

[EXTERNAL]Fwd: Docket #2020-00003 - Comments of Dan Beattie, 405 W Windsor Ave

Dan Beattie <beattiedan@gmail.com>

Thu 10/1/2020 11:35 AM

To: PlanComm <PlanComm@alexandriava.gov>

----- Forwarded message -----

From: **Dan Beattie** <beattiedan@gmail.com>

Date: Thu, Oct 1, 2020 at 10:37 AM

Subject: Docket #2020-00003 - Comments of Dan Beattie, 405 W Windsor Ave

To: planncomm@alexandriava.gov <planncomm@alexandriava.gov>, tony.lacolla@alexandriava.gov <tony.lacolla@alexandriava.gov>

In regard to this item on the agenda for Tuesday October 6, I want to submit a few comments that are critical to me and my spouse regarding the application for vacation at 403 W Windsor Ave.

By separate emails, I am sending two videos recorded of a September storm event that well demonstrates the overflow, which lasted about 45 minutes.

Of most immediate concern, as an adjoining property, there is a serious storm water effluent issue that concerns runoff from St Stephens and St Agnes School (SSSAS) crossing the subject city property (Thomas St) and crossing onto our property, which more regularly floods our yard during storm events. I've had an open 311 ticket (20-00004829) on this issue for several months, with the initial consultation resulting in advice that the city wouldn't prioritize relief.

The non-overflow drainage path for the effluent runs immediately behind our home and the north-facing property subject to the vacation request, heading easterly and down toward a gulch within the woods, which i believe also is city property.

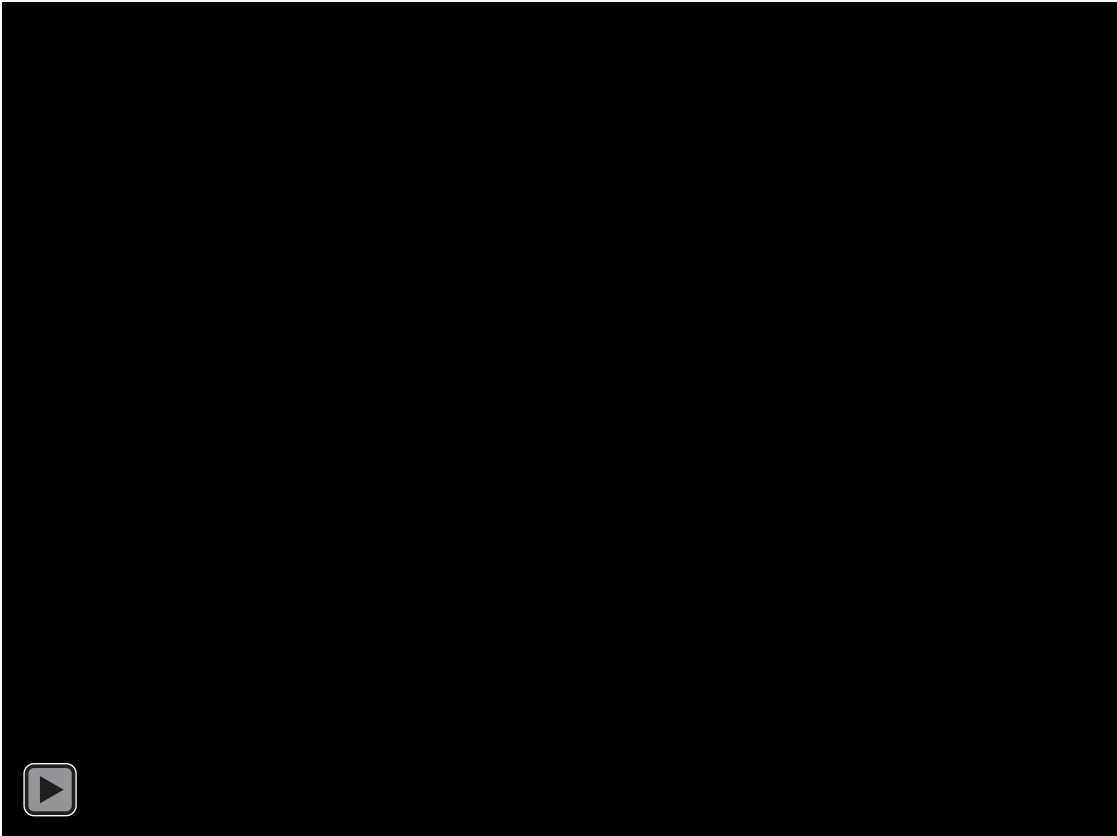
The increased erosion from drainage over the past few years may also be impacting forest health, as two trees have been taken down and a couple of others need cutting on the city property. Another open 311 ticket exists regarding trees (20-00020515).

We understand the applicant's desire to acquire city property and increase their FAR, but believe any purchase needs to adequately address And facilitate the storm water drainage and also account for equity in the management of VERY limited green space under City ownership. The subject forest land does serve as habitat for deer, fox, hawks, and other fauna, and environmental impacts should be studied and mitigated where needed.

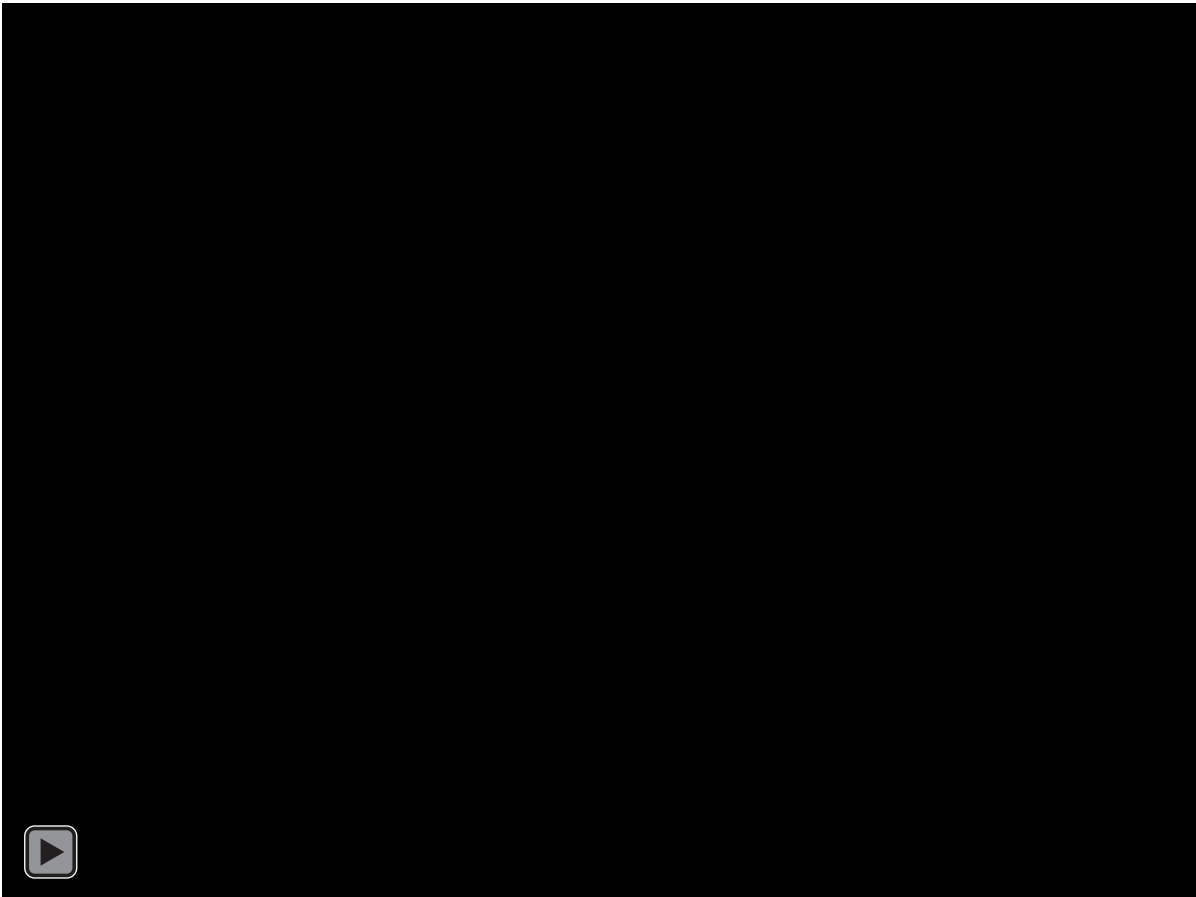
We look forward to discussion of this proposal at the commission next week, and should anyone want to consult with me further, please reply to this email.

Dan Beattie
405 W Windsor Ave

VIDEO #1



VIDEO #2



[EXTERNAL]Planning Commission agenda 6 October 2020 item 9: response to Staff report

Mark Anderson <manderson@MGAC.com>

Mon 10/5/2020 2:17 PM

To: PlanComm <PlanComm@alexandriava.gov>

 1 attachments (15 MB)

City Planning Commission.pptx;

Ladies and Gentlemen of the Planning Commission

Please accept our apologies if reaching out ahead of the meeting violates the norms and typical information flow of Planning Commission business, but given that you have had the advance benefit of the Staff report recommending denial of the vacation of the public ROW adjacent to 403 West Windsor Avenue, agenda item 9 of the Planning Commission hearing for 6 October 2020, as property owners of 403 W Windsor Avenue we put together our response to the Staff report, and are forwarding it to you ahead of the scheduled 6 October meeting for your information.

We are happy to walk through the attached slide deck during the Planning Commission meeting, using the slide deck as talking points.

Also attached is a link to a video posted on Facebook by our immediate neighbor, showing the runoff from the Right of Way into their house/property during a recent storm. Our property had 4" of mud from the same storm deposited in our backyard from the City ROW.

Thank you ahead of time for your review and consideration, and thank you for your service to the City.

Sincerely

Mark & Cindy Anderson

Link to neighbor's posted Facebook video of the recent run-off (note the area where this video was taken is circled in red on slide 7 of the enclosed slide deck):

<https://www.facebook.com/500269992/videos/10158950638879993/?extid=ah4JcDFJUSiljs8Z>

(apologies from afar to my neighbor whose face pops up when you first open the Facebook link, but the video is behind her image if you click "Not Now".)

MARK ANDERSON

President

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403 West Windsor Vacation Request

City of Alexandria, Virginia

Planning Commission

Tuesday, 6 October 2020

Current
State/Problems
we are trying to
resolve:

- Driveway access to our house, in poor repair, sits on City ROW. Our house is inaccessible, but for crossing the City ROW on the deteriorating driveway.
 - Question: If we wanted to change or replace the driveway, would the City grant a building permit to fix a driveway that sits on public land to a private homeowner? Will the City maintain it? Or is it destined, in the absence of vacation, to deteriorate forever?
- The rear of the property is experiencing severe run off and erosion.
- We had City trees fall from this unmaintained plot of land into our yard, smashing our fence and 4" of mud from a recent rain end up in our back yard.
- Area discrepancy for the existing 403 WWA from the surveys (our survey says 9606 SF, City tax records and bills say 10,484 SF).

The ROW in question viewed from W Windsor

Property lines approximated with the red line



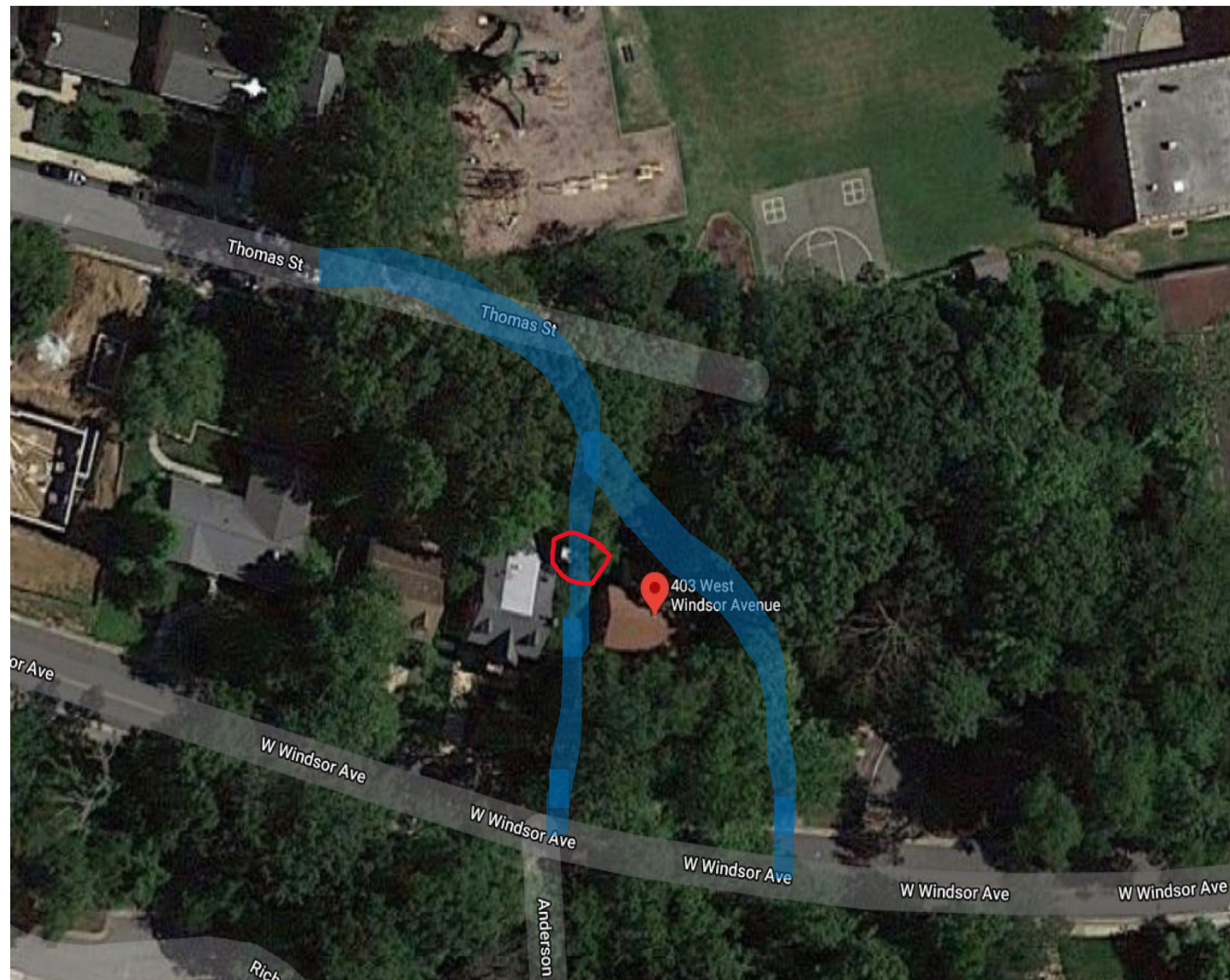
Image of the land in
question



Runoff problem

As posted by our next door
neighbor on social media – she got
it on video

Water flow



2004 City Council
policy for 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...
- 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.

The staff report
found we met 3 of
the 5 criteria

- We won't take your valuable time to reiterate the 3 criteria we met, only to address the two the staff believes we did not meet.

Criteria 2: Reasonable Future Use

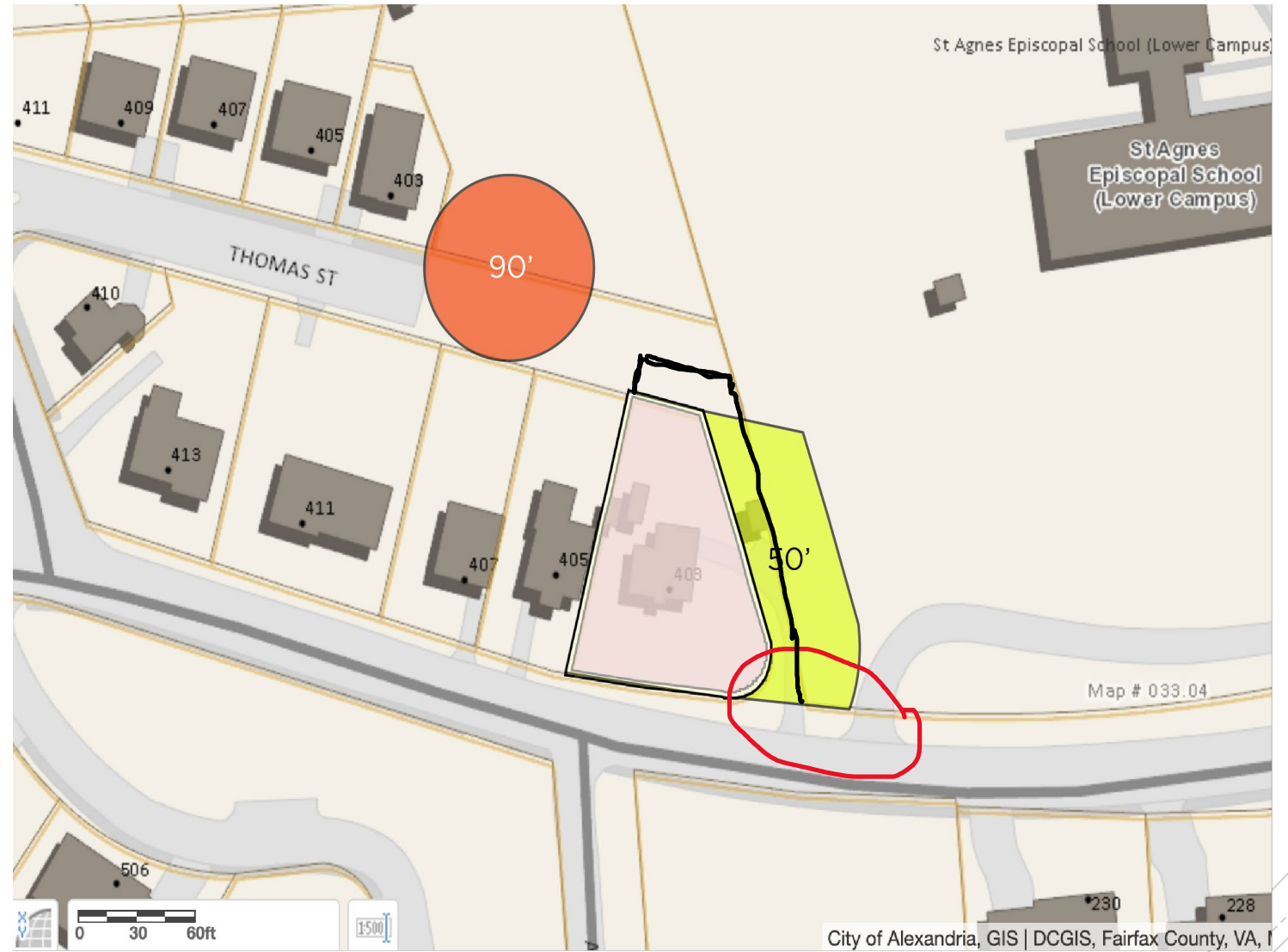
403 W Windsor Response

- The ROW is of uneven width; 40' across the back, and tapering down to 12-15' on the side. Current City road standards need a 50' ROW. When I asked Transportation if they have built substandard roads in recent memory (narrower than 50'), they could not cite any examples.
- These lot lines have existed for 93 years, and the City has not built Thomas Street down to W Windsor in those 93 years, nor could Transportation identify that this is even a future project.
- Any theoretical Thomas Street road construction to W Windsor will require a condemnation and taking of property from 403 W Windsor, and a rerouting of the existing SSSA exit road.

Criteria 2: Reasonable Future Use

- In conversation with Mr. Dofflemeyer in City Transportation, when I pointed out the narrowness and substandard nature of the ROW, he indicated perhaps the City would build a cul de sac at the end of Thomas Street. ROW for a cul de sac is 90', ignoring the 22'+ grade change which would require a massive retaining wall and fill project.
- The Staff report noted that “obtaining a dedication of ROW from the ... school (SSSA) presents a challenge to this future use...” but suggests they might hold future SSSA projects “hostage” to granting such a dedication.
- We mapped a 50' ROW on the map, and what a cul de sac would require: massive condemnation and taking of the SSSA playground and 403 W Windsor almost entirely.

ROW to Scale



Criteria 2: Reasonable Future Use

- Any theoretical through or cul de sac construction of Thomas Street would certainly engender opposition from the current Thomas Street residents and SSSA.
- Transportation cites the inability of fire and trash vehicles to turn around as a reason they might someday, after 93 years, build this road.
- We note that Fire had no objections to the vacation, and does not mention existing Thomas Street as an issue.
- Staff indicated that our requested vacation would create a non uniform width, and that if approved they recommended the entire width of Thomas St be vacated.
 - We are completely amenable to obtaining as much of the Thomas Street ROW as other neighbors, including SSSA do not want to acquire.

Criteria 5: Public Benefit

- Staff cites the public benefit of a never to be built road on a substandard ROW, with 22' grade change, that would require SSSA and 403 WWA to have some of their property taken by the City to build the road. We suggest that extending Thomas Street, after 93 years, is on no one's list of "to dos" and borders on fiction.
- Trees fell and major run off problems exist. The City is facing a current insurance claim from 403 WWA for trees that fell and crushed our fence. Vacating this unused and unusable ROW thus benefits the public by removing this liability and maintenance from the City.
- The public would derive benefit from the income/monies received from us for the vacation of this unused and unusable space.

Criteria 5: Public Benefit

- We have read other City of Alexandria property vacation cases where the City vacated land for as little as \$4000, yet cited that \$4000 as a motivating “public benefit”.
- We are willing to pay the City’s estimate of over \$30,000, which clearly is a public benefit in an age of what is likely to be increasing public austerity and budget constraint.

Conclusions

- The City is never going to condemn SSSA playground, take their exit road, take half our side yard, take our neighbor's back yards, and build this road after 97 years.
- We need to have a means of accessing, maintaining, and improving 403 WWA.
- We would be happy to purchase as much, or as little of the Thomas Street ROW that adjoining property owners don't want to purchase to address the "landlock" issues.
- The public would derive benefit from the funds received and someone else paying to fix the run off and downed trees.

[EXTERNAL]403 Windsor Ave request to vacate public right of way

David Kysilko <silkmandk@gmail.com>

Tue 10/6/2020 1:40 PM

To: PlanComm <PlanComm@alexandriava.gov>

Dear Committee Members,

I would like to voice my strong opposition to vacating the public right of way next to the lot at 403 Windsor Avenue.

First, Alexandria has few enough natural areas available to the public (especially in this part of the city), and I hate to give up any more, even if it is relatively small. Once this is gone, it is not coming back.

Second, the St. Stephens/St. Agnus campus has been part of my walking and jogging route for nearly 20 years, partly because it takes you off regular city streets. Lately, however, the campus has increased security (perhaps due to the pandemic) and I have been asked to leave several times, even though I was just on the main road through. The right of way would make a very good alternate route, and in fact I'll start using it -- as soon as the electric fence, presumably put up by the school to keep in goats, is taken down.

Third, the property at 403 Windsor is already fairly large, so I don't believe keeping the right of way would create any hardships. Right now, if I am reading the maps correctly, the property shares its driveway with the right of way. I have no objection to maintaining that arrangement if this is an issue.

Finally, I see this as somewhat akin to Britain's system of national footpaths, as natural areas and rights of way maintained for everyone. I believe City staff are correct to note the potential for a walkway in this right of way, even if there is no plan or money in the budget to do this in the immediate future. Again, once this option is taken away, it's gone for good.

Thank you,

David Kysilko
200 W. Mt. Ida Ave.
Alexandria

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