

BZA Case # 2024-0000⁸



**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR FENCES

Section of zoning ordinance from which request for special exception is made:
7-1700

PART A

1. Applicant: Owner Contract Purchaser Agent

Name Robert and Erica Haldane

Address 1 Clifford Ave., Alexandria, VA 22305

Daytime Phone 240-418-5977

Email Address drewdane@msn.co

2. Property Location Corner of Clifford and Commonwealth Avenues

3. Assessment Map # 024.2 Block 04 Lot 01 Zone RB/Townhouse

4. Legal Property Owner Name Robert and Erica Haldane

Address 1 Clifford Avenue, Alexandria, VA 22305

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 three 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. <i>Robert Haldane</i>	<i>1 Clifford Ave Alexandria VA 22305</i>	<i>50%</i>
2. <i>Erica Haldane</i>	<i>1 Clifford Ave Alexandria VA 22305</i>	<i>50%</i>
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 three 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. <i>Robert Haldane</i>	<i>1 Clifford Ave Alexandria VA 22305</i>	<i>50%</i>
2. <i>Erica Haldane</i>	<i>1 Clifford Ave Alexandria VA 22305</i>	<i>50%</i>
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 the 12-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.

8/30/2024 *Robert & Erica Haldane*
 Date Printed Name


 Signature

5. Describe request briefly:

Request for exception to 7-1700 requirement for corner lot fences to be set two feet from the sidewalk, and front yard fence to be 50% open.

6. If the property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

Yes — Provide proof of current City business license.

No — Said agent shall be required to obtain a business prior to filing the application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

Robert and Erica Haldane

Print Name

240-418-5677 / 703-298-7998

Telephone



Signature

8/30/2024

Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

NOTE TO APPLICANT: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

1. Explain the extraordinary conditions of the subject property which prevent locating the proposed fence in compliance with the fence regulations.

Our lot is on a busy intersection, comprising not only Clifford and Commonwealth, but also lying close to the intersection of Commonwealth and Mt. Vernon Avenue. Due to the confluence of the roads, as well as the alley backing the property, we have an oblong, asymmetrical lot adjacent to a traffic light. Further, the intersection is a popular pedestrian route to/from the shops and restaurants. The property is very exposed to view from passersby, as well as subject to steady levels of traffic noise (pedestrian and auto) and auto exhaust.

2. How does compliance with the fence regulations pose an unreasonable burden on the owner's use and enjoyment of the property? Explain the circumstances as to why the proposed fence should be located in a required front yard.

The configuration and location of the property as described in Question 1 are such that compliance with the regulations would further expose us to noise and pollution from pedestrian and auto traffic as well as negatively affecting our privacy.

Before we replaced the previous chain link fence, we would frequently find litter in the yard. Given that it is a very busy pedestrian area, moving the fence away from the sidewalk may result in more pedestrian traffic and littering directly on our property.

3. Explain how the proposed fence will affect the light and air to any adjacent property and impact traffic congestion or public safety.

It has no known or apparent negative impacts. In our conversations with Zoning Services, they indicated that the fence, as built, poses no traffic hazards or issues with line of sight. There is no adjacent property on the side of the fence that runs along Commonwealth Avenue. Our lot is large for the neighborhood and the fence (on the far side of our yard) does not affect the light or air with respect to the one adjacent property at 3 Clifford Ave.

4. Explain how the proposed fence is compatible with other fences in the neighborhood and the character of the neighborhood as a whole. List example of similar fences.

Our fences (Exhibits 1, 2) are similar in construction and materials to other fences in the neighborhood. In our immediate neighborhood, there are several privacy fences that run directly adjacent to sidewalks or are set back less than 2 feet from the sidewalk. With the exception of chain link fences, there appear to be few or no front yard fences that are fifty percent open. Examples include: 5 Clifford Ave, 11 Clifford Ave, 17 Clifford Ave, 3000 Manning Street, 3003 Fulton Street, 3013 Fulton Street and 3019 Fultin Street (Exhibits 3 - 10)

The city permits website provides no indication of special requirements for fences. Given that, it was reasonable to assume we could proceed without further research.

5. Explain if the proposed fence will detrimental to any other properties in the neighborhood.

It is not detrimental, and in fact is a noted improvement over the rusty, dilapidated chain link fence we replaced when we purchased the property earlier this year. We have had passersby (on foot and in their cars) compliment the new fence.

We had the fence built on the existing footprint of the old fence after checking the city permits website.

6. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed fence, or have any neighbors written letters of support? If so, please attach the letter.

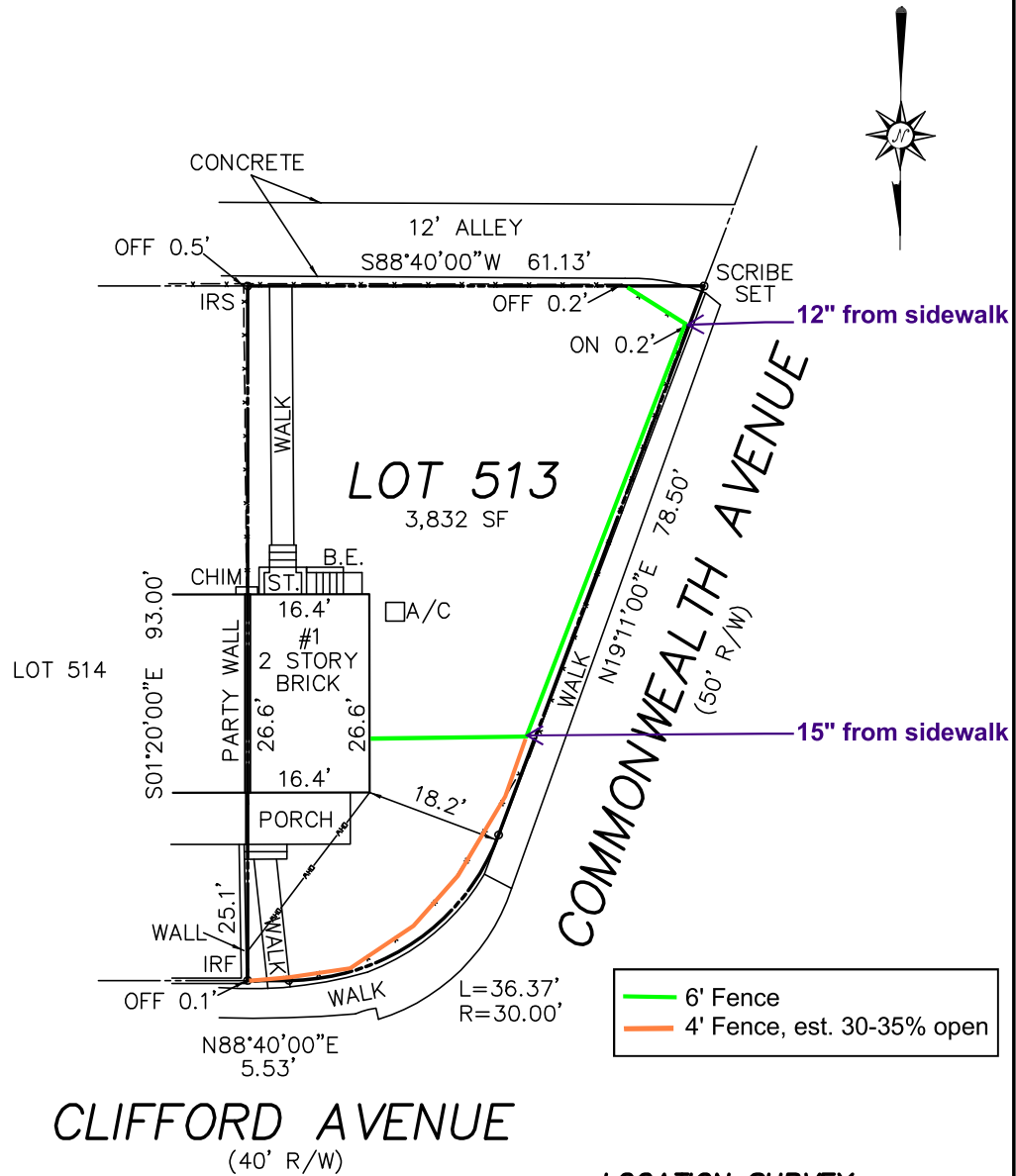
N/A. We did not show the plans to our one immediate neighbor before having it built. However, construction has not affected neighboring property owners, as it did not border their property or impede their access to same.

LINE TYPES:

- BOUNDARY LINE
- - - - EASEMENT
- DRIVEWAY/ROAD
- x - x - x - FENCING
- OVERHEAD WIRE
- STRUCTURE

LEGEND:

- | | | |
|--------------------------------|--------------------------------|--------------------------|
| ADW- ASPHALT DRIVEWAY | ER- ELECTRICAL RISER | PL- PLANTER |
| A/C- AIR CONDITIONING | FIOS- FIBER OPTICS UTILITY BOX | PP- POWER POLE |
| A/W- AREAWAY | GDW- GRAVEL DRIVEWAY | R/W- RIGHT OF WAY |
| B.E.- BASEMENT ENTRANCE | IPF- IRON PIPE FOUND | SMH- SANITARY MANHOLE |
| BRL- BUILDING RESTRICTION LINE | IRS- IRON ROD SET | ST- STOOP |
| CDW- CONCRETE DRIVEWAY | IRF- IRON ROD FOUND | TELE- TELEPHONE PEDESTAL |
| CO- CLEANOUT | MH- MANHOLE | TR/TRANS- TRANSFORMER |
| CONC.- CONCRETE | O.H.- OVERHANG | WM- WATER METER |
| | PAD- CONCRETE PAD | WV- WATER VALVE |
| | | WW- WINDOW WELL |



LOCATION SURVEY

LOT 513 BLOCK 2
EMMA P HUME

CITY OF ALEXANDRIA, VIRGINIA
SCALE 1"=20' DATE 03-12-24



- 1.) TITLE REPORT FURNISHED.
- 2.) PLAT SUBJECT TO RESTRICTIONS OF RECORD.
- 3.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE AND DO NOT CERTIFY AS TO OWNERSHIP.

MERESTONE LAND SURVEYING, PLLC.
LAND SURVEYING & G.P.S. SERVICES
MERESTONE LAND SURVEYING, PLLC
1229 GARRISONVILLE ROAD SUITE 105 STAFFORD, VA 22556
(540)752-9197 FAX (540)752-9198

Exhibit 1: Front Yard Fence at 1 Clifford Avenue:



Exhibit 2: Side Yard fence at 1 Clifford Avenue:



Exhibit 2: 5 Clifford Avenue – Front Yard fence



Exhibit 3: 11 Clifford Avenue – Front Yard fence



Exhibit 4: 17 Clifford Avenue – Front Yard fence

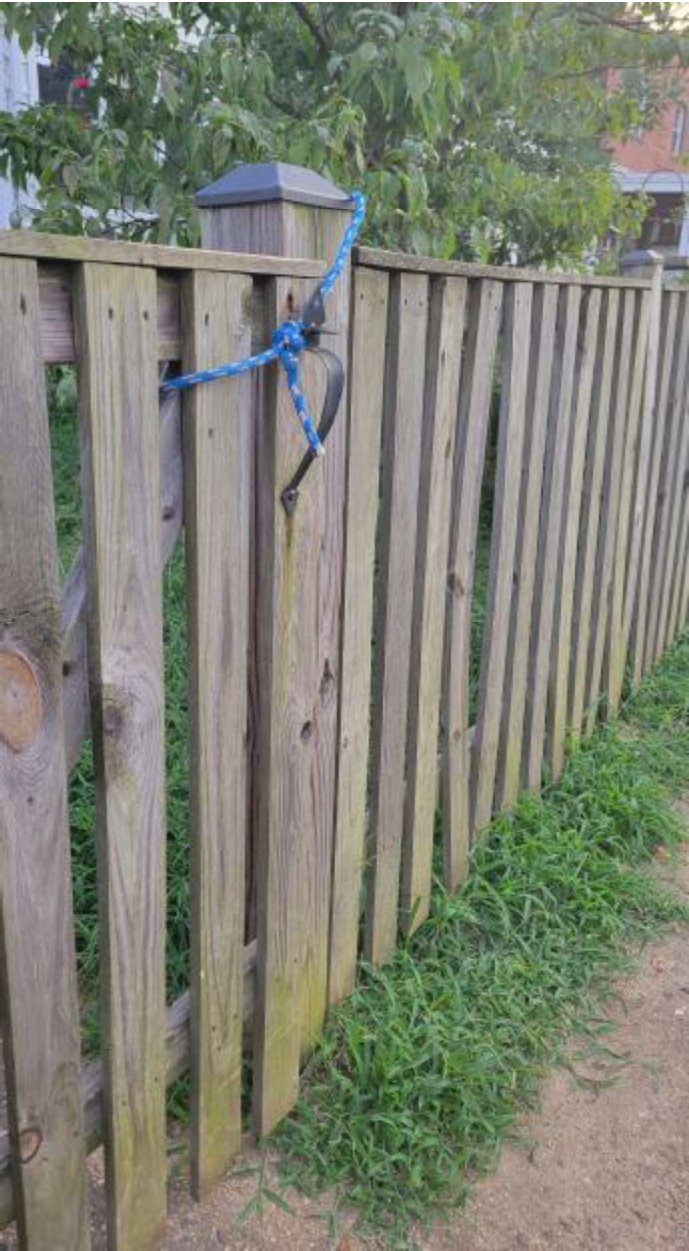


Exhibit 5: 21 Clifford Avenue – Front Yard fence



Exhibit 6: 3000 Manning Street – Side Yard Fence

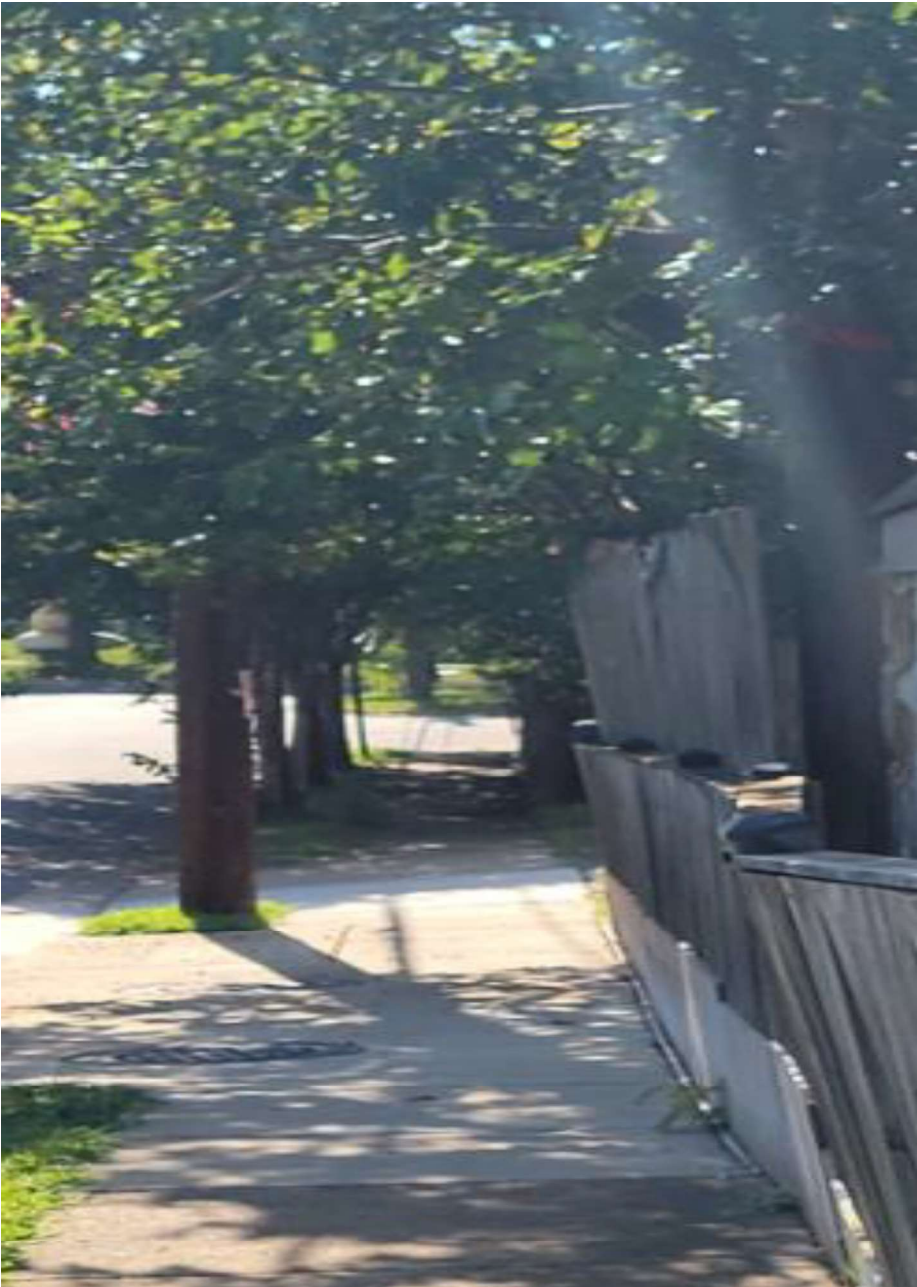


Exhibit 7: 3000 Manning Street - Front Yard Fence

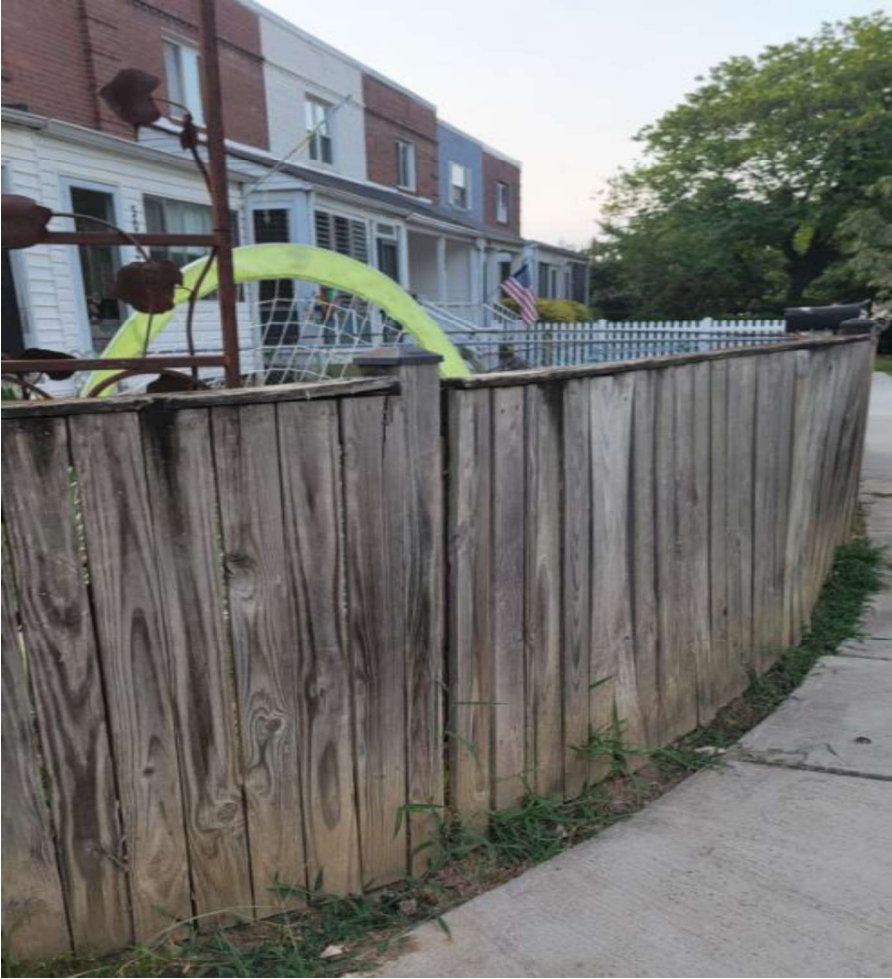


Exhibit 8: 3003 Fulton Street – Front Yard fence

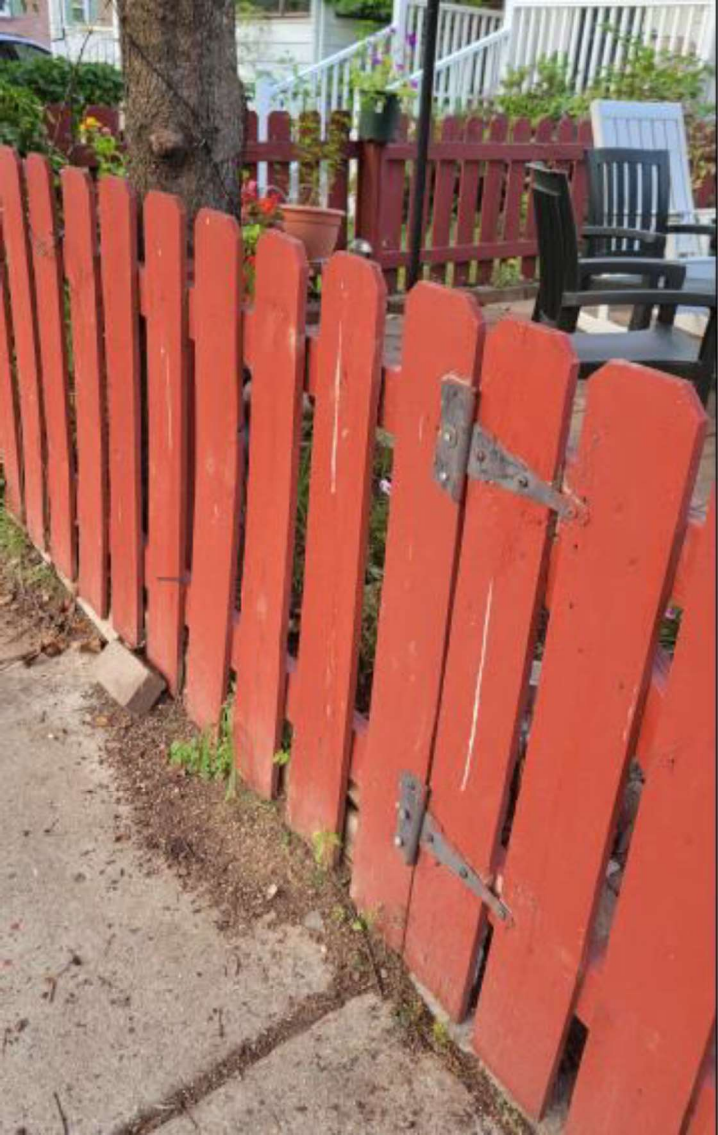


Exhibit 9: 3013 Fulton Street – Front Yard fence

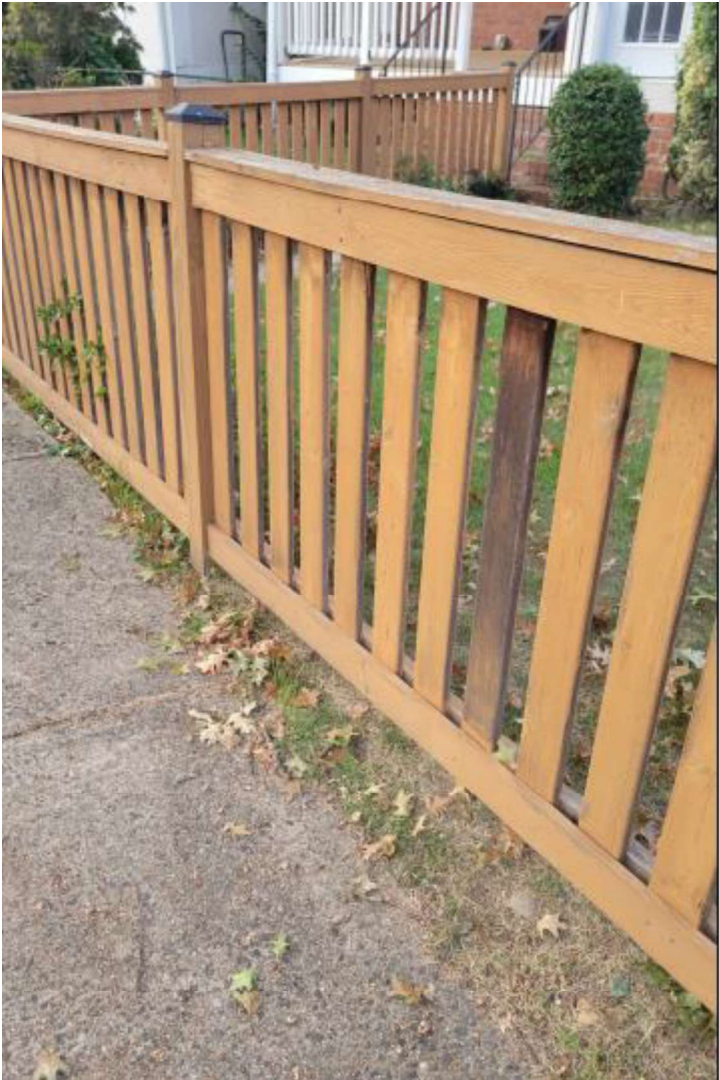


Exhibit 10: 3019 Fulton Street – Side Yard fence (along Commonwealth Ave)

