

Docket Item # 2  
BZA Case #2017-0022  
Board of Zoning Appeals  
July 13, 2017

**ADDRESS:** 804 CHALFONTE DRIVE  
**ZONE:** R8/ SINGLE FAMILY ZONE  
**APPLICANT:** RICHARD WILLIAMS

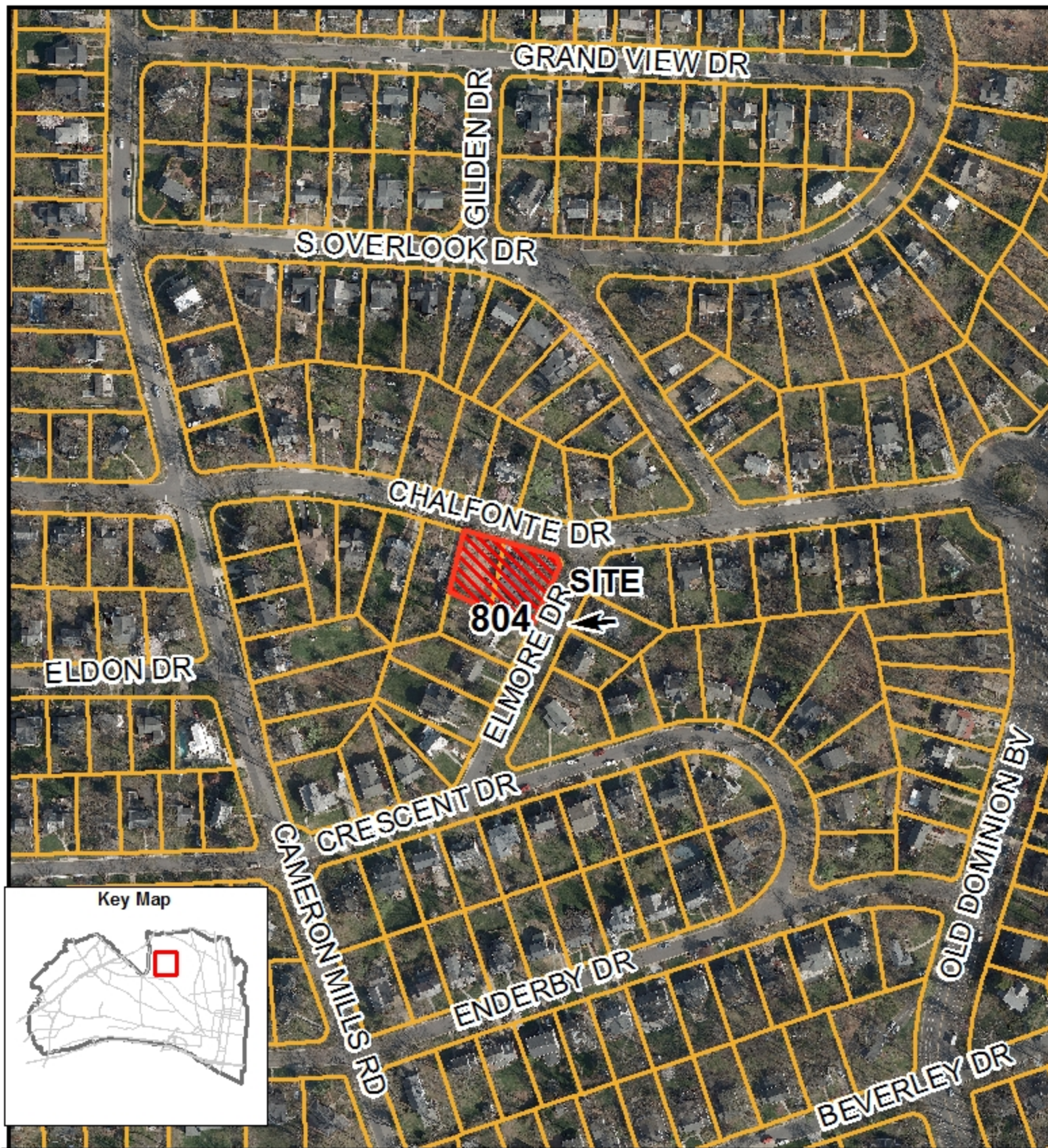
**ISSUE:** After-the-fact special exception to retain a six foot closed fence located within a required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-202(A)(1)	Fences in Front Yard	26 feet (closed)	0 Feet (closed)	26 Feet

The staff **recommends denial** of the requested special exception because the request does not meet the criteria for a special exception.

If the Board decides to grant the requested special exception it must comply with the code requirements under the department comments and it must be recorded with the deed of the property in the City's Land Records Office.





**BZA Case #2017- 0022**  
**804 Chalfonte Drive**





**I. Issue**

The applicant is requesting a special exception to retain a six foot tall closed fence located within the property's required primary front yard at 804 Chalfonte Drive.

**II. Background**

The subject property reads as a single corner lot but is actually two lots of record used together to have 135.11 feet of frontage facing Chalfonte Drive, 100.25 feet of frontage along Elmore Street, 131.32 feet of depth along the south side property line and 87.97 feet of depth along the west side property line. The width at the front building wall is 145.00 feet, and, according to the survey plat, the property has 14,492 square feet. The site complies with the lot area and width requirements as a combined property, but the individual lots are substandard in lot area with one of the lots being substandard for width.

The property is currently developed with a two-story single family home. The dwelling is 26.30 feet from the primary front property line facing Chalfonte Drive; 11.40 feet from the secondary front property line facing Elmore Avenue; 26.30 feet from the south side property line; and 64.6 feet from the west side property line.



**Figure 1. Google Street View image of previous fence from 2014.**

Until recently, this site's primary front yard had an open fence approximately 3.5 feet tall, which is a permitted type of fence. Subsequently, the applicant installed a 6-foot tall solid fence in this same location. Neighboring residents filed complaints about this tall, closed fence violating the City's residential fence regulations for corner lots.

**Table 1. Zoning Table**

<b>R8 Zone</b>	<b>Requirement</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Area</b>	9,000 Sq. Ft.	14,492 Sq. Ft	14,492 Sq. Ft.
<b>Lot Width</b>	80.00 Ft.	135.11 Ft.	135.11 Ft.
<b>Lot Frontage</b>	40.00 Ft	145.00 Ft.	145.00 Ft.
<b>Primary Front Yard</b>	Average Prevailing Setback	26.30 Ft.	26.30 Ft.
<b>Secondary Front Yard (southeast)</b>	Average Prevailing Setback	11.40 Ft.	11.40 Ft.
<b>Side Yard (West)</b>	1:2 minimum 8.00	64.60 Ft	64.60 Ft.
<b>Side Yard (South)</b>	1:1 minimum	26.30 Ft.	26.30 Ft.
<b>Fence Requirements</b>	3.5 feet (open) within primary front yard	6 Feet (opaque)	6 Feet (opaque)

### **III. Project Description**

The applicant requests a special exception to allow a six foot tall closed (solid) fence that is taller than 42 inches to remain standing in the required primary front yard along Chalfonte Drive. The new fence was erected to replace a wooden fence that was 3.50 feet in height and 50 percent open, in compliance with city fence regulations.

The 6 foot tall closed fence is located within the primary front yard and is currently actually located within the city owned right of way of Chalfonte Drive. The applicant has agreed to relocate the fence, if approved, out of the right of way and on to the property. There have been no variances or special exceptions previously granted for the subject property.



**Figure 2: Recently installed 6-foot tall solid fence**

**IV. Master Plan/Zoning**

The subject property is zoned R-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge/Rosemont Small Area Plan.

**V. Requested Special Exception**

**11-1302(A) Fences on Corner lots**

Under section 7-202(A)(1), a fence located in the required primary front yard must be at least 50 percent open and cannot exceed 3.50 feet in height, a 6-foot fence is prohibited. Any 6-foot fence would be required to be located within the side yard of the property, which begins at a point greater than the average prevailing setback along the block (26 feet). The requested setback for the fence through this special exception is zero feet, at the front property line, along Chalfonte Drive. The applicant requests a special exception of 26 feet under the provisions of 11-1302(A).

**VI. Special Exceptions Standards**

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations. Section 11-1304(F) further provides standards to determine whether the size, configuration, or other usual 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.

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

**The location of the 6-foot solid fence within the primary front yard would adversely affect to adjacent properties. The location of the fence would obstruct the vision of**

**drivers accessing the applicant's driveway and the driveway of the adjacent dwelling unit at 808 Chalfonte Drive, creating a safety hazard. It would also obstruct the view of neighboring front yards and dwellings.**

- 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 location of a 6-foot solid fence within the front yard would impair supply of light and air to the adjacent property to the west (808 Chalfonte Drive) by blocking breezes and casting shadows. The location of the fence would create a public safety hazard by obstructing the vision of drivers entering and existing driveways on the subject property and at 808 Chalfonte Drive.**

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

**The approval of the location of the fence would alter the character of the area. The blockface of Chalfonte Avenue between Elmore Drive and Cameron Mills Road is composed of Single-Family homes set back an average of 26 feet. No other properties have fences within their front yards of the size and nature requested by the applicant. One property within the blockface has erected a fence within the primary front yard. This fence, which is located on a corner lot at the intersection of Cameron Mills Road and Chalfonte Drive, is erected in accordance with city regulations at a height of 3.50 feet and is 50% open. The applicant's requested fence creates a large mass directly on the street frontage reducing the openness of this part of the neighborhood.**

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

**The approval of the location of the fence would not be compatible with the surrounding development. Open front yards are typical throughout the neighborhood. The enclosing of this front yard and the blocking of views into this yard and others affects the leafy, open nature of the traditional development of this area.**

- 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 continued placement of the 6-foot solid fence within the required primary front yard in close proximity to the right of way does not represent the only reasonable means and location on the lot to accommodate a fence that would give a means of privacy.**

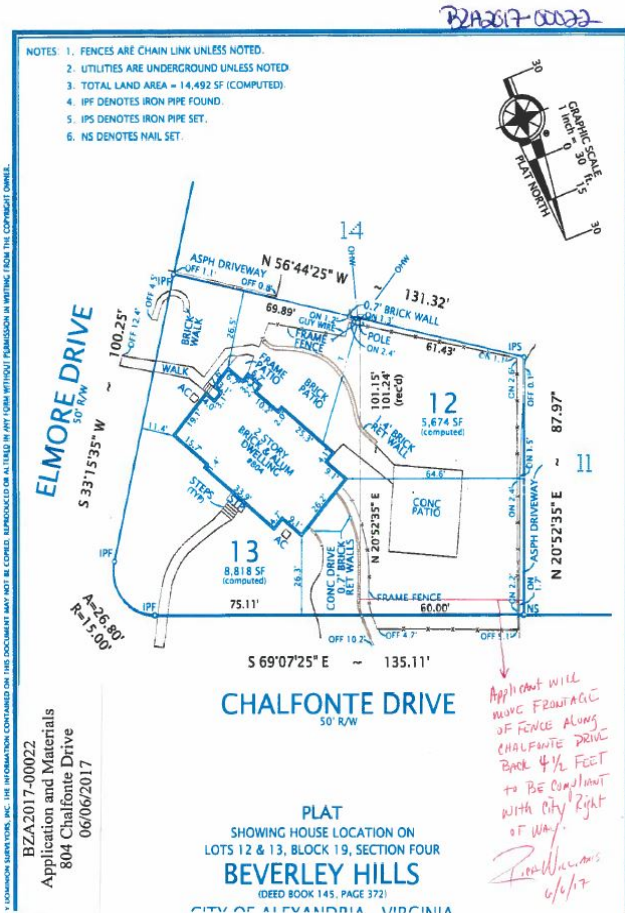
**A fence could be located at the front property line if its height and opacity is modified to meet current zoning regulations. A compliant 3.50 foot tall open fence existed on his site for several years and provided a property barrier and privacy. The dwelling's actual side yard could be enclosed by a 6-foot tall fence enclosing an area with approximately 5,400 square feet that would be out of view of the public right of way if fenced.**

- 6) In the Cases 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.

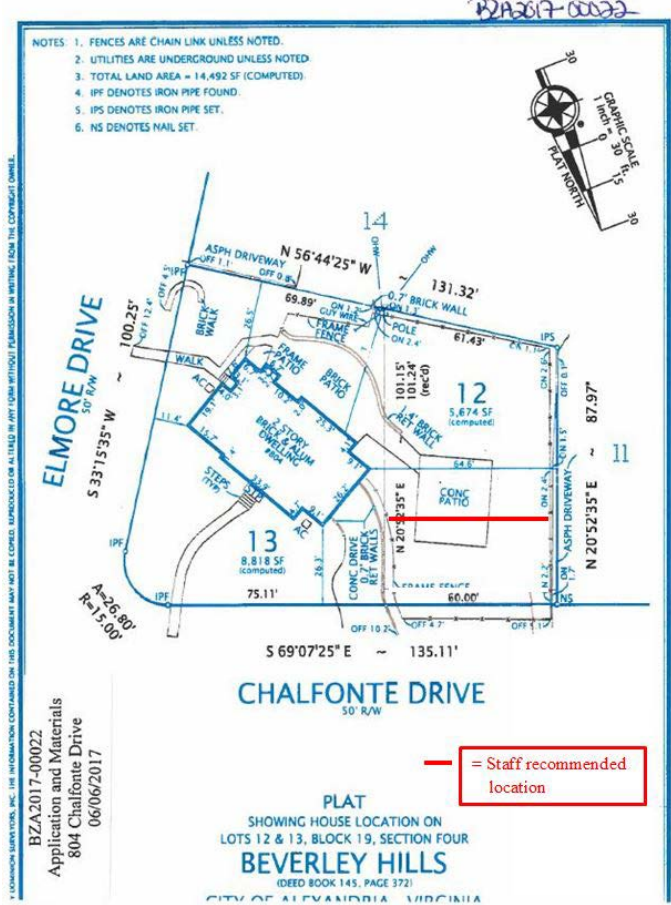
**The applicant proposes that the double lot arrangement of this property and the angular positioning of the house serve as unusual characteristics justifying this special exception request. Staff finds that the double lot actually facilitates a compliant fence installation because there is adequate land, given the 14,492 property size, that could be fenced off with a six-foot tall privacy fence without need to fence off the primary front yard in an incompatible manner. The angular arrangement of the dwelling has no bearing on the placement of a fence. As proposed by the applicant, the fence location creates a safety hazard for vehicles existing adjacent driveways and is out of character with the surrounding properties.**

**Staff recommends that the applicant can install a compliant 6 foot tall solid fence approximately 26 feet from the front property line along with Chalfonte Avenue that would be in line with front setbacks of existing dwellings along the blockface and would provide a reasonable fenced area to provide privacy to the subject property.**





Applicant's Proposal



Staff Recommendation

## VII. Staff Analysis & Conclusion Neighborhood Impact

The approval of the fence within the location proposed by the applicant would alter the character of the area. The proposed fence would be located within the required front yard of the property; forward of the established blockface created by the front building walls of homes and other structures along Chalfonte Drive between Elmore Drive and Cameron Mills Road. The fence would also create a safety hazard by obstructing the visibility of vehicles exiting driveways at the subject property and the property located at 808 Chalfonte Drive.

### Light and Air

The 6-foot fence would reduce light and air to the adjacent property to the west.

### Lot Constraints

The fence is located on a corner lot and is subject to fence regulations that restrict the height and opacity of a fence within a required primary front yard. However, the location of a 6-foot fence that would be located at the prevailing front setback line would constitute a reasonable alternative location to provide privacy to the side/rear yard of the property.



**Staff Conclusion**

The **staff recommends denial** of the after the fact special exception for a 6-foot solid fence within the required primary front yard because the location of the fence does not meet the standards for a special exception. The proposed location does not represent the only location for a reasonable fenced area and it could have a negative impact on adjacent properties and the surrounding neighborhood. As proposed by the applicant, the fence location creates a safety hazard for vehicles existing adjacent driveways and is out of character with the surrounding properties.

**Staff**

Alex Dambach, Division Chief, [alex.dambach@alexandriava.gov](mailto:alex.dambach@alexandriava.gov)

Mary Christesen, Zoning Manager, [Mary.christesen@alexandriava.gov](mailto:Mary.christesen@alexandriava.gov)

Shaun Smith, Urban Planner, [shaun.smith@alexandriava.gov](mailto:shaun.smith@alexandriava.gov)

**DEPARTMENTAL COMMENTS**

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

\* The applicant is advised that if the variance is approved the following additional comments apply.

**Transportation and Environmental Services:**

- R1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R3 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)
- F1 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- F2 Traffic Engineering has no comments on sight distance.
- C1 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)
- C2 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)
- C3 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)

- C4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C6 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 received

Recreation (Arborist):  
No comments received

Historic Alexandria (Archaeology):  
There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

BZA Case #

2017-00022



**APPLICATION  
BOARD OF ZONING APPEALS**

**SPECIAL EXCEPTION FOR FENCES**

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

SECTION 8.1 CLASSIFICATION OF  
FENCES AND WALLS

**PART A**

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name RICHARD WILLIAMS

Address 804 CHALFONTE DR.

ALEXANDRIA, 22305

Daytime Phone (703) 932-9677

Email Address BIGRICH4444@YAHOO.COM

2. Property Location BEV. HILLS SECTION OF ALEX CHALFONTE & ELMORE

3. Assessment Map # 4 Block 19 Lot 12+13 Zone

4. Legal Property Owner Name RICHARD WILLIAMS

Address 804 CHALFONTE DR.

ALEXANDRIA, 22305

BZA2017-00022

Application and Materials

804 Chalfonte Drive

06/06/2017



# 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. <u>RICHARD WILLIAMS</u>	<u>804 CHALFONTE DR.</u>	<u>100 %</u>
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 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.	<u>N/A</u>	
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 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.	<u>NONE</u>	
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.

6/6/2017      RICHARD WILLIAMS      [Signature]  
Date                      Printed Name                      Signature

## 5. Describe request briefly:

REQUESTING APPROVAL OF 6' PRIVACY FENCE. TECHNICALLY, LOT #12 HAS A FRONTAGE. THE SITUATION IS COMPLETELY UNIQUE TO THE NEIGHBORHOOD WHERE THE HOUSE (1) IS ON A DOUBLE LOT (2) IS A CORNER LOT (3) ANGLED ON A 45° PLANE TO THE STREET, RENDERING LOT #12 AS A BACKYARD, NOT A SIDE YARD. THE SITE NEED A MEASURE OF PRIVACY THAT EVERY OTHER HOUSE IS AFFORDED IN THE NEIGHBORHOOD.

## 6. If 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 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:

RICHARD WILLIAMS

Print Name

(703) 932-9677

Telephone

[Signature]

Signature

6/6/17

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.

THERE IS NOT ANOTHER HOUSE IN THE COMMUNITY WITH THE SAME CHARACTERISTICS AS THIS PIECE OF PROPERTY - THEY ARE (1) CORNER LOT (2) DOUBLE LOT (3) HOUSE BUILT (IN 1939) ON A 45° ANGLE TO THE STREET, RENDERING THE 2ND LOT AS A FUNCTIONAL BACKYARD - NOT A SIDE YARD. THERE IS NO PRIVACY FOR EITHER LOT FROM THE STREET IF NO 6' PRIVACY FENCE IS INSTALLED. NO OTHER HOUSE IN BEVERLY HILLS, DELRAY, JEFFERSON PARK OR ST. ELMO HAS THE UNIQUE CHARACTERISTICS LISTED ABOVE. IT IS AN EXTRAORDINARY CONDITION.

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.

AS YOU CAN SEE FROM THE PICTURES, THE LACK OF PRIVACY FENCE WILL (1) ALLOW FULL STREET VIEW INTO BOTH LOT #12 AND #13, RENDERING ANY OUTDOOR USE SUBJECT TO LACK OF PRIVACY; (2) LINING UP THE FENCE WITH THE CORNER OF MY HOUSE TO THE CORNER OF THE NEIGHBORS HOUSE WILL RENDER A LARGE TRAPEZOIDAL AREA (SEE PICTURE #4) UNUSABLE; (3) NOT HAVING DECENT PRIVACY DETRIMENTALLY AFFECTS THE VALUE OF THE PROPERTY. THE CURRENT SITUATION FROM A REGULATIONS PERSPECTIVE WOULD UNREASONABLY BURDEN THE OWNERS USE, ENJOYMENT AND VALUATION OF THE PROPERTY.

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

THERE IS NO DETRIMENTAL IMPACT TO LIGHT AND AIR OF ANY ADJACENT PROPERTY NOR DOES IT IMPACT 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 FENCE IS DONE IN CEDAR, AT A CONSIDERABLE ADDITIONAL EXPENSE, BECAUSE CEDAR ~~DOES~~ DOES NOT "WARP", KEEPING THE INTEGRITY AND LOOK OF THE FENCE IN GOOD ORDER FOR MANY YEARS. ARCHITECTURALLY SPEAKING, IT IS A 5' FENCE WITH A 1' LATTICE TOP TO BE PLEASING, ADDITIONALLY ARBORS (OR ARCHES) WERE INSTALLED TO MAKE IT LOOK GOOD. IT IS IN KEEPING WITH THE NEIGHBORHOOD AESTHETICS AND VERY COMPATIBLE WITH OTHER FENCES IN THE NEIGHBORHOOD. 3100 CIRCLE HILL RD IS A GOOD EXAMPLE OF A SIMILAR FENCE IN THE NEIGHBORHOOD.

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

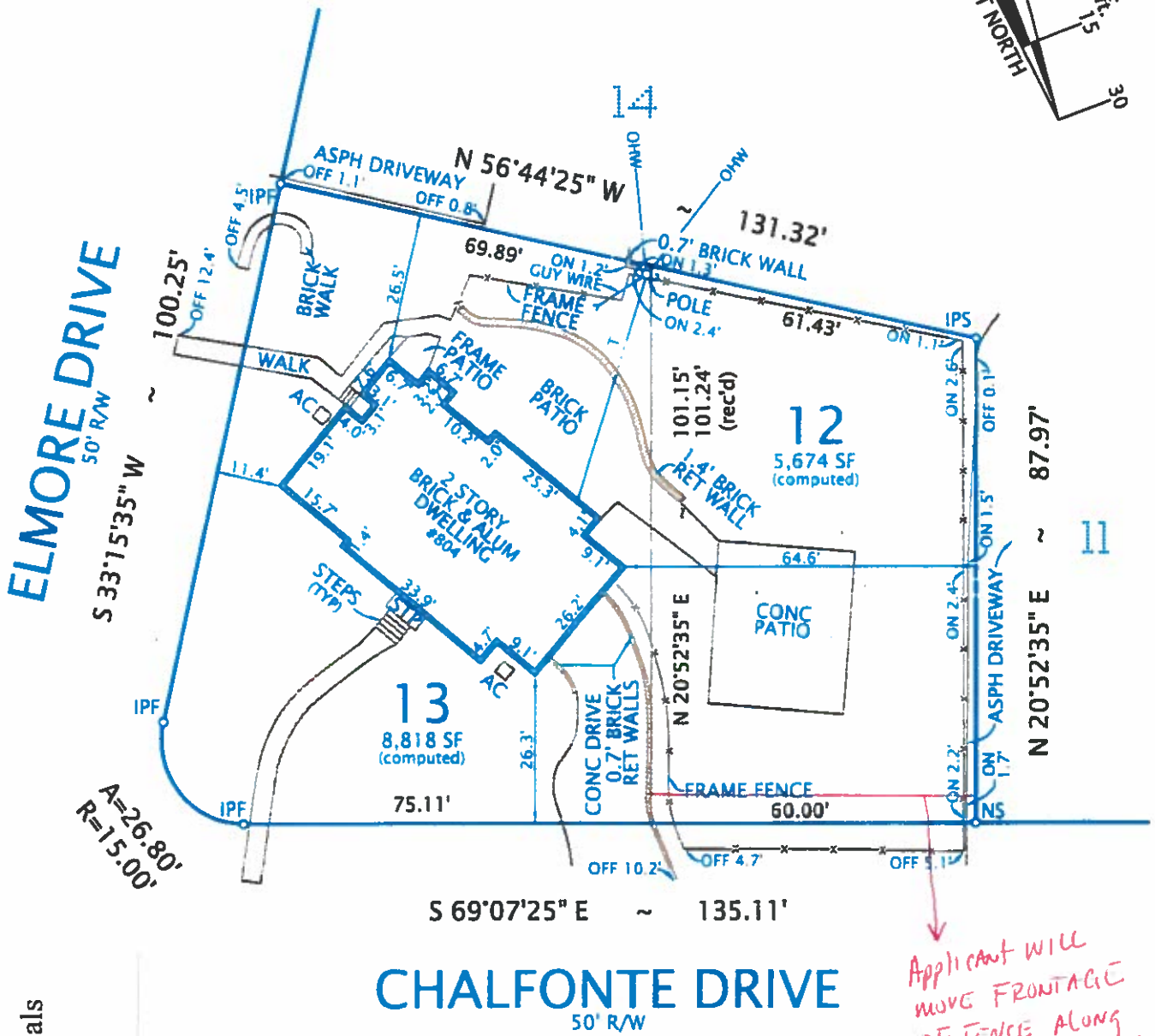
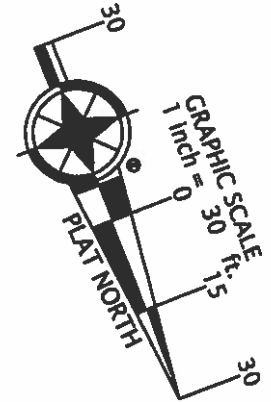
I DON'T SEE HOW THE PRIVACY FENCE COULD BE CONSIDERED DETRIMENTAL. IT SHOULD BE NOTED THAT THE FRONTAGE OF LOT #12 IS LEFT WIDE OPEN, PLEASE REFER TO ATTACHED PICTURES.

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.

Applicant met with adjacent neighbor to explain the fence. Neighbor was very pleased that the improvement was being done. ALL VERBAL.

BZA2017-00022

- NOTES:
1. FENCES ARE CHAIN LINK UNLESS NOTED.
  2. UTILITIES ARE UNDERGROUND UNLESS NOTED.
  3. TOTAL LAND AREA = 14,492 SF (COMPUTED).
  4. IPF DENOTES IRON PIPE FOUND.
  5. IPS DENOTES IRON PIPE SET.
  6. NS DENOTES NAIL SET.



CHALFONTE DRIVE  
50' R/W

PLAT  
SHOWING HOUSE LOCATION ON  
LOTS 12 & 13, BLOCK 19, SECTION FOUR  
**BEVERLY HILLS**  
(DEED BOOK 115, PAGE 372)

CITY OF ALEXANDRIA, VIRGINIA

BZA2017-00022  
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06/06/2017

Applicant will  
move frontage  
of fence along  
Chalfonte Drive  
back 4 1/2 feet  
to be compliant  
with city right  
of way.  
Z. Williams  
6/6/17





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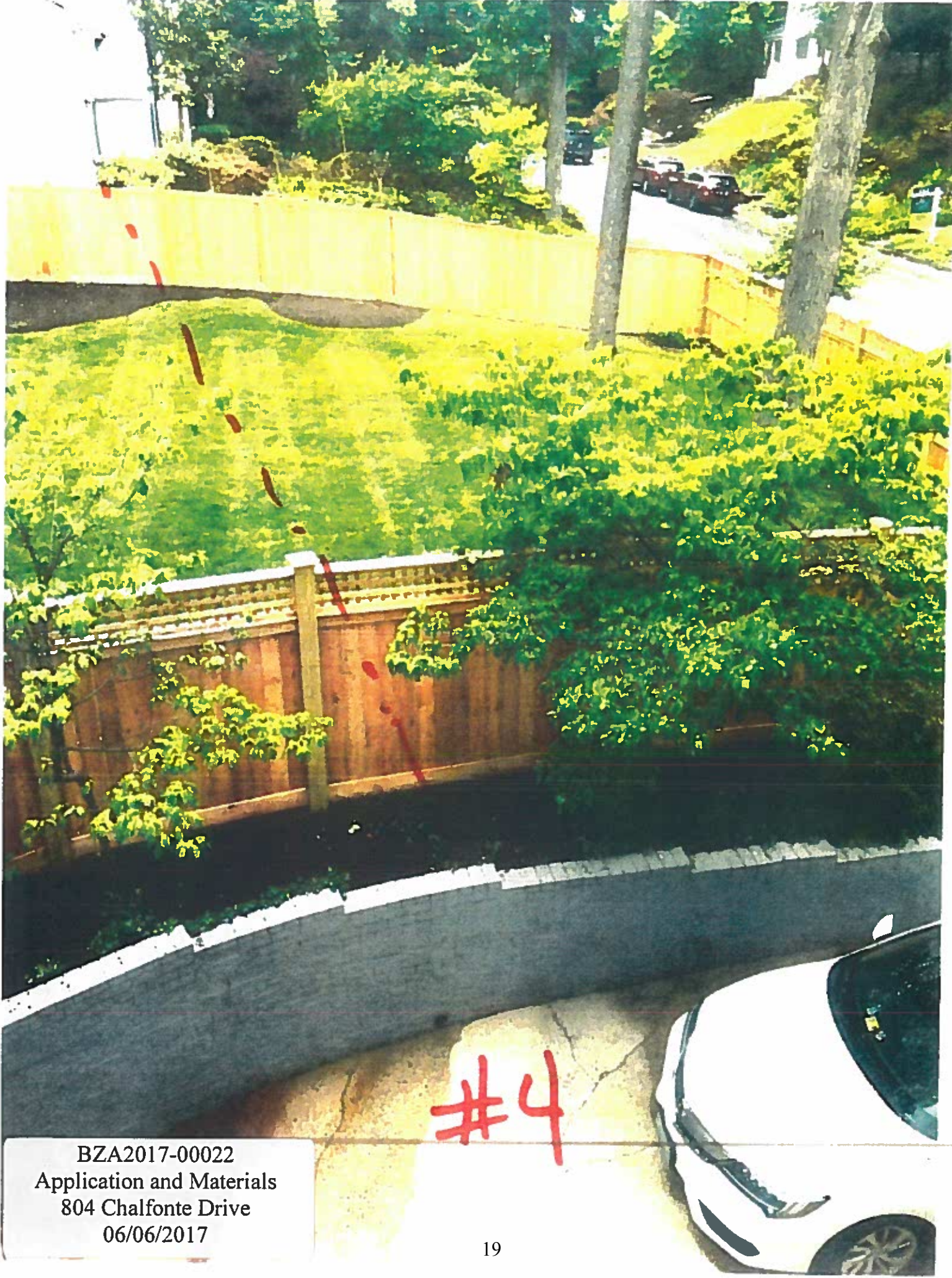
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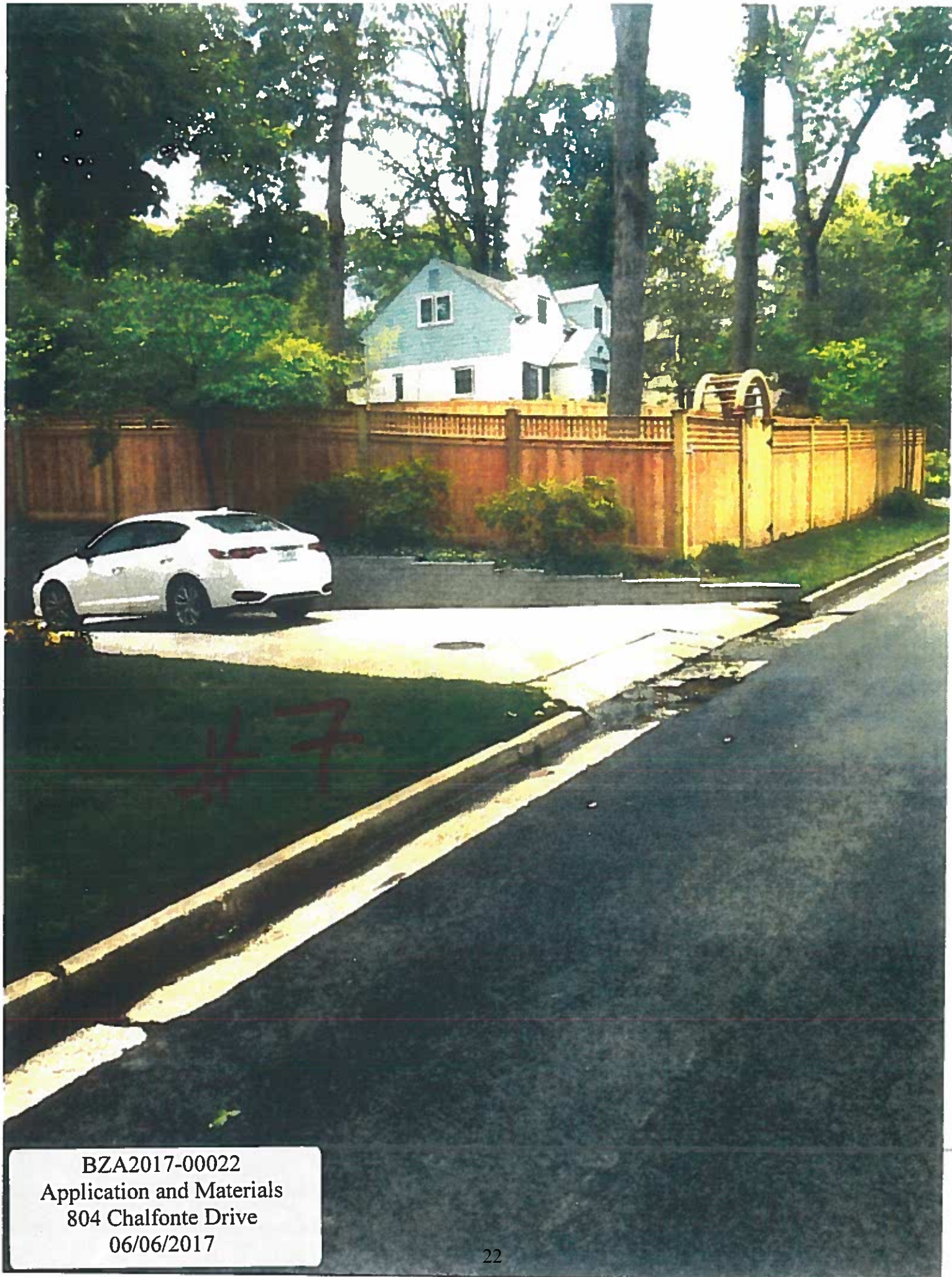
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804 Chalfonte Drive  
06/06/2017

**From:** Mary Fox [<mailto:foxvia808@gmail.com>] **On Behalf Of** Mary Fox  
**Sent:** Thursday, July 06, 2017 2:41 PM  
**To:** Alex Dambach  
**Subject:** For BZA on July 13

July 5, 2017

To Whom It May Concern:

I am writing to convey my concerns regarding a construction project my neighbor recently completed that abuts the border of our properties. When Mr. Williams told me about his plans to erect a "privacy fence", I had no idea that the construction would result in transforming my driveway into what feels like a virtual chute to my back yard. The high lumber fence creates a visual tunnel, which is a traffic hazard. There is now no room for error, and friends and guests have complained about the difficulty of navigating down my driveway toward Chalfonte Drive without backing into the side of my house on the one side and the solid high walled fence on the other. Further, and most concerning to me, it is no longer possible to see oncoming traffic as I back down my driveway toward the street.

Other residents of our neighborhood have defined their lots with azaleas, hedges, flowering trees and in a very few cases, low picket fences. Perhaps Mr. Williams would consider creating his desired privacy with a solution more in keeping with the character of beautiful Beverley Hills.

Thank you for your consideration.

Most sincerely,

Mary Fox  
808 Chalfonte Drive Alexandria VA 22305