

Docket Item #2
ENCROACHMENT #2004-0008

Planning Commission Meeting
November 4, 2004

ISSUE: Consideration of a request for an encroachment of a picket fence into the public right-of-way.

APPLICANT: David and Sarah Goldstein

LOCATION: 335 North Patrick Street

ZONE: RB/Townhouse

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.

I. DISCUSSION

REQUEST

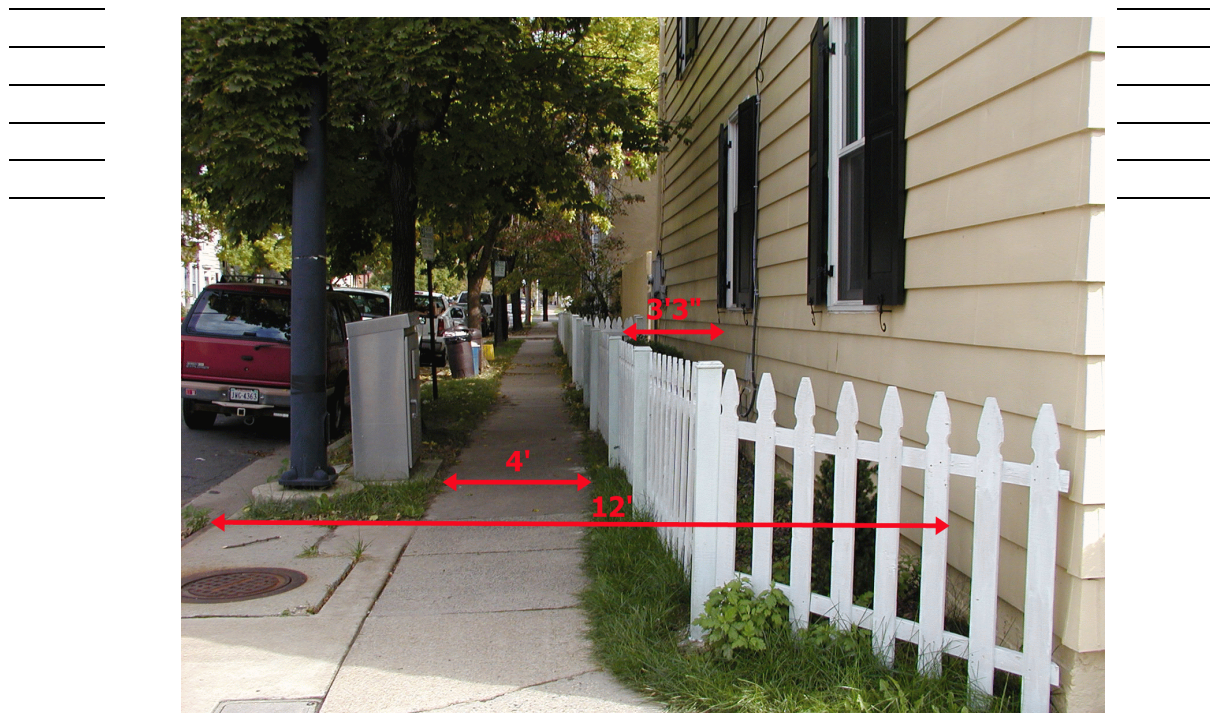
The applicants, David and Sarah Goldstein, request approval of an encroachment into the public right-of-way for a fence located on the southeast corner of Princess and North Patrick Streets.

SITE DESCRIPTION

The subject property is one lot of record with 14 feet of frontage on North Patrick Street, 76.6 feet of frontage on Princess Street and a total lot area of 1,078 square feet. The site is developed with a two story, end unit rowhouse facing Patrick Street. Residential uses surround the property to the west, south and east. The Third Baptist Church is located to the north across Princess Street.

PROJECT DESCRIPTION

The applicants request approval of a four feet wide and seventy feet long encroachment into public right-of-way along the Princess Street frontage of the property. The proposed encroachment has a total area of 280 square feet. The area is landscaped and maintained by the applicants and appears to be part of their property. Without knowing that this narrow strip of land between the house and sidewalk along the Princess Street was public right-of-way, the applicants enclosed this area with a white wood picket fence in June 2004, leaving a four feet wide opening as an entrance to the side yard. The fence is approximately 3' in height and does not encroach on the four feet wide public sidewalk (see picture below).



ZONING / MASTER PLAN

The subject property is located in the RB/Townhouse zone and the Parker-Gray Historic District. On September 22, 2004, the Parker-Gray Board of Architectural Review, approved a Certificate of Appropriateness for the after-the-fact wood picket fence, conditioned upon approval of the encroachment by Planning Commission and City Council.

II. STAFF ANALYSIS

Staff supports this encroachment request to allow the existing fence to enclose a portion of the landscape strip along the Princess Street side of the property.

The Parker-Gray Board of Architectural Review determined that the fence is appropriate for the mid-19th century house and compatible with the surrounding neighborhood. The fence aligns with and is the same height as the monument style wood picket fence of the adjoining properties at 914 and 916 Princess Street (Staff could not locate any record of either BAR review or encroachment approval for this fence, which has been in place for at least 10 years). The narrow strip of land with grass and landscaping along the side of the house remains visually accessible as the fence is both low and open. Therefore, staff recommends approval of the encroachment permit subject to the recommended conditions.

III. RECOMMENDED PERMIT 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. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any obstruction encroaching into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
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)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Bettina Irps, Urban Planner.

IV. 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.(T&ES)
- 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.(T&ES)
- R-3 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any fence or structure that encroached into the public right-of-way, within 60 days, upon notification by the City.(T&ES)

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections.