

EXHIBIT NO. 1

10
6-15-02

Docket Item # 10
ENCROACHMENT #2002-0003

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for encroachment into the public right-of-way for construction of an iron fence at the front of the property.

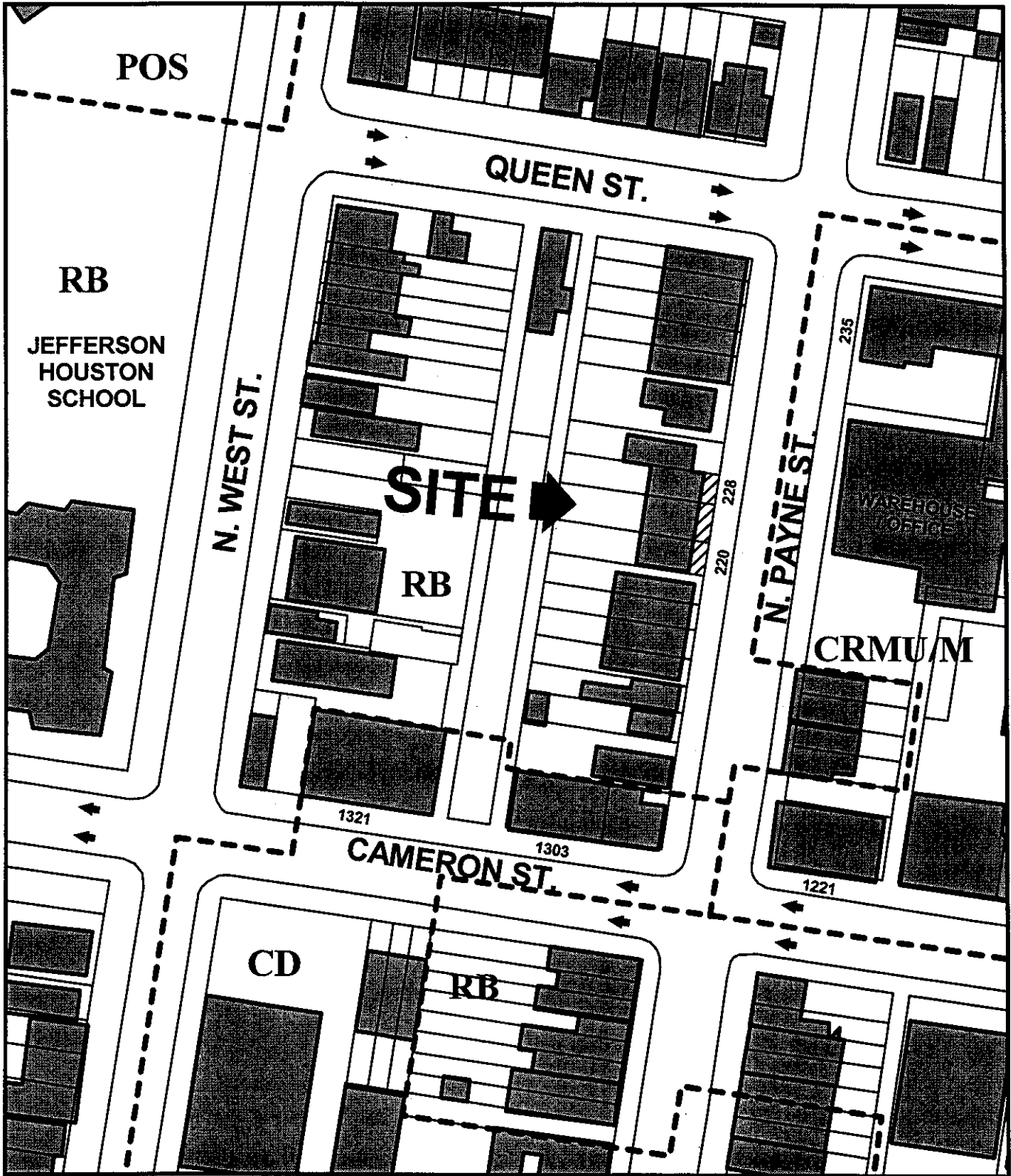
APPLICANT: Charles and Mildred Curtis
by Deborah Jean Curtis

LOCATION: 220 – 228 North Payne Street

ZONE: RB/Residential

PLANNING COMMISSION ACTION, JUNE 4, 2002: 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 #2002-0003

06/04/02



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) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant 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. (T&ES)
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. Any plan document for this property shall include the following note: Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. (Archaeology)
4. The fence shall be removed or moved to allow for the use of concrete forms in the event the sidewalk needs to be repaired or replaced. (T&ES)

DISCUSSION:

1. The applicant, Deborah Jean Curtis, requests approval for an encroachment at the properties located at 220, 224, and 228 North Payne Street.
2. The subject properties consist of three lots of record each with about 19 feet of frontage for a total frontage of 58.29 feet on North Payne Street. The three lots were recently developed with three attached single family homes. The property is located in the Parker-Gray Historic District. There is an auto repair business across the street. The rest of the surrounding land uses are primarily residential.
3. The applicant requests approval of an encroachment permit to construct an iron fence along the edge of the front yards of the properties adjacent to the sidewalk. The fencing design, materials and location were approved by the Board of Architectural Review pending approval of this encroachment application.
4. The area of encroachment is 4.6 feet wide and 58.29 feet long, totaling 268 square feet (see attached plans). Although technically City property, the encroachment area appears to be front yard area for the properties and is aligned with the front yard area and fences of the entire block of residences on the west side of North Payne Street.

The encroachment, if granted, would allow an iron fence to be built along the edge of the existing front yard along the sidewalk. The adjacent properties already have fences along the yard edge at the sidewalk. The applicant is proposing the same.

5. If the proposed encroachment is granted, five feet of public right-of-way will remain for the public sidewalk. This area is sufficient room for pedestrians to use the public sidewalk.
6. The Board of Architectural Review recommended additional improvements to the rear fence and front doors of the subject properties when after-the-fact alterations to previously approved plans were recently before the Board. The owner has already complied with the Board's requirements and staff has approved Certificates of Occupancy for the homes.
7. Master Plan/Zoning: The subject property is zoned RB, and is located in the Braddock Road Metro Station Small Area Plan.

STAFF ANALYSIS:

Staff supports the proposed encroachment application. The proposed fence line is consistent with those of the other properties on this block of North Payne Street. The proposed encroachment area already appears to be the front yard for the residences, and pedestrian traffic on the sidewalk along North Payne Street will not be impeded.

Staff recommends approval of the encroachment application subject to conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objections to the proposed encroachment for a fence.
- R-1 Provide a drawing with dimensions of the proposed encroachment showing its relationship to the existing right-of-way line, sidewalk, etc.
- R-2 The fence shall be removed or moved to allow for the use of concrete forms in the event the sidewalk needs to be repaired or replaced.
- R-3 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant 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.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.

Historic Alexandria - Archaeology:

- F-1 The G.M. Hopkins Insurance Map of 1877 indicates that development of this block had begun by the last quarter of the nineteenth century. The property therefore has the potential to yield archaeological resources which could provide insight into life in nineteenth-century Alexandria.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Recreation, Parks, Cultural Activities (Arborist):

- F-1 No comments.

~~VMP~~
VMP

APPLICATION for ENCROACHMENT

ENC # 2002-0003

* Told applicant to provide plan with encroachment area. 3.26.02 MVH

[must use black ink or type]

PROPERTY LOCATION: 220, 224, 228 North Payne Street

TAX MAP REFERENCE: Lots #500, #501, #502 ZONE: _____

APPLICANT'S NAME: Charles & Mildred Curtis

ADDRESS: 3410 Little Hunting Creek Drive, Alex., VA 22309

PROPERTY OWNER NAME: Charles & Mildred Curtis

ADDRESS: 3410 Little Hunting Creek Drive, Alex., VA. 22309

ENCROACHMENT DESCRIPTION: Install black rod iron fence along front of property next to side walk. (See pictures)

INSURANCE CARRIER (copy attached) The Hartford Insurance POLICY # 54-SBA-KG1834
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 3-2-82 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.

Deborah Jean Curtis
~~Hartford Insurance~~
Print Name of Applicant or Agent

[Signature]
Signature

3410 Little Hunting Creek Drive
Mailing/Street Address

703 836 2586 703 836 2996
Telephone # Fax #

Alex VA 22309
City and State Zip Code

March 26, 2002
Date

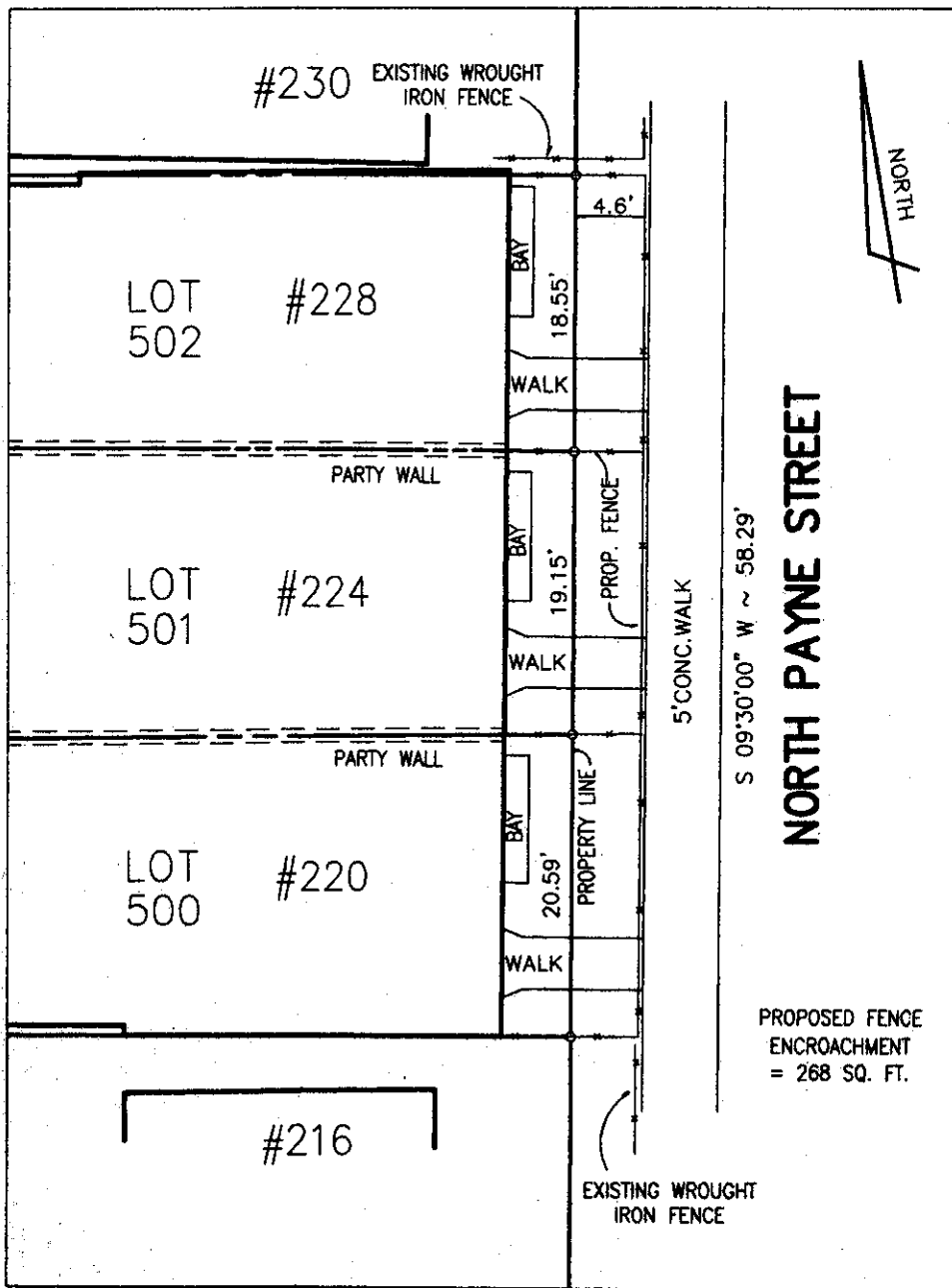
=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ENC. 2002-0003

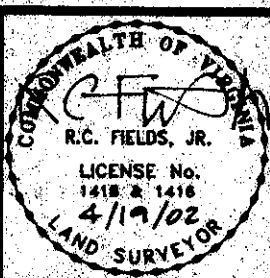


PLAT
 SHOWING PROPOSED FENCE ENCROACHMENT
 LOTS 500, 501 & 502
 RESUBDIVISION OF
#218-228 NORTH PAYNE STREET
 CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 10'
 DATE: APRIL 19, 2002

CASE NAME: CURTIS

R.C. FIELDS, JR. & ASSOCIATES
 A PROFESSIONAL CORPORATION
 LAND SURVEYING SITE PLANNING SURVEYING DESIGN
 718 JEFFERSON STREET ALEXANDRIA, VIRGINIA 22314
 TEL. (703) 549-6422 FAX (703) 549-6452



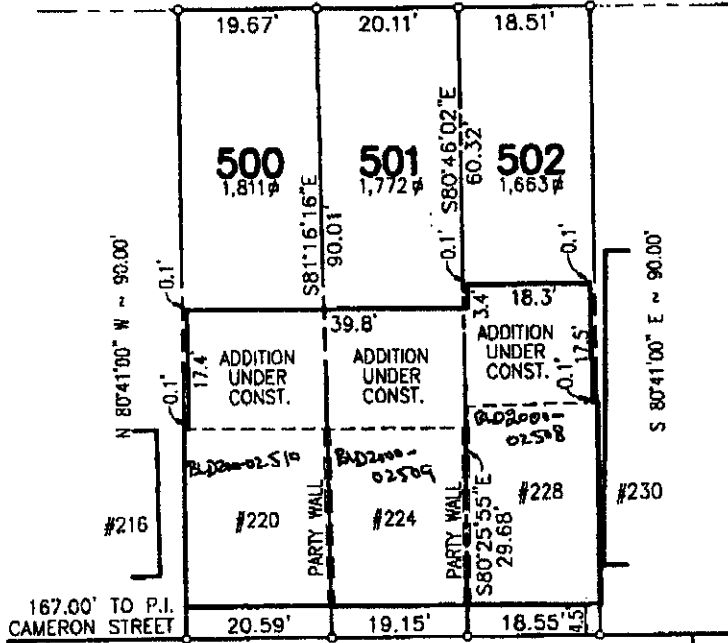
BAR 2002

—○— DENOTES IRON PIPE FOUND

11-21-00P01:33 RCVD

10' ALLEY

N 09°30'00" E ~ 58.29'



NORTH PAYNE STREET

BAR 2000-006A,70,71 SUP 99-0143

APPROVED
Complies with zoning requirements

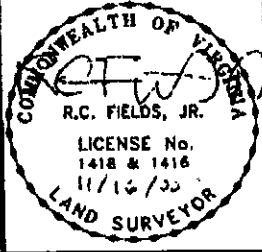
11/21/2000 date
[Signature]
Gen. Director of Planning

All yard distances shall be measured from the furthest projecting point of the building including roof overhang to the nearest lot line.

PLAT
SHOWING WALL CHECK SURVEY
LOTS 500, 501 & 502
RESUBDIVISION OF
#218-228 NORTH PAYNE STREET
CITY OF ALEXANDRIA, VIRGINIA

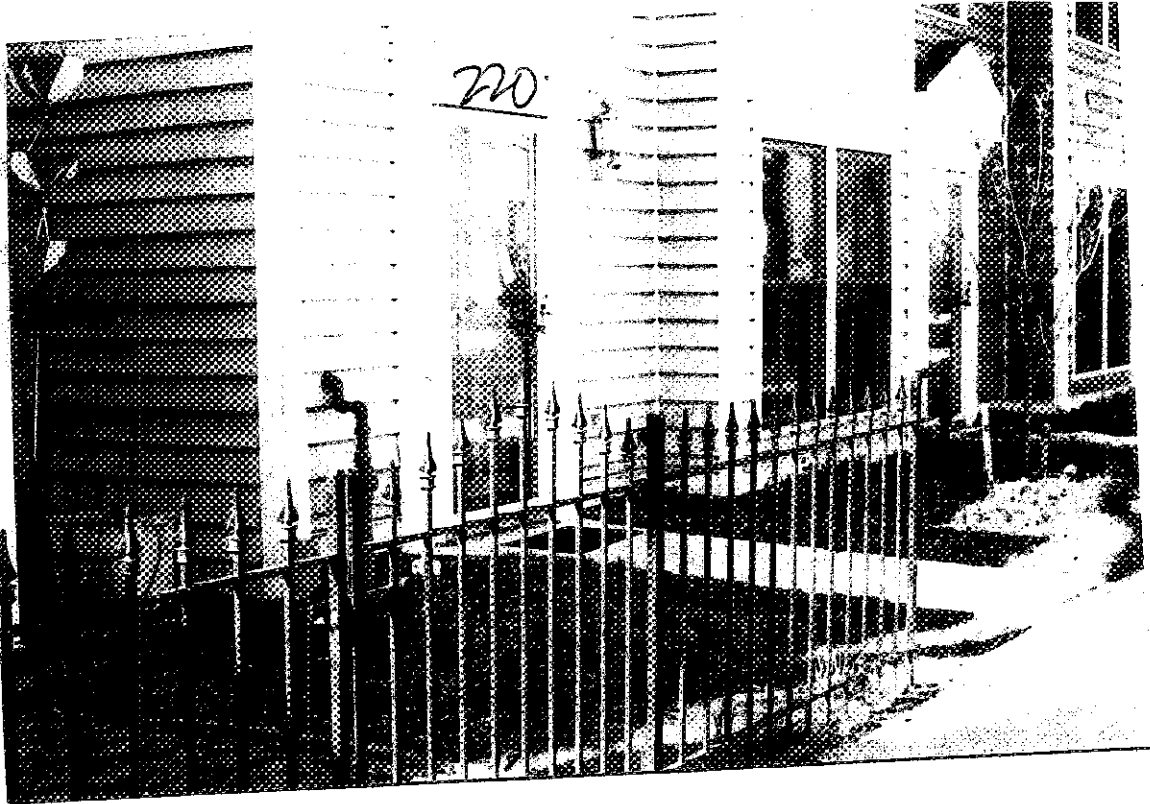
SCALE: 1" = 20'
DATE: NOVEMBER 16, 2000
THIS DWELLING IS NOT LOCATED IN A F.E.M.A. SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.
ALL EASEMENTS MAY NOT BE SHOWN.

CASE NAME: CLEVE JENKINS
RC FIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION
LAND SURVEYING SITE PLANNING SUBDIVISION DESIGN
718 JEFFERSON STREET ALEXANDRIA, VIRGINIA 22314
TEL. (703) 548-6422 FAX (703) 548-6452



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

ENC. 2002-0003



ENC. 2002-0003



230
Fence

INSTALL NEW
FENCE IN FRONT
OF (220 X 224)
(228) N. Payne.
SAME AS SHOWN
AT 218 AND 230

3/26/02
Debra Cat.

11.07.1

APPLICATION for ENCROACHMENT

10

VMP

ENC # 2002-0003

Told applicant to provide plan with encroachment area. 3.26.02 MVH

[must use black ink or type]

PROPERTY LOCATION: 220, 224, 228 North Payne Street

TAX MAP REFERENCE: 64.03-02-42 Lots #500, #501, #502 ZONE: RB

APPLICANT'S NAME: Charles & Mildred Curtis

ADDRESS: 3410 Little Hunting Creek Drive, Alex., VA 22309

PROPERTY OWNER NAME: Charles & Mildred Curtis

ADDRESS: 3410 Little Hunting Creek Drive, Alex., VA. 22309

ENCROACHMENT DESCRIPTION: Install black rod iron fence along front of property next to side walk. (See pictures)

INSURANCE CARRIER (copy attached) The Hartford Insurance POLICY # 54-SBA-KG1834
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 3-2-82 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.

Deborah Jean Curtis
Hartford Insurance
Print Name of Applicant or Agent

Deborah Curtis
Signature

3410 Little Hunting Creek Drive
Mailing/Street Address

703 836 2586 703 836 2986
Telephone # Fax #

Alex VA 22309
City and State Zip Code

March 26, 2002
Date

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

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

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 6/15/02PH-- CC approved the Planning Commission recommendation.