

***Vacation #2020-00003***  
***403 West Windsor Avenue***

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Application	General Data	
<b>Request:</b> Public Hearing and consideration of a request to vacate a portion of the public right-of-way along the eastern property line of 403 West Windsor Avenue and between West Windsor Avenue and Thomas Street	<b>Planning Commission Hearing:</b>	October 6, 2020
	<b>City Council Hearing:</b>	October 17, 2020
<b>Address:</b> 403 W. Windsor Avenue	<b>Zone:</b>	R-8, Single Family Zone
<b>Applicants:</b> Cindy Anderson represented by Christine Kelly, architect	<b>Small Area Plan:</b>	North Ridge/Rosemont

**Staff Recommendation:** Denial of the vacation request

**Staff Reviewers:**

Marlo J.W. Ford, AICP, Urban Planner [marlo.ford@alexandriava.gov](mailto:marlo.ford@alexandriava.gov)  
Brian Dofflemyer, Development Review Manager [brian.dofflemyer@alexandriava.gov](mailto:brian.dofflemyer@alexandriava.gov)  
Ann Horowitz, Principal Planner [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)  
Tony LaColla, AICP, Division Chief, [tony.lacolla@alexandriava.gov](mailto:tony.lacolla@alexandriava.gov)

**PLANNING COMMISSION ACTION, OCTOBER 6, 2020:** On a motion by Commissioner Brown, and seconded by Vice Chair McMahon, the Planning Commission voted to recommend denial of Vacation #2020-00003. The motion carried on a vote of 4-3, with Chair Macek and Commissioners Goebel and Lyle voting against.

**Reason:** On majority, the Planning Commission generally agreed with the staff analysis. Those who voted against the denial cited that the City property proposed for vacation appeared to have no present or future use for the City and that the property, as vacated, could be maintained by the applicant.

Commissioner Brown agreed with the adjacent property owner in that the public right-of-way had not been maintained and some stormwater issues appeared to exist. Although he voted to support denial, he did so to allow other adjacent property owners the opportunity to propose separate vacations of the undeveloped portion of Thomas Street, in coordination with the applicant.

Commissioner Lyle was in favor of the request because she did not believe that the City will extend Thomas Street nor will maintain the existing unimproved area. She recommended that the adjacent

property owners submit for individual vacations along the unimproved section of Thomas Street.

Vice Chair McMahon recognized that previous vacation approvals were not connected to a street network and that the area in this request provides a potential connection between Thomas Street and West Windsor Avenue. She agreed with staff that the right-of-way has future potential for many other uses to support the functionality of the City (e.g. stormwater, fiber-optics, pedestrian walkway, street extension), even in its unimproved state.

Commissioner Ramirez agreed with the Vice Chair and believed that approving to vacate the right-of-way would forgo the possibility of City future development or improvements and the improvement rights would be put in the hands of private property owners.

Chairman Macek believed that a justification for granting the vacation is that after 90 years, the City's use of the land has not been exercised. The request by the applicant would address some of the issues of maintenance. There are public benefits with private ownership in that the land will be purchased and taxes will be paid on the land.

Commissioner Goebel indicated that, while it is not ideal to create an uneven portion of the right-of-way at the end of Thomas Street, the City is not using the land to its full potential and it has not maintained the property.

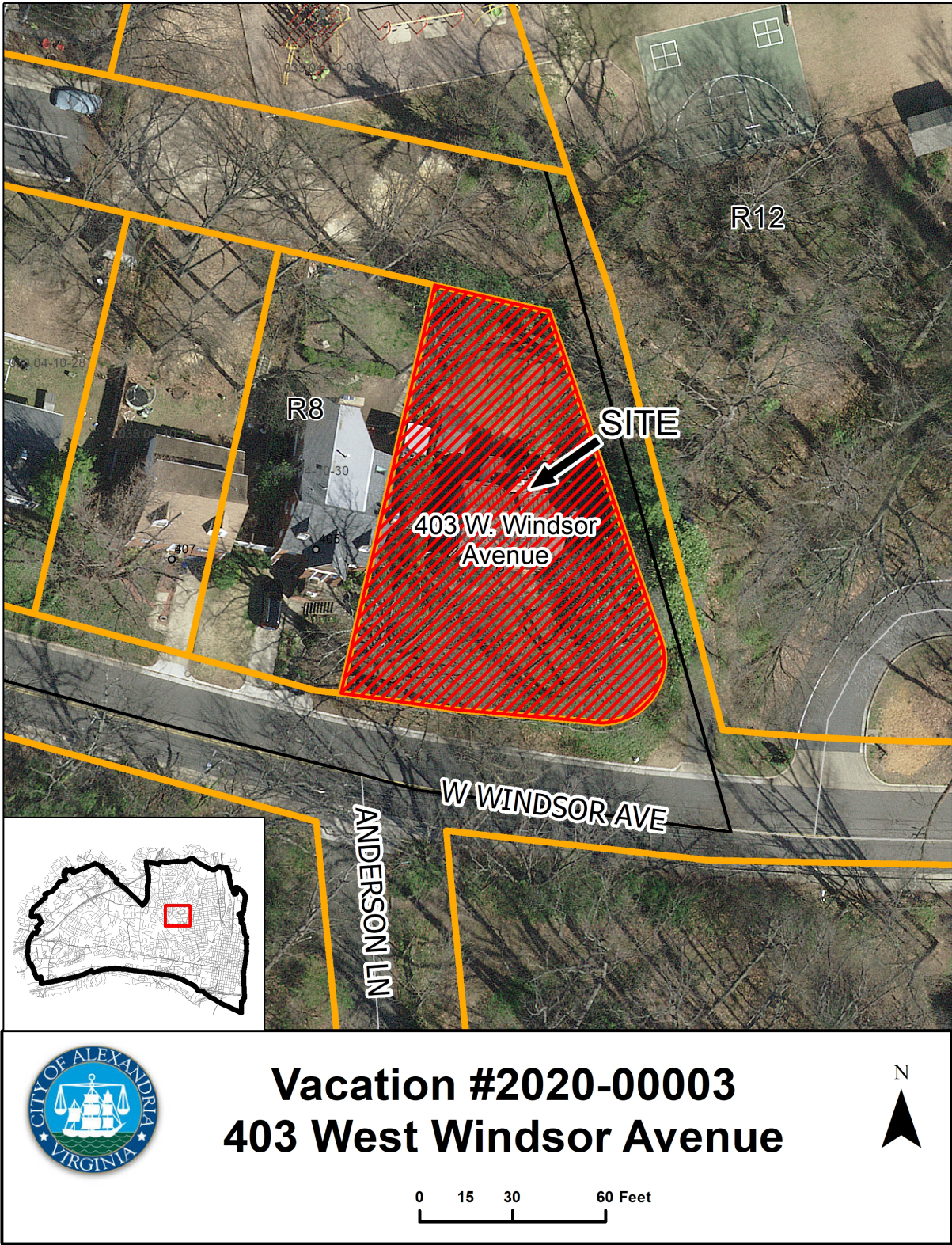
Speakers:

Mr. Dan Beattie, 405 W. Windsor Avenue, spoke of storm water runoff from St. Stephens and St. Agnes School crossing the subject City property at the end of Thomas Street.

Mr. James Higgins, 407 W. Windsor Avenue, questioned if others could petition for a vacation to buy the portion of right-of-way adjacent to their property.

Mark and Cindy Anderson, applicants, spoke in support of the vacation. They mentioned the lack of response by the City in addressing maintenance of the area after making a formal request related to downed trees in a portion of the land proposed for vacation. In addition, a vacation would allow them to address the repair of the adjacent driveway.





PROJECT LOCATION MAP



## I. REPORT SUMMARY

The applicant, Cindy Anderson, requests a vacation of the public right-of-way to add 3,350 square feet primarily to the east and north of their property at 403 W. Windsor.

### SITE DESCRIPTION

The subject site is two lots of record and is developed with a two-story, single-family dwelling unit with approximately 2,575.65 square feet of gross floor area. According to Real Estate records, the total lot area is 10,484 square feet.

The dwelling sits on a land where the topography slopes uphill in the front. It flattens for a portion of the rear and then begins to slope downward at the north end of the property. The property is surrounded by vegetation at the front facing West Windsor Avenue (Figure1).

The interior lot is surrounded by single-family dwellings.



*Figure 1: Subject Property*

### BACKGROUND

According to Real Estate Assessment, the residential dwelling was constructed in 1957. Records indicate that the areas that are being requested to be vacated were once a part of Thomas Street. Records from Arlington County indicate that in 1927, this area was one parcel of land that was subdivided into forty-three lots (Figure 2).

Prior to annexation into the City of Alexandria, a portion of the public street providing the northern outlet at the end of Thomas Street was vacated by Arlington County. The southern outlet at the end of Thomas Street remained in place. Information regarding the lot area and the survey plat does not indicate when the land was vacated, although it was incorporated into the adjacent properties that abut it.



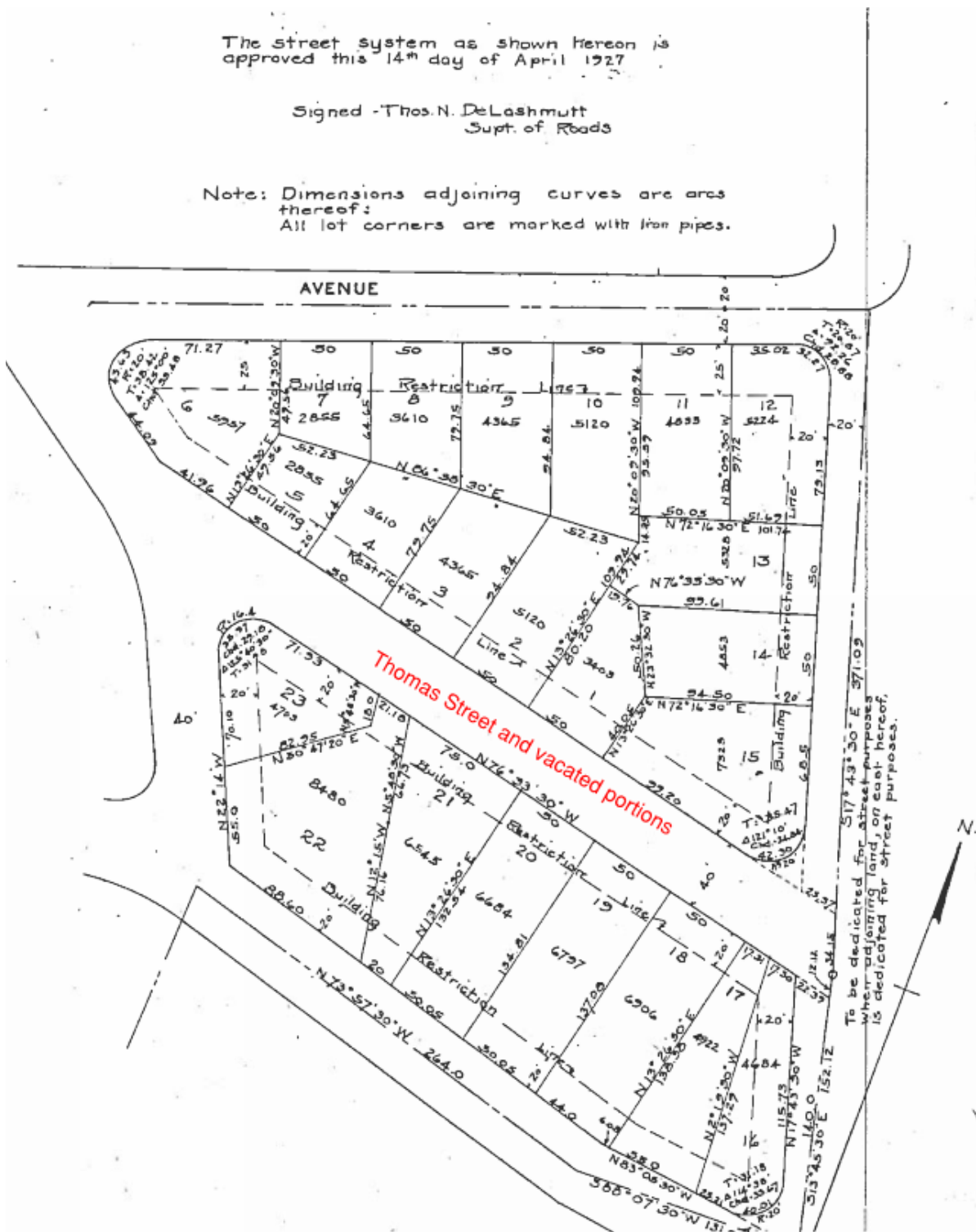


Figure 2: Original Subdivision Map

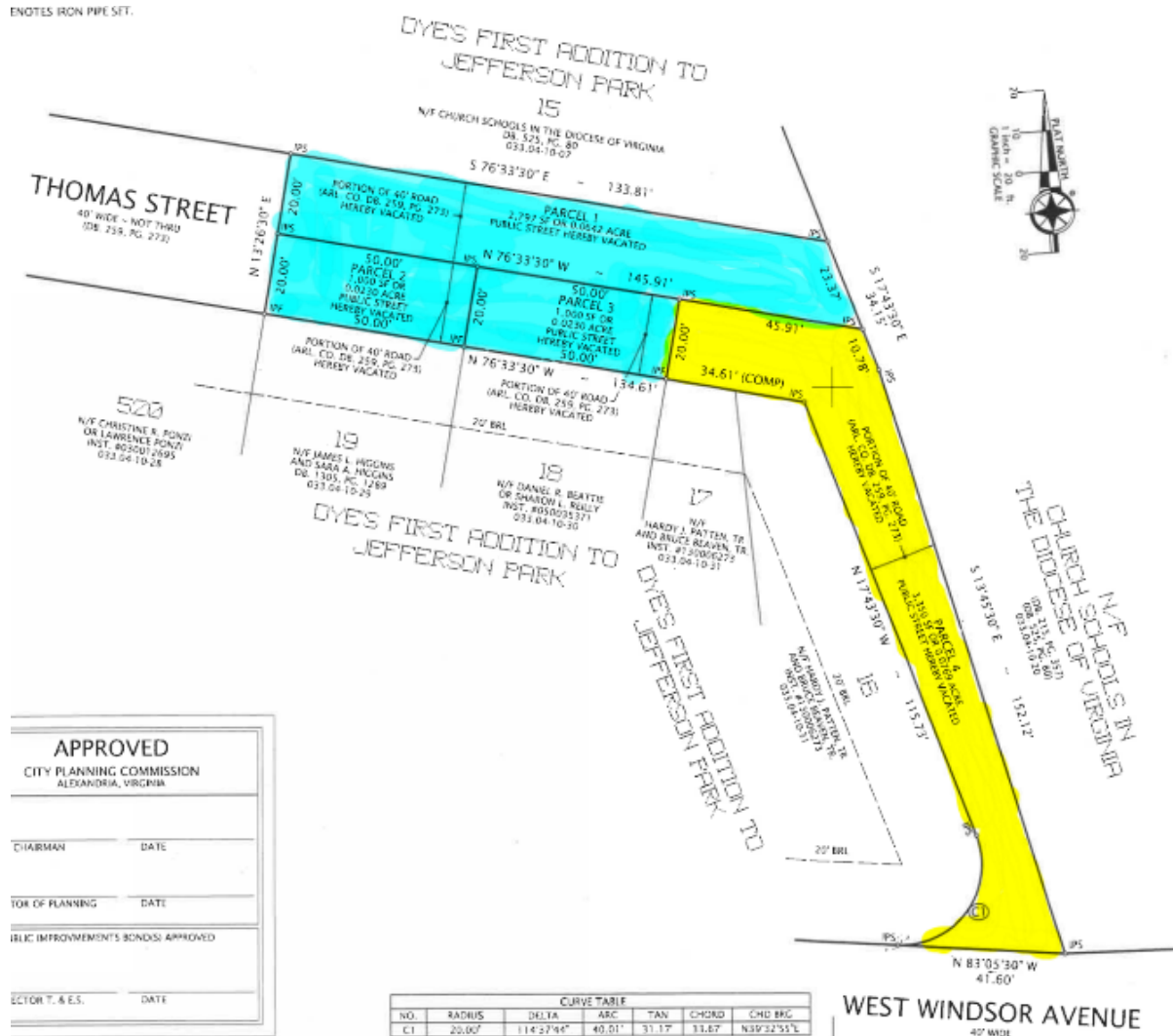
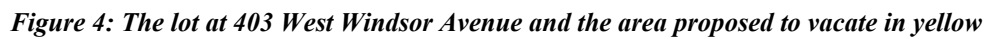


Figure 3: Thomas Street areas (blue) and proposed vacation (yellow)

## PROPOSAL

The applicant requests to purchase 3,350 square feet of the vacated right-of-way (indicated in yellow) along the north side, east side and a small portion to the south facing West Windsor Avenue. The purpose of the vacation request is to add FAR and expand the setback areas for future redevelopment. The applicant has chosen the option to pursue the vacation with development rights.





The subject property is located in the R-8 single-family zone. Section 3-302(A) permits single-family homes

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### 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.

A 2002 memorandum that accompanies the Vacation Policy criteria, above, states that if a vacation request is found to be reasonable, conditions may be placed on the vacation to meet these additional policy requirements:

1. A uniform right-of-way width must be maintained.
2. Minimum right-of-way width allowed is 50 feet.
3. Easements must be provided for all existing utilities within areas to be vacated.
4. Vacated right-of-way is to be consolidated with adjoining lots.
5. The value of vacated right-of-way will be determined by Director of Real Estate Assessments.
6. Alley vacations must consist of full width and no land locked portions of alley will be allowed to remain.

### 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. The Department of Real Estate Assessments has valued the 3,350 square feet of land in question at \$30,663. 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 #2, relating to reasonable future use, is not met and criterion #5, that the vacation shall provide a public benefit is not met. As such, staff recommends denial of the vacation request. The analysis of the five criteria follows:

### **1. Existing Public Use**

The proposed vacation area is located to the north and east of 403 West Windsor Ave (403). The proposed area is currently occupied by an asphalt driveway that serves 403 West Windsor Avenue and several trees. The proposed vacation area is not used for underground infrastructure or above-grade public amenities.

### **2. Reasonable Future Use**

The portion of existing right-of-way that has been requested to be vacated is located to the north and east of 403 W. Windsor Avenue and would serve a significant future use to complete the roadway network. Currently, Thomas Street (located to the rear/north of the subject lot) is roughly 250 linear feet in length and terminates with no turnaround. Four existing dwelling units are located on the North side of Thomas Street and rely on Thomas Street for frontage and public access including trash collection and emergency vehicle access. T&ES points out that for the following reasons both trash collection and emergency vehicle access on Thomas Street is challenging:

- The Fire Department requires a turnaround for any dead-end road that is 100 linear feet or greater in length. Thomas Street is roughly 250 linear feet requiring the street to have a turnaround. Unfortunately, the street does not have a turnaround making access for the Fire Department difficult.
- Similarly, trash collection vehicles have a difficult time accessing the four dwellings located on Thomas Street. With no turn around provided at the end of Thomas Street, trash trucks are required to reverse the entire 250 linear feet road to exit the existing road.

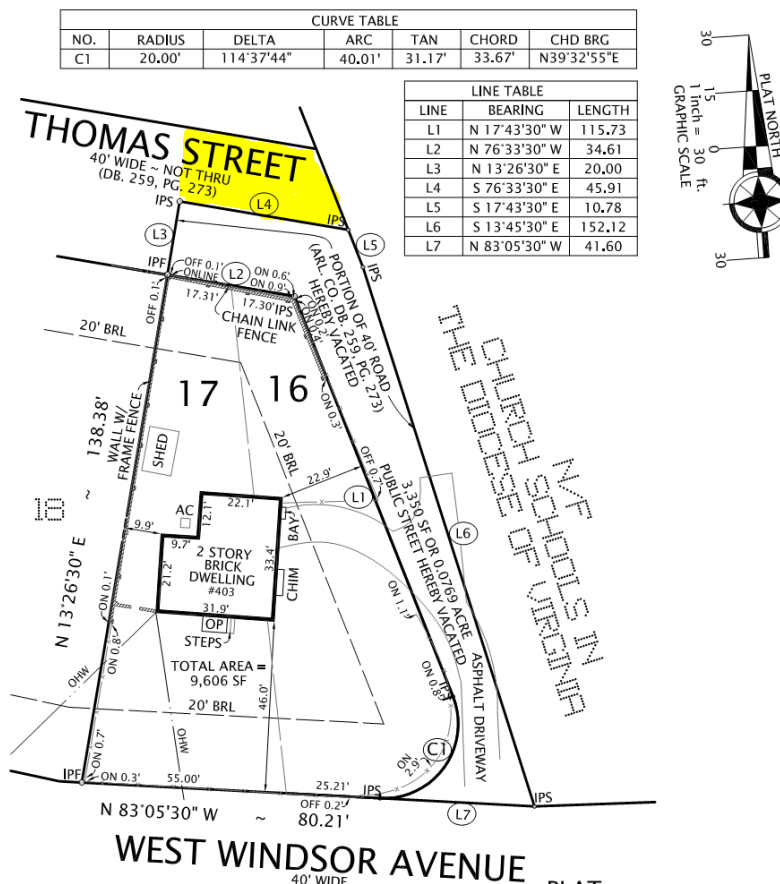
The existing right-of-way located north and east of the subject lot gives the City an opportunity to continue Thomas Street around 403 W. Windsor Avenue and provide a connection to the avenue. Extending the road as mentioned above would alleviate trash collection and Fire Department access concerns expressed previously and would create porosity and connectivity of the City's roadway network. The extension of the road would require a right-of-way dedication from St. Stephens and St. Agnes School located just east of 403 W. Windsor Avenue.

Obtaining a dedication of right-of-away from the neighboring school presents a challenge to this potential future use, however if school proposes future redevelopment plans, this could be a condition of approval. Obtaining this dedication seems like a reasonable request by the City as it is in line with the school's current use of that portion of the property for its existing W. Windsor Avenue entrance.

Further, approval of this vacation would create a situation where the remaining part of right-of-way would become unusable and it could not be used for creating a future connection between Thomas Street and West Windsor Avenue. Also, such approval would create non-uniform width for the remaining right-of-way. Therefore, if approved, staff recommends that the entire width of the Thomas Street right-of-way be vacated directly north of 403 W. Windsor Avenue to maintain a consistent right-of-way width. As this would require a revised plat, an amended real estate assessed value, and notification to the abutting property owner to the north, allowing them the opportunity to purchase this land through a vacation process if they choose, a future review at Planning Commission and City Council hearings is necessary.

### 3. Landlocked Public Property

Approval of this vacation would not create a situation where public property would be landlocked. However, approval has the potential of creating a portion of landlocked right-of-way should portions of the Thomas Street right-of-way West of this area be vacated in the future. The image provided below highlighted in yellow, indicates that the area could potentially become landlocked in the future (Figure 5). If approved, staff recommends that the entire width of the Thomas Street right-of-way be vacated directly north of 403 W. Windsor Avenue to maintain a consistent right-of-way width.





#### **4. Landlocked Private Property**

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

#### **5. Public Benefit**

If the vacation were granted, the City would no longer be able to complete the roadway network along Thomas Street.

#### **Summary**

Given that only three of the five vacation criteria are met, staff recommends denial of the vacation request at 403 W. Windsor Avenue. If the City Council approves the vacation, however, standard conditions for vacations are included in this report.

### **III. RECOMMENDATIONS**

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 all public and private easements on the plat of consolidation. (T&ES)
3. The vacated right-of-way, Lot 17, and Lot 16 shall be consolidated. The approved final deed and plat shall be recorded in the land records of the City of Alexandria. (T&ES)
4. The applicant shall be responsible for perpetual ownership, development and maintenance of the vacated right-of-way. (T&ES)
5. The property owners shall be able to use the vacated land area to derive increased above grade development rights for the vacated area, including increased floor area or subdivision rights. (P&Z)

STAFF: Tony LaColla, AICP, P&Z Division Chief, Land Use Services  
Brian Dofflemyer, T&ES Development Review Manager  
Ann Horowitz, P&Z Principal Planner  
Marlo J.W. Ford, AICP, P&Z Planner III

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation and Environmental Services

##### **Findings:**

F-1 The potential of the future completion of the roadway network shall not be precluded. (T&ES)

F-2 Vacation Exhibit Comments: (Survey)

- a. The description for curve C1 should precede the reference to the Easterly and Northerly lines of Lots 16 and 17.
- b. The description omits the bearing and distance for plat line 'L4'.

F-3 Due to potential future uses, T&ES is not in support of the proposed vacation. (T&ES)

##### **Recommendations:**

R-1 The applicant shall show all public and private easements on the plat of consolidation. (T&ES)

R-2 The vacated right-of-way, Lot 17, and Lot 16 shall be consolidated. The approved final deed and plat shall be recorded in the land records of the City of Alexandria. (T&ES)

R-3 The applicant shall be responsible for perpetual ownership, development and maintenance of the vacated right-of-way. (T&ES)

##### Code Enforcement:

No comments for the request to vacate the property

##### Fire:

No comments or concerns for the request to vacate the property

##### Health:

No comments received

##### Recreation, Parks & Cultural Activities:

No comments for the request to vacate the property

##### Police Department:

No comments received

##### Archaeology:

No archaeological oversight is necessary for this project



## City of Alexandria, Virginia

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### MEMORANDUM

**DATE:** SEPTEMBER 17, 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 AN UNINSTALLED SECTION OF THOMAS STREET  
BETWEEN ITS INTERSECTION WITH WEST WINDSOR AVENUE,  
ADJACENT TO ST. AGNES LOWER SCHOOL

**ADDRESS:** 403 WEST WINDSOR AVENUE, ALEXANDRIA, VA 22301

**PROJECT:** VACATION #2020-0002

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Per your request, we have reviewed the proposed vacation of an uninstalled section of Thomas Street, north of West Luray Avenue and east of Small Street. **The proposal includes the provision for additional development rights through the extension of setback limits.** According to a plat dated December 2, 2019, the proposed vacation varies in width extending 218.70 feet north – northwest along a line bordering St. Agnes School to the midpoint of Thomas Street. From there, the line turns west a distance of 45.91 feet. The Thomas Street section of the vacation is enclosed as the proposed boundary line turns south a distance of 20 feet where it terminates at the current northwest corner of the recipient parcel (403 West Windsor Avenue). The balance of the proposed vacation follows the existing property line for a total proposed vacated area of 3,350 square feet.

The recipient parcel (Lots 16 and 17, Dye's First Addition to Jefferson Park) is roughly triangular in configuration and contains 9,606 square feet. It has 80.21 feet of frontage along the north side of West Windsor Avenue and 34.61 feet of frontage which forms its northernmost boundary. The eastern property line measures 117.73 feet along an uninstalled section of Thomas Street. Both streets are 40-foot rights-of-way that are publicly maintained. The property is zoned R-8, Single-Family. Site improvements include a two-story brick single-family detached dwelling constructed in 1957, containing an above grade floor area of 1,344 square feet or developed floor area ratio of 0.14. The maximum floor area ratio within the R-8 district is 0.35

Provided the proposed vacation is approved, the adjusted lot area would increase to 12,956 square feet (9,606 SF + 3,350 SF). The request submitted to OREA by the Office of Planning and Zoning also stipulated that **additional development rights** would be associated with the vacation beyond those that currently exist on the recipient parcel (9,606 SF).

Based on the new lot area of 12,956 square feet, a single-family dwelling with an above grade floor area of 4,535 would be permitted by-right. It appears that this would be physically feasible given the expanded setbacks that would accompany the requested vacation.

For 2020, the subject's land component has an assessed value of \$533,453 and incorporates a downward adjustment for topographical features. If approved, the lot would have an adjusted area of 12,956 square feet, which are assessed in 2020 for \$564,086 including the adjustment for topography.

Based on the foregoing, the proposed vacation of Thomas Street has a value of \$30,633 assuming the full bundle of rights convey with the transfer of title.

**Thirty Thousand Six Hundred and Thirty-Three Dollars**

It is assumed that the vacated property will be legally consolidated with the recipient parcel and recorded among the City of Alexandria Land Records as one legal parcel.

This analysis does not constitute a fully documented real property appraisal report and should not be purported as such. The analysis is based on 2020 assessed land values of similarly zoned residential parcels in the immediate area of the subject property and complies with City policies and guidelines regarding vacations.

**Attachments**

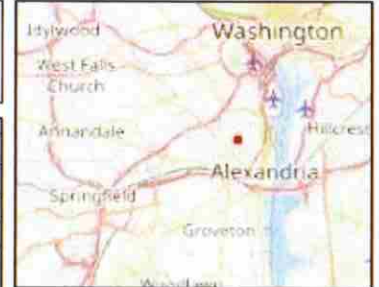
Plat: December 2, 2019  
Legal Description: July 21, 2020

cc: Marlo Ford, Urban Planner III  
Ann Horowitz, Principal Planner



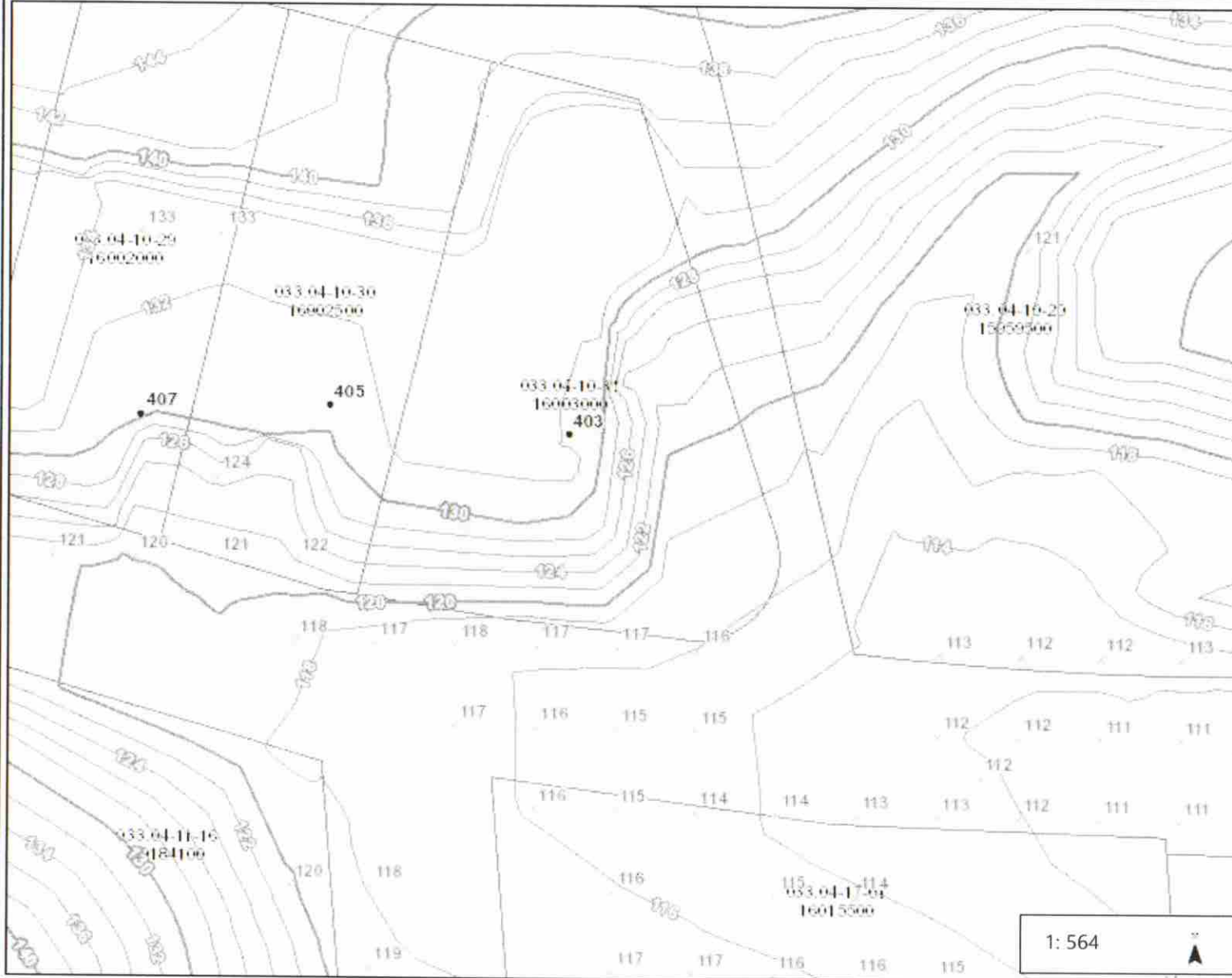
City of Alexandria, Virginia

Map Title



#### Legend

- Addresses
- Spot Elevation (ft amsl)
- 10 ft
- 2 ft
- Parcels



94.0 0 47.02 94.0 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
City of Alexandria, VA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

#### Notes

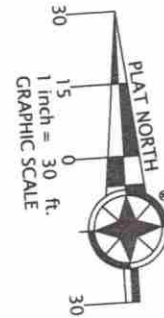


# NOTES:

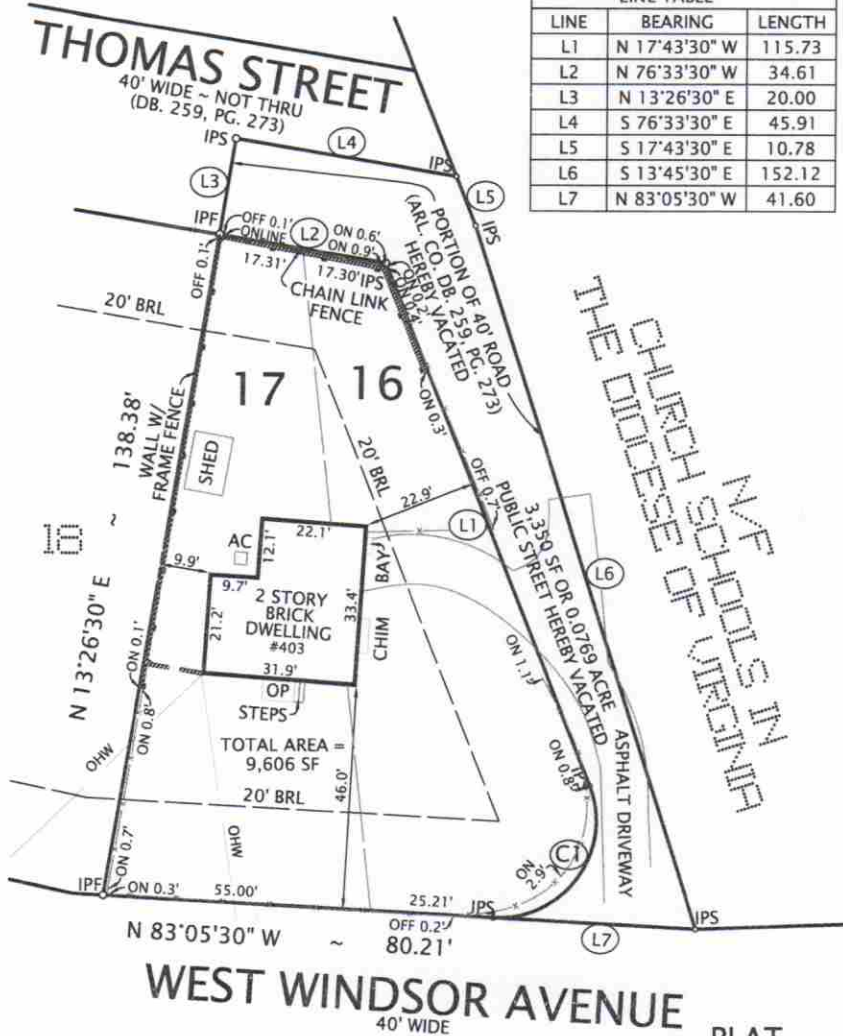
1. THE PROPERTY DELINEATED HEREON IS SHOWN ON THE CITY OF ALEXANDRIA TAX MAP 033.04.
2. THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS SHOWN OTHERWISE ON THIS PLAT.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

CURVE TABLE					
NO.	RADIUS	DELTA	ARC	TAN	CHORD
C1	20.00'	114°37'44"	40.01'	31.17'	33.67'

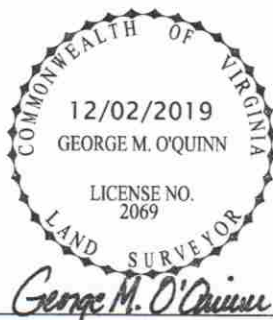
LINE TABLE		
LINE	BEARING	LENGTH
L1	N 17°43'30" W	115.73
L2	N 76°33'30" W	34.61
L3	N 13°26'30" E	20.00
L4	S 76°33'30" E	45.91
L5	S 17°43'30" E	10.78
L6	S 13°45'30" E	152.12
L7	N 83°05'30" W	41.60



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I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:



George M. O'Quinn  
GEORGE M. O'QUINN ..... L.S.

**PLAT**  
SHOWING HOUSE LOCATION ON  
LOTS 16 AND 17  
**DYE'S FIRST ADDITION TO  
JEFFERSON PARK**  
(ARLINGTON DEED BOOK 259, PG. 273)  
AND A STREET VACATION OF A PORTION OF  
**THOMAS STREET**  
(ARLINGTON DEED BOOK 259, PG. 273)  
**CITY OF ALEXANDRIA, VIRGINIA**  
SCALE: 1" = 30'      DECEMBER 02, 2019  
JULY 21, 2020 (VACATION)

**DOMINION** Surveyors  
Inc.®  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412



July 21, 2020

**DESCRIPTION  
OF A PORTION OF  
THOMAS STREET  
TO BE VACATED  
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point in the northerly line of West Windsor Avenue, a corner common to the Church Schools in The Diocese of Virginia (Now or Formerly); Thence with the northerly line of West Windsor Avenue N  $83^{\circ} 05' 30''$  W 41.60 to a point, a corner common to Lot 16, Dye's First Addition to Jefferson Park; thence with the easterly and northerly lines of Lot 16 and the northerly line of Lot 17 with a curve to the left (Radius= 20.00; Delta=  $114^{\circ} 37' 44''$ , Tan.= 31.17', Chord= 33.67', Chd.Brg. N  $39^{\circ} 32' 55''$  E) an arc distance of 40.01' to a point; thence N  $17^{\circ} 43' 30''$  W 115.73' to a point and N  $76^{\circ} 33' 30''$  W 34.61' to a point, a corner common to Lot 18, thence through Thomas Street N  $13^{\circ} 26' 30''$  E 20.00' to a point in the westerly line of the Church Schools in the Diocese of Virginia (N/F); thence with the westerly lines of the Church Schools in the Diocese of Virginia S  $17^{\circ} 43' 30''$  E 10.78' to a point and S  $13^{\circ} 45' 30''$  E 152.12' to the point of the beginning containing 3,350 square feet of land.

APPLICATION for VACATION # \_\_\_\_\_

PROPERTY LOCATION: 403 West Windsor

TAX MAP REFERENCE: 033-04-10-31 ZONE: R8

APPLICANT'S NAME: Christine A Kelly

ADDRESS: 2109 Popkins Lane, Alexandria, Virginia 22307

PROPERTY OWNER NAME: City of Alexandria

(Owner of abutting area to be vacated)

ADDRESS: 301 King Street, Alexandria, Virginia 22314

VACATION DESCRIPTION: The proposed area of vacation is to be vacated to provide  
an increase in the buildable area of the existing lot by extending the setback limits of  
the existing property into the proposed area to be vacated. The formal description of the vacation is attached.

- ☒ 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ 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.

Christine A Kelly

*Print Name of Applicant or Agent*

2109 Popkins Lane, Alexandria, VA 22307

*Mailing/Street Address*

Alexandria, VA 22307

*City and State Zip Code*

DocuSigned by:

Christine Kelly

E15A0CB6FD80485...

*Signature*

703-768-7371

*Telephone #*

*Fax #*

July 23, 2020

*Date*

# 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
<sup>1</sup> Cindy Anderson	2709 Valley Drive	100%
<sup>2</sup> Cindy Anderson	2709 Valley Drive	100%
<sup>3</sup> Cindy Anderson	2709 Valley Drive	100%

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 403 West Windsor Avenue (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
<sup>1</sup> Cindy Anderson	2709 Valley Drive	100%
<sup>2</sup> Cindy Anderson	2709 Valley Drive	100%
<sup>3</sup> Cindy Anderson	2709 Valley Drive	100%

**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.)
<sup>1</sup> Cindy Anderson	None	None
<sup>2</sup> Cindy Anderson	None	None
<sup>3</sup> Cindy Anderson	None	None

**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.

July 23, 2020

Date

Christine Kelly

Printed Name

Christine Kelly

Signature

DocuSigned by:

Christine Kelly

E15A0CB6FD80485...

Digitally signed by Christine Kelly  
Date: 2020.07.23 11:16:04 -0400

## Instructions for Vacation of Right-of-Way Applications

The vacation of a public right-of-way for a street or alley, emergency vehicle easements, sewer easements and other public easements or rights-of-way in the City of Alexandria, Virginia must be approved by the Alexandria City Council through public hearings.

1. **FILING DEADLINE:** Applications are encouraged to be submitted by the 'Recommended Submission Date for Completeness Review,' as listed on the Hearing Schedule and Filing Deadlines form on our Forms webpage. Applications are not docketed for a particular hearing until they are deemed complete by staff. Submission by the final filing deadline for a certain hearing does not guarantee the application being docketed for that hearing.
2. **APPLICATION FORMS:** Vacation applications must contain a written legal metes and bounds description dimensions and square footage of the area to be vacated, and a PDF of a plat showing the proposed area to be vacated.
3. **PLANS:** Applicants must submit a PDF of a scaled survey and/or other scaled plans with the vacation application.
4. **FILING FEES:** Applicants must submit a filing fee with the application. Exact fee amount may be obtained from the Planning staff. Applicants are also required to pay a Viewer's Fee of \$50.00 per viewer (not less than three or more than five viewers) within 30 days after the viewer's report is submitted to the City Council. Failure to pay the Viewer's Fee within the designated time period will stop the process and no vacation ordinance will be written by the City Attorney.
5. **PROPERTY OWNER NOTIFICATION:** The applicant must provide written notice to all abutting and facing property owners. (See attached detailed instructions). Failure to send accurate or correct notices will result in deferral of the application to a later hearing date.
6. **STAFF REPORT:** A staff report with recommendation will be prepared and made available in the Department of Planning and Zoning office. The report is typically available 7 business days prior to the Planning Commission Public Hearing.
7. A quitclaim deed must be submitted after City Council approval of a vacation.

**NOTE:** The vacation process must be completed prior to approval of any building permits that may be submitted.

FOR ASSISTANCE WITH ANY OF THESE PROCEDURES  
CALL THE DEPARTMENT OF PLANNING & ZONING AT 703.746.4666

**July 21, 2020**

**DESCRIPTION  
OF A PORTION OF  
THOMAS STREET  
TO BE VACATED  
CITY OF ALEXANDRIA, VIRGINIA**

Beginning at a point in the northerly line of West Windsor Avenue, a corner common to the Church Schools in The Diocese of Virginia (Now or Formerly); Thence with the northerly line of West Windsor Avenue N 83° 05' 30" W 41.60 to a point, a corner common to Lot 16, Dye's First Addition to Jefferson Park; thence with the easterly and northerly lines of Lot 16 and the northerly line of Lot 17 with a curve to the left (Radius= 20.00; Delta= 114° 37' 44", Tan.= 31.17', Chord= 33.67', Chd.Brg. N 39° 32' 55" E) an arc distance of 40.01' to a point; thence N 17° 43' 30" W 115.73' to a point and N 76° 33' 30" W 34.61' to a point, a corner common to Lot 18, thence through Thomas Street N 13° 26' 30" E 20.00' to a point in the westerly line of the Church Schools in the Diocese of Virginia (N/F); thence with the westerly lines of the Church Schools in the Diocese of Virginia S 17 ° 43' 30" E 10.78' to a point and S 13° 45' 30" E 152.12' to the point of the beginning containing 3,350 square feet of land.

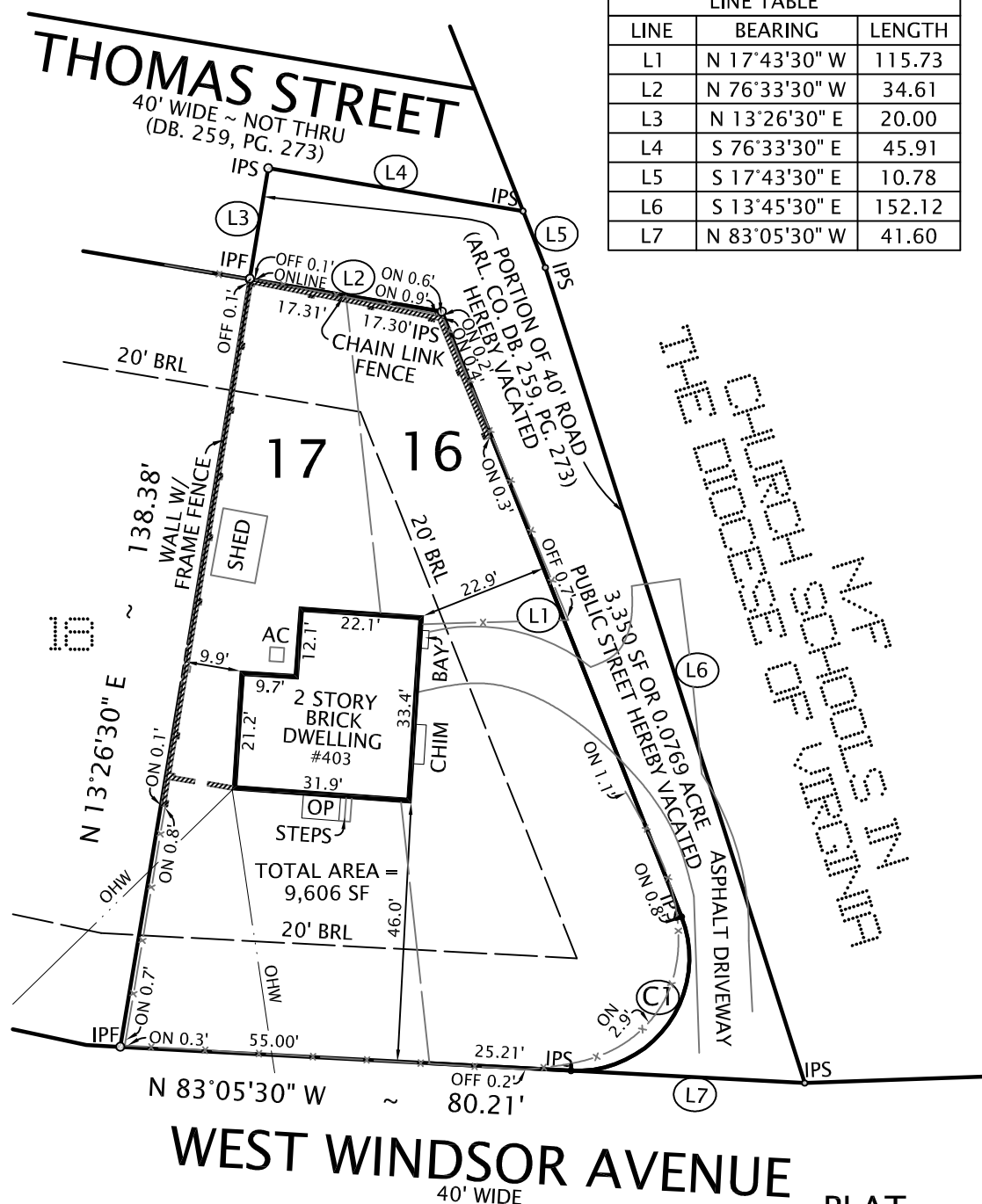
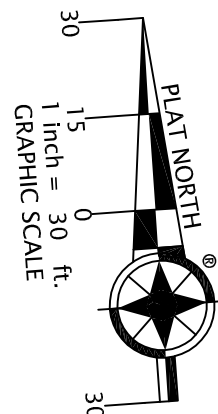


1. THE PROPERTY DELINEATED HEREON IS SHOWN ON THE CITY OF ALEXANDRIA TAX MAP 033.04.
2. THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTEREST OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS SHOWN OTHERWISE ON THIS PLAT.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

CURVE TABLE						
NO.	RADIUS	DELTA	ARC	TAN	CHORD	CHD BRG
C1	20.00'	114°37'44"	40.01'	31.17'	33.67'	N39°32'55"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 17°43'30" W	115.73
L2	N 76°33'30" W	34.61
L3	N 13°26'30" E	20.00
L4	S 76°33'30" E	45.91
L5	S 17°43'30" E	10.78
L6	S 13°45'30" E	152.12
L7	N 83°05'30" W	41.60



SHOWING HOUSE LOCATION ON  
LOTS 16 AND 17

# DYE'S FIRST ADDITION TO JEFFERSON PARK

(ARLINGTON DEED BOOK 259, PG. 273)

# AND A STREET VACATION OF A PORTION OF THOMAS STREET

(ARLINGTON DEED BOOK 259, PG. 273)

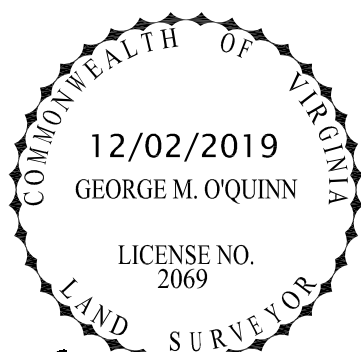
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 30'

DECEMBER 02, 2019

JULY 21, 2020 (VACATION)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:



GEORGE M. O'QUINN ..... L.S.



## DOMINION

Surveyors  
Inc.®

8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412

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

Dan Beattie <[beattiedan@gmail.com](mailto:beattiedan@gmail.com)>

Thu 10/1/2020 11:35 AM

To: PlanComm <[PlanComm@alexandriava.gov](mailto:PlanComm@alexandriava.gov)>

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

From: **Dan Beattie** <[beattiedan@gmail.com](mailto: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](mailto:planncomm@alexandriava.gov) <[planncomm@alexandriava.gov](mailto:planncomm@alexandriava.gov)>, [tony.lacolla@alexandriava.gov](mailto:tony.lacolla@alexandriava.gov) <[tony.lacolla@alexandriava.gov](mailto: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.

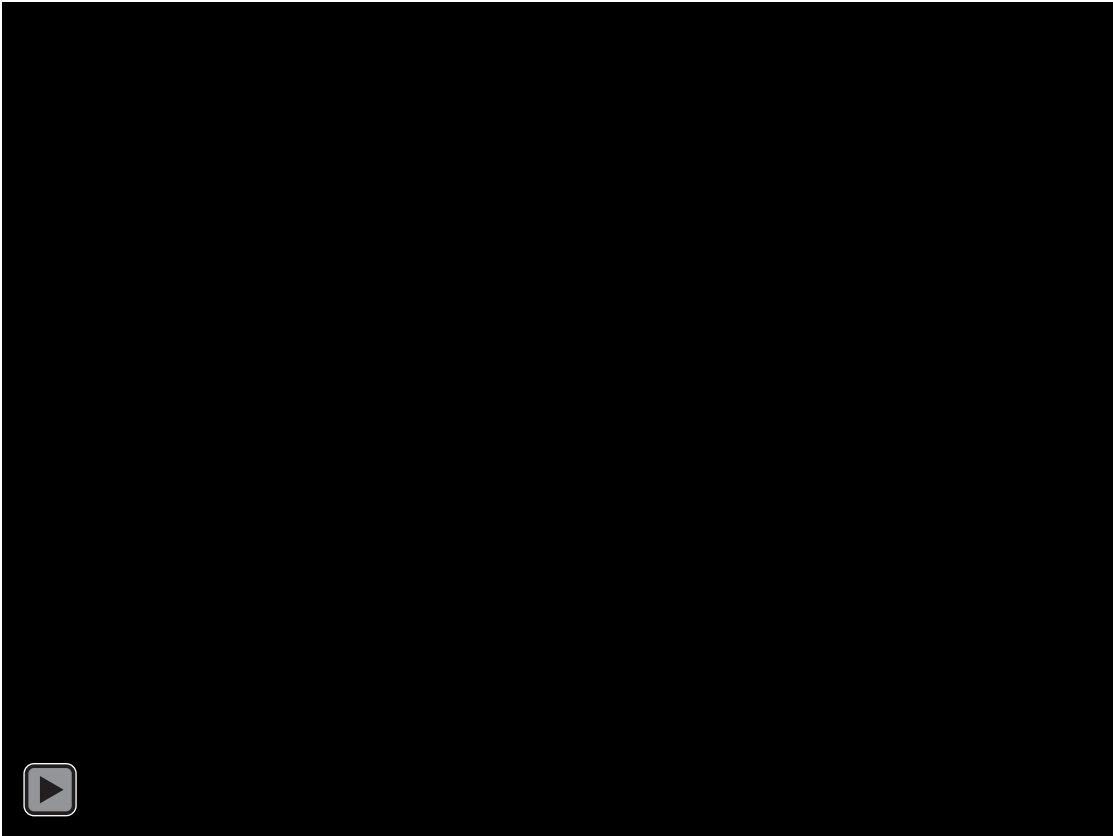
The increased erosion from drainage over the past few years may also be impacting forest health, as two trees have been taken down and a couple of others need cutting on the city property. Another open 311 ticket exists regarding trees (20-00020515).

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.

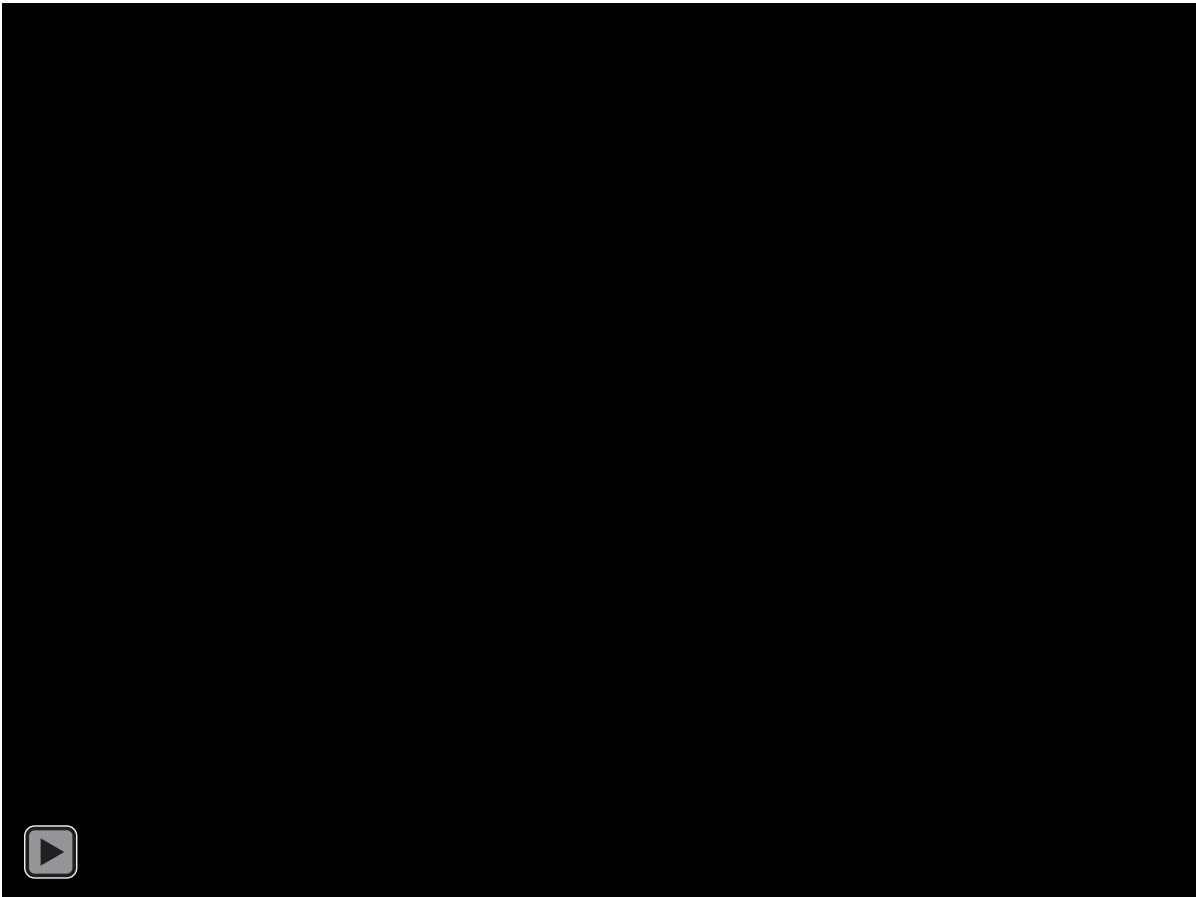
We look forward to discussion of this proposal at the commission next week, and should anyone want to consult with me further, please reply to this email.

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

📞 202.942.3908 📠 202.246.6308

manderson@MGAC.com



730 Eleventh Street NW, Washington, DC 20001

[www.mgac.com](http://www.mgac.com)



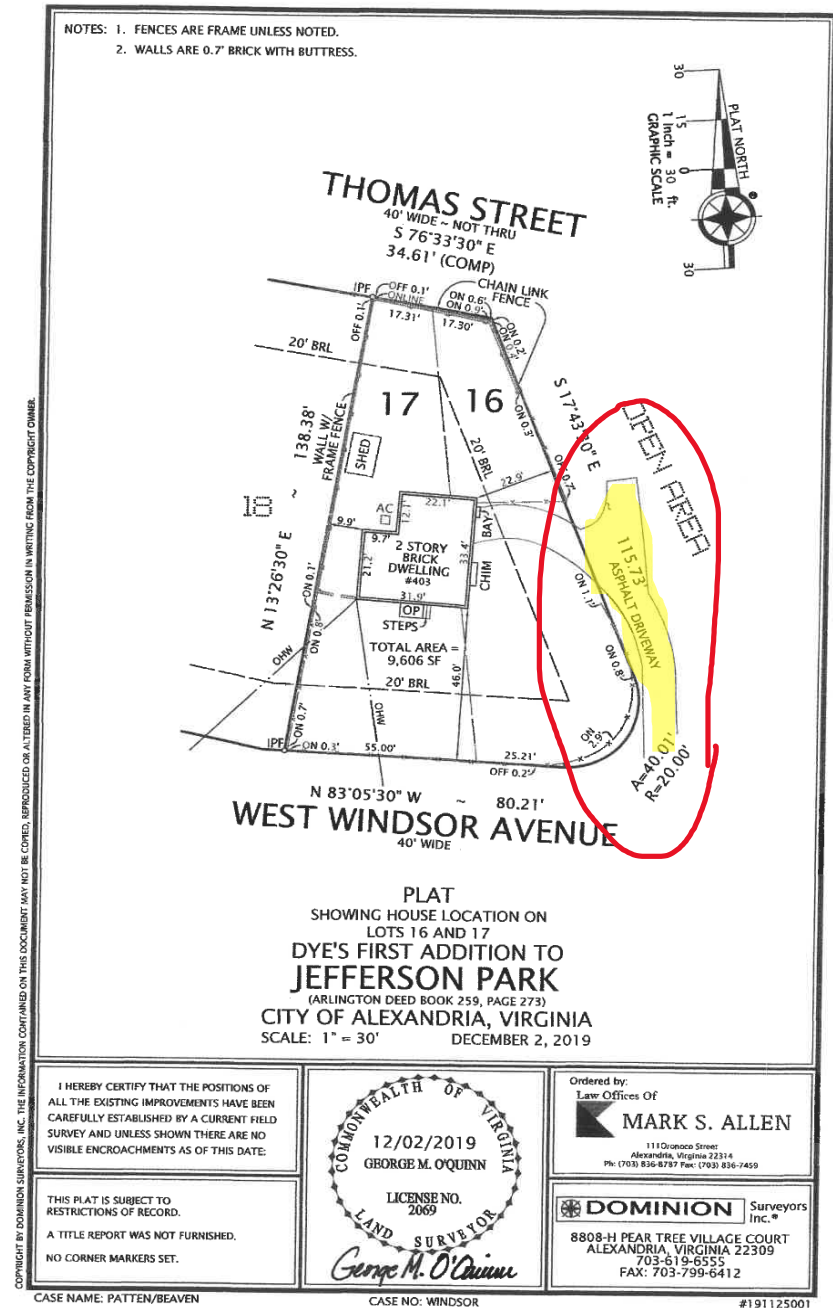
# 403 West Windsor Vacation Request

City of Alexandria, Virginia

Planning Commission

Tuesday, 6 October 2020

# Driveway Area in City ROW



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

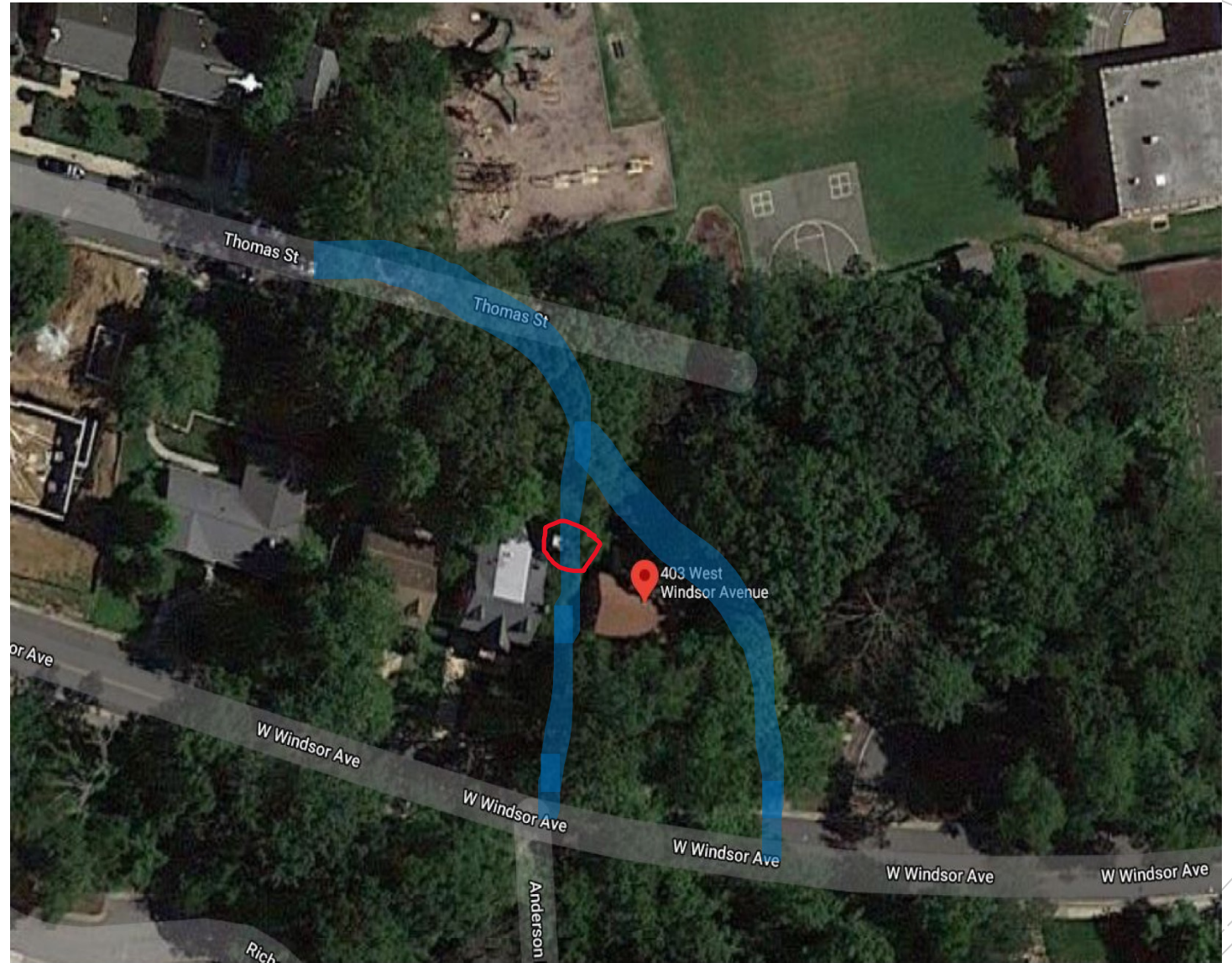




## Runoff problem

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

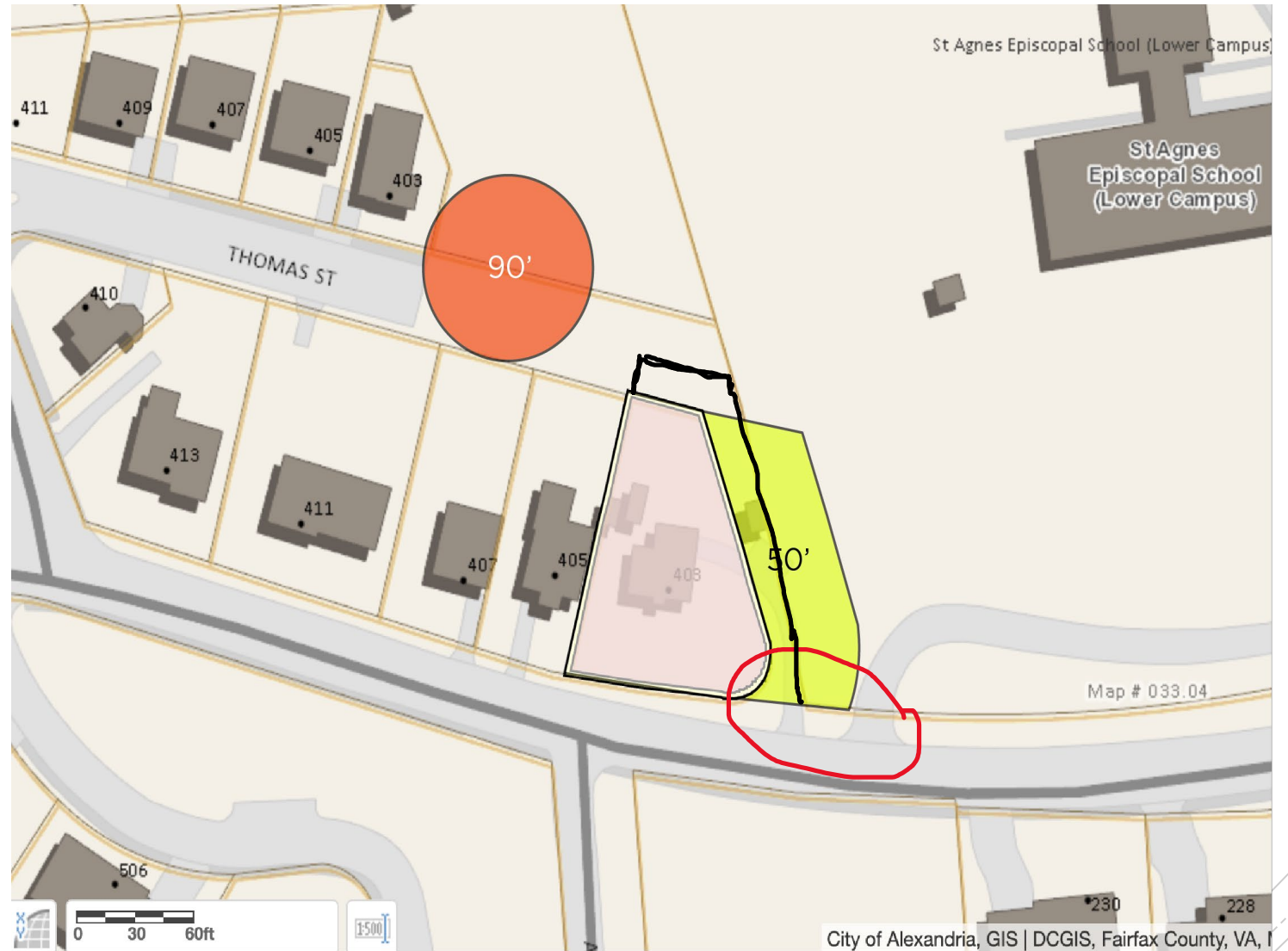
- The ROW is of uneven width; 40' across the back, and tapering down to 12-15' on the side. Current City road standards need a 50' ROW. When I asked Transportation if they have built substandard roads in recent memory (narrower than 50'), they could not cite any examples.
- These lot lines have existed 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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DO NOT CLICK any links or download attachments unless the contents are from a trusted source.**