



Vacation #2019-00002
2 East Mason Avenue

Application	General Data	
Request: Public Hearing and consideration of a request to vacate a portion of the public right-of-way adjacent to 2 East Mason Avenue and along Commonwealth Avenue to add area to a residential side yard for a fence	Planning Commission Hearing:	September 1, 2020
	City Council Hearing:	September 12, 2020
Address: 2 East Mason Avenue	Zone:	RB / Townhouse zone
Applicants: Jesse and Elizabeth Jardim	Small Area Plan:	Potomac West

Staff Recommendation: DENIAL of the vacation request

Staff Reviewers: Ann Horowitz, ann.horowitz@alexandriava.gov
Tony LaColla, tony.lacolla@alexandriava.gov

PLANNING COMMISSION ACTION, SEPTEMBER 1 2020: On a motion by Commissioner Brown, and seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Vacation #2019-00002, as requested by the applicant, The motion carried on a vote of 5-1, with Chair Macek voting against.

Reason: The Planning Commission disagreed with the staff analysis.

Commissioner Brown asked staff to explain its position for recommending denial. Staff responded that Criteria 1 and 2 of the Vacation Policy were not met given that a proposed new lot would create uneven property lines along Commonwealth Avenue, City maintenance would be hindered, and the ability to widen the sidewalk in the future would not be possible.

Vice chair McMahon stated that the 1.4 foot change in property lines was negligible and would not significantly impact the alignment of property lines. Commissioner Lyle agreed.

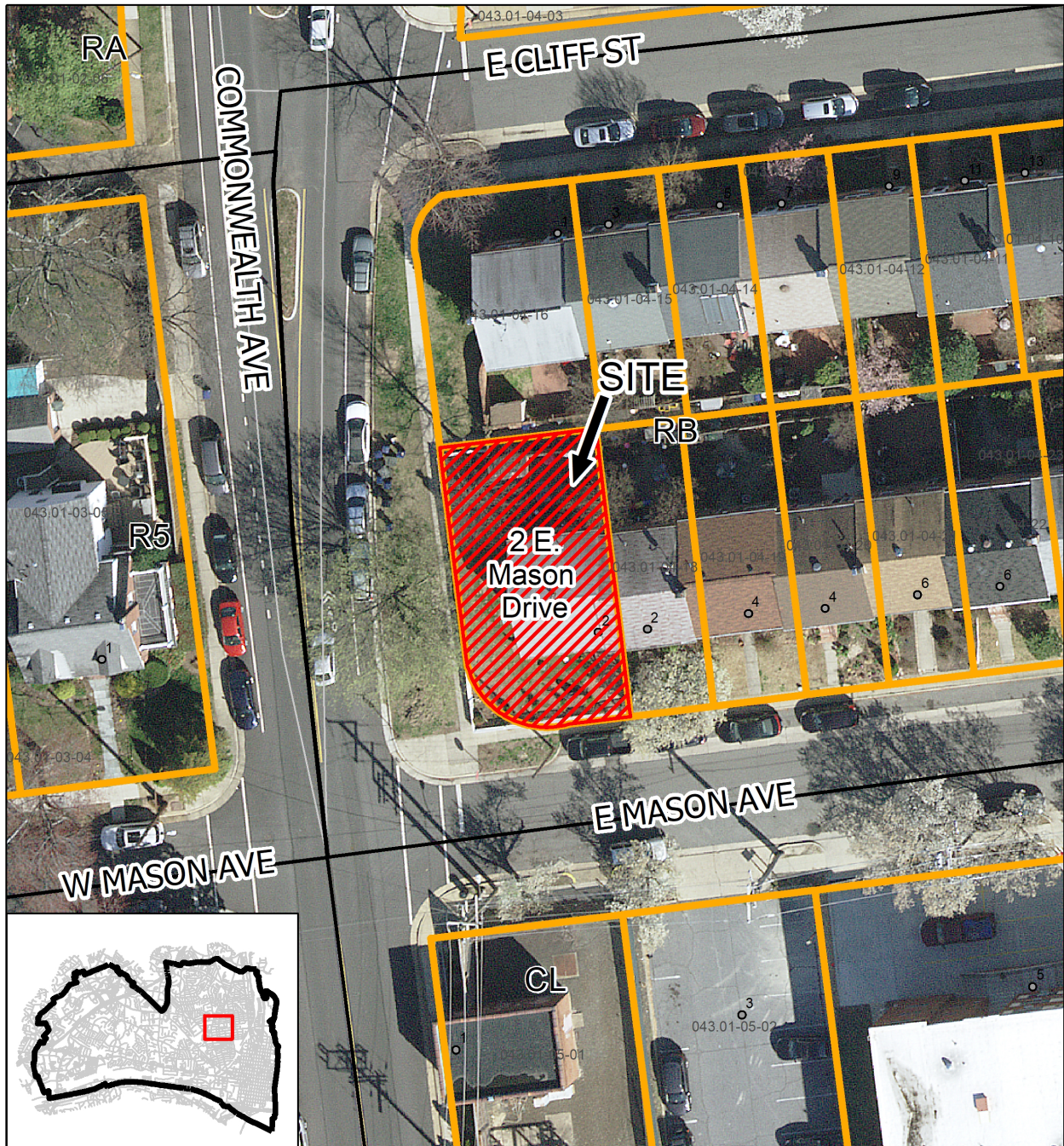
Commissioner Brown expressed support, stating his satisfaction of the recent landscape maintenance in the sidewalk area and of the landscape strip. He expected that this would be maintained in the future.

Chairman Macek said he would not support the vacation and favored an encroachment as he

believed the latter better served the conditions at this site.

Speaker:

Elizabeth Jardim, applicant, spoke in support of the vacation request to allow for the existing fences, citing that it complied with all criteria of the Vacation Policy. She would continue to address the maintenance of the landscaping along the sidewalk, including the landscape strip along East Mason Avenue.



Vacation #2019-00002
2 East Mason Drive



0 15 30 60 Feet

PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicants, Jesse and Elizabeth Jardim, request a vacation of the public right-of-way to add 177 square feet primarily to the east of their property at 2 East Mason Avenue.

SITE DESCRIPTION

The subject site is one lot of record and is developed with a two-story, end unit townhouse dwelling of approximately 1,963 square feet of gross floor area. The total lot area is 2,870 square feet.

Two fences surround the property and encroach into the public right-of-way. A three-foot high white picket fence is located in the primary front yard along East Mason Avenue and along a portion bordering Commonwealth Avenue.

A six-foot high natural wood fence is located in the secondary front yard and continues along Commonwealth Avenue.



The corner lot is surrounded by multi-family, townhome, and single-family dwellings. A utility facility is located across East Mason Avenue.

BACKGROUND

The residential dwelling was constructed in 1968. Staff received a complaint regarding a six-foot high fence in the secondary front yard, which is a violation of Section 7-1702(B). This section states, “a fence not exceeding six feet in height may be located in a secondary front yard if it is no closer to the front secondary yard property line than the rear building wall.” As the applicants wished to fence this portion of their property to provide a secure play area for their children in support, also, for recent social distancing recommendations, they submitted a Special Exception application to the Board of Zoning Appeals to maintain the six-foot high natural wood fence in the secondary front yard.

Upon review of the Special Exception application, it was determined that the existing fences encroached into the public right of way along both avenues and at the corner. The applicants were informed that they would need City Council approval for a vacation of the public right-of-way before they could proceed with the Special Exception request. As a result, the applicants submitted this vacation request for the area where the six-foot natural wood fence exists. The applicants would move the white picket fence along East Mason Avenue to align with the property boundary and maintain the Code required minimum of 50 feet for the overall public right-of-way, which includes sidewalk and street widths.

PROPOSAL

The applicants request to purchase 177 square feet of the public right-of-way along Commonwealth Avenue and add it to their property at 2 East Mason Avenue for the existing natural wood fence (Figure 2). The proposed vacation area is L-shaped and ranges between six inches to 2.36 feet along much of Commonwealth Avenue and culminates where Commonwealth and East Mason Avenues meet at an arc measuring 31.42 feet. The applicants have chosen the option to pursue the vacation with non-development rights.

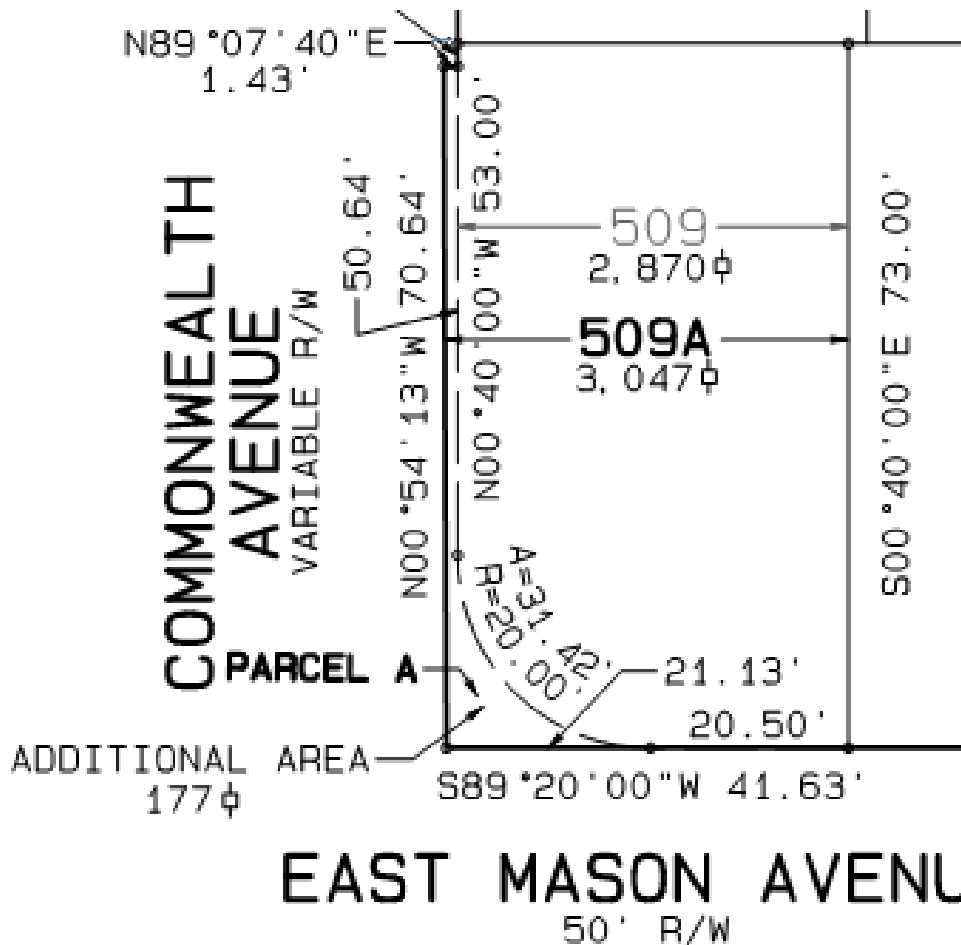


Figure 2: Proposed vacation area

ZONING/ MASTER PLAN DESIGNATION

The subject property is located in the RB/Townhouse zone. Section 3-702(C) permits townhouse dwellings in the RB zone.

The lot is also located in the Potomac West Small Area Plan that designates it for residential use.

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 177 square feet of land in question at \$1,186. Staff has attached the memorandum from Real Estate Assessments (Attachment A) that discusses the process used to determine the valuation.

II. STAFF ANALYSIS

After review of the vacation request, staff found that the request fulfilled only three of the five Vacation Policy criteria. Staff believes that criterion #1 for existing public use and criterion #2 relating to reasonable future use are not met. As such, staff recommends denial of the vacation and finds that an encroachment is more appropriate at this location. The analysis of the five criteria follows:

1. Existing Public Use

The proposed vacation area is adjacent to a sidewalk and open space in the public right-of-way along Commonwealth Avenue. Two trees and city parking and street signs are sited in the open space. The proposed vacation area is not used for underground infrastructure or above-grade public amenities. The analysis reveals that the proposed vacation would interfere with the City’s ability to perform maintenance on the existing sidewalk because the new property line and the fence

would directly abut the edge of the sidewalk. An encroachment would allow for the City to access the right-of-way if necessary after providing the applicant with a 60-day notice to remove the fence. The proposed vacation would also create staggered right-of-way property lines along this block of Commonwealth Avenue. Staff practice has been to recommend avoiding the creation of lots with staggered property lines when possible.

2. Reasonable Future Use

Given the sidewalk along Commonwealth Avenue is approximately four feet wide, one foot short of the minimum typically recommended by Transportation & Environmental Services, staff supports an encroachment, as opposed to a vacation, to allow for future sidewalk widening.

3. Landlocked Public Property

Approval of the vacation would not create a situation where public property would be landlocked.

4. Landlocked Private Property/Impaired Access

Approval of the vacation would not create a situation where private property would be landlocked.

5. Public Benefit

Vacation request approval would require the applicant to submit payment of \$1,186 to the City's Open Space Fund for the purchase of open space in areas more conducive to public active and passive use.

Condition language

Although staff recommends approval of an encroachment as opposed to the applicant-requested vacation, Condition language has been included for both types of requests. Option A outlines conditions of approval should City Council approves the vacation request. Option B provides conditions for an encroachment approval.

III. RECOMMENDATIONS

OPTION A – Vacation Conditions

Although staff recommends *denial* of the vacation request, should the City Council vote to approve the vacation request, it shall be 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. (P&Z)
2. The applicant shall show the following on the plat of consolidation which is to be submitted for staff review prior to recordation in the land records of the City of Alexandria (P&Z) (T&ES):

- a. All public and private easements
 - b. Provide reference information for the plat North Arrow.
 - c. The title of the plat should be called a Plat of Vacation and Consolidation and reference Parcel 'A' as being City Right-of-way to be vacated.
 - d. The plat Title calls out Lot 509-A and the lot annotation calls out 509A, please reconcile the use of hyphenation between these two references. Both references should be either 509-A or 509A.
 - e. Please include a Deed Book reference in the title of the plat.
 - f. Please replace the symbol shown indicating square feet of area (Additional Area) for the words Square Feet or provide a symbol legend.
 - g. In the Description of Parcel A, in line 6 the text states "a point in the westerly line of Lot 510" and in line 7 the text states "continuing with Lot 510", these references to Lot 510 should be referencing Lot 509.
 - h. Add a revision date on the plat
3. The vacated right-of-way and Lot 509 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. (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 or subdivision rights. (P&Z)

OPTION B – Encroachment Conditions

Staff recommends approval of an encroachment. If City Council votes to approve an encroachment, it shall be subject to compliance with all applicable codes and ordinances and the following conditions:

1. Neither the City nor any private utility company shall 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. (P&Z)
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. (P&Z)
3. The applicant shall bear all cost associated with the removal of the encroachments. (P&Z)
4. 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 an bodily injury or property damage which may occur as a result of the encroachment. (sec. 5-29(h)(1) (P&Z)

Please submit Insurance Certificate:

City of Alexandria

T&ES

Attn: Development Services

301 King Street, Room 4130

Alexandria, VA 22314

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 On the Commonwealth Avenue frontage of the property, the vacation of the requested amount of Right-of-way would create a conflict with the City's ability to perform maintenance on the existing sidewalk because the new property line would directly abut the edge of the sidewalk which might require encroaching on the property owner's land to perform maintenance. (Survey)
- F-2 The Physical Improvements Survey provided with the first submission is an inappropriate exhibit because it shows the location of the proposed property line along Commonwealth Avenue instead of the property line in its existing location. The Physical Improvement Survey should not be considered valid prior to any actual vacation of City right-of-way and the recordation of a consolidation plat. It is recommended that the Physical Improvement Survey be removed from the application. (Survey)
- F-3 Staff does not support the vacation of ROW along Commonwealth Ave. Given the narrow sidewalks in the area, City Staff would like to maintain ownership of the ROW to allow for widening of the sidewalk should it be necessary in the future. The proposed vacation would also create staggered ROW lines along Commonwealth which is undesirable and should be avoided when possible. Staff would support vacating the rounded corner area by extended the existing ROW lines until they meet at a square corner. (Transportation Planning)
- R-1 The following Comments have not been addressed from the review dated December 12, 2019. (Survey)
- a. Provide reference information for the plat North Arrow.
 - b. The title of the plat should be called a Plat of Vacation and Consolidation and reference Parcel 'A' as being City Right-of-way to be vacated.
 - c. The plat Title calls out Lot 509-A and the lot annotation calls out 509A, please reconcile the use of hyphenation between these two references. Both references should be either 509-A or 509A.
 - d. Please include a Deed Book reference in the title of the plat.
 - e. Please replace the symbol shown indicating square feet of area (Additional Area) for the words Square Feet or provide a symbol legend.
 - f. In the Description of Parcel A, in line 6 the text states "a point in the westerly line of Lot 510" and in line 7 the text states "continuing with Lot 510", these references to Lot 510 should be referencing Lot 509.
 - g. Add a revision date on the plat

Code Enforcement:

No comments for the request to vacate the property

Fire:

No comments

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments received

Police Department:

No comments received

Archaeology:

No archaeological oversight is necessary for this project

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 3, 2020

TO: KARL MORITZ, DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

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

SUBJECT: VACATION OF UNINSTALLED SECTIONS OF COMMONWEALTH AVENUE AND EAST MASON AVENUE.

ADDRESS: 2 EAST MASON AVENUE, ALEXANDRIA, VA 22301
ACCOUNT NUMBER: 14625820

PROJECT: VACATION #2019-0002

Per your request, we have reviewed the proposed vacation of City owned property which consists of uninstalled sections of Commonwealth Avenue and East Mason Avenue in the Del Ray area of the City of Alexandria. **The proposal does not include the provision for additional development rights.** According to a consolidation plat dated November 14, 2019, the proposed vacation is L-shaped which is 2.36 feet in width along much of Commonwealth Avenue (50.64 feet) and 0.71 feet in width along East Mason Avenue (20.50 feet). Much of the proposed area to be vacated is a connecting triangular portion located at northeast corner of the two rights-of-way with the arc measuring 31.42 feet. The total land area to be vacated is 177 square feet which has been maintained by the Applicant.

The recipient parcel (Lot 509, Block 3, Northwest-West Alexandria Improvement Company) is a corner lot containing 2,870 square feet zoned RB, Townhouse Zone. According to the property record card, the existing dwelling is a two-story over basement end unit townhouse originally constructed in 1968 and contains an above grade finished floor area of 1,232 square feet indicating a developed floor area ratio (FAR) of 0.429. The property last sold in July of 2016 for \$600,000.

Provided the proposed vacation is approved, the adjusted lot area would increase to 3,047 square feet (2,870 SF + 177 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 vacation beyond those that currently exist on the recipient parcel (2,870 SF). **This restriction will be noted in the subject's property record card.**

The value of the proposed area to be vacated was estimated using the latest real estate assessment data (CY 2020) for neighborhood (LEA 1012) properties of similar size, zoning and land use. The January 1, 2020 land assessment for 2 East Mason Avenue is \$348,140, or \$121.30 per square-foot. Land assessments associated with parcels containing approximately 2,870 square feet in the same LEA average \$115.95, with a median of \$115.37 per square foot. The additional 177 square feet is nominal and would provide a marginal contribution to the subject's land value, particularly since a considerable portion of the bundle of rights will not convey to the Applicant. Therefore, the undiscounted value of the proposed vacation is \$5,930, or \$33.50 per square-foot for 177 square feet. In accordance with current City policy involving street vacations without additional development rights, we have discounted the total value by 80 percent ($\$5,930 \times 0.20$), which results in an indicated value of **\$1,186**.

Eleven Hundred & Eighty-Six Dollars

The 80 percent discount is attributable to the applicant giving up for themselves and all future owners of the vacated area, a large portion of the "bundle of rights" inherent in the ownership of the real property. As such, the price to acquire the right-of-way is based on a reduced value, and all future real property assessments will also reflect the fact that the development rights associated with the vacated land have been foregone. If approved, the CY 2020 adjusted land value would increase to **\$349,326 (\$348,140 + \$1,186)**.

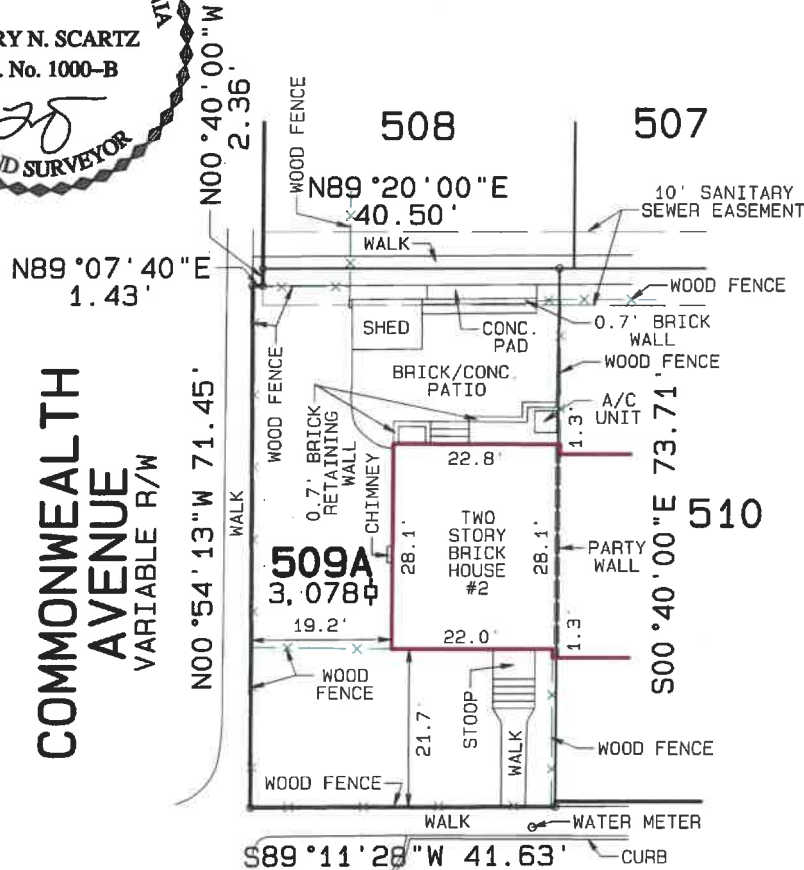
It is assumed that the vacated property will be legally consolidated with the recipient parcel and that a permanent deed restriction will be recorded among the land records of the City of Alexandria precluding use of the vacated area for density calculations in event of any proposed additions to the existing improvements or redevelopment of the aggregate property.

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

Existing Conditions: November 14, 2019
 Easement Plat: November 14, 2019
 Metes & Bounds: February 20, 2020

cc: Ann Horowitz, Urban Planner III
 Patrick Silva, Senior Planning Technician



EAST MASON AVENUE
50' R/W

PHYSICAL IMPROVEMENTS SURVEY
LOT 509A, BLOCK 3
NORTH-WEST ALEXANDRIA
IMPROVEMENT CO.

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=20' DATE: NOVEMBER 14, 2019

CASE NAME: JESSE D. JARDIM

NO TITLE REPORT FURNISHED.

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

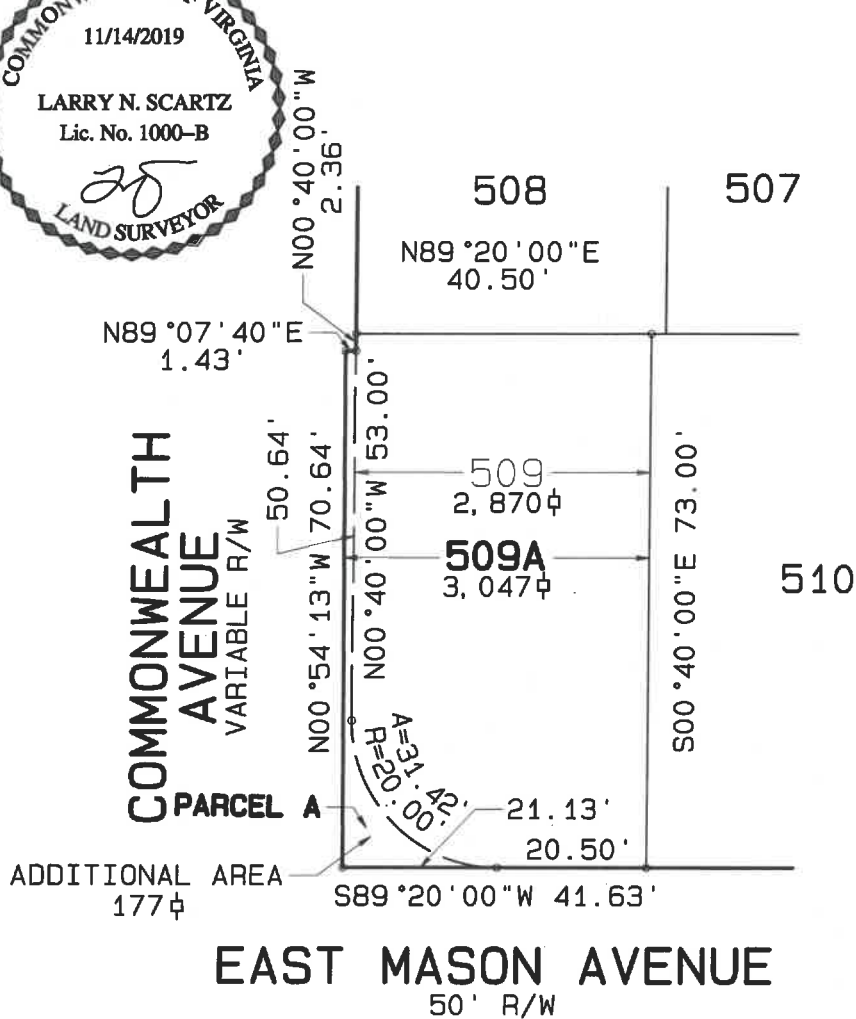
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBIDGE, VIRGINIA

LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM





PLAT SHOWING
LOT 509-A, BLOCK 3
BEING A
CONSOLIDATION
OF LOT 509, BLOCK 3 AND PARCEL A
**NORTH-WEST ALEXANDRIA
IMPROVEMENT CO.**

CITY OF ALEXANDRIA, VIRGINIA

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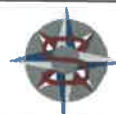
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APPLICATION for VACATION # _____

PROPERTY LOCATION: 2 E Mason Ave, Alexandria, VA 22301

TAX MAP REFERENCE: 043.01, Block 4, Lot 17 ZONE: RB

APPLICANT'S NAME: Elizabeth & Jesse Jardim

ADDRESS: 2 E Mason Ave, Alexandria, VA 22301

PROPERTY OWNER NAME: Alexandria City

(Owner of abutting area to be vacated)

ADDRESS: 2 E Mason Ave, Alexandria, VA 22301

VACATION DESCRIPTION: The southwest corner of our lot and a few inches along
the front and side yards of our lot do not actually belong to us. We are asking the city
to vacate this area so we can purchase it.

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.

Jesse Jardim

Print Name of Applicant or Agent

2 E Mason Ave

Mailing/Street Address

Alexandria, VA, 22301

City and State Zip Code


Signature

2027141960 none

Telephone # Fax #

10/23/2019
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.	Elizabeth Jardim	2 E Mason Ave, Alexandria	50
2.	Jesse Jardim	2 E Mason Ave, Alexandria	50
3.			

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 2 E Mason 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.	Elizabeth Jardim	2 E Mason Ave, Alexandria	50
2.	Jesse Jardim	2 E Mason Ave, Alexandria	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 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.	Elizabeth Jardim	none	none
2.	Jesse Jardim	none	none
3.			

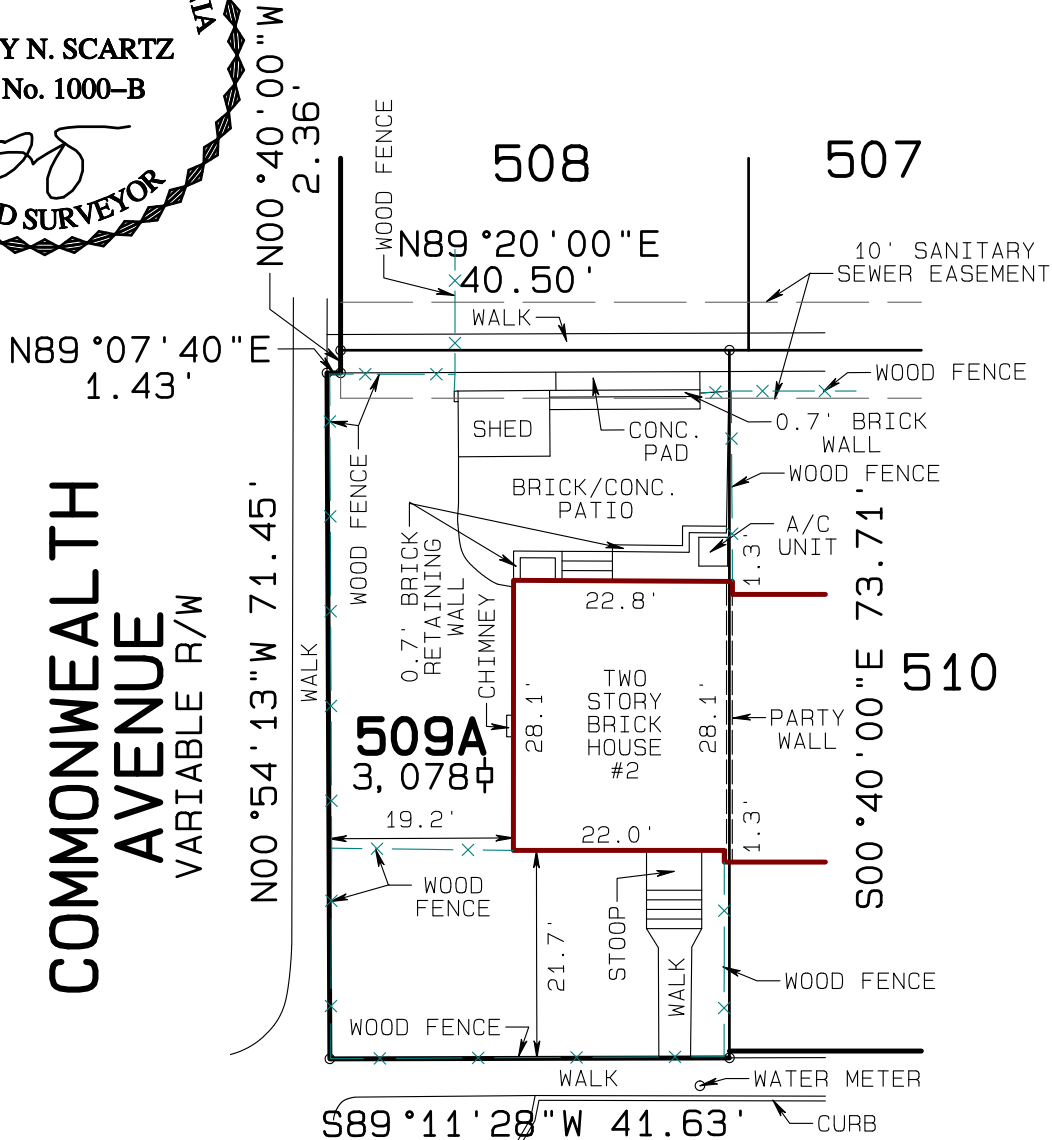
NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

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.

10/23/2019
Date

Jesse Jardim
Printed Name

Jesse Jardim
Signature



EAST MASON AVENUE
50' R/W

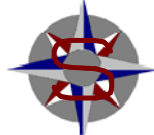
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LOT 509A, BLOCK 3
**NORTH-WEST ALEXANDRIA
IMPROVEMENT CO.**
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SCALE: 1"=20' DATE: NOVEMBER 14, 2019

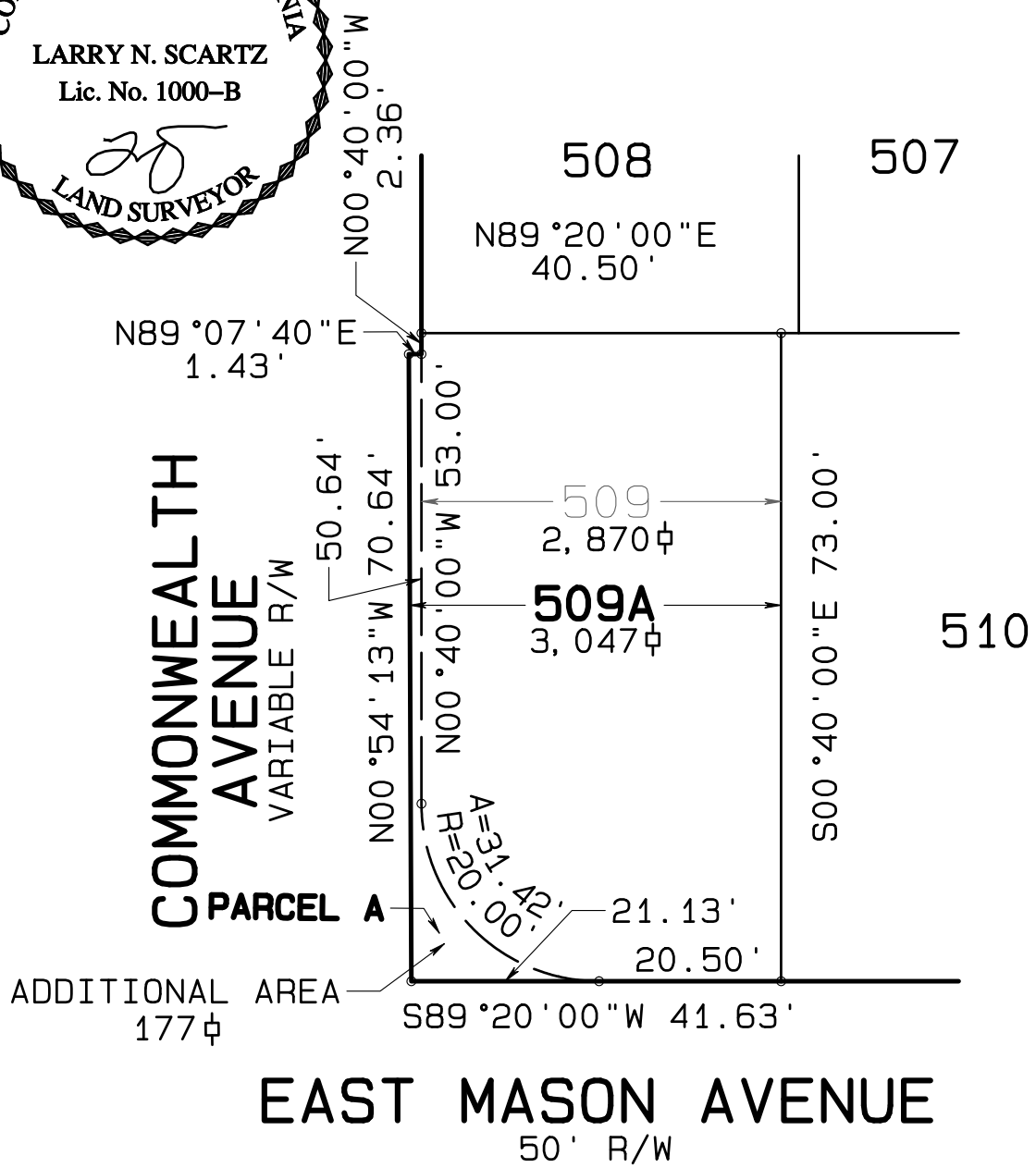
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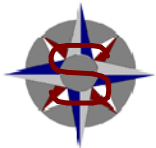
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SCARTZ SURVEYS
Larry N. Scartz
Certified Land Surveyor

2650 Omisol Road
Woodbridge, VA 22192
703-494-4181 Fax: 703-494-3330

Description of Parcel A Being a Portion of
COMMONWEALTH AVENUE
RIGHT-OF WAY TO BE VACATED
City of Alexandria, Virginia

February 20, 2020

BEGINNING at a point in the northerly right-of-way (R/W) of East Mason Avenue, said point also marking a common corner to Lot 510 and Lot 509, Block 3, North-West Alexandria Improvement Company; thence S89°-20'00"W continuing with said (R/W) 41.63 feet to a point in Commonwealth Avenue R/W ; thence N00°-54'-13"W continuing through said R/W 70.64 feet to a point; thence N89°07'-40"E 1.43 feet to a point in the westerly property line of said Lot 510; thence S00°-40'-00"E continuing with said Lot 510- 50.64 feet to a point of curvature; thence with a curve to the left, having a radius of 20.00 feet, an arc distance of 31.42 feet to a point of tangency; thence N89°20'00"E 20.50 feet to the point of beginning containing 177 square feet of land.

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.

[EXTERNAL]Thank you for your time and the PV discussion

Elizabeth Jardim <elizabeth.o.jardim@gmail.com>

Thu 9/3/2020 4:33 PM

To: PlanComm <PlanComm@alexandriava.gov>

Dear Commissioners,

Thank you for the opportunity to present our vacation request in relation to our fence at 2 E Mason Ave. We appreciate your time, especially so late in the evening.

Mr. Brown, I was not sure if I could come off mute to respond, but yes, now that we know the space in front of our house is our responsibility to mow, we will do so.

While waiting to present, I enjoyed learning about the plans for the new Douglas MacArthur school and the thoughtful discussion about its energy source. It's true that the climate crisis calls for action now. It's also true that renewable energy is already cost-competitive with carbon fuels and that there are many financing options available for PV panels and power purchase agreements.

I admire the commission for aiming to "lead by example" and begin now with implementing the plans for net-zero buildings, that you all carefully worked to create. A net-zero elementary school will be something for Alexandria to be very proud of and I encourage the city to continue in this direction.

Thank you again,
Elizabeth Jardim

Climate & Energy Campaigner
Greenpeace USA
2 E Mason Ave, Alexandria, VA, 22301

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