

EXHIBIT NO. 1

7  
12-15-01

Docket Item # 7  
ENCROACHMENT #2001-0009

Planning Commission Meeting  
December 4, 2001

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

**APPLICANT:** Chris Neumann

**LOCATION:** 1205 Cameron Street

**ZONE:** CRMU-M/Commercial Residential Mixed Use, Medium

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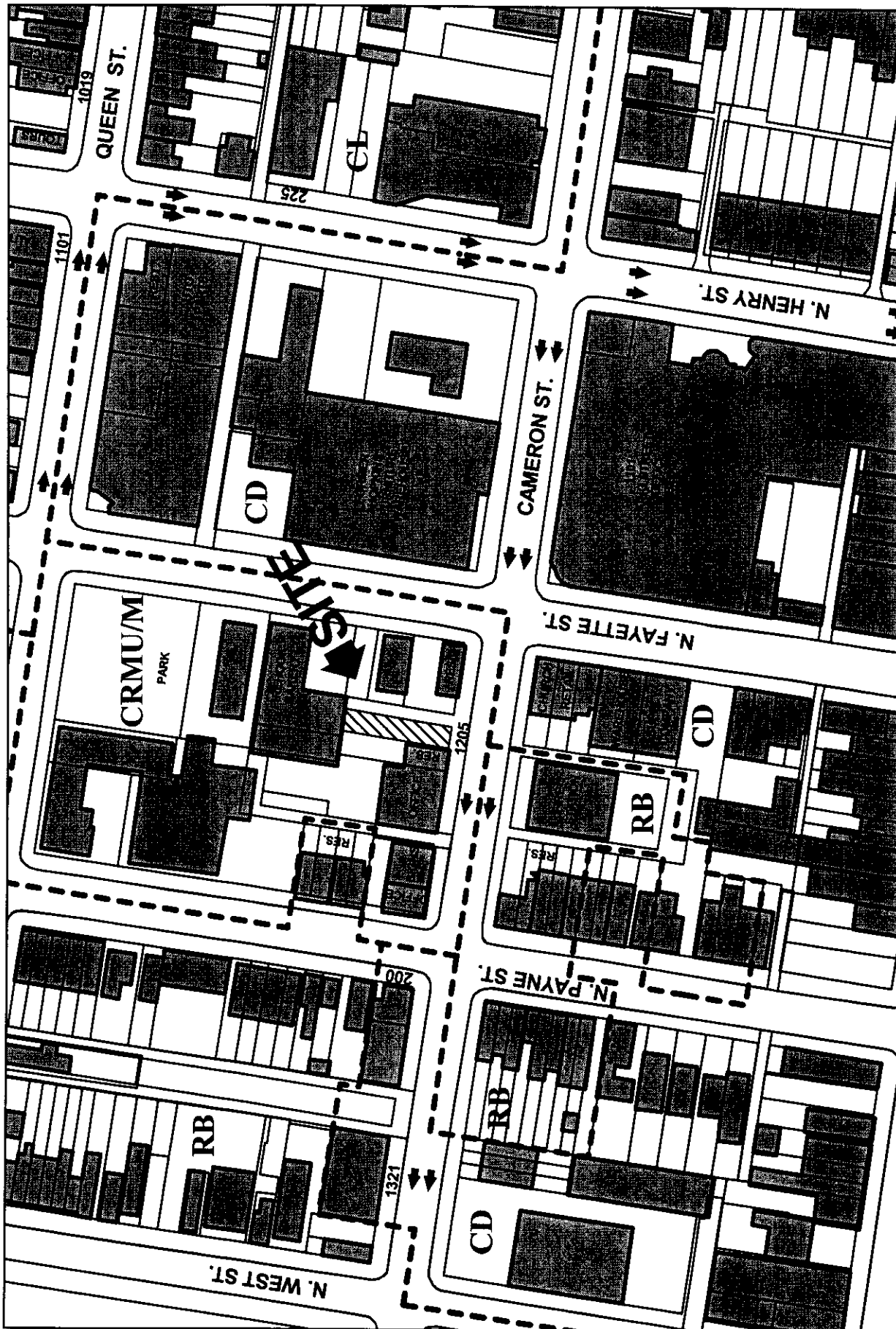
**PLANNING COMMISSION ACTION, DECEMBER 4, 2001:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



12/04/01

ENC #2001-0009



STAFF RECOMMENDATION:

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

1. 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 his/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. (T&ES)
2. The applicant shall contribute \$250 to the City for the City's installation of one street tree in front of 1205 Cameron Street to the satisfaction of the Director of Planning and Zoning and the City Arborist. (P&Z)

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Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

DISCUSSION:

1. The applicant, Chris Neumann, requests approval for an encroachment at 1205 Cameron Street.
2. The subject property consists of one lot of record with 20 feet of frontage on Cameron Street, 100 feet of depth and a lot area of 2,000 square feet. A residential building is currently being erected on the site. The property is located in the Parker-Gray Historic District.

The surrounding land use is primarily residential, however there are several non-residential uses nearby. Small-scale office buildings and a retail business stand to the west of and a fire station stands directly across from the subject building on the 1200 block of Cameron Street.

3. The applicant is in the process of constructing a three-story residential building at 1205 Cameron Street, and has applied for an encroachment permit to complete the on-going project.

The applicant received a building permit and approval from the Park-Gray Historic District Board of Architectural Review for the subject building. He commenced construction and, per procedure, submitted a wall check survey for staff's interim review. At that time, staff noted that the applicant had built over the front property line and into the public right-of-way. The applicant explained that he had built according to his survey which showed the subject property line in the same place as the adjacent building. The applicant and staff soon realized that the original survey information submitted with the building permit and BAR applications was incorrect. That survey showed the front property line in the same place as the front wall of the adjacent building when it was not. The front property line of the subject lot is actually located another eight inches to the north of the adjacent building (see attached plans).

4. The applicant consequently seeks an encroachment permit to legalize the portion of the subject building that is already built and that encroaches into the public right-of-way. The encroachment is 17 feet wide and .8 feet deep and amounts to a total of 13.6 square feet of area (see attached plans).
5. If the proposed encroachment is granted, eleven feet of public right-of way will remain between the subject building's front wall and the curb. This will leave sufficient room for the public sidewalk and for pedestrians.

6. Master Plan/Zoning: The subject property is zoned CRMU-M/Commercial Residential Mixed Use, Medium, and is located in the Braddock Street Metro Station Small Area Plan.
7. The applicant received a certificate of appropriateness to construct a new building from the Parker-Gray Historic District Board of Architectural Review on May 23, 2001. The applicant is currently seeking approval from the same Board of Architectural Review for a proposed alteration to the front stoop.

STAFF ANALYSIS:

Staff does not object to granting the encroachment in this unusual case. The size of the encroachment is small, the front of the subject building will align with the adjacent house, and the encroachment will not obstruct pedestrian use of the public sidewalk running along Cameron Street. Approximately eleven feet of public right of way remain from the front wall of the new building to the edge of the curb.

Staff recommends that a street tree be added in front of the subject property to enhance the streetscape. Finally, staff recommends approval of the encroachment application subject to staff's recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 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 his/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.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2001-0009

[must use black ink or type]

PROPERTY LOCATION: 1205 Cameron Street

TAX MAP REFERENCE: 6A.03 Block 3, Lot: 25 ZONE: CRMU-M

APPLICANT'S NAME: Chris Neumann

ADDRESS: 1201 Cameron Street, Alexandria, VA

PROPERTY OWNER NAME: Chris Neumann

ADDRESS: 1201 Cameron Street, Alexandria, VA

ENCROACHMENT DESCRIPTION: 13.6 sq. ft. in public rght of way, 17'-0" along property line and .8 feet into rght of way.

INSURANCE CARRIER (copy attached) Nationwide # 53AC5847263001 POLICY # \_\_\_\_\_

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.

Chris Neumann  
Print Name of Applicant or Agent

[Signature]  
Signature

1201 Cameron Street  
Mailing/Street Address

703-517-6788  
Telephone # Fax #

Alexandria VA 22314  
City and State Zip Code

9/25/01  
Date

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

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

ENC. 2001-0009



Home Office:  
One Nationwide Plaza  
Columbus, OH 43215-2220

CERTIFICATE OF INSURANCE

The company indicated below certifies that the insurance afforded by the policy or policies numbered and described below is in force as of the effective date of this certificate. This Certificate of Insurance does not amend, extend, or otherwise alter the Terms and Conditions of Insurance coverage contained in any policy numbered and described below.

CERTIFICATE HOLDER:  
CITY OF ALEXANDRIA  
301 KING STREET  
SUITE 2100  
ALEXANDRIA, VA 22314

INSURED:  
CHRISTIAN R NEUMANN  
1201 CAMERON STREET  
ALEXANDRIA, VA 22314

TYPE OF INSURANCE	POLICY NUMBER & ISSUING CO.	POLICY EFF. DATE	POLICY EXP. DATE	LIMITS OF LIABILITY (*LIMITS AT INCEPTION)
LIABILITY	53-AC-584726-3001	07-20-01	07-20-02	
<input checked="" type="checkbox"/> Liability and Medical Expense	NATIONWIDE			Any One Occurrence..... \$ 500,000
<input checked="" type="checkbox"/> Personal and Advertising Injury	MUTUAL FIRE			Any One Person/Org ..... \$ 500,000
<input checked="" type="checkbox"/> Medical Expenses	INSURANCE CO.			ANY ONE PERSON ..... \$ 5,000
<input checked="" type="checkbox"/> Fire Legal Liability				Any One Fire or Explosion \$ 100,000
<input type="checkbox"/> Other Liability				General Aggregate* ..... \$ 1,000,000 Prod/Comp Ops Aggregate* . \$ 500,000
<b>AUTOMOBILE LIABILITY</b>				
<input type="checkbox"/> BUSINESS AUTO				Bodily Injury (Each Person) ..... \$ (Each Accident) ..... \$
<input type="checkbox"/> Owned				Property Damage (Each Accident) ..... \$
<input type="checkbox"/> Hired				Combined Single Limit .... \$
<input type="checkbox"/> Non-Owned				
<b>EXCESS LIABILITY</b>				
<input type="checkbox"/> Umbrella Form				Each Occurrence ..... \$ Prod/Comp Ops/Disease Aggregate* ..... \$
<b>STATUTORY LIMITS</b>				
<input type="checkbox"/> Workers' Compensation and				BODILY INJURY/ACCIDENT ... \$
<input type="checkbox"/> Employers' Liability				Bodily Injury by Disease EACH EMPLOYEE ..... \$ Bodily Injury by Disease POLICY LIMIT ..... \$

Should any of the above described policies be cancelled before the expiration date, the insurance company will endeavor to mail written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability upon the company, its agents, or representatives.

DESCRIPTION OF OPERATIONS/LOCATIONS  
VEHICLES/RESTRICTIONS/SPECIAL ITEMS

Effective Date of Certificate: 07-20-2001  
Date Certificate Issued: 09-28-2001

Authorized Representative: *W.P. Corrigan*  
Countersigned at: CORRIGAN INSURANCE AGY.  
AUTO-HOME-LIFE-BUSINESS  
8951 EDMONSTON ROAD



ENC. 2001-0009

Planning & Zoning  
City of Alexandria

September 28, 2001

RE: BLD 2001-01822

To whom it may concern,

As of this date, I have applied for an encroachment permit for the new Single Family Dwelling under construction at 1205 Cameron Street (Map 64.03, Block 3, Lot 25). The area subject to the encroachment permit is a total of 13.6 square feet with dimensions of 17 feet along the property line and .8 feet into the public right of way (see attached drawing and description).

I will be proceeding with the remainder of the construction at my own risk and fully accept responsibility for the result of the decision at the upcoming public hearing review.

If you have any questions, please feel free to contact me.

Sincerely,

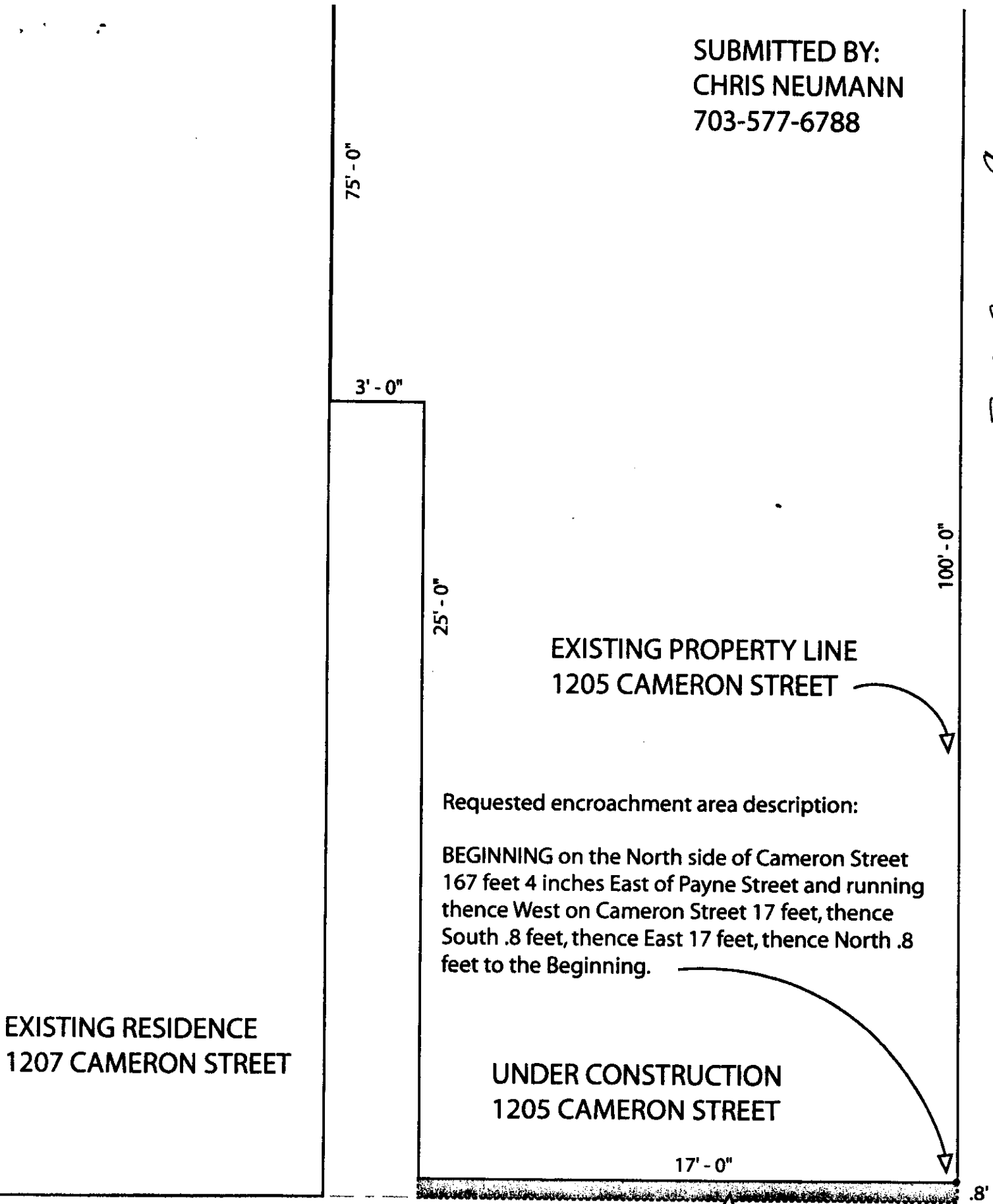


Chris Neumann

Property Owner - 1205 Cameron Street  
703-577-6788 (cell)

SUBMITTED BY:  
CHRIS NEUMANN  
703-577-6788

*ENC. 2001-0009*



EXISTING PROPERTY LINE  
1205 CAMERON STREET

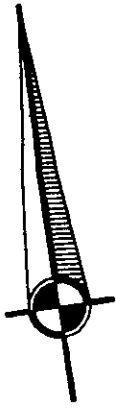
Requested encroachment area description:

BEGINNING on the North side of Cameron Street  
167 feet 4 inches East of Payne Street and running  
thence West on Cameron Street 17 feet, thence  
South .8 feet, thence East 17 feet, thence North .8  
feet to the Beginning.

EXISTING RESIDENCE  
1207 CAMERON STREET

UNDER CONSTRUCTION  
1205 CAMERON STREET

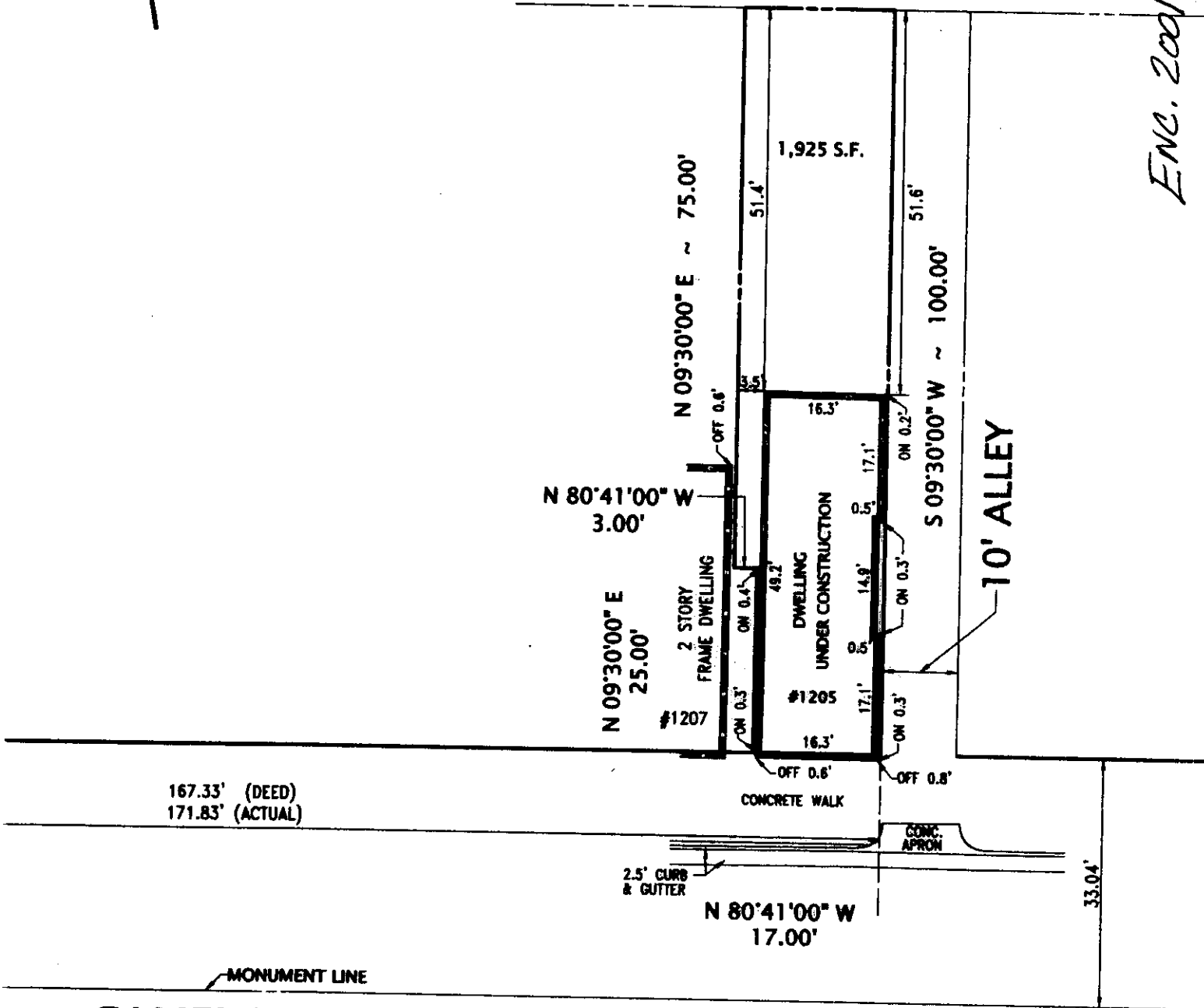
REQUESTED ENCROACHMENT AREA (13.6 sq. ft.)



LOT 500  
WILLIAM K. COAKLEY, ETUX

S 80°41'00" E  
20.00'

ENC. 2001 - 0009



7

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9/28/01  
Date

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

ACTION - PLANNING COMMISSION: 12/4/01 Recommended Approval UC

ACTION - CITY COUNCIL: 12/15/01PH--CC approved the Planning Commission recommendation.