

# City of Alexandria, Virginia

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## MEMORANDUM

DATE: MARCH 3, 2025

TO: VICE CHAIR MCMAHON AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR *Karl W. Moritz*  
DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #4 – SUP #2024-00091, 2701 CAMERON MILLS BLVD.  
DOCKET ITEM #6 – DSP #2025-00003, 3830 SEMINARY ROAD

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Staff response to Commissioner Brown's March 2 memorandum, regarding front yard modification requests to install fences over the permitted four-foot height, is featured in this memorandum.

As background, Section 11-416 of the zoning ordinance provides the public hearing review paths for the modification requests in docket items #4 and #6. Section 11-416(A)(1) allows for modifications of minimum frontage, yard, open and usable space or other minimum requirements imposed by the ordinance for site plans, applying directly to DSP #2025-00003. Section 11-416(C) allows the same modification review when associated with an SUP use, such as the SUP #2024-00091 cemetery request.

### Docket Item #4 – 2701 Cameron Mills Blvd.

Regarding SUP #2024-0009, Land Use Services staff clarifies that the six-foot fence at 2701 Cameron Mills Blvd. is a modification of the lot's front yard requirement, also referred to in the staff report as a lot modification. Nonetheless, staff believes the description of the modification in the staff report clearly and specifically identifies the request as related to the front yard requirement and generically to the lot. Staff maintains its recommendation of approval.

### Docket Item #6 - 3830 Seminary Road

Staff continues to recommend approval of the applicant's request. It is Staffs' belief that the Planning Commission does have the authority to grant a modification that decreases the minimum yard requirement as it does not change nor impact lot area, floor area, or density. An important distinction is the definition of a "*front yard*" versus the definition of a "*required front yard*". A front yard is anything between the front building wall and the front property line, while a required front yard varies substantially based on the zone and the primary use of the principal building.

Per 7-101, a fence is a permitted accessory structure. Per 7-103(A), a fence is allowed to be forward of a front building wall when the use of the principal building is non-residential. 7-202 outlines

the different structures that are permitted to be within the required yards “as not to obstruct light and ventilation”. Section 7-202(A) states that open fences which do not exceed four feet in height are the only fences that can be within a required yard. This means a six-foot closed fence could be constructed by-right 71 feet from the front property line and in front of the principal building.

Because a fence cannot exceed four feet in height within a required front yard, the applicant requested a modification to the required front yard to be decreased to six feet instead of 70 feet. Section 11-416(A)(1) states that the Planning Commission may modify the minimum yard requirements, which staff interpret to mean Planning Commission can decrease the depth of a required yard. Section 11-416(A)(2) reinforces this interpretation, as it states that the Planning Commission does not have the authority to approve a site plan when a building or structure would exceed maximum FAR, maximum density, or maximum height regulations of the zone- the fence would not exceed any of those maximums. Section 11-416(A)(2) also states that it is the “the intent of this section to allow regulations expressed as minimums such as yard dimensions to be relaxed in the proper case but not to allow regulations expressed as maximums such as density to be increased.” It is Staffs’ belief that the Planning Commission does have the authority to grant a modification that decreases the minimum yard requirement as it does not change nor impact lot area, floor area, or density.

Due to the traffic and width along Seminary Road, as well as the existing nearby closed fences, and the substantially open design of the proposed fence, staff found the request to be both reasonable and supportable.

To ensure additional clarification, Staff recommend a new condition: The requested modification would only allow the proposed fence.

Additional notes:

- The entirety of the property is currently fenced with the exception of the front yard area, where the new fence is proposed. The rear property fence connects with a fence along the shared property line with Karig Estates and along the shared property line with 3800 Seminary, (the owner Mr. Gant Redmon provided a letter of support).
- The fence at 3570 Seminary Road was constructed prior to 1992, which was when the City’s current fence rules were enacted.
- The applicants provided this additional statement:
  - o While the modification would bring the fence closer to the street, the purpose is twofold: enhancing security and ensuring the safety of the children who use the front lawn. The existing open space is currently underutilized due to safety concerns from both the congregation and parents, given the proximity of Seminary Road. A six-foot fence would provide a necessary barrier that allows children to safely enjoy the space while also serving as a security enhancement in alignment with best practices for places of worship.