

Comments for Elizabeth Jardim for Planning Commission
September 1, 2020

DOCKET ITEM #13
Vacation #2019-00002
2 East Mason Avenue

Good evening members of the Planning Commission.

My name is Elizabeth Jardim, I live at 2 E Mason Avenue in Alexandria, VA. I am here to request permission to purchase 177 square feet of land from the city that runs along our property.

My husband and I purchased our home in July 2016. At this point, there was an existing white picket fence that ran along the perimeter of our yard. Based on archived GoogleMaps images, the fence was standing in 2009, though likely it was put many years earlier than that.

In the summer of 2019 we decided to replace part of the white fence with a 6 foot fence to give our family more privacy on a very busy corner with lots of foot traffic.

We worked with a highly recommended local fence company who has built many fences in Del Ray. We chose to build the new fence right on top of where the previous white picket fence had been. He had no concerns about us building a 6 foot fence in our side yard, up to the sidewalk's edge, as he had done this for other local other clients, without any issues. The fence we planned to build was in character with the neighborhood, indeed we saw more than 20 other fences like ours in side yards in Del Ray. At the time, we put up the new fence, we were not aware that any of the previous white fence was not on our legal property.

We hope to retain the 6 foot fence as it is, with special exception from the Board of Zoning Appeals. Before we can make that request, we ask that the City council Consider our request for vacation, rather than encroachment, of the land the fence sits on. A direct purchase of this land is cleaner for us and the city, and provides the city with a monetary benefit.

We know from previous City Council hearings that both Mayor Wilson and City Council have been in favor of vacations, rather than encroachments in the past, as they provide a monetary benefit to the city. In April of 2019, the city council voted unanimously to approve a request for vacation on a corner lot sideyard in Del Ray, at 100 E Luray Ave.

I'd like to thank City Staff who have been very helpful and patient throughout this process, even during the pandemic.

I respectfully disagree with their recommendation for encroachment instead vacation for the following reasons:

1. There is no existing public use for the area in question that would be impeded by a vacation, including sidewalk maintenance. As I mentioned earlier, a fence has stood in the exact location on our property since before 2009, and it has never interfered with the city's ability to do sidewalk maintenance in the past.

2. Regarding the reasonable future use, of widening the sidewalk by one foot, I am aware this is a vision the city has had for many years, but I am not aware of any specific plans to do this, especially not on Commonwealth or Mason streets specifically. If this changes, the sidewalk could easily be widened into the public space on the west side of the sidewalk.

The sidewalk on our corner was replaced in the last 2 years to make it more ADA compliant. I do not expect the city to realistically replace this sidewalk again in the near future, after just investing in that project.

I appreciate that staff included conditions for vacation approval. We are happy to pay fair market value to the city for this land, provide an updated plat, and maintain the land. We are responsible homeowners and caretakers, for example, the city notified us yesterday about concerns of a sign and plant growth impeding into the public right of way, which we took care of promptly.

We respectfully request to purchase this land from the city so that we can keep the fence where it is and apply for special permission for a 6 foot fence in a side yard. Thank you for your time.