10 | S 01°20'00" E | 0.60 |
| L11 | S 88°40'00" W | 30.10 |
| L12 | N 82°48'09" W | 4.04 |

EAST RANDOLPH AVENUE

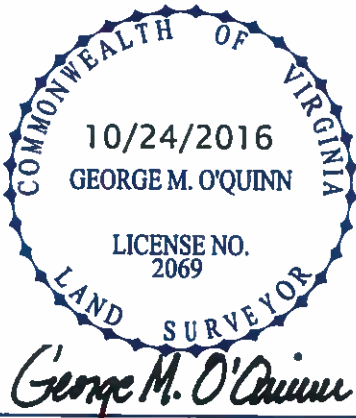
PLAT
SHOWING
LOT 1002, BLOCK 4
OF A REDIVISION OF LOT 901 & PART OF LOT 902, OF REDIVISION OF LOTS 801 & 803

ABINGDON
(DEED BOOK 574, PAGE 219)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 10'

OCTOBER 24, 2016
NOVEMBER 27, 2017 (ENCROACHMENTS)

I HEREBY CERTIFY THAT THE POSITIONS OF
ALL THE EXISTING IMPROVEMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY A CURRENT FIELD
SURVEY AND UNLESS SHOWN THERE ARE NO
VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO
RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.



ORDERED BY:

JESSE HOUCK

DOMINION Surveyors
Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

CASE NAME:

CASE NO:

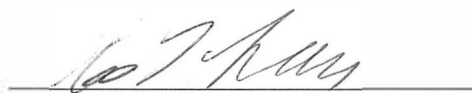
Dear Planning Commission and City Council,

As the owner of a property abutting 2701 Dewitt Avenue, I offer my support for Encroachment #2018-0001.

I have seen a copy of the encroachment plat submitted with the application. While I understand that the existing fence is in the public right-of-way, I do not believe that the encroachment has any impact on my use and enjoyment of the public right-of-way. I can safely use the sidewalk and I can walk on it without issue. I do not believe that the encroachment impairs the public's ability to use the right-of-way adjacent to the property, nor do I believe that the encroachment is detrimental to the public interest.

I trust that you value my input as a property owner and a member of the local community, and I hope you will approve Encroachment #2018-0001.

Sincerely,



Germaine or Gregory Schaefer
124 Randolph Ave.
Alexandria, VA

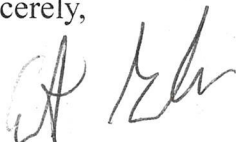
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Sincerely,



Eitan Goldstein
201 Randolph Ave
Alexandria, VA

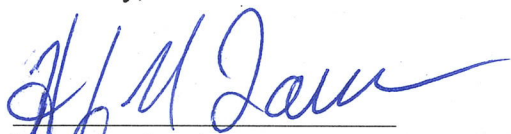
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Sincerely,

A handwritten signature in blue ink, appearing to read "Hester or Patrick Lawver", written over a horizontal line.

Hester or Patrick Lawver
200 Randolph Ave
Alexandria, VA

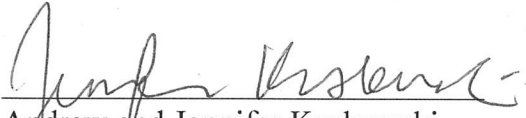
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Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew and Jennifer Kuskowski", written over a horizontal line.

Andrew and Jennifer Kuskowski

2703 Dewitt Ave

Alexandria, VA

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I trust that you value my input as a property owner and a member of the local community, and I hope you will approve Encroachment #2018-0001.

Sincerely,



Elizabeth Dewar

2612 Dewitt Ave.

Alexandria, VA 22301

(571) 205-8925

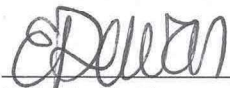
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