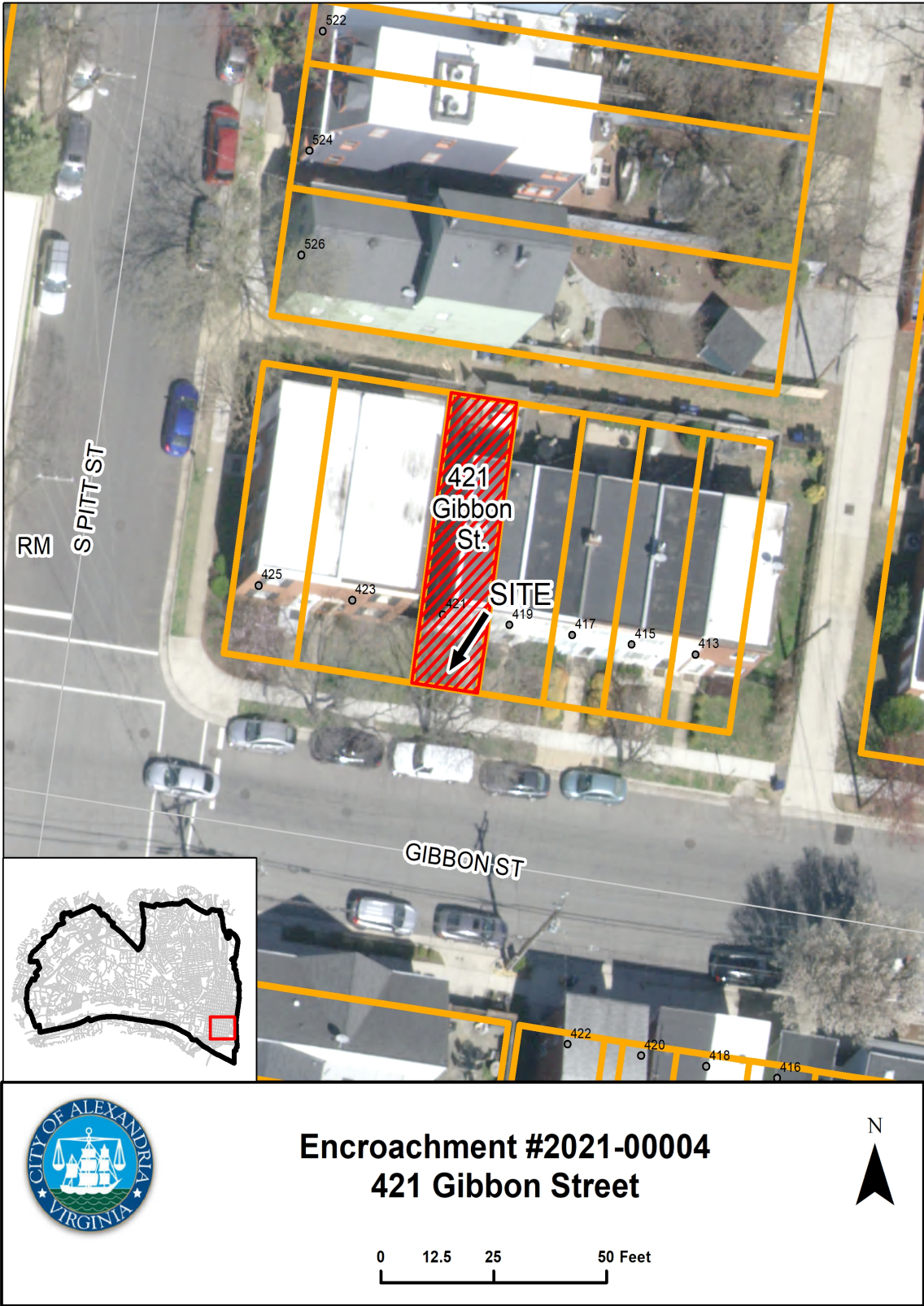




DOCKET ITEM #9
Encroachment #2021-00004
421 Gibbon Street

Application	General Data	
Public hearing and consideration of a request for an encroachment into the public right-of-way along Gibbon Street	Planning Commission Hearing:	September 9, 2021
	City Council Hearing:	September 18, 2021
Address: 421 Gibbon Street	Zone:	RM/Residential
Applicant: Samuel and Christine and Sam Thuot	Small Area Plan:	Old Town

Staff Recommendation:
Staff Reviewers: Marlo J.W, Ford, AICP, Urban Planner, marlo.ford@alexandriava.gov Ann Horowitz, Principal Planner, annhorowitz@alexandriava.gov



PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicants, Samuel and Christine Thuot, request an after-the-fact approval for an encroachment of a three-foot wall into the public right-of-way. Should City Council approve the encroachment, the wall will also require Board of Architectural Review (BAR) approval.

SITE DESCRIPTION

The subject property is a two-story end unit town house. The unit is on a lot of record with 14.00 feet of frontage facing Gibbon Street, a depth of 60.00 feet on the east and west side yard property line and 14.00 feet at the north rear of the property line. The lot is adjacent to a 10.00 wide public alley.

According to the Real Estate Assessment records, the lot size for this parcel is 840 square feet and the home was built in 1955.

BACKGROUND

On March 17, 2021, the Department of Planning and Zoning received a complaint indicating that a structure was erected without a Certificate of Appropriateness in the Old and Historic District. Upon inspection, staff noted a brick wall structure with a planting bed had been erected. After examining the survey plat, staff became aware that a portion of the wall structure was located in the public right-of-way.

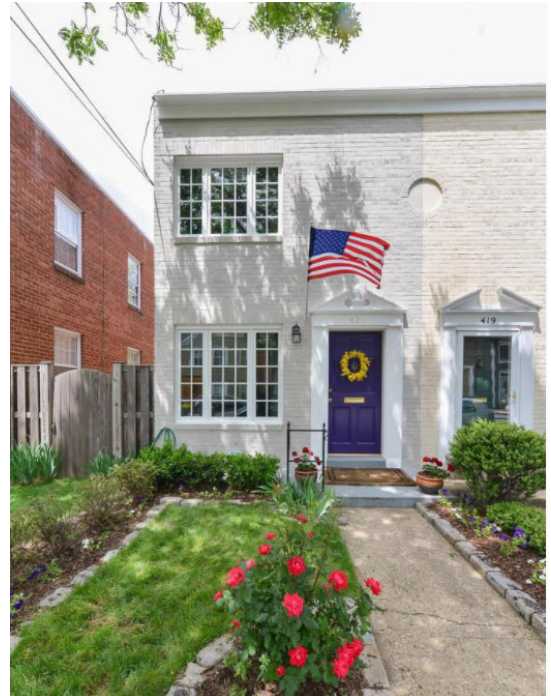


Figure 1: Subject Property

The applicants indicated that the wall was constructed in response to recent flooding activity from 2019 through 2020 (Figure 2). It was indicated that due to heavy rain events, water had infiltrated the crawl space and first floor to include damage to the front yard. The enclosed brick area includes a mitigation gate to retard water in case of flooding. The gate is not affixed into the wall and has the ability to be removed (Figure 3).



Figure 2: Flooding May 2020

PROPOSAL



Figure 3: Proposed Wall

The applicant requests encroachment approval into the public right-of-way to allow the constructed wall structure to remain in the public-right-of-way. An encroachment area of 45.97 70 square feet is requested to accommodate the new planter/flood mitigation wall that would extend 5.00 feet into the public right-of-way (Figures 4-6-5).

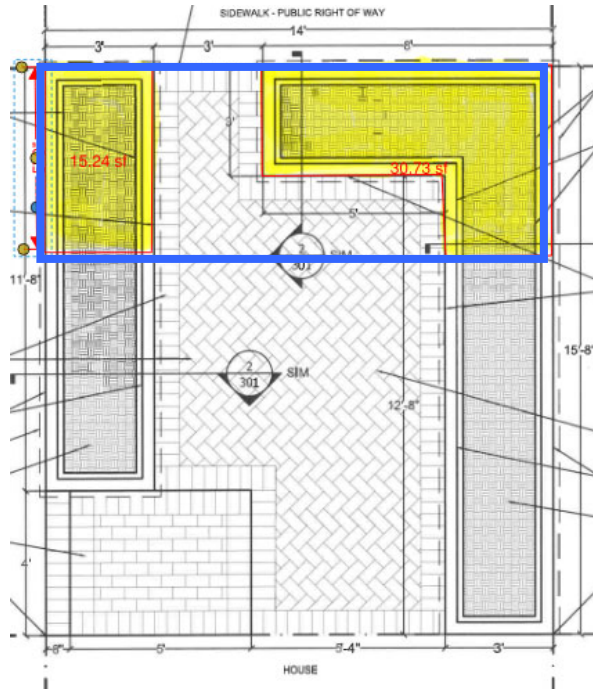


Figure 4: Area of Encroachment in Blue



Figure 5: Installed Planter Wall

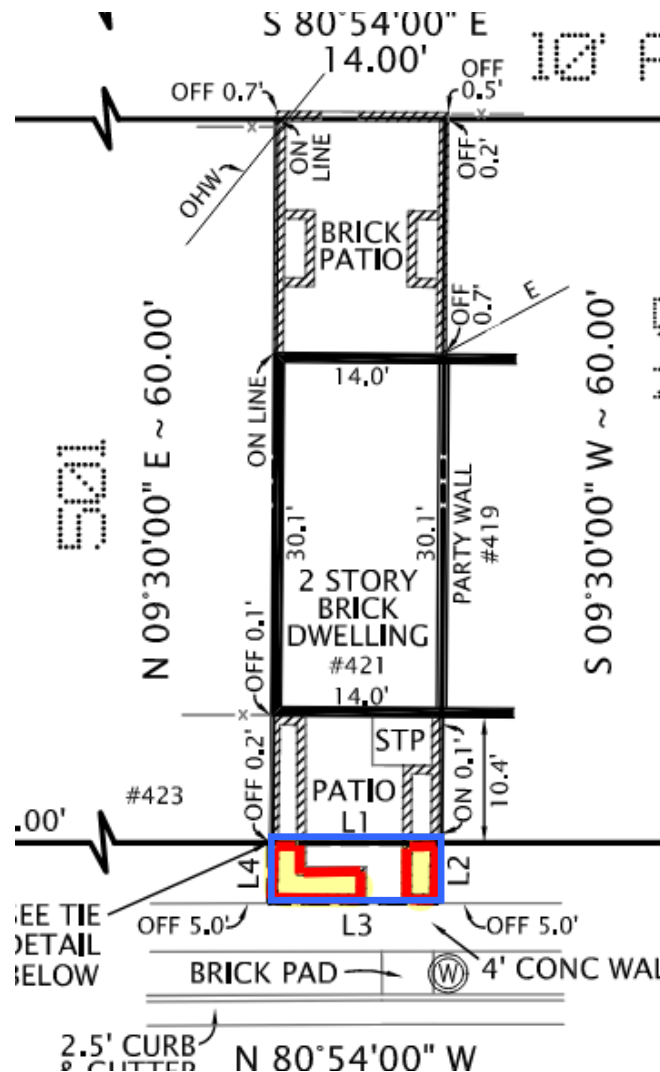


Figure 6: Proposed Area of Encroachment Outlined in Blue

ZONING/MASTER PLAN DESIGNATION

The subject site is zoned RM/Townhouse and is designated for residential uses. Section 3-1100 of the Zoning Ordinance permits townhouse dwellings in the RM zone. The site is within the Old Town Small Area Plan which designates the site for residential uses.

The subject property is located in the Old & Historic District and the proposed garden planter wall would require the applicants to petition the Board of Architectural Review for a Certificate of Appropriateness. Section 7-202(A)(10) states that walls that do not exceed two feet in height are permitted; however, because this property sits within the historic district and the proposal is visible from public right-of-way, Section 10-105 of the Zoning Ordinance requires "review of

the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features.”

II. STAFF ANALYSIS

Staff supports the encroachment request. With the proposed planter wall, the subject property will be in compliance with the open space requirement of the RM zone.

In the analysis to support an encroachment versus a vacation, the overall greater good was considered for future needs and potential access. The public right-of-way at this location is used

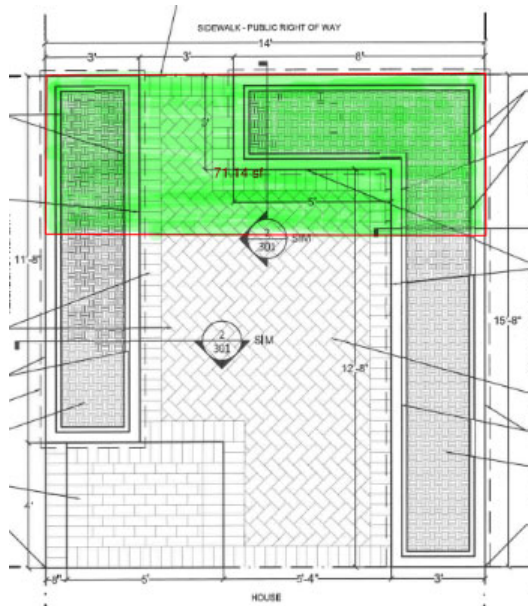


Figure: 7 Encroachment Area

for transportation as well as underground utilities, such as storm sewer. With this encroachment, the City would retain property that may be instrumental for accommodating future utility upgrades in this area as well as retaining right of way for future sidewalk upgrades. The encroachment is for private improvements related to stormwater management and the topography of the area makes this area a potential candidate for future improvements. If this encroachment area were to be vacated, it would preclude any future widening of the sidewalks to meet the City’s Complete Streets Design Guidelines, it would create uneven right of way lines along Gibbon Street, it would narrow the right of way from 66 feet to less than 66 feet which may have an impact on allowable encroachments, and it may prevent future utility upgrades.

Subject to the conditions contained in Section III of this report staff recommends **approval** of this request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the owner (and all successors in interest) and the City of Alexandria, as Additional Insured, against claims, demands, suits-and all related costs, including attorneys’ fees, arising from any bodily injury or property damage which may occur as a result of this encroachment. (T&ES)

Please submit Insurance Certificate:

**City of Alexandria
T&ES
301 King Street, Room 4130
Alexandria, VA 22314**

2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
3. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
4. The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)

STAFF: Tony LaColla, Division Chief, AICP, Land Use Services, Planning and Zoning
Ann Horowitz, Principal Planner, Planning and Zoning
Marlo J.W. Ford, Urban Planner, AICP, Planning and Zoning

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The encroachment shown allows space for a potential 6 foot wide sidewalk in compliance with the Complete Streets Guidelines. (Transportation Planning)
- R-1 The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the owner (and all successors in interest) and the City of Alexandria, as Additional Insured, against claims, demands, suits-and all related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of this encroachment. (T&ES)

Please submit Insurance Certificate:**City of Alexandria****T&ES****301 King Street, Room 4130****Alexandria, VA 22314**

- R-2 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
- R-3 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
- R-4 The applicant shall bear all the cost associated with the removal of the encroachments. (T&ES)

Code Administration:

- C-1 Floodgate design will need building code review prior to installation

Fire:

- F-1 No comments or concerns

Parks and Recreation:

No comments.

Police Department:

No comments received from this department

Archeology:

- F-1 No Archaeology comments since this is de facto application.



APPLICATION

ENCROACHMENT

PROPERTY LOCATION: 421 Gibbon Street, Alexandria, VA 22314
TAX MAP REFERENCE: 117165000 280 02-04-85 **ZONE:** Residential (RM)
APPLICANT
Name: Christine + Sam Thuot
Address: 421 Gibbon St.
PROPERTY OWNER
Name: Christine + Sam Thuot
Address: 421 Gibbon St.
PROPOSED USE: Flood Mitigation, reference contract drawings
'Thuot House Flood Mitigation' dated Feb 1, 2021.

INSURANCE CARRIER (copy attached) USAA **POLICY #** GARD09407036 90A

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-62 and 85 of the Code of the City of Alexandria, Virginia.

☒ **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 Thuot
Print Name of Applicant or Agent
421 Gibbon Street
Mailing/Street Address
Alexandria, VA 22314
City and State **Zip Code**

[Signature]
Signature
703-235-1749
Telephone # **Fax #**
csthut@gmail.com
Email address
5/24/21
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 three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Christine Thuot	421 Gibbon St	50%
2. Sam Thuot	421 Gibbon St	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 _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Christine Thuot	421 Gibbon St	50%
2. Sam Thuot	421 Gibbon St	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. Christine + Sam Thuot	N/A	N/A
2.		
3.		

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

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

7/29/21
Date
Christine Thuot
Printed Name

Signature

Updated from 5/24/21 application.³



7000 Fredericksburg Road
San Antonio, Texas 78288

**HOMEOWNERS
CERTIFICATE OF INSURANCE**

GARRISON PROPERTY AND CASUALTY INSURANCE COMPANY

06/17/21

CITY OF ALEXANDRIA

301 KING ST
ALEXANDRIA VA 22314-0010

POLICY INFORMATION

AMENDED EFFECTIVE 06/17/21

Named Insured: MR SAMUEL C THUOT AND MRS CHRISTINE M THUOT			
Policy Number: 00940 70 36 90A	Loan Number:		
Policy Form: HO 9	Effective Date: 05/03/21	Expiration Date: 05/03/22	

ADDITIONAL INTEREST

Interest: CITY/MUNICIPALITY

Name: CITY OF ALEXANDRIA
Address: 301 KING ST ALEXANDRIA VA 22314-0010

PROPERTY INFORMATION

Location: 421 GIBSON ST ALEXANDRIA, VA 22314-4131
Legal Description:

COVERAGE INFORMATION*

Coverage applies only if a limit is shown.

Coverage	Limit	Coverage	Limit
Dwelling:		Personal Liability:	\$1,000,000
Other Structures:		Medical Payments:	\$5,000
Personal Property:			
Deductible:		Annual Premium:	

PREFERRED PROTECTION PLAN

See back of form for an important disclosure.

* Copy of contract available upon request
DWGCOI 08-12

126240-0312_03
Page 1 of 2



9800 Fredericksburg Road - San Antonio, Texas 78288

AMENDED DECLARATIONS PAGE - EFFECTIVE 07/24/21

Named Insured and Residence Premises

Policy Number

MR SAMUEL C THUOT AND MRS CHRISTINE M THUOT

GAR 00940 70 36 90A


421 GIBBON ST
ALEXANDRIA,, VA 22314-4131Policy Period From: 05/03/21 To: 05/03/22
(12:01 A.M. standard time at location of the residence premises)

SECTION I - COVERAGES AND AMOUNTS OF INSURANCE	
COVERAGE A - DWELLING PROTECTION	\$291,000
COVERAGE B - OTHER STRUCTURES PROTECTION	\$29,100
COVERAGE C - PERSONAL PROPERTY PROTECTION	\$218,250
COVERAGE D - LOSS OF USE PROTECTION (NO TIME LIMIT)	UNLIMITED
SECTION II - COVERAGES AND LIMITS OF LIABILITY	
Personal Liability - Each Occurrence	\$1,000,000
Medical Payments to Others	\$5,000
DEDUCTIBLES (Applies to SECTION I Coverages ONLY)	
We cover only that part of the loss over the deductible stated.	
WIND AND HAIL	\$1,000
ALL OTHER PERILS	\$2,000
POLICY PREMIUM for Section I and Section II Coverages Above	\$1,181.51
CREDITS AND DISCOUNTS (Included in policy premium above.)	\$625.52 CR
Details on the following page. (If applicable)	
OTHER COVERAGES AND ENDORSEMENTS	\$35.82
Forms and Endorsements are printed on the following page.	
STATE SURCHARGES AND TAXES (Shown below if applicable)	
TOTAL POLICY PREMIUM	
Including Credits, Discounts, Optional Coverages, Endorsements, State Surcharges and Taxes	
\$1,217.33	
PREMIUM DUE AT INCEPTION. THIS IS NOT A BILL.	

FIRST MORTGAGEE:UNITED WHOLESALE MORTGAGE
ITS SUCCESSORS AND/OR ASSIGNS
PO BOX 7729
SPRINGFIELD, OH 45501-7729

LOAN NR 0667736722

In witness whereof, this policy is signed on 07/23/21


Karen Morris, Secretary
James Syring, President**REFER TO YOUR POLICY FOR OTHER COVERAGES, LIMITS AND EXCLUSIONS.**

HO-D1 (07-08)

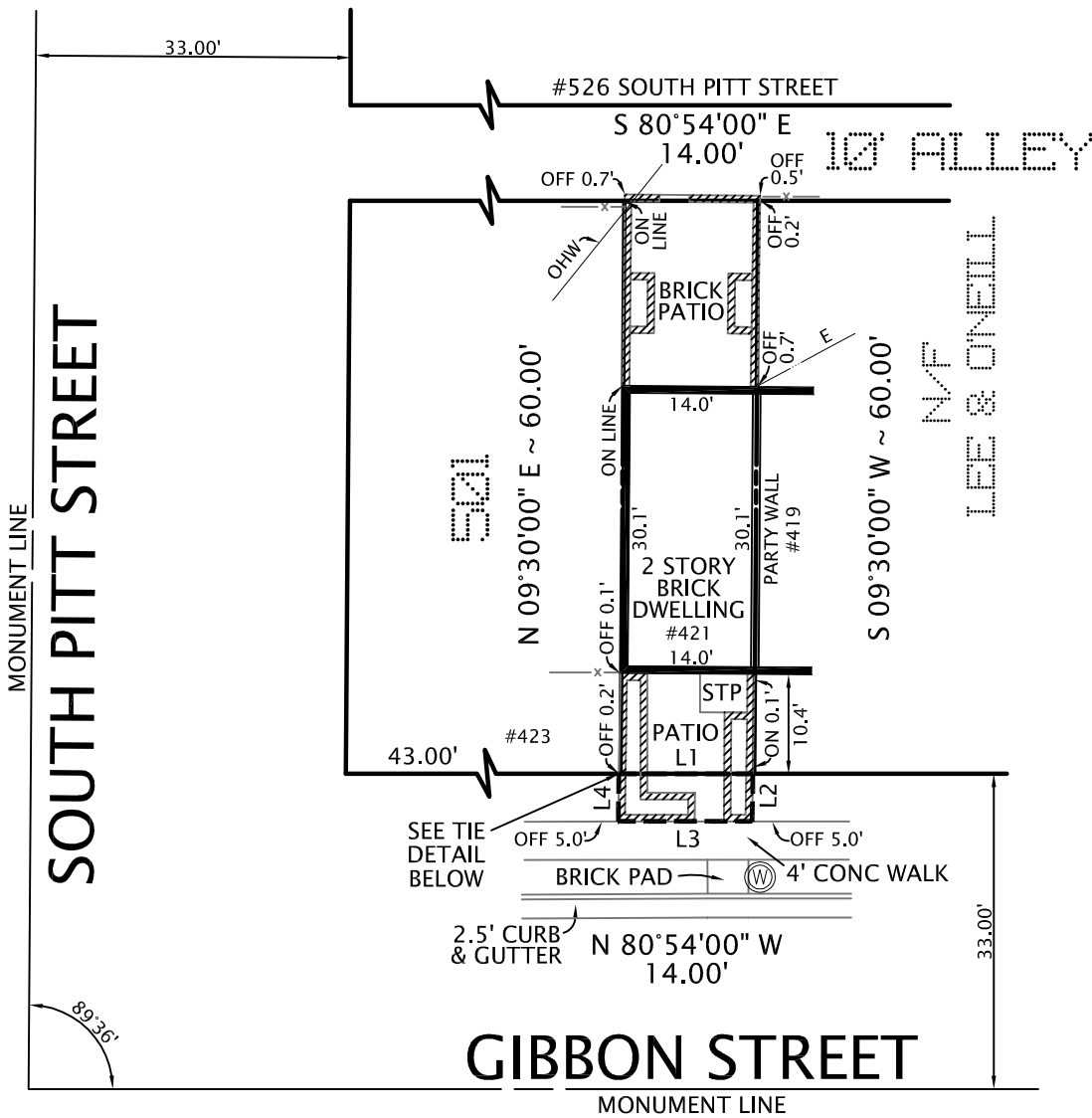
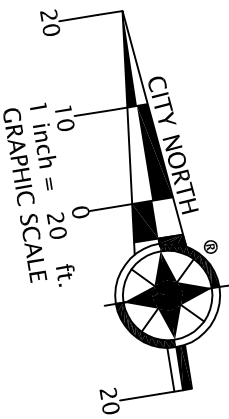
ATTACH THIS DECLARATION TO PREVIOUS POLICY

August 17, 2021

**DESCRIPTION OF
AN AREA OF ENCROACHMENT
WITHIN GIBBON STREET
ADJOINING
#421 GIBBON STREET
CITY OF ALEXANDRIA, VIRGINIA**

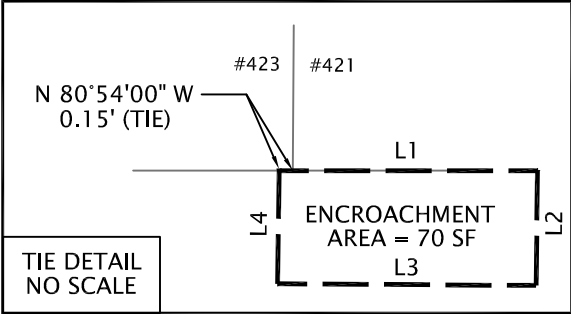
Beginning at a point in the northerly right of way line of Gibbon Street 42.85 feet from the easterly right of way line of South Pitt Street; thence running with Gibbon Street S 80° 54' 00" E 14.01 feet to a point; thence running through Gibbon Street S 09° 53' 35" W 5.00 feet, N 80° 52' 09" W 14.01 feet and N 09° 47' 57" E 5.00 to the point of beginning containing 70 square feet.

- NOTE: 1. WALLS ARE 0.7" BRICK.
2. FENCES ARE FRAME.
3. OWNERS: SAMUEL C. THUOT
CHRISTINE THUOT
421 GIBBON STREET
ALEXANDRIA, VA 22314
(INST. NO. 190005728)
4. MAP NUMBER: 080.02-04-35



ENCROACHMENT AREA LINE TABLE		
LINE	BEARING	LENGTH
L1	S 80°54'00" E	14.01
L2	S 09°53'35" W	5.00
L3	N 80°52'09" W	14.01
L4	N 09°47'57" E	5.00

ENCROACHMENT AREA =
70 SQUARE FEET



ENCROACHMENT AND PERMIT PLAT
ON

THE PROPERTY LOCATED AT

#421 GIBBON STREET

(INSTRUMENT #190005728)

ALSO KNOWN AS

LOT 13

OF THE SUBDIVISION

OF THE SOUTH ONE-HALF

OF THE BLOCK BOUNDED BY

ROYAL, GIBBON, PITT & WILKES STREET

(DEED BOOK 3, PAGE 332)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

AUGUST 05, 2021

APPROVED DATE _____

DIRECTOR OF PLANNING AND ZONING

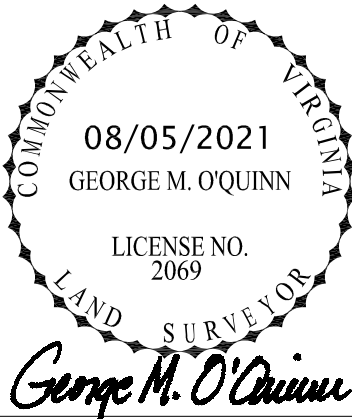
APPROVED DATE _____

DIRECTOR OF TRANSPORTATION AND
ENVIRONMENTAL SERVICES

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:

THIS PLAT IS SUBJECT TO
RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



CASE NAME:

SAMUEL THOUT



DOMINION Surveyors
Inc.®

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







THUOT HOUSE FLOOD MITIGATION

421 GIBBON STREET, ALEXANDRIA, VA 22314

NOTE: THIS FLOOD MITIGATION PROJECT IS IN DIRECT RESPONSE TO THE FOUR FLOODS THAT HAVE TAKEN PLACE WITHIN THE LAST FOURTEEN MONTHS (JULY 2019 - NOVEMBER 2020). THESE FLOODS WHICH ARE INCREASING IN FREQUENCY HAVE CAUSED DAMAGE TO OUR PROPERTY INCLUDING FLOODING OUR CRAWL SPACE, WATER INFILTRATING OUR FIRST FLOOR AND DESTROYING OUR FRONT YARD. IN PART TO MITIGATE THE DAMAGE TO OUR PERSONAL PROPERTY, ALONG WITH THE CITY'S EFFORT TO MITIGATE THE OVERFLOW OF THE STORM WATER AND SEWER SYSTEM CAUSING THE FLOOD DAMAGE IN OUR NEIGHBORHOOD, WE ARE CONSTRUCTING A BRICK WALL AND REMOVABLE FLOOD BARRIER TO BE PLACED AS NEEDED.

SHEET INDEX

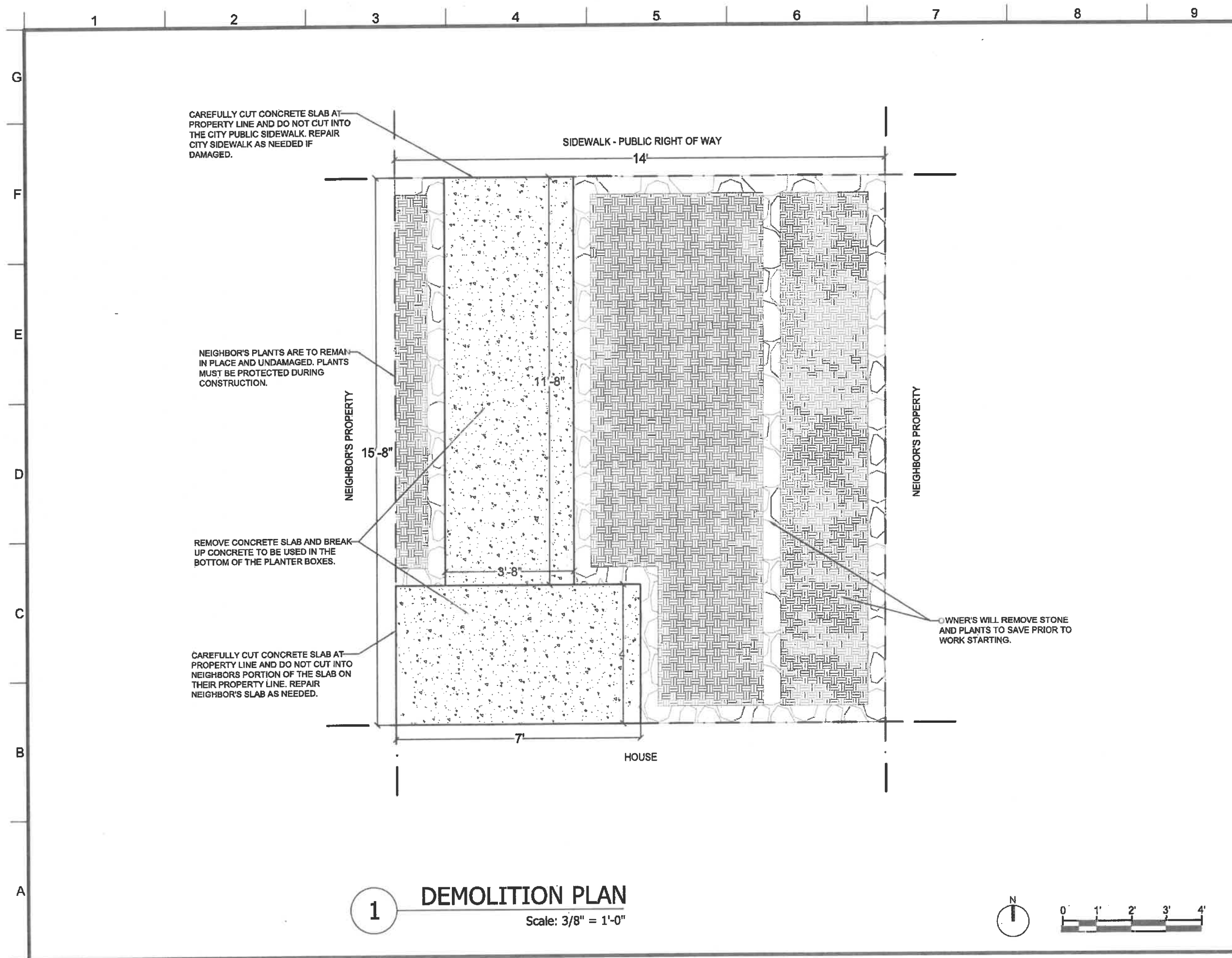
G-001	COVER PAGE
AD-101	DEMOLITION PLAN
A-101	SITE PLAN
A-301	LIGHTING PLAN, BRICK WALL SECTION AND DETAILS



DESIGNED BY: C. THUOT	DRAWN BY: C. THUOT	CHECKED BY: C. THUOT	SUBMITTED BY: C. THUOT	ISSUE DATE: FEBRUARY 1, 2021
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THUOT HOUSE
FLOOD MITIGATION
COVER PAGE

G-001

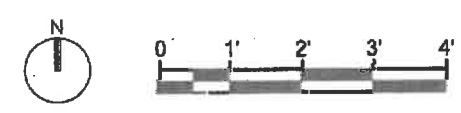


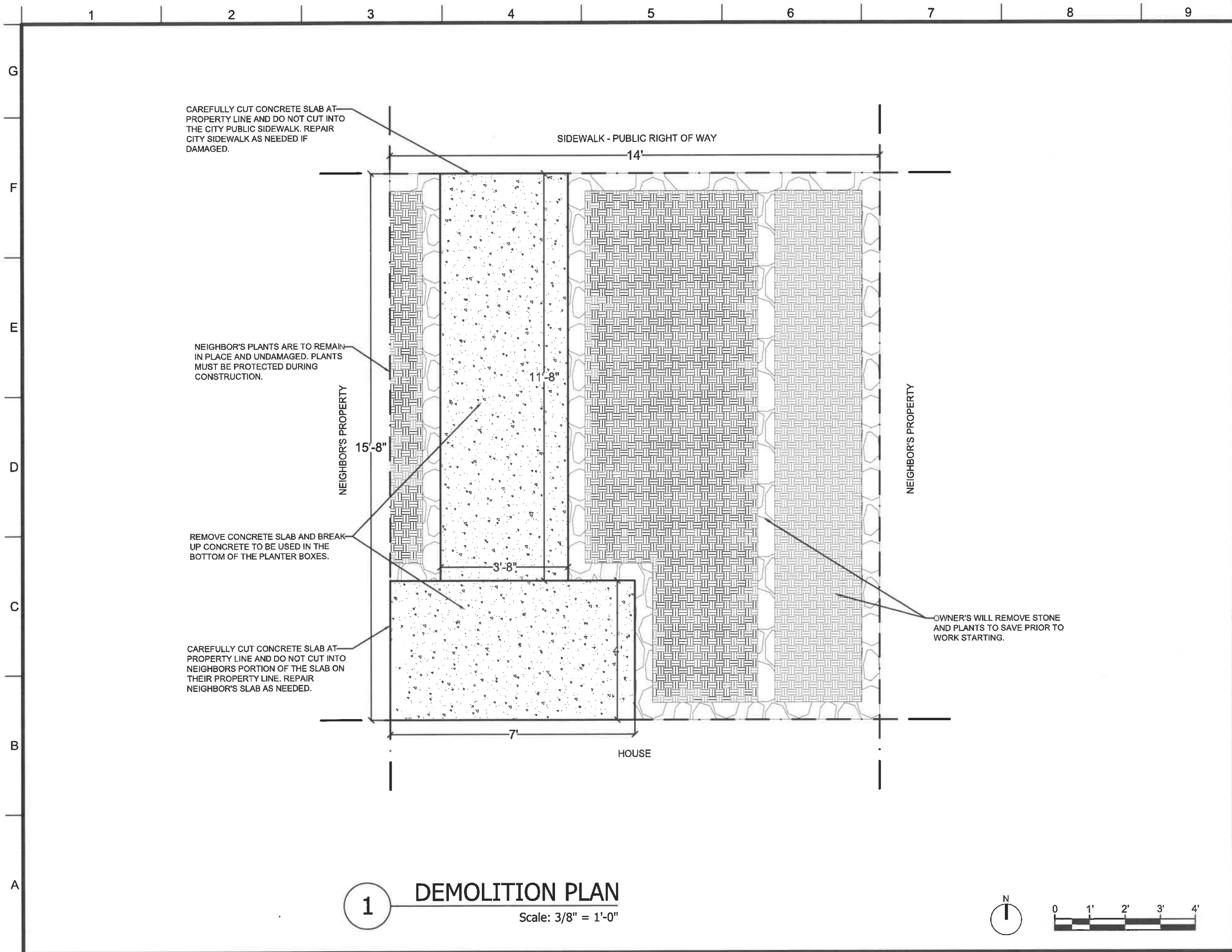
DESIGNED BY:	C. THUOT
DRAWN BY:	C. THUOT
CHECKED BY:	C. THUOT
SUBMITTED BY:	C. THUOT
SIZE:	ANSI B
ISSUE DATE:	FEBRUARY 1, 2021

THUOT HOUSE
FLOOD MITIGATION
DEMOLITION PLAN

AD-101

1 DEMOLITION PLAN
 Scale: 3/8" = 1'-0"

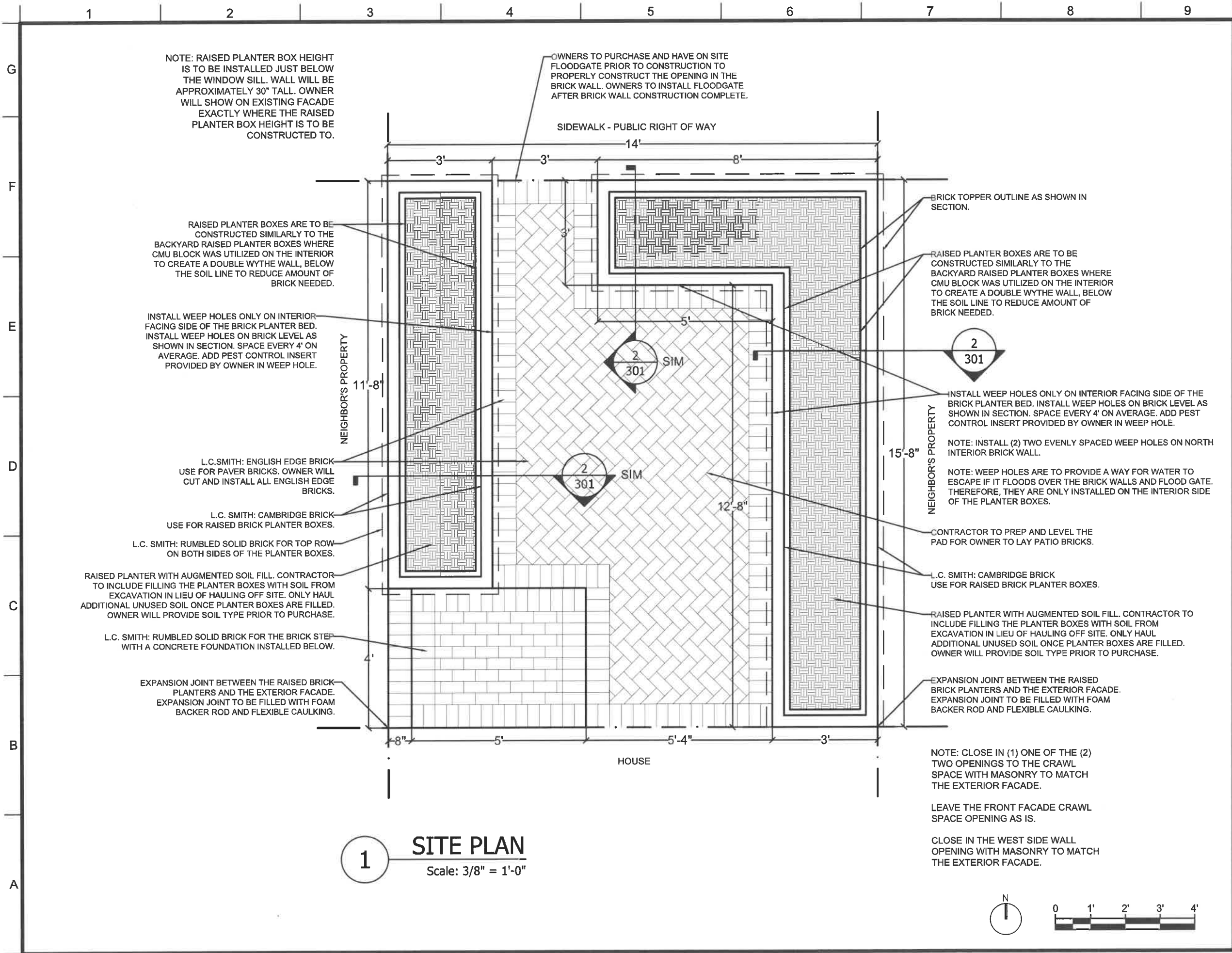




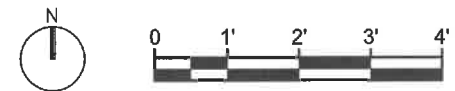
DESIGNED BY:	C. THUOT
DRAWN BY:	C. THUOT
CHECKED BY:	C. THUOT
SUBMITTED BY:	C. THUOT
SIZE:	ANSI B
ISSUE DATE:	FEBRUARY 1, 2021

THUOT HOUSE
FLOOD MITIGATION
DEMOLITION PLAN

AD-101



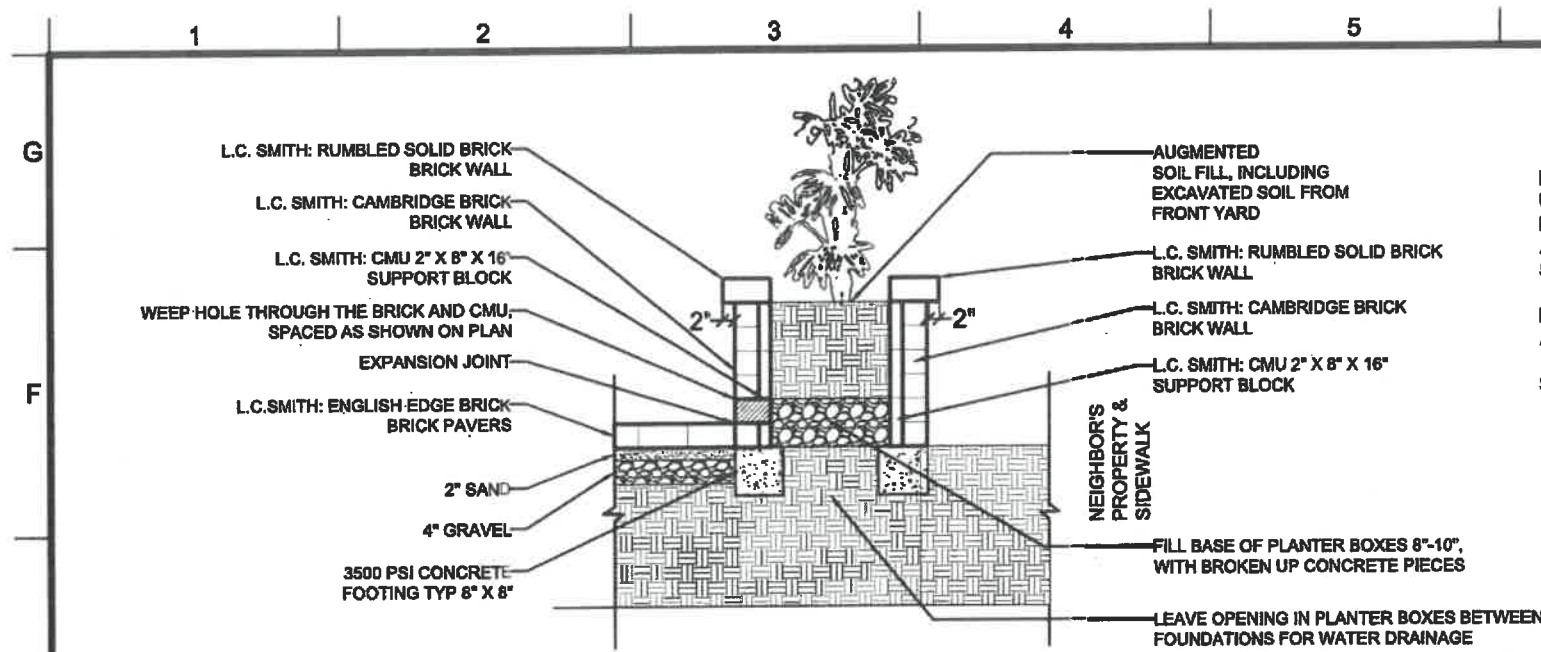
1 SITE PLAN
Scale: 3/8" = 1'-0"



DESIGNED BY:	C. THUOT
DRAWN BY:	C. THUOT
CHECKED BY:	C. THUOT
SUBMITTED BY:	C. THUOT
SIZE:	ANSI B
ISSUE DATE:	FEBRUARY 1, 2021

THUOT HOUSE
FLOOD MITIGATION
SITE PLAN

A-101

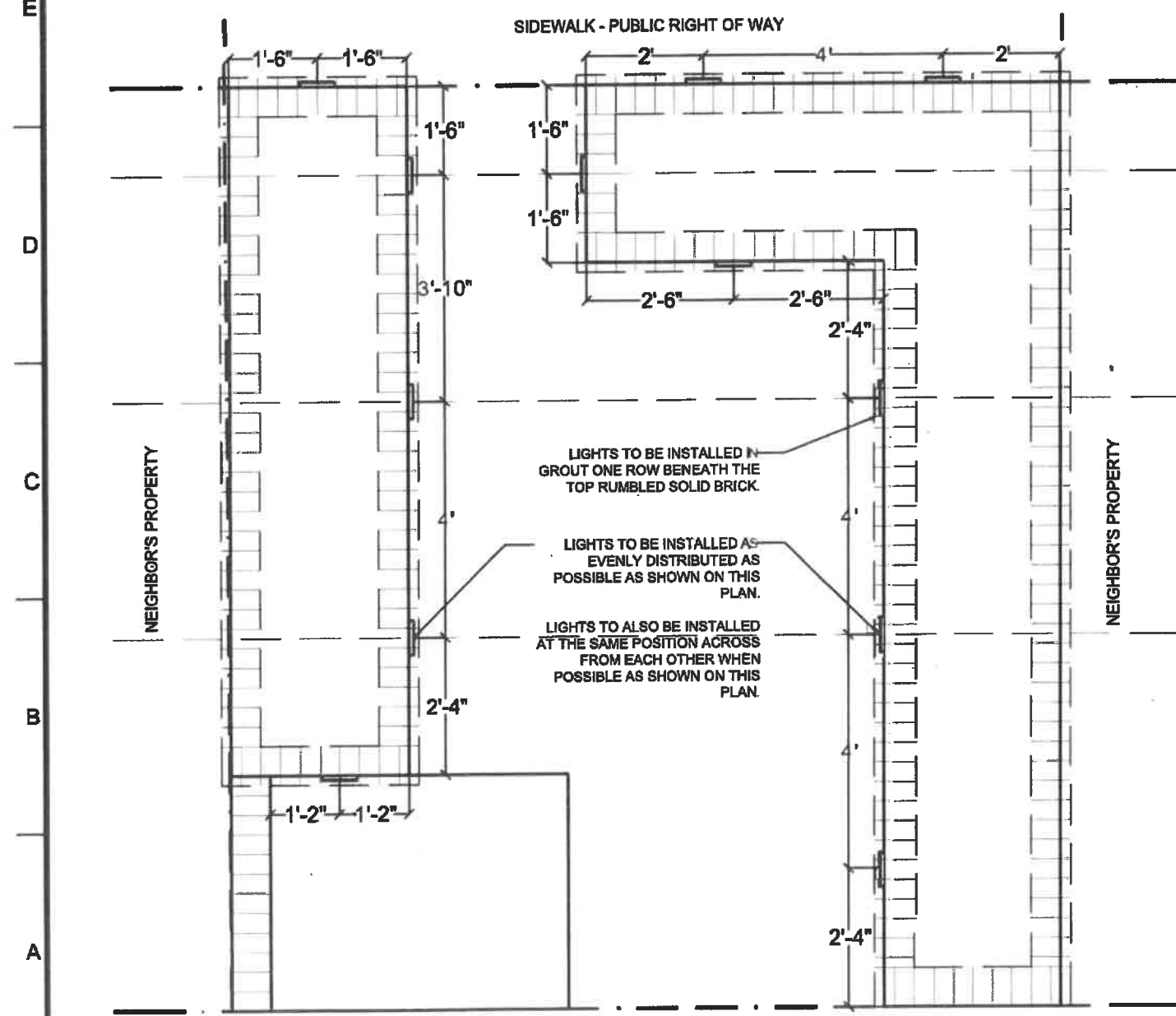


NOTE: BRICK WALL HEIGHT TO START UNDER WINDOW SILL BRICK ROW ON THE FRONT HOUSE FACADE. WALL TO BE LEVEL AND INCREASE IN HEIGHT TOWARDS THE SIDEWALK.

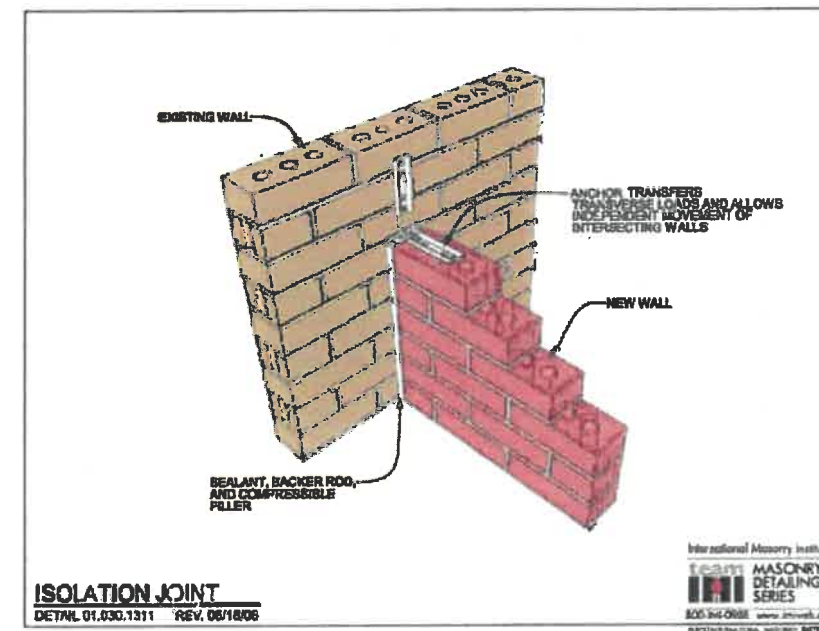
BRICK WALL HEIGHT TO AVERAGE 24" - 32" AS NEEDED.

SITE VERIFY PRIOR TO STARTING WORK.

2 BRICK PLANTER BOX SECTION
Scale: 3/8" = 1'-0"



1 LIGHTING PLAN
Scale: 3/8" = 1'-0"



DESIGNED BY:	C.THUOT
DRAWN BY:	C.THUOT
CHECKED BY:	C.THUOT
SUBMITTED BY:	C.THUOT
ISSUE DATE:	FEBRUARY 1, 2021
ANSI B	

THUOT HOUSE
FLOOD MITIGATION
LIGHTING PLAN, BRICK WALL
SECTION AND DETAILS

A-301

Thuot Flood Mitigation Project 2021

July 2019 - November 2020 Flooding (4 floods)



Before Renovation: May 2020

Before Renovation: January 2021



Day 1 Feb 8: We started work by saving the plants, Belgian block and slate stone.



Day 2 Feb 9: Sidewalk and concrete step demolition, raised planter beds footing excavation



We received our DamEasy flood barrier for the front yard path opening and tested it on the back gate.



Day 3-Feb 10: Continued excavation, footing rebar install, footing concrete poured. Site was covered for concrete to cure through the rain and freezing temperatures.



Day 4 Feb 17: On this day, 4 bricks were laid...and some CMU.



Snow & Ice construction days off.



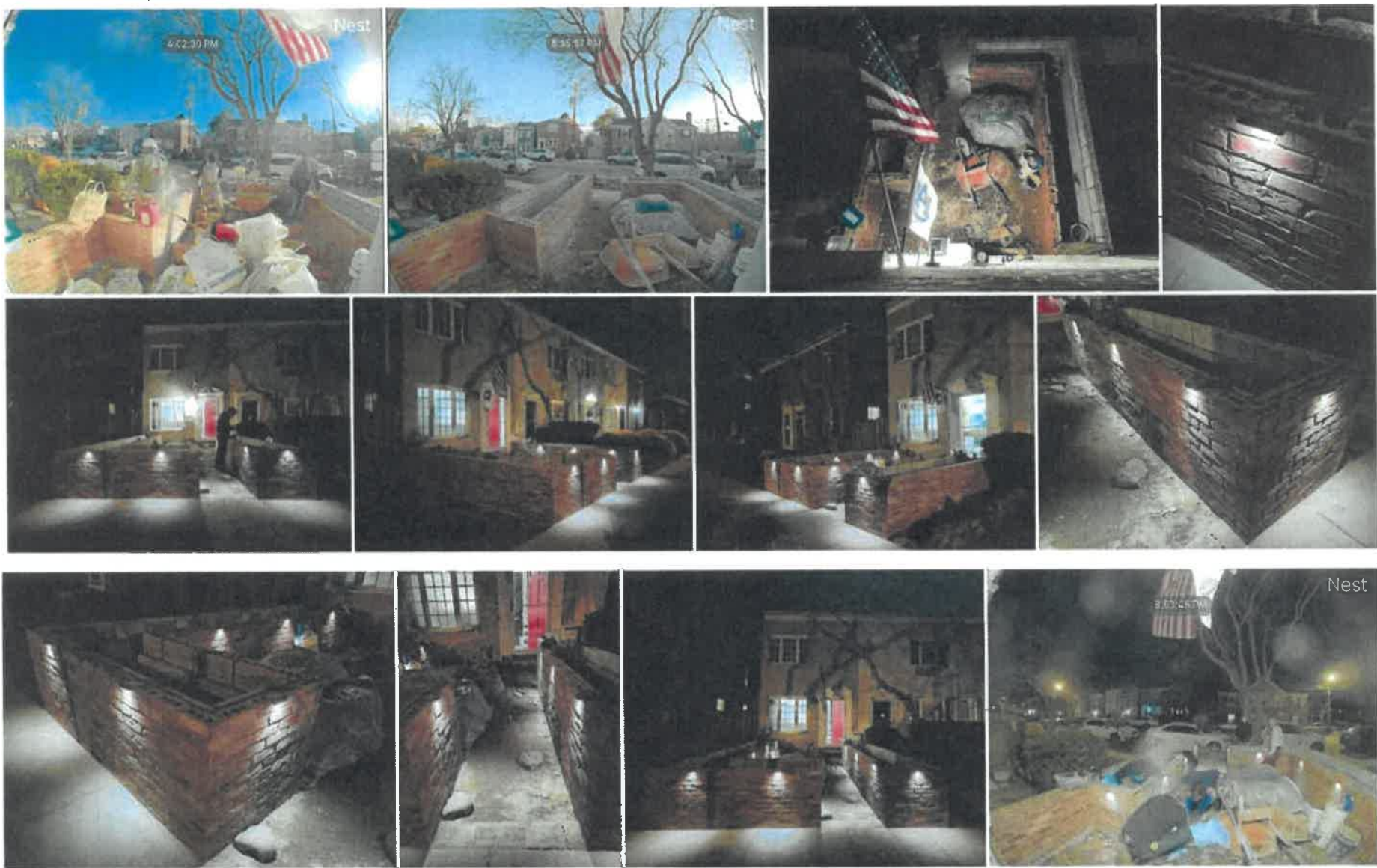
Day 5 Feb 20: Brick walls are being installed. Due to below freezing temperatures, a torch is being used to heat the bricks and grout for installation.



Day 6 Feb 22: Brick walls installation continues with CMU backing. Due to freezing temperatures, a torch is being used to heat the bricks and grout for installation.



Day 7 Feb 24: Brick walls installation continues with CMU backing. Raised planter boxes have started to be filled with the concrete from demolition. We installed the lights and received lots of positive comments tonight from neighbors.



Day 8 Feb 25: The crew installed the brick topper and began pad prepping. Then, we worked on finishing installing the lights.



Day 9 Feb 26: The crew leveled the pad. Then, we rented a wet saw, cut and laid the patio bricks. Working on the patio today we received several wonderful comments on the front yard from neighbors walking by.



Day 10-12 Mar 3-5: We planted the plants we saved from the front garden and tested the flood barrier.

