APPLICATION

ENCROACHMENT INTO RIGHT-OF-WAY

_____ Filing Fee

_____ Filing Deadline

_____ Planning Commission Hearing

_____ City Concil Hearing

The applicant must send written notice of public hearings by certified or registered mail to all adjoining and facing property owners at least 10 days prior to the Planning Commission hearing, and not more than 30 days prior to the hearing. See detailed instructions on "Notice Requirements."

Mail certified or registered notice of hearings between _____ and _____.

Return notice materials to Department of Planning and Zoning by _____.

APPLICATION

ENCROACHMENT

ENC#_____

PROPERTY LOCATION: _____

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT

Name: _____

Address: _____

PROPERTY OWNER

Name: _____

Address: _____

PROPOSED USE: _____

_____

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 hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance 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 lso 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.

_____ _____

Print Name of Applicant or Agent Signature

_____ _____ _____

Mailing/Street Address Telephone # Fax #

_____ _____

City and State Zip Code Email address

_____

Date

Application Received: _____ Date and Fee Paid: $_____

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, click here.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

_____	_____	_____
Date	Printed Name	Signature

INSTRUCTIONS
ENCROACHMENT INTO RIGHT-OF-WAY APPLICATION

An encroachment is the projection of a building, structure, stoop, step, or other improvement beyond a property line into a public right-of-way such as a sidewalk, street or alley. The encroachment must be approved by the Alexandria City Council through public hearings.

FILING DEADLINE. Encroachment applications must be submitted to the Department of Planning and Zoning at least 49 calendar days prior to the scheduled Planning Commission hearing date. Call the Planning Department (838-4666) or visit alexandriava.gov/planning and zoning to obtain the proper filing deadline date. Failure to submit all required information and plans by the filing deadline will result in the application being deferred to a later hearing date.

APPLICATION FORMS. Encroachment applications must contain a certificate of insurance indicating a $1,000,000 policy and naming the City as an additional insured. Complete the application form using black ink or type. Sign the form, and include a daytime telephone number.

PLANS. Applicants must submit 28 copies of a survey and/or other plans showing the proposed area of encroachment with the application. Plans must be individually folded to a maximum size of 9" x 14" showing the proposed area of encroachment and in such manner that the lower right corner of the plan is on top with the plan title in view. Rolled plans will not be accepted.

FILING FEE. See current fee schedule.

PROPERTY OWNER NOTIFICATION. Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail at least 10 days prior to the Planning Commission public hearing and not more than 30 days prior to the City Council public hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred, notification must be given again.

The following must be submitted to the Planning Department no later than five calendar days prior to the public hearing:

- a copy of the notice letter sent,
- a copy of the list of the names and addresses of those persons to whom notice was sent,
- a copy of the post office receipts for the certified or registered mail,
- a certification of notice statement that notice was sent by certified or registered mail to those to whom notice is required to be given.

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information may be obtained from the City Real Estate Assessment Office, Room 2600, City Hall, 301 King Street or on the City's website at alexandriava.gov.

STAFF REPORT. A staff report and recommendation will be prepared and made available in the Department of Planning and Zoning office. The report is typically available 11 days prior to the Planning Commission hearing.

FOR ASSISTANCE WITH ANY OF THESE PROCEDURES,
CALL THE DEPARTMENT OF PLANNING & ZONING AT (703) 838-4666

NOTICE REQUIREMENTS

CITY COUNCIL AND PLANNING COMMISSION

For each application for a public hearing before the Planning Commission, City Council, the Board of Architectural Review, or the Board of Zoning Appeals (for example, for a special use permit, a certificate of appropriateness, an encroachment, a variance or subdivision approval), the law requires that notice is given so that people interested or affected by the application have a chance to express their views. *If incorrect notice is given, the request cannot be heard and must be deferred.*

Three types of notice are required:

- The City publishes notice in the newspaper prior to the hearing.
- The City also posts the property with a sign prior to the hearing.
- The third type of notice is *"written notice" and must be provided by the applicant.*

FAQ: How to provide written notice

What is written notice?

Written notice is a letter sent to the owners of those properties that abut the property that is the subject of the application. The notice describes the application before the City and gives the date when public hearings on the application will take place.

What form should I use for the written notice?

Using the attached form called "Notice of Public Hearing," fill in the blank spaces for the date of the hearings, the issue description, the property address and tax map number. Prior to mailing, date the form, sign it, and indicate your telephone number in the appropriate place so that people who receive the notice have someone to call with questions.

The *issue description* part of the notice form is very important. At the time you submit your application, you must provide a draft of the description of your request you intend to use in the notice form. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The following *example* illustrates a description:

> *Request to operate a full-service restaurant with carry-out and delivery service. Seating will be offered for 40 patrons. The hours of operation proposed are 7:00 AM to 12:00 midnight, seven days a week. Live entertainment will be provided. A parking reduction of six spaces is requested.*

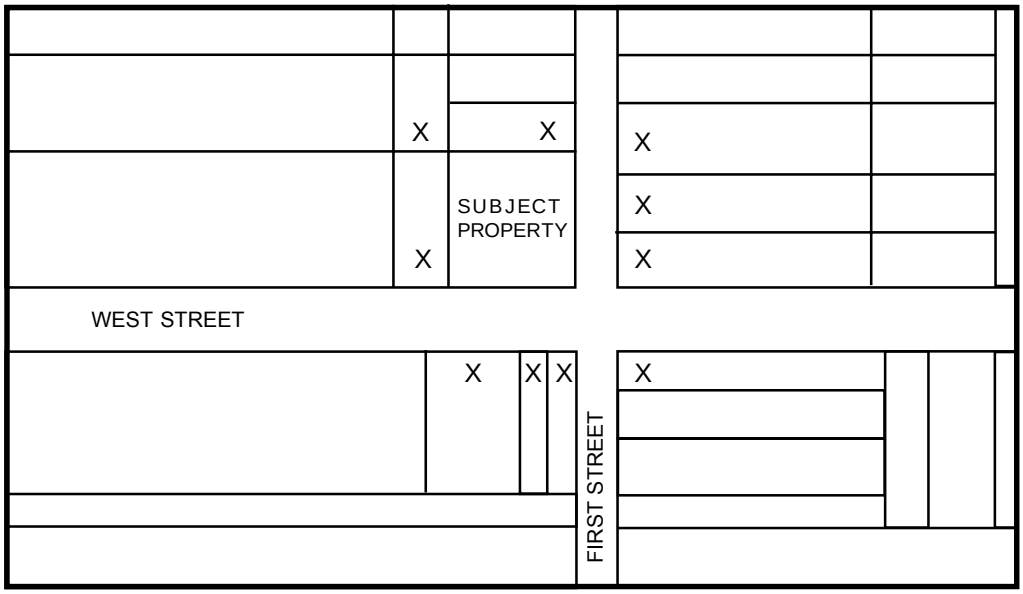
If you fail to submit draft language at the time of the application filing deadline, the application will be deemed incomplete and may be deferred by staff.

To whom must I send written notice?

Written notice must be sent to the owner of the property if the applicant is not the owner. In addition, written notice must be sent to the owner of each abutting property. An abutting property is one that touches the property in question or directly faces (and, in the case of a corner lot, diagonally faces) the property in question. See diagram on page 2.

Below is a *sample sketch* showing a hypothetical subject property and the property owners required by law to be notified. This is a sample only and is not to be used as a final authority when sending notice. If in doubt, it is advisable to provide notice to additional properties.

X = Property owners to be notified



How do I determine the abutting properties?

Consult the tax maps in the Department of Planning and Zoning or at the department's web page (http://alexandriava.gov/city/planning_zoning/gis/taxmaps.htm) . Determine the correct map, block and lot numbers of the abutting properties and use that information to fill out the appropriate spaces on the attached form called "Property Owners List."

How do I find the name and address of the owners of those properties?

Visit the web page of the Office of Real Estate Assessments (http://realestate.alexandriava.gov) or search the records in the Office of Real Estate Assessments on the second floor of City Hall, Room 2600. Look up the correct name and address of the property owner of each parcel you have listed on the Property Owners List. Fill in that information on the same form under "Abutting Property Owner's Name and Mailing Address."

What do I do in the case of a condominium property?

Legal notice to an abutting property that is in condominium ownership may be provided in only one of two ways:

- by sending notice to each and every condominium unit owner; or
- by sending notice to the president of the association of condominium owners.

In order to find out the proper name and address of the unit owners, you may use the records of the Office of Real Estate Assessments, as you would for any other owner of property. These records will provide the official name and address of each property owner. If you choose to avoid notice to each individual owner and wish to send notice to the condominium association president instead, then you must use other means to determine the correct name and address of the president. You may consult with the city's Department of Citizen Assistance for the name and address of the association president, but should also call the condominium or otherwise research and confirm the information yourself.

How must the notice be mailed?

Notice of the meetings must be sent by registered or certified mail only. Save the stamped receipts from the post office and a copy of the notice letter. Do not ask the post office to send the notices by restricted delivery or return receipt requested.

When must the notice be sent?

Notice of the meetings must be sent at least 10 days prior to the meeting and no more than 30 days prior to the meeting. Planning staff has a schedule with the correct dates for mailing notice prior to each meeting. Consult them for assistance.

What documents must be submitted to show that I sent notice correctly?

After you have sent the notice letters for the public hearings, the following documents must be submitted to the Department of Planning and Zoning:

- The attached Certification of Notice form, correctly filled out. This form tells the City that you have sent the appropriate form to the correct list of owners and that you have sent it at the right time. You must sign this form.
- A copy of the Notice of Public Hearing form that you sent to property owners.
- A copy of the Property Owners List, filled in with the names and addresses of the properties to whom you have sent notice.
- Copies of the certified or registered mail receipts from the post office. The receipts must be stamped by the post office.

When must the above documents be submitted?

The above documents must be submitted to the Department of Planning and Zoning by 5:00 PM of the fifth day prior to the meeting date.

Who can help me complete the notice process correctly?

If you have any questions about the notice process, staff in the Department of Planning and Zoning can assist you. Please call 703.838.4666.

If you fail to send correct legal notice as described above, the application will not be heard as scheduled. It will have to be deferred to the next scheduled hearing date so that proper notice can be sent. If it is heard, the improper notice may affect the validity of the hearing.

NOTICE OF PUBLIC HEARING

PLANNING COMMISSION AND CITY COUNCIL

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the Alexandria Planning Commission on the issue described below.

ALEXANDRIA PLANNING COMMISSION
DATE:
7:00 PM, CITY HALL
301 KING STREET
CITY COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22314

ALEXANDRIA CITY COUNCIL
DATE:
9:30 AM, CITY HALL
301 KING STREET
CITY COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22314

ISSUE DESCRIPTION: _____

_____

_____

_____

PROPERTY ADDRESS: _____

TAX ASSESSMENT MAP NUMBER: _____

As a citizen and party in interest, you are invited to attend these meetings and express your views concerning the above issue. If you have any questions regarding the request, you can reach me at _____.

Sincerely,

_____ _____

Applicant Signature Applicant Printed Name

CERTIFICATION OF NOTICE

[ ] BOARD OF ARCHITECTURAL REVIEW
[ ] BOARD OF ZONING APPEALS
[ ] DEVELOPMENT SPECIAL USE PERMIT
[ ] DEVELOPMENT SITE PLAN
[ ] SPECIAL USE PERMIT
[ ] SUBDIVISION PLAT
[ ] VACATION OF RIGHT-OF-WAY
[ ] ENCROACHMENT IN RIGHT-OF-WAY
[ ] REZONING
[ ] OTHER:

TO: DIRECTOR OF PLANNING AND ZONING
301 KING STREET, ROOM 2100
ALEXANDRIA, VIRGINIA 22314

Article XI, Section 11-301(A)(3), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia states:

At least five days prior to the hearing the applicant shall supply the director with:
(a) a copy of the notice letter sent
(b) a list of the names and addresses of those persons to whom notice was sent
(c) a copy of the post office receipts for the certified or registered mail
(d) a certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required pursuant to Article XI, Section 11-301(A)(3) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: _____

ISSUE DESCRIPTION: _____

_____

_____

_____ _____
print name signature

_____ _____
telephone date

REQUIRED ATTACHMENTS:
(a) copy of the notice letter sent
(b) list of the names and addresses of those persons to whom notice was sent
(c) copy of the post office receipts for the certified or registered mail

PROPERTY OWNERS LIST

SUBJECT ADDRESS	MAP	BLOCK	LOT

ADJOINING PROPERTY OWNER'S NAME & ADDRESS	MAP	BLOCK	LOT