

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CARLOS MEJIA, SP 2016-MA-015 Appl. under Sect. 8-923 of the Zoning Ordinance to permit a fence greater than 4.0 ft. in height to remain in a front yard. Located at 6924 Weston Rd., Falls Church, 22042, on approx. 7,781 sq. ft. of land zoned R-4. Mason District. Tax Map 50-4 ((17)) 361. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 8, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-4.
3. The lot area is 7,781 square feet.
4. On July 7, 2015, based on a complaint, a Department of Code Compliance inspector visited the property, and determined the owner had constructed a 5-foot, 8-inch fence within the front yard.
5. The fence portions located along the side lot lines within the front yard were determined to be in violation of Section 10-104.3B, and a notice of violation was issued on July 13, 2015. The Comprehensive Plan does not contain specific recommendations for the subject property, but does note this area is planned for infill residential development, which should be of a compatible use, type, and intensity in accordance with the guidance provided by the policy plan under land use objectives 8 and 14.
6. The staff recommends denial.
7. The applicant has not presented testimony indicating compliance with the general standards for special permit uses as set forth in Section 8-006 and the additional standards for this as contained in Section 8-923 of the zoning ordinance.

Specifically:

- a. Section 8-006, Standard 3: Adjacent Development. Several of the adjacent lots have similar-sized dwellings. There are other front-yard fences on other properties along Weston Road and neighboring streets. All comply with the four-foot height restriction. The Board believes there are other alternatives, other than building a fence that is in excess of 4 feet. This is a residential neighborhood, and there is no justification from the standpoint of an increased height.
- b. Section 8-923, Provisions for increase in fence height in any front yard.
 - i. Standard 2: Meet Sight Distance Requirements. The fence as currently located runs to a point approximately 1 foot off the front property line. At that location, the fence creates a sight-distance

- problem for vehicles attempting to exit the subject property, and for pedestrians on the adjacent sidewalk approaching the property.
- ii. Standard 3: Proposed Fence Height is warranted. A 4-foot board-on-board fence provides adequate security, and therefore, the need for the additional height is not warranted based on a review of the subject property. Having an issue with the behavior of a neighbor's children, is not a justification for having a fence that is not in compliance.
 - iii. Standard 4: Fence is in Character with On-site and Off-site uses. Properties in the vicinity have fences complying with the front-yard requirements as delineated in section 10-104 of the Zoning Ordinance. The applicant's fence is out of with fencing located in front yards in the vicinity, and the fence height further exacerbates this.
 - iv. Standard 5: Fence will not adversely impact other properties. A fence height of 4 feet at the requested location would better blend with surrounding conditions. A secondary concern is with respect to sight-distance impacts on neighborhood pedestrians and bicycles.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has not presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Hart seconded the motion, which carried by a vote of 5-1. Mr. Hammack voted against the motion. Ms. Theodore was absent from the meeting.

A Copy Teste:


Lorraine A. Giovinazzo
Clerk to the Board of Zoning Appeals