

EXHIBIT NO. 1

12
6-16-01

Docket Item #12
ENCROACHMENT #2001-0004

Planning Commission Meeting
June 5, 2001

ISSUE: Consideration of a request for encroachment into the public sidewalk right-of-way for a brick retaining wall.

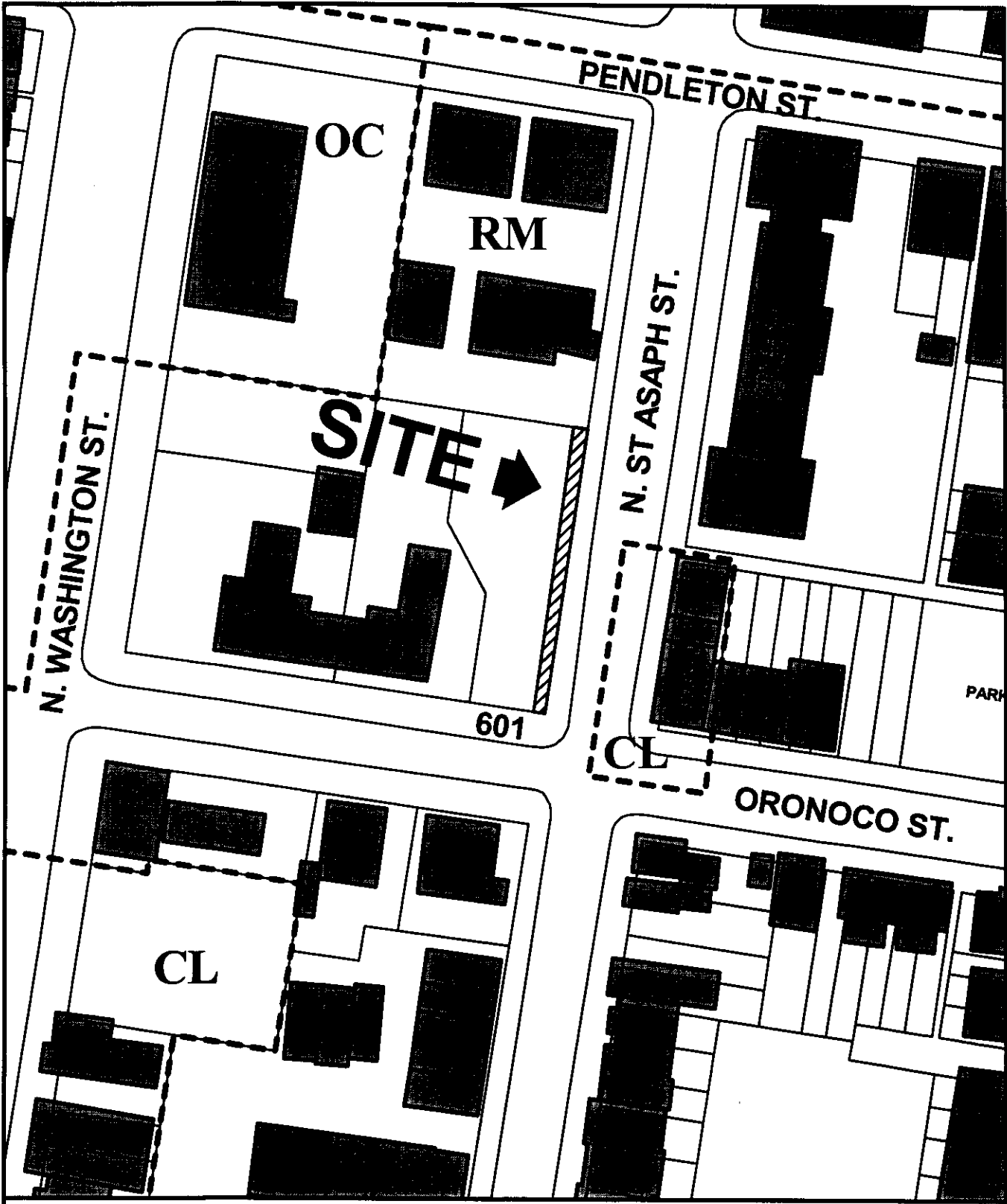
APPLICANT: Mark J. Kington and Ann A. Kington
by Duncan W. Blair, attorney

LOCATION: 601 Oronoco Street

ZONE: RM/Townhouse

PLANNING COMMISSION ACTION, JUNE 5, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2001-0004

06/05/01



STAFF RECOMMENDATION:

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

1. The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (City Atty)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
3. All work within the right-of-way requires a separate permit from T&ES. (T&ES)

DISCUSSION:

1. The applicants, Mark J. Kington and Ann A. Kington, by Duncan Blair, attorney, request permission for an encroachment for a wall located on the public right-of-way adjacent to the applicants' property at 601 Oronoco Street.
2. The subject property is public right-of-way located along North Saint Asaph Street adjacent to the applicants' single family residence.
3. The applicants request encroachment approval to allow a brick retaining wall to remain in its existing location and to replace an encroaching wood fence with a new brick wall. Plans dated as early as 1885 depict the existence of the brick wall on the public right-of-way. Section 5-2-29 of the City Code requires an encroachment ordinance for structures that encroach on a public right-of-way.
4. According to the applicants' attorney, the existing wall is unstable and in imminent danger of collapse. The applicants propose to repair and stabilize the existing wall by installing new brick and tie rods which will anchor the wall into the ground. The applicants also propose to construct a new brick wall to replace an existing wood fence that abuts the wall at its north end and is also located in the public right-of-way. According to the applicants, the section of new wall will match the existing wall.
5. The total length of the brick wall will be approximately 174 feet and will encroach approximately 4' 8 " onto the public right-of-way (see attached plat). The wall will not encroach onto the existing four foot wide sidewalk along North Saint Asaph Street.
6. The property is in the Old and Historic Alexandria District and, on April, 18, 2001, the Board of Architectural Review approved a certificate of appropriateness for the wall.
7. Master Plan/Zoning: The subject property is zoned RM/Townhouse zone, and is located in the Old Town small area plan chapter of the Master Plan.

STAFF ANALYSIS:

Staff has no objection to the applicants' request to stabilize an existing brick wall and to construct a new brick wall in the public right-of-way adjacent to their residence at 601 Oronoco Street. In addition, T&ES staff does not object to the applicants' request and notes that the encroaching wall will not interfere with the sidewalk along North Saint Asaph Street. Staff recommends approval of the encroachment.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The proposed encroachment does not interfere with the sidewalk along N. St. Asaph Street.
- R-1 The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment.
- R-2 All work within the right-of-way requires a separate permit from T&ES.

Code Enforcement:

- F-1 No comment.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2001-0004

PROPERTY LOCATION: **601 ORONOCO STREET, ALEXANDRIA, VIRGINIA**
Northwest corner of the intersection of North St. Asaph Street and
Oronoco Street

TAX MAP REFERENCE: **64.02 04 03** ZONE: **RM/Residential Medium**

APPLICANT Name: **MARK J. KINGTON AND ANN A. KINGTON**
Address: **307 South St. Asaph Street, Alexandria, Virginia 22314**

Property Owner Name: **MARK J. KINGTON AND ANN A. KINGTON**
Address: **307 South St. Asaph Street, Alexandria, Virginia 22314**

ENCROACHMENT DESCRIPTION: The Applicants are requesting the adoption of an ordinance to permit the encroachment onto the North St. Asaph Street right-of-way by an existing brick garden/retaining wall, existing garden area and a new brick garden/retaining landscaped wall constructed in front of the existing, structurally failed wall, and to permit the existing mature landscaping in the garden to be maintained. A detail of the construction is submitted with this application, and all new construction is subject to Board of Architectural Review approval.

INSURANCE CARRIER (copy attached) **Chubb Insurance Company** POLICY # **11484608-01**

INSURANCE LIMITS (minimum \$1,000,000):

All Risk Property Damage: Each Occurrence _____ Aggregate _____
Bodily Injury: Each Occurrence _____ Aggregate _____
Combined Single Limit: **\$10,000,000.00**

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

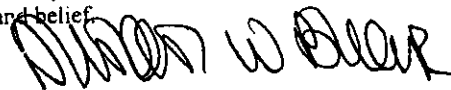
THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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.

Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

112 South Alfred Street, Suite 300

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

Email: **dblair@landclark.com**

Alexandria, Virginia 22314

City and State

Zip Code

March 27, 2001

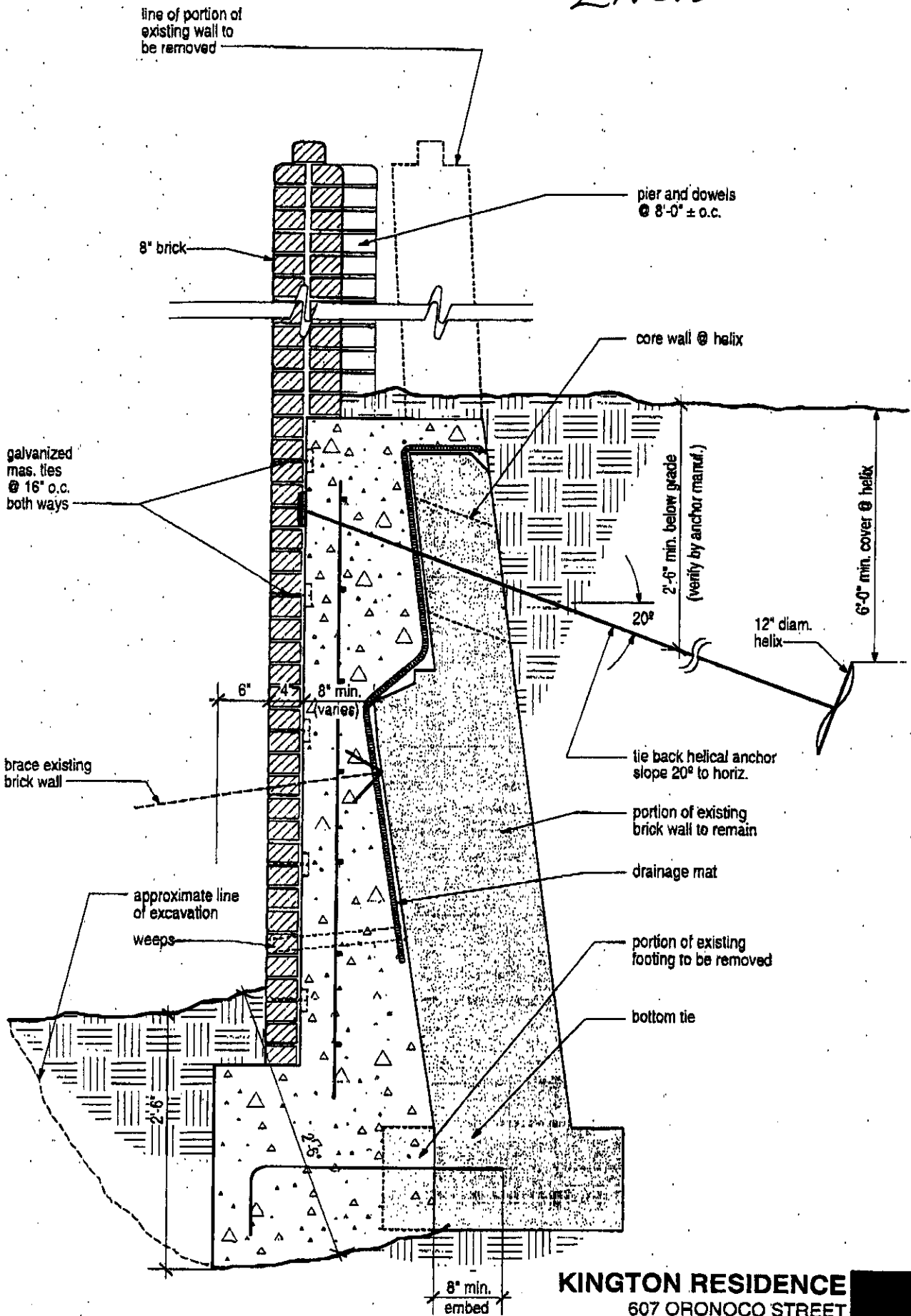
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



KINGTON RESIDENCE
 607 ORONOCO STREET
 ALEXANDRIA, VA



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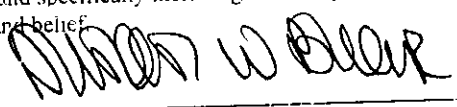
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Telephone # Fax #
Email: **dblair@landclark.com**

Alexandria, Virginia 22314
City and State Zip Code

March 27, 2001
Date

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ACTION - PLANNING COMMISSION: 6/5/01 Recommended Approval UC

ACTION - CITY COUNCIL: 6/16/01PH -- CC approved the Planning Commission recommendation.