APPLICATION
BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR FENCES

_____ **Filing Fee**

_____ **Filing Deadline**

_____ **Board of Zoning Appeals Hearing**

Applicants must send written notice of public hearings by certified or registered mail to all adjoining and facing property owners at least 10 days prior to the Board of Zoning Appeals hearing, and not more than 30 days prior to the hearing.

Board of Zoning Appeals hearing _____

Send notices by certified or registered mail between the dates of

_____ and _____.

INSTRUCTIONS

1. **FILING DEADLINE INSTRUCTIONS:** Board of Zoning Appeals applications, with required plans, must be submitted to the Department of Planning and Zoning at least 30 working days prior to the hearing date. Failure to submit all required information and plans by the filing deadline will result in the application being deferred to a later hearing date.

2. **APPLICATION FORMS:** Complete the form titled "Application for Special Exception for Fences: Board of Zoning Appeals." Please use black ink or type. Sign the form and include a daytime phone number.

3. **PLANS:** Twelve (12) copies of supporting materials are to be submitted with each application. Plans, drawings, photos, or other materials should not exceed 11" x 17" and should not be smaller than 8.5" x 11". All plan sets must be to scale. In addition, applicants should submit all images, photographs, and drawings in digital format. Larger or additional copies may be requested by staff for large scale projects. Applications without the required supporting materials will be deemed incomplete and will not be scheduled for hearing by the BZA.

4. **PHOTOGRAPHS:** Applicants must submit photographs of the property in the location where the special exception is requested.

5. **FILING FEE:** Applicants must submit a filing fee with the application.

6. **PROPERTY OWNER NOTIFICATION:** Applicants must send written notice to all adjoining and facing property owners; notices must be sent by certified or registered mail **at least ten days** prior to the Board of Zoning Appeals public hearing (not counting the date of the hearing) and **not more than 30 days** prior to the hearing. Applicants may use the notice form supplied with the application forms. In the event the application is deferred, notification shall be given again.

   The following must be submitted to the Department of Planning and Zoning no later than **five calendar days** prior to the public hearing:
   - a copy of the notice letter sent
   - a list of the names and addresses of those persons to whom notice was sent
   - a copy of the post office receipts for the certified or registered mail
   - "Certification of Notice" form found at the back of this application.

   Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Assessment Office, Room 2600, City Hall, 301 King Street or online at www.alexandriava.gov/city/realestate.

BOARD OF ZONING APPEALS PROCESS

PUBLIC HEARINGS – BOARD OF ZONING APPEALS

The Board of Zoning Appeals meets on the second Thursday of each month in the City Council Chambers, City Hall, at 7:30 P.M. Meeting dates should be verified by the applicant prior to the hearing as they are subject to change. **The applicant or a representative must attend the meeting.**

DEFINITION OF SPECIAL EXCEPTION

A special exception is a request for a minor adjustment to the requirements of the zoning ordinance where, owing to special conditions of the property, the exception is necessary and desirable and would not adversely affect adjacent property owners.

STANDARDS FOR SPECIAL EXCEPTION

The Board of Zoning Appeals may grant a special exception if it finds that strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property, outweighing the material zoning purpose for which the specific provision of the ordinance was designed. In making a determination, the Board shall consider the following issues:

a. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood character, neighboring properties or existing building architecture.

b. Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

c. Whether approval of the special exception will alter the essential character of the area or the zone.

d. Whether the proposal will be compatible with neighboring properties in the surrounding neighborhood.

e. Whether the proposed porch represents the only reasonable means and location on the lot to accommodate the proposed porch given the natural constraints of the lot or the existing development on the lot.

f. In the case of fences, whether 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.

EFFECTIVE PERIOD OF SPECIAL EXCEPTION

Any special exception granted by the Board of Zoning Appeals is valid for a period of one year from the date the special exception is approved. If no construction or operation has commenced within one year from the date of approval, the special exception becomes null and void.

APPEAL OF THE BOARD OF ZONING APPEALS DECISION

Any person jointly or severally aggrieved or affected by a decision of the Board of Zoning Appeals may appeal such decision by filing a petition in the Circuit Court of the City. The petition shall set forth the alleged illegality of the Board's action, and shall be filed within 30 days from the date of the decision of the Board.

RECONSIDERATION OF AN APPLICATION

If an application for a special exception is denied, the Board of Zoning Appeals shall not consider an application for the same special exception on the same site again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

ONLY ONE SPECIAL EXCEPTION PER DWELLING

Approval of one special exception per dwelling is authorized under the provisions of Section 11-1302(B)(4). Once a special exception is approved for a property, no future special exception applications for the property will be accepted.

For assistance with any of these procedures or processes, please call the Department of Planning and Zoning at 703-746-4333.

BZA Case # _____

APPLICATION
BOARD OF ZONING APPEALS

SPECIAL EXCEPTION FOR FENCES

Section of zoning ordinance from which request for special exception is made:
_____
_____
_____

PART A

1. Applicant: ☐ **Owner** ☐ **Contract Purchaser** ☐ **Agent**

Name _____

Address _____

_____

Daytime Phone _____

Email Address _____

2. Property Location _____

3. Assessment Map # _____ **Block** _____ **Lot** _____ **Zone** _____

4. Legal Property Owner Name _____

Address _____

_____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, click here.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

_____	_____	_____
Date	Printed Name	Signature

BZA Case # _____

5. Describe request briefly:

_____
_____
_____
_____
_____

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

☐ Yes — Provide proof of current City business license.

☐ No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

_____	_____
Print Name	**Signature**
_____	_____
Telephone	**Date**

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or $2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

NOTE TO APPLICANT: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

BZA Case # _____

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

1. Explain the extraordinary conditions of the subject property which prevent locating the proposed fence in compliance with the fence regulations.

_____
_____
_____
_____
_____
_____
_____

2. How does compliance with the fence regulations pose an unreasonable burden on the owner's use and enjoyment of the property? Explain the circumstances as to why the proposed fence should be located in a required front yard.

_____
_____
_____
_____
_____
_____
_____
_____

3. Explain how the proposed fence will affect the light and air to any adjacent property and impact traffic congestion or public safety.

_____
_____
_____
_____
_____
_____
_____

BZA Case # _____

4. Explain how the proposed fence is compatible with other fences in the neighborhood and the character of the neighborhood as a whole. List example of similar fences.

_____
_____
_____
_____
_____
_____
_____

5. Explain if the proposed fence will detrimental to any other properties in the neighborhood.

_____
_____
_____
_____
_____
_____
_____

6. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed fence, or have any neighbors written letters of support? If so, please attach the letter.

_____
_____
_____
_____
_____
_____
_____

ATTENTION APPLICANTS

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Special exception to construct a 6.00 feet high solid wood fence in the required front yard on _____ Street."

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.

ARTICLE XI, SECTION 11-300
NOTICE OF PUBLIC HEARINGS

SECTION 11-301

Required Notice: Except as provided by Section 11-302, written notice, placard notice and newspaper notice shall be given before each public hearing by Planning Commission, City Council, Board of Zoning Appeals, Subdivision Committee or Board of Architectural Review.

A) Written Notice: The applicant shall send by certified or registered mail written notice at least ten and no more than 30 days prior to the hearing. Restricted delivery or return receipt is not required.

1) Recipients of Written Notice: Written notice shall be sent to the property owner, if different from the applicant, and to the owners of all abutting properties. In the case of a condominium, written notice may be mailed or delivered to the president of the board of the condo owner's association instead of to each individual unit owner.

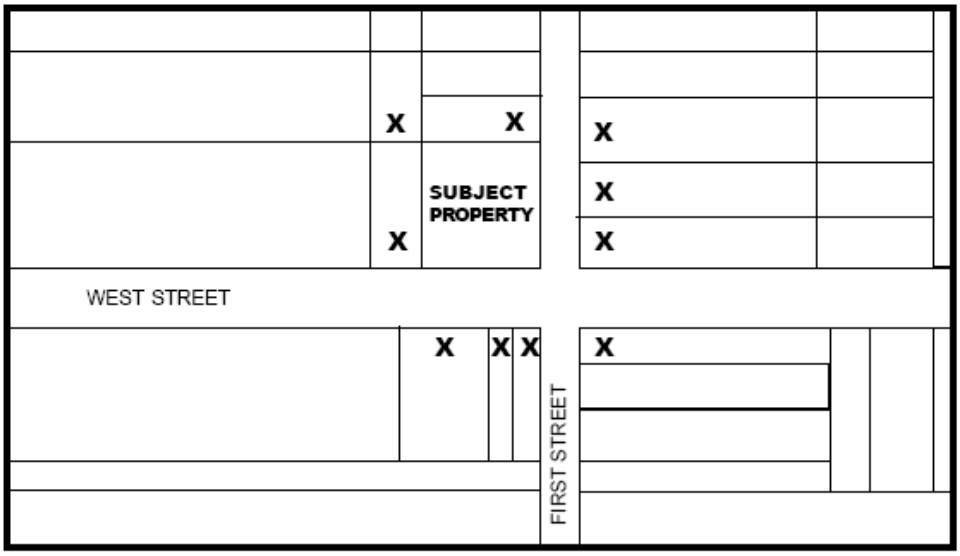
2) Contents of Written Notice: Written notice shall contain the following information:

(a) the time, date and place of all hearings scheduled; and

(b) a description of the matter being heard, including the tax map number of the property and the complete street address of the property.

B) Placard and Newspaper Notice: The City staff will provide placard notice and newspaper advertisement. After the public hearing, the applicant may remove and discard the placard(s), or staff will remove the placard within seven days after the hearing.

X = Property owners to be notified



Sketch showing subject site and property owners to be notified pursuant to Article XI, Section 11-300 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia. This is a sample sketch only and is not to be used as a final authority when sending notice if in doubt, it is advisable to provide notice to additional properties. Contact staff at 703-746-4333 for assistance regarding notice.

NOTE: If inadequate notice is given, the request cannot be heard and will be deferred.

*****Applicant to mail this notice <u>by certified or registered mail</u> to adjoining and abutting property owners between 30 and 10 days prior to the hearing.*****

NOTICE OF PUBLIC HEARINGS

BOARD OF ZONING APPEALS

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the Board of Zoning Appeals on the issues described below.

BOARD OF ZONING APPEALS PUBLIC MEETING DATE: _____

AT
7:30 PM, CITY HALL
301 KING STREET
COUNCIL CHAMBERS, SECOND FLOOR
ALEXANDRIA, VIRGINIA 22314

ISSUE DESCRIPTION:

_____
_____
_____
_____
_____
_____

PROPERTY ADDRESS: _____

TAX ASSESSMENT MAP NUMBER: ***Map*** **_____** ***Block*** **_____** ***Lot*** **_____**

As a citizen and party of interest, you are invited to attend the meetings and express your views concerning the above issue. If you have any questions regarding the request, you can reach me at _____.

Sincerely,

_____ _____
Applicant Signature Applicant Printed Name

CERTIFICATION OF NOTICE

BOARD OF ZONING APPEALS

- ☐ BOARD OF ZONING APPEALS
- ☐ SPECIAL USE PERMIT
- ☐ SUBDIVISION PLAT
- ☐ VACATION OF RIGHT-OF-WAY
- ☐ ENCORACHMENT IN RIGHT-OF-WAY
- ☐ REZONING
- ☐ OTHER

TO: DIRECTOR OF PLANNING AND ZONING
301 KING STREET, ROOM 2100
ALEXANDRIA, VIRGINIA 22314

Article XI, Section 11-301(A)(3), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia states:

At least five days prior to the hearing, the applicant shall supply the director with:

a) a copy of the notice sent
b) a list of the names of those persons to whom notice has been given
c) copies of the post office receipts for registered or certified mail
d) a certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.

The applicant shall use the records and maps maintained by the city's office of real estate assessments to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of this section 11-301(A).

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required pursuant to Article XI, Section 11-301(A)(3) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia, was sent to the attached list of property owners concerning the following issue on (DATE) _____.

PROPERTY ADDRESS: _____
ISSUE DESCRIPTION:_____
_____
_____

_____ _____
Signature Print Name

_____ _____
Telephone Date

PROPERTY OWNERS LIST

BOARD OF ZONING APPEALS

_____ _____ - _____ - _____

SUBJECT ADDRESS **TAX ASSESSMENT MAP NUMBER**

Adjoining property owner names and addresses can be obtained by visiting the City website at www.alexandriava.gov and following the link to Real Estate Assessments, or by visiting the Office of Real Estate Assessments at City Hall, 301 King Street, Room 2600.

ADJOINING PROPERTY OWNER'S NAME & MAILING ADDRESS		TAX ASSESSMENT MAP NUMBER
Property Address		_____-_____-_____
Name		
Mailing Address		
Property Address		_____-_____-_____
Name		
Mailing Address		
Property Address		_____-_____-_____
Name		
Mailing Address		
Property Address		_____-_____-_____
Name		
Mailing Address		
Property Address		_____-_____-_____
Name		
Mailing Address		
Property Address		_____-_____-_____
Name		
Mailing Address		

NOTE: Applicant to return this copy at least 5 days prior to the hearing to: Department of Planning and Zoning, 301 King Street, Room 2100.