

EXHIBIT NO. 1

7
4-14-07

Docket Item #7
VACATION #2006-0004

Planning Commission Meeting
April 3, 2007

ISSUE: Consideration of a request for vacation of public right-of-way.
APPLICANT: Earnest Baucom & Vi Jaramillo
STAFF: James Hunt, Planner
james.hunt@alexandriava.gov
LOCATION: 10 Russell Road
ZONE: R-5/Residential

PLANNING COMMISSION ACTION, APRIL 3, 2007: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

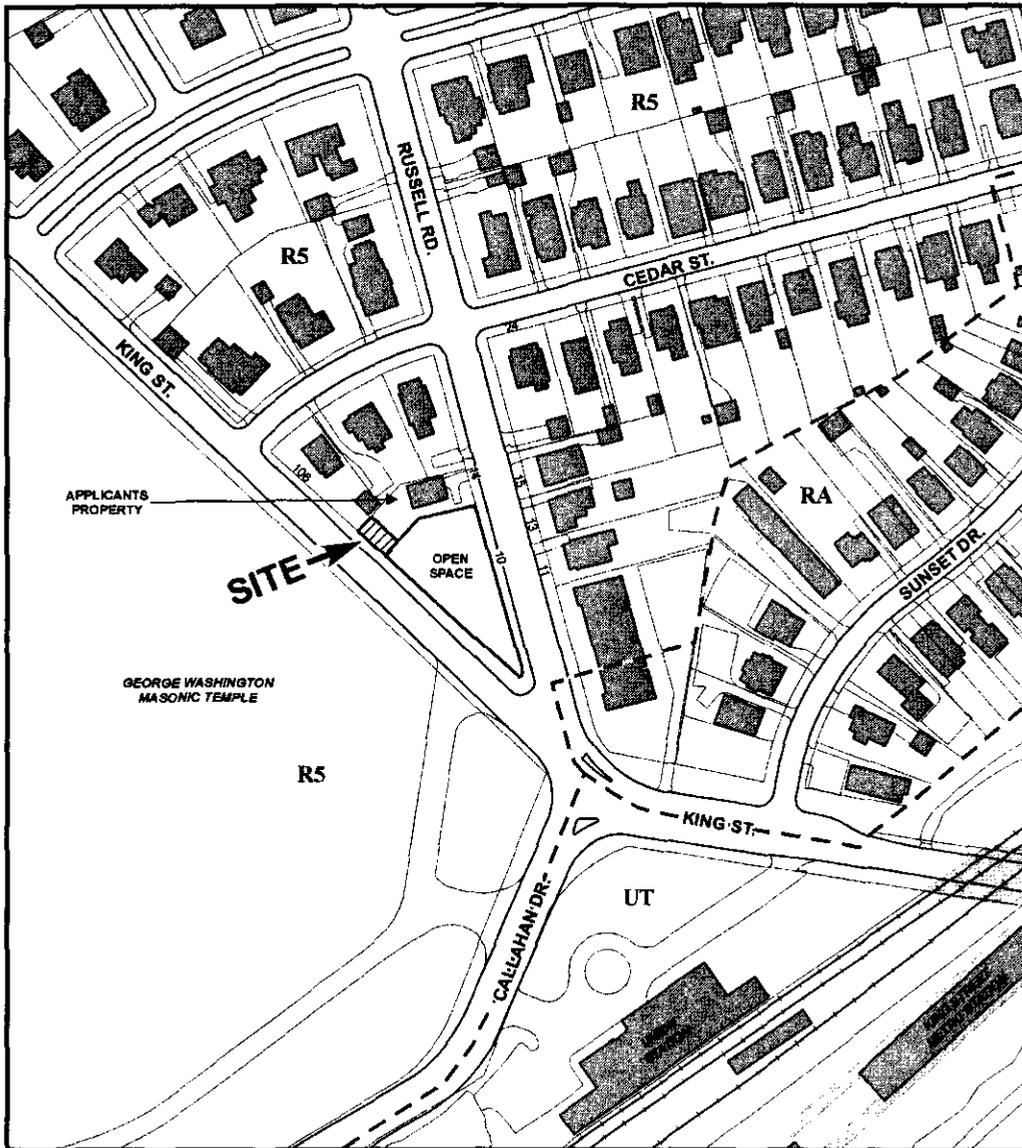
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mr. Earnest L. Baucom and Vi Jaramillo, applicants, spoke in support of the vacation request. Mr. Baucom indicated that he is requesting the vacation only to maintain the property. He further indicated that he must access the property because the City requires their trash to be picked up on King Street and not Russell Road.

Mr. Paul Scolese, resident of 106 Cedar Street, spoke in support of the vacation request. Mr. Scolese indicated concern with the current maintenance of the property. He believes that the applicants will be able to better maintain the property and keep it as a green space.

STAFF RECOMMENDATION: Staff recommends denial of the vacation request.



VAC #2006-0004

04/03/07



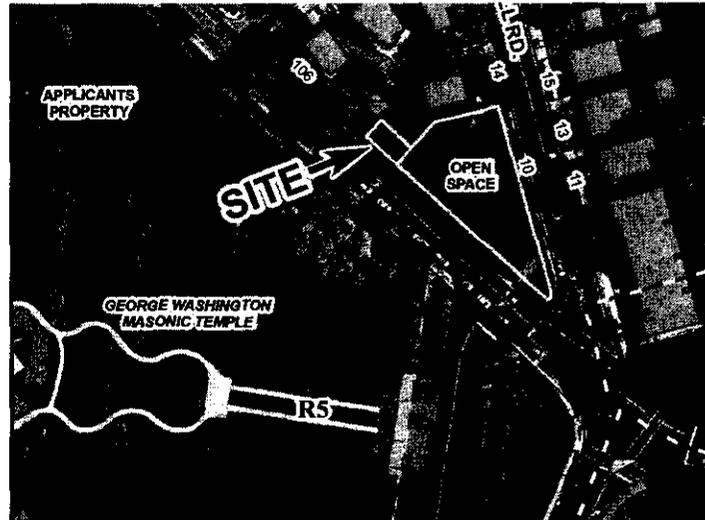
I. DISCUSSION

REQUEST

The applicant, Earnest Baucom and Vi Jaramillo, requests the vacation of 800 square feet of right-of-way, located at 10 Russell Road.

SITE DESCRIPTION

The subject property is a portion of an existing right-of-way with 40 feet of frontage on King Street, 20 feet of depth, and a total area of 800 square feet. The applicant is the owner of the adjacent property at 14 Russell Road, which is one lot of record with approximately 40 feet of frontage on Russell Road, approximately 115 feet of depth, and a total lot area of 4,166 square feet. The property is occupied by a single family home, as are most of the surrounding properties.



PROPOSAL

The applicant requests a vacation of 800 square feet of city owned property to consolidate it with the existing property at 14 Russell Road (see attached plat). If the vacation request is approved, the applicant's total lot area will be approximately 4,966 square feet.

Currently, the subject area is a portion of an existing 10,730 square foot right-of-way, owned by the City and used as open space. The applicant requests the vacation of a portion of this right-of-way to maintain landscaping on the property and to move an existing fence.

DEVELOPMENT POTENTIAL AND OPEN SPACE

According to Section 3-406(B) of the Zoning Ordinance, the maximum permitted floor area ratio in the R-5 zone is 0.45. The private lot at 14 Russell Road now includes 4,166 square feet of land and approximately 2,080 square feet of building area, resulting in a building with a floor area ratio of 0.50. If the proposed vacation request is granted, the new consolidated lot will consist of 4,966 square feet of area, the existing building area of 2,080 square feet, and a floor area ratio of 0.42. Technically, an additional 154 square feet could be added to the existing building under the zoning regulations for a maximum building area of 2,234 square feet and floor area ratio of 0.45.

ZONING / MASTER PLAN

The subject property is zoned R-5/Single-family zone, and is located in the Northridge/Rosemont Small Area Plan.

OPEN SPACE

As part of the Open Space Master Plan efforts, the City completed an inventory of open space in Alexandria and included the subject parcel in the tabulation of open space acreage. In 2003, when the Open Space Plan was adopted, staff implemented a series of policies to preserve existing open space as well as to enhance and add to open space acreage throughout the City. The Open Space Steering Committee was also established at this time and submitted a report the following year (2004) with a series of recommendations for action. The recommendations included a policy to reclaim public land/right-of-ways that have been encroached upon as an essential component in successful open space preservation.

II. STAFF ANALYSIS

Staff is concerned about the loss of public land identified as green, open space in the Open Space Master Plan. In addition, the request is not in accordance with the City's Strategic Plan, adopted in 2004. The Strategic Plan's objectives are to respect, protect, and enhance the existing open space throughout the City.

In addition, staff finds that if approved, the vacation will establish an undesirable policy allowing vacations adjacent to large areas of open space. This policy is in conflict with the Open Space Master Plan which encourages the City to maintain, enhance, and add to the existing open space acreage.

In 2004, City Council adopted a new valuation policy for vacated city land, essentially distinguishing between those cases where development rights accrue to the purchaser of City land and those where they do not. Although the applicant is agreeable to a condition that specifically prevents the creation of any additional development rights as a result of this vacation, staff finds the loss of publically owned open space not to be in the best interests of the community or the City.

Based on the above, staff recommends denial of the applicant's request for a vacation of the public right-of-way located at 10 Russell Road.

STAFF: Richard Josephson, Acting Department of Planning and Zoning;
James Hunt, Urban Planner.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If City Council approves the request, staff recommends that approval be subject to compliance with all applicable codes and ordinances and the following conditions:

1. The vacated right-of-way shall be consolidated with the existing lot, and the plat of consolidation shall be filed with Planning and Zoning Department. (T&ES)
2. The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments. (T&ES)
3. Easements must be reserved for all existing public and private utilities within the area to be vacated (storm sewer easement). (T&ES)
4. No driveways to King Street shall be permitted. (T&ES)
5. An easement shall be granted to the City for the purpose of installing a concrete pad for a bus shelter, to the satisfaction of the Director of T&ES. (T&ES)
6. The property owners may not construct any buildings, or improvements, including driveways, parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidation plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The vacated right-of-way shall be consolidated with the existing lot, and the plat of consolidation shall be filed with Planning and Zoning Department.
- R-2 The applicant shall pay fair market value for the area to be vacated as determined by the Director of Real Estate Assessments.
- R-3 Easements must be reserved for all existing public and private utilities within the area to be vacated (storm sewer easement).
- R-4 No driveways to King Street shall be permitted.
- R-5 An easement shall be granted to the City for the purpose of installing a concrete pad for a bus shelter, to the satisfaction of the Director of T&ES.
- F-1 Staff does not support the request to vacate the City right-of-way as it is part of public open space as identified in the adopted Open Space plan.

Code Enforcement:

- F-1 No comment.

Recreation, Parks & Cultural Activities (Arborist):

- F-1 This site area, including this right-of-way area, is shown as valuable open space in the City of Alexandria's Open Space Master Plan. A reduction of publicly owned open space is not supported by Recreation Parks and Cultural Activities.
- R-1 Recreation, Parks and Cultural Activities (RP&CA) does not support the vacation of public right-of-ways, and therefore does not recommend approval to vacate the right-of-way located at 10 Russell Road.

Real Estate Assessments:

See the attached memorandum from Real Estate Assessments.

Police:

F-1 The Police Department has no comments or objections to the vacation.

APPLICATION for VACATION # 2006-0004

[must use black ink or type]

PROPERTY LOCATION: 10 RUSSELL RD., ALEXANDRIA, VA.

TAX MAP REFERENCE: 063.03-01-07 ZONE: R-5

APPLICANT'S NAME: EARNEST BAUCOM & VI JARAMILLO

ADDRESS: 14 RUSSELL RD., ALEXANDRIA, VA 22301

PROPERTY OWNER NAME: CITY OF ALEXANDRIA

(Owner of abutting area to be vacated)

ADDRESS: _____

VACATION DESCRIPTION: SEE ATTACHED SHEET

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.

EARNEST BAUCOM
Print Name of Applicant or Agent

Ernest Baucom
Signature

14 RUSSELL RD
Mailing/Street Address

703-519-0822 703-519-0823
Telephone # Fax #

ALEXANDRIA VA 22301
City and State Zip Code

12/22/2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

VAC 2006-0004

VACATION DESCRIPTION

A parcel of land conveyed to the City of Alexandria at deed book 692; page 731; described as follows.

“A portion of Lot numbered Two (2), Resubdivision Block 3, Section 1, as the same appears duly dedicated, platted and recorded in deed book 122, page 243, among the Arlington County, Virginia land records, said portion being more particularly described as beginning at S.W. corner of said lot being also N.W. corner of Lot #1. At easterly right-of-way line of King Street, thence running along said right-of-way line N. 38 d 59' 30" W. 40 feet to the corner of Lot #7, thence running along common boundary of said land and Lot #7, N. 51 d 00' 30" E., 20 feet, thence through said land S. 38 d 59' 30" E., 40 feet to a point of common boundary between said land and Lot #1, thence with said common boundary S. 51 d 00' 30" W., 20 feet to the point of beginning, containing 800 square feet. It is the intent of this instrument to convey all of the land of the grantor lying between the proposed new right-of-way line of King Street, a line 45 feet from and parallel to center line.”

VAC 2006-0004

DEED

THIS DEED is made this 16th day of October, 2006 by and between Gary Malcolm FLETCHER, Executor of the Estate of Sara K. Wine, Grantor, and Viola J. JARAMILLO, Unmarried, and Earnest L. BAUCOM, Unmarried, Grantees.

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey in fee simple and with General Warranty and English Covenants of Title unto the Grantees as tenants in common the following described property, situate, lying and being in the City of Alexandria, Virginia, to wit:

“All of Lots 2 and 3, of the Resubdivision of Original Block 3, ROSEMONT, Section No. One (1), as the same appears on the plat duly recorded among the land records of Arlington County, Virginia, in Deed Book 122, page 243.”

LESS AND EXCEPT a parcel of land conveyed to the City of Alexandria at Deed Book 692, page 731, described as follows:

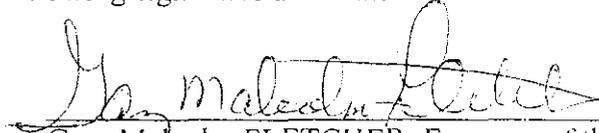
“A portion of Lot numbered Two (2), Resubdivision Block 3, Section 1, as the same appears duly dedicated, platted and recorded in Deed Book 122, page 243, among the Arlington County, Virginia land records, said portion being more particularly described as BEGINNING at S.W. corner of said lot being also N.W. corner of Lot #1, at easterly right-of-way line of King Street, thence running along said Right of Way line N. 38° 59' 30" W. 40 feet to the corner of Lot 7, thence running along common boundary of said land and Lot 7, N. 51° 00' 30" E., 20 feet, thence through said land S., 38° 59' 30" E., 40 feet to a point of common boundary between said land and Lot #1, thence with said common boundary S. 51° 00' 30" W., 20 feet to the point of beginning, containing 800 square feet. It is the intent of this instrument to convey all of the land of the grantor lying between the proposed new right-of-way line of King Street, a line 45 feet from and parallel to center line”.

AND BEING the property conveyed unto Edgar T. Wine and Sara K. Wine, by Deed dated February 11, 1972, and recorded February 16, 1972, in Deed Book 736, at page 714, among the land records of the City of Alexandria, Virginia. Edgar T. Wine having departed this life on December 24, 1993 leaving Sara K. Wine as the Sole Surviving Tenant By the Entirety. Sara K. Wine having departed this life on January 5, 2006 leaving Gary Malcolm Fletcher as Executor pursuant to its order of Appointment and Probate dated February 15, 2006 in Fiduciary Case No. CW06001059 in the Circuit Court of the City of Alexandria, Virginia.

VAC 2006-0004

This conveyance is made subject to the covenants, easements, conditions, restrictions, and rights of way of record contained in the deeds forming the chain of title to said property.

WITNESS the following signatures and seals:

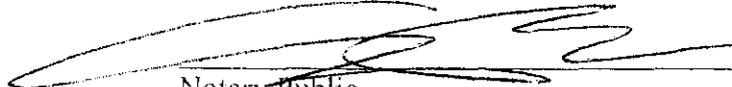


Gary Malcolm FLETCHER, Executor of the Estate
of Sara K. Wine

STATE OF VIRGINIA,
CITY OF ALEXANDRIA, to wit:

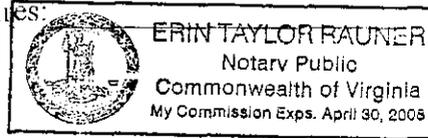
I, the undersigned, a Notary Public for the State and County aforesaid, do hereby certify that Gary Malcolm FLETCHER, Executor of the Estate of Sara K. Wine, whose name is signed to the foregoing Deed dated October 16, 2006 has acknowledged the same before me in my State and County aforesaid.

Given under my hand and seal this October 16, 2006.



Notary Public (SEAL)

My Commission Expires:



File #OT060496V

YAC 2006-0004

12/20/06

Mr. Richard Josephson
Acting Director, Planning and Zoning
301 King St, Rm 2100
Alexandria, VA 22313

SUBJECT: Request for Vacation of Right-A-Way

Dear Mr. Josephson:

This is to request the vacation of right a way for small portion of land owned by the City of Alexandria.

We have completed our Application (attached) which shows the description of land, as well as all required documents.

We have spoken to Mr. Peter Leiberg, Mr. Lucky Stokes, Mr. Rich Baier (see attached letter), Mr. Allen Marten, and Ms. Valerie Peterson. They have all provided us with a wealth of information and have advised us as to the appropriate steps to take with regard to our request to vacate.

We are not requesting this additional land to supplement our existing total square footage. We do not intend to construct any buildings, nor use the land in any way other than to keep it nicely landscaped and to have access to a sidewalk. Currently, there is no grass, it gets very muddy and there are 2 dead trees which the City has agreed to remove. This small space needs our TLC. We would also like to move our fence because of our puppy and to have a larger yard to entertain our family and friends. We will do this, of course, in accordance with the Alexandria zoning ordinance.

My wife, Vi, has been a resident of and owned real estate in the City of Alexandria since 1982. We are both keenly aware of the preservation of the City's historic ambiance. We will keep the area landscaped and maintained in keeping with the City's high standards.

If you need further information, please call. We appreciate your consideration and positive response to our request. Thank you.

Sincerely,



Earnest L. Baucom, P.E., S.E.
703-519-0822
202-415-2668 - cell

Attachments:

. Application and supporting documents

12/14/06

VAC 2006-0004

Mr. Rich Baier, P.E., Director
Department of Transportation and Environmental Services
P.O. Box 178
City Hall,
Alexandria, VA 22313

SUBJECT: Request for Vacation of Right A Way

Dear Mr. Baier,

This is to request the vacation of right a way of a small portion of 10 Russell Rd, Alexandria, VA 22301, which is owned by the City of Alexandria. The Tax Assessment Map Number is 063.03-01-07, Databank No. 12892000, Lot 1 Blk 3 Sec 1 Rosemount. The description of the small part of 10 Russell Rd is shown on attachment #1 and #2. This small part of 10 Russell Rd is directly behind our residence and was deeded to the City of Alexandria on January 10, 1969.

We do not know why it was deeded back to the City of Alexandria.

This small part of 10 Russell Rd was originally a part of 14 Russell Rd. The original survey shows that 10 Russell Rd., previously included Lots 1, 2, and 3. Our house is on what used to be Lot 2 and Lot 3, with the exception of this small parcel of land. We are requesting that this small parcel of land be sold and deeded to us and placed back to 14 Russell Rd., as it was originally.

We live at 14 Russell Rd. We purchased our home on October 16, 2006. We purchased it from the Estate of Sara K. Wine, original owner, w/husband. The Tax Assessment Map Number is 063.03.01-06, Databank No. 12891500, Lots 2 & 3 Sec 1, Rosemount. Currently, we have no access to any sidewalk. Russell Rd has no sidewalk at our property. The King St sidewalk borders the above mentioned small part of 10 Russell Rd.

VAC 2006-0004

The approval of vacation of right a way would be appreciated. It would make practical sense because it would:

1. Meet the zoning requirements of R-5 residential lot size of 5000 sq ft. Our lot is zoned R-5 and consists of 4200 sq ft.
2. Place the property back to taxable revenue. We would pay the taxes on the small part of 10 Russell Rd.
3. Provide our family access to the King St. sidewalk – safety is of concern.
4. Provide a larger yard for our grandchildren and puppy to play.
5. Provide a larger yard for us to entertain our friends and family.
6. Provide a greatly needed yard since it is the only side of the house that has a yard. The other three sides have virtually none.

I spoke to Mr. Peter Leiberg, Zoning Manager. He indicated that the City would be willing to review my request and referred me to Mr. Lucky Stokes, P.E., Construction, Division Chief, T&ES, to request their approval. Mr. Stokes informed me that he had no problem with this and that the next step would be to write a letter to you and Mr. Gregory Tate, Site Plan Coordinator, T&ES, to request the vacation of right a way.

I would be glad to meet with you and go over this information. I believe that the information will show that it would make practical sense for the City of Alexandria to sell and deed this small parcel of land back to us at 14 Russell Rd. We certainly need it and would maintain and make good use of it.

VAC 2006-0004

Thank you for your consideration. I look forward to hearing from you. If you are in support of my request, I will file an application for vacation of right of way for hearing before the Planning Commission/City Council. We are hoping for a positive response from you to our request for the vacation of right a way. If you need further information, please write or call me.

Sincerely,



Earnest L. Baucom, P.E.
14 Russell Rd.
Alexandria, VA 22301
703-519-0822 – office
202-415-2668 – cell

cc: Mr. Gregory Tate,
Site Plan Coordinator, T&ES

Attachments (3)

1. Original Survey Showing Parcel
2. Metes & Bounds Description
3. New Lot Layout & Survey



DEPARTMENT OF REAL ESTATE ASSESSMENTS

P. O. Box 178, City Hall
Alexandria, Virginia 22313

Phone (703) 838-4646
Fax (703) 706-3979

alexandriava.gov

DATE: MARCH 29, 2007

TO: RICHARD JOSEPHSON, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND ZONING

FROM: CINDY SMITH-PAGE, DIRECTOR
DEPARTMENT OF REAL ESTATE ASSESSMENTS 

SUBJECT: VACATION OF RIGHT-OF-WAY WITH NO ADDITIONAL
DEVELOPMENT RIGHTS
APPLICATION FOR VACATION #2006-0004

Based upon my review of current assessment data and subject to the limiting conditions stated in this memorandum, it is my opinion that the right-of-way to be vacated had a value to the adjacent property owner as of the date of the application for vacation (December 22, 2006) of:

Three Thousand Four Hundred Dollars (\$3,400)

Per your request, we have reviewed the proposed right-of-way to be vacated adjacent to the property at 14 Russell Road. According to a plat submitted with the Application for Vacation 2006-0004, the area of the proposed vacation contains a total land area of 800 square feet. The adjacent lot (Lot 6) comprises a total land area of 4,166 square feet. Therefore, the total proposed site would contain a total of 4,966 square feet ($4,166 + 800 = 4,966$ SF) after the vacation.

I have estimated the value of the right-of-way to be vacated using the latest real estate assessments (2007) for nearby properties of similar size and zone, and considering the restrictions which will preclude any increase in the development potential of the site above what is currently allowed for 4,166 square feet of land area (Lot 6). The January 1, 2006 land assessment of Lot 6 was \$440,300, or \$105.69 per square foot ($\$440,300/4,166$ SF = \$105.69 per square foot). R-5 zoned lots in this area are assessed at approximately \$450,000 to \$500,000 for a 5,000 square foot lot. The subject lot while slightly less than the 5,000 square foot minimum would be considered a buildable lot.

The value estimate is similar to other vacated right-of-ways where the applicant agrees to restrict the use of the property. However, in this case, I believe that the value of the vacated right-of-way would be greater to the City (who would remain the owner of the remainder of the parcel that is

not vacated) due to the scarcity of land in this location and the potential need for right-of-way at the intersection. Therefore, I strongly urge you to acquire a fee appraisal prior to this application moving forward through the approval processes of the Planning Commission and City Council.

PC Docket Item(s) # 7

Case # VAC 2006-0004

Richard Skinner
405 West Alexandria Avenue
Alexandria, Virginia 22302

City of Alexandria Department of Planning and Zoning
301 King Street, City Hall, Room 2100
Alexandria, Virginia 22314
Attention: James Hunt

February 27, 2007

RE: Proposed Vacation #2006-0004

Dear Sir,

I am unable to attend the planning meeting scheduled for March 6, 2007, but do want to comment with regard to a request to vacate the public right of way on city-owned property at 10 Russell Road.

The request to vacate the public right of way has been made by owners of the adjoining property at 14 Russell Road. I live in the neighborhood and walk past both properties on a regular basis, and am opposed to the vacation and/or subdivision of any portion of the city-owned property. The City is actively seeking to purchase and retain "open space" and the proposed vacation would seem to contradict this stated goal. It does not appear that there would be any tangible benefit to the City or local community by selling off a portion of the existing very prominently located wooded lot to adjoining property owners.

It should be noted that since current property owners moved in to 14 Russell Road, neighbors have observed that a vehicle is frequently parked in the unpaved portion of their yard next to the existing driveway and in very close proximity to both Russell Road and the adjacent lot. In addition, non city-owned vehicles (apparently belonging to persons working at 14 Russell Road) have parked on the city-owned lot at 10 Russell Road on more than one occasion.

Undeveloped space in the City of Alexandria is becoming increasingly rare, and the wooded lot at 10 Russell Road should be retained and preserved as is, and should not be subject to acquisition or misuse by neighboring property owners.

Sincerely,



Richard M. Skinner

PC Docket Item(s) # 7

Case # VAC 2006-0004

PnZFeedback/Alex
Sent by: Barbara Carter

04/02/2007 10:06 AM

To lholland33@comcast.net

cc Richard Josephson/Alex@ALEX, James Hunt/Alex@ALEX,
Kendra Jacobs/Alex@Alex

bcc

Subject Re: Planning and Zoning - Contact Us - Email for PnZ
General Feedback (pnzfeedback@alexandriava.gov) 

Mr. Holland, thank you for your email. Your comments will be forwarded to the Chair and Members of the Planning Commission, and will be incorporated into the record.

lholland33@comcast.net



lholland33@comcast.net

03/30/2007 05:54 PM

Please respond to
lholland33@comcast.net

To pnzfeedback@alexandriava.gov

cc

Subject Planning and Zoning - Contact Us - Email for PnZ General
Feedback (pnzfeedback@alexandriava.gov)

Time: [Fri Mar 30, 2007 16:54:33] IP Address: [69.140.69.75]

Submit Date: March 30, 2007

First Name: Tom

Last Name: Holland

Street Address: 206 Commonwealth Ave.

City: Alexandria

State: VA

Zip: 22301

Email Address: lholland33@comcast.net

I wish to register my support for approval of the vacation request by Bauccon and Jaramillo now pending before the Planning Commission (VAC #2006-0004).

Comments:

This parcel was never used by the city for the purpose for which it was acquired from the previous owner of Bauccon and Jaramillo's property. It should be made available for purchase by the applicants subject to the six recommended conditions set forth in the staff report.

Thank you for your consideration.

19

3 April, 2007

To: Members of the Planning Commission
Re: Docket Item #7 - VAC #2006-004

Dear Members of the Planning Commission,

The Rosemont Citizens Association's Executive Board supports the Baucoms request for vacation of a portion of the City's property at 10 Russell Road that fronts on King Street with the recommended conditions set out on page 5 of the Staff's document.

We understand the City's recommendation for denial of the vacation is based on the City's policy of retaining open space. We would normally have supported the Staff's recommendation were it not for the conditions Staff recommends be placed on the property if the request is approved and to which the Baucoms have represented to us that they are in agreement. We would also recommend that the money derived from the sale be earmarked for the Open Space Fund.

With the conditions placed on the property the City government loses a sliver of open space but the City as a whole retains that same open space with someone to maintain it on a more daily basis.

The Baucoms and Mr. James Hunt from the City's P & Z department presented their views on the issue at a Rosemont general meeting on March 29th. The meeting was poorly attended but those present showed interest and asked several questions. The mood at the end of the presentations was to approve the Baucoms request. We hope that the Planning Commission approves this request.

Thank you for your consideration,

Marguerite L Lang
President, Rosemont Citizens Association



APPLICATION for VACATION # 2006-0004

[must use black ink or type]

PROPERTY LOCATION: 10 RUSSELL RD., ALEXANDRIA, VA.

TAX MAP REFERENCE: 063.03-01-07 ZONE: R-5

APPLICANT'S NAME: EARNEST BAUCOM & VI JARAMILLO

ADDRESS: 14 RUSSELL RD., ALEXANDRIA, VA 22301

PROPERTY OWNER NAME: CITY OF ALEXANDRIA

(Owner of abutting area to be vacated)

ADDRESS: _____

VACATION DESCRIPTION: SEE ATTACHED SHEET

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.

EARNEST BAUCOM
Print Name of Applicant or Agent

Earnest Baucom
Signature

14 RUSSELL RD
Mailing/Street Address

703-519-0822 703-519-0823
Telephone # Fax #

ALEXANDRIA VA 22301
City and State Zip Code

12/22/2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: Recommended Denial 7-0 4-3-07

ACTION - CITY COUNCIL: 4/14/07- CC moved to defer - 7-0 (see attachment)

Lovain "aye"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. VACATION #2006-0004
10 RUSSELL ROAD
Public Hearing and Consideration of a request to vacate a public right-of-way;
zoned R-5/Residential. Applicant: Earnest Baucom and Vi Jaramillo

PLANNING COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated April 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 7, 4/14/07, and is incorporated as part of this record by reference .)

WHEREUPON, upon motion by Councilwoman Pepper , seconded by Vice Mayor Macdonald and carried unanimously , City Council closed the public hearing . The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

Acting Planning Director Josephson made a presentation of the staff report and responded to questions of Council .

A MOTION WAS MADE by Vice Mayor Macdonald and seconded by Councilwoman Pepper, to uphold the decision of the Planning Commission to deny the request for vacation.

Mr. Earnest Baucom, the applicant, spoke about the access to the sidewalk and noted that they worked with the City Arborist to get the dead trees cut , as it was a safety hazard. He said if the property went to them, they would be responsible for the sidewalk. He said they wanted to beautify it, put grass on it and trees and a stone-type sidewalk to the sidewalk.

WHEREUPON, a substitute motion was made by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, to defer action on this item to 1. Ask staff to take another look at the appraised value of the land, as it may be low and there should be review of the real value of the land; 2. To ask that the applicant take a look at the adopt-a-garden program with the Parks and Recreation Department; and 3. Ask the applicant and staff to look at if the Council were to accept

the vacation, what would be necessary for the applicant to put an easement on this portion of the land to ensure it never has the opportunity to be developed .

Vice Mayor Macdonald withdrew his original motion .

The voting was as follows:

Krupicka	"aye"	Macdonald	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Pepper	"aye"	

8. TEXT AMENDMENT #2007-0001

COVERED OPEN PORCHES /LANDINGS

Public Hearing and Consideration of a request to amend Section 11-1300 of the Zoning Ordinance allowing covered open porches in required front yards by special exception, and Section 7-200 amending the zoning regulations applicable to open covered landings in all yards . Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION : Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated April 3, 2007, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 8, 4/14/07, and is incorporated as part of this record by reference .)

Mr. Milone made a presentation of the staff report and responded to questions of Council.

The following persons participated in the public hearing on this item :

(a) Stephen Koenig, 2231 East Spring Street, spoke in favor of the text amendment. He said on the appeal, he asked if a change in the appeal process was necessary, what would be the nature of the appeal process, and what is the impact on the process and the nature of the BZA's work.

(b) David Fromm, 2307 E. Randolph Avenue, spoke in favor of the text amendment, asking for clarification on the intent of the special exception criteria, asking what the definition of "ground level" is, does the text amendment apply to new construction, and does the text amendment allow a house to be remodeled by absorbing a complying porch into the house and then using the exception to add a porch into the setback.

(c) Michael Curry, 1418 Julianna Place, a member of the Board of Zoning Appeals, spoke about why the BZA has to meet a level of hardship. A way to allow citizens to have more use of their homes and be connected to their neighbors is to allow them to have a front porch and noted why the BZA can deny a special exception,