

Docket Item #'s 8 & 9  
BAR CASE#'s 2004-0185 &  
2004-0203

BAR Meeting  
October 20, 2004

**ISSUE:** Fence and waiver of Vision Clearance

**APPLICANT:** Tushar Suthar

**LOCATION:** 833 South Fairfax Street

**ZONE:** RM Residential

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## **STAFF RECOMMENDATION:**

Staff recommends approval of the application with the following conditions:

- 1) That the applicant obtain approval of the encroachment from Planning Commission and City Council;
- 2) That Staff approve a brick sample prior to construction; and,
- 3) That Staff approve the design for the planters prior to construction.

## **I. ISSUE:**

The applicant is requesting approval of a Certificate of Appropriateness for a brick and metal picket fence along the front and side of the property and for a brick wall enclosing the rear yard of 833 South Fairfax Street, located on the southwest corner of Fairfax and Green Streets. In the front, the fence will be at the edge of the sidewalk and thus will encroach on a strip of city property approximately 4.5 feet wide and 40 foot long. Along the side, the fence will be on the property line and thus will be located approximately 4.5 feet back from the sidewalk.

The applicant is also requesting a waiver of vision clearance. The applicant must seek the vision clearance waiver from the Board as the proposed fence extends into the vision clearance triangle at the intersection of Fairfax and Green Streets and is over 3.5 feet in height.

The site is highly visible but is located in a less frequented section of the historic district. A stone patio and extensive plantings are located in the front and side yards. The property slopes down to the south and to the west.

### Fence

The fence will be in line with the front fence at 831 South Fairfax along the front (east) side and will continue around the corner along Green Street on the south side of the property. It will consist of brick piers approximately 5' high set at intervals of approximately 8' to 12' apart. The piers will have brick caps. Between the piers, there will be a low brick wall approximately 1' high at the base topped with 2'6" of plain metal picket fencing. At the front, on line with the door and sidewalk will be an opening approximately 5' wide between the piers to provide access to the property. The fence will extend approximately 40' along on the Fairfax Street and 35' along Green Street.

### Wall

The wall will replace the existing 6' high stockade fence which enclosed the rear of the property and will be built on top of the existing brick retaining wall in this area. Given the height of the retaining wall and variations in grade the wall will vary in height. At the back of the front yard, the wall will appear approximately 4' high. At the west end of the side yard along Green Street, it will be close to 7' in height. The wall will be entirely within the applicant's property. It will be running bond capped by a header course. There will be a wood gate with a curved top in the Green Street side of the wall.

### Planters

There will be two brick planters on either side of the gate in the Green Street side of the wall.

These will be on city property. They will have curved corners. No further information has been provided for the planters.

## **II. HISTORY:**

833 South Fairfax Street is a two story, two bay brick end unit rowhouse that was constructed in 1958 as part of the Yates Garden subdivision in a Colonial Revival design vocabulary. The rowhouses in the 800 block of South Fairfax Street were initially approved by the Board in 1955 (5/12/55), but not actually constructed until 1958. Yates Garden was developed by Edward Carr beginning in 1939, however, complete build out of the subdivision was not completed until the early 1960s.

The Board approved the construction of a garden shed in the rear yard of 833 South Fairfax Street in 1984 (BAR Case #84-151). In 1992, the Board approved after-the-fact the replacement in-kind stockade fence and terraced timber planters (BAR Case #92-167).

The applicant has referred to the fence and wall at 801 South Fairfax as the model for the proposed fence and wall at 833 South Fairfax Street. The Board approved the fence and wall at 801 South Fairfax Street in 2000, along with the rear addition and other alterations at that location (BAR2000-0046, 6/21/2000). The brick and metal fence at the front and brick wall at the rear are similar to that proposed for 833 South Fairfax Street. However, the fence and wall at this property are believed to be entirely on the subject project property and do not encroach on city property. The brick and stone landscape planters do encroach.

## **III. ANALYSIS:**

The proposed wall/fence will comply with zoning ordinance requirements if the BAR authorizes the waiver of vision clearance and fence height. Section 7-202(C) of the zoning ordinance permits the BAR to waive or modify the fence regulations, which restricts the fence height to 6', if the board finds the proposed fence would be architecturally appropriate and consistent with the character of the district. Section 7-802 of the zoning ordinance states that the BAR may waive the vision clearance requirement (Section 7-801 (A)), which restricts obstructions on a corner lot to not more than 3.5' above curb level, where to do so would be consistent with the character of the district.

Staff notes the comments of Transportation and Environmental Services (T & ES) below. Subsequent to the review by T & ES, the applicant revised the plans to encroach only at the front of the property and not along the side. This revision reduced the extent of the obstruction in the vision clearance triangle and the encroachment on city property. It is this revised plan that is currently before the Board.

In the opinion of Staff, the proposed fence and wall are appropriate for the building at 833 South Fairfax Street and the surrounding neighborhood. They are similar to fences and walls previously approved by the Board in this area. The encroachment along the front of the property brings the fence in line with the adjacent property to the north and is similar to a number of other de-facto encroachments on the block. Staff also believes the vision clearance waiver should be granted and notes that the Board has routinely granted similar requests.

**IV. STAFF RECOMMENDATION:**

Staff recommends approval of the application with the following conditions:

- 1) That the applicant obtain approval of the encroachment from Planning Commission and City Council;
- 2) That Staff approve a brick sample prior to construction; and,
- 3) That Staff approve the design for the planters prior to construction.

## CITY DEPARTMENT COMMENTS

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

### Code Enforcement:

C-1 A construction permit is required for the proposed project.

C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

### Office of Historic Alexandria:

“Rather than the high solid brick wall on the side, I would prefer to see the openness retained by using the brick/iron combination as in front.”

### Transportation and Environmental Services

“T & ES objects to this application based on vision clearance and the size of the encroachment.”