

Docket Item #15

ENCROACHMENT #2002-0007

Planning Commission Meeting

June 3, 2003

ISSUE: Consideration of a request for encroachment into the public sidewalk right-of-way for a bay window.

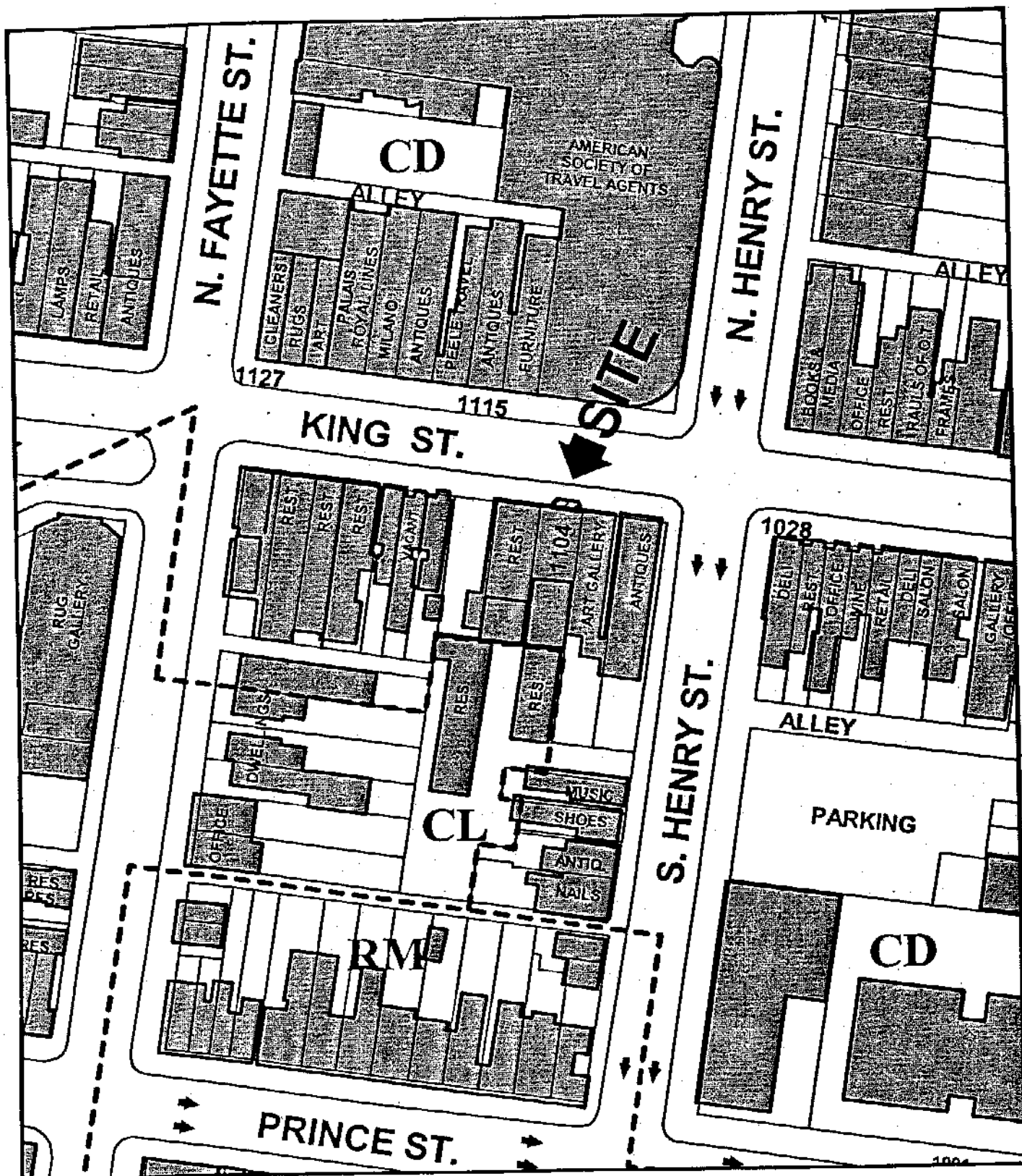
APPLICANT: Mel and Oud, LC
by Robert J. Test, attorney

LOCATION: 1104 King Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, JUNE 3, 2003: 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 #2002-0007

06/03/03



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) (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. 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)
4. The applicant shall place green safety fencing around the existing tree well to protect the tree during construction of the bay window. No storage of construction supplies shall be allowed within the tree save area. (Recreation, Parks, and Cultural Activities)

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, Mel and Oud, LC, represented by Robert J. Test, attorney, requests approval of an ordinance for encroachment into the public sidewalk right-of-way for 1104 King Street.
2. The subject property is one lot of record with 29 feet of frontage along King Street, 84 feet of depth and a total lot area of 2,107 square feet. The lot is occupied by a two story vacant building. A mix of commercial, office, and residential uses are in the near vicinity of the property. Le Gaulois restaurant is located immediately to the west of the property. The American Society of Travel Agents is located across King Street.
3. The applicant requests approval of an encroachment to allow for the installation of new bay windows at the front of the building. The bay windows are part of an overall facade renovation that was approved by the Board of Architectural Review on April 2, 2003 (BAR Case #2002-0320).
4. The encroachment area measures 22.1 feet wide by 1.8 feet depth, and totals 39.78 square feet. If the encroachment is granted, approximately 12 feet of sidewalk will remain for pedestrians, with approximately seven feet remaining for the width of the tree well located at the front of the building.
5. On November 17, 2001, City Council approved a similar encroachment for a bay window at 1102 King Street measuring 2.33 feet deep and 14.5 wide (ENC#2001-0008). The subject bay window is proposed to match the bay window at 1102. The applicant at 1102 received a certificate of appropriateness from the BAR on August 1, 2001.
6. Master Plan/Zoning: The subject property is zoned CD/Commercial downtown, and is located in the Old Town Small Area Plan.

STAFF ANALYSIS:

Staff does not object to the encroachment at 1104 King Street. The encroachment area proposed is relatively small, and the proposed facade renovation will greatly improve this property which has been condemned by the Fire Department for a number of years. Even with the area of encroachment, there is ample space along the sidewalk left for pedestrians.

Staff recommends approval of the encroachment.

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 The proposed encroachment for display window is consistent with other businesses on the same block. T&ES has no objection to the application
- 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.
- 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.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.

Recreation, Parks, and Cultural Activities:

- R-1 The applicant shall place green safety fencing around the existing tree well to protect the tree during construction of the bay window. No storage of construction supplies shall be allowed within the tree save area.

APPLICATION for ENCROACHMENT

ENC # 2002-0007

[must use black ink or type]

PROPERTY LOCATION: 1104 KING ST

TAX MAP REFERENCE: 074.01.04.10.01 ZONE: CD

APPLICANT'S NAME: MEL & DUD, LC

ADDRESS: 1106 KING ST., ALEXANDRIA, VA 22314

PROPERTY OWNER NAME: SAME

ADDRESS: 1106 KING ST, ALEXANDRIA, VA 22314

ENCROACHMENT DESCRIPTION: SIDEWALK ENCROACHMENT, 1104 KING ST

INSURANCE CARRIER (copy attached) _____ 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.

ROBERT J. TEST
Print Name of Applicant or Agent

P.O. Box 20110
Mailing/Street Address

ALEXANDRIA, VA. 22320
City and State Zip Code

[Signature]
Signature

71837-9070 71837-9758
Telephone # Fax #

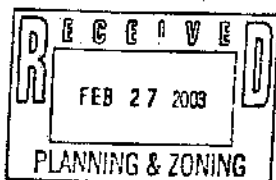
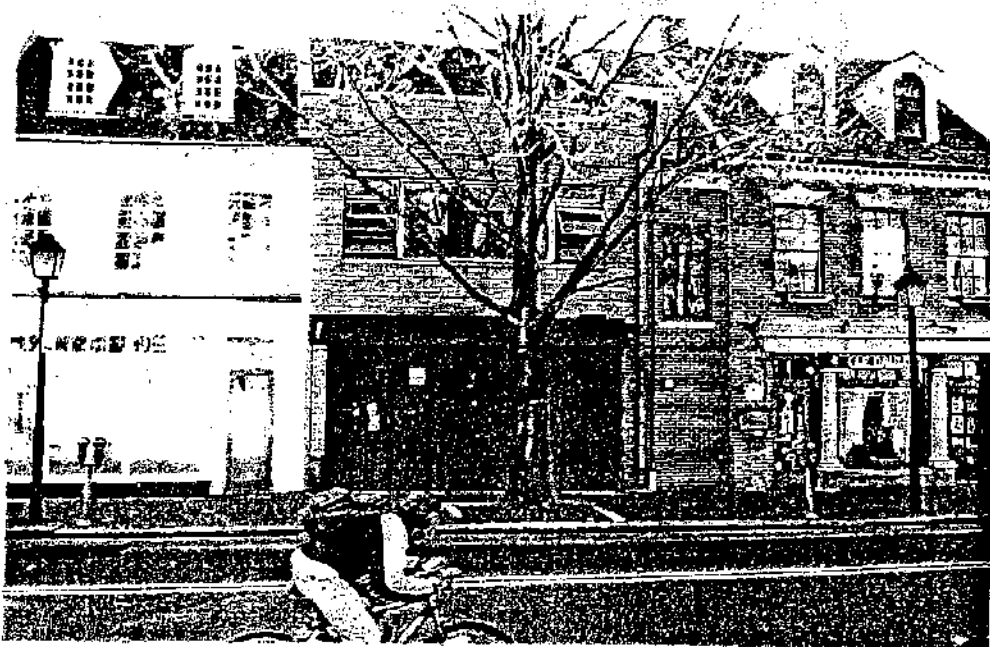
12.23.02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

RENOVATION
1104, KING STREET ALEXANDRIA



DECEMBER 2002

ENC #2002-0007
1104 King St

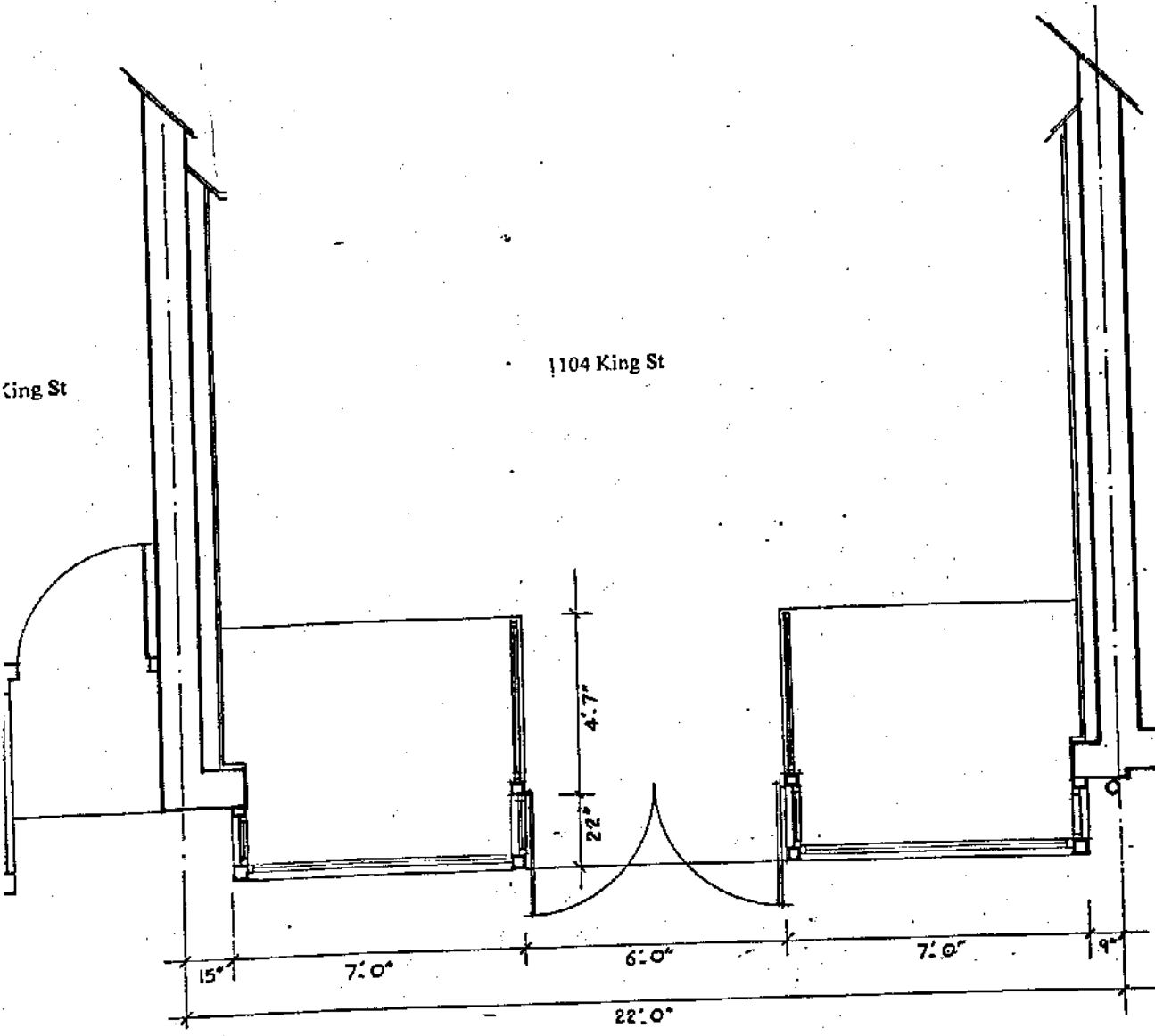
VMP

PRELIMINARY
PLAN

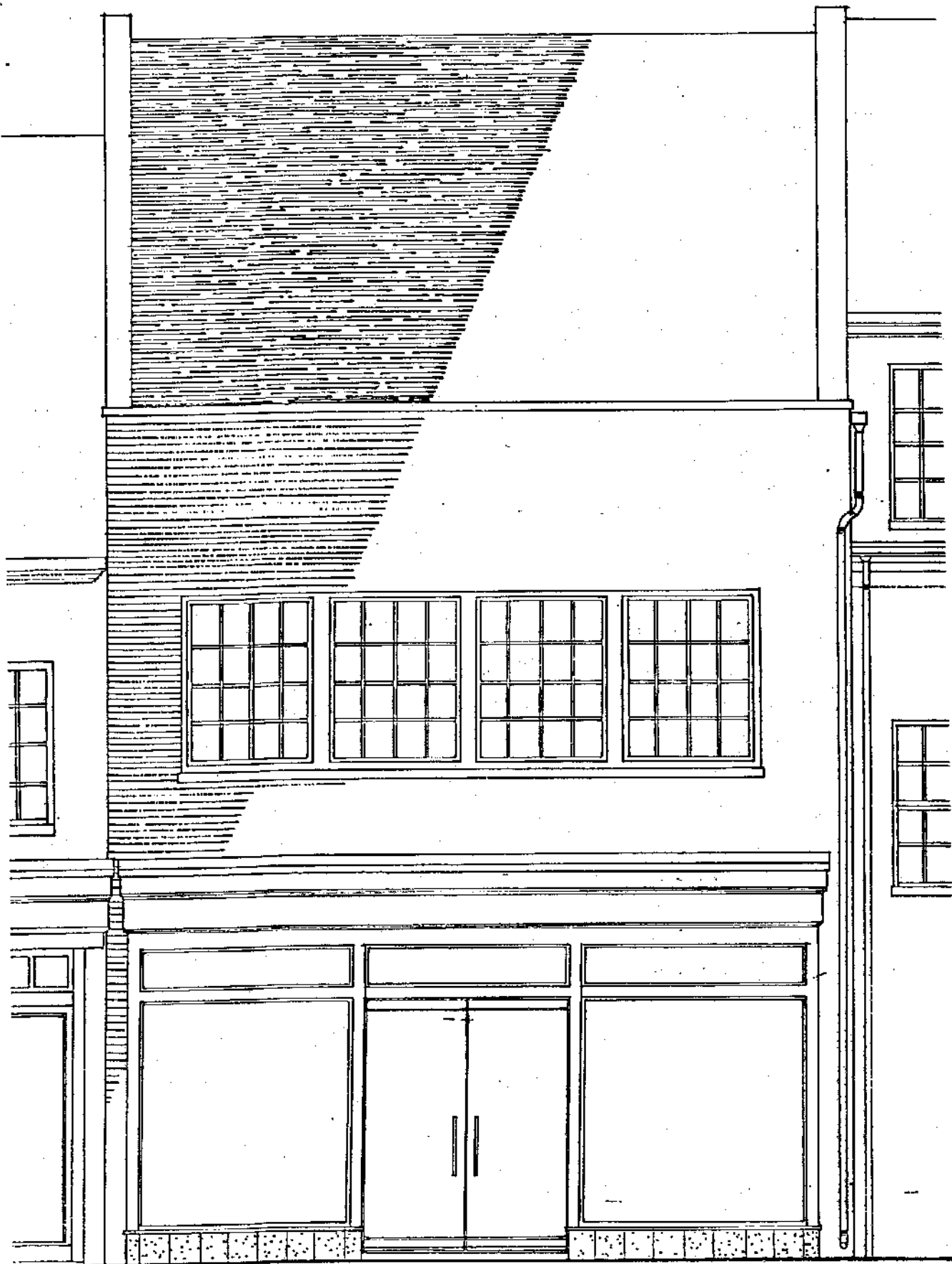
3



ELEVATION 1104 KING STREET
EXISTING CONDITION



PROPOSED STORE FRONT PLAN Scale: 3/8" = 1'-0"



13 11
PROPOSED ELEVATION SCALE 3/8" = 1'-0"

LOT 607
2,107 SQ.FT.
2-STORY
STONE
#1104

27.3'

0.3'

22.1' X 1.8'

SIDEWALK
ENCROACHMENT

ENC 002-0007

EXHIBIT SHOWING
SIDEWALK ENCROACHMENT
1104 KING STREET
CITY OF ALEXANDRIA, VIRGINIA

THE
ENGINEERING
GROUPE, INC.

•D/B/A•



ABSOLUTE SURVEYS

3918 PROSPERITY AVENUE
SUITE 319
FAIRFAX, VIRGINIA 22031
PHONE: (703)-641-0476 FAX: 641-0836

LEGEND

- C/S = CONCRETE STOOP
- CHIM. = CHIMNEY
- AC = AIR CONDITIONER
- OHW = OVERHEAD WIRES
- BW = BAY OR BOX WINDOW
- OHG = OVERHANG
- O IPF = IRON PIPE FOUND

TAX MAP # N/A

CASE # 02-0335

WORK ORDER # 40229

OWNER: SHAMA RESTAURANT

PURCHR: MEL AND OUD L.C.

DATE: 04/01/02

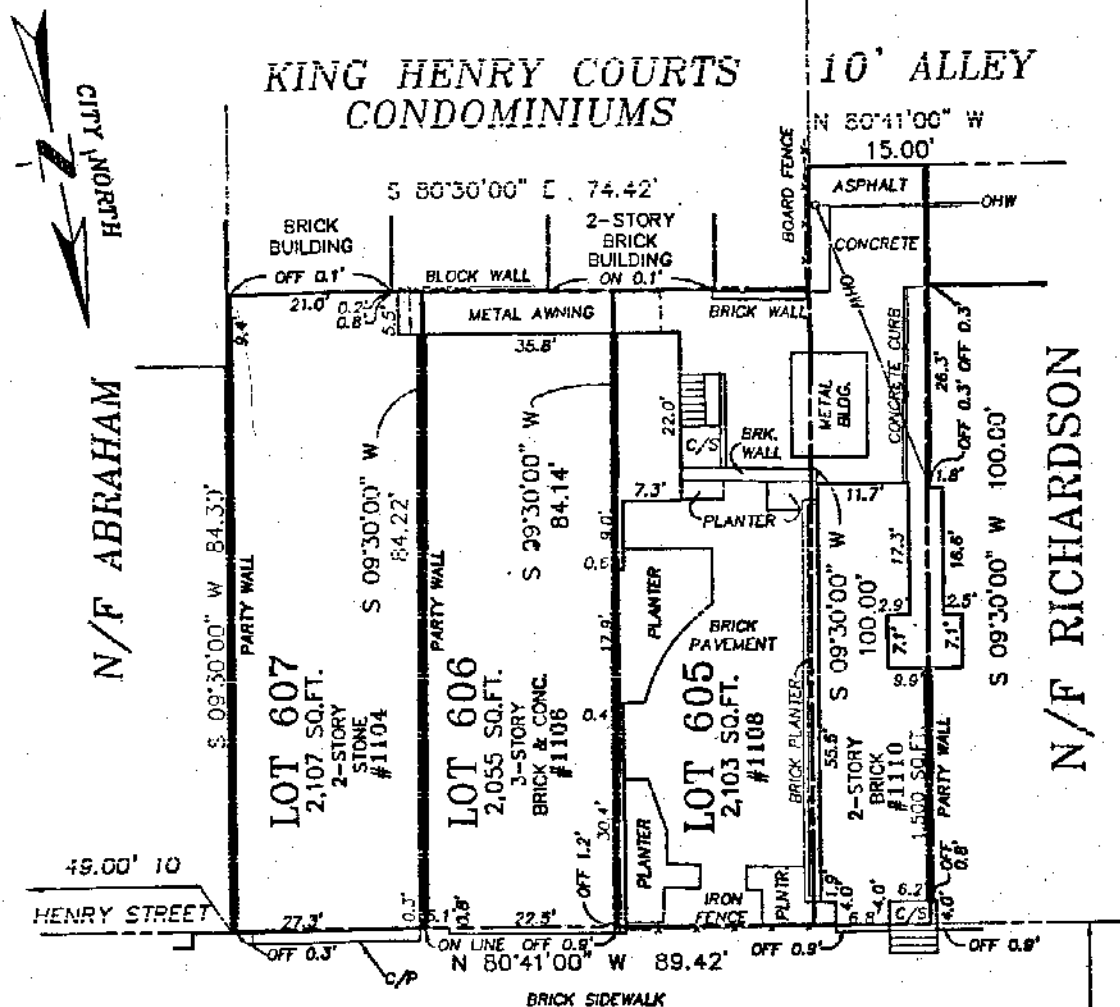
SCALE: 1" = 5'

DRAFTED BY: DG

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT
AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

KING HENRY COURTS CONDOMINIUMS

10' ALLEY



KING STREET

MONUMENT LINE

(66' WIDTH)

LOT 605, 606 AND 607 CONSOLIDATION AND RESUBDIVISION OF THE LANDS OF SYLVIA COHEN

(PLAT SHOWN IN DEED BOOK 899, AT PAGE 744)

AND

#1110 KING STREET

(PLAT SHOWN IN DEED BOOK 872, AT PAGE 692)

CITY OF ALEXANDRIA, VIRGINIA

THE
ENGINEERING
GROUPE, INC.

•D/B/A•

ABSOLUTE SURVEYS

3918 PROSPERITY AVENUE

SUITE 319

FAIRFAX, VIRGINIA 22031

PHONE: (703)-641-0476 FAX: 641-0836

LEGEND

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CHIM = CHIMNEY
AC = AIR CONDITIONER
HW = OVERHEAD WIRE
W = BAY OR BOX WINDOW
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TAX MAP # N/A

CASE # 02-0335

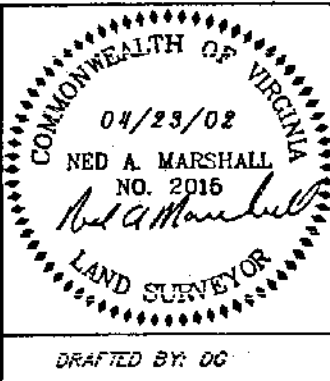
WORK ORDER # 40229

OWNER: SHAMA RESTAURANT

PURCHR: MEL AND OUD L.C

DATE: 04/01/02

SCALE: 1" = 20'



DRAFTED BY: DG

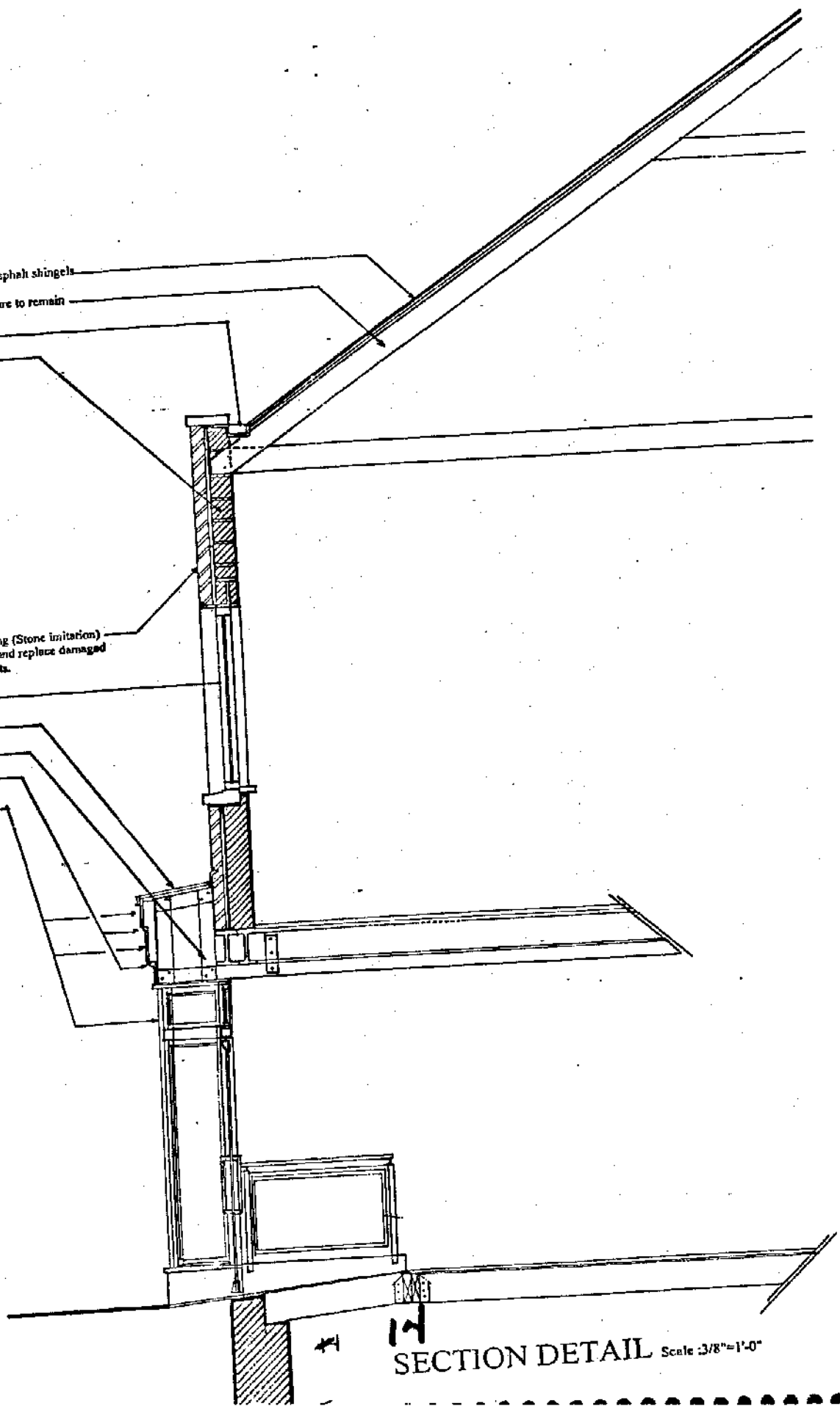
ENC 2003-0007

13

remove and replace existing Asphalt shingles
 retain rafters and roof structure to remain
 retaining gutter
 retaining CMU Wall

remove existing cement parging (Stone imitation)
 install existing Brick Veneer and replace damaged
 work / Repair and seal all joints.

install new windows
 copper flashing
 metal Studs Framing
 x2 1/2" Crown molding
 primed PF1 Pine trims



SECTION DETAIL Scale: 3/8"=1'-0"

APPLICATION for ENCROACHMENT

13

ENC # 2002-0007

[must use black ink or type]

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ROBERT J. TEST
Print Name of Applicant or Agent

[Signature]
Signature

PO Box 20110
Mailing/Street Address

71837-9070 71837-9758
Telephone # Fax #

ALEXANDRIA, VA. 22320
City and State Zip Code

12-23-02
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: RECOMMEND APPROVAL UC _____

ACTION - CITY COUNCIL: 6/14/03PH--CC approved the Planning Commission recommendation.