

# Encroachment #2019-0001 500 Wolfe Street

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

**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, <a href="marlo.ford@alexandriava.gov">marlo.ford@alexandriava.gov</a> Ann Horowitz, Principal Planner, <a href="marlo.ann.horowitz@alexandriava.gov">ann.horowitz@alexandriava.gov</a>

<u>PLANNING COMMISSION ACTION, JUNE 25, 2019:</u> On a motion by Commissioner McMahon and seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Encroachment #2019-0001 subject to an amendment to Condition #3. The motion carried on a vote of 7-0.

<u>Reason:</u> The Planning Commission generally agreed with the staff analysis.

Vice Chair Wasowski questioned how the height of fence was measured. Planning and Zoning staff responded that it was measured from grade according to the Zoning Ordinance and Transportation and Environmental Services staff stated it considered height measurements from the curb. Due to the discrepancy, she suggested amending Condition #3 to delete the reference to measurement from the sidewalk level as the Zoning Ordinance provides clear guidance on fence height measurements. She stated the importance of maintaining the necessary vision clearance provided by a fence and landscaping no greater than three and one-half feet.

Commissioner McMahon asked for confirmation that the fence locations were conditioned as one foot from the sidewalk along South Pitt Street and four feet from the sidewalk along Wolfe Street. Staff replied that the setback of four feet on the Wolfe Street side was a recommendation from the Historic Preservation division to provide visual continuity for fences on the 500 block of Wolfe Street. The one-foot setback from the sidewalk along South Pitt Street was a recommendation from the Department Transportation and Environmental Services to allow for

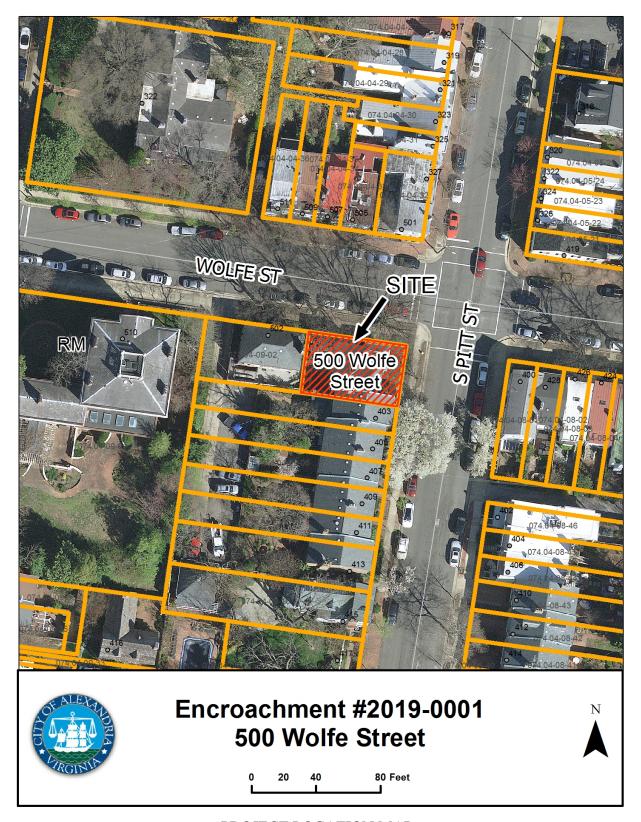
# sidewalk maintenance.

Vice Chair Wasowski, Chair Macek and Commissioner McMahon believed that the setbacks were not critical and the fence should be allowed at the edges of the sidewalks along South Pitt and Wolfe Streets. Heather Dietz, Deputy Director of Transportation and Environmental Services, concurred, stating that, after a subsequent site visit, she found that a one-foot set back along South Pitt Street was not necessary.

Commissioner Brown inquired if the installation of artificial turf in the applicant's property in the front yard could be regulated within the encroachment review. Staff responded that the conditions could only apply to the area proposed for encroachment.

# Speaker:

Duncan Blair, attorney for the applicants, spoke in favor of the application and indicated that staff from Transportation and Environmental Services recently informed him it would not be necessary for a one-foot setback for the fence along South Pitt Street as originally recommended.



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 were 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.

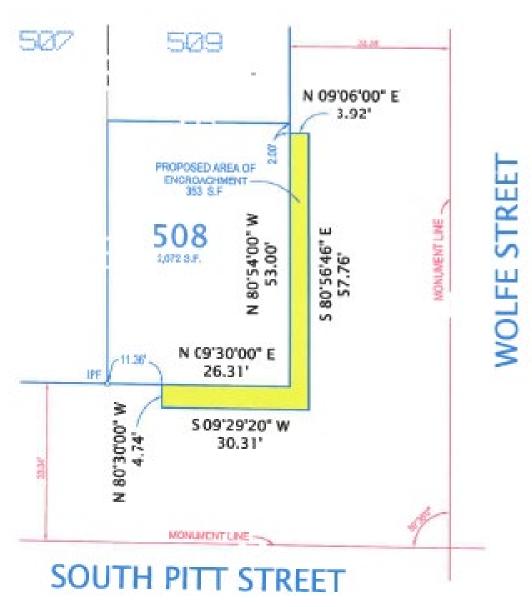


Figure 2: Proposed Area of Encroachment as shaded in yellow

# 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 wavier 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.



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

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 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. <u>CONDITION AMENDED BY PLANNING COMMISSION:</u> 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) (PC)
- 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:

- 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. (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 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. 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-5 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

Parks and Recreation:

No comments received

<u>Police Department:</u>
500 Wolfe Street follows the spirit of current Crime Prevention through Environmental Design.
The Alexandria Police department does not have any recommendations.

ENCROACHMENT	
di	
ENC#	

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PROPERTY LOCATION: 500 Wolfe St. Alexandria VA 22314				
TAX MAP REFERENCE	<u> </u>	03zone:KM		
APPLICANT	-1			
Name:	Elena + Hma	nda Delle Donne		
Address:	500 Wolfe S.	t Alexandria VA 22314		
PROPERTY OWNER	-1 1	/ -		
Name:	Elena + Am	anda Delle Donne		
Address:	500 Wolfe St	Alexandria VA 22314		
PROPOSED USE:	We would be us	sing the right of way as		
7	part of our	of front yard.		
INSURANCE CARRIER	(copy attached) CBM	Insurance policy # 0064585513		
A certificate of general liab		1,000,000 which will indemnify the owner and names the city		
	<b>GNED</b> hereby applies for an End ns 3-2-82 and 85 of the Code of the	croachment Ordinance in accordance with the provisions of ne City of Alexandria, Virginia.		
	<b>GNED</b> hereby applies for an Adr 992 Zoning Ordinance of the City	ministrative Use Permit in accordance with the provisions of Article of Alexandria, Virginia.		
Alexandria to post placard		on from the property owner, hereby grants permission to the City of his application is requested, pursuant to Article XI, Section 11-301 /irginia.		
		formation herein provided and specifically including all surveys, a accurate to the best of their knowledge and belief.		
Amanda De Print Name of Applicant or 500 Wolfe S Mailing/Street Address Alexandria City and State	Agent  A 22314  Zip Code	Signature  39.752_3486  Telephone # Fax #  Akclift@gmail.com  Email address		
		<u>4/8/19</u> Date		
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Application Received:		Date and Fee Paid: \$		
ACTION - PLANNING COMM	MISSION:	ACTION - CITY COUNCIL:		

application encroachment ROW.pdf
8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission

# 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 a Amanda Delle Donne	500 Wolfe St Alexandria	100%		
2.				
3.				

Address	Percent of Ownership	
300 Wolfe St Alexandria	1000%	
	Address 800 Wolfe St Alexandria VA 22314	

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 the12-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. Elenan 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.

119 Amanda Delle Donne

Signature



# **EVIDENCE OF PROPERTY INSURANCE**

DATE (MM/DD/YYYY) 4/5/2019

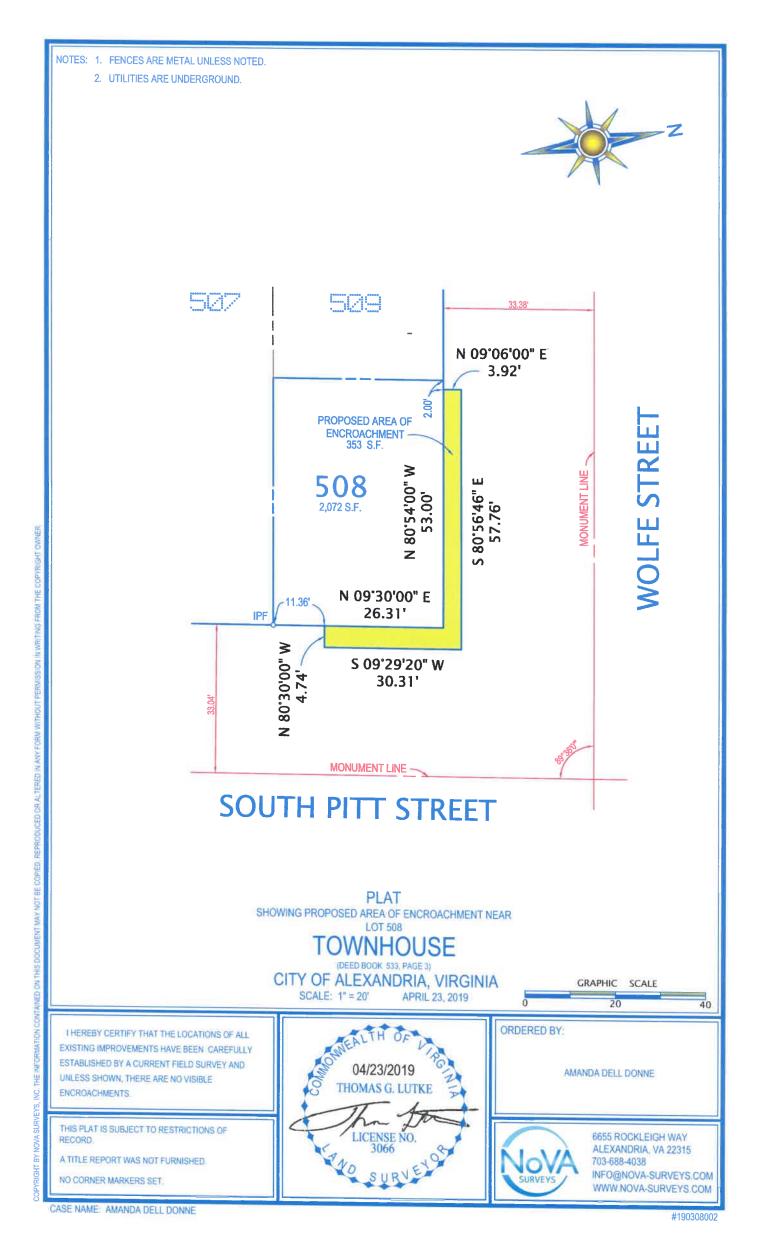
ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCE.	NOT AFFIRMATIVELY OF INSURANCE DO	R NEGATIVEL'	AMEND EXTEND (	R ALTER THE
AGENCY PHONE (A/C, No, Ext): (302) 322-2261	COMPANY			
Clark Baffone & Matthews Ins dba CBM Insurance 100 W. Common Bivd. Suite 302 New Castle, DE 19720	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 Shaliron DE 40906	LOAN NUMBER POLICY NUMBER 0064585513			
Wilmington, DE 19806	EFFECTIVE DATE	EXPIRATION		
	11/9/2018 THIS REPLACES PRIOR EVID	11/9/201	TERMINATI	D UNTIL ED IF CHECKED
PROPERTY INFORMATION				
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERSUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCI	ANY CONTRACT OR OTI RTAIN, THE INSURANCE AF	HER DOCUMEN FORDED BY TH VN MAY HAVE B	NT WITH RESPECT TO	WHICH THIS
COVEFAGE / PERILS / FORMS	BRUAD SPECIA		AMOUNT OF INSURANCE	DEDUCTIBLE
Loc #1 Dwelling Other Structures Personal Property Loss of Use Personal Liability Each Occurrence Medical Payments Each Person			\$450,000 \$45,000 \$315,000 \$1,000,000 \$5,000	2,500
REMARKS (Including Special Conditions) Special Conditions:				
Fotal annual premium: \$1,137 All perils deductible, inc. wind & hail: \$2,500				
CANCELLATION				
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CAN DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.	CELLED BEFORE THE I	EXPIRATION D	ATE THEREOF, NOTI	CE WILL BE
ADDITIONAL INTEREST				
NAME AND ADDRESS	X ADDITIONAL INSURED	LENDER'S LOSS	PAYABLE LOSS	PAYEE
City of Alexandria Department of Planning and Zoning,	MORTGAGEE LOAN #			
Room 2100 301 King St.	AUTHORIZED REPRESENTATIV	F		
Alexandria, VA 22314	The Indiana I I I I I I I I I I I I I I I I I I	-		

## **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 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.



SOUTH PITT STREET

MONUMENT LINE

S 09'30'00" W

PLAT SHOWING HOUSE LOCATION ON LOT 508

# **TOWNHOUSE**

(DEED BOOK 533, PAGE 3)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20"

MARCH 8, 2019

37.67

GRAPHIC SCALE 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

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

RIGHT BY NOVA SURVEYS, INC.

03/08/2019

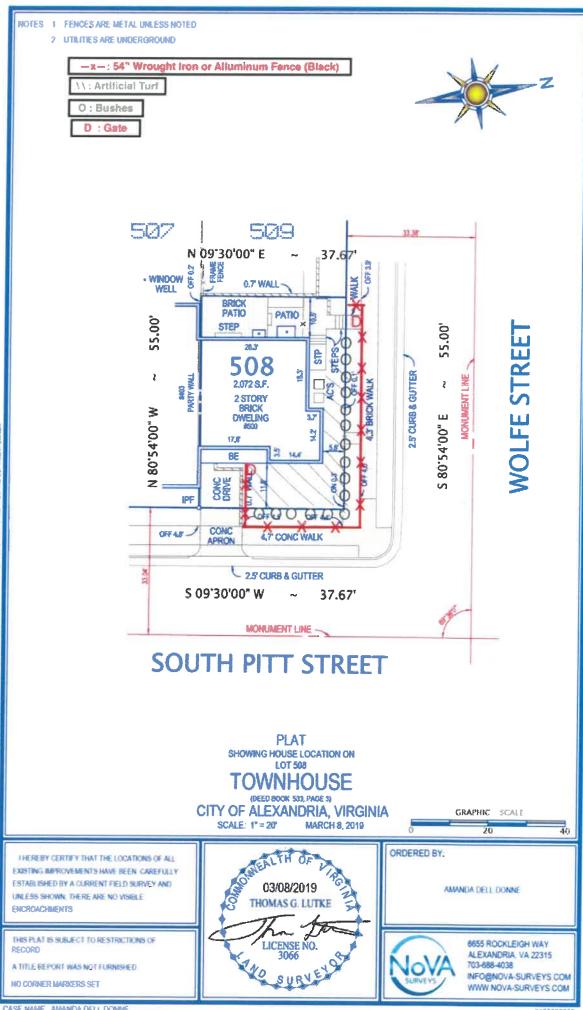
ORDERED BY:

AMANDA DELL DONNE



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

CASE NAME: AMANDA DELL DONNE



CASE NAME AMANDA DELL DONNE

# <u>Parks and Recreation:</u> 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.

# 500 Wolfe St: Encroachment #2019-001

# William Schuyler <wjschuyler@yahoo.com>

Wed 6/19/2019 2:46 PM

To:PlanComm < PlanComm@alexandriava.gov >;

# Dear Members of the Planning Commission:

My name is William Schuyler. As background, I am currently the Chair of the Traffic and Parking Board, but I am not writing to you in that capacity.

I live across the street from Amanda and Elena Delle Donne, the applicant for your June 25 hearing about the change to a fence on their property at 500 Wolfe St. I, unfortunately, will not be able to attend the public hearing on this item as I will be traveling out of town on this date. I, therefore, wanted to provide comments to you in writing.

Although I will admit I have not seen the final plan, as the homeowner directly across the street, I am supportive of the change the Delle Donnes are proposing. I have lived at my current residence since 2000 and I can tell you that the previous owner of 500 Wolfe St., Leslie Reed, struggled with the fence in its current location. It prevented her from normalizing this corner in a way that protected her yard and provided clarity to pedestrians. Although she did not attempt to gain this change from you herself, she had wished she could have. I would say to the Commission that I believe it is time to allow this improvement to be made to both improve the attractiveness of this corner and to prevent pedestrian spill over on to an unpaved area.

I ask that these comments be provided to the Commission members in advance of the hearing.

Thank you for both volunteering your time to serve on the Planning Commission and for considering my comments.

William Schuyler 505 Wolfe St.

Andrew Trask & Christine Carroll 403 South Pitt Street Alexandria, VA 22314

June 24, 2019

Planning Commission City of Alexandria 301 King St., Room 2400 Alexandria, VA 22314 PlanComm@alexandriava.gov

Via email

Re: 500 Wolfe Street - Encroachment #2019-0001

Dear Members of the Planning Commission:

We write to you regarding the application by Elena and Amanda Delle Donne for an encroachment into the public right-of-way to install a replacement fence on their property at 500 Wolfe Street. We understand their application will be considered at the Commission's upcoming hearing on June 25.

As the Delle Donne's next-door neighbors on Pitt Street, we support the installation of the replacement fence. We believe that the contemplated fence will improve the functionality of this corner of the intersection of Wolfe and Pitt Streets for both pedestrians and residents, and that it will not impair the safety or character of our neighborhood block.

Respectfully,

Andrew Trask & Christine Carroll 403 South Pitt Street