



DOCKET ITEM #4
Vacation #2019-0001
100 East Luray Avenue

Application		General Data	
Request: Public hearing and consideration of a request to vacate the public right-of-way for to add square footage to a residential lot		Planning Commission Hearing:	April 2, 2019
		City Council Hearing:	April 13, 2019
Address: 100 East Luray Avenue		Zone:	R2-5 / Single and two family zone
Applicant: Brian and Katherine Bartholomay		Small Area Plan:	Potomac West

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

Staff Reviewer: Max Ewart, max.ewart@alexandriava.gov



I. REPORT SUMMARY

The applicants, Brian and Katherine Bartholomay, request a vacation of the public right-of-way to add 879 square feet to the east of their property at 100 East Luray Avenue. The City Council approved an encroachment for the same area of public right-of-way in September 2018, instructing the applicant to submit an application for a vacation no later than September 2019. Staff recommends approval of the vacation.

SITE DESCRIPTION

The subject site is comprised of three lots of record: Lot 231, Lot 232, Lot 233. It is developed with a one-story, single family dwelling of approximately 1,900 square feet and a separate one-car garage structure of 194 square feet. The total lot area for the three lots is approximately 7,500 square feet. The corner lot (Figure 1) is surrounded by single-family homes to the north, east and south. Grace Brethren Church is directly to the west of the property across Newton Street.



Figure 1

The site proposed to be vacated is an 879 square foot trapezoidal shaped area of the public right-of-way that abuts the applicants' residence at 100 East Luray Avenue along Newton Street.

BACKGROUND

The residential dwelling has existed in this location since 1929. In September 2018, City Council approved ENC #2018-0011 for the square footage proposed in this vacation request, contingent on the submission of a vacation proposal before September 2019.

PROPOSAL

The applicants propose a vacation for 879 square feet of the public right-of-way to the east of their residence, abutting Lot 231 (Figure 2). The proposed vacation area would border the applicant's property to the east for 95 feet. They would install a fence around the vacated area to enclose a play area for their children. The applicants have chosen the option to pursue the vacation with non-development rights.

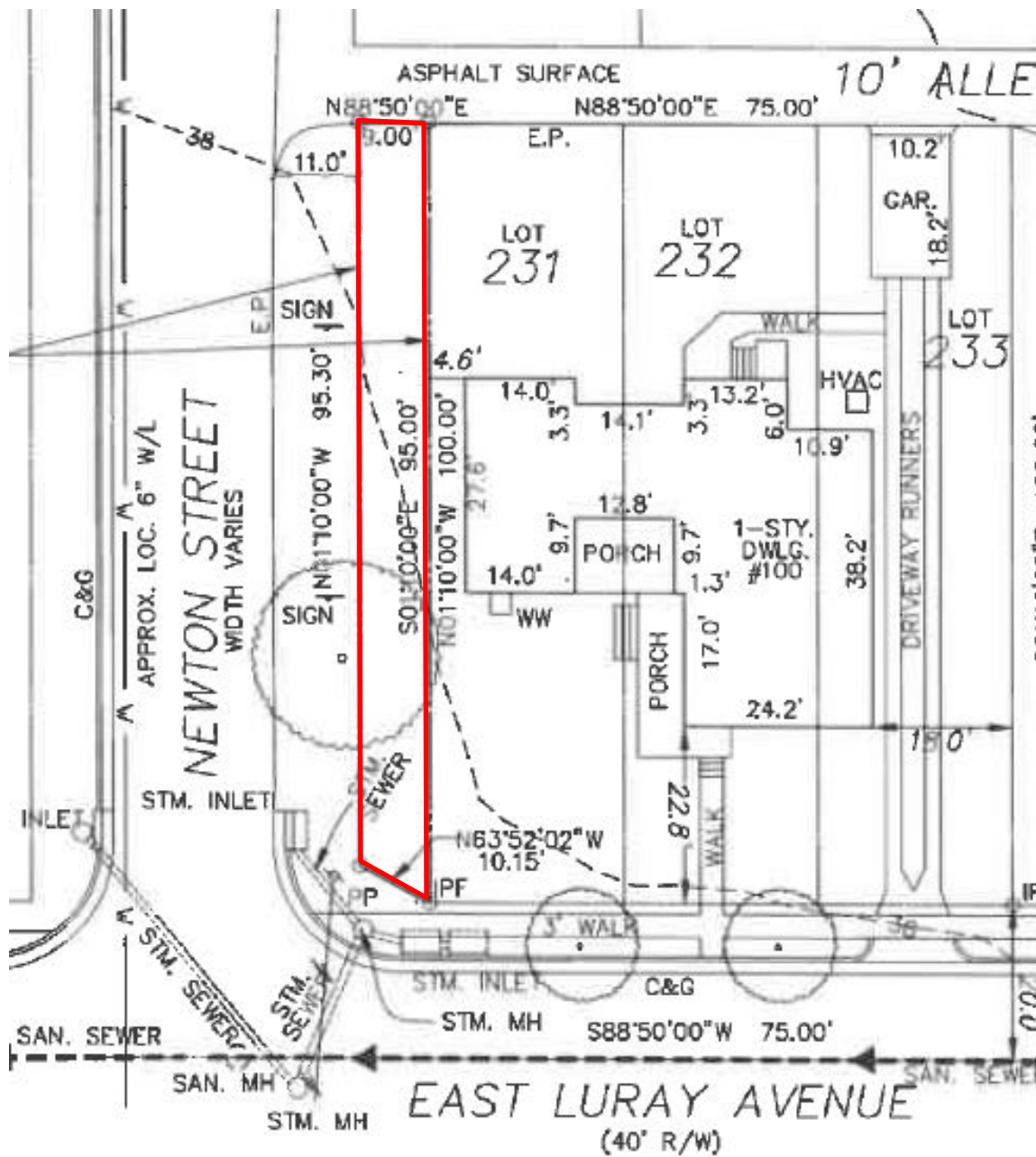


Figure 2

ZONING/ MASTER PLAN DESIGNATION

The subject property is located in the R-2-5 / Single and two family zone. Section 3-502 permits single-family dwellings in the R-2-5 zone.

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 are not limited to future roads, bike paths/trails, recreational facilities, open space, utilities or other environmental protections.
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 is a request 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 879 square feet of land in question at \$4,400. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine the valuation.

II. STAFF ANALYSIS

Staff supports the request for a vacation of the public right-of-way at 100 East Luray Avenue. As City Council recognized in the approval of ENC #2018-0011 the proposed vacation area reads as part of the applicant’s side yard given that there is no distinction between the private property and public right-of-way along Newton Street. Further review of the proposal indicated that the application meets all five approval criteria established by City Council for vacation requests:

1. Existing Public Use

The proposed vacation area is adjacent to a portion of the public right-of-way along Newton Street contains street signs and a tree. The vacation area is not used for underground infrastructure or above-grade public amenities.

2. Reasonable Future Use

A public use of the right-of-way would not accommodate reasonable recreational use as open space given its small size and location on a corner of an intersection. With the approval of this vacation, the applicant would be able to align the fence with their neighbors to create visual continuity along Newton Street.

3. Landlocked Public Property

Approval of the vacation would not create a situation where public property would be landlocked. The requested vacation is on a corner where access to streets and sidewalks would not be affected.

4. Landlocked Private Property/Impaired Access

Approval of the vacation would not create a situation where private property would be landlocked. The requested vacation is on a corner where access to streets, sidewalks and personal, private property would not be affected.

5. Public Benefit

Vacation request approval would require the applicant to submit payment of \$4,400 to the City's Open Space Fund for the purchase of open space more conducive to public active and passive use.

Condition language

Five conditions of approval, standard to vacation requests, have been included in this report. Condition #3 requires the consolidation of the vacated land and Lots 231, 232 and 233 and the recordation of the final plat in the Land Records of the City of Alexandria. The fair market value of \$4,400 shall be provided to the City of Alexandria as required in Condition #1 and the property development rights are extinguished in Condition #5.

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) (P&Z)
2. The applicant shall show all public and private easements on the plat of consolidation. (T&ES) (P&Z)
3. The vacated right-of-way and Lots 231, 232 and 233 shall be consolidated. The approved final deed and plat shall be recorded in the land records of the City of Alexandria. (T&ES) (P&Z)

4. The applicant shall be responsible for perpetual ownership, development and maintenance of the fence constructed in the vacated right-of-way. (T&ES) (P&Z)
5. The property owners shall not use the vacated land area to derive any increased above grade development rights for the vacated area, including increased floor area, subdivision rights or additional dwelling units. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Max Ewart, Urban Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments. (T&ES) (P&Z)
- R-2 The applicant shall show all public and private easements on the plat of consolidation. (T&ES)
- R-3 The vacated right-of-way shall be consolidated with the adjoining lot. The approved final deed and plat shall be recorded in the Land Records of the City of Alexandria. (T&ES) (P&Z)
- R-4 The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right of way. (T&ES) (P&Z)

Code Enforcement:

No comments received

Fire:

No comments received

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments received

Police Department:

No comments received

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 15, 2019

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: WILLIAM BRYAN PAGE SRA, RM, REAL ESTATE ASSESSOR
OFFICE OF REAL ESTATE ASSESSMENTS (OREA) *WBP*

SUBJECT: VACATION OF AN UNINSTALLED SECTION OF NEWTON STREET
BETWEEN ITS INTERSECTION WITH EAST LURAY AVENUE AND
WAYNE STREET, EAST OF COMMONWEALTH AVENUE

ADDRESS: 100 EAST LURAY AVENUE, ALEXANDRIA, VA 22301

PROJECT: VACATION #2019-0001

Per your request, we have reviewed the proposed vacation of City owned property which is an uninstalled section of Newton Street, north of East Luray Avenue. According to a plat dated December 18, 2018, the proposed vacation is 10.58 feet (average of two vectors) wide and extends northward approximately 94.65 feet to a mid-block 10-foot alleyway. It contains a total land area of 985 square feet and is well maintained.

The receiving parcel (Lots 231, 232 & 233, Section 1, Brenton Subdivision) contains 7,500 square feet with 75 feet of frontage on the north side of East Luray Avenue. The property is zoned R2-5, Single- and Two-Family Zone. According to records maintained by the Office of Real Estate Assessments, the existing dwelling was built in 1929, and contains 1,606 square feet of an above grade living area indicating a developed floor area ratio (FAR) of 0.2141. The maximum FAR with the district is 0.45.

Provided the proposed vacation is approved, the adjusted lot area would increase to 8,379 square feet (7,500 SF + 879 SF). The request submitted to OREA by the Office of Planning and Zoning also stipulated that no additional development rights would be associated with the proposed vacation beyond those that currently exist on the recipient property (7,500 SF) at 100 East Luray Avenue. **This restriction will be noted and made a permanent restriction in the subject's property record card.**

The value of the uninstalled Newton Street right-of-way was estimated using the latest real estate assessment data (CY 2019) for nearby properties of **similar size and zoning**. The January 1, 2019 land assessment for 100 East Luray Avenue is \$475,860, or \$63.45 per square-foot based on the existing land area of 7,500 square feet.

After a review of the 2019 land value in this particular neighborhood of Del Ray (LEA 1095), the additional 879 square feet is nominal in size, and would provide a marginal contribution to land value. Therefore, we have estimated an undiscounted value of the proposed vacation to be \$25.00 per square-foot, which for 879 square feet equals \$21,975.

In accordance with current City policy involving street vacations with no additional development rights, we have discounted the total value by 80 percent ($\$21,975 \times 0.20$), which results in an indicated value of \$4,395, rounded to **\$4,400 (rounded)**.

Four-Four Hundred Dollars

If approved, the total indicated value would increase to **\$480,260** ($\$475,860 + \$4,400$).

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on 2019 assessed land values of similarly zoned parcels in the immediate area of the subject property, and complies with City policies and guidelines regarding vacations.

Attachments

Plat: December 5, 2018

Preliminary Plat: December 5, 2018

cc: Max Ewart, Urban Planner I
Ann Horowitz, Urban Planner III

LOTS 7-12
BLOCK 7
NORTHWEST
ALEXANDRIA

Parcel ID #043.03-10-09

2 E LURAY AV

Owner: COMMONWEALTH AVE BRETHREN
CHURCH TRS OF
Zoned: R 2-5

PARCEL A

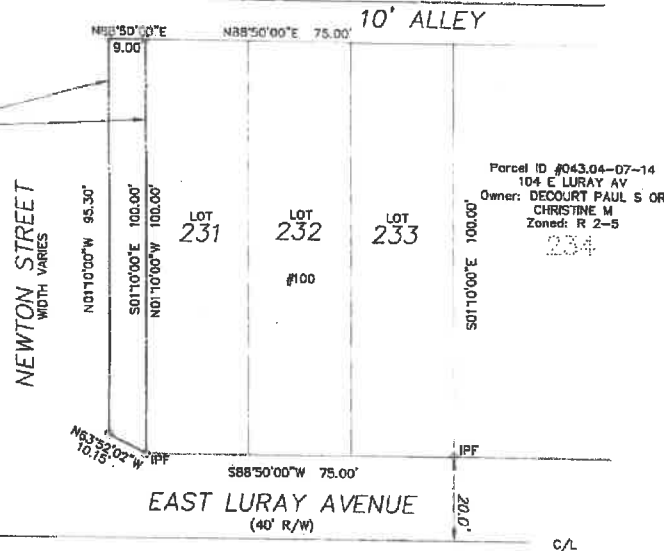
879 SF PORTION
OF NEWTON STREET
HEREBY VACATED

Parcel ID #043.04-07-01
101 E ALEXANDRIA AV
Owner: ONLY MARK C TR
Zoned: R 2-5
LOT ADJACENT TO
PARK ADDITION
TO ALEXANDRIA

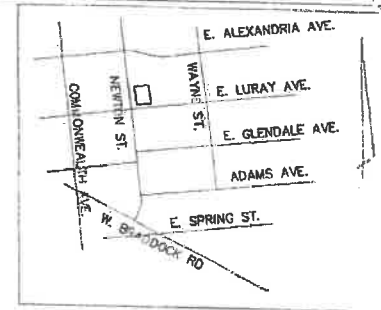
LOTS 12 & 13
BLOCK 7
PARK ADDITION
TO ALEXANDRIA

Parcel ID #043.04-07-02
103 E ALEXANDRIA AV
Owner: SMITH DOUGLAS C
OR BRENDA J
Zoned: R 2-5

PLAT NORTH
(DEED BOOK 84, PAGE 22)



OWNER / APPLICANT
BRIAN W. OR KATHERINE BARTHOLOMAY
100 EAST LURAY AVE
ALEXANDRIA VA 22301
INSTR. #170017604



VICINITY MAP
1"=200'

NOTES:

1. NO TITLE REPORT FURNISHED.
2. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX MAP 043.04-07-15.
3. BOUNDARY INFORMATION SHOWN HEREON IS A COMPILATION OF DEEDS AND PLATS AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
4. THE PROPERTY SHOWN HEREON ARE ZONED R2-5.
5. PROPERTY CORNERS SHALL BE SET BY A LAND SURVEYOR LICENSED WITHIN THE COMMONWEALTH OF VIRGINIA.

APPROVED

CITY PLANNING COMMISSION
ALEXANDRIA, VA

DATE CHAIRMAN

DATE DIRECTOR OF PLANNING
PUBLIC IMPROVEMENT BONDS APPROVED

DATE DIRECTOR Y.B.E.C.

SHEET 1 OF 1
PLAT
SHOWING
PARCEL 'A'
BEING A VACATED PORTION OF
NEWTON STREET
ADJACENT TO
LOTS 231, 232 & 233, SEC. 1
BRENTON
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1"=20' DECEMBER 5, 2018



CIVIL SPUR

SITE PLANNING - DESIGN - CONSULTING
929 WEST BROAD STREET #200, FALLS CHURCH VA. 22048
OFFICE (703) 863-7173 CELL (540) 207-5881
EMAIL: ROGER@CIVILSPUR.COM

PROPERTY LOCATION: Newton St. and 100 E. Luray Ave Alexandria, VA 22301

TAX MAP REFERENCE: 043.04-07-15 ZONE: R25

APPLICANTS NAME: Brian and Katherine Bartholomay

ADDRESS: 100 E. Luray Ave. Alexandria, VA 22301

PROPERTY OWNER NAME: Brian and Katherine Bartholomay

(Owner of abutting area to be vacated)

ADDRESS: same as above

VACATION DESCRIPTION: see attached

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.

Katherine Bartholomay
Brian Bartholomay
Print Name of Applicant or Agent

Katherine Bartholomay
B. Bartholomay
Signature

100 E. Luray Ave
Mailing/Street Address:

(703) 554-4264
Telephone # Fax #

Alexandria, VA 22301
City and State Zip Code

6/10/2018
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 ten 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. MA Brian + Katherine Bartholomew	100 E. Luray Ave. Alexandria VA 22301	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 100 E. Luray Ave Alexandria, VA 22301 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. Brian + Katherine Bartholomew	100 E. Luray Ave. Alexandria VA 22301	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Brian Bartholomew	None	None
2. Katherine Bartholomew	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.

6/10/2019
Date

Brian Bartholomew
Katherine Bartholomew
Printed Name


Signature

We are seeking a vacation of the right of way adjacent to our house and property for a number of reasons. First and foremost, we intend to install a fence around the perimeter of our yard for the safety of our two young children. They enjoy playing in the side yard and using the space along Newton Street. However, with no curb or sidewalk on that section on Newton Street, there is no physical or visible barrier between the yard and the street. We have found that this lack of a barrier poses a safety risk to the children playing in the yard. Not only do cars pass within feet of the grass in the yard, there is a high volume of pedestrian and pet traffic along Newton Street. Some of this foot traffic travels through our yard. A fence will allow our children to play freely without encountering unfamiliar pedestrians and animals, as well as provide some measure of privacy. Without a vacation of the right of way, a fence along the property line would only allow for a side yard with a width of four feet, significantly curtailing our use and enjoyment of that part of our property. Conversely, a vacation of the right of way will allow us to create a much safer useable space. In addition, a vacation of the right of way will allow us to install a fence that aligns with our neighbor's fence line in the rear of our property, creating visual continuity along Newton Street.

CIVIL SPUR

929 West Broad Street #200, Falls Church Va. 22046
Office 703-663-7175, cell 540-207-5681

December 5, 2018

Metes & Bounds Description – Parcel A, being a vacation of a portion of Newton Street adjacent to Lots 231, 232 & 233, Sec. 1, Brenton Subdivision

Beginning at an iron pipe at the corner of East Luray Avenue (40' R/W) and Newton Street (Variable Width R/W). Said iron pipe being the northeast corner of the intersection and the southwest corner of Lot 231, Section 1, Brenton. Thence running through the Newton Street right-of-way;

N 63 Degrees 52 minutes 02 seconds W, 10.15 feet to a point; Thence turning and running parallel to the centerline of the Newton Street right-of-way;

N 01 Degrees 10 minutes 00 seconds W, 95.30 feet to a point in line with a 10 Foot Alley; Thence turning and running perpendicular to the centerline of the Newton Street right-of-way;

N 88 Degrees 50 minutes 00 seconds E, 9.00 feet to a corner common with the 10 Foot Alley and Lot 231, Section 1, Brenton; Thence with the line of Lot 231, Section 1, Brenton;

S 01 Degrees 10 minutes 00 seconds E, 100.00 feet to the aforementioned iron pipe and point of beginning.

Containing 879 square feet of land more or less.

LOTS 7-12
BLOCK 7
NORTHWEST
ALEXANDRIA

Parcel ID #043.03-10-09
2 E LURAY AV

Owner: COMMONWEALTH AVE BRETHREN
CHURCH TRS OF
Zoned: R 2-5

PARCEL A
879 SF PORTION
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HEREBY VACATED

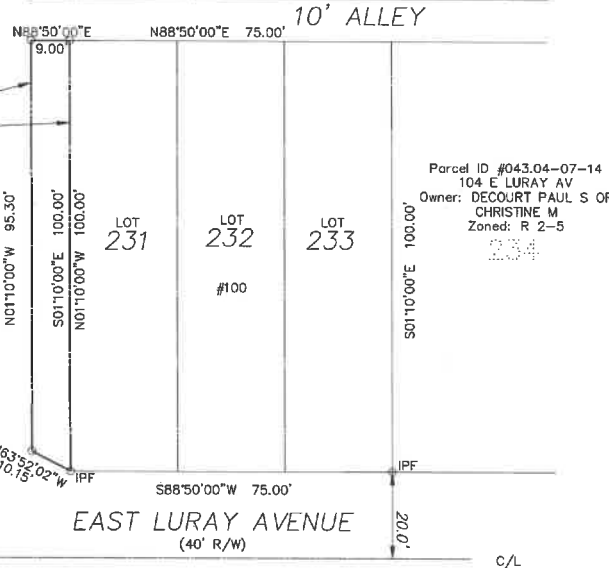
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Owner: DALLMAN E TR
Zoned: R 2-5

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LOTS 12 & 13
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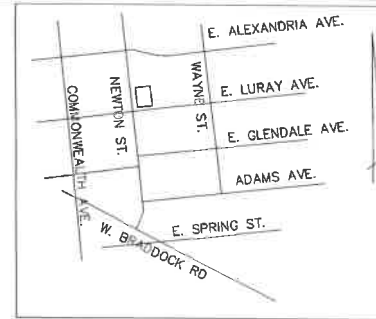
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(DEED BOOK 84, PAGE 22)



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BRIAN W. OR KATHERINE BARTHOLOMAY
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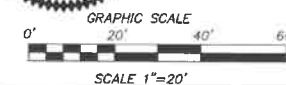
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APPROVED

CITY PLANNING COMMISSION
ALEXANDRIA, VA

DATE	CHAIRMAN
DATE	DIRECTOR OF PLANNING
DATE	PUBLIC IMPROVEMENT BOND(S) APPROVED
DATE	DIRECTOR T.&ES.

SHEET 1 OF 1
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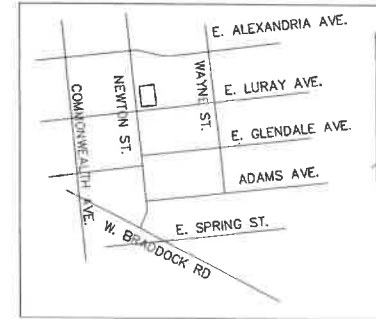
PLAT NORTH
(DEED BOOK 84, PAGE 22)

10' ALLEY

Parcel ID #043.04-07-14
104 E LURAY AV
Owner: DECOURT PAUL S OR
CHRISTINE M
Zoned: R 2-5

OWNER / APPLICANT

BRIAN W. OR KATHERINE BARTHOLOMAY
100 EAST LURAY AVE.
ALEXANDRIA VA 22301
INSTR. #170017604

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APPROVED
CITY PLANNING COMMISSION
ALEXANDRIA, VA

DATE	CHAIRMAN
------	----------

DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVMENT BOND(S) APPROVED	

DATE _____ DIRECTOR T.&E.S. _____

SHEET 1 OF 1
PRELIMINARY PLAT
SHOWING
PARCEL 'A'
BEING A VACATED PORTION OF
NEWTON STREET

ADJACENT TO
LOTS 231, 232 & 233, SEC. 1
BRENTON
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DECEMBER 5, 2018

CIVIL  SPU


 SITE PLANNING - DESIGN - CONSULTING
 929 WEST BROAD STREET #200, FALLS CHURCH VA. 22046
 OFFICE (703) 663-7173 CELL (540) 207-5681
 EMAIL: ROGER@CIVILSPUR.COM



GRAPHIC SCALE
0' 20' 40' 60'
SCALE 1"=20'