

## **ADMINISTRATIVE FENCE APPLICATION (FENCE IN THE SECONDARY FRONT YARD) INSTRUCTIONS**

### **PURPOSE**

Section 14-201 of the Chesapeake Zoning Ordinance allows the Zoning Administrator to approve the issuance of a building permit for a fence or wall greater than four feet in height within the secondary front yard of a residential corner lot or through lot under the following conditions:

1. The height of the fence or wall does not exceed six (6) feet. The fence must be constructed so that the finished side faces the street.
2. The fence or wall is constructed on or behind the building line established by the front line of the principal dwelling located on the lot.
3. A landscaping plan is approved by the City Arborist, showing a five foot buffer yard that is installed and maintained with vegetation between the fence or wall and the public right-of-way.
4. The Department of Public Works determines that the fence or wall will not interfere with or impede traffic visibility.
5. Written notice is mailed to all adjacent property owners and no adjacent property owner has any objections to the fence being installed.
6. The applicant remits all fees, obtains a fence permit, and otherwise complies with all applicable city ordinances.

Zoning Administration is responsible for ensuring that all the above requirements have been met. The process is handled administratively and will take approximately twenty days. If the above requirements have not been satisfied, the applicant may file an application for a variance to be heard by the Board of Zoning Appeals.

## REVIEW PROCESS

Applications are accepted during all normal working hours. There is no fee for the application except the cost of providing envelopes and postage. The zoning permit fee for the actual fence construction is \$ 35.00 plus \$10.00 per each \$1,000 value of construction (effective July 1, 2005). Fences enclosing pools and spas have special requirements and require a building permit. The fee for pool/spa fences may be higher due to the inspection requirements. A brochure is available from the Code Compliance Division, Department of Neighborhood Services, 2<sup>nd</sup> floor of City Hall building.

Staff will review the application and site plan for completeness. If the application and site plan are found to be incomplete, the application and plan will be returned to the applicant with a description of the manner and areas in which the application is incomplete.

Once the application is complete, Zoning Administration will mail a letter on your behalf advising adjacent property owners of your application using the envelopes and postage you are required to provide. Usually, between 5 & 7 letters are required to be mailed. It is the applicant's responsibility to ensure that the adjacent property owners list is complete and correct. The names and addresses of adjacent property owners may be obtained from the Real Estate Assessor's Office located on the fourth floor of the Chesapeake City Hall. If it has been determined that the list submitted is incomplete, the approved application or any subsequent building permits will become null and void.

Copies of the application and site plan are distributed to the City Arborist, Public Works Department, and Public Utilities for conformance with the City's development ordinances and standards.

There is a fifteen-day period from the date of the letter during which adjacent property owners may contact Zoning Administration and voice objections. Once the fifteen-day review period is complete, we will contact you by mail and notify you of the approval of your application, if there was opposition to the application, or if the application and site plan did or did not meet City development ordinances and standards.

If the application is approved, bring the approval letter and approved site plan to the Neighborhood Services Department to obtain a zoning permit. If the application or site plan does not meet Zoning Ordinance requirements or if citizen objections are received, the applicant may apply for a variance to be heard by the Board of Zoning Appeals. A variance has an application fee of \$75.00 and involves a separate review and set of procedures to be followed. There will be additional costs for legal advertising. Completion of this process due to state law requirements for advertising public hearings will typically take 5 – 8 weeks from the time the application is filed to the hearing date. Staff will be available to speak with you in more detail about this process.

The following pages contain some basic guidelines and requirements for completing the application, along with a sketch of a typical section of a fence located on a corner lot. Please feel free to contact us or come by the office during normal work hours if you have any questions about the application or its instructions; no appointment is needed.

## ADMINISTRATIVE FENCE APPLICATION REQUIREMENTS

The following items are required as part of the application for administrative approval for a fence in the secondary front yard:

1. A completed application with the applicant's original signature.
2. Four (4) copies of the complete application.
3. Provide four (4) copies of a physical survey (site plan) (8½" x 11" or 8½" x 14") **plus** enough additional copies to provide one for each adjacent property owner, showing the information listed below. (See attached drawing) A hand drawn survey of the property is not acceptable. You may use the survey you received with the closing for your property with the following information added to the survey:
  - 1) The proposed location of the fence on the property. "The fence shall be constructed so that the finished side faces the street".
  - 2) The height of the fence (maximum height allowed is six feet).
  - 3) A five (5) foot wide buffer yard "A" or "B" between the property line and the closest portion of the fence (see attached drawing).
  - 4) Location of the driveway situated on the adjacent lot located to the rear of the fence.
- 5) A list which includes the 13-digit tax map number, name and address of all persons, firms, or corporations owning all abutting property and property immediately across the street or road from the subject property.
- 6) Stamped (not metered) #10 envelopes (4 1/8" x 9½") with the name and mailing address of each property owner printed legibly. Do not include a return address on the envelopes.

**NOTE: A survey does not always indicate the public right-of-way. The survey sometimes extends only to the property line, which is not usually located at the edge of the street. For proper reference, please locate the metal pins, which identify the corners of your property.**

## SUGGESTED PLANT MATERIALS

A few plants to consider for buffer yards:

**Trees: Trees must be a minimum of 1½-2” caliper canopy trees at planting.**

<u>Common name</u>	<u>Botanical Name</u>
Crepe Myrtle <sup>1</sup>	Lagerstroemia indica
Japanese Zelkova	Zelkova serrata
Lacebark Elm	Ulmus parvifolia
Live Oak	Quercus virginiana
Sawtooth Oak	Quercus acutissima
Seedless Sweetgum	Liquidambar styraciflua ‘Rotundiloba’
Willow Oak	Quercus phellos

**Shrubs: Shrubs must be a minimum height of 18’ to 24” at planting and be maintained at a maximum height of four feet.**

<u>Common name</u>	<u>Botanical Name</u>
Azalea	Azalea (any non-dwarf variety) <sup>2</sup>
Dwarf Burford Holly	Ilex cornuta ‘Burfordii’
Dwarf Nandina	Nandina domestica Compacta ‘Firepower’
Indian Hawthorne	Raphiolepis
Manhattan Euonymus	Euonymus kiautschovicus ‘Manhattan’
Japanese Boxwood	Buxus microphylla ‘Green Pillow’
Viburnum Tinus	Viburnum tinus ‘Compactum’
Wintergreen Barberry	Berberis julianae

<sup>1</sup> This is considered a small canopy tree and would require the installation of six (6) trees instead of the required three (3) large canopy trees for Buffer Yard B.

<sup>2</sup> Requires shade

