

MINUTES OF REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
July 5, 2016

Members Present: John O'Brien Clarke Jr., Chairman
Ed Calabria, Vice-Chairman
Robert Matthews
Gary Perryman

Staff Present: Michelle Coleman, Zoning Administrator
Lisa Feibelman, Deputy Zoning Administrator
Ann Feeherry, Secretary

- 1. Call to Order:** Chairman Clarke called the meeting to order.
- 2. Opening of the Public Hearing:** Chairman Clarke opened the public hearing at 7:00 p.m. and explained the procedure for the meeting.
- 3. Adoption of Agenda:** Approved 4:0
- 4. SE-16050012**
Request by Tam T. Duong, property owner, pursuant to City Code Sections 110-37(a)(6) and 110-369, for special exceptions to City Code Sections 110-37(a)(1)(a) to allow construction of a six-foot-tall fence and two nine-foot-tall gates in the front yard where maximum fence height of four feet is permitted in the R-2 Residential District on the property located at 3617 Chain Bridge Road and more particularly described as Tax Map Parcel 57-2-(02)-063.

Lisa Feibelman, Deputy Zoning Administrator, presented the staff report which is incorporated into the record by reference. She stated the applicant is requesting a special exception to the fence regulations of City Code Section 110-38(a)(6) to allow construction of a six-foot-tall iron rail fence and two nine-foot-tall iron rail gates, where a maximum fence height of four feet is allowed.

Staff recommended that the Board of Zoning Appeals deny the Special Exception request. Staff also provided the Board Members with three development conditions if the Board of Zoning Appeals choose to approve the applicant's request.

Mr. Clarke asked the Deputy Zoning Administrator if the nine-foot-tall gate would swing in towards the property or away towards the public right of way. He asked if the gate exception would disturb the Public Works proposal to widen Chain Bridge Road.

Lisa Feibelman conveyed that the Public Works department does not have any intentions of widening Chain Bridge Road at this location but there is possibility that a more permanent side walk will be installed. She suggested that constructing a more permanent side walk would create a more parallel walkway in the front of the property.

Mr. Perryman asked the Deputy Zoning Administrator if she believed installing the gate twenty four feet away from the street, as shown on the plans, would help prevent the public from using the entrance of the drive way as a place to U-turn.

Lisa Feibelman conveyed that the property currently has a through U-shaped driveway with two openings and commuters are currently driving through in order to change directions on Chain Bridge Rd.

Mr. Perryman expressed that a six-foot-tall fence and nine-foot-tall gate are unnecessary because of the shape and structure of the driveway. He suggested that a four-foot-tall gate would provide the same functionality as anything taller.

Mr. Calabria commented that the other six-foot-tall fences found along Chain Bridge Rd belong to properties whose front yards are on another neighboring residential street and the higher fences that are visible on Chain Bridge Rd are actually fences on a side lot line.

Mr. Clarke asked the applicant to express how he believes a higher gate and fence will prevent vehicles and pedestrians from entering the property more than a four-foot-tall fence and gate. He requested Mr. Duong concentrate on why he requested the fence height exception.

Mr. Duong expressed that he built an addition on the existing house because he has a large family who regularly visits. He shared that he visited the City of Fairfax Zoning division a year and half prior to the public hearing and asked the City Staff for fence regulations. At that time, he choose not to apply for the Special Exception.

Mr. Duong recalled accidents that have happened in his driveway because Warwick Avenue, the street across from the property does not allow left hand turns. Cops will regularly sit at Warwick Avenue, and this creates vehicle congestion.

Mr. Duong expressed he was concerned for the safety of his children and that he did not want to ask his children to play in the back yard. Mr. Duong believed that having a six-foot-tall fence would be more visible to the public and that it would provide him with more peace-of-mind and security than a four-foot-tall front yard fence would.

Discussion

Mr. Calabria expressed that the City Code dictates the regulations and rules, not the City Staff's personal opinions. Only certain exceptions may be made if the particular property meets certain criteria as specified in the City Code.

Mr. Perryman shared that he believes a taller fence height is something the applicant desires rather than a necessity. He conveyed that the City Regulations are set for uniformity and safety.

Mr. Matthews agreed with the other Board Members comments and cannot find any basis in establishing reasonable justification of having a higher fence.

Mr. Clarke expressed that a fence will serve its purpose of obstructing commuters and pedestrians from entering the property regardless of the height.

Mr. Matthews reminded the applicant that they may still build a four-foot-tall fence and gate in the front yard whether or not the special exception is denied.

Motion Denied 4:0

5. Consideration of May 3, 2016 Meeting Minutes

Mr. Calabria made the motion to approve the May 3, 2016 meeting minutes. Motion was seconded by Mr. Perryman. Motion was approved 4:0

6. Staff Comments - General Discussion

7. Board Comments - General Discussion

8. Adjournment – 7:56pm

ATTEST:

Annie Feeherry

Ann Feeherry, Secretary