



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review
DATE: April 24, 2012
SUBJECT: **BZA Case 18345** - Request pursuant to DCMR 11 § 3104 for special exception relief per § 223 to construct a garage at 2933 Tilden Street N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following **special exception relief** pursuant to § 223 from:

- § 401.3 (minimum lot width: 30 feet required, 23 feet existing);
- § 401.3 (minimum lot area: 4,000 sf required, 3,209 sf existing);
- § 403.2 (maximum lot occupancy of 40% allowed, 50% proposed); and

Variance relief pursuant to § 2500.4 to allow the height of the garage at 19.25 feet, 15 feet permitted.

II. LOCATION AND SITE DESCRIPTION

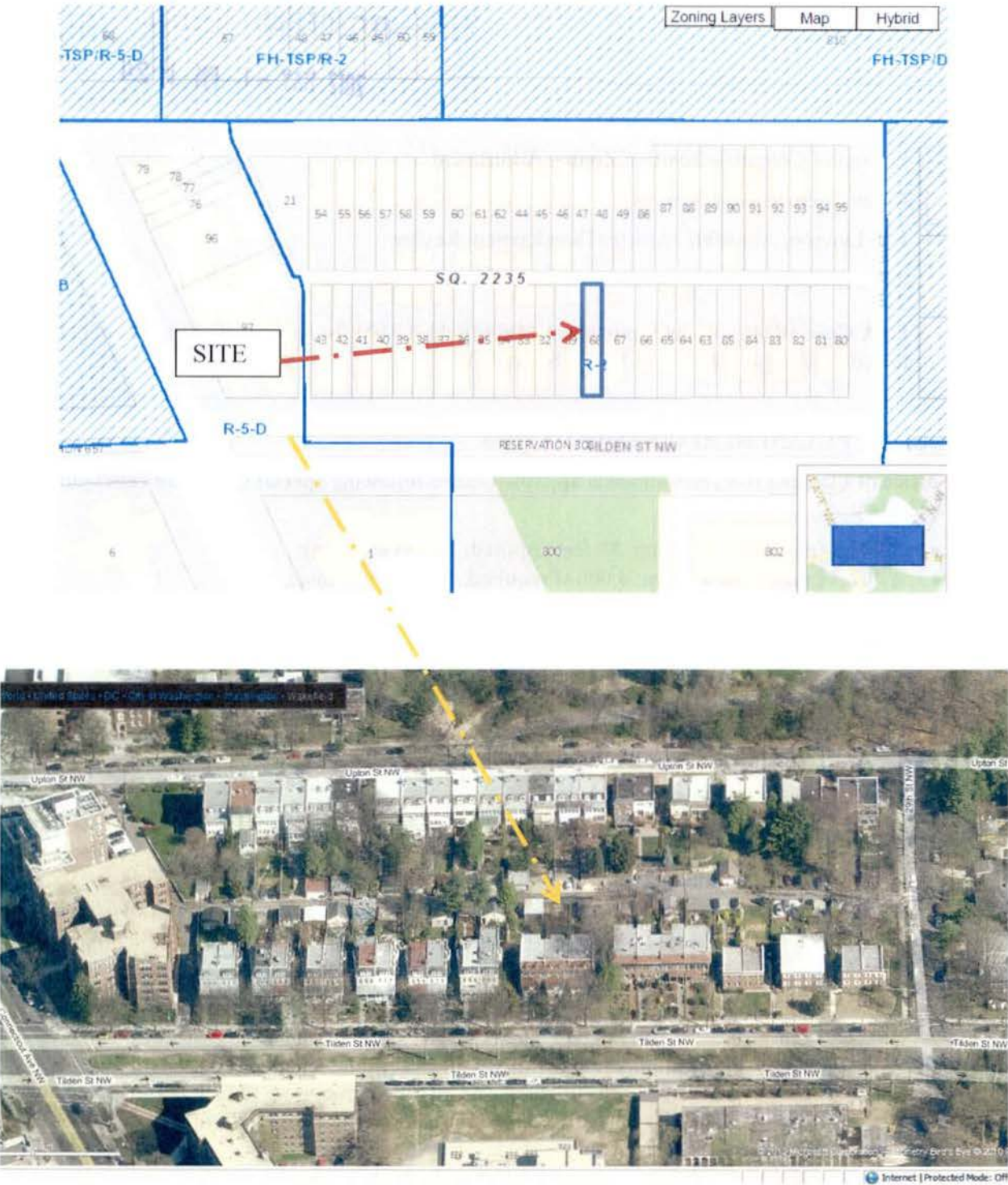
Address	2933 Tilden Street NW
Legal Description	Square 2235, Lot 68
Ward/ANC	3/3F07
Lot Characteristics	The rectangular lot has an area of 3,209 square feet. It is 23 feet wide along the Tilden Street frontage and along the rear abutting the 16-foot wide public alley.
Zoning	R-2: Permits matter-of-right development of single-family residential uses for detached and semi-detached structures, with a minimum lot width of 40 feet and lot area of 4,000 square feet for detached structures and all other structures; 30 feet and 3,000 square feet for semi-detached structures and 40% lot occupancy for all other structures.
Existing Development	A two-story row stucco and brick dwelling with a basement. Wooden stockade fences extend along both property boundaries at the rear. A parking pad is located in a portion of the rear yard, which is at a higher elevation than the portion of the rear yard to the south of the parking pad.
Historic District	None
Adjacent and neighboring properties	Within the square are similar two-story dwellings with garages, semi-detached structures and small garden style apartments.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18345

EXHIBIT NO. 27

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Zoning Map and Aerial Photo of Square 2235

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Kevin MacMillan, owner of record
Proposal	The applicant proposes to construct a one-story detached accessory garage opening onto an improved 16' wide alley. The proposed garage would be located in substantially the same location as an existing parking pad, 6.75 feet above the rear yard. The garage would be approximately 480 square feet. The top of the garage's sloped roof as measured from the rear yard would be approximately 19.25 feet in height. The height as measured from the alley would be approximately 8' 4". The lot occupancy would be increased from 34% to 50%.

IV. ZONING REQUIREMENTS

R-2 District	Regulation	Existing	Proposed	Relief
Lot Area (sq. ft.) § 401	4,000 sq. ft. min.	3,602 sq. ft.	SAME	<i>Existing nonconformity</i>
Lot Width (ft.) § 401	40 ft. min.	23 ft.	SAME	<i>Existing nonconformity</i>
Lot Occupancy § 403	40% max.	34%.	50%	<i>Required</i>
Rear Yard (ft.) § 404	20 ft. min.	24.9ft.	24.9 ft.	None required
Side Yard (ft.) § 405	0 ft. min.	0 ft.	SAME	<i>Existing nonconformity</i>
Height (ft.) § 2500.4 Garage	15 ft., 1 story	-	19.25 ft 1 floor	Relief required

The existing row dwelling is a nonconforming structure in the R-2 District, as a row dwelling is first permitted in the R-3 District. Hence it is classified under "all other structures" and requires relief from the minimum lot width and lot area dimensions for "all other structures" in the R-2 District. The proposed garage would satisfy the 12-foot setback from the alley centerline, as required under §2300.2 (b).

Variance relief to allow the garage's height at 19.25 feet is also required. The height as measured from the finished grade at the middle of the side of the garage facing the residence would exceed 15 feet permitted under § 2500.4.

V. OP ANALYSIS**a. Special Exception-§ 223****223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES**

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

One-family dwellings with accessory garages are permitted uses as a matter-of-right. The proposed addition requires special exception relief under § 223 from the requirements for minimum lot width (§ 401), minimum lot area (§ 401) and maximum lot occupancy (§ 403). No other relief is anticipated as there would be no addition proposed to the existing residence.

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed garage would be located in the rear yard and would not extend further than the accessory structures of the abutting residences. The detached garage would be more than 20 feet from adjoining residences. Therefore, light and air to those residences would not be affected.

(b) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

No windows are proposed at the sides of the garage to enable views into the adjacent properties. Proposed transom windows are intended to allow light into the garage while restricting views into neighbors' properties. In addition, the existing stockade fences would be retained.

(c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage;*

The proposed garage structure would be visible from the public alley and would be compatible in scale and height with existing garages in the alley. Its front façade would occupy the full length of the alley frontage, which would be typical of other structures. It would also conform to the height requirement for accessory structures in the zone district as it is proposed at 12 feet at its highest point. OP is supportive of the efforts to capture some of the runoff from the garage roof to reduce the runoff into the alley.

(d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The submission provided sufficient information about this proposal.

223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed 50% lot occupancy is the maximum allowed under this provision.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended.

223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

No nonconforming use would be established or expanded under this proposal.

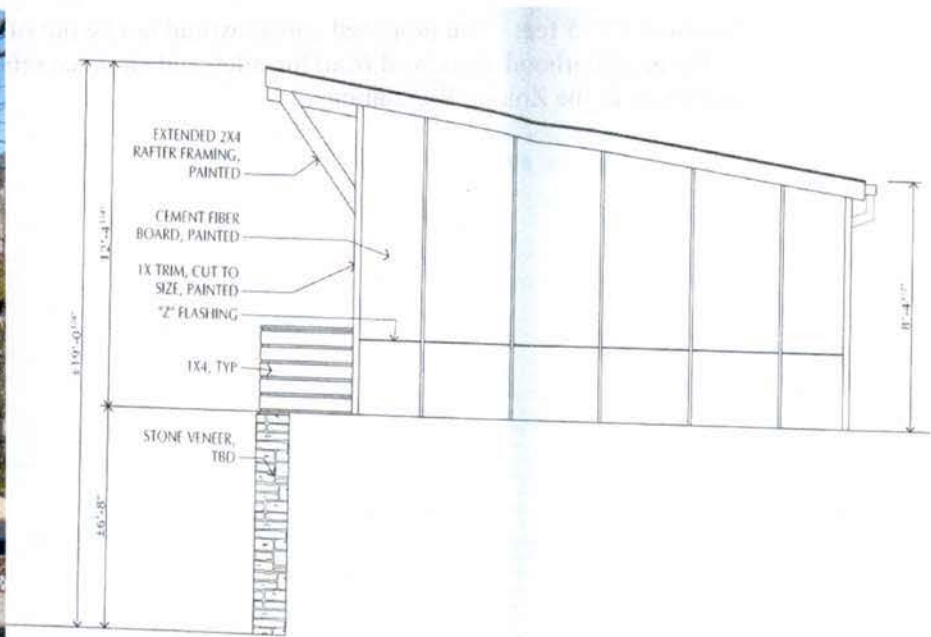
b. Variance Relief from § 2500.4

i. Exceptional condition resulting in a practical difficulty

The property exhibits an exceptional condition, due to the location of the existing parking pad at 6.75 feet above the finished grade of the rear yard, as can be seen on Sheet A-4 of the submitted plans and photograph. This grade difference creates a practical difficulty for the applicant in meeting the 15-foot height requirement as measured from the finished grade at the middle of the south elevation, to the highest point of the roof of the building (§ 2500.7). A proposed design to satisfy this requirement would adversely impact the height of the garage's entrance from the alley making it impractical for use as a garage. Reversing the slope to accommodate the 15 foot height as measured from the rear yard, would increase the garage's height as viewed from the alley and it would not appear in character with other garage structures as viewed from the alley. Similarly, a flat roof design would not adequately accommodate the structural requirements of the interior and leave efficient space for parking the vehicles.



Rear Yard (parking pad is behind the rear fence)



East Elevation (Sheet A-4)

ii. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?

Granting the variance relief should not cause substantial detriment to the public good. The structure is restrained in size and consistent with other structures along the alley. The slope of the roof would facilitate storm water capture in a rain water storage tank proposed at the base of the garage. OP supports this feature to reduce storm water runoff in the alley. Abutting neighbors have expressed support for the proposal, as has the ANC. Further, relief could be granted without substantial detriment to the Zoning Regulations and Map, as detached accessory garages are permitted uses in R-2 Districts and the proposed garage should not be out of character with other garages as viewed from the alley.

VI. AGENCY COMMENTS

The District Department of Transportation expressed no concerns to OP about this proposal.

VII. COMMUNITY COMMENTS

The applicant presented the proposal to the ANC3F at their regularly held meeting on March 12, 2012. At that meeting, the ANC voted unanimously to approve the application and their report was submitted under separate cover. The abutting neighbors to the east and west of the property have also submitted a joint letter in support of the proposed garage.

VIII. CONCLUSION

The application to permit the garage at the residence at 2933 Tilden Street has satisfied the criteria for special exception relief pursuant to § 223 and variance relief pursuant to § 2500.4 to allow the garage's height at 19.25 feet. The proposed garage would not be out of character with other accessory structures in the neighborhood as viewed from the alley and variance relief could be granted without substantial detriment to the Zoning Regulations.