

Docket Item #2  
ENCROACHMENT #2004-0011

Planning Commission Meeting  
February 1, 2005

**ISSUE:** Consideration of a request for encroachment into the public right-of-way for a retaining wall and fence.

**APPLICANT:** Linda Lewis  
by C. Kaya Biron, AIA

**LOCATION:** 315 North Payne Street

**ZONE:** RB/Residential

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**PLANNING COMMISSION ACTION, JANUARY 6, 2005:** The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

**PLANNING COMMISSION ACTION, DECEMBER 7, 2004:** By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

**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.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

## I. DISCUSSION

### REQUEST

The applicant, Linda Lewis by, C. Kaya Biron, architect, requests approval of an encroachment into the public right-of-way to replace an existing retaining wall and fence located at 315 North Payne Street.

### SITE DESCRIPTION

The property is one lot of record with 30 feet of frontage on North Payne Street and a total lot area of 3,523 square feet. The site is developed with a free-standing, two story, frame house. Residential uses surround the property to the east, south and west. The Mount Jezreel Baptist Church is located to the north, adjacent to the subject property. A majority of the other properties with frontage on the east side of the 300 block of North Payne Street have retaining walls and/or fences encroaching into the public right-of-way.

### PROJECT DESCRIPTION

The applicant requests approval of a 5.50 feet wide and 30.00 feet long encroachment into the public right-of-way along North Payne Street. The proposed encroachment has a total area of 165 square feet. The date of the existing retaining wall and chain link fence is unknown, but probably is mid-20th century. The area is maintained by the applicants and appears to be part of their property. The applicants request to enclose this area with a 4.5 feet high brick retaining wall and 3.5 feet decorative metal fence.



### ZONING/MASTER PLAN

The subject property is located in the RB/Townhouse zone and in the Parker-Gray Historic District. On July 28, 2004, the Parker-Gray Board of Architectural Review, approved a Certificate of Appropriateness to replace the existing brick retaining wall and chain link fence with a new brick wall and decorative metal fence.

## II. STAFF ANALYSIS

Staff supports this encroachment request to allow the applicant to replace the existing brick retaining wall and chain link fence with a new brick retaining wall and decorative metal fence along North Payne Street.

The Parker-Gray Board of Architectural Review determined that the brick retaining wall and decorative metal fence are acceptable. While the proposed curved brick wall, flaring steps and ornamental metal fence and gate are somewhat more ornate than is warranted for this simple vernacular house, it will have a more historical appearance than the existing wall topped with a chain link fence.

## III. RECOMMENDED 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) (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)
4. The north and south lines of the replacement retaining wall and fence must align with the north and south property lines. (P&Z-BAR)
5. The brick to be used for the new wall shall be approved by Staff prior to construction. (P&Z-BAR)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Mary Christesen, Planning Technician

#### 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.
- 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.
- 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 90 days, upon notification by the City.

##### Code Enforcement:

- C-1 The proposed project will require a construction permit.

##### Health Department:

- F-1 No comments.

##### Police Department:

- F-1 No objections.

BAR:

F-1 The property at 315 North Payne Street is located within the Parker-Gray Historic District. The proposed replacement wall and fence were approved by the Parker-Gray Board of Architectural Review on July 28, 2004 with the following conditions:

1. That the encroachment on the north and south property lines be resolved with respect to the replacement wall and fence;
2. That the encroachment ordinance is approved by City Council; and,
3. That the brick to be used for the new wall be approved by Staff prior to construction.

ENC #2004-0011  
315 North Payne Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**