



**BOARD OF ZONING APPEALS
AGENDA
December 9, 2024**

Agenda

1. Call To Order

Members of the public have been invited to attend in person or access this meeting by public access television Cox Channel 84, Verizon Channel 42, or online at www.regionalwebtv.com.

2. Determination Of A Quorum

3. Determine Public Notice Requirements Have Been Met

4. Disclosure Of Ex Parte Communication

5. Disclosure Of Conflicts Of Interest

6. Approval Of Agenda

6.A. Agenda

Documents:

[2024-12-09 AGENDA.PDF](#)

7. Approval Of Minutes

7.A. 2024-08-19 BZA Minutes - Draft

Documents:

[2024-08-19 BZA MINUTES - DRAFT.PDF](#)

8. Public Hearing Items

Citizens who wish to comment on the public hearing without attending the meeting will be able to send their comments in writing by (1) delivering to the Community Planning and Building office located at 601 Caroline Street - 4th Floor, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404, or (3) email to

planning@fredericksburgva.gov. Comments must be received by 1:00 p.m. the day of the meeting. These comments will be read out loud during the public comment portion of the Board of Zoning Appeals meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code; limit his or her remarks to 5 minutes or less (read aloud); and address the topic of the public hearing. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

8.A. Fence Special Exception For 1019 Headquarters Way - SE#2409-0003 / BZA2409-0003

The property owner, Mohammad Fahim Qurishy, is requesting a Fence Special Exception for 1019 Headquarters Way (GPIN 7779-69-1612), located in the Residential-4 Zoning District. The exception is to Section 72-56.2 of the Unified Development Ordinance, which requires that no fence in a secondary front yard exceed 4 feet in height unless otherwise exempt under 72-56.2(B). Since the fence does not qualify for an administrative exemption under 72-56.2(B), the Applicant is seeking approval for the portion of the 6 foot fence located in the secondary front yard of the property.

Documents:

- [1 BZA STAFF MEMO.PDF](#)
- [2 DRAFT RECORD OF DECISION.PDF](#)
- [3 APPLICATION.PDF](#)

8.B. Fence Special Exception For 1005 City View Lane - SE#2410-0004 / BZA2410-0004

The property owners, Saboor Pirzada and Komal Pirzada, are requesting a Fence Special Exception for 1005 City View Lane (GPIN 7778-69-1142), located in the Residential-4 Zoning District. The exception is to Section 72-56.2 of the Unified Development Ordinance, which requires that no fence in a secondary front yard exceed 4 feet in height unless otherwise exempt under 72-56.2(B). Since the fence does not qualify for an administrative exemption under 72-56.2(B), the Applicant is seeking approval for the portion of the 6 foot fence located in the secondary front yard of the property.

Documents:

- [1 BZA STAFF MEMO.PDF](#)
- [2 DRAFT RECORD OF DECISION.PDF](#)
- [3 APPLICATION.PDF](#)

9. Other Business

10. General Public Comments

A general public comment period is provided at each regular meeting for comments by citizens regarding any matter related to Board of Zoning Appeals business that is not listed on the agenda for public hearing. The Chair will request that speakers state their name, address and zip code; observe the three-minute limit, and yield the floor when the Clerk indicates their time has expired. No dialogue between speakers will be permitted.

Citizens who wish to make general public comments without attending the meeting will be able to send their comments in writing by (1) delivering to the Community

Planning and Building office located at 601 Caroline Street - 4th Floor, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404 (3) email to planning@fredericksburgva.gov. Comments must be received by 1:00 p.m. the day of the meeting. The plan is to read these comments out loud during the public comment portion of the Board of Zoning Appeals meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code; limit his or her remarks to 3 minutes or less (read aloud); and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

11. Staff/Board Comments

12. Adjournment



**BOARD OF ZONING APPEALS
AGENDA
Regular Meeting
December 9, 2024
4:00 P.M.
Council Chambers
715 Princess Anne Street
(entrance on Hanover Street)**

1) CALL TO ORDER

Members of the public have been invited to attend in person or access this meeting by public access television Cox Channel 84, Verizon Channel 42, or online at www.regionalwebtv.com.

2) DETERMINATION OF A QUORUM

3) DETERMINATION PUBLIC NOTICE REQUIREMENTS HAVE BEEN MET

4) DISCLOSURE OF EX PARTE COMMUNICATION

5) DISCLOSURE OF CONFLICTS OF INTEREST

6) APPROVAL OF AGENDA

7) APPROVAL OF MINUTES

A. August 19, 2024 Minutes

8) PUBLIC HEARING

Fence Special Exception for 1019 Headquarters Way – The property owner, Mohammad Fahim Qurishy, is requesting a Fence Special Exception for 1019 Headquarters Way (GPIN 7779-69-1612), located in the Residential-4 Zoning District. The exception is to Section 72-56.2 of the Unified Development Ordinance, which requires that no fence in a secondary front yard exceed 4 feet in height unless otherwise exempt under 72-56.2(B). Since the fence does not qualify for an administrative exemption under 72-56.2(B), the Applicant is seeking approval for the portion of the 6 foot fence located in the secondary front yard of the property. **SE#2409-0003 / BZA2409-0003**

Fence Special Exception for 1005 City View Lane – The property owners, Saboor Pirzada and Komal Pirzada, are requesting a Fence Special Exception for 1005 City View Lane (GPIN 7778-69-1142), located in the Residential-4 Zoning District. The exception is to Section 72-56.2 of the Unified Development Ordinance, which requires that no fence in a secondary front yard exceed 4 feet in height unless otherwise exempt under 72-56.2(B). Since the fence does not qualify for an administrative exemption under 72-56.2(B), the Applicant is seeking approval for the portion of the 6 foot fence located in the secondary front yard of the property. **SE#2410-0004 / BZA2410-0004**

9) OTHER BUSINESS

10) GENERAL PUBLIC COMMENT

A general public comment period is provided at each regular meeting for comments by citizens regarding any matter related to Board of Zoning Appeals business that is not listed on the agenda for Public Hearing. The Chair will request that speakers state their name, address and zip code; observe the three-minute time limit; and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.

Citizens who wish to make general public comments without attending the meeting will be able to send their comments in writing by (1) delivering to the Community Planning and Building office located at 601 Caroline Street - 4th Floor, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404, or (3) email to planning@fredericksburgva.gov. Comments must be received by 1:30 p.m. the day of the meeting. These comments will be read out loud during the general public comment portion of the Board of Zoning Appeals meeting. The standard rules apply to public comments: the commenter must identify themselves by name and address, including zip code; limit their remarks to three (3) minutes or less (read aloud); and address a topic of City business not on the Public Hearing agenda. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

11) STAFF / BOARD COMMENTS

12) ADJOURNMENT



You may view and listen to the meeting in its entirety by going to the Board of Zoning Appeals page on the City's website: <https://amsva.wistia.com/medias/dem4qnc8w3>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Board of Zoning Appeals page. <https://www.fredericksburgva.gov/225/Board-of-Zoning-Appeals>

MEMBERS PRESENT

Matthew Muggeridge, Chairman
Stephen Eubank, Vice Chairman
Dr. Roy Gratz
John Mell

STAFF

Kelly Machen, Zoning Administrator
Caroline Hieber, Administrative Specialist

1. CALL TO ORDER

Members of the public were invited to attend this meeting or access by public access television Cox Channel 84, Verizon Channel 42, or online at www.regionalwebtv.com.

Chairman Muggeridge called the meeting to order at 4:00 p.m.

2. DETERMINATION OF A QUORUM [05:00]

Chairman Muggeridge called roll. Four members were present so there was a quorum.

3. PUBLIC NOTICE REQUIREMENTS

Chairman Muggeridge asked if the public notice requirements had been met. Ms. Machen confirmed that notice requirements had been met.

4. DISCLOSURE OF EX PARTE COMMUNICATION

None.

5. DISCLOSURE OF CONFLICTS OF INTEREST

None.

6. APPROVAL OF AGENDA [07:10]

Mr. Eubank motioned to approve the agenda as presented, Mr. Mell seconded. The motion carried 4-0.

7. APPROVAL OF MINUTES [08:29]

Mr. Mell motioned to approve the October 16, 2023 minutes as written. Mr. Gratz seconded and the motion passed 4-0.

8. PUBLIC HEARING [09:23]

A. VAR FY25-0001

Ms. Machen presented [PowerPoint included as Attachment 1] the requested variance to modify Section 72-59.5.A.(2) of the UDO to construct a wall mounted electronic variable message sign, associated with gasoline sales, on the canopy of 501 A Emancipation Highway.

Ms. Machen summarized the application and recommended approval with three conditions.

Chairman Muggeridge asked Ms. Machen to confirm that the third condition shall force them to install a freestanding sign at the property.

Ms. Machen clarified that the third condition would only come into play after the applicant initiated it buy pursuing the installation of a new freestanding sign on the property.

Mr. Mell asked if the sign would be flashing. Ms. Machen stated that the sign would not flash per the signage ordinance requirements.

Chairman Muggeridge asked Ms. Machen to elaborate on the meaning of the first condition. Ms. Machen stated that the sign permit application must be based on the drawings approved by the Board.

The applicant representative stated that he had nothing further to add.

The Public was opened and closed with no public comments.

Mr. Mell motioned to approve VAR FY25-0001 with the following conditions:

1. The electronic variable message sign shall be in substantial conformance with the site plan GPM #50 and Canopy Pricer exhibits.
2. The electronic variable message sign shall be used consistently with the other requirements of City Code §72-59.5.A, including but not limited to the restrictions on changes in display.
3. The electronic variable message sign shall be removed upon approval to construct any freestanding sign on the property.

Mr. Eubank seconded and the motion passed 4-0.

9. OTHER BUSINESS

None.

10. GENERAL PUBLIC COMMENTS

None.

11. STAFF/BOARD COMMENTS

None.

12. ADJOURNMENT

Vice Chairman Eubank adjourned the meeting at 4:29 p.m.

Matthew Muggeridge, Chairman

APPROVED: _____, 2024



MEMORANDUM

TO: Chairman Muggeridge and Board of Zoning Appeals Members
FROM: Kelly Machen, Zoning Administrator
Mike Craig, Community Planning & Building Director
DATE: December 2, 2024 for the December 9, 2024 meeting
RE: BZA2401-003: Special Exception for a Fence at 1019 Headquarters Way

ISSUE

Should the Board of Zoning Appeals (BZA) grant a fence special exception for a six-foot tall fence in the secondary front yard?

RECOMMENDATION

Staff recommends that the BZA **deny** the special exception for a six-foot tall fence in the secondary front yard of 1019 Headquarters Way.

BACKGROUND

1019 Headquarters Way is a corner lot that fronts on Headquarters Way and Rampart Street. Located in the Residential R-4 Zoning District, the property contains a single-family detached dwelling. On February 1, 2024, staff observed a 6-foot fence installed on the property, encompassing the back yard and the secondary front yard along Rampart Street. A secondary front yard is:

- A front yard of a corner or through lot that does not contain the building front. A secondary front yard begins at the point where it intersects with the primary front yard and extends to the side property line.

In response, staff mailed a letter to the property owner on February 29, 2024, detailing the need for a fence permit and that fences could only exceed 4-feet in height if approved by a Special Exception approved by the Board of Zoning Appeals. On September 5, 2024, the city issued an official notice of violation for the fence. The City received a fence permit on September 10, 2024 for the 6-foot fence, as installed. The property owner submitted the Special Exception request on September 22, 2024 for the portions of the existing 6-foot fence located within the secondary front yard setback. The portions of the fence located within the rear and side yards are permissible at 6 feet tall.

REQUEST

This Special Exception request is for a 6-foot fence located in the secondary front yard of 1019 Headquarters Way. The Unified Development Ordinance (UDO) permits a fence height of up to 4 feet in any front yard (except to maintain line of sight). However, the UDO permits the administrative approval of a 6-foot fence in a secondary front yard when:

- The fence is no closer to the secondary front property line than the front of the abutting principal structure. OR
- The secondary front yard abuts the secondary front yard of another lot. OR
- The fence is no closer to the secondary front lot line than any side of an accessory structure. [This typically applies to properties with legal non-conforming accessory structures since the UDO does not permit accessory structures in front yards.]

The existing fence at 1019 Headquarters Way does not qualify for one of the administrative approvals noted above. Specifically, the secondary front yard for 1019 Headquarters Way abuts a primary front yard (1504 Rampart Street) and not another secondary front yard. In addition, the fence in question is on the property line along Rampart Drive and the abutting principal structure is setback 19.2 feet from the front property line.

The fence height limitations for secondary front yards only applies to the area within the secondary front yard setback. The permitted fence height then increases to 6 feet once outside the secondary front yard setback. Along Rampart Drive, the secondary front yard setback is 12 feet. The house itself is setback 16 feet from the property line. Therefore, there is 4 feet of yard depth along Rampart Drive, between the house and the street, where a 6-foot fence is administratively permissible. This Special Exception is for those portions of the fence located within the first 12 feet from the Rampart Drive property line towards the house.

The UDO provides the BZA the authority to approve increased fence height of up to 6 feet in any front yard. Special exceptions may be granted in cases where the size, configuration, or other unusual characteristic of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood.



SPECIAL EXCEPTION ANALYSIS

UDO § 72-22.8.E. contains review criteria that the Board of Zoning Appeals shall use when evaluating an application for a fence Special Exception. These criteria are:

1. *Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety, including impacts to adequate sight lines.*

The fence somewhat meets this criteria. The fence is an opaque design, comprised of a solid white material that does not permit light or air to pass through the fence. However, the Public Works Department has reviewed the fence location and it maintains sight lines.

2. *Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.*

The fence does not meet this criterion. Within the neighborhood, the same fencing height and design for 1019 Headquarters Way can be seen elsewhere. The neighborhood contains a mix of four foot and six foot fencing, consisting of both solid white and transparent aluminum picket fencing designs.

The neighborhood has multiple corner lots, the majority of which have a secondary front yard backing up against a primary front yard, same as this Property. Out of the 11 corner lots in the subdivision, 4 lots can have a 6 foot fence in the secondary front yard because they back up to another secondary front yard. The other corner lots in the neighborhood have fences that meet the administrative regulations in terms of height/setback. There is one exception, at 1005 City View Lane, which is also requesting a Special Exception.

If located appropriately, the fence design at 1019 Headquarters Way would be compatible with the existing development. However, its location is not in character with the rest of the development where fences were required to be shorter or set back in secondary front yards.

3. *Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.*

The fence somewhat meets this criteria. The subject property has topography in the rear yard, sloping down about 4 feet from the back door towards the rear property line and along Rampart Street. The topography does affect the height of the fence, as a 4-foot fence placed on the property line gives the effect of being shorter within the back yard.

However, placement of the fence closer to the house, outside of the secondary front yard setback and on the flatter portion of the rear yard, would place some of the steeper slopes outside of the fenced in backyard.

4. *The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right-of-way and the fence. The fence shall not exceed six feet in height.*

The fence does not meet this criterion. While the fence does not exceed 6 feet in height, it is opaque in design. In addition, there is no additional buffering between the fence and the sidewalk/public right-of-way. There are street trees between the sidewalk and the street itself that the developer planted when constructing the subdivision. Since the intent behind this criterion is to for fencing to be at least semi-transparent or buffered, the existing fence does not meet the criterion.

CONCLUSION

The BZA may approve, approve with conditions, or deny this request for a Special Exception to permit a 6-foot fence in the secondary front yard at 1019 Headquarters Way.

With its opaque design, the fence does not meet the Special Exception criteria. As such, staff's recommendation is to deny the special exception request. If the Special Exception is denied, the property owner will need to remove the fence, modify the fence to meet the administrative permissions in the UDO, or appeal the BZA's decision to the circuit court.

Attached to this application for consideration by the BZA, are two draft records of decision approving or denying the exception. Should the BZA vote to approve the exception, the record of decision can be modified to include any conditions of approval imposed by the BZA. The BZA may impose such conditions relating to the fence, as it may deem necessary in the public interest, such as limiting the duration of the special exception and requiring a guarantee or bond to ensure that the property remains in compliance with any conditions of approval. The draft record of approval includes a condition that the existing fence be replaced with one that is semi-transparent in design.

ATTACHMENTS

- A. Draft Record of Decisions
- B. Application

MOTION:



Date: 12/9/2024

Board of Zoning Appeals

SECOND:

Resolution 24-01

RE: Denying a Special Exception for a fence at 1019 Headquarters Way (BZA2401-003)

ACTION: Ayes: ; Nays: ; Abstain:

The Fredericksburg Board of Zoning Appeals heard the property owner's (Mohammad Fahim Qurishy) application for a Special Exception from the regulations governing fence height in a secondary front yard, on property located at 1019 Headquarters Way (GPIN: 7778-69-1612).

Fredericksburg City Code § 72-22.8(F) authorizes the Board of Zoning Appeals to hear and decide applications for a special exception from the regulations governing fence height in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual configuration of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The Board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and fence. The fence shall not exceed six feet in height.

The Board of Zoning Appeals, after notice and public hearing thereon, has considered the special exception application in light of its conformity with the criteria listed above.

Therefore, the Board of Zoning Appeals hereby resolves that:

Findings of Fact

The Board makes the following findings with respect to the special exception application:

- (1) The approval of the special exception will impair an adequate supply of light or air to adjacent property.
- (2) The fence location is not in character with the rest of the development where fences were required to be shorter or set back in secondary front yards.
- (3) The application does not represent the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The existing fence is 6 feet tall and opaque in design.

Conclusions of Law – Denial of Special Exception

- (1) The applicant has not demonstrated compliance with the criteria for a Special Exception under City Code §72-22.8.

Therefore, the Fredericksburg Board of Zoning Appeals denies the requested Special Exception.

Fredericksburg Board of Zoning Appeals

By: _____
_____, Vice-Chair

Date: _____

MOTION:



Date: 12/9/2024

Board of Zoning Appeals

SECOND:

Resolution 24-01

RE: Approving a Special Exception for a fence at 1019 Headquarters Way (BZA2401-003)

ACTION: Ayes: ; Nays: ; Abstain:

The Fredericksburg Board of Zoning Appeals heard the property owner's (Mohammad Fahim Qurishy) application for a Special Exception from the regulations governing fence height in a secondary front yard, on property located at 1019 Headquarters Way (GPIN: 7778-69-1612).

Fredericksburg City Code § 72-22.8(F) authorizes the Board of Zoning Appeals to hear and decide applications for a special exception from the regulations governing fence height in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual configuration of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The Board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and fence. The fence shall not exceed six feet in height.

The Board of Zoning Appeals, after notice and public hearing thereon, has considered the special exception application in light of its conformity with the criteria listed above.

Therefore, the Board of Zoning Appeals hereby resolves that:

Findings of Fact

The Board makes the following findings with respect to the special exception application:

- (1) Approval of the special exception, as conditioned below, will not impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) The fence is compatible with the existing character and pattern of development in the surrounding neighborhood and will facilitate an attractive and harmonious community. Neighboring properties have fences of various styles, and this fence is not out of character with the neighborhood.
- (3) The application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot. The topography limits the usability of the secondary front yard.
- (4) The fence shall be a maximum of 6 feet tall.

Conclusions of Law – Approval of Special Exception

Therefore, the Fredericksburg Board of Zoning Appeals approves the requested Special Exception request for a 6-foot fence within the secondary front yard of the Property, with the following condition:

- (1) The existing opaque fence shall be replaced with a transparent/semi-opaque fence, similar in style to the existing metal fencing installed in the neighborhood.

Fredericksburg Board of Zoning Appeals

By: _____
_____, Vice-Chair

Date: _____

September 20, 2024

City of Fredericksburg
BOARD OF ZONING APPEALS
Community Planning & Building Department
601 Caroline Street, Suite 400
P.O. Box 7447
Fredericksburg, Virginia 22404

Subject: Board of Zoning Appeals - Fence Special Exception Justification

To whom it may concern,

I seek approval from the Fredericksburg Zoning Department for a special exception to install a six-foot fence on their residential property. The proposed fence is designed to enhance privacy and security while adhering to local regulations regarding height, sight lines, and compatibility with the surrounding neighborhood. Due to the natural constraints and existing layout of the lot, the selected location is the only viable option for placement. The fence is thoughtfully designed to blend with the community's aesthetic, incorporating both safety and visual harmony. I can assure you that the fence does not negatively impact adjacent properties or public safety. Please see the questions below and appropriate responses for your positive consideration.

- (a) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire or endanger public safety including impacts to adequate sight lines.

Response: The approval of this special exception will not impair the supply of light or air to adjacent properties. The proposed fence is designed and positioned in such a way that it will not obstruct natural light or ventilation. Additionally, the materials used, and placement of the fence ensure there is no increase in fire hazard or danger to public safety. Adequate sightlines have been maintained, allowing for proper visibility and safe use of the surrounding areas.

- (b) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.

Response: The proposed fence is consistent with the existing character and pattern of development in the neighborhood. It complements the architectural style and layout of nearby properties, contributing to the overall appeal and cohesiveness of the community. By maintaining uniformity in design and scale, the fence will facilitate an appropriate and attractive environment for residents and visitors alike.

- (c) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.

Response: The application represents the most reasonable and suitable means to accommodate the fence on the lot. Due to the natural constraints of the property, including existing landscaping and topography, the proposed location is the only feasible option without disrupting the layout or causing excessive disturbance to the land. This placement also ensures the fence fulfills its intended purpose without violating neighboring properties.

- (d) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.

Response: The fence design adheres to the six-foot height limit as stipulated and incorporates a transparent or semi-opaque design that balances privacy with visual openness. In addition, a buffer zone between the fence and the public right-of-way has been included, using natural landscaping to soften the visual impact and maintain a welcoming streetscape. This thoughtful design prevents any overwhelming or oppressive feeling, aligning with both safety and visual standards.

Additional supporting justification for Fence Special Exception is that the proposal demonstrates careful consideration of the public's interest, maintaining safety and compatibility with community character. By addressing potential concerns such as light obstruction, fire hazard, neighborhood harmony, and aesthetic impact, the design not only adheres to county regulations but also enhances the local environment. The fence is strategically placed to respect natural and existing constraints on the lot while ensuring the surrounding area remains visually appealing and secure. The responsible approach to sight lines and buffer zones further demonstrates a commitment to community well-being, making this proposal a suitable and beneficial addition to Fredericksburg County. Last but not least, due to the special location in the upper hill our HOA also reviewed, approved and accepted the justification. Based on the provided aforementioned justification, I hereby request the board committee to approve my application.

If you have any questions, please feel free to contact me via my cell# 540 321 2287 or fahim.q.ict@gmail.com. Thanks, indeed, for your cooperation and approving my Fence Special Exception Justification application.

Sincerely,



Mohammad Fahim Qurishy
Owner of 1019 Headquarters Way
Fredericksburg, VA 22401

THE FREDERICKSBURG PARK
HOMEOWNERS ASSOCIATION, INC
ARCHITECTURAL REVIEW COMMITTEE (ARC)

EXTERIOR ALTERATION APPLICATION

Name Mohammad Fahim Qurishy Lot Section: 00043
Address: _1019 Headquarters Way Fredericksburg, VA 22401 Phone (H): 540 321 2287
Start/Completion Dates: _Sep 27, 2022- Sep 28, 2022 (W): _____

Application Backyard fence Installation

Please provide a complete, detailed description of the proposed change, including sketches, drawings, written description and location drawn on a copy of the site plan (plat) for the property. Refer to the Architectural Review Guidelines for the information that is to be supplied.

The fence we install will be 6 ft. H x 8 ft. W Pro Series Hudson vinyl white fencing. it will cover the backyard. It will be 180 feet. The plan and sketches/drawings are attached.

Owners Signature



Approved: Disapproved: More Information/Justification Needed:

Comments or Stipulations: :

Committee Signature: _____ Date: _____

17

PLEASE COMPLETE THE ALTERATION WITHIN 60 DAYS OF APPROVAL.

17

IF YOU DISAGREE WITH THE DECISION, AN APPEALS PROCEDURE IS PROVIDED BY THE REGENCY HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS. A WRITTEN REQUEST FOR AN APPEAL MUST BE MADE WITHIN 10 DAYS OF RECEIPT OF THE ARC'S DECISION.

1. I understand that compliance with The Fredericksburg Park Design Guidelines and approval by the Architectural Review Committee (ARC) do not necessarily constitute compliance with the provisions or building and zoning codes of Fredericksburg City/County. (The building ordinance of the Fredericksburg City/County Building Department requires that you file plans with the Building Inspector at their office.). Further, nothing herein contained shall be construed as a waiver or modification of any City/County restriction.
2. I understand and agree that no construction or exterior alteration shall commence until written approval of the Architectural Review Committee has been received by me, and that if alterations are made, I may be required to return the property to its former condition at my own expense if this application is disapproved wholly or in part, and that I may be required to pay all legal expenses incurred.
3. I understand that members of the Architectural Review Committee are permitted to enter upon my property at any reasonable time for inspecting the proposed project, the project in progress, and the completed project, and that such entry does not constitute a trespass.
4. I understand that any approval is contingent upon construction or alterations being completed in a workman-like manner.
5. Architectural Review Committee decision is required on all applications within 45 days of receipt by Architectural Review Committee of a complete application. If the Architectural Review Board fails to deliver a decision within 45 days, the application is escalated to the Board of Directors that will be provided another 30 days to provide a decision. In the event that a decision has not been delivered in either specified time period, the request is deemed to have been approved as submitted and no further action shall be required.
6. I understand that the alteration authority granted by this application will be revoked automatically if the alteration requested has not commenced within 180 days of the approval date of this application and has not been completed within 360 days of the approval date of the Architectural Review Committee.

Please mail or email your application to:

The Fredericksburg Park Homeowners
Association c/o Sentry Management
50 Catocin Circle NE, Suite 301 Leesburg,
VA 20176 kevin.miller@sentrymgt.co

[m](#)

If you have any questions or concerns about this application, contact the Business office at 540.751.1888

58

L43

6 ft. H x 8 ft. W Pro Series hudson vinyl white fencing

37

gate

7.5

62'

4' gate

15.5'



blue color fence Location











MEMORANDUM

TO: Chairman Muggeridge and Board of Zoning Appeals Members
FROM: Kelly Machen, Zoning Administrator
Mike Craig, Community Planning & Building Director
DATE: December 2, 2024 for the December 9, 2024 meeting
RE: BZA2401-004: Special Exception for a Fence at 1005 City View Lane

ISSUE

Should the Board of Zoning Appeals (BZA) grant a fence special exception for a six-foot tall fence in the secondary front yard?

RECOMMENDATION

Staff recommends that the BZA **deny** the special exception for a six-foot tall fence in the secondary front yard of 1019 Headquarters Way.

BACKGROUND

1005 City View Lane is a corner lot that fronts on City View Lane and Headquarters Way. Located in the Residential R-4 Zoning District, the property contains a single-family detached dwelling. On February 1, 2024, staff observed a 6-foot fence installed on the property, encompassing the back yard and the secondary front yard along Rampart Street. A secondary front yard is:

- A front yard of a corner or through lot that does not contain the building front. A secondary front yard begins at the point where it intersects with the primary front yard and extends to the side property line.

In response, staff mailed a letter to the property owner on February 29, 2024, detailing the need for a fence permit and that fences could only exceed 4-feet in height if approved by a Special Exception approved by the Board of Zoning Appeals. The City received a fence permit on April 6, 2024 for the 6-foot fence, as installed. The property owner submitted the Special Exception request on October 18, 2024 for the portions of the existing 6-foot fence located within the secondary front yard setback. The portions of the fence located within the rear and side yards are permissible at 6 feet tall.

REQUEST

This Special Exception request is for a 6-foot fence located in the secondary front yard of 1005 City View Lane. The Unified Development Ordinance (UDO) permits a fence height of up to 4 feet in any front yard (except to maintain line of sight). However, the UDO permits the administrative approval of a 6-foot fence in a secondary front yard when:

- The fence is no closer to the secondary front property line than the front of the abutting principal structure. OR
- The secondary front yard abuts the secondary front yard of another lot. OR
- The fence is no closer to the secondary front lot line than any side of an accessory structure. [This typically applies to properties with legal non-conforming accessory structures since the UDO does not permit accessory structures in front yards.]

The existing fence at 1005 City View Lane does not qualify for one of the administrative approvals noted above. Specifically, the front yard for 1003 Headquarters Way is behind the secondary front yard for 1005 City View Lane. In addition, the fence in question is on the property line along Headquarters Way and 1005 City View Lane is setback about 31 feet from the front property line. The fence height limitations for secondary front yards only applies to the area within the secondary front yard setback. The permitted fence height then increases to 6 feet once outside the secondary front yard setback. Along Headquarters Way, the secondary front yard setback is 12 feet. The house itself is setback 15.9 feet from the property line. Therefore, there is 3.9 feet of yard depth along Headquarters Way, between the house and the street, where a 6-foot fence is administratively permissible. This Special Exception is for those portions of the fence located within the first 12 feet from the Headquarters Way property line towards the house.

The UDO provides the BZA the authority to approve increased fence height of up to 6 feet in any front yard. Special exceptions may be granted in cases where the size, configuration, or other unusual characteristic of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood.



The fence somewhat meets this criteria. The fence is an opaque design, comprised of a solid white material that does not permit light or air to pass through the fence. However, the Public Works Department has reviewed the fence location and it maintains sight lines.

2. *Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.*

The fence does not meet this criterion. Within the neighborhood, the same fencing height and design for 1005 City View Lane can be seen elsewhere. The neighborhood also contains a mix of four foot and six foot fencing, consisting of both solid white and transparent aluminum picket fencing designs.

The neighborhood has multiple corner lots, the majority of which have a secondary front yard backing up against a primary front yard, same as this Property. Out of the 11 corner lots in the subdivision, 4 lots can have a 6 foot fence in the secondary front yard because they back up to another secondary front yard. The other corner lots in the neighborhood have fences that meet the administrative regulations in terms of height/setback. There is one exception, at 1019 Headquarters Way, which is also requesting a Special Exception.

If located appropriately, the fence design at 1005 City View Lane would be compatible with the existing development. However, its location is not in character with the rest of the development where fences were required to be shorter or set back in secondary front yards.

3. *Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.*

The does not meets this criteria. The subject property has some topography in the rear yard, sloping down about 2 feet from the side of the house towards the rear property line. The slope does not present a natural constraint restricting the only reasonable means to accommodate the fence.

4. *The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right-of-way and the fence. The fence shall not exceed six feet in height.*

The fence does not meet this criterion. While the fence does not exceed 6 feet in height, it is opaque in design. In addition, there is no additional buffering between the fence and the sidewalk/public right-of-way. There are street trees between the sidewalk and the street itself that the developer planted when constructing the subdivision. Since the intent behind this criterion is to for fencing to be at least semi-transparent or buffered, the existing fence does not meet the criterion.

CONCLUSION

The BZA may approve, approve with conditions, or deny this request for a Special Exception to permit a 6-foot fence in the secondary front yard at 1005 City View Lane.

With its opaque design, the fence does not meet the Special Exception criteria. As such, staff's recommendation is to deny the special exception request. If the Special Exception is denied, the property owner will need to remove the fence, modify the fence to meet the administrative permissions in the UDO, or appeal the BZA's decision to the circuit court.

Attached to this application for consideration by the BZA, are two draft records of decision approving or denying the exception. Should the BZA vote to approve the exception, the record of decision can be modified to include any conditions of approval imposed by the BZA. The BZA may impose such conditions relating to the fence, as it may deem necessary in the public interest, such as limiting the duration of the special exception and requiring a guarantee or bond to ensure that the property remains in compliance with any conditions of approval. The draft record of approval includes a condition that the existing fence be replaced with one that is semi-transparent in design.

ATTACHMENTS

- A. Draft Record of Decisions
- B. Application

MOTION:



Date: 12/9/2024

Board of Zoning Appeals

SECOND:

Resolution 24-02

RE: Denying a Special Exception for a fence at 1005 City View Lane (BZA2401-004)

ACTION: Ayes: ; Nays: ; Abstain:

The Fredericksburg Board of Zoning Appeals heard the property owners' (Pirzada and Komal Saboor) application for a Special Exception from the regulations governing fence height in a secondary front yard, on property located at 1005 City View Lane (GPIN: 7778-69-1142).

Fredericksburg City Code § 72-22.8(F) authorizes the Board of Zoning Appeals to hear and decide applications for a special exception from the regulations governing fence height in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual configuration of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The Board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and fence. The fence shall not exceed six feet in height.

The Board of Zoning Appeals, after notice and public hearing thereon, has considered the special exception application in light of its conformity with the criteria listed above.

Therefore, the Board of Zoning Appeals hereby resolves that:

Findings of Fact

The Board makes the following findings with respect to the special exception application:

- (1) The approval of the special exception will impair an adequate supply of light or air to adjacent property.
- (2) The fence location is not in character with the rest of the development where fences were required to be shorter or set back in secondary front yards.
- (3) The application does not represent the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The existing fence is 6 feet tall and opaque in design.

Conclusions of Law – Denial of Special Exception

- (1) The applicant has not demonstrated compliance with the criteria for a Special Exception under City Code §72-22.8.

Therefore, the Fredericksburg Board of Zoning Appeals denies the requested Special Exception.

Fredericksburg Board of Zoning Appeals

By: _____
_____, Vice-Chair

Date: _____

MOTION:



Date: 12/9/2024

Board of Zoning Appeals

SECOND:

Resolution 24-02

RE: Approving a Special Exception for a fence at 1005 City View Lane (BZA2401-004)

ACTION: Ayes: ; Nays: ; Abstain:

The Fredericksburg Board of Zoning Appeals heard the property owners' (Pirzada and Komal Saboor) application for a Special Exception from the regulations governing fence height in a secondary front yard, on property located at 1005 City View Lane (GPIN: 7778-69-1142).

Fredericksburg City Code § 72-22.8(F) authorizes the Board of Zoning Appeals to hear and decide applications for a special exception from the regulations governing fence height in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual configuration of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The Board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and fence. The fence shall not exceed six feet in height.

The Board of Zoning Appeals, after notice and public hearing thereon, has considered the special exception application in light of its conformity with the criteria listed above.

Therefore, the Board of Zoning Appeals hereby resolves that:

Findings of Fact

The Board makes the following findings with respect to the special exception application:

- (1) Approval of the special exception, as conditioned below, will not impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) The fence is compatible with the existing character and pattern of development in the surrounding neighborhood and will facilitate an attractive and harmonious community. Neighboring properties have fences of various styles, and this fence is not out of character with the neighborhood.
- (3) The application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot. The topography limits the usability of the secondary front yard.
- (4) The fence shall be a maximum of 6 feet tall.

Conclusions of Law – Approval of Special Exception

Therefore, the Fredericksburg Board of Zoning Appeals approves the requested Special Exception request for a 6-foot fence within the secondary front yard of the Property, with the following condition:

- (1) The existing opaque fence shall be replaced with a transparent/semi-opaque fence, similar in style to the existing metal fencing installed in the neighborhood.

Fredericksburg Board of Zoning Appeals

By: _____
_____, Vice-Chair

Date: _____

Bagby, Foroughi, Goodpasture, PLLC



125 Olde Greenwich Drive, Suite 115 Fredericksburg, Virginia 22408
(540) 373-5178 (540) 373-6281 fax www.bfgeng.com

Michael M. Bagby, P.E.
Angela N. Foroughi, P.E.

Mark D. Goodpasture, L.S.
Ryan K. Foroughi, P.E.

18 October 2024

VIA ELECTRONIC DELIVERY

Mrs. Kelly Machen, AICP, CZA
Zoning Administrator
Community Planning and Building
City of Fredericksburg
601 Caroline Street
4th Floor
Fredericksburg, VA 22401

Re: 1005 City View Lane
Fence Height Exception

Dear Kelly,

Mr. Pirzada, the Applicant, is requesting a fence special exception for their personal residence that is referenced above. Pursuant to Section 72-56.2 A. Table 72-56.2 of the City Code any fence between the principal building and a lot line considered a secondary front yard shall have a fence height no greater than 48-inches. The Board of Zoning Appeals (BZA) may grant an exception for the required fence height if the following criteria is met:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate and attractive and harmonious community.
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.

The following narrative offers responses and explanations as to why the fence special exception is being requested. The Applicant would like to illustrate a disadvantaged lot

orientation. The Applicant is a practicing Muslim. Privacy, especially privacy for women, is of utmost importance and the Applicant's wife, daughter and mother currently reside in the house. The secondary front line is adjacent to a public right-of-way and sidewalk and utilization of 48-inch fence would not provide adequate privacy to the women of the house. Quran verse 49 12 in part says do not spy on one another. Having a 72-in fence along that secondary front lot line assists the Applicant meeting these religious privacy standards.

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.
 - a. **Response: The approval of this 72-inch fence versus the installation of 48-inch fence will not impair supply of light on the adjacent property. A street light is located across the street and the Applicant fence would do nothing in hindering light onto an adjacent property. The installation of 72-inch fence versus a 48-inch fence along the secondary front will not in any way increase the risk to public's health, safety or welfare. Sight triangles will not be obstructed in any way as a result of the fence being installed.**
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate and attractive and harmonious community.
 - a. **Response: From walking the subdivision there are an array of fence types installed from black chain-link, to white vinyl plank, to black aluminum pickets all varying in height on side lot lines, rear lot lines and secondary front lines. The Applicant feels the installed fence is attractive, harmonious and consistent other fences within the community.**
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.
 - a. **Response: The installation of a 72-inch fence is the most reasonable and practical method for security separating a private residence from a public right-of-way with sidewalk.**
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.
 - a. **Response: The vinyl fence is opaque in design. The height of the vinyl fence does not exceed six feet in height.**

In conclusion, Mr. Pirzada, respectfully requests this fence special exception be considered for approval based on the acceptable exception criteria outlined in the City Code. Given the site constraints, the Applicant, feels the fence special exception is justified based on the following: (1) disadvantaged lot orientation not allowing for privacy for Muslim women, (2) The installation of a 72-inch fence versus and 48-inch fence in a secondary front lot line will not increase the risk to public's health, safety and/or welfare. (3) The white vinyl

fence is compatible with the existing character and pattern of development in the surrounding area, particularly in line with other existing fences within the community. (4) The installation of a 72-inch fence versus and 48-inch fence allows for increased security. (5) The vinyl fence is not greater than six feet in height.

Should you have any questions, or need any further information, please do not hesitate to call (571) 643.6488 or email rforoughi@bfgeng.com.

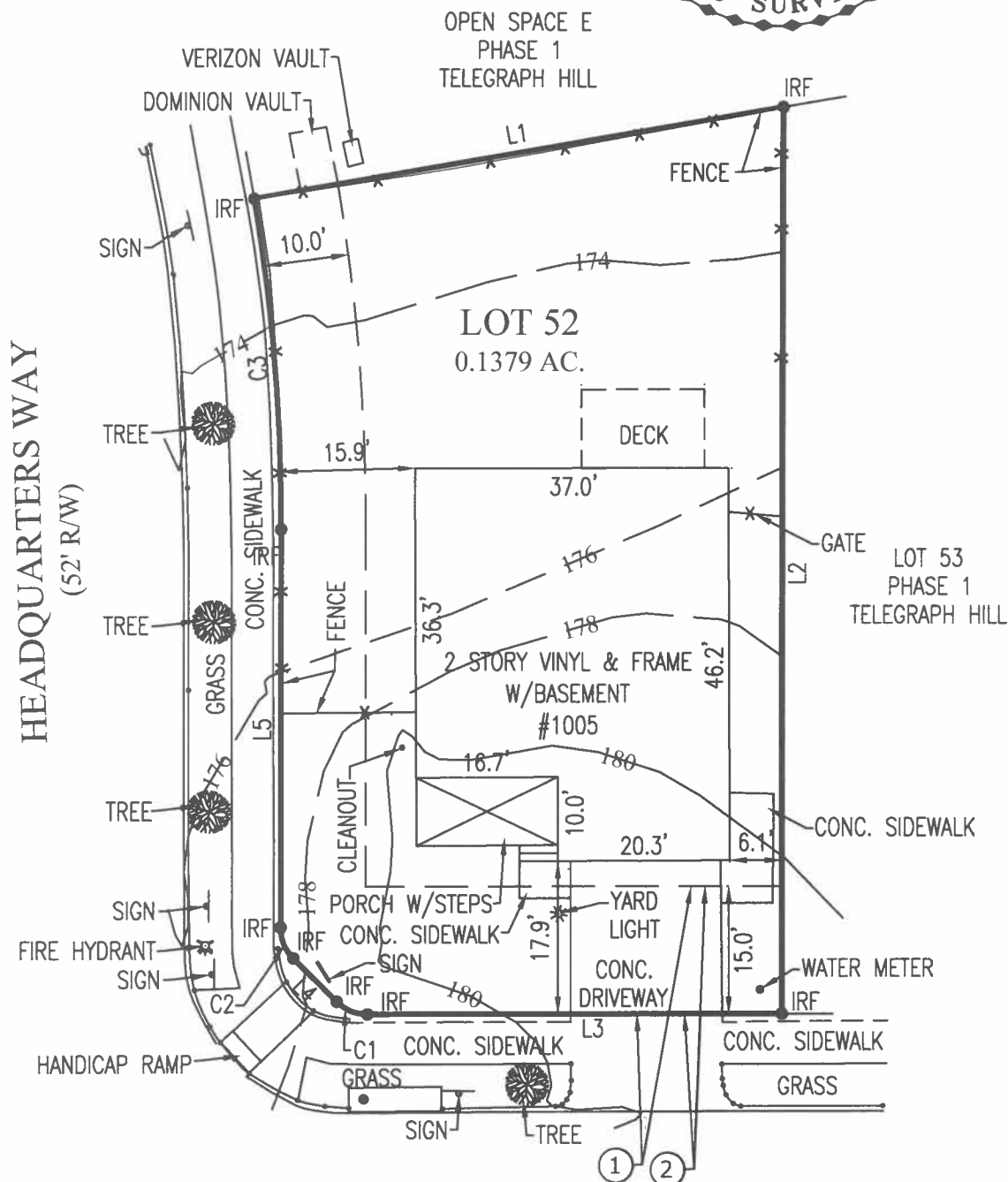
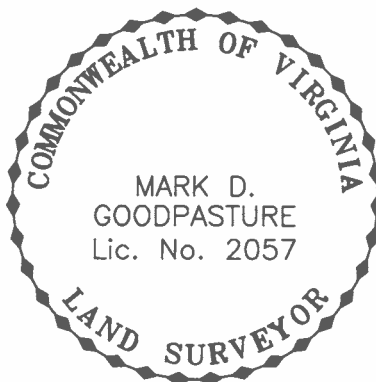
Respectfully submitted,
BAGBY, FOROUGHİ & GOODPASTURE, PLLC



Ryan K. Foroughi, PE
Member

NOTES:

1. NO TITLE REPORT FURNISHED. EASEMENTS AND/OR RIGHTS-OF-WAY NOT SHOWN MAY EXIST.
2. THE PROPERTY SHOWN HEREON IS CURRENTLY IN THE NAMES OF SABOOR PIRZADA AND KOMAL PIRZADA AS RECORDED AT INSTRUMENT NO. 202300433.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S67°45'44"E	63.34'
L2	S32°10'28"W	106.76'
L3	N57°49'32"W	48.89'
L4	N12°49'32"W	7.22'
L5	N32°10'28"E	46.75'

CITY VIEW LANE
(50' R/W)

- ① EX. VARIABLE WIDTH PUBLIC DRY UTILITY EASEMENT
D.B. 19, PG. 24
- ② EX. VARIABLE WIDTH PUBLIC UTILITY EASEMENT FOR WATER METERS & SANITARY CLEANOUTS
D.B. 19, PG. 24

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT	DELTA ANGLE	CHORD BEARING
C1	5.00'	4.04'	3.93'	2.14'	46°16'57.34"	N35°19'32"W
C2	5.00'	4.04'	3.93'	2.14'	46°16'57.34"	N09°40'28"E
C3	226.00'	39.02'	38.98'	19.56'	9°53'37.18"	N27°22'37"E



BAGBY, FOROUGH and GOODPASTURE PLLC
CIVIL ENGINEERS AND LAND SURVEYORS
 125 OLDE GREENWICH DRIVE, SUITE 115
 FREDERICKSBURG, VIRGINIA 22408
 TELEPHONE: (540) 373-5178

**EXHIBIT PLAT FOR
 FENCE LOCATION
 LOT 52
 PHASE 1
 TELEGRAPH HILL**

CITY OF FREDERICKSBURG, VIRGINIA

DATE:	OCTOBER 14, 2024
SCALE:	1" = 20'
GPIN:	7778-69-1142
DRAWN BY:	JG
CHECKED BY:	KG
FILE NAME:	EXH
JOB No.:	20661-02
SHEET:	1 OF 1







NO
PARKING
OR
STANDING
VEHICLES

