

Docket Item #4
BZA CASE #2005-0028

Board of Zoning Appeals
June 9, 2005

ADDRESS: 5009 REGENCY PLACE
ZONE: R-8, RESIDENTIAL
APPLICANT: DAVID AND CRYSTAL PRALL, OWNERS

ISSUE: Special exception to allow the length of a noncomplying 4.00 feet closed fence now located in the required secondary front yard to be expanded facing Pryor Street.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-1700 (B)(1)	Corner Lot Fence (Facing Pryor Street) (Open)	3.50 ft	4.00 ft* (Closed)	0.50 ft

STAFF RECOMMENDATION:

Staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception with the condition that the applicants maintain the landscaping in front of the new fence to continue to reduce the visual impact of the fence along the street.

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

(insert sketch page here)

I. Issue

The applicants at 5009 Regency Place request a special exception to allow a replacement 4.00 feet high closed wood fence in the secondary front yard to be expanded facing Pryor Street. The replacement fence has been shifted 3.00 feet towards Regency Avenue from of its original fence location that is parallel to the front property line facing Pryor Street. The after-the-fact fence turns east and stops at the southwest corner of a new front porch built during the past year. The special exception request is for an additional length of fence of approximately 3.00 facing Pryor Street.

II. Background

The subject property, a corner lot, is one lot of record with approximately 95.36 feet of frontage on Pryor Street and 88.00 feet of frontage on Regency Place. The lot contains 9,293 square feet and is not substandard for a corner lot property zoned R-8, residential; the minimum size for an R-8 zone corner lot is 9,000 square feet.

Based upon the submitted plat, the existing single-family residence with a new covered open porch is 35.10 feet from Regency Place, approximately 33.00 feet from Pryor Street, 10.00 feet from the north side property line and 26.70 feet to the east side property line. According to Real Estate Assessment records, the house was constructed in 1956. The existing house is built in compliance with the R-8 zone requirements.

III. Description

An existing 4.00 feet high stockade style closed fence was previously located 3.00 feet from the front property line facing Pryor Street, extended approximately 33.00 feet from the north side property line parallel to Pryor Street, turned east for approximately 38.00 feet and ending at the front building wall. The existing fence was installed with the help of a neighbor prior to the current corner lot fence rules; however, it does not conform to the current corner lot fence regulations because it is forward of the rear building wall facing Pryor Street.



Figure 1- Old 4.00' Fence

Based on a complaint that the newly installed replacement fence was taller and longer facing Pryor Street staff spoke with the home owners. After speaking with owners, staff determined that the fence was not taller than the original fence but in fact had been shifted a short distance beyond its original location to align with the southwest corner of a new front porch. (Refer to *Figure 4*)

IV. Requested Special Exception:

In this case the special exception rule requires the 4.00 foot closed wood fence to be set back approximately 3.00 feet from the front property line facing Pryor Street, and the fence may not start forward of the rear corner of the building. However, because the new fence was installed prior to the current corner lot fence regulations it is grandfathered under the current corner lot rules. The applicants request approval to allow the after-the-fact fence length to be shifted additional 3.00 feet forward of its original location facing Pryor Street.



The applicants indicate that an additional length of 4.00 feet high fence is needed for the following reasons:

- to maintain safety and security for the applicants children when playing outside facing two busy streets.
- to screen traffic along Pryor Street, and
- to provide an adequate enclosed side yard play area since the rear yard is too small



Figures 2 & 3- New 4.00' Fence

The applicants indicate that the after-the-fact fence is similar to the height of existing chain link fences in the neighborhood. An inspection in the neighborhood revealed there are chain link and wood fences built in required front yards on interior and corner lots. It appears most of the fences were constructed prior to current corner lot fence regulations, and the City has no permits on record indicating when the fences were installed. No building permit is required for a fence under 6 feet tall.

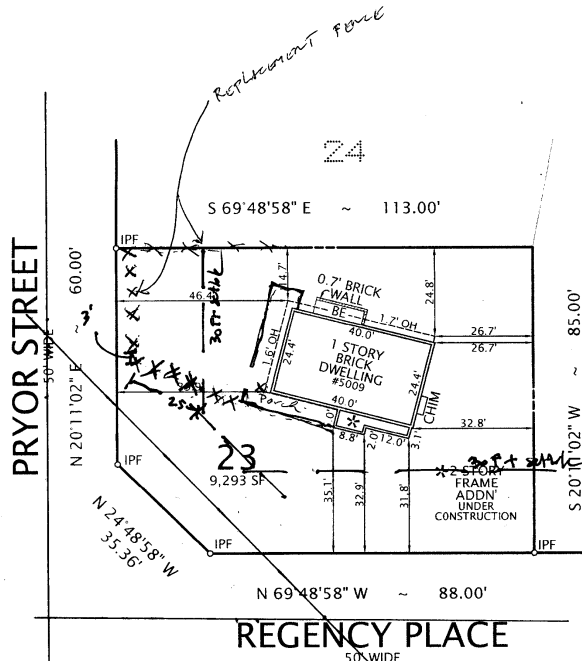


Figure 4- Plat with location of new fence and Vision Clearance triangle

The applicants request a special exception to shift the after-the-fact 4.00 feet high closed wood fence an additional 3.00 feet towards Regency Place and parallel to Pryor Street. The wood fence continues and turns east for approximately 32.00 feet ending at the southwest corner of the building’s front porch. (Refer to *Figure 4*)

No portion of the after-the-fact wood fence will impact the vision clearance area at the corner of Regency Place and Pryor Street. There is a sidewalk along Pryor Street. The existing fence is partially screened by plantings facing the Pryor Street sidewalk. The Alexandria Department of Transportation and Environmental Services does not oppose the applicants’ request.

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

V. **Master Plan/Zoning** The subject property is zoned R-8, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in adopted Seminary/Strawberry Hill Small Area Plan for residential use.

VI. **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 if located on the front property line. In this case a 4.00 feet high fence was replaced with a similar wood closed fence in the required secondary front yard however was shifted towards Regency Place. Because the existing noncomplying replacement fence has been shifted by an additional 3.00 feet a special exception is required. The after-the-fact replacement fence is a solid board-on-board fence 4.00 feet high; it is located 3.00 feet from the front property line facing Pryor Place and extends to the southwest corner of the building’s front porch. The applicants request a special exception from this provision.

VII. Staff analysis under criteria of section 11-1302

This case asks the Board of Zoning Appeals to rule on whether the after-the fact fence that has been shifted 3.00 feet from its original location, 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 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. 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, a replacement wood fence 4.00 feet tall facing Pryor Street has been shifted 3.00 feet towards Regency Street from its prior location. The applicants desire to keep the new fence where it has been located. The replacement fence is located 3.00 feet from the front property line facing Pryor Street as required by the zoning ordinance. The applicants have installed landscaping at the property line to soften the appearance of the fence. The requirement to set the fence back at least 3.00 feet from the front property line was included in the new rules to allow adequate room for planting.

Existing Fence Pattern

The subject corner lot is surrounded by residential uses and abuts a house directly to the rear. An inspection of the immediate neighborhood revealed that there are several fences on corner lots within the neighborhood which appear to have been built prior to 1992, predating the current fence regulations. The replacement fence is in character with similarly located fences in the neighborhood, and the modest shift of the fence appears to have minimal impact on the neighborhood. The replacement fence is the same height as a landscape hedge on the property directly behind the applicants' house. The neighbor's hedge screens the replacement fence. The majority of the replacement fence predates the current corner lot fence regulations. The added fence length will not set a precedent for other corner lot fences. The fence continues to be located 3.00 feet from the existing sidewalk on Pryor Street allowing for an open planting strip or lawn area.

VIII. Staff Conclusion

The applicants' have replaced an existing noncomplying wood fence, but shifted the after-the-fact fence 3.00 feet beyond its prior location to align with recently built covered front porch. The additional 3.00 feet of fence length does not obstruct vehicular line of sight nor is the additional fence length excessive. The combination of a lot that faces a heavily traveled road which experiences increased noise, safety concerns, limited rear yard to accommodate the needs of the applicants's children as well as an replacement fence which now complies with the 3.00 feet planting area facing Pryor Street required of the corner lot fence rules, combine to support the request. The request to shift the fence approximately 3.00 feet from its prior location in the direction of Regency Place and parallel to Pryor Street is not unreasonable.

Staff recommends **approval** the special exception request with the condition that the applicants maintain the landscaping in front of the new fence to to continue to reduce the visual impact of the fence along the street.

STAFF: Hal Phipps, Chief
Peter Leiberg, Zoning Manager

DEPARTMENTAL COMMENTS

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

* The applicant is advised that if the special exception is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No comments.

Code Enforcement:

F-1 No comments.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 No ground disturbance is involved in this project. no archaeological 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.