

Docket Item # 2
BZA Case #2018-0001
Board of Zoning Appeals
March 8, 2018

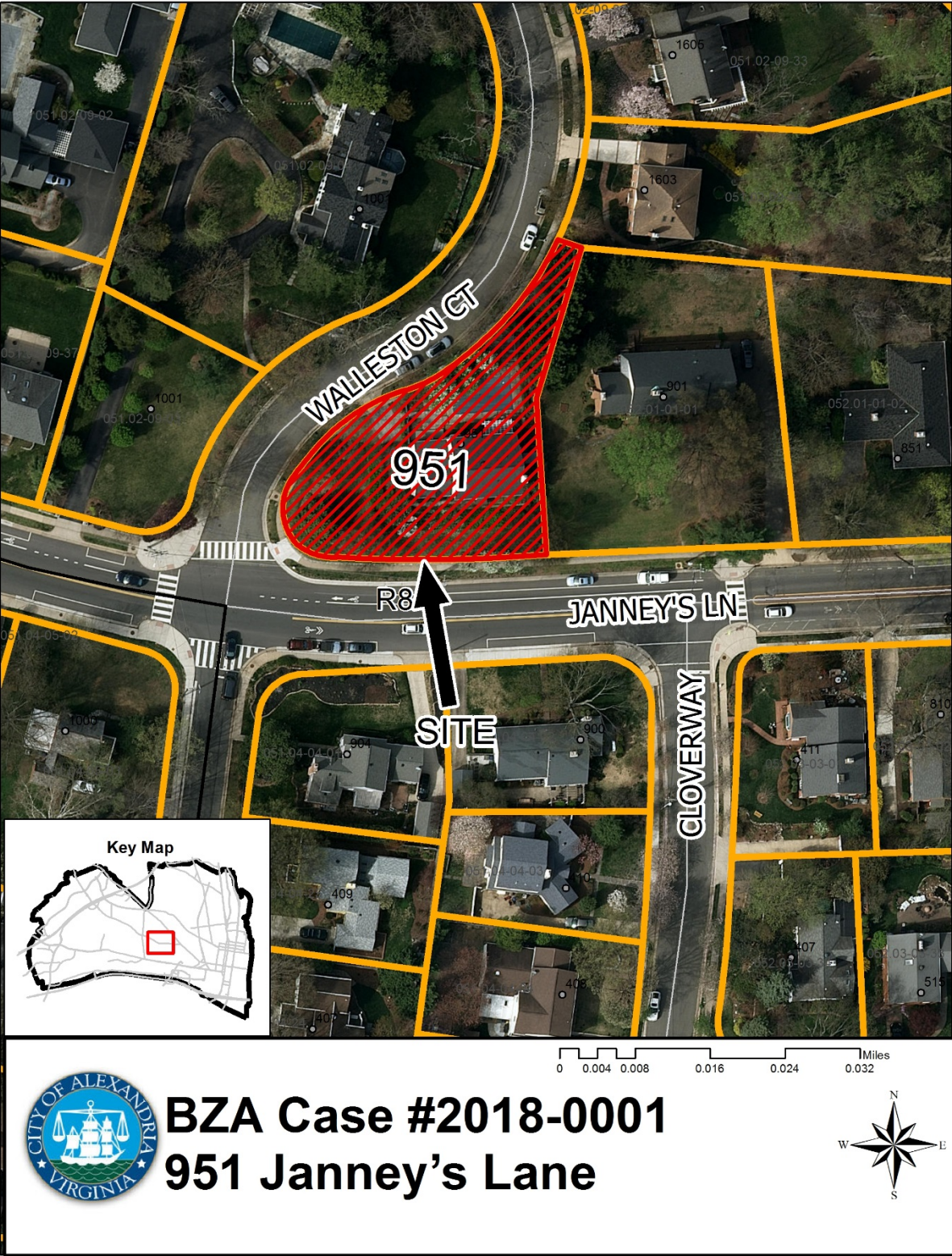
ADDRESS: 951 JANNEY’S LANE
ZONE: R-8/RESIDENTIAL SINGLE-FAMILY
APPLICANT: JAMES AND CONSUELO BARNETT REPRESENTED BY GLEN
IZETT

ISSUE: Special exception to construct a fence in the required secondary front yard on a corner lot.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-1700	Fences on Corner Lots	30.70 feet	3.00 feet	27.70 feet

The staff recommends approval of the request because it meets the criteria for a special exception.

If the Board of Zoning Appeals grants the request, the applicants shall comply with code requirements under the department comments in this report. The applicants shall submit a survey plat prepared by a licensed surveyor confirming fence height and location in compliance with the approval. The applicants shall also record the special exception approval with the deed of the property in the City’s Land Records Office prior to the release of the building permit.



I. Issue:

The applicants request a special exception to construct a fence on a corner lot. They propose a six-foot-tall fence in the required secondary front yard facing Walleston Court.

II. Background:

The subject property is an irregularly shaped, corner lot of record with 122.81 and 226.59 feet of frontage along Janney's Lane and Walleston Court, respectively. The subject property is zoned R-8 and complies with all minimum lot size, width, and frontage requirements.

A two-story single-family dwelling occupies the subject property. The dwelling is located 39.90 feet from the primary front property line facing Janney's Lane, 24.20 feet from the secondary front property line facing Walleston Court, and 14.30 feet from the east side property line.

An in-ground pool occupies a portion of the required secondary front yard facing Walleston Court and was constructed pursuant to BZA Case #5364 in 1987. The BZA granted a variance of 22.00 feet from the required 30.00 front setback along Walleston Court to allow construction of the pool 8.00 feet from the secondary front property line. The BZA granted the variance subject to the condition that the swimming pool would be enclosed so that it would not be visible from the street. Further, the BZA conditioned that the applicant receive approval from zoning staff for the required closure. An existing six-foot tall fence encloses the pool, runs along a portion of the secondary front yard facing Walleston Court, and is located 0.90 feet from the secondary front property line.

An addition was constructed pursuant to BZA Case #6121 in 1991. The BZA granted a variance of 9.50 feet from the required 30.00 front setback along Walleston Court to construct the addition 20.50 feet from the secondary front property line.

III. Description:

The applicants propose to extend the fence along the secondary front property line to the northeast corner of the property. The fence would be six feet in height and would be located in the required secondary front yard; 3.00 feet from the secondary front property line along Walleston Court. The applicants propose no changes to the existing dwelling, pool, or 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 for residential land use in the Taylor Run/Duke Street Small Area Plan

V. Requested Special Exception:

7-1700 Fences on corner lots

The applicants request special exception approval to construct a six-foot-tall fence in the required secondary front yard along Walleston Court. The fence would be located 3.00 feet from the secondary front property line. The adjacent property to the north, as well as a majority of houses along Walleston Court face the street, as such section 7-1702(B)(3) applies and states:

Where the secondary front yard is located on a block face on which the adjacent house as well as the majority of the houses face the street, fences over three and one-half feet but not exceeding six feet shall be permitted if located no closer to the property line than half the distance between the property line and the building face.

Please see attachment #1 for where a six-foot-tall fence could be located based on section 7-1702(B)(3) and the lot configuration.

Section 7-1702(B)(3) requires a six-foot-fence to be located 30.70 feet from the secondary front property line. The applicants request an exception of 27.70 feet from the setback required by section 7-1702(B)(3).

VI. Special Exceptions Standards:

In order to grant a special exception, zoning ordinance section 11-1304 states that the BZA “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 BZA “shall consider and weigh the following issues, as applicable:”

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

Section 7-1702(B)(3) requires an additional setback for closed fences that exceed 3.50 feet in height to preserve a uniform setback and sense of openness along the blockface. While the subject property is technically within the blockface established by the houses addressed as 1603-1615 Walleston Court which all face the street, its frontage functions more like the adjacent house (1001 Janney's Lane) across the street to the west. This house does not face the street. Its frontage along Walleston Court contains a brick retaining wall and open fence and functions as a rear or side yard. Staff feels that the blockface would not be affected by the proposed fence and would not be detrimental to public welfare, the neighborhood, or adjacent properties.

(B) Whether approval of the special exception will impair an adequate supply of light or air to 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 fence would not impair light and air to any adjacent properties. It would be located well outside the required vision clearance setback and would not affect pedestrian or vehicular traffic or public safety.

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

The proposed fence would not alter the essential character of the area or zone.

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

The fence would be compatible within the portion of the blockface established by the subject property and 1001 Janney's Lane. It would have no effect on the compatibility of the surrounding neighborhood.

- (E) 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 proposed fence represents the only structure that would provide privacy to the subject property. The proposed fence location is the only reasonable location to fully enclose the applicants' yard.

- (F) 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.

The subject property has an unusual configuration for a corner lot. On a more typical corner lot, the rear of the house faces a side yard and not a continuation of the secondary front yard. Although the yards in front of the house's west and north building walls both make up the property's secondary front yard, they function as two different yards. The west frontage functions as a typical secondary front yard but the north frontage functions more like a side or rear yard. As shown on attachment #1 of this report, less than half of the north frontage could be enclosed with a six-foot-fence. Further, because the secondary front yard between the house's north facing building wall varies widely in depth because of Walleston Court's curvilinear nature, a permissible six-foot-fence would allow for fenced areas that are only 12.10 feet deep.

VII. Staff Conclusion:

Staff feels that the proposal provides a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood. As such, staff **recommends approval** of the request.

STAFF:

Sam Shelby, Urban Planner, Department of Planning and Zoning,

sam.shelby@alexandriava.gov

Shaun Smith, Acting Zoning Manager, Department of Planning and Zoning,

shaun.smith@alexandriava.gov

Mary Christesen, Acting Land Use Division Chief, Department of Planning and Zoning,

mary.christesen@alexandriava.gov

Attachment #1: Survey Plat

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:

- 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 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C-4 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)
- F-1 The applicant should provide a determination of disturbed area per City Guidelines to T&ES prior to submitting for permits. If the land disturbance meets or exceeds 2500 square feet, a released grading plan will be required prior to submitting for permits. (T&ES)
- R-1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (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)

Code Administration:

No comments received.

Recreation (Arborist):

- F-1 No specimen trees are affected by this proposal.

Historic Alexandria (Archaeology):

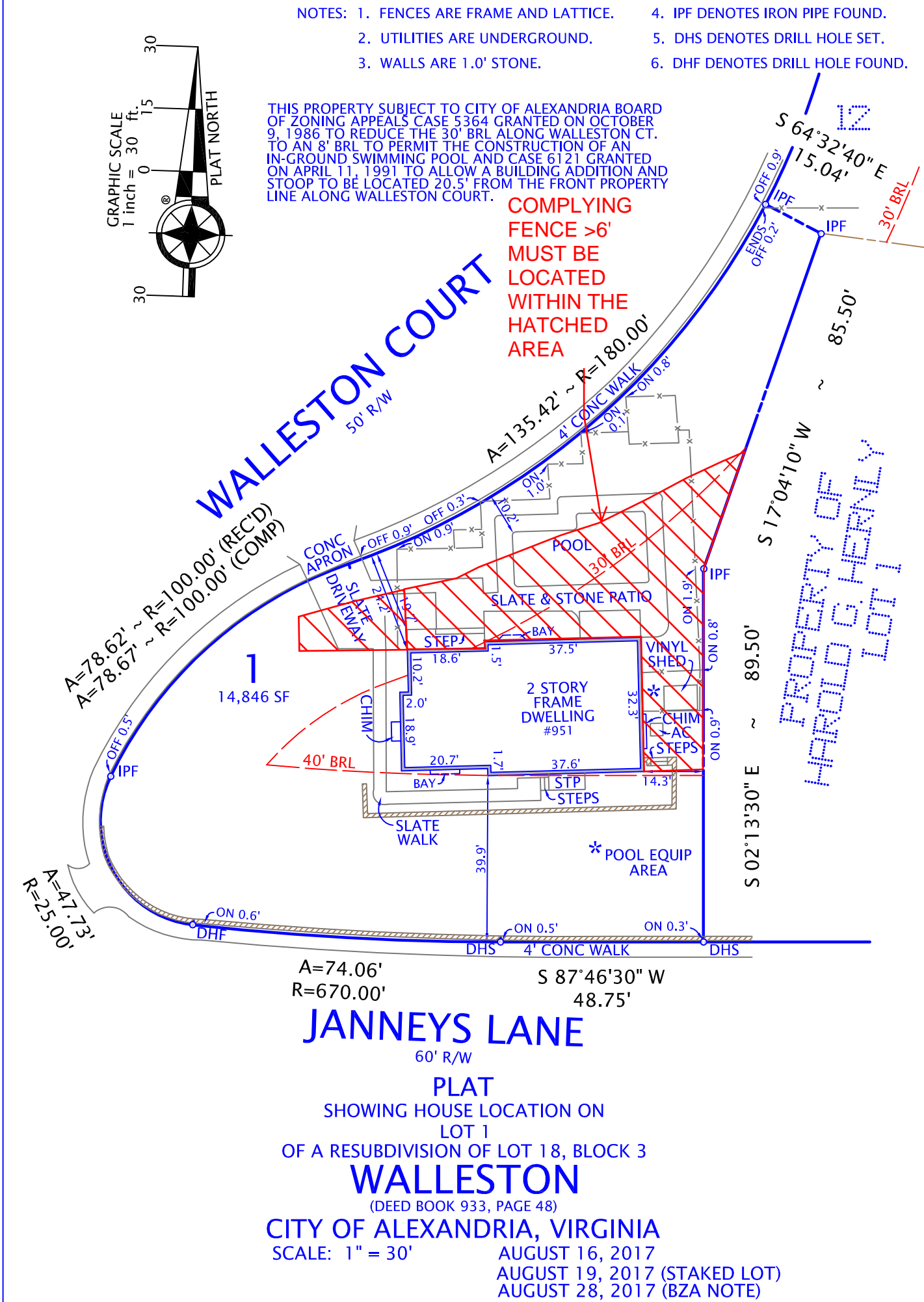
- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

The applicants shall submit a survey plat prepared by a licensed surveyor confirming fence height and location in compliance with the approval.

ATTACHMENT #1

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.



<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:</p>	<div><p>08/16/2017</p><p>GEORGE M. O'QUINN</p><p>LICENSE NO. 2069</p><p>George M. O'Quinn</p></div>	<div><p>Ordered by:</p><p>228 S. Washington Street Suite 100 Alexandria, VA 22314 PH: 703-739-0100 Fax: 703-739-8339</p></div> <div><p>DOMINION Surveyors Inc.®</p><p>8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412</p></div>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.</p> <p>A TITLE REPORT WAS NOT FURNISHED.</p>		

BZA Case # _____



**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR FENCES

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

SEC. 11-1302(A) Fenced on Corner Lots

PART A

1. Applicant: ☐ Owner ☐ Contract Purchaser ☒ Agent

Name GLEN BETT

Address 8805 EARLY STREET
MANASSAS, VA 20110

Daytime Phone 703.725.7945

Email Address GLEN@FAIRFAXCONTRACTOR.COM

2. Property Location 951 JANNEY'S LANE, ALEXANDRIA, VA 22302

3. Assessment Map # 051 Block 02 Lot 09 Zone 35

4. Legal Property Owner Name JAMES D AND CONVELD BARNETTE

Address 951 JANNEY'S LANE
ALEXANDRIA, VA 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. GLENFLETT	1805 EAPLY STREET	0%
2.	NANASSAS, VA 20110	
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 951 JANNEY LANE (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. JAMES D AND CONSUERO BARNATE		100%
2. 951 JANNEY LANE		
3. ALEXANDRIA, VA 22302		

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.		
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

BZA Case # _____

5. Describe request briefly:

EXTEND EXISTING LATTICE FENCE ALONG
WALTON COURT TO PROPERTY LINE

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:

GLEN IZETT

Print Name

703.725.7945

Telephone



Signature

2/2/18

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.

SIMPLY AN EXTENSION OF THE CURRENT FENCE;
WILL PREVENT UNAUTHORIZED USE OF WOODEN
ALCOA

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.

SIMPLE EXTENSION ALONG WATKINSON AND
THE SIDE YARD

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

NO EFFECT ANTICIPATED

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.

MANY FENCES OF GREATER HEIGHT IN THE
AREA. CONSISTENT BECAUSE IT WILL BE BUILT
AS AN EXTENSION IN SAME STYLE.

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

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.

NO. NO OPPOSITION IS ANTICIPATED.

*****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.

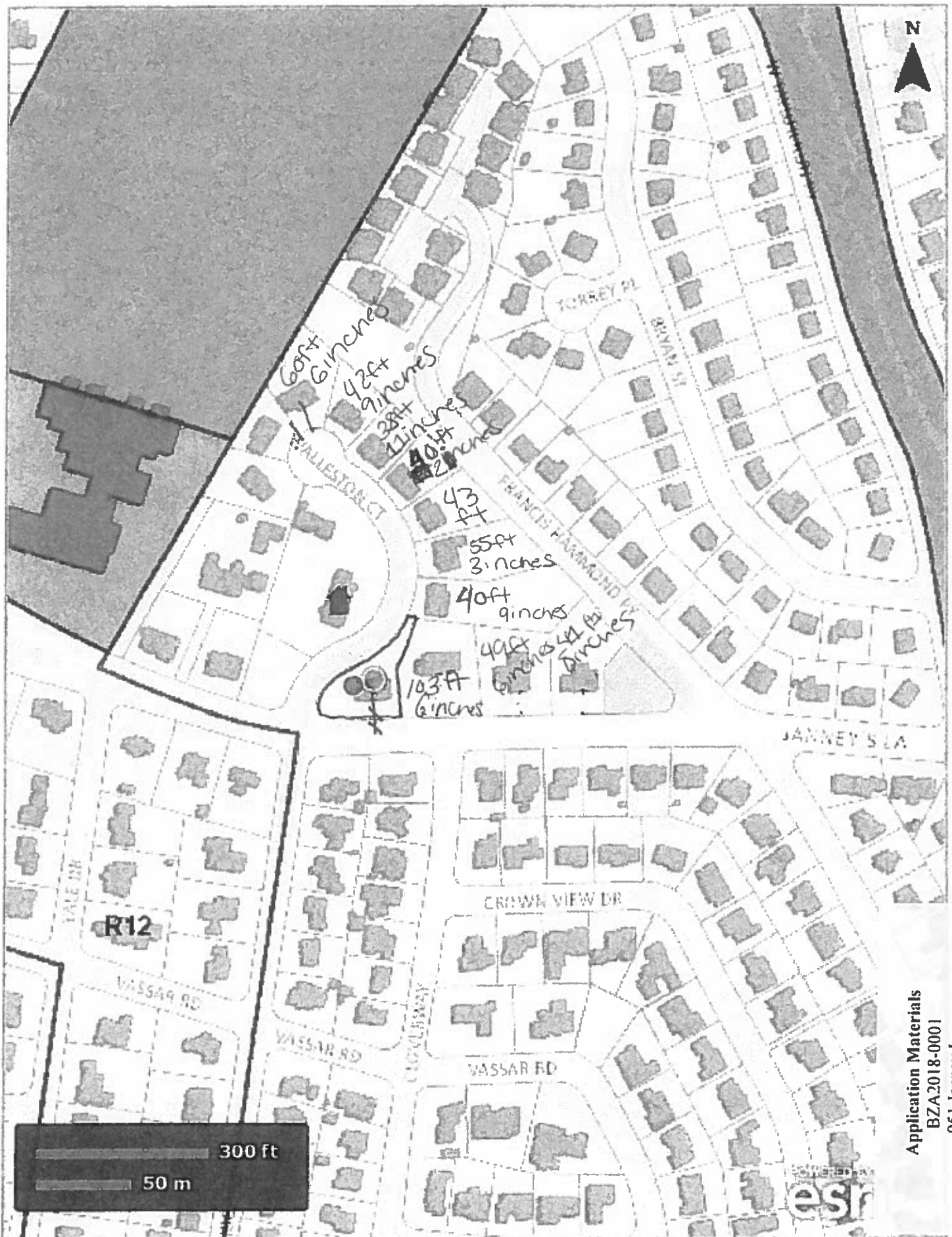
The example illustrates a detailed description:

"Special exception to construct a 6.00 feet high solid wood fence in the required front yard on _____ Street."

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.

SPECIAL EXEMPTION TO CONSTRUCT AN EXTENSION
OF THE EXISTING GREEN LATTICE FENCE (IN SAME
STYLE AND COLOR) ALONG WALLSTON COURT AND
THE SIDEYARD.

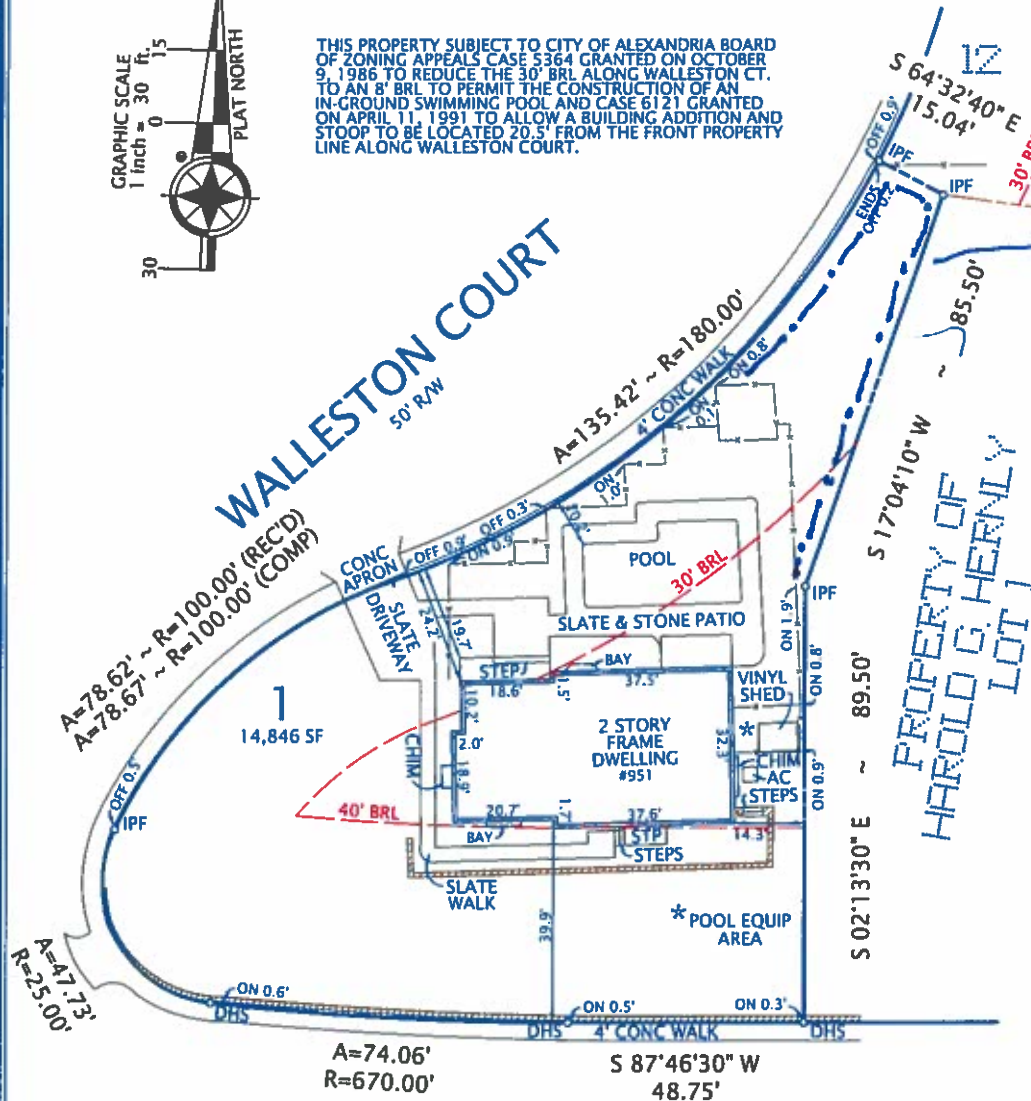
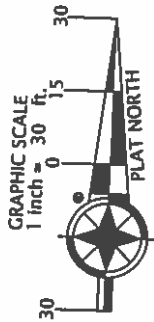
Click To Add Title



measurement from furthest projection.

- NOTES: 1. FENCES ARE FRAME AND LATTICE. 4. IPF DENOTES IRON PIPE FOUND.
2. UTILITIES ARE UNDERGROUND. 5. DHS DENOTES DRILL HOLE SET.
3. WALLS ARE 1.0' STONE.

THIS PROPERTY SUBJECT TO CITY OF ALEXANDRIA BOARD OF ZONING APPEALS CASE 5364 GRANTED ON OCTOBER 9, 1986 TO REDUCE THE 30' BRL ALONG WALLESTON CT. TO AN 8' BRL TO PERMIT THE CONSTRUCTION OF AN IN-GROUND SWIMMING POOL AND CASE 6121 GRANTED ON APRIL 11, 1991 TO ALLOW A BUILDING ADDITION AND STOOP TO BE LOCATED 20.5' FROM THE FRONT PROPERTY LINE ALONG WALLESTON COURT.



A=74.06'
R=670.00' S 87°46'30" W 48.75'

JANNEYS LANE
60' R/W
PLAT
SHOWING HOUSE LOCATION ON
LOT 1
OF A RESUBDIVISION OF LOT 18, BLOCK 3
WALLESTON
(DEED BOOK 933, PAGE 48)
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 30'

AUGUST 16, 2017
AUGUST 19, 2017 (STAKED LOT)
AUGUST 28, 2017 (BZA NOTE)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



Ordered by:
MBH
Settlement Group, L.P.
228 S. Washington Street
Suite 100
Alexandria, VA 22314
PH: 703-739-0100
Fax: 703-739-8339

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

2/2/18
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PROPOSED
EXPANSION OF
EXISTING FENCE