

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #5  
ENCROACHMENT #2008-0002

Planning Commission Meeting  
June 3, 2008

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

**APPLICANT:** Cloverdale, LLC

**STAFF:** Nathan Randall  
[nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**LOCATION:** 1309 King Street

**ZONE:** KR/King Street Retail

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



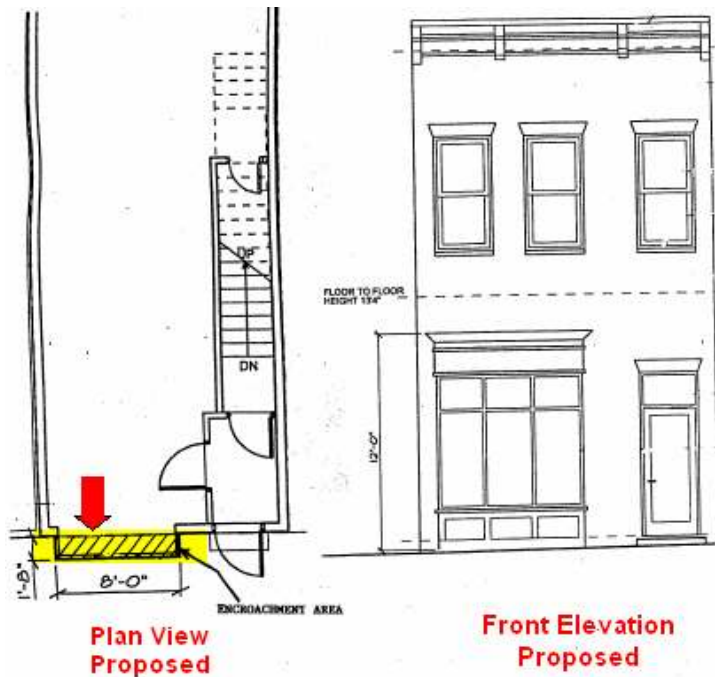
## I. DISCUSSION

### REQUEST

The applicant, Cloverdale, LLC, requests approval of an encroachment into the public right-of-way for the addition of a bay window at 1309 King Street.

### SITE DESCRIPTION

The subject property is one lot of record with 15 feet of frontage on King Street, 100 feet of depth and 1,500 square feet of lot area. A separate subdivision application currently under consideration (SUB#2008-0003) would change the lot configuration to 16.67 feet of frontage and a lot area of 1,621 square feet. The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is an office use. To the south are an automobile dealership and a comic book store. To the east and west are an arts gallery and a clothing/tailoring shop, respectively.



### PROJECT DESCRIPTION

The applicant requests approval of an encroachment to include a bay window facing King Street on the façade of the future structure proposed at this location. The existing structure will be demolished and replaced with a new two-story structure. The Old & Historic Alexandria District Board of Architectural Review approved demolition of the existing structure in case BAR# 2008-0039 on April 16, 2008. The proposed new structure, including the bay window, received a

Certificate of Appropriateness from the Board of Architectural Review in case BAR# 2008-0040 on April 16, 2008.

The proposed bay window is 12 feet in height. It will encroach 1.67 feet into the right of way for a length of 8 feet for a total encroachment of 13.36 square feet.

#### ZONING/MASTER PLAN

The subject property is zoned KR/King Street Urban Retail zone. The proposed retail use is consistent with the Old Town Small Area Plan chapter of the Master Plan which has designated the property for commercial use.

### **II. STAFF ANALYSIS**

Staff supports the proposed encroachment. At 1.67 feet, the encroachment into the public right of way does not create a significant impact. The encroachment would leave approximately seven (7) feet of sidewalk width as measured to the existing tree well. Other commercial storefronts along King Street, such as neighboring 1311 King, 1303 King, and 1104 King, also have bay windows. An encroachment of 1.8 feet was granted at 1303 King in 1998 and an encroachment of 1.8 feet was granted at 1104 King in 2003.

Staff recommends approval of the encroachment subject to the following conditions.

### **III. 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. (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 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. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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

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 structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Historic Preservation/BAR:

The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The request is for an encroachment into the City right-of-way in order to construct a bay window on the new front façade at 1309 King Street. The proposed bay window will project 1.67' south of the new façade, encroaching 1.67' into the right-of-way. 1309 King Street appeared before the Old and Historic Board of Architectural Review at the April 16, 2008, public hearing. The Board approved a Permit to Demolish for the existing non-historic building and granted a Certificate of Appropriateness for the new construction, which includes a new façade with the proposed bay window element. The approval contained the following conditions:

1. \* The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
2. \* The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
3. The statements in archaeology conditions above marked with an asterisk (\*) shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.

The Staff report to the Board noted that an encroachment had been applied for by the applicant in order to construct the bay element. The Board and Staff support this request for an encroachment of 1.67'. The proposed bay element on the new façade repeats an established pattern of first-floor bay elements in the commercial storefronts found on other buildings within the 1300, 1200, and 1100 blocks of King Street, including the adjacent 1311 King Street, as well as 1303 King Street and 1104 King Street, which required encroachment approvals.

The applicant is reminded that any future exterior changes, including new or replacement signage, lighting, window replacement, fencing, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR Staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.

Police Department:

- F-1 The Police Department has no objections to the encroachment of the bay window onto the public right of way.

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