

DOCKET ITEM #7
Encroachment #2019-0001
500 Wolfe Street

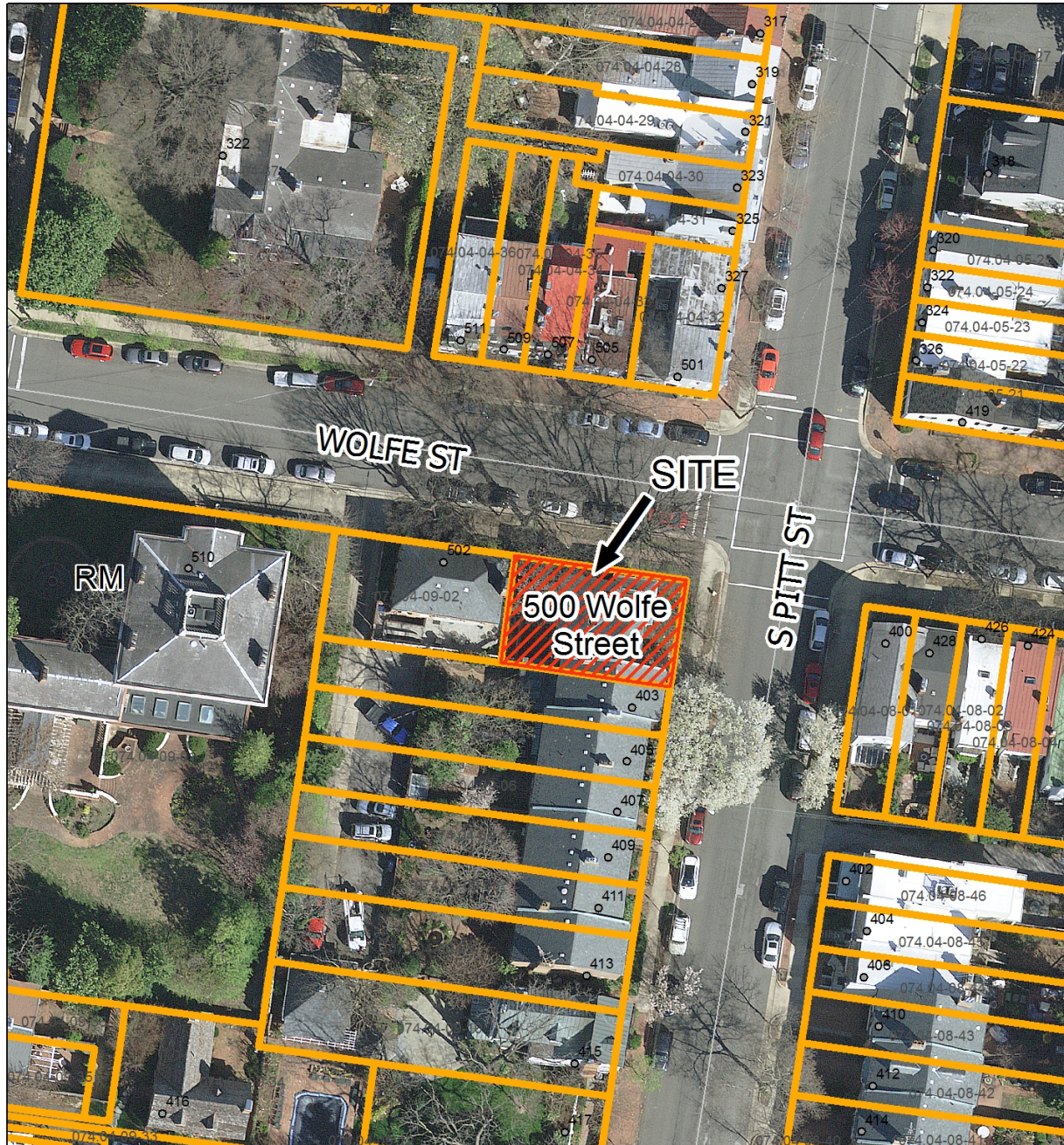
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Public hearing and consideration of a request for an encroachment for a fence into the public right-of-way	Planning Commission Hearing:	June 25, 2019
	City Council Hearing:	July 9, 2019
Address: 500 Wolfe Street	Zone:	RM/ Townhouse
Applicants: Elena and Amanda Delle Donne	Small Area Plan:	Old Town

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: Marlo J.W, Ford, AICP, Urban Planner, marlo.ford@alexandriava.gov
Ann Horowitz, Principal Planner, annhorowitz@alexandriava.gov



Encroachment #2019-0001 500 Wolfe Street



0 20 40 80 Feet

PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicants, Elena and Amanda Delle Donne, request an encroachment adjacent to 500 Wolfe Street into the public right-of-way for a fence and landscaping.

SITE DESCRIPTION

The subject site is one lot of record and a corner lot. There is 55.00 feet of lot frontage facing Wolfe Street and 37.67 of lot frontage facing South Pitt Street; a depth of 55.00 feet along the south property line and 37.67 feet along the west property line. The site shares a party wall with townhomes to the south along South Pitt Street and is detached from the adjacent parcel along Wolfe Street. The total lot area for the site is 2,072 square feet (Figure 1).



Figure 1: Subject Property

The lot is developed with a townhouse dwelling that sits on the southwest corner of the intersection of Wolfe and South Pitt Streets and currently has a brick edge wall of approximately seven inches in height immediately adjacent to the sidewalk that encroaches approximately four feet into the right-of-way on both streets. There is an existing thirty-two-inch-high metal fence that encloses the front garden area on South Pitt Street, but on Wolfe Street the fence is located on the property line.

BACKGROUND

The two-story, brick, Colonial Revival residential building was built in 1961. The subject property and the adjacent three-story town homes along South Pitt Street, also Colonial Revival, were constructed in 1961 (Permit # 7420, 5/18/61) by J.F. Phillip and R.F. Ward. These properties were approved as a subdivision that was approved by Planning Commission on May 10, 1961.

PROPOSAL

The applicants propose an encroachment of 353 square feet to construct a new fence that would measure four feet and seven inches at the highest point (Figure 2). In addition, they propose to landscape the area.

The portion proposed for the encroachment area along South Pitt Street would measure approximately 26.31 feet in length and 4.74 feet in depth for a total of 124.24 square feet. The portion facing Wolfe Street would measure approximately 57.76 feet along the north portion of the property and would have a depth of 3.92 feet for a total of 226.42 square feet. In addition, there would be a small area of 2.34 square feet which encompasses the area where the two frontages would meet for the area proposed in the encroachment. The combined total for the areas that would be encroaching into the public right-of-way would measure 353.00 square feet.

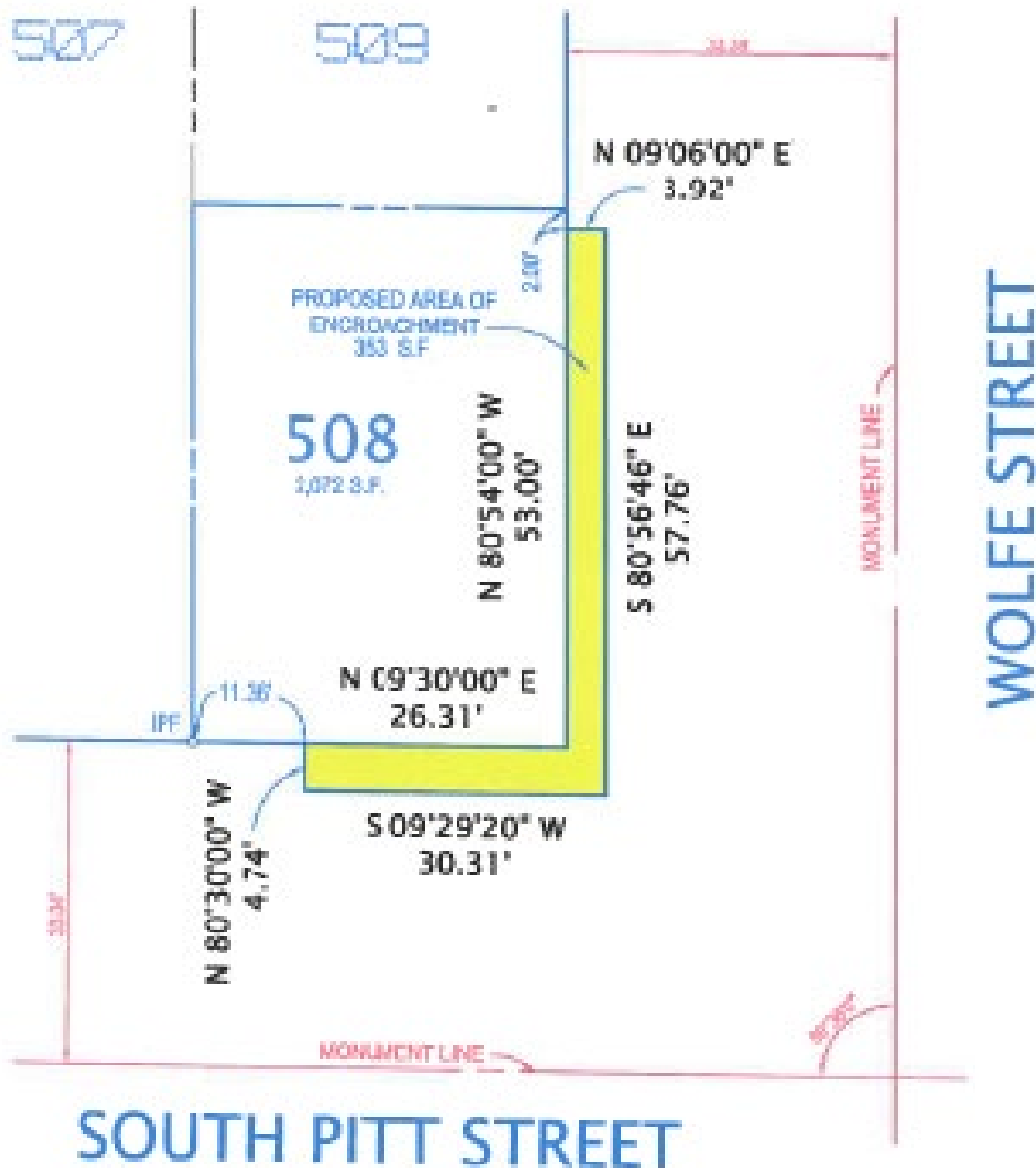


Figure 2: Proposed Area of Encroachment as shaded in yellow

ZONING/MASTER PLAN DESIGNATION

The subject site is zoned RM/Townhouse and is designated for residential uses. Section 3-1100 of the Zoning Ordinance permits townhouse dwellings in the RM zone. The site is within the Old Town 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 would require Board of Architectural Review Staff Administrative approval is contingent on approval of this encroachment request and for a fence no taller than three and one-half feet. For the purposes of safety and travel on streets, Section 7-801 of the City Code requires that structures, fences, shrubbery or other obstructions shall not be more than three and one-half feet above the curb level within 100 feet from the centerline of intersecting streets and corner lot properties. Therefore, a fence taller than three and one-half feet would require a BAR waiver at a public hearing.

II. STAFF ANALYSIS

Staff supports the applicants' request for an encroachment of 353 square feet along Wolfe Street and South Pitt Street as requested. This would allow for the applicants to install a replacement fence and update the landscaping between their lot and the sidewalk public right-of-way.

Staff acknowledges that the applicant intended to install a four foot and seven inches fence at its highest point. Because the house is located on a corner lot, a significant portion of the lot is in the vision clearance, therefore, staff recommends that the fence (Condition #3) and landscaping (Condition #4) shall be no higher than three and one-half feet, which is consistent with the City Code Section 7-801. Condition #4 also specifies that landscaping must not encroach into the public right-of-way and shall be of a species without sharp features to allow pedestrians to easily pass by on the sidewalk.

Although the applicant expressed a desire to place the fence up to the sidewalk edges on South Pitt Street and Wolfe Street, Condition #3 also requires the applicant to place the fence four feet from the sidewalk and at the property line on Wolfe Street to align with the brick wall and fence at 508 Wolfe Street and one-foot from the



Figure 3: View of fence and brick wall at 508 Wolfe Street that applicants proposed fence would align with.

property line on South Pitt Street to allow the City access to the sidewalk for necessary maintenance (Figure 3).

III. RECOMMENDED CONDITIONS

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

1. The 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)
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. The fence shall be a maximum of three and one-half feet tall and remain 50% open. It shall be located four feet from the sidewalk on Wolfe Street which would align with the brick wall and fence at 508 Wolfe Street and one foot from the sidewalk on South Pitt Street. (P&Z)(T&ES)
4. Plantings shall not exceed three and one-half feet in height. The applicant shall take into consideration the proximity of plantings to the sidewalk public right-of-way. Plantings shall not encroach on the sidewalk nor provide a hazard to pedestrians through the presence of sharp thorns, spines, or other similar defenses. (P&Z)(T&ES)
5. 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)
6. The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)

STAFF: Tony LaColla, Division Chief, AICP, Land Use Services, Planning and Zoning
Ann Horowitz, Principal Planner, Planning and Zoning
Marlo J.W. Ford, Urban Planner, AICP, Planning and Zoning

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

Conditions:

- R-1 The fence shall maintain a 1-foot separation from the public sidewalk. (T&ES)
- R-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)
- R-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. (T&ES)
- R-4 The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)
- R-5 To comply with Zoning Ordinance 7-801, the portion of the fence within the Vision Clearance Line must be no more than three and one-half feet above the curb level. Once a variance is submitted, staff recommends the fence design to be no less than 50% open to allow visibility through the fence.” (T&ES/ Traffic Engineering).
- R-6 The 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)

Please submit Insurance Certificate:

City of Alexandria

T&ES

Attn: Heather Diez

301 King Street, Room 4130

Alexandria, VA 22314

Code Enforcement:

No code comment for residential fence construction

Fire:

No comments

Health Department:

No comments



APPLICATION

ENCROACHMENT

ENC# _____

PROPERTY LOCATION: 500 Wolfe St. Alexandria VA 22314

TAX MAP REFERENCE: 074.04-09-03 **ZONE:** RM

APPLICANT

Name: Elena + Amanda Delle Donne

Address: 500 Wolfe St Alexandria VA 22314

PROPERTY OWNER

Name: Elena + Amanda Delle Donne

Address: 500 Wolfe St Alexandria VA 22314

PROPOSED USE: We would be using the right of way as

part of our front yard.

INSURANCE CARRIER (copy attached) CBM Insurance **POLICY #** 0064585513

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.

Amanda Delle Donne

Print Name of Applicant or Agent

500 Wolfe St

Mailing/Street Address

Alexandria VA 22314

City and State

Zip Code

A + A D

Signature

309.752.3486

Telephone #

Fax #

akclpt@gmail.com

Email address

4/8/19

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. Elena & Amanda Delle Donne	500 Wolfe St Alexandria VA 22314	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 _____ (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. Elena & Amanda Delle Donne	500 Wolfe St Alexandria VA 22314	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. Elena & Amanda Delle Donne	NONE	NONE
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.

4/8/19
Date

Amanda Delle Donne
Printed Name


Signature



BJEPPE

EVIDENCE OF PROPERTY INSURANCEDATE (MM/DD/YYYY)
4/5/2019

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY Clark Baffone & Matthews Ins dba CBM Insurance 100 W. Common Blvd. Suite 302 New Castle, DE 19720		PHONE (A/C, No, Ext): (302) 322-2261	COMPANY AIG Private Client Group PO Box 35423 Newark, NJ 07193-5423	
FAX (A/C, No): (302) 322-8285		E-MAIL ADDRESS: info@cbmins.com		
CODE:		SUB CODE:		
AGENCY CUSTOMER ID #: DELLEDEL01				
INSURED Elena & Amanda Delle Donne 1701 Shallcross Ave, STE 6 Wilmington, DE 19806		LOAN NUMBER		POLICY NUMBER 0064585513
		EFFECTIVE DATE 11/9/2018	EXPIRATION DATE 11/9/2019	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED
THIS REPLACES PRIOR EVIDENCE DATED:				

PROPERTY INFORMATION

LOCATION/DESCRIPTION
Loc # 1, 500 Wolfe St, Alexandria, VA 22314

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

PERILS INSURED BASIC BROAD SPECIAL

COVERAGE / PERILS / FORMS

AMOUNT OF INSURANCE

DEDUCTIBLE

Loc # 1		
Dwelling	\$450,000	2,500
Other Structures	\$45,000	
Personal Property	\$315,000	
Loss of Use		
Personal Liability Each Occurrence	\$1,000,000	
Medical Payments Each Person	\$5,000	

REMARKS (Including Special Conditions)

Special Conditions:
Total annual premium: \$1,137
All perils deductible, inc. wind & hail: \$2,500

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

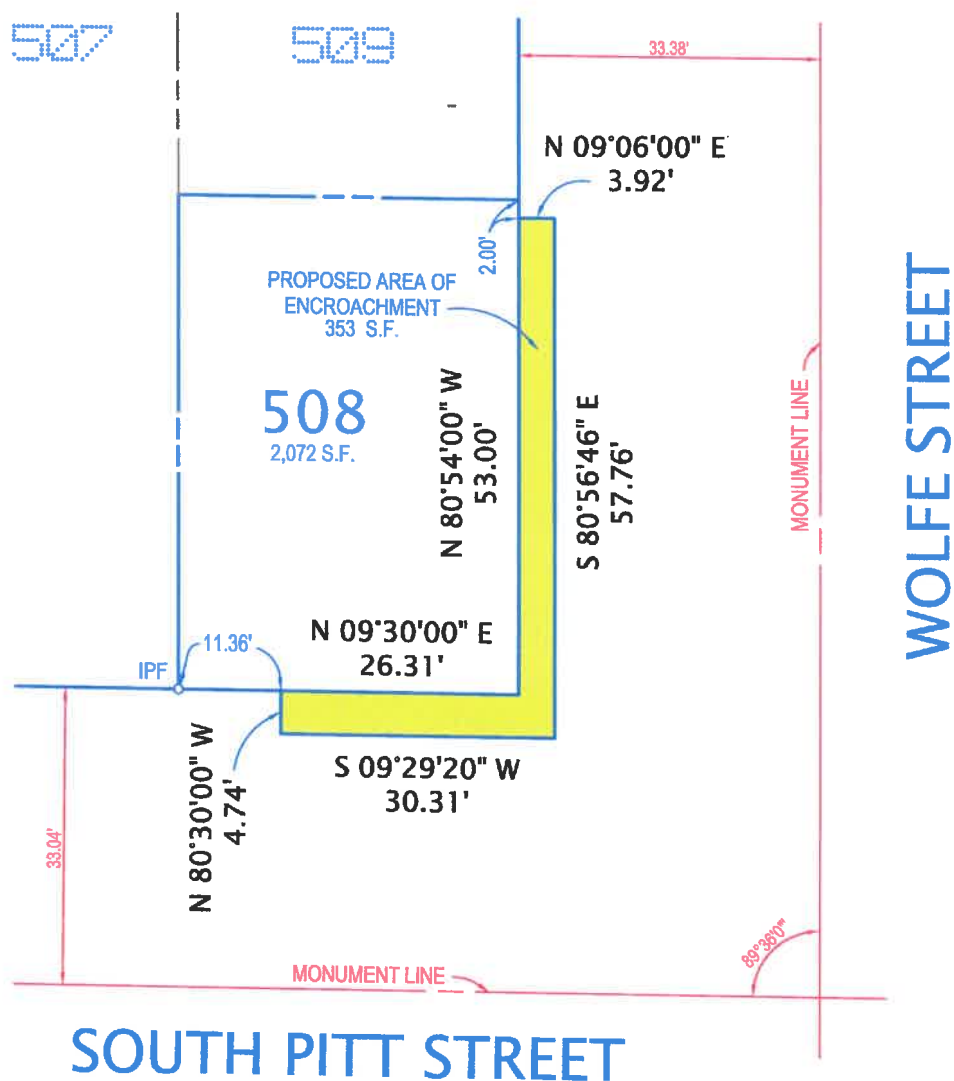
NAME AND ADDRESS City of Alexandria Department of Planning and Zoning, Room 2100 301 King St. Alexandria, VA 22314	<input checked="" type="checkbox"/> ADDITIONAL INSURED	<input type="checkbox"/> LENDER'S LOSS PAYABLE	<input type="checkbox"/> LOSS PAYEE
	<input type="checkbox"/> MORTGAGEE		
	LOAN #		
	AUTHORIZED REPRESENTATIVE		

DESCRIPTION OF PROPOSED WORK:

We would like to remove our existing fence and replace it with a black aluminum 4ft 5inches fence. The new fence would be located in exactly the same place it currently sits on the Pitt Street side of the house. On the Wolfe Street side of the house we would like to align the fence with the bricks to match the Pitt Street side. The fence would run the length of the front yard. We would also like to add a swinging gate in front of our steps and continue the fence up the side of the stairs to completely enclose the front yard. On the Pitt Street side where our parking slab sits we would like to run the fence down the side toward the home to the existing retaining wall and railing. This is also to enclose the entire yard for security purposes. The fence would be 16 feet down the parking slab, 29 feet 7 inches down the Pitt Street side, 51 feet down the front Wolfe street side, 40 Inch gate across the front steps, 4feet 8 inches on the opposite side of the swinging gate and up to our existing brick retaining wall 8 ft. Inside the entire fence line we would like to plant uniform shrubs to create space from the sidewalk to the yard. We would also like to use artificial turf for the entire area inside the fence as an economic friendly solution that will not require us to use the water a grass lawn requires. The screening needs and landscaping would in turn improve our security and privacy.

**Description of
Area to be Encroached upon
A PORTION OF
WOLFE STREET AND
SOUTH PITT STREET
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a Point, the northeast corner of Lot 508, Townhouse, thence with the Northerly line of lot 508 N 80° 54' 00" W 53.00' to a point; thence through Wolfe Street N 09° 06' 00" E 3.92' to a point; thence through Wolfe Street and into South Pitt Street S 80° 56' 46" E 57.76' to a point; thence through South Pitt Street S 09° 28' 20" 30.31' to a point; thence through South Pitt Street N 80° 30' 00" 4.74' to a point in the line of Lot 508: thence with lot 508, N 09° 30' 00" 26.31' to the point of beginning containing 353 square feet more or less.



PLAT
SHOWING PROPOSED AREA OF ENCROACHMENT NEAR
LOT 508
TOWNHOUSE
(DEED BOOK 533, PAGE 3)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' APRIL 23, 2019

GRAPHIC SCALE



0 20 40

04/23/2019
THOMAS G. LUTKE
LICENSE NO.
3066
COMMONWEALTH OF VIRGINIA
LAND SURVEYOR

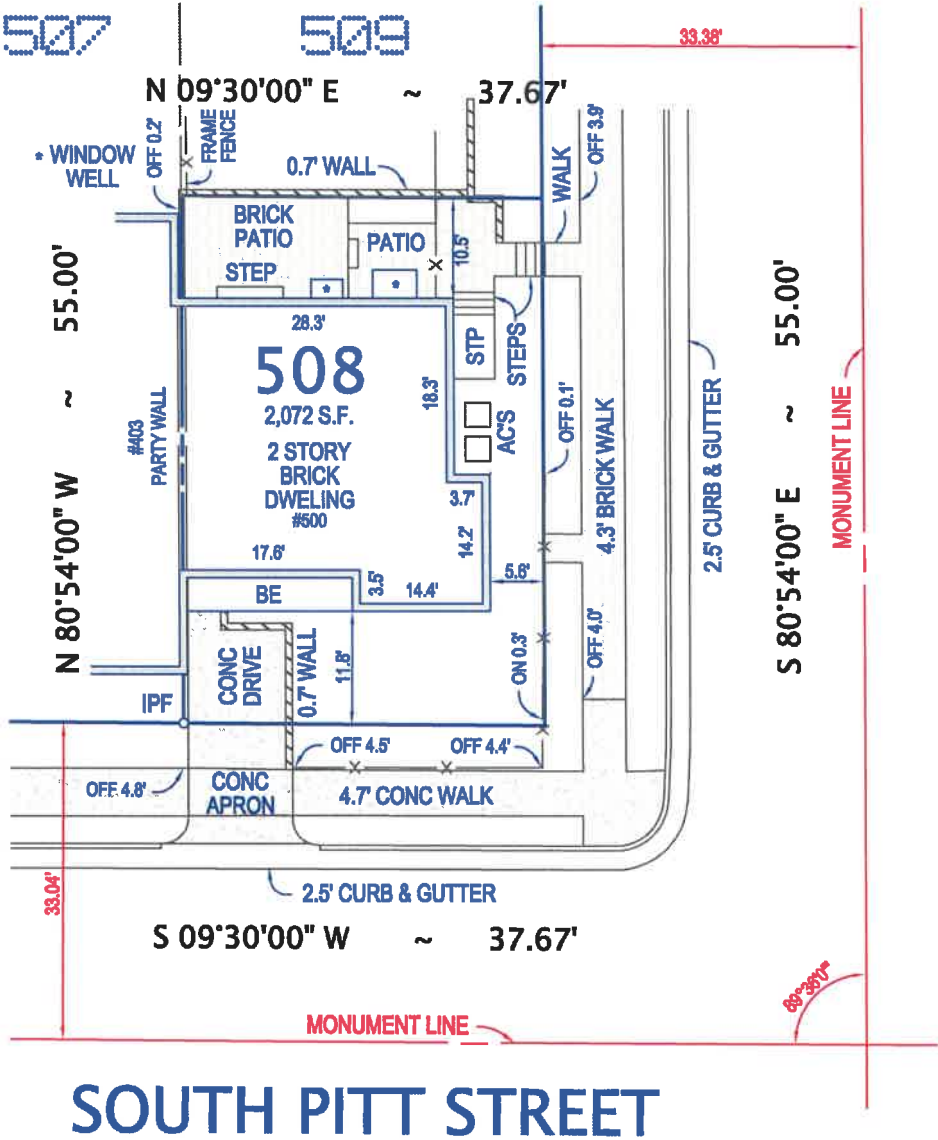
AMANDA DELL DONNE



6655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-688-4038
INFO@NOVA-SURVEYS.COM
WWW.NOVA-SURVEYS.COM

#190308002

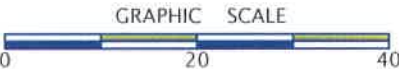
NOTES: 1. FENCES ARE METAL UNLESS NOTED.
2. UTILITIES ARE UNDERGROUND.



SOUTH PITT STREET

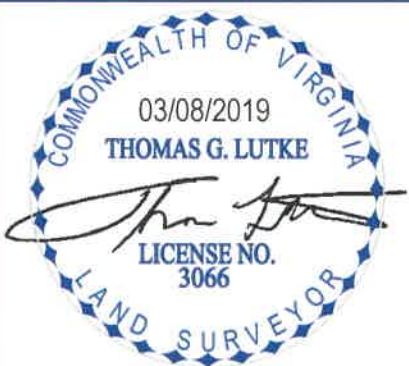
WOLFE STREET

PLAT
SHOWING HOUSE LOCATION ON
LOT 508
TOWNHOUSE
(DEED BOOK 533, PAGE 3)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' MARCH 8, 2019



I HEREBY CERTIFY THAT THE LOCATIONS OF ALL
EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A CURRENT FIELD SURVEY AND
UNLESS SHOWN, THERE ARE NO VISIBLE
ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF
RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



ORDERED BY:

AMANDA DELL DONNE



6655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-688-4038
INFO@NOVA-SURVEYS.COM
WWW.NOVA-SURVEYS.COM

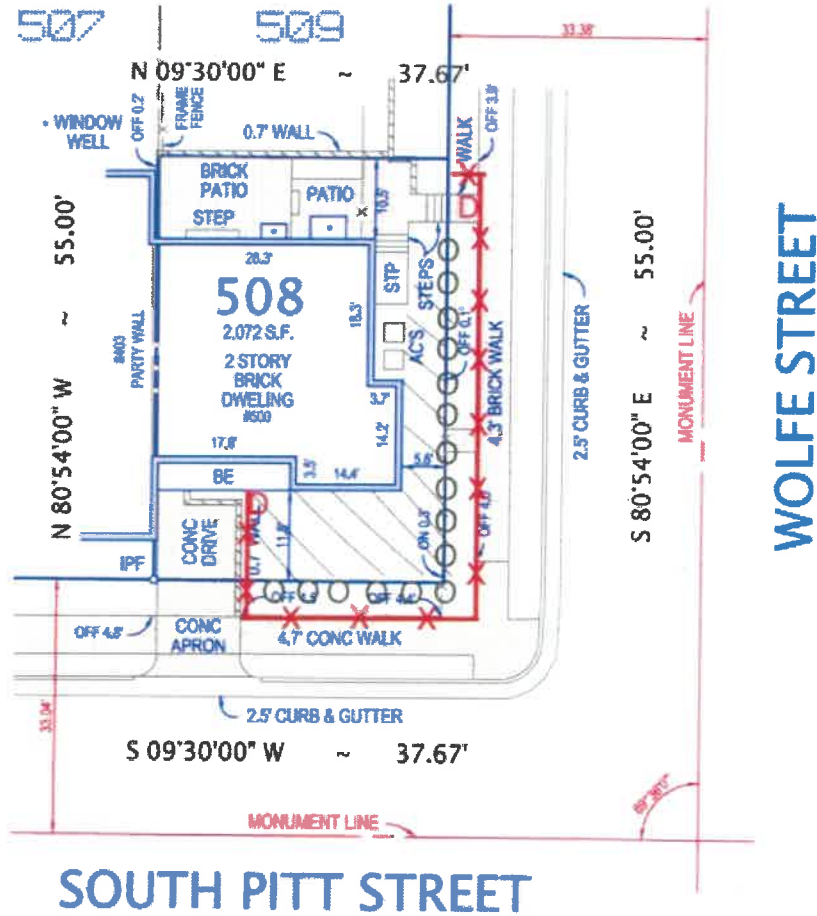
- NOTES 1 FENCES ARE METAL UNLESS NOTED
2 UTILITIES ARE UNDERGROUND

—x—: 54" Wrought Iron or Aluminum Fence (Black)

\\: Artificial Turf

O: Bushes

D: Gate



PLAT
SHOWING HOUSE LOCATION ON
LOT 508
TOWNHOUSE
(DEED BOOK 533, PAGE 3)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' MARCH 8, 2019

GRAPHIC SCALE
0 20 40

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL
EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY
ESTABLISHED BY A CURRENT FIELD SURVEY AND
UNLESS SHOWN, THERE ARE NO VISIBLE
ENCROACHMENTS

THIS PLAT IS SUBJECT TO RESTRICTIONS OF
RECORD
A TITLE REPORT WAS NOT FURNISHED
NO CORNER MARKERS SET



ORDERED BY:

AMANDA DELL DONNE



6655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-688-4038
INFO@NOVA-SURVEYS.COM
WWW.NOVA-SURVEYS.COM

Parks and Recreation:

No comments received

Police Department:

500 Wolfe Street follows the spirit of current Crime Prevention through Environmental Design.
The Alexandria Police department does not have any recommendations.