

Docket Item #5
BZA #2022-00016
Board of Zoning Appeals
September 12, 2022

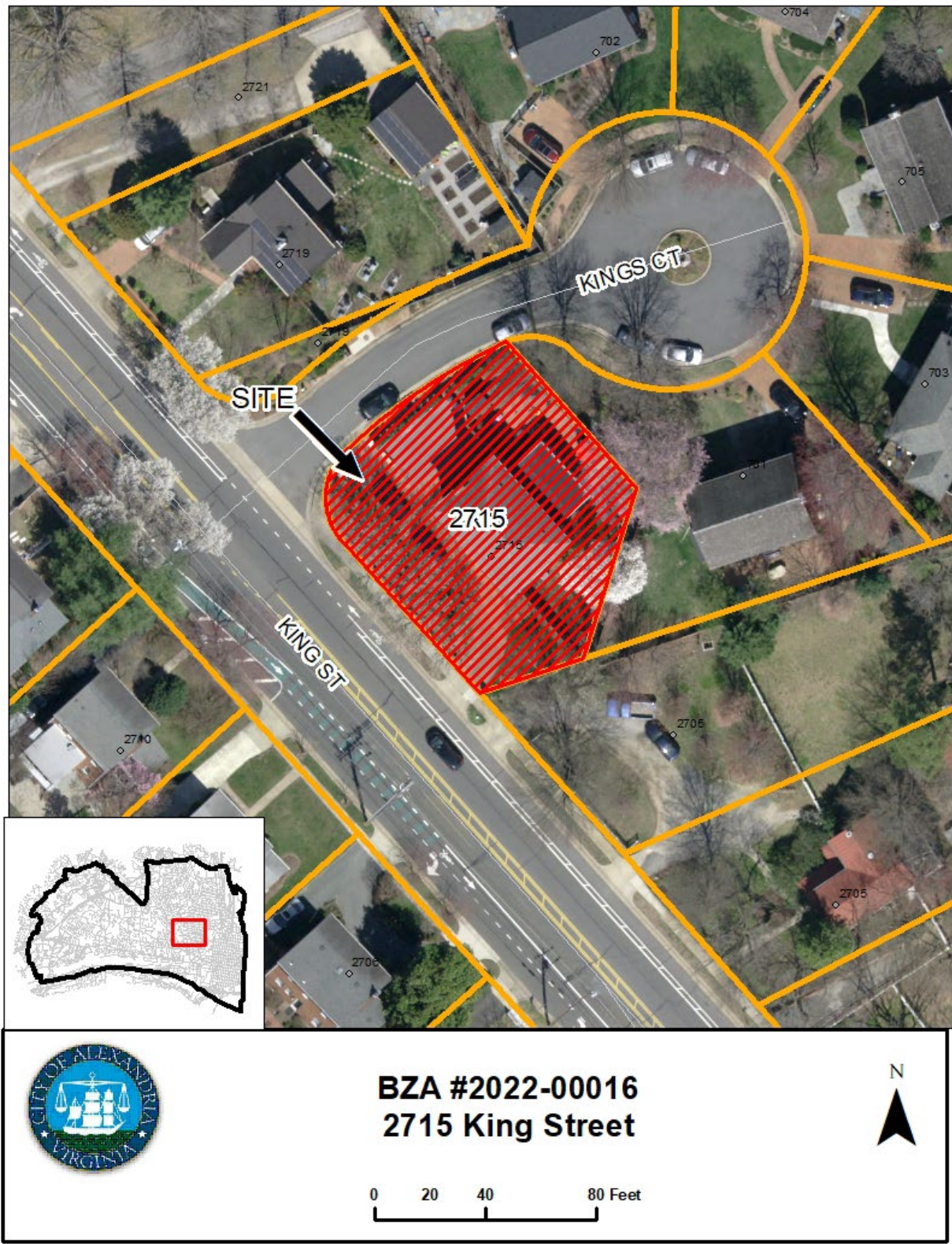
ADDRESS: 2715 KING STREET
ZONE: R-8/RESIDENTIAL SINGLE-FAMILY
APPLICANTS: MARIAN RAZAQ AND TODD CLEMENCE REPRESENTED BY
DUNCAN W. BLAIR, ATTORNEY

ISSUE: Special exception to construct a brick wall forward of the front building wall facing a primary front yard.

CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANTS PROPOSE	REQUESTED EXCEPTION
7-1701	Fences on Corner Lots	35.10 feet	30.10 feet	5.00 feet

Staff **recommends approval** of the request because it would meet all the special exception standards.

If the Board grants the requested special exception it is subject to compliance with all applicable code requirements, ordinances and recommended conditions found in the department comments. The special exception shall be recorded with the deed of the property in the City’s Land Records Office.



I. Issue

The applicants propose to construct a six-foot brick wall on a corner lot at 2715 King Street. Portions of the wall would not comply with Zoning Ordinance section 7-1700 related to fences on corner lots. The applicants request special exception approval to construct the wall.

II. Background

The subject property is an irregularly shaped, corner lot of record with 91.60 feet of frontage along King Street and 89.10 feet of frontage along King's Court. It has a lot size of 9,003 square feet and is zoned R-8.



Figure 1 - Subject Property

A single-family dwelling occupies the subject property and faces King Street. As such, its primary front yard is along King Street and its secondary front yard is along King's Court.

City Real Estate records indicate the dwelling was constructed in 1977. The dwelling provides 35.10-foot and 30.00-foot front yards along King Street and Kings Court, respectively. It provides 14.80-foot and 21.80-foot east and south side yards, respectively.

There have been no variances or special exceptions previously granted for the subject property.

III. Description

The applicants propose to construct a six-foot brick wall that would separate the subject property's south side yard from the primary front yard.

The wall would run approximately 36.00 feet from the dwelling's southwest corner to the south side lot line. Figure 2, below, shows the location of the proposed wall in green. The wall would provide a front setback ranging from 35.10 to 30.10 feet.

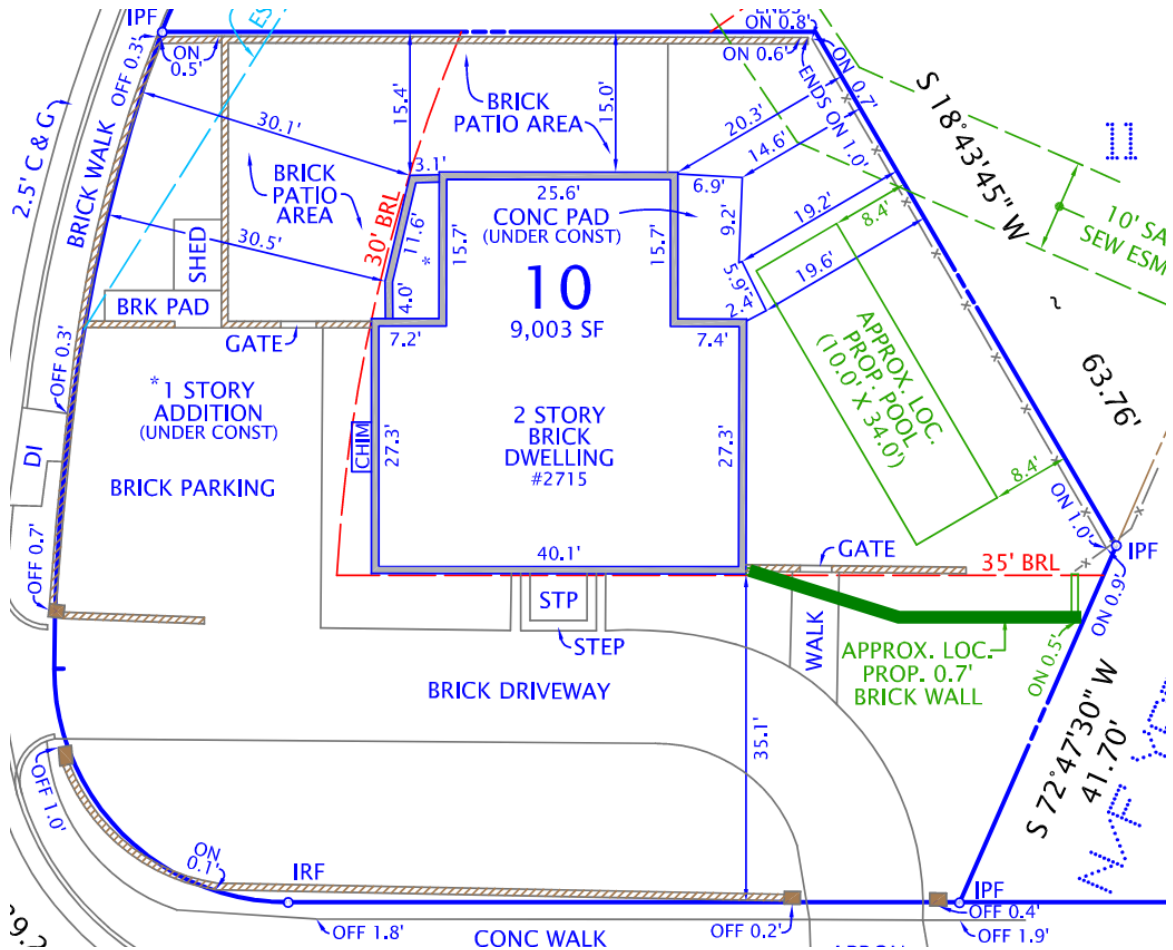


Figure 2 – Proposed Site Plan

IV. Master Plan/Zoning

The subject property has been zoned R-8/Residential Single-Family since adoption of the Third Revised Zoning Map in 1951. The North Ridge/Rosemont Area Plan identifies the property for residential land use.

V. Requested Special Exception

Zoning Ordinance section 7-101 permits a fence or wall as an accessory structure for the subject property. Because the subject property is a corner lot, section 7-1700 applies and establishes regulations for fences or walls on corner lots. Specifically, section 7-1701 requires compliance with section 7-103(A) which would prohibit a solid fence or wall that exceeds four feet in height forward of the dwelling's front building wall facing the primary front yard. This primary front building wall provides a front yard of 35.10 feet. Figure 3,

below, shows a hatched area. Any solid fence or wall that exceeds four feet in height located within this hatched area would require special exception approval.

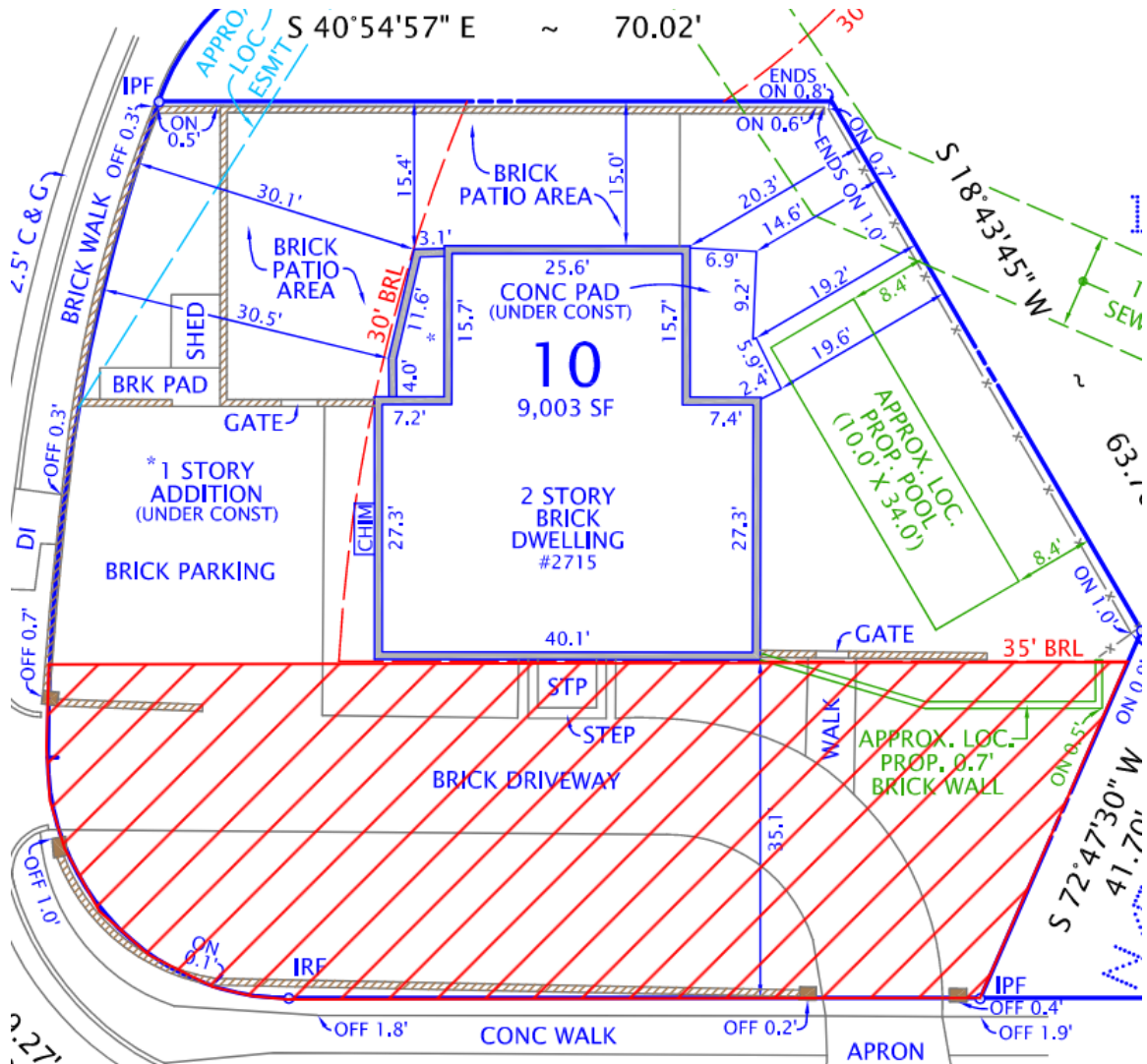


Figure 3 - Special Exception Area

The applicants' proposed wall would be located within this hatched area and would provide a front yard of 30.10 feet. As such, the applicants must request a special exception of five feet to allow the wall in their proposed location.

VI. Special Exception Standards

Per Zoning Ordinance section 11-1304, the Board of Zoning Appeals "must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed." Section 11-1304 also states that the Board of Zoning Appeals "shall consider and weigh the following issues, as applicable:"

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.

One of Zoning Ordinance section 7-1700's purposes is to ensure that a fence or wall on a corner lot does not create a barrier between the street and a subject property's front yard. Open front yards generally benefit the public welfare, neighborhood and adjacent properties because they establish a physical relationship between a dwelling, its surroundings and the street. Open front yards are also visually pleasing. The applicants' proposal would enclose approximately 139 square feet of the subject property's primary front yard. The primary front yard measures approximately 3,513 square feet. The applicants' proposal would negligibly reduce the openness of the front yard. As such, there would be no detrimental impact to the public welfare, neighborhood or adjacent properties.

- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire or endanger the public safety.

The proposed wall would leave most of the primary front yard open and would comply with the Zoning Ordinance regulations related to fences and walls in required side yards. As such, it would not impair light and air supplies to adjacent properties. It would also be located outside the required vision clearance and would not affect pedestrian or vehicular traffic or public safety.

- 3) Whether approval of the special exception will alter the essential character of the area or zone.

The property located at 2719 King Street, immediately across King's Court from the subject property, has a brick wall that encloses its primary front yard along King Street. Further, many abutting properties have six-foot fences or walls to screen their yards and provide privacy from busy King Street. Because there is precedent for brick walls and six-foot fences in front yards within the area, approval of the special exception would be compatible with and would not alter its essential character.

- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.

The proposal would not affect compatibility with the surrounding area as it would enclose a negligible area of the subject property's front yard. Further, the subject property and the adjacent property at 2719 King Street have existing brick walls facing King Street. The proposed wall would be compatible with development in the surrounding neighborhood.

- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

The dwelling's placement on the subject property provides a large primary front yard and shallow and small side yards. The proposed location of the wall would allow the applicant a slightly larger side yard. A six-foot fence or wall represents one of the only structures that would provide adequate privacy to the side yard from King Street. The proposal would represent the only reasonable means and location to enclose and provide privacy to the subject property's side yard.

- 6) In the case of fences, whether the size, configuration or other unusual characteristic of the lot requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.

As mentioned previously, the dwelling's placement lends little space for private yard space. Most of the subject property's open space is located within its primary front yard. Given the size of the subject property's remaining yards, staff finds that it would be reasonable to locate the wall in the applicant's proposed location. The proposed location would allow a slightly larger side yard and would provide a reasonable, private fenced area. Because the proposed wall would still provide a front setback of 30.10 feet it would leave most of the front yard open. The proposed wall also would comply with the requirements for fences or walls in required side yards. The wall would also be compatible with neighborhood character. Because of these factors, there would be no harm to adjacent properties or the neighborhood.

VII. Staff Conclusion

As outlined above, staff **recommends approval** of the applicants' request because all the special exception criteria are met.

Staff

Sam Shelby, Principal Planner, sam.shelby@alexandriava.gov

Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov

Tony LaColla, Land Use Division Chief, anthony.lacolla@alexandriava.gov

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the special exception is approved, the following additional comments apply. *

Transportation and Environmental Services:

- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition, if a separate demolition permit is required. (T&ES)
- R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-3 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- F-1 The site has an approved grading plan, GRD2019-00015, in place. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Code Administration:

No comments.

Recreation (City Arborist):

C-1 No comments received.

Historic Alexandria (Archaeology):

F-1 In the late nineteenth century, the subject property was part of a four acre estate owned by F.N. Hoenstine. Hoenstine's house may have stood in the immediate vicinity of the lot at 2715 King St. Therefore, the property has the potential to yield significant information about latter nineteenth-century domestic life in Alexandria.

C-1 The statements below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

1. The applicant/developer shall call Alexandria Archaeology immediately (703-746-4399) 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 or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology.

Other requirements brought the applicant's attention if the Board approves the request:

C-1 The special exception must be recorded with the property's deed in the City's Land Records Office.

BZA Case # _____



APPLICATION BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR FENCES

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

Special Exception pursuant to Section 11-1302 (A) of the Alexandria Zoning Ordinance (the "Ordinance") to permit an accessory structure - a six (6') foot brick wall on a corner lot located forward of the front building wall facing a primary front yard as required by Section 7-103 (A) of the Ordinance.

PART A

1. Applicant: ☒Owner ☒Contract Purchaser ☒Agent

Name Clemence Todd and Mariam Razaq

Address 2715 King Street, Alexandria, Virginia 22302

Daytime Phone 917 744 7219

Email Address mariam.razaq@gmail.com

2. Property Location 2715 King Street, Alexandria, Virginia 22302

3. Assessment Map # 52.02 Block 06 Lot 39 Zone R-8

4. Legal Property Owner Name Clemence Todd and Mariam Razaq

Address 2715 King Street, Alexandria, Virginia 22302

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. Mariam Razaq	2715 King St, Alexandria ²²³⁰²	50%
2. Todd Clemence	2715 King St, Alexandria, VA ²²³⁰²	50%
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. Mariam Razaq	2715 King St Alexandria VA ²²³⁰²	50%
2. Todd Clemence	2715 King St Alexandria VA ²²³⁰²	50%
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 required 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 indicate 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. Mariam Razaq	None	
2. Todd Clemence	None	
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.

6/17/22
Date

Mariam Razaq
Printed Name

M. Razaq
Signature

BZA Case # _____

5. Describe request briefly:

The Applicant is requesting a Special Exception pursuant to Section 11-1302 (A) of the Alexandria Ordinance to permit the construction a six (6') foot privacy brick wall to enclose their back yard and newly constructed swimming pool. The proposed brick wall replaces a brick wall that prior to construction of the swimming pool enclosed the back yard. The proposed brick wall is outside of the required front yard. The proposed brick wall is five (5') forward on the old wall.

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:

Duncan W. Blair, Attorney Agent



Print Name

703 836 1000

Signature

7 28 22

Telephone

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.**

The lot is an oddly shaped corner lot that making it difficult to locate and construct a swimming pool and comply with zoning setback requirements and City regulations that the swimming pool be in an enclosed area. The proposed privacy brick wall is not located in the required front yard and would be a permitted structure except that it is located in front of the front building wall of the dwelling.

- 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.**

This is an unusual situation as the proposed privacy fence is not located in a required front yard, but is not permitted without a Special Exception due the the fact that the applicant's home is setback an additional five (5') from the required front yard setback creating the unusual situation that the a permitted accessory must be setback beyond the front set back line to comply with the rule that an accessory structure can't be located forward of the front building wall facing a primary front yard as required by Section 7-103 (A) of the Ordinance.

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

The proposed brick wall will not affect the adequate supply of air and light to the adjacent property and will have no impact on traffic congestion or public safety.

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.**

The proposed brick wall is consistent with the neo-colonial architecture of the applicant's home and other dwellings within the Summit Subdivision. The proposed wall will replace an existing brick wall of the identical design and character as well as existing brick walls on the northern side of the lot. There are numerous similar brick walls on other lots in the Summit Subdivision.

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

The proposed brick wall will have no impact on other properties in the neighborhood as it replaces in the same general location.

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.**

Yes, the Applicants have met and shared the plans with neighbors who will see the new wall as opposed to seeing the old wall and there are no objections.

*****ATTENTION APPLICANTS*****

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Special exception to construct a 6.00 feet high brick wall on a corner lot forward of the front building wall facing a primary front yard as required by Section 7-103 (A) of the Ordinance."

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



2715 King Street

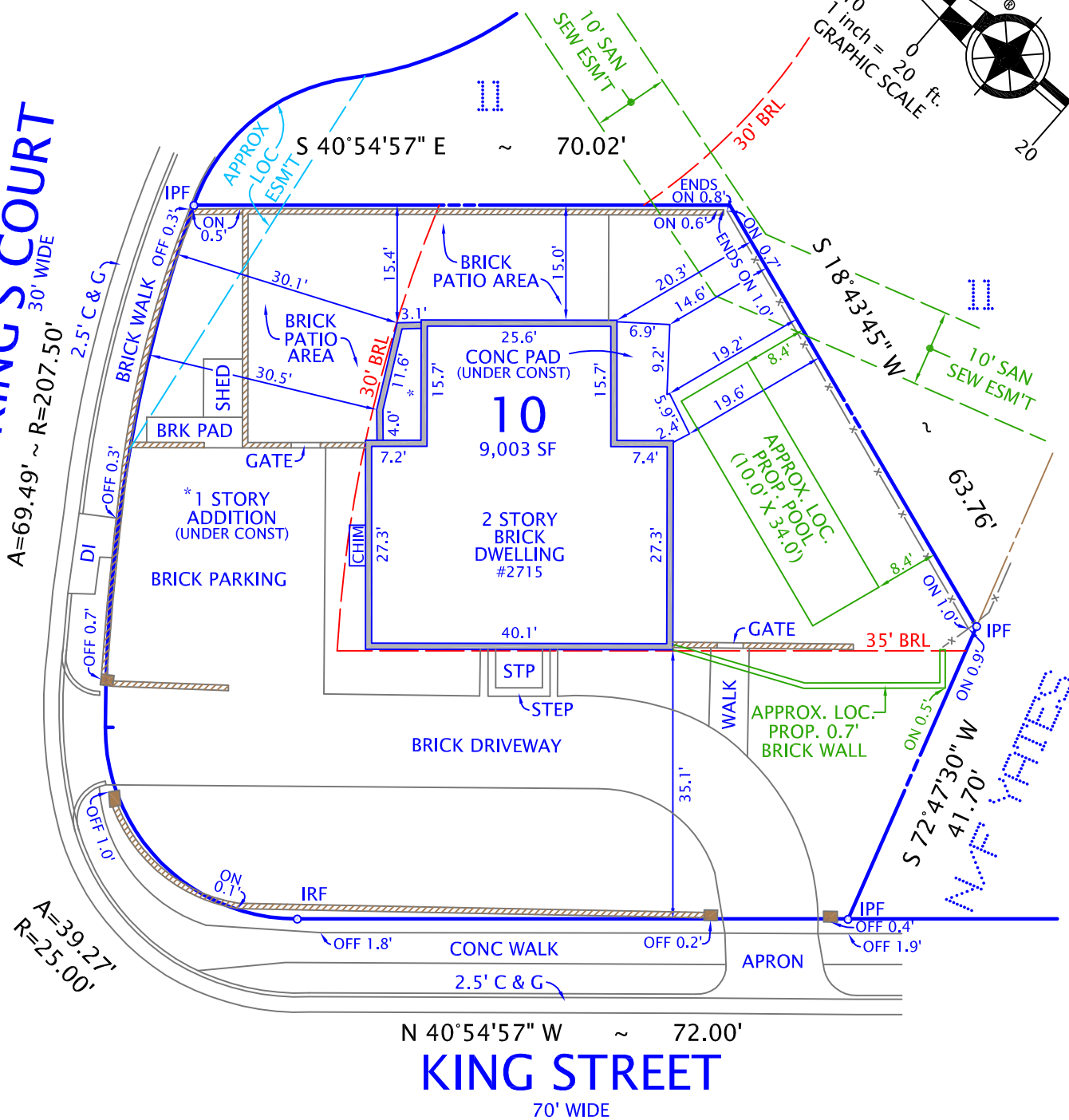
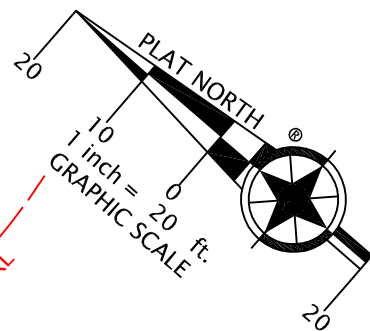


2715 King Street with old brick wall.



Prior Brick Wall new wall to be identical.

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PLAT
SHOWING HOUSE LOCATION ON
LOT 10
THE SUMMIT
(DEED BOOK 852, PAGE 242)
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DECEMBER 17, 2019 (WALL CHECK)
AUGUST 04, 2022 (PROP. WALL & POOL)

NO CORNER MARKERS SET.



MARIAM RAZAQ

Surveyors
Inc.®

8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412



2022 City of Alexandria Business License

Finance Department, Revenue Administration Division, City of Alexandria
301 King Street, Room 1700, Alexandria, VA 22314
Phone: 703.746.4800 <http://www.alexandriava.gov/>

License Number: 110827-2022
Account Number: 110827
Tax Period: 2022
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314

LAND, CARROLL & BLAIR PC
524 KING ST
Alexandria, VA 22314-3104

License Classification(s):

Professional Occupations/Businesses
9-071-007
Attorney-At-Law

January 19, 2022

Dear Taxpayer:

This is your 2022 City of Alexandria Business License. The bottom portion of this page is perforated to allow you to tear off and post the business license in your establishment.

If you paid for your business license via check, please be aware that if your check is not honored by your financial institution, this business license shall be invalid.

As with all taxes, our goal is to administer Business License taxes fairly and in accordance with Commonwealth and Locality code. Our staff strives to provide professional assistance and quality customer service. Your satisfaction is important to us and your comments are always welcome.

If you have any questions regarding this letter, please visit <http://www.alexandriava.gov/> or contact my office via phone at 703.746.4800.

Finance Department, Revenue Administration Division, City of Alexandria

Keep this letter for your records.

City of Alexandria Business License

Revenue Administration Division, City of Alexandria, 301 King Street, Room 1700, Alexandria, VA 22314



License Number: 110827-2022
Account Number: 110827
Tax Period: 2022
Business Name: Land, Carroll & Blair PC
Trade Name: Land, Carroll & Blair PC
Business Location: 524 KING ST
Alexandria, VA 22314

This license has been issued by the Revenue
Administration Division of the City of Alexandria and
is granted to:

Land, Carroll & Blair PC
524 KING ST
Alexandria, VA 22314

License Classification(s): Professional Occupations/Businesses
9-071-007
Attorney-At-Law

August 11, 2022

Chairman and Board of Zoning
Appeals Commissioners
City Hall
Alexandria, Virginia

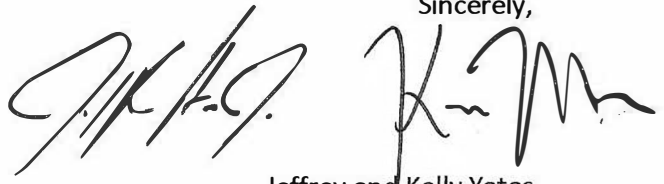
RE: Special Exception – 2517 King Street.

I am writing to support the granting of a Special Exception to my immediate neighbors to the north of our home at 2705 King Street, Clemence Todd and Mariam Razaq, to construct a brick privacy fence to replace the brick privacy fence deconstructed to allow access to their yard to construct a swimming pool.

I have reviewed the plans for the wall and find the new wall to be consistent with the character of the neighborhood.

Please grant their request for the Special Exception.

Sincerely,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right.

Jeffrey and Kelly Yates

2705 King Street, Alexandria, VA 22302