



**Minutes**  
**Board of Zoning Appeals**  
September 21, 2015  
Council Chambers, City Hall  
Fredericksburg, Virginia

**MEMBERS PRESENT**

Helen P. Ross, Chair  
Jay Jarrell III, Vice-Chair  
Matthew Muggeridge  
Beatrice Paolucci  
Richard Conway, Alternate

**MEMBERS ABSENT**

Brian Raska

**STAFF**

Marne Sherman, Development  
Administrator  
Mike Craig, Zoning  
Administrator  
Kathleen Dooley, City  
Attorney  
Phaun Moore, Secretary

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Ms. Ross called the meeting to order at 4:00 p.m.

**OPENING REMARKS**

Ms. Ross determined that a quorum was present and public notice requirements had been met.

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

Ms. Ross asked if any Board member had engaged in *ex parte* communications on any item before the Board. No one indicated that they had engaged in any *ex parte* communication.

**DISCLOSURE OF CONFLICTS OF INTEREST**

Ms. Ross asked if any Board member had any conflicts of interest on any item before the Board. No one indicated that they had any conflicts of interest.

**APPROVAL OF AGENDA**

There were no additions or changes to the agenda.

Ms. Paolucci made a motion to accept the agenda as presented. Mr. Muggeridge seconded. The motion carried unanimously.

**PUBLIC HEARING ITEMS**

1. **APP 2015-01:** John J. and Stacey N. Strentz-McLaughlin – 814 Cornell Street (Fence) – Appeal of the Development Administrator’s denial of a fence permit application at 814

Cornell Street (GPIN 7779-84-5870). The action cited non-compliance with the Unified Development Ordinance, Section 72-56.2.B, limiting the fence height to four feet. The fence permit application was submitted to erect a fence, six feet in height, on the lot including the portion of the lot within a front yard along Littlepage Street. The property is zoned R-4, Residential, and is used for residential purposes.

The Development Administrator, Marne Sherman, presented the Board and applicants with handouts (Attachment A – Section 72-82 and Section 72-56 of the City Code. Attachment B – Diagrams of corner lots with fences at 725 Lee Avenue and 1001 Kenmore Avenue).

Ms. Sherman presented her case and reviewed the handouts.

The Board of Zoning Appeals members asked Ms. Sherman questions.

Mr. Jarrell asked what the Board's options were regarding the appeal.

The City's Attorney, Kathleen Dooley informed the Board that their options were to affirm, modify, or reverse the denial of the permit. Ms. Dooley clarified that the case was for an appeal, not a variance.

The applicants' attorney, Jeannie P. Dahnk, presented the appeal for John J. and Stacey N. Strentz-McLaughlin.

The Board of Zoning Appeals members asked Ms. Dahnk questions.

Public comment:

- Georgia Strentz – 922 Grove Avenue spoke in favor.
- Nancy Collins – 1109 Littlepage Street spoke in opposition.
- Jeremy Austin – 1112 Littlepage Street spoke in favor.

Letter:

- Richard and Elsie Hagenlocker – 810 Cornell Street wrote in favor.

The Board discussed the appeal and that the decision was based on City Code.

Mr. Muggeridge made a motion to deny the appeal and uphold the Development Administrator's denial of the fence permit and adopt the Record of Decision. Mr. Jarrell seconded. The motion carried unanimously.

## **OTHER BUSINESS**

### **1. Amend BZA Bylaws.**

Mr. Craig reviewed the amendments that were proposed at the August 17, 2015 meeting.

Ms. Paolucci made a motion to approve the amended Bylaws. Mr. Muggeridge seconded. The motion carried unanimously.

### **2. BZA discussion re: Quorum.**

The Board discussed and clarified the requirements for a quorum.

### **REVIEW OF MINUTES**

There were no changes to the meeting minutes from August 17, 2015.

Mr. Jarrell made a motion to adopt the minutes as written. Ms. Paolucci seconded. The motion carried unanimously.

### **STAFF / BOARD COMMENTS**

Mr. Craig informed the Board there would be a meeting in September that would include a public hearing item.

Mr. Muggeridge and Ms. Paolucci expressed interest in receiving any additional training materials available.

Ms. Paolucci reminded the Board that her term would be expiring December 31, 2015.

Ms. Paolucci made a motion to adjourn. Mr. Conway seconded. The motion carried unanimously.

Meeting adjourned at 5:26 p.m.

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Helen P. Ross, Chair

City of Fredericksburg, VA  
Monday, September 21, 2015

## Article 72-8. Definitions and Interpretations

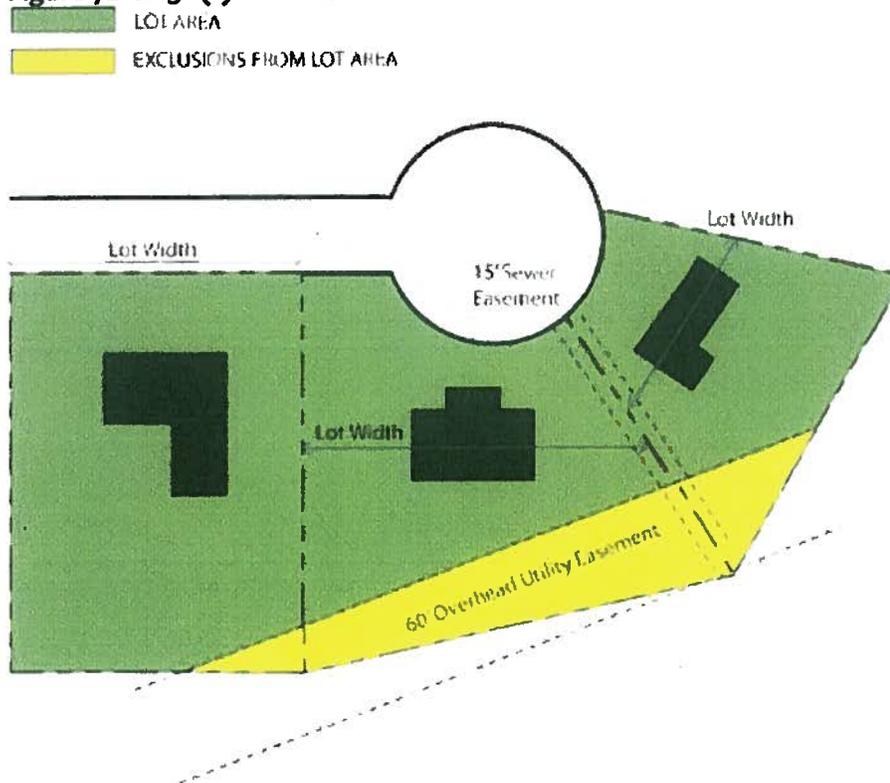
### SECTION 72-82. Rules of Measurement

#### 72-82.3. Lots.

##### A. Definitions/measurement.

- (1) Lot area, minimum. The minimum amount of land area required for a lot shall be measured on a horizontal plan in units of square feet or acres, as specified within the zoning regulations for the district in which the lot is situated. Land encumbered by easements and resource protection and management areas shall be considered according to § 72-51.3.

**Figure 72-82.3A(1). Lot Area Measurement**



- (2) Lot width, minimum. The distance between side lot lines shall be measured in one of the following manners, whichever is applicable:
- In the case of a rectangular lot, the width shall be measured along the front lot line.
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In the case of an irregularly shaped lot or a curvilinear front lot line, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed or is located.

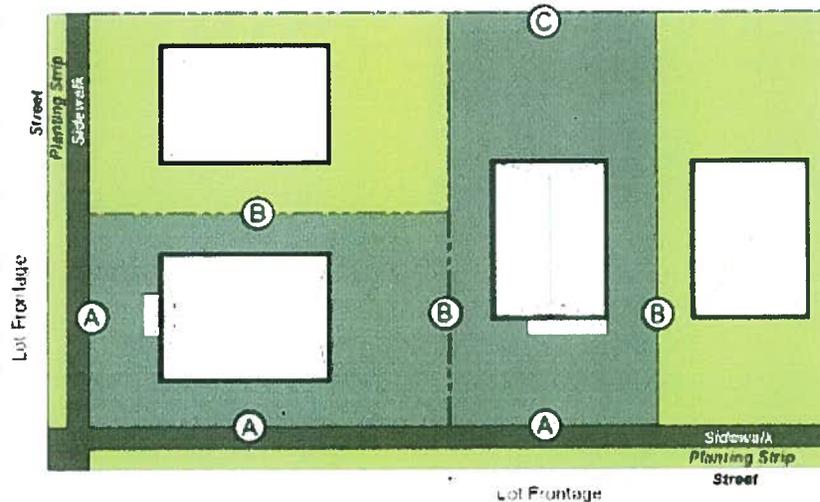
- (c) In the case of a pipestem lot, the width shall be measured between the lot's narrowest dimensions at that location on the lot where the center of the building is proposed or is located.

(3) Lot line.

- (a) Front lot line. A front lot line is the street line that forms the boundary of a lot, or, in a case where a lot either does not abut a street other than by its driveway or is a through lot, that lot line which faces the primary entrance of the principal building.
- (b) Rear lot line. A rear lot line is the property line that is most distant from, and is most nearly parallel with, a front lot line. If a rear lot line is less than 10 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot line parallel to the front lot line, lying wholly within the lot, for the purpose of establishing the required minimum rear yard.
- (c) Side lot line. The side lot line is the lot line connecting the front and rear lot lines.
- (d) Curved lot line. Where a lot line is curved, all dimensions related to the lot line shall be based on the chord of the arc.

**Figure 72-82.3A(3). Lot Line Measurement**

A - Front Lot Line  
B - Side Lot Line  
C - Rear Lot Line

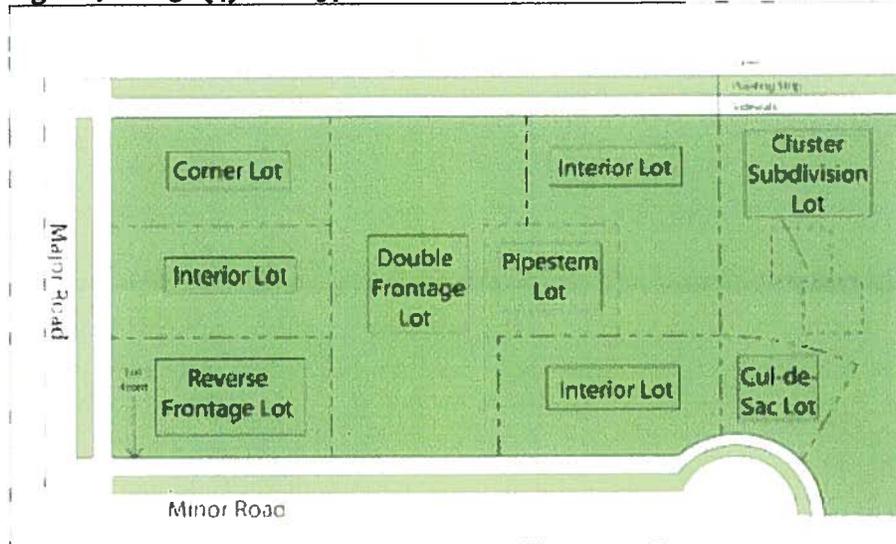


(4) Lot types.

- (a) Cluster subdivision lot. A cluster subdivision lot is a building lot located within a cluster subdivision.
- (b) Corner lot. A corner lot is located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.
- (c) Cul-de-sac lot. A cul-de-sac lot is located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.

- (d) Double-frontage lot. A double-frontage lot is a lot other than a corner lot with frontage on more than one street other than an alley.
- (e) Interior lot. An interior lot is a lot other than a corner lot with only one frontage on a street other than an alley.
- (f) Pipestem lot. A pipestem lot is a lot which does not abut a public street other than by a driveway affording access to the lot.

**Figure 72-82.3A(4). Lot Types**



- (g) Reverse-frontage lot. A reverse-frontage lot is a corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

**B. General lot requirements.**

- (1) Pipestem lots.
  - (a) Pipestem residential lots shall have the width of the driveway not less than 12 feet, and the length of the driveway not greater than 200 feet from the street right-of-way line to which the lot has access.
  - (b) Pipestem lots shall constitute no more than 10% of the lots in any one section of a residential subdivision and shall serve only single-family detached dwellings.
  - (c) A pipestem driveway shall serve no more than three lots and shall be constructed in accord with the City design and construction standards.
  - (d) The final plat for each pipestem lot shall note that the purchaser assumes all obligations for the ownership, maintenance and perpetual upkeep of the driveway and that such obligation is a condition that runs with the land.

## 72-82.4. Required yards.

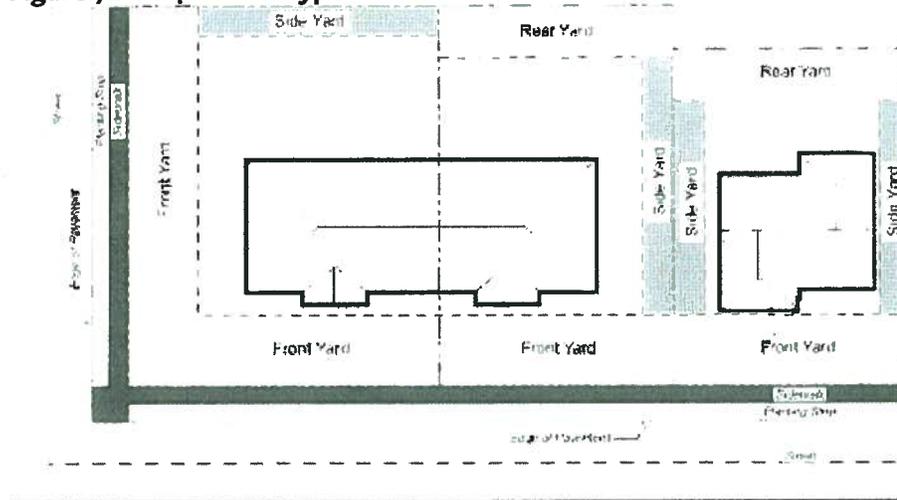
**A. Definitions/measurement.**

- (1) Setback. The term "setback" refers to the distance by which any portion of a building or structure shall be separated from a lot line.
- (2)

Front yard. The front yard is an area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.

- (3) Rear yard. The rear yard is an area of a lot adjacent to its rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width of the required rear setback.
- (4) Side yard. The side yard is an area of a lot adjacent to its side lot line, measured by the length of the side lot line, extending from the edge of the front setback line to the edge of the rear setback line, and the width of the required side setback.

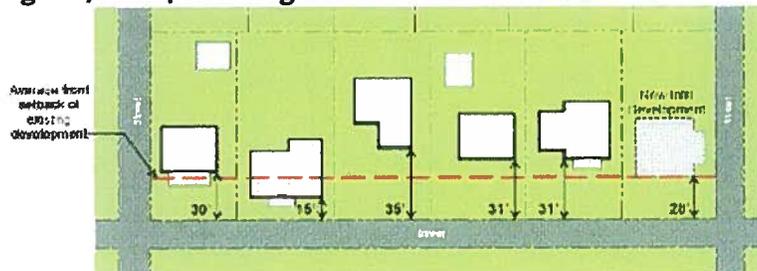
**Figure 72-82.4A. Yard Types**



**B. General setback requirements.**

- (1) Separation. When the standards in this chapter call for a separation between two different use types or development features, separation shall be measured from the closest edge of one lot to the closest edge of the other lot.
- (2) Averaging setbacks. Development and redevelopment on lots of record established prior to April 25, 1984, in the R-4, R-8 and C-T Districts may use average front or average side yard setbacks as are found on adjacent lots on the same block face.

**Figure 72-82.4B. Average Setback Measurement**



- (3) Corner lots. On a corner lot or double frontage lot, the yards adjacent to the front lot line shall be considered front yards and the remaining yards shall be considered side yards.
- (4) Setbacks following government acquisition of land. Where land acquisition for a public purpose reduces the distance between an existing legally established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.

## Article 72-5. Development Standards

### SECTION 72-56. Fences and Walls

#### 72-56.1. Location requirements.

A. General.

- (1) Fences or walls shall be located outside of the public right-of-way, and may not exceed 24 inches in height if located within a required sight triangle.
- (2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.
- (3) Fences and walls may be located within any required yard.

B. In easements or around fire protection facilities. Fences located within utility easements or around fire protection facilities shall receive written authorization from the easement holder or the City (as appropriate). The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.

C. Blocking natural drainage flow. No fence or wall shall be installed in a manner or in a location so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan. Nothing in this section shall be construed to prevent the installation of temporary fencing to protect existing trees, or as part of an approved erosion and sediment control plan.

D. Within buffers. Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material, to the maximum extent practicable. The perimeter fencing or wall for a single development shall be of a uniform style that complies with the standards of this section.

#### 72-56.2. Height standards.

All fences and walls shall conform to the standards in Table 72-56.2, Fence and Wall Height. In all cases, heights are measured from established grade on the highest side of the fence or wall (see Figure 72-56.2, Fence and Wall Location).

Location on a Lot	Max. Height for Opaque Fence or Wall (feet)	Max. Height for Transparent Fence or Wall [1] (feet)	
		Residential District	Nonresidential District (feet)

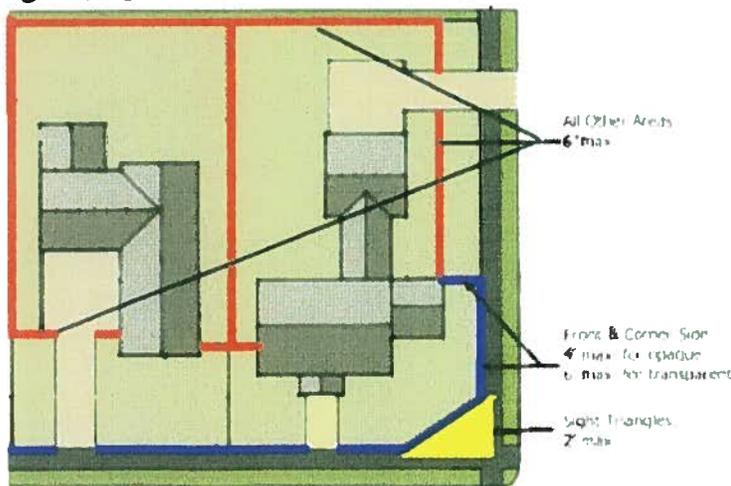
**Table 72-56.2: Fence and Wall Height**

Location on a Lot	Max. Height for Opaque Fence or Wall (feet)	Max. Height for Transparent Fence or Wall [1] (feet)	
		Residential District	Nonresidential District (feet)
Within sight triangle	2	2	2
Within front setback	4	4	6
All other areas	6	6	8

NOTES:

- [1] Transparent fences or walls are constructed so that 50% or more of the fence or wall is visually permeable.
- A. A fence or wall in any residential zoning district shall not exceed six feet in height above the existing grade in any side or rear yard of a site up to the front of the principal structure on the site. This provision shall also apply to fences and walls located on lots used for residential uses in other zoning districts. The Development Administrator may approve fences or walls exceeding six feet in height if the adjacent property is in a nonresidential zoning district or if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences.
- B. In any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts.
- C. For vacant sites in residential districts, fences or walls may not exceed four feet in height.
- D. A fence or wall shall not exceed eight feet in height in any yard of any industrial or commercial use permitted by the provisions of this subsection unless the Development Administrator authorizes such fences or walls to exceed eight feet. The Development Administrator may approve fences or walls to exceed eight feet if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences.
- E. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight-lines for pedestrians and vehicles traveling on public rights of way.

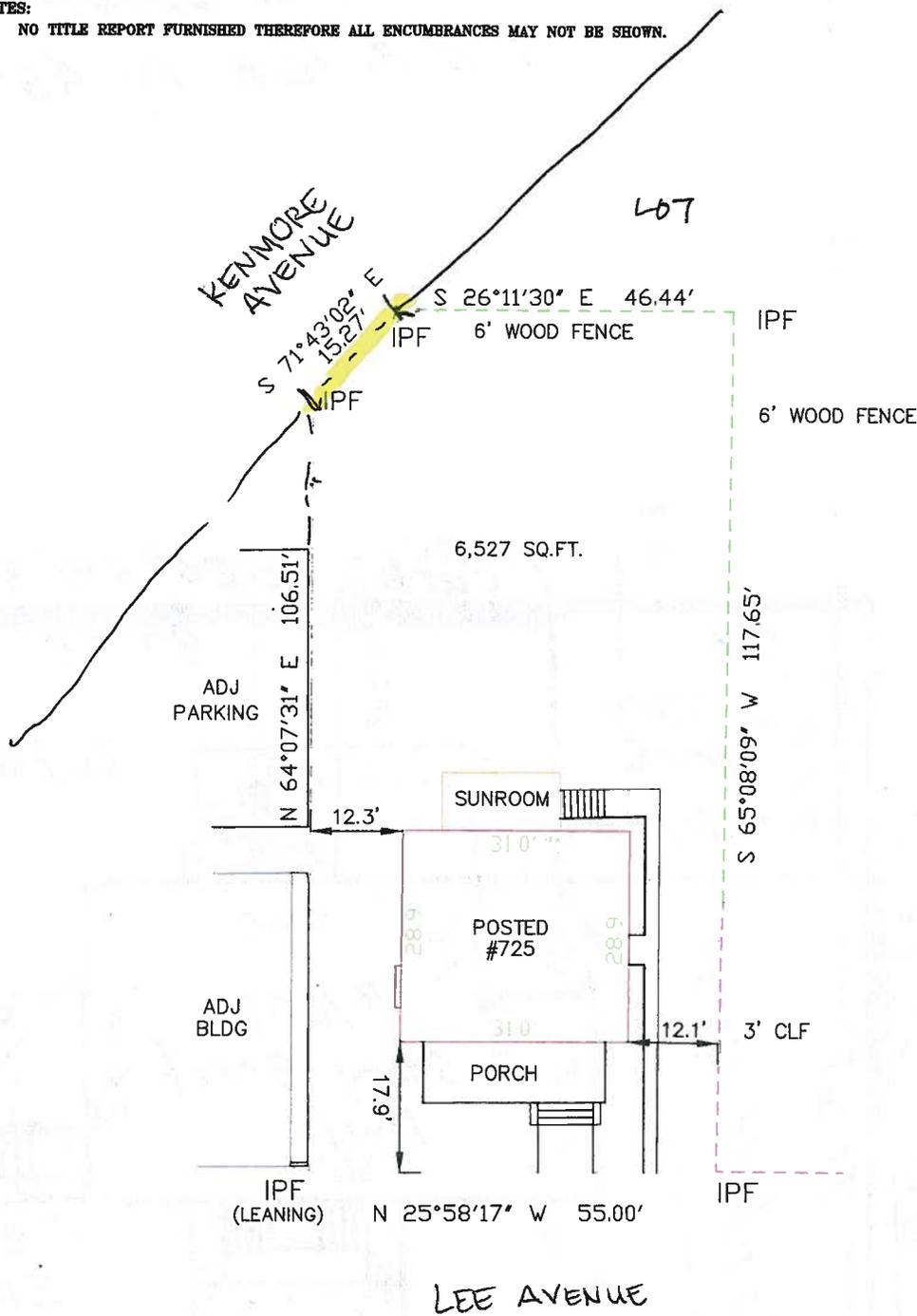
**Figure 72-56.2. Fence and Wall Location**



NOTES:

1) NO TITLE REPORT FURNISHED THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN.

ATTACHMENT B

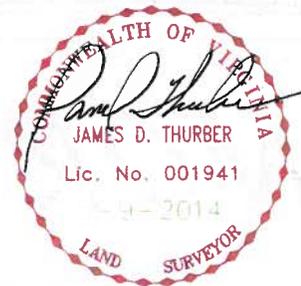


725 LEE AVENUE

CITY OF FREDERICKSBURG, VIRGINIA  
SCALE: 1" = 20' DATE: MAY 9, 2014

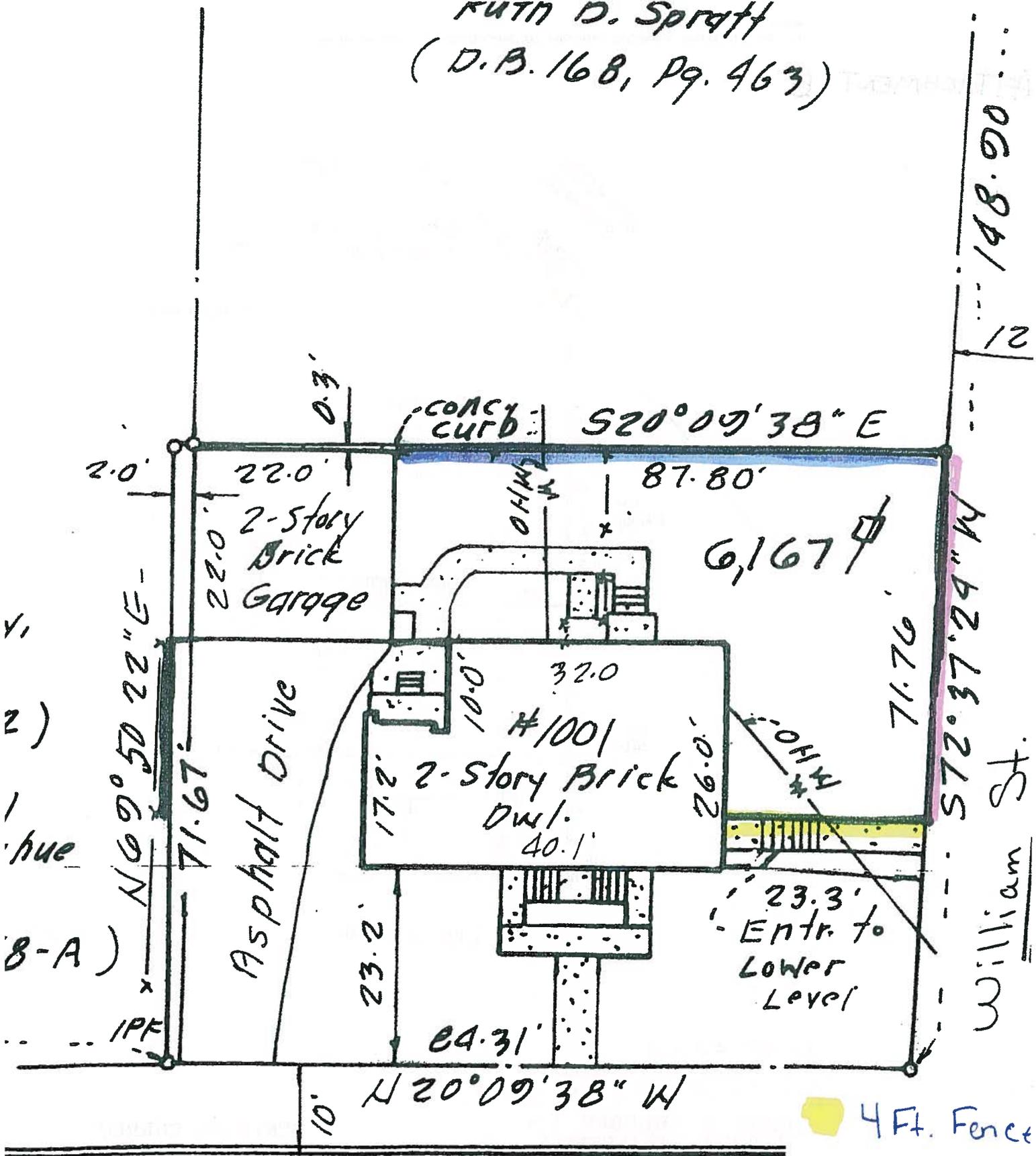
**JAMES D. THURBER, L.S.**  
**THURBER ENGINEERING**  
**& LAND SURVEYING**  
10707 WOODLAND DRIVE  
FREDERICKSBURG, VA 22407  
PHONE: 540-207-3348 EMAIL: jim@telsltd.com

CERTIFIED CORRECT



FILE#: <u>FBURG725</u>	CLIENT: <u>LEONE</u>
DATE: <u>5-9-2014</u>	CHECKED BY: <u>JDT</u>
SCALE: <u>1" = 20'</u>	CREW: <u>JT, AT</u>

RUTH D. Spratt  
 (D.B. 168, Pg. 463)



148.90  
12

William St.

**INMORE AVENUE**

- 4 Ft. Fence
- 6 Ft. Transition to 4 Ft where it meets other 4 Ft
- 6 Ft. Fence