

Docket Item #12
ENCROACHMENT #2003-0005

Planning Commission Meeting
October 7, 2003

ISSUE: Consideration of a request for an encroachment into the public right-of-way for the installation of two bay windows.

APPLICANT: David Cammack

LOCATION: 122/124 North Fayette Street

ZONE: CD/Commercial Downtown

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 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) (T&ES)
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. (T&ES)
3. 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)

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, David Cammack, requests encroachment approval for two bay windows at 122/124 North Fayette Street.
2. The subject property is one lot of record with 39 feet of frontage on North Fayette Street, a depth of 80 feet and a total lot area of 3,120 square feet. The property is occupied by a one story brick building that is currently vacant. The building has two entrances facing the sidewalk, and two large windows at the center of the facade. Immediately to the south of the building is a printing business, and to the north is a two story residential building.

The 100 block of North Fayette Street is occupied mostly by commercial and office uses, with some residences. There is a parking garage that takes up the majority of the block across the street. Five Guys restaurant is also located across the street.

3. The applicant requests permission to redesign the facade of the existing building. The plan includes the construction of two bay windows, each nine feet wide, that will encroach approximately 20 inches onto the public right-of-way (see attached plan). The existing building already encroaches on to the public right-of-way from two and a half to five inches. The property improvement is being proposed by the owner of the property to attract new tenants.
4. Staff notes that in the area of the proposed encroachment, the distance from the building front to the curb, is 12 and a half feet. The existing five foot sidewalk will remain open if the bay windows are built as proposed, with a distance of 19 inches from the edge of the sidewalk to the bay window. There is a tree well in front of the building on the other side of the sidewalk.
5. Zoning: The subject property is located in the CD/Commercial Downtown zone.
6. Master Plan: The proposed use is consistent with the Old Town chapter of the small area plan of the Master Plan which designates the property for commercial, residential and office uses.

STAFF ANALYSIS:

Staff has no objection to the applicant's request for an encroachment located at 122/124 North Fayette Street. The encroachment will not affect the existing five foot sidewalk, leaving ample room for pedestrians. The proposed facade improvement will greatly enhance the building, and make the space more marketable to potential lessees.

Staff recommends approval of the encroachment.

STAFF: Eileen 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:

- 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.

Parks and Recreation:

- F-1 Existing street tree will not be affected by proposed encroachment. No comments.