

Docket Item #2  
BZA #2020-00014  
Board of Zoning Appeals  
October 19, 2020

**ADDRESS:** 401 ARGYLE DRIVE  
**ZONE:** R-8/RESIDENTIAL SINGLE-FAMILY  
**APPLICANT:** CRISLYN LUMIA, OWNER

**ISSUE:** Special exception to construct a six-foot fence in the secondary front yard on a corner lot.

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CODE SECTION	SUBJECT	CODE REQUIREMENT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-1702(B)	Fences on Corner Lots	17.20 feet	2.50 feet	14.70 feet

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Staff **recommends denial** of the applicant's request because it does not meet all of the special exception standards.

If the Board grants the requested special exception, staff recommends the six-foot fence be located at least 5.00 feet from the property line with a landscape buffer installed to the satisfaction of the Director of Planning and Zoning. Additionally, any approval 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 prior to the release of the building permit.

**BOARD OF ZONING APPEALS ACTION, SEPTEMBER 14, 2020:** On a motion by Ms. Nguyen, the Board of Zoning Appeals moved to deny the request. The motion failed because it was not seconded.

On a motion by Mr. Poretz, seconded by Ms. Nguyen, the Board of Zoning Appeals moved to deny the request. Mr. Poretz withdrew the motion.

On a motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals moved to table the motion until later in the meeting. The motion carried on a vote of 7 to 0.

On a motion by Mr. Perna, seconded by Mr. Yoo, the Board of Zoning Appeals moved to accept the applicant's request for a deferral. The motion carried on a vote of 7 to 0.

Reason:

The Board generally agreed with staff analysis. The request was tabled during the meeting to give the applicant time to discuss requesting a deferral with staff.

Mr. Altenburg asked for staff to explain why the request before the Board not a variance. Staff responded that the Zoning Ordinance allows for special exceptions for fences on corner lots only. The special exception process for fences on corner lots was created to allow for additional flexibility for uniquely configured corner lots.

Ms. Nguyen confirmed the location with staff where the applicant could construct a fence without special exception approval.

Mr. Altenburg confirmed with staff that the vision clearance requirements were met.

The request was submitted and reviewed prior to text changes to the Zoning Ordinance that were approved by City Council on September 12, 2020. These amendments included changes to the fence regulations. Secretary Perna asked the applicant if the amendments would eliminate the need for the special exception request. The applicant responded that area permitted by the amendments would be insufficient.

Mr. Yoo acknowledged the opposition to the applicant's request and stated that the six-foot fence would be too tall given the proximity to the secondary front lot line along the sidewalk.

Mr. Perna stated that an open fence could be less impactful to sight lines and neighborhood compatibility.

Ms. Nguyen and Mr. Perna confirmed with staff that an open fence must be 50 percent open.

Mr. Poretz asked staff to expand on the definition of a street wall. Staff responded that a street wall is not defined by the Zoning Ordinance but that fences and other structures can create excessive visual obstruction from the public right-of-way.

Mr. Altenburg asked staff to explain the fence requirements in more detail. Staff stated that the existing fence regulations were established in 1992 and have not substantially changed since that date. Chairman Altenburg confirmed that the changes to the fence regulations would not have relieved the applicant's need for a special exception.

Mr. Altenburg expressed concern about the proposed fence's compatibility with the neighborhood.

Mr. Perna asked staff to confirm the rules for fence regulations on corner lots. Staff explained that fences are permitted up to two feet from the front lot line if the houses within the contextual block face do not face the street along the subject property's secondary front yard.

Mr. Poretz asked the applicant if they would consider a deferral. The applicant stated that landscaping could be planted that would create a similar effect to the proposed fence without permission from the City.

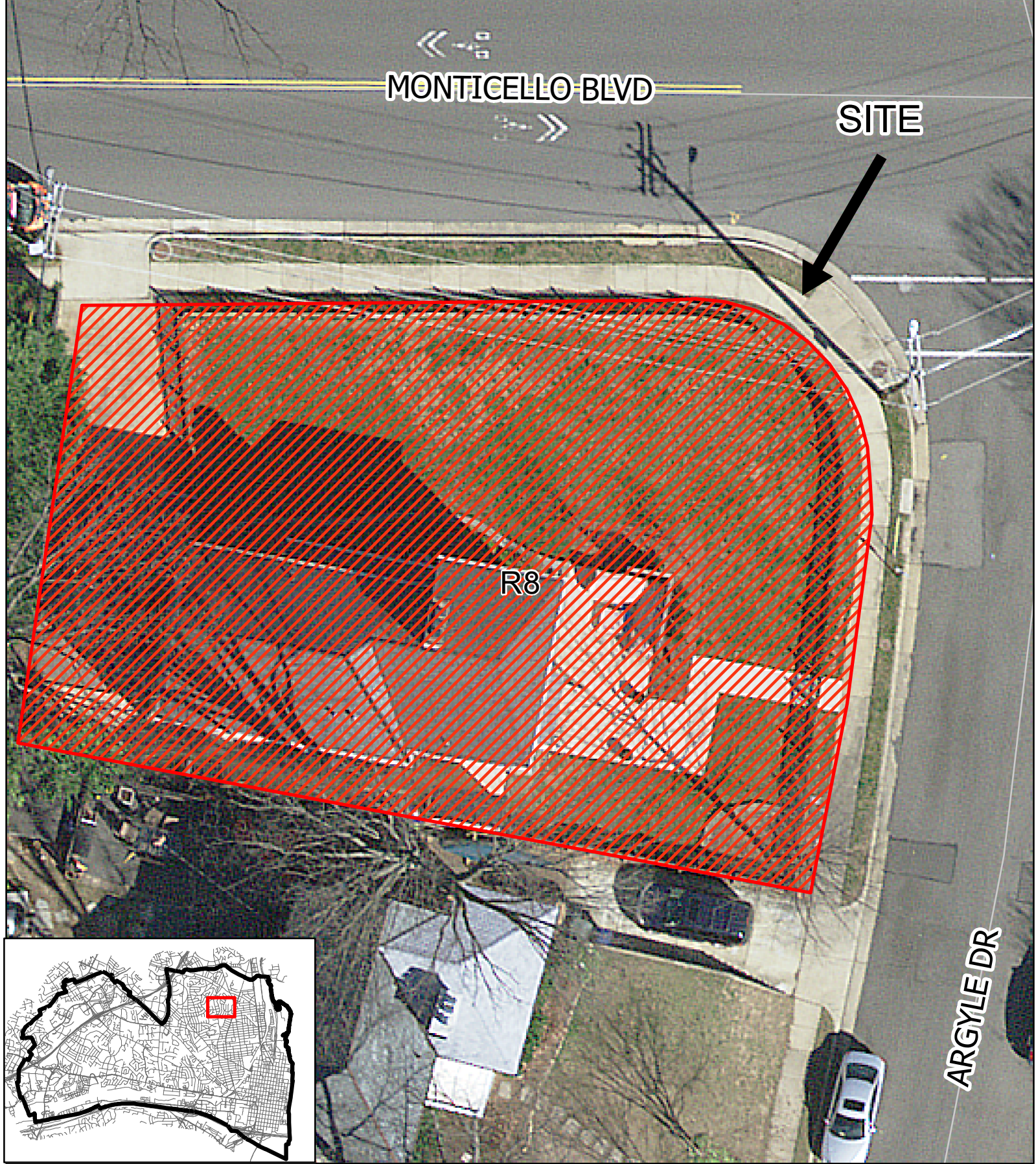
Speakers:

Crislyn and Jason Lumia, applicants, presented the case and answered questions from the Board.

Chris Pyke, 423 Underhill Place, spoke in opposition to the request, stating that the proposed fence would create a safety issue for vehicular and pedestrian traffic and that it would not be in character with the neighborhood.

Sarah McGraw, 2921 Argyle Drive, spoke in opposition to the request, citing the same reasons Mr. Pyke gave.





**BZA #2020-00014**  
**401 Argyle Drive**

0 5 10 20 Feet





**I. Issue**

The applicant proposes to construct a six-foot fence on a corner lot at 401 Argyle Drive. Portions of the fence would not comply with Zoning Ordinance section 7-1700 related to fences on corner lots. The applicant requests special exception approval to construct the fence.

**II. Background**

The subject property is an irregularly shaped, substandard lot of record with 70.90 feet of frontage along Argyle Drive and 102.28 feet of frontage along Monticello Boulevard. It has a lot size of 7,362 square feet. The subject property is zoned R-8 and is substandard in terms of lot size and width.



*Figure 1 - Subject Property*

A single-family dwelling occupies the subject property and faces Argyle Drive. As such, its primary front yard is along Argyle Drive and its secondary front yard is along Monticello Boulevard. City Real Estate records indicate the dwelling was constructed in 1940. The dwelling provides 39.30-foot and 34.40-foot front yards along Argyle Drive and Monticello Boulevard, respectively. It provides 8.00-foot and 21.10-foot south and west side yards, respectively.

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

At the September 14, 2020 hearing, the BZA accepted the applicant's request to defer the case. At the hearing, two residents spoke in opposition to the request, stating that the proposed fence would decrease visibility at the intersections of Monticello Boulevard and both Argyle Drive and Underhill Place. The applicant revised their request to set back the fence six inches further from the subject property's secondary front lot line along Monticello Boulevard

### III. Description

The applicant proposes to construct a six-foot fence that would enclose the subject property's secondary front yard. The fence would run approximately 38.40 feet from the dwelling's north east corner to the secondary front lot line. From there, the fence would run approximately 56.00 feet along the secondary front lot line to the edge of the driveway off of Monticello Boulevard. The fence would then run approximately 29.00 feet from that point back to near the dwelling's north west corner. The remaining portions of the fence would be permitted and are not within the purview of the applicant's special exception request. The applicant would remove the existing fence that encloses the primary front yard along Agyle Drive.

### IV. Substandard Lot

The existing lot is substandard with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Lot Size	9,000 Sq. Ft.	7,362 Sq. Ft.	1,638 Sq. Ft.
Lot Width	80.00 Ft.	70.90 Ft.	9.10 Ft.

### V. 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.

### VI. Requested Special Exception

Zoning Ordinance section 7-1702(B) requires a six-foot fence on a corner lot to be located no closer to the secondary front lot line than half the distance between the front building wall facing the secondary front yard and the secondary front lot line. This distance is 17.20 feet. The applicant requests an exception of 14.70 feet to allow for the proposed fence to be located 2.50 feet from the secondary front lot line. This section only applies when the surrounding dwellings face the street along the subject property's secondary front yard.

Figure two, below, shows where a fence could be located in compliance with the aforementioned sections in green. The area in orange shows the approximate area of the the applicant proposes to enclose with a six-foot fence.

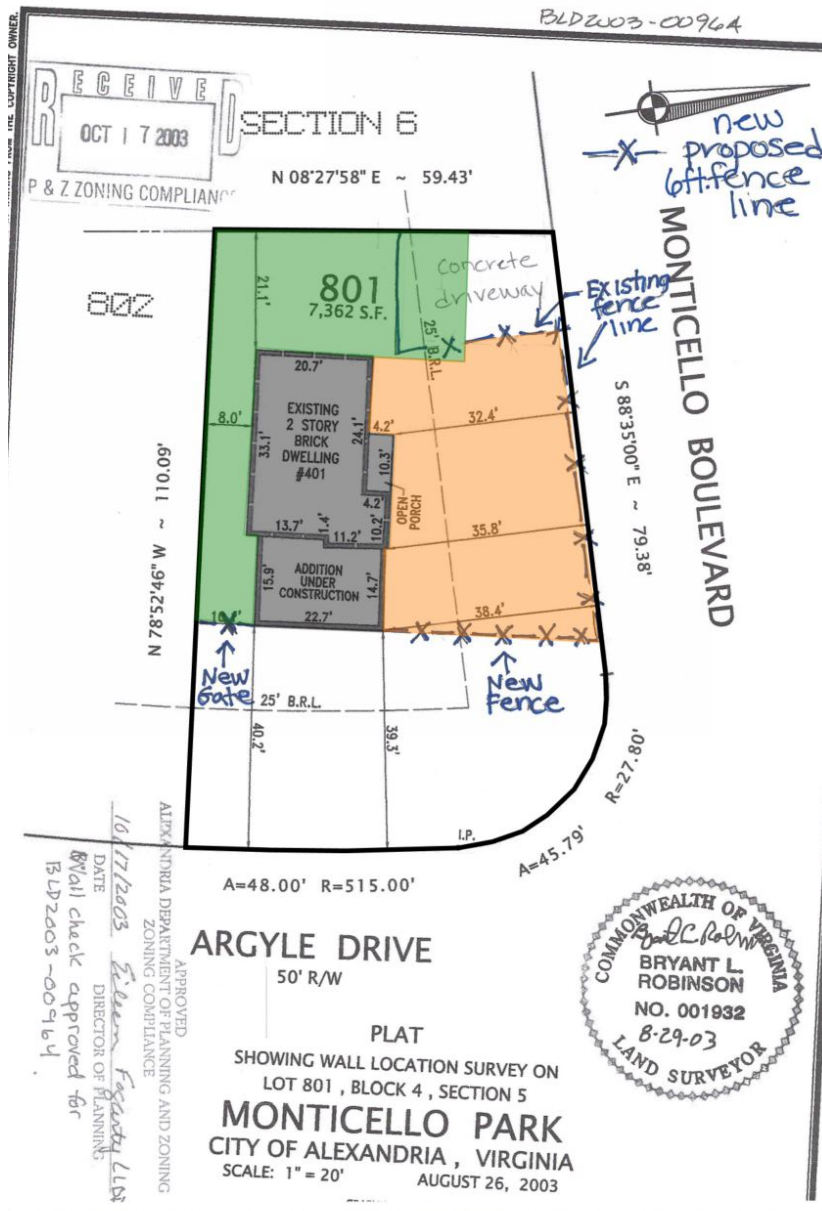


Figure 2 – Site Plan

## VII. 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.

**Zoning Ordinance section 7-1700 establishes regulations for fences on corner lots to minimize negative effects that fences can have on the surrounding neighborhood. Fences can create “street walls” that decrease the sense of community and openness. The applicant’s proposal would create a “street wall” along Monticello Boulevard. Most of the properties within the contextual block face have primary front yards along this street. As such, staff finds that the applicant’s proposal could be detrimental to the neighborhood and adjacent properties. The applicant revised their proposal to bring the fence in six inches further from the secondary lot line. Staff finds this additional distance to be insufficient to mitigate the street wall effect.**

- 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 fence would not be located close enough to any neighboring properties to impair adequate supply of light and air. It would be located outside the required vision clearance and would not affect pedestrian or vehicular traffic or public safety. The vision clearance requirement exists to ensure that intersections are safe. Because the proposed fence would be well outside this required area, staff finds that the intersections near the subject property would not be affected by the proposal. While Monticello Boulevard does have a 25 miles-per-hour speed limit, it does have a fair amount of vehicular traffic. Staff suggests that the neighbors who have concerns with vehicular and pedestrian safety along the street should contact T&ES regarding other traffic calming measures, such as additional four-way stops or speed bumps.**

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

**A study of the surrounding area revealed several properties have six-foot fences in their front yards. The applicant also supplied photos of other properties within the area that have six-foot fences in their front yards. Because there is precedent for six-foot fences in front yards within the area, approval of the special would not alter its essential character. Further, the applicant noted that the adjacent property to the east at 404 Monticello Boulevard has dense, tall shrubbery that creates a street wall effect. Given this, staff finds that the applicant’s proposal would not be out of character with this particular property.**

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

**There are six properties within the subject property's contextual block face with frontage along Monticello Boulevard, including the subject property. Of these, four face Monticello Boulevard and therefore have primary front yards along this street. Figure three, below, shows the contextual block face with arrows indicating the property's front yards.**



*Figure 3 – Contextual Block Face*

**Because the subject property's secondary front yard is adjacent to the aforementioned properties' primary front yards, the proposal would not be compatible with a majority of the properties within the contextual blockface. The property across Argyle Drive from the subject property has the same configuration with its primary front along Argyle and secondary front along Monticello. Staff finds the "street wall" created by the shrubbery at 408 Monticello Boulevard to be out of character with its surroundings. Although the applicant's proposal would arguably be compatible with this property, staff finds that the proposal would ultimately be incompatible with most properties within the contextual block face.**

- 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.

**Fences represent the only structures that would provide privacy to the subject property. The proposed fence location is the only reasonable location to fully enclose the applicants' yard. The applicant states that the fence cannot be located further from the secondary front lot line due to existing landscaping**

and their irrigation system. Staff finds that these items could be considered existing development on the lot. The applicant could reasonably relocate the fence to work around these objects though it would not be reasonable to move the objects to work around the proposed fence location.

- 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.

Because the dwelling is located quite close to its side lot lines, its configuration lends little space for private yard space “behind” the dwelling. Most of the subject property’s open space is located within its secondary front yard. The area that could be enclosed by a six-foot fence as shown in figure two earlier in this report is also relatively small. As such, staff finds that the subject property’s size and configuration could require an exception from Zoning Ordinance section 7-1700 to provide a reasonable fenced area. However, staff finds that as proposed the applicant’s fence could be incompatible with adjacent properties. The proposal could create significant harm to these properties.

While staff does not support the request as proposed, staff does believe that a special exception for a six-foot fence at least 5.00 feet from the secondary front lot line with a landscaped buffer between it and the sidewalk could be supported to provide the applicant with a reasonable fenced area.

#### **VIII. Staff Conclusion**

As outlined above, staff **recommends denial** of the applicant’s request because not all the special exception criteria are met.

##### Staff

Sam Shelby, Urban Planner, [sam.shelby@alexandriava.gov](mailto:sam.shelby@alexandriava.gov)

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

Tony LaColla, Land Use Division Chief, [anthony.lacolla@alexandriava.gov](mailto: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 and/or variance is/are 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)
- R-4 The proposed fence shall maintain a one-foot setback from the property line and shall not encroach into the public right of way. (T&ES)
- F-1 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.
- 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:

C-1 A building permit and plan review are required prior to the start of construction.

Recreation (City Arborist):

C-1 No comments.

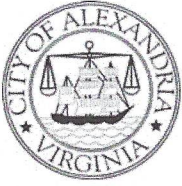
Historic Alexandria (Archaeology):

F-1 No archaeological oversight will be necessary for this undertaking.

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 prior to the release of the building permit.

BZA Case # 2020-00014



**APPLICATION  
BOARD OF ZONING APPEALS**

**SPECIAL EXCEPTION FOR FENCES**

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

**PART A**

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name CRISLYN LUMIA

Address 401 Argyle Dr.

Alexandria, VA 22305

Daytime Phone 703.307.4498

Email Address CRISLYN.LUMIA@gmail.com

2. Property Location 401 Argyle Dr. - Monticello Park

3. Assessment Map # 023.02-Block 4 Lot 801 Zone 5  
08-29

4. Legal Property Owner Name Jason + Crislyn Lumia

Address 401 Argyle Dr.

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. Jason + Crislyn LUMIA	401 Argyle Dr.	100%
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 401 Argyle Dr. Alexandria, VA (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. Jason + Crislyn LUMIA	401 Argyle Dr	100%
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 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. NONE	NONE	NONE
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.

7/3/2020 CRISLYN LUMIA  
Date Printed Name

  
Signature

## 5. Describe request briefly:

We are requesting a special exception to construct a 6.00 ft. high solid wood fence in the secondary front yard of 401 Argyle Dr, located on Monticello Blvd.

## 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.

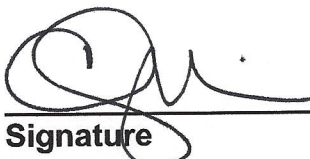
☐ No — Said agent shall be required to obtain a business prior to filing the application.

**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:

CRISLYN LUMIA  
Print Name

703.307.4498  
Telephone

  
Signature  
7/3/2020  
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.**

We are in need of replacing a rotting fence that currently surrounds our property.

It is our understanding that the height of the proposed fence would be in violation of 7-1702(c) which states "*where the secondary front yard is located on a block face on which the principal structures on the abutting properties face the street*".

- 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.**

Our current fence is located in both our primary and secondary front yards. We are wanting to remove the existing fence from the perimeter of the property and enclose a portion of our secondary front yard with the 6ft high fence to ensure a safe place for our two adopted rescue dogs to exercise in a green space.

One of our dogs is able to jump the existing fence with no effort. She has run into the street nearly causing accidents. Like many rescue dogs she suffers from anxiety and is unable to go to the dog parks located throughout the city.

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

There will be no impact to light and air to any adjacent property and 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.**

We are removing a rotting fence from around our property and replacing a portion of the fence with one that is complimentary to the style of homes in our neighborhood.

Simliar fence heights and styles are located at:

-4 West Custis

-2706 Cameron Mills

-1205 Stonnell Place

Additional photos are attached

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

On the contrary, the proposed fence will compliment the architecture of our home and neighborhood while opening the yard up. We have invested a substantial amount of money on the exterior of our home to improve not only it's value but to enhance its beauty. The proposed fence will not be 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.**

We have discussed the fence with 3 of our immediate neighbors. We have a letter of support from Lisa Lawson who lives at 2900 Argyle Drive and is the principal structure impacted by 7-1702.

Tom and Meredith Sawyer located at 405 Argyle Dr and Joy Potchitlla and David Evans at 405 Monticello Blvd both support the project as well.

# **Revised Materials**

September 21, 2020

Board of Zoning Appeals  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Re: Case BZA 2020-00014

Dear Mr. Chairman and Board of Zoning Appeals Members:

Thank you again for granting a one-month deferral of our case. We appreciate the opportunity to present our case on September 14, and we have taken into the consideration the feedback we received from the Board and staff.

We are open to revising our initial plan based on this feedback and would like to outline our suggested changes. We would also like to provide some clarification regarding our current yard. We hope this additional information will be useful when considering our request for a special exception.

#### Current Fence and Yard Layout

As a reminder, our current home is located at 401 Argyle Drive, on the corner of Argyle Drive and Monticello Boulevard.

Our current fence is located in both our primary and secondary front yards and is well within the regulated height requirement. We are, however, in desperate need to replace the existing fence. It is rotting and we need to provide a safe place for our two adopted rescue dogs to exercise in a green space off leash.

Our current fence is 42" high and encloses our entire property. The fence is approximately 86 feet long on the Monticello Blvd. side and approximately 72 feet long on Argyle Drive. It currently sits 3 feet off the sidewalk. The fence is at least 20 years old and is rotting. One of our dogs can easily jump over the 42" fence without a running start, and the other dog has tried. We have had to call the police and animal control several times.

An underground irrigation system is installed in our yard, which we neglected to previously mention. The irrigation line is located about one inch from the inside portion of the fence, and travels along the fence line on both the Monticello Blvd. and Argyle Drive sides. Another irrigation line travels alongside our house on the Monticello Blvd. side and sits approximately 10 feet from the house, providing irrigation to our landscaping. The landscaping, with a small rock wall, is approximately 9 feet from our house.

The only green space in our yard is within the primary and secondary front yards. The remainder of our property, other than the driveway, consists of a narrow concrete walkway, a concrete patio in the front, and a paver stone patio at the rear of our driveway.

#### Proposed Plan and Revision

Our plan entails removing the existing, rotting wood fence surrounding our property line in its entirety. This includes the entire sections on both Monticello Blvd. and Argyle Drive. As you will see in the attached drawings, we would only partially replace the fence.



The new fence would follow the existing fence line on Monticello Blvd. The distance on Monticello Blvd. would only be 55 feet. At that point, it would travel across our yard and would be installed at the corner of our house. **The new fence would only be 64% of the length of the current fence on Monticello Blvd. and there would be NO fence along the street on Argyle Drive.** We believe this was not fully understood or well communicated as there appeared to be a perception our plan would enclose our entire yard on the Monticello Blvd. side. This is not true. We only proposed enclosing 55 feet of the 86-foot long yard on the Monticello Blvd. side; the Argyle Drive side would not have a fence by the street and would be open.

There also seemed to be a perception we intended to enclose the yard with a closed fence, creating a street wall and closing off our property. This is also not accurate. However, after hearing the concerns that were raised and receiving feedback from the Board, we are willing to alter the design of our fence leaving no doubt it will constitute an "open" fence. This would permit individuals to still see through the fence into our yard and eliminate any "street wall" effect, while giving us the opportunity to enclose our yard. We refer you to the attached pictures as examples. We would note this design will force us to incur an additional expense due to increased labor and materials.

As we stated during the September 14 hearing, we are also willing to install plantings in front of the fence to help soften up the edge of the fence along the sidewalk. We are also willing to stain the fence to help it blend in with the surroundings. Both of these concessions will also force us to incur additional expenses, but are easy solutions to help address some of the feedback we received. Finally, we are happy to work with the city to install new trees in the green space between the street and the sidewalk along Monticello Blvd.

#### Other Feedback

We would like to respond to some points that were raised during or after the September 14 hearing.

It has been suggested we move the fence in 5 feet from the sidewalk as opposed to the current 3 feet. Unfortunately, there is a tree and a large landscaping rock that has been planted in the corner by our driveway (see photo submitted). The irrigation line also currently sits against the existing fence. This would require digging up our yard and moving the entire irrigation line (not to mention creating an irregularly shaped fence along Monticello Blvd). We do not feel this is a reasonable action.

In the drawing submitted by city staff to the Board prior to the September 14 hearing, it was suggested our fence installation follow the newly approved city-drawn line (the red line). Again, with all due respect, this is not a feasible option. Landscaping, including a small rock wall, travels the length of our house extending approximately 9 feet from our house. This would leave only about a 10-foot wide strip of green space. That does not seem to constitute a reasonable amount of usable green space and we submit a 6-foot fence this close to the house WOULD create an eyesore and be detrimental to the neighborhood. This would also entail making additional changes to our existing irrigation system, which we do not believe is reasonable.

It was also indicated there are no houses along Monticello Blvd. with 6-foot high fences. First, this is not true. There are several houses with 6-foot fences as Monticello Blvd. turns into Summit Avenue, including across from Westminster Church and the firehouse. Second, as noted in the staff report, we are also the ONLY house on Monticello Blvd. or its extensions with such a yard configuration. No one has a

yard – or a house – similar to ours, so no other homeowner would have ever had to deal with such a unique situation.

We have included additional letters of support from the homeowners most directly impacted by our request according to the city staff report. They look directly into our yard and have no concerns. Additionally, we have reached out to Mr. Chris Pyke and Ms. Sara McGraw in an effort to address their concerns regarding the line of site issues they raised during the public comment portion of the September 14 hearing. As the Board acknowledged, there were no line of site or safety concerns according to the city staff report, and their concerns were dismissed during the hearing. We do not believe Mr. Pyke and Ms. McGraw fully understood our request. We have attempted to contact them so we may discuss our plans in more detail and hear more about their concerns but they have not responded to our requests.

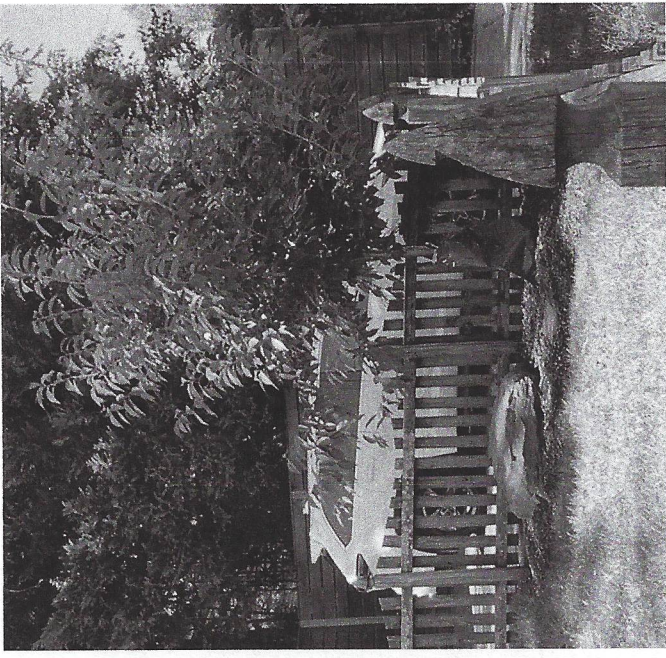
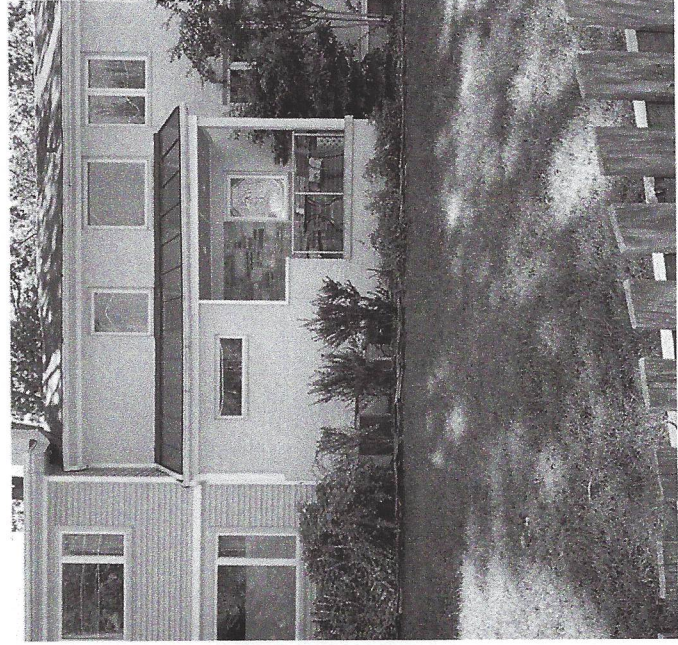
We thank you for your time and consideration of our request. I am happy to answer any additional questions you may have in advance of the hearing. I may be reached at [crislyn.lumia@gmail.com](mailto:crislyn.lumia@gmail.com) or 703.307.4498.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

Crislyn Lumia



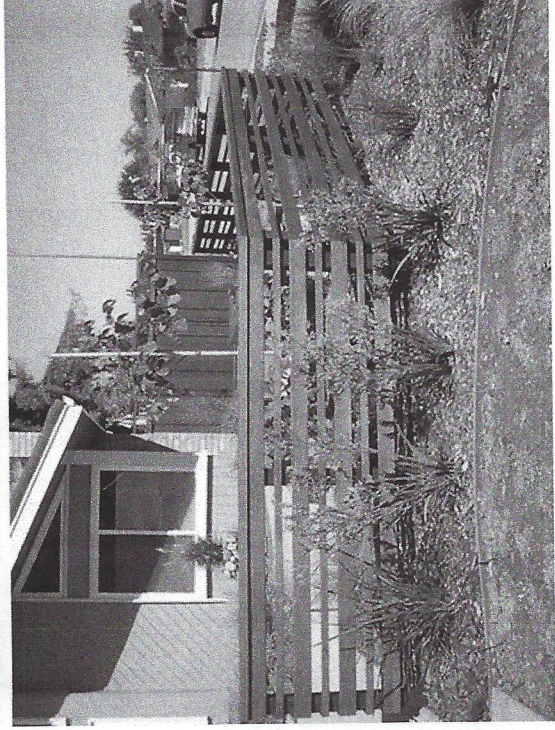
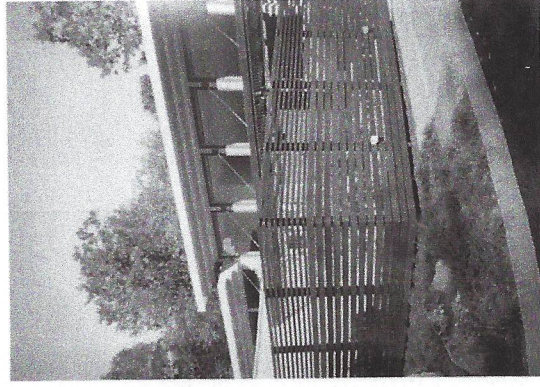
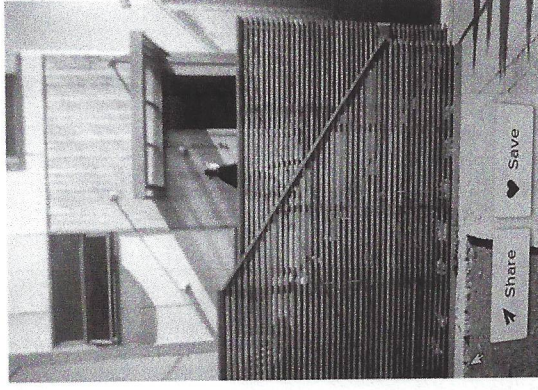
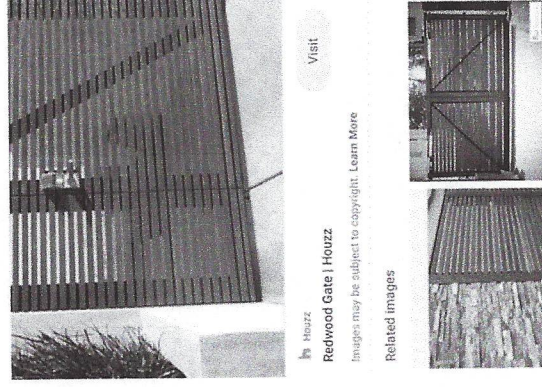
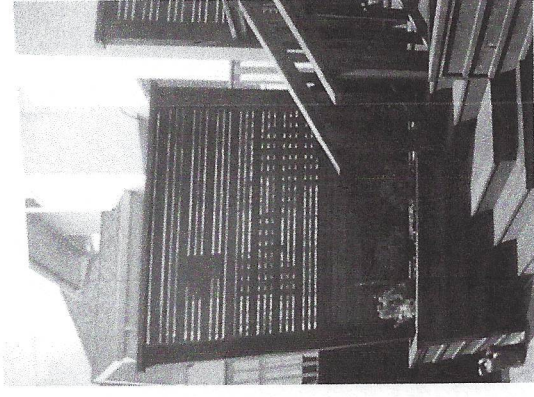


# Current Landscaping at 401 Argyle Dr

---

These photos highlight the landscaping inside the existing fence as referenced in the letter submitted.





# Open Fence Styles

\*Submitting for reference



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

[illegible]

-86 Feet of existing fence

72 Feet of existing fence

PHYSICAL IMPROVEMENTS SURVEY

LOT 801, SECTION 5, BLOCK 4

# MONTICELLO PARK

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=20'      DATE: AUGUST 23, 2010

CASE NAME: LUMIA (L1003038)

NO TITLE REPORT FURNISHED.

PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.

FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY  
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ  
CERTIFIED LAND SURVEYOR  
WOODBIDGE, VIRGINIA

LOCAL (703) 494-4181  
FAX (703) 494-3330  
LARRY.SCARTZ@SCARTZ.COM



TAX MAP# 023.02-08-29

JOB# 20101219

MN



BLD2003-00964

RECEIVED  
OCT 17 2003

SECTION 6

P & Z ZONING COMPLIANCE

N 08°27'58" E ~ 59.43'

Landscaped Planters

802

Concrete walkway

801  
7,362 S.F.

Concrete Driveway

EXISTING  
2 STORY  
BRICK  
DWELLING  
#401

ADDITION  
UNDER  
CONSTRUCTION

Current landscape

60.11' ~ W 94°25'87" N

- Fence sits 3ft off sidewalk
- Landscape off house into yard about 10 feet
- Corner landscape
- 55 feet of new fence

□ - landscape  
X - Proposed Fence  
— = Irrigation line

S 88°35'00" E ~ 79.38'

R=27.80'

A=45.79'

A=48.00' R=515.00'

ARGYLE DRIVE  
50' R/W

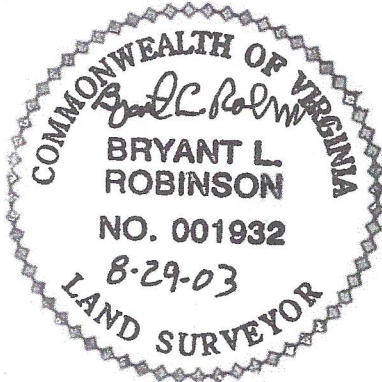
PLAT

SHOWING WALL LOCATION SURVEY ON  
LOT 801, BLOCK 4, SECTION 5

MONTICELLO PARK  
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

AUGUST 26, 2003



APPROVED  
ALEXANDRIA DEPARTMENT OF PLANNING AND ZONING  
ZONING COMPLIANCE  
10/17/2003  
DATE  
10/17/2003  
Director of Planning  
Bryant L. Robinson  
Bryant check approved for  
BLD2003-00964



Crislyn Lumia &lt;crislyn.lumia@gmail.com&gt;

**Letter to Support Six Foot Fence Exception at 401 Argyle Drive (BZA2020-00014)**

1 message

Joy Pochatila <jpochatila@gmail.com>  
To: kaliah.lewis@alexandriava.gov  
Cc: Crislyn Lumia <crislyn.lumia@gmail.com>

Sat, Sep 19, 2020 at 9:50 AM

To the City of Alexandria Board of Zoning Appeals:

I am sending this letter in order to document my SUPPORT for a special exception to construct a six-foot fence in the secondary yard of 401 Argyle Drive (BZA2020-00014). My home on 405 Monticello Blvd is located on the north side of Monticello Blvd, directly across the street from 401 Argyle Drive. As such, the installation of a six foot fence would be in the direct line of sight from my front yard. I STRONGLY DISAGREE with the Board's denial of the special exception.

The Board argues that the "proposed fence would be incompatible with adjacent properties. The proposal could create significant harm to these properties." I completely disagree. I do not understand how my property is caused ANY harm, and most certainly NOT significant harm. Is the Board arguing that harm is caused when I view a fence from my front steps? Or is the Board arguing that my property value is somehow how harmed by the addition of the fence? If that is the case, please provide evidence for declined property values in the North Ridge neighborhood for homes near six foot fences along side yards.

As a former member of the Environmental Policy Commission and one of the author's of the first Eco Clty Environmental Charter and Environmental Action Plan signed in 2009, I understand that City Planning decisions should be measured and a variety of impacts must be considered. The Board has considered that an addition of a six foot fence along Monticello Blvd might create a "street wall" and decrease the sense of community openness. The community is not "gathering" in the applicant's sideyard for any public event. And, as a resident in this block of Monticello Blvd, I can verify that we already HAVE a sense of community along our sidewalks and in our cul de sac and this fence would have no impact on community openness. And again, I would argue, the fence would in no way be "detrimental" to neighboring homes (i.e. my own property).

If the Board wishes to contact me for additional input, I am more than happy to answer their questions. As one of the homeowners and neighbors referenced in the Board's denial of exception, I would hope the Board strongly considers my input.

Sincerely,  
Joy Pochatila  
405 Monticello Blvd  
Alexandria, VA 22305  
301-613-3602  
jpochatila@gmail.com





Crislyn Lumia &lt;crislyn.lumia@gmail.com&gt;

---

**fence project 401 Argyle Dr**

1 message

---

**Amanda Womble** <amandalewis5@gmail.com>

Fri, Sep 18, 2020 at 2:17 PM

To: kaliah.lewis@alexandriava.gov

Cc: Crislyn Lumia &lt;crislyn.lumia@gmail.com&gt;

Ms. Lewis

I am writing to you as a neighbor in support of the future residential fence building plans at 401 Argyle Drive. Crislyn Lumia spoke to me a few months back about plans to make a safe yard for their pets by heightening the fence. They have made improvements to their home over the years, and have always honored the integrity and character of our neighborhood. I trust they will approve a tasteful design that will complement their home and our area. Please contact me with any questions or concerns.

Thank you,

Amanda Womble

308 Monticello Blvd

Alexandria, VA 22305



September 19, 2020

City of Alexandria  
Virginia

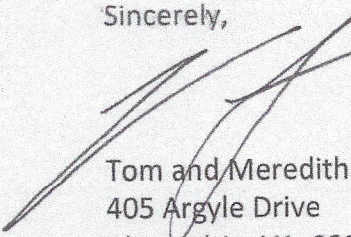
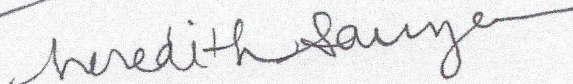
To Whom It May Concern:

The purpose of this letter is to extend our support of our neighbors, Jason and Crislyn Lumia, and their variance request to erect a new fence on their property at 401 Argyle Drive. We have lived next door, at 405 Argyle Drive, for the past 7 years. As their intention is to construct a new fence approximately 40' from Argyle Drive, this allows for the necessary sight lines for us, including others, to exit Argyle Drive onto Monticello Blvd. Their existing fencing is located immediately adjacent to the roadway and the new setback will provide additional yard and greenspace. We are confident the plan will be aesthetically pleasing.

Additionally, the Lumia's are dedicated dog owners and their vision for this fence allows for their dogs to enjoy the outdoor space they need without the risk of them jumping the fence and escaping. We have witnessed one of their dogs bounce the current fencing and feel this new design provides for better security for their beloved pets.

To reiterate, we fully extend our support of their request.

Sincerely,



Tom and Meredith Sawyer  
405 Argyle Drive  
Alexandria, VA 22305



June 19, 2020

Board of Zoning Appeals  
301 King Street  
Alexandria, VA 22314

Re: Proposed fencing for Lumia property

To Whom It May Concern:

I am writing to provide my support for the proposed fencing to be constructed at 401 Argyle Drive in Alexandria, VA for my neighbors the Lumias.

There will be no visual impact to my home at 2900 Argyle Drive. I will be happy to know that the Lumias dogs will be safer!

Please approve their request for the taller fencing around their property.

Please do not hesitate to contact me at 703-624-2744 if you have any questions or I can be of any additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa F. Larson". The signature is fluid and cursive, with the first name "Lisa" and last name "Larson" clearly distinguishable.

Lisa F Larson  
2900 Argyle Drive  
Alexandria, VA 2305

## Crislyn Lumia

---

**From:** Jennifer Stowe <jstowe@carpet-rug.org>  
**Sent:** Wednesday, September 16, 2020 11:47 AM  
**To:** kaliah.lewis@alexandriava.gov  
**Cc:** clumia@sgac.org  
**Subject:** Case# BZA2020-00014

Dear Ms. Lewis,

I am writing regarding Case #BZA2020-00014: the petition for consideration of a Special Exception to construct a 6.00 foot fence in the secondary front yard on a corner lot (Argyle Drive and Monticello).

I frequently pass the Lumia's home at 402 Argyle Drive, as a pedestrian as well as in my vehicle. The outside of the residence is always well-maintained. I don't believe a 6 foot fence would change that at all. I also don't believe this fence would adversely impact drivers or pedestrians. Cars following the speed limit and pedestrians crossing in crosswalks would in no way be impacted by the construction of a 6 foot fence.

I have personally witnessed their dog jump the existing fence and know that the taller fence would allow her dogs to safely play in their own yard. I have seen a number of 6 foot fences in the City of Alexandria none of which seem to take away from the aesthetics of the properties. I urge you to please grant the Special Exception and allow the Lumia's to construct a 6 foot fence.

I am happy to discuss this issue further. Should you need to reach me, my contact information is below.

Regards,  
Jenn

Jennifer L. Stowe  
221 Tennessee Avenue  
Alexandria, VA 22305  
571-435-7851  
jstowe@carpet-rug.org

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Visit CRI's blog at: [www.carpet-rug.org/blog](http://www.carpet-rug.org/blog)

\*\*\*\*\*

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\*\*\*\*\*



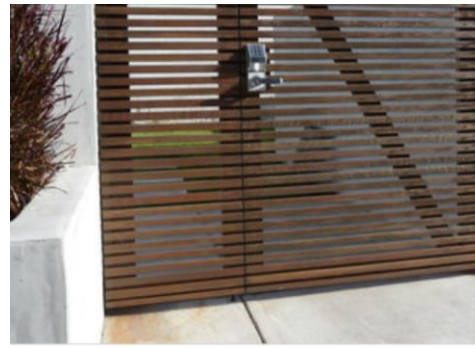
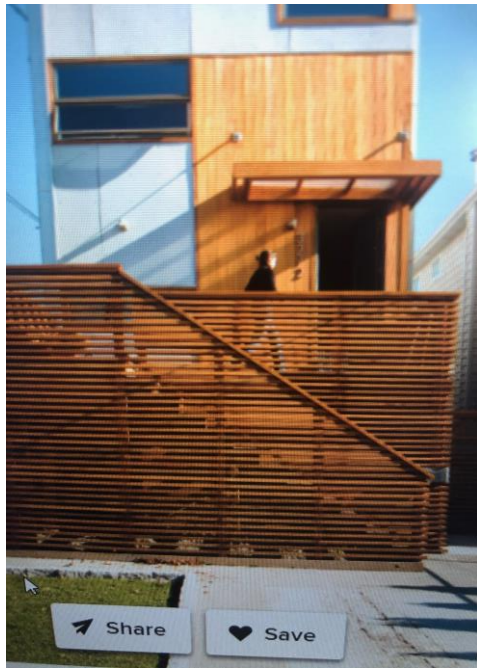


# Current Landscaping at 401 Argyle Dr

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These photos highlight the landscaping inside the existing fence as referenced in the letter submitted.





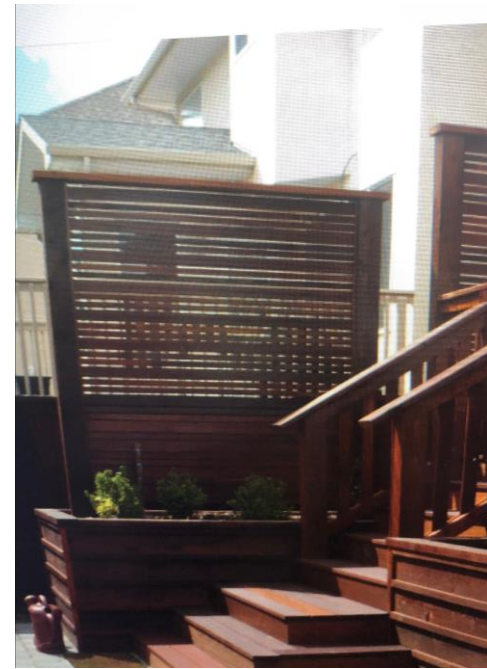
Houzz

Redwood Gate | Houzz

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Related images



# Open Fence Styles

\*Submitting for reference

# **Original Submittal Materials**



June 25, 2020

Board of Zoning Appeals  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Dear Mr. Chairman and Board of Zoning Appeals Members:

Our family and has lovingly called the City of Alexandria home for more than a decade, and for more than 16 of our 21 years in the DC Metro area. Our son is a rising 7<sup>th</sup> grader at GWMS; my husband is a long-time Alexandria Little League coach and has been on the Little League Board of Directors for several years; I also sit on the Little League Board and on the Board of the GWMS PTA.

Our home for the past 10 years is located at 401 Argyle Drive, on the corner of Argyle Drive and Monticello Boulevard. We are respectfully requesting a special exception to the fence zoning ordinance 7-1702.

Our current fence is located in both our primary and secondary front yard and is well within the regulated height requirement. We are, however, in desperate need to replace the existing fence in order to provide a safe place for our two adopted rescue dogs to exercise in a green space off leash.

Our plan entails removing the existing, rotting wood fence surrounding our property line and partially replacing it. As you will see in the attached drawings, a partial replacement would completely open our front yard on Argyle Drive. A new 6-foot fence would be installed at the corner of our house and extend to our existing fence line on Monticello Blvd. The new fence would then travel along Monticello Blvd. to our driveway and connect back to the fencing already installed at the end of our patio. This segment would exactly follow the existing fence line.

It is our understanding the height of the proposed fence would be in violation of 7-1702(c) which states, *"where the secondary front yard is located on a block face on which the principal structures on the abutting properties face the street."* We are, therefore, asking for the special exception.

Our existing fence is at least 20 years old and its highest point is 42 inches. One of our dogs can easily jump over the fence in a simple leap. No running start is necessary. She is no longer allowed outside off leash since she has run into the street nearly causing an accident and getting hit by a car—and run as far away as the fire department on Cameron Mills. As with many rescue dogs, her anxiety prevents us from taking her to one of the many dog parks throughout the City to get adequate off leash exercise.

I understand to grant a special exception for fences the Board needs to ensure the size, configuration, or other characteristics of the lot will not create significant harm to adjacent properties or the neighborhood. This fence will only add value to our property and our neighborhood. We have already invested a substantial sum renovating our home since we purchased it. To this day, our neighbors continue to thank us for and compliment the ongoing work. I have attached pictures of our home's exterior when we purchased it and how it looks today. We take enormous pride in showcasing our home. We only seek to enhance its beauty, while providing a safe space for our dogs.

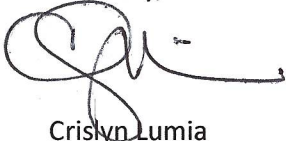
Included in this application for the exception you will find:

- Copies of our plat with markings where we are requesting installation of the new 6-foot fence;
- A letter of support from our neighbor Lisa Larson. Lisa lives at 2900 Argyle Drive, and is the principal structure impacted by 7-1702;
- Photos of fences within a 1-mile radius of our home showing the same request we are making at this time;
- Photos of our home's exterior at purchase and today;
- A photo of the style of fence we would like to install; and of course
- A photo of our loving rescue dogs Sullivan and Momo for whom the fence would benefit.

My family thanks you for your time and consideration of our request. If you require any additional information regarding our application for the exception of the fence zoning ordinance 7-1702, I may be reached at [crislyn.lumia@gmail.com](mailto:crislyn.lumia@gmail.com) or 703.307.4498.

I look forward to hearing from you regarding docketing and a public hearing by the board.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Crislyn Lumia', with a stylized flourish at the end.

Crislyn Lumia  
401 Argyle Dr.  
Alexandria, VA 22305







BLD2003-00964

RECEIVED  
OCT 17 2003

SECTION 6

P & Z ZONING COMPLIANCE

N 08°27'58" E ~ 59.43'

new proposed 6ft. fence line

MONTICELLO BOULEVARD

802

801  
7,362 S.F.

Concrete driveway

Existing fence line

EXISTING  
2 STORY  
BRICK  
DWELLING  
#401

ADDITION  
UNDER  
CONSTRUCTION

OPEN  
PORCH

New Gate

New Fence

N 78°52'46" W ~ 110.09'

S 88°35'00" E ~ 79.38'

A=48.00' R=515.00'

R=27.80'  
A=45.79'

ARGYLE DRIVE

50' R/W

PLAT

SHOWING WALL LOCATION SURVEY ON  
LOT 801, BLOCK 4, SECTION 5

MONTICELLO PARK  
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

AUGUST 26, 2003



APPROVED  
ALEXANDRIA DEPARTMENT OF PLANNING AND ZONING  
ZONING COMPLIANCE

DATE

DIRECTOR OF PLANNING

10/17/2003  
Bryant L. Robinson

Wall check approved for

BLD2003-00964

June 19, 2020

Board of Zoning Appeals  
301 King Street  
Alexandria, VA 22314

Re: Proposed fencing for Lumia property

To Whom It May Concern:

I am writing to provide my support for the proposed fencing to be constructed at 401 Argyle Drive in Alexandria, VA for my neighbors the Lumias.

There will be no visual impact to my home at 2900 Argyle Drive. I will be happy to know that the Lumias dogs will be safer!

Please approve their request for the taller fencing around their property.

Please do not hesitate to contact me at 703-624-2744 if you have any questions or I can be of any additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa F. Larson". The signature is fluid and cursive, with the first name "Lisa" being more prominent.

Lisa F Larson  
2900 Argyle Drive  
Alexandria, VA 2305



Left Photo: 2706 Cameron Mills Secondary Front Yard – 701 Summit Primary Front Yard Looks at 6 Ft. Fencing

Right Photo: 1205 Stonnell Pl. Secondary Front Yard – 2300 Scroggins Front Yard Looks at 6 ft. Fencing



Exception to 7-1702 for Lumia/401 Argyle Dr.



Left Photo: 1206 Stonnell Pl. Secondary Front Yard – 2206 Scroggins Front Yard Looks at 6 ft. Fencing

Right Photo: 718 W. Timber Branch Secondary Front Yard – 716 Parkway Looks at 6ft Fencing



Exception to 7-1702 for Lumia/401 Argyle Dr.



Left Photo: 615 Malcolm Pl. Secondary Front Yard – 712 W. Braddock Primary Front Yard  
Looks at 6ft. Fencing

Right Photo: 4 W. Custis Secondary Front Yard – 2103 and 2105 Commonwealth Ave Front  
Yards both Look at 6ft Fencing



Exception to 7-1702 for Lumia/401 Argyle Dr.



Left Photo: 1 W. Windsor Secondary Front Yard – 2101 Commonwealth Front Yard looks at 6ft. Fencing

Right Photo: 220 E. Howell Secondary Front Yard – 300 DeWitt Ave. Front Yard looks at 6ft. Fencing



Exception to 7-1702 for Lumia/401 Argyle Dr.



401 Argyle Drive when we bought it in 2010 and today.

Left photo: 2010    Right photo: 2020



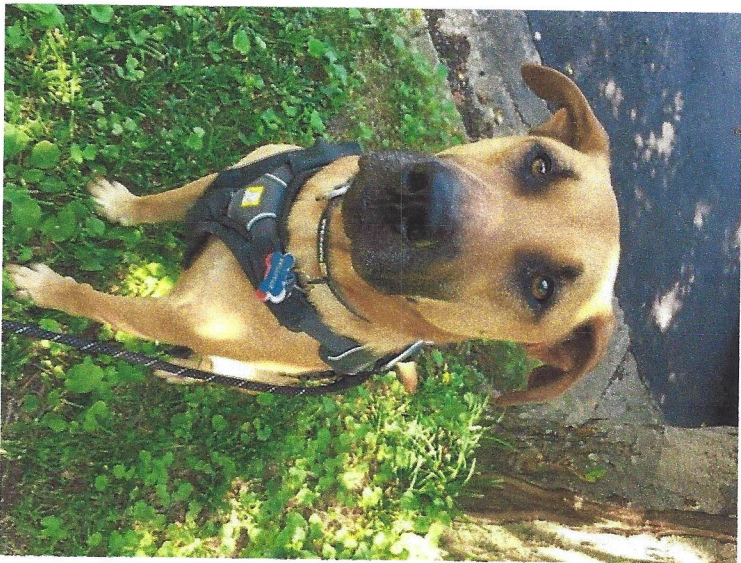
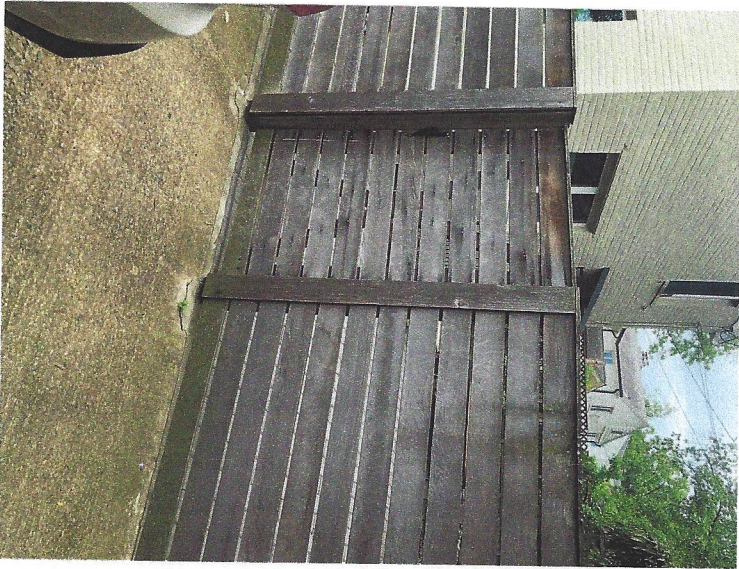
Exception to 7-1702 for Lumia/401 Argyle Dr.



Left Photo: Desired style of Fence to install at 401 Argyle Dr.

Middle Photo: Sullivan

Right Photo: Momo (our fence jumper)



Exception to 7-1.702 for Lumia/401 Argyle Dr.

**From:** [Jennifer Stowe](#)  
**To:** [Kaliah L Lewis](#)  
**Cc:** [clumia@sgac.org](mailto:clumia@sgac.org)  
**Subject:** [EXTERNAL]Case# BZA2020-00014  
**Date:** Wednesday, September 16, 2020 11:47:20 AM

---

Dear Ms. Lewis,

I am writing regarding Case #BZA2020-00014: the petition for consideration of a Special Exception to construct a 6.00 foot fence in the secondary front yard on a corner lot (Argyle Drive and Monticello).

I frequently pass the Lumia's home at 402 Argyle Drive, as a pedestrian as well as in my vehicle. The outside of the residence is always well-maintained. I don't believe a 6 foot fence would change that at all. I also don't believe this fence would adversely impact drivers or pedestrians. Cars following the speed limit and pedestrians crossing in crosswalks would in no way be impacted by the construction of a 6 foot fence.

I have personally witnessed their dog jump the existing fence and know that the taller fence would allow her dogs to safely play in their own yard. I have seen a number of 6 foot fences in the City of Alexandria none of which seem to take away from the aesthetics of the properties. I urge you to please grant the Special Exception and allow the Lumia's to construct a 6 foot fence.

I am happy to discuss this issue further. Should you need to reach me, my contact information is below.

Regards,  
Jenn

Jennifer L. Stowe  
221 Tennessee Avenue  
Alexandria, VA 22305  
571-435-7851  
[jstowe@carpet-rug.org](mailto:jstowe@carpet-rug.org)

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**From:** [Amanda Womble](#)  
**To:** [Kaliah L Lewis](#)  
**Cc:** [Crislyn Lumia](#)  
**Subject:** [EXTERNAL]fence project 401 Argyle Dr  
**Date:** Friday, September 18, 2020 2:17:51 PM

---

Ms. Lewis

I am writing to you as a neighbor in support of the future residential fence building plans at 401 Argyle Drive. Crislyn Lumia spoke to me a few months back about plans to make a safe yard for their pets by heightening the fence. They have made improvements to their home over the years, and have always honored the integrity and character of our neighborhood. I trust they will approve a tasteful design that will complement their home and our area. Please contact me with any questions or concerns.

Thank you,  
Amanda Womble  
308 Monticello Blvd  
Alexandria, VA 22305

---

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**From:** [Joy Pochatila](#)  
**To:** [Kaliah L Lewis](#)  
**Cc:** [Crislyn Lumia](#)  
**Subject:** [EXTERNAL]Letter to Support Six Foot Fence Exception at 401 Argyle Drive (BZA2020-00014)  
**Date:** Saturday, September 19, 2020 9:51:15 AM

---

To the City of Alexandria Board of Zoning Appeals:

I am sending this letter in order to document my SUPPORT for a special exception to construct a six-foot fence in the secondary yard of 401 Argyle Drive (BZA2020-00014). My home on 405 Monticello Blvd is located on the north side of Monticello Blvd, directly across the street from 401 Argyle Drive. As such, the installation of a six foot fence would be in the direct line of sight from my front yard. I STRONGLY DISAGREE with the Board's denial of the special exception.

The Board argues that the "proposed fence would be incompatible with adjacent properties. The proposal could create significant harm to these properties." I completely disagree. I do not understand how my property is caused ANY harm, and most certainly NOT significant harm. Is the Board arguing that harm is caused when I view a fence from my front steps? Or is the Board arguing that my property value is somehow how harmed by the addition of the fence? If that is the case, please provide evidence for declined property values in the North Ridge neighborhood for homes near six foot fences along side yards.

As a former member of the Environmental Policy Commission and one of the author's of the first Eco City Environmental Charter and Environmental Action Plan signed in 2009, I understand that City Planning decisions should be measured and a variety of impacts must be considered. The Board has considered that an addition of a six foot fence along Monticello Blvd might create a "street wall" and decrease the sense of community openness. The community is not "gathering" in the applicant's sideyard for any public event. And, as a resident in this block of Monticello Blvd, I can verify that we already HAVE a sense of community along our sidewalks and in our cul de sac and this fence would have no impact on community openness. And again, I would argue, the fence would in no way be "detrimental" to neighboring homes (i.e. my own property).

If the Board wishes to contact me for additional input, I am more than happy to answer their questions. As one of the homeowners and neighbors referenced in the Board's denial of exception, I would hope the Board strongly considers my input.

Sincerely,  
Joy Pochatila  
405 Monticello Blvd  
Alexandria, VA 22305  
301-613-3602  
[jpochatila@gmail.com](mailto:jpochatila@gmail.com)

---

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