

Docket Item #3  
BAR CASE #2004-0198

BAR Meeting  
September 22, 2004

**ISSUE:** After-the-fact fence  
**APPLICANT:** David Goldstein  
**LOCATION:** 335 North Patrick Street  
**ZONE:** RB/Residential

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**\*\*EXPIRATION OF APPROVALS NOTE:** In accordance with Sections 10-106(B) and 10-206(B) of the Zoning Ordinance, any official Board of Architectural Review approval will expire 12 months from the date of issuance if the work is not commenced and diligently and substantially pursued by the end of that 12-month period.

**\*\*BUILDING PERMIT NOTE:** Most projects approved by the Board of Architectural Review require the issuance of one or more construction permits by the Code Enforcement Bureau (including signs). The applicant is responsible for obtaining all necessary construction permits after receiving Board of Architectural Review approval. Contact Code Enforcement, Room 4200, City Hall, 703-838-4360 for further information.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the application conditioned upon approval of the encroachment by Planning Commission and City Council.

### **I. ISSUE:**

The applicant is requesting approval of a Certificate of Appropriateness for the wood picket fence enclosing the narrow strip of land between the house and sidewalk along the Princess Street side of the property. The two story, end unit rowhouse faces Patrick Street. The area enclosed by the fence on Princess Street is within the city right-of-way. The fence is approximately 3' in height and is painted white. The fence was erected by the applicant in June 2004.

### **II. HISTORY:**

Based on map research, the two story frame house with gable roof and rear ell at 335 North Patrick Street appears to have been constructed as a pair with 333 North Patrick Street by 1877. Located at the corner of Patrick and Princess Streets, the dwelling was used as grocery for a period in the early 20<sup>th</sup> century.

On November 28, 2001, the Board denied the after-the-fact request for approval of vinyl windows, vinyl shutters and metal door at 335 North Patrick Street and required that they be replaced with historically appropriate windows, shutters and door (BAR Case #2001-0231, 11/28/2001). That work was completed in 2002. The present applicant purchased the property in April 2004.

### **III. ANALYSIS**

The fence complies with zoning ordinance requirements conditioned upon approval of the encroachment application by Planning Commission and City Council. Although the fence is located within the vision clearance triangle, it is less than 3.5' in height and therefore complies with the vision clearance requirement (Section 7-801(A) of the zoning ordinance).

In the opinion of Staff, the proposed fence is appropriate for the mid-19th century house and for the surrounding neighborhood. The *Design Guidelines* recommend the use of wood fences with vertical pickets and recommend that wood fences be painted or stained (Fences - Page 2). The fence aligns with and is the same height as the monument style wood picket fence at 914 and 916 Princess Street. (Staff could not locate any record of either BAR review or encroachment approval for this fence which has been in place for at least 10 years). The narrow strip of land with grass and landscaping along the side of the house remains visually accessible as the fence is both low and open.

As noted above, as this strip of land is within the city right-of-way, an encroachment approval is required for the installation of the fence. The encroachment case (ENC2004-0008) is scheduled to be heard by the Planning Commission on November 4, 2004. The Boards of Architectural Review may approve cases involving encroachments pending approval of the encroachment.

**IV. STAFF RECOMMENDATIONS:**

Staff recommends approval of the application conditioned upon approval of the encroachment by Planning Commission and City Council.

## CITY DEPARTMENT COMMENTS

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

### Code Enforcement:

F-1 The fence lies outside of the property line according to the provided plat.

### Office of Historic Alexandria:

“There is no problem with the style and look of the fence, but the issue of encroachment has to be dealt with first.”

### Transportation and Environmental Services:

T&ES has no objection to the fence remaining in the right-of-way

1. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located adjacent to, or within the area enclosed by the fence.(T&ES)
2. In the event the City shall, in the future, have need for the area enclosed by the fence the applicant shall remove it within 30 days, upon notification by the City.(T&ES)