

Docket Item #2
BZA CASE #2005-0008

Board of Zoning Appeals
April 14, 2005

ADDRESS: 2503 SANFORD STREET
ZONE: R-2-5, RESIDENTIAL
APPLICANT: KAREN E. WALLER, OWNER

ISSUE: Variance to construct a 6.00 foot fence in the vision clearance triangle and required front yards facing Sanford Street and West Uhler Avenue.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
7-202 (A)(1)	Privacy Fence	3.50 ft	6.00 ft	2.50 ft
7-801(A)	Vision Clearance	100 ft	60 ft	40 ft

(insert sketch here)

STAFF CONCLUSION:

Staff **recommends denial** of the request because the applicant has not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City’s Land Records Office.

I. Issue

The applicant, located at 2503 Sanford Street, requests a variance to (1) build a 6.00 feet closed fence located in the vision clearance triangle and (2) allow a 6.00 feet tall fence in the required front yards facing Sanford Street and West Uhler Street.

II. Background

The subject property, one lot of record, is a narrow and unusual shaped corner lot with 133.03 feet of frontage on Sanford Street, 7.75 feet of frontage on West Uhler Street, 54.06 feet of depth and contains 4,344 square feet of property area.



The existing one and one-half story single-family dwelling with a side open deck is located approximately 6.70 feet from the front property line facing Sanford Street, 31.00 feet from the front property line facing West Uhler Avenue, 1.00 feet from the east side property line and 10.30 feet from the north side property line. An existing driveway is located parallel to the north side property line.

III. Discussion

As indicated on the submitted plat, the property is partially enclosed with a 3.50 feet high wood fence that is in poor condition, which encloses a portion of the open yard facing Sanford Street and West Uhler Avenue. The fence encloses the open deck and wraps around the yard facing West Uhler Avenue where it connects to a retaining wall along the east side property line. The existing low wood fence is located 6.00 feet at its closest point to the front property line facing West Uhler Avenue and 4.00 feet at its closest point to the front property line facing Sanford Street.

The existing fence will be replaced with a 6.00 feet closed fence within the same location as the existing 3.50 feet fence. The new fence is intended to provide more privacy.

As shown on the submitted plat, approximately 60 lineal feet of new fence will be replaced. Because the new fence is located in two required front yards, a variance is required to increase the height of an allowed 3.50 feet open picket style fence with a 6.00 feet privacy fence within the required front yards facing Sanford Street and West Uhler Avenue.

The applicant indicates that the narrowness of the lot with two front yards, sloping grade from the street to the east side property line as well as narrow open yard limits the opportunity to place a taller fence in compliance with the fence regulations. According to the applicant, the 6.00 feet high wood fence is necessary to provide privacy on an unusual shaped corner lot.

Section 7-202 (A)(1) of the zoning ordinance states that fences in required front yards cannot exceed 3.50 feet in height and must be open; fences in required side and rear yards cannot exceed 6.00 feet in height and can be either open or closed. The applicant is requesting a variance from the fence restriction as applied to the required front yard facing Sanford Street and West Uhler Avenue. The new wood sections are 5.00 feet from the front property line Sanford Street and 6.00 feet from the front property line facing West Uhler Avenue.

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

IV Master Plan/Zoning

The subject property is zoned R-2-5, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential land use.

V. Requested variances

Section 7-202(A)(1), Fences in Front Yards:

Fences in required front yards must be open-type fences and cannot exceed 3.50 feet in height. The proposed new fence is a wood board on board fence and is 6.00 feet high. The applicant is requesting a variance of 2.50 feet from the fence height requirement as it applies to the wood fence located in the required front yard facing Sanford Street and West Uhler Avenue.

Section 7-801(B), Vision Clearance:

For the purpose of safe vehicular travel on streets, on corner lots there cannot be any structure, fence, shrubbery or other obstruction to vision more than 3.50 feet in height. The proposed fence is 6.00 feet in height and will reduce the vision clearance triangle from 100 feet to 60 feet. The applicant requests a reduction in the vision clearance of 40 feet. The Department of Transportation and Environmental Services does not recommend the construction of a six foot fence in the vision clearance triangle.

VI. Noncomplying structure

The existing building at 2503 Sanford Street is a noncomplying structure with respect to the following:

	Required	Provided	Noncompliance
Front Yard (Sanford St)	25.00 ft	6.00 ft	19.00 ft
Side Yard (East)	7.00 ft	1.00 ft	6.00 ft

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The applicant states the only usable yard area on the property is the front yard area facing Sanford Street and West Uhler Street. The current use of the open yard with a low fence does not afford privacy for the homeowner facing the street traffic and pedestrians. The applicant also states that most properties in the neighborhood have a rear yard. The subject property does not have a rear yard. The applicant states the combination of not having a back yard, limited open yard and lot configuration create a hardship to build a tall closed fence.

IX. Staff Analysis

The property is irregular in shape, substandard in lot area and it has sloping topography from Stanford Street towards the rear(east) property line. The applicant was aware of the lot configuration and being substandard in lot area when she purchased the property in 2004 and its limited open yard facing Sanford Street and West Uhler Street. Approximately one-third of the front yard of the subject lot is open and enclosed by an existing fence, a permitted fence in the required front yard facing Sanford Street. The existing fence complies with the fence and vision clearance regulations and has not changed the character of the neighborhood.

A tall closed fence structure, particularly a fence on a hill looking down on the street, will radically change the street scape along this stretch of Stanford Street. The current fence rules are intended to maintain openness in front yards and prevent tall imposing fences along the street. The proposed tall fence will also create a vision clearance obstruction where one did not exist before and will hinder vehicular line of sight on two narrow neighborhood streets. The applicant has not demonstrated a hardship. The existing fence can be replaced without the need of a variance.

For the above reasons staff **recommends denial** of the variance.

STAFF: Hal Phipps, Chief, Planning and Zoning
Peter Leiberg, Zoning Manager

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 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)
- R-1 The location of the proposed fence crosses into the zone described by city standards for vision clearance at an intersection. TES does not recommend the construction of a six foot fence as described in BZA2005-00015.

Code Enforcement:

- F-1 No comments.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological resources. no archeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.