

Docket Item #8
BZA CASE # 2004-0011

Board of Zoning Appeals
May 13, 2004

ADDRESS: 534 SOUTH ALFRED STREET
ZONE: RB, RESIDENTIAL
APPLICANT: MARY ELLIOTT, OWNER

ISSUE: Special exception to construct a 6.00 foot brick wall in the secondary front yard facing Gibbon Street and forward of the rear building wall.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-1700 (B)(1)	Corner Lot Fence (Facing Gibbon Street)	6.00 ft	6.00 ft*	6.00 ft

* Zoning rules require a 6.00 feet high fence to be located 3.00 feet from the front property line to the rear building wall, or install an open 3.50 feet high fence on the front property line.

(insert sketch page here)

STAFF RECOMMENDATION:

The staff **recommends approval** of the special exception because the brick wall meets the special exception criteria.

DISCUSSION:

1. The applicant at 534 South Alfred Street requests a special exception to build a 6.00 feet high brick wall in the secondary front yard facing South Alfred Street and forward of the rear building wall to the front building wall facing South Alfred Street.
2. The subject property, a corner lot, is one lot of record with approximately 31.31 feet of frontage on South Alfred Street and 73.41 feet of frontage on Gibbon Street. The lot contains 2,669 square feet and is not substandard for a corner lot property zoned RB, residential; the minimum size for a corner lot is 1,980 square feet.
3. Based upon the submitted plat, the existing two-story end unit townhouse dwelling is located 13.30 feet from the front property line facing South Alfred Street, 19.60 feet from Gibbon Street, 22.00 feet from the east side property line and shares a common party wall with the adjoining property at 532 South Alfred Street on the north side property line. A raised open yard is located along the north and east side of the house. According to Real Estate Assessment records, the house was constructed in 1984.
4. The proposed 6.00 feet tall brick wall encloses a portion of the secondary front yard facing Gibbon Street. The proposed brick wall will start along the east side property line at the edge of an existing brick wall which encloses a rear patio, continue 13.00 feet along the north side property line and stop at the front property line facing Gibbon Street (2.00 feet from the edge of the sidewalk on Gibbon Street; the wall turns west and extends approximately 58.00 feet parallel to the front property line facing Gibbon Street. The new wall turns north and continues 20.00 feet facing South Alfred Street and ends at the northwest front building wall. (Refer to enclosed plat.)
5. The new brick wall will not project into the vision clearance area at the corner of South Alfred Street and Gibbon Street. There are sidewalks on South Alfred Street and Gibbon Street, but neither sidewalk will be impacted by the proposed brick wall.
6. The special exception rule requires a 6.00 foot fence or brick wall in the secondary front yard on a lot greater than 25.00 feet wide to be set back approximately 3.00 feet from the front property line and the fence may not start forward of the rear corner of the building. The applicant wishes to build the brick wall on the front property line facing Gibbon Street and

forward of the rear building wall; the proposed brick wall will extend 35.20 feet forward of the rear building wall to the front building wall.

7. The applicant indicates that a 6.00 feet high brick wall is needed for the following reasons:
 - to maximize the use of the yard space, by incorporating more of the side yard facing Gibbon Street.
 - to improve privacy for the secondary yard which faces a well traveled and noisy public street, commercial uses and a bus stop.
 - to prevent trespassing and reduce litter in the yard.
 - to enhance the character of the property and neighborhood - giving the block a more typical "Old Town" appearance.
 - to reduce the impact of noise from Gibbon Street a heavily traveled neighborhood street.
 - to improve the appearance of a busy corner in the west Old Town area.
8. The applicant proposes to install shrubs between the new wall and public sidewalk to beautify the appearance of the wall from the street.
9. The applicant indicates that the proposed wall is in keeping with similar fences and walls in the immediate neighborhood. An inspection along several of the major side streets and along South Alfred Street and the immediate neighborhood revealed there are other 6.00 feet high solid wood fences or brick walls built in required secondary front yards. It appears most of the fences were constructed prior to 1992 (when the current corner lot fence regulations were first established in the zoning ordinance), and the City has no permits on record indicating when the fences were installed.
10. The Homeowners Association of which includes the applicant's property and other townhouse homes along part of the 500 block of South Alfred Street and 800 block of Gibbon Street have written in support of the applicant's brick wall. The association states the brick wall proposed will improve the appearance of the community.
11. There have been no variances or special exceptions heard recently for a corner lot fence in the immediate area.

12. The Alexandria Department of Transportation and Environmental Services does not oppose the applicant's request.
13. Master Plan/Zoning: The subject property is zoned RB, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified Southwest Quadrant Small Area Plan for residential land use.

REQUESTED SPECIAL EXCEPTION:

Section 7-1703(B)(3), Fences in Secondary Front Yards:

Fences in required front yards must be open-type fences up to 3.50 feet high. In this case a 6.00 feet high brick wall is allowed in a required secondary front yard only if the fence is located no closer than 3.00 feet from the front property line and if it starts at the rear building wall and runs rearward from there. The proposed 6.00 feet high brick wall, located on the front property line facing South Alfred Street and extends to the front building wall. The applicant requests a special exception from this provision.

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1304 FOR SPECIAL EXCEPTION:

This case asks the Board of Zoning Appeals whether a proposed fence, which goes beyond what the liberalized rules for fences on corner lots allow, meets the standards imposed for a special exception from those rules.

Rules for Corner Lot Fences

The rules for fences or walls on corner lots reflect Council's decision that some part of the secondary front yard should be allowed to be enclosed within a 6.00 feet high fence or wall. Striking a compromise between maintaining a semi-public front setback along the street and the need for more private fenced areas on corner lots, the rules permit a 6.00 feet high fence or wall to be located 3.00 feet from the front property line facing Gibbon Street, starting at the rear of the house and extending rearward. The compromise affects neighboring unfenced yards along the secondary front yard street, but does so only to a moderate extent.

Under the provisions for a special exception, the Board may allow a fence beyond the compromise limits set by Council only when it finds under section 11-1304(F) of the zoning ordinance:

That 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.

Proposed Fence

In this particular case, the proposed fence is not located in an area anticipated by the new rule. It extends forward of the rear building wall of the house to the front building line of the house and on the front property line facing Gibbon Street. The proposed brick wall is compatible with other corner lot fences and walls in the area. The applicant indicates that she plans to install landscaping at the property line to soften the appearance of the wall. The requirement to set the wall back at least 3.00 feet from the front property line was included in the new rules to allow adequate room for planting. The applicant indicates there is approximately 2.00 feet of grass area between the sidewalk and the proposed wall where plantings would be installed.

Neighborhood Impact

The subject corner lot is surrounded by residential uses and abuts houses directly to the rear and faces commercial uses and a heavily traveled and noisy Gibbon Street. An inspection of the immediate neighborhood revealed that there are several fences and walls on corner lots within a two block area of the subject property which appear to have been built prior to 1992, predating the current fence regulations. The applicant indicates that she needs a special exception for more enclosed area than is permitted because of the limited rear yard now occupied by a small patio and the side yard is currently unusable since it is exposed to Gibbon Street. The subject property is above the required size of a corner lot, and the applicant wishes to secure more of the secondary front yard to improve privacy of the side yard facing a heavily traveled and noisy street and prevent trespassing and littering from occurring on the property. The proposed brick wall is not out of character with similarly located fences and walls in the neighborhood, and the impact of the fence on the neighborhood will not be great.

The Board has previously set the pattern for approval of a tall fence facing a street based on the placement of the house on the lot and security improvements. The existing fence pattern for corner lots in this neighborhood is such that brick walls and fences are prevalent.

Lot Characteristics

The applicant's lot is similar to other nearby corner lots as to lot area and width. There are walls and fences on corner lots on Gibbon, South Columbus and Wilkes Street which align with the front building wall and face the adjoining intersecting street. The proposed brick wall is in keeping with the architectural character of the house and lot characteristics within the immediate neighborhood. The proposed wall will not harm neighboring properties nor will it be out of character. Existing fences, plants and walls face side streets and align with the front building wall plane.

Reasonable Need

The applicant's request is reasonable to maximize the use of her side yard now exposed to a heavily traveled and noisy street. The request to install a brick wall forward of the rear building wall is not unreasonable. Other tall fences and brick walls exist in the immediate neighborhood which face side streets and align with the front building wall. The applicant's proposal will create more useable lawn

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space and privacy. It is true that the applicant could install a 3.50 feet high open picket style fence in compliance with corner lot fence rules. A lower fence or wall, however, will not deflect noise nor improve security for an open side yard exposed to Gibbon Street. The combination of lot characteristics and predominance of other similar style walls and fences in the immediate neighborhood, will not set a precedent within the neighborhood for others to install similar style brick walls or fences facing well traveled and noisy streets. Staff recommends that the Board approve the special exception request.

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the variance or special exception is approved the following additional comments are required.

Transportation and Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

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

C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction.

Recreation (Arborist):

F-1 Some shrubs and hedges will be removed as a result of this plan.

Historic Alexandria (Archaeology):

F-1 This property was the site of carpenters' quarters just outside of the stockaded U.S. Military Railroad complex during the Civil War. By 1877, a residence was present on the lot, according to the G.M. Hopkins Insurance Atlas. The lot therefore has the potential to yield archaeological resources which could provide insight into military life during the Civil War and domestic activities during the later nineteenth century.

R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.

- R-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.